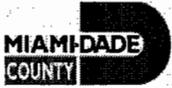


KITS

3-17-2010 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, April 20, 2010 at 6:30 p.m.

CURRENT

| | | | | | |
|----|-------------|--|---------------|----------|---|
| 1. | 10-4-CZ12-1 | <u>FIRST BANK OF MIAMI</u> | <u>09-40</u> | 32-54-40 | N |
| 2. | 10-4-CZ12-2 | <u>PEDRO & GEMA BUSSE</u> | <u>09-96</u> | 10-55-40 | N |
| 3. | 10-4-CZ12-3 | <u>T-MOBLIE SOUTH LLC AND MCDONALD'S USA LLC</u> | <u>09-103</u> | 28-54-40 | N |
| 4. | 10-4-CZ12-4 | <u>MORMAX BEVERAGES CORP DBA BJ'S WHOLESALE CLUB</u> | <u>09-162</u> | 30-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, APRIL 20, 2010

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M. AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

1. **FIRST BANK OF MIAMI (10-4-CZ12-1/09-040)**

**32-54-40
Area 12/District 7**

- (1) UNUSUAL USE to permit non-commercial parking in a zone (RU-1) more restrictive than the zone (BU-1A) of the use it serves.
- (2) Applicant is requesting to permit parking within 25' of the right-of-way (not permitted).

REQUESTS #1 and #2 ON PARCEL 2

- (3) Applicant is requesting to waive the required 5' high decorative masonry wall along the rear property line (interior to the site) where a BU zoned property abuts an RU, EU or GU zoned property.

REQUEST #3 ON PARCEL 1

Plans are on file and may be examined in the Department of Planning and Zoning entitled "First Bank of Miami," as prepared by Rodriguez and Quiroga Architects Chartered," consisting of 7 sheets dated stamped received 11/23/09. Plans may be modified at public hearing.

LOCATION: 9830 S.W. 87 Street and 9851 S.W. 88 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.7 Acre

Department of Planning and
Zoning Recommendation:

Denial without prejudice or deferral.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. **PEDRO & GEMA BUSSE (10-4-CZ12-2/09-096)**

**10-55-40
Area 12/District 08**

Applicants are requesting to permit a chickee hut setback 8.05' (20' required) from the interior side (east) property line and to permit said existing open sided structure encroaching waterward beyond top of the lake slope (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan and Elevation Plan," as prepared by Omelio Arrabal, A.I.A., dated stamped received 10/20/09, and the elevation profile as prepared by James Beadman and Associates, Inc., dated stamped received 1/20/10. Plans may be modified at public hearing.

LOCATION: 8510 S.W. 104 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.31 Acre

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. T-MOBILE SOUTH LLC AND (10-4-CZ12-3/09-103)
McDONALD'S USA LLC**

**28-54-40
Area 12/District 07**

- (1) UNUSUAL USE to permit a 100' high camouflaged wireless supported service facility designed as a flag pole and ancillary equipment.
- (2) MODIFICATION of Condition #2 of Resolution No. 4ZAB-193-88, passed and adopted by the Zoning Appeals Board, 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 'McDonald's Regional Dwg. No: FLFR-143,' as prepared by Design Kollaborative Architects/Planners, Inc., dated 2-24-87 and received by the Zoning Hearing Section on March 31, 1988."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'MD1329C McDonalds 72nd Street,' as prepared by MACTEC Engineer & Consulting, Inc., dated stamped received 11/18/09 and consisting of 6 sheets."

The purpose of the request is to permit the applicant to submit new plans indicating a new 100' high camouflaged wireless supported service facility designed as a flag pole and ancillary equipment in conjunction with a previously approved drive-thru restaurant.

- (3) Applicants are requesting to permit the wireless supported facility setback 7' (111.11' required) from the interior side (west) property line.

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

LOCATION: 9681 S.W. 72 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.365 Acres

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. **MORMAX BEVERAGES CORP DBA (10-4-CZ12-4/09-162)**
BJ'S WHOLESALE CLUB

30-54-40
Area 12/District 10

Applicant is requesting the sale of alcoholic beverages on Sundays (Sunday sales not permitted except during the month of December).

LOCATION: 7077 S.W. 117 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 16 Acres

Department of Planning and
Zoning Recommendation:

Approval with a condition.

Protests: 0

Waivers: 1

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. FIRST BANK OF MIAMI
(Applicant)

10-4-CZ12-1 (09-040)
Area 12/District 07
Hearing Date: 04/20/10

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

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> |
|--------------------|--------------------------|-----------------------------------|---------------------|------------------------|
| 1961 | Heftler Construction Co. | - Zone Change from RU-1 to BU-1A. | BCC | 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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: First Bank of Miami

PH: Z09-040 (10-4-CZ12-1)

SECTION: 32-54-40

DATE: April 20, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION:

o **REQUESTS:**

- (1) UNUSUAL USE to permit non-commercial parking in a zone (RU-1) more restrictive than the zone (BU-1A) of the use it serves.
- (2) Applicant is requesting to permit parking within 25' of the right-of-way (not permitted).

REQUESTS #1 AND #2 ON PARCEL 2

- (3) Applicant is requesting to waive the required 5' high decorative masonry wall along the rear property line (interior to the site) where a BU zoned property abuts an RU, EU or GU zoned property.

REQUEST #3 ON PARCEL 1

Plans are on file and may be examined in the Department of Planning and Zoning entitled "First Bank of Miami", as prepared by Rodriguez and Quiroga Architects Chartered," consisting of 7 sheets dated stamped received 11/23/09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting to permit non-commercial parking in an RU-1 zone which is more restrictive than the BU-1A use it serves, to permit parking within 25' of the right-of-way, and to waive the required 5' high masonry wall along the rear property.
- o **LOCATION:** 9830 SW 87 Street and 9851 SW 88 Street, Miami-Dade County, Florida.
- o **SIZE:** 0.7 acre

B. ZONING HEARINGS HISTORY: In 1961 pursuant to Resolution #ZB542-61, the Zoning Board approved a district boundary change from RU-1, Single-family Residential District to BU-1A, Limited Business District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the northern portion (Parcel 2) of the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density

category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the remaining southern portion (Parcel 1) 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. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
3. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.
4. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual" 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 in 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 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1 and BU-1A; vacant lot and bank

Low Density Residential, 2.5 to 6 du
 Business and Office

Surrounding Properties:

NORTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: BU-1A; commercial retail

Business and Office

EAST: RU-1 and BU-1A; single-family residences, service station

Low Density Residential, 2.5 to 6 du
 Business and Office

WEST: RU-1 and BU-1A; commercial retail, single-family residences

Low Density Residential, 2.5 to 6 du
 Business and Office

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Not acceptable

Location of Buildings:

N/A

Compatibility:

Not acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

Not acceptable

Access:

Not acceptable

Parking Layout/Circulation:

Not acceptable

Visibility/Visual Screening:

Not acceptable

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide 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 planned and budgeted for construction, area 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 of 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:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 9830 SW 87 Street and 9851 SW 88 Street in a neighborhood that is characterized by single-family residences and limited commercial retail to the east, west and south. The northern portion of the subject property (Parcel 2) is designated for **Low Density Residential** use and zoned RU-1, Single-family Residential District and the southern portion (Parcel 1) is zoned BU-1A and designated **Business and Office** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). While the existing use and the RU-1 zoning is **consistent** with the Low Density Residential designation, the proposed use for parking for the bank is **inconsistent** because it is **incompatible** with the surrounding residential community. In staff's opinion request #1 is also **inconsistent** with **Policy LU-4C** which states that residential neighborhoods shall be protected from intrusion by uses that

would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor vibration, dust or traffic. The Business and Office use designation and the use of the BU-1A zoned southern portion of the subject property as a bank is **consistent** with the LUP Map designation of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Their memorandum indicates that the applicant must amend their tree permit. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement. The **Miami-Dade Fire Rescue Department (MDFRD)** also has **no objections** to this application and MDFRD indicates in their memorandum that the estimated average response travel time is **7:22** minutes.

Request #1 to permit non-commercial parking in a zone (RU-1) more restrictive than the zone (BU-1A) of the use it serves (Parcel 2) is not supported by staff. The surrounding neighborhood is characterized by single-family residences to the north, west and east of Parcel 2. This request would directly impact those single-family residences to the north, west and east of Parcel 2 where the applicant is proposing parking for the bank. Staff acknowledges that the request does not create an undue burden on services, cause undue or excessive burden on public facilities, nor would it have a negative effect on the economy of Miami-Dade County. However, staff opines that the request to permit parking for the bank to encroach into the RU-1 zoned residential neighborhood would be **incompatible** with the surrounding neighborhood. The CDMP states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor vibration, dust or traffic. While the applicant has provided landscaping around the perimeter of the RU-1 zoned northern portion of the site (Parcel 2), as well as a 6' high wall along the north and west property lines, staff opines that this landscaping and wall will not adequately mitigate the excessive noise and traffic that the parking would create for the residents of the adjacent single family residences. Additionally, staff notes that in 2009, when the bank was approved, it met the Code parking requirements and the applicant has not provided staff with any additional information to demonstrate a need for additional parking. Based on the aforementioned, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3) Special Exception, Unusual and New Uses.

When analyzing requests #2 and #3 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #2 and #3 would be **incompatible** with the surrounding area would not maintain the basic intent and purpose of 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. The proposed parking is located in the RU-1 zoning district and would negatively affect the residential community by not only generating additional traffic in the community, but would create a negative visual impact for the residents by having vehicles parked in close proximity to the residences. Additionally, staff opines that allowing parking within 25' of the right-of-way would set a negative precedent for the

surrounding residential community. Similarly, staff does not support request #3 to waive the required 5' high decorative masonry wall along the rear property line (between Parcels 1 and 2). Staff typically supports these requests when the subject property contains dual zoned lots, however, because staff is not supporting the non-commercial parking lot on Parcel 2, staff is not supportive of the variance to waive the wall requirements between these two parcels (request #3). Additionally, staff's research of properties in the surrounding area did not indicate that there are any similar approvals in the surrounding area. Therefore, staff recommends denial without prejudice of requests #2 through #3 under Section 33-311(A)(4)(b) (NUV).

Based on all of the foregoing, staff opines that the approval of the application would be out of character with the area, intrusive and detrimental to the residential neighborhood, and is **incompatible** with same. Accordingly, staff recommends denial without prejudice under Section 33-311(A)(4)(b) (NUV).

Notwithstanding the aforementioned, due to the court case Thomas Baker, Aino Baron, Charles Baron and Hammocks Properties, Inc., v. Metropolitan Dade County, a/k/a Miami-Dade County, Smithsonian Investments, Inc., and BMS Management Company, this application will need to be deferred in order to amend and re-advertise the requests of this application.

I. RECOMMENDATION:

Denial without prejudice or deferral.

J. CONDITIONS:

DATE TYPED: 03/01/10
DATE REVISED: 03/11/10, 4/02/10, 4/06/10, 4/12/10
DATE FINALIZED:
MCL:GR:NN:NC:CI


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

Memorandum

Date: December 9, 2009

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

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



Subject: C-12 #Z2009000040-2nd Revision
First Bank of Miami, a Florida Corporation
9830 S.W. 87th Street
Unusual Use to Permit Parking in the Residential Zoning District and
Request to Waive the Required Wall Between BU and RU Zoning District
(RU-1) (0.70 Acres)
32-54-40

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

Wellfield Protection

The subject property is located within the Wellfield Protection Area for the Alexander Orr Wellfield. The site is situated within the Average day pumpage travel time contour of the Alexander Orr 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, DERM can approve the application and it can 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 shall comply with the exfiltration standards, as applied within wellfield protection areas.

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 Water Control Section has no objection to this application if the following conditions are satisfied:

An environmental assessment and a Class VI permit may be required prior to the construction of the drainage system on site.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for 5-year/1-day storm event with full on-site retention of the 25-year/3-days storm. Pollution Control devices shall be required at all drainage inlet structures. An environmental assessment and a Class VI permit may be required prior to the construction of the drainage system on site.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code.

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

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

Tree Removal Permit 2009-TREE-PER-00161 was issued to First Bank of Miami on May 21, 2009 and is scheduled to expire on May 21, 2010. TP2009-TREE-PER-00161 requires the preservation of 3 live oak trees as identified in DERM-approved permitted plans. The landscape plan submitted with this application entitled "Tree Disposition Plan/List" sheet L1.1, prepared by Rodriguez and Quiroga Architects Chartered and dated February 20, 2009 revised November 2, 2009, depicts these trees "to remain" (#11, 12 and 13). DERM recommends approval of this zoning application however, please be advised that this permit was issued only for the property with folio 30-4032-009-0080. Therefore, the two regular size queen palms (#24 and #25) located within the property with folio 30-4032-009-0070 are not included in this permit. An amendment to TP2009-TREE-PER-00161 is required prior to the removal or relocation of these palms or any tree on the subject property.

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. Please contact this Program at 305-372-6574 for information regarding tree permits.

Enforcement History

DERM records show one closed enforcement record for the following property:

Folio No 30-4032-009-0080

Located at: 9851 S.W. 88th Street, Miami-Dade County, FL

On January 23, 2002, a Notice of Violation (NOV) was issued to the Texaco Service Station for the failure to obtain the required DERM air permit. On March 21, 2002, the permit (APVR-029) was obtained and the case was subsequently closed.

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: FIRST BANK OF MIAMI

This Department has no objections to this application.

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure (parking) encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 295 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-64 | SW 88 St. e/o SW 103 Ave. | D | D |
| F-66 | SW 88 St. w/o SW 87 Ave. | D | D |
| F-2278 | SR 874 ne/o SW 87 Ave. | D | D |
| F-2274 | SR 874 s/o SW 112 St. | D | D |

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.

17-FEB-10



Memorandum

Date: 14-DEC-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000040

Fire Prevention Unit:

This memo supersedes MDRF memorandum dated July 10, 2009.
 APPROVAL
 - No objection to site plan date stamped November 23, 2009.

Service Impact/Demand

Development for the above Z2009000040
 located at 9830 SW 87 STREET & 9851 S.W. 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1789 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>13,632</u> Retail | square feet | <u>N/A</u> nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 4.04 alarms-annually.
 The estimated average travel time is: 7:22 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 13, East Kendall - 6000 SW 87 Avenue
 BLS 75' Ladder, 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 23, 2009. Substantial changes to the plan 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: 30-MAR-10

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

FIRST BANK OF MIAMI

9830 SW 87 STREET & 9851 S.W.
88 STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2009000040

HEARING NUMBER

HISTORY:

FOLIO # 3040320090080

Open cases:

Neighborhood Compliance

None

Building

None

Previous Cases:

Neighborhood Compliance

CMS# 200002005814 ¿NOV issued in August 2000 for Signs without permit. Case closed as complied.

CMS# 200403001157 ¿CVN issued in February 2004 for Unauthorized Use ¿selling flowers in empty gas station. CVN paid. Case closed as complied.

CMS# 200503004021 ¿Complaint in August 2005 for Graffiti. Not in violation.

CMS# 200703001206 ¿NOV issued in February 2007 for Illegal Banners. Case closed as complied.

CMS# 200703001207 ¿NOV issued in February 2007 for Unauthorized Use ¿No outside seating & No live entertainment. Case closed as owner was working with DPZ to amend CU. Business later closed down (Michael¿s Café).

CMS# 200703009840 ¿Compliant in September 2007 for Junk & Trash. Not in Violation.

Building

A1996007815 ¿Complaint in September 1996 for Expired Permit. Not in Violation.

199857368 ¿CVN issued in October 1998 for Working Without Permit. CVN voided due to new ownership. Case closed.

200005573 ¿NOV issued in April 2001 for Working Without Permit. Case closed as complied.

2006096981 ¿NOV issued in March 2006 for Working Without Permit. Case closed as complied.

FOLIO# 3040320090070

Open cases:

Neighborhood Compliance

None

Building

None

Previous Cases:

Neighborhood Compliance

CMS# 200903006506 ¿NOV issued in July 2009 for Overgrowth. Case closed as complied.

CMS# 200903006515 ¿Complaint in July 2009 for Overgrowth. Case closed as duplicate (same as above).

CMS# 201003002747 ¿Complaint in March 2010 for Commercial Vehicle. Not in violation.

