



**NORTH MIAMI BOARD OF ADJUSTMENT MEETING AGENDA  
VIRTUAL MEETING**

**WEDNESDAY, August 19<sup>th</sup>, 2020, 2:00 PM**

**Meeting access link:** <https://www.gotomeet.me/NOMICPD/boameeting-08-19-2020>

**Dial in:** (312) 757-3121

**Access Code:** 123-671-205

**I. 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 DULY 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 INTERESTED 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: January 15<sup>th</sup>, 2020**

**III. COMMUNICATIONS: BOARD MEMBER ROSTER UPDATE**

**IV. CONTINUED PETITIONS: NONE**

**V. NEW PETITIONS:**

**V-02-20 VARIANCE TO ALLOW AN ADA RAMP TO ENCROACH IN THE FRONT AND SIDE SETBACKS – 1840 NE 144 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 AN AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBLE RAMP TO ENCROACH WITHIN THE FRONT REQUIRED SETBACK OF 20 FEET AND SIDE REQUIRED SETBACK OF 15 FEET AT THE PROPERTY LOCATED AT 1840 NE 144 STREET WITHIN THE M-1 INDUSTRIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**

**V-03-20 SPECIAL EXCEPTION TO ALLOW A CHILD CARE CENTER (6+) – 13381 MEMORIAL HIGHWAY**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS (LDRs) TO ALLOW A PROPOSED CHILD CARE CENTER (6+) AT THE PROPERTY LOCATED AT 13381 MEMORIAL HIGHWAY IN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS**

**VI. OLD BUSINESS: NONE**

**VII. NEW BUSINESS: NONE**

**VIII. ADJOURNMENT:**

Members of the public are invited to attend the virtual Public Hearing and provide oral or written comments on any item. Comments which must include your full name and address, may be provided in advance of the hearing via telephone at 305-895-9803, or by sending an email to [publiccomment@northmiamifl.gov](mailto:publiccomment@northmiamifl.gov). Comments received by 10 a.m., August 19, 2020, will be read into the record during the hearing. Comments received after the deadline will become part of the record, but will not be read during the hearing.

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. 19012 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.**

MINUTES  
 NORTH MIAMI BOARD OF ADJUSTMENT  
 6:30 P.M.  
 WEDNESDAY, JANUARY 15, 2019  
 COUNCIL CHAMBERS

The meeting was called to order at 6:36p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present	Excused	Absent
1.	Roseline Philippe <small>Chair</small>	X		
2.	Michael McDearmaid <small>Vice Chair</small>	X		
3.	Holly Cohen	X		
4.	Cassandra Arnold	X		
5.	Lumana Joseph	X		

**Staff was represented by:**

Derrick Cook, MBA, Zoning Manager  
 Lorna Louis-Pierre, Senior Planning Technician  
 Gary Held, Consulting Land Use Attorney  
 Jennifer Warren, Deputy City Attorney

**I. Assembly and Organization:** None

**II. Amendments to the Agenda:** None

**III. Approval of Minutes:**

A motion to approve the minutes from the meeting on June 19, 2019 was made by Vice Chair McDearmaid, seconded by Board member Arnold. The minutes were unanimously approved.

**IV. Communications:**

Vice Chair McDearmaid advised the board that he was contacted by neighboring residents in opposition of petition V-01-20.

**V. Continued Petitions:** None

**VI. New Petitions:**

**V-01-20 REFLEXIONS FUNERAL HOME - 13455 WEST DIXIE HIGHWAY**

**SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS (LDRS) TO ALLOW A PROPOSED FUNERAL HOME AT THE PROPERTY LOCATED AT 13455 WEST DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.**

**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 DEVIATION OF THE REQUIRED PARKING SPACE SETBACK FROM THE EDGE OF THE CURB ON THE PROPERTY LOCATED AT 13455 WEST DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**

Zoning Manager, Mr. Derrick Cook, introduced the new Board Secretary, Lorna Louis-Pierre. Mr. Cook provided an update regarding the petition for a variance advising that it would not be needed for this non-conforming site. He continued with providing a brief synopsis of previous hearings of this item before the Board of Adjustment and City Council. Mr. Cook proceeded to read the title into record and summarized the staff report as well as the department’s recommendations for approval of this item with the conditions as follows; that the business obtain a Certificate of Use and Business Tax Receipt from the City; the site plans are approved by the City’s Development Review Committee(DRC); a parking license agreement is reviewed and approved by City staff; and a permit for embalming must be obtained from Miami-Dade County.

Consulting Land Use Attorney, Gary Held, advised the Board that an additional condition that he discussed with City staff that the board may considered imposing; the applicant shall return before the Board within one year

Applicant, Frank Wolland, Esq. on behalf of Reflexions Funeral Home, discussed the special exception request for his client’s proposed funeral home. Mr. Wolland provided details for the funeral home’s day to day operations with emphasis that if there are large funeral services it will take place at a local church to accommodate the size. Mr. Wolland also into detail of the on-site parking and the proposed off-site parking agreement.

Applicant, Mr. Pierre of Reflexions Funeral confirmed on record that the description of the operations provided by Mr. Wolland is accurate.

Public Hearing: A total of six residents and one neighboring business owner came forward to the podium to oppose the project. The concerns included: The proposed funeral home will bring down the property value of neighboring homes; it will disturbed the walkability of the neighborhood; there is not sufficient parking on the site to accommodate funeral services; that

even with a parking agreement there would still be those that attend the services who will illegal park in the swales; and that there are already too many funeral homes on West Dixie Highway. One resident came forward to the podium in support of the special exception request for Reflexions Funeral Home.

Board Discussion: Chair Philippe expressed that she understands the concern of the walkability from the off-site parking lot to the funeral home but believes it can be done. Also mentioned that with large viewing and funeral services it can be considered using a local church instead of using the funeral home. Board member Arnold expressed that she is conflicted as she is for businesses coming into the city but is concerned about the parking and wanted to know if the viewing and some services can be contracted out. Chair Philippe advised that it could be at the discretion of the funeral director to seek another site for larger services. Board member Cohen expressed her concerns of intervening with the day to day operations of the business. Also mentioning that she didn't see how the site's parking lot could accommodate the business needs as there are at least one hundred seats being shown. Ms. Cohen didn't feel that it would bring that the proposed funeral home would bring in business and jobs to the City. Vice Chair McDermid had some questions regarding the embalming license and inquired if security would be provided for those walking from the off-site parking lot. Mr. Frank Wolland, Esq. and Mr. Pierre, advised that all permits for the embalming will be acquired and that attendants will be on site to direct those parking in off-site parking lots. Mr. Wolland advised that some neighboring business have verbally agreed to allow off-site parking at their locations after business hours. Board member Joseph stated that her only concern was the parking. Mr. Wolland, expressed that the site has the number of parking spaces required by the City but is providing additional parking to respond to the concerns. Mr. Gary Held addressed the board and presented the guidelines in making a decision for the Special exception request.

Board motioned for approval the special exception to allow the use for a funeral home with conditions at 13455 West Dixie Hwy. Motion was made by Vice Chair McDermid and seconded by Board member Joseph. **Motion was passed 4-1.**

**VII. Committee reports:** None

**VIII. Old business:** None

**IX. New business:** None

**X. ADJOURNMENT**

The motion for adjournment was made by Vice Chair McDermid and seconded by Board Arnold. The meeting adjourned at 8:07p.m.

Respectfully submitted:

Attest:

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Roseline Philippe, Chairperson  
Board of Adjustment

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Derrick Cook, MBA, Zoning Manager  
Community Planning & Development

Prepared by:

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Lorna Louis- Pierre, Senior Planning Technician  
Community Planning & Development



## AMENDED NOTICE OF VIRTUAL PUBLIC HEARING

### CITY OF NORTH MIAMI, FLORIDA

AN AMENDED NOTICE IS HEREBY GIVEN that the City of North Miami, Florida Board of Adjustment proposes to review the following items for Board action:

**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 AN AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBLE RAMP TO ENCROACH WITHIN THE FRONT REQUIRED SETBACK OF 20 FEET AND SIDE REQUIRED SETBACK OF 15 FEET AT THE PROPERTY LOCATED AT 1840 NE 144 STREET WITHIN THE M-1 INDUSTRIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS (LDRs) TO ALLOW A PROPOSED CHILD CARE CENTER (6+) AT THE PROPERTY LOCATED AT 13381 MEMORIAL HIGHWAY IN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.**

~~**SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS (LDRS) TO ALLOW A PROPOSED FUNERAL HOME AT THE PROPERTY LOCATED AT 13455 WEST DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.**~~

~~**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 DEVIATION OF THE REQUIRED PARKING SPACE SETBACK FROM THE EDGE OF THE CURB ON THE PROPERTY LOCATED AT 13455 WEST DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**~~

The Board of Adjustment will hold a Virtual Public Hearing for the proposed applications on Wednesday, August 19<sup>th</sup>, 2020 at 2:00 p.m. via GoToMeeting. PLEASE NOTE: City Council Chambers is not open for public hearings.

To log onto the virtual public hearing, go to the following web address at the date and time indicated above: <https://www.gotomeet.me/NOMICPD/boameeting-08-19-2020> or you can also dial in: (312) 757-3121; Access Code: 123-671-205.

Members of the public are invited to attend the virtual Public Hearing and provide oral or written comments on the matter. Comments, which must include your full name and address, may be provided in advance of the hearing via telephone at 305-895-9803, or by sending an email to [publiccomment@northmiamifl.gov](mailto:publiccomment@northmiamifl.gov). Comments received by 10 a.m., August 19, 2020, will be read into the record during the hearing. Comments received after the deadline will become part of the record, but will not be read during the hearing.

If you do not have internet access, you may call 305-893-6511, Ext. 19004 to ask questions about the item. A copy of the staff report containing the Community Planning and Development Department’s recommendation is available online at: <http://northmiamifl.gov/boa08192020>; and is available for public review from Monday to Friday between the hours of 8:15 a.m. and 12:30 p.m. in the City Clerk’s Office, City Hall.

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING**

**SHOULD CONTACT THE COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19012, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.**



## NOTICE OF PUBLIC HEARING

July 28, 2020

Dear Property Owner:

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

**V-02-20      VARIANCE TO ALLOW AN ADA RAMP TO ENCROACH IN THE FRONT AND SIDE SETBACKS – 1840 NE 144 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 AN AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBLE RAMP TO ENCROACH WITHIN THE FRONT REQUIRED SETBACK OF 20 FEET AND SIDE REQUIRED SETBACK OF 15 FEET AT THE PROPERTY LOCATED AT 1840 NE 144 STREET WITHIN THE M-1 INDUSTRIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**

The Board of Adjustment will hold a Virtual Public Hearing for this request on **Wednesday, August 19, 2020 at 2:00 p.m. via GoToWebinar.** Please note, the Council Chambers is not open to public hearings. To log onto the virtual public hearing, go to the following web address at the date and time indicated above: <https://www.gotomeet.me/NOMICPD/boameeting-08-19-2020> or you may dial in at: (312) 757-3121, using access code: 123-671-205.

