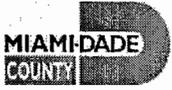


# KITS

4-26-2011 Version # 1



**COMMUNITY ZONING APPEALS BOARD 10**  
**JORGE MAS CANOSA YOUTH CENTER**  
**250 SW 114 Avenue, City of Sweetwater**  
**Thursday, June 2, 2011 at 6:30 p.m.**

**CURRENT**

- |    |             |                                |               |          |   |
|----|-------------|--------------------------------|---------------|----------|---|
| 1. | 11-6-CZ10-1 | <u>WACHOVIA</u>                | <u>10-63</u>  | 15-54-40 | N |
| 2. | 11-6-CZ10-2 | <u>84 SHOPPING PLAZA CORP.</u> | <u>10-147</u> | 22-54-40 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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### COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF THURSDAY, JUNE 2, 2011

JORGE MAS CANOSA YOUTH CENTER

250 SW 114 AVENUE, CITY OF SWEETWATER, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 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. WACHOVIA (11-6-CZ10-1/10-063)**

**15-54-40  
Area 10/District 10**

Applicant is requesting to permit a bank with a 3<sup>rd</sup> wall sign (2 wall signs permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Coral Way and S.W. 87<sup>th</sup> Avenue", as prepared by Site Enhancement Services, dated stamped received 5/19/10, consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 8508 S.W. 24 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 19.26 ACRES

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**2. 84 SHOPPING PLAZA CORP. (11-6-CZ10-2/10-147)**

**22-54-40  
Area 10/District 10**

- (1) Applicant is requesting to permit a proposed Class "C" sign spaced 6.40' (300' minimum required) from the existing building on the site.
- (2) Applicant is requesting to permit a proposed Class "C" sign with a height of 44' (30' maximum permitted).
- (3) Applicant is requesting to permit the proposed Class "C" sign to setback 10' (20' minimum required) from the front (north) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Billboard For: 84 Shopping Plaza Corp.," as prepared by Daniel Lopez, dated stamped received 1/11/11, consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 8320 S.W. 40 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.07 Acres

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**NOTICE**

\*\*\*\*\*

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.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**1. WACHOVIA**  
**(Applicant)**

**11-6-CZ10-1 (10-063)**  
**Area 10/District 10**  
**Hearing Date: 06/02/11**

Property Owner (if different from applicant) **Westchester Mall Associates.**

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1961	Coronet Const. Corp.	- Unusual Use to permit non commercial parking.	ZAB	Approved w/conds.
1970	Robert Chuckrow Construction C & S.S. Kresge Co	- Variance for sign regulation.	ZAB	Approved in part w/conds.
1973	Engle	- Unusual Use to permit amusement rides.	ZAB	Approved w/conds.
1975	Flagler Federal	- Non-Use Variance of sign regulations.	ZAB	Approved
1975	Flagler Fed Savings & Loan	- Non-Use Variance of setback for signage.	ZAB	Approved
1977	Vallamo	- Modification of condition of resolution.	ZAB	Approved w/conds.
1981	Walgreens Co.	- Special Exception of spacing requirement for alcohol.	ZAB	Approved
1992	Westchester Mall Assoc.	- Non-Use Variance of sign regulations.	ZAB	Approved w/conds.
1992	K-Mart Corp.	- Non-Use Variance of zoning regulations requiring.	ZAB	Approved w/conds.
1995	Westchester Mall Assoc.	- Non-Use Variance of sign regulation.	ZAB	Approved

1998	KMART	- Deletion of condition of resolution.	C10	Approved w/conds.
2006	Westchester Mall Associates, LTD	- Non-Use Variance of zoning regulation.	C10	Approved in part 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 DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

**APPLICANT:** Wachovia

**PH:** Z10-063 (11-6-CZ10-1)

**SECTION:** 15-54-40

**DATE:** June 2, 2011

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 1

**A. INTRODUCTION**

o **SUMMARY OF REQUEST:**

Approval of this application will allow an existing bank with three wall signs where only two wall signs are permitted by the Zoning Code.

o **REQUEST:**

Applicant is requesting to permit a bank with a third wall sign (2 wall signs permitted per tenant).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Coral Way & 87 Avenue," as prepared by Site Enhancement Services, dated stamped received 5/19/10 consisting of 3 sheets. Plans may be modified at public hearing.

o **LOCATION:** 8508 SW 24 Street, Miami-Dade County, Florida.

o **SIZE:** 19.26 Acres

**B. ZONING HEARINGS HISTORY:**

In 1970, the ZAB approved, pursuant to Resolution 4-ZAB-25-70, a fourth and fifth detached sign (2 permitted). In 1973, the ZAB approved with conditions, pursuant to 4-ZAB-391-73, an unusual use to permit amusement enterprises to include, but not necessarily limited to pinball machines, and other similar coin operated recreational devices. In 1975, the ZAB approved, pursuant to Resolution 4-ZAB-169-75 a sixth sign (2 permitted). In 1992, the ZAB approved with conditions, pursuant to Resolution 4-ZAB-202-92, a non-use variance to permit an additional detached sign 250 sq. ft. in size to be enlarged to 310 sq. ft. and a non-use variance to permit two marquee signs (not permitted). In 1992, the ZAB approved with conditions, pursuant to Resolution 4-ZAB-294-92, a non-use variance to permit outdoor retail garden sales. In 1995, the ZAB approved, pursuant to 5-ZAB-285-95, a non-use variance to permit 18 wall signs for the shopping center on the north elevation totaling 616 sq. ft. (2 wall signs totaling 46.4 sq. ft. permitted for the shopping center). In 2006, pursuant to Resolution #CZAB10-74-06, some non-use variances of landscaped open space and wall requirements were granted on the subject property.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:**

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and*

*professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.*

2. *The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, zero-lot-line and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*
3. **Uses and Zoning Not Specifically Depicted.** *Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map."*
4. **Policy 9B vii** *of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate **signage**.*
5. **Policy LU4A** *of the Land Use Element states that 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-1; parking areas

Low Density Residential  
(1.41 acres of subject property, south 102')

BU-2; shopping center

Business and Office  
(17.85 acres of subject property)

**Surrounding Properties:**

**NORTH:** BU-1 and BU-2; office and shopping center

Business and Office

**SOUTH:** RU-1; Single family residences

Low Density Residential, 2.5-6 dua

**EAST:** RU-1; Single family residences

Low Density Residential, 2.5-6 dua

**WEST:** BU-2; strip shopping center

Business and Office

**E. PERTINENT ZONING REQUIREMENTS/STANDARDS:**

***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 PROVIDER COMMENTS:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**G. PLANNING AND ZONING ANALYSIS:**

The subject property is located at 8505 SW 24 Street (Coral Way) and is developed with a shopping center. A portion of the main building within this shopping center has since been demolished. The bank building which is the subject of this application is a relatively new, detached building within the shopping center property that does not appear in the attached

5

aerial photographs. The surrounding area is characterized by shopping centers to the north, northwest and to the west. There are single-family residences to the east and south. The applicant is seeking to permit a third wall sign on the west wall of an existing bank building. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates approximately the northern 730' of the subject property for **Business and Office** use and the southern 102.77' for **Low Density Residential**. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the existing shopping center on this BU-2 and RU-1 zoned parcel is **consistent** with the interpretative text of the CDMP.

