



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, SEPTEMBER 23, 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. ALL STATE FLORIDA BUILDERS (09-7-CZ8-2/08-013)

**15-53-41
Area 8/District 3**

- (1) SPECIAL EXCEPTION to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot.
- (2) Applicant is requesting to permit a parcel of land with a lot frontage of 61.28' (75' required) and a lot area of 5,425.05 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of Request #2 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 "Humberto Rodriguez Residence 6099 NW 25 Ave Miami, Florida," as prepared by Antonio Acosta, consisting of 3 sheets, Sheets A-0 and A-2 dated stamped received 2/20/08 and Sheet A-1 dated stamped received 1/22/08. Plans may be modified at public hearing.

LOCATION: The southeast corner of N.W. 61 Street and N.W. 25 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 61.3' x 88.5'

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from 07-22-2009

DEFERRED: _____

1. LUCIE Q JOSEPH (09-9-CZ8-1/09-023)

**36-52-41
Area 8/District 3**

- (1) UNUSUAL USE for a day care center.
- (2) Applicant is requesting to permit the day care center setback 15' (25' required) from the side street (east) property line and setback 6.8' (15' required) from the interior side (west) property line.
- (3) Applicant is requesting to permit a 2-way drive with a width of 14' (20' required).
- (4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 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 "Joseph Day Nursery," as prepared by Medeiros Architectural Group, Inc., Sheets SP-1 and L-1 dated stamped received 5/28/09 and the remaining sheets dated stamped received 2/18/09 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: 11020 N.W. 2 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 65.19' x 171'

Department of Planning and Zoning Recommendation:

Denial without prejudice.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. MILO & ASSOCIATES OF MIAMI, INC. (09-9-CZ8-2/09-063)

**16-53-41
Area 8/District 2**

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (50' required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) 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 "Proposed Bicycle Repair Shop for Milo & Associates of Miami Inc.," as prepared by Burgos Lanza & Associates, and consisting of 4 sheets, dated stamped received 7/17/09, with Sheet A1.00 handwritten revision dated 7/29/09. Plans may be modified at public hearing.

LOCATION: Lying north of N.W. 58 Street, approximately 160' west of N.W. 27 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 40' x 129'

Department of Planning and Zoning Recommendation:

Approval with conditions under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice under Section 33-311(A)(16) (ASDO) and Section 33-311(A)(4)(c) (ANUV).

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

**3. MIAMI-DADE COUNTY (09-9-CZ8-3/09-073)
PUBLIC WORKS DEPARTMENT**

**26/29-53-41
Area 8/District 2**

Applicant is requesting to waive the zoning regulations requiring N.W. 37 Avenue to be 70' in width; to permit 0' of dedication along a portion of N.W. 37 Avenue.

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

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Specific Purpose Survey Sketch of N.W. 37 Avenue Road Closure," as prepared by R. Batillo and dated 05/19/09.

LOCATION: N.W. 37 Avenue between N.W. North River Drive and approximately 170' south of the centerline of N.W. 36 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1 Acre

Department of Planning and Zoning Recommendation:

Approval of the application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in

Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

A. ALL STATE FLORIDA BUILDERS
(Applicant)

09-7-CZ8-2 (08-013)
Area 8/District 3
Hearing Date: 9/23/09

Property Owner (if different from applicant) **Humberto Rodriguez**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1958	W. H. Lunsford	- Lot Frontage - Bungalow Court	BA	Approved w/Conds.

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

#2

APPLICANT'S NAME: **ALL STATE FLORIDA BUILDERS**

REPRESENTATIVE: Umberto Rodriguez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
09-7-CZ8-2 (08-013)	July 22, 2009	CZAB8 09

REC: Denial without prejudice

- WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: Sept 23, 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 Board's request so the applicant and staff can do research on the non-conforming lots.

TITLE	M/S	NAME	YES	NO	ABSENT
VICE CHAIRMAN	M	Richard C. BROWN (C.A.)	X		
COUNCILMAN		Patrick CURE			X
COUNCIL WOMAN DR.		Joy J. Davis	X		
COUNCILMAN		Arthemon JOHNSON	X		
COUNCIL WOMAN		Voncarol Yvette KINCHEN	X		
COUNCILMAN	S	Fredericke Alan MORLEY	X		
CHAIRMAN		Vernell EVERETT	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: DAVID HOPE

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

APPLICANT: All State Florida Builders, Inc.

PH: Z08-013 (09-7-CZ8-2)

SECTION: 15-53-41

DATE: September 23, 2009

COMMISSION DISTRICT: 3

ITEM NO.: A

A. INTRODUCTION:

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot.
- (2) Applicant is requesting to permit a parcel of land with a lot frontage of 61.28' (75' required) and a lot area of 5,425.05 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of Request #2 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 "Humberto Rodriguez Residence 6099 NW 25 Ave Miami, Florida," as prepared by Antonio Acosta, consisting of 3 sheets, Sheets A-0 and A-2 dated stamped received 2/20/08 and Sheet A-1 dated stamped received 1/22/08. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** This application will allow the re-subdivision and re-facing of a portion of 2 platted lots into 1 proposed lot and will also allow for the construction of a single-family residence on a lot with less lot frontage and area than required.
- o **LOCATION:** The southeast corner of N.W. 61 Street and N.W. 25 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 61.3' x 88.50'

- B. ZONING HEARINGS HISTORY:** In 1958, the subject site was part of two platted lots that were granted approval of a request to permit a bungalow court on an 88.4' X 140.45' tract of land (Lots 6 and 7, Block 2, Spring Hill Subdivision, PB 19, Page 40), pursuant to BA11-58. In 1986, the subject site was included as part of an application that encompassed a larger tract of land, filed by the then Directors of the Building and Planning Departments which sought a zone change from RU-3B, Bungalow Court, to RU-1, Single-Family Residential District, and was approved by the Board of County Commissioners (BCC), pursuant to Resolution No. Z-272-86.

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. **Policy LU-1C**
 Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
3. **Objective LU-12**
 Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-1, Vacant	Low-Medium Density Residential, 6 to 13 dua
<u>Surrounding Properties:</u>	
<u>NORTH:</u> RU-2; Single-family residence and duplex	Low-Medium Density Residential, 6 to 13 dua
<u>SOUTH:</u> RU-1; Duplex	Low-Medium Density Residential, 6 to 13 dua
<u>EAST:</u> RU-1; Four-plex	Low-Medium Density Residential, 6 to 13 dua
<u>WEST:</u> RU-3B; Miami-Dade County Bus Depot	Medium Density Residential, 13 to 25 dua

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide 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 planned and budgeted for construction, area 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 of and its development.

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:

(d) The lot area, frontage, or depth for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

- B. the proposed alternative development will not result in the further subdivision of land; and
 - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
 - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:
- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
 - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
 - C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
3. the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and

- B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
 - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
 - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
 - E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (g) Notwithstanding the foregoing,** no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
 - 2. will have substantial negative impact on public safety due to unsafe automobile

movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire;
or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

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

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances from the terms of the zoning regulations the Board (following a public hearing) may grant a non-use variance for these items, upon a

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the July 22, 2009 meeting to allow the applicant time to meet with staff. The subject property lies within the Model City/Brownsville Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a minimum of 0 to a maximum density permitted of 1 dwelling unit on the 5,425.05 sq. ft. (61.3' x 88.5') subject site. Staff notes that the RU-1 zone allows only one single-family residence on a lot. Therefore, no more than one single-family residence can be developed on the subject site, which is within the density threshold of the LUP map of the CDMP. Staff acknowledges that **Policy LU-1C** of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas and that the subject property lies within the Urban Infill Area (UIA). Additionally, staff acknowledges that the subject property is located in a Community Development Block Grant (CDBG)-eligible area and that **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Moreover, staff acknowledges that the applicant's proposal is numerically **consistent** with the density threshold of the LUP Map of the CDMP. Notwithstanding the foregoing, it should be noted that staff is not supportive of the development of a single-family residence on the proposed substandard-sized, RU-1 zoned parcel since the approval of the proposed lot would result in the further subdivision of land and would leave the lot to the south, which is currently improved with a duplex residence and is not included as part of this application, as a substandard sized non-conforming lot.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Furthermore,

this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. Additionally, the **Miami-Dade Fire Rescue Department (MDFR) does not object** to this application and indicates that the estimated average response time is 5:10 minutes.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the request to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot would result in excessive noise or traffic, cause undue or excessive burden on transportation, streets, roads or highways, provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. The subject property consists of the northern portion of two platted lots with a total lot area of 5,425.05 sq. ft. (61.3' x 88.5'). The subject property, more particularly described as the north 61.3' of Lots 6 and 7 of the Spring Hill Subdivision (Plat book 19, Page 40), an older subdivision of Miami-Dade County, was originally platted in 1925 as Lot 6, consisting of 5,626 sq. ft. (40' x 140.65'), and Lot 7, consisting of 6,827.15 sq. ft. (48.54' x 140.65'). Staff's research indicates that the subject site was purchased in 2006 and that the site is currently vacant. Further, staff notes that the southern portions of Lots 6 and 7, which are not included in this application, are currently improved with a duplex residence. As previously mentioned, staff is not supportive of this application and notes that no approvals to re-subdivide and reface have been granted in the surrounding area. Further, staff maintains that approval of request #2 would result in the further subdivision of land and would leave the southern portion of Lots 6 and 7, which are currently improved with a duplex residence and are not included as part of this application, as a substandard sized 7,022.5 sq. ft. (79.35' X 88.50') non-conforming lot. Therefore, staff opines that the request to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot is **incompatible** with the area. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When request #2 is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would affect the stability and appearance of the community and would be **incompatible** with the surrounding area. It should be noted that the subject property is not platted and, therefore, is precluded from the grandfathering provision under Section 33-7. Staff acknowledges that the approval of the request to permit a parcel with a lot frontage of 61.28' (75' required) and a lot area of 5,425.05 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the area. In addition, staff acknowledges that the RU-2 zoned property to the north of the subject site consists of a lot frontage of 50' and a lot area of 3,805 sq. ft and is currently improved with a single-family residence that was built in 1940. However, staff's research reveals that said lot was originally platted in 1925 as Lot 8 of the Spring Hill Subdivision (Plat book 19, Page 40) consisting of 6,880 sq. ft. (50.68' x 135.77') and has since been subdivided into two lots one with a lot frontage of 50' and a lot area of 2,550 sq. ft. and the other with a lot frontage of 50.74' and a lot area of 3,805 sq. ft., each improved with a single-family residence built in the 1940's. It should be noted that said lot to the north of the subject site was not granted approval at a zoning hearing to re-subdivide and reface a platted lot into 2 lots and that no permit records are currently on file for either of the two residences located to the north of the subject site. However, research indicates that approvals of similar requests for lot frontage are prevalent in the immediate vicinity of the subject property. Specifically, in 1967 property located at 655 NW 60 Street, approximately 920' to the southeast of the subject site, was granted approval of a request to permit a lot frontage of 46'

and a lot area of 5,977.7 sq. ft. for as a duplex building site, pursuant to Resolution #3-ZAB-226-67. Additionally, in 2006, property located approximately 325' to the southeast of the subject property, was approved for a variance of lot frontage to permit a lot with 54.3' of frontage and 5,994.72 sq. ft. of lot area as a single-family building site, pursuant to Resolution #CZAB8-22-06. Notwithstanding the aforementioned approvals, staff notes that said approvals featured a greater lot area than that proposed in this application and did not result in the further subdivision of land or the creation of any non-conforming sized lots. Therefore, as previously mentioned, approval of the request to develop the subject lot as a single-family residential building site with a lot frontage of 61.28' and a lot area of 5,425.05 sq. ft. would result in the further subdivision of land and would leave the lot to the south, which is currently improved with a duplex residence and is not included as part of this application, as a substandard sized 7,022.5 sq. ft. (79.35' X 88.50') non-conforming lot. As such, staff opines that request #2 is **incompatible** with the surrounding area. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. This application meets some of the criteria for approval under the ASDO Standards for lot frontage. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU and the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)). Further, the parcel is under lawful separate ownership from any contiguous property, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)). Although the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)), staff notes that approval of request #2 will result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)) and will create a substandard-sized non-conforming lot to the south which is currently improved with a duplex residence. Additionally, the subject site consists of a lot area of 5425.05 sq. ft. (7,500 sq. ft. required), which does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **5,425.05** sq. ft. falls below the 6,750 sq. ft. of lot area, which is 90% of the lot area required by the underlying zoning district. Therefore, the request cannot be approved under Section 33-311(A)(14) (ASDO). As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) request #2 would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of request #2 would result in unnecessary hardship. As such, request #2 cannot be approved under this section and therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

- I. **RECOMMENDATION:** Denial without prejudice.
- J. **CONDITION:** None.

DATE INSPECTED: 03/03/08
DATE TYPED: 06/16/09
DATE REVISED: 06/17/09; 07/02/09; 08/19/09
DATE FINALIZED: 08/19/09
MCL:NN:AA:NC



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

Memorandum



Date: April 6, 2009
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 #Z2008000013-1st Revision
All State Florida Builders, Inc
6099 N.W. 25 Avenue
Request to Reface a Parcel of Land and to Permit a Single-Family
Residence with Lot Frontage Less than Required
(RU-1) (0.12 Acres)
15-53-41

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 and Wastewater Disposal

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

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

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

Pollution Control

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.

Stormwater Management

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

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

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

Pollution Remediation

The applicant is advised that there are records of current contamination assessment or remediation issues abutting the subject property, at the Dade County Public Schools Northeast Trans. Center, 5901 N.W. 27th Avenue, UT-277/F-2871.

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.

