# KITS

*12-16-2008 Version # 1*

MIAMI-DADE COUNTY

**COMMUNITY ZONING APPEALS BOARD 8**
**HENRY REEVES ELEMENTARY SCHOOL**
**2005 NW 111 Street, Miami**
**Wednesday, January 21, 2009 at 7:00 p.m.**

## *PREVIOUSLY DEFERRED*

| | | | | | |
|---|---|---|---|---|---|
| A. | 08-9-CZ8-1 | SOLID OAKS, LLC | 05-336 | 19-52-42 | |

## *CURRENT*

| | | | | | |
|---|---|---|---|---|---|
| 1. | 09-1-CZ8-1 | EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC. | 08-85 | 35-52-41 | N |

# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

**COMMUNITY ZONING APPEALS BOARD - AREA 8**

**MEETING OF WEDNESDAY, JANUARY 21, 2009**

**HENRY REEVES ELEMENTARY SCHOOL**

**2005 NW 111 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.

SWEARING IN OF WITNESSES

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**A. SOLID OAKS L. L. C. (08-9-CZ8-1/05-336)** **19-52-42**
**Area 8/District 2**

(1) RU-3 and BU-1 to RU-4M

(2) UNUSUAL USE to permit a home for the aged.

(3) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.18 (.95 allowed).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family use) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Residences at Solid Assited (sic) Living," as prepared by Arkidesign, Inc., Sheet 1 dated stamped received 1/22/08 and Sheets L-1 to L-5 dated stamped received 5/8/08 and the remaining sheets dated stamped received 1/4/08 and for a total of 13 sheets. Plans may be modified at public hearing.

LOCATION: 14752 N.E. 6 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.89 Acres

Department of Planning and Zoning Recommendation: Deferral.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 9/24/08

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**1. EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC. (09-1-CZ8-1/08-85)** **35-52-41**
**Area 8/District 2**

(1) RU-2 to RU-1

(2) SPECIAL EXCEPTION to permit the continued use of an existing religious facility

OR IN THE ALTERNATIVE TO REQUEST #1 & #2, THE FOLLOWING:

(3) MODIFICATION of Condition #2 of Resolution Z-116-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Haitian Church,' as prepared by Robert Korner, dated revised 1-16-90 and floor and elevation plans dated Dec. 1, 1989 as prepared by B. P. Nuckols and consisting of 7 pages, except as herein modified with regard to the parking arrangement."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Philadelphia Baptist Church,' as prepared by Jorrin and Associates, Sheet 'A-2' dated stamped received 5/30/08 and Sheets 'ST-1' and 'L-1' dated stamped received 10/3/08, and the remaining sheets dated stamped received 9/3/08 for a total of 5 sheets."

The purpose of request #3 is to allow the applicant to submit revised plans showing a larger sanctuary area and redesigned parking lot configuration for a previously approved religious facility.

AND WITH EITHER REQUEST #1 AND #2 OR #3, THE FOLLOWING:

(4) Applicant is requesting to permit the religious facility setback 16' (25' required) from the side street (north) property line.

(5) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to waive same to permit a 6' high metal picket fence within the safe-sight distance triangle along a portion of the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #4 - #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 1000 N.W. 111 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 105.5' x 155'

Department of Planning and Zoning Recommendation: Deferral.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

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

**A. SOLID OAKS, LLC**
**(Applicant)**

**08-9-CZ8-1 (05-336)**
**Area 8/District 2**
**Hearing Date: 1/21/09**

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:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1977 | Charles Gomes | Special exception expansion of trailer park. | ZAB | Approved |
| 1992 | Bob's Trailerville, Inc. | - Special exception for site plan approval.<br>- Special exception for spacing.<br>- Variance of trailer parking regulations. | ZAB | Denied |

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

# MIAMI-DADE COUNTY
# COMMUNITY ZONING APPEALS BOARD - AREA 8
# MOTION SLIP

**B**

APPLICANT'S NAME: **SOLID OAKS, LLC**

REPRESENTATIVE: William Riley

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 08-9-CZ8-1 (05-336) | October 29, 2008 | CZAB8 | | 08 |

**REC: Deferral.**

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Jan 21, 2009 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: At the applicant's request in order to further work with the neighbors.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| MR. | | Richard C. BROWN (C.A.) | | | X |
| MR. | | Patrick CURE | X | | |
| MR. | M | Arthemon JOHNSON | X | | |
| MS. | S | Voncarol Yvette KINCHEN | X | | |
| MR. | | Vernell EVERETT | X | | |
| CHAIRMAN | | Fredericke Alan MORLEY | X | | |
| | | | | | |
| | | VOTE: | 5 | 0 | |

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **DENNIS KERBEL**

# MIAMI-DADE COUNTY
# COMMUNITY ZONING APPEALS BOARD - AREA 8
# MOTION SLIP

**#1**

APPLICANT'S NAME: **SOLID OAKS L. L. C.**

REPRESENTATIVE: Al Dotson

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | | |
|---|---|---|---|---|
| 08-9-CZ8-1 (05-336) | September 24, 2008 | CZAB8 | | 08 |

**REC: Denial without prejudice.**

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Oct 29, 2008 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: To allow the applicant to meet with the neighbors. No re-advertisement

| TITLE | M/S | NAME | YES | NO | ABSENT |
|---|---|---|---|---|---|
| MR. | **M** | Richard C. BROWM (C.A.) | **X** | | |
| MR. | | Patrick CURE | **X** | | |
| MR. | | Arthemon JOHNSON | **X** | | |
| MS. | | Voncarol Yvette KINCHEN | | | **X** |
| MR. | **S** | Vernell EVERETT | **X** | | |
| CHAIRMAN | | Fredericke Alan MORLEY | **X** | | |
| | | | | | |
| | | VOTE: | **5** | **0** | |

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANTS:** Solid Oaks L. L. C. **PH:** Z05-336 (08-9-CZ8-1)

**SECTION:** 19-52-42 **DATE:** January 21, 2009

**COMMISSION DISTRICT:** 2 **ITEM NO.:** A

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## A. INTRODUCTION

- **REQUESTS:**

  (1) RU-3 and BU-1 to RU-4M

  (2) UNUSUAL USE to permit a home for the aged.

  (3) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.18 (0.95 permitted).

  Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Residences at Solid Assited (sic) Living," as prepared by Arkidesign, Inc., Sheet 1 dated stamped received 1/22/08 and Sheets L-1 to L-5 dated stamped received 5/8/08 and the remaining sheets dated stamped received 1/4/08 for a total of 13 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant is seeking to rezone the subject property from RU-3, Four-Unit Apartment District, and BU-1, Neighborhood Business District, to RU-4M, Modified Apartment House District. Additionally, the applicant seeks approval for a home for the aged and to permit a floor area ratio higher than permitted.

- **LOCATION:**

  14752 N.E. 6 Avenue, Miami-Dade County, Florida.

- **SIZE:** 1.89 Acres

## B. ZONING HEARINGS HISTORY:

In 1977, a Special Exception request was approved to permit the expansion of an existing trailer park, pursuant to Resolution #4-ZAB-160-77. In 1992, the Zoning Appeals Board denied without prejudice requests to permit several mobile homes with non-conforming setbacks and spacing, pursuant to Resolution #4-ZAB-447-92.

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

1. The Adopted 2015 and 2025 Land Use Plan designates **the easterly 0.55-acre** of subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, **nursing homes** (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

2. The Adopted 2015 and 2025 Land Use Plan designates **the westerly 1.44 acres** of subject property as being within the Urban Development Boundary for **Medium Density** use. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

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

   If located in Estate, Low or Low-Medium Density neighborhoods, **congregate residential uses**, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the

Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In particular, **nursing homes** are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.

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

5. **Medium-High Density.** This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.

6. **Density Averaging.** The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.

   Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher

than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.

7. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

## D. NEIGHBORHOOD CHARACTERISTICS:

| | ZONING | LAND USE PLAN DESIGNATION |
|---|---|---|
| **Subject Property:** | | |
| | RU-3 and BU-1; Trailer Park | Medium Density Residential, 13-25 dua (westerly 1.44-acres)<br>Business and Office (easterly 0.55-acre) |
| **Surrounding Properties:** | | |
| **NORTH:** | RU-4M; Apartment building<br>BU-1; Retail building | Low Density Residential, 2.5 - 6 dua<br>Business and Office |
| **SOUTH:** | RU-1; Single-family residences<br>BU-1 and RU-3; Retail building | Low Density Residential, 2.5 - 6 dua<br>Business and Office |
| **EAST:** | BU-1A; Shopping center | Business and Office |
| **WEST:** | RU-1; Single-family residences | Low Density Residential, 2.5 - 6 dua |

The subject property is located at 14752 N.E. 6 Avenue in an area characterized by single-family residences, apartments and commercial establishments.

## E. SITE AND BUILDINGS:

| | |
|---|---|
| Site Plan Review: | (Site plan submitted.) |
| Scale/Utilization of Site: | Unacceptable |
| Location of Buildings: | Unacceptable |
| Compatibility: | Unacceptable |
| Landscape Treatment: | Unacceptable |
| Open Space: | Unacceptable |
| Buffering: | Unacceptable |
| Access: | Acceptable |
| Parking Layout/Circulation: | Unacceptable |
| Visibility/Visual Screening: | Unacceptable |
| Urban Design: | N/A |

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

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

(4) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny **unusual uses**; that is, those exceptions

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

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

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

**Section 723.061 of the Florida Statutes. Eviction; grounds, proceedings.**

(1) A mobile home park owner may evict a mobile home owner, a mobile home tenant, a mobile home occupant, or a mobile home only on one or more of the grounds provided in this section.

(d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use, provided all tenants affected are given at least 6 months' notice of the projected change of use and of their need to secure other accommodations. . . .

**Section 723.0612 of the Florida Statutes. Change in use; relocation expenses; payments by park owner.**

(1) If a mobile home owner is required to move due to a change in use of the land comprising the mobile home park as set forth in s. 723.061(1)(d) and complies with the requirements of this section, the mobile home owner is entitled to payment from the Florida Mobile Home Relocation Corporation of:

(a) The amount of actual moving expenses of relocating the mobile home to a new location within a 50-mile radius of the vacated park, or

(b) The amount of $3,000 for a single-section mobile home or $6,000 for a multisection mobile home, whichever is less. Moving expenses include the cost of taking down, moving, and setting up the mobile home in a new location.

**Section 723.83 of the Florida Statutes. Governmental action affecting removal of mobile home owners.** No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

## G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

## H. ANALYSIS:

This application was deferred from the October 29, 2008 meeting and September 24, 2008 meeting at the applicant's request to meet with neighbors. The subject property is comprised of a parcel of land located at 14752 N.E. 6 Avenue in an area characterized by single-family residences located to the north, west and south and commercial establishments located along a commercial corridor, NE 6 Avenue. The subject property is currently developed with a mobile home park. The applicant is requesting a zone change from RU-3, Four-Unit Apartment District, and BU-1, Neighborhood Business District, to RU-4M, Modified Apartment House District (request #1). The applicant is also seeking to permit a home for the aged (request #2). An additional request is being sought to permit a floor area ratio (F.A.R.) of 1.18 (0.95 permitted) (request #3). The submitted plans illustrate a seven-story building to be used as a home for the aged with 69 bedrooms for 100 resident clients. The parking area is located west of and in the rear of said building with a 2-way ingress/egress drive provided along NE 6 Avenue and another one from NE 5 Court. The submitted plans depict landscaping that include trees such as Live Oak and Carpenter Palm as well as shrubs such as Wart Fern and Beach Sunflower that are

provided throughout the site. The project also shows two green rooftops geared to minimize the "Urban Heat Island Effect" produced by traditional rooftops. On the primary rooftop, extensive landscaped areas are planned where residents can enjoy passive activities and gardening. The secondary rooftop, located above the kitchen and dining room, will provide similar activities. Ground level gardening areas will be provided and stocked with fauna and aromatic and herbal plants geared towards attracting butterflies. The applicant has voluntarily proffered a covenant which, among other things, restricts the use of the property to a home for the aged, along with ancillary services such as counseling and exercise rooms for the residents, limits the number of rooms to a maximum of 69 rooms for 100 resident clients, provides that the proposed home for the aged will be equipped with commercial grade backup generators, provides that the property be developed in accordance with the "Florida Water Star Basic Qualification Checklist," and restricts the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the Public Works Department **does not object** to this application. Their memorandum indicates that the request will not generate any additional peak hour vehicle trips. The Miami-Dade Fire Rescue Department **(MDFR) does not object** to this application and has indicated that the estimated average travel time to the subject property is **6:36** minutes.

The subject property underwent a Comprehensive Development Master Plan (CDMP) Amendment (Application No. 1) during the November, 2006-2007 Amendment Cycle, for a change of LUP Map designation from Low-Density Residential use to **Medium Density Residential** use on the western 1.44-acre portion of the subject property. This category allows densities from 13 to 25 dwelling units per acre which would allow a minimum of 18 to a maximum of **36** units on said western portion. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.

The eastern .55-acre portion of the subject property is designated under the LUP map of the CDMP for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, 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. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. The CDMP further indicates that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts as noise or traffic.

The CDMP also indicates that residential uses, and mixing of residential uses with commercial, office and hotel uses are permitted in business and office areas provided that the scale and intensity, including height and floor area ratio (FAR) of the residential or mixed use development, is not out of character with that of adjacent or adjoining

development and zoning, and provided it does not detrimentally impact the area, and it provides a sensitive, well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. When the above conditions are met, residential development may be authorized to occur in the business and office category at a density up to one 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. The applicant is requesting a zone change from RU-3 and BU-1 to RU-4M in order to construct a home for the aged. The area to the north, south and west of the subject property within the same block is designated for Low-Density Residential, which permits densities from 2.5 to 6 units per acre. As previously mentioned, the western 1.44-acre portion of the subject property is designated Medium Density Residential which allows densities from 13 to 25 dwelling units per acre. Therefore, according to the interpretative text of the CDMP, the eastern .55-acre portion of the subject property can be developed utilizing one density category higher. As such, the eastern .55-acre portion of the site can be developed utilizing the Medium-High Density Residential category, which permits a maximum of 60 units per acre, and which would allow a maximum of 33 units on said Business and Office designated area. When taking into consideration the **36** units allowed on the 1.44-acre Medium Density residentially designated portion on the site and the **33** units permitted on the Business and Office designated portion, staff notes that the combined total number of units on the entire site allowed by the above provisions of the CDMP is **69**.

The interpretative text of the CDMP indicates that nursing homes may be permitted at suitable locations in Residential Communities in keeping with a density allowance where each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the "next higher" residential density category than that for which the site is designated. The applicant is proposing 69 rooms for 100 resident clients, which is consistent with and well within the density threshold allowed under the LUP map designations of the CDMP that allows a maximum of 172 resident clients at the subject site without taking the numbers to the "next higher" land use category. Nonetheless, in staff's opinion, the applicant's proposal for a 7-story building as allowed in the RU-4M zone along with the building mass resulting in an overage of the Floor Area Ratio (FAR) allowed in said zone, as proposed, is **incompatible** with the surrounding area and, therefore, is **inconsistent** with other Policies and Goals of the CDMP. Staff notes that 1-story single-family residences exist to the south and west of the proposed home for the aged. Additionally, a 3-story apartment complex is located immediately to the north of the subject site. The submitted plans indicate that the subject property will be developed with a 7-story building. The building encompasses most of the eastern portion of the subject site and stands at 98'-4" at its highest point. Staff is of the opinion that the proposal for a 7-story structure with an FAR of 1.18 where 0.95 is the maximum permitted (request #3) is too intense for the site and will negatively impact the surrounding area. Additionally, as previously mentioned, the interpretative text of the CDMP indicates that in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts as

noise or traffic. Staff opines that the proposed development does not provide a compatible scale and intensity when compared with the surrounding properties to the south, west and north and as evidenced by the request to permit a higher FAR than permitted in the requested zone. Staff, therefore, opines that the proposed 7-story home for the aged is **incompatible** with the area and, therefore, is **inconsistent** with the CDMP's interpretative text which indicates that the specific intensity and range of uses and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses and that uses should be limited when necessary to protect both adjacent and adjoining residential uses from such impacts.

As previously mentioned, the subject property is currently developed with a mobile home park. Staff notes that the applicant has proffered a covenant to ensure compliance with the State requirements and giving an additional voluntary contribution of $1,000 to each mobile home owner prior to relocation. Section 723.083 of the Florida Statutes regulates Governmental actions affecting the removal of mobile home owners, which requires that no local government shall approve any rezoning or take any other official actions that result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the residents. The State of Florida has preempted local regulation of the landlord-tenant relationship between mobile home park owners and the owners of mobile homes occupying the parks. The Legislature has provided the exclusive remedies available when mobile home park residents are displaced. A mobile home park owner is permitted to seek a change in the use of land comprising a mobile home park and proceed with eviction of tenants/mobile home owners provided all tenants are given at least 6 months notice of the proposed change of land use. Section 723.061 of the Florida Statutes provides that if an eviction occurs because of change of land use, the mobile home owner/resident is entitled to compensation as follows: the lesser of (a) the amount of actual moving expenses or (b) $3000 for single-section or $6000 for multi-section mobile home.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, staff is of the opinion that the development of the subject property, if granted, would be inconsistent with the interpretative text of the Comprehensive Development Master Plan for Miami-Dade County as explained above. The applicant is requesting a zone change from RU-3 and BU-1 to RU-4M on the subject property in order to construct a home for the aged with a height of 7 stories as allowed in this RU-4M zone. Staff notes that the proposed rezoning to RU-4M

will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application meets the minimum requirements of Chapter 24 of the Code. Staff notes that the proposal on the subject site is accessible by a major roadway, NE 6 Avenue, and as such, will be readily accessible to patrons. However, the development will also have access through a two-way entrance/exit located at the end of a cul-de-sac on NE 5 Court which, in staff's opinion, will negatively impact the traffic flow on the single-family residential development to the south. Additionally, approval of the 7-story residential building with an FAR of 1.18 where 0.95 is the maximum permitted will have a negative visual and aural impact on the 1-story single-family residences located immediately to the south and west of the subject property. As such, staff is of the opinion that the proposed zone change and the accompanying submitted plans are **incompatible** with the area and are **inconsistent** with the provisions of the CDMP. Accordingly, staff recommends denial without prejudice of the zone change request to RU-4M (request #1). Notwithstanding, should the Board determine that the proposed RU-4M zoning would be compatible with the surrounding area, then the Board could make a finding that request #1 is consistent with the CDMP.

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff is of the opinion that the proposed home for the aged, as designed, would result in excessive noise and traffic, cause undue and excessive burden on public facilities, including streets, roads or highways, and provoke excessive overcrowding and concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed home for the aged as proposed with an overall height of 7 stories (98'4"), an FAR of 1.18, and drives that are accessible through the residential neighborhood to the south is, in staff's opinion, incompatible with and intrusive to the residential neighborhoods located to the north, west and south, will generate excessive noise and traffic and will provoke excessive overcrowding. Additionally, the proposed residential building is an over-utilization of the subject property as evidenced by the request for FAR relief, and staff opines that the approval of said use would disrupt the character and overall welfare and privacy of the neighborhood by increasing traffic and noise in this predominately residential neighborhood. In staff's opinion, this proposed use of the home for the aged would be **incompatible** with the area and as such, recommends denial without prejudice of requests #2 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

When request #3, to permit a floor area ratio (F.A.R.) of 1.18 (0.95 permitted), is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. As previously mentioned, approval of the proposed 7-story building with an FAR of 1.18 where 0.95 is the maximum permitted would have a negative visual and aural impact on the 1-story single-family residences located immediately to the south and west of the subject property. Staff opines that the proposed building as designed is overly intense and would be out of character with the area, as no similar approvals exist in the immediate vicinity and approval of same could begin a trend to approve similar requests thereby setting a precedent that would deteriorate the established residential areas found to the west, south and north. Additionally, in staff's opinion, the approval of a higher FAR will not maintain the basic intent and purpose of the zoning regulations, which is to protect

the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Therefore, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, it has not been demonstrated that the denial of request #3 would result in unnecessary hardship. As such, staff is of the opinion that request #3 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the aforementioned, staff notes that the application as proposed is **inconsistent** with the interpretative text of the CDMP and that the approval of this application is **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. Notwithstanding the aforementioned, staff notes that additional information is required from the applicant regarding compliance with the Florida Statutes, Section 723, prior to the closure of the current mobile home park on the subject property. Therefore, staff recommends deferral of this application.

## I. RECOMMENDATION:

Deferral.

## J. CONDITIONS: None.

**DATE INSPECTED:** 07/15/08
**DATE TYPED:** 08/07/08
**DATE REVISED:** 08/12/08; 08/14/08; 08/15/08; 08/22/08; 08/26/08; 08/27/08; 09/12/08; 10/01/08; 10/21/08; 12/17/08
**DATE FINALIZED:** 12/17/08
MCL; MTF; LVT; JV

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

# Memorandum

MIAMI-DADE COUNTY

Date: December 6, 2007

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

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

Subject: C-08 #Z2005000336-4th Revision
Solid Oaks, LLC
14752 N.E. 6th Avenue
District Boundary Change from BU-1 to BU-1A,
Special Exception to Permit a Residential Use in the BU-1A Zone,
Use Variance to Permit a Multi-Building Apartment Use in the RU-3 Zone and
Request to Permit Lot Frontage and Setback Less than Required
(BU-1/RU-3) (1.8 Ac.)
19-52-42

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

Potable Water Supply and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

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

Wetlands

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

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

Tree Preservation

An on-site inspection performed by DERM staff on October 27, 2005 revealed that the subject property contains tree resources, including three (3) specimen-sized (trunk diameter 18 inches or greater) strangler fig and six (6) specimen sized live oak trees. The applicant is aware of DERM preservation requirements and has submitted, with this application, a site plan of record entitled "Solid Oaks Residences Assisted Living – Master Landscape Plan" Sheets L-1, 2, 3 and 4, prepared by Arkidesign Inc., and dated February 5, 2007, that provides for the preservation of three (3) specimen-sized strangler fig and five (5) specimen sized live oak trees.