Staff notes that **Policy 9B vii** of the Land Use Element of the CDMP indicates that Miami-Dade County *shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage.* In addition **Policy LU4A** states that 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.* Staff notes that this Department has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. As previously mentioned, in 1970, 1975, 1992 and 1995 the subject property was granted approval of numerous signs which have exceeded the number of signs permitted under the Zoning Code. Therefore, staff opines that the approval of the additional signage being requested under this application would be excessive and would create a negative visual impact to the shopping center and surrounding area.

When this application is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff notes that in 1995, the ZAB approved, pursuant to 5-ZAB-285-95, a non-use variance to permit 18 wall signs on the north elevation totaling 616 sq. ft., where a maximum of 2 wall signs totaling 46.4 sq. ft. is permitted for the entire shopping center. Since that time, a portion of the original shopping center containing the aforementioned wall signage has been demolished. The applicant is now seeking approval for additional wall signage for a relatively new, existing detached bank building within the shopping center, which is separate from the original building. Notwithstanding the demolition of the previous shopping center building, staff opines that the approval of this application would contribute to the trend of excessive signage within this shopping center property. In staff's opinion, this would lead to a continuation of the negative visual impact caused by cluttering this shopping center property with excessive signage. In addition, staff opines that the approval of this application would negatively impact adjacent roadways by creating additional driver distractions, would not be in keeping with the intent and purpose of the zoning and land use regulations and would have a negative visual impact on the aesthetic quality of the surrounding area. **As such, staff recommends denial without prejudice of this application.**

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None

**DATE TYPED:** 04/04/11  
**DATE REVISED:** 05/03/11, 05/16/11  
**DATE FINALIZED:** 05/16/11  
MCL;GR;NN;CH:TA

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

# Memorandum



**Date:** June 7, 2010

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

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

**Subject:** C-10 #Z2010000063  
Wachovia  
8508 S.W. 24<sup>th</sup> Street  
To Permit a 3rd Wall Sign at Wachovia  
(BU-2) (1.28 Acres)  
15-54-40

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

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

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

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

#### Stormwater Management

DERM Water Control Section has no objection to the approval of this application.

#### Pollution Remediation

The DERM Pollution Control Division (PCD) has reviewed the information regarding the above referenced site and indicates that there are records of current contamination assessment or

8

remediation issues on the property (The Home Depot Store 6882, 8400 SW 24 St. (Company A), UT-2895/F-1859). This site is currently being assessed.

Please be advised that there are records of dry cleaning solvent contamination assessment or remediation issues abutting the property to the west (Victor's Magic Cleaners, Inc. (Ansin, Ronald & Edmund/ Victors CL), 2625 SW 87 Ave., IW5-2788/F-2580). The contaminated site is in a state funded program awaiting allocation of funds for cleanup. Except as noted above, there are no records of current contamination assessment or remediation issues on any of the other abutting properties.

Additionally, there are no historical records of contamination assessment or remediation issues regarding non-permitted sites associated with this property or abutting the property.

#### Wetlands

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

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

#### Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit a third wall sign will not impact tree resources. Therefore, the DERM Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning management practices as related to the handling of hazardous materials.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Enforcement History

DERM staff has reviewed the Permits and Enforcement database and has found one (1) closed enforcement case for the referenced property address. The following is a summary of this closed enforcement case that is associated with the subject folio:

K-MART (8400 SW 24th Street) -UGT

In May, 1991 an inspection was conducted by DERM which revealed hydrocarbon contamination in the groundwater. Submittals of the Contamination Assessment Report were made between 1991-1995 and in March, 1995 an inspection conducted by DERM revealed no groundwater violation and the case was subsequently closed due to compliance.

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 discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: WACHOVIA

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.

20-JUL-10

# Memorandum



**Date:** 10-JUN-10  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000063

## Fire Prevention Unit:

Not applicable to MDFR site requirements.

## Service Impact/Demand

Development for the above Z2010000063  
 located at 8508 S.W. 24 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1485 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 4:28 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
 Station 47 - Westchester - 9361 Coral Way  
 Rescue, ALS Engine

## 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.

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

WACHOVIA

8508 S.W. 24 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

Z2010000063

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HEARING NUMBER

**HISTORY:**

OPEN CASES:

Neighborhood Compliance

201103001678 ¿CVN issued in 4/2011 for Signs without Permit. CVN paid and compliance pending.

201103001679 ¿CVN issued 4/2011 for Illegal Banner. CVN paid and compliance attained. Will be closing case as complied.

Building

A2011001516-X ¿Notice of Violation (NOV) sent on 2/11/11 for expired permit #2008000532. Ninety (90) days from issuance of NOV to comply.

PREVIOUS CASES:

Neighborhood Compliance

201103001020 ¿CVN issued in 2/2011 for Overgrowth. CVN paid and case closed as complied.

201103001686 ¿NOV issued in 3/2011 for Illegal Portable Signs. Case closed as complied.

Building

None

WESTCHESTER MALL ASSOC LTD PRTNRS

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

None

**REPORTER NAME:**

L. Cuellar

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: WACHOVIA BANK

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>PUBLICLY TRADED</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

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 \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>210-063</u>	_____
<u>JST</u>	_____
_____	_____
_____	_____

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].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

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

NAME OF PURCHASER: \_\_\_\_\_

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*210-063*

*[Signature]*

**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 16<sup>th</sup> day of April, 2010. Affiant is personally know to me or has produced FLTD CARD as identification.

[Signature]  
(Notary Public)



My commission expires: 09/15/2010

\*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.

**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: \_\_\_\_\_

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

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 \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____ 210-063 _____	_____
_____ JST _____	_____
_____	_____

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].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Westchester Mall Associates LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____ - SEE ATTACHED LIST - _____	_____
_____	_____
_____	_____

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

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.

_____	_____
_____ 710-063 _____	_____
_____	_____
_____ JSD _____	_____
_____	_____

**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: JSD  
(Applicant)

Sworn to and subscribed before me this 5<sup>th</sup> day of April 2010. Affiant is personally know to me or has produced John Usdan as identification.

Julie Davidov  
(Notary Public)

JULIE DAVIDOV  
Notary Public, State of New York  
Qualified in Kings County  
Reg. No. 01DA6135179  
Commission Expires Oct. 17, 2013

My commission expires: Oct 17, 2013

Seal

\*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.

