

# KITS

10-17-2008 Version # 3



**COMMUNITY ZONING APPEALS BOARD 14**  
**SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)**  
**10710 SW 211 Street, Miami**  
**Tuesday, November 18, 2008 at 6:00 p.m.**

**PREVIOUSLY DEFERRED**

- |                 |                                      |        |          |   |
|-----------------|--------------------------------------|--------|----------|---|
| A. 07-10-CZ14-5 | FIRST BAPTIST CHURCH OF<br>HOMESTEAD | 07-197 | 01-57-38 | N |
| B. 07-10-CZ14-1 | MUSTANG ESTATES, LLC                 | 07-6   | 11-56-39 |   |

**CURRENT**

- |                 |                        |       |          |   |
|-----------------|------------------------|-------|----------|---|
| 1. 08-11-CZ14-1 | CARLOS & LINDA LLERENA | 08-7  | 01-56-39 | N |
| 2. 08-11-CZ14-2 | SCHOENSTATT, INC.      | 08-91 | 14-56-38 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

---

### COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF TUESDAY, NOVEMBER 18, 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

---

A. **FIRST BAPTIST CHURCH OF HOMESTEAD (07-10-CZ14-5/07-197)** 1-57-38  
Area 14/District 8

(1) MODIFICATION of Condition #2 of Resolution #5-ZAB-27-95, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The First Baptist Church of Homestead,' two sheets as prepared by Ron Dorris Architects, signed and sealed 7-15-94; also a sign elevation by Ron Dorris Architects, dated Nov. 15, 1994."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The First Baptist Church of Homestead,' as prepared by Robert Ellis Nelson & Associates, Architects, Sheets A1-01 and A1-02 dated stamped received 9/30/08, Sheets A2-01 – A2-03 dated stamped received 8/11/08 and 1 sign plan entitled 'First Baptist Church of Homestead,' as prepared by Professional Signs, dated stamped received 4/25/07 for a total of 7 sheets."

The purpose of request #1 is to submit a new site plan showing 2 new building additions including a second sanctuary for a previously approved religious facility and for a larger sign than previously approved.

(2) Applicant is requesting to permit a 99 sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 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) and approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 29050 S.W. 177 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 9.53 Acres

Department of Planning and  
Zoning Recommendation:

Modified approval with conditions of request #1 under Section 33-311(A)(7) (generalized modification standards) only as it applies to the 2 new building additions, and denial of same under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing); denial without prejudice of request #2 under Sections 33-311(A)(4)(b) (NUV) and 33-311(A)(4)(c) (ANUV).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

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

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

Deferred from 5/20/08

**B. MUSTANG ESTATES L. L. C. (07-10-CZ14-1/07-6)**

**11-56-39  
Area 14/District 8**

(1) AU to EU-M

**REQUEST #1 ON PARCEL 1**

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 21122, Pages 196-202, only as it applies to subject property.

The purpose of request #2 is to release a covenant which restricts development on a portion of the subject property to no more than 2 units, restricts the number of Severable Use Rights that could be utilized on the subject property and limits development to a site plan. Approval of request #2 will allow the applicant to submit a revised site plan showing 2 more units than previously approved and allow an increase in the number of Severable Use Rights that may be utilized on the property.

**REQUEST #2 ON PARCEL 2**

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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 plan is on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Manuel G. Vera and Associates, Inc., dated stamped received 6/10/08 and consisting of 1 sheet. Plan may be modified at public hearing.

LOCATION: The northeast corner of S.W. 208 Street & S.W. 134 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.267 Gross Acres

Department of Planning and  
Zoning Recommendation:

Deferral.

Protests: 0

Waivers: 0

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

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

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

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

Deferred from 9/17/08



Plans are on file and may be examined in the Department of Planning and Zoning entitled "Schoenstatt," as prepared by David J. Cabarocas, 1 sheet dated stamped received 8/12/08 and 5 sheets dated stamped received 7/2/08 for a total of 6 pages. Plans may be modified at public hearing.

LOCATION: 22800 S.W. 187 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5 Acres

Department of Planning and  
Zoning Recommendation:

Denial without prejudice of request #1;  
approval with conditions of request #2;  
approval with conditions of request #3 under  
Section 33-311(A)(4)(b) (NUV) and denial  
without prejudice of same under Sections 33-  
311(A)(4)(c) (ANUV) and 33-311(A)(14)  
(ASDO).

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. FIRST BAPTIST CHURCH OF HOMESTEAD**  
**(Applicant)**

**07-10-CZ14-5 (07-197)**  
**Area 14/District 8**  
**Hearing Date: 11/18/08**

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>
1992	Singh Farms, Inc.	Zone change from AU to EU-S.	BCC	Approved
1995	Steven V. Cappeillo, et al	- Use variance church. - Non-Use variance setbacks.	ZAB	Approved w/conds.

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**



APPLICANT'S NAME: FIRST BAPTIST CHURCH OF HOMESTEAD

REPRESENTATIVE: **GREG WELLS**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-5 (07-197)	MARCH 26, 2008	CZAB14	08

**REQ:** (1) MOD Condition #2 of Resolution #5-ZAB-27-95 [plans for larger sign]  
(2) 138.3' sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved).

**REC: DWOP**

WITHDRAW:  APPLICATION  ITEM(S): \_\_\_\_\_  
 DEFER:  INDEFINITELY  TO: MAY 20, 2008  W/LEAVE TO AMEND  
 DENY:  WITH PREJUDICE  WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT  ACCEPT REVISED PLANS  
 APPROVE:  PER REQUEST  PER DEPARTMENT  PER D.I.C.  
 WITH CONDITIONS  
 **PLANS INCOMPLETE**

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE	X		
MR.	S	Gary J. DUFEK	X		
DR.		Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)			X
VOTE:			4	0	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**



APPLICANT'S NAME: FIRST BAPTIST CHURCH OF HOMESTEAD

REPRESENTATIVE: **GREG WELLS**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-5 (07-197)	JANUARY 30, 2008	CZAB14	08

**REQ:** (1) MOD Resolution [larger sign].  
(2) 138.3' sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved).

**REC:** DWOP

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:  INDEFINITELY       TO: MARCH 26, 2008       W/LEAVE TO AMEND  
 DENY:  WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:  PER REQUEST       PER DEPARTMENT       PER D.I.C.  
 WITH CONDITIONS  
 MASTER SITE PLAN NOT COMPLETED YET

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

EXHIBITS:  YES       NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**

**5**

APPLICANT'S NAME: FIRST BAPTIST CHURCH OF HOMESTEAD

REPRESENTATIVE: **GREG WELLS**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-5 (07-197)	OCTOBER 16, 2007	CZAB14	07

**REQ:** (1) MOD Reso [plans for a larger sign than previously approved for the religious facility.]  
(2) a 138.3' sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved).

**REC: DWOP**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: JAN. 30, 2008       W/LEAVE TO AMEND  
 DENY:       WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.  
 WITH CONDITIONS  
 APPLICANT WANTS TO PREPARE & SUBMIT A MASTER PLAN FOR THE SITE

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

EXHIBITS:  YES       NO

COUNTY ATTORNEY: LEIGH MACDONALD

5

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

**APPLICANT:** First Baptist Church of Homestead

**PH:** Z07-197 (07-10-CZ14-5)

**SECTION:** 1-57-38

**DATE:** November 18, 2008

**COMMISSION DISTRICT:** 8

**ITEM NO.:** A

**A. INTRODUCTION**

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution 5-ZAB-27-95, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The First Baptist Church of Homestead,' two sheets as prepared by Ron Dorris Architects, signed and sealed 7-15-94; also a sign elevation by Ron Dorris Architects, dated Nov. 15, 1994."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The First Baptist Church of Homestead,' as prepared by Robert Ellis Nelson & Associates, Architects, Sheets A1-01 and A1-02 dated stamped received 9/30/08, Sheets A2-01 – A2-03 dated stamped received 8/11/08; and 1 sign plan entitled 'First Baptist Church of Homestead,' as prepared by Professional Signs, dated stamped received 4/25/07 for a total of 7 sheets."

The purpose of request #1 is to submit a new site plan showing 2 new building additions including a second sanctuary for a previously approved religious facility and for a larger sign than previously approved.

- (2) Applicant is requesting to permit a 99 sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved).

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 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) and approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- o **SUMMARY OF REQUESTS:** This application will allow the modification of the previously approved plans showing 2 new building additions for a previously approved religious facility and a sign larger than what was previously approved for the existing religious facility.
- o **LOCATION:** 29050 SW 177 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 9.53 Acres

- o **IMPACT:** Approval of this application will allow the applicant to enlarge the existing church on the subject property including a new second sanctuary, which could impact traffic in the area. Additionally, the applicant is requesting a larger detached sign than permitted which could have a negative visual impact on the surrounding area.
- B. ZONING HEARINGS HISTORY:** In 1995, pursuant to Resolution No. 5-ZAB-27-95, a use variance, along with companion requests, was approved by the Zoning Appeals Board to permit a house of worship in the EU-S, Estate Suburban Single-Family District, as it would be permitted in the RU-3, Four Unit Apartment House District, subject to conditions. Among the other requests approved was a non-use variance of sign regulations permitting a detached sign of 31 sq. ft. where 24 sq. ft. is permitted. Prior to this, in 1992, the subject property was rezoned from AU, Agricultural District, to EU-S, in lieu of the requested EU-M, Modified Single-family Estate District, pursuant to Resolution No. Z-136-92.
- C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**
1. The subject property is located approximately **650' south of and within the Urban Development Boundary Line (UDB)**. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.
  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 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. **Residential Communities.** The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.
  4. **Policy LU-9B.vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate **signage**.
  5. **Policy LU-4A.** of the Land Use Element state 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:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

EU-S; Religious facility

Estate Density Residential

**Surrounding Properties:**

**NORTH:** AU; Single-family residence and nursery

Estate Density Residential

**SOUTH:** AU; Private club and nursery

Estate Density Residential

**EAST:** GU & EU-1C; Vacant

Estate Density Residential

**WEST:** AU; Single-family residence

Estate Density Residential

The subject property is improved with an existing religious facility located at 29050 SW 177 Avenue, approximately 650' to the south of and within the UDB which is located north of SW 288 Street and immediately west of SW 177 Avenue. The surrounding area is developed with some rural single-family residences, agricultural uses and a private club.

**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:

**Acceptable\***

Buffering:

**Acceptable\***

Access:

**Acceptable**

Parking Layout/Circulation:

**Acceptable**

Visibility/Visual Screening:

**Acceptable**

Signage:

**Unacceptable**

Urban Design:

**N/A**

\*For request #1 only, excluding sign.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**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 or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

**Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing).** The Community Zoning Appeals Board shall approve applications 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 of at least one of the paragraphs under this section has 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.

**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.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

This item was deferred from the March 26, 2008, meeting to allow the applicant an opportunity to submit revised plans. The applicants requested a further deferral of the item from the May 20, 2008, meeting so that the plans could be corrected and reviewed by staff. Prior to this, the item was deferred from the January 30, 2008, and from the October 16, 2007, meetings at the applicant's request to modify the existing application. The subject property is located at 29050

SW 177 Avenue and is zoned EU-S, Suburban Estate District. To the north, south, partially to the east and to the west are properties zoned AU, Agricultural District, and GU, Interim District, some of which are developed with residences, a private club, and some are under cultivation with row crops or vacant. Partially to the east is a vacant lot zoned EU-1C, Single-Family 2 ½ Acre Estate District. The applicant is seeking to modify a previously approved site plan in order to construct 2 new building additions (request #1) and to permit a 99 sq. ft. (24 sq. ft. permitted; 31 sq. ft. previously approved) detached sign (request #2). The previously approved site plans for the religious facility showed a 21,600 sq. ft. single-story church sanctuary centrally located on the 9.53-acre subject property and a sign elevation plan, illustrating a 31 sq. ft. sign positioned in the northeast portion of the site, approved pursuant to Resolution No. 5-ZAB-27-95. The elevation drawings and revised plans submitted as part of this application illustrate the building additions, immediately abutting the east and west sides of the original church sanctuary. Onto the east side is an 11,327 sq. ft. sanctuary identified as Phase 3, connected to the existing sanctuary (Phase 1) by a covered courtyard and to the west is a 15,210 sq. ft., 2-story, Sunday School classroom building with a covered driveway and parking area, which is not connected to the original building, identified as Phase 2. The plans also depict the 99 sq. ft. detached sign now relocated to setback approximately 166' from the north property line and setback 15' from the east property line. Additionally, the submitted plans also show a continuous row of Live Oak trees along the interior side (north and south) property lines interspersed with Washington and Queen Palms located in the area where both the aforementioned property lines parallel the existing building and the proposed additions. The plans also show an array of existing Mahogany, Live Oak and palm trees along the drives and throughout the parking areas.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application. 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 (**PWD**) has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application.

Approval of this application will allow the applicant to modify the previously approved plans and construct 2 building additions and a sign ancillary to the existing religious facility. The EU-S zoned subject property is designated on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan's (CDMP) for **Estate Residential** use, which is typically characterized by detached estates. Also permitted in Residential Communities are neighborhood and community services including **houses of worship** when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the previously approved church on this EU-S zoned parcel is **consistent** with the interpretative text of the CDMP. Additionally, **Policy LU-4A** provides that when evaluating compatibility among proximate land uses, the County shall consider such factors as **height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety**, as applicable. The submitted plans depict 2 building additions to the existing church comprised of an additional sanctuary attached to the eastern side of the existing building and a 2-story Sunday school building to the west of the existing building. The proposed additions are centered on the site and do not encroach into the interior side (north or south) setbacks or into the front or rear (east and west) setbacks. Further, the proposed building additions, at a maximum height of 41' for the Sunday school, have been designed to be substantially similar in height to the previously approved 35' high church sanctuary. Additionally, as previously mentioned, the existing building and the proposed building additions are adequately buffered from the adjoining properties to the north and south by a continuous row of Live Oak and palm trees along the interior sides (north and south) property lines. Staff also notes that the applicant has designed the site with adequate parking and drives to accommodate the additional traffic that will result from the building additions on the property.

Staff therefore opines that the proposed building additions are **compatible** to the surrounding agricultural and residential properties as well as to the private club located to the south, and is therefore **consistent** with the interpretative text of the CDMP.

However, the CDMP indicates in **Policy LU-9B.vii** of the Land Use Element that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. Staff is of the opinion that the proposed sign in conjunction with the religious facility, specifically the size and scale of the proposed sign, is **incompatible** with the area and not in harmony with the general appearance and character of the community. As such, staff determines that the proposed sign is contrary to **Policy LU-9B.vii** of the interpretative text of the Master Plan and therefore **inconsistent** with the provisions of the CDMP. Notwithstanding, **Policy LU-4A** provides that when evaluating compatibility among proximate land uses, the County shall consider such factors as **height, bulk, scale of architectural elements**, landscaping, hours of operation, buffering, and safety, as applicable. As such, should the Board find the requested height, bulk, and scale of the sign on the subject property to be compatible with the surrounding area, they may find the use to be consistent with the CDMP.

When request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff is of the opinion that the proposed building additions will not adversely impact the surrounding area and will be **compatible** with same. As such, approval of the request, to modify Condition #2 of Resolution 5-ZAB-27-95 in order to allow the applicant to submit revised plans showing two new building additions, would not, in staff's opinion, be detrimental to the area or negatively affect the stability of the surrounding neighborhood. Staff notes that the church building and proposed additions are sufficiently centered on the subject property so as to not encroach into the required setbacks for a building of public assemblage and have a negative visual impact on the surrounding properties. Additionally, as previously mentioned, the property is adequately buffered from the properties to the north and south by an array of oaks and palms, which apart from mitigating the visual impact of the proposed development provide a welcome visual enhancement for the surrounding properties. Further, the religious facility abuts a private club to the south and cultivated farmland to the north on which the additional buildings are not likely to have a negative aural or visual impact. The property to the west was approved for single-family residences which is separated from the building additions and parking by an approximately 480' playfield area on the western portion of the property. As such, staff opines that the proposed building additions will not have a negative aural or visual impact on the surrounding properties. Therefore, staff recommends approval with conditions of request #1 as it applies to the two building additions only.

However, approval of the request, to modify Condition #2 of Resolution 5-ZAB-27-95 in order to allow the applicant to submit revised plans showing a sign that would be larger than previously approved for the religious facility, in staff's opinion, would be detrimental to the area and negatively affect the stability and appearance of the surrounding residential neighborhood. Staff notes that the previously approved religious facility included a sign that was granted a non-use variance of the sign size requirement, permitting a larger sign (31 sq. ft.) than what is allowed by the Zoning Code (24 sq. ft.). As such, staff notes that the religious facility already has the benefit of a greater sign size than allowed which should be more than sufficient to direct patrons to the facility. When considering the necessity for and the reasonableness of the proposed sign in relation to the surrounding area and the compatibility of said sign with the area and its development, staff is of the opinion that the additional signage, as depicted on the submitted plans, will have an unfavorable effect on same, and will be contrary to the public interest. Staff is

not convinced of the reasonableness or necessity for the requested increase in the size of signage in this estate area and maintains that the introduction of a sign larger than the previously approved sign would be a visual disturbance to the pastoral setting that is characteristic of the area. Staff notes that the previously approved elevation illustrates a 31 sq. ft. sign positioned in the northeast portion of the site. Additionally, staff notes that within that 1995 application, the Department of Planning and Zoning recommended approval of the request to permit the 31 sq. ft. detached sign based on evidence that the sign was "low in profile in design and adequately set back from the front property line." Said 31 sq. ft. sign measured 4' high and was setback 42.5' from the front property line. The elevation and plan submitted as part of this application illustrate a proposed sign that measures 99 sq. ft. in size and is positioned to be setback 15' from the front property line. The elevation plan also depicts a sign that measures 11' high and 9' wide; staff does not believe the need exists for a sign that is more than triple the size of the previous variance approval for this site and is not convinced that way finding for the religious facility's patrons is hampered in any way that would justify the necessity for this much signage. Therefore, staff recommends modified approval with conditions of request #1 under Section 33-311(A)(7), to allow for the two new building additions for the previously approved religious facility only, subject to the removal of that portion of the plans that show a larger sign than was previously approved.

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 to this application. Due to the lack of information, staff is unable to properly analyze the modification request under said standards and, as such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(17).

