

FINAL AGENDA

12-28-2012 Version # 4



**COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL**

2005 NW 111 Street, Miami

Tuesday, January 15, 2013 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	12-10-CZ8-2	<u>RG PROPERTY HOLDINGS, LLC</u>	12-20	18-52-42	N
B.	12-12-CZ8-1	<u>9101 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP</u>	11-135	01-53-41	
C.	12-12-CZ8-4	<u>MMG NORTH, INC</u>	12-95	23-52-41	

CURRENT

1.	13-1-CZ8-1	<u>3400 NW 46 ST LLC</u>	12-54	21-53-41	N
2.	13-1-CZ8-2	<u>DUCK DUCK GOOSE, LLC</u>	12-61	10-53-41	N
3.	13-1-CZ8-3	<u>METROPOLITAN MTGE. CO. OF MIAMI & REGENCY APTS., LTD.</u>	12-105	10-53-41	N
4.	13-1-CZ8-4	<u>1295 SHORE, LLC</u>	12-119	02-53-41	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF TUESDAY, JANUARY 15, 2013

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

I. ELECTION OF OFFICERS
II. APPLICATIONS:

A. RG PROPERTY HOLDINGS, LLC (12-10-CZ8-2/12-020)

18-52-42
Area 08/District 02

- (1) UNUSUAL USE to permit a residential rehabilitative and detoxification center.
- (2) NON-USE VARIANCE to permit a hedge with a height of 12' (7' maximum permitted).
- (3) NON-USE VARIANCE to permit parking within 25' of a right-a-way (not permitted).
- (4) NON-USE VARIANCE to permit parking spaces with a back-out length of 16'8" (22' required).

Plans are on file and may be examined in the Department of Regulatory and Economic Enhancement entitled "RG Property Holding LLC., prepared by American Engineering Design, consisting of 4 sheets and plans entitled "Renaissance Gradens-ACLF", prepared by Mariano Corral Landscape Architect, consisting of 2 sheets, for a total of 6 sheets all dated stamped received 7/19/12. Plans may be modified at public hearing.

LOCATION: 16565 NE 4 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.60 Acres

Department of Regulatory and
Economic Resources

Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from October 24, 2012

B. 9101 NW 7 AVENUE LLC & VALUE STORE IT (12-12-CZ8-1/11-135)
NW 7 AVENUE MIAMI PARTNERSHIP

01-53-41
Area 08/District 03

- (1) SPECIAL EXCEPTION to permit the expansion of an existing self service storage facility onto adjacent property to the north.
- (2) MODIFICATION of Resolution CZAB8-5-04, as last modified by Resolution CZAB8-24-11, both passed and adopted by the Community Zoning Appeals Board #8, reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Value Store It" as prepared by Blitstein Design Associates, dated stamped received 9/30/10 and consisting of 5 pages.

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Phase II Value Store It" as prepared by Patrick M. Pillot, Architect. Sheet 1 dated stamped received 8/16/12 and sheets 2 & 3 dated

stamped received 3/13/12, consisting of 3 sheets and "landscaping plan" as prepared by Wilkin Hults Design Group, dated stamped received 9/1/12 and consisting of 3 sheets, for a total of 6 sheets.

The purpose of request #2 is to submit revised site plan showing an expansion of the existing self service storage facility onto additional property to the north.

- (3) NON-USE VARIANCE of landscape requirements to permit a landscaped open space of 15.3 (16% required, 7.3% previously approved).
- (4) NON-USE VARIANCE to permit 47 lot trees (93 trees required).
- (5) NON-USE VARIANCE to permit a lot coverage of 51.2% (40% permitted, 60.6% previously approved).
- (6) NON-USE VARIANCE of zoning regulations to permit a floor area ratio (F.A.R) of .51 (.40% permitted, .6% previously approved).
- (7) NON-USE VARIANCE of setback requirements to permit the proposed detached sign to setback 10' (13.6' required) from the front (west) property line.
- (8) NON-USE VARIANCE of regulations to permit a parking to buffer a minimum of 3.5' wide (7' required).
- (9) NON-USE VARIANCE of zoning regulations to permit an existing 8' high security gate within the safe sight distance triangle (2.5' maximum height permitted).

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

LOCATION: 9101 & 9299 NW 7th Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.2 Acres

Department of Regulatory and Economic Resources
Recommendation:

Approval with conditions of requests #1, #3, #5 through #7 and #9, modified approval of request #2 and denial without prejudice of requests #4 and #8.

Protests: _____ 1 _____

Waivers: _____ 1 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from December 19, 2012

C. MMG NORTH, INC (12-12-CZ8-4/12-095)

**23-52-41
Area 08/District 01**

USE VARIANCE & SPECIAL EXCEPTION to permit a pawn broker in the BU-1A zone as would be permitted in the BU-3 zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Dilallo Jewelry Shop" as prepared by J. Barrio Architect & Planners, Inc., dated stamped received 9/13/12 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 13610 NW 7 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 130'

Department of Regulatory and
Economic Resources
Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from December 19, 2012

1. 3400 NW 36 ST LLC (13-1-CZ8-1/12-054)

**21-53-41
Area 08/District 02**

(1) MODIFICATION of Condition #2 of Resolution 4-ZAB-252-91, passed and adopted by the Zoning Appeals Board, reading as follows:

From "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Existing Auto Parts Storage and Wholesale Mechanical & Body Shop and Proposed Junk yard Area" as prepared by Gomez-Pina Engineers, Consulting Engineers, last revised 6/16/91, except as herein modified to reflect the required curbing.

To "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Warehouse addition for: Buggy Doctor" as prepared by Ensenat Cohen Architect P.A., dated stamped received 6/8/12 and consisting of seven (7) sheets with last handwritten revisions dated 12/5/12.

The purpose of the request is to allow the applicant to submit plans showing the addition of several buildings to the site and to show the reconfiguration of the parking area for a previously approved junk yard.

- (2) NON-USE VARIANCE to permit a greenbelt of 4' (8' required) along the public right-of-way.
- (3) NON-USE VARIANCE to permit the proposed dumpster enclosure to setback 8.16' (20' required) from the side street (west) property line.
- (4) NON-USE VARIANCE to permit a 8' high rolling gate within the safe-sight distance triangle along the driveways of NW 35 Avenue (2.5' maximum height permitted).
- (5) NON-USE VARIANCE to permit an open space of 12.9% (15% minimum required).

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

LOCATION: 3400 NW 46 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.43 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. DUCK DUCK GOOSE, LLC (13-1-CZ8-2/12-061)

**10-53-41
Area 08/District 02**

- (1) NON-USE VARIANCE to permit an existing addition to a single family residence setback 18.24' (25' required) from the rear (east) property line.
- (2) NON-USE VARIANCE to permit the existing residence setback 23.6' (25' required) from the front (west) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Duck Duck Goose, LLC." As prepared by Alberto Cardona P.E. and dated stamped received 5/7/12, consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 8401 NW 24 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4,396 sq. ft.

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 1 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. METROPOLITAN MTGE. CO. OF MIAMI & (13-1-CZ8-3/12-105)
REGENCY APTS., LTD.

10-53-41
Area 08/District 02

- (1) DISTRICT BOUNDARY CHANGE from RU-1 & NCUAD to NCUAD.
- (2) NON-USE VARIANCE to permit a metal picket fence with masonry columns with an average height of 7'-7" (3'-6" maximum height permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Regency Pointe" as prepared by Salazar Architectural Group, consisting of 1 sheet and dated stamped received 11/2/12. Plans may be modified at public hearing.

LOCATION: 1919 NW 79 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.69 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval of request #1 and approval with
conditions of request #2.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. 1295 SHORE, LLC (13-1-CZ8-4/12-119)

02-53-41
Area 08/District 02

REQUESTS #1 - #4 ON EXHIBIT "A"

- (1) USE VARIANCE to permit a pharmacy use in the RU-3B and EU-M zones, as would be permitted in the BU-1 zone.
- (2) NON-USE VARIANCE to permit a total of 41 parking spaces (53 parking spaces required).
- (3) NON-USE VARIANCE to permit a minimum 5'2" wide landscaped buffer (7' wide required) along portions of the right-of-way of NW 12 Avenue.
- (4) NON-USE VARIANCE to permit a minimum 3' wide dissimilar land use buffer along portions of the west property line (5' wide required).

REQUEST #5 ON EXHIBIT "B"

- (5) UNUSUAL USE to permit parking in a zone more restrictive than in which the use it serves is located.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "I & B Medical Associates New Medical Offices" as prepared by Zyscovich Architects, consisting of 4 sheets, "Pharmco Pharmacy" as prepared by Antonio Acosta and consisting of 4 sheets for a total of 8 sheets, all plans dated stamped received 10/1/12. Plans may be modified at public hearing.

LOCATION: 9400 NW 12 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.5 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Denial without prejudice of requests #1 &
#2, modified approval with conditions
request #5 and approval with conditions of
requests #3 - #4.

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 Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) 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 Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z12-020 (12-10-CZ8-2)

January 15, 2013

Item No. A

Recommendation Summary	
Commission District	2
Applicants	RG Property Holdings, LLC
Summary of Requests	The applicant is seeking to permit a Residential Rehab/Detox Center and ancillary non-use variances.
Location	16565 N.E. 4 th Avenue, Miami-Dade County, Florida.
Property Size	1.83 Acres (gross area)
Existing Zoning	RU-2 & RU-3
Existing Land Use	Home for the Aged
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	Approval with conditions.

REQUESTS:

- (1) UNUSUAL USE to permit a Residential Rehab/Detox Center.
- (2) NON-USE VARIANCE to permit a hedge with a height of 12' (7' maximum permitted).
- (3) NON-USE VARIANCE to permit parking within 25' of a right-a-way (not permitted).
- (4) NON-USE VARIANCE to permit parking spaces with a back out dimension of 16'8" (22' required).

Plans are on file and may be examined in the Department of Regulatory and Economic Enhancement entitled "RG Property Holding LLC., prepared by American Engineering Design, consisting of 4 sheets and plans entitled "Renaissance Gardens-ACLF", prepared by Mariano Corral Landscape Architect, consisting of 2 sheets, for a total of 6 sheets all dated stamped received 7/19/12. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The applicant seeks to convert a previously approved 20,640 sq. ft. home for the aged with 48 existing parking spaces into a Residential Rehab/Detox Center.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2 & RU-3; home for the aged	Low Density Residential (2.5 to 6 du)
North	BU-2; retail and vacant land	Business and Office
South	RU-2; duplex residences	Low Density Residential (2.5 to 6 du)

East	RU-3 & RU-2; condo and duplex residence	Low Density Residential (2.5 to 6 dua)
West	RU-3 & RU-2; single-family residence and duplex residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at the southeast corner of the intersection of NE 166th Street and NE 4th Avenue. Commercial and retail properties abut the subject property along the north side of NW 166th Street and duplex residences and townhouse developments characterize the areas to the east, west, and south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to establish a Residential Rehab/Detox Center which will provide the community with a residential rehab/detox center offering treatment services for substance abuse. However, the companion requests for reduced parking back out space, parking within the right-of-way, and a variance to the landscaping height regulations may have a negative visual impact on the surrounding neighborhood.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Low Density Residential** on the Adopted 2015-2025 LUP map. The land use interpretative text, under residential communities permits neighborhood and community services such as congregate living facilities, group homes, foster homes, nursing homes and day care facilities when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. The character of the “neighborhood” reflects the intensity and design of developments mix of land uses, and their relationship. This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. *This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses.*

Staff opines that based on the information provided by the applicant and discussed further in the zoning analysis, the requested residential rehab/detox center is similar to a nursing home and congregate living facility, which are permitted on the subject property. Staff notes that the density and intensity of the site will not increase because as a condition for approval, the applicant will be limited to a maximum of 66 beds as shown on the submitted plans which is less than what was previously approved for the home for the aged.

The CDMP Residential Communities interpretative text indicates that congregate living facilities, group homes, foster homes, nursing homes, and day care facilities are permitted in residential communities only when consistent with other goals, objectives and policies and compatible with the neighborhood. The same also states that such uses should be located only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. Staff notes that the subject property is located at the southeast corner of the intersection of NE 166th Street and NE 4th Avenue, which abuts the Business and Office designation to the north. As such, staff opines that the requested site is

transitional to higher density and consequently **consistent** with the CDMP Residential Communities interpretative text for locations of such uses.

Staff opines that the proposed residential rehab/detox center is compatible with the surrounding area based on the criteria detailed in **Land Use Element Objective 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. Compatibility shall be determined in accordance to **Policy LU-4A**. **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. Staff notes that memoranda submitted by the Departments of Public Works and Waste Management, the Environment Division of the Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the proposed use. Therefore, staff opines that for the reasons previously discussed the proposed requests are **consistent** with the *Low Density Residential* designation, the Land Use Element interpretative text for Residential Communities and **Land Use Element Objective 4** and compatible with the surrounding area based on the Policy LU-4A compatibility criteria.

ZONING ANALYSIS:

In 1984, pursuant to Resolution #4-ZAB-501-84, the subject property was approved for an unusual use to permit a home for the aged with a maximum of 90 residents. The current application seeks a proposed residential rehab/detox center, offering drug and alcohol rehabilitation and detoxification services to clients of all ages. The applicant's letter of intent indicates that rehabilitation clients may be at the center for an extended period, similar to clients of a nursing home and that detoxification clients would typically stay at the center for a shorter period, usually less than two (2) weeks. Staff notes that the existing building footprint and elevations are proposed to remain the same; however, the request to establish a new use on the subject property requires that the applicant bring the site up to the current Zoning Code standards, therefore resulting in the three (3) requested non-use variances.

The provision of substance abuse services is governed by Chapters 394 and 397 of the Florida Statutes, which provide direction for a continuum of community-based services including prevention, treatment, and detoxification services. The licensure process is governed and regulated by Chapter 397, F.S., and Chapter 65D-30, Florida Administrative Code (F.A.C.). Minimum standards for licensure are specified for the following program components: addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, continuing care, intervention, prevention, and medication-assisted treatment for opiate addiction.

Substance abuse programs are licensed by the Florida Department of Children and Families. Said Department regulates a wide array of detoxification, treatment and recovery support services for adolescents and adults affected by substance misuse, abuse or dependence. The Treatment Services Unit, within the Substance Abuse Program Office, provides oversight and policy development for these services, including management of statewide grant initiatives for treatment and recovery support. Detoxification programs are designed for individuals in need of medical assistance to withdraw from drug and alcohol abuse or dependence. Individuals that

pose a significant risk to themselves or others due to substance abuse impairment can be referred for involuntary assessment and stabilization through the Marchman Act (Chapter 397, Part V, Florida Statutes). Treatment services include a wide array of assessment, counseling, case management, and support provided in residential and non-residential (outpatient) settings. Recovery support activities include transitional housing, life skills training, parenting skills, and peer-based individual and group counseling.

This facility would operate and be licensed under the state as a substance abuse facility. The anticipated program will consist of a 24 hour inpatient residential program limited to the sixty-six (66) beds shown on the plan. The proposed center anticipates targeting orthodox jews and the programs will be oriented in that manner, including individual and group counseling, religious services, food service, etc. None of the other more general services, such as education or legal services are contemplated to be offered at this time. It will be a privately funded operation that will have no direct relationship with the courts or other social service agencies.

When request #1 is analyzed under Section 33-311(A)(3) Special Exceptions, **Unusual Uses and New Uses**, staff recommends that the requested unusual use to permit a residential rehab/detox center be approved with conditions. Staff opines that the proposed residential rehab/detox center is similar in intensity to a nursing home and adult congregate living facility, which are allowed on the subject property. Staff opines that the proposed residential rehab/detox center will not generate excessive traffic; cause any undue or excessive burden on public facilities, including water, sewer, or solid waste disposal based on the memoranda from the various Miami-Dade County Departments involved in the review of this application, such as but not limited to the Miami-Dade County Public Works and Waste Management Department and Environmental Division of the Department of Regulatory and Economic Resources. Furthermore, staff opines that approval of the same will not have a negative visual impact on the surrounding residential communities as the maximum number of beds will be less than what was previously approved and can be accommodated in the existing buildings and therefore is **compatible** with the surrounding area. **As such staff recommends approval with conditions of request #1, under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.**

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of these are germane to request #1 and represent the existing conditions on the subject site. However, staff notes that in order to accommodate the new use on the site, the applicant has requested to permit the site with reduced parking space back-out dimensions, parking within 25' of the right-of-way and exceeding hedge height requirements. Staff opines that these site conditions have existed since 1987, are interior to the site and are adequately buffered from the neighborhood by the existing hedge surrounding the subject property. As such, staff opines that the approval of these requests would not create any new visual impact on the surrounding area and would continue to be **compatible** with the surrounding area. **As such, staff recommends approval with conditions requests #2 through #4 under the Non-Use Variance Standards (NUV).**

ACCESS, CIRCULATION AND PARKING:

The subject property is located lying south of NE 166 Street and east of NE 4 Avenue. The 1.6-acre residential parcel consists of a 20,640 sq. ft. residential building with 48 parking spaces. The site has three (3) ingress and egress drives, two along the south property line abutting NE 165 Street and one along the north property line abutting NE 166 Street.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

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 Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled RG Property Holding LLC., prepared by American Engineering Design, consisting of 4 sheets and plans entitled "Renaissance Gradients-ACLF", prepared by Mariano Corral Landscape Architect, consisting of 2 sheets, for a total of 6 sheets all dated stamped received 7/19/12.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
5. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Department of Public Health, and the State of Florida Department of Health and Rehabilitative Services and Florida Department of Children and Families.
6. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that outdoor lighting installation shall not be placed in permanent use until a compliance letter from a registered engineer or architect is provided.
7. That the applicant obtain a new or revised Certificate of Use for the residential rehab/detox center from and promptly renew the same annually, with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this recommendation incorporated herein by reference.
9. That the use be limited to a maximum of 66 beds.
10. That no outpatient services be provided at the property.

11. That all outdoor activities be conducted in the courtyard only.

ES:MW:NN:CH:JC

A handwritten signature in black ink, appearing to read "Eric Silva", written over a horizontal line.

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NON

ZONING RECOMMENDATION ADDENDUM

RG Property Holdings, LLC
12-020

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

Low Density Residential (Pg. I-31)	<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 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.</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>
Land Use Objective LU-4A (Pg. I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

ZONING RECOMMENDATION ADDENDUM

RG Property Holdings, LLC
12-020

	<p><i>or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<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>

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

APPLICANT'S NAME: **RG PROPERTY HOLDINGS, LLC**

#2

REPRESENTATIVE: **Graham Penn**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-10-CZ8-2 (12-020)	October 24, 2012	CZAB8	12

REC: Deferral.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS

OTHER: Deferred due to an error in the advertisement. Re-advertisement at County's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Richard C. BROWN (C.A.)	X		
COUNCILMAN	M	Patrick CURE	X		
COUNCILMAN		Arthemon JOHNSON			X
COUNCIL WOMAN	S	Voncarol Yvette KINCHEN	X		
VICE CHAIRMAN		Fredericke Alan MORLEY			X
CHAIRWOMAN		Joy J. DAVIS	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **DARON FITCH**

A. RG PROPERTY HOLDINGS, LLC
(Applicant)

12-10-CZ8-2 (12-020)
Area 08/District 02
Hearing Date: 1/15/13

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>
1949	Dade County Zoning Department	- Zone change from GU to GU, RU-2 & BU-2A.	BCC	Approved
1984	Pauline S. Dennis	- Unusual Use to permit a home for the Aged.	ZAB	Approved w/ condition(s)

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

Memorandum



Date: February 21, 2012
To: Jack Osterholt, Interim Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

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

Subject: C-08 #Z2012000020
RG Property Holdings, LLC
16565 NE 4th Avenue
Deletion of a Condition of a Previously Resolution Prohibiting
Alcoholic and Mental Patients for a Home for the Aged
(RU-3) (1.60 Acres)
18-52-42

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

Stormwater Management

The proposed change 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 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 delete a condition of a previous resolution will not impact tree resources. 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 of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

REVISION 1
PH# Z2012000020
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: RG PROPERTY HOLDINGS, LLC

This Department has no objections to this application.

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.

03-AUG-12

Memorandum



Date: 09-AUG-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000020

Fire Prevention Unit:

No objection via case Z2012000020.

Service Impact/Demand

Development for the above Z2012000020
 located at 16565 NE 4 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0332 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: 4:30 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 32 - Uleta - 358 NE 168 Street
 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.

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

Memorandum



Date: August 31, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000020: RG PROPERTY HOLDINGS, LLC
Includes revised plans dated submitted through 7/19/12

Application Name: RG PROPERTY HOLDINGS, LLC

Project Location: The site is located at 16565 NE 4 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting deletion of an existing condition which prohibits housing of "alcoholic and mental patients of any type" on the property. The Applicant intends to extend services offered at the existing health care facility that serves elderly residents to those with a history of substance abuse. Review includes revised plans dated submitted through 7/19/12.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards.

We have no pertinent comments for this application 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, Parks Property Management Supervisor

DATE: 06-AUG-12
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

RG PROPERTY HOLDINGS, LLC

16565 NE 4 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000020

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

RG Property Holdings LLC

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

REPORTER NAME:

Memorandum



Date: August 21, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2012000020

Zoning Inspector: Frankie Rodriguez
Inspection date: August 21, 2012
Location: 16565 NE 4 Ave.

The subject property is improved with a two story adult congregate living facility and parking lot. A three foot chain link fence exists along east property line.

The landscaped green areas are mowed several large trees exist on the subject property.

The subject property is surrounded by residential and commercial properties. The residential properties lie to the west and south of the subject property and the commercial properties lie mostly to the north of the subject property.

The facility is currently not being used and no unauthorized uses were observed.

DISCLOSURE OF INTEREST*

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

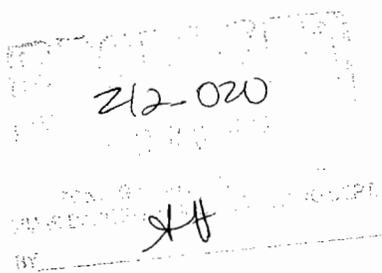
CORPORATION NAME: RG Property Holdings, L.L.C.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>AYS Holdings, LLC</u>	<u>50%</u>
<u>P.O. Box 546752</u>	
<u>Surfside, FL 33154</u>	
<u>Rosdev South, LP</u>	<u>50%</u>
<u>7077, Avenue Du Parc, Suite 600</u>	
<u>Montreal, QC H3N 1-X7 Canada</u>	

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

TRUST/ESTATE NAME _____

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



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: N/A

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

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

NAME OF PURCHASER: N/A

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

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

212-020

Handwritten initials

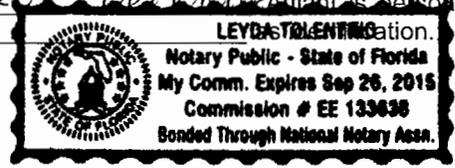
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 20 day of December 2014 Affiant is personally known to me or has produced _____

[Handwritten Signature]
(Notary Public)



My commission expires 9-26-2015

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

Interests in AYS Holdings, LLC

	Percentage of Interest
Abraham Shaulson P.O. Box 546752 Surfside, FL 33154	100%

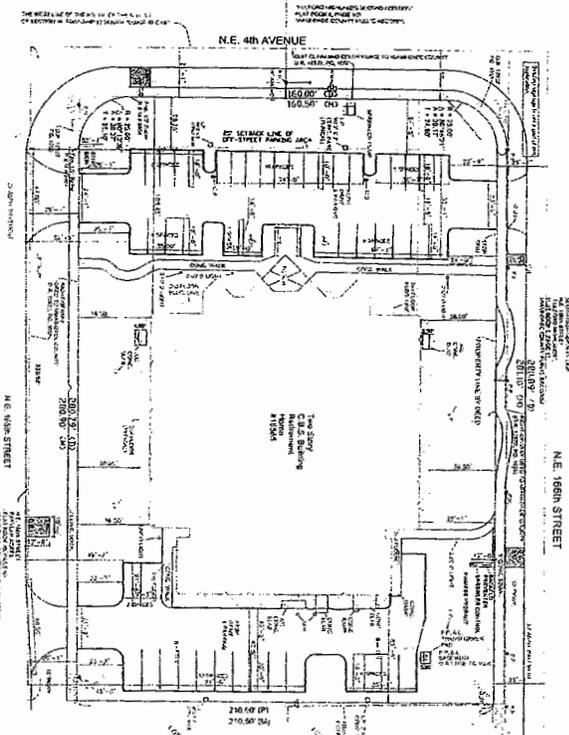
Interests in Rosdev South, LP

	Percentage of Interest
Michael Rosenberg 7077, Avenue Du Parc, Suite 600 Montreal, QC H3N 1-X7 Canada	100%

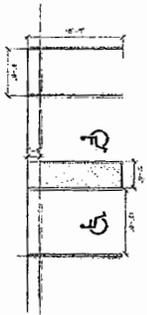
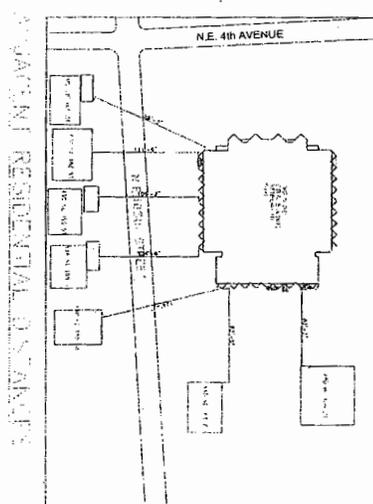
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NOT TO SCALE
THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.



"TULFORD HIGHLANDS"
PLAY BOOK, PAGE 47
MIAMI-DADE COUNTY PUBLIC WORKS



GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. FINISH FLOOR IS 4" ABOVE FINISH GRADE.
3. SEE ARCHITECTURAL DRAWINGS FOR FINISHES.
4. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR DETAILS.
5. SEE CIVIL DRAWINGS FOR UTILITY LOCATIONS.
6. SEE LANDSCAPE ARCHITECTURE DRAWINGS FOR PLANTING.
7. SEE STRUCTURAL DRAWINGS FOR FOUNDATION AND CONCRETE DETAILS.
8. SEE SIGNAGE DRAWINGS FOR SIGNAGE DETAILS.
9. SEE SPECIALTY DRAWINGS FOR SPECIALTY DETAILS.
10. SEE ALL OTHER DRAWINGS FOR DETAILS.

PERMITS INFORMATION:

PLANNING	APPROVED	DATE
ZONING	APPROVED	DATE
HEALTH DEPARTMENT	APPROVED	DATE
ENVIRONMENTAL	APPROVED	DATE
WATER	APPROVED	DATE
SEWER	APPROVED	DATE
STREETS	APPROVED	DATE
TRAFFIC	APPROVED	DATE
AVENUE	APPROVED	DATE
STREET	APPROVED	DATE
TRAIL	APPROVED	DATE
WALKWAY	APPROVED	DATE
BIKEWAY	APPROVED	DATE
TRAIL	APPROVED	DATE
WALKWAY	APPROVED	DATE
BIKEWAY	APPROVED	DATE

PERMITS INFORMATION:

PLANNING	APPROVED	DATE
ZONING	APPROVED	DATE
HEALTH DEPARTMENT	APPROVED	DATE
ENVIRONMENTAL	APPROVED	DATE
WATER	APPROVED	DATE
SEWER	APPROVED	DATE
STREETS	APPROVED	DATE
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TRAIL	APPROVED	DATE
WALKWAY	APPROVED	DATE
BIKEWAY	APPROVED	DATE
TRAIL	APPROVED	DATE
WALKWAY	APPROVED	DATE
BIKEWAY	APPROVED	DATE

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JUL 19 2012

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

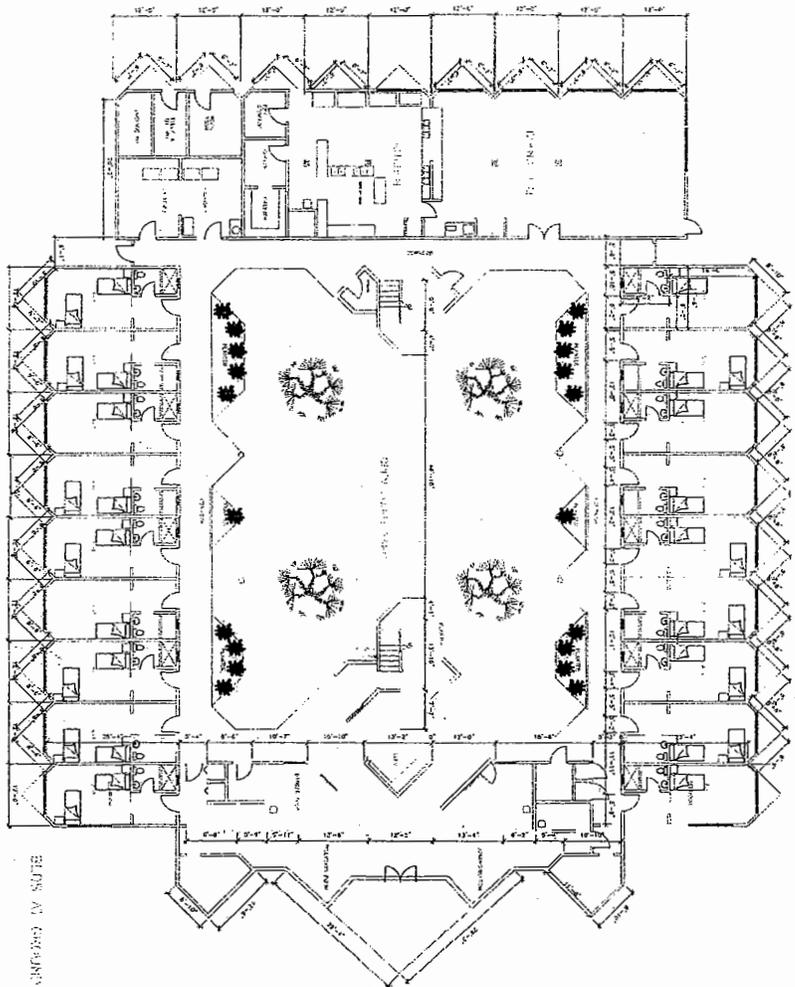
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<p>RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33154</p>	<p>American Engineering Design 3111 NW 60th Avenue Boynton Beach, FL 33464 305-598-4713 305-598-4713 Bernardo Cuffman PE 55882</p>	<p>RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33154</p>	<p>DATE: OCT 2011</p> <p>51</p>	<p>RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33154</p>
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MAY 15 2012
MAY 15 2012

NOTE: PLANS ARE FOR CONSTRUCTION AND NOT FOR CONSTRUCTION. ALL DIMENSIONS SHALL BE FOUND ON THE PLANS UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE FOUND ON THE PLANS UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE FOUND ON THE PLANS UNLESS OTHERWISE NOTED.



SHOW ALL EXISTING PLANS ON MAP/PLAN 30 B-05

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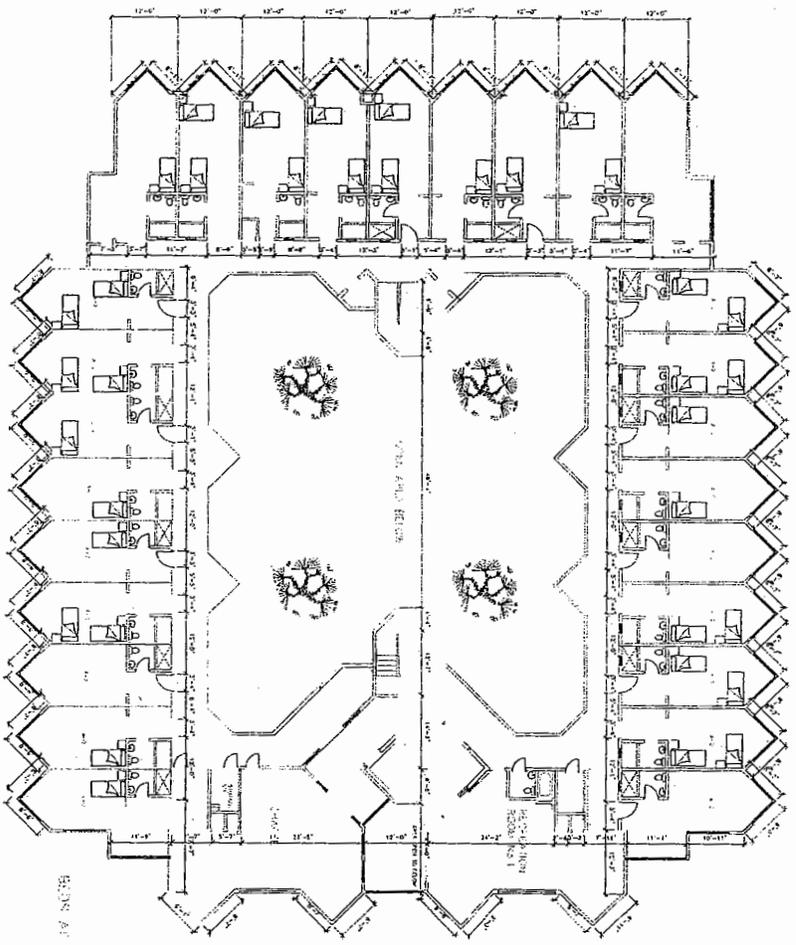
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AD

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JUL 19 2012
PL 1524

Project No. 001 2011	Date 07/19/12	Drawing Name RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33162
Project Name RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33162	Design Firm American Engineering Design 1111 Kona Concourse 807 Weston, Ft. 33134 305-818-5917 009844 Bannock Colliery, NC 28642	Date Design/Drawn Date

NOTE: PLANS FOR REVIEW
REPRESENTED AS A GENERAL ILLUSTRATION
AND NOT TO BE USED FOR CONSTRUCTION
OR FOR ANY OTHER PURPOSE TO ANY
EXTENT WITHOUT THE WRITTEN
CONSENT OF THE ARCHITECT.



BEING AS SHOWN ABOVE ON MAP 12 36 BEDS

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

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MAY 13 2012

JUL 13 2012

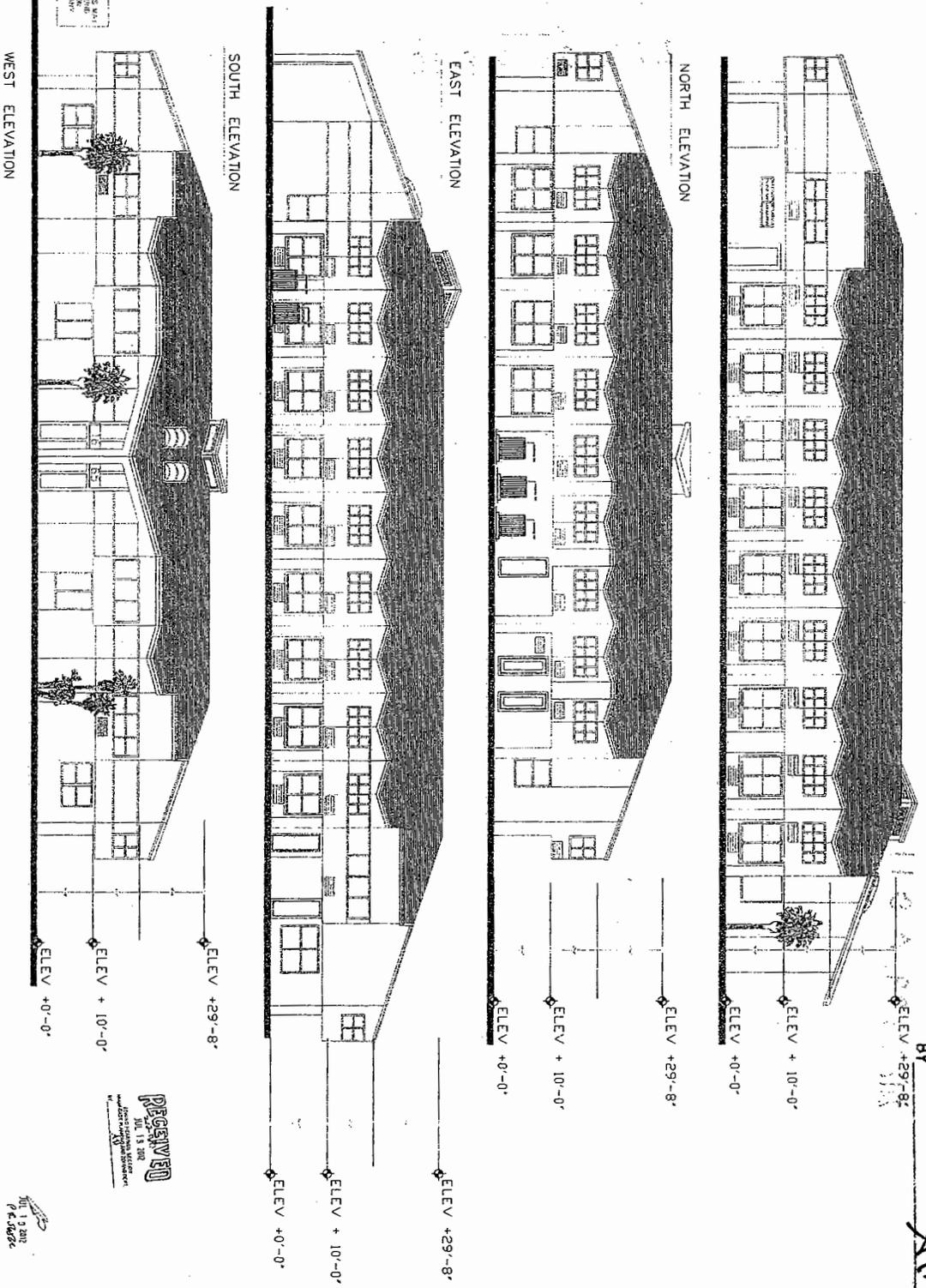
Date OCT 2011	Sheet A2	Project Name and Address RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33162	Designer/Author Date	Project No. Date	City State Zip	Project Name and Address RG PROPERTY HOLDING LLC 11111 SW 15th Street Suite 610 Miami, FL 33154 Telephone No. 305-466-7177 Authorization No. 0008544 Registered Profession FL 30352	City State Zip	Project Name and Address RG PROPERTY HOLDING LLC 16565 NE 4 AVE MIAMI FL 33162
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 PLANNING DEPT
 JUL 19 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT

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 212-0700
 JUL 19 2012

27



NOTE: PLANS FOR ZONING
 PURPOSES ONLY. CONSTRUCTION
 SHALL BE AS SHOWN ON THE
 CONSTRUCTION PERMITS TO BE
 OBTAINED FROM THE CITY OF
 MIAMI.