18

Westchester Mall Associates LLC

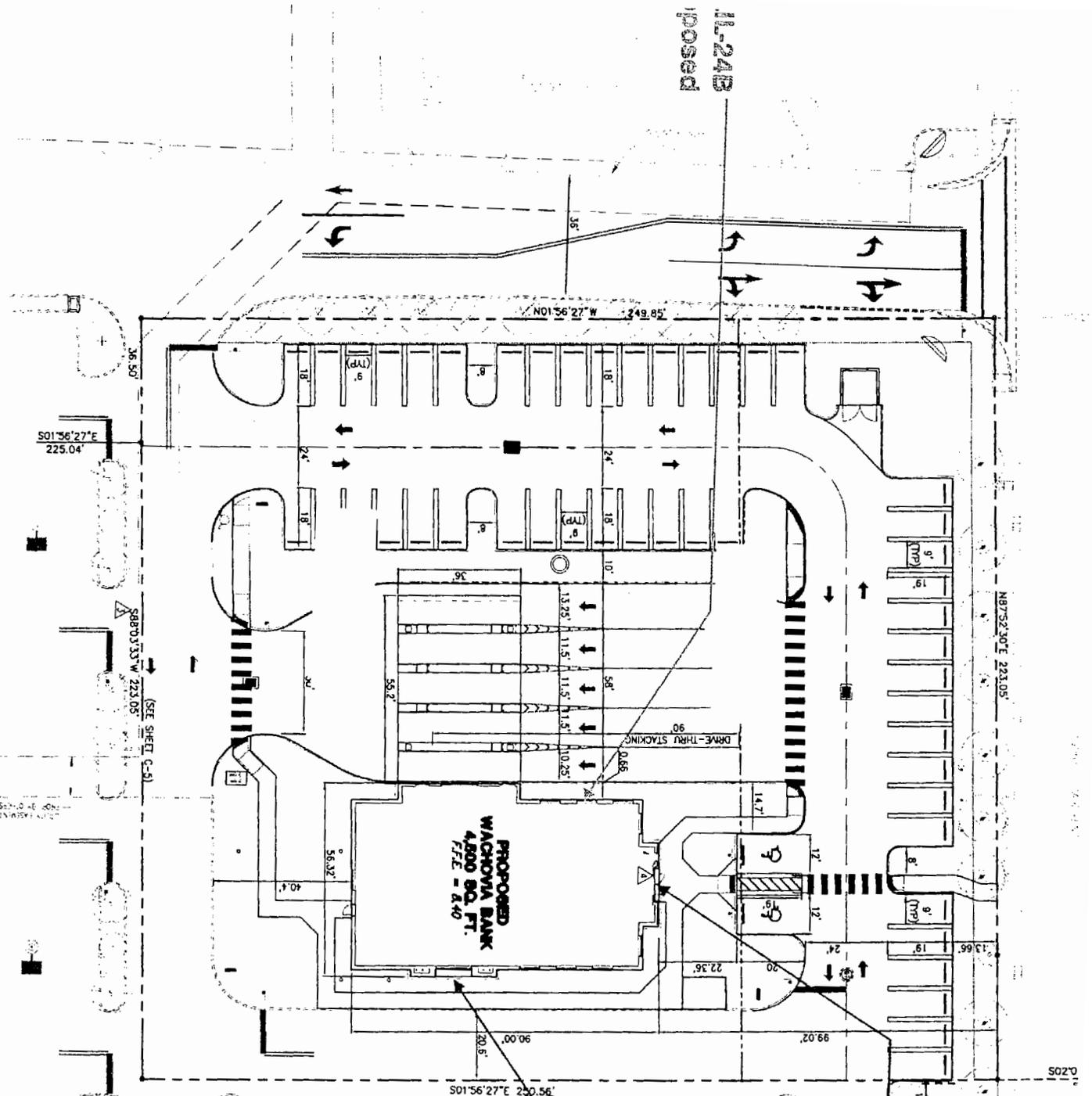
SR #	NAME	% OF OWNERSHIP
1	JOHN USDAN 2000 FAMILY TRUST	55.00%
2	JED ISAACS	0.50%
3	JED ISAACS IRREV. TRUST	23.50%
4	JANE SCHOENHOLTZ	4.00%
5	JOHN ISAACS	4.00%
6	JAMES CAISSY	4.00%
7	MADLINE NOVECK	4.00%
8	PFREA LLC (C/O JOSH POLAN)	5.00%
	<b>TOTAL</b>	<b>100.00%</b>

Z10-063



19

due - Miami, FL



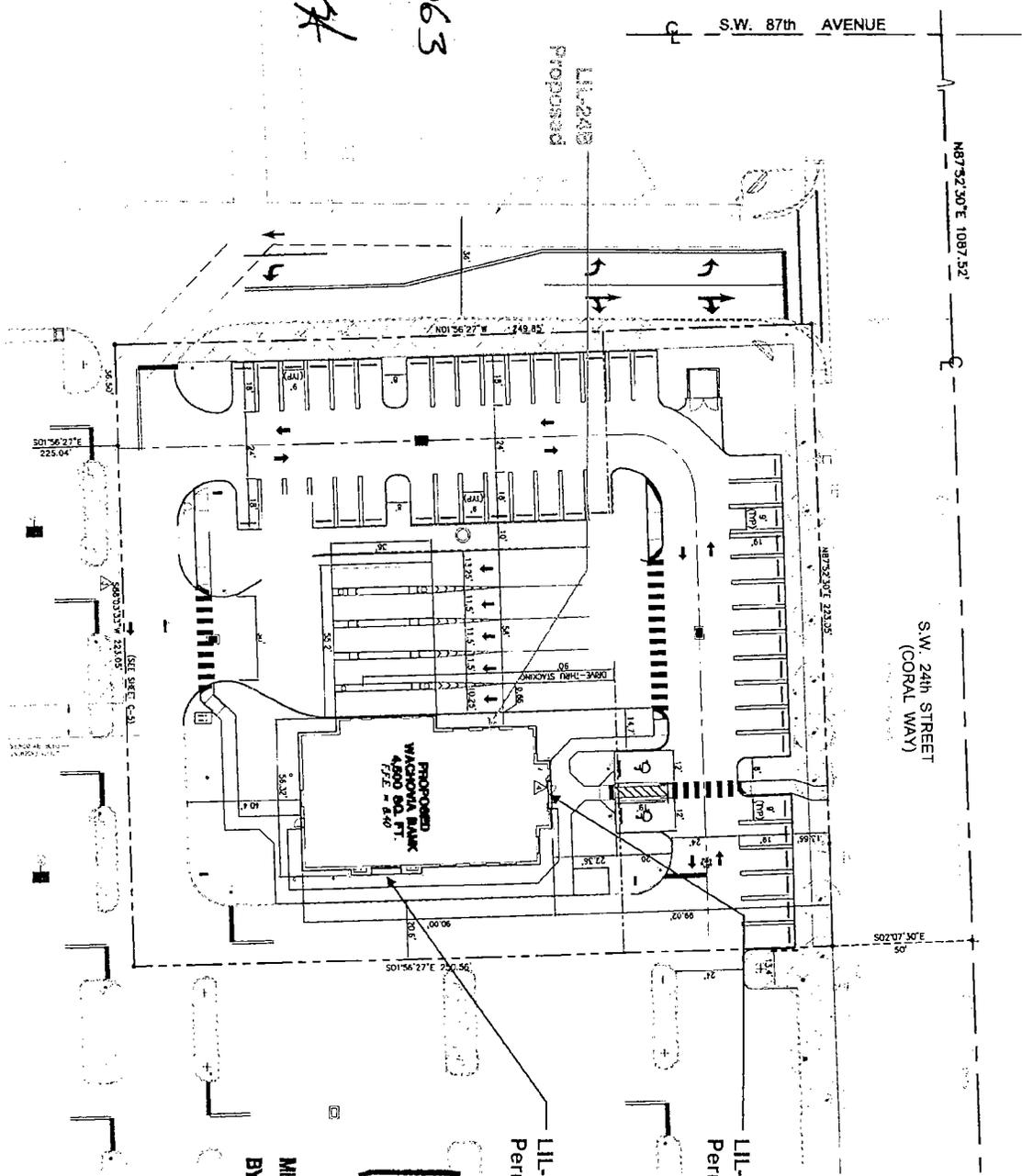
24x36

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_  
 ENLARGED SITE PLAN

**RECEIVED**  
 Z-10-163  
 MAY 19 2010

LIL-24B  
 Permitted

LIL-24B  
 Permitted



20-063  
 J87

**RECEIVED**  
 MAY 19 2010  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

Coral Way & SW 87th Avenue - Miami, FL

Site Enhancement Services | Ph: 1.800.599.8121 | Fax: 1.574.237.6166 | www.sitenhancementservices.com