However, other on-site specimen-sized tree(s) will be impacted. Section 24-49.2 of the Code requires preservation of specimen trees whenever reasonably possible. Prior to the removal or relocation of any tree on-site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code, shall be required. Be advised that, pursuant to Section 24-49.2(II)(1) of the Code, evaluation of permit applications for the removal of specimen trees include, but is not limited to, factors such as size and configuration of the property, as well as any proposed development, location of tree(s) relative to any proposed development, and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

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

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

The following comments are also offered, as they contain Code requirements, which are applicable to certain land uses permitted in the proposed zoning classification:

Hazardous Materials Management
Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

Operating Permits
Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

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

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

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

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

REVISION 1

PH# Z2005000336
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:SOLID OAKS, LLC

This Department has no objections to this application.

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

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
27-DEC-07

# Memorandum

**Date:** 04-FEB-08

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

**From:** Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

**Subject:** Z2005000336

## Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated January 10, 2008.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped January 22, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed only to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

## Service Impact/Demand:

Development for the above Z2005000336
located at 14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0394 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A | dwelling units | N/A | square feet |
| residential | | industrial | |
| N/A | square feet | N/A | square feet |
| Office | | institutional | |
| N/A | square feet | 94,895 | square feet |
| Retail | | nursing home/hospitals | |

Based on this development information, estimated service impact is: 63.67 alarms-annually.
The estimated average travel time is: 6:36 minutes

## Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 19 - North Miami W - 650 NW 131 Street
Rescue, ALS 50' Squrt - TRT-1

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

Station 18 - North Miami - NE 138 Street and 5 Avenue.

## Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped January 22, 2008. Substantial changes to the plans will require additional service impact analysis.

DATE: 09/16/08
REVISION 4

# TEAM METRO

## ENFORCEMENT HISTORY

SOLID OAKS, LLC

**APPLICANT**

14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

**ADDRESS**

Z2005000336

**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

01/15/2002 - Inspection revealed no junk and trash on property. Case closed. 2002090000028. 10/10/2002 - Warning letter issued for Junk and Trash. 10/24/2002 - Property owner corrected violation. Case closed 200206003690. 05/27/2004 - Inspection revealed no electrical problems on property. Case closed. 200406000495 09/23/2004 - Warning letter issued for broken fence. 04/14/2005 - Property owner fixed fence. Case closed. 200406003305. 03/08/2005-Warning letter issued for chickens on property. 03/22/2005- Property owner removed chickens. Case closed. 200506000435. 03/14/2005- Warning letter issued for junk and trash. 03/22/05- Property owner removed junk and trash. Case closed. 200506000488. 03/31/2005 - Junk and trash observed on property. Property owner correct violation on the same day. Case closed. 200506000436. 12/12/2005- Inspection revealed no junk and trash on property. Case closed. 200506002743. 2/27/2007- Inspection revealed no junk and trash on property. Case closed. 200706000909. 09/16/2008-Junk & Trash and overgrowth on property. Warning letter was issued. Re-inspection will be done on 10/21/2008. ZONE CHANGE FROM BU1 TO BU1A

Inspected by NCO Russ Brunnetto.

## 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: **SOLID OAKS, LLC**, a Florida limited liability company

| NAME AND ADDRESS | | Percentage of Stock |
|---|---|---|
| Leonardo Seidner, Member<br>19333 Collins Avenue, Unit 2306<br>Sunny Isles Beach, Florida 33160 | | 25% |
| Harry Seidner, Member<br>3380 North 40th Street<br>Hollywood, Florida 33021 | | 25% |
| Atlantic Echo, LLC, a Florida limited liability company<br>801 Brickell Avenue, 16th Floor, Miami, Florida 33131 | | 25% |
| Sion Tesone, Member<br>5825 Collins Avenue, Unit 10G<br>Miami Beach, FL 33140 | - 50% | |
| Violeta Gomez, Member<br>16400 N.W. 15th Avenue<br>Miami, Florida 33169 | - 50% | |
| Gabriel's Investments, LLC, a Florida limited liability company<br>3370 N.E. 190th Street, #102, Aventura, Florida 33180 | | 12.5% |
| Gabriel Markovich, Managing Member<br>3370 N.E. 190th Street, #102<br>Aventura, Florida 33180 | - 100% | |
| Marks Investments, L.L.C., a Florida limited liability company<br>19195 Mystic Pointe Drive, #107, Aventura, Florida 33180 | | 12.5% |
| Wendy Marks, Managing Member<br>19195 Mystic Pointe Drive, #107<br>Aventura, Florida 33180 | - 100% | |

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: Not applicable

NAME AND ADDRESS _____ Percentage of Stock _____

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: Not applicable

NAME AND ADDRESS _____ Percentage of Stock _____

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: Not applicable

NAME, ADDRESS AND OFFICE (if applicable) _____ Percentage of Stock _____

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.

BY: SOLID OAKS, LLC,
a Florida limited liability company

BY: _____
Harry Seidner, Member

Sworn to and subscribed before me this 9th day of August, 2005. Affiant is personally known to me or has produced as identification.

_____
(Notary Public)

TERESA M. SLACHTER
MY COMMISSION # DD 097353
EXPIRES: April 30, 2006
Bonded Thru Notary Public Underwriters

My commission expires _____

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

58

RECEIVED
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING
AND ZONING
JAN 22 2008

## ZONING INFORMATION

| | | | | | | |
|---|---|---|---|---|---|---|
| LEGAL DESCRIPTION | | | | | | |
| PROPERTY ZONING | BU-1 TO RU-M(b) | | RU-3 to RU-M(b) REZONED TO NBD, DENSITY PLUS 08-0060 (R-1060-08) | | TOTAL | |
| NET AREA | 19,862.34 S.F. | 0.456 ACRES | 63,258.38 S.F. | 1.452 ACRES | 83,120.72 S.F. | 1.908 ACRES |
| GROSS AREA | 34,188.77 S.F. | 0.785 ACRES | | | | |

| | ALLOWED | | ALLOWED | PROPOSED |
|---|---|---|---|---|
| TOTAL NUMBER OF UNITS | 23 | 38 | 59 | 59 |
| DENSITY PER GROSS ACRE | 30 U/A | 38 U/A | | 30.92 U/A |
| PROPOSED NET OF RESIDENTS | 2.5 PER DWELLING | 3.8 | 174 | 152.50 |
| STORIES RU-M | 5 | | | 7 |
| MAX HEIGHT | 150 FT | | | 97'-4" |

| BUILDINGS FOOTPRINT (LARGEST FLOOR) 2ND +OR | | | S.F. | |
|---|---|---|---|---|
| GROUND FLOOR | | 18,913.00 S.F. | 18,913.00 | |
| COVERED WALKS & DRIVEWAY | | 3,962.04 S.F. | 3,962.00 | |
| GROSS BUILDING LOT COVERAGE | 20,000.00 S.F. 40% | | 18,913.00 S.F. | 22.84% |

| CONSTRUCTION AREA | | | | |
|---|---|---|---|---|
| GROUND FLOOR | | 18,913.00 S.F. | 18,913.00 | |
| SECOND FLOOR | | 13,454.00 S.F. | 13,454.00 | |
| FLOORS 3 TO 7 | 5 | 13,140.00 S.F. | 65,700.00 | |
| 8 TH FLOOR / SKY LOUNGE/MECH | 1 | 1,334.00 S.F. | 1,334.00 | |

| CONDITIONED AREA | | PROVIDED | |
|---|---|---|---|
| GROUND FLOOR | 13,638.00 S.F. | 13,638.00 S.F. | |
| SECOND FLOOR | 12,340.70 S.F. | 12,340.70 S.F. | |
| FLOORS 3 TO 7 | 11,676.00 S.F. | 58,376.00 S.F. | |
| 8TH FLOOR SKY LOUNGE/MECH | 312.00 S.F. | 312.00 S.F. | |
| TOTAL CONDITIONED AREA | | 83,665.70 S.F. | |

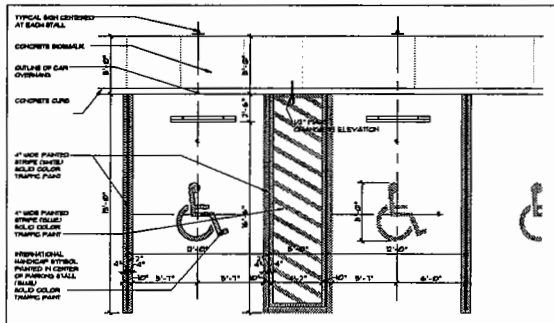
| | | | |
|---|---|---|---|
| F.A.R. (FLOOR AREA RATIO) 75,458.71 S.F. 0.90 | PROVIDED | 83,665.70 S.F. | 100.24% |
| NON CONDITIONED AREA | | | |
| TRASH ROOM | | 288.00 S.F. | |
| METER ROOMS MECHANICAL AREA (PUMPS ETC) GROUND | | 1,729.00 S.F. | |
| TOTAL NON CONDITIONED AREAS GROUND | | 1,895.00 S.F. | |
| NON CONDITIONED AREAS TYP FLOOR | | 2,269.00 S.F. | |

| OPEN SPACE | REQUIRED | | PROVIDED | |
|---|---|---|---|---|
| LANDSCAPE (UNENCUMBERED) GROUND | 20,000.00 S.F. | 40% | 20,262.00 S.F. | 24.38% |
| PAVED AREAS | | | 35,425.00 S.F. | 42.60% |
| TOTAL OPEN SPACE | 20,000.00 S.F. | 40% | 55,687.00 S.F. | 67.01% |

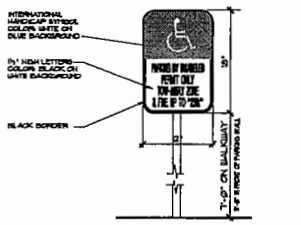
| SETBACKS | | ALLOWED | PROVIDED |
|---|---|---|---|
| FRONT | BUILDING 1 | 25'-0" | 87'-3" |
| REAR | | 20'-0" | 279'-11" |
| SIDE (INT NORTH) | | 20'-0" | 41'-0" |
| SIDE (INT SOUTH) | | 20'-0" | 87'-0" |

| PARKING CALCULATIONS | | | | | PROVIDED |
|---|---|---|---|---|---|
| | | 75 | | | 89 |
| .5 SPACES PER SED | 150 | 0.5 | 50 | | |
| 1 SPACES PER EMPLOYEES (SHIFT) | 16 | 1 | 16 | | |
| GUEST ALZHEIMERS DAYCARE | | | 5 | | |
| HCAP/VAN ACCESSIBLE | 4 | | | 17'-0" x 18'-0" | 4 |
| LOADING SPACE | 1 | | | | 1 |
| REGULAR | 69 | | | 8'-6" x 18'-0" | 79 |

| LANDSCAPE REQUIREMENTS | | | | |
|---|---|---|---|---|
| TREES | 39 ACRE | 2 ACRES | 84 | SEE LANDSCAPE PLANS BY WITSON HULTS DESIGN GROUP |
| STREET TREES | | | 3 | |
| SHRUBS | 10 PER TREE | | 850 | |

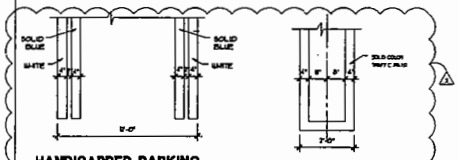



HANDICAP PARKING STALL STRIPING
SCALE: 1/4" = 1'-0"
F.S. 553.48(4)(d) & ANSI A117.1 4.6, 1986




PARKING FOR HANDICAPPED SIGN REQUIRED ON EACH PARKING SPACE – F.S. STATUTES & 316.1956(3)

TYPICAL HANDICAP PARKING SIGN
SCALE: NONE




HANDICAPPED PARKING STRIPPING DETAIL
F.S. 553.48(4)(d) + ANSI A117.1 4.6, 1986

TYPICAL PARKING STRIPPING DETAIL

LOCATION MAP
N.T.S.

LEGAL DESCRIPTION:

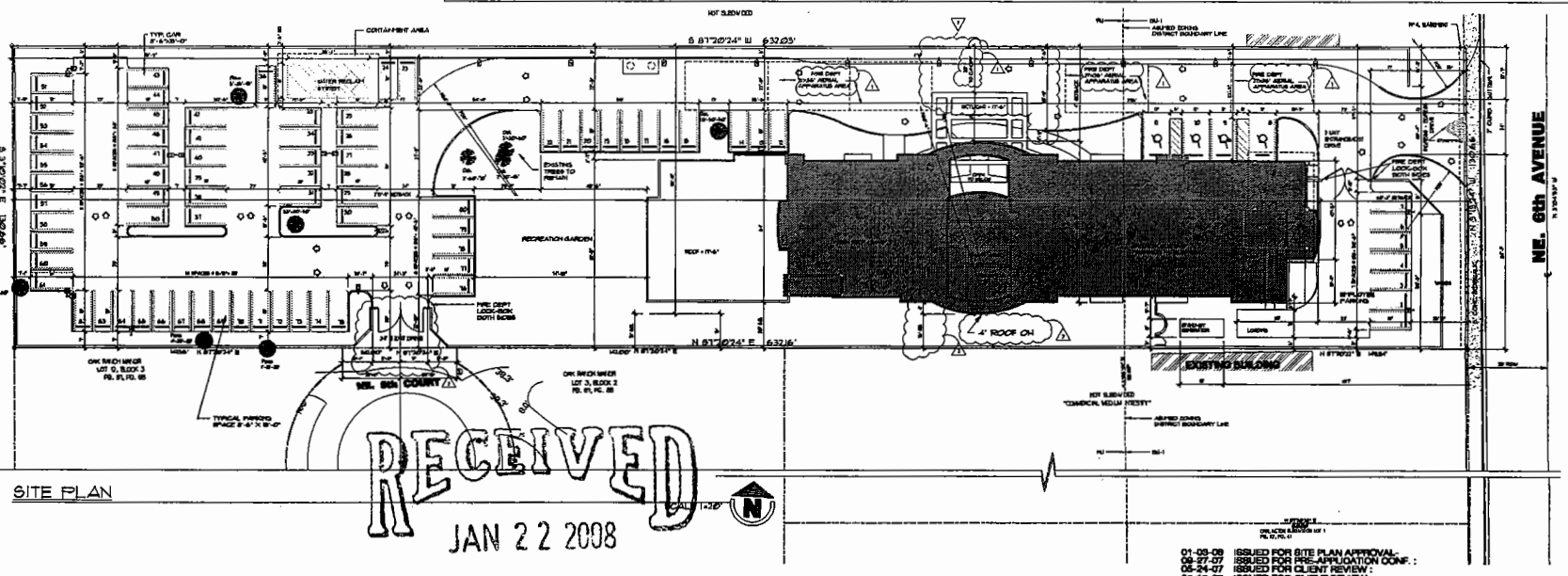
The North 130.863 feet of the South 564.863 feet of the Southeast 1/4, of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 52 South, Range 42 East, lying and being in Miami-Dade County, Florida; less the East 35 feet thereof, conveyed to Miami-Dade County, by Right of Way Deed Filed in Deed Book 3625, Page 280.

Containing 87,120 square feet, more or less by calculations.

Property Address: 14752 NE. 6th Avenue, Miami Florida
Folio No. 30-2219-000-0740

# Solid Oaks Residences Assisted Living

**14752 NE 6th Ave**
**Miami Florida**




SITE PLAN

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JAN 22 2008

~~ZONING HEARINGS SECTION~~
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

01-03-08 ISSUED FOR SITE PLAN APPROVAL.
09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
05-24-07 ISSUED FOR CLIENT REVIEW :
05-15-07 ISSUED FOR CLIENT REVIEW :

PLOTTED: 01-18-08


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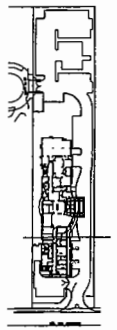


KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 2 | 01/08/08 | ZONING HEARING COMMENTS DR-4 |
| 1 | 09/28/07 | ZONING & FIRE COMMENTS DR-3 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

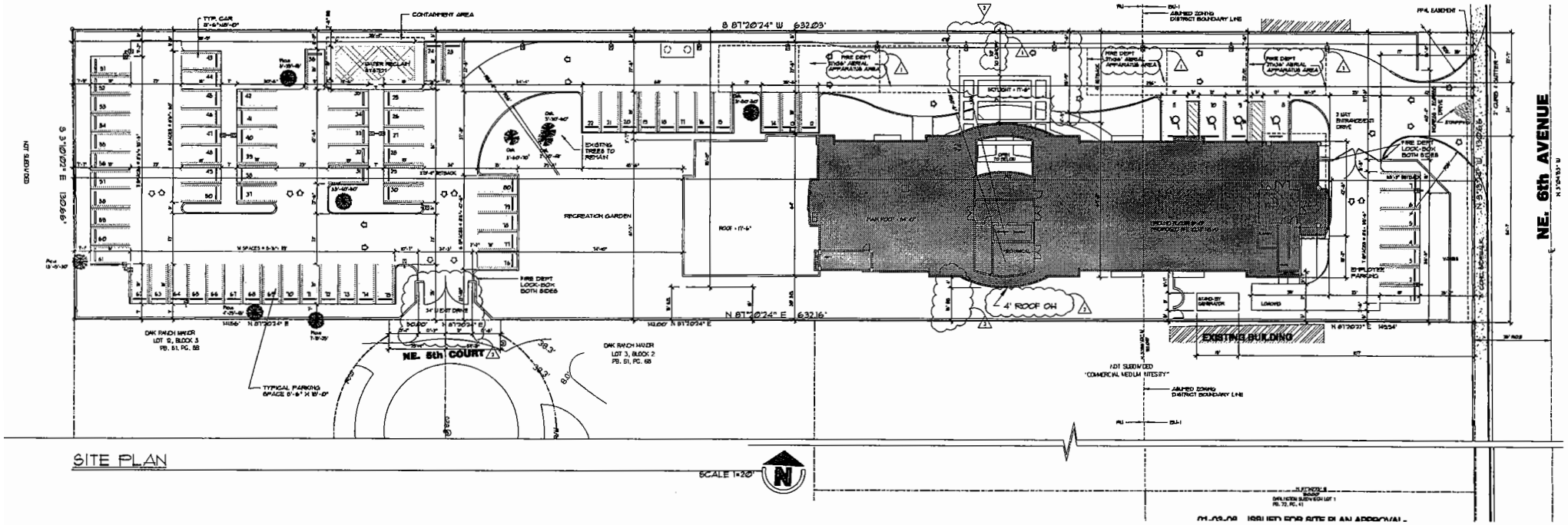
14752 NE 6TH AVE
MIAMI FL 33161

FOLIO:30-2219-000-07-40

MASTER SITE PLAN

070604

| | |
|---|---|
| 02/15/07 | A-1 |
| 0004-A | |
| ED | |
| 1"=20' | 8 / 13 |




SITE PLAN

ENLARGED SITE PLAN

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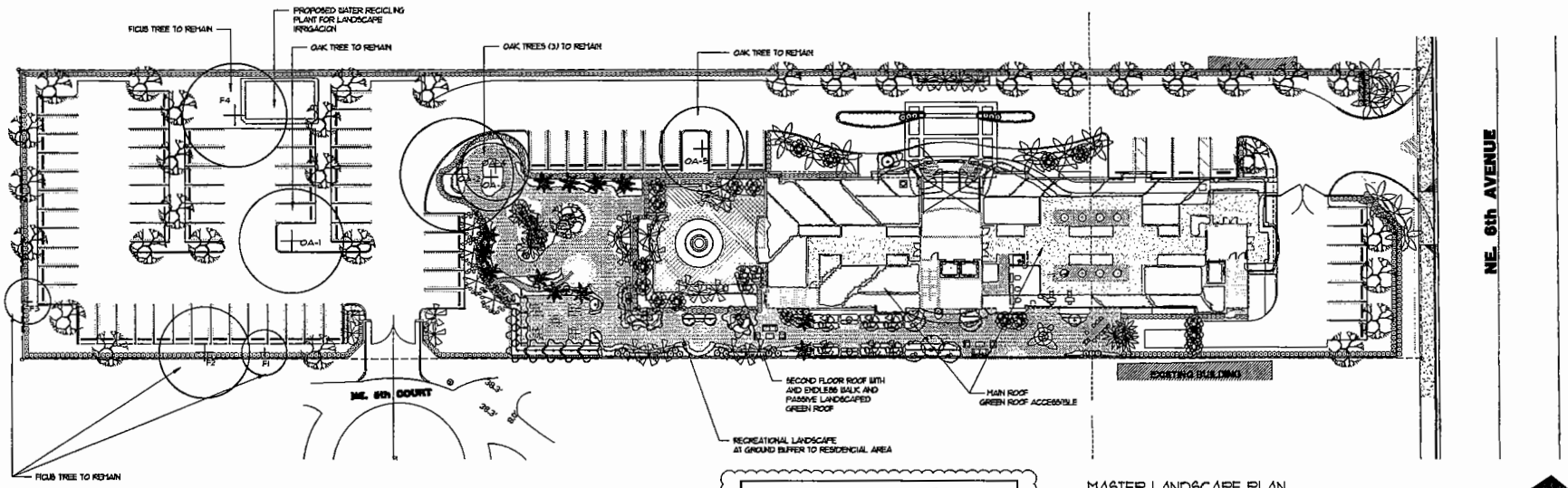
1/22/08

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

# Solid Oaks Residences Assisted Living

**14752 NE 6th Ave**
**Miami Florida**




LANDSCAPE MITIGATION:

1. ALL SPECIMEN TREES IN GOOD CONDITION WILL REMAIN, WILL BE PRUNED AND PROTECTED DURING ALL CONSTRUCTION ACTIVITIES
2. ALL TREES (FRUIT) TO BE REMOVED, CANOPY TO BE REPLACED WITH ADDITIONAL TREES

ENERGY CONSERVATION

1. MAIN BUILDING STRUCTURE IS ORIENTED TO THE NORTH AND SOUTH MINIMIZING HEAT GAIN TO EAST AND WEST EXPOSURES
2. ALL ROOFS WILL BE GREEN ROOFS TO DECREASE THE HEAT GAIN TO THE BUILDING