Building

None

BASED ON AREA & OCCUPANT LOAD FACTOR (FBC TABLE 1004.1.2)

| PLANCY | LOAD FACTOR | GROSS AREA | OCCUPANT LOAD |
|--------|-------------|------------|---------------|
| NESS | 100 GSF/OCC | 876 GSF | 9 OCC |
| NESS | 100 GSF/OCC | 4,919 GSF | 47 OCC |
| NESS | 100 GSF/OCC | 4,722 GSF | 46 OCC |

5 CAPACITY:

SS WIDTH PER OCCUPANT (WITH SPRINKLER SYSTEM) (FBC TABLE 1005.1)

3WAYS (0.3"/OCC) OTHER EGRESS COMPONENTS (0.2"/OCC)
 (92" PROVIDED) 32' (64" PROVIDED)
 (92" PROVIDED) 32' (64" PROVIDED)

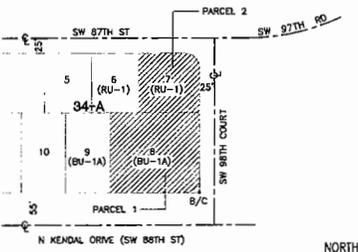
COUNT:

- 3.1)
- 3R CLOSETS - MALE
 - 3R CLOSETS - FEMALE
 - 3ALS
 - 3JORIES - MALE
 - 3JORIES - FEMALE
 - 3T. WATER COOLERS
 - WERS/BATHTUBS
 - ACE SINK
 - NCE SINKS

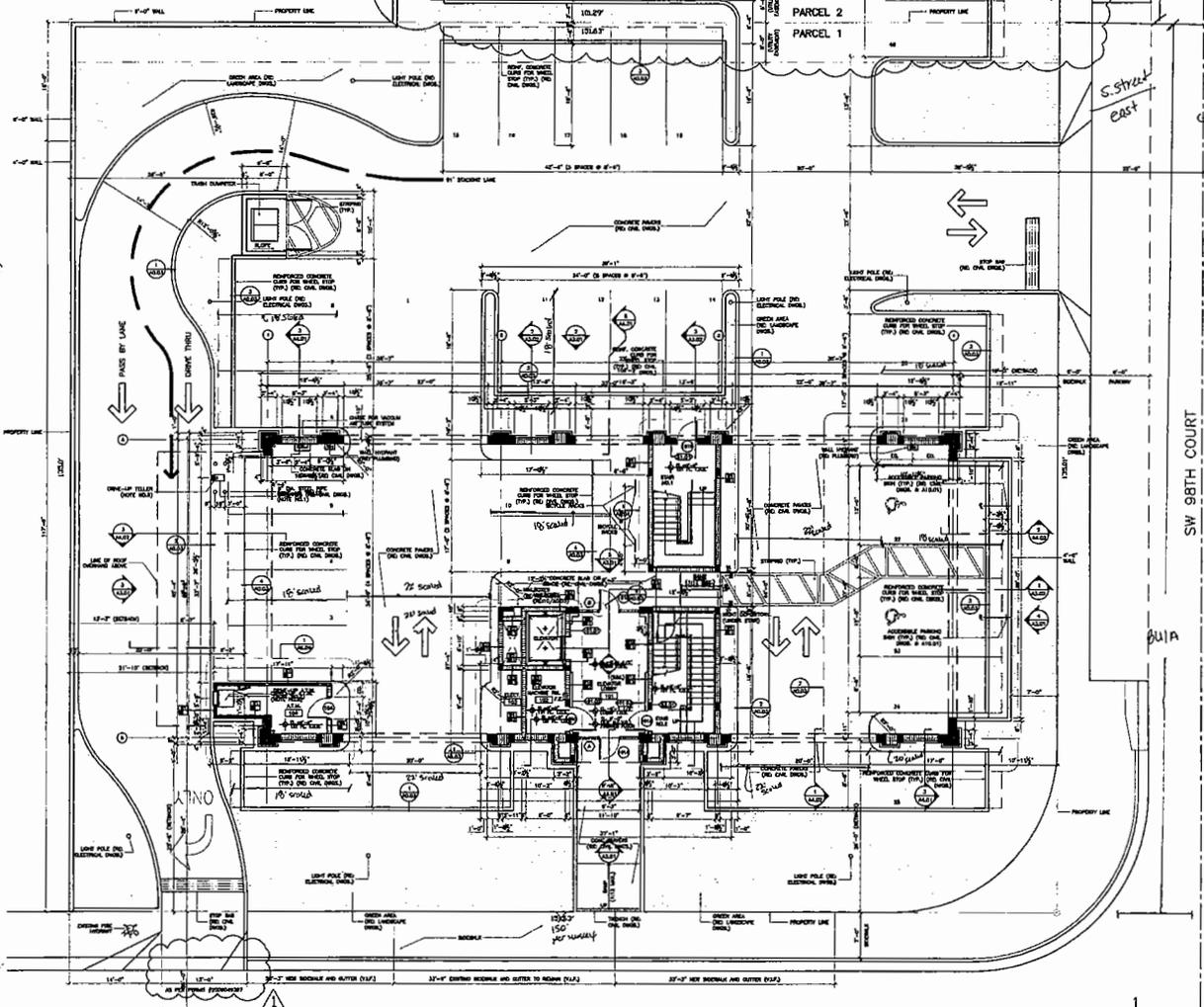
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 209-040
 NOV 23 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY *Xlt*



KEY PLAN
 SCALE: N.T.S.



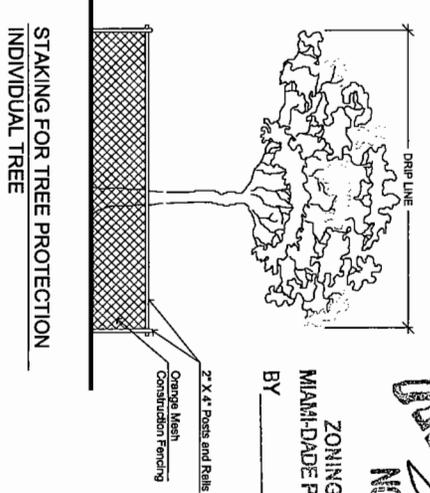
: 30.11
 : 6.86
 30.97 = 37 parking spaces req.

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

ENLARGE SITE PLAN

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BY XXX



STAKING FOR TREE PROTECTION
INDIVIDUAL TREE

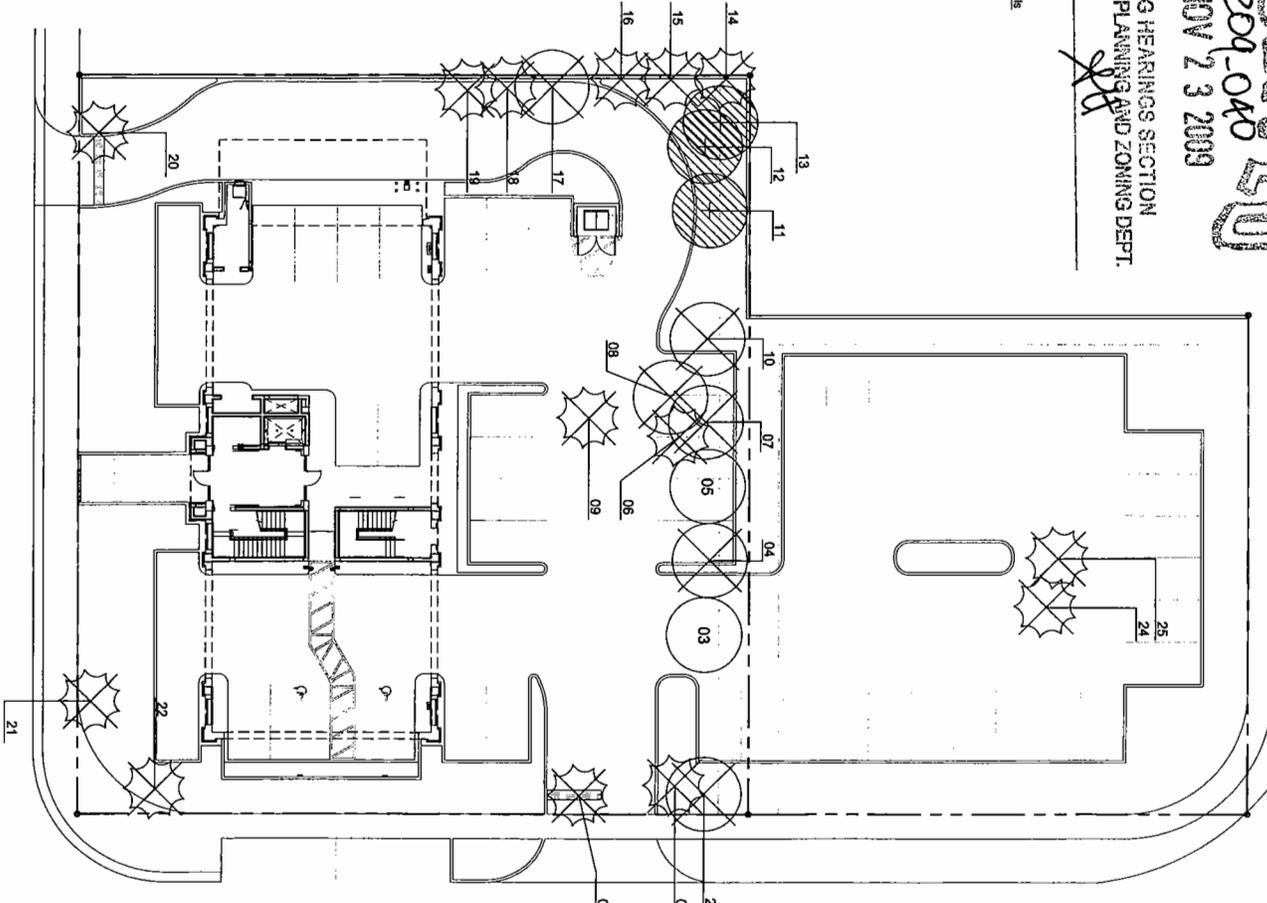
Tree Disposition List

| No. | Common Name | Botanical Name | DBH (in.) | Spread (ft.) | Disposition | Mitigation (sq. ft.) |
|-----|--------------|-----------------------|-----------|--------------|-------------|----------------------|
| 1 | Queen Palm | Symplocos caroliniana | 6 | 6 | REMOVE | 50.24 |
| 2 | Wax Palmetto | Wax Palmetto | 18 | 10 | REMOVE | 78.5 |
| 3 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 4 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 5 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 6 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 7 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 8 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 9 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 10 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 11 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 12 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 13 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 14 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 15 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 16 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 17 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 18 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 19 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 20 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 21 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 22 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 23 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 24 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |
| 25 | Live Oak | Quercus virginiana | 6 | 10 | RELOCATE | 78.5 |

Total Canopy to be Mitigated (sq. ft.): 4612.4
 Number of Trees to be Mitigated: 3 Trees (17' each) or 5 Trees (7' each)

LEGEND

| SYMBOL | DESCRIPTION |
|--------|--|
| | EXISTING TREE TO REMAIN |
| | EXISTING TREE TO BE REMOVED |
| | EXISTING TREE TO BE RELOCATED (SEE SHEET L-1 FOR RELOCATED LOCATION) |
| | EXISTING PALM TO BE REMOVED |



N KENDALL DRIVE (SW 80TH STREET)



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NOV 13 2009

| | | | | | |
|---|--|---|--|---|--|
| <p>Robinson and Oursora ADMINISTRATIVE</p> <p>2000 N.W. 10th Avenue, Suite 1110 Miami, FL 33136 Tel: (305) 584-2111 Fax: (305) 584-2112 http://www.robinsonandoursora.com</p> <p>Copyright © 2009</p> | <p>Consultant: ATC Architectural Technical Consulting, Inc. 2000 N.W. 10th Avenue, Suite 1110 Miami, FL 33136 Tel: (305) 584-2111 Fax: (305) 584-2112 http://www.atcinc.com</p> | <p>First Bank of Miami 300 N. Kendall Drive Miami, FL 33136</p> | <p>DATE: 11/11/09</p> <p>NO. DATE: 11/11/09</p> <p>REVISION:</p> | <p>OWNER: 300 N. Kendall Drive, Suite 1110, Miami, FL 33136</p> <p>PROJECT: 300 N. Kendall Drive, Suite 1110, Miami, FL 33136</p> <p>DATE: 11/11/09</p> <p>SHEET NO. 0000</p> | <p>APPROVED BY: [Signature]</p> <p>DATE: 11/11/09</p> <p>DESIGNED BY: [Signature]</p> <p>DATE: 11/11/09</p> <p>SCALE: AS SHOWN</p> <p>TITLE: TREE DISPOSITION PLAN/LIST</p> <p>L-1.1</p> |
|---|--|---|--|---|--|

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 209-040
 NOV 23 2009
 PLANNING DEPARTMENT
 MIMM-DADA PLAYING AND ZONING DEPT.

PROJ. NO. 09-00000000
 CONTRACT # 0 2108

CONTRACT NO. 09-00000000
 CONTRACT DATE 09/23/09

PREPARED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 11/23/09

9415 N. KENDALL DRIVE
 MIAMI, FL 33176-1803
First Bank of Miami

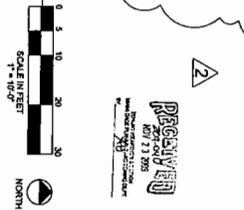
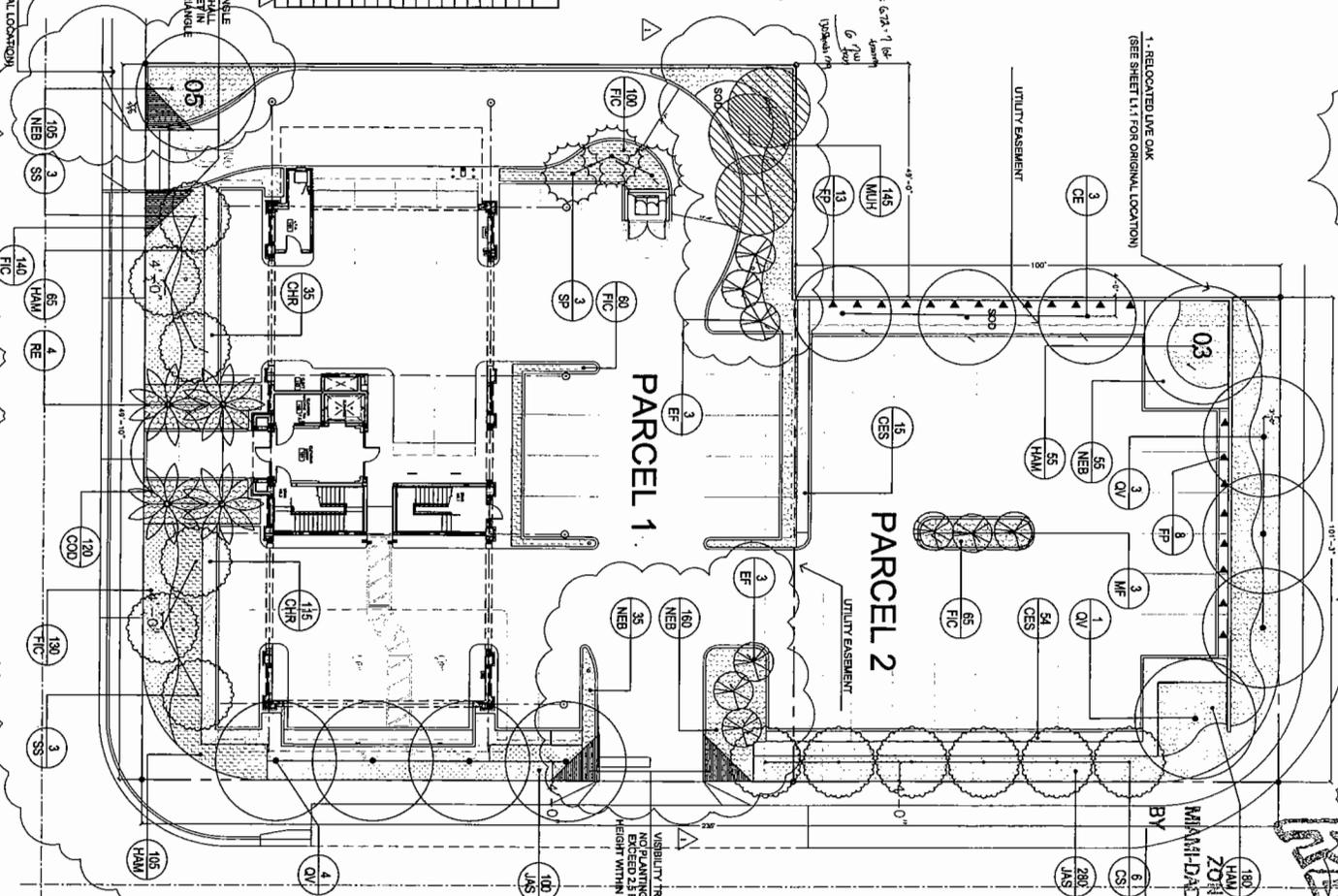
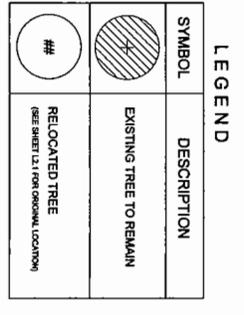
NO. DATE REVISION
 1 11/23/09 ZONING COMMENTS
 2 11/23/09 ZONING COMMENTS

LANDSCAPE PLANLIST

OWNER: JLC JARDINER BR. JC
 SCALE: 1" = 20'
 DATE: 11/23/09
 PROJECT NO.: 0909
 SHEET NO.: L 2.1

UNDESIRABLE LIST - PARCEL 1

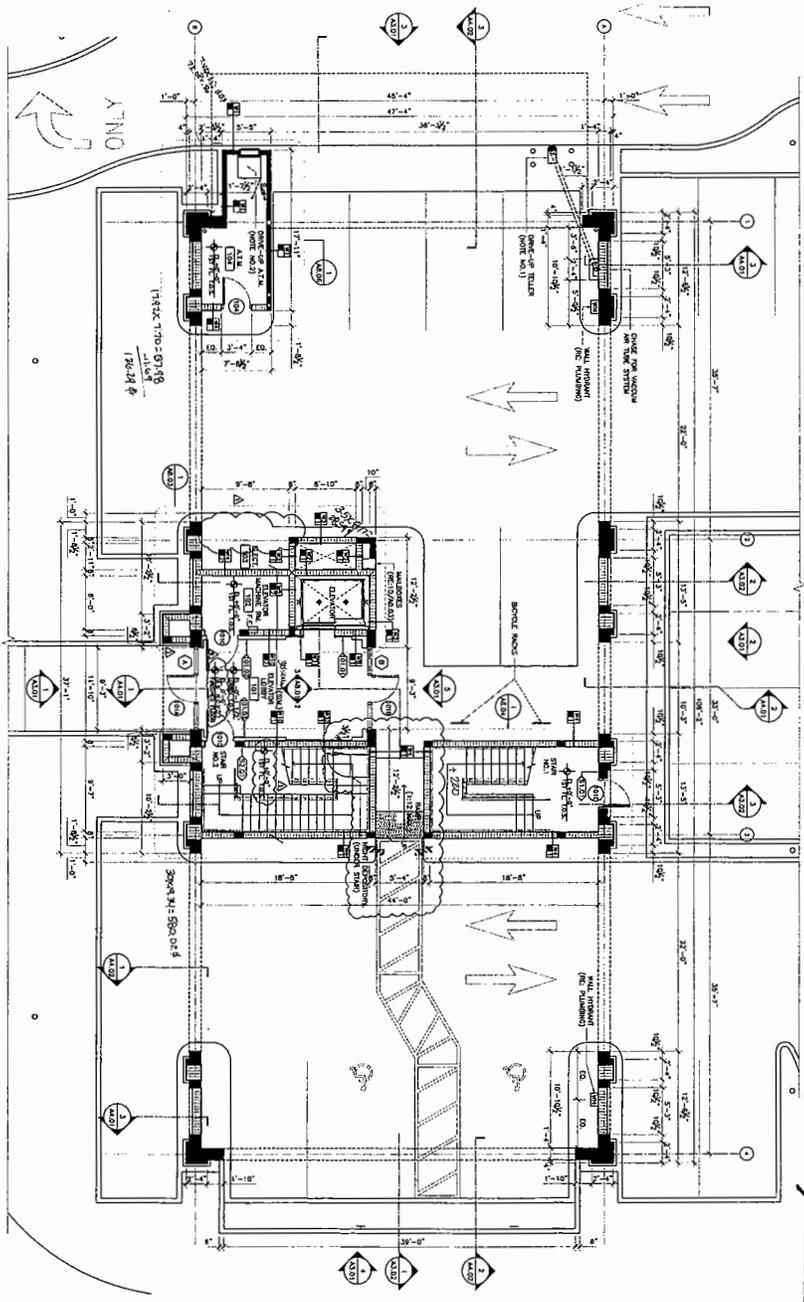
| Symbol | Quantity | Common Name | Botanical Name | Specification |
|--------|----------|--------------------|------------------------|----------------------|
| RE | 4 | Royal Palm | Roystonea regia | 12" O/W |
| CS | 6 | Yucca Gloriosa | Coccotheca stricta | 12" H x 8" W, 2' DBH |
| EF | 8 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| MF | 3 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| OV | 8 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| SS | 3 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| COO | 3 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| NEB | 300 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| FIC | 350 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| HAW | 400 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| LAS | 200 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| CHR | 150 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| CE | 54 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |
| OV | 150 | Small Star Jasmine | Wintersichia ligularis | 12" H x 8" W, 2' DBH |



