

KITS

8-2-2011 Version # 2



COMMUNITY ZONING APPEALS BOARD 11
ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
Tuesday, September 6, 2011 at 7:00 p.m.

RELOCATED MEETING

PREVIOUSLY DEFERRED

A.	11-7-CZ11-2	<u>BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP</u>	<u>11-27</u>	14-55-39	N
B.	11-7-CZ11-1	<u>AB AT HIDDEN LAKE, LTD. LLLP</u>	<u>10-156</u>	14-55-39	N
C.	11-4-CZ11-1	<u>KROME AGRONOMICS, LLC</u>	<u>10-51</u>	24-55-38	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

Revised Agenda
To update protests
For items "A" and "C"

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, SEPTEMBER 6, 2011

ARVIDA MIDDLE SCHOOL

10900 SW 127 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

- (4) Applicant is requesting to permit one mausoleum building setback 25' from the front (north) property line and to permit one mausoleum building setback 25' from the side street (east) property line (50' required for each).
- (5) Applicant is requesting to permit three (3) mausoleum buildings setback 20' (25' required) from the rear (south) property line.
- (6) Applicant is requesting to permit burial sites within 25' (50' minimum required) of the right-of-way of S.W. 136 Street and S. W. 177 Avenue.
- (7) Applicant is requesting to permit burial sites within 20' (25' minimum required) from the rear (south) property line.
- (8) Applicant is requesting to permit a proposed maintenance building setback 25' (50' minimum required) from the front (north) property line.
- (9) Applicant is requesting to permit two detached signs with an area of 36 sq. ft. each (one 32 sq. ft. and one 24 sq. ft. sign maximum permitted).
- (10) Applicant is requesting to permit two 36 sq. ft. detached signs setback 7' (15' required) from the (north) front property line.
- (11) Applicant is requesting to permit two additional detached signs, one sign with an area of 81 sq. ft. and the second sign with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line.
- (12) Applicant is requesting to permit the proposed 81 sq. feet detached sign setback 1' (15' minimum required) from the side street (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.

LOCATION: The southwest corner of S.W. 136 Street & S.W. 177 Avenue,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 48.6 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of request #1 and approval of requests #2 and #3 with conditions, subject to the Board acceptance of the proffered covenant; Denial without prejudice of requests #4.

Protests: _____ 9 _____

Waivers: _____ 14 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 7-19-11 due to no quorum.

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). 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.

**A. BVK LONDON SQUARE LLC &
COSTCO WHOLESALE CORP**
(Applicant)

11-7-CZ11-2 (11-027)
Area 11/District 09
Hearing Date: 09/06/11

Property Owner (if different from applicant) **BVK London Square LLC &
COSTCO Wholesale Corporation.**

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2006	Forty Acre Farm Limited	- Zone change from GU to BU-1A, IU-1. - Non-Use Variance of parking. - Unusual Use to permit outdoor dining. - Special Exception for spacing.	C11	Approved w/conds
2007	WMD London Square, LLC	- Modification & Deletion of paragraph of Declaration of Restrictions.	C11	Approved w/conds
2007	Forty Acre Farm Limited	- Special Exception of spacing.	C11	Approved w/conds
2008	WMD London Square L.L.C.	- Modification of condition of resolution & Declaration of Restriction.	C11	Approved w/conds
2009	WMD London Square, LLC	- Special Exception to permit a Bar and of spacing.	C11	Approved w/conds
2010	COSTCO Wholesale Corp & WMD London Square, LLC	- Modification of condition of resolution & Declaration of Restrictions.	C11	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 11
MOTION SLIP

#2

APPLICANT'S NAME: **BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP**

REPRESENTATIVE: Jeffery Bercow and Graham Penn

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-7-CZ11-2 (11-027)	July 19, 2011	CZAB11	11

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Sept 6, 2011 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: The application was deferred due to a lack of a quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS			
COUNCILMAN		Joseph E. DELANEY			
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ			X
CHAIRMAN		Jeffrey WANDER			

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: BVK London Square LLC &
Costco Wholesale Corp.

PH: Z11-027 (11-7-CZ11-1)

SECTION: 14-55-39

DATE: September 6, 2011

COMMISSION DISTRICT: 9

ITEM NO.: A

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A. o SUMMARY OF REQUESTS:

The applicants are seeking to establish a commuter college within the No School Zone (NSZ) and Outer Safety Zone (OSZ) of the Kendall Tamiami Executive Airport Zoning District. Additionally, the applicants are seeking the modification of a paragraph of a recorded Declaration of Restrictions which restricts educational facilities and buildings of public assemblage within the OSZ and NSZ of the Kendall Tamiami Executive Airport Zoning District.

B. INTRODUCTION

o REQUESTS:

- (1) **VARIANCE OF AIRPORT REGULATIONS** to permit a commuter college within the Kendall Tamiami Executive Airport No School Zone and within the Outer Safety Zone (new educational facilities not permitted).

- (2) Modification of a paragraph of a Declaration of Restrictions as Recorded in Official Record Book 24689 pages 2921 thru 2930, last modified by a Second Modified Declaration of Restrictions as Recorded in Official Record Book 27582 pages 2719 thru 2731, reading as follows:

FROM:

“Compliance with Airport Zoning. The Property is located in the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District. Accordingly, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district.”

TO:

“Compliance with Airport Zoning. The Property is located in the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District. Accordingly, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district. Notwithstanding the above, a commuter college use may be located in the approximately 60,000 square foot office building depicted on the above-reference development plans.”

The purpose of request #2 is to allow the applicant to operate a commuter school within the No School Zone and Outer Safety Zone of the Kendall Tamiami Executive Airport Zoning District.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "London Square" as prepared by Architectural Alliance, dated stamped received 3/29/11, consisting of 2 sheets, a plan entitled "A commercial tenant improvement for University of Phoenix – Miami, FL" as prepared by Michael Anthony del Gatto II, dated stamped received 2/23/11, consisting of 1 sheet and plans entitled "London Square" as prepared by Lawrence S. Levinson, AIA, dated stamped received 2/23/11 for a total of 5 sheets. Plans may be modified at public hearing.

o **LOCATION:**

The southeast corner of S.W. 137 Avenue and SW 120 Street, Miami-Dade County, Florida.

o **SIZE:** 40.68 acres.

C. **ZONING HEARINGS HISTORY:**

In 2006, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-25-06, a zone change from GU to BU-1A and IU-1, outdoor dining, non-use variance of parking requirements and 3 lounge/bars spaced less than the required distance from other alcoholic beverage uses. In 2007, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-7-07, a special exception of spacing requirements to permit a liquor package store spaced less than the required distance from other alcoholic beverage uses. In 2007, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-41-07, a modification of the covenant and to allow the sale of alcoholic beverages on Sundays. In 2008, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-17-08, a modification of a declaration of restrictions and resolutions in order to submit new site plan showing a change in use of certain buildings and a reconfiguration of the previous approved plans and to allow less than the required number of parking spaces. In 2009, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-9-09, a special exception to permit a bar in conjunction with a package store and a cigar shop and to be spaced less than the required distance from schools. In 2010, the Zoning Appeals Board granted, pursuant to Resolution CZAB11-7-10, for the modification of plans and modification of a declaration of restrictions in order to submit a revised site plan to show additional canopy area and pumps for the gas station for a membership warehouse.

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

1. *The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the westerly 21.27 acres of the subject property 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 such as cell towers and satellite 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 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 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the easterly 21.4 acres of the subject property for **Industrial and Office**. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.*

3. *Neighborhood- or community-serving institutional uses and utilities including schools 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.*
4. **Land Use Policy 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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.
5. **Aviation Supplement Objective 7:**
Maximize compatibility between airports and surrounding communities.
6. **Aviation Supplement Policy 7E:**
To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land uses around airports, reflecting recommendations in the federal and state guidance documents cited in Aviation Policy 7B.

E. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU1-A and IU-1; shopping center

Business and Office and
Industrial and Office

Surrounding Properties:

NORTH: RU-1; Single-family residences

Low-Medium Density, 6 to 13 dua

SOUTH: IU-C; Warehouse

Industrial and Office

EAST: GU; School
IU-C; Warehouses

Industrial and Office

WEST: GU; Kendall Tamiami Executive Airport Transportation Terminals

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Sec. 33-395. Land use zoning classifications for airports.

(A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:

- (1) *Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.*

(2) *Outer District (ILZ). New residential construction and educational facilities excluding aviation, within this land use classification are required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.*

(3) No School Zone (NSZ). New educational facilities, excluding aviation schools, are not permitted within this land use classification.

(4) *Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation schools), churches and places of public assembly are not permitted within this land use classification.*

(5) Outer Safety Zone (OSZ). Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

Sec. 33-402.(4) Variances. *Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.*

Sec. 33-402.(5) Variances. *Construction of any educational facility is prohibited at either end of a runway of Kendall-Tamiami Executive Airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. In addition to any findings required in this chapter, variances approving construction of an educational facility within the delineated area shall only be granted when the appropriate zoning board makes specific findings detailing*

how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*subject to the conditions stated in their memorandum

**as stated in their memorandum

H. PLANNING AND ZONING ANALYSIS:

This application was deferred from the July 19, 2011 meeting due to lack of quorum. The applicants are seeking to waive the airport regulations prohibiting a school within the No School Zone (NSZ) and Outer Safety Zone (OSZ) for the Kendall-Tamiami Executive Airport Zoning District in order to establish a commuter college in that portion of the subject property which is zoned IU-1. The current IU-1 zoning district permits commuter colleges as a matter of right; however the property lies within the NSZ and OSZ for Kendall Tamiami Executive Airport. Section 33-394 of the Code established the land use zoning criteria for this airport and designates the NSZ as the area bounded on the north by SW 119 Street, and on the south by SW 126 Street, on the east by SW 93 Avenue and on the west by SW 202 Avenue. This area has a length of approximately five statute miles from the end of the runway, and has a width measuring one-half of the length of the longest runway. Additionally, the proposed commuter college will be located within the OSZ as also established in Section 33-394. The OSZ area extends from the end of Inner Safety Zone to SW 119 Street on the north, SW 126 Street on the south, and SW 133 Court. The OSZ area is described as an area that extends outward from the Inner Safety Zone (ISZ) to a point 5,000 feet from a runway end. The OSZ dimension for Runway 13/31 begins at a width of 700 feet and extends 3,800 feet to a width of 1,460 feet. The OSZ dimensions for Runway 9R/27L and Runway 9L/27R begin at a width of 1,750 feet and extend 2,300 feet to a width of 2,440 feet. Section 33-395 states under subsection (3) that *new educational facilities, excluding aviation schools, are not permitted within this (NSZ) land use classification* and subsection (5) states *educational facilities (excluding aviation schools) and places of public assembly are not permitted.*

The proposed commuter college will be located on the portion of the subject property which is zoned IU-1 and is designated Industrial and Office on the CDMP's Land Use Plan (LUP) map. Staff notes that the proposed commuter college will be housed within the existing shopping center. The proposed commuter college will be located in an area near the intersection of two section line roads SW 137 Avenue and SW 120 Street. The CDMP states that neighborhood and community serving uses such as commuter colleges are permitted only when consistent with other goals objectives and policies of the Plan and compatible with the neighborhood. The portion of the subject property where the applicant is seeking to establish the commuter college is designated for

Industrial and Office Use on the Land Use Plan (LUP) map. This category accommodates the full range of, *public facilities, hospitals and medical buildings*. The proposed facility would provide a much needed community service. However, the Miami-Dade **Aviation Department (MDAD) objects** to this application. A memorandum from said Department dated May 4, 2011 states that the subject property falls inside the No School Zone and Outer Safety Zone as established in the Section 33-394 and 33-395. Section 33-395 subsections (3 and 5) states that new educational facilities, excluding aviation schools, are not permitted. Therefore, MDAD has determined that the commuter college would not be compatible with operations from TMB and objects to the placement of the commuter college at this location. The location of the proposed commuter college in a NSZ and OSZ endangers the public health, safety, and welfare of students and other who congregate in the vicinity.

The CDMP states under Land Use Policy 4A 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 or architectural elements, landscaping, hours of operation, buffering, and safety, as applicable*. Additionally, Objective 7 of the Aviation Supplement states that the County should seek the *maximum compatibility between airports and surrounding communities*. Policy 7E of said supplement further states that *to the extent feasible, the CDMP Land Use Element should be used to maximize compatibility of land uses around airports*. Based on the aforementioned and noting the MDAD's objections to this application the proposed use would be **incompatible** with aviation activity, **inconsistent** with the CDMP's Aviation policies and objectives and, should be denied without prejudice.

When analyzing request #1 under Sec. 33-395, land use zoning classifications for airports, staff notes that the applicant is seeking to permit a commuter college within the Kendall Tamiami Executive Airport No School Zone and Outer Safety Zone, of which the Aviation Department objects as indicated on their memorandum dated May 4, 2011. Based on the strong objection stated in the memorandum submitted by the Aviation Department, and on the fact that a facility of this type could present a safety hazard at this location, staff **concur with the Aviation Department and recommends denial without prejudice of request #1 under Section 33-395**.

When analyzing request #2 under the Generalized Modification Standards, Section 33-311(A)(7), the applicant is seeking to modify a recorded declaration of restrictions which the original property owner had agreed to restrict educational facilities within the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District. However, the applicant is seeking to remove this restriction from the subject property in order to allow the establishment of a commuter college at this location. Staff notes that said restriction was proffered by the then owner of the subject property acknowledging the restrictions of Section 33-395, which the applicant is seeking to modify. However, staff concurs with the Aviation Department objection to the establishment of an educational facility within the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District for all the reasons stated above. **As such, staff recommends denial without prejudice of request #2**.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:**

None.

DATE INSPECTED:

DATE TYPED: 06/01/11

DATE REVISED: 06/10/11; 06/22/11

DATE FINALIZED: 07/20/11

MCL:GMR;NN:AN:TA

for 

Marc C. LaFerrier, AICP, Director
Miami Dade County Department of
Planning and Zoning *NDN*

Memorandum



Date: April 18, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-11 #Z2011000027-1st Revision
BVK London Square, LLC and Costco Wholesale Corporation
Southeast corner of S.W. 137th Avenue and S.W. 120th Street
To Permit a Commuter College within Osz District and Modification of an
Agreement to Permit a Commuter College within a Previously Approved
Office Park
(BU-1A) (41.29 Acres)
14-55-39

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

The proposed change will not affect the existing stormwater management system. Therefore, DERM Water Control has no pertinent comments.

Wetlands

The subject properties do 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.

Natural Forest Communities

The subject properties are located adjacent to a county designated Natural Forest Community (NFC). NFCs' are upland natural areas (Pine Rockland and Hardwood Hammocks) that, meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject properties lie within the potential smoke dispersion corridor. Consequently, the subject properties may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

The subject properties contain tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. 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. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

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.

Memorandum



Date: May 4, 2011

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

From: José Abreu, P.E., Director
Aviation Department

Subject: BVK London Square LLC & Costco Wholesales Corp. (PH#: 11-027)
MDAD DN-11-04-539

As requested by your department, the Aviation Department (MDAD) has reviewed zoning hearing application #11-027, BVK London Square LLC & Costco Wholesales Corp. The applicants are requesting to permit a commuter university (the University of Phoenix) within two Kendall-Tamiami Executive Airport (TMB) Zoning land use restrictive zones, the No School Zone "NSZ" and the Outer Safety Zone "OSZ" as referenced in Article XL of the Code of Miami-Dade County, Kendall-Tamiami Executive Airport, Section 33-395. Both airport land use restrictive zones prohibit this use. In addition, the OSZ land use restrictive zone prohibits public assemblage uses. The applicants are also seeking to modify an existing covenant in which the property owner agrees to comply with Article XL of the Code of Miami-Dade County, Kendall-Tamiami Executive Airport, Section 33-395, The property consists of approximately 40 acres and is located on the southeast corner of SW 120th Street and SW 137 Avenue, Miami-Dade County, Florida.

Since MDAD does not know the precise location of the proposed land use within the approximately 40 acres, MDAD calculated the distance from the property's western boundary to TMB's End of Runway 27R which is approximately 3, 091 feet or .59 miles.

MDAD has determined that a proposed commuter university at this location would not be compatible with operations from TMB. Furthermore, the application is in conflict with the following federal, state and county airport land use compatibility regulations:

- Federal Aviation Administration's (FAA) Airport Land Use Compatibility Guidelines
- Proposed Federal Department of Transportation's (FDOT) Airport Land Use Compatibility Guidelines
- Chapter 333 of the Florida Statutes (which mandates the County to establish and amend its Comprehensive Airport Zoning to include an airport land use compatibility component)
- MDAD's Comprehensive Development Master Plan (CDMP) goals and objectives
- State mandated and County enforced Evaluation and Appraisal Report (EAR) goals and objectives for MDAD's airport system
- Code of Miami-Dade County, Article XL, Section 33-395 Kendall-Tamiami Executive Airport Zoning) also commonly referred to as "airport zoning overlay" is more restrictive than the County's underlying zoning for this parcel. As you are aware, the most stringent zoning prevails where conflicts occur. The applicant's contention that a commuter university at the referenced location is a perfectly acceptable use for a BU-1A zoning designation, fails to take into account airport land use zoning.

- The proposed commuter university is within two airport land use restrictive zones, the NSZ and the OSZ. According to the Code, the NSZ prohibits new educational facilities within this land use classification. The NSZ is based upon Florida Statute 333.03 (3) which states the following "... Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of the runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway." The Outer Safety Zone (OSZ) prohibits new educational facilities and public assemblage uses within land use classification.

In addition, MDAD objects to the applicants' other request to seek a modification of the existing covenant which runs with the land to permit a commuter college use, to wit:

FROM:

Compliance with Airport Zoning. The property is located in the Outer Safety Zone and No School Zone of the Kendall-Tamiami Executive Airport Zoning District. Accordingly, the Owner agrees that *no educational facilities may be developed on the Property*. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district.

TO:

Compliance with Airport Zoning. The property is located in the Outer Safety Zone and No School Zone of the Kendall-Tamiami Executive Airport Zoning District. Accordingly, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district. Notwithstanding the above, a commuter college may be located in the approximately 60,000 square foot office building depicted on the above-referenced development plans.

The applicant's request to modify the existing covenant should also be denied since it would allow the property owner an exception to permit a new educational facility to be sited within two airport land use restrictive zones which prohibit this use. As you are aware, both of our departments have diligently endeavored to establish and amend the County's Comprehensive Airport Zoning (County Code, Chapter 33) to include an airport land use compatibility component as mandated by State Statute Chapter 333 as a matter of public safety. Furthermore, both of departments have agreed to interpret an "educational facility" as it applies to airport system zoning, as an institution providing child care and/or instruction at any level from infants through the college level and contains a formal educational component. *A university, whether commuter or traditional* is considered an educational facility as defined by County Code, Section 33-151.11 which states a "private school" or "nonpublic educational facility" shall mean an institution which provides child care and/or instruction from the infant level *through* the college level..."

Marc C. LaFerrier
May 4, 2011
Page 3

To allow an exception of the County Code to permit a new educational facility to be sited within an airport restrictive zone which prohibits this use, derails both of our departments' efforts to establish and enforce compatible airport land use zoning. Any incompatible land use near MDAD's airport system, including TMB, could constrain the long-term viability and utility of public-use airport facilities. MDAD relies heavily on grants from the FAA to operate its airport system. Permitting this incompatible land use may jeopardize future grants or potentially restrict the level of activity at the airport.

Since responsible zoning is an objective we both share, and establishing/amending our comprehensive airport zoning as a matter of public safety as mandated by state legislation has been a collaborative effort, we would appreciate your support in recommending denial of this application. Should you have any questions, please contact Mr. Sunil Harman at (305) 876-7090.