LANDSCAPE IRRIGATION:

1. ALL LANDSCAPE WILL BE IRRIGATED WITH ON SITE TREATED WATER ASSISTED WITH AN IRRIGATION WELL FOR DRY SEASONS.

**LANDSCAPE LEGEND**
**Chapter 18-A Ordinance 96-13**

ZONE DISTRICT: RU-4

Gross Land: 1.3 acres Net Land: 1.0 acres Water Bodies: 0

| | REQ. | PROV. |
|---|---|---|
| Landscape Open Space (if applicable) | N/A | N/A |
| Greenbelt Width (if applicable) | N/A | N/A |
| Lawn Area (As defined in Ordinance) | 35% | 35% |
| TREES: | | |
| Trees per acre: 28 | 53 | 134 |
| Note: 30% of required trees and/or palms shall be native species. | | |
| Street Trees: 170 L.F. | 5 | 5 |
| Minus Existing Trees: 8 ** | -8 | |
| TOTAL NUMBER OF TREES | 50 | 139 |
| SHRUBS: (10 shrubs for each tree req.) | 500 | 2304 |
| 30% shrubs/hedge shall be native species. Irrigation system required pursuant to Chapter 33 Dade County Code | | |

** EXISTING TREES TO REMAIN.
1. FICUS TREE (F1,F2,F4) SPECIMEN TREES TO REMAIN
2. OAK TREE (OA-1,OA-2,OA-3,OA-4, OA-5) SPECIMEN TREES TO REMAIN

MASTER LANDSCAPE PLAN

SCALE 1"=20'

RECEIVED
MAY - 8 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

PLOTTED: 01-03-06

arkidesign inc
meyer gorin ala
architect

OWNER:

NOTES

KEY PLAN

WITKIN HULTS DESIGN GROUP

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 02/05/07 | ZONING HEARING COMMENTS CH. 4 |

PROJECT
RESIDENCES AT SOLID OAKS ASSISTED LIVING

PROJECT ADDRESS
14752 NE 6TH AVE
MIAMI FL 33161

FOLIO: 30-2218-020-07-40

MASTER LANDSCAPE PLAN

070604

DRAWING DATE 02/05/07
SCALE 1"=20'
DRAWN BY
CHECKED BY

L-1

SHEET 5 OF 13

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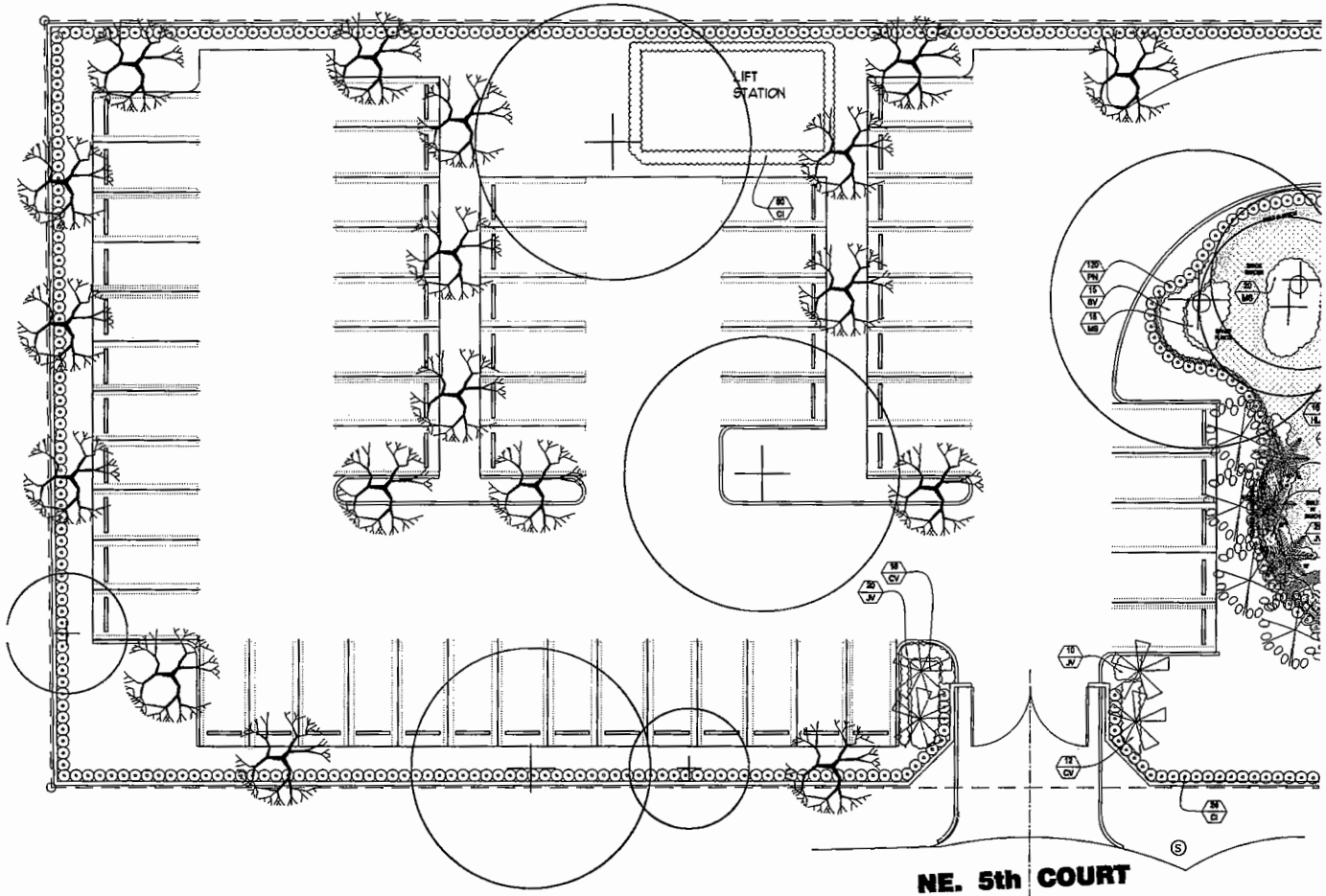
## LANDSCAPE LIST

| QUANTITY | KEY | BOTANICAL / COMMON NAME | DESCRIPTION |
|---|---|---|---|
| 6 | | Carpentaria acuminata CARPENTER PALM | 18' O.A. HT. F.G., SINGLE TRUNK |
| 25 | | Calophyllum brasiliense BRAZILIAN BEAUTYLEAF | 14' HT. x 8' SPR. F.G. |
| 26 | | Ligustrum lucidum GLOSSY PRIVET | 10' HT. x 6' SPR. F.G. |
| 2 | | Livistona chinensis CHINESE FAN PALM | 18' - 20' O.A. HT. F.G. |
| 34 | | Magnolia grandiflora 'Little Gem' LITTLE GEM MAGNOLIA | 8' HT. x 4' SPR., F.G., STD., FULL |
| 17 | | Pandanus utilis SCREW PINE | 14' O.A. HT. F.G. |
| 20 | | Psidium littorale CATTLEY GUAVA | 10' HT. x 4' SPR., F.G. |
| 17 | | Quercus virginiana LIVE OAK | 14' HT. x 8' SPR. F.G. |
| 40 | | Roystonea elata FLORIDA ROYAL PALM | 24' c. a. ht., 8' GW., f.g. |
| 17 | | Sabal palmetto CABBAGE PALM | 14' - 20' O.A. HT. F.G. |
| 17 | | Veitchia montgomeryana MONTGOMERY PALM | 18' O.A. HT F.G., DOUBLE TRUNK |
| 100 | AC | Allenanda cathartica 'Hendersoni Dwarf' DWARF ALLAMANDA | 18" ht. x 18" spr. 3 gal. |
| 55 | AZ | Alpinia zerumbet 'variegata' VARIEGATED GINGER | 24" ht. x 24" spr. 3 gal. |
| 949 | CI | Chrysobalanus icaco 'Red Tip' RED TIPPED COCOPLUM | 24" ht. x 24" spr. 3 gal. |
| 23 | CT | Cordyline terminalis 'Tricolor' HAWAIIAN TI PLANT | 4' O.A. HT. 15 gal. |
| 144 | CV | Codiaeum variegatum 'Mammy' BRIGHT RED CROTON | 20" ht. x 20" spr. 3 gal. |
| 62 | DE | Dracaena marcki GOLDEN DEMOROP | 24" ht. x 24" spr. 3 gal. |
| 391 | DT | Dianella tasmanica 'Variegata' BLUEBERRY FLAX LILY | 18" ht. x 18" spr. 3 gal. |
| 117 | EG | Evolvus glomeratus BLUE DAZE | 1 GALLON FULL |
| 186 | FM | Ficus microcarpa 'Green Island' GREEN ISLAND FICUS | 18" ht. x 18" spr. 3 gal. |
| 2 | GA | Gardenia jasminoides 'Mami Supreme' GARDENIA STANDARD | 4' O.A. HT. 15 gal. |
| 771 | GP | Gaillardia pulchella BLANKET FLOWER | 1 GALLON FULL |
| 1516 | HD | Helianthus debilis BEACH SUNFLOWER | 1 GALLON FULL |
| 168 | HL | Hymenocallis latifolia SPIDER LILY | 18" ht. x 18" spr. 3 gal. |
| 14 | HS | Hibiscus rosa-sinensis 'Double Red' RED HIBISCUS | 6' O.A. HT. 25 gal. |
| 772 | IB | Ipomoea batatas 'Margarita' BRIGHT GREEN SWEET POTATO | 1 GALLON FULL |
| 178 | JV | Jasminum volubile WAX JASMINE | 18" ht. x 18" spr. 3 gal. |
| 163 | LE | Liriope muscari 'Evergreen Giant' LILYTURF | 1 GALLON FULL |
| 18 | MA | Musa acuminata RED BANANA | 8' O.A. HT. 15 gal. |
| 1200 | MC | Muhlenbergia capillaris PURPLE MUHLY GRASS | 1 GALLON FULL |
| 74 | MS | Microsorium scolopendrium WART FERN | 1 GALLON FULL |
| 150 | OB | Ocimum basilicum 'Cinnamomum' LEMON BASIL | 6" POTS |
| 12 | OF | Osmanthus fragrans SWEET OLIVE | 18" ht. x 18" spr. 3 gal. |
| 575 | PL | Pentas lanceolata 'Red Shorts' DWARF RED PENTAS | 1 GALLON FULL |
| 34 | SJ | Stachytarpheta jamaicensis NATIVE PORTERWEED | 1 GALLON FULL |
| 162 | SP | Spathoglottis plicata GROUND ORCHIDS | 18" ht. x 18" spr. 3 gal. |
| 7 | ST | Sophora tomentosa NECKLACE POD | 4' O.A. HT. 7 gal. |
| 250 | SV | Schefflera arboricola 'Variegata' DWARF VARIEGATED SCHEFFLERA | 18" ht. x 18" spr. 3 gal. |
| 20 | TJ | Trachelospermum jasminoides CONFEDERATE JASMINE | 1 GALLON FULL |
| AS REQ'D | LAWN | Stenotaphrum secundatum ST. AUGUSTINE GRASS | Solid Even Sod |




LANDSCAPE PLAN PARKING AREA

SCALE: 1/8"=1'-0"

RECEIVED
MAY - 8 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

PLOTTED: 01-03-08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North Miami Beach, FL 33180
(305) 931-0363
AA - 1196
meyer gorin aia
architect RA-1900
e-mail: info@arkidesign.com



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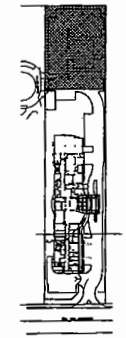
OWNER:
SOLID OAKS LLC
HARRY SEGNER, MANAGER
2300 N. 49th ST
HOLLYWOOD, FL 33021
(305) 305-3000

NOTES



KEY PLAN

WITKIN HULTS DESIGN GROUP
2001 South 21st avenue hollywood, florida
phone 954.923.2007 facsimile 954.923.2009
www.witkindesign.com

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01/21/08 | ZONING HEARING COMMENTS CH. 4 |

PROJECT:
RESIDENCES AT SOLID OAKS ASSISTED LIVING

PROJECT ADDRESS
14702 NE 6TH AVE
MIAMI FL 33161

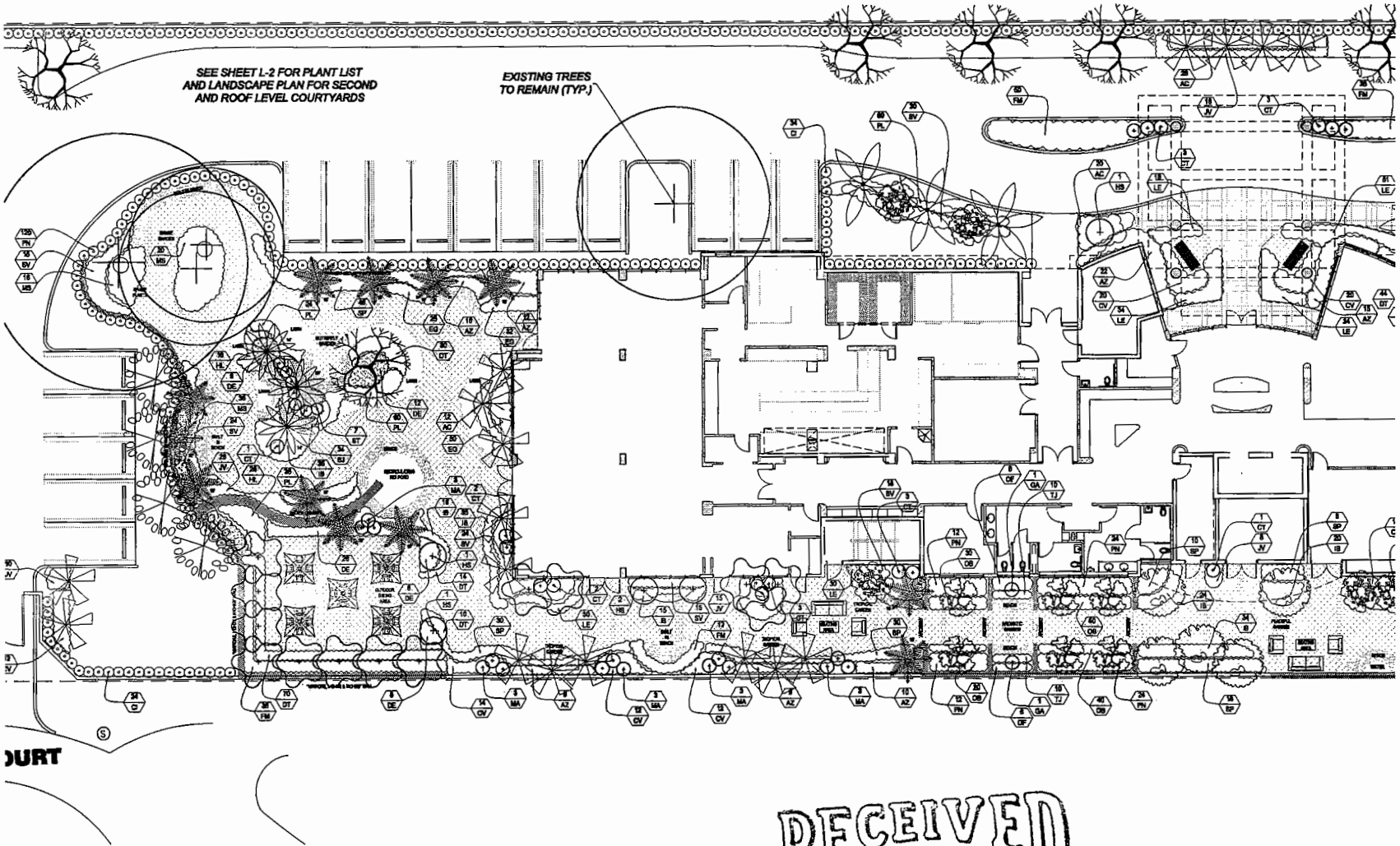
FOLIO: 30-2218-000-07-40

LANDSCAPE PLAN PARKING AREA

PROJECT NO. 070604

PROJECT DATE 02/15/07
DATE PLOT 02/01/08
DRAWN BY: RH
SCALE 1/8" = 1'-0"
SHEET L-2
SHEET 5 OF 13

29




LANDSCAPE PLAN GROUND FLOOR WEST

SCALE: 1/8" = 1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

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KEY PLAN

WITKIN HULTS DESIGN GROUP

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01-03-08 | ZONING 4 PRE CONTENTS CPL-4 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

14792 NE 6TH AVE
MIAMI FL 33161

FOLIO:30-2213-000-07-43

LANDSCAPE PLAN GROUND FLOOR WEST

070604

02/15/07

0004-L

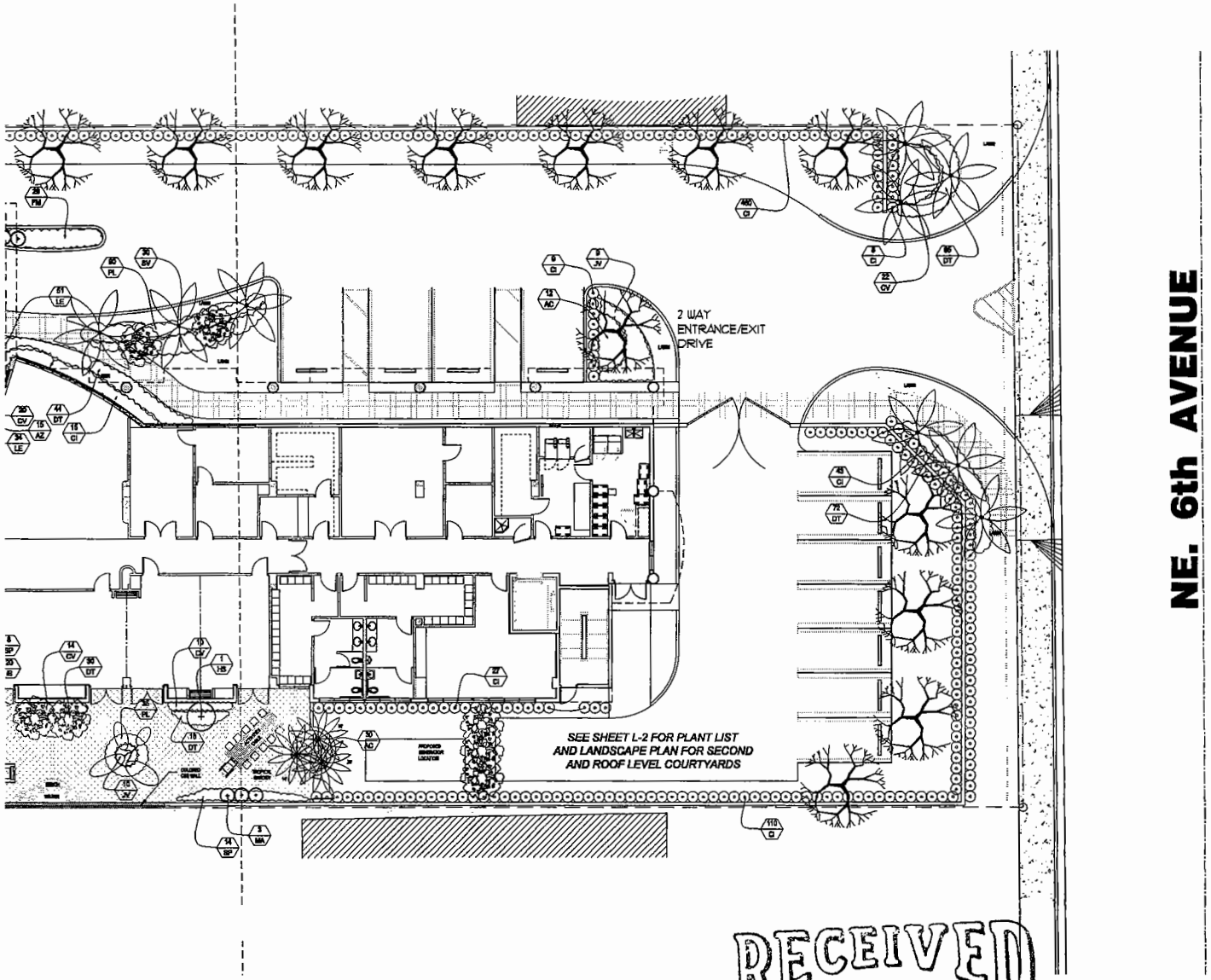
FW

L-3

1/8" = 1'-0"

5 | 13

30




LANDSCAPE PLAN GROUND FLOOR EAST

SCALE 1/8"=1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
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OWNER:

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KEY PLAN

WITKIN HULTS DESIGN GROUP

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01/03/08 | ZONING & FIRE COMMENTS CPL-6 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