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 site plan submitted with this zoning application entitled "Humberto Rodriguez Residence", dated June 2007 (revised August 20, 2007), Sheet A-0 and prepared by Antonio Acosta PE, depicts two existing avocado trees located on the north of the property to remain. It also depicts one Ficus citrifolia tree on the northern right of way of the property "to remain". Therefore the Tree Program has no objection to the approval of this zoning application.

Please be 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 Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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: ALL STATE FLORIDA BUILDERS

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

18-JUN-08

Memorandum



Date: 11-FEB-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000013

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000013
 located at THE SOUTHEAST CORNER OF N.W. 61 STREET & N.W. 25 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0918 is proposed as the following:

<u>1</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>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 0.27 alarms-annually.
 The estimated average travel time is: 5:10 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 2 - Model Cities - 6460 NW 27 Avenue
 Rescue, BLS 50' Squrt, Battalion

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 letter of intent date stamped January 22, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ALL STATE FLORIDA BUILDERS

THE SOUTHEAST CORNER OF NW
61 STREET & NW 25 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000013

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Case #200904004299 was reinspected on 06/29/09 and violation was corrected. Case #200904006061 was inspected on 08/05/09 and warning notice was issued for overgrown grass and weeds, reinspection is due on 08/21/09.

Milton Moore

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DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS # 708-013
DATE: JAN 22 2008

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

CORPORATION NAME: All State Florida Builders, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Humberto Rd 92.</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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708-013
JAN 22 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JA

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NAME OF PURCHASER: _____

MIAMI-DADE COUNTY

PROCESS # 208-013

DATE: JAN 22 2008

BY: JESSE1

PLANS 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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

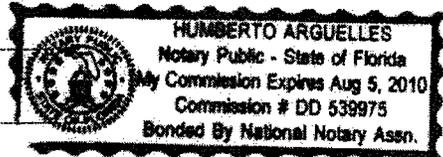
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 11 day of Jan., 2008. Affiant is personally know to me or has produced D.O. as identification.

[Handwritten Signature]
(Notary Public)



My commission expires: _____

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

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JAN 22 2008

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

20

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708-015
FEB 21 2008

50' TOTAL R/W

NW. 25th. AVENUE

61.28'

70'-0"

25'-0"

25'-0"

70'-0"

NW. 61th. STREET

88.54'

18' ASPHALT PAVEMENT

50' TOT

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

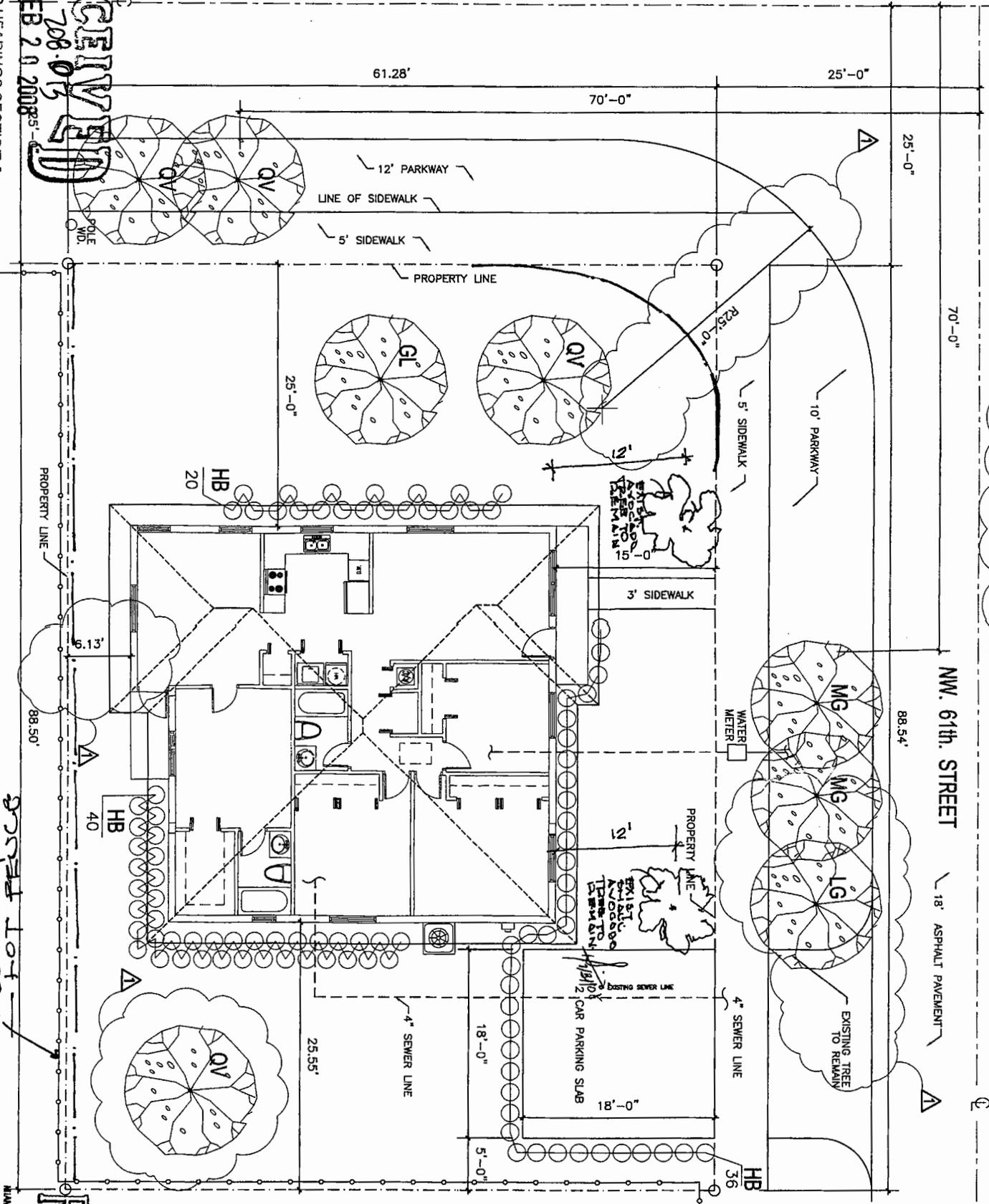
SITE PLAN

ENLARGED SITE PLAN

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



DEC 1
ZONING H
MIAMI-DADE PL
BY *[Signature]*

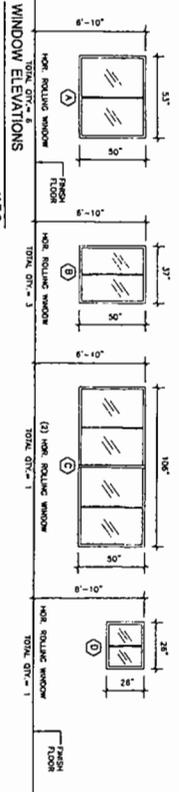


Small lot 1 covered

WINDOW SCHEDULE					
No.	Type	Size	Material	Area	Remarks
1	#24 H. R.	53" x 50"	ALUM. & GLASS	18.8	EGRESS
2	#24 H. R.	37" x 50"	ALUM. & GLASS	12.8	
3	(2) #24 H. R.	50" x 50"	ALUM. & GLASS	37.6	
4	#1 1/2" x 32 H. R.	26" x 26"	ALUM. & GLASS	4.9	

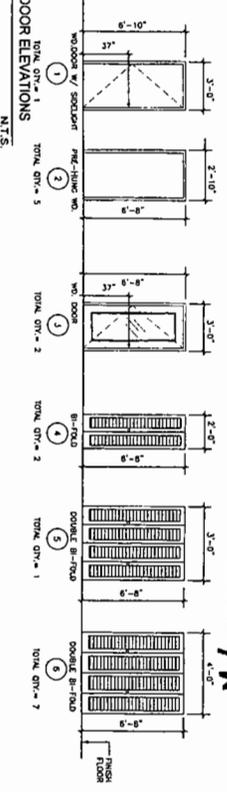
NOTES:
 EMERGENCY ESCAPE & RESCUE WINDOWS "E" (EGRESS)
 SHALL COMPLY WITH F.B.C. 1008.3
 - CLEAR OPENING WIDTH SHALL BE 20 INCHES MINIMUM
 - CLEAR OPENING HEIGHT SHALL BE 20 INCHES MINIMUM
 - CLEAR OPENING AREA SHALL BE 5.7 SQ. FT. MINIMUM
 - CLEAR OPENING AREA SHALL BE 5.7 SQ. FT. MINIMUM
 - EXCEPT THAT GROUND FLOOR ESCAPE & RESCUE WINDOWS ARE ALLOWED TO HAVE A MINIMUM CLEAR OPENING AREA AS LOW AS 5.7 SQ. FT.
 - THE BOTTOM OF THE CLEAR OPENING (SILL HEIGHT) SHALL BE NO MORE THAN 44 INCHES ABOVE THE FLOOR
 ** PROVIDE SAFETY GLASS CAL.1

SHUTTER NOTE
 CONTRACTOR MUST PROVIDE DADE COUNTY PRODUCT CONTROLLED SHUTTERS FOR ALL WINDOW AND DOOR OPENINGS AND THEY MUST BE INSTALLED AS PER MANUFACTURER SPECIFICATIONS (SEPARATED PERMIT IS REQUIRED)

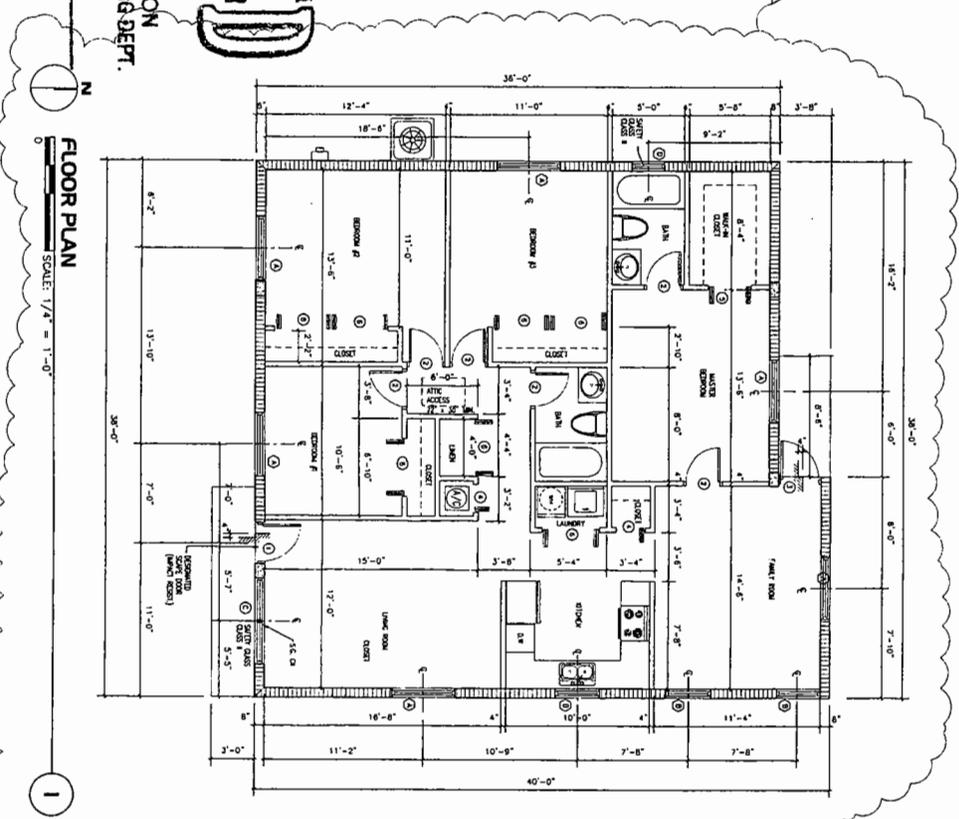


DOOR SCHEDULE						
No.	Type	W	H	THK	THR	REMARKS
1	NO. DOOR	3'-0"	6'-8"	1-1/2"	YES	
2	NO. RE-GLASS DOOR	2'-10"	6'-8"	1-1/2"		
3	NO. DOOR	3'-0"	5'-8"	1-1/2"		
4	NO. BI-FOLD	2'-0"	6'-8"			
5	NO. BI-FOLD	3'-0"	6'-8"			
6	NO. BI-FOLD	4'-0"	6'-8"			

NOTES:
 EVERY CLOSET DOOR LATCH SHALL BE SUCH THAT CHILDREN CAN NOT OPERATE THE DOOR FROM THE INSIDE.
 * EXIST BATHROOM DOOR LOCK SHALL BE DESIGNED TO PERMIT THE OPENING OF THE LOCKED DOOR FROM THE OUTSIDE IN AN ** NO LOCKING DEVICE.



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 2008-013
 JAN 22 2008
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *AA*



* ALL CONCRETE SLAB DOORS AND EXISTING BLIND SYSTEMS SHALL BE REINFORCED WITH #4 BARS AT 18" ON CENTER. ALL REINFORCEMENT SHALL BE INSTALLED BY A REPUTABLE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MIAMI-DADE.

* ALL CONCRETE SLAB DOORS AND EXISTING BLIND SYSTEMS SHALL BE REINFORCED WITH #4 BARS AT 18" ON CENTER. ALL REINFORCEMENT SHALL BE INSTALLED BY A REPUTABLE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MIAMI-DADE.

