NORTH MIAMI BOARD OF ADJUSTMENT MEETING AGENDA
776 NORTHEAST 125 STREET - NORTH MIAMI CITY HALL, 2ND FLOOR
Wednesday, January 19, 2022, 6:30 PM

ASSEMBLY AND ORGANIZATION:

A. Call to Order
B. Pledge of Allegiance
C. Roll Call of Board Members
D. Announcement to Audience of the Public Hearing Process

QUASI-JUDICIAL ITEMS: THESE ITEMS MAY EITHER BE APPROVED, DENIED, OR APPROVED WITH CONDITIONS.

PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. THE APPLICANT OR DUTY AUTHORIZED AGENT FOR THE APPLICANT MUST BE PRESENT. IF NO REPRESENTATIVE IS PRESENT, THE APPLICATION WILL BE TABLED TO THE NEXT BOARD OF ADJUSTMENT MEETING. WHEN THE PETITION IS ANNOUNCED, THE APPLICANT OR HIS/HER AGENT SHALL STATE HIS/HER NAME AND ADDRESS FOR THE RECORD.

ANY INTERESED PARTY WISHING TO SPEAK ON ANY ITEM MAY PROVIDE ORAL OR WRITTEN COMMENTS ON THE MATTER. PLEASE NOTE THAT YOU WILL JOIN THE MEETING IN LISTEN-ONLY MODE, IF YOU HAVE COMMENTS YOU CAN TYPE YOUR COMMENT AS A QUESTION DURING THE MEETING, OR RAISE YOUR HAND IN THE APPLICATION TO BE ALLOWED TO SPEAK. EACH PARTY SHALL STATE HIS/HER NAME AND ADDRESS FOR THE RECORD, AND SHALL ADDRESS HIS/HER COMMENTS TO THE BOARD. EACH PARTY SHALL SPEAK FOR NOT MORE THAN 3 (THREE) MINUTES IN ORDER TO PROVIDE FOR ORDER AND TIME FOR OTHER INTERESTED PARTIES TO ADDRESS THEIR CONCERNS/COMMENTS TO THE BOARD.

E. Quasi-Judicial Oath
F. Amendments to the Agenda

II. APPROVAL OF MINUTES: September 29, 2021

III. COMMUNICATIONS

IV. CONTINUED PETITIONS:

V. NEW PETITIONS:

SE-02-21 – NIGHT CLUB SPECIAL EXCEPTION FOR NUVO CAFÉ, 14135 NW 7TH AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7 AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.
V-08-21 – MINIMUM DISTANCE VARIANCE FOR NUVO CAFÉ– 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

V-09-21 – HOURS DURING WHICH SALES ARE ALLOWED; CONSUMPTION VARIANCE FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-913 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO: ALLOW A DEVIATION OF THE HOURS DURING WHICH SALES ARE ALLOWED AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

SE-01-22 – NIGHT CLUB SPECIAL EXCEPTION FOR NOMI BAR AND GRILL– 738 NE 125 STREET

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 738 NE 125 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

V-01-22 – MINIMUM DISTANCE VARIANCE FOR NOMI BAR AND GRILL– 738 NE 125 STREET

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 738 NE 125 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

V-02-22 - SINGLE FAMILY RESIDENCE REQUEST FOR VARIANCE TO ALLOW FOR SETBACK DEVIATION – 1115 NE 121 STREET

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 (A) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW AN ADDITION TO A SINGLE FAMILY RESIDENCE TO ENCROACH INTO THE REAR YARD SETBACK AT THE PROPERTY LOCATED AT 1115 NE 121 STREET WITHIN THE R-2 SINGLE-FAMILY DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.
SE-02-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR ALWAYS PROFESSIONAL INSTITUTE– 13992 NE 12 AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 13992 NE 12 AVENUE WITHIN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

SE-03-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR SYLVESTER SECURITY SCHOOL & MULTI SERVICE LLC– 607 NE 123 STREET

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 607 NE 123 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

VI. OLD BUSINESS

VII. NEW BUSINESS

VIII. ADJOURNMENT

A copy of the full package containing staff reports and recommendations for all items is available online at https://www.northmiamifl.gov/AgendaCenter/Board-of-Adjustment-2, and will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 12:30 p.m. in the Community Planning & Development Office located at 12400 NE 8th Avenue, North Miami, Florida 33161.

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person wishing to appeal the recommendations of the Board of Adjustment will need a verbatim record of the meeting's proceedings, which record includes the testimony and evidence upon, which the appeal is to be based (Chapter 286.0105 F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE ZONING DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19004 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.
NOTICE OF PUBLIC HEARING

January 6, 2022

Dear Property Owner:

Notice is hereby given that the City of North Miami has received and will consider the following requests:

V-08-21 – MINIMUM DISTANCE VARIANCE FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

SE-02-21 – NIGHT CLUB SPECIAL EXCEPTION FOR NUVO CAFÉ, 14135 NW 7TH AVENUE

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The Board of Adjustment will hear this request on Tuesday, January 19, 2022 at 6:30 p.m. You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street, North Miami, FL 33161.

The City is mailing notice of this request as a courtesy to the surrounding property owners. No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Community Planning & Development Department, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,

Derrick L. Cook, MBA
Zoning Manager
Community Planning & Development
NOTICE OF PUBLIC HEARING

January 6, 2022

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Derrick L. Cook, MBA
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Community Planning & Development
NOTICE OF PUBLIC HEARING

January 6, 2022

Dear Property Owner:

Notice is hereby given that the City of North Miami has received and will consider the following requests:

**V-02-22 - SINGLE FAMILY RESIDENCE REQUEST FOR VARIANCE TO ALLOW FOR SETBACK DEVIATION – 1115 NE 121 STREET**

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 (A) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW AN ADDITION TO A SINGLE FAMILY RESIDENCE TO ENCROACH INTO THE REAR YARD SETBACK AT THE PROPERTY LOCATED AT 1115 NE 121 STREET WITHIN THE R-2 SINGLE-FAMILY DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

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Derrick L. Cook, MBA
Zoning Manager
Community Planning & Development
NOTICE OF PUBLIC HEARING

January 6, 2022

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SE-02-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR ALWAYS PROFESSIONAL INSTITUTE– 13992 NE 12 AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 13992 NE 12 AVENUE WITHIN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

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Zoning Manager
Community Planning & Development
NOTICE OF PUBLIC HEARING

January 6, 2022

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**SE-03-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR SYLVESTER SECURITY SCHOOL & MULTI SERVICE LLC– 607 NE 123 STREET**

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 607 NE 123 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDMS.

The Board of Adjustment will hear this request on **Tuesday, January 19, 2022 at 6:30 p.m.** You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. **The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street, North Miami, FL 33161.**

The City is mailing notice of this request as a courtesy to **the surrounding property owners**. No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Community Planning & Development Department, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,

Derrick L. Cook, MBA  
Zoning Manager  
Community Planning & Development
The meeting was called to order at 6:35 p.m. After the pledge of allegiance, a roll call of the members was taken.

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<th>Name</th>
<th>Present</th>
<th>Excused</th>
<th>Absent</th>
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<tr>
<td>Roseline Philippe Chair</td>
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<td>Michael McDearmaid Vice Chair</td>
<td>x</td>
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<td>Patricia Longchamp-Deosaran</td>
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<td>Alina Medina</td>
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<td>Blythe Pierre-Louis</td>
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<td>Evan Shields</td>
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<td>Nikisha Williams</td>
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Staff was represented by:
Derrick Cook, MBA, Zoning Manager
Marline Monestime, Senior Planning Technician
Gary Held, Consulting Land Use Attorney
Jennifer Warren, Deputy City Attorney

I. Assembly and Organization:
Attorney Held read the procedures for public comment. Participants were sworn-in to provide testimony for their respective requests.

II. Amendments to the Agenda:
A motion to move petition V-05-21 to be heard after all other items was made by Board member Shields. The motion was seconded by Vice Chair McDearmaid. The motion passed with a 5-0 vote.

III. Approval of Minutes:
Approval of minutes from the May 19, 2021 meeting did not take place.

IV. Communications:
Vice Chair McDearmaid disclosed that he was contacted about item V-04-21. Board member Shields also shared that he had been in communication with the applicant for item V-02-21.

V. Continued Petitions:
V-02-21 – FENCE OPACITY VARIANCE WITHIN FRONT YARD – 1070 NW 131 STREET

A VARIANCE TO ARTICLE 5, DIVISION 12, SECTION 5-1209(K)3 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A FENCE LOCATED IN THE FRONT YARD SETBACK TO EXCEED THE MAXIMUM TWENTY-FIVE (25) PERCENT OPACITY PROVIDING SEVENTY-FIVE (75) PERCENT OF UNOBSTRUCTED VISIBILITY THROUGHOUT THE FENCE AT THE PROPERTY LOCATED AT 1070 NW 131 STREET WITHIN THE R-2 SINGLE-FAMILY DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicants, Joanna & Aleada Torres, speaking in regards to their request. A comment in favor of the item was received via email and was read into the record. A motion to approve the item was presented by Board member Shields and seconded by Board member Pierre-Louis. The item passed with a 5-0 vote.

VI. New Petitions:

V-04-21 – DOCK VARIANCE – 2100 NE 121 ROAD

A VARIANCE TO ARTICLE 5, DIVISION 6, SECTION 5-602(B) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: (1) ALLOW A DOCK TO PROJECT 50 FEET 6 INCHES FROM THE FACE OF THE SEAWALL CAP INTO BISCAYNE BAY WHERE 15 FEET IS THE MAXIMUM PROJECTION PERMITTED, AND (2) EXTEND A BOATLIFT 69 FEET FROM THE PROPERTY LINE INTO BISCAYNE BAY WHERE 35 FEET IS THE MAXIMUM EXTENSION PERMITTED AT THE PROPERTY LOCATED AT 2100 NE 121 ROAD WITHIN THE R-1 RESIDENTIAL ESTATE DISTRICT; SAID VARIANCES ARE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by representatives for the applicant, speaking in regards to their request. Public comments were heard and a comment against the item was received via email and was read into the record. A motion to approve the item was presented by Board member Shields and seconded by Vice Chair McDearmaid. The item passed with a 5-0 vote.

V-06-21 – SETBACK VARIANCE– 655 NW 128 STREET

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW FOR EXPANSION OF AN EXISTING COMMERCIAL BUILDING TO ENCROACH APPROXIMATELY TEN (10) FEET INTO
THE MINIMUM REQUIRED SIDE SETBACK OF TEN (10) FEET FROM THE WEST SIDE PROPERTY LINE AT THE PROPERTY LOCATED AT 655 NW 128 STREET WITHIN THE C-1 COMMERCIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the representative for the applicant, speaking in regards to their request. Public comments were heard and a comment against the item was received via email and was read into the record. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields. The item passed with a 5-0 vote.

V-07-21 – MINIMUM DISTANCE FROM VARIANCE – 711 NE 125 STREET

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”), TO ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING BETWEEN RELIGIOUS INSTITUTIONS, SCHOOLS, PARKS, AND RESIDENTIAL USES FROM A LOUNGE LICENSED TO SELL ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 711 NE 125 STREET WITHIN THE CENTRAL BUSINESS COMMERCIAL (C-3) DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant, speaking in regards to the request. There were no previously submitted comments and no comments were made. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields with the condition that there would only be consumption on the premises and the business would not operate as a packaging store. The item passed with a 5-0 vote.

V-05-21 – VARIANCE TO THE EDUCATIONAL FACILITY MINIMUM PARKING REQUIREMENT – 1701 NE 127 STREET, 12900 NE 17 AVENUE, & 13015 EMERALD DRIVE

A VARIANCE TO ARTICLE 5, DIVISION 14, SECTION 5-1402 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW 439 PARKING SPACES WHERE 1,120 ARE REQUIRED FOR AN EDUCATIONAL FACILITY USE WITHIN THE PUBLIC USE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant, speaking in regards to the request. There were no previously submitted comments and live public comments were heard in favor of the item. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields with two conditions: (1) that the
applicant make the best effort to obtain additional parking, (2) that the applicant updates staff on the effort to obtain additional parking within 90 days. The item passed with a 5-0 vote.

VII. COMMITTEE REPORTS: None

VIII. OLD BUSINESS: None

IX. NEW BUSINESS: None

X. ADJOURNMENT

A motion for adjournment was made by Vice Chair McDearmaid and seconded by Board member Shields. The meeting adjourned at 8:02 p.m.