RHX36



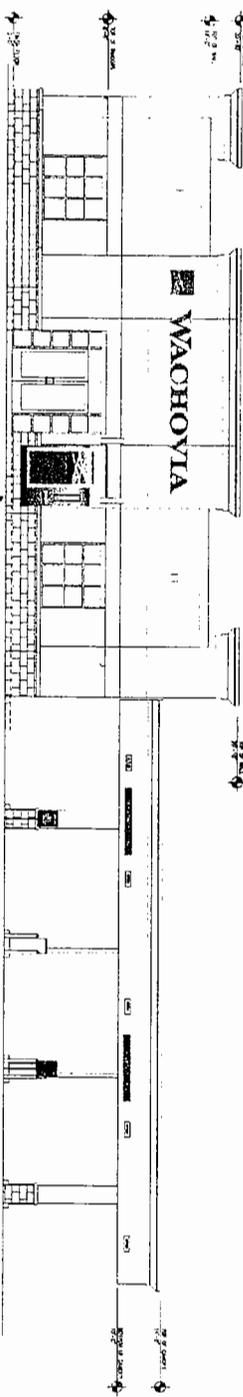
PROPOSED SIGNAGE

22

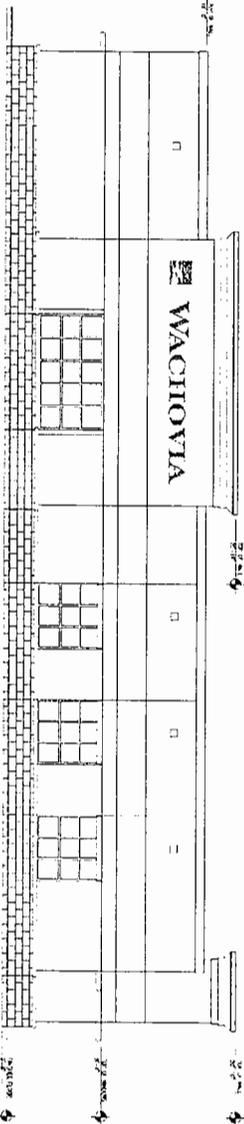
**RECEIVED**  
Z-10-163  
MAY 19 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

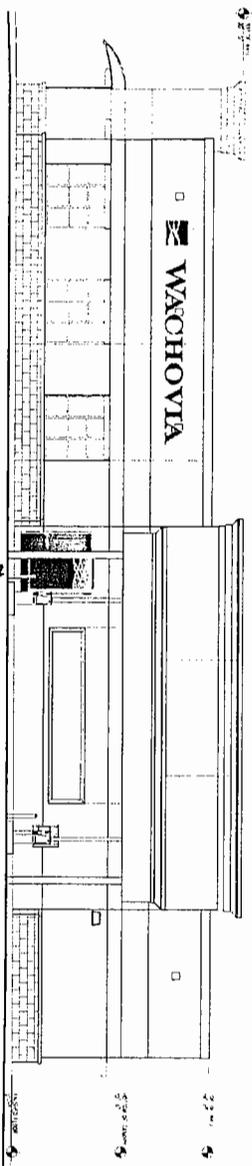
North Elevation (Coral Way) - LL-24B (Permitted)



East Elevation - LL-24B (Permitted)



West Elevation - LL-24B (Proposed)

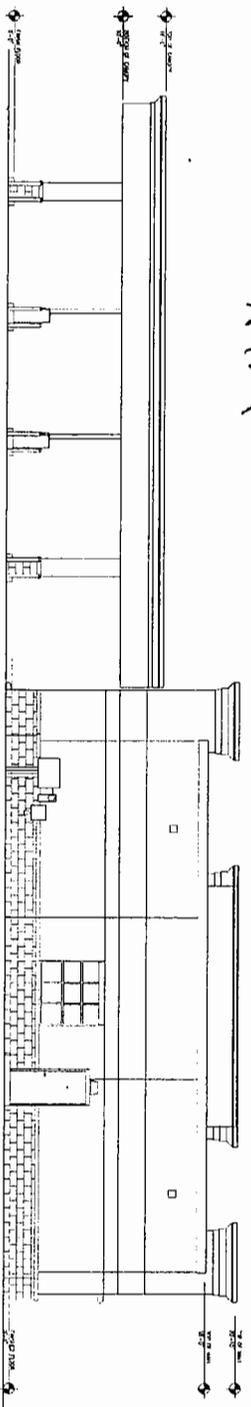


ATM

Z-10-063

*JRL*

South Elevation  
Scale: 1/16" = 1'



Coral Way & SW 87th Avenue - Miami, FL

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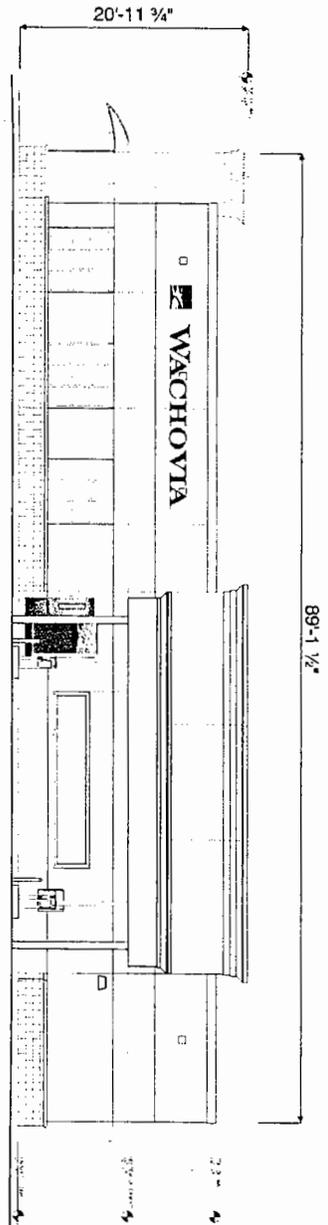
Page 4 of 7

**SES**

24x36

PROPOSED SIGNAGE

23



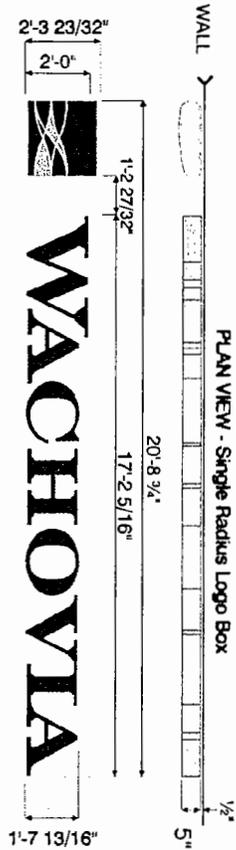
West Elevation - LI-24B  
Scale: 1/16" = 1'

**RECEIVED**  
MAY 19 2010  
210-163

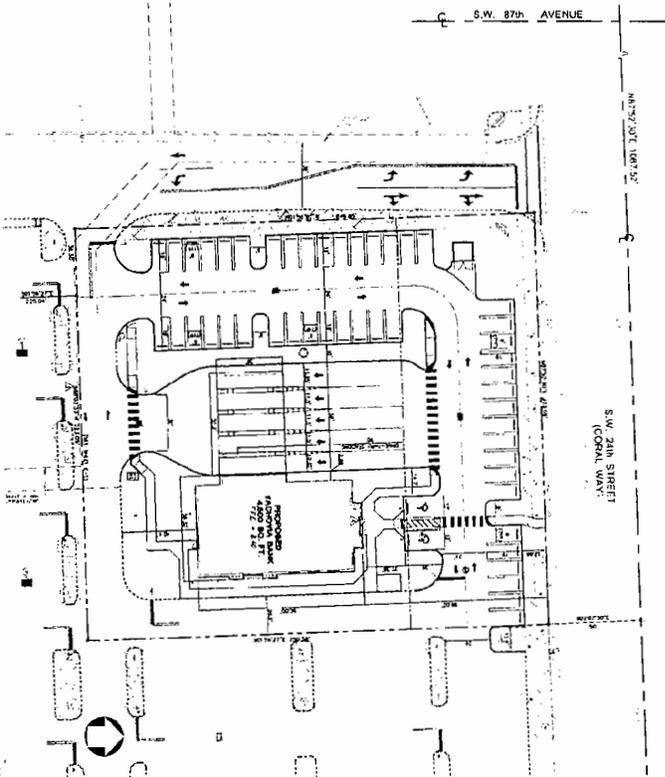
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

