

RESOLUTION NO. 03- 132 Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 16910 NW 77TH COURT, MIAMI LAKES, FLORIDA (AS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO); TO PERMIT A LOT FRONTAGE OF 25 FEET (75 FEET REQUIRED); PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR APPEAL.

WHEREAS, pursuant to Section 33-311 of the Town Code, ¹ Marcos Gutierrez (the "Applicant") has applied to the Town for approval of a non-use variance (the "Variance") as part of an application to re-zone property (Application No. Z-02-03) legally described in exhibit "A" attached hereto; and

WHEREAS, Section 33-311 of the Town Code sets forth the authority of the Town Council to consider and act upon an application for a non-use variance; and

WHEREAS, in accordance with Section 33-310 of the Town Code, notice was provided and a hearing was held on the Variance, and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town Staff has reviewed the application and recommends approval of the Variance with conditions, as set forth in the Memorandum dated April 1, 2003 (the "Memorandum"), attached as part of composite exhibit "B," and incorporated into this Resolution by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

¹ Pursuant to Section 8.3 of the Town Charter and Ordinance 2001-01, the applicable provisions of Chapter 33 of the Miami-Dade County Code of Ordinances serve as the Town's Zoning Code.

Section 1. Recitals.

The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. Findings.

In accordance with Section 33-311 (A) (4) (b) of the Town Code, the Town Council finds:

- (1) That the Variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations to protect the general welfare of the public, particularly as it affects the stability and appearance of the Town.
- (2) That the Variance is compatible with the surrounding land uses.
- (3) That the Variance is not detrimental to the Town.

Section 3. Approval.

The Town Council approves the requested Variance to the Applicant from Section 33-49 of the Town Code for the property located at 16910 NW 77th Ct., Miami Lakes, Florida to permit a lot frontage of 25 feet (75 feet required) subject to the conditions stated in Section 4 below.

Section 4. Conditions of Approval.

The Variance is granted and the Applicant shall comply with the following conditions:

1. That a site plan be submitted to and meet the approval from the Town of Miami Lakes upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, but limited to the location of: structure or structures; exits and entrances; drainage; walls; fences; landscaping; etc.
2. Said approval and construction shall be consistent with plans filed with the Town of Miami Lakes as follows (dates represent the date the plans were signed and sealed):
 - a. Site/Landscape Plan by Armando Davila Architect, sheet A-1 (1 sheet total), dated February 10, 2003.

- b. Ground Floor Plan by Armando Davila Architect, sheet A-2 (1 sheet total), dated February 10, 2003.
 - c. Building Elevations by Armando Davila Architect, sheet A-3 (1 sheet total), dated February 10, 2003.
 - d. That the Use be established and maintained in accordance with the approved plan.
3. That the applicant submits to Staff for its review and approval a landscaping plan which indicates the type and size of plant material to be utilized.
 4. All conditions of approval as set forth in Town Ordinance No. 03-33.

Section 5. Recordation.

The decision of the Town Council to approve the Variance shall be recorded on the official zoning maps of the Town.

Section 6. Effective Date.

This resolution shall become effective immediately upon its adoption.

Section 7. Appeal.

In accordance with Section 33-312 and 33-316 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

PASSED AND ADOPTED this 10th day of April 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

W B Q
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

Collins / Alonso
Council voted 7-0 as follows:
Mayor Wayne Slaton YS
Vice Mayor Roberto Alonso YS
Councilmember Mary Collins YS
Councilmember Robert Meador YS
Councilmember Michael Pizzi YS
Councilmember Nancy Simon YS
Councilmember Peter Thomson YS

EXHIBIT "A"

Sec. 15 Twp. 52 South Rge. 40 East

Receipt # X

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY**

RECEIVED
NOV 07 2002

ALL FOLIO NUMBERS ARE REQUIRED.

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Folio # 32-2015-001-0051

BY _____

Date Received Stamp

PLEASE TYPE OR PRINT LEGIBLY, IN INK, ALL INFORMATION ON APPLICATION

1. Name of Applicant: Abo Investment Corp.

a. if applicant is owner, give name exactly as recorded on deed.

b. if applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.

c. if applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address

16933 NW 69th Avenue

City Miami State Florida Zip 33015

Tel. # (during working hours) 305-525-2513 Other _____

2. Name of Property Owner same

Mailing Address _____

City _____ State _____ Zip _____

Tel. # (during working hours) _____ Other _____

3. Contact Person Javier Vazquez, Esq.

Mailing Address 8061 NW 155th Street

City Miami Lakes State Florida Zip 33016

Tel. # (during working hours) 305-825-7080 Other 305-525-2510

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION

a. if subdivided, provide lot, block, complete name of subdivision, plat book and page number.

b. if metes and bounds description, provide complete description, (including section, township and range).

c. submit 7 copies of a survey if property is odd-shaped (1" to 300' scale).

d. if separate requests apply to different areas, provide the legal description of each area covered by a separate request.

e. attach a separate, typed sheet if necessary. Verify the legal is correct.

