9-23-2010 Version # 2

KITS

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 2

HIGHLAND OAKS PARK

20300 NE 24 Avenue, Miami

Wednesday, October 6, 2010 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	10-5-CZ2-1	T-MOBILE SOUTH LLC AND FLORIDA POWER AND LIGHT	09-43	31-51-42

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 2

MEETING OF WEDNESDAY, OCTOBER 6, 2010

HIGHLAND OAKS PARK

20300 NE 24 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

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

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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1. T-MOBILE SOUTH LLC AND (10-5-CZ2-1/09-043) **31-51-42**
FLORIDA POWER AND LIGHT **Area 2/District 1**

(1) UNUSUAL USE to permit a 100' high wireless supported service facility (cellular tower) and ancillary equipment.

(2) MODIFICATION of Condition #2 of Resolution No. 3-ZAB-35-67, passed and adopted by Zoning Appeals Board and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Ives Substation Plot Plan,' dated November 3, 1966, and approved by H.V. Street, Chief Engineer."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Ives Substation,' as prepared by Mactec Engineering & Consulting, Inc., consisting of 3 sheets and dated stamped received 3/17/09."

The purpose of Request #2 is to permit the applicant to submit a revised site plan showing a Wireless Supported Service Facility located in a previously approved FPL Substation.

(3) SPECIAL EXCEPTION to permit an 8' high chain link fence (6' permitted) with 3 strands of barbed wire.

(4) Applicants are requesting to permit the Wireless Supported Service Facility setback 40' (111.11' required) from the interior side (north) property line and setback 67' (111.11' required) from the front (east) property line.

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

LOCATION: Lying west of N.E. 10 Avenue and north of N.E. 208 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.97 Acres

Department of Planning & Zoning Recommendation: Denial without prejudice.

Protests: 17 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from: 09/01/2010

NOTICE

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THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

****

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

A. T-MOBILE SOUTH LLC AND FLORIDA POWER AND LIGHT
(Applicant)

10-5-CZ2-1 (09-043)
Area 2/District 1
Hearing Date: 10/06/10

Property Owner (if different from applicant) **FLORIDA POWER AND LIGHT.**

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

If so, who are the interested parties? T-MOBILE

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1967	Florida Power and Light Company	- Unusual Use (Electric Substation) P.U.P. conditions.	C03	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

A

APPLICANT'S NAME: **T-MOBILE SOUTH LLC AND FLORIDA POWER & LIGHT**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-5-CZ2-1 (09-043)	September 1, 2010	CZAB2		10

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: Oct 6, 2010 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: Deferred due to a lack of a quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Kenneth FRIEDMAN			X
COUNCIL WOMAN		Adrienne F. PROMOFF			
VICE CHAIR WOMAN		Peggy A. STROKER			X
COUNCIL WOMAN		Dawn UFFNER			
CHAIRWOMAN		Lonna COHEN			
		VOTE:			

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **CRAIG COLLER**

2

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

A

APPLICANT'S NAME: **T-MOBILE SOUTH LLC AND FLORIDA POWER & LIGHT**

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-5-CZ2-1 (09-43)	June 1, 2010	CZAB2		10

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: September 1, 2010 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.

☐ WITH CONDITIONS

■ OTHER: Deferred at applicant's request to further make corrections to the legal description in the advertisement. The re-advertisement will be at applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	**M**	Kenneth FRIEDMAN	**X**		
COUNCIL WOMAN	**S**	Caryn MONTAGUE (C.A.)	**X**		
COUNCIL WOMAN		Adrienne F. PROMOFF	**X**		
VICE CHAIR WOMAN		Peggy A. STROKER	**X**		
COUNCIL WOMAN		Dawn UFFNER	**X**		
CHAIRWOMAN		Lonna COHEN			**X**
		VOTE:	**5**	**0**	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **CRAIG COLLER**

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MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 2
MOTION SLIP

#1

APPLICANT'S NAME: **T-MOBILE SOUTH LLC AND FLORIDA POWER & LIGHT**

REPRESENTATIVE: Carlos Gimenez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-5-CZ2-1 (09-43)	May 4, 2010	CZAB2		10

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):

■ DEFER: ☐ INDEFINITELY ■ TO: June 1, 2010 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

■ OTHER: Deferred due to a technical error in the advertising.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Kenneth FRIEDMAN	X		
COUNCIL WOMAN		Caryn MONTAGUE (C.A.)	X		
COUNCIL WOMAN		Adrienne F. PROMOFF			X
VICE CHAIR WOMAN	M	Peggy A. STROKER	X		
COUNCIL WOMAN		Dawn UFFNER	X		
CHAIRWOMAN		Lonna COHEN	X		
		VOTE:	5	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **CRAIG COLLER**

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MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 2

APPLICANTS: T-Mobile South, LLC & FPL **PH:** Z09-043 (10-5-CZ2-1)

SECTION: 31-51-42 **DATE:** October 6, 2010

COMMISSION DISTRICT: 1 **ITEM NO.:** A

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A. INTRODUCTION

- **REQUESTS:**

(1) UNUSUAL USE to permit a 100' high wireless supported service facility (cellular tower) and ancillary equipment.

