



**PRE-KIT REVIEW COMMENTS  
COMMUNITY ZONING APPEALS BOARD 12**

**Tuesday, March 5, 2013 at 6:30 p.m.**

**A. THE FRESH MARKET, INC**

12-84

Insert Revised Recommendation

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CAO - Approved CAO Review Comments

**C:**

Revised: 02/08/13

Reviewed: 02/07/13

# FINAL AGENDA

1-28-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 12  
KENDALL VILLAGE CENTER - CIVIC PAVILLION  
8625 SW 124 Avenue, Miami  
Tuesday, March 5, 2013 at 6:30 p.m.

## PREVIOUSLY DEFERRED

A. 13-1-CZ12-1 THE FRESH MARKET, INC

12-84

16-55-40 N



# Official Zoning Agenda

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## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, MARCH 5, 2013

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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1. THE FRESH MARKET, INC (13-1-CZ12-1/12-084)

16-55-40  
Area 12/District 08

NON-USE VARIANCE of sign regulations limiting the number of wall signs per tenant in a shopping center to two (2) to waive same to permit a third wall sign.

Plan are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Fresh Market" as prepared by Federal Health sign Company and dated stamped received 6/19/12 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 8760 SW 136 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 87 Acres

Department of Regulatory and  
Economic Resources  
Recommendation:

Approval with conditions.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

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

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

**NOTICE**

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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.

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

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-

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

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 12**

**PH: Z12-084 (13-1-CZ12-1)**

**March 5, 2013**

Item No. A

<b>Recommendation Summary</b>	
<b>Commission District</b>	8
<b>Applicant</b>	The Fresh Market, Inc.
<b>Summary of Requests</b>	The applicant is seeking to approve additional signage beyond that allowed by the sign regulations for a single tenant in an existing shopping center.
<b>Location</b>	8760 SW 136 Street, Miami-Dade County, Florida.
<b>Property Size</b>	54.37 acres
<b>Existing Zoning</b>	BU-2, Special Business District
<b>Existing Land Use</b>	Shopping Center
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions.</b>

This application was deferred from the January 8, 2013 meeting of Community Zoning Appeals Board (CZAB) #12 to allow the item to be re-advertised. Staff has determined after further review that the proposed signs are wall signs and therefore have been advertised as such.

**REQUEST:**

NON USE VARIANCE of sign regulations limiting the number of wall signs per tenant in a shopping center to two (2); to waive same to permit a third wall sign.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "FRESH MARKET" as prepared by Federal Heath Sign Company and dated stamped received June 19, 2012, consisting of 3 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The submitted site plan depicts the existing approximately 54 acre open air shopping center and the location of the proposed additional signage throughout the site.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-2; shopping center	Business and Office
<b>North</b>	BU-2; retail, offices and restaurant uses RU-4M: townhouses	Business and Office  Low-Medium Density Residential, 6-13 du
<b>South</b>	Canal	Water
<b>East</b>	GU; South Dixie Highway/Busway	Transportation

West	RU-TH; townhomes	Low-Medium Density Residential, 6-13 dua
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**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing open air shopping center located on the southwest corner of SW 136 Street, a section line roadway, and South Dixie Highway. The surrounding area is characterized by commercial and retail uses as well as residential uses located to the west and south of the subject parcel.

**SUMMARY OF THE IMPACTS:**

Approval of this application will allow the applicant to erect more wall signage than allowed for one tenant in a shopping center. The additional signage may provide the tenant with more visibility at this intersection of two (2) well travelled roadways and may facilitate a smoother flow of traffic within the 54 acre site. However, the approval could have a negative visual impact on the surrounding commercial and residential uses.

**CDMP ANALYSIS:**

The subject property is an existing shopping center that is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The applicant seeks approval to permit additional signage beyond what is allowed by the Code. The Business and Office designation permits retail uses such as the existing shopping center. As such, the existing use within the area designated as Business and Office is **compatible** with the commercial and retail uses allowed and therefore **consistent** with the CDMP LUP map Business and Office designation.

**ZONING ANALYSIS:**

When the applicant's request for approval of a third wall sign (2 wall signs per tenant permitted) for a tenant in the 54 acre shopping center is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of the request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the area. The applicant's letter of intent indicates that the retail tenant, Fresh Market, is new to the 54.37-acre shopping center and is on an outparcel located at the northeast corner of the parcel at the intersection of South Dixie Highway, a six (6) lane, north/south roadway and SW 136 Street, which is a section line road. The area surrounding the subject property is primarily made up of shopping centers consisting of retail stores, restaurants and supermarkets. However, townhomes and single-family residences are located partially to the north, the west and southwest. The applicant states that approval of the additional sign will enhance the visibility of the store to patrons travelling within the shopping center and entering from the west. Staff notes that the 54.37-acre shopping center has existed at this site since 1980 and currently consists of more than 95 stores, restaurants, cafes and a cinema.

