



# FINAL AGENDA

**Community Zoning Appeals Board 8**  
 Dr. Martin Luther King, Jr. Center, Conference Rooms 1-4, 2525 NW 62 Street, Miami, FL  
 Tuesday, July 15, 2025 at 7:00 pm

**PREVIOUSLY DEFERRED**

A.	Z2024000013	3072 NW 79 St., LLC	24-13	53-41-09	N
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**APPEALS**

**CURRENT**

1.	Z2022000323	Joseph and Marise Alce	22-323	52-41-13	N
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# Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

## COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF JULY 15, 2025

MARTIN LUTHER KING, JR., CENTER, CONFERENCE ROOMS 1-4

2525 NW 62 STREET, MIAMI, FLORIDA.

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 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.



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 Regulatory and Economic Resources \(RER\)](#), or its successor Department, within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](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 Department of Regulatory and Economic Resources  
Staff Report to Community Zoning Appeals Board 8**

PH: Z24-013

July 15, 2025

Item No. A

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	3072 NW 79 ST LLC
<b>Summary of Request</b>	The applicant seeks to allow a proposed liquor store on the subject site to be spaced less than required from two existing public schools.
<b>Location</b>	3072 NW 79 Street, Miami-Dade County, Florida.
<b>Property Size</b>	±0.026 Acres
<b>Existing Zoning</b>	NCUAD, North Central Urban Area District
<b>Existing Land Use</b>	Retail store
<b>2030-2040 CDMP Land Use Designation</b>	Community Urban Center <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 Variances From Other Than Airport Regulations. <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

This application was deferred from the June 12, 2025 meeting of the Community Zoning Appeals Board (CZAB) 8, in order to allow corrections to be made to the original advertisement.

The public hearing on this item was not held.

**REQUEST:**

SPECIAL EXCEPTION to permit a proposed liquor package store located 2,107.60' from one existing public school facility and 2,159.04' from another existing public school facility (2,500' required for both).

A special purpose "Radial Sketch Survey" as prepared by Landmark Surveying & Associates Inc., dated stamped received 6/10/24 consisting of 1 sheet, the survey is on file and may be examined in the Department of Regulatory and Economic Resources.

**PROJECT HISTORY AND DESCRIPTION:**

Pursuant to Resolution #Z-14-12, the subject property is a part of a larger tract of land that was rezoned from numerous zoning districts, including the subject parcel, which was zoned BU-3, Liberal Business District, to the **North Central Urban Area District (NCUAD)**. All of the parcels within the boundaries of the approved NCUAD are regulated by plans and standards described in Ordinance #11-065, which are consistent with the Urban Center interpretative text. The NCUAD regulations provide the regulatory framework for all development within the NCUAD. Additionally, said ordinance designated the parcels within the NCUAD that are located to the south of the subject property, as MM, Mixed-Use Main Street and within the Core Sub-district.

The applicant now seeks approval to allow a proposed liquor package store on the subject property to be located at a distance less than the minimum required separation from two existing public schools. Pursuant to Section 33-284.83(C) of the Standard Urban Center District

Regulations, liquor package stores are permitted within the Core Sub-District; however, such uses must comply with the provisions of Article X of this chapter and all other applicable regulations of the Code, including the requirement that liquor package stores be located a minimum of 2,500 feet from any church or school. As part of this application, the applicant has provided a special purpose survey that indicates an existing school approximately 2,107.60' from the proposed liquor package store, whereas another public school facility is located at a distance of 2,159.04' from the proposed liquor packaging store.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	NCUAD/MM; retail store	Community Urban Center
<b>North</b>	NCUAD/MM; vacant land	Community Urban Center
<b>South</b>	NCUAD/MM; duplexes	Community Urban Center
<b>East</b>	NCUAD/MM; retail stores	Community Urban Center
<b>West</b>	NCUAD/MM; retail stores	Community Urban Center

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an interior lot located within the North Central Urban Area District (NCUAD), with frontage along NW 79 Street, a major corridor. The property is surrounded by existing commercial uses to the east and west, also fronting NW 79 Street; a vacant parcel to the north; and duplex residential uses to the south.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to operate a proposed liquor package store within the North Central Urban Area District (NCUAD) designated MM, Mixed-Use Main Street on the Land Use plan map, spaced less than required from public schools or churches. Staff notes that the memoranda provided by the reviewing departments do not indicate that approval of the application will have a negative impact on the Levels of Services being provided on the abutting roadways, or in the surrounding area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **North Central Urban Area District (NCUAD)**. The North Central Urban Area District implements the urban center policies and interpretative text of the County's Comprehensive Development Master Plan (CDMP). The CDMP defines urban centers as areas to become *hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve*. with a mix of uses that *shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high-quality urban design*. Emphasis in design and development of these centers and all of their individual components has been created to promote active pedestrian environments through high-quality design of public spaces as well as civic use buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages.

All of the parcels within the boundaries of the approved NCUAD are regulated by plans and descriptive standards described in Ordinance #11-65, which is consistent with the CDMP Land

Use Element interpretative text for Urban Centers. NCUAD regulating plans as well as the Standard Urban Center District Regulations provide the regulatory framework for all development within the urban center, including building placement, building heights, **fenestration**, setbacks, scale and massing.

Staff notes that the subject property is located within the Core Sub-District and is designated MM (Mixed-Use Main Street) on the regulating plans for the North Central Urban Area District (NCUAD). From a CDMP perspective the liquor store use is permitted, the MM designation permits liquor package stores on the property; however, such use must comply with the provisions of Article X of the Code. Specifically, unless approved as a special exception, no premises may be used for the sale of alcoholic beverages for on- or off-premises consumption if the structure or business is located less than 2,500 feet from a church or public school. The applicant seeks to permit a proposed liquor package store to be located approximately 2,107.60' from one existing public school and 2,159.04' from another public school facility (a minimum spacing distance of 2,500-feet required for both). Staff opines that approval with conditions of this application would be **consistent** with the CDMP Land Use Element interpretative text in Business and Office areas, and the CDMP Land Use Plan map that designates the subject site as being part of an adopted **Community Urban Center**.

### **ZONING ANALYSIS:**

The applicant is requesting approval of a special exception to permit a proposed liquor package store on an existing commercial property, which is located within the Core Sub-District of the North Central Urban Area District (NCUAD) and is designated MM, Mixed-Use Main Street on the Land Use plan map. The subject parcel is a ±0.026-acre property located on NW 79 Street, a well-traveled major state road. The surrounding area is characterized by commercial uses to the east and west, a vacant parcel to the north and residential uses to the south.