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. A copy of the application and report containing the Community Planning and Development Department’s recommendation is available online at <https://www.northmiamifl.gov/AgendaCenter/Board-of-Adjustment-2>, or upon request to the Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derrick L. Cook", is written over a large, stylized blue scribble.

Derrick L. Cook, MBA  
Zoning Manager  
Community Planning & Development

12400 NE 8 Avenue | North Miami | Florida | 33161

Telephone 305.895.9825

Fax: 305.895.4074

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• PRETTY YOU •  
LONDON

1840

**NORTH MIAMI**  
FLORIDA

Community Planning and Development Department  
12400 NE 8 Avenue, North Miami, FL 33161

**BOARD OF ADJUSTMENT  
NOTICE OF VIRTUAL PUBLIC HEARING**

Phone: 305-895-8825, Community Planning  
and Development Department

Hearing Date: Wednesday, August 19, 2020

Hearing Time: 2:00 p.m.

Hearing Location: GoTo Meeting Online  
URL: <https://www.gotomeet.me/NOMICPD/bia/meeting-08-19-2020>  
or dial in at: (312) 757-3121, using access code 123-671-205

Applicant: Matilde E. Reyes, Bal Harbour Village  
1840 NE 144 Street

**ACTION REQUESTED: A VARIANCE TO ARTICLE 4,  
DIVISION 2, SECTION 4-203 OF CHAPTER 20 OF THE  
CITY OF NORTH MIAMI CODE OF ORDINANCES (LAND  
DEVELOPMENT REGULATIONS (LDRS)) TO ALLOW AN  
AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBLE  
RAMP TO ENCRACK WITHIN THE FRONT REQUIRED  
SETBACK OF 20 FEET AND SIDE REQUIRED SETBACK OF  
15 FEET AT THE PROPERTY LOCATED AT 1840 NE 144 STREET  
WITHIN THE 36th INDUSTRIAL DISTRICT, SAID VARIANCE TO BE  
REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3,  
DIVISION 5, SECTION 3-006 OF THE LDRS**

This notice must be posted on the property  
prior to the City Council Meeting.



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To: The Board of Adjustment**

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

**Date: July 7, 2020**

**V-02-20: VARIANCE FOR AN ADA ACCESSIBLE RAMP – 1840 NE 144 STREET**

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**APPLICATION SUMMARY**

Applicant/Agent: Matilde E. Reyes of Bal Harbour Village  
Location: 1840 NE 144<sup>th</sup> Street, North Miami, FL 33181  
Land Area: 24,500 square feet (0.5 acre mol)  
Folio Number: 06-2221-006-0250

**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 AN AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBLE RAMP TO ENCROACH WITHIN THE FRONT REQUIRED SETBACK OF 20 FEET AND SIDE REQUIRED SETBACK OF 15 FEET AT THE PROPERTY LOCATED AT 1840 NE 144 STREET WITHIN THE M-1 INDUSTRIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.**

**PROJECT SUMMARY**

The applicant, Matilde Reyes, authorized agent, is requesting a hardship relief from Article 4, Division 2, Section 4-203: Minimum Standards of Development, of the Land Development Regulations (LDRs), for property located at 1840 NE 144<sup>th</sup> Street (south of NE 144<sup>th</sup> Street, east of NE 18<sup>th</sup> Avenue). The applicant is currently remodeling and developing the 24,500 square foot site, with an existing “industrial-light” building, erected in 1954 per Miami Dade Property Appraiser’s record. Upon remodeling the building, the applicant intends to affix an Americans with Disabilities Act (ADA) compliant ramp to create a path of travel for access to and from the existing building. The ramp will protrude into the required front setback that is 20 feet, and side setback that is 15 feet, within the M-1 industrial zoning district according to Section 4-203.

## **BACKGROUND**

The applicant underwent permits in order to renovate the existing site for business and storage needs as the new Bal Harbour Operations Facility. The applicant intends to use the existing manufacturing building as an office for four to five members, equipment storage, and the improved parking area for fleet vehicles when not in use. The proposed improvements on the site are permitted through an Administrative Site Plan review.

On May 28, 2020 the City of North Miami, Community Planning and Development Department received an Administrative Site Plan Review application for the subject property. Upon reviewing the application, staff noted that the proposed ramp does not meet the setbacks of the principal building based upon the minimum standards of development for the M-1 industrial zoning district. According to Section 4-203 (B): Non-residential Districts the minimum front setback for M-1 shall be twenty (20) feet and the minimum side setback shall be fifteen (15) feet.

The property is approximately 24,500 square feet, and the 5,523 square foot building's existing setbacks are 24.92 feet in the front and 5 feet on the side. Upon affixing the proposed ramp, the setbacks will thereafter be 7.03 feet in the front and will maintain the existing 5 foot setback on the side. As a result the ramp will encroach approximately 18 feet into the required front setback and 10 feet into the required side setback.

The applicant is seeking a reasonable modification to grant a variance for zoning setbacks.

## **PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY**

1. **BBC00-2020-0011:** Building permit dated, January 23, 2020 for interior remodel of existing warehouse/office building, resurface and restripe parking lot and complete reroof. Permit was issued May 26, 2020 only for interior work.
2. **BSWPD-2020-00001:** Building permit dated, May 21, 2020 for resurface of existing driveway and parking, and adding additional parking spaces.
3. **ZASPO-2020-00006:** Administrative Site Plan Review dated, May 28, 2020 to remodel, increase the building's gross floor area, increase the gross impervious area of the site, and add parking spaces, landscaping and any associated infrastructure improvements. Staff routed for comments and provided feedback on June 9, 2020.
4. The subject property has no open code violations.

## **SURROUNDING LAND USE CHARACTERISTICS**

<b>Property</b>	<b>Future Land Use</b>	<b>Existing Zoning</b>	<b>Existing Use/Subdivision</b>
<b>Site</b>	Industrial	M-1 Industrial	Light Manufacturing / Office / Storage
<b>North</b>	Industrial	M-1 Industrial	Light Manufacturing / Mineral Processing
<b>South</b>	Industrial	M-1 Industrial	North Miami Motor Pool / Light Manufacturing
<b>East</b>	Industrial	M-1 Industrial	Light Manufacturing / Warehouse / Storage

West	Industrial	M-1 Industrial	Retail / Warehouse / Storage
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The subject property is zoned M-1, Industrial. The surrounding properties are located within the M-1 Industrial zoning district which runs primarily along the Florida East Coast (FEC) Railway and provides an array of industrial related uses such as, manufacturing, warehouse and storage in the City. Figures 1 and 2 illustrate the zoning map, and an aerial image of the subject property and its surroundings, respectively.

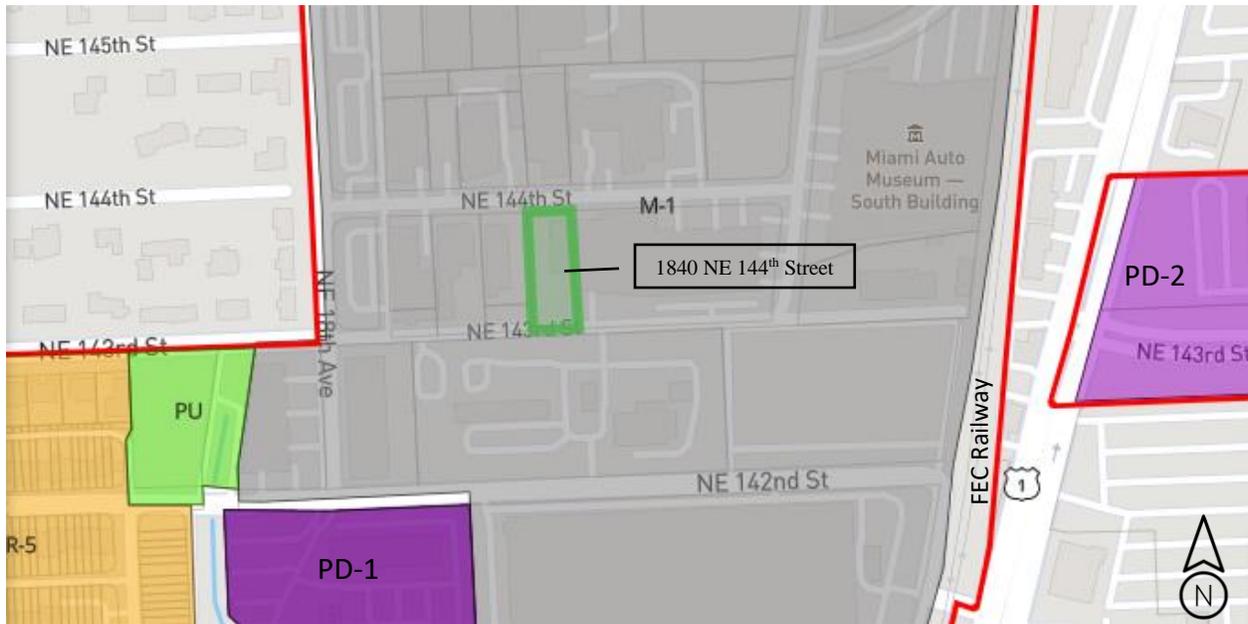


Figure 1: North Miami Zoning Map



Figure 2: Aerial Map

## OVERVIEW OF REQUEST

At this time, the applicant is requesting a variance to allow the ramp to encroach within the required front and side setbacks, as highlighted on the proposed site plan in which 20 feet from front and 15 feet from side property lines are required in accordance to LDR Section 4-203(B).

## ANALYSIS

Article 3, Division 6, Section 3-606 of the City's LDRs authorizes the Board of Adjustment (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.

*Recognizing the building was constructed in 1954 (note, the surrounding buildings where constructed in the 1950's as well) and the Americans with Disability Act (ADA) was signed into law on July 26, 1990, the building is in violation of the federal law. Though the variance request is not a result of any unique condition of the property but rather the evolving decrees have created a special circumstance for this site. Refraining from demolishing and building anew, the suitable location for the ramp is towards the front of the building, where the disabled parking space is located. Due to the elevated floor level of the existing structure at three (3) feet above grade, the ramp requires alternations to comply with the elevation to access the building.*

*It is important to note, the rear of building is intended for a loading dock/bay, and there are no points of ingress/egress on the sides (east/west) of the building. The awareness to comply with ADA regulations has necessitated this variance that is peculiar to the building, but is not applicable to other lands, structures or building in the same zoning district (M-1), keeping in mind the following item.*

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.

*No, as stated above the unusual circumstance is unique to the subject property/building. Upon conducting a site visit of the area, it can be noted that a few buildings have elevated entrances, but may be providing access elsewhere. Without a current survey and proper inspection of the area, it is difficult to say whether the properties comply with the current LDRs, ADA regulations and/or the Florida Building Code.*

*The applicant for the subject property is doing their part to remedy the accessibility to the building by renovating, and improving the site.*

- 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.

*Upon improving the site and currently undergoing the Administrative Site Plan Review process, the proposed ramp encroaching into the setbacks is surrounded by proposed landscaping. This will provide a screening from the roadway (NE 144 Street) and buffering for the pedestrians from the existing concrete sidewalk.*

- The literal interpretation of the provisions of these LDRs would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.