.see attached Exhibit "A"

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property".)

n/a

9. Is there an option to purchase or lease the subject property or property contiguous thereto?
 yes or no

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification (s):

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

District Boundary (Zone) Change(s):
Zone classifications requested: RU-1

Special Exception to permit Site Plan Approval for residential development _____

Unusual Use to permit the excavation of a lake _____

Use Variance _____

Non-use Variance _____

Special Exception _____

Modification of previous resolution/plan _____

Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? yes no

If yes, applicant's name _____

Date of hearing _____

Nature of hearing _____

Decision of hearing _____

Resolution # _____

13. Is this hearing being requested as a result of a violation notice? yes no

If yes, give name to whom violation notice was served

Nature of violation _____

14. Are there any existing structures on the property? yes no

If yes, briefly describe _____

15. Is there any existing use on the property? yes no

If yes, what is the use and when was it established? Use _____

Established _____

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the
 owner tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

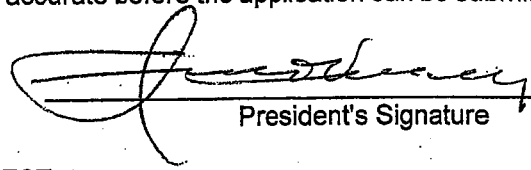
Signature

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

Notary Public

Commission Expires _____

We, Julian Vazquez CORPORATION AFFIDAVIT, being first duly sworn, depose and say that we are the
 President Vice President, and Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the
 owner tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

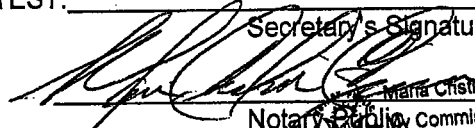


President's Signature

(Corp. Seal)

ATTEST: _____
Secretary's Signature

Sworn to and subscribed to before me
this 4 day of November, 2002



Notary Public, Maria Cristina Espinosa
Commission CC886617
Expires September 2, 2003
Commission Expires _____

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn, depose and say that we are the partners of the hereinafter named partnership, and as such, have been authorized to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

(Name of Partnership)

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 the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Date: _____

Public Hearing No.: _____

RESPONSIBILITIES OF THE APPLICANT

PLEASE READ CAREFULLY BEFORE SIGNING.

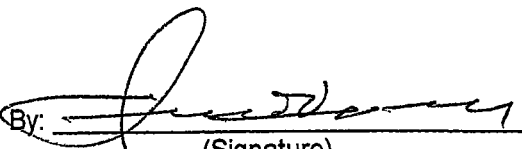
I hereby acknowledge that I am aware that the Department of Environmental Resources Management (DERM), the Public Works Department, and other County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing before DERM's Environmental Quality Control Board, (the EQCB) or other County boards, and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling.

I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the Compliance of DERM or Public Works requirements or to advise this office in writing if the application will not go forward and may be considered withdrawn. Contact with the above mentioned agencies is advised during the hearing process. You may obtain the telephone numbers and locations of the reviewing departments at the Zoning hearings Counter.

Fees: Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly: additional radius fee, deferral or readvertising fee (if applicant requests deferral), revision fee, and/or other fees assessed for changes or additions to the hearing application or plans. I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will not be eligible for a refund.

Permit Requirements: I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Department of Planning, Development and Regulations (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of use and Occupancy must be obtained for the use of the property, if approved at a Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

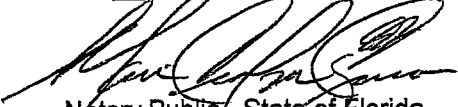

Residential construction within 2 miles of a Blasting Site: Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Metropolitan Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Dade County are available in the Department of Planning, Development and Regulation (DPDR) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.

By: 

(Signature)
JULIANA VAZQUEZ

(Print Name)

Notary: Sworn to and subscribed before me
this 4 day of November 2002.


Notary Public - State of Florida
My commission expires  Maria Cristina Espinosa
My Commission CC866617
Expires September 2, 2003

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami-Dade

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

1. Affiant is the President of Abo Investment Corp., a Florida corporation, fee owner of the subject property with the following address:
16910 NW 77th Avenue
2. The corporation owns the property which the subject of the proposed hearing.
3. The Subject property is legally described as: See attached Exhibit "A"
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

Ivette Fometa
Print Name

[Signature]
Signature

Jesika Diaz
Print Name

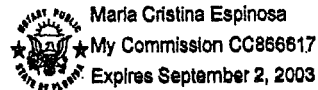
[Signature]
Affiant's signature

Julian Vazquez
Print Name

Sworn to and subscribed before me on the 4 day of November, 2002, 199__ Affiant is personally known to me or has produced identification. _____ as

[Signature]
Notary
(Stamp/Seal)

Commission Expires:



DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: Abo Investment Corp.

