

A. ROGER & DOROTHY WOLIN
(Applicant)

07-12-CZ12-2 (07-172)
BCC/District 7
Hearing Date: 4/24/08

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.

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: March 20, 2008

#Z-

ITEM: 1

APPLICANT: ROGER & DOROTHY WOLIN

MOTION: DEFERRED TO APRIL 24, 2008, DUE TO LACK OF A QUORUM, AS REQUESTED BY CHAIRMAN BARREIRO

ROLL CALL	M/S	YES	NO	ABSENT
Diaz				X
Edmonson				X
Gimenez				X
Heyman				X
Martinez				
Moss				X
Rolle				X
Seijas				X
Sorenson				
Sosa				
Souto				X
Vice Chairwoman Jordan				X
Chairman Barreiro				
TOTAL				

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

APPLICANTS: Roger and Dorothy Wolin

PH: Z07-172 (07-12-CZ12-2)

SECTION: 31-54-41

DATE: April 24, 2008

COMMISSION DISTRICT: 7

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

ROGER AND DOROTHY WOLIN are 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:

- (2) Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) Applicants are requesting to permit two lots with frontages of 100' each (125' required).
- (4) Applicants are requesting to permit on Parcel 1 a utility shed accessory building setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Department of Planning and Zoning, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are appealing the decision of Community Zoning Appeals Board #12 (CZAB-12) which denied without prejudice a request to change the zoning on the property from EU-1, Single-Family One Acre Estate Residential District, to EU-S, Estate Use Suburban Residential District, or in the alternative, to permit lots with areas of 0.617 gross acre each to allow the resubdivision of the subject EU-1 zoned parcel into two lots with less lot area than required by the zoning regulations. Additionally, with either of the aforementioned requests, the applicants

seek to permit said two lots with reduced lot frontages with either alternative (the zone change or the reduced lot areas) and to permit a utility shed accessory building on Parcel 1 to setback less than required from the interior side (south) property line.

o **LOCATION:**

7677 Ponce de Leon Road, Miami-Dade County, Florida.

o **SIZE:** 1.24 gross acres

o **IMPACT:**

The approval of the requested district boundary change or the alternative request for lots with less lot area and the request for less lot frontage than required by the zoning district regulations will provide 1 additional housing unit for the community that will have a minimal impact on public services. The reduced utility shed setback could have a negative visual impact on the area.

B. **ZONING HEARINGS HISTORY:** None

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** 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.

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 Properties:

NORTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 du/a

SOUTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 du/a

EAST: EU-1; single-family residence Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; single-family residences Estate Density Residential, 1 to 2.5 dua

The subject property is located at 7677 Ponce de Leon Road. The area surrounding the subject property is predominately developed with single-family homes.

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:	Unacceptable
Access:	Acceptable
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 shall take into consideration, among other factors the extent to which:

- (1) Conform 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) 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) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) 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) 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:
 - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - ii. 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 variances from other than airport regulations.

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

Section 33-311(A)(4)(c) Alternative non-use variance standard.

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

G. NEIGHBORHOOD SERVICES:

DERM
Public Works
Parks
MDT

No objection*
No objection*
No objection
No objection

Fire Rescue
Police
Schools

No objection
No objection
No objection

*Subject to the conditions as indicated in their memoranda.

H. **ANALYSIS:**

This application was deferred from the March 20, 2008 meeting due to a lack of quorum. On December 3, 2007, the Community Zoning Appeals Board – 12 (CZAB-12) denied the zone change (request #1) and companion requests #2, #3 and #4 without prejudice, by a vote of 7 to 0, pursuant to Resolution #CZAB12-31-07. On December 24, 2007, the applicants appealed the CZAB-12's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application is inconsistent with the CDMP and that the applicants met the standard of review in Chapter 33 of the Zoning Code of Miami-Dade County. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-12's decision to deny the zone change and retain the existing EU-1 zoning on the subject property is consistent with the CDMP. The subject property is located at 7677 Ponce de Leon Road and is developed with a single-family residence on the west portion of the site (proposed parcel 2). Said residence has a screen patio addition and a pool that will be removed. Additionally, a guesthouse currently exists on the east portion of the site (proposed parcel 1). The applicants are seeking to rezone the property from EU-1, Single-Family One Acre Estate District, to EU-S, Estate Use Suburban Residential District (request #1). In the alternative to request #1, the applicants are requesting to retain the EU-1 zoning and permit two lots with lot areas of 0.617 gross acre each (1 gross acre required) in order to develop two single-family home sites (request #2). With either request, the applicants are requesting to permit two lots with a frontage of 100' each (125' required) (request #3) and to permit the continued use of an existing utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line (request #4). The site plan submitted indicates the development of two lots (Parcel 1 and Parcel 2), each with 26,902 sq. ft. of gross lot area, which complies with the EU-S zoning lot area requirement of 25,000 sq. ft. (0.57 gross acre). However, the existing EU-1 zoning regulations require a minimum lot area of 1 acre gross (43,560 sq. ft.). Most of the parcels immediately surrounding the subject property are zoned EU-1 and are developed with single-family homes.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and states that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the **Public Works Department does not object** to this application. The land will require platting in accordance with Chapter 28 of the Miami-Dade County Code and road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency since it lies within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average **travel time** to the subject site is **6:30 minutes**. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and

indicates that the proposed zoning will not generate any additional students for the schools in the area.

This application would permit the applicants to provide additional housing for the community. The Land Use Plan (LUP) map of the CDMP designates this site for **Estate Density Residential** use that permits a minimum of 1 to a maximum of 2.5 units per gross acre, and would allow the applicants to develop the site with a minimum of 1 to a maximum of 3 residential units. As such, the development of the subject property with 2 residential lots as proposed by the applicants is **consistent** with the density threshold of the Land Use Plan map of the CDMP. Staff notes that EU-1 zoning mostly surrounds the subject property and opines that introducing an EU-S district amidst the EU-1 zoning primarily surrounding the subject property would be **incompatible** with the established development trend in this area. Further, approving the EU-S zone change would set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. Staff acknowledges that to the west of the subject property is a pocket of EU-M, Estate Modified Residential District, and that approximately 318' to the east is a pocket of land zoned RU-1, Single Family Residential District. However, staff notes that the block where the subject site lies as well as the blocks to the north and east are zoned EU-1. Further, staff's review of the quarter section mile where the subject property lies reveals that with the exception of small pockets of EU-M and RU-1 zoned lands, the overall area is predominately zoned EU-1. Therefore, staff opines that the approval of the requested EU-S zone change would be **incompatible** and out of character with the established zoning pattern in the area. Staff acknowledges that a number of the EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by the zoning regulations. Specifically, staff notes that EU-1 zoned lots that abut the subject site to the north consist of a lot areas of 58,571 sq. ft. (1.34 gross acre) and 64,513 sq. ft. (1.48 gross acre), that EU-1 zoned lots that abut the subject site to the south consist of lot areas of 53,774 sq. ft. (1.23 gross acre) and 25,600 sq. ft. (0.58 gross acre), and that the EU-1 zoned lot that abuts the subject site to the east consists of a lot area of 45,631 sq. ft. (1.04 gross acre). Taking into consideration that EU-1 lots are given credit to the centerline of the abutting rights-of-way for their lot areas, most of these lots contain the required full one (1) gross acre of lot area. Staff notes that the proposed 0.62 gross acre lot areas, as illustrated in the submitted plan and in conjunction with the requested reduced lot frontages, are significantly smaller and would be out of character with the surrounding area. It should be noted that in 2005, Community Zoning Appeals Board #12 (CZAB-12) denied without prejudice a similar application for a zone change from EU-1 to EU-S or in the alternative, a request to permit 2 lots each with reduced lot areas and frontages on a 1.438 gross acre parcel of land located immediately to the north of the subject site, pursuant to Resolution #CZAB12-31-05. However, CZAB-12's decision was overturned by the Board of County Commissioners (BCC), which denied the requested zone change from EU-1 to EU-S but approved an alternative request to permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05. Nevertheless, staff notes that the current requested lot sizes are smaller than those in this prior approval and is of the opinion that the approval of request #2 could initiate a proliferation of similar requests that would result in smaller lots in this area that would change the EU-1 estate density residential character of this community. Accordingly, staff opines that, although the proposed development density is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation, the

proposed division of the subject property into two lots is **incompatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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 also consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Staff notes that the proposal will not burden water, sewer, solid waste disposal, recreation, education or public transportation facilities in the area, and will be accessible by an interior road. Further, the rezoning, if granted, conforms to the LUP Map density of the Comprehensive Development Master Plan for Miami-Dade County. Staff further notes that the Public Works Department does not object to this application and the Department of Environmental Resources Management's memorandum indicates that public water can be made available to the property, which will not reduce the Levels of Service (LOS) standards as set forth in the CDMP. As previously mentioned, the applicants' proposal of 2 lots is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation; however, staff opines that the approval of the proposal would be out of character with the development pattern in the area, could set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. As such, staff opines that the request to rezone the subject property to EU-S is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change to EU-S (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 as established. However, the applicants have not provided staff with the documentation necessary to analyze requests #2 through #4 under the ASDO Standards. As such, these requests cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to same. The alternative request #2, which seeks to re-subdivide the property into two EU-1 zoned lots with less lot area than required by the zoning regulations and request #3, to permit two lots with frontages of 100' each (125' required), would be incompatible with the area because approval of these requests could initiate a proliferation of similar requests for smaller lots and reduced frontages in this area. Staff further notes that the request for reduced lot

frontage applies to either the zone change to EU-S or the alternative request for reduced lot areas in the current EU-1 zone. As previously mentioned, the BCC denied a request for a zone change from EU-1 to EU-S but approved an alternative request to retain the existing zoning and permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05 on a 1.438 gross acre parcel of land to the north of the subject site. Staff notes that the property that is the subject of this application consists of 1.24 gross acres and that the submitted plan depicts 2 parcels that consist of 0.62 gross acres each which, as previously mentioned, is smaller in terms of lot area than those previously approved by this Board on the property to the north. Request #4, to permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line, in staff's opinion, is excessive and intrusive. Specifically, this setback request is too close to the neighbor's property to the south and would detrimentally impact said property. Staff opines that the approval of these requests could disrupt the overall welfare of the neighborhood, and could generate similar requests that would further affect the integrity of this residential neighborhood. Accordingly, staff recommends denial without prejudice of requests #2 through #4 of this application under Section 33-311(A)(4)(b) (Non-Use Variance).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants have not proven that a literal enforcement of the provisions thereof will result in unnecessary hardship and that the property cannot be utilized in accordance with the zoning regulations unless the requests are approved. Said requests cannot be approved under said standard since the property can be utilized in accordance with zoning regulations. As such, staff recommends denial without prejudice of these requests under Section 33-311(A)(4)(c) (ANUV).

