

STAFF REPORT

DD&S BAY LLC
VPB-14-005



Village of Palmetto Bay

ZONING ANALYSIS

APPLICANT: DD&S Bay LLC.
(Armando M Suarez & Maria Teresa Suarez,
Leonardo and Teresa Delgado, and
Leonard Delgado JR)

PH: VPB-14-005

SECTION: 28-55-40

HEARING DATE: 09/22/2014

COUNCIL DISTRICT: 2

ITEM: 1

A. GENERAL INFORMATION

REQUEST: Deletion of a covenant proviso of resolution removing a condition of a rezoning approval tying the properties to a specific site plan, thus permitting development to proceed consistent with the existing R-1 zoning requirements.

ADDRESS: 8900 SW 158th Street, and 28 55 40 west 97.50 feet of the east 122.50 feet of the 100 feet north 125 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section less the extension area of the curve in the northeast corner AKA Parcel 2 per WP D-23399 OR 29097-0153, and 28 55 40 west 195 feet of the east 220 feet of the south 80 feet of the north 205 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section AKA Parcel 3 Per WP D-23399 OR 29097-0153., PALMETTO BAY, FL 33157

LOT SIZE: 34,975 sq. ft. (.8 Acres) Consisting of three lots

FOLIO #: 33-5028-000-0220, 33-5028-000-0221, 33-5028-000-0222

B. BACKGROUND

In 2005, the Mayor and Village Council rezoned the property in question from AU, Agriculture, to RU-1, Single Family Residential (Resolution No. 05-108).¹ That approval

¹ In 2005 the Village operated under the auspices of Miami-Dade County's Code which authorized, due to its size as a large metropolitan jurisdiction, to complete rezonings via resolution. The 2005 resolution has a technical flaw in that it possesses a scrivener's error which references a variance approval as opposed to a rezoning as was so requested by the applicant. The rezoning request did not require variance approval. The AU and RU-1 designations are reflective of the zoning designations of the Miami-Dade County as requested by

required a restrictive covenant be entered into tying the property to a specific site plan. Because a site plan submittal was not required, a site plan analysis was not provided with that request. The property its self was presented to the council as three parcels that have since been recorded on April 4, 2014 via a waiver of plat (OR Bk 29097 Pages 0153-1601). The covenant plan requires two story homes be constructed on the parcels as identified on that site plan. If it is the desire of the Mayor and Village Council authorize removal of the covenant requirement, the property owner will have to record a document that releases the property from the restrictive covenant. From that point on, all proposed construction shall meet the development requirements of the R-1 zoning designation.

C. ZONING HEARING HISTORY:

On January 28, 1947, the Dade County Board of County Commissioners, pursuant to **Resolution No. 2406**, rezoned the property together with other lands, from AU to BU-1, AU to RU-3, and AU-RU-1.

On January 11, 1967, the Dade County Zoning Appeals Board, pursuant to **Resolution 3-ZAB-23-67**, recommended approval of rezoning from AU to RU-1 to the Dade County Board of County Commissioners².

On December 15, 2005, the Village of Palmetto Bay, pursuant to **Resolution No. 05-108**, rezoned the parcel from AU to RU-1, and ordered the applicant to enter into a covenant that tied the development to a site plan as recorded April 11, 2006. It provided, amongst other things, that the houses constructed on the site would be two stories.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE DESIGNATION
Subject Property: R-1; Single Family Residential	Low Density Residential
Surrounding Properties: NORTH: AG; Agricultural R-1; Single Family Residential	Low Density Residential Low Density Residential
EAST: E-M; Estate Modified	Low Density Residential
SOUTH:	

the applicant at that time. The property has since been rezoned to reflect the Village's zoning of R-1 which is roughly equivalent to the County's RU-1.

² No further action regarding this rezoning request was reflected in the Miami-Dade County record. As such, the property was not rezoned at that time.

R-1; Single Family Residential District Low Density Residential

WEST:

R-1; Single Family Residential District Low Density Residential
AG; Agricultural/Residential Environmental Protection

E. ANALYSIS

**SUBSECTION 1 – DELETION/MODIFICATION OF
RESOLUTIONS AND DECLARATION OF RESTRICTIONS**

The following is a review of the request to delete the declaration of restrictions pursuant to the Village's criteria, found at Section 30-30.9(c) of the Land Development Code. The Background Section and the Zoning History Section of this report are hereby incorporated by reference into this analysis.

Criteria (1) The extent to which the Village, the Applicant and the Applicant's predecessor(s) in title are responsible for the failure of the covenant to be timely recorded (if applicable), including whether the failure to record the covenant is a result of clerical or other error.

Analysis: The resolution from 2005 was properly adopted and the declaration of restrictions recorded on April 11, 2006, was timely recorded and there were no apparent errors therein applicable to the Applicant's request.

Finding: Not applicable.

Criteria (2) Whether there was an intent to deceive or mislead the Village in connection with the prior resolution containing the covenant proviso.

Analysis: There appears to be no intent to deceive or mislead the Village on behalf of the Applicant in connection with the prior resolution containing the requirement to record the covenant.

Finding: Complies.

Criteria (3) Any detriment which the granting of the application may cause to the Village, or the public, including the area affected. The consideration of detriment shall include, but not be limited to (a) whether granting relief will impair the Village's ability to obtain compliance with the covenant proviso by the Applicant or other property owners to the extent that the covenant proviso may remain in effect after a revision; and (b) whether the Applicant will proffer a new, recordable covenant addressing the concerns that were to have been addressed by the prior covenant.

Analysis: Please see Background Section of this report. The declaration of restrictions was established to tie the proposed development to a site plan. The Applicant

wants to be able to build a single story house rather than a two story as required by the covenant. The Applicant now seeks to delete the covenant so as to be governed by the existing R-1 zoning on site which would allow for a single story home to be constructed. If deletion is approved, future compliance to the development and maintenance of the site shall be governed by the current code provisions.

Finding: Complies.

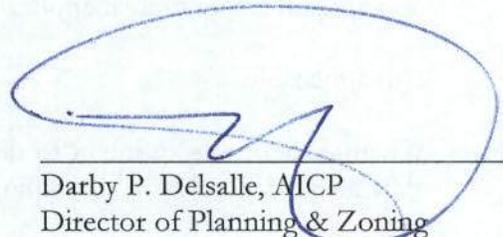
G. NEIGHBORHOOD SERVICES

Code Compliance	No Objection
DERM	Required
Building and Capital Projects	Required
Public Works	Required

H. RECOMMENDATION

Deletion of Declaration of Restrictions Request.

Staff recommends approval.



Darby P. Delsalle, AICP
Director of Planning & Zoning

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RESOLUTION NO _____

ZONING APPLICATION VPB-14-005

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ZONING; REMOVING A CONDITION OF RESOLUTION NO. 05-108, WHICH TIES THE REZONING OF CERTAIN PROPERTIES TO A SPECIFIC SITE PLAN; AUTHORIZING DELETION A COVENANT PROVISIO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 15, 2005, the Village of Palmetto Bay, pursuant to Resolution No. 05-108, rezoned the property from AU to RU-1, and ordered the applicant to enter into a covenant that tied the development to a site plan as recorded April 11, 2006. It provided, amongst other things, for the division of the property into 3 lots and the houses constructed thereon to be two story homes; and

WHEREAS, on April 11, 2006, the covenant, as required by the condition of the rezoning, was recorded at OR Bk 24413 Pgs 4502-4508; and

WHEREAS, in 2009, the Village of Palmetto Bay adopted its own zoning map which aligned those lands Zoned RU-1 under Miami-Dade County's Code to the Village's zoning designation of R-1, which action included the property in question; and

WHEREAS, the three delineated lots on the property have since become properties of record as so recorded, consistent with the rezoning approval, on April 4, 2014, via a waiver of plat (OR Bk 29097 Pages 0153-1601), thus making that portion of the covenant moot; and

WHEREAS, the Mayor and Village Council now desire those development standards that apply to R-1 zoned properties within the Village of Palmetto Bay equally apply to the now three separate lots of record; and

WHEREAS, the Mayor and Village Council authorize the removal of the condition on Resolution No. 05-108 requiring the covenant and authorize the deletion of that covenant as so recorded at OR Bk 24413 Pgs 4502-4508.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present application was held on September 22, 2014, in accordance with section 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the following findings of fact, and conclusions of law.

1 **Section 2.** Findings of fact.

2 1. The subject properties are located at 8900 SW 158th Street, and 28 55 40 west
3 97.50 feet of the east 122.50 feet of the 100 feet north 125 feet of the southeast 1/4 of the
4 southwest 1/4 of the northeast 1/4 of the section less the extension area of the curve in the
5 northeast corner AKA Parcel 2 per WP D-23399 OR 29097-0153, and 28 55 40 west 195
6 feet of the east 220 feet of the south 80 feet of the north 205 feet of the southeast 1/4 of the
7 southwest 1/4 of the northeast 1/4 of the section AKA Parcel 3 Per WP D-23399 OR
8 29097-0153., Palmetto Bay, FL 33157
9

10 2. The above whereas clauses incorporated herein are true.
11

12 3. The rules that govern the deletion are principally at Section 30-30.9(c). After
13 hearing the Applicant and applicant's experts, the Village Council found the request consistent with
14 those standards.
15

16 4. The Village Council accepts the findings of staff as so presented in the written
17 analysis and as presented at the hearing as it relates to compliance with the Village's Code.
18

19 5. The Village adopts and incorporates by reference the Planning & Zoning
20 Department staff report, which expert report is considered competent substantial evidence.
21

22 6. The Village Council did not have any substantive disclosures regarding ex-parte
23 communications and the applicant did not raise any objections as to the form or content of any
24 disclosures by the Council.
25

26 **Section 3.** Conclusions of law.

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28 1. The Application is in compliance with the adopted 2009, Village of Palmetto Bay
29 Comprehensive Plan and Future Land Use Map.
30

31 2. The standard of review for the deletion is found at 30-30.9(c) of the Village of
32 Palmetto Bay's Land Development Code. The Applicant's request is in compliance with the
33 applicable standards.
34

35 **Section 4.** Order.

36
37 1. The Village Council, pursuant to Section 30-30.9(c), of the Land Development
38 Code, approves the deletion of the condition on Resolution No. 05-108 requiring the
39 covenant and authorizes the deletion of that covenant as so recorded at OR Bk
40 24413 Pgs 4502-4508.
41

42 This is a final order.

RESOLUTION NO. 05-108

ZONING APPLICATION 05-3-VPB-1/04-293 (28-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF MARVIN JEROME JOHNSON FOR RE-ZONING FROM AU TO RU-1 (SW CORNER OF SW 158 STREET AND SW 89 AVENUE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for re-zoning, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on December 12, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for re-zoning is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the application, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present application was held on December 12, 2005 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Marvin Jerome Johnson. The property is vacant land located at SW 158 Street and SW 89 Avenue.
2. The applicant requests to change the zoning on the subject property from AU, agricultural district, to RU-1, single family residential district.
3. The village council adopts the portions of the cover sheet to, and the County recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The Village Council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards and Analysis as its conclusions of law.
2. The Village Council further concludes that the application for re-zoning is consistent with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and compatible with the surrounding area.

Section 4. Order.

1. The village council accepts the county and staff recommendation at page 5. The application for alternative non-use variance is granted, subject to the applicant entering into a covenant that will tie the development to the site plan, as submitted and attached hereto.

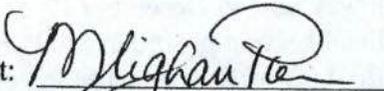
Section 5. Record.

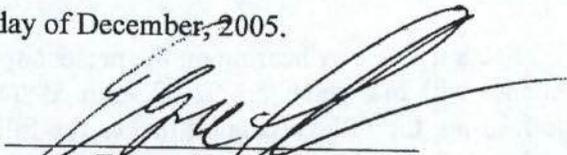
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

Section 6. This resolution shall take effect immediately upon approval.

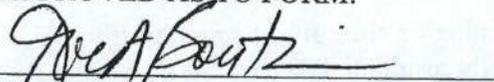
PASSED and ADOPTED this 15th day of December, 2005.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller Yes

Council Member Paul Neidhart Yes

Council Member John Breder Yes

Vice-Mayor Linda Robinson Yes

Mayor Eugene P. Flinn, Jr. Yes

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A. MARVIN JEROME JOHNSON
(Applicant)

05-3-VPB-1 (04-293)
VPB/District 8
Hearing Date: 12/12/05

Property Owner (if different from applicant) Same.

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

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 VILLAGE OF PALMETTO BAY**

APPLICANT: Marvin Jerome Johnson

PH: Z04-293 (05-3-VPB-1)

SECTION: 28-55-40

DATE: December 12, 2005

ITEM NO.: A

A. INTRODUCTION

o **REQUEST:**

AU to RU-1

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the subject property from AU, agricultural district, to RU-1, single family residential district.

o **LOCATION:**

The southwest corner of S.W. 158 Street & S.W. 89 Avenue, Village of Palmetto Bay, Florida.

o **SIZE:** 1.28 gross acres

o **IMPACT:**

The rezoning of the property will allow the applicants to build 4 units where the existing zoning would require 5 gross acres to build one unit. However, the rezoning will have a minor impact on the area by bringing more children into the schools, and additional activity and noise into the area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **low-medium density residential**. The residential densities allowed in this category shall range from a minimum of 5.0 to a maximum of 13 units per gross acre. The types of housing typically found in areas designated low-medium density include single family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this

Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."

3. Exceptions to the minimum density may exist outside transportation corridors where such an exception would serve the interest of compatibility or protect the public health, or safety, or protect important resources. For the purposes of this paragraph, transportation and transit corridors are areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
AU; vacant	Residential, low medium density, 5 to 13 dua
<u>Surrounding Properties:</u>	
NORTH: RU-1 & AU; single family residences	Residential, low medium density, 5 to 13 dua
SOUTH: RU-1; single family residence and vacant parcel	Residential, low medium density, 5 to 13 dua
EAST: EU-M; single family residences	Residential, estate density, 1 to 2.5 dua
WEST: RU-1; single family residences	Residential, low medium density, 5 to 13 dua

The subject parcel is located on the southwest corner of SW 89 Avenue and SW 158 Street. This parcel is surrounded by a residential development consisting of single family residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(no plans submitted)
Scale/Utilization of Site:	Acceptable
Location of Buildings:	N/A
Compatibility:	Acceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	N/A
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** the Board shall take into consideration, among other factors the extent to which:

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

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	3 students

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the June 13, 2005 meeting to this date to allow the applicant to provide a complete set of plans for the proposed residences to the Village Council. This application was also deferred from the March 13, 2005 meeting to allow the applicant to submit a site plan to the Village Council. At the time of this writing, the applicant has provided plans to the Village staff however, County staff has reviewed the plans.

The subject property is located at the southwest corner of SW 89 Avenue and SW 158 Street. The applicant is seeking a district boundary change from AU, Agricultural District, to RU-1, Single Family Residential District. RU-1 zoning permits a maximum density of 4.65 units per acre, a minimum lot area of 7,500 sq. ft., and a minimum frontage of 75'.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in Chapter 24 of the Code. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and indicates that it will generate 9 additional **PM** daily peak hour trips and that it does not exceed the level of service (LOS) for the area roadways. Said roadways are at LOS "B" and "C". The Miami-Dade County Public Schools (**MDCPS**) states in their memorandum that this project will generate 3 additional **students** to the adjacent schools. The applicant met with representatives from MDCPS on January 12, 2005 and will proffer a covenant to provide additional mitigation above and beyond that required for impact fees. MDCPS also indicated that the proposed residential development would result in an increase in the Florida Inventory School Houses (FISH) capacity utilization in excess of 115%. The proposed development will impact Coral Reef Elementary School, Southwood Middle School and Miami Palmetto Senior High School which are currently operating at 137%, 153% and 155% of FISH % utilization, respectively.

The subject property is one of a few remaining remnant AU zoned parcels of land in this square mile. The surrounding area consists of RU-1, AU, and EU-M zoned parcels. Specifically, the Board of County Commissioners (BCC) pursuant to Resolution Z-34-67 approved a rezoning from AU, agricultural district, to RU-1, single family residential district in 1967 on the parcel immediately south of the subject property. Similarly, identical requests were approved by the BCC, pursuant to Resolution Z- 241-77 in 1977 on the parcel to the immediate west and pursuant to Resolution Z-179-69 on the parcel located at the northwest corner of SW 158 Street and SW 89 Avenue. Staff is of the opinion that approval of the zone change to RU-1 would be in keeping with previous approvals in the area and retain the single family character of the surrounding area.

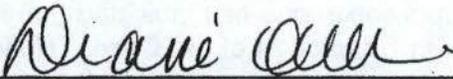
This application will allow the applicant to provide additional housing for the community. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP), which designates this site for Low -Medium Density Residential use, permits a maximum density of 13 units per gross acre which results in the maximum development of 13 residential units on this 1.28 acre site. The proposed RU-1 zoning allows a density

of 4.64 units per gross acre which is below the minimum of 5 units per gross acre permitted by the CDMP. The CDMP allows exceptions to the minimum density outside transportation corridors where such an exception would serve the interest of compatibility. In this instance, allowing an exception to the minimum density would be **consistent** with the Master Plan and would be **compatible** with the surrounding area which, consists of EU-M zoning to the east, RU-1 & AU zoning to the north, and RU-1 zoning to the south and west. As such staff recommends approval of the zone change to RU-1.

I. **RECOMMENDATION:** Approval of the zone change to RU-1.

J. **CONDITIONS:** None.

DATE INSPECTED: 01/31/05
DATE TYPED: 01/31/05
DATE REVISED: 02/01/05; 02/02/05; 04/21/05; 04/28/05; 05/05/05; 11/21/05
DATE FINALIZED: 11/21/05
DO:QW:AJT:MTF:LVT:JV:JED

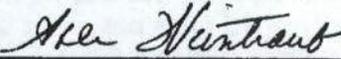

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Village of Palmetto Bay
Department of Community Development
Recommendation:

This application has been before the Council on March 14th and June 13th, 2005. At the March 14th hearing, this was deferred to June 13th, 2005. At the June 13th hearing, this was deferred again to the December 12th hearing to provide a six-month time period for the applicant to prepare and submit a site plan as requested by the Village in accordance with Village policy.

This property, currently zoned agricultural, is surrounded by single family zoning and agricultural zoning: RU-1 and AU to the north; RU-1 to the south and west; and EU-M to the east. A site plan has been submitted showing 3 oversized lots, floor plans, elevations and landscaping plans. RU-1 zoning has a minimum lot size of 7,500 square feet and a minimum lot width of 75' for new subdivisions; therefore, this property could only be divided into three lots. The proposed lot sizes are 9751 square feet and 9621 square feet facing SW 158 St., where the adjacent zoning districts are RU-1 and AU. The third proposed lot, which will face EU-M zoning, will be 15,601 square feet. As such, the lots will be even larger than the minimum required sizes. The proposed floor plans show homes of 2871 square feet. Both the size of the lots and the size of the homes are compatible with the surrounding area.

It is recommended that the zoning change from AU to RU-1 be approved.


Arleen Weintraub, Director
Community Development

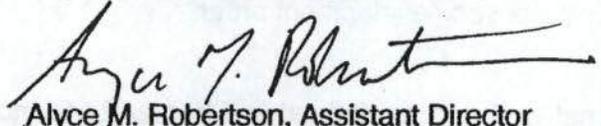
vPB



Memorandum

Date: August 25, 2004

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

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

Subject: #Z2004000293
Marvin Jerome Johnson
SW corner of SW 158th Street & SW 89th Avenue
DBC from AU to RU-1
(AU) (1.03 Ac.)
28-55-40

RECEIVED
AUG 31 2004
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

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

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to this property. Therefore, DERM will require connection to the public water supply and public sanitary sewer systems.

Existing public water and sewer 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.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

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

An Environmental Resource Permit will not be required since the subject site is included in a blanket general permit granted by the South Florida Water Management District known as the "No Notice General Permit".

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

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

Wetlands:

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

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

Tree Preservation:

Section 24-60 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements.

Enforcement History:

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

Concurrency Review Summary:

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MARVIN JEROME JOHNSON

This Department has no objections to this application.

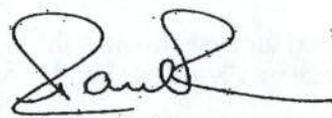
This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate 9 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #	LOS present	LOS w/project
F-332	S. Dixie Hwy. s/o SW 152 St.	C C
F-346	S. Dixie Hwy. n/o SW 112 Ave.	B B
9848	SW 152 St. e/o US-1	C C

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

(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.


Raul A Pino, P.L.S.

08-NOV-04



Miami-Dade County Public Schools

giving our students the world

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

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

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

January 20, 2005

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

RECEIVED
JAN 31 2005

DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY AW 1130am

Re: Marvin Jerome Johnson - Application No. 04-293 (Palmetto Bay)
Southwest Corner of SW 158 Street and SW 89 Avenue

Dear Ms. Fojo:

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

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that all of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Coral Reef Elementary School, Southwood Middle School and Miami Palmetto Senior High School currently operating at 137%, 153% and 155% of FISH % utilization, respectively (please see enclosed analysis).

Pursuant to the Interlocal, the District held a dialogue meeting via telephone with a representative of the above referenced applicant on January 12, 2005, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to discuss with the District possible options that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Please note the attached analysis depicts the relief schools planned in the area, which includes the recently approved Facilities Five Year Work Program.

Ms. Maria Teresa-Fojo
January 20, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

$$\text{New residential unit square footage} \times .90 \text{ (Square Footage Fee)} + \$600.00 \text{ (Base Fee)} + 2\% \text{ administrative fee} = \text{Educational Facilities Impact fee}$$

As an example, assuming the proposed unit is 2,000 square feet, the 5-unit development is estimated to generate approximately \$12,240 (\$2,448 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

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

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

Sincerely,



Annie Betancourt
Coordinator II

AB:ab
L-0451
Attachment

cc: Mr. Fernando Albueme
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Ms. Claudette Waters

Revised

**SCHOOL IMPACT REVIEW ANALYSIS
January 12, 2005**

APPLICATION: No. 04-293, Marvin Jerome Johnson (Palmetto Bay)
REQUEST: Zone change from AU to RU-1
ACRES: 1 acre
MSA/Multiplier: 5.71.60
LOCATION: Southwest Corner of SW 158 Street and SW 89 Avenue
UNITS: 5 single-family units (in accordance to RU-1 standards)
ESTIMATED STUDENT POPULATION: 3 students*
ELEMENTARY: 1
MIDDLE: 1
SENIOR: 1

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Coral Reef Elementary - 7955 SW 152 St.
MIDDLE: Southwood Middle – 16301 S.W. 26 St.
SENIOR HIGH: Miami Palmetto Senior - 7460 S.W. 118 St.