When request #2 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, the request to permit the aforementioned detached 99 sq. ft., 11' high sign would be visually intrusive and detrimental to the surrounding area. This request, to permit a 99 sq. ft. sign (24 sq. ft. permitted; 31 sq. ft. previously approved), does not maintain the basic intent and purpose of the zoning and other land use regulations. Staff acknowledges the applicant's reasoning for the necessity of a sign of greater size, in terms of the need for visibility from two well-traveled vehicular corridors, SW 288 Street, a half-section-line roadway, and from SW 177 Avenue (Krome Avenue), a section-line-roadway. Additionally, staff notes that although the religious facility is setback approximately 182' from the east property line, limited vegetation and landscaping minimize any visual obstruction to the facility's steeple. Moreover, the religious facility structure was previously approved a non-use variance permitting a height of 42' where 35' is allowed, further providing patrons a visual cue as to the location and use of the religious facility. In staff's opinion, the request is excessive and could lead to a proliferation of such signage by setting a precedent in the area. Staff notes that the size of the proposed sign, 99 sq. ft. is 4 times the size permitted by the Zoning Code (24 sq. ft.) and 3.19 times the size previously approved by a non-use variance (31 sq. ft.). Staff is not convinced of the reasonableness of or necessity for the requested amount of signage for the religious facility and maintains that the introduction of this size of sign in the area would be a visual disturbance to the pastoral setting that is characteristic of the area. Staff notes that the previously approved elevation illustrates a 31 sq. ft. sign positioned in the northeast portion of the site. Although the elevation and other plans submitted as part of this application illustrate the proposed sign setback approximately 166' from the north property line and setback 15' from the east property line, staff notes that the proposed 99 sq. ft. sign measures 11' high and 9' wide which staff finds to be excessive and **incompatible** with the

area. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV).

When request #2 is analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards, staff is of the opinion that the request does not meet the unnecessary zoning hardship criteria since the property can utilize signage that is sized in accordance with zoning district requirements or with the prior zoning approval. Accordingly, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

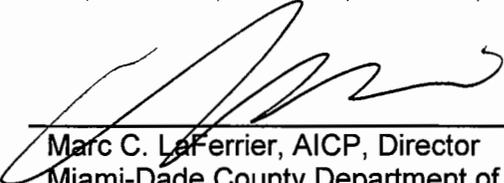
Based on all of the aforementioned, staff opines that a modified approval with conditions of that portion of the request for a modification of previously approved plans only as it pertains to the two building additions is **compatible** with the surrounding properties and **consistent** with the LUP map designation of the CDMP. However, the other portion of request #1 to modify said plans to allow for a larger sign than was previously approved is **incompatible** with the surrounding properties and **inconsistent** with **Policy LU-9B.vii** of the CDMP. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. Notwithstanding, staff recommended approval of a prior sign variance on the subject property which was granted by the Zoning Appeals Board in 1995. Therefore, staff recommends a modified approval with conditions of request #1 under Section 33-311(A)(7) only as it pertains to the two proposed building additions and showing the removal of the revised signage plans and denial without prejudice of same under Section 33-311(A)(17); and denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:** Modified approval of request #1 with conditions under Section 33-311(A)(7) only as it applies to the 2 new building additions, and denial of same under Section 33-311(A)(17), denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:** (For request #1 only)

1. That all conditions of Resolution #5-CZAB-27-95 remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The First Baptist Church of Homestead,' as prepared by Robert Ellis Nelson & Associates, Architects, Sheets A1-01 and A1-02 dated stamped received 9/30/08, Sheets A2-01 – A2-03 and sheet A3-01 dated stamped received 8/11/08, for a total of 6 sheets showing the removal of the 99 sq. ft. sign.
3. That the applicant obtain a new or revised Certificate of Use for the expansion of the religious facility 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.
4. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this application and incorporated herein by reference.

**DATE INSPECTED:** 08/28/07  
**DATE TYPED:** 08/20/07  
**DATE REVISED:** 08/21/07; 08/31/07; 09/04/07; 11/20/07; 11/27/07; 02/08/08; 03/31/08,  
04/07/08, 05/12/08, 10/03/08, 10/14/08; 10/24/08, 10/27/08, 11/10/08.  
**DATE FINALIZED:** 11/10/08  
MCL:MTF:LVT:JV:CH

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

# Memorandum



**Date:** October 7, 2008

**To:** Marc C. LaFerrier, AICP, 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 #Z2007000197-2<sup>nd</sup> Revision  
First Baptist Church of Homestead  
29050 S.W. 177<sup>th</sup> Avenue  
Modification of Resolution 5-ZAB27-95  
Request to Permit Less Setback than Required  
Request to Permit Parking Within 25 Feet of the Right of Way  
Request to Permit a Larger Sign than Allowed  
(EU-S) (9.53 Acres)  
01-57-38

---

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.

#### Potable Water Service

The closest public water main is located approximately 3,180 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

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, the proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less

and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

#### 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.

#### Air Quality Preservation

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

#### 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 Communities

The subject property is not a designated Natural Forest Community (NFC) by Miami-Dade County. However, it is adjacent to a Miami-Dade County-designated NFC. 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. Miami-Dade County has a vested interest in maintaining this NFC area as a natural preserve. Development on parcels containing or adjacent to NFC's must avoid adverse impacts to the NFC properties.

The pine rocklands 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 pine rockland. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

#### Tree Preservation

A tree survey submitted to DERM entitled "Master Site Plan for First Baptist Church of Homestead", dated March 27, 2008, revised October 2, 2008 and prepared by Robert Ellis Nelson and Associates Architects, Inc. states that no specimen size trees exist on-site; however, non-specimen trees will be removed. 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 further 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 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.

REVISION 4  
PH# Z2007000197  
CZAB - C14

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: FIRST BAPTIST CHURCH OF HOMESTEAD

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

14-OCT-08



# Memorandum

**Date:** 08-OCT-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000197

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated August 27, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped September 30, 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 Z2007000197  
 located at 29050 SW 177 AVENUE, MIAMI-DADE COUNTY FLORIDA.  
 in Police Grid 2581 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
14,400 Retail	square feet	44,200 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 33.92 alarms-annually.  
 The estimated average travel time is: 6:28 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 16 - Homestead - 325 NW 2nd Street  
 Rescue, ALS Engine, ALS 75' Ladder.

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped September 30, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

FIRST BAPTIST CHURCH OF  
HOMESTEAD

29050 SW 177 AVENUE, MIAMI-  
DADE COUNTY FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2007000197

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801006300 was opened based on enforcement history request and inspected on 10-7-08.

No violations were observed and 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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: First Baptist Church of Homestead

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Raymond Caves 29150 SW 167 Ave Homestead, FL 33030</u>	<u>Trustee</u>
<u>Edwin Lawrence 2631 SE 19 CT Homstd, FL 33035</u>	<u>Trustee</u>
<u>Ted Williams 240 NE 16 ST Homstd, FL 33030</u>	<u>Trustee</u>

*non profit*

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

TRUST/ESTATE NAME \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

**RECEIVED**  
JUN - 4 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

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

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of contract: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature: Ted F. Williams  
(Applicant)

Sworn to and subscribed before me this 17<sup>th</sup> day of April 2007 as identification. Affiant is personally know to me or has produced

Suzette L. Breau  
(Notary Public)



My commission expires: 4/29/08

\*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.

RECEIVED  
2007 JUN 4 2007







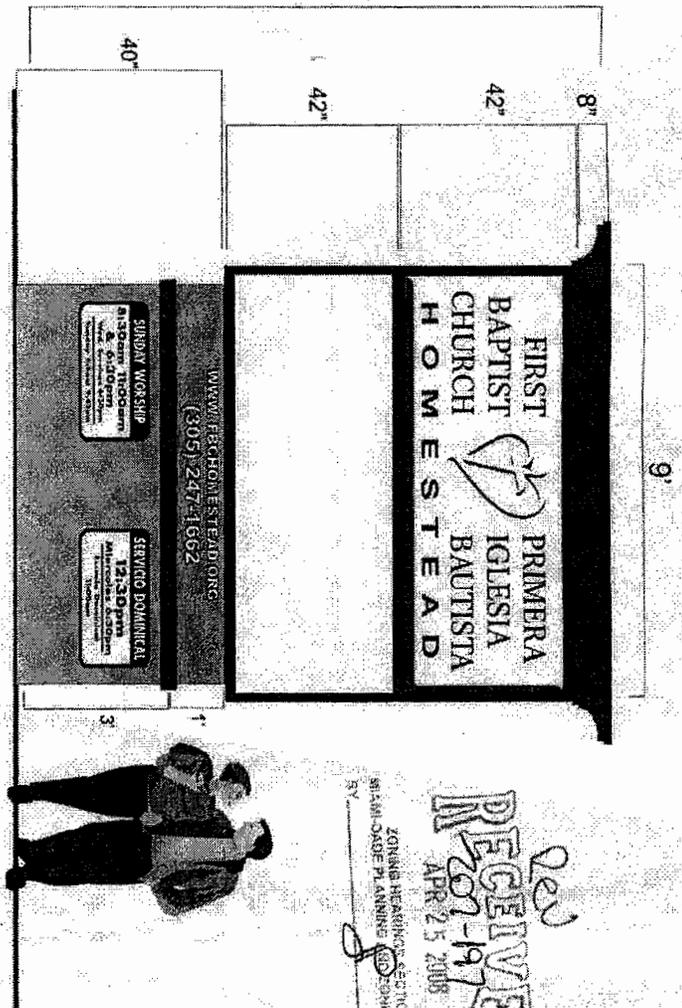








Front (used)  
 Set back  
 11'4" need  
 9'9" 5/16" P11



RECEIVED  
 APR 25 2005  
 ZONING HEARING SECTION  
 815 MIAMI AVENUE PLANNING AND ZONING DEPT  
 BY \_\_\_\_\_

**TO FABRICATE AND INSTALL  
 PYLON SIGN**

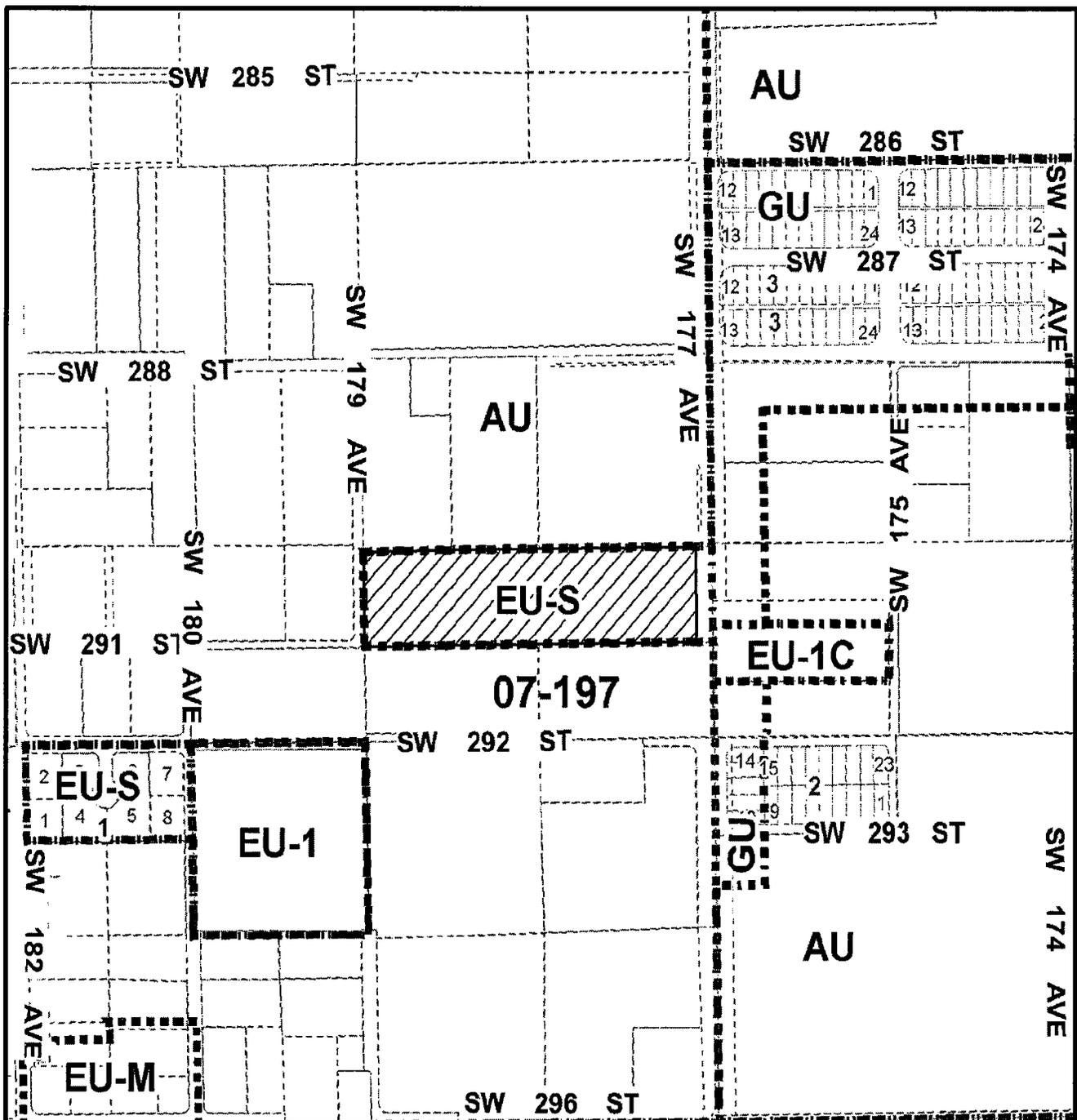
FABRICATED DOUBLE FACE (9' X 11') =  
 ILLUMINATED SELF STANDING  
 DIRECTORY SIGN WITH DECORATIVE SKIRT  
 TO BE INSTALL ON ONE POLE.

SIGN IS TO BE MADE OF .063 & .040  
 ALUMINUM BODY  
 AND 3/16" LEXAN FACES  
 NAME TO BE VINYL GRAPHICS  
 ILLUMINATED BY HO LAMPS.

**PROFESSIONAL Signs**  
 ES 12000186

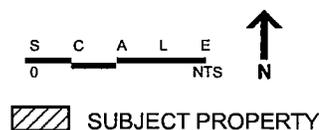
State Certified Sign Contractor  
 6460 S.W. 35 ST. Miami 201-4464  
 MIAMI, FL 33155 FAX(305) 665-2287

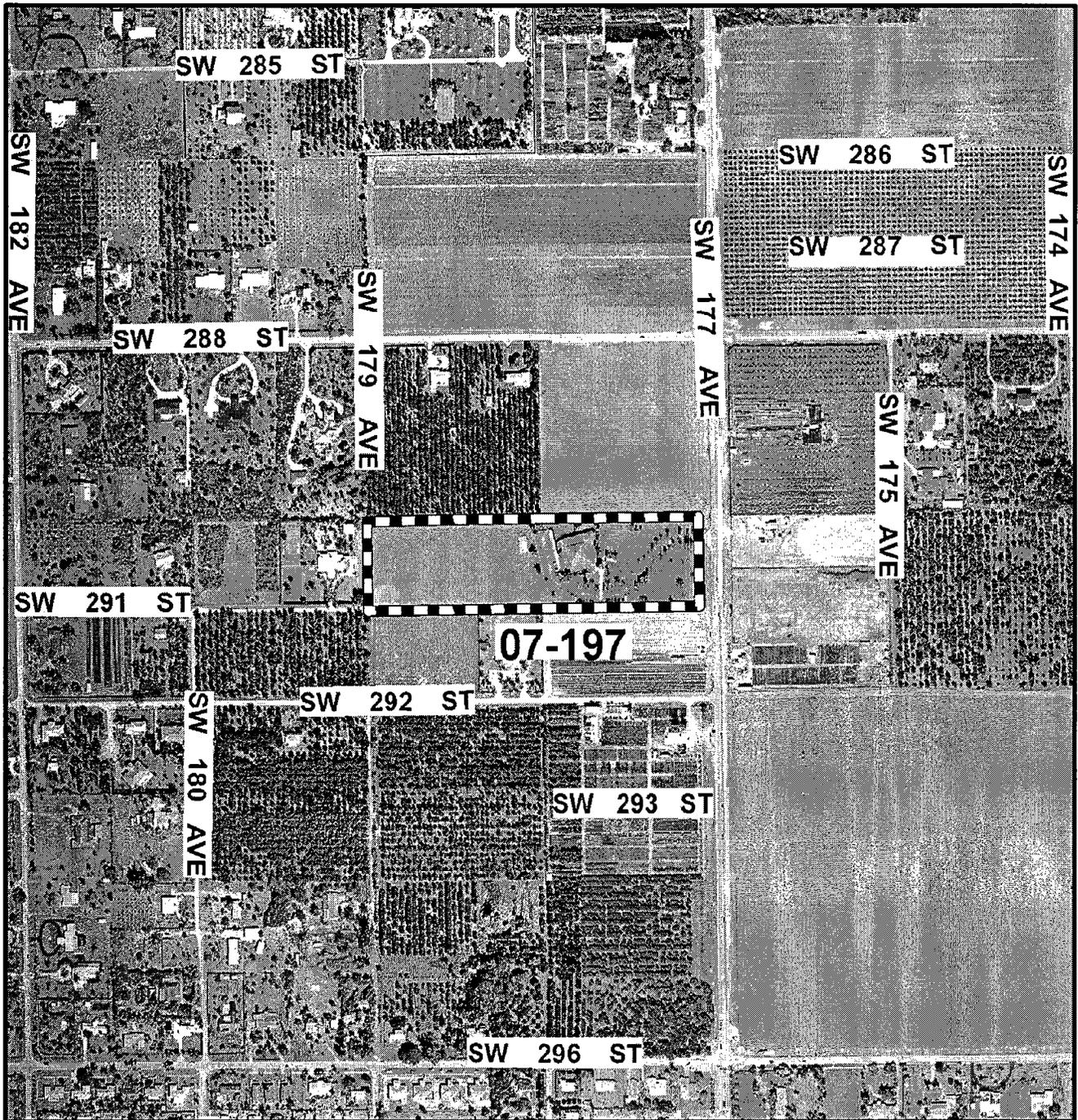
CUSTOMER  
 First Baptist Church of Homestead  
 29050 SW 177 Ave. Homestead, FL 33030



MIAMI-DADE COUNTY  
**HEARING MAP**

Section: 01 Township: 57 Range: 38  
 Process Number: 07-197  
 Applicant: FIRST BAPTIST CHURCH OF HOMESTEAD  
 Zoning Board: C14  
 District Number: 8  
 Cadastral: JEFFER  
 Scale: NTS





MIAMI-DADE COUNTY  
**AERIAL**

Section: 01 Township: 57 Range: 38  
Process Number: 07-197  
Applicant: FIRST BAPTIST CHURCH OF HOMESTEAD  
Zoning Board: C14  
District Number: 8  
Cadastral: JEFFER  
Scale: NTS



 SUBJECT PROPERTY  
( AERIAL DATE, FIRST QUARTER 2007 )



**B. MUSTANG ESTATES, LLC**  
**(Applicant)**

**07-10-CZ14-1 (07-6)**  
**Area 14/District 8**  
**Hearing Date: 11/18/08**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
2003	Joseph Taubam, Tr. & Delco Enterprise, Inc.	Zone change from AU to EU-M.	CZAB-14	Approved w/conds.

