

# KITS

1-22-2009 Version # 2



**COMMUNITY ZONING APPEALS BOARD 8  
HENRY REEVES ELEMENTARY SCHOOL  
2005 NW 111 Street, Miami  
Wednesday, February 18, 2009 at 7:00 p.m.**

**PREVIOUSLY DEFERRED**

A. 09-1-CZ8-1	EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC.	08-85	35-52-41	N
B. 08-9-CZ8-1	SOLID OAKS, LLC	05-336	19-52-42	

**CURRENT**

1. 09-2-CZ8-1	EMMANUEL HILARIE & ALTIDA MAJISTE	08-147	35-52-41	N
---------------	-----------------------------------	--------	----------	---



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

---

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, FEBRUARY 18, 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

---

A. 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 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 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:

Denial of request #1; denial without prejudice of request #2 under Section 33-311(A)(3) (special exceptions, unusual uses and new uses); approval with conditions of request #3 under Section 33-311(A)(7) (generalized modification standards) and

denial without prejudice of same under Section 33-311(A)(17) (modification or elimination of conditions and covenants after public hearing); approval with conditions of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV); denial without prejudice of request #5 under Sections 33-311(A)(4)(b), 33-311(A)(14), and 33-311(A)(4)(c).

Protests: 0

Waivers: 0

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

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

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

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

Deferred from 1/21/09

**B. 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:

Denial without prejudice.

Protests: 0

Waivers: 0

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

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

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

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

Deferred from 1/21/09

**1. EMMANUEL HILARIE AND ALTIDA MAJISTE (09-2-CZ8-1/08-147) 35-52-41  
Area 8/District 2**

- (1) Applicants are requesting to permit a single-family residence setback 24.76' (25' required) from the front (east) property line and to permit a bedroom, bath and utility room addition setback a minimum of 6.05' (6.65' required) from the interior side (north) property line.
- (2) Applicants are requesting to permit a storage building setback 70.6' (75' required) from the front (east) property line, setback a minimum of 1.46' (6.65' required) from the interior side (north) property line, setback a minimum of 4.38' (5' required) from the rear (west) property line and spaced 9.9' (10' required) from the residence.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Existing Addition to be Legalized Emmanuel Hilarie & W. Jeanie," as prepared by Gollaville Krishna Rao, P. E., Sheet "A104" dated stamped received 8/4/08 and the remaining 3 sheets dated stamped received 10/17/08 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 11650 N.W. 10 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6,650 sq. ft.

Department of Planning and  
Zoning Recommendation:

Approval with conditions of request #1; approval on a modified basis of request #2 to show the removal of the northerly 5.19' of the storage building under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

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

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

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

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

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

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

T H E E N D

NOTICE OF APPEAL RIGHTS

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

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

**A. EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC.**  
**(Applicant)**

**09-1-CZ8-1 (08-85)**  
**Area 8/District 2**  
**Hearing Date: 2/18/09**

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:**

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

APPLICANT'S NAME: EGLISE EVANGELIQUE BAPTISTE PHILADELPHIA, INC.

#1

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-1-CZ8-1 (08-85)	January 21, 2009	CZAB8	09

REC: Deferral.

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

DEFER:       INDEFINITELY       TO: Feb 18, 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 staff's request to re-advertise the application. At staff's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Richard C. BROWN (C.A.)			X
MR.	<b>M</b>	Patrick CURE	X		
DR.	<b>S</b>	Joy J. Davis	X		
MR.		Vernell EVERETT	X		
MR.		Arthemon JOHNSON			X
MS.		Voncarol Yvette KINCHEN			X
CHAIRMAN		Fredericke Alan MORLEY	X		
VOTE:			4	0	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

**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:** February 18, 2009

**COMMISSION DISTRICT:** 2

**ITEM NO.:** A

**A. INTRODUCTION:**

o **REQUESTS:**

- (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 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.

o **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.

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

o **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:**

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

<b>Site Plan Review:</b>	(Site plan submitted.)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>

Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Unacceptable</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board 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	<b>No objection*</b>
Public Works	<b>Objects</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

This application was deferred from the January 21, 2009 Community Zoning Appeals Board 8 meeting in order to correct an error in the advertisement of the application. 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 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-way 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, and 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 previously sought have 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 staff 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 and that the land needs to be platted. 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 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 only germane with Request #1 which staff does not support for reasons mentioned previously. The RU-2 property has already been granted the Special Exception for the existing religious facility on the site. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(3) because that request is moot.

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 and landscaping requirements 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 Request #4 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval of this request 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 is of the opinion that the applicant 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).

**I. RECOMMENDATION:**

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).

**J. CONDITIONS:**

1. That all remaining conditions of Resolution No. Z-116-90 remain in full force and effect except as herein modified.
2. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include, but not be limited to location of structure or structures, exits and entrances, drainage, walls, fences, landscaping and other requirements.
3. 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 Jorin 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, except that the 6' high iron fence within the safe-sight distance triangle along a portion of the right-of-way be relocated outside the safe-sight distance triangle.
4. That the use be established and maintained in accordance with the approved plan.

**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; 01/16/09; 1/19/09;  
01/23/09; 02/04/09; 02/11/09  
**DATE FINALIZED:** 02/11/09  
MCL:MTF:NN:NC:AA

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

# Memorandum



**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

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

**Subject:** C-08 #Z2008000085-Revised  
Eglise Evangelique Baptiste Philadelphia, Inc.  
1000 N.W. 111<sup>th</sup> 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

---

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 Jorin 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 discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

**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

# 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:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>3,081</u>	square feet	<u>N/A</u>	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.

# TEAM METRO

## ENFORCEMENT HISTORY

EGLISE EVANGELIQUE BAPTISTE  
PHILADELPHIA, INC.

1000 N.W. 111 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000085

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

12/31/08 No Office of Neighborhood Compliance violations observed.

J. Spikes



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

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

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

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

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

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

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

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

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

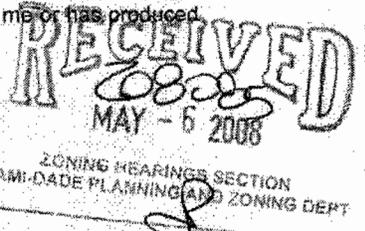
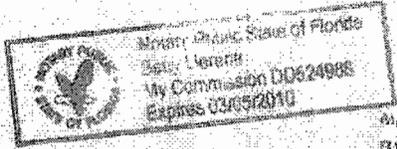
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]  
(Applicant)

Sworn to and subscribed before me this 11<sup>th</sup> day of April 2008. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

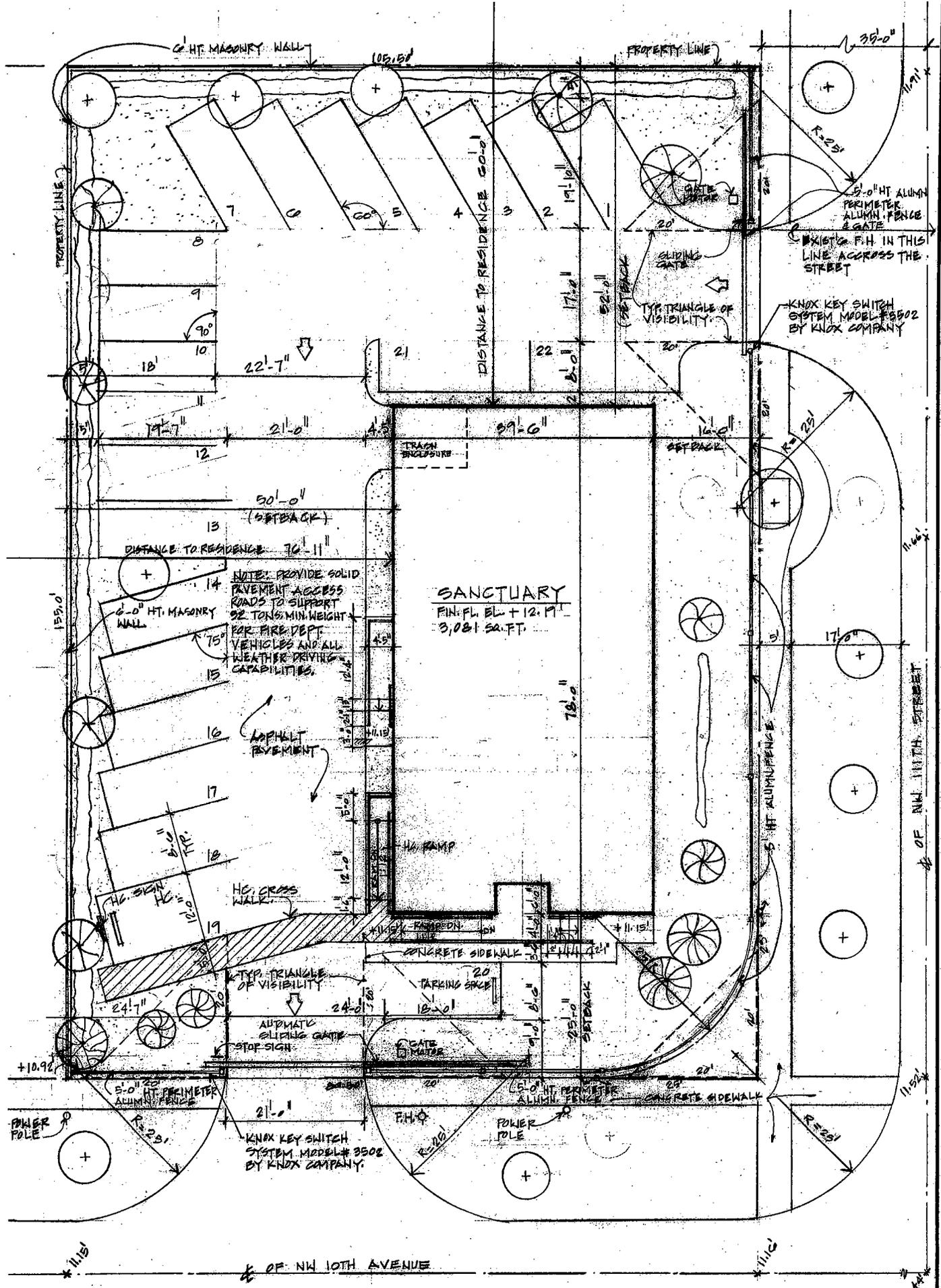
[Signature]  
(Notary Public)

My commission expires: 3/5/10



\*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.

04-1  
05-1  
9-5  
004



Jorin and associates inc.

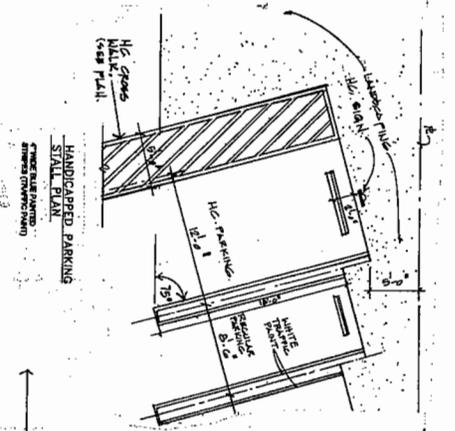
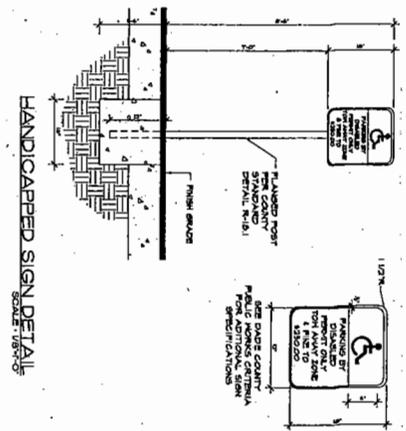
CONSTRUCTION DOCUMENTS FOR

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



ENLARGED SITE PLAN

23



**ZONING LEGEND:**

LOT AREA: 105.50' X 135.00' = 14,242.50 SQ. FT.  
 BUILDING AREA: (Ground floor) 1,881 SQ. FT.  
 (Second floor) 2,074 SQ. FT.  
 TOTAL 3,955 SQ. FT.