Respectfully submitted: Attest:

Roseline Philippe, Chairperson Derrick Cook, MBA, Zoning Manager
Board of Adjustment Community Planning & Development

Prepared by:

Marline Monestime, Senior Planning Technician
Community Planning & Development
To: The Board of Adjustment

From: Derrick Cook, Acting Director
Planning, Zoning and Community Development Department

Date: December 21, 2021

SE-01-21 Nuvo Café – 14135 NW 7th Avenue, Units 13 & 14

Application Summary

Applicant: North Miami Food Center, dba Nuvo Cafe
Agent: Kerline Pierre
Location: 14135 NW 7th Avenue, North Miami, FL 33168
Land Area: 83,230 (1.91ac)
Folio Number: 06-2124-002-1990
Petitions: A SPECIAL EXCEPTION APPLICATION PURSUANT TO ARTICLE 5, DIVISION 9, SECTION 5-911 OF THE LAND DEVELOPMENT REGULATIONS (LDRS) TO ALLOW A PROPOSED NIGHTCLUB TO HAVE A MUSIC AND ENTERTAINMENT LICENSE AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 5, DIVISION 9, SECTION 5-912 OF THE LDRS.

Project Summary

The subject property comprises 83,230 sq. ft. (1.91 acre) and is located on the west side of NW 7th Avenue, between NW 140th Street and NW 143rd Street. According to the Miami-Dade County Property Appraiser’s website, the property has been developed as a one-story, 28,481 sq. ft. commercial building since 1972. The applicant, Kerline Pierre, rents 4,000 sq. ft. restaurant in the plaza. The applicant desires to extend to restaurant’s operating hours from 11:00 pm until 4:00 am, which pursuant to LDRs, Sec. 5-902 constitutes a nightclub.

Pursuant to Article 4, Division 2, Section 4-202 of the Land Development Regulations (LDRs), a nightclub as defined in Article 7 and Sec. 5-902 of the LDRs, which means a restaurant, dining room or other establishment, which operates after 11:00 p.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee requires special
exception approval by the Board of Adjustment. As such, the applicant has filed this special exception request to the BOA in order to bring the above-described project to fruition.

**History**

A search of the City’s zoning records shows no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Commercial/Office (55 Feet)/Planned Corridor Development</td>
<td>C-1, Commercial District</td>
<td>Commercial Uses</td>
</tr>
<tr>
<td>North</td>
<td>Commercial/Office (55 Feet)/Planned Corridor Development</td>
<td>C-1, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>South</td>
<td>Commercial/Office (55 Feet)</td>
<td>C-1, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>East</td>
<td>Commercial/Office (55 feet)/Planned Corridor Development</td>
<td>C-1, Commercial District</td>
<td>Residential – Multi-family</td>
</tr>
<tr>
<td>West (UMDC)*</td>
<td>Religious – Exempt: Religious</td>
<td>Commercial - Central</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

* Unincorporated Miami Dade County

The subject property consists of one (1) parcel, which has been developed as a commercial retail use. The properties to the north and south feature other commercial uses. The property to the east contain a residential multi-family use and the properties to the west, across NW 7th Avenue are commercially zoned and fall within the jurisdiction of Unincorporated Miami Dade County. The following aerial view from the Miami-Dade Property Appraiser’s website depict the subject parcel.
Consistency with the City of North Miami Comprehensive Land Use Plan

The subject property is designated Commercial/Office and Planned Corridor Development on the City’s adopted Future Land Use Map (FLUM). In accordance with Policy 1.20.4 of Objective 1.20 of the Future Land Use Element (FLUE) of the City’s Comprehensive Plan, the Commercial/Office designation is designed to provide areas for business, office, retail, service, light industrial and other commercial enterprises. Uses permitted in areas designated Commercial/Office are as follows:

1. Retail uses, including restaurants.
2. Office and business uses.
3. Professional offices and businesses.
4. Community facilities such as schools, museums, places of worship, child and adult day care centers, nursing homes, governmental administration, police and fire protection facilities, and libraries.
5. Passive parks and open space.
6. Nonprofit neighborhood social and recreational facilities.
7. Light industrial uses.

The Applicant’s special exception use request is to establish a restaurant, bar and nightclub, albeit not specifically listed under Policy 1.20.4, is a bona fide commercial use. As such, the applicant’s petition conforms to the goals, objectives and policies of the Comprehensive Plan for areas designated Commercial/Office in the City.

Compliance with the City of North Miami Land Development Regulations

The subject property is zoned C-1, Commercial/Office District on the City’s Adopted Zoning Map with an overlap of Planned Corridor Development. The purpose of this district is to accommodate commercial and related uses in the City. As per the submitted letter of intent, this petition involves the establishment of a restaurant, bar and nightclub, which requires special exception approval by the Board of Adjustment pursuant to Article 4, Division 2, Section 4-202 of the LDRs.

Analysis

Review of the applicant’s request was performed using a six-prong test based on the standards noted above and set forth in Article 3, Division 5, Section 3-504 of the LDRs. The request is found to comply with all such applicable standards, as demonstrated below.

The use is a listed special exception in the district where the property is located.
Yes. The granting of a music and entertainment license will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood.

There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.
Yes. The property has direct access from NW 7th Avenue with three (3) ingress and egress from NW 7 Avenue.
There are adequate parking areas and off street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.

Yes. The property contains 145 parking with 90 spaces directly accessed from NW 7the Avenue and fifty-five parking spaces located at the rear of the property accessed from an alleyway that connects to NW 143rd Street and NW 140th Street. The property’s loading and unloading occurs from the rear through the alleyway.

There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

Yes. The site is an existing commercial property with no proposed additional landscaping.

The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.

Yes. As stated, the property is an existing commercial property that has existing public services and facilities.

The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

In principal, the proposed nightclub location is ideal situation on a major collector road and commercial corridor. However, the proposed nightclub requires minimum distance separation from religious institutions, schools, residential use, parks and recreational use and similar use. The location meets distance separation from park and recreational use. Conversely, the nightclub requires BOA variance for the distance separation from each of the other uses. The nightclub’s site abuts nightclub residential uses to the eat with multi-family and single-family uses, 144 feet from religious institution, 850 feet from Saphyr Music School, 1,350 feet from Thomas Jefferson Middle School and approximately 1,400 feet from a similar use. The applicant needs to implement the following steps to mitigate the nightclub use impact to the surrounding uses:

1. Pursuant to Article 5, Division 9, Section 5-911 and 5-912, the applicant obtains a Music and Entertainment license, which the applicant has applied for the license, that requires approval by the city manager or designee, which has the following approval criteria:

   A. The granting of a music and entertainment license will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood;
   B. There is sufficient parking for patrons and appropriate access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion;
   C. Where the installation of outdoor floodlighting or spotlighting is intended, that such lighting will not have any detrimental effect on neighboring property or traffic;
   D. Noise caused by the establishment shall be kept at such a level so as to conform to this Code; and
   E. Whether or not there is adequate security provided by the establishment.
   F. The Music and Entertainment license is renewed yearly with a minimum licensing fee of is $1,000;
2. That pursuant to LDRs, Sec. 5-907 that a minimum distance separation variance is obtained through a Board of Adjustment (BOA) approval; and
3. That pursuant to LDRs, Sec. 5-913, the applicant must comply with the sale of alcohol standards, as follows:
   A. It shall be unlawful for any person to purchase and for any licensee and any manager, agent or employee of any licensee to sell, serve or distribute in any form or by any method any alcoholic beverage between the hours of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday and Sunday.
   B. It shall be unlawful for any person to consume and for any licensee and any manager, agent or employee of any licensee to permit a person to consume any alcoholic beverage, in any place of business between the hours of 1:30 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:30 a.m. and 7:00 a.m. on Saturday and Sunday.
   C. The provisions of subsections (a) and (b) of this section shall apply to any licensee under the state beverage law and to any premises licensed under such law. The city council may extend the above hours of sale for alcoholic beverages for consumption on or off the premises on special occasions by resolution.
   D. No alcoholic beverages shall be sold in restaurants or cafeterias after the hours of serving food.

**Conclusion**

The requested special exception petition to allow a nightclub as defined in the LDRs, Article 7 and Sec. 5-902 conforms to the goals, objectives and policies of the City’s Comprehensive Plan. It is in keeping with the intent and purpose of the City’s LDRs, as it is an appropriate use for the area involved and will not be detrimental to the public welfare. In light of these findings, staff recommends that the BOA approve the requested special exception use to establish the proposed nightclub on the subject property, subject to the following conditions:

1. Pursuant to Article 5, Division 9, Section 5-911 and 5-912 obtain a Music and Entertainment license that requires approval by the city manager or designee;
2. That pursuant to LDRs, Sec. 5-907 that a minimum distance separation variance is obtained through a Board of Adjustment (BOA) approval; and
3. That pursuant to LDRs, Sec. 5-913, the applicant must comply with the sale of alcohol standards.

**Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on the Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. **As of December 13, 2021, no comments were received from neighboring property owners within the aforementioned radius.**
**Applicable Ordinances**

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);
Article 4, Division 2, Section 4-202;
Article 5, Division 9, Section 5-911;
Article 5, Division 9, Section 5-912; and
Article 5, Division 14, Section 5-1404.

**Attachments**

Submitted Application
Submitted Letter of Intent
Submitted Survey and Plans
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☒ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:
Owner's Name: BCBG, LLC
Mailing Address: 162 NE 85th St Fl #101
City: Miami State: FL Zip: 33137
Phone #: 786-403-6556 E-mail Address: 123alb@gmail.com

APPLICANT/DUALLY APPOINTED AGENT INFORMATION:
Contact Name: Keelie Pierre
Company Name: North Miami Food Center DBA: Nuvo Cafe.
Mailing Address: PO Box 640009
City: Miami State: FL Zip: 33168
Phone: 786-838-1601 E-mail Address: nmmiamifood@gmail.com

PROJECT INFORMATION:
Project Name: Nuvo Cafe
Address of Property: 14135 NW 7th Avenue Ste 13-14 Miami, FL 33168
Folio Number(s): 06212 40021990

Size of Property: 83,230 SQFT Building Square Footage: 28,481 SQFT.

LEGAL DESCRIPTION:
Nichols Heights PB 46-93
N22 ft of LT 2 & All LOTS B T
13 1/4 & S 22.5 FT of LT 14 BLK 9
LOT SIZE 594.500 x 140 or 16610 - 389112941
COC 25909 - 116707 04 2007 5

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved: ____________________________
Date Approved: ____________________________
OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared ___________ Kerline Pierre

_____________ hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:

   14185 NW 74th Avenue Ste 13-14 Miami, FL 33168

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:

   Nichols Heights Ph 46-93 N 22' P F P lot 8 & all of lots 3T 13 & 8225 P

4. Affiant is legally authorized to file this application or the Affiant has authorized ___________ Kerline Pierre

   ________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the 13 day of October, 2021.

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

Notary ___________ Isaiah Valcin

Commission Expires: Notary Public State of Florida

Isaiah C. Valcin

My Commission NH 099283

Expires 03/01/2025
OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Kerline Pierre
____________________ 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 this request.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized ___________________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

________________________________  ________________________________
Signature                              Affiant’s Signature

________________________________  ________________________________
Print Name                              Print Name

Signature

Print Name

Sworn to and subscribed before me on the ___ day of ___ , 20___.
Affiant is personally known to me or has produced _______________ as identification.

Notary

Commission Expires:

Notary Public State of Florida
Isaiah C. Valcin
My Commission HH 099283
Expires 03/01/2025
On behalf of **BGBG, LLC** a **Florida** (state) corporation, **Aleks Biderman** being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to **Neelina**, as applicant, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

**NICHOLS HEIGHTS PB A6-93**

Lot 9, Blk 9

**LOT SIZE 594.500 X 140 OR 86640 8891 12941**

**DOC 25909 - 1657 04 007 5.**

**WITNESSES:**

[Signature]

[Print Name]

[Signature]

[Print Name]

Sworn to and subscribed before me on the 7th day of July 2021.

Affiant is personally known to me or has produced Florida Driver’s License as identification.

Notary

Commission Expires:

[Stamp with Notary information]
LETTER OF INTENT

North Miami Food Center, Inc
DBA: Nuvo Café
14135 NW 7th Avenue Ste 13 & 14
Miami, FL 33168
Email: nmiamifood@gmail.com
Phone: 786-888-5555
786-234-8204

June 30, 2021

City of North Miami

Dear Sir or Madam:

I am writing this letter of intent from our company North Miami Food Center, Inc DBA: Nuvo Café to apply for a special Exception that will allow our restaurant to stay open from 11:00PM - 4:00 AM and to serve alcohol. Our unit is 4000 sq. ft and can seat 200 people. 7th Avenue main road and other businesses separate us from the residential area. I understand there is a church within 275ft of the restaurant; however, the congregation will not be affected by our hours of operations. From what I understand the church is outside of City of North Miami limit. The parking will not be an issue because we have parking on both side of the building and the landlord justifies that we will be the only tenant on the premises after 7:00 PM.

Our main objective is to change people conception of 7th Avenue. We are dedicating and willing to take all measure to assure our clients safety. We will have 2 off duty officers and minimum 4 private security officers on site for any events that will be held in our premises.

We will greatly appreciate if we are giving the chance to bring more change and a new light on 7th Avenue.

