

# FINAL AGENDA

3-19-2012 Version # 1



**COMMUNITY ZONING APPEALS BOARD 14**  
**SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)**  
**10710 SW 211 Street, Miami**  
**Tuesday, April 24, 2012 at 6:00 p.m.**

**CURRENT**

- |    |             |                                     |               |          |   |
|----|-------------|-------------------------------------|---------------|----------|---|
| 1. | 12-4-CZ14-1 | <u>ADLER ACQUISITION 2, LLC</u>     | <u>11-113</u> | 05-56-40 | N |
| 2. | 12-4-CZ14-2 | <u>FABRICINO &amp; MARLEN ORTIZ</u> | <u>11-123</u> | 01-56-39 | N |



# Official Zoning Agenda

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## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF TUESDAY, APRIL 24, 2012

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

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**I. ELECTION OF CHAIR AND VICE-CHAIR**

**II. APPLICATIONS:**

**1. ADLER ACQUISITION 2, LLC (12-4-CZ14-1/11-113)**

**05-56-40  
Area 14/District 09**

(1) SPECIAL EXCEPTION to permit a pawn broker.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successors department entitled "Value Pawn and Jewelry" as prepared by William Franz Architect, consisting of 1 sheet, plans entitled "EZ Corp" as prepared by Kimley-Horn and Associates, Inc. consisting of 2 sheets, all 3 sheets dated stamped received 11/3/11 and plans entitled Value Loan & Jewelry as prepared by Architect Design Collaborative consisting of 1 sheet, dated stamped received 9/21/11, for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 18494 S. Federal Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 30,804 Square Feet

Department of Permitting, Environment and  
Regulatory Affairs  
Recommendation:

Approval with conditions.

Protests: \_\_\_\_\_ 1 \_\_\_\_\_

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

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

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

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

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

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**2. FABRICINO & MARLEN ORTIZ (12-4-CZ14-2/11-123)**

**01-56-39  
Area 14/District 09**

NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 12.5' (25' required) from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successor department, entitled "Public hearing for Marlen Ortiz and Fabricino Ortiz", preparer unknown and dated stamped received 12/05/11, consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 11901 SW 188 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 79' X 103'

Department of Permitting, Environment and  
Regulatory Affairs  
Recommendation:

Approval with conditions.

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

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

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

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

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

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

**NOTICE**

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

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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Permitting, Environment and Regulatory Affairs (PERA) within 14 days after PERA has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (PERA's posting will be made on a bulletin board located in the office of PERA.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to Community Council No. 14**

**PH: Z11-113 (12-04-CZ14-1)**

**April 24, 2012**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	Adler Acquisition 2, LLC
<b>Summary of Requests</b>	The applicant is seeking special exception to permit a pawn broker.
<b>Location</b>	18494 S. Federal Highway, Miami-Dade County, Florida.
<b>Property Size</b>	30,804 sq. ft.
<b>Existing Zoning</b>	BU-3
<b>Existing Land Use</b>	Retail
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(3), Special Exceptions (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions.</b>

**REQUEST:**

SPECIAL EXCEPTION to permit a pawn broker.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department, entitled "Value Pawn and Jewelry" as prepared by William Franz Architect, consisting of one (1) sheet, plans entitled "EZ Corp" as prepared by Kimley-Horn and Associates, Inc., consisting of two (2) sheets, all three (3) sheets dated stamped received 11/03/11 and plans entitled Value Loan & Jewelry as prepared by Architect Design Collaborative consisting of one (1) sheet, dated stamped received 9/21/11, for a total of four (4) sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Existing 6,516 sq. ft. commercial building with 31 parking spaces.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-3; commercial building	Business and Office
<b>North</b>	PECUC; office building	Community Urban Center
<b>South</b>	PECUC; retail	Community Urban Center
<b>East</b>	City of Cutler Bay; shopping center	Business and Office
<b>West</b>	PECUC; utility	Community Urban Center

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an interior lot, located at 18494 S. Federal Highway. Commercial and office uses characterize the surrounding area where the subject property lies.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to operate a pawn broker on the site. However, the approval of same could have an impact on the traffic in the surrounding area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property 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.* The approval of the request sought in this application will permit the applicant to establish a pawn broker on the subject property. Staff opines that a pawn shop use is similar to a retail use and therefore is **consistent** with the uses permitted as described in the CDMP Land Use Element interpretative text, as stated above, under the Business and Office land use category and **consistent** with the CDMP LUP map Business and Office designation for the subject property.

**ZONING ANALYSIS:**

When the subject request is analyzed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, staff is of the opinion that said request maintains the basic intent and purpose of the zoning and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Section 33-255(20) provides that pawnbrokers shall be permitted in the BU-3 Business Liberal Zoning District only upon approval after a public hearing.

Staff notes that the subject property is located in an intensive commercial corridor along S. Federal Highway, which is a six-lane highway, and is surrounded by business and industrial uses. Specifically, the property is surrounded by an office building to the north, a Walgreens to the south, a shopping center to the east and an industrial site developed with a cellular tower to the west. The industrial property to the west abuts the South Miami-Dade Busway. Staff opines that the South Miami-Dade Busway and S. Federal Highway serve as effective barriers from the closest residential development, which is approximately 530 feet away at SW 100 Ave and SW 186 Street. Consequently, staff opines that the subject property is located in an area appropriate for the proposed use and that approval of this application will allow the applicant to develop the site in accordance with the character of the surrounding community.

Furthermore, staff opines that the proposed use will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, nor be incompatible with the area, nor be contrary to the public interest. This proposed development has been designed to be in harmony with the general appearance and character of the community. When considering the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that this application will not have an unfavorable effect on the same. Based on all of the aforementioned, staff is of the opinion that approval of the subject request would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be a detriment to the community. **Accordingly, staff recommends approval with conditions of the subject under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

**CIRCULATION AND PARKING:**

The site plan submitted depicts an existing one story retail building that meets the minimum required parking requirement and the location and width of the drives on the subject property

are sufficient to accommodate the potential traffic on this site. There is a small parking area with its own ingress and egress along S. Federal Highway.

**ENVIRONMENTAL REVIEW:** Not applicable.

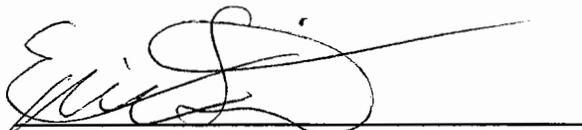
**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions.

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Permitting, Environment and Regulatory Affairs Department or its successor department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Value Pawn and Jewelry" as prepared by William Franz Architect, consisting of one (1) sheet, plans entitled "EZ Corp" as prepared by Kimley-Horn and Associates, Inc., consisting of two (2) sheets, all three (3) sheets dated stamped received 11/03/11 and plans entitled Value Loan & Jewelry as prepared by Architect Design Collaborative consisting of one (1) sheet, dated stamped received 9/21/11, for a total of four (4) sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Permitting, Environment and Regulatory Affairs, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:GR:NN:CH:JC



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Sustainability, Planning  
and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

NON  
EMR

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable  
4/5/2012

## ZONING RECOMMENDATION ADDENDUM

Adler Acquisition 2. LLC  
Z11-113

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
<i>Environmental Division (PERA)</i>	<i>No objection</i>
<i>Public Works and Solid Waste</i>	<i>No objection</i>
<i>Parks, recreation and Open Space</i>	<i>No objection</i>
<i>MDT</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Police</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p><b><i>Business and Office</i></b> <b><i>(Pg. I-41)</i></b></p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
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# ZONING RECOMMENDATION ADDENDUM

Adler Acquisition 2. LLC  
Z11-113

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(3)</b></p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i></p>
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**1. ADLER ACQUISITION 2, LLC**  
**(Applicant)**

**12-4-CZ14-1 (11-113)**  
**Area 14/District 09**  
**Hearing Date: 04/24/12**

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>
1964	Standard Oil Co. of Kentucky	- Variance of signage.	ZAB	Approved
1964	R.J. Heisterman	- Zone change from (GU to BU-2)	BCC	Approved with Condition(s)
1964	R.J. Heisterman	- Zone change from (GU to BU-2)	ZAB	Recommended for Approval
1966	Director	- Zone change from (BU-1A, BU-2, BU-3 & EU-1 to BU-3).	ZAB	Recommended for Approval
1967	Director	- Zone change from (BU-1A, BU-2, BU-3 & EU-1 to BU-3).	BCC	Approved

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

**Date:** February 2, 2012

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs

**Subject:** BCC #Z2011000113-2<sup>nd</sup> Revision  
Adler Acquisition 2, LLC  
18494 S. Federal Highway  
Special Exception to Permit a Pawn Shop  
(BU-3) (0.7 Acres)  
05-56-40



The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

A public water main is not currently abutting the subject property. However there is a 12-inch public water main located at the southeast corner of the property. An individual water supply system may be approved, provided that groundwater quality in the area is such that drinking water standards can be met by the existing water supply system. A minimum separation distance of 100 feet is required between any well and all septic tanks, drainfields, all surface waters and any other source of contamination. The applicant is advised the approval and use of the previous individual water supply system was subject to Section 24-43.1(6)(h) which states in part, "the use will not use, generate, handle, dispose of, discharge or store hazardous materials on the property".

