



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, NOVEMBER 18, 2009

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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. LUCIE Q JOSEPH
(Applicant)

09-9-CZ8-1 (09-023)
Area 8/District 3
Hearing Date: 11/18/09

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
COMMUNITY ZONING APPEALS BOARD - AREA 8
MOTION SLIP

#1

APPLICANT'S NAME: **LUCIE Q JOSEPH**

REPRESENTATIVE: No applicant present

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-9-CZ8-1 (09-023)	September 23, 2009	CZAB8	09

REC: Denial without prejudice.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Nov 18, 2009</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred at Department's request to advertise a variance.	

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

VOTE:	5	0
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EXHIBITS: YES NO

COUNTY ATTORNEY: **BRIDGETTE THORNTON**

**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: November 18, 2009

COMMISSION DISTRICT: 3

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

- (1) UNUSUAL USE for a day care center.
- (2) Applicant is requesting to permit a parcel of land with a lot frontage of 65.19' (75' required).
- (3) 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.
- (4) Applicant is requesting to permit a 2-way drive with a width of 14' (20' required).
- (5) Applicant is requesting to permit two auto-stacking parking spaces to be a minimum of 8' x 20' (8' x 23' required).
- (6) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (7) Applicant is requesting to permit a 5' wide buffer (7' wide required) along portions of the right-of-way.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #7 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

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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:

This item was deferred on September 23, 2009 by the CZAB 8 in order to re-advertise and add additional non-use variances (requests #2, #5 and #7). 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's requests for additional variances to satisfy the setback 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 the 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 #7 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 #3 through #7 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 continued use of an existing single family residence and proposed day care center on a parcel of land with a lot frontage of less than required by the Zoning Code. Staff notes that along the same block face there are other parcels with the same lot frontage as the subject property, the structure on the site was built in 1950 on the same parcel of land containing such substandard lot frontage. Therefore, staff is of the opinion that the applicant is requesting to legalize such parcel of land in order to continue with either the continued use of the existing single family residence or the proposed day care center. As such, staff recommends approval of request #2 only to allow the continued use of an existing single family residence thereon. The applicant is also requesting to allow the proposed day care center to be setback less than the required distance from the interior side (west) property line and from the side street (east) property line (request #3), to allow a 14' wide two-way drive where a 20' side driveway is required (request #4), to allow two substandard stacking parking spaces (request #5), to allow parking within 25' of the right-of-way where none is permitted (request #6) and to allow a 5' wide buffer where a 7' wide buffer is required (request #7). 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 approval of request #2 and denial without prejudice of requests #3 through #7 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #7 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 requests #3 through #7, under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV) and approval of request #2 under Section 33-311(A)(4)(b) (NUV).

I. RECOMMENDATION:

Approval of request #2, and denial without prejudice of requests #1 and #3 through #7.

J. CONDITIONS: None.

DATE INSPECTED: 08/10/09
DATE TYPED: 08/10/09
DATE REVISED: 08/11/09; 08/19/09; 10/8/09; 11/09/09
DATE FINALIZED: 11/09/09
MCL:NN:CH:TA



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

Memorandum



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

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

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.

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

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

School Name: Lucie's Childcare

School Address: 11020 NW 2 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: $\pm 111.01' \times \pm 65.19' = \pm 10,987^{SF} + 43,560 \text{ sq. ft.} = \pm 0.25 \text{ acres}$
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
(Signature)
MAY 28 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY (Signature)

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

Rev 1
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209025
 MAY 28 2009

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

School Address: 11020 NW 2nd ct Zip Code: 33168

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 P. 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
Steven Michel Lauriston
Commission # DE942289
Expires: DEC. 02, 2012
BONDED THROUGH ATLANTIC BONDING CO., INC.

Paul
RECEIVED
09-05
MAY 28 2009

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

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:

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
N/A <u>Retail</u>	square feet	1,880 <u>nursing home/hospitals</u>	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

LUCIE Q JOSEPH

11020 NW 2 COURT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000023

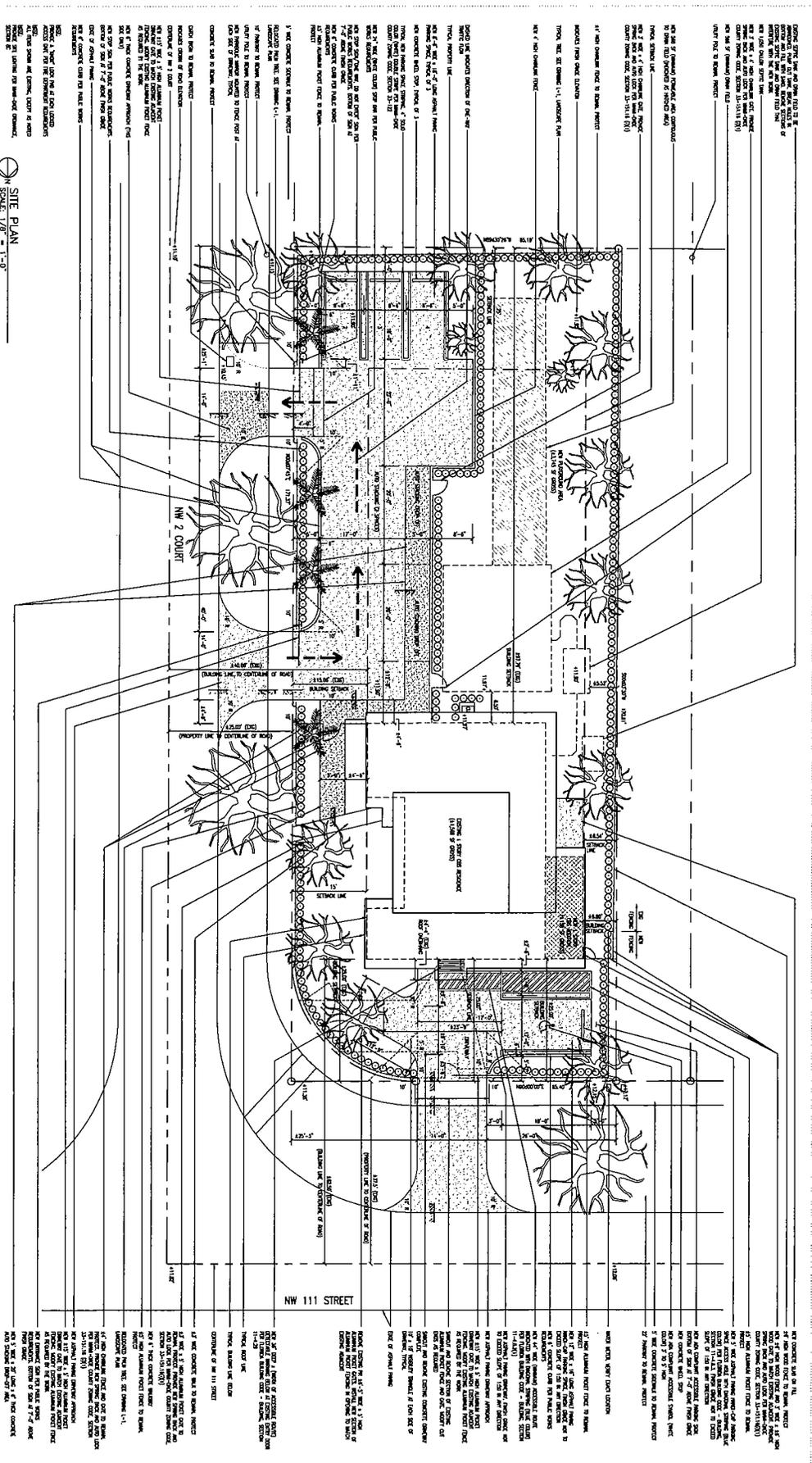
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Case 200906004613 No violations observed at time of inspection.

10/22/09

W. Ogando



ZONING ANALYSIS:

1. ZONING DISTRICT: RS-1 (RESIDENTIAL SINGLE-FAMILY)

2. ZONING REGULATIONS:

- 1. MINIMUM LOT AREA: 10,000 SQ. FT.
- 2. MINIMUM FRONT YARD SETBACK: 10 FT.
- 3. MINIMUM SIDE YARD SETBACK: 5 FT.
- 4. MINIMUM REAR YARD SETBACK: 10 FT.
- 5. MAXIMUM BUILDING HEIGHT: 35 FT.
- 6. MAXIMUM GROUND COVER: 30%.
- 7. MAXIMUM LOT COVERAGE: 30%.
- 8. MINIMUM FRONT YARD OPEN SPACE: 10%.
- 9. MINIMUM SIDE YARD OPEN SPACE: 5%.
- 10. MINIMUM REAR YARD OPEN SPACE: 10%.

GENERAL NOTES:

1. ALL CONCRETE SHALL BE 4000 PSI STRENGTH.
2. ALL BRICK SHALL BE COMMON BRICK.
3. ALL STONE SHALL BE NATURAL FINISH.
4. ALL ROOFING SHALL BE 18 GA. GALVALUM.
5. ALL INTERIORS SHALL BE 1/2" GYP BOARD.
6. ALL EXTERIORS SHALL BE 5/8" GYP BOARD.
7. ALL FLOORING SHALL BE 3/4" OAK PARQUET.
8. ALL WALLS SHALL BE 8" CMU.
9. ALL CEILING SHALL BE 12" CONCRETE.
10. ALL ROOFING SHALL BE 18 GA. GALVALUM.
11. ALL ROOFING SHALL BE 18 GA. GALVALUM.
12. ALL ROOFING SHALL BE 18 GA. GALVALUM.
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14. ALL ROOFING SHALL BE 18 GA. GALVALUM.
15. ALL ROOFING SHALL BE 18 GA. GALVALUM.

OCCUPANT LOAD:

1. OCCUPANT LOAD FACTOR: 150 PER 1000 SQ. FT.

2. OCCUPANT LOAD CALCULATION: 150 x 1000 = 150,000

3. OCCUPANT LOAD CALCULATION: 150 x 1000 = 150,000

4. OCCUPANT LOAD CALCULATION: 150 x 1000 = 150,000

5. OCCUPANT LOAD CALCULATION: 150 x 1000 = 150,000

BATHROOMS FIXTURE COUNT:

1. TOILET: 1

2. SINK: 1

3. SHOWER: 1

4. TUB: 1

5. VESTIBULE: 1

6. ENTRY: 1

7. EXIT: 1

8. STAIR: 1

9. STAIR: 1

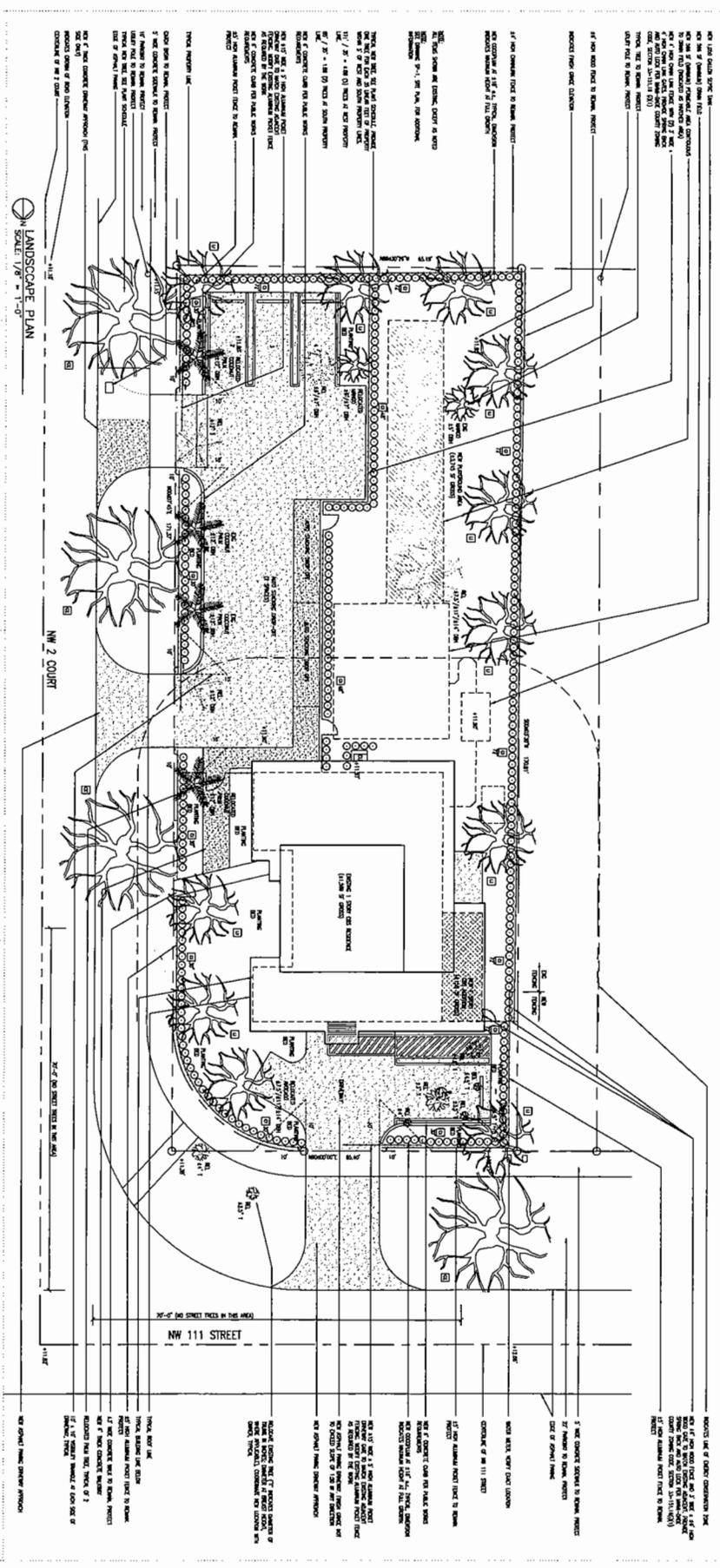
10. STAIR: 1

LANDSCAPE CALCULATIONS:

ITEM	QUANTITY	UNIT PRICE	TOTAL PRICE
1. PLANTING	100	10.00	1000.00
2. PLANTING	200	5.00	1000.00
3. PLANTING	300	3.33	1000.00
4. PLANTING	400	2.50	1000.00
5. PLANTING	500	2.00	1000.00
6. PLANTING	600	1.67	1000.00
7. PLANTING	700	1.43	1000.00
8. PLANTING	800	1.25	1000.00
9. PLANTING	900	1.11	1000.00
10. PLANTING	1000	1.00	1000.00

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMIT
2	10/15/10	REVISED PER COMMENTS
3	10/20/10	REVISED PER COMMENTS
4	10/25/10	REVISED PER COMMENTS
5	10/30/10	REVISED PER COMMENTS



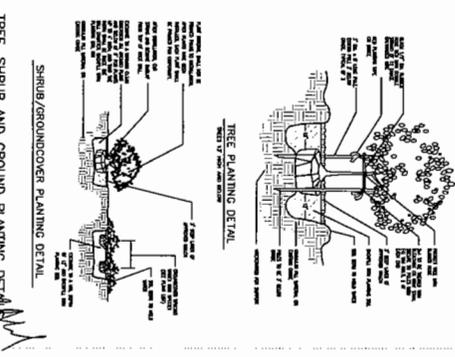
LANDSCAPE PLAN
SCALE 1/8" = 1'-0"

LANDSCAPE CHECKS

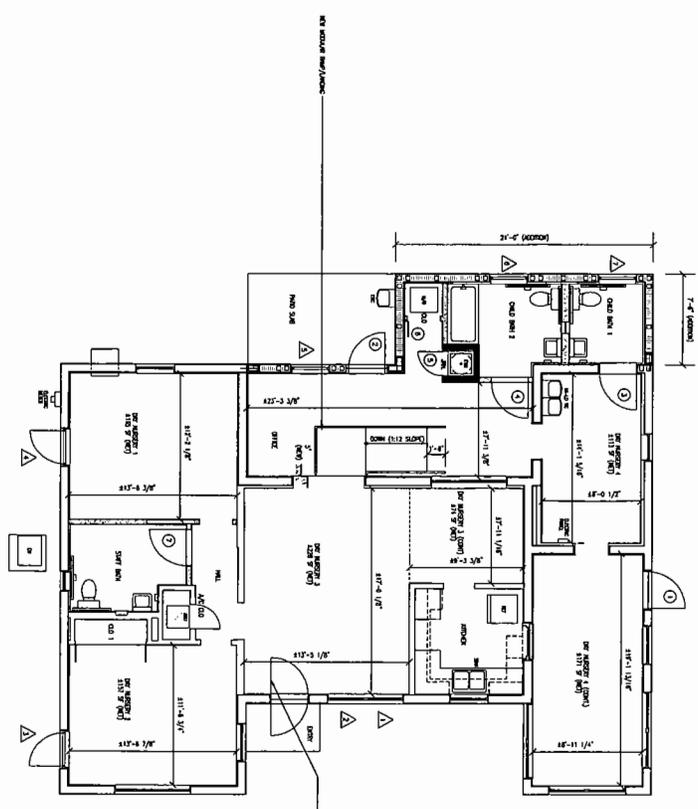
NO.	DESCRIPTION	DATE	BY	STATUS
1	Check for any tree or shrub that is to be removed from the site.			
2	Check for any tree or shrub that is to be planted on the site.			
3	Check for any tree or shrub that is to be planted in the parking lot.			
4	Check for any tree or shrub that is to be planted in the driveway.			
5	Check for any tree or shrub that is to be planted in the courtyard.			
6	Check for any tree or shrub that is to be planted in the front yard.			
7	Check for any tree or shrub that is to be planted in the back yard.			
8	Check for any tree or shrub that is to be planted in the side yard.			
9	Check for any tree or shrub that is to be planted in the rear yard.			
10	Check for any tree or shrub that is to be planted in the front porch.			
11	Check for any tree or shrub that is to be planted in the back porch.			
12	Check for any tree or shrub that is to be planted in the side porch.			
13	Check for any tree or shrub that is to be planted in the rear porch.			
14	Check for any tree or shrub that is to be planted in the front lawn.			
15	Check for any tree or shrub that is to be planted in the back lawn.			
16	Check for any tree or shrub that is to be planted in the side lawn.			
17	Check for any tree or shrub that is to be planted in the rear lawn.			
18	Check for any tree or shrub that is to be planted in the front garden.			
19	Check for any tree or shrub that is to be planted in the back garden.			
20	Check for any tree or shrub that is to be planted in the side garden.			
21	Check for any tree or shrub that is to be planted in the rear garden.			

PLANT SYMBOLS

SYMBOL	DESCRIPTION	PLANT SPECIES
U	UNIDENTIFIED	
C	CORNER PLANTING	
D	DRIVE PLANTING	
S	SHRUB PLANTING	
T	TREE PLANTING	
P	PLANTING IN PAVEMENT	
R	PLANTING IN ROADWAY	
L	PLANTING IN LANDSCAPE	
B	PLANTING IN BERM	
E	PLANTING IN EDGE	
I	PLANTING IN ISLAND	
O	PLANTING IN OVAL	
R	PLANTING IN RECTANGLE	
S	PLANTING IN SQUARE	
T	PLANTING IN TRIANGLE	
C	PLANTING IN CURVE	
S	PLANTING IN STRIP	
P	PLANTING IN POINT	
L	PLANTING IN LINE	
A	PLANTING IN AREA	
R	PLANTING IN ROW	
C	PLANTING IN CLUSTER	
G	PLANTING IN GROUP	
S	PLANTING IN SPREAD	
D	PLANTING IN DENSE	
O	PLANTING IN OPEN	
S	PLANTING IN SPARSE	
D	PLANTING IN DIVERSE	
M	PLANTING IN MIXED	
C	PLANTING IN COMBINATION	
P	PLANTING IN PATTERN	
R	PLANTING IN REPEAT	
C	PLANTING IN CONTRAST	
H	PLANTING IN HARMONY	
B	PLANTING IN BALANCE	
S	PLANTING IN SCALE	
C	PLANTING IN COLOR	
T	PLANTING IN TEXTURE	
V	PLANTING IN VARIETY	
R	PLANTING IN RHYTHM	
C	PLANTING IN CONTRAST	
H	PLANTING IN HARMONY	
B	PLANTING IN BALANCE	
S	PLANTING IN SCALE	
C	PLANTING IN COLOR	
T	PLANTING IN TEXTURE	
V	PLANTING IN VARIETY	
R	PLANTING IN RHYTHM	



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



THIS FLOOR PLAN IS A GENERAL LAYOUT OF THE NURSERY. THE EXACT LAYOUT OF THE NURSERY WILL BE DETERMINED BY THE NURSERY OPERATOR. THE OPERATOR SHALL BE RESPONSIBLE FOR THE NURSERY'S OPERATION AND MAINTENANCE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE NURSERY'S OPERATION AND MAINTENANCE.

1'-0" = 1'-0" DIMENSIONS TO FINISH SURFACE

DOOR FINISH SCHEDULE

NO.	DESCRIPTION	FINISH	NOTES
1	WOOD DOOR	WOOD	
2	GLASS DOOR	GLASS	
3	GLASS DOOR	GLASS	
4	GLASS DOOR	GLASS	
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6	GLASS DOOR	GLASS	
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DOOR SCHEDULE

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REVISIONS

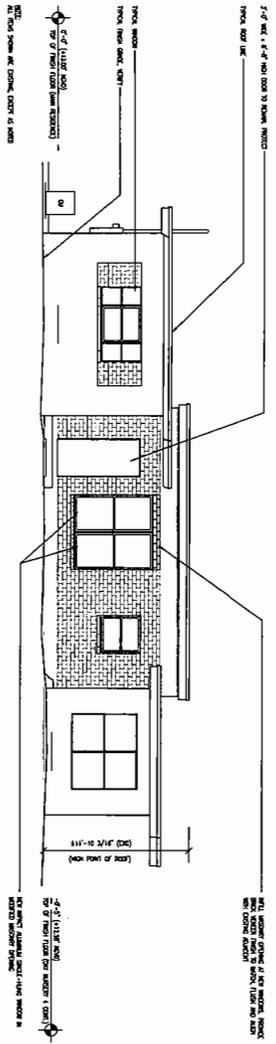
NO.	DATE	DESCRIPTION
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2		
3		

JOSEPH DAY NURSERY
11020 NW 2 COURT MIAMI, FLORIDA 33168
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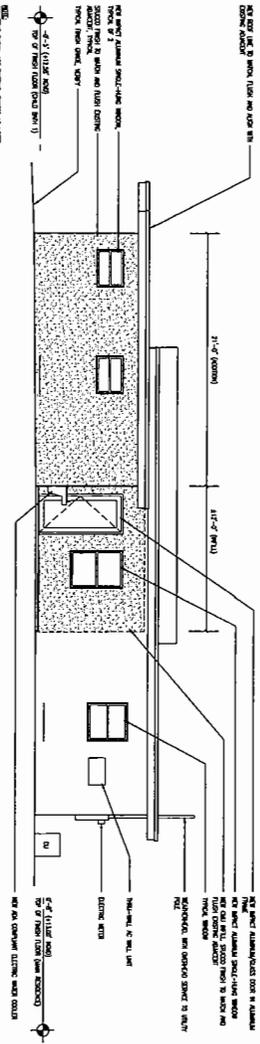
MEDEIROS ARCHITECTURAL GROUP, INC.
ARCHITECTURE PLANNING INTERIOR DESIGN
8405 NW 36 STREET, SUITE 133
TEL: (305) 486-1111
CHARLES C. MEDeiros, PRESIDENT

WOPORA GARDENS, FLORIDA 33106
AR 027992 © 2023/13

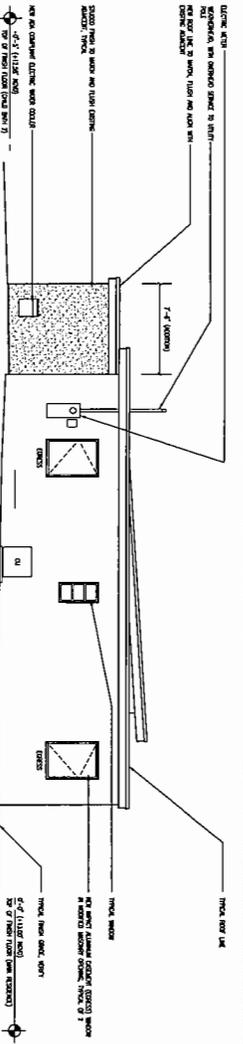
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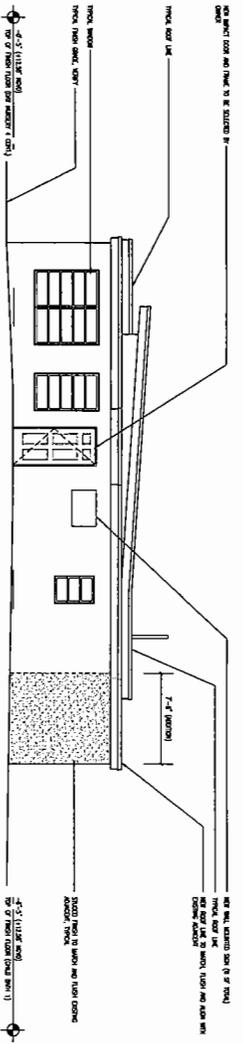
EAST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

22



MEDEIROS ARCHITECTURAL GROUP, INC.
ARCHITECTURE PLANNING INTERIOR DESIGN
AA 28000890 © 20020714
8425 SW 26 STREET, SUITE 133
TELEPHONE: (305) 331-7548
WICHITA SQUARE, FLORIDA 33148
C-MAIL: MED@MEDEIROS.COM
CHARLES B. MEDEIROS, PRESIDENT AR 0002992, © 0003037