STORIES - PARTIAL (3)  
 GROUND COVERAGE: 19%

LANDSCAPING AREA: 5,031 SQ. FT.  
 PAVED AREA: 8,220.5 SQ. FT. (including sidewalks)

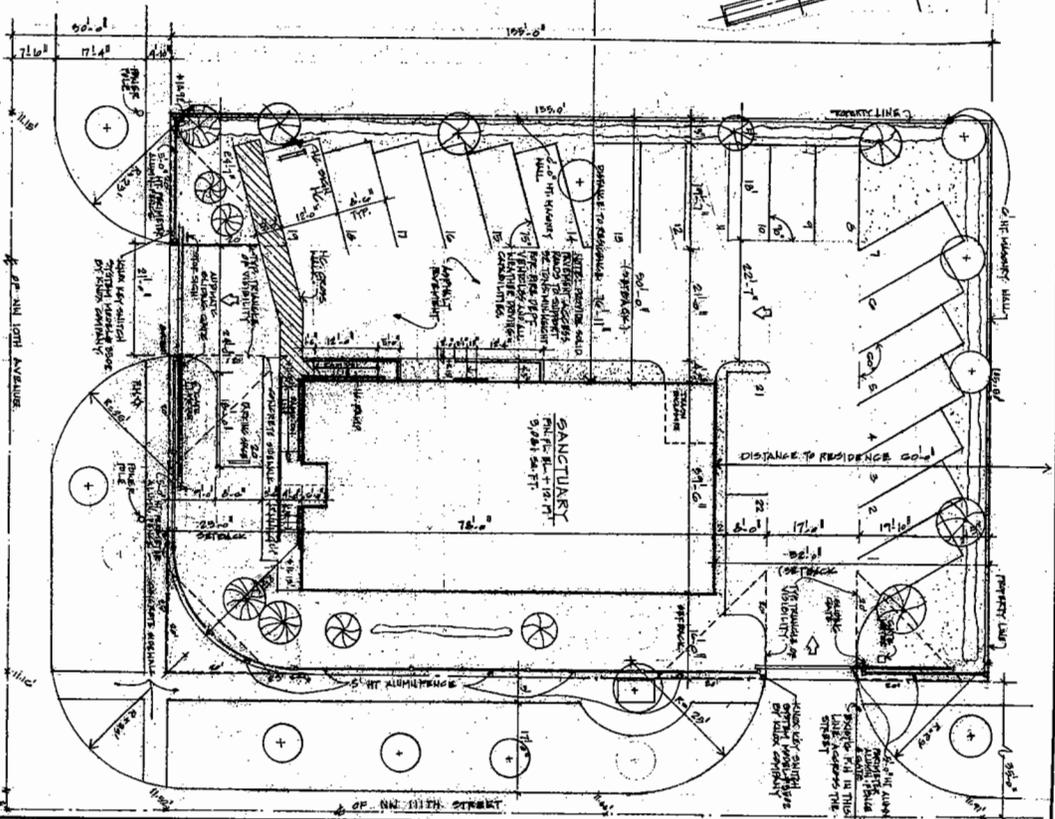
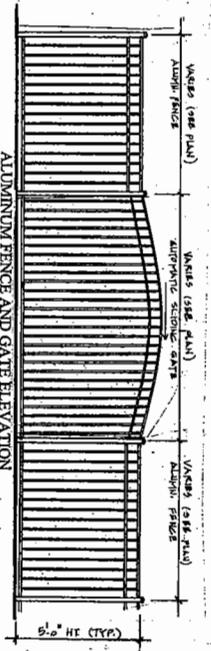
BUILDING HT.: 31'-0" (TOP OF HIGH ROOF) 2 STORES  
 BUILDING OCC.: ASSEMBLY - A3 - CHURCH

TYPE OF CONSTRUCTION: V-A - PROTECTED (In the field)  
 NO. OF OCCUPANTS: 63 (SANCTUARY FIXED SEATS)

NO. OF PARKING SPACES: 11 REQUIRED - 22 PROVIDED  
 1,102 SQ. FT. OF SANCTUARY AREA / 109 = 11 P.S. REQUIRED

**SET BACKS:**

	REQUIRED	PROVIDED
FRONT	25'	25'
REAR	50'	50'
STREET SIDE	25'	16'
INTERIOR SIDE	50'	50'



**SITE PLAN**



Property Address:  
 1000 N.W. 11TH STREET, MIAMI, FLORIDA, 33136

LEGAL DESCRIPTION:  
 The North 1/2 of Third 'X' Less the West 15.00' lot, Block 16, of 7TH AVENUE TO LANDMARK, according to the plat thereof as recorded in Plat Book 48 at Page 54 of the Public Records of Dade County, Florida.

ST-1

CONSTRUCTION DOCUMENTS FOR  
**Philadelphia Baptist Church**  
 1000 N.W. 11TH STREET, MIAMI, FLORIDA 33136

Meritt and associates inc.  
 Architects and Engineers  
 1627 Brickell Ave., Suite 1904  
 Miami, Florida 33129 Tel. 305-854-3433  
 John W. Meritt, P.E., P.E., P.E.

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	08/15/04
2	ISSUE FOR PERMIT	08/15/04
3	ISSUE FOR PERMIT	08/15/04
4	ISSUE FOR PERMIT	08/15/04
5	ISSUE FOR PERMIT	08/15/04
6	ISSUE FOR PERMIT	08/15/04
7	ISSUE FOR PERMIT	08/15/04
8	ISSUE FOR PERMIT	08/15/04
9	ISSUE FOR PERMIT	08/15/04
10	ISSUE FOR PERMIT	08/15/04

24

**30% OF TREES SHALL BE NATIVE SPECIES**  
**20% MAX OF NATIVE TREES SHALL BE SMALL PALMETTO**

**LANDSCAPE LEGEND** - Information Required to be Permanently Altered in This Zone Shall Be Indicated by a "P" in the Legend.

1. Species of trees shall be as indicated by Chapter 23.14 as indicated on this plan.  
 2. No trees shall be planted in the "P" zone.  
 3. No trees shall be planted in the "P" zone.  
 4. No trees shall be planted in the "P" zone.  
 5. No trees shall be planted in the "P" zone.

**30% OF TREES SHALL BE NATIVE SPECIES**  
**20% MAX OF NATIVE TREES SHALL BE SMALL PALMETTO**

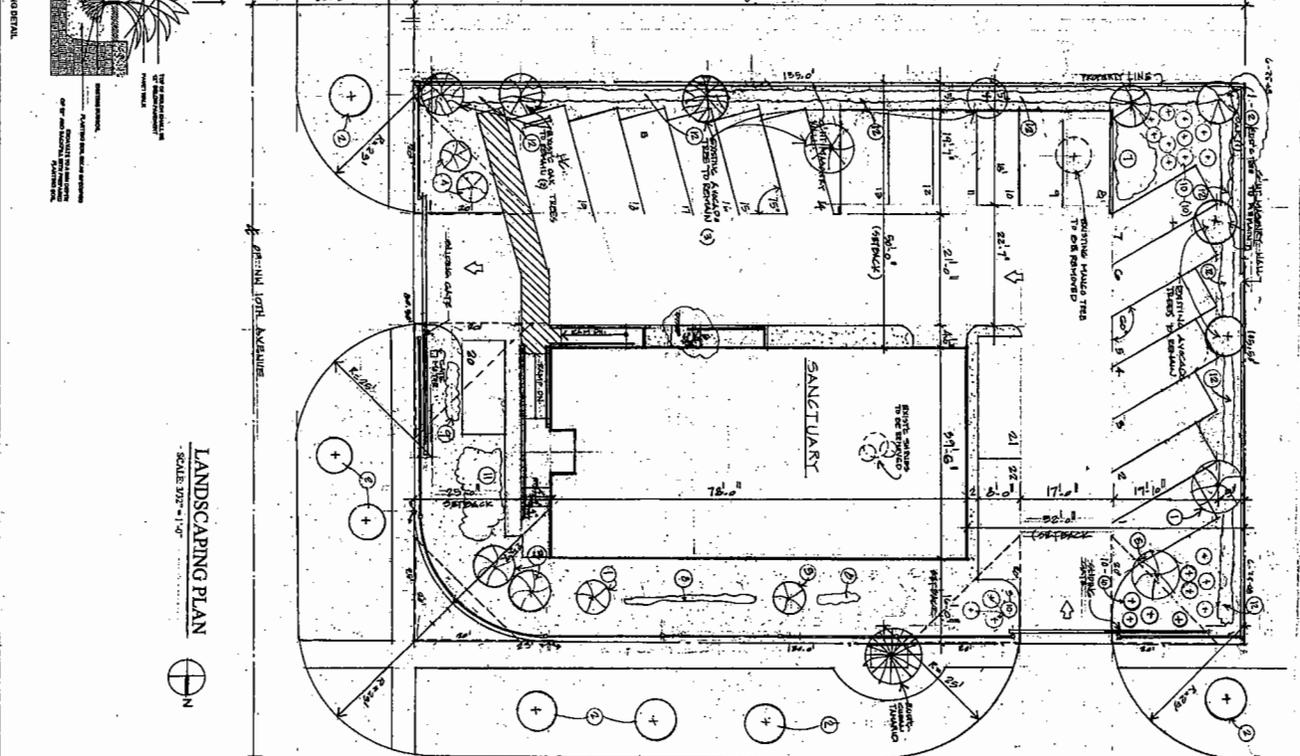
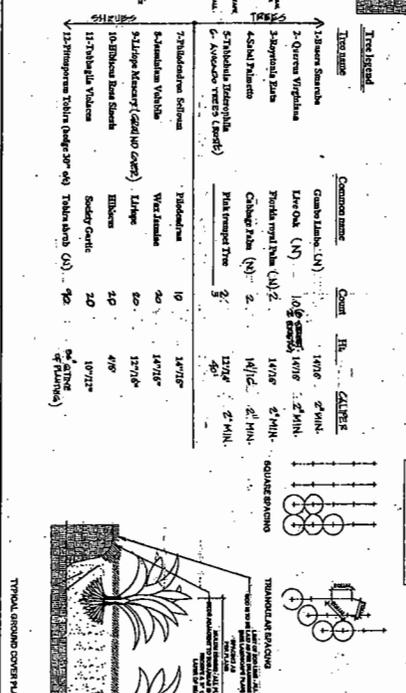
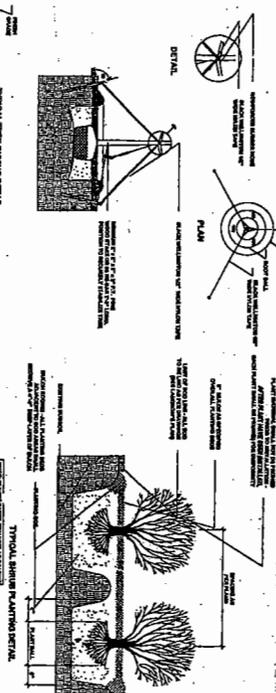
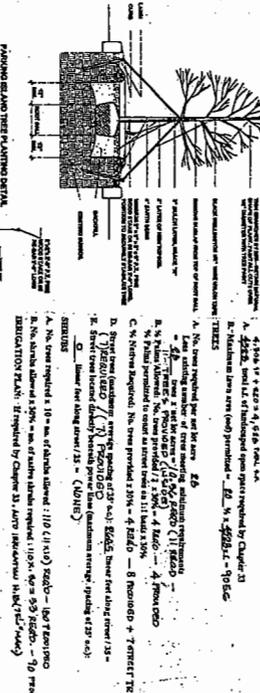
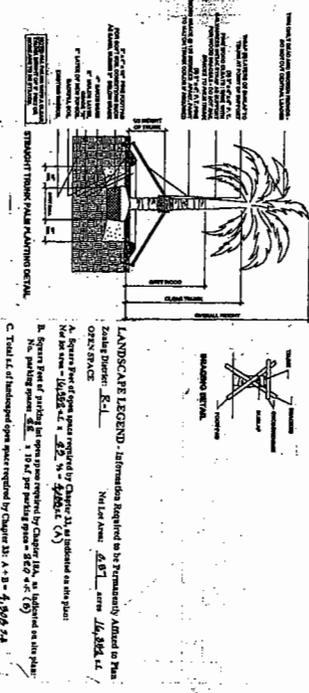
**LANDSCAPE LEGEND** - Information Required to be Permanently Altered in This Zone Shall Be Indicated by a "P" in the Legend.

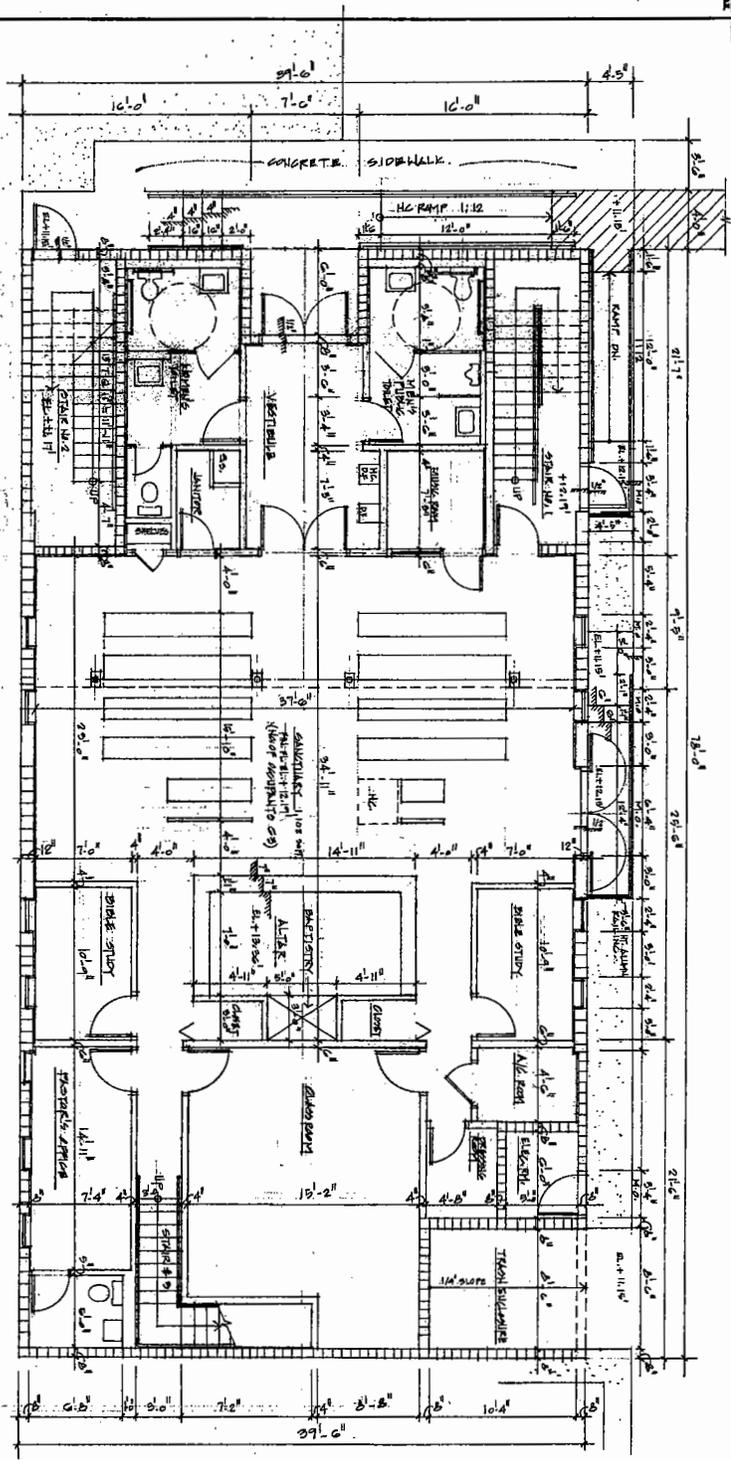
1. Species of trees shall be as indicated by Chapter 23.14 as indicated on this plan.  
 2. No trees shall be planted in the "P" zone.  
 3. No trees shall be planted in the "P" zone.  
 4. No trees shall be planted in the "P" zone.  
 5. No trees shall be planted in the "P" zone.