Sincerely Yours,

Kerline Pierre
Exhibit B: Legal Description of Shopping Center and Land

NICHOLS HEIGHTS PB 46-93
N22FT OF LOT 2 & ALL OF LOTS 3 T
13 INC & S22.5FT OF LOT 14 BLK 9
LOT SIZE 594.500 X 140
OR 16616-3891 1294 1
COC 25909-1657 04 2007 5
EXHIBIT A

SITE PLAN

Please refer at the unit mark in yellow on the below plan
To: The Board of Adjustment

From: Derrick Cook, Acting Director
Planning, Zoning and Community Development Department

Date: December 21, 2021

Application Summary

Applicant: North Miami Food Center, dba Nuvo Cafe
Agent: Kerline Pierre
Location: 14135 NW 7th Avenue, North Miami, FL 33168
Land Area: 83,230 (1.91ac)
Folio Number: 06-2124-002-1990

Petitions: A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 AND SECTION 5-909 OF THE LAND DEVELOPMENT REGULATIONS (LDRS) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE IS LOCATED WITHIN 2,500 FEET OF A CHURCH AND SCHOOL WHERE 2,500 FEET IS REQUIRED AND IS WITHIN 1,500 OF RESIDENTIAL USE AND SIMILAR USE WHERE 1,500 IS REQUIRED; SAID VARIANCE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 AND ARTICLE 5, DIVISION 9, SECTION 5-908 OF THE LDRS.

Project Summary

The subject property comprises 83,230 sq. ft. (1.91 acre) and is located on the west side of NW 7th Avenue, between NW 140th Street and NW 143rd Street. According to the Miami-Dade County Property Appraiser’s website, the property has been developed as a one-story, 28,481 sq. ft. commercial building since 1972. The applicant, Kerline Pierre, rents 4,000 sq. ft. restaurant in the plaza. The applicant desires to extend to restaurant’s operating hours from 11:00 pm until 4:00 am, which pursuant to LDRs, Sec. 5-902 constitutes a nightclub.

Pursuant to Article 5, Division 9, Section 5-908 and 5-909 of the Land Development Regulations (LDRs), uses involving alcoholic beverage licenses are required specific distance separations unless otherwise obtained with a variance approval by the Board of Adjustment. As such, the applicant has filed this variance request to the BOA in order to bring the above-described project to fruition.
History

A search of the City’s zoning records shows no previous zoning approvals on the property.

Neighborhood Land Use Characteristics

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</table>

* Unincorporated Miami Dade County

The subject property consists of one (1) parcel, which has been developed as a commercial retail use. The properties to the north, east and south feature other commercial uses. The properties to the west, across NW 7th Avenue are commercially zoned and fall within the jurisdiction of Unincorporated Miami Dade County. The following aerial view from the Miami-Dade Property Appraiser’s website depict the subject parcel.
Consistency with the City of North Miami Comprehensive Land Use Plan

The subject property is designated Commercial/Office on the City’s adopted Future Land Use Map (FLUM). In accordance with Policy 1.20.4 of Objective 1.20 of the Future Land Use Element (FLUE) of the City’s Comprehensive Plan, the Commercial/Office designation is designed to provide areas for business, office, retail, service, light industrial and other commercial enterprises. Therefore, the request conforms to the goals, objectives and policies of the Comprehensive Plan.

Compliance with the City of North Miami Land Development Regulations

Criteria for granting variances: Article 3, Division 6, Section 3-606 of the City’s LDRs provides authority to the BOA to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

Analysis

As per Article 5, Division 9, Section 5-908 of the City’s LDRs to allow a proposed nightclub to have a distance separation of approximately 140 feet from churches, 850 schools where 2,500 feet is required and 83 feet from residential use and 1,350 feet from similar use where 1,500 feet is required from a nightclub use. Upon reviewing this variance request, it is found to meet at least four (4) of the six (6) criteria set forth in Article 3, Division 6, Section 3-606, as demonstrated below:

- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**
  
  No.

- **The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.**
  
  No.
That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the neighborhood.
Yes. The requested variance maintains the basic intent and purpose of the subject regulations. The stability nor the appearance of the neighborhood would be affected.

The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
No. The literal interpretation of the provisions of these LDRs does not deprive the Applicant of rights commonly enjoyed by other properties in this area because the LDRs specifically state that particular alcohol beverage licenses require a distance separation but not all.

The variance requested is the minimum variance that will make possible the reasonable use of the land, structure, or building.
Yes. The requested variance for alcoholic beverage license distance separation is arguably a minimal variance, which will allow the Applicant to establish their proposed business.

The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.
Yes. The proposed requested variance is in harmony with the general intent of the neighborhood, and maintains the basic intent and purpose of the subject regulations particularly as it affects the stability and appearance of the City.

Conclusion

The requested variance petition to allow for a distance separation of less than the minimum required distance of 2,500 feet from church and school and less than the minimum required 1,500 feet for residential use and similar use. In this case, the applicant’s request is to allow approximately 140 feet separation from a religious institution and 850 feet from a school where 2,500 is required. Additionally, the applicant’s request is to allow approximately 83 feet from a residential use and 1,350 feet from a similar use where 1,500 feet is required. The distance separation request does not conform to the goals, objectives and policies of the City’s Comprehensive Plan. However, the LDRs contemplates the need of nightclub and bars, etc. deviation from the distance separation requirement. In that, pursuant to LDRs, 5-909, that states: “unless a variance is obtained from the board of adjustment, no alcoholic beverage application or business tax receipt shall be approved when the place of business designated in the application does not satisfy the following distance separation requirements of alcoholic beverage establishments from schools, houses of worship, city parks and recreational areas, residential uses and similar use. As such, the request satisfies three (3) of the six (6) requirements where four (4) of six (6) is needed to allow staff to recommend an approval of the request. In light of these findings, staff renders no recommends to the Board. However, if the Board determines an action of an approval, consider the following conditions with the approval:

1. That prior to commencement of the business operation, the applicant must obtain all necessary licenses and permits, such as building permits. Certificate of Use, Business Tax Receipt, Alcoholic Beverage License, etc. and must comply with each applicable LDRs requirements and city, county, state and federal regulations; and

2. That prior commencement of business operation as a nightclub, pursuant to LDRs, Sec. 5-911, the applicant must obtain a musical and entertainment license.
Public Notification/Comments

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on the Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. By completion of the staff report, no comments were received from neighboring property owners within the aforementioned radius.

Applicable Ordinances

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);
Article 4, Division 2, Section 4-202;
Article 5, Division 9, Section 5-908; and
Article 5, Division 9, Section 5-909.

Attachments

Submitted Application
Submitted Letter of Intent
Submitted Survey and Plans
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☑ Special Exception
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER’S INFORMATION:
Owner’s Name: BCBG, LLC
Mailing Address: 162 NE 88th St Unit 101
City: Miami State: FL Zip: 33137
Phone #: 786-403-6556 E-mail Address: 123alb@gmail.com

APPLICANT/DUTY APPOINTED AGENT INFORMATION:
Contact Name: Keiline Pierre
Company Name: NORTH MIAMI FOOD CENTER DBA: NUVU CAFE.
Mailing Address: PO Box 640009
City: Miami State: FL Zip: 33168
Phone: 786-838-1601 E-mail Address: nmiami_food@gmail.com

PROJECT INFORMATION:
Project Name: NUVU CAFE
Address of Property: 14135 NW 74th Avenue Ste 13-14 Miami, FL 33168
Folio Number(s): 0621240021990

Size of Property: 83,230 SQFT Building Square Footage: 28,481 SQFT

LEGAL DESCRIPTION: NICHOLS HEIGHTS PB 46-93
N22 FT OF LOT 2 & ALL OF LOTS 34 T
13.86 AC & S 92.5 FT OF LOT 14 BLK 9
LOT SIZE 594.500 X 140 OR 160.10 - 389112841
PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:
Date Approved:
OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   14135 NW 7th Avenue Ste 13-14 Miami, FL 33168

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:
   Nichols Heights PD 46-93 N 225-0 of lot 2 & all of lots 3T 13.5nc & S 225-0

4. Affiant is legally authorized to file this application or the Affiant has authorized __________________________________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

________________________________________
Signature

________________________________________
Print Name

________________________________________
Signature

________________________________________
Print Name

Sworn to and subscribed before me on the 13 day of October, 2021. Affiant is personally known to me or has produced __________________________ as identification.

____________________________
Notary Public State of Florida
Isaiah O. Valcin
My Commission NH 092283
Expires 03/01/2025

Commission Expires:
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Kerline Pierre 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 this request.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized ________________________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

__________________________
Signature

__________________________
Affiant’s Signature

__________________________
Print Name

__________________________
Print Name

__________________________
Signature

__________________________
Print Name

Sworn to and subscribed before me on the 13 day of October, 2021.
Affiant is personally known to me or has produced FL DL as identification.

Notary

Commission Expires:
On behalf of **BCBG, LLC** a FLORIDA (state) corporation, being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to **Neftine**, as applicant, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

<table>
<thead>
<tr>
<th>Nichols Heights</th>
<th>PB 46-93</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 8 &amp; All of Lots 3T &amp; 13</td>
<td>581.5 Ft of Lot 14 Blk 9</td>
</tr>
<tr>
<td>Lot Size 594.500 x 140.00</td>
<td>106.16 - 38'1 1/2</td>
</tr>
<tr>
<td>CCG 25909 - 1657 04 007 J 5</td>
<td></td>
</tr>
</tbody>
</table>

**WITNESSES:**

[Signature]

**BCBG, LLC**

**Name of Corporation**

162 NE 25th Street 101

**Address**

Miami, FL 33137

By: President, Vice-President or CEO (circle one)

[Signature]

[Commission Expires:]

[Notary Stamp]
LETTER OF INTENT

North Miami Food Center, Inc
DBA: Nuvo Café
14135 NW 7th Avenue Ste 13 & 14
Miami, FL 33168
Email: nmiamifood@gmail.com
Phone: 786-888-5555
786-234-8204

June 30, 2021

City of North Miami

Dear Sir or Madam:

I am writing this letter of intent from our company North Miami Food Center, Inc DBA: Nuvo Café to apply for a special Exception that will allow our restaurant to stay open from 11:00PM - 4:00 AM and to serve alcohol. Our unit is 4000 sq. ft. and can seat 200 people. 7th Avenue main road and other businesses separate us from the residential area. I understand there is a church within 275ft of the restaurant; however, the congregation will not be affected by our hours of operations. From what I understand the church is outside of City of North Miami limit. The parking will not be an issue because we have parking on both side of the building and the landlord justifies that we will be the only tenant on the premises after 7:00 PM.

Our main objective is to change people conception of 7th Avenue. We are dedicating and willing to take all measure to assure our clients safety. We will have 2 off duty officers and minimum 4 private security officers on site for any events that will be held in our premises.

We will greatly appreciate if we are giving the chance to bring more change and a new light on 7th Avenue.

Sincerely Yours,

[Signature]

Kerline Pierre
Exhibit A: Site Plan of Premises
Exhibit B: Legal Description of Shopping Center and Land

NICHOLS HEIGHTS PB 46-93
N22FT OF LOT 2 & ALL OF LOTS 3 T
13 INC & S22.5FT OF LOT 14 BLK 9
LOT SIZE 594.500 X 140
OR 16616-3891 1294 1
COC 25909-1657 04 2007 5
EXHIBIT A
SITE PLAN

Please refer at the unit mark in **yellow** on the below plan
To: The Board of Adjustment

From: Derrick Cook, Acting Director
Planning, Zoning and Community Development Department

Date: January 19, 2022

V-8-21 Nuvo Café – 14135 NW 7th Avenue, Units 13 & 14

Application Summary

Applicant: North Miami Food Center, dba Nuvo Cafe
Agent: Kerline Pierre
Location: 14135 NW 7th Avenue, North Miami, FL 33168
Land Area: 83,230 (1.91ac)
Folio Number: 06-2124-002-1990
Petitions: A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-913 AND SECTION 5-916 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A DEVIATION FROM THE HOURS DURING WHICH SALES ARE ALLOWED AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE; SAID VARIANCE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504OF THE LDRS.

Project Summary

The subject property comprises 83,230 sq. ft. (1.91 acre) and is located on the west side of NW 7th Avenue, between NW 140th Street and NW 143rd Street. According to the Miami-Dade County Property Appraiser’s website, the property has been developed as a one-story, 28,481 sq. ft. commercial building since 1972. The applicant, Kerline Pierre, rents 4,000 sq. ft. restaurant in the plaza. The applicant desires to extend to restaurant’s hours to sale and have consumption on premise until 4:00 am, which pursuant to LDRs, Sec. 5-916 requires a Board of Adjustment (BOA) variance.

Pursuant to Article 5, Division 9, Section 5-913.A and B of the Land Development Regulations (LDRs), uses that involves alcoholic beverages licenses are mandates the hours during which sales are allowed and consumption of alcoholic beverages, as follows: it shall be unlawful for any person to purchase and for any licensee and any manager, agent or employee of any licensee to sell, serve or distribute in any form or by any method any alcoholic beverage between
the hours of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday and Sunday; and it shall be unlawful for any person to consume and for any licensee and any manager, agent or employee of any licensee to permit a person to consume any alcoholic beverage, in any place of business between the hours of 1:30 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:30 a.m. and 7:00 a.m. on Saturday and Sunday. Pursuant to LDRs, Sec. 5-916, the applicant has filed a BOA variance application to request deviation of the designated hours during which sales are allowed and consumption of alcoholic beverages to permit sales and consumption until 4:00am.