1. RELOCATED LIVE OAK (SEE SHEET L1 FOR ORIGINAL LOCATION)

REGISTERED
 209-040
 NOV 23 2009

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



FIRST FLOOR PLAN
 SCALE 3/16" = 1'-0"
 NORTH

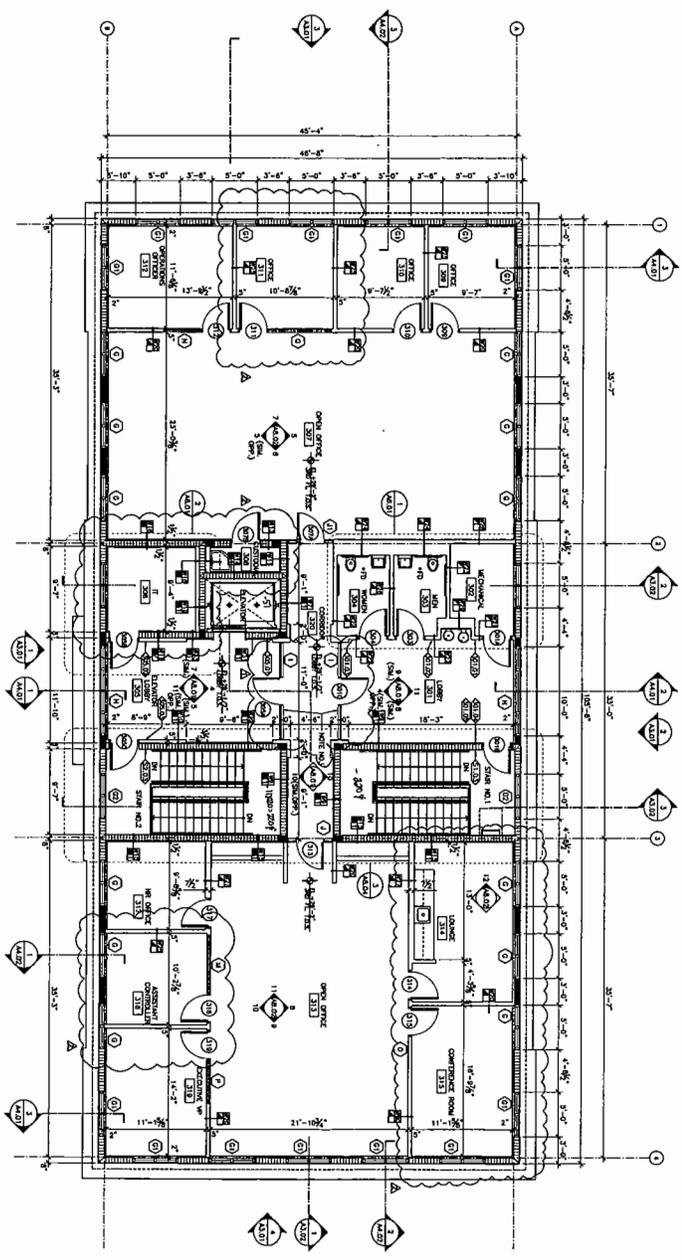
NOTES:
 1. DRIVE-UP TELLER AND MAIL ROOM ARE TO BE SELECTED BY OWNER AND TO BE CONFORMED BY CORRESPONDING ZONING MAP.
 2. CONFORMANCE WITH ALL APPLICABLE CODES AND REGULATIONS TO BE COMPLETED BY CONTRACTOR. ALL WORK TO BE COMPLETED BY CONTRACTOR. ALL WORK TO BE COMPLETED BY CONTRACTOR.

Q54903 FRK

| | | | |
|---|---|---|---|
| RODRIGUEZ AND QUIROGA ARCHITECTS 2100 North Bay Street Coral Gables, Florida 33134 Tel: (305) 444-2222 Fax: (305) 444-2223 www.rodriguezandquiroga.com Copyright © 2009 | | First Bank of Miami 3811 N. KENDALL DRIVE MIAMI, FL 33156-1803 | |
| DATE: _____ DRAWN BY: _____ CHECKED BY: _____ PROJECT NO.: _____ SHEET NO.: _____ | APPROVED BY: _____ DATE: _____ PROJECT NO.: _____ SHEET NO.: _____ | DATE: _____ DRAWN BY: _____ CHECKED BY: _____ PROJECT NO.: _____ SHEET NO.: _____ | APPROVED BY: _____ DATE: _____ PROJECT NO.: _____ SHEET NO.: _____ |

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY XXX

12



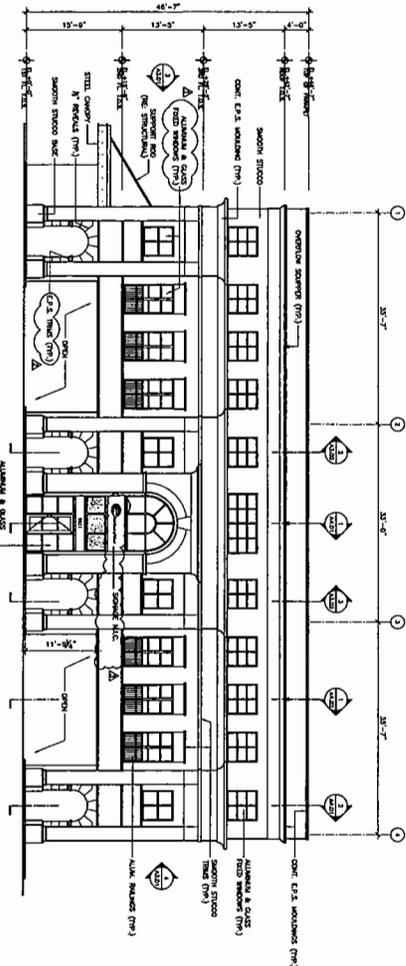
① THIRD FLOOR PLAN
SCALE 3/16" = 1'-0"
NORTH

NOTE:
1. DIMENSIONS "A" TO CORNER WITH AREA 01, SECTION 3A.1.A FOR REVISIONS

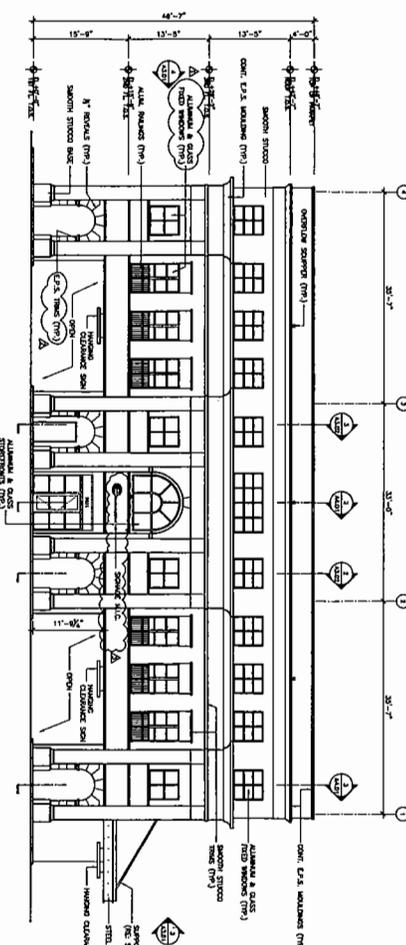
(grid)
105-51X 46x67 = 4824.15d
(center) - 440
440 15
51.50
4821.54 (FHE)



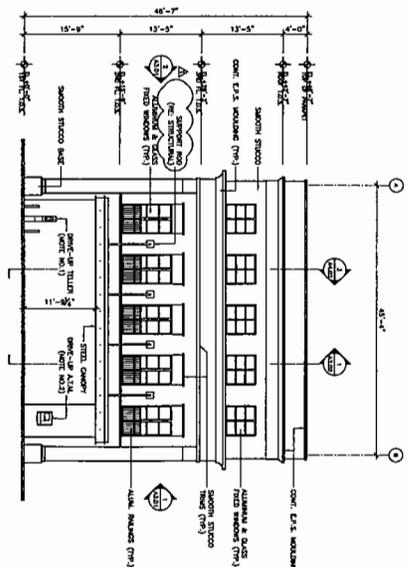
| | | | | |
|---|--|--|--|---|
| <p>Rodriguez and Orosco ARCHITECTS QUARTERS 1720 N. BIRDAWAY CORAL GABLES, FL 33134 Tel: (305) 442-8111 Fax: (305) 442-2111 www.rodrosco.com</p> <p>REGISTERED ARCHITECTS FLORIDA REGISTRATION NO. 10000 FLORIDA REGISTRATION NO. 10000 FLORIDA REGISTRATION NO. 10000</p> <p>Copyright © 2008</p> | | <p>NO. DATE REVISION 1 11/23/09</p> <p>△ PARTIAL FRONT SET REVISION ▽ PARTIAL OWNER REVISION</p> | <p>First Bank of Miami 981 N. BIRDAWAY DRIVE MIAMI, FL 33136-1809</p> | <p>OWNER: MIAMI-DADE COUNTY DESIGNER: RODRIGUEZ AND OROSCO DATE: 11/23/09 PROJECT NO.: 0809 SHEET NO.: A1.03</p> |
|---|--|--|--|---|



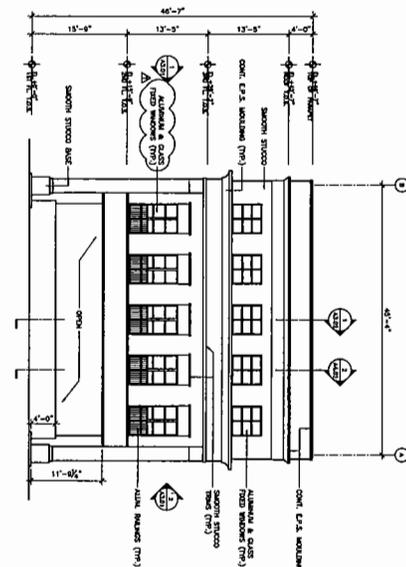
1.0 SOUTH ELEVATION
 SCALE 1/8" = 1'-0"



2.0 NORTH ELEVATION
 SCALE 1/8" = 1'-0"



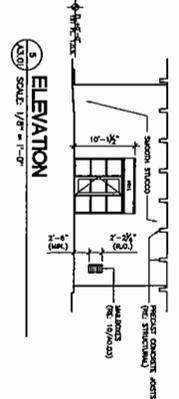
3.0 WEST ELEVATION
 SCALE 1/8" = 1'-0"



4.0 EAST ELEVATION
 SCALE 1/8" = 1'-0"

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 2009-040
 NOV 23 2009

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



5.0 ELEVATION
 SCALE 1/8" = 1'-0"

- NOTES:**
1. DIMENSIONS SHALL BE ACCORDING TO THE SYSTEM TO BE SELECTED BY OWNER AND SHALL BE SHOWN ON THE DRAWING.
 2. ALL DIMENSIONS SHALL BE SHOWN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE SHOWN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE SHOWN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS SHALL BE SHOWN TO THE CENTERLINE UNLESS OTHERWISE NOTED.

PREPARED BY:
 ARCHITECTURAL BOARD
 11/23/09 10:58 AM

PROJECT:
 301 N. KENDALL SQUARE
 MIAMI, FL 33109

DATE:
 11/23/09

SCALE:
 1/8" = 1'-0"

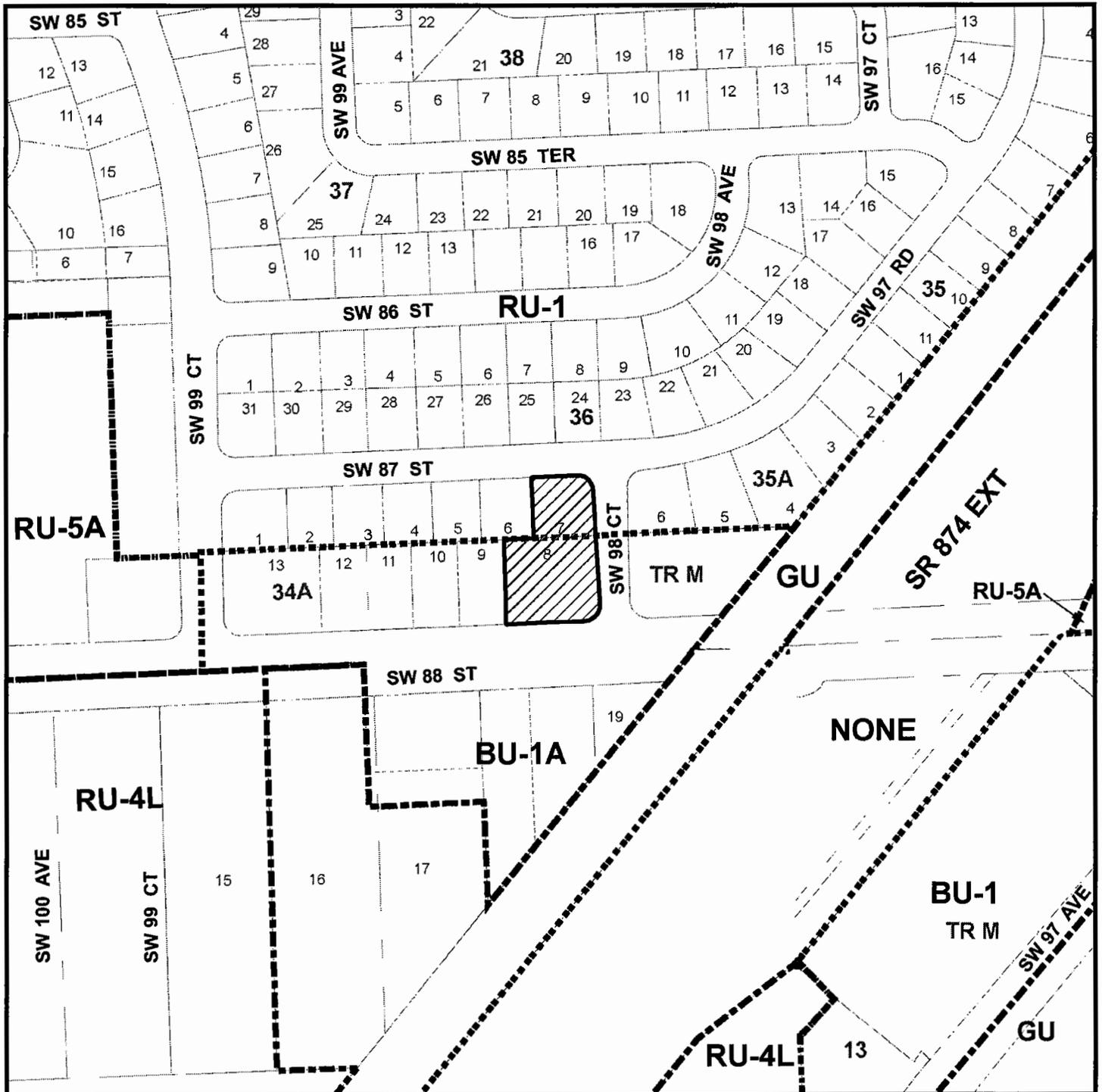
SHEET NO.:
 A3.01

BUILDING ELEVATIONS

22

RODRIGUEZ AND OMBROSA
 ARCHITECTS
 1000 N.W. 107th Ave.
 Suite 100
 Miami, FL 33177
 Tel: (305) 444-1111
 Fax: (305) 444-1112

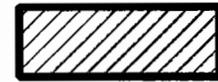
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**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-040

Section: 32 Township: 54 Range: 40
 Applicant: FIRST BANK OF MIAMI
 Zoning Board: C12
 Commission District: 07
 Drafter ID: STENNETT
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 03/26/09

| REVISION | DATE | BY |
|----------|------|----|
| 23 | | |



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-040

Section: 32 Township: 54 Range: 40
 Applicant: FIRST BANK OF MIAMI
 Zoning Board: C12
 Commission District: 07
 Drafter ID: STENNETT
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 03/26/09

| REVISION | DATE | BY |
|----------|------|----|
| | | |

2. PEDRO & GEMA BUSSE
(Applicant)

10-4-CZ12-2 (09-096)
Area 12/District 08
Hearing Date: 04/20/10

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

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> |
|--------------------|------------------------------------|----------------------------|---------------------|------------------------|
| 1955 | Sunrise Estates, Inc. | - Special lake excavation. | BCC | Approved |
| 1959 | Directors Metropolitan Dade County | - Zone change to EU-M: | BCC | Approved |
| 1960 | Michael Zorovich | - Special lake excavation. | BCC | Approved |
| 1998 | Pedro Busse | - Administrative Variance. | ADM | 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 DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL NO. 12**

APPLICANTS: Pedro and Gema Busse

PH: Z09-96 (10-4-CZ12-2)

SECTION: 10-55-40

DATE: April 20, 2010

COMMISSION DISTRICT: 8

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUEST:**

Applicants are requesting to permit a chickee hut setback 8.05' (20' required) from the interior side (east) property lines and to permit said existing open sided structure encroaching waterward beyond top of the lake slope (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan and Elevation Plan," as prepared by Omelio Arrabal, A.I.A., dated stamped received 10/20/09, and the elevation profile as prepared by James Beadman and Associates, Inc., dated stamped received 1/20/10. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

The applicants seek to permit an existing chickee hut to encroach into the interior side (east) setback area and to permit said structure to encroach waterward from top the top of the lake slope.

o **LOCATION:**

8510 S.W. 104 Street, Miami-Dade County, Florida.

o **SIZE:** 0.31 Acre

B. ZONING HEARINGS HISTORY:

In 1998, the subject site was granted approval to permit a utility shed not larger than 100 square feet setback 2.5' from the interior side (east) property line and spaced 5' from the principal residence, pursuant to Administrative Variance No. V97000259.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-M; single-family residences

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-M; lake

Estate Density Residential, 1 to 2.5 dua

EAST: EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

The subject parcel is located at 8510 S.W. 104 Street. The surrounding area is characterized by single-family residences. A lake is located immediately to the south of the residential development.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

Acceptable

Access:

Acceptable

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.

