

KITS

11-19-2010 Version # 2



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Thursday, December 16, 2010 at 6:30 p.m.

PREVIOUSLY DEFERRED

A. 10-11-CZ12-3 DOWNTOWN DADELAND RETAIL, LLC. 10-44 02-55-40

CURRENT

1. 10-12-CZ12-1 GUS EXPOSITO 08-136 07-55-40 N

2. 10-12-CZ-12-2 LONES FAMILY L. P. AND PINWOOD ACRES SCHOOL, INC. 10-75 05-55-40 N

3. 10-12-CZ12-3 LATIN MISSIONS MINISTRIES INC 10-80 27-54-40 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF THURSDAY, DECEMBER 16, 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

A. DOWNTOWN DADELAND RETAIL, LLC (10-11-CZ12-3/10-044)

**02-55-40
Area 12/District 07**

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

LOCATION: Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.42 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

1. GUS EXPOSITO (10-12-CZ12-1/08-136)

**07-55-40
Area 12/District 08**

- (1) MODIFICATION of Condition #2 of Resolution Z-54-66, passed and adopted by the Board of County Commissioners, last modified by Resolution 4-ZAB-335-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. 'Proposed Equipment Enclosure for: Mr. R. Kiser/College Park Inn,' as prepared by Garcia Perron Architects, dated 3-19-92."

TO "2. That plans be substantially in compliance with that submitted for hearing entitled 'Proposed Drainage System,' as prepared by Architekts, Inc. consisting of 2 sheets and dated stamped received 9/9/10, with Sheet 'A2,' dated last revised 9/23/10."

- (2) MODIFICATION of Paragraph #2 of an Agreement recorded in Official Record Book 5108, Pages 120 through 123, reading as follows:

FROM: "2. That said plot use plan shall embody the purpose and intent of, and said property shall be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Knude & Associates,

entitled 'Street Plan of College Park,' dated December, 1965, revised February 16, 1966."

TO: "2. That plans be substantially in compliance with that submitted for hearing entitled 'Proposed Drainage System,' as prepared by Architeks, Inc. consisting of 2 sheets and dated stamped received 9/9/10 with Sheet 'A2,' last handwritten revision dated 9/23/10."

The purpose of requests #1 and #2 is to allow the applicant to submit a revised site plan showing a hand carwash for a previously approved shopping center.

(3) Applicant is requesting to waive the zoning regulation requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit a covered canopy for an outdoor car wash.

(4) Applicant is requesting to permit 93 parking spaces (105 parking spaces required).

(5) Applicant is requesting to permit an 18'6" wide (20' required) two-way drive.

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

SUBJECT PROPERTY: Tract "B" of COLLEGE PARK SOUTH, SECTION ONE, Plat book 107, Page 12.

LOCATION: Lying south of S.W. 104 Street and approximately 165' east of S.W. 109 Court, A/K/A: 10585 S.W. 109 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.01 Acres

Department of Planning and Zoning Recommendation:

Denial without prejudice

Protests: 3

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. LONES FAMILY L.P. AND PINWOOD (10-12-CZ12-2/10-075)
ACRES SCHOOL, INC.**

**05-55-40
Area 12/District 08**

(1) UNUSUAL USE and SPECIAL EXCEPTION to permit a day nursery and private school including Grades K-8 (day nursery and Grades K-6 previously approved).

(2) MODIFICATION of Conditions No. 9, 10 and 13 of Resolution No. 5-ZAB-207-96, as modified by Resolution Z-23-97, as follows:

FROM: "9. That the private school use be conducted on the premises on weekdays only, Monday through Friday inclusive."

TO: "9. That the private school use be conducted on the premises, Monday through Saturday inclusive, except that extra curricular activities such as, but not limited to, girl and boy scout troops and similar activities shall be permitted year round in the evenings."

FROM: "10. That the hours of operation shall be between 8:00 a.m. and 4:00 p.m."

TO: "10. That the hours of operation for the private school use shall be between 7:00 a.m. and 6:00 p.m., except that extra curricular activities such as, but not limited to, girl and boy scout troops and similar activities shall be permitted year round in the evenings."

FROM: "13. That the existing swimming pool, as depicted on the plans, may only be used on weekdays during the hours of 9:00 a.m. and 4:00 p.m., during the operation of the summer camp only."

TO: "13. That the existing swimming pool, as depicted on the plans, may only be used year round until 8:00 p.m."

The purpose of Request #2 is to allow the applicant to increase the days and hours of operation of the current school, to include additional weekend activities and to permit the swimming pool to be opened year round.

LOCATION: 9500, 9600 & 9680 S.W. 97 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.52 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. LATIN MISSIONS MINISTRIES, INC. (10-12-CZ12-3/10-080)

**27-54-40
Area 12/District 07**

- (1) SPECIAL EXCEPTION to permit the expansion of an existing religious facility onto additional property to the west.
- (2) UNUSUAL USE to permit the expansion of the existing day nursery onto additional property to the west.
- (3) MODIFICATION of Condition #2 of Resolution 2-ZAB-227-64, last modified by Resolution 5-ZAB-194-97, both 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 'Iglesia Alpha & Omega,' revised 6/12/97, consisting of (6) sheets."

TO: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Parking Structure For Alpha & Omega Church,' consisting of 1 sheet, dated stamped received 10/13/10 and the remaining 7 sheets dated stamped received 10/8/10 for a total of 8 sheets."

The purpose of request #2 is to allow the applicant to submit revised plans showing a 3-story, 4-level parking structure in lieu of a previously approved 2 level parking structure and to show the

expansion of the previously approved religious facility and day nursery onto adjacent property to the west.

- (4) Applicant is requesting to permit the parking structure with 3 stories and 4 levels (2 stories maximum permitted).
- (5) Applicant is requesting to permit the parking structure to setback 40' from the interior side (south) property line and to setback a minimum of 20' (75' required for both) from the rear (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 47.31% (15% maximum permitted; 45.2% previously approved).

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: The southwest corner of Miller Drive (S.W. 56 Street) and S.W. 77 Court; A/K/A: 7800 S.W. 56 Street and 7984 S.W. 56 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.62 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

A. DOWTOWN DADELAND RETAIL, LLC.
(Applicant)

10-11-CZ12-3 (10-044)
Area 12/District 07
Hearing Date: 12/16/10

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	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	BCC	Approved
1961	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	ACC	Recommended for Approval
1968	George Williamson Cadillac Company	- Variance of sign regulation.	BCC	Appeal Approved, Application Approved
1968	George Williamson Cadillac Company	- Variance of sign regulation.	ZAB	Denied
1970	Larry Costley Chevrolet	- Variance of sign regulation.	ZAB	Approved
1971	Larry Costley Chevrolet	- Variance of sign regulation.	BCC	Appeal Denied, Application Approved
1984	George E. Williamson	- Non-Use Variance of open space requirements.	ZAB	Approved w/conds.
1986	Southeast Banking Corp.	- Non-Use Variance of setback requirement & Floor Area Ratio.	ZAB	Approved w/conds.
1999	George E. Williamson, II ET AL	- Special Exception to permit a mixed-use development. - Non-Use Variance of the fixed guide way rapid transit. - Unusual Use to permit outdoor dining. - Non-Use Variance of zoning regulations. - Special Exception of alcoholic spacing. - Non-Use Variance of landscaping requirements.	BCC	Approved w/conds.

2002	George E. Williamson II & Thomas W. Williamson	- Deletion of a Declaration of Restrictions.	BCC	Approved
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Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#3

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC.**

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER 10-11-CZ12-3 (10-044)	HEARING DATE November 18, 2010	RESOLUTION NUMBER CZAB12 10
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REC: Approval with conditions.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Dec 16, 2010</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred due to a lack of time.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		

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

EXHIBITS: YES NO

COUNTY ATTORNEY: **JOHN MCINNIS**

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

APPLICANT: Downtown Dadeland Retail, LLC.

PH: Z10-044 (10-11-CZ12-3)

SECTION: 2-55-40

DATE: December 16, 2010

COMMISSION DISTRICT: 7

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to permit more signage per tenant and cantilever signs on a street frontage than allowed by the Downtown Kendall Urban Center (DKUC) zoning regulations; to allow larger cantilever projecting signs to encroach into the right-of-way; and to permit directional signage with logos to be taller than allowed by the zoning regulations

- o **LOCATION:** Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida.

- o **SIZE:** 7.42 acre.

ZONING HEARINGS HISTORY:

From 1961, portions of the subject property were approved through the zoning hearings process for district boundary changes, special exceptions and variances from the zoning regulations. Significantly, in November 1968, the subject property was approved to allow a 2nd detached Class B Point of Sale sign, pursuant to Resolution #Z-314-68. Similarly, in 1971, pursuant to resolution #Z-29-71, the subject property was approved to allow more

signage on a street frontage and on the subject property than allowed by the zoning regulations. Subsequently, in 1999, the subject property was part of an area wide district boundary change that rezoned multiple properties to the Downtown Kendall Urban Center District (DKUCD), pursuant to Ordinance No. 99-166.

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 **Downtown Kendall Urban Center**.

Urban Centers

Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; **Metropolitan Centers** such as the evolving **Dadeland area**; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers

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designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Streets and Public Spaces

Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in Urban Centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject Urban Center to the extent that it would better serve the quality and functionality of the center.

Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Buildings

Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have

a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

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

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
DKUCD; mixed use residential and retail uses	Community Urban Center
<u>Surrounding Properties:</u>	
NORTH: DKUCD; shopping mall	Community Urban Center
SOUTH: DKUCD: Metro-Rail Station facility	Community Urban Center
EAST: DKUCD: retail stores	Community Urban Center
WEST: DKUCD; offices, hotels	Community Urban Center

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted)
Scale/Utilization of Site:	Acceptable
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
Signage:	Acceptable
Urban Design:	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
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

This item was deferred from the November 18, 2010 meeting due to a lack of time. The subject property is located south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, approximately **9 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property, which was previously zoned BU-3, Liberal Business District, was a part of a section of land that was rezoned from multiple zones to DKUC (Downtown Kendall Urban Center) District.

The approval of this application will permit the existing retail center with more signage per tenant and cantilever signs on a street frontage than allowed; allow cantilever projecting signs to encroach into the right-of-way; and permit directional signage with logos to be taller than allowed by the zoning regulations of the DKUC District. The subject property lies within the **Downtown Kendall Urban Center (DKUC) District** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). All of the parcels within the boundaries of the approved Downtown Kendall Urban Center District Ordinance, are regulated by plans and descriptive standards described in Ordinance #99-166. Among other things, said Ordinance contains varied restrictions on signage types, size, numbers and locations within the Urban Center.

The subject property lies within the Core Sub-District of the DKUCD and is comprised of a mixed use retail and residential development. The existing retail and residential development was built in accordance with the Core Sub-District regulations of the DKUCD, which among other things require a minimum two (2) story high colonnade frontage at the build-to line and a front- 0' build-to line for structures located along an "A" street, along with

a minimum frontage length of 80% for buildings. The applicant seeks to waive the zoning regulations permitting only one of each sign type, up to a total of three (3 signs per street frontage, per tenant: to permit additional cantilever projecting (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.75 sq. ft., where only 8 sq. ft. is permitted (request #1); to permit cantilever projecting signs to encroach into the right-of-way, which is not permitted (request #2); to permit directional signs with a height varying from 10'2" to 13', where a maximum height of 4' is permitted (request #3) and finally, to permit directional signs with logos (request #4), which is also not permitted in the DKUCD. The applicant has indicated in their letter of intent that the increased signage, signage size and locations being requested is to allow for the success of the retail stores and restaurants located on the ground floors of the seven (7) buildings located within the subject property. Staff opines that the proposed signage will attract both vehicular and pedestrian traffic into the complex. Staff also opines that the proposed signs will help to identify the various types of facilities located inside the complex from the main vehicular access streets abutting the property, SW 88 Street (North Kendall Drive) and Dadeland Boulevard. Staff concurs with this and further opines that approval of the requests for additional signage, signage projecting into the right-of-way and signage that will be elevated above the height allowed by the district regulations, will allow passersby to locate and arrive at their destination within this retail and residential district faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Staff notes that **Policy 9B vii** of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. However, staff opines that this development is unique and that approval of this application would not have a negative impact on the future development of the area and would maintain the basic intent and purpose of the DKUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Kendall in Miami-Dade County. Therefore, staff opines that the proposed development of the site is **compatible** with the future development of the area and is **consistent** with the DKUC designation on the LUP map 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. Their memorandum also indicates that this application will not generate any new additional daily peak hour vehicle trips. The Miami-Dade Fire Rescue Department (**MDFRD**) also **does not object** to this application and they indicate that the estimated response time is **5:20 minutes**.

When requests #1 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area and would not be detrimental or have a negative effect on the appearance of the community. The subject parcel consists of seven (7) buildings, all of which are seven (7) stories high, surrounding a central plaza area where the majority of the retail and restaurant businesses front. As such, the applicant opines, and staff concurs, that the visibility of these establishments is minimal from the abutting streets, North Kendall Drive and Dadeland Boulevard. Further, staff opines, that approval of the

applicant's request for additional signage, larger than permitted cantilever signage and cantilever signage projecting into the right-of-way as well as directional signage above the height that is allowed in an area with multiple high-story buildings and retail establishments, will provide the public with better access to the businesses located within the parcel and facilitate a smoother flow of traffic in the area. In addition, staff opines that the proposed signage will allow passersby to locate and arrive at their destination within this shopping center faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Further, staff notes that the subject site was previously approved for variances to the signage regulations on more than one occasion and as such, approval of this request would not be precedent setting. Staff opines that the proposed signage is not excessive given the location of the subject property, which abuts the elevated Metrorail platform and lines to the south, and multiple commercial and retail facilities to the north, east and west. Further, staff opines that the placement of the signs internally on the site would be compatible with the surrounding area and in keeping with the large retail and office component of the DKUCD. As such, staff recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

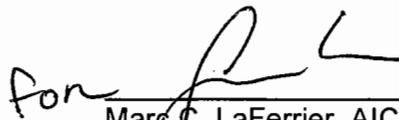
Based on the aforementioned, staff recommends approval with conditions of requests #1 through #4, under Section 33-311(A)(4)(b) (NUV).

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, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10.
3. That the use be established and maintained in accordance with the approved plan.

DATE TYPED: 09/20/10
DATE REVISED: 09/22/10, 10/06/10, 11/22/10
DATE FINALIZED: 11/22/10
MCL:GR:NN:AA:CH



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

NDN

Memorandum

Date: May 7, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2010000044
Downtown Dadeland Retail, LLC
7270 N. Kendall Drive
To Permit Point of Sale and Directional Signs Throughout the
Development (Not Permitted)
(DKUC) (7.42 Acres)
02-55-40

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.

Potable Water Service and Wasterwater Disposal

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

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

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

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 of the point of sale and directional signs will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PH# Z2010000044
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DOWNTOWN DADELAND RETAIL, LLC.

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

25-MAY-10

Memorandum



Date: 06-MAY-10
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000044

Fire Prevention Unit:

No objection to Letter of Intent stamped received April 20, 2010.

Service Impact/Demand

Development for the above Z2010000044
located at 7270 NORTH KENDALL DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1832 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: 5:20 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.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DOWNTOWN DADELAND RETAIL,
LLC.

LYING SOUTH OF SW 88 STREET,
BETWEEN SW 72 CT & SW 72 PL,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000044

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:

DOWNTOWN DADELAND RETAIL, LLC. Lying east of SW 77 Avenue and approximately 1300'
south of SW 88 Street (Kendall Drive), aka 9355 S.W. 77 AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

DATE:

10/12/2010

CURRENT ENFORCEMENT HISTORY:

Folio's 30-5002-097-0001, 096-001, 095-0001, 093-0001, 092-0001, 091-0001, 087-0001, and
081-0010

Open Cases:

Neighborhood Compliance:
No open cases.

Building:

Folio 30-5002-000-0600

Building case 20100134968 Working without Permit, NOV mailed 2-8-2010 for failure of owner-builder or contractor to obtain a permit for the installation of an exhaust fan in the electric room. Compliance inspection for NOV requested 6/16/10.

Building case 20100137550 Working without Permit, NOV mailed 6-11-2010 for failure of owner-builder or contractor to obtain a permit for the replacement of A/C Units without permits for units 222, 223, 229. Compliance inspection for NOV requested 10/15/10.

Building case 20100137551 Working without Permit, NOV mailed 6-11-2010 for failure of owner-builder or contractor to obtain a permit for the replacement of A/C Units without permits for units 232, 334, 336, 437, 439. Compliance inspection for NOV requested 10/15/10.

Closed Cases:

Neighborhood Compliance;

Folio 30-5002-081-0010 various cases for sign violations that are all closed.

Building:

Folio 30-5002-000-0600, 8 cases for Working without Permit, 3 cases for Expired Permit and 1 case for Unsafe Structures.

Compliance:

No previous cases.

Sam Walthour, MSM, Assistant Director

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Date

Evaluator: CARL HARRISON

10/05/10

Process #: Z2010000044
Applicant's Name: DOWNTOWN DADELAND RETAIL, LLC.

Locations: LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-DADE COUNTY, FLORIDA.

Size: 7.42 ACRES

Folio #: 3050020970001

Request:

1 Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage; to permit an additional cantilever sign (1 permitted) per street frontage. 33-284.63(B)2(b)ii.

2 Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted) 33-284.63(8)(B)

3 Applicant is requesting to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted) 33-284.63(8)(B)

4 Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted) 33-284.63(8)(B)

5 Applicant is requesting to permit directional signs with logos (not permitted). 33-284.63(8)(B)
CZAB 1ST RECOMMENDED FOR APPROVAL TO BCC

EXISTING ZONING

Subject Property DKUC,

EXISTING USE RES/ COMM/

SITE CHARACTERISTICS

STRUCTURES ON SITE:

SIX 7 STORY BUILDINGS AND ONE 6 STORY BUILDING.

USE(S) OF PROPERTY:

MIXED USES TO INCLUDE RETAIL/OFFICES/RESTAURANTS AND RESIDENTIAL HIGH DENSITY.

FENCES/WALLS:

NONE

LANDSCAPING:

STREET TREES IN THE INTERIOR ROADS SOME IN PLANTERS WITH SHURBS. NO LAWN AREA.

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO DATED 10/13/2010 & 10/07/2010 ON FILE.

OTHER:

NONE

ZONING INSPECTION REPORT

Process # Applicant's Name

Z2010000044 DOWNTOWN DADELAND RETAIL, LLC.

SURROUNDING PROPERTY

NORTH:

DKUC - DADELAND MALL 7535 SW 88 ST

SOUTH:

DKUC - S DADELAND METRORAIL

EAST:

DKUC - COMMERCIAL RETAIL SALES 7200-7260 SW 88 ST

WEST:

DKUC - BANK/OFFICE BLDG & HOTEL/OFFICES 7300 & 9090 S DADELAND BLVD

SURROUNDING AREA

MIX USES COMMERCIAL / RETAIL / OFFICE / RESTAURANTS WITH OUTDOOR DINING ON THE GROUND FLOORS AND CONDOS UNITS IN THE FLFLOORS ABOVE.

NEIGHBORHOOD CHARACTERISTICS

THIS AREA IS PART OF THE NEW DOWNTOWN KENDALL WHICH IS MIXED USES TO INCLUDE COMMERCIAL / RETAIL / OFFICES /CONDOS AND RESTAURANTS WITH OUTDOOR DINING.

COMMENTS:

PICTURES OF THE PROPERTY WERE PROVIDED BY THE APPLICANT FOR VIEWING. THIS INSPECTOR SUPPLIED PICTURES OF THE SURROUDING PROPERTIES.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 1. NE CORNER OF PROPERTY AT SW 88 ST & S. DADELAND BLVD.



Date: 27-OCT-10

Comments: 1. NW CORNER OF PROPERTY AT SW 88 ST & SW 72 CT.



Date: 27-OCT-10

Comments: 1. SW EXPOSURE - SW CORNER OF PROPERTY AT S. DADELAND BLVD & SW 90 WAY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 1. SE EXPOSURE - N VIEW SW 72 CT & SW 90 WAY.



Date: 27-OCT-10

Comments: 1. NW EXPOSURE - S VIEW OF S. DADELAND BLVD.