Staff opines that approval of the proposed additional wall signage, although exceeding the number allowed by the signage regulations within the Code will not have a negative visual impact on the surrounding area. Further, staff notes that the signage that is the subject of this application is located on the Fresh Market retail building which is located at the northeast corner of the 54 acre parcel, approximately 2,000' from the nearest residences on SW 136 Street to the west. In addition, there are other apartment buildings located approximately 850 southwest of the Fresh market building on which the wall signs are located. However, staff opines that there is almost no visibility of the Fresh Market building or the signage from these apartments since they are visually obscured from said apartments by a three-story parking garage and an even taller retail building. In addition, staff notes that the Macy's Store located at the northwest corner of the shopping center was approved for a similar variance to allow additional wall signage in 1996 pursuant to Resolution #5-ZAB-319-96. As such, approval with conditions of this application will not be out of character with the surrounding commercial developments, would not affect the appearance and stability of the surrounding community and would be **compatible** with same. Further, the proposed signage will in staff's opinion provide the applicant with visibility along the heavily travelled South Dixie Highway and SW 136 Street. **Staff therefore, recommends approval with conditions of the application under Section 33-311(A)(4)(b).**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

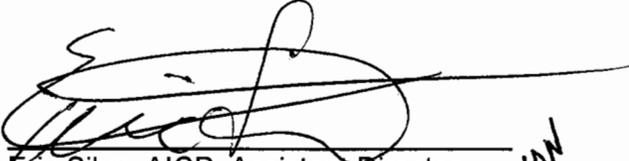
**OTHER:** N/A

**RECOMMENDATION:** Approval with conditions.

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "FRESH MARKET" as prepared by Federal Heath Sign Company and dated stamped received June 19, 2012, consisting of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

ES:MW:NN:JC:CH

A handwritten signature in black ink, appearing to read "Eric Silva", written over a horizontal line. The signature is stylized and somewhat cursive.

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

*NDN*

## ZONING RECOMMENDATION ADDENDUM

Applicants: *The Fresh Market, Inc.*  
PH: Z12-084

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

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

<p><b>Business and Office</b> (Page I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
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### PERTINENT ZONING REQUIREMENTS/STANDARDS

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

**13-1-CZ12-1 (12-084)**  
**Area 12/District 08**  
**Hearing Date: 03/05/13**

Property Owner (if different from applicant) **The Falls Shopping Center, Ass.**

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	The Falls Partners	- Special Exception to permit a bar.	ZAB	Approved with Condition(s)

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

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

**#1**

APPLICANT'S NAME: **THE FRESH MARKET, INC**

REPRESENTATIVE: Applicant not present at hearing.

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-1-CZ12-1 (12-084)	January 2, 2013	CZAB12	13

**REC: Deferral.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_

DEFER:       INDEFINITELY       TO: March 5, 2013       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

APPROVE:       PER REQUEST       PER DEPARTMENT       PER D.I.C.  
 WITH CONDITIONS

OTHER: Deferred at staff's in order for the requests to be properly analyzed and then be properly re-advertised.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR			
COUNCILMAN		Alex DURAN			<b>X</b>
COUNCILMAN	<b>S</b>	Matthew LARSH			
COUNCILMAN		Alberto SANTANA			
COUNCIL WOMAN		Angela VAZQUEZ			<b>X</b>
COUCILMAN	<b>M</b>	Elliot N. ZACK			
CHAIRMAN		Jose I. VALDES			

VOTE: 

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EXHIBITS:  YES       NO

COUNTY ATTORNEY: RONALD BERNSTEIN

# Memorandum

**Date:** July 13, 2012

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources 

**Subject:** #Z2012000084  
The Falls Shopping Center / The Fresh Market, Inc.  
8888 SW 136<sup>th</sup> Street, Miami, FL 33176  
Non Use Variance to Permit Additional Signs to the Fresh Market  
(BU-2) (.58 Acres)  
16-55-40

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

The Department of Regulatory and Economic Resources has no pertinent comments regarding this application since the request does not entail any environmental concern.

#### Concurrency Review Summary

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

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

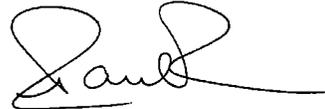
PH# Z2012000084  
CZAB - C12

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: THE FRESH MARKET, INC

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.

03-AUG-12

# Memorandum



**Date:** July 9, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:**  Christopher Rose  
Assistant Director, Administration  
Public Works and Waste Management Department

**Subject:** DIC # 12-084  
The Fresh Market, Inc.

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Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-084  
The Fresh Market, Inc.

**Application:** *The Fresh Market, Inc.* is requesting a non-use variance to allow for additional signage on the property. The area is currently zoned BU-2 (Special Business District).