History

The item was originally scheduled for BOA action for the December 21, 2021 special meeting. However, the mandatory quorum to conduct the meeting was not met, which brings the item before the Board for action. Further, the applicant has two additional request before the Board that encompasses a variance request to deviate from the sale of alcohol time and special exception to allow a nightclub.

Neighborhood Land Use Characteristics

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Commercial/Office (55 Feet)/Planned Corridor Development</td>
<td>C-1, Commercial District</td>
<td>Commercial Uses</td>
</tr>
<tr>
<td>North</td>
<td>Commercial/Office (55 Feet)</td>
<td>C-1, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>South</td>
<td>Commercial/Office (55 Feet)</td>
<td>C-1, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>East</td>
<td>Commercial/Office (55 feet)/Planned Corridor Development</td>
<td>C-1, Commercial District</td>
<td>Residential Multi-family</td>
</tr>
<tr>
<td>West (UMDC)*</td>
<td>Religious – Exempt: Religious</td>
<td>Commercial - Central</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

* Unincorporated Miami Dade County

The subject property consists of one (1) parcel, which has been developed as a commercial retail use. The properties to the north, east and south feature other commercial uses. The properties to the west, across NW 7th Avenue are commercially zoned and fall within the jurisdiction of Unincorporated Miami Dade County. The following aerial view from the Miami-Dade Property Appraiser’s website depict the subject parcel.
Consistency with the City of North Miami Comprehensive Land Use Plan

The subject property is designated Commercial/Office on the City’s adopted Future Land Use Map (FLUM). In accordance with Policy 1.20.4 of Objective 1.20 of the Future Land Use Element (FLUE) of the City’s Comprehensive Plan, the Commercial/Office designation is designed to provide areas for business, office, retail, service, light industrial and other commercial enterprises. Therefore, the request conforms to the goals, objectives and policies of the Comprehensive Plan.

Compliance with the City of North Miami Land Development Regulations

Criteria for granting variances: Article 3, Division 6, Section 3-606 of the City’s LDRs provides authority to the BOA to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.
Analysis

As per Article 5, Division 9, Section 5-916 of the City’s LDRs to allow a variance to deviate from the hours during which sales are allowed and consumption of alcoholic beverages pursuant to LDRs, Sec. 5-913. Upon review of this variance request, it is found to meet at least four (4) of the six (6) criteria set forth in Article 3, Division 6, Section 3-606, as demonstrated below:

✅ Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
   No.

✅ The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
   No.

✅ That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the neighborhood.
   Yes. The requested variance maintains the basic intent and purpose of the subject regulations. The stability nor the appearance of the neighborhood would be affected with the following mitigations:
   1. That no sales, serving of, or consumption of any alcoholic beverages shall occur outside of the establishment;
   2. That during the nightclub’s hours of operation or any special events, parties, celebrations, festivities, ceremonies, etc. no loitering, gathering, standing, waiting in vehicles, etc. shall be allowed at any time on the site;
   3. That signage is clearly posted that states no loitering, gathering, standing, waiting in vehicles; and
   4. That security/staff shall monitor the site to prevent loitering, gathering, standing, waiting in vehicles or consumption of alcoholic beverages outside of the establishment

✅ The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
   No. The literal interpretation of the provisions of these LDRs does not deprive the Applicant of rights commonly enjoyed by other properties in this area because the LDRs allows the sell and consumption of alcoholic beverages each day of the week with hours of sales restriction that apply to each establishment, except any that were granted deviation of the LDRs requirement.

✅ The variance requested is the minimum variance that will make possible the reasonable use of the land, structure, or building.
   No. The lack of the variance to extend the hour during which alcohol and consumption of alcoholic beverages does not prevent the reasonable use of the site.

✅ The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.
   Yes. The proposed requested variance is in harmony with the general intent of the neighborhood, and maintains the basic intent and purpose of the subject regulations particularly as it affects the stability and appearance of the City by obtaining a music and entertainment license and
preventing loitering, gathering, standing, waiting in vehicles on site or alcohol consumption outside of the establishment.

**Conclusion**

The requested variance to allow for a deviation from the hours during which sales are allowed and consumption of alcoholic beverages until 4:00 am. The extension of the sales and consumption of request does not conform to the goals, objectives and policies of the City’s Comprehensive Plan. However, the LDRs contemplates the need of nightclub and bars, etc. deviation from the distance separation requirement. In that, pursuant to LDRs, 5-916, that states: “variances to the hours during which sales are allowed and to the distance requirements as set forth in this division may be granted upon application to the board of adjustment, pursuant to the provisions of the applicable sections of these LDRs.” As such, the request satisfies two (2) of the six (6) requirements where four (4) of six (6) is needed to allow staff to recommend an approval of the request. In light of these findings, staff renders no recommends to the Board. However, if the Board determines an action of an approval, consider the following conditions with the approval:

1. That prior to commencement of the business operation, the applicant must obtain all necessary licenses and permits, such as building permits. Certificate of Use, Business Tax Receipt, Alcoholic Beverage License, etc. and must comply with each applicable LDRs requirements and city, county, state and federal regulations;

2. That prior commencement of business operation as a nightclub, pursuant to LDRs, Sec. 5-911, the applicant must obtain a musical and entertainment license;

3. That no sales, serving of, or consumption of any alcoholic beverages shall occur outside of the establishment;

4. That during the nightclub’s hours of operation or any special events, parties, celebrations, festivities, ceremonies, etc. no loitering, gathering, standing, waiting in vehicles, etc. shall be allowed at any time on the site;

5. That signage is clearly posted that states no loitering, gathering, standing, waiting in vehicles; and

6. That security/staff shall monitor the site to prevent loitering, gathering, standing, waiting in vehicles or consumption of alcoholic beverages outside of the establishment

**Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on the Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. By completion of the staff report, no comments were received from neighboring property owners within the aforementioned radius.

**Applicable Ordinances**

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);
Article 4, Division 2, Section 4-202;
Article 5, Division 9, Section 5-908; and
Article 5, Division 9, Section 5-909.

**Attachments**
Submitted Application
Submitted Letter of Intent
Submitted Survey and Plans
North Miami
Florida

Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☒ Special Exception
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:
Owner's Name: BCBG, LLC
Mailing Address: 162 NE 85th St, Apt #101
City: Miami State: FL Zip: 33137
Phone #: 786-403-6556 E-mail Address: 123alb@gmail.com

APPLICANT/DUTY APPOINTED AGENT INFORMATION:
Contact Name: Kerline Pierre
Company Name: North Miami Food Center DBA: Nuvo Cafe.
Mailing Address: PO Box 640009
City: Miami State: FL Zip: 33168
Phone: 786-850-1041 E-mail Address: kmiamifood@gmail.com

PROJECT INFORMATION:
Project Name: Nuvo Cafe
Address of Property: 14135 NW 7th Avenue Ste 13-14 Miami, FL 33168
Folio Number(s): 0622140021990

Size of Property: 83,230 sqft Building Square Footage: 28,481 sqft

LEGAL DESCRIPTION: Nichols Heights PB 46-93
N 22.7 ft of Lot 2 & All Lots 3T
13.365 & S 32.5 ft of Lot 14 BLK 9
LOT SIZE 594.500 x 140 or 16640 - 389112.941

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved: _____________________
Date Approved: _____________________
OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared ___ Kerline Pierre ___
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   14135 NW 7TH AVENUE STE 13-14 MIAMI, FL 33168

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:
   NICHOLS HEIGHTS PO 46-99 N 22FT OF LOT 2 & ALL OF LOTS 3T 135FT & S 225FT

4. Affiant is legally authorized to file this application or the Affiant has authorized ___ Kerline Pierre ___
   ______________________ as the applicant/duly appointed agent to file this application and to receive all
   correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action
   granted at public hearing.

WITNESSES:

Signature
Print Name
_____________________
Signature
Print Name
_____________________

Sworn to and subscribed before me on the 13 day of October, 2021.
Affiant is personally known to me or has produced ___ F.B. ___ as identification.

Notary
Commission Expires:
OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Kerline Pierre 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 this request.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized ________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

_________________________  __________________________
Signature                  Affiant's Signature
Print Name

_________________________  __________________________
Signature                  Print Name
Print Name

Sworn to and subscribed before me on the 13 day of October, 2021
Affiant is personally known to me or has produced FL DL as identification.

Notary

Commission Expires:
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of BCBG, LLC, a Florida (state) corporation, being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to Neelina, as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:

NICHOLS HEIGHTS PB 46-93
N 22' PT OF LOT 2 & ALL OF LOTS 3 T
13 INC & S 82.15 PT OF LOT 14 BLK 9
LOT SIZE 594.520 X 140.00 10666-3891 12941
COG 25909-1657 04 2007 5

WITNESSES:

Signature
Print Name
Signature
Print Name

Sworn to and subscribed before me on the 7th day of July, 2021.
Affiant is personally known to me or has produced Florida Driver's License as identification.

Notary

Commission Expires:
LETTER OF INTENT

North Miami Food Center, Inc
DBA: Nuvo Café
14135 NW 7th Avenue Ste 13 & 14
Miami, FL 33168
Email: nmiamifood@gmail.com
Phone: 786-888-5555
786-234-8204

June 30, 2021

City of North Miami

Dear Sir or Madam:

I am writing this letter of intent from our company North Miami Food Center, Inc DBA: Nuvo Café to apply for a special Exception that will allow our restaurant to stay open from 11:00PM - 4:00 AM and to serve alcohol. Our unit is 4000 sq. ft. and can seat 200 people. 7th Avenue main road and other businesses separate us from the residential area. I understand there is a church within 275ft of the restaurant; however, the congregation will not be affected by our hours of operations. From what I understand the church is outside of City of North Miami limit. The parking will not be an issue because we have parking on both side of the building and the landlord justifies that we will be the only tenant on the premises after 7:00 PM.

Our main objective is to change people conception of 7th Avenue. We are dedicating and willing to take all measure to assure our clients safety. We will have 2 off duty officers and minimum 4 private security officers on site for any events that will be held in our premises.

We will greatly appreciate if we are giving the chance to bring more change and a new light on 7th Avenue.

Sincerely Yours,

[Signature]

Kerline Pierre
Exhibit A: Site Plan of Premises
Exhibit B: Legal Description of Shopping Center and Land

NICHOLS HEIGHTS PB 46-93
N22FT OF LOT 2 & ALL OF LOTS 3 T
13 INC & S22.5FT OF LOT 14 BLK 9
LOT SIZE 594.500 X 140
OR 16616-3891 1294 1
COC 25909-1657 04 2007 5
EXHIBIT A

SITE PLAN

Please refer at the unit mark in yellow on the below plan.
To: The Board of Adjustment

From: Derrick Cook, Acting Director
Planning, Zoning and Community Development Department

Date: January 19, 2022

SE-01-22 NoMi Bar & Grill NE 125th ST North Miami, FL 33161

Application Summary

Applicant: North Miami Food Center, dba NoMi Bar & Grill
Agent: Dickson Richard
Location: 738 NE 125th St, North Miami, FL 33161
Land Area: 12,582 (0.29 ac)
Folio Number: 06-2230-015-0010

Petitions: A SPECIAL EXCEPTION PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS..

Project Summary

The subject property comprises 12,582 sq. ft. (0.29 acre) and is located on the south side of NE 125th St, between NE 7th Ave and NE 8th Ave. According to the Miami-Dade County Property Appraiser’s website, the property has been developed as a one-story, 12,582 sq. ft. commercial building since 1950. The applicant, Dickson Richard, rents Three “Lots/Bays” restaurant in the plaza (Lot 3, Lot 4, Lot 5). The applicant desires to extend to restaurant’s operating hours from 11:00 pm until 4:00 am, which pursuant to LDRs, Sec. 5-902 constitutes a nightclub.

Pursuant to Article 4, Division 2, Section 4-202 of the Land Development Regulations (LDRs), a nightclub as defined in Article 7 and Sec. 5-902 of the LDRs, which means a restaurant, dining room or other establishment, which operates after 11:00 p.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee requires special
exception approval by the Board of Adjustment. As such, the applicant has filed this special exception request to the BOA in order to bring the above-described project to fruition.

