

KITS

11-21-2008 Version # 2



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Wednesday, December 17, 2008 at 6:00 p.m.

PREVIOUSLY DEFERRED

- | | | | |
|-----------------|------------------------|-------|----------|
| A. 08-10-CZ14-3 | ANTONIO BARBOSA | 08-54 | 22-55-38 |
| B. 08-11-CZ14-1 | CARLOS & LINDA LLERENA | 08-7 | 01-56-39 |

CURRENT

- | | | | | |
|-----------------|--------------------------------|--------|----------|---|
| 1. 08-12-CZ14-1 | EMILO & MARIA LOPEZ | 06-316 | 01-56-38 | N |
| 2. 08-12-CZ14-2 | MARITZA AGUILAR | 07-402 | 06-56-40 | N |
| 3. 08-12-CZ14-3 | WARREN HENRY AUTOMOBILES, INC. | 08-20 | 28-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, DECEMBER 17, 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

LOCATION: 12145 S.W. 186 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 76.13' x 100.74'

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 11/18/08

1. EMILIO AND MARIA LOPEZ (08-12-CZ14-1/06-316)

**1-56-38
Area 14/District 9**

Applicants are requesting to permit a servant's quarters setback 12.6' (20' required) from the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option) 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 "Servant's Quarters Legalization Emilio Lopez Residence," as prepared by Kenneth D. Levy, Architect, dated stamped received 8/12/08, consisting of 1 page and a floor plan as prepared by Roman M. Garcia, Architect, dated stamped received 11/6/06 and consisting of 1 page. Plans may be modified at public hearing.

LOCATION: 18655 S.W. 200 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.3 Gross Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

FROM: "8. That a minimum landscape strip of 7' be provided along the east property line adjacent to South Dixie Highway."

TO: "8. That a minimum landscape strip 4'4" wide along a portion of the east property line adjacent to South Dixie Highway."

The purpose of request #1 is to allow the applicant to submit a new site plan for a previously approved automobile dealership to include a new service center and car wash and parking and driveway reconfiguration and to reduce the landscape buffer width along a portion of the right-of-way.

- (2) Applicant is requesting to permit an auto service building setback 13.33' (20' required) from the rear (west) property line.
- (3) Applicant is requesting to permit an 11'1" wide one-way drive (14' required).
- (4) Applicant is requesting to permit 4'4" wide greenbelt along the front (east) property line adjacent to South Dixie Highway (15' required/7' 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)(16) (Alternative Site Development Option for the BU Zoning District) and requests #2-#4 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: 16750 South Dixie Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.05 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 new service center and carwash addition, parking and driveway configurations, and denial without prejudice of same under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing); approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #4 under same; denial without prejudice of request #2 through #4 under Section 33-311(A)(4)(c) (ANUV); denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

THE END

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. ANTONIO BARBOSA
(Applicant)

08-10-CZ14-3 (08-54)
Area 14/District 9
Hearing Date: 12/17/08

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1988	Oswaldo Garcia	Permit trailer as watchmen quarters.	ZAB	Denied without prejudice

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

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

#3

APPLICANT'S NAME: **ANTONIO BARBOSA**

REPRESENTATIVE: Vicente Barbosa

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-10-CZ14-3 (08-54)	October 16, 2008	CZAB14	08

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

- WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 12/17/08 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: To allow the applicant time to obtain an attorney.

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: JONI ARMSTRONG-COFFEY

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

APPLICANT: Antonio Barbosa

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

SECTION: 22-55-38

DATE: December 17, 2008

COMMISSION DISTRICT: 9

ITEM NO.: A

A. INTRODUCTION:

o **REQUESTS:**

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

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

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

o **SUMMARY OF REQUESTS:**

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

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

o **SIZE:** 2.50 gross acres

o **IMPACT:** The approval of the reduced lot frontage and area would allow the applicant to establish a non-conforming GU, Interim District, parcel of land. The approval of this reduced area and lot frontage might set a precedent that would affect this critical environmental area.

B. ZONING HEARINGS HISTORY:

In August 1988, the subject property was a part of a 5-acre tract of land that was denied with prejudice, an unusual use request to permit a trailer as a watchman's quarters by the Zoning Appeals Board, pursuant to Resolution No. 4-ZAB-325-88,.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

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

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

The CDMP states that seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; Nursery

Open Land (Subarea 4)

Surrounding Properties:

NORTH: GU; Single-family residence

Open Land (Subarea 4)

SOUTH: GU; Single-family residence

Open Land (Subarea 4)

EAST: GU; Vacant

Open Land (Subarea 4)

WEST: GU; Vacant

Open Land (Subarea 4)

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

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may

grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Sec. 33B-11. Adoption of declarations.

The aforesaid declarations are hereby adopted as the legislative and intent of the Board of County Commissioners of Metropolitan Miami-Dade County, Florida, and are made a part hereof.

The Board of County Commissioners of Metropolitan Miami-Dade County, Florida, hereby declares and finds that the creation of the area of critical environmental concern is essential to assure the protection and maintenance of the public health, safety and welfare of the present and future inhabitants of, and visitors to, Metropolitan Miami-Dade County. It is the purpose of this designation to protect the public health, safety and welfare by assuring orderly development of the designated area and minimal degradation of those natural ecosystems described in Section 33B-13; by requiring that the functional integrity of natural ecosystems as described in Section 33B-13 is protected; by assuring the maintenance of the present surface and subsurface hydrology within those lands described in Section 33B-13; by providing for the protection of the ecological form and function of the Everglades National Park, its estuarine areas and adjacent wetlands, and to maintain the capability of the natural environment to sustain a proposed use in the long term. This approach will ensure the integrated use of the physical, natural and social sciences and arts in the planning decision process to minimize adverse impacts upon, and to maximize the benefits and resources of, the area.

Sec. 33B-22. Purpose.

In order to protect and preserve the public and private resources of the East Everglades and to achieve the goals and objectives of the East Everglades Resources Planning Project, it is necessary and appropriate to create a system of comprehensive land management and development regulations for the East Everglades Area of Critical Environmental Concern. This division is adopted in order to protect the East Everglades resources and to limit growth and development in the area to that development which is compatible with the long term integrity of the public and private economic and environmental values of the East Everglades. This division is in furtherance of the goals and objectives of Ordinance No. 81-1 [Division 1 of Article II of this chapter].

Sec. 33B-25. Authorized uses.

(A) Management Area 1:

(1) *Permitted uses:*

(a) Agricultural use, and

(b) Agricultural support housing at a density of no greater than one (1) unit per forty (40) acres, or

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the October 16, 2008 meeting to the December 17, 2008 meeting at the applicant's request. The subject property is zoned GU, Interim District, and is located approximately 165' north of S.W. 144 Street, between S.W. 202 Avenue and S.W. 203 Avenue, which is approximately **4 miles west of and outside of the Urban Development Boundary (UDB)** and approximately 1.5 miles west of Containment Levee 31-N, which demarcates the easternmost boundary of this Management Subarea 1 of the East Everglades Zoning Overlay area. For edification, the East Everglades Zoning Overlay Ordinance was enacted January 19, 1981 pursuant to Ordinance No. 81-1. Although zoned GU, Interim District, with no agricultural trend, the area is characteristically agricultural in nature and staff notes that agricultural uses are permitted by the East Everglades Zoning District. The applicant has indicated in the submitted Letter of Intent that they wish to utilize the parcel for a plant nursery. Further, staff notes that the 2-acre tract to the south was originally a part of the subject property that was denied an unusual use request in 1988,

pursuant to Resolution #4-ZAB-325-88, and there are no records indicating that the property was legally subdivided since that hearing. As such, the applicant is requesting to permit a parcel of land with a frontage of 165' (200' required) and an area of 2.27 acres (5 acres required). The subject property lies in a section of land (22-55-38) that is zoned GU. The GU zoning district requires lots to contain a minimum of 5 gross acres and a minimum lot frontage (width) of 200'. The subject property lies within the boundaries of the East Everglades Zoning Overlay Ordinance and Section 33B-25(A) allows agricultural uses on those properties located within Management Area 1. The applicant has submitted a boundary survey and floor plans indicating the location and size of two existing structures.

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

The Comprehensive Development Master Plan (CDMP) designates this area as **Open Land (Subarea 4)** on the Land Use Plan (LUP) map. Uses which may be considered for approval in this area are **seasonal agriculture**, and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten year flood event in keeping with the adopted East Everglades zoning overlay regulation as found in Section 33B, Zoning Code of Miami-Dade County, and compatible and necessary utility facilities. The interpretative text of the Land Use Element of the CDMP further stipulates that uses that could compromise groundwater quality shall not occur in this area. If approved, this application would allow the applicant a plant nursery use on this sub-standard sized, GU zoned parcel of land, which lies in the Management Area 1 of the East Everglades. Section 33B-25(A)(1)(a) allows agricultural uses in Management Area 1. However, staff is of the opinion that the requested establishment of the property for year-round agricultural use, such as a plant nursery, does not meet the goals and objectives of the East Everglades Management Plan and opines that it may affect the ecological integrity of this critical area of environmental concern. Additionally, the development of a plant nursery on a parcel of land containing 2.50 gross acres in a region that is designated Open Land Subarea 4 would be **inconsistent** with the basic intent and purpose of the CDMP which indicates that one of the uses to be considered for approval in this area be "seasonal agricultural".

Further, though the applicant is not requesting any residential uses on the site, staff notes that the applicant has submitted floor plans which depict two non-permitted structures which have been constructed without the benefit of building permits, including a 44'7" x 28' storage and office structure consisting of two rooms, a porch, an office, a covered area, and a pump area. The other structure is a 16'8" x 28' utility shed with a porch. Staff is concerned that the structures could be easily converted to residences which are not permitted in this area on a 2.50-acre parcel of land, and would be **inconsistent** with the CDMP. The one important goal of the East Everglades zoning overlay density restriction is to prevent the problems that may arise from the accumulation of effluence generated by residential uses within an area that receives no flood protection. Such problems may include the need for a considerable infusion of public resources during flooding

events, and the damage to private property, which will occur when individuals make physical improvements in areas with high flood risks and no floodwater removal capacity.

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

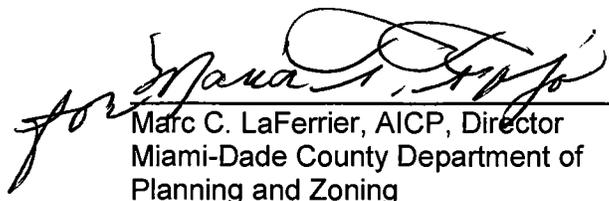
When the applicant's request is analyzed under Section 33-311(A)(4)(b) (NUV), staff is of the opinion that the approval of this application does not maintain the basic intent and purpose of the land use regulations. The request to permit a parcel of land with a lot frontage of 165' (200' required) and a lot area of 2.50 gross acres (5 gross acres required), would allow the applicant a plant nursery use which is not a seasonal agricultural operation. As such, staff opines that the requested use does not maintain the basic intent and purpose of the land use regulations in this section of the County of critical environmental concern. Staff therefore, opines that the requested use is not compatible with the surrounding area and inconsistent with the CDMP. The subject property is neighbored to the north by a 5-acre single family residence, to the east is an 8-acre vacant parcel, to the west is a 5-acre parcel and to the south is a similarly sized 2-acre vacant parcel. As previously mentioned, the 2-acre tract to the south was originally a part of the subject property that was denied an unusual use request in 1988, pursuant to Resolution #4-ZAB-325-88 and there are no records of the property being legally subdivided. The applicant has constructed two structures without the benefit of building permits including a 44'7" x 28' storage and office structure consisting of two rooms of storage, a porch, an office, a covered area and a pump area. The other structure is a 16'8" x 28' utility shed with a porch. Staff is concerned that the structures could be easily converted to residences which are not permitted in this area on a parcel of this size and are **inconsistent** with the CDMP as residential occupancy on a parcel of land of the size of the subject property is in direct conflict with the requirements of this area of the East Everglades Zoning Overlay. Based on the aforementioned, staff is of the opinion that the request to permit a parcel of land for a plant nursery with less lot area and lot frontage than required is **inconsistent** with the CDMP and **incompatible** with the area and should not be approved under Section 33-311(A)(4)(b) (NUV). Therefore, staff recommends denial without prejudice of this application.

Based on all of the foregoing, staff recommends denial without prejudice under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

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

J. **CONDITIONS:** None

DATE INSPECTED: 04/08/08
DATE TYPED: 08/21/08
DATE REVISED: 08/21/08, 08/25/08, 09/08/08, 09/9/08, 09/10/08, 10/16/08, 10/28/08, 11/14/08
11/19/08, 12/08/08, 12/10/08
DATE FINALIZED: 12/10/08
MCL:MTF:LVT:CH:CI


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

NDW

Memorandum



Date: April 9, 2008

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

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

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

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

Wetlands

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

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

Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

This memorandum shall constitute DERM's written approval, as required by the Code.

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:ANTONIO BARBOSA

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

20-JUN-08

Memorandum



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

Fire Prevention Unit:

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

Service Impact/Demand:

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

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 13:32 minutes

Existing services:

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

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ANTONIO BARBOSA

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

APPLICANT

ADDRESS

Z2008000054

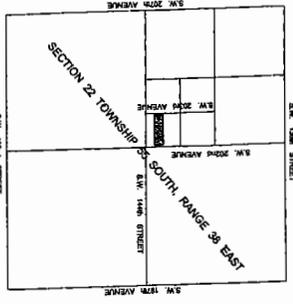
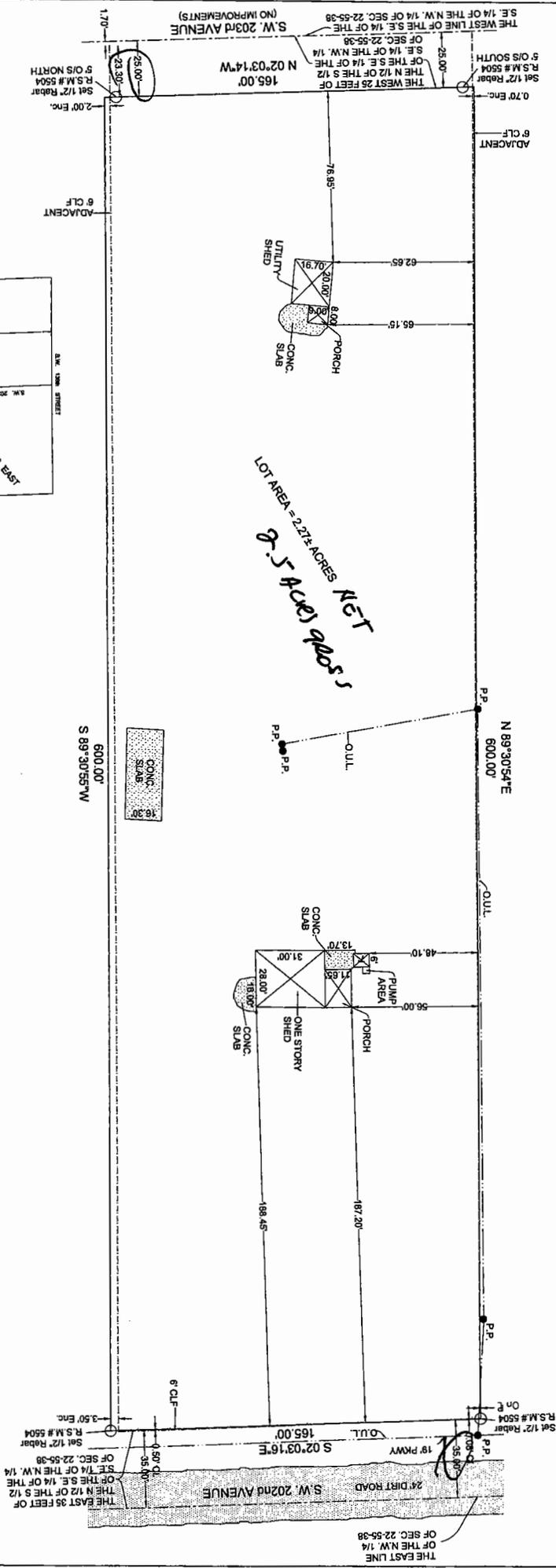
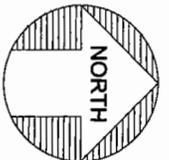
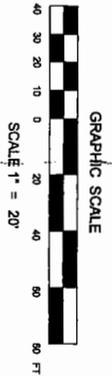
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations. No History

