

FINAL AGENDA

6-12-2012 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION
8625 SW 124 Avenue, Miami
Tuesday, July 17, 2012 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|---------------|----------|---|
| 1. | 12-7-CZ11-1 | <u>ROBERTO PANDO, ET AL</u> | <u>10-34</u> | 25-54-39 | N |
| 2. | 12-7-CZ11-2 | <u>FLORIDA POWER & LIGHT COMPANY</u> | <u>11-101</u> | 01-55-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, JULY 17, 2012

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 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

1. ROBERTO PANDO, ET AL (12-7-CZ11-1/10-034)

25-54-39
Area 11/District 11

(1) MODIFICATION of a site plan approved pursuant to Resolution 4-ZAB-472-80, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "Plot plan is on file and may be examined in the Zoning Department entitled "Site Plan for Roberto & Emilio Pando" and dated received 9/5/80".

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Nursery" as prepared by JMM Consulting Engineers, LLC., dated stamped received 4/28/11, consisting of 4 sheets."

(2) Deletion of Condition # 10 of Resolution 4-ZAB-472-80, passed and adopted by the Zoning Appeals Board, reading as follows:

"10. That slat/saran/shade houses or structures shall not be permitted unless they have been indicated on the site plan submitted for the hearing."

The purpose of requests #1 & #2 is to allow the applicant to submit a new site plan showing additional shade houses for previously approved plant nursery.

(3) NON-USE VARIANCE to permit the shade houses setback 1'-2" (7'-6" required) from the rear (east) property line and setback 7'6" (20' required) from the interior side (north) property line.

(4) NON-USE VARIANCE to permit a pump house setback 54'-4" (75' required) from the front (west) property line and spaced 11'10" (20' required) from the shade house.

(5) NON-USE VARIANCE to permit the retail office spaced 5'-7" (20' required) from the shade house.

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

LOCATION: 6401 SW 118 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.37 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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 Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) 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.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z10-034 (12-7-CZ11-1)

July 17, 2012

Item No. 1

Recommendation Summary	
Commission District	11
Applicants	Roberto Pando, et al
Summary of Requests	The applicant is seeking to modify approved plans to permit additional shade houses for the previously approved plant nursery.
Location	6401 SW 118 Avenue, Miami-Dade County, Florida.
Property Size	2.37 acres
Existing Zoning	GU
Existing Land Use	Plant Nursery
2015-2025 CDMP Land Use Designation	Agricultural (<i>see attached Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards , Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (<i>see attached Zoning Recommendation Addendum</i>)
Recommendation	Approval with conditions

REQUESTS:

- (1) MODIFICATION of a site plan approved pursuant to Resolution 4-ZAB-472-80, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "Plot plan is on file and may be examined in the Zoning Department entitled "Site Plan for Roberto & Emilio Pando" and dated received 9/5/80".

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Nursery" as prepared by JMM Consulting Engineers, LLC., dated stamped received 4/28/11, consisting of 4 sheets."

- (2) Deletion of Condition # 10 of Resolution 4-ZAB-472-80, passed and adopted by the Zoning Appeals Board, reading as follows:

"10. That slat/saran/shade houses or structures shall not be permitted unless they have been indicated on the site plan submitted for the hearing."

The purpose of requests #1 and #2 is to allow the applicant to submit a site plan showing additional shade houses for a previously approved plant nursery.

- (3) NON-USE VARIANCE to permit the shade houses setback 1'-2" (7'-6" required) from the rear (east) property line and setback 7'6" (20' required) from the interior side (north) property line.

- (4) NON-USE VARIANCE to permit a pump house setback 54'-4" (75' required) from the front (west) property line and spaced 11'-10" (20' required) from the shade house.

(5) NON-USE VARIANCE to permit the nursery sales office spaced 5'-7" (20' required) from the shade house.

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

PROJECT DESCRIPTION:

The applicants seek to modify approved plans to permit additional shade houses for the previously approved plant nursery.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	GU; plant nursery	Agriculture
North	GU; single-family residence	Agriculture
South	GU; single-family residence	Agriculture
East	GU; canal	Agriculture
West	GU; duplex residence	Agriculture

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in the southeast corner of S.W. 64th Street and S.W. 118th Avenue. The surrounding properties to the north, south, and west are developed with single family residences. The subject property is abutted by a canal and Florida Turnpike Expressway to the east. The area surrounding the subject property is primarily characterized by agricultural and residential uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to add additional shade houses to the existing plant nursery. Approval of this application will not result in additional impacts on traffic, public utilities, schools, or other public services in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located in an area generally known as "Horse County", inside the Urban District Boundary, and is designated as **Agriculture** on the Comprehensive Development Master Plan's (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. *The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida, and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. Uses ancillary to and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship.* The existing plant nursery is consistent with the Agricultural CDMP designation. Since the approval of the request will not change the plant nursery use of the property, approval with conditions of the application is **consistent** with the CDMP LUP map.

ZONING ANALYSIS:

The subject property was approved in 1980, pursuant to Resolution #4-ZAB-472-80, to permit a plant nursery. Specifically, said resolution approved a use variance to permit a plant nursery in the GU zone, a non-use variance of lot depth and lot area requirements to permit a single-family residence, and a non-use variance of setback requirements to permit a greenhouse and nursery sales office. However, said approval restricted shade houses unless shown on the approved plans. The applicant currently seeks to modify the approved site plan to permit additional shade houses for the previously approved plant nursery in addition to ancillary variances.

When requests #1 and #2 are analyzed under Section 33-311(A)(7), **General Modification Standards**, staff opines that the proposed modification of the previously approved site plan and deletion of condition #10 of the resolution to permit additional shade houses will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and is **compatible** with the surrounding area and future development of the neighborhood. Furthermore, staff opines that approval of these requests will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on the recommendations and/or information contained in memoranda from the Public Works and Waste Management Department. Additionally, staff notes that the memorandum from the Environmental Resources Division of the Department of Regulatory and Economic Resources indicates that the proposed requests meet the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. However, their memorandum states that the applicant must meet all the potable water service, wastewater, stormwater management and tree preservation requirements as indicated in the memorandum. Moreover, when considering the necessity and reasonableness of the modification and deletion in relation to the present and future development of the area concerned, the requested modification and deletion are compatible with the surrounding area. **Therefore, staff recommends approval with conditions of the requests #1 and #2, under the Generalized Modification Standards, Section 33-311(A)(7).**

Staff opines that requests #3 through #5, to permit the shade houses with less setback; to permit the pump house with less setback and less spacing from the shade house; and to permit the nursery sales office with less spacing from the shade house are germane to requests #1 and #2. When said requests are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval with conditions of these requests would *maintain the basic intent and purpose of the zoning, subdivision and other land use regulations*, and would be **compatible** with the surrounding area. Staff notes that the nursery has existed on the property since 1980 and is surrounded by residential and agricultural uses. Therefore, staff opines that approval of the requested variances would not affect the stability and appearance of the community nor be detrimental to the surrounding area. Staff opines that the encroachments of setback and spacing requirements are interior to the site and would not cause any negative visual or noise impacts to the surrounding area. **Accordingly, staff recommends approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #4-ZAB-472-80, remain in full force and effect except as herein modified.
2. That the applicant comply with all applicable conditions and requirements of the Environmental Resources Division of the Department of Regulatory and Economic Resources as contained in their memorandum pertaining to this application.
3. That the applicant comply with all applicable conditions and requirements of the Public Works and Waste Management Department as contained in their memorandum pertaining to this application.

ES:MW:GR:NN:CH:JC



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

Roberto Pando, et al
Z10-034

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation & Open Spaces	No comment
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Agriculture (Pg. I-58)</p>	<p><i>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 and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida, and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. 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.</i></p> <p><i>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 predominantly 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, agricultural processing facilities for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility 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.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification</p>	<p><i>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</i></p>
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ZONING RECOMMENDATION ADDENDUM

Roberto Pando, et al
Z10-034

Standards	<i>public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>

1. ROBERTO PANDO, ET AL
(Applicant)

12-7-CZ11-1 (10-034)
Area 11/District 10
Hearing Date: 07/17/12

Property Owner (if different from applicant) **Roberto, Emilio & Carmela Pando.**

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>
1980	Robbie Addison	- Use Variance to permit a plant nursery. - Non-Use Variance of Lot, Lot Area & Setbacks.	ZAB	Approved with Condition(s)

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.

Memorandum



Date: April 3, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

Subject: C-11 #Z2010000034-2nd Revision
Robert Pando, Rosa Pando, Emilio Pando and Camela Pando
6401 S.W. 118 Avenue
Modification of a Previous Agreement to Permit Additional Shade
Houses
(AU) (1.76 Acres)
25-54-39

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

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

Public water is not available to the subject property. However, the Department has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters and any other source of contamination.

Notwithstanding the foregoing, the approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including the Departments review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water and Wastewater Engineering Section for the potable water supply system.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

Stormwater Management

The Department has no objection to the proposed site plan provided that all encroachments outside of the property line are removed.

Wetlands

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

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

Tree Preservation

According to the site plan submitted with this zoning application, the property may contain specimen-sized trees (trunk diameter 18 inches or greater), which may be impacted.

However, the applicant has submitted to this Section a letter dated November 21, 2011, stating that no trees will be removed or relocated due to the proposed parking area and greenhouse. Therefore, the Tree Program has no objection to this zoning application. Be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24 of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Sustainability, Planning and Economic Enhancement

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ROBERTO PANDO, ET AL

This Department has no objections to this application.

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

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



Raul A Pino, P.L.S.

29-APR-10

Memorandum



Date: 15-FEB-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000034

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated May 6, 2010.

APPROVAL:

No objection to site plan date stamped January 28, 2011.