**History**

A search of the City’s zoning records shows no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

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<th>Existing Zoning</th>
<th>Existing Use/Subdivision</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>Central Business Commercial, Planned Corridor Development and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3, Commercial District</td>
<td>Commercial Uses</td>
</tr>
<tr>
<td>North</td>
<td>Central Business Commercial, Planned Corridor Development and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>South</td>
<td>Central Business Commercial, Planned Corridor Development and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3, Commercial District</td>
<td>Government-Vacant Land</td>
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<tr>
<td>East</td>
<td>Community Facility and Neighborhood Redevelopment Overlay Boundary</td>
<td>Public Use</td>
<td>City, Municipal, Town, Village Owned</td>
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<tr>
<td>West</td>
<td>Central Business Commercial, Planned Corridor Development and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3, Commercial District</td>
<td>Commercial Use</td>
</tr>
</tbody>
</table>

The subject property consists of one (1) parcel, which has been developed as a commercial retail use. The properties to the north, south, and west feature other commercial uses. The property to the east consists of Public/Community Facilities. The following aerial view from the Miami-Dade Property Appraiser’s website depict the subject parcel.
Consistency with the City of North Miami Comprehensive Land Use Plan

The subject property is designated Central Business Commercial and Planned Corridor Development on the City’s adopted Future Land Use Map (FLUM). In accordance with Policy 1.21.5 of Objective 1.21 of the Future Land Use Element (FLUE) of the City’s Comprehensive Plan, the Commercial/Office designation is designed to provide areas for business, office, retail, service, light industrial and other commercial enterprises. Uses permitted in areas designated Central Business Commercial are as follows:

1. Retail uses, including restaurants.
2. Office and business use.
3. Professional offices and businesses.
4. Community facilities such as schools, museums, places of worship, child and adult day care centers, nursing homes, governmental administration, police and fire protection facilities, and libraries.
5. Passive parks and open space.
6. Nonprofit neighborhood social and recreational facilities.
7. Light industrial uses.

The Applicant’s special exception use request is to establish a restaurant, bar and nightclub, albeit not specifically listed under Policy 1.20.4, is a bona fide commercial use. As such, the applicant’s petition conforms to the goals, objectives and policies of the Comprehensive Plan for areas designated Central Business Commercial.

Compliance with the City of North Miami Land Development Regulations

The subject property is zoned C-3, Central Business Commercial District on the City’s Adopted Zoning Map with an overlap of Planned Corridor Development. The purpose of this district is to accommodate...
commercial and related uses in the City. As per the submitted letter of intent, this petition involves the establishment of a restaurant, bar and nightclub, which requires special exception approval by the Board of Adjustment pursuant to Article 4, Division 2, Section 4-202 of the LDRs.

**Analysis**

Review of the applicant’s request was performed using a six-prong test based on the standards noted above and set forth in Article 3, Division 5, Section 3-504 of the LDRs. The request is found to comply with all such applicable standards, as demonstrated below.

- **The use is a listed special exception in the district where the property is located.**
  Yes. The granting of a music and entertainment license will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood.

- **There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.**
  Yes. The property has direct access from NE 7th Avenue with two (2) ingress and egress from NE 7th Avenue and NE 7th Ct.

- **There are adequate parking areas and off street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.**
  Yes. The property loading space is located to the rear (south) of the building. The property is also located north of a city sanctioned parking lot along with multiple parking spaces available in the direct connecting streets.

- **There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.**
  Yes. The site is an existing commercial property with no proposed additional landscaping.

- **The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.**
  Yes. As stated, the property is an existing commercial property that has existing public services and facilities.

- **The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.**

In principal, the proposed nightclub location is ideal situation on a major collector road and commercial corridor. However, the proposed nightclub requires minimum distance separation from religious institutions, schools, residential use, parks and recreational use and similar use. Conversely, the nightclub requires BOA variance for the distance separation from each restriction. The nightclub’s site is within 1,268 feet from religious institution, 619 feet from Montessori School of North Miami, 153 feet from Passive Park, 80 feet from Residential use, and approximately 80 feet from a similar use. The nightclub use close proximity to each of the aforementioned uses does not comply with LDRs, Sec. 5-908, minimum spacing requirement,
which triggered a need of a BOA variance. The applicant needs to implement the following steps to mitigate the nightclub use impact to the surrounding uses:

1. Pursuant to Article 5, Division 9, Section 5-911 and 5-912, the applicant obtains a Music and Entertainment license, which the applicant has applied for the license, that requires approval by the city manager or designee, which has the following approval criteria:

   A. The granting of a music and entertainment license will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood;
   B. There is sufficient parking for patrons and appropriate access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion;
   C. Where the installation of outdoor floodlighting or spotlighting is intended, that such lighting will not have any detrimental effect on neighboring property or traffic;
   D. Noise caused by the establishment shall be kept at such a level so as to conform to this Code; and
   E. Whether or not there is adequate security provided by the establishment.
   F. The Music and Entertainment license is renewed yearly with a minimum licensing fee of is $1,000;

2. That pursuant to LDRs, Sec. 5-907 that a minimum distance separation variance is obtained through a Board of Adjustment (BOA) approval; and

3. That pursuant to LDRs, Sec. 5-913, the applicant must comply with the sale of alcohol standards, as follows:
   A. It shall be unlawful for any person to purchase and for any licensee and any manager, agent or employee of any licensee to sell, serve or distribute in any form or by any method any alcoholic beverage between the hours of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday and Sunday.
   B. It shall be unlawful for any person to consume and for any licensee and any manager, agent or employee of any licensee to permit a person to consume any alcoholic beverage, in any place of business between the hours of 1:30 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:30 a.m. and 7:00 a.m. on Saturday and Sunday.
   C. The provisions of subsections (a) and (b) of this section shall apply to any licensee under the state beverage law and to any premises licensed under such law. The city council may extend the above hours of sale for alcoholic beverages for consumption on or off the premises on special occasions by resolution.
   D. No alcoholic beverages shall be sold in restaurants or cafeterias after the hours of serving food.

**Conclusion**

The requested special exception petition to allow a nightclub as defined in the LDRs, Article 7 and Sec. 5-902 conforms to the goals, objectives and policies of the City’s Comprehensive Plan. It is in keeping with the intent and purpose of the City’s LDRs, as it is an appropriate use for the area involved and will not be detrimental to the public welfare. In light of these findings, staff recommends that the BOA approve the
requested special exception use to establish the proposed nightclub on the subject property, subject to the following conditions:

1. Pursuant to Article 5, Division 9, Section 5-911 and 5-912 obtain a Music and Entertainment license that requires approval by the city manager or designee;
2. That pursuant to LDRs, Sec. 5-907 that a minimum distance separation variance is obtained through a Board of Adjustment (BOA) approval; and
3. That pursuant to LDRs, Sec. 5-913, the applicant must comply with the sale of alcohol standards.

Public Notification/Comments

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on the Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. As of January 11, 2022, no comments were received from neighboring property owners within the aforementioned radius.

Applicable Ordinances

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);
Article 4, Division 2, Section 4-202;
Article 5, Division 9, Section 5-911;
Article 5, Division 9, Section 5-912; and
Article 5, Division 14, Section 5-1404.

Attachments

Submitted Application
Submitted Letter of Intent
Submitted Survey and Plans
OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST (CORPORATION)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of GSP MOCA PLAZA LLC, a Florida (state) corporation, being first duly sworn, deposes and says that as the President, Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to Nomi Baal and Grill, as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:

Commercial Building
Located at 738 NE 125th St North Miami, FL 33161

WITNESSES:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the 24th day of November, 2021.

Affiant is personally known to me or has produced Personally Known as identification.

Notary

Commission Expires:
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☑ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER’S INFORMATION:
Owner’s Name: COSP NORTH PLAZA LLC
Mailing Address: 738 NW 125th St, North Miami, FL 33161
City: North Miami State: Florida Zip: 33161
Phone #: 305-509-7257 E-mail Address: Curry@cospcrenew.com

APPLICANT/DUTY APPOINTED AGENT INFORMATION:
Contact Name: VICKI DICKIN
Company Name: NORTH BASE & CIVIL INC
Mailing Address: 738 NW 125th St
City: North Miami State: FL Zip: 33161
Phone #: 305-301-1809 E-mail Address: Tal@numberglass.com

PROJECT INFORMATION:
Project Name: NORTH BASE & CIVIL INC
Address of Property: 738 NW 125th St North Miami FL 33161
Folio Number(s): 223001130101
Size of Property: 12,582 sq ft Building Square Footage: 12,582 sq ft

LEGAL DESCRIPTION:
Commercial/ Retail Structure

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:

Date Approved:
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared CORENTIN FINOT hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   750 NE 185th st North Miami FL 33161

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:
   GSP MOCA PLAZA LLC

4. Affiant is legally authorized to file this application or the Affiant has authorized Nomi Bar and Grill as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

Signature
MAXIMILIANO G LEDEMA
Print Name
Benito Stephane

Signature

Print Name

Sworn to and subscribed before me on the 5th day of November, 2021.
Affiant is personally known to me or has produced as identification.

Notary

Commission Expires: Oct 22, 2023

GUERTY GENOSIER
Notary Public - State of Florida
Commission # GC 349348
My Comm. Expires Oct 22, 2023
Bonded through National Notary Assn.
Date: 10/26/2021

Re: Letter Of intent

To whom it may concern: I am submitting this letter of intent to increase operational hours due to the extraordinary impact on business revenue from the Covid Pandemic. To combat this reduction in sales/revenue we are requesting an extension of services hours to include live entertainment and music beyond the normal operational hours or 12pm-10pm Monday-Sunday. We are requesting a special variance exception to include allowances of additional hours of 11pm-4am that allows for overnight performances by local and national jazz, blues, Caribbean live bands and Music Mixologists.

These events will be securitized by in-house unarmed security companies that are licensed and insured with the State of Florida and supplemented by North Miami Police Off-Duty Personnel with a minimum of 2 Officers to assist with the safety of our guests and residents.

In regard to guest parking NoMi Bar & Grill will provide online parking area mapping guides to direct guests to municipal parking areas to reduce unnecessary traffic blocking and double parking.

Dickson Richard
To: The Board of Adjustment

From: Derrick Cook, Acting Director
Planning, Zoning and Community Development Department

Date: 19 January 2022

V-19-22 NoMi Bar & Grill – 738 NE 125th ST Lot/Bay 3, Lot/Bay 4, Lot/Bay 5

Application Summary

Applicant: North Miami Food Center, dba NoMi Bar & Grill
Agent: Dickson Richard
Location: 738 NE 125th St, North Miami, FL 33161
Land Area: 12,582 (0.29 ac)
Folio Number: 06-2230-015-0010

Petitions: A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 AND SECTION 5-909 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 738 NE 125TH STREET TO DEVIATE FROM THE MINIMUM REQUIRED SPACING OF 2,500 FEET FROM RELIGIOUS INSTITUTION AND SCHOOL, 1,500 FEET FROM RESIDENTIAL, PARKS, AND SIMILAR USES; SAID VARIANCE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 AND ARTICLE 5, DIVISION 9, SECTION 5-908 OF THE LDRS.

Project Summary

The subject property comprises 12,582 sq. ft. (0.29 acre) and is located on the south side of NE 125th St, between NE 7th Ave and NE 8th Ave. According to the Miami-Dade County Property Appraiser’s website, the property has been developed as a one-story, 12,582 sq. ft. commercial building since 1950. The applicant, Dickson Richard, rents Three “Lots/Bays” restaurant in the plaza (Lot 3, Lot 4, Lot 5). The applicant desires to extend its restaurant’s operating hours from 11:00 pm until 4:00 am, which pursuant to LDRs, Sec. 5-902 constitutes a nightclub.

Pursuant to Article 5, Division 9, Section 5-908 and 5-909 of the Land Development Regulations (LDRs), uses involving alcoholic beverage licenses are required specific distance separations unless otherwise
obtained with a variance approval by the Board of Adjustment. As such, the applicant has filed this variance request to the BOA in order to bring the above-described project to fruition.

**History**

A search of the City’s zoning records shows no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Central Business Commercial (150 ft.), Neighborhood Redevelopment Overlay Boundary, Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-3, Commercial District</td>
<td>Commercial Uses</td>
</tr>
<tr>
<td>North</td>
<td>Central Business Commercial (150 ft.), Neighborhood Redevelopment Overlay Boundary, Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-3, Commercial District</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>South</td>
<td>Central Business Commercial (150 ft.), Neighborhood Redevelopment Overlay Boundary, Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-3, Commercial District</td>
<td>Government-Vacant Land</td>
</tr>
<tr>
<td>East</td>
<td>Community Facility (55 ft.), Neighborhood Redevelopment Overlay Boundary</td>
<td>Public Use</td>
<td>City, Municipal, Town, Village Owned</td>
</tr>
<tr>
<td>West</td>
<td>Central Business Commercial (150 ft.), Neighborhood Redevelopment Overlay Boundary, Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-3, Commercial District</td>
<td>Commercial Use</td>
</tr>
</tbody>
</table>

The subject property consists of one (1) parcel, which has been developed as a commercial retail use. The properties to the north, south, and west feature other commercial uses. The property to the east consists of Public/Community Facilities. The following aerial view from the Miami-Dade Property Appraiser’s website depict the subject parcel.
**Consistency with the City of North Miami Comprehensive Land Use Plan and Neighborhood Redevelopment Overlay Boundary**

The subject property is designated Central Business Commercial, Planned Corridor Development on the City’s adopted Future Land Use Map (FLUM). In accordance with Policy 1.21.5 of Objective 1.21 of the Future Land Use Element (FLUE) of the City’s Comprehensive Plan, the Commercial/Office designation is designed to provide areas for business, office, retail, service, light industrial and other commercial enterprises. Therefore, the request conforms to the goals, objectives and policies of the Comprehensive Plan.