All schools are located in Region 5

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

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

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Coral Reef Elem	813/ 814*	554	147%/ 147%*	40	137%/ 137%*
Southwood Middle	1809/ 1810*	1160	156%/ 156%*	20	153%/ 153%*
Miami Palmetto Sr.	3550/ 3551*	2053	173%/ 173%*	238	155%/ 155%*

* increased student population as a result of the proposed development
Note:

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

PLANNED RELIEF SCHOOLS IN THE AREA (information as of December, 2004):

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Classroom addition at Southwood Middle (875 student stations)	Pre-planning	2011
Classroom addition at Miami Palmetto Sr. High (220 student stations)	Completed	October 2004

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$5,833 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$17,499.

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

ELEMENTARY	1 x	\$ 13,480	=	\$ 13,480
MIDDLE	1 x	\$ 15,456	=	\$ 15,456
SENIOR	1 x	\$ 20,453	=	\$ 20,431
Total Potential Capital Cost				\$ 49,367

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

Miami-Dade County Public Schools Charter School Operations

Approved Charter Schools

- 1 Archimedeas Academy, 10870 SW 113 Place, Miami, FL 33176
- 2 ASPIRA Eugenio Maria de Hostos Youth Leadership, 3650 North Miami Avenue, Miami, FL 33127
- 3 ASPIRA South Youth Leadership, 14112-14 SW 288 Street, Leisure City, FL 33033
- 4 ASPIRA Youth Leadership, 13500 Memorial Highway, North Miami, FL 33161
- 5 Aventura Charter Elementary School, 3333 NE 188 Street, Miami, FL 33180
- 6 Coral Reef Montessori Academy, 10853 SW 216 Street, Miami, FL 33157
- 7 Doral Academy, 2450 NW 87 Avenue, Miami, FL 33172
- 8 Doral Academy Charter Middle School, 2801 NW 112 Avenue, Miami, FL 33172
- 9 Doral Academy High School, 11100 NW 27 Street, Miami, FL 33172
- 10 Downtown Miami Charter School, 305 NW 3 Avenue, Miami, FL 33128
- 11 Florida International Academy, 7630 Biscayne Boulevard, Miami, FL 33138
- 12 Theodore R. & Thelma A. Gibson Charter School, 3834 Grand Avenue, Miami, FL 33133
- 13 Keys Gate Charter School, 2000 SE 28 Avenue, Homestead, FL 33035
- 14 Liberty City Charter School, 8700 NW 5 Avenue, Miami, FL 33150
- 15 Mater Academy, 7700 NW 98 Street, Hialeah Gardens, FL 33016
- 16 Mater Academy Charter Middle School, 7901 NW 103 Street, Hialeah Gardens, FL 33016
- 17 Mater Academy Charter High School, 7901 NW 103 Street, Hialeah Gardens, FL 33016
- 18 Mater Academy East, 450 SW 4 Street, Miami, FL 33130
- 19 M/S Barry University Connected Learning Center, 11441 NW 2 Avenue, Miami Shores, FL 33188
- 20 North County Charter School, 3400 NW 135 Street, Miami, FL 33054
- 21 North Dade Community Charter School, 13850 NW 26 Avenue, Opa-Locka, FL 33064
- 22 Northeast Academy, 3400 NW 135 Street, Miami, FL 33064
- 23 Pinecrest Preparatory Academy, 14301 SW 42 Street, Miami, FL 33175
- 24 Pinecrest Preparatory Academy Charter Middle School, 14301 SW 42 Street, Miami, FL 33175
- 25 Roaa Parks Charter School/Florida City, 713 West Palm Drive, Florida City, FL 33034
- 26 Roaa Parks Community School/Overtown, 430 NW 9 Street, Miami, FL 33136
- 27 Ryder Elementary Charter School, 8360 NW 33 Street, Miami, FL 33122
- 28 Sander Wiener School of Opportunity
Main Campus: 20000 NW 47 Court, Opa-Locka, FL 33065
Kendall Campus: 11025 SW 84 Street, Miami, FL 33173
- 29 Spiral Tech Elementary Charter School, 12400 SW 72 Street, Miami, FL 33163
- 30 Yankara Academy Charter School, 13307-11 Alexandria Drive, Opa-Locka, FL 33054
- 31 Youth Co-Op, 12051 West Okeechobee Road, Hialeah Gardens, FL 33018

Approved Contingents for 2004-2005

- 32 Academy of Arts & Minds, 3138 Commodore Plaza, Miami, FL 33133
- 33 Balare Language Academy, 10800 Caribbean Blvd., FL 33189 *
- 34 International Studies Charter High, 3280 South Miami Avenue, Miami, FL 33127
- 35 Las Palmas Charter School, 14250 SW 202 Avenue, Miami, FL 33196
- 36 Miami Children's Museum Charter School, 450 SW 4 Street, Miami, FL 33130 (temporary location)

Approved Contingents for 2004-2005 (continued)

- 37 Miami Community Charter School, 101 SW Redland Road, FL 33034*
- 38 Pinecrest Preparatory Academy Charter High School (two locations)
Main Campus (Kendall Greens): SW 80 Street & 150 Avenue, Miami, FL 33183 and
Holy Cross Campus: 12425 SW 72 Street, Miami, FL 33183
- 39 School for Integrated Academics and Technologies (SIATech) (two locations)
Main Campus: 3050 NW 185 Street, Miami, FL 33056, and
Homestead Campus: 12350 SW 285 Street, Homestead, FL 33033
- 40 Somerset Academy, 8760 NW 21 Terr., Miami, FL 33172 and
2801 NW 112 Avenue, Miami, FL 33172 (temporary locations for 2004-2005)
SW 117 Avenue and 232 Street, Miami, FL 33170 (permanent location)
- 41 Somerset Academy Charter Middle School
2801 NW 112 Avenue, Miami, FL 33172 and
8760 NW 21 Terr., Miami, FL 33172 (temporary locations for 2004-2005)
SW 117 Avenue and SW 232 Street, Miami FL 33170 (permanent location)
- 42 Somerset Academy Charter High School, 11100 NW 27 Street, Miami, FL 33172 and
2801 NW 112 Avenue, Miami, FL 33172 (temporary locations)
- 43 Sweet Home Charter School, 17201 SW 103 Avenue, Miami, FL 33157 (temporary location).
SW 190 Street and 112 Avenue, Miami, FL 33157*

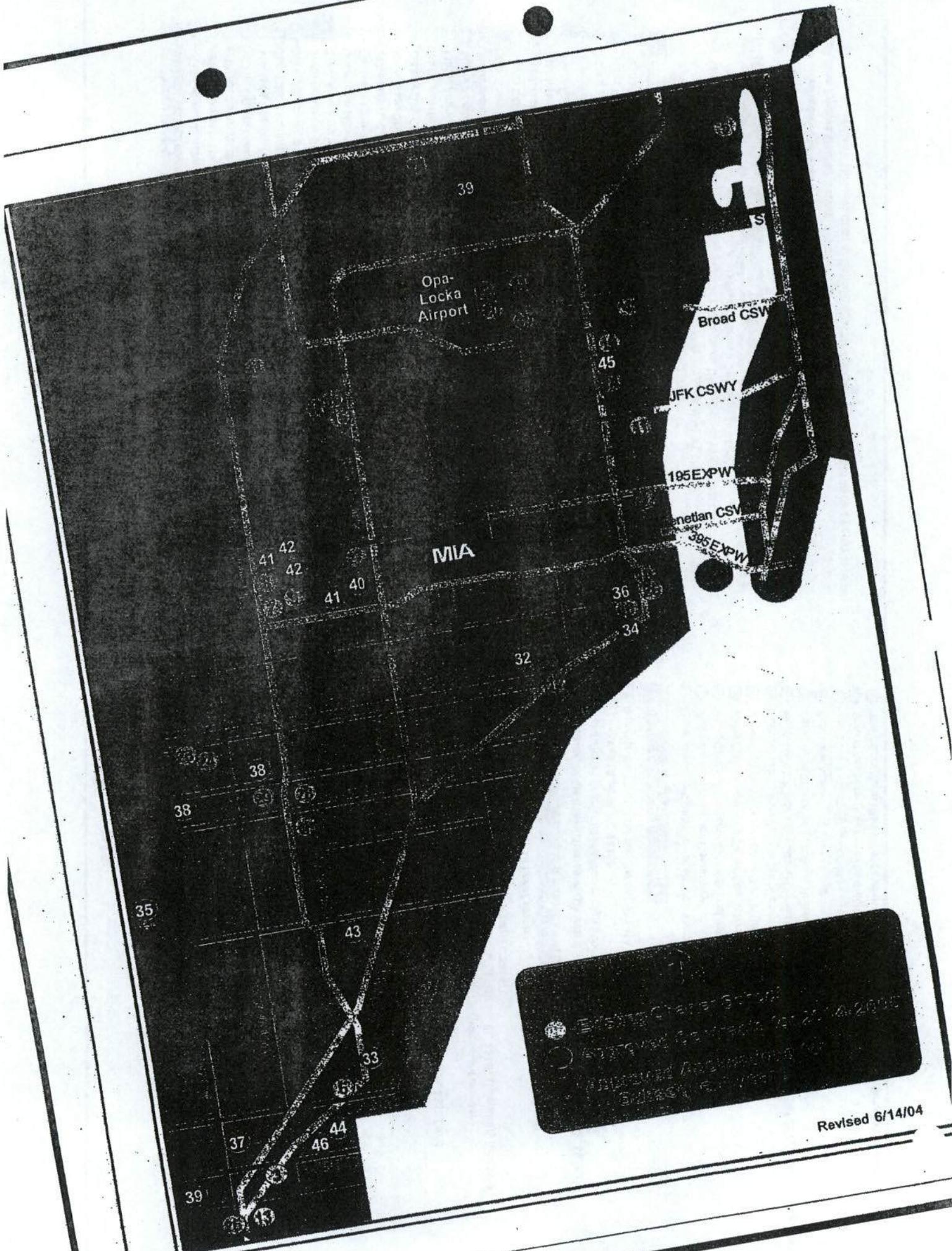
* Locations pending final School Board approval.

Approved Contingents for Summer 2005

- 44 Dr. Joseph Coats Grace Community Charter School, SW 246 Street & 112 Avenue, Miami, FL
- 45 Miami Shores Charter Middle/Senior High School, NW 11441 NW Second Avenue,
Miami Shores, FL 33198
- 46 Summerville Charter School, SW 246 Street and 117 Avenue, Miami, FL

Approved Applications

- 47 Mater Academy South Charter School, Sweetwater area
- 48 Mater Gardens Academy Elementary School, Hialeah Gardens area
- 49 Mater Gardens Academy Middle School, Hialeah Gardens area
- 50 Mater Springs Academy Elementary School (location to be determined)
- 51 Mater Springs Academy Middle School (location to be determined)
- 52 Miami-Dade Charter Foundation (4 sites - locations to be determined)
- 53 North Miami/Florida International University Charter Senior High School, NE 161 St. & Biscayne, North Miami, FL
- 54 Sabal Palm Charter High School, Hialeah area
- 55 Somerset Academy (8 sites - locations to be determined)
- 56 Spirit City Academy (location to be determined)
- 57 Sunset Academy (location to be determined)
- 58 The City of North Miami/Florida International University Charter School (location to be determined)



Opa-Locka Airport

MIA

Broad CSWY

JFK CSWY

195 EXPW

Venetian CSWY

395 EXPW

● Existing State Road
 ○ Proposed State Road
 Proposed Addition of
 Street Closures

Revised 6/14/04

DATE: 02/10/05

TEAM METRO

ENFORCEMENT HISTORY

MARVIN JEROME JOHNSON

SOUTHWEST CORNER OF SW 158
STREET & SW 89 AVE

APPLICANT

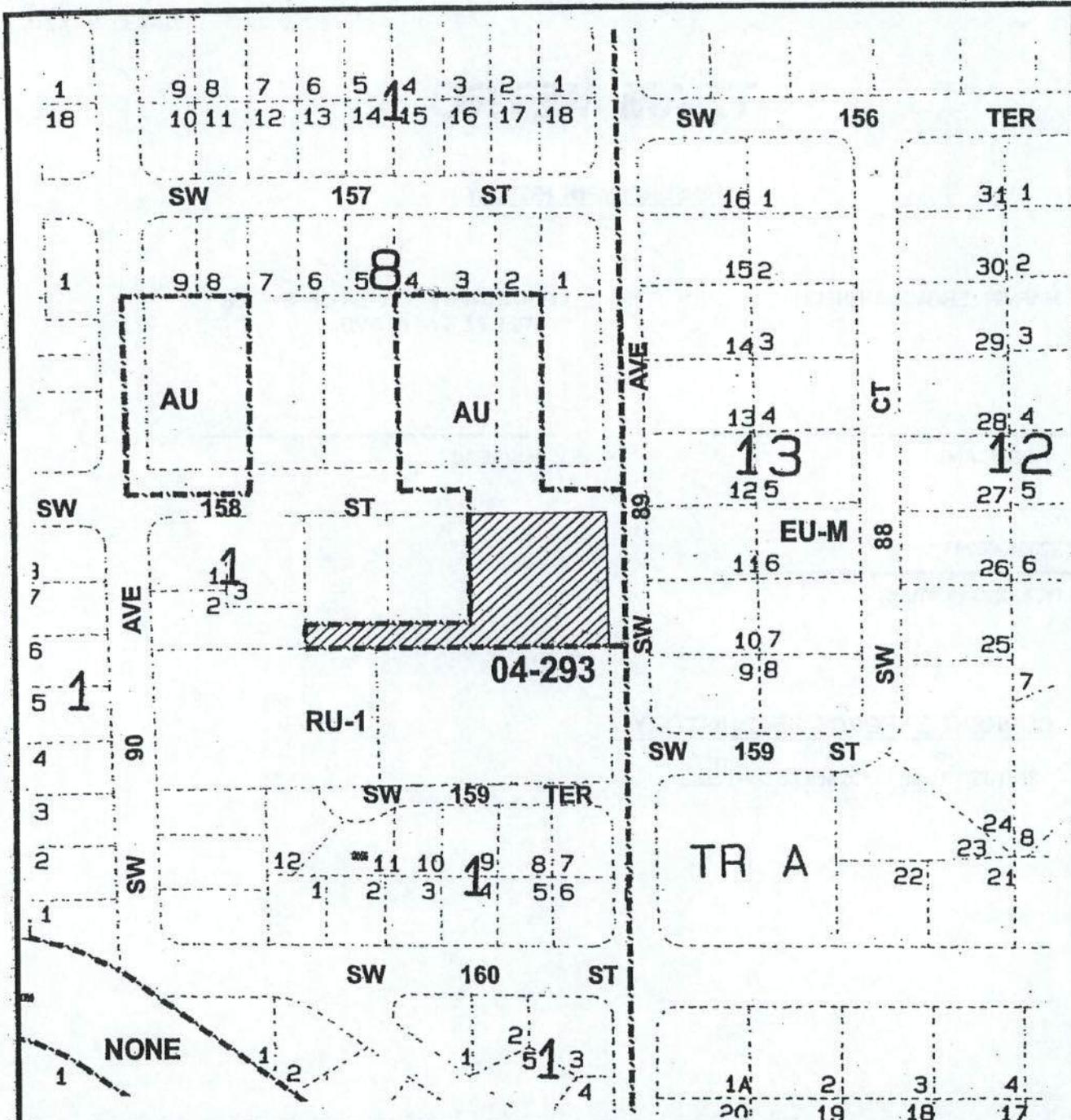
ADDRESS

Z2004000293

HEARING NUMBER

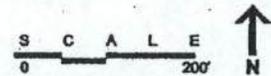
CURRENT ENFORCEMENT HISTORY:

2/10/05 Team Metro has no open cases.



**MIAMI-DADE COUNTY
HEARING MAP**

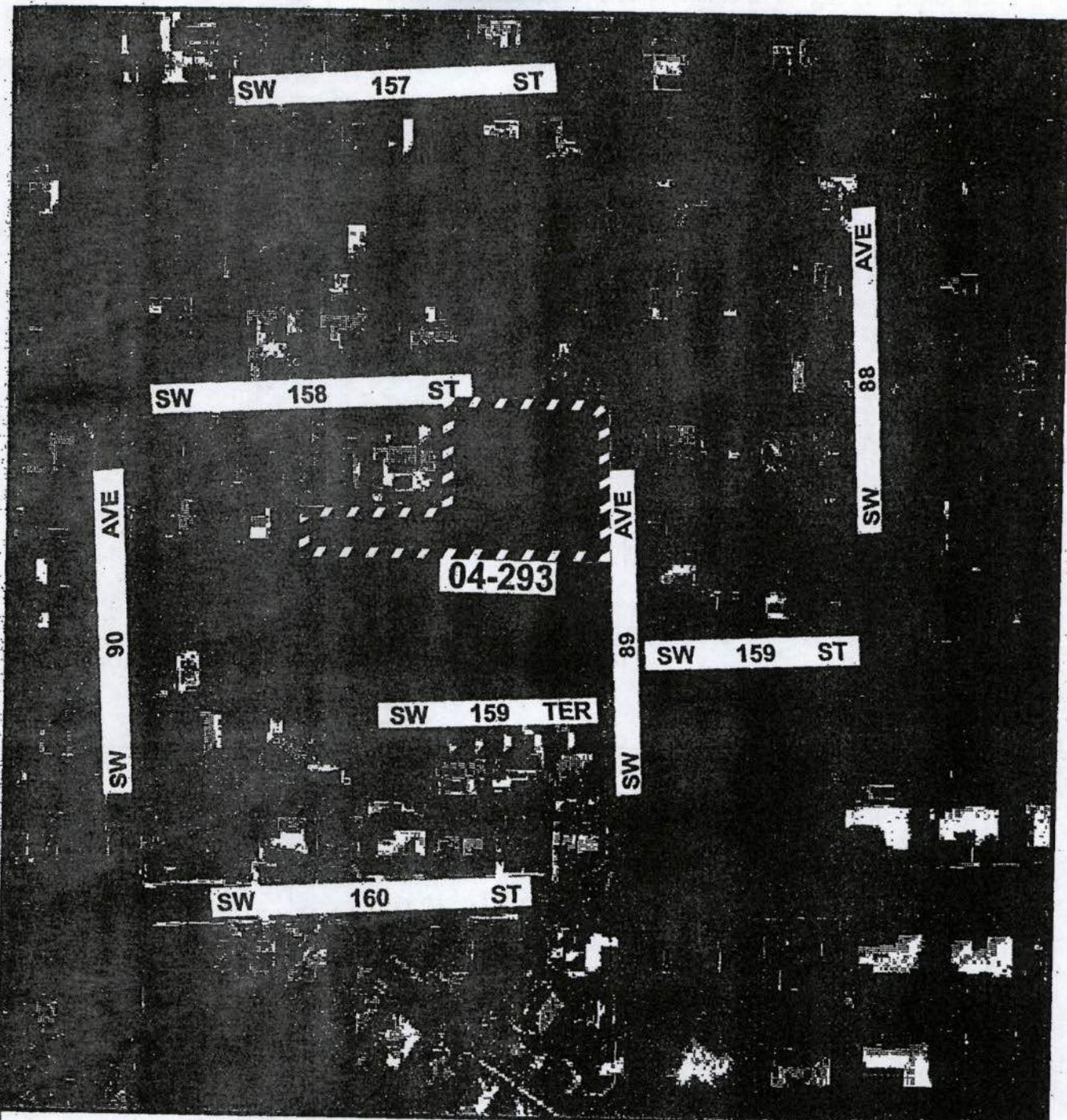
Section: 28 Township: 55 Range: 40
 Process Number: 04-293
 Applicant: **MARVIN JEROME JOHNSON**
 Board: Village of Palmetto Bay
 District Number: 08
 Drafter ID: ERIC
 Scale: 1:200'



 SUBJECT PROPERTY



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REVISED 01/27/15



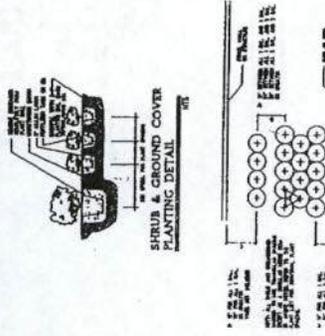
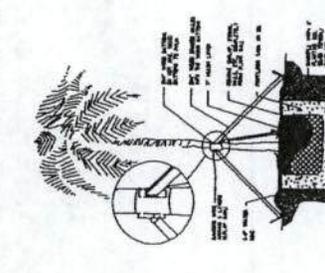
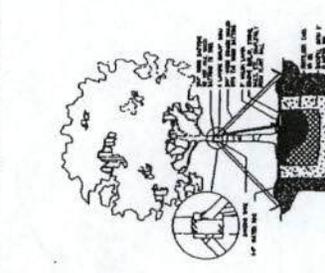
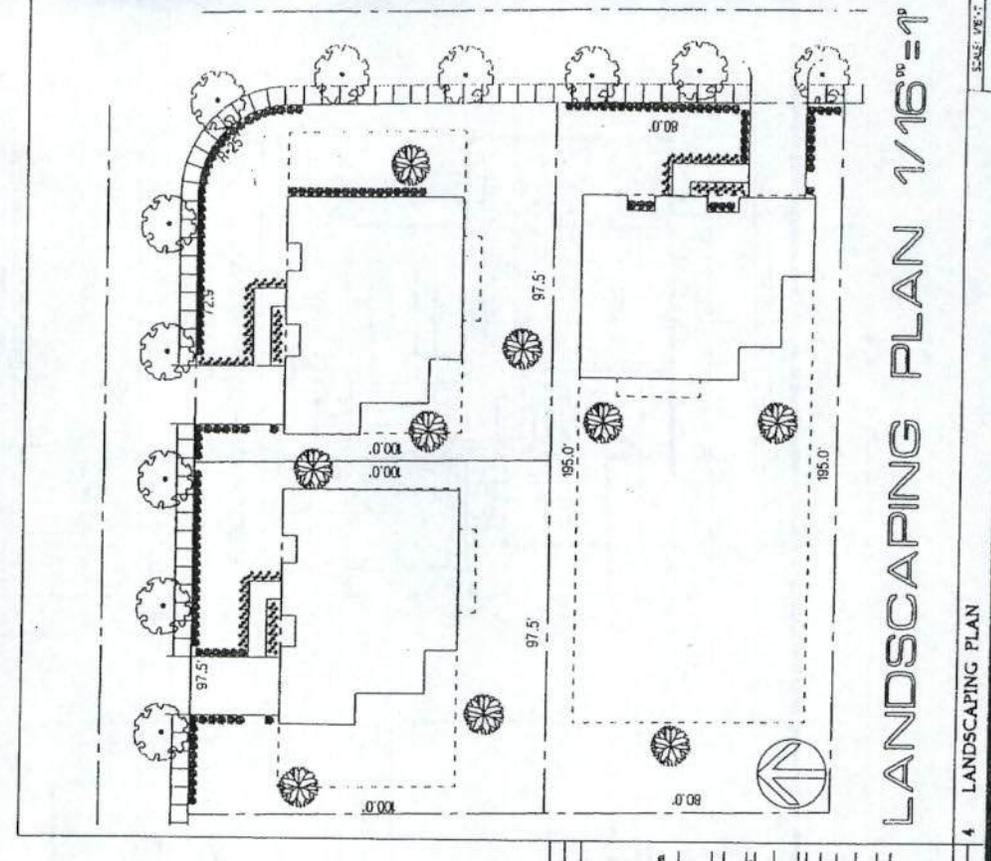
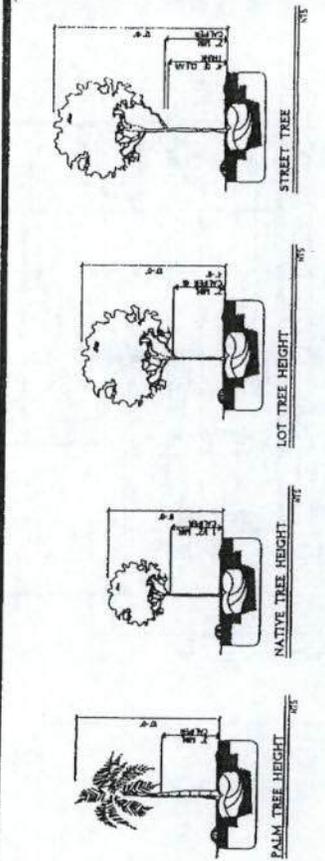
**MIAMI-DADE COUNTY
AERIAL**

**Section: 28 Township: 55 Range: 40
Process Number: 04-293
Applicant: MARVIN JEROME JOHNSON
Board: Village of Palmetto Bay
District Number: 08
Drafter ID: ERIC
Scale: NTS**

SCALE
0 NTS N

 **SUBJECT PROPERTY**





NOTES:

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2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS.
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15. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE ANTARCTIC PLANTING SPECIFICATIONS.