14732 NE 6TH AVE
MIAMI FL 33161
FOLIO:30-2218-000-07-40

LANDSCAPE PLAN GROUND FLOOR EAST

070604

02/05/07
0004-L
PW

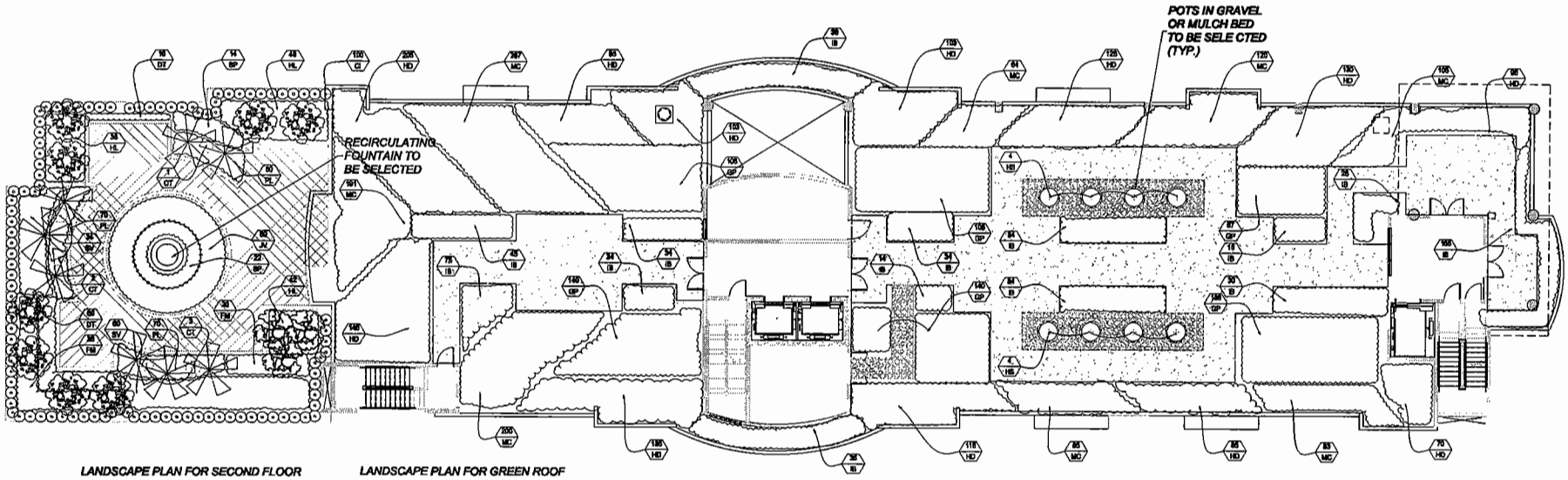
L-4

1/8" = 1'-0"

5 | 13

PLOTTED:01-03-08

31




LANDSCAPE PLAN SECOND FLOOR WEST & MAIN ROOF (GREEN ROOF)

SCALE 1/8"=1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

PLOTTED: 01-03-08

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OWNER:

NOTES

WITKIN HULTS DESIGN GROUP

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 03/05/08 | ZONING & PARK COMMENTS CPL-5 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

14792 NE 6TH AVE
MIAMI FL 33161
FOLIO:30-2218-000-07-40

LANDSCAPE PLAN 2ND FLOOR WEST & MAIN ROOF GREEN ROOF

070604

02/15/07

0604-L

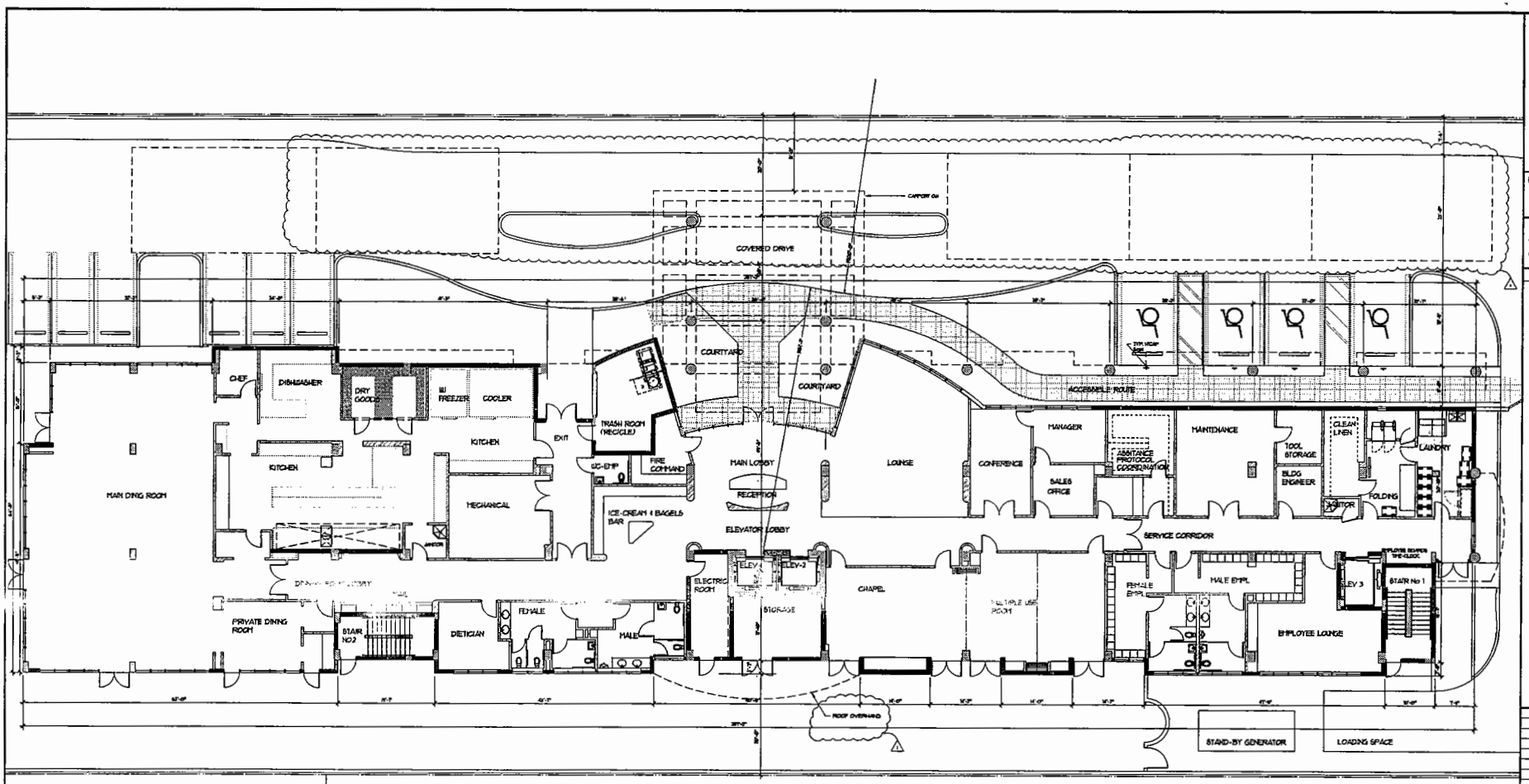
FW

1/8" = 1'-0"

L-5

5 | 13

32




GROUND FLOOR

SCALE 1/8"=1'-0"

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05-24-07 ISSUED FOR CLIENT REVIEW :
06-18-07 ISSUED FOR CLIENT REVIEW :

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HARRY SE DAVIS, DIRECTOR
5300 N. 44TH ST
HOLLYWOOD, FL 33021
(305) 342-3300

NOTES

KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01-03-08 | ISSUED FOR SITE PLAN APPROVAL |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

PROJECT ADDRESS:
14700 NE 6TH AVE
MIAMI FL 33161

FOLIO: 30-2218-003-0740

GROUND FLOOR PLAN

PROJECT #: 070604

PROJECT DATE: 02/05/07

DRAWN BY: DDA-A

CHECKED BY: ED

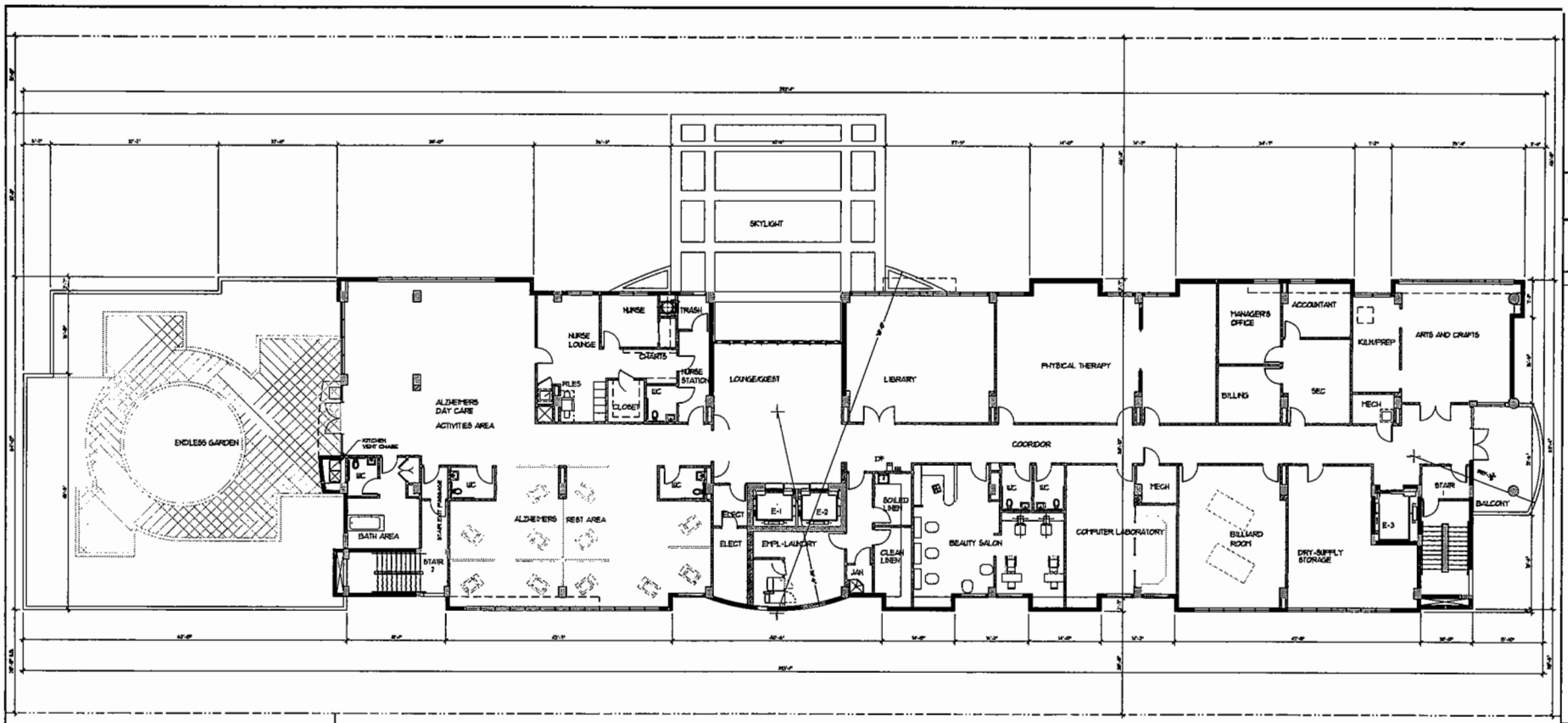
SCALE: 1/8"=1'-0"

A-21

SHEET NO. OF SHEETS: 8 OF 13

ARCHITECT'S SEAL: LICENSED AR

33




2ND FLOOR PLAN

SCALE 1/8"=1'-0"

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JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

01-03-08 ISSUED FOR SITE PLAN APPROVAL-
09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
05-24-07 ISSUED FOR CLIENT REVIEW :
05-15-07 ISSUED FOR CLIENT REVIEW :

PLOTTED: 01-03-08

arkidesign inc.
21304 West Dixie Highway
North Miami Beach, FL 33180
(305) 931-6380
AA - 1198

meyer gorin ala
architect RA - 9700
e-mail: info@arkidesign.com

OWNER:

NOTES

KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 03/05/08 | ZONING & PRE COMMENTS CIR.-5 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

14752 NE 6TH AVE
MIAMI FL 33161

FOLIO:30-2219-005-07-40

FLOOR PLANS

070604

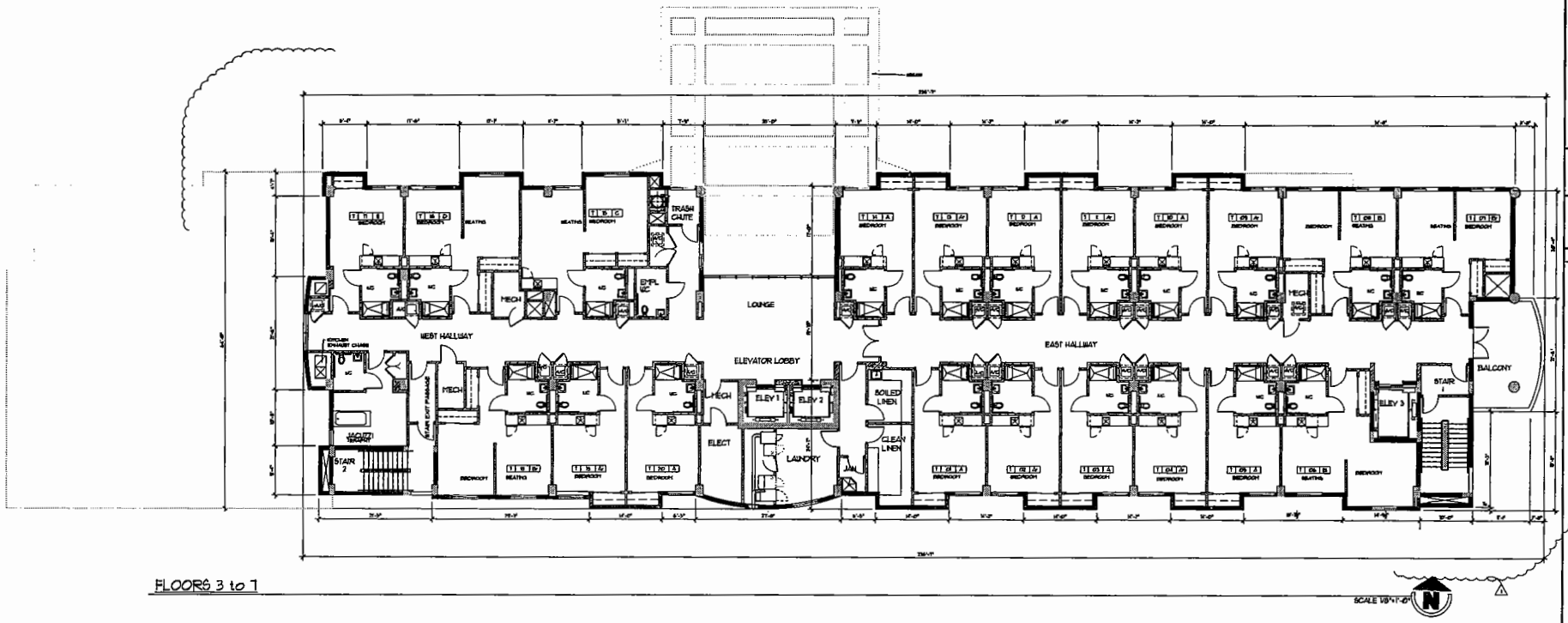
02/05/07

A-3

1"=20'

8 | 13

34




FLOORS 3 to 7

SCALE 1/8"=1'-0"

| SOLID OAKS RESIDENCES ASSISTED LIVING | | | |
|---|---|---|---|
| TYPICAL UNIT AREAS | | | |
| FLOOR | UNIT NO. | MODEL | AREA |
| 3 TO -7 | 01 | A | 371.00 |
| 3 TO -7 | 02 | Ar | 371.00 |
| 3 TO -7 | 03 | A | 371.00 |
| 3 TO -7 | 04 | Ar | 371.00 |
| 3 TO -7 | 05 | A | 371.00 |
| 3 TO -7 | 06 | B | 571.00 |
| 3 TO -7 | 07 | Br | 504.27 |
| 3 TO -7 | 08 | B | 505.63 |
| 3 TO -7 | 09 | Ar | 371.00 |
| 3 TO -7 | 10 | A | 371.00 |
| 3 TO -7 | 11 | Ar | 371.00 |
| 3 TO -7 | 12 | A | 371.00 |
| 3 TO -7 | 13 | Ar | 371.00 |
| 3 TO -7 | 14 | A | 371.00 |
| 3 TO -7 | 15 | C | 597.78 |
| 3 TO -7 | 16 | D | 544.16 |
| 3 TO -7 | 17 | E | 405.54 |
| 3 TO -7 | 18 | Br | 523.88 |
| 3 TO -7 | 19 | Ar | 375.72 |
| 3 TO -7 | 20 | A | 371.00 |
| UNITS | 100 | AVG | 424.00 |

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JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
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OWNER:

NOTES

KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01-03-08 | ZONING & PRE COMMENTS CIRL-S |

RESIDENCES AT SOLID OAKS

14752 NE 6TH AVE
MIAMI FL 33161

FOLIO:30-3219-000-07-40

TYPICAL FLOOR PLANS

070604

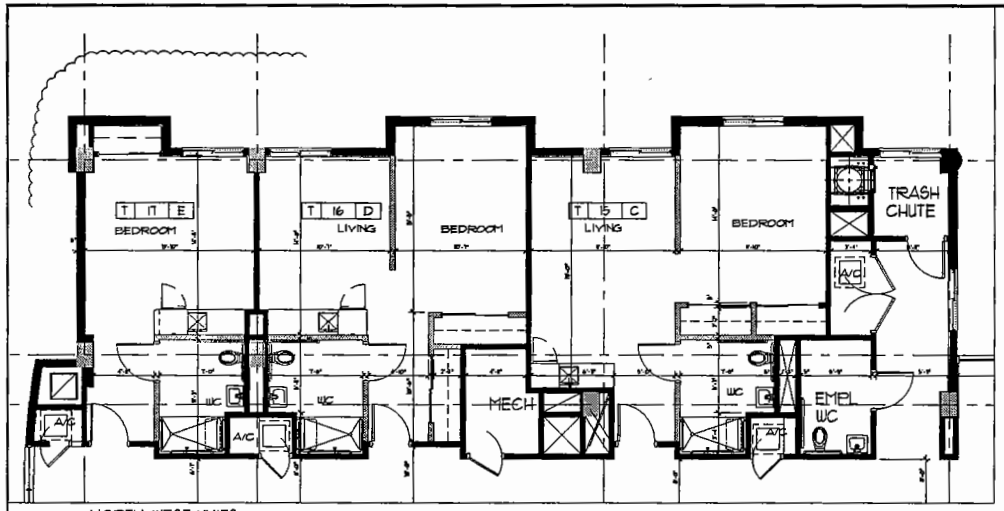
02/05/07

A-4

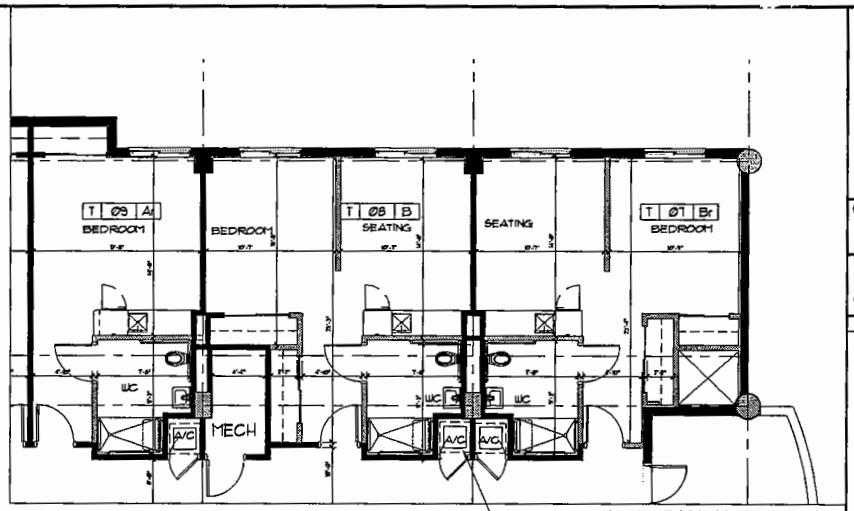
1"=20'

8 13

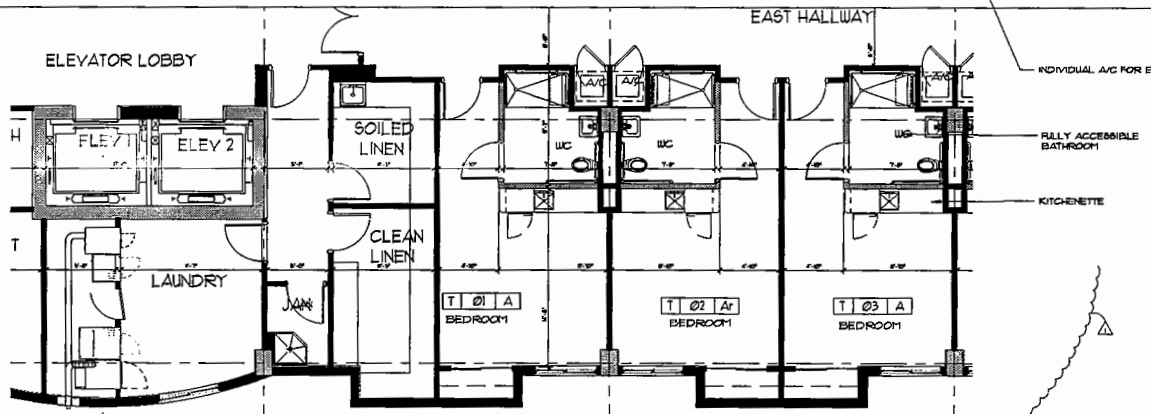
35




NORTH-WEST UNITS




NORTH-EAST UNITS




| FLOOR | UNIT NO | MODEL |
|---|---|---|
| T | 01 | Ar |

EAST UNITS

TYPICAL UNITS

RECEIVED
JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

SCALE 1/4"=1'-0"

01-09-08 ISSUED FOR SITE PLAN APPROVAL:
09-27-07 ISSUED FOR PRE-APPLICATION CONF.:
06-24-07 ISSUED FOR CLIENT REVIEW:
06-15-07 ISSUED FOR CLIENT REVIEW:

PLOTTED: 01-03-08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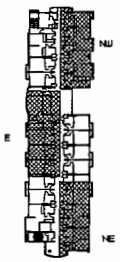


KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01/09/08 | ZONING + PRE-CONFERENCE DPL-4 |

PROJECT
RESIDENCES AT SOLID OAKS

PROJECT ADDRESS
14750 NE 6TH AVE
MIAMI FL 33161
FOLIO:30-2219-003-07-40

TYPICAL UNITS

PROJECT NO.
070604

| | |
|---|---|
| PROJECT DATE 02/05/07 | SHEET NUMBER A-4.1 |
| DRAWN BY CEDH-A | SHEET 8 OF 13 |
| APPROVED BY ARKIDESIGN | |
| SCALE 1/4"=1'-0" | |