(2) MODIFICATION of Condition #2 of Resolution #3ZAB-35-67, passed and adopted by Zoning Appeals Board #3 and reading as follows:

> FROM: "2. That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Ives Substation Plot Plan,' dated November 3, 1966, and approved by H.V. Street, Chief Engineer."
>
> TO: "2. That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Ives Substation,' as prepared by Mactec Engineering & Consulting, Inc., consisting of 3 sheets and dated stamped received 3/17/09."

The purpose of Request #2 is to permit the applicant to submit a revised site plan showing a Wireless Supported Service Facility located in a previously approved FPL Substation.

(3) Special Exception to permit an 8' high chain link fence (6' permitted) with 3 strands of barbed wire (barbed wire not permitted).

(4) Applicants are requesting to permit the Wireless Supported Service Facility setback 40' from the interior side (north) property line and setback 67' from the front (east) property line (111.11' required for both).

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

- **SUMMARY OF REQUESTS:**

The requests will allow the applicants to erect a 100' high monopole tower, to modify a previously approved plan in order to include the aforementioned 100' high monopole tower and to permit the proposed 100' high monopole tower setback less than required from the north and east property lines. Additionally, the applicant seeks to permit an 8' high barbed wire fence where it is not permitted by the Zoning Code.

- **LOCATION:** Lying west of NE 10 Avenue and north of theoretical NE 208 Street, Miami-Dade County, Florida.

- **SIZE:** 1.97 Acres

B. ZONING HEARINGS HISTORY:

In 1967, pursuant to Resolution #3-ZAB-35-67 the Zoning Appeals Board (ZAB) granted the approval for an electric substation on the subject property.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan currently designates the subject property as being within the Urban Development Boundary for **Parks and Recreation** use. The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. Most neighborhood local parks smaller than 40 acres in size are not specifically shown on the Plan map; however, this omission should not be interpreted as meaning that these parks will be taken out of public use. Compatible parks are encouraged in all of the residential categories and may be allowed in all other categories of the LUP map. The siting and use of future parks and recreation areas shall be guided by the Park and Open Space, and Capital Improvement Elements, and by the goals, objectives and policies of the CDMP. Both governmentally and privately owned lands are included in areas designated for Parks and Recreation use. Most of the designated privately owned land either possesses outstanding environmental qualities and unique potential for public recreation, or is a golf course included within a large scale development. Unless otherwise restricted, the privately owned land designated as Parks and Recreation may be developed for a use or a density comparable to, and compatible with, surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP. Except as consistent with the provisions below, however, this allowance does not apply to land designated Parks and Recreation that was set aside for park recreation or open space use as a part of, or as a basis for approving the density or other aspect of, a residential development or other is otherwise subject to a restrictive covenant accepted by a public entity.

2. Neighborhood or community-serving institutional uses, **cell towers** and **utilities** including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.

3. **Policy LU-4A**. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, **height**, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-4L; FPL substation	Parks and Recreation
Surrounding Properties:	
NORTH: GU; vacant land	Parks and Recreation
SOUTH: RU-4L; single family residences	Low Medium Density Residential, 6-13 dua
WEST: RU-1; single family residences	Parks and Recreation
EAST: GU; FPL easement	Parks and Recreation

The subject site is located lying west of NE 10 Avenue and north of theoretical NE 208 Street. Single family residences, townhouses, an abandoned golf course and an FPL easement surround the subject property.

E. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or

greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(4)(b) Non-Use Variances from other than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

F. NEIGHBORHOOD SERVICES:

DERM	**No objection**
Public Works	**No objection**
Parks	**No objection**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**
Aviation	**No objection**

G. ANALYSIS:

This item was deferred by the Community Zoning Appeals Board 2 to October 6, 2010 due to a lack of quorum. The subject 1.97-acre parcel of land is located lying west corner of NE 10 Avenue and north of theoretical NE 208 Street and is developed with an existing FPL substation surrounded by townhouses, single family residences, vacant land and an FPL easement. As previously mentioned the subject site is designated **Parks and Recreation** use. The Land Use Plan map specifically illustrates parks and recreation areas of metropolitan significance, including State parks and the Biscayne and Everglades National Parks. Also illustrated are golf courses and other parks of approximately 40 acres and larger which are significant community features. However, neighborhood or community-serving institutional uses, such as **cell towers** and **utilities** may be approved where compatible **in all urban land use categories**, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. As such the existing FP&L plant is **consistent** with the LUP map and the interpretative text of the CDMP. However, staff opines that approval of the application which would permit the applicant to install a 100' tall cell tower (request #1), as well as to modify previously approved plans for the FP&L plant to allow the cell tower (request #2) setback closer than allowed to property lines (request #3), would be **incompatible** with the surrounding predominant residential developments to the east, south and west. As such, staff does not recommend approval of the proposed development and therefore recommends that the application be denied without prejudice.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application. The **Public Works Department** has **no objections** to this application and indicates that this application does not generate any additional daily peak hour vehicle trips.