SYMBOL	PLANT NAME	NATIVE SPECIES	DIAMETER	HEIGHT	QUANTITY
1	Palmetto	Yes	7"	47' - 52'	20
2	Swamp Thicket	No	7"	35' - 42'	3
3	Florida Sweetgum	No	7"	45' - 50'	1
4	Florida Live Oak	No	7"	5' - 7'	4
5	Florida Sandcherry	No	7"	7' - 8'	1
6	Florida Dogwood	No	7"	7' - 8'	1

LANDSCAPING PLAN LEGEND AND NOTES

LANDSCAPE LEGEND INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN (ZONE DISTRICT, DISTRICT, NET LOT AREA, SIZE, ZONE, ETC.)

SYMBOL	PLANT NAME	QUANTITY
1	Palmetto	20
2	Swamp Thicket	3
3	Florida Sweetgum	1
4	Florida Live Oak	4
5	Florida Sandcherry	1
6	Florida Dogwood	1

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CONTA NO. 05-037
 DATE: 07-22-05
 DRAWN BY: JF
 REVISED: 07/22/05
 FEB 04 2002

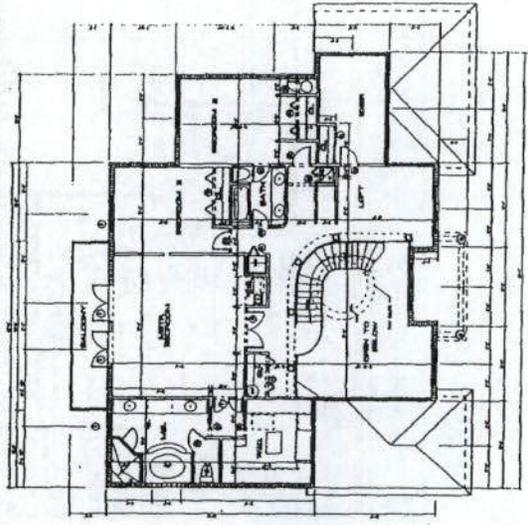
ARCHITECTS AND PLANNERS
 OFFICE - LERNER AIA
 1921 S.W. 20TH STREET SUITE 200 MIAMI, FL 33135 305/358-1700
 OFFICE - LERNER AIA
 1921 S.W. 20TH STREET SUITE 200 MIAMI, FL 33135 305/358-1700
 ARCHITECTS & PLANNERS
 OFFICE - LERNER AIA
 1921 S.W. 20TH STREET SUITE 200 MIAMI, FL 33135 305/358-1700

JERRY JOHNSON
 A SINGLE FAMILY HOME FOR
 MANA-DADE COUNTY, FLORIDA

REGISTERED ARCHITECT
 REGISTER NO. 18020

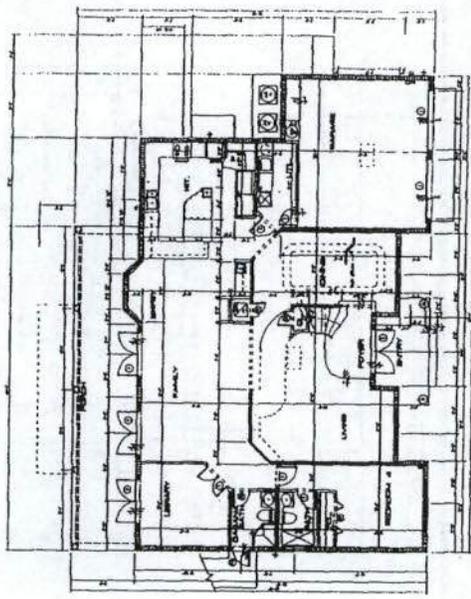
SHEET NO.
A2

05 0 0 2005



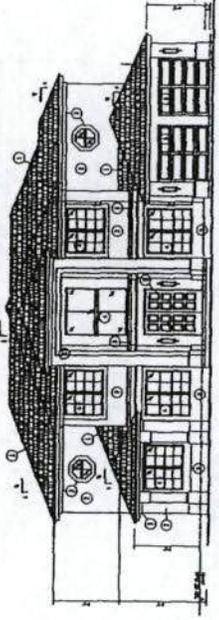
SECOND FLOOR PLAN 1/8"
 SECOND FLOOR AC SF. = 1084

4 SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"



FIRST FLOOR PLAN 1/8"
 FIRST FLOOR AC SF. = 1028

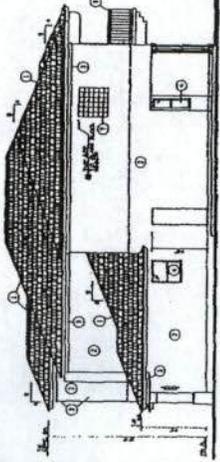
5 FIRST FLOOR PLAN
 SCALE: 1/8"=1'-0"



FRONT ELEVATION 1/8"

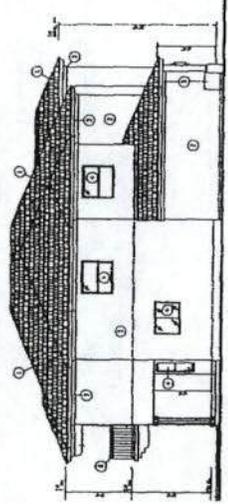
3 FRONT ELEVATION
 SCALE: 1/8"=1'-0"

- LEGEND:**
 (1) MAIN FLOOR
 (2) SECOND FLOOR
 (3) ROOF
 (4) PORCH
 (5) PATIO
 (6) STAIRS
 (7) BALCONY
 (8) TERRACE
 (9) DRIVEWAY
 (10) GARAGE

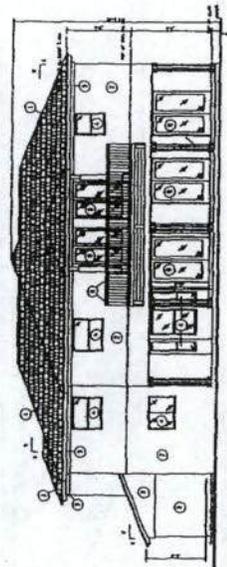


LEFT ELEVATION 1/8"

2 LEFT AND RIGHT ELEVATIONS
 SCALE: 1/8"=1'-0"



RIGHT ELEVATION 1/8"



REAR ELEVATION 1/8"

1 REAR ELEVATION
 SCALE: 1/8"=1'-0"

MODEL AP

B. DAVID E. SODERHOLM
(Applicant)

05-11-VPB-1 (05-162)
VPB/District 8
Hearing Date: 12/12/05

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

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

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 VILLAGE OF PALMETTO BAY

APPLICANT: David E. Soderholm

PH: Z05-162 (05-11-VPB-1)

SECTION: 33-55-40

DATE: December 12, 2005

ITEM NO.: B

=====

A. INTRODUCTION

o **REQUESTS:**

1. Applicant is requesting to permit an addition to a single family residence setback 19' 7" (25' required) from the rear (north) property line and setback a minimum of 19' (25' required) from the side street (west) property line.
2. Applicant is requesting to permit a single family residence setback 23' 11" from the front (south) property line (25' required).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Floor Plan for David E. Soderholm," as prepared by the applicant and dated 6/6/05 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

Request #1 will allow the applicant to construct a garage and storage room setback less than required from the rear (north) and side street (west) property lines. Additionally, request #2 would permit the maintenance and continued use of the existing residence setback closer to the front (south) property line than permitted.

o **LOCATION:**

8925 S.W. 172 Street, Miami-Dade County, Florida.

o **SIZE:** 120' X 126'

o **IMPACT:**

The approval of the requests would provide the residents with additional storage space. However, the encroachment of the proposed garage addition into the rear and side street setback areas could visually impact the adjacent properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **estate density residential**. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre. 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.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-M; single family residence

Residential, estate density, 1 to 2.5 du

SURROUNDING PROPERTY:

NORTH: EU-M; single family residence

Residential, estate density, 1 to 2.5 du

SOUTH: EU-M; single family residence

Residential, estate density, 1 to 2.5 du

EAST: EU-M; single family residence

Residential, estate density, 1 to 2.5 du

WEST: EU-M; single family residence

Residential, estate density, 1 to 2.5 du

The subject property is located at 8925 S.W. 172 Street. The area where the subject property lies is characterized with single-family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(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.

(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 comment

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the November 14, 2005 meeting at the Village staff's request.

The subject property is located at 8925 S.W. 172 Street and is an existing single-family residence in an established EU-M, Estate Use Modified Residential District. The EU-M zoning district requires that any residence, or integral part thereof, be setback 25' from the front, rear, and side street property lines. The applicant is requesting to permit a proposed garage and storage room setback 19' 7" from the rear (north) property line and setback 19' from the side street (west) property lines. Additionally, the applicant is requesting to permit the maintenance and continued use of the existing residence setback 23' 11" from the front (south) property line. The plan submitted as part of this application depicts the location of the proposed garage and storage room addition. Staff notes that the applicant initially applied for an Administrative Adjustment application but was not able to comply with all the requirements stated in that application procedure. Specifically, the Administrative Adjustment procedure requires that signatures be obtained from all abutting and contiguous property owners to the subject property. The applicant was not able to obtain one of the required signatures and therefore had to file for a zoning hearing application before the Village Council.

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

Public Works Department has **no objections** to this application and has indicated that it will not generate any additional peak hour trips.

Approval of this application will allow the applicant to construct a proposed garage and storage room addition to be used in conjunction with an existing single-family residence. The proposed garage and storage room will provide additional storage area for the residents. The site plan submitted by the applicant indicates that because of the irregular orientation of the residence on the lot, the placement of the proposed garage and storage addition will result in a setback of 19' 7" from the rear (north) property line and a setback of 19' from the side street (west) property lines. Additionally, the existing residence is setback 23' 11" from the front (south) property line where a 25' setback is required from the front, rear, and side street property lines respectively. The subject property is an EU-M lot that is **consistent** with said property's Land Use Plan (LUP) Map's **estate density** residential designation of the Comprehensive Development Master Plan (CDMP).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option standards and does not contravene the enumerated public interest standards as established. This section requires any proposed alternative development for a single family residence which is requesting a relief of rear setback requirements to provide a minimum rear setback of 10 feet for a principal building and that any relief sought for a side street setback provide a minimum of 50% of the required setback. Staff notes that request #1 meets the numerical standards since the proposed addition will be setback 19' 7" and 19' from the rear and side street property lines respectively. When request #2 is analyzed under this section, for relief of front setback requirements the single family residence must provide at least 50% of the front setback requirements of the EU-M zoning code. Request #2, to setback 23' 11" where 25' is required from the front (south) property line, meets the numerical standards of the aforementioned ASDO standards. Notwithstanding, the ASDO standards require additional mitigation and documentation for approval under Section 33-311(A)(14). In accordance with Section 33-311(A)(14)(c)(1) and (2), the applicant has to demonstrate that the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and that 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. Subsequently, the ASDO Standards require that any area of shadow cast by the proposed addition will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations. Staff has not received this information and, as such, the requests cannot be properly analyzed under the ASDO Standards and should be denied without prejudice under same.

If analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with EU-M zoning standards, this application cannot be approved under the alternative non-use variance standards.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) standards, staff is of the opinion that the approval of this application with conditions would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. The proposed garage and storage room addition will be constructed, as depicted in the submitted plans, to match the scale of the existing residence, which will not result in an obvious departure from the aesthetic character of the surrounding area. Staff recommends, as a condition of approval, that the applicant provide additional buffering along the north property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence to reduce the impacts of the garage and storage room addition on adjacent properties. Additionally, staff will require, as a condition of approval, that the existing shed be removed or relocated to meet with Zoning Code requirements. As such, staff recommends approval with conditions of this application under the NUV Standards.

Accordingly, this application is **consistent** with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and **compatible** with the neighboring area, with the addition of the aforementioned buffering to reduce the impacts of the proposed garage and storage room addition on adjacent properties. Based on all of the aforementioned, staff recommends approval with conditions of this application under §33-311(A)(4)(b) (Non-Use Variance), and denial without prejudice under §33-311(A)(14) (Alternative Site Development Option), and under §33-311(A)(4)(c) (Alternative Non-Use Variance).

I. RECOMMENDATION:

Approval with conditions under Section 33-311(A)(4)(b) and denial without prejudice under Section 33-311(A)(14) and under Section 33-311(A)(4)(c).

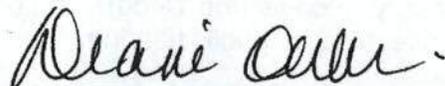
J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Floor Plan for David E. Soderholm," as prepared by the applicant and dated 6/6/05 and consisting of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Community Development for its review and approval a landscaping plan which indicates the type and size of plant material

prior to the issuance of a building permit and to be installed prior to final zoning inspection.

5. That buffering be provided along the rear (north) property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the proposed garage and storage room addition.
6. That the existing shed be removed or relocated to conform with zoning requirements within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Community Development; should same be relocated, then the applicants must obtain a building permit for the same from the Building Department prior to its relocation.

DATE INSPECTED: 09/21/05
DATE TYPED: 09/21/05
DATE REVISED: 09/27/05; 11/01/05; 11/15/05
DATE FINALIZED: 11/15/05
DO'QW:AJT:MTF:LVT:JV:JED



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

Village of Palmetto Bay

Department of Community Development Recommendation:

Originally, the homeowner began the process for an administrative adjustment but was unable to obtain one of the required signatures and is now before the Council requesting variances. There are two parts to this request for variances: 1) a request to build an addition at a rear (north) setback of 19' 7" (23' required) and a side street (west) setback of 19' (25' required) and 2) a request to permit the existing structure at a front (south) setback of 23' 11" (25' required).

The applicant wants to replace the existing small storage shed by providing an indoor storage area and also to provide a two car garage with this proposed addition. Due to the original angled placement of the home and the desire to have the garage and storage area as close to the kitchen as possible, this is the logical design.

Approval is recommended to permit an addition of a garage and storage area to an existing single family home under Section 33-311 (A)(4)(b) and denial without prejudice under Section 33-311(A)(14) and under Section 33-311 (A)(4)(c, with the above conditions and the following:

1. In addition to the applicant providing buffering along the rear (north) property line, that the applicant provide buffering along the side street (west) property line with a hedge, not less than 3' at time of planting, to be maintained at a height of 6', or a 6' high wall or wood fence, and maintaining the vision clearance from the driveway onto SW 89th Ct.
2. That the existing shed be removed before final zoning inspection.



Arleen Weintraub, Director
Community Development

Memorandum



RECEIVED
JUL 21 2005

Date: July 12, 2005
To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

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

Subject: VPB #Z2005000162
David E. Soderholm
8952 SW 172nd Street
Non-Use Variance of Setback Requirements to Permit an Addition to an Existing Single Family Residence
(EU-M) (.347 Ac.)
33-55-40

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

Potable Water 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 the 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 upon the available information, DERM staff has concluded that the proposal complies with the provisions of said Code Section.

Wetlands:

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

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

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation

of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

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

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

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

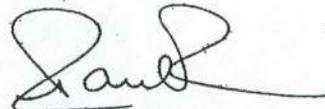
PH# Z2005000162
CZAB - VPB

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DAVID E. SODERHOLM

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

08-JUL-05

Memorandum

Date: 17-JUN-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000162

Fire Prevention Unit:

No objection to case # Z2005000162.

Development for the above Z2005000162
located at 8925 SW 172 ST
in Police Grid 2149 is proposed as the following:

<u>1 Unit</u> single	dwelling units	<u>Industrial</u>	square feet
<u>multifamily</u>	dwelling units	<u>Institutional</u>	square feet
<u>commercial</u>	square feet	<u>nursing home</u>	square feet

Existing Service, First Response Unit/Station: 50

Based on this development information, estimated service impact is: Minimal, with: 0.26 alarms-annually.

Planned service(s) to mitigate the impact is:

None

Station/Unit

Estimated date of opening

TEAM METRO

ENFORCEMENT HISTORY

DAVID E. SODERHOLM

8925 SW 172 ST

APPLICANT

ADDRESS

Z2005000162

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.

Site Plan For:

DAVID E SODERHOLM
8925 S.W. 172 ST.
MIAMI, FLA. 33157

LEGAL DESCRIPTION:

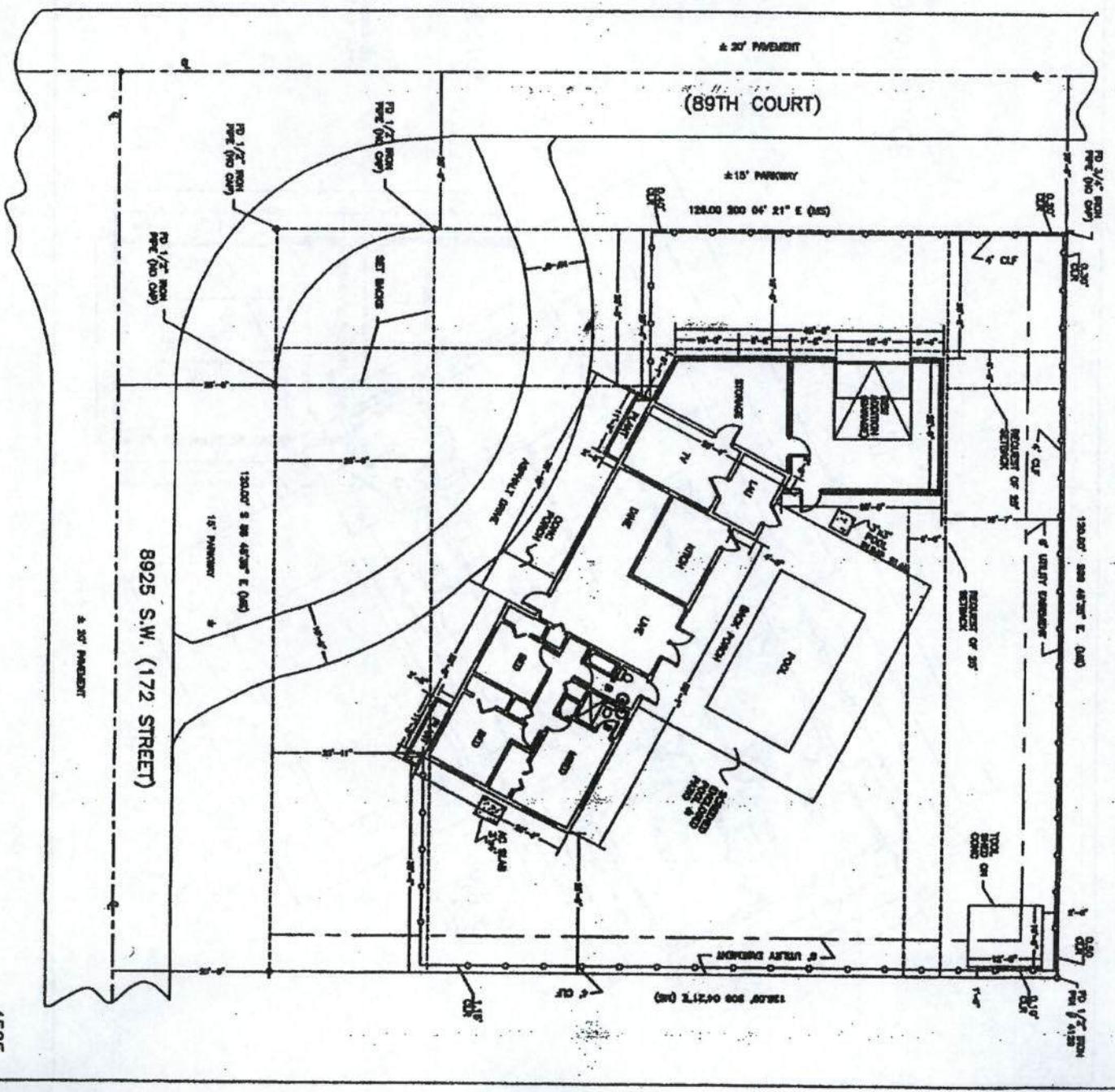
Lot 10, Block 2, SECTION 17, containing the full interest of interest in Parcel 8925 SW 172 St. Page 2 of the Public Records of Dade County, Florida.