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

**A**

APPLICANT'S NAME: **MUSTANG ESTATES, LLC**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-1 (07-6)	September 17, 2008	CZAB14	08

**REC: Deferral**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: Nov 18, 2008       W/LEAVE TO AMEND  
 DENY:       WITH PREJUDICE       WITHOUT PREJUDICE  
 ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS  
 APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.  
                                   WITH CONDITIONS  
 OTHER: At applicant's request to address the concerns of DERM.

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

EXHIBITS:  YES       NO

COUNTY ATTORNEY: RON BERNSTEIN

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP



APPLICANT'S NAME: **MUSTANG ESTATES, LLC**

REPRESENTATIVE: Patrick Range

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-1 (07-6)	July 15, 2008	CZAB14	08

**REC: Deferral.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_

DEFER:       INDEFINITELY       TO: Sept 17, 2008       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: At applicant request to resolve issues with DERM (to obtain tree permits).

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE	X		
MR.		Gary J. DUFEK	X		
DR.	S	Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)			X
VOTE:			4	0	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: RONALD BERNSTEIN

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**

**B**

APPLICANT'S NAME: MUSTANG ESTATES, LLC

REPRESENTATIVE: **SIMON FERRO**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-10-CZ14-1 (07-006)	DECEMBER 18, 2007	CZAB14	07

**REQ:** MOD Paragraphs #1, #2 and #3 of Declaration  
[revised site plan showing 2 more units and increase SURs].

**REC:** DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input checked="" type="checkbox"/> INDEFINITELY	<input type="checkbox"/> TO: _____ <input checked="" 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"/> APPLICANT TO MERGE APPLICATIONS		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	S	Wilbur B. BELL	X		
MADAME VICE-CHAIR		Dawn Lee BLAKESLEE			X
MR.		Gary J. DUFEK	X		
DR.	M	Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
VOTE:			4	0	

EXHIBITS:  YES  NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**

**1**

APPLICANT'S NAME: MUSTANG ESTATES, LLC

REPRESENTATIVE: SIMON FERRO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
07-10-CZ14-1 (07-6)	OCTOBER 16, 2007	CZAB14 07

**REQ:** MOD Declaration [Purpose of the request is to submit a revised site plan showing 2 more units than previously approved and to increase the number of Severable Use Rights previously restricted.]

**REC:** DWOP

<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>DEC. 18, 2007</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"/> APPLICANT REQUESTED TIME TO REWORK THE SITE PLAN		

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

EXHIBITS:  YES  NO

COUNTY ATTORNEY: LEIGH MACDONALD

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

**APPLICANT:** Mustang Estates L.L.C.

**PH:** Z07-6 (07-10-CZ14-1)

**SECTION:** 11-56-39

**DATE:** November 18, 2008

**COMMISSION DISTRICT:** 8

**ITEM NO.:** B

=====

**A. INTRODUCTION:**

o **REQUESTS:**

(1) AU to EU-M

**REQUEST #1 ON PARCEL 1**

(2) **DELETION** of a Declaration of Restrictions recorded in Official Record Book 21122, Pages 196-202, only as it applies to subject property.

The purpose of request #2 is to release a covenant which restricts development on a portion of the subject property to no more than 2 units, restricts the number of Severable Use Rights that could be utilized on the subject property and limits development to a site plan. Approval of request #2 will allow the applicant to submit a revised site plan showing 2 more units than previously approved and allow an increase in the number of Severable Use Rights that may be utilized on the property.

**REQUEST #2 ON PARCEL 2**

Upon a demonstration that the applicable standards have been satisfied, approval of the request #2 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).

The plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Manuel G. Vera and Associates, Inc., dated stamped received 6/10/08 and consisting of 1 sheet. Plan may be modified at public hearing.

o **SUMMARY OF REQUESTS:** The applicant is seeking to change the zoning of Parcel 1 from AU, Agricultural District, to EU-M, Estate Modified Single-Family District. Additionally, the applicant is seeking the deletion of a previously approved covenant on Parcel 2 which restricts development on a portion of the subject to no more than 2 units, restricts the number of Severable Use Rights that could be utilized on said parcel and limits development to a site plan. Approval of request #2 will allow the applicant to submit a revised site plan showing 2 more units than previously approved and allow an increase in the number of Severable Use Rights that may be utilized on this portion of the subject property (Parcel 2).

o **LOCATION:** The northeast corner of SW 208 Street and SW 134 Avenue, Miami-Dade County, Florida

o **SIZE:** 7.267 Gross acres

- o **IMPACT:** The approval of the requested district boundary change to EU-M would allow the applicant to subdivide Parcel 1 and to provide additional housing units for the community. However, the rezoning of Parcel 1 will eliminate 5.15 gross acres of agriculturally zoned land in Miami-Dade County and will increase the population in the area, which may impact the water and sewer services, will add children to the public schools and will increase traffic in the area. The approval of the requested deletion of a previously approved covenant only as applicable to Parcel 2, will, albeit minimally, increase the population in the area, which may impact the water and sewer services, will add children to the public schools and will increase traffic in the area.

**B. ZONING HEARINGS HISTORY:** In 2002, Parcel 2 was part of a larger tract of land that was denied without prejudice a district boundary change from AU, Agricultural District, to EU-M, Modified Estates District, by the Community Zoning Appeals Board 14 (CZAB-14), pursuant to Resolution No. CZAB14-8-02. The applicant appealed this decision to the Board of County Commissioners (BCC.) In January of 2003, pursuant to Resolution No. Z-1-03, the BCC voted to vacate CZAB14's decision and remanded the item back to CZAB14 for further consideration with leave to amend. Then, in February of 2003, the zone change to EU-M was approved, pursuant to Resolution No. CZAB14-7-03, at which time the applicant proffered a declaration of restrictions which, among other things, provided that the applicant utilize no more than 8 Severable Use Rights (SUR's) to develop the property in substantial accordance with the submitted site plan that illustrates the site with no more than 29 residences.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. 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. The subject property is located within and along the eastern edge of the Urban Development Boundary (UDB).
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 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. **Policy LU-9C.** Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map.
4. **Severable Use Rights.** The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR's) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B.

- 5. When Severable Use Rights (SUR's) are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SUR's, would exceed the Plan density limit.
- 6. **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.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

AU (Parcel 1); Two Single-family residences  
EU-M (Parcel 2); Single-family residences

Estate Residential Density, 1 to 2.5 du

**Surrounding Properties:**

**NORTH:** EU-M; Single-family residences

Estate Residential Density, 1 to 2.5 du

**SOUTH:** EU-1, EU-M and AU; Vacant parcels

Estate Residential Density, 1 to 2.5 du

**EAST:** EU-M; Single-family residences

Estate Residential Density, 1 to 2.5 du

**WEST:** AU; Single-family residences

Agriculture

The subject property lies on the northeast corner of SW 208 Street and SW 134 Avenue (Talbot Avenue) which is immediately to the east of and within the Urban Development Boundary (UDB). Parcel 1 is currently improved with 2 single-family residences located at 13365 SW 208 Street and 20701 SW 134 Avenue and Parcel 2 has been cleared for construction for new single-family residences. Residential development consisting of single-family residences characterize the area to the north and east, while the area to the south has been cleared for the construction of new single-family residential developments. Rural residences sited on large parcels of land distinguish the area to the west of the subject property, outside the UDB.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan 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
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)(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 or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing** The Community Zoning Appeals Board shall approve applications 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 of at least one of the paragraphs under this section has 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	<b>Objects</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No objection / 7 students</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This application was deferred from the September 17, 2008 and the July 15, 2008 meetings to allow the applicant time to obtain a tree removal permit from the Department of Environmental Resources Management (DERM). As of the time of this writing, DERM's memorandum dated June 17, 2008 indicates that this application cannot be approved by DERM and must be deferred until DERM issues its written approval. Previously, this item was deferred indefinitely with leave to amend from the December 18, 2007, meeting to allow the applicant the opportunity to combine this application with application 06-338 which was deferred indefinitely with leave to amend from the November 14, 2007, meeting. Staff notes that the applicant has since combined the aforementioned applications into a single application. It should be noted that application 07-006, which encompasses Parcel 2 of this new application, was also previously deferred from the October 16, 2007, meeting at the request of the applicant to revise the site plan. Furthermore, staff notes that application 06-338, which encompasses Parcel 1 of this new application, was deferred from the September 18, 2007, meeting to allow the applicant the opportunity to submit a subdivision plan. The applicant has submitted a subdivision plan encompassing both Parcels 1 and 2 and has voluntarily proffered a covenant that, among other things, restricts development of the site to the submitted subdivision plan. Said plan illustrates the proposed configuration of nine (9) lots distributed within a two block plan for Parcel 1 which includes two (2) oversized EU-M lots consisting of lot areas of 51,256 sq. ft. and 53,174 sq. ft. adjacent to the UDB which runs along SW 134 Avenue, and seven (7) proposed EU-M lots. It must be noted that the size of the lots illustrate that the applicant intends on utilizing Severable Use Rights (SUR's) for some of the lots to achieve the desired configuration using the lot size bonus allowed by SUR's. Parcel 1 is currently improved with two (2) single-family residences located at 13365 SW 208 Street and 20701 SW 134 Avenue. The applicant is seeking approval for a district boundary change on Parcel 1 (5.45 gross acres) from AU, Agricultural District, to EU-M, Single-family Modified Estate District (request #1). The EU-M zoning district requires lots to be developed with a minimum lot area of 15,000 sq. ft. net, with a minimum lot frontage of 120' and a minimum lot depth of 115'.

As previously mentioned, in February of 2003, Parcel 2 was part of a 14.13-acre tract of land rezoned from AU, Agricultural District, to EU-M, Modified Estates District, pursuant to Resolution No. CZAB14-7-03, at which time the applicant proffered a Declaration of Restrictions which, among other things, provided that the applicant utilize no more than 8 Severable Use Rights (SUR's) to develop the property in substantial accordance with a plan that illustrates said larger tract of land with no more than 29 residences. Staff notes that the majority of the permitted residences are already built or under construction and that Parcel 2 has been cleared for construction. EU-M zoning requires a minimum lot area of 15,000 sq. ft. and a minimum lot frontage of 120'. Said zoning district with SUR bonuses would allow a minimum lot area of 12,500 sq. ft. and a minimum lot frontage of 100'. The applicant seeks to delete the abovementioned Declaration of Restrictions only as it applies to the subject property (Parcel 2) in order to release a covenant which restricts development on this portion of the subject to no more than 2 units, restricts the number of Severable Use Rights (SURs) that could be utilized on the subject property and limits development to a site plan, to allow the applicant to submit a revised site plan showing 2 more units than previously approved for a total of 4 units on Parcel 2 and to increase the number of permissible Severable Use Rights, which was previously restricted (request #2).

The subject property is located on the northeast corner of SW 208 Street and SW 134 Avenue (Talbot Avenue) which is immediately to the east of and within the Urban Development Boundary (UDB). Residential development consisting of single-family residences characterize the area to the north and east, while the area to the south has been cleared for construction of new single-family residential developments. Rural residences sited on large parcels of land distinguish the area to the west of the subject property, outside the UDB.

The Department of Environmental Resources Management (**DERM**) **objects** to this application and has indicated that this application must be deferred until DERM issues its written approval. They have indicated that tree removal permit 2005-1025 does not include folios 30-6911-000-0111 and 0110 and that these properties may contain specimen-sized trees, which may be impacted. The Public Works Department (**PWD**) has **no objection** to this application and their memorandum indicates this application meets the traffic concurrency criteria and will generate an additional **15 PM** daily peak hour **vehicle trips**. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips will not exceed the acceptable Levels of Service (LOS) of the area roadways which are currently operating at LOS "B" and "C." Miami-Dade County Public Schools (**MDCPS**) indicates that the proposed zoning will bring **7 additional students** into the area's public schools. Their memorandum further indicates that the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees; however said donation is subject to approval by the School Board at an upcoming meeting.

Approval of this application would provide additional housing units for the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject site for **Estate Density Residential** use, which permits a minimum of 1 dwelling unit to a maximum of 2.5 dwelling units per gross acre. As such, the 7.267 gross acre subject property would generate a numerical density threshold that would allow the applicant to develop the site with a minimum of 7 to a maximum of 18 dwelling units. The proposed EU-M zoning on Parcel 1 and requested deletion of a Declaration of Restrictions only as it applies to Parcel 2, if approved, would yield a density of 1.78 dwelling units per net acre, totaling a maximum of 13 residential units on the total subject site, which would be **compatible** with the development density of 2.26 units per acre found to the north, the development density of 2.19 units per acre found to the

east, and the development density of 1.59 units per acre found to the south. The neighboring property to the north, which measures approximately 26 gross acres in size, was rezoned in 2000 from AU to EU-1 and EU-M, pursuant Resolution No. CZAB14-18-00. Said approval on the property to the north also granted a special exception to permit a residential development consisting of 59 residential units, which yields a density of 2.26 units per acre. It must be noted that the site plan approved for the abovementioned residential development on the property to the north consists of two (2) EU-1 zoned lots located on the east side of SW 134 Avenue and the balance of the site with 57 EU-M zoned lots configured with lot frontages ranging in size from 100' to 108.63' and lot areas varying from 12,574 sq. ft. to 13,025 sq. ft. The site was developed utilizing Severable Use Rights (SUR's), which granted bonuses from the EU-M zoning requirements by reducing the required lot area from 15,000 sq. ft. to 12,500 sq. ft. and the lot frontage from 120' to 100'. Staff reasons that the two (2) EU-1 zoned lots on the property to the north serve as a transition from the Agriculturally designated land on the west side of SW 134 Avenue (the UDB boundary) to the smaller EU-M zoned lots internal to the development to the east. In 2004, the neighboring property to the south was rezoned from AU to EU-1 and EU-M, pursuant to Resolution No. CZAB14-3-04, and was restricted through a covenant to a maximum development of no greater than 37 units on this 23.22-acre site to the south, which yields a density of 1.59 units per acre. As such, this application's proposal for EU-M zoning on Parcel 1 and companion request to delete a Declaration of Restrictions to allow the applicant to construct 4 residences in lieu of the previously approved 2 residences on Parcel 2 is **consistent** with the numerical density threshold permitted by the LUP map of the CDMP and **compatible** with the development densities in the surrounding area as described above.

As previously mentioned, the applicant has submitted a site plan for the development of both Parcels 1 and 2 of the subject property. Staff notes that the submitted subdivision plan illustrates the allotment of the northern portion of (Block 1) Parcel 1 with three (3) EU-M lots with frontages of 103.50' and 103.58' and with lot areas of 13,972.5 sq. ft. and 13,992.1 sq. ft. in size. When reviewing this site plan in the context of the previous site plan approvals found to the north and to the east, staff is supportive of this portion of the site plan. To develop the northern portion of the site with three (3) lots facing SW 206 Terrace would continue the blockface of 'Block 1' of "Mustang Ranches" PB165 PG24, found to the east, and it would also continue the general scale and size of these lots while extending SW 206 Terrace as a continuous roadway providing connectivity from SW 134 Avenue to SW 132 Avenue. Additionally, as previously mentioned, the submitted subdivision plan illustrates the proposed configuration of nine (9) lots distributed within a two block plan for Parcel 1 and includes two (2) oversized EU-M lots consisting of lot areas of 51,256 sq. ft. and 53,174 sq. ft. adjacent to the Urban Development Boundary (UDB) which runs along SW 134 Avenue. Staff is also supportive of this portion of Parcel 1 (Block 2) as the plan depicts the 2 larger, EU-M zoned lots located along SW 134 Avenue. Staff is of the opinion that this lot size configuration demonstrates a sensitive development solution to properties located along the UDB, and a responsible design scheme revealing transition of size, scale and density when seeking residential district boundary changes along portions thereof. Additionally, staff notes that the balance of Parcel 1 (Block 2), features four (4) EU-M lots, utilizing SUR's, that are "internal" to the site and are **compatible** in lot area and lot frontage provided for the proposed four (4) EU-M lots, utilizing SUR's illustrated on Parcel 2 to the east of SW 133 Court. Further, staff notes that the proposed configuration of Parcel 2 with four (4) EU-M lots, utilizing SUR's would continue the blockface of 'Block 3' of "Mustang Ranches" (PB 165 Pg. 24) found immediately to the east of Parcel 2. As such, staff is supportive of the requested zone change to EU-M on Parcel 1, subject to the Board's acceptance of the proffered covenant.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration, among other things, whether the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is **consistent** 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. The interpretative text of the CDMP indicates that 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.

Section 33-311 of the Code also requires consideration of other factors. For instance, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Work's memorandum submitted for this application, and the proposed residential development will be readily accessible by SW 134 Avenue and by SW 208 Street, which is a half-section-line roadway. Research reveals that in the approved plans for the projects found directly to the north and south of the subject property, both zoning hearing approvals included a strip of EU-1 zoned lots along the western boundaries which, like the subject property, abut the UDB, demonstrate sensitivity to the area and provide a transition of density and lot sizes within the approved developments. Therefore, staff is supportive of the requested zone change to EU-M on Parcel 1 as depicted on the submitted subdivision plan with the provision of 2 oversized EU-M lots consisting of lot areas of 51,256 sq. ft. and 53,174 sq. ft. which, staff opines, addresses the significance that the site is adjacent to the UDB by configuring the western portion of Parcel 1 with lot sizes that are sensitive to the UDB and oversized so as to avoid an intensity of density that is excessive along the UDB. Additionally, as previously discussed, staff notes that the balance of Parcel 1 (Block 2), features four (4) EU-M lots, utilizing SUR's, that are "internal" to the site and are **compatible** in lot area and lot frontage provided for the proposed four (4) EU-M lots, utilizing SUR's illustrated on Parcel 2, immediately to the east of SW 133 Court. Accordingly, staff recommends approval of the zone change from AU to EU-M on Parcel 1, subject to the Board's acceptance of the proffered covenant.