**30% OF TREES SHALL BE NATIVE SPECIES**  
**20% MAX OF NATIVE TREES SHALL BE SMALL PALMETTO**

**LANDSCAPE LEGEND** - Information Required to be Permanently Altered in This Zone Shall Be Indicated by a "P" in the Legend.

1. Species of trees shall be as indicated by Chapter 23.14 as indicated on this plan.  
 2. No trees shall be planted in the "P" zone.  
 3. No trees shall be planted in the "P" zone.  
 4. No trees shall be planted in the "P" zone.  
 5. No trees shall be planted in the "P" zone.





FIRST FLOOR PLAN  
 SCALE 1/8" = 1'-0"  
 NORTH

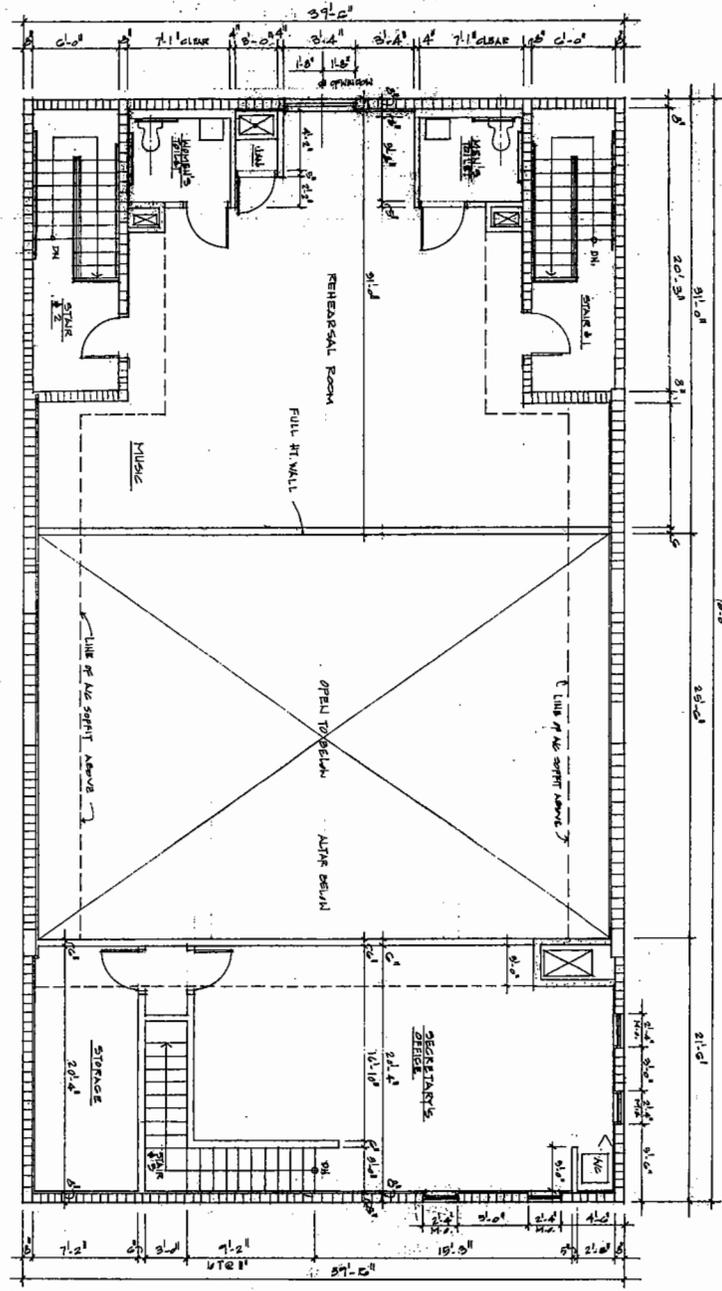
NO.	DATE	BY	CHKD.
1	1-1		

CONSTRUCTION DOCUMENTS FOR  
**Philadelphia Baptist Church**  
 1000 N.W. 11TH STREET, MIAMI, FLORIDA 33136

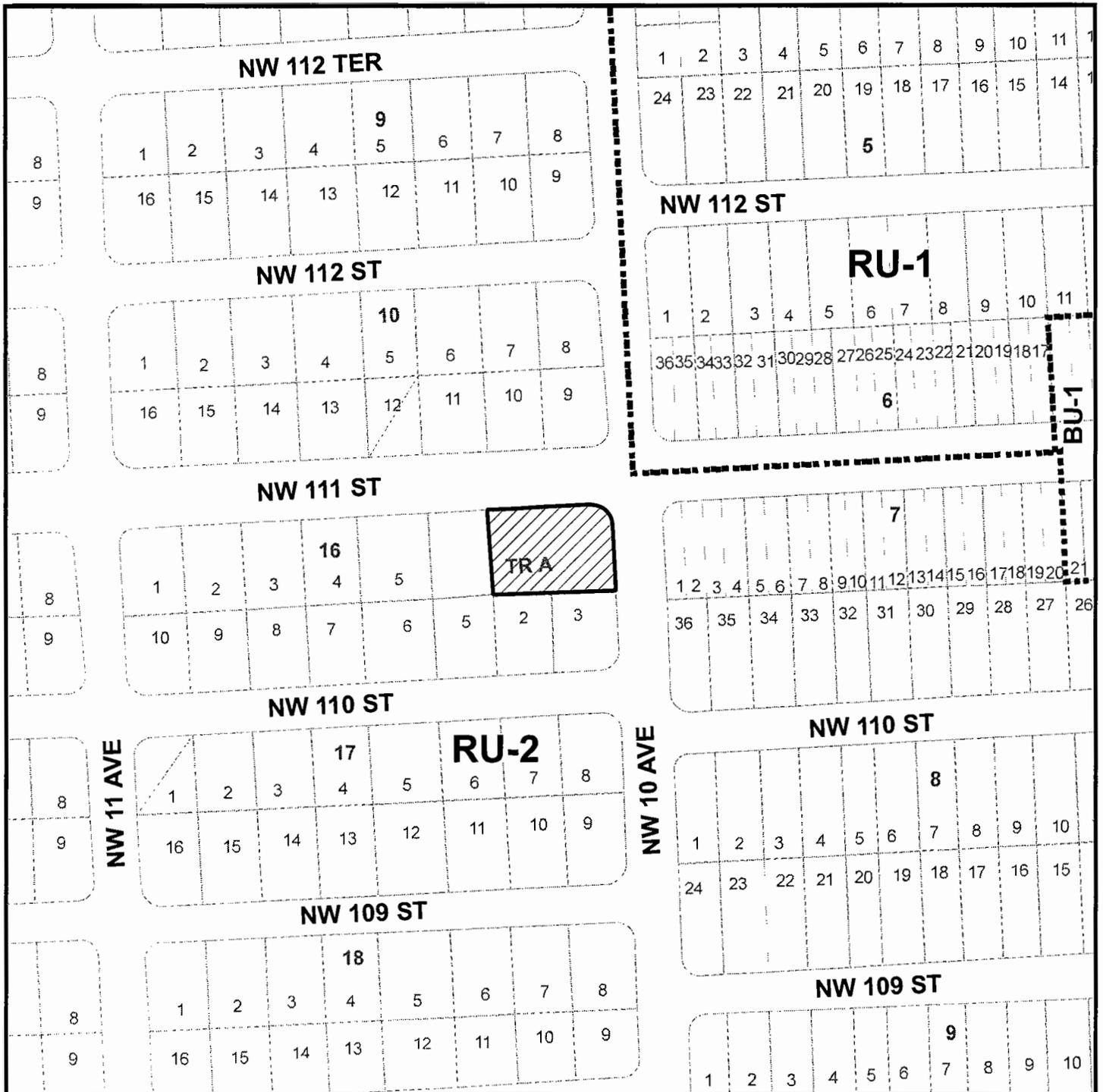
Jacobs and Associates Inc.  
 Architects and planners  
 1627 Mitchell Ave., apt. W04  
 Miami, Florida, 33129 Tel. 305- 854-3653  
 John P. Jacobs P.E., P.L.C. # 6403

REVISIONS  
 SHEET NO. 1-1





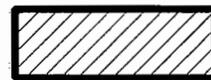
SECOND FLOOR PLAN  
 SCALE 3/8" = 1'-0"  
 NORTH



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-085**

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



**SUBJECT PROPERTY**



REVISION	DATE	BY
		29



**MIAMI-DADE COUNTY**  
**AERIAL**

Process Number  
**08-085**

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



**SUBJECT PROPERTY**



CREATED ON: 05/14/08

REVISION	DATE	BY

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

**08-9-CZ8-1 (05-336)**  
**Area 8/District 2**  
**Hearing Date: 2/18/09**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1977	Charles Gomes	Special exception expansion of trailer park.	ZAB	Approved
1992	Bob's Trailerville, Inc.	- Special exception for site plan approval. - Special exception for spacing. - 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

**A**

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

REPRESENTATIVE: William Riley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ8-1 (05-336)	January 21, 2009	CZAB8	09

**REC: Deferral.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_  
 DEFER:       INDEFINITELY       TO: Feb 18, 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 Staff's request to review information that was submitted by the applicant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	<b>N</b>	Richard C. BROWN (C.A.)	<b>X</b>		
MR.	<b>S</b>	Patrick CURE	<b>X</b>		
DR.		Joy J. Davis	<b>X</b>		
MR.		Vernell EVERETT		<b>X</b>	
MR.		Arthemon JOHNSON			<b>X</b>
MS.		Voncarol Yvette KINCHEN			<b>X</b>
CHAIRMAN		Fredericke Alan MORLEY		<b>X</b>	
VOTE:			<b>3</b>	<b>2</b>	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

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.)			<b>X</b>
MR.		Patrick CURE	<b>X</b>		
MR.	<b>M</b>	Arthemon JOHNSON	<b>X</b>		
MS.	<b>S</b>	Voncarol Yvette KINCHEN	<b>X</b>		
MR.		Vernell EVERETT	<b>X</b>		
CHAIRMAN		Fredericke Alan MORLEY	<b>X</b>		
VOTE:			<b>5</b>	<b>0</b>	

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.	<b>M</b>	Richard C. BROWM (C.A.)	<b>X</b>		
MR.		Patrick CURE	<b>X</b>		
MR.		Arthemon JOHNSON	<b>X</b>		
MS.		Voncarol Yvette KINCHEN			<b>X</b>
MR.	<b>S</b>	Vernell EVERETT	<b>X</b>		
CHAIRMAN		Fredericke Alan MORLEY	<b>X</b>		
VOTE:			<b>5</b>	<b>0</b>	

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:** February 18, 2009

**COMMISSION DISTRICT:** 2

**ITEM NO.:** B

**A. INTRODUCTION**

o **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.

o **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.

o **LOCATION:**

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

o **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-90, 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)  
Business and Office  
(easterly 0.55-acre)

**Surrounding Properties:**

**NORTH:** RU-4M; Apartment building  
BU-1; Retail building

Low Density Residential, 2.5 - 6 dua  
Business and Office

**SOUTH:** RU-1; Single-family residences  
BU-1 and RU-3; Retail building

Low Density Residential, 2.5 - 6 dua  
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 723.083 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	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No comment</b>
MDT	<b>No comment</b>
Fire Rescue	<b>No objection*</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This applicant was deferred from the January 21, 2009 meeting to meet with staff. Additionally, 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 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 of 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 the 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 a home for the aged would be **incompatible** with the area and as such, staff 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 opines 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. Additionally, staff notes that the information provided by the applicant regarding compliance with the Florida Statutes, Section 723.083, does not indicate that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners. Therefore, based on all of the aforementioned, staff recommends denial without prejudice of requests #1 and #2, and denial without prejudice of request #3 under Section 33-311(A)(4)(b) (NUV) and Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

Denial without prejudice.

**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; 02/03/09; 02/11/09  
**DATE FINALIZED:** 02/11/09  
MCL; MTF; NN; JV

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

# Memorandum



**Date:** December 16, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-08 #Z2005000336-5<sup>th</sup> Revision  
Solid Oaks LLC  
14752 N.E. 6 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) (1.89 Acres)  
19-52-42

---

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

Potable Water Service and Wasterwater Disposal

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

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

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

### Stormwater Management

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

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

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service 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-size (trunk diameter 18 inches or greater) strangler fig and six (6) specimen size 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" Sheet L-1, 2, 3 and 4, prepared by Arkidesign Inc, and dated February 5, 2007 (revised 10/30/2008), that provides for the preservation of three (3) specimen-sized strangler fig and five (5) specimen size live oak trees.

However, other on site specimen-sized tree(s) will be impacted. Section 24-49.2 of Chapter 24, the Code of Miami-Dade County 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 Chapter 24, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4, is required. Be advised that pursuant to Section 24-49.2 (II)(1), 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 records 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.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: SOLID OAKS, LLC

This Department has no objections to this application.

Additional improvements may be required at time of platting.

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.