C: Krystal Ritchey, FAA ADO
Sergey Kireyev, FDOT Airspace and Land Use Manager
S. Harman
T. Abbott
J. Ramos

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: BVK LONDON SQUARE LLC & COSTCO WHOLESALE 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.

A handwritten signature in black ink, appearing to read "Raul", with a long horizontal flourish extending to the right.

Raul A Pino, P.L.S.

29-MAR-11

Memorandum



Date: 21-MAR-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2011000027

Fire Prevention Unit:

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped February 23, 2011. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2011000027
located at SOUTHEAST CORNER OF SW 137 AVE & SW 120 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1952 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>60,000</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: 13.2 alarms-annually.
The estimated average travel time is: 7:01 minutes

Existing services

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

Station 53 - Turnpike - 11600 SW Turnpike Hwy
Rescue, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on letter of intent date stamped February 23, 2011. Substantial changes to the letter of intent will require additional service impact analysis.

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

DATE: 15-MAR-11

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

BVK LONDON SQUARE LLC &
COSTCO WHOLESALERS CORP

SOUTHEAST CORNER OF SW 137
AVE & SW 120 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000027

HEARING NUMBER

HISTORY:

11-027

ADDRESS: SOUTHEAST CORNER OF SW 137 AVE & SW 120 ST

FOLIO: 3059141270010, 0020, & 0030

DATE: 3/15/11

NAME: BVK LONDON SQUARE LLC & COSTCO WHOLESALERS CORP

OPEN CASES:

Neighborhood Regulations:

3059141270010

Case 201102000764 was opened based on a complaint of portable signs advertising "Sportsclips haircuts". Immediate citations T013089 and companion T013091 were issued on 1-28-11.

Citation T013091 has been paid and an Affidavit of Compliance has been submitted to the Clerk's office. This case is pending closure based on payment and compliance.

Case 201102001235 was open based on a complaint of banner signs advertising "We buy gold". Immediate citations T013382 and companion T013383 were issued on 2-15-11. A Compliance

inspection was conducted on 3-8-11 and an Affidavit of compliance has been submitted to the Clerk's office. The citations will be reviewed for payment after 3-27-11.

3059141270020 & 0030

No open cases.

Building Code:

3059141270010

BSS case 20110142166-X opened on 1/24/11 for expired permit BLDG 0001-2008053633, case and permit remain open.

BSS case 20110142168-X opened on 1/24/11 for expired permit BLDG 0001-2009011314, case and permit remain open.

BSS case 20090128479-B opened on 2/25/09 for work without permit for a Ross sign on front wall, permit not obtained case remains open.

BSS case A2010000791-X opened on 12/12/09 for expired permit BLDG 0001-2009013428, case remains open.

BSS case A2010001668-X opened on 2/12/10 for expired permit ELEC 0003-2009032350, case remains open.

3059141270020

No open cases

3059141270030

BSS case 20110142102-X opened on 1/20/11 for expired permit BLDG 0001-2010001000. Notice of Violation was issued on 1/21/11. Compliance has not been met, case remains open.

BSS case A2010003768-X opened on 8/12/10 for expired permit ELEC 0002-2009056565 to contractor on record. Permit not renewed resulting in issuance of Notice of Intent to Lien to contractor on record.

CLOSED CASES:

Neighborhood Regulations:

3059141270010

Case 201102000466 was opened based on a complaint of a prohibited donation bin and a warning notice was issued on 1-20-11. The case was closed in compliance on 1-28-11.

Case 201102000769 was opened based on a complaint of a portable signs and a warning notice was issued on 1-28-11. The case was closed in compliance on 2-8-11.

Case 201102000771 was opened based on a complaint of banner signs and a warning notice was issued on 1-28-11. The case was closed in compliance on 2-8-11

3059141270020 & 0030

No closed cases.

Building Code:

3059141270010

BSS case A2010000598-X opened on 11/11/09 for expired permit BLDG 0001-2008053647, permit renewed and case closed on 2/17/10.

BSS case A2010000781-X opened on 12/12/09 for expired permit ELEC 0003-2009005487, permit renewed and case closed on 3/17/10.

BSS case A2010001890-X opened on 3/12/10 for expired permit BLDG 0001-2009011314, permit renewed and case closed on 1/24/11.

BSS case A2010001907-X opened on 3/12/10 for expired permit ELEC 0003-2009013954, permit renewed and case closed on 4/15/10.

BSS case A2010002829-X opened on 6/12/10 for expired permit BLDG 0001-2008053633, permit renewed and case closed on 1/24/11.

BSS case A2010003286-X opened on 7/11/10 for expired permit ELEC 0003-2009045766, permit renewed and case closed on 1/20/11.

BSS case A2010003646-X opened on 8/12/10 for expired permit ELEC 0003-2010002012, permit renewed and case closed on 11/1/2010.

BSS case A2010001514-X opened on 2/15/10 for expired permit BLDG 0001-2008053639, permit renewed and case closed on 1/24/11.

BSS case A2010003280-X opened on 7/11/10 for expired permit ELEC 0003-2009021898, permit renewed and case closed on 7/19/10.

3059141270020.

BSS case A2010000588-X opened on 11/11/09 for expired permit ELEC 0003-2009015158, permit renewed case closed on 11/23/09.

3059141270030

BSS case A2010002754-X opened on 6/12/10 for expired permit ELEC 0003-2009010211. Notice of Violation was issued on 6/15/10. Compliance was met and case was closed on 9/17/10.

BSS case A2010002859-X opened on 6/12/10 for expired permit ELEC 0003-2009010210. Notice of Violation was issued on 6/15/10. Compliance was met and case was closed on 9/17/10.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: BOBONIS, EIMIR

Inspection Date

Evaluator: N/A

06/14/11

Process #:	Applicant's Name
Z2011000027	BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP
Locations:	SOUTHEAST CORNER OF SW 137 AVE & SW 120 ST, MIAMI-DADE COUNTY, FLORIDA.
Size:	40.68 ACRES
	Folio #: 3059141270030

Request:

1 VARIANCE OF AIRPORT REGULATIONS to permit a commuter college within the Kendall-Tamiami Executive Airport No School Zones and within the Outer Safety Zone (new educational facilities not permitted).

2 Modification of a paragraph of a Declaration of Restrictions as Recorded in Official Record Book 24689 pages 2921 thru 2930, last modified by Second Modified Declaration of Restrictions as Recorded in Official Record Book 27582 pages 2719 thru 2731, reading as follows:

FROM:

" Compliance with Airport Zoning. The property is located in the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District. According, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district.

TO:

"Compliance with Airport Zoning. The property is located in the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning District. According, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district. Notwithstanding the above, a commuter college use may be located in the approximately 60,000 square foot office building depicted on the above-referenced development plans.

The purpose of requests #2 is to allow the applicant to operate a commuter school within the (NSZ) and (OSZ) no school zone.

EXISTING ZONING

Subject Property BU-1A, IU-1,

EXISTING USE SHOPPING CENTER

SITE CHARACTERISTICS

STRUCTURES ON SITE:

10 CBS STRUCTURES ON PROPERTY

USE(S) OF PROPERTY:

GAS STATION, RESTAURANTS, RETAIL STORES, BANK, MEDICAL OFFICE, COSTCO WHOLESALE GROCERY

FENCES/WALLS:

NO FENCE-NO WALLS. PARTIAL CHAIN LINK FENCE TO THE EAST BELONGING TO THE EAST PROPERTY THAT BEING HERITAGE SCHOOL

LANDSCAPING:

YES

ZONING INSPECTION REPORT

BUFFERING:

YES-4' HEDGE ON SOUTH, EAST, NORTH & WEST PERIMETERS

VIOLATIONS OBSERVED:

NONE

OTHER:

Process # Applicant's Name

Z2011000027 BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP

SURROUNDING PROPERTY

NORTH:

RESIDENTIAL

SOUTH:

WAREHOUSES, INDUSTRIAL COMPLEXES

EAST:

HERITAGE SCHOOL & WAREHOUSES

WEST:

TAMIAMI AIRPORT

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS:

MIXED USE OF BU, RU, IU & GU

COMMENTS:

Inspector **BOBONIS, EIMIR**

Evaluator **N/A**

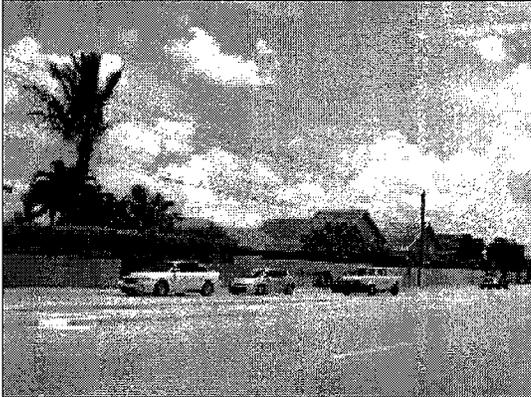
Process Number: **Z201100027**

Applicant Name **BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP**



Date: 10-JUN-11

Comments: EAST OF THE PROPERTY



Date: 10-JUN-11

Comments: NORTH OF THE PROPERTY



Date: 10-JUN-11

Comments: NORTH PROPERTY

Inspector **BOBONIS, EIMIR**

Evaluator **N/A**

Process Number: **Z2011000027** Applicant Name **BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP**



Date: 10-JUN-11

Comments: NORTH PROPERTY



Date: 10-JUN-11

Comments: PROPERTY TO THE WEST



Date: 10-JUN-11

Comments: REAR OF PROPERTY

Inspector **BOBONIS, EIMIR**

Evaluator **N/A**

Process Number: **Z2011000027** Applicant Name **BVK LONDON SQUARE LLC & COSTCO WHOLESALE CORP**



Date: 10-JUN-11

Comments: SOUTH OF THE PROPERTY



Date: 10-JUN-11

Comments: WEST PROPERTY

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

CORPORATION NAME: BVK London Square LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See attached</u>	

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

CORPORATION NAME: Costco Wholesale Corporation

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Publicly traded</u>	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent 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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

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:

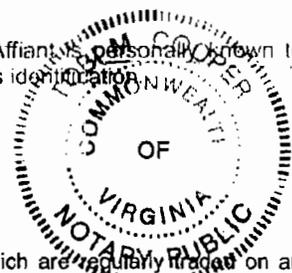
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature Costco Wholesale Corporation, By: Margaret Malville, Asst. Sec
(Applicant)

Sworn to and subscribed before me this 8th day of February, 2011. Affiant is personally known to me or has produced _____ as identification.

[Signature] COMMISSION # 297834
(Notary Public)



My commission expires April 30, 2012

*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 a other 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 percent (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.

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

NAME OF PURCHASER: N/A

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 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 his application to the best of my knowledge and belief.

Signature: _____ For **BVK London Square LLC**
(Applicant)

Sworn to and subscribed before me this 14 day of JANUARY, 2011. Affiant is personally known to me or has produced _____ as identification.

Irís Reyes
(Notary Public)

My commission expires 08/02/2013

*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 a other 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 percent (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.

Notary Public, State of New York
Comm. Exp. _____

IRIS REYES
Notary Public, State of New York
Suffolk County
LIC. # 01RE6028462
Comm. Exp. 08/02/2013

S.W. 13th Court

S.W. 13th Ave

S.W. 13th Court

S.W. 119th Ter.

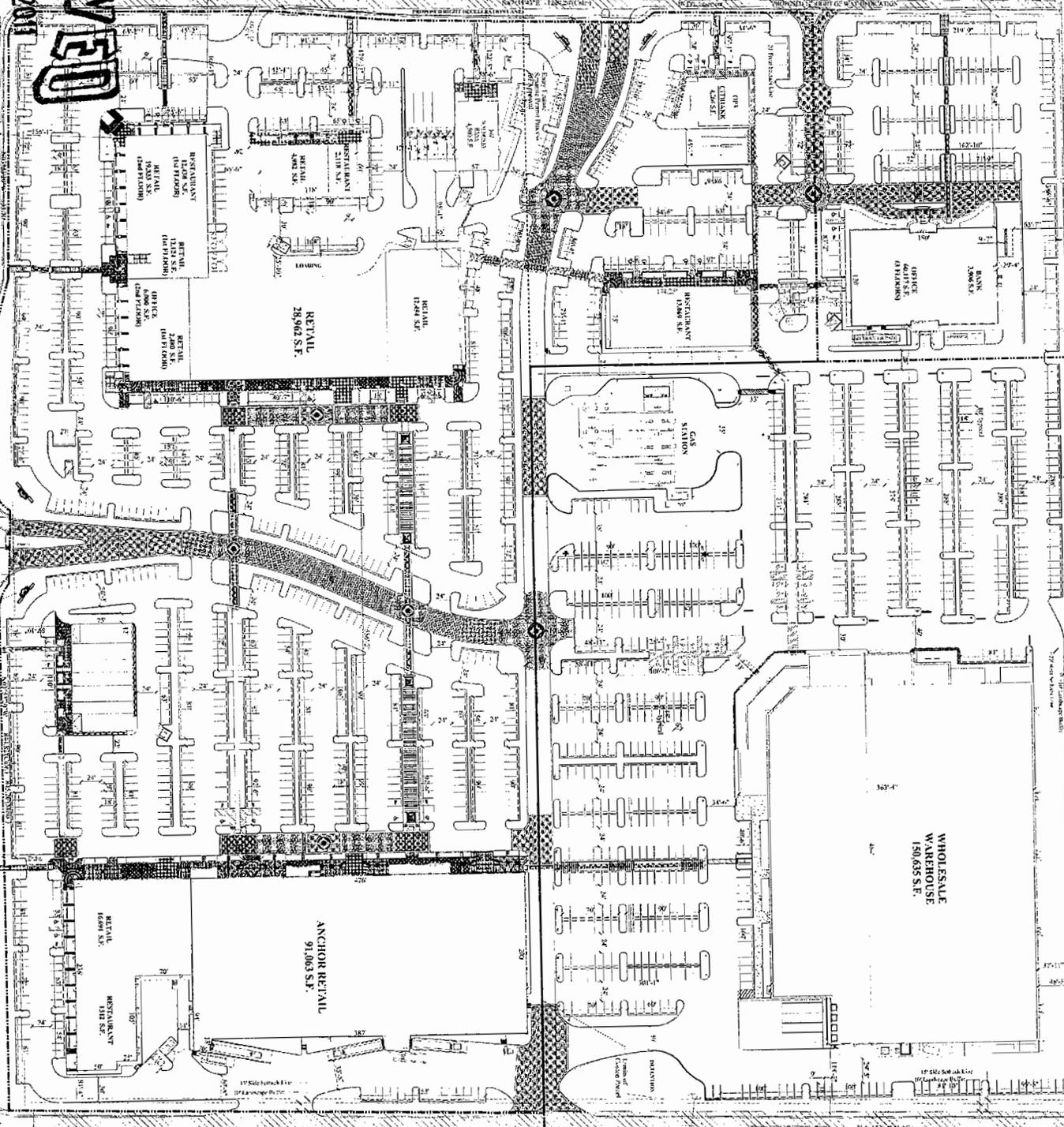
S.W. 120th STREET

"THIS ADD TO SUBDIVISION"
P.A. 13,42-23

SECTION 16 OF DISTRICT 14-33

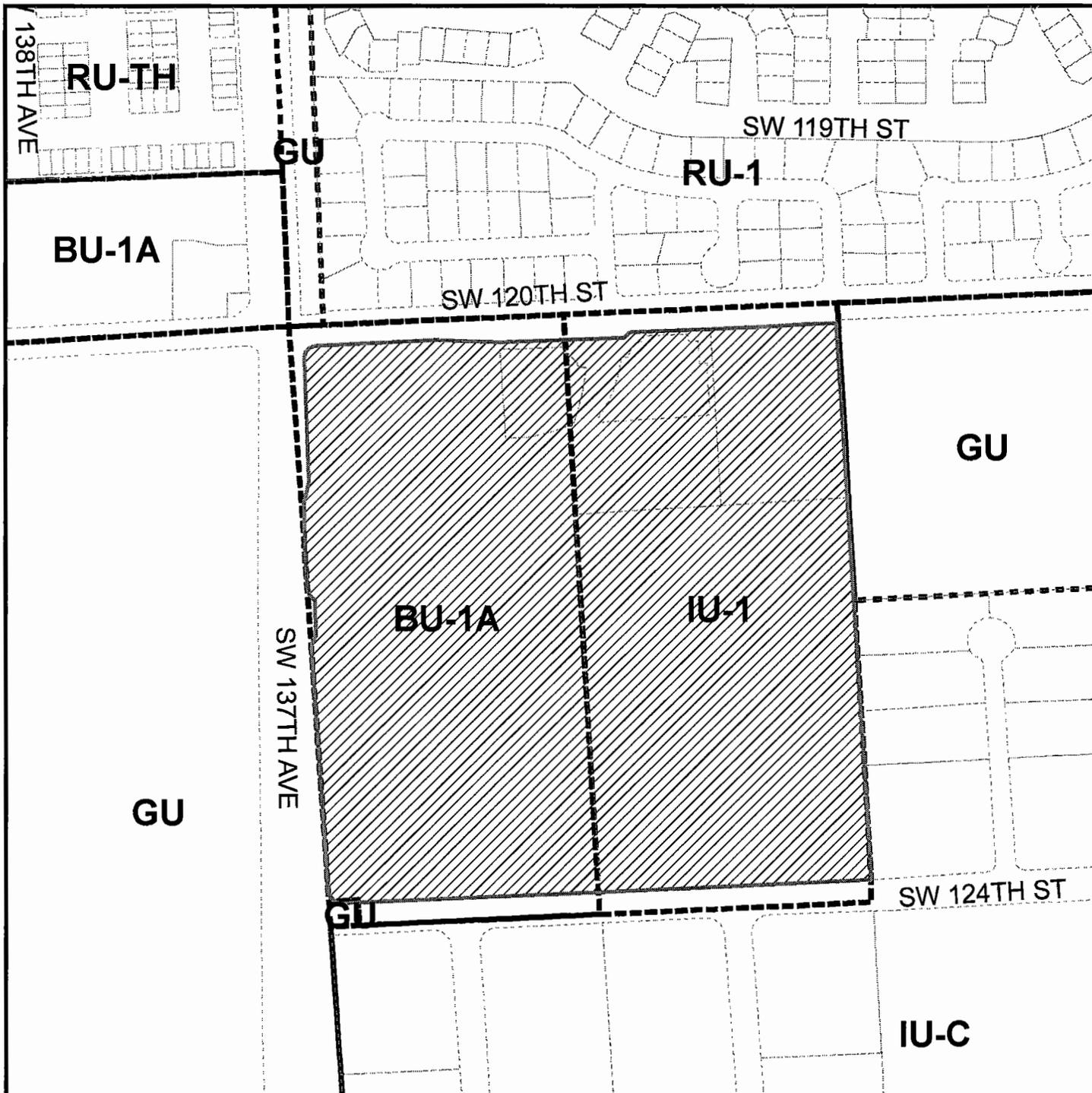
RECEIVED
MAR 29 2011

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



S.W. 137th AVENUE

ENLARGED SITE PLAN



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000027

Legend

-  Zoning
-  Subject Property Case



Section: 15/14 Township: 55 Range: 39
 Applicant: BVK LONDON SQUARE LLC & COSTCO WHOLESALERS CORP
 Zoning Board: C11
 Commission District: 9
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, March 3, 2011

REVISION	DATE	BY
		38



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z201100027

Legend

 Zoning



Section: 15/14 Township: 55 Range: 39
 Applicant: BVK LONDON SQUARE LLC & COSTCO WHOLESALERS CORP
 Zoning Board: C11
 Commission District: 9
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, March 3, 2011

REVISION	DATE	BY

BVK LONDON SQUAR LLC
+ COSTCO WHOLESALE CORP

11-027

ITEM 2

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

THIRD MODIFIED DECLARATION OF RESTRICTIONS

KNOW ALL BY THESE PRESENTS that the undersigned Owners (hereinafter collectively "Owner") hereby makes, declares and imposes on the land herein described, these covenants running with the title to the land, which shall be binding on the Owner, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them;

WHEREAS, the Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto and made a part hereof, hereinafter called the "Property," which is supported by the submitted attorney's opinion;

WHEREAS, the Owner's predecessor in interest recorded a "Declaration of Restrictions" at Official Record Book 24689, Pages 2921 through 2930 of the Public Records of Miami-Dade County, as modified by the "Modification to Declaration of Restrictions" recorded at Official Record Book 26740, Pages 0432 to 0448 of the Official Records of Miami-Dade County, Florida, "Corrected Modification to Declaration of Restrictions" recorded at Official Record Book 27172, Pages 0711 to 0719 of the Official Records of Miami-Dade County, Florida, and "Second Modified Declaration of Restrictions" recorded at Official Record Book _____, Pages _____ to _____ of the Official Records of Miami-Dade County, Florida (the "Existing Covenant");

WHEREAS, the Existing Covenant provided, among other things, that no education facilities could be developed on the Property and that no places of public assembly would be permitted on portions of the Property within the be developed within the portions of the Property in the Outer Safety Zone (OSZ) of the Kendall Tamiami Executive Airport Zoning District;

(Public Hearing)

(Space reserved for Clerk)

WHEREAS, the Owner filed Zoning Application P.H. No. 11-00X with Miami-Dade County, seeking, among other things, the approval of a modification to the Existing Covenant to permit a commuter college use on a portion of the Property;

WHEREAS, Community Zoning Appeals Board 11, through Resolution CZAB11-XX-11, approved the modification of the Existing Covenant;

WHEREAS, the Owner hereby makes the following modification to the Existing Covenant; and

WHEREAS, the instant modification pertain solely to the Property.