Notwithstanding the foregoing, the approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including the review and approval of the on-site well and water treatment system. The previous business operating on the property had a valid an annual operating permit (PWO 170) from the Water and Wastewater Section for the potable water supply system.

Wastewater Disposal

A 10-inch force main abuts the property along S Federal Highway. Be advised that connection to the abutting sewer main will be required in the event that a change of use that signifies an increase in wastewater flow is proposed. According to our records, the previous use of the property was a retail store (U2003010796). Since the proposed business use will not result in an increase in the wastewater flow generated from the previous use connection to public sewer will not be required at this time.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that the Director of the Department must issue his written approval prior to any zoning action.

Notwithstanding the foregoing, the subject application complies with the provisions of Section 24-43.1(6)(h) of the Code. Accordingly, the subject property has been approved for the interim use of an on-site potable water supply well as source of drinking water and the interim use of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste in conjunction with the existing or proposed land use and those land uses permitted in the underlying zoning classification which are compatible with the use of an on-site drinking water supply well and a septic tank.

Additionally, the owner of the property has properly executed covenants running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4)(a) and 24-43.1(6)(h) of the Code.

#### Stormwater Management

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

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

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

#### Wetlands

The subject property does not contain 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 Tree Removal Permit 00003525 was issued for this site on January 12, 2012 and is scheduled to expire on January 12, 2013. All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit in order to avoid violation of permit conditions.

Please be advised that a new Miami-Dade County Tree Removal/Relocation Permit or an amendment to this permit is required prior to the removal and/or relocation of any other trees on the subject property. Please contact the Tree Permitting Program at 305-372-6600, voice option #2, for information regarding tree permits.

#### Enforcement History

The subject property has one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

#### Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for

potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ADLER ACQUISITION 2, LLC

This Department has no objections to this application.

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

Additional improvements may be required at time of permitting/platting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 17 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9872	SW 184 St. e/o US-1	D	D
F-346	US-1 n/o SW 112 Ave.	C	C
F-1114	SW 186 St. w/o US-1	C	C
F-2563	US-1 n/o SW 184 St.	D	D

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



Raul A Pino, P.L.S.

06-DEC-11

# Memorandum



**Date:** 14-NOV-11  
**To:** , Director  
 Department of Permitting, Environment and Regulatory Affairs  
**From:** William W. Bryson, Fire Chief.  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000113

**Fire Prevention Unit:**

The Fire Water & Engineering Bureau has reviewed and approved the site plan dated stamp received 11/3/11.

**Service Impact/Demand**

Development for the above Z2011000113  
 located at 18494 S FEDERAL HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 5206 is proposed as the following:

<u>residential</u>	dwelling units	<u>Industrial</u>	square feet
	square feet	<u>institutional</u>	square feet
<u>Office</u>			
6516	square feet		square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 2 alarms-annually.  
 The estimated average travel time is: 5:12 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station No. 50 - Perrine - 9798 Hibiscus Street - Rescue

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Current service impact calculated based on site plan dated stamp received 11/3/11. Substantial changes to the plan will require additional service impact analysis.

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

# Memorandum



**Date:** December 5, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

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

**Subject:** Z2011000113: Adler Acquisition 2, LLC.  
Revised plans dated stamped received 11/03/11

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**Application Name:** Adler Acquisition 2, LLC.

**Project Location:** The site is located at 18494 S FEDERAL HIGHWAY, Miami-Dade County.

**Proposed Development:** The applicant is requesting a Special Exception to permit a pawn shop.

**Impact and demand:** The letter of intent specifies that the purpose of the Special Exception is to permit a pawn shop use. Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 15-MAR-12  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

ADLER ACQUISITION 2, LLC

18494 S FEDERAL HIGHWAY,  
MIAMI-DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000113

---

HEARING NUMBER

**HISTORY:**

NO CURRENT ZONING OR BUILDING SUPPORT CASES

ADLER ACQUISITION 2, LLC

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

**Inspector:** BOELLARD, FRANCIE

**Inspection Date**

**Evaluator:** JACQUELINE CARRANZA

03/02/12

**Process #:** Z2011000113  
**Applicant's Name:** ADLER ACQUISITION 2, LLC

**Locations:** 18494 S FEDERAL HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 30,804 SQ. FT.

**Folio #:** 3060050010071

**Request:**

1 S.E. to permit a pawn shop.

**EXISTING ZONING**

**Subject Property** BU-3,

**EXISTING USE** RETAIL USE

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

BUILDING

**USE(S) OF PROPERTY:**

COMMERCIAL

**FENCES/WALLS:**

CHAIN LINK FENCE IN THE MIDDLE OF THE PROPERTY RUNNING FROM CENTER OF THE BUILDING TO THE REAR. CHAIN LINK ON SOUTH SIDE & WEST SIDE. BOLLARDS IN FRONT OF THE BUILDING FACING EAST ALONG THE SIDEWALK IN FRONT OF US1

**LANDSCAPING:**

APPROXIMATELY 2 TO 3 TREES

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

I CAN NOT FIND PERMITS FOR THE FOLLOWING: SECURITY BARS, & CHAINLINK FENCE RUNNING IN THE MIDDLE OF THE PROPERTY DIVIDING THE FRONT OF THE PARKING AREA FROM THE REAR. SMALL PILES OF DEBRIS & OVERGROWTH. DONATION BOX ON THE PROPERTY

**OTHER:**

**Process #** Z2011000113  
**Applicant's Name** ADLER ACQUISITION 2, LLC

**SURROUNDING PROPERTY**

# ZONING INSPECTION REPORT

**NORTH:**

INDUSTRIAL, COMMERCIAL, RETAIL

**SOUTH:**

COMMERCIAL & RETAIL

**EAST:**

TOWN OF PALMETTO BAY TO THE EAST MADE UP OF RETAIL SHOPPING CENTERS & COMMERCIAL PROPERTIES

**WEST:**

BUSWAY & VACANT LAND ZONED INDUSTRIAL & INDUSTRIAL

**SURROUNDING AREA**

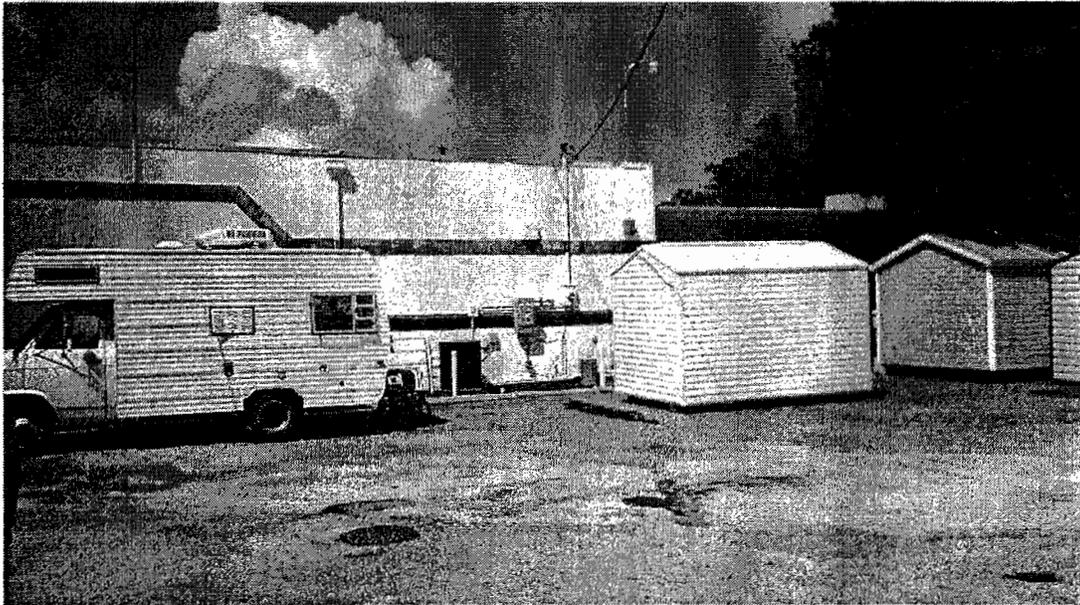
**NEIGHBORHOOD CHARACTERISTICS:**

MIX OF RESIDENTIAL, INDUSTRIAL & COMMERCIAL BUILDINGS, INCLUDING SHOPPING CENTERS, STRIP MALLS, GAS STATIONS, CHECK CASHING STORES & MEDICAL OFFICES