205-162
RECEIVED
JUN 07 2005

ZONING HEARINGS SECTION
MIAMI DADE PLANNING AND ZONING DEPT
BY: *MS*

LEGEND:

- GENERAL
- RES
- PD
- COMM
- CLR
- R/R
- CLF
- MS
- BUSH
- GENERAL
- RESIDENCE
- FLOOR
- CONCRETE
- CLOR
- RIGHT OF WAY
- OPEN LINK FENCE
- METAL
- ENCROACHMENT



Floor Plan For:

DAVID E SODERHOLM
8925 S.W. 172 ST.
MIAMI, FLA. 33157

LEGAL DESCRIPTION:

Lot 10, Block 2, BENSON PARK, according to the plat thereof,
as recorded in Plat Book 10, Page 2, of the Public Records
of Miami-Dade County, Florida.

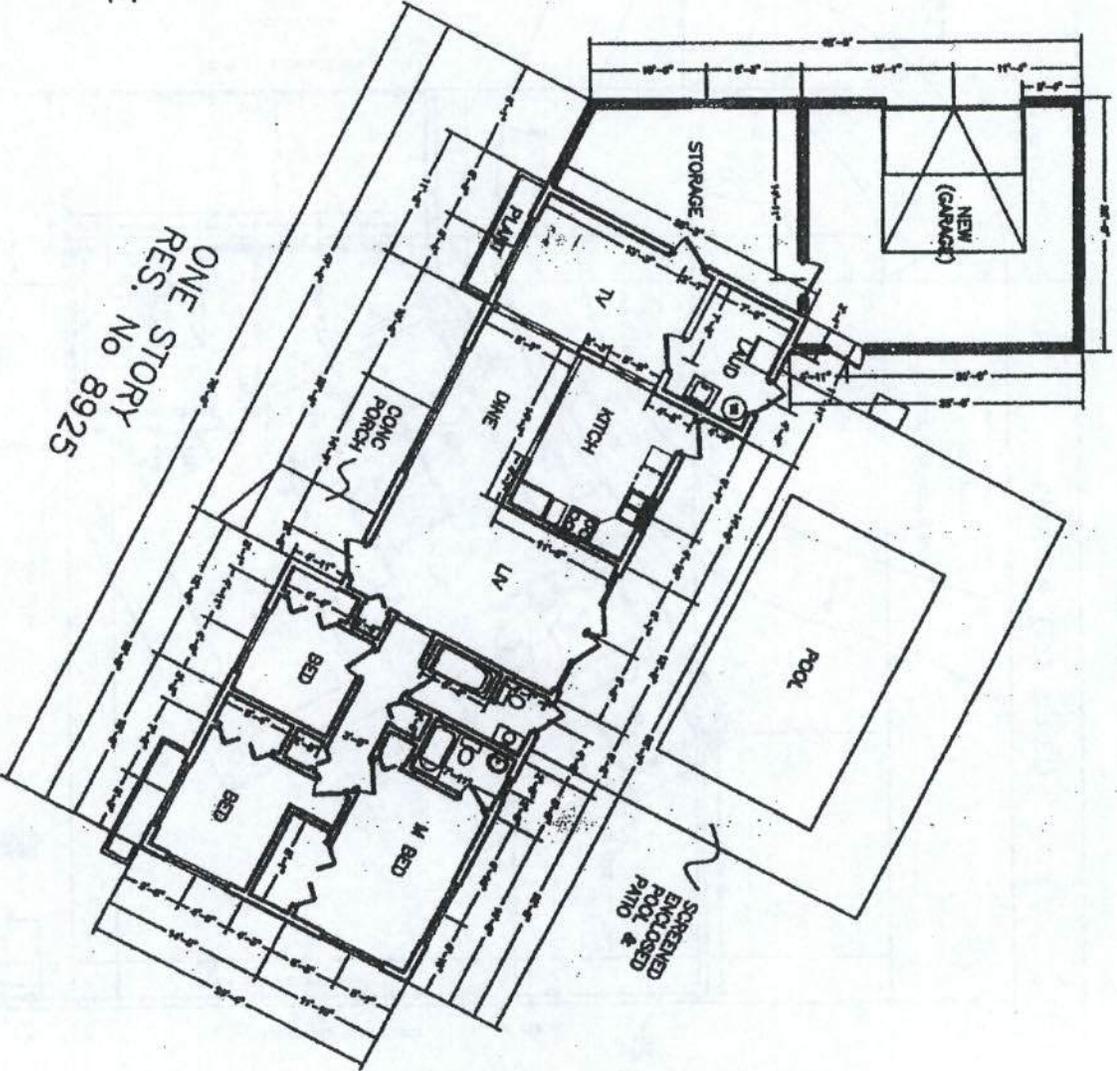
New Addition:
Garage and Storage Room.

205-162
RECEIVED
JUN 07 2005

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

ZONED: EU-M
LOT: 15,120 SQ. FT.
HOUSE: 1,644 ADJ. SQ. FOOTAGE
NEW: 781 SQ. FT.
TOTAL: 2,425 SQ. FT.

Scale: 3/16" = 1'



ONE STORY
RES. No 8925

205-102

RECEIVED
JUN 27 2005

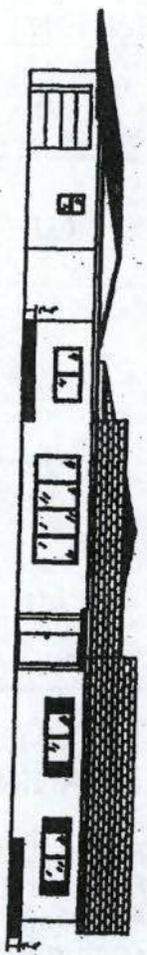
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: *[Signature]*

ELEVATION PLAN FOR:

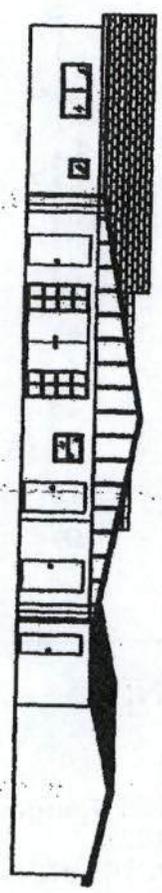
DAVID E SODERHOLM
8925 S.W. 172 ST.
MIAMI, FLA. 33157

LEGAL DESCRIPTION:

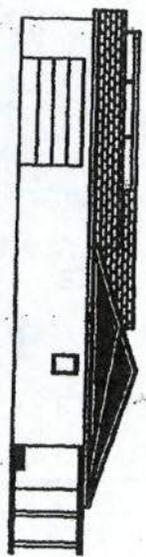
Lot 10, Block 2, BRISON PARK, according to the plat thereof, as recorded in Plat Book 10, Page 2, of the Public Records of Miami-Dade County, Florida.



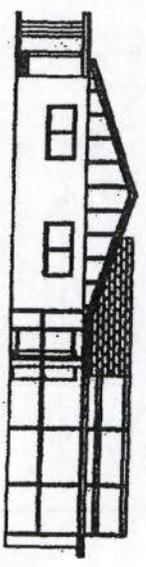
FRONT ELEVATION
(south)



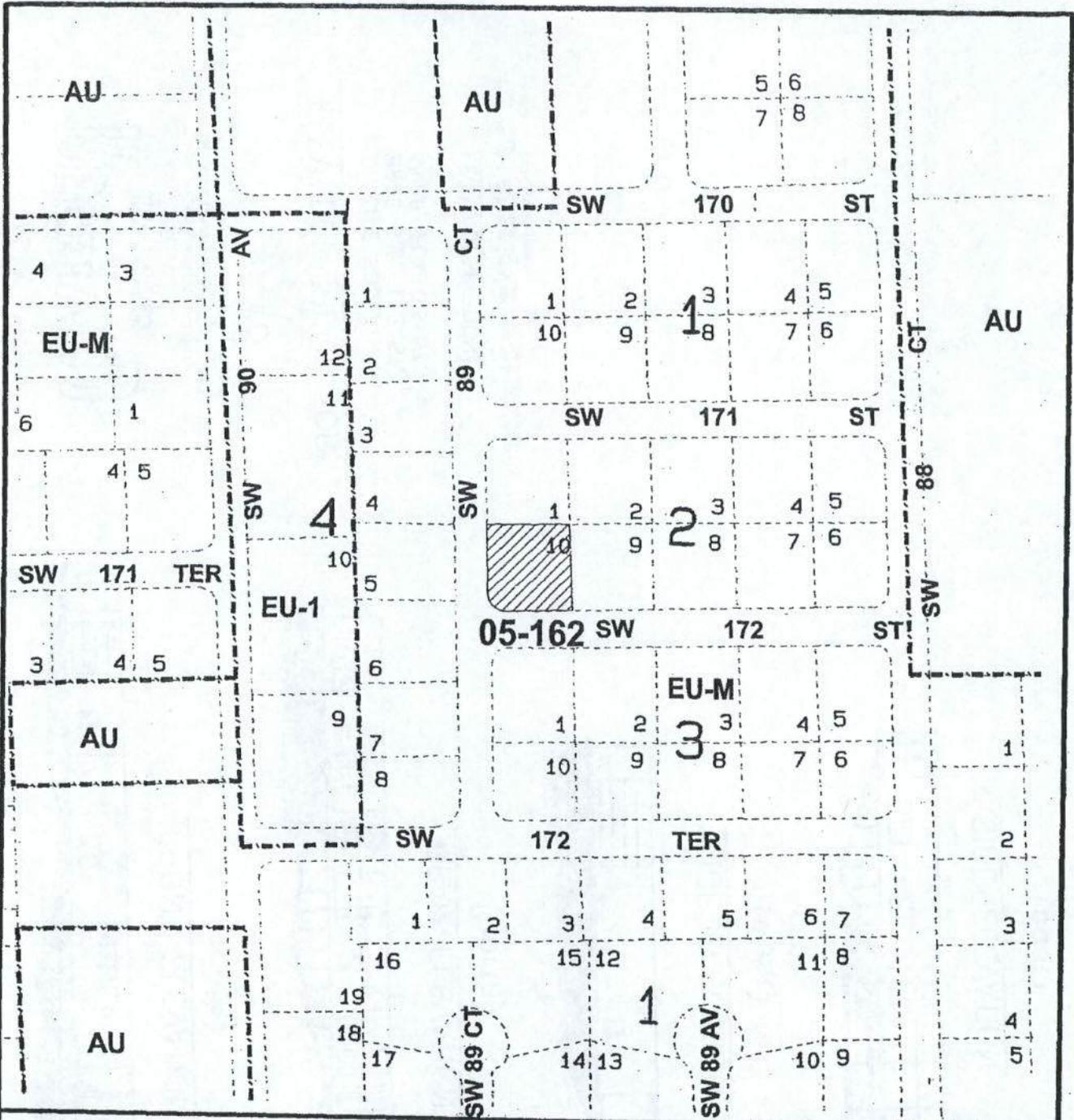
REAR ELEVATION
(north)



SIDE ELEVATION
(west)

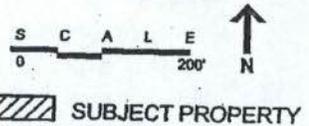


SIDE ELEVATION
(east)



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 33 Township: 55 Range: 40
 Process Number: 05-162
 Applicant: DAVID E. SODERHOLM
 Zoning Board: VPB
 District Number: 8
 Drafter ID: KEELING
 Scale: 1:200'



SW 170 ST

AV 89 SW

SW 171 ST

AV 90 SW



SW 172 ST

05-162

SW 172 TER

MIAMI-DADE COUNTY
AERIAL

Section: 33 Township: 55 Range: 40
Process Number: 05-162
Applicant: DAVID E. SODERHOLM
Zoning Board: VPB
District Number: 8
Drafter ID: KEELING
Scale: NTS

SCALE NTS 
 SUBJECT PROPERTY



OFFICIAL ZONING AGENDA

VILLAGE OF PALMETTO BAY COUNCIL



VILLAGE OF PALMETTO BAY COUNCIL

MEETING OF MONDAY, DECEMBER 12, 2005

SOUTHWOOD MIDDLE SCHOOL

16301 SW 80 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE VILLAGE OF PALMETTO BAY COUNCIL SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE VILLAGE OF PALMETTO BAY COUNCIL BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COUNCIL BE GRANTED BY THE MAJORITY VOTE OF THE COUNCIL MEMBERS PRESENT.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE VILLAGE OF PALMETTO BAY ZONING HEARING MEETING DATE FOR THIS COUNCIL.

SWEARING IN OF WITNESSES

A-1. Approval of Minutes of the November 14, 2005 Zoning Hearing

A. MARVIN JEROME JOHNSON (05-3-VPB-1/04-293)

**28-55-40
VPB/District 8**

AU to RU-1

LOCATION: The Southwest corner of S.W. 158 Street & S.W. 89 Avenue, Village of Palmetto Bay, Florida.

SIZE OF PROPERTY: 1.28 Gross Acres

Protests: 0

Waivers: 0

Miami-Dade County
Department of Planning and
Zoning Recommendation:

Approval.

Village of Palmetto Bay
Department of Community Development
Recommendation:

Approval.

Final Action: (To be completed by staff following hearing)

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 6/13/05

*Village Clerk
Satellite Office*

B. DAVID E. SODERHOLM (05-11-VPB-1/05-162)

**33-55-40
VPB/District 8**

- (1) Applicant is requesting to permit additions to a single-family residence setback 19'7" (25' required) from the rear (north) property line and setback a minimum of 19' (25' required) from the side street (west) property line.
- (2) Applicant is requesting to permit the single-family residence setback 23'11" from the front (south) property line (25' required).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Floor Plan for David E. Soderholm," as prepared by the applicant and dated 6/6/05 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 8925 S.W. 172 Street, Palmetto Bay, Florida.

SIZE OF PROPERTY: 120' x 126'

Protests: 0

Waivers: 0

Miami-Dade County
Department of Planning and
Zoning Recommendation:

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Village of Palmetto Bay
Department of Community Development
Recommendation:

Approval with conditions.

Final Action: (To be completed by staff following hearing)

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 11/14/05

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Village of Palmetto Bay Council (VPB) are appealed to the Circuit Court. Appeals to Circuit Court must be filed within 30 days of the execution of the Village of Palmetto Bay resolution.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, the Zoning Hearings Section at (305) 375-2640, or the Village Clerk at (305) 259-1234. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 375-5955.

Council meeting of 12/12/05
Please sign-in if you would like to discuss a Zoning item that is on the current agenda.

Sign in sheet:

Name:

Ray Taylor

Christie White

David Esodahlm

Scott Narditer

JERRY JOHNSON

Address:

15735 SW 89 Ave

Waters & Waters Court 33180
9057 S.W. 214

8925 SW 172 St

15950 SW 89 Blvd

8950 SW 158 Terrace

Brief description of subject:

Have school be

Term A

MARVIN JOHNSON
LONG HORNSTON

applicant

Council meeting of 12/12/05
Please sign-in if you would like to discuss a Zoning item that is on the current agenda.

Sign in sheet:

Address:

Brief description of subject:

Name:

Ray Topper

15735 SW 89 Ave

Have school be

Charlotte White

Waters & Waters Court 33150
9057 S.W. 214 Ave

Item A

David Esodahlm

8925 S.W. 172 St

MARVIN SIMMONS
LONG HORN ONLY

Scott Napper

15950 SW 87 Blvd

applicant

JERRY JOHNSON

8950 SW 158 Terrace

Council meeting of 12/12/05
Please sign-in if you would like to discuss a Zoning item that is on the current agenda.

Sign in sheet:

Name:

Ray Taylor

Address:

15735 SW 89 Ave

Brief description of subject:

Have check be re

Christie White

Waters + Waters Court 33180
9057 S.W. 214 Ave

Item A

David Esodahlm

8925 SW 172 St

MARVIN SIMMONS
LONG HORNSTON

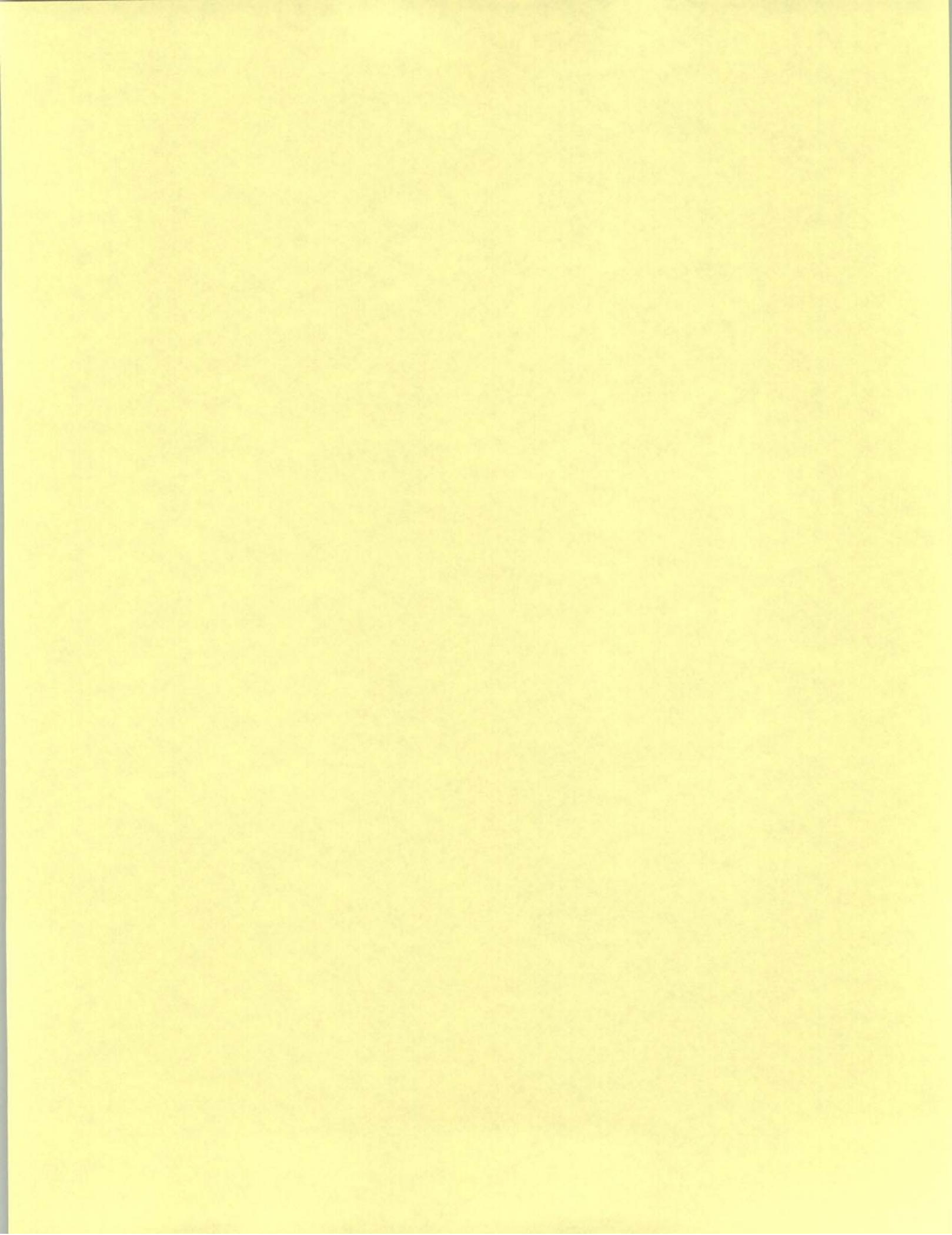
Scott Nappier

15950 SW 87 Blvd

applicant

JERRY JOHNSON

8950 SW 159 Terrace





This Instrument was prepared by:
Name: Eve A. Boutsis, Office of Village Attorney
Address: 18001 Old Cutler Road, Suite 556
 Palmetto Bay, Florida 33157-6416

CFN 2006R0385848
 DR Bk 24413 Pgs 4502 - 4508 (7pgs)
 RECORDED 04/11/2006 09:05:21
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in the Village of Palmetto Bay ("village"), Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **Village** that the representations made by the owner during consideration of Public Hearing No. **05-3-VPB-1/04-293 (28-55-40)** will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That in conjunction with the underlying zoning change from AU to RU-1, the property shall be tied to and construction on the property shall comply with the attached site plan, which is attached as Exhibit "B" to this declaration of restrictions.
- (2) Any substantial modification or abandonment of the attached site plan shall require public hearing.

Village Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Village of Palmetto Bay, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

\\L:\Forms\8900 Covenant

Section-Township-Range: 28-55-40
 Folio number: 33-5028-000-0220

(Public Hearing: December 12, 2005)



(Space reserved for Clerk)

Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections.

In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the Village of Palmetto Bay is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the Village of Palmetto Bay, and inspections made and approval of occupancy given by the Village, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the Village of Palmetto Bay shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

[L:\forms\8900 Covenant

Section-Township-Range: 28-55-40
Folio number: 33-5028-000-0220

(Public Hearing: December 12, 2005)



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The East 220 Feet of the North 205 Feet of the SE ¼ of the SW ¼ of the NE ¼, Less the East 25 Feet and the North 25 Feet Thereof, in Section 28, Township 55 South Range 40 East, Miami-Dade County, Florida

IL:\forms\8900 Covenant

Section-Township-Range: 28-55-40
Folio number: 33-5028-000-0220

(Public Hearing: December 12, 2005)





miamidade.gov



CFN 2014RD244437
DR Bk 29097 Pgs 0153 - 1607 (8pgs)
RECORDED 04/04/2014 14:53:10
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

WAIVER OF PLAT RECORDING COVER PAGE

This is to inform you that the waiver of plat D-23399, DD&S BAY, LLC, was approved by the Miami-Dade County's Plat Committee on March 28, 2014.

Resolution number: No. 05-108 (Village of Palmetto Bay)

Section 28, Township 55 S, Range 40 E

Unincorporated Miami-Dade County

Municipality:

DD&S BAY, LLC
2828 CORAL WAY, SUITE 310
MIAMI, FL 33145

Should you require any additional information regarding this waiver of plat, please contact the Department of Regulatory and Economic Resources, Platting Section, at (305) 375-2141.

RESOLUTION NO. 05-108

ZONING APPLICATION 05-3-VPB-1/04-293 (28-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF MARVIN JEROME JOHNSON FOR RE-ZONING FROM AU TO RU-1 (SW CORNER OF SW 158 STREET AND SW 89 AVENUE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for re-zoning, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on December 12, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for re-zoning is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the application, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present application was held on December 12, 2005 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Marvin Jerome Johnson. The property is vacant land located at SW 158 Street and SW 89 Avenue.
2. The applicant requests to change the zoning on the subject property from AU, agricultural district, to RU-1, single family residential district.
3. The village council adopts the portions of the cover sheet to, and the County recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The Village Council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards and Analysis as its conclusions of law.
2. The Village Council further concludes that the application for re-zoning is consistent with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and compatible with the surrounding area.