Beck, Allen

BOUNDARY SURVEY



LOCATION SKETCH

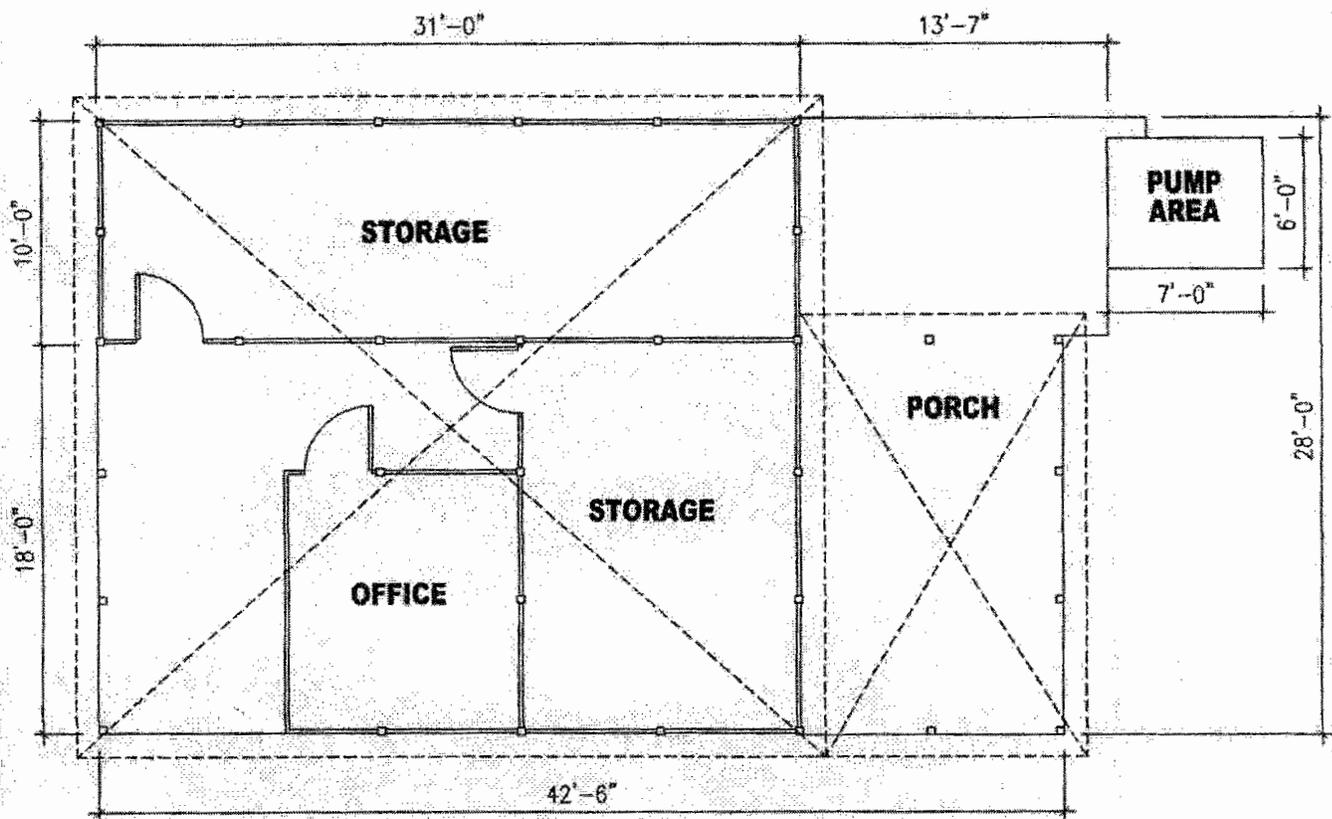
RECEIVED
MAR 11 2008
COUNTY CLERK'S OFFICE
DADE COUNTY, FLORIDA

LEGAL DESCRIPTION
 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 25 South, Range 38 East, LESS the East 35 feet and the West 25 feet thereof, all lying and being in (LAWLOR COUNTY, FLORIDA).
 PREPARED FOR: Ardena Bellanca & Robert Bellanca, 14265 S.W. 282 Avenue, Miami, FL 33186

REMARKS
 1. All dimensions and/or specifications shown herein are of approved status. Figures made by other means. Legitimacy of same not guaranteed.
 2. Survey was made by the undersigned on or about the date hereon.
 3. The survey was made by the undersigned on or about the date hereon.
 4. The survey was made by the undersigned on or about the date hereon.
 5. The survey was made by the undersigned on or about the date hereon.
 6. The survey was made by the undersigned on or about the date hereon.
 7. The survey was made by the undersigned on or about the date hereon.
 8. The survey was made by the undersigned on or about the date hereon.
 9. The survey was made by the undersigned on or about the date hereon.
 10. The survey was made by the undersigned on or about the date hereon.

MOJAREMA & ASSOCIATES, INC.
 14265 S.W. 282 Avenue, Miami, FL 33186
 (305) 551-1111
 www.mojarema.com

LEGEND	CONCRETE	FOUNDATION	UTILITIES	ADJACENT
<ul style="list-style-type: none"> 1. Concrete Slab 2. Concrete Foundation 3. Concrete Footing 4. Concrete Wall 5. Concrete Column 6. Concrete Beam 7. Concrete Deck 8. Concrete Stair 9. Concrete Ramp 10. Concrete Slab on Grade 11. Concrete Slab on Edge 12. Concrete Slab on Top 13. Concrete Slab on Bottom 14. Concrete Slab on Side 15. Concrete Slab on End 16. Concrete Slab on Corner 17. Concrete Slab on Edge 18. Concrete Slab on Top 19. Concrete Slab on Bottom 20. Concrete Slab on Side 21. Concrete Slab on End 22. Concrete Slab on Corner 	<ul style="list-style-type: none"> 1. Foundation 2. Foundation 3. Foundation 4. Foundation 5. Foundation 6. Foundation 7. Foundation 8. Foundation 9. Foundation 10. Foundation 11. Foundation 12. Foundation 13. Foundation 14. Foundation 15. Foundation 16. Foundation 17. Foundation 18. Foundation 19. Foundation 20. Foundation 21. Foundation 22. Foundation 	<ul style="list-style-type: none"> 1. Utility 2. Utility 3. Utility 4. Utility 5. Utility 6. Utility 7. Utility 8. Utility 9. Utility 10. Utility 11. Utility 12. Utility 13. Utility 14. Utility 15. Utility 16. Utility 17. Utility 18. Utility 19. Utility 20. Utility 21. Utility 22. Utility 	<ul style="list-style-type: none"> 1. Adjacent 2. Adjacent 3. Adjacent 4. Adjacent 5. Adjacent 6. Adjacent 7. Adjacent 8. Adjacent 9. Adjacent 10. Adjacent 11. Adjacent 12. Adjacent 13. Adjacent 14. Adjacent 15. Adjacent 16. Adjacent 17. Adjacent 18. Adjacent 19. Adjacent 20. Adjacent 21. Adjacent 22. Adjacent 	

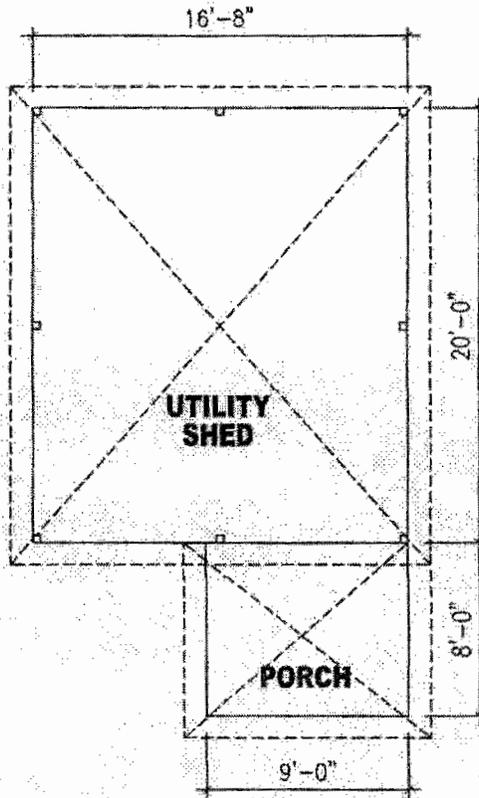


① FLOOR PLAN N

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 208-054
 JUL 18 2008

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

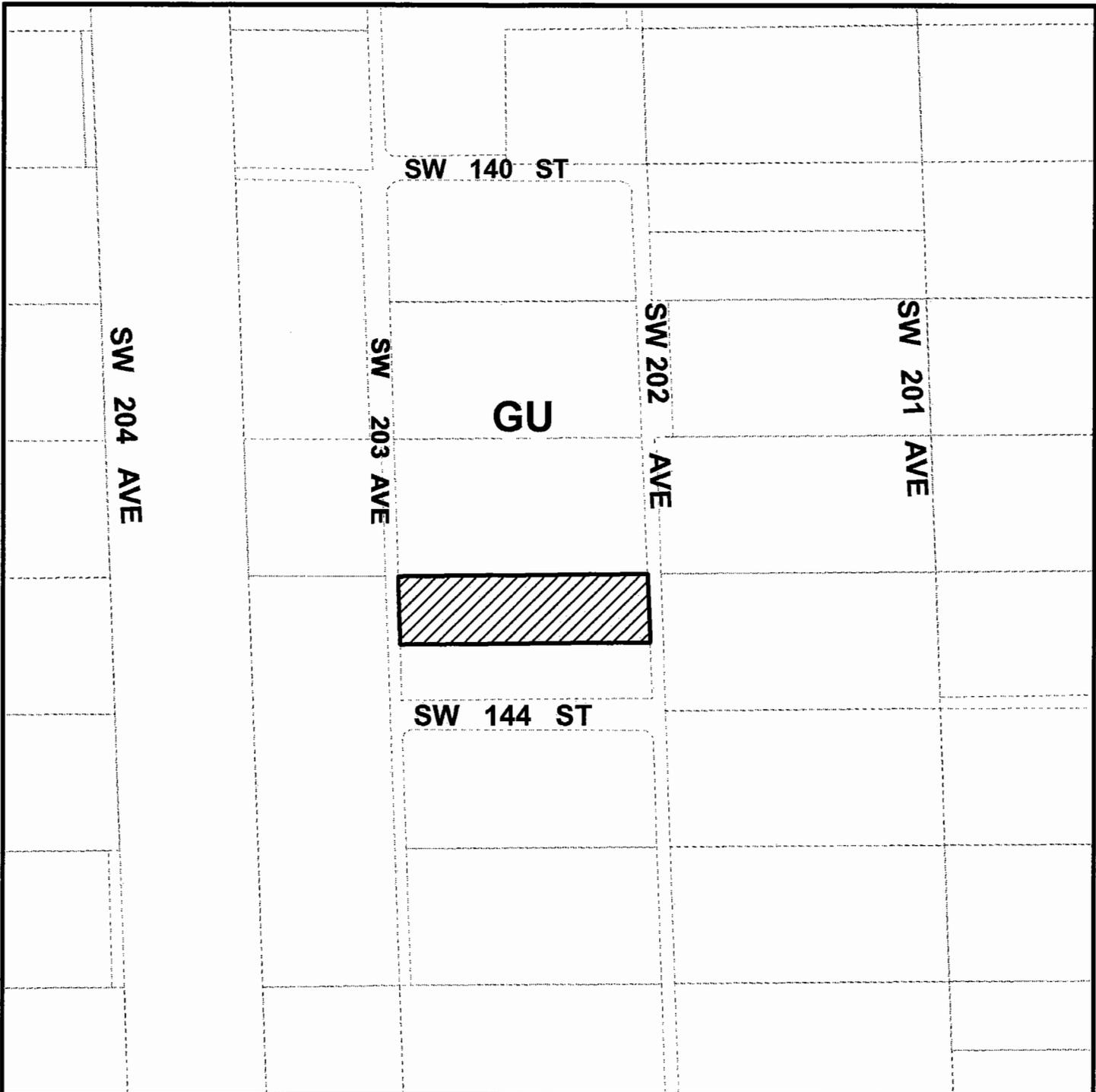
Antonio Barbosa 14350 sw 202nd Avenue		Revision	Date 07-01-2008
Sheet Name STORAGE FLOOR PLAN	Prepared by Ariel Clavijo	Scale 1/8"=1'-0"	Sheet No. 01



① FLOOR PLAN N

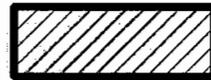
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 208-054
 JUL 18 2008
 ZONING HEARING/ISS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY

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



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-054



SUBJECT PROPERTY

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



CREATED ON: 03/28/08

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL

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

Process Number
08-054



SUBJECT PROPERTY



CREATED ON: 03/28/08

REVISION	DATE	BY

B. CARLOS & LINDA LLERENA
Applicant)

08-11-CZ14-1 (08-7)
Area 14/District 9
Hearing Date: 12/17/08

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
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

#1

APPLICANT'S NAME: CARLOS & LINDA LLERENA

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-11-CZ14-1 (08-7)	November 18, 2008	CZAB14	08

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: 12/17/08 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: To allow applicant to meet with the neighbors.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MR.		Nehemiah Davis	X		
MR.	S	Patrice Michel	X		
MR.		Michael Rodriguez	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
VOTE:			5	0	

exhibits: yes no

county attorney: David Hope

**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: December 17, 2008

COMMISSION DISTRICT: 9

ITEM NO.: B

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:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
<u>Surrounding Properties:</u>	
<u>NORTH:</u> RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
<u>SOUTH:</u> RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
<u>EAST:</u> RU-1; Single-family residence	Low Density Residential, 2.5 to 6 dua
<u>WEST:</u> 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

6

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the November 18, 2008 meeting at the applicant's request to meet with the neighbors. 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

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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; 12/08/08
DATE FINALIZED: 12/08/08
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". The signature is written in a cursive, flowing style.

Subject: C-14 #Z2008000007
Carlos and Linda Llerena
12145 S.W. 186th 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.