NOW THEREFORE, in consideration of the premises, the Owner hereby covenants the following:

The foregoing recitations are true and correct, and incorporated herein, and are made a part hereof for all purposes. The Existing Covenant is hereby amended to read as follows:

Development Limits

- (1) That said property shall be developed substantially in accordance with the site plans entitled "Costco Wholesale Kendall #357," Sheet "C-2" as prepared by Bohler Engineering, Sheet 'DD4.01.01' as prepared by Mulvanny Architecture and Sheet "LP-1" as prepared by Intuitive Design Group, all dated stamped received 8/18/09, Sheets "SP-1" and "SP-2" as prepared by Architectural Alliance, entitled "London Square," dated stamped received 12/2/10, and the "Floor Plan – Level Three" as prepared by Michael Anthony Del Gatto II Architect, for a total of 6 sheets, and that all other portions of the site plan shall remain substantially in accordance with the site plans entitled "Public Hearing Site Plan London Square," as prepared by Architectural Alliance, consisting of 18 sheets and dated stamped received 3/23/06 and elevation and floor plans entitled "London Square," as prepared by Lawrence S. Levinson, consisting of five (5) sheets, and dated March 24, 2006 for a total of 28 sheets.

(Space reserved for Clerk)

- (2) The detached signage serving the Property shall be exclusively of the monument type and shall be designed in a manner compatible to the architecture of the buildings on the Property. The locations of detached signs shall be limited to the main entrances to the Property along S.W. 120 Street and S.W. 137 Avenue and the northwest corner of the Property along the intersection of S.W. 120 Street and S.W. 137 Avenue.

Off-Site Roadway Improvements. The Owner agrees to undertake the following off-site roadway improvements in order to improve traffic circulation in the area surrounding the Property and improve safety for vehicles and pedestrians. All such improvements shall be subject to the approval of the Miami-Dade County Department of Public Works and, where applicable, the Florida Department of Transportation (“FDOT”). The Owner shall seek credits for the improvements as contributions in lieu of the roadway impact fees that will be incurred in the development of the Property. The Owner shall complete the improvements regardless of whether credit is available for the improvements as contributions in lieu of roadway impact fees. Moreover, the cost of the improvements shall not be limited by the amount of any such credit. The Owner shall be obligated to pursue the completion of each improvement diligently and in good faith.

- (1) **Traffic Signal at S.W. 120 Street and S.W. 135 Court.** Prior to obtaining a building permit for a commercial structure on the Property, the Owner shall complete a traffic signal warrant study for the intersection of S.W. 120 Street and S.W. 135 Court. If the warrant study supports the installation of a traffic signal and such installation is approved by the Miami-Dade County Department of Public Works, the Owner shall cause the signal to be installed prior to the issuance of the first certificate of use for a commercial structure on the Property.

(Space reserved for Clerk)

- (2) **Traffic Signal at S.W. 124 Street and S.W. 137 Avenue.** Prior to obtaining a building permit for a commercial structure on the Property, the Owner shall complete a traffic signal warrant study for the intersection of S.W. 124 Street and S.W. 137 Avenue and file a request for the installation of a traffic signal with FDOT. If the request is approved by FDOT, the Owner shall cause the signal to be installed prior to the issuance of the first certificate of use for a commercial structure on the Property.
- (3) **Widening of S.W. 120 Street.** The Owner shall undertake the widening of the eastbound side of S.W. 120 Street along the length of the “Heritage School” parcel adjacent to the Property on the east (Folio No. 30-5914-000-0040) to add one additional travel lane. The Owner’s completion of this improvement shall be contingent on the dedication of the required right-of-way to Miami-Dade County for roadway purposes within six (6) months of the date of the approval of the Application. The Owner shall work in good faith to encourage the owner of the Heritage School property to dedicate the additional right of way. If the required right-of-way is dedicated, the Owner shall complete the roadway improvement prior to the issuance of the first certificate of use for a commercial structure on the Property.
- (4) **Improvements to S.W. 124 Street.** Subject to approval by the Miami-Dade Department of Public Works, the Owner shall design and cause to be constructed capacity improvements to S.W. 124 Street from S.W. 127 Avenue to S.W. 137 Avenue. Said improvements shall include the addition of two travel lanes and a center turn lane to the existing right of way, for a total of four travel lanes and a dedicated turn lane. The Owner shall commence construction of the roadway improvements prior to the issuance of the first building permit for a commercial structure on the Property. The improvements shall be complete and open to vehicle traffic prior to the issuance of the first certificate of use for a commercial structure

(Space reserved for Clerk)

on the Property. The Owner's completion of these improvements shall be contingent on the County making available thirty-five (35) feet of additional right of way along the eastern half of the northern boundary of the Tamiami Pineland Park site. In the event that the County is unable to make the additional right of way available prior to the commencement of the roadway construction, the Owner shall only be obligated to improve S.W. 124 Street within the then existing right of way. If the County thereafter makes the additional right of way available at any point prior to the issuance of the last certificate of use for a commercial structure on the Property, the Owner shall proceed to complete the full capacity improvements.

Compliance with DIC Report. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Miami-Dade County Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

Prescribed Burning Notice. Prior to the approval of a final plat for the Property, the Owner, at its sole expense, shall record an instrument in the public records of Miami-Dade County, which shall run with title to the Property and be binding on the Owner's successors and assigns, and shall state the following:

THE NATURAL FOREST COMMUNITY LOCATED NEAR THE SOUTHEAST CORNER OF THE PROPERTY CONTAINS PINE ROCKLANDS, WHICH ARE FIRE MAINTAINED ECOSYSTEMS. THE USE OF PERIODIC PRESCRIBED BURNING IS A MANAGEMENT TECHNIQUE THAT REDUCES WILDFIRE THREAT AND IS BENEFICIAL TO WILDLIFE AND THE RARE PLANT SPECIES HARBORED BY THIS PLANT COMMUNITY. SUCH BURNING IS GENERALLY PERFORMED ONCE EVERY THREE TO FIVE YEARS. THE PROPERTY LIES WITHIN THE POTENTIAL SMOKE DISPERSION CORRIDOR OF THE PROTECTED NATURAL FOREST COMMUNITY. CONSEQUENTLY, THE PROPERTY MAY BE AFFECTED BY THE PERIODIC SMOKE EVENTS FROM THE PRESCRIBED BURNS OR UNEXPECTED WILDFIRES.

Compliance with Airport Zoning. The Property is located in the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall Tamiami Executive Airport Zoning

(Space reserved for Clerk)

District. Accordingly, the Owner agrees that no educational facilities may be developed on the Property. Further, no places of public assembly as defined by Chapter 33 of the Miami-Dade County Code may be developed on the portion of the Property within the OSZ district. Notwithstanding the above, a commuter college use may be located in the approximately 60,000 square foot office building depicted on the above-referenced development plans.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

(Public Hearing)

(Space reserved for Clerk)

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute

(Space reserved for Clerk)

an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of use given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of

(Space reserved for Clerk)

County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

B. AB AT HIDDEN LAKE, LTD. LLLP
(Applicant)

11-7-CZ11-1 (10-156)
Area 11/District 09
Hearing Date: 09/06/11

Property Owner (if different from applicant) **AB AT HIDDEN LAKE, LTD. (LLLP).**

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1981	Robert Rudnick, TR.	- Zone change from GU to IU-C.	BCC	Approved w/conds.
1998	Hidden Lake Group, Inc.	- Special Exception to permit a site plan Approval. - Unusual Use to permit lake fill, excavation and outdoor dining.	C11	Approved w/conds.
2007	AB AT Hidden Lake, LTD. (LLLP)	- Zone Change from IU-C to BU-1A. - Modification of condition of resolution.	C11	Approved

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 11
MOTION SLIP

#1

APPLICANT'S NAME: AB AT HIDDEN LAKE, LTD. LLLP

REPRESENTATIVE: Javier Aviño and Guillermo Olmedillo

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-7-CZ11-1 (10-156)	July 19, 2011	CZAB11	11

REC: Approval with conditions.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Sept 6, 2011 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: The application was deferred due to a lack of a quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS			
COUNCILMAN		Joseph E. DELANEY			
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ			X
CHAIRMAN		Jeffrey WANDER			

VOTE:

--	--	--

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: AB at Hidden Lake, Ltd. LLLP

PH: Z10-156 (11-4-CZ11-2)

SECTION: 14-55-39

DATE: September 6, 2011

COMMISSION DISTRICT: 9

ITEM NO.: B

=====

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to delete the previously approved site plan for this mixed use parcel and develop the platted lots as permitted by the Zoning Code and the remaining conditions in prior resolutions.

o **REQUESTS:**

(1) DELETION of Condition #2 of Resolution CZAB11-9-98, last modified by Resolution CZAB11-40-07, both passed and adopted by the Community Zoning Appeals Board 11.

“2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled “HIDDEN LAKE RETAIL/OFFICE PARK,” as prepared by Sotolongo Salman Henderson Architects, LLC, stamped dated April 27, 2007, consisting of 16 sheets.”

(2) DELETION of Paragraph 1 of a Declaration of Restrictions recorded in Official Record Book 26030, Pages 3287 through 3293.

“1). Site Plan

The property shall be developed substantially in accordance with that approved with this declaration entitled “Hidden Lake Retail/Office Park” as prepared by Sotolongo, Salman, Henderson Architects, LLC, dated stamped received 7-26-07 as to sheets SP1 thru SP3 and LA1 and the remaining plans dated stamped received 4-27-07, for a total of 16 sheets.”

The purpose of the above requests is to permit the applicant to develop the platted lots as permitted by the Zoning Code and the conditions of previous resolutions.

o **LOCATION:**

Lying west of SW 127 Avenue between SW 128 Street and SW 132 Street, Miami-Dade County, Florida.

o **SIZE:** 14.97 Acres

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 **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual sitting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.*
2. *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." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-C/BU-1A; vacant

Industrial and Office

Surrounding Properties:

NORTH: IU-C; Natural Forest Community	Environmentally Protected Parks
SOUTH: RU-3M; townhouse residences	Industrial and Office
EAST: GU; vacant	Industrial and Office
WEST: IU-C; warehouses	Industrial and Office

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

G. PLANNING AND ZONING ANALYSIS:

This item was deferred from the July 19, 2011 meeting of Community Zoning Appeals Board (CZAB) 11, due to a lack of quorum. Approval of the application will allow the applicant to delete a condition of a prior resolution and a paragraph of a Declaration of Restrictions, which tied the property to a prior site plan. Said approval would also allow the applicant to develop the platted lots as permitted by the Zoning Code and the conditions in previous resolutions. The LUP map of the CDMP designates the entire subject property, the northeast corner of which is zoned BU-1A, Limited Business District and the remainder, zoned IU-C, Conditional Industrial District, for **Industrial and Office** use. As such, staff opines that the existing commercial and industrial zoning on the subject property and the deletion of previously approved plans to allow for the development of the parcel within the guidelines of the Zoning Regulations and previous conditions, would be **compatible** with the surrounding area and **consistent** with the interpretative text and LUP map of the CDMP.

When requests #1 and #2 are analyzed under Section 33-311(A)(7) the Generalized Modification Standards, staff opines that approval would be **compatible** with the area. Staff notes that the previously approved plans included a total of nine (9) buildings which included offices and warehouse buildings. Staff notes that the 14+ acre parcel contains seven (7) platted lots, which were also indicated in the previous plans. The applicant's letter of intent also indicates that they will adhere to the restrictions pertaining to the industrial uses and also with the conditions pertaining to the site development from the prior resolution and the Declaration of Restriction such as the landscaping, lighting and gazebos with picnic tables. As such, although the configuration and location of the buildings may be different from what was previously approved, staff opines that the remaining restrictions and conditions in the prior resolutions and the Declaration of Restrictions are sufficient to limit the development within the scope of the prior approvals. Staff opines that approval of the deletions as requested, 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. Further, staff notes that neither, DERM, the Public Works Department or the MDFRD objects to this application. As such, staff opines that the approval of the deletion of the previously approved plans while maintaining the other restrictions and conditions within the prior resolutions and Declaration of Restrictions would be **compatible** with the surrounding area. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) the Generalized Modification Standards.**

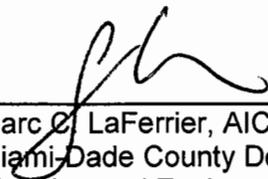
H. RECOMMENDATION:

Approval with conditions.

I. CONDITIONS:

1. That all the conditions of Resolution No. CZAB11-9-98, and Resolution No. CZAB11-40-07 and the paragraphs of the Declaration of Restrictions recorded in ORB 26030, Pages 3287 through 3293, remain in full force and effect except as herein modified.
2. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this recommendation incorporated herein by reference.
3. That the applicant removes the illegally stored trucks and plant pots from the property as well as the real estate signs on the property without proper permits.
4. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 30 days after final hearing approval of this application unless a time extension is granted by the Director for good cause shown.
5. That this resolution will not be transmitted to the Clerk of the Commission until the required Declaration of Restrictions is submitted in final recordable form accepted to the Department.

DATE INSPECTED: 06/16/11
DATE TYPED: 06/02/11
DATE REVISED: 06/03/11, 06/14/11, 06/22/11
DATE FINALIZED: 07/20/11
MCL:GR:NN:AA:CH

For 

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

Date: March 2, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-11 #Z2010000156-1st Revision
AB at Hidden Lake, Ltd.
Intersection of S.W. 128th Court and S.W. 127th Avenue
Modification of a Previous Plan
(BU-1A) (14.97 Acres)
14-55-39

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

The applicant is advised that the minimum 20' wide lake maintenance easement as per Section 24-48.3(d) Miami Dade County Code and Basis of Review for Environmental Resource Permits, Volume IV Manual, Section 7.5, must remain in place.

Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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.

Natural Forest Communities

The subject properties are located near a county designated Natural Forest Community. Natural Forest Communities (NFC's) are upland natural areas (Pine Rockland and Hardwood Hammocks) that, meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject properties lie within the potential smoke dispersion corridor. Consequently, the subject properties may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. Due to the quality of these habitats, the County recommends maintaining these globally imperiled NFC areas as a natural preserve. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

The subject properties contain prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from the sites prior to development. Notwithstanding the foregoing, the applicant is advised that Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject properties that is not a prohibited species. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of the sites and landscaping plans.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

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.

Memorandum



Date: March 29, 2011

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

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

Subject: AB at Hidden Lake, LTD (PH: 10-156)
MDAD DN-11-03-530

A handwritten signature in black ink, appearing to read "J. Ramos", written over the "From:" field of the memorandum.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request to modify a previous plan for 14.97 acres located south of 127 Avenue and 128 Street, Miami-Dade County, Florida.

Please be advised that MDAD is unable to provide an airspace/land use analysis since there is only a plat associated with this application at this time. It is recommended that applicant submit the proposed use, site and elevation plans, once they become available for our review.

Should you have any questions, I may be reached at (305) 876-8080.

JR/rb

C: S. Harman

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: AB AT HIDDEN LAKE, LTD. (LLLP)

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

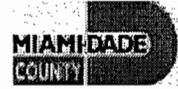
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

01-FEB-11

Memorandum



Date: 03-MAR-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000156

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated October 6, 2010.
 APPROVAL
 No objection to site plan date stamped Neovmber 1, 2010.

Service Impact/Demand:

Development for the above Z2010000156
 located at LYING west OF S.W. 127 AVENUE & between sw 128 & sw 132 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1953 is proposed as the following:

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

Based on this development information, estimated service impact is: 1.96 alarms-annually.
 The estimated average travel time is: 6:36 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 53 - Turnpike - 11600 SW Turnpike Hwy.
 Rescue, Squad

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped November 1, 2010.

DATE: 09-JUN-11

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

AB AT HIDDEN LAKE, LTD. LLLP

LYING west OF S.W. 127 AVENUE
& between sw 128 & sw 132
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000156

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-156

æ ADDRESS: LYING SOUTH OF S.W. 127 AVENUE & S.W. 128 STREET

æ FOLIO: 3059140800080, 0070, 0060, 0050, 0040, 0030, 0020, and 0010

æ

DATE: 6/9/11

NAME: AB AT HIDDEN LAKE, LTD. (LLLP)

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:
No open cases.

CLOSED CASES:

Neighborhood Regulations:
3059140800050

Case 200902004400 was opened for a complaint of overgrowth inspected and a warning notice was issued for a violation of Ch 19-14. A re-inspection was conducted and Citation T002118 was issued. The property was found to be in compliance and the case was closed.

Building Code:
No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Date

Evaluator: N/A

06/16/11

Process #: Z2010000156
Applicant's Name: AB AT HIDDEN LAKE, LTD. LLLP

Locations: LYING west OF S.W. 127 AVENUE & between sw 128 & sw 132 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 14.97 ACRES

Folio #: 3059140800080

Request:

1 Modification of condition #2 of Resolution CZAB11-9-98, last modified by Resoltuion CZAB11-40-07, both passed and adopted by the Community Zoning Appeals Board 11 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, "HIDDEN LAKE RETAIL/OFFICE PARK", as prepared by Sotolongo Salman Henderson Architects, LLC, stamped dated received April 27, 2007, consisting of 16 sheets."

To:

#2. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed site plan for: ADrian Builders at Hidden Lake", as prepared byRodriguez Periera Architects,Inc, stamped dated received 11/01/10, consisting of one sheet."

2 Modificatino of paragraph 1 of a Declaratino of restrictions, recorded in Official record Book 26030, pages 3287 through 3293, reading as follows:

FROM

1.) Site Plan

The property shall be developed substantially in accordance with that approved with this declaration entitled "Hidden Lake Retail/Office Park" as prepared by Sotolongo, Salman, Henderson Architects, LLC, dated stamped received 7-26-07 as to sheets SP1 thru SP3 and LA1 and the remaining plans dated stamped received 4-27-07, for a total of 16 sheets.