210-063

*Handwritten signature*



LI-24B (face-Lit Channel Letters with Internal Neon Illumination)  
Utilized Square Footage: 47.50  
Scale: 3/16" = 1'



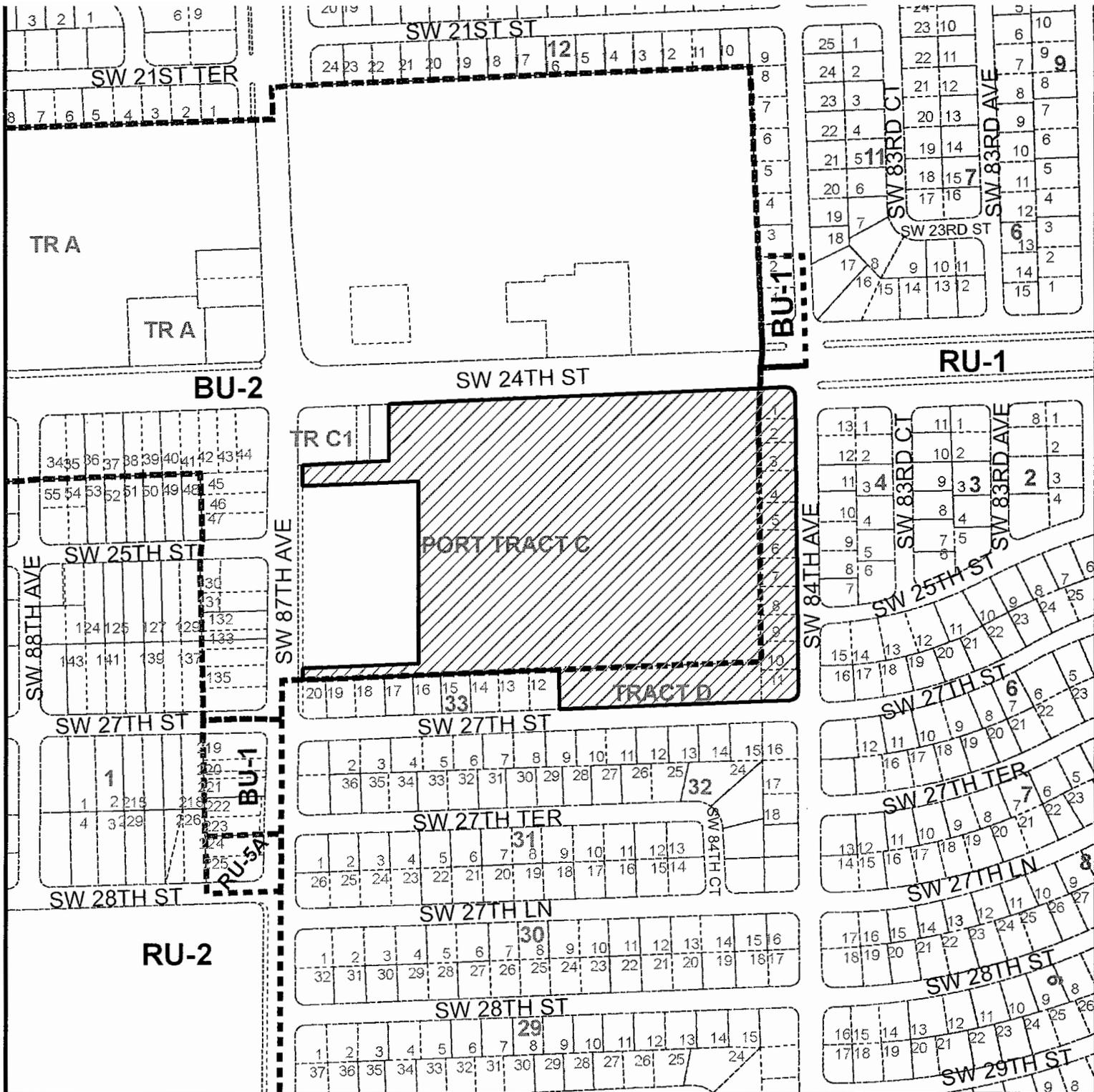
Coral Way & SW 87th Avenue - Miami, FL

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Page 5 of 7

**SES**

24X36



**MIAMI-DADE COUNTY**

**HEARING MAP**

Section: 15 Township: 54 Range: 40

Applicant: WACHOVIA

Zoning Board: C10

Commission District: 10

Drafter ID: KEELING

Scale: NTS

Process Number

**Z2010000063**



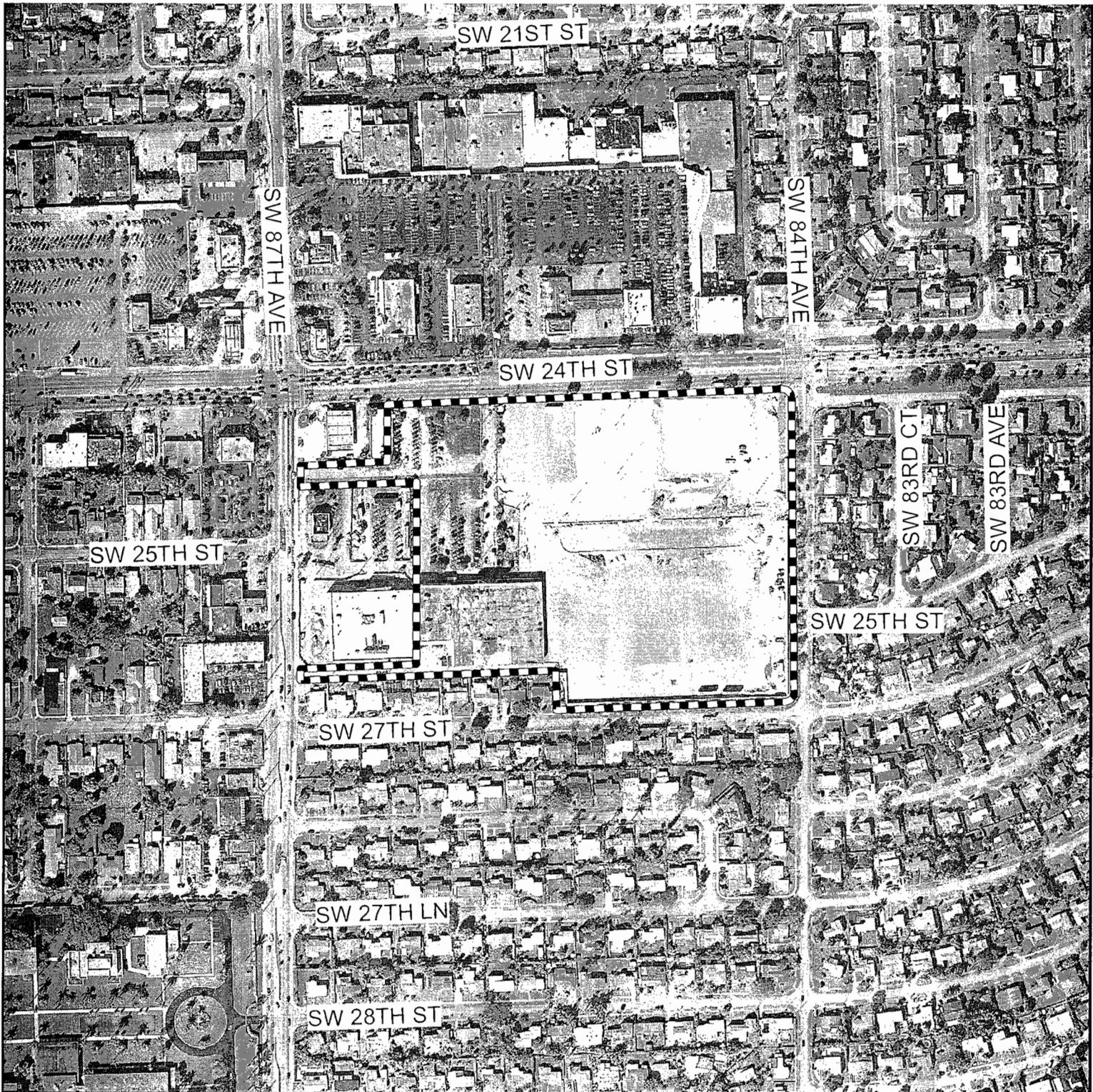
**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, June 7, 2010