14-NOV-08

# Memorandum



**Date:** 04-DEC-08  
**To:** Marc LaFerrier, 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 February 4, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped November 12, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the 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 Z2005000336  
 located at 14752 N.E. 6 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0394 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>96,291</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 64.61 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' Sqrt - 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 5th Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped November 12, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

SOLID OAKS, LLC

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

---

**APPLICANT**

---

**ADDRESS**

---

Z2005000336

---

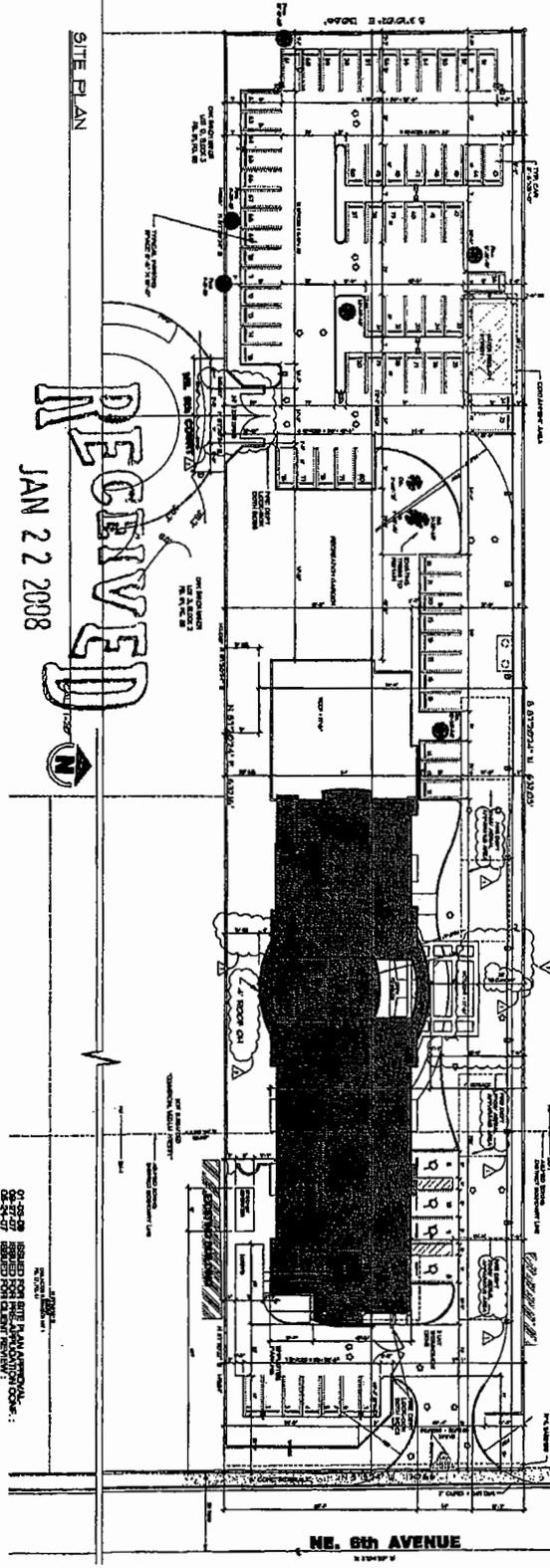
**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

No violation observed

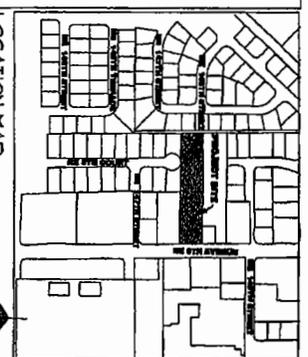
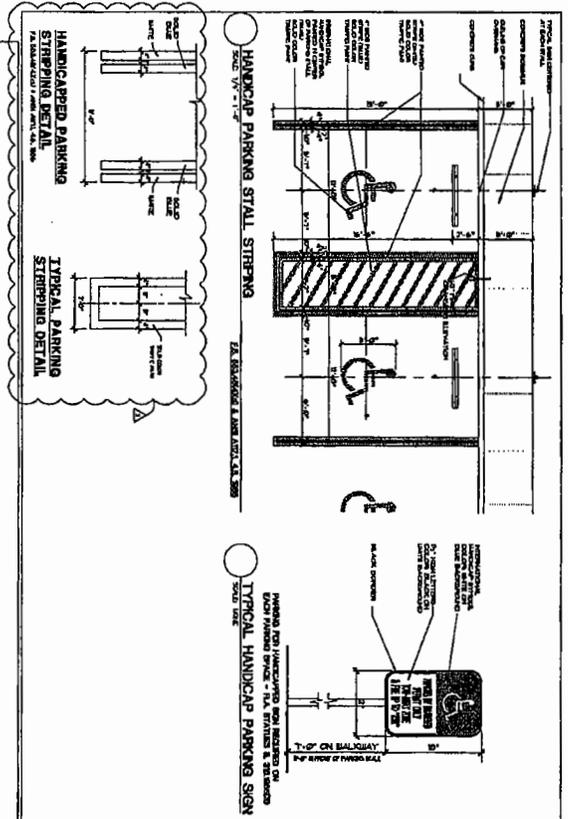
Mufutua Folorunshu

ZONING INFORMATION	
PROJECT NAME	RESIDENCES AT SOLID OAKS ASSISTED LIVING
PROJECT ADDRESS	17992 NE 6TH AVE, MIAMI, FL 33179
APPLICANT	OTOBOD
DESIGNER	OTOBOD
DATE	01/22/08
PROJECT TYPE	ASSISTED LIVING
UNIT TYPE	ASSISTED LIVING
UNIT COUNT	10
LOT AREA	10,000 SQ FT
COVERED AREA	10,000 SQ FT
PERMITTED ZONING	ASSISTED LIVING
APPLICABLE ZONING	ASSISTED LIVING
PERMITTED USES	ASSISTED LIVING
APPLICABLE USES	ASSISTED LIVING
PERMITTED HEIGHT	35 FT
APPLICABLE HEIGHT	35 FT
PERMITTED SETBACKS	FRONT: 10 FT, SIDE: 5 FT, REAR: 10 FT
APPLICABLE SETBACKS	FRONT: 10 FT, SIDE: 5 FT, REAR: 10 FT
PERMITTED PARKING	10 SPACES
APPLICABLE PARKING	10 SPACES
PERMITTED SIGNAGE	1 SIGN
APPLICABLE SIGNAGE	1 SIGN
PERMITTED FLOODING	NO FLOODING
APPLICABLE FLOODING	NO FLOODING
PERMITTED UTILITIES	NO UTILITIES
APPLICABLE UTILITIES	NO UTILITIES
PERMITTED OTHER	NO OTHER
APPLICABLE OTHER	NO OTHER



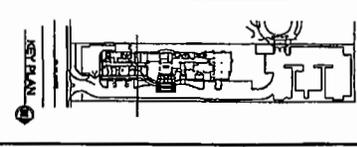
# Solid Oaks Residences Assisted Living

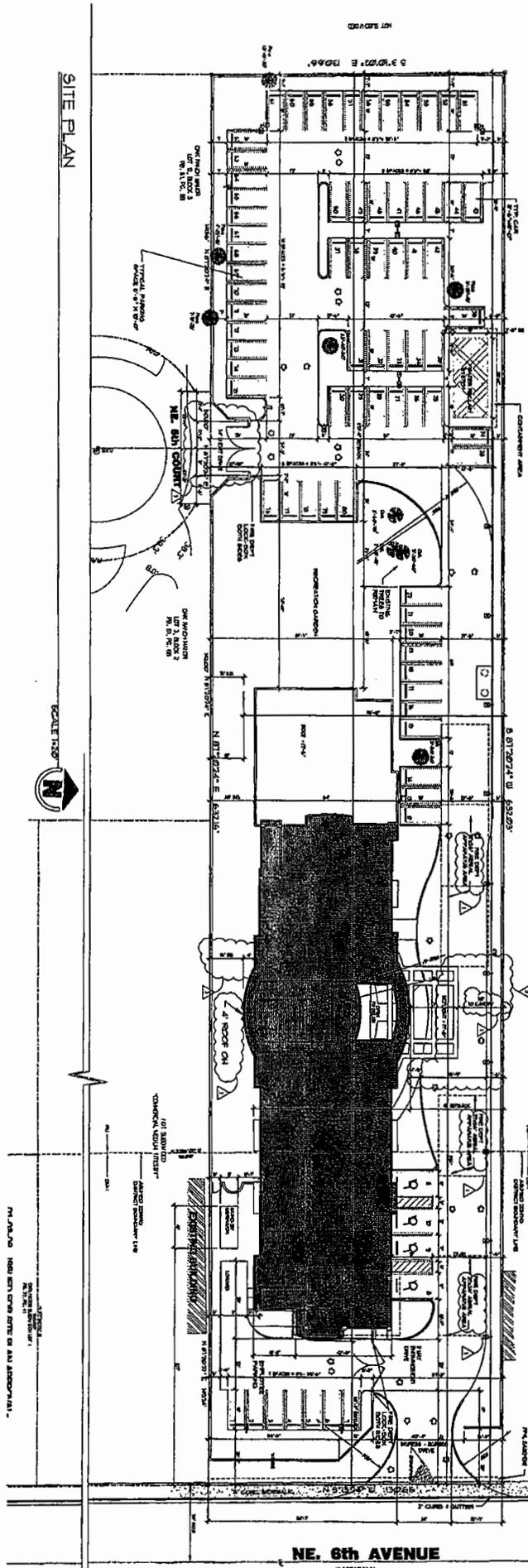
17992 NE 6th Ave  
Miami Florida



NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	01-22-08	OTOBOD
2	ISSUED FOR PERMIT	01-22-08	OTOBOD
3	ISSUED FOR PERMIT	01-22-08	OTOBOD
4	ISSUED FOR PERMIT	01-22-08	OTOBOD
5	ISSUED FOR PERMIT	01-22-08	OTOBOD
6	ISSUED FOR PERMIT	01-22-08	OTOBOD
7	ISSUED FOR PERMIT	01-22-08	OTOBOD
8	ISSUED FOR PERMIT	01-22-08	OTOBOD
9	ISSUED FOR PERMIT	01-22-08	OTOBOD
10	ISSUED FOR PERMIT	01-22-08	OTOBOD
11	ISSUED FOR PERMIT	01-22-08	OTOBOD
12	ISSUED FOR PERMIT	01-22-08	OTOBOD
13	ISSUED FOR PERMIT	01-22-08	OTOBOD

OTOBOD  
A-1





SITE PLAN

ENLARGED SITE PLAN

SCALE 1/8"



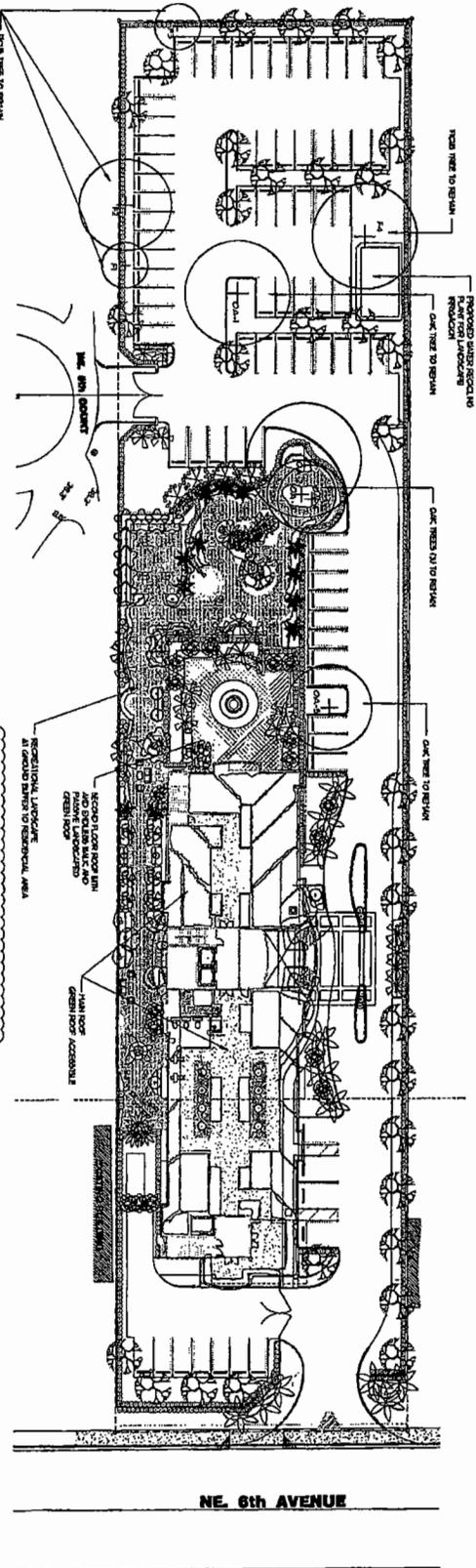
NE. 6th AVENUE

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

**RECEIVED**  
 1/22/08

# Solid Oaks Residences Assisted Living

14782 NE 6th Ave  
Miami Florida



- LANDSCAPE LEGEND**
1. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  2. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  3. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  4. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
- RECREATIONAL LANDSCAPE**
1. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  2. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  3. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES
  4. ALL SPECIES TREES TO BE REPLACED BY IDENTICAL SPECIES

LANDSCAPE LEGEND		CHANGING TREES TO REMAIN	
ZONE	PLANTING	PLANTING	PLANTING
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...
11	...	...	...
12	...	...	...
13	...	...	...
14	...	...	...
15	...	...	...
16	...	...	...
17	...	...	...
18	...	...	...
19	...	...	...
20	...	...	...
21	...	...	...
22	...	...	...
23	...	...	...
24	...	...	...
25	...	...	...
26	...	...	...
27	...	...	...
28	...	...	...
29	...	...	...
30	...	...	...
31	...	...	...
32	...	...	...
33	...	...	...
34	...	...	...
35	...	...	...
36	...	...	...
37	...	...	...
38	...	...	...
39	...	...	...
40	...	...	...
41	...	...	...
42	...	...	...
43	...	...	...
44	...	...	...
45	...	...	...
46	...	...	...
47	...	...	...
48	...	...	...
49	...	...	...
50	...	...	...
51	...	...	...
52	...	...	...
53	...	...	...
54	...	...	...
55	...	...	...
56	...	...	...
57	...	...	...
58	...	...	...
59	...	...	...
60	...	...	...
61	...	...	...
62	...	...	...
63	...	...	...
64	...	...	...
65	...	...	...
66	...	...	...
67	...	...	...
68	...	...	...
69	...	...	...
70	...	...	...
71	...	...	...
72	...	...	...
73	...	...	...
74	...	...	...
75	...	...	...
76	...	...	...
77	...	...	...
78	...	...	...
79	...	...	...
80	...	...	...
81	...	...	...
82	...	...	...
83	...	...	...
84	...	...	...
85	...	...	...
86	...	...	...
87	...	...	...
88	...	...	...
89	...	...	...
90	...	...	...
91	...	...	...
92	...	...	...
93	...	...	...
94	...	...	...
95	...	...	...
96	...	...	...
97	...	...	...
98	...	...	...
99	...	...	...
100	...	...	...