**Size:** The lease site for The Fresh Market is .58 acres on a subject property, the Falls Shopping Center, which is approximately 87 acres.

**Location:** The subject property is located at 8760 SW 136<sup>th</sup> Street in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The placement of additional signage on a property within a shopping center will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                            |  |
|----------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap)                     |
| 2) Mixed paper             | 7) other metals/scrap production materials |

- |                                  |  |
|----------------------------------|--|
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3 states** the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

#### 4. Waste Storage/Setout Considerations

**Section 15-4** of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

#### 5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
- b. "T" shaped turnaround 60 feet long by 10 feet wide.
- c. Paved throughway of adequate width (minimum 15 feet).

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

# Memorandum



**Date:** July 16, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

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

**Subject:** Z2012000084: THE FRESH MARKET, INC

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**Application Name:** THE FRESH MARKET, INC

**Project Location:** The site is located at 8760 SW 136 ST, Miami-Dade County.

**Proposed Development:** The applicant is requesting a non-use variance to permit wall signs.

**Impact and demand:** This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** 13-JUL-12  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** William W. Bryson, Fire Chief.  
Miami-Dade Fire Rescue Department  
**Subject:** Z2012000084

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## **Fire Prevention Unit:**

No objection via Case Z2012000084.

## **Service Impact/Demand**

Development for the above Z2012000084  
located at 8760 SW 136 ST, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 3028 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: 5:32 minutes

## **Existing services**

The Fire station responding to an alarm in the proposed development will be:  
Station 4 - Coral Reef - 9201 SW 152 Street  
Rescue, ALS Engine, Battalion 9

## **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

THE FRESH MARKET, INC

8760 SW 136 ST, MIAMI-DADE  
COUNTY, FLORIDA.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
ADDRESS

Z2012000084

\_\_\_\_\_  
HEARING NUMBER

**HISTORY:**

NC: THERE ARE NO OPEN OR CLOSED NEIGHBORHOOD REGULATIONS CASES.  
BLDG: THERE ARE NO OPEN OR CLOSED BUILDING SUPPORT REGULATIONS CASE.

THE FRESH MARKET, INC

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

**REPORTER NAME:**

RECEIVED  
Z-2-PBA  
JUN 19 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

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: The Fresh Market, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Ray D. Berry, 2070 Gordon Dr, Naples FL 34102</u>	<u>10.4%</u>
<u>The Fresh Market, Inc. is a publicly traded company with all other shareholders owning less than 10% of stock.</u>	

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

TRUST/ESTATE NAME \_\_\_\_\_

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

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**  
*[Signature]*  
JUN 19 2012

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

**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.

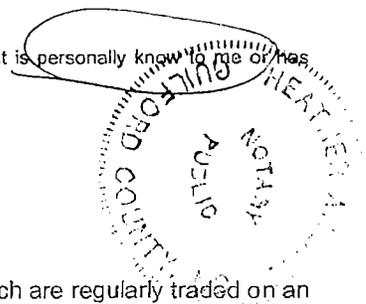
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Signature]*  
(Applicant)

Sworn to and subscribed before me this 15<sup>th</sup> day of NOVEMBER 2011. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