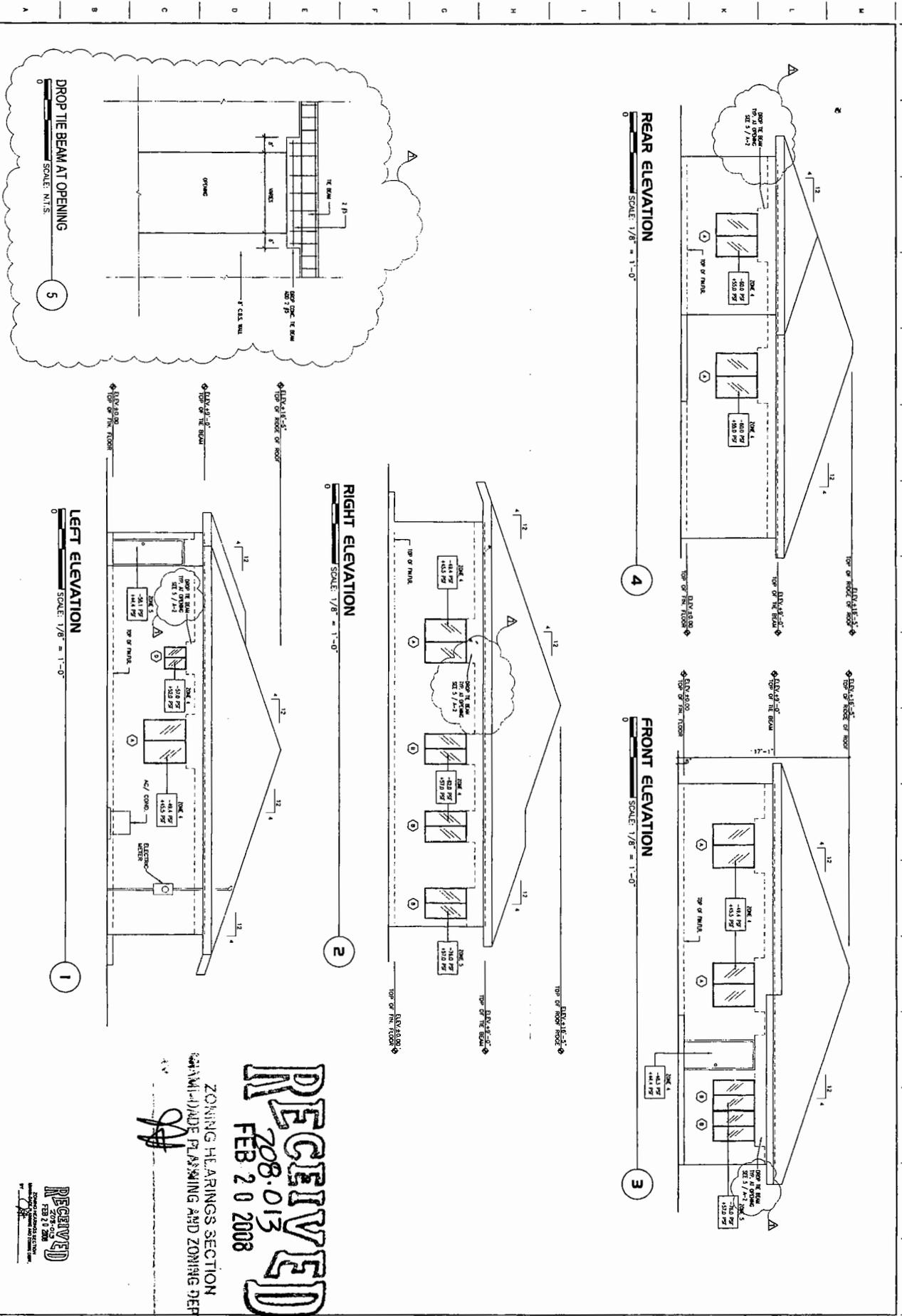
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 2008-013
 JAN 22 2008

Humberto Rodriguez
 8055 NW 54 Ave
 Miami, Florida
 33147-3838
 PH: (305) 855-4006

Antonio Acosta
 10000 NW 41st
 Miami, FL 33178
 PH: (305) 855-4006

Antonio Acosta
 1/17/08

Drawing Title: _____
 Date: 01/17/2008
 Scale: _____
 Sheet No. A-1

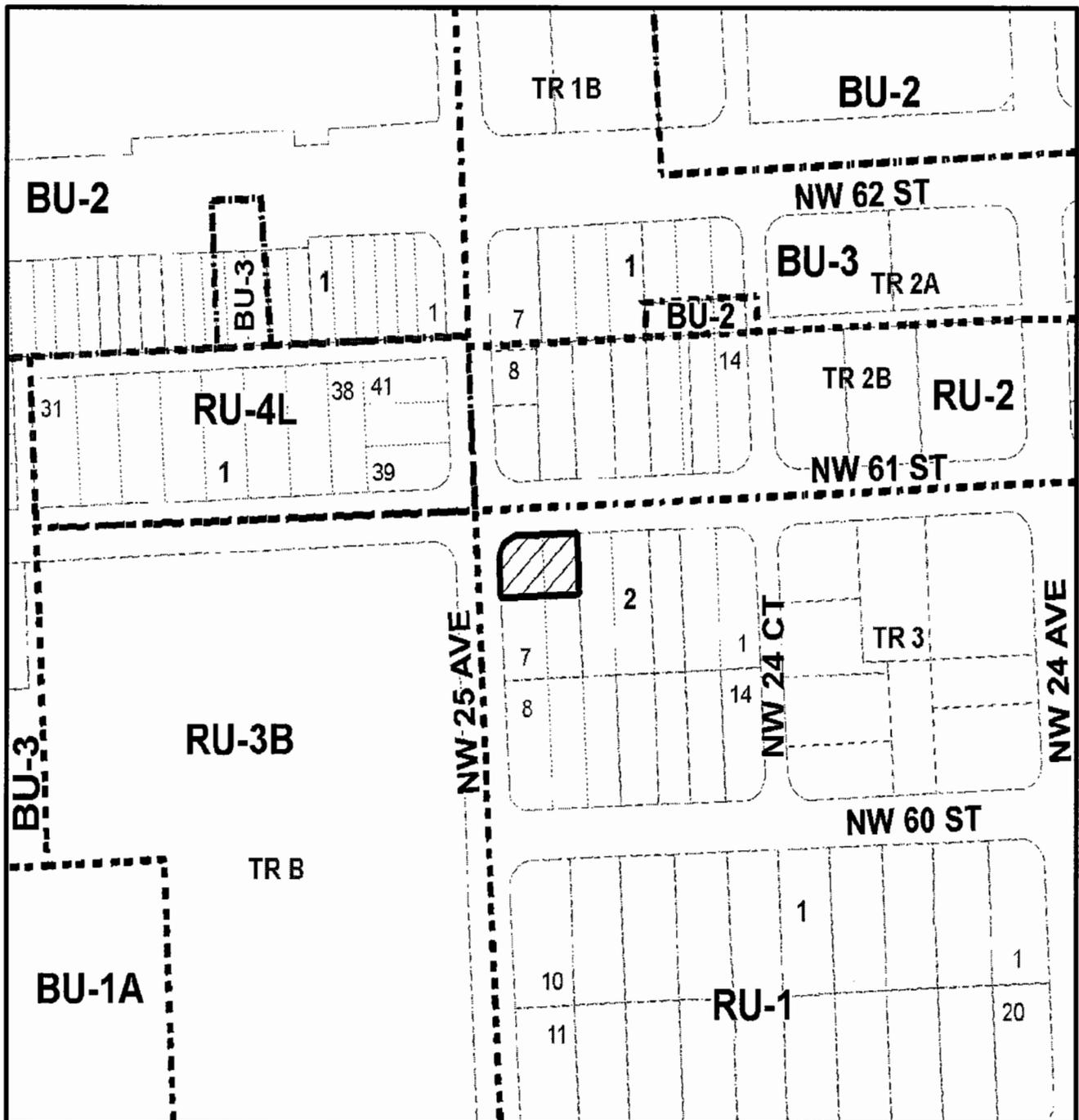


HUMBERTO RODRIGUEZ RESIDENCE
 2/20/08

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 FEB 20 2008
 2008.013
 ZONING HEARINGS AND ZONING DEPT.
 CITY OF MIAMI

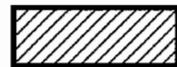
RECEIVED
 FEB 17 2008
 CITY OF MIAMI

PROJECT: HUMBERTO RODRIGUEZ RESIDENCE
 DRAWN: ALEJANDRO
 DATE: JUL 7, 2002
 SHEET NO. A-2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-013



SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
 Applicant: ALL STATE FLORIDA BUILDERS
 Zoning Board: C08
 District Number: 3
 Drafter ID: N'NAGBE
 Scale: NTS



REVISION	DATE	BY

25



MIAMI-DADE COUNTY
AERIAL

Process Number
08-013



SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
 Applicant: ALL STATE FLORIDA BUILDERS
 Zoning Board: C08
 District Number: 3
 Drafter ID: N'NAGBE
 Scale: NTS



CREATED ON: 01/31/08

REVISION	DATE	BY

1. LUCIE Q JOSEPH
(Applicant)

09-9-CZ8-1 (09-023)
Area 8/District 3
Hearing Date: 9/23/09

Property Owner (if different from applicant) **LUCIE Q JOSEPH.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Dade-County Zoning Department	- Zone Change from RU-1, RU-2, RU-3B to RU-1, RU-2 & RU-3B	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**

APPLICANT: Lucie Q. Joseph

PH: Z09-23 (09-9-CZ8-1)

SECTION: 36-52-41

DATE: September 23, 2009

COMMISSION DISTRICT: 3

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

- (1) UNUSUAL USE for a day care center.
- (2) Applicant is requesting to permit the day care center setback 15' (25' required) from the side street (east) property line and setback 6.8' (15' required) from the interior side (west) property line.
- (3) Applicant is requesting to permit a 2-way drive with a width of 14' (20' required).
- (4) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 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 "Joseph Day Nursery," as prepared by Medeiros Architectural Group, Inc., Sheets SP-1 and L-1 dated stamped received 5/28/09 and the remaining sheets dated stamped received 2/18/09 for a total of 5 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow an unusual use to permit the establishment of a day care facility on the subject property. Additionally, the applicant seeks to permit a 2-way drive with a reduced width, allow parking within 25' of the right-of-way and to allow the daycare center with reduced setbacks in the residential district.

o **LOCATION:** 11020 NW 2 Court, Miami-Dade County, Florida.

o **SIZE:** 65.19' x 171'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

- 1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by

single family housing, e.g., single family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

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.
3. "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. 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.

Other Land Uses Not Addressed. Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; single-family residence

Low density residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: City of Miami Shores, R-12.5; residence

Low density residential, 2.5 to 6 dua

SOUTH: RU-1; single-family residence

Low density residential, 2.5 to 6 dua

EAST: RU-1; single-family residence

Low density residential, 2.5 to 6 dua

WEST: RU-1; single-family residence

Low density residential, 2.5 to 6 dua

The subject parcel is located at 11020 NW 2 Ct. The surrounding area is characterized by single-family homes.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Unacceptable

Parking Layout/Circulation:

Unacceptable

Visibility/Visual Screening:

Unacceptable

Energy Considerations:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny 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)(4)(b) Non-Use Variances From Other Than Airport Regulations.

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Since the requests will not add additional dwelling units to the community, the RU-1 zoned, single-family residence is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP. Additionally, the applicant requests for additional variances to satisfy the setbacks and parking location requirements, along with the reduced two-way drive width, substantiates staff's opinion that the site and location are physically incapable of sustaining the proposed daycare center. Notwithstanding the memoranda from the Public Works Department, staff opines that the proximity of the parking areas and drives to the roadway are likely to contribute to a negative visual and aural impact on said residences to the east

and west and also negatively impact traffic on the abutting frontage road, which would not conform to the requirements of Policy LU-4C of the interpretative text of the CDMP. Therefore, staff opines, the proposed facility on the subject property is not in keeping with the Guidelines for Urban Form, would be **incompatible** with the residential community of the area and **inconsistent** with the LUP map and interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all DERM requirements as stated in their memorandum for this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets traffic concurrency because it lies within the urban infill area. Miami-Dade Fire Rescue (**MDFR**) has **no objections** to this application and indicates in their memorandum that the average travel response time is **6:19** minutes.

When analyzing request #1 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, and considering the necessity for and reasonableness of the daycare facility on the subject property, staff is of the opinion that the proposal would be **incompatible** with the surrounding community. Staff notes the applicant has attempted to mitigate the negative visual and aural impacts of the proposed daycare center on the surrounding residentially zoned properties by providing buffering in the form of continuous hedges interspersed with trees along the interior side (west) property line. Staff acknowledges that when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with this area and its development, the daycare facility would not have a negative impact on the economy of Miami-Dade County or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation or transportation, or tend to create a fire or other equally or greater dangerous hazards, as indicated in the memoranda from the various departments evaluating this application. However, as previously mentioned, the proposed daycare center is on a parcel, the size and location of which does not allow it to meet all the requirements of the zoning regulations, in particular, the reduced 2-way driveway width, parking area within 25' of the zoned right-of-way and the reduced interior side (west) and side street (east) setback areas. Notwithstanding the continuous hedge and 6' high wood fence along the interior side (west) and side street (east) property lines, staff opines that the site is physically incapable in size and location of housing the proposed daycare center and will likely have a negative visual and aural impact on the abutting residences to the east, south and west. Further, the aforementioned single-family residences would be severely negatively impacted by the traffic entering and leaving the proposed facility along this limited access frontage road. Staff's research of the surrounding area did not indicate any similar approvals for daycare centers that did not abut main roads and were surrounded by single-family residences. Staff therefore opines that regardless of the attempts by the applicant to mitigate the potential negative visual and aural effects of the proposal, the approval of the request to permit the daycare center would disrupt the overall welfare, tranquility and privacy of the neighborhood and would also be **inconsistent** with Policy LU-4C, of the interpretative text of the CDMP. Based on the aforementioned, staff recommends denial without prejudice of request #1, the unusual use to permit the daycare center, under Section 33-311(A)(3).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that approval of the requests would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to

the neighborhood. The applicant is seeking approval to permit the proposed day care center to be setback less than the required distance from the interior side property line, to allow a 14' wide two-way drive where a 20' side driveway is required and to allow parking within 25' of the right-of-way where none is permitted. As previously mentioned, the proximity of the parking to the right-of-way and reduced driveway width will result in a negative visual impact and will likely negatively impact traffic on the abutting frontage road to the north and east. Further, since the daycare center is not a permitted use in the RU-1, Single-Family Residential district, the proposed facility must meet the RU-3, Four Unit Apartment House District regulations, which require a 15' interior side and a 25' side street setback. However, as previously mentioned, the application for an Unusual Use to permit a daycare center on the subject property to which these requests are germane, is intrusive to the residential neighborhoods to the north, east, south and west, is too intensive and thereby visually and aurally intrusive to the surrounding residential properties. Based on the aforementioned, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standard (ANUV), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests be denied, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with RU-1 zoning regulations, staff is of the opinion that these requests cannot be approved under Section 33-311(A)(c) (ANUV).