Additionally, the **Aviation Department** has **no objection** to this application and the **Miami-Dade Fire and Rescue Department** has indicated that the estimated average travel time to this location is **4:32** minutes.

When request #1 is analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, staff acknowledges that based on memoranda from DERM, MDFR, the Public Works and Aviation Departments, approval of 100' tall wireless tower would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities or tend to create a fire or other equally or greater dangerous hazards. However, when considering the necessity for and reasonableness of such use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development, staff opines that approval of the facility as indicated in the submitted plans, setback as close as 40' from the closest property line, is **incompatible** with the surrounding area, which is primarily made up of residential developments. In addition, staff notes that said 100' high monopole would create a negative visual impact on the surrounding area since it cannot be adequately buffered due to the excessive height. In addition, staff is of the opinion that since the surrounding area is developed with single family residences and townhouses which average from twenty five (25) to thirty five (35) feet in height, the proposed 100' high monopole would be out of character in this residential area. As such, staff is of the opinion that a 100' high monopole tower will be **incompatible** with the existing structures in this area and staff recommends denial without prejudice of request #1.

The applicant is also seeking approval under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, to allow a proposed 8' high chain link fence with three (3) strands of barbed wire in this RU-4L, Limited Apartment House District, which, is not permitted (request #3). Staff notes that memoranda from DERM, MDFR, the Public Works and Aviation Departments, as was the case with the request for the wireless tower, do not indicate that approval of this request will cause an undue burden on public facilities or tend to create a fire or other equally or greater dangerous hazards. However, staff is of the opinion that an 8' high chain link fence with three (3) strands of barbed wire is likely to create a potential dangerous hazard to the surrounding residential communities. As such, staff opines that approval of this request is **incompatible** with the surrounding single family and townhouse residential neighborhood and therefore recommends denial without prejudice of request #3.

Staff opines that request #2, which would allow the modification of Resolution #3ZAB-35-67 and request #4, to permit the Wireless Supported Service Facility setback 40' from the interior side (north) property line and setback 67' from the front (east) property line (111.11' required for both), are germane to request #1. When request #2 is analyzed under Section 33-311(A)(7), staff is of the opinion that approval of this request will allow the applicant to submit a new site plan incorporating the proposed 100' monopole tower with a previously approved electric substation. Similarly, when request #4 is analyzed under Section 33-311(A)(4)(b) Non-Use Variances, the applicant is seeking approval to allow said 100' monopole tower to be setback 40' from the interior side (north) property line and 67' from the front (east) property line where 111.11' is required from both property lines. As previously mentioned, staff is of the opinion that approval of the 100' high monopole tower is excessive and out of character with the surrounding area and that the fall factor of such 100' high tower which represents a 71.11' encroachment into adjacent property from the north and 44.11' encroachment into adjacent right-of-way of NE 10 Avenue are excessive. As such staff recommends denial without prejudice of request #2 under Section 33-311(A)(7), Generalized Modification Standards and request # 4 under Section 33-311(A)(4)(b) NUV.

Based on the aforementioned, staff opines that although the existing FPL facility is consistent with the interpretative text and the LUP map of the CDMP, approval of the application which would allow the applicant to co-locate a 100' tall monopole tower on the same site with reduced setbacks, is excessive and would be **incompatible** with the predominant surrounding residential developments. Therefore, staff recommends denial without prejudice of this application.

H. RECOMMENDATION:

Denial without prejudice.

I. CONDITIONS: None

DATE INSPECTED: 04/03/09
DATE TYPED: 03/26/10
DATE REVISED: 03/30/10, 04/14/10, 04/23/10; 05/05/10; 06/03/10; 09/02/10
DATE FINALIZED: 09/02/10
MCL:GR:NN:CH:AA

For Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN
GMR

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2010

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-02 #Z2009000043 – 1st Revision
T-Mobile South, LLC
Lying West of N.E. 10th Avenue and North of N.E. 208th Street
Modification of Condition No. 2 from Resolution 3-ZAB-35-67 and
Unusual Use to Permit a Wireless Communication Facility
(RU-3M) (1.99 Acres)
31-51-42

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

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discus this matter further, please contact Christine Velazquez at (305) 372-6764.

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Memorandum

MIAMI-DADE COUNTY

Date: April 21, 2009

To: Franklin Gutierrez, Agenda Coordinator
Department of Planning & Zoning

From: José Ramos, R.A., Chief, Aviation Planning
Aviation Department

Subject: Zoning Hearing Application #09-043
T-MOBILE SOUTH LLC AND FPL
Determination Number DN-09-04-122

Received by
Zoning Agenda Coordinator
APR 24 2009

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Zoning Hearing Application #09-043, T-Mobile South, LLC and FPL. The applicant is requesting an Unusual Use to permit the installation and maintenance of a Unipole Wireless telecommunications facility at an existing FPL Substation / Modification Resolution. The subject property is 1.99 Acres and is located at 1640 Ives Dairy Road, Miami-Dade County, Florida. Miami, FL 33179. Folio No. 3012310000021.