TO:

1.) Site Plan

The property shall be developed substantially in accordance with that approved with this declaration entitled "Proposed site plan for: Adrian Builders at Hidden Lake", as prepared by Rodriguez Periera Architects, Inc., dated stamped received 11/01/10, consisting of one sheet."

The purpose of the above requests is to permit the applicant to submit revised site plans showing lot lines only in lieu of the previously approved detailed site plans.

EXISTING ZONING

Subject Property BU-1A, IU-C,

EXISTING USE COMMERICAL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

ZONING INSPECTION REPORT

NO STRUCTURES ON SITE, ONLY A CONCRETE POLE WITH LIGHTS ON LOT#4.

USE(S) OF PROPERTY:

ON LOT #1 ILLEGAL STORAGE OF A TRUCK, CONTAINER AND EMPTY PLANT POTS. LOT #4 THERE IS STORAGE OF POTTED LIVE OAKS 8-10 FT HIGH.

FENCES/WALLS:

6FT CHAINLINK FENCE ALL AROUND THE PROPERTY.

LANDSCAPING:

A FEW 20 FT HIGH PINES AROUND THE LAKE FOLIO NO. 30-5914-080-0080 AND ALSO ON THE WEST PROPERTY LINE OF LOT #1 FOLIO NO. 30-5914-080-0010.

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO DATED 06/09/2011 ON FILE. THERE ARE TWO REAL ESTATE SIGNS ON LOT#4 & LOT#1 WITHOUT PERMITS. OPEN LOT STORAGE IN LOT #1 WITHOUT A CERTIFICATE OF USE.

OTHER:

THERE ARE 8-10 FT HIGH POTTED LIVE OAKS TREES STORED ON LOT #4.

Process # Applicant's Name

Z2010000156 AB AT HIDDEN LAKE, LTD. LLLP

SURROUNDING PROPERTY

NORTH:

IU-C : NIXON SMILEY PINELAND PRESERVE - ENVIRONMENTLY ENDANGERED LANDS PROGRAM

SOUTH:

RU-3M: COURTS AT TUSCANY TOWNHOUSE DEVELOPMENT

EAST:

GU & IU-C: FPL EASEMENT/PLANT NURSERY & WAREHOUSES

WEST:

IU-C: OFFICE PARK DEVELOPMENT

SURROUNDING AREA

MIXED USES ALL AROUND.

NEIGHBORHOOD CHARACTERISTICS:

ZONING INSPECTION REPORT

MIXED USES ALL AROUND. MEDIUM-HIGH DENSITY, WHEEL BUFFERED WITH LANDSCAPED BERM AND 6 FT HEDGE TO THE SOUTH. OFFICES TO THE WEST. PROTECTED LANDS TO THE NORTH. AND PLANT NURSERIES AND WAREHOUSES TO THE EAST.

COMMENTS:

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: NE CORNER OF SUBJECT PROPERTY AKA LOT #4 AKA FOLIO NO. 30-5914-080-0040 AKA 12700 SW 128 ST OR 12760 SW 128 ST - REAL ESTATE SIGN WITHOUT PERMIT & STORAGE OF POTTED 8-10 FT LIVE OAK TREES.



Date: 16-JUN-11

Comments: SUBJECT PROPERTY LOT #1 AKA FOLIO NO. 30-5914-080-0010. REAL ESATTE SIGN WITHOUT PERMIT FACING NW.



Date: 16-JUN-11

Comments: SUBJECT PROPERTY N VIEW OF LOT#6 AKA FOLIO NO. 30-5914-080-0060.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: SUBJECT PROPERTY E SIDE - W VIEW FROM SW 127 AVE & 130 ST AKA LOT #5 AKA FOLIO NO. 30-5914-080-0050 AKA 12950 SW 127 AVE.



Date: 16-JUN-11

Comments: SUBJECT PROPERTY - SE VIEW OF LOT #4 AKA FOLIO NO. 30-5914-080-0040 AKAK 12700 SW 128 ST OR 12760 SW 128 ST. CONCRETE POLE WITH NIGHT LIGHTING.



Date: 16-JUN-11

Comments: SUBJECT PROPERTY - S VIEW ON SW 128 ST AKA LOT #1 AKA FOLIO NO. 30-5914-080-0010. ILLEGAL STORAGE OF TRUCK, CARGO CONTAINER & EMPTY PLASTIC PLANT POTS.

Inspector **HASSUN, PEDRO**

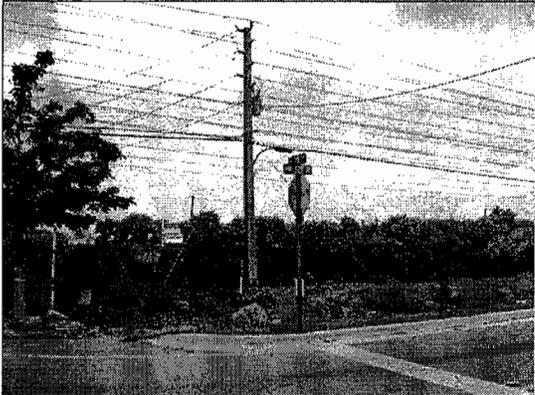
Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: N OF SUBJECT PROPERTY - NIXON SMILEY PINELAND PRESERVE - ENVIRONMENTLY ENDANGERED LANDS PROGRAM.



Date: 16-JUN-11

Comments: E OF SUBJECT PROPERTY - SE VIEW ON THE CORNER OF SW 127 AVE & 128 ST. FPL EASEMENT, PLANT NURSERY AND WAREHOUSES.



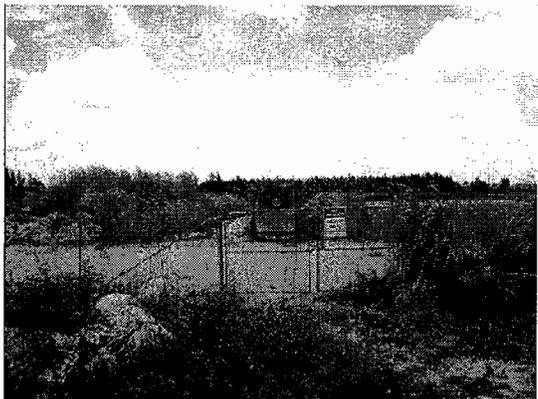
Date: 16-JUN-11

Comments: S OF SUBJECT PROPERTY - RU-3M TOWNHOUSE DEVELOPMENT.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: W OF SUBJECT PROPERTY ON S SIDE AKA LOT #7
AKA FOLIO NO. 30-5914-080-0070 AKA 12795 SW 132
ST.



Date: 16-JUN-11

Comments: SE OF SUBJECT PROPERTY - PLANT NRUSERY AT
SW 132 ST & 127 AVE.



Date: 16-JUN-11

Comments: E OF SUBJECT PROPERTY AT SW 132 ST. FPL
EASEMENT, PLANT NURSERY & WAREHOUSES.

Inspector **HASSUN, PEDRO**

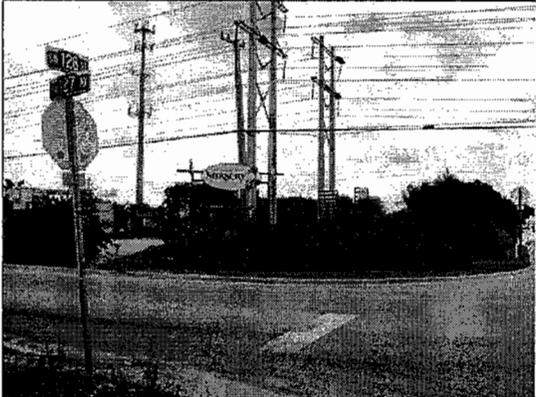
Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: W OF SUBJECT PROPERTY NW VIEW - OFFICE PARK IU-C.



Date: 16-JUN-11

Comments: NE OF SUBJECT PROPERTY - PLANT NURSERY & FPL EASEMENT AT SW 127 AVE & 128 ST.



Date: 16-JUN-11

Comments: W OF SUBJECT PROPERTY LOT #1 AKA FOLIO NO. 30-5914-080-0010.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2010000156** Applicant Name **AB AT HIDDEN LAKE, LTD. LLLP**



Date: 16-JUN-11

Comments: W VIEW ON SW 128 ST FROM 127 AVE WELL LANDSCAPED ON THE NORTH SIDE OF THE STREET.



Date: 16-JUN-11

Comments: NE VIEW ON SW 127 AVE FROM 132 ST.



Date: 16-JUN-11

Comments: W VIEW ON SW 132 ST FROM 127 AVE.

RECEIVED
210-156
JUN 07 2011

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: ADRIAN BUILDERS AT TAMIAHI AIRPORT III, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ALVARO L. ADRIAN</u> <u>190 PALM AVE, MIAMI BEACH, FL 33139</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>

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: ADRIAN BUILDERS AT TAMIAHI AIRPORT III, LTD

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
1. <u>ALVARO L. ADRIAN, 190 PALM AVENUE, MIAMI BEACH</u> <u>FL 33139</u>	<u>45 %</u>
2. <u>VIVIAN ADRIAN, 190 PALM AVENUE, MIAMI BEACH</u> <u>FL 33139</u>	<u>45 %</u>
3. <u>ADRIAN BUILDERS AT TAMIAHI AIRPORT III INC.</u> <u>13780 SW 26 St, #108 MIAMI, FL 33175</u>	<u>10 %</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



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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: [Signature]
ALVARO L. ADRIAN (Applicant) *President of the General Partner, Adrian Builders at Tamiami Airport III, Inc.*

Sworn to and subscribed before me this 6 day of June, 2011. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: _____

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.

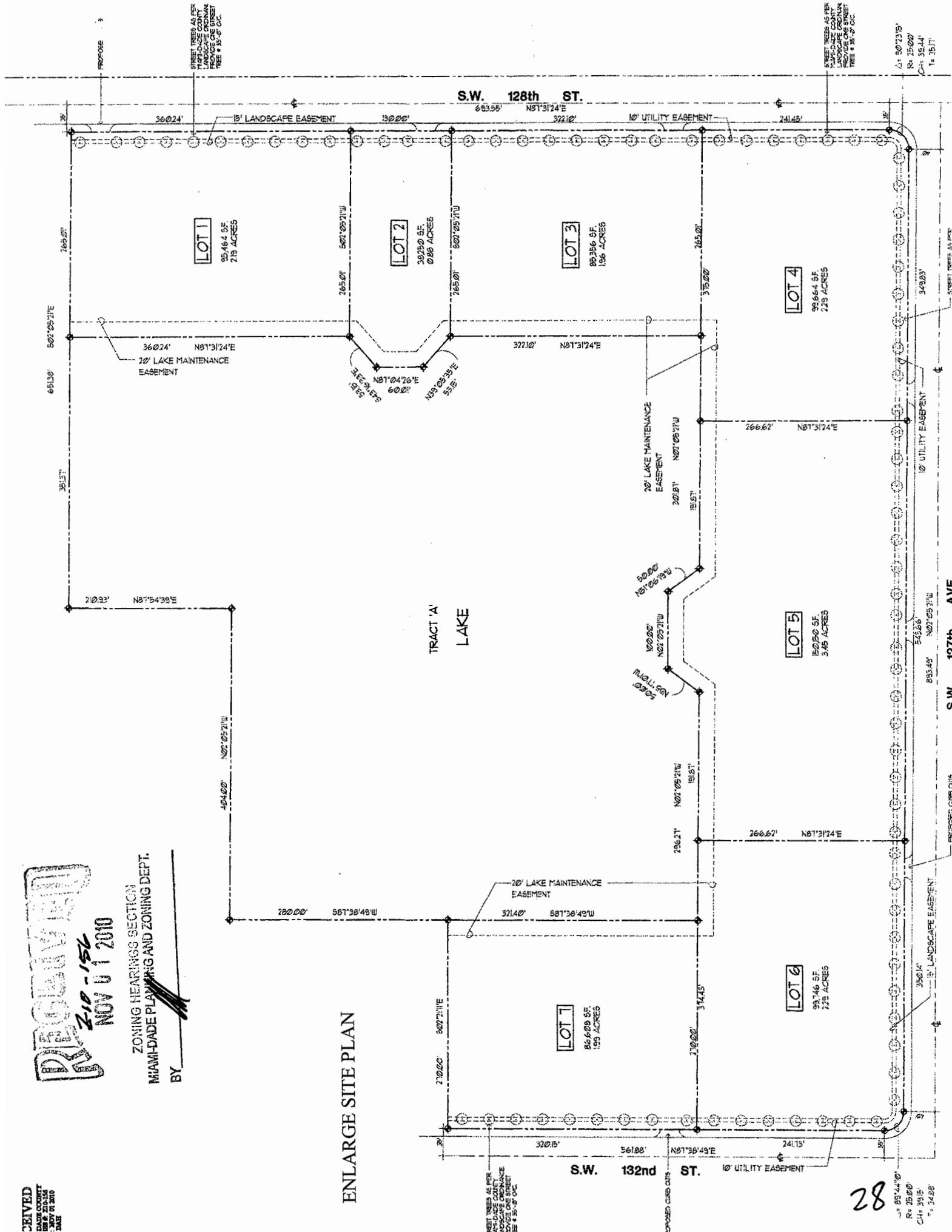
RECEIVED
 COUNTY CLERK
 NOV 01 2010
 DATE

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 210-156
 NOV 01 2010

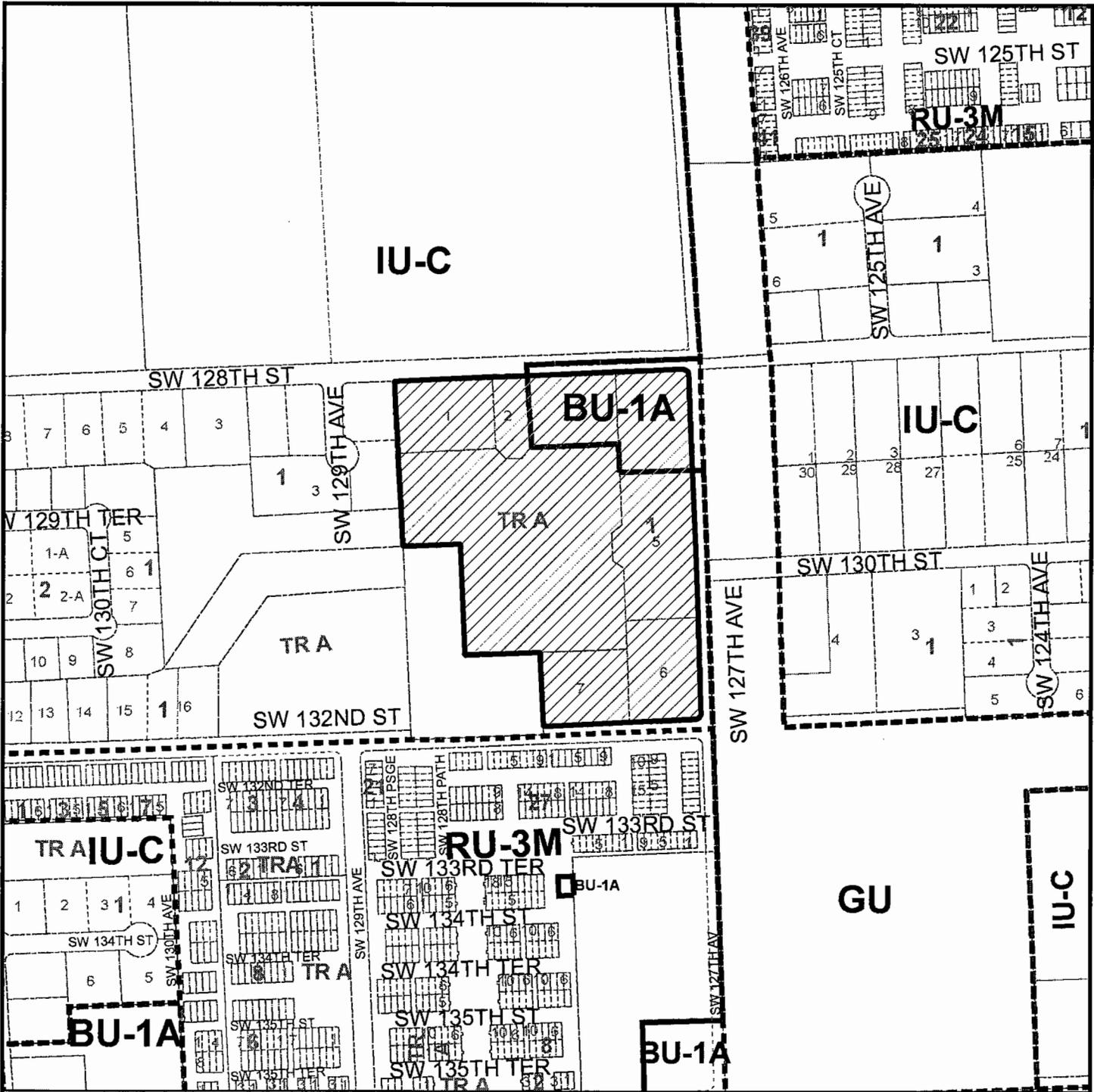
ZONING HEARINGS SECTION
 MIAMI-DADE PLAYING AND ZONING DEPT.