Service Impact/Demand:

Development for the above Z2010000034
 located at 6401 S.W. 118 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1666 is proposed as the following:

<u>N/A</u>	dwelling units	<u>7,500</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 0.33 alarms-annually.
 The estimated average travel time is: 6:18 minutes

Existing services

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

Station 9 - Kendall - 7777 SW 117 Avenue
 Rescue, ALS Engine

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 January 28, 2011.

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

11

DATE: 25-JUN-12
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ROBERTO PANDO, ET AL

6401 S.W. 118 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000034

HEARING NUMBER

HISTORY:

NEIGHBORHOOD REGULATIONS:

Case #200912005200, was opened on September 24, 2009, for Failure to comply with the Condition of Resolution #4-ZAB-472-80 (ITEM #10); which prohibits additional shade houses and structures. Citation #T005706, was issued on October 30, 2009. On July 20,2012,the case was forwarded to the Lien/Collection Department for non-payment and for non-compliance. As of the current date,the case remains in Lien status.

BUILDING SUPPORT REGULATIONS:

There are no current opened or closed cases

ROBERTO PANDO, ET AL

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

REPORTER NAME:

Memorandum



Date: June 15, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: Ramiro Martinez, Zoning Services Inspector
Department of Permitting, Environment and Regulatory Affairs

Subject: Hearing Application Process No. Z2010000034 – 6401 SW 118 AVE

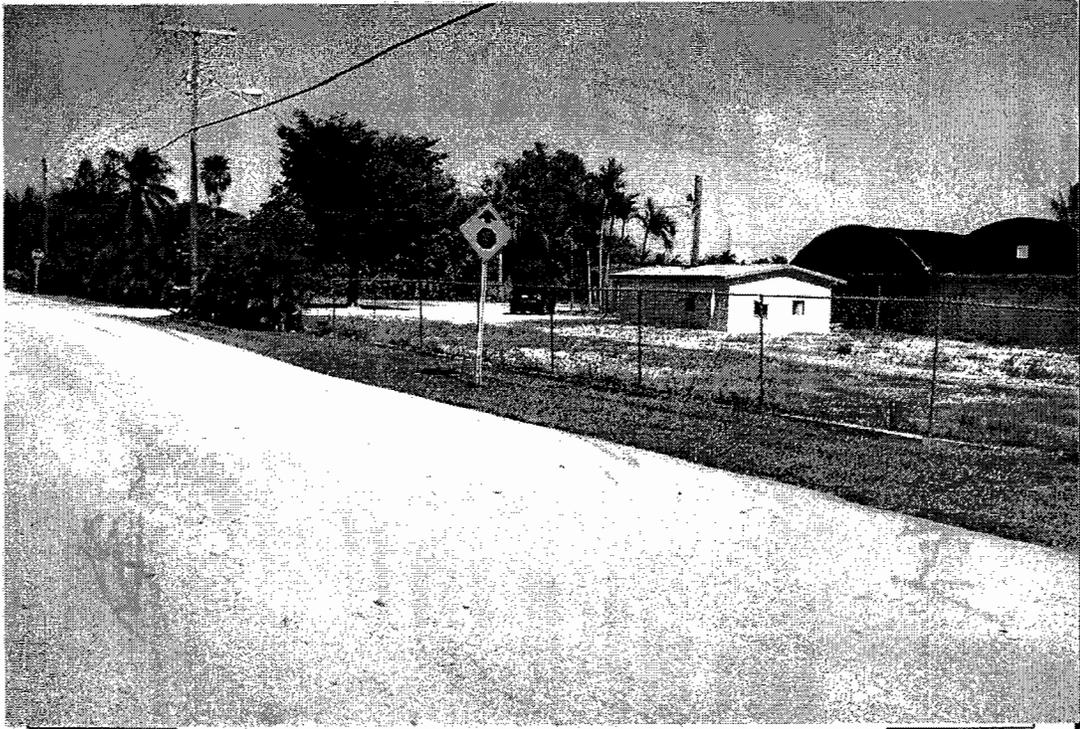
A site inspection conducted at 6401SW 118 AVE on June 12, 2012 for the above-referenced hearing application revealed a parcel of land zoned AU located between the Turnpike and SW 118 Ave. The property is currently operating as a plant nursery under Certificate No.2001117035 and all the improvements on the property have been accurately depicted on the survey that was submitted with this application.

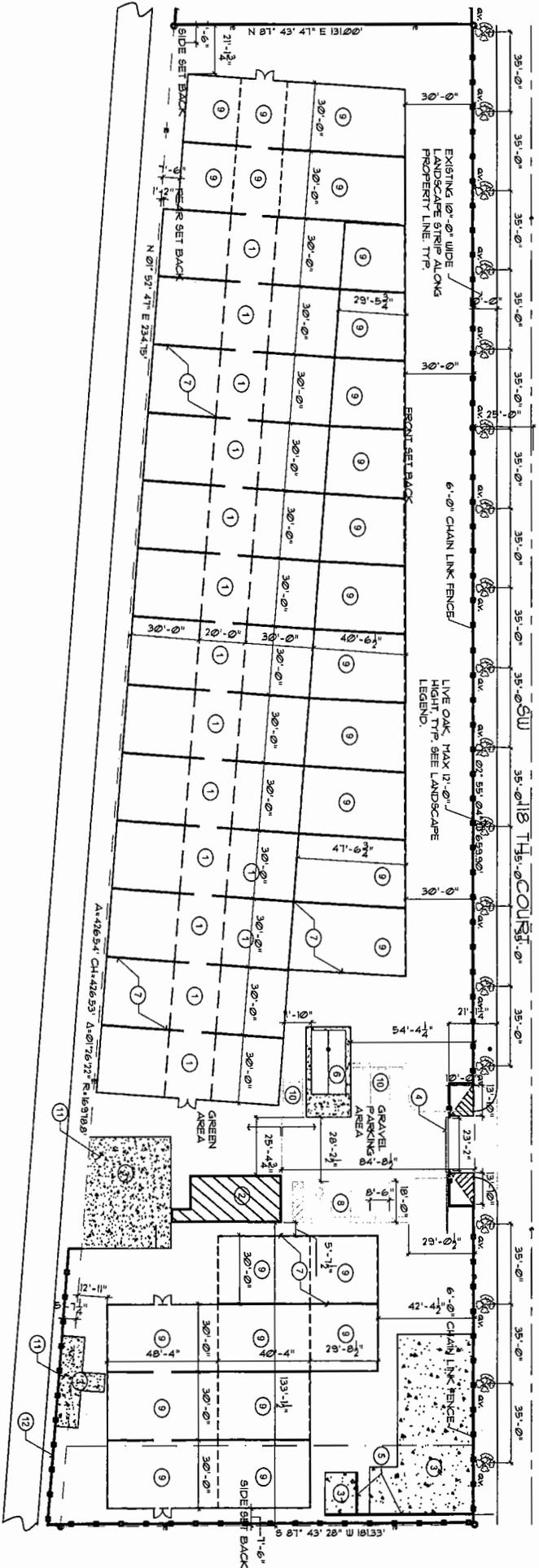
This property was issued a Notice of Violation by the Department formerly known as Planning & Zoning for failure to comply with Condition No.10 of Resolution 4ZAB472-80 and referred to BNC for enforcement. Please refer to BNC's Memo regarding the enforcement status.

PHOTOGRAPHS



PHOTOGRAPHS





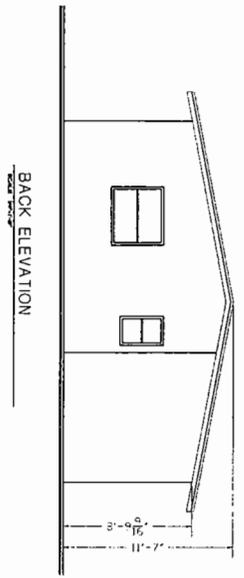
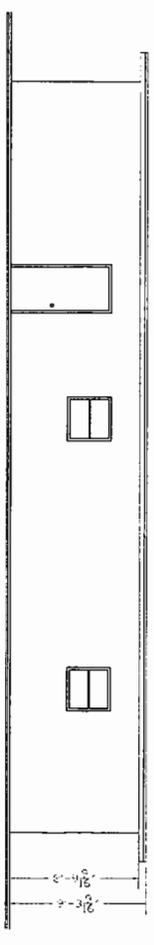
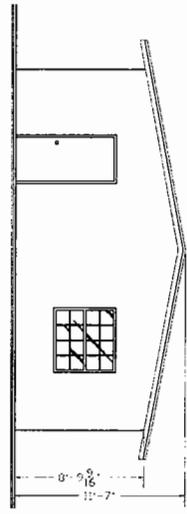
1 PROPOSED SITE PLAN
 A1101 SCALE 1/32" = 1'-0"



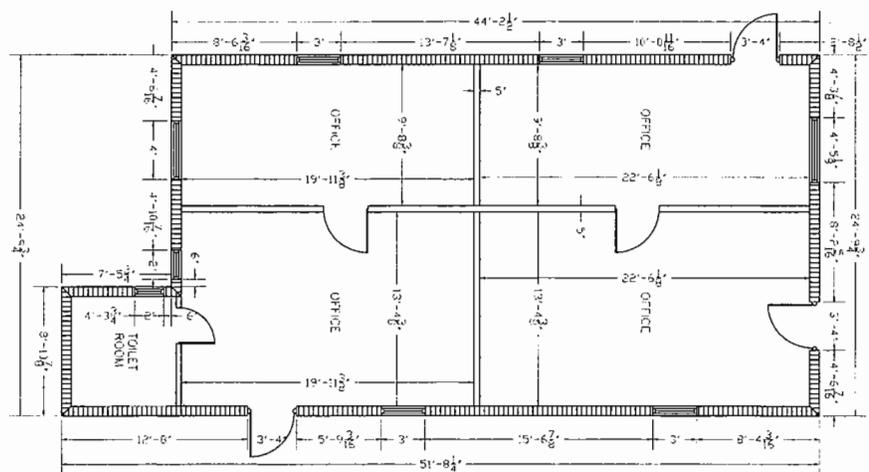
ENLARGED SITE PLAN

RECEIVED
 210-030
 APR 28 2011

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



RECEIVED
 210-03
 APR 28 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *XVA*

