

3. KILLIAN GROUP LLC F/K/A:
TRACT N. EIGHT ADDITION TO PORT
CHARLOTTE SUBDIVISION, LLC
(Applicant)

06-2-CZ12-2 (05-119)
BCC/District 8
Hearing Date: 12/7/06

Property Owner (if different from applicant) Tract N. Eight Addition to Port Charlotte
Subdivision, LLC.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

APPLICANT'S NAME: TRACT N, 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION LLC



REPRESENTATIVE: **HERMINIO SAN ROMAN (attorney)**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-2-CZ12-2 (05-119)	APRIL 04, 2006	CZAB12	06

REQ: (1) EU-1 to EU-M
(2) Waive lot front on r-o-w to permit private drive & 3 lot frontage 0' on dedicated street.

REC: DWOP

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: SEPT. 12, 2006 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 TO BE READVERTISED AT APPLICANT'S EXPENSE

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	S	Millie HERRERA	X		
MADAME VICE-CHAIR		Carla SAVOLA	X		
MR.	M	Jose I. VALDES	X		
MR.		Nelson A. VARONA	X		
MR.		Robert W. WILCOSKY			X
MADAME CHAIRPERSON		Peggy BRODEUR	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

APPLICANT'S NAME: TRACT N, 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION, LLC

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REPRESENTATIVE: **HERMINIO SAN ROMAN**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-2-CZ12-2 (05-119)	FEBRUARY 07, 2006	CZAB12	06

REQ: (1) EU-1 to EU-M (2) Waive Z regs to permit access to public street by private drive and permit 3 parcels with lot frontage of 0' on a dedicated street.

REC: DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>APRIL 4, 2006</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> MR. SAN ROMAN ASKED FOR TIME TO REVIEW REC AS HE WAS HIRED THAT MORNING		

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	M	Millie HERRERA	X		
MADAME VICE-CHAIR		Carla SAVOLA			X
MR.	S	Jose I. VALDES	X		
MR.		Nelson A. VARONA	X		
MR.		Robert W. WILCOSKY			X
MADAME CHAIRPERSON		Peggy BRODEUR	X		

VOTE: 4 0

EXHIBITS: YES NO

COUNTY ATTORNEY: STEPHEN STIEGLITZ

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

APPLICANT: Killian Group L.L.C. F/K/A Tract "N", 8th Add. L.L.C. PH: Z05-119 (06-2-CZ12-2)

SECTION: 10-55-40

DATE: December 7, 2006

COMMISSION DISTRICT: 8

ITEM NO.: 3

A. INTRODUCTION

o **REQUESTS:**

The applicant is appealing the decision of Community Zoning Appeals Board #12, which denied without prejudice the following:

1. EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING REQUESTS #2 - #4:

2. Applicant is requesting to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each).
3. Applicant is requesting to permit a single-family residence to setback 38' (50' required) from the front (north) property line on Parcel 1.
4. Applicant is requesting to permit the residence with a lot coverage of 18.2% (15% permitted) on Parcel 1.

AND WITH EITHER ALTERNATIVE, THE FOLLOWING REQUEST:

5. Applicant is requesting to permit a lot frontage of 45' (125' required).

REQUEST #5 ON PARCEL #2.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Proposed Custom Homes Killian Group L. L. C.," as prepared by Design Tech International, Inc. and consisting of 11 sheets, dated stamped received 7/24/06. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is appealing the decision of the Community Zoning Appeals Board-12 (CZAB-12) that denied a request to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to EU-S, Estate Suburban One Family District. In the alternative to the zone change request, requests are being sought to permit two parcels with reduced lot areas, to permit a single-family residence setback less than required from the front property line and with a greater lot coverage than allowed. A final request to permit a reduced lot frontage accompanies either alternative.

o **LOCATION:** 8390 S.W. 112 Street, Miami-Dade County, Florida.

o **SIZE:** 1.71 Gross Acres

o **IMPACT:**

The approval of the application would allow the applicant to construct 2 estate single-family residences where the current zoning allows only one. The rezoning or the alternative requests would impact the existing character of this community, although the impact on public services will be minimal.

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

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 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.

D. **NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du

SURROUNDING PROPERTY:

<u>NORTH:</u> EU-1; single-family residence	Estate Density Residential, 1 to 2.5 dua
<u>SOUTH:</u> EU-1; vacant	Estate Density Residential, 1 to 2.5 dua
<u>EAST:</u> EU-1; single-family residence	Estate Density Residential, 1 to 2.5 dua
<u>WEST:</u> EU-1; single-family residences	Estate Density Residential, 1 to 2.5 dua

This property is located at 8390 S.W. 112 Street. The surrounding area is predominately characterized by estate single-family residences and vacant parcels of land.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human

environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) Setbacks for a single family or duplex dwelling 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 residential 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 to less than 40% of the total net lot area; 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

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 or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area 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; and
10. any windows or doors in any building to be located within an interior 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 buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line 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 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 sixty percent (60%) 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 six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure 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 three (3) feet; and
16. when a principal building 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 within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. 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 (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three

(3) feet in all other zoning districts to which this subsection applies;

D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

B. the proposed alternative development will not result in the further subdivision of land; and

C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and

D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and

E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and

G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(2) the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
 - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
 - C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (3) the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
 - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - 1. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - 2. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

- (4) If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
 - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
 - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
 - E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:
- 1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and
 - 2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot 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 lot; and
 - 3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
 - 4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.
- (g) **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 a 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
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(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 Variance Standard. 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 comment
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	1 Student

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

On September 12, 2006, the Community Zoning Appeals Board – 12 (CZAB-12) denied without prejudice this application by a vote of 4 to 0, pursuant to Resolution #CZAB12-30-06. On October 2, 2006, the applicant appealed the CZAB-12's decision to the Board of County Commissioners (BCC) citing that the Board failed to properly consider the evidence presented in support of the application and that the decision to deny the request was contrary to the established development pattern in the area. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-12's decision to deny this application and retain the existing EU-1 zoning on the property is **consistent** with the CDMP.

The subject property is located at 8390 S.W. 112 Street in an area characterized by estate single-family residences and vacant properties. The applicant is requesting to change the zoning on the property from EU-1, One Acre Estate Single Family Residential District, to EU-S, Estate Suburban One Family District. In the alternative to the zone change request, several requests are being sought to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each), to permit a single-family residence to setback 38' (50' required) from the front (north) property line and to permit the residence with a lot coverage of 18.2% (15% allowed). A final request to permit a lot frontage of 45' (125' required) is also being sought to accompany either alternative. Plans submitted by the applicant depict the

aforementioned requests illustrating two proposed estate sized lots. One lot, located on Parcel 2, is in a Flag lot configuration and will have an access drive leading along the eastern portion of Parcel 1 of the subject property which will visually impact the aesthetic character of the surrounding area as no similar approvals exist in the immediate vicinity.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate **3** additional PM daily peak hour **vehicle trips**. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of roadways that are currently operating at LOS "C". Miami-Dade County Public Schools (**MDCPS**) has indicated that the proposed zoning will bring **1** additional **student** into the area's public schools. MDCPS also indicated that Vineland Elementary School, Palmetto Middle School, and Miami Palmetto Senior High School are the schools that will be affected by this development. However, this application will not substantially impact any of these schools that are currently operating at 96%, 167% and 155% of the Florida Inventory of School Houses (FISH) respectively.

The approval of either of these alternative requests would allow the applicant to construct 2 estate single-family residences on the subject property. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates this area for **Estate Density Residential** use which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre, for a minimum of 1 dwelling unit to a maximum of 4 dwelling units on this site. The proposed EU-S zoning will allow the applicant to develop the site with single-family residential units at a density of 1.74 units per gross acre, totaling a maximum of 2 units. As such, the proposed EU-S zoning would be **consistent** with the LUP map designation of the CDMP. The applicant is seeking approval for a district boundary change from EU-1, Estate One Family One Acre Gross Residential District, to EU-S, Estate Suburban One Family District. Staff does not support the rezoning to EU-S noting that this proposal is not in keeping with existing developments in the area consisting of EU-1 zoned parcels of land. Staff further notes that although there is an enclave of EU-S zoned properties to the northwest of the subject property, approval of this district boundary change request would result in an obvious departure from the established character of the EU-1 zoned surrounding area to the west, south and east. The subject property is located to the south side of SW 112 Street which, in staff's opinion, delineates the northern boundary of an area that encompasses solely EU-1 zoned properties. There are no similar approvals in the immediate vicinity south of SW 112 Street that integrate requests for a zone change to EU-S. Staff is of the opinion that approval of this request would set a precedent for future similar requests of this kind in the area. As such, staff is of the opinion that the proposed zone change is **incompatible** with the area south of SW 112 Street and, as such, recommends denial without prejudice of request #1.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a

public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards and does not contravene the enumerated public interest standards as established. Request #2 is requested in the alternative to the zone change in request #1 and, although would retain the existing EU-1 zoning, would permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre where 1 gross acre is required for a building site in the EU-1 zoning district. This request does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(C) which requires that the size and dimensions of the lot be sufficient to provide all setbacks required by the underlying district regulations, as evidenced by request #3. Request #3, to permit a single-family residence to setback 38' (50' required) from the front (north) property line, does not comply with the ASDO Standard in Section 33-311(A)(14)(c)(11) which requires that setbacks may be approved upon a demonstration that, among other things, the total lot coverage will not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations, as evidenced by request #4 which proposes an increase of more than 20%. Request #4, to permit the residence with a lot coverage of 18.2% (15% permitted), does not comply with the ASDO Standard in Section 33-311(A)(14)(e)(1) which requires that the total lot coverage not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations, or 18% in this instance. Request #5, in conjunction with request #1, the zone change from EU-1 to EU-S, and with the alternative requests #2 - #4, is the result of the flag lot configuration proposed by the applicant. This request is to permit a lot frontage of 45' (125' required), and also does not comply the ASDO Standard in Section 33-311(A)(14)(d)(1)(E) which requires that the proposed alternative development not result in an obvious departure from the aesthetic character of the immediate vicinity. Staff notes that there are no similar lots in the immediate vicinity that incorporate a flag lot configuration as proposed by the applicant. Furthermore, the ASDO standards require that the applicant submit additional mitigation and documentation for consideration under Section 33-311(A)(14). Staff has not received this information. Based on the foregoing, staff recommends denial without prejudice of requests #2 - #5 under the ASDO Standards.

When requests #2 - #5 are analyzed under the Non-use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the appearance of the community. Request #2, to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each), would be out of character with the parcels in the same block face to the west and east. Requests #3 and #4, to permit a single-family residence to setback 38' (50' required) from the front (north) property line and to permit the residence with a lot coverage of 18.2% (15% permitted), apply to parcel one (1) only. Staff is of the opinion that the requests will result in an overutilization of the subject site and would be contrary to the basic intent and purpose of the zoning and land use regulations. Request #5, to permit a lot frontage of 45' (125' required), is too intensive for the site. As mentioned above, this request is in conjunction with both alternatives; request #1, to rezone the property to EU-S, and requests #2 through #4, to permit the same lot frontage for the EU-1 zoning. Because there are no similar frontage approvals in the area, staff is of the opinion that the approval of the proposed development in the form of a flag lot would set a precedent for future requests of this kind which will detrimentally impact the character of the area. Based on all the aforementioned, staff recommends

denial without prejudice of requests #2 - #5 under the Non-Use Variance (NUV) Standards.

When requests #2 - #5 are analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that these requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not provided evidence to prove the aforementioned and the property can be utilized in accordance with the zoning regulations. Therefore, staff recommends denial without prejudice of requests #2 - #5 under the Alternative Non-use Variance (ANUV) Standards. Based on all of the aforementioned, staff recommends denial without prejudice of the appeal and denial without prejudice of this application.

- I. **RECOMMENDATION:** Denial without prejudice of the appeal and application.
- J. **CONDITIONS:** None.

DATE INSPECTED:	11/10/05
DATE TYPED:	12/09/05
DATE REVISED:	12/09/05; 12/15/05; 12/27/05; 01/06/06; 02/16/06; 03/28/06; 07/18/06; 08/04/06; 08/09/06; 08/15/06; 08/21/06; 10/17/06; 10/27/06; 11/02/06; 11/21/06
DATE FINALIZED:	11/21/06

DO'QW:AJT:MTF:LVT:JV


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

Memorandum



Date: November 2, 2005

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

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

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

Subject: C-12 #Z2005000119-Revised
Tract N, Eight Addition To Port Charlotte Subdivision, LLC
8390 SW 112th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.45 Ac.)
10-55-40

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

Potable Water 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.

Sewer Service:

Sanitary sewers are presently approximately 1,350 feet from this site; however, DERM has no objection to a low intensity development served by an interim septic tank provided that the proposed site is connected to the public water supply system, and that the maximum sewage loading allowed by the Code is not exceeded. Based on available information, the proposed use served with a septic tank would not exceed the maximum allowable sewage loading for the subject site.

Stormwater Management and Disposal:

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.

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

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

Wetlands:

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

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

Tree Preservation:

The subject property contains specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application 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: TRACT N, EIGHT ADDITION TO PORT CHARLOTTE
SUBDIVISION, LLC.

This Department has no objections to this application.

Since this development abuts a State maintained road (SW 112 St.),
the applicant must contact the district office at 305-470-5367,
certain restrictions may apply.

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

This application does meet the traffic concurrency criteria for an
Initial Development Order. It will generate 3 PM daily peak hour
vehicle trips. The traffic distribution of these trips to the
adjacent roadways reveal that the addition of these new trips does
not exceed the acceptable level of service of the following
roadways:

Sta.#		LOS present	LOS w/project
F-1093	SW 112 St. w/o US-1	C	C

The request herein, constitutes an Initial Development Order only,
and one or more traffic concurrency determinations will subsequently
be required before development will be permitted.



Raul A Pino, P.L.S.

04-AUG-06

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

CHECKED BY GAA AMOUNT OF FEE 1,346.16.

RECEIPT # D200620808

DATE HEARD: 09/12/06.

BY CZAB # C-12

RECEIVED
OCT 02 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cabrea White 05-119
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. 05-119

Filed in the name of (Applicant) Tract N, Eight Addition to Port Charlotte LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property:
8390 S.W. 112 Street, Miami-Dade County, Fl.

Application, or part of Application being Appealed, (Explanation):
Entire Appealable Application

Appellant (name): Hans Rohner
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)

The Board Failed to Properly Consider the evidence Presented in Support of the Application. Furthermore, the decision is Contrary to established development Patterns in the area.

APPELLANT MUST SIGN THIS PAGE

Date: 27 day of September, year: 2006

Signed [Signature]

Hans Rohner

Print Name

444 Brickell Ave # 711

Miami, FL 33131

Mailing Address

305 379 9901

Phone

305 379 9902

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 27 day of September, year 2006

[Signature]
Notary Public

(stamp/seal)

Commission expires:

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

STATE OF Fl.
COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Hans Rohner
(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:

[Signature]
Signature
Hermisio San Roman
Print Name

[Signature]
Appellant's signature
Hans Rohner
Print Name

[Signature]
Signature
ROBEARO DARI SUAREZ
Print Name

Sworn to and subscribed before me on the 27 day of September, year 2006

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

[Signature]
Notary
(Stamp/Seal)

Commission Expires:

RESOLUTION NO. CZAB12-30-06

WHEREAS, TRACT "N," 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION

L. L. C. applied for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING REQUESTS #2 - #4

- (2) To permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each).
- (3) To permit a single-family residence to setback 38' (50' required) from the front (north) property line on Parcel 1.
- (4) To permit the residence with a lot coverage of 18.2% (15% allowed) on Parcel 1.

AND WITH EITHER ALTERNATIVE, THE FOLLOWING REQUEST:

- (5) To permit a lot frontage of 45' (125' required).

REQUEST #5 ON PARCEL #2.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Proposed Custom Homes Killian Group L. L. C.," as prepared by Design Tech International, Inc. and consisting of 11 sheets, dated stamped received 7/24/06.

SUBJECT PROPERTY: The west ½ of Tract 15, KENDALL GREEN HOME SITES, Plat book 40, Page 52, less the south 257' thereof.

LOCATION: 8390 S.W. 112 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the request for a district boundary change to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in

conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (Item #2), to permit a single-family residence to setback 38' from the front (north) property line on Parcel 1 (Item #3), to permit the residence with a lot coverage of 18.2% on Parcel 1 (Item #4), and to permit a lot frontage of 45' (Item #5), would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to deny the entire application without prejudice was offered by Robert W. Wilcosky, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

Jose I. Valdes	aye	Robert W. Wilcosky	aye
Nelson A. Varona	aye		
	Peggy Brodeur	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the request for a district boundary change to EU-S (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (Item #2), to permit a single-family residence to setback 38' from the front (north) property line on Parcel 1 (Item #3), to permit the residence with a lot coverage of 18.2% on Parcel 1 (Item #4), and to permit a lot frontage of 45' (Item #5), be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 12th day of September, 2006.

Hearing No. 06-2-CZ12-2
ls

STATE OF FLORIDA

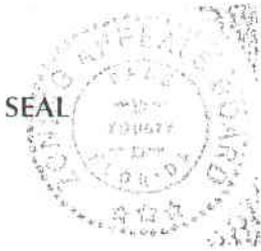
COUNTY OF MIAMI-DADE

I, Luis Salvat, 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 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-30-06 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of September 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 15th day of September 2006.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning





Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

March 10, 2005

Miami-Dade County School Board

Frank J. Bolaños, Chair
Dr. Robert B. Ingram, Vice Chair
Agustin J. Barrera
Evelyn Langlieb Greer
Perla Tabares Hantman
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

C-12

Re: Tract N, Eight Addition to Port Charlotte Subdivision, LLC. - Application No. 05-119
8390 SW 112 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Please note that although two school facilities meet the referenced review threshold, (Palmetto Middle School and Miami Palmetto Senior High School) the additional student impact generated by the proposed residential development will not impact these facilities (please see attached analysis).

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development.

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

Sincerely

Patricia Good
Coordinator III

RECEIVED
MAR 16 2005
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY 

PG:am
L-0733
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Ivan M. Rodriguez
Ms. Vivian Vjlaamil

School Board Administration Building • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-069, Tract N, Eight Addition to Port Charlotte Subdivision, LLC

REQUEST: Zone change from EU-1 to EU-M

ACRES: 1.45 acres

MSA/Multiplier: 5.5/.44

LOCATION: 8390 SW 112 Street

UNITS: 3 additional units (1 unit currently permitted under existing zoning classification, for a total of 4 units)

**ESTIMATED
STUDENT
POPULATION:** 1 student*

ELEMENTARY: 1

MIDDLE: -

SENIOR: -

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Vineland Elementary - 8455 SW 119 St.

MIDDLE: Palmetto Middle - 7351 SW 128 St.

SENIOR HIGH: Miami Palmetto Senior - 7460 SW 118 St.

All schools are located in Access Center 5

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2004:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Vineland Elem.	624/ 625*	537	116%/ 116%*	112	96%/ 96%*
Palmetto Middle	1746	905	193%	139	167%
Miami Palmetto Sr.	3550	2053	109%	238	155%

* increased student population as a result of the proposed development

Notes:

- 1) The cumulative effect of other approved or proposed developments in the vicinity is not included as part of this analysis, however is hereby attached in this package.
- 2) Figures above reflect the impact of the class size amendment.
- 3) Pursuant to the Interlocal Agreement, the elementary and middle schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated January 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
New Gym Addition at Miami Palmetto Sr. (220 student stations)	Construction	August 2005
Modular addition at Palmetto Middle School (242 student stations)	Construction	August 2005

Proposed Relief Schools

<u>School</u>	<u>Funding Year</u>
New Middle School (Palmetto and Southwood Middle School Relief) (1659 student stations)	FY 06-07
New Senior High School (Miami Palmetto and Miami Killian Senior High School Relief) (2000 student stations)	FY 07-08

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

CAPITAL COSTS: Based on the State's March-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY 1 x \$ 13,516 = \$ 13,516

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



Memorandum

Date: 01-AUG-06
To: Diane O'Quinn Williams, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2005000119

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated August 23 2005.
 Fire Water & Engineering has no objection to Site plan date stamped July 24 2006. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000119
 located at 8390 SW 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1895 is proposed as the following:

<u>2</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.54 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 23 - Suniland 7825 SW 104 Street
 Rescue, BLS 75' Aerial

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on ammended letter of intent date stamped July 24 2006. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

KILLIAN GROUP LLC F/K/A: TRACT
N, 8TH ADDN TO PORT
CHARLOTTE SUB. LLC.

8390 SW 112 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000119

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

11/22/2006

There are no enforcement cases for this location.

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: killian Group LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>killian Partuers Corp</u>	<u>50%</u>
<u>Jose E. Silva</u>	<u>100%</u>
<u>S3 E. Street</u>	
<u>Urbanizacion Nuevo Obarrio</u>	
<u>Panama, Rep. of Panama</u>	

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

TRUST/ESTATE NAME: _____

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Killian Group LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Diamond Capital Mgmt AG</u>	<u>50%</u>
<u>Javier Salinas</u>	<u>100%</u>
<u>Calle las Fresas 623</u>	
<u>Urbanizacion Aurora - Miraflores</u>	
<u>Lima 18, PERU</u>	

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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: F. Row (Applicant)

Sworn to and subscribed before me this 27 day of September, 2006. Affiant is personally known to me or has produced _____ as identification.

Ileana Suarez
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Ileana Suarez
Commission # DD502299
Expires: DEC. 27, 2009
Bonded Thru Atlantic Bonding Co., Inc.

My commission expires _____

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

Rev#1

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

JSA

Propose Custom Homes
KILLIAN GROUP LLC.
8390 SW 112 STREET
MIAMI, FLORIDA



PARCEL 2 RESIDENCE

LIST OF CONSULTANTS

Surveyors
Country-Wide Land Surveyors, Inc.
P.O. BOX 823271 South Florida, Fl. 33082
Tel. 305-772-0766

Architecture
Design Tech International Inc.
Architect License # 0013079
8181 NW 154th Street, Suite 110
Miami Lakes, Florida 33016
Tel. 305-512-5512
Fax. 305-512-5520

Landscaping
Mike Bedell Landscape Architect
1413 El Rado Street
Coral Gables, Florida 33134
Tel. 305-498-8247



PARCEL 1 RESIDENCE

LIST OF DRAWINGS

I. Survey
2004-5 BOUNDARY & IMPROVEMENTS SURVEY

II. Architectural
SP-1 SITE PLAN
A-1 GROUND FLOOR PLAN PARCEL 1
A-2 SECOND FLOOR PLAN PARCEL 1
A-3 ELEVATIONS PARCEL 1
A-4 ELEVATIONS PARCEL 1
A-5 GROUND FLOOR PLAN PARCEL 2
A-6 SECOND FLOOR PLAN PARCEL 2
A-7 ELEVATIONS PARCEL 2
A-8 ELEVATIONS PARCEL 2

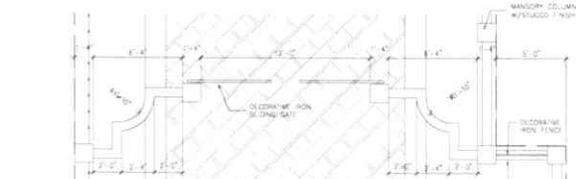
III. Landscaping
L-1 LANDSCAPE PLAN

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JUL 24 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *ASH*

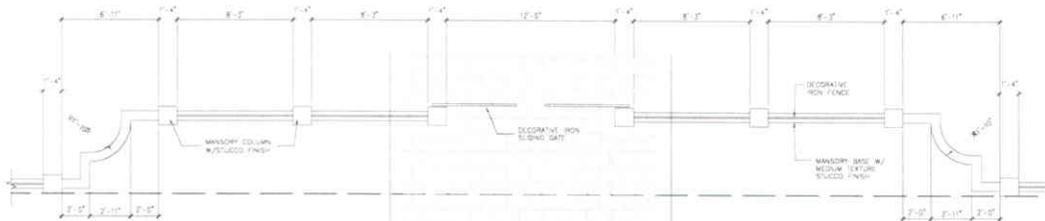
LEGAL DESCRIPTION	ZONING LEGEND					
	PARCEL 1			PARCEL 2		
THE WEST 1/2 OF TRACT 15, LESS THE SOUTH 25.7 FEET THEREOF, OF ORIGINAL GREEN HARBOR ACROSSING TO THE PLAT THEREOF AS RECORDED IN THE PLAT BOOK NO. 47 PAGE 52 OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY, FLORIDA	CURRENT ZONING: Eu-1			CURRENT ZONING: Eu-1		
	PROPOSED ZONING: Eu-1S			PROPOSED ZONING: Eu-1S		
	SETBACK:	REQUIRED	PROPOSED	SETBACK:	REQUIRED	PROPOSED
	FRONT	35'-0"	28'-0"	FRONT	35'-0"	33'-0"
	REAR	13'-0"	27'-0"	REAR	13'-0"	33'-0"
	SIDE	15'-0"	22'-0"	SIDE	15'-0"	27'-0"
	NEAR	25'-0"	48'-0"	NEAR	25'-0"	30'-0"
GROSS LOT AREA	30,883 SQ. FT.			33,841 SQ. FT.		
FIRST FLOOR AREA (A/C)	3,225 SQ. FT.			5,536 SQ. FT.		
COVERED TERRACE	878 SQ. FT.			852 SQ. FT.		
GARAGE	124 SQ. FT.			751 SQ. FT.		
BALCONY	80 SQ. FT.					
SECOND FLOOR AREA (A/C)	1,823 SQ. FT.			1,895 SQ. FT.		
BALCONY	733 SQ. FT.			274 SQ. FT.		
TOTAL A/C AREA	4,988 SQ. FT.			5,371 SQ. FT.		
TOTAL AREA	6,880 SQ. FT.			7,318 SQ. FT.		
	ALLOWED	PROPOSED		ALLOWED	PROPOSED	
HEIGHT FROM GRADE TO TOP OF ROOF (HIGHEST PT. OF ROOFING)	35'-11"	29'-4"		35'-11"	34'-11"	
MAX. LOT COVERAGE	30%	178 (2,333 SQ.)		30%	148 (1,928 SQ.)	
MAX. LOT COVERAGE	+	238 (3,880 SQ.)		+	208 (2,818 SQ.)	