Based on our cursory review of the project information provided to us, an assumed telecommunications facility project height of 100 ft Above Ground Level (AGL) structure at the above referenced parcel conforms to Miami-Dade County Airport Zoning Ordinance. **However, an FAA Airspace Determination is required to coordinate frequency activation and verify that no interference is caused to FAA facilities prior to beginning any transmission from the site. See next paragraph for filing information.**

It is necessary to file with the FAA by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. Furthermore, any construction cranes for this project reaching or exceeding 200 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using the same form. This form should be filed with a 45 day advance notice prior to raising the crane. The form is available through this office or through the FAA website: https://oeaaa.faa.gov. The developer may "e-file" online at https://oeaaa.faa.gov. Alternatively, this form may be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

JR/AH/cf

C: M. Fajardo
S. Harman
A. Herrera
Jesse Hernandez, Planning & Zoning
File

Received by
Zoning Agenda Coordinator
APR 24 2009

2009 APR 24 P 2:57
PLANNING AND ZONING
AGENDA OFFICE

12

PH# Z2009000043
CZAB - C02

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:T-MOBILE SOUTH LLC

This Department has no objections to this application.

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

Raul A Pino, P.L.S.
07-APR-09

REVISION 1

Memorandum

Date: 08-APR-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2009000043

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2009000043
located at lying west of NE 10 AVE & north of NE 208 Street
in Police Grid 0048 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:16 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 63 - Highland Oaks - 1665 NE 205 Street.
SLS engine, Hazmat, Rescue.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 23-APR-10

REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

T-MOBILE SOUTH LLC AND
FLORIDA POWER AND LIGHT

APPLICANT

lying west of NE 10 AVE & north of
NE 208 Street

ADDRESS

Z2009000043

HEARING NUMBER

HISTORY:

4/23/10 No active cases for BNC. NC - No cases.

Bldg - 2 cases for Expired Permits. Both cases closed as of 2006. Case#'s A2005004705 & 2006097322

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

N/A

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: T-Mobile

NAME AND ADDRESS	Percentage of Stock
T-Mobile is a publicly traded Company as a Subsidiary of Deutch Telecom (DT)	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals, including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

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PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: FPL

NAME AND ADDRESS	Percentage of Stock
FPL is a publicly traded company on the NY Stock Exchange under symbol FPL	

N/A

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

N/A

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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BY

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

T-Mobi

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

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

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NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____ (Applicant)

Sworn to and subscribed before me this 17th day of March, 2009. Affiant is personally know to me or has produced _____ as identification.

Laura L Roberts
(Notary Public)