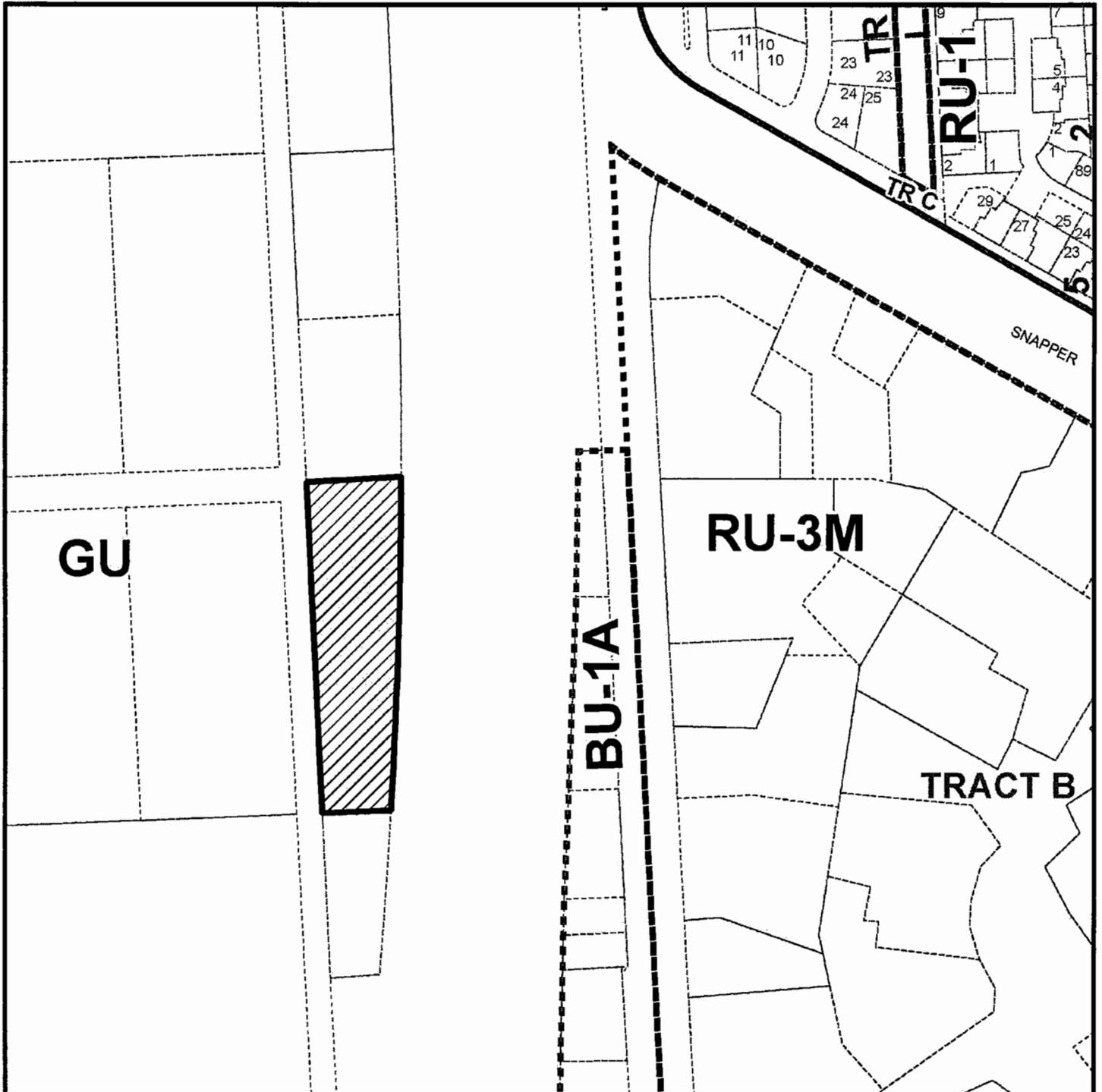


Signature

NO.	DATE	BY	REVISION

NURSERY
 SW 118 COURT AND SW 64 ST
 MIAMI, FL.

JMM CONSULTING ENGINEERS, LLC
 CERTIFICATE OF AUTHORIZATION #9692
 JOSE M. MARTINEZ, PE # 56018
 8353 S.W. 124TH ST., SUITE 108
 MIAMI, FL. 33156
 TEL. 305- 255-1621



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000034



Section: 25 Township: 54 Range: 39
 Applicant: ROBERTO PANDO, ET AL
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

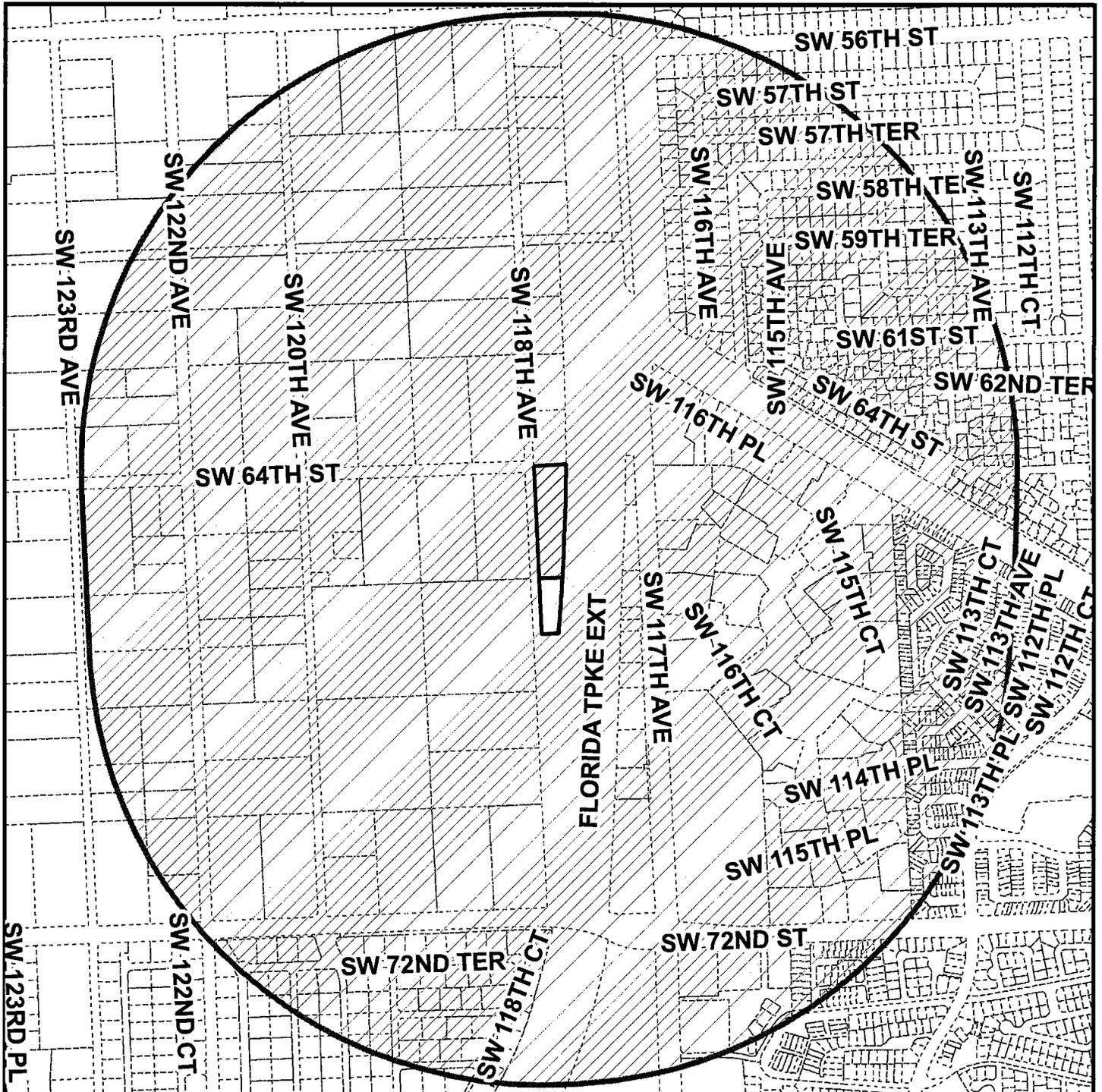
Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 25 Township: 54 Range: 39
 Applicant: ROBERTO PANDO, ET AL
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2010000034
 RADIUS: 2640