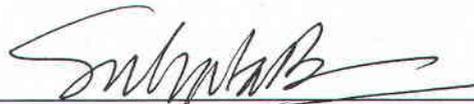
Based on all of the aforementioned, staff opines that, although the density proposed by this application is **consistent** with the interpretative text of the CDMP, approval of same would be **incompatible** with the area and could generate similar requests that would further affect the integrity of this residential neighborhood. Noting all the above and the fact that the CDMP indicates that all existing zoning is consistent with the CDMP, staff recommends denial without prejudice of the appeal and of this application.

I. **RECOMMENDATION:**

Denial without prejudice of the appeal and the application.

J. **CONDITIONS:** None

DATE INSPECTED: 09/24/07
DATE TYPED: 10/02/07
DATE REVISED: 10/19/07; 10/24/07; 10/31/07; 01/29/08; 01/31/08; 02/11/08;
04/09/08
DATE FINALIZED: 02/20/08
SB:MTF:LVT:JV



Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

Date: July 2, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

Subject: C-12 #Z2007000172
Roger Wolin and Dorothy G. Wolin
7677 Ponce de Leon Road
District Boundary Change from EU-1 to EU-S
(EU-1) (1 Acres)
31-54-41

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

Potable Water Service

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

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

Wastewater Disposal

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

Stormwater Management

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/1-day storm event.

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 in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

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: ROGER & DOROTHY WOLIN

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

12-JUN-07

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

CHECKED BY GAH

AMOUNT OF FEE 4582.09

07-172

RECEIPT # 1200724483

DATE HEARD: 12 103 107

BY CZAB # 123107

RECEIVED
DEC 24 2007

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

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

RE: Hearing No. 07-12-CZ12-2 (07-172)

Filed in the name of (Applicant) Roger & Dorothy Wolin

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property:

7677 Ponce de Leon Road, Miami-Dade County, Florida

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

Appellant (name): Roger and Dorothy Wolin

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)

1. The CZAB12 decision is inconsistent with the Comprehensive Development Master Plan (CDMP).

2. The Applicant met the standard of review in Chapter 33 (Zoning) of the Code of Miami-Dade County.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Signed *[Signature]*

DOROTHY NOLIN
Print Name

7677 PONCE DE LEON ROAD
Mailing Address

305-665-7677 Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

_____ Representing

_____ Signature

_____ Print Name

_____ Address

_____ City State Zip

_____ Telephone Number

Subscribed and Sworn to before me on the 17th day of December, year 2007

[Signature]
Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Signed

[Handwritten Signature]
S. ROGER WOLIN

Print Name

7677 PONCE DE LEON ROAD

Mailing Address

305-665-7677

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 17th day of December, year 2007

[Handwritten Signature]
Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
 Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared S. Roger Wolin
(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:

Beldys Ferrer
Signature

Beldys FERRER
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

S. Roger Wolin
Appellant's signature

S. ROGER WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as
identification.

Michael Pelaez
Notary
(Stamp/Seal)
Commission Expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

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

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Dorothy Wolin
(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:

Bethys Feller
Signature

BETHYS FELLER
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

Dorothy Wolin
Appellant's signature

DOROTHY WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as identification.

Michael Pelaez
Notary
(Stamp/Seal)
Commission Expires: ~~Feb 11, 2011~~ Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
FED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of December, year: 2007

Signed _____

Print Name

Mailing Address

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Roger Wolin and Dorothy Wolin

Representing

Jerry B. Proctor

Signature

Jerry B. Proctor

Print Name

7677 Ponce de Leon Road

Address

Miami Florida 33143

City State Zip

305-667-7738

Telephone Number

Subscribed and Sworn to before me on the 20 day of December, year 2007.

Isai Diaz

Notary Public

(stamp/seal)



RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *W*

RESOLUTION NO. CZAB12-31-07

WHEREAS, **ROGER AND DOROTHY WOLIN** applied for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

- (2) To permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) To permit two lots with a frontage of 100' each (125' required).
- (4) To permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

SUBJECT PROPERTY: Lot 3, Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: 7677 Ponce de Leon Road, 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 requested 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 two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the

interior side (south) property line (Item #4) 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 Peggy Brodeur, seconded by Edward D. Levinson, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Edward D. Levinson	aye	Robert W. Wilcosky	aye
Alberto Santana	aye	Elliot N. Zack	aye
		Carla Ascencio-Savola	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested 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 two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the interior side (south) property line (Item #4) 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 3rd day of December, 2007.

Hearing No. 07-12-CZ12-2
ls

STATE OF FLORIDA

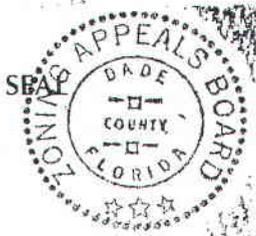
COUNTY OF MIAMI-DADE

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. CZAB12-31-07 adopted by said Community Zoning Appeals Board at its meeting held on the 3rd day of December 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of December 2007.



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





Memorandum

Date: 12-SEP-07
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000172

Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated May 23, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Survey date stamped August 31, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

Service Impact/Demand:

Development for the above Z2007000172
 located at 7677 PONCE DE LEON RD, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1762 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: 0.56 alarms-annually.
 The estimated average travel time is: 6:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street.
 Rescue, BLS Engine, Battalion.

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 date stamped August 31, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ROGER & DOROTHY WOLIN

7677 PONCE DE LEON RD, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000172

HEARING NUMBER

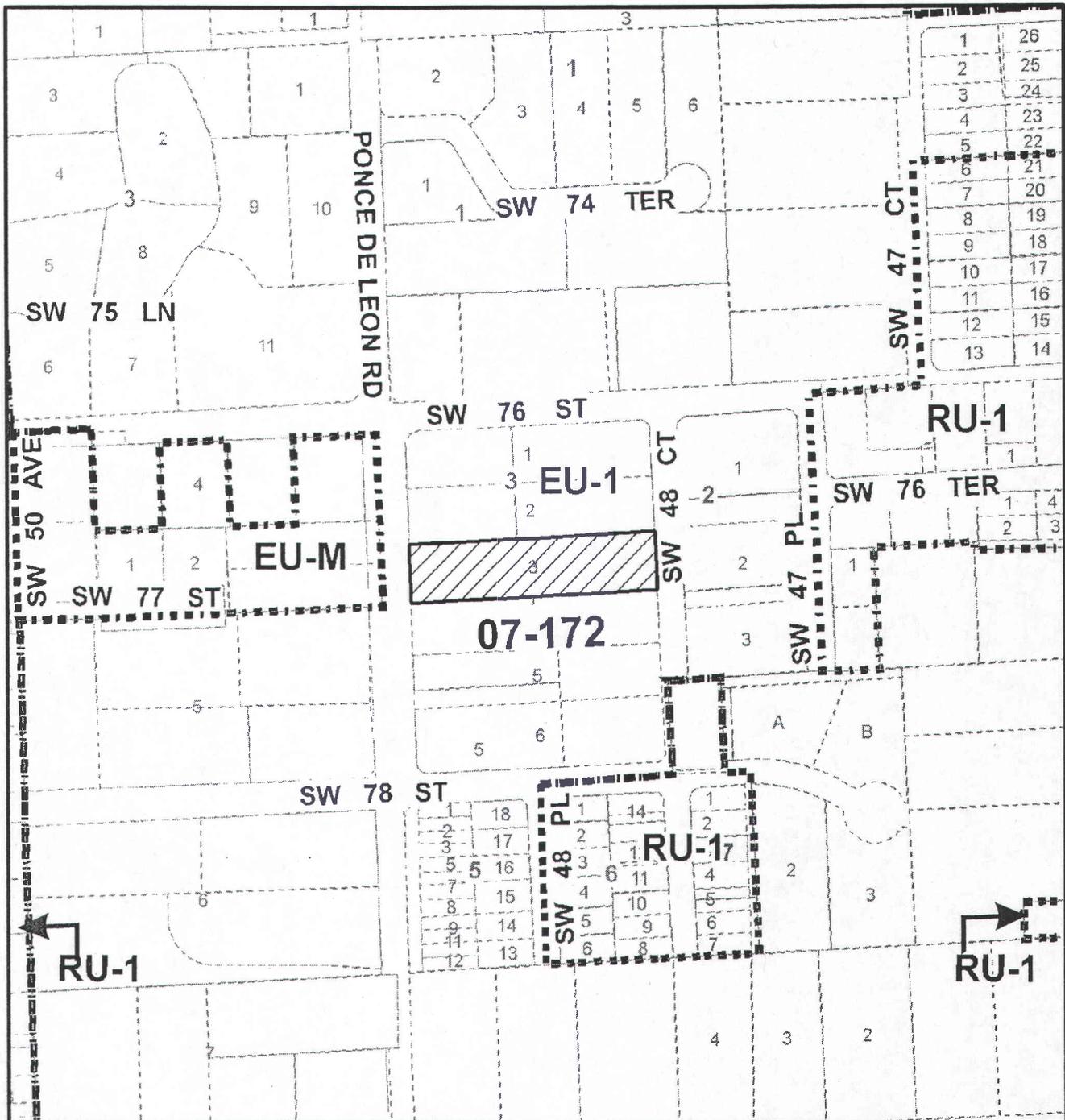
CURRENT ENFORCEMENT HISTORY:

There is no current or previous enforcement history on 7677 Ponce de Leon Blvd.