PARCEL 2 PRIVACY WALL PLAN
SCALE: 1/4" = 1'-0"



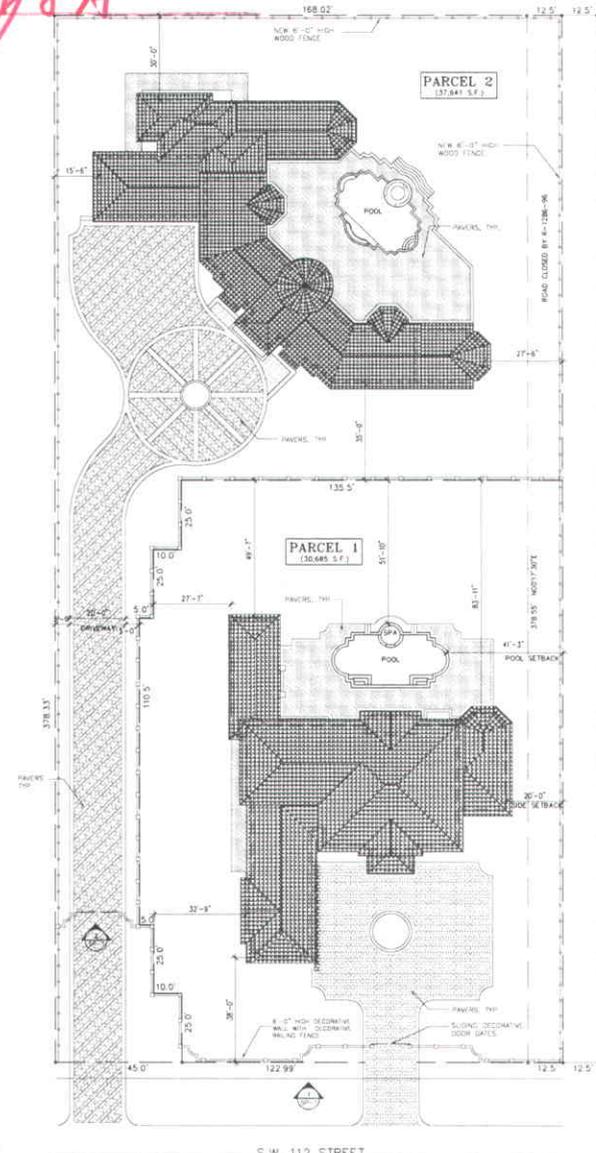
ENTRY GATE AND PRIVACY WALL (PARCEL 2) ELEVATION
SCALE: 1/4" = 1'-0"



PARCEL 1 PRIVACY WALL PLAN
SCALE: 1/4" = 1'-0"



ENTRY GATE AND PRIVACY WALL (PARCEL 1) ELEVATION
SCALE: 1/4" = 1'-0"



SITE PLAN
SCALE: 1" = 20'-0"

DTI
Architect-Interior Designer-Planner
8101 N.W. 154th Street, Suite #110
Miami Lakes, Florida 33116
PH: (305) 554-1122 FAX: (305) 554-0529
E-Mail: dti@dtiarch.com
A.A.0002504

CARLOS PIZARRA, R.A.
A.S. 0001079

Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
8390 SW 112 STREET
MIAMI, FLORIDA
Developer:
KILLIAN GROUP LLC.
MIAMI, FLORIDA

Job Number: 06039
File name:
Issued Date: 07.17.06
Drawn by: V A L M
Checked by: C P

SHEET NAME:
SITE PLAN

SHEET NUMBER
SP-1

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY JSA

DTI
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 Miami Lakes, Florida 33016
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 E-Mail: dti@dtiarchitects.com
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CARLEN PEABODY, R.A.
 AIA, LEED AP

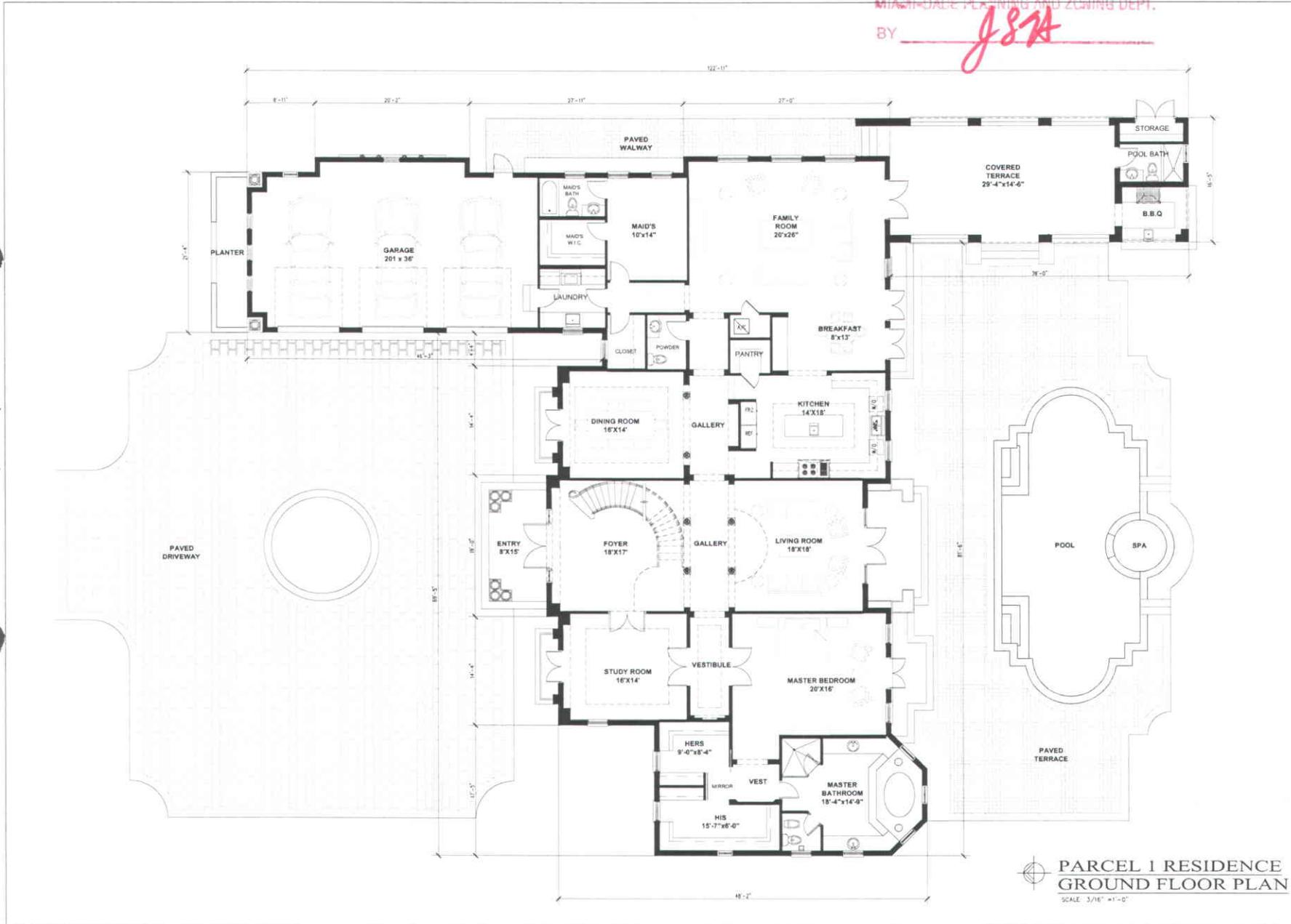
Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI FLORIDA

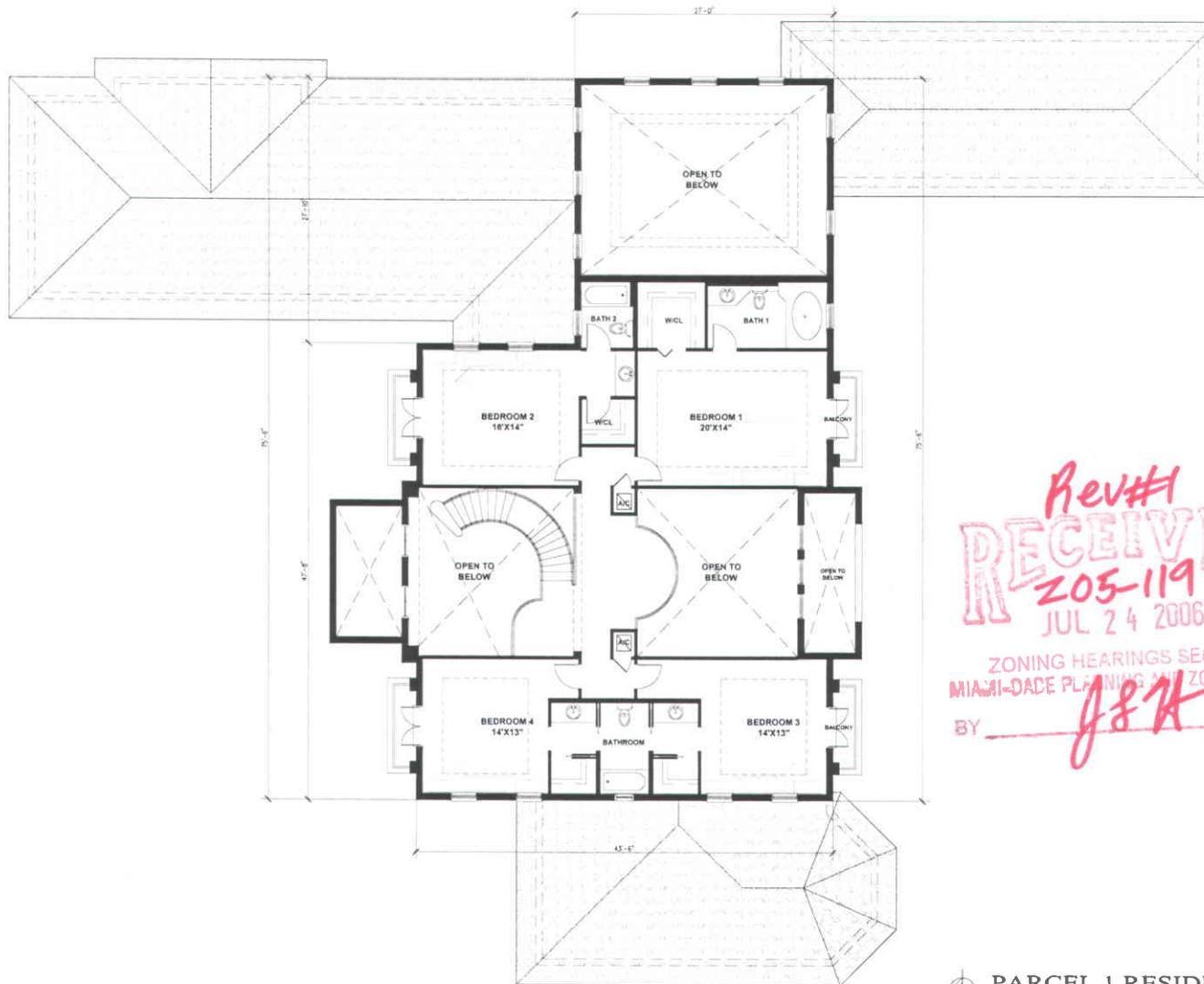
Job Number: 06019
 File name:
 Issued Date: 07/17/06
 Drawn by: V.A./L.M.
 Checked by: C.P.

SHEET NAME
GROUND FLOOR PLAN

SHEET NUMBER
A-1



PARCEL 1 RESIDENCE
GROUND FLOOR PLAN
 SCALE: 3/16" = 1'-0"



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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY J&H

PARCEL 1 RESIDENCE
 SECOND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

DTI
 Architects - Interior Designers - Planners
 8131 N.W. 154th Street, Suite #110
 Miami Lakes, Florida 33016
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 E-Mail: dti@dtiarch.com
 33-080294

CARLOS PEZARRO, R.A.
 02-001079

Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FL ORIDA
 Developer:
 KILLIAN GROUP LLC.
 MIAMI FLORIDA

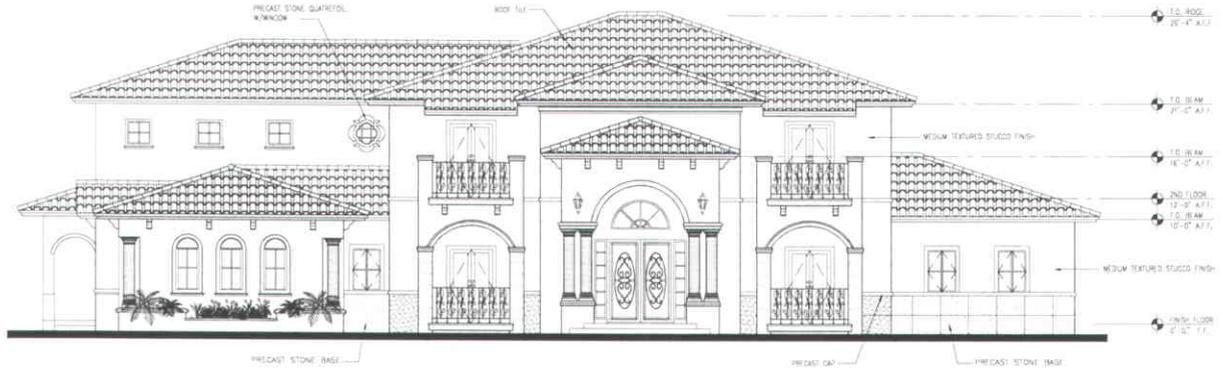
Job Number: 06039
 File name:
 Issued Date: 07.17.06
 Drawn by: V.A.L.M.
 Checked by: C.P.

SHEET NAME
SECOND FLOOR PLAN

SHEET NUMBER
A-2

CARLOS FIGUEROA R.A.
 A/E 001970

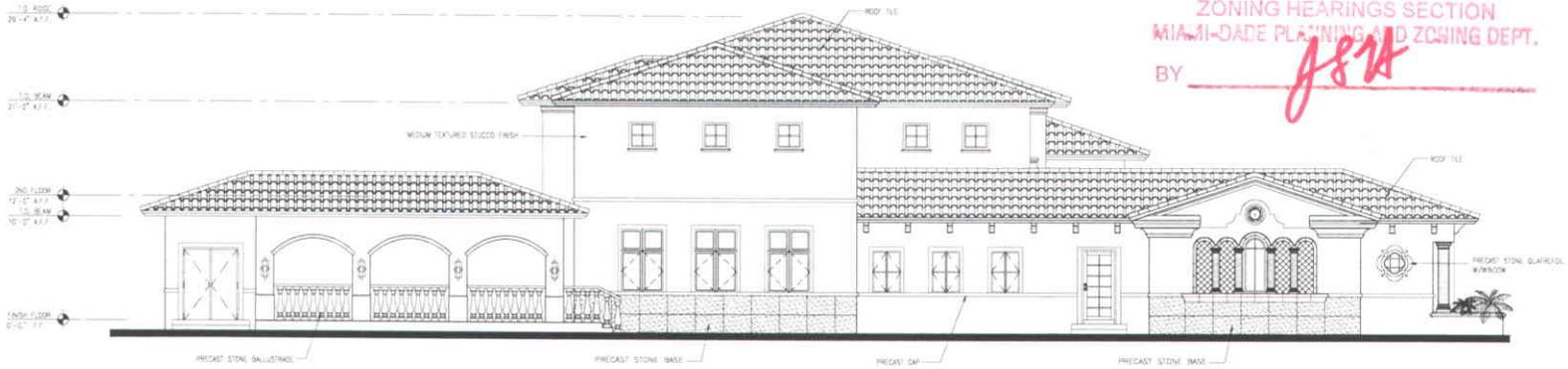
Revisions:



PARCEL-1 RESIDENCE FRONT ELEVATION
 SCALE: 3/16" = 1'-0"

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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *J&A*



PARCEL-1 RESIDENCE LEFT SIDE ELEVATION
 SCALE: 3/16" = 1'-0"

Propose Custom Homes
KILLIAN GROUP LLC.
 8300 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06039
 File Name:
 Issued Date: 07.17.06
 Drawn by: V.A.-L.M.
 Checked by: C.P.

SHEET NAME:
**ELEVATIONS
 PARCEL 1**

SHEET NUMBER:
A-3

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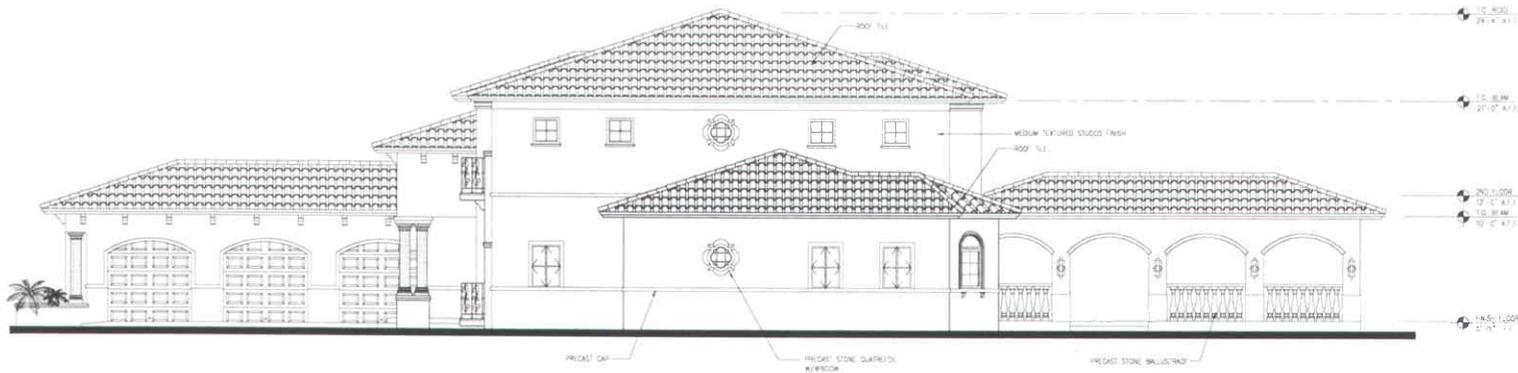
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY JSW

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 Architects - Interior Designers - Planners
 8300 N.W. 15th Street, Suite #110
 Miami Lakes, Florida 33106
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 E-Mail: dti@dtiarchitect.com
 A.S. 0001596



PARCEL-1 RESIDENCE REAR ELEVATION
 SCALE: 3/16" = 1'-0"



PARCEL-1 RESIDENCE RIGHT SIDE ELEVATION
 SCALE: 3/16" = 1'-0"

CARLOS PIZARRO, R.A.
 A.S. 0001596

Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06039
 File name:
 Issued Date: 07-17-06
 Drawn by: V.A.J.M.
 Checked by: C.P.

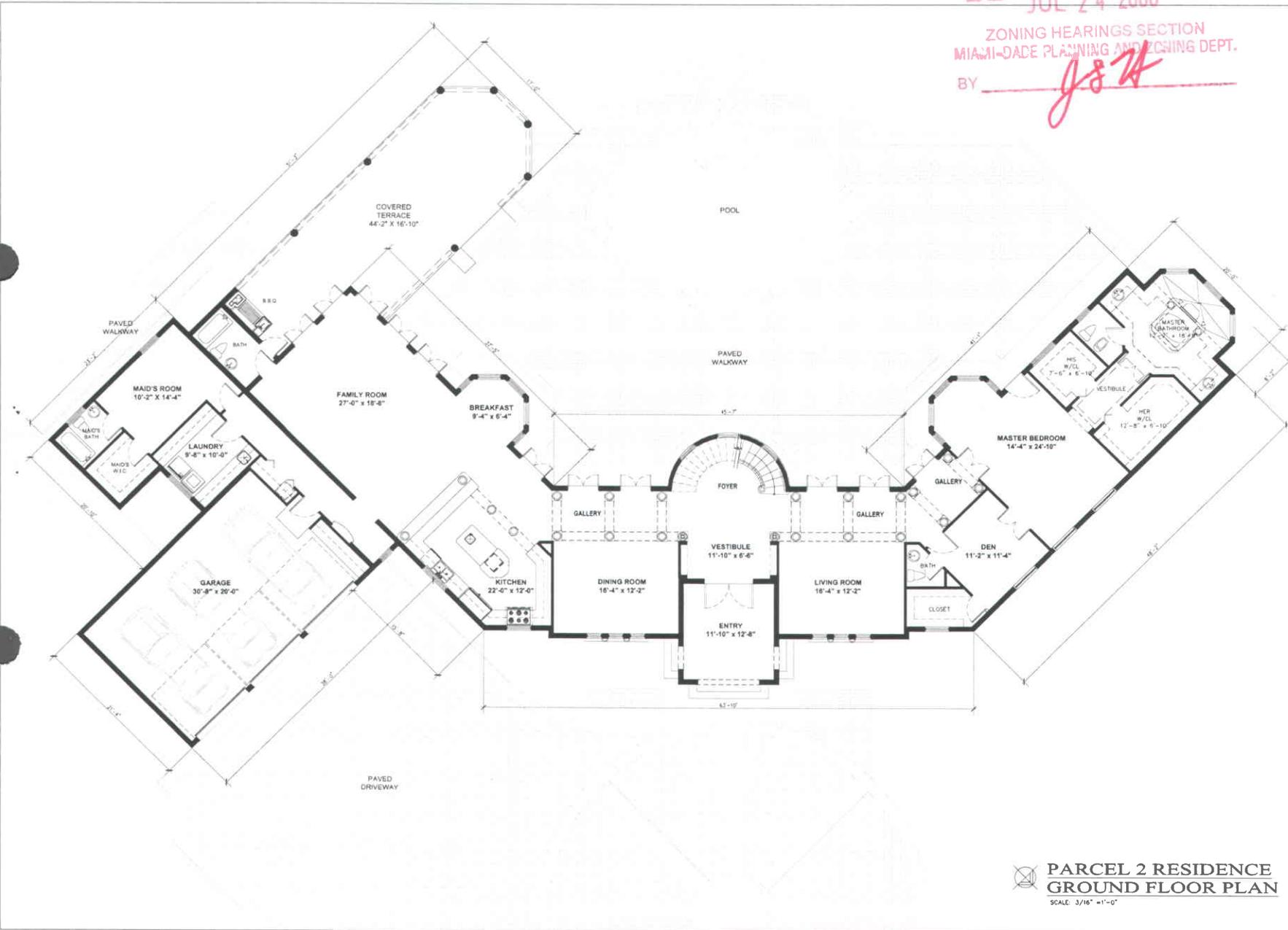
SHEET NAME
**ELEVATIONS
 PARCEL 1**

SHEET NUMBER
A-4

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 5.1.000706a



CAROL PIZARRO, P.A.
 08-00-1079

Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
 KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06019
 File name:
 Issued Date: 07/17/06
 Drawn by: V.A.L.M.
 Checked by: C.P.

SHEET NAME:
GROUND FLOOR PLAN

PARCEL 2 RESIDENCE
GROUND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

SHEET NUMBER:
A-5

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 A 1000206

CARLOS GARRIDO P.A.
 AR-001979

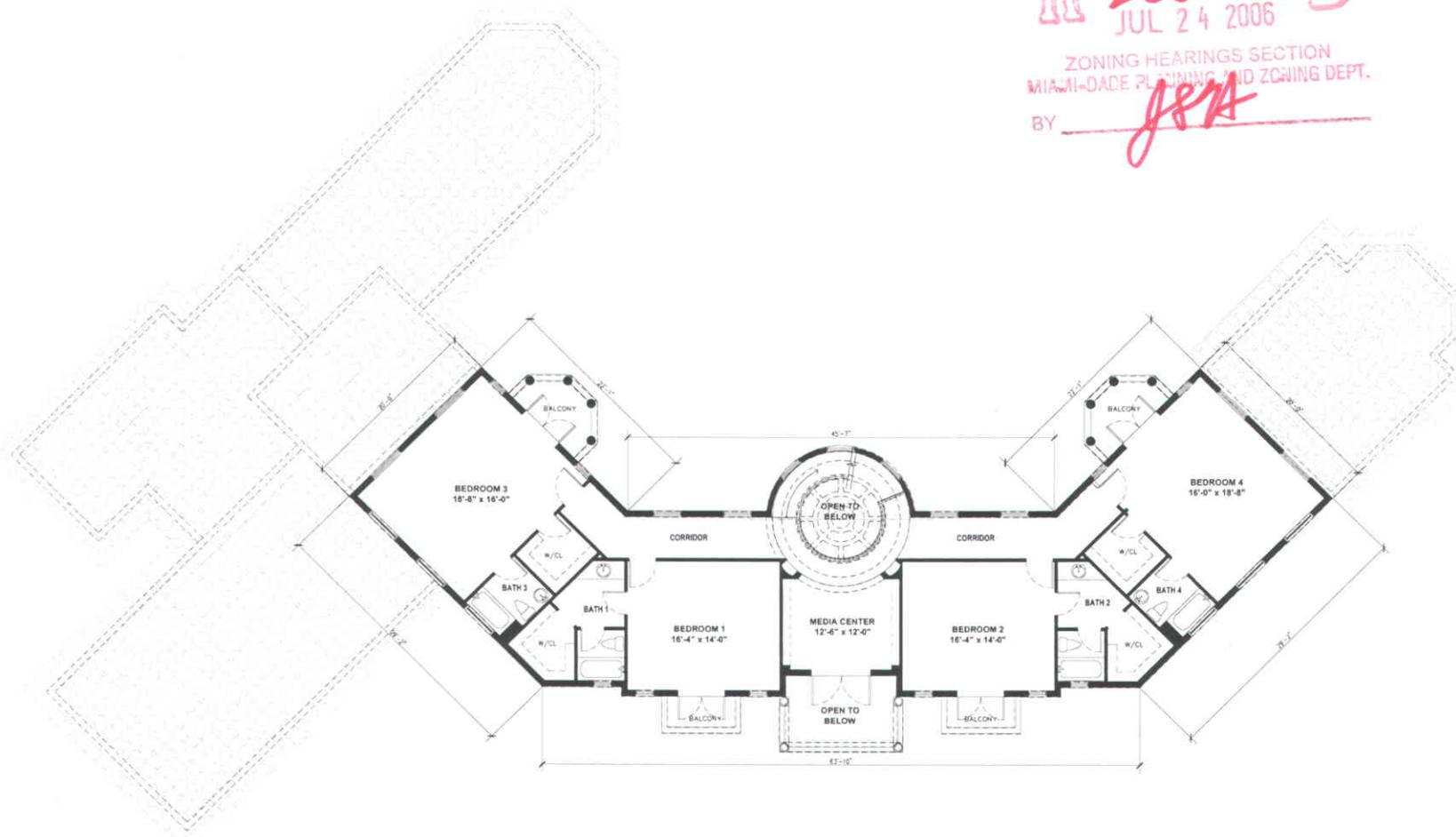
Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
 KILLIAN GROUP LLC.
 MIAMI FLORIDA

Job Number: 06039
 File name:
 Issued Date: 07.17.06
 Drawn by: V.A.L.M.
 Checked by: C.P.