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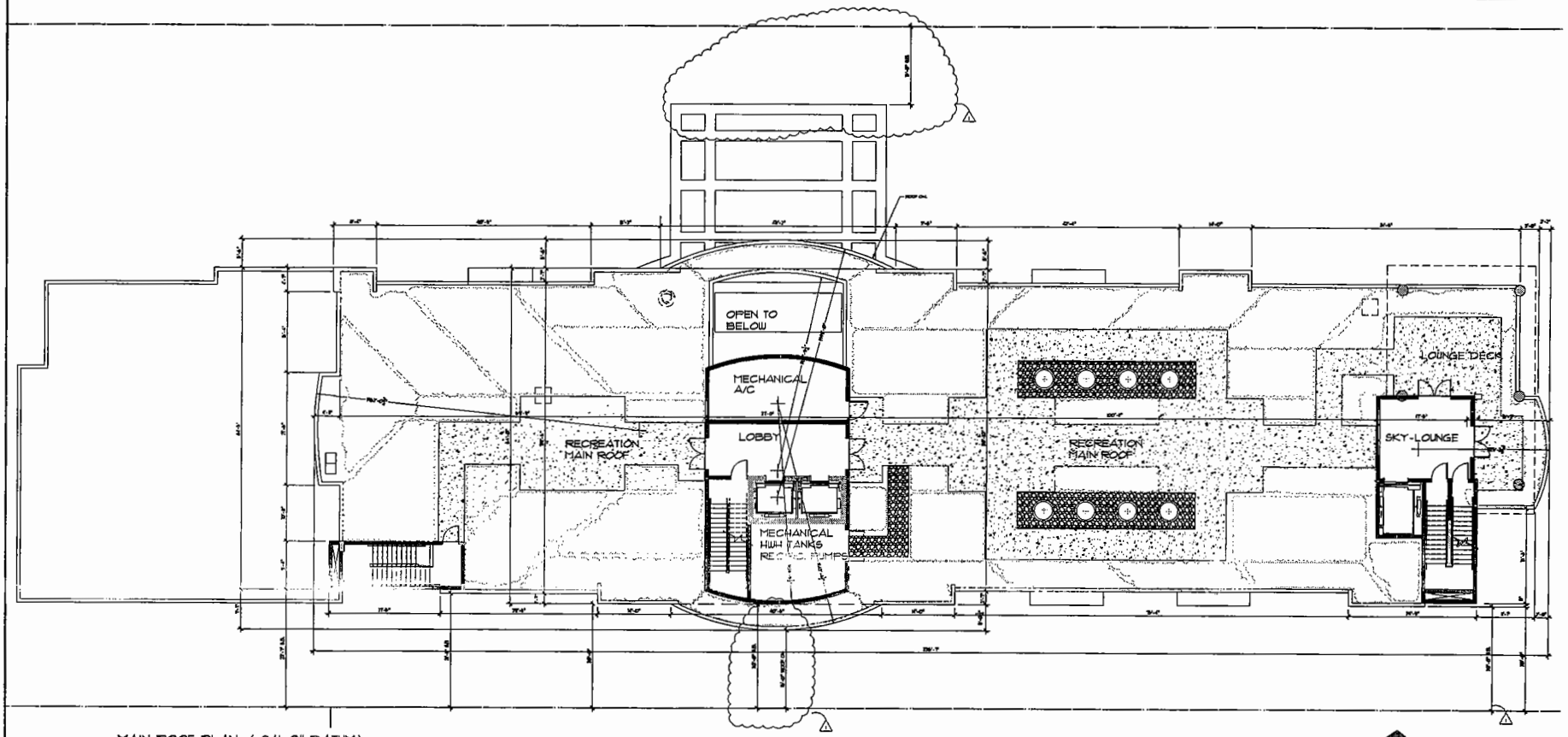
36




MAIN ROOF PLAN (+84'-0" DATUM)

SCALE 1/8"=1'-0"

RECEIVED
JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

01-03-08 ISSUED FOR SITE PLAN APPROVAL
09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
05-24-07 ISSUED FOR CLIENT REVIEW :
05-15-07 ISSUED FOR CLIENT REVIEW :

PLOTTED: 01-03-08

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architect R.A. # 9700
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OWNER:

NOTES

KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 01/03/08 | ZONING & FIRE COMMENTS CPL-6 |

RESIDENCES AT SOLID OAKS ASSISTED LIVING

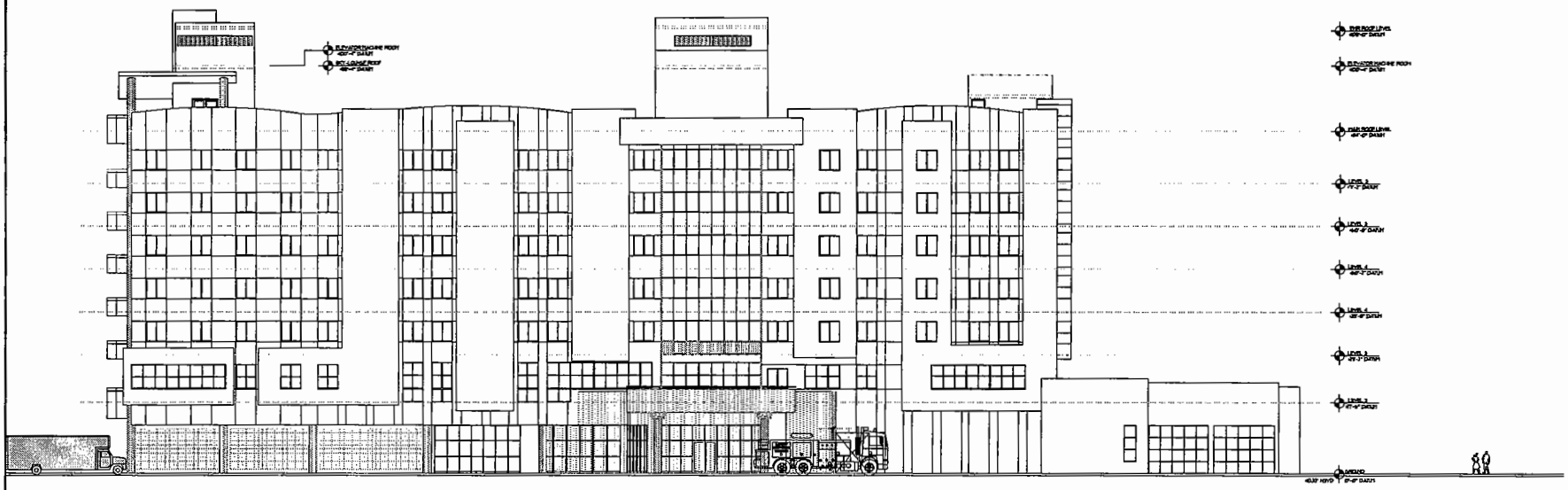
14752 NE 6TH AVE
MIAMI FL 33161
FOLIO:30-2219-000-07-40

ROOF PLAN

070604

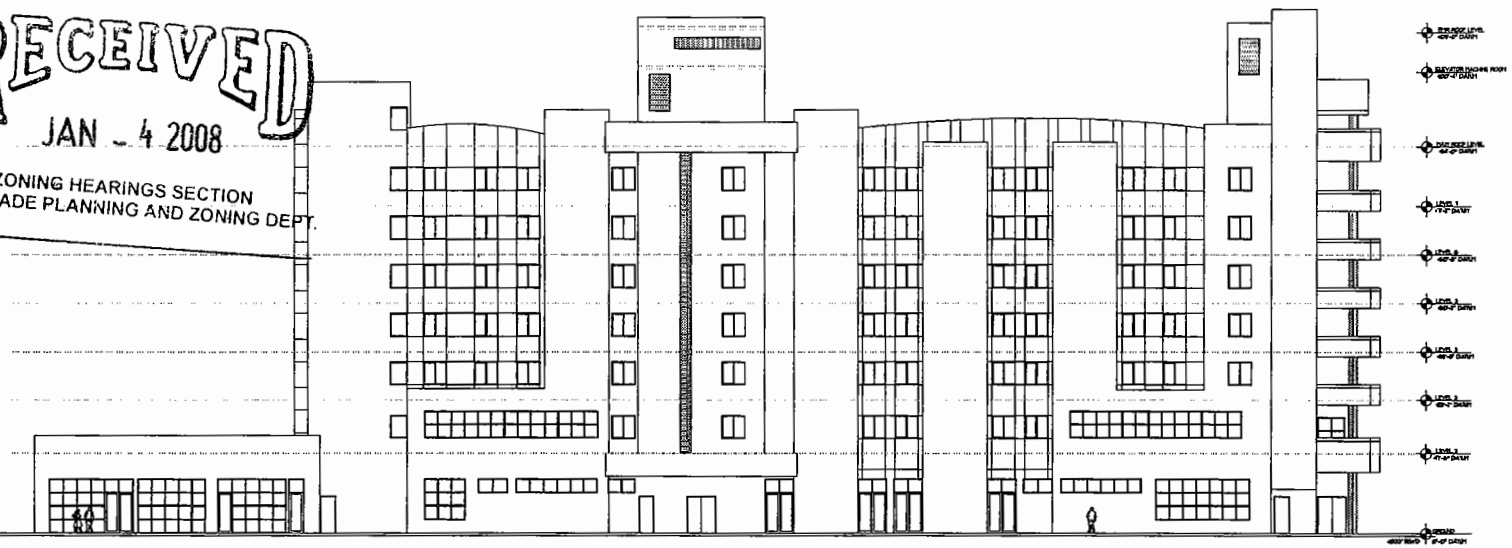
02/05/07
0801-A
ED
1"=20'
A-5
B 13

37



SIDE (NORTH) MAIN ELEVATION

SCALE 3/32"=1'-0"



SIDE (SOUTH) ELEVATION

SCALE 3/32"=1'-0"

RECEIVED
JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

01-03-08 ISSUED FOR SITE PLAN APPROVAL-
09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
05-24-07 ISSUED FOR CLIENT REVIEW :
05-16-07 ISSUED FOR CLIENT REVIEW :

PLOTTED: 01-03-08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AA-1198

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architect RA • 9700
e-mail: info@arkidesign.com



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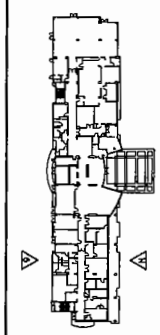


KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | [illegible] | [illegible] |

RESIDENCES AT SOLID OAKS

14782 NE 6TH AVE
MIAMI FL 33161

FOLIO:30-2219-000-07-40

NORTH & SOUTH ELEVATIONS

070604

02/05/07

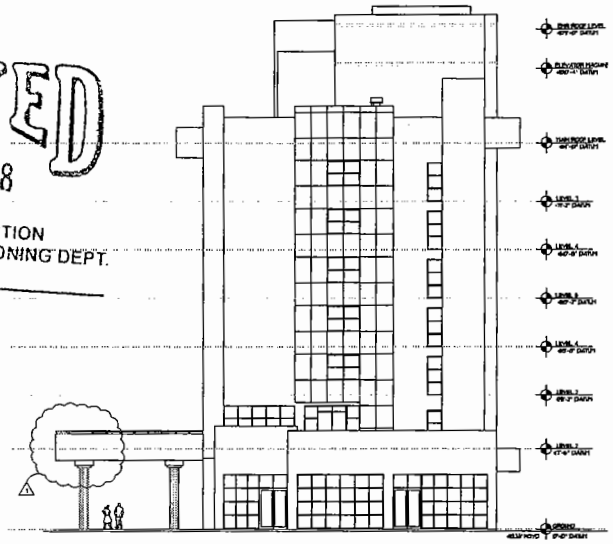
0604-A

A-6

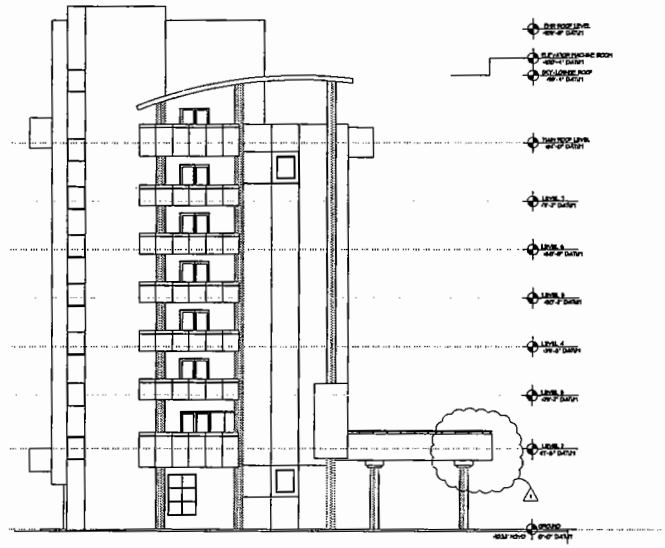
1"=20'

8 13

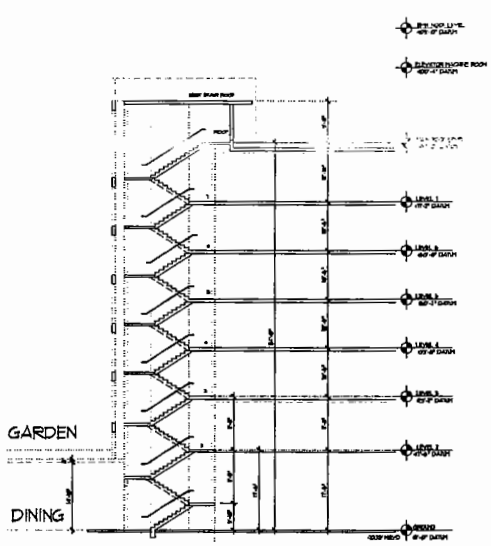
RECEIVED
JAN - 4 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



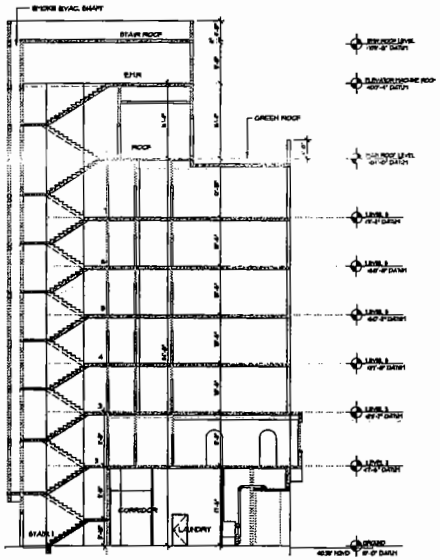
REAR ELEVATION (WEST)
SCALE 3/32"=1'-0"



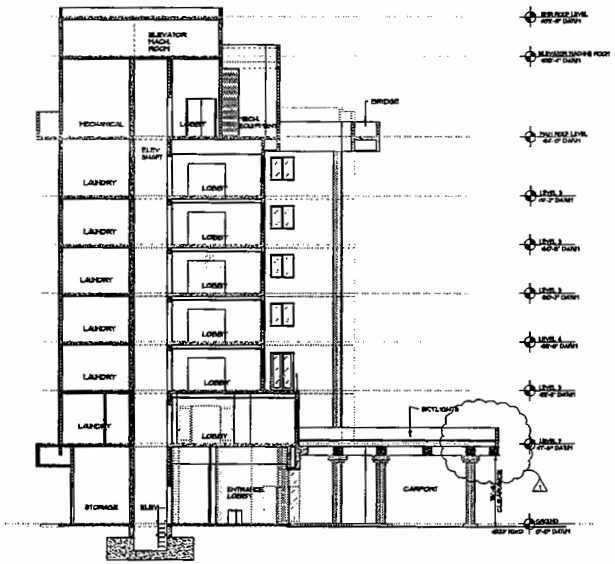
FRONT ELEVATION (EAST)
SCALE 3/32"=1'-0"




PARTIAL SECTION STAIR 2
SCALE 3/32"=1'-0"




PARTIAL SECTION STAIR 1
SCALE 3/32"=1'-0"




SECTION "D" THRU ENTRANCE
SCALE 3/32"=1'-0"

01-03-08 ISSUED FOR SITE PLAN APPROVAL
09-27-07 ISSUED FOR PRE-APPLICATION CONF. :
05-24-07 ISSUED FOR CLIENT REVIEW :
05-15-07 ISSUED FOR CLIENT REVIEW :

PLOTTED: 01-03-08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OWNER :

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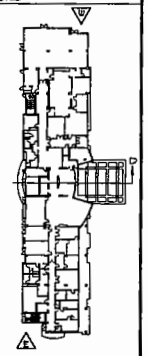

KEY PLAN

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | 03-03-08 | ZONING HEARING COMMENTS DN.-A |

PROJECT
RESIDENCES AT SOLID OAKS ASSISTED LIVING

PROJECT ADDRESS
14782 NE 6TH AVE
MIAMI, FL 33161

FOLIO:30-2219-000-07-40

ELEVATIONS
FRONT (EAST)
REAR (WEST)

PROJECT NO. 070604

| | |
|---|---|
| PROJECT DATE 01/05/07 | PART NAME A-7 |
| DRAWN BY DEH-A | |
| CHECKED BY | |
| DATE 3/32"=1'-0" | SHEET 8 OF 13 |


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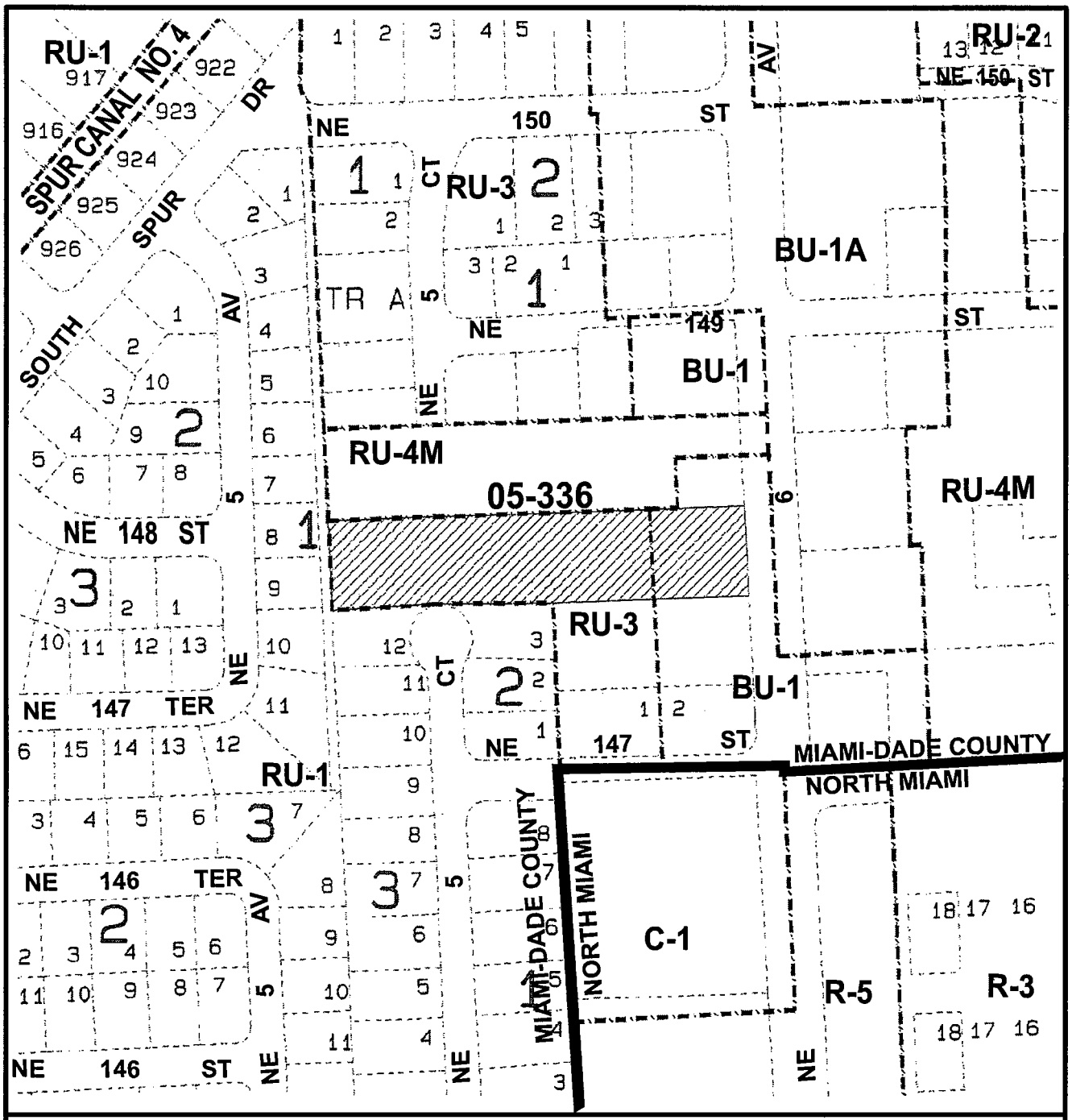



MIAMI-DADE COUNTY
**HEARING MAP**

SCALE 0 NTS N

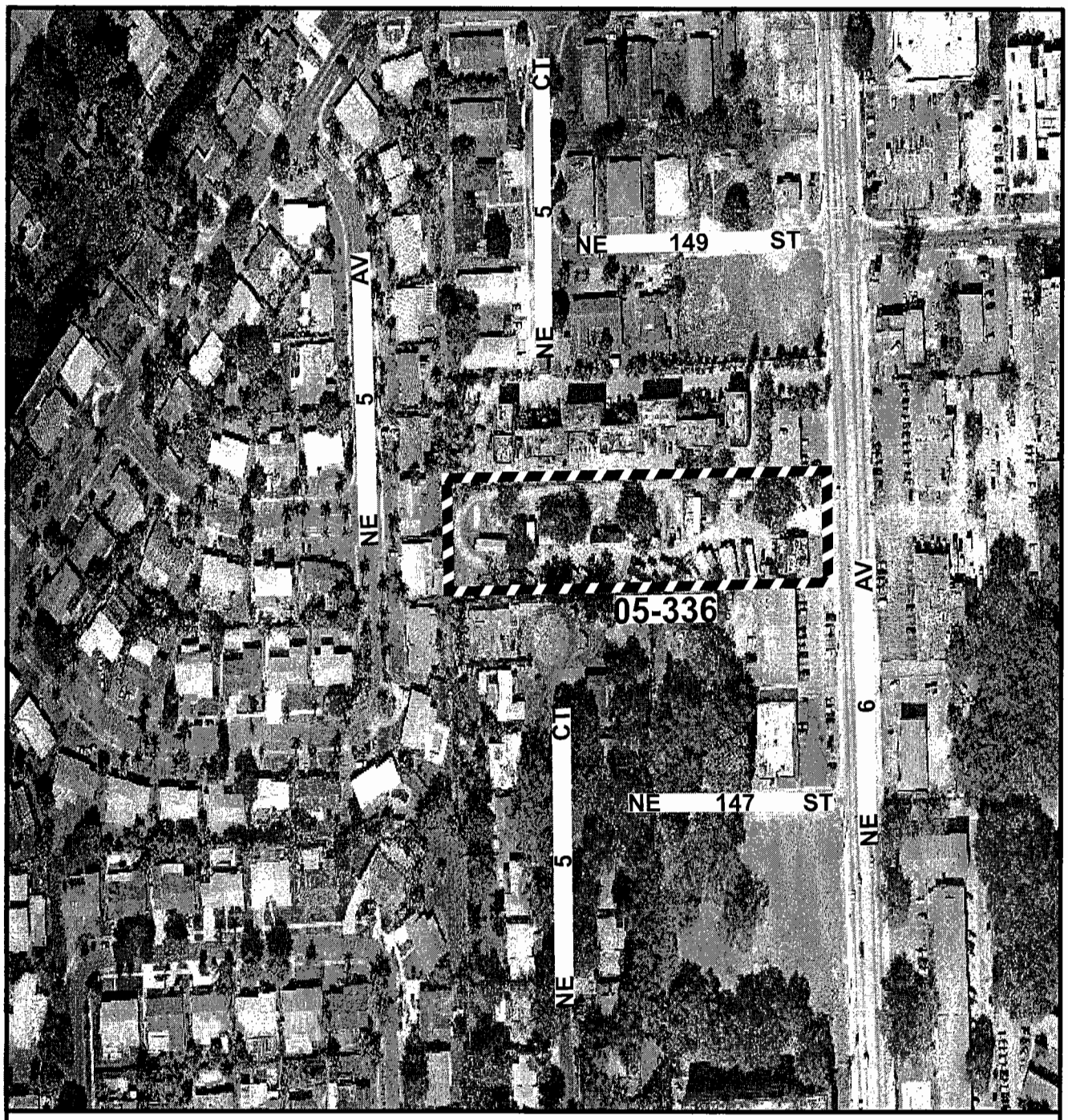
SUBJECT PROPERTY

**Section: 19 Township: 52 Range:42**
**Process Number: 05-336**
**Applicant: SOLID OAKS LLC**
**Zoning Board: C08**
**District Number: 2**
**Drafter ID: KEELING**
**Scale: 1:200'**

MIAMI-DADE COUNTY

G: ZONING DRAFTING. 05-336 10/05.