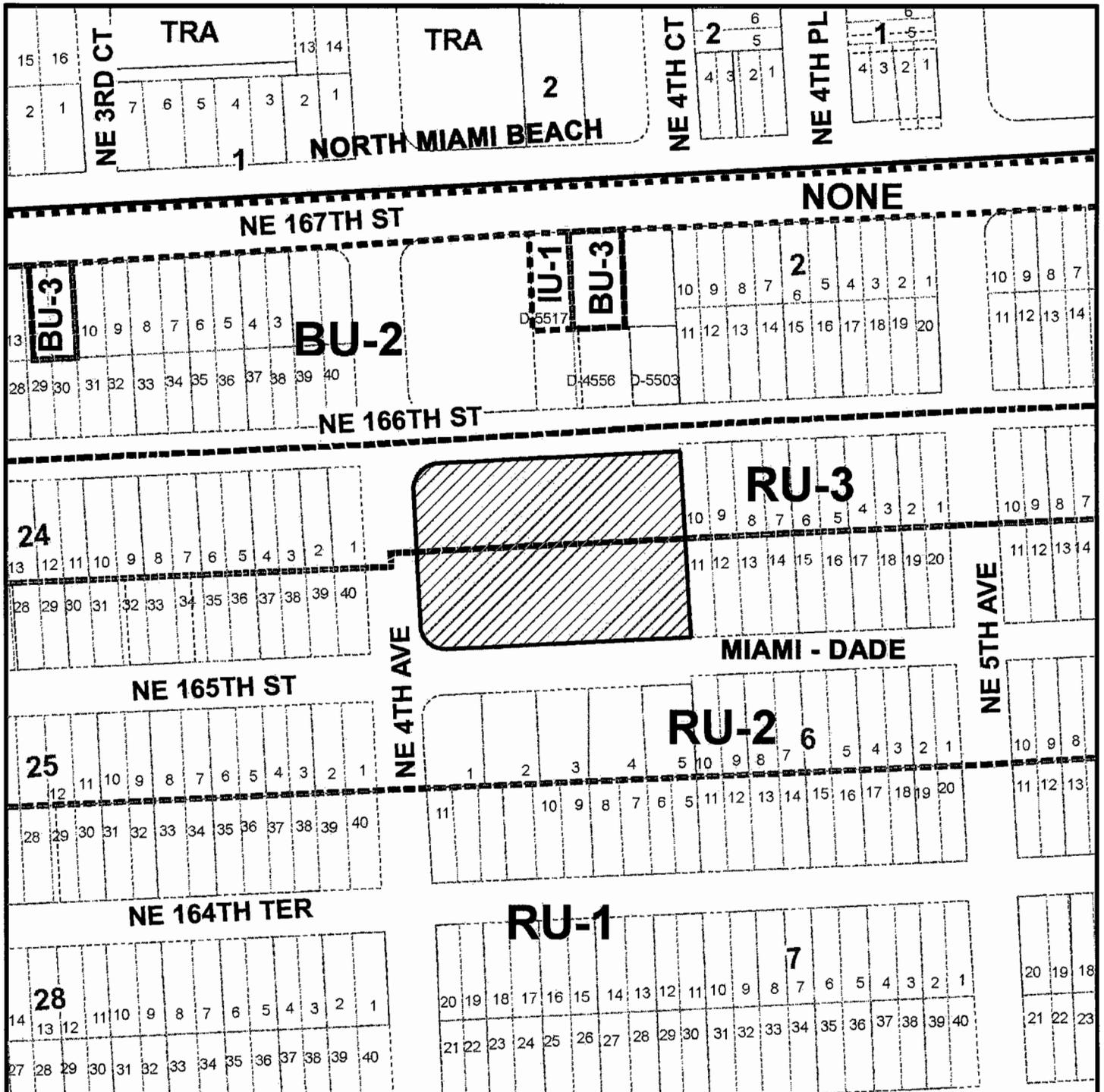
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 PLANNING DEPARTMENT
 MIAMI-DADE COUNTY

JUL 19 2012
 P. 2062

<p>Approved: [Signature]</p> <p>DATE: OCT 2011</p> <p>A3</p>	<p>Approved: [Signature]</p> <p>DATE: OCT 2011</p>				
---	--	--	--	--	--

American Engineering Design
 1111 NW 10th Street
 Suite 610
 Bay Harbor, FL 33154
 Administration No. 000544
 Bernardo Cortina PE 35562
 MIAMI FL 33162

RG PROPERTY HOLDING LLC
 16565 NE 4 AVE
 MIAMI FL 33162



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000020



Section: 18 Township: 52 Range: 42
 Applicant: RG PROPERTY HOLDINGS, LLC
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z201200020



Section: 18 Township: 52 Range: 42
 Applicant: RG PROPERTY HOLDINGS, LLC
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

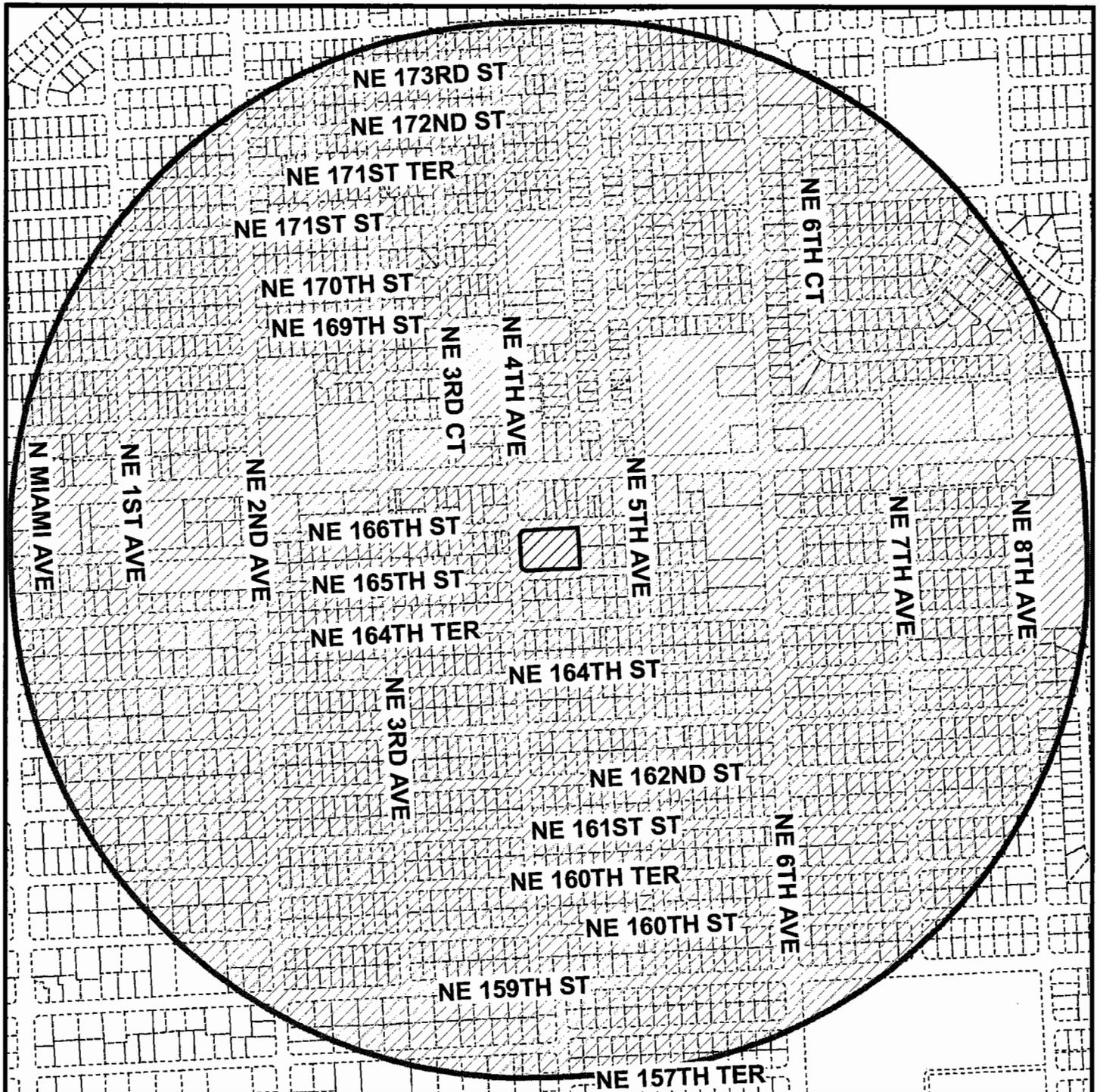
Legend

 Subject Property



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000020

RADIUS: 2640



Section: 18 Township: 52 Range: 42
 Applicant: RG PROPERTY HOLDINGS, LLC
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property

 Buffer



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY
		30

NE 3RD CT

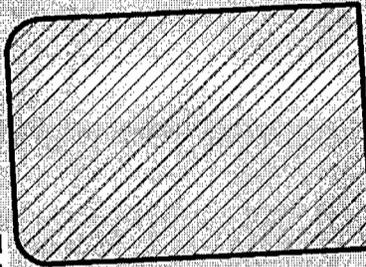
NE 4TH CT

NE 4TH PL

NE 167TH ST

BUSINESS AND OFFICE

NE 166TH ST



NE 165TH ST

NE 4TH AVE

NE 5TH AVE

(LDR) 2.5-6 DU/AC

NE 164TH TER

MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2012000020



Legend



Subject Property Case

Section: 18 Township: 52 Range: 42
Applicant: RG PROPERTY HOLDINGS, LLC
Zoning Board: BCC
Commission District: 2
Drafter ID: JEFFER GURDIAN
Scale: NTS



SKETCH CREATED ON: Monday, January 9, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z11-135 (12-12-CZ8-1)

January 15, 2013

Item No. B

Recommendation Summary	
Commission District	3
Applicant	9101 NW 7 Avenue LLC & Value Store It NW 7 Avenue Miami Partnership
Summary of Requests	The applicant is seeking to modify a condition of a previously approved resolution to submit a revised site plan showing the proposed expansion of a self-service storage facility. Additionally, the applicant is seeking to permit less open space and lot trees than required. The applicant also seeks to permit lot coverage and FAR greater than permitted; a detached sign setback less than permitted; parking closer to the right-of-way than permitted; and a fence or wall greater than 2.5' within the safe sight distance triangle.
Location	9101 & 9299 NW 7 Avenue, Miami-Dade County, Florida.
Property Size	4.2-acres
Existing Zoning	BU-2, Special Business District & BU-3, Liberal Business District
Existing Land Use	Self-service storage facility
2015-2025 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
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 Section 33-311(A)(7) Generalized Modification Standards Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions of requests #1, #3, #5 through #7 and #9, modified approval of request #2 and denial without prejudice of requests #4 and #8

This application was deferred from the December 19, 2012 meeting at the applicant's request in order to meet with neighbors.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing self service storage facility onto adjacent property to the north.
- (2) MODIFICATION of Resolution CZAB8-5-04, as last modified by Resolution CZAB8-24-11, both passed and adopted by the Community Zoning Appeals Board #8, reading as follows:

From: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Value Store It" as prepared by Blitstein Design Associates, dated stamped received 9/30/10 and consisting of 5 pages.

To: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Phase II Value Store It" as prepared by Patrick M. Pillot, Architect. Sheet 1 dated stamped received 8/16/12 and sheets 2 & 3 dated

stamped received 3/13/12, consisting of 3 sheets and "landscaping plan" as prepared by Wilkin Hults Design Group, dated stamped received 9/1/12 and consisting of 3 sheets, for a total of 6 sheets.

The purpose of request #2 is to submit revised site plan showing an expansion of the existing self service storage facility onto additional property to the north.

- (3) NON-USE VARIANCE of landscape requirements to permit landscaped open space of 15.3% (16% required, 7.3% previously approved).
- (4) NON-USE VARIANCE to permit forty-seven (47) lot trees (93 trees required).
- (5) NON-USE VARIANCE to permit a lot coverage of 51.2% (40% permitted, 60.6% previously approved).
- (6) NON-USE VARIANCE of zoning regulations to permit a floor area ratio (F.A.R) of .51% (.4% permitted, .6% previously approved).
- (7) NON-USE VARIANCE of setback requirements to permit the proposed detached sign to setback 10' (13.6' required) from the front (west) property line.
- (8) NON-USE VARIANCE of zoning regulations to permit a landscaped parking lot buffer a minimum of 3.5' wide (7' minimum required).
- (9) NON-USE VARIANCE to permit an 8' high security fence within the safe sight distance triangle (maximum 2.5' height permitted).

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

PROJECT DESCRIPTION:

The site plan depicts an existing 71,490 sq. ft. self-storage facility with a proposed 22,396 sq. ft. expansion onto additional property to the north.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2 & BU-3; self-service storage facility	Business & Office
North	BU-2; bank	Business & Office
South	BU-3; commercial and storage facility	Business & Office
East	I-95 Expressway	Transportation
West	BU-3; multi-family residential and commercial	Institutions, Utilities & Communications Business & Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing self-storage facility located at 9101 and 9299 NW 7 Avenue. The surrounding area is characterized by commercial and multi-family residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to expand the self-storage facility on to additional property to the north, with less open space and lot tress than required; greater lot coverage and FAR than allowed; a fence within the safe sight distance triangle and a detached sign within the front setback area. The proposed expansion will provide additional self-storage space at this facility; however, the requested variance could have a visual impact on the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *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.* The approval of the requests sought in this application will permit the applicant to expand the existing self-storage facility onto additional property to the north, provide less landscaped open space, lot trees and landscaped parking lot buffer than required. Additionally approval would permit lot coverage and FAR greater than permitted, a detached sign to encroach into the front setback area, and permit an 8' high fence in the safe sight distance triangle. In staff's opinion the existing self-storage facility and proposed expansion are **consistent** with the Business and Office CDMP LUP map designation, the CDMP Land Use Element Interpretative text for Business and Office, and **compatible** with the surrounding area based on the Zoning Analysis below.

ZONING ANALYSIS:

When analyzing request #1, a Special Exception to permit the expansion of an existing storage facility onto additional property to the north, under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that, as proposed, the expansion would be **compatible** with the surrounding area. Staff opines that the proposed expansion will not result in excessive traffic as evidenced by the memorandum from the Public Works and Waste Management Department which states that the application meets the traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources, indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed facilities will have a negative impact on fire rescue services in the area. Based on the aforementioned department memoranda, staff opines that the requests will not result in, among other things, excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. Further, staff notes that approval of request #1 is contingent upon request #2, modification of the previously approved site plan and the non-use variances listed as requests

#3 through #6, #8 and #9. As such, staff recommends approval with conditions of requests #1 under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.

When request #2, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area. Approval of this request will allow the applicant to submit a revised site plan that depicts an expansion of the existing self-storage facility onto the adjacent parcel to the north. Staff opines that the proposed expansion will not result in excessive traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people for reasons indicated above. Staff notes that the memoranda submitted by the Departments of Regulatory and Economic Resources – Division of Environmental Resources Management and Parks, Recreation and Open Spaces indicate no objection to the application. Additionally, staff notes that the submitted site plan depicts an existing 71,490 sq. ft., 1-story self storage building with the proposed expansion on the adjacent parcel to the north. The expansion includes an additional 22,396 sq. ft. of storage space spread across 1-story buildings labeled Buildings A – G and a parking area to accommodate trucks, boats, RV's and the like. Staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments. Further, staff notes that approval of request #2 is contingent upon request #1 to permit the expansion of the existing storage facility and the non-use variances listed as requests #3 through #9. However, staff is recommending denial without prejudice of requests #4 and #8 and therefore the submitted site plan should be revised to show the 93 required street trees and the required 7' parking buffer along NW 7 Avenue. **As such, staff recommends modified approval of request #2 under Section 33-311(A)(7) Generalized Modification Standards.**

When analyzing request #3, #5 and #6 to permit less landscaped open space, greater lot coverage and greater FAR 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. Staff notes that pursuant to Resolution No. CZAB8-24-11 the property was approved to permit 7.3% open space, where 16% is required; 60.6% lot coverage, where 40% maximum is permitted; and .6% FAR, where .4% maximum is permitted. Further, staff notes that the applicant has increased the required open space to 15.3%, which is only 0.7% less than that required by the Zoning Code. Additionally, the applicant has reduced the lot coverage by 9.4% and the FAR by .09% from what was previously approved. Staff opines that the reduction of lot coverage and FAR decreases the overall intensity of the use on the property. Further, staff opines that the reduction in open space is minimal. Staff further notes that since the previous approval the applicant has increased the overall land area of the subject property. **As such, staff recommends approval with conditions of requests #3, #5 and #6 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

When requests #4 and #8, to permit less lot trees and landscaped parking lot buffer than required 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 these requests would be **incompatible** with the surrounding area. In staff's opinion, the lot trees as required by the Code would help to mitigate any visual impacts the proposed expansion would have on the surrounding area. Staff notes that pursuant to Resolution No. CZAB8-5-04, CZAB 8 denied the applicant's requests to permit zero (0) lot trees, where three (3) trees were required and a 6' wide landscape buffer, where 7' is required. Additionally staff notes that as a condition of

approval for Resolution No. CZAB8-24-11 the applicant was required to provide additional greenery (trees and shrubbery) to the existing greenery along the 7th Avenue corridor. In staff's opinion the previously mentioned condition was never met, based on the County's GIS aerial photographs, which depict a hedge that is not continuous and 13 trees along NW 7 Avenue. Staff opines that the design of the site layout could be revised to accommodate both the required 7' buffer and 93 lot trees. **As such, staff recommends denial without prejudice of requests #4 and #8 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

When analyzing request #7, to permit a detached sign setback less than required under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area. Staff notes that the submitted plans depict the proposed sign setback 10' from the front (west) property line; where 13.6' is required. Staff opines that the 3.6' encroachment into the front setback area is minimal and will have little visual impact on passersby. **As such, staff recommends approval with conditions of request #7 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

Further, when analyzing request #9, to permit an 8' high security fence within the safe sight distance triangle under the Non-Use Variance (NUV) Standards, staff opines that approval of this request would not be detrimental to the surrounding neighborhood and would not have a negative visual impact on same. Staff opines that the existing security fence, although 5.5' taller than permitted is designed in a manner that allows for adequate visibility from the safe sight triangle area for vehicles entering or leaving the subject property. Additionally, the 8' high security fence allows the applicant to secure the subject property. Staff also notes that the Public Works and Waste Management Department does not object to request #9 as evidenced in their memorandum. **Therefore, staff recommends approval with conditions of request #9 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts the existing self-storage facility and proposed expansion with an ingress/egress point toward the middle of the property and an egress point at the south end of the property. There are 32 parking spaces.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions of requests #1, #3, #5 through #7 and #9, modified approval of request #2 and denial without prejudice of requests #4 and #8

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution Nos. CZAB8-5-04 and CZAB8-24-11 remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Phase II Value Store It" as prepared by Patrick M. Pillot, Architect. Sheet 1 dated stamped received 8/16/12 and sheets 2 & 3 dated stamped received 3/13/12, consisting of 3 sheets and "landscaping plan" as prepared by Wilkin Hults Design Group,

dated stamped received 9/1/12 and consisting of 3 sheets, for a total of 6 sheets, except as herein modified to show the required 7' parking buffer and the required 93 lot trees.

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NN

ZONING RECOMMENDATION ADDENDUM

9101 NW 7 Avenue LLC & Value Store It NW 7 Avenue Miami Partnership
Z11-135

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works & Waste Management	No objection
Parks, Recreation and Open Spaces	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

<p>Business and Office (Pg. I-41)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, 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. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
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ZONING RECOMMENDATION ADDENDUM

9101 NW 7 Avenue LLC & Value Store It NW 7 Avenue Miami Partnership
Z11-135

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(3) Special exceptions, unusual and new uses</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i></p>
<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>
<p>33-311(A)(7) Generalized Modification Standards</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>

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

APPLICANT'S NAME: **9101 NW 7 AVENUE LLC & VALUE STORE IT NW 7 AVENUE
MIAMI PARTNERSHIP**

#1

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-12-CZ8-1 (11-135)	December 19, 2012	CZAB8	12

REC: .Approval with conditions of requests #1, #3, #5 through #7 and #9, modified approval of request #2 and denial without prejudice of requests #4 and #8.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: January 15, 2013 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred at applicant's request in order for the applicant to meet with the neighbors.

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

VOTE: **4** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: LAUREN MORSE
DARON FITCH

B. 9101 NW 7 AVENUE LLC & VALUE STORE IT
NW 7 AVENUE MIAMI PARTNERSHIP

12-12-CZ8-1(11-135)
Area 8/District 03
Hearing Date: 1/15/13

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>
2004	Todd Ruderman	- BU-2 to BU-3 - Non-use variance of zoning regulations	ZAB	Approved with Condition(s)
2011	9101 NW 7 th Avenue, LLC	- Modification of resolution - Non-use variance of floor are ratio	ZAB	Approved with Condition(s)

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: September 27, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: C-08 #Z2011000135-4th Revision
9101 N.W. 7th Avenue, LLC and
Value Store IT N.W. 7thA venue Partners
9101 and 9299 N.W. 7th Avenue
Modification of a Previous Resolution to Permit the Addition of a
New Building and Non Use Variance of Landscape Open Space
Requirements to Permit an Open Space of 7.35%
(BU-1) (4.2 Acres)
01-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

Any proposed development greater than 2.0 acres of impervious area will require a Surface Water Management General Permit from the Water Control Section for the construction and operation of the required surface water management system.

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

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 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 for this proposed development order.

Wetlands

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

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

Tree Preservation

The subject property contains specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49 of the Code requires the preservation of tree resources. Prior to the removal and/or relocation of any tree on site, a Miami-Dade County Tree Removal/Relocation Permit is required. Section 24.49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24.49.2 of the Code shall apply." Note that the applicant has submitted an application to the Tree Permitting Program for a Tree Removal/Relocation Permit (Tree #3807).

As such, the Department recommends approval of this application with the condition that the Tree Removal/Relocation Permit (Tree #3807) is duly obtained prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal/Relocation Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code. Please be advised that if this condition cannot be met prior to development orders, this zoning application would have to be resubmitted for review.

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

Also note that the applicant must meet the standards of Section 24.49.2(II) of the Code that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height, location of all trees and one of the following:

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

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement records

The subject property has one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

PH# Z2011000135
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: 9101 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI
PARTNERSHIP

This Department has no objections to this application.

Additional improvements may be required at time of permitting/platting.

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.

14-MAR-12

Memorandum



Date: 24-SEP-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2011000135

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated February 22, 2012.
 APPROVAL:
 No objection via case Z2011000135.

Service Impact/Demand

Development for the above Z2011000135
 located at 9101 & 9299 NW 7 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0741 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: 6:00 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.

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

Memorandum



Date: August 31, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Maria I. Nardi, Chief *M.N.*
Planning and Research Division
Parks, Recreation and Open Spaces

Subject: Z2011000135: 9101 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI
PARTNERSHIP
Revised Documents Dated Stamped Received through 8/16/2012

Application Name: 9101 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP

Project Location: The site is located at the 9101 & 9299 NW 7 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting a modification of a previous resolution and several non use variances for expansion of a public storage facility. Revised Documents Dated Stamped Received through 8/16/2012 have been submitted.

Impact and demand: This application does not generate any residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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, Parks Property Management Supervisor

DATE: 11-SEP-12
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

9101 NW 7 AVE LLC & VALUE
STORE IT NW 7 AVE MIAMI
PARTNERSHIP

9101 & 9299 NW 7 AVE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000135

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open/closed bss cases.

9101 NW 7 Ave LLC & Value Store

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

REPORTER NAME:

Memorandum



Date: June 7, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Department of Regulatory and Economic Resources

From: James Byers, Zoning Permitting Division Chief
Department of Regulatory and Economic Resources

Subject: Z2011000135

Property was inspected by Ralph Edwards. The property at 9101 NW 7 Ave is a Value U store it building, self storage facility with a parking lot on 9299 NW 7 Ave. the said parking lot is use for storage of cars, truck and boats. The Value U storage has a certificate of use since 2004, certificate # 2004021450, and no violations.

DISCLOSURE OF INTEREST*

RECEIVED
MIAMI DADE COUNTY
PROCESS # 211-135
DATE: FEB 23 2012

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

BY: DAH
CORPORATION NAME: 9101 NW 7th Avenue, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>NW 7, LLC (Todd Ruderman)</u>	<u>93.06%</u>
<u>WMC, LLC (Estate of William Coakley)</u>	<u>6.94%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
FEB 23 2012
211-135
MIAMI DADE PLANNING AND ZONING DEPT.
BY: _____

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

RECEIVED

MIAMI-DADE COUNTY
PROCESS #: Z11-135
DATE: FEB 23 2012
BY: DAH

Date of contract: _____

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

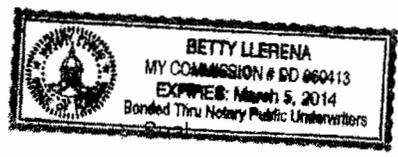
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 5th day of October 2011. Affiant is personally know to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)



My commission expires: 3/5/14

*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.

RECEIVED
DEC 08 2011
Z11-135
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: _____

DISCLOSURE OF INTEREST*

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

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 211-135
DATE: FEB 23 2012
BY: DAH
CORPORATION NAME: Value Stone at NW 7 Ave., Miami Partnership

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>NW 7, LLC (Todd Ruderman)</u>	<u>93.06%</u>
<u>WMC, LLC (Estate of William Coakley)</u>	<u>6.94%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
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RECEIVED
211-135
SECTION
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
BY ZONING
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
BY

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

NAME OF PURCHASER: [Signature]

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

RECEIVED

MIAMI-DADE COUNTY
PROCESS #: Z11-135
DATE: FEB 23 2012
BY: DAH

Date of contract: _____

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

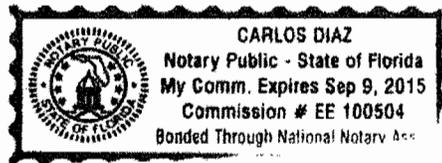
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 4th day of October 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 9/9/2015

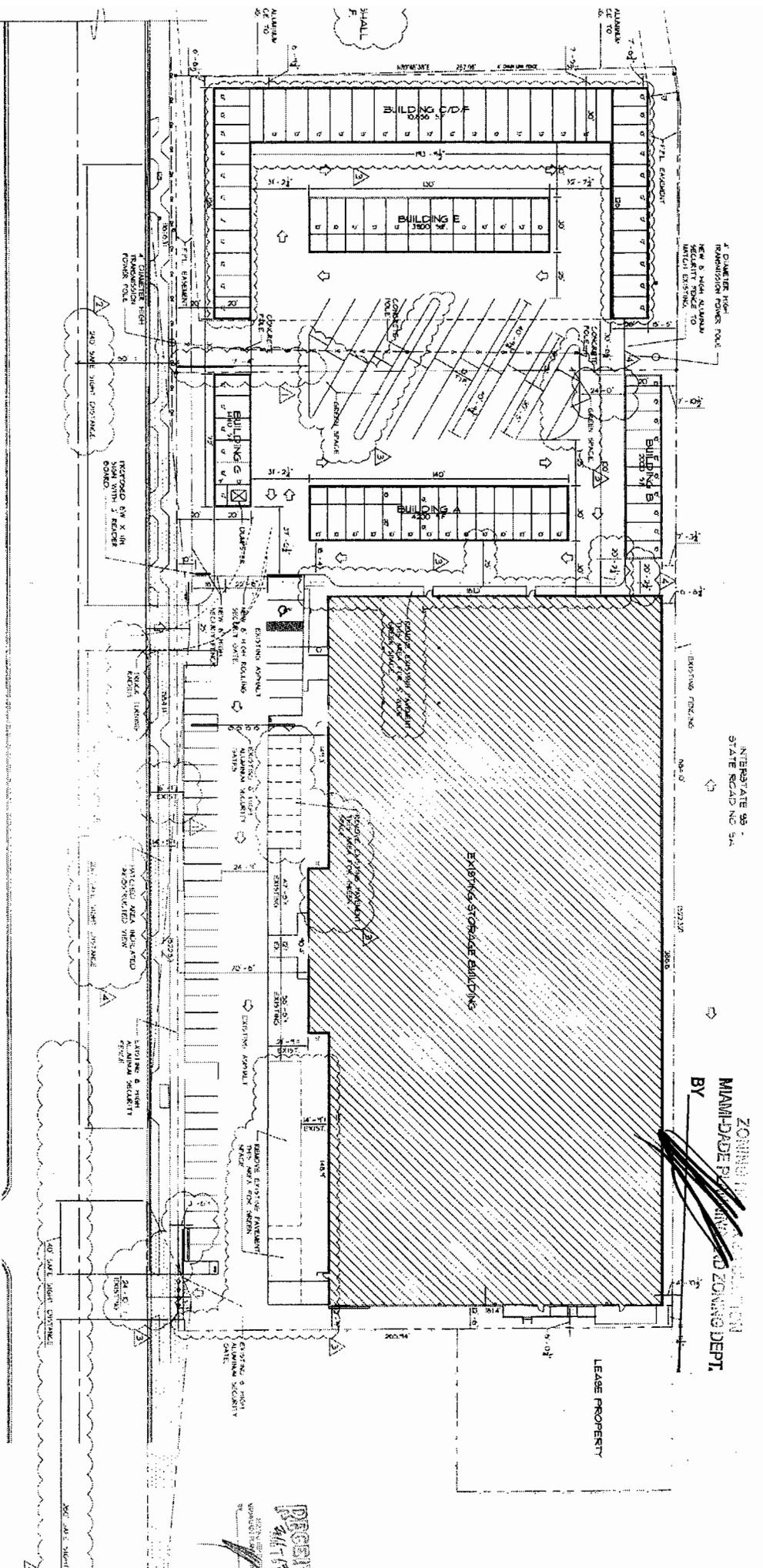
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

RECEIVED
Z11-135
ZONING DEPARTMENT
MIAMI-DADE PLANNING AND ZONING DEPT.

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

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

PROPOSED SIGN ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
ZONING DEPARTMENT
MAY 10 2012

ZONING DEPARTMENT
MAY 10 2012
BY [Signature]
MIAMI-DADE PLANNING AND ZONING DEPT.

ADDED TRAFFIC DIRECTIONAL ARROWS

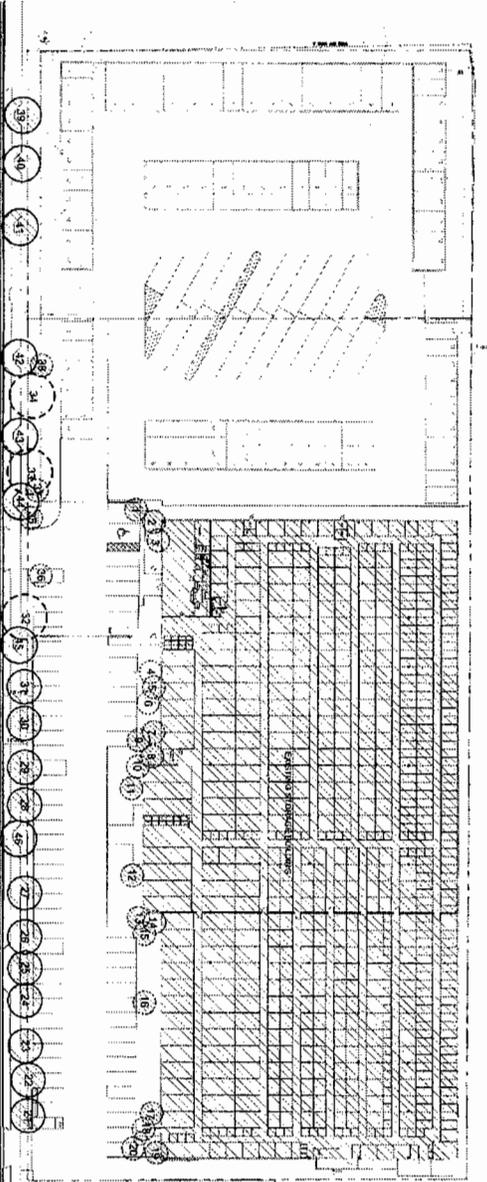
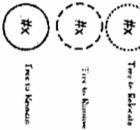
ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'

ENLARGED SITE PLAN



TREE DISPOSITION PLAN

Scale: 1/32"=1'-0"



TREE TO BE REMOVED
 THIS IS THE LOCATION OF THE TREE TO BE REMOVED. THE TREE TO BE REPLACED IS INDICATED BY A CIRCLE WITH A DIAGONAL SLASH.

NO.	DATE	DESCRIPTION	STATUS
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RECEIVED
 SEP 01 2012
 ZONING BOARD SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

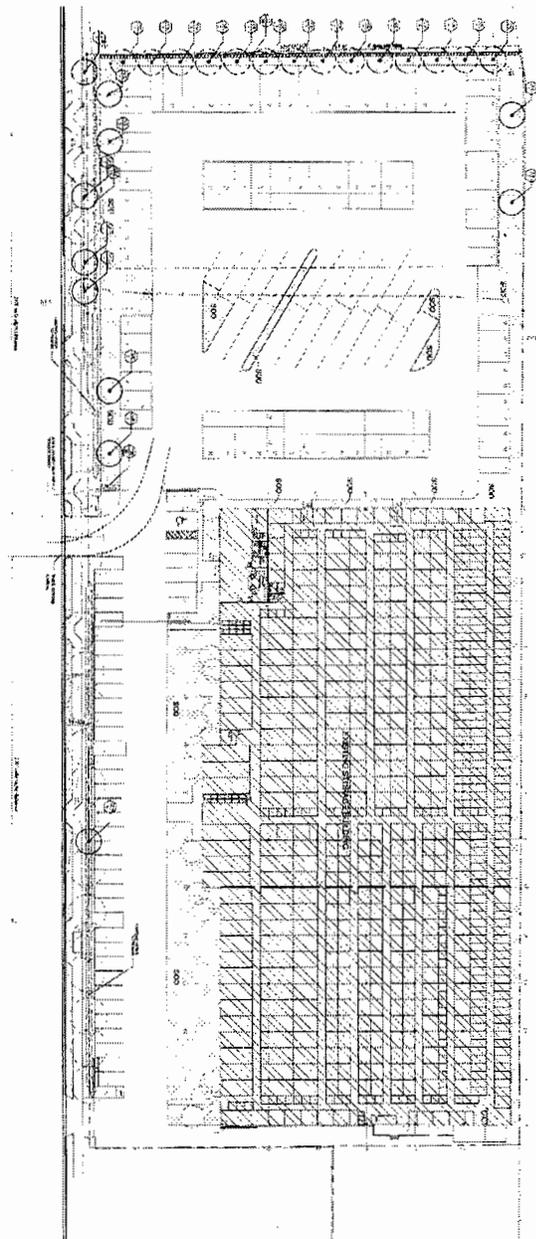
DATE: 09/01/12
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1/32"=1'-0"
 SHEET NO. 11
 TOTAL SHEETS: 11
L-1

DATE: 09/01/12
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1/32"=1'-0"
 SHEET NO. 11
 TOTAL SHEETS: 11

DATE: 09/01/12
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1/32"=1'-0"
 SHEET NO. 11
 TOTAL SHEETS: 11

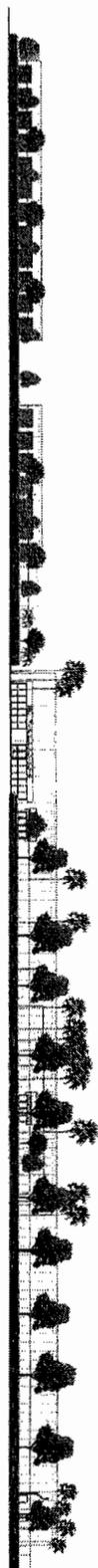
VALUE STORE IT
 Miami-Dade County, Florida
 TREE DISPOSITION PLAN

WITKIN HULTS DESIGN GROUP
 3010 NW 27th Avenue, Miami, Florida
 Phone: 305-551-2800 FAX: 305-551-2801
 www.witkindesign.com



LANDSCAPE PLAN

Scale: 1/32"=1'-0"



WEST ELEVATION

Scale: N.T.S.

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
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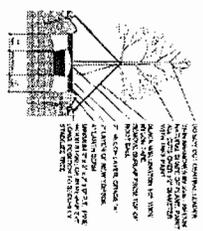
LANDSCAPE PLAN FOR VALUE STORE II, MIAMI-DADE COUNTY, FLORIDA. PREPARED BY WITKIN HULTS DESIGN GROUP, INC. DATE: SEP 11, 2012. PROJECT NO: 12-001. SHEET NO: L-2. TOTAL SHEETS: 2. THE LANDSCAPE PLAN IS SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS. THE LANDSCAPE PLAN IS SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS. THE LANDSCAPE PLAN IS SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS.

RECEIVED
 2012 SEP 11 12:02
 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
 PLANNING AND ZONING DEPT.
 BY: [Signature]

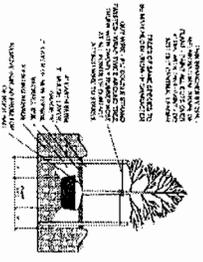
DATE: 09/11/12
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 L-2

VALUE STORE II
 Miami-Dade County, Florida
 LANDSCAPE PLAN

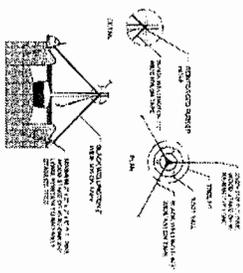
WITKIN HULTS
 DESIGN GROUP
 10000 SW 15th St, Suite 200
 Miami, FL 33185
 Phone: 305-274-1111
 Fax: 305-274-1112
 www.witkinhults.com



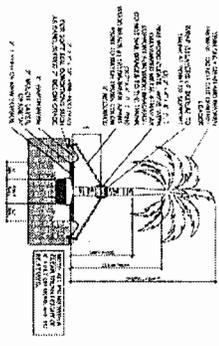
LARGE TREE PLANTING DETAIL



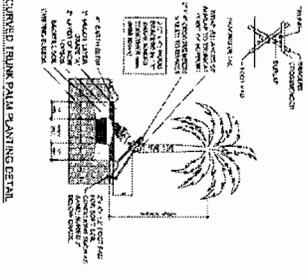
SMALL TREE PLANTING DETAIL



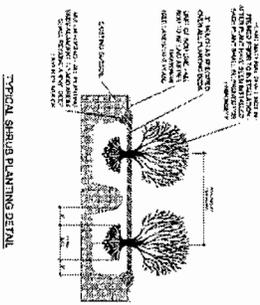
TYPICAL TREE PLANTING DETAIL



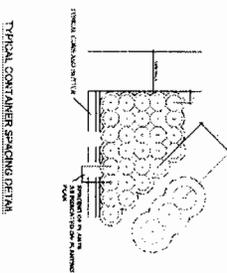
STANDARD THINWALL PLANTING DETAIL



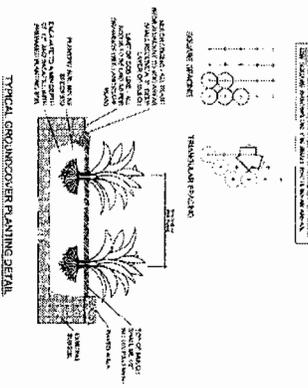
SHARPED THINWALL PLANTING DETAIL



TYPICAL SHRUB PLANTING DETAIL



TYPICAL CONTAINER SPACING DETAIL



TYPICAL GROUNDCOVER PLANTING DETAIL

PLANTING NOTES: (See plant specification and details for additional standards)

- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- Sod is to be grade "X" weed free.
- All areas marked "LAWN" shall be solid sodded with St. Augustine. Forams solid sod.
- See final on plan. All areas marked Bahía Grass shall be solid sodded with Paspalum. All sod is to be laid level, light and cut even along planting beds.
- All plants are to be top dressed with a minimum 3" layer of Manurella mulch. Eumalyptus mulch or equal.
- Planting Plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and deletions to the plant material list must be approved by the project architect.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verification for 100% sod coverage for all areas specified.
- All landscape areas are to be provided with automatic sprinkler system which provide 100% coverage, and 50% overlap.
- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.
- All trees located in parking islands is to be set flush with top of curb. Provide adequate seal to within 3' of top of curb.

GENERAL NOTES

- Trees are to be planted within parking islands after soil is brought up to grade. Doory set root balls are not acceptable.
- Planting soil for tropical and deciduous shall be 50/50 mix, granulate free. Planting soil for annual beds to be comprised of 50% Canadian peat moss, 25% soft fine coarse sand and 25% Aerclite.
- Tree and shrub pits will be supplemented with "Agriform Pellets", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.
- This Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).
- Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.
- All underground and overhead utilities are to be properly identified and marked.
- All planting plans are to be checked for site layout. Any discrepancies are to be brought to the attention of the Landscape Architect for clarification prior to construction.

MAMOUN R. ALI, P.E.

ZONING DEPARTMENT SECTION 1
 BY _____
 SEP 01 2012

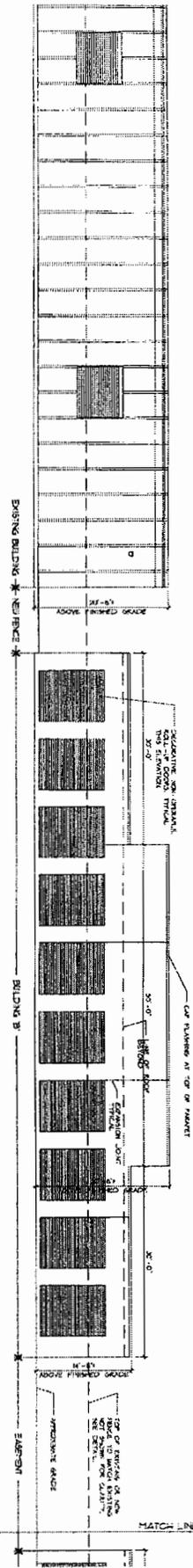
WITKIN HULST
 DESIGN GROUP
 2601 SW 11th Street, Suite 100, Ft. Lauderdale, FL 33309
 Phone: 954.342.1111 Fax: 954.342.1112
 www.witkinhulst.com

VALUE STORE IT
 Miami-Dade County, Florida
 LANDSCAPE DETAILS

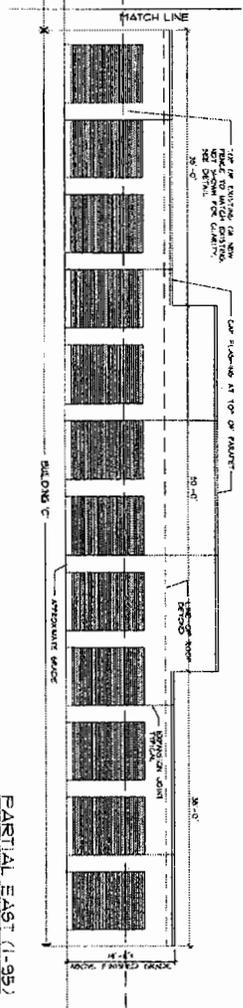
Date: _____
 By: _____
 Title: _____

Date: _____
 By: _____
 Title: _____
L-3
 CONTRACTOR

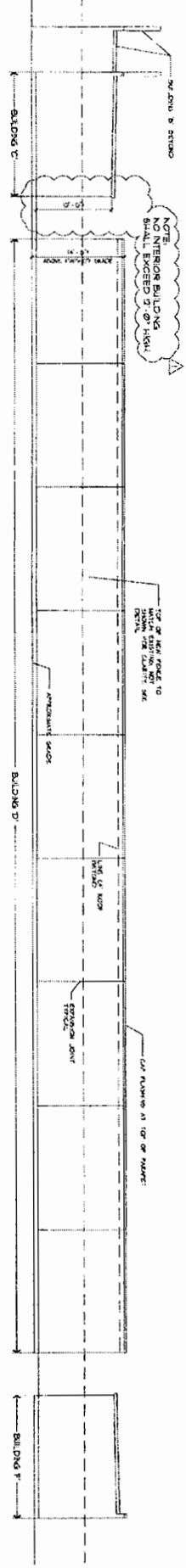
SEE SHEET 3 FOR CONTINUATION



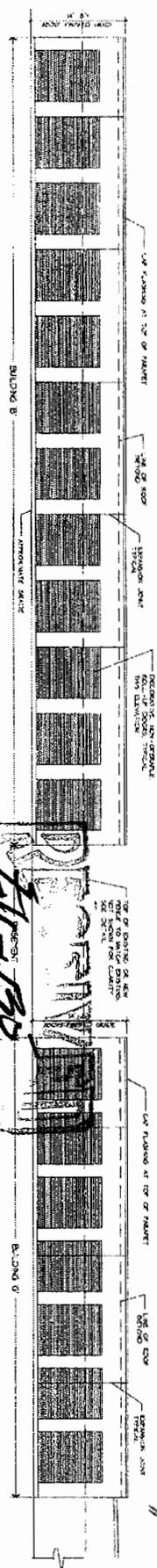
PARTIAL EAST (1-95)



PARTIAL EAST (1-95)



PARTIAL EAST (1-95)



PARTIAL EAST (1-95)

RECEIVED
 MARIANNE GIBBY
 10/17/2011 11:00 AM

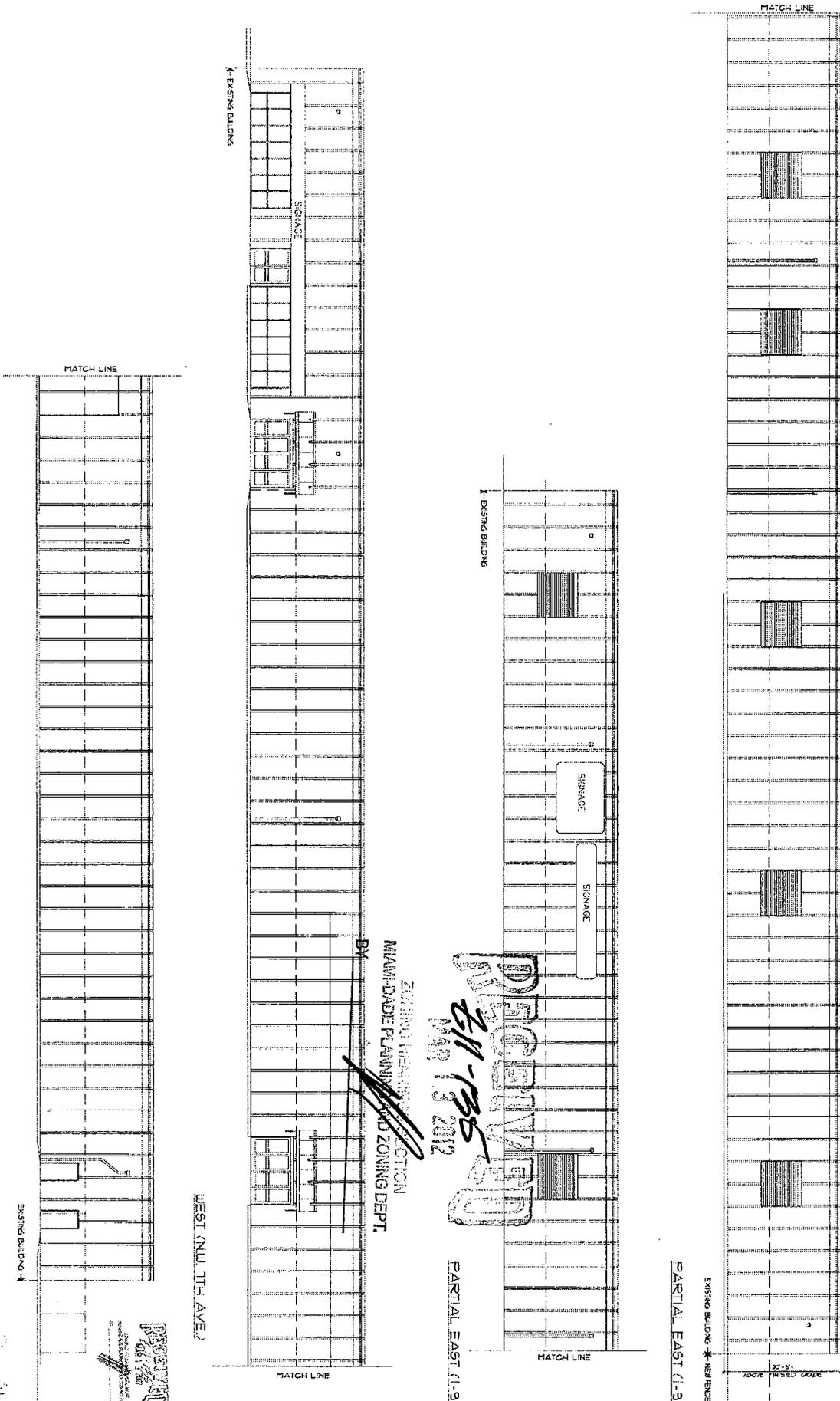
WEST SIDE (TH AVENUE)
 EXTERIOR ELEVATIONS
 SCALE 1/8" = 1'-0"

REVISED: JAN 18, 2015
 DATE: OCT 17, 2011
 JOB NO.
 FILE NO.
 SHEET 2 OF 3

PHASE II
 VALUE STORE IT
 N.W. 7th AVENUE - MIAMI DADE COUNTY



PATRICK M. PILLOT ARCHITECT
 1887 SECOND STREET SARASOTA, FLORIDA 34239
 (813) 555-7274 FAX (813) 555-2288
 FLORIDA 68006664 EMAIL: PAT@PILLOTARCH.COM



RECEIVED
2-11-13
MAY 13 2012

ZONING DEPARTMENT
MAM-DADE PLANNING AND ZONING DEPT.