SHEET NAME:
SECOND FLOOR PLAN

SHEET NUMBER
 A-6



 **PARCEL 2 RESIDENCE**
SECOND FLOOR PLAN
 SCALE: 3/16" = 1'-0"

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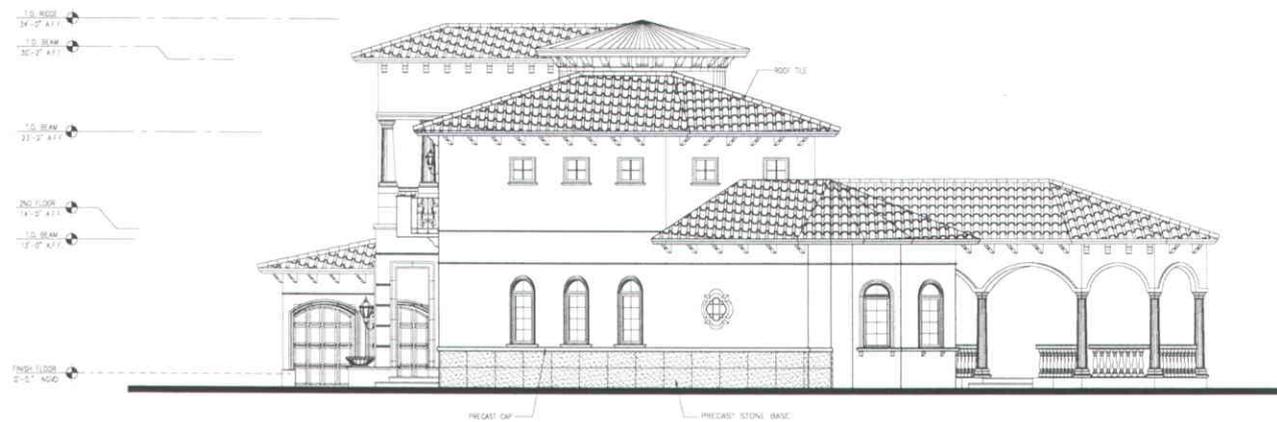
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BY ASB

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 Miami Lakes, Florida, 33016
 Ph: (305) 512-5122 Fax: (305) 512-5128
 E-Mail: info@dtiarchitect.com
 AIA 0002566



FRONT ELEVATION
 SCALE: 3/16" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE: 3/16" = 1'-0"

CARLO RICCARDO P.A.
 AR-001979

Revisions:

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06039
 File name:
 Issued Date: 07/17/06
 Drawn by: V.A.-L.M.
 Checked by: C.P.

SHEET NAME
**ELEVATIONS
 PARCEL 2**

SHEET NUMBER
A-7

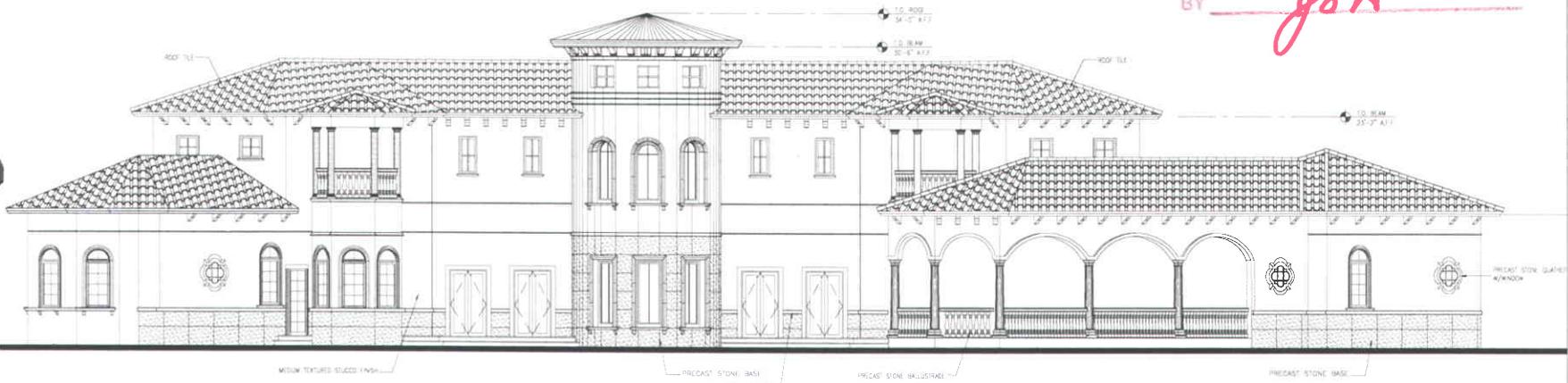
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ZONING HEARINGS SECTION
 MIA-11-DACE PLANNING AND ZONING DEPT.
 BY JST

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 Miami Lakes, Florida 33016
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 E: M1@dtiarchitect.com
 33.0002564

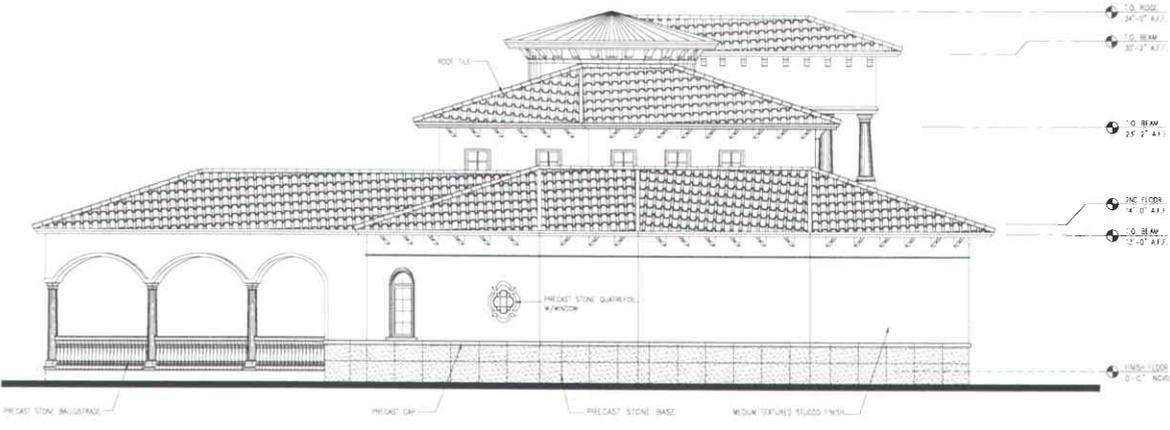
CARLOS HERRERA, P.A.
 AR. 06,376

Revisions:



PARCEL-2 RESIDENCE REAR ELEVATION

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



PARCEL-2 RESIDENCE LEFT SIDE ELEVATION

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

Propose Custom Homes
KILLIAN GROUP LLC.
 8390 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06039
 File name:
 Issued Date: 07.17.06
 Drawn by: V.A.J.M.
 Checked by: C.P.

SHEET NAME:
**ELEVATIONS
 PARCEL 2**

SHEET NUMBER
A-8



Rev: 0000

Propose Custom Homes
KILLIAN GROUP LLC.
8400 SW 112 STREET
MIAMI, FL 33186
Developer
KILLIAN GROUP LLC
MIAMI, FLORIDA

Job No/Rev: 16030
File Name:
Issued Date: 07/28/06
Drawn by: MWB
Checked by: MWB

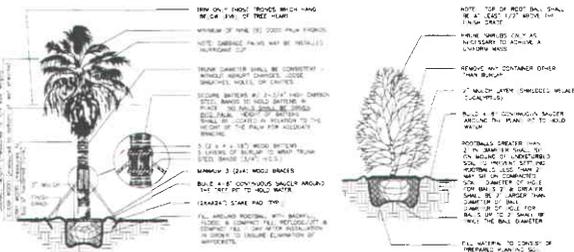
SHEET NAME

LANDSCAPE PLAN

SHEET NUMBER
L-1

SYMBOL KEY & SCHEDULE

- QUERCUS LYRONIANA (LIVE OAK)
12" HIGH X 8" SPREAD MIN. DB
FLORIDA NUMBER 1 OR BETTER
- BURSERA SPINOSA (GUMBO LIMBO)
12" HIGH X 8" SPREAD MIN. DB
FLORIDA NUMBER 1 OR BETTER
- PTICOCOPPERA ELEGANS (MOLTAIRE PALM)
12" HIGH OVER ALL BB
FLORIDA NUMBER 1 OR BETTER
- CHRYSOBOLANUS GARDNERI (RED TIP COCO PALM)
36" H X 24" SPR. 3 GAL. 24" OC
- COCCOPIUS CAROLINENSIS (RED TIPPED PALM)
12" H X 12" SPR. MIN. 1 GAL. 24" OC
- EGUS MICROCARPA GREEN ISLAND
GREEN ISLAND PALM
18" HIGH X 24" SPREAD 3 GALLON POTS 24" OC

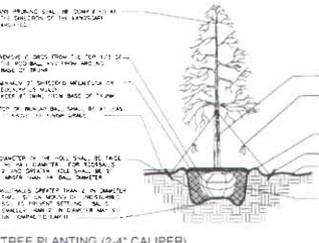


TYPICAL PALM TREE PLANTING
N.T.S.

SHRUB PLANTING
N.T.S.

PLANTING DETAIL - GROUND COVER BEDS
N.T.S.

PLANTING DETAIL - PLANT SPACING
N.T.S.



TREE PLANTING (2-4" CALIPER)
N.T.S.

LANDSCAPE NOTES

1. PLANT MATERIAL SHALL MEET OR EXCEED THE STANDARDS FOR PLANT MATERIAL AS ESTABLISHED IN THE LANDSCAPE CODE OF MIAMI-DADE COUNTY.
2. PLANT MATERIAL SHALL CONFORM TO THE GRADES AND STANDARDS FOR FLORIDA NO. 1 OR BETTER AS DESCRIBED IN GRADES AND STANDARDS FOR NURSERY PLANTS (LATEST EDITION) BY THE FLORIDA DEPARTMENT OF AGRICULTURE CONSUMER SERVICES DIVISION.
3. NO TREES SHALL BE INSTALLED CLOSER THAN 4 FT AWAY FROM ANY UNDERGROUND MUNICIPAL UTILITY LINES.
4. TREES SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARDS OF THE NATIONAL ARBORIST ASSOCIATION.
5. ALL REQUIRED TREES SHALL HAVE A MINIMUM CALIPER OF THREE (3) INCHES AND BE A MINIMUM OF 1/2 FEET IN HEIGHT AT TIME OF PLANTING.
6. TOPSOIL SHALL BE CLEAN AND FREE OF CONSTRUCTION DEBRIS, WEEDS, ROCKS, NOXIOUS PESTS AND DISEASES. AMEND TOPSOIL WITH AGRI-CULTURALLY ACCEPTABLE ORGANIC MATERIAL.
7. PLANTING SOIL: ALL PLANTING PITS SHALL BE BACK-FILLED WITH PLANTING SOIL CONSISTING OF 50 PERCENT 9/16 SAND, 40 PERCENT PUCK, AND 10 PERCENT MULCH OR PEAT BY VOLUME.
8. MULCHING: ALL EXPOSED SOIL AREAS IN PLANTING BEDS, INCLUDING HEDGE ROWS, SHALL BE KEPT LEED FREE AND MULCHED TO A MINIMUM THREE (3) INCH DEPTH EXCEPT THAT NO MULCH SHALL BE REQUIRED IN ANNUAL BEDS. THE TYPE OF MULCH SHALL BE SUBSIDIZED AND COMPRISED OF A LEICA TREE GRADE IS AT A MINIMUM PROVIDE AN 8 INCH MULCH RING OF MULCH AROUND TREE TRUNKS LOCATED IN GRASS AREAS.
9. APPLY FERTILIZER TO GROUND LEVEL PLANTINGS ACCORDING TO THE FOLLOWING RATES:
500 ANNUALS AND GROUND COVER
8-8-8 AT 5 LBS/1000 SF
AGRIPORE 20-20-5 TABLETS 3/BURBS @ TREE-PALM
SHRUBS TREES PALMS
10. TREES AND PALMS SHALL BE GUYED OR STAKED AS PER THE DETAILS.
11. ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH AN IRRIGATION SYSTEM THAT PROVIDES 100 PERCENT COVERAGE WITH 50 PERCENT MINIMUM OVERLAP.
12. THE IRRIGATION SYSTEM SHALL INCLUDE A RAIN SENSOR DEVICE WHICH WILL LIMIT THE OPERATION OF THE SYSTEM IF SUFFICIENT RAINFALL HAS OCCURRED.
13. 500 THE SPECIES OF GRASS FOR LAWN SHALL BE ST. AUGUSTINE FLORATAY AND SHALL BE INSTALLED AS SOLID SOG.
14. A TREE REMOVAL PERMIT SHALL BE OBTAINED FROM MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (DERM) PRIOR TO THE REMOVAL OF ANY EXISTING TREES.

PLANT SCHEDULE - PARCEL 2

NOTE: ALL PLANT MATERIAL SHALL BE FLORIDA NO. 1 OR BETTER AS DEFINED BY THE LATEST EDITION OF GRADES AND STANDARDS FOR NURSERY PLANTS.

CODE	SCIENTIFIC NAME	COMMON NAME	NATIVE/INTRODUCED	MINIMUM DIMENSIONS	QUANTITY TREES PER CODE
BB	BURSERA SPINOSA	GUMBO LIMBO	N	12" H X 8" SPREAD 3 GAL	4
PE	PTICOCOPPERA ELEGANS	MOLTAIRE PALM	N	12" H X 12" OVERALL MIN. DB	5
QV	QUERCUS LYRONIANA	LIVE OAK	N	12" H X 8" SPREAD 3 GAL	5
EXISTING TREES TO REMAIN					3
TOTAL TREES PER CODE					17
SPRING/SEASONAL PLANTS AND SHRUBS					TOTAL
BB	BURSERA SPINOSA	BURSERA SPINOSA	N	12" H X 8" SPREAD 3 GAL	150
PE	PTICOCOPPERA ELEGANS	MOLTAIRE PALM	N	12" H X 12" OVERALL MIN. DB	150
QV	QUERCUS LYRONIANA	LIVE OAK	N	12" H X 8" SPREAD 3 GAL	150
QV	QUERCUS LYRONIANA	LIVE OAK	N	18" H X 24" SPREAD 3 GAL	150

MINIMUM LANDSCAPE REQUIREMENTS - PARCEL 2

CATEGORY	NET AREA - SQUARE FEET	REQUIREMENT	REQUIRED	PROVIDED
LANDSCAPED OPEN SPACE (MIN. 10% OF TOTAL)	10,000	10%	10,000	10,000
PLANTING LANDSCAPED AREA FOR PLANTING SPACES	10,000	10%	10,000	10,000
TOTAL PLANTING OPEN SPACE AREA	10,000	10%	10,000	10,000
NUMBER OF TREES	10,000	10%	10,000	10,000
NUMBER OF PALMS PERMITTED AS TREES (2 PALMS = 1 TREE)	10,000	10%	10,000	10,000
NUMBER OF RED NATIVE TREES	10,000	10%	10,000	10,000
NUMBER OF SHRUBS	10,000	10%	10,000	10,000
STREET TREES (MIN. 1% OF TOTAL)	10,000	10%	10,000	10,000

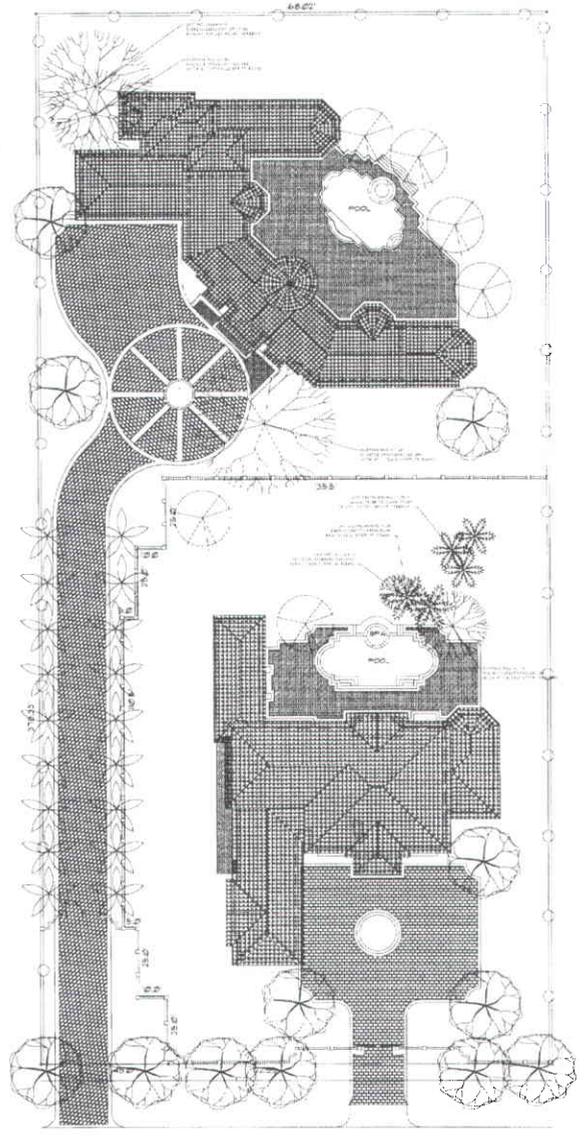
PLANT SCHEDULE - PARCEL 1

NOTE: ALL PLANT MATERIAL SHALL BE FLORIDA NO. 1 OR BETTER AS DEFINED BY THE LATEST EDITION OF GRADES AND STANDARDS FOR NURSERY PLANTS.

CODE	SCIENTIFIC NAME	COMMON NAME	NATIVE/INTRODUCED	MINIMUM DIMENSIONS	QUANTITY TREES PER CODE
BB	BURSERA SPINOSA	GUMBO LIMBO	N	12" H X 8" SPREAD 3 GAL	1
QV	QUERCUS LYRONIANA	LIVE OAK	N	12" H X 8" SPREAD 3 GAL	1
EXISTING TREES TO REMAIN					1
TOTAL TREES PER CODE					2
SPRING/SEASONAL PLANTS AND SHRUBS					TOTAL
BB	BURSERA SPINOSA	BURSERA SPINOSA	N	12" H X 8" SPREAD 3 GAL	150
PE	PTICOCOPPERA ELEGANS	MOLTAIRE PALM	N	12" H X 12" OVERALL MIN. DB	150
QV	QUERCUS LYRONIANA	LIVE OAK	N	12" H X 8" SPREAD 3 GAL	150

MINIMUM LANDSCAPE REQUIREMENTS - PARCEL 1

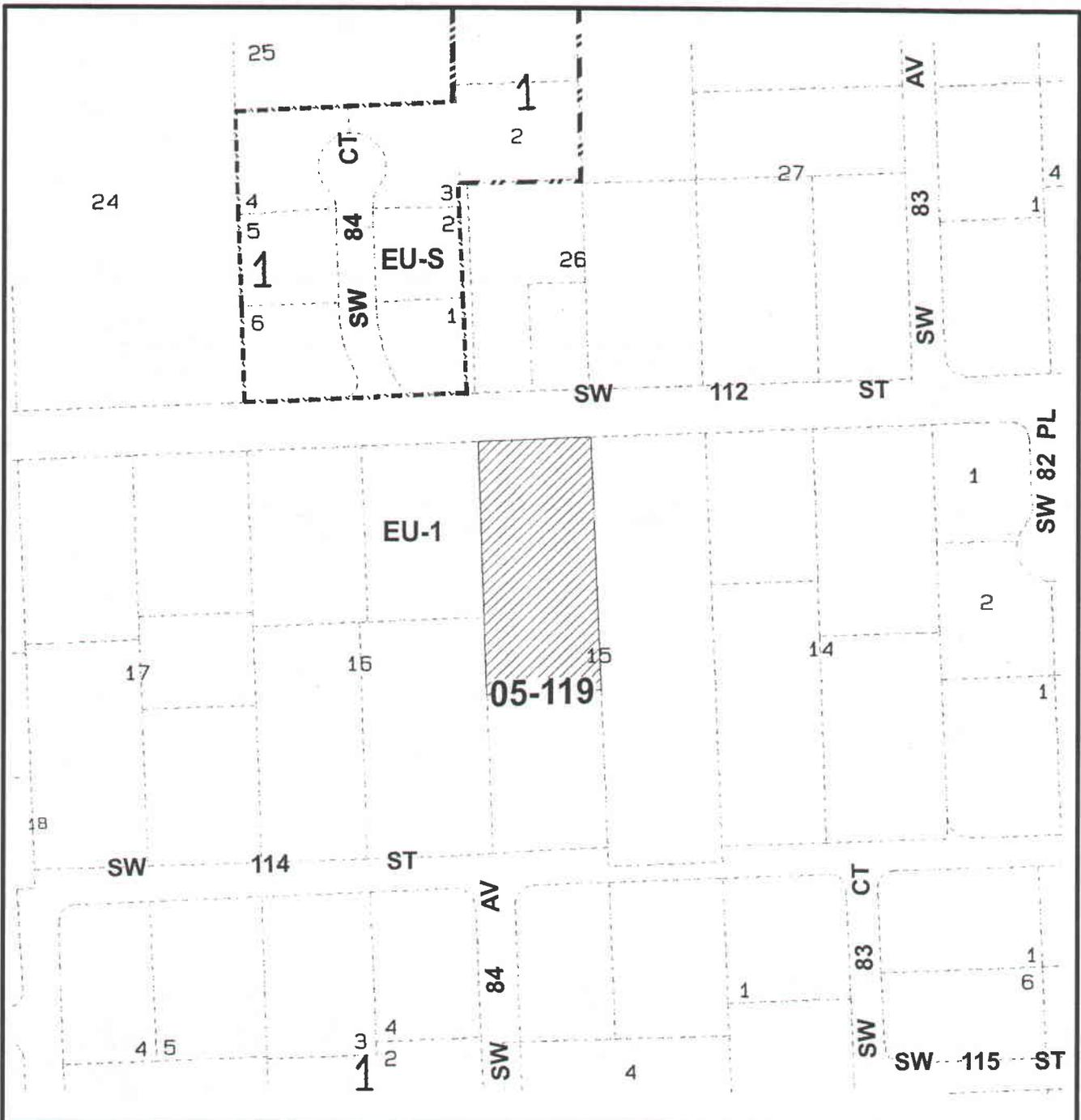
CATEGORY	NET AREA - SQUARE FEET	REQUIREMENT	REQUIRED	PROVIDED
LANDSCAPED OPEN SPACE (MIN. 10% OF TOTAL)	10,000	10%	10,000	10,000
PLANTING LANDSCAPED AREA FOR PLANTING SPACES	10,000	10%	10,000	10,000
TOTAL PLANTING OPEN SPACE AREA	10,000	10%	10,000	10,000
NUMBER OF TREES	10,000	10%	10,000	10,000
NUMBER OF PALMS PERMITTED AS TREES (2 PALMS = 1 TREE)	10,000	10%	10,000	10,000
NUMBER OF RED NATIVE TREES	10,000	10%	10,000	10,000
NUMBER OF SHRUBS	10,000	10%	10,000	10,000
STREET TREES (MIN. 1% OF TOTAL)	10,000	10%	10,000	10,000



LANDSCAPE PLAN

SCALE: 1" = 10'
Rev#1
RECEIVED
205-119
JUL 24 2006

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



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 10 Township: 55 Range: 40
Process Number: 05-119
Applicant: TR. N, EIGHT ADDN. TO PORT CHARLOTTE SUB. LLC
Zoning Board: C12
District Number: 8
Drafter ID: KEELING
Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL



Section: 10 Township: 55 Range: 40
Process Number: 05-119
Applicant: TR. N, EIGHT ADDN. TO PORT CHARLOTTE SUB. LLC
Zoning Board: C12
District Number: 8
Drafter ID: KEELING
Scale: NTS



**A. TRACT N. EIGHT ADDITION TO PORT CHARLOTTE
SUBDIVISION, LLC**
(Applicant)

06-2-CZ12-2 (05-119)
Area 12/District 8
Hearing Date: 9/12/06

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

APPLICANT'S NAME: TRACT N, 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION LLC

A

REPRESENTATIVE: **HERMINIO SAN ROMAN (attorney)**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
06-2-CZ12-2 (05-119)	APRIL 04, 2006	CZAB12 06

REQ: (1) EU-1 to EU-M
(2) Waive lot front on r-o-w to permit private drive & 3 lot frontage 0' on dedicated street.

REC: DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>SEPT. 12, 2006</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/>	TO BE READVERTISED AT APPLICANT'S EXPENSE	

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	S	Millie HERRERA	X		
MADAME VICE-CHAIR		Carla SAVOLA	X		
MR.	M	Jose I. VALDES	X		
MR.		Nelson A. VARONA	X		
MR.		Robert W. WILCOSKY			X
MADAME CHAIRPERSON		Peggy BRODEUR	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

APPLICANT'S NAME: TRACT N, 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION, LLC

2

REPRESENTATIVE: **HERMINIO SAN ROMAN**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-2-CZ12-2 (05-119)	FEBRUARY 07, 2006	CZAB12	06

REQ: (1) EU-1 to EU-M (2) Waive Z regs to permit access to public street by private drive and permit 3 parcels with lot frontage of 0' on a dedicated street.

REC: DWOP

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: APRIL 4, 2006 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

MR. SAN ROMAN ASKED FOR TIME TO REVIEW REC AS HE WAS HIRED THAT MORNING

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	M	Millie HERRERA	X		
MADAME VICE-CHAIR		Carla SAVOLA			X
MR.	S	Jose I. VALDES	X		
MR.		Nelson A. VARONA	X		
MR.		Robert W. WILCOSKY			X
MADAME CHAIRPERSON		Peggy BRODEUR	X		

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

EXHIBITS: YES NO

COUNTY ATTORNEY: STEPHEN STIEGLITZ

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Tract "N", 8th Add. To Port Charlotte Sub. L.L.C. **PH:** Z05-119 (06-2-CZ12-2)

SECTION: 10-55-40

DATE: September 12, 2006

COMMISSION DISTRICT: 8

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

1. EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING REQUESTS #2 - #4:

2. Applicant is requesting to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each).
3. Applicant is requesting to permit a single-family residence to setback 38' (50' required) from the front (north) property line.
4. Applicant is requesting to permit the residence with a lot coverage of 18.2% (15% allowed).

Requests #3 and #4 on parcel #1.

AND WITH EITHER ALTERNATIVE, THE FOLLOWING REQUEST:

5. Applicant is requesting to permit a lot frontage of 45' (125' required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Proposed Custom Homes Killian Group L. L. C.," as prepared by Design Tech International, Inc. and consisting of 11 sheets, dated stamped received 7/24/06. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow the applicant to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to

EU-S, Estate Suburban One Family District. In the alternative to the zone change request, several requests are being sought to permit two parcels with reduced lot areas, to permit a single-family residence setback less than required from the front property line and with a greater lot coverage than allowed. A final request to permit a reduced lot frontage will accompany either alternative.

- o **LOCATION:** 8390 S.W. 112 Street, Miami-Dade County, Florida.
- o **SIZE:** 1.71 Gross Acres
- o **IMPACT:**

The approval of the rezoning would allow the applicant to construct 2 estate single-family residences where the current zoning allows only one. The rezoning or the alternative requests would impact the existing character of this community. Impact on public services will be minimal.