<u>NAME, ADDRESS AND OFFICE</u>	<u>Percentage of Stock</u>
<u>Julian Vazquez, Pres</u>	<u>100%</u>
<u>16933 NW 69th Avenue</u>	
<u>Miami, Florida 33015</u>	

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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

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NOV 07 2002

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

If the property which is the subject of the application is owned or leased by a PARTNERSHIP OR LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee or Partnership list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. [Note: Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME: Marcos and Karol Gutierrez

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
16913 NW 84 th Avenue	_____
Miami Lakes, Florida 33016	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: 10-17-02

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.


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

Signature: *[Handwritten Signature]*
 (Applicant) _____

Sworn to and subscribed before me, this 4 day of November, 2002

(SEAL)

[Handwritten Signature]
 Notary Public, State of Florida at Large

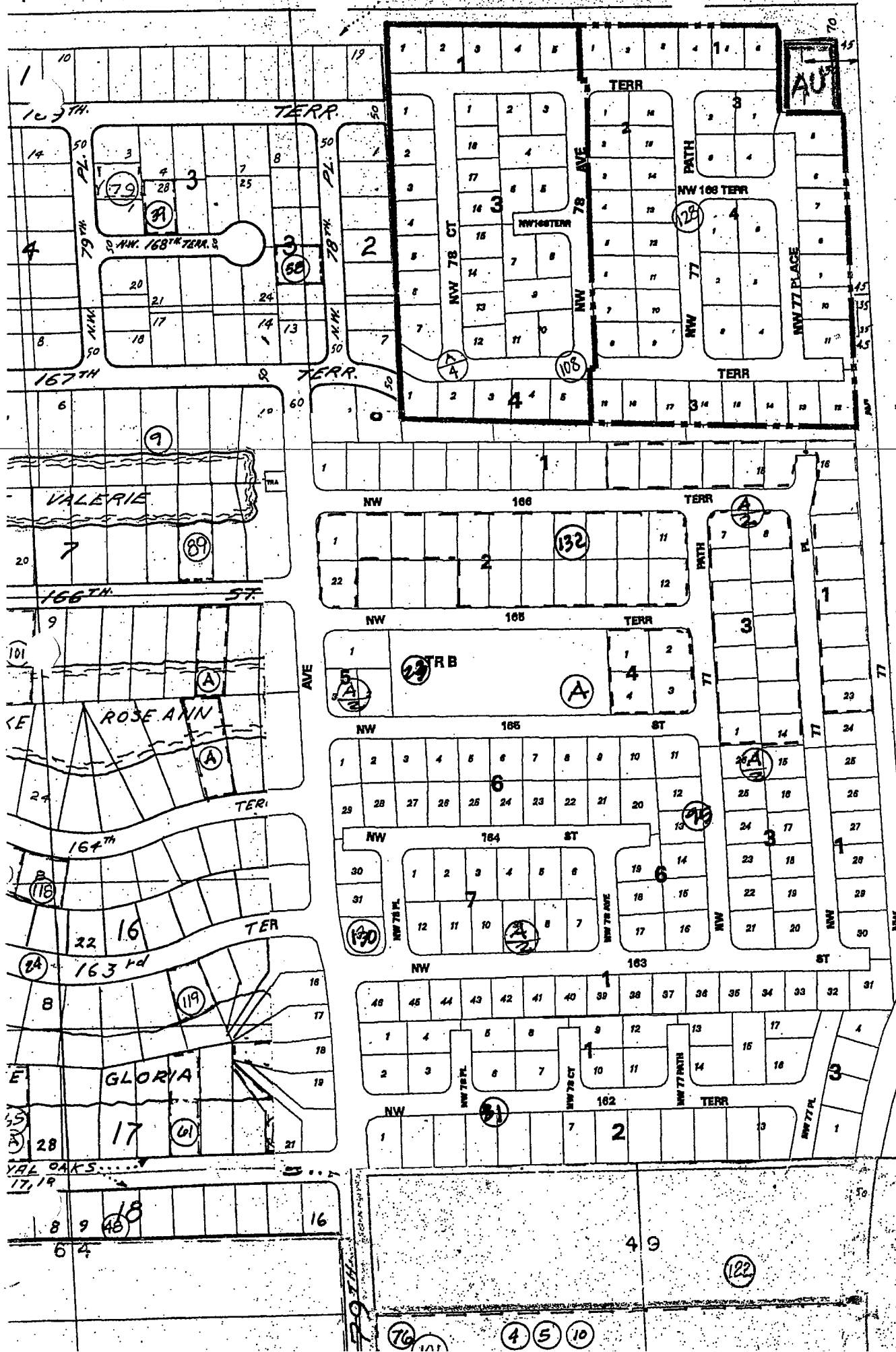
 Maria Cristina Espinosa
 My Commission CC866617
 Expires September 2, 2003