*Yes, the literal interpretation of the provisions of these LDRs, pursuant to Section 5-101 states that an accessory structure shall be subject to the same regulations that apply to the principal building in each district. Consequently per Section 4-203, the minimum and applicable standards for a principal building located within the M-1 Industrial zoning designation are as follows:*

<b>Zoning District</b>	<b>Minimum Setbacks (feet)</b>			<b>Maximum Lot Coverage</b>
	<i>Front</i>	<i>Side</i>	<i>Rear</i>	
<b>M-1</b>	20	15	15	75%

*The above-mentioned provisions would deprive the applicant the capability to affix the ramp to the existing building. In addition, the ramp shall be separated/pushed away from the building at a minimum of ten feet according to the Florida Fire Prevention Code of Miami Dade County. As a result, the ramp protrudes into the existing building’s front setback that is approximately twenty-five feet.*

*More than that, the ramp will protrude into the required side setback that is fifteen feet. Based on the survey of the subject property, the existing building is nonconforming, in that its minimum side setback is less than 15 feet as required and is approximately five feet. Pursuant to Article 6, Division 1 (D), the literal interpretation states that, nonconforming structures shall not be expanded beyond twenty-five percent of the existing gross floor area of the building (that is 5,618 square feet), “providing that all other nonconformities either created as a result of the expansion or existing shall be brought into conformity to the best extent physically possible”.*

*The ramp’s size is drastically below 1,404 square feet (25% mark), the ramp cannot possibly meet the required front and side setbacks based on the actual location of the building in its zoning district, compelling the applicant’s request for a variance allowing equal access for all to enjoy the provisions of the property.*

- The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.

*Yes, the variance requested is a reasonable modification to avoid discrimination on the basis of a person's abilities.*

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, the variance requested conforms to the goals, objectives and policies of the Comprehensive Plan, and the regulations of the LDRs. The intent is to create a more accessible building compliant with ADA regulations and to uphold the provisions of the LDRs, "to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare and quality of life in the City of North Miami".*

### **STAFF RECOMMENDATION**

In light of these findings, staff recommends approval of the requested variance from Article 4, Division 2, Section 4-203: Minimum Standards of Development of the Land Development Regulations (LDRs), to allow the ADA compliant ramp to encroach within the required front (northern) setback that is 20 feet, and side (eastern) setback that is 15 feet within the M-1 industrial zoning district, to have a setback of 7.03 feet in the front and 5 feet setback on the side.

### **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:	August 3, 2020
Published Newspaper Notification:	August 7, 2020
Posted Property Notice:	August 7, 2020

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);  
Article 3, Division 6, Section 3-606 (A) and (B);  
Article 4, Division 2, Section 4-203;  
Article 5, Division 1, Section 5-101 (C); and  
Article 6, Division 1 (D).

### **ATTACHMENTS**

Exhibit A: Application  
Exhibit B: Letter of Intent  
Exhibit C: Survey  
Exhibit D: Proposed Site 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: Bal Harbour Village  
 Mailing Address: 655 -96 Street  
 City: Bal Harbour State: FL Zip: 33154  
 Phone #: 305-297-8549 E-mail Address: jgonzalez@balharbourfl.gov

**APPLICANT/DULY APPOINTED AGENT INFORMATION:**

Contact Name: Matilde E. Reyes  
 Company Name: Bal Harbour Village  
 Mailing Address: 655 -96 Street  
 City: Bal Harbour State: FL Zip: 33154  
 Phone: 305-297-8549 E-mail Address: mreyes@balharbourfl.gov

**PROJECT INFORMATION:**

Project Name: Bal Harbour Operations Facility Remodeling  
 Address of Property: 1840 NE 144 ST, North Miami, FL 33181  
 Folio Number(s): 06-2221-006-0250

Size of Property: 24,500 Sq. Ft. Building Square Footage: 5618 Sq. Ft.

**LEGAL DESCRIPTION:** BENNETT IND SITES 1ST ADDN PB 53-11 LOT 4 BLK 2 & E100FT OF W400FT OF TRACT H & 20FT OF NE 143 ST LYGS & ADJ CLOSED PER R-84-61 LOT SIZE 24500 SQ FT COC 21775-1167 10 2003 6

**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 Jorge M. Gonzalez, Village Manager  
\_\_\_\_\_ 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:  
655 -96 Street, Bal Harbour, Florida, 33154
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 Matilde E. Reyes  
\_\_\_\_\_ 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:**

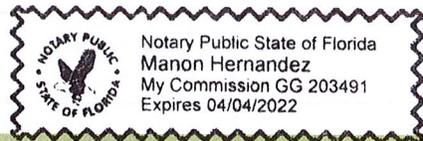
Dolores M. Mejia  
Signature  
Dolores M. Mejia  
Print Name

Jorge M. Gonzalez  
Affiant's Signature  
JORGE M. GONZALEZ  
Print Name

Mano Escara  
Signature  
MANO ESCARA  
Print Name

Sworn to and subscribed before me on the 21 day of May, 2020.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Mano Escara  
Commission Expires: \_\_\_\_\_





**OWNER'S SWORN-TO-CONSENT PERMITTING APPLICANT TO FILE FOR A REQUEST (CORPORATION)**

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

On behalf of Bal Harbour Village, a Florida municipality (state) corporation, Jorge M. Gonzalez 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 consent to Matilde E. Reyes, as applicant, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES:**

Dolores M. Mejia  
Signature

Dolores M. Mejia  
Print Name

[Signature]  
Signature

MAURICIO ESCARRA  
Print Name

BAL HARBOUR VILLAGE  
Name of Corporation

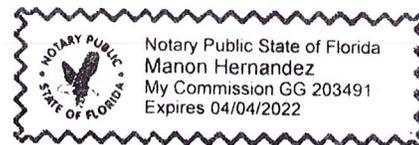
655 -96 Street, Bal Harbour, Florida 33154  
Address

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

Sworn to and subscribed before me on the 21 day of May, 2020.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary [Signature]

Commission Expires:





1001 SW 67 AVE, STE 102  
Miami, FL 33144-4756  
(305) 894-6605 OFFICE  
(786) 347-7692 FAX

email: info@arm-architect.com  
website: www.arm-architect.com  
Florida License Number AA26001833

June 24, 2020

**Board of Adjustment**

City of North Miami  
12800 NE 8 AVE  
North Miami, FL 33161

**RE: 1840 NE 144 ST – Board of Adjustment Public Hearing Application for Variance – Statement of Hardship**

Dear Board of Adjustment:

The variance we are requesting is to allow an accessible ramp in the required front yard to provide both access and a means of egress to and from the proposed operations facility within an existing building for persons with physical disabilities and to fulfill the requirements of the 1990 Americans With Disabilities Act and the Florida Building Code, Accessibility (2017), 6<sup>th</sup> Edition.

The floor level of the existing structure proposed to be altered as required for the proposed operations facility is approximately 3'-0" above grade. The existing concrete ramp located at the west side of the building was not compliant with current accessibility code requirements; it was too steep and too narrow. The existing concrete ramp was adjacent to the paving for vehicle traffic at the side of the building, not the front, and did not provide a safe or equal entry experience for people with disabilities.

The following are four of the six standards applicable to this project:

***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.***

It is our opinion that the proposed ramp maintains the basic intent and purpose of the subject regulations, particularly as it affect the stability and appearance of the city. Although the proposed ramp is considered an accessory structure which must comply with the same setback requirements as the principal building it is also a structure which is, at its highest point (excluding guards) only 3'-0" high above grade. The proposed ramp will also be screened by landscape which will further reduce the physical impact of the proposed ramp on the front yard of the building. The ramp is separated by 10'-0" from the existing building due to requirements of the current Florida Fire Prevention Code and comments enforcing this code from the Miami Dade County Fire Department.

***The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.***

June 24, 2020

Page 2 of 2

This land is reasonably used given its limitations. The west side of the property is the only side which may be reasonable used for parking and ingress/egress. A ramp should not be located in this area because it will limit the required drive aisle width for vehicles. Also, this area is dangerous for an accessible ramp due to proximity to moving vehicles. Due to space limitations the east side of the property cannot be reasonable used for the location of a ramp. The rear of the lot, the south side, is most reasonably used for parking and for the area designated for receiving and for staging. A ramp simply would not function well there. The front yard of the property is only reasonable location for the ramp. It provides the disable person an equal experience of entry into the building which is safe and logical.

***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.***

The life safety and welfare of the users is the primary purpose of any development code. It is our opinion that the location of the proposed ramp is most conducive to the life safety and welfare of the users and that the proposed ramp will be essentially in harmony with the general intent and purpose of North Miami's land development regulations. The location of the proposed ramp will in no way be injurious to the area involved.

***No variance may be granted if the property has any open code violations or unpaid code enforcement fines, except that the granting of a variance whose purpose is to cure or assist in curing a code violation shall be permitted.***

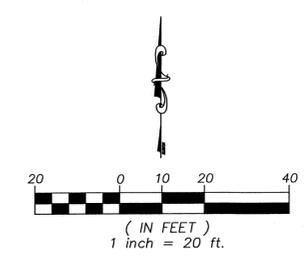
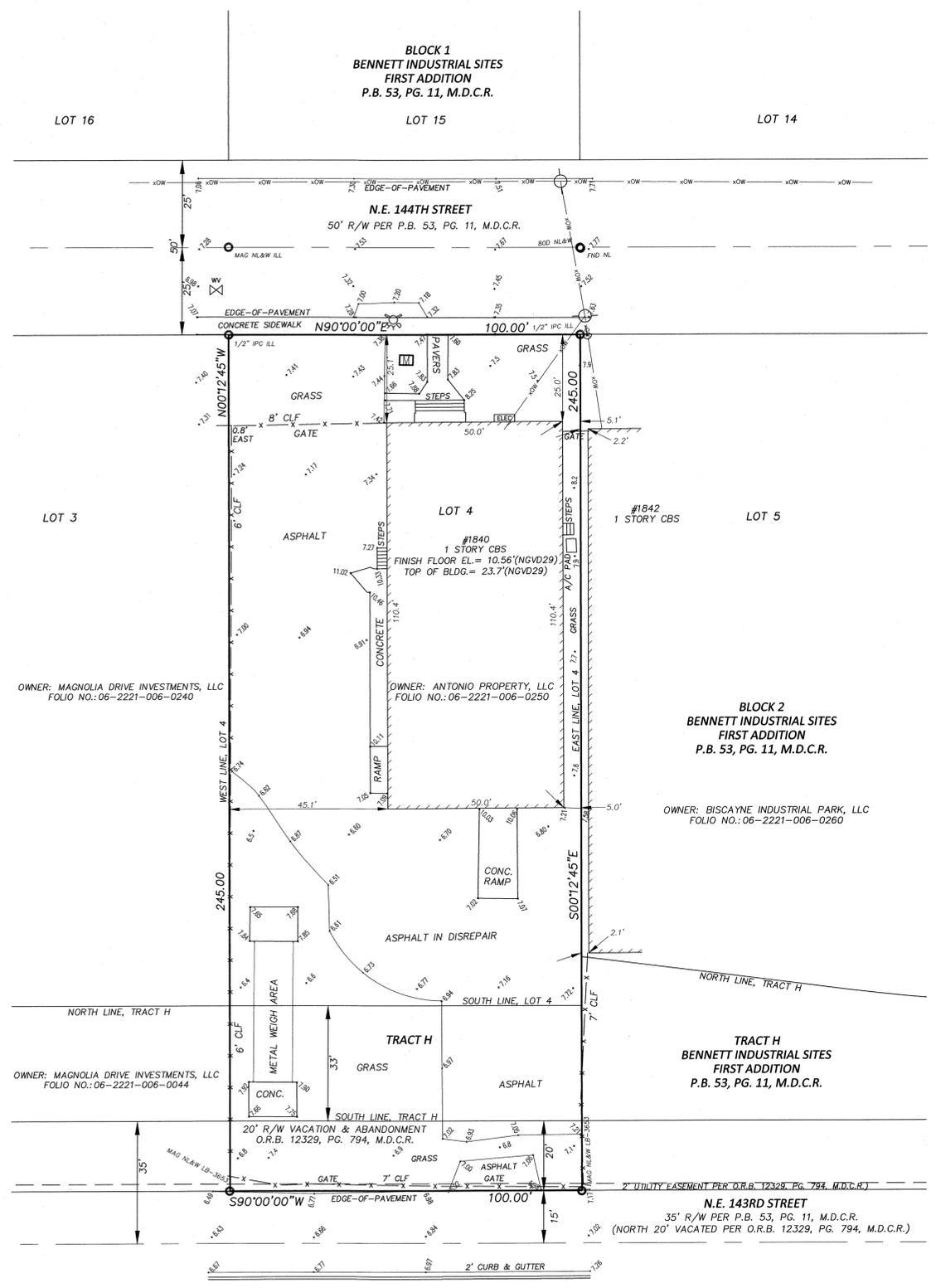
Although there isn't a formal code violation on this property, it is our opinion that the property as it existed regarding accessibility was not up to code and therefore a liability. Given that this building is for municipal use and of a public nature, we did not want to occupy a building with non-compliant accessibility for ingress and egress susceptible to lawsuits and an unsafe condition but more importantly we wanted to provide a safe and legal way to access and egress the renovated building.