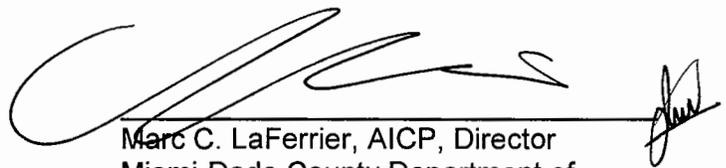
Accordingly, staff is of the opinion that the approval of the requests to permit a daycare center with the requested parking and building encroachments is **incompatible** with the area and is **inconsistent** with the LUP map and the interpretative text of the CDMP. Accordingly, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses); and the denial without prejudice of request #2 through #4, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV)

I. **RECOMMENDATION:**

Denial without prejudice

J. **CONDITIONS:** None.

DATE INSPECTED: 08/10/09
DATE TYPED: 08/10/09
DATE REVISED: 08/11/09; 08/19/09
DATE FINALIZED: 08/22/09
MCL:NN:CH:AA



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

Date: June 16, 2009

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

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

Subject: C-08 #Z2009000023-2nd Revision
Lucie Joseph
11020 N.W. 2 Court
Unusual Use to Permit a Daycare Facility
(RU-1) (0.25 Acres)
36-52-41

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.

Wastewater Disposal

Public sanitary sewers cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the 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 24-13(4)(a) of the Code.

Notwithstanding the foregoing, the applicant is advised that any activity that may generate liquid waste other than domestic sewage, including but not limited to, medical or dental offices, shall not be permitted on this property, unless and until is connected to the public sanitary sewer system.

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 the 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.

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 contains tree resources. Section 24-49.2(II) of Miami-Dade County Code requires that specimen (trunk diameter 18 inches or greater) trees be preserved whenever reasonably possible. According to the site plan submitted with this zoning application, entitled "Joseph Day Nursery" sheet L-1, prepared by Medeiros Architectural Group Inc, and dated 10/6/2008 (revised 5/4/2009) the tree resources on site are non specimen.

Please be 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 Chapter 24. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: Lucie's Childcare

School Address: 11020 NW 2nd St
Miami, FL 33168 Tax Folio # 30 - 2136 - 018 - 1280

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____.
2. Total size of site: $\pm 171.01' \times \pm 65.19' = \pm 10,987^{SF} + 43,560 \text{ sq. ft.} = \pm 0.25 \text{ acres}$
3. Number of children or students requested: 24 Ages: 6 years & younger.
4. Number of teachers: 4 Number of administrative & clerical personnel: 0.
5. Number of classrooms: 4 Total square footage of classroom area: 908 SF (net)
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
 $\pm 501 \text{ SF (net)}$
7. Amount of outdoor recreation/play area in square footage: $\pm 3,745 \text{ SF}$

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
4 personell (teacher's) vehicles
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 4 parking spaces required by §33-124(L) 4.
10. Indicate the number of auto stacking spaces: 2 provided 2 required.
11. Proposed height for the structure(s): $\pm 11'-0''$ (E+G) See §33-151.18(g).
12. Size of identification sign: 3' x 2' = 6' sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: M - F 6am - 6pm
14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans).


 RECEIVED
 MAY 28 2009
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 24 (number of children) = 840 sq. ft. of classroom area required.

- b. Elementary Grades 1-6 N/A

30 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12) N/A

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 840
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 908

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 12 (1/2 of children) = 540

- b. Grades 1-6 500 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

- c. Grades 7-12 800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 540
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: ± 3,745 SF

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 7 Trees provided: 4 (Ext)
^{8 (New)}

- b. Ten shrubs are required for each tree required. Shrubs required 70 Shrubs provided 329

- c. Grass area for organized sports/play area in square feet: ± 3,745 SF

- d. Lawn area in square feet (exclusive of organized sports/play area): 0 SF

Level
RECEIVED
20902
 MAY 28 2009

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

School Address: 11020 NW 2nd ct Zip Code: 33169

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 3rd day of May at Miami-Dade County, Florida.
Lucie Joseph
Signature

WITNESSES:
[Signature] 5/23/09
[Signature] 5.23.09

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 3rd day of May 2009, before me personally appeared LUCIE JOSEPH to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

[Signature]
NOTARY PUBLIC STATE OF FLORIDA

Paul
RECEIVED
09-05
MAY 28 2009

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LUCIE Q JOSEPH

This Department has no objections to this application.

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

This Department has no objections to the request to permit a 2-way drive with a width of 14 feet. The driveway is designed to access one handicap parking space and provides the minimum requirements to back-out and exit the property.

This Department has no objections to the request to permit two auto-stacking parking spaces with dimensions less than required.

The site plan is acceptable and indicates a maximum accumulation of two vehicles during the arrival and dismissal periods of the daycare facility. The onsite circular drive can accommodate up to two vehicles.

Pedestrian safe sight distance triangle clear areas must be provided at all driveways or met by providing convex mirrors for drivers.

Gates must remain open during hours of operation.

For further details and/or questions, please contact Mr. Harvey L. Bernstein at 305-375-1874, or via e-mail at hlb@miamidade.gov or Mr. Ricardo Gavilan at 305-375-2403, or via e-mail at rlg@miamidade.gov.

Additional improvements may be required at time of permitting.

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.

08-JUL-09



Memorandum

Date: 23-JUL-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000023

Fire Prevention Unit:

APPROVAL:
 No objection to site plan date stamped May 28, 2009.
 No objection to FINAL AD wording for this hearing application.

Service Impact/Demand

Development for the above Z2009000023
 located at 11020 NW 2 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0684 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>1,880</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 1.26 alarms-annually.
 The estimated average travel time is: 6:19 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 based on plans date stamped May 28, 2009.

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

TEAM METRO

ENFORCEMENT HISTORY

ALL STATE FLORIDA BUILDERS

THE SOUTHEAST CORNER OF NW
61 STREET & NW 25 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000013

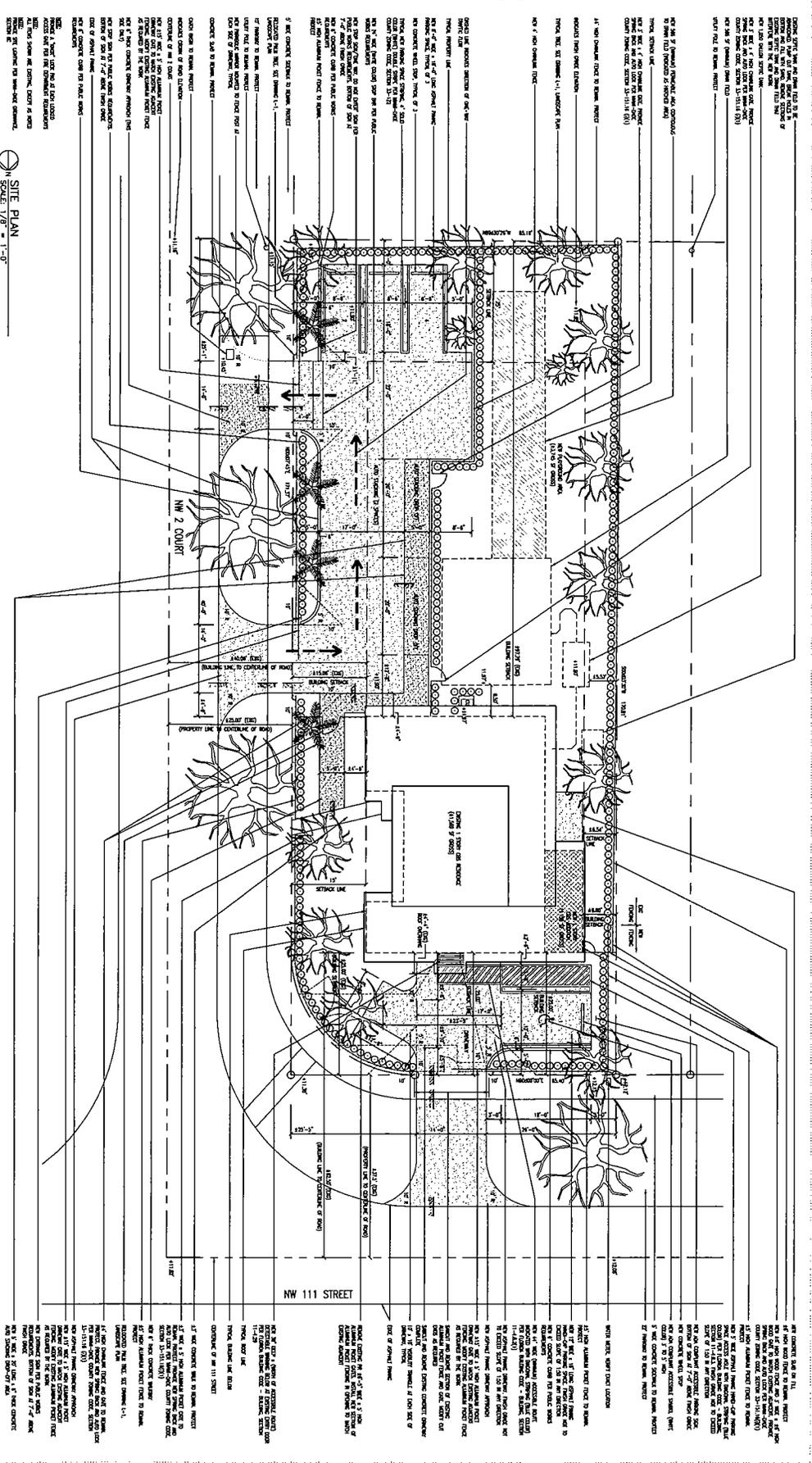
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200004000054 Unsafe structure referred to building dept. TM case closed on 5/10/00.
200104000571 Abandoned vehicle decaled and remediated on 3/2/01 case closed.
200204000893 citation issued for overgrowth violation corrected by owner on 6/12/02 case closed.
200304001749 citation issued for overgrowth violation corrected by owner on 11/18/03 case closed.
200404005453 warning issued for overgrowth junk & debris violation corrected by owner on 1/11/05 case closed.
200504002587 warning issued for overgrowth violation corrected by owner on 7/18/05 case closed.
200604003188 warning issued for overgrowth violation corrected by owner on 7/19/06 case closed.
200804000747 No current violation found case closed.

Estella Lockett
All State FI Builders Inc.

M. Moore.



ZONING ANALYSIS

ADDITIONAL NOTES:

1. THE PROPERTY IS ZONED RS-1 (RESIDENTIAL SINGLE-FAMILY) IN ACCORDANCE WITH THE CITY OF MIAMI ZONING ORDINANCE.

2. THE PROPOSED USE IS PERMITTED UNDER THIS ZONING DISTRICT.

3. THE PROPOSED USE IS SUBJECT TO THE FOLLOWING CONDITIONS:

4. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

5. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

6. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

7. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

8. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

9. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

10. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MIAMI ZONING ORDINANCE AND THE FLORIDA BUILDING CODE.

2. THE PROPOSED USE IS PERMITTED UNDER THIS ZONING DISTRICT.

3. THE PROPOSED USE IS SUBJECT TO THE FOLLOWING CONDITIONS:

4. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

5. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

6. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

7. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

8. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

9. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

10. THE PROPOSED USE SHALL BE LIMITED TO THE USES LISTED IN THE ZONING ORDINANCE.

OCCUPANT LOAD

1. OCCUPANT LOAD SHALL BE DETERMINED IN ACCORDANCE WITH THE CITY OF MIAMI ZONING ORDINANCE AND THE FLORIDA BUILDING CODE.

2. THE OCCUPANT LOAD SHALL BE LIMITED TO THE OCCUPANT LOAD LISTED IN THE ZONING ORDINANCE.

3. THE OCCUPANT LOAD SHALL BE LIMITED TO THE OCCUPANT LOAD LISTED IN THE ZONING ORDINANCE.

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9. THE OCCUPANT LOAD SHALL BE LIMITED TO THE OCCUPANT LOAD LISTED IN THE ZONING ORDINANCE.

10. THE OCCUPANT LOAD SHALL BE LIMITED TO THE OCCUPANT LOAD LISTED IN THE ZONING ORDINANCE.

BATHROOMS EXISTURE COUNT

1. EXISTING BATHROOMS: 1

2. PROPOSED BATHROOMS: 2

PLAYGROUND AREA

1. PLAYGROUND AREA SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIAMI ZONING ORDINANCE AND THE FLORIDA BUILDING CODE.