BY _____

ENLARGE SITE PLAN



28



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000156



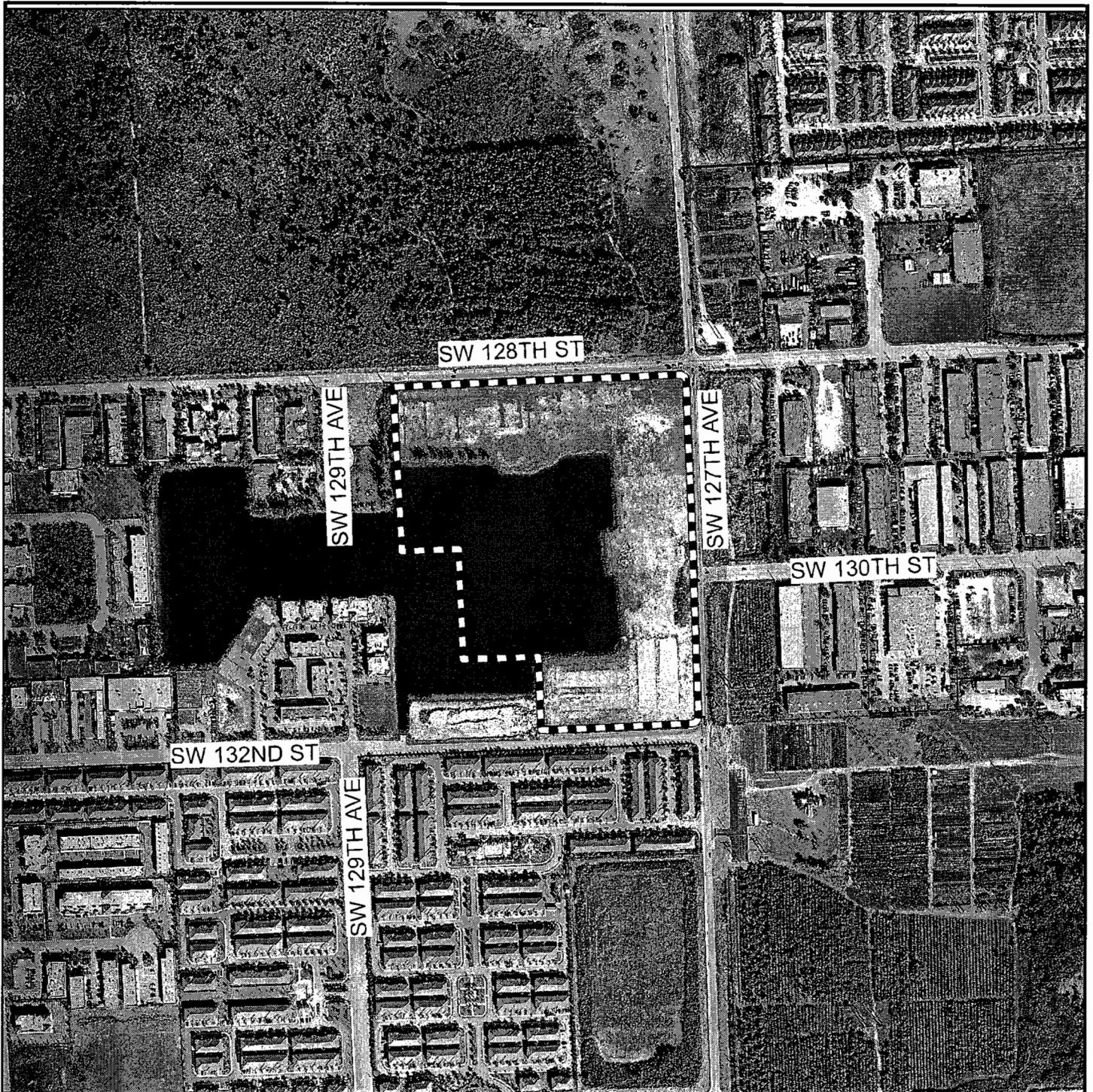
Section: 14 Township: 55 Range: 39
 Applicant: AB AT HIDDEN LAKE, LTD. (LLLP)
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

- Legend**
- Subject Property Case
 - Zoning



SKETCH CREATED ON: Tuesday, September 28, 2010

REVISION	DATE	BY
		29



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000156



Section: 14 Township: 55 Range: 39
 Applicant: AB AT HIDDEN LAKE, LTD. (LLLP)
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Tuesday, September 28, 2010

REVISION	DATE	BY

This instrument was prepared by:
Name: Javier F. Aviñó, Esq.
Address: Greenberg Traurig, P.A.
333 Avenue of the Americas
Miami, Florida 33131

AB AT HIDDEN LAKE
PLANNING AND ZONING
AGENDA OFFICE # 10-156
2011 JUL 19 A 11:45 Item #1

Draft

(Space reserved for Clerk)

MODIFICATION TO PRIOR DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in attached Exhibit "A", attached hereto, and hereinafter called the "Property," and;

WHEREAS, the Property is encumbered by a certain Declaration of Restrictions, (the "Declaration"), recorded in Official Records Book 26030 at Page 3287 of the Public Records of Miami-Dade County, Florida, which was entered into pursuant to Public Hearing No. 06-341, providing for various restrictions, a copy of the Declaration is attached hereto as Exhibit "A"; and

WHEREAS, Owner wishes to modify said Declaration to eliminate the restriction requiring that the Property be developed in accordance with a site plan, allowing each platted parcel to be developed independently; and

WHEREAS, the Declaration provides that modifications or amendments to the Declaration must be approved by the Community Zoning Appeals Board after public hearing.

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z-10-156 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) **Incorporation of Recitals.** The above recitations are true and correct and incorporated herein in their entirety.

- (2) **Modification of Prior Declaration.** The Declaration shall be modified so as to eliminate the restriction requiring the Property to be developed in accordance with a site plan. In particular, Section 1 is hereby deleted in its entirety.
- (3) **Prior Declaration.** All provisions of the Declaration not being modified by this instrument will remain in full force and effect.

[Execution Pages Follow]

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this _____ day of _____ 2011.

WITNESS(ES)

OWNER

AB at Hidden Lake, Ltd (LLLP), a Florida Limited Liability Limited Partnership

By: AB at Hidden Lake, Inc., a Florida Corporation its General Partner

X _____
Print: _____

X _____
Name: Alvaro L. Adrian
Title: President

X _____
Print: _____

Under the penalty of perjury, I certify that I have the authority to sign this declaration on behalf of the Owner, to bind the Owner, and, if so required, to authorize the issuance of a bond on behalf of the Owner.

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2011 by Alvaro L. Adrian, as the President of AB at Hidden Lake, Inc., the General Partner of AB at Hidden Lake, Ltd. LLLP, on behalf of the company, who is personally known to me or produced a _____ as identification.

Print or Stamp Name: _____
Notary Public, State of Florida at Large
Commission No.: _____
My Commission Expires: _____

C. KROME AGRONOMICS, LLC
(Applicant)

11-4-CZ11-1 (10-051)
Area 11/District 09
Hearing Date: 09/06/11

Property Owner (if different from applicant) **Same.**

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? Stormy Sky, LLC

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

No History

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 11
MOTION SLIP

A

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-51)	July 19, 2011	CZAB11	11

REC: Approval with conditions of Requests #1 through #3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Sept 6, 2011 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: The application was deferred due to a lack of a quorum. Also the County Attorney had Stated on the record that regardless of the deferral, the application could not be heard because the applicant had modified the application (new plans) and staff needed time to review the changes.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS			
COUNCILMAN		Joseph E. DELANEY			
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ			X
CHAIRMAN		Jeffrey WANDER			

VOTE:

--	--	--

EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP**

A

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: **Tony Recio**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-051)	May 17, 2011	CZAB11	11

REC: Approval with conditions of Requests #1 through 3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: July 19, 2011 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 applicant's request to amend the application.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ	X		
CHAIRMAN		Jeffrey WANDER	X		

VOTE: **4** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: **THOMAS ROBERTSON**

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#1

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-51)	April 14, 2011	CZAB11	11

REC: Approval with conditions of Requests #1 through 3, subject to the Board's acceptance of the proffered covenant; Denial without prejudice of Requests #4 through 12.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: May 17, 2011 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: Deferral due to a tied vote.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	M	Patricia G. DAVIS	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILMAN		Miguel A. DIAZ		X	
COUNCILWOMAN		Beatrice SUAREZ		X	
VICE CHAIR		Ileana R. VAZQUEZ		X	
CHAIRMAN	S	Jeffrey WANDER	X		
VOTE:			3	3	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: Krome Agronomics, LLC

PH: Z10-51 (11-4-CZ11-1)

SECTION: 24-55-38

DATE: September 6, 2011

COMMISSION DISTRICT: 9

ITEM NO.: C

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is requesting a zone change to AU along with a special exception to permit a proposed cemetery and associated mausoleums, an Unusual Use to permit a lake excavation and lake fill. Additional requests are being sought to permit 2 signs, larger than permitted by the Zoning Code.

o **REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from GU to AU.
- (2) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (3) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (4) Applicant is requesting to permit two additional detached signs, one with an area of 81 sq. ft. and one with an area of 164 sq. ft. (two 32 sq. ft. sign permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-one (21) sheets, dated stamped received May 27, 2011. Plans may be modified at public hearing.

o **LOCATION:**

The southwest corner of S.W. 136 Street & S.W. 177 Avenue, Miami-Dade County, Florida.

o **SIZE:** 48.6 Acres

B. ZONING HEARINGS HISTORY: None.

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 **1.4 miles** west of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the*

Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. **Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.** Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.*
3. **Water.** *This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.***
4. **Urban Development Boundary.** *The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.*
5. **Other Land Uses not Addressed.** *Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire,*

rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

6. **Policy LU-10.** *Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.*
7. **LU-3F. Super Majority Vote:** *Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.*
8. **Policy LU-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:

GU (with an agricultural trend); row crops

Agriculture

Surrounding Properties:

NORTH: GU (with an agricultural trend); row crops

Agriculture

SOUTH: GU (with an agricultural trend);
 row crops and Single-family residence

Agriculture

EAST: GU (with an agricultural trend); row crops

Agriculture

WEST: GU (with an agricultural trend); row crops and Single-family residence Agriculture

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

*In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:*

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*

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)(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.

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No comment
Fire Rescue	Objects
Police	No objection
Schools	No objection

*Subject to conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

This application was deferred from the April 14, 2011 meeting due to a tie vote and from the May 17, 2011 with leave to amend in order to submit revised plans. Subsequently, this application was deferred from the July 19, 2011 meeting to allow for a re-advertisement of the amended application and plans.

On August 10, 2011, the applicant submitted revised plans which indicate a relocation of the monument structures on the site and which resulted in the removal of a majority of the variances that were previously requested. Subsequently, the applicant has revised the plans further based on discussions with staff. Due to the revisions, the setback along the south side has been increased to 40', where 25' is required, and the structure along the rear (south) property line has been dramatically reduced. Additionally, other parts of the mausoleum complex have been broken up and shifted to the center of the site, within the southwest quadrant of the property, more than 100 feet from the west property line. The aforementioned changes have been reviewed by staff and are within the scope of the advertisement.

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Agriculture** use. The CDMP indicates *that uses compatible with agriculture and with the rural residential character may be approved in the Agricultural designated areas only if deemed to be a **public necessity**, or if deemed to be **"in the public interest"** and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.*

Furthermore, **Policy LU-10** of the CDMP states that the County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities. In addition staff notes that **Policy LU-1R** of the CDMP

states that the *County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.* Staff notes that if approved, this application would eliminate approximately 48.6 acres of viable agricultural land.

The applicant has identified 194,512 burial and cremation uncommitted spaces available in Miami-Dade County and states in their need study that the supply of cemetery spaces will be depleted by 2021 and the supply of cremation spaces will be depleted by 2017. As such, staff opines that although there currently is a significant capacity of cemetery and cremation spaces available, according to state licensing regulations for cemeteries, it typically takes approximately 5-7 years to establish and develop a cemetery use from the time of zoning approval, which shows that there would be a public necessity for this particular use in the near future.

In addition, the CDMP states that other uses compatible with agriculture may be approved if the use is deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Staff agrees that while the creation of burial sites is in the public interest, there are 7 vacant parcels of 30 acres or more in the unincorporated area and inside the UDB which are zoned GU and AU where this use is permitted after approval at a public hearing. Staff acknowledges however that due to the location and configuration of these parcels they may not be suitable for this particular use and may pose an incompatibility issue with the surrounding land uses.

Based on the aforementioned staff opines that the proposed cemetery use is a public necessity due to the finite number of years left of burial and cremation spaces and because there are not enough suitable alternative parcels of land inside the UDB where this use is allowed as a special exception. In addition, outside the UDB within the unincorporated area there are no suitable sites in land that is designated Open Land on the Land Use Plan map and there are no sites in land designated Environmental Protection, where such a use is prohibited. As such the proposed use is **consistent** with the agriculture designation on the property and would be compatible with the surrounding agricultural uses in the area.

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.* Staff 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 is of the opinion that the proposed signage is excessive and therefore should be denied.

Additionally, **Policy LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board then in office, where such Community Zoning Appeals Board (CZAB) issues a decision.* The subject property is located approximately 1.4 miles west of and outside the UDB in an area designated **Agriculture** and abuts a portion of Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. Staff is of the opinion that approval of requests #1 and #2, a Special

Exception to permit a proposed cemetery with associated mausoleums and an Unusual Use to permit a lake excavation and lake filling, will require an affirmative vote by five (5) members of the CZAB 11 since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

The applicant is seeking to rezone the subject property from GU, Interim District, to AU, Agricultural District (request #1). Staff notes that the GU zoned parcel is 1.4 miles west of and outside the UDB and as such is trended for agricultural uses and is designated for Agriculture use on the LUP map of the CDMP. As such, staff opines that the rezoning of the property from GU to AU would bring the property into conformity with and would be **consistent** with the LUP map designation and would be **compatible** with the majority of the surrounding properties that are also zoned AU. Staff is supportive of this requested zone change which based on memoranda from DERM, and the Public Works among others, would not unduly burden the natural resources in this area or the planned or constructed transportation facilities. **Therefore, staff recommends approval of request #1, under Section 33-311.**

The applicant is also seeking a special exception to permit a proposed cemetery and associated mausoleums and an unusual use to permit a lake excavation and subsequent lake fill on the subject (requests #2 and #3). The Master Plan specifies that *certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area by any of the following: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.*

Staff acknowledges that the interpretative text of the CDMP states that *Man-made water bodies are permitted in any land use category subject to applicable environmental regulations* and that the applicant has proffered a covenant restricting the development of the site to the submitted plans; requiring that the fill excavated from the temporary lake will only be used to raise the elevation of the Property for interment and site improvements; providing that no such fill will be sold or distributed to any other property; and providing that in the event the property is not developed in accordance with the approved site plan, the property owner will not remove any fill from the property. Staff notes that the requested lake excavation and fill requests are an integral part of the applicant's request for the proposed cemetery which, as previously mentioned, is consistent with the CDMP. **Therefore, staff opines that, along with the proffered covenant, approval of the proposed cemetery use, lake excavation and lake fill are consistent with the interpretative text of the CDMP.**

When requests #2 and #3 are analyzed under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that the proposed cemetery with associated mausoleums, lake excavation and fill, and proposed entrance feature would not have an unfavorable effect on the agricultural economy of Miami-Dade County. In addition, staff notes that the proposed facility is surrounded by predominately vacant parcels used for

agriculture and therefore, in staff's opinion, the proposed cemetery will not have a negative aural or visual impact on the surrounding agriculture properties and is compatible with same. Further, staff notes that DERM and the Public Works Department do not object to this application.

In addition, based on the applicant's Letter of Intent, the proposed lake excavation and subsequent lake fill is necessary to raise the elevation of the site for the proposed cemetery use and provides a cost effective means of raising said elevation. *When considering the necessity for and reasonableness of such applied for exception and use in relation to the present and future development of the area concerned and the compatibility of the applied for exception and use with the area and its development*, staff opines that the requested cemetery, lake excavation and fill are compatible with same and would not have an unfavorable effect on the surrounding area in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(3).**

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of request #4 would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the rural agricultural community, and would be detrimental to the neighborhood. Staff opines that approval of the applicant's request to permit two (2) proposed signs which are approximately 2.5 and 5.1 times larger in size than permitted by the Zoning Code is excessive and will be visually intrusive. It should also be noted that staff's research reveals that no similar approvals of sign variances have been sought in the surrounding area. **Therefore, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b).**

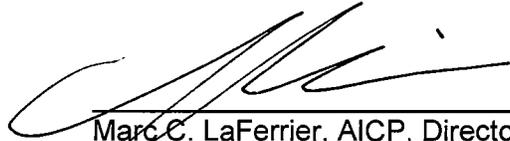
Based on the aforementioned, staff opines that approval of the proposed cemetery use, lake excavation and lake fill are **consistent** with the CDMP and would be **compatible** with the surrounding agriculture uses in the area. However, staff is of the opinion that the approval of request #4 would be **incompatible** with the surrounding rural agricultural and rural residential community. **As such, staff recommends approval of request #1, and approval with conditions of requests #2 and #3 subject to the Boards acceptance of the proffered covenant, under Section 33-311(A)(3); and denial without prejudice of request #4 under Section 33-311(A)(4)(b).**

- I. **RECOMMENDATION: Approval with conditions of request # 1 and approval of requests #2 and #3 with conditions, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Request #4.**
- J. **CONDITIONS: (For requests #2 and #3 only).**
 1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, sheets SP1, SP4, SP5, SP10 and SP11, dated stamped received May 27, 2011, sheet LP9, dated stamped received August 22, 2011 and the remaining 15 sheets dated stamped received August 10, 2011, for a total of twenty-one (21) sheets, except as

herein modified to show the removal of the proposed signage and to show a modification of the landscape plans as indicated in Appendix A.

3. That burial vaults be used on the site at all times as indicated on the plans.
4. That the burial sites be located above the water table as shown on the plans.
5. That the use be established and maintained in accordance with the approved plan.
6. That the landscaping plans be modified in accordance with the conditions outlined in Appendix A to this recommendation.
7. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
8. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
9. That all fill excavated from the temporary lake on the southern portion of the property will only be used to raise the elevation of the property for interment and site improvements, and no portion of such fill will be sold or otherwise distributed to any other property.
10. That the applicant shall submit for review and approval by the Department of Environmental Resources Management (DERM), a ground water monitoring plan (GWMP), signed and sealed by a Florida licensed Professional Engineer or Professional Geologist within sixty (60) days of the expiration of the appeal period for this Zoning Hearing.
11. That at a minimum, the GWMP shall include a proposal to install a representative number of sentinel monitoring well(s) at the down-gradient property boundary of the proposed cemetery and that groundwater be monitored for the applicable chemicals of concern.
12. Within ninety (90) days of the receipt of the GWMP approval from DERM and prior to the start of interment activities at the proposed cemetery, the applicant shall install monitoring well(s) and submit a baseline monitoring report, and that subsequent reports shall be submitted in accordance with DERM's approval requirements.
13. That the applicant complies with all other applicable conditions and requirements of DERM.

DATE INSPECTED: 04/22/11
DATE TYPED: 03/08/11
DATE REVISED: 03/09/11, 03/10/11, 6/16/11, 06/23/11, 07/01/11
DATE FINALIZED: 08/25/11
MCL:GR:MW:NN:CH:NC



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

APPENDIX A

KROME AGRONOMICS, Z10-051

**Krome Agronomics
Landscape Plan Conditions**

Conditions:

The Tree Legend shall be modified as follows:

Botanical Name/Common Name Planting	Min. Caliper at Planting	Min. Height at
Lot Trees		
Coccola Uvifera/ Seagrape	8"	14'
Tabebuia Chrysotricha/ Golden Trumpet	6"	12'
Quercus Virginiana/Live Oak	6"	14'
Pinus Elliotti/ Slash Pine	6"	14'
Roystonea Elata/Royal Palm	10"	18'-20'
Magnolia Grandiflora/Southern Magnolia	8"	14'-16'
Lysiloma Latisiliqua/Wild Tamarind	6"	14'
Prunus Myrtifolia/ West Indian Cherry	6"	12'
Chrysophyllum Oliviforme/Satin Leaf*	6"	14'

Botanical Name/Common Name Planting	Min. Caliper at Planting	Min. Height at
Street Trees/Perimeter (north-east)		
Quercus Virginiana	8"	18'-20'
Chrysophyllum Oliviforme/Satin Leaf*	8"	18'-20'

*Recommended Tree Not In Proposed List

Note: Myrica Cerifera and Myricanthes Fragrans/Simpson Stopper shall not be used as lot or street trees.

That the applicant install a staggered double row of trees along the west and south property lines consisting of Quercus Virginiana/Live Oaks and Chrysophyllum Oliviforme/ Satin Leafs, all with a minimum 6" caliper and a minimum height of 14' at time of planting. Along the north and east property lines and in the SW 136 Street and SW 177 Avenue rights-of-way (in close proximity to property lines), the applicant shall install a single row of Live Oaks and Satin Leafs spaced 25' on center. Said trees shall have a minimum 8" caliper and minimum 18'-20' height at time of planting. The alignment of trees along the north and east property lines and inside rights-of-way shall be staggered. If the Public Works Department and FDOT do not permit the trees within the SW 177 Avenue and SW 136 Street rights-of-way, said trees shall be provided inside

APPENDIX A

KROME AGRONOMICS, Z10-051

property lines. Royal Palms indicated along SW 177 Avenue and the cemetery entrance shall remain as indicated by the landscape plan.

Memorandum

Date: November 15, 2010
To: Marc C. LaFrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-11 #Z2010000051-3rd Revision
Krome Agronomics, LLC
Southwest corner of S.W. 136th Street and S.W. 177th Avenue
Special Exception to Permit a Cemetery
(AU) (48.6 Acres)
24-55-38

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 and Wastewater Disposal

Public water and public sanitary sewer systems are not available in the general area; furthermore, since the site is located outside the Urban Development Boundary, neither public water nor public sanitary sewers can be extended to serve the site. Consequently, any proposed development would have to be served by an on-site drinking water supply well as a source of potable water and by a septic tank and drainfield system as a means for the disposal of domestic liquid waste.