REVISION	DATE	B'Y
	24	



**MIAMI-DADE COUNTY**

AERIAL YEAR 2009

Process Number

**Z201000063**



Section: 15 Township: 54 Range: 40  
 Applicant: WACHOVIA  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: KEELING  
 Scale: NTS

**Legend**

 Subject Property



SKETCH CREATED ON: Monday, June 7, 2010

REVISION	DATE	BY

**2. 84 SHOPPING PLAZA CORP**  
**(Applicant)**

**11-6-CZ10-2 (10-147)**  
**Area 10/District 10**  
**Hearing Date: 06/02/11**

Property Owner (if different from applicant) **Daniel & Miriam Arias.**

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1959	Malcolm MacNeil	- Zone change from BU-2 and GU to BU-2.	BCC	Approved w/conds.
1974	Thomas Budetti and Martin Fitzsimmons	- Spacing requirement for package store.	C04	Approved
1975	George Vasquez	- Unusual Use to permit an amusement center.	BCC	Approved w/conds.
1975	Julio A. Viyella	- Non-Use Variance for setbacks.	C04	Approved
1977	Directors	- Zone change from BU-2 to BU-1A	BCC	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 DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

**APPLICANT:** 84 Shopping Plaza Corp.

**PH:** Z10-147 (11-6-CZ10-2)

**SECTION:** 22-54-40

**DATE:** June 2, 2011

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 2

**A. INTRODUCTION**

o **SUMMARY OF REQUESTS:**

The applicant is seeking to permit a Class C sign exceeding the height permitted by the zoning code, to permit said sign with reduced setbacks from the front property line and spaced less than required from an existing building on the same parcel of land.

o **REQUESTS:**

- (1) Applicant is requesting to permit a proposed Class "C" sign spaced 6.40' (300' minimum required) from an existing building on the same site.
- (2) Applicant is requesting to permit the proposed Class "C" sign with a height of 44' (30' maximum permitted).
- (3) Applicant is requesting to permit the proposed Class "C" sign setback 10' (20' minimum required) from the front (north) property line.

Plans are on file and may be examined in the Zoning Department entitled "Proposed Billboard for 84<sup>th</sup> Shopping Plaza" as prepared by Daniel Lopez, dated stamped received January 11, 2011, consisting of 2 sheets. Plans may be modified at public hearing.

o **LOCATION:** 8320 SW 40 Street, Miami-Dade County, Florida.

o **SIZE:** 4.07 acre

**B. ZONING HEARINGS HISTORY:**

In December 1959, the subject property was a part of a parcel of land that was rezoned from BU-2, Special Business District and GU, Interim District to BU-2, pursuant to Resolution #4340. Subsequently, in March 1977, pursuant to Resolution #Z-83-77, said property was rezoned from BU-2 to BU-1A, Limited Business District.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT:**

*The Adopted 2015 and 2025 Land Use Plan designates the northern, approximately 288' of the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications*

telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

The Adopted 2015 and 2025 Land Use Plan designates the remaining approximately 279' of the southern portion of the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**Uses and Zoning Not Specifically Depicted.**

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**Policy LU4A** of the Land Use Element states that 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.

**Policy 9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

BU-1A; shopping center

Business and Office  
Low Density Residential, 2.5 to 6 du

**Surrounding Properties:**

**NORTH:** BU-2; shopping center

Business and Office

<b>SOUTH:</b> RU-1; single-family residence, vacant land	Low Density Residential, 2.5 to 6 dua
<b>EAST:</b> BU-1A; bank building	Business and Office Low Density Residential, 2.5 to 6 dua
<b>WEST:</b> BU-1A and RU-5A; Office Buildings RU-1: single-family residences	Business and Office Low Density Residential, 2.5 to 6 dua

**E. PERTINENT REQUIREMENTS/STANDARDS:**

**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 PROVIDER COMMENT:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No objection</b>

\* Subject to conditions indicated in their memorandum.

**G. PLANNING AND ZONING ANALYSIS:**

The subject property is located at 8320 SW 40 Street, within the Urban Development Boundary (UDB). The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the northern approximately 288' of the subject property for **Business and Office** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The remaining southern 279' of the subject property is designated **Low Density Residential** on the LUP map of the CDMP. *The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* Staff notes that in March 1977, pursuant to Resolution #Z-83-77, the entire subject property was rezoned from BU-2, Special Business District, to BU-1A, Limited Business District. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the existing shopping center on this BU-1A zoned parcel is **consistent** with the interpretative text of the CDMP.

However, Policy 9B vii of the Land Use Element of the CDMP indicates that *Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage.* In addition **Policy LU4A** states that 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. Staff notes that this Department has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The applicant is requesting to waive the zoning requirements to permit a proposed Class C sign on a commercially zoned parcel of land, spaced 6.4' (300' required) from an existing building on the site (request #1); to permit said sign with a height of 44', where a maximum height of 30' is permitted (request #2) and to permit said sign setback 10' from the front (north) property line, where 20' is required (request #3). Staff notes that the subject property, on which the proposed sign is to be located, is developed with a shopping center which already has an existing multi-tenant detached sign on the site and staff is of the opinion that an additional 44' high 672 sq. ft. detached sign will be excessive at the same location. As such, staff opines that approval of the signage would not be in keeping with the intent and purpose of the zoning and land use regulations, and, would be **incompatible** with the surrounding area.