Section 4. Order.

1. The village council accepts the county and staff recommendation at page 5. The application for alternative non-use variance is granted, subject to the applicant entering into a covenant that will tie the development to the site plan, as submitted and attached hereto.

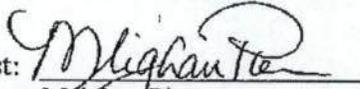
Section 5. Record.

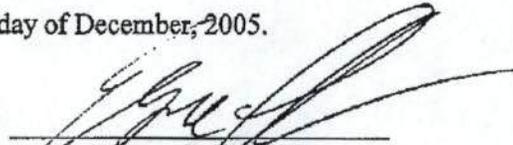
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

Section 6. This resolution shall take effect immediately upon approval.

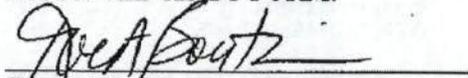
PASSED and ADOPTED this 15th day of December, 2005.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

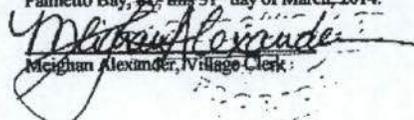
Council Member Ed Feller Yes
Council Member Paul Neidhart Yes
Council Member John Breder Yes
Vice-Mayor Linda Robinson Yes
Mayor Eugene P. Flinn, Jr. Yes

K:\Users\mpier\Resolutions\Zoning Res-Johnson.doc

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Meighan Alexander, Village Clerk of the Village of Palmetto Bay, Florida, hereby certify that the attached is a true and correct copy of Resolution 05-108, as shown in the records of the Village on file in the office of the Village Clerk.

Witness my hand and corporate seal of the Village of Palmetto Bay, FL, this 31st day of March, 2014.


Meighan Alexander, Village Clerk



December 20, 2012

Mr. Marvin Jerome Johnson
8950 SW159th TER
Miami, FL 33131

RE: Resolution No. 05-108 (3 Lot Subdivisions); and
Zoning Application - 05-3-VPB-1/04-293 (28-55-40) Folio No. 33-5028-000-0220

Dear Mr. Johnson,

The intent of this letter is to provide you with a formal response of your correspondence to the Planning and Zoning Department dated December 5, 2012.

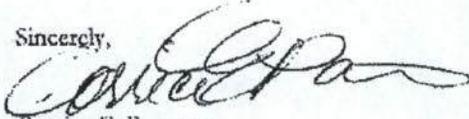
Firstly, in accordance with zoning application 05-3-VPB-1/04-293 (28-55-40), the easterly and northerly 25 feet right of way of Folio # 33-5028-000-0220 is dedicated and was recorded via CFN 2006R0385848 or Bk 24413 Pgs. 4502 - 4508 (7 pgs.) on 04/11/2006 at the Clerk of Courts, Miami-Dade County, Florida. See legal description exhibit A of Resolution No. 05-108 which was adopted by the Village Council of Palmetto Bay on December 15, 2005.

Secondly, zoning application 05-3-VPB-1/04-293 exhibit B details sidewalk improvements to the north of parcel #1 and #2, and east of parcel #3. The bonding requirement for said improvements is regulated in the Code of Ordinance for the Village of Palmetto Bay under Chapter 30 Sec. 30-30.2(f) entitled, "Posting of bond for public improvements/record of action." For all public improvements, the Village shall require the applicant to post a bond, letter of credit or cash bond, which shall cover 125 percent of the cost of the required improvements. The bond requirement is to protect the public interest, to ensure the development and proper completion of drainage systems, potable water systems, wastewater disposal, roadway improvements, sidewalks, landscaping or other requisite public improvements.

Thirdly, the applicant received site plan approval via resolution No. 05-18 which ties the development to the approved site plan under a recorded covenant. The Village of Palmetto Bay has no objection to the processing of the subdivision as approved and attached hereto with Miami-Dade County.

Should you need additional information in regard to the subject zoning application, please feel free to contact the Department of Planning and Zoning at (305) 259-1234 or Department of Public Works at (305) 969-5011.

Sincerely,



Corrice E. Patterson
Public Works Director

CC: Ron E. Williams, Village Manager
Eve Boutsis, Village Attorney
Darby Desalle, Planning and Zoning Director

VILLAGE OF PALMETTO BAY
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234 Fax: (305) 259-1290

Legal Descriptions

Parent Tract

The East 220 feet, of the North 205 feet, of the Southeast 1/4, of the Southwest 1/4, of the Northeast 1/4, less the East 25 feet and less the North 25 feet thereof, in Section 28, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

Parcels to be Approved

Parcel 1

The West 97.50 feet of the East 220 feet of the South 100 feet of the North 125 feet of the SE1/4 of the SW1/4 of the NE1/4 of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida.

Parcel 2

The West 97.50 feet of the East 122.50 feet of the South 100 feet of the North 125 feet of the SE1/4 of the SW1/4 of the NE1/4 of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida, Less the area bounded by the South line of the North 25 feet of the SE1/4 of the SW1/4 of the NE1/4 of said Section 28 and bounded by the West line of the East 25 feet of the SE1/4 of the SW1/4 of the NE1/4 of said Section 28 and bounded by a 25 foot radius arc, concave to the Southwest, said arc being tangent to both of the last described lines.

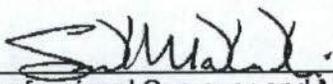
Parcel 3

The West 195 feet of the East 220 feet of the South 80 feet of the North 205 feet of the SE1/4 of the SW1/4 of the NE1/4 of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida.

Surveyor's Certification:

I hereby certify that the attached Waiver of Plat, and legal descriptions associated therewith, comply with the applicable requirements of Chapter 28, Subdivision Code of Miami-Dade County, Florida.

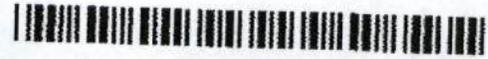
Certified this 17th day of July, A.D., 2013


Professional Surveyor and Mapper No. 2614
State of Florida
Makowski & Wright, Inc.
27 NW 13 Street, Homestead, FL 33030
Certificate of Authorization No. LB 6485



13-7027SC

Prepared BY: AREA
Record and Return to:
AREA
1735 SW 8 Street
Miami, FL 33135



CFN 2014R0488807
OR Bk 29226 Pgs 0049 - 50 (2pgs)
RECORDED 07/11/2014 12:37:48
DEED DOC TAX 0.60
SURTAX 0.45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Quit Claim DEED

This Quit Claim Deed made on the 3rd day of June 2014
Between DD & S Bay, LLC
Whose mailing address is: 1735 SW 8 Street, Suite A, Miami, FL 33135
Hereinafter called the First Party,
and Maria Teresa Suarez and Armando Miquel Suarez, tenants by the entireties
Whose mailing address is: 12141 SW 122 Path, Miami, FL 33186
Hereinafter called the Second Party.

WITNESSETH, that the First Party, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said second party forever, all the right, title, interest, claim and demand with the said first party has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Miami-Dade, State of FLORIDA to wit:

SEE SCHEDULE A. LEGAL DESCRIPTION ATTACHED.

Subject to covenants, restrictions, easements of record and taxes for the current year.

TAX FOLIO NUMBER: 33-5028-000-0220

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right title, interest, lien, equity, and claim whatsoever of the first party either in law or equity, to the only proper use, benefit and behalf of the said second party.

IN WITNESS WHEREOF, the First party has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, this 3rd day of June, 20 14.

DD&S Bay, LLC (Seal)

A. CISNEROS BY: Jessica Delgado, Manager (Seal)

State Florida
of
County of Miami-Dade

The foregoing instrument is acknowledged before me on this 10 day of July, 20 14 by Jessica Delgado who is personally known to me or who has/have produced FLDL as identification and did take an oath.

Witness my signature and official seal in the aforesaid state and county.

Notary Public

My commission expires April 17, 2018
(Affix Notary Seal)



Michael Anthony Perez
COMMISSION # FF113902
EXPIRES: April 17, 2018
www.AARONNOTARY.COM

SCHEDULE "A"

LEGAL DESCRIPTION

The West 97.50 feet of the East 220 feet of the South 100 feet of the North 125 feet of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida. AKA PARCEL 1 PER WP D 23399 OR 29097-0153

ZONING & LAND USE MAPS

DD&S BAY LLC

VPB-14-005

Click to Print This Page



Summary Details:	
Folio:	3350280000220
Site Address:	8900 SW 158 ST Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	DD&S BAY LLC 2828 CORAL WAY #310 MIAMI, FL 33145

Property Information:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	9751 SQ FT
Year Built:	0
Legal Description:	28 55 40W97.50FT OF E220FT OF S100FT OFN125FT OF SE1/4 OF SW1/4 OFNE1/4 OF SECT AKA PARCEL 1PER WP D 23399 OR 29097-0153LOT SIZE 9751 SQ FT M/L Deed: 29097-0153

Sale Information:			
Sale Date:	11/1997	7/1975	0/0
Sale Amount:	85000	11200	0
Sale O/R:	17887-2244	00000-0000	

Assessment Information:		
Year:	2014	2013
Land Value:	0	156816
Building Value:	0	0
Market Value:	0	156816
Assessed Value:	0	156816
Homestead Exemption:	0	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

[Click to Print This Page](#)



Summary Details:	
Folio:	3350280000221
Site Address:	
Mailing Address:	DD & S BAY LLC 2828 CORAL WAY #310 MIAMI, FL 33145

Property Information:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	9622 SQ FT
Year Built:	0
Legal Description:	28 55 40W97.50FT OF E122.50FT OF S100FTN125FT OF SE1/4 OF SW1/4 OFNE1/4 OF SEC LESS EXT AREA OFCURVE IN NE COR AKA PARCEL 2PER WP D- 23399 OR 29097-0153 Deed: 29097-0153

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2014	2013
Land Value:	0	0
Building Value:	0	0
Market Value:	0	0
Assessed Value:	0	0
Homestead Exemption:	0	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

Click to Print This Page



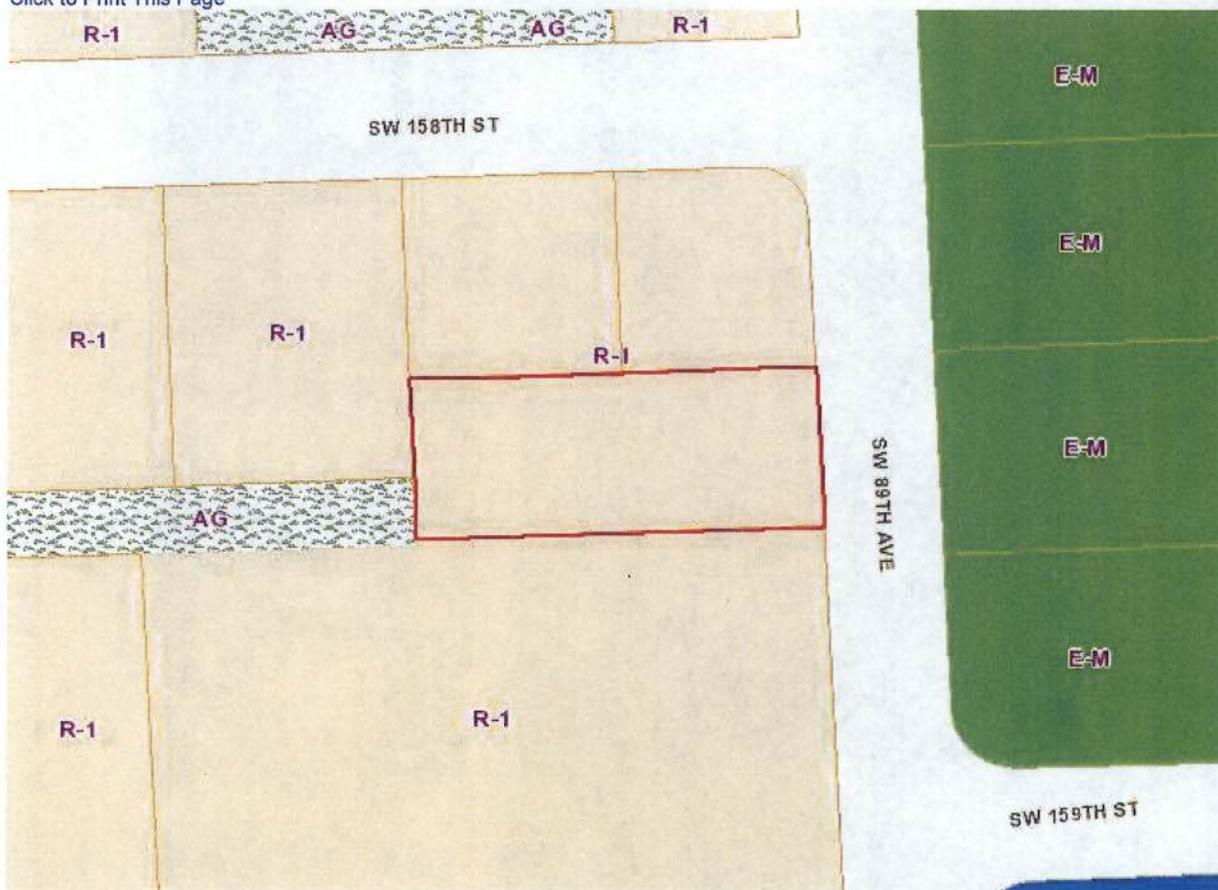
Summary Details:	
Folio:	3350280000222
Site Address:	
Mailing Address:	DD & S BAY LLC 2828 CORAL WAY #310 MIAMI, FL 33145

Property Information:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	15602 SQ FT
Year Built:	0
Legal Description:	28 55 40W195FT OF E220FT OF S80FT OFN205FT OF SE1/4 OF SW1/4 OFNE1/4 OF SECT AKA PARCEL 3PER WP D23399 PR 29097-0153LOT SIZE 15602 SQ FT M/L

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2014	2013
Land Value:	0	0
Building Value:	0	0
Market Value:	0	0
Assessed Value:	0	0
Homestead Exemption:	0	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

Click to Print This Page



Summary Details:	
Folio:	3350280000222
Site Address:	
Mailing Address:	DD & S BAY LLC 2828 CORAL WAY #310 MIAMI, FL 33145

Property Information:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	15602 SQ FT
Year Built:	0
Legal Description:	28 55 40W195FT OF E220FT OF S80FT OFN205FT OF SE1/4 OF SW1/4 OFNE1/4 OF SECT AKA PARCEL 3PER WP D23399 PR 29097-0153LOT SIZE 15602 SQ FT M/L

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2014	2013
Land Value:	0	0
Building Value:	0	0
Market Value:	0	0
Assessed Value:	0	0
Homestead Exemption:	0	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

ZONING HISTORY

DD&S BAY LLC
VPB-14-005

RESOLUTION No. 2406

The following resolution was offered by Commissioner _____
_____ and seconded by Commissioner _____ and upon
vote duly adopted:

WHEREAS an application has been filed by Mr. E. L. Cotton to change zone from AU to AU, RU-1 and BU-1 on property extending from approximately 1,300 feet south of Coral Reef Road to 2,600 feet South of Coral Reef Road and extending East of FEC Right-of-Way for approximately a depth of 2,000 feet, legally described as SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and that part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying East of Federal Highway #1 in Section 28-55-40, also known as Coral Reef Homesites; (45-94)

WHEREAS a Public Hearing of the Dade County Zoning Commission was advertised by Zoning Director, as required by law, and after hearing all interested parties, the members of the Zoning Commission present were of the opinion and recommend that change of zone be made as follows on the aforementioned property, also known as CORAL REEF HOMESITES:

FROM: AU to BU-1, 10,000 cubic feet minimum, masonry Construction required, on Blocks 4 to 5.

FROM: AU to RU-3, 7,500 cubic feet minimum on Blocks 3 and 6.

FROM: AU to BU-1, 3,000 cubic feet minimum on rest of proposed subdivision known as CORAL REEF HOMESITES. (45-94)

WHEREAS it appears to this Board that said changes are for the betterment of the Comprehensive Zoning Laws,

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Dade County, Florida, that the zoning on the above property be and the same is hereby approved as recommended by the Zoning Commission.

The Zoning Director is hereby directed to make the necessary changes upon the maps and records of the Dade County Zoning Department.

ADOPTED this 28 day of Jan, 1947

IV 29
Map Revised
1-30-47
IC

RESOLUTION NO. 3-ZAB-23-67

The following resolution was offered by Mr. Neal Adams,
seconded by Mr. Frank P. Reynolds, and upon poll of members
present, the vote was as follows:

Neal Adams	aye	Virginia Salley	aye
Gene Flinn	aye	H. H. Wood	aye
John R. Harlow	aye	Andrew Lee	aye
Frank P. Reynolds	aye		

WHEREAS, Marina Henry has applied for a district boundary
change from AU (Agricultural) 7500 cubic feet to RU-1 (Single
Family Residential) 10,500 cubic feet ON the S. 206' of N. 411' of
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 28, Township 55 South, Range 40 East, less
W. 25' and E. 25' right of way. 15925 SW 90 Ave., Dade County,
Florida; and

WHEREAS, an inspection of the subject property was made and a
public hearing of the Metropolitan Dade County Zoning Appeals Board
was advertised and held, as required by law, and all interested
parties concerned in the matter were 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 would be compatible with the neighborhood
and area concerned and would not be in conflict with the principles
and intent of the plan for the development of Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County
Zoning Appeals Board that the requested district boundary change
to RU-1 be and the same is hereby recommended for approval by the
Board of County Commissioners of Dade County, Florida.

The Zoning Director is hereby directed to make the necessary
notations upon the records of the Dade County Building and Zoning
Department.

PASSED AND ADOPTED this 11th day of January, 1967.

Heard 1/11/67
No. 67-1-29
1/13/67
ew

January 13, 1967

Marina Henry
15925 S. W. 90 Ave.
Miami, Florida

Re: Marina Henry; request for district boundary change
from AU (7500 c.f.) to RU-1 (10,500 c.f.); Sec. 28,
Twp. 55S, Rge. 40E; 15925 SW 90 Ave., Dade County,
Florida. Hrg. 67-1-29

Enclosed herewith is a copy of Resolution No. 3-ZAB-23-67,
adopted by the Metropolitan Dade County Zoning Appeals Board, recommending
approval of the requested district boundary change on the subject property.

You are hereby advised that said Zoning Appeals Board recommendation has
already been scheduled for final action by the Board of County Commissioners,
as was noted in the courtesy notice.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPT.

Chester C. Czebrinski
Assistant Director

CCC/ew

Enclosure

cc: Hrg. File ✓
J. Dayton

Chairman Lee: We have two abstentions on this; Mrs. Salley abstaining, Mr. Flinn abstaining. Motion carried, then, by a vote of 5-0, for denial. Let's see--we have 4 votes on the motion for denial, Mr. Adams voting against the motion, Mrs. Salley abstaining, Mr. Flinn abstaining. So the motion carries, then for denial of the application.

Whereupon the motion was carried by a vote of 4-1; Mr. Adams voting against the motion; Mrs. Salley and Mr. Flinn abstaining.

✓ Marina Henry

Hrg. 67-1-29 Resolution 3-ZAB-23-67

Mr. Adams: I move approval of the application.

Mr. Reynolds: Seconded.

Chairman Lee: Motion by Mr. Adams for approval of the application, seconded by Mr. Reynolds. Any discussion on the motion? Those opposed, signify by raising their right hands. All right. Motion carried 7-0 for approval for Patrick.

Mr. Henry: Thank you very much.

Whereupon the motion was carried by a vote of 7-0.

Director, Dade
County Building
& Zoning Dept.

Hrg. 67-1-30 Resolution 3-ZAB-24-67

Mr. Wood: I'm going to move that this entire application be denied with prejudice. I feel that the project itself deserves consideration, but I don't feel that this is the proper location.

Mrs. Salley: I second that motion.

Chairman Lee: Motion by Mr. Wood, seconded by Mrs. Salley, that the application be denied. Now, is there any discussion on the motion?

Mr. Flinn: I would just like to add that I think probably that you may be in the right church for public housing--we have no opposition to that idea--but I concur that you may be in the wrong pew.

Chairman Lee: Any further discussion on the motion now? The people will get a chance to speak on the next application that didn't get a chance to speak on this one.

Mr. Fleeman: Mr. Chairman, who is going to be here? My rights are being affected.

Chairman Lee: We are on a motion here.

Mr. Fleeman: But the motion was with prejudice. I didn't make the application, but it is my land. I may want to come back to this in a year or so.

RESOLUTION NO. 05-108

ZONING APPLICATION 05-3-VPB-1/04-293 (28-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF MARVIN JEROME JOHNSON FOR RE-ZONING FROM AU TO RU-1 (SW CORNER OF SW 158 STREET AND SW 89 AVENUE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for re-zoning, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on December 12, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for re-zoning is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the application, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present application was held on December 12, 2005 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Marvin Jerome Johnson. The property is vacant land located at SW 158 Street and SW 89 Avenue.
2. The applicant requests to change the zoning on the subject property from AU, agricultural district, to RU-1, single family residential district.
3. The village council adopts the portions of the cover sheet to, and the County recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The Village Council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards and Analysis as its conclusions of law.
2. The Village Council further concludes that the application for re-zoning is consistent with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and compatible with the surrounding area.

Section 4. Order.

1. The village council accepts the county and staff recommendation at page 5. The application for alternative non-use variance is granted, subject to the applicant entering into a covenant that will tie the development to the site plan, as submitted and attached hereto.

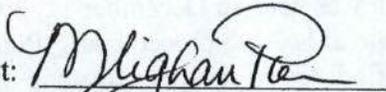
Section 5. Record.

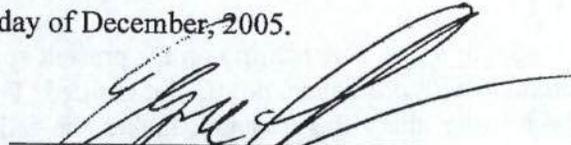
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

Section 6. This resolution shall take effect immediately upon approval.