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

G. NEIGHBORHOOD SERVICES:

| | |
|--------------|---------------------|
| DERM | No objection |
| Public Works | No objection |
| Parks | No objection |
| MDTA | No objection |
| Fire Rescue | No objection |
| Police | No objection |
| Schools | No comment |

H. ANALYSIS:

The subject lakefront property is located at 8510 S.W. 104 Street within an EU-M zoned single-family residential development. Approval of this application would allow the applicants the maintenance and continued use of an existing chickee hut encroaching into the interior side (east) setback area and extending waterward from the top of the lake slope. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use, which permits a minimum of 1 to a maximum of 2.5 units per acre. This application will not generate additional dwelling units on the subject site; therefore, the existing single-family residence and accessory structure are **consistent** with the LUP map's Estate Density Residential designation of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works** and **Miami-Dade Fire Rescue (MDFR) Departments** also have **no objections** to this application. The MDFR memorandum indicates that the estimated average travel response time is **5:28** minutes.

When the request is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the request would not be detrimental to the community. The applicant's submitted plan depicts an existing rectangular shaped chickee hut with a 11.95' encroachment into the interior side (east) setback area oriented along a north-south axis and extending waterward from the top of the lake slope. Staff opines that the approval of the request will not be visually intrusive to the adjacent residence to the east of the site since the submitted plans depict existing mature trees and shrubs along the interior side (east) property line. Moreover, staff opines that the encroachment of the existing chickee hut waterward from the top of the lake slope will not have a negative visual impact on the residences located to the south of the site since said structure is buffered by the existing 350' wide lake. However, staff will recommend as a condition for the approval of these requests that the applicants maintain the existing trees and shrubs indicated in the submitted photographs, along the interior side (east) property line. Based on the aforementioned, staff opines that approval of the request is **compatible** with the surrounding area and recommends approval with conditions of the request under the Non-Use Variance Standards.

I. RECOMMENDATION:

Approval with conditions.

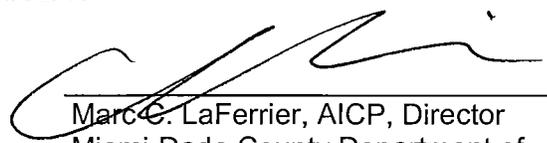
J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning 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 "Site Plan and Elevation Plan," as prepared by Omelio Arrabal, A.I.A., dated stamped received 10/20/09, and the elevation profile as prepared by James Beadman and Associates, Inc., dated stamped received 1/20/10.
3. That the applicants submit to the Department of Planning Zoning 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 the issuance of a Certificate of Use for the expansion.
4. That the use be established and maintained in accordance with the approved plan.
5. That the applicants maintain the mature trees and shrubs along the interior side (east) property line.
6. That the applicants shall cure all enforcement reported violations of Miami-Dade County following the expiration of the appeal period within the deadlines given below unless a time extension is granted by the Director for good cause:

| | |
|-------------------------------------|---|
| Zoning certificate of use violation | 30 days |
| Zoning Improvement Permit violation | 45 days |
| Building permit violation | 90 days to obtain a permit and 90 days to correct the violation |

In addition, the applicants shall pay any outstanding enforcement penalties in full or enter into a settlement and payment plan, in accordance with the appropriate Departments' procedure within 30 days of the zoning hearing approval shown.

DATE TYPED: 02/25/10
DATE REVISED: 02/26/10; 03/16/10; 04/02/10
DATE FINALIZED: 04/02/10
MCL:GR:NN:JV:CH:NC:



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

N/DW
GR

5

Memorandum



Date: August 7, 2009
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 fluid and cursive, written over the printed name in the "From:" field.

Subject: C-12 #Z2009000096
Pedro and Gema Busse
8510 S.W. 104 Street
To Permit an Accessory Use Structure Setback Less than Required from
Property Lines
(NA) (.31 Acres)
10-55-40

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

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

Concurrency Review Summary

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

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

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

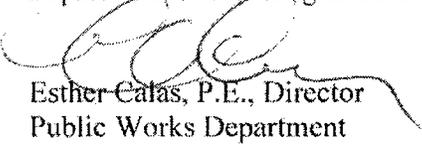
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

From:  Esther Calas, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: 30-JUL-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000096

Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

Service Impact/Demand

Development for the above Z2009000096
located at 8510 S.W. 104 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1895 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: 5:28 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75, Ladder

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.

TEAM METRO

ENFORCEMENT HISTORY

PEDRO & GEMA BUSSE

8510 S.W. 104 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000096

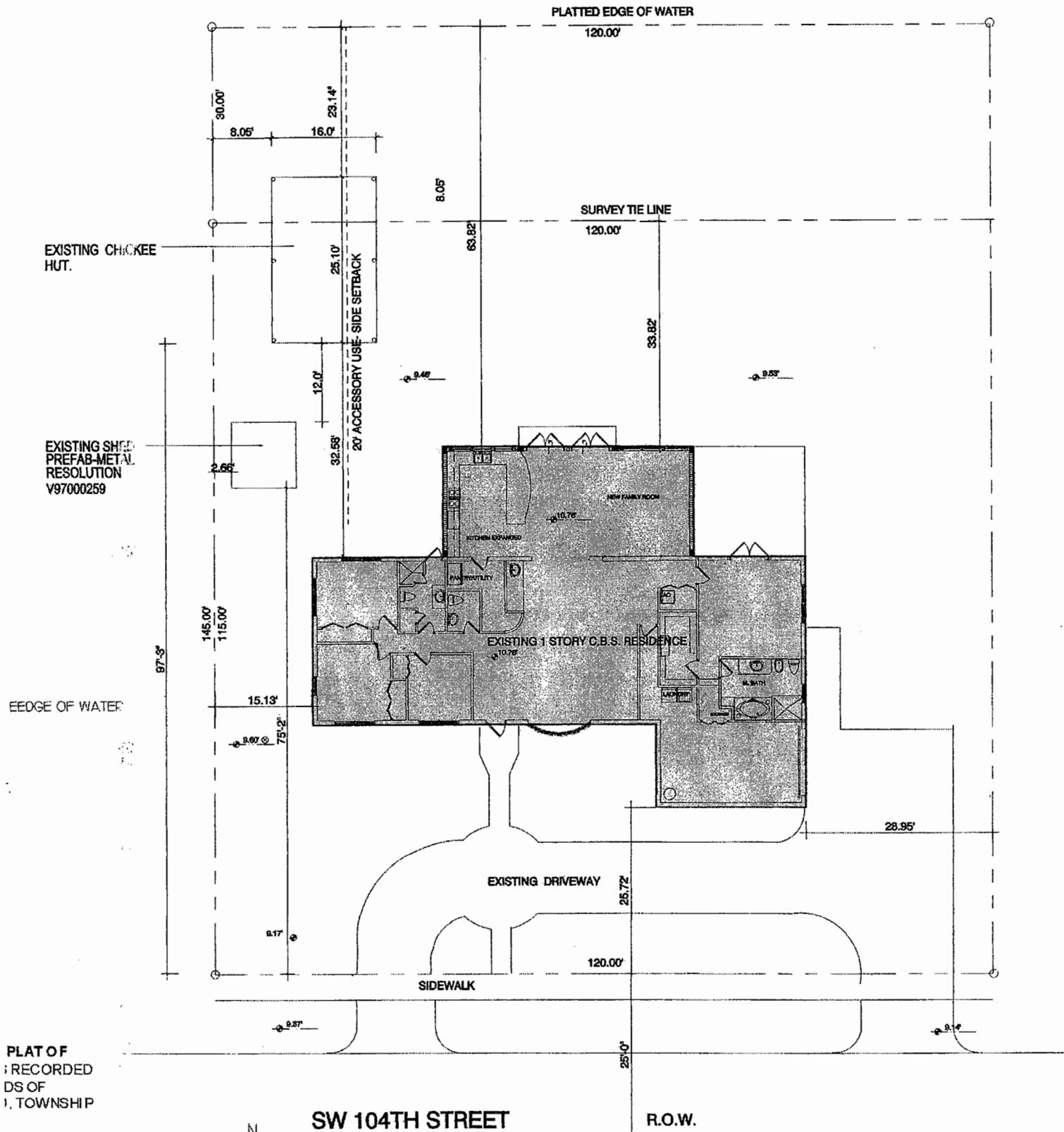
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

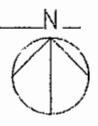
200902009394 CLOSED ENF HISTORY.

200902006398 OPEN ISSUED MANUAL WARNING # W11676 (FAILURE TO OBTAIN ZONING PERMIT. (ILLEGALLY BUILDING A CHICKEE HUT WITHOUT A PROPER ZIP PERMIT.

TIMOTHY MCCRINK



PLAT OF
RECORDED
DEEDS OF
TOWNSHIP



SW 104TH STREET
SITE PLAN 1/8" - 1'-0"
REFER TO SURVEY PROVIDED FOR LEGAL DESCRIPTION

ENLARGE SITE PLAN

SITE INFORMATION:

ZONING: E-3M
 LOT SIZE: 65' X 120' = 13800 SQ. FT.
 MAX LOT COVERAGE: 30% (296 SQ. FT.)
 EXISTING: 2934 SQ. FT. (21%)

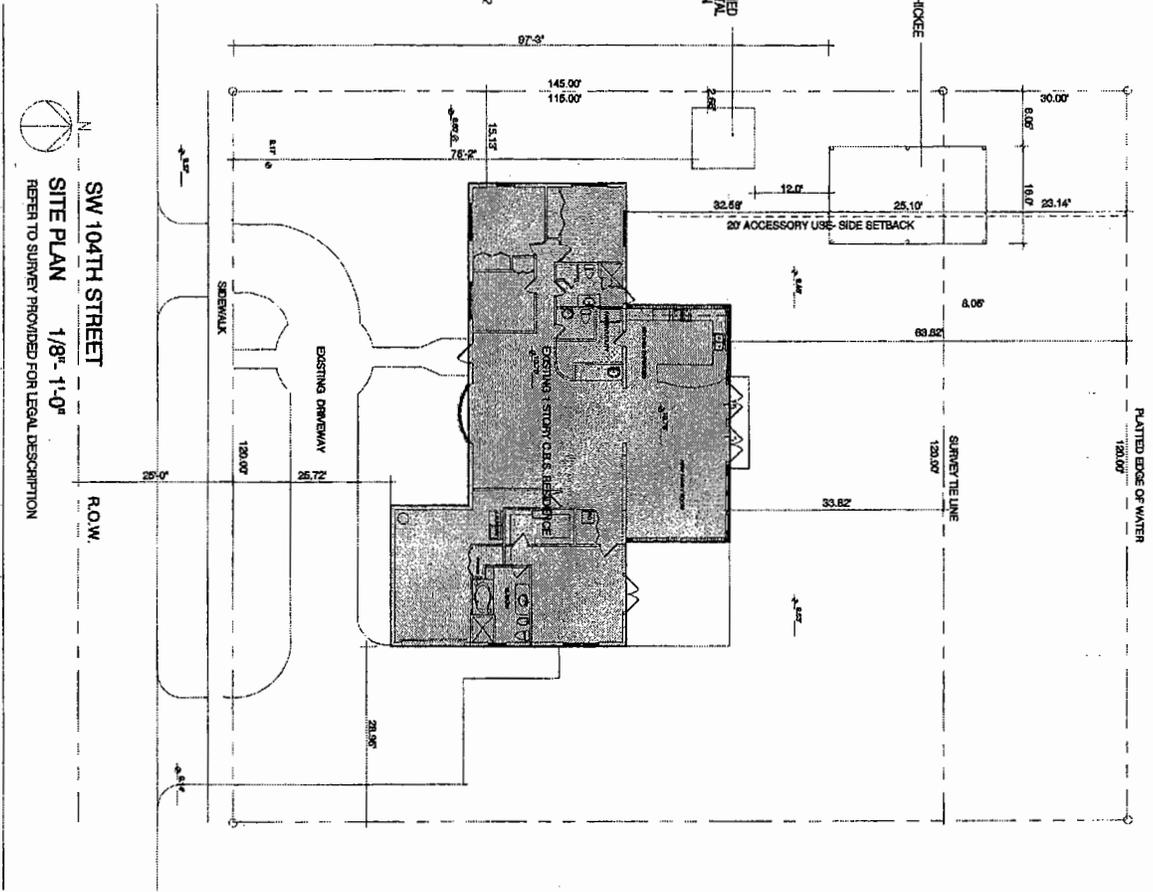
EXISTING BUILDING SETBACKS: REQUIRED PROVIDED

* FRONT YARD SETBACK: 25' REQUIRED 25.72' PROVIDED
 * REAR YARD SETBACK: 15' REQUIRED 15.12' PROVIDED
 * SIDE YARD SETBACK: 5' REQUIRED 5'-1" PROVIDED
 * MAX. HEIGHT: 35' REQUIRED 35' PROVIDED
 * FLOOD ZONE: AE

ACCESSORY USE - CHICKEE HUT: REQUIRED PROVIDED

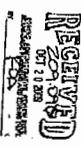
SETBACKS: REQUIRED PROVIDED

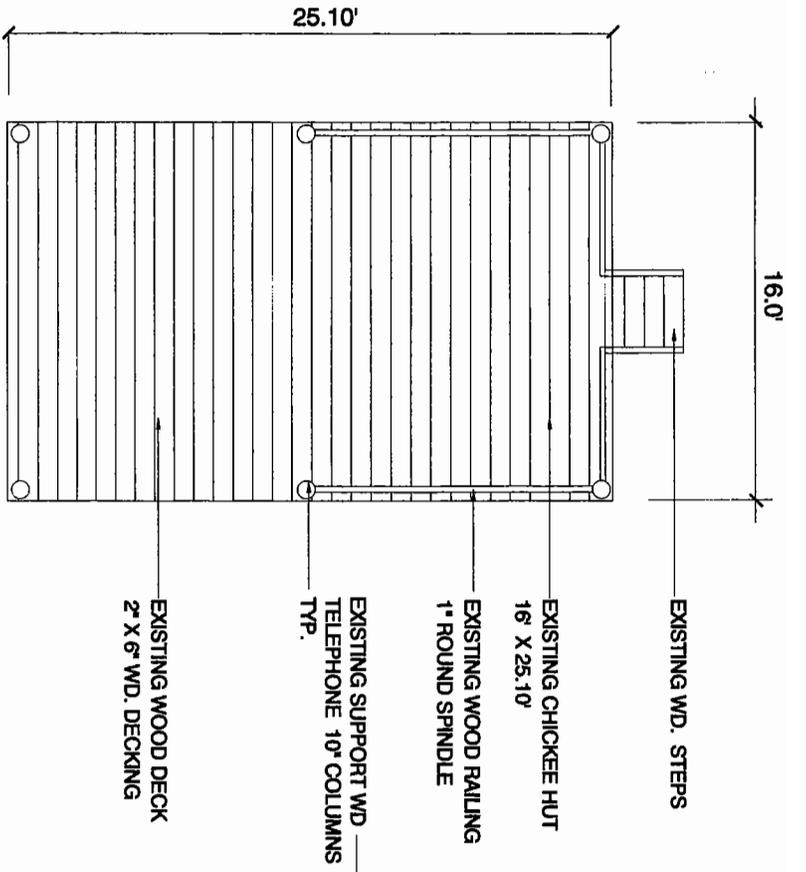
LEGAL DESCRIPTION: LOT 7 OF THE PLAT OF "CORRECTED AND AMENDED PLAT OF GALLOWAY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77 AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. FOLIO 30-5018-025-0070. ADDRESS: 6510 SW 104TH STREET, MIAMI, FLORIDA, 33156-3558



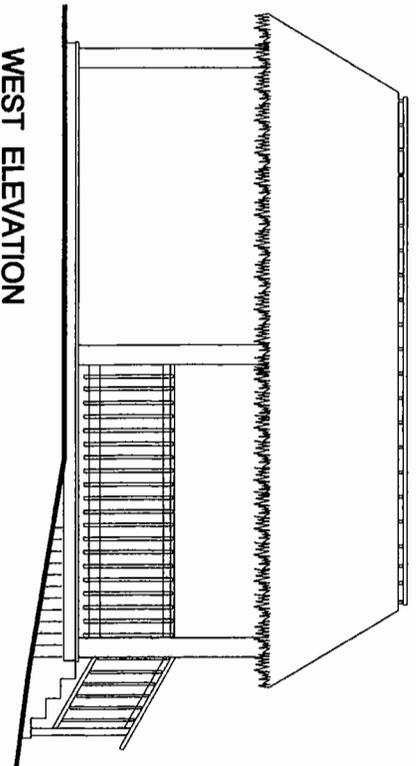
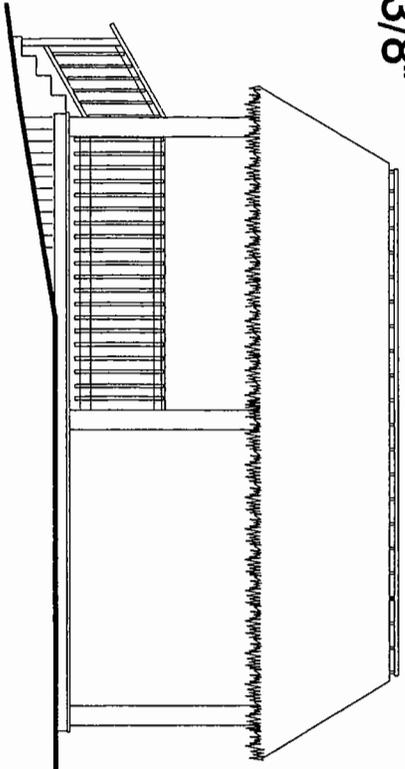
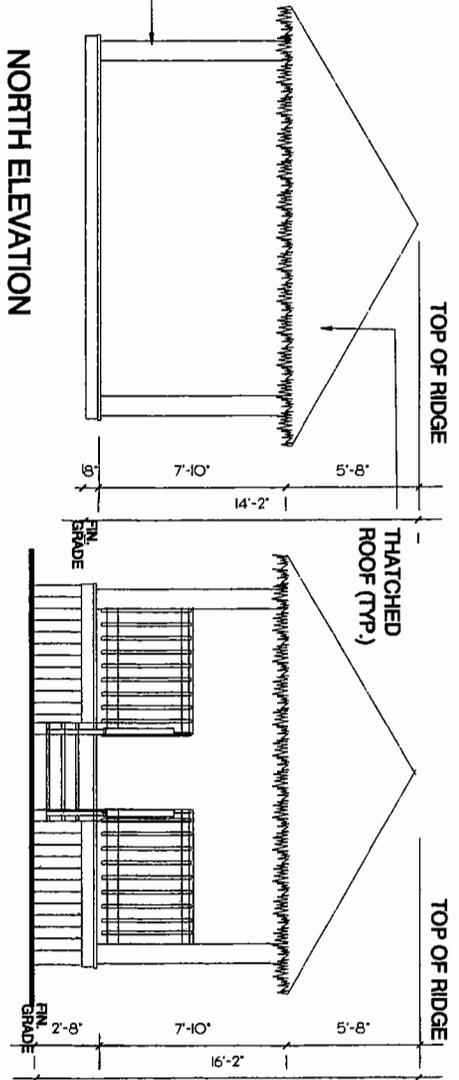
OMELIO ARRABAL AIA
 ARCHITECT
 BUSSE RESIDENCE - CHICKEE HUT
 8510 SW 104TH STREET
 4900 SW 74TH COURT MIAMI, FL 33155 • (305) 663-1662

