

KITS

3-2-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Wednesday, April 6, 2011 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|-----------------------|---------------|----------|---|
| 1. | 11-4-CZ10-1 | <u>CITIBANK, N.A.</u> | <u>10-134</u> | 16-54-40 | N |
| 2. | 11-4-CZ10-2 | <u>TOMAS GONZALEZ</u> | <u>10-164</u> | 02-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, APRIL 6, 2011

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 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

1. CITIBANK, N.A. (11-4-CZ10-1/10-134)

15-54-40
Area 10/District 10

(1) MODIFICATION of Condition #2 of Resolution No. Z-98-82, last modified by Resolution Z-83-97, both passed and adopted by the Board of County Commissioner, 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 "Miami Bird Road Drive-Thru Relocation," as prepared by Architect Jeff Falkanger & Associates Incorporated, consisting of 1 drawing, Sheet 'A-1', dated revised 7-8-97."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Citibank", consisting of 2 sheets and a plan entitled "Citi" all prepared by TSAO Design Group for a total of 3 sheets. Sheet 'L-400' dated stamped received 12/21/10 and the remaining 2 sheets dated stamped received 12/13/10.

(2) MODIFICATION of Paragraph #1 of a "Declaration of Restrictive Covenants" as recorded in Official Record Book 11481, Pages 329 through 333, last modified by Paragraph #1 of a "Modification of Declaration of Restrictive Covenants recorded in Official Records Book 11481 at pages 329 through 333" as recorded in Official Record Book 27608, Pages 3907 through 3915, reading as follows:

FROM: "1. That the proposed site will be developed in substantial compliance with the approved site plan entitled "Miami Bird Road Drive-Thru Relocation," as prepared by Architect Jeff Falkanger & Associates Incorporated, consisting of 1 drawing, Sheet 'A-1', dated revised 7-8-97."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Citibank", consisting of 2 sheets and a plan entitled "Citi" all prepared by TSAO Design Group for a total of 3 sheets. Sheet 'L-400' dated stamped received 12/21/10 and the remaining 2 sheets dated stamped received 12/13/10.

The purpose of the above requests is to allow the applicant to submit a new site plan showing a relocation of the drive through teller facilities for the previously approved bank.

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

LOCATION: 8701 S.W. 40 Street (Bird Road), Miami-Dade County, Florida.

SIZE OF PROPERTY: 41,429 sq. ft.

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. TOMAS GONZALEZ (11-4-CZ10-2/10-164)

**02-54-40
Area 10/District 06**

(1) Applicant is requesting to permit an existing duplex setback 5'-11" (7'-6" required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization and Conversion to Duplex," as prepared by Adonai Design & Construction, Inc. consisting of 3 sheets with Sheet SP dated stamped received 10/4/10 and the remaining 2 sheets dated stamped received 10/6/10. Plans may be modified at public hearing.

LOCATION: 33 N.W. 73 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 125'

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 7

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. CITIBANK, N.A.
(Applicant)

11-4-CZ10-1 (10-134)
Area 10/District 10
Hearing Date: 04/06/11

Property Owner (if different from applicant) **8701 Bird Road Associates, LLC.**

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>
1955	Galloway Corporation	- Zone change from RU-2 & RU-2A to BU-2A.	BCC	Approved w/conds.
1955	Galloway Corporation	- Non-Use Variance of spacing and building setbacks.	BCC	Approved w/conds.
1982	The Farmers and Merchants Bank & Trust Company	- Unusual Use Non-Commercial parking. - Variance for parking. - Variance for 1 opening in RU-BU wall.	BCC	Approved w/conds.
1985	The Bank of Miami	- Modification of condition #2 of resolution.	ZAB	Approved w/conds.
1997	First Union National Bank	- Zone change from BU-2 & RU-2 to BU-1A. - Special Exception for site plan approval. - Modification of Covenant.	BCC	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

APPLICANT: Citibank, N.A.

PH: Z10-134 (11-4-CZ10-1)

SECTION: 16-54-40

DATE: April 6, 2011

COMMISSION DISTRICT: 10

ITEM NO.: 1

=====

A. INTRODUCTION:

o **SUMMARY OF REQUESTS:**

The applicant seeks to modify a condition of a previously approved Resolution along with a paragraph of the accompanying Declaration of Restrictions in order to submit revised plans which show the relocation of the drive-through facilities on the previously approved bank property.

o **REQUESTS:**

- (1) **MODIFICATION** of Condition #2 of Resolution Z-98-82, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Miami Bird Road Drive-Thru Relocation," as prepared by Architect Jeff Falkanger & Associates Incorporated, consisting of 1 drawing, Sheet 'A-1', dated revised 7-8-97."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Citibank", consisting of 2 sheets and a plan entitled "Citi" all prepared by TSAO DesignGroup for a total of 3 sheets. Sheet 'L-400' dated stamped received 12/21/10 and the remaining 2 sheets dated stamped received 12/13/10.

- (2) **MODIFICATION** of paragraph #1 of a "Declaration of Restrictive Covenants" as recorded in Official Record Book 11481, Pages 329 through 333, last modified by paragraph #1 of a "Modification of Declaration of Restrictive Covenants recorded in Official Records Book 11481 at pages 329 through 333" as recorded in Official Record Book 27608, Pages 3907 through 3915 as follows:

FROM: "1. That the proposed site will be developed in substantial compliance with the approved site plan entitled "Miami Bird Road Drive-Thru Relocation," as prepared by Architect Jeff Falkanger & Associates Incorporated, consisting of 1 drawing, Sheet 'A-1', dated revised 7-8-97."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Citibank", consisting of 2 sheets and a plan entitled "Citi" all prepared by TSAO

Design Group for a total of 3 sheets. Sheet 'L-400' dated stamped received 12/21/10 and the remaining 2 sheets dated stamped received 12/13/10."

The purpose of the above requests is to allow the applicant to submit a new site plan showing a relocation of the drive through teller facilities for the previously approved bank.

- o **LOCATION:** 8701 S.W. 40 Street (Bird Road), Miami-Dade County, Florida.
- o **SIZE:** 41,429 sq. ft.

B. ZONING HEARINGS HISTORY:

The subject property or portions thereof, has been the subject of a number of hearings from 1955 through 1997. The southern portion of the subject property was rezoned from RU-2, Two-Family Residential District and BU-2A, Special Business-Masonry District to BU-2A in April 1955. In 1982, the subject property was approved for an unusual use to permit non-commercial parking for the BU-2 property in the then more restrictive RU-2 zoned northern portion of the property, pursuant to Resolution #Z-98-82. The applicant also proffered a restrictive covenant in connection with said Resolution that was accepted by the Board as a part of the requested approval. In 1985, pursuant to Resolution #4-ZAB-471-85, the subject property was approved to allow a modification of condition #2 of the 1982 resolution. Subsequently, in 1997, the entire subject property was approved for a zone change from BU-2, Special Business District and RU-2, to BU-1A, Limited Business District, pursuant to Resolution #Z-83-97. Said resolution also allowed the applicant to expand the commercial uses onto adjacent property and to modify the covenant and conditions of the previously mentioned 1982 resolution.

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

*The adopted 2015 and 2025 Land Use Plan designates the subject property 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 such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. 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 uses.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; commercial bank

Business and Office

Surrounding Properties:

NORTH: RU-5A; office building

Business and Office

SOUTH: BU-1A; shopping center

Business and Office

EAST: BU-1A; shopping center, service station

Business and Office

WEST: BU-2; restaurant
 RU-2; parking lot, single-family residences

Business and Office
 Low-Medium Density Residential, 6 to 13
 dua

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

33-311(A)(7) Generalized Modification Standards. *The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions.

G. PLANNING AND ZONING ANALYSIS:

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) 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, entertainment and cultural facilities, amusements and commercial recreation establishments. 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. As such, the existing bank use is consistent with the LUP map of the CDMP.*

When requests #1 and #2 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modifications in staff's opinion, will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Staff notes that the purpose of the proposed modifications is to allow the applicant to relocate the drive-through facilities for the previously approved bank. Further, the applicant's letter of intent states that the requested changes to the plan will allow the bank to have additional office space. The submitted plans depict a fifty percent (50%) reduction in the number of drive-through lanes from the six (6) lanes that were previously approved pursuant to Resolution #Z-98-82, last modified by Resolution #Z-83-97, as well as the modification of the existing structure to allow the addition of 628 sq. ft. staff lounge area to the existing bank building. Staff opines that the reduction in the number of drive through lanes and the conversion of a portion of the structure will not have a negative visual impact on the surrounding area and in particular, on the residences located to the west of the bank. The submitted plans indicate an adequate amount of landscaping and green areas on the property in the form of continuous rows of trees and hedges along the side street west and south property lines, which staff opines will provide a visually pleasing effect and mitigate any negative visual impacts of the proposed modifications on the surrounding area.

Further, staff acknowledges that DERM, Public Works, and the Miami-Dade Fire Rescue Departments do not object to the application. Based on their memoranda pertaining to this application, staff opines that approval of these requests will not unduly burden the services provided by the County in this area. Therefore, staff opines that the approval of the applicant's requests would not have a negative visual or aural impact on the residential developments to the west and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7), Generalized Modification Standards.**

Based on the aforementioned, staff maintains that approval of the requested modifications (request #1 and #2) to allow the applicant to submit a new site plan showing the relocation of the drive through teller facilities for the previously approved bank, would be **consistent** with the LUP map of the CDMP and **compatible** with the surrounding area. **Accordingly, staff**

recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7).

H. RECOMMENDATION:

Approval with conditions.

I. CONDITIONS:

1. That all the conditions of Resolution #Z-98-82, last modified by Resolution #Z-83-97 remain in full force and effect except as herein modified.
2. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.
3. 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

DATE TYPED: 02/15/11
DATE REVISED: 02/16/11, 02/22/11, 02/28/11, 03/10/11
DATE FINALIZED: 03/10/11
MCL:GR:NN:NC:CH

For 

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



Department of Environmental Resources Management

Plan Review and Development Approvals Division

701 NW 1st Court Ste-200

Miami, Florida 33136-3912

T 305-372-6764 F 305-372-6543

miamidade.gov

January 6, 2011

David Sacks, Esq.
Pathman Lewis, LLP
One Biscayne Tower, Suite 2400
2 S. Biscayne Blvd.
Miami, FL 33131

Re: Zoning Hearing #Z2010000134-2nd Revision
Citibank, N.A. a Federal Savings Bank

Dear Mr. Sacks:

Enclosed, please find the Department of Environmental Resources Management (DERM) comments concerning the subject application filed for a zoning hearing. As noted in the attached comments, your application has been reviewed and approved by DERM, and it may be scheduled for hearing.

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

Sincerely,

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

Jose Gonzalez, P.E.
Assistant Director

Enclosure

Memorandum



Date: January 6, 2011

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is fluid and cursive, written over the printed name of the sender.

Subject: C-10 #Z2010000134-2nd Revision
Citibank, N.A. a Federal Savings Bank
8701 Board Road
Modification of a Previous Regulation/Agreement to Permit Applicant to
Submit New Plans
(BU-1A) (0.095085 Acres)
16-54-40

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

Potable Water Service

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

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

Wastewater Disposal

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

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage or if the property is within feasible distance for connection to the public sanitary sewer system.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code

Section also provides that nonresidential land uses served by septic tank and public water may only be approved, if among other requirements the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

This request is to permit a modification to a previous resolution and agreement resulting in 688 square feet addition, in connection with an existing bank with drive thru on the subject property.

Inasmuch as the previous zoning request did not comply with any of the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Miami-Dade Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition under Board Order number 97-3 with specific conditions. At this time, the applicant is in compliance of said Board Order.

Stormwater Management

Any water management system designed for this development must comply with the level of flood protection corresponding to the 5-years/1-day storm event. In addition, runoff corresponding to the 25-years/3-days storm event shall be also retained on-site.

Project site must be graded in such a way that runoff cannot be routed toward adjacent properties and/or public right of way. Minimum lot elevation and lowest floor elevation criteria must be applied in accordance with Chapter 11C of the Code.

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

Wetlands

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

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

Tree Preservation

Section 24-49 of the Code requires the preservation of tree resources. Prior to the removal or relocation of any tree on-site, a Miami-Dade County Tree Removal Permit is required. Section 24-49.3 of the Code states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24-49.2 shall apply". Note that the applicant has submitted an application to DERM for a Tree Removal/Relocation permit (TREE-02761).

As such, DERM recommends approval of this application with the condition that the Tree Removal Permit TREE-02761 is duly obtained prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code. The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

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-sized trees at their current location, or
2. Comply with all specimen tree removal standards set forth in Section 24-49.2(II) of the Code.

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CITIBANK, N.A.

This Department has no objections to this application.

Driveway to SW 87 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

09-NOV-10

Memorandum



Date: 13-DEC-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000134

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 27, 2010.
 APPROVAL
 No objection to site plan date stamped November 17, 2010.

Service Impact/Demand

Development for the above Z2010000134
 located at 8701 S.W. 40 STREET (BIRD ROAD), MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1527 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.15 alarms-annually.
 The estimated average travel time is: 4:25 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SW 82 Avenue
 Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped November 17, 2010. 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.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

CITIBANK, N.A.

8701 S.W. 40 STREET (BIRD
ROAD), MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000134

HEARING NUMBER

HISTORY:

OPEN CASES:
Neighborhood Compliance
None

Building
None

PREVIOUS CASES:
Neighborhood Compliance
None

Building
None

NONE

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

NONE

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

NAME OF PURCHASER: N/A

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

N/A

N/A

210-134

Date of contract: JFH

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

N/A

N/A

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.

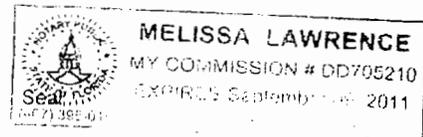
Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 3rd day of September 2010
produced _____ as identification.

Affiant is personally know to me or has

[Signature]
(Notary Public)

My commission expires: _____



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

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: 8701 Bird Road Associates, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>James RANDEL, 265 Post Rd. W, Westport, CT</u>	<u>20</u>
<u>David Cohen, 276 Post Rd W, Westport, CT</u>	<u>40</u>
<u>HANOLD Levy, 276 Post Rd. W, Westport, CT</u>	<u>40</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>
<u>210-134</u>	
<u>JSA</u>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

210-134

[Handwritten Signature]

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: _____ owner
(Applicant)

Sworn to and subscribed before me this 24th day of September 20 10. Affiant is personally known to me or has produced _____ as identification.

[Signature]
(Notary Public) **D J SMITH**
NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 30, 2011

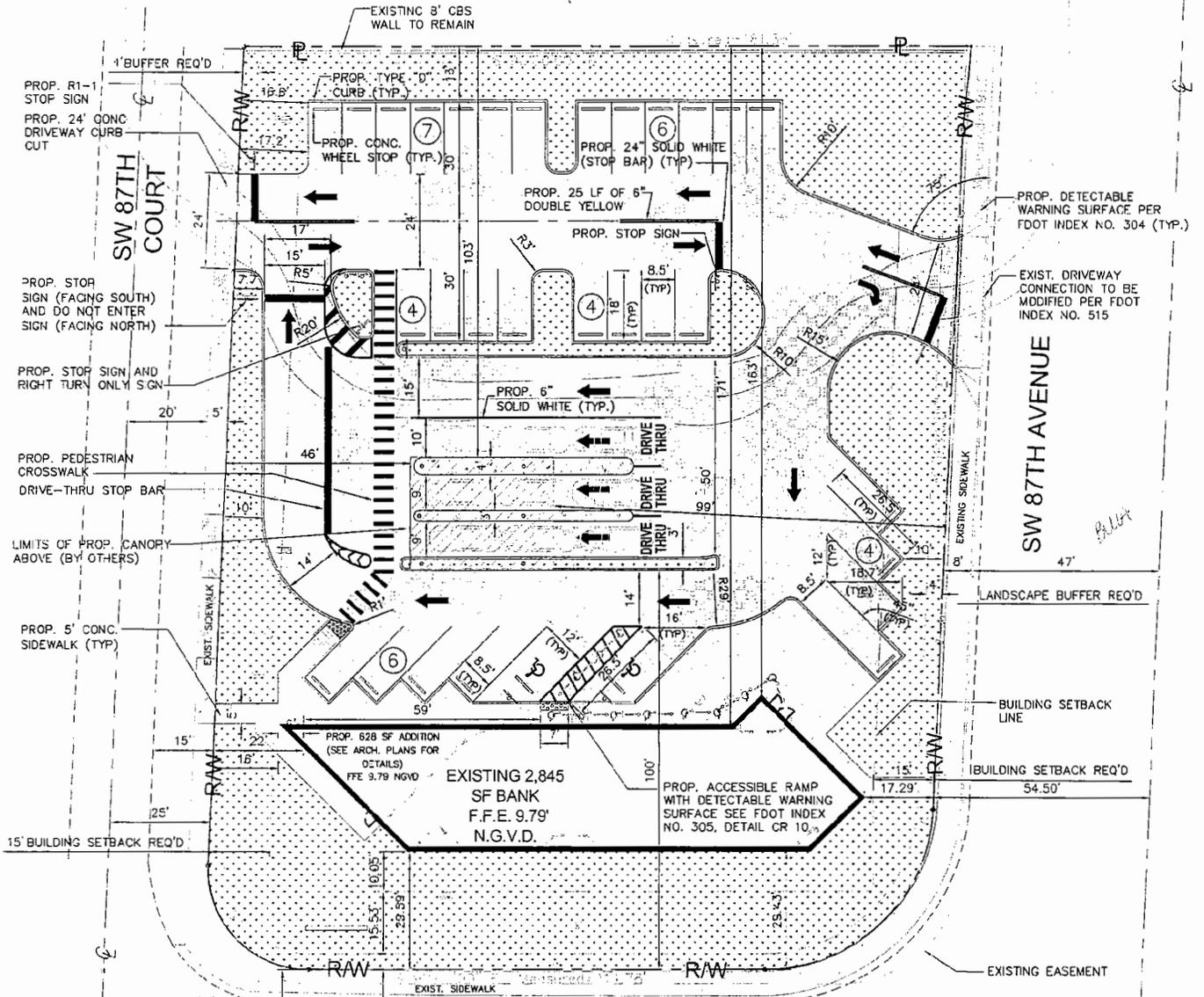
My commission expires: _____ Seal

*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

210-134
MAR 10 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AT



ZONING HEARING PLANS REVIEW

PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: pandi

ON: ___/___/___

ZONING EVALUATOR

PLANS ACCEPTABLE
 NOT ACCEPTABLE

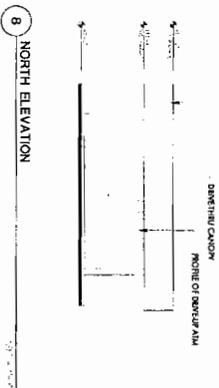
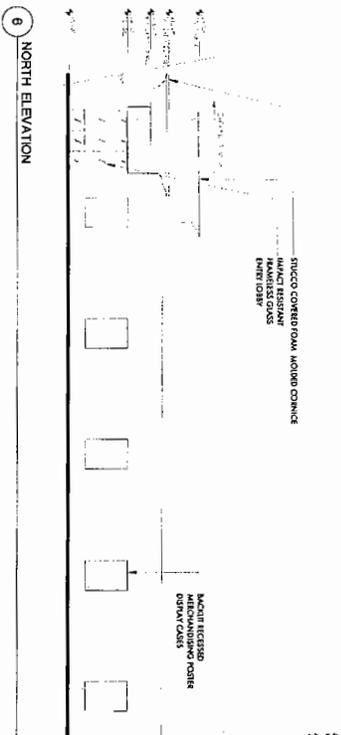
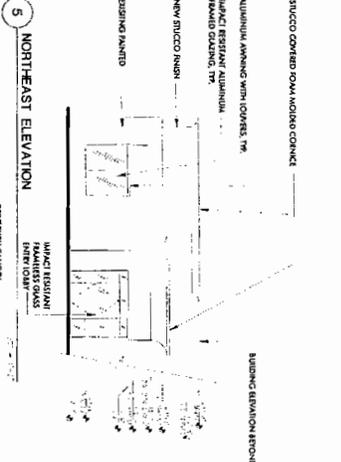
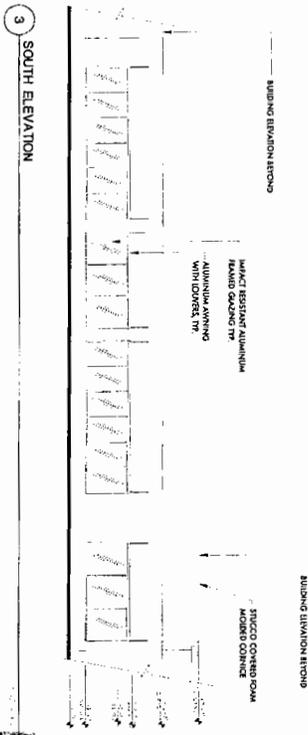
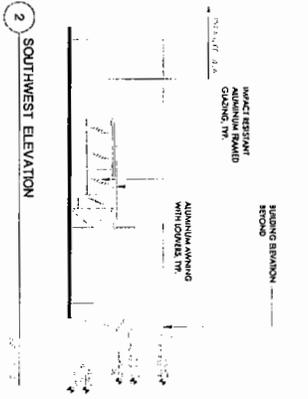
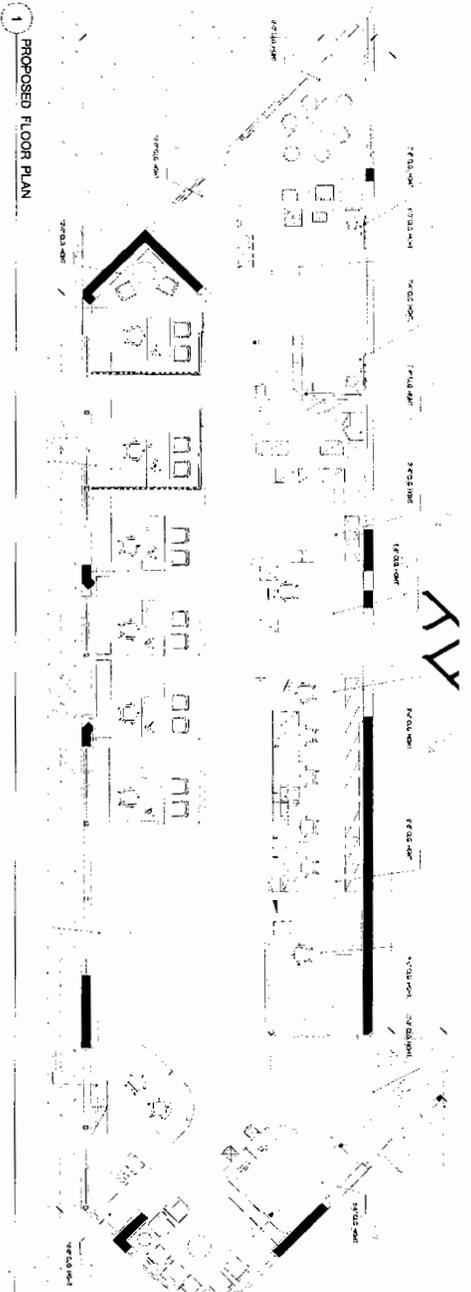
By: ___/___/___

ENLARGED SITE PLAN

RECEIVED
 City
 2011
 MAR 10 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 101701
 3800 ROAD
 MIAMI, FL 33133

TSAO
 4040 NE 2nd Ave, Suite 314
 Miami, Florida 33137
 305 576 7006 P
 305 576 2005 F
 www.tsaodesign.com
 License No. AA12001044



ZONING HEARING PLANS REVIEW

- PLANS WITHIN THE SCOPE OF AD
- PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: Daddy

- ZONING EVALUATOR
- PLANS ACCEPTABLE
- NOT ACCEPTABLE

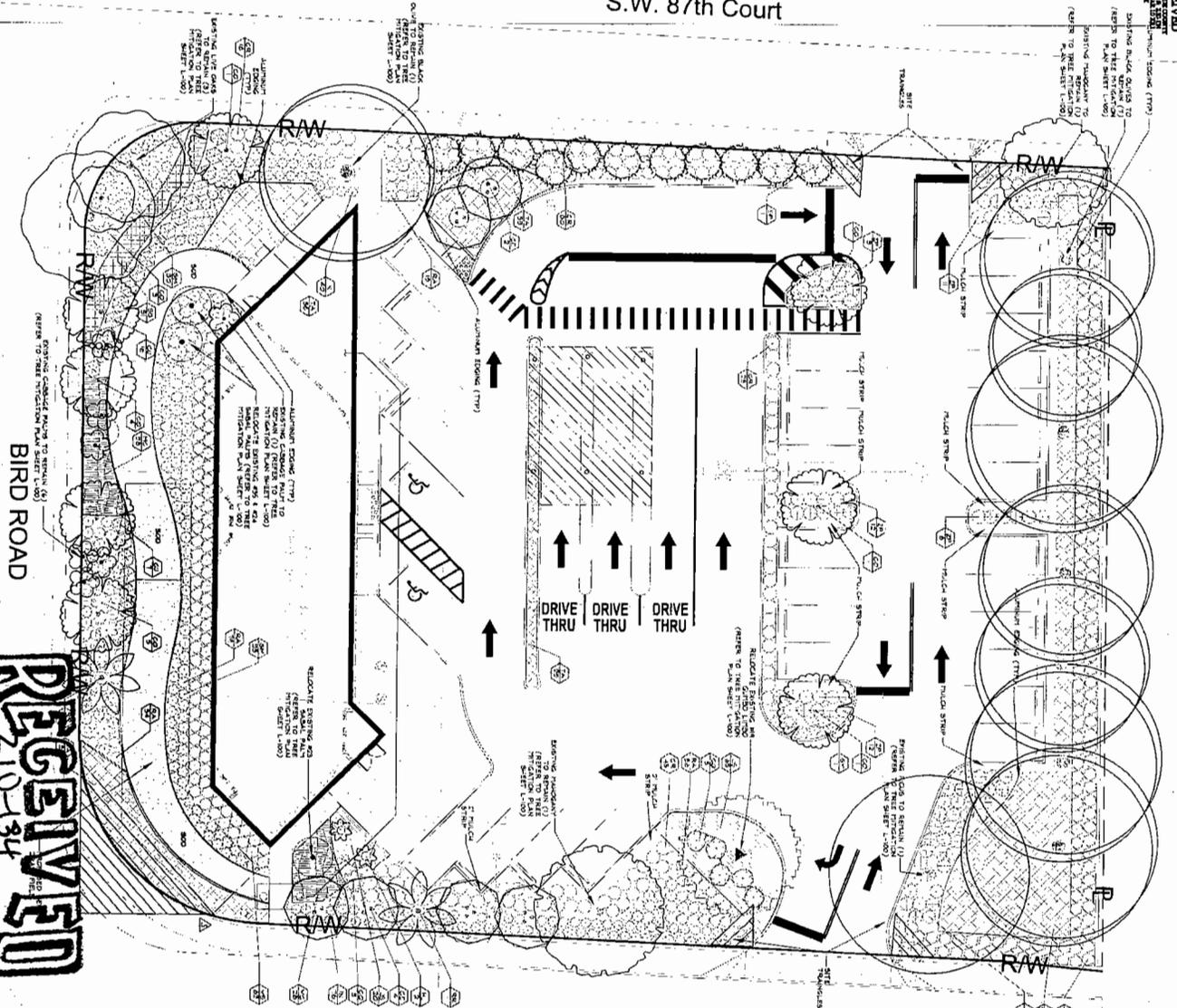
By: _____

JASON R. HAGONIAN LICENSE #A80091288
 PROPOSED FLOOR PLAN AND ELEVATIONS

SK-1

RECEIVED
 PLANNING DEPT.
 8701 BIRD ROAD
 MIAMI, FL 33155

S.W. 87th Court



RECEIVED
 MAR 10 2011

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

NO.	DESCRIPTION	DATE	BY	REMARKS
1	Site Plan	10/10/10	AS	AS
2	Site Plan	10/10/10	AS	AS
3	Site Plan	10/10/10	AS	AS
4	Site Plan	10/10/10	AS	AS
5	Site Plan	10/10/10	AS	AS
6	Site Plan	10/10/10	AS	AS
7	Site Plan	10/10/10	AS	AS
8	Site Plan	10/10/10	AS	AS
9	Site Plan	10/10/10	AS	AS
10	Site Plan	10/10/10	AS	AS
11	Site Plan	10/10/10	AS	AS
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39	Site Plan	10/10/10	AS	AS
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45	Site Plan	10/10/10	AS	AS
46	Site Plan	10/10/10	AS	AS
47	Site Plan	10/10/10	AS	AS
48	Site Plan	10/10/10	AS	AS
49	Site Plan	10/10/10	AS	AS
50	Site Plan	10/10/10	AS	AS

ZONING HEARING PLANS REVIEW

PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: Dovoli

ZONING EVALUATOR

PLANS ACCEPTABLE
 NOT ACCEPTABLE

BY: _____

DATE: _____

APPROVED BY: _____

DATE: _____

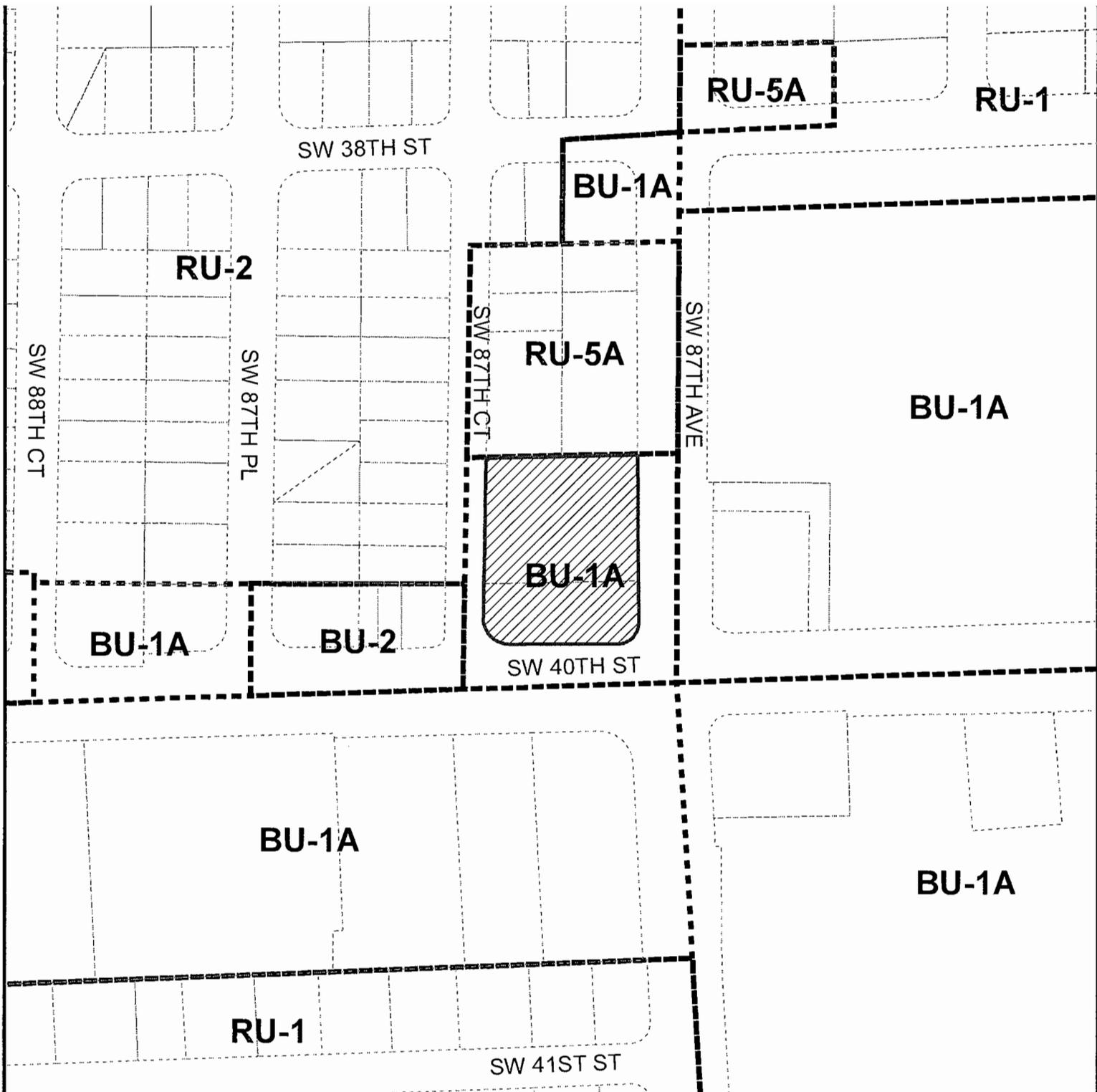
811 NEW MIAMI BEACH
 MIAMI-DADE COUNTY
 311

TS&O DesignGroup
 4040 NE 7th Ave, Suite 314
 Miami, Florida 33137
 305.576.8005 P
 305.576.8005 F
 www.tsandogroup.com
 License No. AA-62001544

Michael Madson
 3/8/11
 LA# 65856994

MICHAEL P. MADSEN
 LA# 65856994

LANDSCAPE PLAN
 L-400



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000134

Legend

-  Zoning
-  Subject Property Case



Section: 16 Township: 54 Range: 40
 Applicant: CITIBANK, N.A.
 Zoning Board: C10
 Commission District: 10
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000134

Legend



Subject Property



Section: 16 Township: 54 Range: 40
 Applicant: CITIBANK, N.A.
 Zoning Board: C10
 Commission District: 10
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, September 14, 2010

REVISION	DATE	BY

2. TOMAS GONZALEZ
(Applicant)

11-4-CZ10-2 (10-164)
Area 10/District 06
Hearing Date: 04/06/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

No History

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

APPLICANT: Tomas Gonzalez

PH: Z10-164 (11-4-CZ10-2)

SECTION: 02-54-40

DATE: April 6, 2011

COMMISSION DISTRICT: 6

ITEM NO.: 2

A. INTRODUCTION:

o **SUMMARY OF REQUEST:**

This application will allow the continued use of an addition to an existing duplex residence setback closer to the interior side (south) property line than permitted by the Zoning Code.

o **REQUEST:**

Applicant is requesting to permit an existing duplex setback 5'-11" (7'-6" required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization and Conversion to Duplex," as prepared by Adonai Design & Construction, Inc. consisting of 3 sheets with Sheet SP dated stamped received 10/4/10 and the remaining 2 sheets dated stamped received 10/6/10. Plans may be modified at public hearing. Plans may be modified at public hearing.

o **LOCATION:**

33 NW 73 Place, Miami-Dade County, Florida

o **SIZE:** 75' x 125'

B. ZONING HEARINGS HISTORY: None

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

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-2; Duplex Residence

Low-Medium Density Res., 6 to 13 dua

Surrounding Properties:

NORTH: RU-2; Duplex Residence

Low-Medium Density Res., 6 to 13 dua

SOUTH: RU-2; Duplex Residence

Low-Medium Density Res., 6 to 13 dua

EAST: RU-2; Duplex Residence

Low-Medium Density Res., 6 to 13 dua

WEST: RU-2; Duplex Residence

Low-Medium Density Res., 6 to 13 dua

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions indicated in their memorandum.

G. PLANNING AND ZONING ANALYSIS:

The subject parcel is an interior lot with an existing duplex residence thereon, located at 33 NW 73 Place. Duplexes characterize the surrounding area where the subject property lies. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre. The approval of this application will allow the continued use of an existing addition to a duplex

residence setback closer to the interior side (south) property line than that permitted by the Zoning Code. The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the Land Use Map of the CDMP. Therefore, the request is **consistent** with the density threshold of the LUP map of the CDMP.

When the application is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that approval of the request would not affect the stability and appearance of the community, will not result in an obvious departure from the aesthetic character of the surrounding area, and would be **compatible** with the surrounding area. Further, staff notes that in 2009, pursuant to Resolution #CZAB10-3-09, the Community Zoning Appeals Board granted approval of an addition to a duplex residence setback 14.1' where 25' is required from the rear property line on a parcel of land located at 22 and 24 NW 73 Place. However, in order to diminish the negative visual impact of the 1'7" encroachment into the interior side (south) setback area staff recommends that the applicant provides a 6' high wood fence, wall or hedge along the interior side (south) property line. Said 6' high wood fence, wall or hedge shall run from the front building line of the existing duplex to the rear property line. In addition, staff notes that the floor plans submitted by the applicant depict an exterior door in the southern bedroom of the front unit. Staff is of the opinion that said exterior door could be utilized as an additional entrance to an additional unit by future owners resulting in the conversion of the existing duplex into a multifamily structure. As such, staff recommends that said exterior door be removed and that the opening be sealed with masonry. Based on the aforementioned, staff opines that approval with conditions will be compatible with the surrounding area. **As such, staff recommends approval of this application with conditions under Section 33-311(A)(4)(b) (NUV).**

I. **RECOMMENDATION:**

Approval with conditions.

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, 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 "Legalization and Conversion to Duplex," as prepared by Adonai Design & Construction, Inc. consisting of 3 sheets with Sheet SP dated stamped received 10/4/10 and the remaining 2 sheets dated stamped received 10/6/10, except as hereby amended to show the exterior door in the southern bedroom of the front unit removed and blocked off. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant shall obtain a building permit for the existing florida room/bathroom and bedroom additions to the rear unit of the existing duplex residence from the Building Department within 90 days after appeal period deadline date.

5. That the exterior door in the southern bedroom of the front unit be removed and the opening be sealed with masonry.
6. That buffering be provided along the interior side (south) property line, either in the form of 6' high wall, wood fence or hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'. Said buffering shall be installed prior to final zoning inspection for the proposed addition.

DATE TYPED: 02/03/11
DATE REVISED: 02/04/11, 02/10/11
DATE FINALIZED: 03/10/11
MCL:GR:NN: NC;TA

For 

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

Memorandum

MIAMI-DADE
COUNTY

Date: October 15, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-10 #Z2010000164
Tomas Gonzalez
33 N.W. 73rd Place
To Permit a Single-Family Residence Setback Less than Property Lines
(RU-2) (0.21 Acres)
02-54-40

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

Potable Water Service

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

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

Wastewater Disposal

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

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

Stormwater Management

The proposed project 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 permit an addition will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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

Concurrency Review Summary

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

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

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

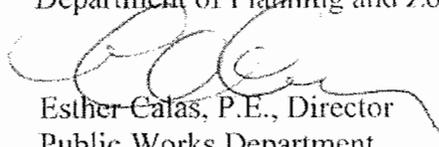
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 15-OCT-10
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000164

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand:

Development for the above Z2010000164
located at 33 N.W. 73 PLACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1297 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: 5:15 minutes

Existing services

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

Station 58 - Tamiami - 12700 SW 6 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.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

TOMAS GONZALEZ

33 N.W. 73 PLACE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000164

HEARING NUMBER

HISTORY:

OPEN CASES:

Neighborhood Compliance

None

Building

20100135848-B -NOV issued 9/2010 for Work without a Permit ¿rear detached metal storage structure, rear additions to include multiple bedrooms and bathrooms. Compliance inspection pending.

PREVIOUS CASES:

Neighborhood Compliance

201003003414 ¿CVN issued in 4/2010 for Multi-Family Use. CVN paid and all tenants removed and structure inter-connected interiorly. Case closed as complied.

201003003507 ¿Complaint in 4/2010 for Overgrowth. No violation at time of inspection.

201003003508 ¿NOV issued in 4/2010 for Derelict RV. RV removed. Case closed as complied.

Building

None

TOMAS GONZALEZ &W MELBA

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

NONE

REPORTER NAME:

L. Cuellar

REVISIONS:

REV1	
REV2	
REV3	



CLIENT: TOMAS GONZALEZ
 ADDRESS: 33 NW 73 PL.
 MIAMI FLORIDA

OVERSEER INFORMATION:
 NAME: TOMAS GONZALEZ
 ADDRESS: 33 NW 73 PL.
 MIAMI FLORIDA
 PHONE: (305) 263 8083

DATE: 04/20/10
 SCALE: 1/8"

A-1

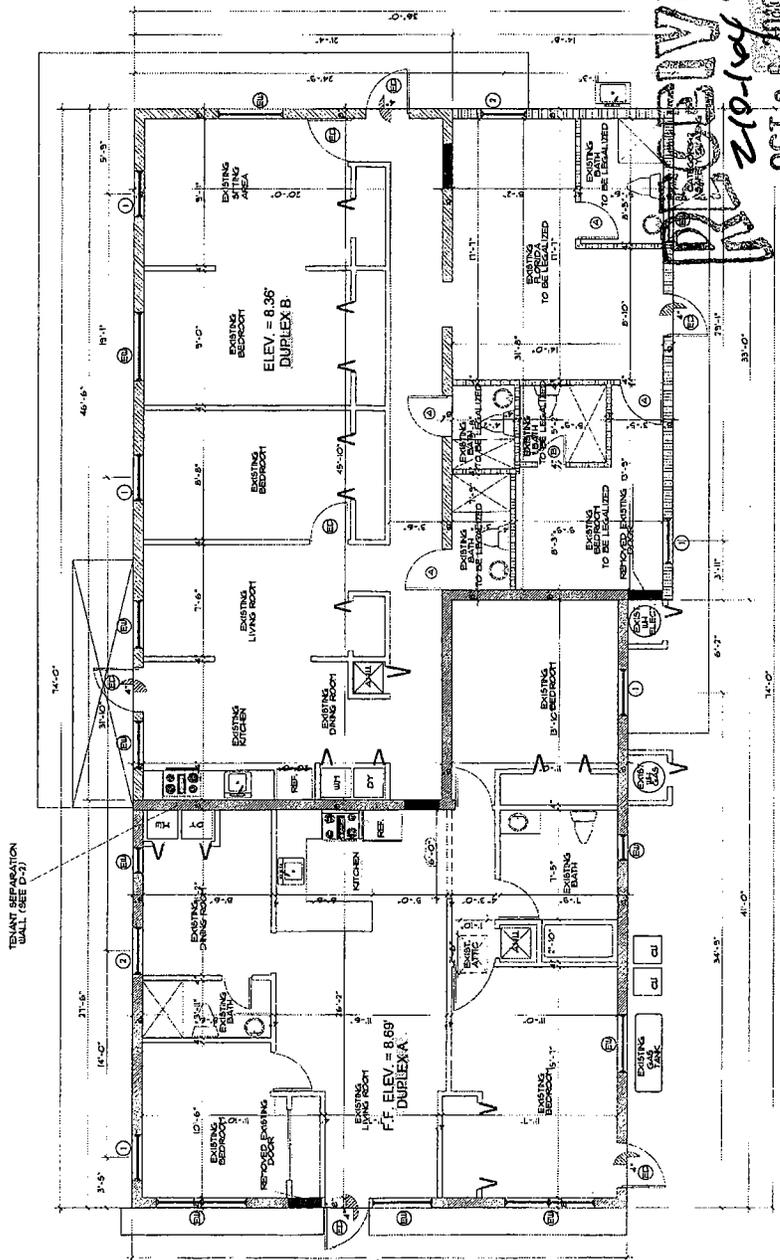
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

FLOOR PLAN

SC 14'-0"=1"



NOTE:
 FLAT ROOF (NO ACCESS TO ATTIC IN DUPLEX B)



RECEIVED
 OCT 10 2010
 2010-09-22

WINDOW SCHEDULE

MARK	DESCRIPTION	SIZE	MATERIAL	AREA	REMARKS
1	28 3/4	31"	ALUMINUM GLASS	10.2 SQ. FT.	N-5
2	31"	31"	ALUMINUM GLASS	12.8 SQ. FT.	N-5

NOTES:
 1. WITH ARCH ON TOP
 2. WITH ARCH ON BOTTOM
 3. THE GLASS SHALL BE SAFETY GLASS CATEGORY CLASS 2
 4. EXCESS TYPE
 5. HORIZONTAL ROLLING
 6. SHUTTERED

DOOR SCHEDULE

MARK	DESCRIPTION	SIZE	MATERIAL	REMARKS
1	INTERIOR DOOR	3'-0" x 6'-8"	GLASS ALUMINUM	SQUARES
2	INTERIOR DOOR	7'-0" x 8'-0"	WOOD	WOOD

NOTES:
 1. OPEN TO INSIDE
 2. OPEN TO OUTSIDE
 3. OPEN TO TERRACE
 4. OPEN TO BALCONY
 5. OPEN TO GARAGE
 6. OPEN TO PORCH
 7. OPEN TO DRIVEWAY
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NOTE TERMITTE PROTECTION (FBC 240.03(3.5.2))
 A. Construction of concrete shall be limited to the building department by the licensed contractor. The contractor shall be responsible for the treatment of the concrete in accordance with the Florida Department of Agriculture and Consumer Services.

WOOD PROTECTION NOTE:
 WOOD SUBJECT TO DAMAGE FROM BOTH DECAY AND TERMITTE SHALL BE TREATED WITH PRESERVATIVE. TREATED.

BATHS AND SHOWER SPACES NOTE:
 BATHS AND SHOWER SPACES AND WALLS ABOVE BATHS WITH INSTALLED SHOWER HEADS AND IN NON-RESIDENTIAL SPACES SHALL BE TREATED WITH A NON-ACRYLIC SURFACE FINISH TO A HEIGHT OF 6 FEET ABOVE THE FLOOR.

LEGEND

(Symbol)	EXISTING CBS EXTERIOR WALL BUILT IN 1940 SINGLE FAMILY RESIDENCE BUILT IN 1940
(Symbol)	EXISTING CBS EXTERIOR WALL BUILT IN 1914 ADDITION TO FAMILY RESIDENCE BUILT IN 1914
(Symbol)	EXISTING CBS EXTERIOR WALL TO BE LEGALIZED
(Symbol)	EXISTING PARTITIONS TO BE LEGALIZED
(Symbol)	EXISTING PARTITIONS TO BE LEGALIZED
(Symbol)	EXISTING DOOR
(Symbol)	EXISTING WINDOW



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000164

Legend

-  Zoning
-  Subject Property Case

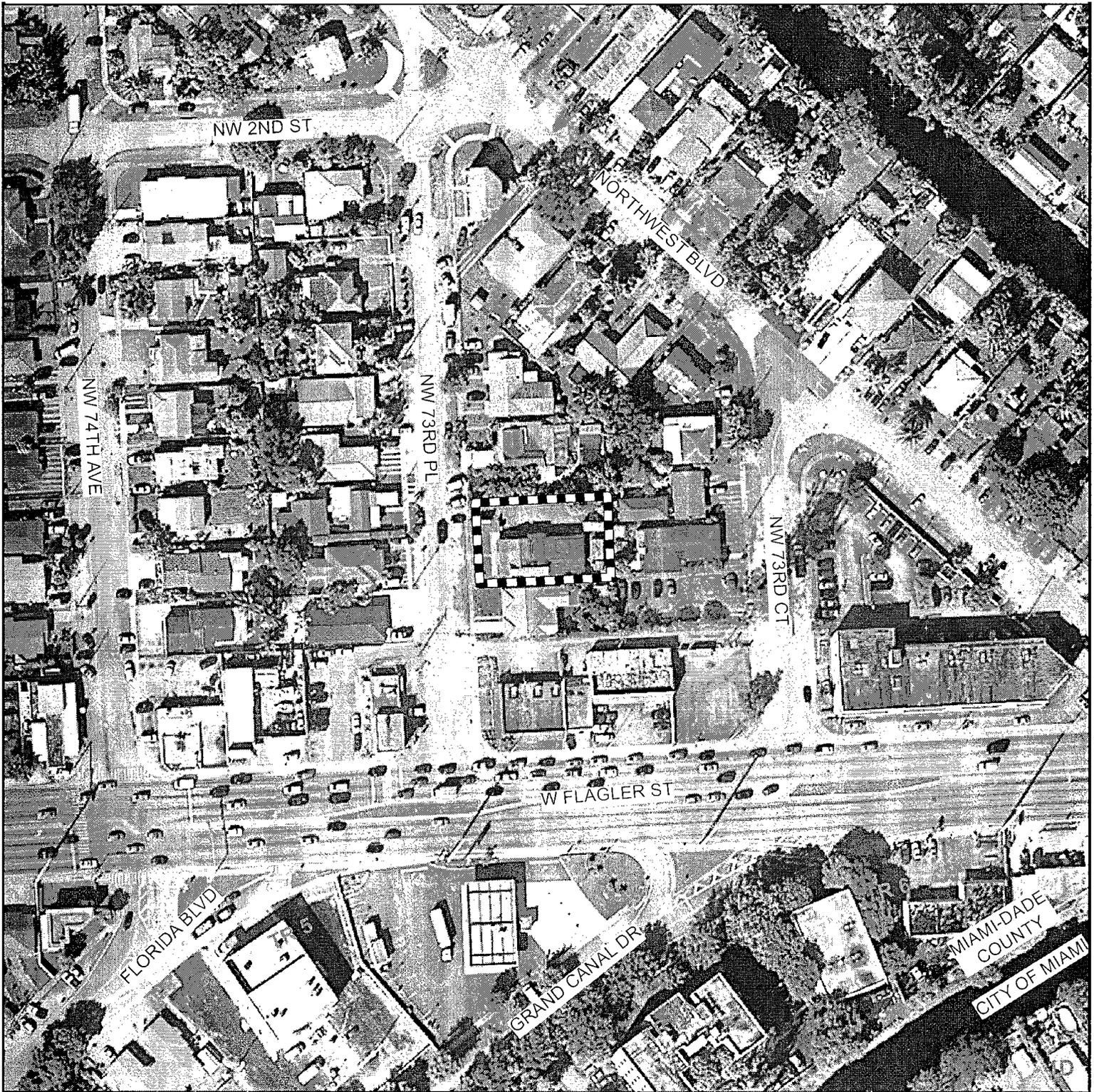


Section: 02 Township: 54 Range: 40
 Applicant: TOMAS GONZALEZ
 Zoning Board: C10
 Commission District: 6
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, October 7, 2010

REVISION	DATE	BY
		16



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000164

Legend



Subject Property



Section: 02 Township: 54 Range: 40
Applicant: TOMAS GONZALEZ
Zoning Board: C10
Commission District: 6
Drafter ID: ALFREDO FERNANDEZ-CUETO
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SKETCH CREATED ON: Thursday, October 7, 2010

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