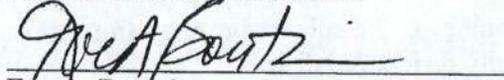
PASSED and ADOPTED this 15th day of December, 2005.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller Yes

Council Member Paul Neidhart Yes

Council Member John Breder Yes

Vice-Mayor Linda Robinson Yes

Mayor Eugene P. Flinn, Jr. Yes

K:\Users\mpier\Resolutions\Zoning Res-Johnson.doc

POSTING & MAILING

DD&S BAY LLC
VPB-14-005



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, September 22, 2014, at 7:00 p.m. The hearing shall be held at Village Hall, 9705 E. Hibiscus Street, Palmetto Bay, FL. Discussion and public input will be welcome concerning the following items that may be of interest to your immediate neighborhood:

ITEM #1

Applicant: **DD&S Bay, LLC**
File #: VPB-14-005
Folio#’s: 33-5028-000-0220, 33-5028-000-0221, 33-5028-000-0222
Location: 8900 SW 158th Street, and 28 55 40 west 97.50 feet of the east 122.50 feet of the 100 feet north 125 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section less the extension area of the curve in the northeast corner AKA Parcel 2 per WP D-23399 OR 29097-0153, and 28 55 40 west 195 feet of the east 220 feet of the south 80 feet of the north 205 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section AKA Parcel 3 Per WP D-23399 OR 29097-0153.
Zoned: R-1, Single Family Residential District
Request: Deletion of a covenant proviso of resolution removing a condition of a rezoning approval tying the properties to a specific site plan, thus permitting development to proceed consistent with the existing R-1 zoning requirements.

ITEM #2

Sponsor: **Village of Palmetto Bay**
File #: VPB-14-001
Folios: 33-5034-000-0580, 33-5034-000-0620
Location: Palmer Trinity Private School, Inc.
7900 SW 176th Street and 8001 SW 184th Street
Zoned: EM, Estate Modified Single Family District
Request: Modification of Resolution 2014-58, incorporating certain site plan conditions and eliminating others as previously approved pursuant to Resolution 2010-48(Amended 7/19/2011 and 8/29/2012)

ITEM #3

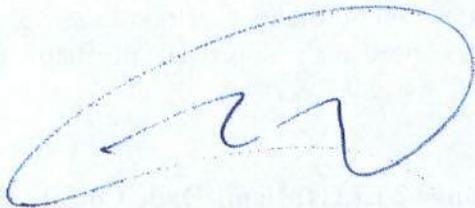
Applicant: **Residential Recovery Capital Holdings 2 LLC (Miami-Dade County Fire Rescue Department)**
File #: VPB-14-003
Folios: 33-5023-002-0370
Location: 14200 Old Cutler Road
Zoned: E-1, One Acre Estate Single Family District
Request: Establishment of a fire rescue facility and associated site plan.

All persons are invited to appear and be heard. The documents pertaining to this public hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 E. Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Inquiries may be directed to the Clerk at (305) 259-1234. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

Meighan Alexander, Village Clerk



VILLAGE OF PALMETTO BAY NOTICE OF PUBLIC HEARING

HEARING NUMBER: VPB-14-005
APPLICANT NAME: DD&S Bay, LLC
FOLIO: 33-5028-000-0220, 33-5028-000-0221, 33-5028-000-0222

PROJECT LOCATION: 8900 SW 158th Street, and 28 55 40 west 97.50 feet of the east 122.50 feet of the 100 feet north 125 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section less the extension area of the curve in the northeast corner AKA Parcel 2 per WP D-23399 OR 29097-0153, and 28 55 40 west 195 feet of the east 220 feet of the south 80 feet of the north 205 feet of the southeast 1/4 of the southwest 1/4 of the northeast 1/4 of the section AKA Parcel 3 Per WP D-23399 OR 29097-0153, PALMETTO BAY, FL 33157

REQUEST: Deletion of a covenant proviso of resolution removing a condition of a rezoning approval tying the properties to a specific site plan, thus permitting development to proceed consistent with the existing R-1 zoning requirements.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 22, 2014, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

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APPLICANT NAME: DD&S Bay, LLC
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APPLICANT NAME: DD&S Bay, LLC
FOLIO: 33-5028-000-0220, 33-5028-000-0221, 33-5028-000-0222

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ZONING HEARING

PERTAINING TO THIS PROPERTY TO BE HELD AT VILLAGE HALL
ADDRESS 9105 EAST HIBISCUS STREET

PURPOSE OF HEARING:



FOR FURTHER DETAILS CALL:
305-259-1271

VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

DATE:

SEPT 12, 2014

TIME:

7:00 PM

HEARING No.

VPB-14-005

08/22/2014

ZONING HEARING
FOR THE
PROPOSED
PROJECT TO BE
LOCATED AT
2015-2017
PLEASE APPEAR TO BE
HEARD AT THE
HEARING ON
08/22/2014

08/22/2014



APPLICANTS SUBMITTAL

DD&S BAY LLC
VPB-14-005

APPLICATION

DD&S BAY LLC
VPB-14-005

BELLON ARCHITECTURE, INC.

13131 SW 132 Street Suite 104
Miami, FL. 33186
T. 305-278-7776 F. 305-278-7473
AA0003505

June 19th, 2014

**Village of Palmetto Bay
Zoning Hearing Section
9705 E Hibiscus St.
Village of Palmetto Bay, Fl. 33157**

**Re: LETTER OF INTENT
Mr. & Mrs. Armando Suarez Residence
8900 SW 158 Street
Lot 1, Blk. 1, Folio Number 33-5028-000-0220**

To whom it may concern;

It is the intent of our client Mr. and Mrs. Suarez to build a one-story single family house at the above captioned property within the limits on the Village of Palmetto Bay. The house will be built for their own use.

Records at Village of Palmetto Bay show that there was a zoning hearing on this property which was approved by resolution number 05-108.

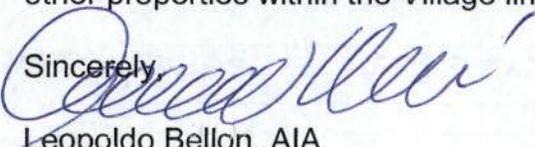
The approved plans under the above resolution were for a two-story house as per plans prepared by Offerle-Lerner AIA Architect and dated 11-22-05.

New plans submitted under this application calls for a one-story single family residence within the allowable lot coverage and all setbacks as determined by the present zoning code and the previously approved hearing plan. The applicant is not seeking any variance or special exemption from the existing codes.

The intent of the applicant is to be allowed to substitute the previously approved house model for a new model as submitted.

We hope you will find our request reasonable since the approval of the new model does not create an unusual condition or establish a precedence affecting other properties within the Village limits.

Sincerely,


Leopoldo Bellon, AIA
Registered Architect,
Bellon Architecture Inc.

RECEIVED
Zoning Department

7/25/2014

Village of Palmetto Bay
Building & Zoning Department

By: 



RECEIVED
SEC: _____ TWP: _____ RGE: _____
Zoning Department
7/25/2014

Village of Palmetto Bay
Building & Zoning Department
By: *[Signature]*

V+B-1A-004

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33-5028-000-0220 Date Received _____

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Armando m. suarez & maria teresa suarez

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 11845 SW 46 St.
City: miami State: FL Zip: 33175 Phone#: (305) 801-2998 or (786) 512-5308

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Armando m. suarez & maria teresa suarez
City: miami State: FL Zip: 33175 Phone#: (305) 801-2998

4. CONTACT PERSON'S INFORMATION:

Name: Company: maria suarez
City: miami State: FL Zip: 33175 Cell Phone#: (786) 512-5308
Phone#: _____ Fax#: _____ E-mail: MTD@19ado518@gmail.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

PLEASE SEE ATTACHED.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

8900 SW 158 Street, Palmetto Bay, FL 33157-1944
interior lot on SW 158th st.

7. SIZE OF PROPERTY (in acres): _____ (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: March **9. Lease term:** _____ years
(month & year)

2013

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes
no If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: RU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____
(Provide a separate legal description for each zone requested)

Unusual Use: _____

Use Variance: _____

Non-Use Variance: _____

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan: Modification of Resolution 05-18

Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? no yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no yes. If yes, give name to whom the violation notice was served: and describe the violation: _____

16. Describe structures on the property: Vacant land

17. Is there any existing use on the property? no yes. If yes, what use and when established?
Use: _____ Year: _____

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete By	Date

RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

M. Suarez A. S.
(Applicant's Signature)

maria suarez Armando Suarez
(Print Name)

Sworn to and subscribed before me this 10th day of July, 2014. Affiant is personally known to me or has produced Drugs License as identification.

(Notary Public)

My commission expires Feb 7, 2018



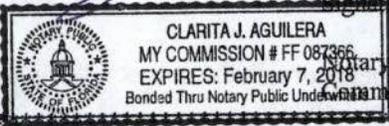
APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), Armando & Maria Suarez, being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing.

M. Suarez A-S-S
Signature



Signature: Clarita J. Aguilera
Notary Public:
Commission Expires: Feb 7, 2018

Sworn to and subscribed to before me this 10th day of July, 2014.

CORPORATION AFFIDAVIT

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

Attest: _____

Authorized Signature _____

Office Held _____

(Corp. Seal)

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

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

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

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature _____

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

Notary Public: _____
Commission Expires: _____

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida
COUNTY OF miami-dade

Public Hearing No. _____

Before me, the undersigned authority, personally appeared _____
hereinafter the Affiant, who being first duly sworn by me, on oath, deposes
and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:
West 97.50 feet of the East 220 feet of the South
100 feet of the North 125 feet of the SE 1/4 of the SW 1/4
of the N/E 1/4 Section 28, Township 55 South, Range 40 East Miami-
Dade
County, FL.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

Armando M. Suarez
Print Name

[Signature]
Signature

Orquidia Hernandez
Print Name

[Signature]
Affiant's signature

Armando M. Suarez
Print Name

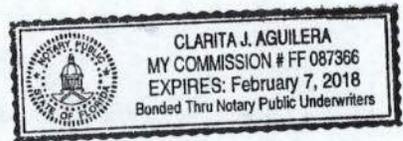
M. Suarez
maria suarez

Sworn to and subscribed before me on the 10th day of July 2014.

Affiant is personally known to me or has produced Drivers License as identification.

Notary [Signature]

(Stamp/Seal)
Commission Expires:



SCHEDULE "A"

LEGAL DESCRIPTION

The West 97.50 feet of the East 220 feet of the South 100 feet of the North 125 feet of the SE 1/4 of the SW 1/4 of the NE 1/4 of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida. AKA PARCEL 1 PER WP D 23399 OR 29097-0153

Attachment 1:

Suarez Property Full Legal Description:

28 55 40
W97.50FT OF E220FT OF S100FT OF
N125FT OF SE1/4 OF SW1/4 OF
NE1/4 OF SECT AKA PARCEL 1
PER WP D 23399 OR 29097-0153
LOT SIZE 9751 SQ FT M/L
OR 17887-2244 11971
FAU 30 5028 000 0220

FULL LEGAL DESCRIPTION

28 55 40
W97.50FT OF E220FT OF S100FT OF
N125FT OF SE1/4 OF SW1/4 OF
NE1/4 OF SECT AKA PARCEL 1
PER WP D 23399 OR 29097-0153
LOT SIZE 9751 SQ FT M/L
OR 17887-2244 11971
FAU 30 5028 000 0220



SW 158TH ST

2013 Aerial Photography 60ft

PHOTOGRAPHS

FRONT ELEVATION



A

SIDE ELEVATION



B

REAR ELEVATION



C



D



E



F

SEARCH:

8900 SW 158 Street, Palmetto bay

Suite



PROPERTY INFORMATION

Folio: 33-5028-000-0220

Sub-Division:
UNPLATTED

Property Address
8900 SW 158 ST
Palmetto Bay , FL 33157-1944

Owner
DD&S BAY LLC

Mailing Address
2628 CORAL WAY #310
MIAMI , FL 33145

Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
0081 VACANT RESIDENTIAL : VACANT LAND

Beds / Baths / Half 0 / 0 / 0

Floors 0

Living Units 0

Actual Area 0

Living Area 0

Adjusted Area 0

Lot Size 9,751 Sq.Ft

Year Built 0



- Boundary Survey (required with every application, no older than 1 year. Must show all structures, rights-of-way, etc. and any municipal boundary, if any).
- Signage Plans: Show sign detail including sign dimensions, height and setback distance, if applicable.
- Liquor Survey, if applicable
- Engineer's certification and/or compliance letter for existing structures, if applicable
- Architectural approval letter required from the homeowners' or condominium association, if applicable
- Legal description [must be accurate; and if lengthy, to be submitted in Microsoft Word format on diskette or compact disc (CD), in addition to printed (hard) copy. Whether CD or diskette, ensure data is write-protected.
- Lake Excavation Plans (prepared & sealed by a Florida surveyor or engineer, showing perimeter dimensions, deep cut line, cross sections and slope descriptions), if applicable
- School Checklist (required for all day care centers and private schools)
- For specific K – 12 school requirements call the Educational Facilities Coordinator of the Public Works Department at (305) 375-1874.
- Covenant or Declaration of Restrictions may be required. Call the Village Attorney at (305) 259-1234. *Dexter Lehtinen (305) 700-8544*
- Public Works reviews and comments on hearing applications. Prior to completion of development plans, call (305) 696-5011 for information on concurrency, and street dedication requirements.
- Department of Environmental Resources Management (DERM) at 33 SW 2nd Ave., 5th Fl., reviews and comments on hearing applications. Call (305) 372-6502 or 6503 for information on water quality, pollution control, soil removal, tree preservation and other environmental regulations.
- Certain types of business uses require Environmental Quality Control Board (EQCB) approval before a public hearing can be scheduled. Contact DERM for additional information.
- General information on zoning requirements, prior zoning hearing, history, Declaration of Restrictions, Unities of Title and related zoning criteria is available at 9705 E Hibiscus Street. Call (305)259-1271.

- The Planning and Zoning Division reviews and comments on hearing applications. Call (305) 259-1271 for information on application recommendations, urban design standards, landscape requirements, and other planning disciplines.
- Hearing fees and additional radius fees – the fees paid at time of filing may not be the total cost of the hearing. Additional radius fees for mailing notices to property owners within a certain radius of the subject property may be assessed, depending on the type of hearing request. The number of actual property owners is determined by computer and you will receive a bill for the additional radius fees approximately one month after filing. Fee schedule and instructions are attached. Hearing fees will be calculated by the Zoning Administrator at the pre-filing appointment.
- For a more detailed explanation of the Zoning Hearing Procedures, call (305) 259-1271.
- Translators and sign language interpreters are available upon request. Call the Clerk's Office at (305) 259-1265 at least 10 days in advance to arrange for this service at the meeting
- Zone change applications must be consistent with the Comprehensive Development Plan (CDP). Call the Planning Division at (305) 259-1271 for information.

Some requests require additional information. Contact the Division of Planning and Zoning for a pre-filing appointment for information on required exhibits and review of documents and plans.

NOTE: All exhibits larger than 8 ½" x 11" must be INDIVIDUALLY FOLDED prior to submittal. Full size color exhibits are not required to be folded.



These submittal requirements, as well as those for other types of entitlement applications, can be found on the Village of Palmetto Bay website at www.palmettobay-fl.gov. If you have questions regarding these submittal requirements, you can contact the Planning and Zoning Division at (305) 259-1271, or visit the Planning and Zoning Division at Village Hall, 9705 E Hibiscus Street, Palmetto Bay, FL 33157

PLANS & SURVEY

DD&S BAY LLC

VPB-14-005

ZONING LEGEND

A.- SITE DATA	
1- PROJECT NAME	Mr. & Mrs. ARMANDO SUAREZ RESIDENCE
2- PROPERTY ADDRESS	89XX SW 158 STREET, MIAMI
3- ZONING DISTRICT	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
4- NET LOT AREA	9,761 SQ. FT. (0.22 ACRES)
B.- SITE COMPUTATION	
1- FOOTPRINT (LOT COVERAGE)	3,607.8 SQ. FT. (37% MAX.)
2- OPEN SPACE	6,153.1 SQ. FT. (63% MIN.)
3- LANDSCAPE PERVIOUS AREA	2,925.3 SQ. FT. (30% MIN.)
4- LANDSCAPE PERVIOUS AREA	5,998 SQ. FT. (61.4%)
C.- PROPOSED BUILDING	
1- AC SPACES (AREA)	2,235 SQ. FT.
2- GARAGE	438 SQ. FT.
3- COVERED ENTRY PORCH	90 SQ. FT.
4- COVERED TERRACE	426 SQ. FT.
TOTAL CONSTRUCTION AREA	3,189 SQ. FT.
D.- BUILDING HEIGHT	
REQUIRED	35 FT (MAX.)
PROVIDED	18'-5"
E.- SETBACKS	
1- FRONT SET BACK	25'-0"
2- REAR SETBACK	25'-0"
3- INTERIOR SIDE SETBACK (EAST)	7'-6"
4- LEFT SIDE STREET SETBACK (WEST)	7'-6"

LEGAL DESCRIPTION

THE WEST 97.50 FEET OF THE EAST 220 FEET OF THE SOUTH 100 FEET OF THE NORTH 125 FEET OF THE SE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 28, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

ZONING NOTES

- SITE TO BE FILLED TO COUNTY FLOOD CRITERIA ELEVATION R.G.V.D. OR AN ELEVATION NO LESS THAN THE HIGHEST APPROVED CROWN ELEVATION OF THE ROAD ADJUTING THE PROPERTY.
 - AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO LAKE OR CANAL.
 - LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.
 - IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY, SECTION 535.26 (10), FLORIDA STATUTES, EFFECTIVE 7/10/87.
 - A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES. CONTACT PUBLIC WORKS DEPARTMENT.
 - THE HEIGHT OF FENCES, WALLS AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY LEADING TO A RIGHT OF WAY. THE HEIGHT OF FENCES IS BEING MEASURED FROM GRADE. GRADE ELEVATION = ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD.
 - O.S.F.H. (OUTSIDE SPECIAL FLOOD HAZARD): ALL ELECTRICAL AND MECHANICAL EQUIPMENT MUST BE LOCATED AT OR ABOVE THE REQUIRED LOWEST FLOOR ELEVATION.
 - S.F.H. (SPECIAL FLOOD HAZARD) ALL ELECTRICAL AND MECHANICAL EQUIPMENT MUST BE LOCATED AT OR ABOVE THE BASE FLOOD ELEVATION OR REQUIRED LOWEST FLOOR ELEVATION WHICH EVER IS HIGHER.
 - LOWEST FLOOR - Shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in sections 11c-3, 11c-4, 11c-5.
 - GARAGE OR STORAGE (FHA, OSHA 11c-5-6): Fully enclosed areas below the base elevations shall be designed to produce finished living space except allowable uses for parking, finished storage and building access and shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- Design for complying with this requirement must be either certified by a professional engineer or architect and meet the following criteria:
1. Provide a minimum of two (2) openings, having a total net area of not less than one (1) square inch for every square foot of enclosed area size. Bottom of all openings shall be not higher than one (1) foot above grade.
 2. The interior portion of such enclosed areas shall NOT be partitioned or finish into separate rooms or air conditioned.

TERMITE SOIL STATEMENT

ALL BUILDING SHALL HAVE A PRE-CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES. THE RULES AND LAWS AS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES SHALL BE DEEMED AS APPROVED WITH RESPECT TO PRECONSTRUCTION SOIL TREATMENT FOR PROTECTION AGAINST SUBTERRANEAN TERMITES. A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT: "THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (AS PER R4409.13.5 FBC 2010)

VIOLATION NOTE

FAILURE TO MAINTAIN LANDSCAPING ACCORDING TO APPROVED PLANS IS A CODE VIOLATION. FAILURE TO PLANT, PRESERVE, OR MAINTAIN EACH PLANT, EACH DAY IS A SEPARATE VIOLATION. 18A-13(C).

LANDSCAPE LEGEND

VILLAGE OF PALMETTO BAY LANDSCAPE CODE

ZONING DISTRICT: R1
NET LOT AREA: 9,751 SQ.FT. 0.22 (acres)

LANDSCAPE PERVIOUS AREA (if applicable)	REQ.	PROV.
	30% MIN.	
MAXIMUM LAWN AREA (50%)	N/A	N/A

TREES	REQ.	PROV.
TREES PER LOT (NOTE: 30% OF REQUIRED TREES AND/OR PALMS SHALL BE NATIVE SPECIES. NO MORE THAN 20% OF THE NATIVE TREE REQUIRED SHALL BE SABAL PALMETTO (CABBAGE PALM))	6	21 (EXISTING)
STREET TREES	3	3

(TREES IN THE RIGHT OF WAY*) OR ON PRIVATE PROPERTY* WILL REQUIRE PUBLIC WORKS APPROVAL OR SPECIAL TAXING DISTRICT.

TOTAL NUMBER OF TREES	REQ.	PROV.
	9	24

SHRUBS (10 SHRUBS FOR EACH TREE REQUIRED)

	REQ.	PROV.
	90	240

*30% SHRUBS/HEDGES SHALL BE NATIVE SPECIES.
*IRRIGATION SYSTEM REQUIRED PURSUANT TO CHAPTER 33 DADE COUNTY

PROPOSED TREE LEGEND

QUAN.	KEY	BOTANICAL NAME/COMMON NAME	HEIGHT/SPREAD	GAL.
3	(A)	SWETENIA MAHOGANY / MAHOGANY	15' 10'	10"

PROPOSED SHRUB LEGEND

10	(1)	HIBISCUS ROSEA-SINENSIS / HYBISCUS	3 GAL. @ 30" O.C.
110	(2)	IXORA MAUI / IXORA	3 GAL. @ 24" O.C.
120	(3)	CHRYSOBALANUS/RED TIP COCOPLUM	3 GAL. @ 30" O.C.

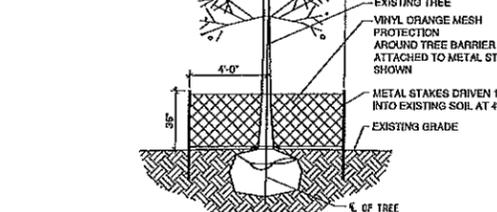
EXISTING TREE LEGEND

QUAN.	LEG.	No. NAME	SCIENTIFIC NAME	DIAMETER	HEIGHT	CANOPY
1	(B)	GUMBO LIMBO	BURSERIA SIMARUBA	4"	7'	4'
4	(C)	GUMBO LIMBO	BURSERIA SIMARUBA	3"	5'	4'
9	(D)	GUMBO LIMBO	BURSERIA SIMARUBA	6"	10'	15'
4	(E)	GUMBO LIMBO	BURSERIA SIMARUBA	8"	15'	20'
1	(F)	GUMBO LIMBO	BURSERIA SIMARUBA	5"	7'	6'
1	(G)	COCONUT PALM	COCOS NUCIFERA	8"	10'	8'
2	(H)	COCONUT PALM	COCOS NUCIFERA	4"	6'	8'
2	(I)	COCONUT PALM	COCOS NUCIFERA	5"	6'	8'

EXISTING TREES BASED ON PROVIDED SURVEY

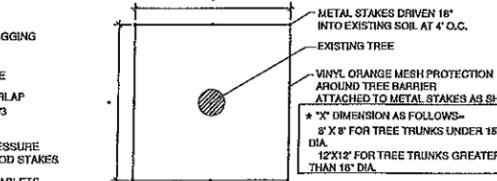
* VISIBILITY TRIANGLES NOTE:

ALL TRIANGLES OF VISIBILITY SHALL BE KEPT CLEAR OF VISUAL OBSTRUCTIONS BETWEEN A HEIGHT OF TWO AND A HALF (2.5) FEET AND EIGHT (8) FEET ABOVE THE ESTABLISHED GRADE.