2. THE PLAYGROUND AREA SHALL BE LIMITED TO THE PLAYGROUND AREA LISTED IN THE ZONING ORDINANCE.

3. THE PLAYGROUND AREA SHALL BE LIMITED TO THE PLAYGROUND AREA LISTED IN THE ZONING ORDINANCE.

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9. THE PLAYGROUND AREA SHALL BE LIMITED TO THE PLAYGROUND AREA LISTED IN THE ZONING ORDINANCE.

10. THE PLAYGROUND AREA SHALL BE LIMITED TO THE PLAYGROUND AREA LISTED IN THE ZONING ORDINANCE.

FLOOR LAYOUT

1. FLOOR LAYOUT SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIAMI ZONING ORDINANCE AND THE FLORIDA BUILDING CODE.

2. THE FLOOR LAYOUT SHALL BE LIMITED TO THE FLOOR LAYOUT LISTED IN THE ZONING ORDINANCE.

3. THE FLOOR LAYOUT SHALL BE LIMITED TO THE FLOOR LAYOUT LISTED IN THE ZONING ORDINANCE.

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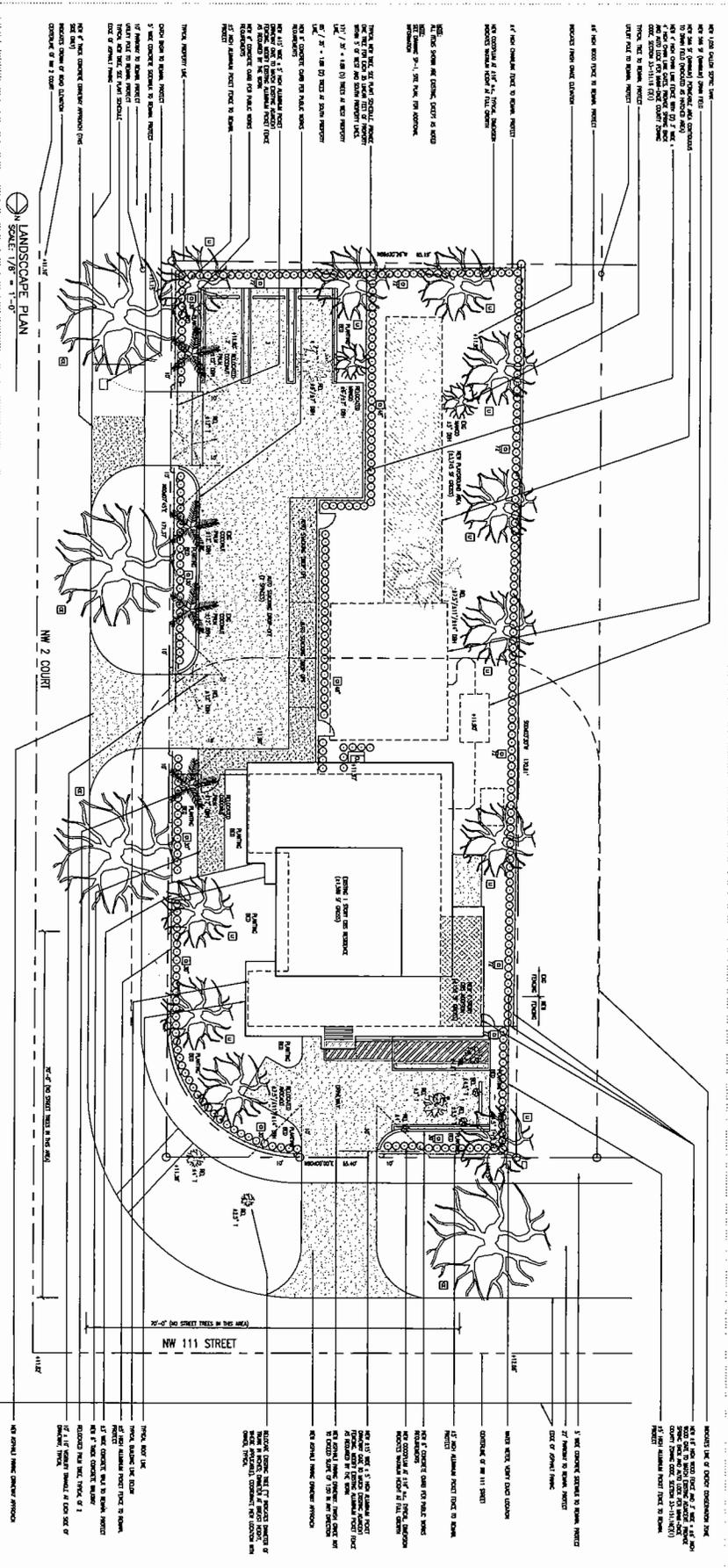
8. THE FLOOR LAYOUT SHALL BE LIMITED TO THE FLOOR LAYOUT LISTED IN THE ZONING ORDINANCE.

9. THE FLOOR LAYOUT SHALL BE LIMITED TO THE FLOOR LAYOUT LISTED IN THE ZONING ORDINANCE.

10. THE FLOOR LAYOUT SHALL BE LIMITED TO THE FLOOR LAYOUT LISTED IN THE ZONING ORDINANCE.

REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMIT
2	11/11/11	ISSUED FOR PERMIT
3	11/11/11	ISSUED FOR PERMIT
4	11/11/11	ISSUED FOR PERMIT
5	11/11/11	ISSUED FOR PERMIT
6	11/11/11	ISSUED FOR PERMIT
7	11/11/11	ISSUED FOR PERMIT
8	11/11/11	ISSUED FOR PERMIT
9	11/11/11	ISSUED FOR PERMIT
10	11/11/11	ISSUED FOR PERMIT



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

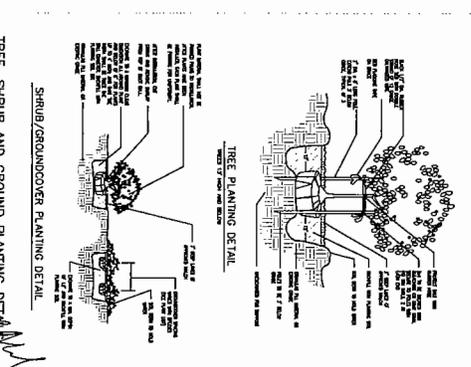
1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING NOTES AND SPECIFICATIONS.
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 10. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING NOTES AND SPECIFICATIONS.

LANDSCAPE ELEMENTS

NO.	DESCRIPTION	QUANTITY	UNIT	DATE
1	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
2	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
3	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
4	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
5	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
6	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
7	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
8	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
9	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11
10	1" x 6" x 8" CONCRETE DRIVE	15	SPACES	11/11/11

PLANT SCHEDULE

NO.	SYMBOL	COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPACING
1	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
2	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
3	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
4	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
5	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
6	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
7	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
8	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
9	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES
10	U	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8" CONCRETE DRIVE	1" x 6" x 8"	15 SPACES



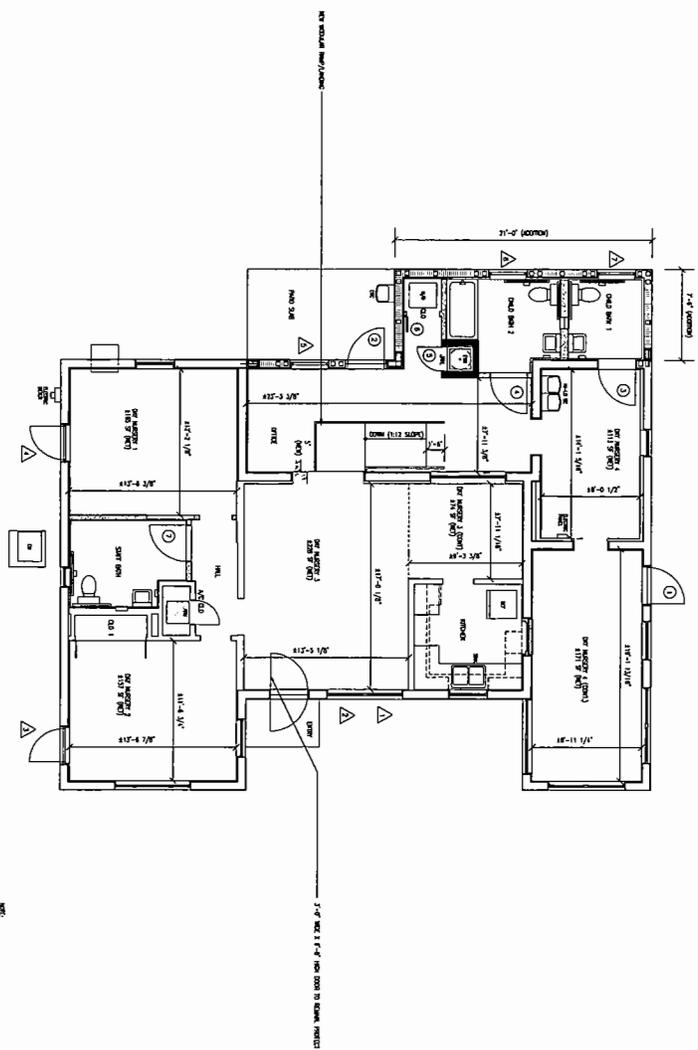
SHRUB/GROUNDCOVER PLANTING DETAIL
 TREE, SHRUB AND GROUND PLANTING DETAIL
 NO SCALE

JOSEPH DAY NURSERY
 11020 NW 2 COURT MIAMI, FLORIDA 33168
 MEDeiros ARCHITECTURAL GROUP, INC. ALL RIGHTS RESERVED

MEDeiros ARCHITECTURAL GROUP, INC.
 ARCHITECTURE PLANNING INTERIOR DESIGN
 8405 NW 36 STREET, SUITE 132 MIAMI, FLORIDA 33166
 TELEPHONE: (781) 514-7500 FAX: (781) 514-7500
 CHARLES D. MEDeiros, PRESIDENT

REVISIONS
 NO. DATE BY
 1 11/11/11 JDM

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



THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/10	ISSUED FOR PERMIT	J.D.	J.D.
2	10/15/10	REVISIONS	J.D.	J.D.
3	10/20/10	REVISIONS	J.D.	J.D.
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99	02/20/12	REVISIONS	J.D.	J.D.
100	02/25/12	REVISIONS	J.D.	J.D.

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS APPLICABLE TO THE JURISDICTION OF THE PROJECT.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.

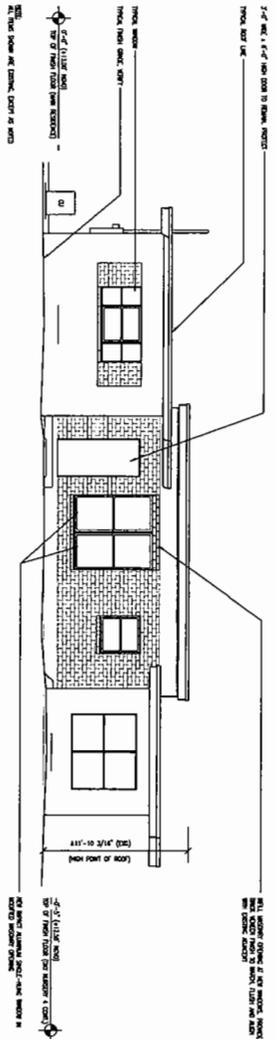
7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

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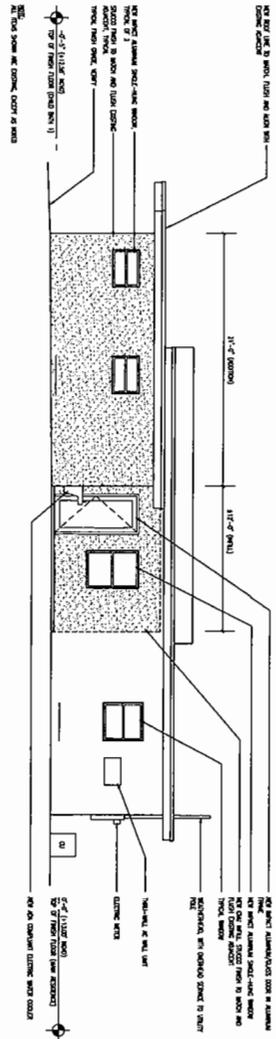
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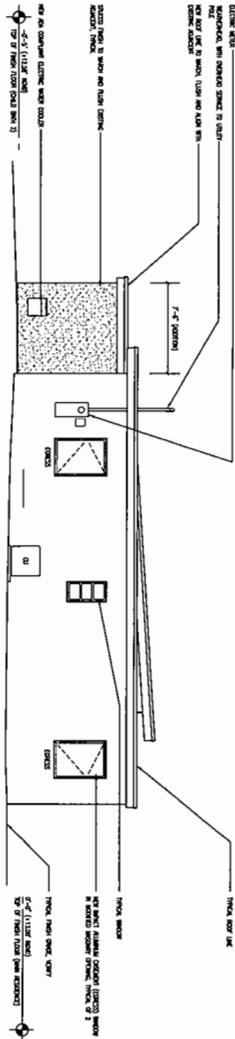
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88	12/25/11			