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 **Estate Density** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

SURROUNDING PROPERTY:

NORTH: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

<u>SOUTH:</u> EU-1; vacant	Estate Density Residential, 1 to 2.5 dua
<u>EAST:</u> EU-1; single-family residence	Estate Density Residential, 1 to 2.5 dua
<u>WEST:</u> EU-1; single-family residences	Estate Density Residential, 1 to 2.5 dua

This property is located at 8390 S.W. 112 Street. The surrounding area is predominately characterized by estate single-family residences and vacant parcels of land.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) **Setbacks** for a single family or duplex dwelling 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 residential 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 to less than 40% of the total net lot area; 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
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 or addition are aesthetically harmonious with that of other existing or

proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area 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; and
10. any windows or doors in any building to be located within an interior 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 buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line 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 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 sixty percent (60%) 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 six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure 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 three (3) feet; and
16. when a principal building 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 within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. 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 (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

- A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
- B. the proposed alternative development will not result in the further subdivision of land; and
- C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
- D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
- E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
- F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
- G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(2) the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
- B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or

administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

- C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (3) the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
 - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - 1. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - 2. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (4) If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and

- B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
- C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
- D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
- E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(e) A lot coverage ratio for a single family or duplex dwelling shall be approved upon demonstration of the following:

1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and
2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot 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 lot; and
3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(g) 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 a 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

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(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 Variance Standard. 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 comment
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	1 Student

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the April 4, 2006 meeting at the applicant's request to submit revised plans. Staff notes that the applicant has submitted revised plans, the application was amended and new requests for this Board's consideration have been incorporated accordingly. This item was also deferred with leave to amend from the February 7, 2006 meeting of this board to allow the applicant the opportunity to work with neighbors and staff. The subject property is located at 8390 S.W. 112 Street in an area characterized by estate single-family residences and vacant properties. The applicant is requesting to change the zoning on the property from EU-1, One Acre Estate Single Family Residential District, to EU-S, Estate Suburban One Family District. In the alternative to the zone change request, several requests are being sought to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each), to permit a single-family residence to setback 38' (50' required) from the front (north) property line and to permit the residence with a lot coverage of 18.2% (15% allowed). A final request to permit a lot frontage of 45' (125' required) is also being sought to accompany either alternative. Plans submitted by the applicant depict the aforementioned requests while illustrating two proposed estate sized lots. One lot located on Parcel 2, is in a Flag lot configuration and will have an access drive leading along the eastern portion of Parcel 1 of the subject property which will visually impact the aesthetic character of the surrounding area as no similar approvals exist in the immediate vicinity.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that road dedications and improvements will be accomplished

through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate 3 additional PM daily peak hour **vehicle trips**. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of roadways that are currently operating at LOS "C". Miami-Dade Public Schools (**MDCPS**) has indicated that the proposed zoning will bring 1 additional **student** into the area's public schools. MDCPS also indicated that Vineland Elementary School, Palmetto Middle School, and Miami Palmetto Senior High School are the schools that will be affected by this development. However, this application will not substantially impact any of these schools that are currently operating at 96%, 167% and 155% of the Florida Inventory of School Houses (FISH) respectively.

The approval of these requests would allow the applicant to construct 2 estate single-family residences with less lot frontage than required. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates this area for **Estate Density Residential** use which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre, for a total of 3 dwelling units on this site. The proposed EU-S zoning will allow the applicant to develop the site with single-family residential units at a density of 1.74 units per gross acre, totaling a maximum of 2 units. As such, the proposed EU-S zoning would be **consistent** with the LUP map designation of the CDMP. The applicant is seeking approval for a district boundary change from EU-1, Estate One Family One Acre Gross Residential District, to EU-S, Estate Suburban One Family District. Staff does not support the rezoning to EU-S, noting that this proposal is not in keeping with existing developments in the area consisting of EU-1 zoned parcels of land. Staff further notes that although there is an enclave of EU-S zoned properties to the northwest of the subject property, approval of this district boundary change request would result in an obvious departure from the established character of the EU-1 zoned surrounding area to the west, south and east. The subject property is located to the south of SW 112 Street which, in staff's opinion, delineates a boundary that encompasses solely EU-1 zoned properties. There are no similar approvals in the immediate vicinity south of SW 112 Street that integrate requests for a zone change to EU-S. Staff is of the opinion that approval of this request would set a precedent for future similar requests of this kind in the area. As such, staff is of the opinion that the proposed zone change is **incompatible** with the area south of SW 112 Street and, as such, recommends denial without prejudice of request #1.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards and does not contravene the enumerated public interest standards as established. Request #2, to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each), does not comply the ASDO Standard Section 33-311(A)(14)(d)(1)(C) which requires that the size and dimensions of the lot be sufficient to provide all setbacks required by the underlying district regulations, as evidenced by request #3. Request #3, to permit a single-family residence to setback 38' (50' required) from the front (north) property line, does not comply the ASDO Standard Section 33-311(A)(14)(c)(11) which requires that setbacks may be approved upon demonstration that, among other things, the total lot coverage not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations, as evidenced

by request #4 which proposes to increase over 20%. Request #4, to permit the residence with a lot coverage of 18.2% (15% allowed), does not comply with the ASDO Standard Section 33-311(A)(14)(e)(1) which requires that the total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations or 18% in this instance. Request #5, in conjunction with request #1, the zone change from EU-1 to EU-S, and with the alternative requests #2 - #4, is the result of the flag lot configuration proposed by the applicant. This request is to permit a lot frontage of 45' (125' required), and also does not comply the ASDO Standard Section 33-311(A)(14)(d)(1)(E) which requires that the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity. Staff notes that there are no similar lots in the immediate vicinity that incorporate a flag lot configuration as proposed by the applicant. Furthermore, the ASDO standards require that the applicant submit additional mitigation and documentation for consideration under Section 33-311(A)(14). Staff has not received this information and, as such, based on the aforementioned, recommends denial without prejudice of requests #2 - #5 under the ASDO Standards.

When requests #2 - #5 are analyzed under the Non-use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the appearance of the community. Request #2, to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each), would be out of character with the properties in the same block face to the west and east. Requests #3 and #4, to permit a single-family residence to setback 38' (50' required) from the front (north) property line and to permit the residence with a lot coverage of 18.2% (15% allowed), are located on parcel one (1) and will result in an over utilization of the proposed lot and would be contrary to the basic intent and purpose of the zoning and land use regulations. Request #5, to permit a lot frontage of 45' (125' required), is too intensive for the site. As mentioned above, this request is in conjunction with both alternatives; request #1 to rezone the property to EU-S, and requests #2 through #4 to permit the same lot frontage for the EU-1 zoning. Staff is of the opinion that approval of said proposed development in a form of a flag lot would set a precedent for future requests of this kind in the area. Staff further opines that SW 112 Street constitutes a line of demarcation where EU-1 zoned lots (including the subject property) are located to the south and a small enclave of EU-S zoned properties lies to the north. Based on all the aforementioned, staff recommends denial without prejudice of requests #2 - #5 under the Non-Use Variance (NUV) Standards.

When requests #2 - #5 are analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that these requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. These requests do not comply with the standards of said Section since the property can be utilized in accordance with the EU-1 zoning regulations. Therefore, staff recommends denial without prejudice of requests #2 - #5 under the Alternative Non-use Variance (ANUV) Standards.

Based on all of the aforementioned, staff recommends denial without prejudice of this application.

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

J. **CONDITION:** None.

DATE INSPECTED: 11/10/05
DATE TYPED: 12/09/05
DATE REVISED: 12/09/05; 12/15/05; 12/27/05; 01/06/06; 02/16/06; 03/28/06;
07/18/06; 08/04/06; 08/09/06; 08/15/06; 08/21/06
DATE FINALIZED: 08/21/06
DO'QW:AJT:MTF:LVT:JV


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

Memorandum



Date: November 2, 2005

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

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

Subject: C-12 #Z2005000119-Revised
Tract N, Eight Addition To Port Charlotte Subdivision, LLC
8390 SW 112th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.45 Ac.)
10-55-40

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NOV 09 2005

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

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

Potable Water 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.

Sewer Service:

Sanitary sewers are presently approximately 1,350 feet from this site; however, DERM has no objection to a low intensity development served by an interim septic tank provided that the proposed site is connected to the public water supply system, and that the maximum sewage loading allowed by the Code is not exceeded. Based on available information, the proposed use served with a septic tank would not exceed the maximum allowable sewage loading for the subject site.

Stormwater Management and Disposal:

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.

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

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

Wetlands:

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

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

Tree Preservation:

The subject property contains specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application 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: TRACT N, EIGHT ADDITION TO PORT CHARLOTTE
SUBDIVISION, LLC.

This Department has no objections to this application.

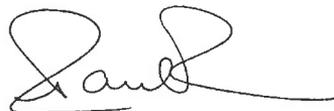
Since this development abuts a State maintained road (SW 112 St.),
the applicant must contact the district office at 305-470-5367,
certain restrictions may apply.

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

This application does meet the traffic concurrency criteria for an
Initial Development Order. It will generate 3 PM daily peak hour
vehicle trips. The traffic distribution of these trips to the
adjacent roadways reveal that the addition of these new trips does
not exceed the acceptable level of service of the following
roadways:

Sta.#		LOS present	LOS w/project
F-1093	SW 112 St. w/o US-1	C	C

The request herein, constitutes an Initial Development Order only,
and one or more traffic concurrency determinations will subsequently
be required before development will be permitted.



Raul A Pino, P.L.S.

04-AUG-06



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

March 10, 2005

Miami-Dade County School Board

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Dr. Martin Karp
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Dr. Marta Pérez
Dr. Solomon C. Stinson

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

C-12

Re: Tract N, Eight Addition to Port Charlotte Subdivision, LLC. - Application No. 05-119
8390 SW 112 Street

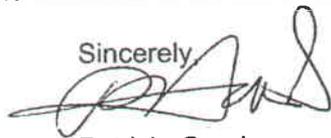
Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Please note that although two school facilities meet the referenced review threshold, (Palmetto Middle School and Miami Palmetto Senior High School) the additional student impact generated by the proposed residential development will not impact these facilities (please see attached analysis).

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development.

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

Sincerely

Patricia Good
Coordinator III

RECEIVED
MAR 16 2005
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY 

PG:am
L-0733
Attachment

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

School Board Administration Building • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-069, Tract N, Eight Addition to Port Charlotte Subdivision, LLC

REQUEST: Zone change from EU-1 to EU-M

ACRES: 1.45 acres

MSA/Multiplier: 5.5/.44

LOCATION: 8390 SW 112 Street

UNITS: 3 additional units (1 unit currently permitted under existing zoning classification, for a total of 4 units)

ESTIMATED STUDENT POPULATION:

1 student*

ELEMENTARY: 1

MIDDLE: -

SENIOR: -

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Vineland Elementary - 8455 SW 119 St.

MIDDLE: Palmetto Middle - 7351 SW 128 St.

SENIOR HIGH: Miami Palmetto Senior - 7460 SW 118 St.

All schools are located in Access Center 5

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2004:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Vineland Elem.	624/ 625*	537	116%/ 116%*	112	96%/ 96%*
Palmetto Middle	1746	905	193%	139	167%
Miami Palmetto Sr.	3550	2053	109%	238	155%

* increased student population as a result of the proposed development

Notes:

- 1) The cumulative effect of other approved or proposed developments in the vicinity is not included as part of this analysis, however is hereby attached in this package.
- 2) Figures above reflect the impact of the class size amendment.
- 3) Pursuant to the Interlocal Agreement, the elementary and middle schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated January 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
New Gym Addition at Miami Palmetto Sr. (220 student stations)	Construction	August 2005
Modular addition at Palmetto Middle School (242 student stations)	Construction	August 2005

Proposed Relief Schools

<u>School</u>	<u>Funding Year</u>
New Middle School (Palmetto and Southwood Middle School Relief) (1659 student stations)	FY 06-07
New Senior High School (Miami Palmetto and Miami Killian Senior High School Relief) (2000 student stations)	FY 07-08

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

CAPITAL COSTS: Based on the State's March-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY 1 x \$ 13,516 = \$ 13,516

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



Memorandum

Date: 01-AUG-06

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

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

Subject: Z2005000119

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated August 23 2005. Fire Water & Engineering has no objection to Site plan date stamped July 24 2006. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000119 located at 8390 SW 112 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 1895 is proposed as the following:

<u>2</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.54 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 23 - Suniland 7825 SW 104 Street
Rescue, BLS 75' Aerial

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on ammended letter of intent date stamped July 24 2006. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

TRACT N, EIGHT ADDITION TO
PORT CHARLOTTE SUBDIVISION,
LLC.

8390 SW 112 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000119

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No violations as of 12/21/05
No violations as of 06/20/06

Luis Carcamo 12/21/05
K. Lindo 06/20/06

DISCLOSURE OF INTEREST*

205-119

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: Tract N, Eighth Addition to Port Charlotte

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Douglas H. MERCADO 14821 S.W. 150 Ave - Mia. Fla - 33196</u>	<u>25%</u>
<u>Alfredo Scatena 20379 West Country Club Dr.ventura, Fl.</u>	<u>25%</u>
<u>Sergio NATALI 16711 Collins Ave, Sunny Isles, FL 33164</u>	<u>25%</u>
<u>MARIO RODRIGUEZ 14746 SW 154 Ave Mia. Fla - 33196</u>	<u>25%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

OWNER OR TENANT AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Doug A. Byers
Signature

Signature

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Doug A. Byers
Authorized Signature
vice president



Clint Byers
My Commission DD049084
Expires August 22, 2005

(Corp. Seal)

Sworn to and subscribed to before me this 7 day of March, 2005.

Notary Public: Clint W. Byers
Commission Expires: 8-22-05

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

Rev#1

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205-119
JUL 24 2006

Propose Custom Homes
KILLIAN GROUP LLC.
8390 SW 112 STREET
MIAMI, FLORIDA

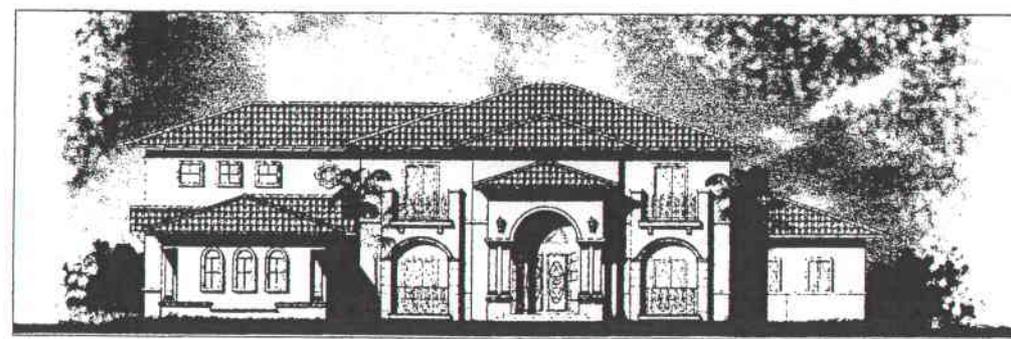
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *J&H*



PARCEL 2 RESIDENCE

LIST OF CONSULTANTS
Surveyors
Country-Wide Land Surveyors, Inc.
P.O. BOX 823271 South Florida, FL 33082
Tel. 305-772-0766
Architecture
Design Tech International Inc.
Architect License # 0013079
8181 NW 154th Street, Suite 110
Miami Lakes, Florida 33016
Tel. 305-512-5512
Fax. 305-512-5520
Landscaping
Mike Bedell Landscape Architect
1413 El Rado Street
Coral Gables, Florida 33134
Tel. 305-498-8247



PARCEL 1 RESIDENCE

LIST OF DRAWINGS
I. Survey
2004-5 BOUNDARY & IMPROVEMENTS SURVEY
II. Architectural
SP-1 SITE PLAN
A-1 GROUND FLOOR PLAN PARCEL 1
A-2 SECOND FLOOR PLAN PARCEL 1
A-3 ELEVATIONS PARCEL 1
A-4 ELEVATIONS PARCEL 1
A-5 GROUND FLOOR PLAN PARCEL 2
A-6 SECOND FLOOR PLAN PARCEL 2
A-7 ELEVATIONS PARCEL 2
A-8 ELEVATIONS PARCEL 2
III. Landscaping
L-1 LANDSCAPE PLAN

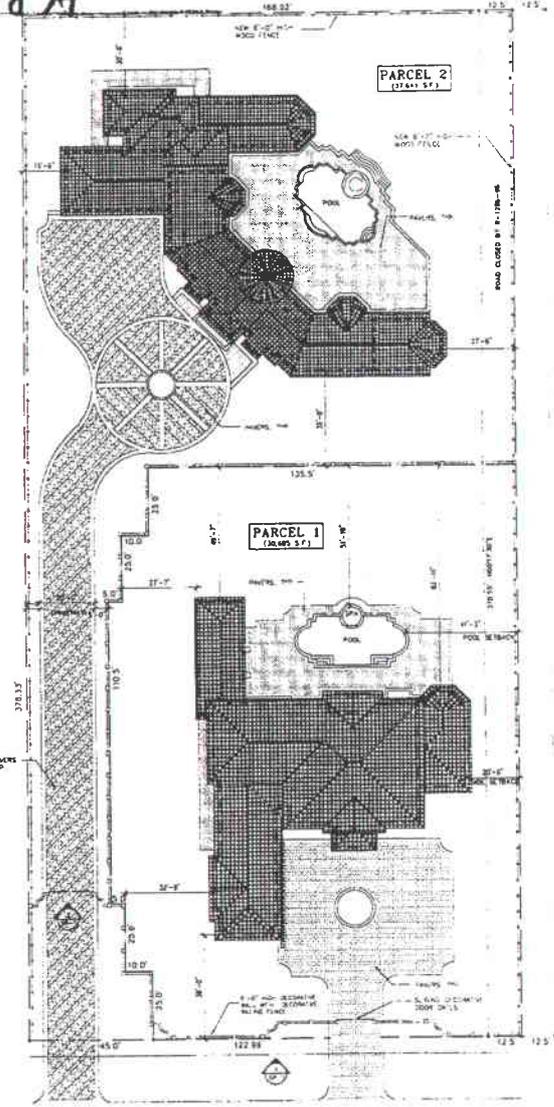
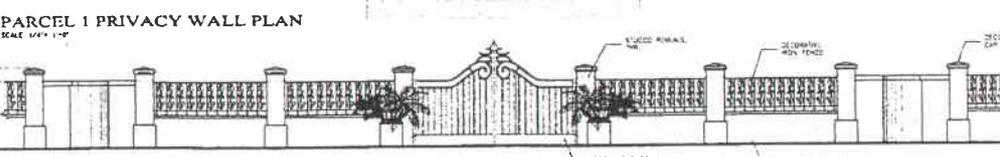
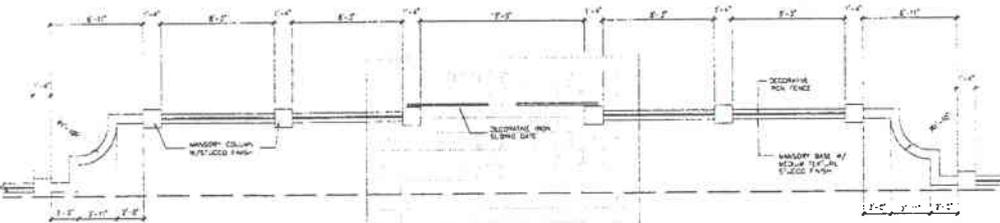
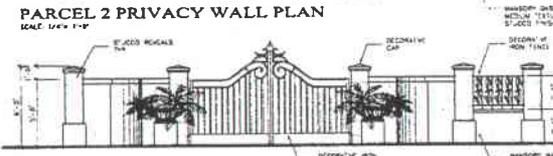
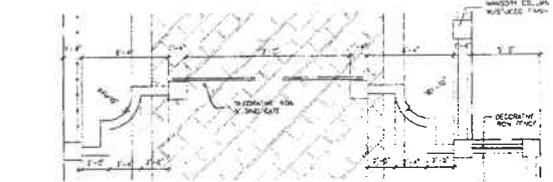
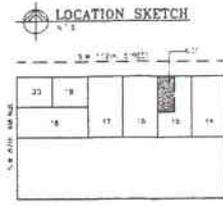
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 JUL 24 2006
 Rev#1

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ZONING HEARING SECTION
 MIAMI-DADE COUNTY PLANNING AND ZONING DEPT

BY *J&A*

LEGAL DESCRIPTION	ZONING LEGEND					
	PARCEL 1			PARCEL 2		
THE WEST 1/2 OF TRACT 19, LOTS 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, BEING 10.00 ACRES, MORE OR LESS, IN THE CITY OF MIAMI, FLORIDA.	CROSS SECTION			CROSS SECTION		
	PROPOSED ZONING			PROPOSED ZONING		
	5' SIDE	REAR	FRONT	5' SIDE	REAR	FRONT
	12'-0"	22'-0"	22'-0"	12'-0"	22'-0"	22'-0"
LOCATION SKETCH	CROSS LOT AREA			CROSS LOT AREA		
	FIRST FLOOR AREA (A/C)			FIRST FLOOR AREA (A/C)		
	CONCRETE TERRACE			CONCRETE TERRACE		
	BALCONY			BALCONY		
TOTAL A/C AREA	TOTAL A/C AREA			TOTAL A/C AREA		
	TOTAL AREA			TOTAL AREA		
	MAX. LOT COVERAGE			MAX. LOT COVERAGE		
	MAX. LOT COVERAGE			MAX. LOT COVERAGE		



SITE PLAN
 SCALE 1" = 20'-0"

DTI
 Architects, Interior Designers, Planners
 4141 S.W. 154th Street, Suite 110
 Miami Lakes, Florida 33181
 Tel: 305.274.2242 Fax: 305.274.2243
 www.dti.com

CARLOS RODRIGUEZ
 ARCHITECT

Propose Custom Homes
KILLIAN GROUP LLC.
 8308 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI FLORIDA

Job Number: 00039
 File Name: 07-11-06
 Issued Date: V.A.L.M.
 Drawn By: C.P.
 Checked by:

SHEET NAME
SITE PLAN

SHEET NUMBER
 SP-1

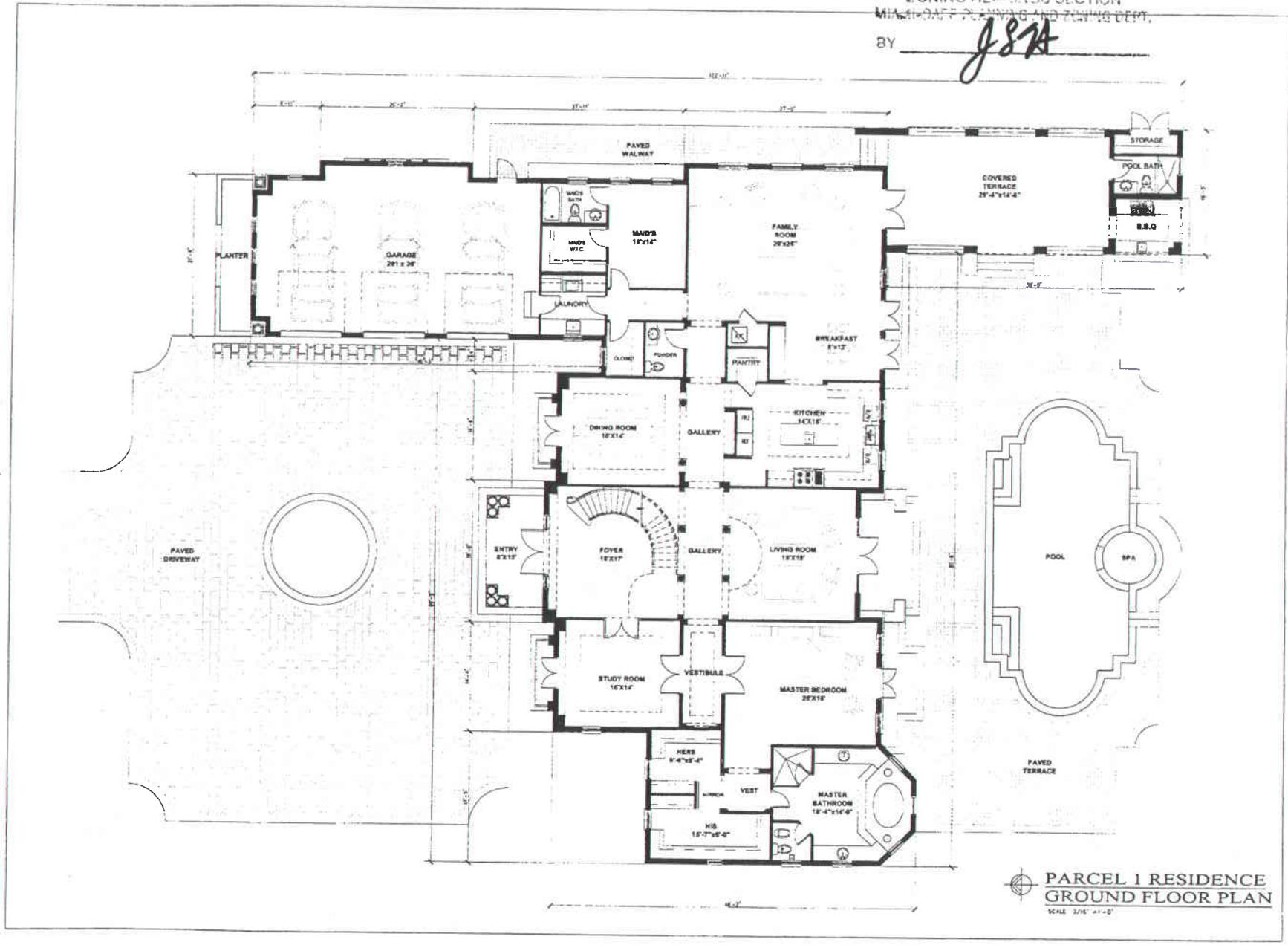
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16

ZONING HEARINGS SECTION
 MIAMI-DADCO PLANNING AND ZONING DEPT.