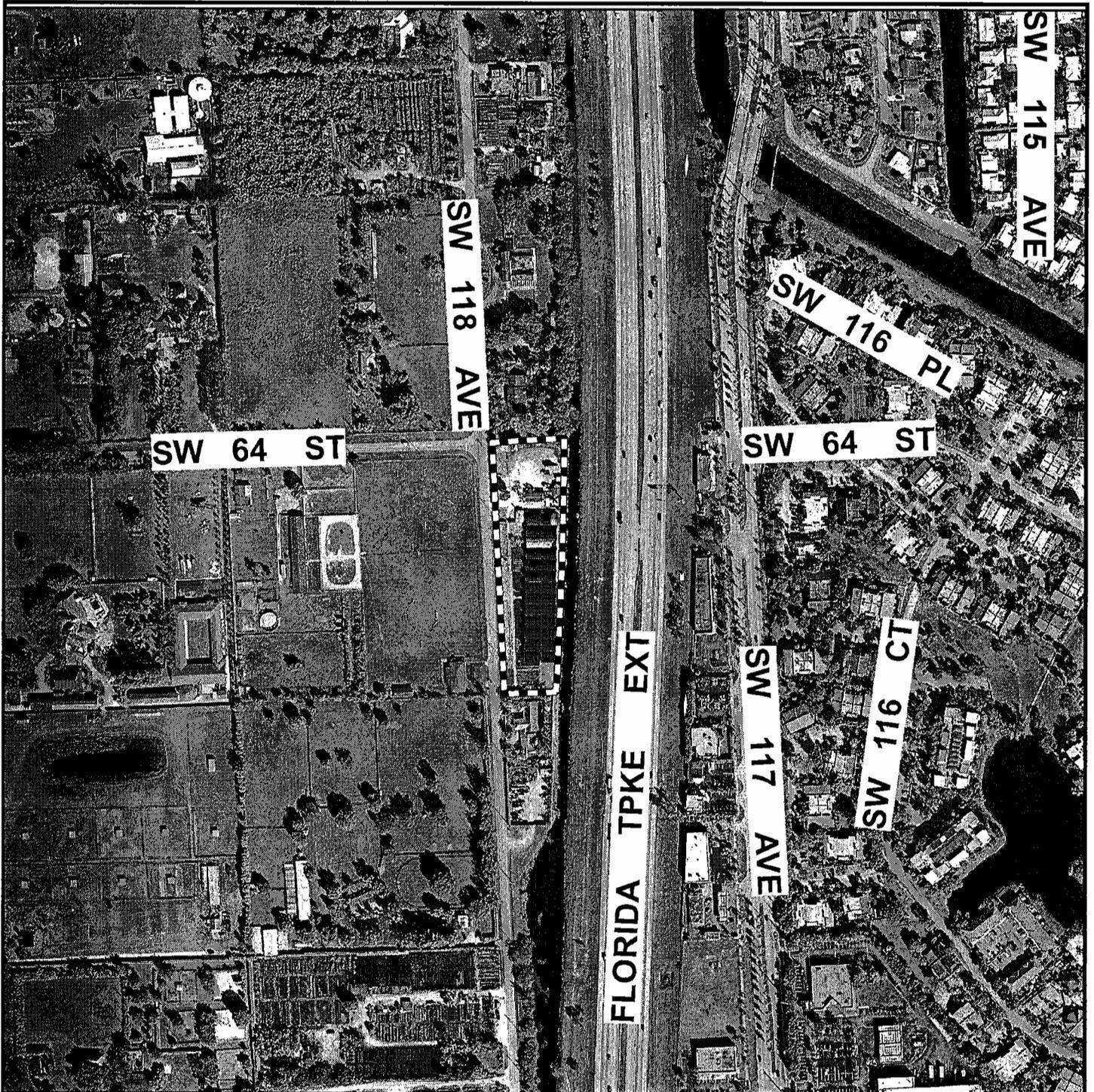
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-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000034

Section: 25 Township: 54 Range: 39
 Applicant: ROBERTO PANDO, ET AL
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2010000034



Section: 25 Township: 54 Range: 39
 Applicant: ROBERTO PANDO, ET AL
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z11-101 (12-7-CZ11-2)

**July 17, 2012
Item No. 2**

Recommendation Summary	
Commission District	10
Applicant	Florida Power and Light Company
Summary of Requests	The applicant is seeking a use variance to permit a park-and-ride facility in the EU-1 zoning district. Additionally, the applicant is seeking to waive the landscape regulations for street and lot trees, a dissimilar landscape buffer, the greenbelt width, the sod area and the irrigation system.
Location	Southeast corner of the intersection of SW 127 Avenue and SW 88 Street
Property Size	3.40 acres
Existing Zoning	EU-1
Existing Land Use	FPL easement
2015-2025 CDMP Land Use Designation	Business and Office and Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a) Use Variances from other than airport regulations Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions of requests #1, and requests #3 through #6; Denial without prejudice of request #2.

REQUESTS:

- (1) USE VARIANCE to permit a park-and-ride facility in an EU-1 zone as would be permitted in an IU-1 zone.
- (2) NON-USE VARIANCE to permit 22 lot trees (52 required) and to permit 0 street trees (47 required).
- (3) NON-USE VARIANCE to waive the landscape regulations requiring a dissimilar land use buffer along the south and portions of the east property lines.
- (4) NON-USE VARIANCE to waive the landscape regulations requiring temporary or permanent irrigation systems.
- (5) NON-USE VARIANCE to permit 93.4% of sod area (20% maximum permitted).
- (6) NON-USE VARIANCE to permit a minimum 3' greenbelt abutting the rights-of-way (8' required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Park and Ride Facility at N. Kendall Drive and SW 127th Avenue", as prepared by DCG Development Consulting Group, dated stamped received 6/14/12 a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The subject property is located on the southeast corner of SW 127 Avenue and SW 88 Street (Kendall Drive) and is made up of 3 parcels. The site plan depicts a 166 parking space park-and-ride facility.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; vacant land	Business and Office Medium Density Residential 13 to 25 dua
North	GU; vacant land	Institutions, Utilities & Communication
South	EU-1; vacant land	Medium Density Residential 13 to 25 dua
East	BU-1A, BU-2; shopping center RU-4L ; storage facility	Business and Office Medium Density Residential 13 to 25 dua
West	BU-1A; shopping center	Business and Office Low Density Residential 2.5 to 6 dua

NEIGHBORHOOD COMPATIBILITY:

The subject property is a part of an FPL easement containing transmission lines running North/South along the SW 127 Avenue corridor. This subject site is located on the southeast corner of SW 88 Street (Kendall Drive) and SW 127 Avenue and continues just south of SW 90 Terrace. The area is characterized by commercial and institutional uses to the north, east and west and residential uses to the southeast and southwest.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to establish a park-and-ride facility for Miami-Dade Transit which would provide residents of this area an additional transportation option and could lessen the east to west traffic impacts on SW 88 Street (Kendall Drive). However, the approval of the proposed park-and-ride could have a negative visual impact on the surrounding area due to the lack of street and lot trees.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The northern approximately 605' of the vacant 3.40-acres subject property is designated as **Business and Office** and southern approximately 200' is designated as **Medium Density Residential** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office land use category accommodates the full range of sales and service activities. The Medium Density residential category allows densities from 13 to 25 dwelling units per gross acre.

The applicant is proposing to establish a Miami-Dade Transit park-and-ride facility on the subject property, which is a Florida Power and Light (FPL) Company easement containing utility poles and transmission lines. The CDMP Land Use Element interpretative text for Institutions, Utilities and Communications states that *when compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, **parking lots**, open space, golf courses, bikeways and paths for walking and exercising.*

The subject property is at the southeast corner of the intersection of two section line roadways, SW 88 Street (Kendall Drive), which runs east to west, and SW 127 Avenue, which runs north to south. Staff notes that the proposed park-and-ride facility along SW 88 Street (Kendall Drive) which is listed as a proposed rapid transit corridor in the Transportation Element of the CDMP will serve Route 88 a local bus route with frequent stops and Route 288 (Kendall Cruiser) a limited stop route with weekday rush hour service. Both bus routes have termini at the Dadeland North or Dadeland South Metrorail stations and run as far west as SW 162 Avenue. The CDMP Transportation Element **Policy TE-1A and Policy TE-1D** as well as the CDMP Mass Transit subelement, **Policy MT-8D** encourage the County to promote mass transit alternatives, to actively pursue intermodal facilities such as park and ride lots along bus/rail routes, and to continue efforts to provide parking facilities for express bus routes to major activity centers. In addition, the proposed park and ride facility is listed as a Mass Transit Project in the CDMP Capital Improvement Element. As such, staff opines that the approval of the proposed park and ride facility would be **compatible** with the primarily commercial uses to the north, east and west and would be **consistent** with the CDMP Land Use Element interpretative text for Institutions and Utilities, CDMP Transportation Element **Policy TE-1A and Policy TE-1D** as well as the CDMP Mass Transit subelement, **Policy MT-8D**; and CDMP **Capital Improvement Element (CIE)**.

ZONING ANALYSIS:

When request #1 is analyzed under the Use Variance Standard, Section 33-311(A)(4)(a), the proposed park-and-ride, in staff's opinion, will be in harmony with the general purpose and intent of the zoning regulation. The subject parcel is zoned EU-1, Single-Family One Acre Estate District and is a part of a larger tract of land running north/south along SW 127 Avenue that is a Florida Power and Light (FPL) transmission corridor. The EU-1 zoning district allows single-family residential uses and small scale agricultural uses incidental to a residential use. In addition, staff notes, that the EU-1 zoning district does not permit a parking lot; however the property is an existing FPL easement which restricts the erection of buildings or structures on the property. The applicant has indicated in its letter of intent and staff concurs that as long as the property is being used as a transmission corridor for FPL transmission lines and poles, it cannot be developed for residential uses allowed in the EU-1 zoning district. Therefore, staff

literal enforcement of the EU-1 zoning regulations would result in unnecessary hardship. Further staff opines that approval of the request will permit the applicant to have reasonable use of the premises.