SCALE
 SHEET
 A-1
 OF





PLAN 3/8"



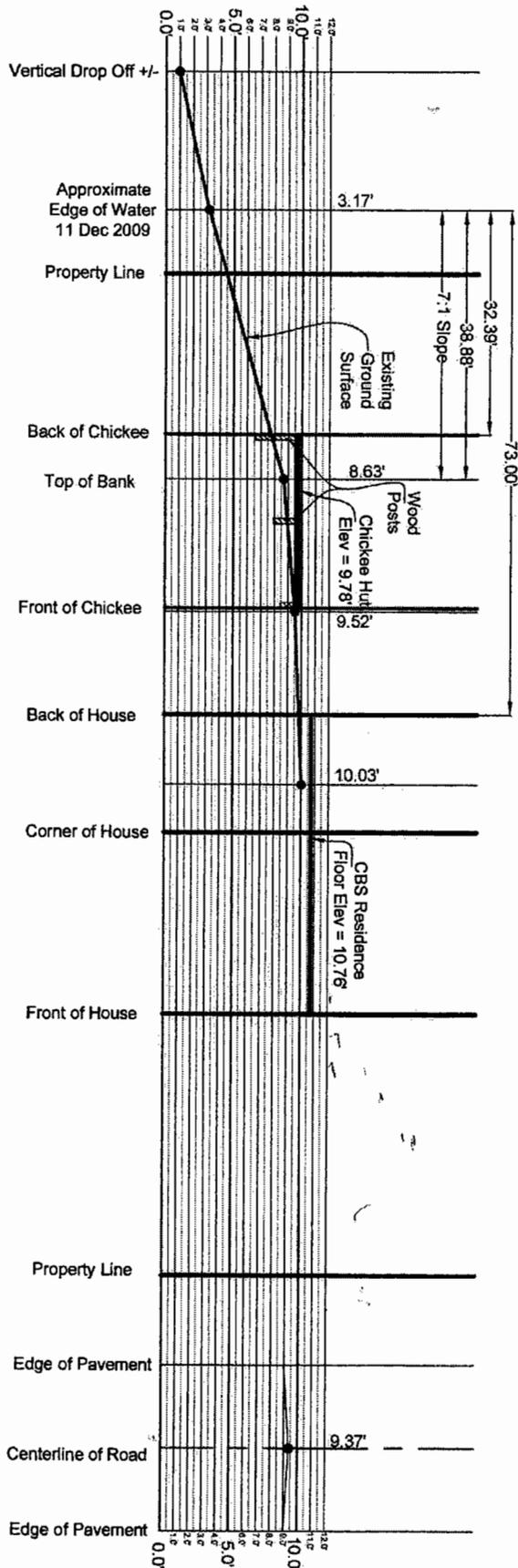
PLAN / ELEVATIONS

3/8"

SKETCH OF SURVEY



13



LAKE APPROVAL
 THE LAKE SHOWN HEREON WAS CREATED BY THE PLAT OF "CORRECTED AND AMENDED PLAT OF GALLOWAY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77 AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, FOLIO 30-5010-026-0070; PER RESOLUTION NO. 933 ON 17 DECEMBER 1963.

LEGAL DESCRIPTION

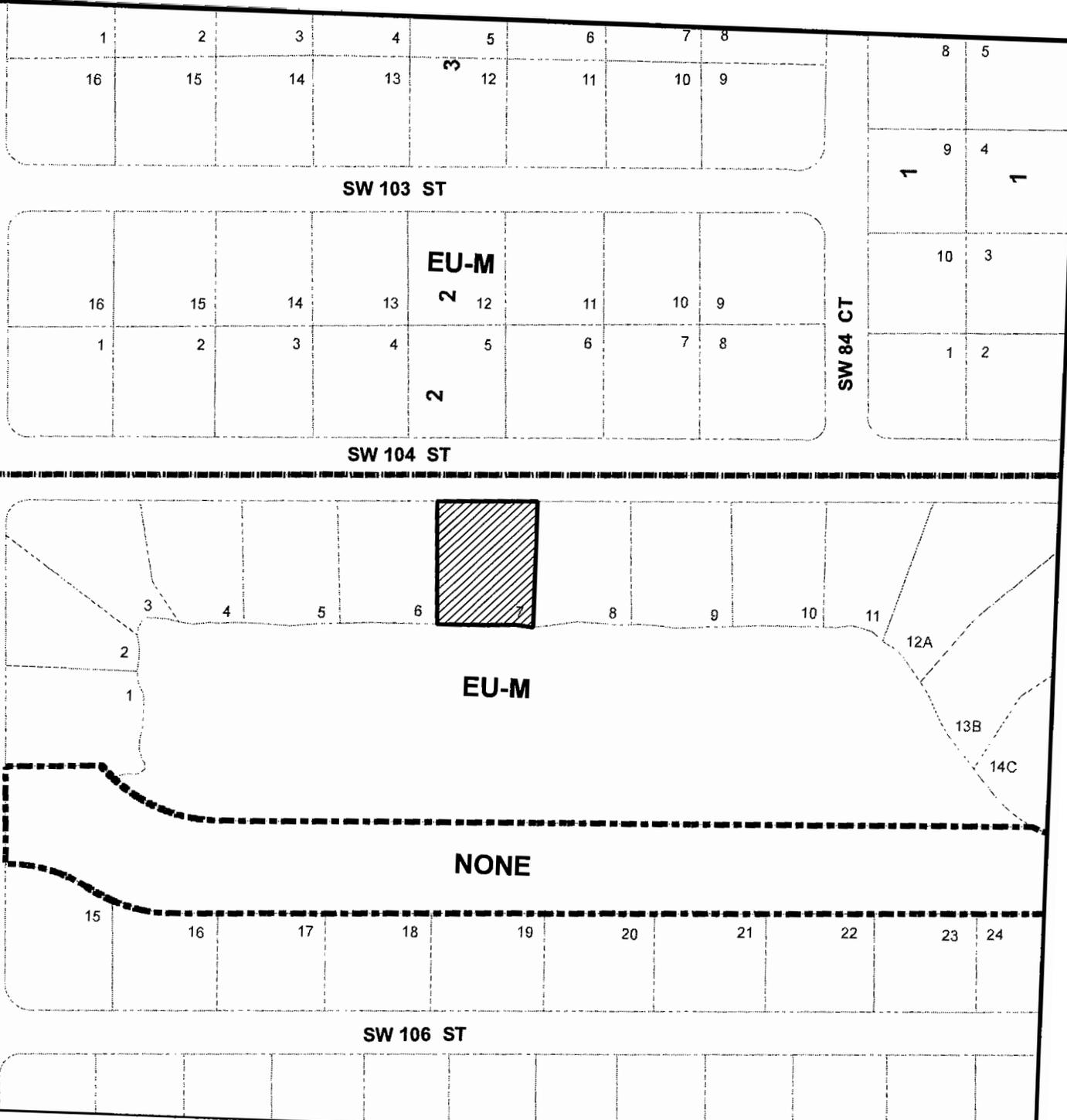
LOT 7 OF THE PLAT OF "CORRECTED AND AMENDED PLAT OF GALLOWAY", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77 AT PAGE 35 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, FOLIO 30-5010-026-0070; ADDRESS: 8510 SW 104th STREET, MIAMI, FLORIDA 33156-3558

RECEIVED
 2009.09.16
 JAN 7 2 2010
 MARIANNE L. BEADMAN
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 F.S. AND CHAPTER 61 G 17-6 F.A.C.

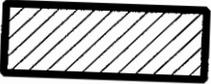
JAMES E. BEADMAN P.L.S. NO. 2987



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-096

Section: 10 Township: 55 Range: 40
 Applicant: PEDRO & GEMA BUSSE
 Zoning Board: C12
 Commission District: 08
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning


SUBJECT PROPERTY



SKETCH CREATED ON: 08/05/09

| REVISION | DATE | BY |
|----------|------|----|
| | | 14 |



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 10 Township: 55 Range: 40

Applicant: PEDRO & GEMA BUSSE

Zoning Board: C12

Commission District: 08

Drafter ID: ALFREDO

Scale: NTS

----- Zoning

Process Number

09-096



SUBJECT PROPERTY



SKETCH CREATED ON: 08/05/09

| REVISION | DATE | BY |
|----------|------|----|
| | | |

3. T-MOBILE SOUTH LLC & McDONALD'S USA LLC
(Applicant)

10-4-CZ12-3 (09-103)
Area 12/District 07
Hearing Date: 04/20/10

Property Owner (if different from applicant) **FRANCHISE REALTY INTERSTATE CORP.**

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

If so, who are the interested parties? **T-MOBILE SOUTH 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> |
|--------------------|-------------------------|---|---------------------|------------------------|
| 1962 | Central Bank & Trust | - Zone change from AU-1 to BU-1A. | BCC | Approved w/conds. |
| 1962 | Central Bank & Trust | - Zone change from AU-1 to BU-1A. | BCC | Denied |
| 1973 | Planning & Zoning | - Zone change from BU-1A to RU-3M. | BCC | Denied |
| 1974 | I E Brenner | - Unusual Use parking. - Non-Use Variance of setbacks. | BCC | Approved w/conds. |
| 1988 | McDonald's Corp. | - Use Variance drive thru as in BU-1A. | ZAB | Approved w/conds. |

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANTS: T-Mobile South, LLC and McDonald's

PH: Z09-103 (10-4-CZ12-3)

SECTION: 28-54-40

DATE: April 20, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 3

A. INTRODUCTION

o **REQUESTS:**

- (1) UNUSUAL USE to permit a 100' high camouflaged wireless supported service facility designed as flagpole and ancillary equipment.
- (2) MODIFICATION of Condition #2 of Resolution No. 4ZAB-193-88, passed and adopted by the Zoning Appeals Board, 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 'McDonald's Regional Dwg. No: FLFR-143,' as prepared by Design Kollaborative Architects/Planners, Inc., dated 2-24-87 and received by the Zoning Hearing Section on March 31, 1988."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'MD1329C McDonalds 72nd Street,' as prepared by MACTEC Engineer & Consulting, Inc., dated stamped received 11/18/09 and consisting of 6 sheets."

The purpose of the request is to permit the applicants to submit new plans indicating a new camouflaged wireless supported service facility designed as a 100' high flag pole and ancillary equipment in conjunction with a previously approved drive-thru restaurant.

- (3) Applicants are requesting to permit the wireless supported facility setback 7' (111.11' required) from the interior side (west) property line.

o **SUMMARY OF REQUESTS:**

The requests will allow the applicants to submit revised plans for a previously approved restaurant showing a new wireless facility with a 100' high monopole disguised as a flagpole which encroaches into the interior side (west) setback area.

- o **LOCATION:** 9681 S.W. 72 Street, Miami-Dade County, Florida.

- o **SIZE:** 1.365 Acres

B. ZONING HEARINGS HISTORY:

In 1962, pursuant to Resolution #Z-335-62, the northern 125' of the subject property was rezoned from AU, Agricultural District, to RU-1, Single-Family Residential District and the southern half of the tract of which the subject property was a part of, was rezoned to BU-1A, Limited Business District. Subsequently, in July 1973, the southern portion of the subject property was rezoned from BU-1A to BU-1, Neighborhood Business District, pursuant to Resolution #Z-218-73. The subject property was later approved in 1974 to allow non-commercial parking on the RU-1 portion of the parcel and to allow the restaurant building to setback 5' (20' required) from the RU-1 district, pursuant to Resolution #Z-247-74. Finally, in 1988, pursuant to Resolution #4-ZAB-193-88, the subject property was approved for a Use Variance and Special Exception to permit the maintenance and continued use of a drive-in window in a restaurant and to permit the expansion of same in the BU-1 zone as would be permitted in the BU-1A zone. Pursuant to said Resolution, condition #2, tied the development of the subject property to a plan.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the southern 229' of the subject property for **Business & Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities 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 to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

The Adopted 2015 and 2025 Land Use Plan designates the remaining approximately 50' of the northern portion of the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Public Facilities. Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, **cell antenna**, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or **Business and Office** areas.

Uses and Zoning Not Specifically Depicted. Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing 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 commercial 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:

BU-1 & RU-1; restaurant

Business and office
 Low Medium Density Residential, 6 to 13 dua

Surrounding Properties:

NORTH: RU-1; office building

Low Medium Density Residential, 6 to 13 dua

EAST: RU-1; single-family residence
 BU-1A; shopping center

Low Medium Density Residential, 6 to 13 dua
 Business and office

SOUTH: BU-1A; shopping center

Business and office

WEST: BU-1A; gas station, office
 OPD; offices

Business and office

The subject site is located at 9681 SW 72 Street. Offices and commercial and retail uses are the predominant uses surrounding the subject property.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

| | |
|------------------------------|---------------------|
| Compatibility: | Unacceptable |
| Landscape Treatment: | N/A |
| Open Space: | N/A |
| Buffering: | Unacceptable |
| Access: | Acceptable |
| Parking Layout/Circulation: | Acceptable |
| Visibility/Visual Screening: | Acceptable |

F. PERTINENT REQUIREMENTS/STANDARDS:

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

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify** or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject 1.365-acre parcel of land is located at 9681 SW 72 Street and is developed with a drive-thru restaurant surrounded primarily by offices, other commercial and retail uses and some single-family residences to the northeast. The existing drive-thru restaurant and non-commercial parking areas were approved through the zoning hearings process, pursuant to Resolution #Z-247-74, in 1974 and pursuant to Resolution #4-ZAB-193-88, in 1988. The southern 229' of the subject parcel on which the existing restaurant is located, is designated **Business and Office** and the remaining northern, approximately 50' of the property, is designated **Low-Density Residential** on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). However, the interpretative text of the CDMP states that all such existing 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." Additionally, the interpretative text also states that small scale institutional uses or facilities such as cell towers are permitted on compatible sites in Residential Communities subject to adequate design and buffering or if designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or **Business and Office** areas. As such, the existing drive-thru restaurant and the proposed monopole wireless facility designed as a flagpole are **consistent** with the LUP map and the interpretative text of the CDMP. However, staff opines that the location of the proposed monopole wireless facility, 7' (111.11' required) from the interior side (west) property line, is overly intensive and will have a negative visual impact on the abutting property located to the west. As such, staff opines that the applicant's requests to submit revised plans for a previously approved restaurant showing a new wireless facility with a 100' high monopole disguised as a flagpole which encroaches into the interior side (west) setback area, is **incompatible** with the area and should be denied without prejudice.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and indicates that this application does not generate any additional daily peak hour vehicle trips. Additionally, the **Miami-Dade Fire and Rescue Department (MDFRD)** has **no objections** and has indicated that the estimated average travel time to this location is **6:23** minutes.

When request #1, to permit a camouflaged wireless supported service facility designed as a 100' high flagpole and ancillary equipment is analyzed under Section 33-311(A)(3) (Special

Exceptions, Unusual Uses and New Uses), and request #2, to modify Condition #2 of Resolution 4ZAB-193-88, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of the requests would be **incompatible** with the surrounding area, when considering the necessity for and reasonableness of such applied for use and modification in relation to the present development of the area. Staff notes that based on memoranda from DERM, the Public Works Department and MDFRD, approval of the requests would not generate or result in excessive noise or traffic or cause undue or excessive burden on public facilities. Additionally, staff notes that the wireless facility designed as a 100' high flagpole, although substantially taller than the two-story office development to the north and residences located to the northeast, is located more than 135' from the nearest buildings on these adjoining properties and will not likely have a negative visual impact on them. However, although the proposed flagpole mounted facility is located at substantially more than the required distance from the RU-1 zoned properties to the north and to the northeast, the proposed structure will only be setback 7' from the interior side (west) property line of the flag-shaped subject property. Staff notes that the abutting property to the west that will be most negatively impacted by the aforementioned encroachment is zoned BU-1A and currently houses a gas station. Although staff recognizes that this is a commercially zoned and developed property as opposed to residential, staff opines that approval of a 100' tall wireless facility with an encroachment as intensive as requested in this application will result in a negative visual impact on an abutting property under different ownership. Further, when considering the necessity for and reasonableness of such applied for use in relation to the compatibility of the applied for use in with the surrounding area, Section 33-311(A)(3) of the Code requires that the applicant provide staff with the necessary information that would demonstrate that the proposed facility will cure signal interference problems, or that there is a lack of wireless service coverage or capacity in the area intended to be served by the proposed facility. At the time of this writing, staff has not received any of this information. Staff, therefore, opines that approval of the applicant's request for an unusual use to permit a camouflaged wireless supported service facility designed as flagpole and ancillary equipment (request #1) and to permit the applicant to submit revised plans indicating the aforementioned facility in conjunction with the previously approved drive-thru restaurant (request #2), is **incompatible** with the surrounding commercial and office developments and as such should be denied without prejudice under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses) and under Section 33-311(A)(7) Generalized Modification Standards).

For the reasons set forth above, when request #3, to permit the 100' high monopole (flagpole) setback 7' (111.11' required) from the interior side (west) property line, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff recommends denial of the applicant's request to locate the 100' high monopole (flagpole) wireless facility setback 7' from a property under different ownership. Staff is of the opinion that approval of this request would be **incompatible** with the area and would not maintain 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. Based on the aforementioned, staff recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b), NUV Standards.

I. **RECOMMENDATION:**

Denial without prejudice.

J. CONDITIONS: None.

DATE TYPED: 03/16/10
DATE REVISED: 03/17/10, 03/18/10, 04/06/10, 04/12/10
DATE FINALIZED: 04/12/10
MCL:GR:NN:AA:CH

GMR
NDN


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

Memorandum



Date: January 8, 2010
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".

Subject: C-12 #Z2009000103-1st Revision
T-Mobile South, LLC
9681 S.W. 72nd Street
Unusual Use to Permit a Stealth Flagpole Telecommunications Facility
and Accompanying Variances, and Modification of a Site Plan Previously
Approved by Resolution
(RU-1) (1.365 Acres)
28-54-40

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

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area of the Alexander Orr Wellfield. The site is situated within the 210 days travel time contour of the said Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

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, DERM may approve the application and it may be scheduled for public hearing.

Stormwater Management

Site grading and development plans shall comply with the requirements of Section 11C of the Code, 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

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

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

Tree Preservation

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

Enforcement History

DERM has found one (1) closed enforcement record for the subject property.

