

KITS

9-28-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Thursday, November 3, 2011 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|---------------------------------|--------------|----------|---|
| 1. | 11-11-CZ8-1 | <u>TERESA QUINTERO</u> | <u>11-42</u> | 04-53-41 | N |
| 2. | 11-11-CZ8-2 | <u>WILNER & MERIDA MAXY</u> | <u>11-45</u> | 02-53-41 | N |
| 3. | 11-11-CZ8-3 | <u>CARLOS M. JORDI</u> | <u>11-88</u> | 03-53-41 | N |
| 4. | 11-11-CZ8-4 | <u>PRO PROPERTY, LLC</u> | <u>11-94</u> | 27-52-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF THURSDAY, NOVEMBER 3, 2011

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. CARLOS M. JORDI (11-11-CZ8-3/11-088)

**03-53-41
Area 8/District 02**

(1) NON-USE-VARIANCE to permit a parcel of land with a lot frontage of 50' (75' required) and a lot area of 5,000 square feet (7,500 required).

(2) NON-USE-VARIANCE to permit an existing single family residence setback 14.40' (25' required) from the front (east) property line and setback 4.2' (5' required) from the interior side (north) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Carlos M. Jordi" as prepared by Charles C. Mitchell, P.E., consisting of 3 Sheets and dated stamped received 7/20/11. Plans may be modified at public hearing.

LOCATION: 8816 NW 22 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 50' X 100'

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 13

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. PRO PROPERTY, LLC (11-11-CZ8-4/11-094)

**27-52-41
Area 8/District 02**

(1) NON-USE VARIANCE to permit a proposed retail building setback 3' (20' required) from the front (west) property line.

(2) NON-USE VARIANCE to permit a landscape open space of 15.7% (18% required).

(3) NON-USE VARIANCE to permit a two-way drive with a width of 12' (22' required).

(4) NON-USE VARIANCE to permit parking spaces with a back out of 12' (22' required).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan" as prepared by Zamora & Associates, Inc., dated stamped received 8/5/11 "Dollar General" prepared by Cristina Fandino, Architect consisting of 2 sheets, one sheet dated stamped received 8/3/11 and the other dated 9/27/11, "Landscaping Planting Plan" prepared by M.L.A., inc., dated stamped received 9/17/11. Plans may be modified at public hearing.

LOCATION: The Southeast corner of NW 133 Street & NW 27 Avenue,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.68 Acre

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Permitting, Environment and Regulatory Affairs (PERA) within 14 days after PERA 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 PERA's posting will be made on a bulletin board located in the office of the PERA.) 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.

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to Community Council No. 8**

PH: Z11-042 (11-11-CZ8-1)

November 3, 2011

Item No. 1

Recommendation Summary	
Commission District	2
Applicant	Teresa Quintero
Summary of Requests	The applicant is seeking to allow an existing single-family residence to setback closer to the front and interior property lines with a greater lot coverage and a utility room setback closer than permitted.
Location	2990 NW 102 Street, Miami-Dade County, Florida.
Property Size	70' x 100'
Existing Zoning	RU-1
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Denial without prejudice

REQUESTS:

- (1) NON-USE VARIANCE to permit additions to a single family residence setback a minimum of 17.78' (25' required) from the front (west) property line and setback varying from 6.25' to 7.30' (7.5' required) from the interior side (south) property line.
- (2) NON-USE VARIANCE to permit the single family residence with a lot coverage of 48% (35% permitted).
- (3) NON-USE VARIANCE to permit a utility room setback 24.43' (25' required) from the rear (east) property line.

Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs entitled "Teresa Quintero" as prepared by Carlos Muller consisting of sheet SP-01 dated stamped received 9/6/11 and sheet A-01 dated stamped received 4/18/11. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

Single-family residence site plan with requested variances.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)

10/27/2011

South	RU-1; single-family residence	Low Density Residential (2.52 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)

NEIGHBORHOOD COMPATIBILITY:

The subject property is on a corner lot, located at 2990 NW 102 Street. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

The approval this application will allow the continued use of a single-family residence with additions that were built without permits; however the additions visually impact the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low Density Residential** on the Adopted 2015-2025 Land Use Plan (LUP) map. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the Land Use Map of the CDMP. Therefore, the request is **consistent** with the density threshold of the LUP map of the CDMP.

ZONING ANALYSIS:

When requests #1, through #3 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval would be **incompatible** with the surrounding area. Staff notes that the encroachments referred to in requests #1 and #3 are minimal and are the result of additions made to the single-family residence. However, staff opines that the resulting 48% (35% permitted) lot coverage is excessive. Staff is of the opinion that the approval of this request #2 for a 13% increase in lot coverage would be **incompatible** with the surrounding area, and would negatively affect the stability and appearance of the community. Staff found no other similar approvals for variances for lot coverage within the 500' radius of the subject property. Staff acknowledges the applicant's attempt to lessen the visual impact on the surrounding properties by working with staff to revise the site plan that was initially submitted as a part of the application process. In the revised site plan submitted, the applicant addresses the requested variances, by providing landscaping along the front of the residence to act as a visual buffer, indicating the removal an existing exterior door in the bedroom on the north east side of the house which leads to a bedroom from the outside and the removal of an additional utility shed that had been shown on previous plans submitted for this public hearing. However the additions to the single-family residence result in a 13% increase in lot coverage which could not be mitigated and remains **incompatible** with the surrounding area. **As such, staff recommends denial without prejudice of requests #1 through #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Not applicable, existing single-family residence.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

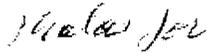
OTHER: Not applicable, existing single-family residence.

RECOMMENDATION:

Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

CD:ES:GR:NN:CH:AN



Charles Danger, P.E., Interim Director
Miami-Dade County Department of
Permitting, Environment and Regulatory Affairs

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

10/27/2011

ZONING RECOMMENDATION ADDENDUM

Applicant: *Teresa Quintero*
PH: *Z11-042*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in the Department's attached memorandum.	

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

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

11-11-CZ8-1 (11-042)
Area 8/District 02
Hearing Date: 11/03/11

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1956	Lovell Inc	- Variance lot frontage.	ZAB	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.

Memorandum

Date: May 10, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-08 #Z2011000042
Teresa Quintero
2990 N.W. 102nd Street
To Permit a Single-Family Residence Setback Less than Required from
Property Lines, to Permit an Accessory Use Setback Less than Required
from Property Lines, to Permit a Single-Family Residence Exceeding the
Required Lot Coverage and to Permit an Accessory Use Spaced Less
than Required from the Principal Single-Family Residence
(NA) (0.1607 Acres)
04-53-41

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

Potable Water Service

Public water 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.

Wastewater Disposal

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

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

The proposed modification does not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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

According to the site plan submitted with this zoning application, the proposal to permit existing additions and structures will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however 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.

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 Christine Velazquez at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: TERESA QUINTERO

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

31-MAY-11

Memorandum



Date: May 17, 2011

To: Marc LaFerrier, Director
Department of Planning and Zoning

Thru: *M.I.* Maria I. Nardi, Chief
Planning and Research Division

From: *JB* John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z2011000042: Quintero Residence

Application Name: Quintero Residence

Project Location: The site is located at 2990 NW 102nd St., Miami-Dade County.

Proposed Development: The applicant is requesting a variance to required setbacks for an existing residence and storage shed.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 18-MAY-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2011000042

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2011000042
located at 2990 NW 102 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0676 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:30 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

TERESA QUINTERO

2990 NW 102 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000042

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: Case opened 5-10-2010 for junk and debris. Reinspection 5-27-2010 and violation corrected. BNC: Case still open from 8-20-2008 20080124259 for work without permit.NCS

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

NCS Chris Albury

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: AMINA NEWSOME

10/03/11

Process #: Z2011000042
Applicant's Name: TERESA QUINTERO

Locations: 2990 NW 102 ST, MIAMI-DADE COUNTY, FLORIDA.

Size: 70'X100'

Folio #: 3031040037704

Request:

- 1 Applicant is requesting to permit a single family residence setback varying from 17.75' to 18' (25' required) from the front (west) property line and setback 6.25' (7' required) from the interior (south) property line.
- 2 Applicant is requesting to permit a Single family residence with lot coverage of 49%. (The underlying zoning district regulations allow a maximum of 35%)
- 3 Applicant is requesting to permit a utility shed setback 2.04' from the rear (west) property line. (The underlying zoning district regulations require 5')

EXISTING ZONING

Subject Property RU-1,

EXISTING USE SFR

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THE SUBJECT SITE HSA A ONE STORY RESIDENTIAL HOUSE

USE(S) OF PROPERTY:

THE SUBJECT PROPERTY IS USE AS A RESIDENTIAL HOUSE

FENCES/WALLS:

THERE IS AN EXISTING IRON GATE IN THE NORTHSIDE FRONT OF THE PROPERTY. THE REST OF THE PROPERTY HAS A 6 FT WOODEN FENCE.

LANDSCAPING:

THE SUBJECT PROPERTY HAS TWO STREET TREES AND THREE LOT TREES. NEEDS MORE LANDSCAPE INSIDE THE PROPERTY.

BUFFERING:

THE SUBJECT PROPERTY HAS A 6 FT WOOD FENCE ON THE WEST, EAST AND SOUTH OF THE PROPERTY.

VIOLATIONS OBSERVED:

ON THE EASTSIDE OF THE PROPERTY THERE IS A SHED IN THE SETBACK. THERE IS A WATER FOUNTAINE IN THE NORTHSIDE (FRONT OF PROPERTY) SETBACK.

OTHER:

THE SUBJECT PROPERTY HAS 7 CARS PARKED INSIDE OF THE PROPERTY .LOOKS LIKE A USED CAR LOT.

ZONING INSPECTION REPORT

Process # **Applicant's Name**
Z2011000042 TERESA QUINTERO

SURROUNDING PROPERTY

NORTH:

RU-1 ONE STORY SINGLE FAMILY RESIDENCES

SOUTH:

RU-1 ONE STORY SINGLE FAMILY RESIDENCES

EAST:

RU-1 ONE STORY SINGLE FAMILY RESIDENCES

WEST:

RU-1 ONE STORY SINGLE FAMILY RESIDENCES

SURROUNDING AREA

THE SUBJECT PROPERTY IS SURROUNDED BY ONE STORY SINGLE FAMILY RESIDENCES.

NEIGHBORHOOD CHARACTERISTICS:

THE SUBJECT PROPERTY IS LOCATED IN A RU-1 SINGLE FAMILY NEIGHBORHOOD.

COMMENTS:

REVISIONS	
No.	