The standards under Section 33-311(A)(7) Generalized Modification Standards, provide for the approval of a zoning application which demonstrates at public hearing that the modification or **elimination** of a previously approved condition, which has been imposed by any final decision adopted by Resolution, would not generate excessive noise or traffic, would not tend to provoke a nuisance and would not be incompatible with the area, when considering the necessity for and reasonableness of the modification or elimination in relation to the present and future development of the area. Approval of request #2, to permit the deletion of a Declaration of Restrictions only as it applies to Parcel 2, would allow the applicant to construct two (2) additional units on Parcel 2. As previously mentioned, in February of 2003, Parcel 2 was part of a larger tract of land rezoned from AU, Agricultural District, to EU-M, Modified Estates District, pursuant to Resolution No. CZAB14-7-03, at which time the applicant proffered a Declaration of Restrictions which, among other things, provided that the applicant utilize no more than 8 Severable Use Rights (SUR's) to develop the property in substantial accordance with a plan that illustrates said larger tract of land with no more than 29 residences. The plans submitted as part of the 2003 application had originally depicted 4 lots configured along the eastern side of SW 133 Court (Parcel 2) as proposed now. The lot furthest to the north at the corner of SW 206 Terrace measured 14,636 sq. ft. in size while the other 3 each measured 14,663 sq. ft. in size. It should be noted that while the Department of Planning and Zoning (DPZ) supported the original 31 residential unit proposal for reasons of consistency and compatibility, the Board found the 29 lots to be more compatible with the area and more appropriate for the location. Staff

acknowledges that, in the previous recommendation report, which included Parcel 2 of this new application but not Parcel 1, staff had not been supportive of a modification request that would have allowed the applicant to subdivide Parcel 2 into 4 EU-M lots with the utilization of SURs in lieu of the previously approved 2 lots. However, upon review of the subdivision plan submitted for this application which combines both Parcels 1 and 2, staff is supportive of the requested deletion only as it applies to Parcel 2 of the subject site and notes that the lot areas and lot frontages of the proposed 4 EU-M lots along the east side of SW 133 Court are now compatible with the lot areas and frontages of the proposed 4 EU-M lots along the west side of SW 133 Court. Further, staff notes that the proposed configuration of Parcel 2 with 4 EU-M lots utilizing SUR's, would continue the blockface of 'Block 3' of "Mustang Ranches" PB165 PG24, found immediately to the east of Parcel 2. Accordingly, staff recommends that the requested deletion of a Declaration of Restrictions only as it applies to Parcel 2 of the subject site be approved 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 to request #2. Due to the lack of information, staff is unable to properly analyze request #2 under said Standards and, as such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(17).

Based on all of the foregoing, staff opines that the requested zone change to EU-M on Parcel 1 and the requested deletion of a Declaration of Restrictions on Parcel 2 only as it applies to the subject property to allow the applicant to subdivide Parcel 2 into 4 EU-M lots with the utilization of SURs in lieu of the previously approved 2 lots would be **compatible** with the sizes of the lots in the area and are **consistent** with the Estate Density land use designation of the LUP map of the CDMP. Accordingly, staff recommends approval subject to the Board's acceptance of the proffered covenant, of the requested zone change from AU to EU-M (request #1) as depicted in the submitted subdivision plan, and approval of request #2 on Parcel 2 to delete a Declaration of Restrictions under Section 33-311(A)(7), Generalized Modification Standards and denial without prejudice of same under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing.

Notwithstanding the above, staff notes that **DERM objects** to this application and has indicated in their memorandum dated June 17, 2008 that this application must be deferred until DERM issues its written approval. As such, staff recommends that this application be deferred until such time as DERM issues their written approval.

I. **RECOMMENDATION:** Deferral.

J. **CONDITIONS:** None.

Mustang Estates L.L.C.

07-6

Page 10

**DATE INSPECTED:** 07/27/07

**DATE TYPED:** 06/06/08

**DATE REVISED:** 06/09/08, 06/10/08; 06/11/08; 06/19/08; 07/07/08; 08/04/08; 09/10/08;  
09/25/08

**DATE FINALIZED:** 10/20/08

MCL:MTF:LVT:NC



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

Memorandum 

**Date:** June 17, 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 #Z2007000006-Revised  
Mustang Estates, LLC  
Northeast Corner of S.W. 208<sup>th</sup> Street and S.W. 133<sup>rd</sup> Court  
Modification of a Resolution to Permit Additional Residential Lots  
(EU-M) (6.3 Acres)  
11-56-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that at the present time the same cannot be approved. Therefore, the application must be deferred until DERM issues its written approval. DERM approval of the application will be contingent upon compliance with all the requirements noted herein.

Tree Preservation

Tree Removal Permit 2005-1025 was issued for the properties with folios 30-6911-016-0100 and 0110 on November 16, 2005, renewed on February 29, 2008 and expires on November 16, 2008. However, Tree Removal Permit 2005-1025 does not include folios 30-6911-000-0111 and 0110. According to the site plan submitted with this zoning application, these properties may contain specimen-sized trees (trunk diameter 18 inches or greater), which may be impacted.

Section 24-49 of the Code of Miami-Dade County, Florida (the Code) requires the preservation of tree resources. Prior to the removal or relocation of any tree on the sites, a Miami-Dade County Tree Removal Permit is required. Section 24-49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation for denial from the Department." Therefore, DERM shall require the on-site preservation of all specimen-sized trees, as defined in the Code.

In order for DERM to remove the recommendation for denial, the applicant must meet the standards of Section 24-49.2(II) of the Code that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height and location of all trees and one of the following:

1. A revised site plan that indicates the preservation of all specimen-sized trees at their current location, or
2. Comply with all specimen tree removal standards set forth in Section 24-49.2(II) of the Code.

Accordingly, the application may not be approved by DERM and consequently, should be deferred until such time as DERM issues its written approval, as required by the Code. The applicant is advised to

contact the DERM Tree Program at (305) 372-6574 to address the specimen tree issues on the property, in accordance with Section 24-49.2 of the Code.

#### Potable Water Service and Wastewater Disposal

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

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

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

#### Stormwater Management

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 public works approval of paving and drainage plans. The applicant is advised to contact DERM 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 LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Wetlands

The subject properties do 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.

Enforcement History

DERM has found the following enforcement case for the subject properties:

Mustang Estates LLC:

DERM has file #TP-2005-1025 in which a tree violation was observed on site. The property owner entered into a consent agreement on November 17, 2005 which required the planting a total of 150 hardwood trees and payment of settlement cost. Final inspection to verify mitigation is pending.

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, this application cannot be approved by DERM; therefore, it should not be scheduled for public hearing until such time as DERM issues its 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: MUSTANG ESTATES, LLC

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 meet the traffic concurrency criteria for an Initial Development Order. It will generate 15 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways 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
9820	SW 137 Ave. s/o SW 184 St.	C	C
9788	SW 127 Ave. s/o SW 184 St.	B	B
F-54	SW 186 St. w/o HEFT	C	C
9898	SW 216 St. w/o US-1	B	B
9892	SW 200 St. w/o SW 137 Ave.	C	C

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



Raul A Pino, P.L.S.

05-JUN-08



# Miami-Dade County Public Schools

*giving our students the world*

e-14

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

June 4, 2008

**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

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

**RECEIVED**  
JUN 12 2008

ZONING DEPARTMENT  
DEPT. OF PLANNING & ZONING  
BY

e-14

**Re: Mustang Estates, LLC – 07-006**  
**Northeast corner of SW 208 Street and SW 133 Court**

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, Miami Southridge Senior High 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). Pursuant to the Interlocal, and the recently approved Review Criteria the District met with the applicant on April 21, 2008, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss 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 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.**

20

Ms. Maria Teresa Fojo  
June 4, 2008  
Page Two

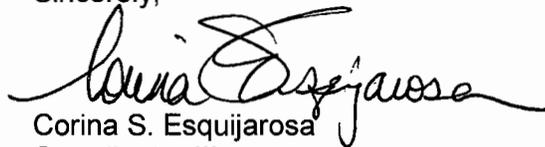
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

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

As an example, assuming the proposed units are 2,000 square-feet (single-family detached), the 11 additional units are estimated to generate approximately \$26,400 (\$2,400 per multifamily unit, 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-586  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Mr. Ivan M. Rodriguez  
Ms. Vivian Villaamil

**SCHOOL IMPACT REVIEW ANALYSIS**  
(April 25, 2008)

**APPLICATION:** No. 07-006, Mustang Estates, LLC

**REQUEST:** Modification of a Previously Approved Resolution  
(Application No. 01-401)

**ACRES:** 19.56 acres

**LOCATION:** The northeast corner of SW 208 Street and SW 133 Court

**MSA/MULTIPLIER:** 7.2/.67

**NUMBER OF UNITS:** 11 additional units (29 units currently permitted under existing zoning classification, for a total of 40 units)

**ESTIMATED STUDENT POPULATION:** 7 additional students\*

**ELEMENTARY:** 3

**MIDDLE:** 2

**SENIOR:** 2

**SCHOOLS SERVING AREA OF APPLICATION:**

**ELEMENTARY:** Redland Elementary – 24501 SW 162 Avenue

**MIDDLE:** Mays Middle – 11700 SW 216 Street

**SENIOR HIGH:** South Dade Senior -28401 SW 167 Avenue

All schools are located in Regional Center VI.

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

The following population and facility capacity data are as reported by the Office of Information Technology Services, as of October 2007:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS**
Redland Elementary	990	903	110%	0	110%	1,055
	993 *		110%		110%	
Mays Community Middle	672	940	71%	99	65%	794
	674 *		72%		65%	
South Dade Senior	2,588	1,721	150%	404	122%	2,785
	2,590 *		150%		122%	

\* 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, South Dade Senior High School meets the review threshold.

## PLANNED RELIEF SCHOOLS

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
South Dade Senior Replacement (3,641 student stations)	Construction	2008

**OPERATING COSTS:** According 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 \$45,843.

**CAPITAL COSTS:** Based on the State's April 2008 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	DOES NOT MEET THRESHOLD
MIDDLE	DOES NOT MEET THRESHOLD
SENIOR HIGH	2 x \$26,826 = \$53,652
<b>Total Potential Capital Cost</b>	<b>\$53,652</b>

\* 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:** 03-JUN-08  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000006

**Fire Prevention Unit:**

Fire Engineering & Water Supply Bureau has no objection to site plan date stamped March 13, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

**Service Impact/Demand:**

Development for the above Z2007000006  
 located at LYING ON THE NORTHEAST CORNER OF SW 208 ST & SW 134 AVE  
 in Police Grid 2267 is proposed as the following:

9 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.53 alarms-annually.  
 The estimated average travel time is: 6:24 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 52 - South Miami Heights - 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 March 13, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

MUSTANG ESTATES, LLC

LYING ON THE NORTHEAST  
CORNER OF SW 208 ST & SW 134  
AVE

---

**APPLICANT**

---

**ADDRESS**

---

Z2007000006

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current Case history;

Case 200801006301 was opened based on enforcement history request and inspected on 10-9-08.

No violations were observed and 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:** Mustang Estates, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
	<b>37.5%</b>
<b>Roberto Vinas</b>	<b>25%</b>
<b>Yalennie Vinas</b>	<b>37.5%</b>
<b>Javier Siu</b>	
<b>13255 Southwest 135 Avenue</b>	
<b>Miami, Fl 33186</b>	

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 Stock</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>Percentage of Stock</u>

**RECEIVED**  
206338  
NOV 21 2006

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_ 26

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 Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

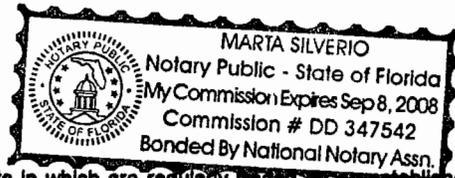
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required,

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

Signature: *James E. [Signature]* (Applicant)

Sworn to and subscribed before me this 8 day of Nov, 2006 Affiant is personally known to me or has produced as identification.

*Marta Silverio*  
(Notary Public)

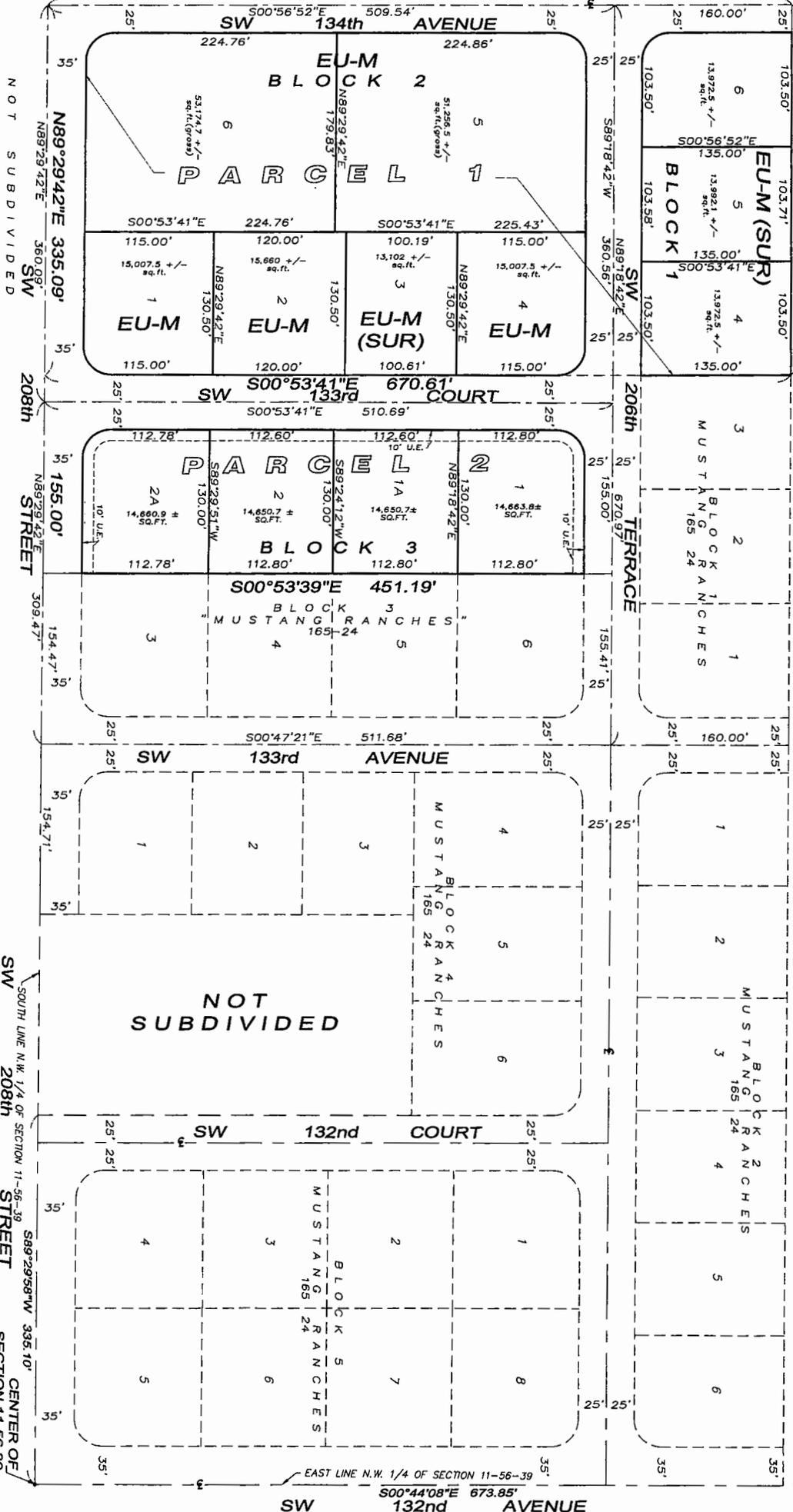


My Commission expires: Sept 8, 2006

\*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.

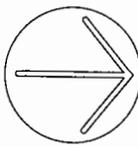
RECEIVED  
20338  
NOV 21 2006

S00°56'52"E 669.54'



BLOCK 7  
SEA PINES ESTATES  
(158-23)

BLOCK 8



**SITE PLAN**

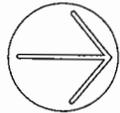
**ENLARGED SITE PLAN**

**RECEIVED**  
9/7/2006

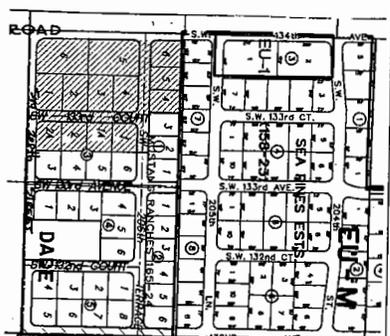
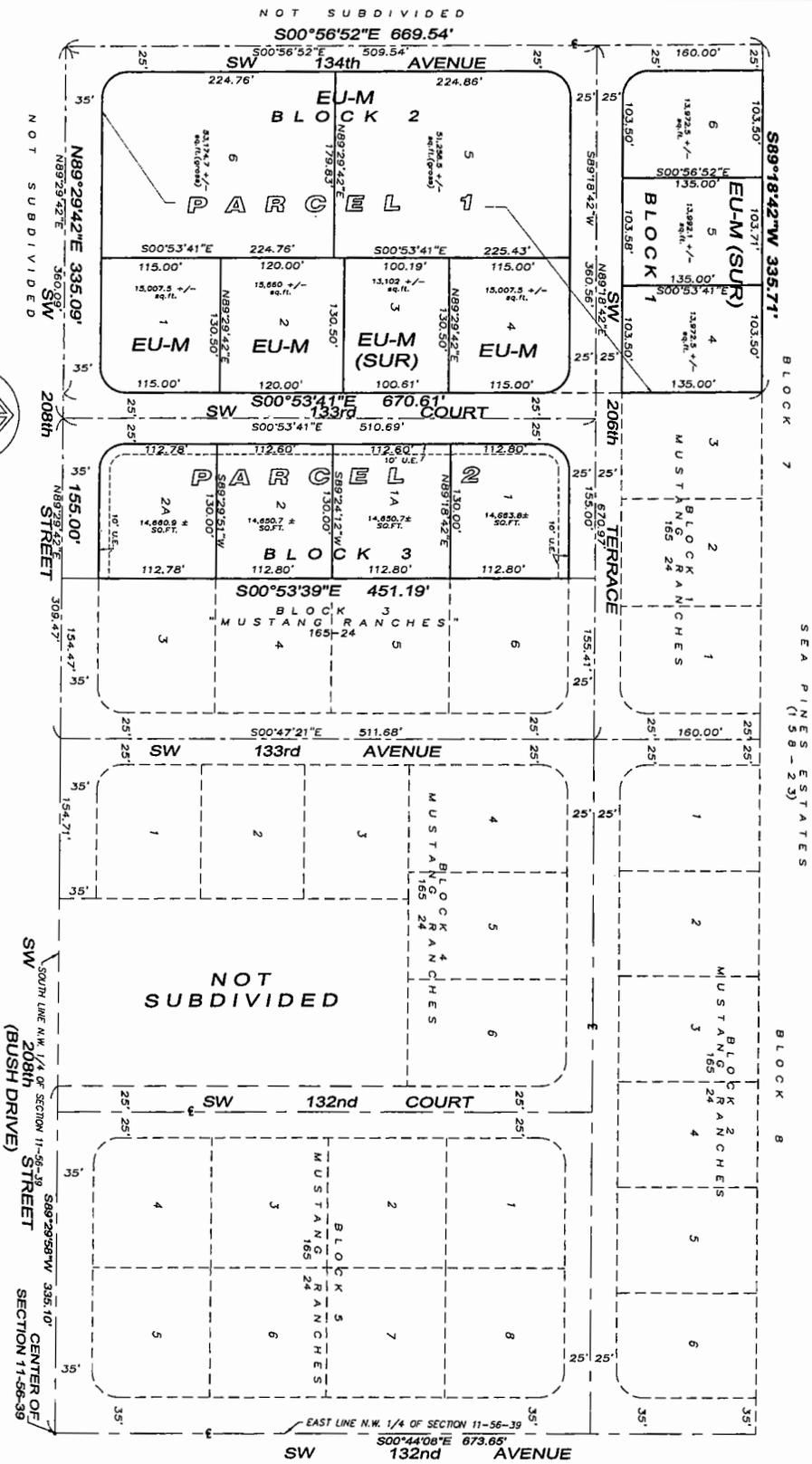
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

SOUTH LINE N.W. 1/4 OF SECTION 11-56-39  
208th STREET (BUSH DRIVE)  
SW S89°29'56"W 335.10'  
CENTER OF SECTION 11-56-39

SW S00°44'08"E 673.85'  
132nd AVENUE



# SITE PLAN



A PORTION OF THE SE 1/4, NW 1/4,  
OF SECTION 11,  
TOWNSHIP 56 SOUTH, RANGE 39 EAST

LOCATION SKETCH  
N.T.S.