**Compliance with the City of North Miami Land Development Regulations**

**Criteria for granting variances:** Article 3, Division 6, Section 3-606 of the City’s LDRs provides authority to the BOA to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four (4) of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

**Analysis**

As per Article 5, Division 9, Section 5-908 of the City’s LDRs to allow a proposed nightclub to have a distance separation of approximately 1,268 feet from religious institution and 619 feet from a school where 2,500 feet is required for both as well as 80 feet from residential use, 80 feet from similar use, and 153 feet from a park where 1,500 feet is required from a nightclub use. Upon reviewing this variance request, it is found to meet at least three (3) of the six (6) criteria set forth in Article 3, Division 6, Section 3-606, as demonstrated below:

- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**
  - No.

- **The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.**
  - No.

- **That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the neighborhood.**
  - Yes. The requested variance maintains the basic intent and purpose of the subject regulations. The stability nor the appearance of the neighborhood would be affected.

- **The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.**
  - No. The literal interpretation of the provisions of these LDRs does not deprive the Applicant of rights commonly enjoyed by other properties in this area because the LDRs specifically state that particular alcohol beverage licenses require a distance separation but not all.

- **The variance requested is the minimum variance that will make possible the reasonable use of the land, structure, or building.**
  - Yes. The requested variance for alcoholic beverage license distance separation is arguably a minimal variance, which will allow the Applicant to establish their proposed business.

- **The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.**
  - Yes. The proposed requested variance is in harmony with the general intent of the neighborhood, and maintains the basic intent and purpose of the subject regulations particularly as it affects the stability and appearance of the City.
**Conclusion**

The requested variance petition to allow for a distance separation of less than the minimum required distance of 2,500 feet from religious institution and school and less than the minimum required 1,500 feet for residential use, parks and similar use. In this case, the applicant’s request is to allow approximately 1,268 feet separation from a religious institution and 619 feet from a school where 2,500 is required. Additionally, the applicant’s request is to allow approximately 80 feet from a residential use, 80 feet from a similar use, and 153 feet from a park where 1,500 feet is required. The distance separation request does not conform to the goals, objectives and policies of the City’s Comprehensive Plan. However, the LDRs contemplates the need of nightclub and bars, etc. deviation from the distance separation requirement. In that, pursuant to LDRs, 5-909, that states: “unless a variance is obtained from the board of adjustment, no alcoholic beverage application or business tax receipt shall be approved when the place of business designated in the application does not satisfy the following distance separation requirements of alcoholic beverage establishments from schools, houses of worship, city parks and recreational areas, residential uses and similar use. As such, the request satisfies three (3) of the six (6) requirements where four (4) of six (6) is needed to allow staff to recommend an approval of the request. In light of these findings, staff renders no recommends to the Board. However, if the Board determines an action of an approval, consider the following conditions with the approval:

1. That prior to commencement of the business operation, the applicant must obtain all necessary licenses and permits, such as building permits. Certificate of Use, Business Tax Receipt, Alcoholic Beverage License, etc. and must comply with each applicable LDRs requirements and city, county, state and federal regulations; and

2. That prior commencement of business operation as a nightclub, pursuant to LDRs, Sec. 5-911, the applicant must obtain a musical and entertainment license.

**Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on the Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. By completion of the staff report, no comments were received from neighboring property owners within the aforementioned radius.

**Applicable Ordinances**

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);
Article 4, Division 2, Section 4-202;
Article 5, Division 9, Section 5-908; and
Article 5, Division 9, Section 5-909.

**Attachments**

Submitted Application
Submitted Letter of Intent
Submitted Survey and Plans
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE  

On behalf of GSP Moca Plaza LLC, a Florida corporation, being first duly sworn, deposes and says that as the President, Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to [Name], as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:  
Commercial Building  
Located at 738 NE 125th St North Miami, FL 33161  

WITNESSES:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the 24th day of November, 2021. Affiant is personally known to me or has produced Personally Known as identification.

Notary

Commission Expires:

Name of Corporation
738 NE 125th St North Miami

Address
Florida 33161

By: President, Vice-President or CEO (circle one)
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☑ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER’S INFORMATION:
Owner’s Name: COSPE Property LLC
Mailing Address: 750 NW 125th St, North Miami, FL 33161
City: North Miami
State: Florida
Zip: 33161
Phone #: 305-706-7257
E-mail Address: curry@capmccourier.com

APPLICANT/DULLY APPOINTED AGENT INFORMATION:
Contact Name: Victoria Richards
Company Name: Nora Rau + Co., Inc.
Mailing Address: 738 NW 125th St
City: Miami
State: FL
Zip: 33161
Phone #: 305-301-1809
E-mail Address: TYler@noraarauandco.com

PROJECT INFORMATION:
Project Name: Nora Rau + Co., Inc.
Address of Property: 738 NW 125th St
Folio Number(s): 223001120010

Size of Property: 12,582 sq ft
Building Square Footage: 12,582 sq ft

LEGAL DESCRIPTION:
Commercial/ Retail Structure

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):
Date Approved:
Date Approved:
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

OWNERSHIP AFFIDAVIT FOR CORPORATION

Before me, the undersigned authority, personally appeared CORENTIN FINOT, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   250 NE 185th St North Miami FL 33161

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:
   GSP MOCA PLAZA LCC

4. Affiant is legally authorized to file this application or the Affiant has authorized Noa, Bar and grill
   as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

Signature
MAXIMILIANO G LEDESMA
Print Name
Beitho Stephone
Signature
Print Name

Sworn to and subscribed before me on the 5th day of NOVEMBER 2021.
Affiant is personally known to me or has produced as identification.

Notary

Commission Expires: Oct 22, 2023

GUERTY GENOSIER
Notary Public - State of Florida
Commission # GC 349848
My Comm. Expires Oct 22, 2023
Bonded through National Notary Assn.
Date: 10/26/2021

Re: Letter Of intent

To whom it may concern: I am submitting this letter of intent to increase operational hours due to the extraordinary impact on business revenue from the Covid Pandemic. To combat this reduction in sales/revenue we are requesting an extension of services hours to include live entertainment and music beyond the normal operational hours or 12pm-10pm Monday-Sunday. We are requesting a special variance exception to include allowances of additional hours of 11pm-4am that allows for overnight performances by local and national jazz, blues, Caribbean live bands and Music Mixologists.

These events will be securitized by in-house unarmed security companies that are licensed and insured with the State of Florida and supplemented by North Miami Police Off-Duty Personnel with a minimum of 2 Officers to assist with the safety of our guests and residents.

In regard to guest parking NoMi Bar & Grill will provide online parking area mapping guides to direct guests to municipal parking areas to reduce unnecessary traffic blocking and double parking.

Dickson Richard
To: The Board of Adjustment

From: Derrick Cook, MBA, Acting Director, Planning, Zoning and Community Development Department

Date: January 19, 2022

V-02-22 VARIANCE TO ALLOW SETBACK REDUCTION- 1115 NE 121st ST

Application Summary

Applicant/Agent: Rebecca Castillo
Location: 1115 NE 121st ST
Land Area: 1,668 sq. ft. (0.038 Acres)
Folio Number: 06-2229-031-0780

Petition: A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A REDUCTION FROM THE REQUIRED REAR SETBACK OF TWENTY-FIVE FEET (25’) TO THE PROPOSED SETBACK OF SEVEN FEET AND ~7 INCHES (7' 7'') ON THE PROPERTY LOCATED AT 1115 NE 121st STREET IN THE R-2 DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

History & Background

According to the Miami-Dade Property Appraisal website, the subject site is approximately 10,241 square feet that abuts NE 121st Street on the south, NE 11th Avenue on the West, and NE 12th Avenue on the East. The site contains an existing one-story building constructed in 1949 that is about 1,668 square feet.

The property has no open code violations.

The Applicant purchased the property in its current condition, which fails to meet the minimum rear setback of 25 ft. The property originally built on the site had a rear setback of 20 ft. The previous property owner built an addition to the principal structure without any permits. The new addition further encroaches into the rear setback to seven feet and approx. seven inches (7 ft. and 7 in).
Pursuant to Article 4, Division 2, Section 4-203 of the City’s Land Development Regulations (LDRs), the required rear setback in the R-2 district is 25 ft. The applicant is seeking a variance to deviate from the required minimum setback of 25 ft. to 7 ft. and 7 in. The request requires Board of Adjustment (BOA) approval.

**Neighborhood Land Use Characteristics**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Low Density Residential (35 ft., 5.1 DU/AC)</td>
<td>R-2, Residential</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>North</td>
<td>Low Density Residential (35 ft., 5.1 DU/AC)</td>
<td>R-2, Residential</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>South (UMDC)*</td>
<td>Residential</td>
<td>Residential</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>Biscayne Height Transition Zone, Medium Density Residential (75 ft., 16.3 DU/AC)</td>
<td>R-5, Residential</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential (35 ft., 5.1 DU/AC)</td>
<td>R-2, Residential</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

The subject property is located in the R-2 Residential Zoning District. In its immediate vicinity, the surrounding properties are all zoned Residential, of differing density. The following images illustrate the Zoning Map (Figure 1) and an aerial image (Figure 2) of the subject property and its surroundings.

Figure 1 – Zoning Districts

Figure 2 – Aerial Image
OVERVIEW OF REQUEST

The Applicant requests a variance from the minimum required rear setback within the R-2 Residential zoning district. The variance request involves a reduction of the minimum required rear setback of 25 ft. along the west side of the property to match the existing building’s smallest rear setback along the north property line of 7 ft. and 7 in. The rear setback reduction constitutes a 70% reduction of the minimum required setback.

Compliance with the City of North Miami Land Development Regulations

Criteria for granting variances: Article 3, Division 6, Section 3-606 of the City’s LDRs provides authority to the BOA to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four (4) of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

**ANALYSIS**

Article 3, Division 6, Section 3-606 of the City’s LDRs authorizes the BOA to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four (4) of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
   
   *No. The land, structure, and building do not present any special conditions or circumstances that are not applicable to other lands, structures, or buildings in the same zoning district.*

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
   
   *No. There are no unusual circumstances or conditions present in the neighborhood.*

3. The requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.
   
   *Yes. The requested rear setback deviation will not affect the stability and appearance of the city.*

4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
   
   *Yes. Given the neighborhood’s existing configuration and context, the applicant’s request is consistent with the built environment and does not deviate from the precedent established with the surround neighbors’ setbacks.*

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
   
   *Yes. Approval of the requested variance will maintain the current setback set forth by the building on the property without need of demolition or changes to the current state of the building. It is also the minimum variance to make the use possible when taking into account landscaping requirements and ease of access*

6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.
   
   *Yes. Even though the proposed building encroaches into the minimum required setback and the intrusion could be construed as contrary to the LDRs intent and purpose, the proposed deviation will coincide the current setback of the site by matching the buildings current smallest rear setback of 7 ft. and 7 in. More important, the requested rear setback deviation does not deviate from the neighborhood context.*
CONCLUSION

The variance request to allow the reduction of the minimum required rear setback of 25ft. to 7 ft. and 7 in. in the R-2, Residential District, meets the variance criteria established within Article 3, Division 6, Section 3-606. Considering these findings, staff recommends that the BOA approve this requested variance to allow the rear setback to be 7 ft. and 7 inches.

PUBLIC NOTIFICATION/COMMENTS

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published in the Daily Business Review, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to provide an opportunity to comment on the application, if desired. No comments were received from neighboring property owners within the aforementioned radius as of January 13, 2022.

Applicable Ordinances

Article 4, Division 2, Section 4-203
Article 3, Division 6, Section 3-606

Attachments

Exhibit A: Application
Exhibit B: Letter of Intent
Exhibit C: Plans and/or Survey
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:

☐ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER’S INFORMATION:

Owner’s Name: Rebeca M. Castillo
Mailing Address: 1115 N. E 121st St
City: N. Miami, State: Florida Zip: 33161
Phone #: 786-487-0573 E-mail Address: cerca312@ gmail.com

APPLICANT/DUTY APPOINTED AGENT INFORMATION:

Contact Name: Rebeca Same as above
Company Name:
Mailing Address:
City: State: Zip:
Phone: E-mail Address:

PROJECT INFORMATION:

Project Name: Variance to allow for setback deviation
Address of Property: 1115 N E 121st St
Folio Number(s):

Size of Property: Building Square Footage:

LEGAL DESCRIPTION:


PREVIOUS APPROVALS:

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:

Date Approved:
OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Rebeca Castillo
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 this request.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized Rebeca Castillo as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

Signature
Print Name

Signature
Print Name

Sworn to and subscribed before me on the 17th day of November 2021.