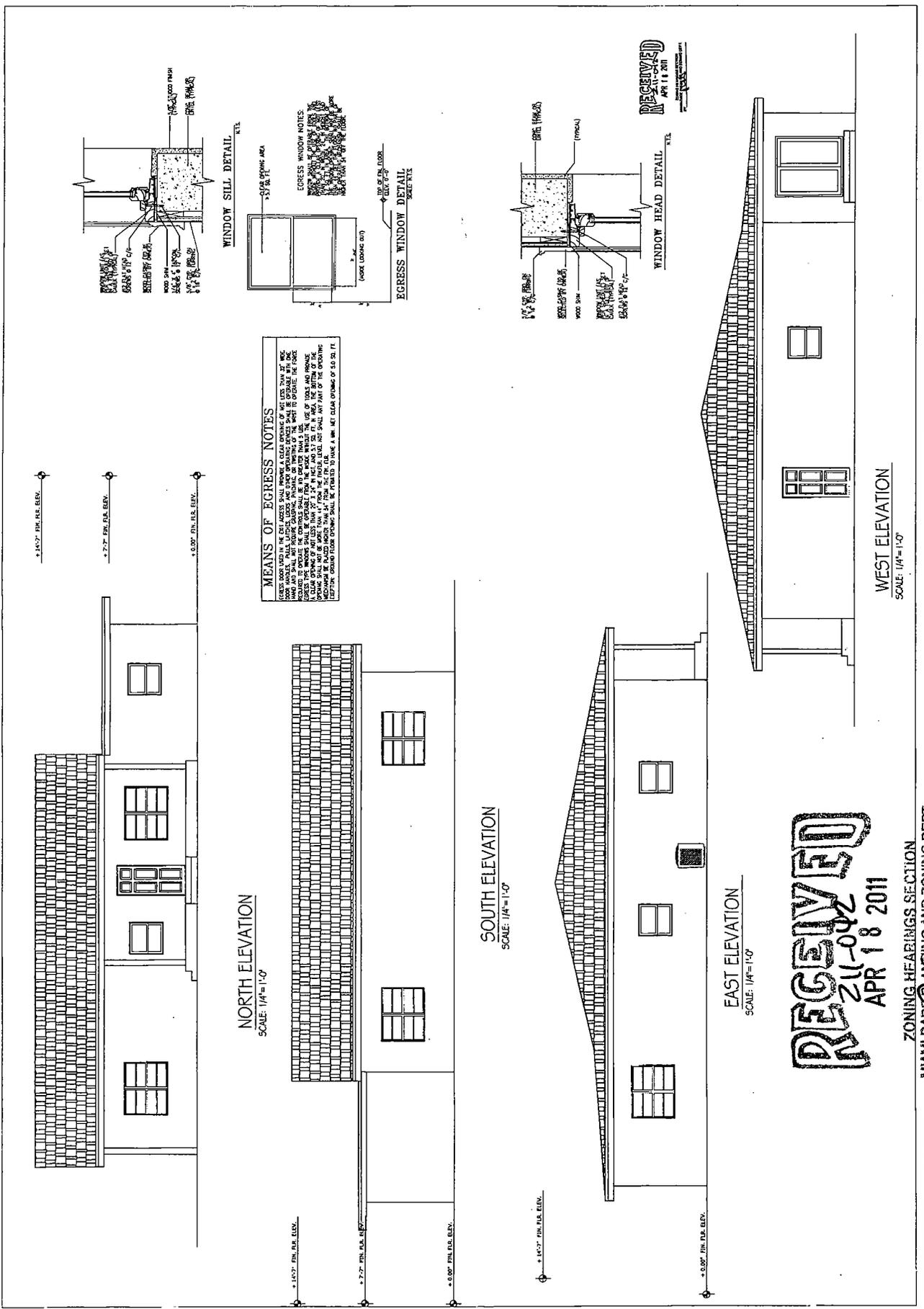
PLEASE CHANGE ALL DIMENSIONS TO MATCH THE REVISIONS. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS TO FACE ARE TO BE TAKEN FROM THE CENTERLINE OF THE WINDOW OR DOOR UNLESS NOTED OTHERWISE. DIMENSIONS TO FACE ARE TO BE TAKEN FROM THE CENTERLINE OF THE WINDOW OR DOOR UNLESS NOTED OTHERWISE. DIMENSIONS TO FACE ARE TO BE TAKEN FROM THE CENTERLINE OF THE WINDOW OR DOOR UNLESS NOTED OTHERWISE.

CARLOS MULLER
 ARCHITECT
 400 N.W. 17th Ave.
 (305) 303-8875

LEGALIZATION OF EXISTING ADDITION
 MIAMI, FLORIDA 33147
 TEREZA QUINTEIRO
 2990 SW 102nd STREET
 MIAMI, FLORIDA 33147

OWNER INFORMATION:
 TEREZA QUINTEIRO
 2990 SW 102nd STREET
 MIAMI, FLORIDA 33147

DATE: N.P.
 DRAWN BY: M.K.
 CHECKED BY: AS-SHOW
 DATE: 09-15-10
 SHEET NO.: ELEVATIONS
A-01
 OF 2



• 1.107' FIN. FLS. ELEV.
 • 7.7' FIN. FLS. ELEV.
 • 0.00' FIN. FLS. ELEV.

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

MEANS OF EGRESS NOTES
 ALL MEANS OF EGRESS SHALL BE UNOBSTRUCTED AND SHALL BE CLEAR OF ALL OBSTRUCTIONS. ALL MEANS OF EGRESS SHALL BE UNOBSTRUCTED AND SHALL BE CLEAR OF ALL OBSTRUCTIONS. ALL MEANS OF EGRESS SHALL BE UNOBSTRUCTED AND SHALL BE CLEAR OF ALL OBSTRUCTIONS. ALL MEANS OF EGRESS SHALL BE UNOBSTRUCTED AND SHALL BE CLEAR OF ALL OBSTRUCTIONS. ALL MEANS OF EGRESS SHALL BE UNOBSTRUCTED AND SHALL BE CLEAR OF ALL OBSTRUCTIONS.

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

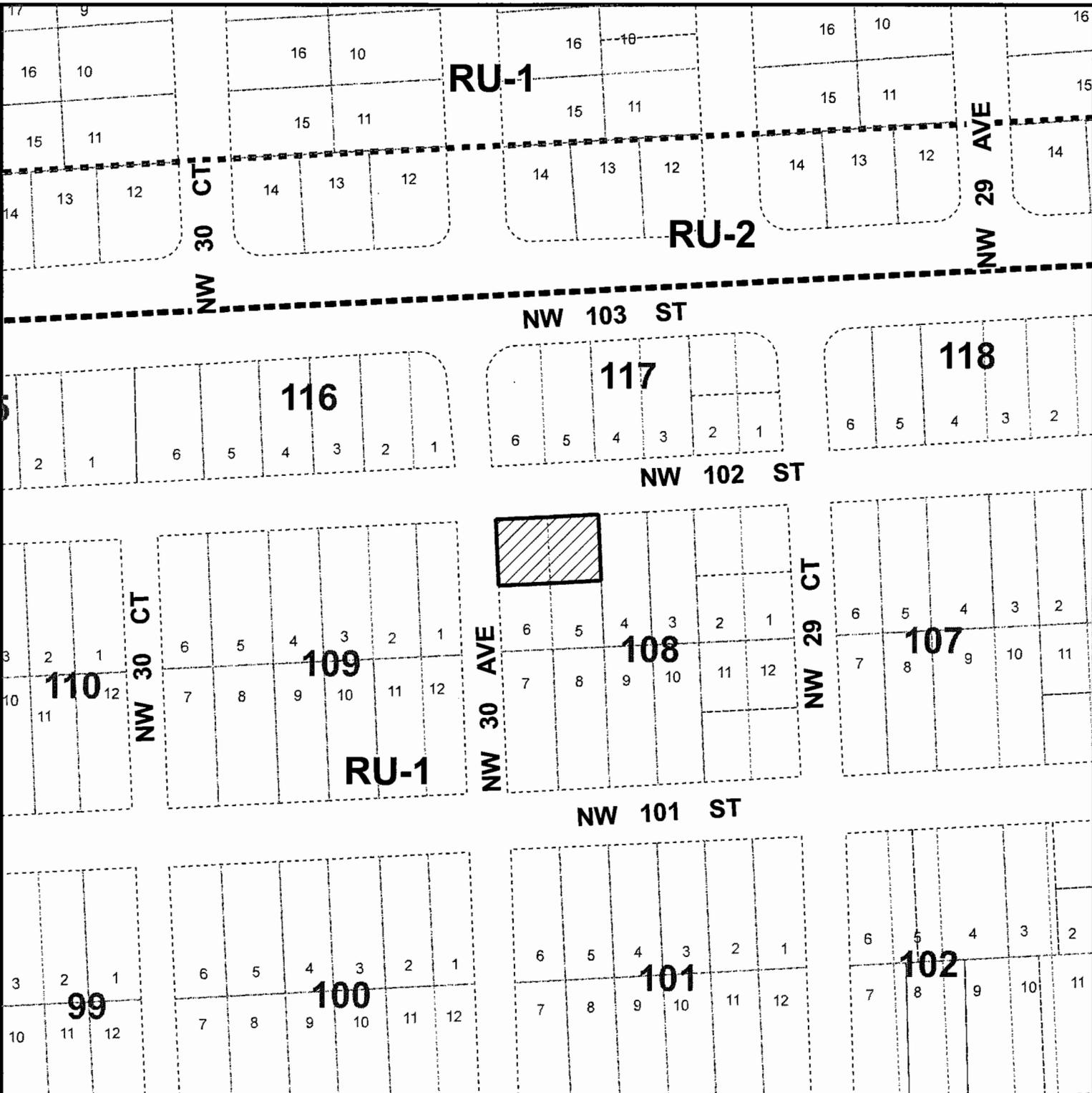
• 1.107' FIN. FLS. ELEV.
 • 7.7' FIN. FLS. ELEV.
 • 0.00' FIN. FLS. ELEV.

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

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

RECEIVED
 211-042
 APR 18 2011

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000042



Section: 04 Township: 53 Range: 41
 Applicant: TERESA QUINTERO
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY
		157



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2011000042



Section: 04 Township: 53 Range: 41
Applicant: TERESA QUINTERO
Zoning Board: C8
Commission District: 2
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 **Subject Property**



SKETCH CREATED ON: Friday, April 29, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to Community Council No. 8**

PH: Z11-045 (11-11-CZ8-3)

November 3, 2011

Item No. 2

Recommendation Summary	
Commission District	2
Applicant	Wilner and Merida Maxy
Summary of Requests	The applicant is seeking to legalize an addition to a two-family residence with less setback and greater lot coverage than required.
Location	1136 NW 101 Street, Miami-Dade County, Florida.
Property Size	75' x 106'
Existing Zoning	RU-2
Existing Land Use	Duplex Residence
2015-2025 CDMP Land Use Designation	Low-Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) NON-USE VARIANCE to permit an addition to the duplex residence setback 19.15' (25' required) from the rear (south) property line.
- (2) NON-USE VARIANCE to permit the duplex residence setback 22' (25' required) from the front (north) property line.
- (3) NON-USE VARIANCE to permit a lot coverage of 36.3% (30% permitted).

Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs entitled "Amnesty for attached duplex for: Wilner Maxi & Merida" as prepared by Fernando Gomez-Pina, P.E. consisting of 2 Sheets and dated stamped received 7/14/11. Plans may be modified at public hearing.

PROJECT DESCRIPTION: One story duplex residence.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2; duplex residence	Low-Medium Density Residential (6 to 13 dua)
North	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
South	RU-2; duplex residences	Low-Medium Density Residential (6 to 13 dua)
East	RU-2; duplex residence	Low-Medium Density Residential (6 to 13 dua)
West	RU-2; vacant land	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 1136 NW 101 Street. Duplex and single-family residences characterize the surrounding area where the subject property lies.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Low-Medium Density Residential*** (see attached Zoning Recommendation Addendum) on the Adopted 2015-2025 Land Use Plan (LUP) map. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the Land Use Map of the CDMP. Therefore, the request is **consistent** with the density threshold of the LUP map of the CDMP.

ZONING ANALYSIS:

When requests #1 thru #3 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b) (see attached Zoning Recommendation Addendum), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Additionally, staff notes that similar variances have been approved in the surrounding neighborhood; therefore, the approval of the requests will not result in an obvious departure from the aesthetic character of the surrounding area. Staff opines the approval of this application will allow the continued use of an existing duplex residence. **As such, staff recommends approval of requests #1 thru #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Not applicable, existing duplex residence.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Amnesty for attached duplex for: Wilner Maxi & Merida," as prepared by Fernando Gomez-Pina, P.E. and dated stamped received 7/14/11, consisting of two sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit a Declaration of Use Agreement restricting the use of the subject property only to a duplex residence prior to the issuance of a building permit.
5. That the aluminum shed in the rear (south) setback area be removed as shown on the plans.

CD:ES:GR:NN:CH:JC

Charles Danger

Charles Danger, P.E., Interim Director
Department of Permitting, Environment
and Regulatory Affairs

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

ZONING RECOMMENDATION ADDENDUM

Applicant: *Wilner and Merida Maxy*
PH: Z11-045

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
* Subject to conditions in the Department's attached memorandum.	

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

<p>Low-Medium Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

11-11-CZ8-2 (11-045)
Area 8/District 02
Hearing Date: 11/03/11

Property Owner (if different from applicant) **Wilner Maxy & Merida.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
No History				

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

Memorandum

Date: May 2, 2011

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

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



Subject: C-08 #Z2011000045
Wilner and Merida Maxy
1136 N.W. 101st Street
To Permit a Single-Family Residence Setback Less than Required from
Property Lines
(RU-2) (0.181 Acres)
02-53-41

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

Potable Water Service

Public water 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.

Wastewater Disposal

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

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

The existing proposed addition will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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

According to the site plan submitted with this zoning application, the proposal to legalize the addition will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however 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 the Code.

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.

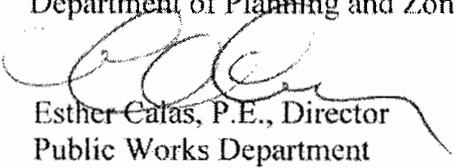
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: August 16, 2011

To: Marc LaFerrier, Director
Department of Planning and Zoning

Thru *M.N.* Maria I. Nardi, Chief
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z2011000045: Wilner and Merida Maxi
Site plan : revised date 7/14/2011

Application Name: Wilner and Merida Maxi Residence

Project Location: The site is located at 1136 NW 101st St., Miami-Dade County.