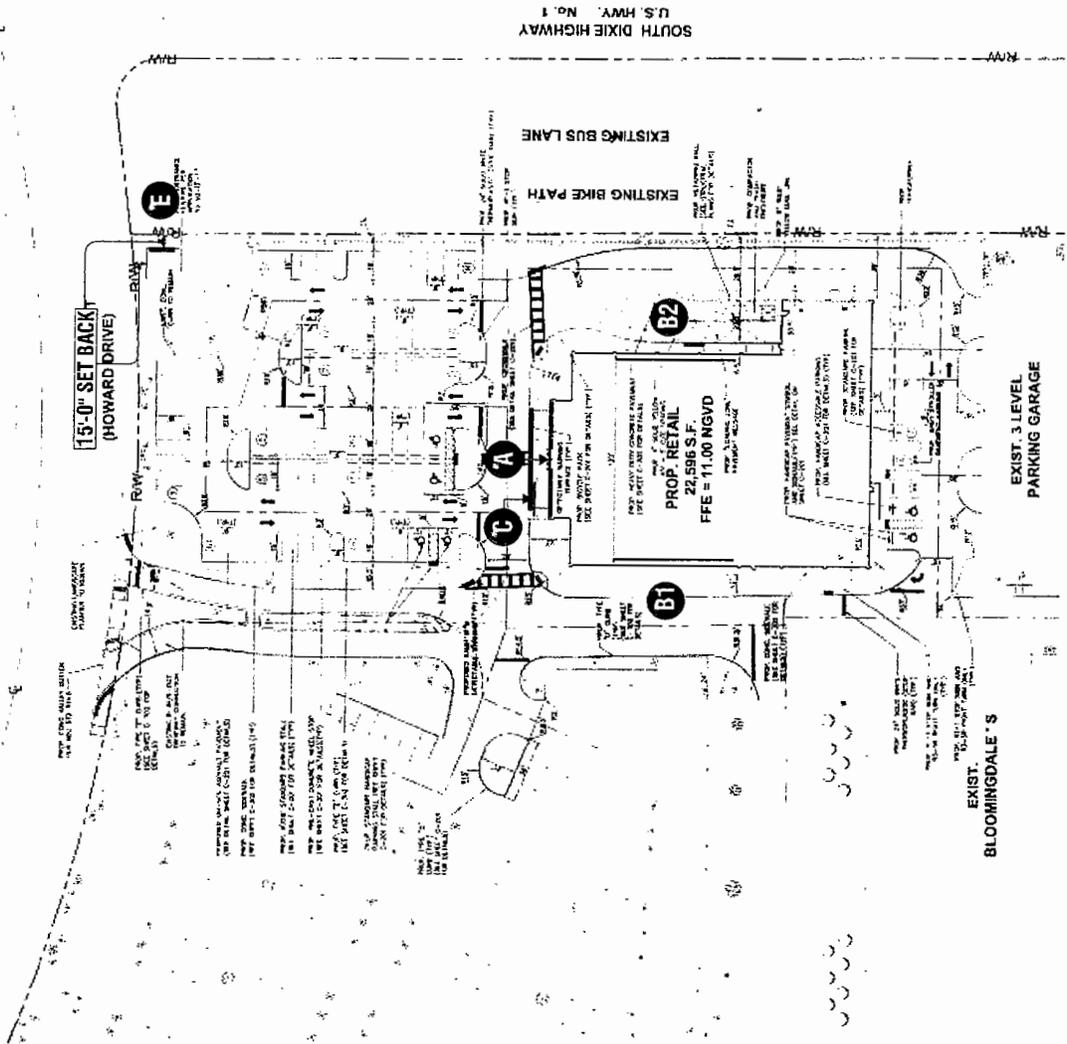
*[Signature]*  
(Notary Public) 21

My commission expires: 11-17-2015



Seal

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



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 JUN 19 2012

ZONING HEALTH & S.S. SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

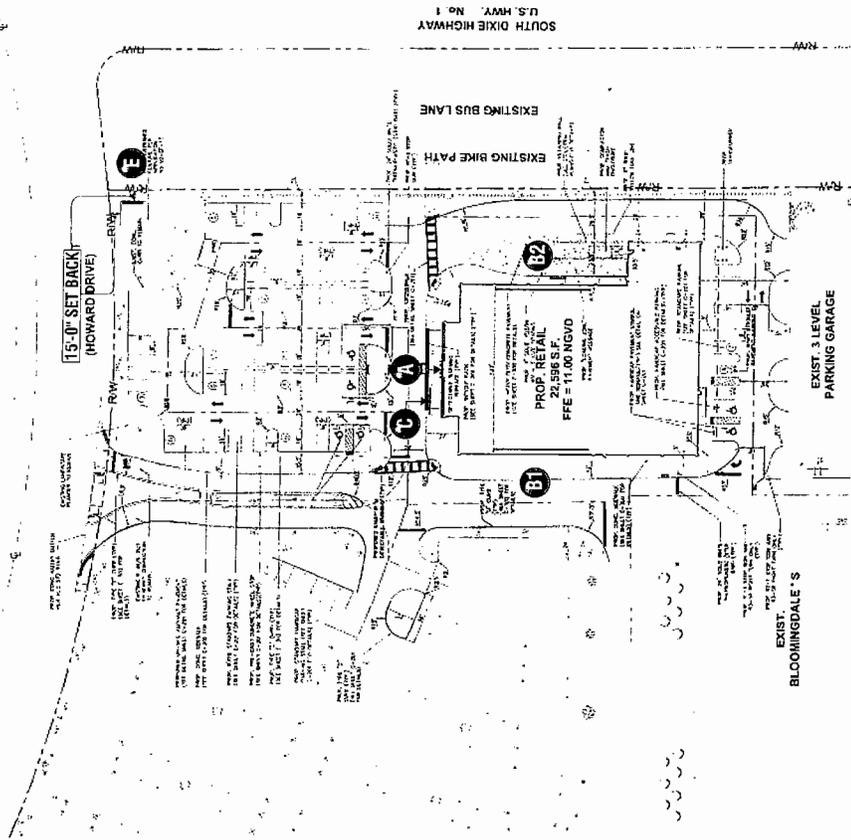
BY \_\_\_\_\_

ENLARGED SITE

**SITE PLAN**  
 SCALE: NTS

**RECEIVED**  
 JUN 7 9 2017

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



**SITE PLAN**  
 SCALE: NTS

This original drawing is provided as part of a planned project and is not to be photocopied or reproduced without the written permission of Federal Health Sign Company, LLC or its authorized agent. #1410