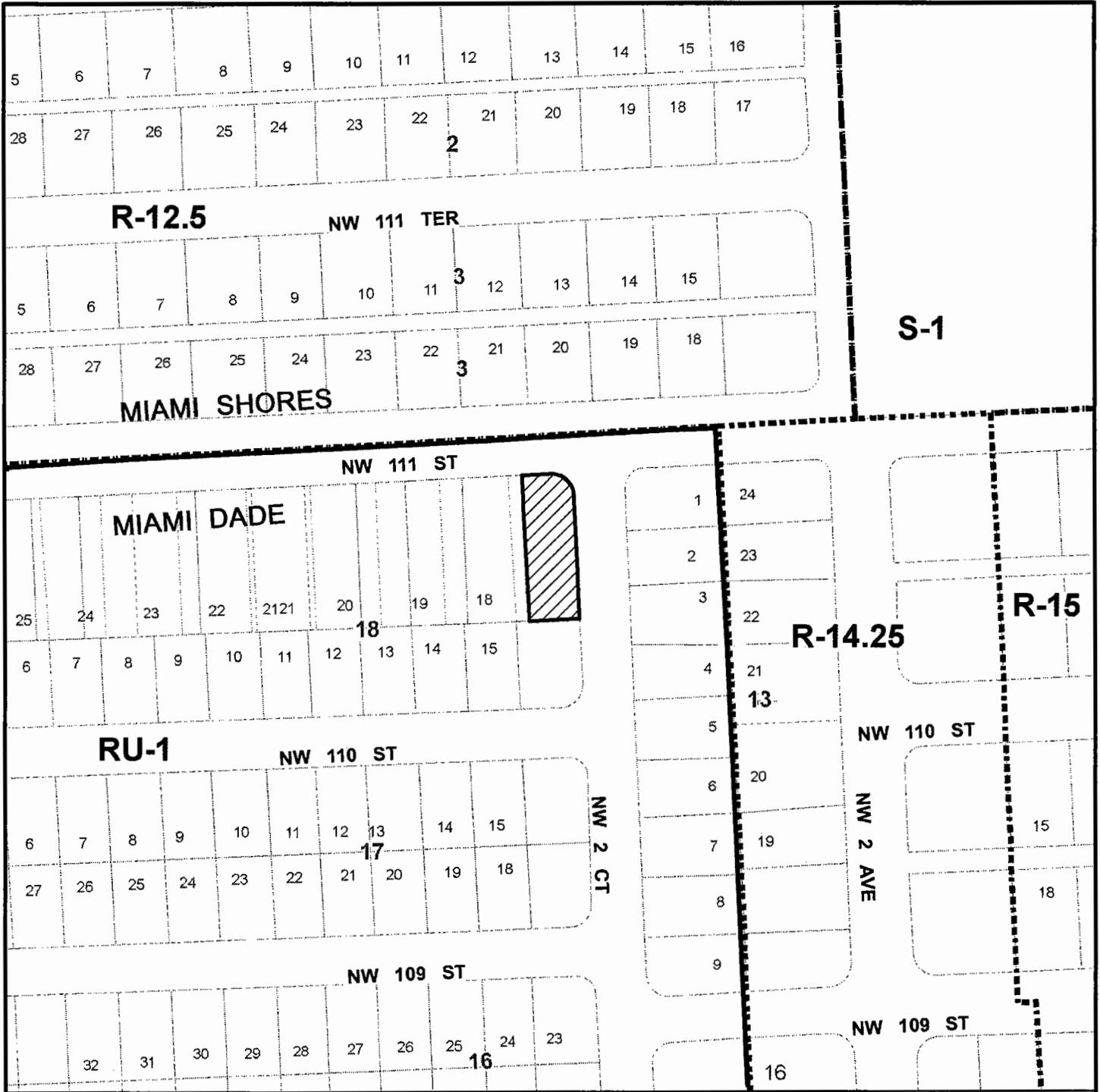
JOSEPH DAY NURSERY
11020 NW 2 COURT MIAMI, FLORIDA 33168
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DATE	BY	APPROVED	REVISIONS
08-01	MM/KM	MM/KM	
07-17	MM/KM	MM/KM	
07-17	MM/KM	MM/KM	

REVISIONS

SHEET: R-3





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
		23



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

1. SUNSHINE LAKES L.L.C.
(Applicant)

09-11-CZ8-1 (09-016)
Area 8/District 2
Hearing Date: 11/18/09

Property Owner (if different from applicant) **SUNSHINE LAKES, LLC ALEJANDRO RODR.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1964	Jacob G. Schmidlapp	- Recommendation of Zone Change from GU to RU-4. - Unusual Use to permit fishing and boat pier.	ZAB	Approved on a modified basis
1964	Jacob G. Schmidlapp	- Zone change from GU to RU-4.	BCC	Approved on a modified basis

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

Memorandum



Date: November 18, 2009
To: The Community Zoning Appeals Board - 8
From: Developmental Impact Committee
Executive Council
Subject: Developmental Impact Committee Recommendation

APPLICANT: Sunshine Lakes, LLC (Z09-016)

SUMMARY OF REQUESTS:

The applicant seeks to change the zoning on the property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, in order to construct 96 additional housing units on the northern portion of the subject property. Additionally, the applicant seeks fewer parking spaces than required and waiver of the landscape requirements prohibiting non-native trees.

LOCATION: 10900 & 10940 NW 14 Avenue, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee due to the number of units. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions and the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z09-16
SUNSHINE LAKES L.L.C.

Respectfully Submitted,

DIC Executive Council
October 14, 2009

Ysela Llort
Assistant County Manager

Absent

Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Absent

Irma San Roman, Deputy Director
Metropolitan Planning Organization Secretariat



AYE

Subrata Basu, Assistant Director of Planning
Department of Planning and Zoning



AYE

Esther Calas, P.E., Director
Public Works Department

Absent

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt



AYE

Jorge S. Rodriguez, P.E., Assistant Director
Miami-Dade Water and Sewer Department



AYE

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO DEVELOPMENT IMPACT COMMITTEE**

APPLICANT: Sunshine Lakes L.L.C.

PH: Z09-016 (09-9-CZ8-1)

SECTION: 35-52-41

DIC DATE: October 14, 2009

COMMISSION DISTRICT: 2

=====

A. INTRODUCTION

o **REQUESTS:**

(1) RU-4L to RU-4M

(2) Applicant is requesting to permit an existing multi-family development with 480 parking spaces (490 spaces required) for the entire site.

(3) Applicant is requesting to waive the landscape requirements prohibiting non-native trees and requiring them to be removed from the subject site, to permit Australian Pines to remain on the subject site.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning, entitled "Sunshine Lakes Residential Apartments," as prepared by Fred R. Cardoso, consisting of 9 sheets and plans entitled Sunshine Lakes Residential Aparts., as prepared by Mariano Corral, Landscape Architect and Planner, consisting of 5 sheets, for a total of 14 sheets with 12 sheets dated stamped received 8/25/09, sheet LP-1 dated stamped received 8/31/09 and sheet SP-1 dated stamped received 10/5/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant seeks to change the zoning on the property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, in order to construct 96 additional housing units on the northern portion of the subject property. Additionally, the applicant seeks fewer parking spaces than required and waiver of the landscape requirements prohibiting non-native trees.

o **LOCATION:** 10900 & 10940 NW 14 Avenue, Miami-Dade County, Florida.

o **SIZE:** 9.16 Acres

B. ZONING HEARINGS HISTORY:

In April 1964, pursuant to Resolution #2-ZAB-180-64, the Zoning Appeals Board recommended a zone change from GU, Interim District to RU-4L, Limited Apartment House District, on the subject property and granted an unusual use to permit a fishing and boating pier projecting into the waters of an adjacent private lake. In 1964, pursuant to

Resolution #Z-122-64, the Board of County Commissioners granted the zone change from GU to RU-4L.

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 **Medium Density Residential**. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **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.
4. **Policy LU-1J.** Miami-Dade County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas, enhance the County's Enterprise Zone and participate in the Empowerment Zone program as tools to expand the economy in locally distressed areas.
5. **Policy LU-2A.** All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
6. **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.
7. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
8. **Policy LU-7I.** Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

9. **Policy LU-8A.** Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design or residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resources degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.
10. **Policy LU-9K.** By 2007, Miami-Dade County shall initiate the review and revision of its Subdivision Regulations to facilitate the development of better planned communities. The Public Works Department shall specifically review and update the Subdivision Regulations for urban design purposes. Changes to be considered shall include provisions for:
 - i) Open space in the form of squares, plazas, or green areas in residential and commercial zoning categories; and
 - ii) A hierarchy of street types and designs, ranging from pedestrians and bike paths to boulevards that serve both neighborhood and areawide vehicular and pedestrian trip making needs by addressing cross sections, corner radii, connectivity and rationality of street and pathway networks, and balanced accommodation of automobiles, pedestrians, bicyclists, and landscaping.
11. **Policy 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 an 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.
12. **Policy HO-2.** Designate by the year 2025 sufficient land (+/-25,000 acres) to accommodate sites at varying densities for a variety of housing including manufactured homes, with special attention directed to affordable units for extremely low, very low, low, and moderate-income households, including workforce housing.
13. **Policy HO-3.** Assist the private sector in providing affordable housing products in sufficient numbers for existing and future residents throughout the County by the year 2025, (approximately 294,000 units), with an appropriate percentage (42 percent) or new housing available to extremely low, very low, low and moderate-income households, including workforce housing.
14. **Policy HO-3F.** By the end of 2006 an inclusionary zoning program which involves private sector developments in the provision of work force housing will be implemented. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.
15. **Policy MT-5D.** The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.

16. **Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Development of County Impact or (b) to conform the density, intensity, use, building, envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

3. Within a section, a variety of residential types and densities are encouraged, with higher densities being located at the periphery, and lower densities in the interior.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-4L; apartments

Medium Density Residential 13-25 dua

Surrounding Properties:

NORTH: RU-2; single-family residences

Low Medium Density Residential 6-13 dua

SOUTH: GU; lake

Water

EAST: RU-1 and GU; single-family residences, athletic field

Low Medium Density Residential 6-13 dua

WEST: GU; lake

Water

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plans submitted.)

Scale/Utilization of Site:

Acceptable*

Location of Buildings:

Acceptable

Compatibility:

Acceptable*

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Acceptable

Energy Considerations:

N/A

Roof Installations:

N/A

Service Areas:

N/A

Signage:

N/A

Urban Design: **Acceptable**

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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

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

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

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

Section 33-193.7. Applicability.

(1) An application seeking to utilize the density bonus and intensity standards available under this article (a "WHU application") shall:

(A) (1) for WHU applications seeking approval for 20 or more dwelling units provide workforce housing units or a monetary contribution as provided in Section 33-193.9;

(B) A WHU application seeking to develop property improved with one or more existing dwelling units priced to sell or rent to persons in the workforce housing target income range (Existing WHUs) shall provide a total number of WHUs equal to the greater of the (1) Existing WHUs or (2) the number of WHUs that would have been required had there been no Existing WHUs on the property.

Each WHU application to develop improved property shall provide evidence satisfactory to the Director as to whether Existing WHUs are on the property.

Section 33-193.9 Required Workforce Housing Units

(A) All applications seeking to utilize the density or intensity bonus available pursuant to this article for developments shall include a minimum percentage of workforce housing based on the following:

CDMP Land Use Category	Proposed Gross Density of Development	Percentage of All Residential Units Required To Be Work-Force Units
Estate	Up to and Including 2.5 Units Per Gross Acre.	5 Percent ¹
	From 2.5 up to and Including 3.125 Units Per Gross Acre	12.5 Percent ²
Low-Density Residential	From 3 up to Including 6 units Per Gross Acre.	5 Percent ¹
	From 6 to 7.5 Units Per Gross Acre.	12.5 Percent ²
Low-Medium Density Residential	From 6 up to and Including 13 units Per Gross Acre.	5 Percent ¹
	From 13 up to and Including 16.25 Units Per Gross Acre	12.5 Percent ²
Medium Density Residential	From 13 up to and Including 20 Units Per Gross Acre	5 Percent ¹
	From 20 up to and Including	No Required Work-Force Units.

	31.25 Units Per Gross Acre.	Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units
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¹The number of WHUs to be provided shall be 5% of the total number of market rate units.

²The percentage of WHUs to be provided shall be a percentage of the total number of units.

Section 33-193.10 Density bonuses.

(A) Any application providing a minimum of 12.5 percent WHUs on-site, or otherwise complying with Section 33-193.8 of this article, shall be entitled to a residential density bonus of 25 percent above the applicable CDMP Land Use map maximum density (provided the application satisfies all of the requirements of this article) as well as the benefit of the intensity standards provided in section 33-193.11.

The density bonus for the primary site shall not be transferable to off-site property, where an alternative site is approved after public hearing for the development of off-site WHUs.