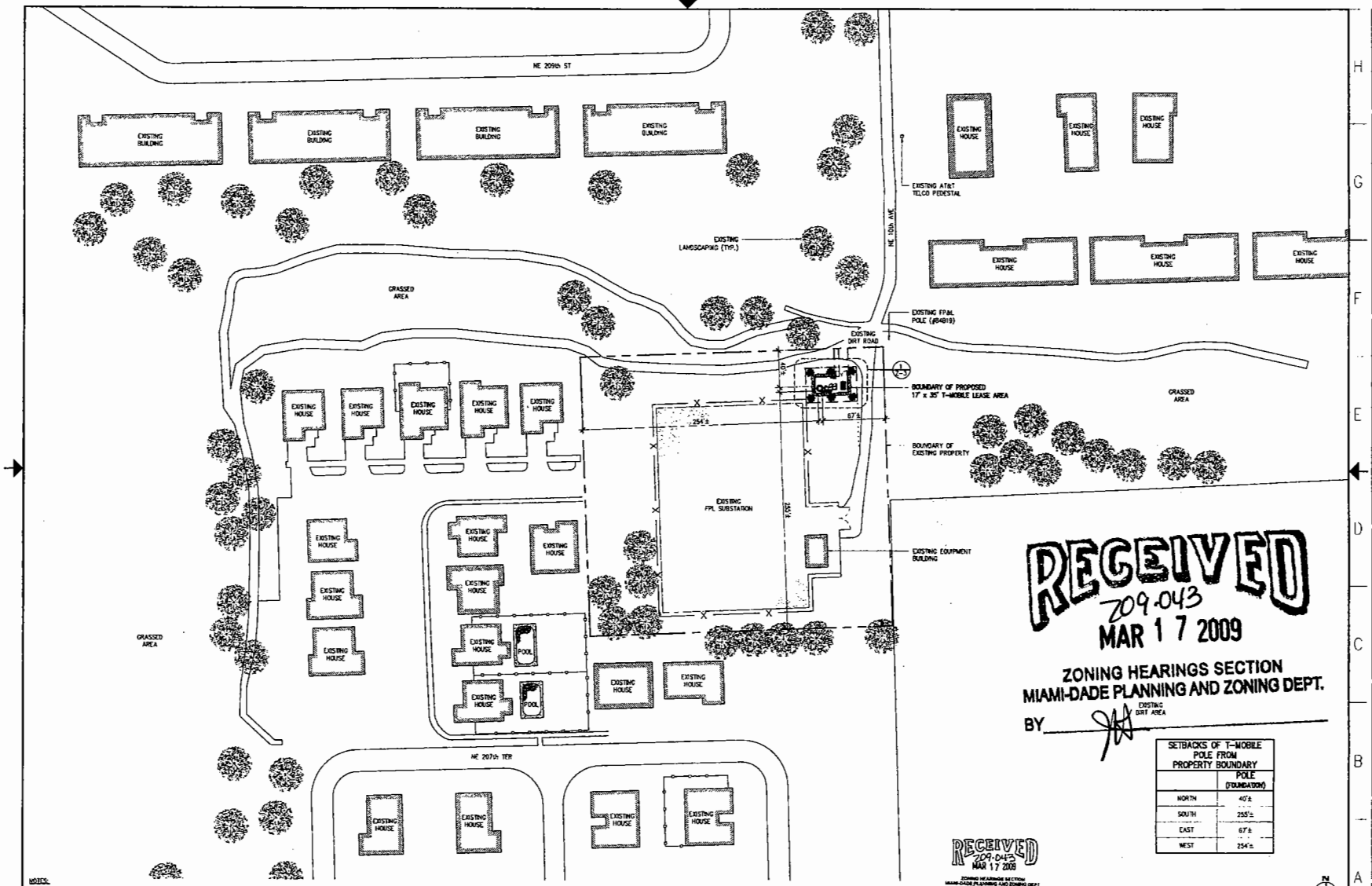
My commission expires: May 30, 2010

Seal

NOTARY PUBLIC-STATE OF FLORIDA
Laura L. Roberts
Commission #DD558247
Expires: MAY 30, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

19



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SETBACKS OF T-MOBILE POLE FROM PROPERTY BOUNDARY	
	POLE (FOUNDATION)
NORTH	40'±
SOUTH	255'±
EAST	67'±
WEST	254'±

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MAR 17 2009
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

NOTES:
1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY; VERIFY ALL DIMENSIONS.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.

SITE PLAN

SCALE: 1" = 50'-0" (22"x34")
SCALE: 1" = 100'-0" (11"x17")

T-Mobile
stick together
8100 SW 10th STREET
SUITE 1000
PLANTATION, FL 33324

MACTEC
MACTEC ENGINEERING & CONSULTING, INC
CORPORATE OFFICE
1105 LAKEWOOD PARKWAY
ALPHARETTA, GA 30004
LOCAL OFFICE
5845 NW 158th STREET
MIAMI LAKES, FL 33014
TEL: (305) 826-5588
FAX: (305) 826-1799
CERTIFICATE OF AUTHORIZATION #: 6090

PROJECT NO.: 6788-08-1593 (208)