Staff notes that the subject parcel abuts properties to the east and west that are zoned BU-1A, Limited Business District, and BU-2, Special Business District. Additionally, although the south portion of the parcel abuts a property zoned RU-4L, Limited Apartment House District to the east, pursuant to Resolution #4-ZAB-361-86, said RU-4L zoned property was approved for a use variance to allow a public storage facility as would be allowed in the BU-1A district in 1986. As such, staff opines that the approval of the use variance to allow a park and ride facility in the EU-1 zoning district as would be permitted in the IU-1 zone, will be **compatible** with the surrounding BU uses and would not be detrimental to the public interest. Therefore, staff **recommends approval of the request with conditions under Section 33-311(A)(4)(a), Use Variances Standard.**

When requests #3 and #6 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the requests are germane to request #1 and would be **compatible** with the surrounding area. Staff has met with the applicant on numerous occasions and the applicant has made attempts to modify the plans to meet the requirements for the dissimilar land use buffer along the south and portions of the east property lines (request #3) and the 8' greenbelt requirement abutting the rights of way (request #6). The plans depict adequate buffering in the form of a continuous hedge and grass area approximately 15' wide along the interior side (east) property line on the southernmost parcel, Parcel MDT-12N and the north parcel, MDT-14 on which the parking lot is proposed. However, on the middle parcel, Parcel MDT-13 where there are also proposed parking areas and where the bus bays are located, the dissimilar land use buffer is non-existent for approximately 45' where the shelters abut the east property line. Further, the plans indicate that an approximately 172' portion of the greenbelt abutting SW 27 Avenue is reduced to its narrowest point of 3' on this parcel only (request #6). The plans indicate that the pick-up and drop-off stop for the buses is located on this parcel and that the parking area, the dissimilar land use buffer and the greenbelt along SW 127 Avenue are significantly reduced or removed on this parcel only. Staff acknowledges that these reductions allows the applicant to accommodate a 24' wide driveway and a required 15' turning radii for the articulated buses that the applicant states will be used with this facility, and the 8' wide internal sidewalk area and shelters for the transit users. Additionally, the reduced greenbelt along SW 127 Avenue will allow the applicant to provide an 8' wide sidewalk area along SW 127 Avenue as recommended by the Public Works and Waste Management Department. As such, staff opines that the approval of requests #3 and #6, would not be detrimental to the surrounding area, would not affect the stability and appearance of the surrounding community and would be **compatible** with same. **Therefore, staff recommends approval with conditions of requests #3 and #6 under Section 33-311(A)(4)(b) Non-Use Variance standards.**

Similarly, staff opines that the approval of request #4, to waive the requirement for an irrigation system and request #5 to permit 73.4% more sod area than allowed, would not be detrimental to the stability and appearance of the surrounding area and would be **compatible** with same. The applicant seeks to develop approximately 75% of the 3.40 gross acre parcel with the park and ride facility. The plans indicate that the remaining approximately 25% of the parcel which is the north half of parcel MDT-14 abutting SW 88 Street (Kendall Drive), will remain undeveloped. The applicant indicated in their letter of intent that this will provide an adequate separation of the proposed park and ride facility from the existing wellfield that is located to the north of the

property across the abutting 6-lane roadway, Kendall Drive. However, this undeveloped portion of the parcel is a part of the total 31,796.40 open space area of which only 20% can consist of sod based on the Miami-Dade County Landscape Code. Therefore, this development would be allowed a maximum of 6,359.28 sq. ft. of sod area. However, the 29,700 sq. ft. undeveloped area which is depicted as sod area in the submitted plans is equivalent to 93.4% of the 31,796.40 open space area. This results in the 73.4% excess in sod area that is the subject of request #5.

Staff opines that the applicant after meeting with staff has made improvements to the proposed development pertaining to the landscape buffers and green areas abutting the roadways while enhancing the pedestrian connectivity throughout and around the site with improved sidewalk areas. As such, staff opines that the excessive sod area will not be detrimental to the stability and appearance of the surrounding area. Further, the applicant indicated in its letter of intent that the property will be developed with drought tolerant plant material that once established will not require regular or supplemental irrigation. The applicant also proposes to implement a watering schedule during the period of establishment of the plant material in lieu of the irrigation system. Based on the aforementioned, staff opines that the approval with conditions of requests #4 and #5 would maintain the basic intent and purpose of zoning, subdivision and other land use regulations and would not have a negative visual impact on the surrounding area. **Staff therefore recommends approval with conditions of requests #4 and #5 under Section 33-311(A)(4)(b) Non-Use Variance standards.**

However, when request #2 to permit the park and ride facility with less lot and street trees than required is similarly analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval would be **incompatible** with the surrounding area. Although staff is supportive of other variances to the landscape section of the Code for the facility (requests #3 - 6), staff opines that the Code provides sufficient latitude to allow the applicant to plant trees in the transmission line corridor without creating a hazard. Although the applicant attempted to meet the requirement for lot trees by providing 22 of the 52 trees required, staff opines that this is insufficient for the 3.40 acre site. Staff notes that the proposed park-and-ride facility will abut commercial developments to the east and west that also contain parking lots. Staff opines that the approval of the proposed use without buildings or sufficient tree resources to buffer the parking areas will have a negative visual impact on the surrounding area. **Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts three (3) parking areas – identified as parcel MDT-14, parcel MDT-13 and parcel MDT-12N located south of SW 88 Street (Kendall Drive) along SW 127 Avenue. Parcel MDT-14 contains 60 parking spaces and is located just south of SW 88 Street; the only ingress/egress point is located along SW 89 Terrace. Parcel MDT-13 contains 62 parking spaces and is located between SW 89 Terrace and SW 90 Terrace; on the north side of the parcel there is an ingress/egress point along SW 89 Terrace and the other ingress/egress point along SW 90 Terrace. Parcel MDT-12N contains 44 parking spaces and is located south of SW 90 Terrace; there is a single ingress/egress point for this portion of the park-and-ride.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

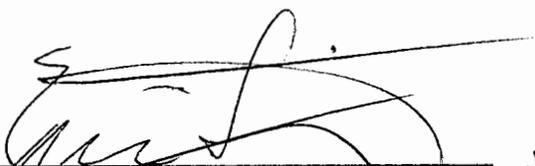
RECOMMENDATION:

Approval with conditions of requests #1, and # 3 through #6. Denial without prejudice of request #2.

CONDITIONS FOR APPROVAL: (For requests #1, and #3 through #6 only.)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Park and Ride Facility at N. Kendall Drive and SW 127th Avenue", as prepared by DCG Development Consulting Group, dated stamped received 6/14/12 a total of 3 sheets, except as herein amended to show the required amount of lot and street trees.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:MW:NN:AN:CH


Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NAN

ZONING RECOMMENDATION ADDENDUM

Florida Power and Light Company
Z11-101

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Division)	No objection
Public Works & Waste Management	No objection
Parks, Recreation & Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Medium Density Residential (Pg. I-31)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Medium Density Residential. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.</i>
Business and Office (Pg. I-41)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i>
Institutions, Utilities and Communications (Pg. I-53)	<p><i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i></p> <p><i>Electric power transmission corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.</i></p>
Policy TE-1A (Pg. II-2)	<i>As provided in this section and the Mass Transit Subelement, the County shall promote mass transit alternatives to the personal automobile, such as rapid transit (i.e. heavy rail, light rail, and express buses), fixed route bus and paratransit services.</i>

ZONING RECOMMENDATION ADDENDUM

Florida Power and Light Company
Z11-101

Policy TE-1D (Pg. II-3)	<i>Within the time frame of the CDMP, Miami-Dade County will actively pursue development of intermodal facilities where opportunities arise, including but not limited to:</i>
	<i>- park-and-ride lots, where feasible opportunities present themselves along bus/rail corridors.</i>
Policy MT-8D (Pg. II-33)	<i>Miami-Dade County shall continue its efforts to provide parking facilities for express bus routes involving non-stop and limited stop services to major activity centers and the rapid transit system, and for local bus services.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(a) Use Variances from other than airport regulations	<i>Upon appeal or direct application in specific cases to hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises; and further provided, no variance from any airport zoning regulation shall be granted under this subsection; provided, however, no use variance shall be granted permitting a BU or IU use in any residential, AU or GU District, unless the premises immediately abuts a BU or IU District. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>

2. FLORIDA POWER & LIGHT COMPANY
(Applicant)

12-7-CZ11-2 (11-101)
Area 11/District 10
Hearing Date: 07/17/12

Property Owner (if different from applicant) **Florida Power & Light Company.**

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>
1966	Clifford L. Suchman, Trustee	- Zone change from GU to EU-1.	BCC	Approved
1966	Seymour J. Eisenberg	- Zone change from GU to EU-1.	BCC	Approved
1966	Seymour Eisenberg	- Unusual Use for theater. - Variance of sign regulations.	BCC	Appeal Denied, Application Denied
1966	Seymour Eisenberg	- Zone change from GU to RU-4L, RU-3 and RU-1.	ZAB	Recommended for Denial
1966	Clifford Suchman, Trustee	- Zone change from GU to RU-1, RU-3, RU-4L, RU-5A and BU-1A. - Unusual Use to permit a theater. - Variance of sign regulations.	ZAB	Denied

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.

Memorandum



Date: June 6, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E., Assistant Director
Department of Regulatory and Economic Resources

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

Subject: C-11 #Z2011000101-2nd Revision
Florida Power & Light
Southeast Corner of the Intersection of S.W. 127th Avenue and
S.W. 88th Street
District Boundary Change from EU-1 to BU-2 and to Waive the
Landscape Regulations Requiring Lot Trees, Street Trees and a
Permanent or Temporary Irrigation System
(EU-1) (3.40 Acres)
01-55-39

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the 10-day, 30-day and 100-day travel time contours of the basic wellfield protection area of the Southwest Wellfield protection area. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Section 24-43 of the Code prohibits the use, generation, handling, disposal, discharge or storage of hazardous materials and hazardous waste within that portion of the aforementioned wellfield.

Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. Therefore, the Department may approve the application and it 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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by the Department 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

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Drainage restrictions may be applicable, since the site is located within the Southwest Wellfield 30 days Cone of influence area.