Proposed Development: The applicant is requesting variance to front and rear yard setbacks and a variance to permit increased lot coverage for an existing residence. Review includes revised site plan stamped 7/14/2011.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 28-APR-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2011000045

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2011000045
 located at 1136 NW 101 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0683 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:03 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 30 - Miami Shores - 9500 NE 2 Avenue
 Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

WILNER & MERIDA MAXY

1136 NW 101 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000045

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC:cASE OPENED 5-12-2010 FOR UNAUTHORIZED USE 201004003029,CVN ISSUED t008313 ISSUED. CVN paid 6-21-2010,compliance 7-6-2010 and case closed 7-7-2010. MH case opened 5-12-2010 201009000550,violation still pending, 1-25-2011 final order recordationn,case forwarded collection 3-8-2011,violation corrected 4-27-2011.BNC: Case opened 5-13-2010 for work without permit 20100136930,nov mailed 7-26-2010. NOV extension requested 10-14-2010 and nov denied.Case still open.

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

NCO Albury

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH
Evaluator: JACQUELINE CARRANZA

Inspection Date
10/03/11

Process #: Z2011000045 **Applicant's Name** WILNER & MERIDA MAXY
Locations: 1136 NW 101 ST, MIAMI-DADE COUNTY, FLORIDA.
Size: 75' x 106' **Folio #:** 3031020070550

Request:
THE APPLICANT IS REQUESTING APPLICANT IS REQUESTING TO PERMIT A SINGLE FAMILY RESIDENCE SETBACK LESS THAN REQUIRED FROM PROPERTY LINES.

EXISTING ZONING
Subject Property RU-2,
EXISTING USE NONE
SITE CHARACTERISTICS

STRUCTURES ON SITE:
THE PROPERTY HAS A RESIDENTIAL MULTI-FAMILY TWO UNIT DUPLEX.

USE(S) OF PROPERTY:
THE SUBJECT PROPERTY HAS A ONE STORY RESIDENTIAL DUPLEX

FENCES/WALLS:
THERE IS AN EXISTING CBS 2 FT HT FENCE WITH IRON FENCE ON TOP OF THE CBS AND IRON GATE IN THE FRONT OF THE PROPERTY.THE REST OF THE PROPERTY HAS A 4 FT CHAIN LINK FENCE ALL AROUND THE PROPERTY.

LANDSCAPING:
THE SUBJECT SITE HAS TWO SMALL PALM TREES WITH TWO SMALL TREES IN FRONT OF THE PROPERTY.THERE ARE THREE LOT TREES ON THE PROPERTY.

BUFFERING:
THE SUBJECT PROPERTY HAS A FENCE ON THE EAST, WEST, AND SOUTHSIDE OF THE PROPERTY.

VIOLATIONS OBSERVED:
THE SUBJECT SITE HAS LESS SETBACK THAN IS REQ.

OTHER:

Process # **Applicant's Name**
Z2011000045 WILNER & MERIDA MAXY

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:

RU-2 ONE STORY RESIDENTIAL HOUSE

SOUTH:

RU-2 ONE STORY MULTI FAMILY RESIDENCES

EAST:

RU-2 ONE STORY RESIDENTIAL HOUSE

WEST:

VACANT LOT WITH A FOUNDATION

SURROUNDING AREA

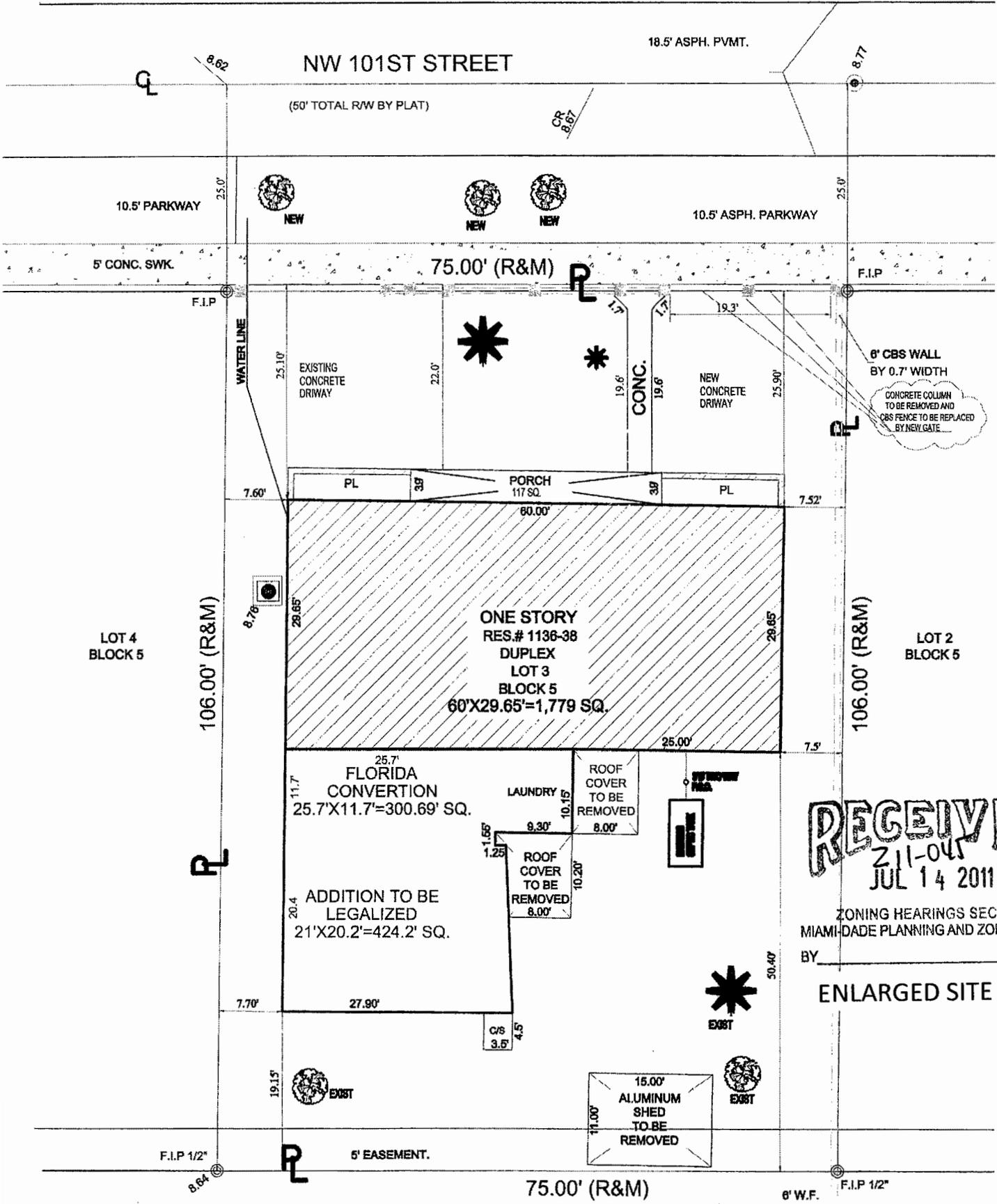
THE SUBJECT PROPERTY IS SURROUNDED BY ONE STORY SINGLE AND MULTI FAMILY RESIDENCES WITH THE EXCEPTION TO THE WEST WHERE THERE IS A VACANT LOT WITH A FOUNDATION.

NEIGHBORHOOD CHARACTERISTICS:

THE SUBJECT PROPERTY IS LOCATED IN A RU-2 ONE STORY MULTI FAMILY NEIGHBORHOOD.

COMMENTS:

THE SUBJECT PROPERTY IS A MULTI-FAMILY RESIDENCES,(DUPLEX)

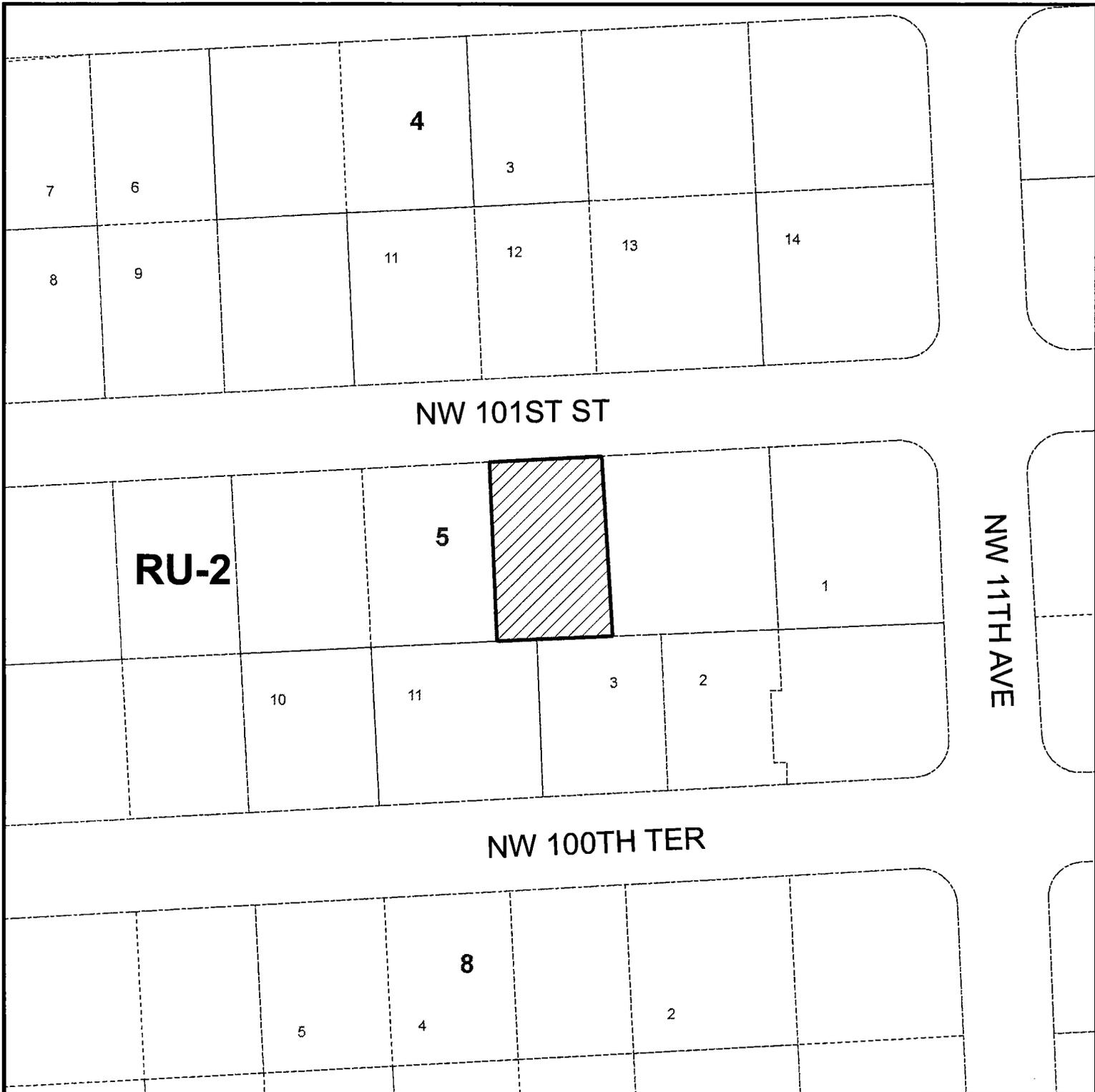


RECEIVED
 211-04
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

ENLARGED SITE PLAN

SITE PLAN. - SCALE: 1" = 10'



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000045



Section: 02 Township: 53 Range: 41
 Applicant: WILNER & MERIDA MAXY
 Zoning Board: C8
 Commission District: 2
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		17



NW 101ST ST

NW 11TH AVE

NW 100TH TER

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 02 Township: 53 Range: 41
Applicant: WILNER & MERIDA MAXY
Zoning Board: C8
Commission District: 2
Drafter ID: KEELING STENNETT
Scale: NTS

Process Number

Z2011000045



Legend

 Subject Property



SKETCH CREATED ON: Thursday, April 28, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to Community Council No. 8**

PH: Z11-088 (11-11-CZ8-3)

November 3, 2011

Item No. 3

Recommendation Summary	
Commission District	2
Applicant	Carlos M. Jordi
Summary of Requests	The applicant is seeking to allow an existing single-family residence on a substandard lot to setback closer to the front and interior side property lines and with less lot frontage than required.
Location	8816 NW 22 Place, Miami-Dade County, Florida.
Property Size	50' x 100'
Existing Zoning	RU-1
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low-Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) NON-USE VARIANCE to permit a parcel of land with a lot frontage of 50' (75' required) and a lot area of 5,000 square feet (7,500 required).
- (2) NON-USE VARIANCE to permit an existing single family residence setback 14.40' (25' required) from the front (east) property line and setback 4.2' (5' required) from the interior side (north) property line.

Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs entitled "Carlos M. Jordi" as prepared by Charles C. Mitchell, P.E. and dated stamped received 7/20/11. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Single-family residence

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)
North	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)
South	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)
East	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)
West	RU-1; single-family residence	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 8816 NW 22 Place. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the continued use of an existing single family residence; however the subject property is located on a substandard lot.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Low-Medium Density Residential*** on the Adopted 2015-2025 Land Use Plan (LUP) map. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre. The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the Land Use Map of the CDMP. Therefore, the request is **consistent** with the density threshold of the LUP map of the CDMP.

ZONING ANALYSIS:

When requests #1 and #2 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. While staff found no other similar approvals for variances in the surrounding neighborhood, staff notes that the existing single-family residence was constructed in 1950 and the approval of the requests will not result in an obvious departure from the aesthetic character of the surrounding area. Staff opines the approval of this application will allow the continued use of an existing single-family residence. **As such, staff recommends approval of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Not applicable, existing single-family residence.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among

Carlos M. Jordi

Z11-080

Page | 3

other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Carlos M. Jordi" as prepared by Charles C. Mitchell, P.E. and dated stamped received 7/20/11. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

CD:ES:GR:NN:CH:AN

Charles Danger

Charles Danger, P.E. Interim Director
Miami-Dade County Department of
Permitting, Environment and Regulatory Affairs

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

10/26/2011

3

ZONING RECOMMENDATION ADDENDUM

Applicant: *Carlos M. Jordi*

PH: *Z11-088*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in the Department's attached memorandum.	

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

<p>Low-Medium Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low-Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

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

11-11-CZ8-3 (11-088)
Area 8/District 02
Hearing Date: 11/03/11

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
No History				

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

Memorandum

Date: August 3, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-08 #Z2011000088
Carlos Jordi
8816 N.W. 22 Place
To Permit a Lot with a Frontage of 50' (75' Required) and to Permit a Lot
with an Area of 5,000 SF (7,500 SF Required)
(RU-1) (0.115 Acres)
03-53-41

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

Potable Water Service

Public water 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.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

Stormwater Management

The proposed change will not affect the existing stormwater management system. Therefore, DERM Water Control Section has no pertinent comments.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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

According to the site plan submitted the proposal will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application. However, 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 Section 24 of the Code.

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 Christine Velazquez at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CARLOS M. JORDI

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

06-SEP-11

Memorandum



Date: August 16, 2011

To: Marc LaFerrier, Director
Department of Planning and Zoning

Thru: *MY* Maria I. Nardi, Chief
Planning and Research Division

From: John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z2011000088: CARLOS M. JORDI

Application Name: CARLOS M. JORDI

Project Location: The site is located at 8816 NW 22 PL., Miami-Dade County.

Proposed Development: The applicant is requesting non-use variance to the front yard setback for a single family residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 28-JUL-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
Miami-Dade Fire Rescue Department
Subject: Z2011000088

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2011000088
located at 8816 NW 22 PL, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0738 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 4:06 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

CARLOS M. JORDI

8816 NW 22 PL, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000088

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: Case opened for setback on 11-8-2010, extension requested 12-8-2010, cvn 1-11-2011 voided due to new owner. New cvn issued 4-14-2011, appeal requested 5-18-2011. BNC: No open cases.

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

NCS Albury

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: AMINA NEWSOME

09/30/11

Process #: Applicant's Name
Z2011000088 CARLOS M. JORDI

Locations: 8816 NW 22 PL, MIAMI-DADE COUNTY, FLORIDA.

Size: 50 X 100

Folio #: 3031030260210

Request:

- 1 Applicant is requesting to permit a lot with a frontage of 50' (75' required).
- 2 Applicant is requesting to permit a lot with an area of 5,000 SF (7,500 SF required).
- 3 Applicant is requesting to permit the existing house setback 14.40' (25' required) from the front (East) property line.
- 4 Applicant is requesting to permit the existing house setback 4.2' (5' required) from the interior side (north) property line.

EXISTING ZONING

Subject Property RU-1,

EXISTING USE RESIDENCE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THE SUBJECT SITE HAS A ONE STORE RESIDENTIAL HOUSE.

USE(S) OF PROPERTY:

THE SUBJECT PROPERTY IS USED AS A RESIDENCE.

FENCES/WALLS:

THERE IS AN EXISTING 4 FT CHAIN LINK FENCE ALONG THE PERIMETER OF THE SUBJECT PROPERTY.

LANDSCAPING:

THE PROPERTY HAS A CHERRY HEDGE ALONG THE NORTH AND SOUTH PROPERTY LINE.

BUFFERING:

THE PROPERTY HAS CHERRY HEDGE ALONG THE NORTH AND SOUTH THE PROPERTY LINE WHERE IT ABUTS THE RESIDENCES ON BOTH SIDE.

VIOLATIONS OBSERVED:

THE SETBACK IN THE FRONT OF THE PROPERTY HAS 50 FT(75 FT REQ.) EASTSIDE OF PROPERTY REQ. 25 FT. HAS ONLY 14.40 FT. NORTHSIDE HAS 4.12 FT SETBACK REQ 5 FT.

OTHER:

THE PROPERTY REQ 7000 SQ FT, HAS ONLY 5000 SQ FT.

Process # Applicant's Name

ZONING INSPECTION REPORT

Z2011000088 CARLOS M. JORDI

SURROUNDING PROPERTY

NORTH:

RU-1 ONE STORY SINGLE FAMILY RESIDENCE

SOUTH:

RU-1 ONE STORY SINGLE FAMILY RESIDENCE

EAST:

RU-1 ONE STORY SINGLE FAMILY RESIDENCE

WEST:

VACANT LOT

SURROUNDING AREA

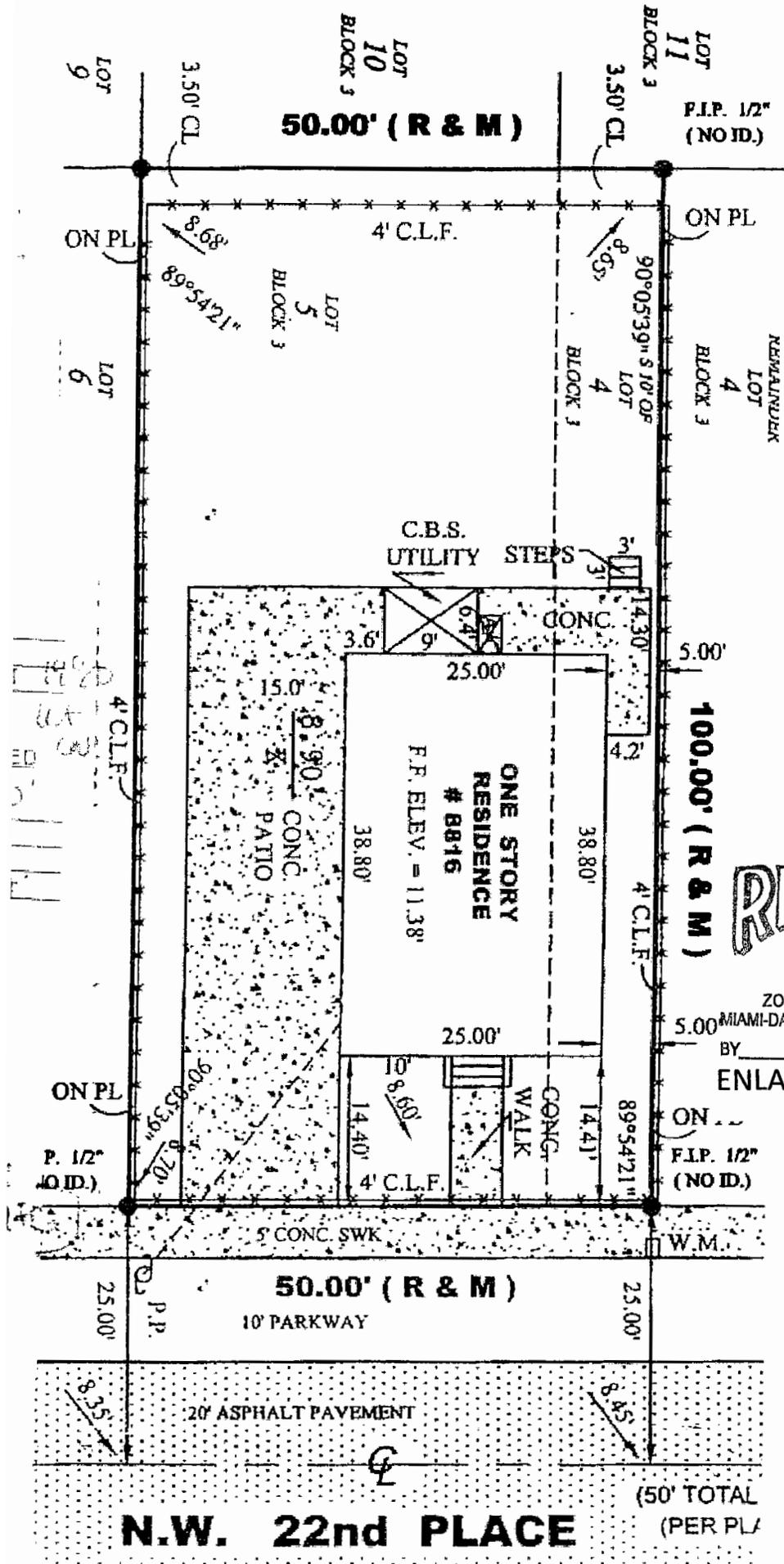
THE SUBJECT PROPERTY IS SURROUNDED BY ONE STORY SINGLE-FAMILY RESIDENCES WITH THE EXCEPTION TO THE WEST WHERE THERE IS A VACANT LOT.

NEIGHBORHOOD CHARACTERISTICS:

THE SUBJECT PROPERTY IS LOCATED IN A RU-1 ONE STORY SINGLE FAMILY NEIGHBORHOOD.

COMMENTS:

1"=30'



50.00' (R & M)

F.I.P. 1/2" (NO ID.)

100.00' (R & M)

RECEIVED
 21-088
 JUL 20 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____
ENLARGED SITE PLAN

N.W. 22nd PLACE

(50' TOTAL
 (PER PL)

RECEIVED
 JUL 11 2011
 JUL 20 2011

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

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 JUL 20 2011

ZONING LEGEND
 Single Family & Duplex

ZONING: RM-1
 Height (to ridge of roof)
 Net Land Area
 Lot Coverage (everything under roof)

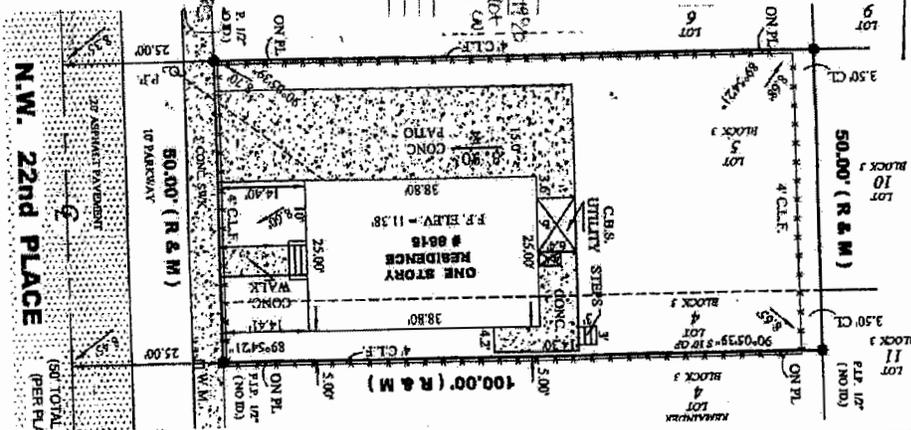
REQUIRED:
 2.5'
 5'
 5'

PROVIDED:
 14'-40"
 4'-2"
 9'-0"