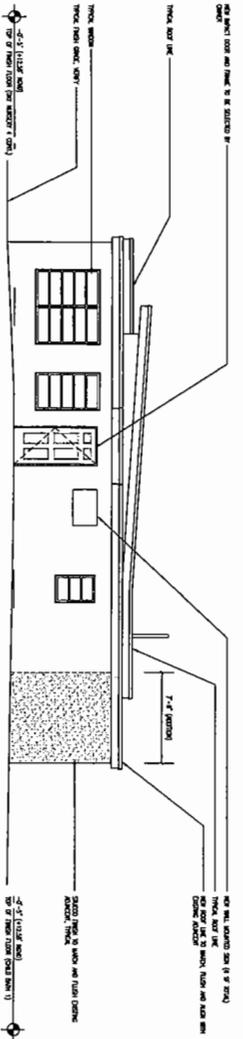
EAST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

20

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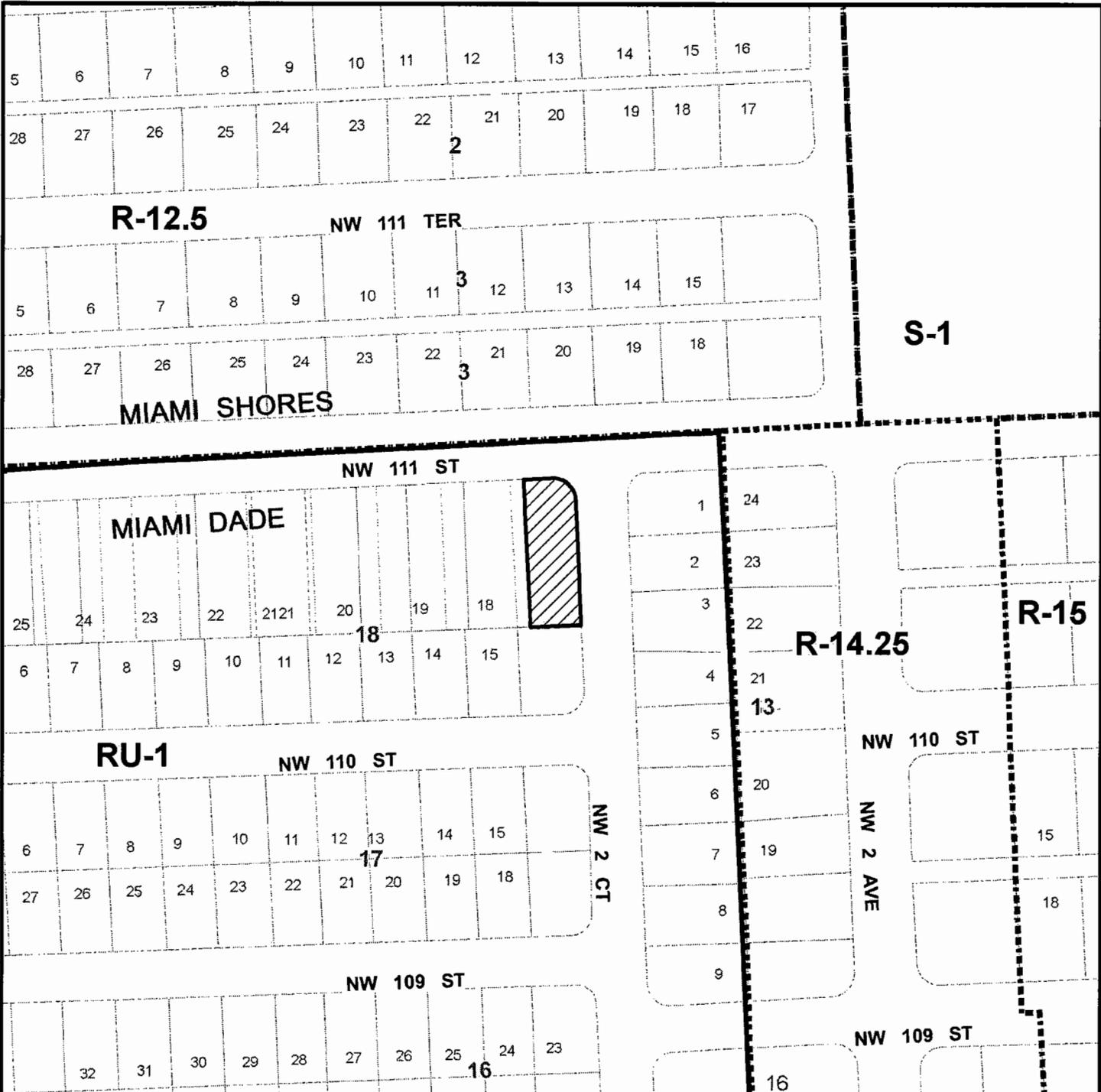
MEDIROS ARCHITECTURAL GROUP, INC.
ARCHITECTURE PLANNING INTERIOR DESIGN
ALL DISCIPLINES
6405 SW 36 STREET, SUITE 433
TELEPHONE: (754) 314-7548
CHARLES D. MEDIROS, PRESIDENT
MIAMI, FLORIDA 33168
FAX: (754) 314-7549
WICHITA CAROLINA, FLORIDA 32384
E-MAIL: MEDIROS@MEDIROS.COM
AR 0002996 0 0003837

JOSEPH DAY NURSERY

11020 NW 2 COURT MIAMI, FLORIDA 33168
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NO. REV.	DATE	BY	REVISIONS
1	08-03	MM	ISSUED FOR PERMITS
2	08-03	MM	ISSUED FOR PERMITS
3	08-03	MM	ISSUED FOR PERMITS

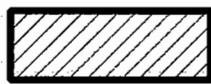
RECEIVED
10/11/03



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-023

Section: 36 Township: 52 Range: 41
 Applicant: LUCIE Q JOSEPH
 Zoning Board: C08
 Commission District: 3
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 02/25/09

REVISION	DATE	BY
21		



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 36 Township: 52 Range: 41

Applicant: LUCIE Q JOSEPH

Zoning Board: C08

Commission District: 3

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

09-023



SUBJECT PROPERTY



SKETCH CREATED ON: 02/25/09

REVISION	DATE	BY

2. MILO & ASSOCIATES OF MIAMI INC.
(Applicant)

09-9-CZ8-2 (09-063)
Area 8/District 2
Hearing Date: 9/23/09

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:

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

NO HISTORY

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

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

APPLICANT: Milo & Associates of Miami Inc.

PH: Z09-063 (09-9-CZ-2)

SECTION: 16-53-41

DATE: September 23, 2009

COMMISSION DISTRICT: 2

ITEM NO.: 2

A. INTRODUCTION

o **REQUEST:**

Applicant is requesting to permit a parcel of land with a lot frontage of 40' (50' required).

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(16) (Alternative Site Development Option for BU Zoning District) 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 "Proposed Bicycle Repair Shop for Milo & Associates of Miami Inc.," as prepared by Burgos Lanza & Associates, and consisting of 4 sheets, dated stamped received 7/17/09, with Sheet A1.00 handwritten revision dated 7/29/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

This application will allow the construction of a building on a lot with less lot frontage than required.

o **LOCATION:**

Lying north of NW 58 Street, approximately 160' west of NW 27 Avenue, Miami-Dade County, Florida.

o **SIZE:** 40' x 129'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **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. **Policy LU-1C** of the Land Use Element states that Miami-Dade County shall give priority to **infill development** on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

3. **Objective LU-12**
 Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

4. **Objective LU-1**
 The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1; vacant

Business and Office

Surrounding Properties:

NORTH: BU-1; single-family residences

Business and Office

SOUTH: BU-1; auto body shop

Business and Office

EAST: BU-1, vehicle storage Business and Office
WEST: BU-1; vacant Business and Office

E. SITE AND BUILDINGS:

Site Plan Review:
Scale/Utilization of Site: **Acceptable**
Location of Buildings: **Acceptable**
Compatibility: **Acceptable**
Landscape Treatment: **Acceptable**
Open Space: **N/A**
Buffering: **N/A**
Access: **Acceptable**
Parking Layout/Circulation: **Acceptable**
Visibility/Visual Screening: **N/A**
Energy Considerations: **N/A**
Roof Installations: **N/A**
Service Areas: **N/A**
Signage: **N/A**
Urban Design: **N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

(f) An alternative lot area and frontage shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

- (C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations;
 - (D) the area of the lot, parcel or tract is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
 - (E) the proposed alternative development does not departure from the aesthetic character of the immediate vicinity; and
 - (F) the lot, parcel or tract proposed for alternative development does not adjoin or lie adjacent to a discordant use; and
 - (G) the frontage dimension of the lot, parcel or tract is not less than ninety percent (90%) of the minimum frontage required by the applicable district regulations, except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and
 - (H) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.
- (2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:
- (A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and
 - (B) the size and dimensions of each lot, parcel or tract development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (May 2, 2003); and
 - (C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and
 - (D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - (E) the lot, parcel or tract proposed for alternative development does not adjoin or lie adjacent to a discordant use; and
 - (F) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

- (3) the proposed lot area and frontage is such that:
- (A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and
 - (B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and
 - (C) no lot area shall be less than the smaller of:
 - (i) ninety percent (90%) of the lot area required by the applicable district regulations; or
 - (ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and
 - (D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - (E) the parcel proposed for alternative development does not adjoin or lie adjacent to a discordant use; and
 - (F) the resultant frontage provides vehicular, ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.

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

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions in their memoranda.

H. ANALYSIS:

The subject property is a vacant parcel of land which lies north of NW 58 Street and approximately 160' west of NW 27 Avenue within the Model City/Brownsville Charrette Study Area which has been targeted by the County as an area for revitalization. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates this site as **Business and Office** use. This category accommodates the full range of sales and service activities. The subject property is zoned BU-1, Neighborhood Business District which permits such uses as the proposed bicycle repair shop. Additionally, the interpretative text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas. Furthermore, the subject property lies within the Urban Infill Area (UIA) and is located in a Community Development Block Grant (CDBG)-eligible area. **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Based on all the aforementioned, staff opines that the application is **consistent** with LUP Map and interpretative text of the CDMP.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Additionally, the **Miami-Dade Fire Department (MDFR)** **does not object** to this application and indicates that the estimated average response time is **5:07** minutes.

When the request is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request, subject to conditions, would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. The applicant has designed the building to complement the surrounding area by maintaining the required height and setbacks. The subject property is located in a BU-1 corridor that is surrounded by an auto body shop, a vehicle storage lot, a vacant lot and a single-family residence. Furthermore, the lot is part of the Hialeah Heights subdivision which was platted in 1927 where all the lots in the subdivision have 40' frontage. Additionally, the proposal would be **consistent** with the intent of Policy LU-1C of the CDMP, which is to develop vacant parcels contiguous to urbanized areas in order to avoid the premature depletion of lands outside the Urban Development Boundary (UDB). Allowing the construction of the proposed building would contribute toward a redevelopment of this area. Staff notes that the proposed project meets all applicable zoning regulations such as

building setbacks, lot coverage, landscape open space and parking requirements. As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-11(A)(16), provide for the approval of a zoning application that 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. This application meets several of the criteria for approval under the ASDO Standards for lot frontage. Specifically, the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity (Section 33-311(A)(16)(f)(1)(E)) as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area and the size and dimensions of the lot, parcel and tract are sufficient to provide all setbacks required by the underlying district regulations (Section 33-311(A)(16)(f)(1)(C). However, the request to permit a parcel of land with a lot frontage of 40', does not comply with the ASDO Standard in Section 33-311(A)(16)(f)(1)(G) which requires that the frontage dimension of the lot, parcel or tract is not less than ninety percent (90%) of the minimum frontage required by the applicable district regulations. The subject property's frontage of 40' is 80% of the minimum frontage required which falls below the minimum numerical frontage of 90% required for approval in this zone under the ASDO standard. Therefore, the request cannot be approved under same and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When the request 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 the request not be granted, such denial would not permit the reasonable use of the premises. The applicant has not demonstrated that the denial of this application would result in unnecessary hardship. As such, this application cannot be approved under this section and therefore, staff recommends denial without prejudice of the request under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV); and denial without prejudice under Section 33-311(A)(16) (ASDO for BU Zoning District) and Section 33-311(A)(4)(c) (ANUV).

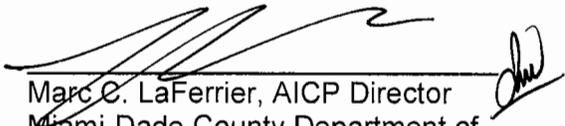
I. **RECOMMENDATION:** Approval with conditions under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice under Section 33-311(A)(16) (ASDO) and Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of 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.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Bicycle Repair Shop for Milo & Associates of Miami Inc.", as prepared by Burgos Lanza & Associates, consisting of 4 sheets, dated stamped received 07-17-09 with sheet A1.00 handwritten revision dated 7/29/09.

3. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 05/28/09
DATE TYPED: 07/24/09
DATE REVISED: 07/27/09; 07/28/09, 7/30/09, 8/14/09, 8/28/09
DATE FINALIZED: 08/28/09
MCL:NN:CXH:CI



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

Memorandum



Date: July 30, 2009

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 #Z2009000063-1st Revision
Milo & Associates of Miami, Inc.
2731 N.W. 58th Street
Request to Permit a Parcel of Land with Less Lot Frontage than Required
(BU-1) (0.11 Acres)
16-53-41

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 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

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 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

There are no tree resources issues on the subject property.

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

Hazardous Materials Management

Due to the nature of uses allowed in the existing 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 required management practices.

Operating Permits

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MILO & ASSOCIATES OF MIAMI INC,

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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.

31-JUL-09



Memorandum

Date: 06-AUG-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000063

Fire Prevention Unit:

APPROVAL
 - No objection to site plan date stamped July 17, 2009 via Case # Z2009000063.