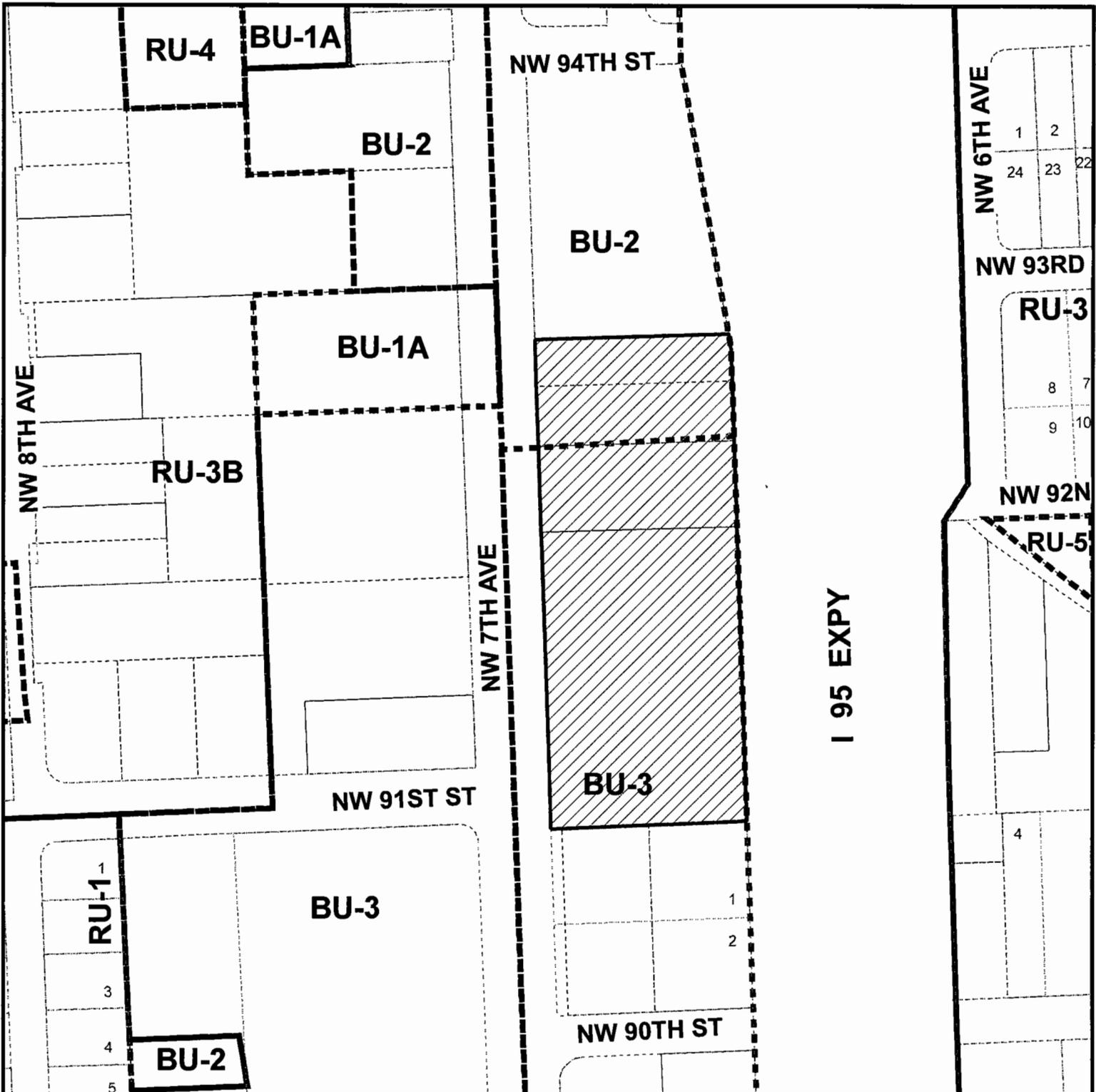
WEST (NW) 7TH AVE
EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"

DATE: OCT 17 2011
JOB NO.
SHEET 3 OF 3

PHASE II
VALUE STORE IT
N.W. 7th AVENUE - MAM DADE COUNTY



PATRICK M. PILLOT ARCHITECT
1307 SECOND STREET BARABOTA, FLORIDA 3426
(941) 858-7375 FAX (941) 858-2011
FLORIDA ARCHITECTS EVAL. PAT-PILLOT-ARCH1101N



MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2011000135



Section: 01 Township: 53 Range: 41

Applicant: 9191 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP

Zoning Board: C8

Commission District: 3

Drafter ID: JEFFER GURDIAN

Scale: NTS

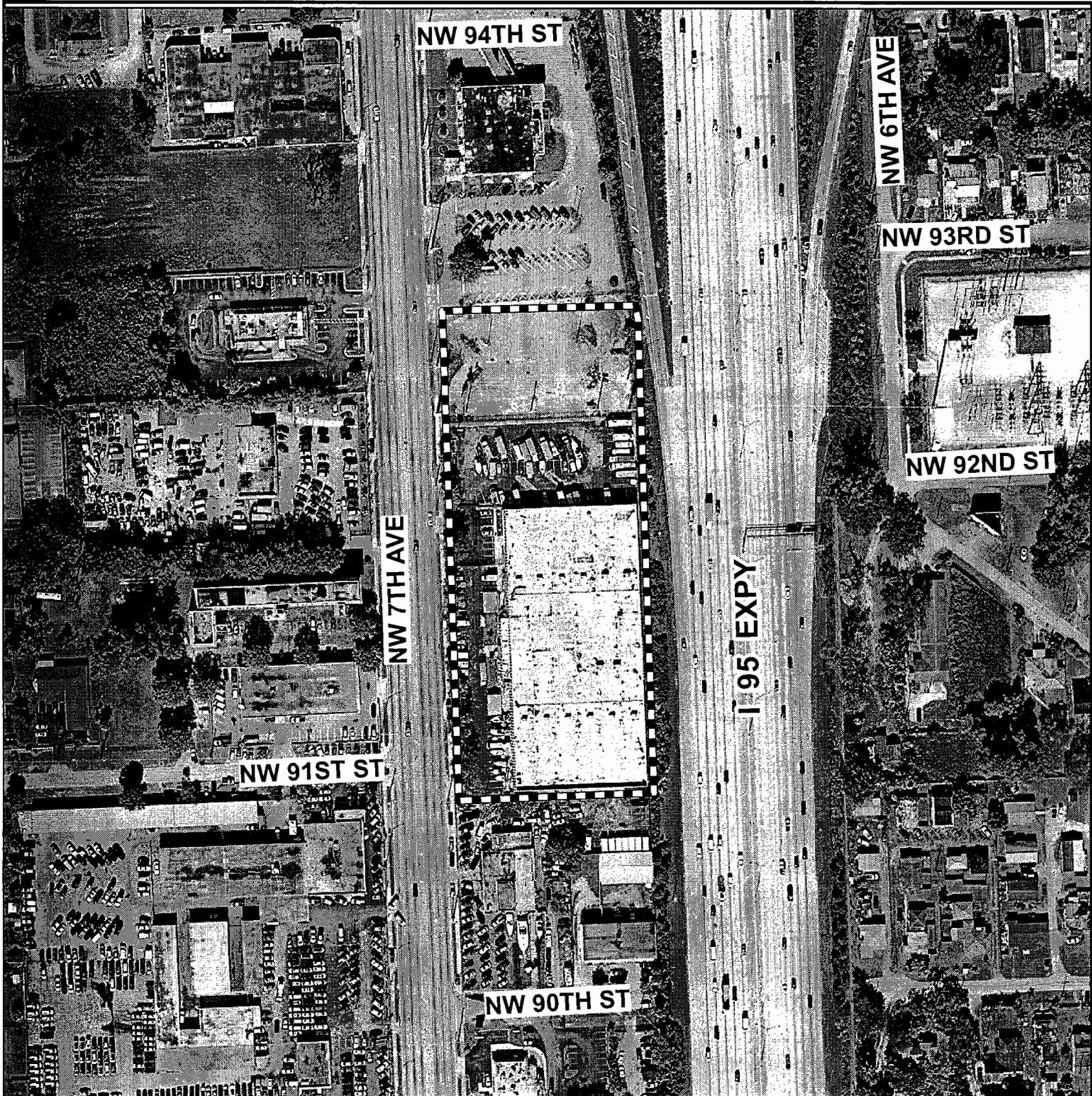
Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, December 13, 2011

REVISION	DATE	BY
		30



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000135



Section: 01 Township: 53 Range: 41

Applicant: 9191 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP

Zoning Board: C8

Commission District: 3

Drafter ID: JEFFER GURDIAN

Scale: NTS

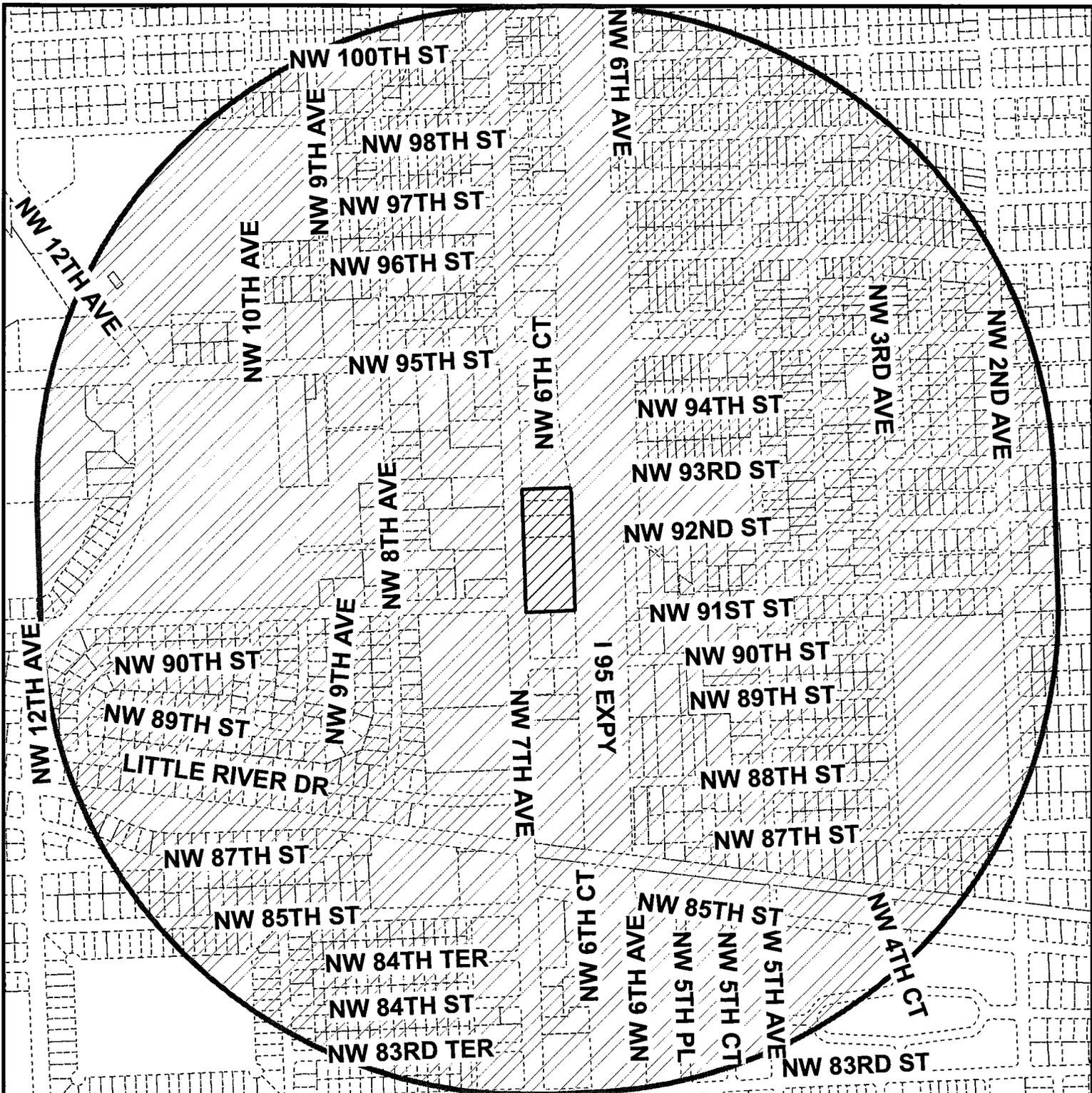
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, December 13, 2011

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2011000135

RADIUS: 2640



Section: 01 Township: 53 Range: 41

Applicant: 9191 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP

Zoning Board: C8

Commission District: 3

Drafter ID: JEFFER GURDIAN

Scale: NTS

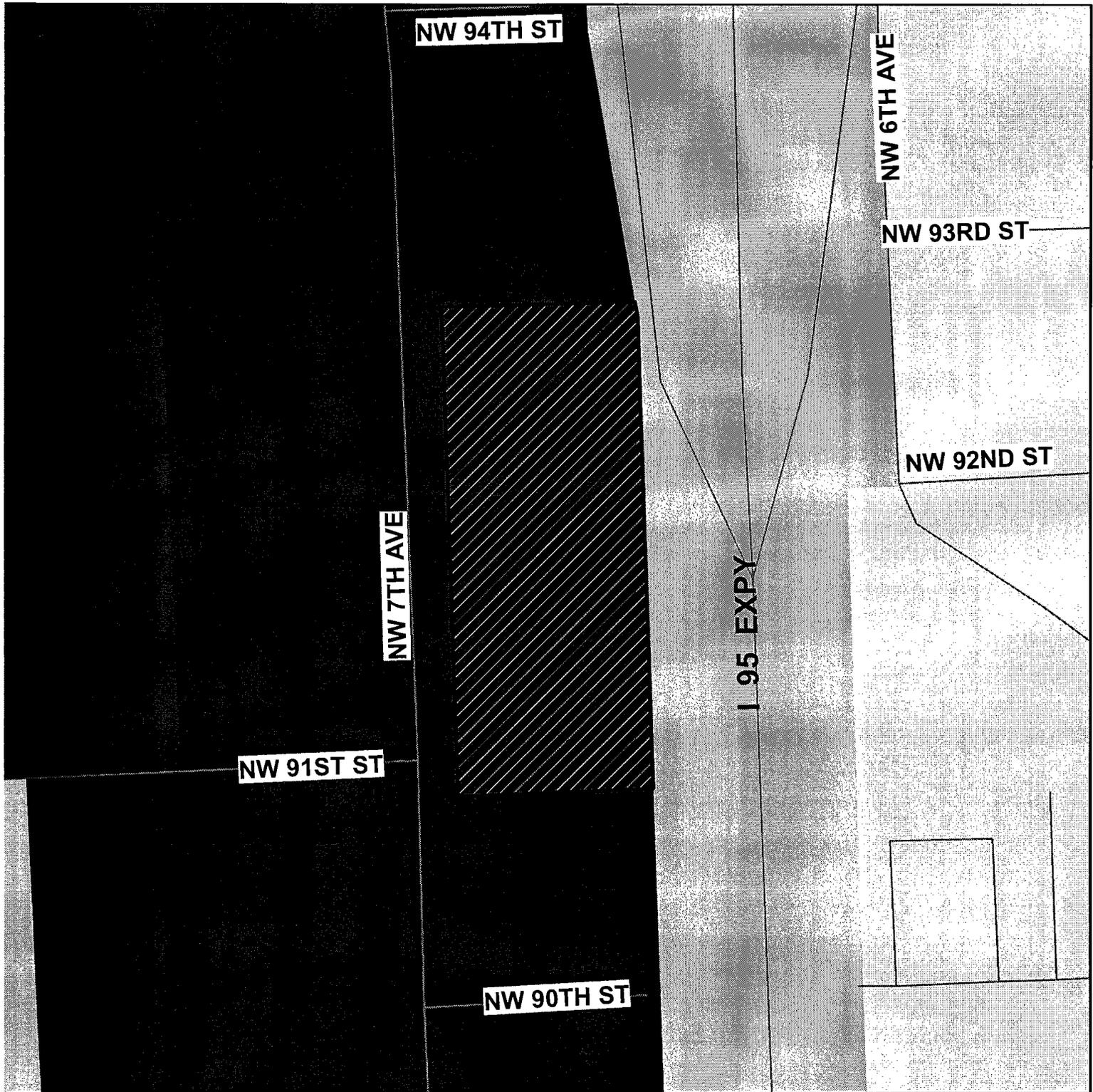
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, December 13, 2011

REVISION	DATE	BY
		32



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000135

Legend



Section: 01 Township: 53 Range: 41
 Applicant: 9191 NW 7 AVE LLC & VALUE STORE IT NW 7 AVE MIAMI PARTNERSHIP
 Zoning Board: C8
 Commission District: 3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

 Subject Property Case



SKETCH CREATED ON: Tuesday, December 13, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z12-095 (12-12-CZ8-4)

January 15, 2013

Item No. C

Recommendation Summary	
Commission District	1
Applicant	MMG North, Inc.
Summary of Request	The applicant is seeking a Use Variance and a Special Exception to allow a pawnbroker use in a more restrictive zoning district.
Location	13610 NW 7 Avenue, Miami-Dade County, Florida.
Property Size	75' x 130'
Existing Zoning	BU-1A
Existing Land Use	Retail Store
2015-2025 CDMP Land Use Designation	Business and Office (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Inconsistent with objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a), Use Variance standards, Special Exceptions, Unusual Uses and New uses, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Denial with prejudice.

This application was deferred from the December 19, 2012 Community Zoning Appeals Board (CZAB) 8 meeting at the applicant's request to allow his representative to be present.

REQUEST:

USE VARIANCE and a SPECIAL EXCEPTION to permit a pawnbroker in the BU-1A zone as would be permitted in the BU-3 zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Dilallo Jewelry Shop," as prepared by J. Barrio Architect & Planners Inc., dated stamped received 09/13/12 and consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The site plan submitted by the applicant depicts the existing 1,785 sq. ft. retail building and 720 sq. ft. storage building with ten (10) parking spaces.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1A; retail store	Business and Office
North	BU-1A; automotive repair facility	Business and Office
South	BU-1A; automotive repair facility	Business and Office
East	City of North Miami; retail store	Business and Office

West	RU-1; single-family residence, vacant lot	Low Density Residential (2.5 to 6 dua)
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NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 13610 NW 7 Avenue. The area surrounding the subject property is primarily characterized by commercial uses to the north, south and east and residential uses to the west.

SUMMARY OF THE IMPACTS:

The approval of this application will provide an additional service for the surrounding community. However, approval of the request to allow a pawnbroker use which is typically located in a zoning district that allows more intensive commercial uses, could have a negative impact on the abutting commercial and residential properties. Furthermore, approval of same could result in an increase in the intensity and types of uses that would be allowed in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Business and Office** use. *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.* As such, the existing retail use is **compatible** with the area and **consistent** with the CDMP Land Use Element interpretative text for the Business and Office designation.

Staff acknowledges that the proposed pawnbroker use is allowed in the BU-3, Liberal Business District, after a public hearing and as such, would be consistent with the Business and Office designation of the subject property on the CDMP Land Use Plan map. However, the CDMP Land Use Element interpretative text for the Business and Office designation states that *in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities.* Staff notes that the abutting properties located to the north and south of the subject property are currently zoned BU-1A, Limited Business District and contain tire repair facilities that are permitted uses in the BU-1A zoning district. Staff opines that approval of the requested use variance to allow a use as would be permitted in the BU-3 zone would be too intensive when compared with the surrounding BU-1A uses located to the north and south, and the residential uses located to the west.

Further, the CDMP Land Use Element **Objective LU-4** 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.* CDMP Land Use Element **Policy LU-4A** provides the criteria used to evaluate compatibility, one of which is safety. Staff notes that the applicant is seeking a use variance which staff opines is a drastic remedy only available in the most limited circumstances. Essentially, the applicant is seeking to permit a use prohibited by the existing zoning category which is an indication that the

request is out of character with the surrounding community. The Miami-Dade Police Department (MDPD) states in their memorandum that their experience lends itself to anticipate that in areas where pawnbrokers are present, calls for service may rise. Based on the issues expressed by the MDPD in its memorandum, staff has concerns that approval of the application will result in the changing the character of the community by allowing the property to be used as a pawnbroker. As such, staff opines that based on the aforementioned, the approval of the requested use variance and special exception to permit a pawnbroker use as would be allowed in the BU-3 zoning district, would be **incompatible** with the BU-1A uses on this block face and the residential uses located to the west, and would therefore be **inconsistent** with CDMP Land Use Element **Objective LU-4**.

ZONING ANALYSIS:

In February 2012, pursuant to resolution #CZAB8-4-12, the applicant's request to rezone the subject property to BU-3 and a special exception to permit a pawnshop as well as a variance to the parking regulations was denied without prejudice. Subsequently, the applicant has submitted a new application and is now requesting a use variance and a special exception to permit a pawnbroker use in the BU-1A zoning district as would be permitted in the BU-3 district. The applicant has also submitted revised plans for the parking areas with a increased back-out dimension for the parking lot.

The applicant is proposing a use variance and special exception to permit a pawnbroker use on the subject site. As previously mentioned, although the existing retail store is consistent with the interpretative text of the CDMP, staff opines that approval of the proposed pawnbroker use would be **incompatible** with the surrounding commercial and residential uses. Staff notes that the subject property is surrounded by BU-1A uses to the north and south, and residentially zoned properties to the west. Staff opines that the location of the existing BU-1A zoning district abutting the residentially zoned properties to the west provides the residential properties with access to services for the residents and provides a reasonable transition from the residential uses to the more intensive commercial uses located to the east. The proposed pawnbroker use is only permitted in the BU-3 zoning district after a public hearing. As such, staff notes that the applicant is requesting this use variance in order to establish a pawnbroker, which would not be permitted in the existing BU-1A zoning district. The BU-3 district provides for a host of uses that are significantly more intense than those allowed in the BU-1A district, such as lumber yards, bottling plants, garage and mechanical services, commercial chicken hatcheries, airports, and pawnbrokers. Further, staff notes that there have been no other similar approvals in the area for a pawnbroker or for any other BU-3 uses that are similar to or as intense as the pawnbroker use being requested herein.

In addition, staff notes that a **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in **unnecessary hardship**, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations.* The subject property currently operates as a retail store which is allowed in the BU-1A district. To prove an unnecessary hardship, the applicant must demonstrate that under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question. Staff notes that the applicant has not demonstrated any special conditions related to

the subject site where the literal enforcement of applicable zoning district provisions would result in unnecessary hardship. In staff's opinion, the approval of the use variance to allow a use that is allowed in the BU-3 district and specifically, to permit the pawnbroker use, could have a negative impact on the character of the surrounding area. For example, the MDPD indicated in its memorandum that approval could result in an increase in the number of calls for service from the MDPD that could have a detrimental effect on the abutting residential properties. Further, staff opines that approval of said requests would be overly intensive, would be equivalent to spot zoning and would be **incompatible** with the surrounding BU-1A uses within this block face and the abutting residential uses located to the west. In addition, staff is of the opinion that the approval of the use variance and special exception request will not be in harmony with the general purpose and intent of the regulation, and that the same will not result in the reasonable use of the premises. **As such, staff is of the opinion that the existing jewelry store is a reasonable use for the subject site and that the use variance and special exception request for the proposed pawnbroker should be denied with prejudice under the Use Variance Section 33-311(A)(4)(a) and under the Special Exception Section 33-311(A)(3).**

ACCESS, CIRCULATION AND PARKING: Access to the site is provided from NW 7 Avenue.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION:

Denial with prejudice.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:JC:CH



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

NDW

ZONING RECOMMENDATION ADDENDUM

Applicant: *MMG North, Inc.*

PH: Z11-095

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resources Management (RER)	No objection*
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

Business and Office (Page I-41)	<i>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. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
Objective LU-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>
Policy LU-4A	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations	<i>The Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
Section 33-311(A)(3) Special	<i>Hear applications for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for</i>

ZONING RECOMMENDATION ADDENDUM

Applicant: *MMG North, Inc.*

PH: Z11-095

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

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

#4

APPLICANT'S NAME: **MMG NORTH, INC**

REPRESENTATIVE: Nicholas Dilallo

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-12-CZ8-4 (12-095)	December 19, 2012	CZAB8	12

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: January 15, 2013 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred at applicant's request in order for his representative to be present at the
 hearing.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Richard C. BROWN (C.A.)	X		
COUNCILMAN	M	Patrick CURE	X		
COUNCILMAN		Arthemon JOHNSON			X
COUNCIL WOMAN		Voncarol Yvette KINCHEN	X		
VICE CHAIRMAN		Fredericke Alan MORLEY			X
CHAIRWOMAN		Joy J. DAVIS	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: LAUREN MORSE
DARON FITCH

C. MMG NORTH, INC.
(Applicant)

12-12-CZ8-4 (12-095)
Area 08/District 01
Hearing Date: 1/15/13

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

If so, who are the interested parties? **Equitymax Inc.**

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>
1949	Frank Olivio	- District boundary change from RU-2 to BU-1A	BCC	Approved on a modified basis
1956	Elias Thaw	- Special to permit a mercury to Type cleaning unit	BCC	Approved on a modified basis
1956	Elias Thaw	- Modification of Resolution	BCC	Approved with condition(s)
2012	MMG, North, Inc.	- District boundary change from BU-1A to BU-3 - Special exception to permit a Pawnbroker - Noun-use variance of parking	CZAB	Denied without prejudice

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

Date: September 27, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: #Z2012000095-1st Revision
MMG North, Inc.
13610 NW 7th Avenue
Use Variance and Special Exception to Permit a Pawnbroker
(BU-1A) (.22 Acres)
23-52-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

The subject property is currently connected to public water. Water service is provided by the City of North Miami Water and Sewer Department. Therefore, connection of the proposed facility to the public water supply system is required in accordance with Code requirements.

Wastewater Disposal

The subject property is currently connected to a septic tank as a means for the disposal of domestic liquid waste. The closest public sanitary sewer is a 6-inch force main located approximately 200 feet away from the subject property. Be advised that connection will be required in the event that a change of use that signifies an increase in wastewater flow is proposed. According to our records, the previous use of the property was retail (U2011004721). Since there is no net increase in the wastewater flow generated from the previous use to the proposed use, connection to public sewer will not be required at this time.

The Department would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

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

Air Quality Preservation

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

Wetlands

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

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

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

The subject property has one closed enforcement case for violations regarding an industrial waste discharge to an on-site soakage pit. This case was closed in February 16, 2012. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MMG NORTH, INC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

31-JUL-12

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-095
MMG North, Inc

Application: *MMG North, Inc* is requesting a use variance and a special exception to permit a pawn broker use in an existing business. The property is located in a limited Business District (BU-1A).

Size: The subject property is approximately .22 acres.

Location: The subject property is located at 13610 NW 7th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The establishment of a pawn broker use on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |

5) Aluminum (cans, scrap)

10) Wood

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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



Memorandum

Date: 02-OCT-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000095

Fire Prevention Unit:

APPROVAL
 No objection to plan stamped received September 13, 2012 via Case # Z2012000095.

Service Impact/Demand

Development for the above Z2012000095
 located at 13610 NW 7 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 3390 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 19 - North Miami W - 650 NW 131 Street
 Rescue, ALS 60' Aerial, TRT-1

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

Memorandum



Date: October 2, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000095: MMG NORTH, INC
Includes Revised Plans Dated stamped received 9/13/12

Application Name: MMG NORTH, INC

Project Location: The site is located at 13610 NW 7 AVE, Miami-Dade County.

Proposed Development: The applicant is requesting a use variance to permit a pawn broker.
Includes Revised Plans Dated stamped received 9/13/12.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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, Parks Property Management Supervisor

DATE: 17-SEP-12
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MMG NORTH, INC

13610 NW 7 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000095

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

MMG North Inc

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

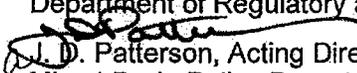
REPORTER NAME:

Memorandum



Date: November 15, 2012

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources

From:  J. D. Patterson, Acting Director
Miami-Dade Police Department

Subject: Review - Zoning Application
Case: No. Z2012000095- MMG North, Inc.

APPLICATION

The Applicant, MMG North, Inc. is requesting a zoning "use variance" and "special exception" to allow for their property to operate as a pawn shop. The property is located at 13610 NW 7 Avenue in Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The site is located in unincorporated Miami-Dade County and serviced by our Intracoastal District, located at 15665 Biscayne Boulevard, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the application, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. The Permitting, Environment and Regulatory Affairs Department requested a radius check of crimes/calls for service of the location which has been provided in the attached documents.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. Based on this data and due to the nature of the request (pawn shop), it cannot be anticipated as to any projected increase in calls for service. Experience lends itself to anticipate that in areas where pawn shops are present, calls for police service may rise. Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

While the MDPD has concern regarding the applicant's request and changing the character of the community by allowing the property to be used as a pawn shop, we do not object to the proposed zoning modifications. The applicant is encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez, of the Public Information & Education Bureau, may be contacted at (305) 471-1775.

JDP/kh
Attachment

DISCLOSURE OF INTEREST*

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

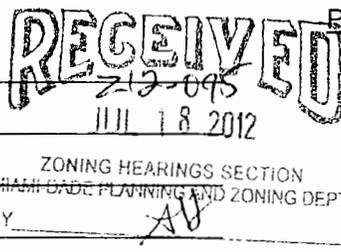
CORPORATION NAME: MMG NORTH, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>NICHOLAS DILALLO</u>	<u>50%</u>
<u>THERESA DILALLO</u>	<u>50%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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



 RECEIVED
 11/18/2012
 ZONING HEARINGS SECTION
 MIAMI DADE PLANNING AND ZONING DEPT.
 BY: AV

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

RECEIVED
212-095
JUL 18 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AV

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

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

Signature: _____
(Applicant)

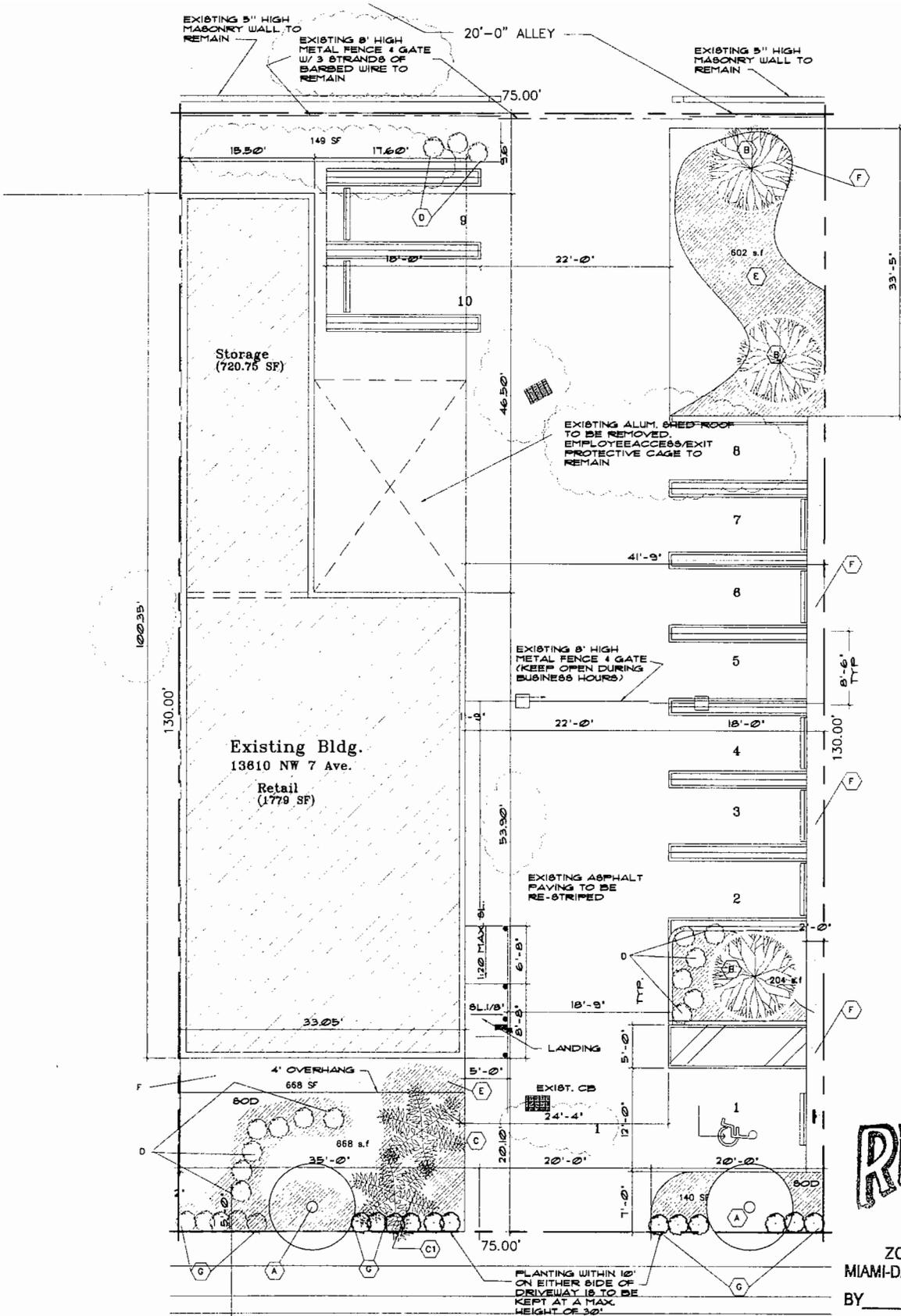
Sworn to and subscribed before me this 17th day of July 2012. Affiant is personally know to me or has produced FLDL exp: 12/17 as identification.

Jennifer Anderson
(Notary Public)

My commission expires: 4/2/2016



*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.



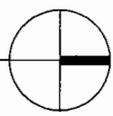
RECEIVED
 22-095
 SEP 13 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY *JD*

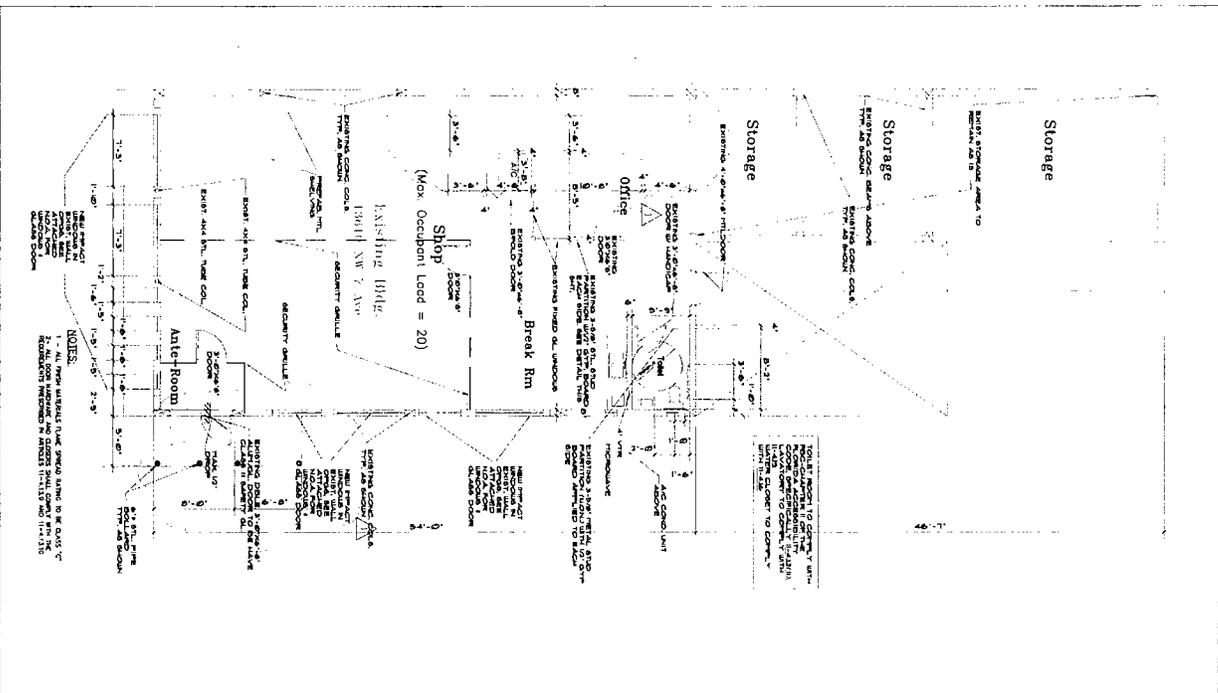
Site /Landscaping Plan

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



NW 7th Avenue

ENLARGED SITE PLAN 20



Floor Plan
 SCALE: 3/16" = 1'-0"



RECEIVED
 213-095
 SEP 13 2012

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

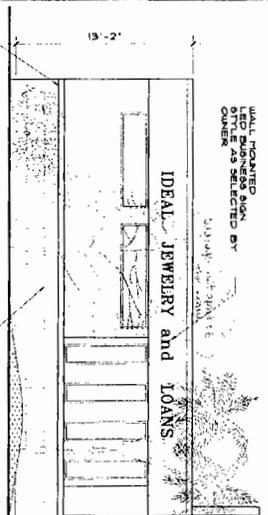
EXISTING BUILDING

NO.	REVISION	BY	DATE
1	ADDED COMMENTS	JLB	10/11/12

i. barrio
 ARCHITECT & PLANNERS INC.
 2321 SOUTHWEST 24TH STREET MIAMI FLORIDA 33145
 PH. (305) 856-9399 FAX. (305) 856-9961 AA 0002647

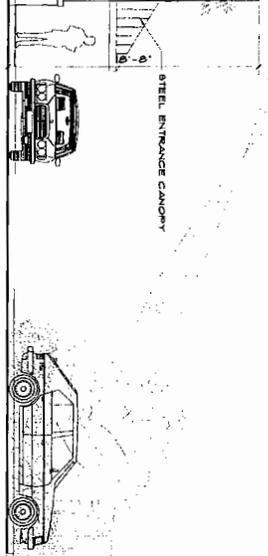
AS-BUILT PLANS
DILALLO JEWELRY SHOP
 13610 NW 7 AVENUE
 MIAMI, FLORIDA

NO.	REVISION	BY	DATE
1	ADDED COMMENTS	JLB	10/11/12



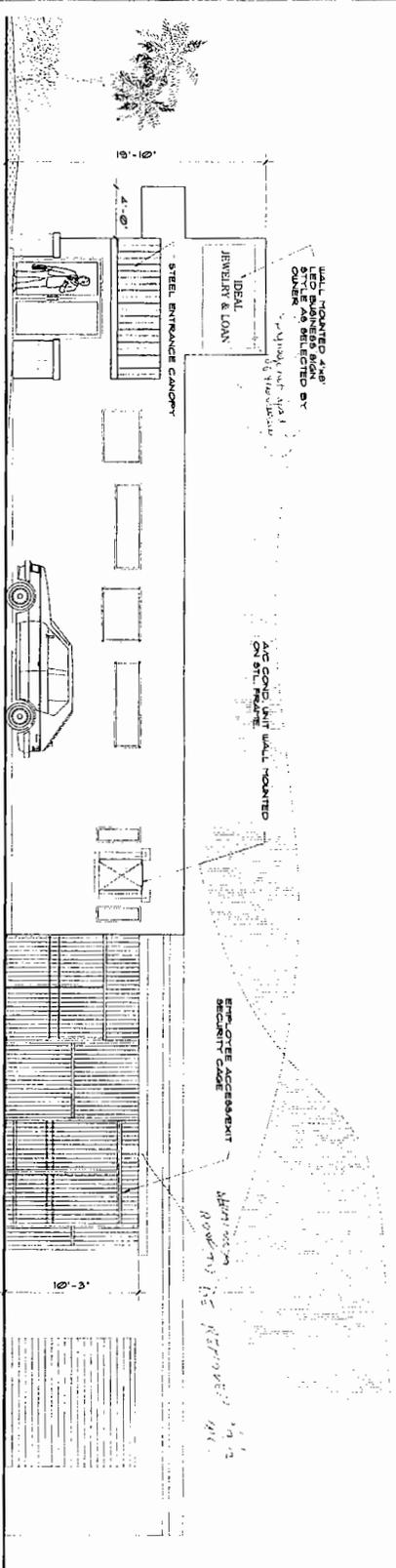
East Elevation

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



West Elevation

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



North Elevation

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

RECEIVED
 2.095
 SEP 13 2012

EXISTING BUILDING

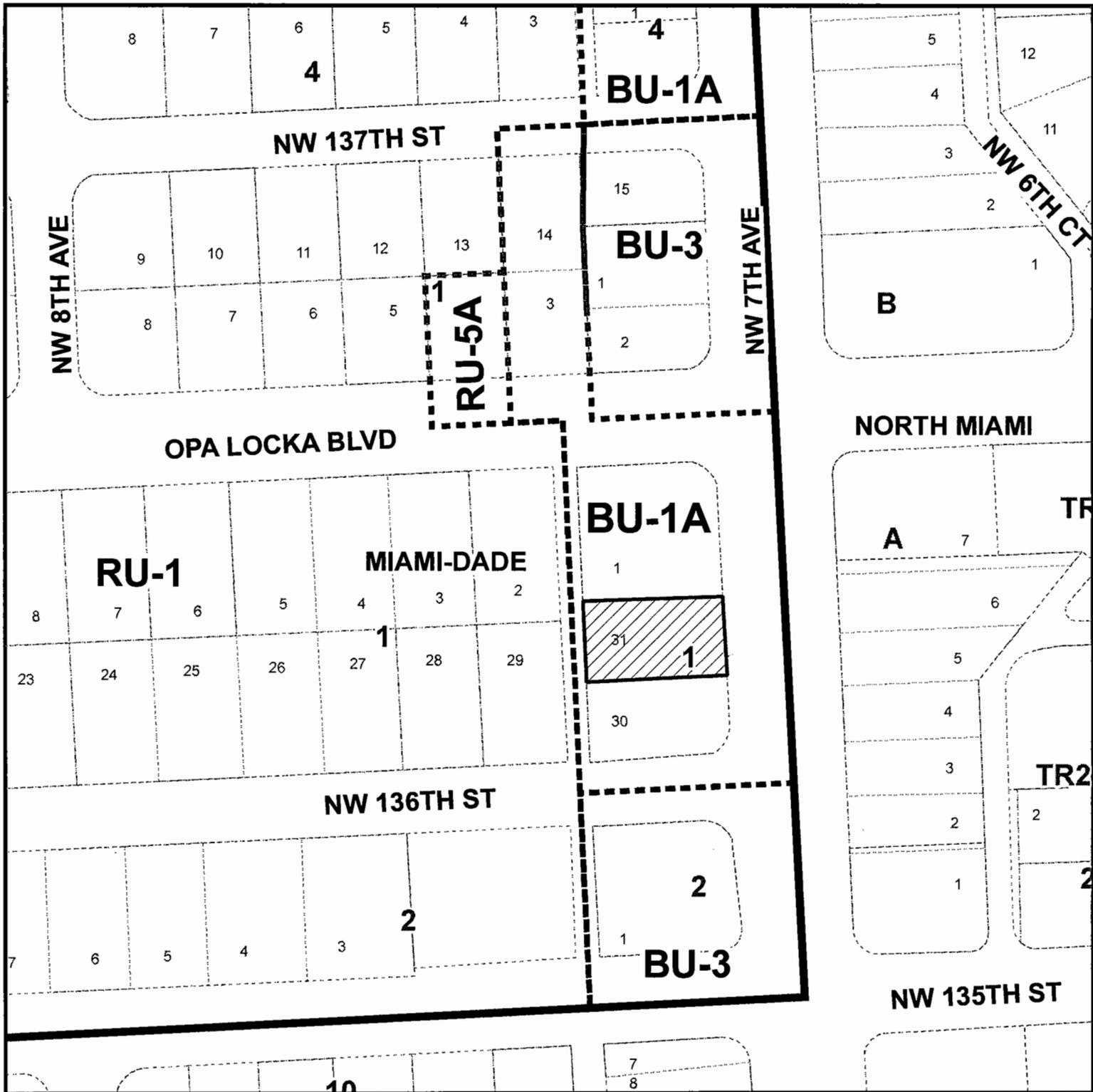
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY ATF