REV	DATE	DESCRIPTION
0	3/10/09	FOR PERMIT
A	12/15/08	PRELIMINARY

DRAWN BY: J. ACOSTA
CHECKED BY: M. ABBEY

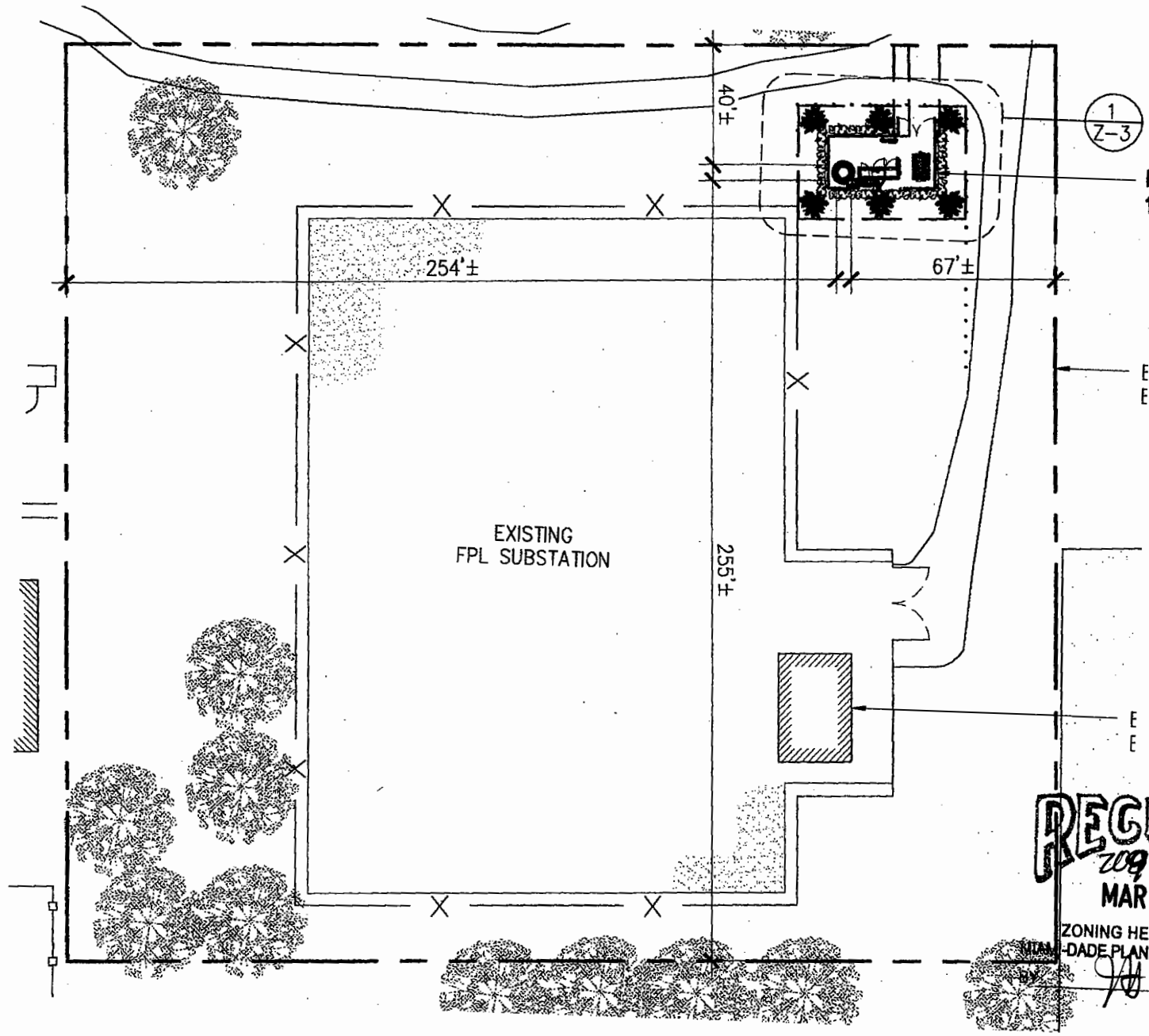
SEAL:
PROFESSIONAL ENGINEER
SIGNATURE: (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
DATE: 3/10/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

SITE INFORMATION:
MD1460F
FPL IVES SUBSTATION
1640 IVES DAIRY ROAD
MIAMI, FL 33179

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
Z-2

PLOT SCALE: 1:1 @ 22"x34"; 1:2 @ 11"x17"



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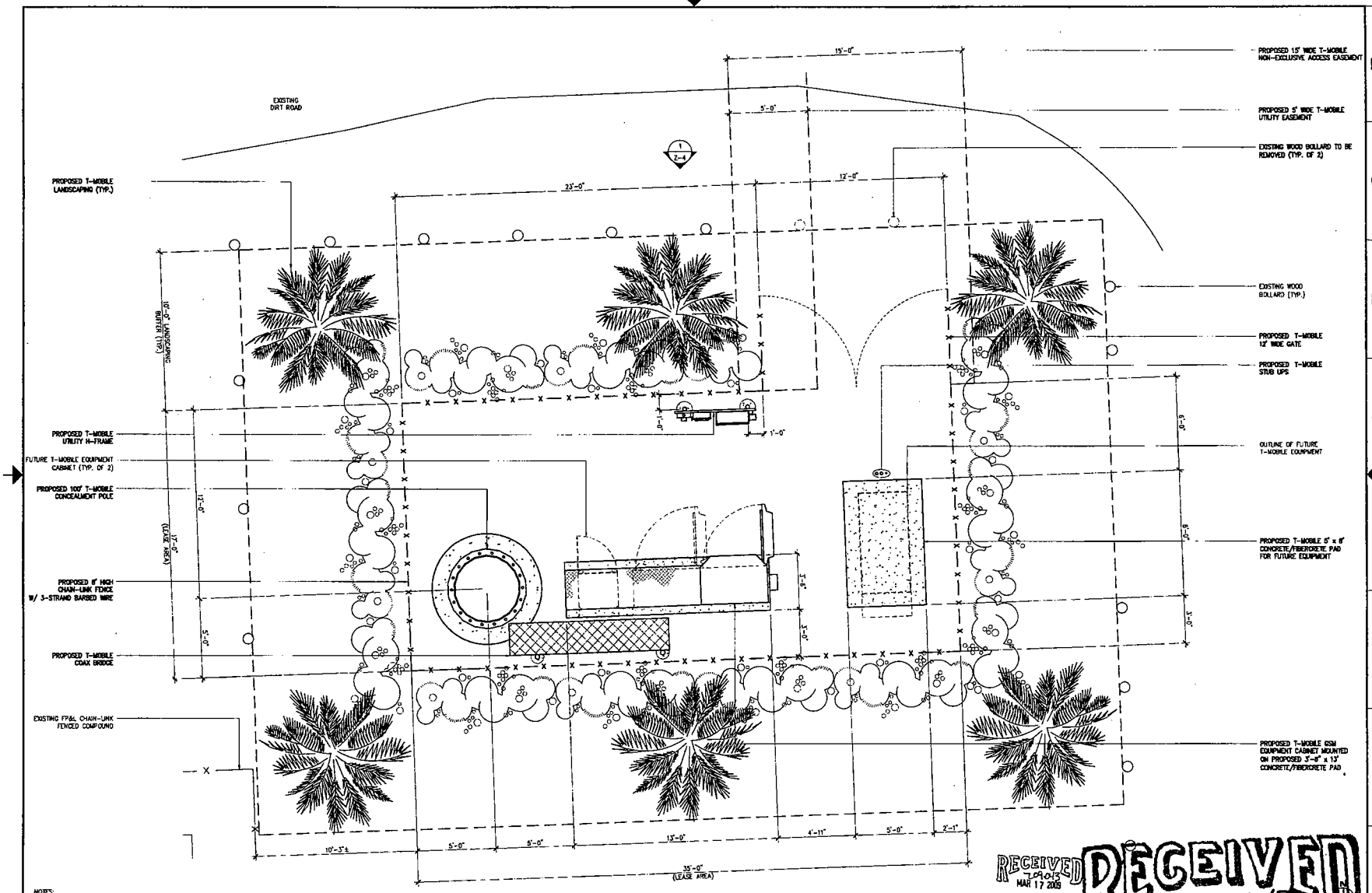
ENLARGED SITE PLAN