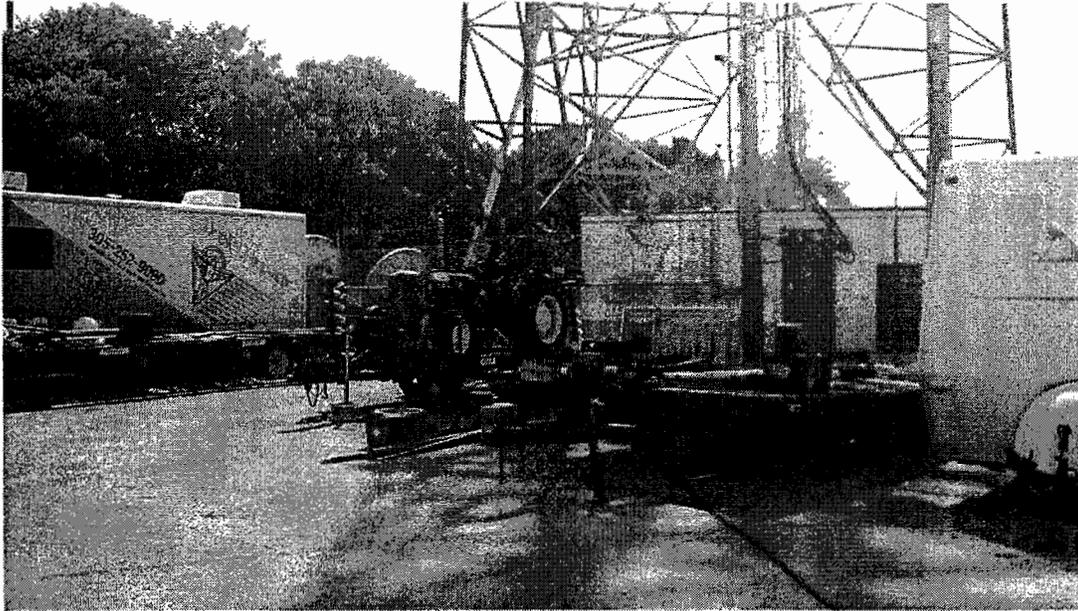
**COMMENTS:**



View of Existing Building from the South



View of Existing Building from the South



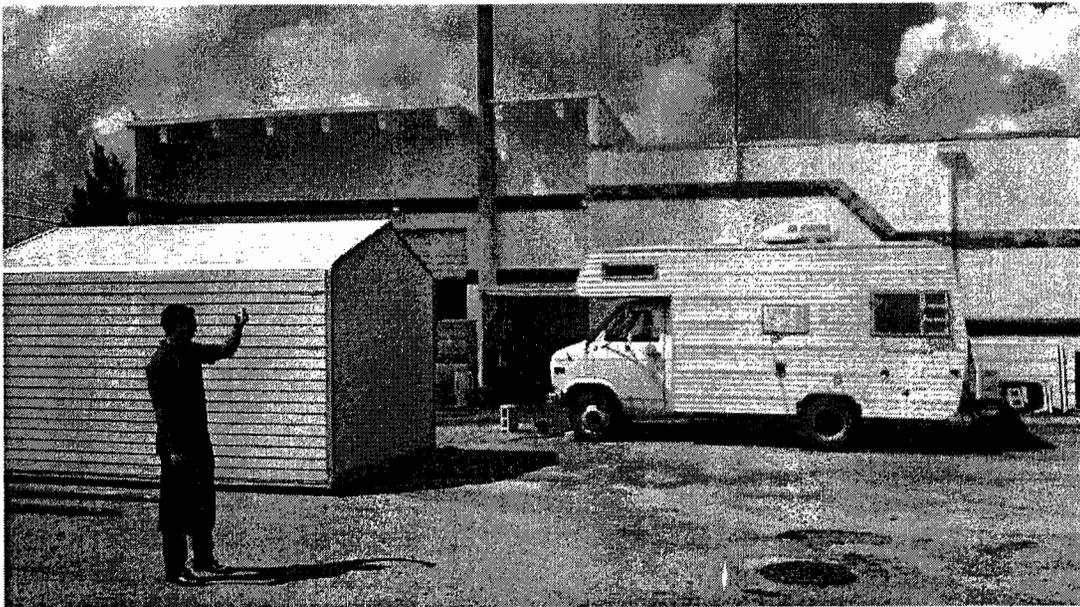
View of Rear Yard Looking Southwest, Showing Adjacent Cellular Tower



View of Existing Rear Yard



View Looking East along North Property Line



View of Existing Building Looking North

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: Adler Acquisition 2, LLC

NAME AND ADDRESS Percentage of Stock

See attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

CORPORATION NAME: N/A

NAME AND ADDRESS Percentage of Stock

\_\_\_\_\_ 24-113

\_\_\_\_\_ AD

\_\_\_\_\_

\_\_\_\_\_

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS Percent of Ownership

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

NAME OF PURCHASER: N/A

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:

211-113

att

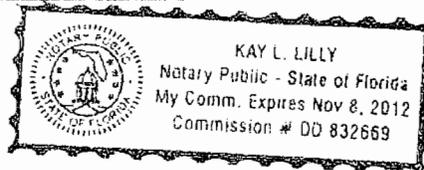
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

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

Sworn to and subscribed before me this 9 day of AUGUST 2011. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public)  
My commission expires 11-08-12



\*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 a other 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 percent (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.

**Interests in Adler Acquisition II, LLC**

	Percentage of Interest
Adler Group, Inc. 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	50%
Marc Kovens 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	50%

**Interests in Adler Group, Inc.**

	Percentage of Interest
Michael Adler 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	20%
Sarah Adler 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	20%
Karen Adler 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	20%
Bernyce Adler 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	20%
Steven Adler 1400 NW 107 Avenue, 5 <sup>th</sup> Floor Miami FL 33172	20%

21-113

AD

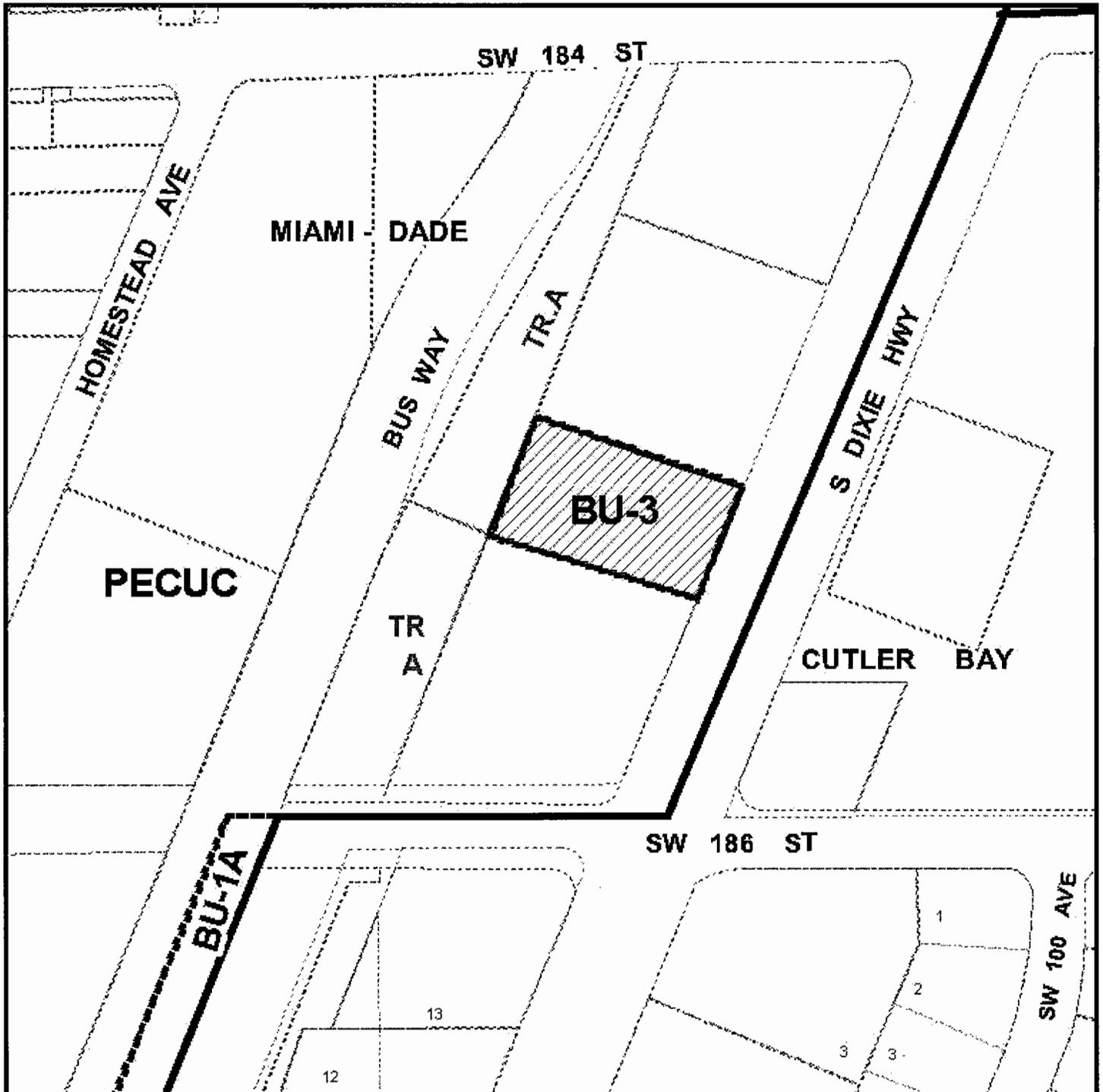












**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2011000113**



Section: 05 Township: 56 Range: 40  
 Applicant: ADLER ACQUISITION 2, LLC  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