(B) The total number of dwelling units permitted, including bonus units, market rate units, and WHUs may exceed the maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that in no event shall the density exceed the maximum densities, including applicable bonuses, set forth in the CDMP, as amended.

Section 33-193.11. Intensity standards.

(A) Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval of a WHU application that provides either the WHUs required to obtain a density bonus or a monetary contribution in lieu thereof, under the provision of this Article:

(7) In the RU-4M district:

- (a) Maximum floor area ratio shall be 1.0;
- (b) Maximum height shall be 9 stories;
- (c) Maximum lot coverage shall be 35% of net lot

Section 33-193.12 Design and unit placement.

(A) Workforce housing units shall be comparable in design and materials to market-rate units within the development in terms of exterior appearance. Workforce housing units may be grouped or dispersed throughout the development.

(B) Notwithstanding underlying zoning regulations that limit the number of residential units that may be constructed on a single platted lot, residential developments incorporating workforce housing units may utilize the following flexible design provisions, provided that the total development density shall not exceed that

allowed by this article. Units to be developed in accordance with this section shall be approved only upon demonstration that a declaration of condominium has been filed in accordance with state law (if any unit is to be sold).

- (1) No more than 3 total residential units may be placed on a single platted lot, of which no more than one unit may be, but shall not be required to be, a market rate unit, and
- (2) The entrance to each of the units on a single platted lot shall be
 - (a) through a common hall/foyer area in the front of the building, which shall be concealed by a building wall with 1 entrance door, giving the appearance of a single family residential unit, or
 - (b) the entrance to the workforce housing unit(s) shall be clearly designed to be subordinate to the principal entrance of the building for the market rate unit. When the entrance is configured in this manner the design shall incorporate architectural features and elements that clearly distinguish and develop the market rate entrance as the predominant entrance from the other entrances.
- (3) Buildings designed under these parameters shall not be located on the periphery of a development, adjacent to or across the street from previously established single family residential neighborhoods.
- (4) The locations of the parking spaces for the units within the building shall be dispersed around the building so as not to create a parking field for all of the spaces in the front of the building.

Section 33-193.13 Required declaration of restrictive covenants

Prior to final approval of any application seeking to utilize the density or intensity bonus available pursuant to this article, the applicant shall submit a separate declaration of restrictive covenants, encumbering the entire project, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, including provisions requiring development of a specified number, type, and location of all dwelling units, a general plan for staging construction of all units, and such other provisions as the Department may require to demonstrate the applicant's compliance with this article. The development and the WHU staging plan must be consistent with the CDMP and any applicable land use, subdivision regulations, zoning and site plan approval for the property. The declaration of restrictive covenants shall require the property to be developed in accordance with the following specifications:

- (A) a general description of the covered development, including whether the covered development will contain rental dwelling units or owner-occupied dwelling units, or both.
 - (B) the total number of market rate dwelling units and WHUs in the development and the timetable for construction; and
 - (C) the location of the WHUs in the development and phasing, if any, and construction schedule for the development sequence demonstrating that:
- 11

- (1) WHUs will be built and made available for occupancy simultaneously with or before market-rate dwelling units, except that building permits for the last 10% of the market-rate units shall be withheld until building permits have been issued for all of the WHUs; and
- (2) the last building shall not contain only WHUs.

(D) The declaration of restrictive covenants may be modified by mutual consent of the applicant and the Department of Planning and Zoning and the Miami-Dade Housing Agency, as long as the modified agreement remains in conformity with this article and substantially conforms to the recorded declaration's provisions relating to number, location, distribution and timing or construction of WHUs.

Section 33-193.14 Workforce housing agreement.

Prior to the earlier of final plat approval or application for building permit for the first residential unit on the property subject to the requirements of this article applicant shall submit a declaration of restrictive covenants, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development, specifying the restrictions of the WHU and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of Chapter 17, Article IX of the code, sections 17-142 through 17-144 inclusive, and shall include the following:

- (a) a binding commitment that the restrictions of this article shall run with the land for the entire control period, and
- (b) a binding commitment that the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property, and
- (c) these covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants, and
- (d) a binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sales and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article VIII of this code.

G. NEIGHBORHOOD SERVICES:

	Objects
DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection*
Solid Waste	No objection
Water and Sewer	No objection
Aviation	No objection

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property is located at 10900 and 10940 NW 14 Avenue and is currently developed with 208 residential units. The subject property is currently zoned RU-4L, Limited Apartment House District, and the applicant proposes to rezone the subject property to RU-4M, Modified Apartment House District, which would allow the applicant to develop 100 additional housing units on the northern portion of the site with the workforce housing density bonus. In November 2008, pursuant to Ordinance #08-122, the Board of County Commissioners adopted the requested small scale amendment to the Land Use Plan (LUP) that changed the land use designation from Low-Medium Density Residential to **Medium Density Residential**, expanded the site to 9.9 acres and limited additional residential development up to 100 units subject to sound urban design standards. At the CDMP hearing the applicant also proffered a covenant which, among other things, limited the maximum number of residential units to 308 units on the site and permitted a 25 percent increase in CDMP residential density provided the applicant committed 12.5 percent of the units (38 units) to workforce housing. However, the applicant has committed 40 units as workforce housing units for the development. A workforce housing unit has been defined as a dwelling unit intended for sale or rental to a household within the income range of 65% to 140% of the County's median income. The Medium Density Residential designation allows densities from 13 to 25 dwelling units per gross acre. A 25% increase in density would allow the applicant to develop at an increased density of 31 du per acre on the 9.9 (gross) acre site for a total of 309 units. The type of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments. The subject property is located in an existing established neighborhood with 4-story apartment buildings located near the current site. The site plan submitted by the applicant depicts the additional buildings with architecture that is similar to and complements the buildings in the surrounding community. The applicant has also incorporated many of the design guidelines delineated in the CDMP covenant such as a secondary egress near the northeast corner to relieve traffic congestion at the main entrance. Staff opines that the proposed zone change with the 25 percent density increase and the proposed additional units are **compatible** with the surrounding residential uses and **consistent** with the Medium Density Residential LUP map designation of the Master Plan.

The Department of Environmental Resources Management (**DERM**) **objects** to this application but has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the application does not comply with the tree preservation requirements contained in Section 24-49 of the Code. Their memorandum indicates that the recommendation could be reversed if and when the applicant obtains the required permits. The **Public Works Department** has no **objections** to this application. Their memorandum indicates that the application is within the Urban Infill Area and therefore no vehicle trips have been reserved. The Miami Dade Park and Recreation Department (**MDPR**), **Miami-Dade Aviation**, Miami-Dade Transit (**MDT**), and Miami-Dade Water and Sewer (**WASD**) have no objection to this application. The Miami-Dade Fire Rescue Department (**MDFR**) also has no **objections** to this application and they indicate that the estimated response time is **7:00 minutes**. The Miami-Dade County Public Schools (**MDCPS**) has no objection to this application. Their memorandum indicates that this application may be subject to school concurrency requirements.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will: conform to the Comprehensive Development Master Plan (CDMP) for Miami-Dade County, Florida; have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets and highways. As previously mentioned, the rezoning of the subject property to RU-4M will allow the applicant to develop an additional 96 residential units on the subject property. The applicant has designed the development to complement the existing structures and provided abundant landscaping to buffer the development from the single-family residences located in the area. Staff supports the district boundary change to RU-4M (request #1) and is of the opinion that the proposed residential development is **consistent** with the LUP map designation and provisions of the CDMP, would not have an unfavorable effect on the economy of Miami-Dade County, would not cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, as evidenced by the memoranda provided by the various departments. DERM, while objecting to this application, has determined it meets the Chapter 24 standards and is objecting because of the applicant needs to obtain a tree permit. As such, staff recommends approval of the district boundary change. As such, staff opines that the proposed development is **compatible** with the area and, therefore, recommends approval of request #1.

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, and would not negatively affect the appearance of the community and maintains the basic intent and purpose of zoning, subdivision and other land use regulations and will not be detrimental to the community. Request #2 is to permit the development to have 480 parking spaces which is less than the required 490 spaces. As previously stated, the applicant is required to provide 490 parking spaces for the entire site and the site plan submitted by the applicant currently indicates that there will be 480 parking spaces provided. The applicant has indicated that the development has a 92% occupancy rate (for both north and south) and there is a 41% to 43% parking space vacancy in the southern portion of the site from 6:30 pm to 8:15 pm. Staff is of the opinion that approval of the reduced number of parking spaces in the multi-family development will not result in spillage of parking onto the abutting streets or have a negative impact on traffic in the area. Further, the requested reduction of 10 spaces, is in staff's opinion, comparatively minimal, when the size of the subject property is taken into consideration. Staff also notes that the Public Works Department has no objections to this request. Request #3 is to permit the applicant to keep the non-native Australian Pines on the subject property. The applicant has indicated that during the land use amendment application for the subject property, some neighbors requested the maintenance of the existing Australian Pines. The Australian Pines are large trees that buffer the nearby single-family residences from the multi-family buildings. While staff acknowledges that

Australian Pines are a non-native species and are subject to removal, staff supports the request to allow the trees to remain to mitigate any negative visual impacts of the existing and proposed multi-family buildings. As such, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

When requests #2 and #3 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that the denial of this application will not result in unnecessary hardship as the property can be utilized in accordance with the zoning regulations. As such, the requests cannot be approved under the ANUV Standards. Therefore, staff recommends denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff is of the opinion that, subject to the Board's acceptance of the proffered covenant, the proposed RU-4M rezoning would be **compatible** with the surrounding area and **consistent** with the provisions found within the interpretative text of the CDMP and the LUP Map. As such, staff recommends approval of the zone change from RU-4L to RU-4M, subject to the Board's acceptance of the proffered covenant (request #1). Furthermore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. **RECOMMENDATION:**

Approval of the zone change to RU-4M, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:** For requests #2 and #3 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Sunshine Lakes Residential Apartments," as prepared by Fred R. Cardoso, consisting of 9 sheets and plans entitled Sunshine Lakes Residential Aparts.," as prepared by Mariano Corral, Landscape Architect and Planner, consisting of 5 sheets, for a total of 14 sheets with 12 sheets dated stamped received 8/25/09, sheet LP-1 dated stamped received 8/31/09 and sheet SP-1 dated stamped received 10/5/09.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within this report.

5. That the applicant provide 40 units of workforce housing as required by the Workforce Housing Development Program.
6. That the applicant complies with Section 33-193.14, Workforce housing agreement, which indicates that prior to the earlier of final plat approval or application for building permit for the first residential unit on the property subject to the requirements of this article applicant shall submit a declaration of restrictive covenants, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development, specifying the restrictions of the WHU and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of Chapter 17, Article IX of the code, sections 17-142 through 17-144 inclusive.

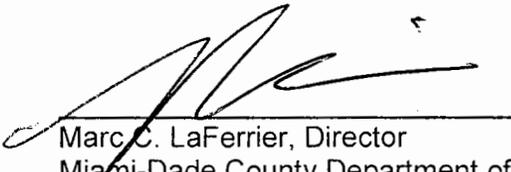
DATE INSPECTED: 4/17/09

DATE TYPED: 8/24/09

DATE REVISED: 9/9/09, 9/10/09, 9/11/09, 9/17/09, 10/8/09

DATE FINALIZED:

MCL:NN:JV:CI



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

J.V.

Memorandum



Date: August 19, 2009

To: Marc C. Leferrier
Interim Director
Planning & Zoning Department

From: Esther L. Calas, P.E.
Director
Public Works Department

Subject: DIC 09-016
Name: Sunshine Lakes, LLC
Location: 10900 & 10940 NW 14 Avenue
Sec. 35 Twp. 52 Rge. 41

I. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY

- A. Trip Generation
70 PM Peak Hour trip ends
- B. Cardinal Distribution
North 21.0 % East 12.0 %
South 41.0 % West 26.0 %

II. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

- A. NW 7th Avenue NW 103rd Street I-95 NW 27th Avenue NW 119th Street

III. SITE PLAN CRITIQUE

- A. End isles at the end of parking areas shall be increased to accommodate a fifteen foot radius on existing parking area.
- B. Three point turn around and back up turn around shall be properly marked with a "NO PARKING SIGN".
- C. Existing Entrance Feature modifications are not a part of this application. Modifications not affecting the general Site Plan will be required during permitting.

IV. STANDARD CONDITIONS

- A. The land may require to be platted.
- B. Street lights as well as other right of way improvements are required per Miami-Dade County Public Works Department Standards.
- C. Provide appropriate radii at the main entrance to allow large vehicles such as Fire Rescue and Solid Waste Departments.
- D. Driveways shall be no less than twenty two feet (22') in width and shall be strong enough for large vehicles.

