

RESOLUTION NO. CZAB10-14-15

WHEREAS, SOUTHWEST COMMUNITY CHURCH, INC applied for the following:

- (1) MODIFICATION of plans approved pursuant to Resolution 4-ZAB-27-76, last amended by Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "Plans being entitled "Proposed Addition and Alterations for Southwest Community Church" as prepared by Jackson & Nunn Architects, dated 6/27/77."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Addition for Southwest Community Church" prepared by Peicons, Inc., Professional Engineering, Sheets S-1 and LS dated stamped received 4/2/15 and all other sheets dated stamped received 2/4/15 for a total of 5 sheets."

- (2) MODIFICATION of Conditions #5, #6, #11 and #12 of Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That the use be approved for and be restricted to a maximum of 200 children."

TO: "5. That the use be approved for and be restricted to a maximum of 297 children."

FROM: "6. That the number of grades will be from K-2 through Grade 6."

TO: "6. That the number of grades will be from K-2 through Grade 9."

FROM: "11. That there be no sign permitted in connection with the use."

TO: "11. That there be four (4) signs permitted in connection with the use."

FROM: "12. That transportation to be furnished in connection with the use will consist on none vehicles and shall be of a none type said vehicles to be stored on the premises."

TO: "12. That transportation to be furnished in connection with the use will consist of two (2) buses and four (4) vans on the premises."

The purpose of Requests #1 & #2 is to allow the Applicant to submit plans showing an additional school building, increase on the number of children and to increase the grade levels.

- (3) NON-USE VARIANCE to permit a back-out space of 17'-6" (22' minimum required).

- (4) NON-USE VARIANCE to permit a one-way driveway with a width varying from 13' to 13'-7" (20' minimum required).
- (5) NON-USE VARIANCE to permit four (4) signs associated with the school, two (2) 80 sq. ft. signs and two (2) 24sq. ft. signs (one(1) 24 sq. ft. sign permitted).
- (6) NON-USE VARIANCE to permit the two (2) detached signs setback 10' (15' required) from the property lines of SW 89 Avenue and SW 44 Street.
- (7) NON-USE VARIANCE to permit the recreational playground area with an area of 81,165 sq. ft. (89,288 sq. ft. required).
- (8) NON-USE VARIANCE to permit the existing chain link fence within the safe-sight distance triangle (not permitted).

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

SUBJECT PROPERTY: The South 443.00' of the East ½ of Government Lot 2, Section 21, Township 54 South, Range 54 East, less and except the East 209.00' thereof and also the South 25' dedicated for roadway purposes. ALSO The East 209.00' of the North 209.00' of the South 443.00' of the East ½ of Government Lot 2, Section 21, Township 54 South, Range 40 East, less and except the East 25' thereof dedicated for roadway purposes.

LOCATION: 8951 SW 44 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and it was noted that the applicant had previously submitted revised plans within the scope of the advertisement entitled "Proposed Addition for Southwest Community Church", prepared by Peicons, Inc., Professional Engineering, sheets S-1 and LS dated stamped received April 2, 2015, sheets A1 and A3 last and written revision dated 7/8/15, and all other sheets dated stamped received February 4, 2015, for a total of 5 sheets, and

WHEREAS, the applicant requested permission to amend Item #1 to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and the removal of detached sign abutting SW 89 Avenue, and the applicant requested to amend that portion of Item #2 pertaining to Condition #11 to permit three (3) signs in lieu

of the requested four (4) signs, and the applicant further requested to amend Item #5 to permit three (3) signs associated with the church and school, two (2) 80 sq. ft. signs and one (1) 24sq. ft. sign, in lieu of the requested four (4) signs, two (2) 80 sq. ft. signs and two (2) 24sq. ft. signs, and

WHEREAS, the applicant also requested permission to withdraw the requested NON-USE VARIANCE to permit the two (2) detached signs setback 10' from the property lines of SW 89 Avenue and SW 44 Street (Item #6), and

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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested MODIFICATION of plans approved pursuant to Resolution 4-ZAB-27-76, last amended by Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, as modified to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached sign abutting SW 89 Avenue (Item #1), the MODIFICATION of Conditions #5, #6, #11 and #12 of Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, as modified amending Condition #11 to permit three (3) signs (Item #2), the NON-USE VARIANCE to permit a back-out space of 17'-6" (Item #3), the NON-USE VARIANCE to permit a one-way driveway with a width varying from 13' to 13'-7" (Item #4), the NON-USE VARIANCE, as modified, to permit three (3) signs associated with the church and school, two (2) 80 sq. ft. signs and one (1) 24sq. ft. sign (Item #5), the NON-USE VARIANCE to permit the recreational playground area with an area of 81,165 sq. ft. (Item #7), and the NON-USE VARIANCE to permit the existing chain link fence within the safe-sight distance triangle (Item #8) would be compatible with the area and its development and would be in

harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, the revised plan entitled "Proposed Addition for Southwest Community Church", prepared by Peicons, Inc., Professional Engineering, sheets S-1 and LS dated stamped received April 2, 2015, sheets A1 and A3 last and written revision dated 7/8/15, and all other sheets dated stamped received February 4, 2015, for a total of 5 sheets, except as amended at the hearing to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached sign abutting SW 89 Avenue, should be accepted, and

WHEREAS, the withdrawal of the NON-USE VARIANCE to permit the two (2) detached signs setback 10' (15' required) from the property lines of SW 89 Avenue and SW 44 Street (Item #6) should be granted, and

WHEREAS, a motion to approve Items #1, #2, and #5 on a modified basis, as described above, approve Items #3, #4, #7 and #8, and withdraw Item #6 without prejudice was offered by Manuel Valdes, seconded by Robert Suarez, and upon a poll of the members present, the vote was as follows:

Omar Fernandez	aye	Manuel Valdes	aye
Richard M. Gomez	aye	Toufic Zakharia	aye
Robert Suarez	aye		
	Miriam Planas	absent	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested MODIFICATION of plans approved pursuant to Resolution 4-ZAB-27-76, last amended by Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, as modified to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached

sign abutting SW 89 Avenue (Item #1), the MODIFICATION of Conditions #5, #6, #11 and #12 of Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, as modified amending Condition #11 to permit three (3) signs (Item #2), the NON-USE VARIANCE to permit a back-out space of 17'-6" (Item #3), the NON-USE VARIANCE to permit a one-way driveway with a width varying from 13' to 13'-7" (Item #4), the NON-USE VARIANCE, as modified, to permit three (3) signs associated with the church and school, two (2) 80 sq. ft. signs and one (1) 24sq. ft. sign (Item #5), the NON-USE VARIANCE to permit the recreational playground area with an area of 81,165 sq. ft. (Item #7), and the NON-USE VARIANCE to permit the existing chain link fence within the safe-sight distance triangle (Item #8) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution #4-ZAB-418-77, remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Addition for Southwest Community Church", prepared by Peicons, Inc., Professional Engineering, sheets S-1 and LS dated stamped received April 2, 2015, sheets A1 and A3 last and written revision dated 7/8/15, and all other sheets dated stamped received February 4, 2015, for a total of 5 sheets, except as herein amended to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached sign abutting SW 89 Avenue.
3. That the school transportation buses shall not be parked within 150' of the property lines abutting SW 44 Street and SW 89 Avenue on nights and weekends.
4. That the proposed sign abutting SW 44 Street be relocated to meet the setback requirements prior to permit approval.
5. That the applicant obtain permits for all the unpermitted signs within 90 days of final approval, and that the applicant further obtain permits for the proposed 24 sq. ft. sign approved at the hearing. Time extension to obtain permits may be granted by the Department of Regulatory and Economic Resources.
6. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section indicated in its memorandum dated June 2, 2015.
7. That the applicant provides duly authorized traffic control personnel off-site during special events to address parking overflow in situations where attendance exceeds parking capacity on paved spaces.

BE IT FURTHER RESOLVED that the requested MODIFICATION of plans approved pursuant to Resolution 4-ZAB-27-76, last amended by Resolution 4-ZAB-418-77, passed and adopted by the Zoning Appeals Board, as modified to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached sign abutting SW 89 Avenue (Item #1), shall read as follows:

That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Addition for Southwest Community Church", prepared by Peicons, Inc., Professional Engineering, sheets S-1 and LS dated stamped received April 2, 2015, sheets A1 and A3 last and written revision dated 7/8/15, and all other sheets dated stamped received February 4, 2015, for a total of 5 sheets, except as herein amended to show the relocation of the detached sign along SW 44 Street to meet the setback requirements and to show the removal of detached sign abutting SW 89 Avenue.

BE IT FURTHER RESOLVED that the requested MODIFICATION of Conditions #5, #6, #11 and #12 of Resolution 4-ZAB-418-77, as modified amending Condition #11 to permit three (3) signs passed and adopted by the Zoning Appeals Board (Item #2), shall read as follows:

5. That the use be approved for and be restricted to a maximum of 297 children.
6. That the number of grades will be from K-2 through Grade 9.
11. That there be three (3) signs permitted in connection with the use.
12. That transportation to be furnished in connection with the use will consist of two (2) buses and four (4) vans on the premises.

BE IT FURTHER RESOLVED that the request for a NON-USE VARIANCE to permit the two (2) detached signs setback 10' from the property lines of SW 89 Avenue and SW 44 Street (Item #6) is hereby withdrawn without prejudice.

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

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

PASSED AND ADOPTED this 15th day of July, 2015.

Hearing No. 15-7-CZ10-1
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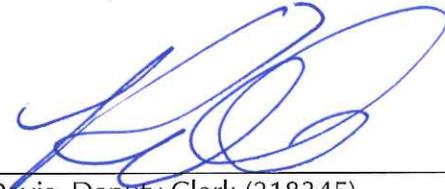
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1ST DAY OF SEPTEMBER, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

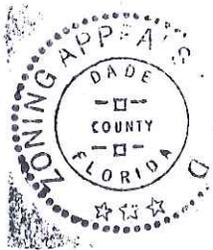
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-14-15 adopted by said Community Zoning Appeals Board at its meeting held on the 15th day of July, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 1st day of September, 2015.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade Department of Department of Regulatory
and Economic Resources

SEAL





Department of Regulatory and Economic Resources

Development Services Division
111 NW 1st Street • Suite 111C
Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

September 1, 2015

Southwest Community Church, Inc
c/o Jerry Proctor
1450 Brickell Avenue, Suite 2300
Miami, FL 33131

Re: Hearing No. 15-7-CZ10-1 (11-064)
Location: 8951 SW 44 Street, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB10-14-15**, adopted by the by the Community Zoning Appeals Board 10, **which approved Items #1 through #4, #7 and #8, Item #5 on a modified basis, to permit three (3) signs associated with the church and school (two (2) 80 sq. ft. signs and one (1) 24sq. ft. sign), and the withdrawal of Item #6 without prejudice on the above described property.** Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificates(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

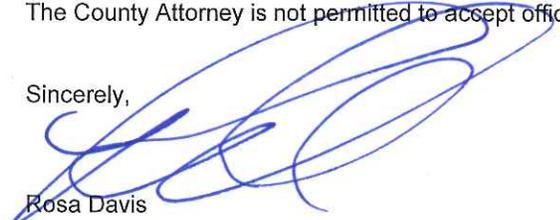
If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **September, 2015**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,



Rosa Davis
Deputy Clerk

Enclosure