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COMPOUND PLAN

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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T-Mobile
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REV	DATE	DESCRIPTION
D	3/10/09	FOR PERMIT
A	12/15/08	PRELIMINARY

DRAWN BY: J. ACOSTA
CHECKED BY: M. ABBEY

SEAL: PROFESSIONAL ENGINEER
SIGNATURE (NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
DATE: 3/10/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

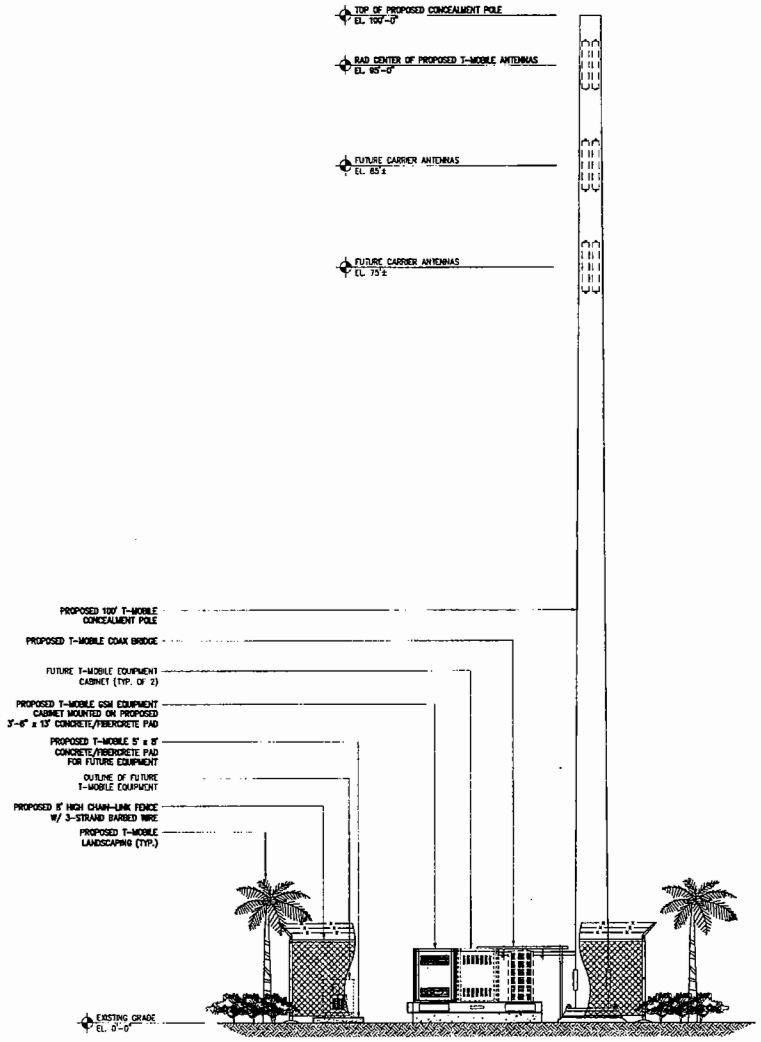
SITE INFORMATION:
MD1460F
FPL IVES SUBSTATION
1640 IVES DAIRY ROAD
MIAMI, FL 33179

SHEET TITLE:
COMPOUND PLAN

SHEET NUMBER:
Z-3

PLOT SCALE: 1:1 @ 22"x34"; 1:2 @ 11"x17"

22



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ELEVATION

SCALE: 1" = 6'-0" (22"x34")
SCALE: 1" = 12'-0" (11"x17")

T-Mobile
stick together
8100 SW 10th STREET
SUITE 1000
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PROJECT NO.: 6786-08-1593 (208)