**LEGAL DESCRIPTION:**

PARCEL 1: OF THE SW 1/4 OF THE SE 1/4 OF THE NW 1/4 SECTION 11, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2: LOTS 1 AND 2, BLOCK 3, OF "MUSTANG RANCHES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**SURVEYOR'S REPORT:**

LEGAL DESCRIPTION SHOW HEREIN WAS FURNISHED BY THE CLIENT. DIMENSIONS OF CORNER LOTS ARE TO THE INTERSECTION OF BLOCK LINES EXTENDED, UNLESS OTHERWISE SHOWN.

**ABBREVIATIONS:**

Q - DENOTES CENTERLINE  
SQ. FT. - DENOTES SQUARE FEET



**DEVELOPMENT INFORMATION:**

PARCEL 1: EXISTING ZONING DISTRICT: AU-AGRICULTURE  
GROSS PARCEL AREA= 5.18 ACRES +/-  
PROPOSED NUMBER OF LOTS= 9  
PROPOSED ZONING DISTRICT: 2 LOTS EU-M  
REQUIRED DENSITY = UP TO 2.5 LOTS PER ACRE  
PROPOSED DENSITY = 1.74 LOTS PER ACRE

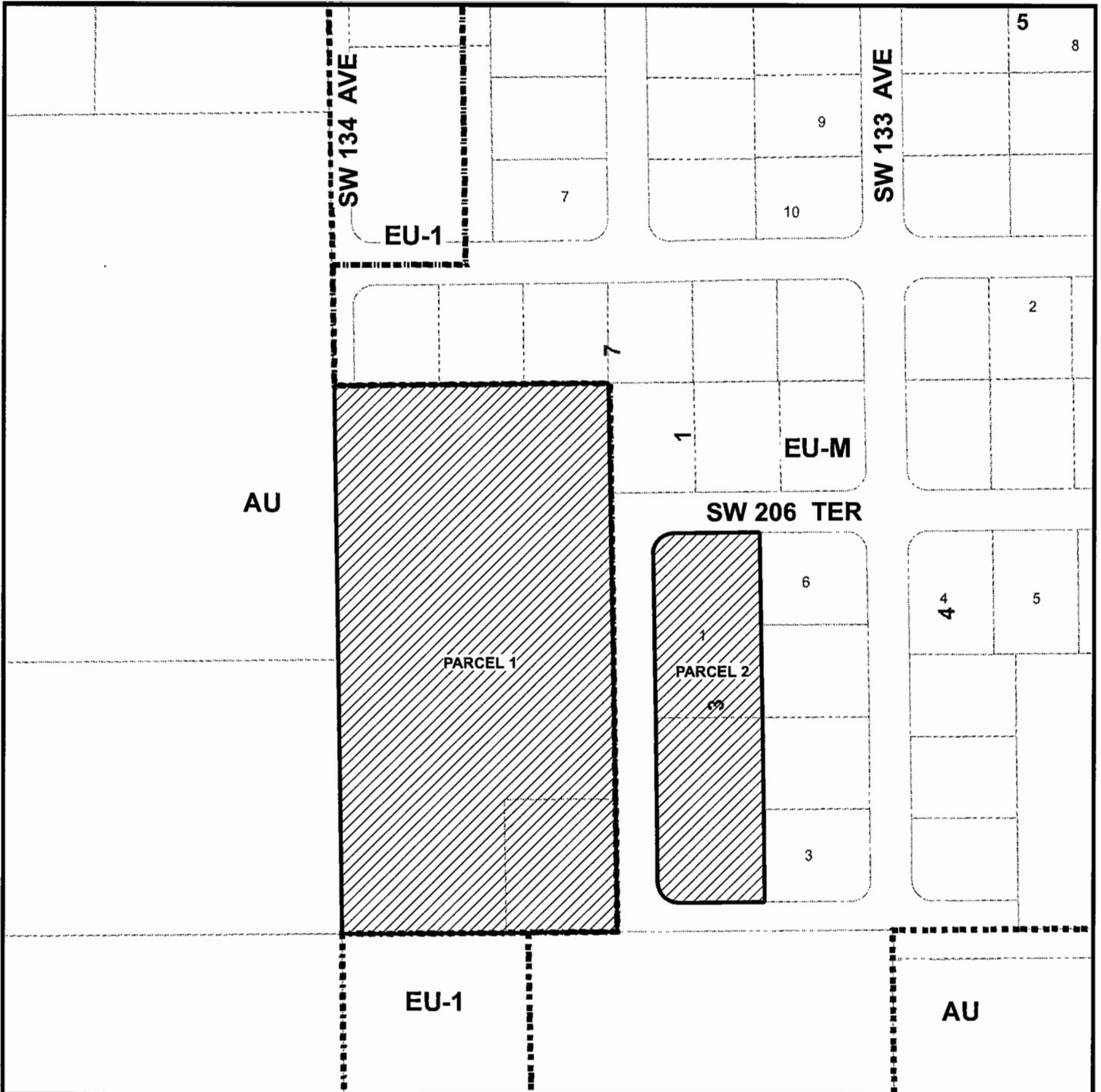
PARCEL 2: EXISTING ZONING DISTRICT: EU-M  
PROPOSED ZONING DISTRICT: EM-M(SUR)  
GROSS PARCEL AREA: = 1.81 ACRES ±  
REQUIRED DENSITY = UP TO 2.5 LOTS PER ACRE  
PROPOSED DENSITY = 2.2 LOTS PER ACRE  
PROPOSED NUMBER OF LOTS= 4

THIS IS NOT A BOUNDARY SURVEY.

**MANUEL G. VERA & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • MAPPERS  
1886 SW 47th Street, Miami, FL 33175-3106  
P.O. BOX 80278 • MIAMI, FL 33186 • TEL: (305) 271-1550  
FAX: (305) 271-1550  
MVA@MVA-INC.COM

**PROPOSED SITE PLAN**  
LB 2439

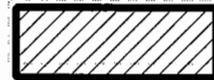
DATE	DRAWN BY	SCALE	F.B.-PG.	JOB No.
06/03/08	R.M.	1" = 50'		06-05-26



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 11 Township: 56 Range: 39  
 Applicant: MUSTANG ESTATES, LLC.  
 Zoning Board: C14  
 Commission District: 08  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

Process Number  
**07-006**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/08/08

REVISION	DATE	BY
		30



**MIAMI-DADE COUNTY  
AERIAL YEAR 2008**

Section: 11 Township: 56 Range: 39  
 Applicant: MUSTANG ESTATES, LLC.  
 Zoning Board: C14  
 Commission District: 08  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

Process Number  
**07-006**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/08/08

REVISION	DATE	BY

This instrument was prepared by:  
Name: Simon Ferro, Esq.  
Address: Greenberg Traurig, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131  
(305)579-0500

Received by  
Zoning Agenda Coordinator  
SEP 17 2008

Received by  
Zoning Agenda Coordinator  
SEP 17 2008

(Space reserved for Clerk)

### DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 07-006 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Manuel G. Vera and Associates, Inc. entitled, Site Plan

dated the 10th day of June, 2008, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

- (2) Prior to final plat approval, owner shall purchase and submit to Miami-Dade County 3 Severable Use Rights (SURs) to develop the Property in accordance with the above described Site Plan.

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

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released.



These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be

deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

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

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

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

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

[Execution Pages Follow]

(Space reserved for Clerk)

**ACKNOWLEDGMENT BY LIMITED LIABILITY CORPORATION**

Signed, witnessed, executed and acknowledged on this 10 day of July, 2008.

**WITNESSES:**

[Signature]  
Signature

JAYLER SUI  
Print Name

[Signature]  
Signature

JOSE RIVERA  
Print Name

**Mustang Estates, LLC**

By [Signature]

Print Name: ROBERT VINAS  
Director

Address: 13255 SW 135 Avenue

Miami, Fl.

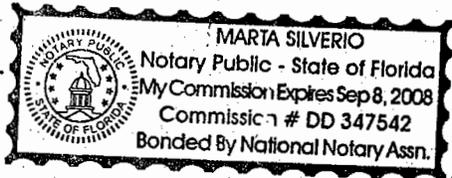
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by ROBERT VINAS, on behalf of MUSTANG ESTATES, a limited liability corporation.

He/She is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this 10 day of July, 2008 in the County and State aforesaid.



[Signature]

Notary Public-State of Florida

MARTA SILVERIO

Print Name

My Commission Expires: Sept 8, 2008

Section-Township-Range:

(Public Hearing)

(Space reserved for Clerk)

**JOINDER BY MORTGAGEE CORPORATION**

The undersigned **MERCANTIL COMMERCEBANK, N. A., f/k/a COMMERCEBANK, N. A., a National Banking Association**, and Mortgagee under that certain mortgage from **MUSTANG ESTATES, LLC, a Florida Limited Liability Company (Mortgagor)** dated the 29th day of July, 2004, and recorded the 5<sup>th</sup> day of August, 2004, in Official Records Book **22548** Page **1913**, as Document No. **2004R0670791** of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the Declaration of Restrictions in Favor of Miami-Dade County, Florida, are and shall be binding upon the undersigned and its successors in title.

July IN WITNESS WHEREOF, these presents have been executed this 15<sup>th</sup> day of July, 2008.

Name of Corporation: **MERCANTIL COMMERCEBANK, N. A., f/k/a COMMERCEBANK, N. A.,**

a National Banking Association  
220 Alhambra Circle  
Coral Gables, Florida

By [Signature]  
Print Name: Lynette Piñeiro  
Senior Vice-President

[\*Note: All others require attachment of original corporate resolution of authorization]

**Witnesses:**

[Signature]  
Signature

Odette M. Argüello  
Print Name

[Signature]  
Signature

Margaret Santos.  
Print Name

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by **Lynette Piñeiro** the **Senior Vice-President** of the corporation on behalf of **MERCANTIL COMMERCEBANK, N. A., f/k/a COMMERCEBANK, N. A., a National Banking Association**. She is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this 15<sup>th</sup> day of July, 2008, in the County and State aforesaid.

[Signature]  
Notary Public-State of Florida

My Commission Expires



**Dulce Socorro**  
Commission # **DD487001**  
Expires **October 31, 2009**  
Bonded Troy Paul - Insurance, Inc. 800-356-7919

DULCE SOCORRO

---

**EXHIBIT "A"**

Parcel 1: The West 1/2, of the Southwest 1/4, of the Southeast 1/4, of the Northwest 1/4, section 11, Township 56 South, Range 39 East, Miami Dade County, Florida.

And

Parcel 2: Lots 1 and 2, Block 3, of "Mustang Ranches", according to the Plat thereof, as recorded in Plat Book 165, at Page 24, of the public records of Miami-Dade County, Florida.

*MC*

**1. CARLOS & LINDA LLERENA**  
Applicant)

08-11-CZ14-1 (08-7)  
Area 14/District 9  
Hearing Date: 11/18/08

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:** Carlos and Linda Llerena

**PH:** Z08-007 (08-11-CZ14-1)

**SECTION:** 01-56-39

**DATE:** November 18, 2008

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

=====

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) Applicants are requesting to permit a family room and Florida room addition to the single-family residence setback a minimum of 3.95' (7.5' required) from the interior side (east) property line and setback a minimum of 17.42' (25' required) from the rear (north) property line.
- (2) Applicants are requesting to permit a covered terrace addition to a single-family residence setback a minimum of 1.46' (7.5' required) from the interior side (east) property line and a minimum of 13.77' (25' required) from the rear (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Public Hearing for Carlos Llerena," as prepared by Fernando Gomez-Pina, P. E., dated stamped received 6/25/08 and consisting of 2 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing covered terrace and existing family room and Florida room addition to a single-family residence setback closer to the interior side and rear property lines than permitted.
- o **LOCATION:** 12145 S.W. 186 Street, Miami-Dade County, Florida.
- o **SIZE:** 76.13' x 100.74'
- o **IMPACT:** The approval of the requests would allow the applicants the maintenance and continued use of the existing additions to the single-family residence. However, the reduced setbacks from the rear and interior side property lines could have a negative visual and aural impact on the adjoining single-family residences.

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 dua

**Surrounding Properties:**

**NORTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 dua

**SOUTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 dua

**EAST:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 dua

**WEST:** RU-1; Single-family residences

Low Density Residential, 2.5 to 6 dua

The subject property is a corner lot located at 12145 S.W. 186 Street in an area characterized by single-family residences developed under the RU-1 zoning district regulations.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**N/A**

Open Space:

**Acceptable**

Buffering:

**Unacceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**N/A**

Visibility/Visual Screening:

**Unacceptable**

Urban Design:

**N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:
1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
  2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
  3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
  4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
  5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
  6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
  7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
  8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
  9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees

are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
  - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
  - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
  - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
  - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
  - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

**(g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

**(h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**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.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This subject property is a corner lot located on the northeast corner of SW 122 Avenue and SW 186 Street and is improved with a single-family residence in an established area zoned RU-1, Single-Family Residential District. The applicants are requesting to permit a family room and Florida room addition to the single-family residence setback a minimum of 3.95' (7.5' required) from the interior side (east) property line and setback a minimum of 17.42' (25' required) from the rear (north) property line (request #1) and to permit a covered terrace addition to be added to the back of the above mentioned family room and Florida room addition, setback a minimum of 1.46' (7.5' required) from the interior side (east) property line and a minimum of 13.77' (25' required) from the rear (north) property line (request #2). The applicants have submitted plans depicting the aforementioned requests.

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 applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** and the **Miami-Dade Fire Rescue Department (MDFR)** also have **no objections** to this application and MDFR indicates in their memorandum that the estimated average response travel time is **4:15** minutes.

Approval of the requests would allow the applicants the maintenance and continued use of the existing covered terrace and existing family room and Florida room addition to a single-family residence. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The RU-1 zoned subject property is **consistent** with the LUP Map designation of the CDMP and since the proposed additions do not add additional residential units to the property, the proposal is consistent with the LUP Map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of request #1, to permit a family room and Florida room addition to the single-family residence setback a minimum of 3.95' (7.5' required) from the interior side (east) property line and setback a minimum of 17.42' (25' required) from the rear (north) property line, and request #2, to permit a covered terrace addition to a single-family residence setback a minimum of 1.46' (7.5' required) from the interior side (east) property line and a minimum of 13.77' (25' required) from the rear (north) property line, would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Specifically, staff opines that the variances requested herein are intensive and that the design of the floor plan for the existing addition could easily be converted by a future owner into an additional dwelling unit by enclosing the hallway leading into the family room and bathroom, resulting in a possibility for 2 dwelling units on the site, which is not permitted in the RU-1 zone. Staff's review of the submitted plan indicates that the 410 sq. ft. addition consists of a family room, a Florida room, a bathroom, and an extremely large hallway. It should be noted that the portion of the addition that encroaches into the interior side (east) setback area consists of a family room and bathroom and is accessible via a door that leads into the side yard. The western portion of the addition, which consists of a Florida room and a large hallway is accessible via a door that lead into the rear yard area. Additionally, a 150 sq. ft. porch addition extends into the rear setback area from the existing family room, a Florida room, a bathroom, and a large hallway addition. Under the NUV standard, 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 applicants 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. Staff opines that these encroachments found in requests #1 and #2 into the setback areas are intrusive and would result in an obvious departure from the aesthetic character of the surrounding area and further notes that no similar requests of this magnitude for setback relief have been granted in the area. As such, staff is of the opinion that the approval of these requests is **incompatible** with the area and would negatively affect the surrounding properties. Based on all of the aforementioned, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO standards. As such, requests #1 and #2 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests 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 RU-1 zoning regulations, requests #1 and #2 cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff opines that requests #1 and #2 do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and are **incompatible** with the surrounding neighborhood, would be detrimental to the community, would be intrusive to the adjacent properties and would affect the appearance of the community. Accordingly, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

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

J. **CONDITIONS:** None.

**DATE INSPECTED:** 07/28/08  
**DATE TYPED:** 09/19/08  
**DATE REVISED:** 09/22/08; 09/23/08; 10/01/08; 10/24/08  
**DATE FINALIZED:** 10/24/08  
MCL:MTF:LVT:NC:JV

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

# Memorandum



**Date:** January 17, 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 #Z2008000007  
Carlos and Linda Llerena  
12145 S.W. 186<sup>th</sup> Street  
Request to Permit an Addition to an Existing Single-Family Residence  
that Exceeds Setback Requirements  
(RU-1) (0.17 Acres)  
06-56-40

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.

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

#### 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.

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

**Date:** March 8, 2006

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



**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

---

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department

Raul A. Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez

# 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:** Z2008000007

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2008000007  
 located at 12145 S.W. 186 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2202 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: 4:15 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:**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

CARLOS & LINDA LLERENA

12145 S.W. 186 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000007

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current case history;

Case 200801006245 was opened based on enforcement history request and inspected on 10-7-08. A warning notice was posted for trees blocking the access/view blocking sidewalk. A re-inspection will be conducted after 10-11-08.