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

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 NOV 07 2002
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Handwritten Signature]*
202-347

OAKS (122-61) BLKS. 1 THRU 8

Sec 15
Twp 52
Rge 40



14-52-40

MZONEAPL DEPARTMENT OF PLANNING AND ZONING BNZM410
 11/07/2002 MOD ZONING APPLICATION 17:46:38 COLEMAN
 CLERK COLEMAN DATE 11/07/2002 FOLIO 3220150010051 PROCESS NO Z2002000347
 TENTA ACTU BOARD DIC DRI EXP PAID
 LOC 16910 NW 77TH COURT #
 APPL ABO INVESTMENTS CORPORATION PHONE 3058257080
 ADDR 8061 NW 155TH STREET # MIAMI LAKES FL 33015
 OWN ABO INVESTMENTS CORPORATION PHONE 3058257080
 ADDR 8061 NW 155TH STREET # MIAMI LAKES FL 33015
 CONT JAVIER VAZQUEZ, ESQ PHONE 3058257080
 ADDR 8061 NW 155TH STREET # MIAMI LAKES FL 33015
 REQUEST 01 00 00 00 00 00 S/M/O/B/I/N/X X
 REQ COM DBC FROM AU TO RU-1
 ZONE FROM
 ZONE TO
 UNITS 000001 BLD SQ 0001850 LOT SIZE .69 ACRES PROCESSOR
 VIOLATION N CODE ISSUED TO
 STRUCT DESC CBS EXIST USE SINGLE FAMILY YEAR 200
 ACQ/LEASE A DATE 102002 TRM LSE

OPT PUR/LSE N NAME
 PF1 = UPDATE PF2 = ADD FOLIOS PF3 = MOD FOLIOS
 PF4 = ASSIGN PROCE PF5 = MOD TASK PF6 = INQ FOLIOS
 NEXT SCREEN NEXT KEY
 APPLICATION MODIFIED SUCCESSFULLY...ENTER NEXT KEY TO CONTINUE

LAW OFFICES OF
Javier L. Vazquez, P.A.

8061 N.W. 155 Street • Miami Lakes, Florida 33016
Phone: (305) 825-7080 • Fax: (305) 825-6523
e-mail: javivaz@bellsouth.net

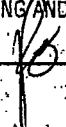
November 1, 2002

Diane O'Quinn Williams
Director, Dept. of Planning and Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, Florida 33128

202-347
RECEIVED
NOV 07 2002

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Re: Letter of Intent – Abo Investment Corp.
16910 NW 77th Court

BY 

Dear Ms. O'Quinn,

The undersigned is counsel to the above-referenced property owner. This shall constitute our letter of intent in support of our application (the "Application") for approval of a district boundary change. Our request is to rezone the subject property, which consists of approximately .69 acres from its current zoning designation to RU-1. The applicant's RU-1 request is in keeping and compatible with the land use designation, zoning and uses surrounding the subject property.

Based on the foregoing, the Applicant would request your favorable consideration and recommendation of the Application.

Respectfully submitted,

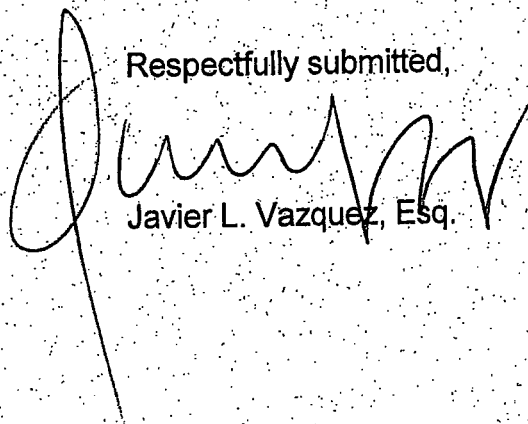

Javier L. Vazquez, Esq.

EXHIBIT "B"
MIAMI LAKES
TOWN COUNCIL
Staff Report

Date Prepared: April 1, 2003
Meeting Date: April 10, 2003

Second Reading/Public Hearing of Petition: Z-02-03
Gutierrez Property Rezoning & Site Plan Approval

EXECUTIVE SUMMARY

Applicant Request:

- 1.) Rezone property to RU-1 (Single-Family Residential 7,500 Square Feet Net).
- 2.) Non-use variance lot frontage of 25 feet (75 feet required) for both phases.