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

MIAMI-DADE COUNTY PLANNING AND ZONING DEPARTMENT

070804

MASTER LANDSCAPE PLAN

1-1

DATE: 05/08/08

BY: [Signature]

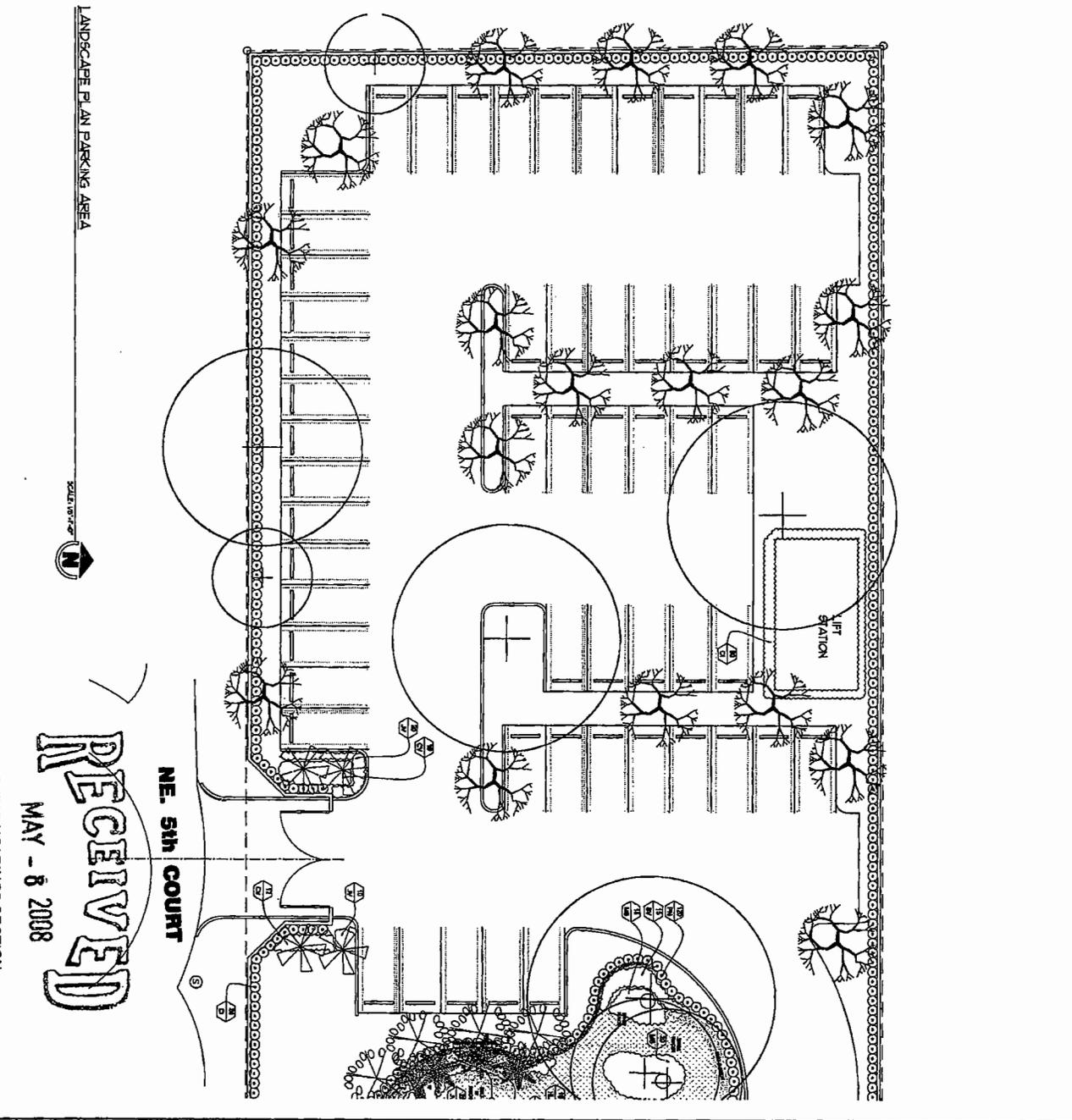
SCALE: 1/8" = 1'-0"

NE. 6th AVENUE

KEY PLAN

25

SYMBOL	NAME	DESCRIPTION	HEIGHT
1	Star	Star-shaped tree	10'-0" to 12'-0"
2	Circle	Round tree	10'-0" to 12'-0"
3	Triangle	Triangular tree	10'-0" to 12'-0"
4	Square	Square tree	10'-0" to 12'-0"
5	Circle with cross	Tree with cross symbol	10'-0" to 12'-0"
6	Circle with dot	Tree with dot symbol	10'-0" to 12'-0"
7	Circle with horizontal lines	Tree with horizontal lines	10'-0" to 12'-0"
8	Circle with vertical lines	Tree with vertical lines	10'-0" to 12'-0"
9	Circle with diagonal lines	Tree with diagonal lines	10'-0" to 12'-0"
10	Circle with wavy lines	Tree with wavy lines	10'-0" to 12'-0"
11	Circle with concentric circles	Tree with concentric circles	10'-0" to 12'-0"
12	Circle with spiral	Tree with spiral pattern	10'-0" to 12'-0"
13	Circle with dots	Tree with dots	10'-0" to 12'-0"
14	Circle with triangles	Tree with triangles	10'-0" to 12'-0"
15	Circle with squares	Tree with squares	10'-0" to 12'-0"
16	Circle with diamonds	Tree with diamonds	10'-0" to 12'-0"
17	Circle with stars	Tree with stars	10'-0" to 12'-0"
18	Circle with crosses	Tree with crosses	10'-0" to 12'-0"
19	Circle with pluses	Tree with pluses	10'-0" to 12'-0"
20	Circle with asterisks	Tree with asterisks	10'-0" to 12'-0"
21	Circle with hash marks	Tree with hash marks	10'-0" to 12'-0"
22	Circle with percent signs	Tree with percent signs	10'-0" to 12'-0"
23	Circle with ampersands	Tree with ampersands	10'-0" to 12'-0"
24	Circle with at signs	Tree with at signs	10'-0" to 12'-0"
25	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
26	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
27	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
28	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
29	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
30	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
31	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
32	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
33	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
34	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
35	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
36	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
37	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
38	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
39	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
40	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
41	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
42	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
43	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
44	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
45	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
46	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
47	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
48	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
49	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
50	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
51	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
52	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
53	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
54	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
55	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
56	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
57	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
58	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
59	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
60	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
61	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
62	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
63	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
64	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
65	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
66	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
67	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
68	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
69	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
70	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
71	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
72	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
73	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
74	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
75	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
76	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
77	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
78	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
79	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
80	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
81	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
82	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
83	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
84	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
85	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
86	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
87	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
88	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
89	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
90	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
91	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
92	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
93	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
94	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
95	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
96	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"
97	Circle with dollar signs	Tree with dollar signs	10'-0" to 12'-0"
98	Circle with pound signs	Tree with pound signs	10'-0" to 12'-0"
99	Circle with yen signs	Tree with yen signs	10'-0" to 12'-0"
100	Circle with euro signs	Tree with euro signs	10'-0" to 12'-0"



LANDSCAPE PLAN PARKING AREA

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

NE 5th COURT

**RECEIVED**

MAY - 8 2008

ZONING HEARINGS SECTION

MIAMI-DADE PLANNING AND ZONING DEPT.

PLATTED: 06-23-08

**NOTES:**

1. REFER TO SHEET 070604 FOR SITE PLAN.

2. REFER TO SHEET 070604 FOR LANDSCAPE PLAN.

3. REFER TO SHEET 070604 FOR PAVING PLAN.

4. REFER TO SHEET 070604 FOR UTILITY PLAN.

5. REFER TO SHEET 070604 FOR EROSION CONTROL PLAN.

6. REFER TO SHEET 070604 FOR DRAINAGE PLAN.

7. REFER TO SHEET 070604 FOR LIGHTING PLAN.

8. REFER TO SHEET 070604 FOR SIGNAGE PLAN.

9. REFER TO SHEET 070604 FOR FURNITURE PLAN.

10. REFER TO SHEET 070604 FOR OTHER PLAN.

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	06-23-08	ISSUED FOR PERMIT
2	06-23-08	ISSUED FOR PERMIT
3	06-23-08	ISSUED FOR PERMIT
4	06-23-08	ISSUED FOR PERMIT
5	06-23-08	ISSUED FOR PERMIT
6	06-23-08	ISSUED FOR PERMIT
7	06-23-08	ISSUED FOR PERMIT
8	06-23-08	ISSUED FOR PERMIT
9	06-23-08	ISSUED FOR PERMIT
10	06-23-08	ISSUED FOR PERMIT

Copyright © 2008 by M&G, Inc. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of M&G, Inc.

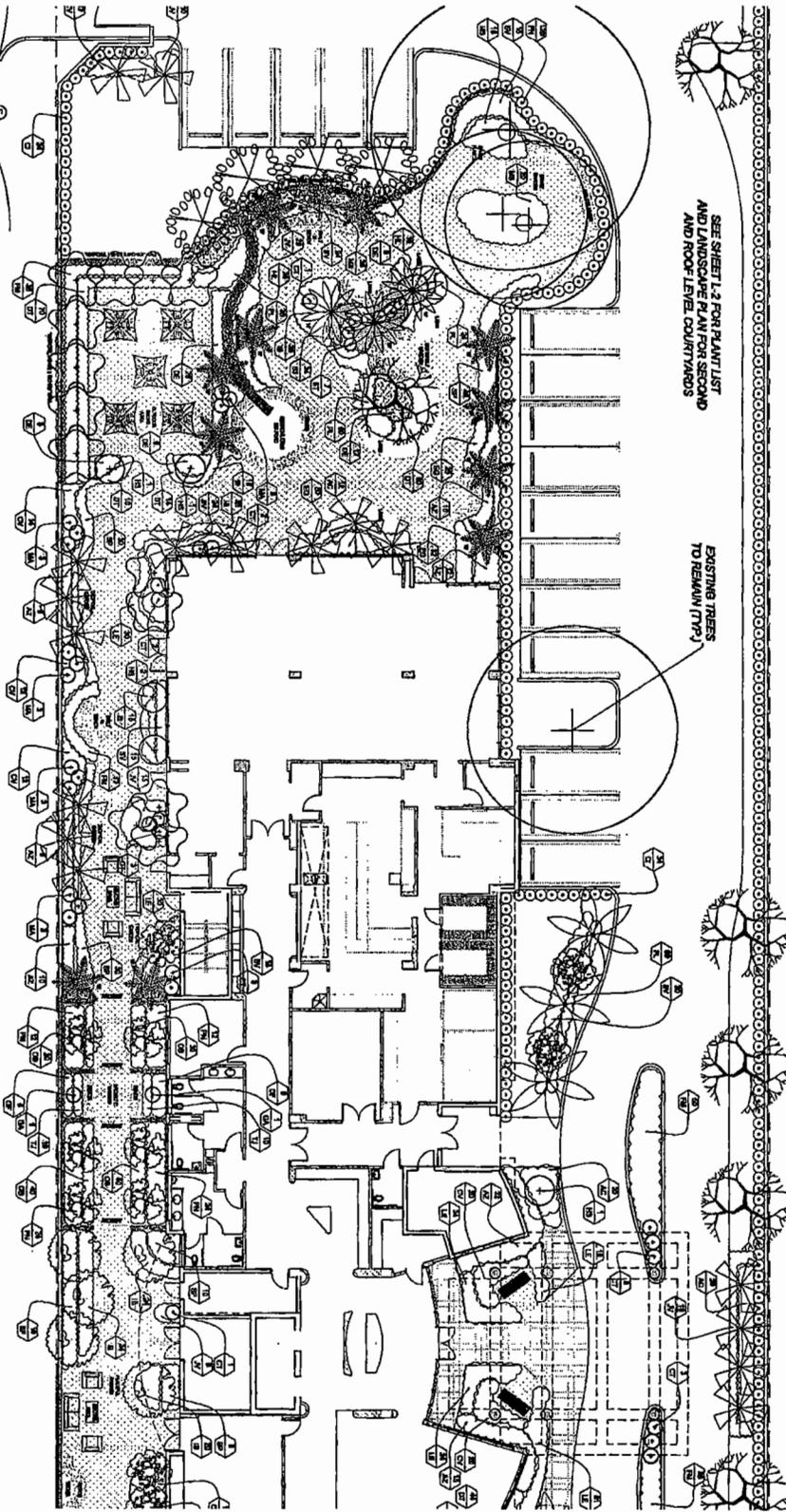
JURT



SEE SHEET 1, 2 FOR PLANT LIST  
AND LANDSCAPE PLAN FOR SECOND  
AND ROOF-LEVEL COURTYARDS

EXISTING TREES  
TO REMAIN (TVP)