When the applicant's requests #1 through #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of these requests would be out of character with the area and would set a precedence for excessive signage on commercially zoned properties in this area. Although staff's research indicated that there were similar approvals for requests to allow detached signage encroaching into the setback area as requested in request #3, staff's research did not locate any approvals of requests for Class "C" signs on commercially zoned properties or for over-height signage as excessive as is being requested herein. Further, staff's research did not indicate that there were any other approvals for Class "C" signage spaced less than the 300' requirement from the principal building as is being requested in request #1. As such, staff opines that approval of requests #1 through #3, would set a precedent for overly intensive signage in this area and the combination of the size and location of the signage being requested herein, would have a negative visual impact on the area. Therefore, staff opines that approval of the requests would be out of character and **incompatible** with the surrounding area. Further, as previously mentioned staff has consistently recommended denial of applications seeking deviations from signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. **As such, staff recommends denial without prejudice of requests #1 through #3 under the Non-Use Variance Standards (NUV).**

H. **RECOMMENDATION:**

**Denial without Prejudice.**

I. **CONDITIONS:** None.

84 Shopping Plaza Corp.

10-147

Page 5

**DATE TYPED:** 04/01/11

**DATE REVISED:** 04/04/11, 05/02/11, 05/16/11, 05/18/11

**DATE FINALIZED:** 05/18/11

MCL:GR:NN:AA:CH

for   
\_\_\_\_\_  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning *NDW*

**Date:** October 6, 2010  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

**Subject:** C-10 #Z2010000147  
84 Shopping Plaza Corp.  
8320 S.W. 40<sup>th</sup> Street  
To Permit a Billboard Sign Structure Setback and Spaced Less than  
Required from Property Lines and to Permit a Billboard with a Greater  
Height than Permitted  
(BU-1A) (4.07 Acres)  
22-54-40

---

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

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 discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: 84 SHOPPING PLAZA CORP

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

08-DEC-10

# Memorandum



**Date:** 17-MAR-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000147

**Fire Prevention Unit:**

This memo supersedes MDFR memorandum dated October 7, 2010.  
 APPROVAL  
 No objection via Case # Z2010000147.

**Service Impact/Demand:**

Development for the above Z2010000147  
 located at 8320 S.W. 40 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1592 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 4:30 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 3 - Tropical park - 3911 SW 82 Avenue  
 Rescue, ALS Engine

**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.

DATE: 25-MAY-11  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

84 SHOPPING PLAZA CORP.

8320 S.W. 40 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2010000147

---

HEARING NUMBER

**HISTORY:**

OPEN CASES:

Neighborhood Compliance

None

Building

20110142064-B ¿Opened on 1/19/11 for 105.1 for roof repairs and electrical work at the rooftop A/C wiring. Case is in non-compliance.

A2011001333-X ¿Opened on 2/11/11 for expired permit 2010026079. Case is in non-compliance.

PREVIOUS CASES:

Neighborhood Compliance

None

Building

None

84 SHOPPING PLAZA CORP

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

N/A

**REPORTER NAME:**

L. Cuellar

# ZONING INSPECTION REPORT

**Inspector:** MARTINEZ, RAMIRO

**Inspection Dat**

**Evaluator:** N/A

05/16/11

**Process #:** Z2010000147  
**Applicant's Name:** 84 SHOPPING PLAZA CORP.

**Locations:** 8320 S.W. 40 STREET, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 4.07 ACRES

**Folio #:** 3040220100070

**Request:**

THE APPLICANT IS REQUESTING TO PERMIT A BILLBOARD SIGN STRUCTURE SETBACK AND SPACED LESS THAN REQUIRED FROM OTHER STRUCTURES AND PROPERTY LINES AND TO PERMIT THE BILLBOARD WITH A GREATER HEIGHT THAN PERMITTED.

**EXISTING ZONING**

**Subject Property** BU-1A,

**EXISTING USE** SHOPPING CENTER

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

ONE STORY COMMERCIAL BUILDING WITH PARKING ON THE EAST, WEST, AND SOUTH, REAR SIDE OF BUILDING.

**USE(S) OF PROPERTY:**

SHOPPING CENTER WITH RETAIL BU-1A USES.

**FENCES/WALLS:**

THERE A 5 FT DISTRICT BOUNDARY WALL ALONG THE SOUTH PROPERTY LINE OF SUBJECT PROPERTY SEPERATING THE TWO DISTRICTS.

**LANDSCAPING:**

INSUFFICIENT TREES THROUGHOUT THE INTERIOR OF THE PARKING LOT. PARKING LOT TREES HAVE DIED AND HAVE NOT BEEN REPLACED. SEE PICTURES. CHAPTER 18A REQUIRES A DISTRIBUTION OF SHADE TREES THROUGHOUT THE PARKING LOT.

**BUFFERING:**

NOT APPLICABLE

**VIOLATIONS OBSERVED:**

NO BNC ENFORCEMENT LETTER ON FILE. HOWEVER, RESEACH OF BNC RECORDS REVEAL 4 OPEN CASES ON SUBJECT PROPERTY: TWO FOR EXPIRED PERMITS & TWO FOR WORK WITHOUT A PERMIT. REFER TO BNC FOR MORE INFORMATION REGARDING THESE CASES. FIELD INSPECTION REVEALED ILLEGAL BANNER & PORTAVBLE SIGNS, WHICH WERE REFERRED TO BNC.

**OTHER:**

**Process # Applicant's Name**

## ZONING INSPECTION REPORT

Z2010000147 84 SHOPPING PLAZA CORP.

### **SURROUNDING PROPERTY**

#### **NORTH:**

BU-2; SHOPPING CENTER STRIPS.

#### **SOUTH:**

RU-1; SINGLE-FAMILY HOMES

#### **EAST:**

BU-1A; BANK FACILITY W/ DRIVE THRU

#### **WEST:**

RU-1, RU5A, & BU1A; SINGLE-FAMILY HOMES & ONE STORY OFFICE BLDG.

### **SURROUNDING AREA**

SUBJECT PROPERTY IS SURROUNDED BY SINGLE FAMILY RESIDENCES TO THE SOUTH AND SW AREA AND COMMERCIAL USES TO THE NORTH, EAST, AND WEST.

### **NEIGHBORHOOD CHARACTERISTICS**

THE SUBJECT PROPERTY LIES SOUTH OF SW 40 ST (BIRD RD). RETAIL USES, SINGLE FAMILY HOMES, AND RU-5A OFFICES CHARACTERIZE THE AREA.

### **COMMENTS:**

Inspector **MARTINEZ, RAMIRO**

Evaluator **N/A**

Process Number: **Z2010000147** Applicant Name **84 SHOPPING PLAZA CORP.**



Date: 16-MAY-11

Comments: SW WEST VIEW OF SUBJECT PROPERTY



Date: 16-MAY-11

Comments: SE VIEW OF SUBJECT PROPERTY.



Date: 16-MAY-11

Comments: WEST PARKING LOT OF SUBJECT PROPERTY

Inspector **MARTINEZ, RAMIRO**

Evaluator **N/A**

Process Number: **Z2010000147** Applicant Name **84 SHOPPING PLAZA CORP.**



Date: 16-MAY-11

Comments: EAST PARKING LOT OF SUBJECT PROPERTY.



Date: 16-MAY-11

Comments: REATIL SHOPPING STRIPS TO THE NORTH OF SUBJECT PROPERTY.



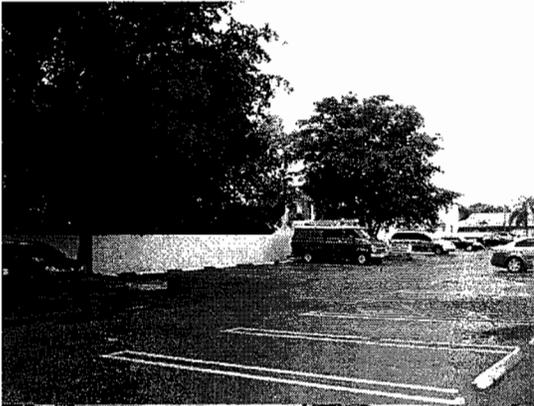
Date: 16-MAY-11

Comments: BANK W/DRIVE THRU LOCATED TO THE EAST OF SUBJECT PROPERTY.