Petition Facts:

- 0.69-acre site located at 16910 NW 77th Court (location map next page).
- Current Land Use = Low Density Residential (LD).
- Current Zoning = Agricultural (AU).
- The requested zoning is consistent with the Comprehensive Plan & Future Land Use Map.
- Level of service standards for traffic, mass transit, potable water, sanitary sewer, solid waste, flood protection, and recreation open space are maintained.

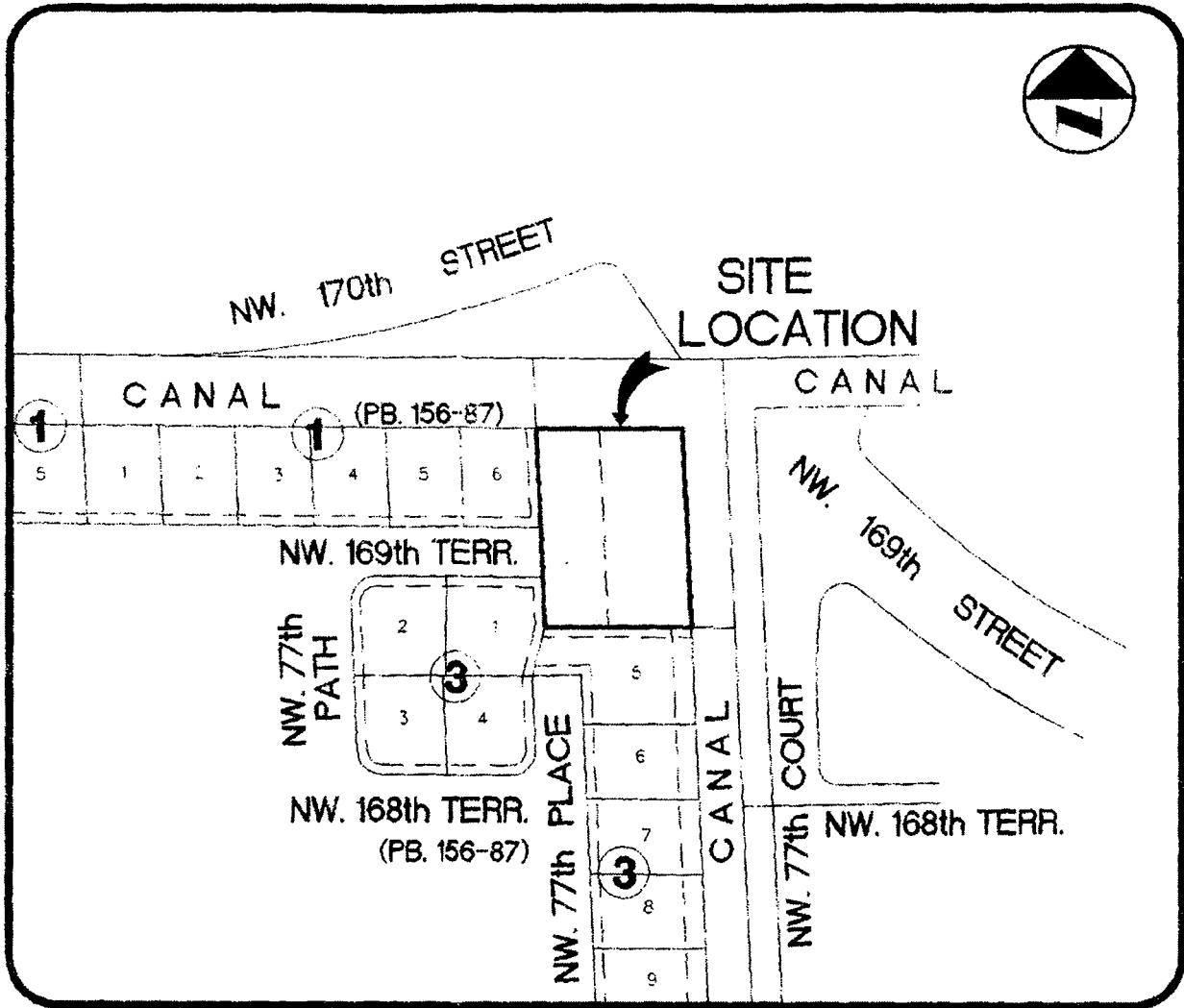
Site Plan (plans attached):

- 2 single-family homes proposed.
- 2 phases proposed (2nd home to be constructed at a later date).
- Phase 1 (first home):
 - ◆ Northern 0.43 acres of site.
 - ◆ 6,023 square-foot single-story home.
 - ◆ Multi-hipped roof, with clay barrel tiles.
 - ◆ 320-foot gazebo and pool.
- ◆ Landscaped, including Live Oaks.