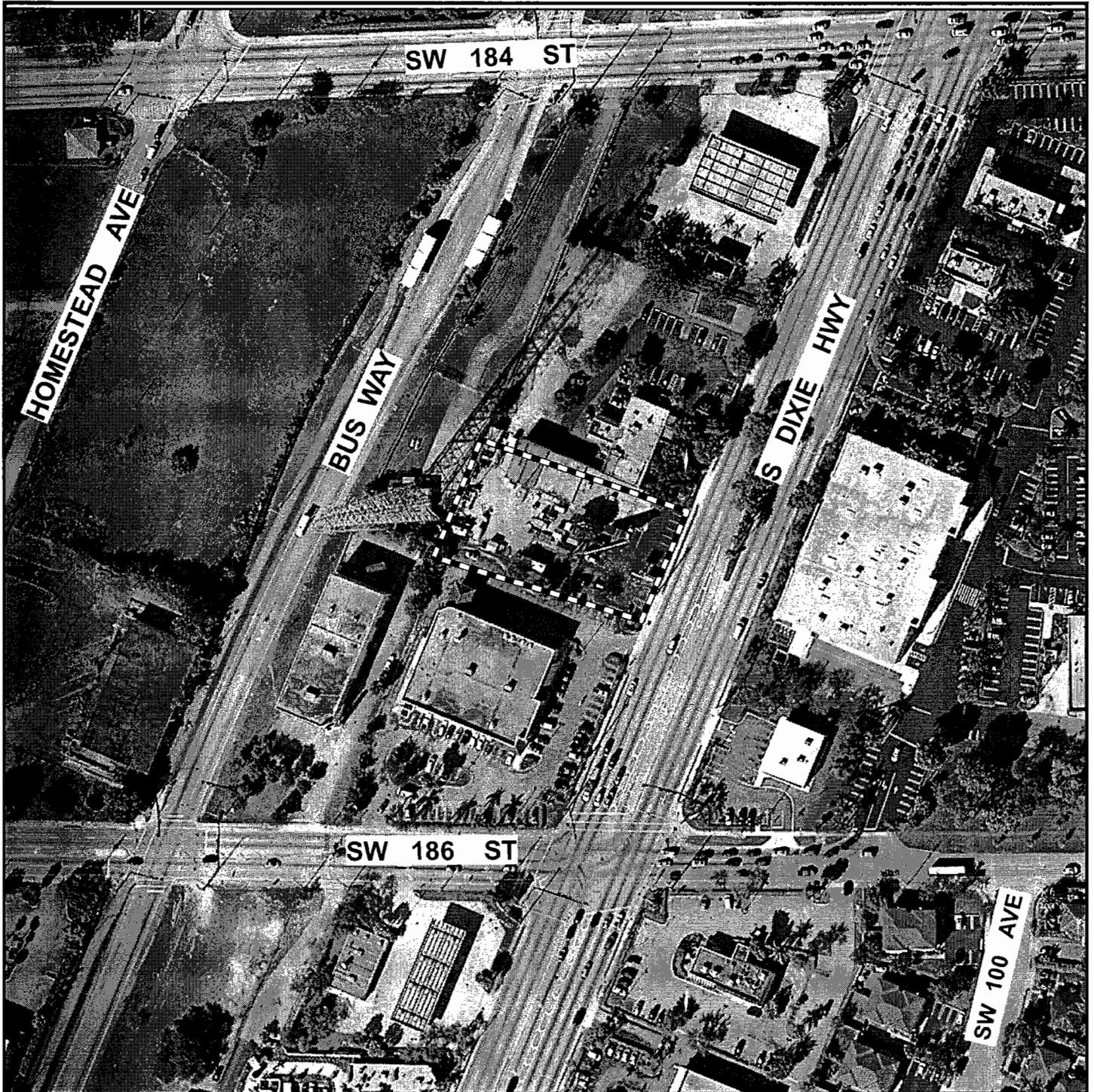
**Legend**

 Subject Property Case



SKETCH CREATED ON: Tuesday, October 4, 2011

REVISION	DATE	BY
		27



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

Process Number

**Z2011000113**



Section: 05 Township: 56 Range: 40  
 Applicant: ADLER ACQUISITION 2, LLC  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Tuesday, October 4, 2011

REVISION	DATE	BY
		28



(LMDR) 6-13 DU/AC

RESIDENTIAL W/ DENSITY INCREASE 1  
HOMESTEAD AVE

SW 184 ST

BUS WAY

TRANSPORTATION

TRANSPORTATION  
S DIXIE HWY

SW 186 ST

MIAMI-DADE COUNTY  
CDMP MAP

Process Number  
**Z2011000113**



**Legend**

 Subject Property Case

Section: 05 Township: 56 Range: 40  
Applicant: ADLER ACQUISITION 2, LLC  
Zoning Board: C14  
Commission District: 9  
Drafter ID: JEFFER GURDIAN  
Scale: NTS



SKETCH CREATED ON: Tuesday, October 4, 2011

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to Community Council No. 14**

**PH: Z11-123 (12-4-CZ14-2)**

**April 24, 2012  
Item No. 2**

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicants</b>	Fabricino & Marlen Ortiz
<b>Summary of Requests</b>	The applicants seek to allow existing additions to a single-family residence that encroaches into the rear setback area. Additionally, the applicants seek to allow the single-family residence with a minimal setback encroachment into the interior side setback area as well as to allow the residence with a greater lot coverage than permitted by the RU-1 zoning regulations.
<b>Location</b>	11901 SW 188 Terrace, Miami-Dade County, Florida.
<b>Property Size</b>	79' x 103'
<b>Existing Zoning</b>	RU-1
<b>Existing Land Use</b>	Single-Family Residence
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Approval with conditions</b>

**REQUEST:**

NON-USE-VARIANCE to permit an existing addition to a single-family residence setback 12.5' (25' required) from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Public Hearing for Marlen Ortiz and Fabricino Ortiz," as prepared by unknown and dated stamped received 12/5/11, consisting of 2 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The plans submitted depict the existing approximately 1,517.60 sq. ft. single-family residence with the 821.65 sq. ft. existing addition which encroaches into the rear (north) setback area.

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

<b>East</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>West</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is a 8,091.13 sq. ft. corner lot, with a 2,339.25 single-family dwelling located at 11901 SW 188 Terrace, within an established subdivision that is comprised of single-family residences in an RU-1, Single-Family Residential District.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicants the continued use and maintenance of additional indoor living space to an existing single-family residence. Further, staff opines that since the addition is existing and located to the rear of the residence, it will not create any new visual impacts on the surrounding area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) the Land Use Plan (LUP) map. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Since the applicants are not requesting to add additional dwelling units or to change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold of the LUP map of the CDMP.

**ZONING ANALYSIS:**

When the application to permit the existing residence with an addition encroaching 12.5' (25' required) into the rear (north) setback area is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of the application would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff's research of other properties in the surrounding area indicated that there were similar approvals of variances of the RU-1 zoning district rear setback regulations. For example, in 1985, pursuant to Administrative Variance #V1985000108, a property located two (2) blocks northeast of the subject property at 11880 SW 187 Street, was approved to allow the residence to setback 14.3' (25' required) from the rear (south) property line. Similarly, in 2002, a property located two (2) blocks southwest of the subject property at 12011 SW 190 Street, was approved pursuant to Administrative Variance #V2002000035 to, among other things, allow the residence to setback 12.5' from the rear (north) property line where 25' is required. Therefore, staff opines that the requested setback variance is not more intensive or out of character with the surrounding residential development.

Further, staff notes that although the subject property is a corner lot, the submitted plans show the addition that is the subject of the application located at the rear (north) of the 1,517.60 sq.

ft., single-family residence. Said plans and the survey submitted with the application also show an existing visual buffer in the form of a 6' high wood fence along the side street (east) property line. Therefore, staff opines that the existing encroachment is not easily visible to passersby along SW 119 Avenue or SW 188 Terrace and does not have any visual impact on the surrounding area.