DIC09-016

Page 2 of 2

- E. Driveways shall be no less than twenty two feet (22') in width and shall be strong enough for large vehicles such as cement trucks, Fire Department and Rescue vehicles, etc.
- F. All landscaping, walls, fences, Entrance Features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works Manual.
- G. Entrance features are not reviewed and/or approved under this application. It must be submitted to the Plat Committee as an entrance feature application.
- H. All signing, markings and Traffic Signal plans, on site and offsite, shall be submitted to the Public Works Department for Paving & Drainage review and approval. Modifications may be required

This application meets the criteria for traffic concurrency for an Initial Development Order. This project is within the Miami Dade County Infield Area. No vehicle trips have been reserved by this application. In addition it will be subject to the payment of Road Impact Fees.

cc: Jorge Vital, Development Impact Coordinator
Planning and Zoning Department

Joan Shen, P.E., PhD
Manager, Traffic Engineering Division

Jeff Cohen, P.E.
Assistant Chief, Traffic Engineering Division

Armando E. Hernandez
Special Administrator for Concurrency, Traffic Engineering Division

Memorandum

Date: August 26, 2009

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

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



Subject: DIC #Z2009000016-2nd Revision
Sunshine Lakes, LLC
10900 & 10940 N.W. 14 Avenue
District Boundary Change from RU-4L to RU-4M and Request to Permit
Less Parking Than Required
(RU-4L) (9.16 Acres)
35-52-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that the same meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code); so as to allow the zoning to proceed. Accordingly, this application may be scheduled for public hearing. However, the application does not comply with the tree preservation requirements contained in Section 24-49 of the Code; therefore, DERM recommends denial of the application. However, this recommendation could be reversed if and when the applicant obtains the required permits.

Tree Preservation

According to the landscape plan submitted with this zoning application entitled "Sunshine Lakes Residential Apartments", dated July 22, 2009, sheet TD-2 and prepared by Mariano Corral, the properties contain specimen-sized trees (trunk diameter 18 inches or greater), which will be impacted.

Section 24-49 of the Code requires the preservation of tree resources. Prior to the removal or relocation of any tree on the sites, a Miami-Dade County Tree Removal Permit is required. Section 24-49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation for denial from the Department."

Therefore, DERM will generally require the on-site preservation of all specimen-sized trees as defined in the Code. In order for DERM to remove the recommendation for denial, the applicant must meet the standards of Section 24-49.2(II) of the Code that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height and location of all trees and one of the following:

1. A revised site plan that indicates the preservation of all specimen-sized trees at their current location, or
2. Comply with all specimen tree removal standards set forth in Section 24-49.2(II) of the Code.

Therefore, DERM recommends denial of this application. The applicant is advised to contact the DERM Tree Program staff at 305-372-6574 to address the specimen tree issues on the properties in accordance with Section 24-49.2 of the Code.

Potable Water Service

The subject property is located within the franchised water service area of the Miami-Dade County Water & Sewer Department (MDWASD). The closest public water is an 8-inch water main abutting the subject property. Connection of the proposed development to the public water supply system shall be required in accordance with Code requirements. The estimated demand for this project is 19,200 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Hialeah-Preston Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

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.

Notwithstanding that adequate system capacity is available for this project; DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the Florida Building Code in order to more efficiently use the Southeast Florida water resources.

It is recommended that the landscaping conform to xeriscape concepts. Included in these concepts is the use of drought tolerant plants, which reduce the use of turf grass together with efficient irrigation system design. Details of xeriscape concepts are set forth in the "Xeriscape Plant Guide II" from the South Florida Water Management District.

Sanitary Sewer Service

Sanitary sewer services are provided by the City of North Miami. The property has a private sanitary sewer collection system, which includes private sanitary sewer pump station No. 99-303 permitted under DERM permit PSO-0303. This pump station discharges downstream to pump station 06-A, then to MDWASD's pump station 30-0346, and finally to the North District Treatment Plant. Pump station 99-303 is currently working in Incomplete Moratorium Status; changes to this status will depend on the submittal of the elapsed time meter readings. No new sewer certifications will be granted until the utility corrects this condition. Pump Station 06-A is owned and operated by the City of North Miami and is currently in OK Moratorium Status. Pump station 30-0346 and the Wastewater Treatment Plant are currently working within the mandated criteria set forth in the First and Second Partial Consent Decrees. At this time the North District Treatment Plant has adequate capacity to meet projected demands from this project. Connection of the proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, 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 alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

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

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the 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

There are no records of current contamination assessment/remediation issues on these properties or abutting these properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with these properties or abutting these properties.

Wetlands

The subject properties do 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.

Enforcement History

DERM has found the following enforcement record for the subject property:

Sunshine Lake Apartments, I & II (PSO-303)

On June 7, 2005, DERM issued a Warning Notice requiring re-submittal of the Sanitary Sewer Evaluation Survey (SSES) for the subject site. The SSES submittals were disapproved by DERM on several occasions and on June 2, 2006 DERM issued a Notice of Violation requiring submittal of an

approvable SSES. An SSES was submitted on November 8, 2006 and approved subsequently the case was closed.

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.

In summary, the application may be scheduled for public hearing; however, and for the reasons stated herein, DERM recommends the denial of the same.

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

Memorandum



Date: August 27, 2009

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

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 2009000016 – Sunshine Lakes, LLC
10900 & 10940 NW 14th Avenue
Miami-Dade County, Florida

SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **85** fire and rescue calls annually. Although the number of calls will result in a severe impact to existing fire and rescue service, the construction of the Arcola Fire Rescue Station No. 67 will absorb the impact to existing stations. Station No. 67 will be constructed at 1275 NW 79th Street.
- (B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2008, the average travel time to the vicinity of the proposed development was **7:00 minutes**. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
7	9350 NW 22 Avenue	Rescue, ALS Engine	7
19	650 NW 131 Street	Rescue, ALS Aerial	7
26	3190 NW 119 Street	Rescue, ALS Ladder	7
30	9500 NE 2 Avenue	Rescue, ALS Engine	7

ALS= Advanced Life Support

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised plans entitled 'Sunshine Lakes Residential Apartments' as prepared by Fred A. Cardoso Architects, dated stamp received 8/25/09.

DIC # 2009000016 – Sunshine Lakes, LLC
August 27, 2009
Page 2 of 2

- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4540.

HL:ch



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Dr. Solomon C. Stinson, Chair
Dr. Marta Pérez, Vice Chair
Agustín J. Barrera
Renier Diaz de la Portilla
Dr. Lawrence S. Feldman
Perla Tabares Hantman
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan

September 10, 2009

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

RE: **09-016, Sunshine Lakes, LLC – CC08**
10900 & 10940 NW 14 Avenue

Dear Mr. LaFerrier:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. However, the County and the School Board recently entered into a new Interlocal Agreement by which the County adopted school concurrency within its jurisdiction and is currently in the process of preparing the necessary enabling Administrative Orders. In the meantime, as a courtesy to the County, we are providing the attached school impact analysis for informational purposes only.

This application may be subject to school concurrency requirements, as mandated by 2005 Growth Management Legislation. Pursuant to Sections 163.3177 and 1013.33 of the Florida Statutes, all new residential applications will be tested for school concurrency at Final Subdivision, Site Plan (or functional equivalent), effective at the time school concurrency is fully implemented.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L 092

Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian Villaamil

Planning, Design and Sustainability Department
Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2 Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • (FAX) • 305-995-4760 • arijo@dadeschools.net

25

SCHOOL IMPACT REVIEW ANALYSIS
(For Informational Purposes Only)

APPLICATION: 09-016, Sunshine Lakes, LLC, CC08

REQUEST: DBC from RU4L (23 units/acre) to RU-4M (35.9 units/net acre).
96 additional multifamily units. 208 existing units for a total of 304 multifamily units

ACRES: 9.99 acres

LOCATION/FOLIO: 10940 NW 14 Avenue – 30-2135-000-0133, 30-2135-000-0139

**MSA/
MULTIPLIER:** 2.4 / .44 Multi-Family

**NUMBER OF
UNITS:** 96 additional units*

**ESTIMATED STUDENT
POPULATION:** 42 additional students*

ELEMENTARY: 20

MIDDLE: 9

SENIOR HIGH: 13

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Henry E. S. Reeves Elementary – 2005 NW 111 Street

MIDDLE: Westview Middle – 1901 NW 127 Street

SENIOR: Miami Central Senior – 1781 NW 95 Street

All schools are located in North Central Regional Center.

*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology Services, as of October 2008:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Henry E. S. Reeves Elementary	799	721	111%	0	111%
	819 *		114%		114%
Westview Middle	726	1,016	71%	376	52%
	735 *		72%		53%
Miami Central Senior High	1,785	2,319	77%	71	75%
	1,798 *		78%		75%

*Student population increase as a result of the proposed development.

Notes:

- 1) Figures above reflect the impact of the class size amendment.

PLANNED RELIEF SCHOOLS

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
N/A		

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$275,058.

CAPITAL COSTS: Based on the State's September 2009 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	20	x	19,278	\$385,560
MIDDLE	9	x	20,818	\$187,362
SENIOR HIGH	13	x	27,041	\$351,533
Total Potential Capital Cost				\$924,455

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

September 22, 2009

09-016 – Sunshine Lakes, LLC- CC08
10900 & 10940 NW 14 Avenue

School Concurrency Review

MSA/Multiplier 2.4/.44 Multi-Family

Number of Units 96 additional units

Estimated Students 42 additional students

Elementary 20 students

Middle 9 students

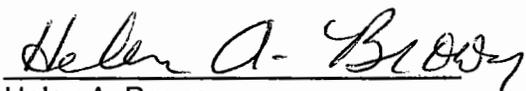
Senior 13 students

	<u>Current % Utilization FISH Design Capacity Permanent & Portables</u>	<u>% Utilization with Proposed Development Impacts FISH Design Capacity Permanent & Portables</u>
Henry E.S. Reeves Elementary	111%	114%
Westview Middle	52%	53%
Miami Central Senior	75%	75%

The level of service (LOS) standard for Henry E.S. Reeves Elementary School, located within the Northwest Geographic Area, exceeds the adopted LOS standard of 100%. The proposed development impacts can be shifted to one or more contiguous Concurrency Service Areas (CSAs) that have available capacity and is located either in whole or in part within the same Geographic Area. The following Elementary Schools have available capacity and are contiguous and located within the Northwest Geographic Area:

	<u>Current % Utilization FISH Design Capacity Permanent & Portables</u>
Miami Park	54%
Van E. Blanton	88%
Lakeview	90%
Carrie Meek/Westview	71%
Amelia Earhart	90%
North Hialeah	75%

This proposed project meets school concurrency LOS standards.



Helen A. Brown
Concurrency Administrator
Miami-Dade County
Department of Planning and Zoning
(305) 375-2589

Memorandum



Date: June 18, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner *J Garcia*
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 09-016 (Sunshine Lakes, LLC)

Project Description

The applicant is requesting a district boundary change in order to develop the property with 96 additional units to the 208 existing units. The applicant is also requesting to permit fewer parking spaces that is required. The subject property is 9.16 acres and is located at 10900 and 10940 NW 14th Avenue, Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the vicinity of the application site. The closest transit service is provided by Metrobus Route 17 along NW 17th Avenue and by Route 75 along NW 119th Street. The service headways for the above mentioned routes (in minutes) are as follows:

**Metrobus Route Service Summary
Sunshine Lakes, LLC Application Site**

Route(s)	Service Headways (In minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
17	30	30	60	N/A	30	30	0.4	F
75	30	30	50	N/A	45	60	0.7	L

*Notes: L means Metrobus local route service
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service*

Future Transportation/Transit Improvements

Currently, the 2010 Transportation Improvement Program (TIP) shows under the Miami-Dade Expressway Authority section the preparation of a PD&E Study for the extension of SR-924 (Gratigny Expressway) east to I-95. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project

The 2008 ten-year Transit Development Plan (TDP) does not identify any service improvements on the existing routes serving the vicinity of the project within its 2018 Recommended Service Plan. Additionally, no new service is proposed in the immediate vicinity of this project within the 2018 Recommended Service Plan.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application sites. Based on the information presented, minimal impact is expected to be generated by the request and MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum



Date: June 16, 2009

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #09-016
Sunshine Lakes, LLC
DN-09-06-152

A handwritten signature in black ink, appearing to be "J. Ramos", written over the "From:" field.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #09-016, Sunshine Lakes, LLC. The applicant is requesting to permit less parking than required as well as a District Boundary Change from RU4L to RU3M. The subject property is 9.16 acres and is located at 10900 and 10940 NW 14 Avenue in Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from Opa-locka Executive Airport.

JR/rb

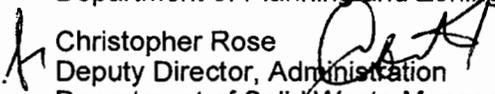
C: M. Fajardo
S. Harman
Jorge Vital, Acting DIC Coordinator, Department of Planning & Zoning

Memorandum



Date: June 4, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From:  Christopher Rose
Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC#09-016
Sunshine Lakes, LLC.

The Department of Solid Waste Management (DSWM) has reviewed the Developmental Impact Committee (DIC) Zoning Application #09-016, Sunshine Lakes, LLC. The applicant is requesting a district boundary change from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District.