Roger & Dorothy Wolin

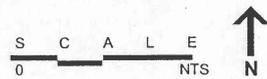
Roger & Dorothy Wolin

No enforcement recorded



MIAMI-DADE COUNTY
HEARING MAP

Section: 31 Township: 54 Range: 41
 Process Number: 07-172
 Applicant: ROGER & DOROTHY WOLIN
 Zoning Board: C12
 District Number: 7
 Cadastral: JEFFER
 Scale: NTS



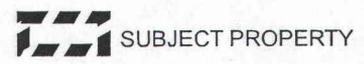
 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 31 Township: 54 Range: 41
Process Number: 07-172
Applicant: ROGER & DOROTHY WOLIN
Zoning Board: C12
District Number: 7
Cadastral: JEFFER
Scale: NTS



1. ROGER & DOROTHY WOLIN
(Applicant)

07-12-CZ12-2 (07-172)
BCC/District 7
Hearing Date: 3/20/08

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 THE BOARD OF COUNTY COMMISSIONERS**

APPLICANTS: Roger and Dorothy Wolin

PH: Z07-172 (07-12-CZ12-2)

SECTION: 31-54-41

DATE: March 20, 2008

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION

o REQUESTS:

ROGER AND DOROTHY WOLIN are 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:

- (2) Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) Applicants are requesting to permit two lots with frontages of 100' each (125' required).
- (4) Applicants are requesting to permit on Parcel 1 a utility shed accessory building setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Department of Planning and Zoning, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicants are appealing the decision of Community Zoning Appeals Board #12 (CZAB-12) which denied without prejudice a request to change the zoning on the property from EU-1, Single-Family One Acre Estate Residential District, to EU-S, Estate Use Suburban Residential District, or in the alternative, to permit lots with areas of 0.617 gross acre each to allow the resubdivision of the subject EU-1 zoned parcel into two lots with less lot area than required by the zoning regulations. Additionally; with either of the aforementioned requests, the applicants

seek to permit said two lots with reduced lot frontages with either alternative (the zone change or the reduced lot areas) and to permit a utility shed accessory building on Parcel 1 to setback less than required from the interior side (south) property line.

o **LOCATION:**

7677 Ponce de Leon Road, Miami-Dade County, Florida.

o **SIZE:** 1.24 gross acres

o **IMPACT:**

The approval of the requested district boundary change or the alternative request for lots with less lot area and the request for less lot frontage than required by the zoning district regulations will provide 1 additional housing unit for the community that will have a minimal impact on public services. The reduced utility shed setback could have a negative visual impact on the area.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; single-family residence Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; single-family residences Estate Density Residential, 1 to 2.5 dua

The subject property is located at 7677 Ponce de Leon Road. The area surrounding the subject property is predominately developed with single-family homes.

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:	Unacceptable
Access:	Acceptable
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 shall take into consideration, among other factors the extent to which:

- (1) Conform 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) 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) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) 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) 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:
 - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - ii. 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 variances from other than airport regulations.

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

Section 33-311(A)(4)(c) Alternative non-use variance standard.

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

G. NEIGHBORHOOD SERVICES:

DERM
Public Works
Parks
MDT

No objection*
No objection*
No objection
No objection

Fire Rescue
Police
Schools

No objection
No objection
No objection

*Subject to the conditions as indicated in their memoranda.

H. ANALYSIS:

On December 3, 2007, the Community Zoning Appeals Board – 12 (CZAB-12) denied the zone change (request #1) and companion requests #2, #3 and #4 without prejudice, by a vote of 7 to 0, pursuant to Resolution #CZAB12-31-07. On December 24, 2007, the applicants appealed the CZAB-12's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application is inconsistent with the CDMP and that the applicants met the standard of review in Chapter 33 of the Zoning Code of Miami-Dade County. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-12's decision to deny the zone change and retain the existing EU-1 zoning on the subject property is consistent with the CDMP. The subject property is located at 7677 Ponce de Leon Road and is developed with a single-family residence on the west portion of the site (proposed parcel 2). Said residence has a screen patio addition and a pool that will be removed. Additionally, a guesthouse currently exists on the east portion of the site (proposed parcel 1). The applicants are seeking to rezone the property from EU-1, Single-Family One Acre Estate District, to EU-S, Estate Use Suburban Residential District (request #1). In the alternative to request #1, the applicants are requesting to retain the EU-1 zoning and permit two lots with lot areas of 0.617 gross acre each (1 gross acre required) in order to develop two single-family home sites (request #2). With either request, the applicants are requesting to permit two lots with a frontage of 100' each (125' required) (request #3) and to permit the continued use of an existing utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line (request #4). The site plan submitted indicates the development of two lots (Parcel 1 and Parcel 2), each with 26,902 sq. ft. of gross lot area, which complies with the EU-S zoning lot area requirement of 25,000 sq. ft. (0.57 gross acre). However, the existing EU-1 zoning regulations require a minimum lot area of 1 acre gross (43,560 sq. ft.). Most of the parcels immediately surrounding the subject property are zoned EU-1 and are developed with single-family homes.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and states that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the **Public Works Department does not object** to this application. The land will require platting in accordance with Chapter 28 of the Miami-Dade County Code and road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency since it lies within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average **travel time** to the subject site is **6:30 minutes**. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and

indicates that the proposed zoning will not generate any additional students for the schools in the area.

This application would permit the applicants to provide additional housing for the community. The Land Use Plan (LUP) map of the CDMP designates this site for **Estate Density Residential** use that permits a minimum of 1 to a maximum of 2.5 units per gross acre, and would allow the applicants to develop the site with a minimum of 1 to a maximum of 3 residential units. As such, the development of the subject property with 2 residential lots as proposed by the applicants is **consistent** with the density threshold of the Land Use Plan map of the CDMP. Staff notes that EU-1 zoning mostly surrounds the subject property and opines that introducing an EU-S district amidst the EU-1 zoning primarily surrounding the subject property would be **incompatible** with the established development trend in this area. Further, approving the EU-S zone change would set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. Staff acknowledges that to the west of the subject property is a pocket of EU-M, Estate Modified Residential District, and that approximately 318' to the east is a pocket of land zoned RU-1, Single Family Residential District. However, staff notes that the block where the subject site lies as well as the blocks to the north and east are zoned EU-1. Further, staff's review of the quarter section mile where the subject property lies reveals that with the exception of small pockets of EU-M and RU-1 zoned lands, the overall area is predominately zoned EU-1. Therefore, staff opines that the approval of the requested EU-S zone change would be **incompatible** and out of character with the established zoning pattern in the area. Staff acknowledges that a number of the EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by the zoning regulations. Specifically, staff notes that EU-1 zoned lots that abut the subject site to the north consist of a lot areas of 58,571 sq. ft. (1.34 gross acre) and 64,513 sq. ft. (1.48 gross acre), that EU-1 zoned lots that abut the subject site to the south consist of lot areas of 53,774 sq. ft. (1.23 gross acre) and 25,600 sq. ft. (0.58 gross acre), and that the EU-1 zoned lot that abuts the subject site to the east consists of a lot area of 45,631 sq. ft. (1.04 gross acre). Taking into consideration that EU-1 lots are given credit to the centerline of the abutting rights-of-way for their lot areas, most of these lots contain the required full one (1) gross acre of lot area. Staff notes that the proposed 0.62 gross acre lot areas, as illustrated in the submitted plan and in conjunction with the requested reduced lot frontages, are significantly smaller and would be out of character with the surrounding area. It should be noted that in 2005, Community Zoning Appeals Board #12 (CZAB-12) denied without prejudice a similar application for a zone change from EU-1 to EU-S or in the alternative, a request to permit 2 lots each with reduced lot areas and frontages on a 1.438 gross acre parcel of land located immediately to the north of the subject site, pursuant to Resolution #CZAB12-31-05. However, CZAB-12's decision was overturned by the Board of County Commissioners (BCC), which denied the requested zone change from EU-1 to EU-S but approved an alternative request to permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05. Nevertheless, staff notes that the current requested lot sizes are smaller than those in this prior approval and is of the opinion that the approval of request #2 could initiate a proliferation of similar requests that would result in smaller lots in this area that would change the EU-1 estate density residential character of this community. Accordingly, staff opines that, although the proposed development density is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation, the