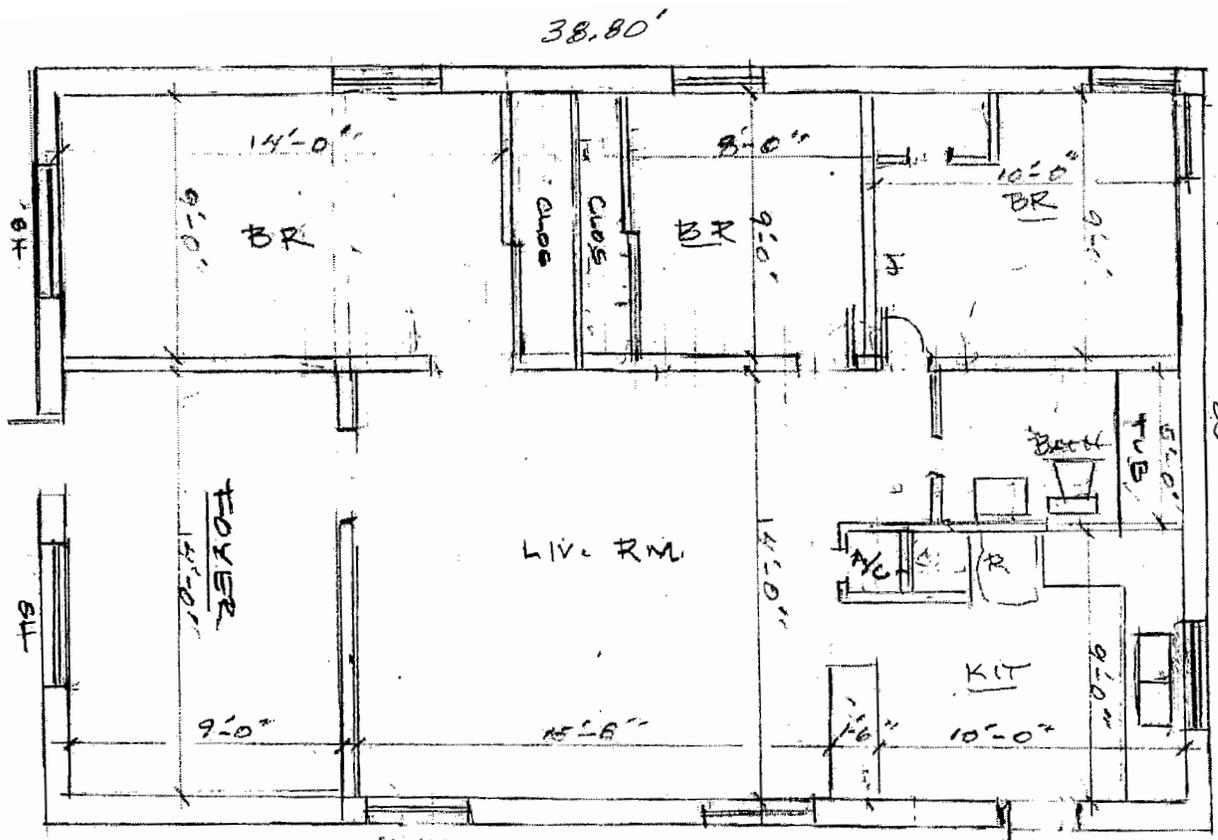
SCOPE OF WORK
 TO PERMIT FRONT
 SET BACK OF 14'-40"
 (SEE TR. REQUIREMENTS)

LEGAL -
 THE 50.10' OF
 LOT 4 AND ALL
 OF LOT 5. BUX 3
 OF NORTH RIDGE -
 WAY PARK
 PB 19 - P 58

SITE PLAN
 1" = 20'



FLOOR PLAN



CARLOS JORDI
 8816 N.W. 22ND PL.
 MIAMI, FL. 33147

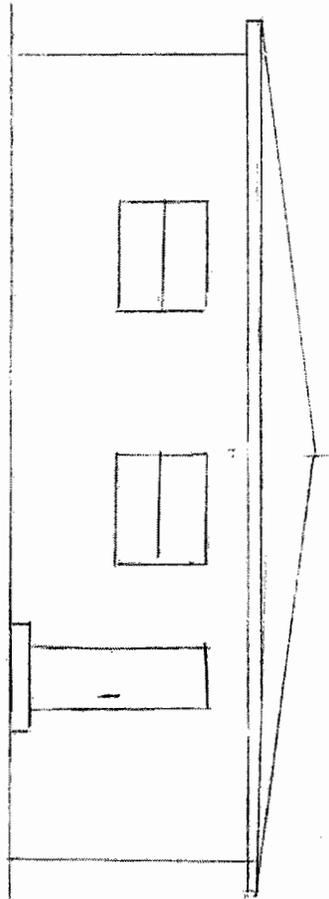
CHARLES C. MITCHELL P.E.
 CIVIL/STRUCTURAL #11127
 924 NORTH FEDERAL HWY.
 HOLLYWOOD, FL 33022
 PHONE: (305) 336-5069

RECEIVED
JUL 28 2011

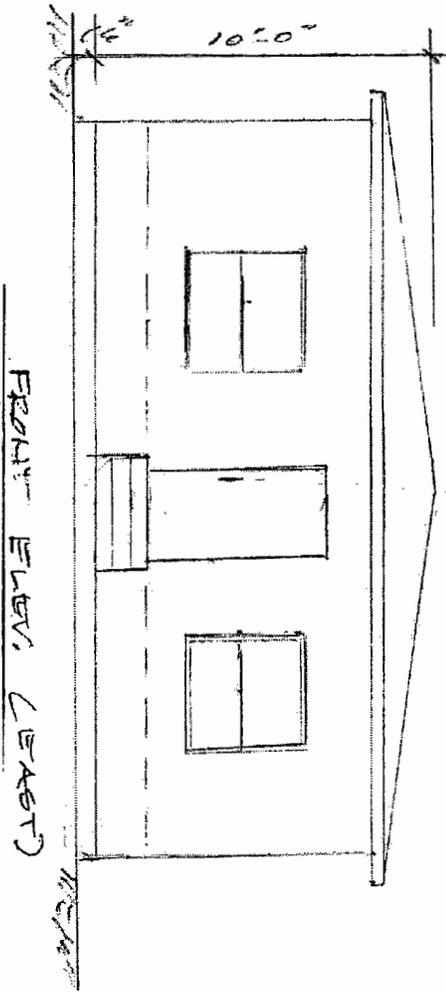
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

RECEIVED
JUL 28 2011

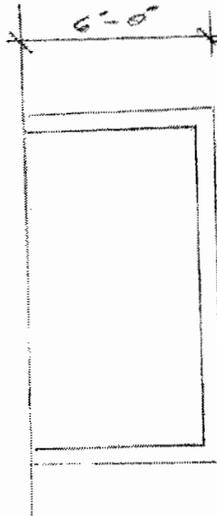
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



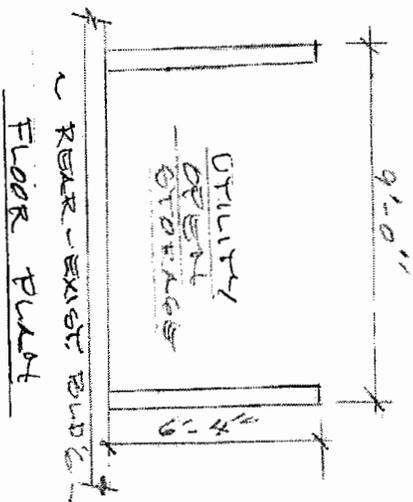
(NORTH) SIDE ELEV.



FRONT ELEV. (EAST)



REAR ELEV.

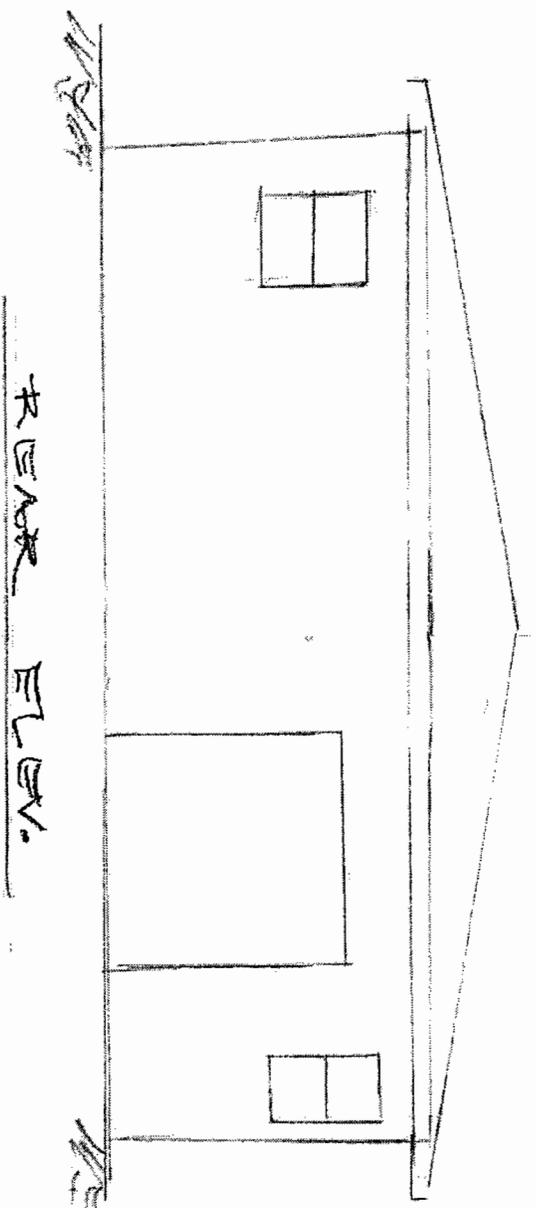
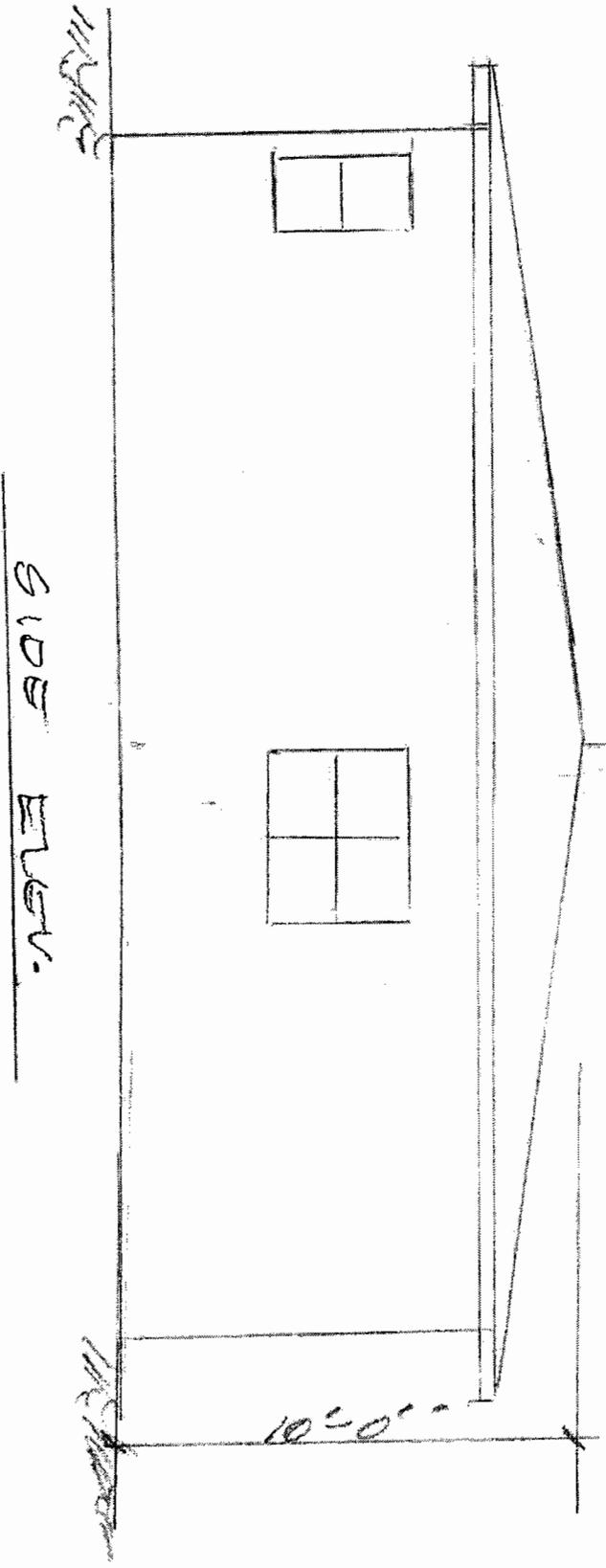