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

Notary

Commission Expires:

Notary Public State of Florida
Isaiah C. Valcin
My Commission HH 099233
Expires 03/01/2025
OWNER’S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST

(INDIVIDUAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, __________________, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to __________________ to file this application for the proposed request.

LEGAL DESCRIPTION:

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

WITNESSES:

Signature

Print Name

Signature

Print Name

Signature

Print Name

____________________

Fee Owner’s Signature

____________________

Print Name

____________________

Address

N. Miami, Florida 33161

__________________________________________________________

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

Notary

Commission Expires:

Stamp
To whom it may concern:

Rebeca Castillo
1115 NE 121st St
North Miami, FL 33161

My name is Rebeca Castillo, I am a single mom working tirelessly to provide for my four children ages 32 to 14 years old. My oldest son is disabled, he is autistic and hearing impaired. My second oldest son is 22 years old and is a US Army soldier who just came back from duty from Fort Sill, Oklahoma and who is also suffering from depression and anxiety. My daughter is 18 years old and a senior at North Miami Senior High School. My youngest son is 14 years old and also attends North Miami Senior High School as a freshmen.

I purchased this home with my entire life’s savings in an effort to provide room and shelter for my family and now, after the fact, I am being told that one of the rooms will have to be torn down. It is just impossible for me to take that room away from my children and doing so would not only leave my oldest sons without a room it would also cause me a huge financial hardship. As you can imagine tearing the room down will cost an exuberant amount of money that I do not have. This property has been like it is for the past 30 years since the previous owners built it. There are no previous records of how the property was from the beginning.

With this letter, I am requesting that the Zoning Administration take into consideration my situation and grant a zoning variance to be grandfathered just like it has been.

My family and I have been residents of the city of North Miami for 30 years and have been exemplary residents. We appreciate your consideration in this matter and are hoping for a positive outcome.

Sincerely,
Rebeca Castillo
Property Owner
786-487-0573

11-17-2021
To: The Board of Adjustment

From: Derrick Cook, MBA
Zoning Manager, Community Planning & Development Department

Date: January 19, 2022

SE-01-22: Vocational School Special Exception – 13992 NE 12th Ave

APPLICATION SUMMARY

Applicant/Agent: Always Professional Institute/Ronald Charles
Location: 13992 NE 12th Ave, North Miami, FL 33161
Land Area: 1,872 square feet (0.043 acres +/-)
Folio Numbers: 06-2219-007-2230

Petition: A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED EDUCATIONAL – VOCATIONAL SCHOOL AT THE PROPERTY LOCATED AT 13992 NE 12th AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

Project summary

According to the City’s Land Development Regulations (LDRs), Article 4, Division 2, Section 4-202: Types of Uses, the applicant and authorized agent, Ronald Charles of Always Professional Institute, is requesting a special exception review to allow an “educational-vocational” exam preparation school. The proposed use will occur within the units generally located at 13992 NE 12th Ave (North of 139th Street and East of NE 12th Avenue), within the C-1, Commercial District zoning designation. According to Miami Dade Property Appraiser’s record, the site totals approximately 14,070 square feet, and has been developed as a one-story, 14,070 square foot commercial building constructed in 2000. The applicant intends to occupy approximately 1,872 square feet of the only second floor area for the building to operate an exam preparation school which will provide review courses for various medical exams (e.g. CAN, LPN, RN, Dialysis Tech).
History

A search of the City’s zoning records shows no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning District</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Commercial/Office (55 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-1 Commercial/Office</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Low Density Residential (35 ft., 5.1 DU/AC)</td>
<td>Low Density Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>High Density Residential (110 ft., 25 DU/AC), Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>High Density Residential</td>
<td>Multi – Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Commercial/Office (55 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3)</td>
<td>C-3 Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential (35 ft., 5.1 DU/AC)</td>
<td>Low Density Residential</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

The subject property is located north of NE 139th Street, slightly west of NE 12th Avenue area within the Commercial/Office and Planned Corridor Overlay (PCD) Districts. Figures 1 and 2 illustrate the Zoning Map and an aerial image of the subject property and its surroundings.
CONSISTENCY WITH THE NORTH MIAMI 2036 COMPREHENSIVE PLAN

Commercial/Office – The areas classified as Commercial/Office on the City’s adopted Future Land Use Map (FLUM) are intended primarily to provide land area for business, office, retail, service, light industrial and other commercial enterprises. Uses permitted in areas classified Central Business Commercial are as follows:

1. (Residential) Mixed use;
2. Retail uses, including restaurants;
3. Office and business uses;
4. Professional offices and business;
5. Community facilities such as schools, museums, places of worship, child and adult day care centers, nursing homes, governmental administration, police and fire protection facilities, and libraries; 
6. Passive parks and open space;  
7. Nonprofit neighborhood social and recreational facilities; and 
8. Light industrial uses.

The applicant’s proposed vocational school is a permitted use in the Central Business Commercial land use through a special exception review and approval by the Board of Adjustment (BOA). The vocational school shall serve as an educational instrument that will serve the community. The applicant’s special exception request conforms to the goals, objectives, and policies of the Comprehensive Plan that supports a special or technical school related to a community facility.

**COMPLIANCE WITH THE CITY OF NORTH MIAMI LDRs**

Criteria for granting special exceptions according to Article 3, Division 5, Section 3-504 of the LDRs provide authority to the BOA to hear and grant or deny applications for special exceptions. In evaluating an application for such a request, the BOA shall find that the application demonstrates compliance with the following standards:

A. The use is a listed special exception in the district where the property is located.  
B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks to assure the public safety and to avoid traffic congestion. 
C. There are adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation. 
D. There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts. 
E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation. 
F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood. 
G. No open code violations or unpaid code enforcement fines exist.

**ANALYSIS**

A review of the applicant’s request was performed using a six-prong test based on the standards noted above, as outlined in Section 3-504 of the LDRs. The request is found to comply with all such applicable standards, as demonstrated below.
✓ Is the use a listed special exception in the district where the property is located?

Yes. The Type of Uses chart provided in Article 4, Division 2, Section 4-202 of the LDRs lists, “Educational-Technical, Vocational, Specialty” as a use that is permitted but only through special exception review and approval by the BOA in the C-1, Commercial/Office District.

✓ Is there appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion?

Vehicular and pedestrian traffic access to the subject property is currently off NE 139th Street, NE 140th St, and NE 12th Avenue. Overall, the proposed use will not generate any more trips than a typical retail/office use, and will not have any substantial negative impacts on public safety due to unsafe traffic movements, nor heightened pedestrian vehicular conflict.

✓ Are there adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation?

Yes. Pursuant to LDRs, Article 5, Division 14, Section 5-1402: Schedule of Required Parking, the minimum required parking spaces for, “educational facilities” is one (1) space for each two hundred (200) sq. ft. of gross floor area, which amounts to a total of ten (10) spaces for the proposed school. The “loading zone” located in the rear, may be accessed through the alleyway off NE 139th Street or NE 140th Street.

✓ Is there suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

No. There is no existing landscaping nor fencing on site. The subject property abuts an alleyway in the west that separates the commercial use from the residential use within a commercial zoning district.

✓ Is the proposed special exception reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation?

Yes. All basic public services, such as public water, sewer, police, and fire protection, are readily available and currently serve the property at the appropriate level-of-service. The proposed use will not require an extension of public water and sewer lines and will not negatively impact the transportation system.
✓ Will the proposed special exception constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood?

Yes.

STAFF RECOMMENDATION

In light of these findings, staff recommends approval with conditions of the requested special exception use in accordance to Article 3, Division 5, Section 3-504: Standards of Approval of the Land Development Regulations to allow an educational – vocational school on the subject property with the following condition:

1. That the applicant shall maintain a Certificate of Use (CU) from the Community Planning and Development Department, upon compliance with all terms and conditions including maintenance of the facility, in accordance with the approved plan.

PUBLIC NOTIFICATION/COMMENTS

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the LDRs, notification of the applicant’s request was published in the Daily Business Review, posted on the property, and mailed to property owners within a 500-foot radius of the subject property.

Mailed Written Notification: January 7, 2022
Published Newspaper Notification: January 7, 2022
Posted Property Notice: January 7, 2022

As of January 14, 2022, no comments were received from neighboring property owners within a 500-foot radius.

APPLICABLE LDR SECTIONS

Article 3, Division 3, Section 3-302 (A), (B) and (C): Notice;
Article 3, Division 5, Section 3-504: Standards for Approval;
Article 4, Division 2, Section 4-201 & 4-202: Zoning Districts;
Article 5, Division 1, Section 5-105: Private/Non-Public Educational Facilities and Child Care Facilities; and
Article 7, Section 7-101: Definitions.

ATTACHMENTS

Exhibit A: Application
Exhibit B: Letters of Intent
Exhibit C: Survey
Exhibit D: Floor Plan
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☒ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:
Owner's Name: Miguel A. Perez
Mailing Address: 13741 NW 19th Ave
City: Opa Locka State: FL Zip: 33054
Phone #: 305-343-1048 E-mail Address:

APPLICANT/DUALLY APPOINTED AGENT INFORMATION:
Contact Name: Ronald Charles
Company Name: Always Professional Institute
Mailing Address: 13992 NE 12 Ave
City: North Miami State: FL Zip: 33161
Phone: 305-492-0817 E-mail Address: alwaysprofessionalinstitute@gmail.com

PROJECT INFORMATION:
Project Name: Always Professional Institute
Address of Property: 13992 NE 12 Avenue, North Miami, FL 33161
Folio Number(s):

Size of Property: Building Square Footage: 1872

LEGAL DESCRIPTION:
Health file courses: CNA, LPN, RN, Resp., therapy review, EKG, phlebotomy, fcl, telemetry, dialysis review, epr, aids, pals

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved: __________________ Date Approved: __________________

RCVD 11/15/21
ZSE00 - 2021 - 04
OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST
(CORPORATION)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of Miguel Perez /3900 Investment Inc a Florida corporation. being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to Ronald Charles, as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:
CNA, HTA, LPN, RN Review, EKG, Phlebotomy, PCT, A ECG, Daily Aid Review, MA, General Billing and Coding, CPR, ACS, PALS

__________________________
WITNESSES: Mark

Signature
Miguel Perez
Print Name

Signature
Print Name

__________________________
3900 Investment Inc.
Name of Corporation
13941 NW 19th Ave # 1
Address
Aventura, FL 33180

By: President, Vice-President or CEO (circle one)

Sworn to and subscribed before me on the 08 day of 11 2021.
Affiant is personally known to me, or has produced as identification.

Notary

Commission expires: JUNE 26 2023

STATE OF FLORIDA
Owner's Limited Power of Attorney Permitting Applicant to File for the Request (Individual)

State of Florida
County of Miami-Dade

I, Miguel Perez, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to Ronald Charles to file this application for the proposed request.

Legal Description:
Health, CNA, LPN, RN, Resp. Therapy, Dialysis, Physical Therapy, PhD, Psych, Phlebotomy, PTSD, Telemetric, Medical Assistant, Coding, and Billing

Witnesses:
Tchaly Verrier
Signature
Print Name
Tchaly Verrier

Fee Owner's Signature
Miguel A. Perez
Print Name

Address

Sworn to and subscribed before me on the 14 day of 10, 20 Q1.
Affiant is personally known to me or has produced as identification.

Notary
Commission Expires
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Miguel A. Perez
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   13992 NE 12 Ave North Miami FL 33161
2. The Corporation owns the property which is the subject of this request.
3. The subject property is legally described as:

4. Affiant is legally authorized to file this application or the Affiant has authorized Ronald Charles as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

Ichnaly Verrier
Signature
Ichnaly Verrier
Print Name

Affiant's Signature
Miguel A. Perez
Print Name

Signature

Print Name

Sworn to and subscribed before me on the 14 day of 10, 2021. Affiant is personally known to me or has produced as identification.

Notary
Commission Expiration Date

[Stamp]
LETTER OF INTENT

9/3/2021

To: Whom it may concern

I write this letter with the intention to request the approval to use this new place/ 13992 NE 12 Avenue North Miami Florida 33161. I enjoy when people in our community feel happy because they pass their exams. We help them prepare better by reviewing: CNA, LPN, RN, RESPIRATORY THERAPY, DIALYSIS. We also train them to do: IV Therapy, Phlebotomy, ELECTROCARDIOGRAPHY, Medical Assistant, Medical Billing & Coding, PATIENT CARE TECHNICIAN, PHARMACY TECHNICIAN. CPR, ACLS, PALS FOR AMERICAN HEART ASSOCIATION.

Best Regards,

Ronald Charles, Owner of Always Professional Institute.
alwaysprofessionalinstitute@gmail.com
305-492-0817
ALWAYS PROFESSIONAL INSTITUTE. Business Plan
13992 NE 12th Ave, North Miami, FL 33161
To: The Board of Adjustment

From: Derrick Cook, MBA
Acting Director, Planning, Zoning and Community Development

Date: January 19, 2022

SE-02-22: Vocational School Special Exception – 12307 NE 6 Avenue (607 NE 123 St.)