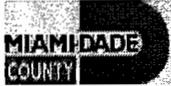
Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

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

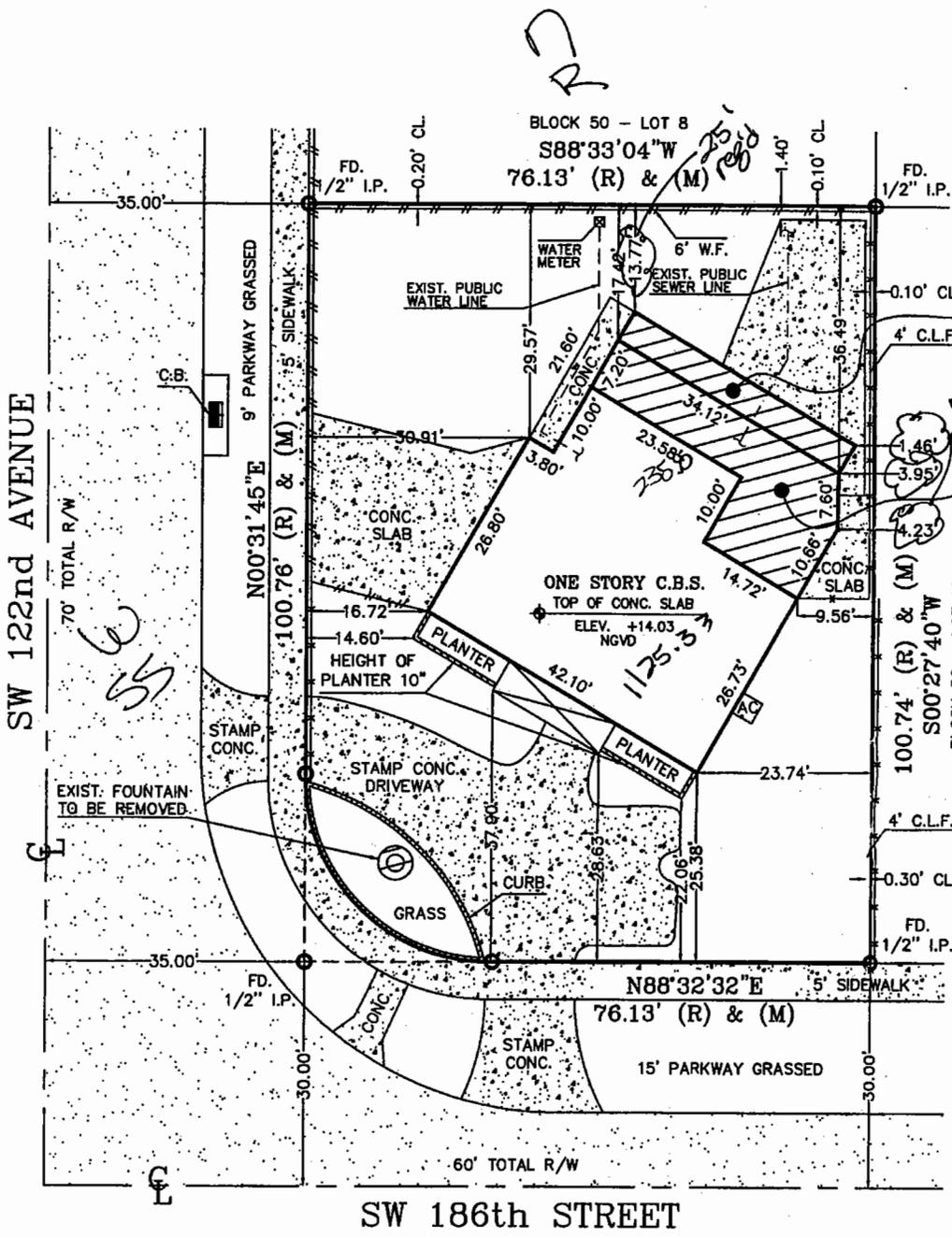
Z2008000007

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.



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

ENLARGED SITE PLAN

LEGAL DESCRIPTION

ZONING: S
 NET LAND
 LOT COVER
 EXISTING R
 ADDITION L
 OPEN TERF
 LANDSCAPI
 SETBACKS:

AREA ADJ
 DISCHARG
 LOT WILL
 ADJACENT

ANY

NOTI
 IN ADDITIO
 RESTRICTI
 RECORDS :

APPLICANT
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 CODE: NO
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 THE HEIGH
 WITHIN 10
 THE HEIGH
 SIDEWALK

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

	LOW ELEV BAS. ARE/
EXISTING	+
PROPOSED	+

GOING TO BE KEPT
 THE DATE OF WHIC



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



REVISION	DATE	BY
SECTION & RANGE:	08/23/08	AP-1

1. EMILIO & MARIA LOPEZ
(Applicant)

08-12-CZ14-1 (06-316)
Area 14/District 9
Hearing Date: 12/17/08

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**

APPLICANTS: Emilio and Maria Lopez

PH: Z06-316 (08-12-CZ14-1)

SECTION: 1-56-38

DATE: December 17, 2008

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o **REQUEST:**

Applicants are requesting to permit a servants quarters setback 12.6' (20' required) from the interior side (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(14) (Alternative Site Development Option) 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 "Servant's Quarters Legalization Emilio Lopez Residence," as prepared by Kenneth D. Levy, Architect, dated stamped received 8/12/08, consisting of 1 page and a floor plan as prepared by Roman M. Garcia, Architect, dated stamped received 11/6/06 and consisting of 1 page. Plans may be modified at public hearing.

- o **SUMMARY OF REQUEST:** The applicants seek to permit an existing servants quarters setback closer to the interior side (east) property line than permitted.

- o **LOCATION:** 18655 S.W. 200 Street, Miami-Dade County, Florida.

- o **SIZE:** 2.3 Gross Acres

- o **IMPACT:** The approval of the request would allow the applicants the maintenance and continued use of an existing servants quarters, which would provide the applicants' servant(s) with a private living area that is detached from the principal residence. However, the subsequent encroachment into the interior side (east) setback area could have a negative visual impact on the adjacent property.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. **The subject property is located approximately 5.05 miles west of and outside of the UDB.** The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agricultural** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. 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 Policy EDU-2.A.

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:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
GU; Single-family residence and nursery	Agriculture
<u>Surrounding Properties:</u>	
<u>NORTH:</u> GU; Single-family residence	Agriculture
<u>SOUTH:</u> GU; Single-family residence	Agriculture
<u>EAST:</u> GU; Single-family residence	Agriculture
<u>WEST:</u> GU; Row crops	Agriculture

The subject parcel is located at 18655 SW 200 Street, the northeast corner of SW 187 Avenue and SW 200 Street, two section-line roadways. The area where the subject property lies is characterized by single-family residences and active agricultural uses.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plans 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

*Subject to conditions

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

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject parcel is located at 18655 SW 200 Street and is improved with an existing single-family residence and an existing servants quarters. The area where the subject property lies is characterized by single-family residences on substandard sized lots of less than 5 acres and active agricultural uses. The subject property is located approximately 5.05 miles west of and outside of the UDB, at the northeast corner of two section-line roadways, SW 187 Avenue and SW 200 Street. The applicant is requesting to permit an existing servants quarters setback 12.6' from the interior side (east) property line. It should be noted that the submitted plan illustrates an existing chain link fence located within the right-of-way of SW 187 Avenue that is to be relocated 5' east of and inside the western property line. The subject site consists of 2.3 gross acres, is zoned GU, Interim District, and is trended AU, Agricultural District. The AU zoning district permits single-family residences on lots that consist of a minimum of 5 gross acres. However, it should be noted that an affidavit stating that the subject 2.3 gross acre parcel of land was purchased under a contract for deed prior to April 12, 1974 and is on file with the Department of Planning and Zoning. Moreover, staff's review of the submitted plans reveals that the subject site exceeds the grandfathering requirements of one acre minimum lot area and the 150' minimum lot frontage requirement. Therefore, the subject 2.3 gross acre site complies with the grandfathering provision for agricultural uses (including single-family residential use) under Section 33-280. The AU zoning district requires a minimum setback of 20' from the interior side property lines for accessory structures. The applicants have submitted plans depicting the site with an existing one-story, single-family residence and the existing one-story servants quarters.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application, however their memorandum indicates that the chain link fence along the right-of-way of SW 187 Avenue must be relocated within the property limits and that a 25 foot radius corner will be required at the intersection of SW 187 Avenue and SW 200 Street. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and MDFR indicates in their memorandum that the estimated average response travel time is **6:00** minutes.

This application will allow the applicants the maintenance and continued use of an existing servants quarters. The subject property is designated for **Agricultural** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). The request found within this application will not create any additional living units on the subject property. The interpretative text of the CDMP indicates that all existing lawful residential uses and

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zoning that are not specifically depicted on the LUP map are deemed to be **consistent** with the CDMP, as indicated in the section titled "Concepts and Limitations of the Land Use Plan Map." The request will not add additional units to the community, and the existing servants quarters is a permissible use under the GU (trended agriculture) zoning. As such, the request is **consistent** with the LUP map designation of the CDMP.

When the request are analyzed under the Non-use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **compatible** with the surrounding area and would not negatively affect the stability or appearance of the community. The request to permit a servants quarters setback 12.6' (20' required) from the interior side (east) property line would allow the applicants the maintenance and continued use of the existing servants quarters. Said structure is 795 sq. ft. in size, and it should be noted that servants quarters are permitted in the GU zoning district. Staff notes that the submitted plans illustrate Olive and Coconut trees near the existing servants quarters. However, in order to effectively mitigate any negative visual impact the requested 7.4' encroachment may have on the abutting property to the east, staff will recommend as a condition of the approval of this application that the applicant's provide buffering along the interior side (east) property line, either in the form of a 6' high opaque fence or hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'. Staff's research revealed that a similar request for relief of interior side setback requirements was granted on property located to the west of SW 185 Court and approximately 478' north of SW 200 Street, approximately 181' to the east of the subject site. Specifically, said property was granted approval of a request to permit a roofed structure setback 14' (20' required) from the interior side property line, pursuant to Resolution #CZAB14-2-07. As such, staff opines that this application maintains the basic intent and purpose of the zoning, is compatible with the surrounding area, would not be detrimental to the community and would not be intrusive to the adjacent property to the east. Therefore, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

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

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 not contravene the enumerated public interest standards as established. The applicants have not provided the required documentation and mitigation necessary to properly analyze the application under the ASDO Standards. As such, staff recommends denial without prejudice of the request under Section 33-311(A)(14) (ASDO).

- I. **RECOMMENDATION:** Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Servant's Quarters Legalization Emilio Lopez Residence," as prepared by Kenneth D. Levy, Architect, dated stamped received 8/12/08, consisting of 1 page and a floor plan as prepared by Roman M. Garcia, Architect, dated stamped received 11/6/06 and consisting of 1 page. Except as specified by any zoning resolution applicable to the subject property, any future additions on the property, which conform to Zoning Code requirements, will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants apply for and secure a building permit for all non-permitted structures on the property from the Building Department within 120 days from the approval of this application at public hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning.
5. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
6. That buffering be provided along the interior side (east) property line, either in the form of a 6' high opaque fence or hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'. Said buffering shall be installed prior to final zoning inspection for the proposed addition.
7. That the existing chain link fence located within the right-of-way of SW 187 Avenue be relocated within the property limits as indicated in the submitted plans.

DATE INSPECTED: 11/02/08
DATE TYPED: 11/13/08
DATE REVISED: 11/14/08; 12/11/08
DATE FINALIZED: 12/11/08
MCL:MTF:NN:CXH:NC


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

Memorandum



Date: November 17, 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 #Z2006000316-Revised
Emilio and Maria Lopez
18655 S.W. 200th Street
Request to Permit a Servant's Quarters with Less Setback than Required
(AU) (1.71 Acres)
01-56-38

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; consequently, the existing single-family residence is served by an on-site drinking water supply well. DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters and any other source of contamination.

Wastewater Disposal

Public sanitary sewers are not available to the subject property; consequently, the existing single-family residence on-site is served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed servant's quarters in addition to the existing single-family residence would not exceed the maximum allowable sewage loading for the subject property.

Stormwater Management

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

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS)

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

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.

Tree Preservation

The subject property may contain specimen-sized (trunk diameter >18 inches) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. 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.

Enforcement History

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

Concurrency Review Summary

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

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

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

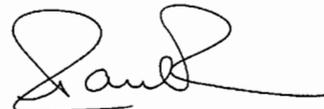
Applicant's Names: EMILO & MARIA LOPEZ

This Department has no objections to this application.

Chain link fence along the right-of-way of SW 187 Ave. must be relocated within property limits. A 25 foot radius corner will be required at the intersection of SW 187 Ave. and SW 200 St.

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

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



Raul A Pino, P.L.S.

13-DEC-06

Memorandum



Date: 13-NOV-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2006000316

Fire Prevention Unit:

Rev#1: Not applicable to Fire Engineering & Water Supply Bureau Requirements.

Service Impact/Demand:

Development for the above Z2006000316
 located at 18655 SW 200 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2222 is proposed as the following:

1 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: 1 alarms-annually.
 The estimated average travel time is: 6:53 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

Planned Service Expansions:

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

Fire Planning Additional Comments:

The request is not applicable to MDFR review since the applicant is solely seeking a variance of lot area and setbacks. The ALF is a permitted use under the Zoning Code.

TEAM METRO

ENFORCEMENT HISTORY

APPLICANT: EMILO & MARIA LOPEZ

ADDRESS: 18655 S.W. 200 ST, MIAMI-DADE COUNTY, FLORIDA.

HEARING NUMBER: Z2006000316

Current History:

CMS 200801007311- Opened based on enforcement history request and inspected on December 1st. No violations observed. Case is closed as Not in Violation.

Past History:

CMS 200601006733 – Opened based on enforcement history request and inspected on November 17 2006. No violations observed. Case closed as Not in Violation.