When analyzing the request to permit a proposed liquor package store spaced less than 2,500' from public schools or churches, under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff opines that approval with conditions of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, and would not affect the appearance of the community for the reasons stated below. Staff notes that a liquor package store is permitted under the MM, Mixed-Use Main Street, but the proposed liquor package store must be approved through a public hearing due to its proposed encroachment into the required spacing distance from existing public school's facilities.

The liquor survey submitted by the applicant indicates that there are two (2) public school facilities that are spaced less than the required 2,500 feet from the property line of the subject site. The public-school facility to the northwest of the subject property and closest to it, is spaced at ±2,107.60' feet, whereas the other public-school, shown as temporarily closed on the survey, is spaced ±2,159.04-feet to the northeast of the subject property.

Staff opines that the separation between the subject property and the nearby schools—both in terms of physical distance and intervening land uses—serves to buffer and mitigate potential negative impacts associated with the reduced spacing of the proposed liquor package store. The subject property is separated from the existing schools by existing commercial, industrial, and residential developments, as well as NW 79 Street, a major 100-foot-wide transportation corridor that also accommodates the guideway columns of the elevated Metrorail system. These conditions help to minimize any adverse effects on the surrounding educational institutions.

Furthermore, staff notes that the Platting and Traffic Review Section of the Department Regulatory and Economic Resources (RER), does not object to the application and indicate in its memorandum that the project meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. Therefore, in staff's opinion, approval of the proposed liquor package store use spaced less than required from schools and churches will not have a negative impact on the surrounding area. **As such, staff recommends approval with conditions of the application under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

**ACCESS, CIRCULATION AND PARKING: N/A**

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

**OTHER: N/A**


**RECOMMENDATION:**

**Approval with conditions.**

**CONDITIONS FOR APPROVAL:**

1. That the sale of alcoholic beverages shall be limited between the hours of 8:00 a.m. and 10:00 p.m. Mondays through Saturdays 6 days a week.
2. That the applicant applies for and obtain a Certificate of Use from the Department of Regulatory and Economic Resources for the sale of alcoholic beverages, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That the applicant shall comply with any state law liquor license requirements as may be applicable.

ES:JB:SS:EA:PM



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

# ZONING RECOMMENDATION ADDENDUM

3072 NW 79 ST LLC

PH: Z24-013

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Neighborhood Compliance</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Water &amp; Sewer WASD</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>Urban Centers</b> <b>(Page I-46)</b></p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and <b>Community Centers</b> which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the <b>Community Centers</b> shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.</i></p>
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# ZONING RECOMMENDATION ADDENDUM

3072 NW 79 ST LLC

PH: Z24-013

Page | 6

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

**Uses and Activities.** Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while **Community-scale Urban Centers** will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

**Streets and Public Spaces.** Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

**Parking.** Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

# ZONING RECOMMENDATION ADDENDUM

3072 NW 79 ST LLC

PH: Z24-013

**Buildings.** Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

**Density and Intensity.** The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.

	Average Floor Area Ratios (FAR)	Max. Densities Dwellings per Gross Acre
Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500
Metropolitan Urban Centers	greater than 3.0 in the core not less than 0.75 in the edge	250
Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125

In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use design requirements of this section and Policy LU-7F.

## PERTINENT ZONING REQUIREMENTS/STANDARDS

**Sec. 33-150. -  
Location of  
establishments.**

*B) Distance from church or school. Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:*

*(1) From a church, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the church structure, and*

*(2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.*

**ZONING RECOMMENDATION ADDENDUM**

3072 NW 79 ST LLC

PH: Z24-013

<p><b>Sec. 33-151. - Hours and days of sale.</b></p>	<p>(a) Establishments for package sales only. Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption off the premises only, <b>shall make no sale of alcoholic beverages on Sundays, and shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 p.m.;</b> provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods; provided further, however, that nothing in the foregoing proviso shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a State license from the beverage department for the sale of beer in sealed containers, for consumption off the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m.</p>
<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p>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.</p>

*Building and Neighborhood Compliance*

**ENFORCEMENT HISTORY**

3072 NW 79 ST LLC

3072 NW 79 ST  
MIAMI-DADE COUNTY, FLORIDA.

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**APPLICANT**

**ADDRESS**

PENDING

Z2024000013

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**DATE**

**HEARING NUMBER**

**FOLIO No: 30-3109-019-0050**

**REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:**

April 30, 2025

**NEIGHBORHOOD REGULATIONS:**

There are no open/closed cases in CMS.

**BUILDING SUPPORT REGULATIONS:**

There are no open/closed cases in BSS.

**VIOLATOR:**

3072 NW 79 ST, LLC

**OUTSTANDING LIENS AND FINES:**

There are no outstanding liens or fines.

# Memorandum

**Date:** June 11, 2025

**To:** Lourdes M. Gomez, AICP, Director  
Department of Regulatory and Economic Resources

**From:** Lisa M. Spadafina, RER Assistant Director  
Division of Environmental Resources Management



**Subject:** Z2024000013-3<sup>rd</sup> Review  
Emilio Acouta  
NW 79<sup>th</sup> Street and NW 29<sup>th</sup> Avenue  
Requesting a special exemption for the sale of alcohol near a  
school.  
(NCUAD) (0.26 acres)  
06-53-41

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The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). DERM has no pertinent comments regarding this application since the proposed application request is for a special exemption to allow the sale of alcohol near a school and does not entail any environmental concerns. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water service and wastewater disposal.

DERM will evaluate the feasibility of connecting to the public water and sanitary sewer system prior to DERM approval of any future development orders (zoning site plan, tentative plat applications, building permits) that proposes structures requiring public water and sanitary sewers on the subject property.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** May 21, 2025

**To:** Eric Silva, AICP, Assistant Director  
Development Services Division  
Department of Regulatory and Economic Resources (RER)

**Through:** James B. Ferguson, P.E.  
Assistant Director  
Water and Sewer Department (WASD)

**From:** Maria A. Valdes, CSM, LEED® Green Associate  
Chief, Planning & Water Certification Section  
Water and Sewer Department (WASD)

**Subject:** **UPDATED** Zoning Application Comments - 3072 NW 79 St, LLC  
Application No. Z2024000013

A handwritten signature in black ink that reads "Maria Valdes".