Service Impact/Demand

Development for the above Z2009000063
 located at LYING NORTH OF NW 58 STREET & APPX. 160' WEST OF NW 27 AVE, MIAMI-DADE COUNTY,
 FLORIDA.

in Police Grid 0917 is proposed as the following:

N/A <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
1,501 <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 0.45 alarms-annually.
 The estimated average travel time is: 5:07 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 2 - Model Cities - 6460 NW 27 Avenue
 Rescue, BLS 65' Aerial, Squad, Battalion.

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on plan date stamped July 17, 2009. Substantial changes to the plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

MILO & ASSOCIATES OF MIAMI
INC,

LYING NORTH OF NW 58 STREET
& APPX. 160' WEST OF NW 27
AVE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2009000063

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

8/5/09 Warning letter issued for overgrowth violation.

Case 2009040066133

M. Moore

DISCLOSURE OF INTEREST*

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

=> CORPORATION NAME: Milo & Ass. of Miami

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>FRANK LOZANO</u>	<u>100%</u>
<u>2415 Arch Creek Dr</u>	
<u>N. Miami FL 33181</u>	

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

=>

100%

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.

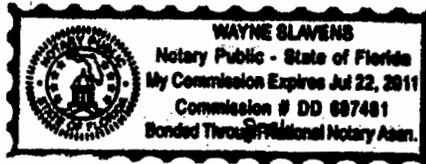
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

=>

Signature: _____
(Applicant)

Sworn to and subscribed before me this 22 day of JUNE, 2009. Affiant is personally known to me or has produced _____ as identification.

Wayne Slavens
(Notary Public)



My commission expires: _____

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

LOT 10
(BU-1)

LOT 1:1
(BU-1)

LOT 12
(BU-1)

12' ALLEY

N 90°00'00" E
40.00'(R/M)

8'-5"

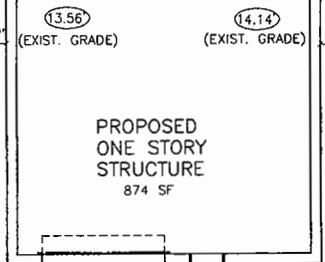
28'-5"

N 00°33'43" W 129.0'(R/M)

LOT 21
(BU-1)

92'-2"

EXISTING
5" H. CMU
CONC. BLOCK
WALL



HC SIGN

(13.70)
(EXIST. GRADE)

LOT 19
(BU-1)

N 00°33'43" W 129.0'(R/M)



20'-6" (22' MIN)

PAVED DRIVEWAY

WHEEL STOP

EXISTING
5" H. CMU
CONC. BLOCK
WALL

(13.04)
(EXIST. GRADE)

(13.94)
(EXIST. GRADE)

ALUM FENCE & GATE
(SEPARATE PERMIT REQUIRED)

WATER METER
G.C. TO VERIFY
LOCATION

N 90°00'00" E
40.00'(R/M)
(BASIS OF BEARING)

160.00'

(13.48)

5' SIDEWALK (14.38)

35'-0"

13' PARKWAY

70' TOTAL RIGHT-OF-WAY

(13.74)

N.W. 58th STREET

(14.80)

20' PAVEMENT

RECEIVED

JUL 17 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

ENLARGED SITE PLAN

RECEIVED
209-063
JUL 17 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

17

RECEIVED
 2003 06 23
 JUL 11 2003

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

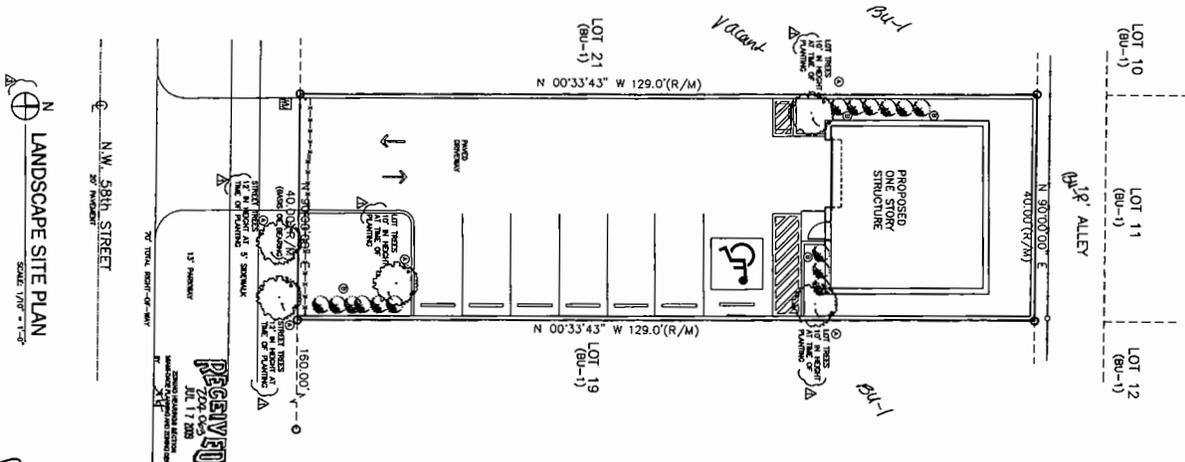
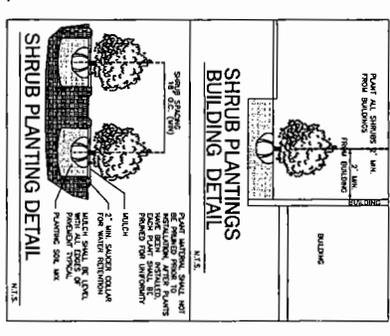
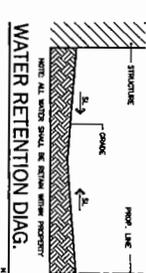
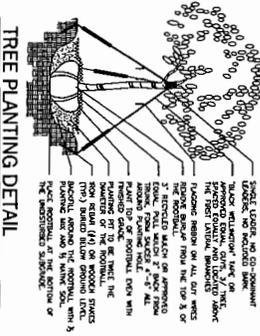
BY AK

LANDSCAPE LEGEND

SYMBOL	DESCRIPTION	REMARKS
(S)	SHRUB	SEE SCHEDULE
(T)	TREE	SEE SCHEDULE
(L)	LANDSCAPE LIGHT	SEE SCHEDULE
(P)	PROPAGATED PLANT	SEE SCHEDULE
(M)	MAINTENANCE	SEE SCHEDULE
(W)	WATER	SEE SCHEDULE
(R)	RETENTION	SEE SCHEDULE

NEW TREES SCHEDULE

PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT SPECIES	PLANT NOTES
1	12" DBH	1	COCONUT PALM	SEE SCHEDULE
2	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
3	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
4	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
5	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
6	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
7	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
8	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
9	12" DBH	1	FLORIDA PALM	SEE SCHEDULE
10	12" DBH	1	FLORIDA PALM	SEE SCHEDULE



REVISIONS:

REV.	DATE	DESCRIPTION
1	07/11/03	ISSUE FOR PERMIT

A1.02

DATE: 07/11/03
 DRAWN BY: [Name]
 CHECKED BY: [Name]

BURGOS LANZA ARCHITECT & PLANNERS

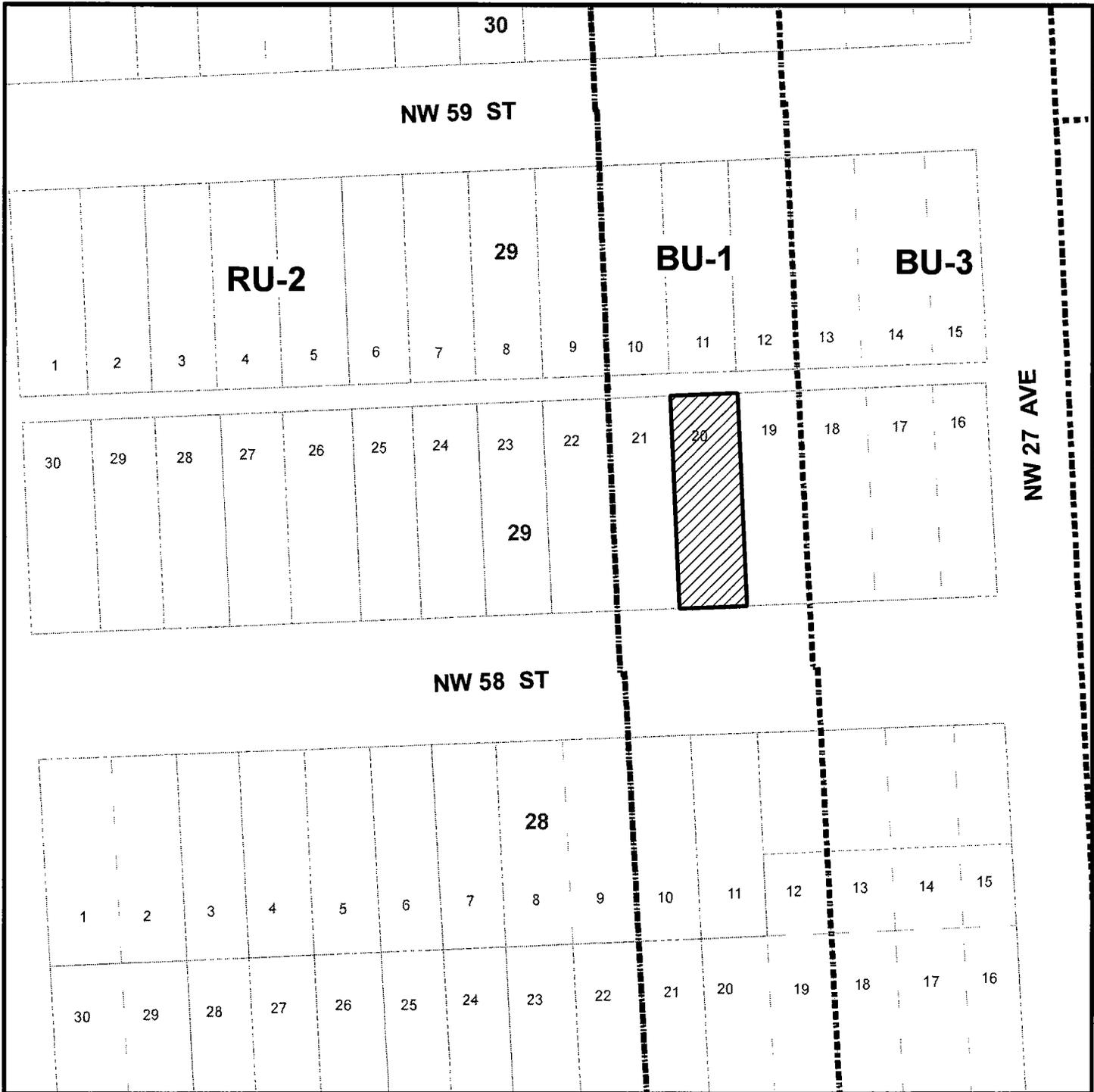
1319 S.W. 15TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33135
 TEL: (305) 554-9000
 FAX: (305) 554-9001

BURGOS LANZA & ASSOCIATES
 475 Biscayne Way, Suite 302
 Coral Gables, Florida 33134
 TEL: (781) 554-9000
 FAX: (781) 554-9001

PROPOSED BICYCLE REPAIR SHOP

FOR
MILO & ASSOCIATES OF MIAMI INC.

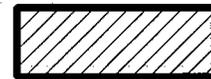
LOCATED AT:
 2731 NW 58TH STREET,
 MIAMI, FLORIDA 33125



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-063

Section: 16 Township: 53 Range: 41
 Applicant: MILO & ASSOCIATES OF MIAMI INC.
 Zoning Board: C08
 Commission District: 02
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 06/08/09

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-063

Section: 16 Township: 53 Range: 41
 Applicant: MILO & ASSOCIATES OF MIAMI INC.
 Zoning Board: C08
 Commission District: 02
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 06/08/09

REVISION	DATE	BY

3. MIAMI DADE PUBLIC WORKS DEPARTMENT
(Applicant)

09-9-CZ8-3 (09-073)
Area 8/District 2
Hearing Date: 9/23/09

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:

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

NO HISTORY

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

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

APPLICANT: Miami-Dade County Public Works Department **PH:** Z09-073 (09-9-CZ8-3)

SECTION: 28/29-53-41 **DATE:** September 23, 2009

COMMISSION DISTRICT: 2 **ITEM NO.:** 3

A. INTRODUCTION

o **REQUEST:**

Applicant is requesting to waive the zoning regulations requiring NW 37 Avenue to be 70'; to permit 0' of dedication along a portion of NW 37 Avenue.

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

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Specific Purpose Survey Sketch of N.W. 37 Avenue Road Closure," as prepared by R. Batillo and dated 05/19/09.

o **SUMMARY OF REQUEST:**

This application seeks to waive the zoning regulations pertaining to the required width for NW 37 Avenue resulting in a request to permit 0' dedication for the entire right-of-way width.

o **LOCATION:**

N.W. 37 Avenue between N.W. North River Drive and approximately 170' south of the centerline of N.W. 36 Street, Miami-Dade County, Florida.

o **SIZE:** 1 Acre

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being inside the Urban Development Boundary (UDB) Line for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission

facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

2. **TE-1D.** Within the time-frame of the CDMP, Miami-Dade County will actively pursue development of intermodal facilities where opportunities arise, including, but not limited to:

- Miami Intermodal Center (MIC);**
- Downtown Miami Transportation Center;
- Northeast Miami-Dade Terminal;
- Douglas Road Transit Center; and
- Park-and-Ride Lots, where feasible opportunities present themselves along bus/rail corridors.