REV	DATE	DESCRIPTION
B	3/10/09	FOR PERMIT
A	12/15/08	PRELIMINARY

DRAWN BY: J. ACOSTA
CHECKED BY: M. ABBEY

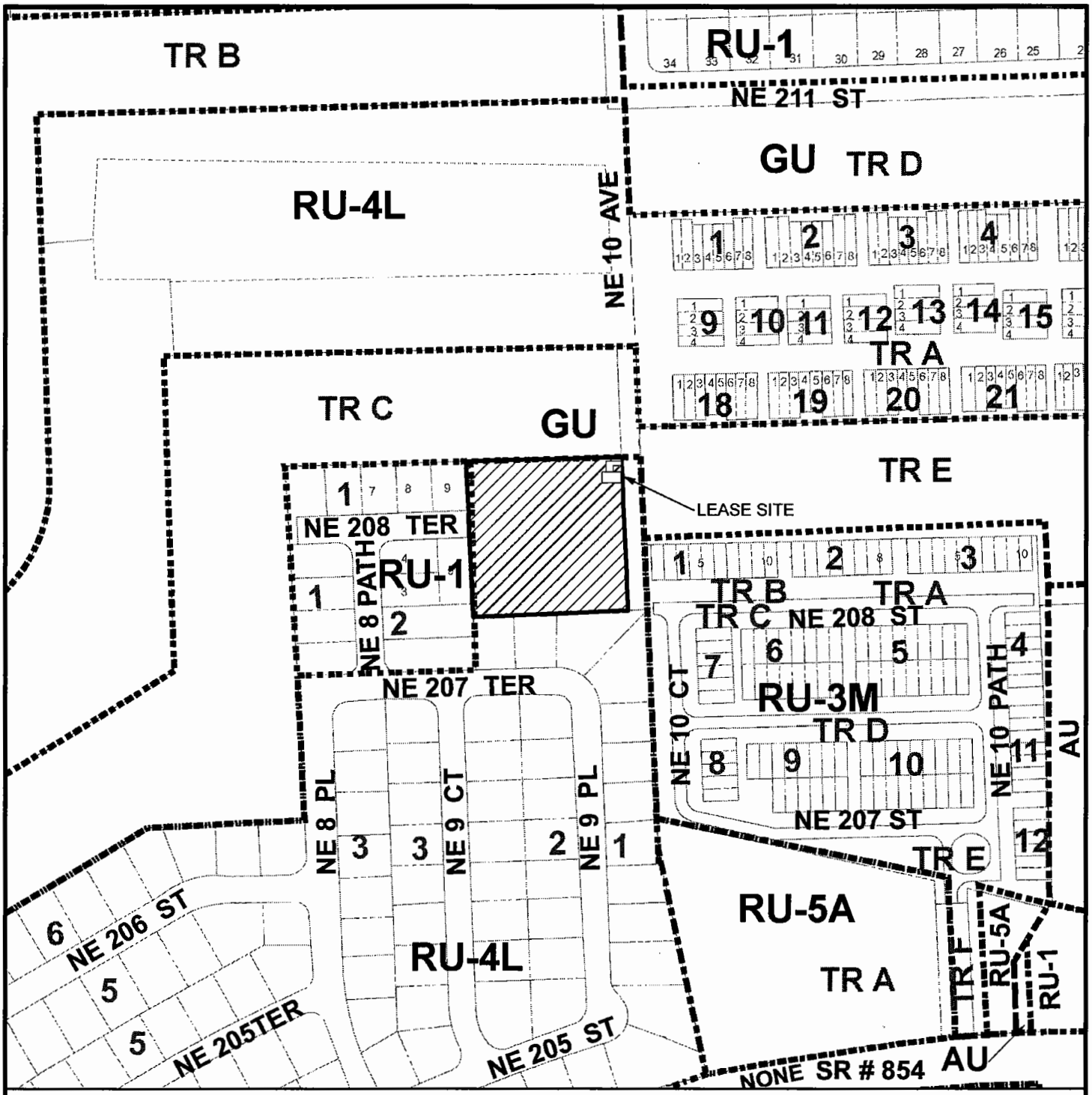
SEAL:
PROFESSIONAL ENGINEER
SIGNATURE:
(NOT VALID WITHOUT SIGNATURE & RAISED SEAL)
DATE: 3/10/09
NAME: MARTIN H. SAHN
STATE: FLORIDA
LICENSE No.: 22787
EXP. DATE: 02/28/11

SITE INFORMATION:
MD1460F
FPL IVES SUBSTATION
1640 IVES DAIRY ROAD
MIAMI, FL 33179

SHEET TITLE:
ELEVATION

SHEET NUMBER:
Z-4

PLOT SCALE: 1:1 @ 22"x34"; 1:2 @ 11"x17"



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-043

Section: 31Township: 51 Range: 42
Applicant: T-MOBILE SOUTH LLC
Zoning Board: C02
Commission District: 01
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/23/09

REVISION	DATE	BY

23

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number
09-043

Section: 31Township: 51 Range: 42
Applicant: T-MOBILE SOUTH LLC
Zoning Board: C02
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---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 03/23/09

REVISION	DATE	BY