However, in staff's opinion, the existing floor plan for the single-family residence could be converted by future owners to allow a multiple residential use. Therefore, staff recommends as a condition for approval that the applicants provide a Declaration of Use that would restrict the property to single family use only. Further, staff recommends that the door between the kitchen and the utility room be removed to insure that there is internal connectivity between the kitchen and the converted carport and that the rear ingress/egress door from the bar and breakfast room area be replaced by an approved egress window. Additionally, the submitted plans indicate that the existing 6' high wood fence at the rear of the property is located outside of the property line and must be relocated and maintained on the subject property to serve as a visual buffer.

**Staff therefore, recommends approval with conditions of the application under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval with conditions.**

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Hearing for Marlen Ortiz and Fabricino Ortiz," as prepared by unknown and dated stamped received 12/5/11, consisting of 2 sheets, except as herein modified to show the removal of the door between the kitchen and the utility room and the replacement of the outside door next to the bar and breakfast room with an egress window. Except as may be 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, prior to the issuance of a building permit, the applicants submit a Declaration of Use to the Permitting, Environment and Regulatory Affairs Department or its successor Department restricting the use of the subject property only to a single family residence.
5. That the applicants relocate the existing 6' high wood fence to the rear (north) property line.
6. That the applicants maintain buffering in the form of the 6' high wood fence along the rear (north) property line.
7. That the applicants remove the door from the kitchen to the utility room and replace the rear outside door from the bar and breakfast room area with an egress window.
8. That the applicants obtain a building permit for all non-permitted structures on the property when applicable from the Permitting, Environment and Regulatory Affairs Department or its successor Department within 90 days after the appeal period deadline date.

ES:MW:GR:NN:JC:CH



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Sustainability, Planning  
and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

*NDW  
GMR*

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*Fabricino and Marlen Ortiz*  
Z11-123

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Environment Division (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
*Subject to conditions in their memorandum.	

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

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

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

**12-4-CZ14-2 (11-123)**  
**Area 14/District 09**  
**Hearing Date: 04/24/12**

Property Owner (if different from applicant) **Fabriciano & Marlen Ortiz**

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

No History

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

# Memorandum

**Date:** January 20, 2011

**To:** Jack Osterholt - Interim Director  
Sustainability, Planning and Economic Enhancement

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs



**Subject:** C-14 #Z2011000123-1<sup>st</sup> Revision  
Fabricino Ortiz  
11901 S.W. 188<sup>th</sup> Terrace  
To Permit a Single-Family Residence Setback Less than Required from  
Property Lines  
(RU-1) (.1907 Acres)  
01-56-39

Enclosed, please find the Permitting, Environment and Regulatory Affairs review of the above referenced zoning application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). As noted in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code subject to the conditions below and may be scheduled for hearing.

**Conditions for Flood Protection:**

1. The application site is not within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 8 ft NGVD. The proposed legalization of addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Section 11C of the Code. Non-substantial improvements are required at a minimum to meet the elevation of the existing single family residence. The survey included with this submittal does not state the crown of road elevation, elevations of the existing residence nor the addition to be legalized. The applicant will be required to demonstrate the addition complies with the Code prior to approval of building permit plans.

**Pertinent Environmental Comments:**

**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 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

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

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

#### Wetlands

The subject property does not contain 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 proposal will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application.

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.

#### Enforcement History

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

#### Concurrency Review Summary

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

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

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

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

Cc: Eric Silva, Sustainability, Planning and Economic Enhancement

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: FABRICINO & MARLEN ORTIZ

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

12-JAN-12

# Memorandum



**Date:** 01-NOV-11  
**To:** Charles Danger, Director  
Department of Permitting, Environment and Regulatory Affairs  
**From:** William W. Bryson, Fire Chief.  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000123

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## Fire Prevention Unit:

No objection.

## Service Impact/Demand

Development for the above Z2011000123  
located at 11901 SW 188 TER, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2202 is proposed as the following:

<u>1</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: 0.27 alarms-annually.  
The estimated average travel time is: 4:24 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, Battalion 7

## 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 plan date stamped received October 19, 2011.

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

# Memorandum



**Date:** December 27, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

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

**Subject:** Z2011000123: FABRICINO & MARLEN ORTIZ  
Revised plans dated stamped received 12/5/2011

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**Application Name:** FABRICINO & MARLEN ORTIZ

**Project Location:** The site is located at the 11901 SW 188 TER, Miami-Dade County.

**Proposed Development:** The applicant is requesting a non-use variance to permit an addition to a single-family residence with a reduced setback. Revised plans dated stamped received 12/5/2011 have been reviewed.

**Impact and demand:** This application does not generate any residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

DATE: 15-MAR-12  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

FABRICINO & MARLEN ORTIZ

11901 SW 188 TER, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000123

---

HEARING NUMBER

**HISTORY:**

NC: NO CURRENT ZONING CASES

BLDG: Building Support Case #20110140743-B, was opened on November 19, 2010, Failure to obtain a permit prior to commencing work on a rear addition located in the setbacks; which included a missing A/C unit, electrical wiring, missing copper piping at the water heater, missing electrical meter and grounding. A Notice of Violation was issued the same day. An extension is on file with a compliance date of March 12, 2012.

FABRICINO & MARLEN ORTIZ

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

Inspector: BOBONIS, EIMIR

Inspection Date

Evaluator: CARL HARRISON

03/05/12

**Process #:**      **Applicant's Name**  
Z2011000123      FABRICINO & MARLEN ORTIZ

**Locations:**      11901 SW 188 TER, MIAMI-DADE COUNTY, FLORIDA.

**Size:**              79'X103'                                      **Folio #:** 3060060015060

**Request:**

Applicants are requesting to permit an addition to a single family residence setback a minimum of 12.5' (25' required) from the rear (north) property line.

**EXISTING ZONING**

**Subject Property**      RU-1,

**EXISTING USE**              SFR

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

HOUSE & ADDITION

**USE(S) OF PROPERTY:**

RESIDENTIAL

**FENCES/WALLS:**

6' WOOD FENCE AROUND THE HOUSE. CHAIN LINK FENCE FROM ABUTTING NEIGHBOR ON THE WEST SIDE

**LANDSCAPING:**

APPROXIMATELY 3 TREES & 10 SHRUBS

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

GRAFFITI ON THE WOOD FENCE FACING EAST

**OTHER:**

**Process #**      **Applicant's Name**  
Z2011000123      FABRICINO & MARLEN ORTIZ

**SURROUNDING PROPERTY**

# ZONING INSPECTION REPORT

**NORTH:**

RESIDENTIAL

**SOUTH:**

RESIDENTIAL

**EAST:**

RESIDENTIAL

**WEST:**

RESIDENTIAL

**SURROUNDING AREA**

RESIDENCES, SCHOOLS & CHURCHES

**NEIGHBORHOOD CHARACTERISTICS:**

RESIDENTIAL NEIGHBORHOODS ALL AROUND THIS PROPERTY.