NO.	REVISION	BY	DATE

PROPOSED
DILALO JEWELRY SHOP
 13610 NW 7 AVENUE
 MIAMI, FLORIDA

j. barrio
 ARCHITECT & PLANNERS INC.
 2221 SOUTHWEST 24TH STREET MIAMI FLORIDA 33145
 PH: (305) 856-9891 FAX: (305) 856-9981 AA 0002687

DATE: 10/11/11
 DRAWN: [Signature]
 CHECKED: [Signature]
 SCALE: 1/4" = 1'-0"
 SHEET: A-2
 OF: 2



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000095



Section: 23 Township: 52 Range: 41
 Applicant: MMG NORTH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Wednesday, August 1, 2012

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000095



Section: 23 Township: 52 Range: 41
 Applicant: MMG NORTH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

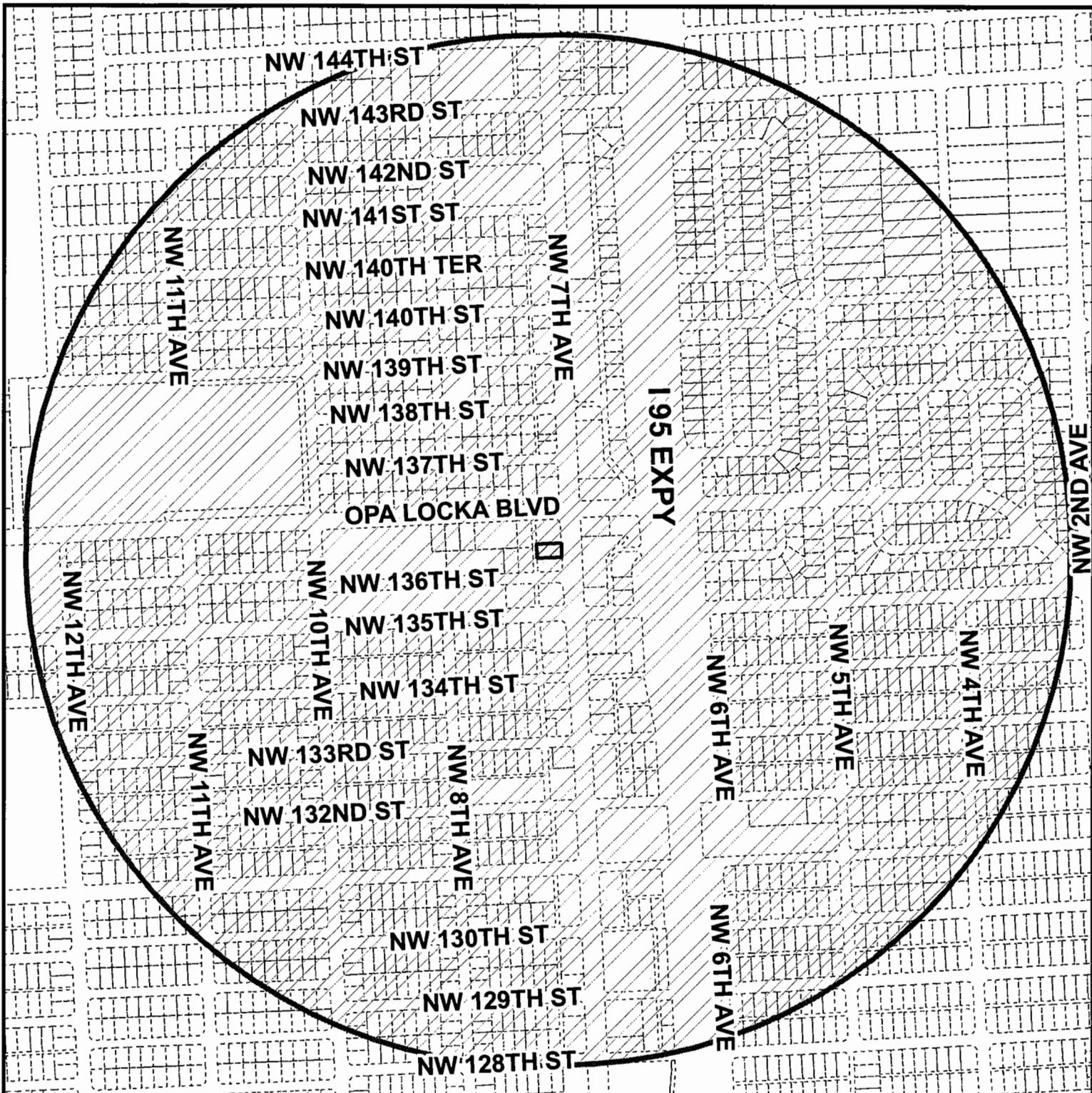
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, August 1, 2012

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000095

RADIUS: 2640

Section: 23 Township: 52 Range: 41
 Applicant: MMG NORTH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

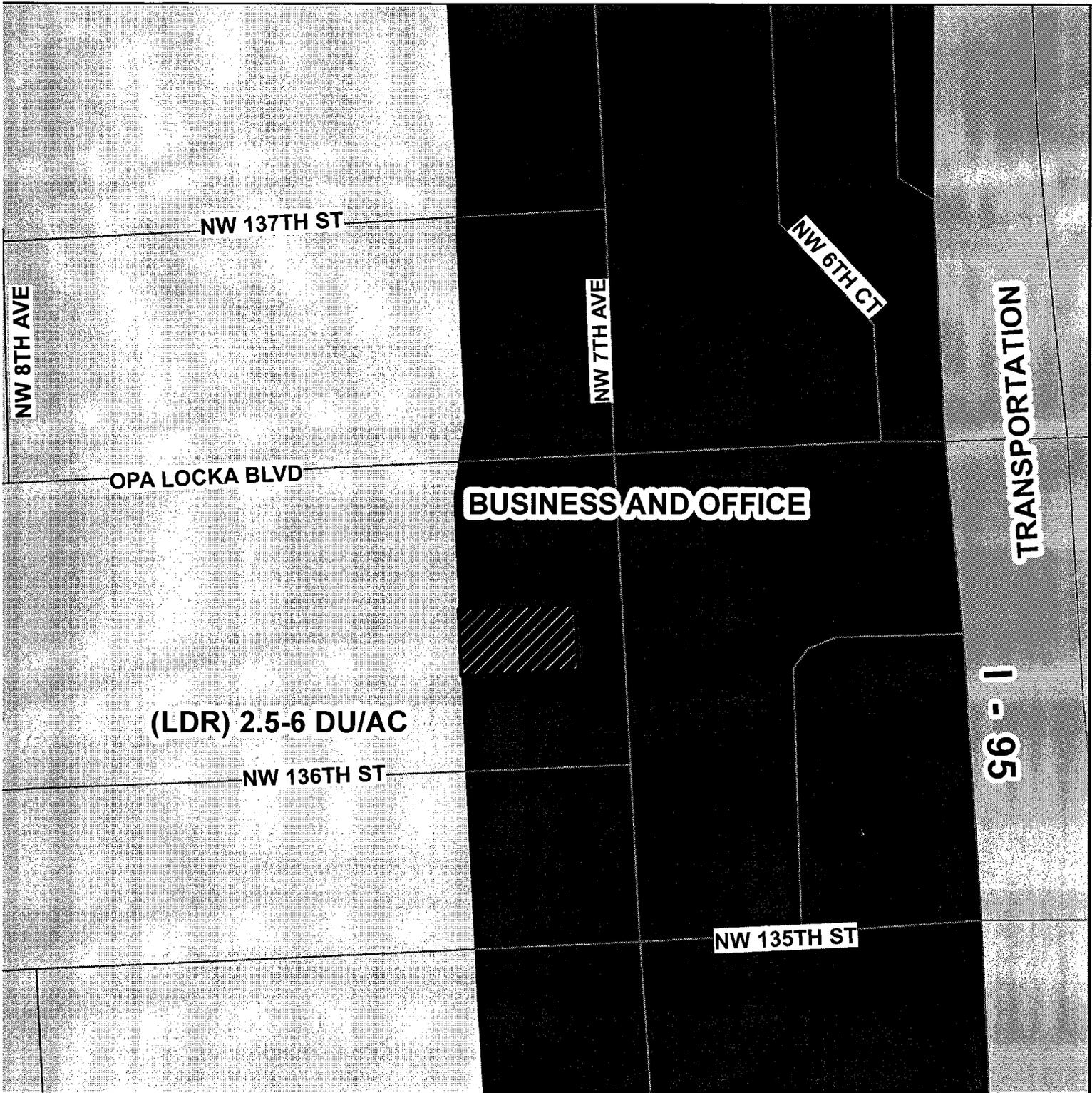
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, August 1, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000095



Section: 23 Township: 52 Range: 41
 Applicant: MMG NORTH, INC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, August 1, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z12-054 (13-01-CZ8-2)

January 15, 2013

Item No. 1

Recommendation Summary	
Commission District	2
Applicant	3400 NW 46 Street, LLC
Summary of Requests	The applicant is seeking to modify a condition of a previously approved resolution to submit a revised site plan showing the proposed expansion of an existing junkyard. Additionally, the applicant is seeking to permit less parking, greenbelt and open space than required. The applicant is also seeking to permit a rolling gate taller than 2.5' in the safe sight distance triangle and dumpster enclosure setback less than required.
Location	3400 NW 46 Street, Miami-Dade County, Florida.
Property Size	1.43-acres
Existing Zoning	IU-2, Heavy Industrial
Existing Land Use	Junkyard
2015-2025 CDMP Land Use Designation	Industrial and Office <i>(see attached Zoning Recommendation Addendum)</i>
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 Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions

REQUESTS:

- (1) Modification of Condition #2 of Resolution No. 4-ZAB-252-91, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Existing Auto Parts Storage and Wholesale Mechanical & Body Shop and Proposed Junk Yard Area' as prepared by Gomez-Pina Engineers, Consulting Engineers, last revised 6/16/91, except as herein modified to reflect the required curbing."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Warehouse Addition for: Buggy Doctor', as prepared by Ensenat Cohen Architect P.A., dated stamped received 6/8/12 and consisting of seven (7) sheets."

The purpose of request #1 is to allow the applicant to submit revised plans showing the addition of several buildings to the site and to show the reconfiguration of the parking area.

- (2) NON-USE VARIANCE to permit a greenbelt of 4' (8' required) along the public right-of-way.
- (3) NON-USE VARIANCE of setback requirements to permit the proposed dumpster enclosure setback 8.16' (20' required) from the side street (west) property line.

- (4) NON-USE VARIANCE to permit a 8' high rolling gate within the safe sight distance triangle (maximum 2.5' high gate permitted).
- (5) NON-USE VARIANCE of landscape requirements to permit an open space of 12.9% (15% minimum required).

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

PROJECT DESCRIPTION:

Existing: approximately 19,688 sq. ft. of workspace which consists of a 1-story workshop building, a 1-story commercial building and covered work area

Proposed: approximately 19,231 sq. ft. of additional workspace which will consist of two phases with a 2-story building proposed for each

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-2; junkyard	Industrial & Office
North	IU-1; container storage and Miami-Dade County Office Building	Industrial & Office
South	IU-2; storage	Industrial & Office
East	RU-1; religious facility	Industrial & Office
West	IU-2; asphalt plant	Industrial & Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing junkyard located at 3400 NW 46 Street. The surrounding area is characterized by industrial, religious and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to submit revised site plans that depict the addition of buildings on the subject property. The proposed buildings are designed in a manner that the storage and work areas will be enclosed within the buildings, therefore limiting the visual impact to the religious facility to the east. However, the applicant is requesting to permit less parking than required which could result in the spillage of parking onto the adjacent right-of-way.

CDMP ANALYSIS:

The subject property is designated as **Industrial and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses*. Staff notes that the existing junkyard use was approved pursuant to Resolution No. 4-ZAB-252-91. Approval of the

requests sought in this application will allow the applicant to modify Resolution No. 4-ZAB-252-91 by submitting revised site plans for the existing junkyard that depict less parking, greenbelt and landscaping than required; an 8' high rolling fence in the safe sight triangle; and dumpster enclosure setback less than permitted. Additionally, the site plan depicts the addition of two 2-story buildings, one in the northeast corner and the other on the south portion of the subject property.

Staff opines that the revised site plan is **compatible** with the surrounding area based on compatibility criteria set forth in the **Land Use Element Policy LU-4A** which states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff notes that the new buildings are designed in a manner that the storage and work areas will be enclosed within the buildings which will limit negative visual impacts on the surrounding area.

Staff is of the opinion that because the use will not change, the existing use is **consistent** with the uses allowed in the Industrial and Office designation on the CDMP LUP map and **compatible** with the surrounding area based on the Land Use Element **Policy LU-4A** compatibility criteria.

ZONING ANALYSIS:

When request #1, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area and based on the reasons below. Staff notes that the proposed site plan modification will not result in excessive traffic as evidenced by the memorandum from the Public Works and Waste Management Department which states that the application meets the traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed expansion would tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people. Staff notes that the memoranda submitted by the Departments of Regulatory and Economic Resources – Division of Environmental Resources Management and Parks, Recreation and Open Spaces indicate no objection to the application. Further, staff notes that the submitted site plan depicts the existing 1-story workshop and 1-story commercial buildings with two proposed 2-story buildings with the parking and drives located on the adjacent to the front, and interior sides of the subject property. Staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments and the design and location of the proposed new buildings. **As such, staff recommends approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards.**

When analyzing requests #2 and #5 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of these requests to permit less greenbelt and open space than required is **compatible** with the surrounding area. Staff opines that the request to permit a 4' less greenbelt than required is limited to the north and west sides of the property. Further, staff notes that while the buffer area is less than required, the applicant will provide trees and hedges as required, which staff opines will limit any negative visual impact of the subject property on the surrounding area. Additionally, staff opines that requested 2.1%

less open space than required is minimal and notes that the required open space is internal to the site and does not create a negative visual impact to the surrounding area. **As such, staff recommends approval with conditions of requests #2 and #5 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When request #3, to permit the proposed dumpster enclosure setback less than required is 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 request would be **compatible** with the surrounding area. Staff notes that the dumpster enclosure is located internal to the site and buffered from the property to the west by a tree and hedge. In staff's opinion, the proposed landscaping would help to mitigate any visual impacts of the dumpster enclosure on the adjacent right-of-way and property located to the west. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

When analyzing request #4, to permit an 8' high rolling gate within the safe sight distance triangle, under section 33-311(A)(4)(b), staff opines that approval of this request would not be detrimental to the surrounding neighborhood and would not have a negative visual impact on same. Staff opines that the proposed rolling gate, although 5.5' taller than permitted is designed in a manner that allows for adequate visibility from the safe sight triangle area for vehicles entering or leaving the subject property. Staff also notes that the Public Works and Waste Management Department does not object to request #4 as evidenced in their memorandum. **As such, staff recommends approval with conditions of request #4 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

Staff opines that the approval of requests #1 and #5 would not be out of character with the surrounding area and is **compatible** based on the above analysis. **As such, staff recommends approval with conditions of requests #1 through #5, under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts the existing junkyard with two ingress/egress points, one along NW 46 Street and the other along NW 35 Avenue; additionally, there is an egress only point along NW 35 Avenue. There are 43 parking spaces, which includes three (3) handicapped spaces.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution 4-ZAB-252-91 remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Warehouse Addition for: Buggy Doctor", as prepared by Ensenat Cohen Architect P.A., dated stamped received 6/8/12 and consisting of seven (7) sheets.

3. That the adjacent property to the south under the same ownership; be cleared of cars, trucks and debris to comply with the IU-2 zoning district requirements.

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDW

ZONING RECOMMENDATION ADDENDUM

3400 NW 46 Street, LLC

Z12-054

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	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

Industrial and Office (Pg. I-39)	<p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections.</i></p>
Land Use Element LU-4A (Pg. I-11)	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<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>
33-311(A)(7) Generalized Modification Standards	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>

1. 3400 NW 46 ST LLC
(Applicant)

13-1-CZ8-1(12-054)
Area 8/District 02
Hearing Date: 01/15/13

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>
1950	G.M. Leonhardt	- Zone change from KU to IU-1.	BCC	Approved
1991	A.C. Used Auto Parts	- Unusual Use to permit a junk yard. - Non-use of zoning regulation requiring a hedge of trees or plants outside the required wall or fence; to vary same to eliminate the required hedge along the side South Property Line & elsewhere to permit the hedge 2' high (4' required) at time of planting.	ZAB	Approved with Condition(s)

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: June 29, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-08 #Z2012000054-1st Revision
3400 NW 46th Street, LLC
3400 NW 46th Street
Modification of a Previous Resolution/Agreement to Permit the
Expansion of the Junkyard and Special Exception and Unusual Use
to Permit the Expansion of the Junkyard
(IU-2) (1.43 Acres)
21-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

Be advised that a Class VI permit might be required for drainage systems to be installed in non-residential projects.

Site grading and development plans shall comply with the requirements of Chapter 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 for this proposed development order.

Pollution Remediation

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

Air Quality Preservation

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

Operating Permits

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

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code of Miami-Dade County, Florida. Therefore, a Class IV Wetland Permit will not be required for this property.

Please be advised that 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 require permits for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The proposed addition will not impact tree resources. However, be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: 3400 NW 46 ST LLC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

03-AUG-12



Memorandum

Date: 10-SEP-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000054

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated June 27, 2012.

OBJECTIONS:

These objections are to Site Plan date stamped received June 8, 2012.

- One-Way road width shall be 15 feet minimum.
- Knox pad locks or key switches shall be provided at all gates for Fire Department access.

Service Impact/Demand

Development for the above Z2012000054
 located at 3400 NW 46 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1017 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>19,221</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 5.37 alarms-annually.
 The estimated average travel time is: 7:36 minutes

Existing services

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

Station 2 - Model Cities - 6460 NW 27 Avenue
 Rescue, Rescue 2, BLS 60' Aerial, Battalion 5

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 date stamped received June 8, 2012. Substantial changes to the 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.

Memorandum



Date: July 2, 2012.

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000054: 3400 NW 46 ST LLC
Includes plans dated submitted through 6/8/12

Application Name: 3400 NW 46 ST LLC

Project Location: The site is located at 3400 NW 46 ST, Miami-Dade County.

Proposed Development: The applicant is requesting approval of a modification to a previous resolution to permit building additions to an existing junk yard. Review includes plans dated submitted through 6/8/12.

Impact and demand: This application does not generate any residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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, Parks Property Management Supervisor

DATE: 20-JUN-12
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

3400 NW 46 ST LLC

3400 NW 46 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000054

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open case. BNC: BSS case 20100139630-B opened on September 20, 2010. NOV issued on April 19, 2012 for Failure to obtain required building permit(s) prior to commencing work on: Unsafe second floor constructed out of plywood included electrical work for lights. Mezzanine so large created second floor. Property owner provided until July 18, 2012 to correct violation, case is open.

3400 NW 46 ST LLC

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

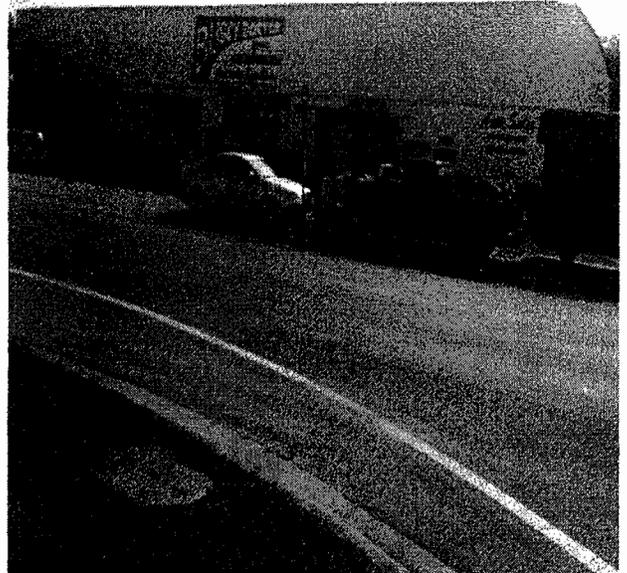
REPORTER NAME:

PHOTOGRAPHS OF EXISTING BUILDING CONDITIONS

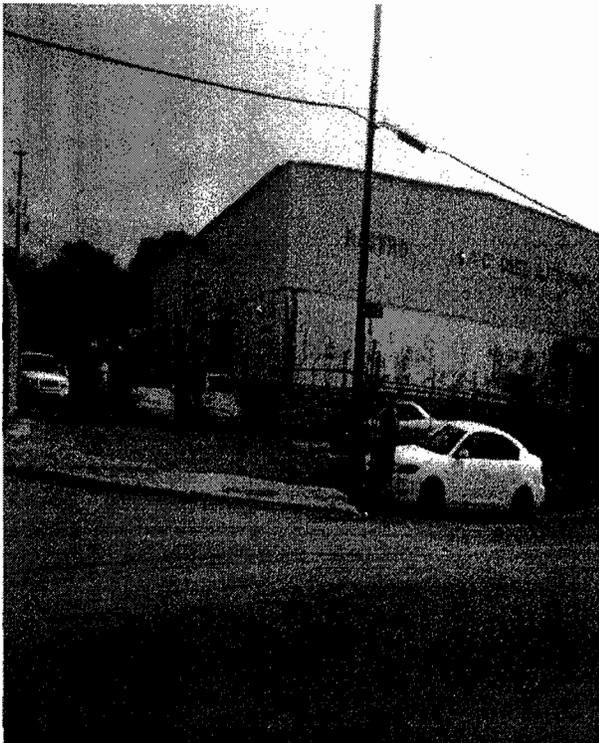
BUGGY DOCTOR FRONT ENTRANCE



NORTH VIEW- FRONT FASCIADE



NW CORNER OF BUILDING



SW CORNER OF BUILDING



APR 04 2012
Z-17-054
ZONING HEAR...
MIAMI-DADE PLANNING & ZONING DEPT.

PHOTOGRAPHS OF SURROUNDING PROPERTIES

EAST PROPERTY FROM BUGGY DOCTOR
(RESIDENTIAL SITE) NW 33 COURT



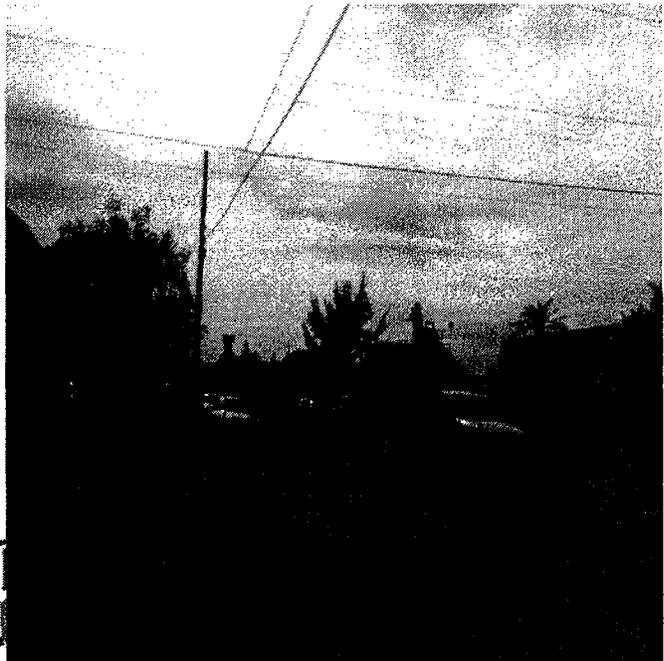
NORTH PROPERTY FROM BUGGY DOCTOR
ALONG N.W. 46TH STREET



WEST PROPERTY FROM
BUGGY DOCTOR ALONG NW 35TH AVENUE



VIEW ACROSS FROM BUGGY DOCTOR
ALONG NW 35TH AVENUE



12-054
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

RECEIVED
212-054
APR 04 2012

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: 3400 NW 46TH STREET, LLC

NAME AND ADDRESS	Percentage of Stock
Guillermo Cuervo, 3400 NW 46TH Street, Miami, FL 33142	100%

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

TRUST/ESTATE NAME

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

NAME AND ADDRESS	Percentage of Ownership

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

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

NAME OF PURCHASER:

NAME, ADDRESS AND OFFICE (if applicable)
<input type="text"/>

Percentage of Interest
<input type="text"/>

Date of contract:

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

<input type="text"/>

<input type="text"/>

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

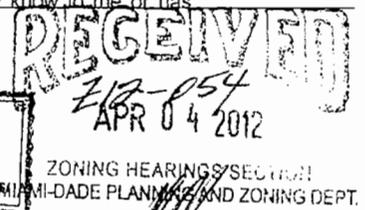
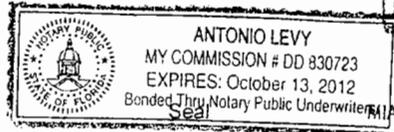
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Handwritten Signature]*
(Applicant)

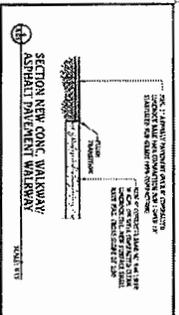
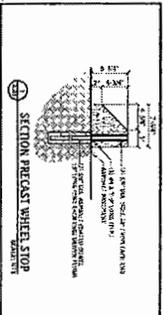
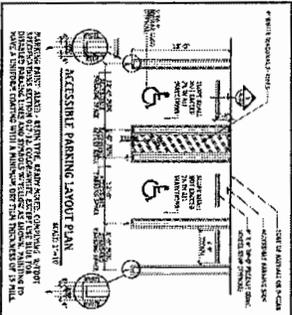
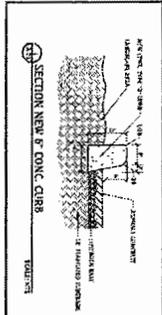
Sworn to and subscribed before me this 04 day of APRIL 20 12. Affiant is personally known to me or has produced DRIVERS LICENSE as identification.

(Notary Public)

My commission expires: 7



*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.

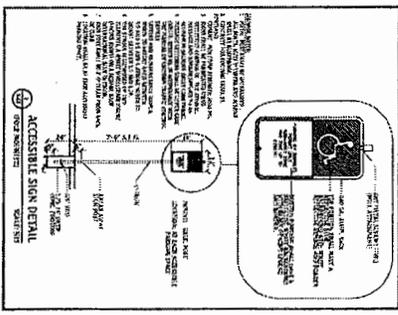


TRAFFIC CONTROL SIGN SCHEDULE

RS-1	STOP
RS-2	DO NOT ENTER
RS-3	ONE WAY

NOTE

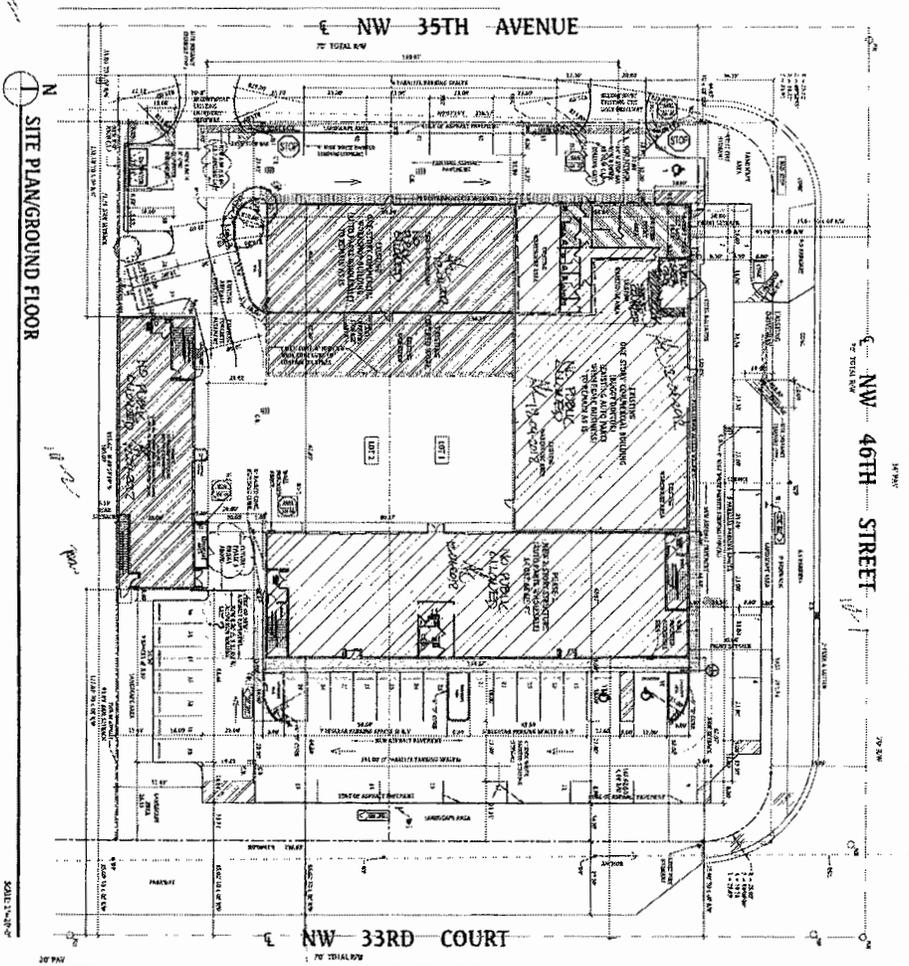
- ALL DIRECTIONAL SIGNAGES ARE PAINTED WHITE ON ASPHALT PAVEMENT.
- ALL PARKING SPACES AND PARKING PASSENGER ARE AS PER SECTION 10.01.01.
- ALL SIGNAGE SHALL BE PROVIDED AS PER A.T.C. WITH MENSURATION C-1000.
- WHILE RESURFACING EXISTING PAVEMENT TO FACULTATE TYPE OF SIGNAGE WHITE TO EXISTING SIGN MESSAGES.



SITE PLAN DATA: LOT 1, 2

GENERAL NOTES: THE SITE PLAN IS TO BE CONSIDERED AS A GENERAL GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMITTING	05/15/12	ECAPA
2	REVISED PER COMMENTS	05/22/12	ECAPA
3	REVISED PER COMMENTS	06/05/12	ECAPA
4	REVISED PER COMMENTS	06/12/12	ECAPA
5	REVISED PER COMMENTS	06/19/12	ECAPA
6	REVISED PER COMMENTS	06/26/12	ECAPA
7	REVISED PER COMMENTS	07/03/12	ECAPA
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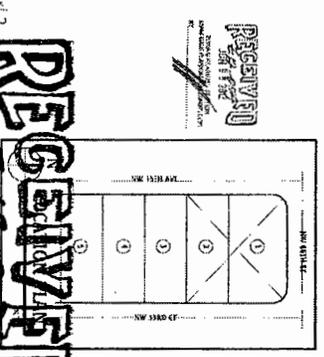


OCCUPANT LOAD CALCULATIONS

ROOM	AREA (SQ. FT.)	LOAD (PER 100 SQ. FT.)	TOTAL LOAD
OFFICE	10,000	10	1,000
RECEPTION	2,000	10	200
CONFERENCE	5,000	10	500
RESTROOM	1,000	10	100
STORAGE	10,000	10	1,000
TOTAL	38,000	10	3,800

BUILDING DATA

NO. OF FLOORS	1
TYPE OF CONSTRUCTION	CONCRETE
FOUNDATION	CONCRETE
ROOFING	ASPH/FLT
WIND RESISTANCE	150 PSF
SEISMIC RESISTANCE	1.0
PERMITS	1.0
INSULATION	1.0
GLAZING	1.0
MECHANICAL	1.0
ELECTRICAL	1.0
PLUMBING	1.0
HAZARDOUS WASTE	1.0
ASBESTOS	1.0
LEAD	1.0
PCB	1.0
OTHER	1.0

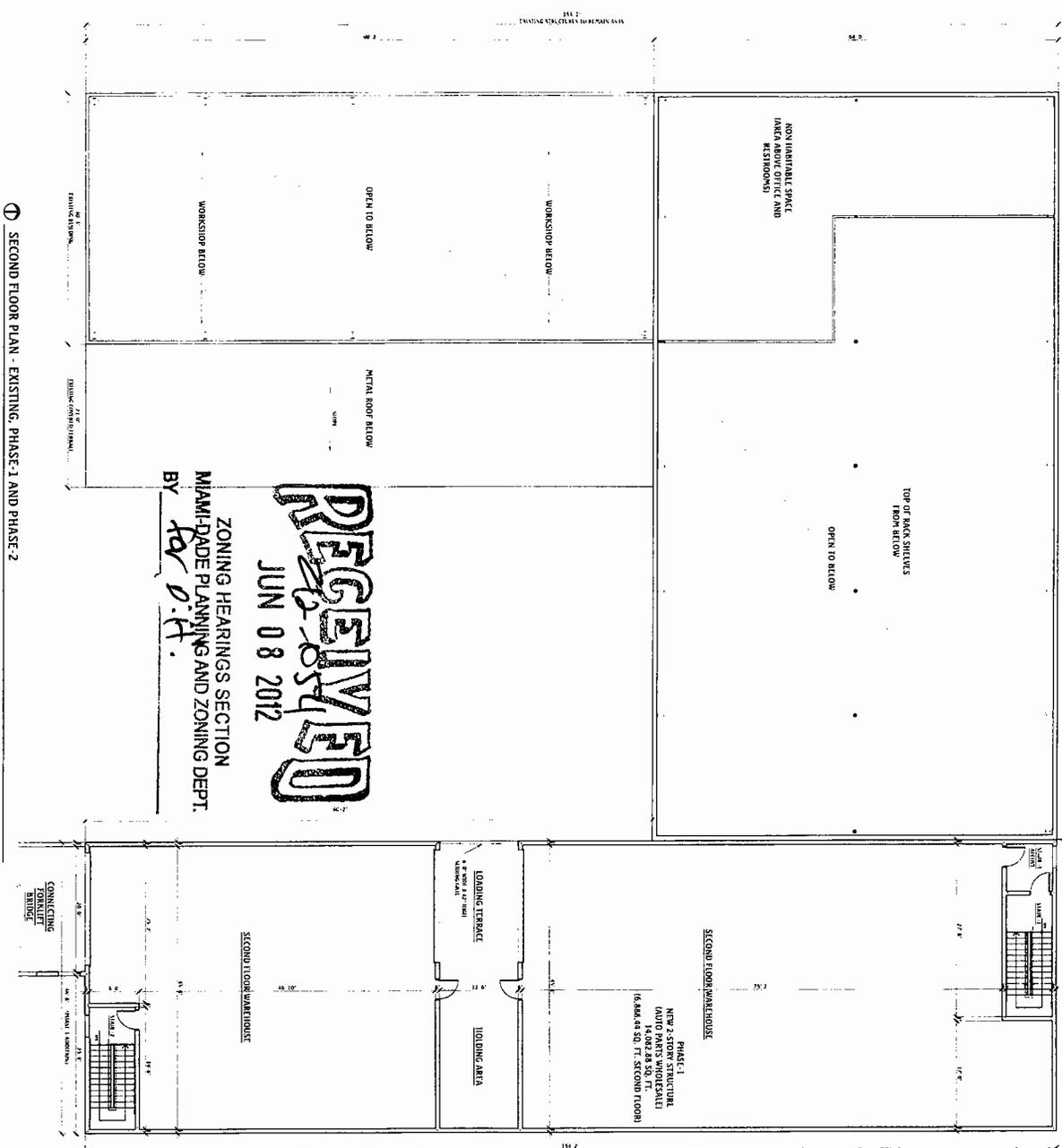


ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

WAREHOUSE ADDITION FOR: BUGGY DOCTOR
3400 NW 46TH STREET
MIAMI, FLORIDA 33142

ecapa
ENSENAT COHEN ARCHITECT P.A.
44 2800134
9431 SW 21 STREET
MIAMI, FLORIDA 33165-8164
TEL: 305.229.1438 FAX: 305.229.5052
e-mail: snc@ecapa.com

A.01



① SECOND FLOOR PLAN - EXISTING, PHASE-1 AND PHASE-2

RECEIVED
 JUN 08 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *AV D.H.*

RECEIVED
 JUN 11 2012

SIGNATURE & SEAL

 ENENAT COHEN ARCHITECT P.A.
 PROJECT NO.: 0902011
 DATE: 01/12/2012
 DRAWING: **A.04**
 OF 7

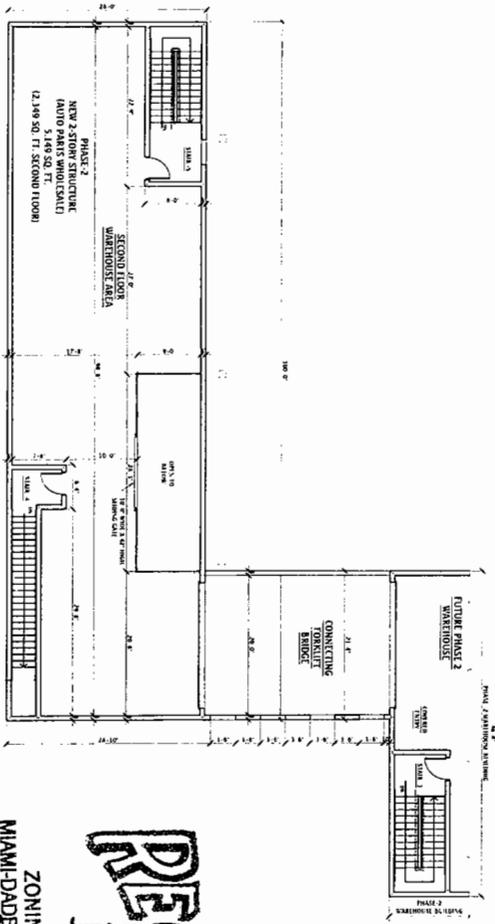
WAREHOUSE ADDITION FOR:
 BUGGY DOCTOR
 3400 NW 46TH STREET
 MIAMI, FLORIDA 33142

REVISIONS	DATE

ecapa
 ENENAT COHEN ARCHITECT P.A.
 9431 SW 21 STREET
 MIAMI, FLORIDA 33165-8164
 TEL: 305.229.1438 FAX: 305.229.5052
 e-mail: anclia@ecopa.us

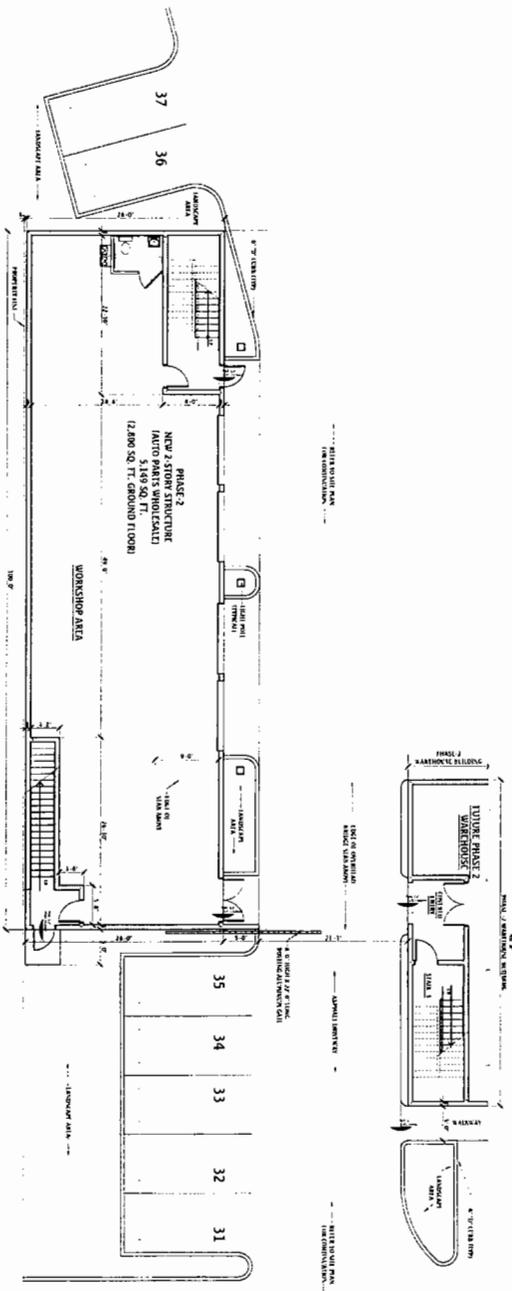


24



① PHASE 3 SECOND FLOOR PLAN

RECEIVED
 JUN 08 2012
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *fw D.F.*



① PHASE 3 GROUND FLOOR PLAN

RECEIVED
 JUN 08 2012

SIGNATURE & SEAL

 MICHAEL ENSENAT COHEN
 ARCHITECT
 PROJECT NO. 003 2011
 DATE: 06-08-2012
 DRAWING NO. 003 2011
A.05
 OF 7

WAREHOUSE ADDITION FOR:
 BUGGY DOCTOR
 3400 NW 46TH STREET
 MIAMI, FLORIDA 33142

REVISIONS	DATE

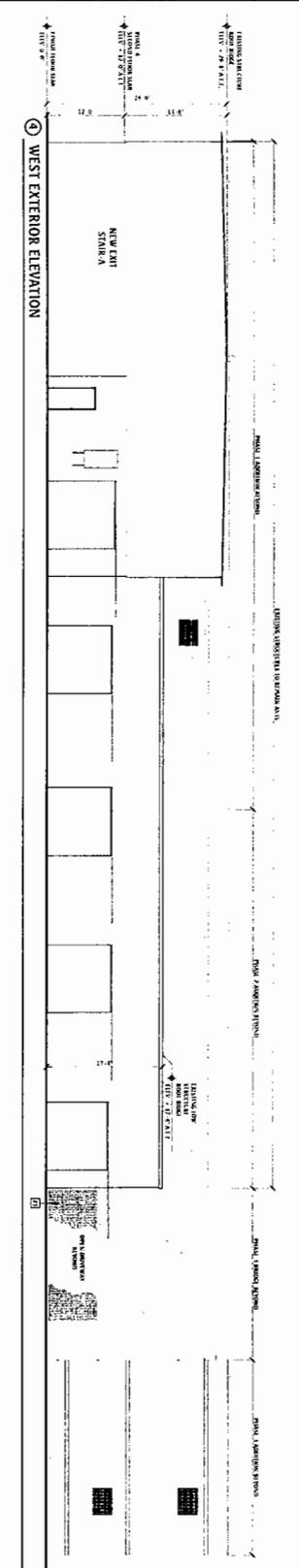
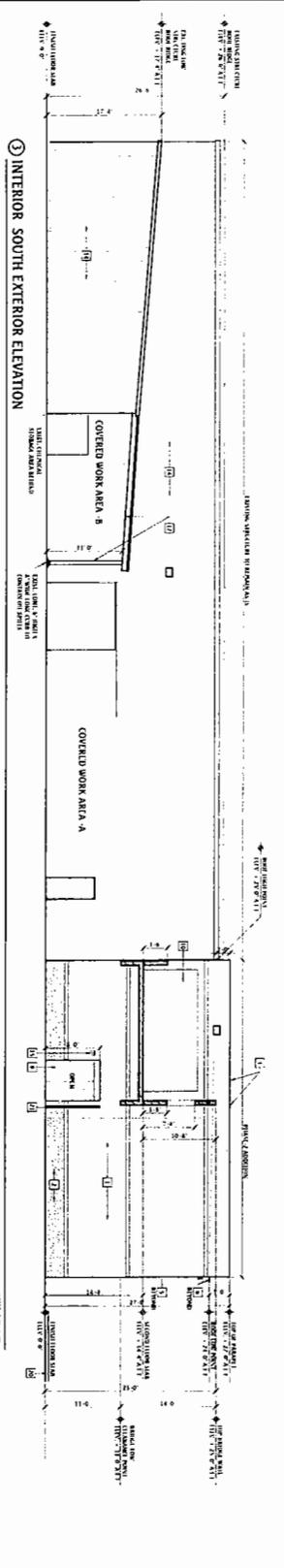
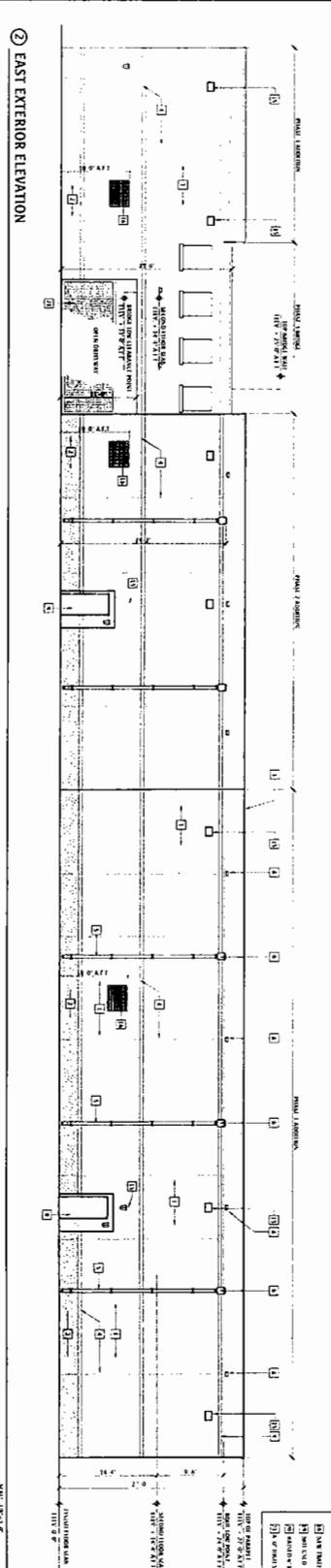
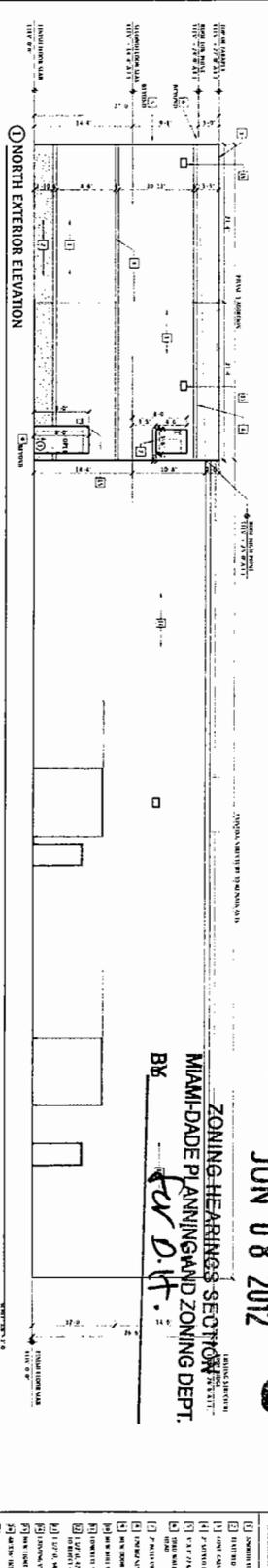
ecapa
 ENSENAT COHEN ARCHITECT P.A.
 9431 SW 21 STREET
 MIAMI, FLORIDA 33165-8164
 TEL: 305.229.1438 FAX: 305.229.5052
 e-mail: emello@ecapa.us



25

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 JUN 08 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *for D.I.F.*



1. EXTERIOR ELEVATIONS SCHEMATIC OF WORK NOTICES
- 1) SCHEDULED VISIT TO SITE
 - 2) EXTERIOR ELEVATIONS
 - 3) INTERIOR ELEVATIONS
 - 4) FLOOR PLAN
 - 5) SECTION
 - 6) FOUNDATION PLAN
 - 7) MECHANICAL PLAN
 - 8) ELECTRICAL PLAN
 - 9) PLUMBING PLAN
 - 10) PAINT SCHEDULE
 - 11) FINISH SCHEDULE
 - 12) MATERIAL SCHEDULE
 - 13) CONSTRUCTION SPECIFICATIONS
 - 14) CONTRACT AGREEMENT
 - 15) PERMITS
 - 16) ZONING HEARINGS
 - 17) COMMUNITY MEETINGS
 - 18) PRELIMINARY BIDDING
 - 19) CONTRACT ADMINISTRATION
 - 20) CLOSEOUT
 - 21) AS-BUILT DRAWINGS
 - 22) ARCHIVE

RECEIVED
 JUN 08 2012

AMERICAN ENGINEERING CENTER
 1000 N.W. 10TH STREET
 MIAMI, FL 33136
 TEL: 305.229.1438
 FAX: 305.229.5052
 E-MAIL: AMEL@ACEPA.US

PROJECT NO. 000-20013
 DATE: 06/08/2012
 DRAWING NO. A.06
 SHEET 7 OF 7

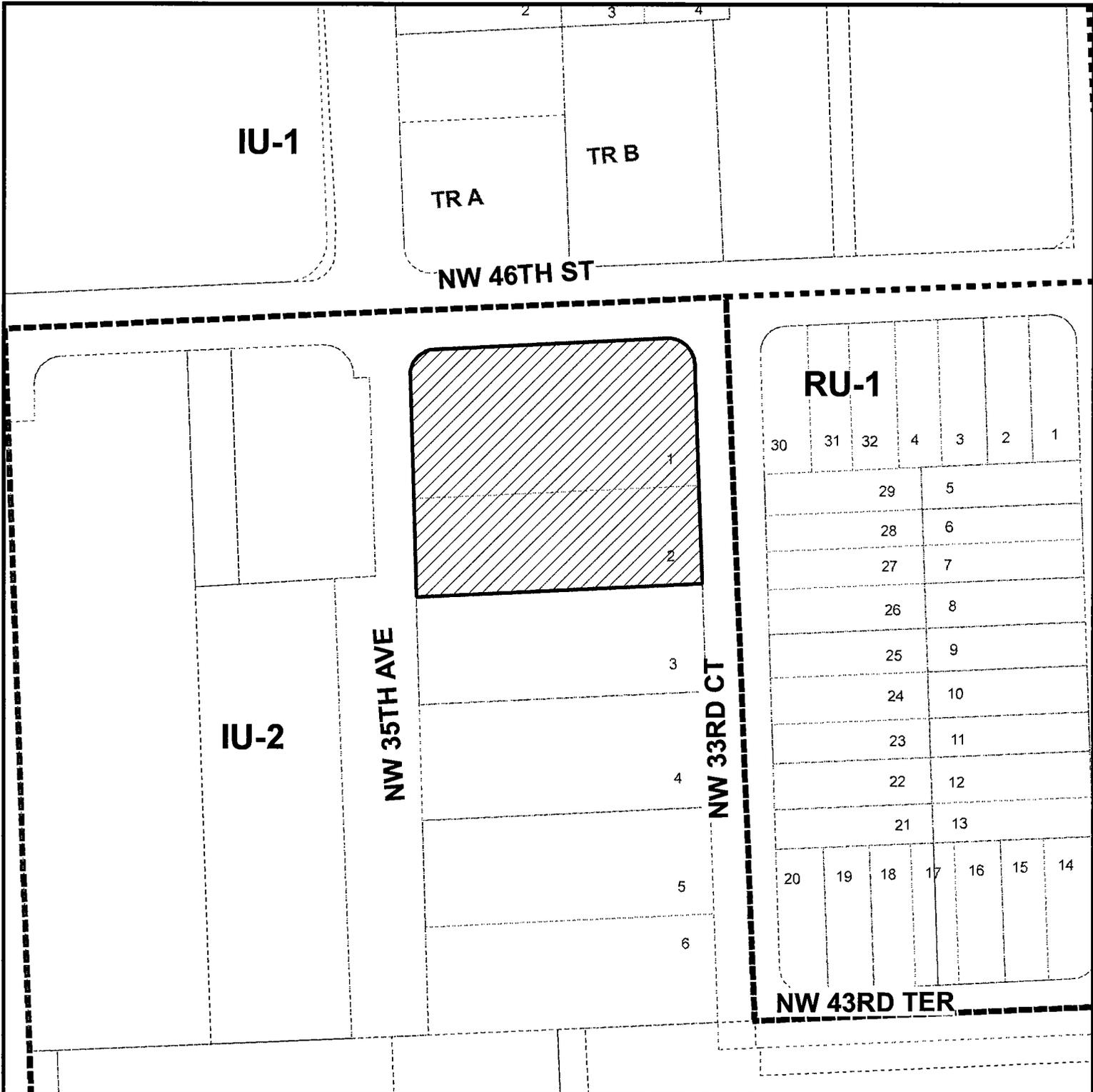
WAREHOUSE ADDITION FOR:
 BUGGY DOCTOR
 3400 NW 46TH STREET
 MIAMI, FLORIDA 33142

REVISIONS	DATE

ecapa
 ENSENAT COHEN ARCHITECT P.A.
 9431 SW 21 STREET
 MIAMI, FLORIDA 33165-8164
 TEL: 305.229.1438 FAX: 305.229.5052
 e-mail: amel@ecapa.us



26



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000054



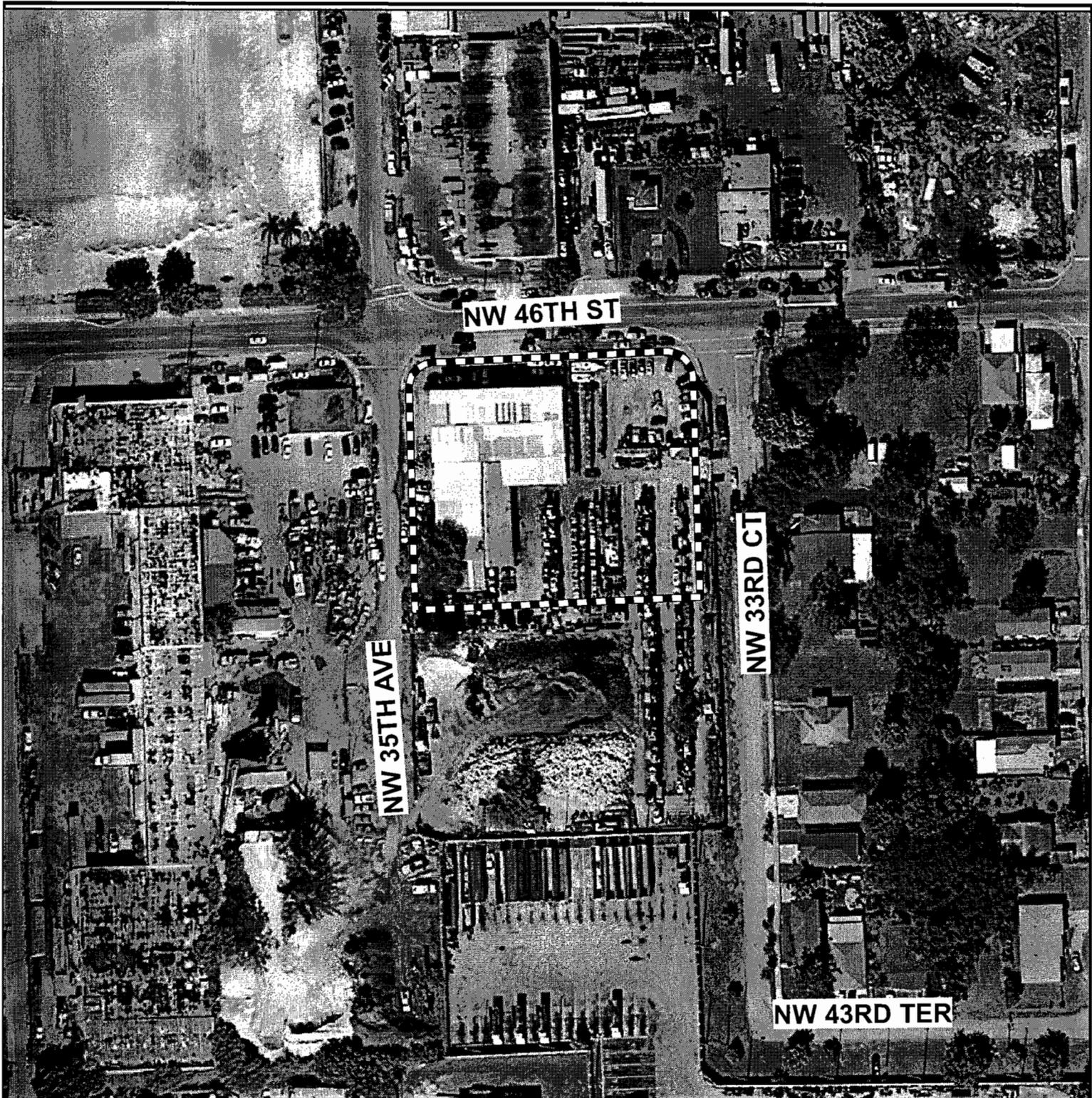
Section: 21 Township: 53 Range: 41
 Applicant: 3400 NW 46 ST LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000054



Section: 21 Township: 53 Range: 41
 Applicant: 3400 NW 46 ST LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

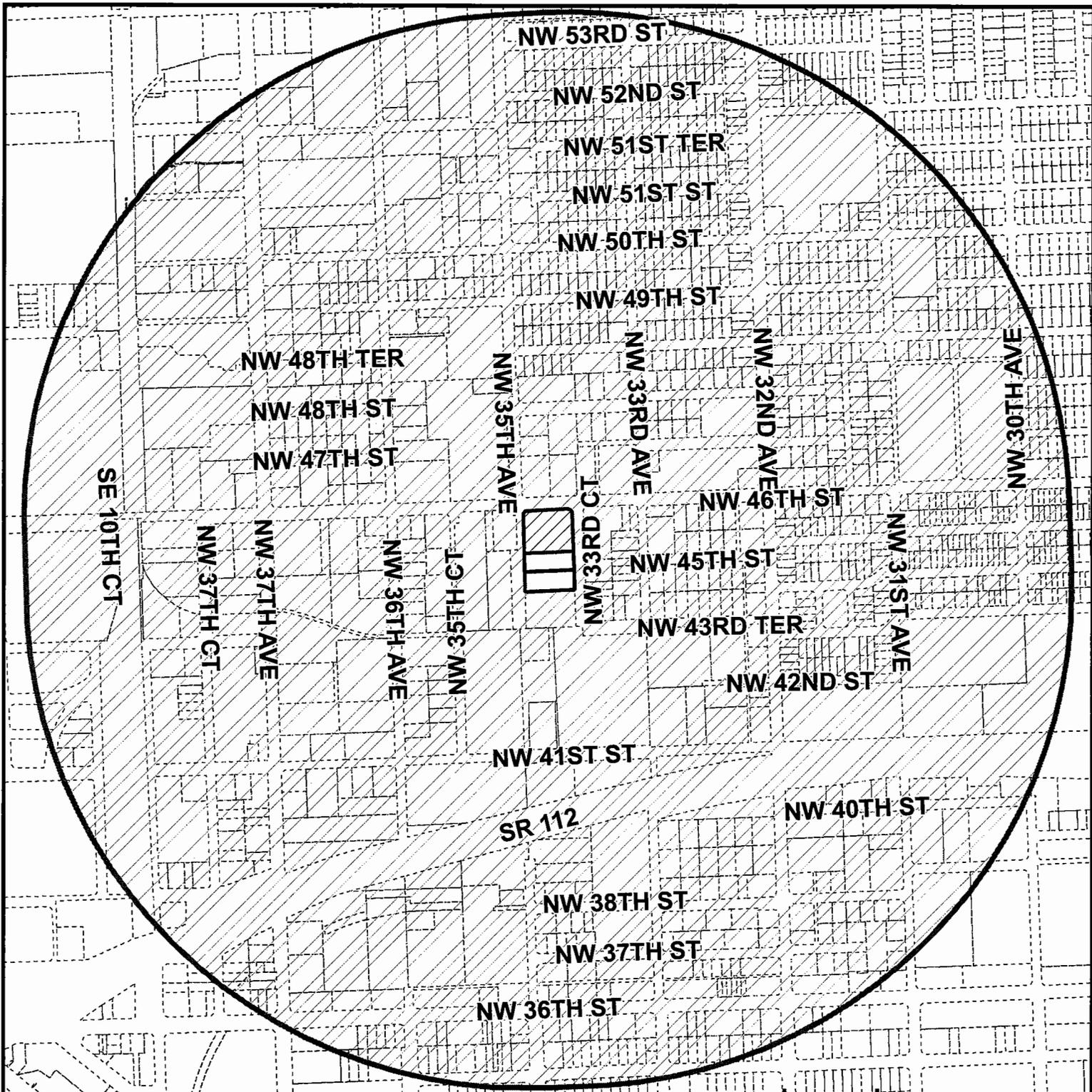
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, April 18, 2012

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
RADIUS MAP

Section: 21 Township: 53 Range: 41
 Applicant: 3400 NW 46 ST LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000054
 RADIUS: 2640

Legend

-  Subject Property w
-  Contiguous Properties_s
-  Buffer
-  Street (Centerline)
-  Property Boundari



SKETCH CREATED ON: Wednesday, April 18, 2012

REVISION	DATE	BY
		30

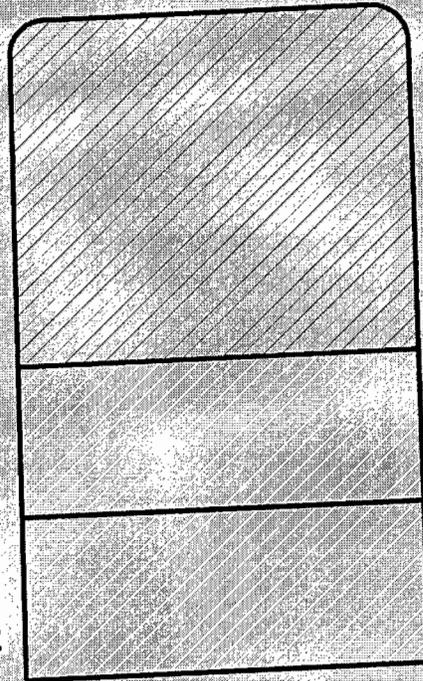
INDUSTRIAL AND OFFICE

LC

NW 46TH ST

NW 35TH AVE

NW 33RD CT



NW 43RD TER

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000054



Section: 21 Township: 53 Range: 41
Applicant: 3400 NW 46 ST LLC
Zoning Board: C8
Commission District: 2
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, April 18, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z12-061 (13-01-CZ8-2)

January 15, 2013

Item No. 2

Recommendation Summary	
Commission District	2
Applicant	Duck Duck Goose, LLC
Summary of Requests	The applicant is seeking to permit an existing single-family residence setback less than required from the front and rear property lines.
Location	8401 NW 24 Place, Miami-Dade County, Florida.
Property Size	4,396 sq. ft.
Existing Zoning	RU-2, Two Family Residential
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

REQUEST:

1. NON-USE VARIANCE to permit an existing addition to a single-family residence setback 18.24' (25' required) from the rear (east) property line.
2. NON-USE VARIANCE to permit the existing single-family residence setback 23.6' (25' required) from the front (west) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Duck Duck Goose, LLC" as prepared by Alberto Cardona P.E., and dated stamped received 5/7/12, consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing approximately 1,336 sq. ft. single-family residence

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2; single-family residence	Low Medium Density Residential (6 - 13 dua)
North	RU-2; single-family residence	Low Medium Density Residential (6 - 13 dua)
South	RU-3; elementary school	Low Medium Density Residential (6 - 13 dua)
East	RU-2; single-family residence	Low Medium Density Residential (6 - 13 dua)
West	RU-2; single-family residence	Low Medium Density Residential (6 - 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing single-family residence located at 8401 NW 24 Place. The surrounding area is characterized by single-family residential and institutional uses.

SUMMARY OF THE IMPACTS:

Approval of this application will permit an existing addition to a single-family residence setback 18.24' from the rear property line and an existing single-family residence setback 23.6' from the front property line, where 25' is required for both. Staff notes that the existing rear addition provides the applicant with additional living space; however the existing addition encroaches into the required rear setback area and could have a visual impact on the surrounding properties.

CDMP ANALYSIS:

The subject property is designated as ***Low-Medium Density Residential*** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The proposed use for a single-family residence is consistent with the housing types permitted under the CDMP land use interpretative text for Low Medium Density Residential Communities. 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 requests sought in this application will legalize the existing front and rear encroachments into the required setback areas. Further, staff notes that approval will not add additional dwelling units to the site beyond what is allowed by the CDMP LUP map and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the single-family detached use, approval of the application with conditions is **consistent** with the density range of the Low-Medium Density Residential CDMP LUP map category.

ZONING ANALYSIS:

When requests #1 and #2 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, 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. Staff found a similar approval for variance of front and rear setback requirements located to the northeast of the subject property. Pursuant to Resolution No. CZAB8-15-03, the property located at 2370 NW 86 Terrace was granted an approval to setback 16.3' from the front (north) and to setback a minimum of 22.2' from the rear (south) property lines, where 25' is required for both. Additionally, staff found an approval for relief of front setback requirements. Pursuant to Administrative Variance #V1989000024, a property located to the northeast of the subject property was granted approval to setback 18.32' from the front (east) property line, where 25' is required.

Staff notes that the survey and pictures submitted with this application depict a 4' high chain link fence around the front (west), interior side (north), interior side street (south), and rear (east) property lines. Additionally, the submitted photos and the County's Geographic Information System aerial photos depict a 4' high hedge along the front (west) and interior side street (south) property lines; along the rear (east) and interior side (north) property lines is extensive

landscaping. Staff opines that the existing landscaping along the rear (east) property line provides an adequate visual buffer for the 6.76' encroachment into the rear setback area and recommends that as a condition of approval, the aforementioned landscaping remain and be maintained. Further, staff opines that the 1.4' encroachment into the front (west) setback area is minimal. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITION FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor 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 "Duck Duck Goose, LLC" as prepared by Alberto Cardona P.E., and dated stamped received 5/7/12, consisting of 4 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing shed in the rear yard area be demolished as indicated on the submitted plans.
5. That the existing carport be removed as indicated on the submitted plans.
6. That the landscaping along the rear (east) property line remain and be maintained as a visual buffer.

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NBN

ZONING RECOMMENDATION ADDENDUM

Duck Duck Goose, LLC
Z12-061

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works & Waste Management	No objection
Parks, Recreation & Open Spaces	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

<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>
---	--

2. DUCK DUCK GOOSE, LLC
(Applicant)

13-1-CZ8-2 (12-061)
Area 08/District 02
Hearing Date: 01/15/13

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>
-------------	------------------	----------------	--------------	-----------------

None

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: July 18, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: #Z2012000061-1st Revision
Duck Duck Goose, LLC
8401 NW 24th Place
Non Use Variance to Permit Less Setback than Required
(RU-2) (0.100 Acres)
10-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Flood Protection

The application site does not lie within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County however it is required to comply with Chapter 11C requirements for floodplain management. The proposed legalization of an addition as depicted in the zoning request for a variance of set backs appears to be a substantial improvement as defined in the Code. Existing residential structures with proposed substantial improvements must be 8 inches above the crown of road and County Flood Criteria. Based on the revised site plan provided, the elevation of the proposed addition is matching the elevation of the existing single family residence at 9.60 ft, which is in compliance with the Code.

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 the Department 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 the Department. The Department 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 setback 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 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 proposal to permit less setback than required will not impact tree resources. Please be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DUCK DUCK GOOSE, LLC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

31-MAY-12

Memorandum



Date: 04-JUN-12
To: , Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000061

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000061
located at 8401 NW 24 PL, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0792 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: 5:24 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:

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

Memorandum



Date: June 11, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000061: DUCK DUCK GOOSE, LLC

Application Name: DUCK DUCK GOOSE, LLC

Project Location: The site is located at 8401 NW 24 PL, Miami-Dade County.

Proposed Development: The applicant is requesting approval of non-use variance to the rear setback requirement for an existing single family residence.

Impact and demand: This application does not generate any new residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

DATE: 20-JUN-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

DUCK DUCK GOOSE, LLC

8401 NW 24 PL, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000061

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC; BSS case 20100134058-B opened on December 17, 2009. NOV issued on December 17, 2009 for 105.1 violations, to wit: additions to structure, new a/c compressor. CVN B087577, B087578 & B087579 issued for non compliance. CVN's placed in abeyance due to change in ownership, new case 20110140263-B opened. Case was closed on January 21, 2011. BSS case 2011014063-B opened on January 19, 2011. NOV issued on January 19, 2011 for 105.1 violations, to wit: additions to structure, new a/c compressor. CVN P003659 & P003660 issued due to non compliance. CVN's were appealed on August 25, 2011; hearing held on November 17, 2011, property owner withdrew appeal and was given 30 days to comply with violation December 19, 2011 and one citation will be voided if compliance was met. Case was recommended for lien on February 7, 2012 for non compliance, case remains open.

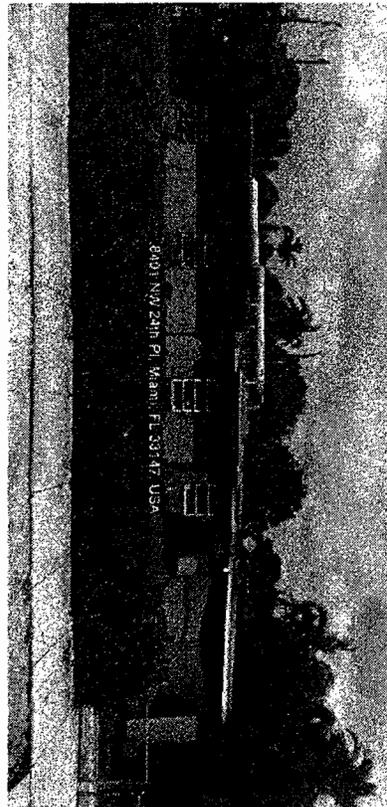
Duck Duck Goose LLC

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

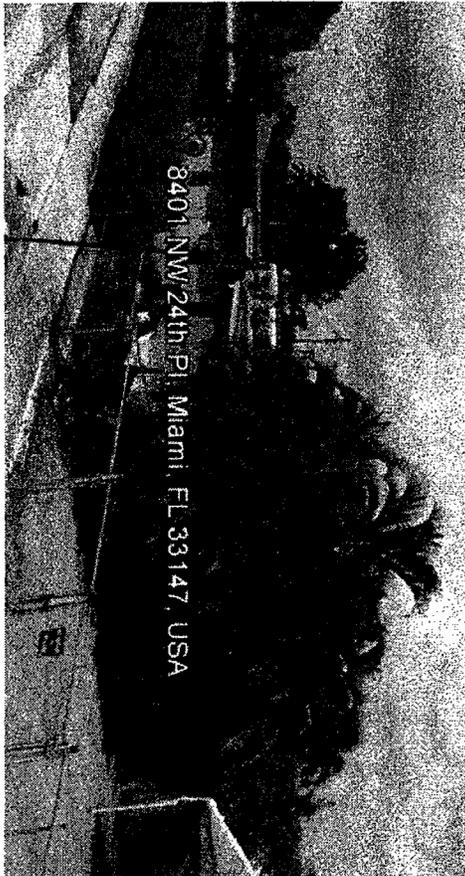
REPORTER NAME:



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

RECEIVED
 APR 07 2012
 ARCHITECTURAL CONSULTING ENGINEERS
 430 05 2012
 fs

DRAWING No. A-03	LOCATION: 8401 NW 24 PLACE	CITY: MIAMI, FL ZIP: 33147	PROJECT: PUBLIC HEARING APPLICATION	REVISIONS: NO. REV. DATE COMMENTS:	DATE: APRIL 2012
	SHEET TITLE: PICTURES	OWNER: DUCK DUCK GOOSE LLC	DRAFTING BY: DANIEL ACEVEDO	COMMENTS:	
JOB No. 430 05 2012				DRAFTING BY: DANIEL ACEVEDO	

THE DRAWING IS THE PROPERTY OF ALL CONSULTING ENGINEERS, INC. ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF ALL CONSULTING ENGINEERS, INC. IS STRICTLY PROHIBITED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

DISCLOSURE OF INTEREST*

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

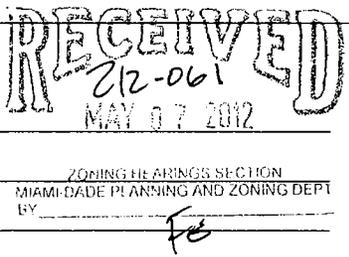
CORPORATION NAME: DUCK DUCK GOOSE LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>JOSEPH LEHMAN</u>	<u>100%</u>
<u>20191 E County Club Dr - T59</u>	
<u>Aventura, FL 33180</u>	
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 10 day of April, 20 12. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)

ALBERTO CARDONA
MY COMMISSION # EE 125046
EXPIRES: December 21, 2015
Bonded Thru Budget Notary Services

My commission expires: 12/21/15

Seal

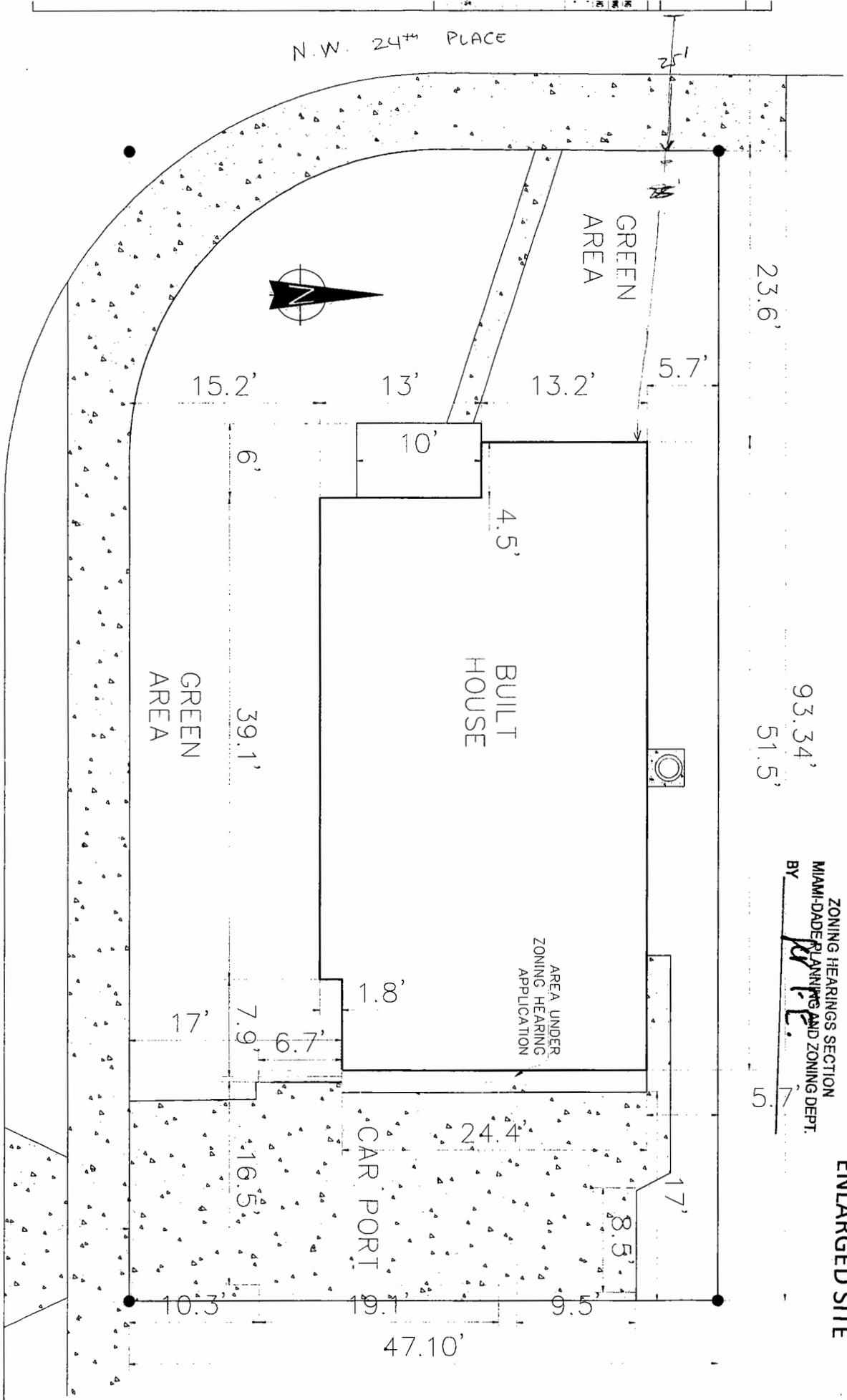
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

RECEIVED
MAY 07 2012

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

ENLARGED SITE

15



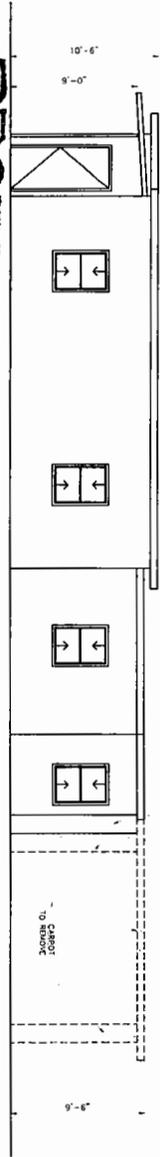
N.W. 24th STREET

N.W. 24th PLACE

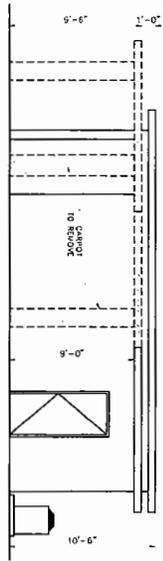
SITE PLAN

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *for F.E.*

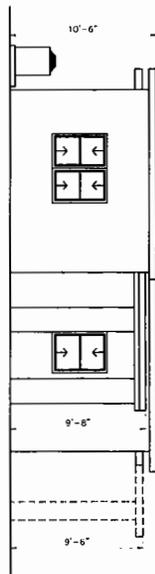
RECEIVED
 MAY 07 2012
 2-12-06



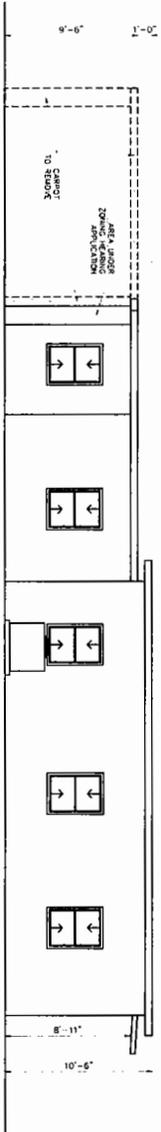
1 SOUTH ELEVATION
 SCALE: 1/8"=1'-0"



2 EAST ELEVATION
 SCALE: 1/8"=1'-0"



4 WEST ELEVATION
 SCALE: 1/8"=1'-0"



3 NORTH ELEVATION
 SCALE: 1/8"=1'-0"

GRAPHIC NO. **A-02**
 SHEET TITLE: RESIDENCE ELEVATIONS

LOCATION: 8401 NW 24th. PLACE
 CITY: MIAMI, FL.
 ZIP: 33147
 PHONE: 305 3110 021 0180

PROJECT: PUBLIC HEARING APPLICATION
 CUSTOMER NAME: DUCK DUCK GOOSE, LLC.

REVISIONS: DATE: APRIL 2012

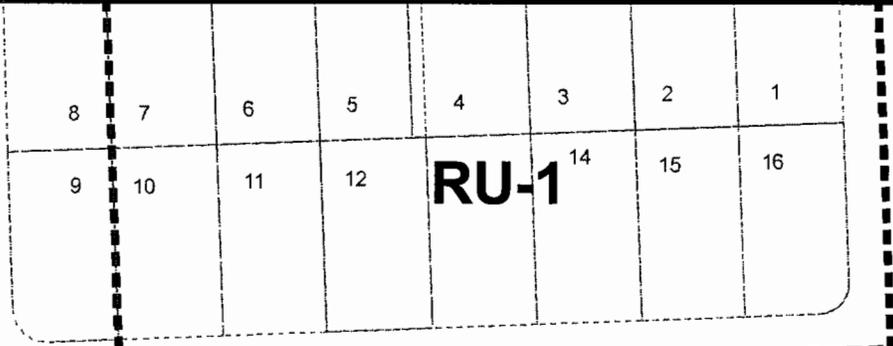
NO.	REV.	DATE

DRAWING BY: DANIEL ACEVEDO

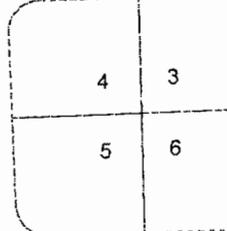


RU-4

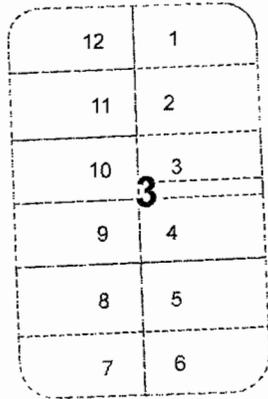
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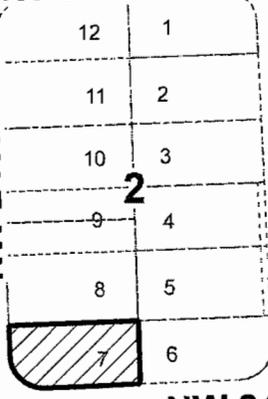
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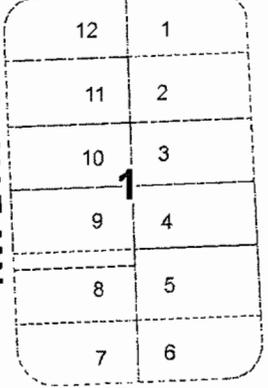
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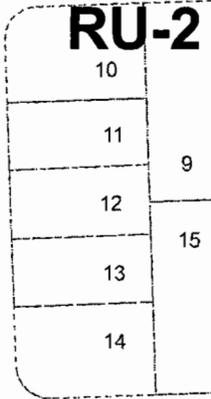
NW 24TH PL



NW 24TH CT



NW 24TH AVE

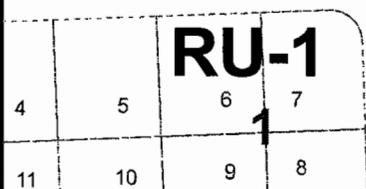


RU-2

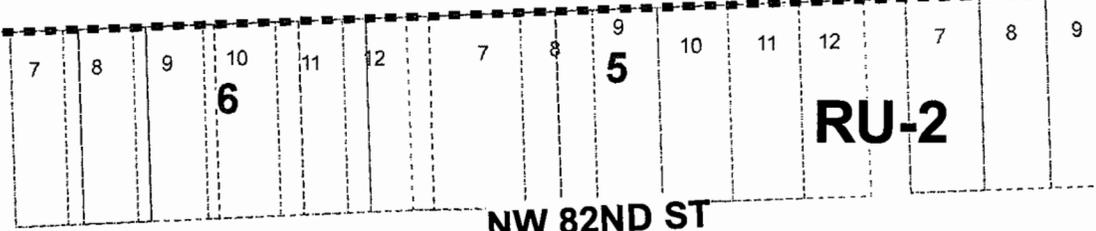
NW 84TH ST

RU-3

NW 83RD ST



RU-1



RU-2

NW 82ND ST

**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z2012000061



Section: 10 Township: 53 Range: 41
Applicant: DUCK DUCK GOOSE, LLC
Zoning Board: C8
Commission District: 2
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2012000061

Legend



Subject Property

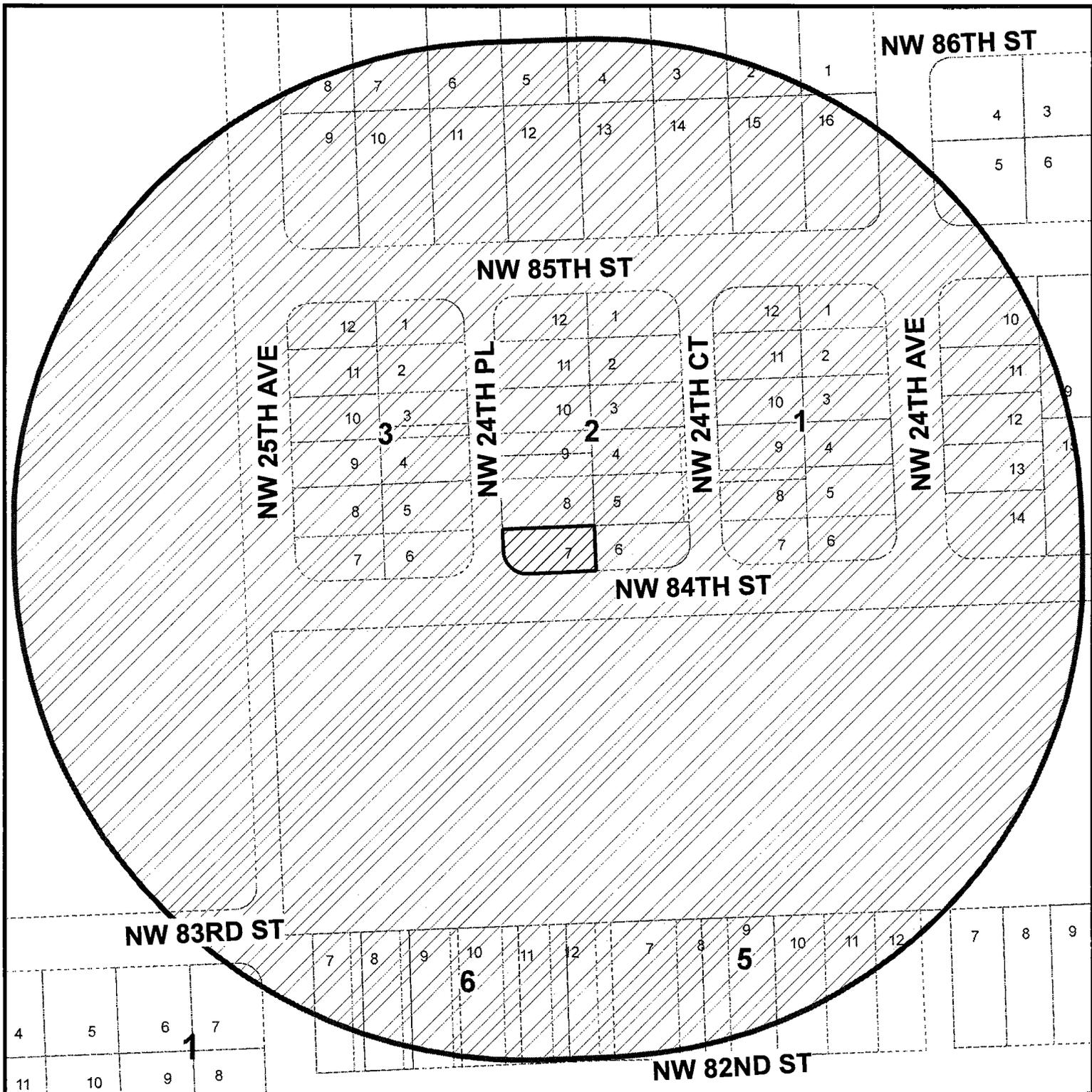


Section: 10 Township: 53 Range: 41
 Applicant: DUCK DUCK GOOSE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Tuesday, May 15, 2012

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2012000061
RADIUS: 500



Section: 10 Township: 53 Range: 41
Applicant: DUCK DUCK GOOSE, LLC
Zoning Board: C8
Commission District: 2
Drafter ID: JEFFER GURDIAN
Scale: NTS

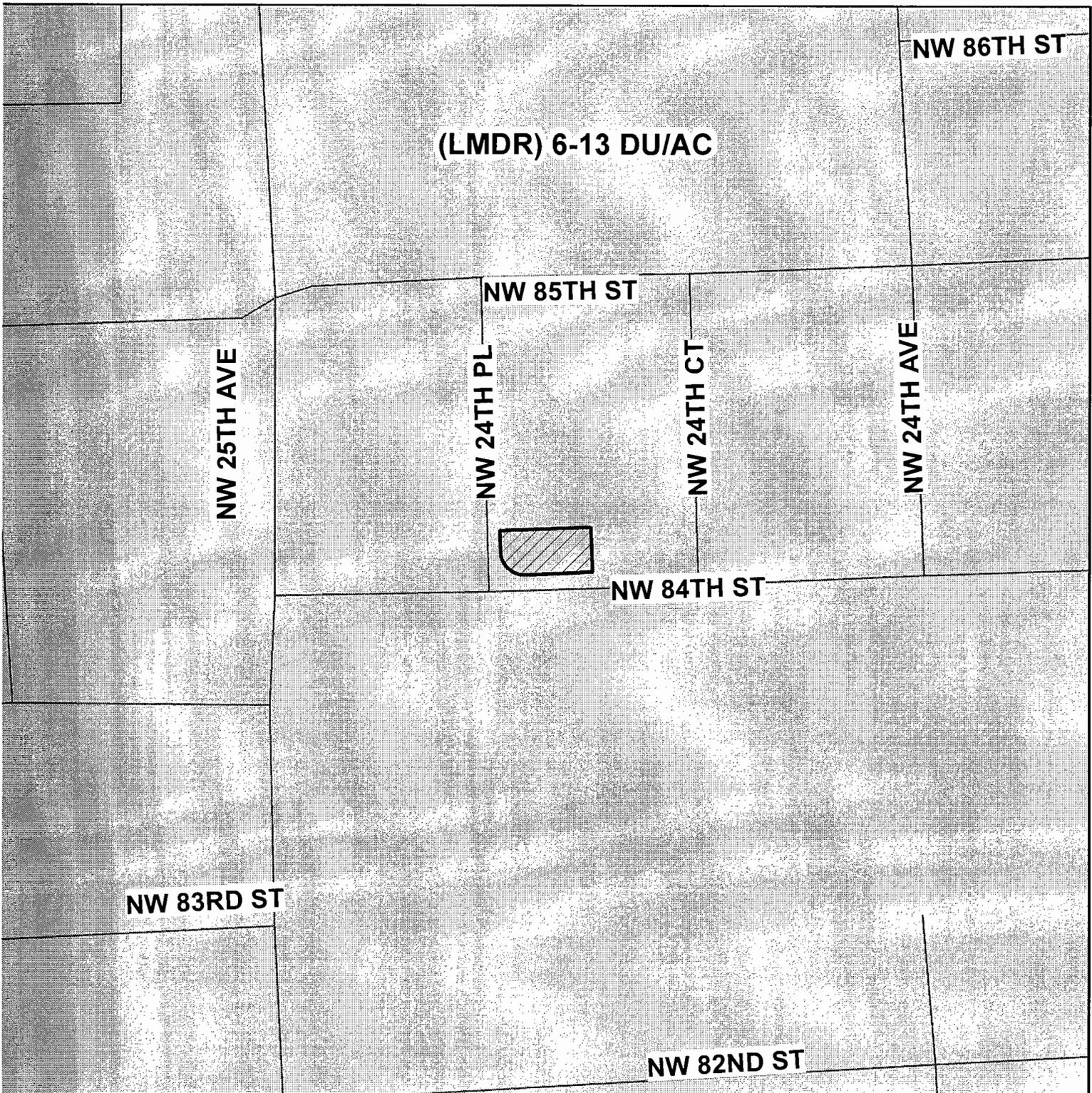
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, May 15, 2012

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000061



Section: 10 Township: 53 Range: 41
 Applicant: DUCK DUCK GOOSE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, May 15, 2012

REVISION	DATE	BY

**Miami-Dade County Regulatory and Economic Resources Department
Staff Report to Community Council No. 8**

PH: Z12-105 (13-1-CZ8-3)

January 15, 2013

Item No. 3

Recommendation Summary	
Commission District	2
Applicants	Metropolitan Mortgage Co. of Miami & Regency Pointe Apartments, Ltd.
Summary of Requests	The applicant is seeking to allow a zone change from RU-1 and NCUAD to NCUAD and to permit a fence that will be higher than allowed by the zoning district regulations.
Location	1919 NW 79 Street, Miami-Dade County, Florida.
Property Size	5.69 acres
Existing Zoning	RU-1, Single-Family Residential District NCUAD, North Central Urban Center District
Existing Land Use	Trailer park
2015-2025 CDMP Land Use Designation	Low Density Residential Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(a) Use Variance <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of request #1 and approval with conditions of request #2.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE from RU-1 and NCUAD to NCUAD.
2. NON USE VARIANCE to permit a 7'- 7" high metal picket fence with masonry columns (3' - 6" maximum height permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Regency Pointe," as prepared by Salazar Architectural Group, dated stamped received 11/2/12 and consisting of 1 sheet. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The applicant seeks the approval of a request to rezone the 5.69-acre parcel from RU-1, Single-Family Residential District and NCUAD, North Central Urban Center Area District to NCUAD and to permit the proposed development with a 7'-7" high metal picket fence.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; vacant NUCAD: trailer park	Low Density Residential, (2.5 to 6 dua) Community Urban Center

North	RU-1; single-family and duplex residences	Low Density Residential, (2.5 to 6 dua)
South	NCUAD; retail store, tire repair facility	Community Urban Center
East	RU-1: single-family and duplex residences, vacant land NCUAD: vacant land	Low Density Residential, (2.5 to 6 dua) Community Urban Center
West	RU-1; single-family residences and vacant land NCUAD; trailer park	Low Density Residential, (2.5 to 6 dua) Community Urban Center

NEIGHBORHOOD COMPATIBILITY:

Staff notes that Parcel “A”, the larger portion of the subject property along with the abutting properties to the east, west and south along NW 79 Street are also zoned NCUAD. The properties to the north are zoned RU-1.

SUMMARY OF THE IMPACTS:

The approval of this application will bring the remaining portion of the subject property, Parcel “B” into conformity with the remainder of the property and allow a uniform development of the subject property under the NCUAD regulations. However, the approval of a fence above the height permitted under said regulations could have a visual impact on properties in the surrounding area that could be developed under said standards.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

In July 2012, pursuant to Resolution #Z-14-12, the subject parcel was a part of a larger tract of land that was rezoned to the **North Central Urban Area District (NCUAD)**.

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **NCUAD**. Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components have been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved NCUAD are regulated by plans and descriptive standards described in Ordinance #11-65, which is consistent with the Urban Center interpretative text. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street and/or open space, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment at street level.

The purpose of the application is to allow the applicant to rezone the west portion of the subject property, Parcel “B” from RU-1, Single-Family Residential District to NCUAD (request #1) and to permit the proposed residential development with a fence that will be higher than permitted by

the NCUAD regulations (request #2). Staff notes that Parcel "B" is within the Edge Sub-District and is designated R, Residential on the regulating plans for the NCUAD that were approved in July 2012 pursuant to Resolution #Z-14-12. Said designation allows the property to be developed with a maximum of 6 dwelling units per acre. However, this would allow the applicant to develop this parcel in conjunction with the remainder of the subject property, Parcel "A" that is located within the NCUAD as a multi-family residential development. The southern portion of Parcel "A" which abuts NW 79 Street is located within the Center Sub-District and is designated MC, Mixed Use Corridor on the NCUAD's land use plan map and the northern portion is located within the Edge Sub-District and is designated RM, Residential Modified within the NCUAD land use plan. Approval of the zone change will allow a more uniform development of the entire subject property under the NCUAD regulations.

As such, the application within the area designated as MC, RM and R in the NCUAD is **compatible** with the residential uses allowed and therefore **consistent** with the CDMP LUP map Urban Center designation and the Land Use Element interpretative text for Urban Centers.

ZONING ANALYSIS:

Staff notes that pursuant to Resolution #Z-14-12, adopted by the Board of County Commissioners (BCC) in July 2012, the east portion of the subject property, Parcel 'A", was a part of a larger tract of land that was rezoned to NCUAD. At that time, according to the applicants' letter of intent, the property owner opted to remove Parcel "B" from said rezoning. The applicants now seek to rezone the entire subject property inclusive of Parcel "B" to NCUAD.

When the applicants' request to rezone the 5.69-acre parcel to NCUAD, inclusive of the existing 1.7-acre RU-1 zoned parcel (request #1), is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that approval of the request will be **compatible** with the abutting properties along NW 79 Street. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in memoranda from the Division of Environmental Resources Management (DERM), Miami-Dade County Department of Regulatory and Economic Resources, and the Public Works and Waste Management Department. Further, staff opines that the rezoning of the entire property to NCUAD reflects the vision of the BCC reflected in the 2012 resolution and would bring the west portion of the subject parcel into conformity with the intent of the BCC as expressed by Resolution #Z-14-12. **Therefore, staff recommends approval of the request #1 under Section 33-311, District Boundary Change.**

When the applicants' request to permit a 7' - 7" (3'-6" high maximum permitted) high metal picket fence with masonry columns (request #2) is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area and would not be detrimental to the neighborhood or negatively affect the appearance of the community. The submitted plan and survey depict the proposed metal picket fence with masonry columns located along the rear (north) property line abutting NW 81 Street and the side and side street (east) property lines of the subject property abutting NW 19 Avenue. Staff notes that the variation in the height of the picket fence and columns are due to their location on top of the 2'-6" high retaining wall surrounding the property and the varied elevation of the subject property in relation to the abutting roadways. Staff opines

that although the proposed fence is an average 4'-1" taller than allowed by the NCUAD regulations, the ornamental design of the 7'-7" tall fence meets the 75% transparency requirement and approval will not have a negative visual impact on the surrounding properties. Although there were no similar approvals in the surrounding area, staff opines that because of the unique location of this development abutting three (3) roadways, the proposed fence will provide a welcome visual transition between the proposed three (3) story residential apartment buildings being developed under the NCUAD regulations and the existing one-story single-family and duplex residences located to the north. Therefore, staff opines that approval of the increased height for the proposed fence next to the three (3) story buildings, will act as a reasonable visual buffer to deter unwanted pedestrian or vehicular traffic from encroaching into the apartment complex. As such, staff opines that approval with conditions of the application will also not have a negative impact on the future development of the surrounding area within the NCUAD. **Therefore, staff recommends that request #2 be approved with conditions under Section 33-311(A)(4)(b) (NUV).**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1 and approval with conditions of request #2.

CONDITIONS FOR APPROVAL: (For request #2 only).

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources 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 "Regency Pointe," as prepared by Salazar Architectural Group, dated stamped received 11/2/12 and consisting of 1 sheet.
3. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:JC:CH



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

NDN

ZONING RECOMMENDATION ADDENDUM

Metropolitan Mortgage Co. of Miami &
Regency Pointe Apartments, Ltd.
Z12-105

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their 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>
<p>Urban Centers (Pg. I-46-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p>

ZONING RECOMMENDATION ADDENDUM

Metropolitan Mortgage Co. of Miami &
Regency Pointe Apartments, Ltd.
Z12-105

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

Uses and Activities. Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while **Community-scale Urban Centers** will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Streets and Public Spaces. Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area

ZONING RECOMMENDATION ADDENDUM

Metropolitan Mortgage Co. of Miami &
Regency Pointe Apartments, Ltd.
Z12-105

<p>provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.</p> <p>Buildings. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none">(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.
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ZONING RECOMMENDATION ADDENDUM

*Metropolitan Mortgage Co. of Miami &
Regency Pointe Apartments, Ltd.
Z12-105*

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>
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**3. METROPOLITAN MTGE. CO. OF MIAMI &
REGENCY APTS., LTD.**
(Applicant)

**13-1-CZ8-3 (12-105)
Area 08/District 02
Hearing Date: 01/15/13**

Property Owner (if different from applicant) **Metropolitian MTGE & Regency Apt.**

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

If so, who are the interested parties? **Regency Pointe Apts., Ltd.**

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1958	M/M/M Busiere & Gus & Gaby MalabreG	- Zone change from RU-1 & Bu-2A to BU-2.	BCC	Approved

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

Memorandum

Date: September 18, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-08#Z2012000105
Metropolitan Mortgage Company of Miami and
Regency Pointe Apartments, Ltd.
1919 NW 79th Street
Zone Change from RU-1 to NCUAD; Non-Use Variance to Permit a
Fence 8' High (6' Permitted); and Non-Use Variance to Permit a
Sign with a Size Greater than Required
(RU-1) (5.69 Acres)
10-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Stormwater Management

Water Control Section has no objection to this application. However any modification to the existing Site Plan will require a new review by the Water Control Section.

Wetlands

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

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

Tree Preservation

Tree resources do not need to be removed and/or relocated for the placement of the proposed sign and fence on the property, however please be advised that any type of construction, including driveways, septic tanks, fences, pipes, buildings, roads, polls etc., should be at least 6 feet from specimen (trunk diameter 18 inches or greater) and non specimen trees.

As per Section 24-49.5 (1a) of the Code, during construction protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk. If this distance is not maintained the root systems of the trees may be affected, thereby causing the effective destruction of the trees.

In the event that the proposed construction causes the effective destruction of the trees on site, it would constitute a violation of Section 24-49 of the Code. This Department recommends that appropriate actions be taken to not adversely impact tree resources on the referenced property.

Enforcement History

The subject properties have one (1) open enforcement records and one (1) closed enforcement records for violations of Chapter 24 of the Code. The following is a summary of the open enforcement case:

A Consent Agreement was entered into by New Tradewinds Trailer Park Co. and the Department on May 30, 2006 with extensions of time for compliance granted on May 28, 2008 and March 9, 2009 for connection to sewers and addressing continuing sewage overflows at the subject property.

On October 28, 2011, a Court Order approved a Settlement Agreement whereby the property will be sold, all trailers removed, and all septic tanks on the site will be properly abandoned. The closing for the sale of the property was executed on January 12, 2012. Septic tank closure is due by December 31, 2013.

Please contact the Enforcement Section if you require additional information.

This memorandum shall constitute written approval as required by Chapter 24 of 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.

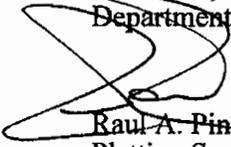
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: December 3, 2012

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS
Platting Section
Department of Regulatory and Economic Resources

Subject: Z2012000105
Name: Metropolitan Mortgage Co. of Miami & Regency Pointe Apartments, Ltd.
Location: 1919 NW 79 St.
Section 10 Township 53 South Range 41 East

The Department of Regulatory and Economic Resources/Platting Section has reviewed the subject application and has no objections subject to the following:

Proposed fence is to be placed along the 25 foot radius return along the northeast corner of the property as approved on the tentative plat.

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

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.

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #Z12-038

Metropolitan Mortgage Company of Miami and Regency Pointe Apartments, Ltd.

Application: *Metropolitan Mortgage Company of Miami and Regency Pointe Apartments, Ltd.* is requesting a district boundary change from North Central Urban Area District (NCUAD) and Single Family Residential (RU-1) to NCUAD to construct approximately 104 multi-family units. The applicant also requests two non-use variances to permit 1) a fence height of 8 foot where 3'6" would be permitted and 2) a sign of 48 square feet and 8 feet where a sign of 6 square feet and 4 feet would be permitted.

Size: The subject property is 5.69 acres.

Location: The subject property is generally located at the northeast corner of NW 79th Street and NW 21st Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The district boundary change from North Central Urban Area District (NCUAD) and Single Family Residential (RU-1) to NCUAD to construct apartments, and the associated variances on the property will likely be considered development for a "multi-family residential unit". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial and multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Multi-family Units

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

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

Section 15-2.2b states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

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

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

Memorandum



Date: 04-SEP-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000105

Fire Prevention Unit:

APPROVAL:

- No objection to Letter of Intent via Case # Z2012000105.
- Development plans shall be submitted to MDR for site review.

Service Impact/Demand

Development for the above Z2012000105
located at 1919 NW 79 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0794 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,

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 at this stage.

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

DATE: 07-SEP-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

METROPOLITIAN MTGE &
REGENCY APT

1919 NW 79 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000105

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: No open cases. Case opened April 6, 2011 for commercial vehicle and warning was posted. Case being processed by civil action. Prior case opened February 3, 2011 for chickens and warning issued. Citation posted April 6, 2011 and violation corrected July 5, 2011 but cvn not paid. Prior case opened February 3, 2011 for MFU and citation issued. Affidavit of compliance March 23, 2011. CVN not paid and case still open. case opened march 23, 2011 for overgrowth and violation closed because violation no longer exist. Case opened april 6, 2011 for commercial vehicle and warning issued. Case corrected and closed July 15, 2011. BNC: BSS case 2005034328-B opened on May 18, 2005 under address 1921 NW 79 Street a-130. Notice of Violation for failure to obtain required building permit(s) prior to commencing work on building deck and installing new roof without permit. Civil Violation Notice 969389 issued on December 30, 2005 for non compliance. Final Notice of Intent to Lien/Demand for payment issued on November 1, 2007. Lien was recorded January 25, 2008. Lien was paid on January 18, 2012, case remains open. BSS case 20120154225-X opened on July 23, 2012. Case opened for expired permit 2007040994, case on hold until December 31, 2012. BSS case 20110140170-B opened on October 15, 2010. Notice of Violation issued on October 15, 2010. Failure to obtain required building permit(s) prior to commencing work on: shed, rear terrace enclosure and security bars. Failure to maintain a bldg or structure or devices in safe condition due to missing/broken roof tiles, roof leakage, soffits in disrepair & collapsing and broken windows (trailer park office). Case remains open until December 31, 2013.

Metropolitan Mtge & Regency Apt.

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

DISCLOSURE OF INTERESTS

Interests in Metropolitan Mortgage Company of Miami

	Percentage of Interest
Milton Rajjman 1135 Kane Concourse, 2 nd Floor Bay Harbor Islands, FL 33154	50%
Isaac Rajjman 1135 Kane Concourse, 2 nd Floor Bay Harbor Islands, FL 33154	50%

Interests in Regency Pointe Apartments, Ltd.

	Percentage of Interest
Cornerstone Regency Pointe, LLC 2100 Hollywood Boulevard Hollywood, Florida	.01%
JL Holding Corporation 2100 Hollywood Boulevard Hollywood, Florida	45%
Stuart I Meyers Family Partnership, LTD. 2100 Hollywood Boulevard Hollywood, Florida	20%
M3 Assets, LLC 2100 Hollywood Boulevard Hollywood, Florida	17.5%
M.S. Mades Family Limited Partnership 2100 Hollywood Boulevard Hollywood, Florida	17.5%

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712-105
AUG 22 2012
ZONING HEARING COLLECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Interests in Cornerstone Regency Pointe, LLC

	Percentage of Interest
JL Holding Corporation 2100 Hollywood Boulevard Hollywood, Florida	45%
Stuart I Meyers Family Partnership, LTD. 2100 Hollywood Boulevard Hollywood, Florida	20%
M3 Assets, LLC 2100 Hollywood Boulevard Hollywood, Florida	17.5%
M.S. Mades Family Limited Partnership 2100 Hollywood Boulevard Hollywood, Florida	17.5%

Interests in JL Holding Corporation

	Percentage of Interest
Jorge and Awilda Lopez 2100 Hollywood Boulevard Hollywood, Florida	100%

Interests in Stuart I. Meyers Family Partnership, Ltd.

	Percentage of Interest
SIM Family Holdings, LLC 2100 Hollywood Boulevard Hollywood, Florida	11%
Wendy Jill Crabb Trust 2100 Hollywood Boulevard Hollywood, Florida	44.5%

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AUG 22 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Jeffrey Brian Meyers Trust 44.5%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in SIM Family Holdings, LLC.

Percentage of Interest
Stuart Meyer 100%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in Wendy Jill Crabb Trust.

Percentage of Interest
Wendy Jill Crabb 100%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in Jeffrey Brian Meyers Trust.

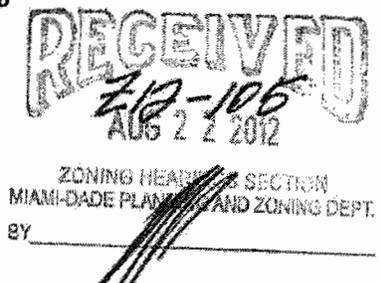
Percentage of Interest
Jeffrey Brian Meyers 100%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in M3 Assets, LLC

Percentage of Interest
Leon and Lisa Wolfe 100%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in M.S. Mades Family Limited Partnership.

Percentage of Interest
M.S. Mades Associates, LLC 1%
2100 Hollywood Boulevard
Hollywood, Florida



Mara S. Mades Revocable Trust 99%
2100 Hollywood Boulevard
Hollywood, Florida

Interests in M.S. Mades Associates, LLC.

	Percentage of Interest
Mara Mades 2100 Hollywood Boulevard Hollywood, Florida	90%
Jackson R. Mades Irrevocable Trust 2100 Hollywood Boulevard Hollywood, Florida	10%

Interests in Jackson R. Mades Irrevocable Trust.

	Percentage of Interest
Jackson R. Mades 2100 Hollywood Boulevard Hollywood, Florida	100%

Interests in Mare S. Mades Revocable Trust.

	Percentage of Interest
Mara Mades 2100 Hollywood Boulevard Hollywood, Florida	100%

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212-115
AUG 22 2012
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Metropolitan Mortgage Company of Miami

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See attached</u>	

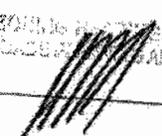
CORPORATION NAME: _____

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

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: Regency Pointe Apartments, Ltd.

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>See attached</u>	

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212-106
AUG 22 2012
ZONING PERMITS SECTION
MAYOR'S OFFICE AND ZONING DEPT.
BY: 

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

NAME OF PURCHASER: Regency Pointe Apartments, Ltd.

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>See attached</u>	
_____	_____
_____	_____
_____	_____

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: _____
Applicant

Sworn to and subscribed before me this 20th day of August, 2014. Affiant is personally known to me or has produced _____ as identification.

Ofelia Barillas
(Notary Public)



My commission expires 001-05-2014

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

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EB-105
 AUG 27 2014

ZONING BOARD
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

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

NAME OF PURCHASER: Regency Pointe Apartments, Ltd.

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest
See attached	

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 his application to the best of my knowledge and belief.

Signature: By: [Signature] Managing Member of G.P.
Applicant*

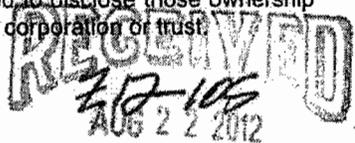
Sworn to and subscribed before me this day of 17 Aug. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires _____



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



ZONING HEARING COMMISSION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [Signature]

ACKNOWLEDGEMENT BY APPLICANT

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

Milrod Rajivani, MCJ
 (Applicant's Signature)

MILROD RAJIVANI, MCJ METROPOLITAN INTERIORS
 (Print Name of Applicant) (CORPORATE OFFICER)

Sworn to and subscribed before me on the
20 Day of August, 2012.

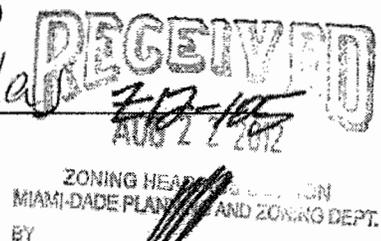
Affiant is personally known to me or has produced
 _____ as identification.

Ofelia Barillas
 (Notary Public's Signature)

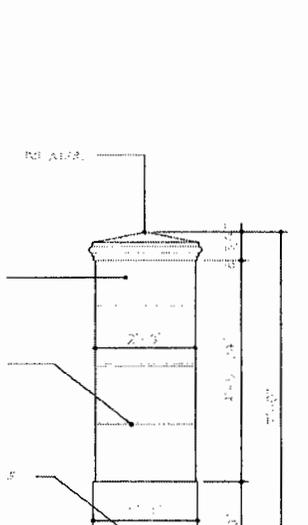
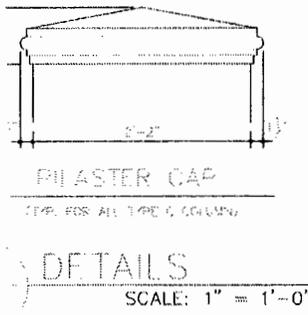
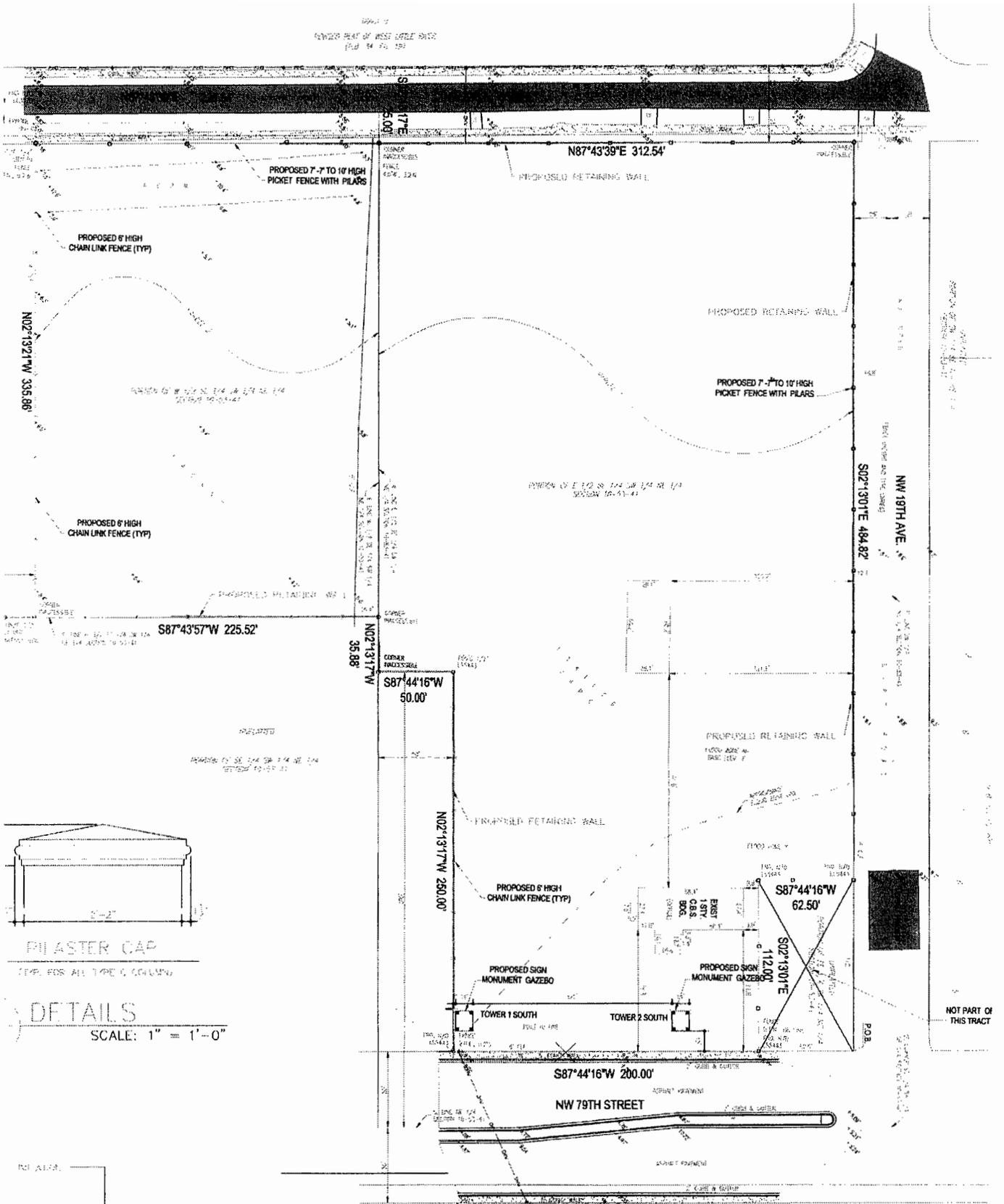
Ofelia Barillas
 Print Name

My commission expires Oct 05, 2014

State of: Florida



TOWER PLAN OF WEST GATE DRIVE
 (REV. 04.16.10)



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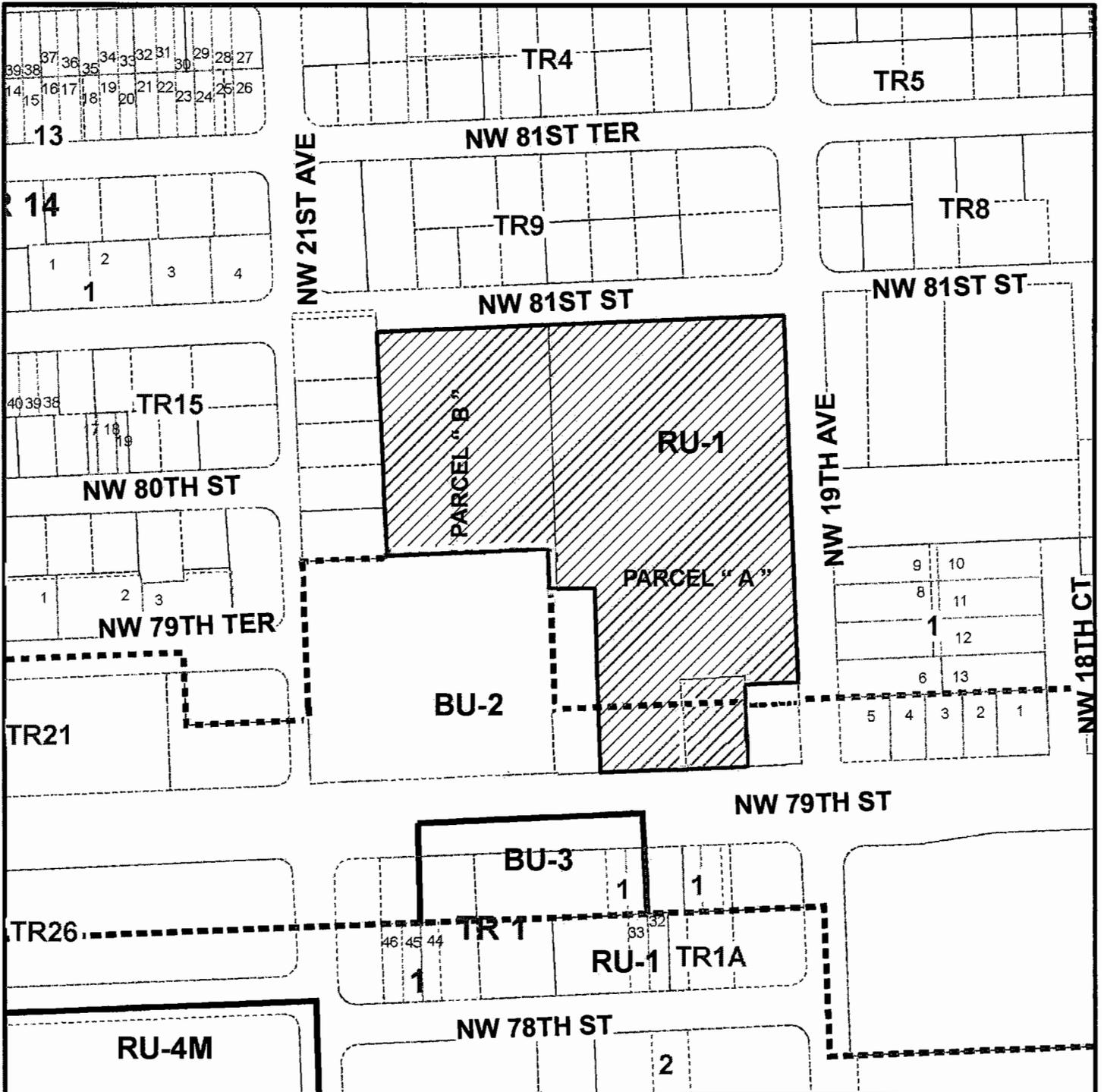
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.



SITE PLAN
 SCALE: N.T.S."

ENLARGED SITE PLAN

25



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000105



Section: 10 Township: 53 Range: 41
 Applicant: METROPOLITAN MTGE & REGENCY APT
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, September 21, 2012

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000105

Legend

-  Subject Property
-  Zoning

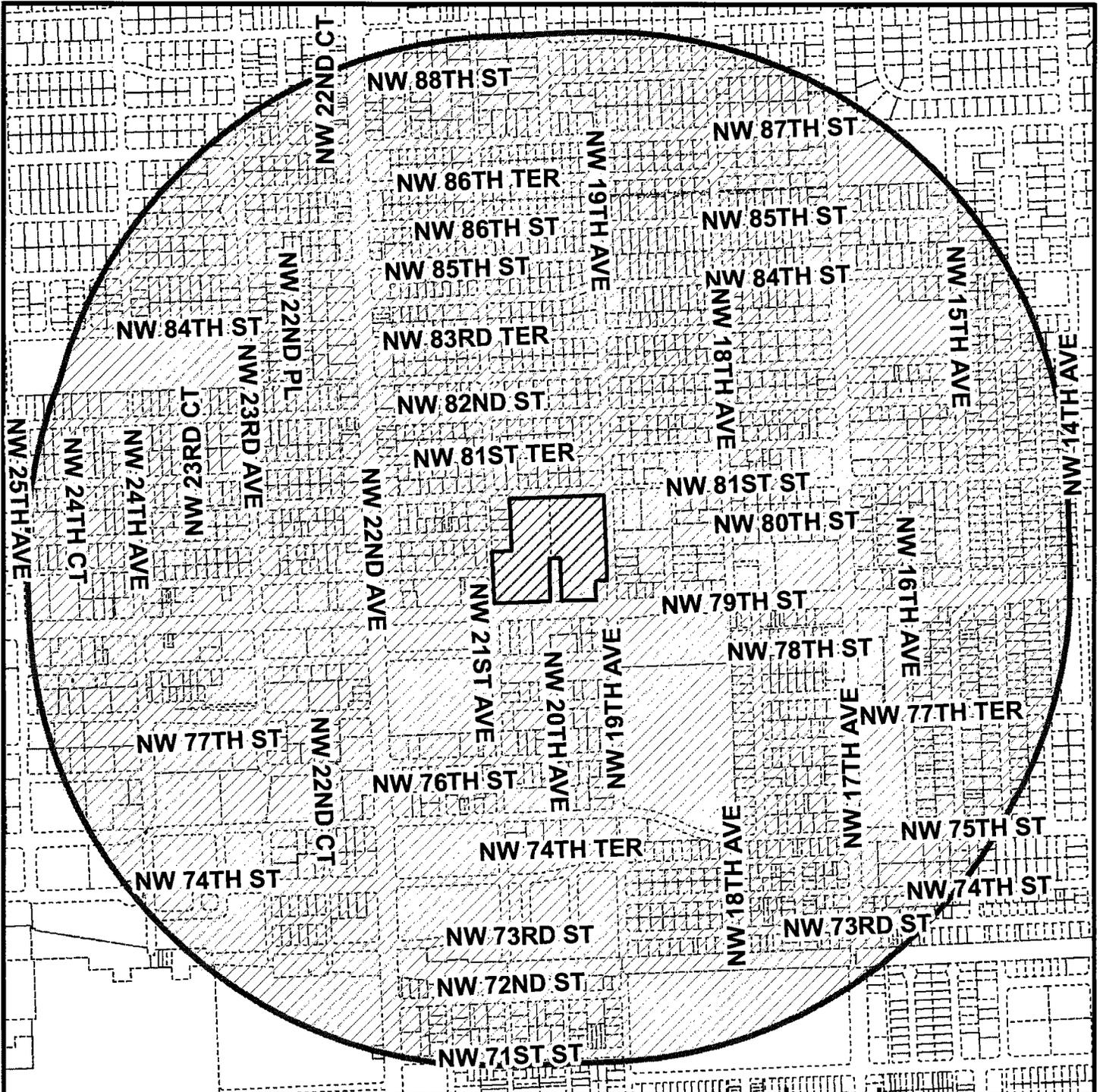


Section: 10 Township: 53 Range: 41
 Applicant: METROPOLITAN MTGE & REGENCY APT
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Friday, September 21, 2012

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000105

RADIUS: 2640

Section: 10 Township: 53 Range: 41
 Applicant: METROPOLITAN MTGE & REGENCY APT
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

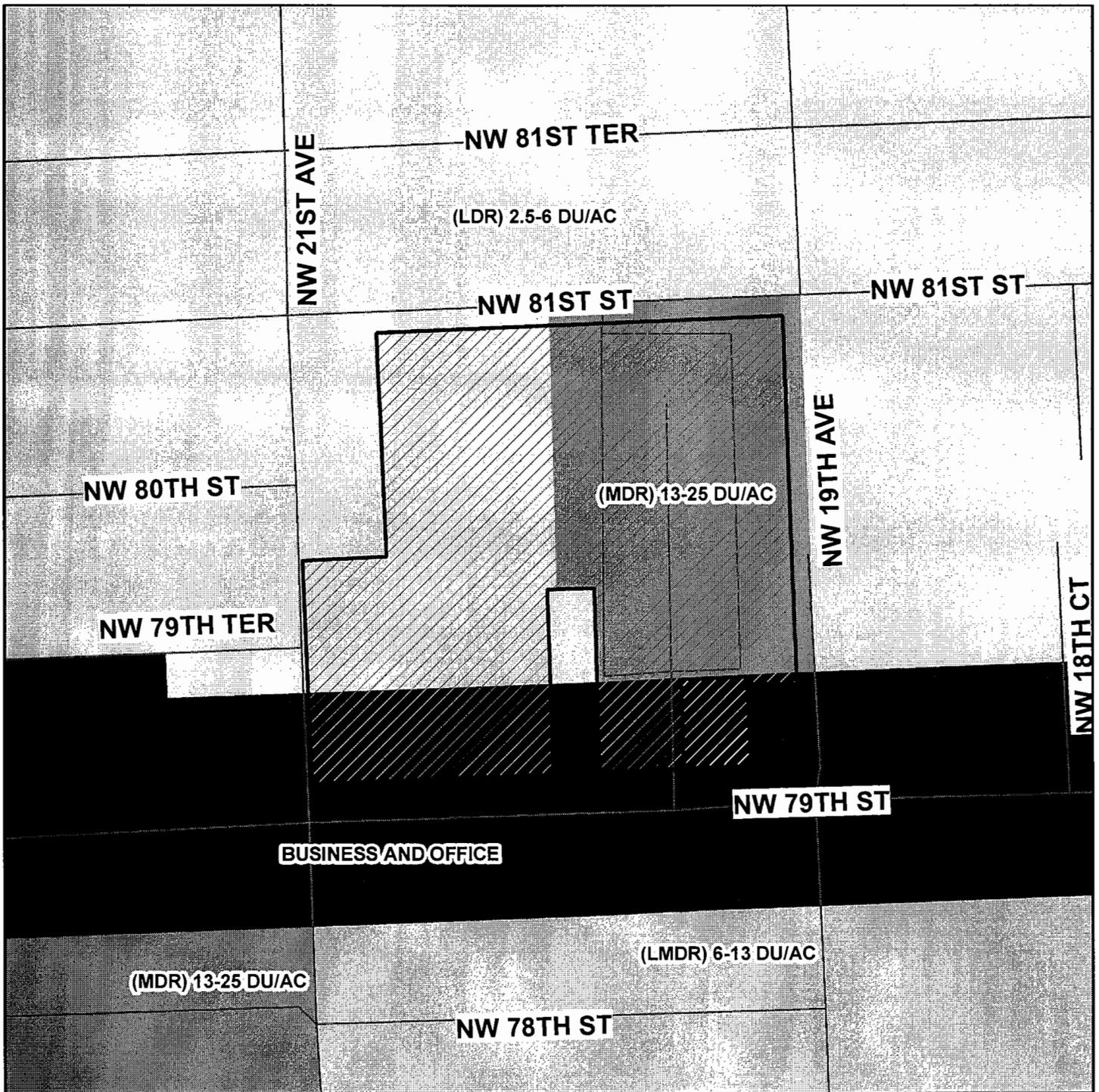
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Street (Centerline)
-  Property Boundary



SKETCH CREATED ON: Friday, September 21, 2012

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000105



Section: 10 Township: 53 Range: 41
 Applicant: METROPOLITAN MTGE & REGENCY APT
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, September 21, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z12-119 (13-01-CZ8-4)

January 15, 2013

Item No. 4

Recommendation Summary	
Commission District	2
Applicant	1295 Shore, LLC
Summary of Requests	The applicant is seeking a use variance to permit a pharmacy in a residential zoning district, an unusual use to permit parking in a zone more restrictive than the use it serves, less parking than required, and reduced landscaped dissimilar land use buffers.
Location	9400 NW 12 Avenue, Miami-Dade County, Florida.
Property Size	1.5-acres
Existing Zoning	RU-3B, Bungalow Court & EU-M, Estate Modified
Existing Land Use	Medical offices
2015-2025 CDMP Land Use Designation	Low-Medium Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Request #1 (proposed pharmacy) is inconsistent with interpretative text, goals, objectives and policies of the CDMP Requests #2 - #5 (non-use variances) are consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice of requests #1 & #2, modified approval with conditions request #5 and approval with conditions of requests #3 - #4

REQUESTS:

Requests #1 - #4 on Exhibit "A"

- (1) USE VARIANCE to permit a pharmacy in the RU-3B and EU-M zones as would be permitted in the BU-1 zone.
- (2) NON-USE VARIANCE to permit a total of 41 parking spaces (53 parking spaces required).
- (3) NON-USE VARIANCE to permit a minimum 5'-2" wide landscaped buffer (7' wide required) along portions of the right-of-way of NW 12 Avenue.
- (4) NON-USE VARIANCE to permit a minimum 3' wide dissimilar land use buffer (5' wide required) along portions of the west property line.

Request #5 on Exhibit "B"

- (5) UNUSUAL USE to permit parking in a zone more restrictive than the use it serves.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "I & B Medical Associates New Medical Offices" as prepared by Zysocvich

Architects, consisting of 4 sheets, "Pharmco Pharmacy" as prepared by Antonio Acosta, consisting of 4 sheets for a total of 8 sheets, all plans dated stamped received October 1, 2012. Plans may be modified at public hearing.

PROJECT HISTORY & DESCRIPTION:

The subject property is a dual zoned lot; the northern portion is RU-3B, Bungalow Court and the southern portion is EU-M, Estate Modified. In 1960, pursuant to Resolution No. 5010, portions of the subject property were granted a special permit for a medical and professional building, restaurant and pharmacy. Further, in 1961, pursuant to Resolution No. ZB-621-61, portions of the subject property were granted a new use to permit a non-commercial parking lot adjacent to and for the professional building. Additionally, an unusual use was granted to permit a sewage disposal system for the professional building, variance for setback requirements for said system, and a marquee sign and height requirements for the professional building. Staff notes that the plan submitted for the 1961 approval, depicts parking in the EU-M zoned portion of the lot. Further, staff notes that, the subject property consisted of a larger parcel of tract of land that included portions of Tracts D and F of the Twin Lakes Properties Plat, recorded in Plat Book 59, Page 9. County records indicate that the parcel was separated between the approval of Resolution No. 5010 and Resolution No. ZB-621-61. The frontage along NW 95 Street for the approval granted pursuant to Resolution No. 5010 was approximately 399', for Resolution No. ZB-621-61 the frontage for the subject site was reduced to approximately 63'.

Staff notes that at the time of separation into two (2) separate parcels, the approval for the pharmacy and restaurant was on the newly created corner parcel that is located directly on NW 95 Street and NW 12 Avenue and not the site that is subject of this application. Further development occurred on the subject site, pursuant to a letter of understanding dated September 23, 1991, which indicated that the construction of a community residential home on the subject site was allowed under the Department's substantial compliance procedures, in the RU-3B zone. The letter further indicated that the EU-M portion of the site would be counted towards the required landscaping, parking, and lot coverage. Staff notes that the requested community residential home is a use allowed by right in the RU-3B zone. Staff notes that at the time the community residential home was approved, the original building was being utilized as a community mental health treatment facility.

Further in 2010, the applicant released a Unity of Title (UT) that was recorded in 1993, in Official Records Book 15981 at Page 3575 and replaced it with a new UT that is recorded in Official Records Book 27508 at Page 2746. The original UT was recorded at the time the site was being used for the community residential home and community mental health treatment facility. The replacement UT states among other things, that the property will used as medical offices and/or professional building in accordance with Resolution Nos. 5010 and ZB-621-61.

Staff notes that the medical and professional building was built in 1961 on the subject site. The community residential home was built in 1993. The existing buildings will be utilized for the proposed uses on the subject site. Said buildings are labeled Building #1 (9,834 sq. ft.) and Building #2 (4,846 sq. ft.) on the submitted site plan. Through this application, the applicant is requesting a use variance to permit a pharmacy in Building #2 (request #1). Additionally, the applicant seeks to permit less parking than required (request #2), parking in a zone more restrictive than the use it serves (request #5), and reduced landscaped and dissimilar land use buffers (requests #3 & #4). Building #1 as depicted on the submitted site plan will be utilized for medical and professional use, which are allowed uses pursuant to Resolution No. 5010.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-3B & EU-M; medical offices	Low-Medium Residential (6 to 13 dua)
North	North Central Urban Area District; medical office building	Community Urban Center
South	RU-1; single family residence	Low-Medium Residential (6 to 13 dua)
East	RU-4A; hospital	Institutions, Utilities & Communications
West	North Central Urban Area District; multi-family apartments	Community Urban Center

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 9400 NW 12 Avenue. There are two existing buildings on the subject property. The surrounding area is characterized by institutional and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to utilize the existing Building #2 for the proposed pharmacy use, provide less parking than required, parking in a zone more restrictive than the use it serves, provide a reduced landscape buffer along NW 12 Avenue and reduced dissimilar landscape buffer along portions of the west property line. While the applicant is utilizing the existing buildings, the intensification of the use in Building #2 to allow a commercial use along with the reduction in parking and required landscape buffers could result in the spillage of parking onto the adjacent right-of-way, visual and aural impacts on the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Low Medium Density Residential** on the Comprehensive Development Master Plan (CDMP) 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.* Approval of the requests sought in this application will allow the applicant to establish a pharmacy in an existing building, depicted as Building #2 on the submitted site plan. Additionally, approval will allow less parking than required, parking in zone more restrictive than it serves, permit a reduced landscape buffer and waive the requirement for a dissimilar land use buffer.

Staff opines that the requested pharmacy is **inconsistent** with the CDMP requirement that *approval of new land uses must be consistent with the LUP map categories, and the objectives and policies of the Plan.* The pharmacy use is inconsistent with the Residential Communities interpretative text, which limits commercial uses in residential designated areas. The interpretative text indicates that *the establishment of other new uses in residential areas is not*

allowed; however, under limited circumstances and conditions, some other land uses may be permitted to locate in Residential Communities. The Residential Communities interpretative text, further states that the limited conditions where new uses are permitted shall be deemed consistent where the use or zoning district has or would have an unfavorable effect on the surrounding area by providing inadequate off-street parking, creating traffic, among other things. Staff opines that the request to permit less parking than required (request #2) is in conflict with this section of the interpretative text. Staff further opines that the pharmacy use will result in additional traffic accessing the subject site, which staff notes is also in conflict with the Residential Communities interpretative text.

*Further, the Residential Communities interpretative text states **commercial uses are prohibited** in areas designated as Residential Communities except as specifically provided in this chapter; ample sites for business and office uses are provided in the Business and Office, Industrial and Office, and Office/Residential Categories on the Land Use Plan map. However, under the following specific circumstances limited commercial uses may be authorized in areas designated as Residential Communities. The limited commercial uses are permitted in multifamily developments containing 300 or more units as an accessory use for the convenience of the development's residents and shall be restricted in size to meet the needs solely of the development's residents and limited to convenience commercial and personal service uses such as restaurants, food and drugstores, barbershop and dry cleaning service pick up/drop off.* Staff opines that the proposed pharmacy does not meet the above requirements because it is not part of a multifamily development and is intended to serve the surrounding community and not limited to residents of a multifamily development.

The CDMP Land Use Element **Objective LU-4** 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.* Staff opines that the proposed pharmacy use is out of character with the abutting single-family residences to the south and could have a negative impact on the traffic along NW 12 Avenue. Additionally, staff opines that the requests to permit the pharmacy in the RU-3B zone (request #1), to provide less parking than required (request #2) and to permit parking in a zone more restrictive than the use it serves (request #5) are **incompatible** with the single-family residences located to the south of the subject site based on compatibility criteria set forth in the **Land Use Element Policy LU-4A** which states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, **traffic, parking**, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* In staff's opinion, the lack of required parking and the five (5) parking spaces depicted in the southern most portion of the EU-M zone could impact the properties to the south because of the spillage of vehicles along the right-of-way for parking, additional traffic and the glare from the headlights.

Staff opines that the proposed pharmacy use is **inconsistent** with the uses allowed in the Low-Medium Density Residential designation on the CDMP LUP map, the interpretative text for Residential Communities, Land Use Element **Objective 4**, and **incompatible** with the surrounding area based on **Policy LU-4A** compatibility criteria.

ZONING ANALYSIS:

When request #1, to permit a pharmacy in the RU-3B and EU-M zones as would be permitted in the BU-1 zoning district is analyzed under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations, staff opines that the request is **inconsistent** with the general purpose

and intent of the zoning regulations. A **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than which is prescribed by the zoning regulations. Among other things, the applicant must demonstrate how the literal enforcement of the provisions of the zoning district regulations would result in an unnecessary hardship and that the use variance would be in harmony with the general purpose and intent of the zoning regulations. The existing building that is to be utilized for the proposed pharmacy was previously used as a community residential home which is allowed by right in the RU-3B zoning district. To prove an unnecessary hardship, the applicant must demonstrate that under applicable zoning regulations, the property is unusable and the owner is deprived of all economic use or benefit from the property in question. Staff notes that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. In addition to proving an unnecessary hardship, Section 33-311(A)(4)(a), states that *no use variance shall be granted permitting a BU or IU use in any **residential**, AU or GU district, unless the premises immediately abuts a BU or IU District.* Staff notes that the abutting properties to the north and west are zoned North Central Urban Area District (NCUAD) and designated as Residential Modified (RM) on the land use plan for said district. Staff further notes that the RM district does not permit business uses. Additionally, the abutting property to the south is zoned RU-1, Single-Family Residential. Further, staff opines that approval of request #1 would be overly intensive, and would be **incompatible** with the abutting residential uses to the south, north, and west, which are zoned RU-1 and RM (NCUAD), respectively. **As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations.**

When analyzing requests #2 and #5 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the request to permit less parking spaces than required and to permit parking in a zone more restrictive than the use it serves are **incompatible** with the surrounding area. Staff notes that in addition to the requested pharmacy use, the subject site was previously approved, pursuant to Resolution No. 5010 to permit a medical and professional building. Staff notes that based on the Code, the previously approved medical and professional building requires 33 parking spaces and the proposed pharmacy requires 20 parking spaces. The on-site parking has been configured to provide 41 parking spaces; 26 spaces adjacent to existing Building #1, along NW 95 Street and 15 spaces are adjacent to existing Building #2, along NW 12 Avenue. Staff notes that, said configuration lacks 12 (twelve) of the required parking spaces (request #2) for the site. Further, staff notes that the approval of requests #2 and #5 is contingent upon approval of request #1.

Additionally, staff notes that the subject property has a dual zoning designation of RU-3B and EU-M. Staff acknowledges that the applicant is utilizing the previous approval granted pursuant to Resolution No. ZB-621-61 for parking in the EU-M zone for the medical and professional building; however, the requested pharmacy is a more intense use therefore requiring request #5. Staff opines that the applicant is allowed eight (8) of the parking spaces depicted in the EU-M zone for the medical and professional building based on the previous approval. Because staff is recommending denial of the pharmacy use (request #1), staff recommends a modified approval of request #5 only as it relates to parking for the medical and professional use. Of the 15 parking spaces depicted in the EU-M zone, staff opines that only seven (7) parking spaces can be used for the medical and professional use. Staff notes that the remaining eight (8) parking spaces could be used for the pharmacy use which is recommended for denial and therefore should be removed from the submitted site plan. Staff notes that the remaining seven (7) spaces in addition to the 26 parking spaces located on the northwest portion of the site will provide the required 33 parking spaces for the medical and professional use that the applicant can do as a matter of right in Building #1. Further, staff notes that the 33 parking spaces meet

the required parking count for the medical and professional building. **As such, staff recommends denial of request #2 and modified approval of request #5, to permit less required parking spaces and parking in a zone more restrictive than the use it serves, under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When requests #3 and #4, to permit a reduced landscape buffer and dissimilar land use buffer 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 for the following reasons. Staff notes that the requested minimum 5'-2" wide landscape buffer along NW 12 Avenue is only 1'-10" less than the required 7' wide buffer. Further, the submitted site plan depicts an approximately 23' wide swale area that will be landscaped to include sod and trees. In staff's opinion said area will act as a buffer between the subject property and adjacent roadway. Staff further opines that the requested 2' wide reduction of the dissimilar land use buffer is also minimal because of the configuration of the abutting property. Staff notes that a portion of the parking area for the abutting multi-family residential use is located along the required dissimilar land use buffer area. Staff opines that the location of the parking on the abutting parcel provides an additional buffer between the residential use and the parking area for the medical and professional office use on the subject property. Further, staff notes that the applicant is providing landscaping along the west property line to further buffer the office use from the residential use. In staff's opinion, the proposed landscaping would help to mitigate any visual impacts of the parking on the subject property and the abutting property located to the west. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

Staff opines that the approval of requests #1 and #2 would be out of character with the surrounding area and is **incompatible** based on the above analysis. Additionally, staff opines approval of request #5 on a modified basis is **compatible** with the surrounding area. However, requests #3 and #4 are minimal and **compatible** with the surrounding area. **As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations; denial without prejudice of request #2, modified approval with conditions of request #5 and approval with conditions of requests #3 and #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 the two ingress/egress points, one along NW 95 Street and the other along NW 12 Avenue; additionally, there is an ingress only point along NW 12 Avenue. There are 41 parking spaces, which includes four (4) handicapped spaces.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

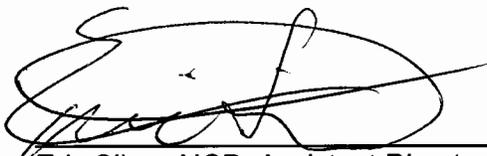
OTHER: N/A

RECOMMENDATION: Denial without prejudice of requests #1 & #2, modified approval with conditions request #5 and approval with conditions of requests #3 - #4

CONDITIONS FOR APPROVAL: (For requests #3, #4, and #5 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources 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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "I & B Medical Associates New Medical Offices" as prepared by Zysocvich Architects, consisting of 4 sheets, "Pharmco Pharmacy" as prepared by Antonio Acosta, consisting of 3 sheets, all plans dated stamped received October 1, 2012. Except as herein modified to show the removal of the proposed pharmacy and eight (8) parking spaces located on the south side of the property along NW 12 Avenue.
3. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:CH:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NN

ZONING RECOMMENDATION ADDENDUM

1295 Shore, LLC

Z12-119

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	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

<p>Low-Medium Density Residential (Pg. I-31)</p>	<p>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.</p>
<p>Land Use Element Objective LU-4 (Pg. I-11)</p>	<p>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.</p>
<p>Land Use Element Policy LU-4A (Pg. I-11)</p>	<p>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</p>
<p>Land Use Element Residential Communities Interpretative Text (Pg. I-34)</p>	<p>Other Potential Uses in Residential Communities. The uses generally permitted in Residential Communities are listed above under the residential, and gross residential density headings. The establishment of other new uses in residential areas is not allowed; however, under limited circumstances and conditions, some other land uses may be permitted to locate in Residential Communities. These special use situations are described below. No "other new use" in a residential area as described in this section shall be deemed consistent with the CDMP where the use or zoning district has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.</p>
<p>(Pg. I-35)</p>	<p>Commercial Uses (in Residential Communities). Commercial uses are prohibited in areas designated as Residential Communities except as specifically provided in this chapter; ample sites for business and office uses are provided in the Business and Office, Industrial and Office, and Office/Residential Categories on the Land Use Plan map. However, under the following specific circumstances limited commercial uses may be authorized in areas designated as Residential Communities.</p>
<p>Conditions for commercial uses to be located in residential communities (Pg. I-37)</p>	<p>Convenience retail facilities may be permitted in multifamily developments containing 300 or more units, as an accessory use for the convenience of the development's residents. Such facilities shall be restricted in size to relate solely to the needs of the development's residents and shall be limited to convenience commercial and personal service uses such as restaurants, food and drugstores, barbershop and dry cleaning service pick up/drop off. Wherever possible, such uses should be located in the principal structure or in a community service structure. Where this ancillary use must be self-standing, its site shall be no larger than one-half acre per 300 dwelling units. These uses shall not be visible from sites outside the subject development or have direct access from public roads, and shall not utilize signage to attract persons from outside the development. In addition, the location of any such convenience facilities shall be designed as an integral part of the total development, and will be subject to site plan approval.</p>

ZONING RECOMMENDATION ADDENDUM

1295 Shore, LLC
Z12-119

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(a) Use Variances From Other Than Airport Regulations	<i>Upon appeal or direct application in specific cases to hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises; and further provided, no variance from any airport zoning regulation shall be granted under this subsection; provided, however, no use variance shall be granted permitting a BU or IU use in any residential, AU or GU District, unless the premises immediately abuts a BU or IU District. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
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. 1295 SHORE, LLC
(Applicant)

13-1-CZ8-4 (12-119)
Area 08/District 02
Hearing Date: 01/15/13

Property Owner (if different from applicant) **Alande Brezault & Claude Innocent.**

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>
1960	C. C. Bratthauer	- Special Permit to allow a Medical & Professional building.	BCC	Approved with Condition(s)
1961	C. C. Bratthauer	- Unusual Use for sewage disposal system. - Non-Use Variance's for setbacks & parking.	ZAB	Approved with Condition(s)

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.

Date: October 30, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources



Subject: C-08 #Z2012000119
Alande Brezault and Claude A. Innocent
9400 NW 12th Avenue, Miami, FL
Deletion of a covenant running with the land recorded in ORB 15981, PG 3581; Use Variance to permit a pharmacy use in the RU-3B and GU Zones, as would be permitted in the business zone; Use Variance to permit a medical office use in the RU-3B and GU Zones, as would be permitted in the business zone; Non Use Variance of zoning requirements to permit a total of 41 parking spaces; Non Use Variance of zoning regulations requiring parking space and driveways not to be located within 25 feet to an official right-of-way, to waive same along NW 12th Avenue and NW 95th Street; Non Use Variance of setback requirements to permit the proposed medical building setback 5'-1" from the interior side (north) property line and setback 15 feet from the interior side (southwest) property line (50 feet required); Non Use Variance of setback requirements to permit the proposed pharmacy building setback 25'-5" from the rear (north) property line (50 feet required); Non Use Variance of landscape requirements to waive the required 5 feet wide dissimilar land use buffer including a 6 feet high wall fence or hedge and buffer trees along the west and south property lines; Unusual Use to permit parking in a zone more restrictive (EU-M) than in which the use it serves is located (BU-1).
(EU-M) (1.5 Acres)
02-53-41

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application 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 for this proposed development order.

Wastewater Disposal

The subject property is served by a septic tank as a means for the disposal of domestic liquid waste. Public sanitary sewer, in the form of an 8-inch force main, abuts the subject property along N.W. 12th Avenue. This force main is owned and operated by the City of North Miami.

The developer has obtained the sewer extension permit 2012-SEW-EXT-00009, issued by the Department's Water and Wastewater Engineering Section. Be advised that this sewer extension must be completed in conformance with the approved plans and specifications and operative prior final development orders.

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 the Department for this proposed development order.

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

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 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 for this proposed development order.

A Class II permit is required if an emergency overflow outfall is proposed.

Wetlands

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

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

Air Quality Preservation

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

Tree Preservation

Tree Removal Permit (TREE-00004030) was issued for this property on October 23, 2012. All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit on October 23, 2013 in order to avoid violation of permit conditions.

Be advised that a new Miami-Dade County Tree Removal/Relocation Permit or an amendment to this permit is required prior to the removal and/or relocation of any additional trees on the subject property. Please contact the Tree Permitting Program at (305)-372-6600, voice option #2, for information regarding tree permits.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

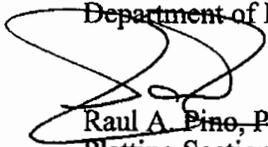
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: November 28, 2012

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS
Platting Section
Department of Regulatory and Economic Resources

Subject: Z2012000119
Name: 1295 Shore, LLC
Location: 9400 NW 12 Ave.
Section 2 Township 53 South Range 41 East

The Department of Regulatory and Economic Resources/Platting Section has reviewed the subject application and objects for the following reasons:

This Department objects to the request to permit less parking than required by Code. Fewer parking spaces may result with vehicles parking within the right-of-way where it is not permitted.

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

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.

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-119
1295 Shore, LLC

Application: *1295 Shore, LLC* is requesting a variance to reduce the number of parking spaces in association to the placement of pharmacy in an existing building on the property. The area is currently zoned Four-unit Apartment District (RU-3) and Estates, Modified Single Family (EU-M).

Size: The subject property is approximately 1.5 acres.

Location: The subject property is located at 9400 NW 12th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The requested variance associated with placement of a pharmacy on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |

- | | |
|----------------------------------|--|
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

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

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

Memorandum



Date: 28-NOV-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000119

Fire Prevention Unit:

No objection to plan stamped received October 1, 2012.

Service Impact/Demand

Development for the above Z2012000119
located at 9400 NW 12 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 3741 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: 6:01 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,

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.

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

Memorandum



Date: October 11, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000119: 1295 SHORE, LLC

Application Name: 1295 SHORE, LLC

Project Location: The site is located at 9400 NW 12 AVE, Miami-Dade County.

Proposed Development: The request is for a use variance to permit a pharmacy in a RU-3B zone.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards.

We have no pertinent comments for this application 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, Parks Property Management Supervisor

DATE: 16-OCT-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

1295 SHORE, LLC

9400 NW 12 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000119

HEARING NUMBER

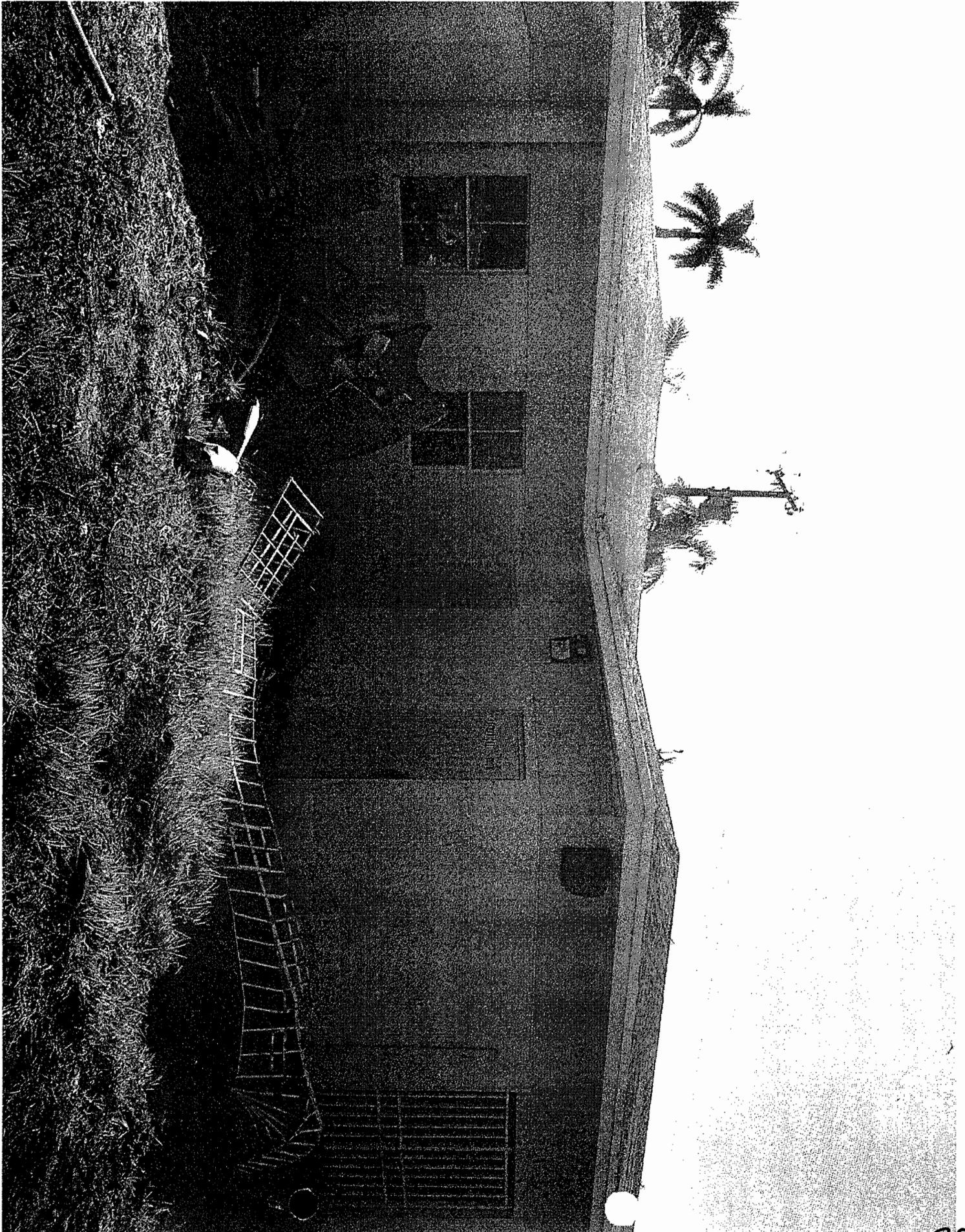
HISTORY:

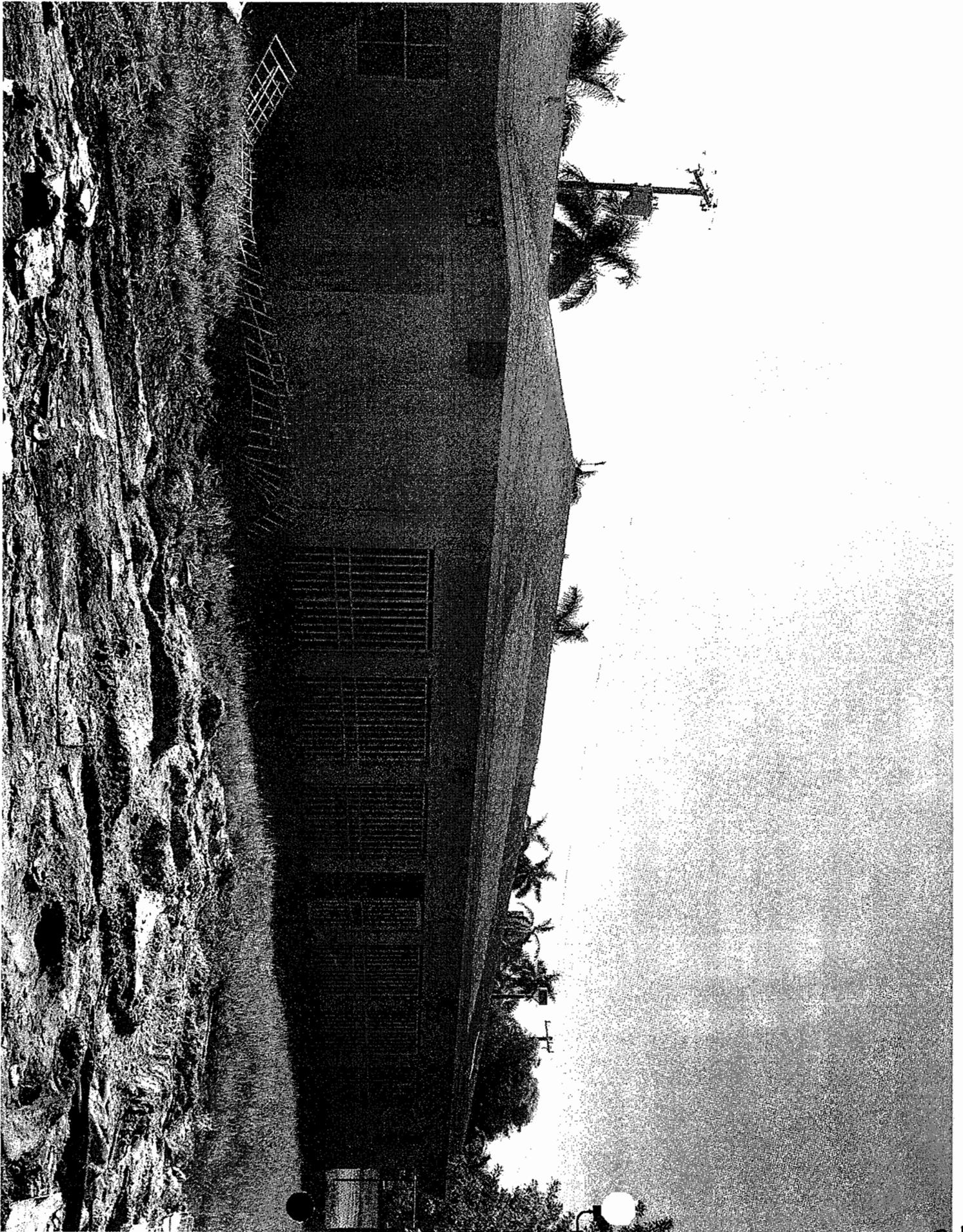
ENFORCEMENT HISTORY: NC; Case was opened September 26, 2012 for Failure to perform lot maintenance 19-14 (a)(1) and a warning was issued. Case was closed on October 15, 2012. BNC: BSS case F2011111362-U opened on January 31, 2012. Notice of Violation issued for Structure A, aka Bldg#1, is a 1-sty CBS commercial building missing its 40-year recertification. 40-year reports have not been submitted. Electrical and Structural reports submitted on April 24, 2012. Board Hearing was held on August 15, 2012, Board decision:45/120/180 a permit application must be submitted within "45" days, by September 29, 2012. Permits to be obtained within "120" days, by December 13, 2012 and repairs to be completed within "180" days, [the securing date will reflect the timeframe for submittal of the permit application]. Case remains open

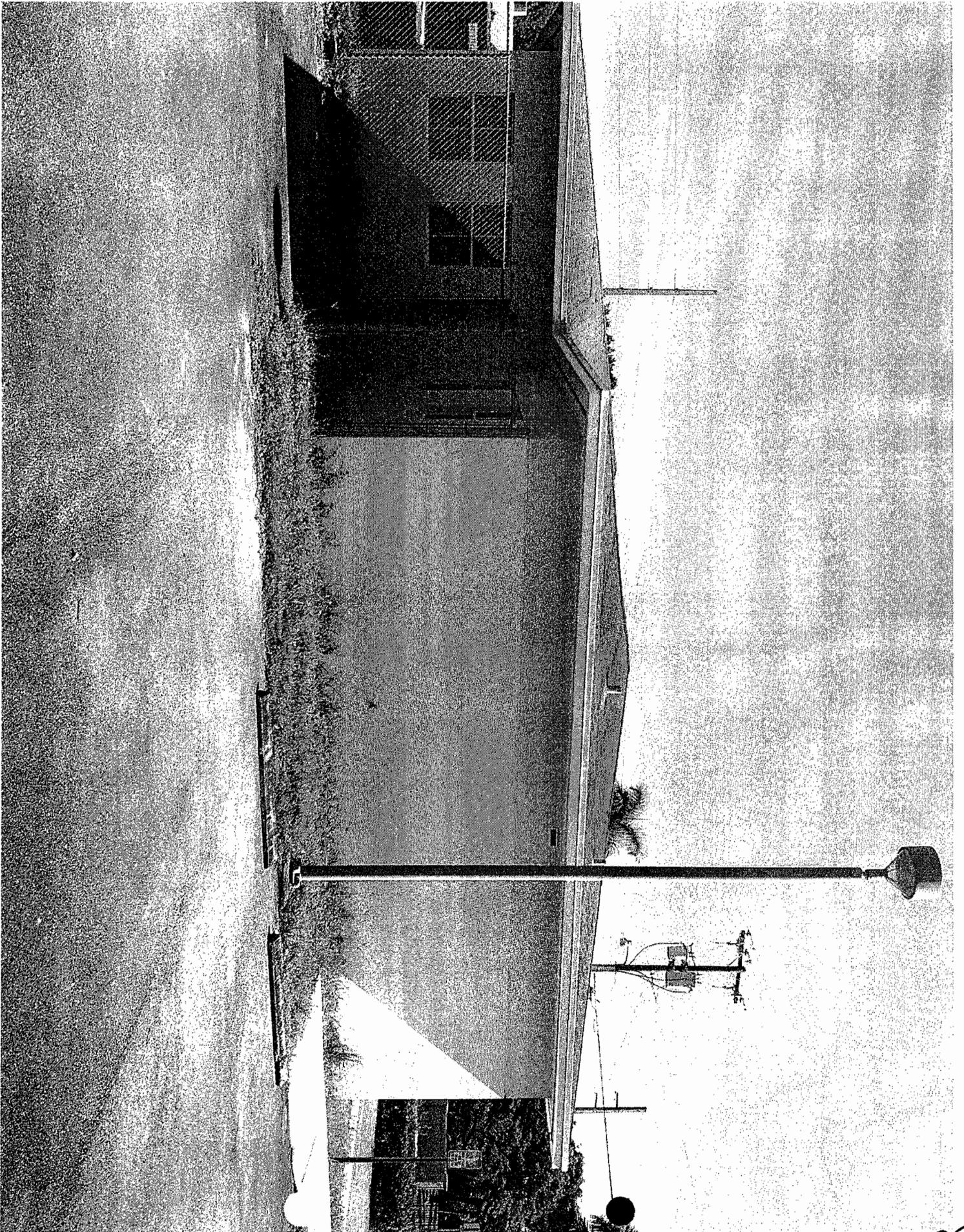
1295 Shore LLC

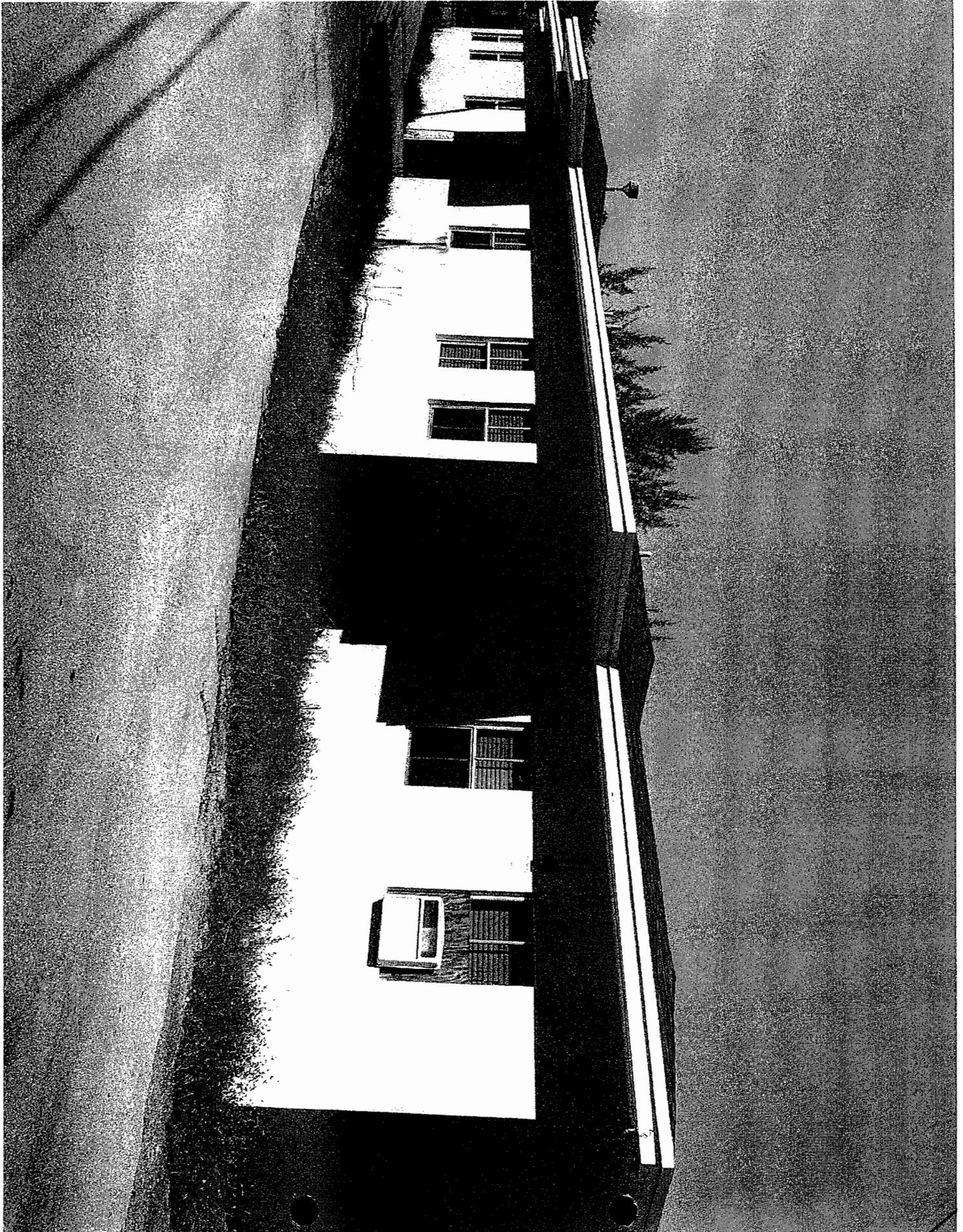
**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

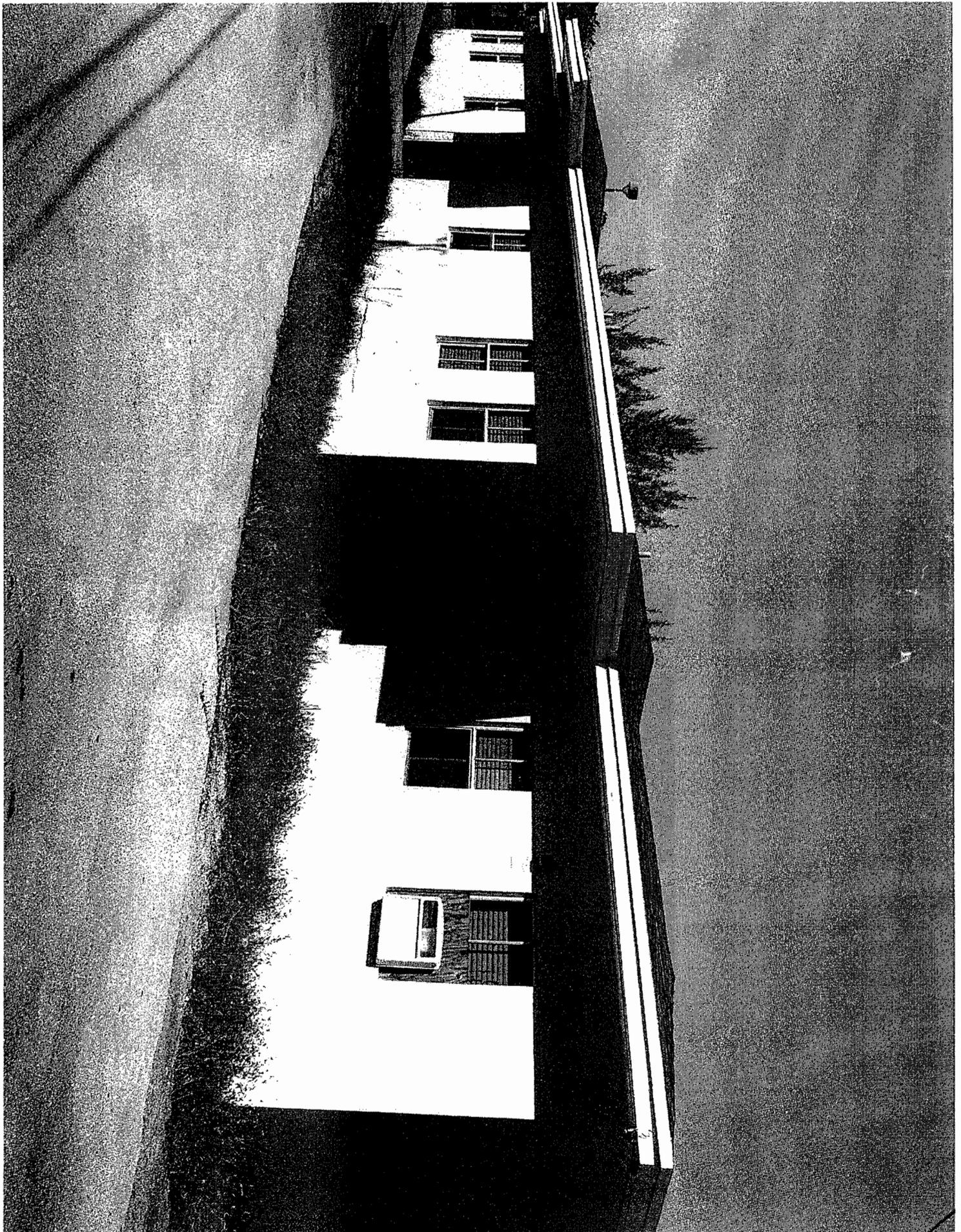
REPORTER NAME:













FOLIO 30-3102-016-0060

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2/17-007
JUN 06 2012

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: 1295 Shore LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Alande Brezault</u>	<u>50%</u>
<u>Claude A. Innocent</u>	<u>50%</u>
<u>1190 NW 95 St. # 40 B</u>	
<u>Miami, FL 33150</u>	

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

TRUST/ESTATE NAME _____

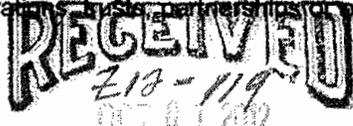
<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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



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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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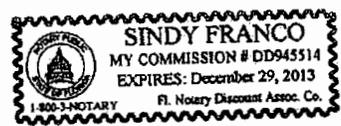
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 24th day of April, 20 12. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)



My commission expires: 12/29/13

*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.

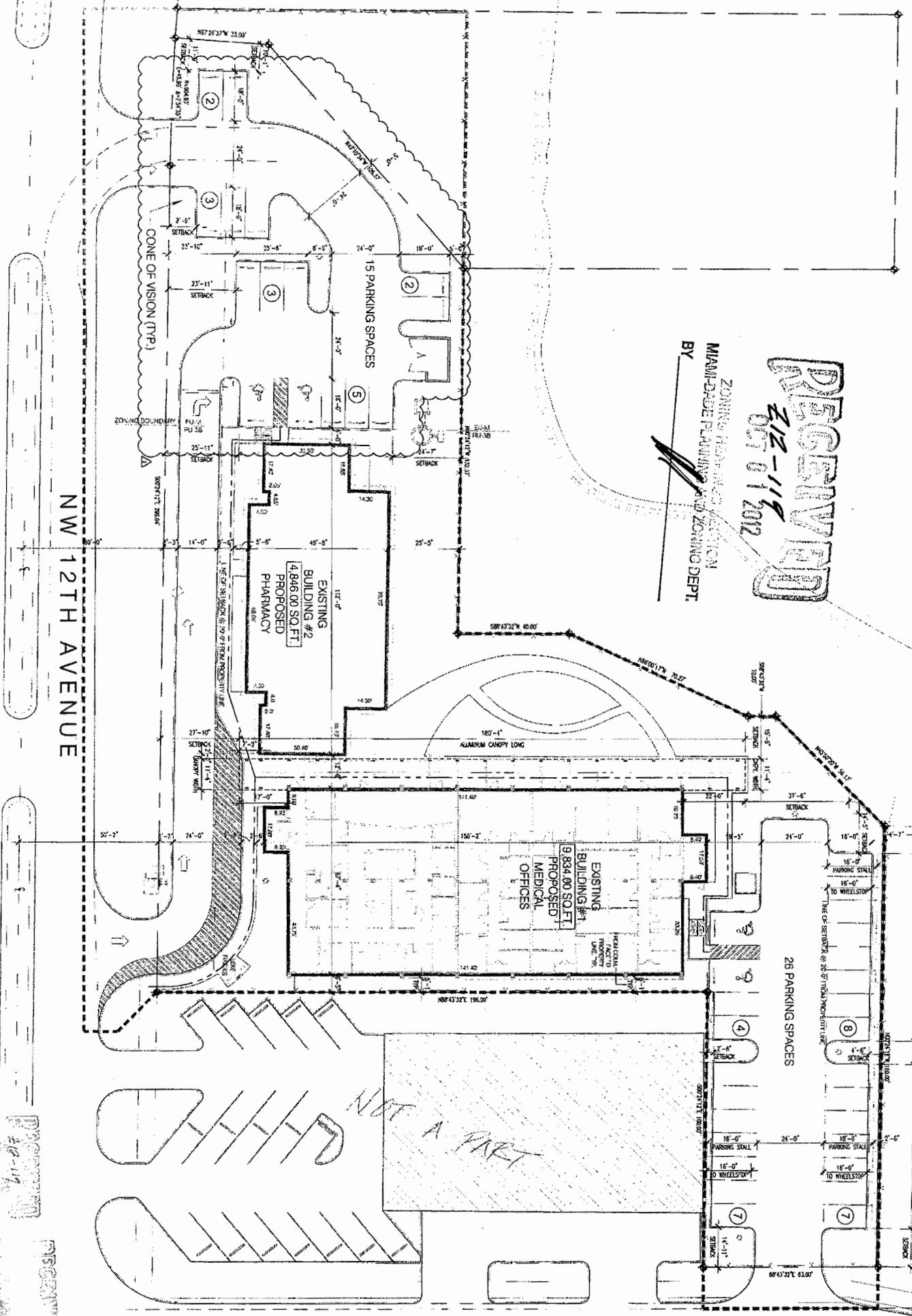
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2-17-11
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ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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Z-12-119
OCT 01 2012

ZONING BOARD OF APPEALS
MUNI-CIPAL PLANNING AND ZONING DEPT.
BY _____

NW 12TH AVENUE

ENLARGED SITE PLAN



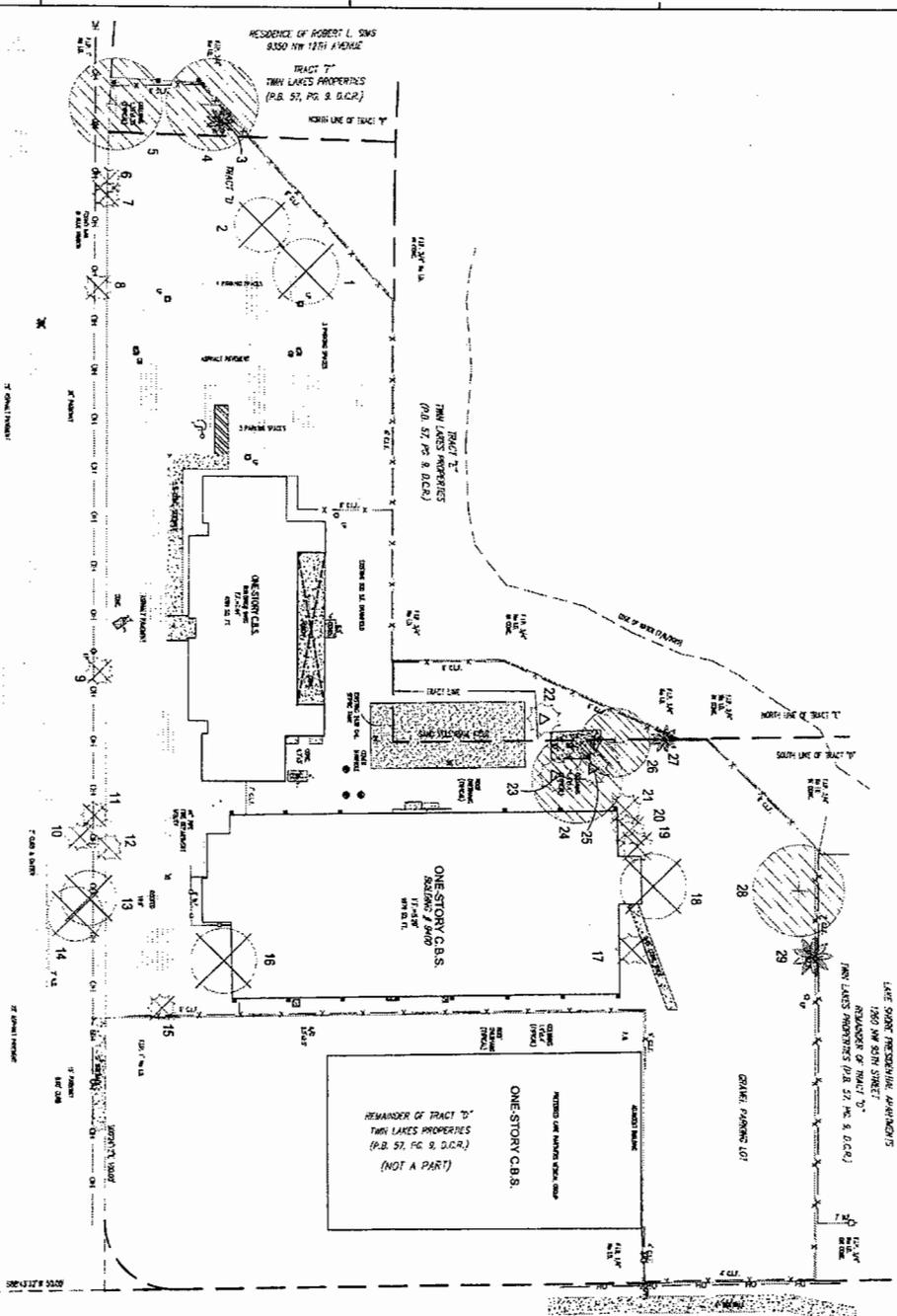
NW 95TH STREET

1 TREE DISPOSITION PLAN

Scale: 1"=20'



N.W. 12th Avenue

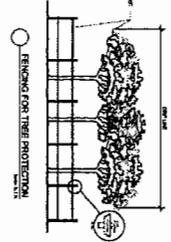


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BY *[Signature]*
 ZONING DEPARTMENT SECTION
 MIAMI, FL
 OCT 01 2012

RECEIVED
 2012-11-08

Total quantity of trees to be removed: 1,700
 Total quantity of trees to be preserved: 1,700
 Total quantity of trees to be planted: 1,700
 Total quantity of trees to be transplanted: 1,700
 Total quantity of trees to be protected: 1,700
 Total quantity of trees to be preserved and replanted: 1,700



Tree No.	Tree Name	Tree Size	Tree Condition	Tree Location	Tree Disposition	Tree Removal Date	Tree Replacement Date	Tree Replacement Species	Tree Replacement Size	Tree Replacement Location
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L-100

TREE DISPOSITION PLAN

DATE: 11/14/12
 DRAWN BY: JENNE ROGERS
 CHECKED BY: JENNE ROGERS
 APPROVED BY: JENNE ROGERS

100% CONSTRUCTION DOCUMENTS SUBMISSION

ZYSCOVICH ARCHITECTS
 100 N. Bay Street, Suite 1000
 Miami, FL 33131
 Phone: (305) 371-1100
 Fax: (305) 371-1101
 www.zyscovich.com

**I & B MEDICAL ASSOCIATES
 NEW MEDICAL OFFICES**
 9400 N.W. 12th Avenue
 Miami, FL 33150

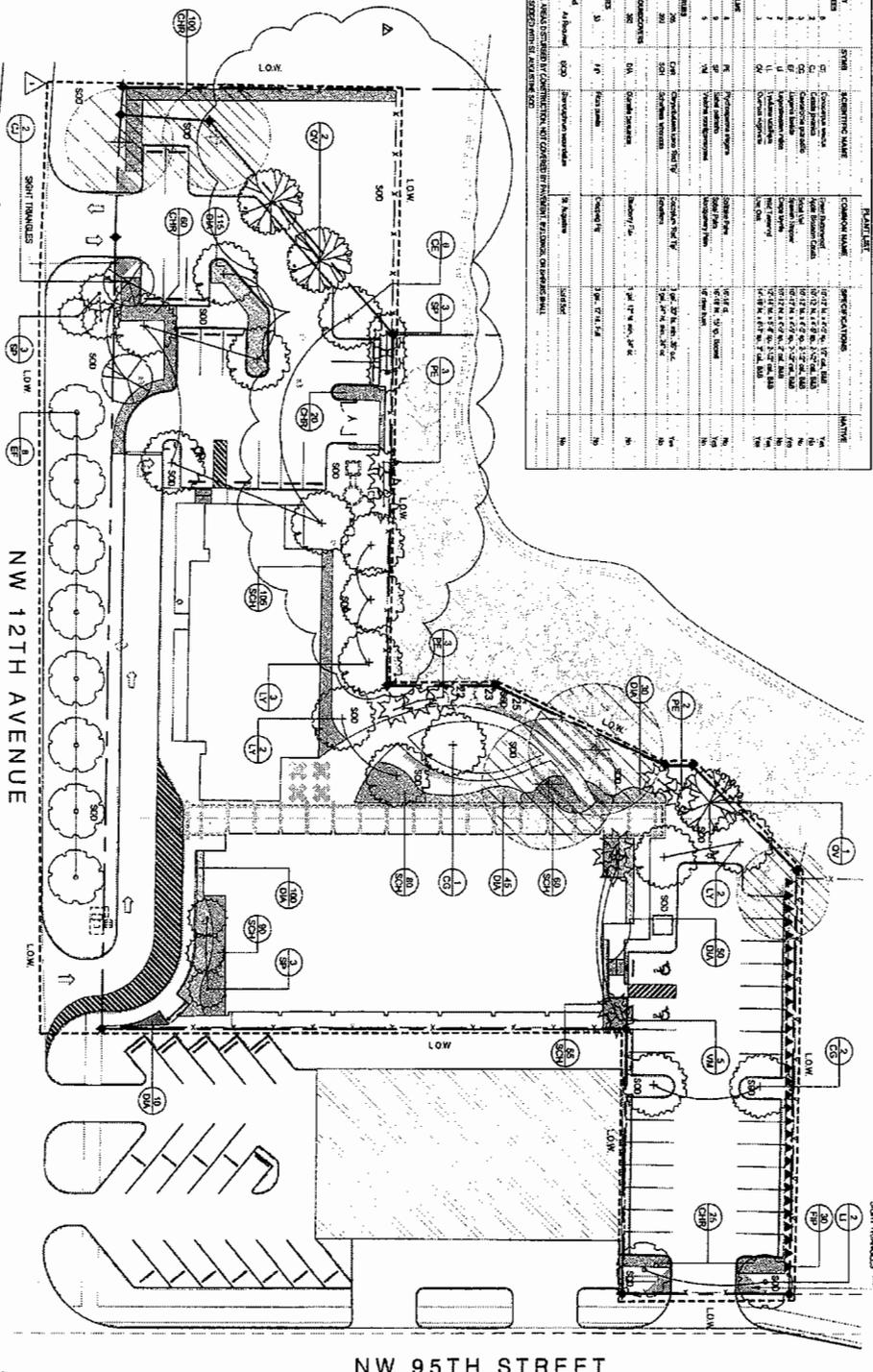
B MEDICAL ASSOCIATES

MEP Engineering
 MEP Engineering, Inc.
 1000 N.W. 12th Avenue, Suite 1000
 Miami, FL 33131
 Phone: (305) 371-1100
 Fax: (305) 371-1101
 www.mepeng.com

Civil Engineer
 Schwabko-Blacks & Assoc.
 1000 N.W. 12th Avenue, Suite 1000
 Miami, FL 33131
 Phone: (305) 371-1100
 Fax: (305) 371-1101
 www.schwabko.com

NO.	SYMBOL	DESCRIPTION	COMMON NAME	PLANT SPECIFICATIONS	QUANTITY
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1 LANDSCAPE PLAN



ZONING BOARD DECISION
 MARIANNE P. ... AND ZONING DEPT.
 BY

RECEIVED
 007-119
 OCT 01 2012



100% CONSTRUCTION DOCUMENTS SUBMISSION

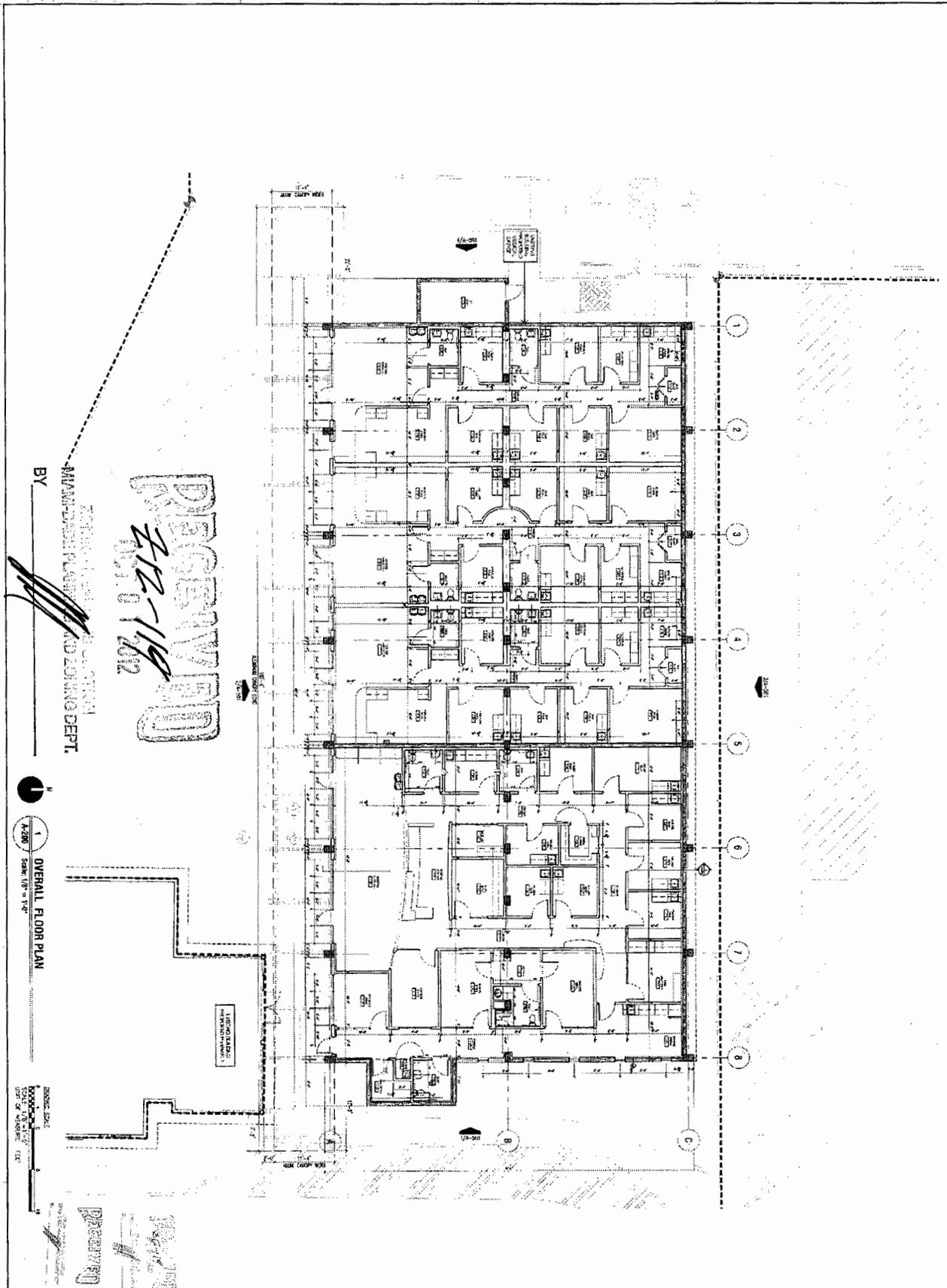
L-101
 LANDSCAPE PLAN

ZYSCOVICH ARCHITECTS
 300 N.W. 12th Avenue, Suite 100
 Miami, FL 33136
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Email: info@zyscovich.com

**I & B MEDICAL ASSOCIATES
 NEW MEDICAL OFFICES**
 8400 N.W. 12th Avenue
 Miami, FL 33150

B MEDICAL
 1000 N.W. 12th Avenue, Suite 100
 Miami, FL 33136
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Email: info@bmedical.com

Schwanke-Dietrich & Assoc.
 1000 N.W. 12th Avenue, Suite 100
 Miami, FL 33136
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Email: info@schwanke.com

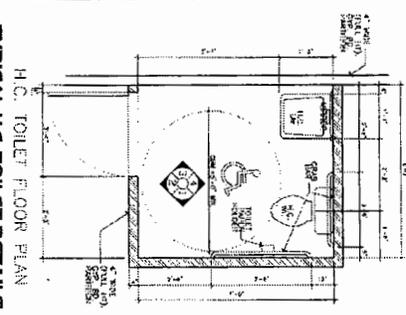


RECEIVED
 2-12-11
 11:02 AM
 ZYSKOVICH ARCHITECTS
 1100 BAYVIEW BLVD., SUITE 1100
 MIAMI, FL 33133
 BY: [Signature]
 MIAMI-DASH PLANNING AND ZONING DEPT.

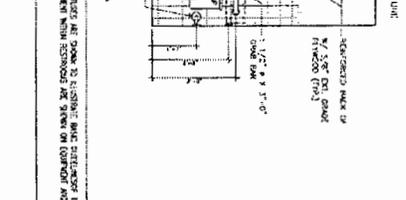
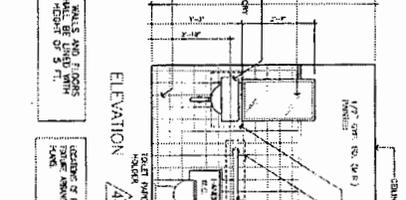
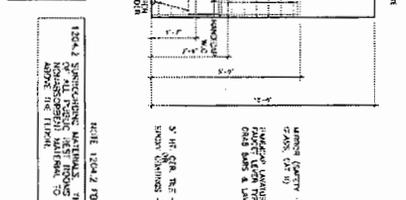
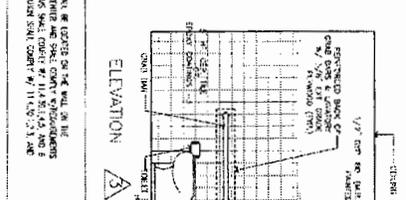
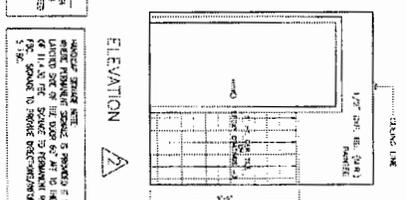
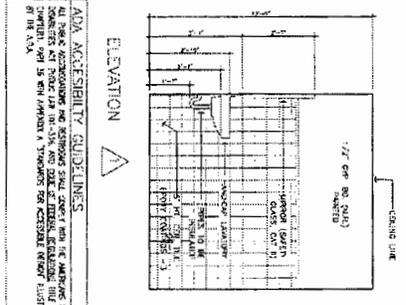
1 OVERALL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

100% CONSTRUCTION DOCUMENTS SUBMISSION

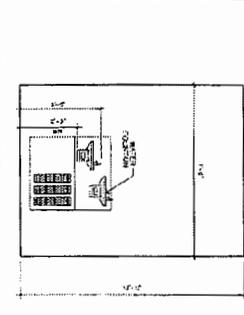
<p>A-200</p>	<p>OVERALL FLOOR PLAN</p>	<p>ZYSKOVICH ARCHITECTS 1100 BAYVIEW BLVD., SUITE 1100 MIAMI, FL 33133 TEL: 305.371.3333 FAX: 305.371.3334 WWW.ZYSKOVICHARCHITECTS.COM</p>	<p>I & B MEDICAL ASSOCIATES NEW MEDICAL OFFICES 9400 N.W. 12th Avenue Miami, FL 33150</p>	<p>B MEDICAL ASSOCIATES</p>	<p> ARCHITECTS: ZYSKOVICH ARCHITECTS, INC. 1100 BAYVIEW BLVD., SUITE 1100 MIAMI, FL 33133 TEL: 305.371.3333 FAX: 305.371.3334 WWW.ZYSKOVICHARCHITECTS.COM </p>	<p> CIVIL ENGINEERS: RICHMOND BRIDGES & ASSOC. 1000 N.W. 12th Avenue MIAMI, FL 33133 TEL: 305.371.3333 FAX: 305.371.3334 WWW.RICHMONDBRIDGES.COM </p>
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H.C. TOILET FLOOR PLAN
SCALE: N.T.S.



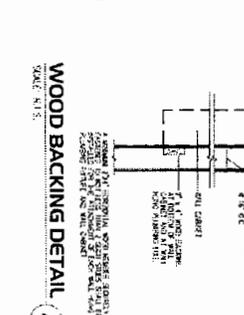
ADA ACCESSIBILITY GUIDELINES
 ALL TOILET ACCESSORIES AND FIXTURES SHALL COMPLY WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE BUILDINGS (28 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TRANSPORTATION (49 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TELECOMMUNICATIONS (47 CFR 101.111).
 ALL TOILET ACCESSORIES AND FIXTURES SHALL COMPLY WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE BUILDINGS (28 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TRANSPORTATION (49 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TELECOMMUNICATIONS (47 CFR 101.111).
 ALL TOILET ACCESSORIES AND FIXTURES SHALL COMPLY WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE BUILDINGS (28 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TRANSPORTATION (49 CFR 37.171) AND THE 2010 ADA STANDARDS FOR ACCESSIBLE TELECOMMUNICATIONS (47 CFR 101.111).



DRINKING FOUNTAIN DETAIL
SCALE: N.T.S.

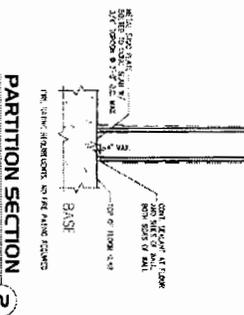
ROOM FINISH SCHEDULE

NO.	ROOM NAME	FLOOR	BASE	WALLS	CEILING	DOOR	FINISHES
101	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
102	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
103	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
104	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
105	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
106	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
107	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
108	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
109	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
110	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
111	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE
112	REIN. CONC.	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE

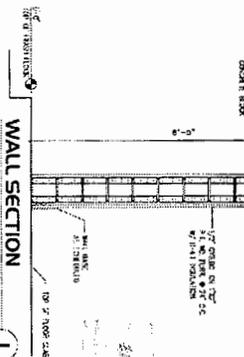


WOOD BACKING DETAIL
SCALE: N.T.S.

NOTE:
 1. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 2. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 3. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 4. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 5. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 6. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 7. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 8. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 9. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 10. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 11. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
 12. ALL FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.



PARTITION SECTION
SCALE: 1/8\"/>



WALL SECTION
SCALE: 1/8\"/>

REVISIONS
 NO. DATE BY
 1 11/15/11 JLD
 2 11/15/11 JLD
 3 11/15/11 JLD
 4 11/15/11 JLD
 5 11/15/11 JLD
 6 11/15/11 JLD
 7 11/15/11 JLD
 8 11/15/11 JLD
 9 11/15/11 JLD
 10 11/15/11 JLD

PROJECT: PHARMACY
 3000 HWY 40
 BAY AREA
 SAN FRANCISCO, CA 94134
 DATE: 11/15/11
 DRAWN: JLD
 CHECKED: JLD
 PROJECT NO.: 1111111111
 SHEET NO.: A-2

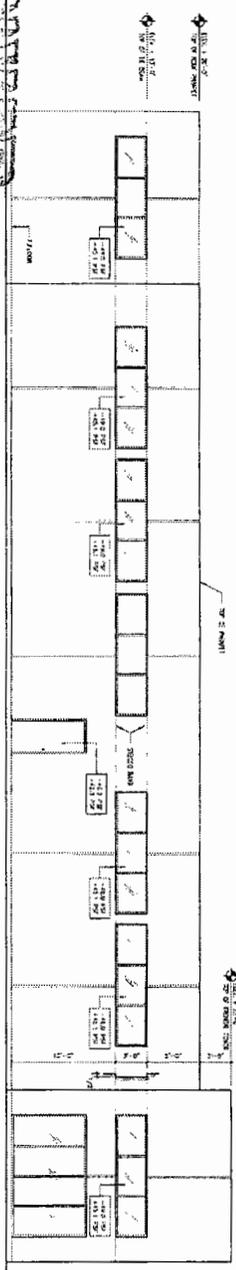
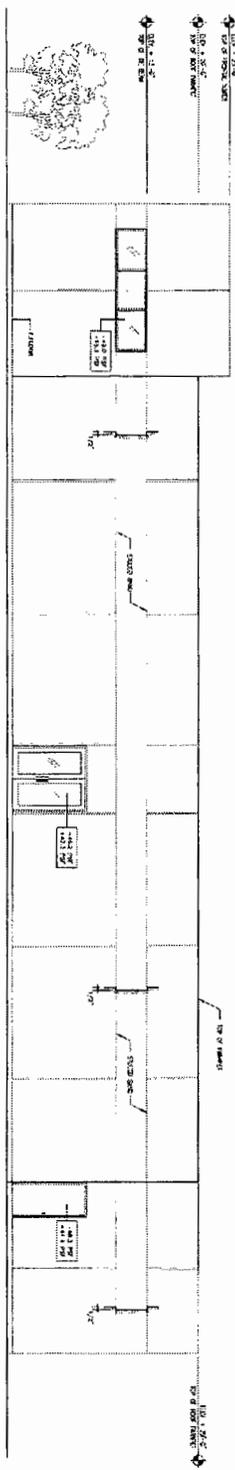
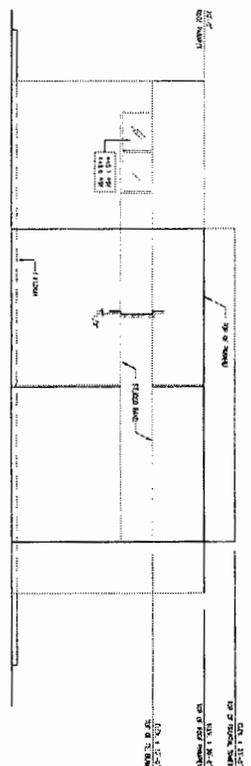
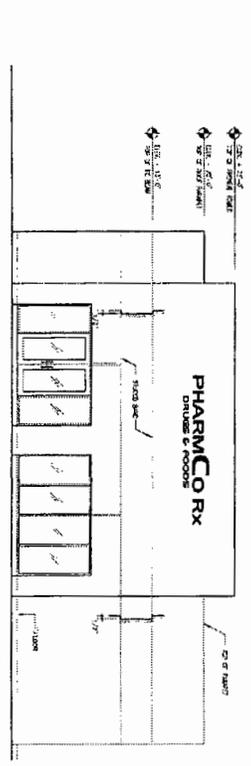
ANTONIO ACOSTA
 PROJECT MANAGER
 3000 HWY 40
 BAY AREA
 SAN FRANCISCO, CA 94134
 PHONE: (415) 885-8800

PHARMACY
 3000 HWY 40
 BAY AREA
 SAN FRANCISCO, CA 94134
 PHONE: (415) 885-8800

DATE: 11/15/11
 SHEET NO.: A-2

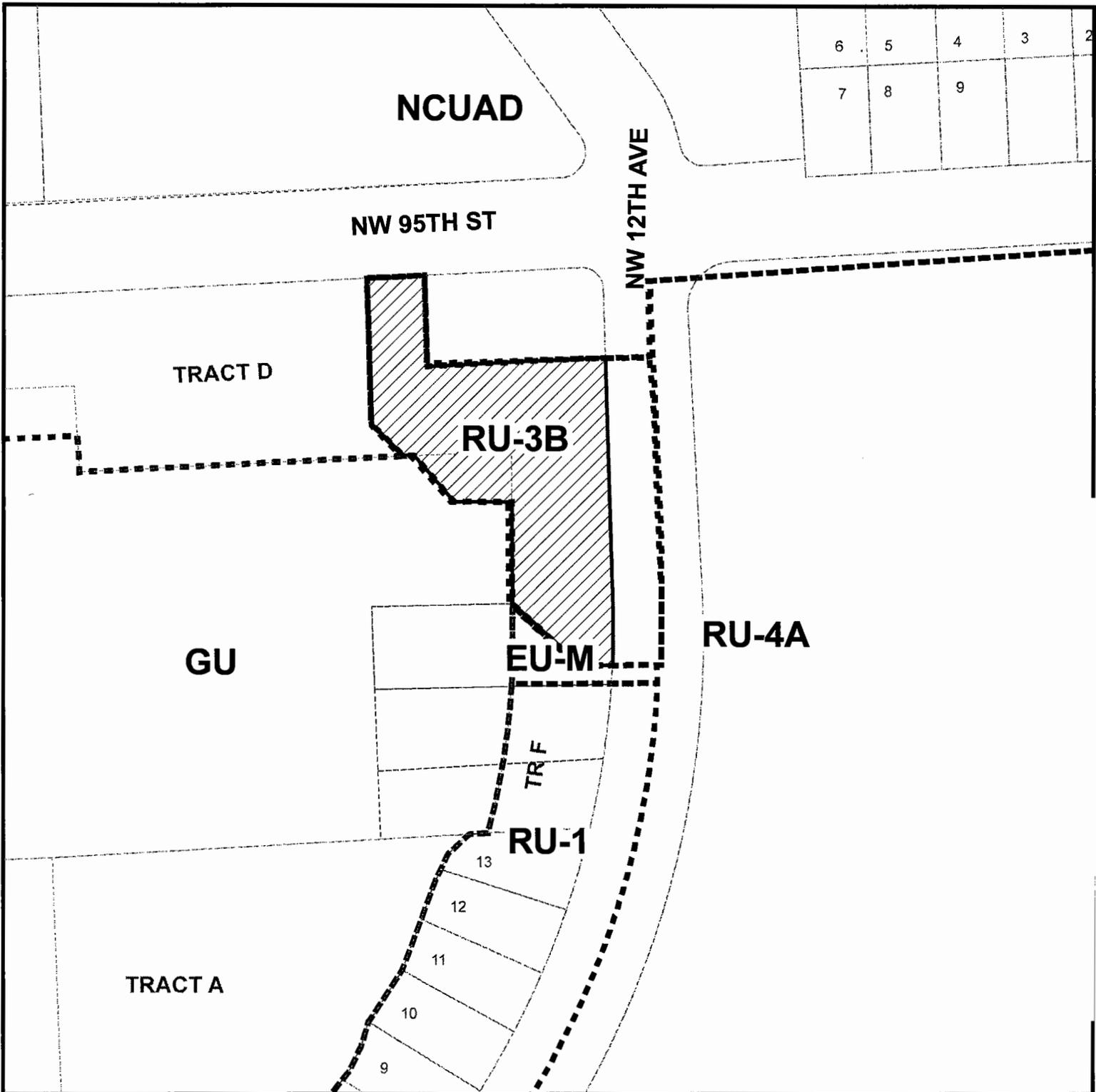
RESERVED
 #14-119

ZONING HEARING
 MAJOR-DIVISION PLANNING
 ENGINEERING DEPT.
 BY: *[Signature]*



PHARMCO PHARMACY 3800 NW 40th Ave Miami, FL 33187		CONTRACTOR ANTONIO APOSTIA 8055 NW 41st St Miami, FL 33187 Ph: (305) 855-4806
PROJECT NAME PHARMCO PHARMACY 3800 NW 40th Ave Miami, FL 33187		DATE 08/22/2011
DRAWING NO. A-3		SCALE 1/16" = 1'-0"

37



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000119



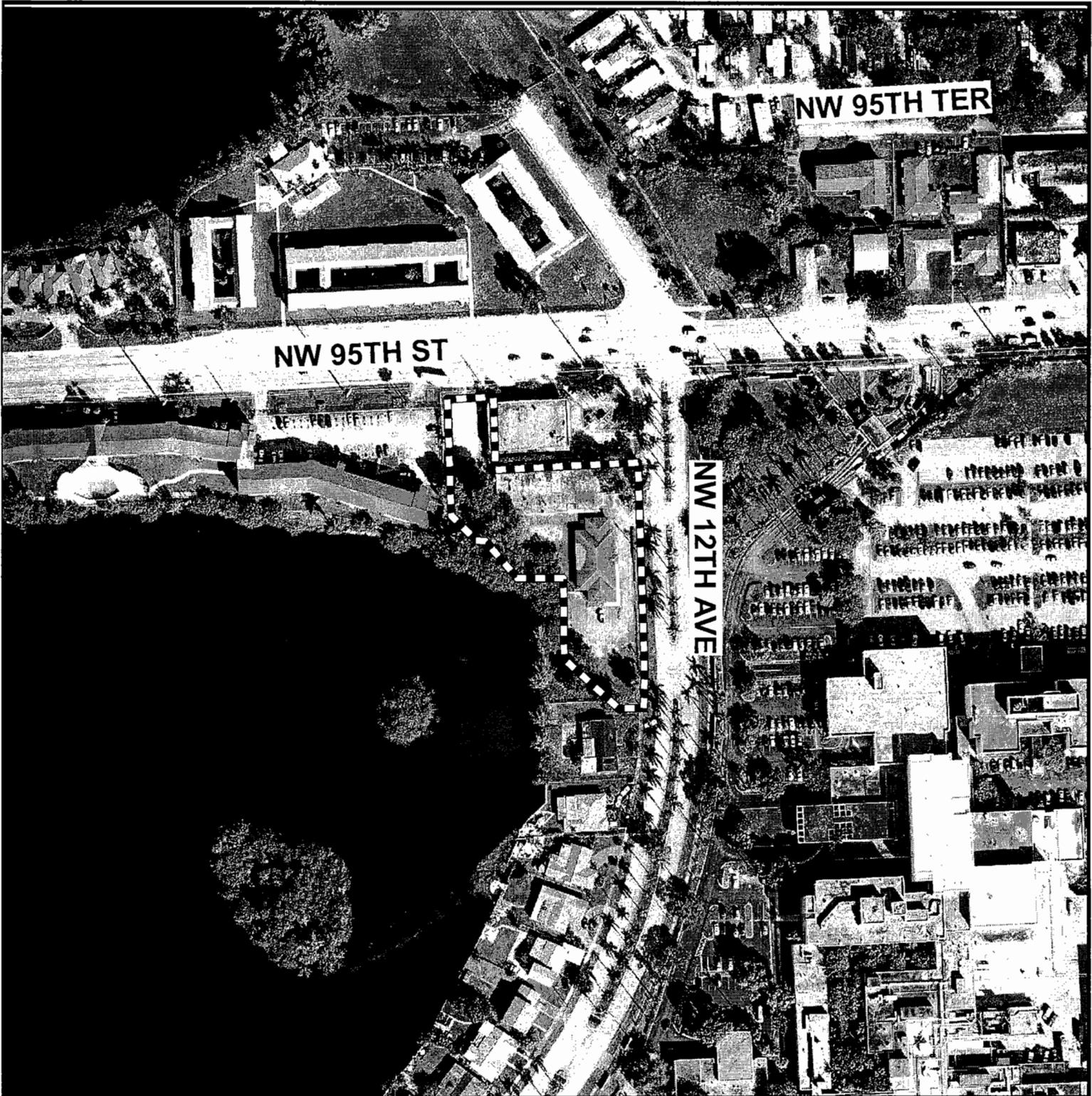
Section: 02 Township: 53 Range: 41
 Applicant: 1295 SHORE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Wednesday, October 17, 2012

REVISION	DATE	BY
		39



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000119



Section: 02 Township: 53 Range: 41
 Applicant: 1295 SHORE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

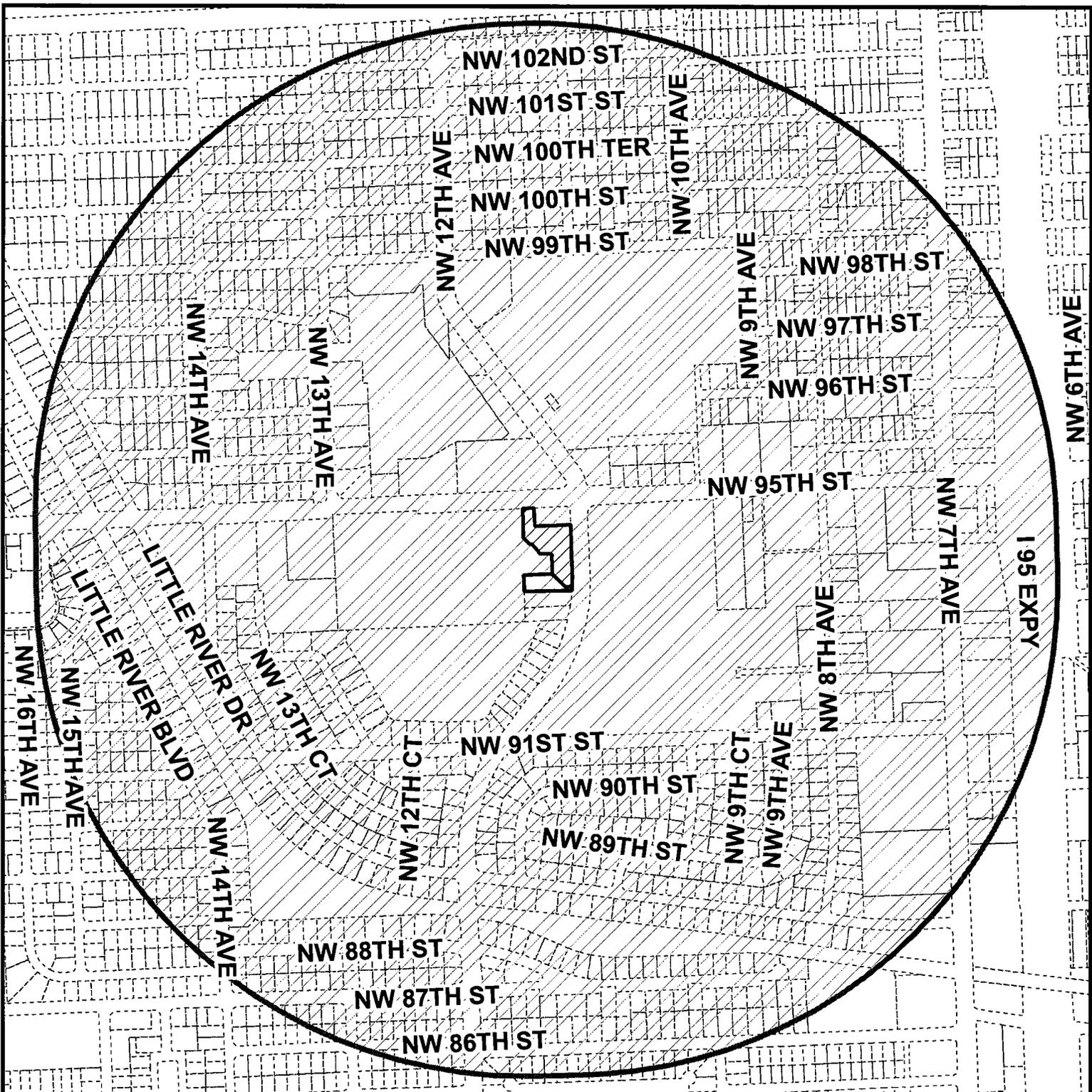
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 Subject Property



SKETCH CREATED ON: Monday, June 18, 2012

REVISION	DATE	BY
		40



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2012000119

RADIUS: 2640



Section: 02 Township: 53 Range: 41
 Applicant: 1295 SHORE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

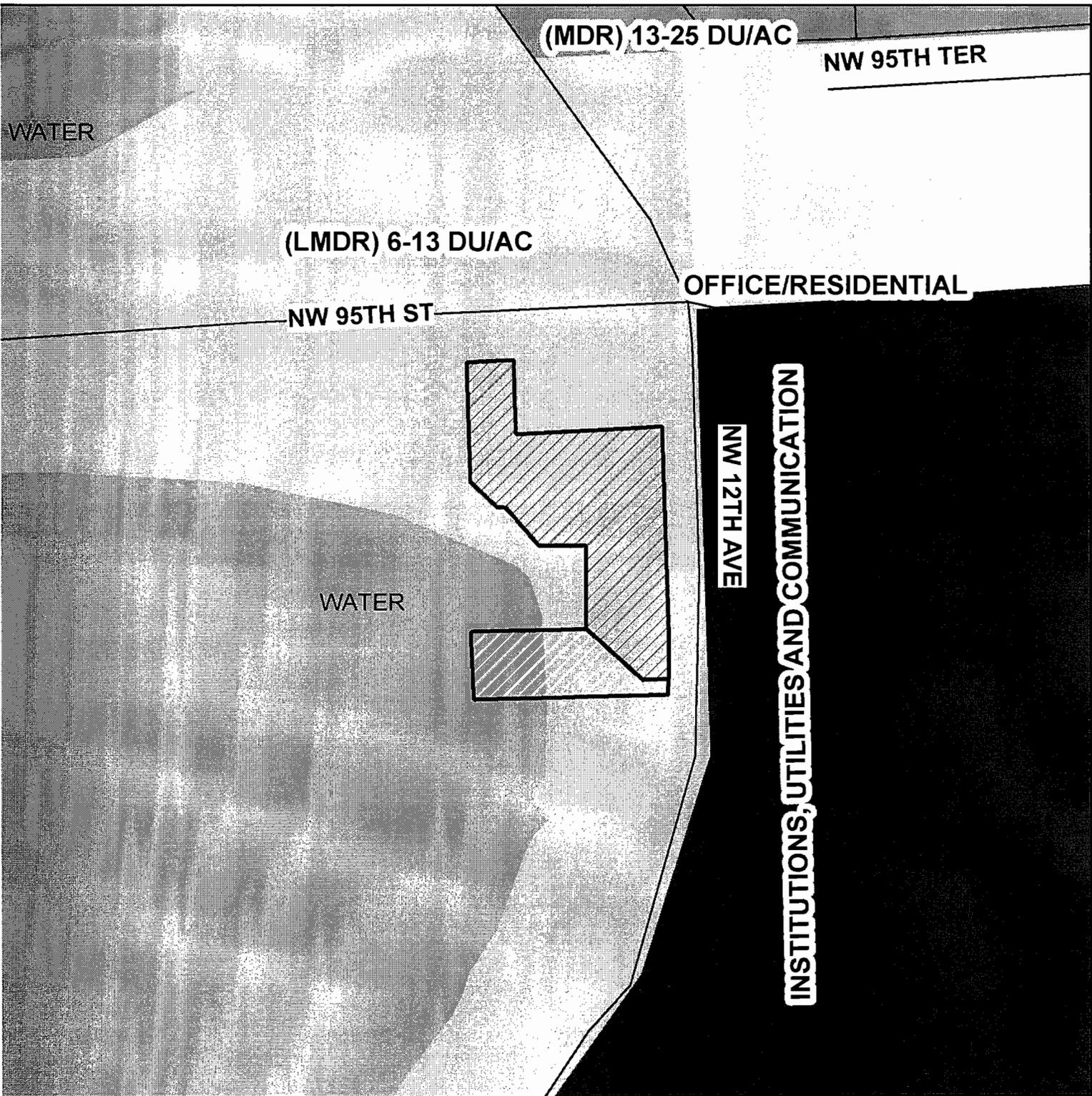
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Wednesday, October 17, 2012

REVISION	DATE	BY
		41



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000119



Section: 02 Township: 53 Range: 41
 Applicant: 1295 SHORE, LLC
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Monday, June 18, 2012

REVISION	DATE	BY