Date: 27-OCT-10

Comments: 2. DADELAND MALL 7535 SW 88 ST - N OF PROPERTY - N VIEW FROM S.DADELAND BLVD.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 2.0 DADELAND MALL 7535 SW 88 ST - N OF PROPERTY - NE VIEW FROM SW 88 ST & SW 72 CT.



Date: 27-OCT-10

Comments: 3.0 7300 N KENDALL DR - LOT W OF PROPERTY



Date: 27-OCT-10

Comments: 3.2 7360 N KENDALL DR - LOT W OF W OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 3.1 7360 N KENDALL DR - LOT W OF W OF PROPERTY.



Date: 27-OCT-10

Comments: 4. 9090 S DADELAND BLVD MARRIOTT - LOT SW OF PROPERTY.



Date: 27-OCT-10

Comments: 5. S. DADELAND METRORAIL STATION - S OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 5.0 S. DADELAND METRORAIL- S OF PROPERTY ALONG SW 90 WAY.



Date: 27-OCT-10

Comments: 6. 7200-7260 SW 88 ST - E OF PROPERTY - FROM SW 72 CT. STORES: CONTAINER STORE, OLD NAVY, OFFICE DEPOT & BRANDSMART USA.



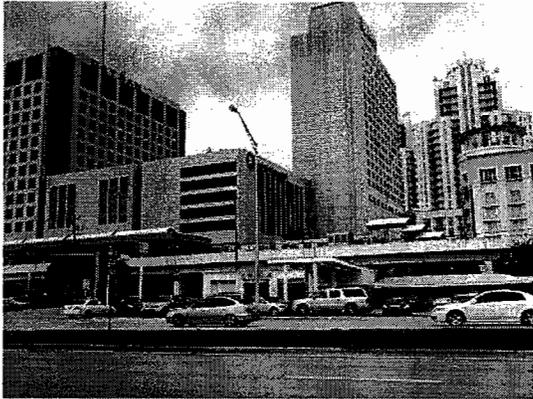
Date: 27-OCT-10

Comments: 7. SHORT'S 9200 S DIXIE HWY - SW OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 8. AUTO PERFECTION WINDOW TINTING 9180 S DIXIE HWY - SW OF PROPERTY.



Date: 27-OCT-10

Comments: 9.0 BARE NECESSITY - ROLLO'S LOUNGE 9100 S DIXIE HWY.



Date: 27-OCT-10

Comments: 10. SUBWAY 9060 S DIXIE HWY - S OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 27-OCT-10

Comments: 11. HAVANA SPICE CAFE 9050 S DIXIE HWY - SE OF PROPERTY.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Downtown Dadeland Retail, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Dadeland Retail, LLC</u>	<u>100% membership interest</u>
<u>6011 Connection Drive</u>	<u>(a wholly owned subsidiary</u>
<u>Irving, TX 75039</u>	<u>of the Goldman Sachs</u>
_____	<u>Group, Inc. and publically</u>
_____	<u>traded on the NYSE as GS)</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: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____

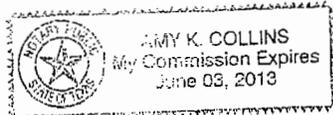
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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)
Assistant Secretary of Managing Member

Sworn to and subscribed before me this 10th day of MARCH, 2010. Affiant is personally know to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)

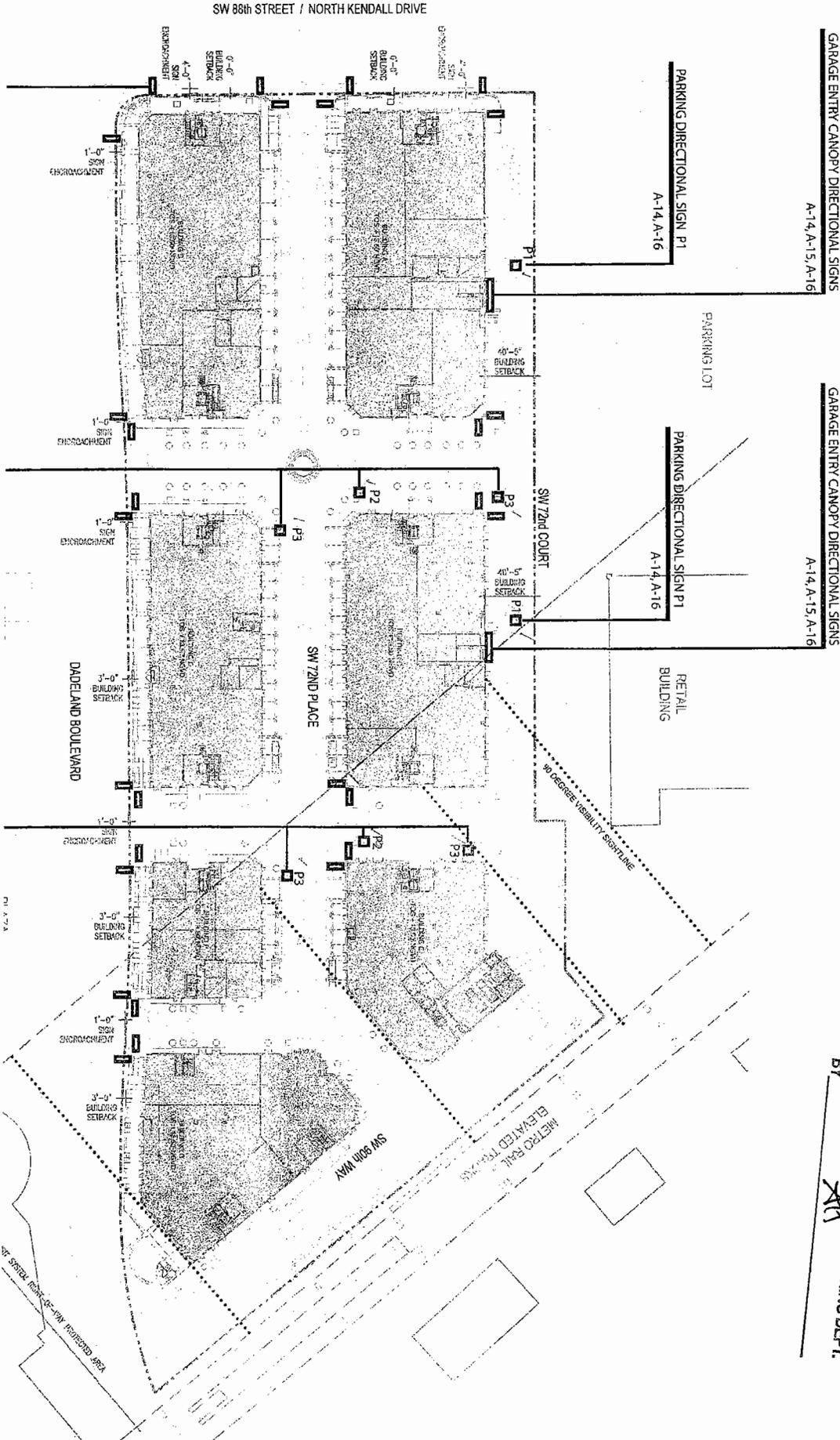


My commission expires: 06/03/13

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.

DADELAND MALL PARKING LOT



RECEIVED
 210-044
 SEP 09 2010
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XK

ENLARGE SITE PLAN

Project Information

Site Information
 Net Lot Area: 222,000 square feet (7.22 acres)
 Zoning: Downtown Urban Center District
 Map No. 100-100-0000-0000
 Sign Requirements

222,000 square feet (7.22 acres)
 Downtown Urban Center District
 Map No. 100-100-0000-0000

Development Permittals

Anytime, Unobscured, roof signs, signs, posters, murals, banners, neon signs, and signs may be erected on any building, structure, or sign. All signs shall be erected on a permanent structure and shall be illuminated by a minimum one hundred thirty-two (132) lumens above the sidewalk. Erection shall be completed within 30 days of the date of the building's permit.

Permanent Points of Sale Signs

By Code and Control (Section 22-254.03 (b)(2)(i))

24 square feet maximum

(i) Number

One (1) of each sign type, up to a total of three (3) per street frontage for each lot.

(ii) Building Identification Wall Sign

Permitted above sign face. One (1) sign per building. The sign shall be no larger than 10' (10') feet from the sidewalk and five (5) feet maximum from side or rear property line.

(iii) Sidewalk and Spacing

Section 22-254.03 (b)(2)(ii) of the Code and Ordinance. Signs shall be placed in accordance with the following requirements:

(iv) Illumination

Section 22-254.03 (b)(2)(iii) of the Code and Ordinance. Signs shall be illuminated in accordance with the following requirements:

(v) Maximum Height

Four (4) feet maximum height above grade to top of sign for attached sign.

(vi) Special Conditions

No permit required for awnings. Awnings shall be limited to the sidewalk on the occupant and/or side of the property. Awnings shall be constructed of a material that is non-flammable, non-toxic, and non-polluting. Awnings shall be removed during inclement weather, building rains and conditions caused by storms or other natural forces occurring up to ten (10) percent of a sign's life.

(vii) Prohibited

No sign shall exhibit banners and flags for business purposes.

Proposed

4'-0" illuminated side row and 4'-0" from curb face
 1'-0" illuminated side row and 6'-0" from curb face
 21' from sidewalk to bottom of sign
 Enrichment is lower than building

Additional conditions including

4-foot illuminated sign
 1-foot illuminated sign
 36-3' setback from road property line

Remarks

For Banner Signs along North Kendall Drive
 For Banner Signs along Dadeland Boulevard
 For Banner Signs
 For Banner Signs

For Banner Signs
 For Banner Signs

For Banner Signs along North Kendall Drive
 For Banner Signs along Dadeland Boulevard
 For Banner Signs

DOWNTOWN DADELAND

RECEIVED
 20-044
 SEP 11 2010

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

ZONING DATA

Zoning Hearing Application
 07.07.10

DOWNTOWN DADELAND
 2770 NORTH KENDALL DRIVE
 MIAMI, FL 33156

210-010

344

DATE: 08/11/10

BY: [Signature]

TITLE: [Signature]

COMPANY: [Signature]

ADDRESS: [Signature]

PHONE: [Signature]

FAX: [Signature]

EMAIL: [Signature]

WEBSITE: [Signature]

ARCHITECTURE + DESIGN

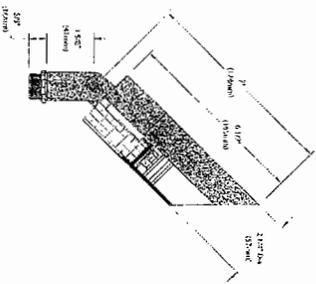
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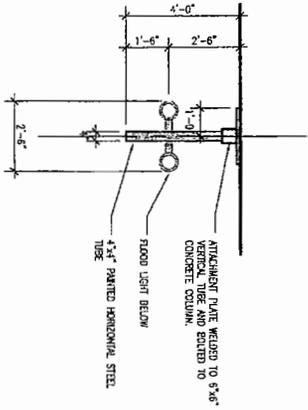
31

ZONING HEARING'S SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

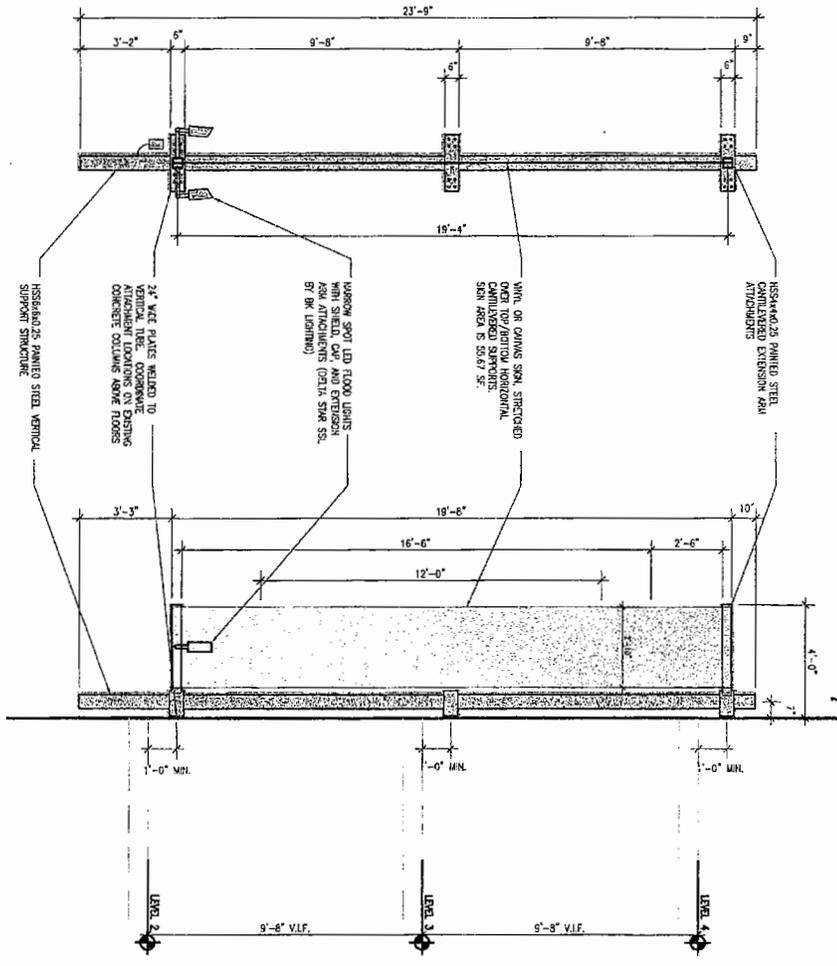
LEE STIGAN, DADEI AND
 ASSOCIATES, INC.



BANNER SIGN LIGHT FIXTURE - CUTAWAY VIEW
 NO SCALE



BANNER SIGN PLAN
 1/2"=1'-0"



BANNER SIGN ELEVATIONS
 1/2"=1'-0"

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Zoning Hearing Application
 07.07.10

BANNER SIGN DETAILS

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



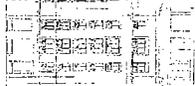
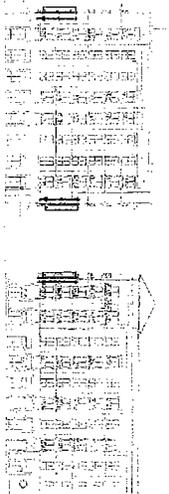
NORTH ELEVATION ALONG KENDALL DRIVE
NO SCALE



EAST ELEVATION ALONG SW 72ND COURT
NO SCALE



WEST ELEVATION ALONG DADELAND BOULEVARD
NO SCALE



DOWN TOWN DADELAND AND



BANNER SIGN OVERALL
ELEVATIONS

Zoning Hearing Application
07.07.10

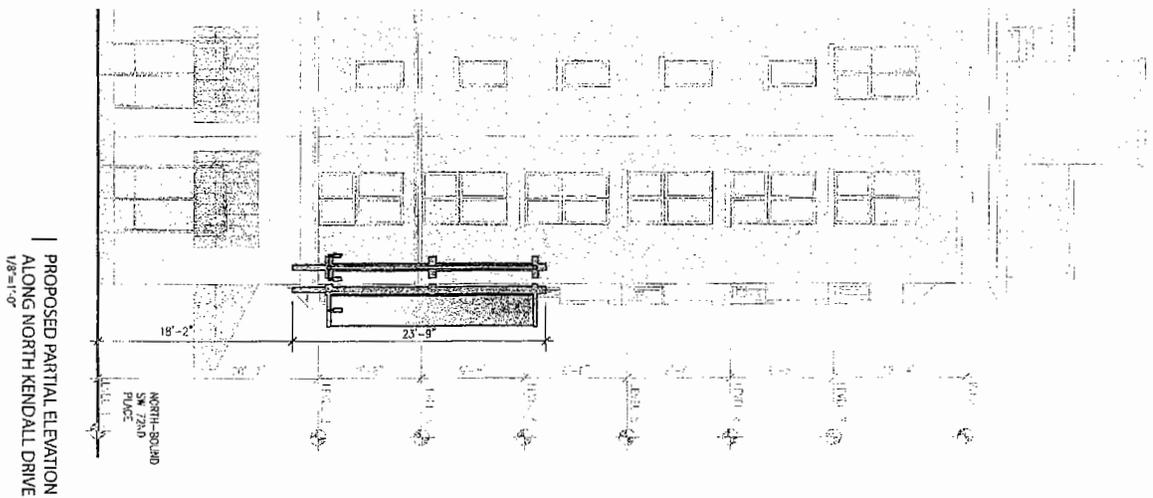
DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

Prepared For:
The City of Miami
1250 BRICKELL AVENUE
MIAMI, FL 33131
ARCHITECTURE + DESIGN
JOSHUA
2500 BAYVIEW
MIAMI, FL 33133

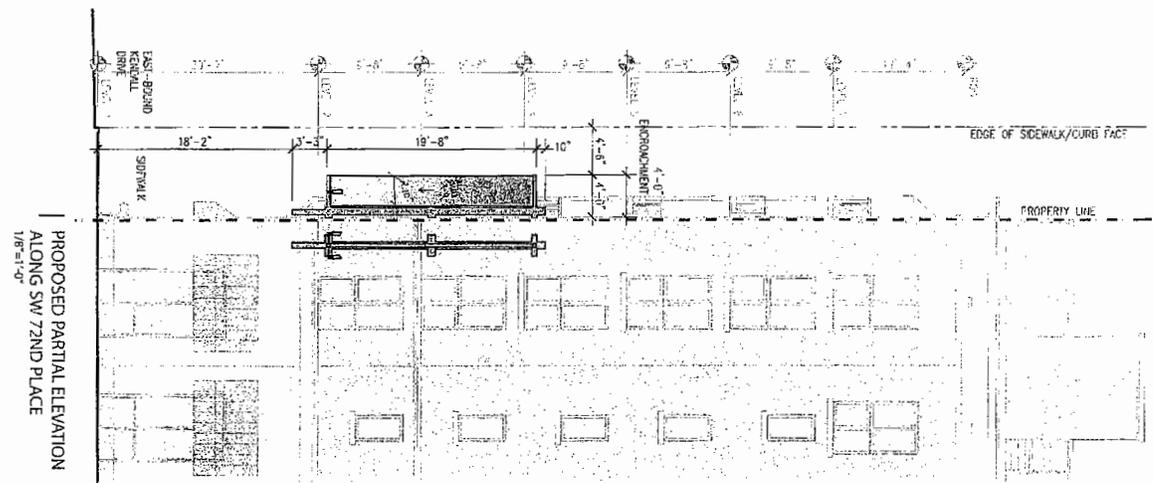
A-10

PROJECT #09163300

PROJECT #09163.00



PROPOSED PARTIAL ELEVATION
 ALONG NORTH KENDALL DRIVE
 1/8"=1'-0"



PROPOSED PARTIAL ELEVATION
 ALONG SW 72ND PLACE
 1/8"=1'-0"

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Zoning Hearing Application
 07.07.10

BANNER SIGN BUILDING
 ELEVATIONS

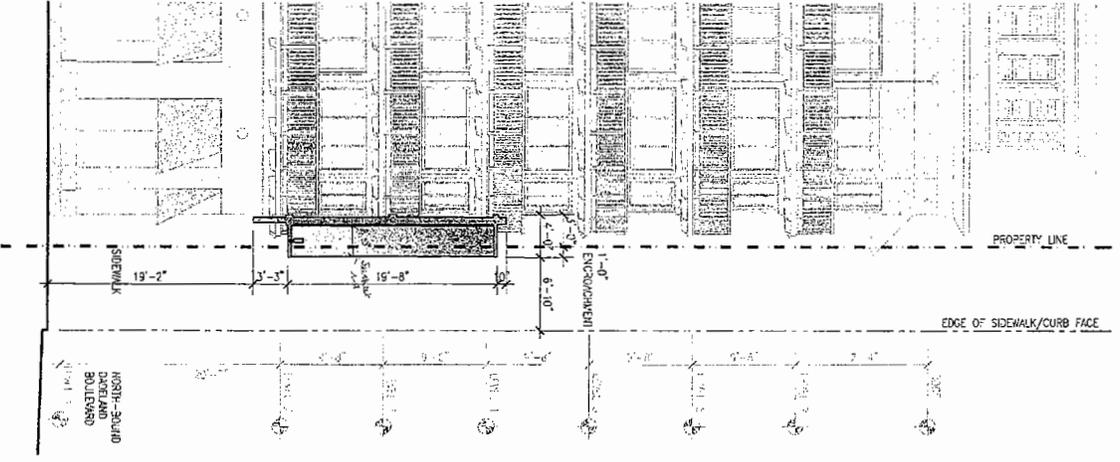
ZONING HEARINGS SECTION
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 BY AK

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 SEP 19 2010
 PLANNING & ZONING DEPT.