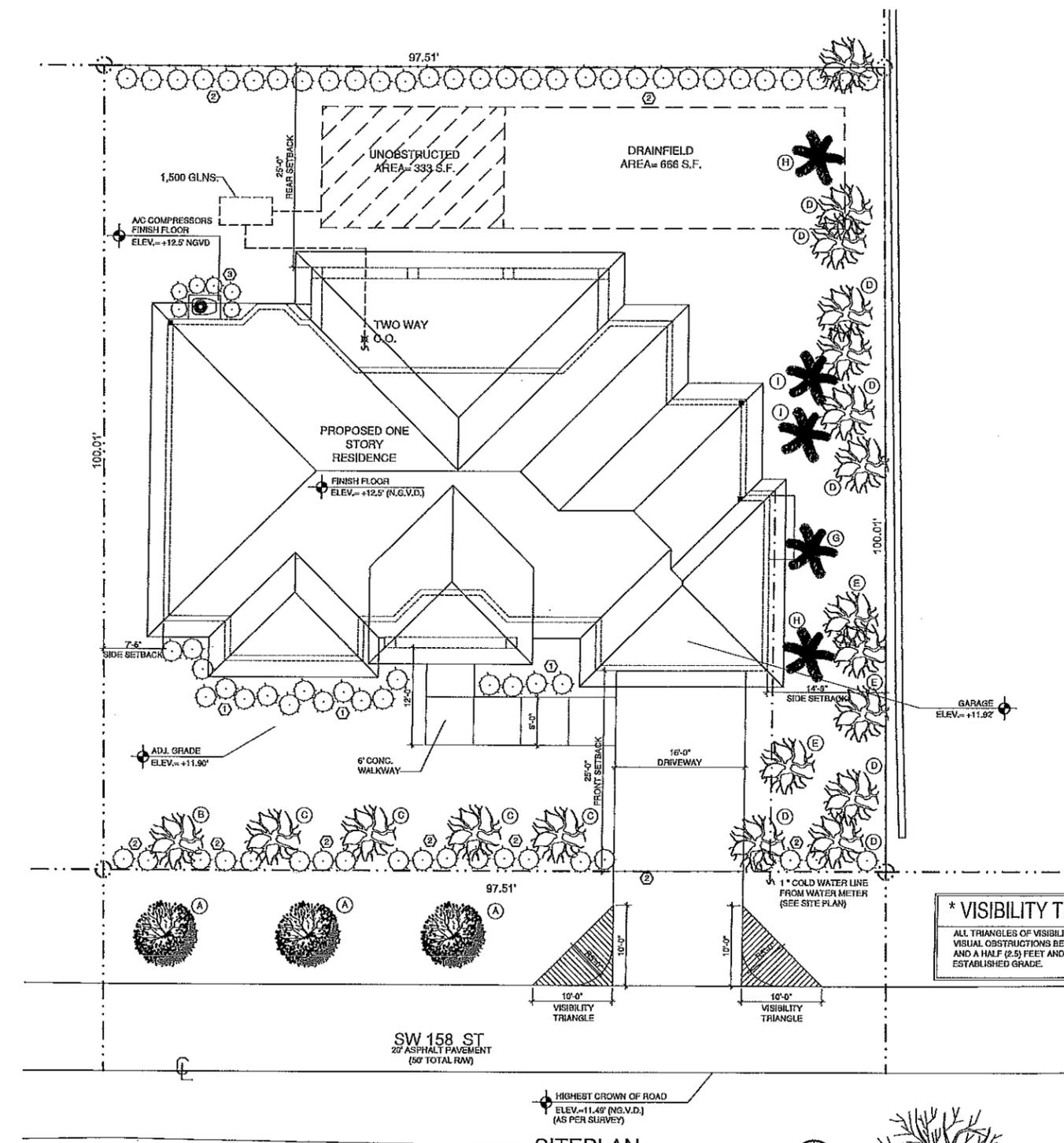
EXISTING TREE BARRIER DETAIL SECTION

TO PROTECTS TREE DURING CONSTRUCTION N.T.S.



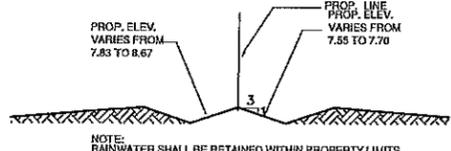
EXISTING TREE BARRIER DETAIL - PLAN VIEW DETAIL

TREE PROTECTION DURING CONSTRUCTION N.T.S.



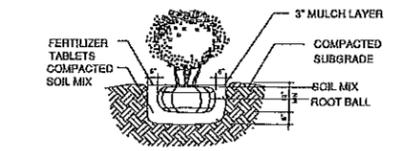
SITEPLAN

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



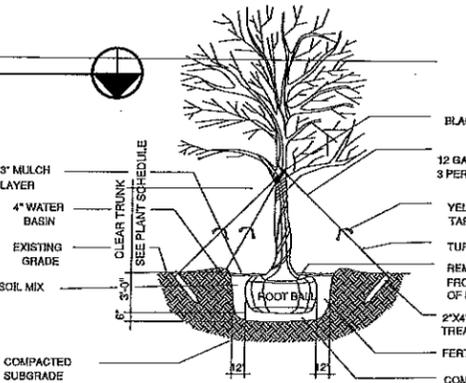
RAINWATER DETAIL

NTS



SHRUB PLANTING DETAIL

NTS

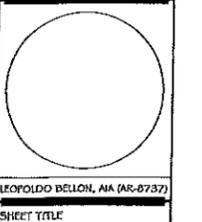


CANOPY TREE PLANTING DETAIL

NTS

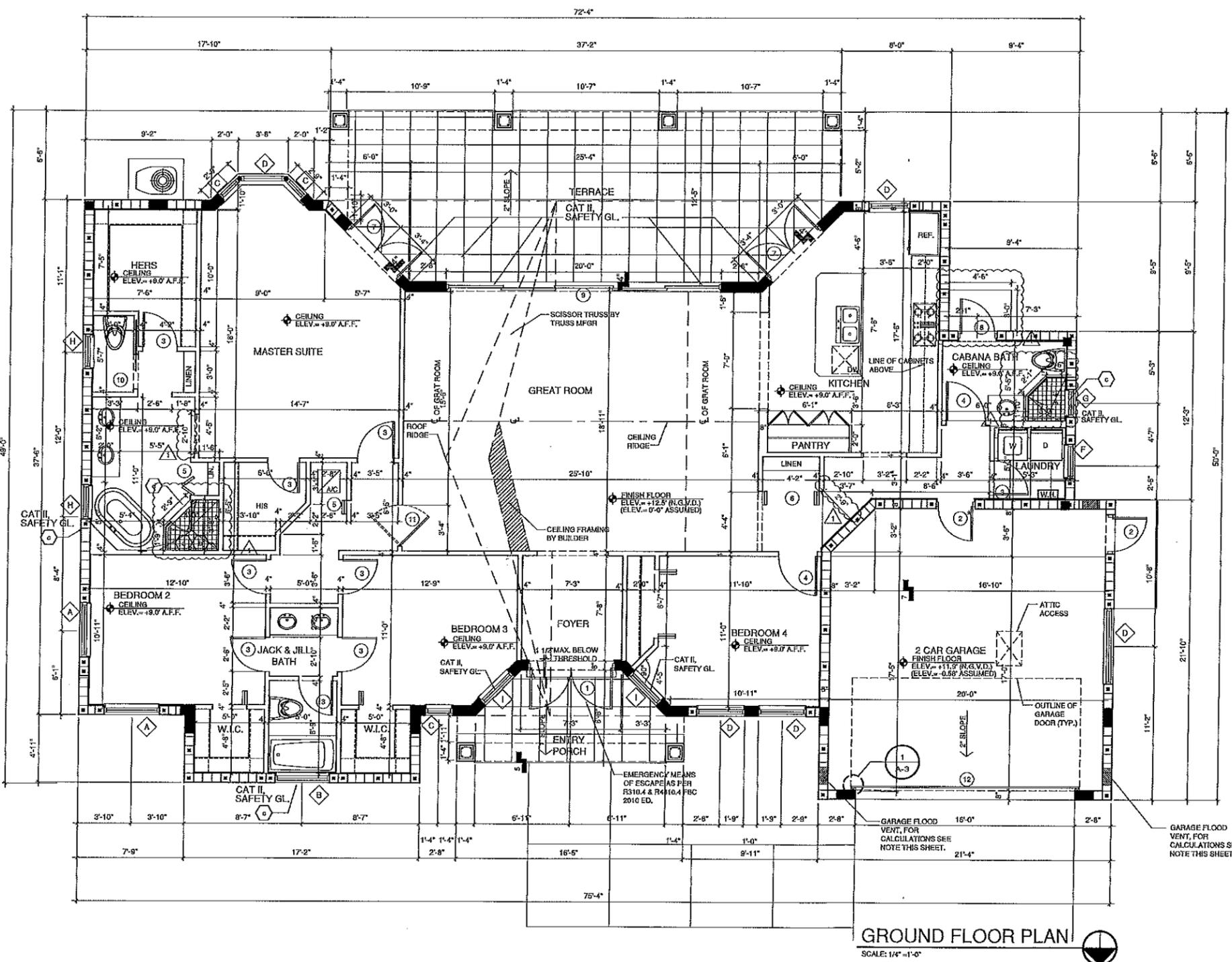
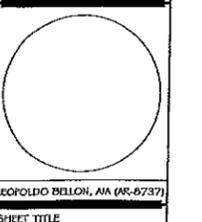
MARK	DATE	DESCRIPTION

PROJECT No. 2013LB225
DRAWN BY: J.R. & K.L.
CHECKED BY: L.B.
DATE:



MARK	DATE	DESCRIPTION
△	27-05-14	R.D.O.

PROJECT No. 2013LB225
DRAWN BY: J.R. & K.L.
CHECKED BY: L.B.
DATE:

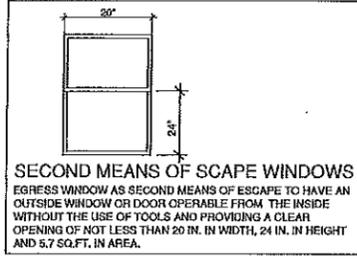


MARK	SIZE		TYPE	MATL	GLZ.	NOTES
	WIDTH	HEIGHT				
A	4'-0"	4'-0"	HR	ALUM.	IMPACT	
B	3'-0"	4'-0"	HR	ALUM.	IMPACT	
C	2'-0"	5'-0"	FIXED	ALUM.	IMPACT	
D	3'-0"	5'-0"	SH	ALUM.	IMPACT	
E	5'-0"	5'-0"	HR	ALUM.	IMPACT	
F	3'-0"	4'-0"	HR	ALUM.	IMPACT	
G	2'-0"	3'-0"	HR	ALUM.	IMPACT	
H	3'-0"	3'-0"	HR	ALUM.	IMPACT	
I	3'-0"	5'-0"	CASEMENT	ALUM.	IMPACT	△

PROVIDE ALL WINDOWS WITH:
U-FACTOR: 1.06 AND SHGC: 0.43
ALL WINDOWSIRRELE TRINTIMPACT

MARK	SIZE			MATL	EL.	GLZ.	LOUVER		TYPE	NOTES
	W	HT	THK				W	HT		
1	3'-0"	8'-0"		ALUM.					FRENCH DOOR	
2	2'-6"	6'-8"		METAL CLAT					PANELED	*SEE NOTE BELOW SCHEDULE
3	2'-6"	6'-8"		WOOD					PANELED	
4	2'-8"	6'-8"		WOOD					PANELED	
5	2'-6"	6'-8"		WOOD				FULLY LOUVERED	BI-FOLD	
6	4'-0"	6'-8"		WOOD					BI-FOLD	
7	(2) 2'-6"	8'-0"		ALUM.		X			FRENCH DOOR	CAT II SAF. GLASS
8	2'-8"	8'-0"		ALUM.		X			FRENCH DOOR	CAT II SAF. GLASS / OPAQUE GLASS
9	20'-4"	8'-0"		ALUM.		X			SLIDING	CAT II SAF. GLASS / EQUAL GLASS PANNELS
10	2'-8"	6'-8"		WOOD					POCKET	
11	3'-0"	6'-8"		ALUM.		X			PIVOT	
12	16'-0"	8'-0"		WOOD					OVER HEAD	GARAGE DOOR

*RESIDENCE TO GARAGE DOOR TO BE PROVIDED WITH AUTO CLOSURE AND SHALL BE A MIN. 1 3/4" THICKNESS SOLID CORE WOOD, SOLID HONEYCOMB CORE STEEL OR 20 MIN. RATED FIRE DOOR, AS PER F.B.C. R302.5.1



TERMITE TREATMENT SOIL :
ALL BUILDINGS SHALL HAVE PRECONSTRUCTION TREATMENT PROTECTION AGAINST TERMITES AS PER F.B.C. 1816.1.7 A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY THAT CONTAINS THE FOLLOWING STATEMENT "THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH THE RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPT OF AGRICULTURE AND CONSUMER SERV.

COMPONENTS OF MEANS OF ESCAPE:
(A) NO DOOR IN THE PATH OF TRAVEL OF MEANS OF ESCAPE SHALL BE LESS THAN 2'-8" WIDE, EXCEPT THAT BATHROOM DOORS MAY BE 24" WIDE UNLESS A LARGER DOOR OPENING IS REQUIRED TO SATISFY REQUIREMENTS
(B) EVERY CLOSET DOOR LATCH SHALL BE SUCH THAT CHILDREN CAN OPEN THE DOOR FROM INSIDE THE CLOSET.
(C) EVERY BATHROOM DOOR LOCK SHALL BE DESIGN TO PERMIT THE OPENING OF THE LOCKED DOOR FROM THE OUTSIDE IN AN EMERGENCY.
(D) DOORS MAY BE SWINGING OR SLIDING AND ARE EXEMPT FROM THE REQUIREMENTS
(E) NO DOOR IN ANY MEANS OF ESCAPE SHALL BE LOCKED AGAINST EGRESS WHEN THE BUILDING IS OCCUPIED. ALL LOCKING DEVICES WHICH IMPEDE OR PROHIBIT EGRESS OR WHICH CANNOT BE EASILY DISENGAGED SHALL BE PROHIBITED.

BATHROOM NOTES
A SHOWER & BATHTUB SHALL HAVE NON-ABSORBENT FLOOR & WALL FINISH UP TO 72" HEIGHT, AS PER F.B.C. R307.2
B CERAMIC TILE WALL FINISH AND TUB SHOWER AREAS SHALL HAVE CEMENT FIBER OR GLASS MAT BACKING BOARD, AS PER F.B.C. R702.2
C GLAZING WITHIN 60" OF FLOOR LEVEL IN WALLS SURROUNDING TUB OR SHOWER WITHIN 60" HORIZONTALLY OF TUB OR SHOWER SHALL BE SAFETY GLAZING CAT. II PER R4410.2.6.1 & R 308.4.5 F.B.C.
D GLAZING IN BATH & SHOWER ENCLOSURE SHALL BE SAFETY GLAZING CAT. II PER R4410.2.6.2 F.B.C.
E GYPSUM BOARDS IN TUBS, SHOWERS AND WATER CLOSETS SHALL BE WATER-RESISTANT GYPSUM BACKING BOARD AS PER FBC SEC 2509.2

ATTIC VENT CALCULATION
(F.B.C 2010 ED R4409.13.3.2)
ROOF AREA 2ND FLOOR = 1,800 / 150 = 12 S.F. REQUIRED VENT
170 L.F X .16 = 28 S.F PROVIDED VENT.
ROOF PERIMETER = 170'

- PROVIDE A 2" WIDE CONTINUOUS ATTIC VENTILATION AT ALL ROOF
- SCREEN OPENING AT ATTIC VENTS MAY NOT EXCEED 1/8" - FBC R4409.13.3.2.3.

GARAGE FLOOD VENTS NOTES :
A MINIMUM OF TWO OPENINGS LOCATED ON SEPARATE WALLS, HAVING A TOTAL NET AREA OF NOT LESS THAN 1 SQ. IN. FOR EVERY SQ. FT. OF ENCLOSED AREA.
THE BOTTOM OF THE OPENING MUST BE NO HIGHER THAN ONE FOOT ABOVE THE HIGHER THAN 1' ABOVE THE HIGHER OF THE EXTERIOR OR INTERIOR GRADE OR FLOOR IMMEDIATELY BELOW THE OPENING. AS PER FEMA & NFIP: SECTION 44CFR60.3.
CALCULATIONS:
AREA GARAGE= 405 SQ. FT.
AREA VENTILATION REQUIRED= 3.01 SQ. FT. (MIN.)
AREA VENTILATION PROVIDED= 2 OPENINGS 1.5 SQ.FT. EACH VENT

STANDARD 3" WIDE HANGERS

HANGER EXTENSION TO BE THE SUM OF THE DISTANCES BETWEEN THE HANGING WIRES AND THE DUCT SIZE, ID (SMACHA)

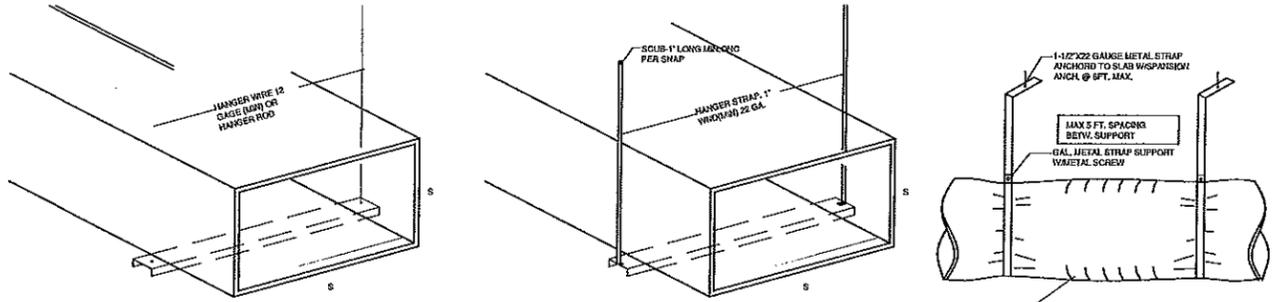
DUCT SIZE, INCHES	MAXIMUM HANGER SPACING
48" WIDE OR WHATEVER	4 FT.
LESS THAN 48" WIDE AND LESS THAN 48" DEEP	6 FT.
WIDTH BETWEEN 28" & 48" AND GREATER THAN 18" DEEP	6 FT.
LESS THAN 28" WIDE AND 18" DEPTH OR LESS	8 FT.

CHANNEL SECTION

IF TOTAL EXTENSION IS NOT GREATER THAN:	MINIMUM CHANNEL GAUGE	MINIMUM CHANNEL PROFILE
6"	24	3"x1 1/2"
18"	22	3"x2"
30"	18	3"x2"

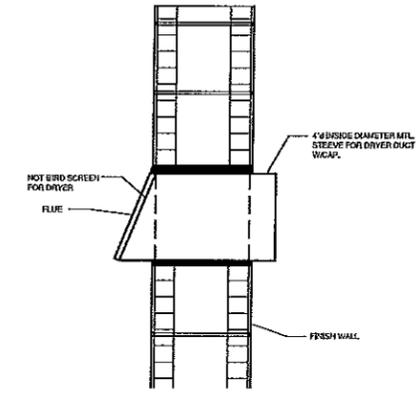
USE OF 2" WIDE

29 GAUGE 2"x1 1/2" HANGER MAY BE SUBSTITUTED FOR 3" HANGER FOR DUCTS WITH WIDTHS NOT OVER 48" AND DEPTHS NOT OVER 24" PROVIDED THAT NOT MORE THAN ONE JOINT OCCURS BETWEEN HANGER AND THEN HANGERS HANGER SPACING 4 FT. EXCEPTION: WHEN DUCT PENETRATOR IS 60" OR LESS AND DOES NOT REQUIRE REINFORCEMENT TWO JOINTS ARE PERMITTED BETWEEN HANGERS.

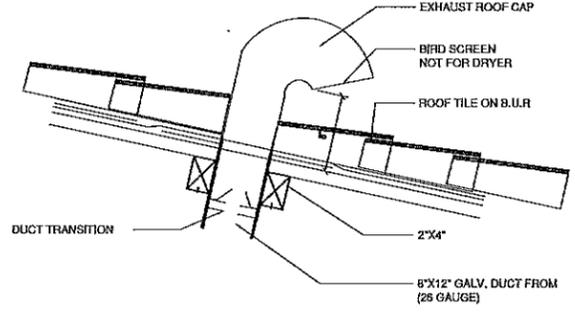


HANGERS AND SUPPORTS

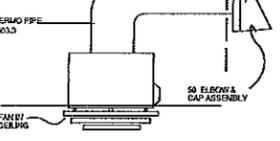
FLEXIBLE DUCT SUPPORT DETAIL



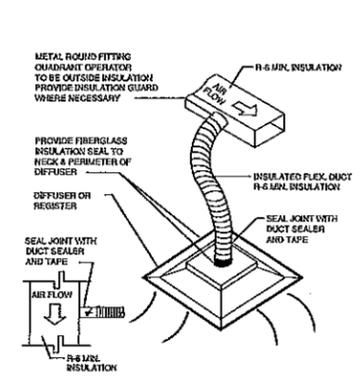
DRYER VENT TERMINATION DETAIL



DRYER VENT TERMINATION DETAIL



TYPICAL ROOF CAP DETAIL TOILET EXH.