BY JSA



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 1111 S.W. 124th Street, Suite #110
 Miami Lakes, Florida 33101
 Ph: 305.271.7142 Fax: 305.271.1178
 E-Mail: dth@earthlink.net www.dth.com

CAROL PEARMAN R.A.
 10-00-0774

Propose Custom Homes
KILLIAN GROUP LLC.
 8300 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

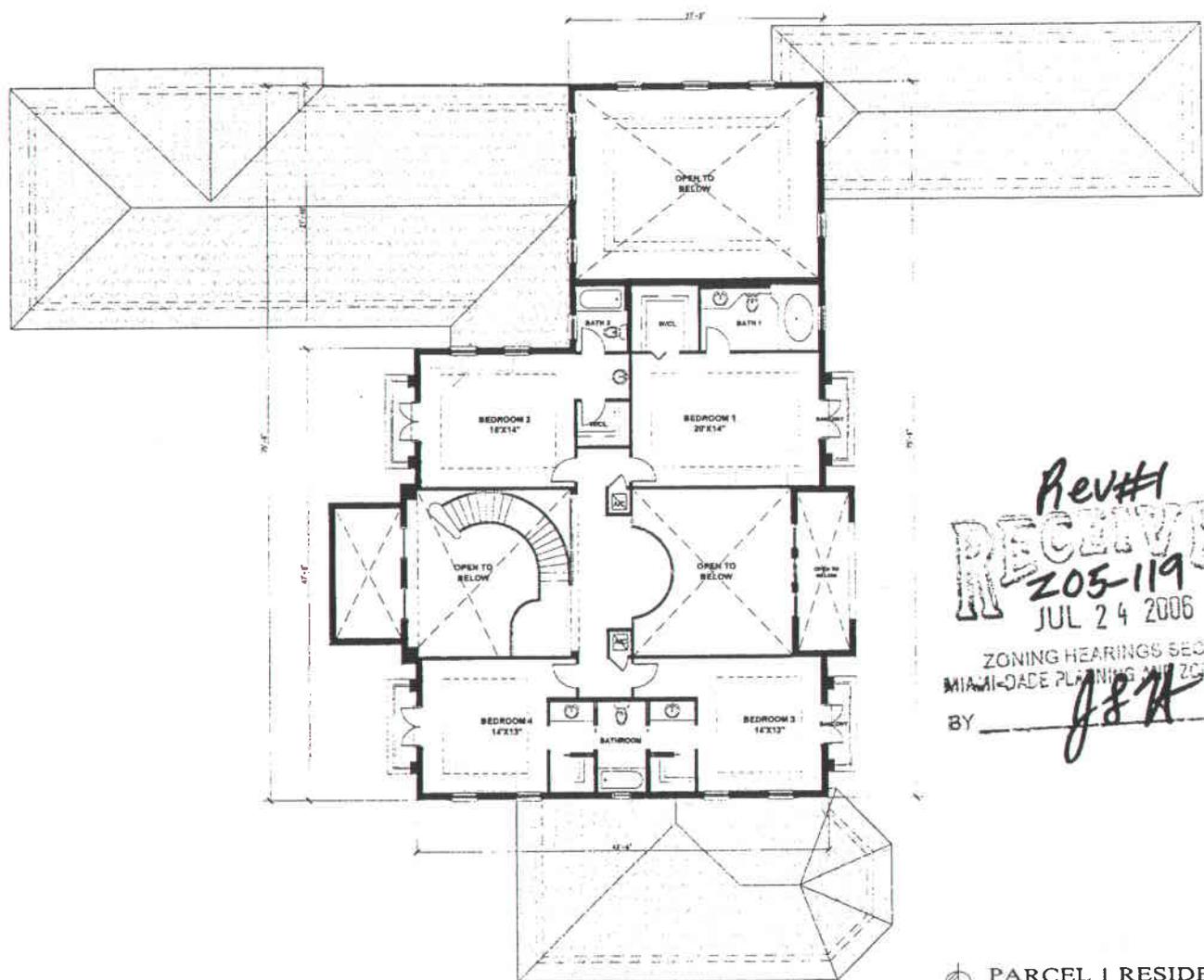
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 Pk Name:
 Issued Date: 07/17/06
 Drawn by: V.A. L.M.
 Checked by: C.P.

SHEET NAME:
GROUND FLOOR PLAN

PARCEL 1 RESIDENCE
GROUND FLOOR PLAN
 SCALE 1/8" = 1'-0"

SHEET NUMBER
 A-1

DTI
 Architects - Interior Design - Planners
 4111 N.W. 136th Street, Suite #110
 Miami Lakes, Florida 33181
 Phone: 305.225.2112 Fax: 305.225.2113
 E-Mail: daniel@dti.com
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ZONING HEARINGS SECTION
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PARCEL 1 RESIDENCE
SECOND FLOOR PLAN
 SCALE 3/16" = 1'-0"

C. MULLIGAN, R.A.
 ARCHITECT

Propose Custom Homes
KILLIAN GROUP LLC.
 8290 SW 112 STREET
 MIAMI, FL 33154
 Developer:
KILLIAN GROUP LLC.
 MIAMI FLORIDA

Job Number: 060119
 Site name:
 Found Date: 07.17.06
 Drawn by: S.A.-M
 Checked by: E.P.

SHEET NAME:
SECOND FLOOR PLAN

SHEET NUMBER
 A-2

DTI
 Architect - Interior Designer - Planner
 8181 N.W. 130th Street, Suite 1110
 Miami Lakes, Florida 33181
 Tel: (305) 555-1111 Fax: (305) 555-1112
 E-Mail: dti@dti.com
 www.dti.com



PARCEL-1 RESIDENCE FRONT ELEVATION
 SCALE: 3/16" = 1'-0"



PARCEL-1 RESIDENCE LEFT SIDE ELEVATION
 SCALE: 3/16" = 1'-0"

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

PARCEL NUMBER: 4
 14.00 ACRES
 Elevation

Propose Custom Homes
KILLIAN GROUP LLC.
 8300 SW 112 STREET
 MIAMI, FLORIDA
 Developer:
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 0603
 File name:
 Issue Date: 07.17.06
 Drawn by: V.A.L.M.
 Checked by: C.P.

SHEET NAME:
**ELEVATIONS
 PARCEL 1**

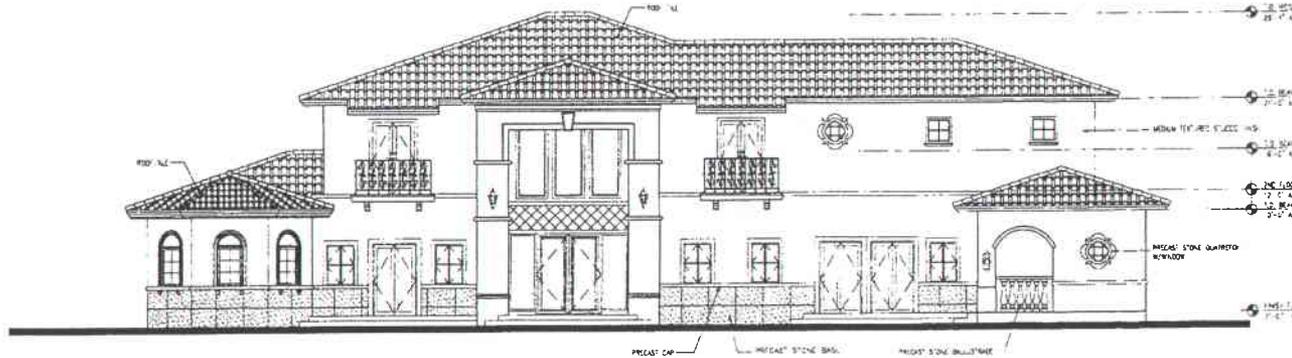
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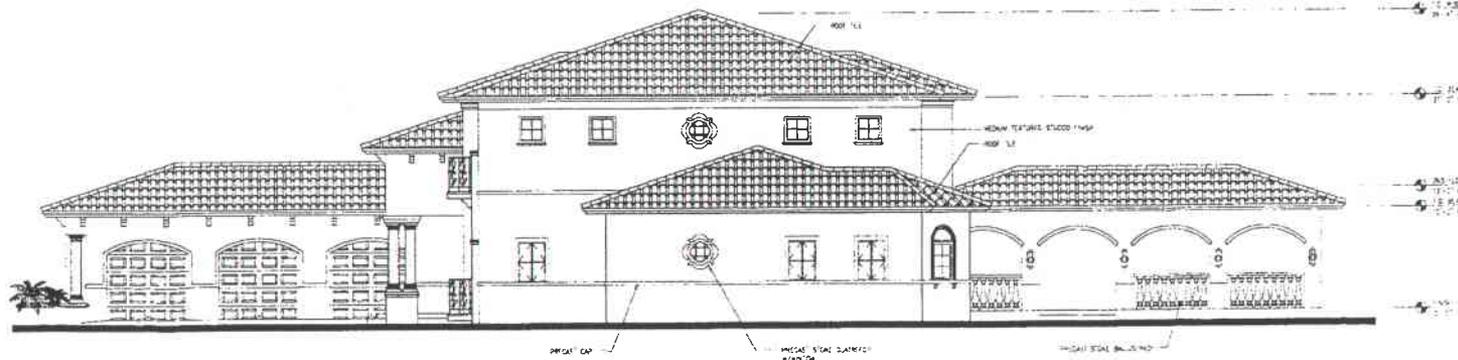
ZONING REPRINING SECTION
MIAMI-DADCE PLANNING AND ZONING DEPT.

BY ASW

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Architectural Design & Planning
4141 N.W. 124th Street, Suite #110
Miami Lakes, Florida 33054
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E: dti@dtiarchitect.com
www.dti.com



PARCEL-1 RESIDENCE REAR ELEVATION
SCALE 3/16" = 1'-0"



PARCEL-1 RESIDENCE RIGHT SIDE ELEVATION
SCALE 3/16" = 1'-0"

FABRIZIO HAZARD & P.
ARCHITECTS
KITCHEN

Proposed Custom Homes
KILLIAN GROUP LLC.
8700 SW 112 STREET
MIAMI, FLORIDA
Developer
KILLIAN GROUP LLC.
MIAMI, FLORIDA

Job Number: 06034
File name:
Issued Date: 07/19/06
Drawn by: V.A.L.M.
Checked by: C.P.

SHEET NAME
**ELEVATIONS
PARCEL 1**

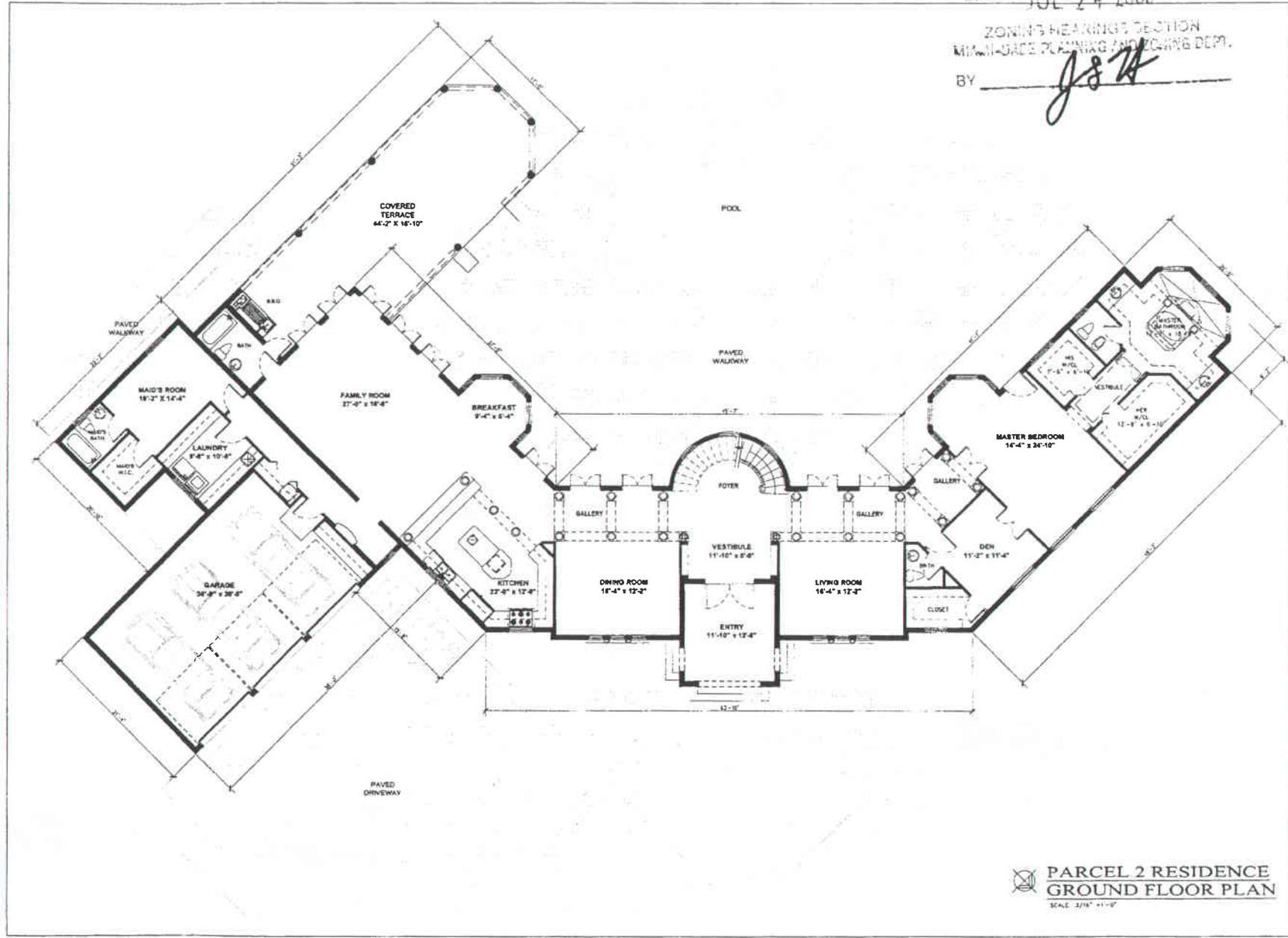
SHEET NUMBER
A-4

REV#1
 205-119
 JUL 24 2006

35

ZONING HEARING SECTION
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 BY JST

DTI
 DESIGN TECHNOLOGIES INTERNATIONAL
 1175 N.W. 14th Street, Suite 1110
 Miami Lakes, Florida 33101
 Tel: 305.222.1111 Fax: 305.222.1110
 E-Mail: dti@dti.com
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SCALE: AS SHOWN
 REVISIONS:

Propose Custom Homes
KILLIAN GROUP LLC.
 8300 SW 112 STREET
 MIAMI, FLORIDA
 Developer
KILLIAN GROUP LLC.
 MIAMI, FLORIDA

Job Number: 06119
 File name: 07-17-06
 Issued Date: 07-17-06
 Drawn by: V.A.L.M.
 Checked by: C.P.

SHEET NAME:
GROUND FLOOR PLAN

PARCEL 2 RESIDENCE
GROUND FLOOR PLAN
 SCALE: 3/8" = 1'-0"

SHEET NUMBER
A-5

Rev#1

205-119
JUL 24 2008

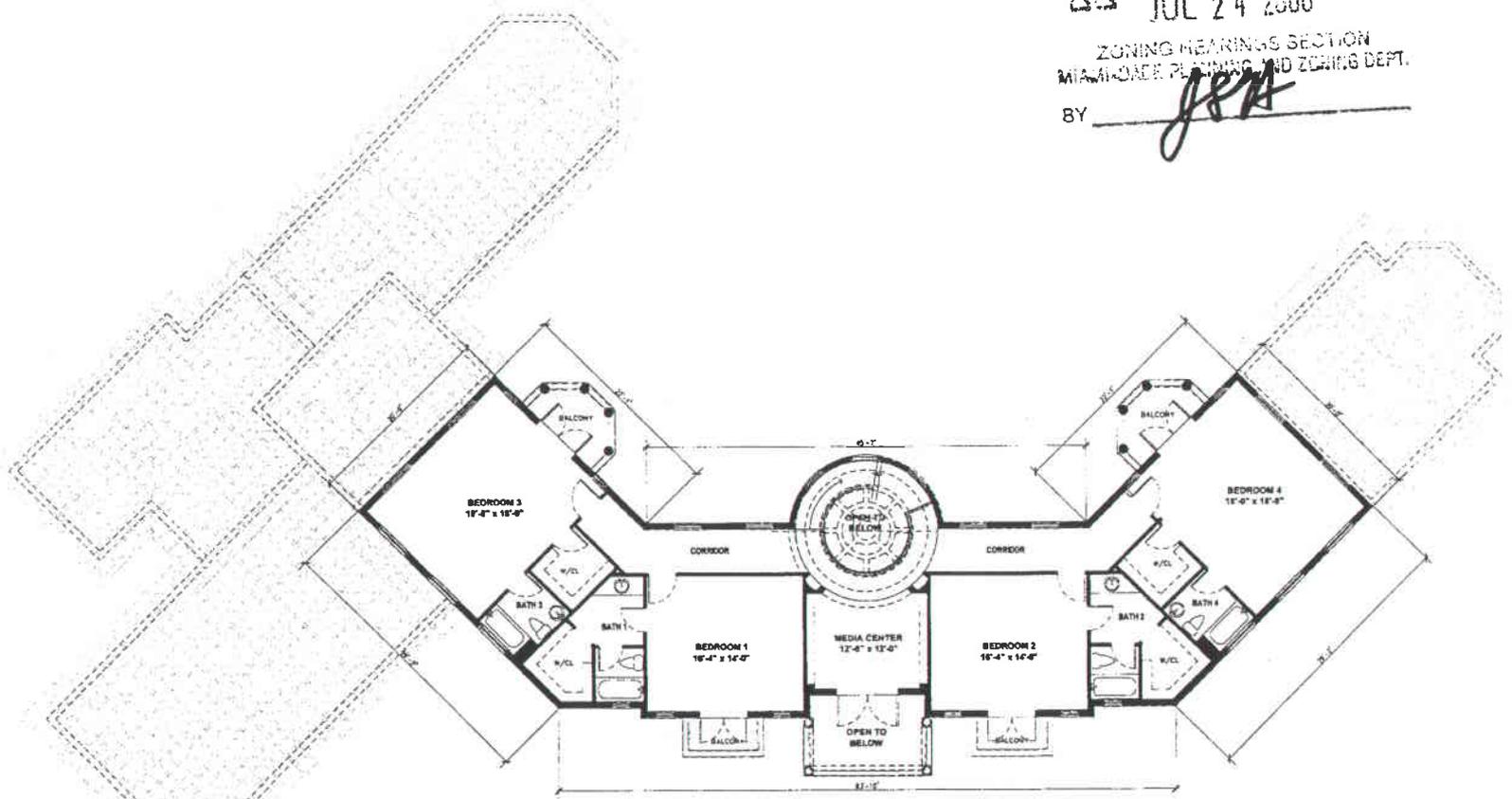
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY JSA

DTI
Architectural Design & Drafting
1181 N.W. 154th Street, Suite #118
Miami Lakes, Florida 33054
Tel: (305) 551-1122 Fax: (305) 551-1123
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www.dtiarchitect.com

CAROL HEARSH P.E.
K.A.M. INC.

Revisions:



Purpose: Custom Homes
KILLIAN GROUP LLC.
8300 SW 112 STREET
MIAMI, FLORIDA
Developer:
KILLIAN GROUP LLC.
MIAMI, FLORIDA

Job Number: 06014
File name:
Issued Date: 07/17/08
Drawn By: Y.A.L.M.
Checked By: C.P.

SHEET NAME:
SECOND FLOOR PLAN

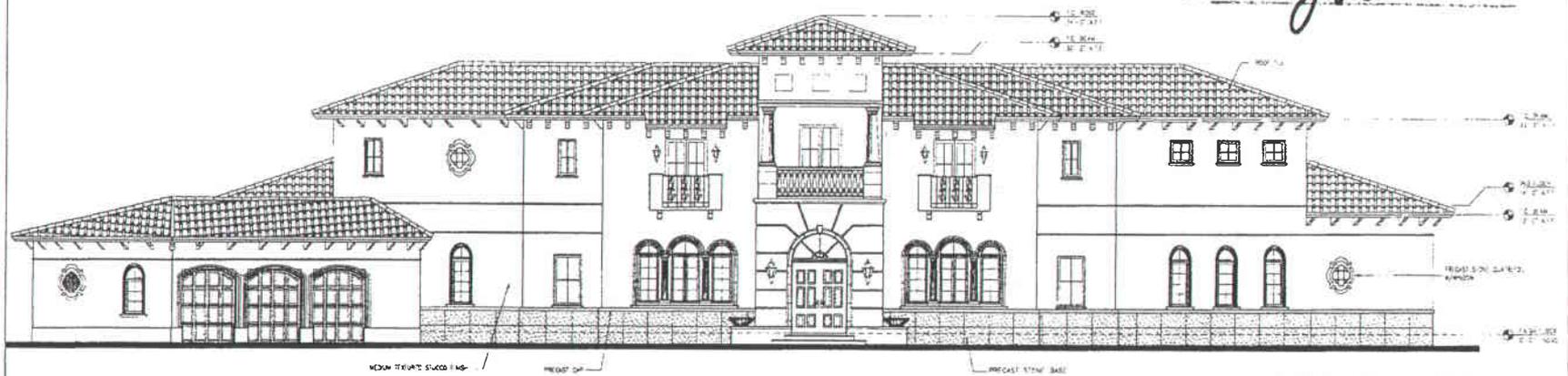
 **PARCEL 2 RESIDENCE**
SECOND FLOOR PLAN
SCALE: 3/8" = 1'-0"

SHEET NUMBER
A-6

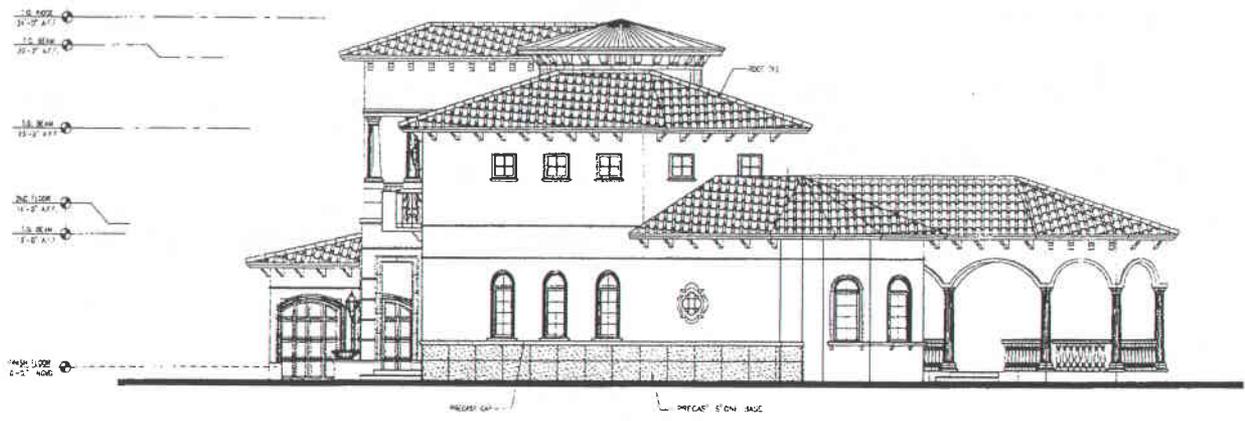
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ZONING HEARING SECTION
MAY 10, 2006 10:00 AM ZONING DEPT.
BY *JST*

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1111 S.W. 134th Street, Suite #110
Miami Lakes, Florida 33004
Tel: 305.675.1111 Fax: 305.675.1112
E-Mail: dti@dtiarch.com
www.dtiarch.com



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

CARLOS HERNANDEZ P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 12457

Propose Custom Homes
KILLIAN GROUP LLC.
8300 SW 112 STREET
MIAMI, FLORIDA
Developer:
KILLIAN GROUP LLC.
MIAMI FLORIDA

Job Number: 06034
File Name:
Issued Date: 07.17.06
Drawn By: S.A.-L.M.
Checked By: E.P.