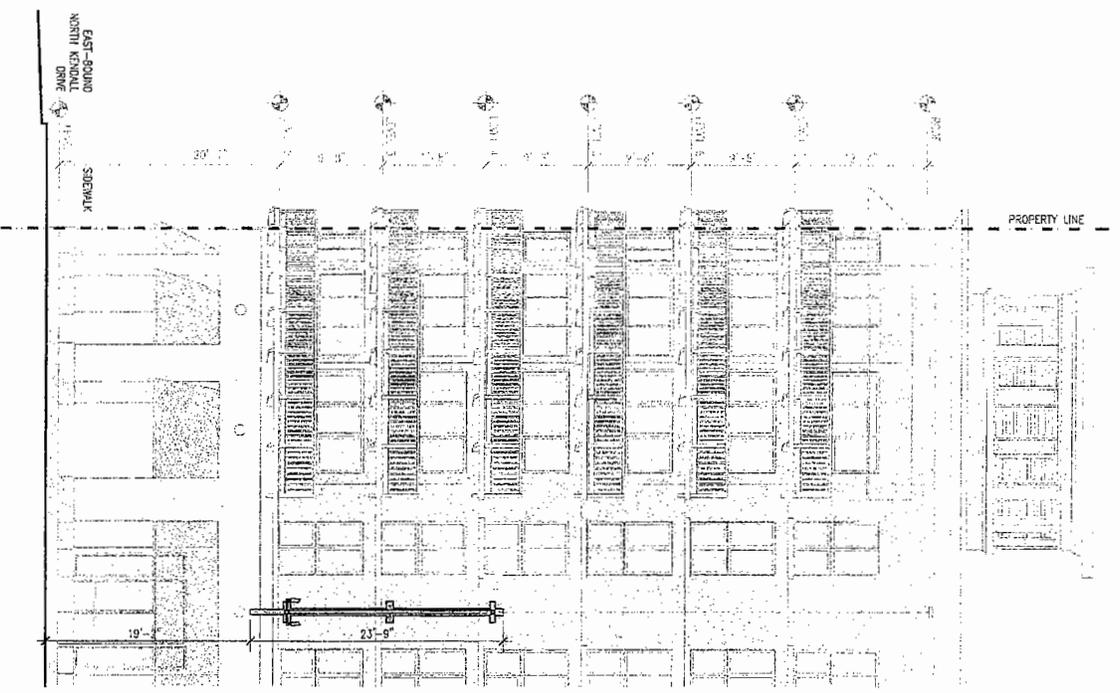
ARCHITECTURE + DESIGN
 1111 N. MIAMI AVENUE
 SUITE 1000
 MIAMI, FL 33136
 TEL: 305.375.1111
 WWW.A+DARCHITECTURE.COM

PROJECT #09163.00
 1/8"=1'-0"

PROPOSED PARTIAL ELEVATION
 ALONG NORTH KENDALL DRIVE
 1/8"=1'-0"



PROPOSED PARTIAL ELEVATION
 ALONG DADELAND BOULEVARD
 1/8"=1'-0"



A-12

ARCHITECTURE + DESIGN
 1417 N.W. 10th St.
 Suite 100
 Miami, FL 33136
 Phone: 305.371.1234
 Fax: 305.371.1235
 www.architectureplusdesign.com

DOWNTOWN DADELAND
 2270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Zoning Hearing Application
 07.07.10

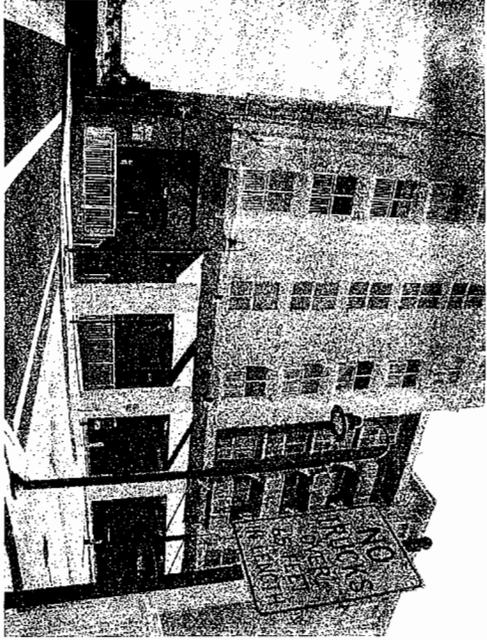
BANNER SIGN BUILDING
 ELEVATIONS

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

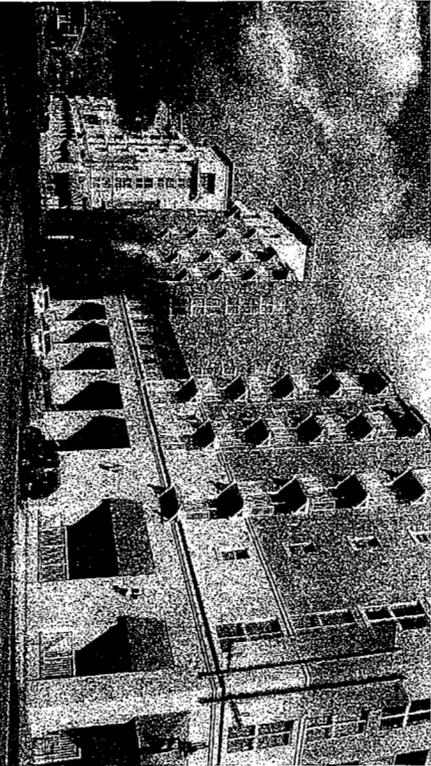
RECEIVED
 210-09-19
 SEP 19 2010

MIAMI-DADE COUNTY

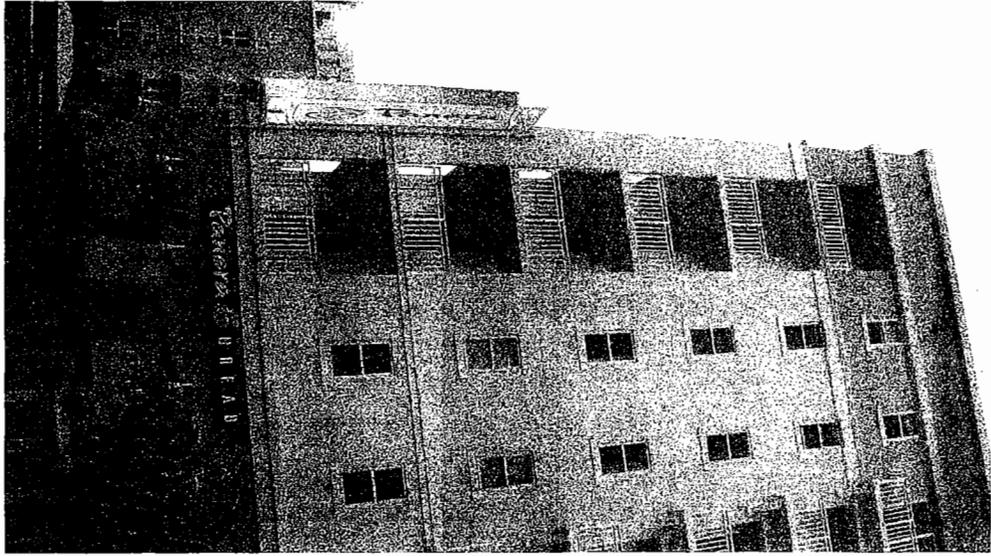
34



AT NORTH KENDALL DRIVE
NO SCALE



ALONG DADELAND BOULEVARD
LOOKING NORTH
NO SCALE



AT SW 72nd COURT
NO SCALE

DOWNTOWN DADELAND



RECEIVED
210-044
SEP 19 2012

ZONING REVISIONS SECTION
MAY 15 2012
BY *XIV*

BANNER SIGN PHOTO-
MONTAGES

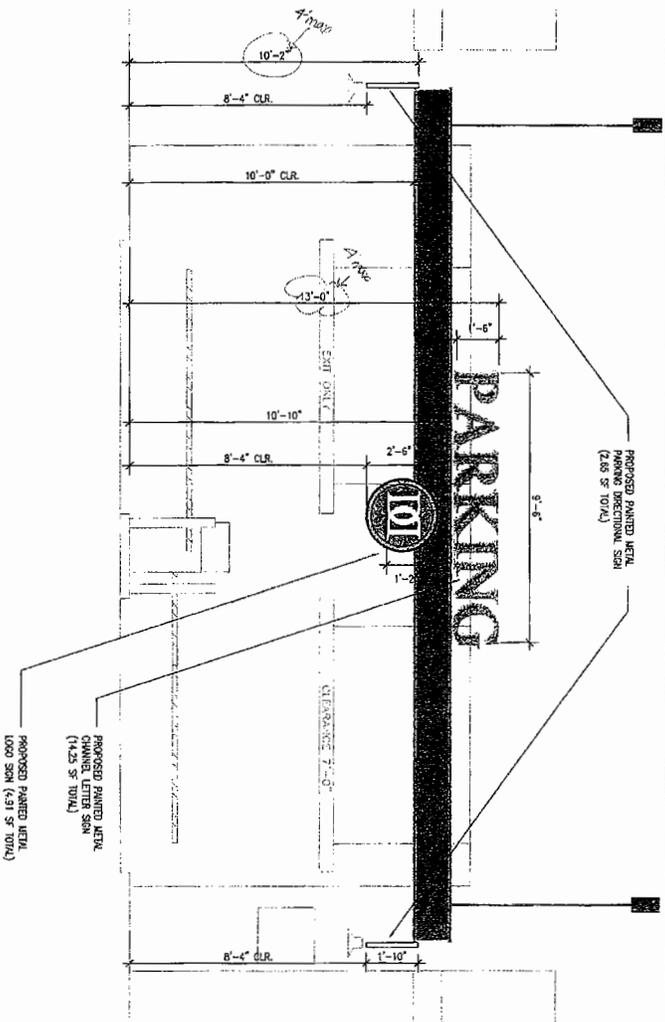
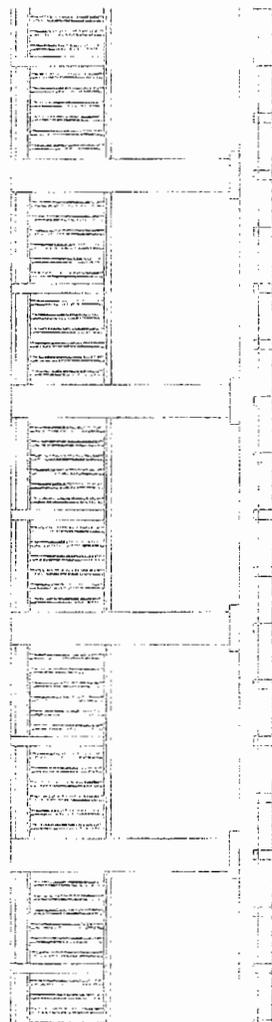
Zoning Hearing Application
07.07.10

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

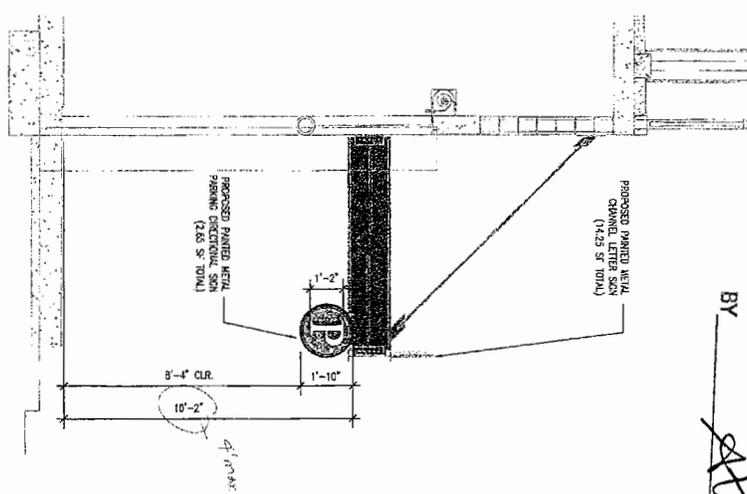
210-044
A13
111 701

Outstanding Items
Submitted/Received/Date
10/23/10 10/23/10
10/23/10 10/23/10
10/23/10 10/23/10
10/23/10 10/23/10

ARCHITECTURE + DESIGN
1000 BROADWAY
MIAMI, FL 33139
305.371.0000
WWW.A+DARCHITECTURE.COM



PROPOSED FRONT ELEVATION
 1/2"=1'-0"



PROPOSED SIDE ELEVATION
 1/2"=1'-0"

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

RECEIVED
 210-0044
 SEP 19 2009
 MIAMI-DADE PLANNING AND ZONING DEPT.

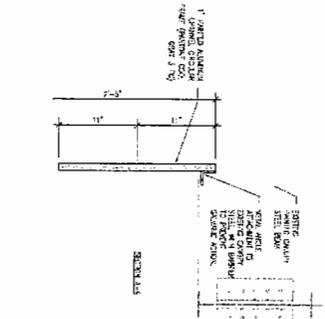
37

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

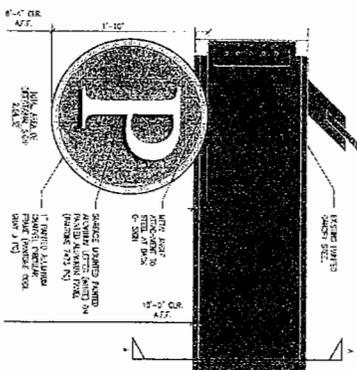
PARKING
 GARAGE ENTRY/EXIT
 SIGN ELEVATION
 Zoning Hearing Application
 07/07/10

Client: Downtown Dadeland
 Project: Downtown Dadeland
 Date: 07/07/10
 Architect: Architecture + Design
 12000
 12000
 12000

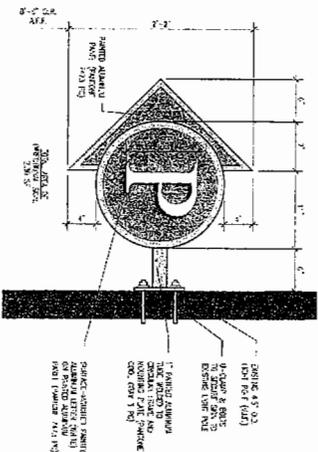
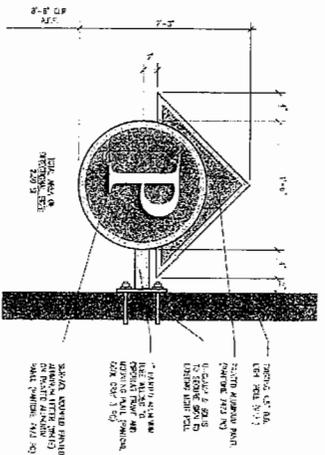
PROJECT: 009163.00



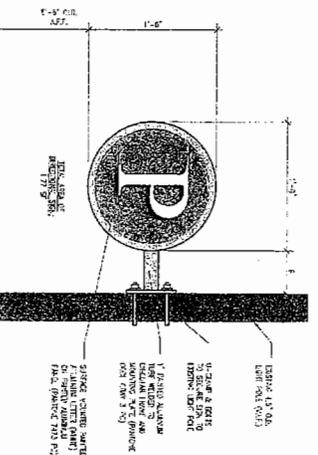
GARAGE ENTRY / EXIT SIGN



DIRECTIONAL SIGN TYPE P2



DIRECTIONAL SIGN TYPE P3



DIRECTIONAL SIGN TYPE P1

DOWNTOWN DADELAND
 7720 NORTH KENDALL DRIVE
 MIAMI, FL 33156

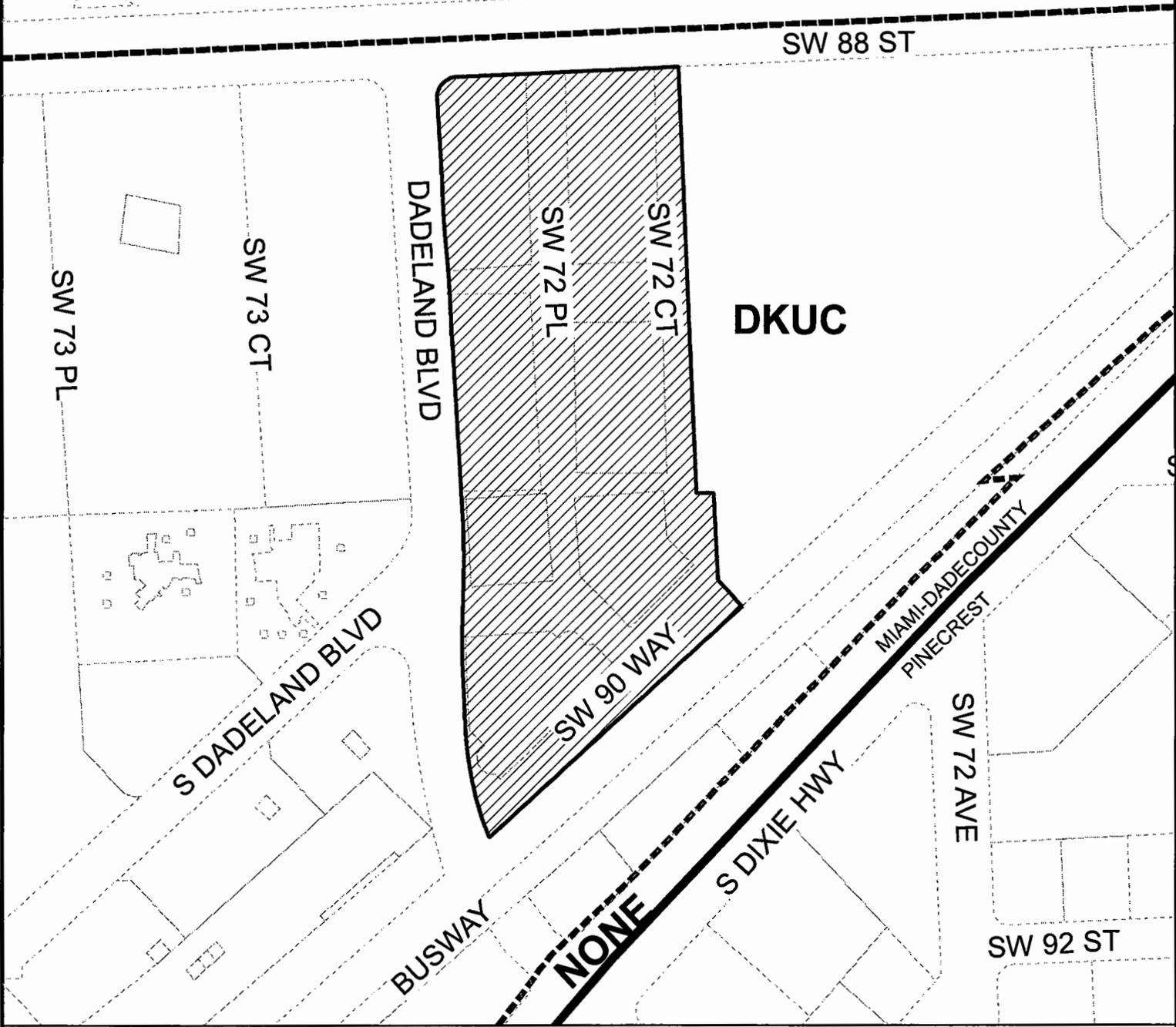
PARKING
 GARAGE DIRECTIONAL
 SIGN DETAILS
 Zoning Hearing Application
 07/07/10