proposed division of the subject property into two lots is **incompatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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 also consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Staff notes that the proposal will not burden water, sewer, solid waste disposal, recreation, education or public transportation facilities in the area, and will be accessible by an interior road. Further, the rezoning, if granted, conforms to the LUP Map density of the Comprehensive Development Master Plan for Miami-Dade County. Staff further notes that the Public Works Department does not object to this application and the Department of Environmental Resources Management's memorandum indicates that public water can be made available to the property, which will not reduce the Levels of Service (LOS) standards as set forth in the CDMP. As previously mentioned, the applicants' proposal of 2 lots is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation; however, staff opines that the approval of the proposal would be out of character with the development pattern in the area, could set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. As such, staff opines that the request to rezone the subject property to EU-S is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change to EU-S (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 as established. However, the applicants have not provided staff with the documentation necessary to analyze requests #2 through #4 under the ASDO Standards. As such, these requests cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to same. The alternative request #2, which seeks to re-subdivide the property into two EU-1 zoned lots with less lot area than required by the zoning regulations and request #3, to permit two lots with frontages of 100' each (125' required), would be incompatible with the area because approval of these requests could initiate a proliferation of similar requests for smaller lots and reduced frontages in this area. Staff further notes that the request for reduced lot

frontage applies to either the zone change to EU-S or the alternative request for reduced lot areas in the current EU-1 zone. As previously mentioned, the BCC denied a request for a zone change from EU-1 to EU-S but approved an alternative request to retain the existing zoning and permit a lot with an area of 0.645 gross acre and a lot with an area of 0.793 gross acre, pursuant to Resolution #Z-22-05 on a 1.438 gross acre parcel of land to the north of the subject site. Staff notes that the property that is the subject of this application consists of 1.24 gross acres and that the submitted plan depicts 2 parcels that consist of 0.62 gross acres each which, as previously mentioned, is smaller in terms of lot area than those previously approved by this Board on the property to the north. Request #4, to permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line, in staff's opinion, is excessive and intrusive. Specifically, this setback request is too close to the neighbor's property to the south and would detrimentally impact said property. Staff opines that the approval of these requests could disrupt the overall welfare of the neighborhood, and could generate similar requests that would further affect the integrity of this residential neighborhood. Accordingly, staff recommends denial without prejudice of requests #2 through #4 of this application under Section 33-311(A)(4)(b) (Non-Use Variance).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants have not proven that a literal enforcement of the provisions thereof will result in unnecessary hardship and that the property cannot be utilized in accordance with the zoning regulations unless the requests are approved. Said requests cannot be approved under said standard since the property can be utilized in accordance with zoning regulations. As such, staff recommends denial without prejudice of these requests under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff opines that, although the density proposed by this application is **consistent** with the interpretative text of the CDMP, approval of same would be **incompatible** with the area and could generate similar requests that would further affect the integrity of this residential neighborhood. Noting all the above and the fact that the CDMP indicates that all existing zoning is consistent with the CDMP, staff recommends denial without prejudice of the appeal and of this application.

I. RECOMMENDATION:

Denial without prejudice of the appeal and the application.

J. CONDITIONS: None

DATE INSPECTED: 09/24/07
DATE TYPED: 10/02/07
DATE REVISED: 10/19/07; 10/24/07; 10/31/07; 01/29/08; 01/31/08; 02/11/08

DATE FINALIZED: 02/20/08
SB:MTF:LVT:JV:NC



Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: July 2, 2007
To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2007000172
Roger Wolin and Dorothy G. Wolin
7677 Ponce de Leon Road
District Boundary Change from EU-1 to EU-S
(EU-1) (1 Acres)
31-54-41

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

Potable Water Service

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

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

Wastewater Disposal

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

Stormwater Management

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/1-day storm event.

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 in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

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

PH# Z2007000172
CZAB - C12

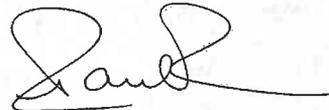
PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ROGER & DOROTHY WOLIN

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

12-JUN-07

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

CHECKED BY GAB

AMOUNT OF FEE 4582.09

07-172

RECEIPT # 1200724483

RECEIVED
DEC 24 2007

DATE HEARD: 12 103 107

BY CZAB # 123107

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

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

RE: Hearing No. 07-12-CZ12-2 (07-172)

Filed in the name of (Applicant) Roger & Dorothy Wolin

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property:

7677 Ponce de Leon Road, Miami-Dade County, Florida

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

Appellant (name): Roger and Dorothy Wolin

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)

1. The CZAB12 decision is inconsistent with the Comprehensive Development Master Plan (CDMP).

2. The Applicant met the standard of review in Chapter 33 (Zoning) of the Code of Miami-Dade County.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Wolin

Signed *[Signature]*

DOROTHY WOLIN
Print Name

7677 PONCE DE LEON ROAD
Mailing Address

305-665-7677 Phone Fax

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

_____ Representing

_____ Signature

_____ Print Name

_____ Address

_____ City State Zip

_____ Telephone Number

Subscribed and Sworn to before me on the 17th day of December, year 2007

[Signature]
Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 17th day of December, year: 2007

Signed

[Handwritten signature]

S. ROGER WOLIN

Print Name

7677 PONCE DE LEON ROAD

Mailing Address

305-665-7677

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

_____ Representing

_____ Signature

_____ Print Name

_____ Address

_____ City State Zip

_____ Telephone Number

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[Handwritten signature]

Notary Public

(stamp/seal)

Commission expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Handwritten mark]*

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared S. Roger Wolin
(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:

Beldys Ferrer
Signature

Beldys FERRER
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

S. Roger Wolin
Appellant's signature

S. ROGER WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as
identification.

Michael Pelaez
Notary
(Stamp/Seal)
Commission Expires: Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Dorothy Wolin
(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:

Bethys Ferrer
Signature

BETHYS FERRER
Print Name

Mario Wong
Signature

MARIO WONG
Print Name

Dorothy Wolin
Appellant's signature

DOROTHY WOLIN
Print Name

Sworn to and subscribed before me on the 17th day of December, year 2007.
Appellant is personally know to me or has produced _____ as
identification.

Michael Pelaez
Notary
(Stamp/Seal)
Commission Expires: ~~12/11/07~~ Feb 11, 2011

RECEIVED
207-172
DEC 24 2007

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

NOTARY PUBLIC - STATE OF FLORIDA
Michael Pelaez
Commission # DD630542
Expires: FEB. 11, 2011
FED THRU ATLANTIC BONDING CO., INC.

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of December, year: 2007

Signed _____

Print Name

Mailing Address

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Roger Wolin and Dorothy Wolin
Representing

Jerry B. Proctor
Signature

Jerry B. Proctor
Print Name

7677 Ponce de Leon Road
Address

Miami Florida 33143
City State Zip

305-667-7738
Telephone Number

Subscribed and Sworn to before me on the 20 day of December, year 2007.

José Díaz
Notary Public

(stamp/seal)

RECEIVED
207-172
DEC 24 2007



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *W*

RESOLUTION NO. CZAB12-31-07

WHEREAS, **ROGER AND DOROTHY WOLIN** applied for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

- (2) To permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

- (3) To permit two lots with a frontage of 100' each (125' required).
- (4) To permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

SUBJECT PROPERTY: Lot 3, Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: 7677 Ponce de Leon Road, 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 requested 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 two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the

interior side (south) property line (Item #4) 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 Peggy Brodeur, seconded by Edward D. Levinson, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Edward D. Levinson	aye	Robert W. Wilcosky	aye
Alberto Santana	aye	Elliot N. Zack	aye
		Carla Ascencio-Savola	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested 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 two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the interior side (south) property line (Item #4) 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 3rd day of December, 2007.

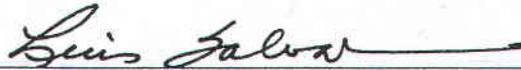
Hearing No. 07-12-CZ12-2
Is

STATE OF FLORIDA

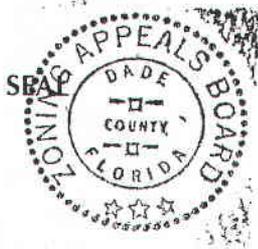
COUNTY OF MIAMI-DADE

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. CZAB12-31-07 adopted by said Community Zoning Appeals Board at its meeting held on the 3rd day of December 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of December 2007.



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





Memorandum

Date: 12-SEP-07
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000172

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated May 23, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Survey date stamped August 31, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2007000172
 located at 7677 PONCE DE LEON RD, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1762 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.56 alarms-annually.
 The estimated average travel time is: 6:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street.
 Rescue, BLS Engine, Battalion.