**COMMENTS:**

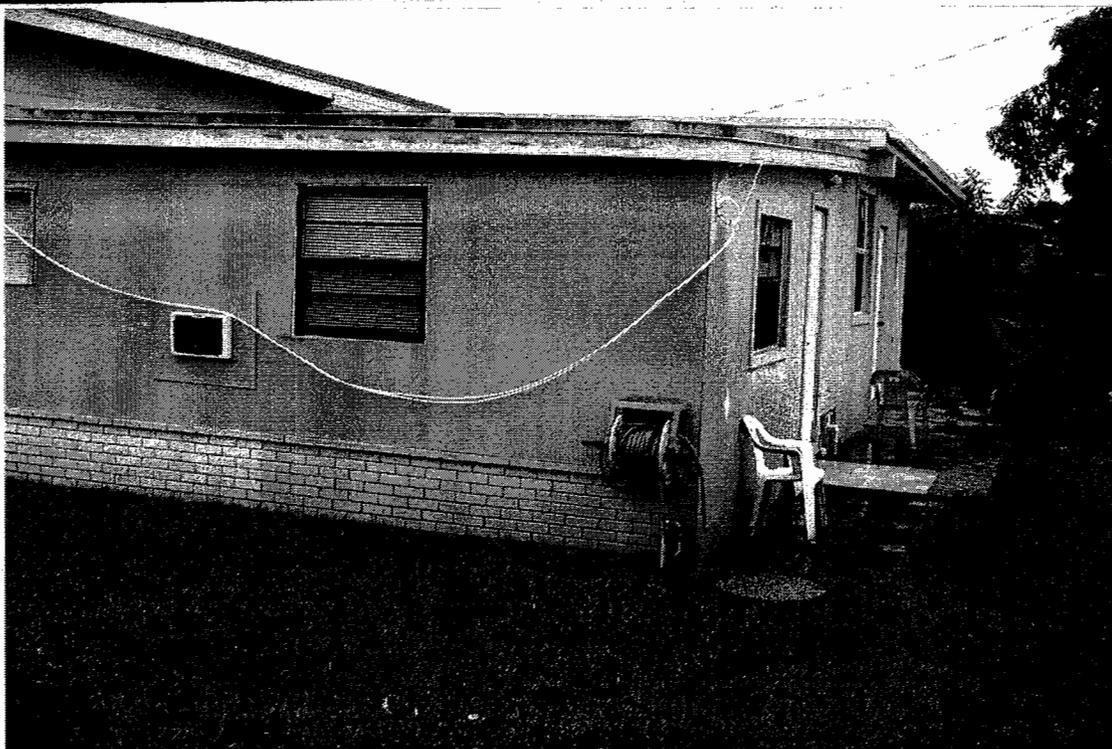
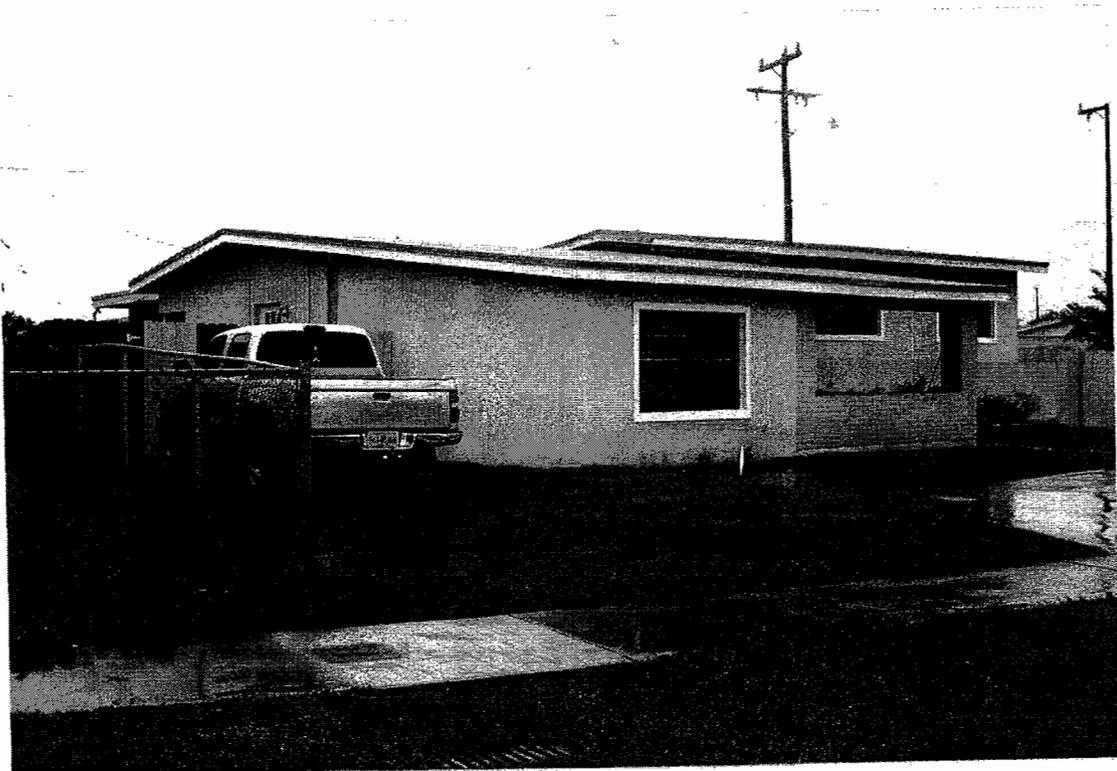
RECEIVED  
211.123  
OCT 19 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY RA

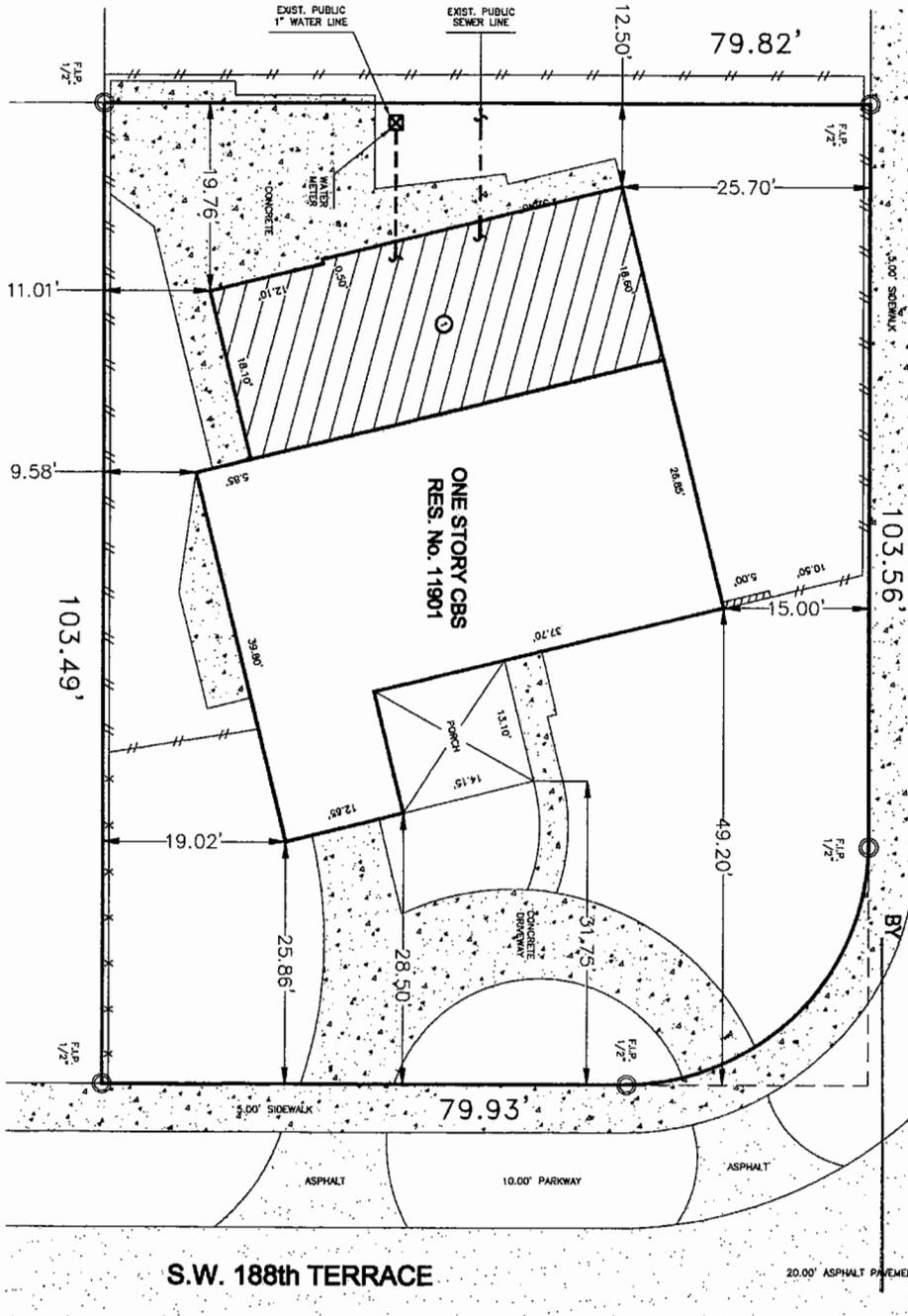


RECEIVED  
211-123  
OCT 19 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY     *RC*    



SITE PLAN  
SCALE 1/8" = 1'-0"



ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED  
DEC 05 2011  
11-123

S.W. 119th AVENUE

S.W. 188th TERRACE

ENLARGE COPY OF SITE PLAN  
211-123



ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT

IN ADDITION TO THE REQUIREMENTS OF THIS COUNTY, THE APPLICANT SHALL COMPLY WITH THE FOLLOWING: COUNTY CODE, N.E.A. 11-10.01(1) A SEPARATE PERMITS APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PERMITS AND INSPECTION WITHIN 10 BUSINESS DAYS OF THE DATE OF THIS PERMIT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICANT'S JURISDICTION.

NOTICE:

AREA ADJACENT TO THE LOT WILL BE OPEN TO THE PUBLIC FOR THE PURPOSE OF INSPECTION.