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

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 2100044
 SEP 09 2010

38

DADELAND MALL
DKUC



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000044

Legend

-  Subject Property Case
-  Zoning

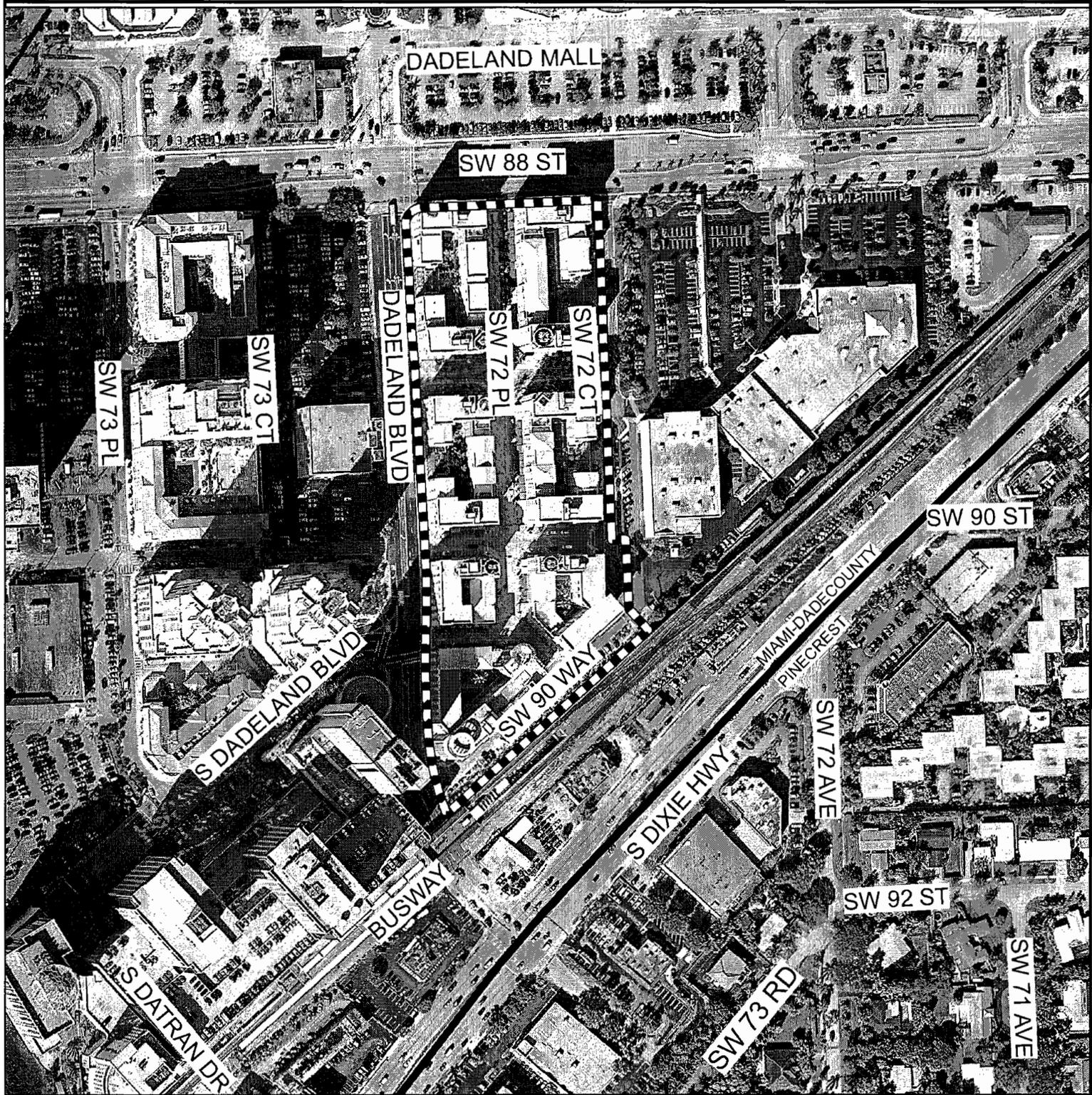


Section: 02 Township: 55 Range: 40
 Applicant: DOWNTOWN DADELAND RETAIL, LLC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY
		39



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000044

Legend



Subject Property



Section: 02 Township: 55 Range: 40
 Applicant: DOWNTOWN DADELAND RETAIL, LLC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY

1. GUS EXPOSITO
(Applicant)

10-12-CZ12-1 (08-136)
Area 12/District 08
Hearing Date: 12/16/10

Property Owner (if different from applicant) **EM Reality.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1966	J. Abney Cox	- Zone change from RU-1 to BU-1A.	BCC	Approved w/conds.
1966	J. Abney Cox, Trustee	- Zone change from RU-1 to BU-1A.	ZAB	Approved on a modified basis
1972	Gadco Corp PYMS – Suchman Real Estate	- Modify condition of Resolution.	ZAB	Approved w/conds.
1974	Gadco Corp PYMS – Suchman Real Estate	- Variance setback for signage.	ZAB	Approved
1976	College Park Pizza	- Special Exception to permit beer and wine in BU-1A with restaurant. - Variance spacing required.	ZAB	Approved w/conds.
1992	E.M. Kendall Realty Inc	- Modify condition of Resolution. - Non-Use Variance of setback requirement.	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**

APPLICANT: Gus Exposito

PH: Z08-136 (10-12-CZ12-1)

SECTION: 7-55-40

DATE: December 16, 2010

COMMISSION DISTRICT: 8

ITEM NO.: 1

=====

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to submit a site plan which indicates the continued use of an existing hand carwash structure within the boundaries of an existing shopping center, to allow the continued use of said carwash structure with no walls where the Zoning Code requires solid walls, to permit the continued use of the shopping center with less parking spaces than required and a driveway narrower than that required by the Zoning Code.

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution Z-54-66, passed and adopted by the Board of County Commissioners, last modified by Resolution 4-ZAB-335-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. 'Proposed Equipment Enclosure for: Mr. R. Kiser/College Park Inn,' as prepared by Garcia Perron Architects, dated 3-19-92."

TO: "2. That plans be substantially in compliance with that submitted for hearing entitled 'Proposed Drainage System,' as prepared by Architek, Inc. consisting of 2 sheets and dated stamped received 9/9/10, with Sheet 'A2,' last handwritten revision 9/23/10."

- (2) MODIFICATION of Paragraph #2 of an Agreement recorded in Official Record Book 5108, Pages 120 through 123, reading as follows:

FROM: "2. That said plot use plan shall embody the purpose and intent of, and said property shall be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Knude & Associates, entitled 'Street Plan of College Park,' dated December, 1965, revised February 16, 1966."

TO: "2. That plans be substantially in compliance with that submitted for hearing entitled 'Proposed Drainage System,' as prepared by Architek, Inc. consisting of 2 sheets and dated stamped received 9/9/10 with Sheet 'A2,' last handwritten revision 9/23/10."

The purpose of requests #1 and #2 is to allow the applicant to submit a revised site plan showing a hand carwash within a previously approved shopping center.

- (3) Applicant is requesting to waive the zoning regulation requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit a covered canopy for an outdoor carwash.

- (4) Applicant is requesting to permit 93 parking spaces (105 parking spaces required).
- (5) Applicant is requesting to permit an 18'6" wide (20' required) two-way drive.

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

- o **LOCATION:**

Lying south of SW 104 Street and approximately 165' east of SW 109 Court a/k/a 10585 S.W. 109 Court, Miami-Dade County, Florida..

- o **SIZE:** 2.01 Acres

B. ZONING HEARINGS HISTORY:

In 1966, pursuant to Resolution #Z-54-66, the Board of County Commissioners granted approval of a district boundary change from RU-1 to BU-1A and accepted a proffered covenant. In 1972, pursuant to Resolution #4-ZAB-416-72 the Zoning Appeals Board granted a modification of the plans approved pursuant to Resolution #Z-54-66 and in 1992, pursuant to Resolution #4-ZAB-335-92, the Zoning Appeals Board granted a modification of the previous approved plans.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates 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. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. Medium Density Residential. This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments. s

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

BU-1A; shopping center

Business and Office and Medium
Density Residential 13 to 24 dua

SURROUNDING PROPERTY:

NORTH: RU-1A; MDCC

Institution, Utilities & Communications

SOUTH: RU-4M and RU-4L; apartments

Medium Density Residential 13 to 25 dua

EAST: RU-4M; apartments

Business and Office & Medium Density
Residential 13 to 25

WEST: BU-1A; US Post Office

Business and Office & Medium Density
Residential 13 to 25

F. PERTINENT REQUIREMENTS/STANDARDS:

33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of

approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

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	Objects
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is a 2.01-acre site zoned BU-1A, Limited Business District, and is currently improved with a shopping center and a hand carwash located at 10585 SW 109 Court. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the northern portion of this site 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. Additionally, the southern portion of the site is designated as **Medium Density Residential**, this category which allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouse and low-rise and medium-rise apartments. The subject site contains an existing lawful commercial use and since the requests will allow the maintenance of an existing hand carwash structure in the Business and Office designated area of the site, the hand carwash structure is **consistent** with the **Business and Office** use designation on the LUP map of the CDMP and is **compatible** with the surrounding area, which is characterized by commercial buildings and apartments.

When requests #1 and #2 are analyzed under Section 33-311(A)(7) the Generalized Modification Standards, staff recommends that the requested modification of the previously approved plans to allow the continued use of the existing hand carwash structure be denied without prejudice. Staff notes that the plans submitted by the applicant depict the existing hand carwash structure located in the northeastern portion of the existing shopping center, which is the narrowest portion of the shopping center fronting on SW 104 Street. Staff also

notes that the plans depict a total of four (4) driveways; three (3) of which, provide access to SW 109 Court, and one (1) provides access to SW 104 Street. Staff is of the opinion that the ingress and egress traffic to the shopping center via SW 104 Street is being negatively impacted by the existing hand carwash operation which is being conducted immediately adjacent to said driveway which provides access to SW 104 Street. In addition, staff notes that portions of the canopy which covers the hand carwash structure encroaches into said driveway, resulting in a reduction of the required width of a two way driveway. Based on all these reasons staff opines that the existing hand carwash as depicted on the plans submitted for this hearing should be denied without prejudice under Section 33-311(A)(7) Generalized Modification Standards.

When requests #3, #4 and #5 are analyzed as per Section 33-311(A)(4)(b), staff recommends that these requests should also be denied without prejudice since these requests are germane to requests #1 and #2. Staff notes that the plans submitted by the applicant depict the aforementioned hand carwash structure with no walls and covered by a canopy. Staff notes, that said hand carwash parking structure and operation is occupying twelve (12) of the parking spaces which were previously assigned to the commercial uses within the shopping center. Staff opines that by allowing the continued use of the existing hand carwash structure with no walls at this location could create a negative aural impact to the neighboring residential property to the east which is developed with apartments. The applicant is also seeking approval to allow the continued use of a shopping center with a total of 93 parking spaces where 105 parking spaces are required, resulting in a shortage of twelve (12) parking spaces. Staff opines that the reduction of twelve (12) parking spaces creates a negative impact to the availability of parking spaces for the existing commercial uses on the shopping center. Staff is opinion that the plans as submitted indicating the hand carwash on a previously approved parking area creates a shortage of parking on the site which may result in customers parking on the swale areas of the adjacent streets. The applicant is also seeking to allow a two-way driveway with a maximum width of 18'6" where 20' is required. Staff notes, that the reduction of the driveway width is a result of the encroachment of the existing hand carwash canopy into the existing driveway. Staff is of the opinion that said 1'6" encroachment could be hazardous to trucks and other vehicles which exceed the normal height of an automobile. Based on all the aforementioned reasons staff recommends denial without prejudice of requests #3, #4 and \$5 under Section 33-311(A)(4)(b).

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None.

DATE INSPECTED:

DATE TYPED: 08/21/10

DATE REVISED: 08/22/10; 11/17/10; 11/24/10

DATE FINALIZED: 11/24/10

MCL:GR:NN:NC;TA

For 

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

Memorandum

Date: September 20, 2010

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

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

Subject: C-12 #Z2008000136-3rd Revision
Agustin Exposito
10585 S.W. 109th Court
Modification of a Previous Resolution to Permit a Car Wash
Request to Permit Less Setback than Required
(BU-1A)(2 Acres)
07-55-400

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 Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, 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 wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Pollution Control

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Stormwater Management

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Furthermore, Car Wash has to comply with the following Department of Environmental Resources Management (DERM) Car Wash requirements policy:

1. It is unlawful to throw, drain, run, or otherwise discharge any industrial waste, liquid waste or other waste into a system designed to carry storm water. Similarly, it is unlawful to throw, drain, run or otherwise discharge any stormwater into a sanitary sewer. In order to segregate stormwater from industrial wastewater or liquid waste generated at a car wash and facilitate their correct handling and disposal, the following minimum requirements shall be incorporated into all car wash facilities:
 - a. Car washing operations shall be conducted over an impervious area no smaller than twelve (12) feet by eighteen (18) feet.
 - b. A berm or curb (of a minimum of four (4) inches in height) must be constructed around the wash stall in order to prevent industrial or liquid waste from flowing out of the stall into the stormwater sewer system or stormwater from entering the wash stall and the sanitary sewer system.
 - c. A roof with a minimum two (2) feet overhang beyond the berm or curb must be installed and properly maintained over the wash stall on all sides to prevent rainwater intrusion.
 - d. The liquid waste generated by the car wash operation must be discharged to the sanitary sewer system (unless a self-contained water recycling system is used) through an oil interceptor meeting the requirements of Section 4612.3(c) of the South Florida Building Code and with minimum capacity of seven hundred fifty (750) gallons.
 - e. An easily accessible sampling point must be provided at the industrial waste discharge pipe at a point beyond which no further pretreatment is provided and prior to discharge to the

sanitary sewer system to ascertain compliance with the sanitary sewer discharge standards stipulated in Section 24-11(9) of the Code.

2. If water hoses are used during the operation, the hose bib shall be protected by a vacuum breaker to prevent back-siphonage. In addition, a self canceling or self closing nozzle must be attached to the hose to minimize water usage.

Note: Additional restrictions may be imposed during water shortage emergencies, or in accordance with other municipal, county or water management district water conservation requirements.

3. The restrictions on use, generation, handling, disposal, discharge or storage of hazardous materials within any wellfield protection area apply.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Hazardous Materials Management

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

Operating Permits

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

Pollution Remediation

The applicant is advised that there are records of petroleum contamination assessment or remediation issues abutting the subject property to the north (College Park Shell, 10998 SW 104th Street, UT-698/F-7386). The contaminated site is in a state-funded program awaiting allocation of funds for cleanup.

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

Wetlands

The subject property does not contain jurisdictional 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 car wash will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

REVISION 2
PH# Z2008000136
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: GUS EXPOSITO

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 application meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

10-SEP-10



Memorandum

Date: 21-SEP-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000136

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated May 10, 2010.

OBJECTIONS

These objections are for site plan date stamped September 9, 2010.

- This case has been reviewed twice and disapproved for the same issues.
- Applicant must indicate the height of the carwash canopy.
- Minimum vertical clearance required is 13'6" in order for the canopy to be within the 20 feet driveway. Otherwise a clear width of 20 feet beyond the canopy is required.

Service Impact/Demand:

Development for the above Z2008000136
 located at 10585 S.W. 109 COURT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 4890 is proposed as the following:

N/A <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
1,366 <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 0.40 alarms-annually.
 The estimated average travel time is: 7:13 minutes

Existing services

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

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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped September 9, 2010.

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

12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

GUS EXPOSITO

10585 S.W. 109 COURT, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000136

HEARING NUMBER

HISTORY:

Building Department Enforcement cases:

OPEN BUILDING CASE:

20080116752: An NOV was issued on 1-27-2009 for an electrical sign without a permit. A CVN, B043668, was issued on 03-07-2008 for non compliance. A Notice of Intent to Lien was issued 08-23-2010. Permit #2010057107 was obtained on 09-21-2010 to remove the electrical sign. Property owner requested a settlement on 09-21-2010. The case remains open.

20080116753: A case was opened on 12-27-2007 for electrical sign without a permit. A NOV was mailed on 01-08-2008. An extension request was received and approved on 01-29-2008. CVN B043668 was issued on 03-07-2008. CVN was paid. A second CVN, B062565 was issued on 08-25-2008 electrical work performed on signs without a permit. On 10-18-2008, a Non Compliance Affidavit was issued. CVN's were paid and permit #2010057107 was obtained and finalized for sign removal. Case remains open.

CLOSED BUILDING CASES:

2006094083: Case was opened on 12-08-2005 for failure to maintain building in safe condition. NOV was issued on 12-9-2005. Compliance was achieved on 06-28-2006. Case was closed on 07-02-2006.

A2003000204: A NOV was issued to home owner and contractor for an Expired Permit. Violation was corrected and case was closed on 01-02-2004.

2006094234: A NOV was issued on 12-14-2005 for electrical work without a permit. CVN 998340 was issued on 06-28-2006. CVN was paid on 02-23-2007. Permit was obtained and case was closed on 09-12-2008.

20070109005: Duplicate opened on 03-26-2007 in error, see case 2006094234-B which is pending compliance. Case was closed on 04-03-2007.

20080116755: Case opened and NOV issued on 12-27-2008 for electrical sign with out a permit. Permit obtained, violation corrected and case closed on 06-19-2008.

20060101669: Complaint recieved on 08-02-2006 for roof work with out a permit. On 08-14-2006, no violation was observed and case was closed.

20080123465: A complaint was received on 07-15-2008 for shed and canopy with out a permit. NOV was issued on 07-17-2008. Case was closed on 09-10-2008; NOV was issued to wrong property owner

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

REPORTER NAME:

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: E. M. Kendall Realty, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Aharon EMANO</u>	<u>100%</u>
<u>PO Box 267</u>	
<u>Hallandale FL. 33008</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>

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

RECEIVED
JUL 22 2008

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].

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208-136
JUL 22 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

BY AA
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.

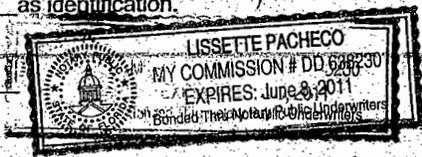
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]

(Applicant)
ARON EMAND

Sworn to and subscribed before me this 15 day of July, 2008. Affiant is personally know to me or has produced as identification.