The following is a summary of the enforcement case:

McDonalds Corporation (WWC-313):

On August 23, 2007 DERM issued a Notice Of Violation and Orders for Corrective Action (NOV) to the subject facility for untreated human waste being discharged to open ground and for failure of the facility to be connected to the public sanitary sewer system as required by the Code. The NOV required connection to the abutting sanitary sewer system within 90 days. DERM subsequently sent a letter to responsible parties on February 19, 2009 stating the Miami-Dade County Water and Sewer Department had notified DERM that the sewer lines abutting the subject property were not available for connection at that time to serve the subject property. Therefore, there was no further requirement for sewer connection and the NOV was closed. Additionally, the letter stated that the sanitary nuisance condition at the subject site was corrected.

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, Interim Manager at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: T-MOBLIE SOUTH LLC/MCDONALD'S

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

21-SEP-09

Memorandum



Date: 29-JUL-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000103

Fire Prevention Unit:

APPROVAL:
- No objection to the site plan that is date stamped July 7, 2009.

Service Impact/Demand

Development for the above Z2009000103
located at 9681 S.W. 72 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1711 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: 6:23 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 13 - East Kendall - 6000 SW 87 Avenue
BLS 75' Ladder, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 30-MAR-10

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

T-MOBLIE SOUTH LLC AND
MCDONALD'S USA LLC

9681 S.W. 72 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000103

HEARING NUMBER

HISTORY:

Open Cases:

Neighborhood Compliance

None

Building

None

Previous Cases:

Neighborhood Compliance

CMS# 200503002421 ¿Complaint in April 2005 for Parking Premises violations. Not in violation.

CMS# 200703009685 ¿Complaint in September 2007 for Selling Fruit without permit (peddlers).
Not in violation.

Building

A2000002778 ¿Complaint in April 2000 for Expired Permit. Not in violation.

FRANCHISE REALTY INTERSTATE

CORP
% MCDONALDS #03383

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

N/A

REPORTER NAME:

N/A

RECEIVED
209-103
AUG 13 2009

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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].

F.E

McDonald's USA, LLC

CORPORATION NAME: ~~Franchise Realty Interstate Corp McDonalds~~

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|---|----------------------------|
| McDonald's USA, LLC is owned by McDonald's Corporation, which is a publicly held company | |
| | |
| | |
| | |

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> |
|-------------------------|--------------------------------|
| | |
| | |
| | |
| | |

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.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

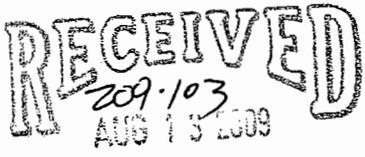
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: Bruce H. Hoffman Senior Counsel
(Applicant)

Sworn to and subscribed before me this 22nd day of June, 2009. Affiant is personally know to me or has produced _____ as identification.

Laura Jo Marzec
(Notary Public)



My commission expires: 12/10/09

Seal

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

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: T-Mobile

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|---------------------------|----------------------------|
| Publically traded company | |
| | |
| | |
| | |

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> |
|-------------------------|--------------------------------|
| | |
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND 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 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.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

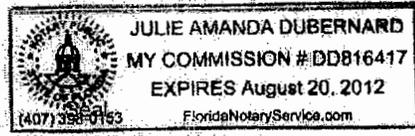
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 17 day of June 2009. Affiant is personally known to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)



My commission expires: 8/20/2012

*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 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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3100 SW 15th Street
Fort Lauderdale, FL 33304

MACTEC
MUELLER ENGINEERING & CONSULTANTS, INC.
2150 N. UNIVERSITY AVENUE
SUITE 100
FORT LAUDERDALE, FL 33304
TEL: (954) 575-5500
FAX: (954) 575-1700

COMPANY OF ILLINOIS & MISSOURI
PROJECT NO.: 1988-09-100 (100)

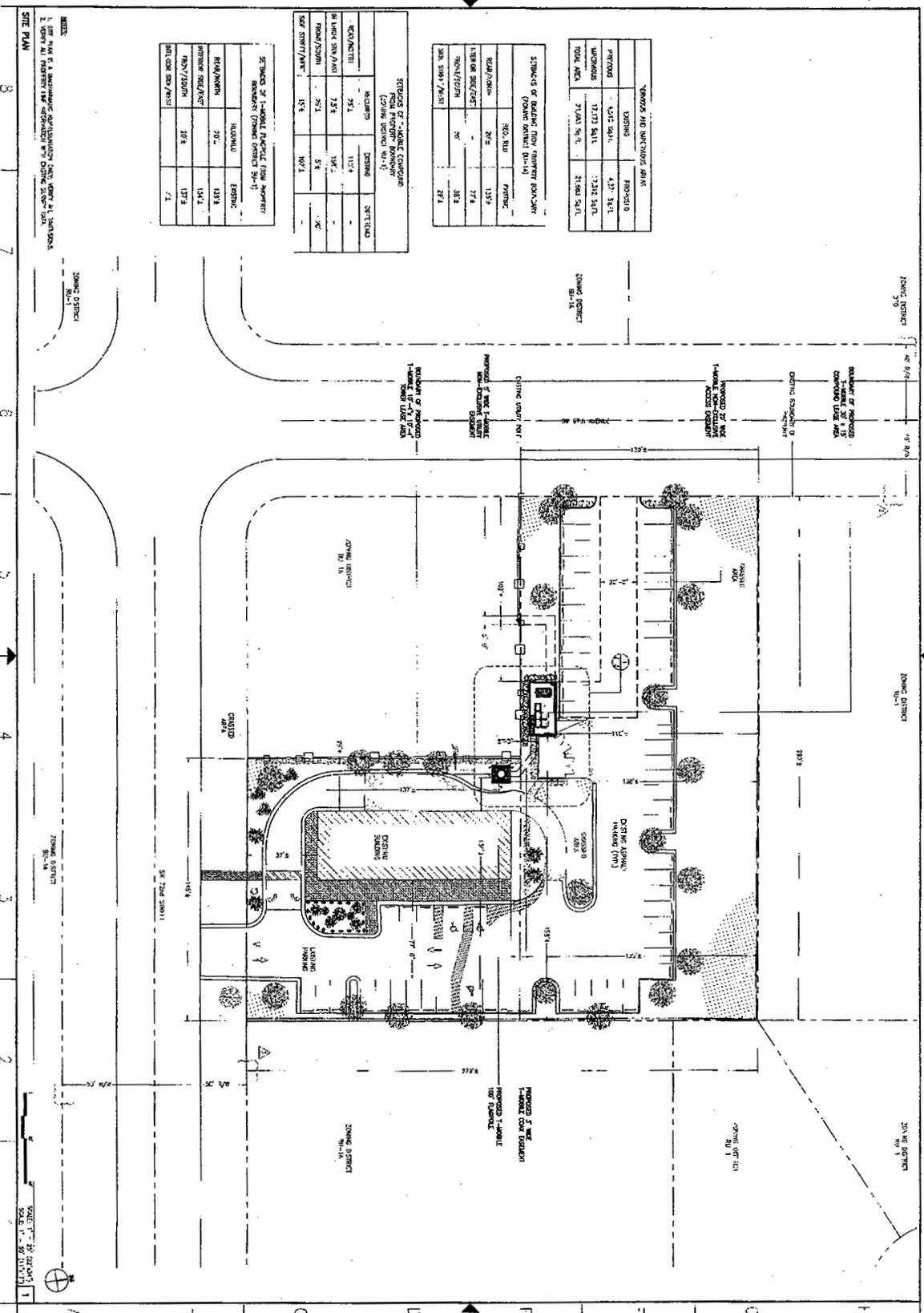
| REV. | DATE | DESCRIPTION |
|------|----------|-------------|
| 1 | 12/27/08 | ISSUED |
| 2 | 01/27/09 | REVISED |
| 3 | 12/28/09 | REVISED |
| 4 | 12/28/09 | REVISED |
| 5 | 07/28/11 | REVISED |

DRAWN BY: J. ALLEN
CHECKED BY: M. WATTS

SEAL: PROFESSIONAL ARCHITECT
NAME: M. WATTS
NO.: 12182/09
FIRM: WATTS H. SKINN
STATE: FLORIDA
LICENSE NO.: 22782
DATE: 07/28/11

SITE INFORMATION:
MD1329C
MCDONALDS
72ND STREET
9861 SW 72ND STREET
MIAMI, FL 33173
SHEET TITLE:
SITE PLAN
SHEET NUMBER:
Z-2

DATE SCALE: 11' 0" X 22' 0" = 1" 0" X 11' 0"



PERMITS AND DEPARTMENTS MARK

| DEPT. | DATE | REMARKS |
|------------|----------------|----------------|
| PERMITS | 12/27/08 | 437-347 |
| WORKSPACE | 12/27/08 | 12/27/08 |
| TOTAL AREA | 21,000 SQ. FT. | 21,000 SQ. FT. |

SIZES OF BUILDING FROM SURVEY DATA

| ROOM | NO. | AREA | PERCENT |
|------------|-----|------|---------|
| RESTROOM | 2 | 135 | 0.6 |
| OFFICE | 1 | 175 | 0.8 |
| DRIVE THRU | 1 | 107 | 0.5 |
| TOTAL | 4 | 417 | 2.0 |

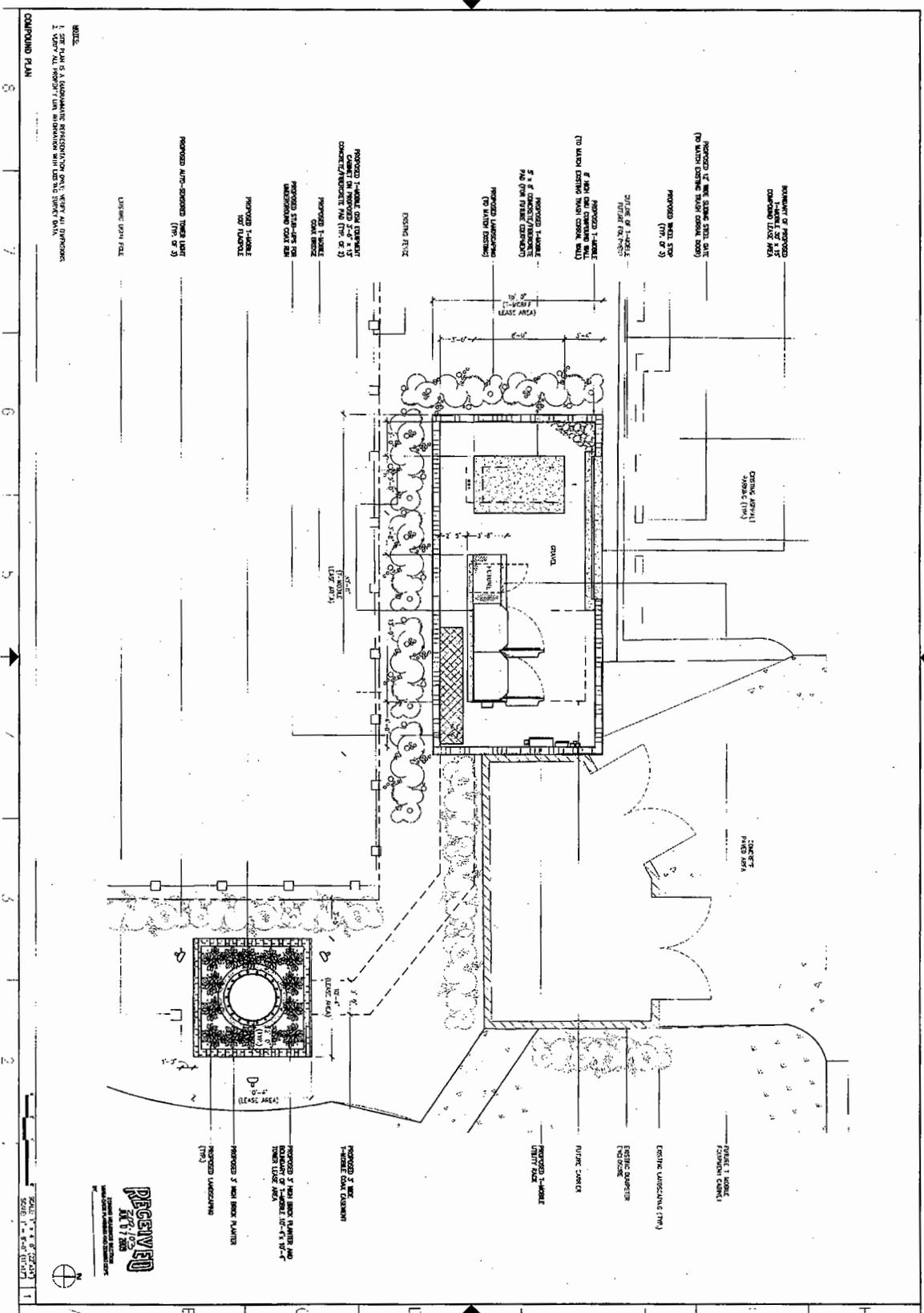
STRUCTURE OF BUILDING CONTOUR

| ROOM | NO. | AREA | PERCENT |
|------------|-----|------|---------|
| RESTROOM | 2 | 135 | 0.6 |
| OFFICE | 1 | 175 | 0.8 |
| DRIVE THRU | 1 | 107 | 0.5 |
| TOTAL | 4 | 417 | 2.0 |

STREETS OF BUILDING CONTOUR

| STREET | NO. | AREA | PERCENT |
|------------|-----|------|---------|
| RESTROOM | 2 | 135 | 0.6 |
| OFFICE | 1 | 175 | 0.8 |
| DRIVE THRU | 1 | 107 | 0.5 |
| TOTAL | 4 | 417 | 2.0 |

NOTES:
1. SEE PLAN S & A FOR MCDONALDS RESTAURANT SITE, 9861 SW 72ND STREET, MIAMI, FL 33173.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH DEED RECORDS.



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MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 11500 WILSON AVENUE
 ALHAMBRA, CA 91803
 TEL: (626) 451-1000
 FAX: (626) 451-1001

PROJECT NO.: 626-04-103 (REV)
 DRAWING NO.: 1 (REV)
 CHECKED BY: M. ALBERT
 DATE: 07/28/09

DATE: 07/28/09
 TIME: 10:00 AM
 DRAWN BY: J. WILSON
 CHECKED BY: M. ALBERT

DATE: 07/28/09
 TIME: 10:00 AM
 DRAWN BY: J. WILSON
 CHECKED BY: M. ALBERT

DATE: 07/28/09
 TIME: 10:00 AM
 DRAWN BY: J. WILSON
 CHECKED BY: M. ALBERT

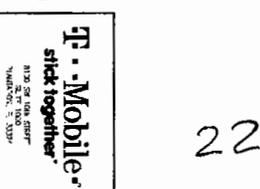
DATE: 07/28/09
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 CHECKED BY: M. ALBERT

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 CHECKED BY: M. ALBERT

DATE: 07/28/09
 TIME: 10:00 AM
 DRAWN BY: J. WILSON
 CHECKED BY: M. ALBERT



MACTEC

CONTRACT NO. 2024-11-01

PROJECT NO. 2024-11-01

DATE: 02/28/24

DRAWN BY: J. SMITH

CHECKED BY: M. JONES

PROFESSIONAL SEAL

SITE INFORMATION

MD1329C

72nd STREET

SHEET NUMBER: Z-4

DATE: 02/28/24

PROJECT NO. 2024-11-01

CONTRACT NO. 2024-11-01

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 1.0000, 2.0000, 3.0000, 4.0000, 5.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 6.0000, 7.0000, 8.0000, 9.0000, 10.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 11.0000, 12.0000, 13.0000, 14.0000, 15.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 16.0000, 17.0000, 18.0000, 19.0000, 20.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 21.0000, 22.0000, 23.0000, 24.0000, 25.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 26.0000, 27.0000, 28.0000, 29.0000, 30.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 31.0000, 32.0000, 33.0000, 34.0000, 35.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 36.0000, 37.0000, 38.0000, 39.0000, 40.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 41.0000, 42.0000, 43.0000, 44.0000, 45.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 46.0000, 47.0000, 48.0000, 49.0000, 50.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 51.0000, 52.0000, 53.0000, 54.0000, 55.0000.

Table with columns: ITEM NO., DESCRIPTION, QUANTITY, UNIT, PRICE, TOTAL. Includes items like 56.0000, 57.0000, 58.0000, 59.0000, 60.0000.

GENERAL NOTES: 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.

CONSTRUCTION SPECIFICATIONS: 1. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE. 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION.

PERMITS AND REGULATIONS: 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS. 2. OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.

ADDITIONAL NOTES: 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS. 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION.