Job Number: 23-04421-10  
 Date: May 09, 2011  
 Sheet Number: 1 of 7  
 Design Number: 23-04421-10-R7

**FRESH MARKET**  
 8888 SW 136th Street  
 Miami, FL 33176

Project / Location:

Account Rep: Matt Smith

Project Manager: Jim Harvey

Drawn By: Virgo Aragon

IL Laboratories Inc.  
 14500 SW 136th Street, Suite 100  
 Miami, FL 33176  
 ALL ELECTRICAL WORK IS TO BE DONE BY A LICENSED ELECTRICIAN AND ALL MECHANICAL WORK IS TO BE DONE BY A LICENSED MECHANIC.

RE-12-15-11 VA Add depth on roadway, screw attachments, signs on Sign Type A & B. Review Sign Type E from 1/2 depth to double face depth build. R1-04-17-10 VA Add sign designations to site plan and dimensions to elevations. Change banner & temp sign GO date to 04/09.

RE-07-18-11 VA Add New Sign Type A with options. Sign Type B on roadway.

RE-07-18-11 VA Update elevation to color rendering and add option C on Sign Type B.

RE-10-3-11 MG Delete poles on A & B, add a sign B, & show all bill elevation. RE-09-20-11 VA Show Sign Post and Sign Elevation

Client Approval/Date: \_\_\_\_\_

Landlord Approval/Date: \_\_\_\_\_

Manufacturing Facilities:  
 Chesapeake, VA; Miami, TX; Jacksonville, FL; Columbus, OH  
 Other Facilities:  
 Orlando, FL; Las Vegas, NV; San Diego, CA; Miami, FL; Dallas, TX  
 Jacksonville, FL; Fort Lauderdale, FL; Tampa, FL; Orlando, FL  
 Phoenix, AZ; Denver, CO; Kansas City, MO; Louisville, KY  
 Atlanta, GA; Tampa, FL; Lakeland, FL; Orlando, FL