[Signature]
(Notary Public)

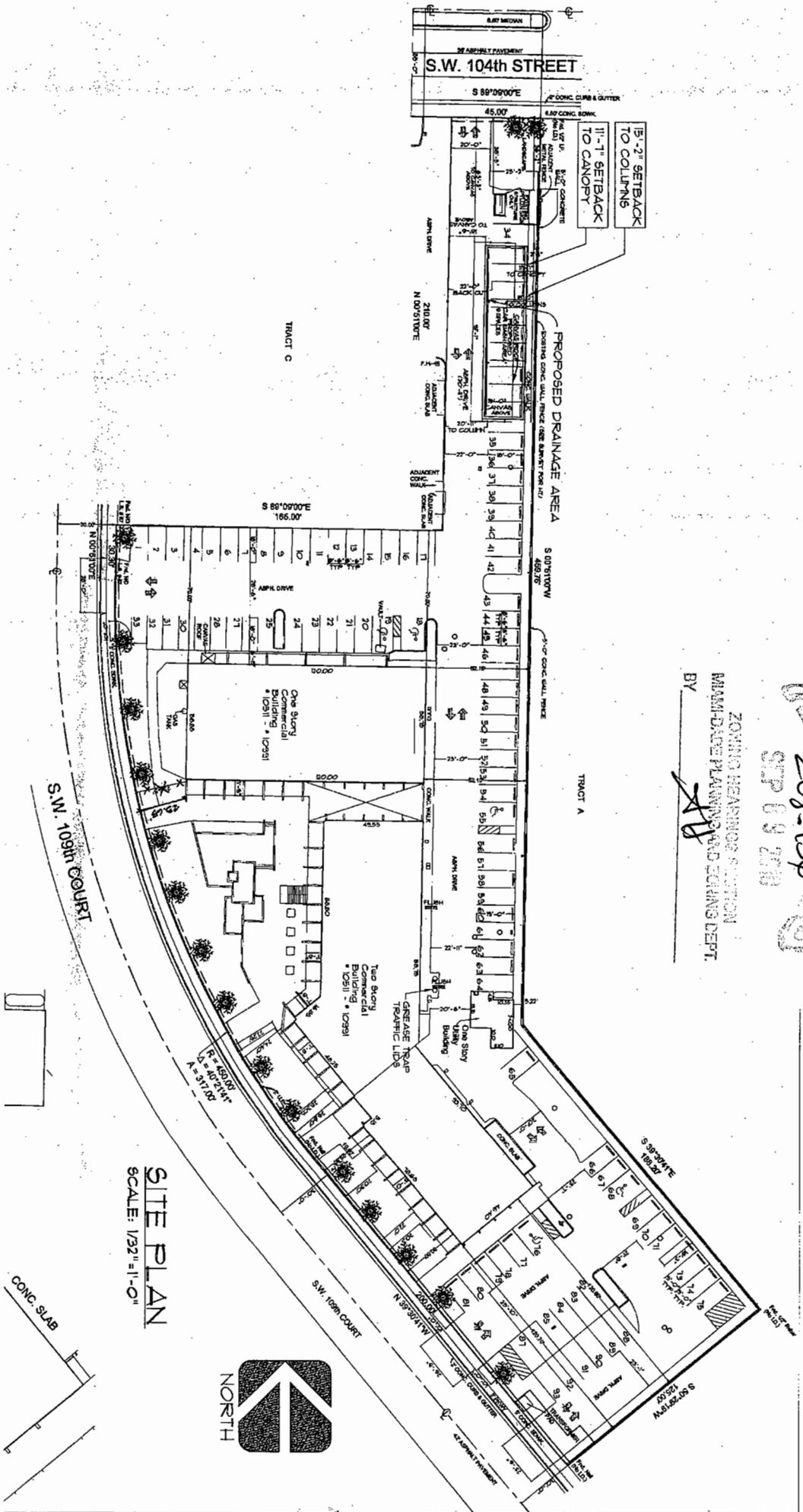


My commission expires: _____

*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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 208-136
 SEP 19 2010

ZONING HEARINGS SECTION
 PLANNING AND ZONING DEPT.
 BY *AB*



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



ENLARGE SITE PLAN

RECEIVED
 MARCH 15 2010
 ZONING DEPARTMENT

LANDSCAPE LEGEND:

LANDSCAPE	SYMBOL	DESCRIPTION
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LANDSCAPE SCHEDULE

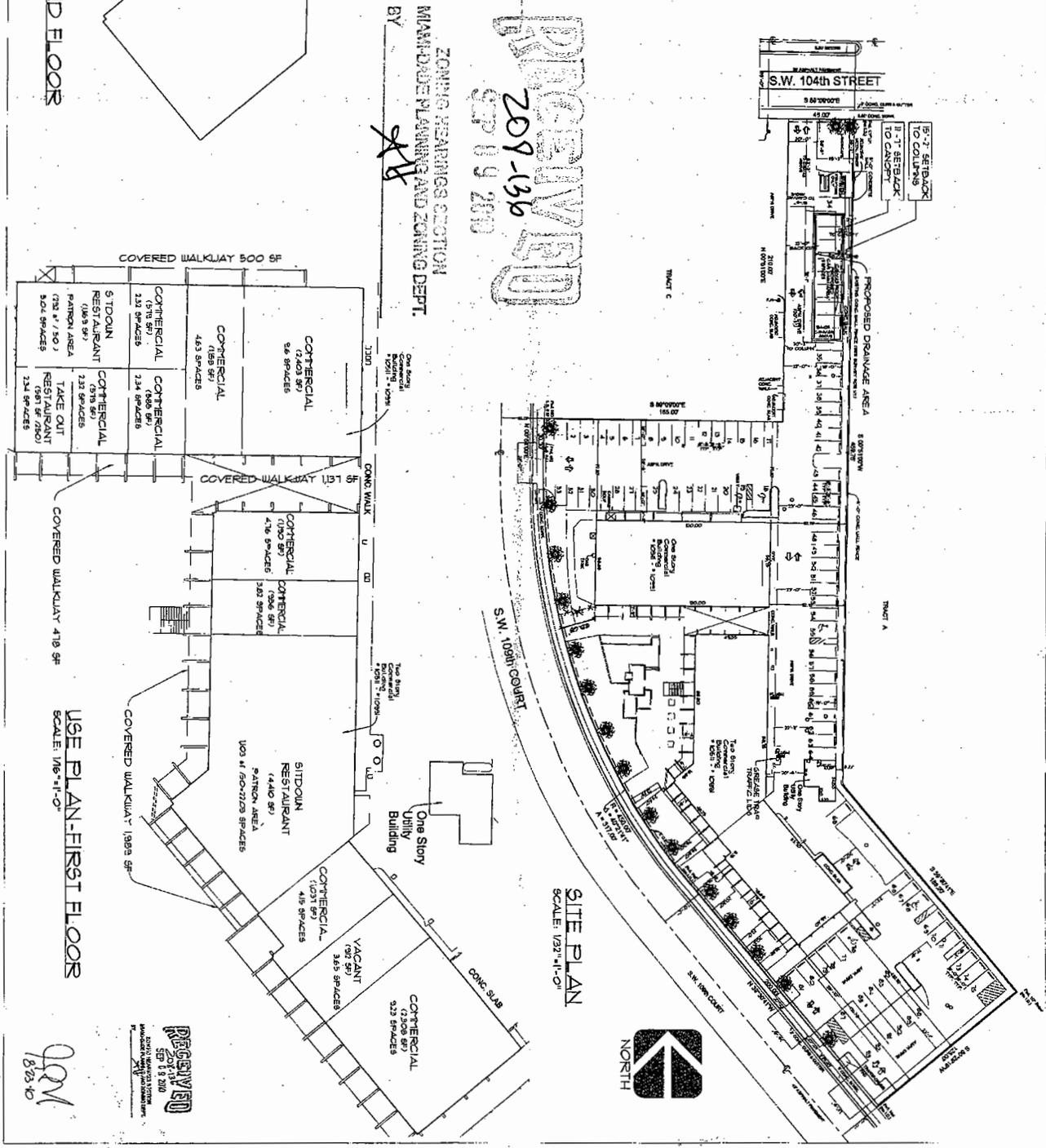
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LEGAL DESCRIPTION

TRACT B, COLLEGE PARK SOUTH SECTION ONE, according to the Plan thereof, as recorded in Real Book 071, Page 8 of the Public Records of Miami-Dade County, Florida.

RECEIVED
 209-136
 09/19/2010

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



USE PLAN-SECOND FLOOR
 SCALE: 1/8" = 1'-0"

USE PLAN-FIRST FLOOR
 SCALE: 1/8" = 1'-0"

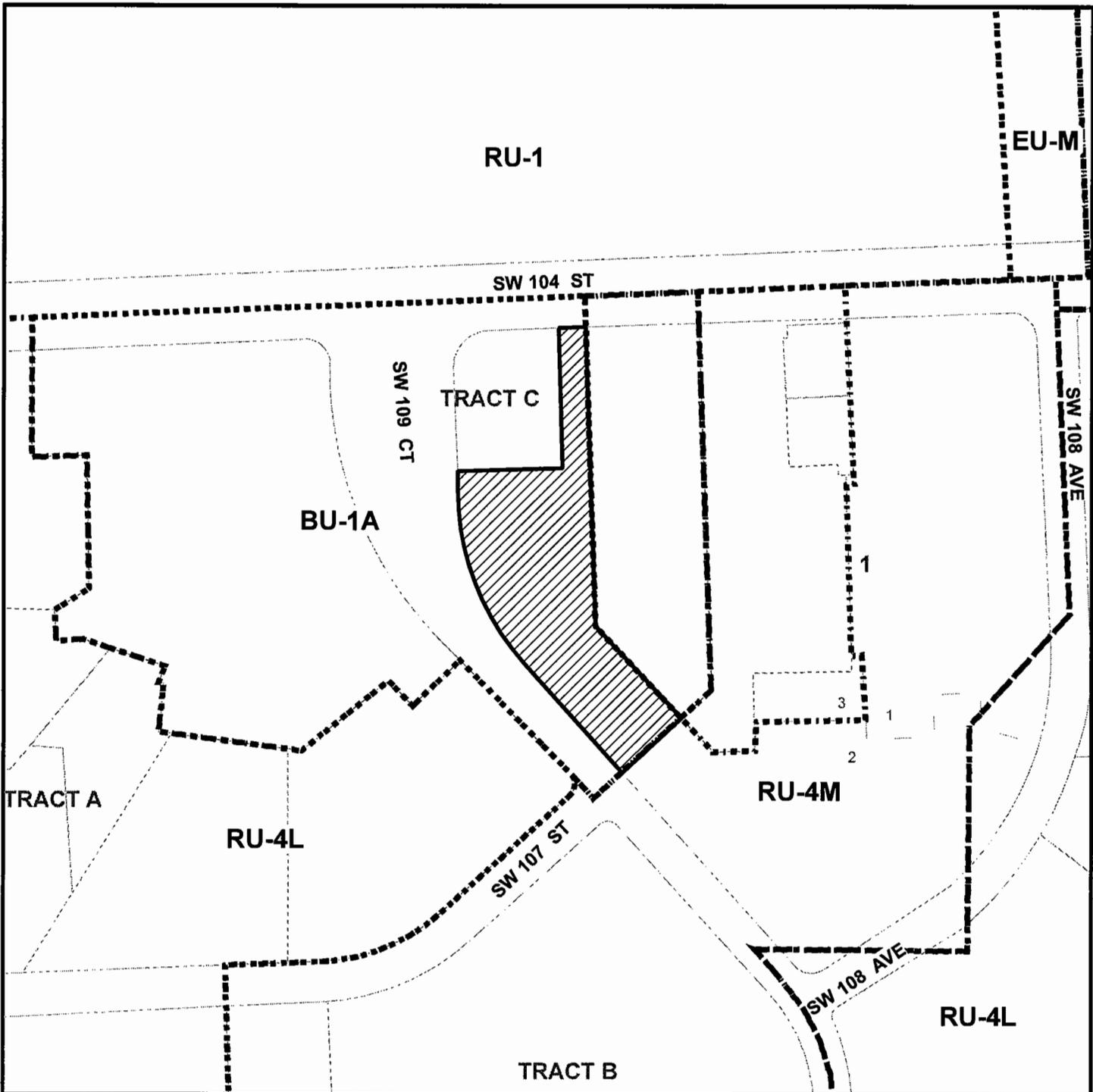
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 2010 SEP 18 10:30 AM
 8/25/10

Scale	1/8" = 1'-0"
Date	07/08
Job #	
Drawn	MS
Checked	MS
Sheet	A1

PROPOSED: PROPOSED DRAINAGE SYSTEM
 OWNER: AGUSTIN EXPOSITO PHONE: (905) 218-2865
 ADDRESS: 2525 WEST 8 COURT, HIALEAH, FL 33010
 PROJECT ADDR: 10785 SW 108 COURT, MIAMI FL. 33178

Architects Inc
 Architecture
 A.R. #013151
 8145 NW 155 Street, Miami Lakes, FL. 33016

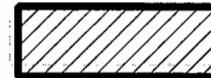
8



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 07T ownership: 55 Range: 40
 Applicant: GUS EXPOSITO
 Zoning Board: C12
 Commission District: 08
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
08-136

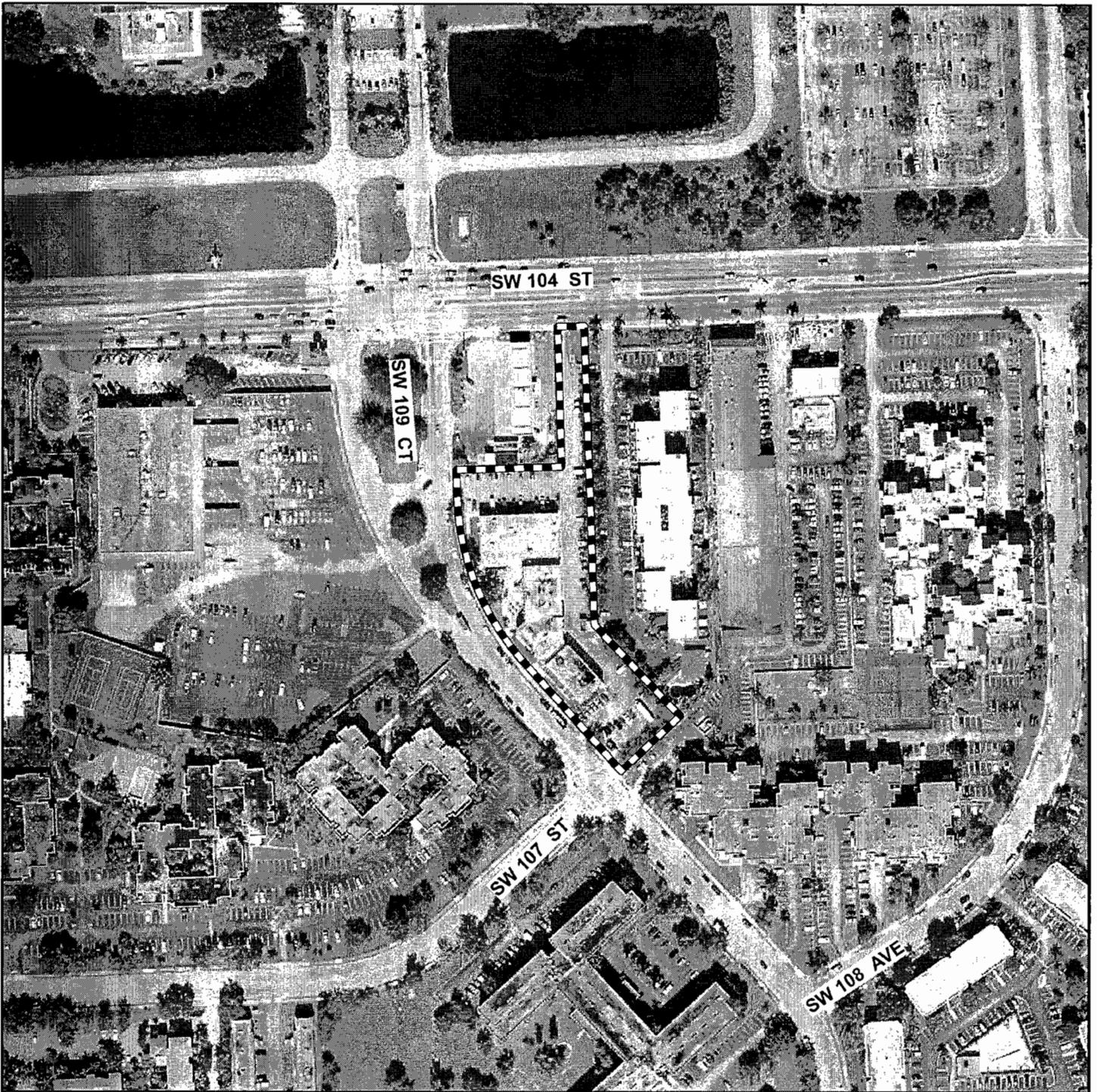


SUBJECT PROPERTY



SKETCH CREATED ON: 07/28/08

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Section: 07 Township: 55 Range: 40
 Applicant: GUS EXPOSITO
 Zoning Board: C12
 Commission District: 08
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
08-136



SUBJECT PROPERTY



SKETCH CREATED ON: 07/28/08

REVISION	DATE	BY

**2. LONES FAMILY L.P. AND PINWOOD
ACRES SCHOOL, INC
(Applicant)**

**10-12-CZ12-2 (10-075)
Area 12/District 08
Hearing Date: 12/16/10**

Property Owner (if different from applicant) **Lones Family & Pinewood Acres.**

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>
1996	Judy & Lee Scott Lones	- Special Exception to permit a private school grades 1 – 6 in conjunction with a previously approved day nursery / kindergarten. - Multiple Non-Use Variances.	ZAB	Approved in part
1996	Judy & Lee Scott Lones	- Special Exception to permit a private school grades 1 – 6 in conjunction with a previously approved day nursery / kindergarten. - Multiple Non-Use Variances.	ZAB	Approved in part
1997	Judy & Lee Scott	- Special Exception to permit a private school grades 1 – 6 in conjunction with a previously approved day nursery / kindergarten. - Multiple Non-Use Variances.	BCC	Withdrawn
1998	Judy & Lee Scott Lones	- Deletion of a condition imposed by resolution 5-ZAB-249-96.	C12	Approved in part

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: Lones Family L.P. and
Pinewood Acres School, Inc.

PH: Z10-075 (10-12-CZ12-2)

SECTION: 5-55-40

DATE: December 16, 2010

COMMISSION DISTRICT: 8

ITEM NO.: 2

=====

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The approval of this application will allow the applicants to introduce grades 7 and 8 within a previously approved day nursery and private school as well as to modify conditions of prior Resolutions which would allow the applicant to increase the hours of operation of the existing school, include additional weekend activities and permit the swimming pool to be opened year round.

o **REQUESTS:**

(1) UNUSUAL USE and SPECIAL EXCEPTION to permit a day nursery and private school including Grades K-8 (day nursery and Grades K-6 previously approved).

(2) MODIFICATION of Conditions No. 9, 10 and 13 of Resolution No. 5-ZAB-207-96, as modified by Resolution Z-23-97, as follows:

FROM: "9. That the private school use be conducted on the premises on weekdays only, Monday through Friday inclusive."

TO: "9. That the private school use be conducted on the premises on weekdays only, Monday through Saturday inclusive, except that extra curricular activities such as, but not limited to, girl and boy scout troops and similar activities shall be permitted year round in the evenings."

FROM: "10. That the hours of operation shall be between 8:00 a.m. and 4:00 p.m."

TO: "10. That the hours of operation for the private school use shall be between 7:00 a.m. and 6:00 p.m., except that extra curricular activities such as, but not limited to, girl and boy scout troops and similar activities shall be permitted year round in the evenings."

FROM: "13. That the existing swimming pool, as depicted on the plans, may only be used on weekdays during the hours of 9:00 a.m. and 4:00 p.m., during the operation of the summer camp only."

TO: "13. That the existing swimming pool, as depicted on the plans, may only be used year round until 8:00 p.m.

The purpose of request #2 is to allow the applicant to increase the days and hours of operation of the current school, to include additional weekend activities and to permit the swimming pool to be opened year round.

o **LOCATION:**

9500 SW 97 Avenue, 9600 SW 97 Avenue, 9680 SW 97 Avenue, Miami-Dade County, Florida.

o **SIZE:** 6.52 Acres

B. ZONING HEARINGS HISTORY:

In 1952, a portion of the subject property was approved for Special Permit to allow a kindergarten and nursery school, pursuant to Resolution #4810. Subsequently, in March 1958, pursuant to Resolution #1156, the subject site was granted a Special Permit to allow the expansion of the school use on property located to the south of the subject site. In August 1958, the subject site was again granted a Special Permit to permit the expansion of the school use on property located to the south, along the west side of 97 Avenue approximately 200' north of SW 98 Street, pursuant to Resolution #1959. In July 1996, the subject site was approved for several non-use variances to the zoning regulations as well as requests for a special exception to permit a private school grades 1 through 6 in conjunction with a previously approved day nursery/kindergarten and requests for an unusual use to permit a summer day camp and a day nursery, pursuant to Resolution #5-ZAB-207-96. In September 1996, withdrawal of a previously deferred request to permit an existing covered shelter setback 20' (75' required) from the rear and interior side property lines was granted and a revised site plan illustrating an 8' high CBS wall along the rear of the pool (north property line) was approved, pursuant to Resolution #5-ZAB-249-96. In March 1997, on appeal to the Board of County Commissioners, the unusual use request to permit a summer day camp was withdrawn at the hearing by the applicants (appellants) which rendered said appeal moot pursuant to Resolution #Z-23-97. In June 1998, a condition of Resolution #5-ZAB-249-96 which required that the applicant install an 8' high CBS wall along the rear of the pool (north property line) within 12 months from final public hearing approval was deleted, pursuant to Resolution #CZAB12-19-98.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including **schools**, parks, houses of worship, **daycare centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships

3. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
4. **Policy LU-4A** of the Land Use Element states that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-1; private school and day nursery

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: EU-M; single-family residences

Low Density Residential, 2.5 to 6 dua

SOUTH: EU-1; single-family residences

Low Density Residential, 2.5 to 6 dua

EAST: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

WEST: EU-1; single-family residences
and vacant lot

Low Density Residential, 2.5 to 6 dua

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual 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 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.

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 comments

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The approval of this application will allow the applicants to introduce grades 7 and 8 within a previously approved day nursery and private school as well as to modify conditions of prior Resolutions which would allow the applicant to increase the hours of operation of the existing school, include additional weekend activities and permit the swimming pool to be opened year round. Since the requests pertain to operational aspects of the existing private school and day nursery and the applicant is not proposing any alterations or expansions to the existing structures on the property, no site plans have been submitted in conjunction with this application. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this area for **Low Density Residential** use. Said Land Use permits neighborhood and community services including **schools**, parks, houses of worship, **daycare centers**, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. Staff notes that the existing private school and day nursery were previously approved pursuant to prior resolutions, which are the subject of request #2, and as such are **consistent** with the CDMP.