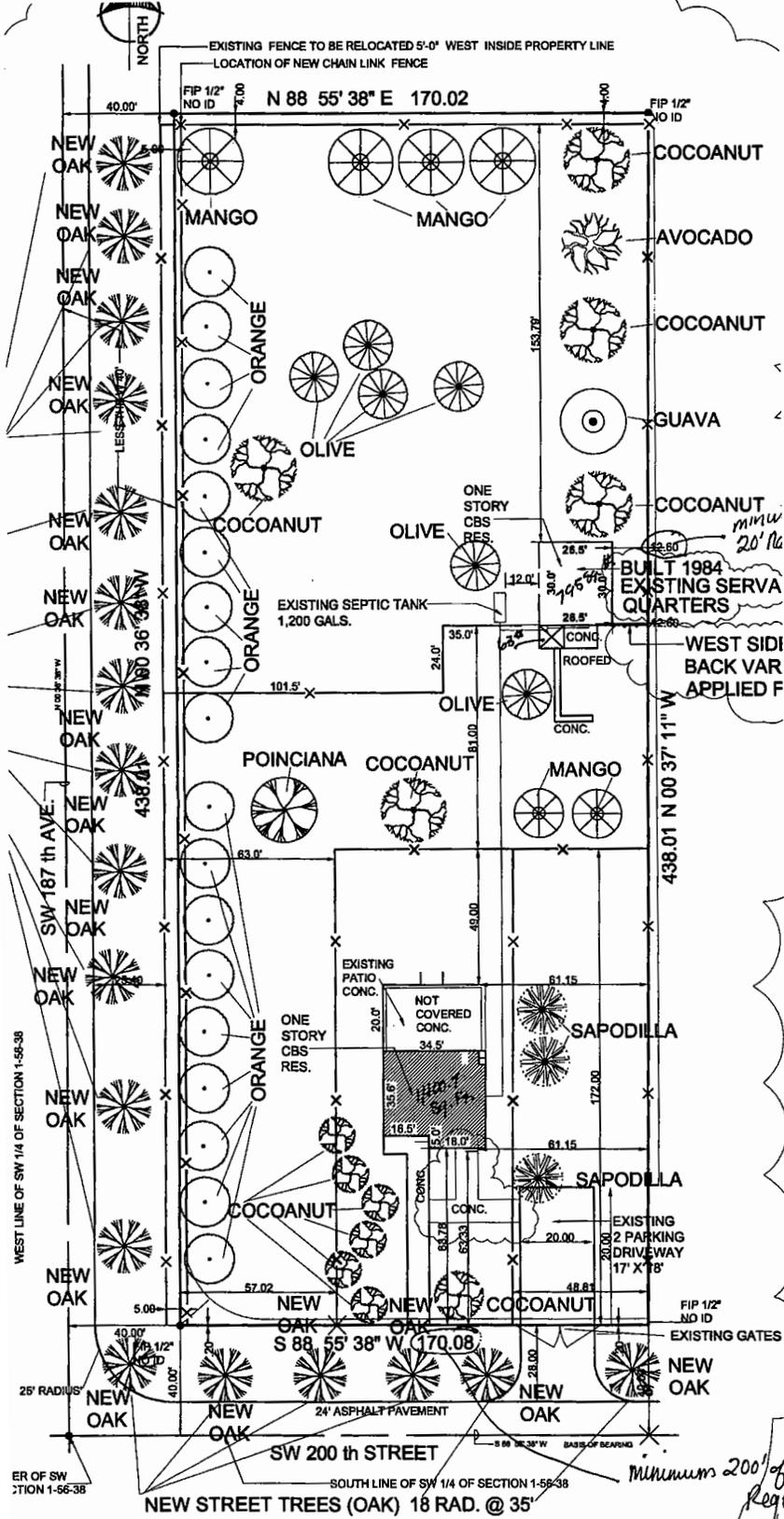
CMS 200418000322 – May 3 2004, Property owner cited with Citation 932255 for Un-Authorized Use, selling used vehicles from the property. Citation was paid and compliance met. Case was closed as Corrected by Owner.

CMS 200418000156 – Repeat Violator - February 18 04, Property cited with Citation 932230 for an Unauthorized Use. Property owner paid the citation and complied. Case closed as Corrected by Owner.

CMS 200418000036 – January 5 2004, Property owner cited with Citation 888088 for Un-Authorized Use, selling used vehicles from the property. Citation was paid and compliance met. Case was closed as Corrected by Owner.

CMS 200418000035 – January 5, 2004, Property owner cited with Citation 888089 for Un-Authorized Use; vehicle storage. Citation was paid and compliance met. Case was closed as Corrected by Owner.

CMS 200101008752 – October 29 2001, Property owner cited with a warning for erecting a sign without a permit. A re-inspection was conducted and the property owner removed the sign. Case closed as Corrected by Owner.



NOTE: ONLY TWO STRUCTURES WILL REMAIN EVERYTHING ELSE WILL BE REMOVED-DEMO

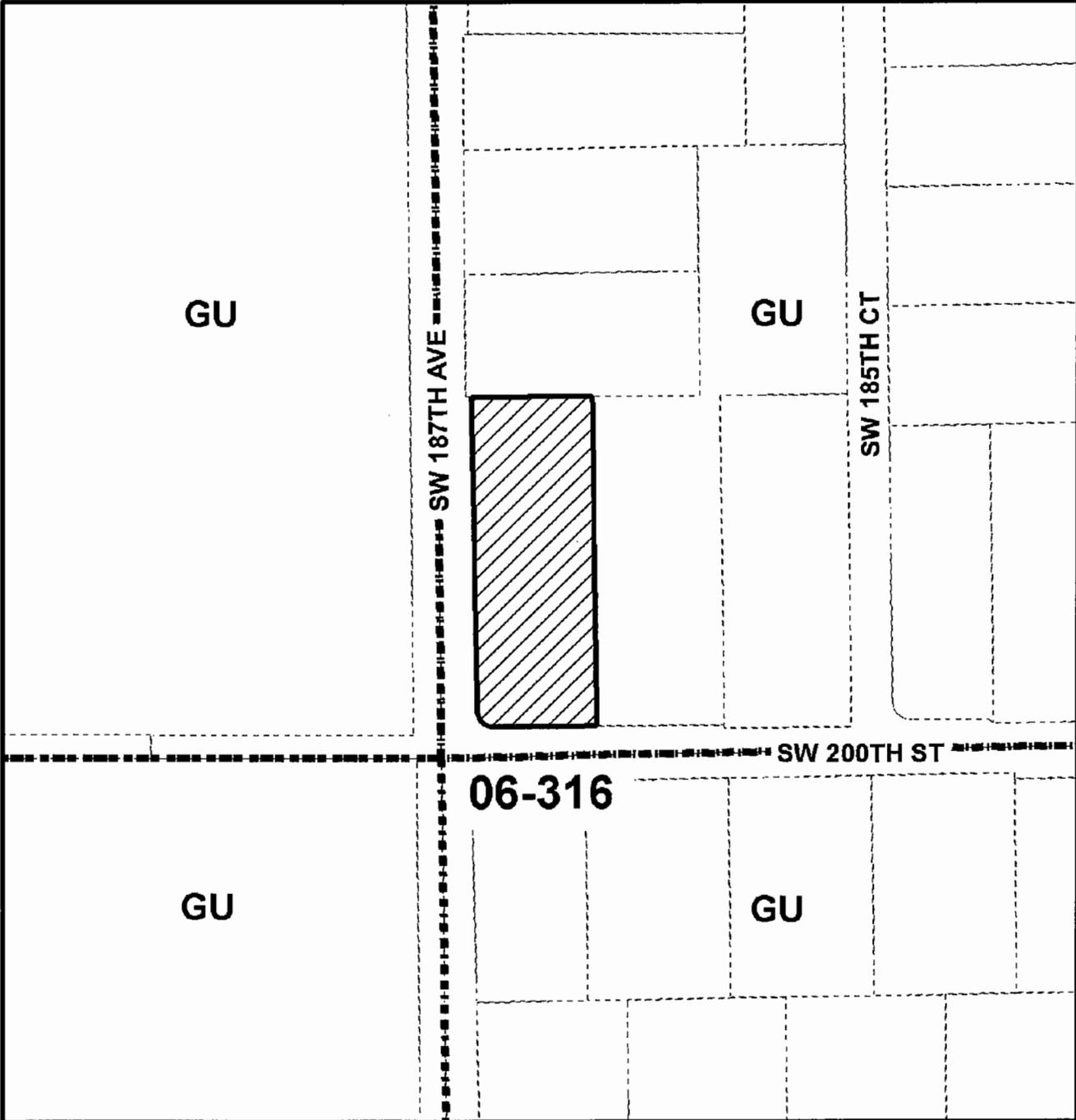
SITE PLAN LANDSCAPE PLAN
SCALE: 1" = 30'

REV; AS PER HEARING SPECIALST REQ. 4/12/2008

REV; AS PER HEARING SPECIALST REQ. 5/2/2008

ENLARGED SITE PLAN





**MIAMI-DADE COUNTY
HEARING MAP**

**Section: 01 Township: 56 Range: 38
 Process Number: 06-316
 Applicant: EMILIO & MARIA LOPEZ
 Zoning Board: C14
 District Number: 9
 Cadastral: JESUS
 Scale: NTS**



 SUBJECT PROPERTY

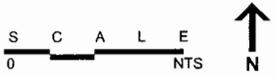


19



**MIAMI-DADE COUNTY
AERIAL**

**Section: 01 Township: 56 Range: 38
Process Number: 06-316
Applicant: EMILIO & MARIA LOPEZ
Zoning Board: C14
District Number: 9
Cadastral: JESUS
Scale: NTS**



2. MARITZA AGUILAR
(Applicant)

08-12-CZ14-2 (07-402)
Area 14/District 9
Hearing Date: 12/17/08

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

If so, who are the interested parties? Maritza Aguilar

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>
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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**

APPLICANTS: Maritza Aguilar

PH: Z07-402 (08-12-CZ14-2)

SECTION: 6-56-40

DATE: December 17, 2008

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION

o **REQUESTS:**

- (1) UNUSUAL USE to permit a home for the aged.
- (2) Applicant is requesting to permit additions to the home for the aged setback 17.16' (25' required) from the rear (north) property line.
- (3) Applicant is requesting to permit parking within 25' of the right-of-way (not permitted).
- (4) Applicant is requesting to permit parking to back out into the right-of-way (not permitted).
- (5) Applicant is requesting to permit 7 parking spaces (8 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#5 may be considered 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 "Proposed New Addition For: Maritza Nursing Home," as prepared by PM 2 Drafting Services, Sheet "S-1" dated stamped received 8/1/08 and the remaining sheets dated stamped received 6/27/08 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval for a home for the aged and to permit additions to the home that encroach into the rear setback area. Additionally, the applicant seeks to allow parking within 25' of the right-of-way, to allow parking to back up into the right-of-way and to permit less parking than allowed.

o **LOCATION:**

11421 S.W. 193 Street, Miami-Dade County, Florida.

o **SIZE:** 80' x 100'

o **IMPACT:**

The proposed home for the aged will provide a service for elderly persons within the community. However, the request could result in overcrowding or an over concentration of people and bring increased traffic into the area. Additionally, the requested variances of setback and parking requirements could have a negative visual impact on the abutting residences and result in a spillage of parking onto the roadways, thereby creating a negative impact on traffic circulation in the area.

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

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being 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.
2. **Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities.** "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.

If located in Estate, Low or Low-Medium Density neighborhoods, **congregate residential uses**, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility.

3. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

4. **Policy LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complimentary elements and buffer any incompatible elements.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; single-family residence

Low Density Residential, 2.5 - 6 dua

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Density Residential, 2.5 - 6 dua

SOUTH: RU-1; Single-family residence

Low Density Residential, 2.5 - 6 dua

EAST: RU-1; single-family residence

Low Density Residential, 2.5 - 6 dua

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 - 6 dua

The subject property is located at 11421 S.W. 193 Street in an area characterized by single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Unacceptable

Open Space:

Unacceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Unacceptable

Visibility/Visual Screening:

Unacceptable

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **unusual uses**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities,

including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is comprised of a parcel of land located at 11421 SW 193 Street, in an area characterized by single-family residences located to the north, south, east and west. The 100'x80' (0.18-acre) property is zone RU-1, Single-Family Residential District,

and is currently developed with a single-family residence. The applicant is seeking to permit a home for the aged (request #1) and to permit additions to the home for the aged setback 17.16' from the rear (north) property line (request #2). Additional requests are being sought to permit parking within 25' of the right-of-way (request #3), to permit parking to back out into the right-of-way (request #4) and to permit 7 parking spaces (request #5). The zoning regulations require a minimum 25' rear setback, do not permit parking within 25' of the right-of-way, nor allow parking to back out into the right-of-way. Additionally, the zoning regulations require a minimum of 8 parking spaces for the requested facility. The submitted plans illustrate the 1,089 sq. ft., single-family residence along with the 764 sq. ft. addition extending into the rear (north) setback, consisting of 6-bedrooms to be used as a home for the aged for 12 resident clients. The plans also illustrate a 6' high wood fence along the rear (north) property line along with a continuous hedge that extends along both the interior side (east and west) property lines.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and their memorandum indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the **Public Works Department does not object** to this application. Their memorandum indicates that the request will not generate any additional peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and has indicated that the estimated average travel time to the subject property is **6:30** minutes.

The approval of this application will allow the applicant to provide services for elderly persons in the community. The applicant's requests include variances to allow the home for the aged with reduced setbacks from the rear (north) property line, to park cars within 25' of the right-of-way on the subject property, to permit the backing out into the right-of-way and to permit a reduced number of parking spaces. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low Density Residential** use. This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. Further, the interpretative text of the CDMP indicates that "Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities where each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the "next higher" residential density category than that for which the site is designated. The next higher residential category than the subject site is Low-Medium Density, which allows a maximum density of 13 dwelling units per acre. As such, according to the interpretative text of the CDMP, the 0.18-acre site would allow a maximum of 5 resident clients. The applicant's letter of intent indicates that the proposed home for the aged will accommodate a total of 12 clients, which exceeds the density threshold of the LUP map of the CDMP. The interpretative text of the CDMP provides that neighborhood and community services, including daycare centers, are permitted in residential areas only when consistent with other goals, objectives and policies of the plan and when compatible with the neighborhood. Based on the aforementioned, the proposed 12 client home for the aged is **inconsistent** with the CDMP.

The CDMP states further that if located in Estate, Low or Low-Medium Density neighborhoods, daytime service uses such as congregate residential uses should locate

only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. However, staff notes that the subject property is not located in any of the aforementioned recommended areas indicated in the Guidelines for Urban Form. The subject property is located on an interior lot on a secondary street, SW 193 Street and is surrounded by lots that are also designated Low Density under the LUP map of the CDMP and are similarly zoned, RU-1. **Policy LU-4C** of the interpretative text also states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as **excessive density**, noise, light, glare, odor, vibration, dust or traffic. Further, although the Public Works Department does not object to the application, the staff of the Department of Planning and Zoning opines that the additional requests for variances to permit parking within 25' of the right-of-way as well as to permit reduced parking and to allow parking to back out into the right-of-way, combined, will create a disruption of traffic flow on the adjacent minor roadway, SW 193 Street, which could have a negative impact on the safety, tranquility and overall welfare of this residential neighborhood. Staff, therefore, opines that the proposed 6-bedroom home for the aged is **incompatible** with the area and, therefore, is **inconsistent** with the CDMP's interpretative text which indicates that the specific intensity and range of uses and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses and that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that the proposed home for the aged, as designed, would result in excessive noise and traffic, cause undue and excessive burden on public facilities. However, although the Public Works Department does not object to the application and the requested variances to the zoning regulations concerning inadequate parking, staff opines that the approval of request #1 would negatively impact traffic due to spillage of parking into the adjacent roadway, SW 193 Street. Additionally, staff notes that the home for the aged is designed to house 12 resident clients, which is too intensive and would provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed home for the aged as proposed with 6-bedrooms, on a minor street, SW 193 Street and accessible only through the surrounding residential neighborhood is, in staff's opinion, incompatible with and intrusive to the residential neighborhoods located to the north, south, east and west, will generate excessive noise and traffic and will provoke excessive overcrowding. Additionally, the proposed residential building is an over-utilization of the subject property as evidenced by the request for the variances for setbacks and parking. Staff opines that the approval of said use would disrupt the character and overall welfare and privacy of the neighborhood by increasing traffic and noise in this predominately residential neighborhood. In staff's opinion, this proposed use of the home for the aged would be **incompatible** with the area and as such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

When requests #2 through #5 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Staff opines that the combined effect of the approval of the requested variances to allow a 17.16' rear (north) setback where 25' is required (request #2), along with the requested variances to permit parking within 25' (not permitted) of the right-of-way (request #3); to permit parking to back-out (not permitted) into the right-of-way (request #4); and to permit 7 parking spaces (8 required), would not only have a negative visual impact on the surrounding residential properties but, as designed, is overly intense and would be out of character with the area. Staff did not locate any similar approvals in the immediate vicinity and therefore opine that approval of the aforementioned variances along with the home for the aged could set a precedent that would deteriorate the established surrounding residential areas. Additionally, in staff's opinion, the approval of the requested parking variances, requests #3-#5, would result in spillage of parking onto the adjacent street, SW 193 Street, and would have a negative impact on traffic circulation within this established residential neighborhood. Therefore, staff opines that approval of requests #2 through #5, do not maintain the basic intent and purpose of the zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Therefore, staff recommends denial without prejudice of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #5 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, it has not been demonstrated that the denial of requests #2 through #5 would result in unnecessary hardship. As such, staff is of the opinion that the aforementioned requests cannot be approved under the ANUV Standard and should be denied without prejudice under same.