Inspector **MARTINEZ, RAMIRO**

Evaluator **N/A**

Process Number: **Z2010000147** Applicant Name **84 SHOPPING PLAZA CORP.**



Date: 16-MAY-11

Comments: DISTRICT BOUNDARY WALL SEPERATING SUBJECT PROPERTY FROM THE RU-1 HOMES LOCATED TO THE SOUTH.



Date: 16-MAY-11

Comments: RU-1 HOMES TO THE SW OF SUBJECT PROPERTY.



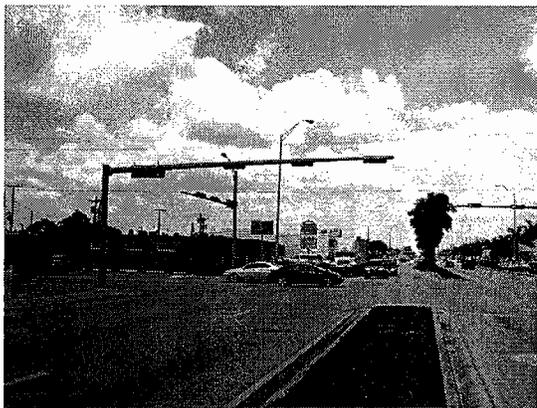
Date: 16-MAY-11

Comments: RU-5A ONE STORY OFFICE BLDG LOCATED TO THE WEST OF SUBJECT PROPERTY.

Inspector **MARTINEZ, RAMIRO**

Evaluator **N/A**

Process Number: **Z2010000147** Applicant Name **84 SHOPPING PLAZA CORP.**



Date: 16-MAY-11

Comments: COMMERCIAL RETAIL USES LOCATED TO THE NW AREA OF SUBJECT PROPERTY.



Date: 16-MAY-11

INTERIOR PARKING LOT TREES REMOVED.

Comments:



Date: 16-MAY-11

Comments: INADEQUATE LOT TREES - SHRUBS NEED TO BE REPLACED WITH TREES IN ORDER TO COMPLY W/18A.

107

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].

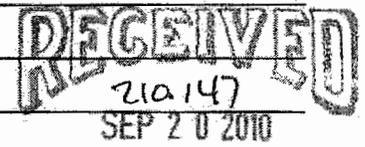
X CORPORATION NAME: 84 Shopping Plaza Corp.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Danie Arias</u>	<u>100%</u>
<u>2000 South Bay Shore Dr. #62</u>	
<u>Miami, Fla. 33133</u>	

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 ~~84 Shopping~~

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>



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

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].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

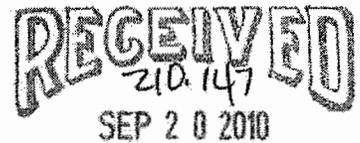
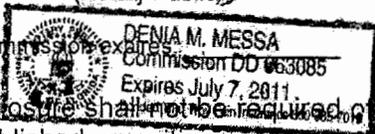
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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 17 day of SEP, 2010. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

Denia M. Messa  
(Notary Public)



My commission expires \_\_\_\_\_

Seal

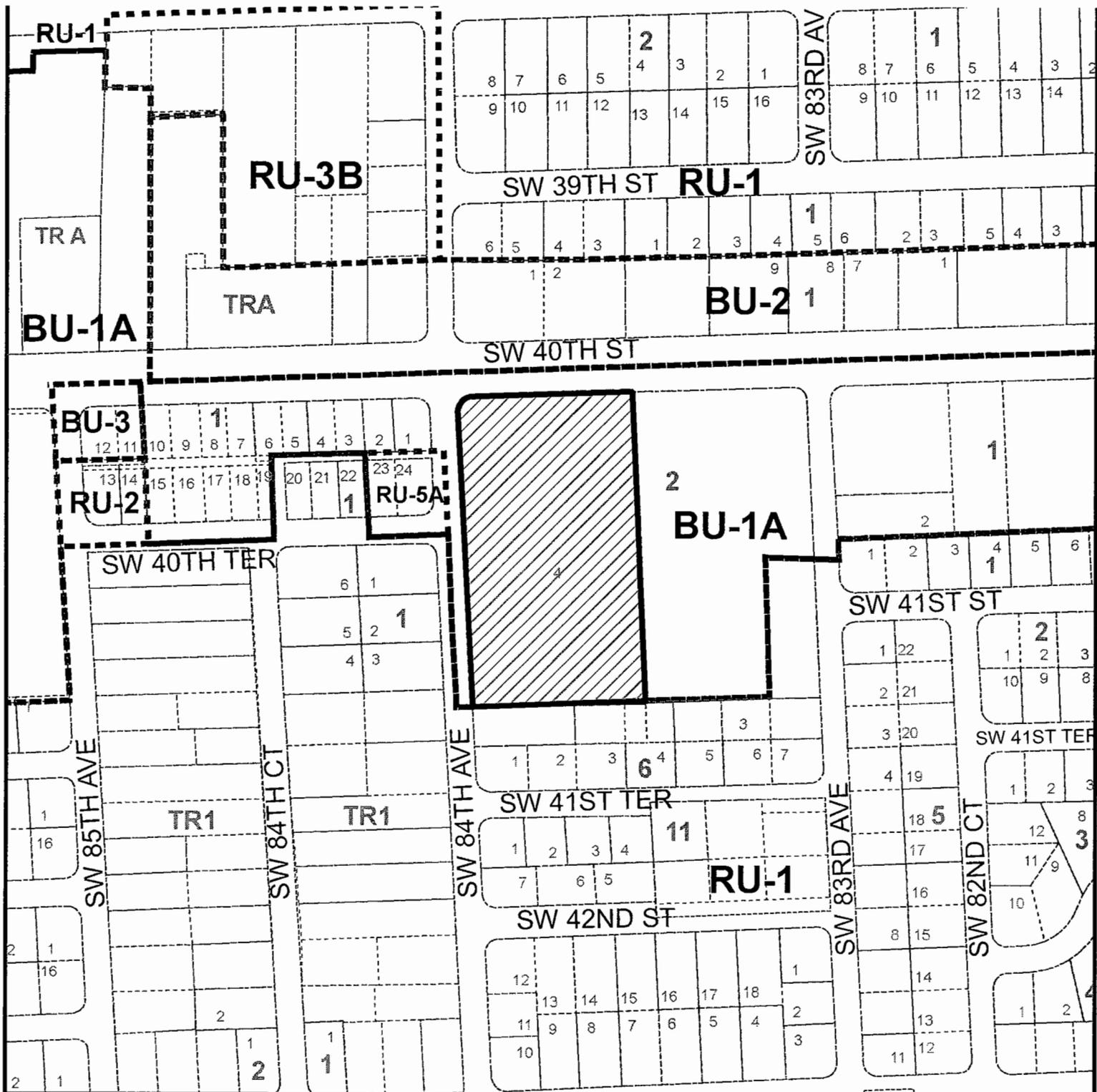
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

\*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.









**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2010000147**



Section: 22 Township: 54 Range: 40  
 Applicant: 84 SHOPPING PLAZA CORP  
 Zoning Board: C10  
 Commission District: 10  
 Drafter ID: KEELING  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, September 23, 2010

REVISION	DATE	BY
		23





**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2010000147**



Section: 22 Township: 54 Range: 40  
 Applicant: 84 SHOPPING PLAZA CORP  
 Zoning Board: C10  
 Commission District: 10  
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 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Thursday, September 23, 2010

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