3. **TC-2D.** The section line, half section-line, and quarter section-line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

IU-1, IU-2 & BU-3; roadway

Industrial and Office

SURROUNDING PROPERTY:

<u>NORTH:</u> City of Miami; roadway	Industrial and Office
<u>SOUTH:</u> IU-1 & IU-2; recycling facility	Industrial and Office
<u>EAST:</u> BU-3 & IU-1; parking lot, vacant Land	Industrial and Office
<u>WEST:</u> IU-2; parking lot	Industrial and Office

E. SITE AND BUILDINGS:

Site Plan Review:	(Survey submitted.)
Scale/Utilization of Site:	N/A
Location of Buildings:	N/A
Compatibility:	Acceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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:

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

H. ANALYSIS:

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Approval of this application will allow the applicant to waive the zoning regulations requiring NW 37 Avenue to be 70' in width, to permit 0' of dedication for the entire right-of-way width as a condition of a settlement agreement in eminent domain proceedings for land needed for the Miami Intermodal Center (MIC)/Earlington Heights Extension of the Metrorail, approved under Resolution #R-1440-08. The Public Works Department memorandum indicates that this portion of NW 37 Avenue is not needed for present or future public use. As such, approval of the request to vacate this portion of NW 37 Avenue is **consistent** with the LUP map of the CDMP and sections **TE-1D** and **TC-2D** of the interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to the application and also indicate in their memorandum that the right-of-way is not required for present or future public use. The Public Works Department also states in their memorandum that this project will not generate any additional daily peak hour vehicle trips; therefore no vehicle trips have been assigned.

When this application is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, nor would it affect the appearance of the community. The application is generated as a result of an agreement between Miami-Dade County and the owners of the abutting property to the west, based on eminent domain proceedings. Staff is of the opinion that the proposed road closing petition for NW 37 Avenue will not have a negative impact to the adjacent parcels lying to the east or west of the subject property (NW 37 Avenue). Staff notes that the previously mentioned parcels to the west are owned by an entity, Miami Jai Alai, Inc., a party to the aforementioned agreement and to which the proposed closed portion of NW 37 Avenue will be deeded. This entity also owns one of the abutting parcels to the east of NW 37 Avenue, between NW 35 Street and NW 36 Street. The remaining parcel that abuts NW 37 Avenue also fronts onto NW 36 Street. The

parcels to the east, south of NW 35 Street, which belong to the Miami-Dade Aviation Department, are also part of the agreement referred to in Resolution #R-1440-08, which will also become a part of the overall parcel belonging to Miami Jai Alai, Inc. As such, said property will have frontage on the remaining portion of NW 37 Avenue, NW 36 Street, NW 33 Street and NW North River Drive. The Public Works Department has no objections to the request to permit 0' of dedication on this portion of NW 37 Avenue as previously mentioned. Further, the proposed development will be beneficial to the surrounding community and is **consistent** with the LUP map of the CDMP and TE-1D and TC-2D of the interpretative text of the CDMP. As such, staff recommends approval of this application under the NUV standards, Section 33-311(A)(4)(b).

When this application is analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, the applicant has not provided information of how the denial of this request would result in a zoning hardship. Therefore, this application should be denied without prejudice under the ANUV standard.

Based on all of the aforementioned, staff recommends approval of the request to waive the zoning regulations requiring NW 37 Avenue to be 70' wide between NW 36 Street and NW North River Drive; to permit 0' of dedication for the entire right-of-way under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval of the application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: None.

DATE INSPECTED:

DATE TYPED: 08/06/09

DATE REVISED: 08/07/09, 08/19/09

DATE FINALIZED: 08/24/09

MCL:NN:AA:CH



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

Memorandum



Date: May 27, 2009

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".

Subject: C-08 #Z2009000073
Miami-Dade County Public Works Department
N.W. 37 Avenue between N.W. North River Drive and South of the
Centerline of 36 Street
Request to Waive the Entire Right-of-Way Width for N.W. 37 Avenue
(BU-3) (1.64 Acres)
29-53-41

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 LOS standards for an initial development order, as specified in the adopted CDMF 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: MIAMI DADE COUNTY PUBLIC WORKS DEPARTMENT

This Department has no objections to this application.

This Department has determined that the right-of-way is not required for present or future public use.

A road closing petition will be required for vacating NW 37 Avenue. Said petition must be approved by the Board of County Commissioners.

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



Raul A Pino, P.L.S.

05-AUG-09

Memorandum



Date: 09-JUN-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000073

Fire Prevention Unit:

APPROVAL
No objection to application via Case 09-073.

Service Impact/Demand

Development for the above Z2009000073
located at NW 37 AVENUE BETWEEN N.W. NORTH RIVER DRIVE & APPROXIMATELY 170' SOUTH OF THE
CENTERLINE OF N.W. 36 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1074 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: 8:08 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 65' Aerial, Squad, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

MIAMI DADE COUNTY PUBLIC
WORKS DEPARTMENT

NW 37 AVENUE BETWEEN N.W.
NORTH RIVER DRIVE &
APPROXIMATELY 170' SOUTH OF
THE CENTERLINE OF N.W. 36
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2009000073

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

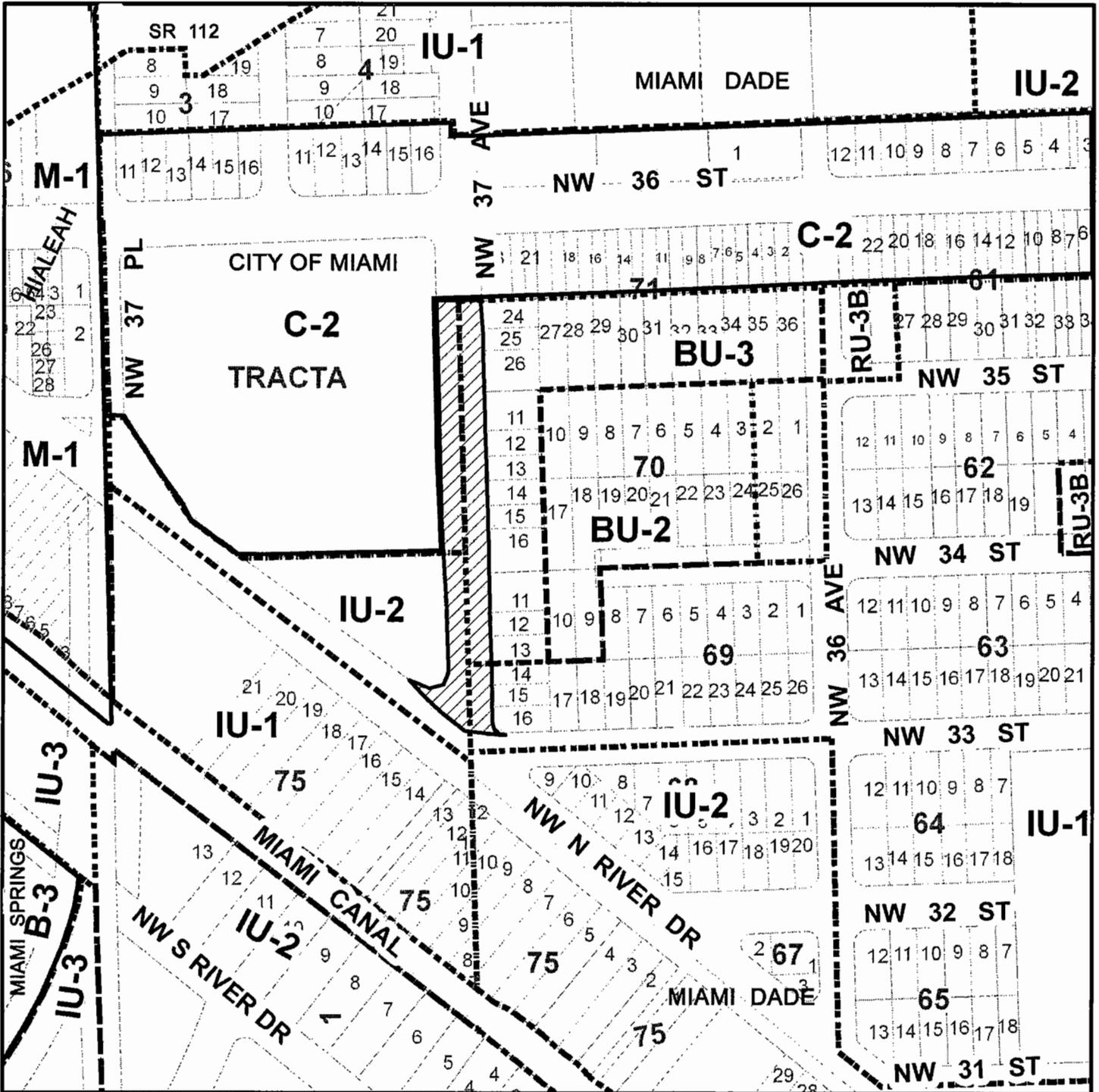
CURRENT CASE HISTORY:

Case 200913000574 was opened based on enforcement history request and inspected on 08/04/09. No violations were observed and case was closed.

PREVIOUS CASE HISTORY:

Case 200413001383 was opened 10/13/04 and found not in violation and case was closed.

NCO SNEZANA CORDOBA



MIAMI-DADE COUNTY

HEARING MAP

Section: 28, 29 Township: 53 Range: 41

Applicant: MIAMI DADE PUBLIC WORKS

Zoning Board: C08

Commission District: 2

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

09-073

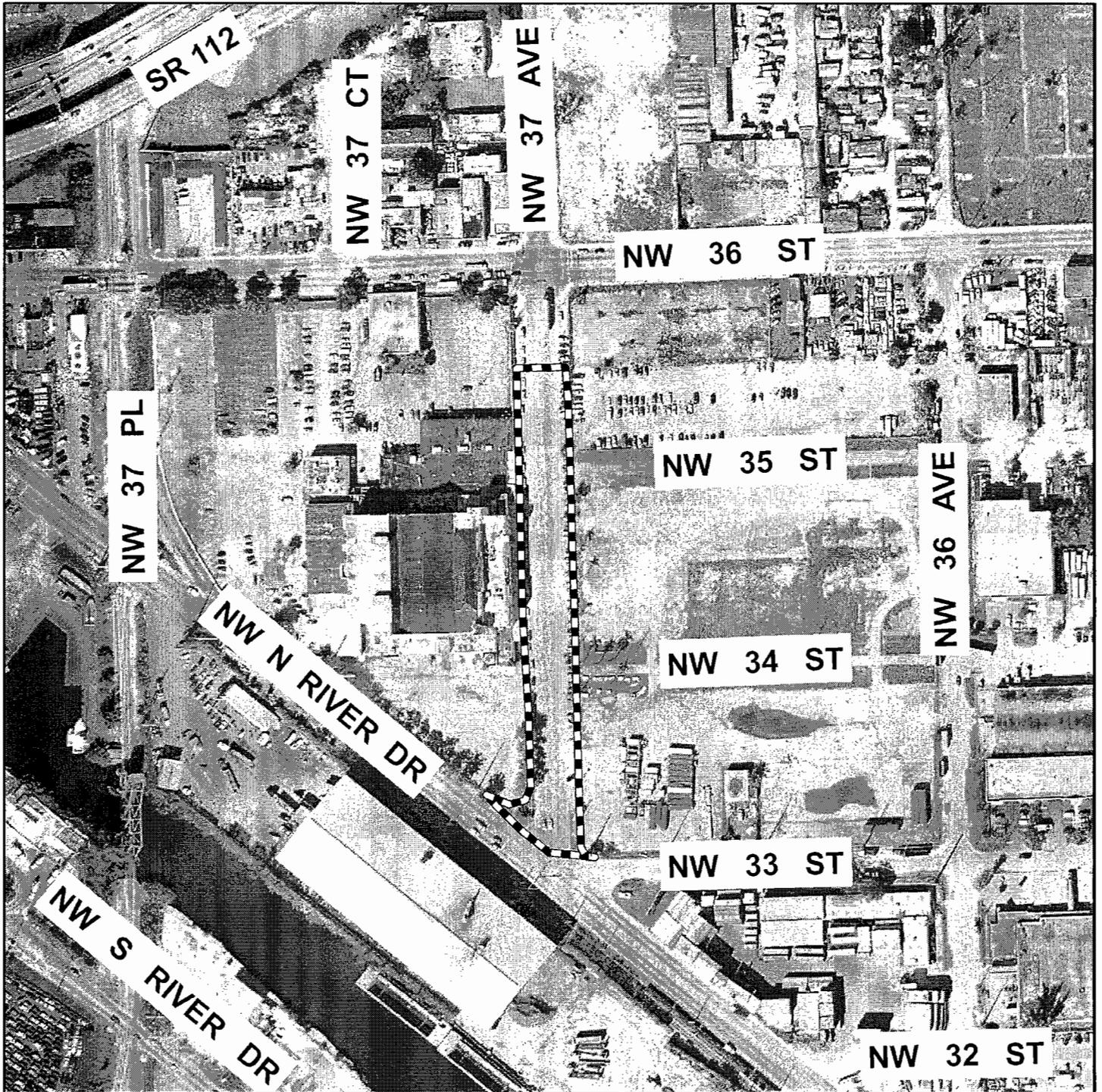


SUBJECT PROPERTY



SKETCH CREATED ON: 06/03/09

REVISION	DATE	BY
		13



MIAMI-DADE COUNTY

AERIAL YEAR 2008
 Section: 28, 29 Township: 53 Range: 41
 Applicant: MIAMI DADE PUBLIC WORKS
 Zoning Board: C08
 Commission District: 2
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number

09-073



SUBJECT PROPERTY



SKETCH CREATED ON: 06/03/09

REVISION	DATE	BY