In accordance with Section 24-43.2 of the Miami-Dade County Environmental Code, you are required to demonstrate that the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 62-55, Florida Administrative Code, as same may be amended from time to time, and that the groundwater at the site does not contain more than two hundred fifty (250) milligrams per liter (mg/l) of chlorides at a depth of thirty (30) feet from ground elevation.

Additionally, DERM has received a properly executed covenants running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4) (a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Section 24-43.1 (6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code

Section also provides that nonresidential land uses served by a septic tank and on-site potable water supply may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

The available information indicates that the proposed facility entails the operation of a maintenance facility as part of the proposed cemetery. Therefore the facility will be in violation of the above-mentioned Code Section.

Additionally, the proposed development shall not exceed the maximum sewage loading allowed by Section 24-43.1(4) (b) of the Code. The available information indicates that the subject property contains a gross area of approximately 2,085,208 square feet. The maximum sewage loading rate allowed by the Code is 750 gallons per day per acre (GPD/Ac). Based upon said gross area, the maximum wastewater flow that can be permitted is 35902 gallons per day; and the proposed wastewater flow would result in 827.5 gallons per day, which translates into 17.28 GPD/Ac, which would not exceed the above-mentioned Code Section.

Inasmuch as the above-noted request does not comply with any of the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition.

Stormwater Management

The subject property is located outside of the Urban Development Boundary where the primary canal system has been found to have insufficient storage capacity to provide flood protection for land use other than agriculture.

A Surface Water Management individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands

An on site inspection performed by DERM staff on May 19, 2010 revealed that 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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

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: KROME AGRONOMICS, LLC

This Department has no objections to this application.

Driveway to SW 177 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of permitting/platting.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 20 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-682	SW 177 Ave. s/o SW 88 St.	C	C
9208	SW 177 Ave. s/o SW 184 St.	C	C
9880	SW 184 St. e/o SW 177 Ave.	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

10-NOV-10



Memorandum

Date: 10-MAR-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000051

Fire Prevention Unit:

This memo supersedes MDFR memorandum date June 1, 2010.

OBJECTIONS:

- Instead of a lock box applicant must provide a Knox pad lock or Knox key switch for gates within Fire Department access roads.

Service Impact/Demand:

Development for the above Z2010000051
 located at THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2010 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	8,475	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: 12.5 alarms-annually.
 The estimated average travel time is: 6:40 minutes

Existing services

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

Station 43 - Richmond - 13390 152 Street
 Rescue, ALS 50' Sqr (TRT)

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan.

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

DATE: 27-APR-11
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

KROME AGRONOMICS, LLC

THE SOUTHWEST CORNER OF
S.W. 136 STREET & S.W. 177
AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000051

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-051

ADDRESS: THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE

FOLIO: 305824000012

DATE: 4/27/11

NAME: KROME AGRONOMICS, LLC

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:
No open cases.

CLOSED CASES:
Neighborhood Regulations:
No closed cases.

Building Code:
No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: N/A

04/22/11

Process #: Z2010000051
Applicant's Name: KROME AGRONOMICS, LLC

Locations: THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

Size: 48.6 ACRES

Folio #: 3058240000012

Request:

THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO PERMIT A CEMETERY.

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NO STRUCTURES ON PROPERTY

USE(S) OF PROPERTY:

VACANT LAND - CORPS

FENCES/WALLS:

6FT CHAINLINK FENCE ON WEST PROPERTY LINE WHICH BELONGS TO THE NEIGHBOR.

LANDSCAPING:

NONE

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO ON FILE DATED 10/14/2010. NO OTHER VIOLATIONS FOUND.

OTHER:

Process # Z2010000051
Applicant's Name KROME AGRONOMICS, LLC

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:

GU - CORPS

SOUTH:

GU - FARM WITH SINGLE FAMILY RESIDENCE

EAST:

GU- CORPS

WEST:

GU - FARMS WITH SINGLE FAMILY RESIDENCE

SURROUNDING AREA

AREA IS ZONED GU WITH MAINLY AGRICULTURAL USES.

NEIGHBORHOOD CHARACTERISTICS:

MAINLY FARMS AND CORPS.

COMMENTS:

THIS PROPERTY IS ZONE GU AND TRENDED AU.

Inspector **HASSUN, PEDRO**

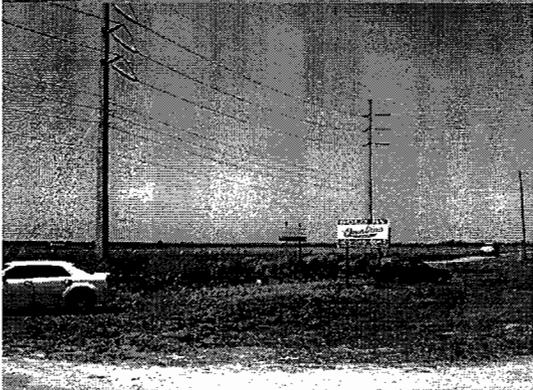
Evaluator **N/A**

Process Number: **Z2010000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: NORTHEAST CORNER OF SUBJECT PROPERTY ON SW 177 AVE & 136 ST.



Date: 31-MAR-11

Comments: PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.



Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z201000051** Applicant Name **KROME AGRONOMICS, LLC**



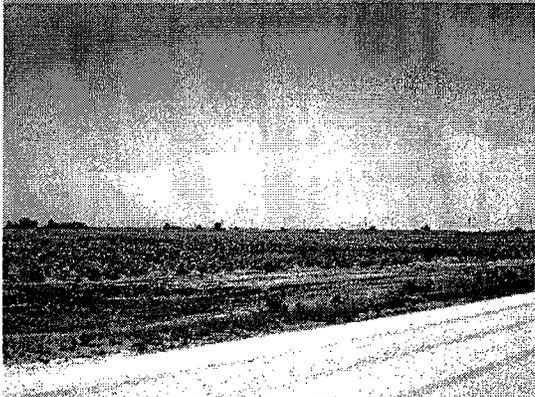
Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011 PHOTO TAKE FROM THE SOUTHWEST CORNER OF SW 177 AVE & 136 ST.



Date: 31-MAR-11

Comments: PROPERTY TO THE WEST OF SUBJECT PROPERTY AKA 18000 SW 136 ST.



Date: 31-MAR-11

Comments: NORTHEAST VIEW OF PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2010000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: SUBJECT PROPERTY SOUTH VIEW OF WEST PROPERTY LINE.



Date: 31-MAR-11

Comments: EAST VIEW OF SW 136 ST TOWARDS SW 17 AVE.



Date: 31-MAR-11

Comments: PROPERTY TO THE SOUTH OF SUBJECT PROPERTY AKA 14300 SW 177 AVE.

RECEIVED

DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS #: Z10-051
DATE: OCT 12 2010
BY: DAE

IF A CORPORATION owns or leases the subject property, list principal stockholders and percent of stock interest held 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].

COMPANY NAME: Krome Agronomics, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>TITLE</u>
<u>Hugo Perera</u>	<u>Mgr.</u>
<u>c/o Gilbert A. Contreras Esq.</u>	
<u>141 Almeria Avenue</u>	
<u>Coral Gables Fl. 33134</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>
_____	_____
_____	_____
_____	_____
_____	_____

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>
_____	_____
_____	_____
_____	_____
_____	_____

RECEIVED
Z10-051
MAY 15 2016

ZONING HEARINGS SECTION
MIAMI-DADE COUNTY PLANNING & ZONING DEPT

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

RECEIVED

NAME OF PURCHASER: Stormy Sky, LLC, a Delaware limited liability company

MIAMI-DADE COUNTY

PROCESS #: Z10-051

DATE: OCT 12 2010

BY: DAH

EDWARD A. FOWLER

Percentage of Interest

SOLE MANAGER 100%

SCI CAPITAL CORPORATION

SOLE MEMBER 100%

C/O WEISS SECOTA HELFMAN PASTORIZA

ATTN: TONY RACIO

2525 Ponce de Leon Blvd, Suite 700

CORAL GABLES, FL 33134
Date of contract: MARCH 11, 2010

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

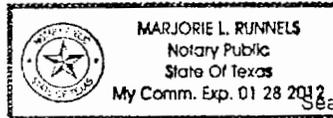
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
EDWARD A. FOWLER (Applicant), SOLE MANAGER

Sworn to and subscribed before me this 3rd day of May, 2009. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 01-28-2012

RECEIVED
Z10-051
OCT 15 2010
CLERK OF COUNTY COMMISSION
MIAMI-DADE COUNTY
BY: [Signature]

*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.

RECEIVED

Exhibit B

MIAMI-DADE COUNTY
PROCESS #: Z10-051
DATE: OCT 12 2010
BY: DAH

SCIENCE CORPORATION INTERNATIONAL

Parent, Publicly
Held Company on
NYSE (Ticker
Symbol "SCI")

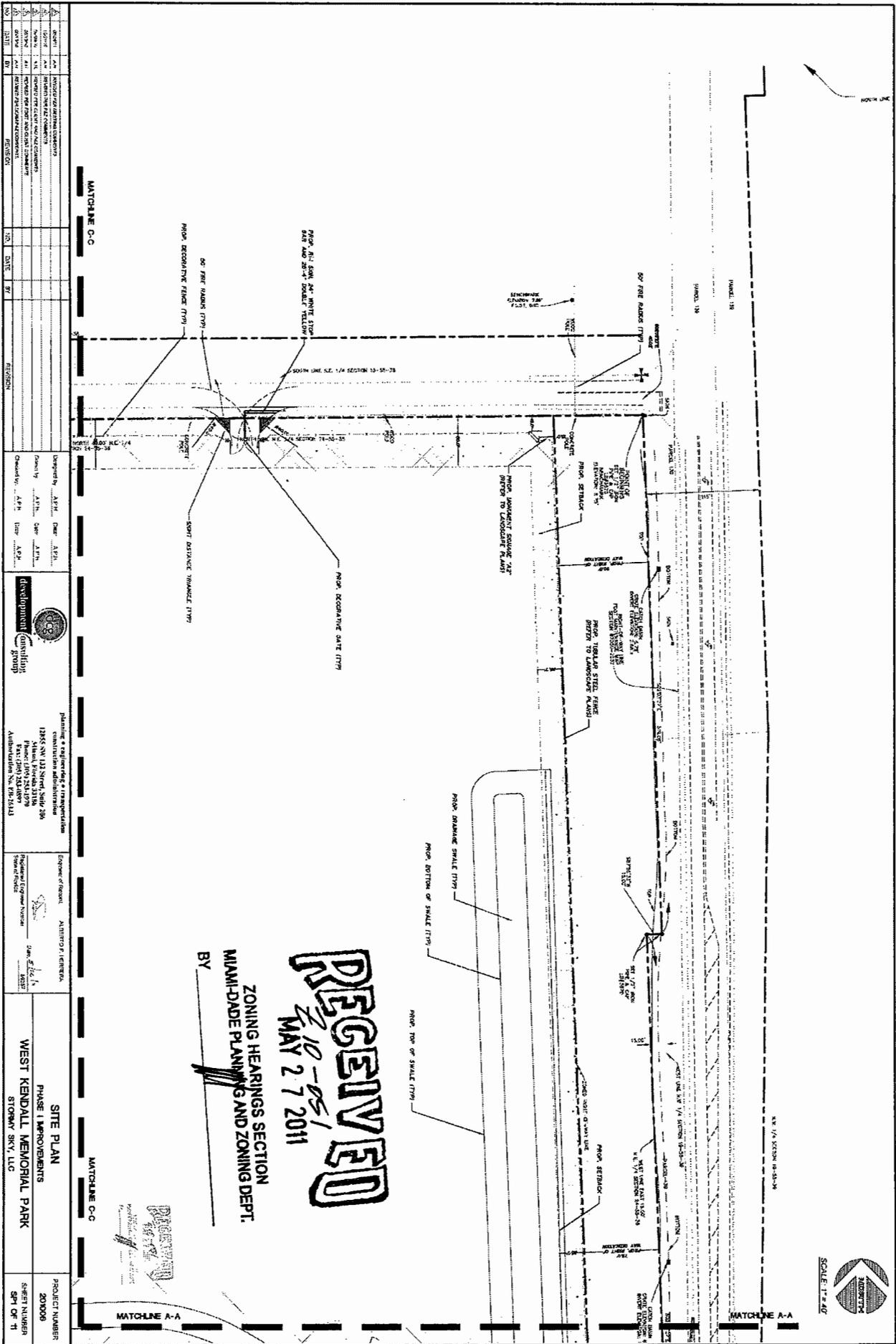
SCI SPECIAL, INC.

Wholly Owned
Subsidiary

SCI CAPITAL CORPORATION

Wholly Owned
Subsidiary

RECEIVED
Z10051
MAY 21 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY: *JH*



NO.	DATE	BY	REVISION
1			PROPOSED DEVELOPMENT CONCEPTS
2			PROPOSED DEVELOPMENT CONCEPTS
3			PROPOSED DEVELOPMENT CONCEPTS
4			PROPOSED DEVELOPMENT CONCEPTS
5			PROPOSED DEVELOPMENT CONCEPTS
6			PROPOSED DEVELOPMENT CONCEPTS
7			PROPOSED DEVELOPMENT CONCEPTS
8			PROPOSED DEVELOPMENT CONCEPTS
9			PROPOSED DEVELOPMENT CONCEPTS
10			PROPOSED DEVELOPMENT CONCEPTS

MATCHLINE C-C
 MATCHLINE A-A
 MATCHLINE B-B
 SCALE: 1" = 40'
 WEST KENDALL MEMORIAL PARK
 STORMWATER SYSTEM
 PROJECT NUMBER: 201006
 SHEET NUMBER: SPT OF 11

RECEIVED
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 MAY 27 2011
 BY: [Signature]

Planning & engineering & transportation
 CONSULTANTS INTERNATIONAL
 13855 SW 133 Street, Suite 200
 Miami, Florida 33186
 Tel: (305) 254-1800
 Administration No. 078-0343

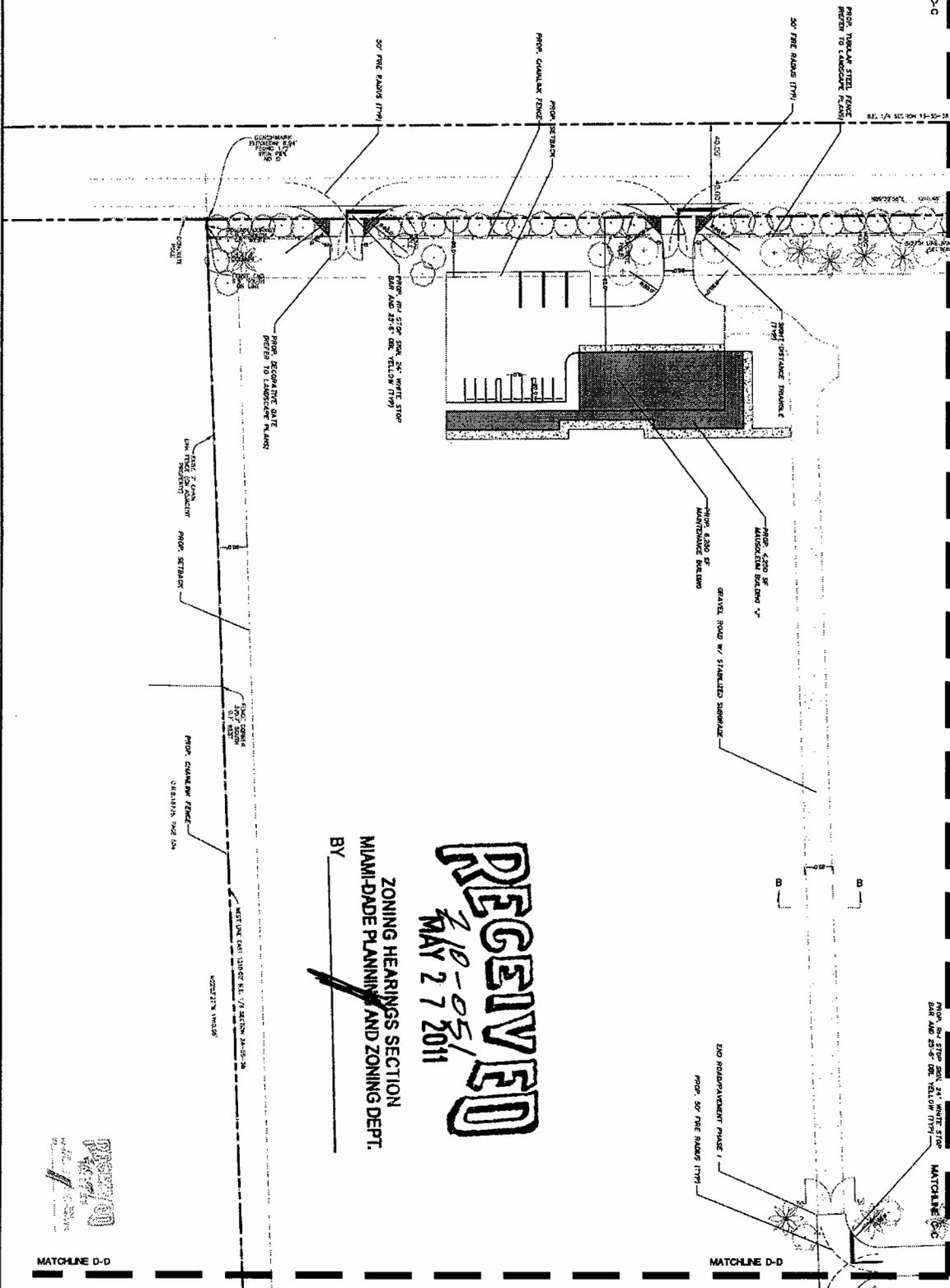
Prepared by: A.M. Chen, A.P.L.
 Checked by: A.M. Chen, A.P.L.
 Drawn by: A.M. Chen, A.P.L.
 Date: 10/11/10

DEVELOPMENT CONSULTING GROUP
 13855 SW 133 Street, Suite 200
 Miami, Florida 33186
 Tel: (305) 254-1800
 Administration No. 078-0343

Approved by: [Signature]
 Date: 10/11/10



MATCHLINE C-C



MATCHLINE D-D

RECEIVED
 10-05/
 MAY 27 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

NO.	DATE	BY	REVISION
1	01/11	AV	ISSUED FOR PERMITS
2	01/11	AV	ISSUED FOR PERMITS
3	01/11	AV	ISSUED FOR PERMITS
4	01/11	AV	ISSUED FOR PERMITS
5	01/11	AV	ISSUED FOR PERMITS
6	01/11	AV	ISSUED FOR PERMITS
7	01/11	AV	ISSUED FOR PERMITS
8	01/11	AV	ISSUED FOR PERMITS
9	01/11	AV	ISSUED FOR PERMITS
10	01/11	AV	ISSUED FOR PERMITS

DESIGNED BY	DATE	SCALE
AV	01/11	1/4" = 1'-0"

PROJECT NUMBER	201008
SHEET NUMBER	SP3 OF 11

CLIENT	WEST KENDALL MEMORIAL PARK
DESIGNED BY	AV
CHECKED BY	AV
DATE	01/11

PROJECT NAME	WEST KENDALL MEMORIAL PARK
PHASE	PHASE I IMPROVEMENTS
CLIENT	STORMWATER SVY. LLC

DESIGNED BY	DATE	SCALE
AV	01/11	1/4" = 1'-0"