LANDSCAPE PLAN GROUND FLOOR WEST



**RECEIVED**

MAY - 8 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

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



PLANNING 01-09-00

PROJECT NO.	070604
DATE	1-3-08
DESIGNER	M&G, INC.
SCALE	1/8" = 1'-0"
DATE	5-13-08

LANDSCAPE PLAN  
GROUND FLOOR  
WEST

RESIDENCES AT  
SOLID OAKS  
ASSISTED LIVING



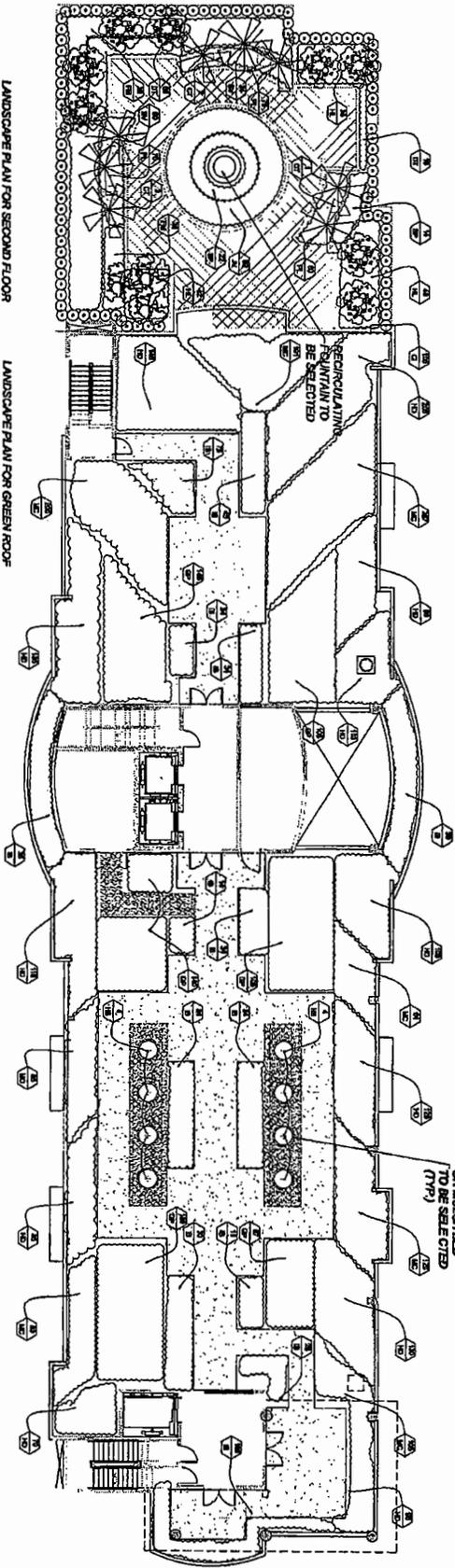
LANDSCAPE PLAN



DATE: 5-13-08  
SCALE: 1/8" = 1'-0"

**M&G, Inc.**  
Landscape Architecture  
1100 S.W. 15th St., Suite 100  
Miami, FL 33135  
Tel: 305.371.1100  
Fax: 305.371.1101  
www.mginc.com





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



**RECEIVED**  
 MAY - 8 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

<p>RESIDENCES AT          SOLID OAKS          ASSISTED LIVING</p>			
<p>PROJECT NO. 070804</p>			
<p>DATE: 1-5-08</p>			
<p>SCALE: 1/8" = 1'-0"</p>			
<p>DATE: 5-13-08</p>			



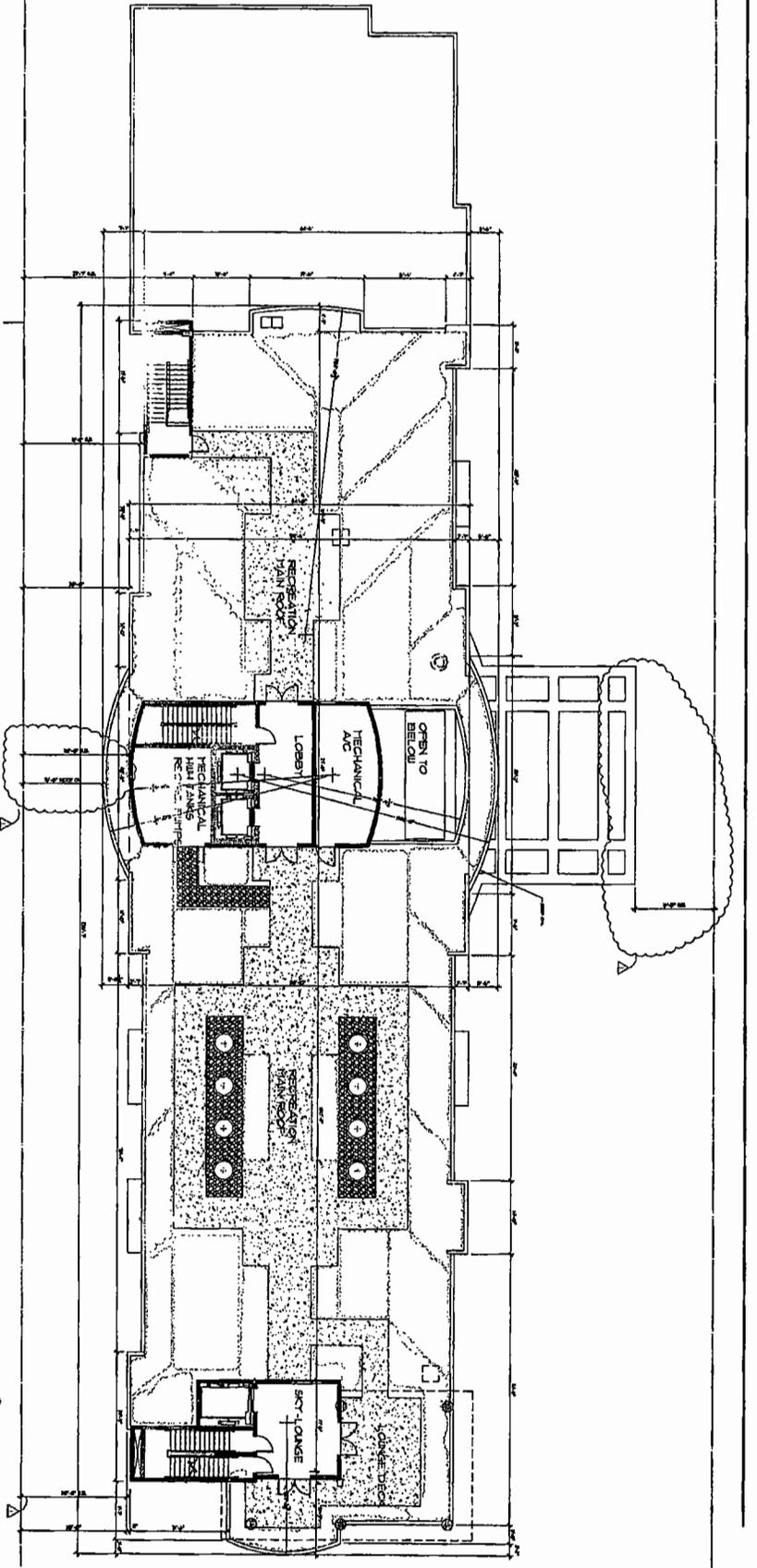






CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

MAIN ROOF PLAN (94'-0" DATUM)



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

**RECEIVED**  
 JAN - 4 2008

01-28-08 ISSUED FOR SITE MAINTENANCE  
 02-24-08 ISSUED FOR CLIENT REVIEW  
 02-19-07 ISSUED FOR CLIENT REVIEW

PLOTTED: 01-28-08

DATE	DESCRIPTION
01-28-08	ISSUED FOR SITE MAINTENANCE
02-24-08	ISSUED FOR CLIENT REVIEW
02-19-07	ISSUED FOR CLIENT REVIEW

070604

A-5

RESIDENCES AT  
 SOLID OAKS  
 ASSISTED LIVING

ROOF PLAN

SCALE: 1/4" = 1'-0"

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

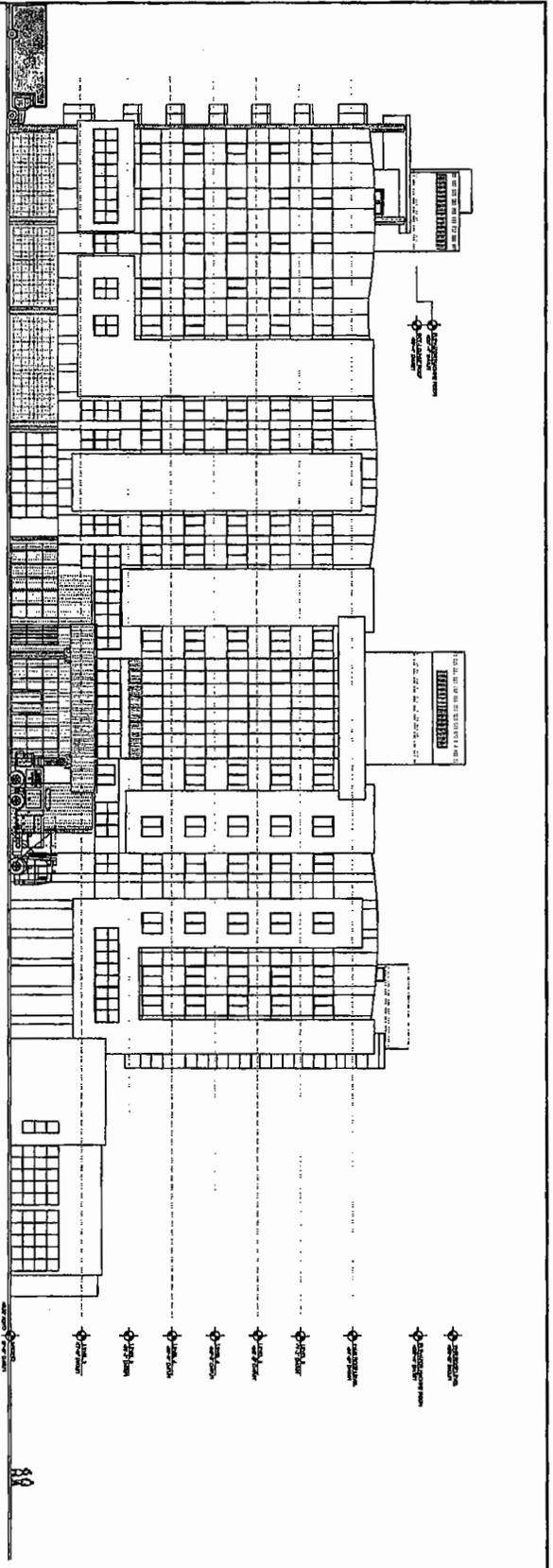
PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1

DATE: 01-28-08

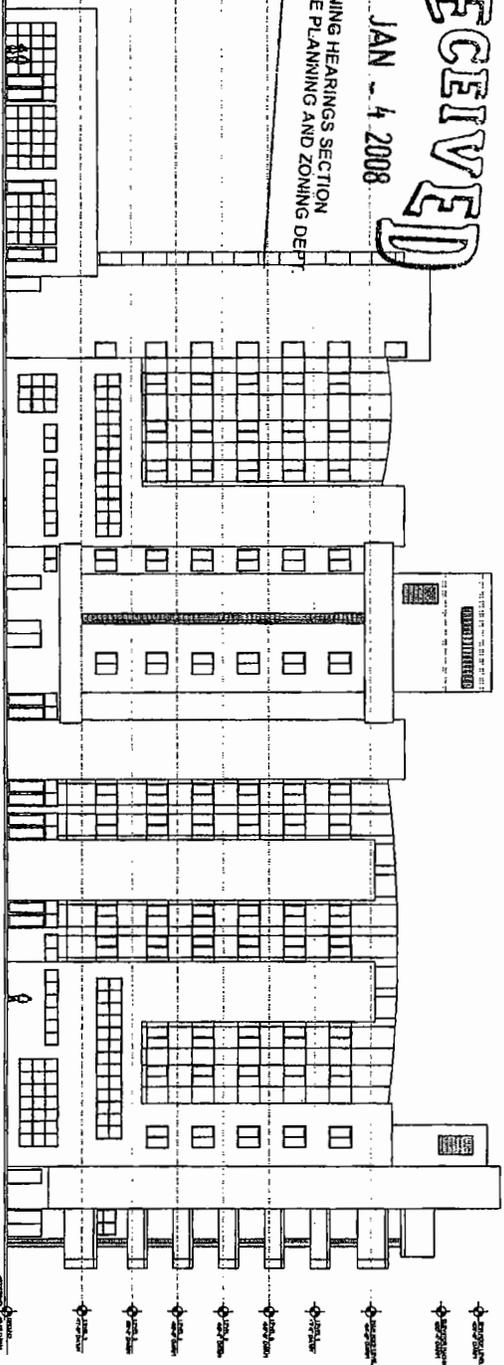
PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING

NO. 1



SIDE (NORTH) MAIN ELEVATION

SCALE 3/8"=1'-0"



SIDE (SOUTH) ELEVATION

SCALE 3/8"=1'-0"

**RECEIVED**  
 JAN 4 2008

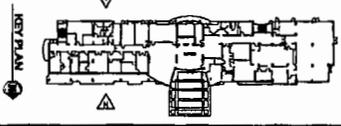
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT  
 BY \_\_\_\_\_

ISSUED FOR THE PLAN APPROVAL  
 BOARD FOR THE MIAMI-DADE COUNTY  
 BOARD FOR THE MIAMI-DADE COUNTY  
 BOARD FOR THE MIAMI-DADE COUNTY

PLOTTED: 06-04-08



**mejer golin dia**  
 architects llc  
 1000 Biscayne Blvd., Suite 1000  
 Miami, FL 33132  
 Phone: 305.371.1111  
 Fax: 305.371.1112  
 www.mejergolin.com



NEW PLAN

NO.	DATE	REVISIONS
1	07/08/04	ISSUED FOR THE PLAN APPROVAL
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

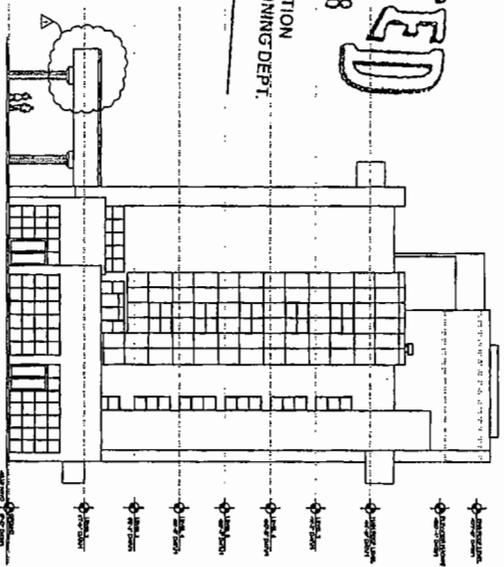
PROJECT: NORTH & SOUTH ELEVATIONS  
 DRAWN BY: A-G  
 CHECKED BY: A-G  
 DATE: 07/08/04  
 SCALE: 3/8"=1'-0"