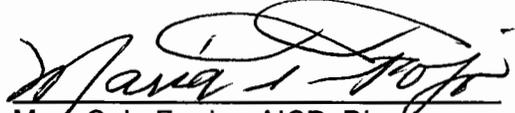
Based on all of the aforementioned, staff notes that the application, as proposed, is **inconsistent** with the interpretative text of the CDMP. Additionally, it should be noted that the approval of this application is **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Therefore, staff recommends denial without prejudice of this application.

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 11/14/08
DATE TYPED: 11/18/08
DATE REVISED: 11/19/08, 11/20/08, 12/10/08
DATE FINALIZED: 12/10/08
MCL; MTF; NN; NC; CH

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

Date: July 18, 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 #Z2007000402-Revised
Maritza Aguiar
11421 S.W. 193rd Street
Special Exception to Permit a Group Home and Request to Permit an
Addition that Would Exceed Setback Requirements
(RU-1) (0.18 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.

Wellfield Protection

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

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of 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.

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.

Operating Permits

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

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

According to the site plan submitted, the proposed addition will not impact tree resources. However, the applicant is advised that a Miami-Dade County Tree Removal Permit shall be required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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.

Memorandum



Date: 30-JUL-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000402

Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated December 27, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped June 27, 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 Z2007000402
 located at 11421 SW 193 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid _____ 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
N/A Retail	square feet	1,853 nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.24 alarms-annually.
 The estimated average travel time is: 6:30 minutes

Existing services:

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

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped June 27, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

MARITZA AGUILAR

11421 SW 193 STREET, MIAMI-
DADE COUNTY FLORIDA.

APPLICANT

ADDRESS

Z2007000402

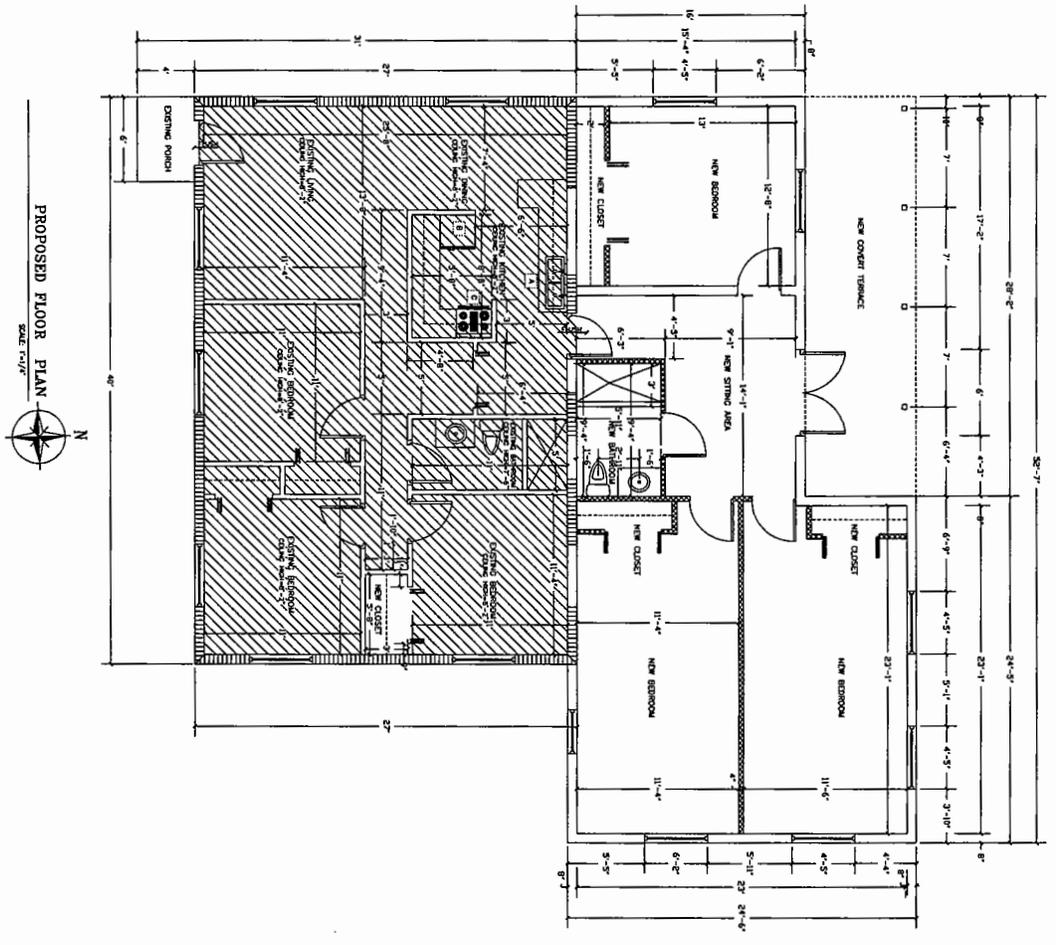
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

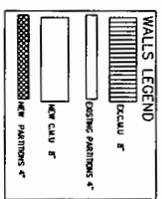
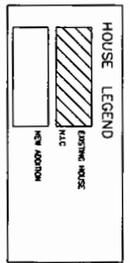
Current History - CMS 200801007310 - opened based on Enforcement History request. 1st inspection conducted and no violations were observed. Case was closed as Not in Violation.

Past History

2007010000994 - February 16 2007, a warning issued for parking/storing a Category 3 commercial vehicle in a residential district. A re-inspection was conducted on February 16 2007 and the vehicle was removed. Case was closed as Corrected by Owner



PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"



AREA CALCULATIONS:

EXISTING AREA	1,080 SQUARE FEET
NEW ADDITION AREA	794 SQUARE FEET
TOTAL AREA	1,874 SQUARE FEET
% LOT COVER	21.2%

SCALE OF WORK, THE RECEIVED PRODUCT IS APPROXIMATE. NEW ADDITION IN BACK HIGHLIGHTED. THICKET BEDROOM AND WALL AND FLOOR ROOF AND A SITTING AREA. CONCRETE BLOCK IN EXISTING HOUSE WILL BE BUILT A NEW CLOSET.

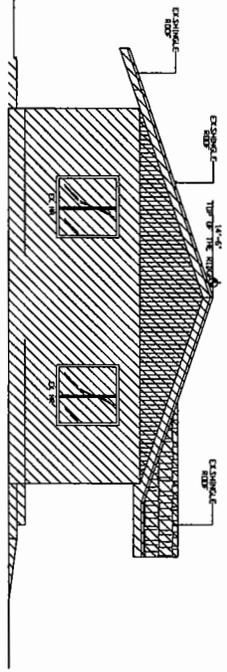
EXISTING FIXTURES

A	SHED
B	REPRODUCTION
C	EXISTING MARKET

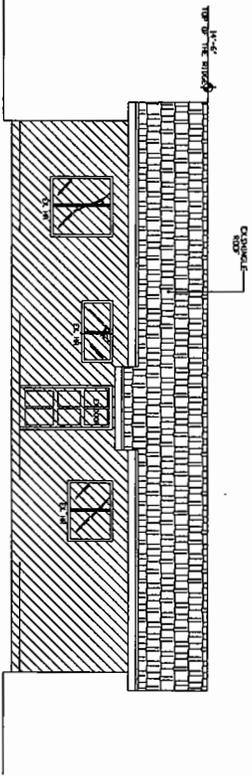
NOTE: THE DOORS WILL BE OF 36" CLEARANCE AND 30" OF CLOSING IN BEDROOMS WILL BE 1500MM. THE WINDOWS IN BEDROOMS WILL BE 1500MM.

SHEET NO. F-1 2 OF 4	DESCRIPTION Project No. Date: Design By: Plaz: Approved By: SEAL	REVISIONS	FLOOR PLAN	PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME	DRAWN: 11421 SW 193 STREET MIAMI, FL 33157 TEL: 781-222-3844 WWW.REDFIELDARCHITECTS.COM
				ADDRESS: 11421 SW 193 STREET MIAMI FLORIDA, 33157	

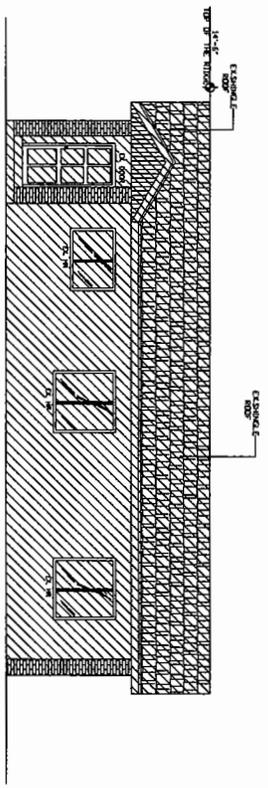
EXISTING WEST ELEVATION
SCALE 1/8"=1'-0"



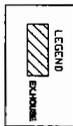
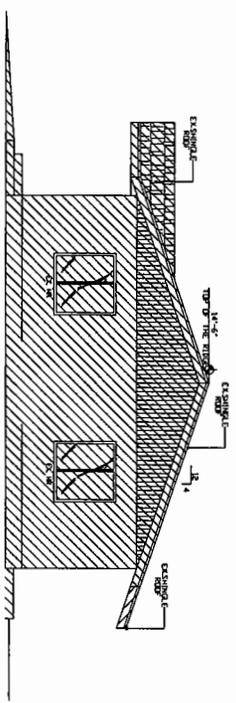
EXISTING NORTH ELEVATION
SCALE 1/8"=1'-0"



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

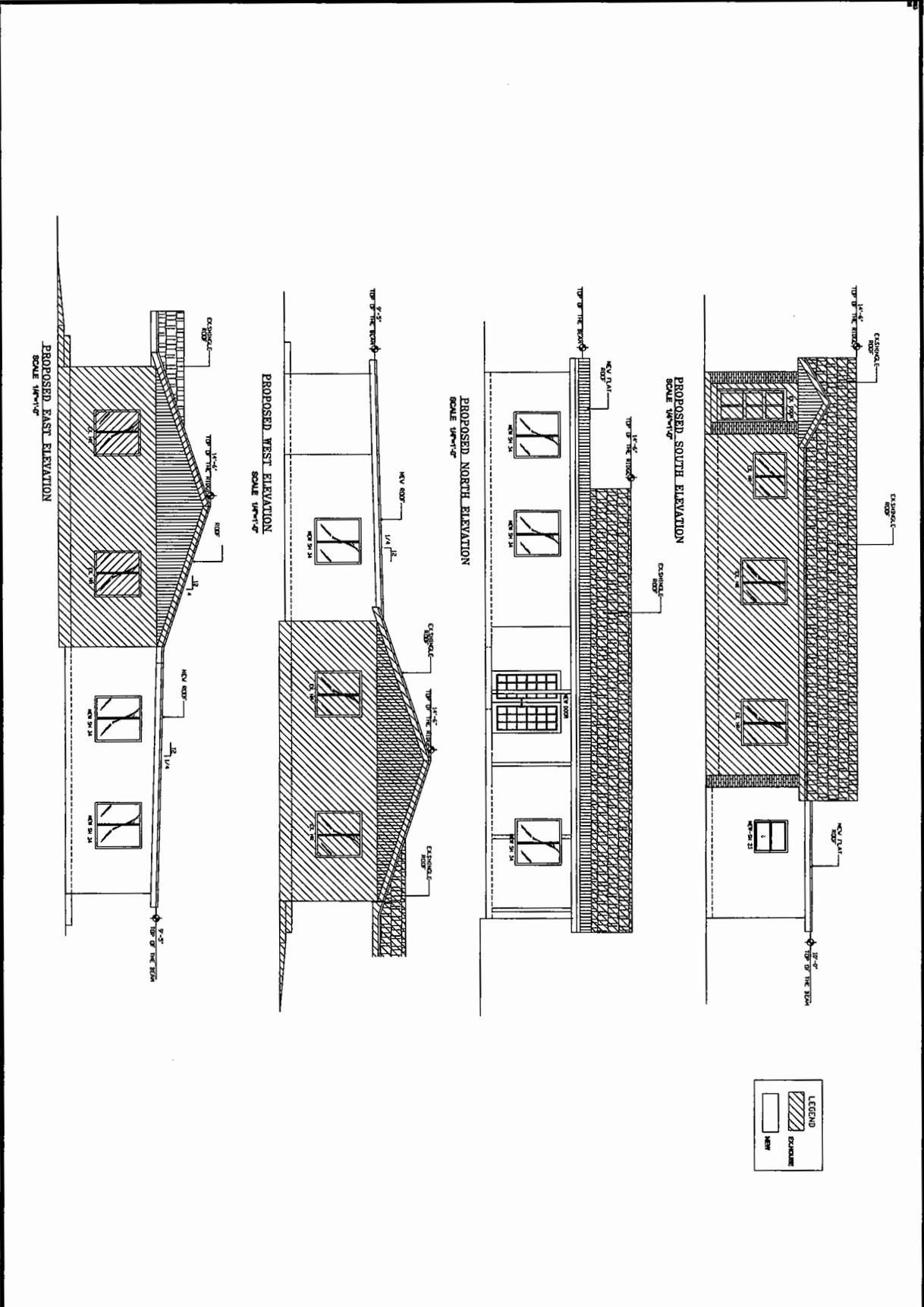


EXISTING EAST ELEVATION
SCALE 1/8"=1'-0"