REAR - EAST SIDE FLOOR PLAN

NO

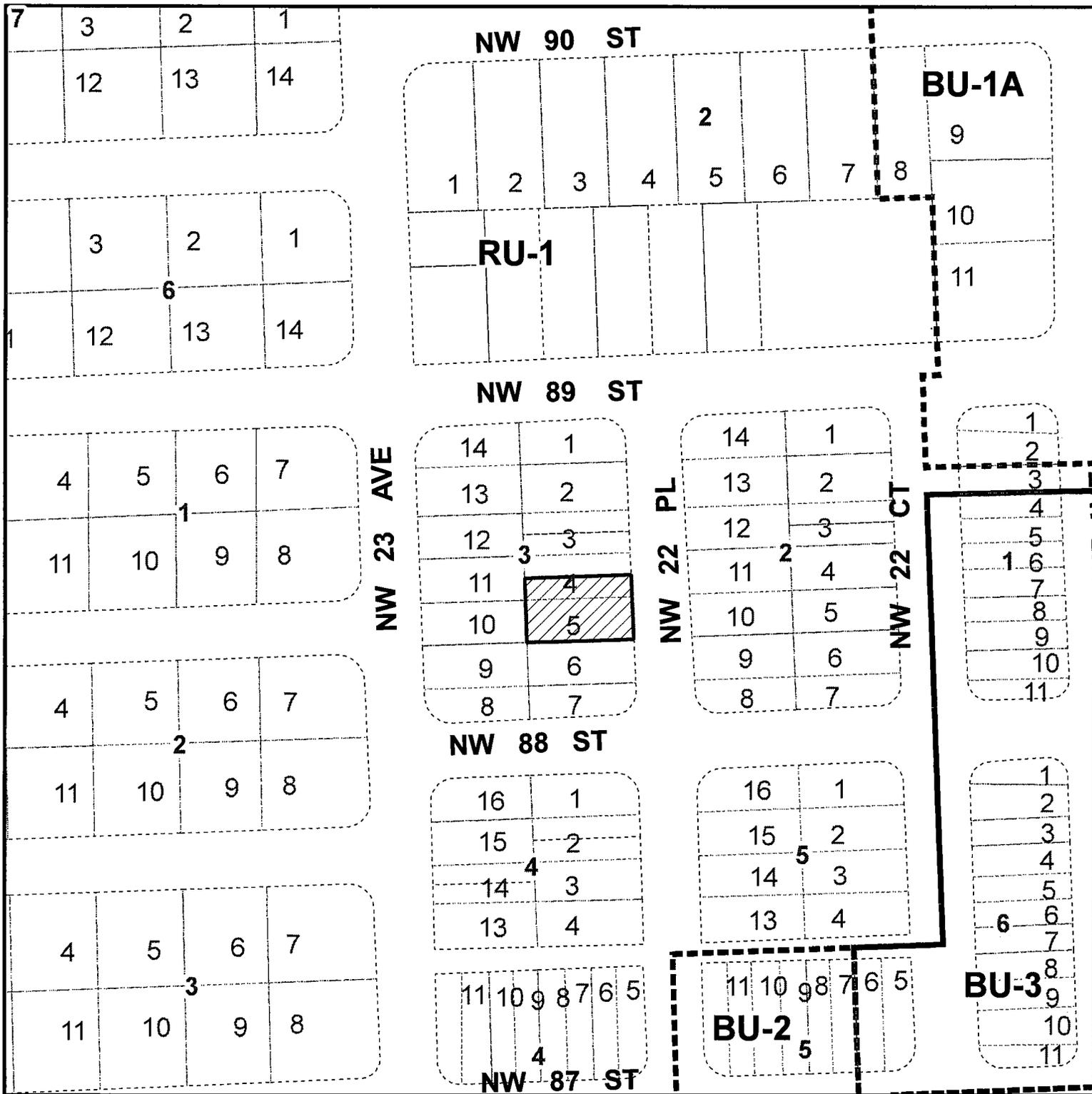
CARLOS JORDI
3816 N. W. 22ND PL.
MIAMI, FL. 33147

CHARLES C. MITCHELL P.E.
CIVIL/STRUCTURAL #11127
924 NORTH FEDERAL HWY.
HOLLYWOOD, FL 33022
PHONE: (305) 336-5069



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

RECEIVED
 JUL 20 2011



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2011000088



Section: 03 Township: 53 Range: 41
 Applicant: CARLOS M. JORDI
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, July 28, 2011

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000088



Section: 03 Township: 53 Range: 41
 Applicant: CARLOS M. JORDI
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Thursday, July 28, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to Community Council No. 8**

PH: Z11-094 (11-11-CZ8-4)

November 3, 2011

Item No. 4

Recommendation Summary	
Commission District	2
Applicant	Pro Property, LLC
Summary of Requests	The applicant is seeking to permit retail building setback less than required, less landscape open space than required, and to permit a two-way drive and back space less than required.
Location	Southeast corner of NW 133 Street and 27 Avenue, Miami-Dade County, Florida.
Property Size	0.68-acre
Existing Zoning	BU-2
Existing Land Use	Vacant lot
2015-2025 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

- (1) NON-USE VARIANCE to permit a proposed retail building to be setback 3' (20' required) from the front (west) property line.
- (2) NON-USE VARIANCE to permit a landscaped open space of 15.7% (18% required).
- (3) NON-USE VARIANCE to permit a two-way drive with a width of 12' (22' required).
- (4) NON-USE VARIANCE to permit parking spaces with a back out of 12' (22' required).

Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs entitled "Site Plan" as prepared by Zamora and Associates, Inc., dated 8/5/11 "Dollar General" prepared by Cristina Fandino, Architect, consisting of 2 sheets, one dated stamped received 8/03/11 and the other dated 9/27/11, "Landscaping Planting Plan" prepared by M.L.A., Inc., dated stamped received September 17, 2011. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

Proposed one story approximately 9,016 sq. ft. retail building with thirty-six (36) parking spaces.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; vacant lot	Business and Office
North	BU-2; vacant lot	Business and Office
South	BU-2; commercial	Business and Office
East	Upper Rio Vista Canal and RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
West	City of Opa-locka	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is a corner lot, located at the southeast corner of NW 133 Street and NW 27 Avenue, a section line roadway. The surrounding area is characterized by commercial uses and vacant lots.

SUMMARY OF THE IMPACTS:

Approval of this application could have a positive impact on the economy of Miami-Dade County and provide jobs to area residents. However, the requested variances are due to the size constraints of the property and could have a negative visual impact on the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Business and Office** on the Adopted 2015-2025 Land Use Plan (LUP) map. This category accommodates the full range of sales and service activities, including retail. The approval of the request sought in this application will permit the applicant to develop a one story retail building. The proposed retail store is consistent with the Business and Office CDMP designation and therefore will be **consistent** with the LUP map of the CDMP. The proposed retail use furthers, **Policy LU-1C** which indicates that *Miami-Dade County shall give priority to infill 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.* Further, staff opines that the proposed retail use on this vacant site is **consistent** with **Objective LU-4** which states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*

ZONING ANALYSIS:

When requests #1 through #4 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the stability and appearance of the community. In staff's opinion the requested variances are the result of the constraints of the property that is located between NW 27 Avenue a section line roadway on the west and the Upper Rio Vista Canal on the east. Staff notes that the design of the proposed 1-story retail building utilizes urban design principles by placing the parking area at the rear of the building and placing the building closer to the front (west) of the subject parcel. Although the front (west) elevation is along NW 27

Avenue, a section line roadway, the entrance to the building will be along the north elevation. The front elevation of the proposed building has been designed with a stucco finish, decorative eyebrows, windows and a metal tubing system that will be used for landscaping which will enhance the aesthetics of the front façade and avoid a blank wall along the heavily trafficked NW 27 Avenue. In addition to parking at the rear of the building, the site plan depicts a parking area in front of the entrance. However, in order to accommodate all the required parking spaces and ingress and egress from the site, the applicant applied for a road closure to close NW 133 Street from NW 27 Avenue on the east to the Upper Rio Vista Canal on the west. Approval for the road closure was granted pursuant to Resolution No. 603-11. The applicant has submitted a Unity of Title for the southern portion of the right of way gained through the road closure, which on the site plan depicts three (3) parking spaces. In addition, staff notes that the applicant has submitted documentation indicating a Cross Access Agreement with the property owner to the north in order to access the subject property and for the back out of parking spaces. As such the reduced back out space and drive width is not likely to result in spillage of parking and traffic on the abutting section line roadway, NW 27 Avenue.

Therefore, in staff's opinion, approval of the requests would maintain the basic intent and purpose of the zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and would be **compatible** with same. **As such, staff recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts a proposed one story retail building with reduced back out space and drive width. In order to provide the required parking spaces and access to the property, applicant applied for a road closure to close NW 133 Street from NW 27 Avenue on the east to the Upper Rio Vista Canal on the west. Approval for the road closure was granted pursuant to Resolution No. 603-11. The applicant obtained a Unity of Title for the southern portion of the right-of-way to include as part of the subject property. The applicant has presented documentation of a Cross Access Agreement with the property owner to the north in order to access the subject property and for the back out of parking spaces.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan" as prepared by Zamora and Associates, Inc., dated 1/5/11 "Dollar General" prepared by Cristina Fandino, Architect, dated stamped

received 9/27/11, "Landscaping Planting Plan" prepared by M.L.A., Inc., dated stamped received 9/17/11. Plans may be modified at public hearing.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Permitting, Environment and Regulatory Affairs, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

CD:ES:NN:CH:AN

Charles Danger

Charles Danger, P.E., Interim Director
Miami-Dade County Department of
Permitting, Environment and Regulatory Affairs

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

ZONING RECOMMENDATION ADDENDUM

Applicant: *Pro Property, LLC*
PH: Z11-094

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
DERM	No objection
Public Works	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Business and Office (Pg. I-41)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
Land Use Policy 1C (Pg. I-2)	<i>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.</i>
Land Use Objective 4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

4. PRO PROPERTY, LLC
(Applicant)

11-11-CZ8-4 (11-094)
Area 8/District 02
Hearing Date: 11/03/11

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1965	Glenn D. Parker	- Variance to permit continued use of a fruit stand.	BCC	Approved w/conds.

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

Memorandum

Date: August 18, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-08 #Z2011000094
Pro Property, LLC
Southeast corner of N.W. 133rd Street and N.W. 22nd Avenue
To Permit a Retail Building Setback Less than Required from Property
Lines and to Permit Less Landscape Open Space than Required
(BU-2) (0.68 Acres)
27-52-41

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

Potable Water Service

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 262 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, the proposed development will require a sewer main extension in accordance with the Code requirements. Civil drawings for any proposed sewer main extension will need to be approved by the utility and the DERM Water and Wastewater Engineering Section. Please note, the utility will provide the actual points of connection for the subject property.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of 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 Class III permit is required for the construction of the proposed retaining wall within the Miami-Dade County canal right-of-way (Spur Canal) according to Section 24-48.1(1)(c) of the Code.

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

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

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

Coastal Resources

The adjacent waters to the subject property are not tidally connected therefore a DERM Class I Permit will not be required from the DERM Coastal Section for work on this property.

Manatees may occasionally gain access to adjacent canals; therefore DEP Recommended Manatee Protection Guidelines should be followed for any planned development onsite. Installation of manatee protection grating is required over outfalls or culverts measuring between 6 and 60 inches in diameter to prevent manatee entrapment. Grating should be maintained and cleaned regularly to prevent upland flooding.

Please contact the Coastal Resources Section of DERM at 305-372-6575 if further information is required.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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 on the southeast part of the site. Section 24-49 of the Code provides for the preservation and protection of tree resources. 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 of the Code. 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 Christine Velazquez at (305) 372-6764.

Memorandum



Date: August 30, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.N.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000094: PRO PROPERTY, LLC

Application Name: PRO PROPERTY, LLC.

Project Location: The site is located at northwest corner of SOUTHEAST CORNER OF NW 133 ST & 27 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting a non-use variance of setback and landscape requirements for a proposed retail facility.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: PRO PROPERTY, LLC

This Department has no objections to this application.

Driveway to NW 27 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

13-SEP-11

Memorandum



Date: 09-AUG-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
 Miami-Dade Fire Rescue Department
Subject: Z2011000094

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped August 3, 2011.

Service Impact/Demand

Development for the above Z2011000094
located at SOUTHEAST CORNER OF NW 133 ST & 27 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0536 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>9,100</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.70 alarms-annually.
The estimated average travel time is: 6:54 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 26 - Opa Locka - 3190 NW 119 Street
Rescue, ALS 75, Ladder, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan. Substantial changes to this plan will require additional service impact analysis.