SHEET NAME
ELEVATIONS
PARCEL 2

SHEET NUMBER
A-7

38

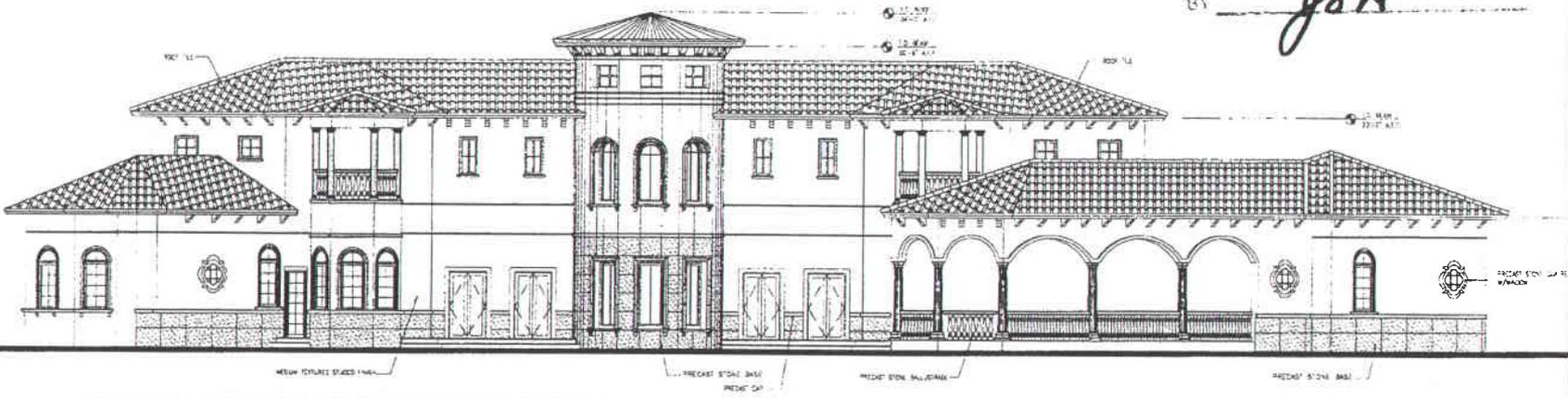
Rev#1

205-119
JUL 24 2006

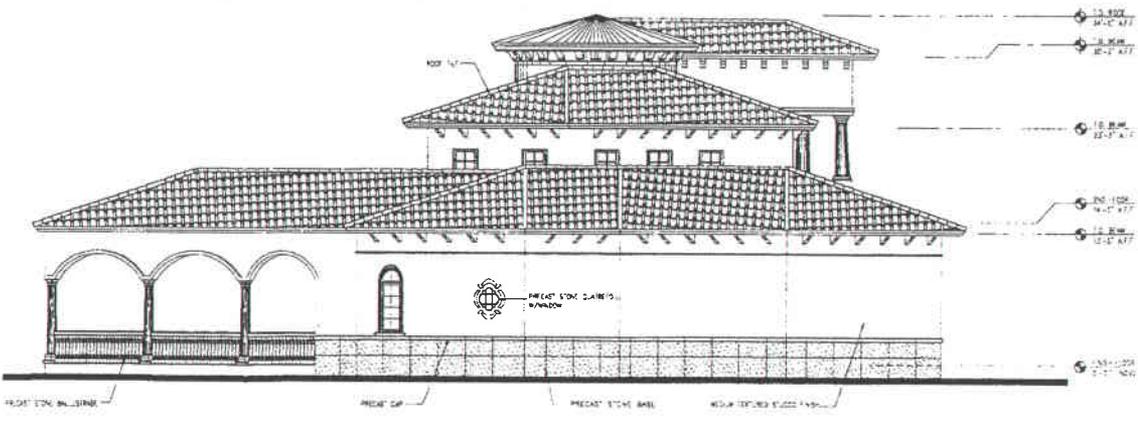
BY *JSA*

DTI
Architectural Design Firm
1125 N.W. 13th Street, Suite 410
Miami Lakes, Florida 33109
Tel: (305) 251-1122 Fax: (305) 251-1123
www.dtiarchitect.com

1. SITE PREPARED BY
AR-00-000



PARCEL-2 RESIDENCE REAR ELEVATION
SCALE: 3/16" = 1'-0"



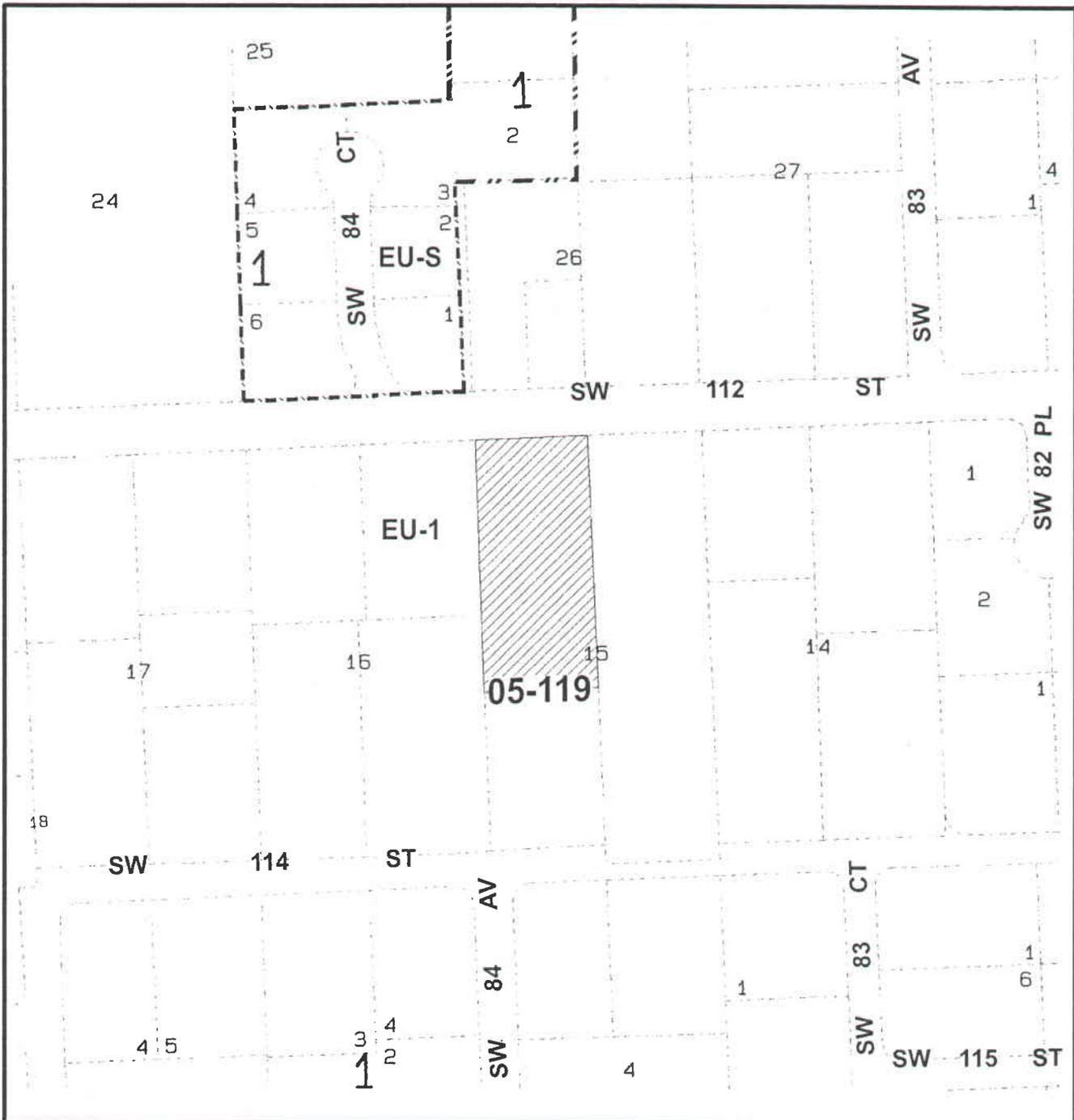
PARCEL-2 RESIDENCE LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

Propose Custom Homes
KILLIAN GROUP LLC.
8390 SW 112 STREET
MIAMI, FLORIDA
Developer:
KILLIAN GROUP LLC
MIAMI FLORIDA

Job Number: 09079
File Name: 071706
Issued Date: 5.4.06
Drawn By: S.A.L.M.
Checked by: C.P.

SHEET NAME:
**ELEVATIONS
PARCEL 2**

SHEET NUMBER
A-8



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 10 Township: 55 Range: 40
 Process Number: 05-119
 Applicant: TR. N, ADDN. TO PORT CHARLOTTE SUB. LLC
 Zoning Board: C12
 District Number: 8
 Drafter ID: KEELING
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 10 Township: 55 Range: 40
Process Number: 05-119
Applicant: TR. N, ADDN. TO PORT CHARLOTTE SUB. LLC
Zoning Board: C12
District Number: 8
Drafter ID: KEELING
Scale: NTS



A. TRACT N. EIGHT ADDITION TO PORT CHARLOTTE
SUBDIVISION, LLC
(Applicant)

06-2-CZ12-2 (05-119)
Area 12/District 8
Hearing Date: 4/4/06

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

2

APPLICANT'S NAME: TRACT N, 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION, LLC

REPRESENTATIVE: **HERMINIO SAN ROMAN**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
06-2-CZ12-2 (05-119)	FEBRUARY 07, 2006	CZAB12	06

REQ: (1) EU-1 to EU-M (2) Waive Z regs to permit access to public street by private drive and permit 3 parcels with lot frontage of 0' on a dedicated street.

REC: DWOP

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: APRIL 4, 2006 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

MR. SAN ROMAN ASKED FOR TIME TO REVIEW REC AS HE WAS HIRED THAT MORNING

TITLE	M/S	NAME	YES	NO	ABSENT
MS.	M	Millie HERRERA	X		
MADAME VICE-CHAIR		Carla SAVOLA			X
MR.	S	Jose I. VALDES	X		
MR.		Nelson A. VARONA	X		
MR.		Robert W. WILCOSKY			X
MADAME CHAIRPERSON		Peggy BRODEUR	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: STEPHEN STIEGLITZ

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Tract "N", 8th Add. To Port Charlotte Sub. L.L.C. PH: Z05-119 (06-2-CZ12-2)

SECTION: 10-55-40

DATE: April 4, 2006

COMMISSION DISTRICT: 8

ITEM NO.: A

=====

A. INTRODUCTION

o **REQUESTS:**

1. EU-1 to EU-M
2. Applicant is requesting to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126'2" provided on the private drive).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Tract N 8th Addn to Port Charlotte Subdivision LLC," as prepared by Luis Rospigliosi, Inc. and consisting of 4 pages dated 3/14/05. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow the applicant to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to EU-M, Modified Estates Single Family Residential District. Additionally, a request is being sought to permit 3 parcels with access by means of a private drive.

o **LOCATION:** 8390 S.W. 112 Street, Miami-Dade County, Florida.

o **SIZE:** 1.46 Gross Acres

o **IMPACT:**

The approval of the rezoning would allow the applicant to construct 3 estate single-family residences where the current zoning allows only one. The rezoning and access through a private drive would impact the existing character of this community.

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 **estate density**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

SURROUNDING PROPERTY:

NORTH: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

SOUTH: EU-1; vacant

Estate Density Residential, 1 to 2.5 du/a

EAST: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

WEST: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 du/a

This property is located at 8390 S.W. 112 Street. The surrounding area is predominately characterized by estate single-family residences and vacant parcels of land.

E. SITE AND BUILDINGS:

Site Plan Review:

(site plan submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

N/A

Open Space:	N/A
Buffering:	N/A
Access:	Unacceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The lot area, frontage, or depth for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

- A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
- B. the proposed alternative development will not result in the further subdivision of land; and
- C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
- D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
- E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
- F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
- G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(2) the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
- B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the

underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

- C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (3) the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
 - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - 1. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - 2. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (4) If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
- B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
- C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
- D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
- E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) 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 a 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
- 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(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 Variance Standard. 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	Objects
Parks	No comment
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred with leave to amend from the February 7, 2006 meeting of this board to allow the applicant the opportunity to work with neighbors and staff. As of the time of this writing, no revisions have been received from the applicant. The subject property is located at 8390 S.W. 112 Street in an area characterized by estate single-family residences and vacant properties. EU-M zoning regulations require a minimum of 120' of frontage on a public right-of-way. The applicant is requesting to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to EU-M, Modified Estates Single Family Residential District. Additionally, a request is being sought to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126'2" provided on the private drive). Plans submitted by the applicant depict the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Specifically, the Public Works Department objects to request #2. Their memorandum further indicates that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate **5** additional **PM** daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of roadways that are currently operating at LOS "C". Miami-Dade Public Schools (**MDCPS**) has indicated that the proposed zoning will bring **1** additional **student** into the area's public schools. MDCPS also indicated that Vineland Elementary School, Palmetto Middle School, and Miami Palmetto Senior High School are the schools that will be affected by this development. However, this application will not impact any of these schools that are currently operating at 96%, 167% and 155% of the Florida Inventory of School Houses (FISH) respectively.

The approval of these requests would allow the applicant to construct 3 modified estate single-family residences with no lot frontage on a dedicated street and to have 126'2" of access on a private drive. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates this area for **Estate Density Residential** use which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre, for a total of 3 dwelling units on this site. The proposed EU-M zoning will allow the applicant to develop the site with single-family residential units at a density of 2.42 units per gross acre, totaling a maximum of 3 units. As such, the proposed EU-M zoning would be **consistent** with the LUP map designation of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking 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 utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from EU-1, Estates One Family One Acre Gross Residential District, to EU-M, Estates Modified One Family Residential District. Staff does not support the rezoning to EU-M, noting that this proposal is not in keeping with existing developments in the area consisting of EU-1 zoned parcels of land. Approval of this district boundary change request would result in an obvious departure from the established character of the surrounding area. There are no similar approvals in the immediate vicinity that integrate requests for EU-M. Staff is of the opinion that approval of this request would set a precedent for future similar requests of this kind in the area. As such, staff recommends denial without prejudice of request #1.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards and does not contravene the enumerated public interest standards as established. Request #2, to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126.2' provided on the private drive) complies with the ASDO Standard stating that sufficient frontage be maintained to permit vehicular access to all resulting lots since access to same will be provided through a private drive. However, this request does not comply with Sections 33-311(A)(14)(d)(1)(E), 311(A)(14)(d)(2)(D) and 311(A)(14)(d)(3)(D) which require that the proposed alternative development not result in an obvious departure from the aesthetic character of the immediate vicinity. As previously mentioned, there are no similar approvals in the immediate EU-1 zoned vicinity. Furthermore, the ASDO standards require additional mitigation and documentation for consideration under Section 33-311(A)(14). Staff has not received this information and, as such, based on the aforementioned, request #2 should not be approved under the ASDO Standards. As such, request #2 should be denied without prejudice under same.

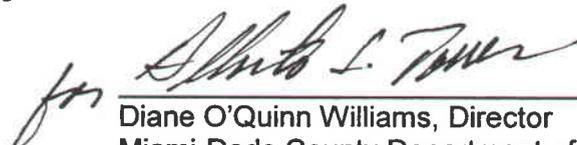
If request #2 is analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said Section since the property can be utilized in accordance with the EU-1 zoning regulations. Therefore, staff recommends denial without prejudice under the Alternative Non-use Variance (ANUV) Standards.

When request #2, to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126.2' provided on the private drive), is analyzed under the Non-use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the appearance of the community. This request results in an obvious departure from the aesthetic character of the surrounding area. There are no similar approvals in the immediate EU-1 zoned vicinity that integrate requests for a lot frontage of 0' and to permit access to a public street by means of a private drive. Approval of said proposed development would set a precedent for future requests of this kind in the area. As a result, the request is contrary to the basic intent and purpose of the zoning and land use regulations. Based on all the aforementioned, staff recommends denial without prejudice of request #2 under the Non-Use Variance (NUV) Standards.

Accordingly, staff recommends denial without prejudice of this application.

- I. **RECOMMENDATION:** Denial without prejudice.
- J. **CONDITION:** None.

DATE INSPECTED: 11/10/05
DATE TYPED: 12/09/05
DATE REVISED: 12/09/05; 12/15/05; 12/27/05; 01/06/06; 02/16/06; 03/28/06
DATE FINALIZED: 03/28/06
DO'QW:AJT:MTF:LVT:TGB:JV


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

Memorandum



Date: November 2, 2005

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

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

Subject: C-12 #Z2005000119-Revised
Tract N, Eight Addition To Port Charlotte Subdivision, LLC
8390 SW 112th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.45 Ac.)
10-55-40

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NOV 09 2005

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

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

Potable Water 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.

Sewer Service:

Sanitary sewers are presently approximately 1,350 feet from this site; however, DERM has no objection to a low intensity development served by an interim septic tank provided that the proposed site is connected to the public water supply system, and that the maximum sewage loading allowed by the Code is not exceeded. Based on available information, the proposed use served with a septic tank would not exceed the maximum allowable sewage loading for the subject site.

Stormwater Management and Disposal:

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.

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

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

Wetlands:

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

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

Tree Preservation:

The subject property contains specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, the application 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: TRACT N, EIGHT ADDTION TO PORT CHARLOTTE
SUBDIVISION, LLC.

This Department objects to this application.

Road shown on site plan as "Existing Road" does not exist and must be removed.

Applicant must provide access to proposed lots by means of private easement to be included in subject property.

Driveways must offset a minimum of 5 feet from side lot property line. Refer to Standard Detail R12.2 of the Public Works Manual of Miami-Dade County.

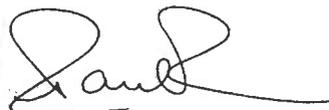
Since this development abuts a State maintained road (SW 112 St.) the applicant must contact the district office at 305-470-5367 certain restrictions may apply.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #	LOS present	LOS w/project
F-1093 SW 112 St.	w/o US-1	C C

The request herein constitutes an Initial Development Order only and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

07-JUN-05



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

March 10, 2005

Miami-Dade County School Board

Frank J. Bolaños, Chair
Dr. Robert B. Ingram, Vice Chair
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Evelyn Langlieb Greer
Perla Tabares Hantman
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

C-12

Re: Tract N, Eight Addition to Port Charlotte Subdivision, LLC. - Application No. 05-119
8390 SW 112 Street

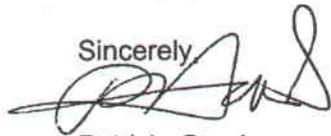
Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Please note that although two school facilities meet the referenced review threshold, (Palmetto Middle School and Miami Palmetto Senior High School) the additional student impact generated by the proposed residential development will not impact these facilities (please see attached analysis).

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development.

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

Sincerely

Patricia Good
Coordinator III

RECEIVED
MAR 16 2005
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY 

PG:am
L-0733
Attachment

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

School Board Administration Building • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-069, Tract N, Eight Addition to Port Charlotte Subdivision, LLC

REQUEST: Zone change from EU-1 to EU-M

ACRES: 1.45 acres

MSA/Multiplier: 5.5/.44

LOCATION: 8390 SW 112 Street

UNITS: 3 additional units (1 unit currently permitted under existing zoning classification, for a total of 4 units)

ESTIMATED STUDENT

POPULATION: 1 student*

ELEMENTARY: 1

MIDDLE: -

SENIOR: -

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Vineland Elementary - 8455 SW 119 St.

MIDDLE: Palmetto Middle - 7351 SW 128 St.

SENIOR HIGH: Miami Palmetto Senior - 7460 SW 118 St.

All schools are located in Access Center 5

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2004:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Vineland Elem.	624/ 625*	537	116%/ 116%*	112	96%/ 96%*
Palmetto Middle	1746	905	193%	139	167%
Miami Palmetto Sr.	3550	2053	109%	238	155%

* increased student population as a result of the proposed development

Notes:

- 1) The cumulative effect of other approved or proposed developments in the vicinity is not included as part of this analysis, however is hereby attached in this package.
- 2) Figures above reflect the impact of the class size amendment.
- 3) Pursuant to the Interlocal Agreement, the elementary and middle schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated January 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
New Gym Addition at Miami Palmetto Sr. (220 student stations)	Construction	August 2005
Modular addition at Palmetto Middle School (242 student stations)	Construction	August 2005

Proposed Relief Schools

<u>School</u>	<u>Funding Year</u>
New Middle School (Palmetto and Southwood Middle School Relief) (1659 student stations)	FY 06-07
New Senior High School (Miami Palmetto and Miami Killian Senior High School Relief) (2000 student stations)	FY 07-08

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

CAPITAL COSTS: Based on the State's March-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY 1 x \$ 13,516 = \$ 13,516

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

Memorandum



Date: 23-AUG-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000119

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans presented with letter of intent dated May 2 2005. Applicant must submit changes to this plan for review and approval.

Service Impact/Demand:

Development for the above Z2005000119
located at 8390 S.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1895 is proposed as the following:

<u>3</u> single	dwelling units	<u> </u> industrial	square feet
<u> </u> multifamily	dwelling units	<u> </u> institutional	square feet
<u> </u> commercial	square feet	<u> </u> nursing home	square feet

Based on this development information, estimated service impact is: 0.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 23 - 7825 SW 104 Street

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent dated May 2 2005. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

TRACT N, EIGHT ADDTION TO
PORT CHARLOTTE SUBDIVISION,
LLC.

8390 S.W. 112 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000119

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.

DISCLOSURE OF INTEREST*

205-119

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: Trax N, Eighth Addition to Port Charlotte

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Douglas H. MERCADO 14821 S.W. 150 Ave - Mia. Fl - 33196</u>	<u>25%</u>
<u>Alfredo Scatena 20379 West Country Club Dr.ventura, Fl.</u>	<u>25%</u>
<u>Sergio Natali 16711 Collins Ave, Sunny Isles, FL 33164</u>	<u>25%</u>
<u>MARIO RODRIGUEZ 14746 SW 154 Ave Mia. Fl - 33196</u>	<u>25%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

OWNER OR TENANT AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Doug M. Byers
Signature

Signature

Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Doug M. Byers
Authorized Signature
Vice-President

Clint Byers Office Held



My Commission DD049094
Expires August 22, 2005

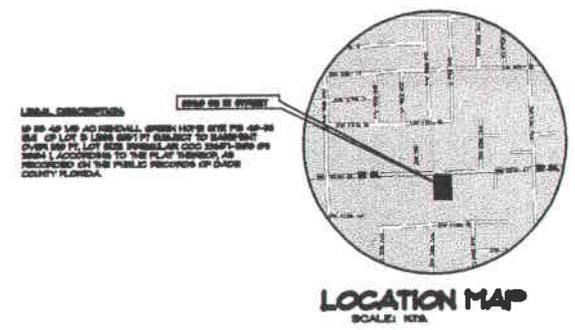
(Corp. Seal)

Sworn to and subscribed to before me this 7 day of March, 2005.

Notary Public: Clint W. Byers
Commission Expires: 8-22-05

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

OWNER TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.	LOT AREA GROSS LOT AREA = 6438 SQ. FT.	BUILDING SETBACKS
PROPERTY ADDRESS 2828 SW 81 STREET MIAMI, FLORIDA	LOT COVERAGE 288 x 6438 = 3273 SQ. FT.	REQUIRED PROVIDED
USE PROPOSED RESIDENTIAL	NP-288 ALLOWED 3178 SQ. FT.	FRONT = 20'-0" 20'-0" REAR = 7'-0" 20'-0" RIGHT SIDE = 7'-0" 24'-0" LEFT SIDE = 9'-0" 9'-0"
	COVERAGE 4,488 SQ. FT.	BUILDING AREAS
	TOTAL PROPOSED 5,448 SQ. FT.	ST. FLOOR RESIDENCE (1) = 4,488 SQ. FT. (31' x 144' IN ST. FLOOR RESIDENCE (2) = 4,488 SQ. FT. (31' x 144' IN TOTAL BUILDING AREA = 8,976 SQ. FT.



SITE INFORMATION

ZONING	RS-1
NET LOT AREA	6,438 SQ. FT.

LANDSCAPING AREA

REQUIRED	69,750 x 30% = 20,925 SQ. FT.
TO BE PROVIDED	24,888 SQ. FT.

TREES
PROVIDED: 1 TREE SPACED @ 10'-0" O.C. = 4 TREES

PLANTS
PROVIDED = 860
30% NATIVE PLANT
BY HEIGHT 80% MEASURED
IMMEDIATELY AFTER PLANTING
@ 30" O.C.

LEGEND:

PROPERTY LINE

205-119

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MAY 2 - 2005

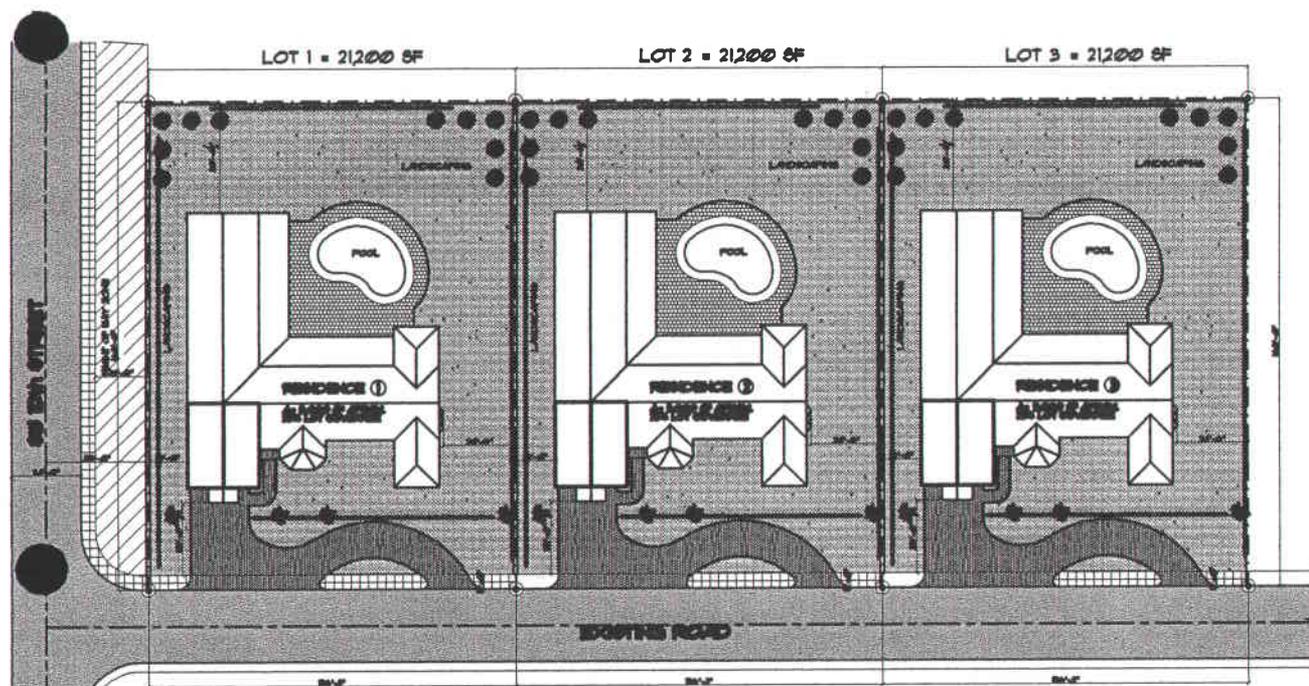
ZONING HEARINGS SECTION
PLANNING AND ZONING DEPT.