Staff Recommendation:

- 1.) Approval of rezoning to RU-1.
Reason: Consistency with Comprehensive Plan and with area zoning pattern.
- 2.) Approval of lot frontage variance for both phases.
Reason: Unique site configuration; does not negatively impact neighboring lots; total lot sizes far exceed minimum lot criterion of 7,500 square feet.

LOCATION MAP



AERIAL PHOTOGRAPH



SUBJECT/AGENDA ITEM

Petition: Z-02-03 Gutierrez Property – Rezoning & Site Plan Approval

Second Reading/Public Hearing: A request by Javier L. Vazquez, on behalf of Marcos Gutierrez, for rezoning and site plan approval of two (2) single-family homes on a 0.69-acre parcel located at 16910 NW 77th Court, just south of NW 170th Street and west of NW 77th Court. The applicant (Mr. Marcos Gutierrez) has requested to rezone the site from AU (Agricultural) to RU-1 (Single Family Residential 7,500 square feet net).

BACKGROUND

The Gutierrez Property was formerly owned by Abo Investment Corporation. The site was previously used as a plant nursery. The site is now vacant, except for a dilapidated single-family home that will be demolished when the site is eventually cleared. The site was previously accessed from NW 77th Court; however, because of limited site visibility this access will be closed with the approval of this petition. In the future, the site will be accessed from NW 169th Terrace.

LAND USE & ZONING

The subject site has a future land-use designation of Low Density Residential (LD). The site is currently zoned Agricultural – Residential 5 Acres Gross (AU). The applicant is requesting to rezone the site to Single-Family Residential 7,500 square feet net (RU-1), which is consistent with the future land-use designation.

LEVEL OF SERVICE (LOS) STANDARDS

Table 1: Level of Service (LOS) Standards		
Infrastructure Type	LOS Standard	LOS Standards Maintained?
Traffic	LOS B – D	Yes (see Table 2)
Mass Transit	60 minute headways & average route spacing of one mile	Yes
Potable Water	200 gallons per capita per day	Yes
Sanitary Sewer	100 gallons of sewage per capita per day	Yes
Solid Waste	7 pounds per capita per day	Yes
Flood Protection	Protection from 5 year storm event	Yes
Rec. Open Space	5 acres per 1,000 residents	Yes

The proposed development of two single-family homes on 0.69 acres does not create a significant

impact in terms of the level of service (LOS) standards; therefore the LOS standards for traffic, mass transit, potable water, sanitary sewer, solid waste, flood protection, and recreation open space are maintained. However, traffic in Miami Lakes is always a concern, therefore the LOS standards for traffic relating to this petition were reviewed based on traffic count information obtained from Miami-Dade County. Based on the current ITE Manual, a detached single-family home generates an average of 9.57 daily trips, and 1.01 trips at the PM peak hour; therefore, two single-family homes would generate 19.14 daily trips and 2.02 PM peak hour trips.

There are four County Traffic Count Stations located in the general area of the proposed development. Table 2 summarizes the count information from these count stations. The closest count station is located along NW 170th Street between NW 87th Avenue and NW 77th Avenue; based on count information gathered in July 2002, there are 424 peak hour trips available along this section of roadway. The second closest count station is located along NW 169th Street between NW 77th Court and NW 67th Avenue; based on count information gathered in July 2002, there are 2,332 peak hour trips available along this section of roadway. The third closest count station is located along NW 154th Street between NW 79 Avenue and NW 84th Avenue; based on count information gathered in October 2002, there are 1,392 peak hour trips available along this section of roadway. The furthest of the four closest count stations is located along NW 154 Street between NW 87th Avenue and NW 92nd Avenue; based on count information gathered in July 2002, there are 454 peak hour trips available along this section of roadway. Therefore, the 2.02 peak hour trips that the proposed development will generate will not cause the neighboring roadways to exceed their capacity.

Table 2: Traffic Concurrency

Station #	Roadway Segment	Date of Count	LOS	Available Peak Hour Trips	Peak Hour Trips Created by Petition
9552	NW 170 th ST-NW 87 th Av to NW 77 th Av	July 2002	C	424	2.02
9550	NW 169 th ST-NW 77 th Ct to NW 67 th Av	July 2002	B	2,332	2.02
9544	NW 154 th ST-NW 79 th Av to NW 84 th Av	Oct. 2002	D	1,392	2.02
9546	NW 154 th ST-NW 87 th Av to NW 92 nd Av	July 2002	D	454	2.02

PROJECT DETAILS

Phasing:

The applicant is requesting to phase the development of the site. The first phase of the site will occur on the northern 0.43 acres, while the second phase will be done on the southern 0.26 acres. It is anticipated that the first phase will begin construction immediately after approval, while the second phase will be constructed at a later date. Some improvements will occur in the area of the second phase, including an entrance feature with pavers, a Florida Royal Palm (14 feet at planting), a 6-foot high chain link fence with masonry columns, an 18-inch weeping fig hedge along the fence, and sod (St. Augustine Grass) over the remaining area of the site.