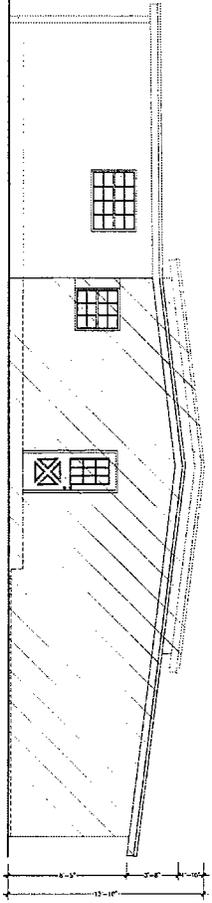
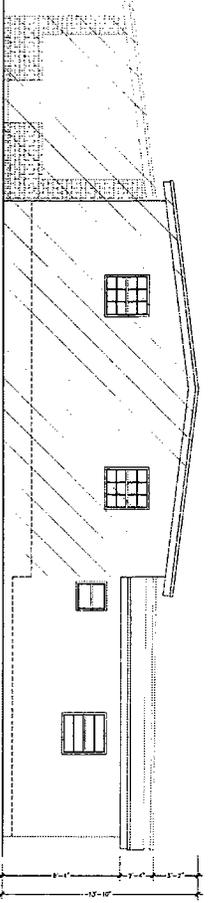
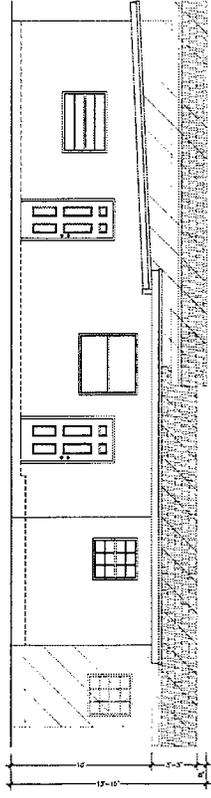
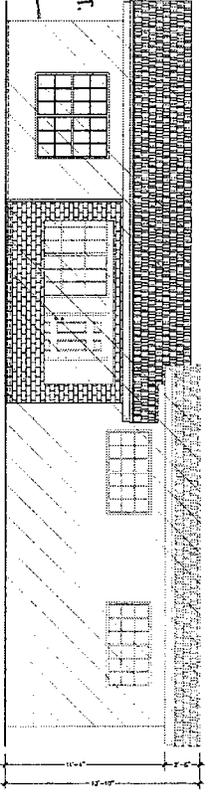
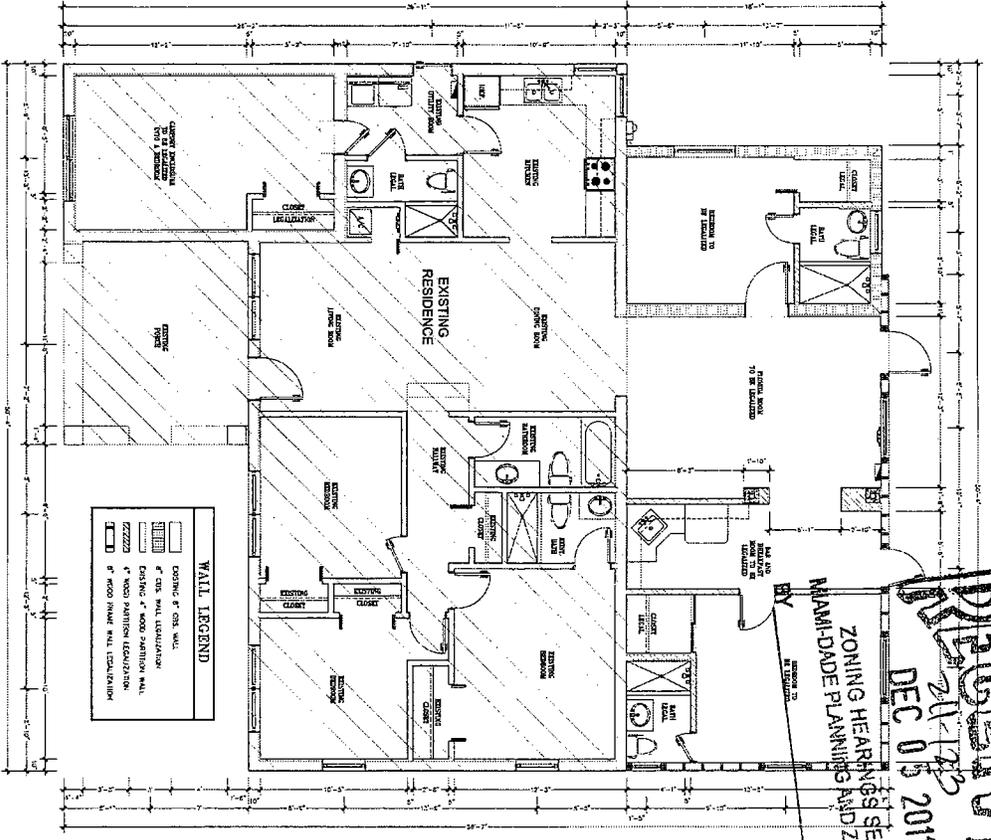
APPLICANT:

WILL COMPLY WITH THE FOLLOWING: COUNTY CODE, N.E.A. 11-10.01(1) A SEPARATE PERMITS APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PERMITS AND INSPECTION WITHIN 10 BUSINESS DAYS OF THE DATE OF THIS PERMIT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICANT'S JURISDICTION.

18



**RECEIVED**  
 2011-12-05  
 DEC 05 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.



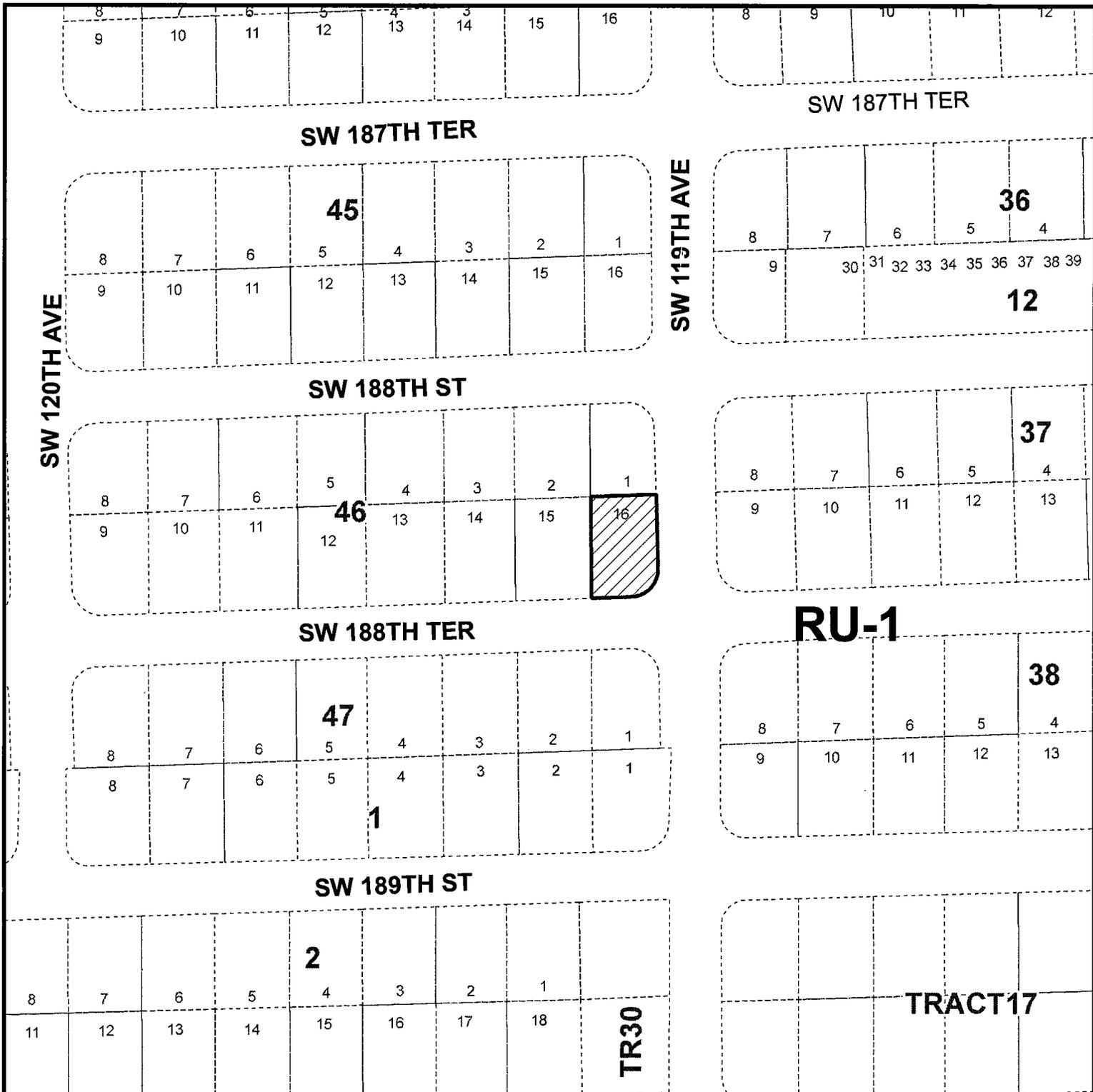
**PUBLIC HEARING FOR: MARLEN ORTIZ AND FABRICIANO ORTIZ**  
 11901 S.W. 188th TERRACE, MIAMI, FLORIDA 33157