FLEXIBLE DUCT CONNECTION DETAIL

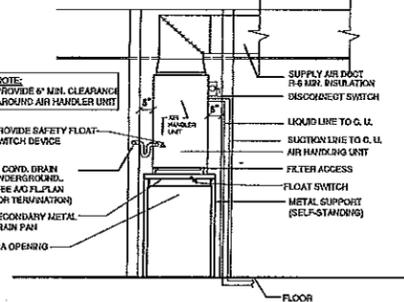
AIR CONDITIONING GENERAL NOTES

- SCOPE OF WORK:
 - INSTALL A COMPLETE NEW HVAC SYSTEM AS SHOWN ON DRAWINGS.
 - EQUIPMENT SHALL HAVE CAPACITIES REQUIRED TO OBTAIN A SUITABLE OPERATING BALANCE BETWEEN ASSOCIATED ITEMS OF EQUIPMENT. ALL DAMPERS AND CONTROLS SHALL BE ADJUSTED TO OBTAIN THE REQUIRED CAPACITIES UNDER ACTUAL OPERATING CONDITIONS OF EACH ITEM OF EQUIPMENT SHALL NOT EXCEED THE RATED MOTOR HORSEPOWER. BALANCED CAPACITIES BE EQUAL TO THOSE SCHEDULED AT DESIGN CONDITIONS.
 - COOLING SYSTEM AREA DESIGNED FOR 78° DB INSIDE CONDITIONS WITH OUTSIDE AIR TEMPERATURE OF 91° DB. 78° WB. HEATING IS DESIGNED TO MAINTAIN MINIMUM INSIDE TEMPERATURES OF 70° DB. WITH AN OUTSIDE TEMPERATURE OF 45° DB.
 - AIR DISTRIBUTION DEVICES SHALL BE CONSTRUCTED OF ALLUMINUM, AS MANUFACTURED BY TITUS. CEILING DEFUSER TO BE TITUS SERIES 200-FS, W/ OPPOSED BLADE DAMPER, AND SUPPLY AIR REGISTERS TO BE MODEL 274-FL EXPOSED GRILLAGE SHALL BE PAINTED OR BARE COPPER OF THE CEILING OR WALL IN WHICH IT IS LOCATED IN AND ALL SCREWS SHALL BE OF THE CORROSION TYPE ALSO PAINTED AS GRILLAGE.
 - CONSTRUCT AIR CONDITIONING DUCTWORK FROM ONE INCH THICK FIBERGLASS GLASS FIBERGLASS DUCTWORK THAT RUNS BETWEEN FLOORS AND ONE HALF INCH THICK FOR DUCTWORK THAT RUNS WITHIN ATTIC SPACE STANDARD WEIGHT, FIBERGLASS GLASS FIBERGLASS FABRICATED, SEAL AND INSTALLED PER LATEST SMACHA FIBERGLASS GLASS DUCT MANUAL RECOMMENDATIONS. DUCT SIZES NOTED ARE CLEAR INSIDE DIMENSIONS PROVIDE ALL ELBOWS WITH DOUBLE THICKNESS TURNING VANES AT ALL BRANCH DUCT TAKE-OFFS AS REQUIRED FOR PROPER AIR BALANCING.
 - AIR COOLED CONDENSING UNITS TO BE AS SCHEDULED, OR APPROVED EQUAL PROVIDED EACH UNIT WITH ANTI-CYCLING AND FILTER DRIER.
- FANCOIL UNIT TO BE AS SCHEDULED, OR APPROVED EQUAL COORDINATE WITH ELECTRICIAN TO CORRECT MULTI-SPEED FAN MOTOR TO PROPER SPEED TAPS TO DELIVER SCHEDULED AIR QUANTITIES. AGAINST 6" CURB RESISTANCE AS INSTALLED DURING THE COOLING MODE AND TO DELIVER MINIMUM SUPPLY AIR CFM AS RECOMMENDED BY UNIT MANUFACTURER DURING THE HEATING MODE.
- INSULATE REFRIGERANT SUCTION PIPE WITH 3/4 INCH THICK ARMAFLEX FIBERGLASS INSULATION EXPOSED TO WEATHER WITH TWO COATS OF GLASSFAB AND MASTIC. PROVIDE 3" PVC JACKET FOR ALL REFRIGERANT LINES UNDER GROUND FLOOR.
- COORDINATE ALL WORK WITH OTHER TRADES INVOLVED. THIS INCLUDES WALL AND ROOF PENETRATIONS AND SECURED ELECTRICAL SERVICE AND CONTROL WIRING. PLUMBER IS TO PROVIDE A MINIMUM 1-INCH CONDENSATE TRAP SEAL AT EACH FANCOIL UNIT, PIPE TO OUTSIDE OF HOUSE 8" ABOVE FINISHED GRADE.
- THERMOSTAT SHALL HAVE A HANGING HEATING MODE TEMPERATURE SETTING OF 78° AND A MINIMUM COOLING MODE TEMPERATURE SETTING OF 70°. IT SHALL BE ADJUSTABLE TO PROVIDE A TEMPERATURE OF UP TO 10° BETWEEN FULL HEATING AND FULL COOLING. HEATING AND COOLING TO BE NON-COINCIDENT THERMOSTAT TO HAVE REQUIRED STAGES OF COOLING AND HEATING FOR COMPATIBILITY WITH AIR CONDITIONING EQUIPMENT PROVIDED.
- THE AIR FLOW AT EACH SUPPLY OUTLET SHOWN ARE PRELIMINARY AND FINAL FLOW AT EACH OUTLET SHALL BE DETERMINED BY DEGREE OF COMFORT TEMPERATURE.

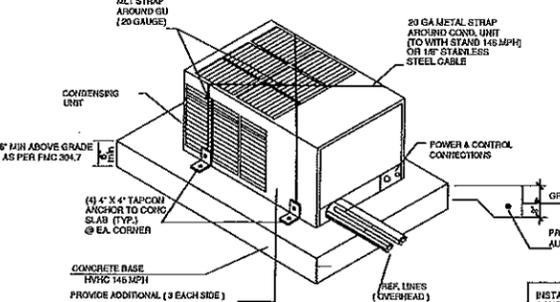
CONDENSATE WATER DISCHARGE DETAIL

NTS.

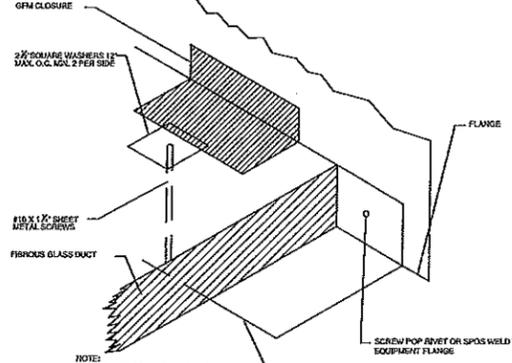
HVAC DESIGN REQUIRES:	YES	NO
DUCT SMOKE DETECTOR		X
FIRE DAMPER(S)		X
SMOKE DAMPER(S)		X
FIRE RATED ENCLOSURE		X
FIRE RATED ROOF CEILING ASSEMBLY		X
FIRE STOPPING		X
SMOKE CONTROL		X



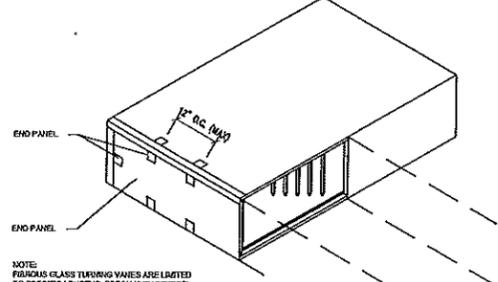
AIR CONDITIONING CLOSET



CONDENSING UNIT MOUNTING DETAIL



SHEET METAL AND EQUIPMENT CONNECTION DETAIL



CONNECTION DETAIL

SPLIT SYSTEM SCHEDULE

UNIT NO.	UNIT # 1
TOTAL CAPACITY BTU/H	54,000
SENS CAPACITY BTU/H	38,150
CFM SUPPLY	2,000
HEATER KW	7.5
ESP-IN WEL	0.50
TEMP. AIR ENT. COR. DB/DB	30/27
C.U. FLA	30.0
VOLTAGE	140-240
MANUFACTURER	ROEER
AHU MODEL	R14LH5024
C.U. MODEL	14AJ056
SEER	18.0
REF. LIQUID/SLUCTION	2 1/4" - 7/8"

- PROVIDE PROGRAMMABLE THERMOSTAT

EXHAUST FAN SCHEDULE

EF-1	SHALL BE BROAN MODEL n. 688 @ 120V/1 PH/60 HZ. 1/4" SP 50 CFM W/BACKDRAFT DAMPER.
EF-2	SHALL BE BROAN MODEL N. 360 @ 120V/1 PH/60 HZ 1/4" SP 110 CFM W/BACKDRAFT DAMPER

BELLÓN
architecture

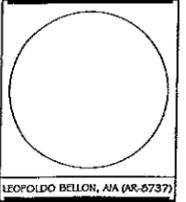
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ARCHITECTURE
LAND PLANNING
INTERIORS
CONSTRUCTION MANAGEMENT

**PROPOSED SINGLE FAMILY
RESIDENCE FOR:**
Mr. & Mrs. ARMANDO SUAREZ
89XX S.W. 158 STREET MIAMI, FLORIDA.

MARK	DATE	DESCRIPTION

PROJECT No. 2013LB225
DRAWN BY: J.R. & K.L.
CHECKED BY: L.B.
DATE:



LEOPOLDO BELLÓN, AIA (AR-6737)

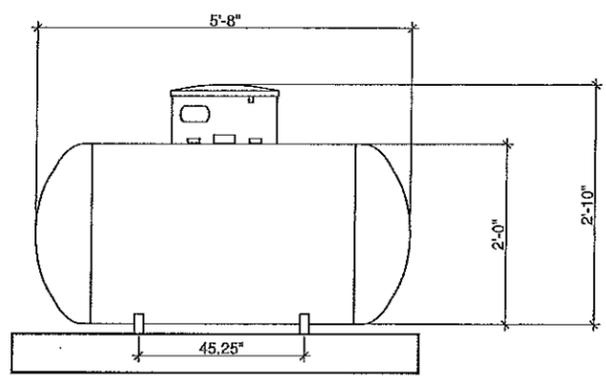
SHEET TITLE
MECHANICAL DETAILS

M-2
SHEET OF

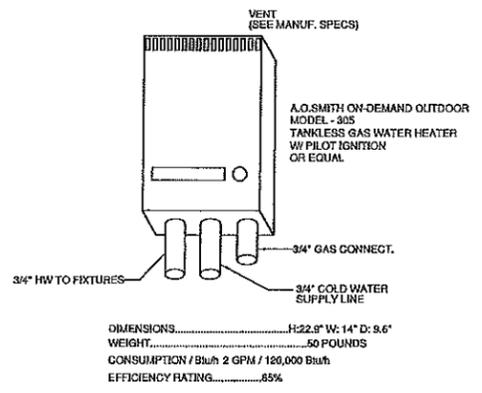
PROVIDE HAMMER ARRESTOR FOR WASHER AND REFRIGERATOR

WATER HAMMER ARRESTER SCHEDULE		
MARK	* P.D.I. SIZE	CONN. SIZE
(A)	A (1-11 F.U.)	1/2"
(B)	B (12-32 F.U.)	3/4"
(C)	C (33-60 F.U.)	1"
(D)	D (61-143 F.U.)	1"
(E)	E (114-154 F.U.)	1"
(F)	F (155-330 F.U.)	1"

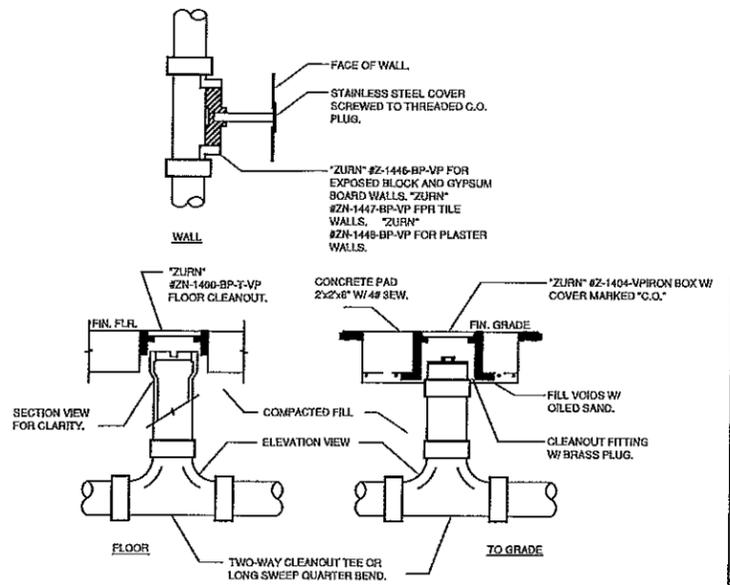
* PLUMBING AND DRAINAGE INSTITUTE STANDARD WH-201



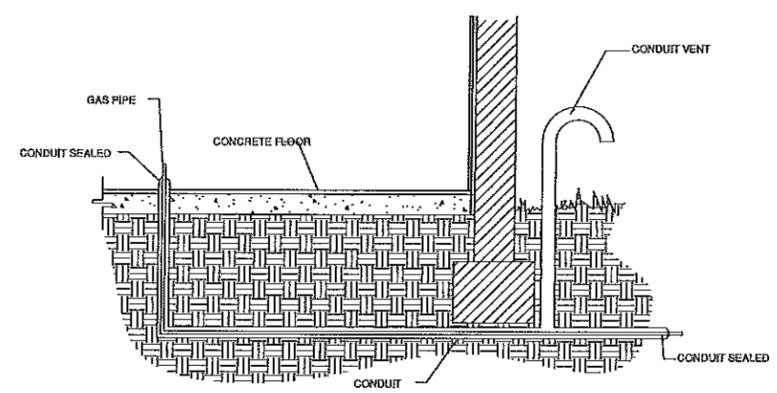
120 GALS GAS TANK DETAIL N.T.S.



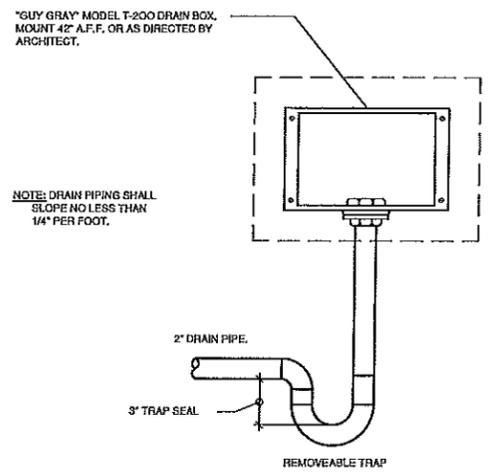
WATER HEATER DETAIL N.T.S.



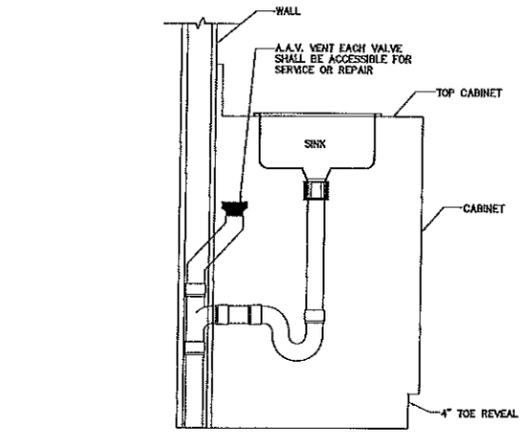
CLEANOUT DETAILS N.T.S.



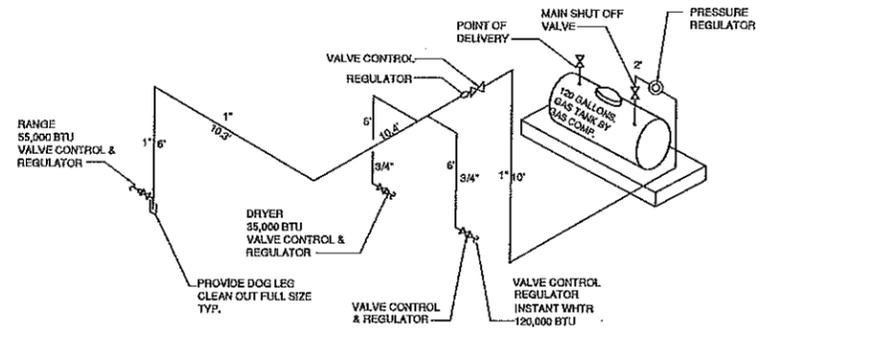
GAS PIPE UNDER SLAB INSTALLATION DETAIL N.T.S.



WASHING MACHINE DRAIN BOX N.T.S.



MECHANICAL VENTILATION DETAIL N.T.S.



GAS RISER (PROPANE GAS) N.T.S.

TOTAL BTU 210,000
LONGEST RUN GAS PIPE FROM TANK TO FARTHEST OUTLET 10'-1"
TOTAL LENGTH OF TUBING ±50'-0"
TABLE G.B.C.-402-4(24) SCHEDULE 40 METALIC PIPE.

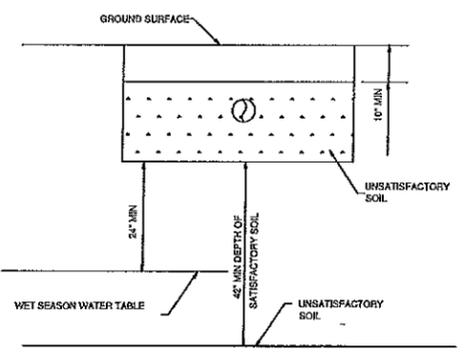
NOTE: SOURCE OF IGNITION SHALL BE AS PER NFPA 58, TABLES 6.3.1, 6.4.2, 6.4.5.8 AND SECTIONS 6.3.2 THROUGH 6.3.12

NOTE: GAS CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR OWNER AND ARCHITECT APPROVAL AND VERIFY BTU FOR EACH EQUIPMENT

NOTE: PROVIDE SHOOT-OFF VALVE AHEAD OF M.P. REGULATOR (TYP.)

PLUMBING GENERAL NOTES :

1. ALL WORK AND MATERIAL SHALL BE IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2010, LOCAL AND ANY OTHER PERTAINING CODES THAT APPLY.
2. THE CONTRACTOR SHALL PROVIDE ALL MINOR ITEMS WHICH ARE OBVIOUSLY, AND REASONABLY NECESSARY TO COMPLETE THE INSTALLATION.
3. THE CONTRACTOR SHALL TAKE OUT PERMITS, PROCURE CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH.
4. BIDDERS SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS SURROUNDING THE WORK.
5. THE CONTRACTOR SHOULD REFER TO THE DRAWING AND SPECIFICATIONS OF OTHER TRADES, AS SUCH ARE TO BE CONSIDERED PART OF THE PLUMBING CONTRACT DOCUMENTS.
6. DRAWINGS ARE DIA GRAMMATIC AND INTENDED TO SHOW THE APPROXIMATE LOCATION AND ARRANGEMENTS ONLY. PROVIDE ALL OFFSET, FITTING OR ACCESSORIES REQUIRED FOR A COMPLETE INSTALLATION.
7. ALL MATERIALS SHALL BE NEW AND OF THE BEST QUALITY NORMALLY USED FOR THE PURPOSE, OF TYPE AND MAKE CALLED FOR, OR APPROVED EQUAL.
8. THE CONTRACTOR SHALL BE A LICENSED MASTER PLUMBER.
9. THE ENTIRE INSTALLATION SHALL BE PERFORMED IN A FIRST-CLASS WORKMANLIKE MANNER.
10. PLUMBING WORK SHALL NOT INTERFERE WITH CLEARANCE REQUIRED FOR GENERAL AND HVAC CONSTRUCTIONS. INSTALLED PLUMBING WORK WHICH INTERFERES WITH THE WORK OF OTHER CONTRACTOR SHALL BE CHANGED AT THE PLUMBING CONTRACTOR'S EXPENSE.



SOIL/WATER TABLE SITE EVALUATION CRITERIA N.T.S.

- 2) ANTI-SCALD VALVE:
ALL SHOWERS & BATH/SHOWER COMBINATIONS SHALL BE PROTECTED WITH A CONTROL VALVE OF THE PRESSURE BALANCE, THERMOSTIC MIXING OR COMBINATION TYPE SET. HANDLE POSITION STOPS PER MANUFACTURERS INSTRUCTIONS AT TIME OF INSTALLATION TO A MAXIMUM MIXED WATER OUTLET TEMPERATURE OF 120° F.
2" d OR LESS DRAIN @ 1/4" PER FOOT SLOPE
3" d OR MORE DRAIN @ 1/8" PER FOOT SLOPE
-NO FITTING JOINTS UNDER SLAB ALL PRIMARY LINES TO BATHROOMS KITCHEN & LAUNDRY TO FINISH ABV. SLAB.
-HOT WATER HEATER TO BE SIZED AS PER TABLE 46-N-8.
*DISCHARGE INTO KITCHEN SINK.
NOTE:
WATER HAMMER ARRESTORS ON QUICK CLOSING VALVES SUCH AS ICE MAKER, WASHING MACHINE AND DISHWASHER.
NOTE:
THE DISCHARGE SHALL BE COMPLY WITH FBC. PLUMBING 504.7.1 THE RELIEF VALVE SHALL DISCHARGE FULL SIZE TO A SAFE OF DISPOSAL SUCH AS THE FLOOR, OUTSIDE THE BUILDING OR AN INDIRECT WASTE RECEPTOR. THE DISCHARGE PIPE SHALL NOT HAVE ANY TRAPPED SECTIONS AND SHALL HAVE A VISIBLE AIR GAP OR AIR GAP FITTING LOCATED IN THE SAME ROOM AS THE WATER HEATER. THE DISCHARGE SHALL BE INSTALLED IN MANNER THAT DOES NOT CAUSE PERSONAL INJURY TO OCCUPANTS IN THE IMMEDIATE AREA OR STRUCTURAL DAMAGE TO THE BUILDING

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ARCHITECTURE
LAND PLANNING
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CONSTRUCTION MANAGEMENT
CONSULTANTS

PROPOSED SINGLE FAMILY
RESIDENCE FOR:
Mr. & Mrs. ARMANDO SUAREZ
89XX S.W. 156 STREET MIAMI, FLORIDA.

MARK	DATE	DESCRIPTION

PROJECT No. 2012LB225
DRAWN BY: J.R. & K.L.
CHECKED BY: L.B.
DATE:

ISOPOLDO BELLON, AIA (PR-6737)
SHEET TITLE
PLUMBING DETAILS
P-2
SHEET 07