39




MIAMI-DADE COUNTY

**AERIAL**

S C A L E
0 NTS

N

SUBJECT PROPERTY

**Section: 19 Township: 52 Range:42**
**Process Number: 05-336**
**Applicant: SOLID OAKS LLC**
**Zoning Board: C08**
**District Number: 2**
**Drafter ID: KEELING**
**Scale: NTS**

MIAMI-DADE

G: ZONING DRAFTING 05-336 10/05

**1. EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC.** **09-1-CZ8-1 (08-85)**
**(Applicant)** **Area 8/District 2**
**Hearing Date: 1/21/09**

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:**

| Year | Applicant | Request | Board | Decision |
|---|---|---|---|---|
| 1990 | R. Giraldo and Elkin Giraldo | - Special exception for a religious facility.<br>- Non-Use variance setbacks, lot area and frontage. | BCC | Approved w/conds. |
| 1990 | R. Giraldo & Elkin Giraldo | - Special exception for a religious facility.<br>- Non-Use variance setbacks, lot area and frontage. | ZAB | Denied without prejudice |
| 2008 | Eglise Evangelique Baptiste Philadelphia, Inc. | - Modification of previous resolution.<br>- Non-Use variance setbacks. | CZAB-8 | Denied without prejudice |

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING**
**RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Eglise Evangelique Baptiste Philadelphia, Inc. **PH:** Z08-85 (09-1-CZ8-1)

**SECTION:** 35-52-41 **DATE:** January 21, 2009

**COMMISSION DISTRICT:** 2 **ITEM NO.:** 1

==========

## A. INTRODUCTION:

- **REQUESTS:**

(1) RU-2 to RU-1

(2) Special exception to permit a religious facility.

OR IN THE ALTERNATIVE TO REQUEST #1 & #2, THE FOLLOWING:

(3) MODIFICATION of Condition #2 of Resolution Z-116-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Haitian Church,' as prepared by Robert Korner, dated revised 1-16-90 and floor and elevation plans dated Dec. 1, 1989 as prepared by B. P. Nuckols and consisting of 7 pages, except as herein modified with regard to the parking arrangement."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Philadelphia Baptist Church,' as prepared by Jorrin and Associates, Sheet A-2 dated stamped received 5/30/08 and Sheets ST-1 and L-1 dated stamped received 10/3/08, and the remaining 2 sheets dated stamped received 9/3/08 for a total of 5 sheets."

The purpose of request #3 is to allow the applicant to submit revised plans showing a larger sanctuary area and redesigned parking lot configuration for a previously approved religious facility.

AND WITH EITHER REQUEST #1 AND #2 OR #3, THE FOLLOWING:

(4) Applicant is requesting to permit the religious facility setback 16' (25' required) from the side street (north) property line.

(5) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to waive same to permit an 6' high iron fence within the safe-sight distance triangle along a portion of the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing)

and approval of requests #4 - #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

- **SUMMARY OF REQUESTS:**

  This application will allow the rezoning of the subject property from RU-2, Two-Family Residential District, to RU-1, Single-Family Residential District, and a special exception to permit the continued use of the existing religious facility on the requested RU-1, Single-Family Residential District. In addition, the modification of a condition of a Resolution will permit the applicant to submit revised plans showing a larger religious facility. Additional requests to allow the religious facility to setback 16' from the side street property line and to allow a 6' high iron fence within the safe-sight distance triangle along a portion of the right-of-way.

- **LOCATION:** 1000 N.W. 111 Street, Miami-Dade County, Florida.

- **SIZE:** 105.5' x 155'

## B. ZONING HEARINGS HISTORY:

In March 1990, the subject property was denied without prejudice by the Zoning Appeals Board (ZAB) a request for a special exception to permit a church, pursuant to Resolution #4-ZAB-96-90. Additional non-use variances to permit parking on a grass surface; to permit parking within 25' of a right-of-way; to permit the church with less setbacks than required and spaced closer to a residence than permitted; and to permit a church with less frontage and area than required were also denied without prejudice. Subsequently, in June 1990, said requests were approved with conditions on appeal to the Board of County Commissioners (BCC), pursuant to Resolution #Z-116-90. In February 2008, pursuant to Resolution #CZAB8-8-08, the Community Zoning Appeals Board 8 denied an application requesting to modify previously approved plans (pursuant to Resolution #Z-116-90) showing a larger religious facility to setback 15' (25' required) from the side street property line and to setback 25' (50' required; 49.8' previously approved) from the rear property line, to permit 21 parking spaces (52 required), and to permit a minimum 2' wide landscape buffer (7' required) from the right-of-way.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. Also permitted in residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.

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

4. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertains to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

## D. NEIGHBORHOOD CHARACTERISTICS:

| ZONING | LAND USE PLAN DESIGNATION |
|---|---|
| **Subject Property:** | |
| RU-2; Two-story religious facility | Low-Medium Density, 6 to 13 dua |
| **Surrounding Properties:** | |
| **NORTH:** RU-2; One-story single-family residence and Triplex | Low-Medium Density, 6 to 13 dua |
| **SOUTH:** RU-2; One-story single-family residence | Low-Medium Density, 6 to 13 dua |
| **EAST:** RU-2; One-story single-family residence | Low-Medium Density, 6 to 13 dua |
| **WEST:** RU-2; One-story single-family residence | Low-Medium Density, 6 to 13 dua |

The subject parcel is located at the southwest corner of NW 111 Street and NW 10 Avenue. Single-family residences and a triplex characterize the surrounding area.

## E. SITE AND BUILDINGS:

| | |
|---|---|
| **Site Plan Review:** | (Site plan submitted.) |
| Scale/Utilization of Site: | **Unacceptable** |
| Location of Buildings: | **Unacceptable** |
| Compatibility: | **Unacceptable** |
| Landscape Treatment: | **Acceptable** |
| Open Space: | **Unacceptable** |

| | |
|---|---|
| Buffering: | **Unacceptable** |
| Access: | **Acceptable** |
| Parking Layout/Circulation: | **Unacceptable** |
| Visibility/Visual Screening: | **Unacceptable** |
| Urban Design: | **N/A** |

## F. PERTINENT REQUIREMENTS/STANDARDS:

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

(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

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

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive

overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**Section 33-311(A)(7) Generalized Modification Standards.** The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

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

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

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

## G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

## H. ANALYSIS:

The 0.37-acre subject property is a corner lot located at 1000 NW 111 Street in an established residential neighborhood characterized by a triplex, duplexes and single-family residences. The site is currently improved with a two-story religious facility, however, the applicant indicates that the church structure is in poor condition and needs to be rebuilt. The applicant seeks to change the zoning on the subject site from RU-2, Two-Family Residential District, to RU-1, Single-Family Residential District (request #1). Furthermore, the applicant is seeking a special exception to permit the continued use of a previously approved religious facility if the Board grants the approval of the district boundary change to RU-1, Single-Family Residential District (request #2). Additionally, the applicant is seeking to modify condition #2 of Resolution #Z-116-90 (request #3), in order to submit revised plans showing a larger religious facility. Additional requests to permit the religious facility setback 16' from the side street (north) property line (request #4) and to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to waive same to permit a 6' high iron fence within the safe-sight distance triangle along a portion of the right-of-way (request #5) are also being sought. Plans submitted by the applicant depict the aforementioned requests.

In 1990, the subject property was approved for a special exception, pursuant to Resolution #Z-116-90, allowing the existing two-story religious facility on a site with less frontage and area than required for religious facilities, and allowing the two-story church structure with less interior side (south) and rear (west) setbacks than required and spaced less than required from an existing residence. In addition, the religious facility was allowed to permit parking within 25' of a right-of-way and to permit 8 parking spaces on grass. Said church structure was sited in the approximate center of the site and parking for 10 automobiles was configured in the eastern portion of the site. A 4' high hedge was proposed around the south and west property lines to buffer both the parking area and the church use from the neighboring residential properties. The plans depict the first floor of the religious facility was designed to accommodate seating for a congregation of 70 in a mission assembly room and the second floor was delegated for office and meeting space which, staff notes, was not open to below to view the church services. Vehicular access was proposed in the form of a two driveway from NW 111 Street that led directly into the parking area.

In contrast, the plans submitted as part of this application propose an entirely new two-story religious facility to be built on the site. Damage from weather and insects, particularly on the second floor, has compromised the existing religious facility's structure, thus the applicant proposes a new building to house their religious services. The proposed religious facility is configured in the northeasterly portion of the site and is a rectangular structure aligned on the east-west axis. Parking has been designed along the south and west property lines and has been arranged to accommodate 22 automobiles. It should be noted that 9' and 16' wide continuous landscaping strips have been provided along the east and north property lines, respectively. Additionally, the applicant has provided a Tobira hedge along these property lines, and has provided Pink Trumpet palms, Live Oak, and Avocado trees along the south and west property lines. Furthermore, a 6' high concrete wall has been indicated along both the west and south property lines to buffer the visual impact of the proposed two-story church structure on the neighboring properties. Vehicular access to the site is provided by a one-way drive which provides access to the parking area from NW 111 Street and provides exiting onto NW 10 Avenue. As indicated in the submitted elevations, the two-story building has fenestration typical of a religious facility and a pitched tiled roof that reaches a height of 31'. The façade of the religious facility (east elevation) is adorned with a 9' high cross in the northeast corner. The applicant is proposing a two-story structure with a total area of approximately 5,155 sq. ft.

Staff notes, that in February 2008, pursuant to Resolution #CZAB8-8-08, the Community Zoning Appeals Board 8, denied an application seeking to modify plans approved pursuant to Resolution #Z-116-90. Such modification was to permit the development of the subject site with a larger religious facility, to allow the religious facility to setback 15' where 25' is required from the side street property line and to setback 25' where 50' is required (49.8' was previously approved under Resolution #Z-116-90) from the rear property line, to allow the religious facility with a total of 21 parking spaces where 52 were required, and to allow a 2' wide landscape buffer where a 7' landscape buffer is required along the rights-of-way. Staff's review of the plans submitted in conjunction with this application and the plans submitted in conjunction with the February 2008 application, which was denied without prejudice by CZAB 8, reveal that the new plans indicate a reduction on the building square footage by approximately 65 sq. ft., the required parking and landscaping have been provided as required by the Zoning Code and the setback and spacing requirements have also been provided as required by the Zoning Code. As such, all the non-use variances been voided under this application except for the side street setback variance (Request #4) which, in staff's opinion, excludes this application from being considered under the Doctrine of Administrative Res Judicata. Staff is of the opinion that the plans submitted for the proposed religious facility, as designed, indicate an improvement over previous plans submitted on the subject parcel and therefore is supportive of the project as designed within said plans.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department **(PWD) objects** to this application. Specifically, they object to the request to permit an iron fence within the safe sight distance triangle along the right-of-way of NW 111 Street. The PWD memorandum further indicates that the wall and columns at the driveway must comply with safe sight distance triangle requirements and that the gates are to remain open during hours of operation. According to the Public Works

Department's memorandum, the project site is located within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Department **(MDFR)** has **no objections** to the application, and indicates that the estimated average travel response time is **6:15** minutes.

Approval of this application would allow the applicant to rezone the subject site from RU-2 to RU-1, would allow the continued use of a religious facility if the requested RU-1 District is approved, and would allow the applicant to construct a new and larger two-story religious facility on the subject property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low-Medium Density Residential** use, which permits a density range of a minimum of 6 to a maximum of 13 units per gross acre which yields a minimum of 2 units and a maximum of 4 units permitted on this site. It should be noted that the requested RU-1 zoning allows a maximum of 1 dwelling unit on the subject site which is below the minimum density threshold required for the Low-Medium Density Residential land use designation. As such, staff notes that the approval of the requested RU-1 zoning is **inconsistent** with the density requirements of the Low-Medium Residential land use designation. However, the interpretative text of the CDMP indicates that all existing lawful residential uses and zoning that are not specifically depicted on the LUP map are deemed to be **consistent** with the CDMP, as indicated in the section titled "Concepts and Limitations of the Land Use Plan Map." The existing RU-2 zoning and the religious facility use located on this site, previously approved, pursuant to Resolution Z-116-90, are **consistent** with this provision of the interpretative text of the CDMP.

The Master Plan indicates that neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. The interpretative text of the CDMP indicates that, in reviewing site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses. However, staff opines that the proposed scale and size of the use is not compatible with the abovementioned scale of the surrounding uses and is of the opinion that the proposed religious facility, as designed, is too intensive for the subject property. The 16,275 sq. ft. site cannot fully accommodate the zoning regulations required under the proposed building program. This is evidenced by the side street setback request created by the design and placement of the 3,081 sq. ft. building footprint upon the site. Staff opines that even with the proposed landscape buffer along the south and west property lines, in conjunction with the proposed 6' high concrete wall, the placement of the religious facility on the site is too massive and proximate to the side street property line, as such, there is not sufficient buffering to ensure adequate mitigation of any negative visual and aural impact of this facility on these neighboring residential uses. Further, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements; as such, staff opines that this proposal, as configured, would not be harmonious with the scale and size of the proximate land uses as addressed above. Based on all of the aforementioned, staff opines that the proposed scale of the use is **inconsistent** with the provisions found within the interpretative text of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, the applicant is requesting a zone change from RU-2 to RU-1. Approval of the proposed RU-1 zoning is **inconsistent** with the density threshold of the LUP map which designates the subject site for **Low-Medium Density Residential** use, which permits a density range of a minimum of 6 to a maximum of 13 units per gross acre which yields a minimum of 2 units and a maximum of 4 units permitted on this site. It should be noted that the requested RU-1 zoning allows a maximum of 1 dwelling unit on the subject site which is below the minimum density threshold required for the Low-Medium Density Residential land use designation. As such, staff notes that the approval of the requested RU-1 zoning is **inconsistent** with the density requirements of the Low-Medium Residential land use designation. As such, staff is of the opinion that the proposed zone change is **incompatible** with the area and is **inconsistent** with the LUP map of the CDMP. Accordingly, staff recommends denial without prejudice of the zone change request to RU-1 (Request #1).

When analyzing Request #2 under Section 33-311(A)(3) Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the approval of the request would result in excessive noise and would create excessive overcrowding and concentration of people. Staff notes that this request is being sought because the applicant has requested to carry on the existing religious facility use on the requested RU-1 District. However, staff opines that this request is germane with Request #1 which staff does not support for reasons mentioned previously. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(3).

When request #3 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff is of the opinion that the proposed site plan will not adversely impact the surrounding area and will be **compatible** with same. Approval of the request, to modify condition #2 of Resolution Z-116-90 in order to allow the applicant to submit revised plans showing an improved religious facility, would, in staff's opinion, enhance the surrounding area and would not affect the stability of the residential neighborhood. Staff notes that the previously approved religious facility was a conversion of a two-story, duplex residence with a footprint of 1,647 sq. ft. which, as indicated by the applicant has been decaying structurally and aesthetically. In contrast, the applicant is proposing a new two-story, rectangular structure located along the east-west axis with a first floor measuring approximately 3,081 sq. ft. consisting of vestibule, restrooms, music room, classroom, closets, pastor's office, bible rooms and sanctuary, and on the second floor, measuring approximately 2,074 sq. ft., consisting of storage, restrooms, office and a rehearsal room that could be used for seating but will not be open to the sanctuary below. Staff

acknowledges that the religious facility is a compatible use with the area, and understands that weather and insect damage have affected the structural integrity of the building requiring the applicant to make improvements to the building. As such, staff supports the requested modification of plans in order to allow the applicant to demolish the damaged structure and construct a new religious facility. Staff is supportive of the request and notes that the proposed religious facility meets the required parking, landscaping of the Zoning Code, and will be built in compliance with the previously approved setback and spacing requirements. As such, staff is of the opinion that the proposed religious facility on the subject property would be compatible with the surrounding area and the adjacent uses. Therefore, staff recommends approval with conditions of Request #3 under Section 33-311(A)(7).

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

When Requests #4 and #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and would not affect the stability and appearance of the community. Request #4, to permit the religious facility setback 16' (25' required) from the side street (north) property line would not be intrusive to the residences located to the north of the site. Staff notes that the side street property line abuts NW 111 Street which provides a 70' right-of-way separation from the residences across NW 111 Street. Additionally, the plans submitted for this application depict a proposed 6' high decorative aluminum fence running along the side street property line and the 16' side street setback area with landscaping consisting of Hibiscus, Liriope, Cabbage Palm, Gumbo Limbo, Florida Royal Palm, and three Live Oaks on the swale area. Additionally, the applicant is requesting to allow a 6' high decorative aluminum fence within the safe sight distance triangle along a portion of the rights-of-way (Request #5). As previously mentioned, on the memorandum submitted by the Public Works Department for this application, said Department has stated their objection to the location of the 6' high iron fence within the safe sight distance triangle. As such, staff could relocate the 6' high iron fence outside the safe sight distance triangle. Accordingly, staff recommends approval with conditions of Request #4 and denial without prejudice of Requests #5. Based on all of the abovementioned, staff opines that Request #5 do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Staff finds that Request #4 would not affect the stability and appearance of the community and is **compatible** with the surrounding area. However, staff opines that Request #5, is **incompatible** with and detrimental to the community; therefore, staff recommends approval with conditions of Request #4 and denial without prejudice of Request #5 under Section 33-311(A)(4)(b) (NUV).

When requests #4 through #5 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff notes that the property can be utilized in accordance with the existing RU-2 zoning of the property and with previous zoning approvals. As such, staff recommends denial without prejudice of Requests #4 and #5 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends denial of the zone change (request #1) from RU-2 to RU-1 and denial without prejudice of request #2 under Section 33-311(A)(3) and approval with conditions of request #3 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17), approval with conditions of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #5 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Notwithstanding the aforementioned, staff notes that due to an advertisement error this application must be deferred to February 18, 2009.

## I. RECOMMENDATION:

Deferral.

## J. CONDITIONS:

None

**DATE INSPECTED:** 05/28/08
**DATE TYPED:** 12/09/08
**DATE REVISED:** 12/10/08; 12/22/08; 12/23/08; 12/26/08; 01/06/09; 01/07/09
**DATE FINALIZED:** 01/07/09
MCL:MTF:NN:NC:AA

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

NDN

# Memorandum

MIAMI-DADE COUNTY

**Date:** October 24, 2008

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

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

**Subject:** C-08 #Z2008000085-Revised
Eglise Evangelique Baptiste Philadelphia, Inc.
1000 N.W. 111th Street
District Boundary Change from RU-2 to RU-1, Modification of Resolution Z116-90, Request to Permit Less Setback than Required, Request to Permit Parking within 25 feet of the Right-of-Way, Request to Waive Wall Height Requirements, and Request to Permit a Building of Public Assemblage Spaced Less than Required from a Residence
(RU-2) (0.37 Acres)
35-52-41

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

Potable Water Service

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

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

Wastewater Disposal

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

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

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

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

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

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

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

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

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

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

Tree Preservation
The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The applicant has submitted to DERM a revised site plan entitled "Philadelphia Baptist Church", sheet L-1, revised October 3, 2008 and prepared by Jorrin and Associates, Inc. that depicts the existing trees on-site "to remain". Therefore, DERM may approve this zoning application.