Provided the Sunshine Lakes, LLC, follows the conditions established (attached), the DSWM has no objection to the DIC Zoning Application #09-016. The request will have no impacts to capacity or levels of service that the DSWM provides to that area.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs at 305-514-6661.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #09-016
Sunshine Lakes, LLC.

Application: *Sunshine Lakes, LLC.* is requesting a district boundary change from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District.

Size: The subject property is 9.16 acres.

Location: The subject property is located at 10900 and 10940 NW 14 Avenue, Miami-Dade County, Fl.

Analysis:

1. Solid Waste Disposal

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 17, 2008, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

This project falls within the DSWM **solid waste collection service area**. A number of the residences proposed for inclusion in this project meet the County Code definition of **residential unit**. Per the code, residential units located within the project shall, therefore, receive DSWM garbage and trash collection service. Twice weekly individual curbside garbage and trash collection, scheduled bulky waste collections service, and unlimited use of the Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

In addition the project proposes multifamily uses. Chapter 15-2 of the Miami-Dade County Code requires the following of multi-family and commercial uses located in unincorporated Miami-Dade County:

Section 15-2 - "every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department."

3. Recycling

Currently, DSWM provides curbside recycling services to **residential units** located in the unincorporated Dade County. Residential units shall, therefore, utilize DSWM weekly curbside recycling services, provided for the County by World Waste Services, Inc. The recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Participation in the residential program is mandatory in accordance with Chapter 15,

Section 15-2.6 of the County Code. Further information may be obtained by calling the Department's Service Development Division at 594-1500 or 514-6714.

As it relates to the multi-family uses, **Section 15-2.2** requires that "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)"

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code".

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
- b. "T" shaped turnaround 60 feet long by 10 feet wide.
- c. Paved throughway of adequate width (minimum 15 feet).

In addition any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accord with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally there should be no "dead-end" alleyways developed. Also, a sufficient waste setout zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Memorandum



Date: August 26, 2009

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

From: *[Handwritten signature]*
Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: Sunshine Lakes, LLC. DIC Application # - Z2009000016 (Revised)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Sunshine Lakes, LLC.

Proposed Development: The applicant is requesting a district boundary change from RU-4L, limited apartment house district, to RU-4M, modified apartment house district in order to develop 96 new units to the existing property. The proposed development will be located within two adjacent parcels with folio numbers 30-2135-000-0133 & 30-2135-000-0139.

Project Location: The subject property is located at 10900 and 10940 N.W. 14 Avenue, Miami-Dade County, Florida.

MDWASD has reviewed the revised letter of intent submitted by the applicant and finds that said revisions do not alter the comments that were previously submitted by MDWASD.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

Memorandum



Date: June 26, 2009

To: Nicholas D. Mitti, DIC Coordinator
Department of Planning and Zoning

From: *W. Jacobs for*
Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: Sunshine Lakes, LLC. DIC Application # - Z2009000016

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Sunshine Lakes, LLC.

Proposed Development: The applicant is requesting a district boundary change from RU-4L, limited apartment house district, to RU-4M, modified apartment house district in order to develop 96 new units to the existing property. The proposed development will be located within two adjacent parcels with folio numbers 30-2135-000-0133 & 30-2135-000-0139.

Project Location: The subject property is located at 10900 and 10940 N.W. 14 Avenue, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. The nearest point of connection for water is an existing eight (8) water main along N.W. 14 Avenue. The source of water for this project is the Hialeah Preston Water Treatment Plant. The plant is operating under a 20-year Water Use Permit issued by South Florida Water Management District on November 15, 2007. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within the service area of North Miami. The northern parcel with folio # 30-2135-000-0133 was administratively released (No. 09-293) on June 18, 2009 to the City of North Miami (see attachment). The southern parcel with folio number 30-2135-000-0139 was released to the City in 1968. The City of North Miami is a volume sewer customer of MDWASD. The sanitary sewer from the City's service area is discharged to MDWASD's sanitary sewer collection system and transmitted to the North District Wastewater Treatment Plant (NDWWTP) for treatment and disposal. The NDWWTP is currently operating under a permit from the Florida Department of Environmental Protection.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

TEAM METRO

ENFORCEMENT HISTORY

SUNSHINE LAKES L.L.C.

10900 & 10940 NW 14 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000016

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT:
NO VIOLATIONS OBSERVED ON 10/15/09

SPIKES

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

NAME OF PURCHASER: _____ N/A _____

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____ N/A _____

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

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

Signature: _____ *MANNING MEMBER*
ALEJANDRO RODRIGUEZ (Applicant, Title)

Sworn to and subscribed before me this day of 26, JAN, 2009. Affiant is personally known to me or has produced _____ as identification.

Marilyn Rose
(Notary Public)
NOTARY PUBLIC STATE OF FLORIDA
Marilyn Rose
Commission # DD474736
Expires: OCT. 07, 2009
My commission expires Oct. 7, 2009
Bonded Thru Atlantic Bonding Co., Inc.

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

RECEIVED
FEB 04 2009

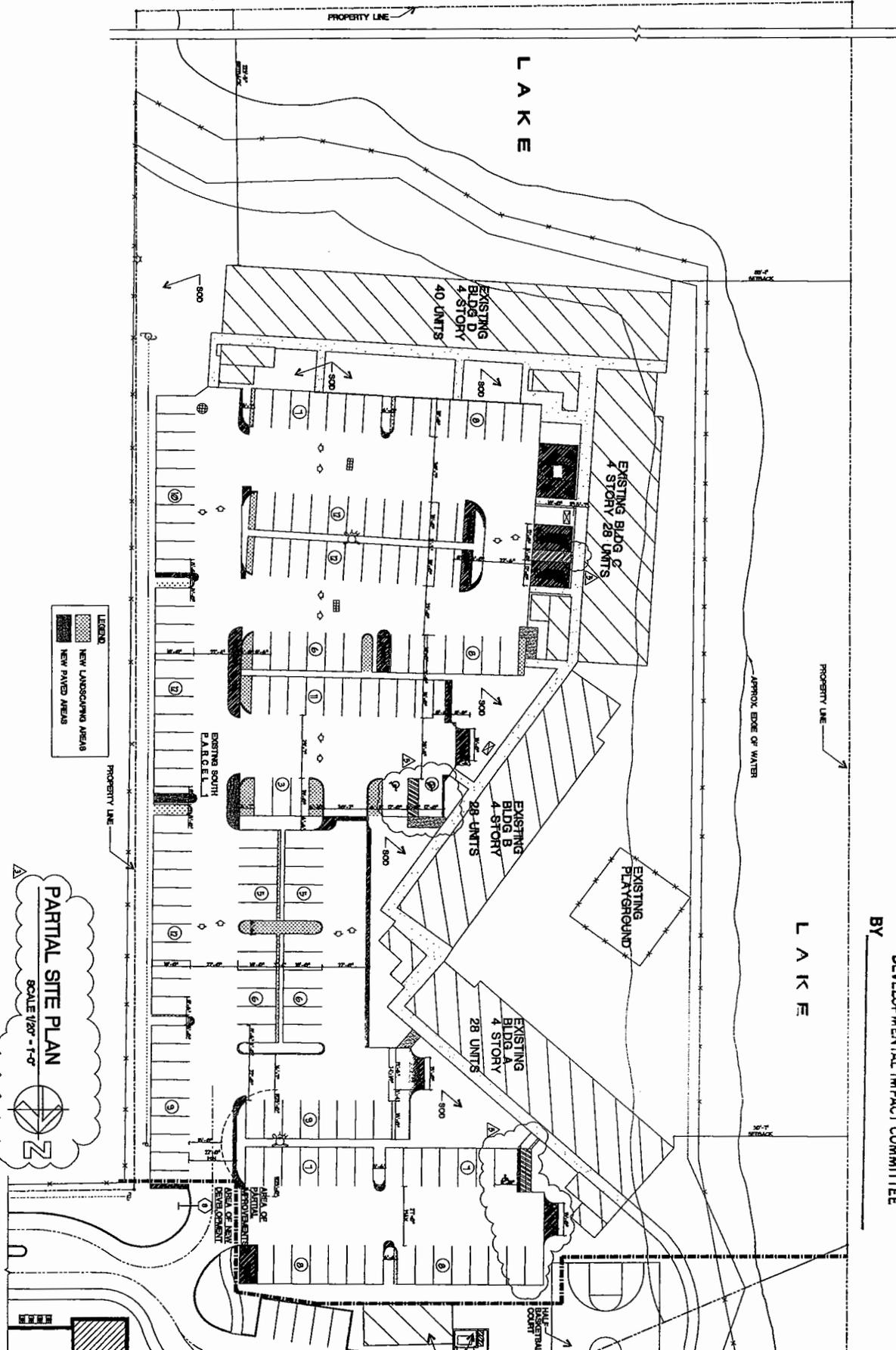
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

40

RECEIVED

AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE



PARTIAL SITE PLAN
SCALE 1/2" = 1'-0"

SP-3

REVISIONS

NO.	DATE	DESCRIPTION
1	11/21/2008	AS SHOWN

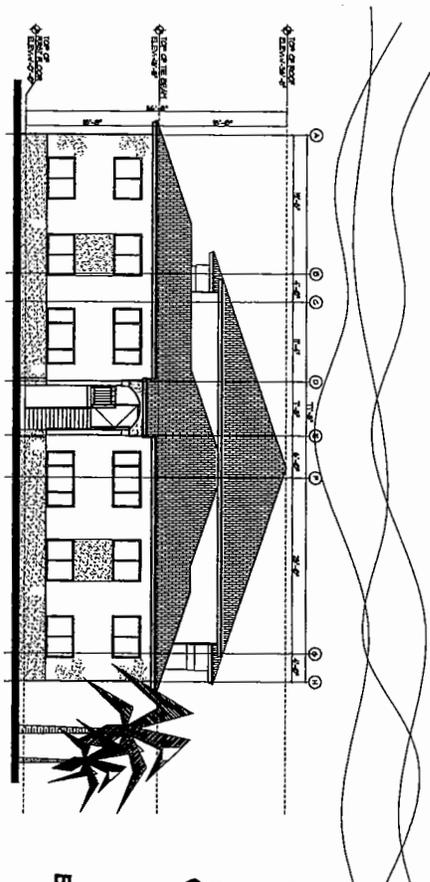
**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA. 33167.



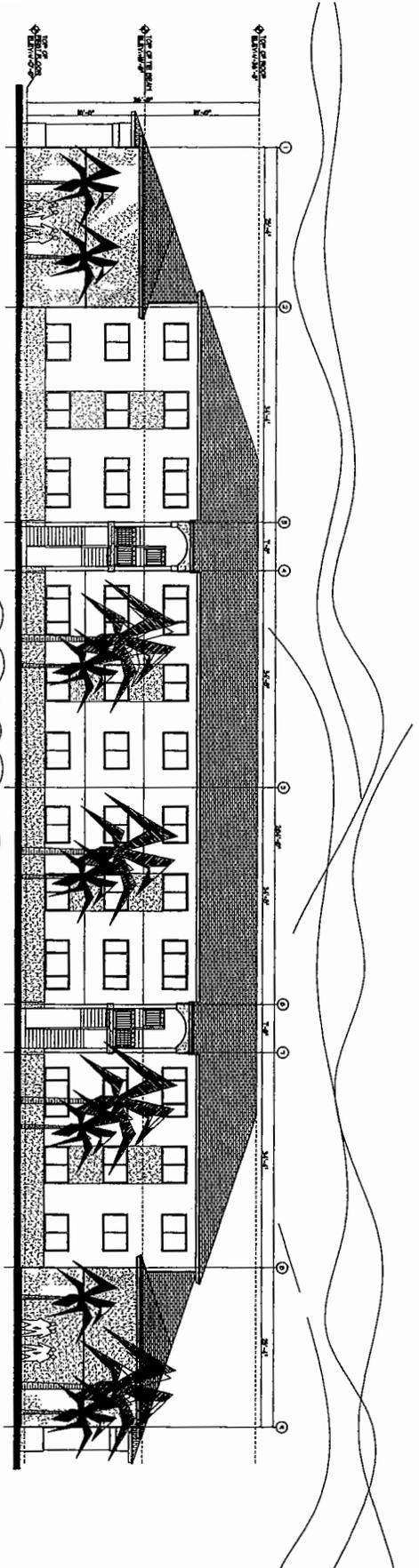
fred r. cardoso
ARCHITECT & ASSOC., CORP.
FL ARCH 000797
9380 COLLINS AVE, STE 6 • SUITE SIDE, FL 33154
FAX (305) 868-6626 • PH. (305) 868-6161
fred.cardoso@fredericardoso.com

REVISIONS	DATE
1	11/21/2008
AS SHOWN	

43



SIDE ELEVATION
 SCALE 1/8" = 1'-0"
 BUILDING-32 UNITS



FRONT / REAR ELEVATIONS
 SCALE 1/8" = 1'-0"
 BUILDING-32 UNITS

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AUG 25 2009
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