APPLICATION SUMMARY

Applicant/Agent: Schiller Sylvestre
Location: 12307 NE 6th Ave North Miami, FL 33161
Land Area: 9,500 square feet (0.22 acres +/-)
Folio Numbers: 06-2230-032-0330

Petition: A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED EDUCATIONAL – VOCATIONAL SCHOOL AT THE PROPERTY LOCATED AT 12307 NE 6TH AVENUE WITHIN THE C-3 CENTRAL BUSINESS COMMERCIAL; DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

Project summary

According to Land Development Regulations (LDRs), Article 4, Division 2, Section 4-202: Types of Uses, the applicant and authorized agent, Schiller Sylvestre with Sylvestre Security School and Multiservice, LLC, is requesting a special exception review to allow an “educational-vocational” security school. The proposed use will occur within the units generally located at 12307 NE 6th Avenue at the northeast corner of NE 123rd Street and NE 6th Avenue, within the C-3, Central Business Commercial District zoning designation. According to Miami Dade Property Appraiser’s record, the site totals approximately 9,500 square feet with a one-story commercial building constructed in 1949. Throughout the years, the structure experienced multiple expansions that Miami-Dade Appraiser has the total floor area at 10,096 square feet. However, Miami-Dade Appraiser does not identify the structure included a second floor that contains several residential
apartments accessed from an outside staircase. The applicant intends to occupy ground floor bay of approximately 624 square feet to operate a security guard school.

**History**

A search of the City’s zoning records shows numerous building permits and Certificate of Use (CU) processed concerning the property, but no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning District</th>
<th>Existing Use/Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Central Business Commercial (150 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3) and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3 Central Business Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
<td>Central Business Commercial (150 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3) and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3 Central Business Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>Medium Density Residential (75 ft., 16.3 DU/AC)</td>
<td>Medium Density Residential</td>
<td>Multi – Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Central Business Commercial (150 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3) and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3 Central Business Commercial</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>Central Business Commercial (150 ft.), Planned Corridor Development Overlay (As Defined By Policy 1.18.3) and Neighborhood Redevelopment Overlay Boundary</td>
<td>C-3 Central Business Commercial</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

The subject property is located northeast corner of NE 123rd Street and NE 6th Avenue within the C-3, Central Business Commercial zone, Planned Corridor Overlay (PCD) Districts, Neighborhood Redevelopment Overlay Boundary and Arts and Design Overlay District. Figures 1 and 2 illustrate the zoning map and an aerial image of the subject property and its surroundings.

The Remainder of the page intentionally left blank
Figure 1 - Zoning Districts

Figure 2: Aerial Image
CONSISTENCY WITH THE NORTH MIAMI 2036 COMPREHENSIVE PLAN

Commercial/Office – The areas classified as Central Business Commercial on the City’s adopted Future Land Use Map (FLUM) are intended primarily to provide land area for business, office, retail, service, light industrial and other commercial enterprises. Uses permitted in areas classified Central Business Commercial are as follows:

- (Residential) Mixed use;
- Retail uses, including restaurants;
- Office and business uses;
- Professional offices and businesses;
- Community facilities such as schools, museums, places of worship, child and adult daycare centers, nursing homes, governmental administration, police and fire protection facilities, and libraries;
- Passive parks and open space;
- Nonprofit neighborhood social and recreational facilities; and
- Light industrial uses.

The applicant has proposed vocational school is a permitted use in the Central Business Commercial land use through a special exception review and approval by the Board of Adjustment (BOA). The vocational school shall serve as an educational instrument that will serve the community. The applicant’s special exception request conforms to the goals, objectives, and policies of the Comprehensive Plan that supports a special or technical school related to a community facility.

COMPLIANCE WITH THE CITY OF NORTH MIAMI LDRs

Criteria for granting special exceptions according to Article 3, Division 5, Section 3-504 of the LDRs provide authority to the BOA to hear and grant or deny applications for special exceptions. In evaluating an application for such a request, the BOA shall find that the application demonstrates compliance with the following standards:

A. The use is a listed special exception in the district where the property is located.
B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks to assure the public safety and to avoid traffic congestion.
C. There are adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.
D. There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.
E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.
F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.
G. No open code violations or unpaid code enforcement fines exist.

Page 4 of 8
A review of the applicant’s request was performed using a six-prong test based on the standards noted above, as outlined in Section 3-504 of the LDRs. The request is found to comply with all such applicable standards, as demonstrated below.

✔ Is the use a listed special exception in the district where the property is located?

Yes. The Type of Uses chart provided in Article 4, Division 2, Section 4-202 of the LDRs lists, “Educational-Technical, Vocational, Specialty” as a use that is permitted through special exception review and approval by the BOA in the C-3, Central Business Commercial District.

Additionally, the BOA review is specific to the “Educational-Technical, Vocational, Specialty” use. The multi-services element of the business is not under the BOA review. Further, as stated, the property is located within the C-3 zoning district, which pursuant to LDRs, Article 5, Division 22 contains distance limitations of certain uses. The purpose of this division is to regulate the location of hair salons, barbershops, consignment shops, convenience stores, tax preparation businesses, self-storage facilities and other businesses that present concerns of the effect of their location on the aesthetic and economic viability of certain neighborhoods. The city’s C-3 zoning district constitutes the principal area the city’s desires to prevent the saturation and proliferation of such uses within a specific and limited commercial area, in order to obtain a more balanced use of limited commercial zoning area within the central core of the city.

The information is because in the applicant’s letter of intent, the “multi-service” component of the business identifies services governed under Division 22. In that, pursuant to LDRs, Sec. 5-2202, convenience store is defined as a use consisting of the sale of goods, products, materials, or services directly to the consumer from within an enclosed building, including, but not limited to, bill paying services, phone card sales, money transfer services, immigration consulting, notary public, tax preparation services, dollar stores, and laundry or dry cleaning establishments. The applicant references several of the services denoted in the convenient store definition within the scope of business “multi-service” portion.

As such, during the business Certificate of Use approval process, the applicant will be subject to LDRs, Sec. 5-2203, that mandate minimum 1,500 feet separation for convenient store as defined. Therefore, any identified uses of a convenient store will need to meet the 1,500 separation from same or similar uses or a BOA variance will be required to deviate from the distance separation.

✔ Is there appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion?
Vehicular and pedestrian traffic access to the subject property is currently off NE 123rd Street and pedestrian access only from NE 6th Avenue. Overall, the proposed use will not generate any more trips than a typical retail/office use, and will not have any substantial negative impacts on public safety due to unsafe traffic movements, nor heightened pedestrian vehicular conflict.

- Are there adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation?

Yes. Pursuant to LDRs, Article 5, Division 14, Section 5-1402: Schedule of Required Parking, the minimum required parking spaces for, “educational facilities” is one (1) space for each two hundred (200) sq. ft. of gross floor area, which amounts to a total of four (4) spaces for the proposed school.

The subject property’s parking area located off NE 123rd Street services commercial and residential uses that is deficient parking for the use. However, the site represents an existing nonconforming parking situation and the proposed vocational school does not increase the parking requirement nonconformity.

Further, the proposed site exists within the city exempt parking areas. Pursuant to LDRs, Sec. 5-1404, “any redevelopment of an existing structure or change of use on a parcel of land located between the area bounded by the following streets: centerline of 126th Street, 124th Street, 9th Avenue, and Dixie or within two hundred (200) feet of a municipal parking lot shall not be required to provide on-site parking”. The property is located with the designated boundary area, it represents a redevelopment of an existing structure and the property is located approximately 300 feet from municipal parking.

- Is there suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

No. There is no existing landscaping nor fencing on site.

- Is the proposed special exception reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation?

Yes. All basic public services, such as public water, sewer, police, and fire protection, are readily available and currently serve the property at the appropriate level-of-service. The proposed use will not require an extension of public water and sewer lines and will not negatively impact the transportation system.
Will the proposed special exception constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood?

Yes. The proposed vocational school represents an appropriate use for the city core business and arts district.

STAFF RECOMMENDATION

In light of these findings, staff recommends approval with conditions of the requested special exception use in accordance to Article 3, Division 5, Section 3-504: Standards of Approval of the Land Development Regulations (LDRs), to allow an educational – vocational school on the subject property with the following condition:

1. That the applicant shall obtain a Certificate of Use (CU) from the Community Planning and Development Department, upon compliance with all terms and conditions including maintenance of the facility in accordance with the approved plan and each applicable regulations of the county, state and federal agencies; and
2. That the multi-services of the proposed business is subject to the LDRs, Article 5, Division 22.

PUBLIC NOTIFICATION/COMMENTS

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the LDRs, notification of the applicant’s request was published in the Daily Business Review, posted on the property, and mailed to property owners within a 500-foot radius of the subject property.

Mailed Written Notification: 10 January 2022
Published Newspaper Notification: 10 January 2022
Posted Property Notice: 10 January 2022

To date, no comments were received from neighboring property owners within a 500-foot radius.

APPLICABLE LDR SECTIONS

Article 3, Division 3, Section 3-302 (A), (B) and (C): Notice;
Article 3, Division 5, Section 3-504: Standards for Approval;
Article 4, Division 2, Section 4-201 & 4-202: Zoning Districts;
Article 5, Division 1, Section 5-105: Private/Non-Public Educational Facilities and Child Care Facilities; and
Article 7, Section 7-101: Definitions.

ATTACHMENTS

Exhibit A: Application
Exhibit B: Letters of Intent
Exhibit C: Survey
Exhibit D: Floor Plan
Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:
☐ Special Exception
☐ Variance
☐ Appeal by Applicant
☐ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:
Owner's Name: SP5 Enterprises, LLC
Mailing Address: 1377 W. Dixie HWY
City: North Miami State: FL Zip: 33161
Phone #: 305-684-6033 E-mail Address: universalproje@aad.com

APPLICANT/DUALLY APPOINTED AGENT INFORMATION:
Contact Name: Schiller Sylvestre
Company Name: Sylvestre Security School and Multi Service LLC
Mailing Address: 12307 NE 6TH AVE
City: North Miami State: FL Zip: 33161
Phone: 305-336-3152 E-mail Address: ssylvestre68@gmail.com

PROJECT INFORMATION:
Project Name: 
Address of Property: 
Folio Number(s): 

Size of Property: Building Square Footage:

LEGAL DESCRIPTION:


PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:

Date Approved:
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Dr. Smith Joseph  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
   607 NE 123 St.  N. Miami, FL. 33161

2. The Corporation owns the property which is the subject of this request.

3. The subject property is legally described as:
   Griffin Biscayne Park ESTS- BLK 12 PB 6-170

4. Affiant is legally authorized to file this application or the Affiant has authorized ___________________________ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

Christine Fontelina
Signature
Christine Fontelina
Print Name

Tamera Jean Pierre
Signature
Tamera Jean Pierre
Print Name

Sworn to and subscribed before me on the Monday, 25th day of 2021.
Affiant is personally known to me or has produced ___________________________ as identification.

Notary

Commission Expires:

EDDY COLAS  
Notary Public - State of Florida  
Commission # HH 169179  
My Comm. Expires Aug 24, 2023  
Bonded through National Notary Assn.
OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST

(CORPORATION)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of SPS Enterprises, LLC, a Florida (state) corporation, being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to:

SPS Enterprises, LLC

as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:
Mixed Use Rental Property

WITNESSES:

Signature
Tamara Jean-Piercy
Print Name
Christine Fortun
Signature
Christine Fortun
Print Name

Sworn to and subscribed before me on the ___ day of Wednesday, 27, 2001, as identification.

Notary Eddy Colas

Commission Expires:

EDDY COLAS
Notary Public - State of Florida
Commission # MH 169179
My Comm. Expires Aug 24, 2029
Bonded through National Notary Assn.
November 7th, 2021

From: The owner, SYLVESTRE Schiller
        Business name, Sylvestre Security School & Multi Service LLC

To: Whom it may concern

Object: Provide Business information (followed of my application intent to open a business)

Sr. / Madam:

The purpose of this letter is to provide information about my business. My name is Schiller SYLVESTRE, Id number: S412-780-71-290-0; I am the owner of Sylvestre Security School & Multi Service LLC. The business that I intent to open at 607 NE 123 St, Unit 12307, North Miami, Fl 33161 will be open on Monday to Sunday (7 days a week) From 8:00 AM to 9:00 PM (13 hours a day).

The business content the following services: One part will be use for the Security School, the other for the Multi Service such as documentary services (copy, printing, impression, Notary Public, Plasticization), Money transfer, Bill payment (water, electricity), Boss revolution and Digicel (minutes), Lock Smith, Sale (Snacks and drinks for students on break time).

I appreciate the opportunity to provide this information. Should you have any questions or need more information, my phone number is (305) 336-3152.

Sincerely yours,

Sylvestre Security School & Multi Service
Schiller SYLVESTRE
Phone number (305) 336-3152
607 NE 123 St, Unit 12307
North Miami, FL 33161
ssylvestre68@gmail.com