The applicant is advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of

the Code. The applicant is advised to contact DERM Tree Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

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

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

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

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

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

PH# Z2008000085
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC

This Department objects to this application.

This Department objects to the request to permit an iron fence within the safe sight distance triangle along the right-of-way of NW 111 Street.

Columns and wall at driveways must also comply with safe sight distance triangle requirements set forth in Sec. 33-11 of the Miami-Dade County Code.

Gates are to remain open during hours of operation.

This Department has no objections to the request to permit parking within 25 feet of the right-of-way.

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

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.

Raul A Pino, P.L.S.
13-AUG-08

REVISION 2

# Memorandum

**Date:** 20-OCT-08

**To:** Marc LaFerrier, Director
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

**Subject:** Z2008000085

## Fire Prevention Unit:

This memo supersedes MDFR memorandum dated August 14, 2008.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped September 30, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

## Service Impact/Demand:

Development for the above Z2008000085
located at 1000 N.W. 111 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0682 is proposed as the following:

| | | | |
|---|---|---|---|
| N/A | dwelling units | N/A | square feet |
| residential | | industrial | |
| N/A | square feet | N/A | square feet |
| Office | | institutional | |
| 3,081 | square feet | N/A | square feet |
| Retail | | nursing home/hospitals | |

Based on this development information, estimated service impact is: 0.91 alarms-annually.
The estimated average travel time is: 6:15 minutes

## Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 30 - Miami Shores - 9500 NE 2nd Avenue.
Rescue, BLS Engine

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments:

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

# Office of Neighborhood Compliance
# Northside OFFICE

**ENFORCEMENT HISTORY**

| NAME: | ADDRESS |
|---|---|
| **Eglise Evangelique Baptiste Phidelphia Inc** | **1000 NW 111 STREET**<br><br>**Miami, FL 33126** |
| **DATE** | **Folio # 30-2135-012-0110** |
| **Dec. 9, 2008** | **CMS# None** |

**ZONING Number ?**
**ENFORCEMENT HISTORY:**

**CMS CASE #: 200404000495**
Complaint: 04/13/2004 Junk Ford Car on R/O/W at NW 111 St & NW 10 – 11 Ave
04/14/04 – First Inspection, Acknowledge and Close (case in Caleb area)

CMS CASE #: 200404001953
Complaint: 04/14/2004 Junk Ford Car on R/O/W at NW 111 St & NW 10 – 11 Ave
04/21/04 – First Inspection, Acknowledge and Close

CMS CASE #: 200704003155
Complaint: 04/20/2007 Enforcement History
04/20/07 – First Inspection, No Violation Found

CMS CASE #: 200704006339
Complaint: 07/16/2007 Enforcement History
07/18/07 – First Inspection, No violation observed at time of inspection

CMS CASE #: 200704008024
Complaint: 09/11/07 Enforcement History
09/17/07 – First Inspection, Not in violation

CMS CASE #: 200704010285
Complaint: 11/30/2007 Enforcement History
11/28/07 – First Inspection, No violation found at time of inspection

## 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: Eglise Evangelique Baptiste Philadelphia, Inc.

| NAME AND ADDRESS | Percentage of Stock |
|---|---|
| Leonel Florestal, 1130 NW 116th Terrace, Miami, FL 33168 | |
| Elius Chrisner, 1000 NW 111th Street, Miami, FL 33168 | |
| Bernide Joseph, 14601 NW 5th Avenue, Miami, FL 33168 | |
| Jeam Amos, 14601 NW 5th Avenue, Miami, Fl 33168 | |
| Leonel Joseph, 1035 NW 126th Street, Miami, FL 33168 | |
| Manoly Fernando, 15041 South River Drive, Miami, FL 33167 | |

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

TRUST/ESTATE NAME: _____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| NAME AND ADDRESS | Percent of Ownership |
|---|---|
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MIAMI-DADE PLANNING AND ZONING DEPT
BY

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

NAME OF PURCHASER: _____

| NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest |
|---|---|
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Date of contract: _____

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

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

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

**Signature**: _____
(Applicant)

Sworn to and subscribed before me this 4th day of April 2008. Affiant is personally know to me or has produced FL DL as identification.

_____
(Notary Public)

My commission expires: 8/5/10

Notary Public State of Florida
Jerry Llerena
My Commission DD524988
Expires 03/05/2010

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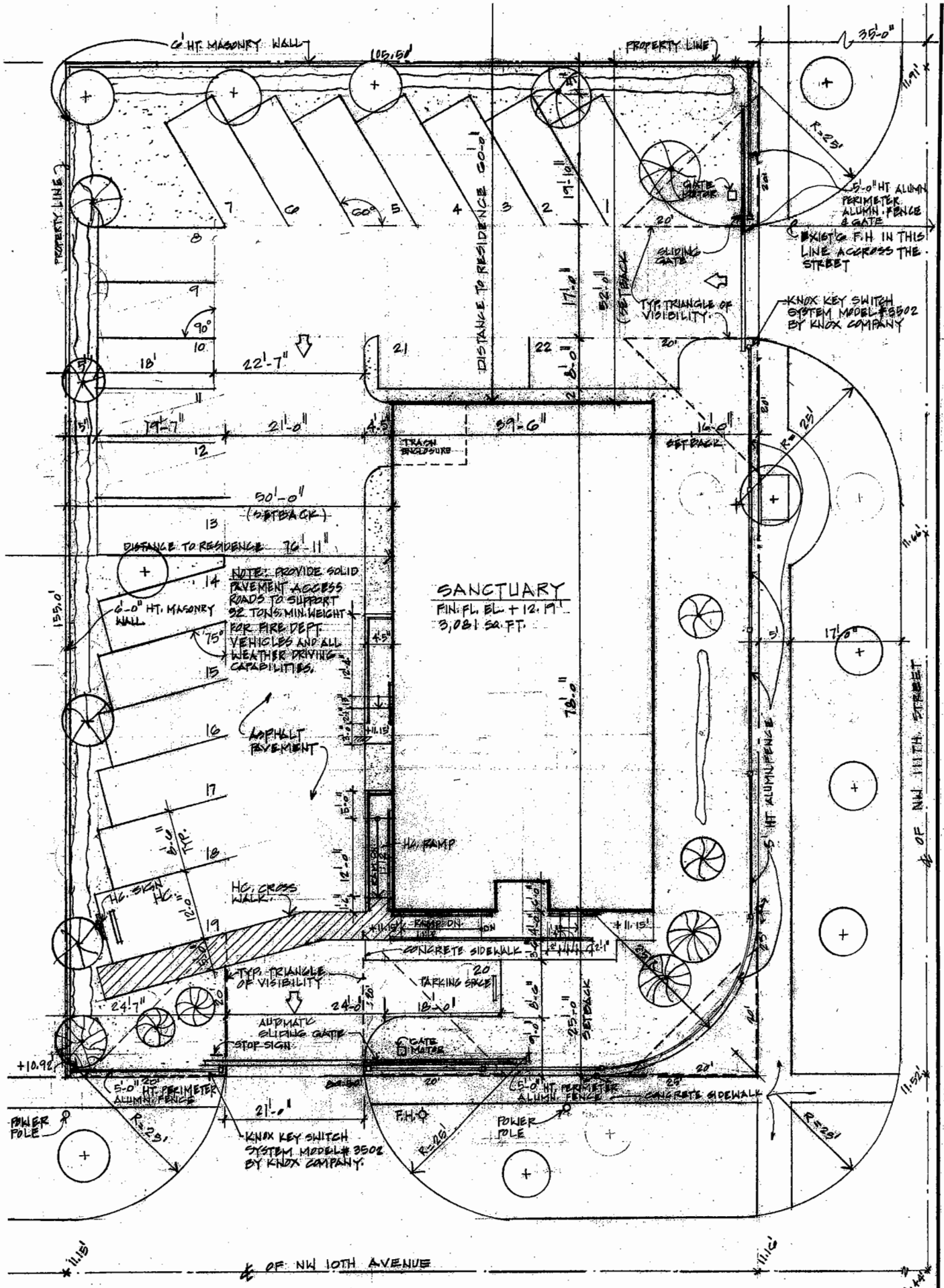
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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




ENLARGED SITE PLAN

SITE PLAN

SCALE: 3/32"=1'-0"

N

21

Jorrin and associates inc.

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22

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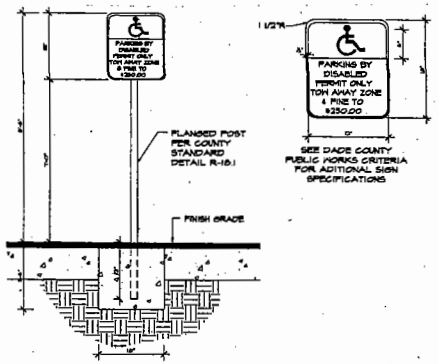
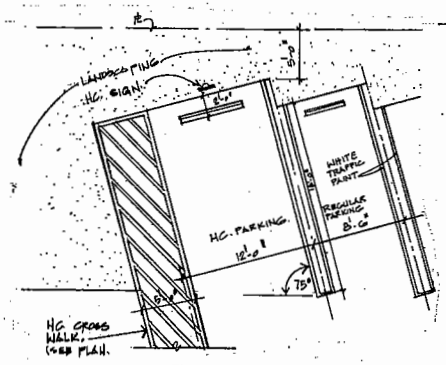
DATE: OCT 25 2006
BY: R.E.




HANDICAPPED SIGN DETAIL
SCALE: 1/8"=1'-0"




HANDICAPPED PARKING STALL PLAN

4" WIDE BLUE PAINTED STRIPES (TRAFFIC PAINT)

## ZONING LEGEND:

LOT AREA: 105.50' X 155.00' = 16,352.5 SQ. FT.

BUILDING AREA: (Ground floor) 3,081 SQ. FT.
(Second floor) 2,074 SQ. FT.
TOTAL 5,155 SQ. FT

STORIES – PARTIAL (2)

GROUND COVERAGE: 19%

LANDSCAPING AREA: 5,051 SQ. FT.

PAVED AREA: 8,220.5 SQ.FT. (including sidewalks)

BUILDING HT.: 31'-0" (TOP OF HIGH ROOF) 2 STORIES

BUILDING OCC.: ASSEMBLY - A-3 – CHURCH

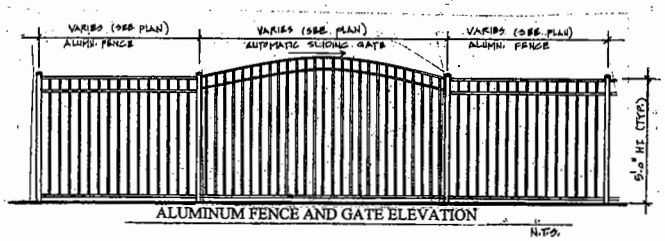
TYPE OF CONSTRUCTION: V A –PROTECTED (1hr.fire rated)

NO. OF OCCUPANTS: 63 (SANCTUARY FIXED SEATS)

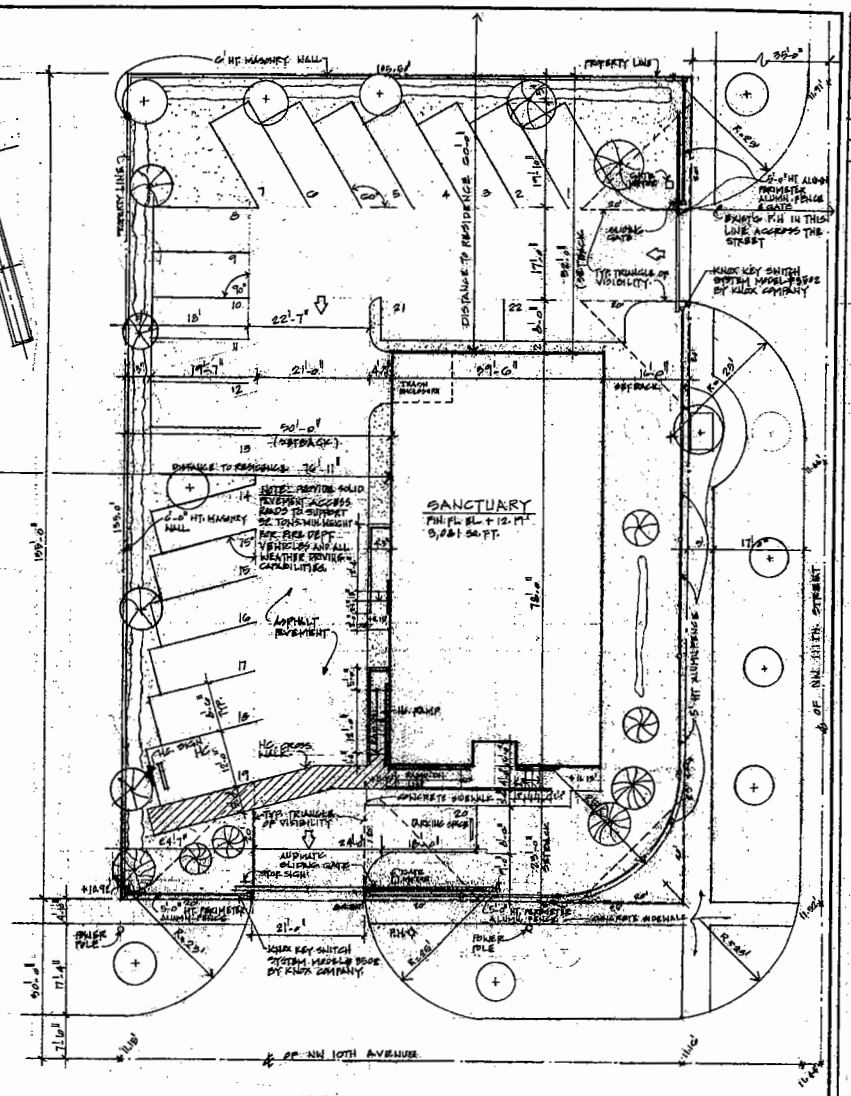
NO. OF PARKING SPACES: 11 REQUIRED - 22 PROVIDED
1,102 SQ.FT. of SANCTUARY AREA / 100 = 11 P.S. REQUIRED

SET BACKS:

| | REQUIRED | PROVIDED |
|---|---|---|
| FRONT | 25' | 25' |
| REAR | 50' | 52' |
| STREET SIDE | 25' | 16' |
| INTERIOR SIDE | 50' | 50' |




ALUMINUM FENCE AND GATE ELEVATION
N.T.S.




SITE PLAN
SCALE: 3/32"=1'-0"

**Property Address:**
1000 NW 111th STREET, MIAMI, FLORIDA, 33168

**LEGAL DESCRIPTION:**
The North 1/2 of Tract "A" Less the West 75.00 feet, Block 16, of "FITH ADDITION TO LAWNDALE" according to the plat thereof as recorded in Plat Book 49 at Page 94 of the Public Records of Dade County, Florida.

| REVISIONS | BY |
|---|---|
| 04-25-2006 | |
| 05-16-2006 | |
| 7-29-06 | |
| OCT-3/08 | |

Jorrin and associates inc.
Architects and planners
1627 Bedford Ave., apt. 1906
Miami, Florida, 33129 Tel. 305-854-3433
Sales E. Jorrin, Ed. #3403

CONSTRUCTION DOCUMENTS FOR
Philadelphia Baptist Church
1000 N.W. 111TH STREET, MIAMI, FLORIDA 33168

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DATE: OCT 03 2008
BY: B.L.

GENERAL NOTES:

- The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).
- Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.
- All unplanted and unplanted tree pits are to be properly barricaded and flagged during installation.
- All planting plans are issued as directives for site layout. Any deviations, site changes, et cetera are to be brought to the attention of the Landscape Architect for clarification prior to installation.

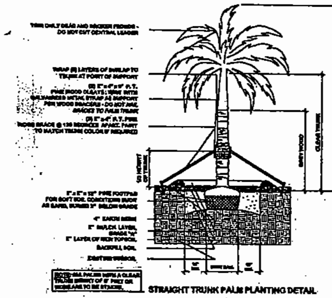
30% OF TREES SHALL BE NATIVE SPECIE

20 % MAX. OF NATIVE TREES SHALL BE SABAL PALMETTO

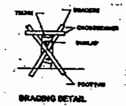
PLANTING NOTES:

(See plant specification and details for additional standards)

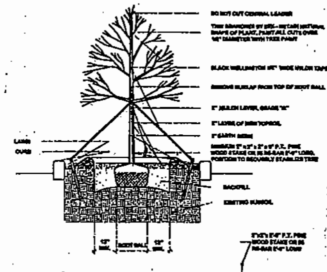
- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- Sod is to be grade "A" weed free.
- All areas marked "LAWN" shall be solid sodded with St. Augustine "Floratam" solid sod. See limit on plan. All areas marked "Bahia Grass" shall be solid sodded with Pensacola notatum. All sod is to be laid level, tight, and cut even along planting beds.
- All plants are to be top dressed with a minimum 3" layer of Melaleuca mulch, Eucalyptus mulch or equal.
- Planting plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and / or deletions to the plant material must be approved by the project engineer.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verifications for 100% sod coverage for all areas specified.
- All landscape areas are to be provided with automatic sprinkler system w/ provide 100% coverage, and 50% overlap.
- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.
- All trees located in parking islands is to be set flush with top of curb. Provide adequate soil to within 3" of top of curb.
- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable.
- Planting soil for topsoil and backfill shall be 50/50 mix, nematode free by Morris Magic soil, Hialeah, Florida. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% salt free coarse sand and 25% Aerolite.
- Tree and shrub pits will be supplemented with "Agriform Pells", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.



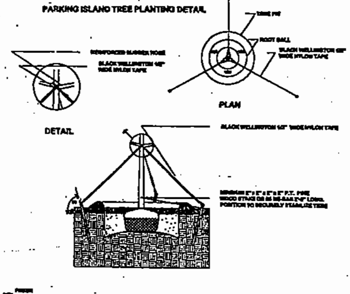
STRAIGHT TRUNK PALM PLANTING DETAIL



BRACING DETAIL

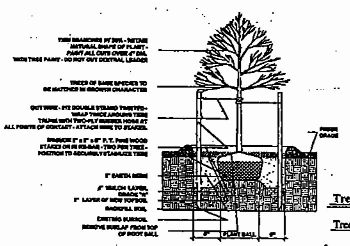


PARKING ISLAND TREE PLANTING DETAIL

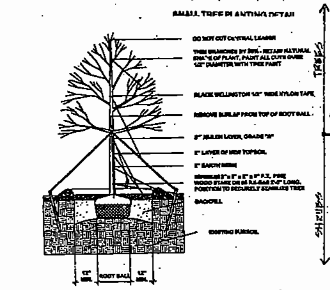


DETAIL PLAN

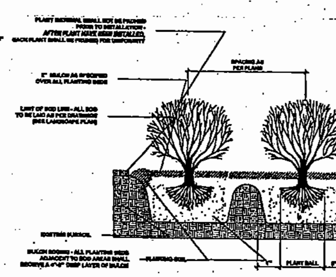
TYPICAL TREE GUYING DETAIL



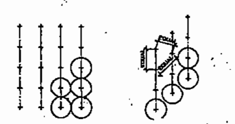
SMALL TREE PLANTING DETAIL



LARGE TREE PLANTING DETAIL

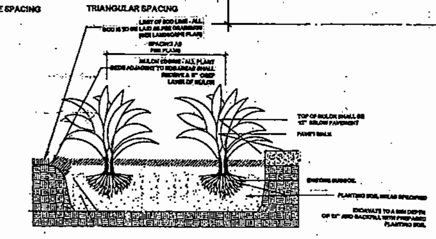


TYPICAL SHRUB PLANTING DETAIL



SQUARE SPACING

TRIANGULAR SPACING



TYPICAL GROUND COVER PLANTING DETAIL

LANDSCAPE LEGEND - Information Required to be Permanently Affixed to Plan

Zoning District: R-1    Net Lot Area: 0.87 acres 16,382 s.f.

OPEN SPACE

A. Square Feet of open space required by Chapter 33, as indicated on site plan:
Net lot area = 16,382 s.f. x 25 % = 4,088 s.f. (A)

B. Square Feet of parking lot open space required by Chapter 18A, as indicated on site plan:
No. parking spaces 22 x 10 s.f. per parking space = 220 s.f. (B)

C. Total s.f. of landscaped open space required by Chapter 33: A + B = 4,308 s.f. (4088+220 = 4,308 s.f.)

LAWN AREA CALCULATION
4,308 sf + 220 = 4,528 total s.f.

A. 4528 total s.f. of landscaped open space required by Chapter 33

B. Maximum lawn area (sod) permitted = 20 % x 4528 s.f. = 905.6

TREES

A. No. trees required per net lot acre 28
Less existing number of trees meeting minimum requirements
= 28 trees x net lot acres = 10.56 REQD (11 REQD — 11 TREES PROVIDED (U.S.D.B.)