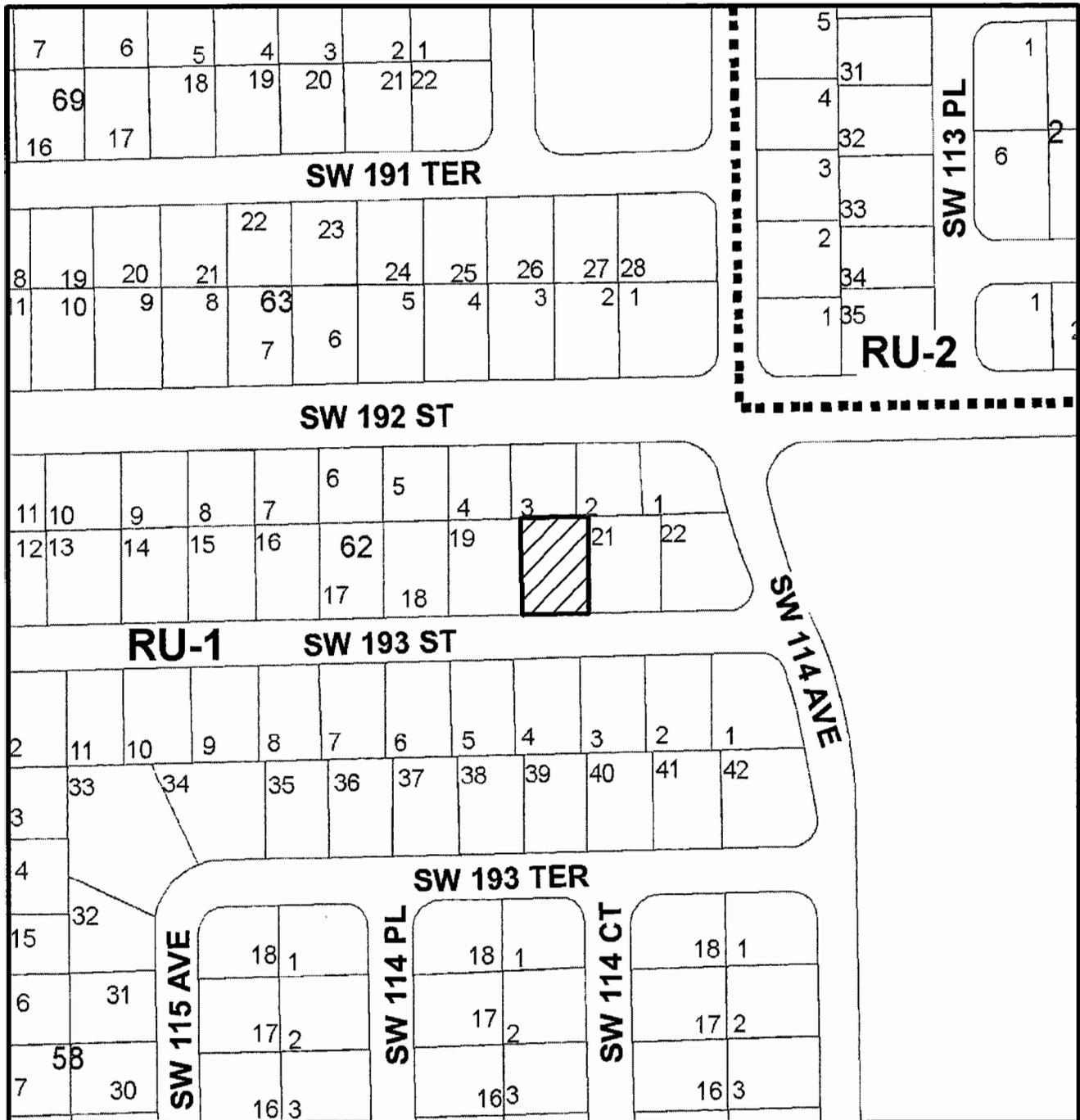
17

SHEET NO. E-1 3 OF 4	REVISIONS NO. DATE DESCRIPTION 1 08-07-08 2 08-07-08 3 08-07-08 4 08-07-08 5 08-07-08	PROJECT NO. 11421 SW 193 STREET MIAMI FLORIDA. 33157	DRAWN BY: MR. J. A. ... CHECKED BY: MR. J. A. ... DATE: 08-07-08



8

DRAWN BY: M. J. ...		PROJECT TITLE: PROPOSED NEW ADDITION FOR: MARITZA NURSING HOME	
ADDRESS: 11421 SW 193 STREET MIAMI FLORIDA. 33157		ELEVATION	
SHEET NO. E-2		REVISIONS	
DATE: 06-09-68		DESCRIPTION	
DRAWN BY: MJD		PROJECT NO.	
APPROVED BY: [Signature]		DATE:	
SCALE:		PROJECT NO.:	
4 OF 4		DATE:	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-402



SUBJECT PROPERTY

Section: 06 Township: 56 Range: 40
 Applicant: MARITZA AGUILAR
 Zoning Board: C14
 District Number: 09
 Drafter ID: JOAQUIN
 Scale: NTS

19



REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL

Process Number
07-402



SUBJECT PROPERTY

Section: 06 Township: 56 Range: 40
 Applicant: MARITZA AGUILAR
 Zoning Board: C14
 District Number: 09
 Drafter ID: JOAQUIN
 Scale: NTS



CREATED ON: 12/10/07

REVISION	DATE	BY

3. WARREN HENRY AUTOMOBILES, INC.
(Applicant)

08-12-CZ14-3 (08-20)
Area 14/District 9
Hearing Date: 12/17/08

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>
1977	Esquire Club, Inc.	- Unusual Use & Use variance night club. - Non-Use variance parking & spacing.	BCC	Approved
1977	Esquire Club, Inc.	- Unusual Use & Use variance for night club, spacing. - Non-Use variance for parking.	ZAB	Denied without prejudice
1986	Uniway of South Miami	- Use variance for a retail private membership consumers club. - Non-Use variance parking.	ZAB	Approved w/conds.
1996	Palm Plaza Partners	- Zone change from IU-1 to BU-1A and Special exception for auto sales & repair and spacing from RU. - Non-Use variance landscape.	BCC	Approved in part

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: Warren Henry Automobiles, Inc.

PH: Z08-020 (08-10-CZ14-3)

SECTION: 28-55-40

DATE: December 17, 2008

COMMISSION DISTRICT: 9

ITEM NO.: 3

A. INTRODUCTION

o REQUESTS:

(1) MODIFICATION of Conditions #4 and #8 of Resolution Z-165-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Land Rover-South Dade,' as prepared by Felix Pardo & Assoc., Inc. and dated received 10-28-96, except as herein modified."

TO: "4 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Service Center & Car Wash @ Land Rover,' as prepared by Villa & Associates, Inc., Sheets A-1 and L-1 dated stamped received 9/25/08 and the remaining sheets dated stamped received 2/4/08 for a total of 4 sheets."

FROM: "8. That a minimum landscape strip of 7' be provided along the east property line adjacent to South Dixie Highway."

TO: "8. That a minimum landscape strip of 4'4" wide be provided along a portion of the east property line adjacent to South Dixie Highway."

The purpose of request #1 is to allow the applicant to submit a new site plan for a previously approved automobile dealership to include a new service center and car wash, parking and driveway reconfiguration, and to reduce the landscape buffer width along a portion of the right-of-way.

(2) Applicant is requesting to permit an auto service building setback 13.33' (20' required) from the rear (west) property line.

(3) Applicant is requesting to permit to permit an 11'1" wide one-way drive (14' required).

(4) Applicant is requesting to permit 4'4" wide greenbelt along the front (east) property line adjacent to South Dixie Highway (15' required/7' 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) request #2 may be considered under §33-311 (A)(16) (Alternative Site Development Option for the BU Zoning District) and

approval of requests #2-#4 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:**

The requests will permit the applicant the modification of 2 conditions of a previously adopted Resolution that will allow the applicant to submit revised plans to include a new service center and car wash encroaching into the rear (west) setbacks along with a narrower driveway reconfiguration and to reduce the landscape buffer width along a portion of the right-of-way.

o **LOCATION:** 16750 South Dixie Highway, Miami-Dade County, Florida.

o **SIZE:** 2.05 Acres

o **IMPACT:**

Approval of this application will increase the building footprint of the auto dealership on the 2.05 acre property. The increased number of buildings, reduced setback and the reduced required landscape buffer along the right-of-way might visually impact the surrounding properties. In addition, the reduced width of the one-way drive may impact traffic exiting onto South Dixie Highway from the subject property.

B. ZONING HEARINGS HISTORY:

In 1977, the subject property was approved by the Board of County Commissioners (BCC) on appeal, for an Unusual Use to permit a nightclub in the IU-1, Light Industrial Manufacturing District, and for variance of the parking and spacing requirements, pursuant to Resolution #Z-148-77. Subsequently, in September 1986, the subject property was approved for a Use Variance to permit a private retail club in the IU-1 District and for a variance of the parking requirements, pursuant to Resolution #4-ZAB-341-86. In 1996, pursuant to Resolution # Z-165-96, the subject property was approved for a zone change to BU-1A, Limited Business District, in accordance with the aforementioned plans dated 10-28-96, Special Exceptions to allow an automobile sales and rental agency and to permit vehicle maintenance and repair. Additionally, the applicant was approved for variances to waive the zoning regulations requiring a 15' wide greenbelt along all property lines, except as modified to allow a minimum landscape strip of 7' along the east property line adjacent to South Dixie Highway, a 5' high decorative wall enclosing the vehicle storage area along with regulations requiring all uses to be conducted within completely enclosed buildings in order to permit an off-road demonstration track to be used in connection with the automobile dealership.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and

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

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

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

3. Policy LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

4. Policy LU-9E of the Land Use Element that Miami-Dade County shall enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; auto dealership

Business and Office

Surrounding Properties:

NORTH: BU-3; vehicle storage lot,

Business and Office

SOUTH: IU-1 & PECUC; restaurant, and auto-repair shops	Business and Office Industrial and Office
EAST: BU-2 (Village of Palmetto Bay); service station	Business and Office
WEST: GU; Miami-Dade Transit Busway	Transportation

The subject property is comprised of an irregularly shaped lot located at 16750 South Dixie Highway. Light Industrial uses in the form of auto repair shops and commercial uses such as a service station and an auto storage lot surround the subject property. Additionally, the subject property abuts the Miami-Dade Transit busway and the park and ride lot to the west.

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

*Subject to conditions

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

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 following paragraphs have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- a. **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
 - i. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
 - ii. 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
 - iii. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
 - iv. any area of shadow cast by the proposed alternative development upon an adjoining property 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
 - v. 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, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and

- vi. 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
- vii. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- viii. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- ix. the proposed alternative 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, parcel or tract; and
- x. any windows or doors in any building(s) to be located within an interior side or rear 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 building(s) of a discordant use located on an adjoining parcel of land; and
- xi. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- xii. the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use 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 of a discordant use located on an adjoining parcel of land; or
 - a. 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 eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
 - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) 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 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory 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
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

- (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
 - (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (k) **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.
- (l) **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 economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in 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, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), 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, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting.

In determining which amenities or buffering elements are appropriate, the following shall be considered:

- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development 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 the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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 from the terms of the zoning regulations 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	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is comprised of an irregularly shaped 2.05 acre lot, located at 16750 South Dixie Highway, zoned BU-1A, Limited Business District. The properties to the north and east of the subject property are commercially zoned, BU-3, Liberal Business District and BU-2, Special Business District and occupied by an auto storage lot and gas station respectively. To the west is a Miami-Dade Transit busway and the park and ride parking lot zoned RU-5, Residential/Semi-Professional Office and Apartments District, and to the south is a Checkers restaurant, zoned IU-1, Light Industrial Manufacturing District, as well as auto-repair shops in the PECUC, Perrine Community Urban Center District. As previously mentioned, pursuant to Resolution #Z-165-96, the subject property was approved for a 7' wide landscape strip along the front (east) property line. However, the applicant stated in their letter of intent that when the property was developed, a portion of the landscape strip was encroached upon by a portion of a vehicle display area. Based on the aforementioned, the applicant now seeks to modify conditions #4 and #8 of Resolution #Z-165-96, to allow the applicant to submit revised site plans for a previously approved automobile dealership to include a new service center and car wash, parking and driveway reconfigurations and to reduce the landscape buffer width along a portion of the right-of-way (request #1); to permit an auto service building setback 13.33' (20' required) from the rear (west) property line (request #2); to permit to permit an 11'1" (14' required) wide one-way drive (request #3) and to permit 4'4" wide greenbelt along the front (east) property line adjacent to South Dixie Highway (request #4). The submitted plans depict the irregularly configured lot with the aforementioned requests. Said plans depict the existing dealership centered on the lot and fronting onto South Dixie Highway, with the proposed service center and carwash aligned along the southern portion of the west property line and encroaching into rear (west) setback. The plans also show the narrow driveway identified as the pick-up lane located to the south of the existing dealership building. The applicant has also provided adequate buffering in the form of Coco Plum hedges along the west and partially along the north, east and south property lines. Additionally, the applicant has provided additional buffering in the form of trees, such as Live Oak and Ear Leaf Acacia along the west property line and where the property abuts SW 168 Street and the restaurant, along the south property line. Said trees are spaced 15' on center along the west property line behind the proposed service center and carwash.

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** has **no objections** to this application and their memorandum indicates that the application does not generate any new additional daily peak hour trips. Their memorandum further indicates that the applicant must dedicate an additional 5' for SW 168 Street for a total of 40'. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application. Additionally, they indicate in their memorandum that the estimated average response time for this area is **5:24** minutes.

This application will allow the applicant the modification of 2 conditions of a previously adopted Resolution that will allow the applicant to submit revised plans to include a new service center and car wash encroaching into the rear (west) setbacks along with a narrower driveway reconfiguration and to reduce the landscape buffer width along a portion of the right-of-way. The 2.05-acre, BU-1A zoned property is designated Business and Office on

the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This category accommodates the full range of **sales and service** activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the previously approved automobile dealership and proposed service center and carwash on this BU-1A zoned parcel are **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 service center and carwash additions to the existing automobile dealership located to the western side of the property as well as the partial encroachment into the landscaping strip along the east property line and the narrow driveway to the south. Though the proposed building additions encroach into the rear (west) setbacks, staff notes that the applicant has provided additional buffering in the form of Live Oak and Ear Leaf Acacia trees planted at 15' on center in conjunction with a continuous row of hedges along said property line where the encroachment occurs. Further, the proposed building additions, at a maximum height of 20' for the service center and carwash, have been designed to show a gradual reduction in the height of the buildings towards the western edge of the property where it abuts residentially zoned properties. 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 and that the narrow driveway referred to in request #3, has been depicted by the applicant to be used as a pick-up lane, to which neither the MDR or Public Works Departments object. Staff therefore opines that the proposed building additions are **compatible** to the surrounding commercial, industrial and residential properties, and are therefore **consistent** with the interpretative text of the CDMP.