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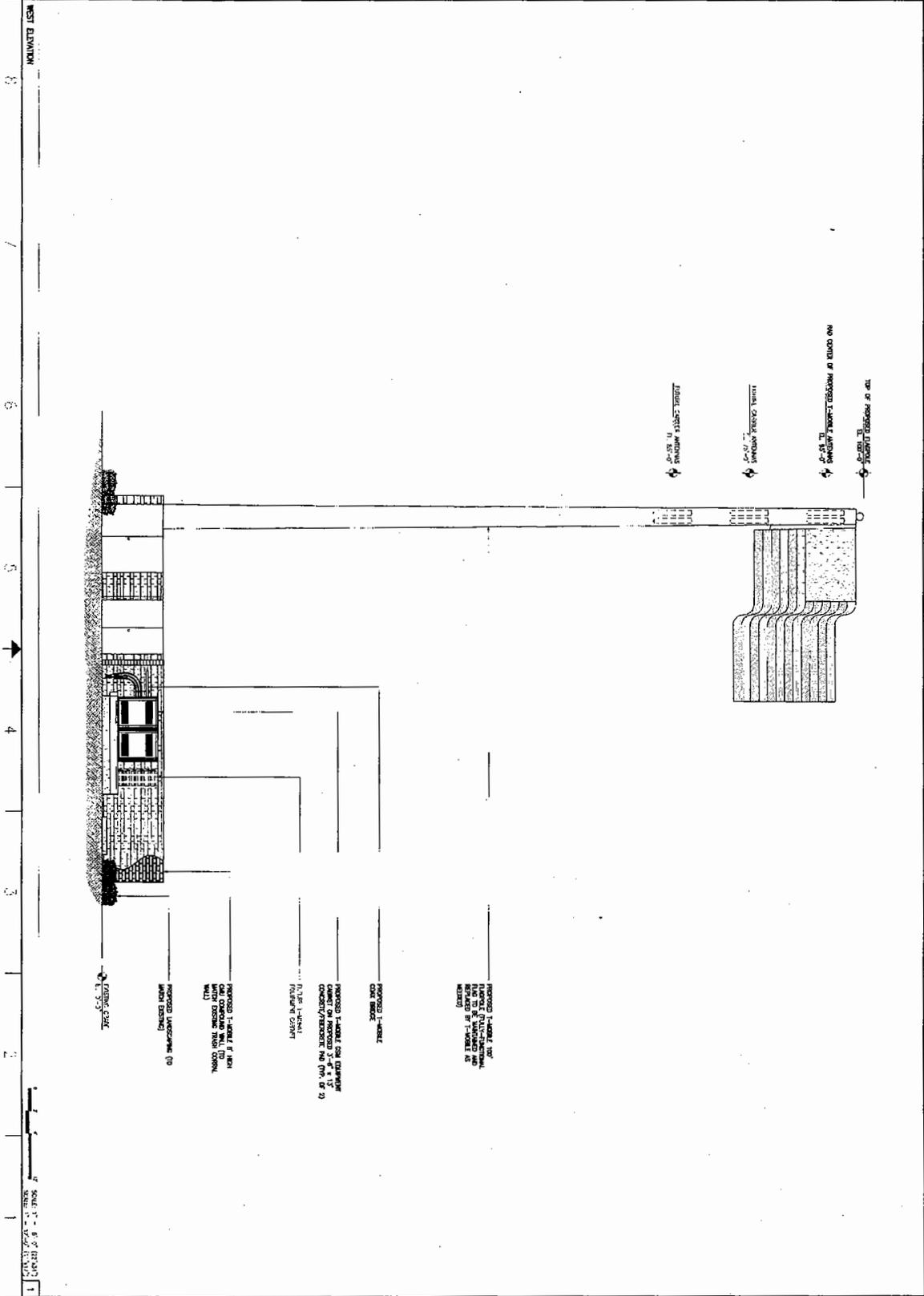
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stick together
 400 S.W. 10th Street
 Pompano, FL 33062

MACTEC
 WALLS, CEILING & FLOORING, INC.
 1125 WOODSIDE PARKWAY
 AUSTIN, TX 78748
 TEL: 512-336-1111
 FAX: 512-336-1199

DATE OF REVISION: 11/20/11
 PROJECT NO: 11-001-1125 (11/20/11)

DATE: 10/26/11
 NAME: MARTIN H. SANI
 FIVE: HURON
 LICENSE NO.: 27782
 EXP. DATE: 02/28/11

SITE INFORMATION:
MD1329C
McDONALDS
72nd STREET
 9661 SW 72nd STREET
 MIAMI, FL 33172

SHEET TITLE:
ELEVATION

SHEET NUMBER:
Z-5

FOR SCALE TO 8 1/2" X 11" (11/20/11)

GF Mobile
 stick together
 410 S. 7th Street
 Charlotte, NC 28202
 704.333.1234

MACTEC
 WALTER DORRICK & COMPANY, INC.
 1000 W. 15th Street
 Charlotte, NC 28202
 704.333.4444
 704.333.4444

DATE: 02/28/11
 PROJECT NO.: 808-2012-001 (RD)

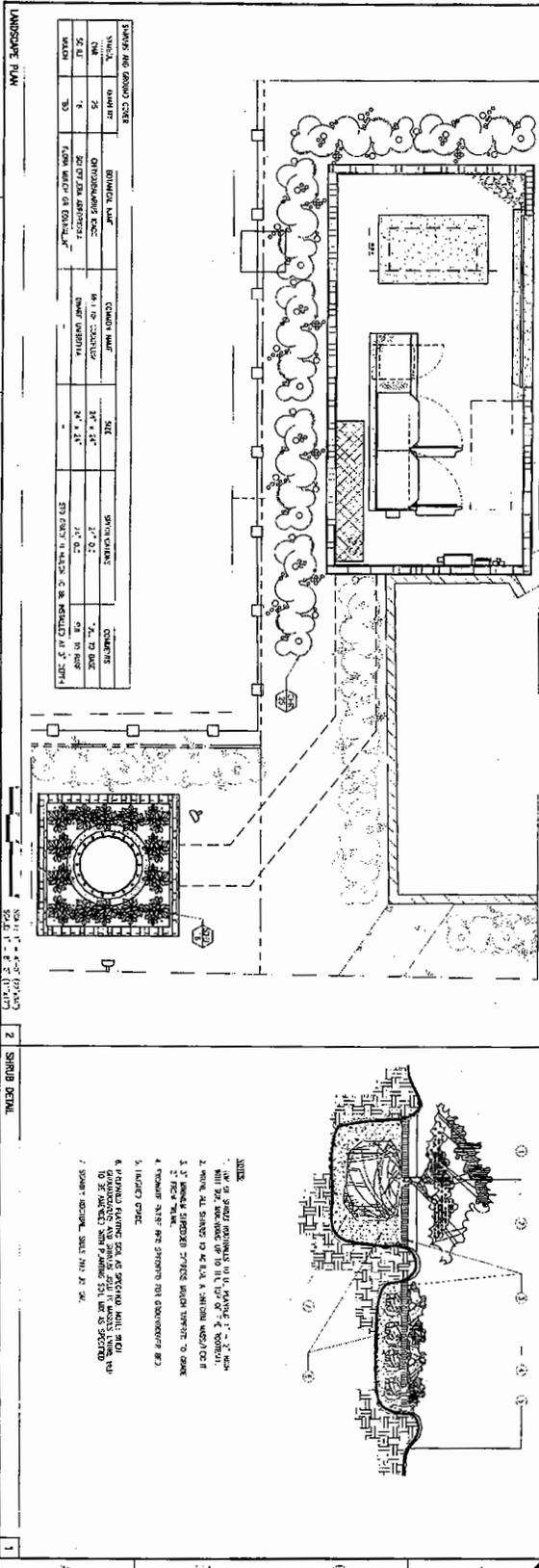
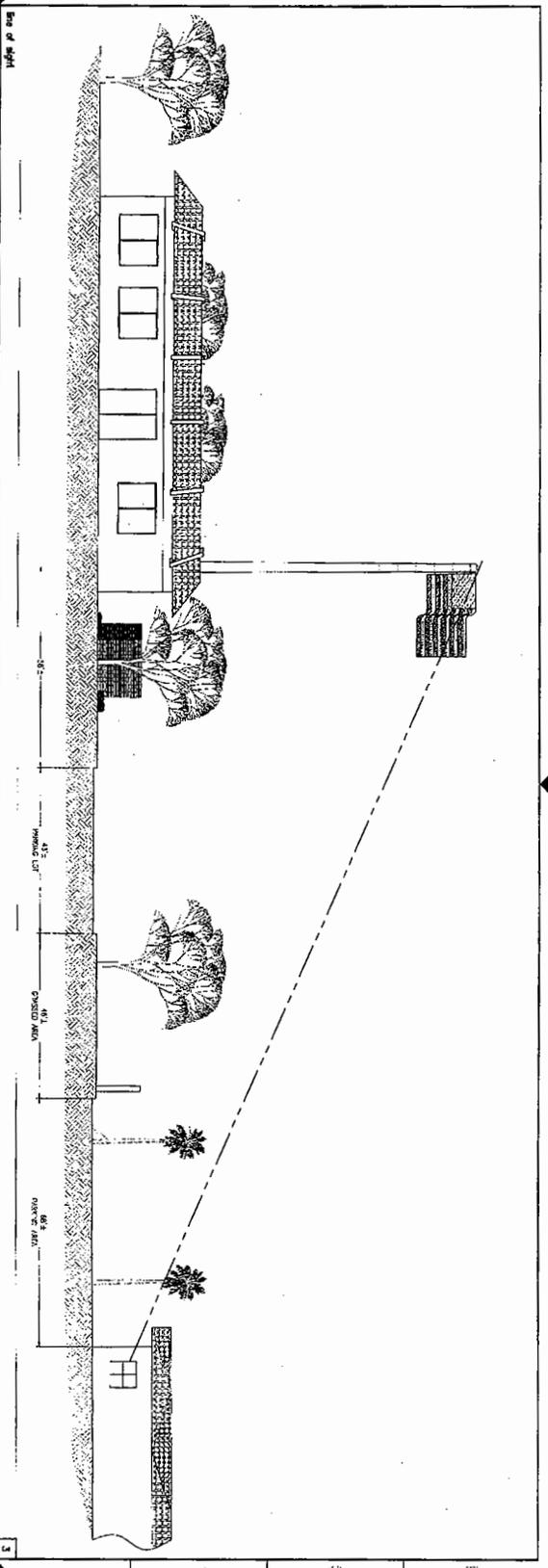
| NO. | DATE | DESCRIPTION |
|-----|----------|-------------------|
| 1 | 10/26/10 | ISSUE FOR PERMITS |
| 2 | 11/10/10 | ISSUE FOR PERMITS |
| 3 | 11/10/10 | ISSUE FOR PERMITS |

DESIGNED BY: W. MOY
 CHECKED BY: W. MOY
 DRAWN BY: J. MOY

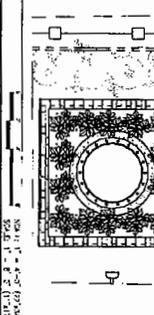
MD1329C
MDONALD'S
72ND STREET
 6901 72nd Street
 Charlotte, NC 28226

LINE OF SIGHT AND LANDSCAPE DETAILS
 SHEET NUMBER: Z-6

DATE: 02/28/11
 SHEET NO.: 02/28/11

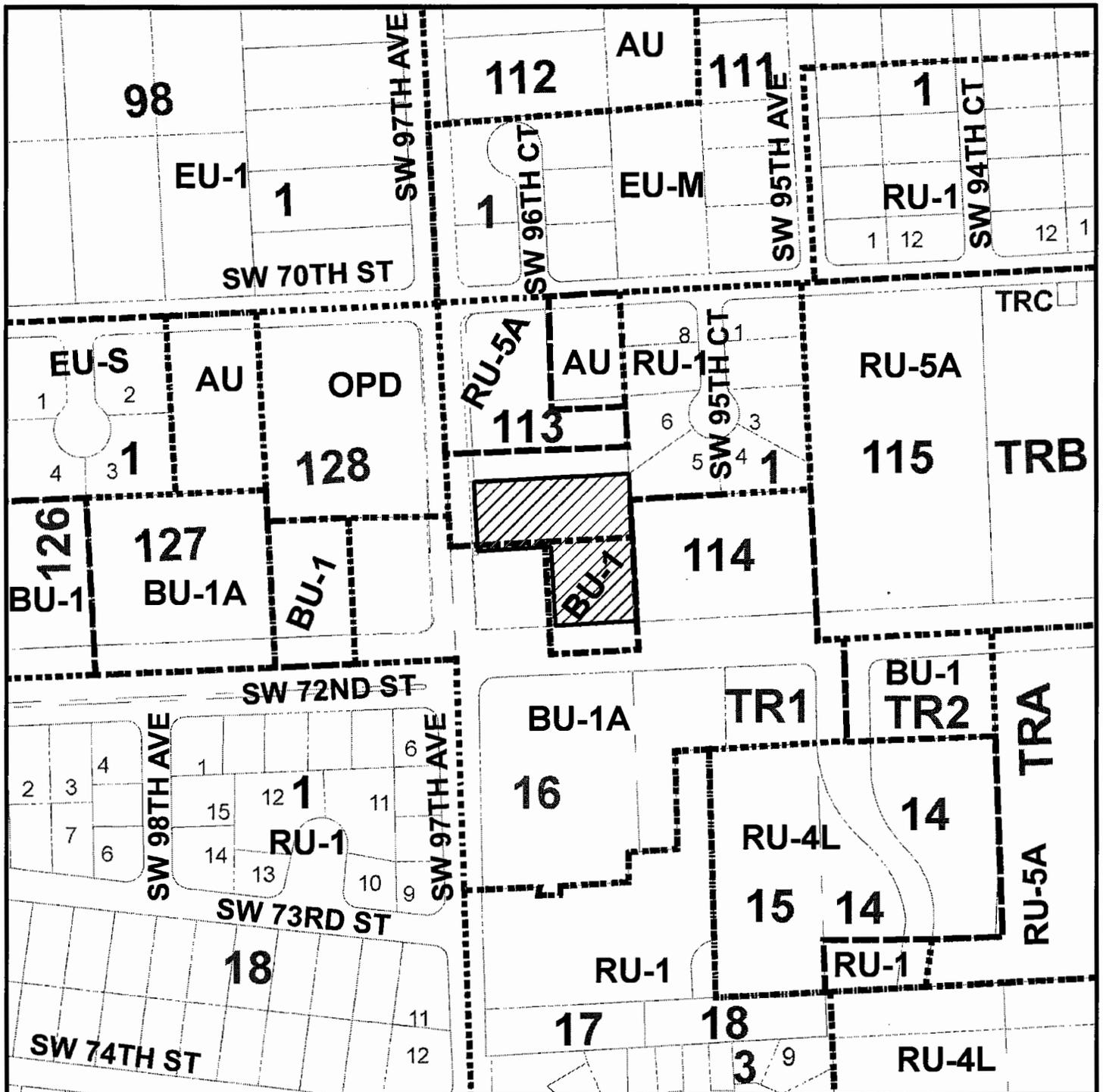


| PLANT | QUANTITY | SYMBOL | PLANT NAME |
|-------|----------|----------|------------|
| 1 | 1 | (Symbol) | PLANT NAME |
| 2 | 1 | (Symbol) | PLANT NAME |
| 3 | 1 | (Symbol) | PLANT NAME |
| 4 | 1 | (Symbol) | PLANT NAME |
| 5 | 1 | (Symbol) | PLANT NAME |
| 6 | 1 | (Symbol) | PLANT NAME |
| 7 | 1 | (Symbol) | PLANT NAME |
| 8 | 1 | (Symbol) | PLANT NAME |
| 9 | 1 | (Symbol) | PLANT NAME |
| 10 | 1 | (Symbol) | PLANT NAME |



NOTES:
 1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN.
 2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN.
 3. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN.
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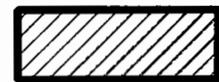




**MIAMI-DADE COUNTY
HEARING MAP**

Section: 28 Township: 54 Range: 40
 Applicant: T - MOBILE SOUTH LLC
 Zoning Board: C12
 Commission District: 07
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
09-103

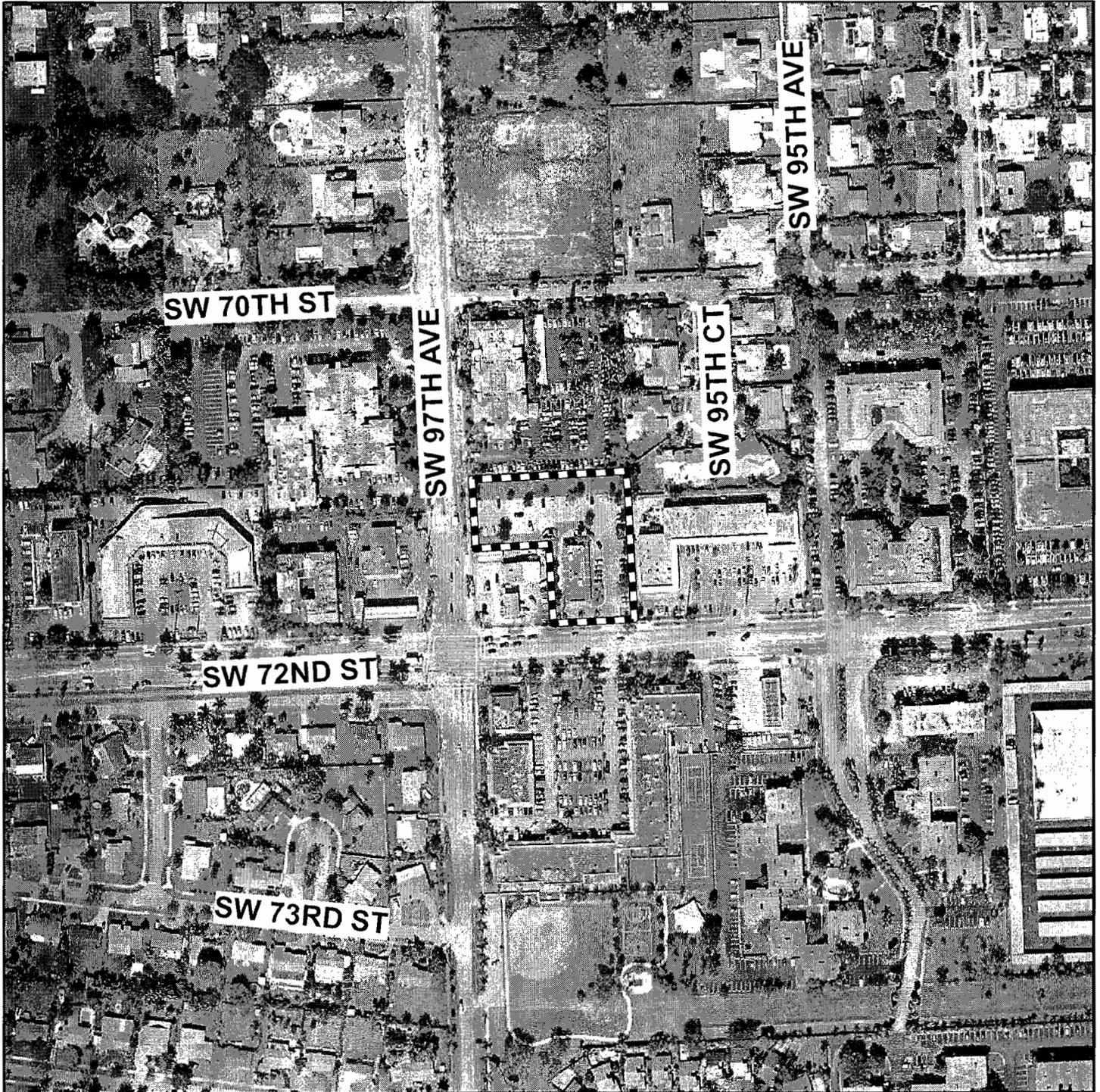


SUBJECT PROPERTY



SKETCH CREATED ON: 07/30/09

| REVISION | DATE | BY |
|----------|------|----|
| | | 25 |



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 28 Township: 54 Range: 40

Applicant: T - MOBILE SOUTH LLC

Zoning Board: C12

Commission District: 07

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

09-103



SUBJECT PROPERTY



SKETCH CREATED ON: 07/30/09

| REVISION | DATE | BY |
|----------|------|----|
| | | |

4. MORMAX BEVERAGES CORP DBA
BJ'S WHOLESALE CLUB
(Applicant)

10-4-CZ12-4 (09-162)
Area 12/District 10
Hearing Date: 04/20/10

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

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> |
|--------------------|---------------------------------------|---|---------------------|------------------------|
| 1972 | Joseph Mallah, ET AL | - Zone Change from RU-1 to BU-1A & AU, RU-1 to RU-3M. - Special Exception permit Multi-Family apartment development, private drive way. - Variance height. | BCC | Approved w/conds. |
| 1973 | Ralph Fisch & Bernard Kappel | - Modify a part of resolution Z-53-72. | BCC | Approved w/conds. |
| 1979 | Ralph Fisch & Bernard Kappel, Trustee | - Modification of resolution Z-103-73. | ZAB | Approved |
| 1984 | Boun Tempo, Inc. | - Use Variance and Special Exception for a night club. - Special Exception of spacing. -Non-use variance of sale of wine & liquor beginning at 12:00pm (noon) on Sundays. | ZAB | Approved w/conds. |
| 1984 | Govin Enterprises Inc. | - Special Exception cocktail lounge. - Non-Use Variance hours until 3:00am on the following day. | ZAB | Approved w/conds. |
| 1984 | Brandon Kendall Investments LTD. | - Use Variance & Special Exception nightclub spaced less than 2500' from school & 1500' from alcoholic use. - Unusual Use outdoor seating. - Variance 142sf. dance floor (308sf. required). | BCC | Approved in part |

| | | | | |
|------|--------------------------------|--|-----|-------------------|
| 1985 | Brandon Kendall Inv. | - Non-Use Variance of zoning regulations to permit an existing night club to sell alcoholic beverages with meals at table on Sunday from 11am to 4:50am on the following Monday. | ZAB | Approved |
| 1986 | California Federal Savings | - Non-Use Variance of sign regulations to permit a 3 rd wall sign for 1 tenant with the option of either alter native A or B as indicated on hearing plans. | ZAB | Approved |
| 1989 | Gilbert Robinson | - Unusual Use to permit a carnival tent in celebration of an annual St. Patrick's Day festival P.U.P. | ZAB | Approved |
| 1992 | Muben Lamar United Partnership | - Use Variance liquor package store. - Special Exception of spacing. | ZAB | Approved |
| 1994 | Muben Lamar LP | - Non-Use Variance of sign regulation to permit a 3 rd detached sign. - Non-Use Variance of sign regulation to permit the aforementioned sign setback 4' (8' required) from the South Property Line & setback 100'(186' required) from the interior side East Property Line. | ZAB | Approved |
| 1994 | Muben Lamar LP | - Use Variance to permit a proposed truck rental agency in conjunction with a membership warehouse in a BU-1A district. - Non-Use Variance of zoning regulations requiring a 5' decorative masonry wall enclosure around the auto storage area to waive same. | ZAB | Approved |
| 2003 | BJ's Wholesale Club, Inc. | - Modification of condition #2 of resolution 5ZAB-43-94. | C12 | Approved w/conds. |