DATE: A/C
 CHECKED: F.S.C.
 DATE: 1/24/2008
 SCALE: AS SHOWN
 DRAWN BY: A-3

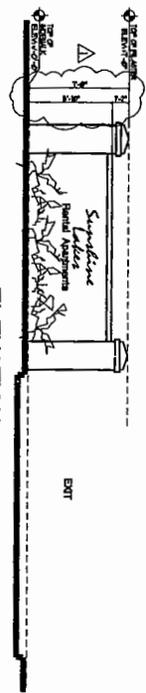
**SUNSHINE LAKES
 RESIDENTIAL APARTMENTS**
 10900 NW 14 AVE.
 DADE COUNTY, FLORIDA, 33167.

fred r. cardoso
 ARCHITECT & ASSOC., CORP.
 3980 COLLINS AVE. STE 6 • SUITE FL 33154
 MIAMI, FL 33154
 TEL: (305) 441-4124 • FAX: (305) 441-4121
 frc@fredcardoso.com

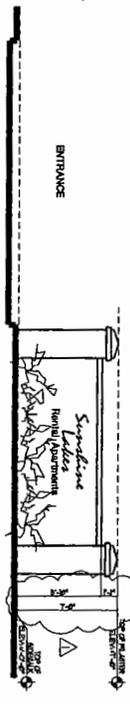


REVISIONS	
DATE	
BY	
DESCRIPTION	

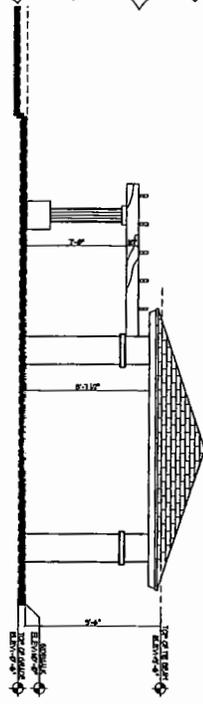
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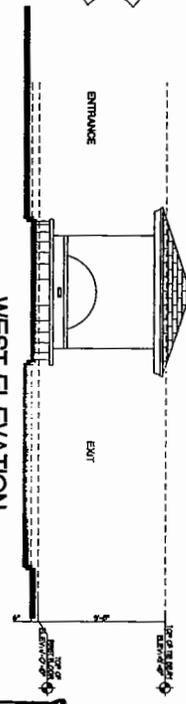
ELEVATION
SCALE 1/4" = 1'-0"
FENCE WALL AT ENTRANCE



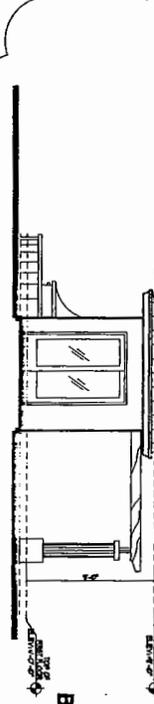
ELEVATION
SCALE 1/4" = 1'-0"
FENCE WALL AT ENTRANCE



EAST ELEVATION
SCALE 1/4" = 1'-0"
BUS SHELTER

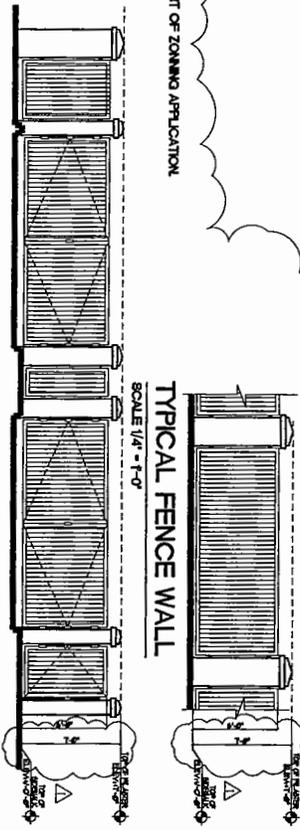


WEST ELEVATION
SCALE 1/4" = 1'-0"
GUARD HOUSE



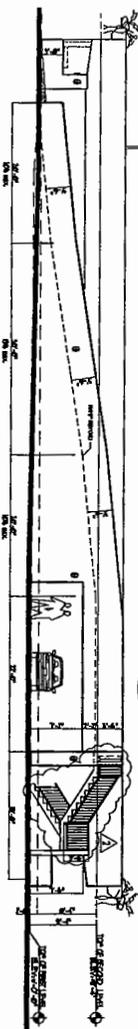
SOUTH ELEVATION
SCALE 1/4" = 1'-0"
GUARD HOUSE

ENTRY FEATURE NOT PART OF ZONING APPLICATION.

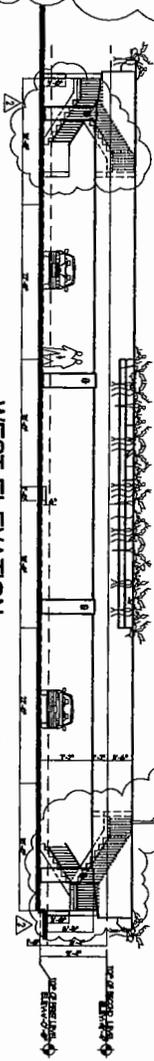


TYPICAL FENCE WALL
SCALE 1/4" = 1'-0"

ENTRY GATE
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"
PARKING BUILDING



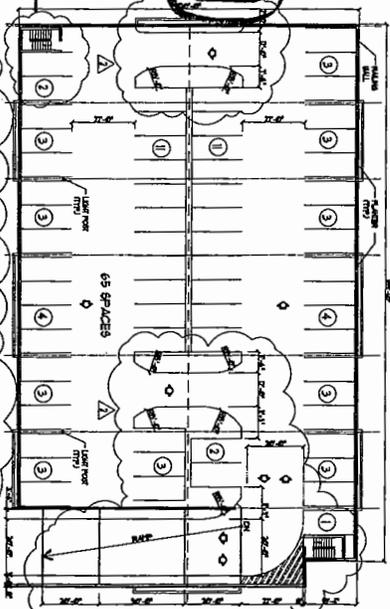
WEST ELEVATION
SCALE 1/8" = 1'-0"
PARKING BUILDING

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AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY



SECOND LEVEL FLOOR PLAN
SCALE 1/8" = 1'-0"
PARKING BUILDING

DATE	BY	APP. BY
08/25/09	AMM	
08/25/09	FSC	
08/25/09	AS SHOWN	
08/25/09	AS SHOWN	

**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA. 33167.

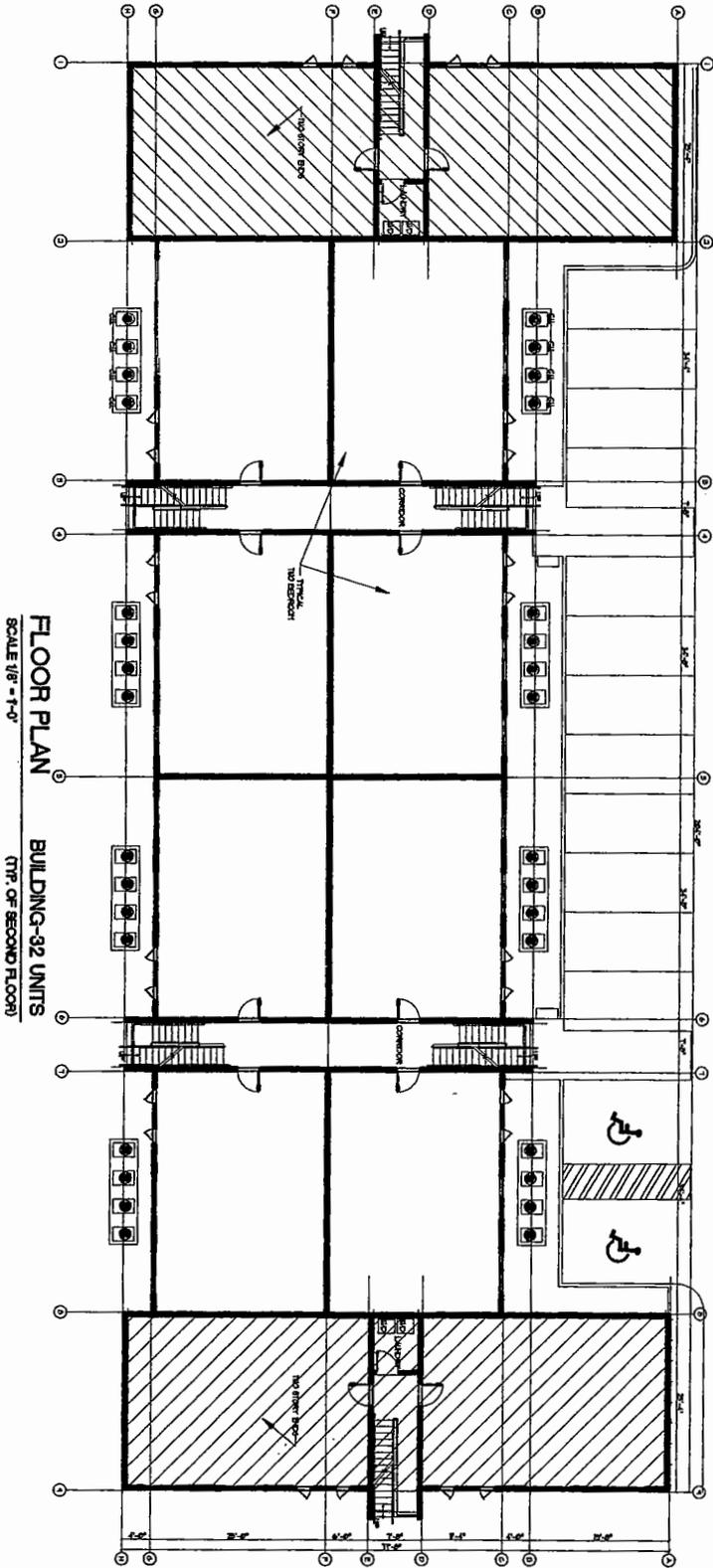


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3980 COLLINS AVE, STE 6 • SURSIDE, FL 33154
FAX (305) 868-6626 • PH. (305) 868-6161
fred.cardoso@coachgroup.com

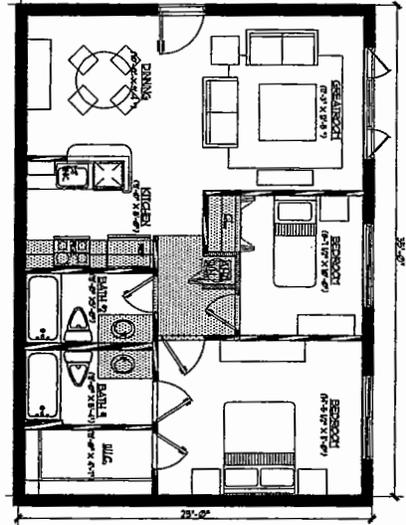


REVISIONS	DATE
1. BY: []	[]
2. BY: []	[]
3. BY: []	[]

45



FLOOR PLAN
SCALE 1/8" = 1'-0"
BUILDING-32 UNITS
(TYP. OF SECOND FLOOR)



TYPICAL UNIT FLOOR PLAN
SCALE 1/4" = 1'-0"

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AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY _____