ZONING: S  
 NET LAND  
 LOT COVER  
 EXISTING F  
 ADDITION I  
 OPEN TER  
 LANDSCAP  
 SETBACKS:

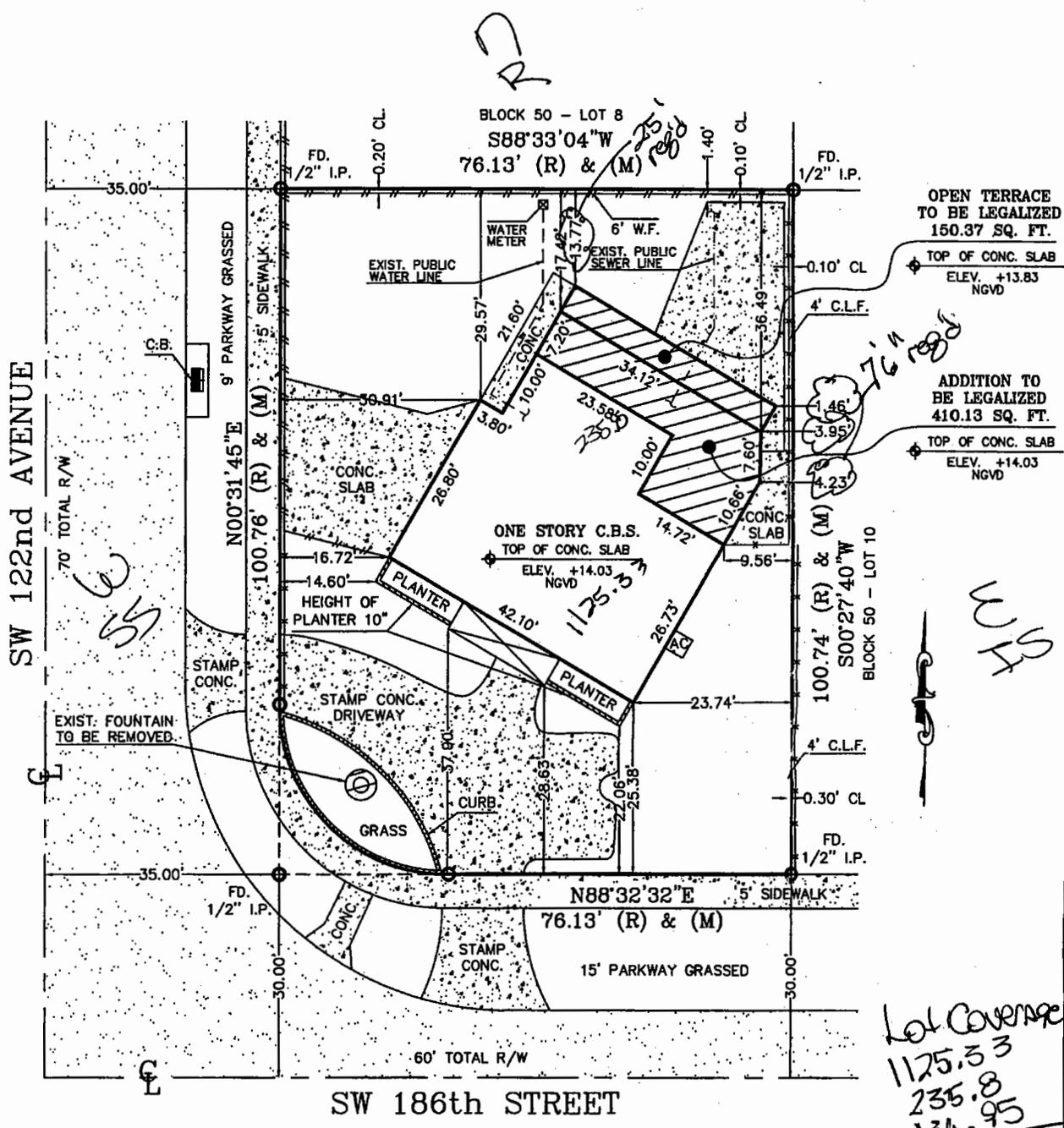
AREA ADJ  
 DISCHARG  
 LOT WILL  
 ADJACENT

ANY

NOTI

IN ADDITIO  
 RESTRICTI  
 RECORDS

APPLICANT  
 WILL COMF  
 CODE: NO  
 TO START  
 A SEPARA  
 RIGHT OF  
 THE HEIGH  
 WITHIN 10  
 THE HEIGH  
 SIDEWALK



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



ENLARGED SITE PLAN

LEGAL DESCRIPTION

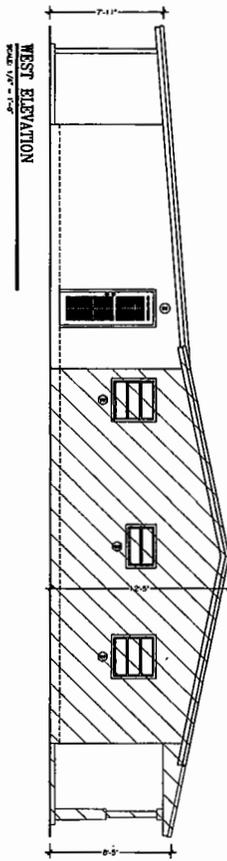
Lot Coverage  
 1125.33  
 235.8  
 434.95  
 1796.08  
 1796/7669 =  
 23.47%

FOLIO: 30-600  
 LOT/UNIT: 9  
 SUBDIVISION: MEW  
 COST OF CONSTRUCTION  
 INTERIOR RENOVATION  
 ADDITION - COST OF  
 SQ. FT. OF

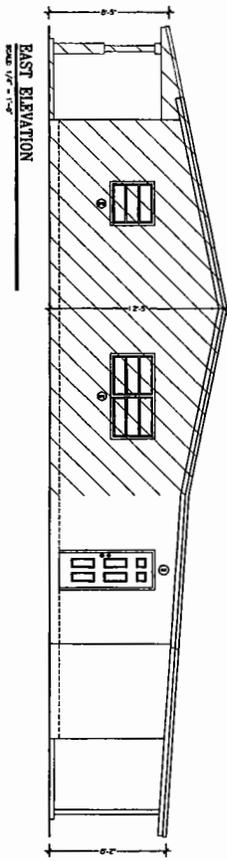
	LOW ELEV BAS. AREA
EXISTING	+
PROPOSED	+

GOING TO BE KEPT  
 THE DATE OF WHICH

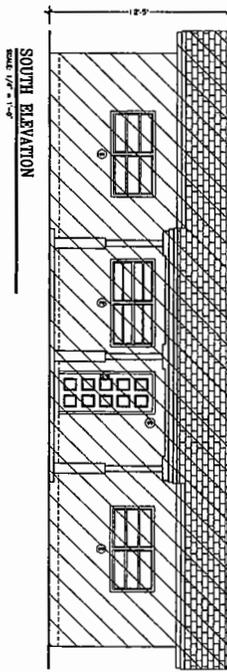




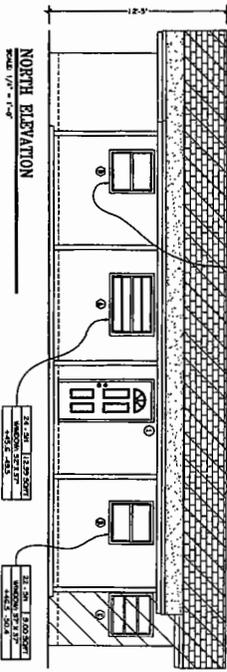
WEST ELEVATION  
SCALE 1/8" = 1'-0"



EAST ELEVATION  
SCALE 1/8" = 1'-0"



SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



NORTH ELEVATION  
SCALE 1/8" = 1'-0"

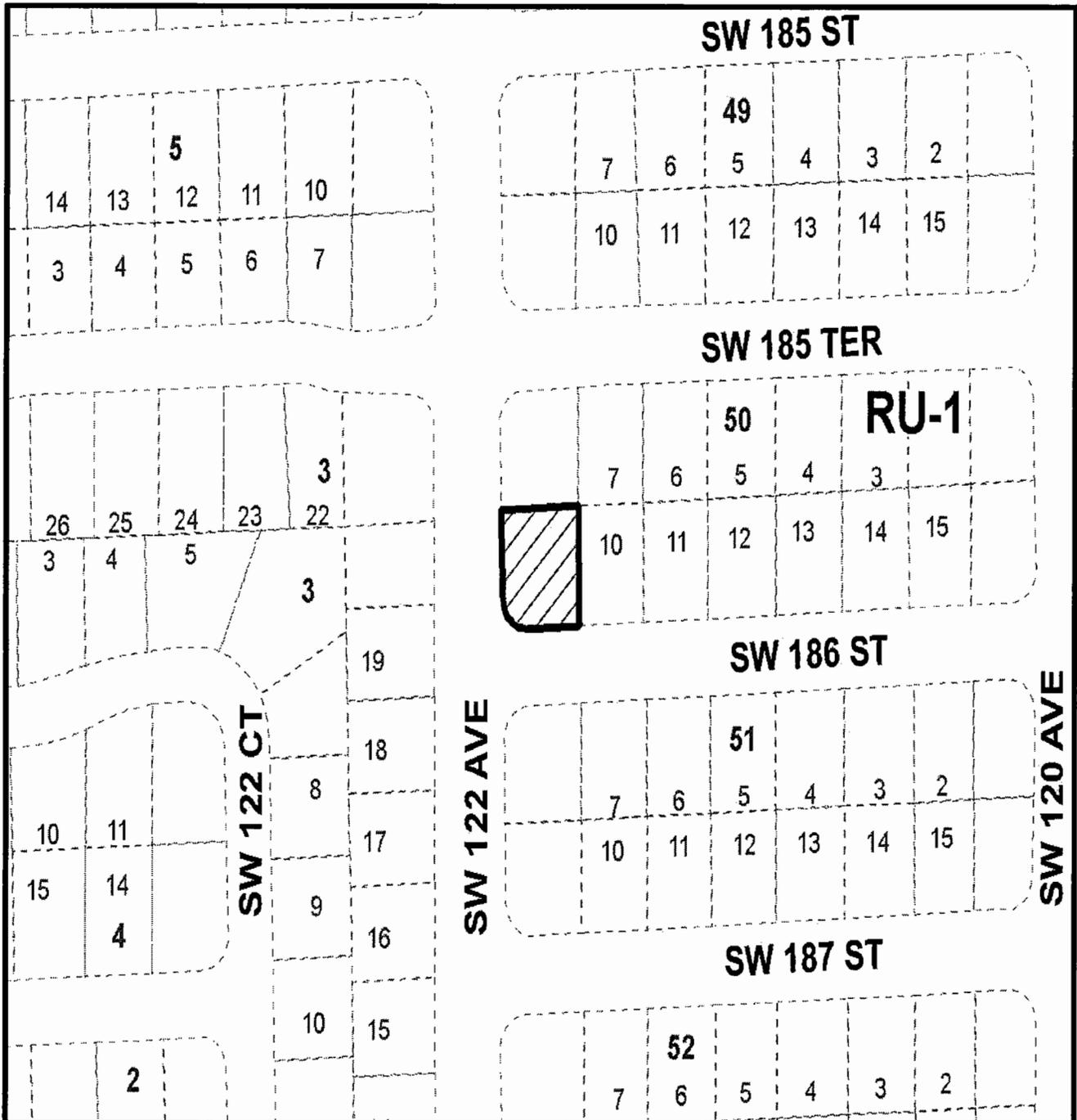
NOTED BY THE ENGINEER  
DATE: 07-23-07  
PROJECT NO. 07-01-07

REVISIONS  
NO. 1  
DATE: 07-23-07  
DESCRIPTION: WINDOW SIZES

REVISIONS  
NO. 2  
DATE: 07-23-07  
DESCRIPTION: WINDOW SIZES

RECEIVED  
MAY 13 2008  
MARTIN LUTHER KING, JR. CENTER  
CITY OF MIAMI

SHEET NO. A-2 2 OF 2	PROJECT NO. 07-01-07 DRAWN BY BJS E.V. APPROVED BY [Signature] SEAL	DESCRIPTION Project No. DATE 07-01-07 DRAWN BY BJS E.V. APPROVED BY [Signature] SEAL	REVISIONS NO. 1 DATE: 07-23-07 DESCRIPTION: WINDOW SIZES NO. 2 DATE: 07-23-07 DESCRIPTION: WINDOW SIZES	ELEVATION PLAN & ELECTRICAL PLAN <small>THESE DRAWINGS AND DESIGN ARE THE PROPERTY OF FERNANDO GOMEZ-PINA, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.</small>	PUBLIC HEARING FOR: CARLOS LLERENA 12145 S.W. 186th STREET MIAMI, FLORIDA. 33170	

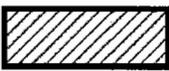


**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-007**



Section: 01 Township: 56 Range: 39  
 Applicant: CARLOS & LINDA LLERENA  
 Zoning Board: C14  
 District Number: 9  
 Drafter ID: N'NAGBE  
 Scale: NTS

  
**SUBJECT PROPERTY**





MIAMI-DADE COUNTY  
AERIAL

Process Number

08-007



SUBJECT PROPERTY

Section: 01 Township: 56 Range: 39  
 Applicant: CARLOS & LINDA LLERENA  
 Zoning Board: C14  
 District Number: 9  
 Drafter ID: N'NAGBE  
 Scale: NTS



CREATED ON: 01/23/08

SECTION	DATE	BY
SECTION & NUMBER	01/23/08	AP-1

**2. SCHOENSTATT, INC.**  
**(Applicant)**

**08-11-CZ14-2 (08-91)**  
**Area 14/District 9**  
**Hearing Date: 11/18/08**

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>
2006	Schoenstatt, Inc.	- Special exception for a religious facility. - Non-use variance of front setback	CZAB-14	Denied w/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:** Schoenstatt, Inc.

**PH:** Z08-91 (08-11-CZ14-2)

**SECTION:** 14-56-38

**DATE:** November 18, 2008

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 2

=====

**A. INTRODUCTION**

o **REQUESTS:**

- (1) GU to AU
- (2) SPECIAL EXCEPTION to permit a religious facility.
- (3) Applicant is requesting to permit a single-family residence setback 39'2" (50' required) from the front (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Schoenstatt," as prepared by David J. Cabarocas, 1 sheet dated stamped received 8/12/08 and 5 sheets dated stamped received 7/2/08 for a total of 6 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to change the zoning of the subject property from GU, Interim District, to AU, Agricultural District, in order to establish a church use and to permit an existing single-family residence with a lesser front setback.

o **LOCATION:** 22800 S.W. 187 Avenue, Miami-Dade County, Florida.

o **SIZE:** 5 acres

o **IMPACT:**

Approval of this application could bring additional traffic into the area and may impact public services. Additionally, the single-family residence encroachment into the front setback area could have a negative visual impact on the adjacent neighbors.

**B. ZONING HEARINGS HISTORY:**

In 2006, requests to establish a church use and to permit a religious facility with a lesser front setback than required were denied with prejudice by Community Zoning Appeals Board #14, pursuant to Resolution #CZAB14-19-06.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **5 ¼ miles west and 3 ¾ miles north of and outside of** the Urban Development Boundary (UDB) line for **Agricultural** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including **houses of worship**; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Education Element Policy 2.1. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

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 pertains 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.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING LAND USE PLAN DESIGNATION

**Subject Property:**

GU (AU trend); single-family residence Agriculture

**Surrounding Properties:**

**NORTH:** GU (AU trend); crop fields Agriculture

**SOUTH:** GU (AU trend); single-family residence Agriculture

**EAST:** EU-1; crop fields Agriculture

**WEST:** GU (AU trend); single-family residence Agriculture

The subject property is located at 22800 SW 187 Avenue and is developed with a single-family residence. The surrounding area is comprised of crop fields to the north and east, and single-family residences to the west and south.

**E. SITE AND BUILDINGS:**

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

**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.

**Section 33-311(A)(3) Special Exception, Unusual and New Uses.** Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.

**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.

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:
1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
  2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
  3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
  4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations,

or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

- i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
  - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:

- A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
- B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
- C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
- D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
- E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

**(g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
- 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

**(h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and

decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to the conditions indicated in their memorandum.

**H. ANALYSIS:**

The applicant, Schoenstatt, Inc., is seeking to change the zoning of the subject property from GU, Interim District, to AU, Agricultural District (request #1). Additionally, the applicant is seeking to permit a church use (request #2) and permit a single-family residence setback 39'2" (50' required) from the front (east) property line (request #3). The subject 5-acre property is developed with a single-family residence and located at 22800 SW 187 Avenue. There are crop fields to the north and east of the subject property, and single-family residences to the west and south.

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 conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application does not generate any new additional daily peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFR**) also has **no objections** to this application and indicates that the estimated average travel response time is **7:06** minutes.

The approval of this application would permit a religious facility on the subject property. This site is located in a section of land that is GU zoned, and has an agricultural trend. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject parcel for **Agricultural** use, which allows residential densities at a maximum of 1 residential unit per 5 gross acres. The principal uses in this area should be agriculture, and uses ancillary to and directly supportive of agriculture such as packinghouses, and farm residences are also permitted. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including **houses of worship**. Staff is of the opinion that the applicant's proposal for a **religious facility** is a **compatible use** for the subject property's surrounding agricultural community. The applicant has indicated in a submitted Letter of Intent that the closest Catholic Church is located approximately 7 miles from the subject site at 14881 SW 288 Street. Additionally, the applicant has also submitted a list of 27 residents who live in the immediate vicinity that have expressed a desire to attend this church which, staff concurs, would justify the approval of the proposed 676 sq. ft. church as being necessary to support this rural residential community. As such, staff supports this application and opines that based on the list of interested parishioners, this facility is ancillary to and necessary to support the rural residential community. Therefore, the approval of this proposed religious facility is **consistent** with the goals and objectives of the CDMP. Regarding the zone change request from GU to AU, Agricultural District, staff notes that the current GU zoned property has an AU trend which permits agricultural uses on the property. Although a rezoning to AU is not necessary to permit a religious facility on the subject property, approval of same would be **consistent** with the Agriculture LUP Map designation of the CDMP. As such, there is no need for the rezoning of the subject property to AU.

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. Additionally, 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 take into consideration whether the development conforms to the CDMP. The applicant is seeking to change the zoning of the subject property from GU, Interim District, to AU, Agricultural District (request #1). As previously mentioned, although a rezoning to AU is not necessary to permit a religious facility on the subject property, approval of same would be **consistent** with the LUP designation of the CDMP. Additionally, the proposed zoning would not burden other public services as indicated by the Public Works Department's memorandum. Furthermore, the proposed rezoning to AU will not have an unfavorable impact on the environment and will not burden water, sewer and solid waste disposal as indicated in DERM's memorandum. However, staff notes that the current GU zoned property has an agricultural trend and can be utilized in accordance with the

AU zoning regulations. Furthermore, AU zoning does not allow a church use on the property as a matter of right. Therefore, a rezoning to AU is not necessary. As such, staff recommends denial without prejudice of request #1.