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 date stamped August 31, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ROGER & DOROTHY WOLIN

7677 PONCE DE LEON RD, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000172

HEARING NUMBER

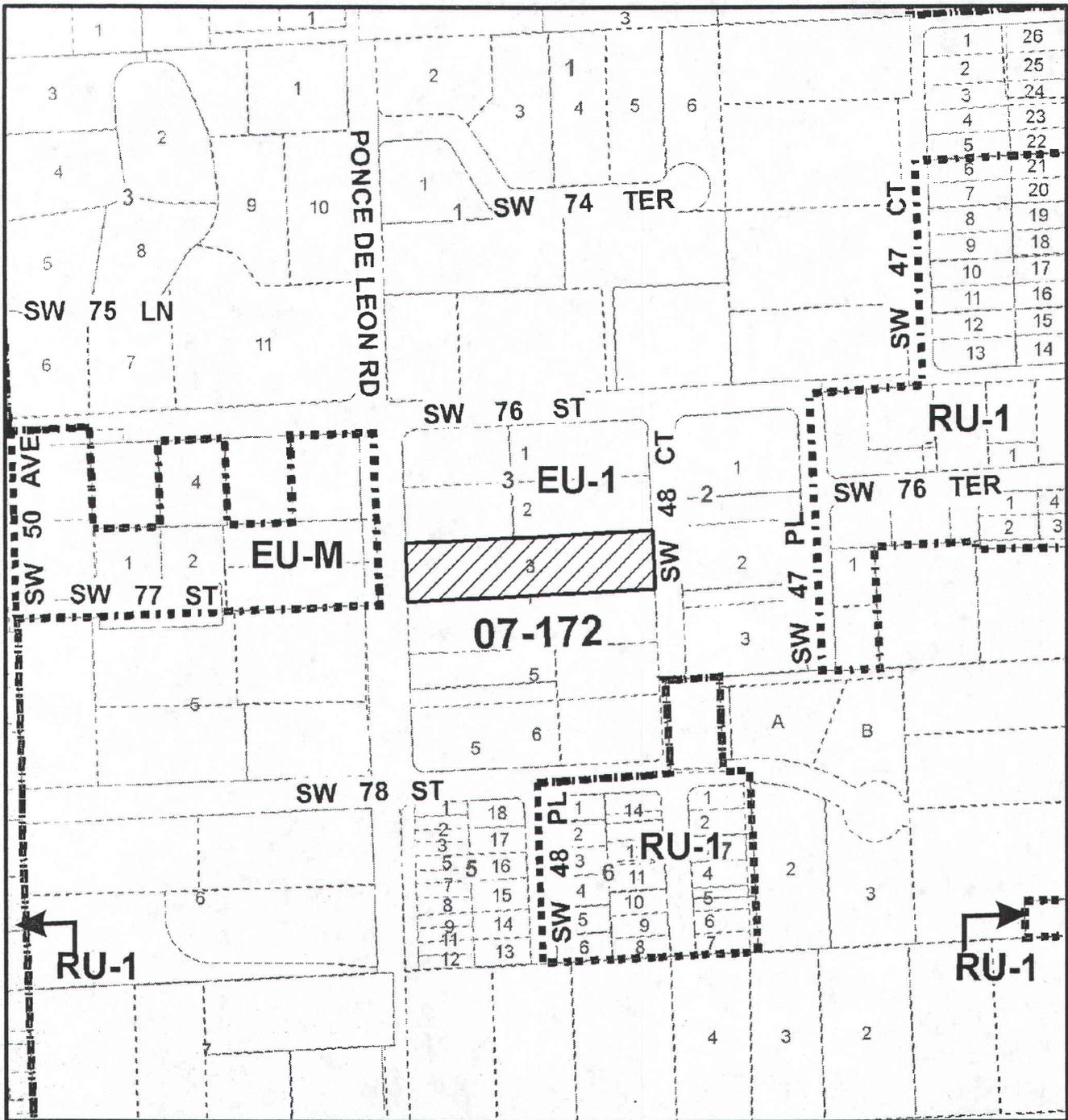
CURRENT ENFORCEMENT HISTORY:

There is no current or previous enforcement history on 7677 Ponce de Leon Blvd.

Roger & Dorothy Wolin

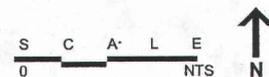
Roger & Dorothy Wolin

No enforcement recorded



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 31 Township: 54 Range: 41
 Process Number: 07-172
 Applicant: ROGER & DOROTHY WOLIN
 Zoning Board: C12
 District Number: 7
 Cadastral: JEFFER
 Scale: NTS



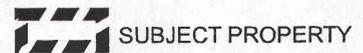
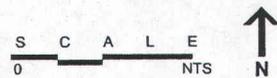
 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 31 Township: 54 Range: 41
Process Number: 07-172
Applicant: ROGER & DOROTHY WOLIN
Zoning Board: C12
District Number: 7
Cadastral: JEFFER
Scale: NTS



2. ROGER & DOROTHY WOLIN
(Applicant)

07-12-CZ12-2 (07-172)
Area 12/District 7
Hearing Date: 12/3/07

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: Roger and Dorothy Wolin

PH: Z07-172 (07-12-CZ12-2)

SECTION: 31-54-41

DATE: December 3, 2007

COMMISSION DISTRICT: 7

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUESTS:**

1. EU-1 to EU-S

OR IN THE ALTERNATIVE:

2. Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

3. Applicants are requesting to permit two lots with a frontage of 100' each (125' required).
4. Applicants are requesting to permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

o **SUMMARY OF REQUESTS:**

The requests will allow the applicants to change the zoning on the property from EU-1, Single-Family One Acre Estate Residential District, to EU-S, Estate Use Suburban Residential District, or in the alternative, to permit lots with areas of 0.617 gross acre each to allow the resubdivision of the subject EU-1 zoned parcel into two lots with less lot area than required by zoning regulations. Additionally, with either of the aforementioned requests, the applicants seek to permit said two lots with reduced lot frontages and to permit a utility shed accessory building on Parcel 1 to setback less than required from the interior side (south) property line.

o **LOCATION:**

7677 Ponce de Leon Road, Miami-Dade County, Florida.

o **SIZE:** 1.24 gross acres

o **IMPACT:**

The approval of the requested district boundary change or the alternative request for lots with less lot area and the request for less lot frontage than required by zoning district regulations will provide 1 additional housing unit for the community that will have a minimal impact on public services.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; single-family residence

Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; single-family residences

Estate Density Residential, 1 to 2.5 dua

The subject property is located at 7677 Ponce de Leon Road. The area surrounding the subject property is predominately developed with single-family homes.

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:	Unacceptable
Access:	Acceptable
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 shall take into consideration, among other factors the extent to which:

- (1) Conform 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) 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) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) 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) 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:
 - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - ii. 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 variances from other than airport regulations.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions as indicated in their memoranda.

H. **ANALYSIS:**

The subject property is located at 7677 Ponce de Leon Road and is developed with a single-family residence on the west portion of the site (parcel 2). Said residence has a screen patio addition and a pool that will be removed. Additionally, a guesthouse currently exists on the east portion of the site (parcel 1). The applicants are seeking to rezone the property from EU-1, Single-Family One Acre Estate District, to EU-S, Estate Use Suburban Residential District (request #1). In the alternative to request #1, the applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required) in order to develop two single-family home sites (request #2). With either request, the applicants are requesting to permit two lots with a frontage of 100' each (125' required) (request #3) and to permit the continued use of an existing utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line (request #4). The site plan submitted indicates the development of two lots (Parcel 1 and Parcel 2), each with 26,902 sq. ft. of gross lot area. However, the EU-1 zoning regulations require a minimum of 1 acre gross lot area (43,560 sq. ft.). Most of the parcels immediately surrounding the subject property are zoned EU-1 and are developed with single-family homes.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and states that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application. The land will require platting in accordance with Chapter 28 of the Miami-Dade County Code and road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency since it lies within the urban infill area where traffic concurrency does not apply. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application. Miami-Dade County Public Schools (**MDCPS**) **does not object** to this application and indicates that the proposed zoning will not generate additional students to the school district.

This application would permit the applicants to provide additional housing for the community. The Land Use Plan (LUP) map of the CDMP designates this site for **Estate Density Residential** use that permits a maximum of 2.5 units per gross acre, and would allow the applicant to develop the site with a maximum of 3 residential units. As such, the development of the subject property with 2 residential lots as proposed by the applicants is **consistent** with the Land Use Plan map. Staff notes that EU-1 zoning mostly surrounds the subject property and opines that introducing an EU-S district amidst the EU-1 zoning primarily surrounding the subject property would be **incompatible** with the established development trend in this area of Miami-Dade County. Further, approving the EU-S zone change would set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. Staff also notes that to the west is a pocket of EU-M, Estate Modified Residential District, and further to the east and south are pockets of RU-1, Single Family Residential District, zoned lots. In addition, a number of the platted EU-1 parcels surrounding the subject property have less than the 1-acre gross area required by the zoning regulations. In 2005, this Board denied without prejudice a similar application on a parcel of land located immediately to the north of the

subject site, pursuant to Resolution #CZAB12-31-05. However, this Board's decision was overturned by the Board of County Commissioners (BCC) and approved, pursuant to Resolution #Z-22-05. Nevertheless, staff is of the opinion that the approval of request #2 could initiate a proliferation of similar requests and smaller lots in this area. Accordingly, staff opines that, although the proposed development density is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation, the proposed division of the subject property into two lots is **incompatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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 also consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Staff notes that the proposal will not burden water, sewer, solid waste disposal, recreation, education or public transportation facilities in the area, and will be accessible by an interior road. Further, the rezoning, if granted, conforms to the LUP Map density of the Comprehensive Development Master Plan for Miami-Dade County. Staff further notes that the Public Works Department does not object to this application and the Department of Environmental Resources Management's memorandum indicates that public water can be made available to the property, which will not reduce the Levels of Service (LOS) standards as set forth in the CDMP. As previously mentioned, the applicants' proposal of 2 lots is **consistent** with the numerical threshold of the LUP map's Estate Density Residential designation; however, staff opines that the approval of the proposal would be out of character with the development pattern in the area, could set a precedent in the area for similar zoning and could potentially foster the introduction of more intensive residential zoning districts. As such, staff opines that the request to rezone the subject property to EU-S is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the requested zone change to EU-S (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 as established. However, the applicants have not provided staff with the documentation necessary to analyze requests #2 through #4 under the ASDO Standards. As such, these requests cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would

be **incompatible** with the surrounding area and would be detrimental to same. Request #2, which seeks to re-subdivide the property into two EU-1 zoned lots with less area than required by zoning regulations and request #3, to permit two lots with a frontage of 100' each (125' required), will be incompatible with the area because approval of these requests could initiate a proliferation of similar requests for smaller lots and reduced frontages in this area. Request #4, to permit a utility shed accessory building on Parcel 1 setback 7.72' (20' required) from the interior side (south) property line, in staff's opinion, is excessive and potentially intrusive. Specifically, this setback request is too close to the neighbor's property to the south and would detrimentally impact said property. Staff opines that approval of these requests could disrupt the overall welfare of the neighborhood, and could generate similar requests that would further affect the integrity of this residential neighborhood. Accordingly, staff recommends denial without prejudice of requests #2 through #4 of this application under Section 33-311(A)(4)(b) (Non-Use Variance).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, the applicants have not proven that a literal enforcement of the provisions thereof will result in unnecessary hardship and that the property cannot be utilized in accordance with the zoning regulations unless the requests are approved. Said requests cannot be approved under said standard since the property can be utilized in accordance with EU-1 zoning regulations. As such, staff recommends denial without prejudice of these requests under Section 33-311(A)(4)(c) (ANUV).