When request #1 is analyzed under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that the existing private

school and day nursery are consistent with the LUP map of the CDMP, approval of the request to expand the grade levels of the existing private school to include grades 7 and 8, would not have a negative aural or visual impact on the surrounding residential communities and therefore would be compatible with same when considering the necessity for and reasonableness of such applied for exception and use in relation to the present and future development of the area concerned and the compatibility of the applied for exception and use with the area and its development. Staff notes that DERM, MDFRD and the Public Works Department, do not object to this application. Staff opines that the requested expansion of the grade levels to include grades 7 and 8 is inherent to the internal operation of the existing private school and will not increase the height, bulk or scale of the existing structures on the site. As such, staff opines that approval of request #1 would not have a negative visual and aural impact on the surrounding area and would be **compatible** with the area. Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

When request #2, to allow the applicants to increase the days and hours of operation (7:00 am to 6:00 pm Monday through Saturday), to allow extra curricular activities year round in the evenings, and to allow the use of the existing swimming pool year round until 8:00 pm is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval of said request would not have a negative visual and aural impact on the surrounding residential developments and would be **compatible** with same. Staff notes that Conditions 9 and 10 of Resolution #5-ZAB-207-96 require that the private school use be conducted on the premises on Mondays through Fridays between the hours of 8:00 am and 4:00 pm. Staff opines that the request to extend the hours of operation to 6:00 pm and to permit the school use on Saturdays is not excessive and will afford the students the opportunity to participate in extracurricular activities after class. Moreover, staff notes the approval of request #2 will also allow the use of the pool year round until 8:00 pm. It should be noted that the existing swimming pool is situated on a 2.83-acre parcel of land, which staff opines will mitigate any negative aural impact generated from students utilizing the pool. As previously mentioned, staff is of the opinion that since the requests pertain to operational aspects of the existing private school and day nursery and the applicant is not proposing any alterations or expansions to the existing structures on the property, the approval of request #2 will not be visually intrusive to the surrounding residential area. In addition, it should be noted that the applicant is not requesting an increase in the number of students for the existing private school and day nursery beyond the previously approved enrollment of 290 students. As such, when considering the necessity and reasonableness of the requested modification in relation to the present and future development of the area concerned, staff opines that the approval of request #2 would be **compatible** with the area concerned. Staff, therefore, recommends approval with conditions of request #2 under the Generalized Modification Standards, Section 33-311(A)(7).

Accordingly, staff is of the opinion that the existing educational facility is **consistent** with the LUP map designation of the CDMP and that the approval of the application is **compatible** with the area. Staff therefore, recommends approval with conditions of request #1 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses) and approval with conditions of request #2 under the Generalized Modification Standards, Section 33-311(A)(7).

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That all the conditions of Resolutions #5-ZAB-207-96 and #Z-23-97 remain in full force and effect, except as herein modified.
2. That at time of Certificate of Use renewal, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grades levels that are currently enrolled in said facility.
3. That the applicant comply with all applicable conditions and requirements of the Public Works Department.

DATE TYPED: 10/22/10
DATE REVISED: 11/02/10; 11/23/10
DATE FINALIZED: 11/23/10
MCL:GR:NN:TA:NC

For 

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

Memorandum

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

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



Subject: C-12 #Z2010000075-1st Revision
Lones Family Limited Partnership, Pinewood Acres School, Inc.
9500 S.W. 97th Avenue
Unusual Use Exception to Permit an Expansion to an Existing Day
Nursery and Private School and Modification to Previous Resolution and
Plans
(EU-1) (8 Acres)
05-55-40

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.

Wellfield Protection

The subject property is located within the average Wellfield Protection Area for the Alexander Orr Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Miami-Dade County Code (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.

Potable Water Service and Wastewater Disposal

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the

system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Section 24-43.1(7) of the Code requires that when an approved public gravity sanitary sewer or approved sanitary sewer force main is available and operative in a public right-of-way or easement abutting the property, the use of any liquid waste storage, disposal or treatment methods shall be cease within ninety (90) days of the date that the Director or his designee determines that the approved public sanitary sewer is available and operative. Thereafter, all liquid wastes that are generated, handled, disposed of, discharged or stored on the property shall be discharged to an approved and operative gravity sewer or approved sanitary sewer force main.

This request is to allow the expansion to an existing day nursery and private school and modifications to previous zoning resolutions, more specifically existing school operations on the subject property.

DERM was not able to administratively approve the previous zoning request. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Miami-Dade County Quality Control Board (EQCB). Based upon the evidence and available information the Board granted the applicant an extension of time with conditions under Board Order No. 96-34. Please be advised the extension of time granted by the EQCB has expired.

Wetlands

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

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

Tree Preservation

The subject properties contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The letter of intent proposes modifications to the conditions of the resolution and an unusual use and special expansion to permit the expansion of a day nursery and private school grade K through 6th to include 7th and 8th grades onto an additional parcel of land to the west (30-5005-000-0150). According to the site plan submitted with this application entitled "Infants to 8th Grade Pinewood Acres School", sheets A-1 through A-4 of 7, prepared by Villa and Associates Inc, and dated May 26, 2010, these proposals do not impact any tree resources within the subject parcels.

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. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LONES FAMILY L. P. AND PINWOOD ACRES SCHOOL, INC.

This Department has no objections to this application.

Miami Dade County Public Works Department (PWD) Traffic Engineering Division (TED) has no objections to this application provided the comments, recommendations and requirements, as indicated below, are adequately addressed in the related documentation, and found acceptable to TED.

The Traffic Engineering Division has reviewed the Survey, dated 05/26/10, received by Planning and Zoning on 06/08/10; Traffic Operation Plan (TOP), received on 10/08/10; and the Accumulation Assessment, dated 10/07/10; for the proposed facility located at 9500 SW 97 Avenue and has the following comments, recommendations and requirements:

Survey Review:

The submitted Survey, dated 05/26/10, received by Planning and Zoning on 06/08/10, are fundamentally acceptable subject to the following comments:

The head-in parking on site south of SW 96 Street labeled as ;9 spaces; should be deleted, since the area was made inaccessible by a fence.

The aisle north of SW 96 Street that has 10 parking spaces should be demarcated as a one way east bound between the east-most stall and 97 Avenue with a right turn only restriction at 97 Avenue. The remainder of the aisle can be two-way.

Traffic Study Comments:

The paved portion of the public right of way along the south side of SW 96 Street, considered as 13 vehicles in ;Adjacent On-Street Parking;, may not be credited towards the required parking/staking area required by the Accumulation Assessment. This comment must be reflected in a revised Traffic Operation Plan. The roadway shoulder would need to be improved along with the addition of sidewalk to create appropriate on street parking spaces; but since they are not onsite they cannot be counted towards required parking.

Traffic Operation Plan Comments:

The submitted Traffic Operation Plan (TOP), received on 10/08/10, must be revised to ensure the following TOP requirements are met:

A Traffic Operations Plan that describes vehicle operations, including provision of any traffic control devices (e.g. cones, delineators), for arrival and dismissal periods must be provided. The TOP narrative and illustrations must contain the following:

The proposed schedule of arrival and dismissal times including grade level and number of students for this facility. The school's dismissal shifts shall be a minimum of 30 minutes apart in order to have the dismissal's vehicle accumulation impacts considered independently. School sites with multiple buildings and/or multiple passenger loading zones must indicate how the student population (grade level and number of students) is divided amongst the multiple locations.

The stacking queue route (i.e. ingress, queue, loading zone, egress), length and vehicle capacity shall be indicated and/or illustrated on the plans. A by-pass lane must be maintained along the entire stacking queue length. Parking stalls encumbered by the staking queue cannot be used for student or visitor passenger loading spaces. Vehicles may not stack in crosswalks.

A description of facility buses (i.e. size, passenger capacity) and their onsite operations (i.e. ingress, egress, stacking, route) shall be provided. The facility bus operations must be independent and unencumbered by the parent vehicle stacking queue.

The following statement shall be included: "The applicant shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site. Access to onsite loading facilities shall be open a minimum of 45 minutes prior to all arrival and dismissal time(s)." The number, location, and function of school personnel needed to operate the TOP shall be provided.

All parking stall use must be indicated and/or illustrated on the plans. (i.e. visitor, staff, student and ADA).

A description of pedestrian and bicycle access from the public right-of-way to the facility's main entrance. The description should include connectivity to public right-of-way, pedestrian/ bicycle pathways, and bicycle storage.

Project Requirements:

A "Declaration of Restrictions" in favor of the Miami-Dade County Public Works Department must be recorded in the Official Records of Miami-Dade County, Florida prior to the date of the school opening or

expansion. The Declaration of Restrictions shall include a TOP narrative and plan that has been found acceptable by TED.

The existing posted time intervals for the school speed zone are required to be modified for the new schedule. Additional School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals may be waived at this time with the provision that in the future, if PWD determines the need for said devices, the school agrees to provide such traffic control devices at the expense of the school administration in a timely manner.

Safe sight distance clearance is required at all driveways. Additionally, the existing fence along the SW 97 Avenue right-of-way must comply with Section 33-11 of the Miami-Dade County Code.

All off-site improvements shall be constructed prior to the school student expansion.

Standard Comments:

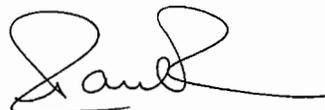
The Public Works Department reserves the right to add or modify requirements based upon any additional information that may be received during this review process.

Paving and Drainage submittal to PWD will be required and must include all traffic control devices, including, but not limited to School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and 15 MPH flashing signals. The flashing signals may be waived at this time with the provision that in the future, if PWD determines the need for said devices; the school agrees to provide them at the expense of the school administration in a timely manner.

Should you need additional information or clarification on this matter, please contact Mr. Ricardo Gavilan at (305) 375-2030.

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

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



Raul A Pino, P.L.S.

03-NOV-10

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: Pinewood Acres School

School Address: 9500 SW 97th Avenue

Tax Folio # 30-5005-002-0220

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: 290 Students and age and grade ranges originally approved: Daycare to 6th Grade.
 2. Total size of site: _____ x _____ = 320,025 sq. ft. / 43,560 sq. ft. = 7.35 acres
 3. Number of children or students requested: 290 Ages: Infants - 14 years old (Infants to 8th Grade).
 4. Number of teachers: 20 Number of administrative & clerical personnel: 8.
 5. Number of classrooms: 20 Total square footage of classroom area: 11,149 sq. ft.
 6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
9,141 sq. ft.
 7. Amount of outdoor recreation/play area in square footage: 203,898 sq. ft.
- NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 2
 9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided = 34 spaces parking spaces required by §33-124(L) = 30 spaces
 10. Indicate the number of auto stacking spaces: 10 provided 5 required.
 11. Proposed height for the structure(s): 35'-0" See §33-151.18(g).
 12. Size of identification sign: n/a x n/a = n/a sq. ft. (Signage is Existing) See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
 13. Days and hours of operation: Infants - 8th Grade School shall operate Monday to Friday 7 am to 6 pm.
 14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
 15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans). No Residential Uses

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210-075
JUN 08 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

JJA

14

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 80 (number of children) = 2,800 sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x 160 (number of children) = 4,800 sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-8)

25 sq. ft. x 50 (number of children) = 1,250 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 8,850 sq. ft.
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 11,149 sq. ft.

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 40 (½ of children) = 1,800 sq. ft.

- b. Grades 1-6

500 sq. ft. x 30 (first 30 children) = 15,000 sq. ft.

300 sq. ft. x 130 (remaining children) = 39,000 sq. ft.

- c. Grades 7-12

800 sq. ft. x 30 (first 30 children) = 24,000 sq. ft.

300 sq. ft. x 20 (next 300 children) = 6,000 sq. ft.

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 85,800 sq. ft.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 203,898 sq. ft.

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 206 Trees provided: 206

- b. Ten shrubs are required for each tree required. Shrubs required: 2,060 Shrubs provided: 2,060.

- c. Grass area for organized sports/play area in square feet: "0", Church will function as Recreation.

- d. Lawn area in square feet (exclusive of organized sports/play area): 68,913 sq. ft.

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210-075
JUN 08 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

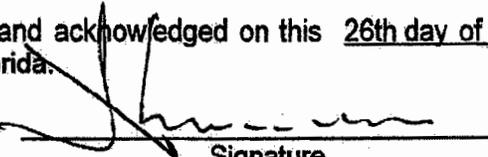
JPA

School Address: 9500 SW 97th Avenue - Miami, Florida Zip Code: 33176.

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 26th day of May 2010 at Miami-Dade County, Florida.

Jorge L. Villavicencio, R.A.


Signature

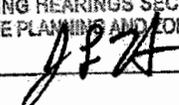
WITNESSES:

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this ____ day of _____, _____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act of the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

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Z10-075
JUN 08 2010

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

Memorandum



Date: 25-OCT-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000075

Fire Prevention Unit:

This memo supersedes MDRF memorandum dated July 26, 2010.
 APPROVAL
 No objection to case Z2010000075.

Service Impact/Demand

Development for the above Z2010000075
 located at 9500 S.W. 97 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1827 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:10 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.

DATE: 27-JUL-10

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

LONES FAMILY L. P. AND
PINWOOD ACRES SCHOOL, INC.

9500 S.W. 97 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000075

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
LONES FAMILY L. P. AND PINWOOD ACRES SCHOOL, INC. 9500 S.W. 97 AVENUE
DATE:
7/22/2010

CURRENT ENFORCEMENT HISTORY:

Folio 30-5005-002-0220, 150, 130 and 0120
Open Cases:

Neighborhood Compliance and Building:
No open cases.

Closed Cases:

Neighborhood Compliance:

There are closed cases for various complaints of sign violations and unauthorized use.

Building Cases:

There are closed cases for various complaints of expired permits, work without a permit and unsafe structures.

Sam Walthour, MSM, Assistant Director

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Pinewood Acres School, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Lee Lones, 9500 S.W. 97th Avenue, Miami, Florida 33176-2871</u>	<u>100</u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and 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 partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Lones Family Limited Partnership, a Florida limited partnership

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>Lee Lones, 9500 S.W. 97th Avenue, Miami, Florida 33176-2871</u>	<u>1</u>
<u>Judy Lones, 9500 S.W. 97th Avenue, Miami, Florida 33176-2871</u>	<u>1</u>
<u>Lee Scott Lones, Jr, 9500 S.W. 97th Avenue, Miami, Florida 33176-2871</u>	<u>49</u>
<u>Jennifer L. Lones, 9500 S.W. 97th Avenue, Miami, Florida 33176-2871</u>	<u>49</u>

RECEIVED
210-025
JUN 08 2010

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY JJA

RECEIVED
210-075
JUN 08 2010

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

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

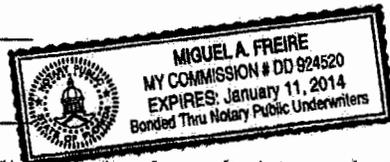
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: Lee Lones
Mr. Lee Lones (Applicant)

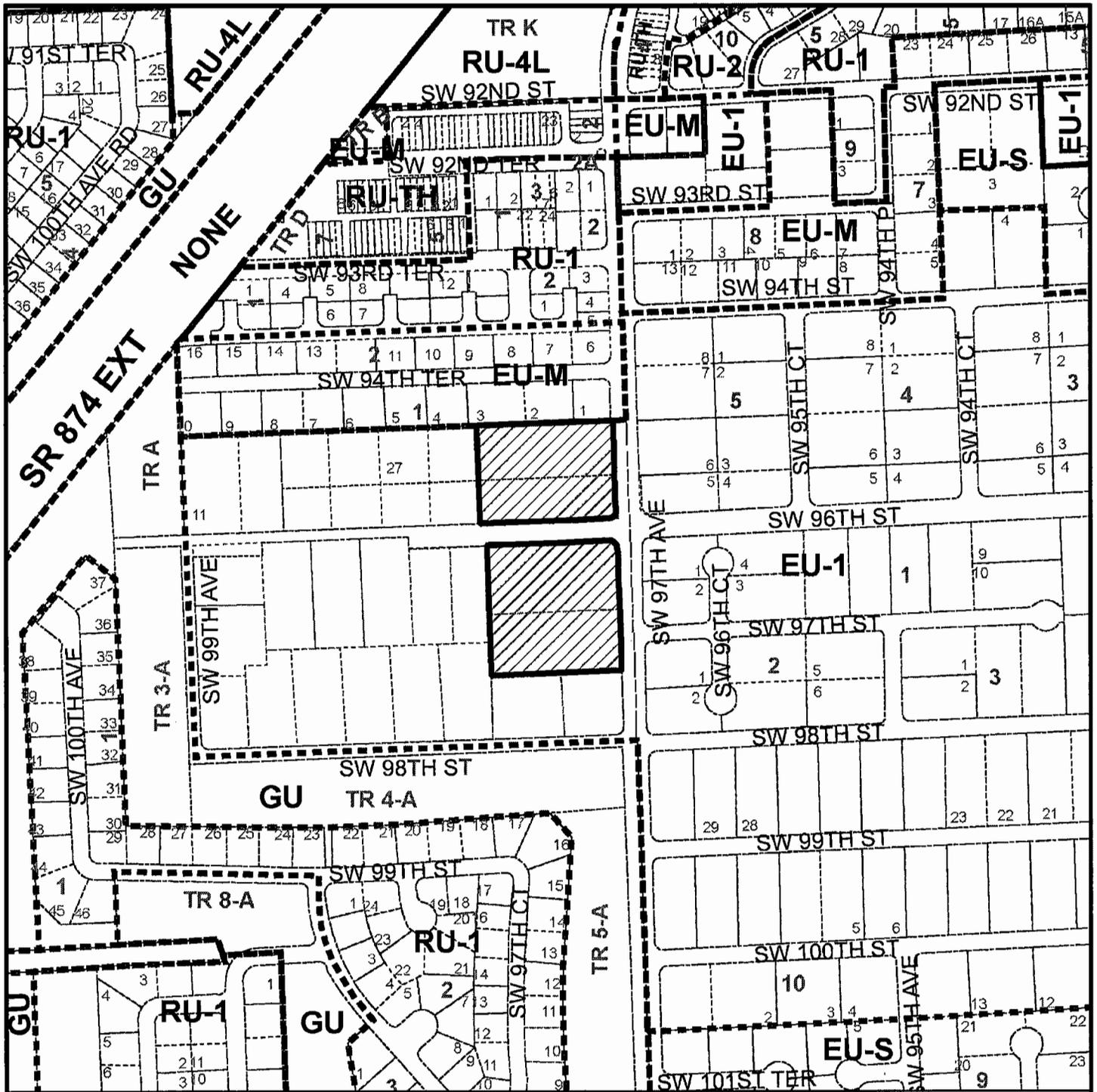
Sworn to and subscribed before me this 19 day of May, 2010. Affiant is personally known to me or has produced _____ as identification.

Miguel A. Freire
(Notary Public)



My commission expires _____

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000075



Section: 05 Township: 55 Range: 40
 Applicant: LONES FAMILY L. P.
 AND PINWOOD ACRES SCHOOL, INC.

Zoning Board: C12
 Commission District: 8
 Drafter ID: KEELING
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, October 14, 2010

REVISION	DATE	BY
Create contig. prop.	10/14/10	KWS
		22



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 05 Township: 55 Range: 40

Applicant: LONES FAMILY L. P.

AND PINWOOD ACRES SCHOOL, INC.

Zoning Board: C12

Commission District: 8

Drafter ID: KEELING

Scale: NTS

Process Number

Z2010000075



Legend

 Subject Property



SKETCH CREATED ON: Thursday, October 14, 2010

REVISION	DATE	BY
Create contig. prop.	10/14/10	KWS

3. LATIN MISSIONS MINISTRIES INC
(Applicant)

10-12-CZ12-3 (10-080)
Area 12/District 07
Hearing Date: 12/16/10

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>
1964	Yolanda S. Rossman	- Special Exception Church & Sunday school.	ZAB	Approved w/conds.
1966	Miami Church of Religious Science	- Variance of setback requirement.	ZAB	Approved w/conds.
1967	Miami Church of Religious Science	- Unusual Use electric substation. - Variance of height requirement.	ZAB	Approved w/conds.
1972	Miami Church of Religious Science	- Modify condition #2 of resolution number 2-ZAB-227-64.	ZAB	Approved w/conds.
1982	Gables Academy of Florida Inc.	- Modification of plans. - Non-Use Variance of private school requirement, setback requirements and of zoning regulations.	ZAB	Approved w/conds.
1985	W.A. Stevens & L.E. Suchman, Trustee	- Use Variance office uses. - Variance of height.	BCC	Approved w/conds.
1990	South Miami Waldorf School	- Unusual Use to permit a day nursery, kindergarten, preschool & elementary school. - Non-Use Variance of setback requirements. - Modify of condition of resolution.	ZAB	Approved w/conds.
1994	Latin Mission Ministries	- Modification of plans & resolution. - Non-Use Variance of setback requirement, of spacing requirement and of parking requirement.	ZAB	Approved w/conds.