When analyzing request #2, a Special Exception to permit a religious facility, under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses And New Uses, staff is of the opinion that, as proposed, the religious facility would not result in excessive noise or traffic, cause undue or excessive burden on transportation, streets, roads or highways, or provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. It is worth noting that, in 2006, requests to permit a religious facility and to permit said religious facility to setback 39'2" (50' required) from the front (east) property line were denied with prejudice by Community Zoning Appeals Board #14, pursuant to Resolution #CZAB14-19-06. The previously denied plans for a religious facility on this site proposed a 23,453 sq. ft. religious facility that was indicative of a large gathering of people. The applicant's prior Letter of Intent for the previous zoning hearing proposal indicated that workshops would have been held on site at any time of the day and that membership of the congregation would have reached 200 members. Staff opines that request #3 is not essentially the same as the 2006 setback request because the 2006 site plan illustrated a 23,453 sq. ft. religious facility compared to the 688 sq. ft. religious facility being proposed in this application. Therefore, in staff's opinion, the present request is substantially different and, therefore, the Doctrine of Administrative Res Judicata does not apply and does warrant the reconsideration of same. Staff recognizes that the proposed church use will not be detrimental to the community and is compatible with same. Additionally, as previously mentioned, according to the applicant's Letter of Intent, the closest Catholic Church is located approximately 7 miles from the subject site at 14881 SW 288 Street. Additionally, as previously mentioned, the applicant has submitted a list of 27 residents who live in the immediate vicinity and have expressed a desire to attend this church which, staff concurs, would justify the approval of the proposed 676 sq. ft. church as being necessary to support this rural residential community. Therefore, the proposed church use is **compatible** with the rural community in the area. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(3).

When analyzing request #3, to permit a single-family residence setback 39'2" (50' required) from the front (east) property line, under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the request is **compatible** with the area, 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. Staff opines that the requested setback encroachment into the front setback area is not intensive, does not create any visual disturbance and is buffered from adjacent properties by the existing lush landscaping consisting of a 6' high hedge and trees. As previously mentioned, the CDMP indicates that 1 residential unit is allowed per 5-acre parcel of land. Staff notes that this request pertains to an existing single-family residence on the subject property. Staff acknowledges that, in 2006, requests to permit a religious facility and to permit the religious facility to setback 39'2" (50' required) from the front (east) property line were denied with prejudice by the Community Zoning Appeals Board #14, pursuant to

Resolution #CZAB14-19-06. Staff opines that request #3 is not essentially the same as the 2006 setback request because the 2006 site plan illustrated a 23,453 sq. ft. religious facility compared to the 688 sq. ft. religious facility being proposed in this application. Furthermore, the current request specifies the use of the encroaching structure to be used as a single-family residence where the prior use had been specified as a religious facility to setback 39'2" (50' required) from the front (east) property line. Therefore, in staff's opinion, the present request is substantially different and does warrant the reconsideration of same. As such, staff opines that the Doctrine of Administrative Res Judicata would not apply in this instance. Additionally, when considering the applicant's request for the approval of the existing single-family residence to be setback 39'2" from the front property line, in staff's opinion, this setback request is not detrimental to the appearance of the neighborhood, nor would it have a negative visual impact on the community. As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (Non-Use Variance Standards).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for the analysis of request #3 under the ASDO standards. As such, request #3 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When request #3 is analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standard, which requires that the applicant prove unnecessary hardship, staff is of the opinion that the request does not comply with the standard of said section since the property can be utilized in accordance with zoning regulations. As such, the request cannot be approved under Section 33-311(A)(4)(c) (ANUV) and should be denied without prejudice under same.

Accordingly, staff recommends denial without prejudice of the zone change from GU to AU (request #1), approval with conditions of request #2 to permit a church use on the subject property, approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

**I. RECOMMENDATION:**

Denial without prejudice of request #1, approval with conditions of request #2, approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

**J. CONDITIONS: For requests #2 and #3 only.**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not

limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Schoenstatt," as prepared by David J. Cabarrocas, 1 sheet dated stamped received 8/12/08 and 5 sheets dated stamped received 7/2/08 for a total of 6 pages.

**DATE INSPECTED:** 09/02/08  
**DATE TYPED:** 09/26/08  
**DATE REVISED:** 10/03/08; 10/15/08; 10/24/08; 10/29/08; 10/31/08; 11/06/08  
**DATE FINALIZED:** 11/06/08  
MCL; MTF; LVT; CH; JV



---

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

Memorandum 

**Date:** August 5, 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 #Z2008000091-Revised  
Schoenstatt, Inc.  
22800 S.W. 187<sup>th</sup> Avenue  
District Boundary Change from GU to AU and  
Special Exception to Permit a Family Chapel  
(GU) (5 Acres)  
14-56-38

---

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.

Water Supply

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.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system.

Wastewater Disposal

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Notwithstanding the foregoing, the applicant is advised that certain land uses such as medical offices utilizing x-ray equipment and others that generate liquid waste other than domestic sewage, cannot be permitted by DERM since it would violate the aforesaid Code Section and would also violate the covenant. Approval of land uses that are not compatible with the usage of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste would require a variance from the Environmental Quality Control Board (EQCB) from the aforesaid Code Section.

#### 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

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal 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 the DERM Tree Program at (305) 372-6574 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 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.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: SCHOENSTATT, INC.

This Department has no objections to this application.

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.

14-AUG-08



# Memorandum

**Date:** 26-AUG-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000091

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated July 28, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped August 12, 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 Z2008000091  
 located at 22800 S.W. 187 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2337 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>1,344</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: 0.39 alarms-annually.  
 The estimated average travel time is: 7:06 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 60 - Redland - 17605 SW 248 Street  
 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 August 12, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

SCHOENSTATT, INC.

22800 S.W. 187 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000091

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current Case history;

Case 200801006299 was opened based on enforcement history request and inspected on 10-7-08.

No violations were observed and 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: SHOENSTATT, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Luis Asanza, M.D., 4811 Hollywood Boulevard "C", Hollywood, Florida 33021</u>	<u>N/A</u>
<u>Maritza Maggio, 3800 Hillcrest Drive #122, Hollywood, Florida 33021</u>	<u>N/A</u>
<u>Katushka Asanza, 737 N. Crescent Drive, Hollywood, Florida 33021</u>	<u>N/A</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>
_____	_____
_____	_____
_____	_____
_____	_____

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>Percentage of Ownership</u>
_____	_____
_____	_____

**RECEIVED**  
208-091  
JUL 02 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPARTMENT  
BY JA

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

NAME OF PURCHASER: \_\_\_\_\_

NAME AND ADDRESS (if applicable) \_\_\_\_\_ Percentage of Interest \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of contract: \_\_\_\_\_

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

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this 10 day of June, 2008 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)



MILTON S. HERDOIZA  
MY COMMISSION # DD 735588  
EXPIRES: December 19, 2011  
Bonded Thru Budget Notary Services

My commission expires \_\_\_\_\_

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

RECEIVED  
208091  
JUL 02 2008

ZONING HEARINGS SECTION  
MIDDLE-DEVELOPMENT AND ZONING DEPT

BY \_\_\_\_\_

**OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION**

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Luis Asanza, M.D., hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the President of the Shoenstatt, Inc., with the following address: 22800 S.W. 187<sup>th</sup> Avenue, Miami, Florida 33180.
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:  
  
See attached Exhibit "A"
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:		
Signature:		Affiant's signature
<u>Martha PSELAYA</u>		<u>Luis Asanza, M.D.</u>
Print Name		Print Name
Signature		
Print Name		

Sworn to and subscribed before me on the 10 day of June, 2008. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Milton S. Herdoiza, R.  
Notary Public-State of Florida

My Commission Expires: \_\_\_\_\_



MILTON S. HERDOIZA  
MY COMMISSION # DD 785588  
EXPIRES: December 19, 2011  
Bonded Thru Budget Notary Services

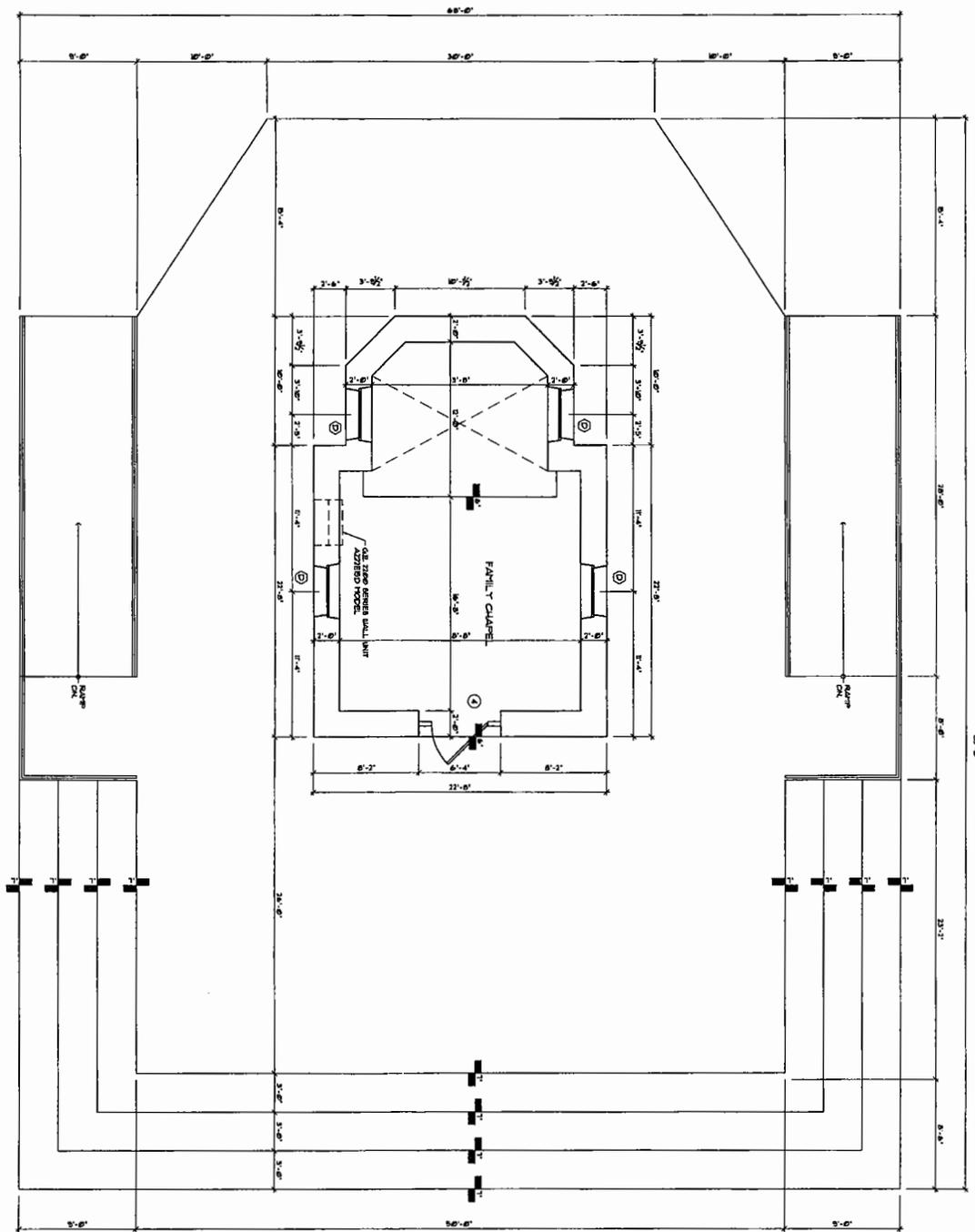
**RECEIVED**  
2008-09-11  
JUL 02 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT

BY JA





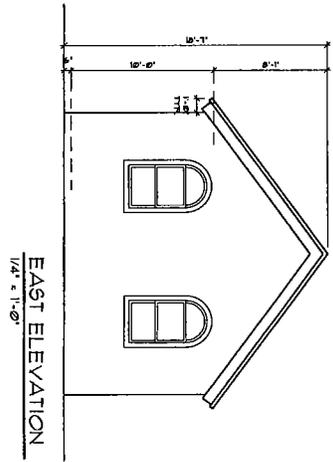



 CHAPEL FLOOR PLAN  
 676 SQ.FT.  
 1/4" = 1'-0"

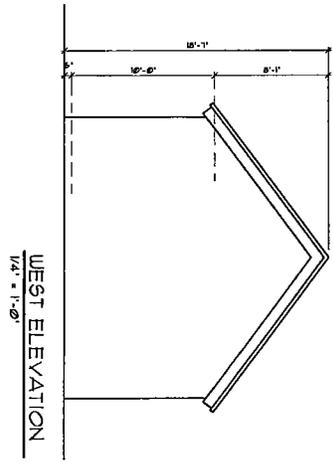
**RECEIVED**  
 ARCHITECTURAL  
 DEPARTMENT  
 10/15/08  
 1A

SHEET A-2 OF 7	SCHOENSTATT 22600 S.W. 187 AVENUE, MIAMI, FL DAVID J. CABARROCAS / ARCHITECT - AR - 0004356	REVISIONS NO.      DATE _____ _____		DRAWN: ID CHECKED: S	CONAL: DATE: 06/13/2008 (305) 661-9597
		4086 EL PRADO BOULEVARD COCONUT GROVE, FLORIDA 33133			

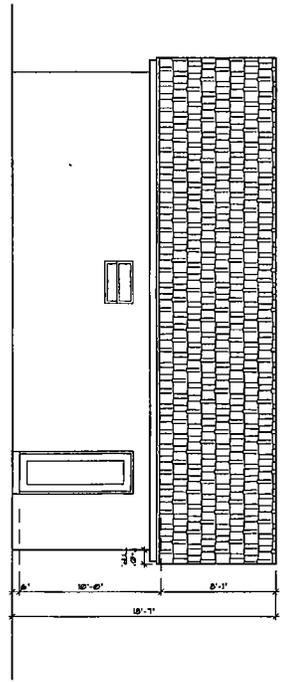
25



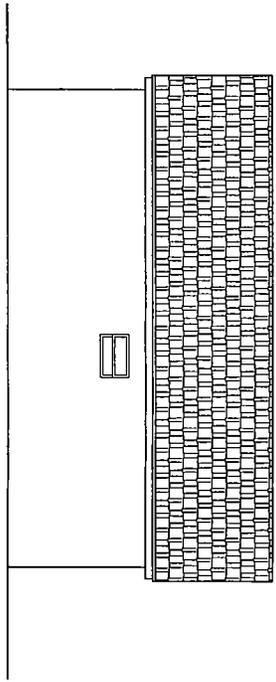
EAST ELEVATION  
1/4" = 1'-0"



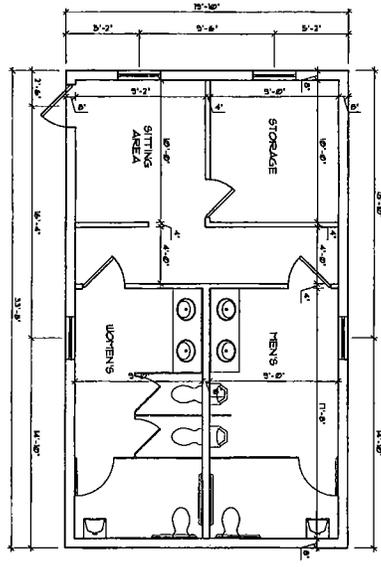
WEST ELEVATION  
1/4" = 1'-0"



SOUTH ELEVATION  
1/4" = 1'-0"



NORTH ELEVATION  
1/4" = 1'-0"

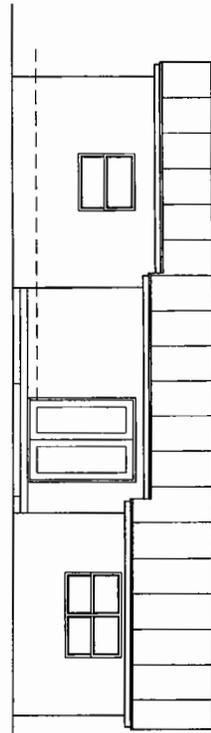


RESTROOM FLOOR PLAN  
1/4" = 1'-0"

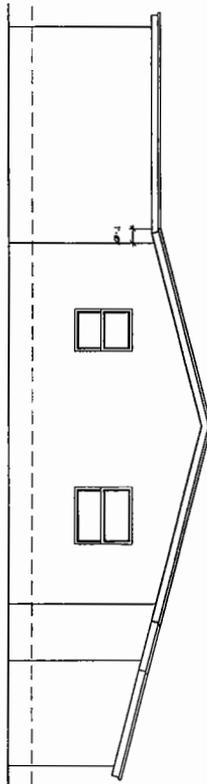
RECEIVED  
DAVID J. CABARROCAS ARCHITECT  
10/11/2009  
F12

*David J. Cabarrocas*

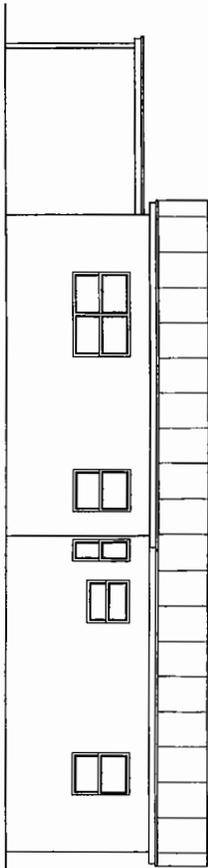
SHEET: A-4 OF: 7	SCHOENSTATT 22800 S.W. 187 AVENUE, MIAMI, FL		REVISIONS		DRAWN: DD	CONAL:
	DAVID J. CABARROCAS / ARCHITECT - AR - 0004356		CHECKED:	DATE: 10/17/2009	(305) 661-9597	
		4086 EL PRADO BOULEVARD COCONUT GROVE, FLORIDA 33133				



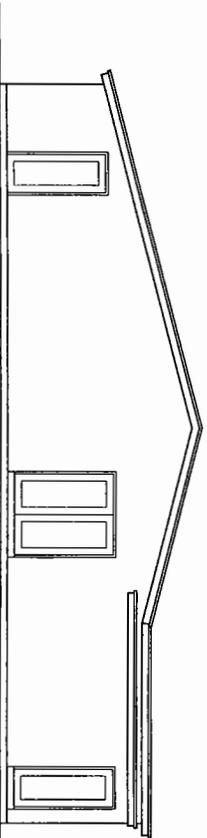
EXISTING RESIDENCE EAST ELEVATION  
1/4" = 1'-0"