However, the CDMP indicates in **Policy LU-9E** of the Land Use Element that Miami-Dade County shall enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering. Staff is of the opinion that the existing encroachment of the vehicle display area is **incompatible** with the area and not in harmony with the general appearance and character of the community. Staff notes that the existing dealership was previously approved to allow a minimum 7' wide landscape buffer in lieu of the requested waiver of the required 15' buffer, along the east property line that abuts South Dixie Highway, pursuant to Resolution #Z-165-96, in December 1996. The Community Zoning Appeals Board (CZAB) at that time determined that though there was a requirement for the beautification and the buffering of the site, a modified approval to allow a 7' wide landscape strip where the property abuts South Dixie Highway was compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations. As such, staff determines that the existing additional 2'8" encroachment is too intensive, is contrary to **Policy LU-9E** of the interpretative text of the Master Plan, and is 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 encroachment of the vehicle display area into the landscaping strip 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 service center and carwash addition will not adversely impact the surrounding area and will be **compatible** with same. As such, approval of the portion of request #1, to modify Condition #4 of Resolution #Z-165-96 in order to allow the applicant to submit a new site plan for a previously approved automobile dealership which includes a new service center and car wash, along with parking and driveway reconfigurations, would not, in staff's opinion, be detrimental to the area or negatively affect the stability of the surrounding neighborhood. The abutting properties to the west are the Miami-Dade Transit busway and park-and-ride lot. Staff notes that the building additions are sufficiently buffered from the aforementioned abutting properties with a continuous hedge as well as a row of trees planted with reduced spacing, which staff opines, will provide a visual enhancement to the surrounding area and will not have a negative visual impact on same. Additionally, as previously mentioned, the property is adequately buffered from the properties to the north and south by mixture of hedges and trees, which apart from mitigating the visual impact of the proposed development, provide a welcome visual enhancement for the surrounding properties. Further, the dealership abuts a drive-through restaurant to the south, a vehicle storage lot to the north and as previously mentioned, the busway and transit lot to the west on which the additional buildings are not likely to have a negative aural or visual impact. Therefore, staff recommends a modified approval with conditions of this portion of request #1 as it applies to the automobile dealership to include the new service center and carwash additions, and parking and driveway reconfigurations only.

However, approval of the remaining portion of request #1, to modify Condition #8 of Resolution #Z-165-96 in order to allow the applicant to submit revised plans showing a reduced the landscape buffer width along a portion of the right-of-way, 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 dealership was previously approved for a non-use variance of the landscape buffer to allow a 7' (0' previously requested) wide landscape strip along the east property line adjacent to South Dixie Highway. As such, staff notes that the dealership already has the benefit of a smaller landscape buffer than that required by the zoning code, which staff opined at that time and presently, to be sufficient for the beautification and buffering of this site. When considering the necessity for and the reasonableness of the requested 4'4" landscape buffer in relation to the surrounding area and the compatibility of said landscape strip with the area and its development, staff is of the opinion that the reduced landscape buffer, 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 reduction in width of the landscape strip in this area and maintains that the approval of the reduced landscape buffer would be a visual disturbance that contrasts with the buffering proposed on the remainder of the property, which staff opines, provides a welcome visual enhancement to the surrounding area. Staff notes that as part of the 1996 application, the Department of Planning and Zoning recommended approval of a 7' wide landscape buffer in lieu thereof, as the requested waiver of the landscape buffer was "not consistent" with the recent landscape upgrading along South Dixie Highway. The Department of Planning and Zoning continues to be of the opinion, that the request for an additional encroachment of 2'8" into the landscape strip is too intensive and would further detract from the attempts to

enhance and beautify the landscape along South Dixie Highway in this area. As such, staff will condition approval of request #1 on the removal of the current encroachment into the landscape buffer to conform to the previous approval of a minimum 7' wide landscape strip where the property abuts South Dixie Highway. Therefore, staff recommends modified approval with conditions of request #1 under Section 33-311(A)(7), to allow the new service center and carwash addition, and parking and driveway reconfigurations only.

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 requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Approval of request #2, to permit an auto service building setback 13.33' (20' required) from the rear (west) property line and request #3, to permit an 11'1" (14' required) wide one-way drive (request #3), would not be out of character with the area. Staff notes that pursuant to the aforementioned Resolution #Z-165-96, the property was previously approved to permit a 13.33' (15' required) wide greenbelt along the rear west property line. The proposed service center and carwash do not encroach into this previously approved landscape strip. Further, the submitted plans depict a substantial increase in buffering where the building encroaches into the setback in the form of an array of Live Oak and Ear Leaf Acacia trees planted at 15' on center along with the Coco Plum hedges. This increased landscaping, in staff's opinion, provides a welcome visual enhancement to the abutting busway and Miami-Dade Transit park-and-ride lot located to the west. Further, staff opines that the height of the building, 20', is compatible with the single-family residences located to the west of the site and creates a gradual lowering of the visual intensity in height going to the west. Similarly, staff opines that the request to permit an 11'1" wide, one-way drive (request #3) would not be detrimental to the surrounding properties, nor would it negatively impact traffic on the abutting streets. The submitted plans depict the aforementioned drive-way as a "pick-up lane" located centrally on the site and the Public Works Department indicates in their memorandum that the driveway is existing and does not interfere with traffic circulation on the site. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

When request #4, to permit a 4'4" wide greenbelt is evaluated under Section 33-311(A)(4)(b), the Non-Use Variance Standards (NUV), staff is of the opinion that approval of this request would not maintain 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 appearance and stability of the community and provided that the request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. The subject property was previously approved pursuant to

Resolution #Z-165-96, in 1996, to permit a 7' wide landscape strip in lieu of the applicant's request to waive the zoning regulations requiring a 15' wide continuous densely planted greenbelt along the front (east) property line. Staff notes that in the aforementioned approval, the CZAB at that time determined that although there was a requirement for the beautification and the buffering of the site, a modified approval to allow a 7' wide landscape strip where the property abuts South Dixie Highway was compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations. However, the submitted plans depicting the existing dealership and the applicant's letter of intent indicate that the development of the site was not in accordance to the aforementioned approval. Thus, it should be noted that the purpose of request #4, is to legitimize this encroachment. Therefore, staff opines that approval of this request would be **incompatible** with the area and is not in keeping with the Board's intent of maintaining harmony with the general purpose and intent of the regulations and previous approvals. Therefore, staff recommends denial without prejudice of request #4, under Section 33-311(A)(4)(b).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #2 through #4 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, the subject property can be developed in accordance with the zoning regulations. As such, staff is of the opinion that requests #2 through #4 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

The Alternative Site Development Option (ASDO) Standards for buildings and structures in the BU Zoning Districts, Section 33-311(A)(16), 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 applicant has not provided staff with the documentation required for analysis under same. As such, request #2 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

Therefore, based on the foregoing, staff recommends a modified approval with conditions of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) only as it applies to the new service center and carwash addition, parking and driveway configurations, and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions and Covenants After Public Hearing), approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #4 under same; denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #2 under Section 33-311(A)(16) (ASDO).

I. **RECOMMENDATION:**

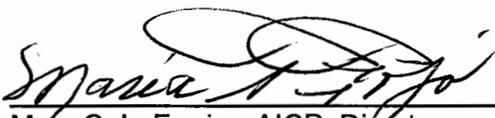
Modified approval with conditions of request #1 under Section 33-311(A)(7), only as it applies to the new service center and carwash addition, parking and driveway configurations, and denial without prejudice of same under Section 33-311(A)(17), approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of request #4 under same; denial without prejudice of requests #2 through

#4 under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).

J. CONDITIONS:

1. That all conditions of Resolution #Z-165-96 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 "Service Center & Car Wash @ Land Rover," as prepared by Villa & Associates, Inc., Sheets A-1 and L-1 dated stamped received 9/25/08 and the remaining sheets dated stamped received 2/4/08 for a total of 4 sheets except as herein modified to show a minimum landscape strip of 7' wide along the entire east property line.
3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
4. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
5. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

DATE INSPECTED: 03/25/08
DATE TYPED: 11/13/08
DATE REVISED: 11/14/08, 11/18/08, 12/10/08
DATE FINALIZED: 12/10/08
MCL:MTF:NN:NC:CH:


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

Memorandum



Date: March 10, 2008
To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

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

Subject: C-14 #Z2008000020
Warren Henry Automobiles, Inc.
16750 S. Dixie Highway
Modification of Resolution Z-165-96 and Request to Permit an Auto
Service Building that Would Exceed Setback Requirements
(BU-1A) (2.05 Acres)
28-55-40

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.

Potable Water Service and Wastewater Disposal

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

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

Notwithstanding the foregoing, 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

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

Site grading and development plans 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.

Car Wash Wastewater Management and Disposal

Chapter 24 of the Code regulates any management and disposal of wastewater. Car wash operations have been characterized as generators of wastewater that cannot be discharged into any stormwater runoff disposal system. Therefore, DERM will require that any car wash proposed or future operation complies with the following conditions:

1. All the wastewater from the car wash operation shall be directed into the sanitary sewer system or into a wastewater recycling system.
2. No wastewater from car wash operations shall be allowed to discharge into the stormwater disposal system or into the ground.
3. No car wash operations shall be permitted outdoors.

The applicant is advised that DERM approval of subsequent development orders or permits for this site will be contingent upon compliance with the above noted requirements.

Operating Permits

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

Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

Air Quality Preservation

Due to the nature of activities associated to the proposed land use (i.e. removal of A/C units), DERM review, approval and permits will be required for activities that could be a source of air pollution. The DERM Air Quality Management Division should be contacted for further information in this regard. The facility will require an Air Permit from this Department for any proposed automobile paint spray booth and any other possible sources of air pollution such as degreasers, dust collectors, and so on. The applicant should contact the Air Division of DERM for the necessary application forms to construct and operate an air pollution source. Additionally, the removal or repair of automotive air condition units will also require permits from DERM.

Pollution Control

The applicant is advised that there are records of petroleum contamination assessment or remediation issues abutting the property, to the southeast, Victor's Auto Sales, 16740 S. Federal Hwy., UT-191/F-6986. The contaminated site is in a state-funded program awaiting allocation of funds for cleanup.

Hazardous Materials Management

Due to the nature of activities inherent to the requested land use, the applicant will be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with this land use, including but not limited to, the following:

1. All waste generating activities (i.e. all mechanical repairs/maintenance and dismantling) must be conducted on an impervious area (i.e. concrete pad). The work area must be provided with low berms/speed bumps or similar structures all around as to prevent any liquids to flow outside of the work area.
2. All hazardous materials and hazardous waste must be provided with secondary containment capable of holding 110% of the largest container stored and protected from rainwater intrusion.
3. All oily parts and parts containing or impregnated with hazardous materials must be stored on an impervious area protected from rainwater intrusion.
4. No industrial waste whatsoever shall be discharged to the ground.

The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices.

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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

DERM has found two closed enforcement records for the subject property:

Folio No. 30-5028-000-0520
9571 S.W 168th Street

On December 21, 1991, a Uniform Civil Violation Notice was issued to Europa Autobuse for failure to obtain DERM permits. On March 12, 1992, an affidavit of compliance was issued and the case was subsequently closed on February 19, 1987, due to compliance.

On October 21, 1994 hydrocarbon contamination was found in the vicinity of an excavated storm drain. The Notice of Required Testing was submitted and approved on February 11, 1997. On February 13,

2004, the Site Rehabilitation Closure Reports was received and the case was subsequently closed, due to compliance.

Concurrency Review Summary

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

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

This memorandum shall constitute DERM's written approval, as required by the Code.

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

PUBLIC WORKS DEPARTMENT COMMENTS

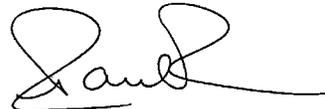
Applicant's Names:WARREN HENRY AUTOMOBILES, INC.

This Department has no objections to this application.

This Department has no objections to the request to permit an 11'1" one-way driveway where 14 feet is required. This driveway is existing and does not interfere with traffic circulation.

The property owner must dedicate an additional 5 feet for SW 168 Street for a total of 40 feet (1/2 R/W).

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.

10-OCT-08



Memorandum

Date: 22-OCT-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000020

Fire Prevention Unit:

This memo supersedes MDFR Memorandum dated April 14, 2008.

OBJECTIONS:

These comments are for plans date stamped September 25, 2008.

- Applicant must provide clearance for metal canopy. Minimum 13'6".
- Provide minimum 15 feet road width for One-Way traffic.

Service Impact/Demand:

Development for the above Z2008000020
 located at 16750 SOUTH DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2117 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>4,240</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.26 alarms-annually.
 The estimated average travel time is: 5:24 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 4 - Coral Reef - 9201 SW 152 Street
 Rescue, BLS Engine, Battalion.

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact based on plans date stamped September 25, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

WARREN HENRY AUTOMOBILES,
INC

16750 SOUTH DIXIE HIGHWAY,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000020

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No Change from previous memo.

Cuellar, S

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: WARREN HENRY AUTOMOBILES, INC.
DBA LAND ROVER SOUTH DADE

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>WARREN H. ZINN</u>	<u>100%</u>
<u>20800 N.W. 2ND AVENUE</u>	
<u>MIAMI, FL 33169</u>	

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

TRUST/ESTATE NAME _____

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

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 208-028
 FEB 04 2008

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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.

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY XH

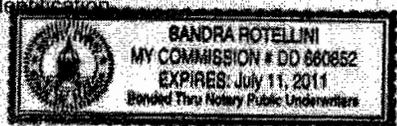
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *[Signature]*
 (Applicant)

Sworn to and subscribed before me this 28TH day of JANUARY 20 08. Affiant is personally know to me or has produced _____ as identification.

[Signature]
 (Notary Public)