35

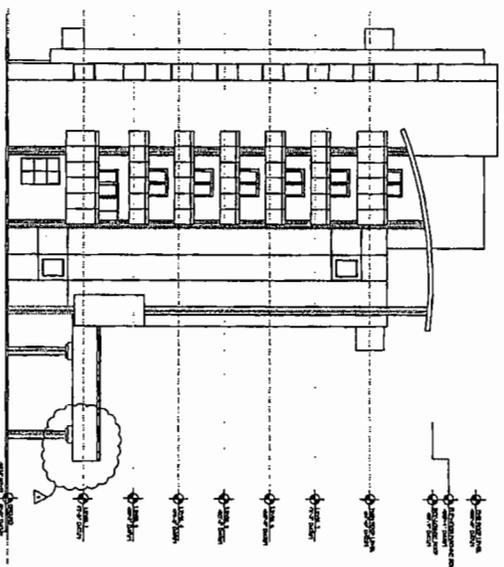
# RECEIVED

JAN - 4 2008

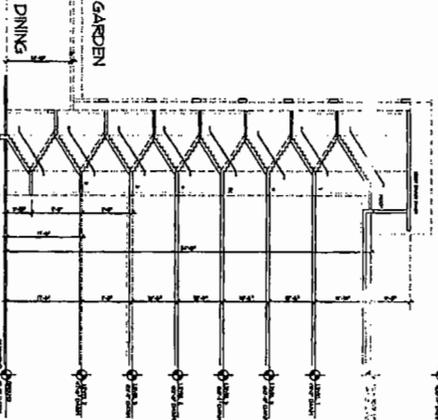
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_



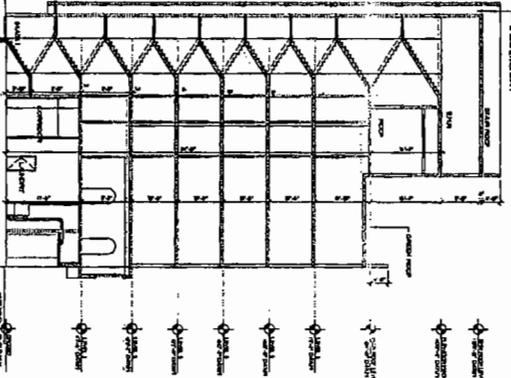
REAR ELEVATION (WEST)



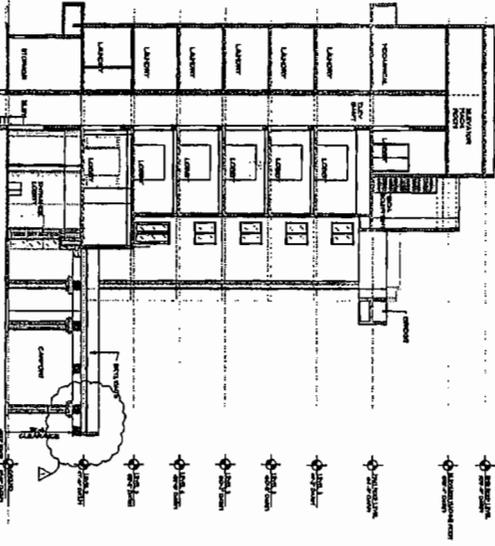
FRONT ELEVATION (EAST)



PARTIAL SECTION STAIR 2



PARTIAL SECTION STAIR 1



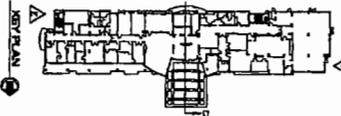
SECTION "D" - THRU ENTRANCE

DATE: 06-14-07  
 DRAWN BY: J. L. GARDNER  
 CHECKED BY: J. L. GARDNER  
 REVISIONS:  
 06-14-07 SECTION FROM CLIENT REVIEW

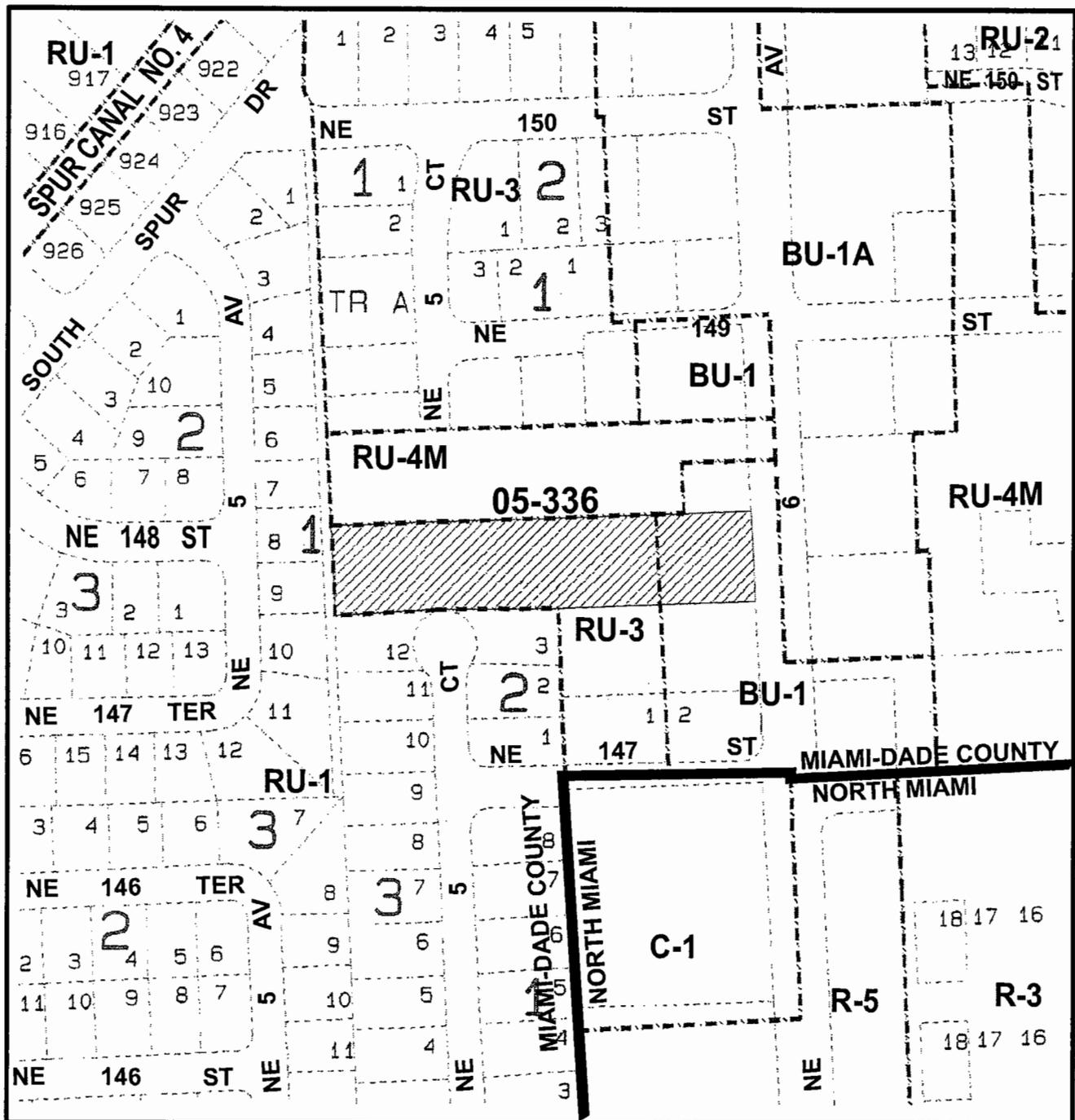
DATE: 06-14-07

NO.	DATE	DESCRIPTION
1	06-14-07	SECTION FROM CLIENT REVIEW

PROJECT: RESIDENCES AT SOLID OAKS ASSISTED LIVING  
 ADDRESS: 10000 SW 15th St, Miami, FL 33185  
 CLIENT: SOLID OAKS ASSISTED LIVING  
 ARCHITECT: J. L. GARDNER ARCHITECTS, INC.  
 PROJECT NO.: 070604  
 SHEET NO.: A-7  
 TOTAL SHEETS: 13

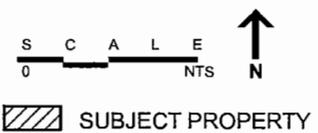


SITE PLAN



**MIAMI-DADE COUNTY  
HEARING MAP**

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  
**AERIAL**

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



**1. EMMANUEL HILARIE & ALTIDA MAJISTE**  
**(Applicant)**

**09-2-CZ8-1 (08-147)**  
**Area 8/District 2**  
**Hearing Date: 2/18/09**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1948	Dade County Zoning Department	Zone change from RU-1 to Ru-1B.	BCC	Approved

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

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

**APPLICANTS:** Emmanuel Hilarie and Altida Majiste

**PH:** Z08-147 (09-2-CZ8-1)

**SECTION:** 35-52-41

**DATE:** February 18, 2009

**COMMISSION DISTRICT:** 2

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) Applicants are requesting to permit a single-family residence setback 24.76' (25' required) from the front (east) property line and to permit a bedroom, bath and utility room addition setback a minimum of 6.05' (6.65' required) from the interior side (north) property line.
- (2) Applicants are requesting to permit a storage building setback 70.6' (75' required) from the front (east) property line, setback a minimum of 1.46' (6.65' required) from the interior side (north) property line, setback a minimum of 4.38' (5' required) from the rear (west) property line and spaced 9.9' (10' required) from the residence.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Existing Addition to be Legalized Emmanuel Hilarie & W. Jeanie," as prepared by Gollaville Krishna Rao, P. E., Sheet "A104" dated stamped received 8/4/08 and the remaining 3 sheets dated stamped received 10/17/08 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval to allow the continued use of an existing single-family residence setback less than required from the front property line and to allow the continued use of an existing addition setback less than required from the interior side property line. Additionally, the applicants are seeking to allow the continued use of an existing storage building setback less than required from the front, interior side and rear property lines and spaced less than required from the existing single-family residence.

o **LOCATION:**

11650 N.W. 10 Avenue, Miami-Dade County, Florida..

o **SIZE:** 6,650 sq. ft.

**B. ZONING HEARINGS HISTORY:**

In 1948, pursuant to Resolution #2972, the subject property was part of a larger tract of land where the Board of County Commissioners granted a district boundary change to RU-1b (Single Family Residential Bungalow). In 1953, the subject property was subject to a Resolution which abolished the RU-1b, Single Family Residential Bungalow zone classification and rezoned all areas at the time zoned RU-1b to RU-1, pursuant to Resolution #5711. Furthermore, the aforementioned Resolution established as conforming any lots subdivided prior to the date of the Resolution, February 24, 1953.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-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.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING:**

**LAND USE PLAN DESIGNATION:**

Subject Property:

RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

SOUTH: RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

EAST: RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

WEST: RU-1; single-family residence

Low Medium Density Residential, 6 to 13 du

The subject property is located at 11650 NW 10 Avenue, and is developed with a single-family residence. The surrounding area is predominantly single family residences.

**E. SITE AND BUILDINGS:**

Site Plan Review:

(Plans submitted)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable**

Landscape Treatment:

**N/A**

Open Space:

**N/A**

Buffering:

**Acceptable**

Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**\*on a modified basis**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.**

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

**(c) Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a “blank wall”; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

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

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

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

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

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

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

**G. NEIGHBORHOOD SERVICES:**

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

**H. ANALYSIS:**

The subject property is located at 11650 NW 10 Avenue, in an area characterized by single-family homes. The applicants are seeking to permit the maintenance and continued use of an existing single-family residence setback 24.76' from the front (east) property line where 25' is required and to allow the continued use of an existing bedroom, bath and utility room addition to a single-family residence setback 6.05' from the interior side (north) property line where 6.65' is required. Additionally, the applicants are seeking to permit the maintenance and continued use of an existing storage building setback 70.6' from the front (east) property line, setback 1.46' from the interior side (north) property line where 6.65' is required, setback 4.38' from the rear (west) property line where 5' is required and spaced 9.9' from the existing single-family residence where a 10' minimum spacing is required. The applicants have submitted plans for this application depicting the aforementioned single-family residence, bedroom, bath and utility room addition and existing storage building.

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. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **5:12** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Medium Density Residential** use, permitting from 6 to 13 dwelling units per gross acre. The existing single-family residence, bedroom, bath and utility room addition to the single-family residence and existing storage building will not add any additional

dwelling units to the site. Therefore, the existing single-family residence, on this RU-1 zoned 6,650 sq. ft. lot is **consistent** with the Master Plan.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that Request #1, to permit the existing single-family residence setback 24.76' (25' required) from the front (east) property line, and to permit the maintenance and continued use of an existing bedroom, bath and utility room addition setback 6.05' (6.65' required) from the interior side (north) property line would not negatively affect the appearance of the surrounding community. Staff notes, that the 0.25' encroachment of the existing single-family residence and covered porch addition into the front 25' setback area and the 0.60' encroachment into the 6.65' interior side setback area of the existing bedroom, bath and utility room addition which were constructed within the footprint of a previous carport are minor and probably due to an inadvertent construction error that occurred when the single-family residence was built. Additionally, the applicants are requesting to permit the maintenance and continued use of an existing storage building setback 70.6' from the front (east) property line where 75' is required, setback 1.46' from the interior side (north) property line where 6.65' is required, setback 4.38' from the rear (west) property line where 5' is required and spaced 9.9' from the existing single family residence where 10' spacing is required (Request #2). Staff notes that the 4.40' encroachment of the storage building into the front 75' setback area will be buffered from the neighboring property across NW 10 Avenue by the existing single-family residence which is located in front of the existing storage building and that the 0.62' encroachment into the rear 5' setback area is minor. However, staff recommends that in order to diminish the visual impact of the storage building on the neighboring property to the west, a 6' high wood fence or wall or hedge be provided along the rear (west) property line. Moreover, staff opines that the 5.19' encroachment of the storage building into the interior side (north) setback area is too intense and would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. As such, staff recommends the approval of this request on a modified basis. Staff opines that the northerly 5.19' portion of the storage building shall be demolished in order to provide the 6.65' interior side setback requirement as per the zoning regulations. Additionally, the applicants are seeking to allow the storage building to encroach 0.10' into the required 10' spacing between the existing single-family residence and the existing storage building. Staff opines that the 0.10' encroachment is minor and is interior to the site and does not cause any negative visual impact to the neighboring properties. In staff's opinion, approval of Requests #1 and approval of Request #2 on a modified basis with conditions will not result in an obvious departure from the aesthetic character of the immediate vicinity. Staff notes that the approval of Request #2 on a modified basis is **compatible** with the area as several similar approvals have been granted in the vicinity. In 1967, pursuant to Resolution #Z-234-67, the Board of County Commissioners granted the approval of a carport to setback 1'6" from the interior side property line where 5' is required on a parcel of land located at 870 NW 116 street and in 1992, pursuant to Resolution #4-ZAB-388-92, the Zoning Appeals Board granted, among other things, the approval to allow a carport addition setback 1.75' from the front property line where 75' is required and setback 1' from the interior side property line where 5.5' is required and spaced 0' where 10' is required from the principal residence on a parcel of land located at 779 NW 118 Street. As such, staff recommends approval of Request #1 and approval of Request #2 on a modified basis with conditions under Section 33-311(A)(4)(b) (NUV).