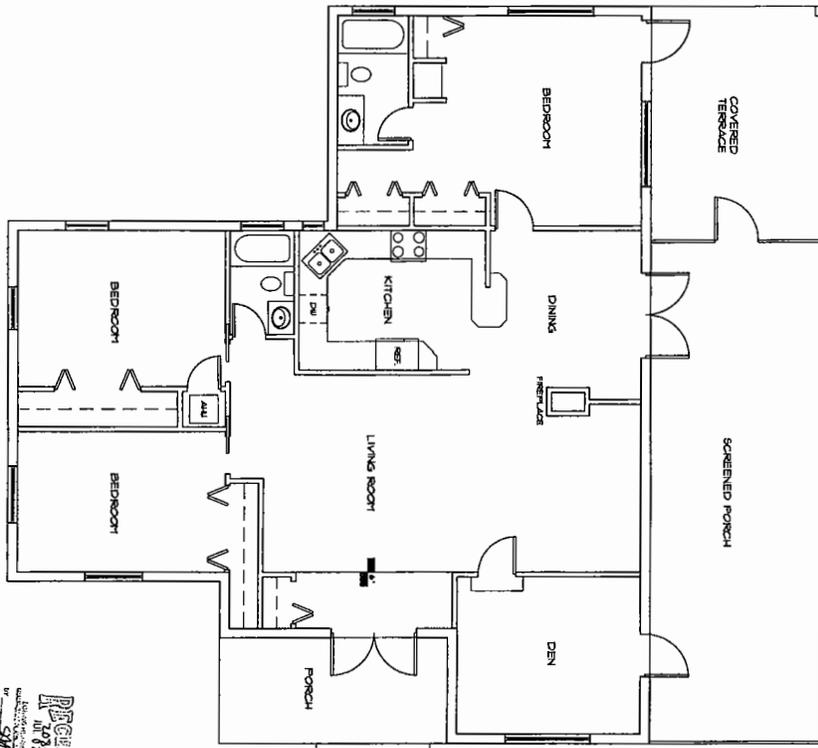
EXISTING RESIDENCE SOUTH ELEVATION  
1/4" = 1'-0"



EXISTING RESIDENCE WEST ELEVATION  
1/4" = 1'-0"



EXISTING RESIDENCE NORTH ELEVATION  
1/4" = 1'-0"



EXISTING RESIDENCE FLOOR PLAN  
1/4" = 1'-0"  
F3

**RECEIVED**  
10/23/11  
DAVID J. CABARROCAS ARCHITECT  
BY: [Signature]

[Signature]

**SCHOENSTATT**  
22800 S.W. 187 AVENUE, MIAMI, FL

DAVID J. CABARROCAS / ARCHITECT - AR - 0004356

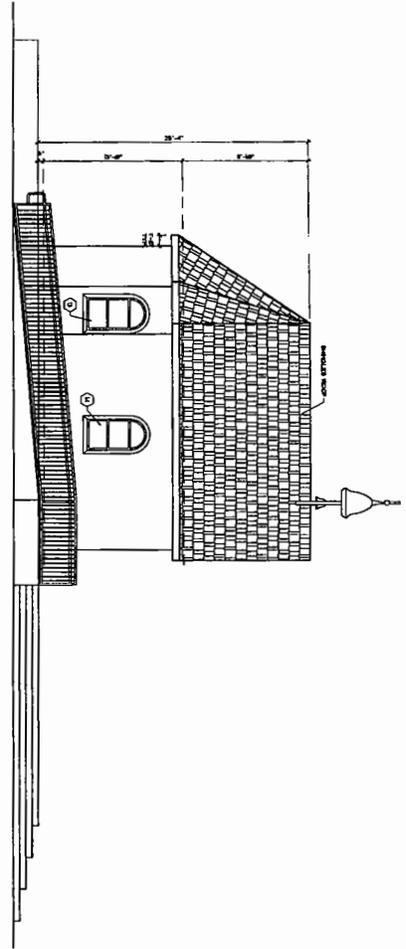
REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.

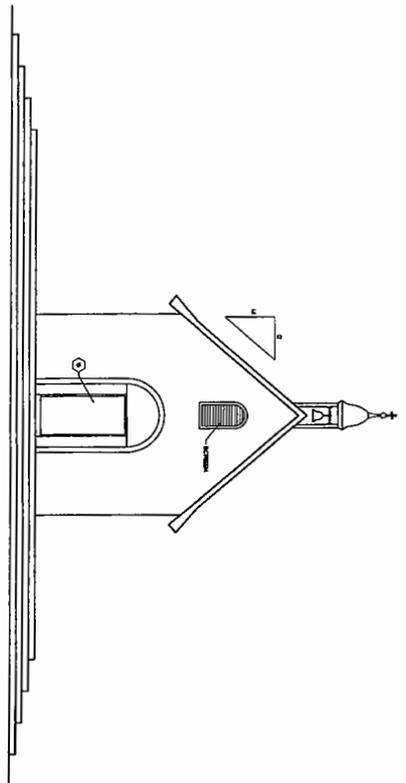
DRAWN: DO  
CHECKED: DATE: 10/17/2008  
COMM: (305) 661-9597

4888 EL PRADO BOULEVARD  
COCONUT GROVE, FLORIDA 33133

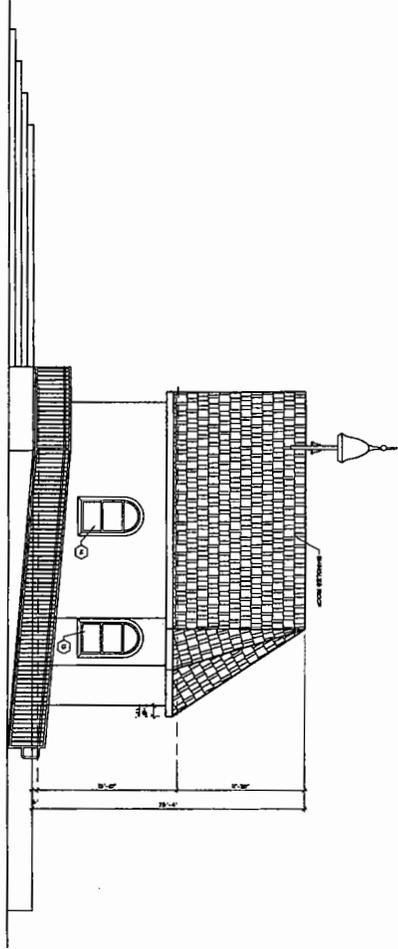
SHEET A-5  
OF 7



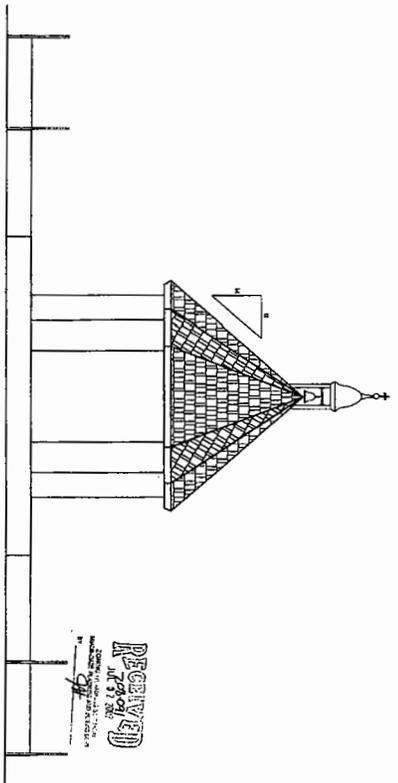
SOUTH ELEVATION  
1/4" = 1'-0"



EAST ELEVATION  
1/4" = 1'-0"



WEST ELEVATION  
1/4" = 1'-0"



NORTH ELEVATION  
1/4" = 1'-0"

*Signature*

**RECEIVED**  
10/17/2008  
DAVID J. CABARROCAS ARCHITECT

DATE: A-3  
NO: 1

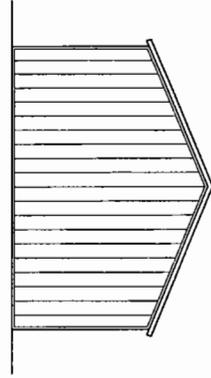
**SCHOENSTATT**  
22800 S.W. 187 AVENUE, MIAMI, FL

**DAVID J. CABARROCAS / ARCHITECT - AR - 0004356**

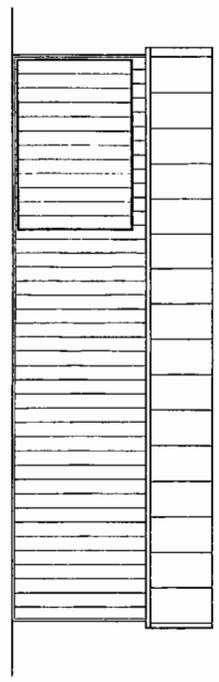
REVISIONS	

DRAWN: DO	CORAL
CHECKED:	DATE: 10/17/2008
4086 EL PRADO BOULEVARD COCONUT GROVE, FLORIDA 33133	
(305) 661-9597	

28



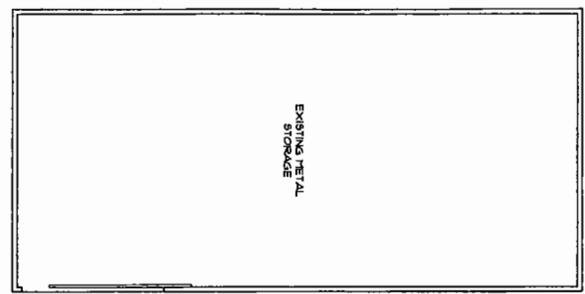
NORTH AND SOUTH ELEVATION  
1/4" = 1'-0"



EAST ELEVATION  
1/4" = 1'-0"



WEST ELEVATION  
1/4" = 1'-0"



METAL STORAGE FLOOR PLAN  
1/4" = 1'-0"

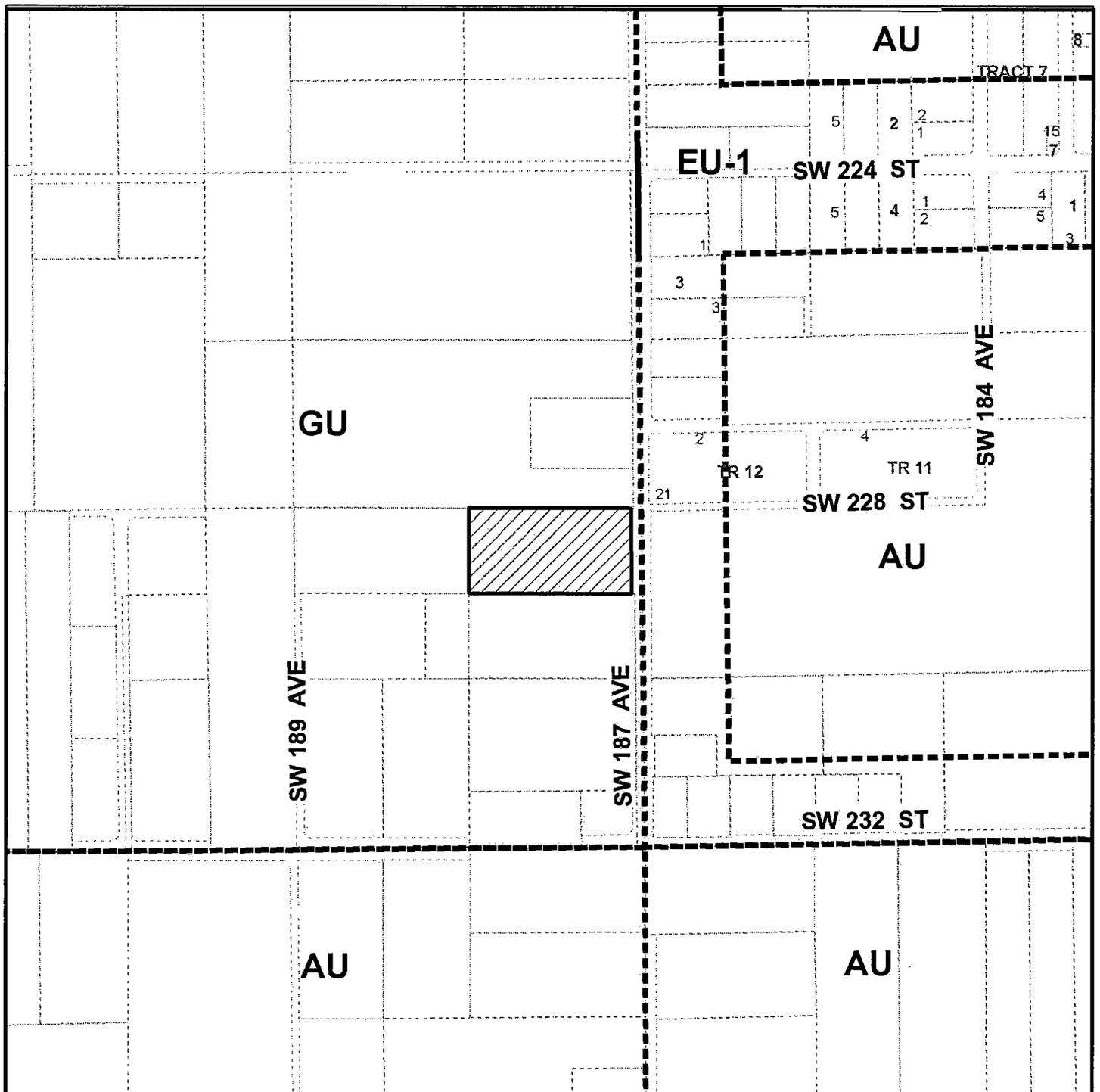
E2

RECEIVED  
10/17/2008  
DAVID J. CABARROCAS / ARCHITECT

*Signature*

SHEET OF A-6 7	SCHOENSTATT 22800 S.W. 187 AVENUE, MIAMI, FL DAVID J. CABARROCAS / ARCHITECT - AR - 0004356	REVISIONS		DRAWN DD	COORD. DD
		CHECKED	DATE 10/17/2008		
		4096 EL PRADO BOULEVARD COCONUT GROVE, FLORIDA 33133		(305) 661-9597	

29



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 14 Township: 56 Range: 38  
 Applicant: SCHOENTATT, INC.  
 Zoning Board: C14  
 District Number: 09  
 Drafter ID: JEFFER  
 Scale: NTS

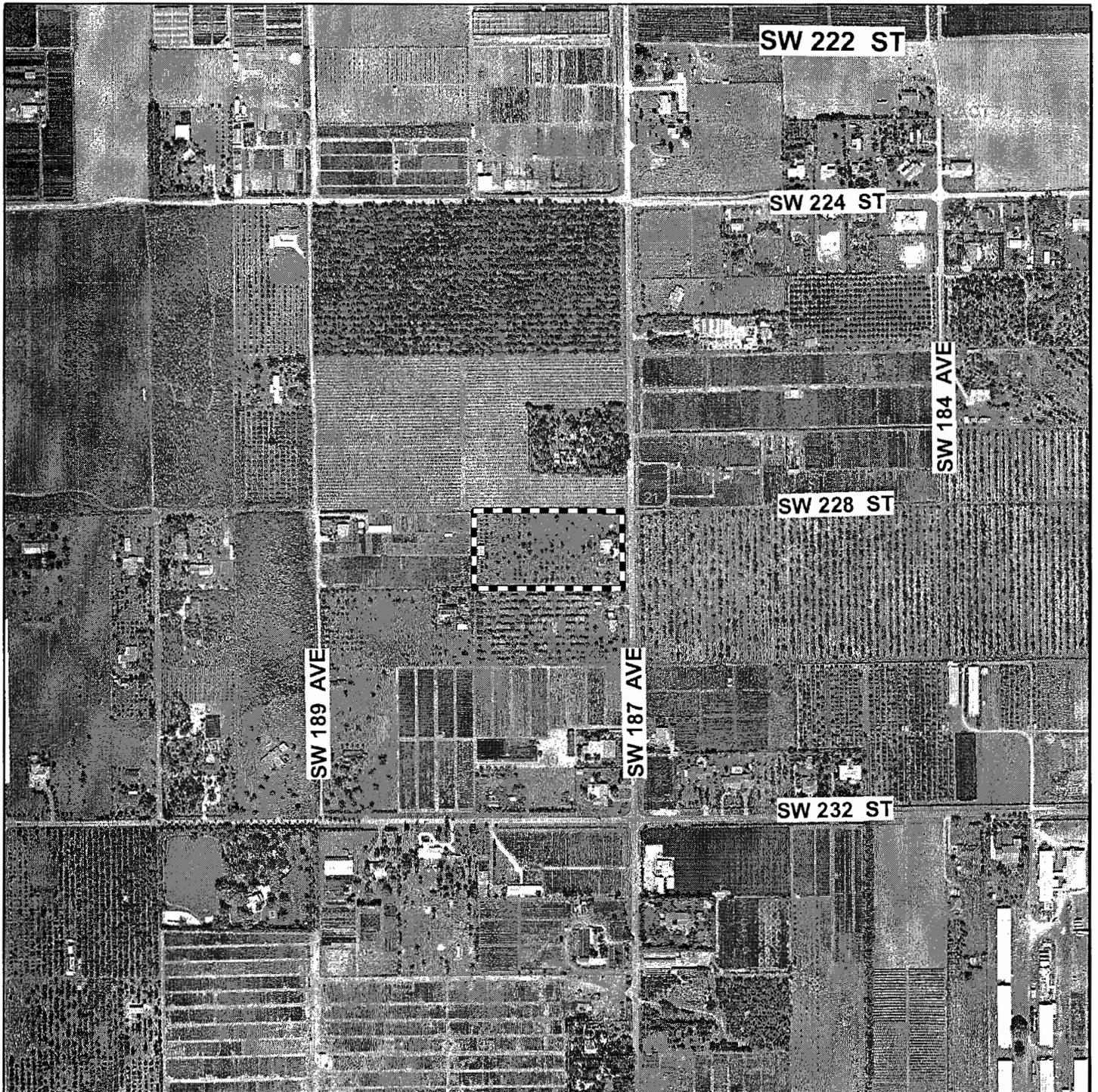
Process Number  
**08-091**



**SUBJECT PROPERTY**



REVISION	DATE	BY
		30



**MIAMI-DADE COUNTY**

AERIAL YEAR 2008

Section: 14 Township: 56 Range: 38

Applicant: SCHOENTATT, INC.

Zoning Board: C14

District Number: 09

Drafter ID: JEFFER

Scale: NTS

Process Number

**08-091**



**SUBJECT PROPERTY**



REVISION	DATE	BY