Building Quality Signage Since 1901

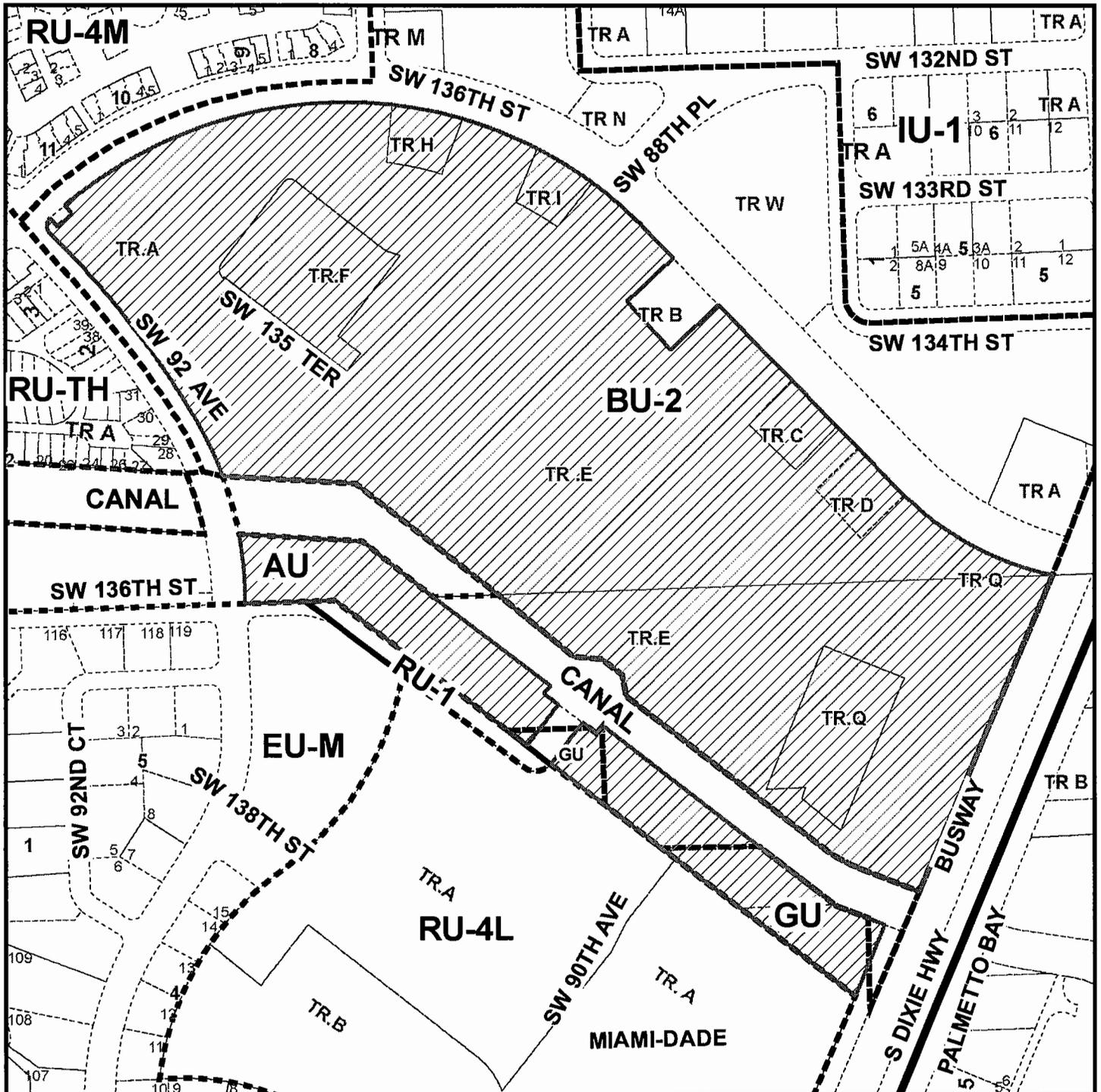
**FEDERAL HEALTH SIGN COMPANY**

1128 Pacific Road, Suite E Daytona Beach, FL 32114  
 (386) 255-1501 Fax (386) 258-0211

19







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

Process Number  
**Z2012000084**



Section: 16/21 Township: 55 Range: 40  
 Applicant: THE FRESH MARKET, INC  
 Zoning Board: C12  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

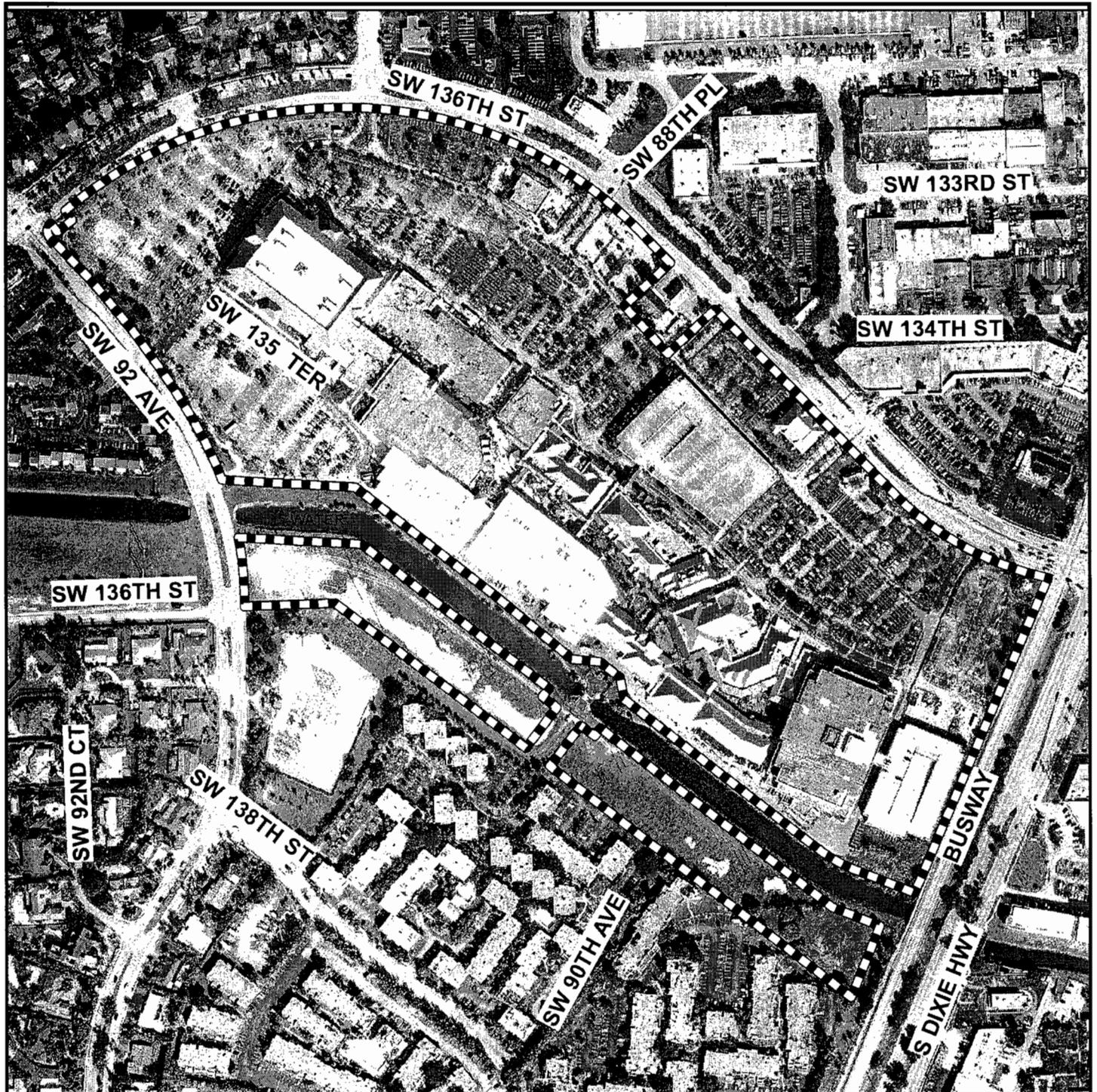
**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, July 6, 2012

REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2012**

Process Number

**Z2012000084**



Section: 16/21 Township: 55 Range: 40  
 Applicant: THE FRESH MARKET, INC  
 Zoning Board: C12  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

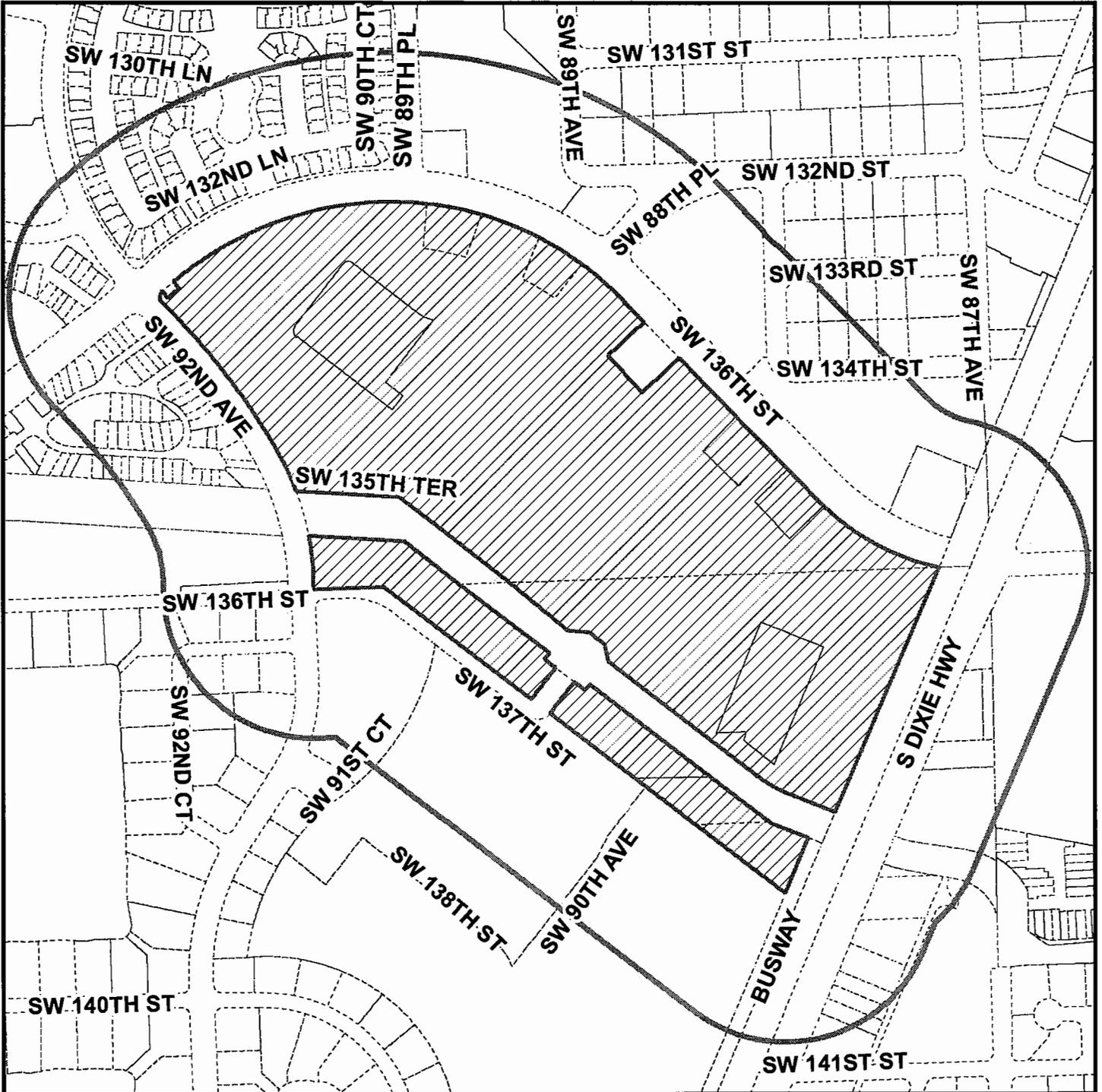
**Legend**

 Subject Property



SKETCH CREATED ON: Friday, July 6, 2012

REVISION	DATE	BY
		73



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2012000084**

Section: 16/21 Township: 55 Range: 40  
 Applicant: THE FRESH MARKET, INC  
 Zoning Board: C12  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