REVISIONS	REVISIONS	DESCRIPTION	Drawn By	Approved By	Scale

**FLOOR PLAN AND ELEVATION PLAN**

**A-2**

**2 OF 2**



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2011000123**



Section: 01 Township: 56 Range: 39  
 Applicant: FABRICINO & MARLEN ORTIZ  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY**

Process Number

AERIAL YEAR 2009

**Z2011000123**



Section: 01 Township: 56 Range: 39  
 Applicant: FABRICINO & MARLEN ORTIZ  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

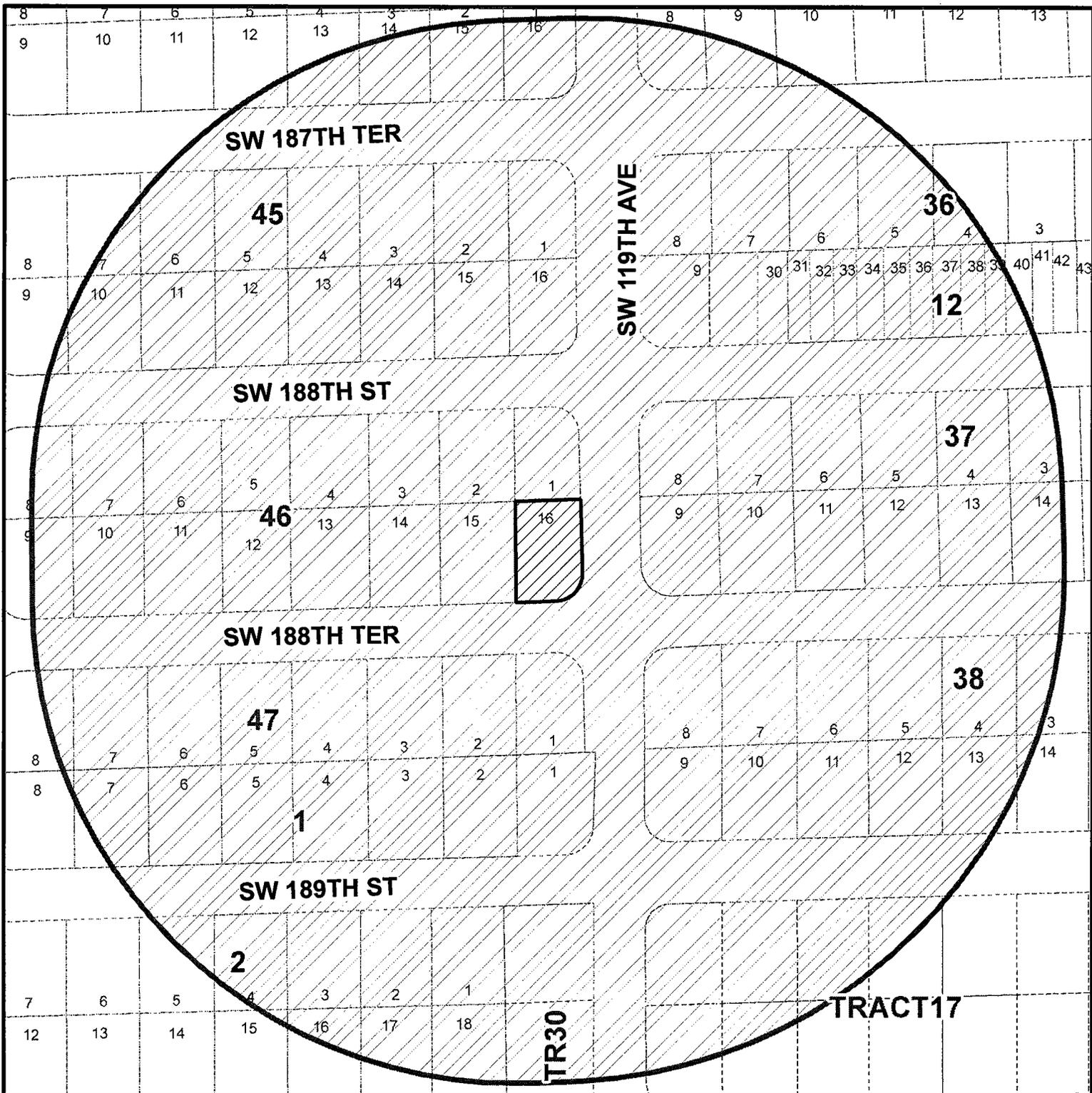
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 01 Township: 56 Range: 39  
 Applicant: FABRICINO & MARLEN ORTIZ  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number

**Z2011000123**  
 RADIUS: 500



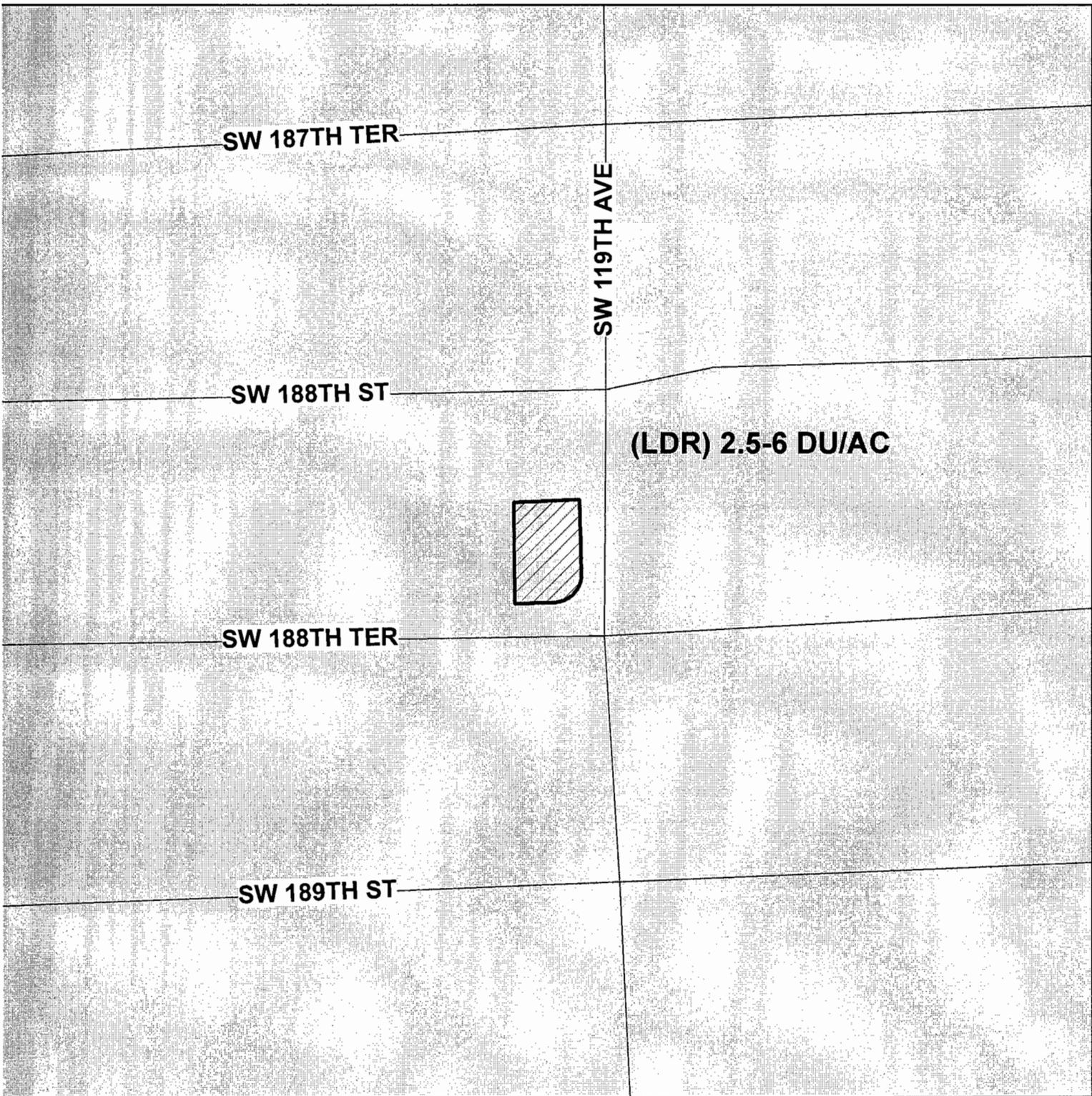
**Legend**

- Subject Property
- Buffer



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY
		23



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2011000123**



Section: 01 Township: 56 Range: 39  
 Applicant: FABRICINO & MARLEN ORTIZ  
 Zoning Board: C14  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY