

A. ROY R. LUSTIG, TRUSTEE
(Applicant)

04-9-CZ2-1 (04-57)
BCC/District 4
Hearing Date: 3/17/05

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? D & J Holdings

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Zoning Department	Zone change from GU to RU-1.	CC	Approved

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Roy R. Lustig, trustee

PH: Z04-057 (04-9-CZ2-A)

SECTION: 4-52-42

DATE: March 17, 2005

COMMISSION DISTRICT: 6

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

Art Papastavros is appealing the decision of Community Zoning Appeals Board #2 on Roy R. Lustig, Trustee which approved the following:

1. RU-1 to RU-5A
2. Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
3. Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses to the west and a portion of the south property lines.
4. Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #4 may be considered under Section 33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and requests #2 through #4 may be considered under Section 33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building" as prepared by Steven B. Schwartz, Page A-1 dated 4-14-04 and the remaining 4 pages dated 03/01/04. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application is appealing the approval of the requests to change the zoning on the subject property from single family residential district to semi-professional office district, to permit a building and a dumpster setback closer to the property lines than permitted, and allow less landscape buffer and trees than required.

o **LOCATION:**

The southwest corner of N.E. 24 Avenue and N. E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida.

o **SIZE:** 0.385 net acre

o **IMPACT:**

The rezoning of the property will allow the applicant to provide professional office services. However, the rezoning will bring additional traffic and noise into the area and will impact public services. The reduced setbacks and landscaping may visually impact the surrounding area.

B. ZONING HEARINGS HISTORY: None which is specific to only the subject property.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **low-medium density residential**. The residential densities allowed in this category shall range from a minimum of 5.0 to a maximum of 13 units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Office uses** smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing

inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

4. **Policy 4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of

the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; vacant

Low-medium density residential, 5 to 13 dua

Surrounding Properties:

NORTH: RU-1; vacant parcel and
Single-family residences

Low-medium density residential, 5 to 13 dua

SOUTH: RU-1; single-family residences

Low-medium density residential, 5 to 13 dua

EAST: RU-2; single-family residences

Low-medium density residential, 5 to 13 dua

WEST: RU-1; vacant parcel

Low-medium density residential, 5 to 13 dua

The subject parcel is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue, on the south side of NE 186 Street. The area immediately surrounding the subject property is characterized by single-family homes and duplexes.

E. SITE AND BUILDINGS:

Site Plan Review:

(site plan was submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Unacceptable

Open Space:

Unacceptable

Buffering:

Unacceptable

Access:

Unacceptable

Parking Layout/Circulation:

Unacceptable

Visibility/Visual Screening:

Unacceptable

Energy Considerations:

N/A

Roof Installations:

N/A

Service Areas:

N/A

Signage:

N/A

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

Section 33-311(A)(20)(Alternative Site Development Option for Semi-Professional Office Zoning District)

This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(c) Setbacks for a principal building, or accessory building or structure in the RU-5A, shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscape open space percentage by the applicable district regulations; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
8. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
10. any windows or doors in any building to be located within an interior or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
12. the area within an interior side setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - A. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or

- B. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- 13. any structure within an interior side setback required by the underlying district regulations;
 - A. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - B. is screened from adjoining property by an opaque fence or wall at least five (5) feet in height, if located adjoining or adjacent to a discordant use, that meets the standards set forth in paragraph (f) herein; and
- 14. any structure in the RU-5A district not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- 15. when a principal building, or accessory building in the RU-5A district, is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building to be located within a setback; and
- 16. safe sight distance triangles shall be maintained as required by this code; and
- 17. the parcel proposed for alternative development will continue to provide the required number of on-site parking as required by this code; and
- 18. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (July 11, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscape open space and structure height; and
- 19. the proposed development will meet the following:

- A. interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setback shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- B. side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying zoning district regulations;
- C. front setbacks (including double frontage lots) shall not be reduced by more than twenty five percent (25%) of the setbacks required by the underlying district regulations, whichever is greater;
- D. Rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided however, rear setbacks shall not be reduced by more than twenty-five percent (25%) of the rear setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- E. setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

(l) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the

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

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

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

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

* subject to the conditions stated in their attached memoranda

H. ANALYSIS:

On December 2, 2004, Community Zoning Appeals Board – 2 (CZAB-2) approved this application by a vote of 5-0. On December 20, 2004, Art Papastavros appealed the CZAB-2's decision. The appellant states on the appeal application that the zone change will divert traffic from Miami Gardens Drive (NE 186 Street) through a residential neighborhood for access to the office building which would disrupt the safety, tranquility and overall welfare of the neighborhood which is not in keeping with Policy 4C of the Comprehensive Development Master Plan (CDMP).

The application will allow a zone change from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, in order to develop the property with an office building. In conjunction with the district boundary change, the applicant is requesting said office structure building be located closer to the property lines than permitted, to waive the required lot trees and the 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines and to permit a dumpster enclosure setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½ required) from the interior (west) side property line. The Department's Community Planning Section has completed an Ojus Charrette Report (OCR) for a larger area that includes the subject property. The OCR, at this point, is only a vision and a guideline for the future development of the area. Staff notes that the OCR envisions this corridor of RU-1 properties abutting Miami Gardens Drive for office uses. Notwithstanding, the OCR has not yet been adopted by the Board of County Commissioners and is, therefore, still a conceptual plan for the future development of this area. The subject property is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue. There are vacant properties and single-family homes and vacant parcels to the north, single-family homes to the south, a single-family home to the east and vacant properties to the west.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and states that the subject property is located within the urban infill area where traffic concurrency does not apply.

If approved, this application would allow the applicant to provide semi-professional office services for the community. The Land Use Plan (LUP) Map designates this site for Low-

Medium Density Residential Use that staff notes is a Residential Communities category. The CDMP states that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. Staff notes that the subject parcel fronts on a Major Roadway (NE 186 Street), the lot size does not exceed one acre, was platted prior to March 25, 1991, and the residential area is not zoned, developed or designated Estate Density. However, there are no other existing lawful office uses on the same block face where the subject property lies. Further, single-family residences lie immediately to the north of the subject property and along the north side of NE 186 Street. The subject property adjoins, and is an integral part of, an established single-family residential neighborhood to the south. Additionally, single-family homes could potentially be constructed on those RU-1 zoned parcels located on the north and west of the subject property.

Additionally, in accordance with the CDMP, approval of office uses may be granted in Residential Communities, only if the scale and character of the prospective use is compatible with the surrounding uses, with an emphasis placed in the retention of the architectural style of the area and that landscape and buffering is accommodated when such use abuts residential properties. The large parking lot use with 20 parking spaces as well as the commercial dumpster incorporated into the design make this use incompatible with the residential character of this area. The modern architectural style of the proposed office building incorporates horizontal windows, multiple entrances, and large panes of glass, which staff notes is uncharacteristic of the established single-family residential architecture that surrounds the subject property. Staff's inspection of the surrounding community revealed many single-family homes designed using Art-Deco and 1950's modern motifs, with windows having less glass and only one entrance unlike the proposal shows. The proposed parking lot lacks landscaping along the west and a portion of the south property line that would negatively impact existing homes to the south and those homes that could potentially be constructed on the vacant RU-1 zoned parcels to the west. In addition the use would generate additional traffic on the local residential roads which will jeopardize the privacy of this residential community. Further, the applicant has not provided staff with documentation indicating that the property cannot be developed for residential uses.

Staff is of the opinion that this oversized lot (16,770.6 sq. ft. where RU-1 requires 7,500 sq. ft.) can accommodate a single-family residence with intensive landscape buffers that can shield said home from the noise, and activity generated from Miami Gardens Drive. In addition, the existing single-family home lots on both sides of Miami Gardens Drive and the vacant parcels along this corridor are oversized to not only accommodate the minimum setback requirements under the RU-1 zoning district but exceed such requirements. As such, staff opines that the lots that front Miami Gardens Drive are still desirable for residential use. Further, the introduction of an office use into this well established residential area will promote incompatible zoning and set a precedent for land use and building intensification in this established residential community. Moreover, the proposed rezoning to RU-5A would not be in keeping with Policy 4C of the CDMP that states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility and overall welfare of the neighborhood. As such, staff is of the

opinion that the proposed RU-5A rezoning on this site would be **incompatible** with the surrounding area and **inconsistent** with the CDMP.

When Request #2 is analyzed under the Alternative Site Development Option (ASDO) for Semi-professional Office Buildings and Structures (Section 33-311(A)(20)) staff is of the opinion that said request does not comply with the ASDO standards. Although the proposed alternative development will not reduce the amount of open space by more than 20% of the landscape open space required by the RU-5A zoning district, will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land, will not result in the destruction or removal of mature trees within a setback area, and will not increase the lot coverage by more than 10%, said development will, however, result in an obvious departure from the aesthetic character of the immediate vicinity since the proposal is not designed with architectural elements, including building materials and architectural features used in the surrounding residential community. Furthermore, the design of the rear façade is shown with multiple windows and doors that could potentially be aligned directly across from facing windows or doors on single-family residences located to the south of the subject property. As such, Request #2 cannot be approved under the ASDO standards. Request #4 complies Section 33-311(A)(20)(c)(19)(c) in that the front setback is not reduced by more than 25% of the setback required by the underlying zoning district regulations and that the separation of the trash enclosure to the principal building is more than 10' [33-311(A)(20)(c)(19)(E)]. However, the placement of the trash enclosure at a 0' setback from the interior side property line does not comply with the standards set forth in Section 33-311(A)(20)(c) in that the interior side setback is reduced by more than 25% of the underlying district regulations when adjacent to a parcel of land which allows a discordant use, the design of the proposed alternative site development will result in a material diminution of the privacy of adjoining property, and will result in an obvious departure from the character of the immediate vicinity. The character and design of the proposed alternative development will result in a material diminution of the privacy of adjoining property and the character and essence of the residential community will not be preserved. Staff notes that the plans submitted provide a 6' high wall between dissimilar land uses, but do not provide for the required landscape buffer. As such, requests #2 and 4 cannot be approved under the ASDO standards and should be denied under same.

If analyzed under the alternative non-use variance standard [(Section 33-311(A)(4)(c))] the applicant would have to prove that requests #2-4 are due to an unnecessary hardship and that, if the requests are denied, such denial would not permit the reasonable use of the premises. However, the subject property can be utilized in accordance with the existing RU-1 zoning, or the proposed RU-5A zoning regulations, and no hardship has been demonstrated by the applicant for approval of said requests. When analyzed under the non-use variance standard [(Section 33-311(A)(4)(b))], staff is of the opinion that the approval of requests #2 through 4 would affect the stability and appearance of the community, and would be detrimental to the surrounding area. The introduction of a more intensive use in this predominately single-family residential area should, in staff's opinion, be mitigated by a development that, at a minimum, meets all of the required zoning regulations. The setback variances requested for this office use and trash enclosure in conjunction with the request to provide less trees and landscape area than required would introduce a development that is too intense for the subject property. In staff's opinion, when requesting new land uses that have the potential of changing the character and activity of an area, the development should

be designed to exceed zoning code requirements to assure that the existing uses are protected from adverse impacts generated by the new land use intrusion. The new office use, as proposed by this application, would create an anomaly in this predominately residential area and the impacts generated by the requested variances would negatively affect the surrounding community. Based on all the aforementioned, staff recommends approval of the appeal and denial without prejudice of the application.

I. **RECOMMENDATION:** Approval of the appeal and denial without prejudice of the application.

J. **CONDITIONS:** None.

DATE INSPECTED: 07/01/04

DATE TYPED: 07/08/04

DATE REVISED: 07/12/04; 07/13/04; 07/29/04; 08/04/04; 08/12/04; 08/26/04; 08/30/04;
09/30/04; 10/26/04; 11/03/04; 11/12/04; 11/17/04; 11/18/04; 2/17/05;
02/28/05

DATE FINALIZED: 02/28/05

DO'QW:AJT:MTF:LVT:JED



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane Q. Quinn-Williams, Director
Department of Planning and Zoning

DATE: May 26, 2004

RECEIVED

SUBJECT: C-02 #Z2004000057-Revised
Roy R. Lustig, Trustee
SW corner of NE 24th Avenue and NE
186th Street
DBC from RU-2 to RU-5A
(RU-2) (.385 Ac.)
04-52-42

JUN 01 2004

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Alyce M. Robertson

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply:

Public water can be made available to this site, therefore, connection will be required.

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 cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

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

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

An on-site inspection revealed the presence of Brazilian pepper. The site contains prohibited trees as referenced in Chapter 24-27.1 of the Environmental Code of Miami-Dade County. Per Chapter 24-27.1 of the Code, all prohibited trees must be removed from the site prior to development.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

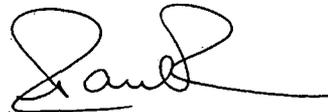
Applicant's Names: ROY R. LUSTIG, TRUSTEE

This Department has no objections to this application.

Applicant must obtain a letter from all utility companies concerned approving the encroachment of proposed asphalt into the utility easement in accordance with Miami-Dade County Code Sec. 33-24.

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

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.

13-MAY-04

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY (D) AMOUNT OF FEE \$2594.14

RECEIPT # I200414537

DATE HEARD: 12/2/04

BY CZAB # 2

RECEIVED

DEC 20 2004

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

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 204-57

Filed in the name of (Applicant) ROY R. LUSTIG, TRUSTEE

Name of Appellant, if other than applicant ART PAPANSTAVROS

Address/Location of APPELLANT'S property: 2429 NE 184 TERRACE
MIAMI, FL. 33160

Application, or part of Application being Appealed (Explanation):
ZONING CHANGE FROM RU-1 TO RU5-A AND
ALL VARIANCES GRANTED BY COMMUNITY COUNCIL No. 2

Appellant (name): ART PAPANSTAVROS

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

ZONE CHANGE WILL DIVERT TRAFFIC FROM MIAMI GARDENS DRIVE
THROUGH RESIDENTIAL NEIGHBORHOOD FOR ACCESS TO OFFICE BUILDING
WHICH WOULD DISRUPT THE SAFETY, TRANQUILITY AND OVERALL

Page 1 WELFARE OF THE NEIGHBORHOOD WHICH IS NOT IN
KEEPING WITH POLICY 4C OF THE CMP.

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of DECEMBER, year: 2004

Signed Art Papastavros

ART PAPAStAVROS

Print Name
2429 NE 184 TERRACE
MIAMI, FL. 33160

Mailing Address

(954) 608-8334 (954) 236-0972
Phone Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

_____ Representing

_____ Signature

_____ Print Name

_____ Address

_____ City State Zip

_____ Telephone Number

Subscribed and Sworn to before me on the 20th day of December, year 2004

Dianne Hough
Notary Public



DIANNE HOUGH
MY COMMISSION # DD 154631
EXPIRES: December 6, 2008
Bonded Thru Budget Notary Services

(stamp/seal)

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF DADE

Before me the undersigned authority, personally appeared ART PAPASTAVROS
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Earl Jones
Signature

Earl Jones
Print Name

Art Papastavros
Appellant's signature

ART PAPASTAVROS
Print Name

Ronald Comusky
Signature

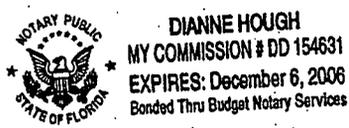
Ronald Comusky
Print Name

Sworn to and subscribed before me on the 20th day of December, year 2004.

Appellant is personally know to me or has produced Driver id as
identification.

Dianne Hough
Notary
(Stamp/Seal)

Commission Expires:



RESOLUTION NO. CZAB2-6-04

WHEREAS, **ROY R. LUSTIG, TRUSTEE** had applied for the following:

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
- (3) Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines.
- (4) Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #4 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building," as prepared by Steven B. Schwartz, Page A-1 dated 4/14/04 and the remaining 4 pages dated 3/1/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 1 & 2, less the north 30.09', Block 3, RIVERDALE, Plat book 44, Page 71.

LOCATION: The Southwest corner of N.E. 24 Avenue & N.E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 2 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-5A (Item #1)

would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requests to permit an office building to setback 20' from the front (north) property line and setback 20' from the rear (south) property line (Item #2), to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines (Item #3), and to permit a dumpster enclosure to setback 66' from the front (north) property line and to setback 0' from the interior side (west) property line (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Item #1, approve Items #2-4 as non-use variances, and deny Items #2-4 as alternative site development options and alternative non-use variances was offered by Adrienne F. Promoff, seconded by William C. Koppel, and upon a poll of the members present the vote was as follows:

Charles Baron	absent	William C. Koppel	aye
Kenneth Friedman	aye	Adrienne F. Promoff	aye
Patrick J. Gannon Jr.	aye		
Peggy A. Stroker		aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 2, that the requested district boundary change to RU-5A be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requests to permit an office building to setback 20' from the front (north) property line and setback 20' from the rear (south) property line (Item #2), to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines (Item #3), and to permit a dumpster enclosure to setback 66' from the front (north) property line and to setback 0'

from the interior side (west) property line (Item #4) be and the same are hereby approved as non-use variances, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Professional Building," as prepared by Steven B. Schwartz, Page A-1 dated 4/14/04 and the remaining 4 pages dated 3/1/04.
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 the issuance of a Certificate of Use.
5. That the applicant submit to the Department of Planning and Zoning a Declaration of Restrictions within 21 days of the approval of this application.
6. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
7. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.
8. That the applicant comply with all applicable conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.

BE IT FURTHER RESOLVED, that Items 2, 3, & 4 are hereby denied as alternative site development options and alternative non-use variances.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 2nd day of December, 2004.

Hearing No. 04-9-CZ2-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

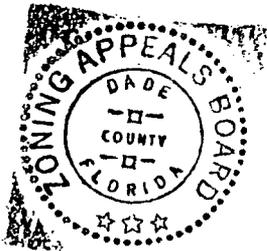
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 2, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB2-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 2nd day of December, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 21st day of December, 2004.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





C-02

MIAMI-DADE FIRE RESCUE Planning & Capital Improvements Bureau ZONING COMMENTS

Hearing Number: 204-057 REV#1

Plans: Yes No Request: _____

Location: SW Corner of NE 24 Ave & NE 186 St

Recommendation: Approved
Approved with conditions _____
Approved with no change from previous submittal _____
Denial _____
Defer to DIC comments _____

Estimated number of alarms generated annually by application: 2

If there is an impact, below is the service availability:

Station District 8 Grid 0138 DU/SF 5553 Occupancy Type 3

- Impact of additional calls on closest station:
- No Impact
 - Minimal Impact
 - Moderate Impact
 - Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
<u>Sunny Isles North</u>	<u>NE 192 Ave & Collins</u>	<u>2010</u>

None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by:
Kathryn Lyon

Phone: (786) 331-4546

Date: _____

Revised 3/9/04 BJM

TEAM METRO NORTHEAST OFFICE

ENFORCEMENT HISTORY

ROY R. LUSTIG, TRUSTEE

The SW corner of NE 24 Avenue &
NW 186 Street, Miami-Dade
County, Florida

APPLICANT

ADDRESS

3/17/05

04-057

DATE

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

February 18, 2005

No violation observed.

July 27, 2001

Warning letter posted to remove and maintain palm fronds
blocking view on right of way.

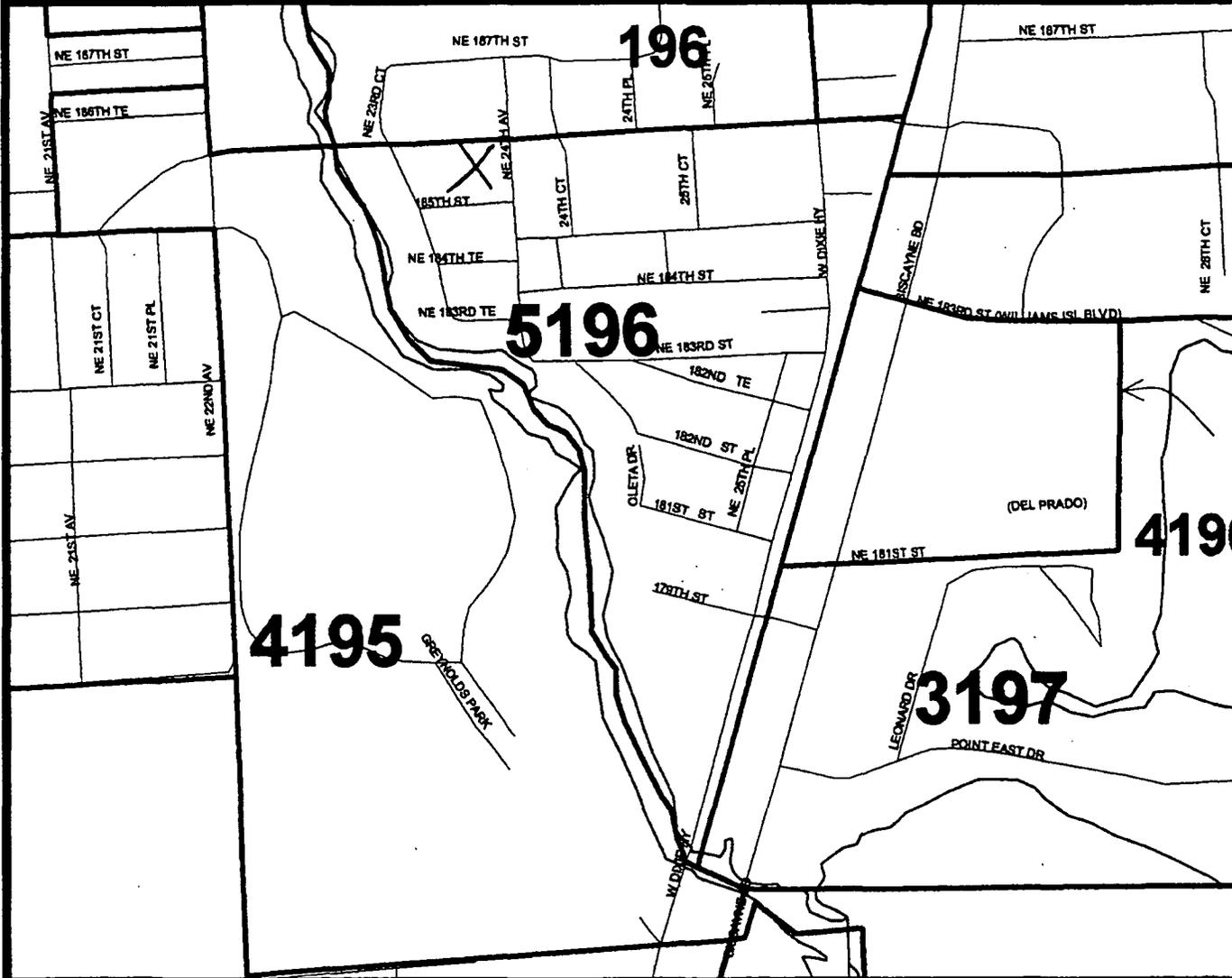
November 1, 2001

Case closed.



Miami-Dade Police Department
Target Area - Police Grid(s): 5196
Roy R. Lustig, Trustee; Hearing # 04-57

c.02



Police Grids Boundaries
 Boundary

MDPD Crime Analysis System
 April 15, 2004
 Data in this document represents
 successfully geocoded attributes.



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Miami-Dade Police Department

Summarized Grid Information By Signal

For 1/1/02 Thru 2002-12-31



Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("5196")) and (Dis.Signal Code in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030", 1, 3))

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
5196	13	SPECIAL INFORMATION/ASSIGNMENT	60
	14	CONDUCT INVESTIGATION	119
	15	MEET AN OFFICER	446
	17	TRAFFIC ACCIDENT	75
	18	HIT AND RUN	10
	19	TRAFFIC STOP	26
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	11
	25	BURGLAR ALARM RINGING	124
	26	BURGLARY	43
	27	LARCENY	19
	28	VANDALISM	16
	29	ROBBERY	2
	30	SHOOTING	1
	32	ASSAULT	60
	33	SEX OFFENSE	1
	34	DISTURBANCE	107
	36	MISSING PERSON	9
37	SUSPICIOUS VEHICLE	7	
38	SUSPICIOUS PERSON	8	
39	PRISONER	11	

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Miami-Dade Police Department

Summarized Grid Information By Signal

For 1/1/02 Thru 2002-12-31



Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("5196")) and (Dis.Signal Code in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030", 1, 3))

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
5196.	41	SICK OR INJURED PERSON	10
	43	BAKER ACT	1
	44	ATTEMPTED SUICIDE	3
	49	FIRE	2
	52	NARCOTICS INVESTIGATION	6
	54	FRAUD	10
Total Signals for Grid 5196 :			1208
Total Reported: 809			Total Not Reported: 399

Total for All Grids : 1208

Miami-Dade Police Department

Summarized Grid Information By Signal

For 1/1/03 Thru 2003-12-31



Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("5198")) and (Dis.Signal Code in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030", 1, 3))

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
5198	13	SPECIAL INFORMATION/ASSIGNMENT	69
	14	CONDUCT INVESTIGATION	104
	15	MEET AN OFFICER	413
	17	TRAFFIC ACCIDENT	79
	18	HIT AND RUN	14
	19	TRAFFIC STOP	23
	20	TRAFFIC DETAIL	10
	21	LOST OR STOLEN TAG	10
	22	AUTO THEFT	19
	25	BURGLAR ALARM RINGING	80
	26	BURGLARY	41
	27	LARCENY	13
	28	VANDALISM	13
	29	ROBBERY	5
	32	ASSAULT	28
	34	DISTURBANCE	125
	36	MISSING PERSON	3
	37	SUSPICIOUS VEHICLE	7
	38	SUSPICIOUS PERSON	9
39	PRISONER	3	
41	SICK OR INJURED PERSON	15	
43	BAKER ACT	3	

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Miami-Dade Police Department

Summarized Grid Information By Signal

For 1/1/03 Thru 2003-12-31



Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("5196")) and (Dis.Signal Code in ("13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030", 1, 3))

Miami-Dade Police Department

Crime Information Warehouse

Grid	Signal Code	Signal Description	Total
5196.	44	ATTEMPTED SUICIDE	2
	45	DEAD ON ARRIVAL	1
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	6
Total Signals for Grid 5196 :			1106
Total Reported: 738			Total Not Reported: 368

Total for All Grids : 1106



Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 5198

PART I Crimes	Total Crimes
110C - FONDLING	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	7
2200 - BURGLARY	21
230C - SHOPLIFTING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	11
230G - SHOPLIFTING ALL OTHERS	17
2400 - MOTOR VEHICLE THEFT	4



Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 5196

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	22
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	3
260B - FRAUD CREDIT CARD/ATM	1
260D - IMPERSONATION	1

Grand Total: 93

Detail Filter: Ol.Incident From Date Time >= "2002-01-01" and Ol.Incident From Date Time < "2003-01-01" and Ol.Offense.Ucr Code in ('090A', '1200', '130A', '130D', '2200', '230A', '230B', '230C', '230D', '230E', '230F', '230G', '2400', '090C', '130B', '130E', '350A', '350B', '5100', '2700', '260A', '260B', '260D', '260E', '260F', '1000', '2000', '110A', '110B', '110C') and Ol.Aoa Agency Code = '000' and Ol.Clearance Type Description <> 'UNFOUNDED' and Ol.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and Ol.Grid in ("5196")) and Ol.Reporting_Agency_Code = "030"

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Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 5198

PART I Crimes	Total Crimes
110C - FONDLING	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	7
2200 - BURGLARY	11
230C - SHOPLIFTING	3
230F - SHOPLIFTING FROM A MOTOR VEHICLE	16
230G - SHOPLIFTING ALL OTHERS	19
2400 - MOTOR VEHICLE THEFT	8

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Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 5196

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	9
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
2700 - EMBEZZLEMENT	1
260A - FRAUD CON/SWINDLE/FALSE PRET.	2

Grand Total: 81

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code In ('090A', '1200', '130A', '130D', '2200', '230A', '230B', '230C', '230D', '230E', '230F', '230G', '2400', '090C', '130B', '130E', '350A', '350B', '5100', '2700', '260A', '260B', '260D', '260E', '260F', '1000', '2000', '110A', '110B', '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid In ("5196")) and OI.Reporting_Agency_Code = "030"

36

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: _____

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

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

TRUST/ESTATE NAME: ROY R. LUSTIG, TRUSTEE OF THE 2390 GARDENS FLORIDA LAND TRUST DATED OCTOBER 15, 2002

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roy R. Lustig, Trustee</u>	_____
<u>James A. Hauser</u>	<u>100%</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: _____

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

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

NAME OF PURCHASER: D&J HOLDINGS, a Florida general partnership, and/or assigns

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Stock
<u>David Messinger, 20770 W. Dixie Highway, Aventura, FL 33180</u>	<u>50%</u>
<u>Jesse Small, Managing Partner, 20770 W. Dixie Highway, Aventura, Florida 33180</u>	<u>50%</u>

Date of contract: February 5, 2004

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

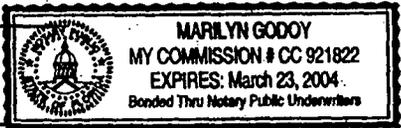
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
Roy R. Lustig, Trustee of the 2390 Florida Gardens Land Trust dated October 15, 2002

Sworn to and subscribed before me this 17th day of January, 2004. 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 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

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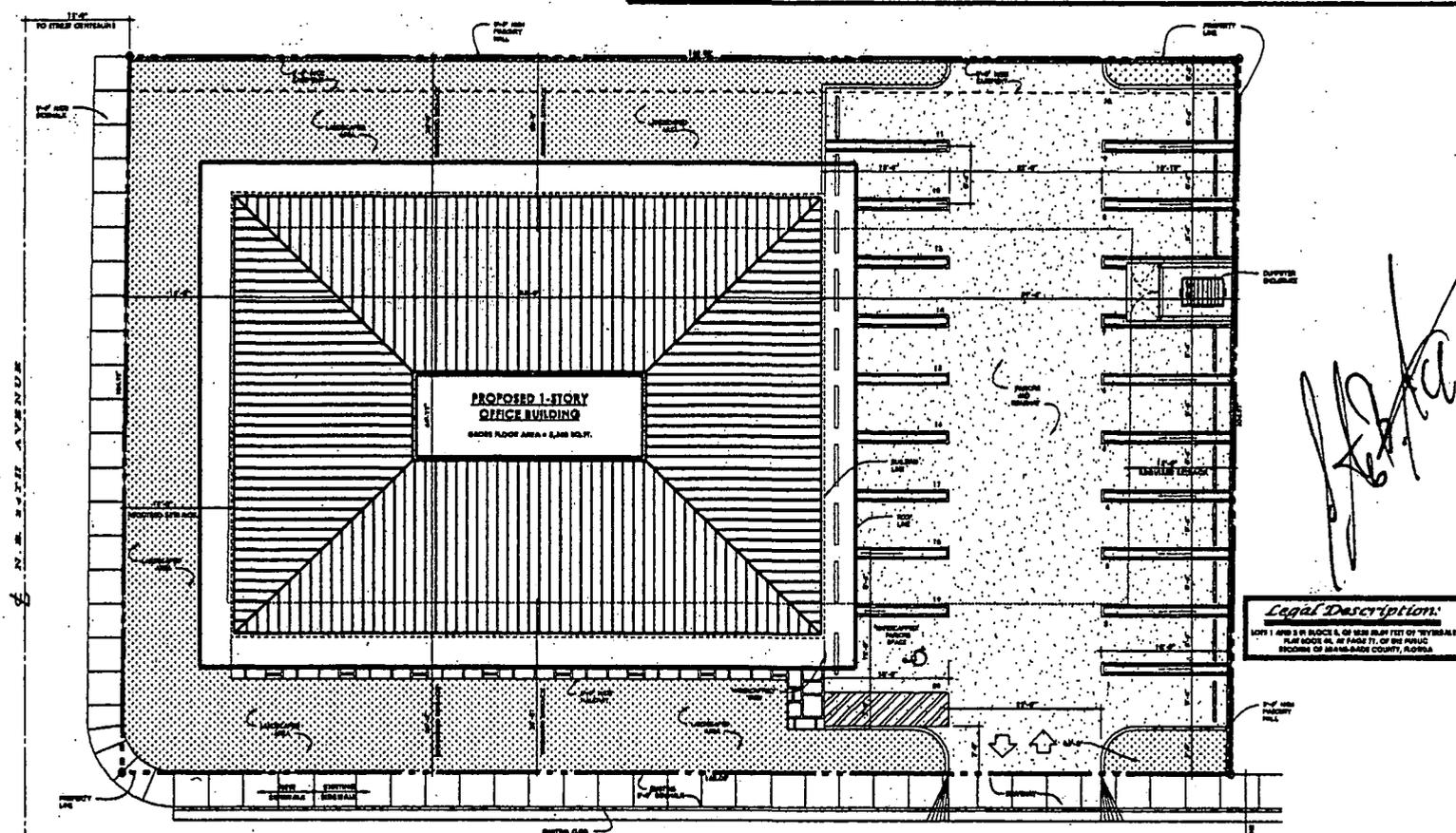
new
JUN 08 2004

39

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY SITE DATA 04-57

ZONING	SITE DATA	BUILDING AREAS	PARKING DATA
PERMIT ZONING = R-4 (SINGLE-FAMILY RESIDENTIAL DISTRICT)		MAXIMUM LOT COVER = 40%	PARKING SPACES = 11
PROPOSED ZONING = R-4A (SINGLE-FAMILY RESIDENTIAL DISTRICT)		(SAR 14,714 SQ. FT.) = 4,714 SQ. FT. (MAXIMUM)	OFFICE PARKING REQUIREMENT = 1 SPACE / 300 SQ. FT. BUILDING AREA
SITE AREAS		BUILDING AREA = 4,714 SQ. FT. (PROPOSED)	LANDSCAPED = 11 PARKING SPACES
PROPOSED SITE AREA = 13,764 SQ. FT. = 0.31 ACRES		BUILDING SETBACKS	
MAXIMUM LOT COVERAGES = (40% FOR ALL STRUCTURES)		FRONT = 50' 0"	
OPEN SPACE REQUIREMENTS = (MINIMUM SIDE OR END SETBACKS)		REAR = 50' 0"	
		SIDE STREET = 12' 0"	
		INTERIOR CORNER = 12' 0"	
IMPERVIOUS AREAS		OPEN SPACE	
VEHICULAR SET AREAS = 4,221 SQ. FT. = 0.096 ACRES		LANDSCAPED OPEN SPACE = 4,319 SQ. FT. = 0.099 ACRES	
		OPEN SPACE PROVIDED = 4,134 SQ. FT. = 0.094 ACRES	
GRADE ELEVATIONS		EXISTING OPEN SPACE = 1,214 SQ. FT.	
TO BE SWATHED			



Legal Description:
LOT 1 AND 2 IN BLOCK 6, OF NEW BLVD TRS OF "SUNSHINE"
1.64 ACRES OR 42,744 SQ. FT. OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA

Steven B. Schwartz
ARCHITECT, P.A.

21245 West Dixie Highway
North Miami Beach, Florida 33160
Phone: (305) 352-1120

PROFESSIONAL BUILDING
FOR D + J HOLDINGS
3200 N.E. 187TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

DATE: 04-15-04
BY: A.S.A.

A-1

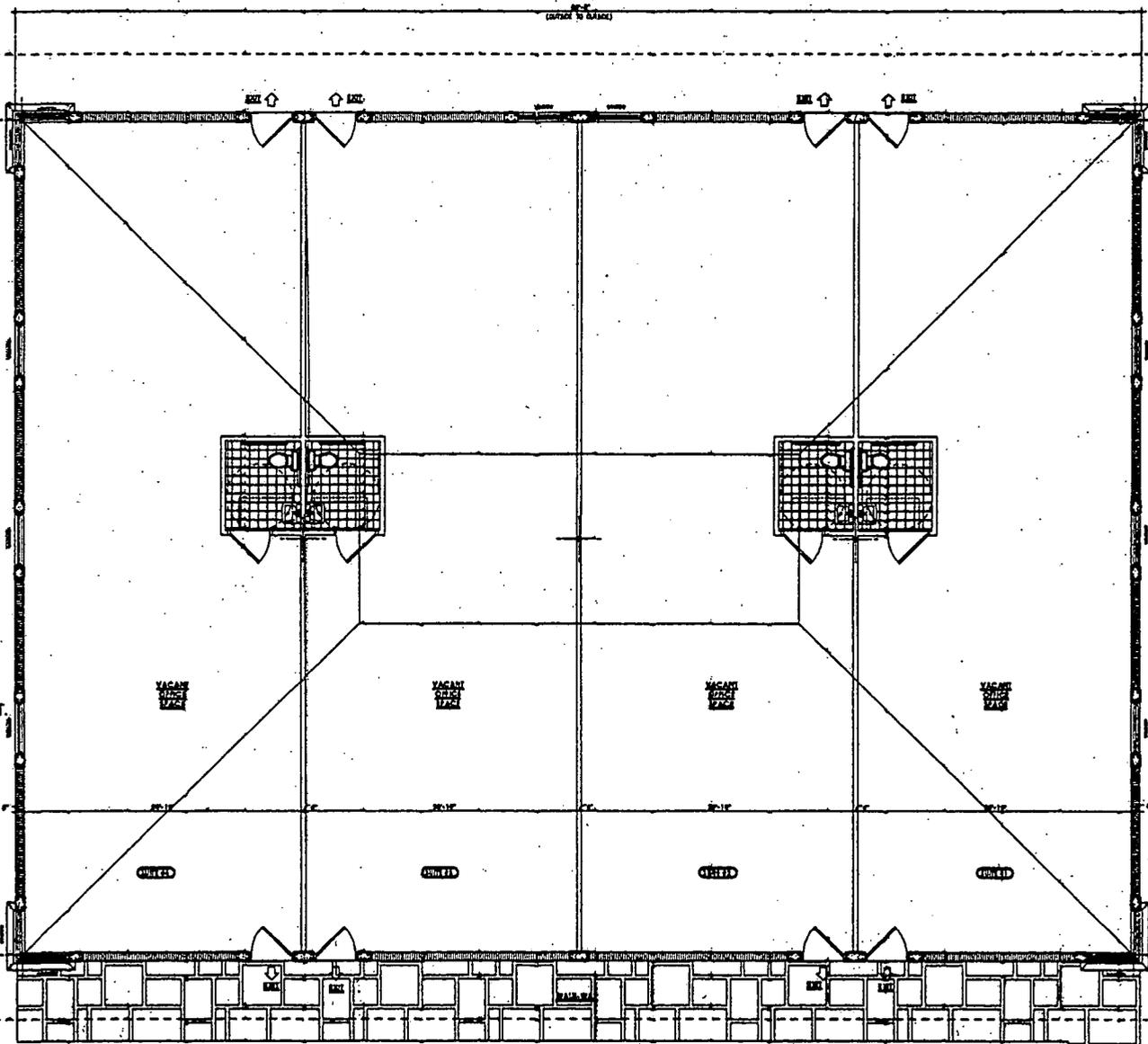
APR 15 2004

SITE PLAN

PRELIMINARY

RECEIVED
204057
MAR 03 2004

ZONING HEARINGS SECTION
MI-DADE PLANNING AND ZONING DEPT.



FLOOR PLAN
SCALE: 1/4" = 1'-0"
TOTAL MAIN FLOOR AREA = 6,500 S.F.

Steven B. Schwartz
ARCHITECT, P.A.
21244 West Dade Highway
North Miami Beach, Florida 33160
Phone: (305) 553-1440



PROFESSIONAL BUILDING
FOR D + J HOLDINGS
3200 N.E. 18TH STREET (ISLAND BOARDS DRIVE)
MIAMI, FLORIDA 33138

PROFESSIONAL BUILDING
FOR D + J HOLDINGS
3200 N.E. 18TH STREET (ISLAND BOARDS DRIVE)
MIAMI, FLORIDA 33138

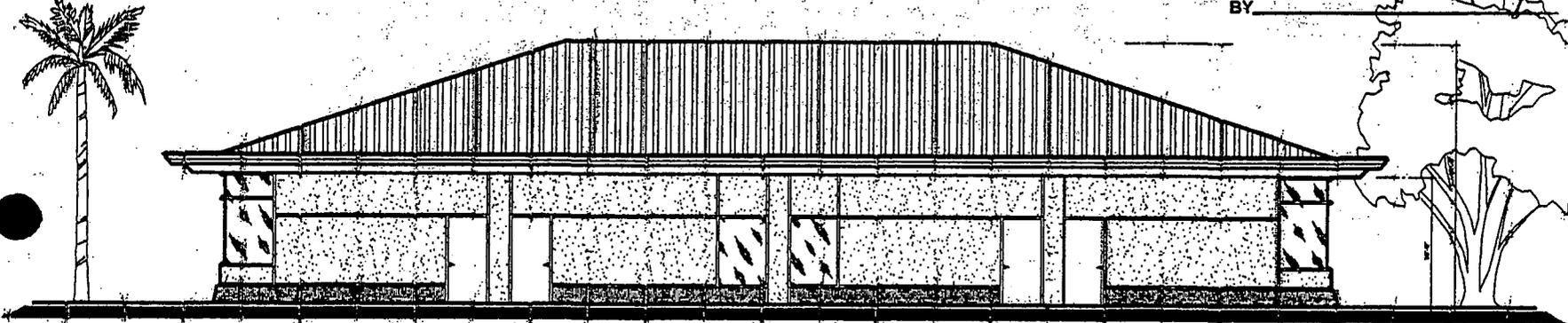
DATE: 04-08-04
BY: S.B.S.
PRE-2

RECEIVED
204057
MAR 03 2004

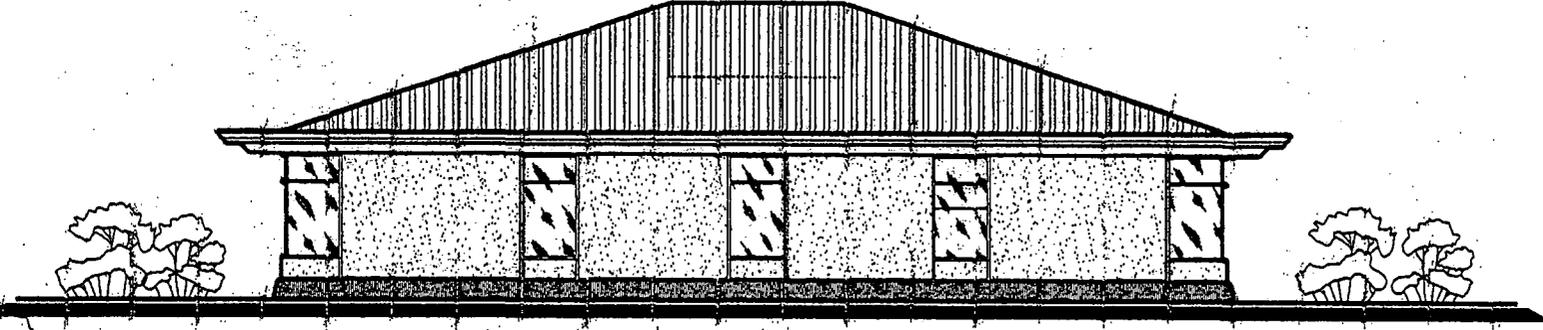
11

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

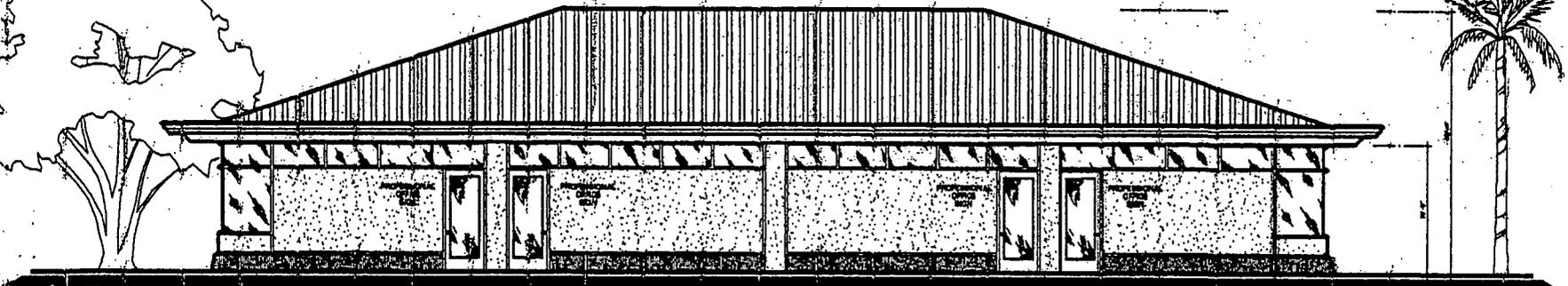
BY _____



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



RIGHT SIDE ELEVATION (WEST)
SCALE: 1/2" = 1'-0" (DEPTH: EAST ELEVATION - 1/4" = 1'-0")



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

PRELIMINARY
DESIGN 44

Steven B. Schwartz
ARCHITECT, P.A.

27244 White Cedar Highway
North Miami Beach, Florida
Phone: (305) 855-1440



PROFESSIONAL BUILDING
DESIGN & ARCHITECTURE

PROFESSIONAL BUILDING
DESIGN & ARCHITECTURE
BY D + J HOLDINGS
3390 N.E. 187TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33160

SEC: 2004-04

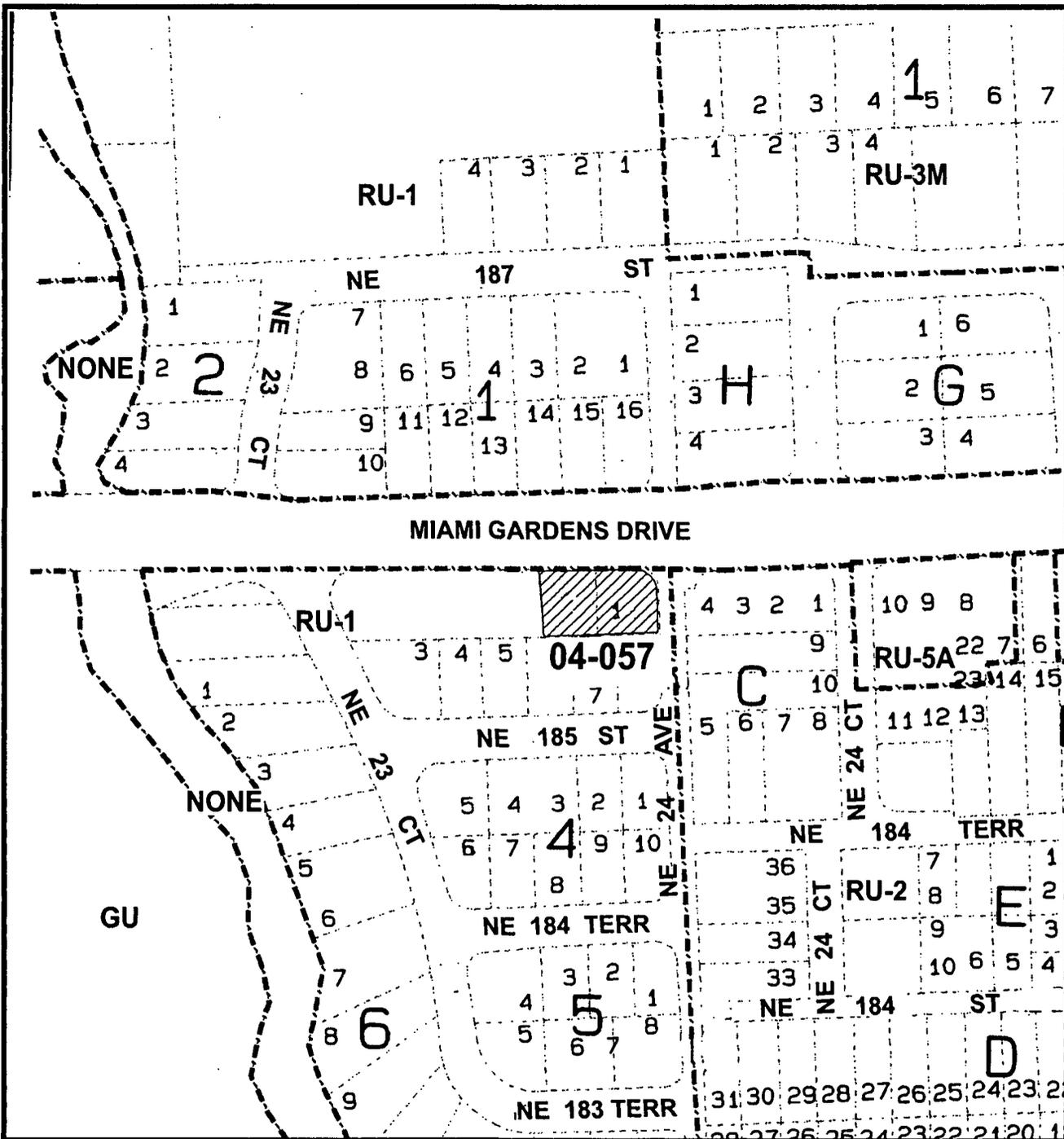
CON: 2004-04

REVISIONS:

DATE: 10-20-03
BY: S.B.S.

TOTAL SHEETS: 4

PRE-3



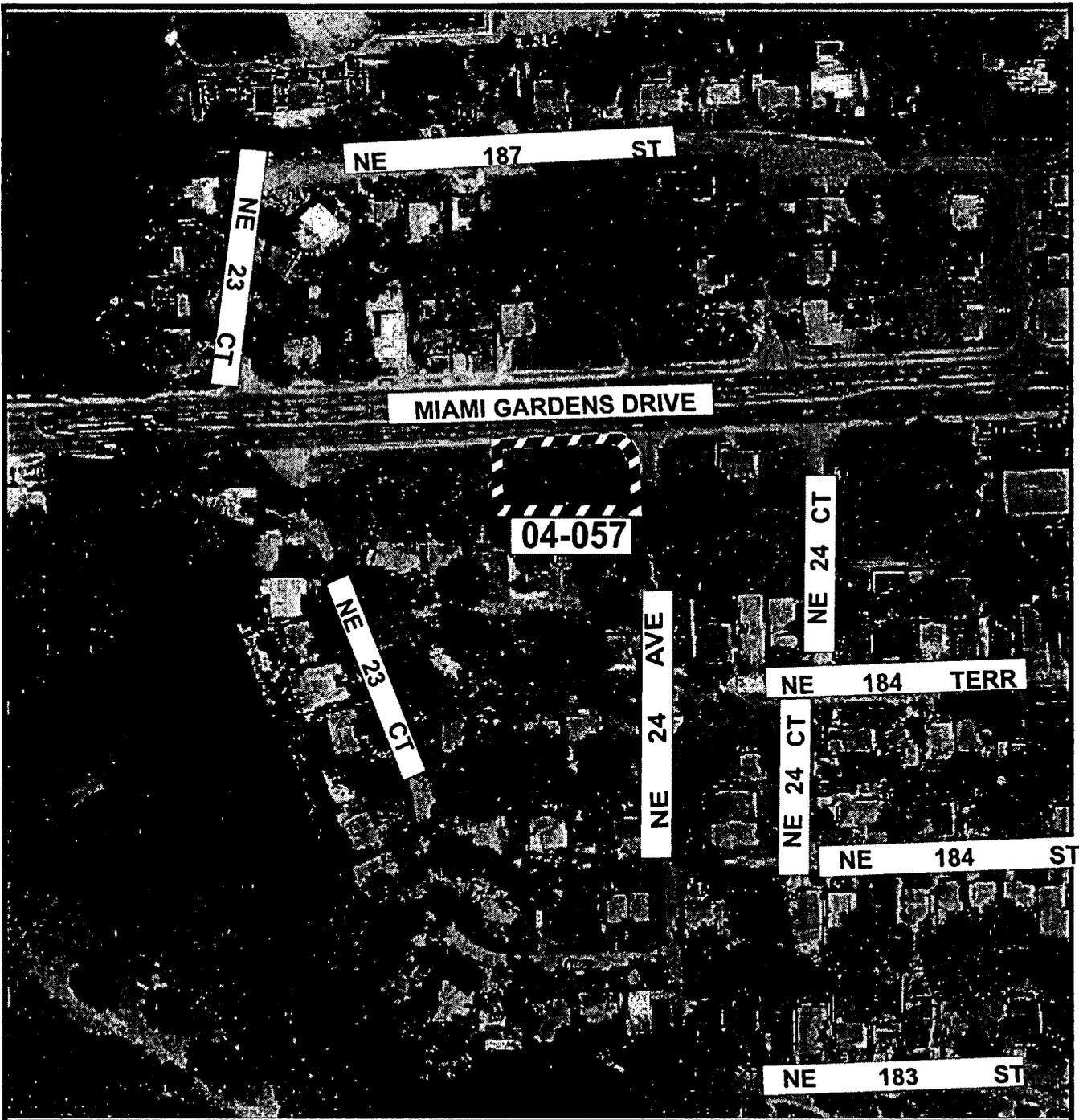
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 04 Township: 52 Range: 42
 Process Number: 04-057
 Applicant: R. Lustig
 District Number: 4
 Zoning Board: C02
 Drafter ID: Nadine
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 04 Township: 52 Range: 42
Process Number: 04-057
Applicant: R. Lustig
District Number: 4
Zoning Board: C02
Drafter ID: Nadine
Scale: NTS

SCALE
0 NTS N

 SUBJECT PROPERTY



A. ROY R. LUSTIG, TRUSTEE
(Applicant)

04-9-CZ2-1 (04-57)
Area 2/District 4
Hearing Date: 12/2/04

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? D & J Holdings

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Zoning Department	Zone change from GU to RU-1.	CC	Approved

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: ROY R. LUSTIG, TRUSTEE

REPRESENTATIVE(S): Stanley Price

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	October 5, 2004	CZAB2- 03

DEPT. REC: Deferral.

MOTION:

WITHDRAW: APPLICATION ITEMS
 DEFER: INDEFINITELY TO: 11/10/04 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 STD. CONDITIONS
 OTHER: To allow staff to review new documentation that was provided by the applicant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.		Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR.	M.	William C. KOPPEL (C.A.)	X		
MS.	S	Anita J. PITTMAN	X		
MADAME VICE-CHAIR		Peggy A. STROKER	X		
MADAME CHAIRPERSON		Adrienne F. PROMOFF	X		

VOTE: 7 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: ROY R. LUSTIG, TRUSTEE

REPRESENTATIVE(S): Art Papastavros (Objector) and Brian Adler (Attorney for the applicant)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	September 8, 2004	CZAB2- -03

DEPT. REC: Approval of request #1; denial without prejudice of requests #2 and #4 under Section 33-311(A)(20), and denial without prejudice of requests #2 through #4 under Sections 33-311(A)(4)(b) and (c).

MOTION:

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEMS
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>October 5, 2004</u> <input type="checkbox"/> W/Leave To Amend
<input type="checkbox"/> DENY	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH STD. CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	With no additional re-advertisement.	

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.	M	Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR.	S	William C. KOPPEL (C.A.)	X		
MS.		Anita J. PITTMAN			X
DR.		Reynold M. STEIN			X
MADAME VICE-CHAIR		Peggy A. STROKER	X		
MADAME CHAIRPERSON		Adrienne F. PROMOFF			X

VOTE: **5 to 0**

EXHIBITS: YES NO

COUNTY ATTORNEY: CRAIG COLLER

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: ROY LUSTIG TRUSTEE

A

REPRESENTATIVE(S): Stanley Price

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	November 10, 2004	CZAB2- -04

DEPT. REC: Denial without prejudice

MOTION:

WITHDRAW: APPLICATION ITEMS _____

DEFER: INDEFINITELY TO: December 2, 2004 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 STD. CONDITIONS

OTHER: No County Attorney present.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.	M	Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR. VICE-CHAIR	S	William C. KOPPEL (C.A.)	X		
MS.		Anita J. PITTMAN			X
MS.		Adrienne F. PROMOFF	X		
MADAME CHAIRPERSON		Peggy A. STROKER	X		

VOTE: 6 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: Absent

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 2**

APPLICANT: Roy R. Lustig, trustee

PH: Z04-057 (04-9-CZ2-A)

SECTION: 4-52-42

DATE: December 2, 2004

COMMISSION DISTRICT: 6

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

1. RU-1 to RU-5A
2. Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
3. Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses to the west and a portion of the south property lines.
4. Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #4 may be considered under Section 33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) or under Section 33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building" as prepared by Steven B. Schwartz, Page A-1 dated 4-14-04 and the remaining 4 pages dated 03/01/04. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to change the zoning on the subject property from single family residential district to semi-professional office district and to permit a building and a dumpster setback closer to the property lines than permitted.

o **LOCATION:**

The southwest corner of N.E. 24 Avenue and N. E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida.

o **SIZE:** 0.385 net acre

o **IMPACT:**

The rezoning of the property will allow the applicant to provide professional office services. However, the rezoning will bring additional traffic and noise into the area and will impact public services. The reduced setbacks may visually impact the surrounding area.

B. **ZONING HEARINGS HISTORY:** None.

C. **COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **low-medium density residential**. The residential densities allowed in this category shall range from a minimum of 5.0 to a maximum of 13 units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Office uses** smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out of scale with the character of the neighboring uses or would detrimentally impact the surrounding area. In applying this provision, the maximum limits of an eligible residentially designated block face along which office uses may be extended shall not

extend beyond the first intersecting public or private street, whether existing, platted or projected to be necessary to provide access to other property, or beyond the first railroad right-of-way, utility transmission easement or right-of-way exceeding 60 feet in width, canal, lake, public school, church, park, golf course or major recreational facility.

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller. Additionally, such office uses may be approved only if the scale and character of the prospective office use are compatible with the surrounding residential neighborhood and if the site has sufficient dimensions to permit adequate on-site parking and buffering of adjacent residences from the office. Other factors that will be considered in determining compatibility include, but are not limited to traffic, noise, lighting, shadows, access, signage, landscaping, and hours of operation. Signage shall be restricted both in size, style, and location to preclude a commercial appearance. Landscaping and buffering of adjacent residences and rear properties will be required. Emphasis shall be placed on retention of the general architectural style of the area, where the area is sound and attractive. Development Orders authorizing the conversion of existing homes into offices, the addition of offices to existing residences or the construction of new buildings encompassing office uses pursuant to this paragraph may be approved only where compatible and where the intensity and character of the new building including gross floor area, lot coverage and height, will be consistent with the homes which exist or which could be built on the immediately adjacent parcels.

4. **Policy 4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; vacant

Low-medium density, 5 to 13 du/a

Surrounding Properties:

NORTH: RU-1; vacant parcel and single-family residences	Low-medium density, 5 to 13 dua
SOUTH: RU-1; single-family residences	Low-medium density, 5 to 13 dua
EAST: RU-2; single-family residences	Low-medium density, 5 to 13 dua
WEST: RU-1; vacant parcel	Low-medium density, 5 to 13 dua

The subject parcel is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue, on the south side of NE 186 Street. The area immediately surrounding the subject property is characterized by single-family homes and duplexes.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan was submitted)
Scale/Utilization of Site:	Unacceptable
Location of Buildings:	Unacceptable
Compatibility:	Unacceptable
Landscape Treatment:	Unacceptable
Open Space:	Unacceptable
Buffering:	Unacceptable
Access:	Unacceptable
Parking Layout/Circulation:	Unacceptable
Visibility/Visual Screening:	Unacceptable
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8)The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been

constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

Section 33-311(A)(20)(Alternative Site Development Option for Semi-Professional Office Zoning District)

This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

* * *

(c) Setbacks for a principal building, or accessory building or structure in the RU-5A, shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscape open space percentage by the applicable district regulations; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
8. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
10. any windows or doors in any building to be located within an interior or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
12. the area within an interior side setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - A. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - B. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;
 - A. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - B. is screened from adjoining property by an opaque fence or wall at least five (5) feet in height, if located adjoining or adjacent to a discordant use, that meets the standards set forth in paragraph (f) herein; and
14. any structure in the RU-5A district not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
15. when a principal building, or accessory building in the RU-5A district, is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building to be located within a setback; and
16. safe sight distance triangles shall be maintained as required by this code; and
17. the parcel proposed for alternative development will continue to provide the required number of on-site parking as required by this code; and
18. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (July 11, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscape open space and structure height; and
19. the proposed development will meet the following:
 - A. interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setback shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - B. side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying zoning district regulations;

- C. front setbacks (including double frontage lots) shall not be reduced by more than twenty five percent (25%) of the setbacks required by the underlying district regulations, whichever is greater;
- D. Rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided however, rear setbacks shall not be reduced by more than twenty-five percent (25%) of the rear setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- E. setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

* * *

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

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

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

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

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

* subject to the conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from the November 10, 2004 to this date. This application was previously deferred from the October 5, 2004 meeting to allow the applicant to submit additional documentation for staff's review and deferred from September 8, 2004 meeting at the request of the applicant to be given an opportunity to work with neighbors. The applicant is requesting a zone change from RU-1, Single-Family Residential District, to RU-5A, Semi-Professional Office District, in order to develop the property with an office building. In conjunction with the district boundary change, the applicant is requesting said office structure building be located closer to the property lines than permitted, to waive the required lot trees and the 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines and to permit a dumpster enclosure setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½ required) from the interior (west) side property line. The Department's Community Planning Section has completed an Ojus Charrette Report (OCR) for a larger area that includes the subject property. The OCR, at this point, is but a vision and a guideline for the future development of the area. Staff notes that the OCR envisions this corridor of RU-1 properties abutting Miami Gardens Drive for office uses. Notwithstanding, the OCR has not yet been adopted by the Board of County Commissioners and is, therefore, still a conceptual plan for the future development of this area. The subject property is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue. There are vacant properties and single-family homes and vacant parcels to the north, single-family homes to the south, a single-family home to the east and vacant properties to the west.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and states that the subject property is located within the urban infill area where traffic concurrency does not apply.

If approved, this application would allow the applicant to provide semi-professional office services for the community. The Land Use Plan (LUP) Map designates this site for Low-Medium Density Residential Use that staff notes is a Residential Communities category. The CDMP states that office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan and already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area where the character of the buildings, including height, bulk, scale, floor area ratio or design would be out if scale with the character do the neighboring uses or would detrimentally impact the surrounding area. In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate

setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. The subject parcel fronts on a Major Roadway (NE 186 Street), the lot size does not exceed one acre, was platted prior to March 25, 1991, and the residential area is not zoned, developed or designated Estate Density. However, there are no other existing lawful office uses on the same block face where the subject property lies. Further, single-family residences lie immediately to the north of the subject property and along the north side of NE 186 Street. The subject property adjoins, and is an integral part of, an established single-family residential neighborhood to the south. Additionally, single-family homes could potentially be constructed on those RU-1 zoned parcels located on the north and west of the subject property. In accordance with the CDMP, approval of office uses may be granted in Residential Communities, only if the scale and character of the prospective use is compatible with the surrounding uses, with an emphasis placed in the retention of the architectural style of the area and that landscape and buffering is accommodated when such use abuts residential properties. The modern architectural style of the proposed office building incorporates horizontal windows, multiple entrances, and large panes of glass, which staff notes is uncharacteristic of the established single-family residential architecture that surrounds the subject property. Staff's inspection of the surrounding community revealed many single-family homes designed using Art-Deco and 1950's modern motifs, with windows having less glass and only one entrance unlike the proposal which shows. The proposed parking lot lacks landscaping along the west and a portion of the south property line that would negatively impact existing homes to the south and those homes that could potentially be constructed on vacant parcels to the west. Further, the applicant has not provided staff with documentation indicating that the property cannot be developed for residential uses. Staff is of the opinion that this oversized lot can accommodate a single-family residence with intensive landscape buffers that can shield said home from the noise, dust and traffic activity generated from Miami Gardens Drive. In addition, the existing single-family home lots on both sides of Miami Gardens Drive and the vacant parcels along this corridor are oversized to not only accommodate the minimum setback requirements under the RU-1 zoning district but exceed such requirements. As such, staff opines that the lots that front Miami Gardens Drive are still desirable for residential use. Further, the introduction of an office use will promote incompatible zoning and set a precedent for land use and building intensification in this established residential area. Moreover, the proposed rezoning to RU-5A would not be in keeping with Policy 4C of the CDMP that states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility and overall welfare of the neighborhood. As such, staff is of the opinion that the proposed RU-5A rezoning would be **incompatible** with the surrounding area and **inconsistent** with the CDMP.

When Request #2 is analyzed under the Alternative Site Development Option (ASDO) for Semi-professional Office Buildings and Structures (Section 33-311(A)(20)) staff is of the opinion that said request does not comply with all of the ASDO standards. Although the proposed alternative development will not reduce the amount of open space by more than 20% of the landscape open space required by the RU-5A zoning district, will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land, will not result in the destruction or removal of mature trees within a setback

area, and will not increase the lot coverage by more than 10%, said development will however result in an obvious departure from the aesthetic character of the immediate vicinity since the proposal is not designed with architectural elements, including building materials and architectural elements used in the surrounding residential community. Furthermore, the design of the rear façade is shown with multiple windows and doors that could potentially be aligned directly across from facing windows or doors on single-family residences located to the south of the subject property. As such, Request #2 cannot be approved under the ASDO standards. As it pertains to Request #3, staff notes that there are no landscape standards in order to properly analyze same. Request #4 complies with some of the ASDO standards (Section 33-311(A)(20)(c)(19)(A)) in that the front setback is not reduced by more than 25% of the setback required by the underlying zoning district regulations and that the separation of the trash enclosure to the principal building is more than 10'. However, the placement of the trash enclosure at a 0' setback from the interior side property line does not comply with the standards set forth in Section 33-311(A)(20)(c) in that the interior side setback is reduced by more than 25% of the underlying district regulations when adjacent to a parcel of land which allows a discordant use and that the plans submitted provide for a 6' high wall between dissimilar land uses, but do not provide for the required landscape buffer. As such, requests #2 thru 4 cannot be approved under the ASDO standards and should be denied under same.

If analyzed under the alternative non-use variance standard [(Section 33-311(A)(4)(c)] the applicant would have to prove that requests #2-4 are due to an unnecessary hardship and that, if the requests are denied, such denial would not permit the reasonable use of the premises. However, the subject property can be utilized in accordance with the existing RU-1 zoning, or the proposed RU-5A zoning regulations, and no hardship has been demonstrated by the applicant for approval of said requests. When analyzed under the non-use variance standard [(Section 33-311(A)(4)(b)], staff is of the opinion that the approval of requests #2 through 4 would affect the stability and appearance of the community, would be detrimental to the surrounding area. The introduction of a more intensive use in this predominately single-family residential area should, in staff's opinion, be mitigated by a development that, at a minimum, meets all of the required zoning regulations. The setback variances requested for this office use and trash enclosure in conjunction with the request to provide less trees and landscape area than required would introduce a development that is too intense for the subject property. In staff's opinion, when requesting new land uses that have the potential of changing the character and activity of an area, the development should be designed to exceed zoning code requirements to assure that the existing uses are protected from adverse impacts generated by the new land use intrusion. The new office use would create spot zoning in this predominately residential area and the impacts generated by the requested variances would negatively affect the surrounding community. As such, Requests #2 through #4 are recommended for denial without prejudice under Section 33-311(A)(4)(b). Based on all the aforementioned, staff recommends denial without prejudice of the application.

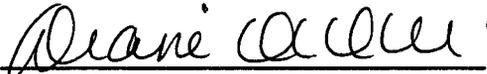
I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 07/01/04

Roy R. Lustig, trustee
04-057
Page 13

DATE TYPED: 07/08/04
DATE REVISED: 07/12/04; 07/13/04; 07/29/04; 08/04/04; 08/12/04; 08/26/04; 08/30/04;
09/30/04; 10/26/04; 11/03/04; 11/12/04; 11/17/04; 11/18/04
DATE FINALIZED: 11/23/04
DO'QW:AJT:JED


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O'Quinn-Williams, Director
 Department of Planning and Zoning

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 JUN 01 2004

MIAMI-DADE COUNTY
 DIRECTOR'S OFFICE
 DEPT. OF PLANNING & ZONING

Alyce M. Robertson
 FROM: Alyce M. Robertson, Assistant Director
 Environmental Resources Management

DATE: May 26, 2004

SUBJECT: C-02 #Z2004000057-Revised
 Roy R. Lustig, Trustee
 SW corner of NE 24th Avenue and NE
 186th Street
 DBC from RU-2 to RU-5A
 (RU-2) (.385 Ac.)
 04-52-42

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

Potable Water Supply:

Public water can be made available to this site, therefore, connection will be required.

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 cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

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

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

An on-site inspection revealed the presence of Brazilian pepper. The site contains prohibited trees as referenced in Chapter 24-27.1 of the Environmental Code of Miami-Dade County. Per Chapter 24-27.1 of the Code, all prohibited trees must be removed from the site prior to development.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ROY R. LUSTIG, TRUSTEE

This Department has no objections to this application.

Applicant must obtain a letter from all utility companies concerned approving the encroachment of proposed asphalt into the utility easement in accordance with Miami-Dade County Code Sec. 33-24.

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

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.

13-MAY-04



**MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS**

Hearing Number: 204-057 REV #1

Plans: Yes No Request: _____

Location: SW Corner of NE 24 AVE + NE 186 St

Recommendation: Approved
 Approved with conditions _____*
 Approved with no change from previous submittal _____
 Denial _____
 Defer to DIC comments _____

Estimated number of alarms generated annually by application: 2

If there is an impact, below is the service availability:

Station District 8 Grid 0138 DU/SF 5553 Occupancy Type 3

- Impact of additional calls on closest station:
- No Impact
 - Minimal Impact
 - Moderate Impact
 - Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
<u>Q Sunny Isles North</u>	<u>NE 192 Ave & Collins</u>	<u>2010</u>

None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by:
 Kathryn Lyon

Phone: (786) 331-4546

Date: _____
 Revised 3/9/04 BJM

TEAM METRO NORTHEAST OFFICE

ENFORCEMENT HISTORY

ROY R. LUSTING, TRUSTEE

The Southeast corner of N.E. 24
AVENUE & N.E. 186 Street,
Miami-Dade County, Florida

APPLICANT

ADDRESS

12/2/2004

04-57

DATE

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

March 24, 2004

No violation exist.

July 28, 2004

No violation exist.

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: _____

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

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

TRUST/ESTATE NAME: ROY R. LUSTIG, TRUSTEE OF THE 2390 GARDENS FLORIDA LAND TRUST DATED OCTOBER 15, 2002

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roy R. Lustig, Trustee</u>	_____
<u>James A. Hauser</u>	<u>100%</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: _____

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

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

NAME OF PURCHASER: D&J HOLDINGS, a Florida general partnership, and/or assigns

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Stock
<u>David Messinger, 20770 W. Dixie Highway, Aventura, FL 33180</u>	<u>50%</u>
<u>Jesse Small, Managing Partner, 20770 W. Dixie Highway, Aventura, Florida 33180</u>	<u>50%</u>

Date of contract: February 5, 2004

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

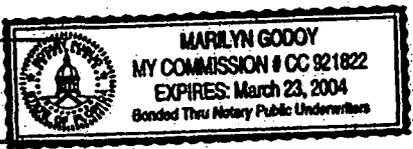
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
 Roy R. Lustig, Trustee of the 2390 Florida Gardens Land Trust dated October 15, 2002

Sworn to and subscribed before me this 17th day of January 2004. 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 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

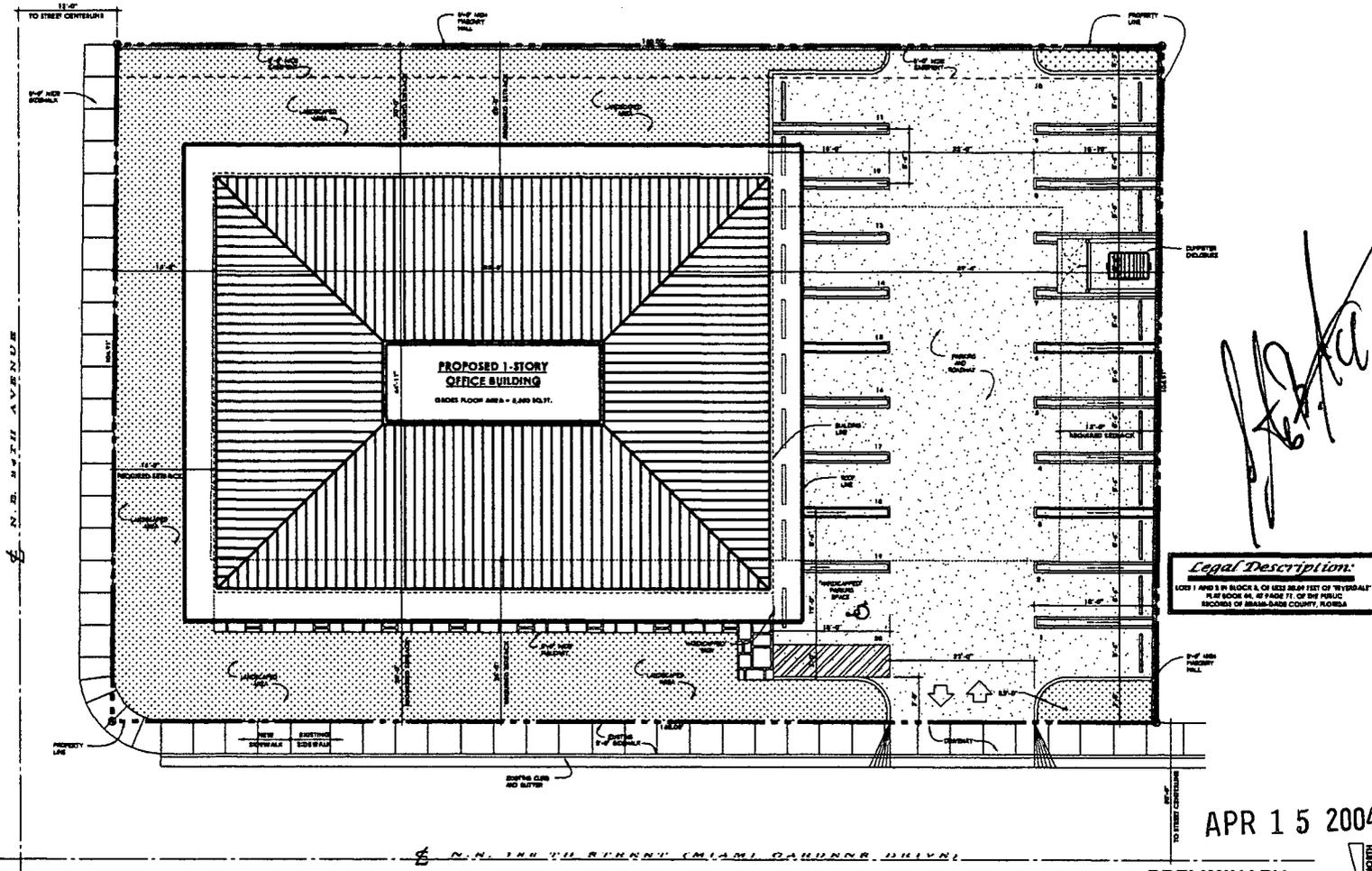
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JUN 08 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

25

ZONING		SITE DATA		BUILDING DATA		PARKING DATA	
PRESENT ZONING	R-9 (2-FAMILY RESIDENTIAL DISTRICT)	MAXIMUM LOT COVER = 40%	(540 x 11,704 SQ.FT.) = 6,714 SQ.FT. (MAXIMUM)	PARKING SPACES REQUIRED	1-SPACES / 200 SQ.FT. BUILDING AREA		
PROPOSED ZONING	SO-6A (SEMI-PROFESSIONAL OFFICE DISTRICT)	BUILDING AREA	3,313 SQ.FT. = 37% (PROPOSED)	MAXIMUM LOT COVER = 40%	OFFICE PARKING REQUIREMENT = 1-SPACES / 200 SQ.FT. BUILDING AREA		
SITE AREAS		BUILDING SETBACKS		OPEN SPACE		ADDITIONAL REQUIREMENTS	
GROSS SITE AREA	16,704.81 SQ.FT. = 0.37 ACRES	FRONT	33'-0" 30'-0"	LANDSCAPED OPEN SPACE	1.1) MINIMUM 7'-0" SEAL ALONG SEEA - WEST PROPERTY LINE.		
MAXIMUM LOT COVERAGES	6,714 SQ.FT. = 0.16 ACRES	REAR	33'-0" 30'-0"	OPEN SPACE REQUIRED	2.) LANDSCAPING AS PER ZONING CODE CHAPTER 18A.		
OPEN SPACE REQUIREMENT	6,149 SQ.FT. = 0.10 ACRES	SIDE STREET	12'-0" 12'-0"	EXCESS OPEN SPACE	3.) MAXIMUM BUILDING HEIGHT = 24'-0".		
IMPERVIOUS AREAS		GRADE ELEVATIONS		PARKING DATA		ADDITIONAL REQUIREMENTS	
VERNICULAR SITE AREA	3,721 SQ.FT. = 0.14 ACRES	TO BE ESTABLISHED		HANDICAPPED	1) PARKING SPACE		
GRADE ELEVATIONS		TO BE ESTABLISHED		STANDARD	11) PARKING SPACES		
GRADE ELEVATIONS		TO BE ESTABLISHED		PARKING SPACES MIN.		10) PARKING SPACES (PROVIDED)	
GRADE ELEVATIONS		TO BE ESTABLISHED		PARKING SPACES MIN.		10) PARKING SPACES (PROVIDED)	



Steven B. Schwartz, P.R.
21544 West Dade Highway
North Miami Beach, Florida 33163
Phone: (305) 932-1440



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WRITING FROM THE ARCHITECT.

PROFESSIONAL BUILDING
FOR D + J HOLDINGS
2390 N.E. 187TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180
820-7401

COM: 2004-06

REVISIONS:



DATE: 04-14-2004
BY: S.B.S.

TOTAL SHEETS: 3
A-1
OF: 3

APR 15 2004

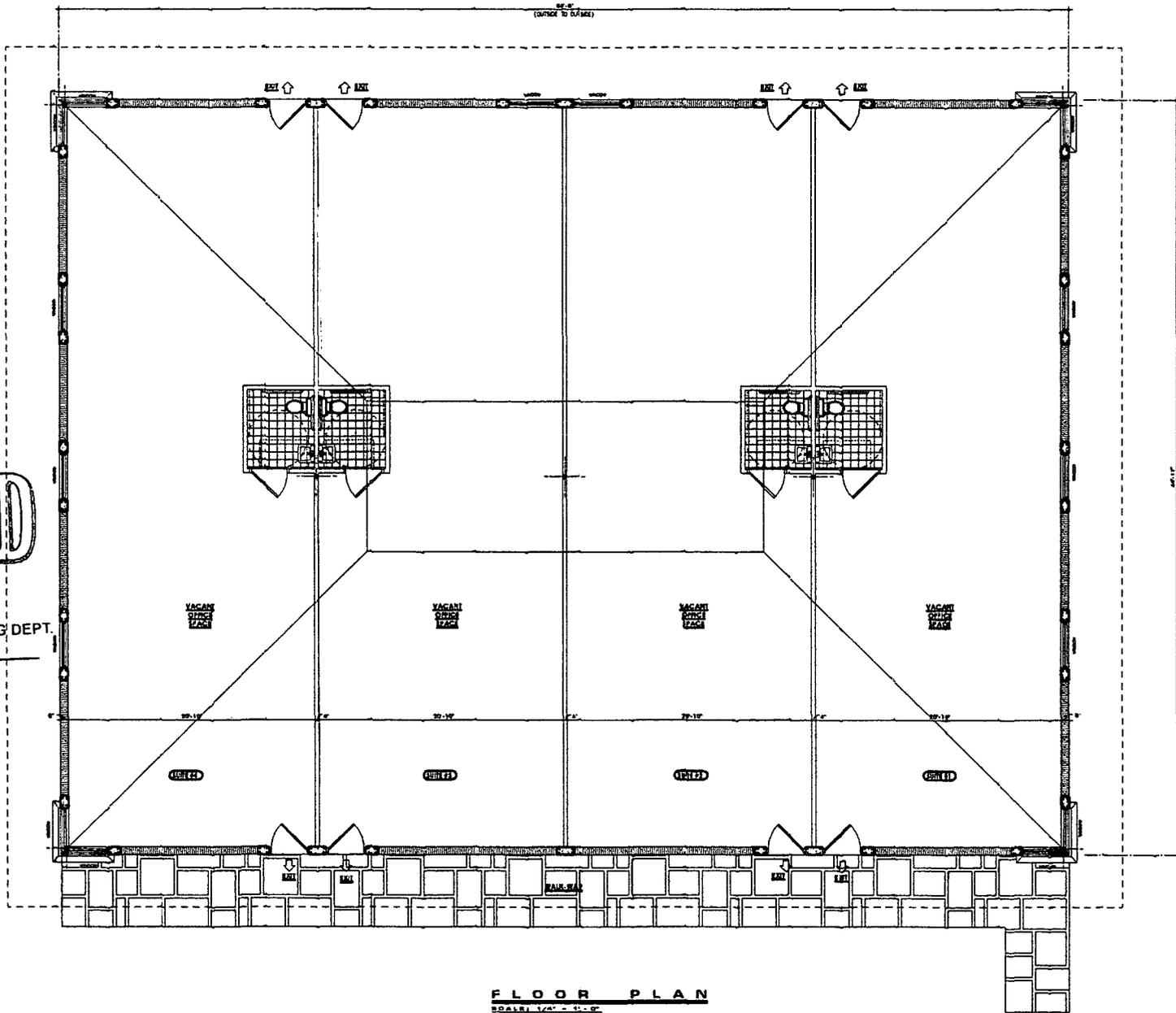
SITE PLAN
SCALE: 1/8" = 1'-0"

PRELIMINARY
DESIGN #2



RECEIVED
204057
MAR 03 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



FLOOR PLAN
SCALE: 1/4" = 1'-0"
TOTAL LEASE FLOOR AREA = 6,233 SQ. FT.

Steven B. Schwartz
ARCHITECT, P.A.

21344 West Ochsle Highway
North Miami Beach, Florida 33160
Phone: (305) 555-1460



DATE: 04-01-04
BY: S.B.S.

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OR BY ANY INFORMATION
SYSTEMS WITHOUT THE
WRITTEN CONSENT OF
STEVEN B. SCHWARTZ
ARCHITECT, P.A.

PROFESSIONAL BUILDING
for
D + J HOLDINGS
2200 N.E. 188TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

DOB: 2004-08

REVISIONS:



DATE: 04-01-04
BY: S.B.S.

TOTAL SHEETS: 6
PRE-2

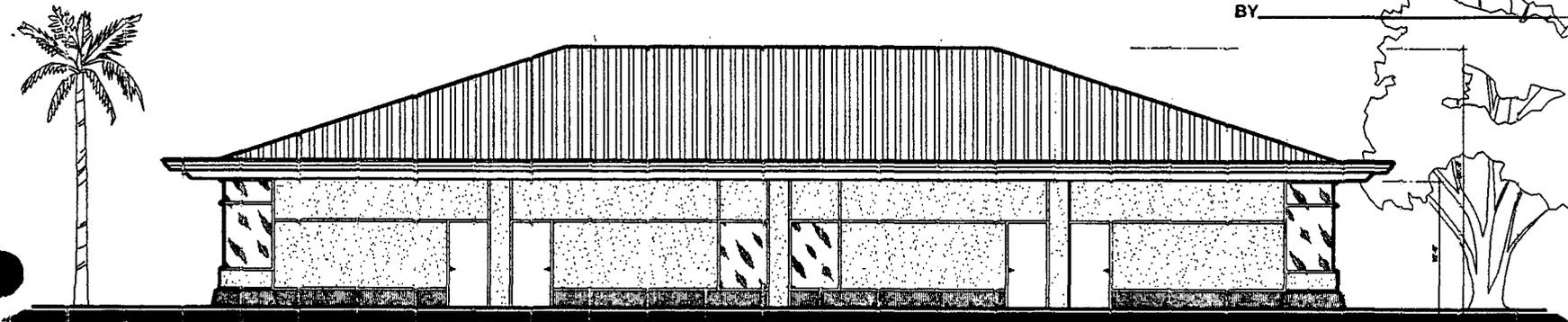
OF: 3

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204057
MAR 03 2004

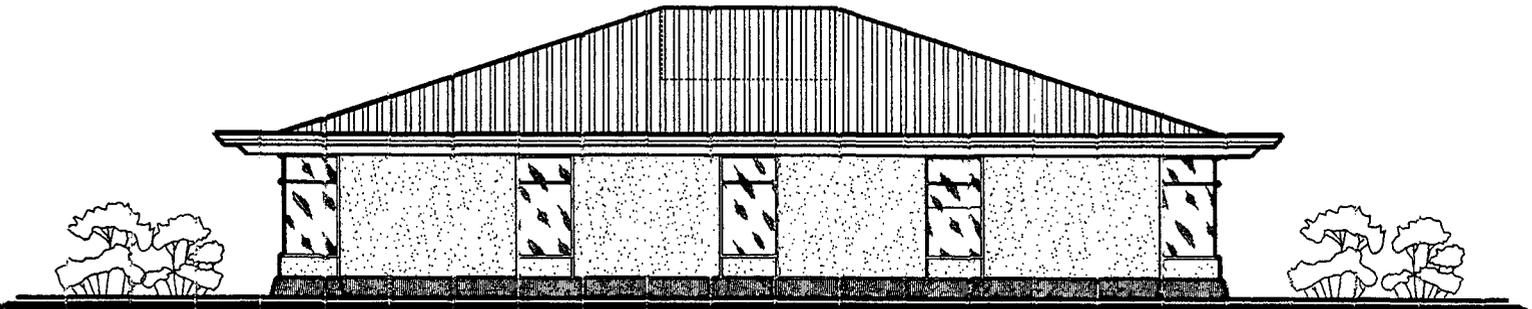
27

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

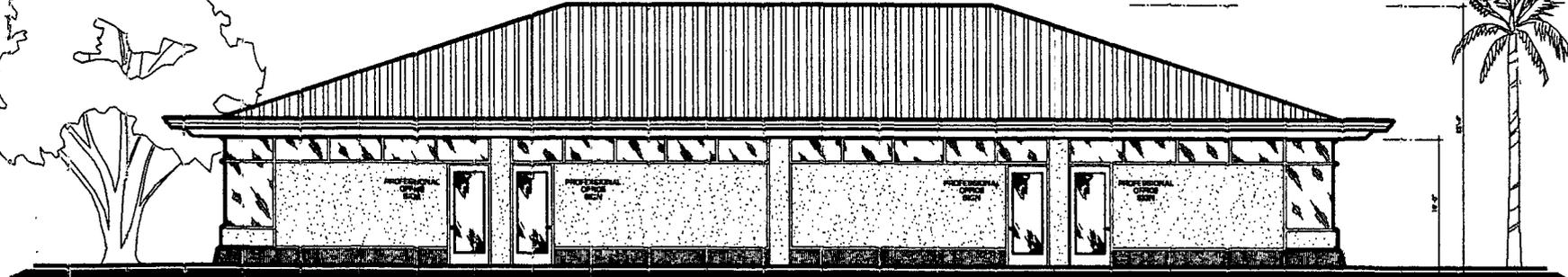
BY _____



REAR ELEVATION (SOUTH)
SCALE: 1/2" = 1'-0"



RIGHT SIDE ELEVATION (WEST)
SCALE: 1/2" = 1'-0" (LEFT SIDE - EAST ELEVATION - SIMILAR)



FRONT ELEVATION (NORTH)
SCALE: 1/2" = 1'-0"

PRELIMINARY
DESIGN #1

Steven B. Schwartz
ARCHITECT, P.A.

21344 West Dixie Highway
North Miami Beach, Florida 33160
Phone: (305) 855-1440



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Steven B. Schwartz
Architect, P.A.

PROFESSIONAL BUILDING
for
D + J HOLDINGS
2380 N.E. 183TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

10-02-04
COM: 2004-08

REVISIONS:



DATE: 04-08-04
BY: S.B.S.

TOTAL SHEETS: 8

PRE-3

OF: 8

29

RECEIVED
204.057
MAR 03 2004

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

LANDSCAPING + IRRIGATION NOTES

- 1. PLANT QUALITY: ALL PLANTING MATERIAL SHALL BE GRADE 1 OR BETTER AS DEFINED BY THE STATE OF FLORIDA PLANT GROWING STOCK LIST AND STANDARDS FOR NURSERY PLANTS.
- 2. SOIL: PLANTING SOIL FOR ALL PLANTING SHALL CONSIST OF 50% FLORIDA PLANT MIX WITH 50% TOP SOIL. SOIL SAMPLES SHOULD BE TAKEN AND SHALL BE FREE OF ROCKS, ROOTS, CLAY, STONES, PLANTS, OR ANY OTHER FOREIGN MATERIAL.
- 3. IRRIGATION: ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE USE OF APPLICATION ALL FEET, WATER AND GROUND COVER SHALL BE MAINTAINED TO THE DEPTH OF 18" TO 24" INDICATED BY THE PLANS.
- 4. IRRIGATION: ALL IRRIGATION SHALL BE INSTALLED UNDERGROUND EXCEPT TO ALL UNPAVED AREAS. THE IRRIGATION SYSTEM SHALL BE INSTALLED WITH A MAIN LINE AND SHALL BE INSTALLED TO THE DEPTH OF 18" TO 24" INDICATED BY THE PLANS.
- 5. IRRIGATION: THE CONTRACTOR SHALL NOTIFY AND VERIFY ALL ENGINEERS AND ARCHITECTS IN THE FIELD TO CONSIDERATIONS OF LANDSCAPING WORK. THE OWNER AND GENERAL CONTRACTOR SHALL BE NOTIFIED OF ANY CONFLICTS. LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DAMAGES TO THE WORK.
- 6. SOIL: ALL AREAS MARKED "SOIL" IN THE PLANS SHALL BE SOILY COVERED WITH IT INCLUDING "PLANTING". ALL SOIL IS TO BE LAID LEVEL, MOIST AND CUT EVENLY AROUND PLANTING SOIL.
- 7. TREE PITS: ALL MATING AND UNLANNED TREE PITS ARE TO BE FORMED, BACKFILLED AND PLANTED DURING INSTALLATION.

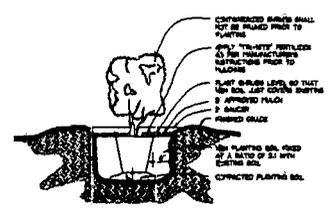
Steven B. Schwartz
ARCHITECT, P.A.

21344 West Dixie Highway
North Miami Beach, Florida 33160
Phone: (305) 552-1460

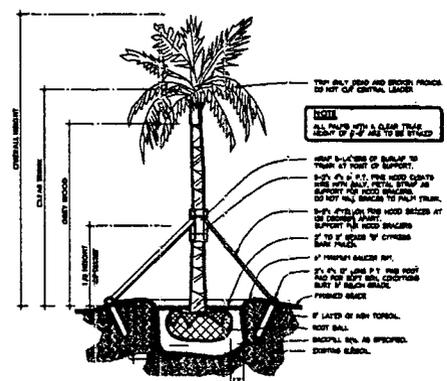


PROFESSIONAL BUILDING
for
D + J HOLDINGS
2390 N.E. 18TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

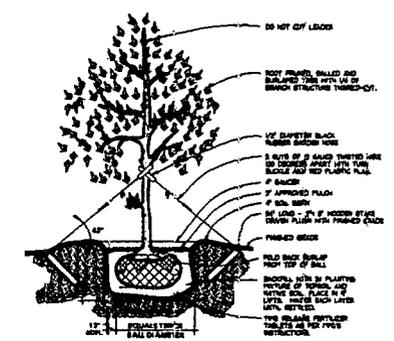
CON: 2004-08
REVISIONS:
DATE: 05-01-2004
BY: S.B.A.
TOTAL SHEETS: 2
L-2
OF: 2



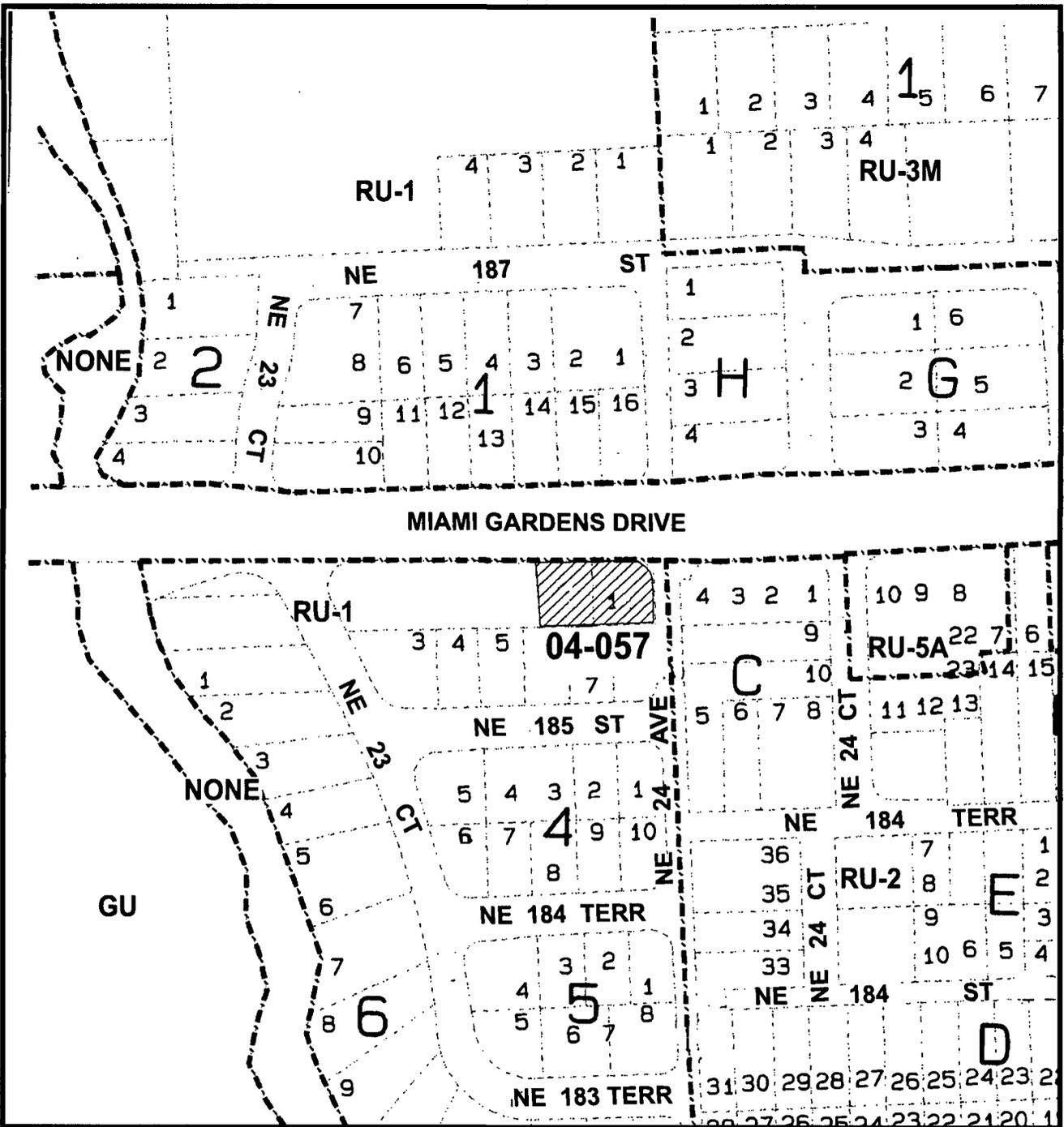
SHRUB PLANTING DETAIL
NOT TO SCALE



LARGE PALM PLANTING DETAIL
NOT TO SCALE



TREE PLANTING + QUAYING DETAIL
NOT TO SCALE



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 04 Township: 52 Range: 42
 Process Number: 04-057
 Applicant: R. Lustig
 District Number: 4
 Zoning Board: C02
 Drafter ID: Nadine
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 04 Township: 52 Range: 42
Process Number: 04-057
Applicant: R. Lustig
District Number: 4
Zoning Board: C02
Drafter ID: Nadine
Scale: NTS

S C A L E
0 NTS



SUBJECT PROPERTY



A. ROY R. LUSTIG, TRUSTEE
(Applicant)

04-9-CZ2-1 (04-57)
Area 2/District 4
Hearing Date: 11/10/04

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? **D & J Holdings**

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Zoning Department	Zone change from GU to RU-1.	CC	Approved

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: ROY R. LUSTIG, TRUSTEE

REPRESENTATIVE(S): Stanley Price

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	October 5, 2004	CZAB2- -03

DEPT. REC: Deferral.

MOTION:

WITHDRAW: APPLICATION ITEMS
 DEFER: INDEFINITELY TO: 11/10/04 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 STD. CONDITIONS
 OTHER: To allow staff to review new documentation that was provided by the applicant.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.		Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR.	M	William C. KOPPEL (C.A.)	X		
MS.	S	Anita J. PITTMAN	X		
MADAME VICE-CHAIR		Peggy A. STROKER	X		
MADAME CHAIRPERSON		Adrienne F. PROMOFF	X		

VOTE: 7 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: ROY R. LUSTIG, TRUSTEE

REPRESENTATIVE(S): Art Papastavros (Objector) and Brian Adler (Attorney for the applicant)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	September 8, 2004	CZAB2-03

DEPT. REC: Approval of request #1; denial without prejudice of requests #2 and #4 under Section 33-311(A)(20), and denial without prejudice of requests #2 through #4 under Sections 33-311(A)(4)(b) and (c).

MOTION:

WITHDRAW: APPLICATION ITEMS
 DEFER: INDEFINITELY TO: October 5, 2004 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 STD. CONDITIONS
 OTHER: With no additional re-advertisement.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.	M	Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR.	S	William C. KOPPEL (C.A.)	X		
MS.		Anita J. PITTMAN			X
DR.		Reynold M. STEIN			X
MADAME VICE-CHAIR		Peggy A. STROKER	X		
MADAME CHAIRPERSON		Adrienne F. PROMOFF			X

VOTE: 5 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: CRAIG COLLER

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 2**

APPLICANT: Roy R. Lustig, trustee

PH: Z04-057 (04-9-CZ2-1)

SECTION: 4-52-42

DATE: November 10, 2004

COMMISSION DISTRICT: 6

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

1. RU-1 to RU-5A
2. Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
3. Applicant is requesting to permit a 5' high wall between dissimilar land uses to the west and south (6' high required with trees and a 5' wide landscape strip required).
4. Applicant is request to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #4 may be considered under Section 33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District); and approval of requests #2 thru 4 may be considered under Section 33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the zoning department entitled "Professional Building" as prepared by Steven B. Schwartz, Page A-1 dated 4-14-04 and the remaining 4 pages dated 03/01/04. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to change the zoning on the subject property from single family residential district to semi-professional office district and to permit a building and a dumpster setback closer to the property lines than permitted.

o **LOCATION:**

The southwest corner of N.E. 24 Avenue and N. E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida.

o **SIZE:** 0.385 net acres

o **IMPACT:**

The rezoning of the property will allow the applicant to provide professional office services. However, the rezoning will bring additional traffic and noise into the area and will impact public services. The reduced setbacks may visually impact the surrounding area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **low-medium density residential**. The residential densities allowed in this category shall range from a minimum of 5.0 to a maximum of 13 units per gross acre. The types of housing typically found in areas designated low-medium density include single family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Office uses** smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area (Land Use Element, page I-29).

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential

area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller (Land Use Element, page I-29-30).

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-1; vacant	Low-medium density, 5 to 13 dua
<u>Surrounding Properties:</u>	
NORTH: RU-1; single family residence	Low-medium density, 5 to 13 dua
SOUTH: R-1; church (City of South Miami)	Low-medium density, 5 to 13 dua
EAST: RU-2; single family residence	Low-medium density, 5 to 13 dua
WEST: RU-1; office	Low-medium density, 5 to 13 dua

The subject parcel is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue, on the south side of NE 186 Street. The area where the subject property lies is characterized by single family homes, duplexes, and residential/office conversions.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8)The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

Section 33-311(A)(20)(Alternative Site Development Option for Semi-Professional Office Zoning District)

This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(c) Setbacks for a principal building, or accessory building or structure in the RU-5A, shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscape open space percentage by the applicable district regulations; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
8. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
10. any windows or doors in any building to be located within an interior or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
12. the area within an interior side setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or

- A. interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setback shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- B. side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying zoning district regulations;
- C. front setbacks (including double frontage lots) shall not be reduced by more than twenty five percent (25%) of the setbacks required by the underlying district regulations, whichever is greater;
- D. Rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided however, rear setbacks shall not be reduced by more than twenty-five percent (25%) of the rear setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- E. setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the

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

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

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

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

* subject to the conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from the October 5, 2004 meeting to allow the applicant to submit additional documentation for staff's review and deferred from September 8, 2004 meeting at the request of the applicant to be given an opportunity to work with neighbors. The subject property is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue. The request will allow the applicant to change the zoning on the subject property from single family residential district to semi-professional office district, to permit proposed structures closer to the property lines than permitted, and to provide a wall in lieu of landscaping abutting dissimilar uses. The applicant has submitted plans depicting the development of the subject property with a 5,553 square foot office building and ample parking to comply with RU-5A zoning regulations.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and states that the subject property located within the urban infill area where traffic concurrency does not apply.

This application will allow the applicant to provide semi-professional office services for the community. The Land Use Plan (LUP) Map designates this site for Low-Medium Density Residential Use. The CDMP states that office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. The proposed parcel fronts on a heavily traveled roadway (NE 186 Street), the lot size does not exceed one acre, was platted prior to March 25, 1991, and the residential area is not zoned, developed or designated Estate Density. The Department's Community Planning Section has completed an Ojus Charrette Report (OCR) for the area in which the subject property is located. The Ojus Charrette, at this point, is vision and a guideline for the future development of the area. Staff notes that OCR envisions this corridor of RU-1 properties abutting Miami Gardens Drive for office

uses. Notwithstanding, the OCR has not been adopted by the Board of County Commissioners and is therefore a conceptual plan for the future development of this area. Additionally, the CDMP further states that office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setback from roadway traffic and noise. Staff notes that single family residences lie immediately to the north of the subject property and along the north side of NE 186 Street. In addition, the subject property is immediately north of an established single family residential neighborhood. The applicant has not provided staff with sufficient documentation that the property cannot be developed for residential uses due to the proximity to Miami Gardens Drive (NE 186 Street) or due to a mixture of nonresidential uses in the vicinity. Staff notes that residential zoning (RU-1 and RU-2) surrounds the property on all sides. As such, staff is of the opinion that the proposed RU-5A rezoning would be **inconsistent** with the CDMP.

When requests #2 through 4 are analyzed under the Alternative Site Development Option (ASDO) for Semi-professional Office Buildings and Structures (Section 33-311(A)(20)) staff is of the opinion that request #2 complies with some of the ASDO standards, specifically, that the front and rear setbacks not be reduced by more than 25% of the underlying district regulations and that the rear setback shall not be reduced below 25% of the underlying district regulations. When request #3 cannot be properly analyzed under the ASDO standards since the standards allow for an alternative maximum height of walls, hedges or fences. The ASDO standards do not provide a relief for a proposed wall between dissimilar uses with less height than required by the underlying zoning district regulations. Request #4 complies with some of the ASDO standards (Section 33-311(A)(20)(c)(19)(A)) in that the front setback area may not be reduced by more than 25% of the setbacks required by the underlying zoning district regulations. However, the placement of the trash enclosure setback 0' from the interior side property line does not comply with the standards set forth in Section 33-311(A)(20)(c)(19)(A) that the interior side setback shall not be reduced by more than 25% of the underlying district regulations when adjacent to a parcel of land which allows a discordant use. The plans submitted provide for a 6' high wall between dissimilar land uses, but do not provide for the required landscape buffer nor do the plans provide a The plans do not indicate how the encroachment into the interior side property line will be mitigated by a wall or fence at least five (5) feet in height or be screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent of the alternative development to a height of the lower fourteen feet of such structure at time of planting. Additionally, the applicant has not indicated how the area of shadow cast by the encroachments will be no larger than would be cast by a structure constructed in accordance with the underlying zoning district regulations, and the manner in which the windows and doors are located so that they do not align with windows and doors from an adjoining parcel. As such, requests #2 and 4 cannot be approved under the ASDO standards and should be denied under same.

If analyzed under the alternative non-use variance standard (Section 33-311(A)(4)(c)) the applicant would have to prove that requests #2-4 are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, the subject property can be utilized in accordance with the existing RU-1 or proposed RU-5A zoning regulations and no

hardship has been demonstrated by the applicant for approval of said requests. When analyzed under the non-use variance standard (Section 33-311(A)(4)(b)), staff is of the opinion that the approval of requests #2 through 4 would affect the stability and appearance of the community, would be detrimental to the surrounding area and could set a precedent given the fact that no similar request has been granted in this area. As such, requests #2 through 4 would be **incompatible** with the surrounding area. Based on all the aforementioned, staff recommends denial without prejudice of the application.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 07/01/04
DATE TYPED: 07/08/04
DATE REVISED: 07/12/04; 07/13/04; 07/29/04; 08/04/04; 08/12/04; 08/26/04; 08/30/04;
09/30/04; 10/26/04; 11/03/04
DATE FINALIZED: 11/04/04
DO'QW:AJT:JED

for 
Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O. Quinn-Williams, Director
 Department of Planning and Zoning

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MIAMI-DADE COUNTY
 DIRECTOR'S OFFICE
 DEPT. OF PLANNING & ZONING

FROM: Alyce M. Robertson, Assistant Director
 Environmental Resources Management

DATE: May 26, 2004

SUBJECT: C-02 #Z2004000057-Revised
 Roy R. Lustig, Trustee
 SW corner of NE 24th Avenue and NE
 186th Street
 DBC from RU-2 to RU-5A
 (RU-2) (.385 Ac.)
 04-52-42

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

Potable Water Supply:

Public water can be made available to this site, therefore, connection will be required.

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 cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

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

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

An on-site inspection revealed the presence of Brazilian pepper. The site contains prohibited trees as referenced in Chapter 24-27.1 of the Environmental Code of Miami-Dade County. Per Chapter 24-27.1 of the Code, all prohibited trees must be removed from the site prior to development.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

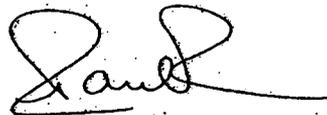
Applicant's Names: ROY R. LUSTIG, TRUSTEE

This Department has no objections to this application.

Applicant must obtain a letter from all utility companies concerned approving the encroachment of proposed asphalt into the utility easement in accordance with Miami-Dade County Code Sec. 33-24.

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

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.

13-MAY-04



**MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS**

Hearing Number: 204-057 REV#1

Plans: Yes No Request: _____

Location: SW Corner of NE 24 Ave & NE 186 St

Recommendation: Approved
 Approved with conditions *
 Approved with no change from previous submittal _____
 Denial
 Defer to DIC comments

Estimated number of alarms generated annually by application: 2

If there is an impact, below is the service availability:

Station District 8 Grid 0138 DU/SF 5553 Occupancy Type 3

Impact of additional calls on closest station: No Impact
 Minimal Impact
 Moderate Impact
 Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
<u>Q Sunny Isles North</u>	<u>NE 192 Ave & Collins</u>	<u>2010</u>

None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by:
 Kathryn Lyon

Phone: (786) 331-4546

Date: _____

Revised 3/9/04 BJM

TEAM METRO NORTHEAST OFFICE

ENFORCEMENT HISTORY

ROY R. LUSTING, TRUSTEE

The Southeast corner of N.E. 24
AVENUE & N.E. 186 Street,
Miami-Dade County, Florida

APPLICANT

ADDRESS

11/10/2004

DATE

04-57

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

March 24, 2004

No violation exist.

July 28, 2004

No violation exist.

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: _____

NAME AND ADDRESS

Percentage of Stock

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

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

TRUST/ESTATE NAME: ROY R. LUSTIG, TRUSTEE OF THE 2390 GARDENS FLORIDA LAND
TRUST DATED OCTOBER 15, 2002

NAME AND ADDRESS

Percentage of Stock

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roy R. Lustig, Trustee</u>	_____
<u>James A. Hauser</u>	<u>100%</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:

NAME AND ADDRESS

Percentage of Stock

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: D&J HOLDINGS, a Florida general partnership, and/or assigns

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Stock
<u>David Messinger, 20770 W. Dixie Highway, Aventura, FL 33180</u>	<u>50%</u>
<u>Jesse Small, Managing Partner, 20770 W. Dixie Highway, Aventura, Florida 33180</u>	<u>50%</u>

Date of contract: February 5, 2004

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

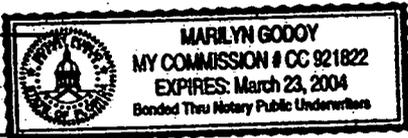
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
Roy R. Lustig, Trustee of the 2390 Florida Gardens Land Trust dated October 15, 2002

Sworn to and subscribed before me this 17th day of January, 2004. Affiant is personally known to me or has produced as identification.

[Signature]
(Notary Public)



My commission expires _____

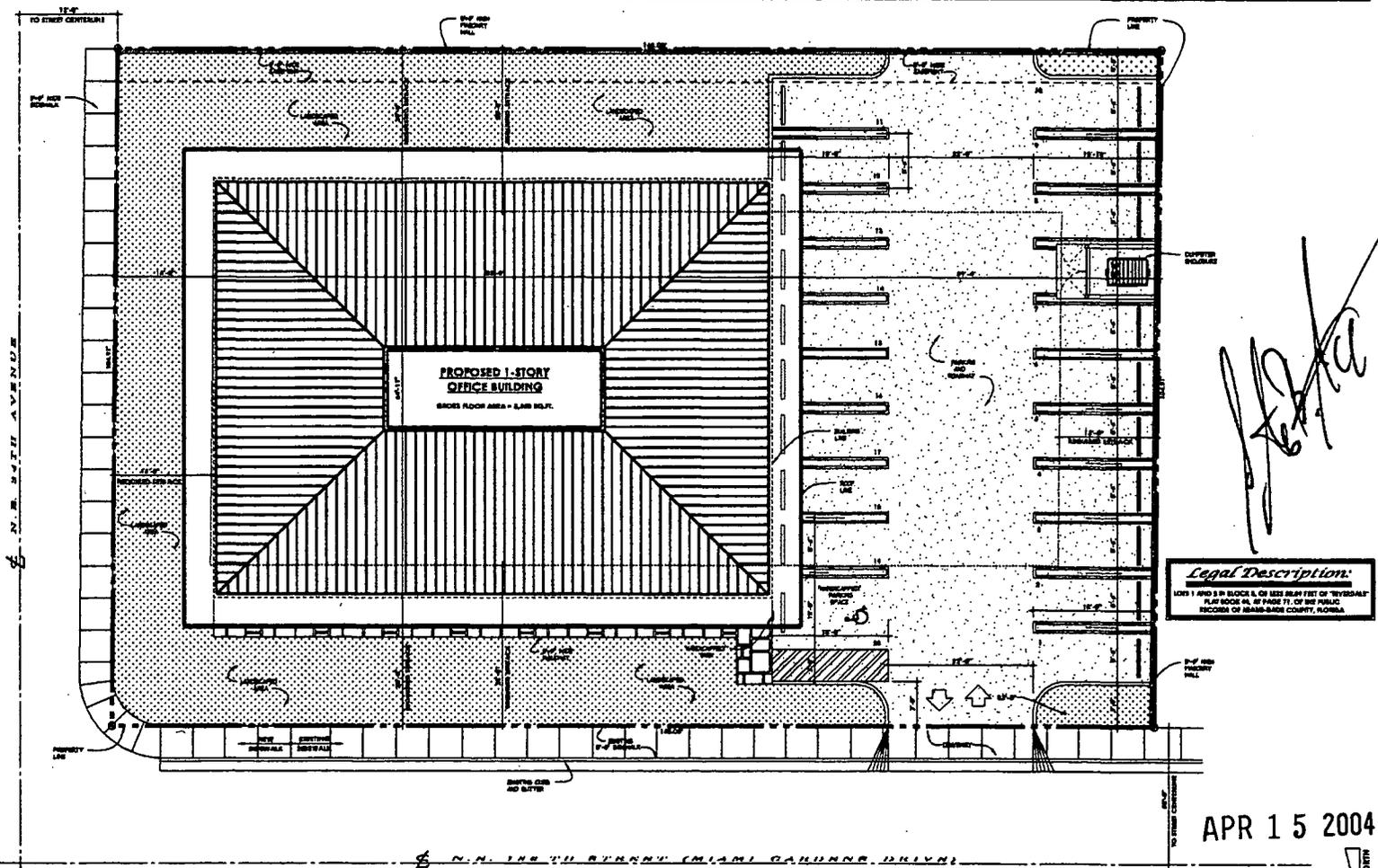
Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

ZONING		BY SITE DATA 04-57	
PREV ZONING =	RS-5 (S-FAMILY RESIDENTIAL DISTRICT)	BUILDING AREAS	PARKING DATA
PROPOSED ZONING =	RS-6A (SMB-PROFESSIONAL OFFICE DISTRICT)	MAXIMUM LOT COVER = 65%	PARKING AREA SIZE = 7'-0" x 18'-0"
SITE AREAS		(8.68 x 11,784 SQ.FT.) =	6,714 SQ.FT. (MAXIMUM)
GRASS SITE AREA =	16,764.81 SQ.FT. = 0.39 ACRES	BUILDING AREA =	6,714 SQ.FT. = 27% (PROPOSED)
MAXIMUM LOT COVERAGE =	6,714 SQ.FT. = 0.16 ACRES	BUILDING SETBACKS	
(40% FOR ALL STRUCTURES)		REAR =	32'-0" 30'-0"
OVER STAGE IMPROVEMENTS =	4,174 SQ.FT. = 0.10 ACRES	REAR =	32'-0" 30'-0"
(MINIMUM SIZE OF LOT AREA)		SIDE STREET =	12'-0" 12'-0"
IMPERVIOUS AREAS		OUTER SIDE =	12'-0" 12'-0"
VEHICULAR USE AREAS =	4,721 SQ.FT. = 0.11 ACRES	OPEN SPACE	
GRADE ELEVATIONS		LANDSCAPED OPEN SPACE =	6,510 SQ.FT. = 0.15 ACRES
TO BE ESTABLISHED		OPEN SPACE BROWNS =	6.14 ACRES
		EXCESS OPEN SPACE =	1,214 SQ.FT.
		ADDITIONAL REQUIREMENTS	
		1.) MINIMUM 2'-0" WALL ALONG EXIST. + WEST PROPERTY LINE.	
		2.) LANDSCAPING AS PER ZONING CODES CHAPTER 16A.	
		3.) MAXIMUM BUILDING HEIGHT = 34'-0".	



Steven B. Schwartz
 ARCHITECT, P.A.
 21344 West Dixie Highway
 North Miami Beach, Florida 33180
 Phone (305) 932-1440

PROFESSIONAL BUILDING
 for **D + J HOLDINGS**
 2390 N.E. 183TH STREET (MIAMI GARDENS DRIVE)
 MIAMI, FLORIDA 33130

DATE: 04-14-2004
 BY: S.B.S.
 TOTAL SHEETS: 2
A-1
 OF: 2

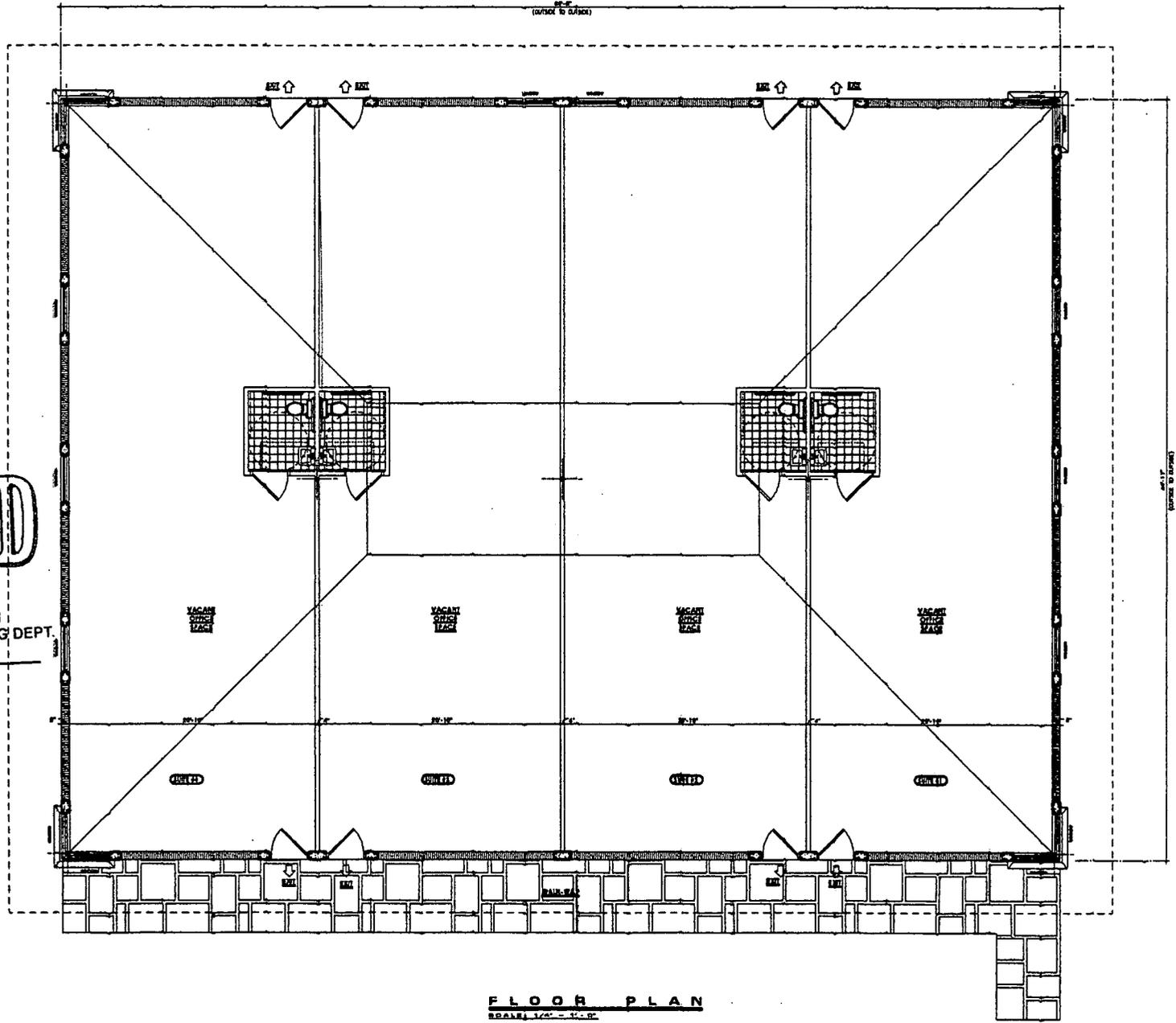
APR 15 2004

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

PRELIMINARY
 DESIGN #2

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.



FLOOR PLAN
SCALE: 1/8" = 1'-0"
TOTAL MAIN FLOOR AREA = 6,232 S.F.

Steven B. Schwartz
ARCHITECT, P.A.

21544 West Dixie Highway
North Miami Beach, Florida 33160
Phone (305) 552-1480



PROFESSIONAL BUILDING
FOR D + J HOLDINGS
3380 N.E. 180TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

PROFESSIONAL BUILDING
FOR D + J HOLDINGS
3380 N.E. 180TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

DATE: 06-01-2004

BY: SBA



DATE: 06-01-2004

BY: SBA

TOTAL SHEETS: 6

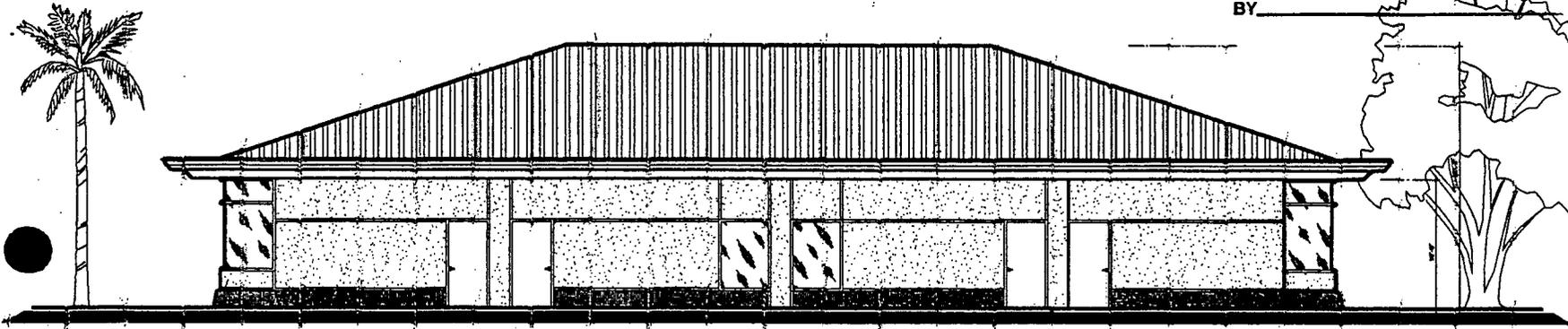
PRE-2

OF: 6

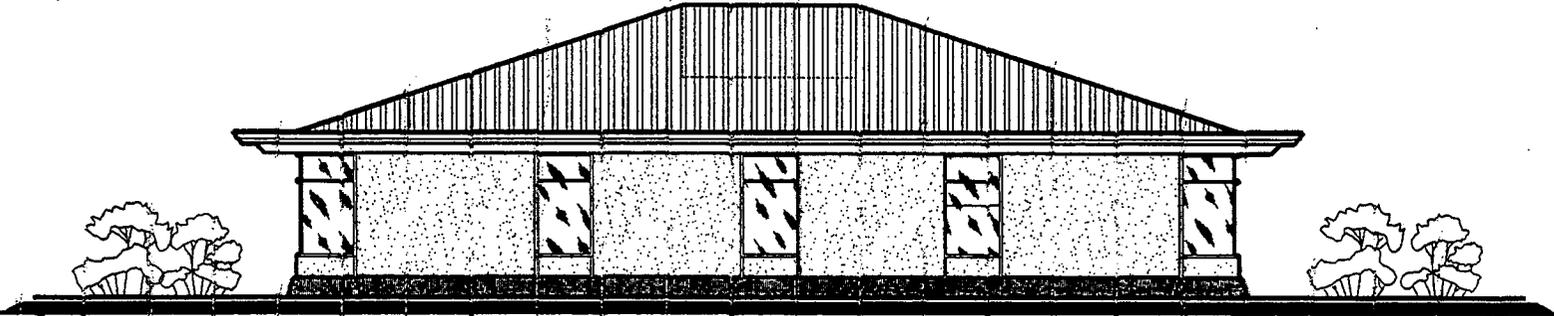
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MAR 03 2004

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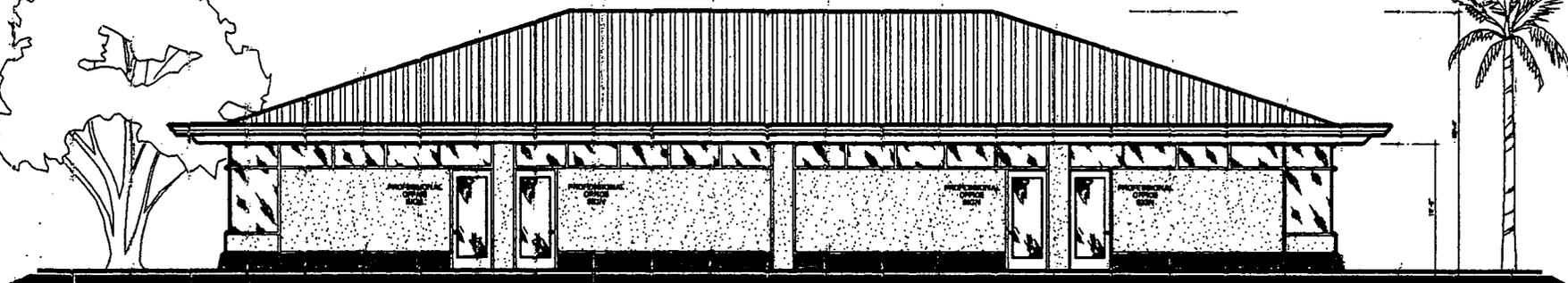
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



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



RIGHT SIDE ELEVATION (WEST)
SCALE: 1/4" = 1'-0" (LEFT SIDE - EAST ELEVATION - SAME AS)



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

PRELIMINARY
DESIGN #1

Steven B. Schwartz
ARCHITECT, P.A.
21244 West Dixie Highway
North Miami Beach, Florida 33180
Phone (305) 952-1440



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ARCHITECT, P.A.
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OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION
STORAGE AND RETRIEVAL
SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF
STEVEN B. SCHWARTZ
ARCHITECT, P.A.

PROFESSIONAL BUILDING
FOR
D + J HOLDINGS
2390 N.E. 18TH STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

COM: 2004-06

REVISIONS:

DATE: 04-08-04

BY: LBS

TOTAL SHEETS: 8
PRE-3
OF 8

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 MAR 03 2004

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

LANDSCAPE DATA

TABULATIONS

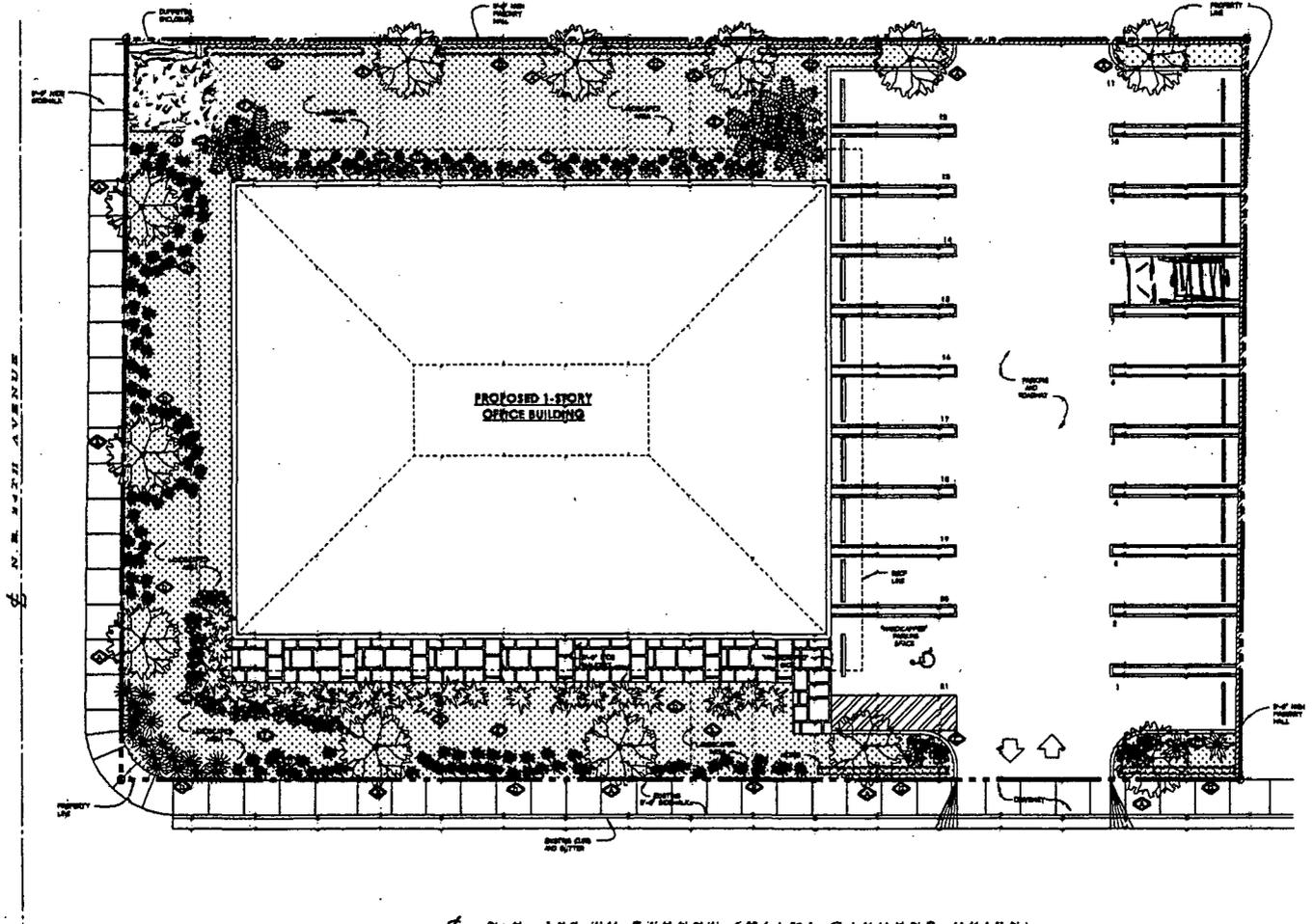
TOTAL LOT AREA	11,300 SQ.FT. = 0.26 ACRES
TOTAL LANDSCAPED AREA	4,200 SQ.FT. = 0.096 ACRES
TOTAL PAVED AREA	7,100 SQ.FT.
VEGETATED AREA	4,700 SQ.FT. = 0.108 ACRES
TOTAL NUMBER OF PLANTING SPACES	21 (19 ACRES)

ADDITIONAL STANDARDS

MIN. CANOPY AREA @ 10-20% FOR 1000 SQ. FT. AREA	REQUIRED	PROVIDED
MIN. TREE SPACING @ 10-20% FOR 1000 SQ. FT. AREA	10 - 1200	14 - 1000
MIN. TREE SPACING @ 1-5 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 5-10 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 10-20 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 20-30 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 30-40 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 40-50 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 50-60 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 60-70 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 70-80 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 80-90 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 90-100 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 100-110 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 110-120 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 120-130 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 130-140 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 140-150 FEET	10 - 1200	14 - 1000
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MIN. TREE SPACING @ 160-170 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 170-180 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 180-190 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 190-200 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 200-210 FEET	10 - 1200	14 - 1000
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MIN. TREE SPACING @ 320-330 FEET	10 - 1200	14 - 1000
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MIN. TREE SPACING @ 340-350 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 350-360 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 360-370 FEET	10 - 1200	14 - 1000
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MIN. TREE SPACING @ 580-590 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 590-600 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 600-610 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 610-620 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 620-630 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 630-640 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 640-650 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 650-660 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 660-670 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 670-680 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 680-690 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 690-700 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 700-710 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 710-720 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 720-730 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 730-740 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 740-750 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 750-760 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 760-770 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 770-780 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 780-790 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 790-800 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 800-810 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 810-820 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 820-830 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 830-840 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 840-850 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 850-860 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 860-870 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 870-880 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 880-890 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 890-900 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 900-910 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 910-920 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 920-930 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 930-940 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 940-950 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 950-960 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 960-970 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 970-980 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 980-990 FEET	10 - 1200	14 - 1000
MIN. TREE SPACING @ 990-1000 FEET	10 - 1200	14 - 1000

LANDSCAPING SCHEDULE

DESCRIPTION	COMMON NAME	BOTANICAL NAME	SIZE	SPECIFICATION	QTY
101	LYNE OAK	QUERCUS LYNEI	17" x 17"	SHRUB TREES, 1" DIA. x 4' CT.	12
102	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2' DIA.	2
103	WAX PALM	WAX PALM	12" CT.	2" DIA. x 1" CT.	200
104	SHRUB	SHRUB	12" CT.	1" DIA. x 1" CT.	200
105	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
106	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
107	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
108	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
109	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
110	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
111	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
112	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
113	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
114	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
115	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
116	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
117	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
118	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
119	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2
120	FLORIDA PALM	SYZYGIA BENTHAMIANA	12" CT.	2" DIA.	2



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

PRELIMINARY DESIGN #1

25

Steven B. Schwartz
 ARCHITECT, P.A.

21544 West Dixie Highway
 North Miami Beach, Florida 33180
 Phone: (305) 555-1440

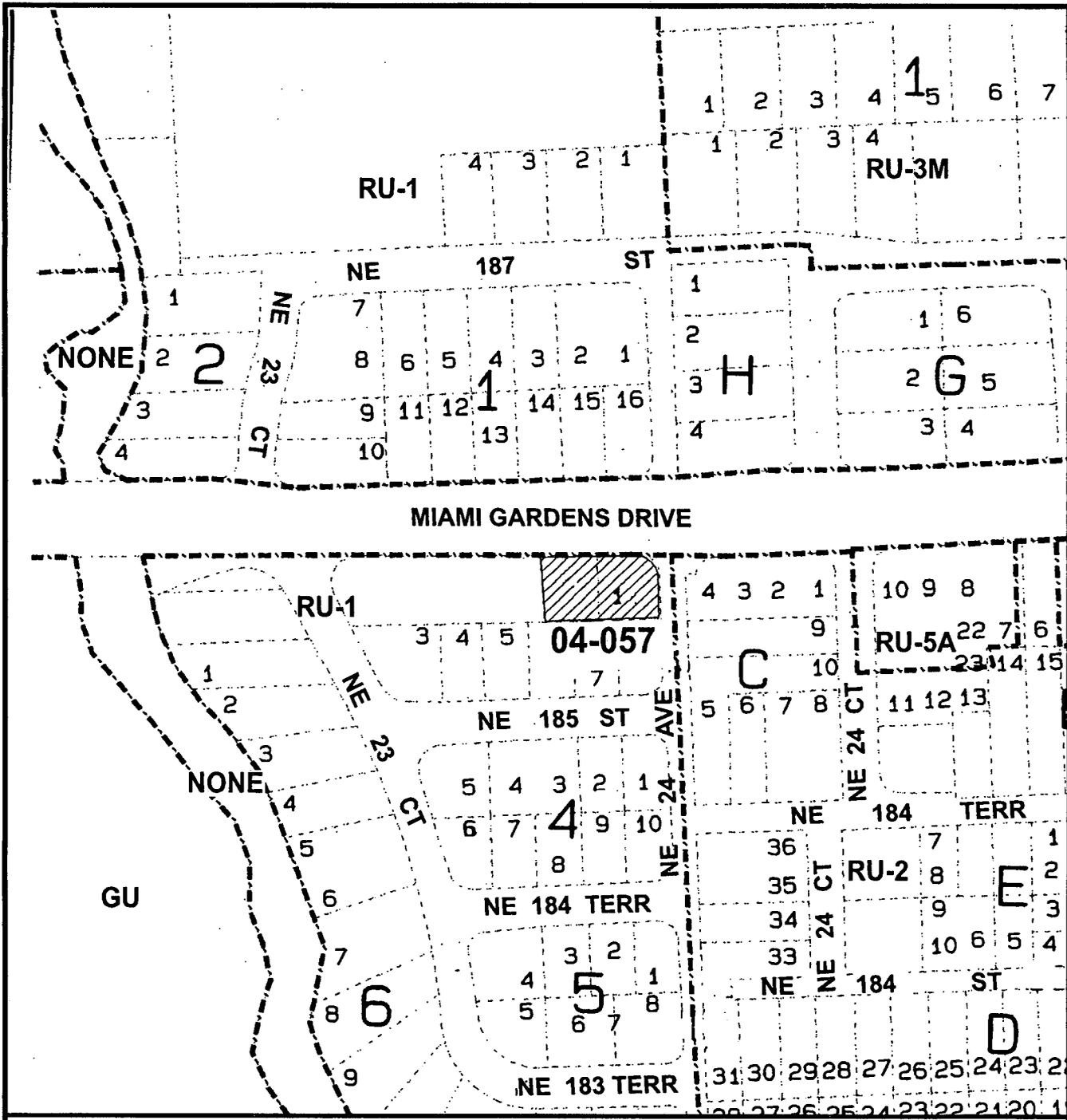
PROFESSIONAL BUILDING
 for **D + J HOLDINGS**
 3380 N.E. 18TH STREET (MIAMI GARDENS DRIVE)
 MIAMI, FLORIDA 33180

DOM: 2004-08

REVISIONS:

DATE: 04-08-04
 BY: S.B.S.

TOTAL SHEETS: 3
L-1
 OF: 3



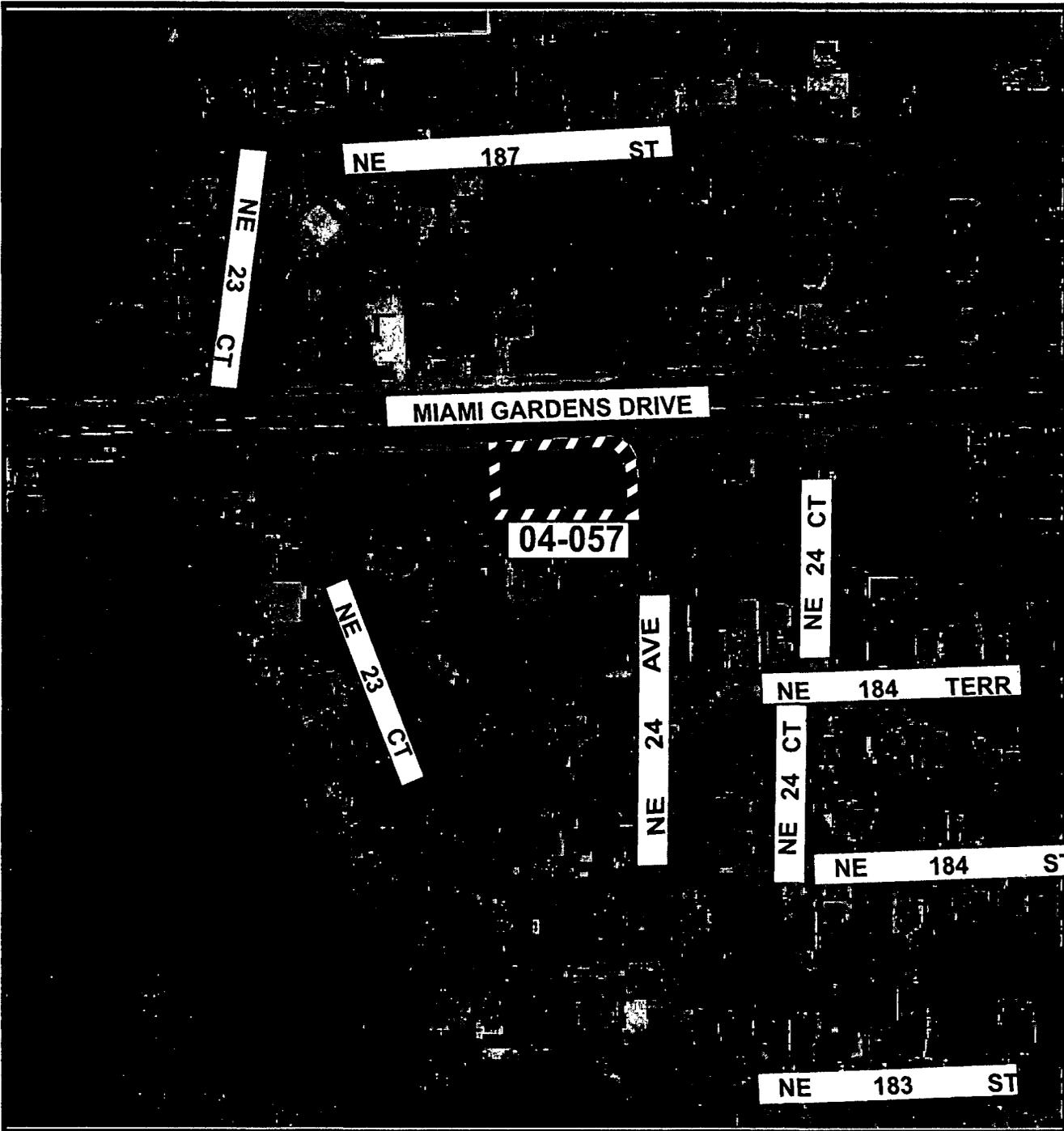
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 04 Township: 52 Range: 42
 Process Number: 04-057
 Applicant: R. Lustig
 District Number: 4
 Zoning Board: C02
 Drafter ID: Nadine
 Scale: 1:200'



SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 04 Township: 52 Range: 42
Process Number: 04-057
Applicant: R. Lustig
District Number: 4
Zoning Board: C02
Drafter ID: Nadine
Scale: NTS



 SUBJECT PROPERTY



A. ROY R. LUSTIG, TRUSTEE
(Applicant)

04-9-CZ2-1 (04-57)
Area 2/District 4
Hearing Date: 10/5/04

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? D & J Holdings

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Zoning Department	Zone change from GU to RU-1.	CC	Approved

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP**

APPLICANT'S NAME: **ROY R. LUSTIG, TRUSTEE**

REPRESENTATIVE(S): Art Papastavros (Objector) and Brian Adler (Attorney for the applicant)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
04-9-CZ2-1 (04-57)	September 8, 2004	CZAB2- -03

DEPT. REC: Approval of request #1; denial without prejudice of requests #2 and #4 under Section 33-311(A)(20), and denial without prejudice of requests #2 through #4 under Sections 33-311(A)(4)(b) and (c).

MOTION:

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEMS
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>October 5, 2004</u> <input type="checkbox"/> W/Leave To Amend
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH STD. CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	With no additional re-advertisement.	

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Charles BARON	X		
MR.	M	Kenneth FRIEDMAN	X		
MR.		Patrick J. GANNON JR.	X		
MR.	S	William C. KOPPEL (C.A.)	X		
MS.		Anita J. PITTMAN			X
DR.		Reynold M. STEIN			X
MADAME VICE-CHAIR		Peggy A. STROKER	X		
MADAME CHAIRPERSON		Adrienne F. PROMOFF			X

VOTE: 5 to 0

EXHIBITS: YES NO

COUNTY ATTORNEY: CRAIG COLLER

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 2**

APPLICANT: Roy R. Lustig, trustee

PH: Z04-057 (04-9-CZ2-1)

SECTION: 4-52-42

DATE: October 5, 2004

COMMISSION DISTRICT: 6

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

1. RU-1 to RU-5A
2. Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
3. Applicant is requesting to permit a 5' high wall between dissimilar land uses to the west and south (6' high required with trees and a 5' wide landscape strip required).
4. Applicant is request to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7 ½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #4 may be considered under Section 33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District); and approval of requests #2 thru 4 may be considered under Section 33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the zoning department entitled "Professional Building" as prepared by Steven B. Schwartz, Page A-1 dated 4-14-04 and the remaining 4 pages dated 03/01/04. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The request will allow the applicant to change the zoning on the subject property from single family residential district to semi-professional office district and to permit a building and a dumpster setback closer to the property lines than permitted.

o **LOCATION:**

The southwest corner of N.E. 24 Avenue and N. E. 186 Street (Miami Gardens Drive), Miami-Dade County, Florida.

o **SIZE:** 0.385 net acres

o **IMPACT:**

The rezoning of the property will allow the applicant to provide professional office services. However, the rezoning will bring additional traffic and noise into the area and will impact public services. The reduced setbacks may visually impact the surrounding area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **low-medium density residential**. The residential densities allowed in this category shall range from a minimum of 5.0 to a maximum of 13 units per gross acre. The types of housing typically found in areas designated low-medium density include single family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Office uses** smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot. Office uses may be approved on such sites only if consistent with the objectives and policies of the CDMP and the use or zoning district would not have an unfavorable effect on the surrounding area (Land Use Element, page I-29).

In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in this paragraph. These office uses may occur in combination with or independent of residential use. Such limited office uses may be approved on such sites in residential community areas only where: a) the residential lot fronts directly on a Major Roadway as designated on the Land Use Plan map (Frontage roads are not eligible for consideration); b) the lot or site size does not exceed one acre; and c) the residential

area is not zoned, developed or designated on the Land Use Plan map for Estate Density Residential, nor does subject frontage face such an Estate Density area. Office use approvals, pursuant to this paragraph may only authorize: a) conversion of an existing residence into an office; b) addition of an office use to an existing residence; or, c) the construction of a new office building on lots which were finally platted prior to March 25, 1991 in a size one acre or smaller (Land Use Element, page I-29-30).

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-1; vacant	Low-medium density, 5 to 13 dua
<u>Surrounding Properties:</u>	
NORTH: RU-1; single family residence	Low-medium density, 5 to 13 dua
SOUTH: R-1; church (City of South Miami)	Low-medium density, 5 to 13 dua
EAST: RU-2; single family residence	Low-medium density, 5 to 13 dua
WEST: RU-1; office	Low-medium density, 5 to 13 dua

The subject parcel is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue, on the south side of NE 186 Street. The area where the subject property lies is characterized by single family homes, duplexes, and residential/office conversions.

E. SITE AND BUILDINGS:

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

* pending review of supplemental letter of intent dated September 28, 2004

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8)The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, street or highways.

Section 33-311(A)(20)(Alternative Site Development Option for Semi-Professional Office Zoning District)

This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(c) Setbacks for a principal building, or accessory building or structure in the RU-5A, shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscape open space percentage by the applicable district regulations; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
8. the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
10. any windows or doors in any building to be located within an interior or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
12. the area within an interior side setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or

- A. interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided, however, interior side setback shall not be reduced by more than twenty-five percent (25%) of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- B. side street setbacks shall not be reduced by more than twenty-five percent (25%) of the underlying zoning district regulations;
- C. front setbacks (including double frontage lots) shall not be reduced by more than twenty five percent (25%) of the setbacks required by the underlying district regulations, whichever is greater;
- D. Rear setbacks shall not be reduced below fifty percent (50%) of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a RU-5, RU-5A, BU, IU, or OPD district or use provided however, rear setbacks shall not be reduced by more than twenty-five percent (25%) of the rear setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
- E. setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(k) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the

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

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

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

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

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

* subject to the conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from September 8, 2004, meeting at the request of the applicant to be given an opportunity to work with neighbors. The subject property is located on the southwest corner of NE 186 Street (Miami Gardens Drive) and NE 24 Avenue. The request will allow the applicant to change the zoning on the subject property from single family residential district to semi-professional office district, to permit proposed structures closer to the property lines than permitted, and to provide a wall in lieu of landscaping abutting dissimilar uses.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objections** to this application and states that the subject property located within the urban infill area where traffic concurrency does not apply.

This application will allow the applicant to provide semi-professional office services for the community. The Land Use Plan (LUP) Map designates this site for Low-Medium Density Residential Use. The CDMP states that office uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. In addition, office uses may be approved along the frontage of major roadways in residential community areas where residences have become less desirable due to inadequate setbacks from roadway traffic and noise, or due to a mixture of nonresidential uses or activities in the vicinity in accordance with the limitations set forth in the CDMP. These office uses may occur in combination with or independent of residential use. The proposed parcel fronts on a heavily traveled roadway (NE 186 Street), the lot size does not exceed one acre, was platted prior to March 25, 1991, and the residential area is not zoned, developed or designated Estate Density. The Department's Community Planning Section has completed an Ojus Charrette Report (OCR) for the area in which the subject property is located. The Ojus Charrette, at this point, is vision and a guideline for the future development of the area. Staff notes that OCR envisions this corridor of RU-1 properties abutting Miami Gardens Drive for office uses.

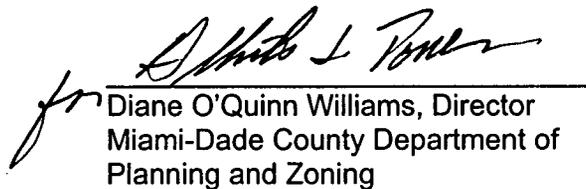
The neighbors have met with the Director of the Department and have explained the reasons for their objections to this application. Following said meeting, the Department advised the applicant that additional documentation would be required to fully analyze this application.

The applicants have submitted a supplemental letter of intent dated September 28, 2004 in which they describe how this application is consistent with the CDMP and meets the criteria set forth on page I-29 and I-30 (Office uses smaller than five acres in size). At the time of this writing, staff recommends deferral of this application to allow sufficient time to properly analyze said documentation.

I. **RECOMMENDATION:** Deferral.

J. **CONDITIONS:** None.

DATE INSPECTED: 07/01/04
DATE TYPED: 07/08/04
DATE REVISED: 07/12/04; 07/13/04; 07/29/04; 08/04/04; 08/12/04; 08/26/04; 08/30/04;
09/30/04
DATE FINALIZED: 09/30/04
DO'QW:AJT:MTF:JED


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning



MEMORANDUM



TO: Diane O. Quinn-Williams, Director
 Department of Planning and Zoning

RECEIVED
 JUN 01 2004

MIAMI-DADE COUNTY
 DIRECTOR'S OFFICE
 DEPT. OF PLANNING & ZONING

FROM: Alyce M. Robertson, Assistant Director
 Environmental Resources Management

DATE: May 26, 2004

SUBJECT: C-02 #Z2004000057-Revised
 Roy R. Lustig, Trustee
 SW corner of NE 24th Avenue and NE
 186th Street
 DBC from RU-2 to RU-5A
 (RU-2) (.385 Ac.)
 04-52-42

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

Potable Water Supply:

Public water can be made available to this site, therefore, connection will be required.

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 cannot be made available to this site. Therefore, DERM would not object to the interim use of a septic tank and drainfield system as a means for the disposal of domestic liquid waste, provided that the proposed development meets the sewage loading requirements of Section 24-13(4) of the Code. Based upon the available information the proposal meets the said requirements; furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-13(4)(a) of the Code.

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

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A No-Notice General Environmental Resource Permit from DERM shall be required for the drainage system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

An on-site inspection revealed the presence of Brazilian pepper. The site contains prohibited trees as referenced in Chapter 24-27.1 of the Environmental Code of Miami-Dade County. Per Chapter 24-27.1 of the Code, all prohibited trees must be removed from the site prior to development.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# Z2004000057
CZAB - C02

PUBLIC WORKS DEPARTMENT COMMENTS

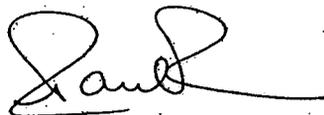
Applicant's Names: ROY R. LUSTIG, TRUSTEE

This Department has no objections to this application.

Applicant must obtain a letter from all utility companies concerned approving the encroachment of proposed asphalt into the utility easement in accordance with Miami-Dade County Code Sec. 33-24.

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

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.

13-MAY-04



**MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS**

Hearing Number: 204-057 REV #1

Plans: Yes No Request: _____

Location: SW Corner of NE 24 Ave + NE 186 St.

Recommendation: Approved
 Approved with conditions _____
 Approved with no change from previous submittal _____
 Denial _____
 Defer to DIC comments _____

Estimated number of alarms generated annually by application: 2

If there is an impact, below is the service availability:

Station District 8 Grid 0138 DU/SF 5553 Occupancy Type 3

Impact of additional calls on closest station: No Impact
 Minimal Impact
 Moderate Impact
 Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
<u>Q Sunny Isles North</u>	<u>NE 192 Ave & Collins</u>	<u>2010</u>

None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by:
 Kathryn Lyon

Phone: (786) 331-4546

Date: _____

Revised 3/9/04 BJM

TEAM METRO NORTHEAST OFFICE

ENFORCEMENT HISTORY

ROY R. LUSTING, TRUSTEE

The Southeast corner of N.E. 24
AVENUE & N.E. 186 Street,
Miami-Dade County, Florida

APPLICANT

ADDRESS

10/05/2004

04-57

DATE

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

March 24, 2004

No violation exist.

July 28, 2004

No violation exist.

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: _____

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

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

TRUST/ESTATE NAME: ROY R. LUSTIG, TRUSTEE OF THE 2390 GARDENS FLORIDA LAND TRUST DATED OCTOBER 15, 2002

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roy R. Lustig, Trustee</u>	_____
<u>James A. Hauser</u>	<u>100%</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:

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

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

NAME OF PURCHASER: D&J HOLDINGS, a Florida general partnership, and/or assigns

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Stock
<u>David Messinger, 20770 W. Dixie Highway, Aventura, FL 33180</u>	<u>50%</u>
<u>Jesse Small, Managing Partner, 20770 W. Dixie Highway, Aventura, Florida 33180</u>	<u>50%</u>

Date of contract: February 5, 2004

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

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

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

Signature: [Signature]
Roy R. Lustig, Trustee of the 2390 Florida Gardens Land Trust dated October 15, 2002

Sworn to and subscribed before me this 17th day of January 2004. 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 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

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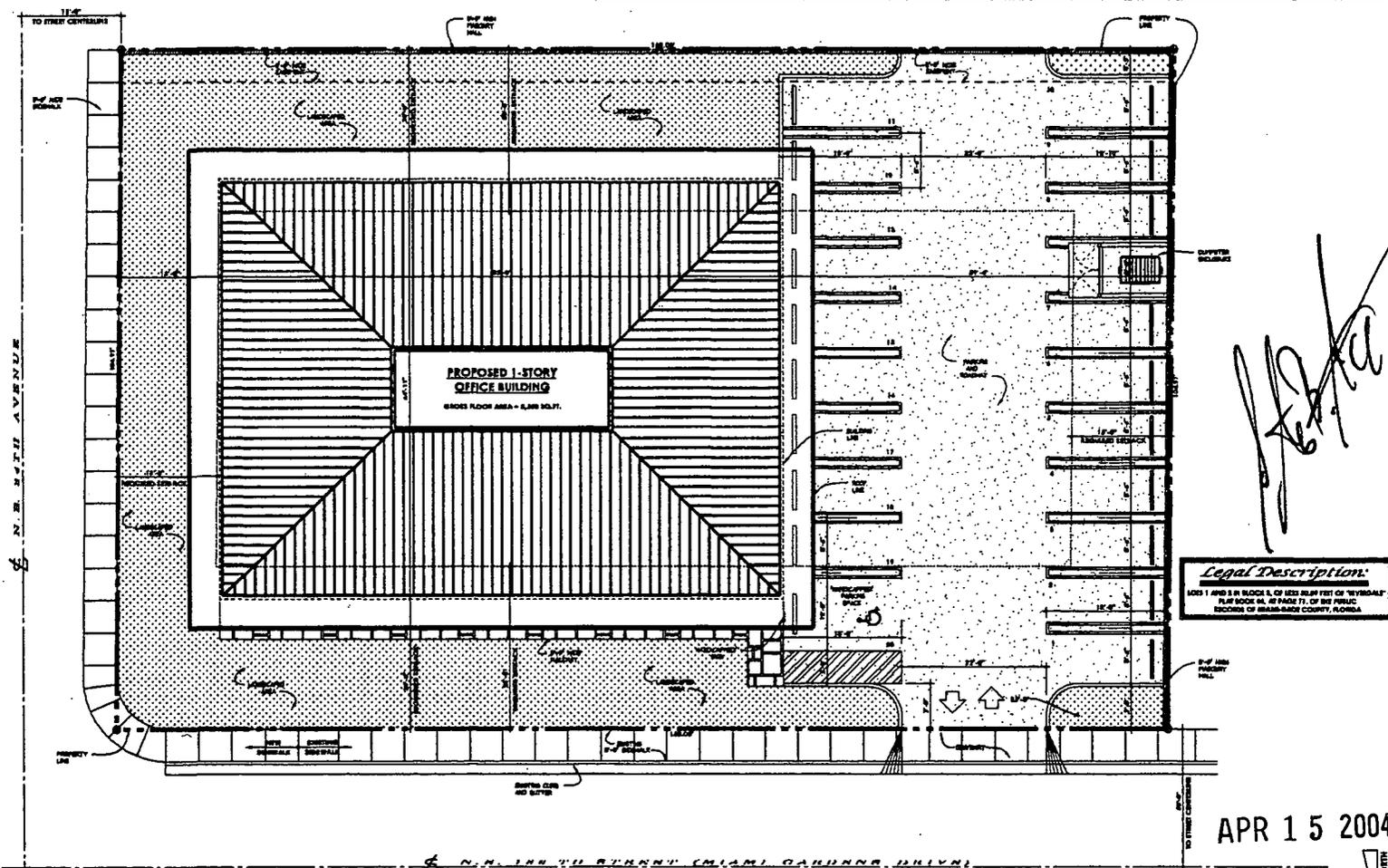
rev
JUN 08 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

20

BY SITE DATA 04-57

ZONING		BUILDING AREA		PARKING DATA	
PRESENT ZONING =	RM-2 (2-FAMILY RESIDENTIAL DISTRICT)	MAXIMUM LOT COVER = 45%	1,714 SQ.FT. (MAXIMUM)	PARKING SPACES REQUIRED =	1-SPACE / 200 SQ.FT. BUILDING AREA
PROPOSED ZONING =	RM-2A (2-FAMILY PROFESSIONAL OFFICE DISTRICT)	(0.48 x 14,794 SQ.FT.) =	7,132 SQ.FT. = 47% (PROPOSED)	PARKING ASBL SIDE =	27'-0"
SITE AREAS		BUILDING SETBACKS		ADDITIONAL REQUIREMENTS	
PROPOSED LOT AREA =	16,794.81 SQ.FT. = 0.37 ACRES	FRONT =	27'-0" 36'-0"	1.1) MINIMUM 4'-0" WALL ALONG SEAS = WEST PROPERTY LINE.	
MAXIMUM LOT COVERAGE =	4,714 SQ.FT. = 0.14 ACRES	SEAS =	27'-0" 36'-0"	2.1) LANDSCAPING AS PER ZONING CODE CHAPTER 16A.	
OPEN SPACE REQUIREMENTS =	4,114 SQ.FT. = 0.10 ACRES	SIDE STREET =	12'-0" 12'-0"	3.1) MAXIMUM BUILDING HEIGHT = 34'-0".	
INTERVIOUS AREAS		OPEN SPACE			
VEGETATIVE SET AREAS =	4,721 SQ.FT. = 0.11 ACRES	LANDSCAPED OPEN SPACE =	4,110 SQ.FT. = 0.09 ACRES		
GRADE ELEVATIONS		OPEN SPACE REQUIRED =			
TO BE ESTABLISHED		4.1 IN. SQ.FT. = 0.14 ACRES			
		EXCESS OPEN SPACE =			
		1,714 SQ.FT.			



Steven B. Schwartz
ARCHITECT, P.A.
21344 West Dixie Highway
North Miami Beach, Florida 33180
Phone (305) 952-1440

PROFESSIONAL BUILDING
for **D + J HOLDINGS**
2399 N.E. 153RD STREET (MIAMI GARDENS DRIVE)
MIAMI, FLORIDA 33180

DATE: 04-14-2004
BY: S.B.S.

A-1

APR 15 2004

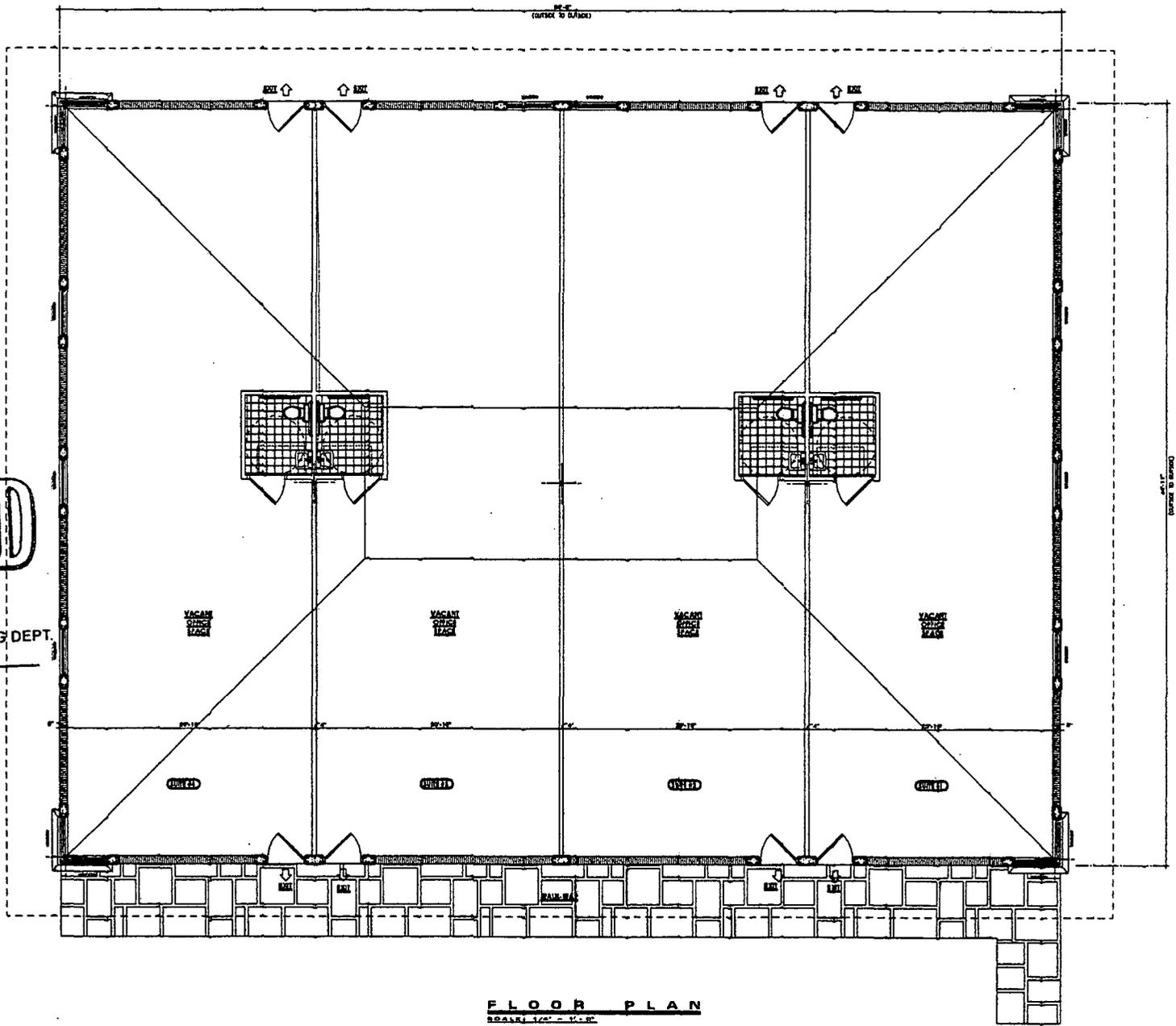
SITE PLAN
SCALE: 1/8" = 1'-0"

PRELIMINARY
DESIGN #2

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 MAR 03 2004

ZONING HEARINGS SECTION
 MI-DADE PLANNING AND ZONING DEPT.

BY _____



FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL MAIN FLOOR AREA = 8,280 SQ. FT.

Steven B. Schuartz
 ARCHITECT, P.A.

21344 West Dade Highway
 North Miami Beach, Florida 33160
 Phone: (305) 855-1440



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 SYSTEM, WITHOUT THE
 WRITTEN PERMISSION OF
 THE ARCHITECT.

PROFESSIONAL BUILDING
 Dr. D + J HOLDINGS
 2380 N.E. 180TH STREET (MIAMI GARDENS DRIVE)
 MIAMI, FLORIDA 33180

COM : 2004-08

REVISIONS :



DATE : 06-01-2004

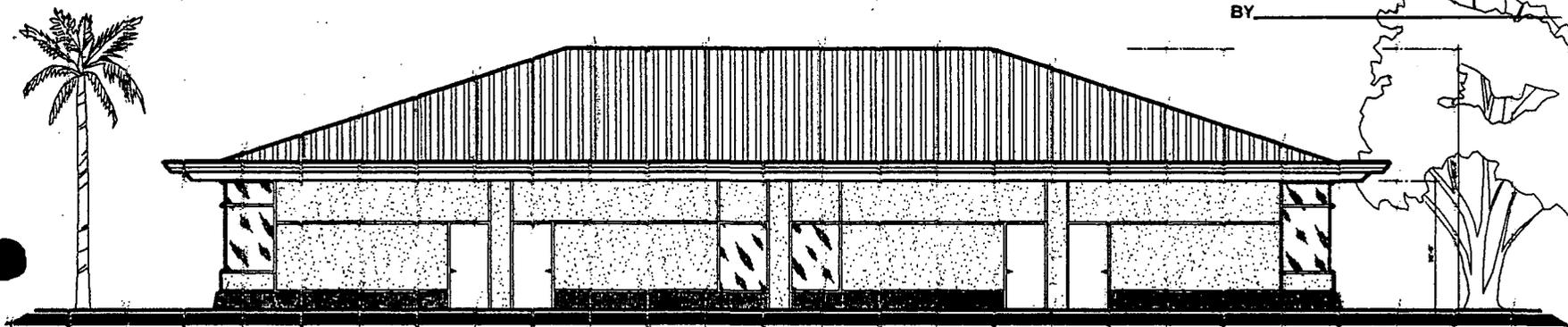
BY : S.B.A.

TOTAL SHEETS : 6
PRE-2
 OF : 3

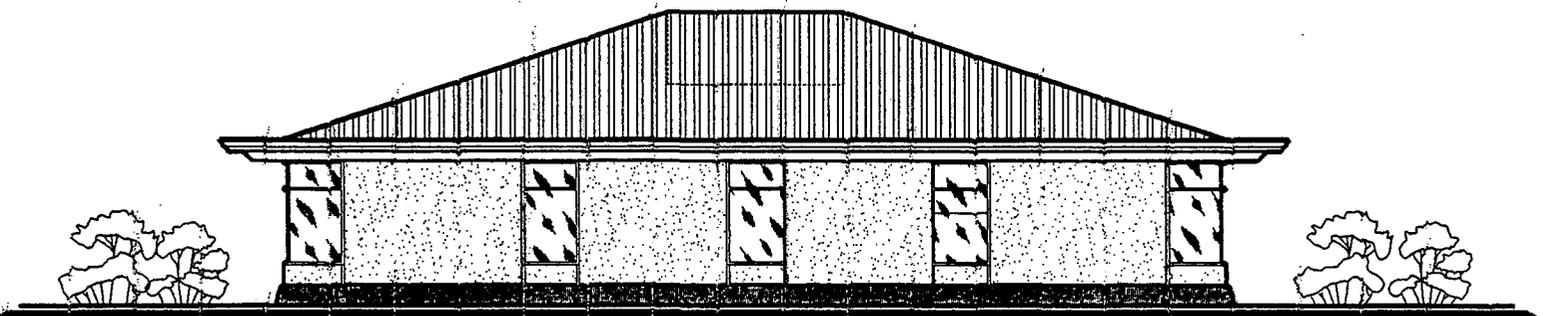
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
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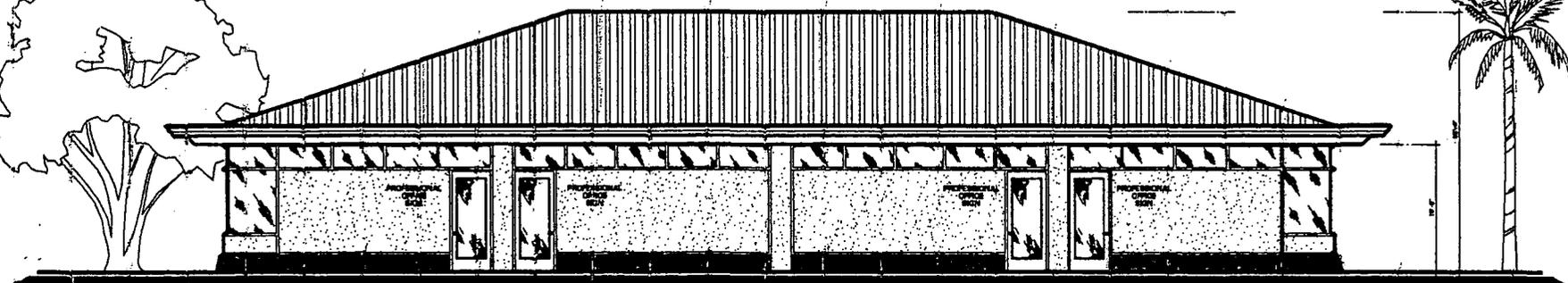
22



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



RIGHT SIDE ELEVATION (WEST)
 SCALE: 1/4" = 1'-0" (LEFT SIDE - EAST ELEVATION - symmetrical)



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

PRELIMINARY
 DESIGN #1

Steven B. Schwartz
 ARCHITECT, P.A.
 21344 West Dixie Highway
 North Miami Beach, Florida 33180
 Phone (305) 952-1440



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 Steven B. Schwartz
 Architect, P.A.
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PROFESSIONAL BUILDING
 for D + J HOLDINGS
 2390 N.E. 180TH STREET (MIAMI GARDENS DRIVE)
 MIAMI, FLORIDA 33180

1-020-1002

CON: 2004-08

REVISIONS:



DATE: 04-28-04

BY: S.B.S.

TOTAL SHEETS: 4

PRE-3

OF 4

24

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 204.057
 MAR 03 2004

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

LANDSCAPING + IRRIGATION NOTES

(1) PLANT QUALITY
 ALL PLANTS MATERIAL SHALL BE GRADE A OR BETTER AS REQUIRED BY THE STATE OF FLORIDA PLANT ADAPTATION CODES AND STANDARDS FOR LANDSCAPE PLANTS.

(2) SOIL
 PLANTING SOIL FOR ALL PLANTING SHALL CONSIST OF 50% PLANTING MIX WITH 50% TOP SOIL. GRADED SURFACES NOTED AND SHALL BE FREE OF STONES, ROOTS, CLAY POZZOL, PLANTS, OR ANY OTHER FOREIGN MATERIAL.

(3) IRRIGATION
 ALL IRRIGATION SHALL BE BUNDLED CABLES INSTALLED AT THE TIME OF APPLICATION. ALL SITES, TRENCH AND SPORES COVER SHALL RECEIVE THE 100% PROTECT OF MATCH SPECIFICALLY OF THE PLANTING.

(4) IRRIGATION
 PROVIDE PUMP, VALVES, UNDERGROUND PIPING SYSTEM TO ALL LANDSCAPING AREAS. THE IRRIGATION SYSTEM SHALL PROVIDE THE CHANGE WITH MINIMUM 100 PSI. ALL SITES SHALL BE INSTALLED. SUBMIT SHOP DRAWINGS FOR APPROVAL.

(5) UTILITIES
 THE CONTRACTOR SHALL VERIFY AND NOTIFY ALL UTILITIES AND UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF LANDSCAPING WORK. THE OWNER AND DESIGN CONTRACTOR SHALL BE NOTIFIED OF ANY CONFLICTS. LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIRS TO ANY UTILITIES DAMAGED BY HIS WORK.

(6) FLOOD
 ALL PLANTS MARKED "FLOOD" IN THE PLANS SHALL BE GRADE 100% WITH AN ACQUIRING "FLOODING". ALL SOIL IS TO BE LAND LEVEL. TEST AND NOT EXCEED 1" ABOVE PLANTING SOIL.

(7) TREE PITS
 ALL UNDEVELOPED AND UNLANNED TREE PITS ARE TO BE PROPERLY BARRICADED AND FENCED DURING INSTALLATION.

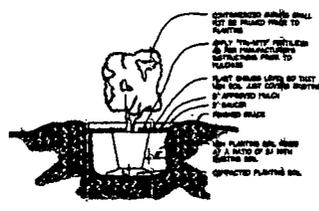
Steven B. Schwartz
 ARCHITECT, P.A.
 21344 West Dixie Highway
 North Miami Beach, Florida 33180
 Phone: (305) 963-1440



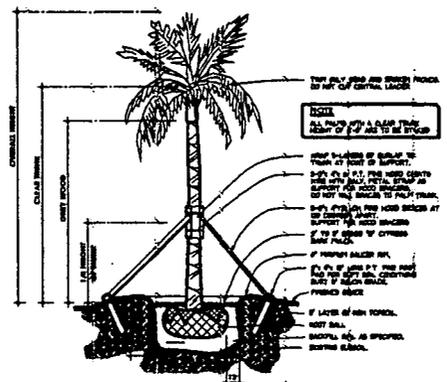
CONTRACT NO. 0004-04
 STEVEN B. SCHWARTZ
 ARCHITECT, P.A.
 21344 WEST DIXIE HIGHWAY
 NORTH MIAMI BEACH, FLORIDA 33180
 PHONE: (305) 963-1440

PROFESSIONAL BUILDING
 for **D + J HOLDINGS**
 288 N.E. 18TH STREET (MIAMI GARDENS DRIVE)
 MIAMI, FLORIDA 33180

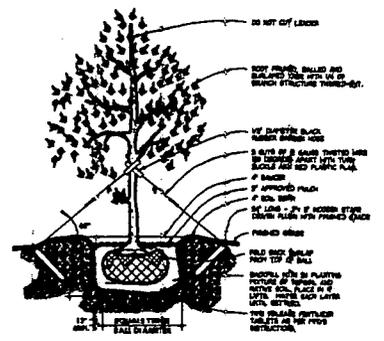
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 REVISIONS:
 DATE: 06-01-04
 BY: E.S.
 TOTAL SHEETS: 2
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 OF: 2



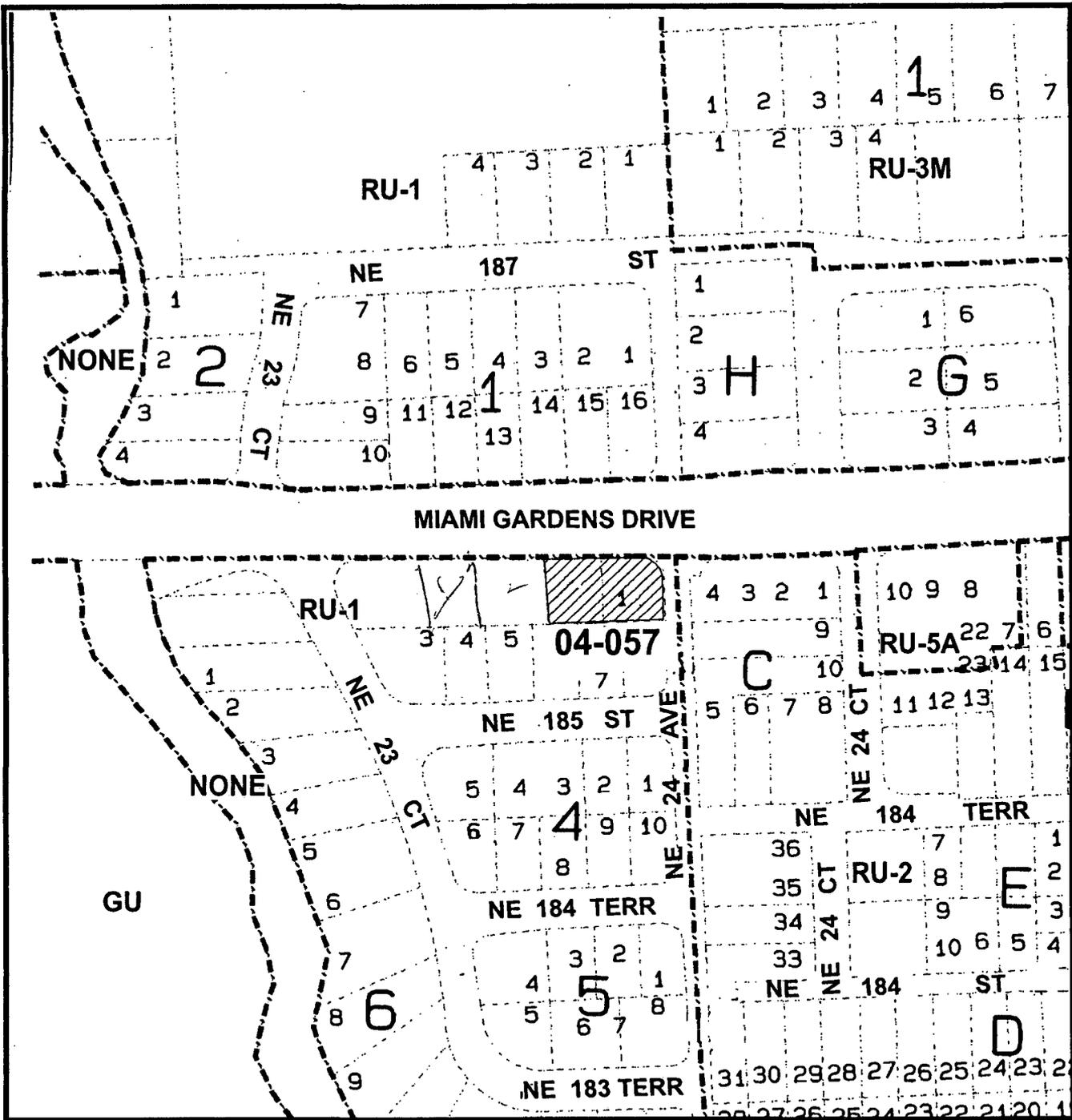
SHRUB PLANTING DETAIL
 NOT TO SCALE



LARGE PALM PLANTING DETAIL
 NOT TO SCALE



TREE PLANTING + GUYING DETAIL
 NOT TO SCALE



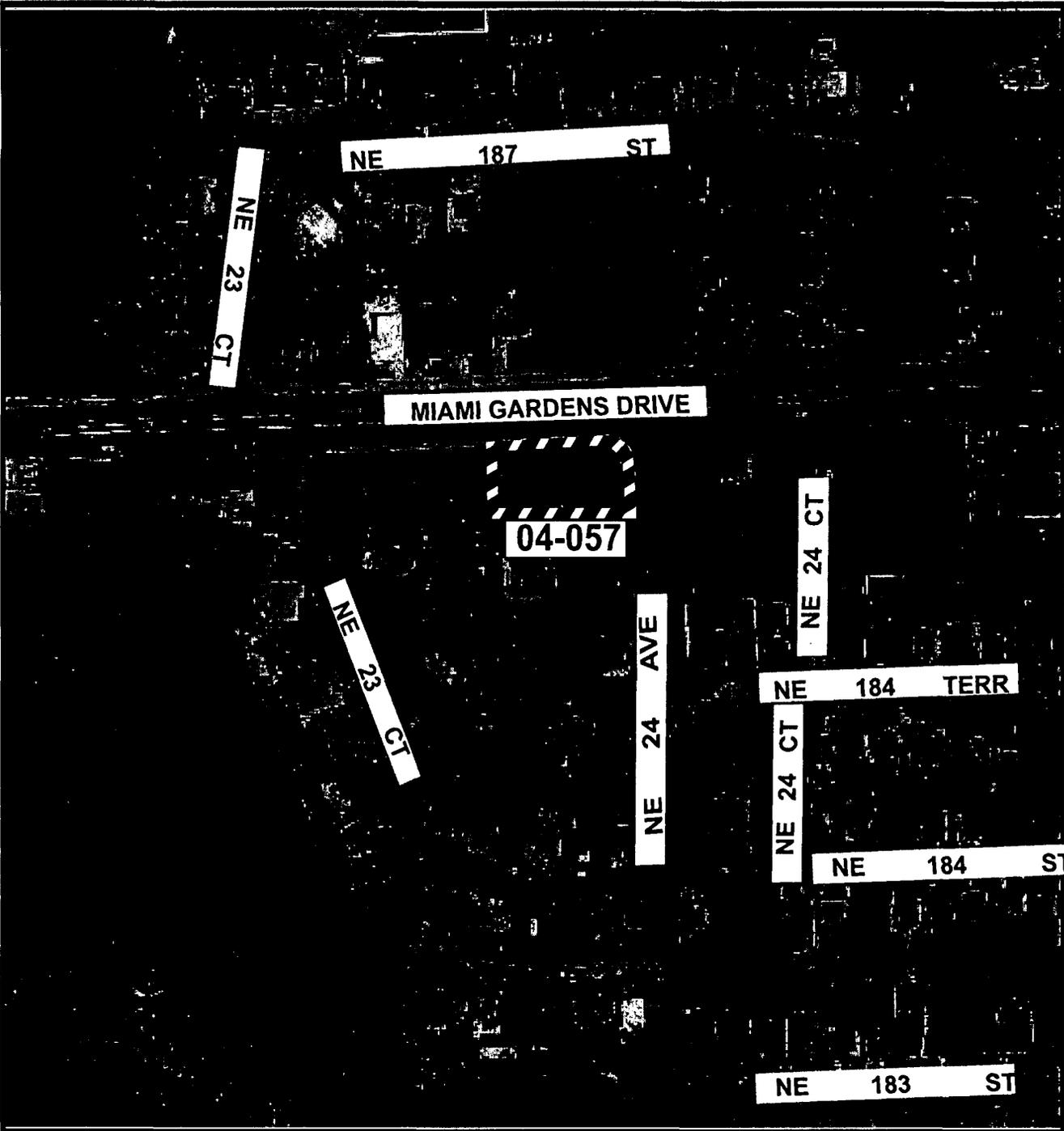
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 04 Township: 52 Range: 42
 Process Number: 04-057
 Applicant: R. Lustig
 District Number: 4
 Zoning Board: C02
 Drafter ID: Nadine
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 04 Township: 52 Range: 42
Process Number: 04-057
Applicant: R. Lustig
District Number: 4
Zoning Board: C02
Drafter ID: Nadine
Scale: NTS



 SUBJECT PROPERTY



Memorandum

MIAMI-DADE
COUNTY

Date: January 18, 2005

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Roosevelt Bradley, Director
Miami-Dade Transit



Subject: FY05 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27th Avenue from 62nd Street to the Broward County line. Please, ask your staff to continue to signal any application whose address is on NW 27th Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2004 to September 30, 2005, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

cc: George Navarrete
Mario G. Garcia

MEMORANDUM

Helen
B.

TO: Dianne O'Quinn-Williams, Director
Department of Planning and Zoning

DATE: September 18, 2003

FROM: Vivian Donnell Rodriguez, Director
Park and Recreation Department

SUBJECT: Concurrency Approval

18
VDR

This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD



MEMORANDUM

ST 07-17A OF THE DAD OF 53A MAY 1997

TO: Guillermo E. Olmedillo, Director
Building & Zoning Department

FROM: Earl L. Carlton, Captain
Fire Engineering & Water Supply Bureau

DATE: May 3rd, 1999

SUBJECT: Concurrency
Approval

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code. blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser

*Original to Helen Brown
cy to Al Jones*



MEMORANDUM

107.07-17A METRO-DADE/GSA-MAT. MGT.

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal
Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

- cc: Pedro G. Hernandez, P.E., Assistant County Manager
- Victoria Garland, Acting Deputy Director, DSWM
- Vicente Castro, Assistant Director for Technical Services, DSWM
- Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
- Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

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SEP 18 2003

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

Department of Solid Waste Management (DSWM)
Solid Waste Facility Capacity Analysis
Fiscal Year 2002-2003

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash	Trash	
					[1]	[2]		[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]	
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,838,000
2004 **	1,715,500	836,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	283,500	395,000	100,000	0	1,705,500
RESOURCES RECOVERY		GARBAGE	TRASH	TIRES	TOTAL										
* TOTAL @ 1.84M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)										
** TOTAL @ 1.72M		853,000	69,000	14,000	270,000 (RTI)										
*** TOTAL @ 1.71M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)										
			270,000		270,000 (RTI)										
TOTAL WASTE STREAM PERCENTAGES @ 1.84 MILLIONS TONS															
GARBAGE 54.3%		997,000													
TRASH 44.4%		816,000													
SPECIAL (includes Tires) 1.3%		24,000													
TOTAL		1,837,000													

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR						
Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI ****	Disposed	
Base Capacity	207,000	4,352,000	3,130,000	148,000		
2003	61,000	3,942,000	2,797,000	100,000		
2004	0	3,688,500	2,402,000	188,000		
2005	0	3,395,000	2,007,000	249,000		
2006	0	3,131,500	1,612,000	249,000		
2007	0	2,868,000	1,217,000	249,000		
2008	0	2,604,500	822,000	249,000		
2009	0	2,341,000	427,000	249,000		
2010	0	2,077,500	32,000	249,000		
2011	0	1,702,000	0	500,000		
2012	0	1,294,500	0	500,000		
2013	0	887,000	0	500,000		
2014	0	479,500	0	500,000		
2015	0	72,000	0	500,000		
2016	0	0	0	0		
2017	0	0	0	0		
2018	0	0	0	0		
Total Remaining Years	0	12	6			

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).
** South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.
*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.
**** Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.
All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

2003 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	476,880	25,585	502,465	1,381.77	1,198.25	702.34	85.32	1,985.91	604.14	1.437
2	563,033	19,245	582,278	1,601.24	1,564.11	508.33	139.79	2,212.23	610.99	1.381
3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
=====										
TOT:	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495



MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

FROM: *Roosevelt Bradley*
Roosevelt Bradley, Director
Miami Dade Transit

DATE: October 14, 2003

SUBJECT: FY04 Blanket
Concurrency Approval
for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your Department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your Department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the level-of-service standards (LOS) for mass transit established in the above referenced County rules and regulations.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period October 1, 2003 to September 30, 2004, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

CC: Aurelio Rodriguez, P.E.
Mario G. Garcia

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OCT 21 2003

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

03 OCT 17 PM 4:17
MIAMI-DADE COUNTY
FLORIDA

PROCEEDINGS DEPARTMENT

MEMORANDUM

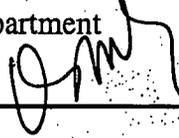
Helen
B.

TO: Dianne O'Quinn-Williams, Director
Department of Planning and Zoning

DATE: September 18, 2003

FROM: Vivian Donnell Rodriguez, Director
Park and Recreation Department

SUBJECT: Concurrency Approval

MS


This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD



MEMORANDUM

*Original to Helen Proun
cy to Al Jones*

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003
SUBJECT: Solid Waste Disposal
Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager
Victoria Garland, Acting Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED
SEP 18 2003

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

Department of Solid Waste Management (DSWM)
Solid Waste Facility Capacity Analysis
Fiscal Year 2002-2003

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash	Trash	
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	936,000	186,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,838,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	178,000	263,500	395,000	100,000	0	1,705,500
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RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL
* TOTAL @ 1.84M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
** TOTAL @ 1.72M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
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TOTAL WASTE STREAM PERCENTAGES @ 1.84 MILLIONS TONS

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3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
=====										
TOTAL	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495