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



LOT 1 = 21200 SF LOT 2 = 21200 SF LOT 3 = 21200 SF



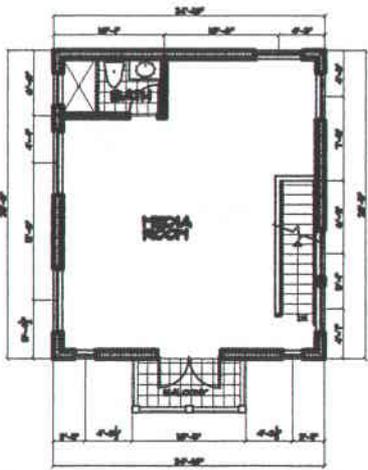
PROPOSED SUB-DIVISION - PLAN VIEW
SCALE: 1/4" = 1'-0"



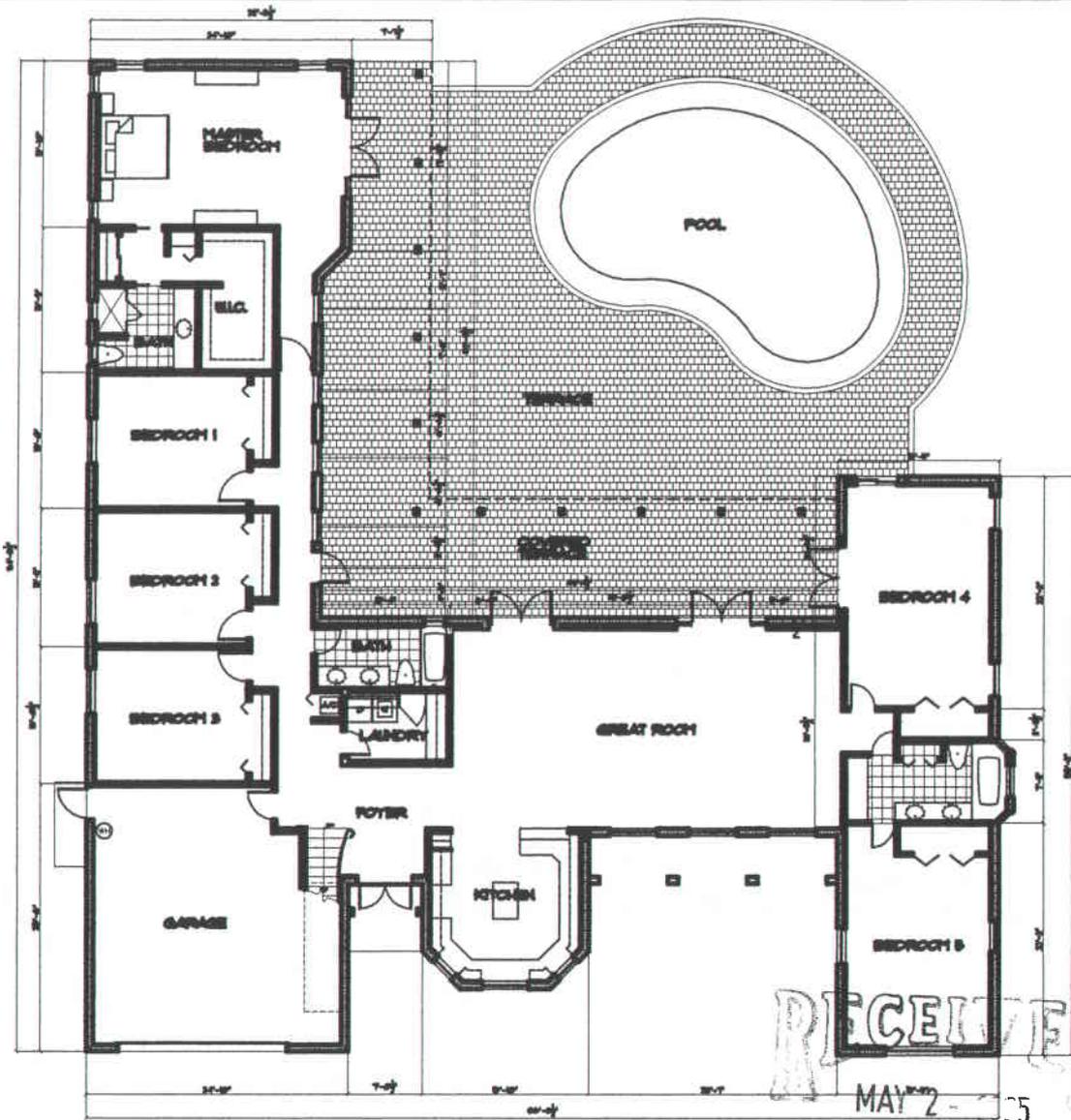
PROPOSED SUB-DIVISION - ELEVATION
SCALE: 1/4" = 1'-0"

TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.
 PROPOSED LOT SUB-DIVISION
 LOCATED AT 8390 SW 112 STREET, MIAMI, FLORIDA

A-1



2ND FLOOR PLAN RESIDENCE
SCALE: 1/8"=1'-0"



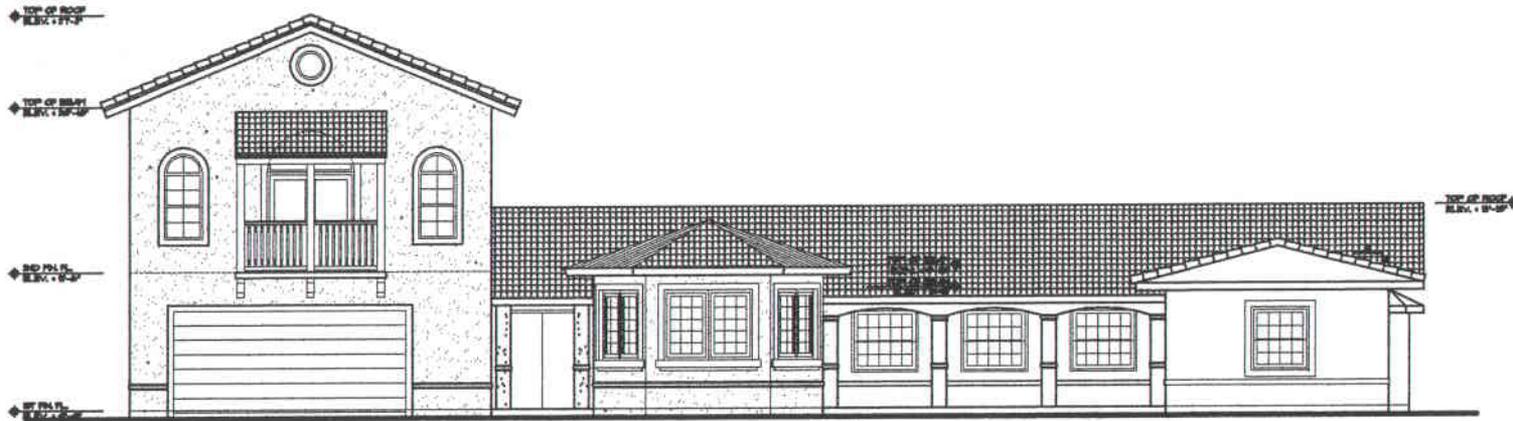
1ST FLOOR PLAN RESIDENCE
SCALE: 1/8"=1'-0"

RECEIVED
MAY 2 - 2005
205-119

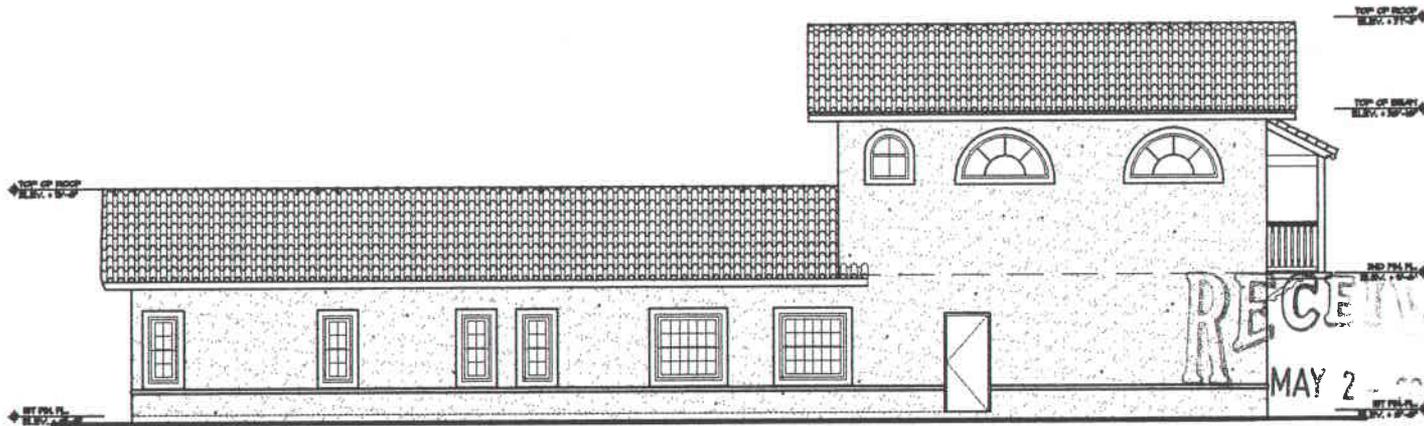

 Life Response Floor Inc.
 1000 S.W. 10th St.
 Miami, FL 33135
 Phone: (305) 371-1111
 Fax: (305) 371-1112
 Email: info@lrf.com

TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.
 PROPOSED LOT SUB-DIVISION
 LOCATED AT 8390 SW 112 STREET, MIAMI, FLORIDA.

A-2



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



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

RECEIVED
MAY 2 2005
205-119

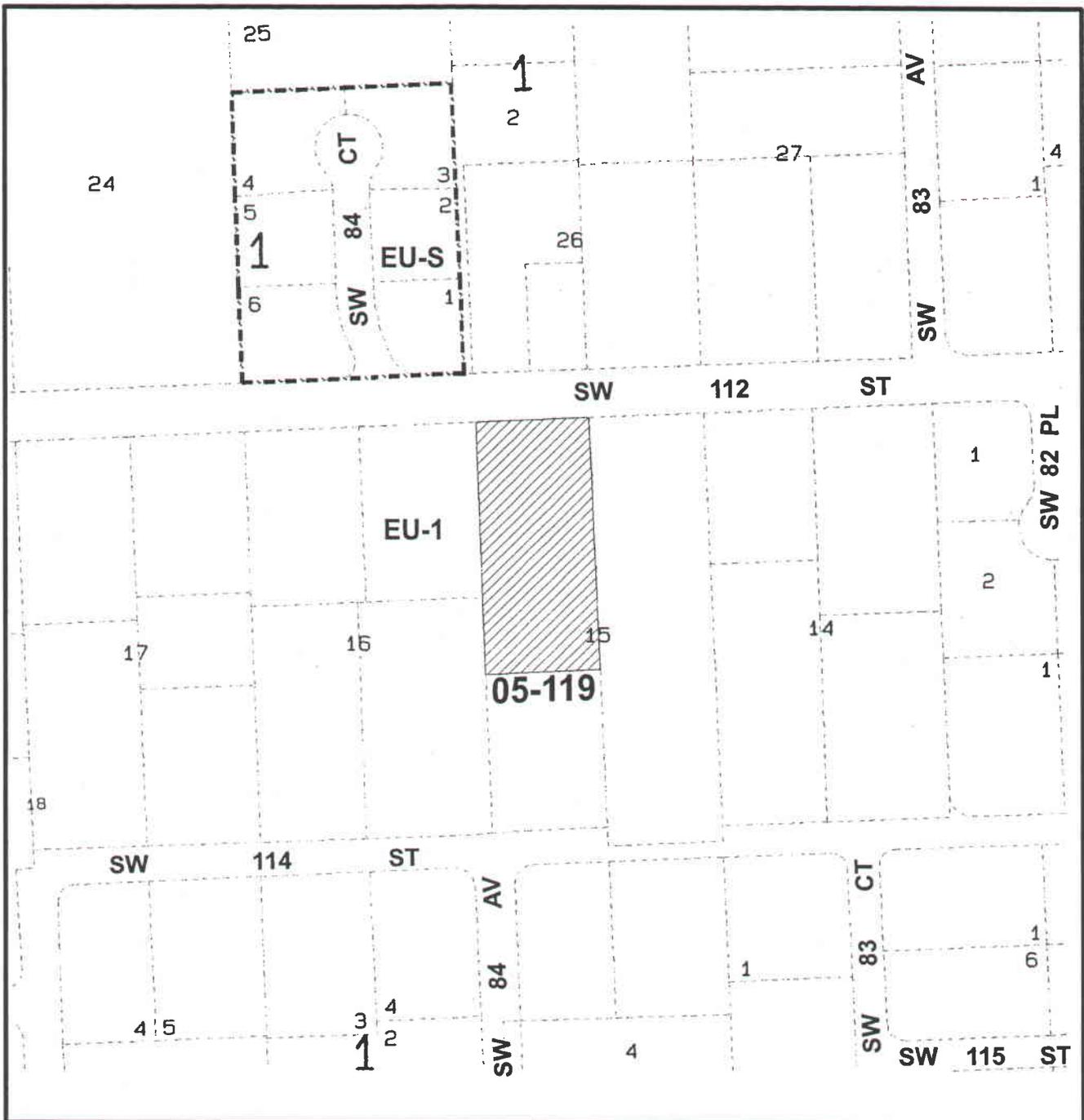


TRACT N 8TH ADDN TO FORT CHARLOTTE SUBDIVISION L.L.C.
 PROPOSED LOT SUB-DIVISION
 LOCATED AT 8390 SW 112 STREET, MIAMI, FLORIDA

11

A-3

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



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 10 Township: 55 Range: 40
 Process Number: 05-119
 Applicant: TR. N, ADDN. TO PORT CHARLOTTE SUB. LLC
 Zoning Board: C12
 District Number: 8
 Drafter ID: KEELING
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 10 Township: 55 Range: 40
Process Number: 05-119
Applicant: TR. N, ADDN. TO PORT CHARLOTTE SUB. LLC
Zoning Board: C12
District Number: 8
Drafter ID: KEELING
Scale:NTS



2. TRACT N. EIGHT ADDITION TO PORT CHARLOTTE
SUBDIVISION, LLC
(Applicant)

06-2-CZ12-2 (05-119)
Area 12/District 8
Hearing Date: 2/7/06

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Tract "N", 8th Add. To Port Charlotte Sub. L.L.C. PH: Z05-119 (06-2-CZ12-2)

SECTION: 10-55-40

DATE: February 7, 2006

COMMISSION DISTRICT: 8

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUESTS:**

1. EU-1 to EU-M
2. Applicant is requesting to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126'2" provided on the private drive).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Tract N 8th Addn to Port Charlotte Subdivision LLC," as prepared by Luis Rospigliosi, Inc. and consisting of 4 pages dated 3/14/05. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application seeks to allow the applicant to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to EU-M, Modified Estates Single Family Residential District. Additionally, a request is being sought to permit 3 parcels with access by means of a private drive.

o **LOCATION:** 8390 S.W. 112 Street, Miami-Dade County, Florida.

o **SIZE:** 1.46 Gross Acres

o **IMPACT:**

The approval of the rezoning would allow the applicant to construct 3 estate single-family residences where the current zoning allows only one. The rezoning and access through a private drive would impact the existing character of this community.

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 **estate density**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

SURROUNDING PROPERTY:

NORTH: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

SOUTH: EU-1; vacant

Estate Density Residential, 1 to 2.5 du/a

EAST: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 du/a

WEST: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 du/a

This property is located at 8390 S.W. 112 Street. The surrounding area is predominately characterized by estate single-family residences and vacant parcels of land.

E. SITE AND BUILDINGS:

Site Plan Review:

(site plan submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

N/A

Open Space:	N/A
Buffering:	N/A
Access:	Unacceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
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(F):

In evaluating an application for a **district boundary change**, the Board shall take into consideration, among other factors the extent to which:

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

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(d) The lot area, frontage, or depth for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

- (1) the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
 - A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
 - B. the proposed alternative development will not result in the further subdivision of land; and
 - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
 - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (2) the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:
 - A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and

- B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
 - C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (3) the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
 - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - 1. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - 2. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (4) If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:

- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
- B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
- C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
- D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
- E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) 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 a 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
- 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(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 Variance Standard. 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	Objects
Parks	No comment
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to the conditions indicated in their memorandum.

H. **ANALYSIS:**

The subject property is located at 8390 S.W. 112 Street in an area characterized by estate single-family residences and vacant properties. EU-M zoning regulations require a minimum of 120' of frontage on a public right-of-way. The applicant is requesting to change the zoning on the property from EU-1, One Acre Estates Single Family Residential District, to EU-M, Modified Estates Single Family Residential District. Additionally, a request is being sought to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126'2" provided on the private drive). Plans submitted by the applicant depict the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department objects** to this application. Specifically, the Public Works Department objects to request #2. Their memorandum further indicates that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate **5** additional **PM** daily peak hour vehicle trips. The distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of roadways that are currently operating at LOS "C". Miami-Dade Public Schools (**MDCPS**) has indicated that the proposed zoning will bring **1** additional **student** into the area's public schools. MDCPS also indicated that Vineland Elementary School, Palmetto Middle School, and Miami Palmetto Senior High School are the schools that will be affected by this development. However, this application will not impact any of these schools that are currently operating at 96%, 167% and 155% of the Florida Inventory of School Houses (FISH) respectively.

The approval of these requests would allow the applicant to construct 3 modified estate single-family residences with no lot frontage on a dedicated street and to have 126'2" of access on a private drive. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates this area for **Estate Density Residential** use which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre, for a total of 3 dwelling units on this site. The proposed EU-M zoning will allow the applicant to develop the site with single-family residential units at a density of 2.42 units per gross acre, totaling a maximum of 3 units. As such, the proposed EU-M zoning would be **consistent** with the LUP map designation of the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking 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 utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is seeking approval for a district boundary change from EU-1, Estates One Family One Acre Gross Residential District, to EU-M, Estates Modified One Family Residential District. Staff does not support the rezoning to EU-M, noting that this proposal is not in keeping with existing developments in the area consisting of EU-1 zoned parcels of land. Approval of this district boundary change request would result in an obvious departure from the established character of the surrounding area. There are no similar approvals in the immediate vicinity that integrate requests for EU-M. Staff is of the opinion that approval of this request would set a precedent for future similar requests of this kind in the area. As such, staff recommends denial without prejudice of request #1.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable Alternative Site Development Option Standards and does not contravene the enumerated public interest standards as established. Request #2, to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126.2' provided on the private drive) complies with the ASDO Standard stating that sufficient frontage be maintained to permit vehicular access to all resulting lots since access to same will be provided through a private drive. However, this request does not comply with Sections 33-311(A)(14)(d)(1)(E), 311(A)(14)(d)(2)(D) and 311(A)(14)(d)(3)(D) which require that the proposed alternative development not result in an obvious departure from the aesthetic character of the immediate vicinity. As previously mentioned, there are no similar approvals in the immediate EU-1 zoned vicinity. Furthermore, the ASDO standards require additional mitigation and documentation for consideration under Section 33-311(A)(14). Staff has not received this information and, as such, based on the aforementioned, request #2 should not be approved under the ASDO Standards. As such, request #2 should be denied without prejudice under same.

If request #2 is analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said Section since the property can be utilized in accordance with the EU-1 zoning regulations. Therefore, staff recommends denial without prejudice under the Alternative Non-use Variance (ANUV) Standards.

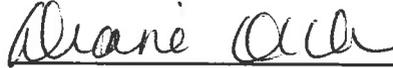
When request #2, to waive the zoning regulations requiring lots to front on a public right-of-way, to permit access to a public street by means of a private drive and to permit 3 parcels with a lot frontage of 0' (120' required and 126.2' provided on the private drive),

is analyzed under the Non-use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would affect the appearance of the community. This request results in an obvious departure from the aesthetic character of the surrounding area. There are no similar approvals in the immediate EU-1 zoned vicinity that integrate requests for a lot frontage of 0' and to permit access to a public street by means of a private drive. Approval of said proposed development would set a precedent for future requests of this kind in the area. As a result, the request is contrary to the basic intent and purpose of the zoning and land use regulations. Based on all the aforementioned, staff recommends denial without prejudice of request #2 under the Non-Use Variance (NUV) Standards.

Accordingly, staff recommends denial without prejudice of this application.

- I. **RECOMMENDATION:** Denial without prejudice.
- J. **CONDITION:** None.

DATE INSPECTED: 11/10/05
DATE TYPED: 12/09/05
DATE REVISED: 12/09/05; 12/15/05; 12/27/05; 01/06/06
DATE FINALIZED: 01/08/06
DO:QW:AJT:MTF:LVT:TGB:JV



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

Memorandum



Date: November 2, 2005

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

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

Subject: C-12 #Z2005000119-Revised
Tract N, Eight Addition To Port Charlotte Subdivision, LLC
8390 SW 112th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.45 Ac.)
10-55-40

RECEIVED
NOV 09 2005

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

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

Potable Water 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.

Sewer Service:

Sanitary sewers are presently approximately 1,350 feet from this site; however, DERM has no objection to a low intensity development served by an interim septic tank provided that the proposed site is connected to the public water supply system, and that the maximum sewage loading allowed by the Code is not exceeded. Based on available information, the proposed use served with a septic tank would not exceed the maximum allowable sewage loading for the subject site.

Stormwater Management and Disposal:

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.

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

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

Wetlands:

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

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

Tree Preservation:

The subject property contains specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 LOS standards for an initial development order, as specified in the adopted CDM 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: TRACT N, EIGHT ADDTION TO PORT CHARLOTTE
SUBDIVISION, LLC.

This Department objects to this application.

Road shown on site plan as "Existing Road" does not exist and must be removed.

Applicant must provide access to proposed lots by means of private easement to be included in subject property.

Driveways must offset a minimum of 5 feet from side lot property line. Refer to Standard Detail R12.2 of the Public Works Manual of Miami-Dade County.

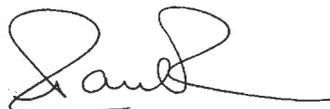
Since this development abuts a State maintained road (SW 112 St.) the applicant must contact the district office at 305-470-5367 certain restrictions may apply.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #	LOS present	LOS w/project
F-1093 SW 112 St.	w/o US-1	C C

The request herein constitutes an Initial Development Order only and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

07-JUN-05



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

March 10, 2005

Miami-Dade County School Board

Frank J. Bolaños, Chair
Dr. Robert B. Ingram, Vice Chair
Agustin J. Barrera
Evelyn Langlieb Greer
Pera Tabares Hantman
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

C-12

Re: Tract N, Eight Addition to Port Charlotte Subdivision, LLC. - Application No. 05-119
8390 SW 112 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Please note that although two school facilities meet the referenced review threshold, (Palmetto Middle School and Miami Palmetto Senior High School) the additional student impact generated by the proposed residential development will not impact these facilities (please see attached analysis).

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development.

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

Sincerely

Patricia Good
Coordinator III

RECEIVED
MAR 16 2005
DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY 

PG:am
L-0733
Attachment

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

School Board Administration Building • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-069, Tract N, Eight Addition to Port Charlotte Subdivision, LLC

REQUEST: Zone change from EU-1 to EU-M

ACRES: 1.45 acres

MSA/Multiplier: 5.5/.44

LOCATION: 8390 SW 112 Street

UNITS: 3 additional units (1 unit currently permitted under existing zoning classification, for a total of 4 units)

ESTIMATED STUDENT

POPULATION: 1 student*

ELEMENTARY: 1

MIDDLE: -

SENIOR: -

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Vineland Elementary - 8455 SW 119 St.

MIDDLE: Palmetto Middle - 7351 SW 128 St.

SENIOR HIGH: Miami Palmetto Senior - 7460 SW 118 St.

All schools are located in Access Center 5

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2004:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Vineland Elem.	624/ 625*	537	116%/ 116%*	112	96%/ 96%*
Palmetto Middle	1746	905	193%	139	167%
Miami Palmetto Sr.	3550	2053	109%	238	155%

* increased student population as a result of the proposed development

Notes:

- 1) The cumulative effect of other approved or proposed developments in the vicinity is not included as part of this analysis, however is hereby attached in this package.
- 2) Figures above reflect the impact of the class size amendment.
- 3) Pursuant to the Interlocal Agreement, the elementary and middle schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated January 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
New Gym Addition at Miami Palmetto Sr. (220 student stations)	Construction	August 2005
Modular addition at Palmetto Middle School (242 student stations)	Construction	August 2005

Proposed Relief Schools

<u>School</u>	<u>Funding Year</u>
New Middle School (Palmetto and Southwood Middle School Relief) (1659 student stations)	FY 06-07
New Senior High School (Miami Palmetto and Miami Killian Senior High School Relief) (2000 student stations)	FY 07-08

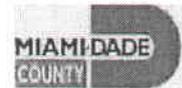
OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$6,549.

CAPITAL COSTS: Based on the State's March-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY 1 x \$ 13,516 = \$ 13,516

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

Memorandum



Date: 23-AUG-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000119

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans presented with letter of intent dated May 2 2005. Applicant must submit changes to this plan for review and approval.

Service Impact/Demand:

Development for the above Z2005000119
located at 8390 S.W. 112 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1895 is proposed as the following:

<u>3</u> single	dwelling units	<u> </u> industrial	square feet
<u> </u> multifamily	dwelling units	<u> </u> institutional	square feet
<u> </u> commercial	square feet	<u> </u> nursing home	square feet

Based on this development information, estimated service impact is: 0.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 23 - 7825 SW 104 Street

Planned Service Expansions:

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

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent dated May 2 2005. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

TRACT N, EIGHT ADDTION TO
PORT CHARLOTTE SUBDIVISION,
LLC.

8390 S.W. 112 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000119

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.

DISCLOSURE OF INTEREST*

205-119

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: Tract N, Eighth Addition to Port Charlotte

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Douglas H. MERCADO 14821 S.W. 150 Ave - Mia. Fl - 33196</u>	<u>25%</u>
<u>Alfredo Scatena 20379 West Country Club Dr. Aventura, Fl.</u>	<u>25%</u>
<u>Sergio Natali 16711 Collins Ave, Sunny Isles, FL 33164</u>	<u>25%</u>
<u>MARIO RODRIGUEZ 14746 SW 154 Ave Mia. Fl - 33196</u>	<u>25%</u>
_____	_____
_____	_____

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

TRUST/ESTATE NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

OWNER OR TENANT AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Douglass Byers
Signature

Signature

Sworn to and subscribed to before me this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), tract N, eighth addition to Port Charlotte, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Douglass Byers
Authorized Signature
vice-president



Clint Byers
My Commission DD049084
Expires August 22, 2005

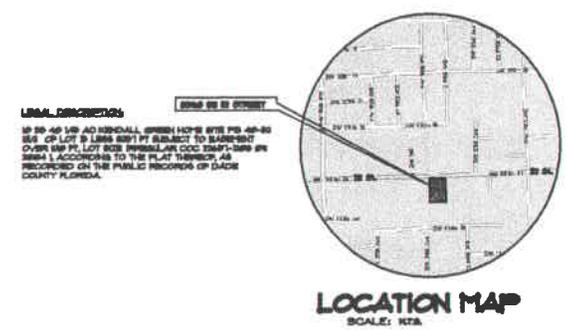
(Corp. Seal)

Sworn to and subscribed to before me this 7 day of March, 2005.

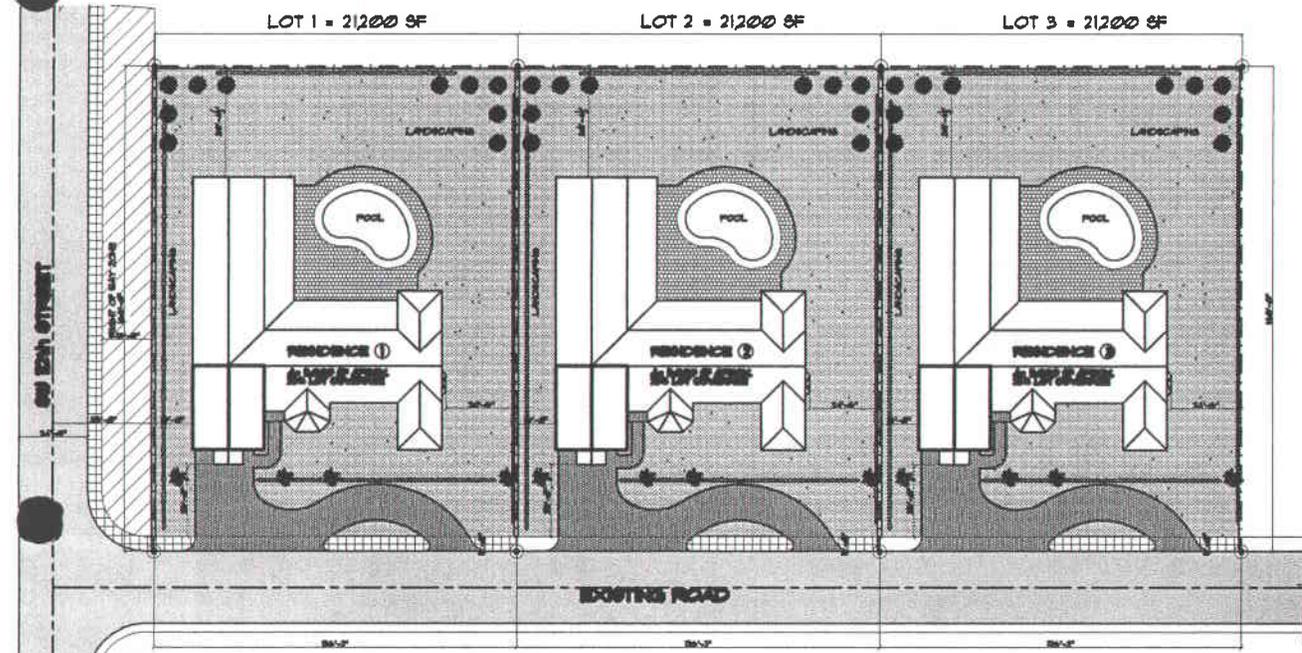
Notary Public: Clint W. Byers
Commission Expires: 8-22-05

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

OWNER TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.	LOT AREA GROSS LOT AREA = 6320 SF.	BUILDING SETBACKS
PROPERTY ADDRESS 8390 SW 81 STREET MIAMI, FLORIDA	LOT COVERAGE 28% x 6320 = 2212 SF.	REQUIRED PROVIDED
USE PROPOSED RESIDENTIAL	MAXIMUM ALLOWED 3212 SF (21) DEEL	FRONT = 28'-0" 28'-0" REAR = 7'-0" 28'-0" RIGHT SIDE = 7'-0" 24'-0" LEFT SIDE = 9'-0" 24'-0"
	TOTAL PROPOSED 3212 SF (21) DEEL	BUILDING AREAS
		BY FLOOR RESIDENCE (2) = 4,688 SF (2) x 2,344 SF (2) BY FLOOR RESIDENCE (2) = 4,688 SF (2) x 2,344 SF (2) TOTAL BLDG AREA = 9,376 SF



LOT 1 = 21200 SF LOT 2 = 21200 SF LOT 3 = 21200 SF



PROPOSED SUB-DIVISION - PLAN VIEW
SCALE: 1/4" = 10'-0"



PROPOSED SUB-DIVISION - ELEVATION
SCALE: 1/4" = 20'-0"

SITE INFORMATION

ZONING = BU-1
NET LOT AREA = 63,762 SF.