PROJECT NAME	WEST KENDALL MEMORIAL PARK
PHASE	PHASE I IMPROVEMENTS
CLIENT	STORMWATER SVY. LLC

RECEIVED
 MAY 27 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

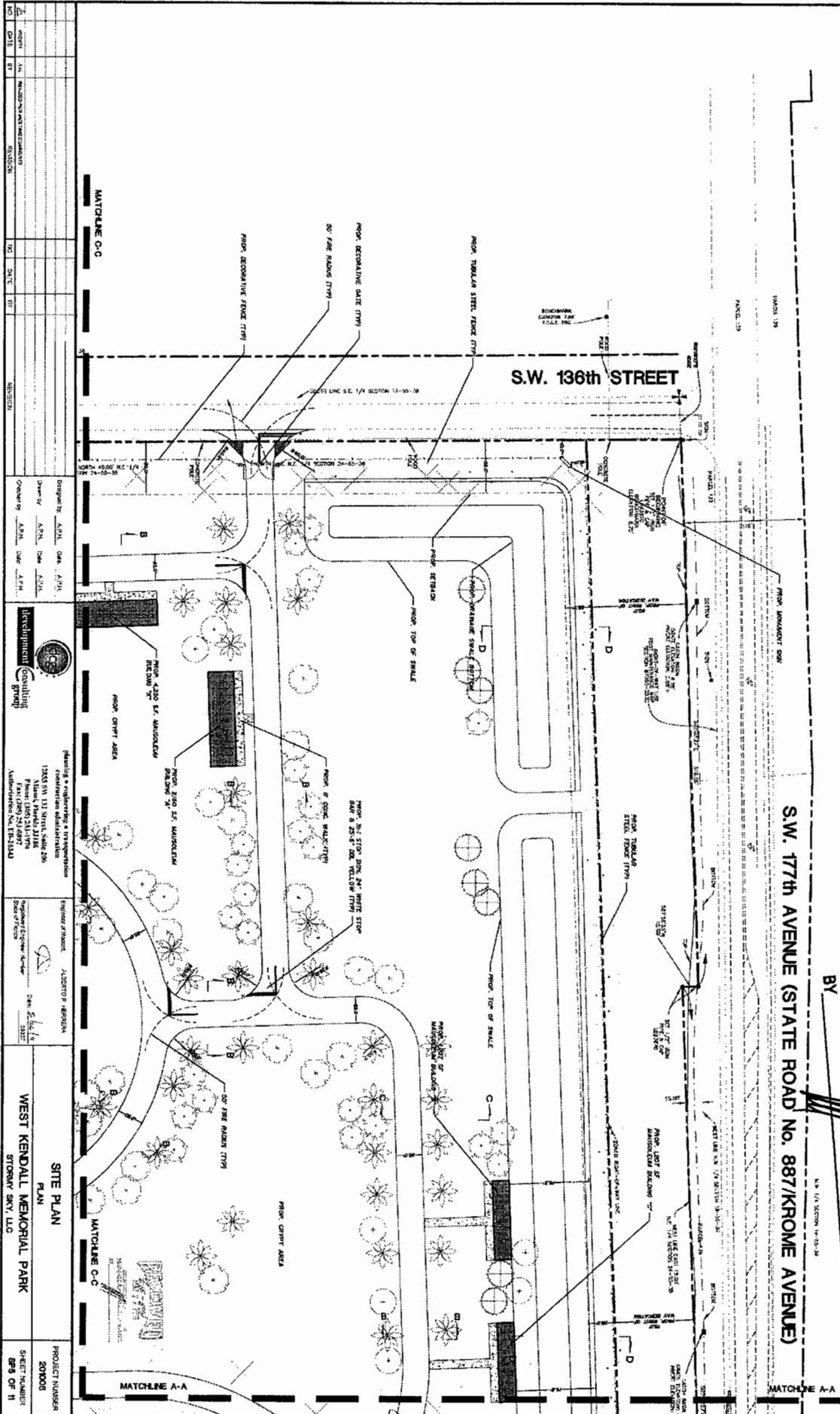


SCALE 1" = 40'

36

S.W. 177th AVENUE (STATE ROAD NO. 887/KROME AVENUE)

S.W. 136th STREET



NO.	DATE	BY	REVISION
1	05/27/11	AKK	ISSUED FOR PERMIT
2	05/27/11	AKK	REVISED PER COMMENTS
3	05/27/11	AKK	REVISED PER COMMENTS
4	05/27/11	AKK	REVISED PER COMMENTS
5	05/27/11	AKK	REVISED PER COMMENTS
6	05/27/11	AKK	REVISED PER COMMENTS
7	05/27/11	AKK	REVISED PER COMMENTS
8	05/27/11	AKK	REVISED PER COMMENTS
9	05/27/11	AKK	REVISED PER COMMENTS
10	05/27/11	AKK	REVISED PER COMMENTS
11	05/27/11	AKK	REVISED PER COMMENTS
12	05/27/11	AKK	REVISED PER COMMENTS
13	05/27/11	AKK	REVISED PER COMMENTS
14	05/27/11	AKK	REVISED PER COMMENTS
15	05/27/11	AKK	REVISED PER COMMENTS
16	05/27/11	AKK	REVISED PER COMMENTS
17	05/27/11	AKK	REVISED PER COMMENTS
18	05/27/11	AKK	REVISED PER COMMENTS
19	05/27/11	AKK	REVISED PER COMMENTS
20	05/27/11	AKK	REVISED PER COMMENTS

WEST KENDALL MEMORIAL PARK
 STORMY SKY, LLC

SITE PLAN
 PLAN

PROJECT NUMBER
 201006

SHEET NUMBER
 89 OF 11

Developed by: **STORMY SKY, LLC**
 12345 SW 123rd Street, Suite 206
 Miami, FL 33187
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Administration: Mr. J. Smith

Designed by: **AKK**
 Drawn by: **AKK**
 Checked by: **AKK**

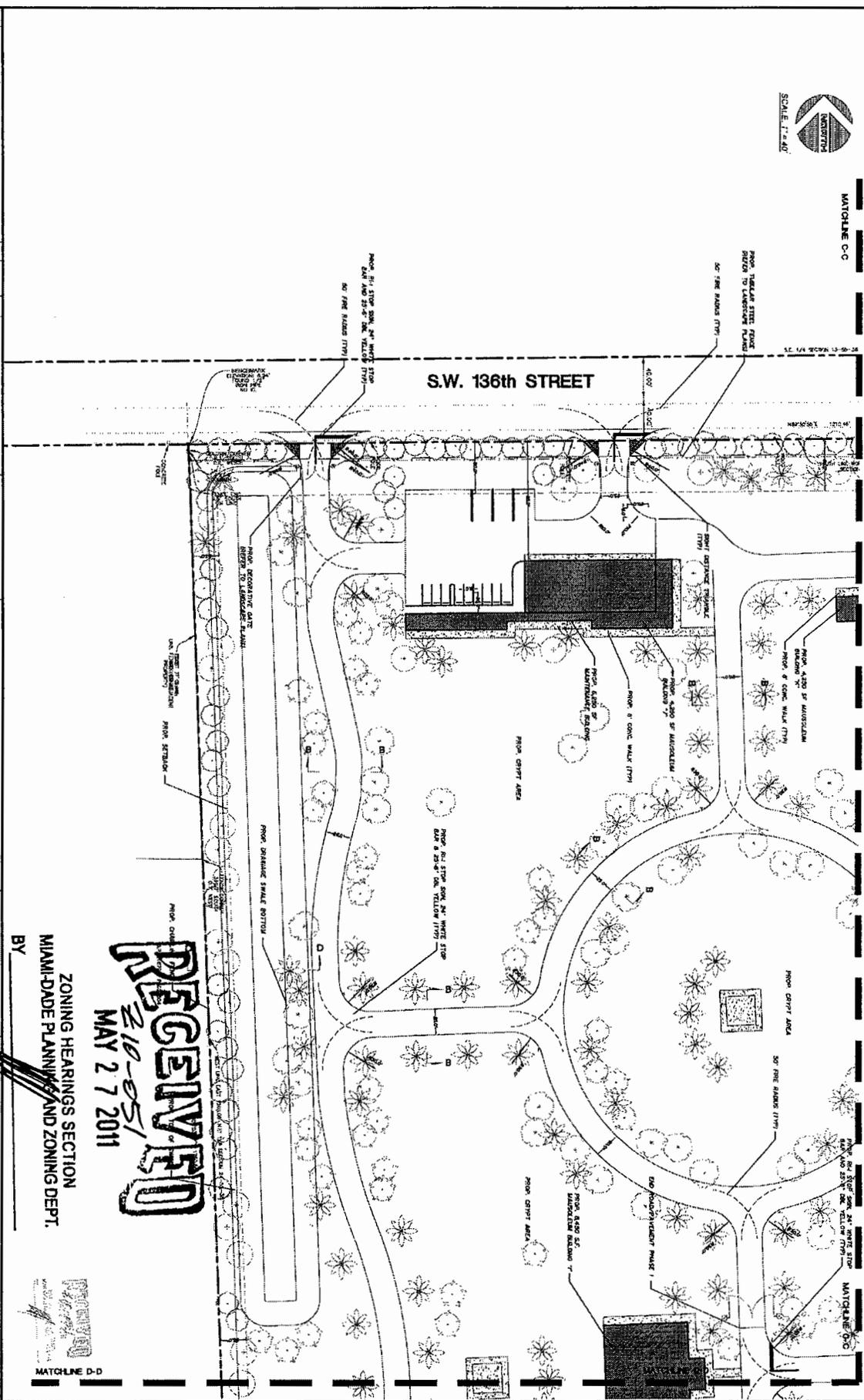
Matchline C-C

Matchline A-A



SCALE: 1" = 40'

MATCHLINE C-C



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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210-851
MAY 27 2011

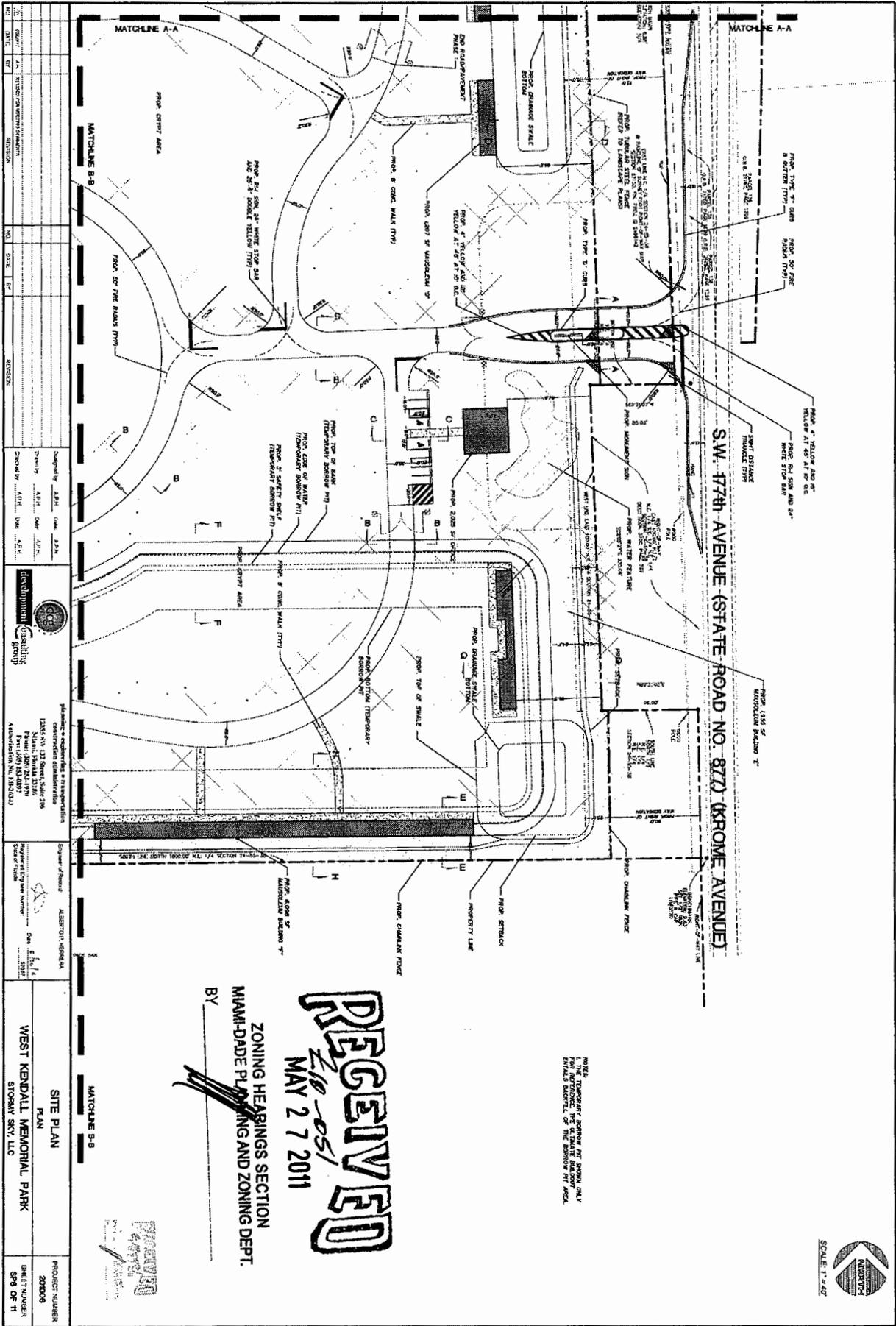
NO.	DATE	BY	REVISION
1	04/27/11	AS/ML	CONCEPTS SITE PLAN
2	05/02/11	AS/ML	CONCEPTS SITE PLAN

Designed by	AS/ML	Date	04/27/11
Checked by	AS/ML	Date	05/02/11
Drawn by	AS/ML	Date	04/27/11

	Planning & Engineering & Transportation CONSULTING ARCHITECTS 13855 SW 121 Street, Suite 210 Miami, FL 33186 Phone: (305) 554-0779 Fax: (305) 554-0877 www.pengroup.com
--	---

	Prepared by: AS/ML Date: 04/27/11 Scale: 1" = 40'
--	---

PROJECT NUMBER 200008 SHEET NUMBER 007 OF 11	SITE PLAN WEST KENDALL MEMORIAL PARK STORMY, INC., LLC
---	--



S.W. 177th Avenue (State Road No. 877) (Krome Avenue)

NO.	DATE	BY	REVISION
1	04/11/05	ALH	ISSUE FOR PERMITTING
2	04/11/05	ALH	REVISION

Checked by: ALH Date: 04/11/05
 Drawn by: ALH Date: 04/11/05



Albert J. DeBorja
 Professional Engineer
 No. 15354
 State of Florida
 4400 N.W. 12th Street, Suite 210
 Fort Lauderdale, FL 33309
 Phone: (954) 551-0077
 Fax: (954) 551-0077

Engineer of Record: ALBERT J. DEBORJA
 License No. 15354
 Date: 04/11/05

PROJECT NUMBER: 201008
 SHEET NUMBER: 508 OF 11

WEST KENDALL MEMORIAL PARK
 STORWAY SVY, LLC

RECEIVED
 MAY 27 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

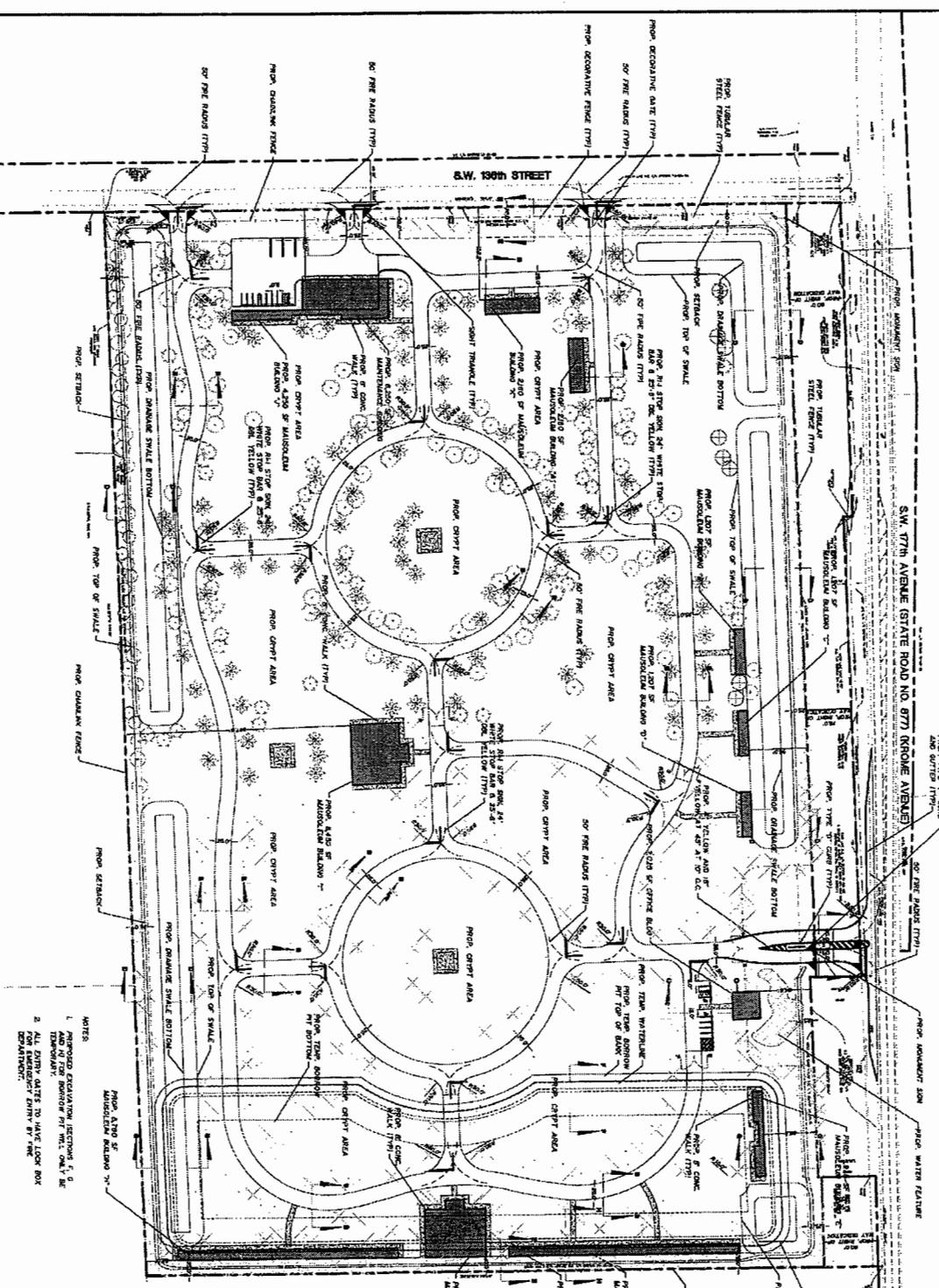
NOTE: DIMENSIONS SHOWN ON THIS PLAN ONLY FOR REFERENCE. THE EXACT DIMENSIONS SHALL BE DETERMINED BY THE SURVEY OF THE BOUNDARY OF THE LAND.