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The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: 3072 NW 79 St., LLC

Location: The proposed project is located on approximately 0.26 acres at 3072, 3074 NW 79<sup>th</sup> Street with Folio 30-3109-019-0050, in unincorporated Miami-Dade County

Proposed Development: As per Letter of Intent the applicant is proposing to use the commercial property from tobacco and convenient store to liquor store. Per Site Plan submitted, the subject site has an existing building of 1,968 square feet. No additional construction is anticipated at this time.

This project results in a no-net-increase in the water demand. The existing property has a water only account; therefore, if connection to the sewer is required by DERM, the sewer demand will be 197 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The subject property is connected to water.

Sewer: The proposed development is located within the WASD's sewer service area. The subject site is currently on septic. If DERM requires connection to the sewer system, the wastewater flows will be transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. The CDWWTP is operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the CDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

Please note if DERM requires connection to the sewer system, there is an existing 8-inch gravity sewer system located to the west of the intersection of NW 31<sup>st</sup> Avenue and NW 77<sup>th</sup> Street, to where the developer may connect and extend an 8-inch gravity sewer main at full depth heading

easterly along NW 77<sup>th</sup> Street to NW 31<sup>st</sup> Avenue, then heading northerly along NW 31<sup>st</sup> Avenue to NW 79<sup>th</sup> Street, then heading westerly along NW 79<sup>th</sup> Street to the northeast corner of the subject property to provide sewer service to the proposed development, provided there is sufficient depth and that there are no obstacles that would preclude construction of the sewer system. **The developer is responsible to provide the minimum coverage on the proposed sewer main extension as specified in the WASD Design standard.**

Also, there is a proposed sanitary gravity sewer corridor project (PCTS 15978 Phase 2) along NW 79<sup>th</sup> Avenue. Said project will bring sanitary gravity sewer that will be abutting the subject property. This project is under construction and is anticipated to be completed by December 2025. Upon completion of the project, said project may connect to the proposed 8-inch gravity sewer abutting the property along NW 79<sup>th</sup> Avenue. Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.

Note to the Developer:

1. The Developer of this project shall coordinate and cooperate on water and sewer interconnections, construction sequence, and schedule with other development projects that are in the vicinity either downstream or upstream with regards to obtaining approval and permits from WASD and other regulatory governmental agencies to avoid conflict with utility plans.
2. If a vicinity development has a water and/or sewer construction permit but has not started construction and another developer would like to take over the other development scope of water and/or sewer work, then the developers shall coordinate to withdraw the existing permit prior to the other developer submitting plans to WASD and other regulatory governmental agencies for review.

If DERM requires connection to the gravity sewer system located to the west of the intersection of NW 31<sup>st</sup> Avenue to NW 77<sup>th</sup> Street, then the sewage flow from the subject existing building will be transmitted to Pump Station (P.S.) No. 13 and P.S. No. 1. Both pump stations are currently in OK Moratorium Code Status. Below is the existing and projected Nominal Average Pump Operating Time (NAPOT) for both pump stations.

P.S. No. 13

Existing NAPOT: 3.96 hrs.  
Proposed Development: 197 gpd  
Proposed Projected NAPOT: 3.97 hrs.

P.S. No. 1

Existing NAPOT: 6.12 hrs.  
Proposed Development: 197 gpd  
Proposed Projected NAPOT: 6.12 hrs.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>


Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or [mavald@miamidade.gov](mailto:mavald@miamidade.gov), Alfredo B. Sanchez at (786) 552-8237 or [sanalf@miamidade.gov](mailto:sanalf@miamidade.gov), or Suyapa Carbajal at (786) 552-8124 or [suyapa.carbajal@miamidade.gov](mailto:suyapa.carbajal@miamidade.gov).

# Memorandum



Date: April 17, 2025

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

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

Subject: Z2024000013  
Name: 3075 NW 79 St, LLV  
Location: 3075 NW 79 Street  
Section 09 Township 53 South Range 41 East

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

This land **complies** with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 17, 18, 19 & 20, Plat Book 22, Page 25. A Unity of Title approved by the Platting and Traffic Review Section will be required.

This application meets the traffic concurrency criteria because it lies within the urban infill area and an Urban Center where traffic concurrency does not apply. It does not generate any additional vehicle trips.

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.

#### Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

# Memorandum



**Date:** April 17, 2025

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

**From:** Alejandro G Cuello, Principal Planner  
Miami-Dade Fire Rescue Department

**Subject:** Z2024000013

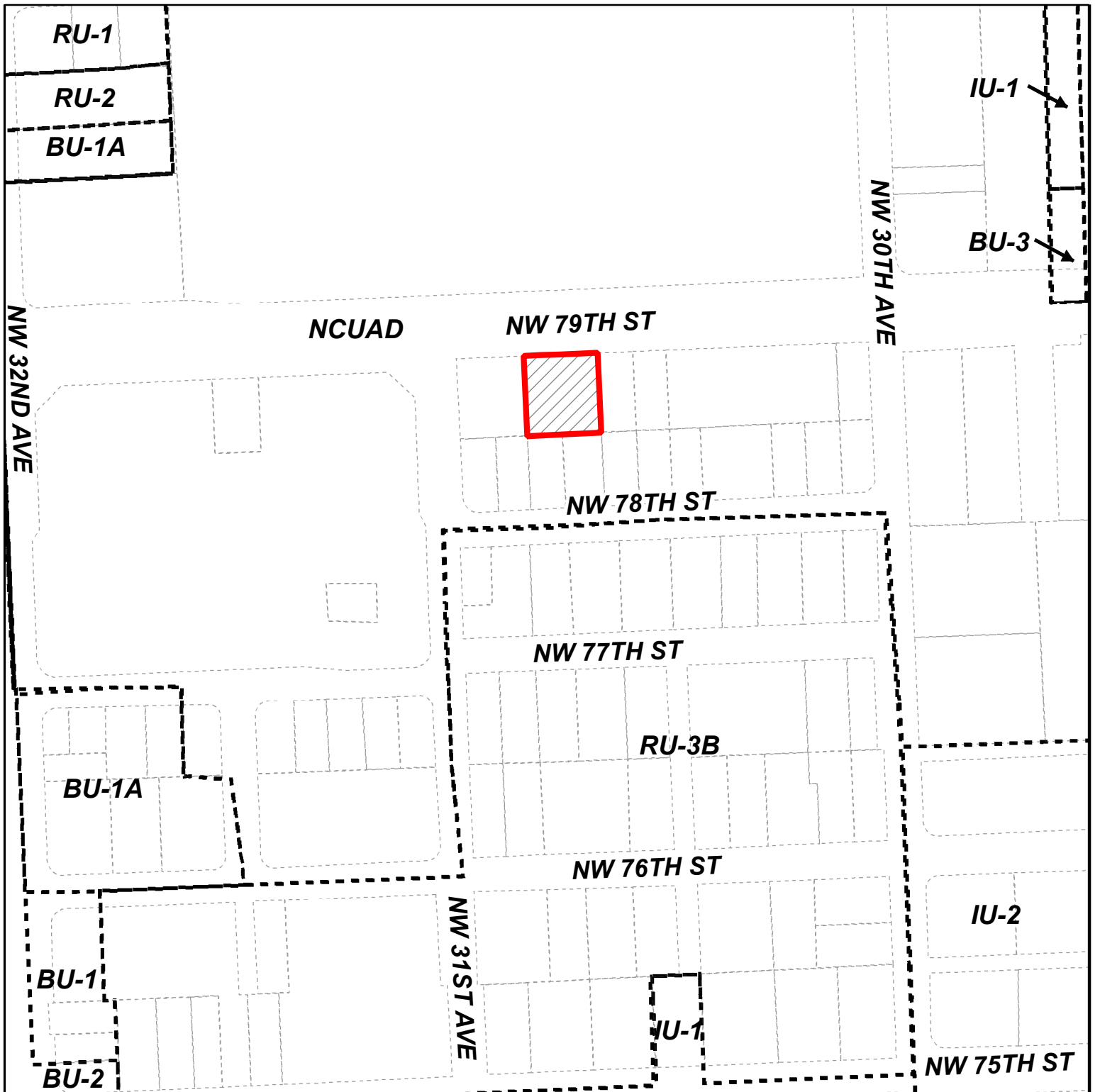
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The Miami-Dade Fire Rescue Department has **no objection** to request for variance uploaded to EnerGov on 6/10/2024. Proposed scope of request does not affect existing fire department access.

MDFR's review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)  
Florida Administrative Code 69A  
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))  
Applicable adopted NFPA Standards  
County Code Chapter 14

For additional information, please contact [acuello@miamidade.gov](mailto:acuello@miamidade.gov) or call 305-775-3357.





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

Process Number  
**Z2024000013**



Section: 09 Township: 53 Range: 41  
 Applicant: 3072 NW 79 St., LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, June 17, 2024

REVISION	DATE	BY



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2021**

Process Number  
**Z2024000013**

**Legend**  
 Subject Property



Section: 09 Township: 53 Range: 41  
 Applicant: 3072 NW 79 St., LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS



SKETCH CREATED ON: Monday, June 17, 2024

REVISION	DATE	BY






**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 09 Township: 53 Range: 41  
 Applicant: 3072 NW 79 St., LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS

Process Number  
**Z2024000013**  
 RADIUS: 2640

**Legend**

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Monday, June 17, 2024

REVISION	DATE	BY

LOW DENSITY RESIDENTIAL (LDR) 2.5-6 DU/AC

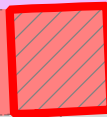
BUSINESS AND OFFICE

NW 32ND AVE

TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

NW 79TH ST

BUSINESS AND OFFICE



NW 30TH AVE

NW 78TH ST

NW 77TH ST

INDUSTRIAL AND OFFICE

NW 31ST AVE

NW 76TH ST

**MIAMI-DADE COUNTY**

**CDMP MAP**

Process Number

**Z2024000013**



**Legend**



Subject Property Case

Section: 09 Township: 53 Range: 41  
Applicant: 3072 NW 79 St., LLC  
Zoning Board: C8  
Commission District: 2  
Drafter ID: EDUARDO CESPEDES  
Scale: NTS



SKETCH CREATED ON: Monday, June 17, 2024

REVISION	DATE	BY



**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: \_\_\_\_\_

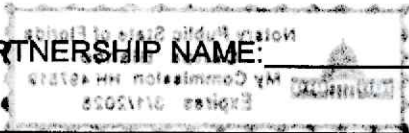
<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:  3072 NW 79 ST LLC

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>Emilio Acosta 2751 S. Ocean Drive #18045</u>	<u>50%</u>
<u>Susana Acosta Hollywood Fl 33019</u>	<u>50%</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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: None

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>NA</u>	

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

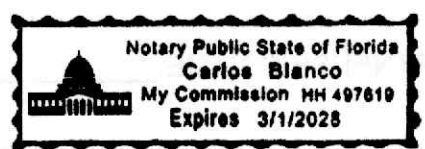
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature] (Applicant)

Sworn to and subscribed before me this 30 day of January, 2025. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Carlos Blanco  
(Notary Public)



My commission expires 3/1/28

\*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.



Photo One

Photo One Caption:

FRONT HOUSE View 07-17-24

Clear Photo One



Photo Two



Photo Three

Photo Three Caption:

RIGHT View 07-17-24

Clear Photo Three



Photo Four

Photo Four Caption:

LEFT View 07-17-24

Clear Photo Four

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Zoning Appeals Board 8**

**PH: Z22-323**

**July 15, 2025  
Item No. 1**

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	Joseph and Marise Alce
<b>Summary of Requests</b>	The applicant seeks to subdivide the existing platted lot into three (3) proposed residential lots, resulting in two (2) of the proposed lots to have a less lot width than otherwise required by Code.
<b>Location</b>	149 NW 158 Street, Miami-Dade County, Florida.
<b>Property Size</b>	0.81 Acres
<b>Existing Zoning</b>	RU-1, Single-family Residential District
<b>Existing Land Use</b>	Single-family residence
<b>2030-2040 CDMP Land Use Designation</b>	Low Density Residential, 2.5-6 du/ac <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

**REQUEST:**

NON-USE VARIANCE to permit the proposed 2 residential lots to have lot frontage of 66' (75' required).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "149 NW 158TH St. Site Subdivision Plan", as prepared by Gene Hay Design Works dated stamped received 3/12/2025 and consisting of 1 sheet. Plan may be modified at public hearing.