Sincerely,



Amilcar R. Melendez, RA  
President – ARM Architect PA  
Florida Registration - AR 93063

File Name: P:\Projects\2017\179868 Bal Harbour Engineering Services\179868.20 BHV - ALTA Survey 1840 NE 144th Street\Survey\SKETCH\17-9868-BS-Bal Harbour-1840 NE 144 Sl.dwg - (Plotted by: Steve Watts on Friday, December 7, 2018 9:05:57 AM)



**ABBREVIATIONS**

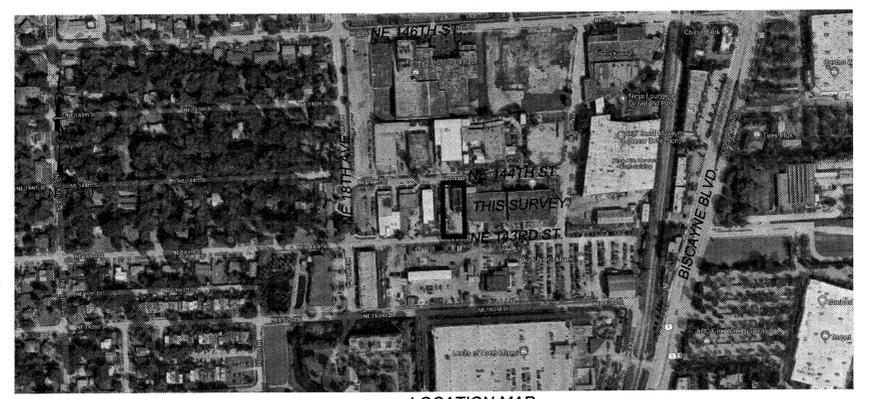
- NO. = NUMBER
- CONC. = CONCRETE
- P.B. = PLAT BOOK
- PG. = PAGE
- M.D.C.R. = MIAMI-DADE COUNTY RECORDS
- LB = LICENSED BUSINESS
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- R/W = RIGHT-OF-WAY
- PRM = PERMANENT REFERENCE MONUMENT
- O.R.B. = OFFICIAL RECORDS BOOK
- NAVD88 = NORTH AMERICAN DATUM OF 1988
- IP = IRON PIPE
- IR = IRON ROD
- IRC = IRON ROD & CAP
- CLF = CHAIN LINK FENCE
- CL = CENTERLINE
- BLDG. = BUILDING
- CBS = CONCRETE BLOCK W/ STUCCO
- EL. = ELEVATION
- NGVD29 = NATIONAL GEODETIC VERTICAL DATUM OF 1929

**SYMBOL LEGEND**

- [Symbol] = CURB INLET
- [Symbol] = ELECTRIC HANDHOLE
- [Symbol] = ELECTRIC METER
- [Symbol] = GUY WIRE ANCHOR
- [Symbol] = GROUND LIGHT
- [Symbol] = LAMP POST
- [Symbol] = FIRE HYDRANT
- [Symbol] = METAL LIGHT POLE
- [Symbol] = OVERHEAD WIRES
- [Symbol] = IRON PIPE
- [Symbol] = IRON ROD
- [Symbol] = IRON ROD & CAP
- [Symbol] = SIGN
- [Symbol] = WATER METER
- [Symbol] = MONITORING WELL
- [Symbol] = WOOD POWER POLE
- [Symbol] = WATER VALVE

**REPORT OF BOUNDARY SURVEY - ALTA/NSPS LAND TITLE SURVEY**

1. Calvin, Giordano & Associates, did not research title for this property and the easements and legal description as shown hereon are per Old Republic National Title Insurance Company, Commitment for Title Insurance, File Number: 18-13-016, Commitment Date: May 8, 2018 at 8:00 A.M.
2. Not valid without the signature and original raised seal of a Florida Licensed Surveyor & Mapper
3. Underground improvements and/or encroachments were not located with this survey unless otherwise shown.
4. Unless otherwise noted hereon, record and measured values are in substantial agreement.
5. This survey is classified as commercial/high risk and exceeds the minimum relative distance accuracy of 1 foot in 10,000 feet as required by the Standards of Practice requirements for Surveying and Mapping in the State of Florida per Chapter 5J-17.050 through 5J-17.052 F.A.C., the accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.
6. The horizontal features shown hereon are plotted to within 1/20 of the map scale and the horizontal feature location is to the center of the symbol and may be enlarged for clarity.
7. Horizontal data shown hereon was obtained utilizing a "TOPCON GPT2005" Total Station and "TDS-RANGER" Data Collection System.
8. Bearings shown hereon are assumed and referenced to the centerline of N.E. 143rd Avenue as shown on the plat of BENNETT INDUSTRIAL SITES FIRST ADDITION as recorded in Plat Book 53, Page 11, M.D.C.R., having a bearing of N90°00'00"E.
9. The parcel as described and shown hereon contains 24,500 sq. ft. (0.5624 Acres), more or less.
10. All Public Records identified hereon are Miami-Dade County records unless otherwise noted.
11. There was no observed evidence at the time of field survey of any current earth moving equipment, building construction or building additions.
12. Calvin, Giordano & Associates, Inc. Certificate of Authorization Number is LB #6791.
13. The property as described and shown hereon as a Flood Zone designation of Zone AE (7), per the Flood Insurance Rate Map (FIRM), Map Number: 12086C0141L, Community Number: City of North Miami 120655, Panel: 141, Suffix: L, Effective Date: 09/11/2009.
14. The site street address per the Miami-Dade County Property Appraiser is 1840 N.E. 144th Avenue., North Miami, FL 33181.
15. The elevation information as shown hereon is referenced to National Geodetic Vertical Datum of 1929 (NGVD29) as per Miami Dade County Benchmark Designation: N-760-R, located 30 ft. South of the centerline of NE151st St. and 95 ft. East of the centerline of NE 18th Ave. being a PK nail and aluminum washer in the concrete sidewalk in front of traffic control box having an Elevation of 19.65 ft. (NGVD29).
16. Per Table A Item 11, location of existing utilities as shown hereon based on observed evidence by a survey field crew.
17. The parcel of land as shown hereon has a Zoning designation of M-1 per the City of North Miami Zoning Map, adopted by Ordinance 1297, April 6, 2010.



LOCATION MAP

**LEGAL DESCRIPTION:**

Lot 4 in Block 2 of BENNETT INDUSTRIAL SITES FIRST ADDITION, according to the Plat thereof as recorded in Plat Book 53, Page 11, of the Public Records of Miami-Dade County, Florida.

AND

That portion of Tract H, of BENNETT INDUSTRIAL SITES FIRST ADDITION, according to the Plat thereof as recorded in Plat Book 53, Page 11, of the Public Records of Miami-Dade County, Florida, lying Southerly of the East and West lines of Lot 4, Block 2 of said Plat.

AND

The North 20.00 feet of the portion on N.E. 143rd Street as shown on Plat Book 53, Page 11, of the Public Records of Miami-Dade County, Florida, said portion lying Southerly of the East and West lines of Lot 4, Block 2 of said Plat.

**CERTIFICATE**

To: Bal Harbour Village

This is to certify that this drawing and the survey on which it is based upon were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by the American Land Title Association and National Society of Professional Surveyors, and includes Table A Items: 1, 2, 3, 4, 5, 6, 7a, 7b, 8, 9, 11, 13, and 1616.

I, Steven M. Watts, do hereby certify that this Map of Boundary Survey was done under my direct supervision and is accurate and correct to the best of my knowledge and belief. I further state that this Map of Boundary Survey was completed in accordance with the Standards of Practice requirements for Surveying and Mapping in the State of Florida as stated in Rule 5J-17 of the Florida Administrative Code, pursuant to Florida Statutes, Chapter 472.027.