RADIUS: 500



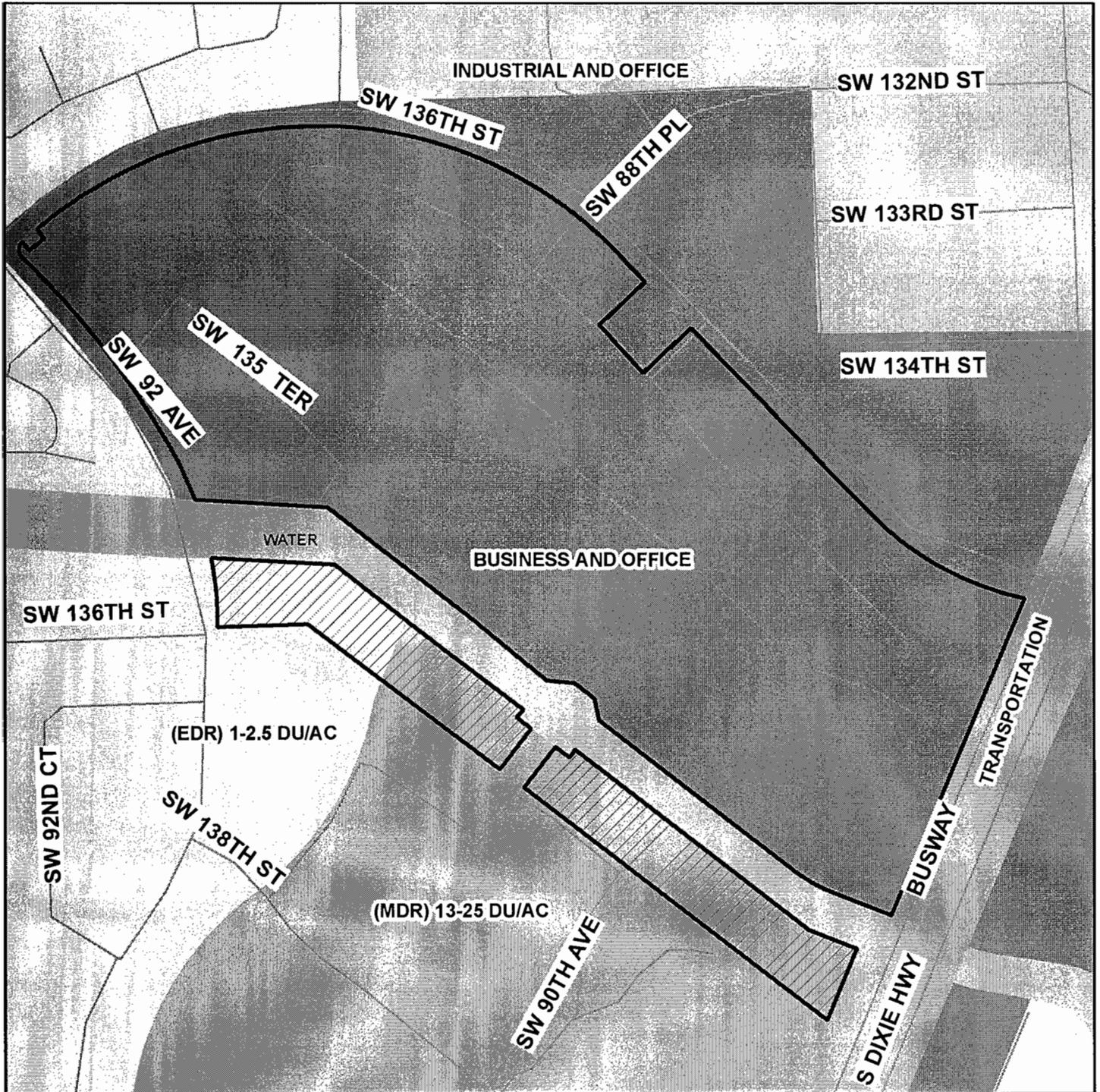
**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, July 6, 2012

REVISION	DATE	BY
		24



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2012000084**



Section: 16/21 Township: 55 Range: 40  
 Applicant: THE FRESH MARKET, INC  
 Zoning Board: C12  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, July 6, 2012

REVISION	DATE	BY