Access to Site:

The previous access point to the site from NW 77th Court will be closed because of the limited site visibility, and the proposed future access to the site will be from NW 169th Terrace.

Phase 1:

Attached to this report are the proposed site/landscape plan, floor plan, and building elevations for Phase 1. A 6,023 square-foot single-story home is proposed for the first phase. A 320-foot gazebo and swimming pool with spa are also proposed in the southeast corner of the phase. The driveway will be constructed of interlocking pavers. The home will have seven (7) bedrooms, 4 ½ bathrooms, 674 square feet of covered patio, and a 710 square-foot 3-car garage. The house has a multi-hipped roof, with clay barrel tiles. The walls are concrete block, with a stucco finish. The house will also have curved entryways with columns, curved and rectangular windows, and decorative wall-mounted lighting. The proposed home “blends” well with the adjacent and nearby homes.

Along the property line of the first phase, there will be a 6-foot high chain link fence with masonry columns, and an 18-inch weeping fig hedge. The landscaping on the first phase shall also include two (2) Live Oaks (10 – 12 feet at planting), a Florida Royal Palm (14 feet at planting), two (2) Silver Trumpets (10 feet at planting), two (2) triple clusters of Pigmy Date Palms (3 feet at planting), wart fern, Philodendron, Cocoplum, Ixora, Big Blue Licyturf, Star Jasmine, Egyptian Star Flower, and Society Garlic.

Code Compliance:

Table 3 details how the proposed plan complies with the Town of Miami Lakes’ Code (proposed plan refers to Phase 1 unless otherwise stated). As can be seen from the table, the proposed development meets all code requirements except for the minimum lot frontage requirement of 75

feet. This requirement means that both lots would have to have at least 75 feet each of frontage along a public road right-of-way. However, the site is almost entirely bordered by canal right-of-way and neighboring properties, and only 50 feet of public road right-of-way frontage exists at the eastern terminus of NW 169th Terrace; therefore, each lot can only provide 25 feet of frontage. Staff supports this variance request because of the unique configuration of the site, the minimum lot sizes will still be maintained or exceeded, and the smaller frontages will not adversely impact adjacent or nearby properties.

It should also be noted that the proposed home has approximately a two-foot roof overhang that partially encroaches into the front and rear setback for the building. Furthermore, the gazebo has approximately a two-foot roof overhang that encroaches into the side setback. The roof overhangs for both structures also encroach into the ten-foot building separation.

The standard practice by Miami-Dade County has been not to include roof overhangs when determining building setbacks and separations. This policy was developed and written into a memorandum in the mid-1970's by the Director of Planning and Zoning at that time. The Town of Miami Lakes in a letter written by the Town's Zoning Official has also adopted this policy; however, this practice will be addressed in the re-write of the Town's Code that is now underway.

Local Planning Agency (LPA) & Town Council Review

The Town Council sitting as the LPA reviewed this petition for consistency with the Comprehensive Plan and Future Land Use Map on April 8, 2003. First reading of this petition was also done on April 8, 2003 by the Town Council.

**Table 3:
 Code Compliance for RU-1 Zoning**

Code Requirement	Proposed Plan	Compliance
Max. Front Setback for Home: 50 feet	25 feet	Yes
Min. Building Site Area: 7,500 square feet net	18,755 sqft (Phase 1) 11,287 sqft (Phase 2)	Yes
Min. Lot Width: 75 feet	125 feet (Phase 1) 75.2 feet (Phase 2)	Yes
Max. Lot Coverage: 35%	33.9%	Yes
Min. Lot Frontage: 75 feet	25 feet (Phase 1) 25 feet (Phase 2)	No
Min. Front Setback for Home: 25 feet	25 feet	Yes
Min. Side Setback for Home: 7.5 feet	10.5 feet	Yes
Min. Rear Setback for Home: 25 feet	25 feet	Yes
Min. Front Setback for Accessory Building: 75 feet	106.75 feet	Yes
Min. Side Setback for Accessory Building: 7.5 feet	7.75 feet	Yes
Min. Rear Setback for Accessory Building: 5 feet	18 feet	Yes
Min. Distance Between Buildings: 10 feet	10.5 feet	Yes
Max. Height of Buildings: 35 feet/2 stories	24 feet/1 story	Yes