Date of Last Field Work: October 10, 2018

CALVIN, GIORDANO & ASSOCIATES, INC.  
 Signature: *[Handwritten Signature]*  
 Steven M. Watts, PSM  
 Professional Surveyor and Mapper  
 Florida Registration No. 4588

NO	DATE	REVISION	BY	NO	DATE	REVISION	BY
1	12/05/18	ADD ALTA TABLE A ITEMS					

DESIGNED: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DRAWN: 10/12/2018  
 DATE: PD  
 CHECKED: 10/16/2018  
 DATE: SMW

**Calvin, Giordano & Associates, Inc.**  
 EXCEPTIONAL SOLUTIONS™  
 1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316  
 Phone: 954.921.7781 • Fax: 954.921.8807  
 Certificate of Authorization #791

**ALTA/NSPS LAND TITLE SURVEY**  
**1840 N.E. 144TH STREET**  
**NORTH MIAMI, FLORIDA 33181**

**MAP OF BOUNDARY SURVEY**  
**BAL HARBOUR VILLAGE**

SEAL  
 NOT VALID WITHOUT  
 THE SIGNATURE AND THE ORIGINAL RAISED  
 SEAL OF A FLORIDA LICENSED SURVEYOR  
 AND MAPPER  
 STEVEN M. WATTS  
 PSM NO. 4588

SCALE  
**1" = 20'**  
 PROJECT No  
**17-9868.20**  
 FIELD BOOK  
 913-18

SHEET:  
**1/1**

ZONING LEGEND			
M-1 INDUSTRIAL			
ZONING	REQUIREMENT	EXISTING	PROPOSED
BUILDING HEIGHT	55 FT MAX	10'-10" (1 STORY)	NO CHANGE
LOT AREA	20000 SF MIN	24476.0 SF	NO CHANGE
LOT WIDTH	100 FT MIN	100.00 FT	NO CHANGE
BUILDING COVERAGE (LOT AREA SF MAX)	75%	22.56%	21.78%
GREEN OPEN SPACE (MAX)	25%	39.17 %	25.03 %
BUILDING SETBACKS	REQUIREMENT	EXISTING	PROPOSED
FRONT	20 FT	24.92 FT	NO CHANGE
INTERIOR SIDE	15 FT	5.00 FT	NO CHANGE

ZONING NOTES			
1	AREA ADJACENT TO LAKE OR CANAL TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER INTO LAKE OR CANAL.		
2	LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OR STORM WATER ONTO ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.		
3	IN ADDITION TO THE REQUIREMENT OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. SECTION 553.79(10), FLORIDA STATUTES, EFFECTIVE 7/10/87.		
4	MUST COMPLY WITH SECTION 13-13.1 OF THE MIAMI-DADE COUNTY CODE: (NOTICE OF ROCK MINING OPERATIONS WHERE BLASTING IS PERMITTED) - PRIOR TO STARTING CONSTRUCTION.		
5	A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES ONTO PUBLIC RIGHT-OF-WAY. CONTACT PUBLIC WORKS DEPARTMENT.		
6	THE HEIGHT OF FENCES, WALLS AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY LEADING TO A RIGHT-OF-WAY.		
7	THE HEIGHT OF FENCES IS MEASURED FROM GRADE. GRADE = ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD.		

LANDSCAPE & PLANTING REQUIREMENTS			
M-1 INDUSTRIAL			
ZONING	REQUIREMENT	EXISTING	PROPOSED
LOT TREES	16 (28 PER ACRE OF NET LOT AREA)	X	16
STREET TREES	4 (1 EVERY 30' O.C.)	0	8
SHRUBS	200 (10 PER REQ. TREE)	X	200

LANDSCAPE NOTES			
1	ALL PLANTS MATERIAL SHALL BE FL. N.1 OR BETTER IN GRADE AND QUALITY.		
2	THE SOD MATERIAL TO BE PLANTED SHALL BE ST. AUGUSTINE FLORATUM.		
3	30% OF THE REQUIRED TREES, PALMS AND OR SHRUBS SHALL BE NATIVE SPECIES.		
4	50% OF THE REQUIRED TREES, PALMS AND OR SHRUBS SHALL BE LOW MAINTENANCE & DROUGHT TOLERANT.		
5	80% OF THE REQUIRED TREES, PALMS AND OR SHRUBS SHALL BE LISTED IN THE MIAMI-DADE LANDSCAPE MANUAL.		
6	A MAXIMUM OF 30% OF REQUIRED TREES MAY BE PALMS.		
7	IRRIGATION REQUIRED: TEMPORARY IRRIGATION PROVIDED THROUGH HOSE BIBS. SEE PLUMBING DRAWINGS.		

PLANT LEGEND			
T1	QUERCUS VIRGINIANA, LIVE OAK, MINIMUM 12" TALL AND 2" DBH AT 4'-0" FROM GRADE		
T2	SWIETENIA MAHAGONI, MAHOGANY, MINIMUM 12" TALL AND 2" DBH AT 4'-0" FROM GRADE.		
T3	BURSERA SIMARUBA, GUMBO LIMBO, MINIMUM 12" TALL AND 2" DBH AT 4'-0" FROM GRADE.		
S1	HIBISCUS ROSA-SINENSIS, HIBISCUS SHRUB, MINIMUM 18" TALL @ 30" O.C.		
S2	CHRYSOBALANUS ICACO, COCCOPLUM, MINIMUM 18" TALL @ 30" O.C.		
S3	CONOCARPUS ERECTUS, GREEN BUTTWOOD, MIN 18" TALL @ 30" O.C.		

PROPOSED KEYNOTES	
01	PROPOSED STAIRS AND LANDING
01A	PROPOSED AREA OF REFUGE
02	PROPOSED PAVED DRIVEWAY
03	PROPOSED PAVED WALKWAY
04	PROPOSED ACCESSIBLE RAMPS AND LANDINGS
05	PROPOSED ACCESSIBLE PARKING SPACE
06	PROPOSED PARKING SPACE, TYP.
07	PROPOSED 6'-8" HIGH PEDESTRIAN GATE AND 8' FENCE BY OTHER
08	EXISTING BUILDING TO REMAIN
09	PROPOSED TRUCK DRIVE
10	PROPOSED 8'-0" HIGH MOTORIZED VEHICULAR GATE AND FENCE BY OTHER
11	PROPOSED 60" LONG PRE-CAST CONCRETE WHEEL STOP
12	EXISTING FENCE TO REMAIN
13	PROPOSED STREET TREES
14	PROPOSED LOT TREES
15	PROPOSED CONCRETE SLAB (±288 SF)
16	RE-SOD AREA
17	PROPOSED CONCRETE SLAB (±182 SF)
18	PROPOSED FRAME AND HINGE GRATE. SEE CIVIL PLANS
19	PROPOSED LIGHT POLE. SEE ELECTRICAL PLANS
20	PROPOSED BICYCLE PARKING SPACES. BICYCLE RACK SHALL PERMIT THE LOCKING OF THE FRAME AND AT LEAST ONE (1) WHEEL WITH A STANDARD SIZE "U" LOCK AND ACCOMMODATE THE TYPICAL RANGE OF BICYCLE SIZES. BICYCLE RACK SHALL RESIST REMOVAL AND BE SOLIDLY CONSTRUCTED TO RESIST RUST, CORROSION AND VANDALISM
21	PROPOSED "ONE-WAY" DIRECTIONAL SIGN. BOTTOM OF SIGN SHALL BE AT A MIN. OF 7 FEET ABOVE GRADE
22	PROPOSED "SECURED BICYCLE PARKING" SIGN. BOTTOM OF SIGN SHALL BE AT A MIN. OF 7 FEET ABOVE GRADE

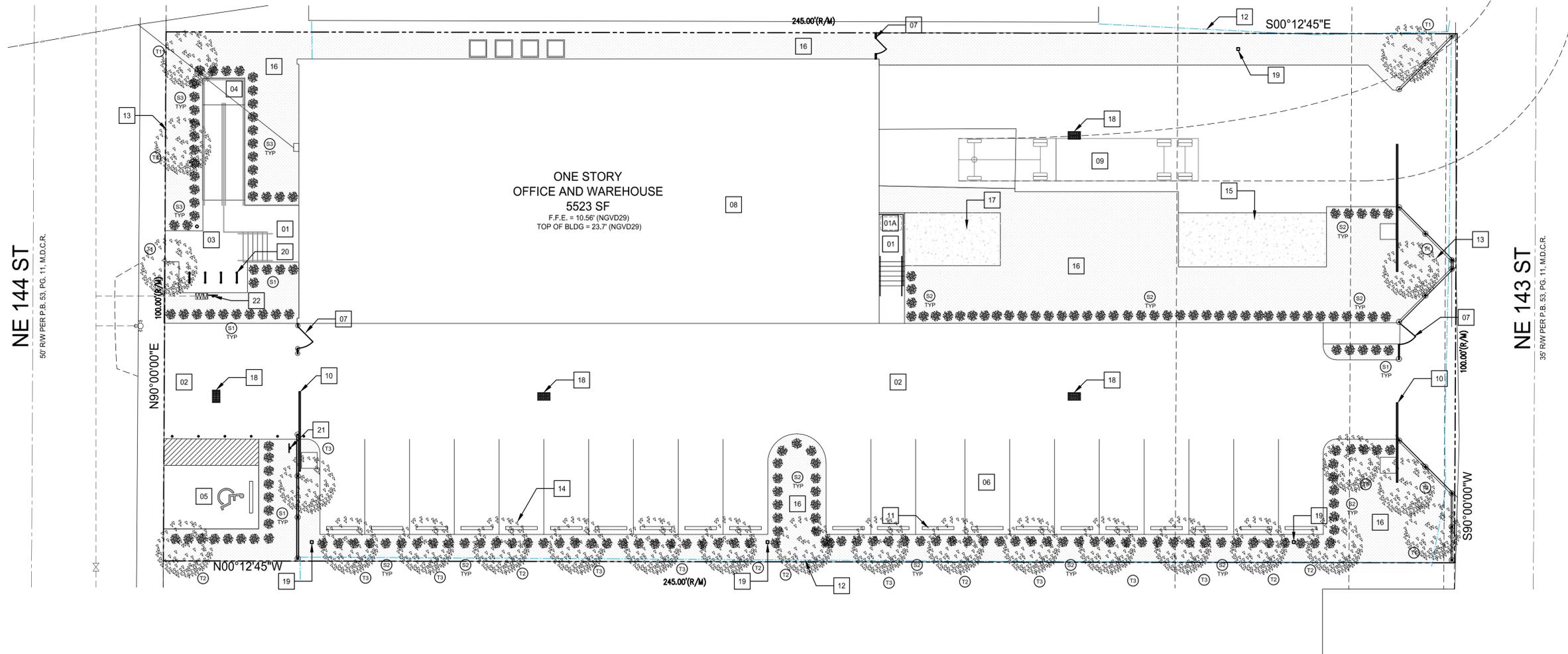
  

GENERAL NOTE	
ADEQUATE PROVISIONS SHALL BE MADE FOR THE DISPOSAL OF STORM WATER SUBJECT TO STANDARDS PRESCRIBED ON THE MANUAL OF PUBLIC WORKS CONSTRUCTION. SEE CIVIL DRAWINGS	

AREA TABULATIONS				
	EXISTING	REMOVED	PROPOSED	TOTAL
COVERED AREA FIRST FLOOR - NON-AC	0	0	0	0
COVERED AREA FIRST FLOOR - AC	5523	0	0	5523
TOTAL NON-AC AREA	0	0	0	0
TOTAL AC AREA	5523	0	0	5523
TOTAL AREA	5523	0	0	5523

PARKING TABULATIONS				
FLOOR	SPACE NAME	AREA	PARKING SPACES PER SF/UNIT	PARKING SPACES
FIRST FLOOR	OFFICE AREA	2800	300 SF	10
	WARE HOUSE AREA	2723	1500 SF	3
TOTAL				13

PROJECT DIRECTORY	
OWNER	BAL HARBOUR VILLAGE 655 96TH ST BAL HARBOUR, FL 33154 PHONE # 305.866.4633
CONTACT	MATILDE REYES, RA CAPITAL PROGRAM MANAGER 655 96TH ST BAL HARBOUR, FL 33154 PHONE # 305.993.7339
ARCHITECT	ARM ARCHITECT PA CONTACT: AMILCAR R. MELENDEZ, RA 1001 SW 67 AVE, STE 102 MIAMI, FL 33144 TEL. 305.894.6605 FAX. 786.347.7692 EMAIL - amilcar@arm-architect.com



NE 144 ST  
50' RW PER P.B. 53, PG. 11, M.D.C.R.