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 the Department for this proposed development order.

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.

Tree Preservation

The subject properties contain tree resources along the eastern boundary. 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 and/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. This Department'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 the Tree Permitting Program at 305-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: FLORIDA POWER & LIGHT COMPANY

This Department has no objections to this application.

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 115 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
9780	SW 127 Ave. s/o SW 72 St.	D	D
9782	SW 127 Ave. s/o SW 88 St.	D	D
F-62	SW 88 St. e/o SW 127 Ave.	D	D
F-1080	SW 88 St. w/o SW 147 Ave.	C	C

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.

04-JUN-12



Memorandum

Date: 19-JUN-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2011000101

Fire Prevention Unit:

This memo supersedes MDRR memorandum dated May 24, 2012.
 APPROVAL
 No objection to site plan date stamped received June 14, 2012.

Service Impact/Demand

Development for the above Z2011000101
 located at SOUTHEAST CORNER OF SW 127 AVE & SW 88 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 4823 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:07 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 57 - West Kendall - 8501 SW 127 Avenue
 Rescue, Squad, Battalion 13.

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

Memorandum



Date: July 2, 2012

To: Jack Osterholt , Director
Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2011000101: Florida Power & Light Company
Miami-Dade Transit Park and Ride Facility
Revised plans dated stamped received through 6/14/12

Application Name: Florida Power & Light Company.

Project Location: The site is located at SE corner of the intersection of SW 127 Ave and SW 88 St., Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from EU1 to BU2 to permit a park and ride facility comprised of 182 parking stalls, an unusual use for a guard house and bus shelter, and variances to landscape and buffer requirements. Revised plans dated stamped received through 6/14/12 have been included in this review.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

DATE: 19-JUN-12
REVISION 2

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

FLORIDA POWER & LIGHT
COMPANY

SOUTHEAST CORNER OF SW 127
AVE & SW 88 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000101

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: Folio 3059010060011,3059010060051,30590100600831 - NC: No open cases. BNC: No open/closed bss cases.

Florida Power & Light company

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

REPORTER NAME:

Memorandum



Date: JUNE 26 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2011000101 (folios 3059010060081,3059010060051,3059010060011)

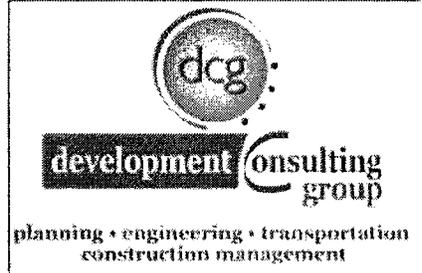
An inspection was conducted on June 25 2012, at the Southeast corner of SW 127 Avenue and the South side of SW 88 Street. These parcels are well maintained Florida Power and Light utility easements not requiring a CU at this time.

There were no other zoning violations or unauthorized uses observed.

If you have any questions or need further information, please let me know!

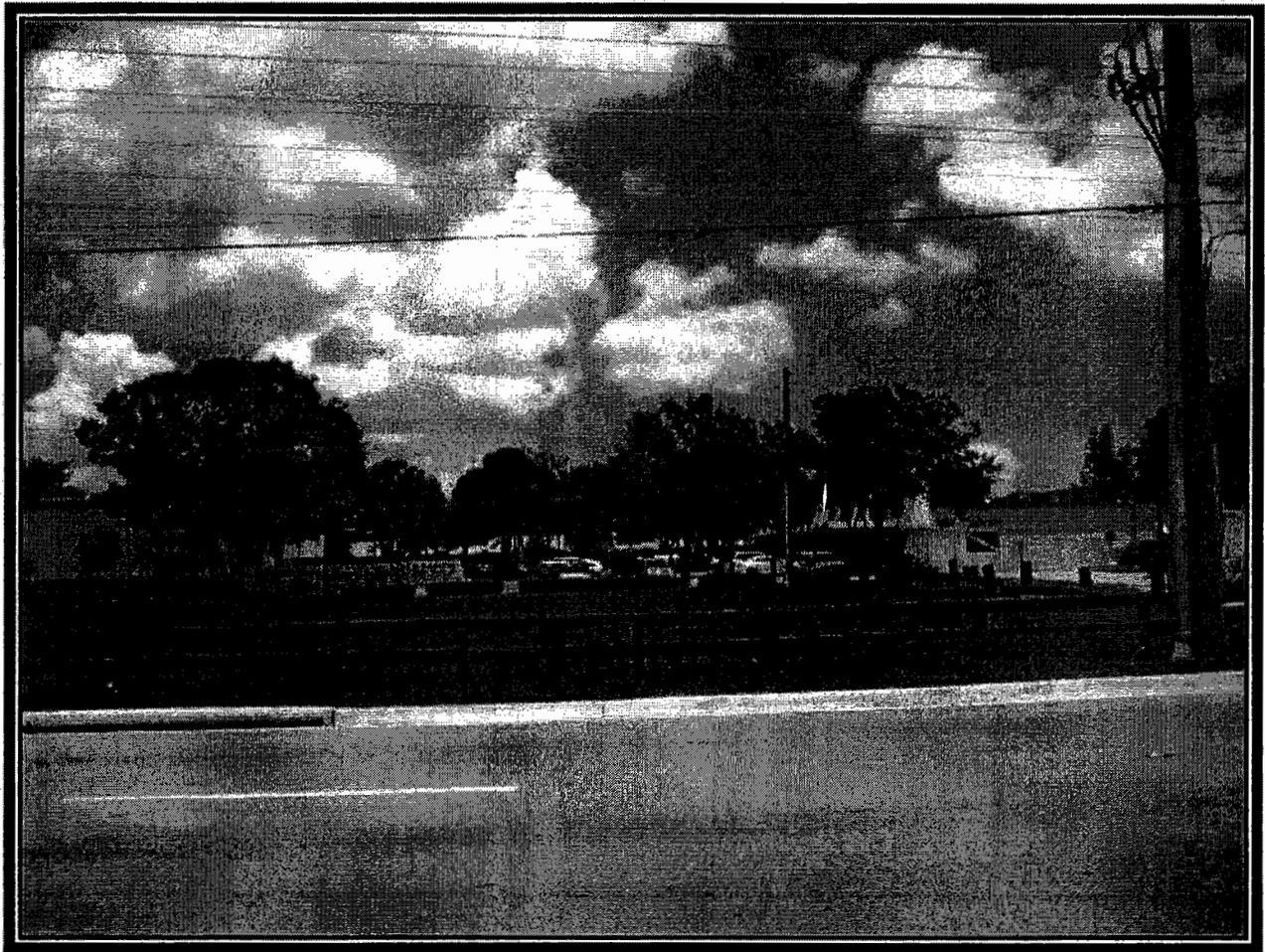
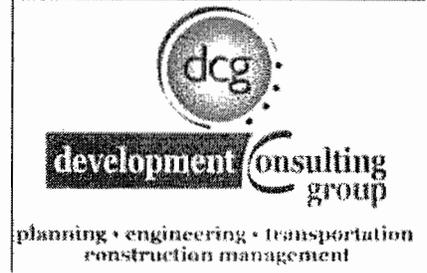
Francie Boellard

Project Name: MIAMI-DADE TRANSIT PARK & RIDE FACILITY



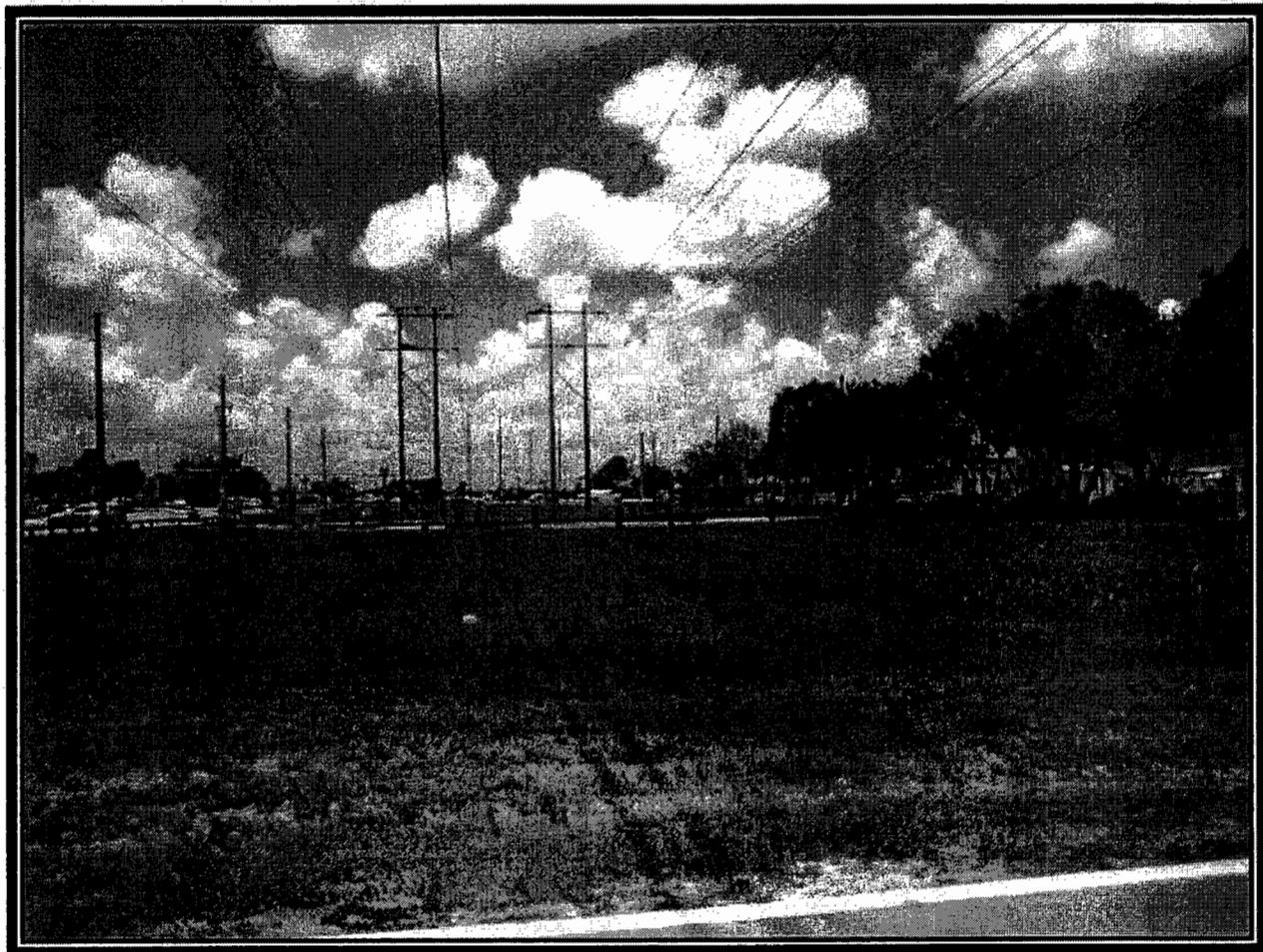
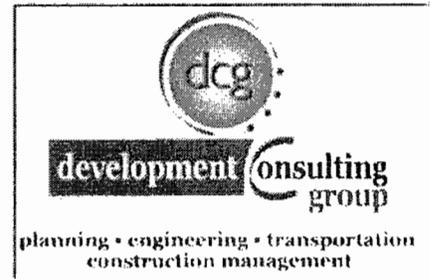
SW 88th Street (North Property Line)