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

When analyzed under the Alternative Non-Use Variance (ANUV) 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 said requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that this property can be developed under the RU-1 applicable zoning regulations; therefore, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

Based on all of the foregoing, staff recommends approval with conditions of request #1 and approval with conditions on a modified basis of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

Approval with conditions of request #1 and approval on a modified basis of request #2 to show the removal of the northerly 5.19' of the storage building under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but no be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Existing Addition to be Legalized Emmanuel Hilarie & W. Jeanie," as prepared by Gollaville Krishna Rao, P. E., Sheet "A104" dated stamped received 8/4/08 and the remaining 3 sheets dated stamped received 10/17/08 for a total of 4 sheets, except as amended to show the removal of the northerly 5.19' of the storage building. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not required further public hearing action.
3. That buffering be provided along the rear (west) property line either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection.

4. That the use be established and maintained in accordance with the approved plan.
5. That the applicants secure a building permit for the existing non-permitted storage building and existing bedroom, bath, and utility room addition from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

**DATE INSPECTED:**

**DATE TYPED:**

01/15/09

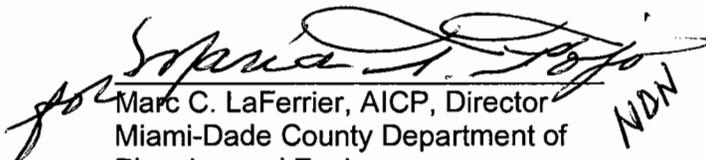
**DATE REVISED:**

01/20/09; 02/04/09; 02/11/09

**DATE FINALIZED:**

02/11/09

MCL:MTF:NN:NC:AA

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

NON

# Memorandum

**Date:** August 13, 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 #Z2008000147  
Emmanuel Hilarie and Altida Majiste  
11650 N.W. 10<sup>th</sup> Avenue  
Request to Permit an Accessory Structure that Exceeds Setback  
Requirements  
(RU-1) (0.12 Acres)  
35-52-41

---

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

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

#### Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: EMMANUEL HILARIE & ALTIDA MAJISTE

This Department has no objections to this application.

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

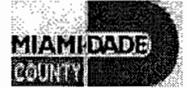
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

12-SEP-08

# Memorandum



**Date:** 18-AUG-08  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000147

## Fire Prevention Unit:

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

## Service Impact/Demand:

Development for the above Z2008000147  
located at 11650 N.W. 10 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0592 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 5:12 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 65' Sqr, TRT-1

## Planned Service Expansions:

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

## Fire Planning Additional Comments:

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

EMMANUEL HILARIE & ALTIDA  
MAJISTE

11650 NW 10 AVENUE, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000147

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

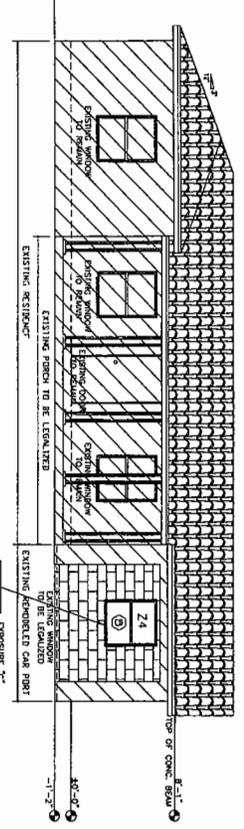
200804005478 No ONC violation found case closed on 8/28/08.

A. Williams

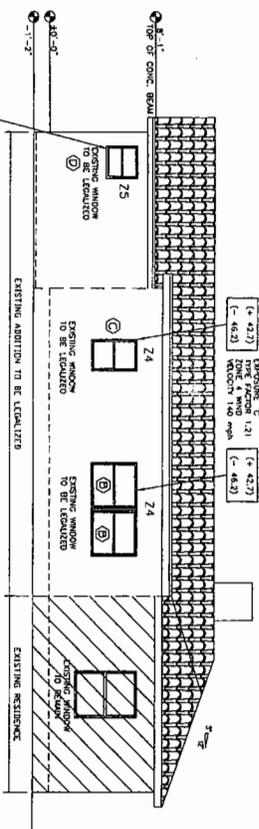




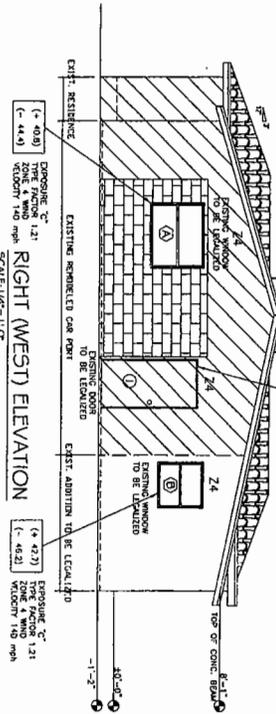




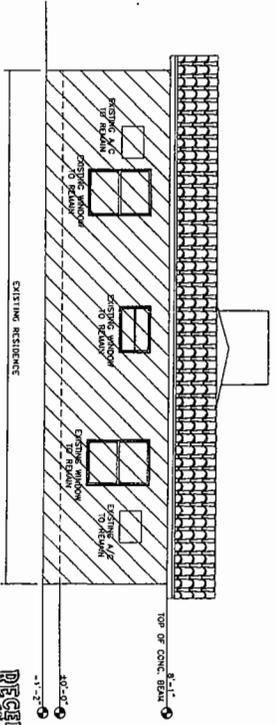
FRONT (NORTH) ELEVATION  
SCALE: 1/4"=1'-0"



REAR (SOUTH) ELEVATION  
SCALE: 1/4"=1'-0"



RIGHT (WEST) ELEVATION  
SCALE: 1/4"=1'-0"



LEFT (EAST) ELEVATION  
SCALE: 1/4"=1'-0"

**RECEIVED**  
2008-11-17  
2008

ZONING HEARINGS SECTION  
HERNAN-DADE PLANNING AND ZONING DEPT.

**RECEIVED**  
2008-11-17  
2008

DATE	02/20/08
SCALE	AS SHOWN
BY/OWNER	EMMANUEL
A102	
4 OF 12 SHEETS	

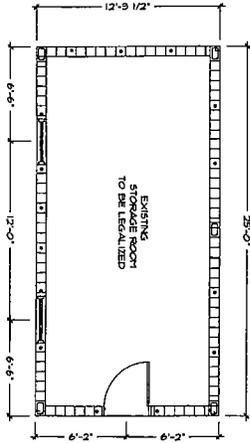
**GOLLAVILLE KRISHNA RAO, P.E.**  
**PROFESSIONAL ENGINEER**  
 PROFESSIONAL ENGINEER # 59329  
 8060 WEST 23RD AVE. SUITE # 7, MALEAH, FL 33006  
 PH. - (305) 826-3855

*Emmanuel*  
6/19/08

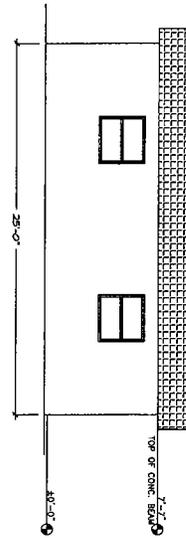
**EXISTING ADDITION TO BE LEGALIZED**  
**EMMANUEL HILARIE & W. JEANINE**  
 1650 NW 10 AVE  
 MIAMI, Florida 33168  
 FOLIO- 00-255-016-0081

REVISION	
BY	
DATE	
DESCRIPTION	

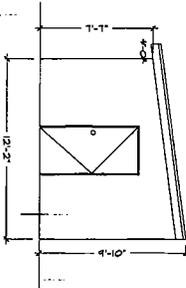
19



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



EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"

**RECEIVED**  
AUG 04 2008  
ZONING HEARINGS SECTION  
HIGHLAND PLANNING AND ZONING DEPT.

**RECEIVED**  
AUG 14 2008

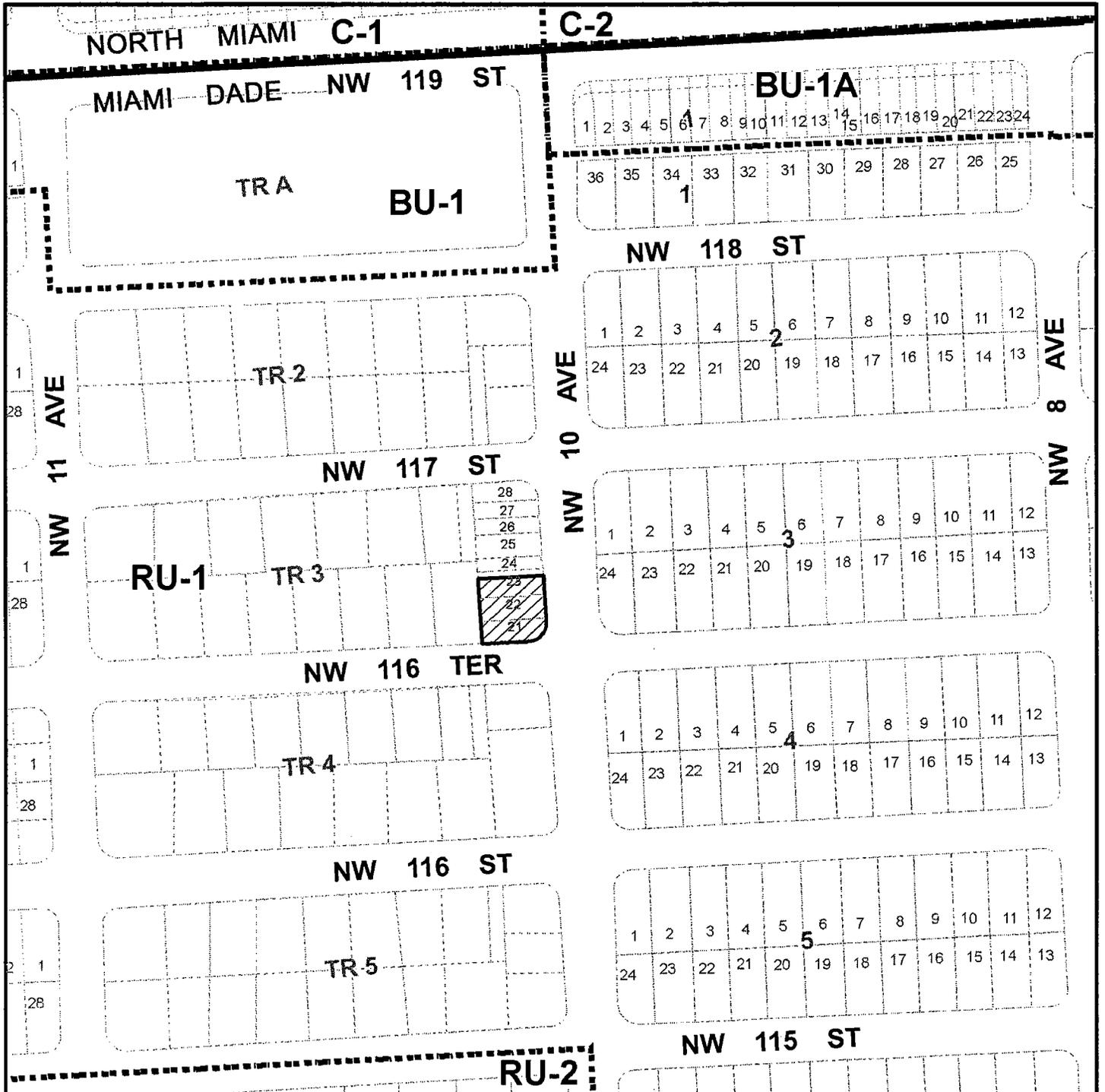
DESIGN	LT
CHECKED	
DATE	07/20/08
SCALE	AS SHOWN
PROJECT	10000
DRAWN BY	BT/LABEL
A104	
OF 3 SHEETS	

**GOLLVILLE KRISHNA RAO, P.E.**  
PROFESSIONAL ENGINEER  
PROFESSIONAL ENGINEER # 56329  
8080 WEST 22nd AVE. SUITE # 7, HALEAH, FL. 32068  
PH. - (305) 825-3855

*G. Krishna Rao*  
2/2/08

**EXISTING ADDITION TO BE LEGALIZED**  
EMMANUEL HILARIE & W. JEANINE  
1650 NW 10 AVE  
MIAMI, Florida 33168  
FOLIO- 30-203-076-0351

REVISIONS	BY

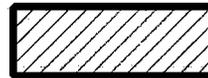


**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 35 Township: 52 Range: 41  
 Applicant: EMMANUEL HILARE & ALTIDA MAJISTE  
 Zoning Board: C08  
 Commission District: 2  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number

**08-147**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/08/08

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2008**

**Section: 35 Township: 52 Range: 41**

**Applicant: EMMANUEL HILARE & ALTIDA MAJISTE**

**Zoning Board: C08**

**Commission District: 2**

**Drafter ID: JEFFER**

**Scale: NTS**

**----- Zoning**

**Process Number**

**08-147**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/08/08

REVISION	DATE	BY