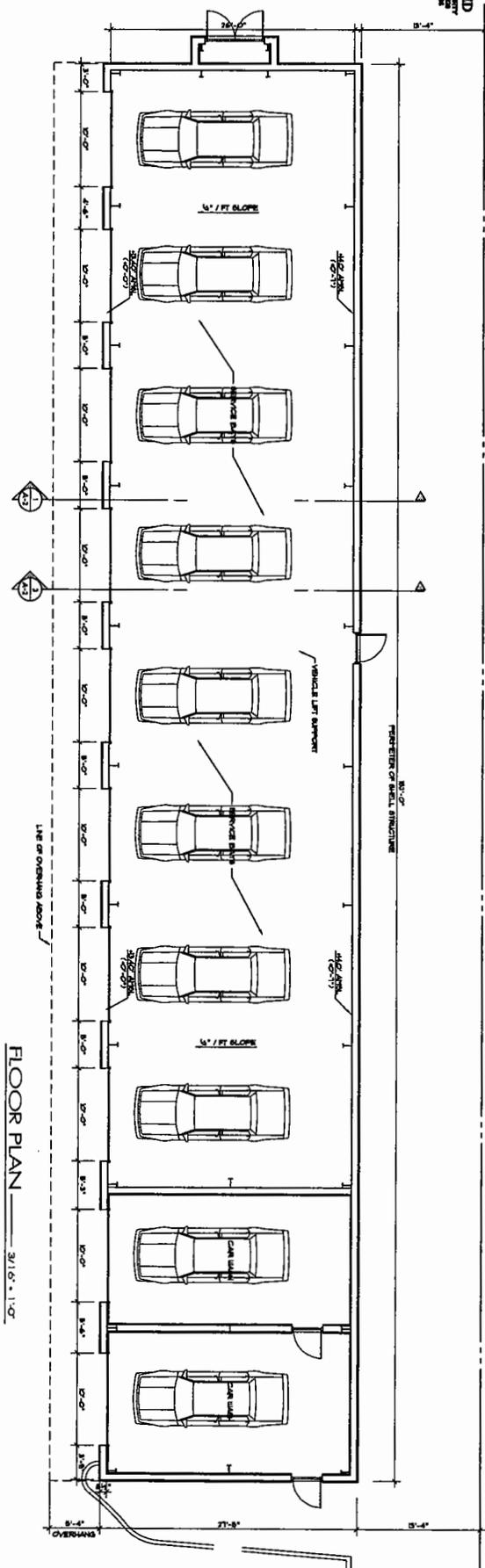


My commission expires: _____

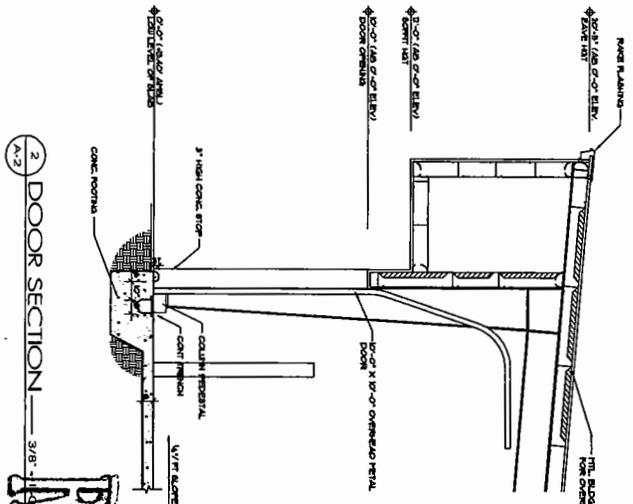
Seal

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

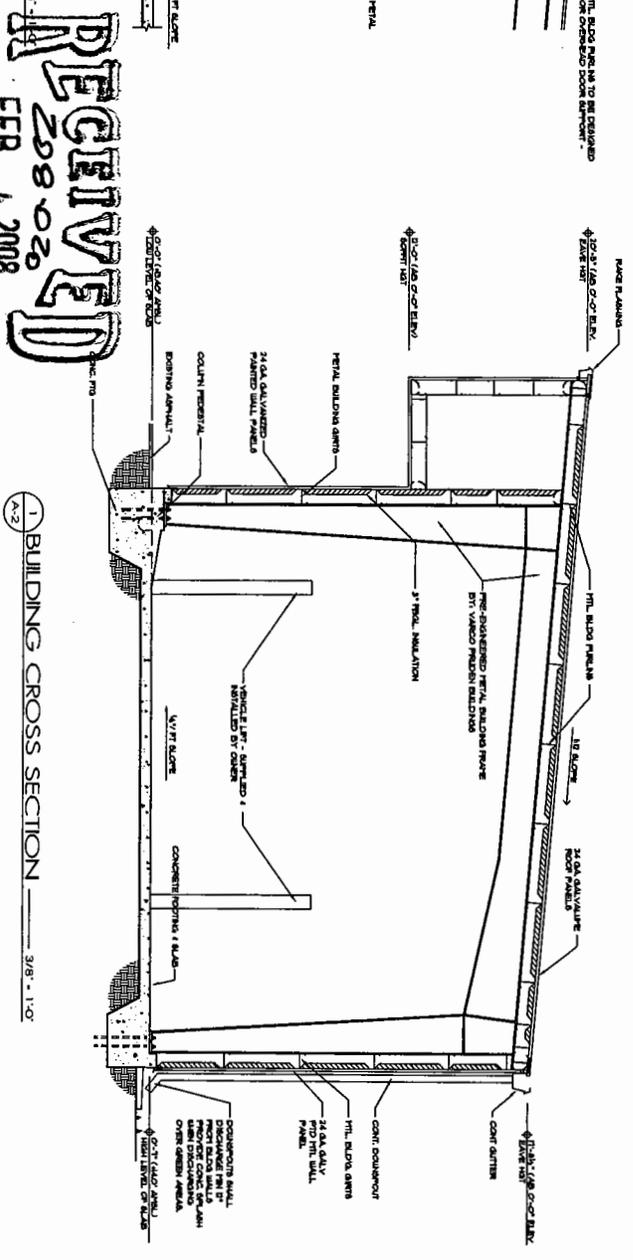
RECEIVED
 MIAMI-DADE PLANNING AND ZONING DEPT.
 11/11/08 11:11 AM



FLOOR PLAN — 3/16" = 1'-0"



2 DOOR SECTION — 3/8" = 1'-0"



1 BUILDING CROSS SECTION — 3/8" = 1'-0"

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 208-020
 FEB - 4 2008

ZONING HEARINGS SECTION
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 BY _____

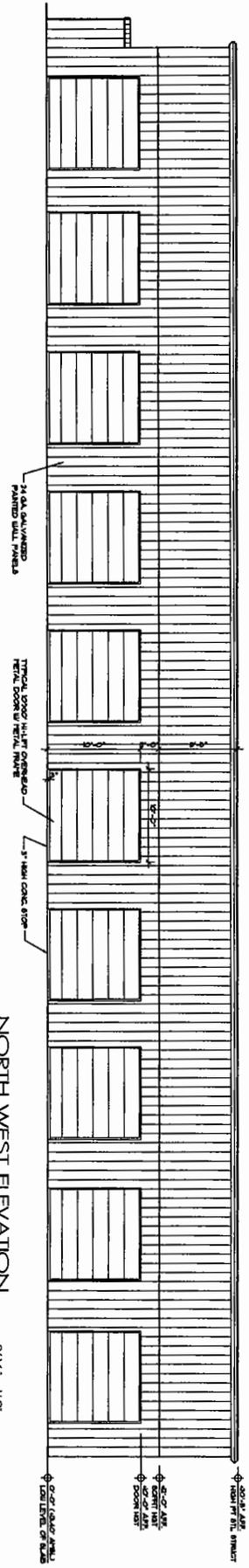
DATE: 01/10/08	SCALE: 3/8" = 1'
PROJECT NO: A-2 OF 3	

VILLA & ASSOCIATES INC.
 ARCHITECTURE PLANNING INTERIOR DESIGN
 7344 SW 48 STREET SUITE 201 MIAMI, FLORIDA 33155
 TEL: 305-881-8181 • FAX: 305-861-8710 • E-Mail: Villa@camaweb.com
 CONSULTANT:

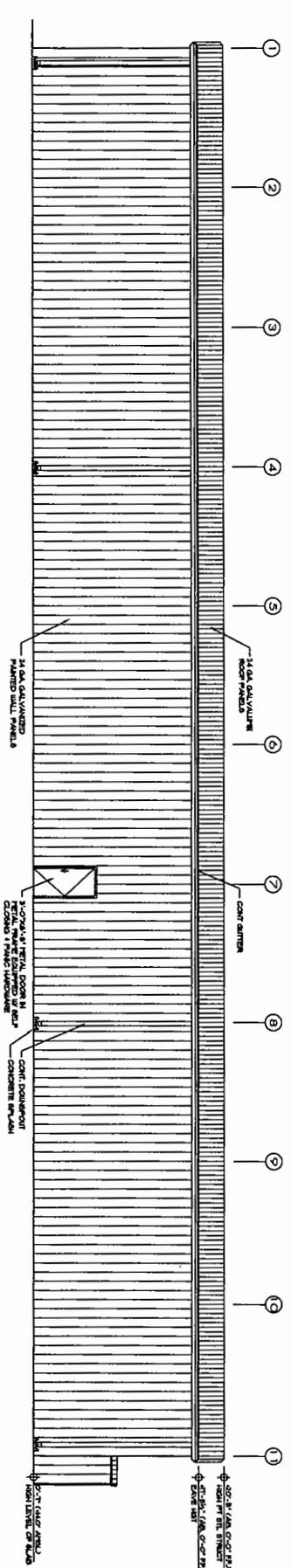
Corporation License
 PA 00000000
 Architectural Seal
 JORGE L VILLAVICENCIO
 NO. A88012115

SERVICE CENTER & CAR WASH @
LAND ROVER
 LAND ROVER AUTOMOBILES
 8551 SW 166th STREET - MIAMI, FLORIDA
 WARREN HENRY AUTOMOBILES
 20800 HWY 2nd AVE.
 MIAMI, FLORIDA

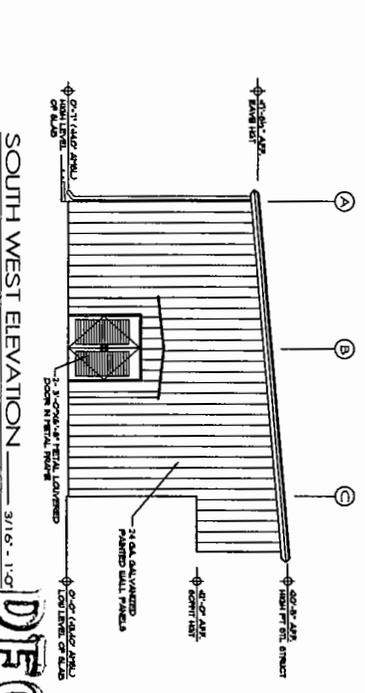
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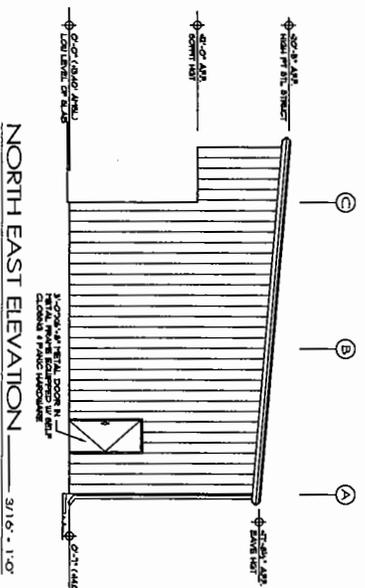
NORTH WEST ELEVATION — 3/1/6" - 1'-0"



SOUTH EAST ELEVATION — 3/1/6" - 1'-0"



SOUTH WEST ELEVATION — 3/1/6" - 1'-0"



NORTH EAST ELEVATION — 3/1/6" - 1'-0"

NOTE:
 NO NEW SIGNAGE IS PROPOSED

RECEIVED
 FEB - 4 2008

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

DATE: 01-10-08	SCALE: 3/16" = 1'
PROJECT NO:	
DATE: 01-10-08	SCALE: 3/16" = 1'
PROJECT NO:	
A-3 OF 3	

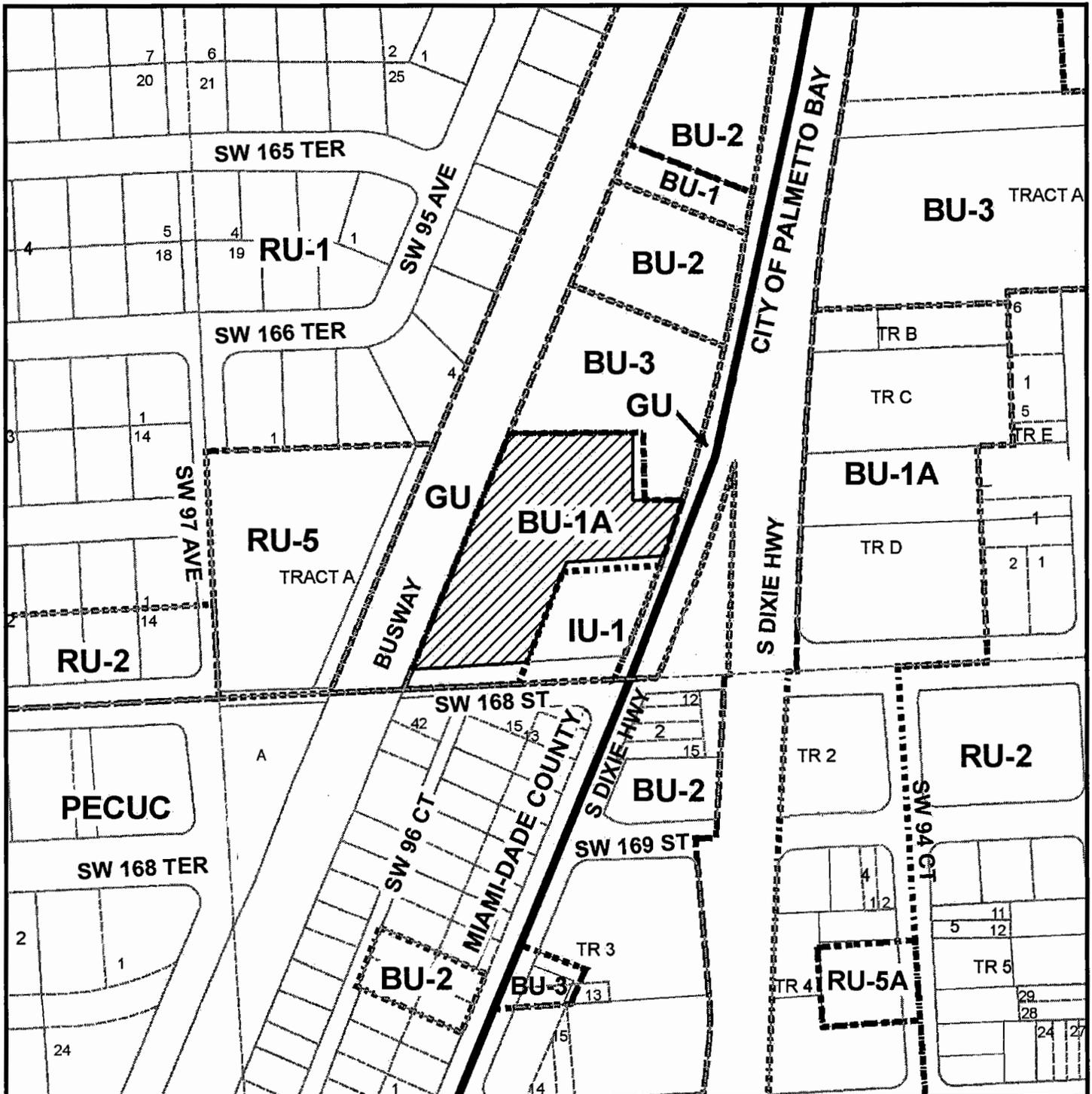
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 TEL. 305-861-6181 - FAX 305-861-8710 - E-Mail: Villa@camaweb.com

CONSULTANT:

Corporation License #AA0003388
 Architectural Seal
 JORGE L. VILLAVENCIO
 REG. ARCHITECT

SERVICE CENTER & CAR WASH @ LAND ROVER
 LAND ROVER AUTOMOBILES
 8551 SW 188th STREET - MIAMI, FLORIDA
 WARREN HENRY AUTOMOBILES 20860 NW 2nd AVE. MIAMI, FLORIDA

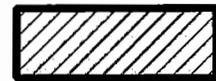
REVISIONS:



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-020

Section: 28 Township: 55 Range: 40
 Applicant: WARREN HENRY AUTOMOBILES, INC.
 Zoning Board: C14
 District Number: 09
 Drafter ID: JOAQUIN
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 02/12/08

REVISION	DATE	BY
NONE removed fr. S. Dixie Hwy. Removed zone lines	06/03/08 06/25/08	deltroj K3
		31



**MIAMI-DADE COUNTY
AERIAL**

Process Number

08-020

Section: 28 Township: 55 Range: 40
 Applicant: WARREN HENRY AUTOMOBILES, INC.
 Zoning Board: C14
 District Number: 09
 Drafter ID: JOAQUIN
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 02/12/08

REVISION	DATE	BY
Removed zone lines	06/25/08	KS