**PROJECT DESCRIPTION:**

The applicant intends to subdivide the 0.81-acre subject parcel that is zoned RU-1, Single-Family Residential District, into three (3) proposed residential lots. Under this zoning public hearing application, the applicant seeks to allow two (2) of the aforementioned proposed lots to have a lot frontage width of 66-feet whereas a minimum of 75-feet is otherwise required by Code for RU-1 zoned parcels.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></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; Biscayne Gardens Park	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, vacant	Low Density Residential (2.5 to 6 dua)

West	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
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**NEIGHBORHOOD COMPATIBILITY:**

The 0.81-acre subject property is an interior lot that has a dual frontage on two streets NW 159 Street and NW 158 Street. The property consists of an existing 4,179 sq. ft. single-family residence and is located at 149 NW 158 Street. The surrounding area is also characterized by similarly RU-1, Single-Family Residential District, zoned properties, with existing single-family residences located to the south, east and west of the subject site, whereas an existing park (Biscayne Gardens Park) is located to the north of the subject site.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to subdivide the subject property to provide additional housing in this area, which could have traffic impacts as well as impacts on other County services. However, based on memoranda from the departments reviewing this application, the additional impacts will be minimal and will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application will generate approximately 2 PM peak hour vehicle trips. Staff notes that the application request will add to the population and may bring additional noise into the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The ±0.81-acre subject property is located within the Urban Development Boundary (UDB) and the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map designates the site as **Low Density Residential**. The CDMP Land Use Element interpretative text for Low Density Residential states that *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, and is generally characterized by single family housing, e.g., single-family detached, cluster, and townhouses*. This allows the applicant to develop the 0.81-acre subject property with a maximum total of four (4) residential units as the maximum density allowed under the CDMP Low Density Residential threshold on the LUP map. Under the current zoning application, the applicant seeks to subdivide the property into three (3) proposed residential lots, which would be within the aforementioned maximum density threshold allowed under the CDMP. Staff notes that one out of the three lots would continue to have the existing single-family residence located on it, whereas the rest of the parcel fronting on SW 159 Street, and is mainly vacant, would be subdivided into two (2) proposed new lots. Staff notes that each of these two new lots shall have a lot frontage less than otherwise required for RU-1 zoned parcels. Notwithstanding, based on the foregoing, staff opines that the approval of the proposed subdivision of the subject parcel, which would permit residential development that is within the density threshold allowed under the Low-Density Residential designation on the LUP map, would be **consistent** with the density threshold of the **Low Density Residential** designation of the parcel on the CDMP Land Use Plan map.

**ZONING ANALYSIS:**

The applicant seeks to subdivide the 0.81-acre subject property into three (3) proposed residential lots. The subject site is zoned RU-1, Single-family Residential District, which requires a residential lot to have a lot frontage of 75' in width. When the request to allow two (2) of the proposed lots to

have less frontage than currently allowed, is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval with conditions of those requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community when considering the necessity and reasonableness of the proposed subdivision in relation to the present and future development of the area concerned. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience, and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. Staff supports the subdividing of the existing lot and opines that based on the Comprehensive Development Master Plan land use designation of Low Density Residential, and for the reasons explained in the Comprehensive Development Master Plan Analysis section, the subdivision would be **consistent** with the CDMP designation of the parcel on the CDMP Land Use Plan map, and **compatible** with the natural transition of residential zoning trend of development in the surrounding area.

Staff notes that the county's Geographic Information System (GIS) shows an existing single-family residence to the south of the subject property which the applicant intends to maintain, and seeks to subdivide rest of the mainly vacant northern portion of the subject site that fronts along SW 159 Street, into two (2) new lots. However, the RU-1 zoning district requires a minimum 75' of frontage. Both the proposed new lots would be below the minimum lot frontage requirements, which therefore, is the subject of the applicant's request seeking variances of the aforementioned requirement to permit said substandard lots that would have less lot width than required by code. Although staff did not find any other similar approvals in the area, staff supports the request and opines that the approval of this variance will not have a negative visual impact on the surrounding area. Staff notes that the 0.81-acre subject parcel is a property that has dual frontages and the subdivision would allow two new lots to face the NW 159 Street which is otherwise the rear of the current single-family residence, thereby allowing new development to have frontage on said street. As such, staff opines that approval with conditions of the application would maintain the basic intent of the zoning, subdivision and other land use regulations, and would be **compatible** with surrounding area. Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources does not object to the requests sought under this application.

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application as indicated in their memorandum stating application meets the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will only generate 2 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. In addition, the other departments reviewing the application, including the Miami-Dade Fire Rescue Department, and the Water and Sewer Department, do not object to the application. Based on the aforementioned department memoranda, staff opines that approval of the applicant's *requests for reduced lot frontage width areas*, will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, and will not result in, among other things, excessive noise or cause undue or excessive burden on

public facilities. Staff further opines that the request is not *intensive*, would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, *and would not be out of character with the surrounding properties in the neighborhood*. Therefore, staff opines that the approval of request would be **compatible** with the area and would *maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the stability and appearance of the community*. **Based on the foregoing analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

**ACCESS, CIRCULATION AND PARKING:** N/A

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

**OTHER:** N/A


**RECOMMENDATION:**

**Approval with conditions.**

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "149 NW 158TH St. Site Subdivision Plan", as prepared by Gene Hay Design Works dated stamped received 3/12/2025 and consisting of 1 sheet. Plan may be modified at public hearing.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant complies with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources as contained in its memorandum.

ES:JB:SS:JH



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

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Miami-Dade Fire Rescue (MDFR)</i>	<i>No objection</i>
<i>Water &amp; Sewer Department (WASD)</i>	<i>No objection</i>
<i>Building and Neighborhood Compliance (BNC)</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<b>Low Density</b> <i>(Pg. I-31)</i>	<i>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. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. 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.</i>
<b>Objective LU-4C</b> <i>(Pg. I-9)</i>	<i>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.</i>
<b>Policy LU-4A</b> <i>(Page I-9)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

### **PERTINENT ZONING REQUIREMENTS/STANDARDS**

<b>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 non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>
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*Building and Neighborhood Compliance*

**ENFORCEMENT HISTORY**

ALCE, JOSEPH

149 NW 158 ST  
MIAMI-DADE COUNTY, FLORIDA.

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**APPLICANT**

**ADDRESS**

Pending

Z2022000323

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**DATE**

**HEARING NUMBER**

**FOLIO: 30-2218-002-2505**

**REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:**

June 25, 2025

**NEIGHBORHOOD REGULATIONS:**

There are no open/closed cases in CMS.

**BUILDING SUPPORT REGULATIONS:**

There are no open/closed cases in BSS.