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

APPLICANT: Latin Missions Ministries, Inc.

PH: Z10-080 (10-12-CZ12-3)

SECTION: 27-54-40

DATE: December 16, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 3

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval of a modification of a resolution in order to expand an existing religious facility and day nursery onto additional property to the west. In addition the applicant is seeking to allow a three (3) to four (4) level parking garage structure where only two (2) stories are permitted, to allow said parking garage structure to encroach into the interior side (south) and rear (west) setback areas and to allow a lot coverage which exceeds that permitted by code.

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit the expansion of an existing religious facility onto additional property to the west.
- (2) UNUSUAL USE to permit the expansion of the existing day nursery onto additional property to the west.
- (3) MODIFICATION of Condition #2 of Resolution 2-ZAB-227-64, last modified by Resolution 5-ZAB-194-97, both 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 'Iglesia Alpha & Omega,' revised 6/12/97, consisting of (6) sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Parking Structure For Alpha & Omega Church,' consisting of 1 sheet, dated stamped received 10/13/10 and the remaining 7 sheets dated stamped received 10/8/10 for a total of 8 sheets."

The purpose of request #2 is to allow the applicant to submit revised plans showing a 3-story, 4-level parking structure in lieu of a previously approved 2 level parking structure and to show the expansion of the previously approved religious facility and day nursery onto adjacent property to the west.

- (4) Applicant is requesting to permit the parking structure with 3 stories and 4 levels (2 stories maximum permitted).
- (5) Applicant is requesting to permit the parking structure to setback 40' from the interior side (south) property line and to setback a minimum of 20' (75' required for both) from the rear (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 47.31% (15% maximum permitted; 45.2% previously approved).

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

- o **LOCATION:** The southwest corner of Miller Drive (S.W. 56 Street) and S.W. 77 Court; A/K/A: 7800 S.W. 56 Street and 7984 S.W. 56 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.62 Acres

B. ZONING HEARINGS HISTORY:

In 1964, pursuant to Resolution #2-ZAB-227-64, the Zoning Appeals Board granted approval for a church and Sunday school on a portion of the site. In 1966, pursuant to Resolution #3-ZAB-84-66, the Zoning Appeals Board granted approval to permit a decorative secondary wall addition to the previously approved church structure. In 1967, pursuant to Resolution #3-ZAB-504-67, the Zoning Appeals Board granted the approval for an unusual use for an electric sub-station and a variance of wall height requirements. In 1972, pursuant to Resolution #4-ZAB-365-72, the Zoning Appeals Board granted the approval for a modification of the previously approved plans, which were approved pursuant to Resolution #2-ZAB-227-64, said modification was to allow the construction of an addition to said religious facility. In 1985, pursuant to Resolution #Z-246-85, the Board of County Commissioners denied a request for a district boundary change from EU-M to RU-5A, on a portion of the subject property and approved a use variance in lieu thereof to allow an office use and a variance of height requirements to allow an office complex on a portion of the site. In 1970, pursuant to Resolution #4-ZAB-77-90, the Zoning Appeals Board granted the approval for an unusual use to allow a day nursery, kindergarten, preschool and elementary school on a portion of the site along with a non-use variance of setback requirements to allow a building of public assemblage to encroach into the side street setback area and a modification of plans previously approved under Resolution #4-ZAB-365-72. In 1994, pursuant to Resolution #5-ZAB-184-94, the Zoning Appeals Board granted the approval for a modification of the previously approved plans, approved pursuant to Resolution #4-ZAB-77-90, said modification was for an expansion to the education facility, office, sanctuary, parking facility and caretaker quarters, as a result of the same application the Zoning Appeals Board also granted variances of setbacks for the school structure, basketball court, to allow parking spaces within 25' from the official right-of-way and within the required interior side and rear setback areas. In 1997, pursuant to Resolution #5-ZAB-194-97, the Zoning Appeals Board granted the approval to modify those plans approved pursuant to Resolution #5-ZAB-184-94, said modification was to allow the expansion of the religious facility and day nursery onto adjacent property. In addition, pursuant to the same resolution, the Zoning Appeals Board granted changes to previous conditions of previous resolutions along with a special exception to expand the religious facility use onto additional property, unusual use to allow a day nursery use onto additional property, to allow parking spaces within 25' from the official right-of-way line and to allow a parking structure to encroach into the interior side, and rear setback area and to exceed the permitted lot coverage. In June 5, 2000 the Director of the Department of Planning and Zoning granted a Substantial Compliance determination pursuant to Resolution #5-ZAB-194-97 which was utilized by the applicant, resulting in the existing development on the site.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels and residential uses. Office developments may range from small scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses (Land Use Element, Page I-36).
2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M & EU-1, Religious facility, day nursery,
elementary school.

Office-Residential

Surrounding Properties:

NORTH: RU-4L, apartment development

Medium-Density 13-25 dua

SOUTH: EU-M & EU-1, single family residences

Estate Density 1-2.5 dua

EAST: EU-1, religious facility

Office-Residential

WEST: EU-1, school

Office-Residential

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is a 5.62-acre site zoned EU-1, Single-Family One Acre Estate District and EU-M, Estate Modified District, and is currently improved with a religious facility and a day nursery located at 7800 SW 56 Street. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Office/Residential use**; this category includes both professional and clerical offices, hotels, motels and residential uses. Office developments may range from small scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity including height and floor area ratio of office, hotel and motel development in areas designated.

The subject 5.62-acre site contains an existing lawful day nursery and religious facility use and the proposed requests will allow the continued use and maintenance of the existing religious facility and day nursery on the previously approved site. The CDMP states that existing lawful non-residential uses and zoning are **consistent** with said Plan as provided in the Section titled "Concepts and Limitations of the Land Use Plan Map". As such, staff notes that the existing day nursery and religious facility are also **consistent** with the CDMP provided that the applicant complies with the previously approved lot coverage of 45.2% in accordance with Resolution #5-ZAB-194-97. Furthermore, staff opines that said expansion is consistent with **Policy LU-4A** which states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements. Staff notes that the applicant has taken into consideration the adjacent single family residential development to the south and existing school to the west in the architectural design of the proposed three (3) level to four (4) level parking structure, staff notes that the applicant is proposing to provide a double row of trees within the provided 40' setback area to the south and the 21' setback area to the west which, staff opines is an improvement from the previously approved parking garage structure which was approved with a five (5) foot setback from the property line to the south and with less landscaped area. Moreover, **Policy LU-4C** 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. Staff notes that the site plan submitted by the applicant depicts a proposed three (3) to four (4) level parking structure which will provide surplus parking to the existing religious facility. Staff opines that said surplus parking would result in a favorable impact to the neighboring properties which are being affected by substantial overflow parking onto the adjacent rights-of-way swale areas. Staff also opines that the proposed parking garage structure would alleviate, noise and traffic which are presently impacting the surrounding residential area

by the overflow parking. Staff is of the opinion that subject to the recommended reduction of the lot coverage to 45.2%, the proposed expansion would be **compatible** with the surrounding area which is characterized by apartment buildings to the north, residences and a cemetery to the south, a school to the west and a religious facility to the east. Based on the aforementioned, staff is of the opinion that with the recommended reduction of the lot coverage to the previously approved 45.2%, the application is would be **consistent** with the LUP map designation of the CDMP, with the interpretative text of the CDMP and with **Policies LU-4A and LU-4C** of the CDMP and, in staff's opinion, is **compatible** with the area.

When requests #1, #2 are analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses and request #3 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff recommends that the requested expansion to the existing religious facility (request #1), expansion of the existing day nursery (request #2) and modification of the previously approved plans (request #3) as recommended with a maximum lot coverage of 45.2% would be **compatible** with the surrounding area. Staff notes that the applicant has obtained an additional parcel of land which lies between an existing school to the west and the existing day nursery and religious facility to the east. The applicant is proposing to expand the existing day nursery use and existing religious facility use onto an additional parcel of land in order to unify the entire site. Staff also notes, that the plans submitted by the applicant depict that the only structure being placed on said additional property is the proposed three (3) to four (4) level parking garage structure which would be setback approximately 21' from the rear (west) property line where the subject site abuts an existing school. The plans submitted by the applicant also depict said proposed parking garage structure with a 40' setback from the interior side (south) property line where the subject site abuts single family residences. Staff notes that a two (2) level parking structure was previously approved with a five (5) foot setback from the interior side (south) property line. Staff opines that the submitted plans which illustrate a proposed 40' setback from the south property line and the proposed landscaped buffer along with a reduction of the proposed parking garage in order to bring the lot coverage to the previously approved 45.2%, would be an improvement to the previously approved site plan. As such, staff is of the opinion that the proposed expansion, as modified, will not adversely impact the surrounding area and will be **compatible** with same. As such staff recommends approval with conditions of requests #1, #2 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses and approval of request #3 under Section 33-311(A)(7) Generalized Modification Standards.

When requests #4, and #5 are analyzed under Section 33-311(A)(4)(b), staff recommends approval with conditions of these requests. As previously mentioned, staff notes that the plans submitted by the applicant depict substantial landscape buffering along the interior side (south) and the rear (west) property lines between the proposed three (3) to four (4) level parking garage structure and said property lines. Staff is of the opinion that with the landscaping as depicted on the plans, the visual impact of the proposed three (3) to four (4) level parking garage structure would be less severe than the previously approved two (2) level parking garage structure which was approved with a five (5) foot setback from the interior side (south) property line where the new plan depicts a forty (40) foot setback. As such staff recommends approval of requests #4 and #5 subject to the condition that the proposed parking garage be reduced in order to reduce the lot coverage to 45.2% as previously approved under Resolution #5-ZAB-194-97 where maximum 15% lot coverage is permitted.

When request #6 is analyzed under Section 33-311(A)(4)(b), staff recommends denial without prejudice of this request. Staff notes that the plans submitted by the applicant depict substantial landscaped buffering along the interior side (south) and along the rear (west) property lines. Staff opines that although said landscaped buffering would diminish the visual impact of said parking structure from the neighboring properties lying to south and west of the subject site, staff opines that the proposed 47.31% lot coverage is excessive and that the plans as submitted should be modified to reflect 45.2% lot coverage as previously approved under Resolution #5-ZAB-194-97. As such, staff recommends denial without prejudice of request #6 under Section 33-311(A)(4)(b).

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That all the conditions of Resolutions #2-ZAB-227-64 and #5-ZAB-194-97 remain in full force and effect except as herein modified to reduce the proposed parking garage to reflect a lot coverage of 45.2% maximum.
2. That the lighting for the parking structure be provided in a manner that would not overspill onto the adjacent properties to the south and to the west.

DATE INSPECTED: 10/07/10
DATE TYPED: 10/25/10
DATE REVISED
DATE FINALIZED: 10/25/10
MCL:GR:NN:NC:TA



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

Memorandum

MIAMI-DADE
COUNTY

Date: October 22, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2010000080-3rd Revision
Latin Missions Ministries, Inc.
Southwest corner of Miller Drive and S.W. 77th Court
Special Exception to Permit a Previously Approved Religious Facility onto
Additional Property, Modification of a Previous Resolution to Permit a
Three Story Garage for the Existing Religious Facility, to Permit the
Garage Structure Setback Less than Required from Property Lines and
to Permit a Greater Lot Coverage than Permitted
(EU-1) (4.9 Acres)
27-54-40

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 210-day travel time contour of the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Therefore, development on the property shall be in accordance with regulations established in Section 24-43 of the Code.

The property has a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service

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

Existing public water 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.

Wastewater Disposal

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

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4) (a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

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

Drainage for the proposed parking garage shall be allocated to a special exfiltration trench with sand filter. If the garage has elevators, connections from the elevator sump pits are not permitted to connect to the stormwater system.

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

According to the landscape plan entitled "Proposed Parking Structure for Alpha and Omega Church", prepared by Felix Pardo and Associates, sheet SP-2 and dated June 22, 2010 (revised September 28, 2010) a specimen-sized live oak tree (trunk diameter 18 inches or greater) on the northwest part of the property will be impacted by the proposed parking garage. Section 24-49.2 of the Code requires preservation of specimen trees whenever reasonably possible. Prior to the removal or relocation of any tree on site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code, is required. Be advised that pursuant to Section 24-49.2 (II) (1), evaluation of permit applications for the removal of specimen trees include, but is not limited to, factors such as, size and configuration of the property as well as any proposed development; location of tree(s) relative to any proposed development and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LATIN MISSIONS MINISTRIES INC

This Department has no objections to this application.

Vehicles entering and exiting the parking garage at the western driveway along SW 56 Street must be right in and right out only.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

27-AUG-10



Memorandum

Date: 23-SEP-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000080

Fire Prevention Unit:

This memo supersedes MDR memorandum dated July 20, 2010.
 APPROVAL
 No objection to site plan date stamped September 17, 2010.

Service Impact/Demand:

Development for the above Z2010000080
 located at THE SOUTHWEST CORNER OF MILLER DRIVE (S.W. 56 STREET) & S.W. 77 COURT; A/K/A: 7800
 S.W. 56 STREET AND 7984 S.W. 56 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1714 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:02 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.

DATE: 07-OCT-10

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

LATIN MISSIONS MINISTRIES INC

THE SOUTHWEST CORNER OF
MILLER DRIVE (S.W. 56 STREET) &
S.W. 77 COURT; A/K/A: 7800 S.W.
56 STREET AND 7984 S.W. 56
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000080

HEARING NUMBER

HISTORY:

No violation found at location

LATIN MISSIONS MINISTRIES INC

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

REPORTER NAME:

N/A

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: LATIN MISSIONS MINISTRIES, INCORPORATED

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ALBERTO M. DELGADO, 12295 SW 93 AVE., MIAMI, FL</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____ 210.080	_____
_____	_____
_____	_____
_____	_____

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.

_____ 210,000	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 21 day of June, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 2012

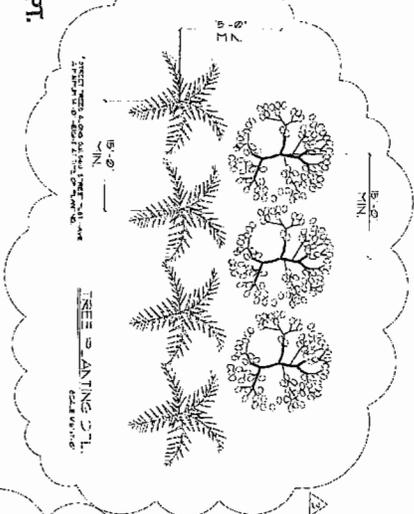


*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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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 ARCHITECTURE & PLANNING
 MIAMI-DADE COUNTY
 OCT 10 2010

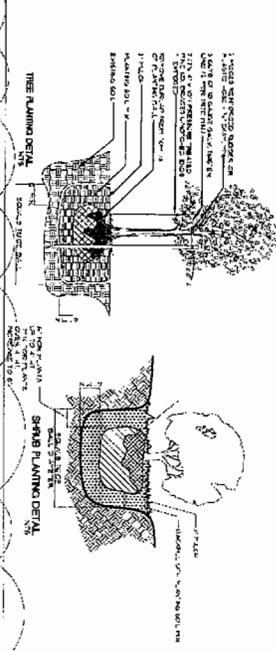
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 210.0880
 OCT 10 8 2010



LANDSCAPING SCHEDULE

QUANTITY	SYMBOL	DESCRIPTION	PLANT NAME	PLANT TYPE	PLANT SIZE	PLANT SPECIES
1	1	1 TREE	COASTAL PALM	TR	12"	COASTAL PALM
1	2	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	3	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	4	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	5	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	6	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	7	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	8	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	9	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	10	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	11	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	12	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	13	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	14	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	15	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	16	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	17	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	18	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	19	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	20	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	21	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	22	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	23	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	24	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	25	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	26	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	27	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	28	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	29	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM
1	30	1 TREE	FLORIDA PALM	TR	12"	FLORIDA PALM



SP-2
 2005
 2005

PROPOSED PARKING STRUCTURE FOR
 ALPHA & OMEGA CHURCH
 Job Address: 7800 SW 56 STREET - MIAMI, FLORIDA, 33155
 Phone: (305) 227-1253

FELIX PARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS
 5455 S.W. 8th STREET SUITE 205 - MIAMI, FLORIDA, 33134
 Phone: (305) 445-4555 Fax: (305) 445-1006 AA 0007478

REV	DATE	DESCRIPTION
1	07/10/10	REVISED
2	08/10/10	REVISED
3	09/10/10	REVISED

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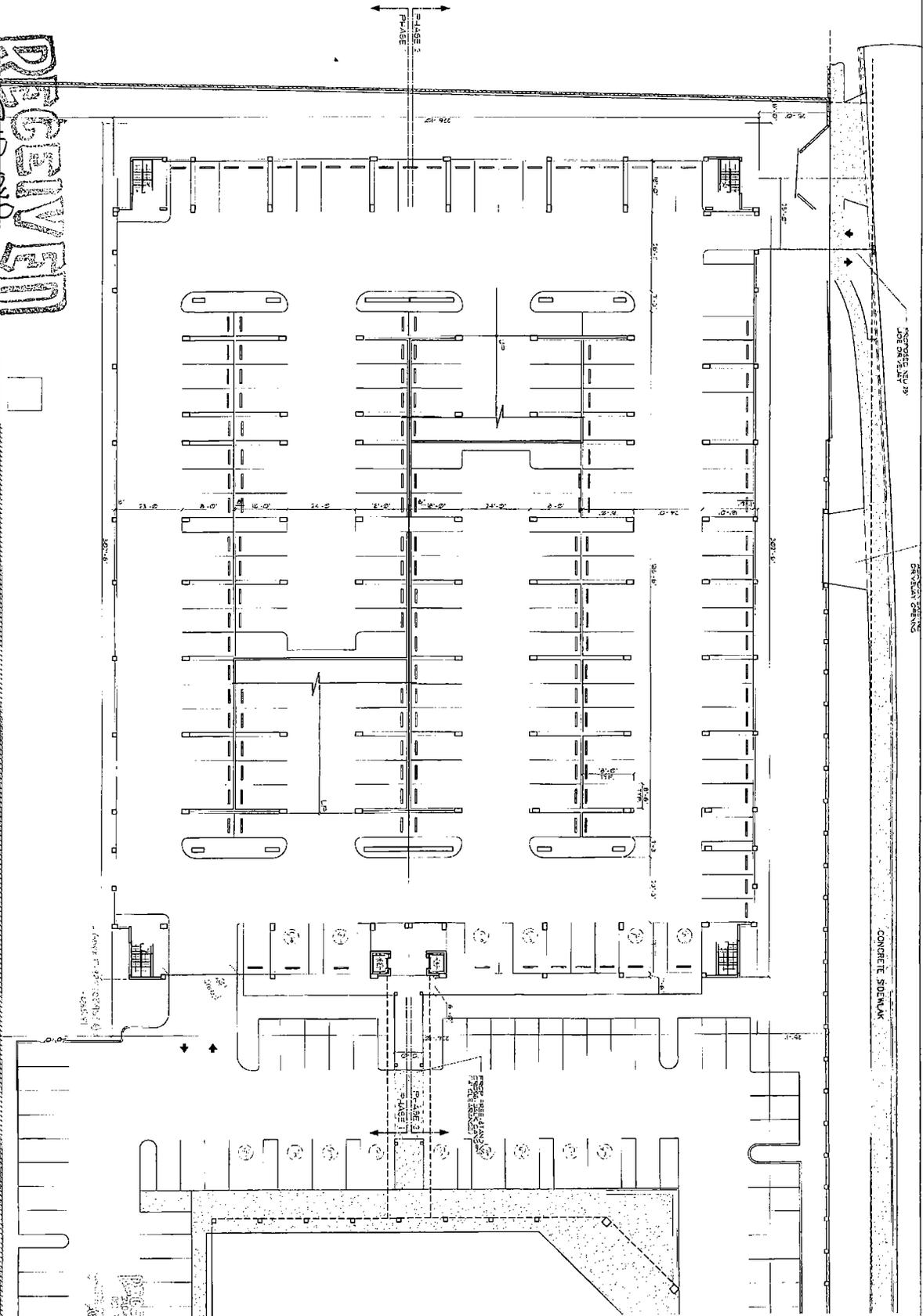
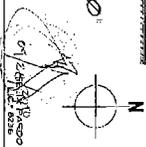
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY

2200 SW 12th St. of 100 ft
 100 ft
 67' 10" 100'

GROUND LEVEL 1/8" = 1'-0"



**PROPOSED PARKING STRUCTURE FOR
 ALPHA & OMEGA CHURCH**

Job Address: 1800 SW 16 STREET - MIAMI, FL ORIDA, 33135
 Phone: (305) 774-1100

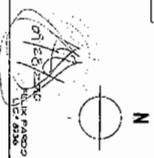
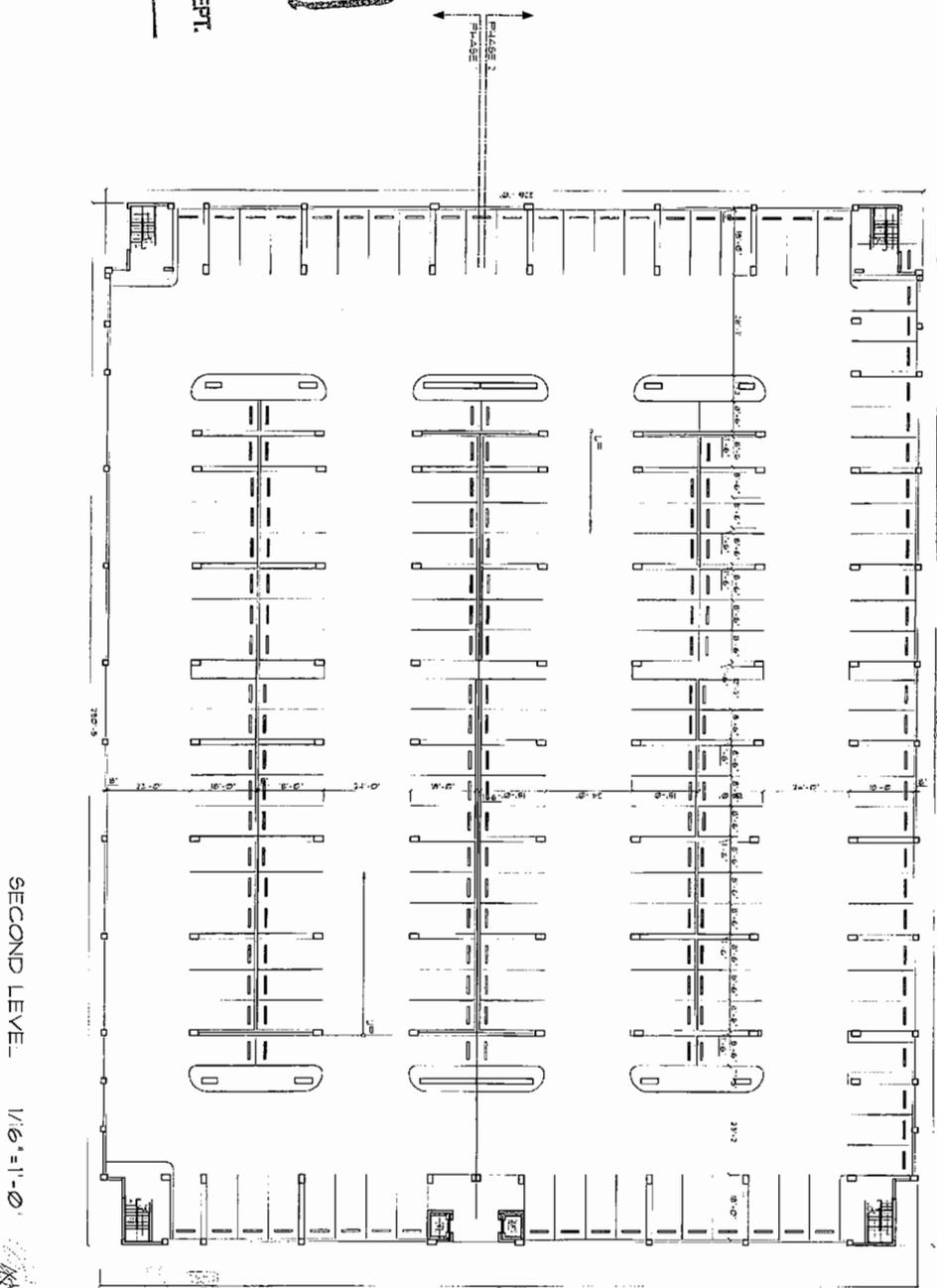
FELIX PARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS
 5455 ELLIOTT STREET, SUITE 205 - MIAMI, FLORIDA, 33124
 Phone: (305) 445-4555 Fax: (305) 445-1226 AA 20024716

DATE	07-11-10
SCALE	1/8" = 1'-0"
DRAWN BY	DAVID BROWN
CHECKED BY	
DATE	07-11-10
BY	
OF SHEETS	A-1

REVISIONS	NO.	DATE	DESCRIPTION

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 MUNICIPAL COURT
 1000 N. MIAMI AVENUE
 MIAMI, FL 33132

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PROPOSED PARKING STRUCTURE FOR ALPHA & OMEGA CHURCH

Job Address: 7300 SW 54 STREET - MIAMI, FLORIDA, 33155
 Phone: (305) 273-1244

FELIX PARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS

5455 S.W. 27th STREET, SUITE 205 - MIAMI, FLORIDA 33155
 Phone: (305) 449-4555 Fax: (305) 413-1006 AA 0001478

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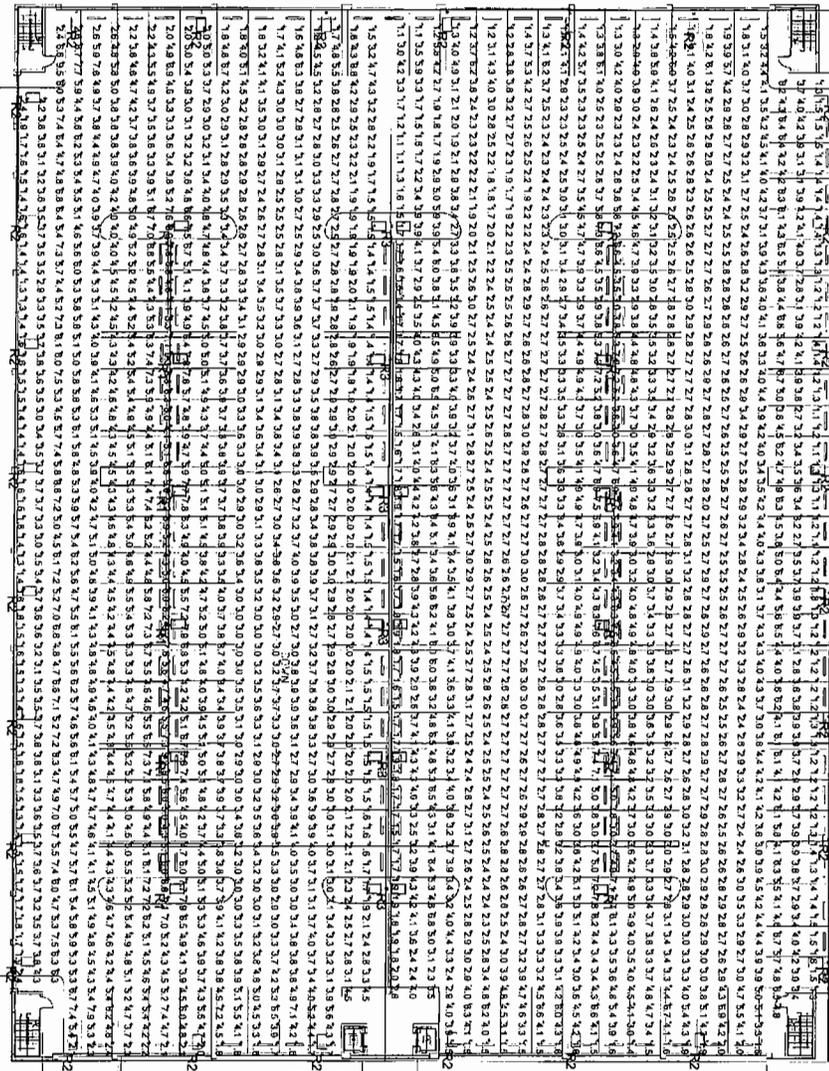
STATISTICS

Description	Symbol	Qty	Area	Vol	Material	Length
Roofing 2nd Floor	+	40E	835E	131E	731	311
Roofing 4th Floor	+	331E	731E	111E	711	301

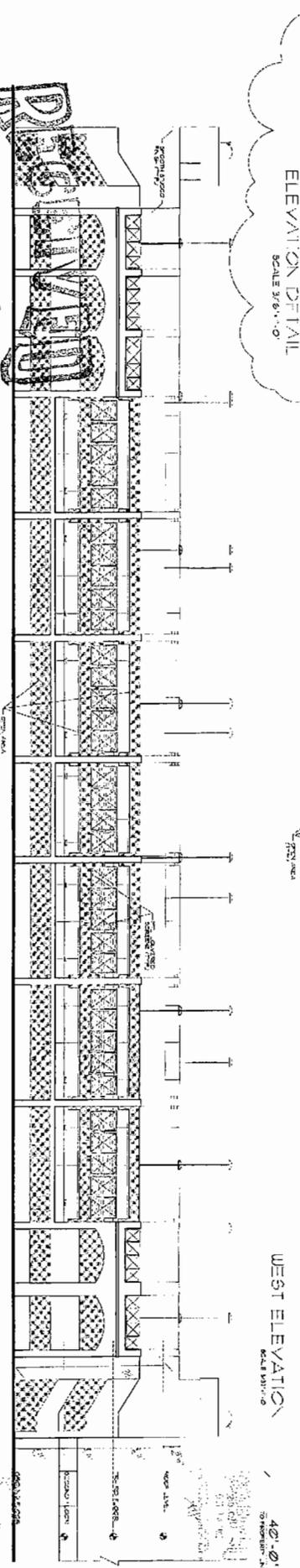
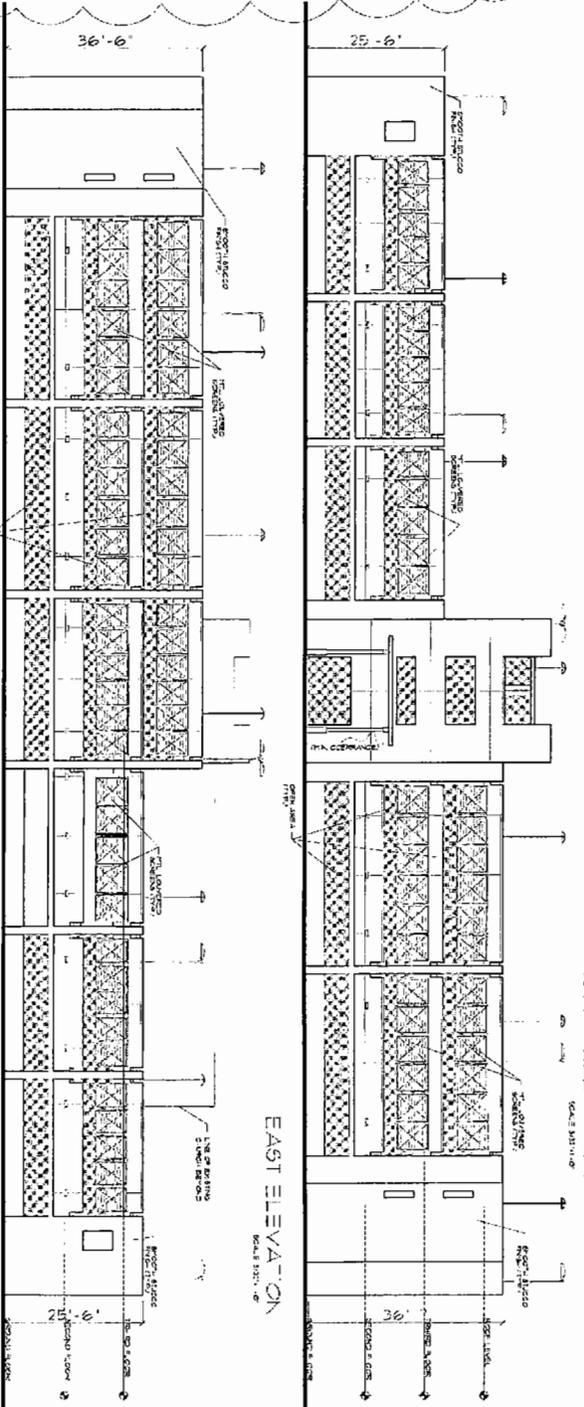
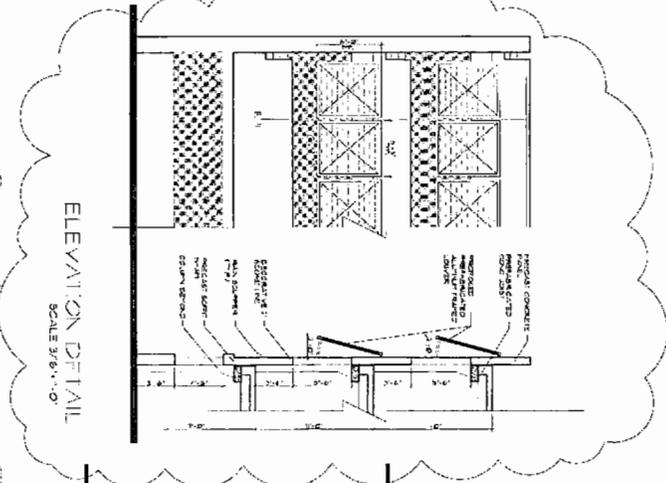
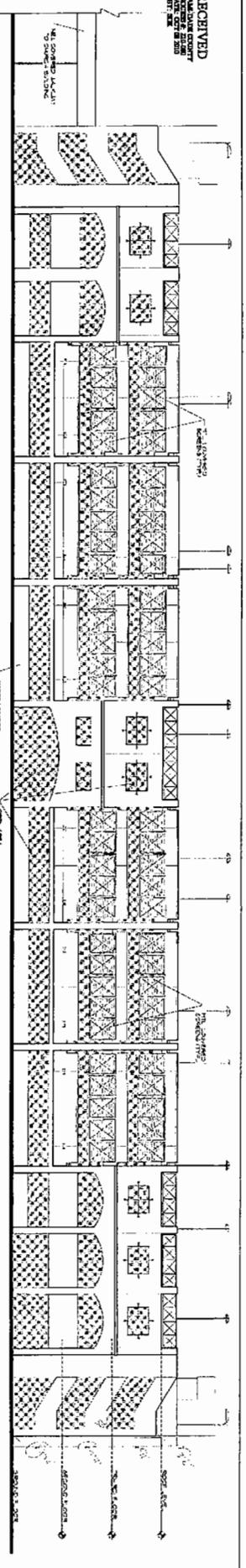
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Category Number	Description	Lamp	Fix	Lumens	LF	Watts
□	R1	12	14	WARP 40E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM HIGH SPECULAR CLEAR PLAT GLASS	ED-11 MEDIUM BASE LAMP IN HORIZONTAL OPERATING POSITION	150W-84	12900	072	150
□	R2	28	15	WARP 40E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM CLEAR PLAT GLASS	ED-11 MEDIUM BASE LAMP IN HORIZONTAL OPERATING POSITION	150W-84	12900	072	150
□	R3	6	28	WARP 40E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM CLEAR PLAT GLASS	ED-11 MEDIUM BASE LAMP IN HORIZONTAL OPERATING POSITION	150W-84	12900	072	150

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 OCT 08 2010



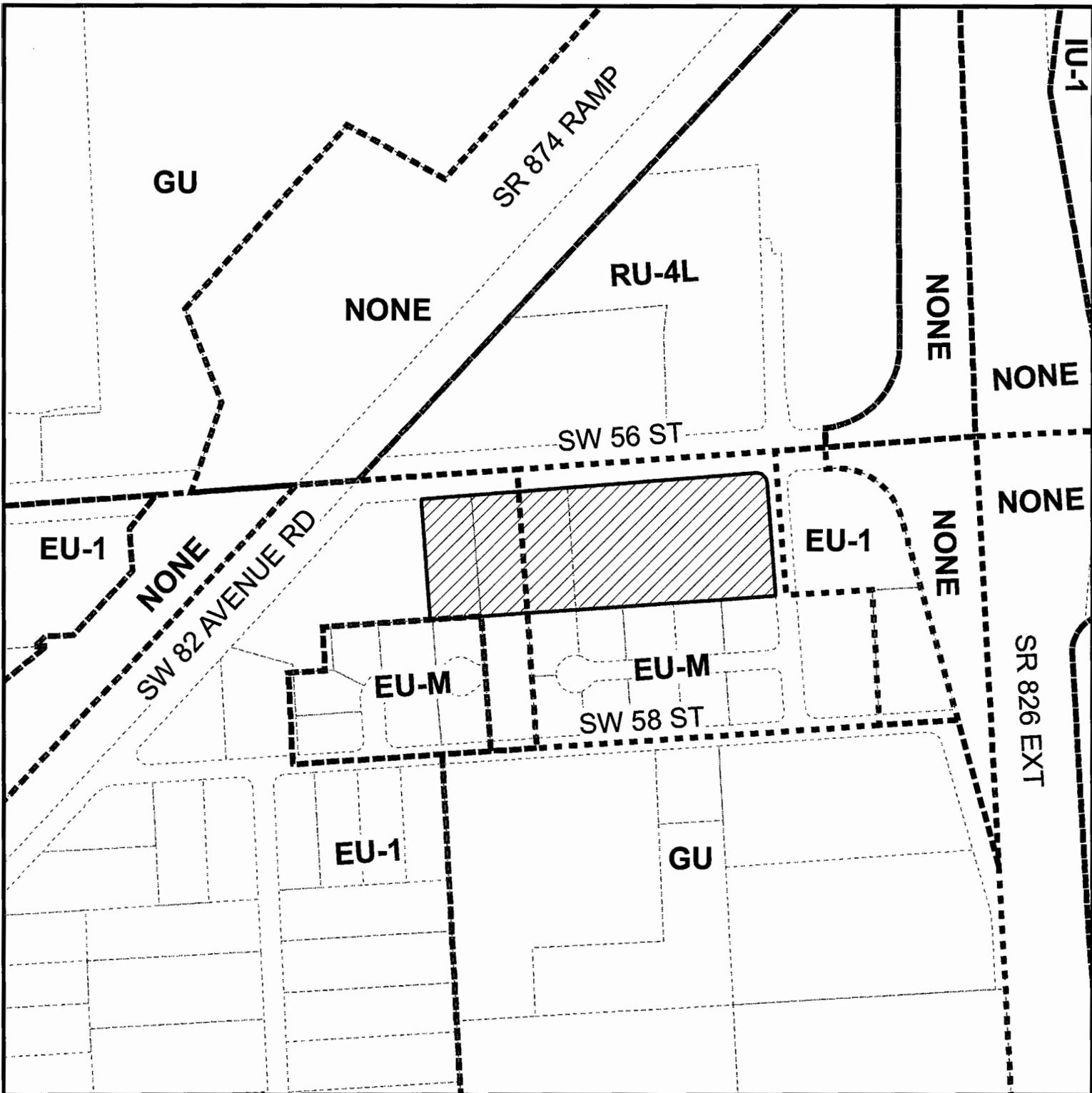
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SOUTH ELEVATION
 SCALE 1/8\"/>

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



25



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000080

Legend

-  Subject Property Case
-  Zoning



Section: 27 Township: 54 Range: 40
 Applicant: LATIN MISSIONS MINISTRIES INC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, June 29, 2010

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000080

Legend



Subject Property



Section: 27 Township: 54 Range: 40
 Applicant: LATIN MISSIONS MINISTRIES INC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, June 29, 2010

REVISION	DATE	BY