SCALE: 1" = 40'

RECEIVED
 MAY 27 2011

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



NOTES:
 1. APPROVED EXCAVATION SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

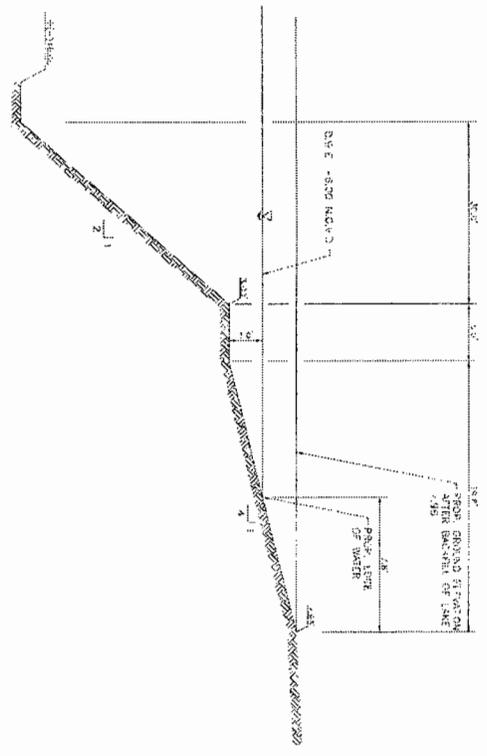
NO.	DATE	BY	REVISION
1	05/27/11	J. [Name]	ISSUED FOR PERMIT
2	05/27/11	J. [Name]	REVISION
3	05/27/11	J. [Name]	REVISION
4	05/27/11	J. [Name]	REVISION
5	05/27/11	J. [Name]	REVISION
6	05/27/11	J. [Name]	REVISION
7	05/27/11	J. [Name]	REVISION
8	05/27/11	J. [Name]	REVISION
9	05/27/11	J. [Name]	REVISION
10	05/27/11	J. [Name]	REVISION

PROJECT NUMBER: 207000
 SHEET NUMBER: MP1 OF 1

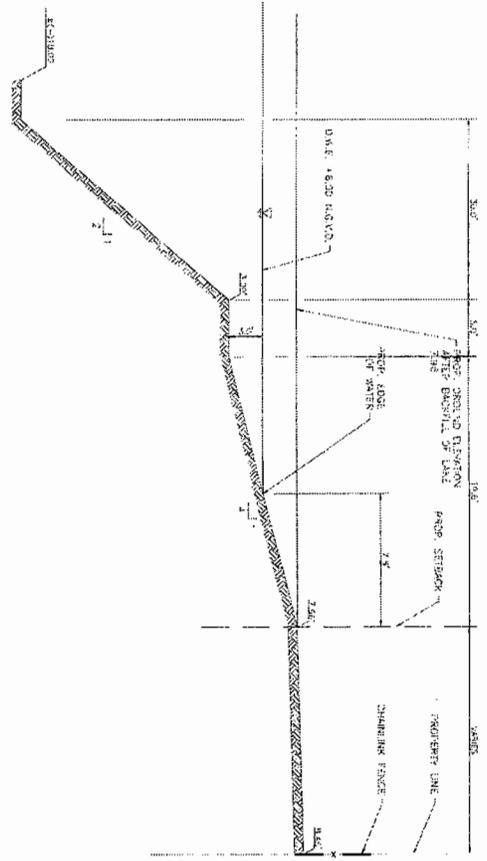
DEVELOPMENT CONSULTING GROUP
 13855 SW 112 Street, Suite 210
 Miami, Florida 33186
 Tel: (305) 251-0877
 Fax: (305) 251-0877
 www.developmentconsulting.com

DESIGNED BY: A.H. [Name], T.M. [Name], A.H. [Name]
 CHECKED BY: A.H. [Name], T.M. [Name], A.H. [Name]
 DATE: 05/27/11

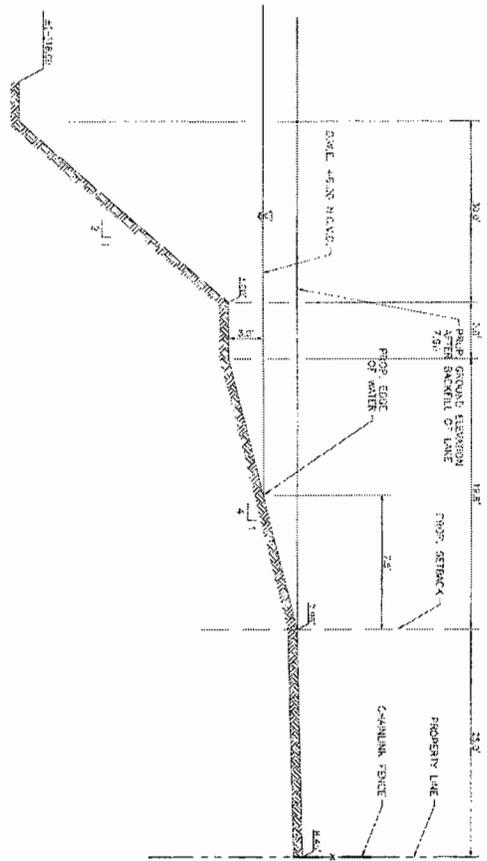
WEST KENDALL MEMORIAL PARK
 STORMWATER SKV. LIO



SECTION F-F
TYPICAL SITE



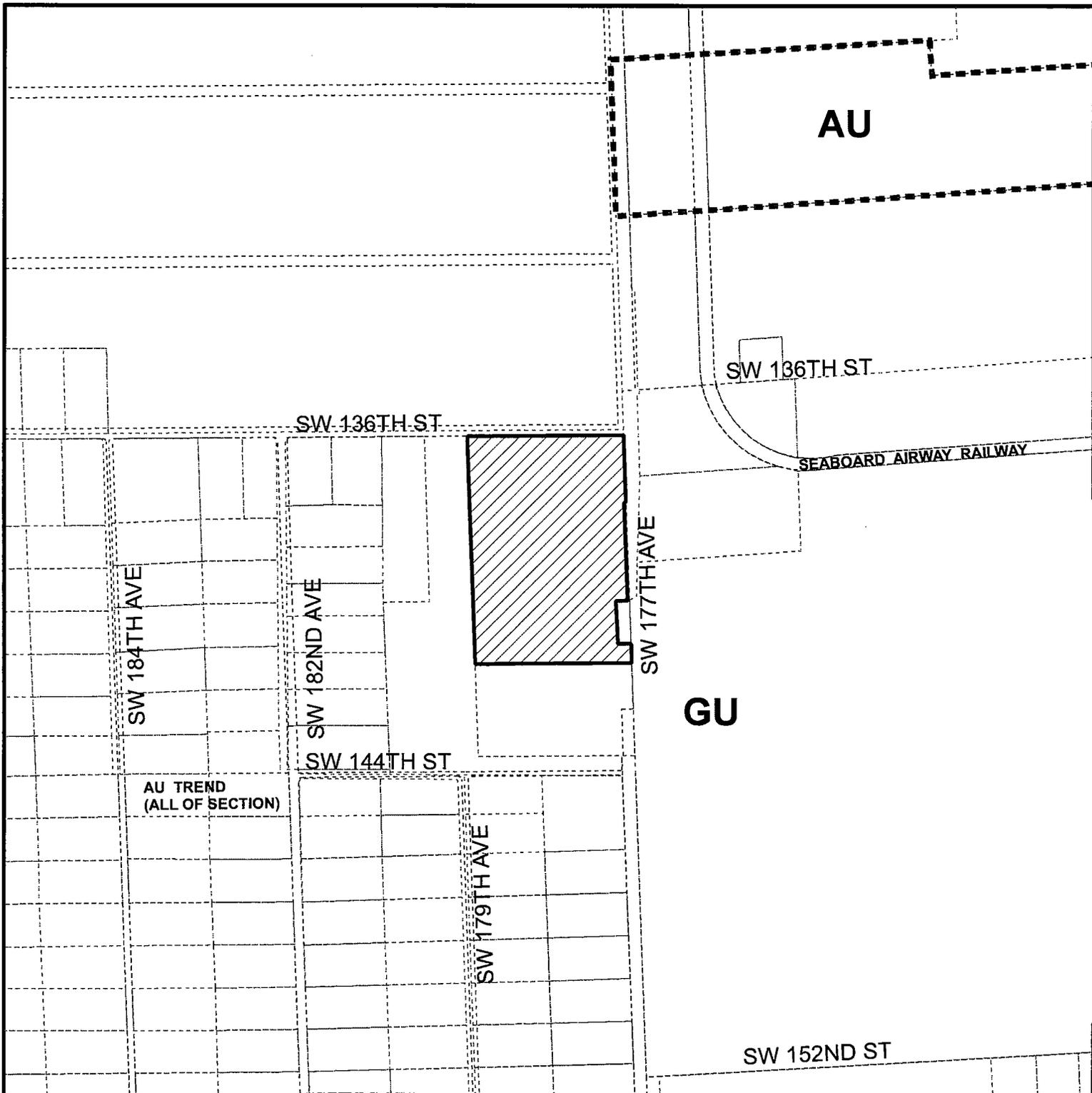
SECTION G-G
TYPICAL SITE



SECTION H-H
TYPICAL SITE

RECEIVED
MAY 27 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Prepared by: A.P.T. Date: 05/15/11 Checked by: A.P.T. Date: 05/15/11			Planning & Engineering & Transportation CONSULTANTS 12853 N.W. 142 Street, Suite 106 Miami, Florida 33186 Tel: (305) 554-0887 Fax: (305) 554-0887 www.aetp.com	Project of Record: AUBURN UNIVERSITY Registered Professional Engineer Number: _____ Date of Issue: 5/14/11	PROJECT NUMBER 2010008 SHEET NUMBER 5/10 OF 11
Drawing Title: Conceptual Site Plan Drawing Number: 5/10 OF 11 Revision:					



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000051



Section: 19 Township: 55 Range: 39
 Section: 24 Township: 55 Range: 38
 Applicant: KROME AGRONOMICS, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

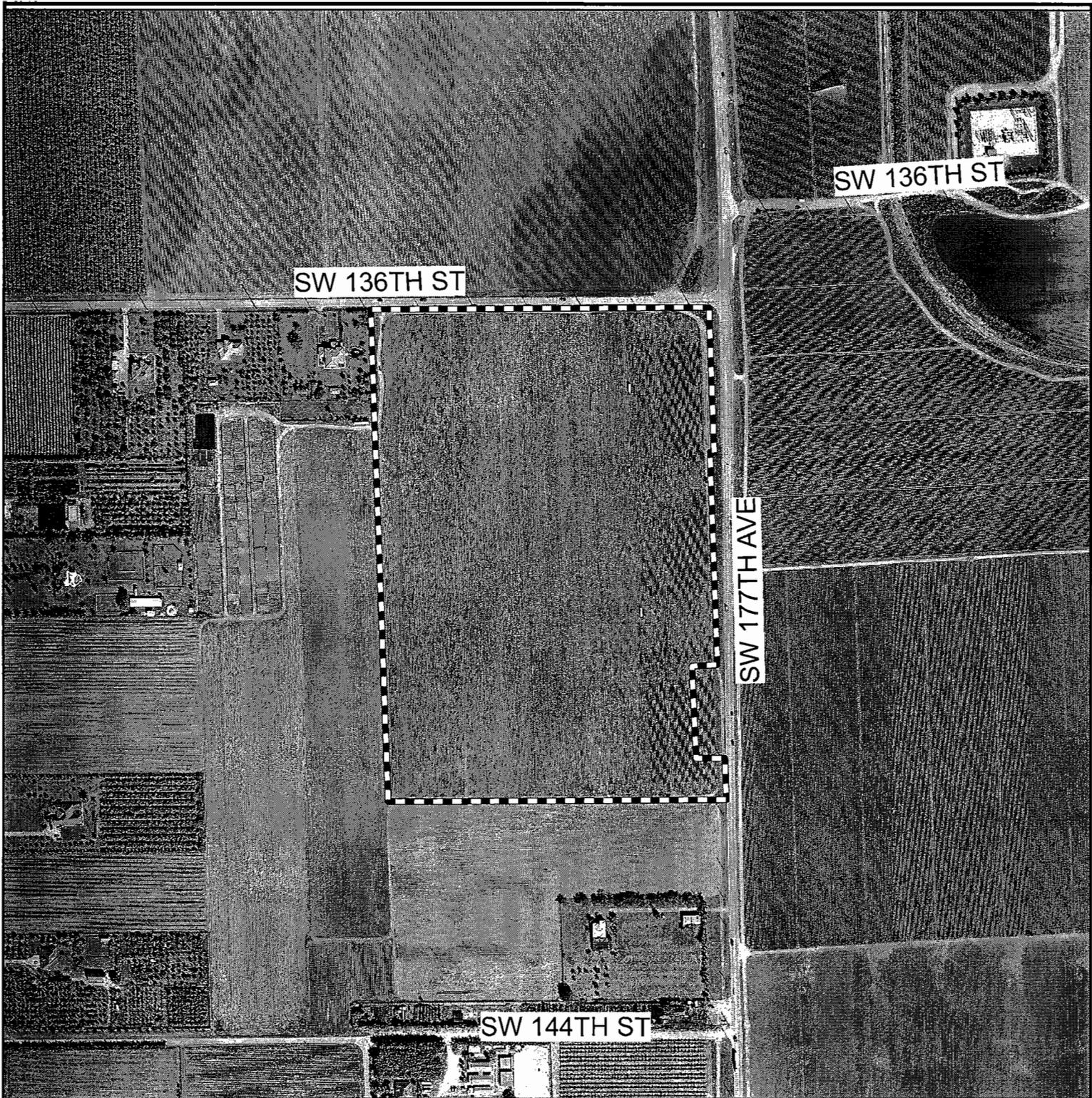
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY
	5/3	



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 19 Township: 55 Range: 39
 Section: 24 Township: 55 Range: 38
 Applicant: KROME AGRONOMICS, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

Process Number
Z2010000051



Legend

 Subject Property



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY

This instrument was prepared by:
Tony Recio, Esq.
Weiss Serota Helfman
Pastoriza Cole & Boniske
2525 Ponce de Leon Blvd
Suite 700
Coral Gables, FL 33134

KRONE AGRONOMICS LLC
INC

10-051

Item C.

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 10-051 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Development Consulting Group entitled, West Kendall Memorial Park, consisting of sheets MP1 dated stamped received January 14, 2011, SP1-SP11, dated stamped received January 14, 2011, FP1 dated stamped received October 12, 2010, and LP1-LP9, dated stamped received October 12, 2010, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) In the event that the Property is developed in accordance with (1) above, all fill excavated from the temporary lake on the southern portion of the property will only be used to raise the elevation of the Property for interment and site improvements, and no portion of such fill will be sold or otherwise distributed to any other property.

(Space reserved for Clerk)

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be

(Space reserved for Clerk)

Declaration of Restrictions

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reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

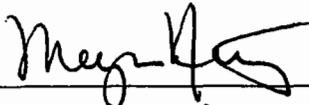
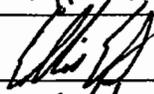
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Declaration of Restrictions
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IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 12th
day of April, 2011

KROME AGRONOMICS, LLC,
a Florida limited liability
company

WITNESSES:

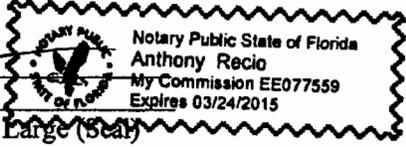
Sign 
Print Mayra Nutez
Sign 
Print Ed Rolo

Sign 
Hugo Pereira
as President/Member/Manager
c/o Gilbert Contreras, Esq.
141 Almeria
Coral Gables, Florida

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 12th day of April, 2011, by Hugo Pereira as President/Member/Manager and on behalf of KROME AGRONOMICS, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign 
Print _____
State of Florida at Large (Seal)
My Commission Expires:



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Exhibit A

A PORTION OF EAST 1,210.00 FEET OF THE NORTH 1,800.00 FEET OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON THE EAST LINE OF SAID NORTHEAST 1/4 FOR 40.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°03'27" EAST ON SAID EAST LINE 519.06 FEET; THENCE SOUTH 87°56'33" WEST 15.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 15.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 760.69 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE SOUTH 89°31'02" WEST ON SAID NORTH LINE 85.03 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 100.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 330.04 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE NORTH 89°31'03" EAST ON SAID SOUTH LINE 96.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 177TH AVENUE; THENCE SOUTH 01°11'34" EAST ON SAID RIGHT-OF-WAY LINE 150.41 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1,800.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 89°30'58" WEST ON SAID SOUTH LINE 1,204.15 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1,210.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 02°03'27" WEST ON SAID WEST LINE 1,760.66 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 89°30'58" EAST ON SAID SOUTH LINE 1,210.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,085,208 SQUARE FEET, 47.8698 ACRES

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Restrictions in connection with public hearing application No. Z10-051 covering the real property, hereinafter described, it is hereby certified that I have examined a complete Title Search Report (Fund File # 01-2011-004121) prepared by Attorneys' Title Fund Services, LLC, covering the period from the beginning to the 24th day of March, 2011, at the hour of 11:00 P.M., inclusive, of the following described property:

[See Attached Exhibit "A"]

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

KROME AGRONOMICS, LLC, a Florida limited liability company

Hugo Pereira, president, member and manager is authorized to execute instruments on behalf of KROME AGRONOMICS, LLC

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

Mortgage to General Lending Corporation, mortgagee(s), recorded under O.R. Book 26694, Page 83, as modified in O.R. Book 27526, Page 3485, O.R. Book 27526, Page 3505 Public Records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

N/A

3. **GENERAL EXCEPTIONS:**

1. All taxes for the year in which this opinion is rendered and subsequent years.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easement or claims of easements not shown by the public records.
5. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

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Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Krome Agronomics, LLC	Owner	
General Lending Corporation	Mortgagee	

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
Title Search Report No. 01-2011-004121	Attorneys' Title Fund Services, LLC	19	Beginning to March 24, 2011 At the hour of 11:00 p.m.

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 7 day of April, 2011.



Tony Recio, Esq.
Print Name
Florida Bar No. 0520152
Address: 2525 Ponce de Leon Blvd., #700
Coral Gables, Florida 33134

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of April, 2011, by Tony Recio, who is personally known to me or has produced _____, as identification.



Notary Public
Print Name: MARILYN SOMODEVILLA
MY COMMISSION # DD 704988
EXPIRES: September 13, 2011
Commission Expires: Bonded Thru Budget Notary Services

1298010

Opinion of Title

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6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filed and artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Ch. 159, F.S., in favour of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favour of any county or municipality.
8. Open permits, if any, are neither insured or guaranteed under this commitment or any subsequent mortgage and/or owner's title policy.

4. **SPECIAL EXCEPTIONS:**

1. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded in Deed Book 50, Page 407, Public Records of Miami-Dade County, Florida.
2. Reservations in favor of the Board of Commissioners of Everglades Drainage District of the State of Florida recorded in Deed Book 199, Page 148, Public Records of Miami-Dade County, Florida.
3. Right of Way Deed to Dade County recorded in Deed Book 3700, Page 599, Public Records of Miami-Dade County, Florida.
4. Warranty Deed from Redactores Epsilon, S.A. a Costa Rican Corporation to State of Florida Department of Transportation, recorded August 27, 2003, in O.R. Book 21582, Page 4795, Public Records of Miami-Dade County, Florida.
5. Ordinance No. 83-24 recorded in O.R. Book 11781, Page 1422, re-recorded in O.R. Book 12046, Page 481, Public Records of Miami-Dade County, Florida.
6. Right of Way for Krome Avenue Map recorded in Plat Book 124, Page 82, Public Records of Miami-Dade County, Florida.
7. Board Order No. 11-02 recorded in O.R. Book 27565, Page 773, Public Records of Miami-Dade County, Florida.
8. Certificate of Resolutions recorded in Official Records Book 26694, Page 73, Public Records of Miami-Dade County, Florida.
9. Assignment of Leases, Rents and Profits filed December 22, 2008, in O.R. Book 26694, Page 100, Public Records of Miami-Dade County, Florida.
10. Assignment of Leases, Rents and Profits filed December 20, 2010, in O.R. Book 27526, Page 3497, Public Records of Miami-Dade County, Florida.
11. UCC Financing Statement recorded in O.R. Book 26694, Page 106, O.R. Book 27526, Page 3509 Public Records of Miami-Dade County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

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