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

DATE: 11-AUG-11

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

PRO PROPERTY, LLC

SOUTHEAST CORNER OF NW 133
ST & 27 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000094

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

NCS Albury

DISCLOSURE OF INTEREST*

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

COMPANY NAME: Pro Property, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percent</u>	<u>Interest</u>
<u>Hector R. Vinas</u>	<u>100%</u>	<u>P.S.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

TRUST/ESTATE NAME: _____

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY D-H.
Re-numbered

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY D.H.
renumbered

Date of contract: _____

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

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

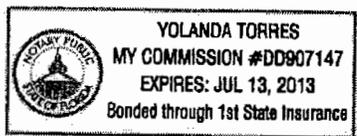
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]
Hector Vinas, Managing Member of Pro Property, LLC, a Florida limited liability company
(Applicant)

Sworn to and subscribed before me this 19 day of January, 2011. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires July 13, 2013



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

cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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MIAMI-DADE PLANNING AND ZONING DEPT.

BY: D.H.

renumbered

33rd STREET

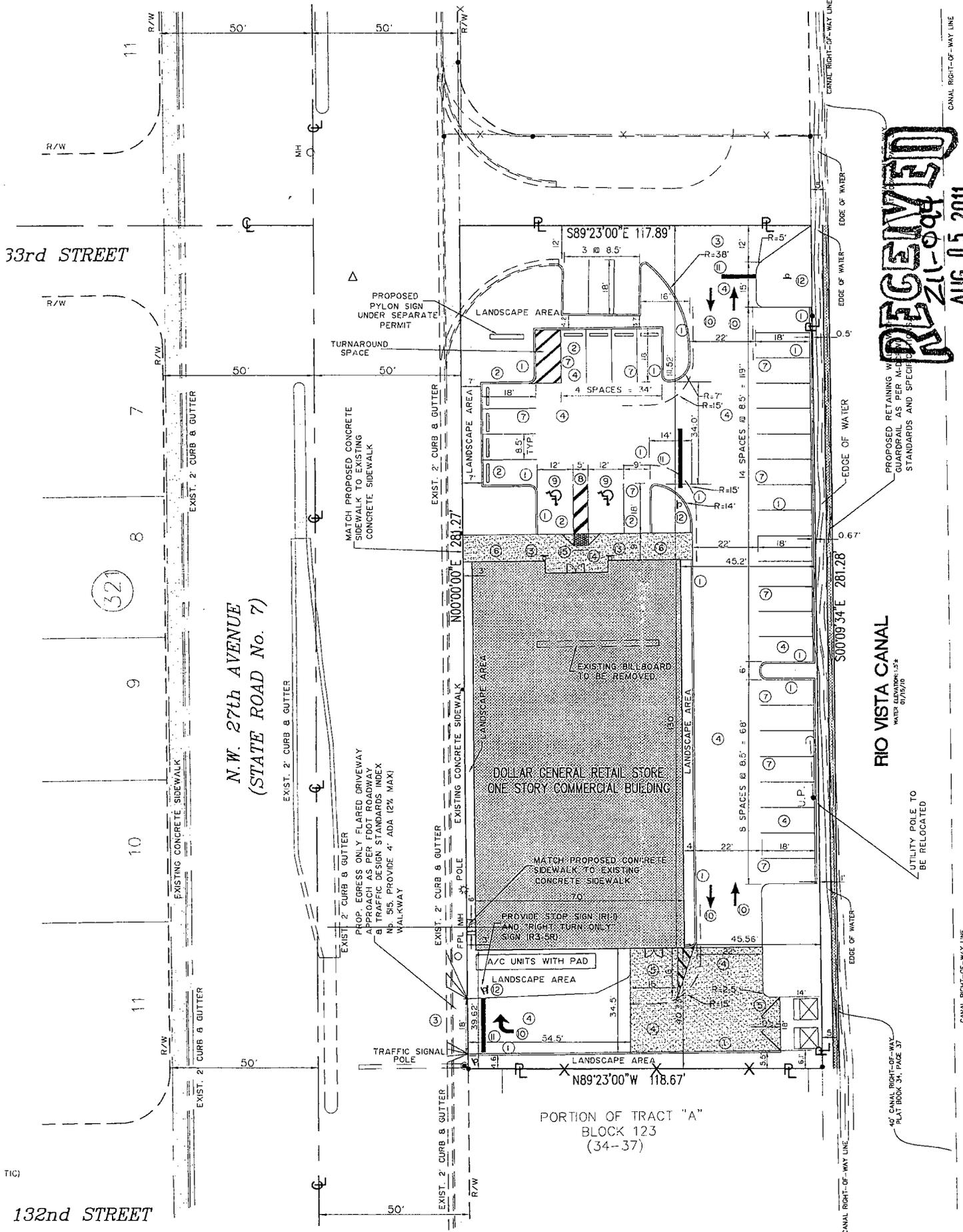
132nd STREET

N.W. 27th AVENUE
(STATE ROAD No. 7)

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211-0947
AUG 05 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

ENLARGED SITE PLAN



RIO VISTA CANAL
WATER ELEVATION: 0.52'
8/12/10

UTILITY POLE TO
BE RELOCATED

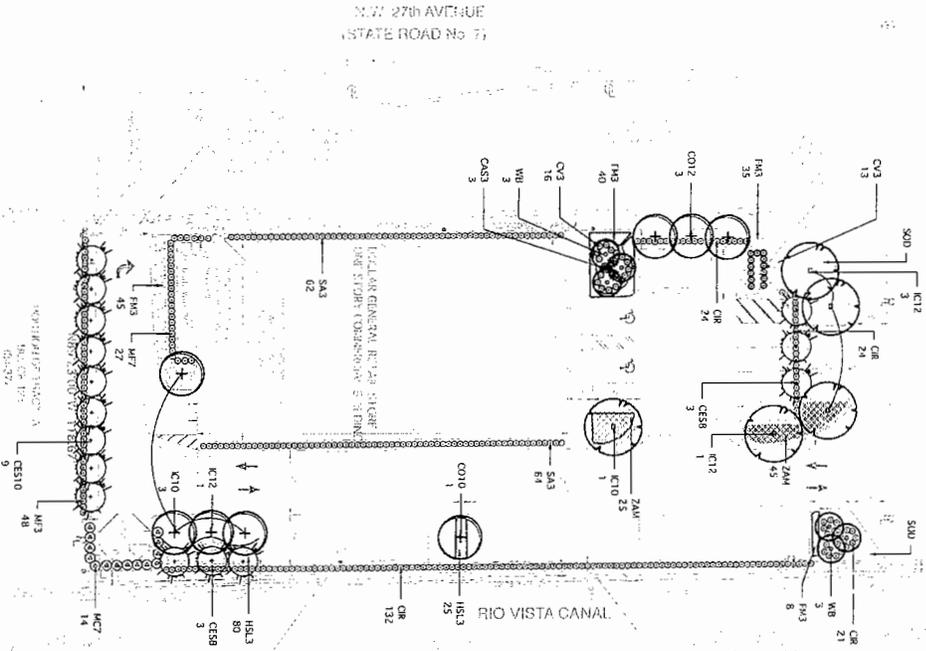
PORTION OF TRACT "A"
BLOCK 123
(34-37)

TIC)

MASTER PLANT LIST

NO.	PLANT NAME	QUANTITY	OR. NO.
1	SPRING BURNING	1	91-011
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4	SPRING BURNING	1	91-011
5	SPRING BURNING	1	91-011
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98	SPRING BURNING	1	91-011
99	SPRING BURNING	1	91-011
100	SPRING BURNING	1	91-011

N.W. 27th AVENUE
 (STATE ROAD No. 7)

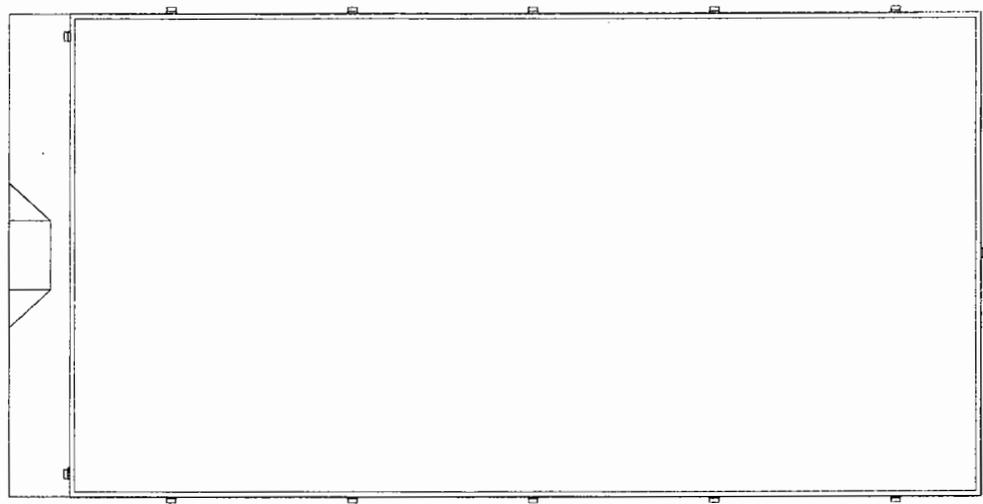


NOTE: REFER TO SHEET L-1 FOR PLANT DETAILS AND PERFORMANCE CHARACTERISTICS. THE PLANT LIST IS A SUMMARY OF THE PLANT LIST AND DOES NOT INCLUDE ALL PLANT MATERIALS. THE PLANT LIST IS A SUMMARY OF THE PLANT LIST AND DOES NOT INCLUDE ALL PLANT MATERIALS. THE PLANT LIST IS A SUMMARY OF THE PLANT LIST AND DOES NOT INCLUDE ALL PLANT MATERIALS.

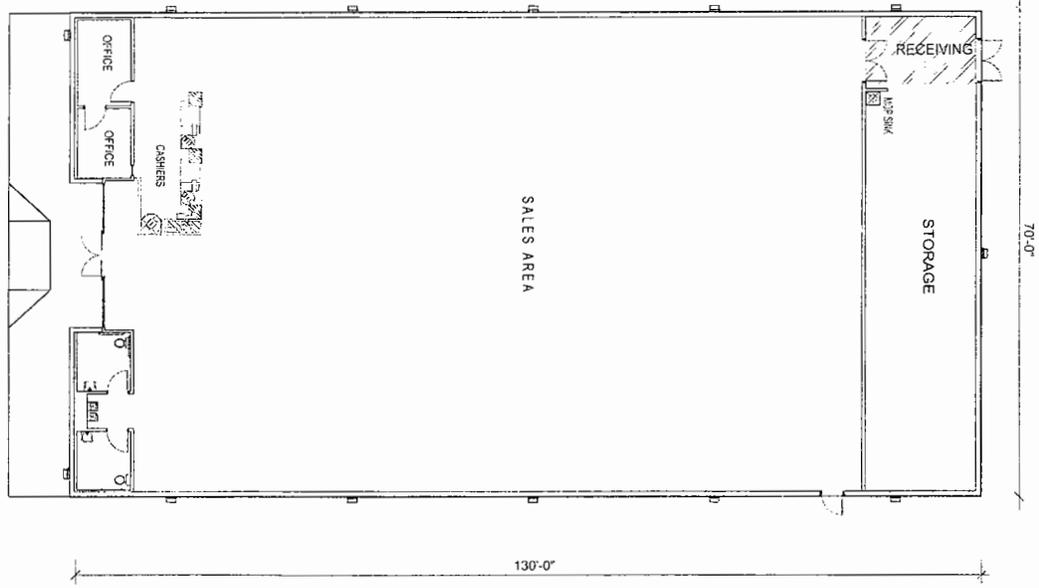
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 SEP 17 2011

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

<p>DATE DRAWN: 12-15-10</p> <p>SHEET NO.</p> <p>L-1</p>	<p>SCALE: 1"=20'</p>	<p>PROJECT:</p> <p>DOLLAR GENERAL</p> <p>N.W. 27th AVE. & N.W. 133rd ST. MIAMI, FLORIDA</p> <p>GTC OPALOCKA, LLC</p> <p>2760 N. UNIVERSITY DRIVE DAVIE, FLORIDA 33024 954-469-8653</p>	<p>SHEET TITLE:</p> <p>LANDSCAPE PLANNING</p>	<p>DATE: 09/17/11</p> <p>DATE: 09/17/11</p> <p>DATE: 09/17/11</p>	<p>REVISIONS:</p>	<p>M. L. A. Inc.</p> <p>Landscape Architectural Services</p> <p>Reg. LA-666695 Cert. Arborist -0817A</p> <p>1016 NE 45th Street, Dadeland Park, FL 33534</p> <p>Ph: 954-763-4071 Fax: 954-337-0817</p>
						<p>17-2-11</p> <p>5-17-11</p> <p>9-10-11</p>



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



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

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BY _____

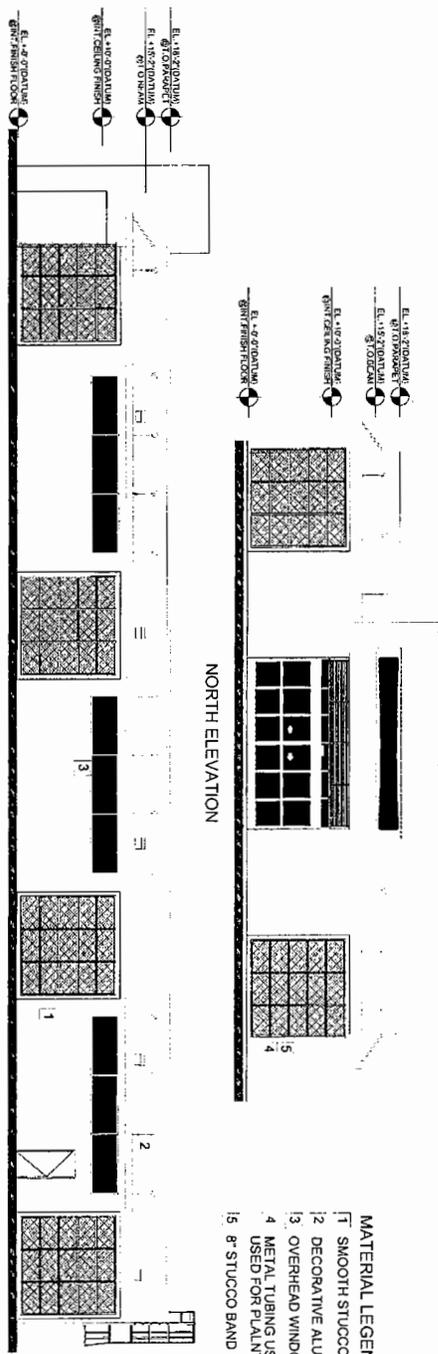
DOLLAR GENERAL

City of Opa Locka, Miami - Dade County

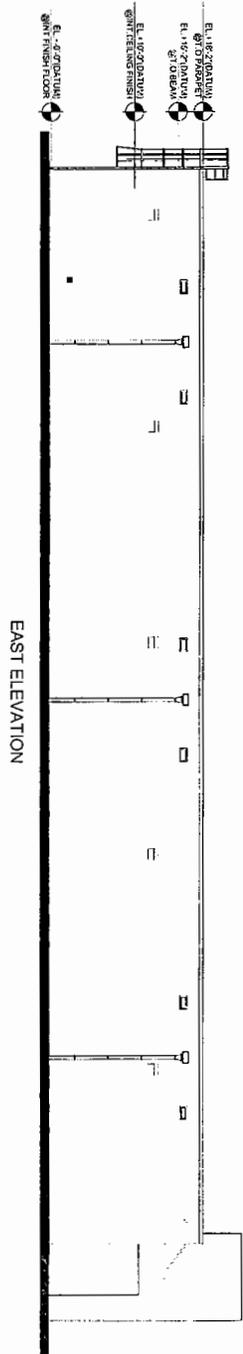
Cristina Fandino Architect
9281 Southwest 76th Street
Miami, Florida 33173

A-1.0
December 20, 2010

21



- MATERIAL LEGEND**
- 1] SMOOTH STUCCO FIN.
 - 2] DECORATIVE ALUMINUM EYEBROW
 - 3] OVERHEAD WINDOWS - APPLIED
 - 4] METAL TUBING USED W/ WIRE MESH USED FOR PLANTING & IRRIGATION
 - 5] 8" STUCCO BAND



NORTH ELEVATION
WEST ELEVATION - 27TH AVENUE ELEVATION
EAST ELEVATION
SOUTH ELEVATION

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SEP 27 2011
211-004

ZONING HEARINGS SECTION
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BY _____

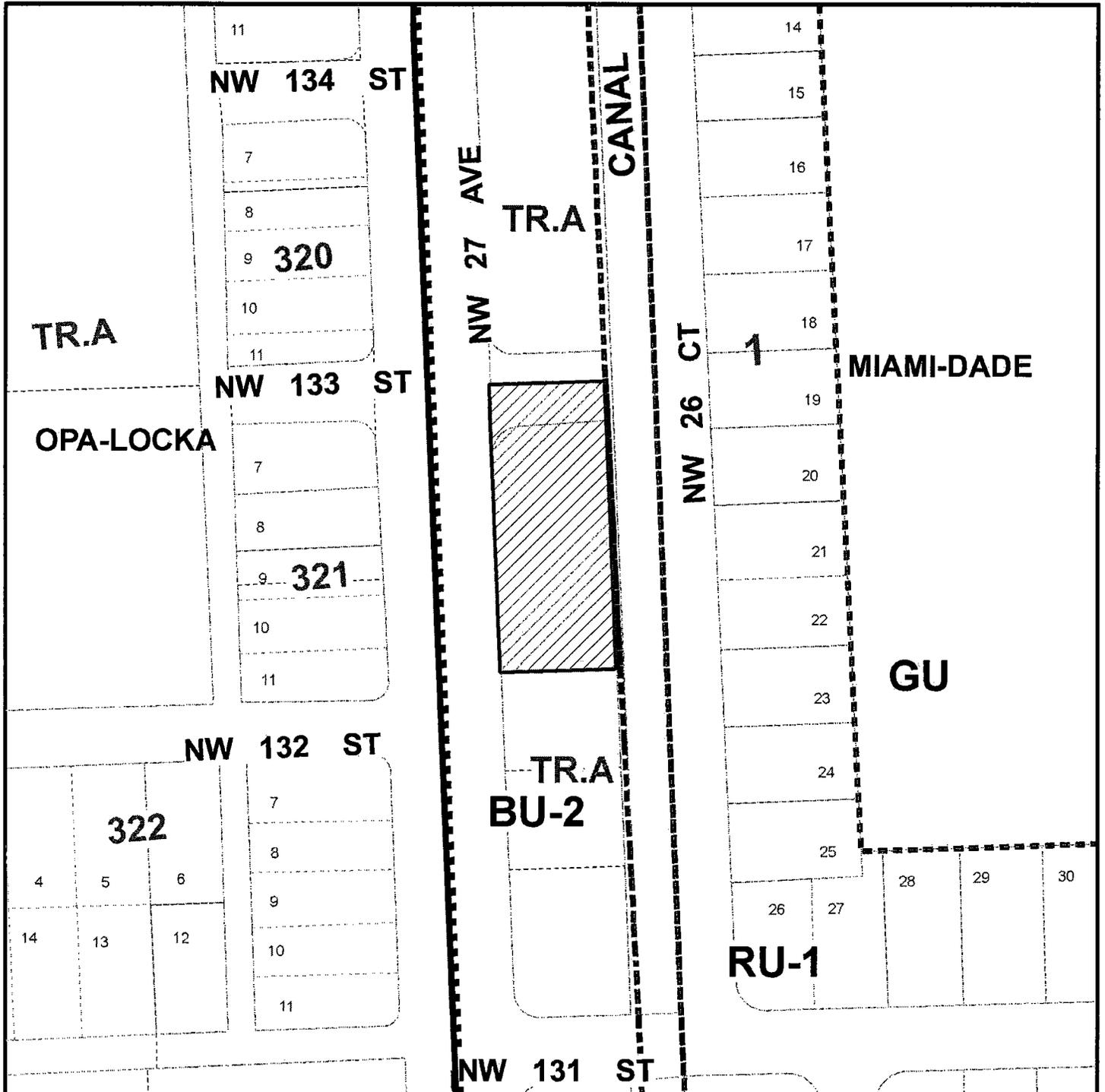
0' 1" 5' 15'
GRAPHIC SCALE

DOLLAR GENERAL
City of Opa Locka, Miami Dade County

Cristina Fandino Architect
5940 Southwest 73th Street
South Miami, Florida 33143

22

September 26, 2011



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000094



Section: 27 Township: 52 Range: 41
 Applicant: PRO PROPERTY, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

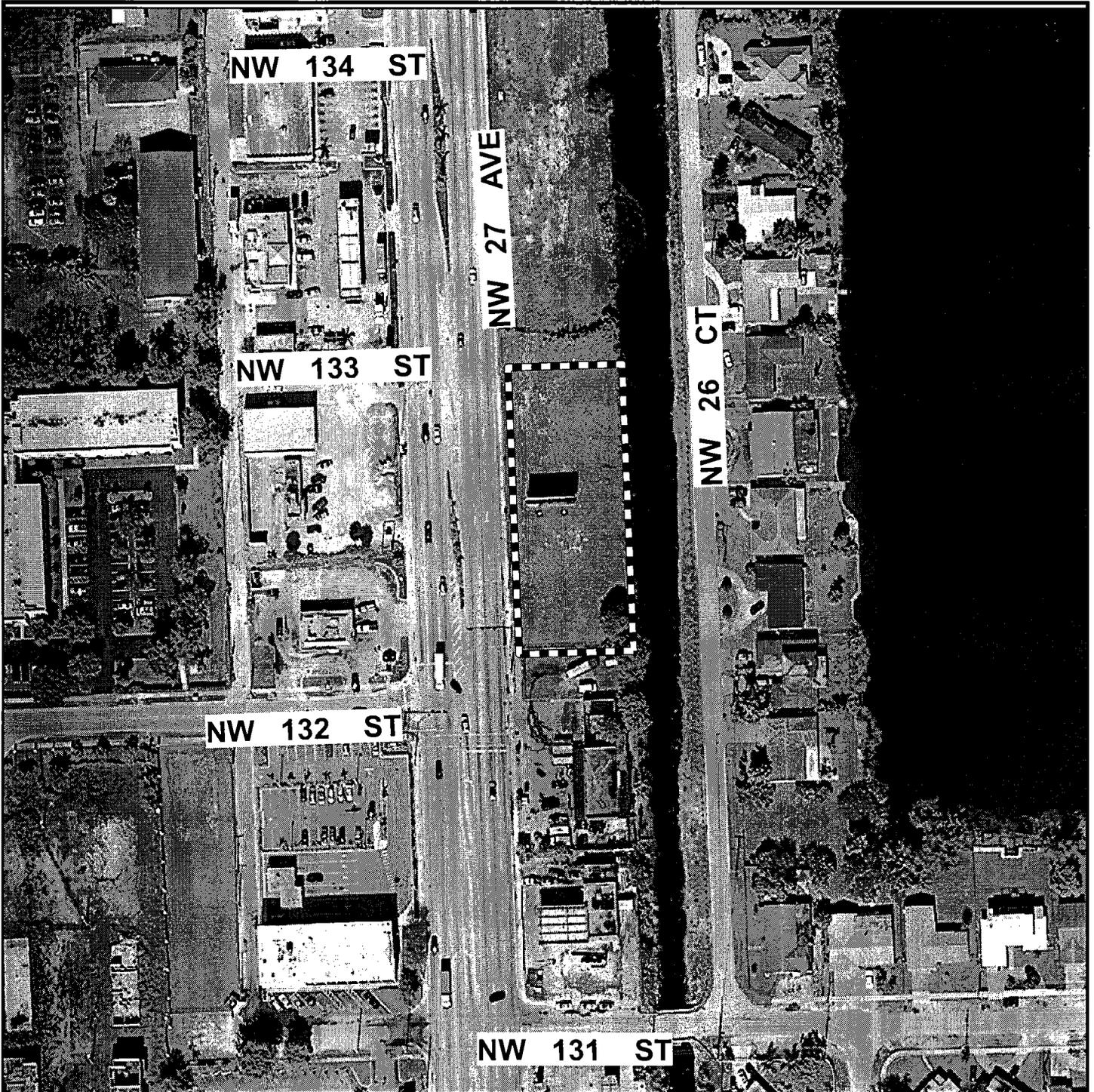
Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, August 9, 2011

REVISION	DATE	BY
	23	



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000094



Section: 27 Township: 52 Range: 41
 Applicant: PRO PROPERTY, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Tuesday, August 9, 2011

REVISION	DATE	BY