Project Name: MIAMI-DADE TRANSIT PARK & RIDE FACILITY



SW 127th Avenue (West Property Line)

Project Name: MIAMI-DADE TRANSIT PARK & RIDE FACILITY



SW 91st Street (South Property Line)

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].

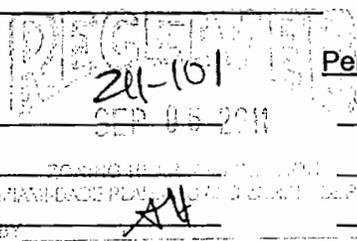
CORPORATION NAME: Florida Power & Light Company *(a wholly owned subsidiary of NextEra Energy, Inc.)*

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>NextEra Energy, Inc</u>	<u>100%</u>
<u>PO BOX 14000</u>	
<u>Juno Beach, FLORIDA 33408</u>	
<u>NYSE Symbol - NEE</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>
_____	_____
_____	_____
_____	_____
_____	_____



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 21-101
 SEP 05 2011
 TO THE DIRECTOR OF REVENUE
 HAWAIIAN REVENUE DEPARTMENT
 BY: *AK*

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

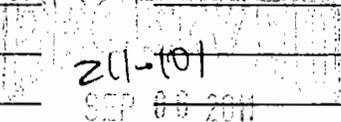
If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

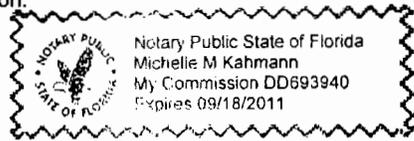
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 11th day of May, 2011. Affiant is personally know to me or has produced _____ as identification.

Michelle M Kahmann
(Notary Public)



My commission expires: 9/18/11

Seal

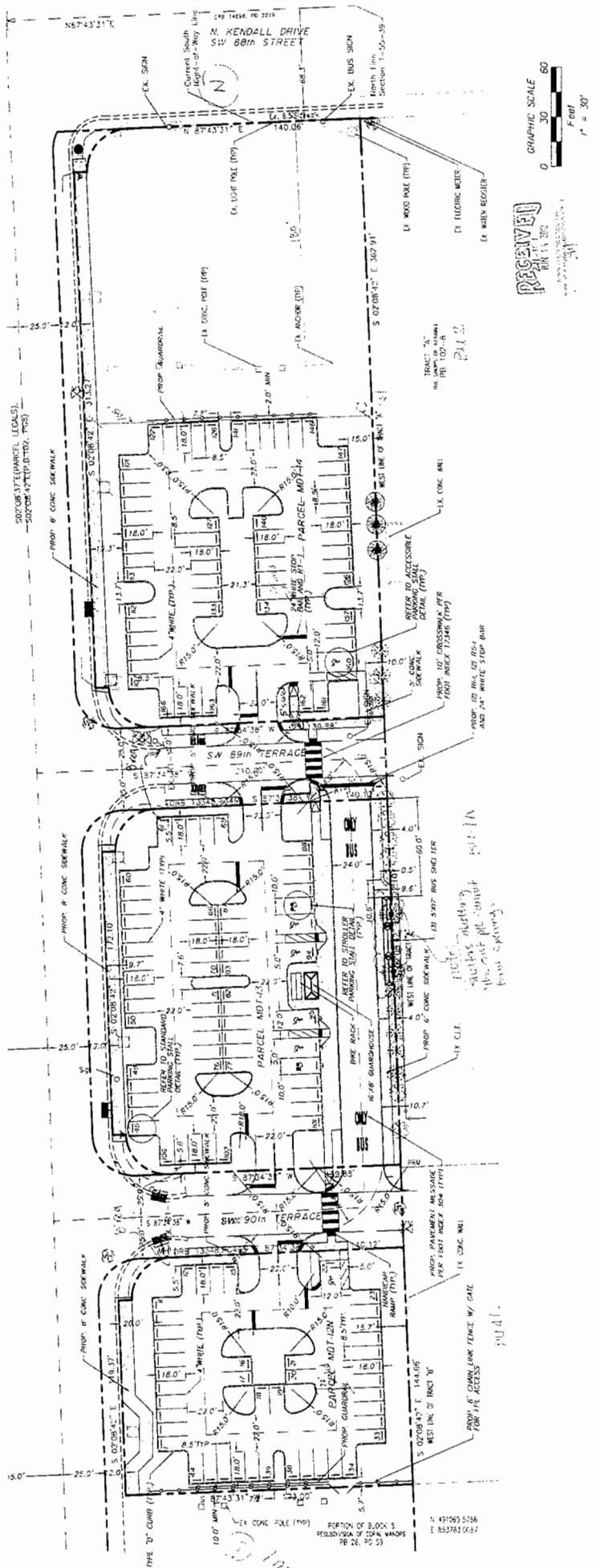
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

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 JUN 14 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

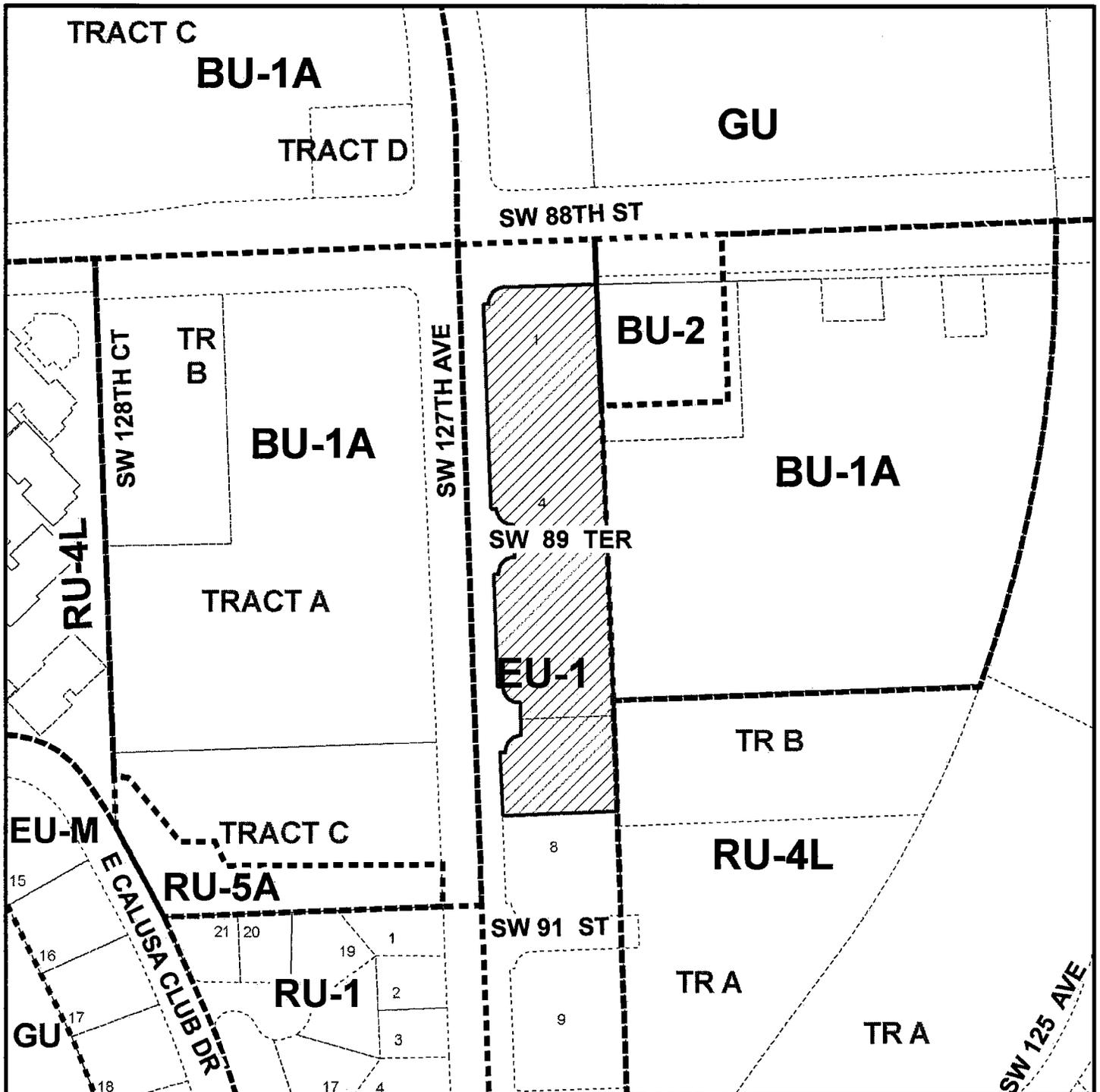
BY AT

ENLARGED SITE PLAN



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 JUN 14 2012

PROJECT	CONTRACT NO.	30% SUBMITTAL
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MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2011000101