NE 143 ST  
35' RW PER P.B. 53, PG. 11, M.D.C.R.

03/09/2020	PER CITY COMMENTS
02/27/2020	PER COUNTY COMMENTS
01.29.2020	ADDENDUM 1
revision.	date. issue.



AMILCAR R. MELENDEZ  
FLORIDA REGISTRATION AR33063



1001 SW 67 AVE, STE 102, MIAMI, FL 33144  
TEL.: +1 305 894 6605 FAX.: +1 786 347 7692  
INFO@ARM-ARCHITECT.COM  
FLORIDA LICENSE NO. AA26001833

NEW OPERATION FACILITY

project name:  
1840 NE 144 ST  
NORTH MIAMI, FL 33181  
FOLIO#: 06-2221-006-0250

project address:

PROPOSED SITE PLAN

drawing title.	PROPOSED SITE PLAN	
drawn by.	ARM	SP-1.0
project no.	19052	
date.	06.19.2020	drawing no.
© 2020 ARM ARCHITECT, P.A.		

01 PROPOSED SITE PLAN  
SCALE: 3/32" = 1'-0"

BOARD OF  
ADJUTING PUBLIC  
HEARING APPLICATION  
PRINT 06.24.2020



## NOTICE OF PUBLIC HEARING

June 30, 2020

Dear Property Owner:

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

**V-03-20 SPECIAL EXCEPTION TO ALLOW A CHILD CARE CENTER (6+) – 13381 MEMORIAL HIGHWAY**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF THE LAND DEVELOPMENT REGULATIONS (LDRs) TO ALLOW A PROPOSED CHILD CARE CENTER (6+) AT THE PROPERTY LOCATED AT 13381 MEMORIAL HIGHWAY IN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.**

The Board of Adjustment will hold a Virtual Public Hearing for this request on **Wednesday, August 19, 2020 at 2:00 p.m. via GoToWebinar.** Please note, the Council Chambers is not open to public hearings. To log onto the virtual public hearing, go to the following web address at the date and time indicated above: <https://www.gotomeet.me/NOMICPD/boameeting-08-19-2020> or you may dial in at: (312) 757-3121, using access code: 123-671-205.

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. A copy of the application and report containing the Community Planning and Development Department's recommendation is available online at <https://www.northmiamifl.gov/AgendaCenter/Board-of-Adjustment-2>, or upon request to the Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derrick L. Cook", is written over a large, stylized blue circular graphic.

Derrick L. Cook, MBA  
Zoning Manager  
Community Planning & Development



Community Planning and Development Department  
12400 NE 8 Avenue, North Miami, FL 33161

**BOARD OF ADJUSTMENT  
NOTICE OF VIRTUAL PUBLIC HEARING**

Phone: 305-895-9825, Community Planning  
and Development Department

Hearing Date: Wednesday, August 19, 2020

Hearing Time: 2:00 p.m.

Hearing Location: GoTO Meeting Online  
[https://www.gotomeet.me/NOM/CPD/boameeting\\_08\\_19-2020](https://www.gotomeet.me/NOM/CPD/boameeting_08_19-2020)  
or dial in at: (312) 757-3121, using access code: 123-671-205

Applicant: Joviel Gonzalez, Bright Future PPEC LLC  
13381 Memorial Highway

**ACTION REQUESTED: A SPECIAL EXCEPTION USE  
PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202  
OF THE LAND DEVELOPMENT REGULATIONS (LDRS)  
TO ALLOW A PROPOSED CHILD CARE CENTER (6+)  
AT THE PROPERTY LOCATED AT  
13381 MEMORIAL HIGHWAY IN THE C-1  
DISTRICT; SAID SPECIAL EXCEPTION TO BE  
REVIEWED UNDER THE CRITERIA SET FORTH  
IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS**

This notice must be posted on the property  
prior to the City Council Meeting.



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To: The Board of Adjustment**

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

**Date: July 7, 2020**

**V-03-20: SPECIAL EXCEPTION FOR CHILD CARE CENTER (6+) – 13381**  
**MEMORIAL HIGHWAY**

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**APPLICATION SUMMARY**

Applicant/Agent: Joviel Gonzalez  
Location: 13381 Memorial Highway, North Miami, FL 33161  
Land Area: 56,976 square feet (1.3 acres mol)  
Folio Number: 06-2230-073-0010

**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 CHILD CARE CENTER (6+) AT THE PROPERTY LOCATED AT 13381 MEMORIAL HIGHWAY 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.**

**PROJECT SUMMARY**

Pursuant to Land Development Regulations (LDRs), Article 4, Division 2, Section 4-202: Types of Uses, the applicant and authorized agent, Joviel Gonzalez, of Bright Future Prescribed Pediatric Extended Care Center, is requesting a special exception review to allow a “child care center (6+)”. The proposed use will occur at the property generally located at 13381 Memorial Highway (south of NE 135<sup>th</sup> Street, east of NE 2<sup>nd</sup> Court/Memorial Highway). According to Miami Dade Property Appraiser’s record, the site is approximately 1.3 acres that contains a two-story mixed use building constructed in 1983. The building’s ground floor contains commercial uses with twenty (20) residential units located on the second floor. The applicant intends to occupy five bays totaling approximately 5,355 square feet operating a prescribed pediatric extended care center for children under the age of twenty-one, within the C-1 Commercial zoning district and shall meet supplemental standards in Section 5-201: Daycare and Child Care.

**BACKGROUND**

If the special exception is approved, the applicant/business, Bright Future PPEC, LLC intends to lease five bays totaling approximately 5,355 square feet. The “Prescribed Pediatric Extended Care (PPEC)” is identified as a child care center with a medical therapy treatment component. Pursuant to LDRs, Article 7: Definitions, a child care center is defined as, “any child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit”.

As noted in the letter of intent enclosed, the PPEC will operate Monday to Fridays from 7:00am to 5:00pm. The facility has the space to care for 50-60 children as licensed through the Agency of Health Care Administration (AHCA); but at this time the facility will “serve five (5) or more medically dependent or technologically dependent children” and have three (3) staff members on board. Upon being at full capacity, that will require thirteen (13) staff members on board.

Children will be dropped off between the hours of 7:30am to 8:30am and be picked up between the hours of 3:30pm to 4:30pm. Transportation for drop-off and pick up will be provided by a private company that will have its own drop-off zone that is the first two (2) parking spots to the front entrance of the facility. Furthermore, providing ADA access to a sidewalk leading to the entrance of the child care center.

In reviewing the applicant’s special exception request inclusive of the analysis below for the subject property, staff considered Section 5-201: Daycare and Child Care of the LDRs to ensure there is adequate parking per Section 5-1402. Additionally, the applicant shall meet the standards set forth by the Agency of Health Care Administration (ACHA).

**PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY**

None / No open code violations

**SURROUNDING LAND USE CHARACTERISTICS**

<b>Property</b>	<b>Future Land Use</b>	<b>Existing Zoning</b>	<b>Existing Use/Subdivision</b>
<b>Site</b>	Commercial / Office (55 ft.)	C-1 Commercial	Mixed Use / Retail Stores / Residential
<b>North</b>	Commercial / Office (55 ft.)	C-1 Commercial	Vacant Land / Commercial / Extra FEA other than parking
<b>South</b>	Commercial / Office (55 ft.)	C-1 Commercial	Office Building / Daycare
<b>East</b>	Commercial / Office (55 ft.)	C-1 Commercial	Vacant Land Commercial
<b>West</b>	Commercial / Office (55 ft.)   Community Facility (55 ft.)	C-1 Commercial   Public Use (PU)	Service / Gas Station   Educational / Scientific / Private Elementary School

The subject property is in the C-1, Commercial zoning district of the City's Adopted Zoning Map. Many of the adjacent properties are also located within C-1. The C-1 zoning district intends to provide local, neighborhood scale, convenience commercial goods and services to the surrounding residential neighborhoods without adversely impacting its integrity. West of the subject property is a public use district with a recently approved educational use, to allow a private/charter elementary school on site. Figures 1 and 2 illustrate the zoning map, and an aerial image of the subject property and its surroundings.

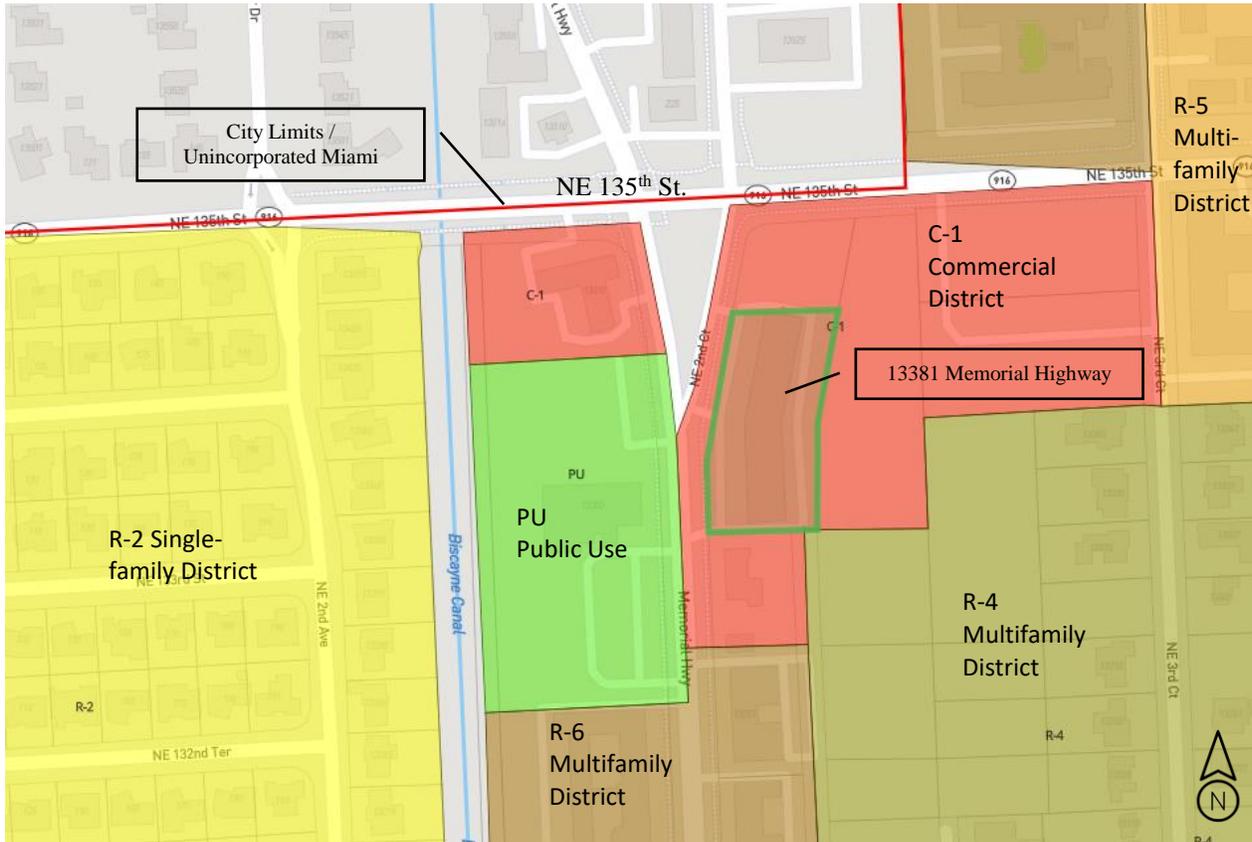


Figure 1: North Miami Zoning Map



Figure 2: Aerial Map

## **CONSISTENCY WITH THE NORTH MIAMI 2036 COMPREHENSIVE PLAN**

Commercial/Office – The areas classified as Commercial/Office on the Future Land Use Map are intended to provide land area for business, office, retail, service, light industrial and other commercial enterprises. Uses permitted in areas classified 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.
8. Residential (Mixed) Uses.