A-1	DATE: 1/29/2009
	SCALE: AS SHOWN
	PROJECT NO.
	DATE: 1/29/2009

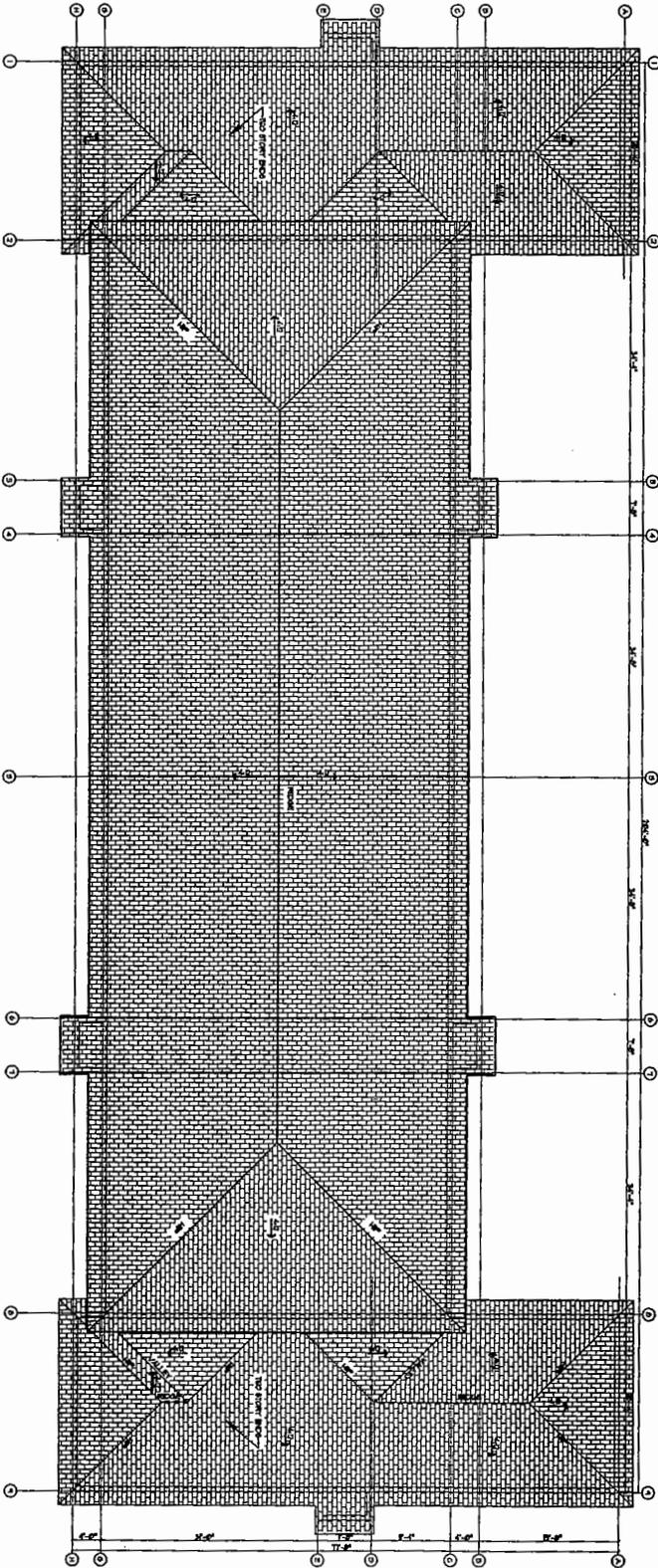
**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA, 33167.

fred r. cardoso
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FLORIDA
9080 COLLINS AVE, SUITE 6 • SUFISIDE, FL 33164
FAX (305) 848-4626 • P.O. BOX 848-6161
fred@fredcardosopg.com



REVISION	DATE

46



ROOF PLAN BUILDING-32 UNITS
SCALE 1/8" = 1'-0"

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AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY _____

A-2	DATE	1/25/2009
	BY	AS SHOWN
	SCALE	AS SHOWN
	PROJECT	SUNSHINE LAKES

**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA, 33167.

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MIAMI, FLORIDA 33166
TEL (305) 894-4161 FAX (305) 894-4161
www.fredcardoso.com



REVISIONS	DATE	BY

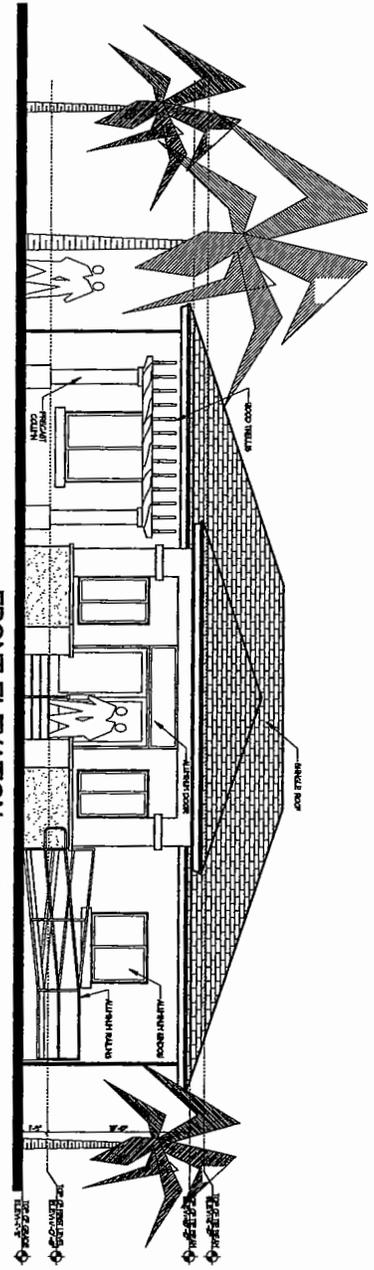
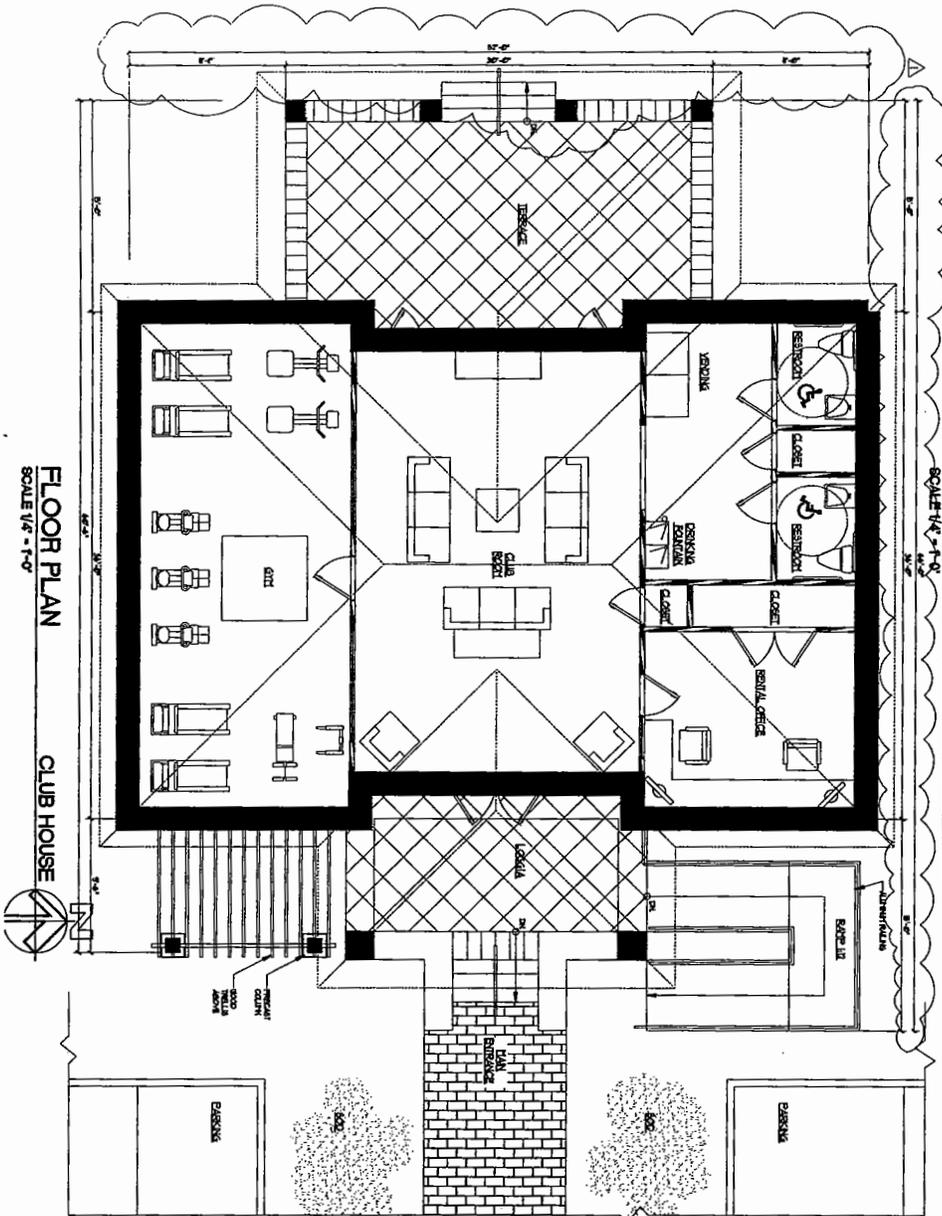
47

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AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY _____



A-6	DATE: 08/25/09
	SCALE: AS SHOWN
	PROJECT: SUNSHINE LAKES RESIDENTIAL APARTMENTS
	ARCHITECT: FRED R. CARDOSO ARCHITECT & ASSOC., CORP.

**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA. 33167.

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5980 COLLINS AVE. STE 6 • SUITE 6 • SUITE 6, FL 33154
PH: (305) 866-4626 • FAX: (305) 866-6161
fred@fredrcardoso.com



REVISIONS	DATE	BY

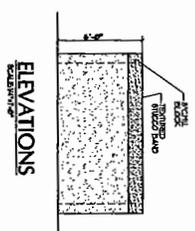
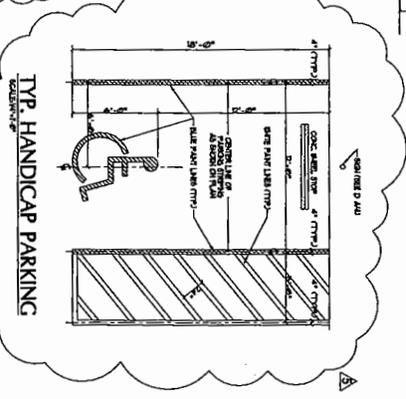
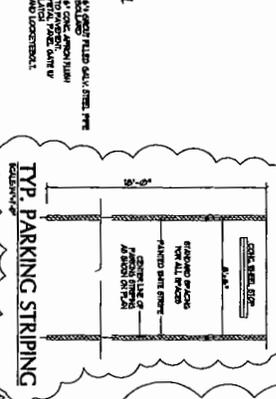
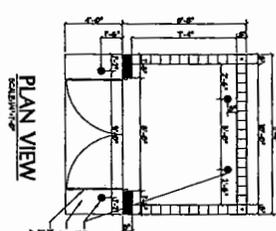
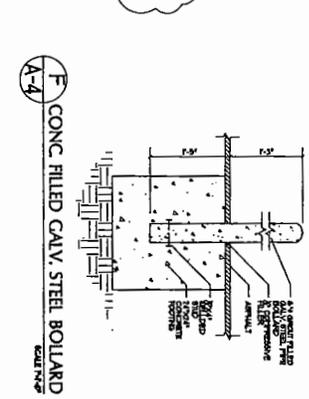
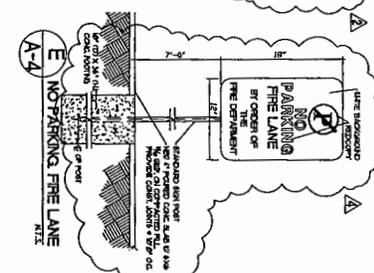
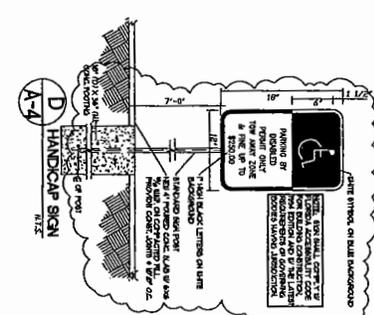
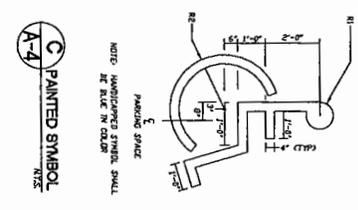
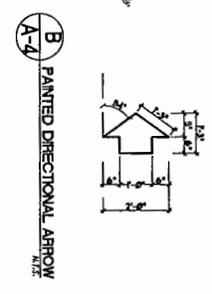
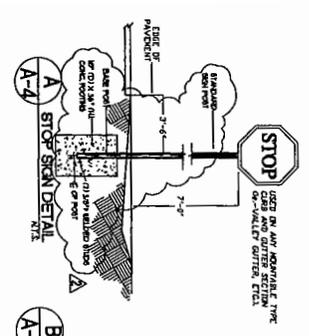
48

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AUG 25 2009

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE

BY

- NOTES**
1. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 2. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 3. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 4. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 5. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 6. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 7. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 8. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 9. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
 10. ALL MATERIALS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.



DATE	REV.
08/25/09	1
08/25/09	2
08/25/09	3
08/25/09	4
08/25/09	5
08/25/09	6
08/25/09	7
08/25/09	8
08/25/09	9
08/25/09	10

**SUNSHINE LAKES
RESIDENTIAL APARTMENTS**
10900 NW 14 AVE.
DADE COUNTY, FLORIDA. 33167.

fred r. cardoso
ARCHITECT & ASSOC., CORP.
FL 00002957
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FAX (305) 868-6626 • PH. (305) 868-6161
fred.cardoso@fredcardosop.com

REVISION	DATE	BY
1	08/25/09	FR
2	08/25/09	FR
3	08/25/09	FR
4	08/25/09	FR
5	08/25/09	FR
6	08/25/09	FR
7	08/25/09	FR
8	08/25/09	FR
9	08/25/09	FR
10	08/25/09	FR

49



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-016

Section: 35 Township: 52 Range: 41
 Applicant: SUNSHINE LAKES, LLC
 Zoning Board: C08
 Commission District: 02
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 03/04/09

REVISION	DATE	BY
RE-DO SKETCH	03/11/09	KWS