Section: 01 Township: 55 Range: 39
 Applicant: FLORIDA POWER & LIGHT COMPANY
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

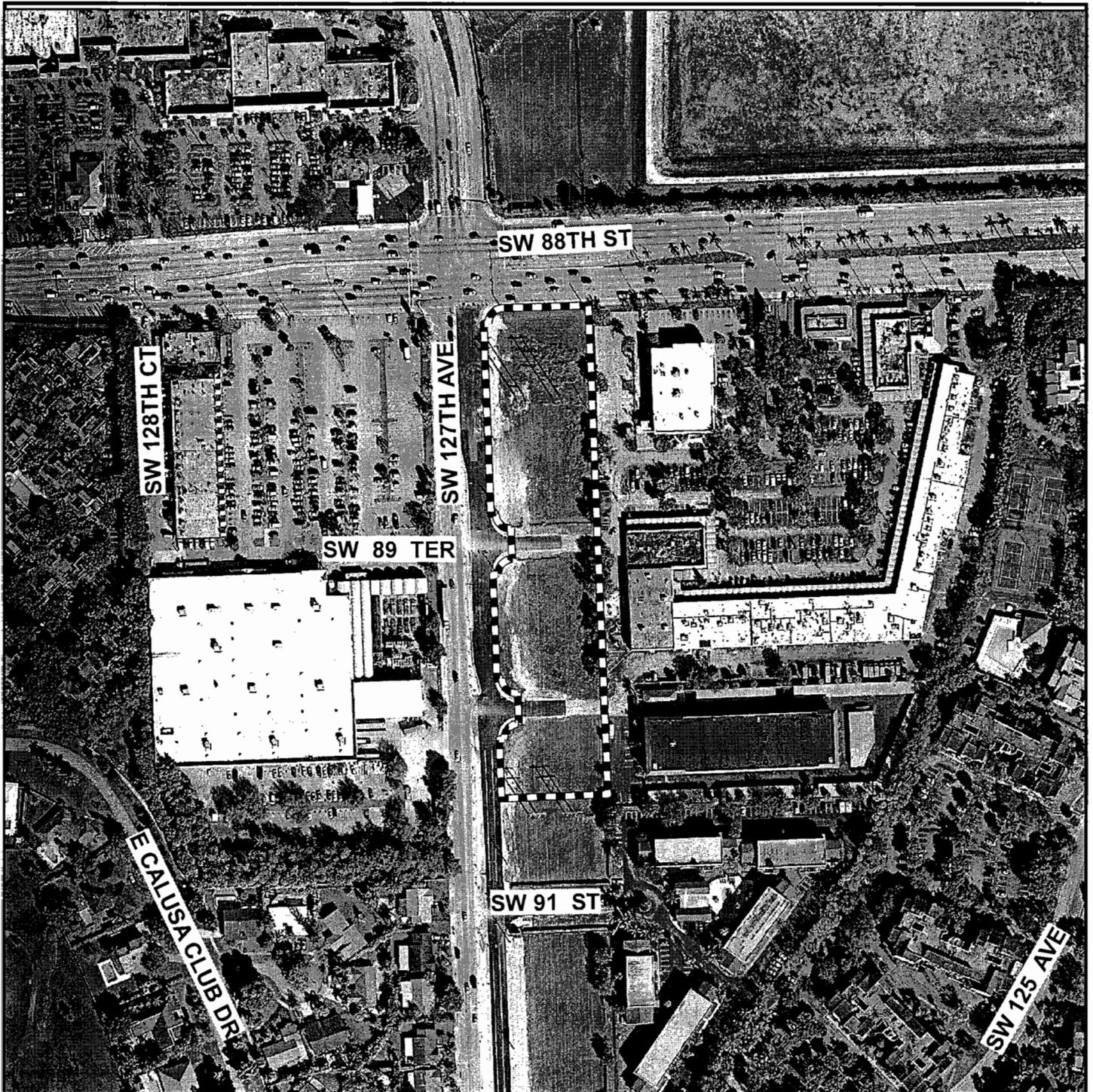
Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000101



Section: 01 Township: 55 Range: 39
 Applicant: FLORIDA POWER & LIGHT COMPANY
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

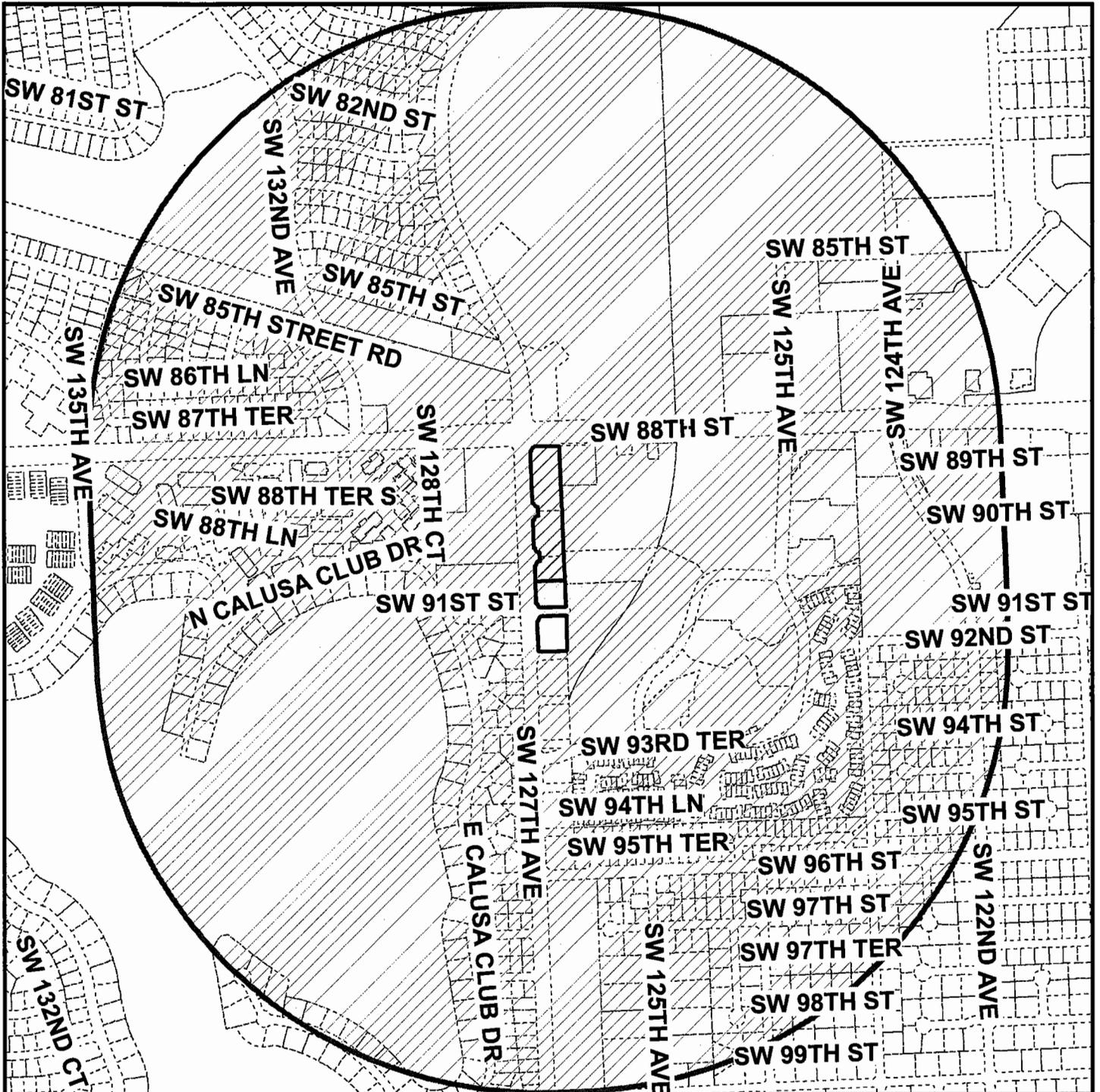
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2011000101

RADIUS: 2640

Section: 01 Township: 55 Range: 39
 Applicant: FLORIDA POWER & LIGHT COMPANY
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY
		29

INSTITUTIONS, UTILITIES
AND COMMUNICATION

SW 88TH ST

SW 128TH CT

SW 127TH AVE

BUSINESS
AND
OFFICE

SW 89 TER

(LDR) 2.5-6 DU/AC

(MDR) 13-25 DU/AC

E CALUSA CLUB DR

SW 91 ST

SW 125 AVE

PARKS

MIAMI-DADE COUNTY

Process Number

CDMP MAP

Z2011000101



Section: 01 Township: 55 Range: 39
Applicant: FLORIDA POWER & LIGHT COMPANY
Zoning Board: C11
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 2, 2011

REVISION	DATE	BY