The applicant intends to use a portion of the existing mixed use commercial building, as a child care center for 6 or more for students from under the age of twenty-one (21) to infant. The proposed use is permitted through a special exception review and approval by the Board of Adjustment (BOA). As presented, the applicant's special exception request conforms to the goals, objectives and policies of the Comprehensive Plan that encourages mixed-use development that provide services to the area.

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

Criteria for granting special exceptions pursuant to Article 3, Division 5, Section 3-504 of the City's LDRs provides authority to the BOA to hear and grant or deny applications for special exceptions. In evaluating an application for such 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**

Review of the applicant's request was performed using a six-prong test based on the standards noted above and set forth 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 Uses Permitted chart provided in Article 4, Division 2, Section 4-202 of the LDRs lists, "Child Care Center (6+)" as a use that is permitted but only through special exception review and approval by the BOA in the C-1, Commercial 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?**

*Traffic access to the subject property is currently off Memorial Highway and NE 2<sup>nd</sup> Court. There is a total of three (3) ingress/egress to the site that provides adequate access and circulation for traffic from public streets to avoid traffic congestion. According to the 2010 Federal Functional Classification by the Florida Department of Transportation (FDOT) District 6, Memorial Highway is classified as an urban major*

collector – provides relatively moderate average traffic volume - and NE 2<sup>nd</sup> Court serves as an alternate local route, both connected northbound to NE 135<sup>th</sup> Street an urban minor arterial – provides relatively continuous and of relatively high traffic volume. The proposed child care center is not anticipated to significantly impact the roadway, nor the existing mixed-use site. In that, the facility’s drop-off and pick-up of its participants will generate the principal source of the traffic use. The applicant will utilize a private transportation company to bus many of the PPEC clients to and from the facility that will mitigate the use’s traffic generation. The site will have a dedicated drop-off and pick-up zone, where the transport company will retrieve and deposit the students at designated times. There is direct vehicular access to the zone (first two parking spaces) off NE 2<sup>nd</sup> Court and traffic can be redirected to the remaining two (2) ingress/egress on site. There is also pedestrian access from the zone, by way of a walkway to the entrance of the facility.

As earlier mentioned, the site contains twenty (20) residential units located on the building’s second floor. Per the site survey, the property encompasses fifty (50) parking spaces within the property’s rear. The space principally accommodates the residents of the residential units and guest parking that traffic their vehicles to the rear. In addition, the site pedestrian access exists through a continuous five-foot wide sidewalk that runs along the western perimeter of the property parallel to Memorial Highway / NE 2<sup>nd</sup> Court.

- ✓ **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. As per Article 5, Division 14, Section 5-1402, child care center requires a minimum of one (1) parking space per two hundred (200) square feet of gross usable floor area. The child care center has a floor area of approximately 5,000 square feet that shall require a minimum parking of twenty-five (25) parking spaces on site. The child care required parking, coupled with the site’s current uses required parking will exceed the amount available on site. In that, the site contains several uses with a minimum parking requirement as follows:

1. Child Care Center – one (1) parking space for each three hundred (300) sq. ft. of gross floor area =  $5,000 \text{ sq. ft.} / 200 \text{ sq. ft.} = 25$
2. Retail – one (1) parking space for each three hundred (300) sq. ft. of gross floor area =  $8,000 \text{ sq. ft.} / 300 \text{ sq. ft.} = 27$
3. Restaurant – one (1) parking space for each one hundred fifty (150) sq. ft. of gross floor area =  $1,000 \text{ sq. ft.} / 150 \text{ sq. ft.} = 7$
4. Residential – one and one-half (1.50) parking space per dwelling unit plus five (5) percent of total required parking for guest parking =  $20 \text{ units} \times 1.5 = 30 \times 5\% = 1.5 + 30 = 31.5$

A total of ninety-one (91) parking spaces is required where there is eighty-four (84) and one (1) ADA accessible space on site.

However, pursuant to LDRs, Section 5-1403: Shared Parking, an applicant may propose a shared parking agreement in conjunction with a development approval. Shared parking may occur when one or more required parking spaces are shared by more than one use. The shared parking methodology allows a maximum of twenty-five percent (25%) reduction of the minimum required parking. However, the shared parking program does not permit any reserved parking spaces (i.e. handicap spaces) in the methodology calculation. Hence, the site has eighty-five (85) spaces that includes one (1) handicap space that reduces the available shared parking spaces to eighty-four (84).

In this case, the mixed-use site comprises residential and commercial uses. The current assemblage of uses have a minimum required parking of sixty-six (66) spaces. Wherein, the site provides eighty-four (84) parking space that leaves a surplus of eighteen (18) spaces. However, the proposed child care has a minimum required parking of twenty-five (25) spaces that exceeds the site’s surplus of eighteen (18) spaces by seven (7) spaces. Thus, the proposed use created a seven (7) spaces minimum required parking deficit for the site.

Based on the shared parking methodology, the site’s unreserved residential minimum required parking of thirty-two (32) spaces is anticipated to only utilize sixty percent (60%) of the its minimum required parking. The calculation is specific to weekdays between the hours of 7am to 6pm. Consequently, forty percent (40%) of the residential minimum required parking is anticipated to be available for shared parking during weekdays between the hours of 7am to 6pm. Forty percent (40%) of the thirty-two (32) minimum required residential parking represents thirteen (13) spaces.

	Night	Weekday		Weekend	
Uses	12:00 a.m.–7:00 a.m.	7:00 a.m.–6:00 p.m.	6:00 p.m.–12:00 a.m.	7:00 a.m.–6:00 p.m.	6:00 p.m.–12:00 a.m.
Residential	100%	60%	90%	80%	90%
Office/Industrial	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	55%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	70%	100%
Places of Public Assembly	50%	40%	50%	100%	100%
All Others	100%	100%	100%	100%	100%

Source: Shared Parking, Urban Land Institute

Figure 3: Percent Demand for Parking by Use and Time of Day

The child care proposed hours of operation are weekdays between the hours of 7am to 5pm. The center’s hours of operation corresponds with the residential minimum required parking available of thirteen (13) spaces. Thus, the child care center’s staff and patrons may utilize the space through a shared parking agreement.

*Pursuant to LDRs, Section 5-1403(G): Shared Parking Agreement, the owner(s) of record of a property for which shared parking is requested shall be responsible for preparing a written agreement between the owners of the properties sharing parking, indicating the terms under which the shared parking shall be used. The agreement shall be approved by the City Attorney and the Community Planning and Development Department, and shall be recorded in the county official records. The owners of record shall update the shared parking agreement to address any change in the uses identified in the agreement which would cause an increase in peak parking demand, or a finding of any other related change in conditions by the City.*

*However, the City Attorney's Office recently determined that when a shared parking agreement will result in an owner establishing an agreement with him/herself, a recorded shared parking agreement is unnecessary. That said, if any change of uses occur within the site that could cause an increase in peak parking demand or a finding of any related change in conditions by the City, the applicant will be required to obtain an Administrative Site Plan approval through the Community Planning and Development Department.*

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

*Yes, the existing landscape on site shall be maintained. In addition, the subject property is separated from single-family homes with residential zoning district by vacant properties to the rear/east.*

- ✓ **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 public water, sewers, 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 child care center is intended to provide a service within an existing commercial/residential mixed use building, respecting the desired neighborhood's character. The neighboring properties to the south and west also provides service of child care means. The commercial node that is Memorial Highway and NE 135<sup>th</sup> Street promotes the means of accessing services, food, retail, employment, education, childcare, and other destinations, as such are located within a commercial zoning district. Such use,*

*child care center (6+) may be permitted after review and recommendation by the Board of Adjustment, pursuant to the procedures and criteria of Section 3-504 of the LDRs.*

**STAFF RECOMMENDATION**

In light of these findings, staff recommends approval 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 a child care center (6+) on the subject property with the following conditions:

1. Staff recommends the applicant identifies, by way of markings, signs or similar identifiers, the drop-off and pick-up zone for the child care center; and
2. That any change of uses occurring within the site that would cause an increase in peak parking demand or a finding of any related change in conditions by the City, the applicant will be required to obtain an Administrative Site Plan approval.

**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:	August 3, 2020
Published Newspaper Notification:	August 7, 2020
Posted Property Notice:	August 7, 2020

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);  
Article 3, Division 5, Section 3-504;  
Article 4, Division 2, Section 4-201 & 4-202;  
Article 5, Division 2, Section 5-201;  
Article 5, Division 14, Section 5-1402; and  
Article 7, Section 7-101.

**ATTACHMENTS**

Exhibit A: Application  
Exhibit B: Letter of Intent  
Exhibit C: Survey  
Exhibit D: Proposed Site Plan  
Exhibit E: Floor Plan  
Exhibit F: Images of the Site



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: Douglston Properties INC.  
 Mailing Address: 5323 SW 34<sup>TH</sup> Terrace  
 City: Fl. Lauderdale State: Fl. Zip: 33312  
 Phone #: (305) 469-0338 E-mail Address: Sam@Floridagroup360.com

APPLICANT/DULY APPOINTED AGENT INFORMATION:

Contact Name: Joviel Gonzalez  
 Company Name: Bright Future PPEC LLC  
 Mailing Address: 1731 SW 74 AVE RD.  
 City: Miami State: Fl. Zip: 33155  
 Phone: (305) 218-3464 E-mail Address: BrightFuturePPEC@yahoo.com

PROJECT INFORMATION:

Project Name: Bright Future PPEC  
 Address of Property: 13381 Memorial Highway, North Miami, Fl. 33161  
 Folio Number(s): 06-2230-073-0010

Size of Property: 5,355 Sqft Building Square Footage: 28,552 Sqft

LEGAL DESCRIPTION: DOGA SUB PB116-49 TRA  
Folio # 06-2230-073-0010

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 Arraham Mawardi 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: Folio# 06-2230-073-0010 13407-13415 Memorial Hwy North Miami, FL 33161
2. The Corporation owns the property which is the subject of this request. within 13381 Memorial Hwy
3. The subject property is legally described as: Douglaston Properties, INC.
4. Affiant is legally authorized to file this application or the Affiant has authorized Bright Future PPEC LLC 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: [Signature]
Print Name: Javier Gonzalez
Signature: [Signature]
Print Name: Tania Barnes

[Signature]
Affiant's Signature
Arraham Mawardi
Print Name

Sworn to and subscribed before me on the 23 day of June, 2020.
Affiant is personally known to me or has produced FL M630-000-42-248-0 as identification.