STAFF RECOMMENDATION

Staff recommends approval of Petition Z-02-03 on second reading with the following conditions:

1. Phase 2 of development shall be constructed using similar architectural features utilized in Phase 1 and the surrounding development, including similar materials and colors. The applicant, successors or assigns shall notify (in writing) any purchaser of this requirement.
2. The applicant, successors or assigns shall comply with all platting requirements of Chapter 28 of the Miami-Dade County Code.
3. Site plan approval for this petition (Z-02-03) is contingent upon approval of the non-use variance permitting 25-foot lot frontages when the Town's Code requires 75-foot lot frontages.

Armando Dav
 Architect

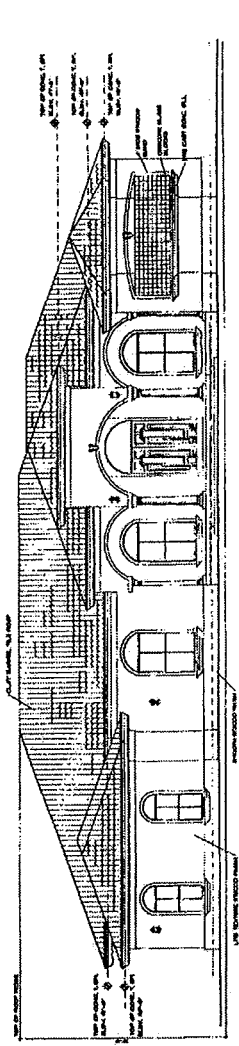
1000 SW 15th St, Suite 200
 Miami, FL 33135
 Tel: 305-358-1111

OWNER: R. AND KAREN GUTIERREZ
 3425 NW 15th AVE.
 MIAMI LAKES, FLORIDA 33054
 (305) 872-0244

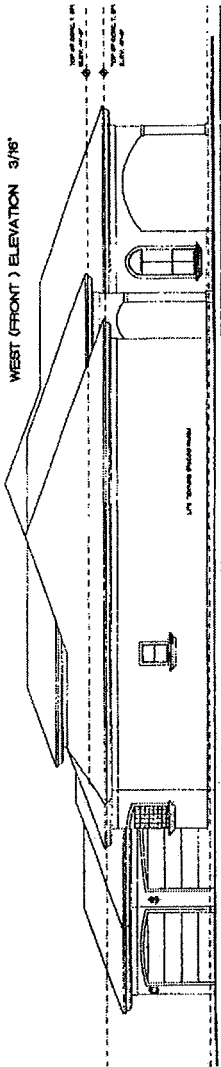
OUTERREZ RESIDENCE
 3425 NW 15th AVE
 MIAMI LAKES, FLORIDA 33054

Revision Date
 Drawn By
 Date
 Job No.

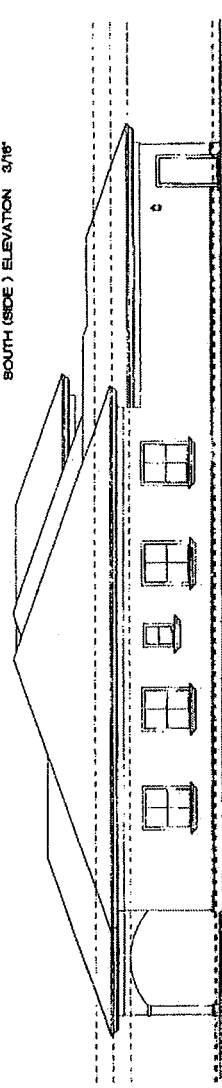
A-3



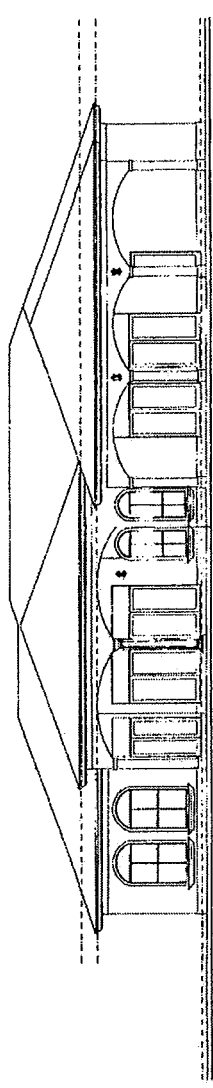
WEST (FRONT) ELEVATION 3/16'



SOUTH (SIDE) ELEVATION 3/16'



NORTH (SIDE) ELEVATION 3/16'



EAST (REAR) ELEVATION 3/16'