Based on all of the aforementioned, staff opines that, although the proposal is **consistent** with the interpretative text of the CDMP, approval of same would be **incompatible** with the area and could generate similar requests that would further affect the integrity of this residential neighborhood. As such, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None

DATE INSPECTED: 09/24/07
DATE TYPED: 10/02/07
DATE REVISED: 10/19/07; 10/24/07; 10/31/07
DATE FINALIZED: 11/05/07
SB:MTF:LVT:JV



Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum

Date: July 2, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

Subject: C-12 #Z20070 00172
Roger Wolin and Dorothy G. Wolin
7677 Ponce de Leon Road
District Boundary Change from EU-1 to EU-S
(EU-1) (1 Acres)
31-54-41

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

Potable Water Service

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

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

Wastewater Disposal

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

Stormwater Management

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/1-day storm event.

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 in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

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: ROGER & DOROTHY WOLIN

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

12-JUN-07



Memorandum

Date: 12-SEP-07
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000172

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated May 23, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Survey date stamped August 31, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2007000172
 located at 7677 PONCE DE LEON RD, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1762 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.56 alarms-annually.
 The estimated average travel time is: 6:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street.
 Rescue, BLS Engine, Battalion.

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 date stamped August 31, 2007. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ROGER & DOROTHY WOLIN

7677 PONCE DE LEON RD, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

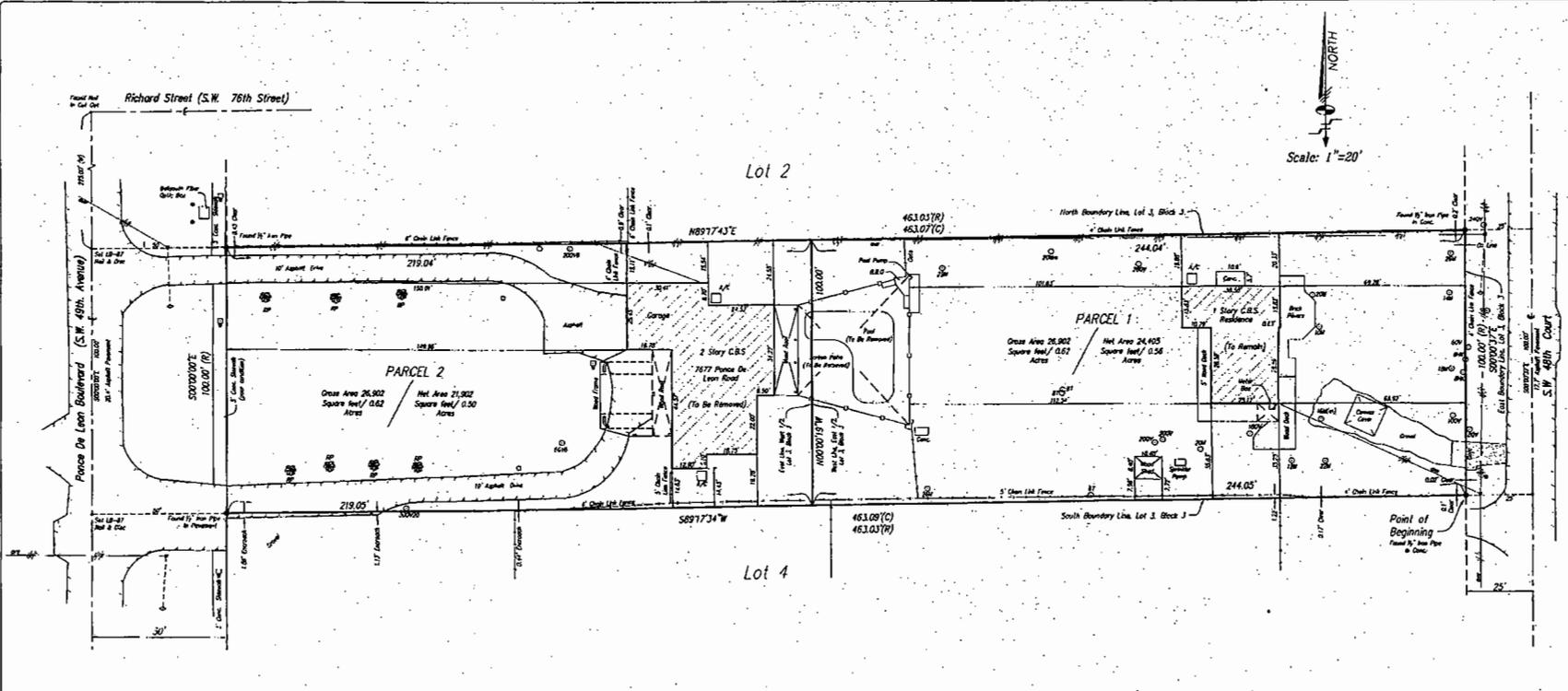
Z2007000172

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

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SURVEYOR'S NOTES:

- This sketch represents a "ROUNDSURF SURVEY" to show existing locations of the lands shown herein only.
- This sketch has been prepared for the exclusive use of the party (parties) named herein. The certification affixed hereto does not extend to any unnamed parties.
- This sketch is subject to easements, right-of-way and other matters which may be reflected by a search of title to the subject lands.
- Visible indicators of utilities are shown herein, however, no attempt was made to locate underground lines.
- The elevations shown herein refer to National Geodetic Vertical Datum (N.G.V.D. 1929).
- The property shown herein falls within Federal Flood Zone "X" per Flood Insurance Rate Map No. 120635 0275 J, map dated March 2, 1984, under map dated July 17, 1975.
- Prepared For: Brian Sumburg Boero Price & Anselmi, P.A.
- The type of trees as indicated on the "Tree List" attached hereto are subject to revision subsequent site inspection by a qualified biologist or other individual with similar expertise.
- There are no visible encroachments, other than those shown herein.
- No attempt was made to locate well or fence lines/boundaries.
- The distances shown along the property lines shown herein are record and measured, unless noted otherwise.
- This survey does not attempt to show that the subject property conforms to existing building setback, height, floor area, or parking space zoning regulations or requirements.
- The bearings shown herein relate to an assumed bearing (S00°00'00"E) along the centerline of Ponce de Leon Boulevard.
- The property shown herein contains 46,805 net square feet, more or less.

I HEREBY CERTIFY:

That the attached "ROUNDSURF SURVEY" of the land shown herein is true and correct to the best of my knowledge and belief as recently ascertained and shown under my supervision and direction. This survey complies with the applicable Minimum Technical Standards established by the Florida State Board of Professional Surveyors and Mapmakers contained in Chapter 61D17-4, Florida Administrative Code, pursuant to Chapter 472.022, Florida Statutes.

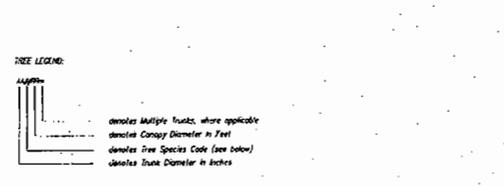
SCHNEIDER-SHAWIN & ASSOCIATES, INC.
 Brian J. Sumburg, P.E. Vice President
 Professional Land Surveyor No. 26,336
 State of Florida

LEGAL DESCRIPTION:

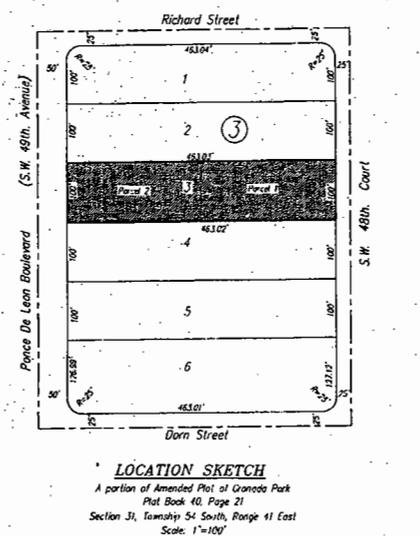
Lot 3, Block 3, "Amended Plot of Granada Park", according to the plat thereof, as recorded in Plat Book 40 of Page 21, of the Public Records of Miami-Dade County, Florida.