**VIOLATOR:**

ALCE, JOSEPH


**OUTSTANDING LIENS AND FINES:**

There are no outstanding liens or fines.

# Memorandum

**Date:** April 29, 2025

**To:** Lourdes M. Gomez, AICP, Director  
Department of Regulatory and Economic Resources

**From:** Lisa M. Spadafina, RER Assistant Director   
Division of Environmental Resources Management

**Subject:** Z2022000323-4<sup>th</sup> Review  
Joseph and Marise Alce  
149 NW 158<sup>th</sup> Street  
Non-use variance for lot width requirements. Proposing the creation of two residential lots on the north portion to build a single-family residence in each lot. The single-family residence in the lot to the south will remain.  
(RU-1) (0.81 acres)  
18-52-42

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The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water service and wastewater disposal.

## Potable Water

Pursuant to the Code and based on the application submitted, the future development is within feasible distance to connect to public water. Therefore, the proposed development shall connect to public water in accordance with the Code. Public water services are provided by the City of North Miami Beach.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the City of North Miami Beach and the Environmental Permitting Section of RER.

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

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

**Conditions of Approval: None**

### Wastewater Disposal

According to DERM records and in accordance with the Code, public sanitary sewers are not currently within feasible distance for the proposed single-family residences. Consequently, the proposed residences would have to be served by onsite treatment and disposal systems (OSTDs) as a means for the disposal of domestic liquid waste.

Pursuant to section 24-43.1(3)(a)(i) of the Code, the minimum lot size for a single-family residence served by public water and an OSTDS shall be 15,000 square feet (gross). According to the boundary survey previously provided with this application, stamped received by Zoning on February 23, 2023, and DERM staff calculations, the proposed residential lots do not meet the minimum allowable lot size requirements in section 24-43.1(3) of the Code for a single-family residence to be served with an OSTDS and public water.

Pursuant to the Code, no County officer, agent, employee or Board shall approve, grant, or issue any zoning action for any residential land until the County officer, employee or Board affirmatively determines that the land use will comply with one or more of the requirements as set forth in section 24-43.1 of the Code.

In as much as the above-noted request does not comply with the noted code section, the applicant applied for a public hearing before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the board approved the applicant's petition. The approval of this variance is subject to several conditions included in EQCB Order 23-24, recorded in Miami-Dade County Official Records Book 34363, Page 4364. Compliance with the conditions of this Board Order is required.

**This analysis is based on sanitary sewer infrastructure as it exists at the time of this application. Please be advised that sanitary sewer system infrastructure is constantly changing, and future applications related to this property will be reanalyzed based on the infrastructure that exists at the time of such future applications.**

**Conditions of Approval: Compliance with the conditions of EQCB Order 23-24.**

### Water Control Review

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 storm event.

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

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

**Conditions of Approval: None**

### Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the boundary survey prepared by Fernando Fernandez, P.S.M., and dated as received by Miami-Dade County on December 17, 2024, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

### **Conditions of Approval: None**

### DERM Enforcement History Review

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

### Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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


cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** February 24, 2023

**To:** Nathan Kogon, Assistant Director  
Development Services  
Department of Regulatory and Economic Resources (RER)

**From:** Maria A. Valdes, CSM, LEED® Green Associate  
Chief, Planning & Water Certification Section  
Water and Sewer Department (WASD) 

**Subject:** Zoning Application Comments - Joseph Alce and Marise Alce  
Application No. Z2022000323

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The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Joseph Alce and Marise Alce

Location: The proposed project is located on approximately 0.82 Acre at 149 NW 158<sup>th</sup> Street with Folio No. 30-2218-002-2505, in unincorporated Miami-Dade County.

Proposed Development: The applicant is seeking to subdivide the parcel into two lots, in order to allow the construction of a single-family residence in each lot. The gross floor area for the future single-family residences was not provided with this zoning application.

Water: The proposed development is located within the City of North Miami Beach's water service area. Please consult with the Utility Department of the City of North Miami Beach for any infrastructure that they may have in their service area. Also, a Water Supply Certification (WSC) is not required from WASD as the project is located entirely within the City of North Miami Beach's water service area and the water supply will be provided by the North Miami Beach Utility.

Water Conservation: All future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP. Also, per Section 8A-381 (c) of the Miami-Dade County Code, effective January 1, 2009, all permit applications for new multifamily residential developments shall be required to include a sub-meter for each individual dwelling unit.

For more information about our Water Conservation Program please go to <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to [http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

**Sewer:** The proposed development is located within the WASD's sewer service area. There is no sanitary sewer gravity connection in close proximity to this project within WASD's sewer service area.

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or [mavald@miamidade.gov](mailto:mavald@miamidade.gov), Alfredo B. Sanchez at (786) 552-8237 or [sanalf@miamidade.gov](mailto:sanalf@miamidade.gov), or Suyapa Carbajal at (786) 552-8124 or [suyapa.carbajal@miamidade.gov](mailto:suyapa.carbajal@miamidade.gov).

# Memorandum



Date: February 27, 2023

To: Nathan Kogon, Assistant Director  
Department of Regulatory and Economic Resources

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

Subject: Z2022000323  
Name: Joseph B. Alce  
Location: 149 SW 158 Street  
Section 18 Township 52 South Range 42 East

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

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **2 PM** peak hour vehicle trips.

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.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

## Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

# Memorandum



**Date:** February 03, 2023

**To:** Nathan M. Kogon, Assistant Director  
Regulatory and Economic Resources

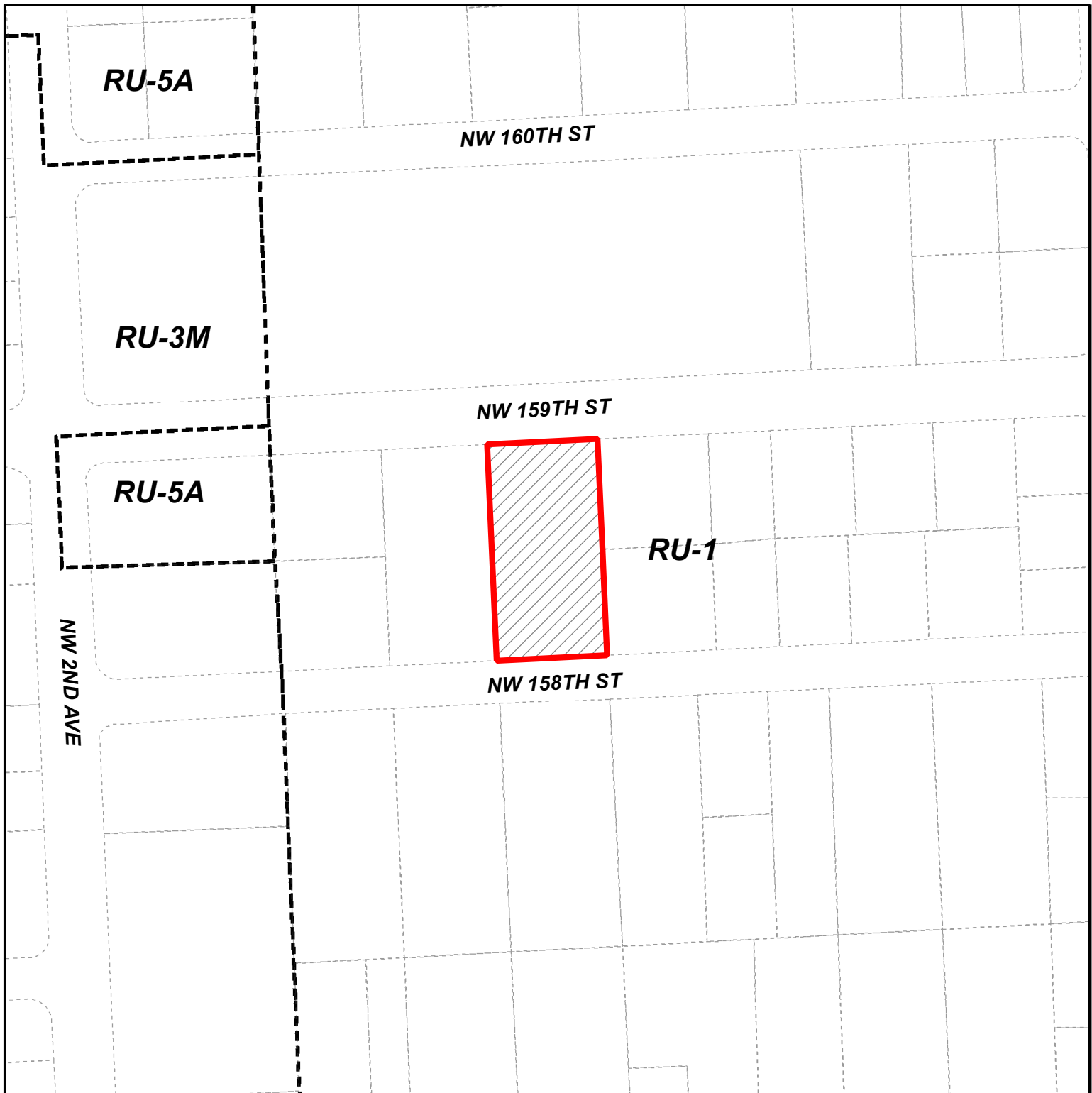
**From:** Alejandro G Cuello, Principal Planner  
Miami-Dade Fire Rescue Department

**Subject:** Z2022000323

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The Miami-Dade Fire Rescue Department has **no objection** to request for non-use variance uploaded to “EnerGov” on 2/2/2023. Any future site plans will need separate approval.

For additional information, please contact [acuello@miamidade.gov](mailto:acuello@miamidade.gov) or call 305-775-3357.





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

Process Number  
**Z2022000323**



Section: 13 Township: 52 Range: 41  
 Applicant: Ken Alce  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS

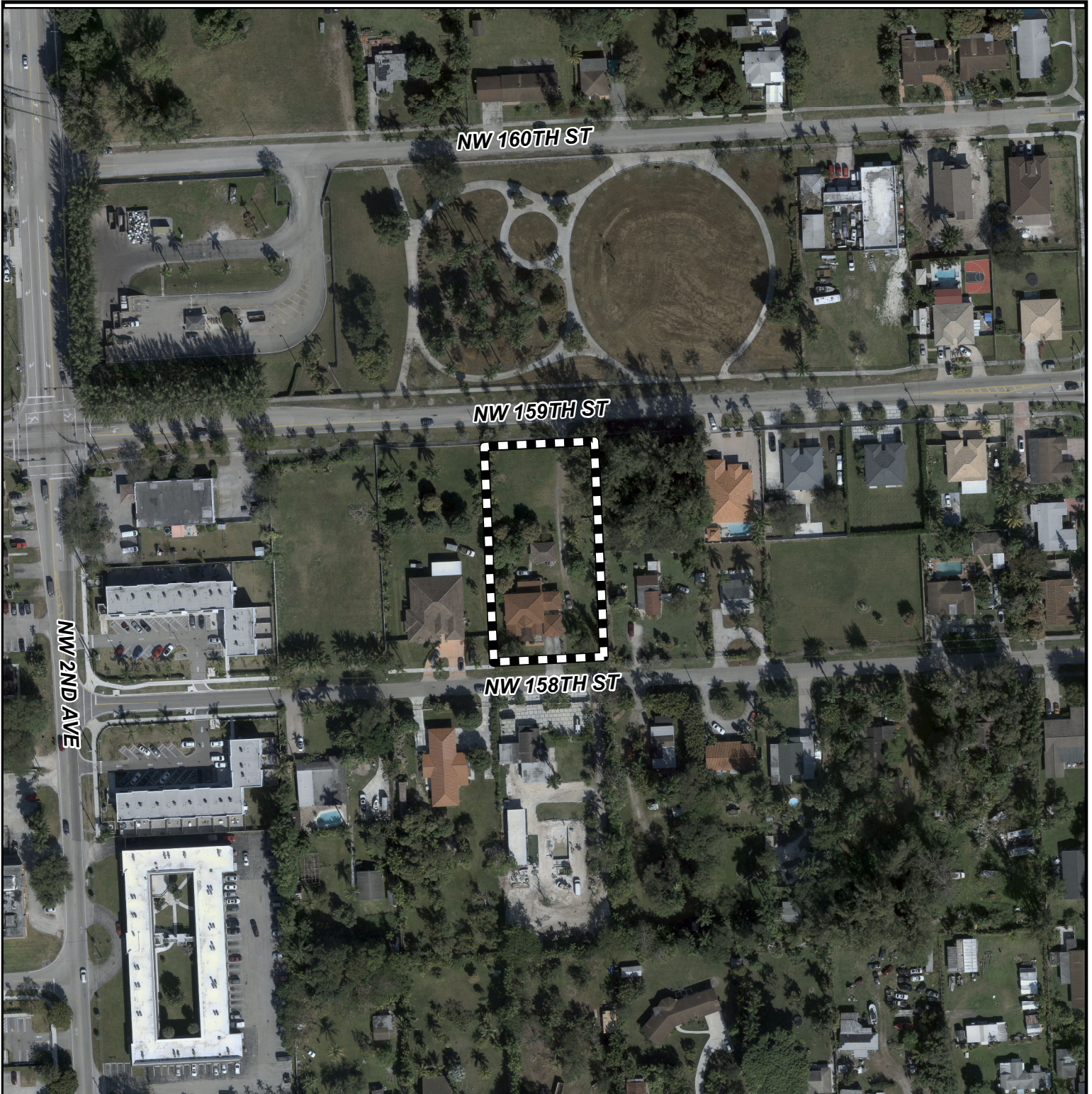
**Legend**

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Monday, February 6, 2023

REVISION	DATE	BY



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2021**

Process Number  
**Z2022000323**

**Legend**  
 Subject Property

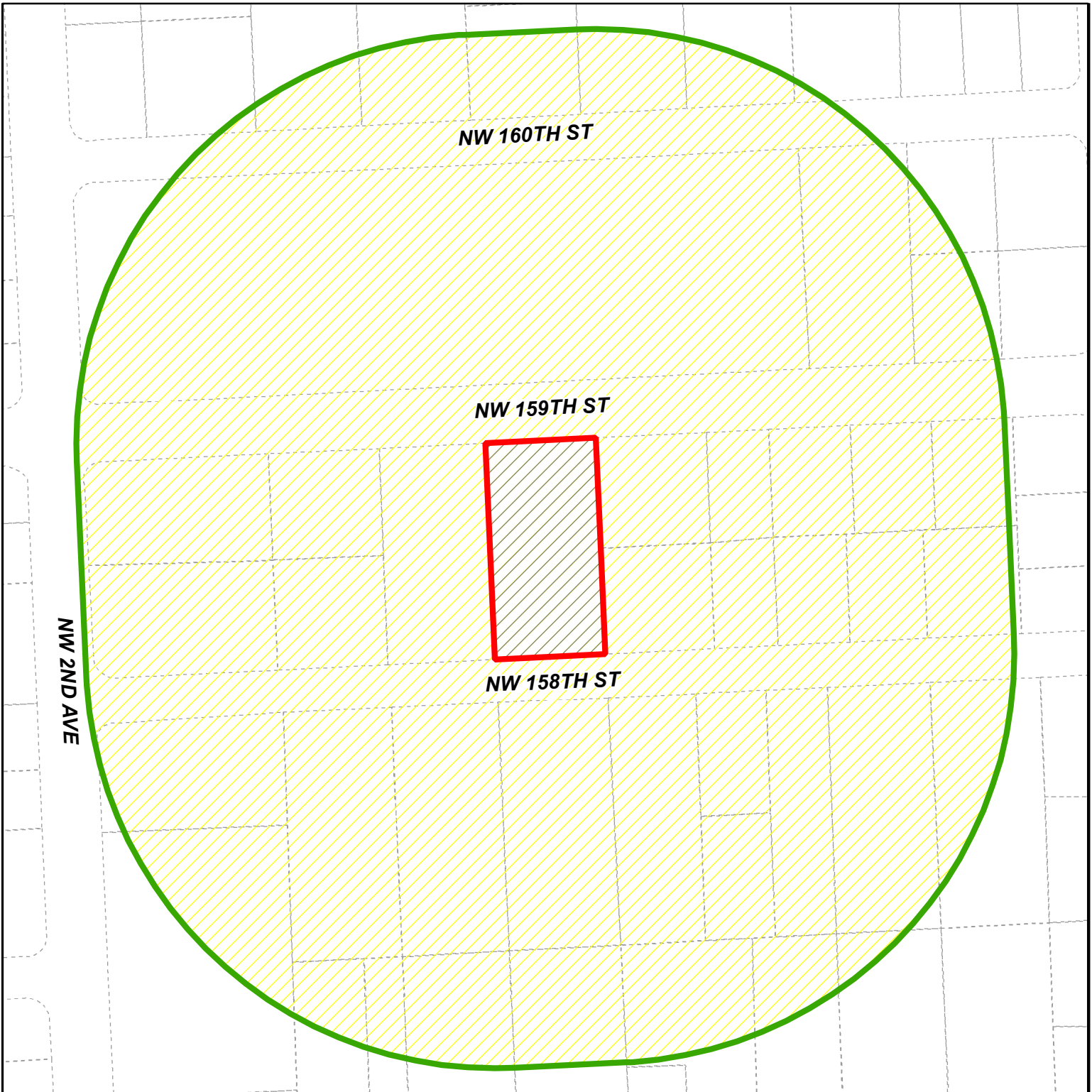


Section: 13 Township: 52 Range: 41  
 Applicant: Ken Alce  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS



SKETCH CREATED ON: Monday, February 6, 2023

REVISION	DATE	BY






**MIAMI-DADE COUNTY**  
**RADIUS MAP**

**Section: 13 Township: 52 Range: 41**  
**Applicant: Ken Alce**  
**Zoning Board: C8**  
**Commission District: 2**  
**Drafter ID: EDUARDO CESPEDES**  
**Scale: NTS**

**Process Number**  
**Z2022000323**  
**RADIUS: 500**

**Legend**

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Monday, February 6, 2023

REVISION	DATE	BY

**LOW MEDIUM DENSITY  
RESIDENTIAL W/  
DENSITY INCREASE 1**

**NW 160TH ST**

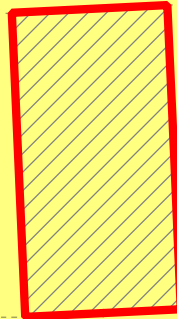
**LOW DENSITY RESIDENTIAL (LDR) 2.5-6 DU/AC**

**NW 159TH ST**

**OFFICE/RESIDENTIAL**

**NW 2ND AVE**

**NW 158TH ST**



**MIAMI-DADE COUNTY  
CDMP MAP**

Process Number  
**Z2022000323**

Section: 13 Township: 52 Range: 41  
Applicant: Ken Alce  
Zoning Board: C8  
Commission District: 2  
Drafter ID: EDUARDO CESPEDES  
Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, February 6, 2023

REVISION	DATE	BY