B. % Palms Allowed: No. trees provided / 2 x 30% = 4 REQD — 4 PROVIDED
% Palms permitted to count as street trees on 1:1 basis x 30%

C. % Natives Required: No. trees provided x 30% = 4 REQD — 8 PROVIDED + 7 STREET TREES

D. Street trees (maximum average spacing of 35' o.c.): 262.5 linear feet along street / 35 = (7) REQUIRED / (7) PROVIDED

E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.):
0 linear feet along street / 25 = (NONE)

SHRUBS

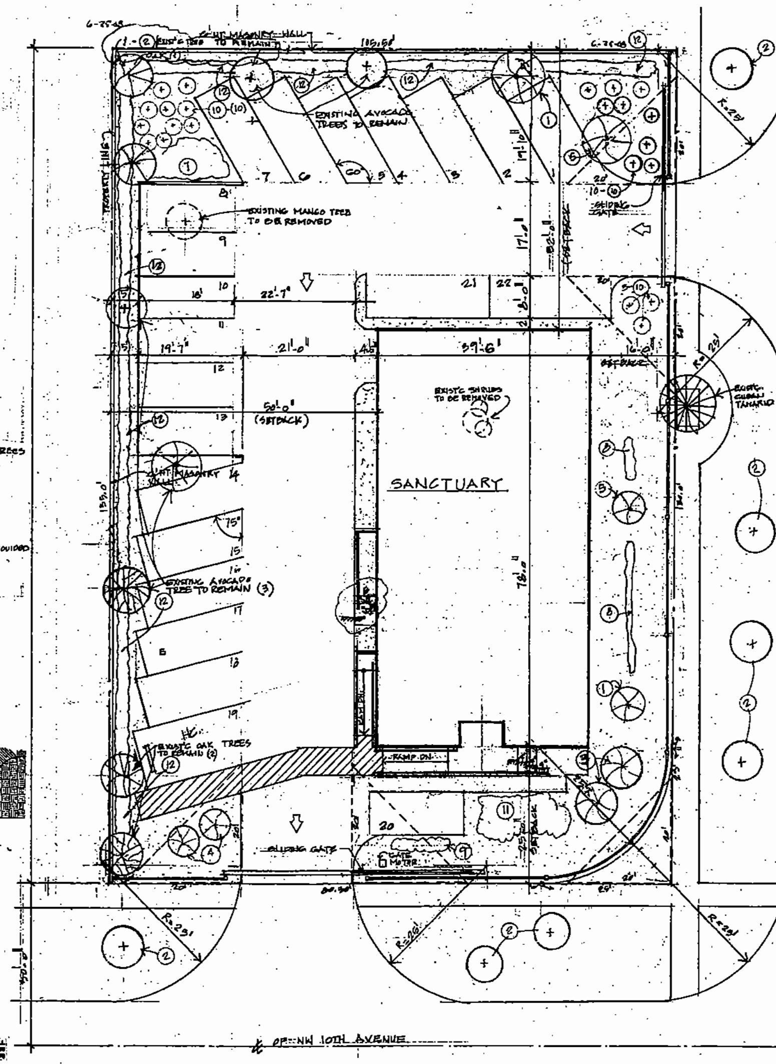
A. No. trees required x 10 = no. of shrubs allowed : 110 (11 x 10) REQD — 180 PROVIDED

B. No. shrubs allowed x 30% = no. of native shrubs required : 110 x .30 = 33 REQD. — 90 PROVIDED

IRRIGATION PLAN: If required by Chapter 33. AUTO IRRIGATION H.B. (75% MAX)

Tree legend

| | Tree name | Common name | Count | Ht. | CALIPER |
|---|---|---|---|---|---|
| TREES | 1-Busera Simaruba | Gumbo Limbo (N) | | 14'/16' | 2" MIN. |
| | 2- Quercus Virginiana | Live Oak (N) | 10 (6 street, 2 existing) | 14'/16' | 2" MIN. |
| | 3-Roystonia Elata | Florida royal Palm (N) | 2 | 14'/16' | 2" MIN. |
| | 4-Sabal Palmetto | Cabbage Palm (N) | 2 | 14'/16' | 2" MIN. |
| | 5-Tabbebuia Heterophilla | Pink trumpet Tree | 2 | 12'/14' | 2" MIN. |
| | 6- AVOCADO TREES (EXIST.) | | 3 | 40' | |
| SHRUBS | 7-Philodendron Selloum | Pilodendrun | 19 | 14"/16" | |
| | 8-Jasminium Volubile | Wax Jasmine | 20 | 14"/16" | |
| | 9-Liriope Muscary (GROUND COVER) | Liriope | 20 | 12"/16" | |
| | 10-Hibiscus Rosa Sinesis | Hibiscus | 20 | 4'/6' | |
| | 11-Tubbaglia Violacea | Society Garlic | 20 | 10"/12" | |
| | 12-Pittosporum Tobira (hedge 30" o/c) | Tobira shrub (N) | 90 | 36" (AT TIME OF PLANTING) | |




LANDSCAPING PLAN

SCALE: 3/32" = 1'-0"

| REVISIONS |
|---|
| 04-24-2008 |
| 05-16-2008 |
| 06-29-2008 |
| 09-29-08 |
| OCT-03-08 |

Jorrin and associates inc.
Architects and planners
1627 Brickell Ave. apt. 1906
Miami, Florida, 33129 Tel. 305- 854-3633
Silvio V. Jorrin AIA. RA. # 6443

CONSTRUCTION DOCUMENTS FOR
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1000 N.W. 111TH STREET, MIAMI, FLORIDA 33168

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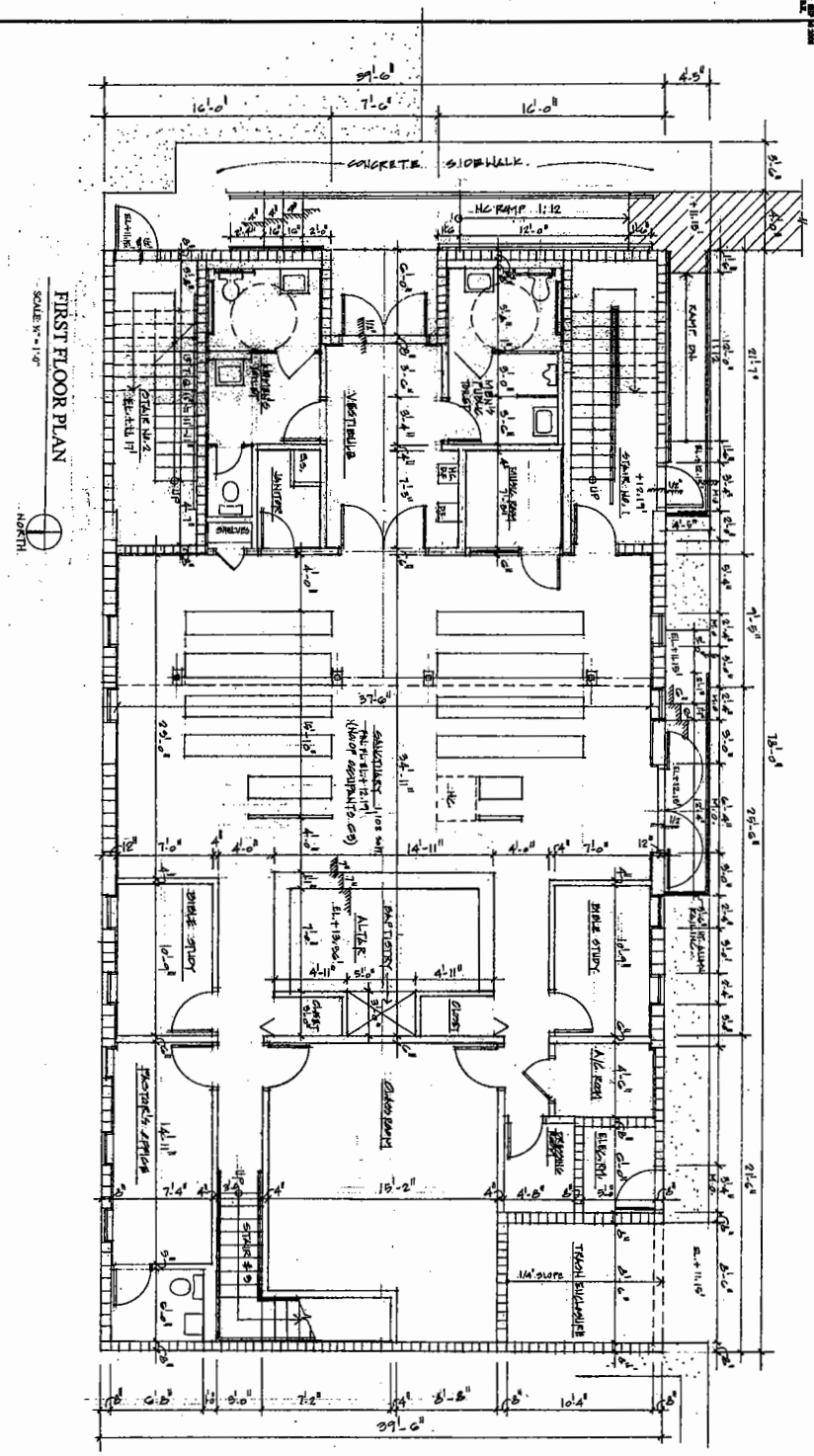


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Philadelphia Baptist Church
1000 N.W. 111TH STREET, MIAMI, FLORIDA 33168

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Architects and planners
1627 Ritchell Ave., apt. 1906
Miami, Florida, 33129 Tel. 305- 854-3633
Silvia R. Jorrin AIA. RA. # 6413

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04-25-2008

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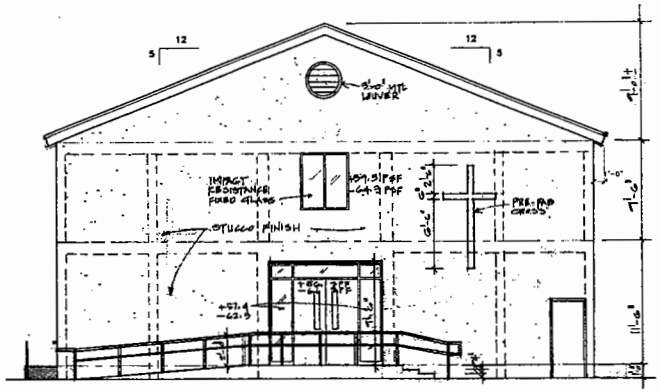
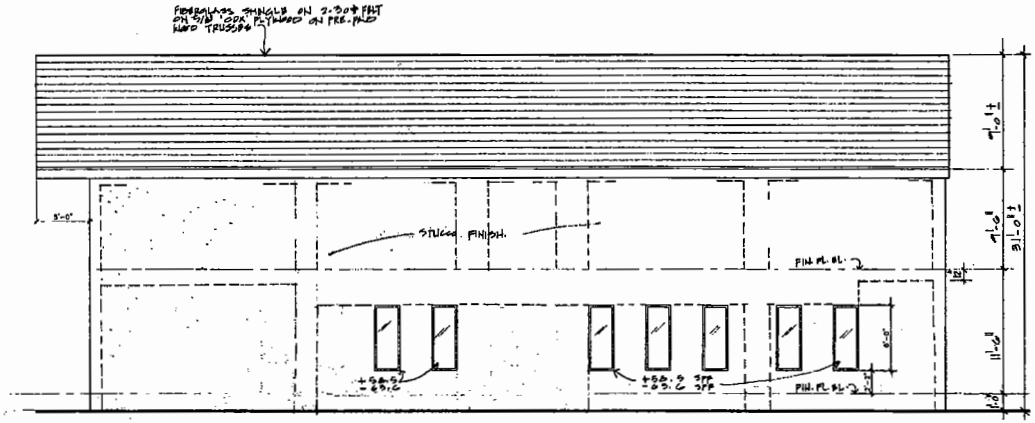
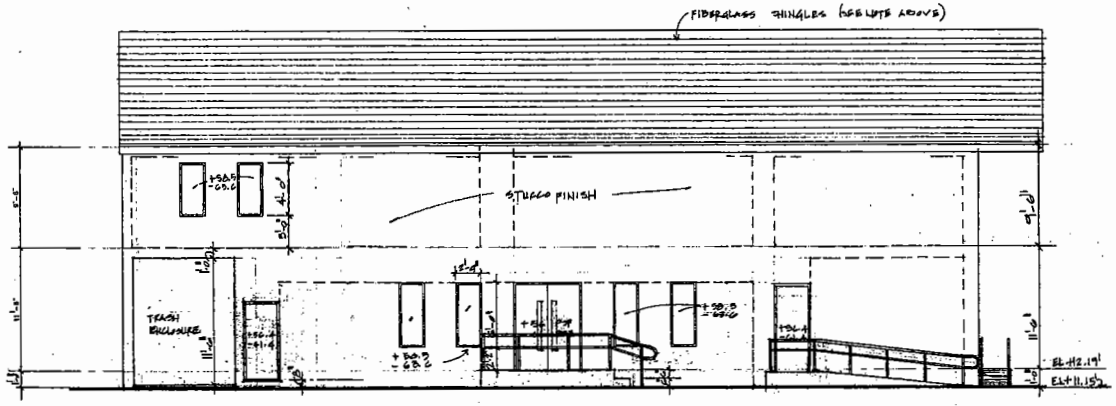
BY: [illegible]




**EAST ELEVATION**
SCALE: 3/16"=1'-0"

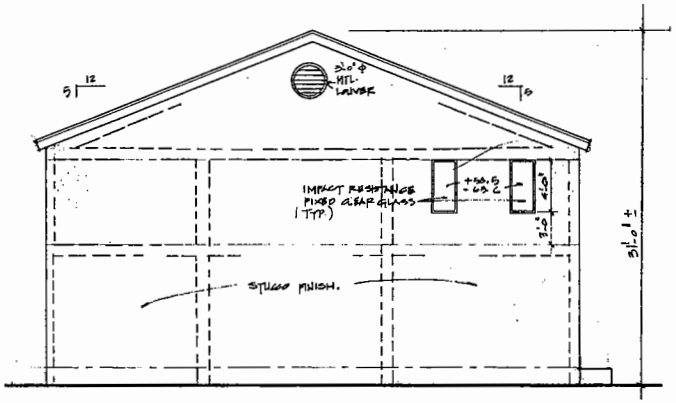



**NORTH**
SCALE: 3/16"=1'-0"




**SOUTH ELEVATION**
SCALE: 3/16"=1'-0"

EL.+12.19' = EL.0'-0"




**WEST ELEVATION**
SCALE: 3/16"=1'-0"

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| 04-25-2008 | |

Jarvis and associates inc.
Architects and planners
1637 Mitchell Blvd., apt. 1906
Miami, Florida, 33127 Tel. 305-[illegible]
Salem R. Jarvis, AIA, RA, # 6[illegible]

CONSTRUCTION DOCUMENTS FOR
Philadelphia Baptist Church
1000 N.W. 111TH STREET, MIAMI, FLORIDA 33168

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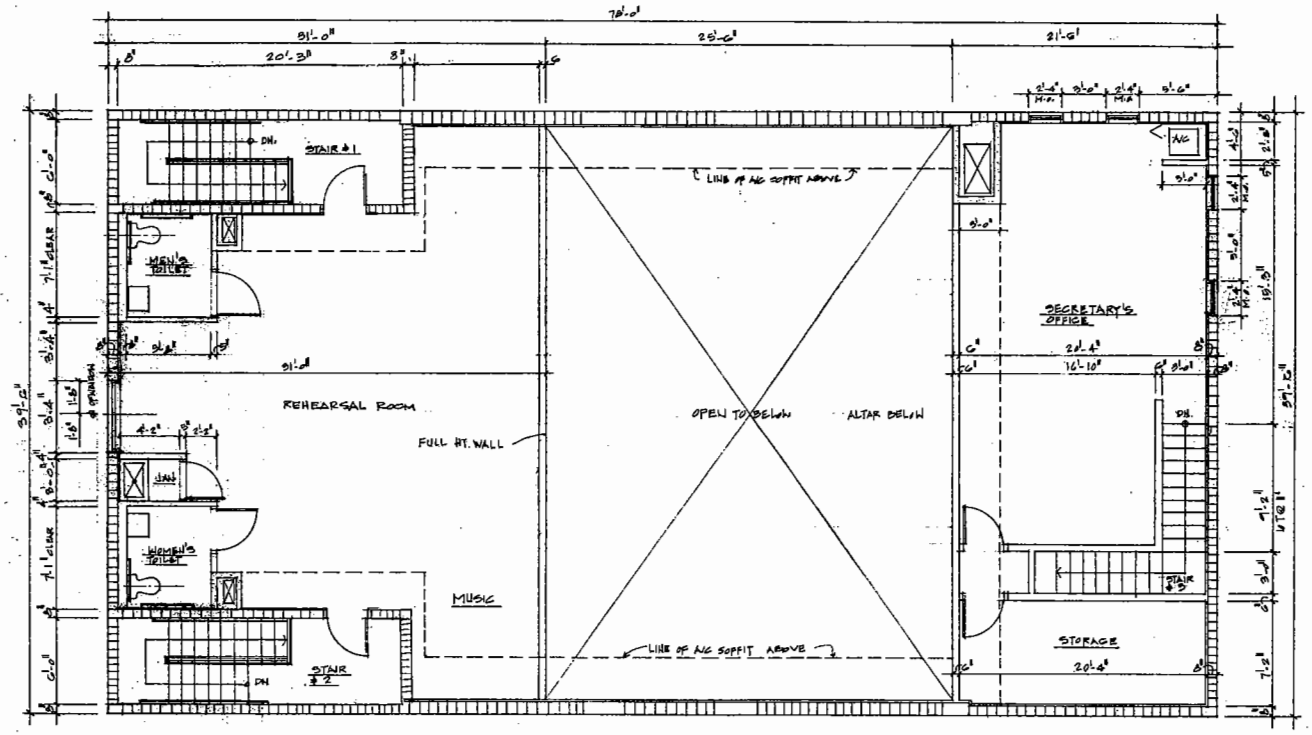
DATE: MAY [illegible] 2008
BY: [illegible]




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

| REVISIONS | BY |
|---|---|
| 04-25-2008 | |

Jarvis and associates Inc.
Architects and planners
1627 Bedford Ave., apt. 19906
Miami, Florida, 33129 Tel. 305-854-3633
Silvia B. Jarvis, Ed. D. [illegible]

CONSTRUCTION DOCUMENTS FOR
Philadelphia Baptist Church
1000 N.W. 111TH STREET, MIAMI, FLORIDA 33168

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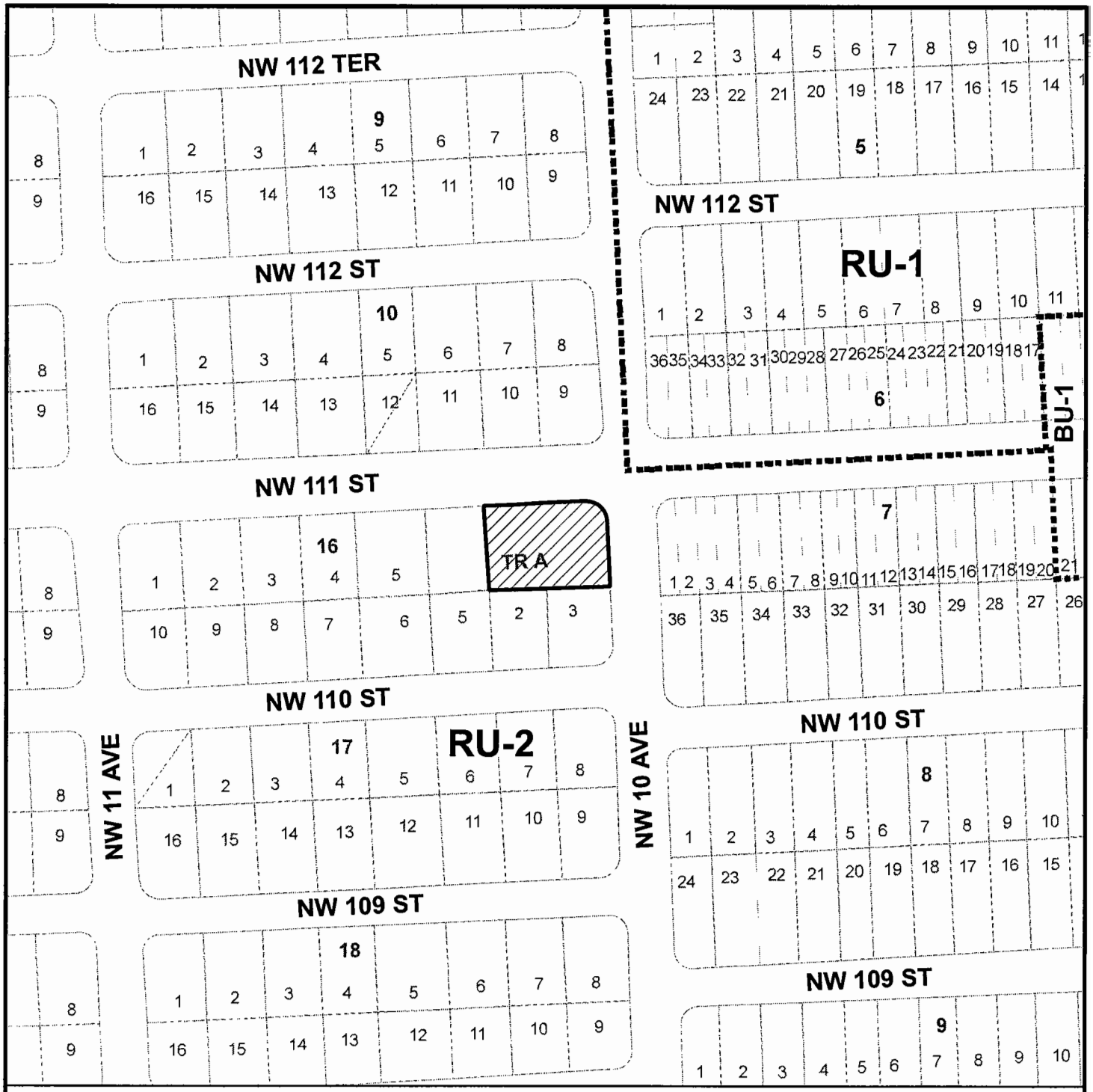
Of Sheets




# MIAMI-DADE COUNTY
**HEARING MAP**

**Process Number**
**08-085**

**SUBJECT PROPERTY**

**Section: 35 Township: 52 Range: 41**
**Applicant: EGLISE EVANGELIQUE BAPTISTE**
**Zoning Board: C08**
**District Number: 2**
**Drafter ID: N'NAGBE**
**Scale: NTS**

MIAMI-DADE COUNTY

CREATED ON: 05/14/08

| REVISION | DATE | BY |
|---|---|---|
| | | 27 |

# MIAMI-DADE COUNTY
AERIAL

Process Number
**08-085**

N
W E
S

SUBJECT PROPERTY

Section: 35 Township: 52 Range: 41
Applicant: EGLISE EVANGELIQUE BAPTISTE
Zoning Board: C08
District Number: 2
Drafter ID: N'NAGBE
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 05/14/08

| REVISION | DATE | BY |
|---|---|---|
| | | |