Parcel 1:
 A portion of Lot 3, Block 3, "Amended Plot of Granada Park", according to the plat thereof, as recorded in Plat Book 40 of Page 21, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
 Begin at the Southwest corner of said Lot 3; thence run S89°17'34"W along the South boundary line of said Lot 3 for a distance of 244.05 feet to a point; thence run N00°00'19"W for a distance of 100.00 feet to a point on the North boundary line of said Lot 3; thence run N89°17'43"E along the North boundary line of said Lot 3 for a distance of 244.04 feet to a point on the East boundary line of said Lot 3; thence run S00°00'27"E along the East boundary line of said Lot 3 for a distance of 100.00 feet to the Point of Beginning.

Parcel 2:
 Lot 3, Block 3, "Amended Plot of Granada Park", according to the plat thereof, as recorded in Plat Book 40 of Page 21, of the Public Records of Miami-Dade County, Florida, less the following described portion of land:
 Begin at the Southwest corner of said Lot 3; thence run S89°17'34"W along the South boundary line of said Lot 3 for a distance of 244.05 feet to a point; thence run N00°00'19"W for a distance of 100.00 feet to a point on the North boundary line of said Lot 3; thence run N89°17'43"E along the North boundary line of said Lot 3 for a distance of 244.04 feet to a point on the East boundary line of said Lot 3; thence run S00°00'27"E along the East boundary line of said Lot 3 for a distance of 100.00 feet to the Point of Beginning.



(D)- Oak (Quercus sp.)
 (R)- Royal Palm (Roystonea sp.)
 (T)- Turpentine (Cordia alliodora)
 (M)- Mangrove (Rhizophora sp.)
 (H)- Hang Kong Bougainville (Bougainvillea sp.)



BOUNDARY SURVEY

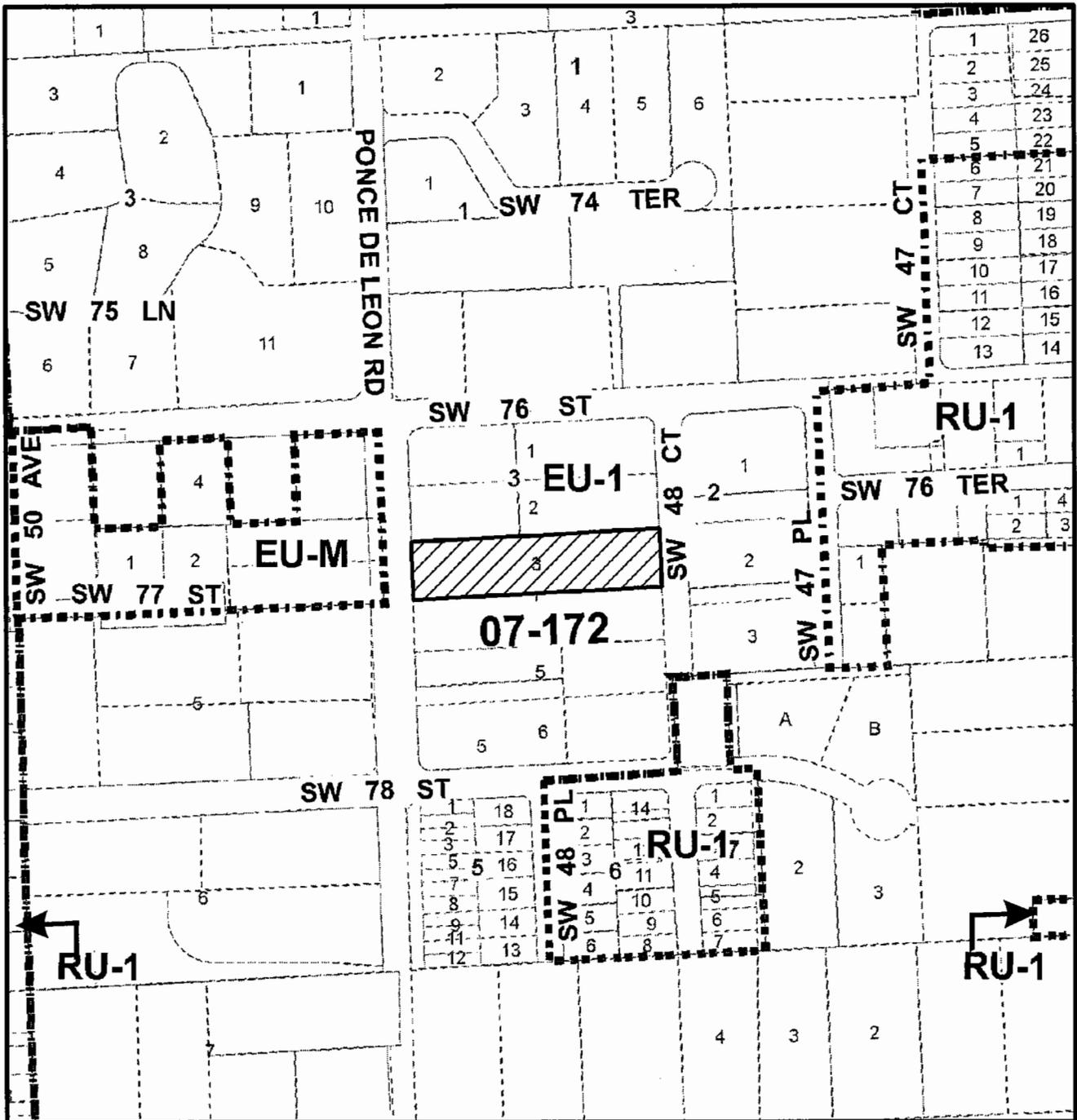
Prepared For:
 Brian Sumburg Boero Price & Anselmi, P.A.
 2500 Ponce de Leon Boulevard
 Miami, Florida 33131

Section 31, Township 54 South, Range 41 East, Miami-Dade County, Florida

REVISIONS

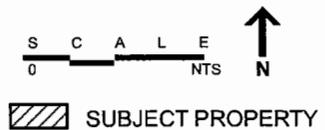
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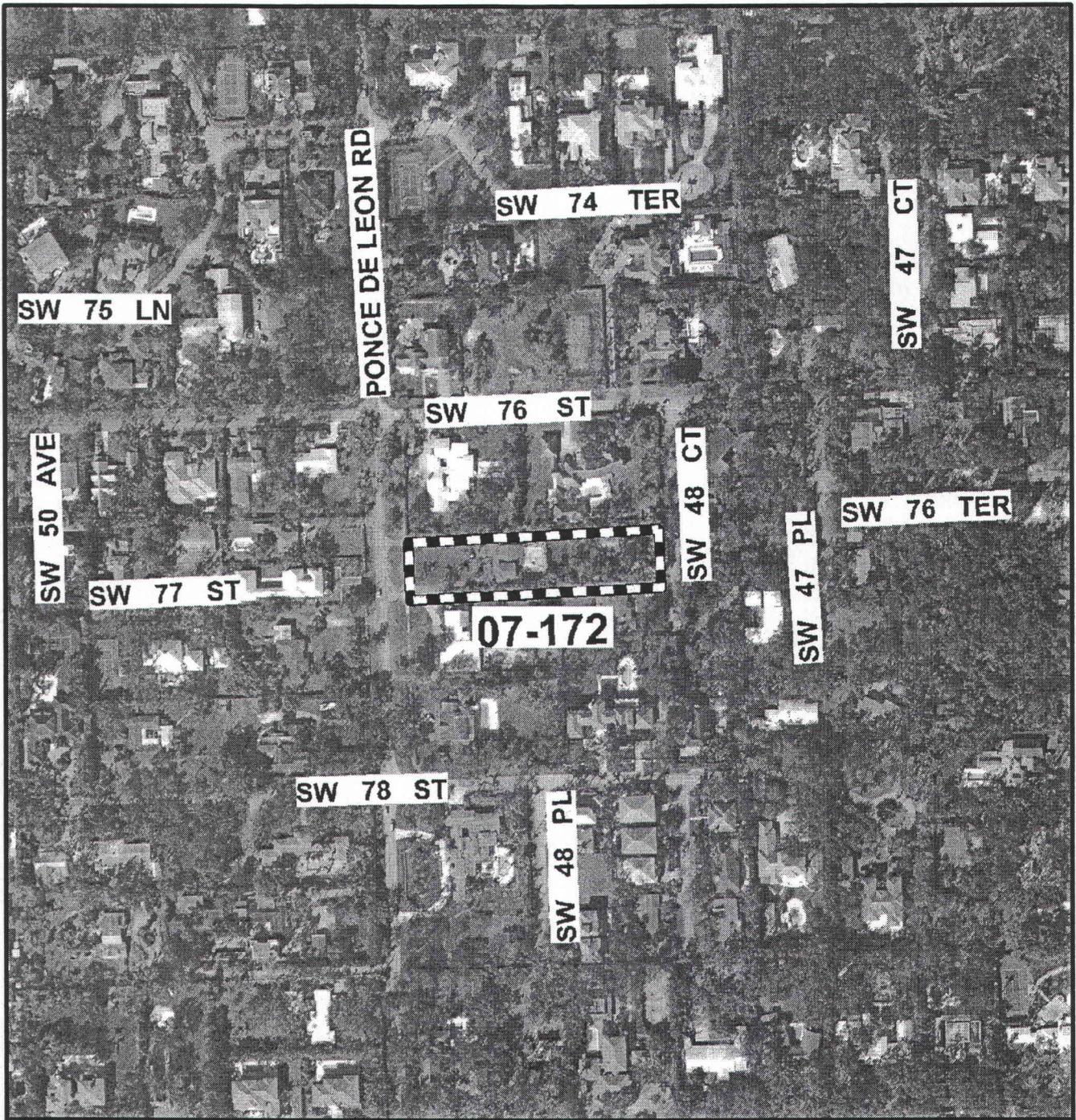