LANDSCAPING AREA
REQUIRED = 63,762 x 35% = 22,317 SF.
TO BE PROVIDED = 31,800 SF.

TREES
PROVIDED = 1 TREE SPACED = 10'-0" O/C = 43 TREES

PLANTS
PROVIDED = 800
30% NATIVE PLANT
10' HEIGHT EXHIB MEASURED
IMMEDIATELY AFTER PLANTING
= 30' O/C.

LEGEND:

--- PROPERTY LINE

205-119

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MAY 2 - 2005

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

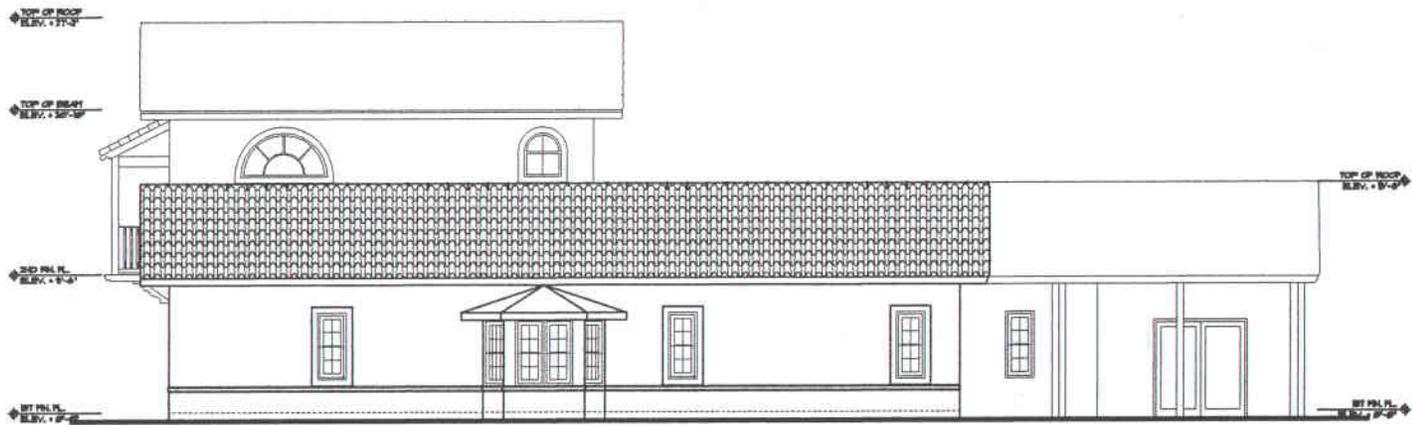
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

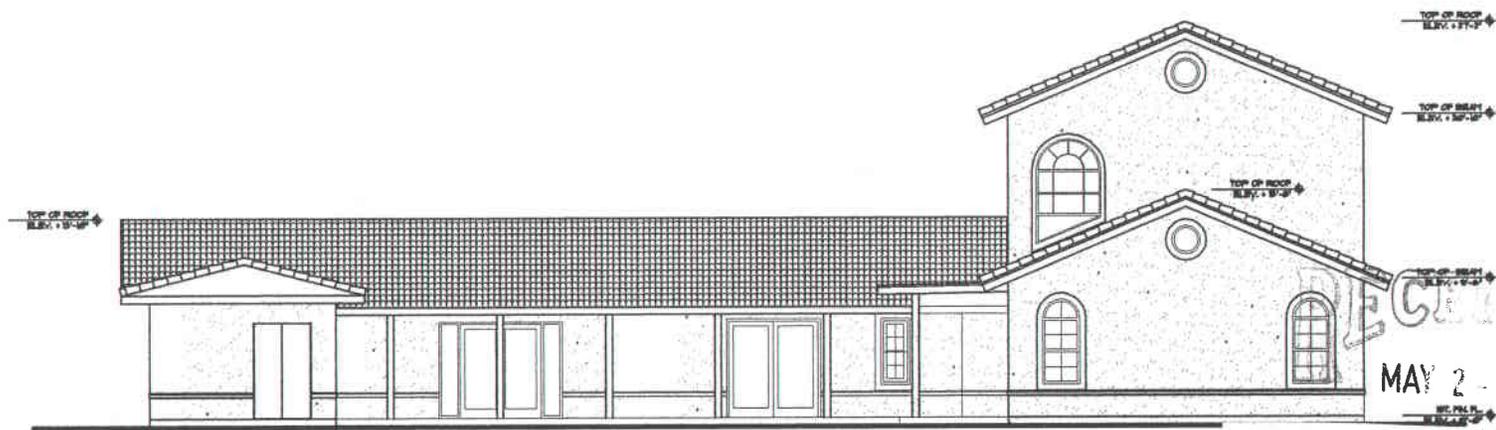
TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.
PROPOSED LOT SUB-DIVISION

LOCATED AT 8390 SW 112 STREET, MIAMI, FLORIDA

A-1



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



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

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MAY 2 - 2005
2005-119



reality tool
ARCHITECTURAL
SOFTWARE

TRACT N 8TH ADDN TO PORT CHARLOTTE SUBDIVISION LLC.
PROPOSED LOT SUB-DIVISION

LOCATED AT 8390 SW 112 STREET, MIAMI, FLORIDA.

DATE: 05-02-05

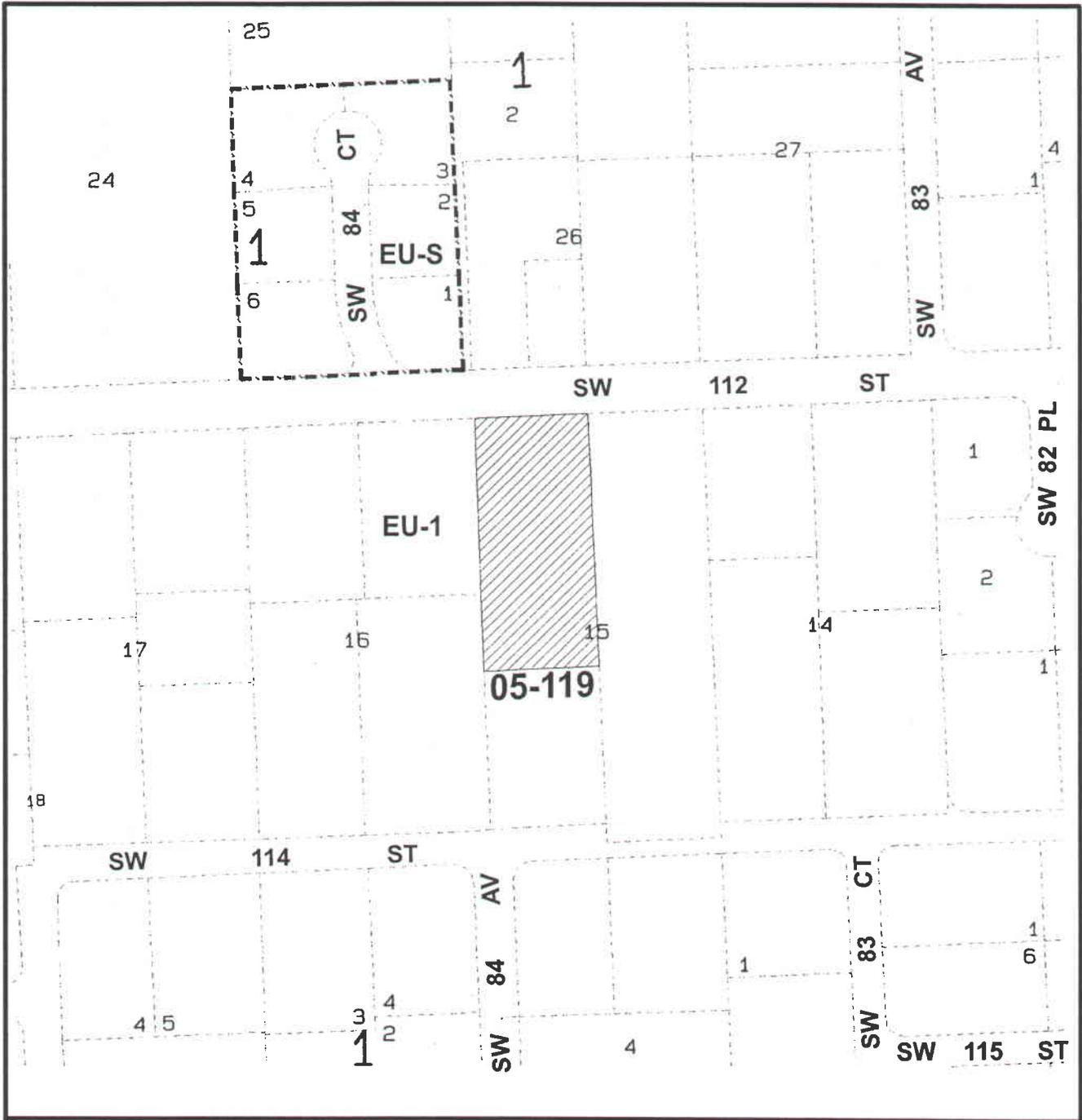
BY: [Signature]

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

A-4

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



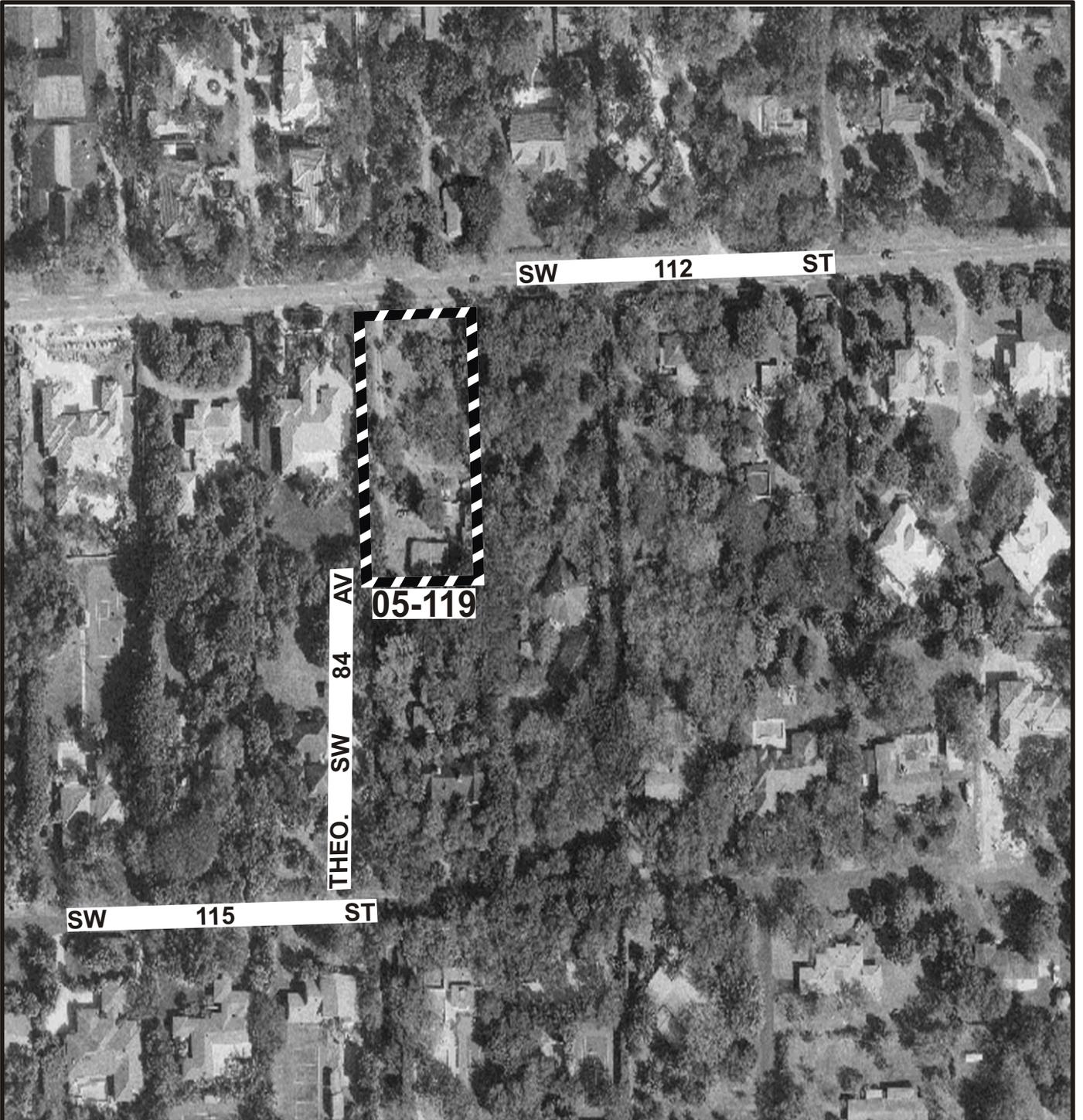
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 10 Township: 55 Range: 40
 Process Number: 05-119
 Applicant: TR. N, ADDN. TO PORT CHARLOTTE SUB. LLC
 Zoning Board: C12
 District Number: 8
 Drafter ID: KEELING
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL



Section: 10 Township: 55 Range: 40
Process Number: 05-119
Applicant: TR. N, EIGHT ADDN. TO PORT CHARLOTTE SUB. LLC
Zoning Board: C12
District Number: 8
Drafter ID: KEELING
Scale: NTS



Memorandum



Date: October 12, 2006

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

From: Roosevelt Bradley, Director
Miami-Dade Transit

Subject: FY-07 Blanket Concurrency Approval for Transit

A handwritten signature in black ink, appearing to read "Roosevelt Bradley", written over the printed name in the "From:" field.

This memorandum serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) 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 included in the 2005 Transit Development Program (TDP) update (Figure IV-3, page IV-23), 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 (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues to advance 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 of October 1, 2006 to September 30, 2007, 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 (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

Cc: Albert Hernandez, Deputy Director
MDT Planning and Engineering
Mario G. Garcia, Chief
MDT System Planning Division
Helen A. Brown, Concurrency Administrator
Department of Planning and Zoning

✓ H. Brown

Memorandum



Date: December 2, 2004

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

From: Vivian Donnell Rodriguez, Director
Park and Recreation Department

Subject: Update for Blanket Concurrency Approval

RECEIVED

DEC 14 2004

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

This memorandum updates the blanket concurrency approval memo of September 18, 2003. 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 November 30, 2005. 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



Date: April 21, 2005

To: Alberto J. Torres, Assistant Director for Zoning
Department of Planning and Zoning

From: Manuel C. Mena, Chief
MDFR Fire Prevention Division

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

MCM:skr

c: Control File

Memorandum



Date: September 15, 2006

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

From: *Kathleen Woods Richardson*
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

Subject: Solid Waste Disposal Concurrency Determination

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 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, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) 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, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2013 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider 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 issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2007), at which time a new determination will be issued. If, however, a significant event occurs which substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Dana M. Moss, Sr., Deputy Director, Administration and Finance
James Bostic, Assistant Director, Operations
Asok Ganguli, Assistant Director, Technical Services
David Ritchey, Assistant Director, Administration

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13 2006

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

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2006-07 Through Fiscal Year 2015-16

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
OCT. 1, 2006 TO SEPT. 30, 2007	1,776,000	783,085	167,000	616,085	2,499,001	180,000	2,319,001	1,896,521	354,000	1,542,521	250,000	951,000	825,000
OCT. 1, 2007 TO SEPT. 30, 2008	1,776,000	616,085	167,000	449,085	2,319,001	180,000	2,139,001	1,542,521	354,000	1,188,521	250,000	951,000	825,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,776,000	449,085	167,000	282,085	2,139,001	180,000	1,959,001	1,188,521	354,000	834,521	250,000	951,000	825,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,776,000	282,085	167,000	115,085	1,959,001	180,000	1,779,001	834,521	354,000	480,521	250,000	951,000	825,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,776,000	115,085	115,085	0	1,779,001	231,915	1,547,086	480,521	354,000	126,521	250,000	951,000	825,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,776,000	0	0	0	1,547,086	574,479	972,607	126,521	126,521	0	250,000	951,000	825,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,776,000	0	0	0	972,607	701,000	271,607	0	0	0	250,000	951,000	825,000
OCT. 1, 2013 TO SEPT. 30, 2014	1,776,000	0	0	0	271,607	271,607	0	0	0	0	250,000	521,607	825,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,776,000	0	0	0	0	0	0	0	0	0	250,000	250,000	825,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,776,000	0	0	0	0	0	0	0	0	0	0	0	825,000
REMAINING YEARS				4			7			5			

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	167,000
SOUTH DADE LANDFILL	180,000
NORTH DADE LANDFILL	354,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	951,000

Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

** South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery 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 to South Dade Landfill and WMI.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated August, 2006.

*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		
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,637,000	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	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	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	176,000	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	176,000	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	176,000	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	176,000	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	176,000	263,500	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	176,000	263,500	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	176,000	263,500	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)		270,000 (RTI)								
** TOTAL @ 1.72M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)		270,000 (RTI)								
*** TOTAL @ 1.71M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)		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	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	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 800,000 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.

2004 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	332,396	29,396	361,792	994.92	1,044.49	491.02	85.32	1,620.83	625.91	1.629
2	520,177	23,003	543,180	1,493.75	1,476.12	461.33	139.79	2,077.24	583.49	1.390
3	141,699	38,253	179,952	494.86	578.93	177.20	6.90	763.03	268.17	1.541
TOT:	994,272	90,652	1,084,924	2,983.53	3,099.54	1,129.55	232.01	4,461.10	1,477.57	1.520



Miami-Dade Police Department
Target Area - Police Grid(s): 1927
Tract N, Eight Addition to Port Charlotte Subdivision, LLC.; Hearing # 05-119

C-12



Police Grids Boundaries
 Boundary

MDPD Crime Analysis System
 May 23, 2005
 Data in this document represents
 successfully geocoded attributes.

0 0.06 0.12 Miles





Miami-Dade Police Department

Address Query for Events occurring at 8390 SW 112

For Thru

Miami-Dade Police Department

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2003-04-19" and Dis.Complaint Date < "2005-04-20" and Dis.Police District Code in ("A", "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", "N", "P", "Q", "R", "ZZ") and Dis.Incident Address contains "8390 SW 112" and Dis.Reporting Agency Code = substring ("030", 1, 3) and Common 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")

Incident Address	Dis	Grid	A O P	Complaint Date	Day of Wk	Call Rcvd Time	Complaint Name	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit	Event Number	Rp Wr YN

Ø



Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004



Miami-Dade Police Department

Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid in ("0174", "1290", "1429", "1523", "1883", "1927", "1991", "2326", "2513")) 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") or ('ALL' 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 Common

		2003	2004
Grid	Signal Code	Signal Description	
1927	13	SPECIAL INFORMATION/ASSIGNMENT	21 15
	14	CONDUCT INVESTIGATION	48 49
	15	MEET AN OFFICER	135 147
	16	D.U.I.	5 6
	17	TRAFFIC ACCIDENT	36 18
	18	HIT AND RUN	2 3
	19	TRAFFIC STOP	16 21
	20	TRAFFIC DETAIL	8 7
	21	LOST OR STOLEN TAG	2 1
	22	AUTO THEFT	2 2
	25	BURGLAR ALARM RINGING	59 61
	26	BURGLARY	10 13
	27	LARCENY	3 5
	28	VANDALISM	2 6
	29	ROBBERY	1 0
	32	ASSAULT	6 4
	33	SEX OFFENSE	1 0
	34	DISTURBANCE	13 29
	36	MISSING PERSON	1 0
	37	SUSPICIOUS VEHICLE	11 5
38	SUSPICIOUS PERSON	5 4	
39	PRISONER	0 3	
41	SICK OR INJURED PERSON	11 3	
43	BAKER ACT	1 0	
45	DEAD ON ARRIVAL	0 1	
47	BOMB OR EXPLOSIVE ALERT	1 0	



Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004



Miami-Dade Police Department

Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid in ("0174", "1290", "1429", "1523", "1883", "1927", "1991", "2326", "2513")) 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") or ('ALL' 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 Common

			2003	2004
Grid	Signal Code	Signal Description		
1927	48	EXPLOSION	1	0
	49	FIRE	0	1
	54	FRAUD	0	1
Total Signals for Grid 1927 :			401	405



MIAMI-DADE POLICE DEPARTMENT
Zoning Hearing Report Part I and Part II Crimes w/o AOA
For Specific Grids
For 2003 and 2004



Miami-Dade Police Department

Grid(s): 0174, 1290, 1429, 1523, 1883, 1927, 1991, 2326, 2513

2003 2004

Grid 1927				2003	2004
Part I					
130A		AGGRAVATED ASSAULT		1	0
2200		BURGLARY		4	4
2400		MOTOR VEHICLE THEFT		1	2
230G		SHOPLIFTING ALL OTHERS		5	6
230F		SHOPLIFTING FROM A MOTOR VEHICLE		3	7
Part I TOTAL				14	19
Part II					
260D		IMPERSONATION		0	1
350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		4	1
130B		SIMPLE ASSAULT		3	0
Part II TOTAL				7	2
Grid 1927 TOTAL				21	21

Memorandum



Date: September 30, 2005

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

From: Roosevelt Bradley, Director
Miami-Dade Transit 

Subject: FY-06 Blanket Concurrency Approval for Transit

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

Miami-Dade Transit (MDT) 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 (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 of October 1, 2005 to September 30, 2006, 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 (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

Cc: Albert Hernandez, Deputy Director
MDT Planning and Engineering
Mario G. Garcia, Chief
MDT Systems Planning Division
Helen A. Brown, Concurrency Administrator
Department of Planning and Zoning

✓ H. Brown

Memorandum



Date: December 2, 2004

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

From: Vivian Donnell Rodriguez, Director
Park and Recreation Department

Subject: Update for Blanket Concurrency Approval

RECEIVED
DEC 14 2004

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

This memorandum updates the blanket concurrency approval memo of September 18, 2003. 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 November 30, 2005. 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

MIAMI-DADE
COUNTY

Date: April 21, 2005

To: Alberto J. Torres, Assistant Director for Zoning
Department of Planning and Zoning

From: Manuel C. Mena, Chief
MDFR Fire Prevention Division

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

MCM:skr

c: Control File



MEMORANDUM

*Original to Helen Brown
by to Al Jones*

107.07-17A METRO-DADE/CSA/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

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	198,000	17,000	119,000	804,000	270,000	54,000	27,000	189,000	410,000	333,000	148,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	822,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	822,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	822,000	270,000	67,000	27,000	176,000	283,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	822,000	270,000	67,000	27,000	176,000	283,500	395,000	100,000	0	1,705,500
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RESOURCES RECOVERY		GARBAGE	TRASH	TIRES	TOTAL										
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TOTAL WASTE STREAM PERCENTAGES @ 1.84 MILLIONS TONS															
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Total Remaining Years	0	12	6	

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 ** South Dade includes cells 3 and 4; cell 6 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 800,000 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.

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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	332,396	29,396	361,792	994.92	1,044.49	491.02	85.32	1,620.83	625.91	1.629
2	520,177	23,003	543,180	1,493.75	1,476.12	461.33	139.79	2,077.24	583.49	1.390
3	141,699	38,253	179,952	494.86	578.93	177.20	6.90	763.03	268.17	1.541
TOT:	994,272	90,652	1,084,924	2,983.53	3,099.54	1,129.55	232.01	4,461.10	1,477.57	1.520

Memorandum



Date: May 23, 2005

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

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

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

Subject: C-12 #Z2005000119
Tract N, Eight Addition To Port Charlotte Subdivision, LLC
8390 SW 112th Street
District Boundary Change from EU-1 to EU-M
(EU-1) (1.45 Ac.)
10-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that at the present time the same cannot be approved. Therefore, the application must be deferred until the Department issues its written approval. DERM approval of the application will be contingent upon compliance with all the requirements noted herein.

Tree Preservation:

According to the site plan submitted with this zoning application, specimen-sized trees (trunk diameter 18 inches or greater) will be impacted. Section 24-49 of the Code of Miami Dade County requires the preservation of tree resources.

Prior to the removal or relocation of any tree on site, a Miami Dade County Tree Removal Permit is required. Section 24.49.3 states, "If it is determined that the proposed development site involves removal of a specimen tree, the standards set forth in Section 24.49.2 shall apply. Proposed site actions that are not in accordance with said standards shall receive a recommendation for denial from the Department." Therefore, DERM shall require the on site preservation of all specimen-sized trees as defined in the Code.

In order to avoid a recommendation for denial, the applicant shall meet the standards of Section 24.49.2(II) that includes the submittal of a tree survey with the trees numbered, indicating the tree species, diameter at breast height and location of all trees and one of the following:

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

Accordingly, the application may not be approved by DERM and consequently, should be deferred until such time as DERM issues its written approval as required by the Code. The applicant is advised to contact the DERM Tree Program at (305) 372-6574 to address the specimen tree issues on the property.

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.

Sewer Service:

Sanitary sewers are presently approximately 1,350 feet from this site; however, DERM has no objection to a low intensity development served by an interim septic tank provided that the proposed site is connected to the public water supply system, and that the maximum sewage loading allowed by the Code is not exceeded. Based on available information, the proposed use served with a septic tank would not exceed the maximum allowable sewage loading for the subject site.

Stormwater Management and Disposal:

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.

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

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

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 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, the State of Florida Department of Environmental Protection and the South Florida Water Management District may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

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 LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

In summary, this application cannot be approved by DERM; therefore, it should not be scheduled for public hearing until such time as the Department issues its written approval 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