Notary [Signature]

Commission Expires:





OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST  
(CORPORATION)

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

On behalf of Douglaston Properties, INC, a Florida (state) corporation,  
Abraham Mawardi 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 Bright Future PPEC LLC  
aka. Joviel Gonzalez as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:

DOBA SUB PB116-49 TRA Folio# 06-2230-073-0010

WITNESSES:

Signature [Signature]

Print Name Joviel Gonzalez

Signature [Signature]

Print Name Tania Games

Douglaston Properties, INC

Name of Corporation  
5323 SW 34th Terrace  
Address  Ft. Lauderdale, FL 33312

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

Sworn to and subscribed before me on the 23 day of June, 2020  
Affiant is personally known to me or has produced FL M630-000-42-218-0 as identification.

Notary [Signature]

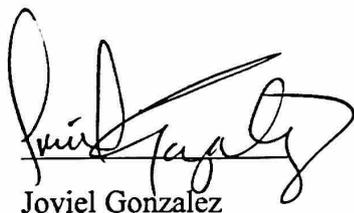
Commission Expires



## Letter of Intent

The purpose of this letter is to identify the similarities, complexities, and nature of a Prescribed Pediatric Extended Care Center and how it can operate within a medical use occupancy and still function as a child care center per zoning regulations. Bright Future PPEC LLC is asking for permission from The City of North Miami to open its doors and conduct business at 13381 Memorial Highway. Because of the similarities of a medical therapy treatment facility and the care provided for the children under our supervision, an exception should be made to allow Bright Future PPEC LLC to operate within the subject property. "Prescribed pediatric extended care center," hereinafter referred to as a "PPEC center," means any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide basic nonresidential services to three or more medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage, or adoption and who require such services. Infants and children considered for admission to a PPEC center must be under the age of 21, and have complex medical conditions that require continual care. Prerequisites for admission are a prescription from the child's attending physician and consent of a parent or guardian. "Basic services" includes, but is not limited to, development, implementation, and monitoring of a comprehensive protocol of care, developed in conjunction with the parent or guardian, which specifies the medical, nursing, psychosocial, and developmental therapies required by the medically dependent or technologically dependent child served as well as the caregiver training needs of the child's legal guardian. The space located at 13381 Memorial Highway will provide 5,355 SqFt of space which is perfectly suitable for the Agency of Health Care Administration (ACHA) to provide Bright Future PPEC LLC with the licensing required to operate. Hours of operation will be from Monday thru Friday, 0700-1700. The space will have offices, therapeutic/developmental rooms, bathrooms, showers, kitchen (no cooking), and an indoor playground as per ACHA requirements. Staffing needs will be subject to, once approved, the licensing that will be administered by ACHA. If a special exception is made to provide care for these medically dependent children at 13381 Memorial Highway, families in the community of the City of North Miami will greatly benefit of such services rendered.

Bright Future PPEC LLC thanks the City of North Miami Board of Adjustment committee for taking the time to review this application.

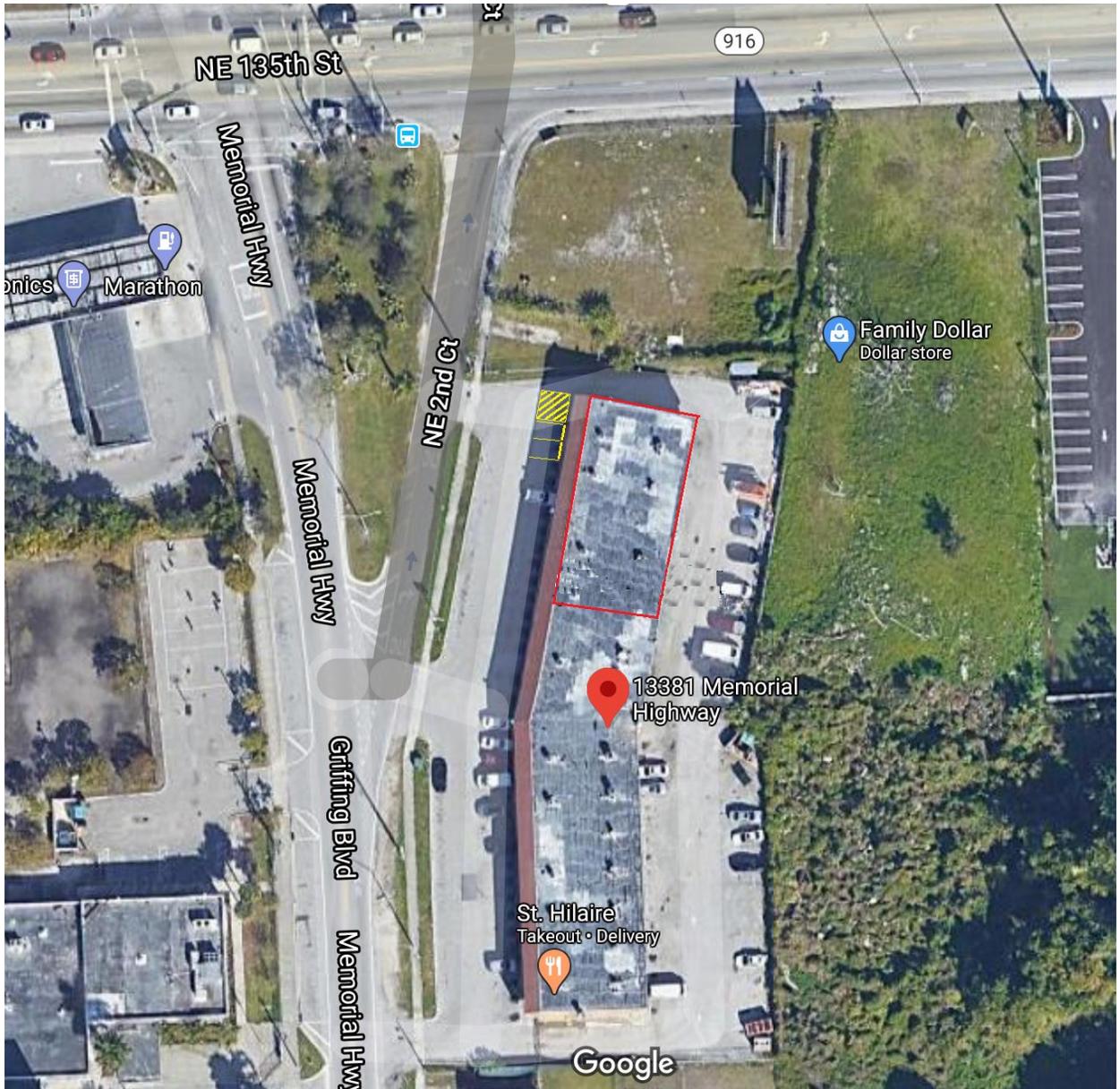
A handwritten signature in black ink, appearing to read "Joviel Gonzalez", is written over a horizontal line.

Joviel Gonzalez

Bright Future PPEC LLC



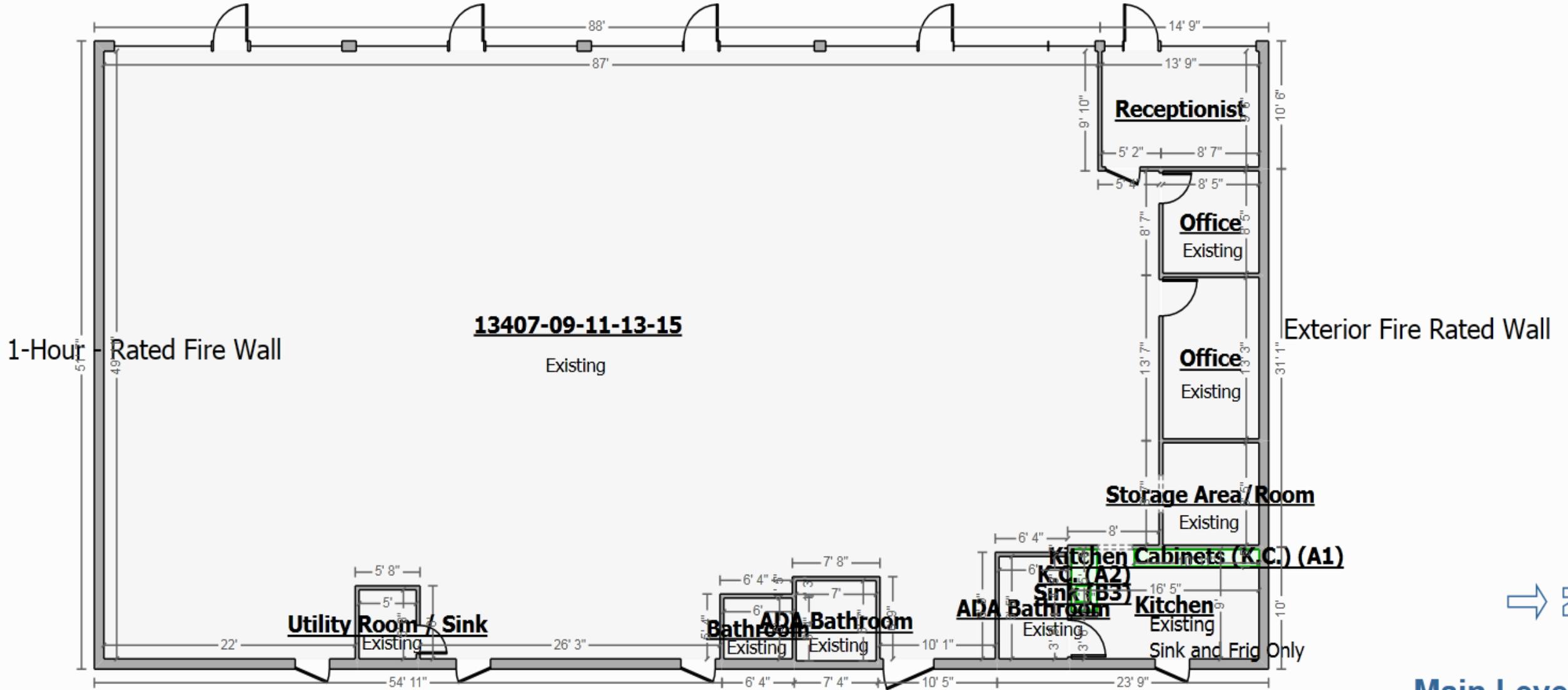




Owner: Douglaston Properties, Inc. Main Address: 13381 Memorial Highway, North Miami, FL 33161 Folio# 06-2230-073-0010

## EXISTING FLOOR PLAN

Subject Space: 13407-13409-13411-13413-13415 Memorial Highway, North Miami, FL 33161  
Previous Use: Aspira Schools / Office Use  
Square Foot: Usable: 5,000, Leasable: 5,355 sf



Main Level