MIAMI-DADE COUNTY
HEARING MAP

Section: 31 Township: 54 Range: 41
 Process Number: 07-172
 Applicant: ROGER & DOROTHY WOLIN
 Zoning Board: C12
 District Number: 7
 Cadastral: JEFFER
 Scale: NTS

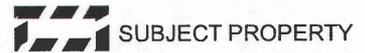
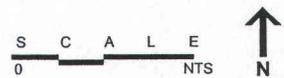


21



MIAMI-DADE COUNTY
AERIAL

Section: 31 Township: 54 Range: 41
Process Number: 07-172
Applicant: **ROGER & DOROTHY WOLIN**
Zoning Board: C12
District Number: 7
Cadastral: JEFFER
Scale: NTS



Memorandum



Date: November 30, 2007

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Jack Kardys, Interim Director
Park and Recreation Department

Subject: Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. 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, 2008. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

JK: 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

PBD	2007 Unincorporated Population Plus Permitted Development	Standard @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Recreation Open Space Acreage	Surplus (Deficit) Acres	Percent of Standard (%)
			Public Park Acres	School Acres	1/2 Private Open Space Acres			
1	395,924	1,088.79	972.08	299.82	110.00	1,381.90	293.11	126.92
2	588,732	1,619.01	1,616.63	356.30	137.00	2,109.93	490.92	130.32
3	155,755	429.33	526.63	96.62	17.00	623.82	195.49	145.64
Total:	1,140,411	3,136.13	3,115.34	752.74	264.00	4,115.65	979.52	134.29

Memorandum

MIAMI-DADE
COUNTY

Date: September 25, 2007

To: Jack Kardys, Interim Director
Park and Recreation Department

From:  Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

Subject: Blanket Concurrency Approval for Local Recreation Open Space

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo
L. Itzkoff
L. Talleda
H. Brown

Memorandum



Date: September 17, 2007

To: Subrata Basu, Interim 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 2014 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, 2008), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Christopher Rose, Deputy Director, Administration
James Bostic, Assistant Director, Operations
Asok Ganguli, Assistant Director, Technical Services

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SEP 18 2007

Asst. Director Planning

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2007-08 Through Fiscal Year 2016-17

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL
OCT. 1, 2007 TO SEPT. 30, 2008	1,885,000	828,686	155,000	673,686	2,518,633	307,000	2,211,633	2,068,785	355,000	1,713,785	250,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,885,000	673,686	155,000	518,686	2,211,633	307,000	1,904,633	1,713,785	355,000	1,358,785	250,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,885,000	518,686	155,000	363,686	1,904,633	307,000	1,597,633	1,358,785	355,000	1,003,785	250,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,885,000	363,686	155,000	208,686	1,597,633	307,000	1,290,633	1,003,785	355,000	648,785	250,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,885,000	208,686	155,000	53,686	1,290,633	307,000	983,633	648,785	355,000	293,785	250,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,885,000	53,686	53,686	0	983,633	408,314	575,319	293,785	293,785	0	311,215
OCT. 1, 2013 TO SEPT. 30, 2014	1,885,000	0	0	0	575,319	567,000	8,319	0	0	0	500,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,885,000	0	0	0	8,319	8,319	0	0	0	0	500,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,885,000	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2016 TO SEPT. 30, 2017	1,885,000	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				5			7			5	

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	155,000
SOUTH DADE LANDFILL	307,000
NORTH DADE LANDFILL	355,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u><u>1,067,000</u></u>

* 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, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Brown and Caldwell based on the actual January, 2007, survey with actual tons from January, 2007, through June, 2007, and projected tons for July, August and September, 2007.

Memorandum



Date: January 15, 2008

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Harpal Kapoor, Director
Miami-Dade Transit

Subject: FY08 Blanket Concurrency Approval for Transit

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

Miami-Dade Transit (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 all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above-referenced County Rules and Regulations.

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

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2007 to September 30, 2008, or until canceled by written notice from my office.

Should your staff require additional information or assistance with mass transit concurrency matters, please have them contact John T. Spillman, Chief, Planning & Development Division, at 786-469-5289. Your continued cooperation on these important matters is greatly appreciated.

c: Albert Hernandez
John T. Spillman

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JAN 17 2008

Asst. Director Planning

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



Miami-Dade Police Department
Address: 7677 PONCE DE LEON RD
ROGER & DOROTHY WOLING; HEARING # 07-172

C-12



Police Grids Boundaries

GRID 1762

MDPD Crime Analysis System
 June 19, 2007
 Data in this document represents
 successfully geocoded attributes.

0 0.1 0.2 Miles





Miami-Dade Police Department

Address Query for Events occurring at 7677 PONCE DE LEON For Thru

Miami-Dade Police Department

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2005-05-01" and Dis.Complaint Date < "2007-06-01" and Dis.Police District Code in ("A", "B", "C", "CB", "D", "E", "G", "H", "I", "K", "L", "M", "N", "P", "Q", "R", "ZZ") and Dis.Incident Address contains "7677 PONCE DE LEON" 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



MIAMI-DADE POLICE DEPARTMENT
Zoning Hearing Report Part I and Part II Crimes w/o AOA
For Specific Grids
For 2005 and 2006



Miami-Dade Police Department

Grid(s): 0030, 1076, 1473, 1634, 1762, 1886, 1916, 1917, 1918, 2142, 2236, 2279

2005 2006

				2005	2006
Grid 1762					
Part I					
	2200	BURGLARY		6	0
	230G	SHOPLIFTING ALL OTHERS		4	2
	230F	SHOPLIFTING FROM A MOTOR VEHICLE		2	2
Part I TOTAL				12	4
Grid 1762 TOTAL				12	4



Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2005 and 2006



Miami-Dade Police Department

Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid in ("0030", "1076", "1473", "1634", "1762", "1886", "1916", "1917", "1918", "2142", "2236", "2279")) 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

2005 2006

Grid	Signal Code	Signal Description		
1762	13	SPECIAL INFORMATION/ASSIGNMENT	13	8
	14	CONDUCT INVESTIGATION	35	35
	15	MEET AN OFFICER	95	2
	17	TRAFFIC ACCIDENT	8	10
	18	HIT AND RUN	1	2
	19	TRAFFIC STOP	6	4
	20	TRAFFIC DETAIL	5	3
	21	LOST OR STOLEN TAG	1	1
	22	AUTO THEFT	0	1
	25	BURGLAR ALARM RINGING	100	93
	26	BURGLARY	14	7
	27	LARCENY	11	2
	28	VANDALISM	4	5
	32	ASSAULT	3	2
	34	DISTURBANCE	21	28
	36	MISSING PERSON	1	0
	37	SUSPICIOUS VEHICLE	8	3
	38	SUSPICIOUS PERSON	4	6
	41	SICK OR INJURED PERSON	4	4
43	BAKER ACT	1	0	
49	FIRE	1	1	
54	FRAUD	2	1	
Total Signals for Grid 1762 :			338	218

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

Date: September 25, 2007

To: Jack Kardys, Interim Director
Park and Recreation Department

From:  Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

Subject: Blanket Concurrency Approval for Local Recreation Open Space

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo
L. Itzkoff
L. Talleda
H. Brown

Memorandum

MIAMI-DADE
COUNTY

Date: November 30, 2006

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

From: *AS* Vivian Donnell Rodriguez, Director
Park and Recreation Department *SRM*

Subject: Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. 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, 2007. 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

2006 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	36,047	368,443	1,013.21	963.51	455.52	85.32	1,504.35	491.14	1.484
2	520,177	33,762	553,939	1,523.31	1,476.12	447.53	139.79	2,063.44	540.13	1.354
3	141,699	59,407	201,106	553.03	578.93	126.30	6.90	712.13	159.10	1.287
	994,272	129,216	1,123,488	3,089.55	3,018.56	1,029.35	232.01	4,279.92	1,190.37	1.375

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



Date: September 17, 2007

To: Subrata Basu, Interim 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 2014 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, 2008), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

Attachment

cc: Vicente Castro, Deputy Director, Operations
Christopher Rose, Deputy Director, Administration
James Bostic, Assistant Director, Operations
Asok Ganguli, Assistant Director, Technical Services

RECEIVED
SEP 18 2007

Asst. Director Planning

Department of Solid Waste Management (DSWM)
Solid Waste Management Disposal Facility Available Capacity
From Fiscal Year 2007-08 Through Fiscal Year 2016-17

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL
OCT. 1, 2007 TO SEPT. 30, 2008	1,885,000	828,686	155,000	673,686	2,518,633	307,000	2,211,633	2,068,785	355,000	1,713,785	250,000
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OCT. 1, 2014 TO SEPT. 30, 2015	1,885,000	0	0	0	8,319	8,319	0	0	0	0	500,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,885,000	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2016 TO SEPT. 30, 2017	1,885,000	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				5			7			5	

ANNUAL DISPOSAL RATE (in tons)	
RESOURCES RECOVERY ASHFILL	155,000
SOUTH DADE LANDFILL	307,000
NORTH DADE LANDFILL	355,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u>1,067,000</u>

* 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, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Brown and Caldwell based on the actual January, 2007, survey with actual tons from January, 2007, through June, 2007, and projected tons for July, August and September, 2007.