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Mormax Beverages Corporation
d/b/a BJ's Wholesale Club #51

PH: Z09-162 (10-4-CZ12-4)

SECTION: 30-54-40

DATE: April 20, 2010

COMMISSION DISTRICT: 10

ITEM NO.: 4

=====

A. INTRODUCTION

o **REQUEST:**

Applicant is requesting to permit sales of alcoholic beverages on Sundays (Sunday sales not permitted except during the month of December).

o **SUMMARY OF REQUEST:** This application would allow the applicant to open the existing liquor package store on Sundays.

o **LOCATION:** 7077 SW 117 Avenue, Miami-Dade County, Florida.

o **SIZE:** 16 acres

B. ZONING HEARINGS HISTORY:

In December 1992, pursuant to Resolution #4-ZAB-422-92, the Zoning Appeals Board granted the approval of a use variance and special exception to allow the existing liquor package store in the BU-1A district and spaced less than the required distance from other places of business having alcoholic beverage use and from an existing church and school. (there have been other zoning hearings on the subject property which are not related to this request).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the southern, approximately 383' of the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are **retail**, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage,

generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; shopping center

Business & Office

Surrounding Properties

NORTH: RU-3M; townhouses

Low Medium Density Residential, 6 to 13 du

SOUTH: BU-1A; shopping center

Business & Office

EAST: RU-3M; townhouses

Low Medium Density Residential, 6 to 13 du

WEST: BU-1A; shopping center

Business & Office

The subject parcel is located at 7077 SW 117 Avenue. Townhouses are abutting the subject property to the north and east and shopping centers to the west and south.

E. SITE AND BUILDINGS:

Site Plan Review:

(No Site plan submitted)

Scale/Utilization of Site:

N/A

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

N/A

Service Areas:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is currently zoned BU-1A, Limited Business District, and is located at 7077 SW 117 Avenue. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. The existing BU-1A zone allows uses such as package stores, pubs and liquor package stores as well as uses allowed in the BU-1A zone, such as restaurants. Staff opines that the existing liquor package store is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department (**MDFRD**) has no objections to this application and their memorandum indicates that the estimated average travel response time is **6:12** minutes.

When analyzing this application, to permit the liquor package store with sales of alcoholic beverages on Sundays (not permitted except during the month of December), under the Non-Use Variance Standard, Section 33-311(A)(4)(b), staff is of the opinion that this request should be approved with a condition. Staff opines that the location of the store within a 16 acre shopping center, located at the intersection of two well travelled section line roads, Sunset Drive (SW 72 Street) and SW 117 Avenue, is unobtrusive to the closest residential properties which are well spaced from the existing liquor package store. Additionally, staff opines that allowing the sale of alcoholic beverages on Sundays, subject to a condition that the sales be limited to the hours of operation of the shopping center on Sundays, is

compatible with the other land uses, would not be detrimental to the community and will allow the establishment to provide its patrons the convenience of shopping at the site on Sundays. Subject to this condition, staff recommends approval of this application under the NUV Standards.

As previously mentioned, staff is of the opinion that the operation of the existing liquor package store during the hours of operation of the shopping center on Sundays is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP. Based on the aforementioned, staff therefore recommends approval subject to a condition of the applicant's request for the sale of alcoholic beverages on Sundays.

I. RECOMMENDATION:

Approval with a condition.

J. CONDITION:

That the Sunday hours of operation for the liquor package store be limited from 9:00am to 10:00pm.

DATE INSPECTED: 12/03/09
DATE TYPED: 02/19/10
DATE REVISED: 02/25/10; 03/26/10; 04/02/10; 04/08/10
DATE FINALIZED: 04/02/10
MCL:GR:NN:NC:AA



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

NDN
GR

Memorandum

Date: November 24, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2009000162
Mormax Beverages Corp. dba BJ's Wholesale Club #51
7077 S.W. 117 Avenue
Request to Permit the Sale of Alcohol for Consumption Off Site on
Sundays
(BU-1A) (16 Acres)
30-54-40

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

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

Concurrency Review Summary

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

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

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

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

PH# Z2009000162
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MORMAX BEVERAGES CORP DBA BJ'S WHOLESALE CLUB

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

08-JAN-10

Memorandum



Date: 15-DEC-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000162

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand

Development for the above Z2009000162
located at 7077 S.W. 117 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1707 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;12 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

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.

TEAM METRO

ENFORCEMENT HISTORY

MORMAX BEVERAGES CORP DBA
BJ'S WHOLESALE CLUB

7077 S.W. 117 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000162

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO VIOLATIONS FOUND AT TIME OF INSPECTION

MORMAX BEVERAGES CORP DBA BJ'S WHOLESALE CLUB

ROBERT SILVA

Tenant

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: Mormax Beverages Corp. a wholly owned subsidiary of Bj's wholesale Club ,Inc

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|--|----------------------------|
| Bj's Wholesale Club, Inc is a publicly traded Company on the New York Stock Exchange (SYMBOL BJ) | |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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> |
|-------------------------|--------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

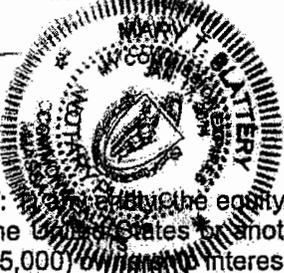
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *[Handwritten Signature]*
(Applicant)

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

Mary L Slattery
(Notary Public)



My commission expires: 1/17/14

Seal

*Disclosure shall not be required of: 1) any publicly traded 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.

Landlord.

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: LKS ASSOC.

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-------------------------|----------------------------|
| <u>See Attached</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> |
|-------------------------|--------------------------------|
| | |
| | |
| | |
| | |

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: LKS ASSOCIATES (LP) BY: LENDAU SUNSET OP, INC., A FLORIDA CORP. ITS GENERAL MANAGER
ALVIN L. GORDIN, VP (Applicant)

Sworn to and subscribed before me this 28th day of October, 20 09. Affiant is personally know to me or has produced _____ as identification.

Margery D. Ceraroli
(Notary Public)

MARGERY D. CERASOLI
 Notary Public, State of New York
 No. 01069042781
 Qualified in Queens County
 Commission Expires June 5, 2010

My commission expires: June 5, 2010

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.

LKS Associates LP

Limited Partners

Abercromby Property International – a Delaware General Partnership

| | |
|---|----------------------------|
| Barclays Bank Pension Fund: | 50% - English Pension Fund |
| Shipbuilding Industrial Pension Scheme: | 25% - English Pension Fund |
| Friends Provident: | 25% - English Pension Fund |

Henry A. Loeb, Thomas L. Kempner, Elisabeth L. Levin & Jean Troubh TTES

U/W Carl M. Loeb FBO Henry A. Loeb Children – John A. Levin, Elisabeth L. Levin, Jean Troubh & Raymond Troubh, as Trustees

Kathryn Poteat Trust U/A DTD 2/8/05 – Kathryn Poteat as Trustee & Recipient

Margaret A. Kempner

Carl L. Kempner, Jr.

Michael C. Kempner

John L. Loeb ET AL TTES 9/9/64 FBO J. Chira – John A. Levin & Jerome A. Manning, as Trustees

John L. Loeb ET AL TTES 9/9/64 FBO A. Brofman – John A. Levin & Jerome A. Manning, as Trustees

John L. Loeb ET AL TTES 9/9/64 FBO A. Loeb – John A. Levin & Jerome A. Manning, as Trustees

John A. Levin, Jerome A. Manning TTES

U/I/D 9/9/64 FBO Deborah L. Brice – John A. Levin & Jerome A. Manning, as Trustees

John L. Loeb ET AL TTES 9/9/64 FBO J. Loeb, Jr. – John A. Levin & Jerome A. Manning, as Trustees

Arthur E. Lee

Jessica Tcherepnine

Norman N. Mintz

Irwin D. Rowe

Frederick Wallert, Jr.

Golden Bridge Partners Partnership

Principals

Ralph Hansmann

Sibyl Golden

Susan Linder

Prudence Steiner

Elizabeth Steiner

Joshua Steiner

Marjorie Kaplan

Susan Kaplan

William Kelly

Trust FBO Pamela Golden – Sibyl Golden as Trustee

Estate of William Golden – Sibyl Golden & Pam Golden as Beneficiaries

Maurice R. Greenberg

Edward E. Matthews & Marie L. Matthews TTES FBO Their Children – Gregory E. Matthews, Douglas L. Matthews, Louise S. Matthews & Russell E. Matthews, as Trustees

Edward E. Matthews

Marne Obernauer, Sr.

Marne Obernauer, Jr.

Joseph S. Lesser as Trustee FBO Joseph Hotung, Patrick Hotung, Ann Hotung and Ellen Hotung

Amy Lesser

Sharon Lesser Maguire

Alan L. Gordon

Joshua Goldman

Phyllis A. Kennedy

Kendall/Sunset GP, Inc. - a Florida Corporation

Loeb Holding Principals

Thomas L. Kempner – Director, Chairman of the Board, CEO, COO & President

Bruce Lev – Director, VP

Alexander McMillan – Secretary

Peter Tcherpnine – Director, VP

Norman Mince – Director, VP

Edward Campbell – VP, CFO

(Shelby Drescher – Assistant Secretary)

(Lindsey Russell – Assistant Secretary)

J.S. Karlton Co., Inc. - a Delaware Corporation

John S. Karlton, Recipient and Sole Owner: 100%

LKS ASSOCIATES L.P.

LIMITED PARTNERS

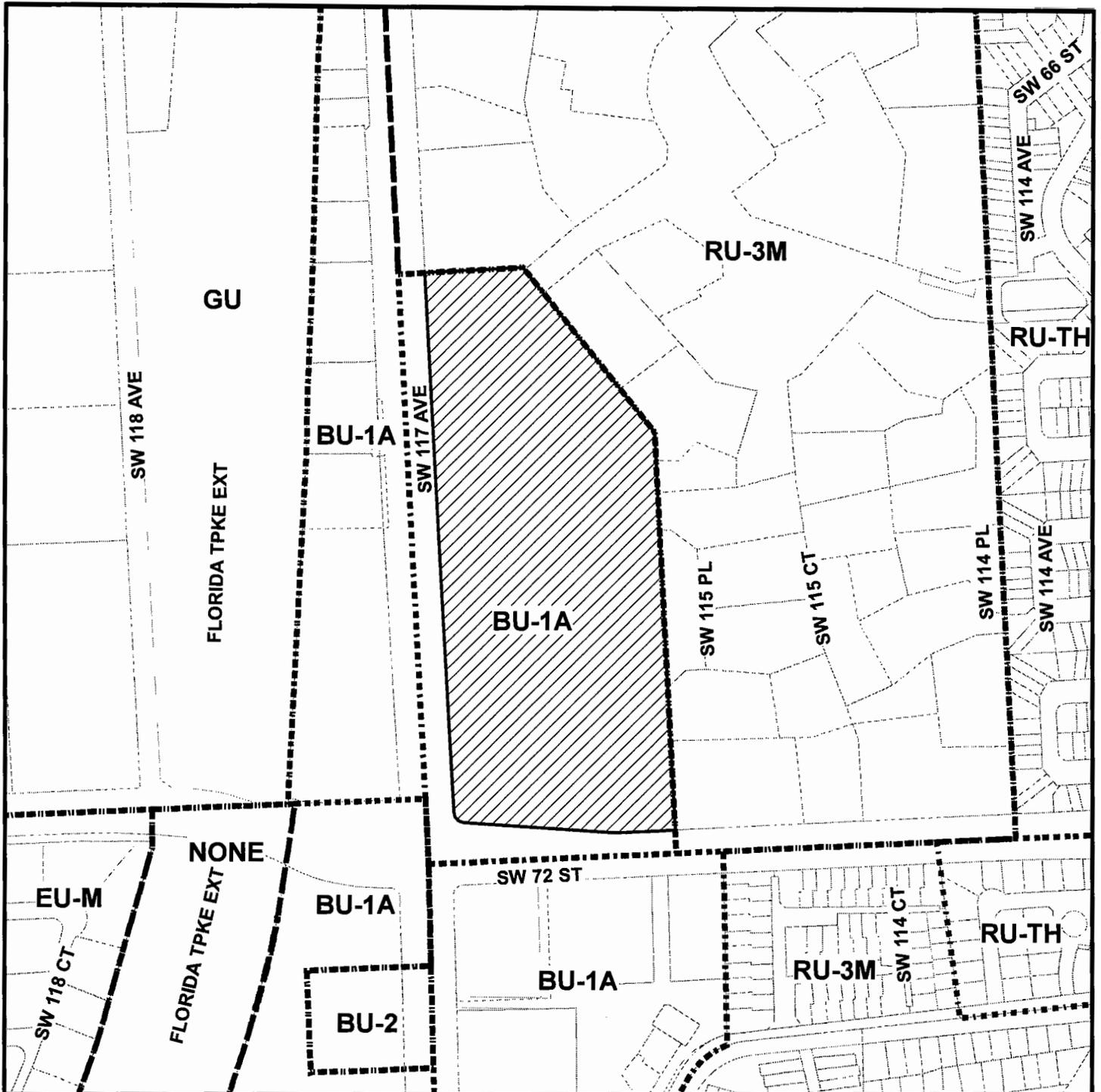
PERCENTAGE

| | |
|---|-----------|
| -ABERCROMBY PROPERTY INTERNATIONAL | 36.0000% |
| HENRY A. LOEB, THOMAS L. KEMPNER, ELISABETH L. LEVIN & JEAN TROUBH TTES U/W CARL M. LOEB FBO HENRY A. LOEB CHILDREN | 4.3800% |
| KATHRYN POTEAT TRUST U/A DTD 2/8/05 | 0.1000% |
| MARGARET A. KEMPNER | 0.1000% |
| CARL L. KEMPNER, JR. | 0.1000% |
| MICHAEL C. KEMPNER | 0.1001% |
| JOHN L. LOEB ET AL TTES 9/9/64 FBO J. CHIRA | 2.1000% |
| JOHN L. LOEB ET AL TTES 9/9/64 FBO A. BROFMAN | 2.1000% |
| JOHN L. LOEB ET AL TTES 9/9/64 FBO A. LOEB | 2.1000% |
| JOHN A. LEVIN, JEROME A. MANNING, TTES U/I/D 9/9/64 FBO DEBORAH L. BRICE | 2.1000% |
| JOHN L. LOEB ET AL TTES 9/9/64 FBO J. LOEB, JR. | 2.1000% |
| ARTHUR E. LEE | 0.8000% |
| JESSICA TCHEREPNINE | 0.8000% |
| NORMAN N. MINTZ | 0.5000% |
| IRWIN D. ROWE | 0.3000% |
| FREDERICK WALLERT, JR. | 0.3000% |
| - GOLDEN BRIDGE PARTNERS | 7.0000% |
| MAURICE R. GREENBERG | 4.5000% |
| EDWARD E. MATTHEWS & MARIE L. MATTHEWS TTES FBO THEIR CHILDREN | 1.8600% |
| EDWARD E. MATTHEWS | 2.5999% |
| MARNE OBERNAUER, SR. | 0.8000% |
| MARNE OBERNAUER, JR. | 0.8000% |
| JOSEPH S. LESSER AS TRUSTEE FBO JOSEPH HOTUNG | 0.6000% |
| PATRICK HOTUNG | 0.6000% |
| ANN HOTUNG | 0.4000% |
| ELLEN HOTUNG | 0.4000% |
| AMY LESSER | 0.5000% |
| SHARON LESSER MAGUIRE | 0.5000% |
| ALAN L. GORDON | 0.3000% |
| JOSHUA GOLDMAN | 0.1000% |
| PHYLLIS A. KENNEDY | 0.0600% |
| GENERAL PARTNER | |
| - KENDALL/SUNSET GP, INC | 12.5000% |
| SPECIAL PARTNER | |
| - J.S. KARLTON CO., INC. | 12.5000% |
| TOTAL | 100.0000% |

RECEIVED
0918
 OCT - 7 2009

ZONING HEARINGS SECTION
 MINN-DADE PLANNING AND ZONING DEPT.

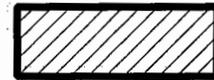
BY *J*



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-162

Section: 30 Township: 54 Range: 40
 Applicant: MORMAX BEVERAGES CORP BJ'S WHOLESALE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 11/26/09

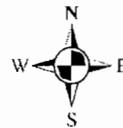
| REVISION | DATE | BY |
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| | | 18 |



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
09-162

Section: 30 Township: 54 Range: 40
 Applicant: MORMAX BEVERAGES CORP BJ'S WHOLESALE
 Zoning Board: C12
 Commission District: 10
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 11/25/09

| REVISION | DATE | BY |
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