

KITS

2-15-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Tuesday, March 8, 2011 at 6:00 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|-------------|-----------------------------------|---------------|----------|
| A. | 08-9-CZ14-1 | <u>J & I PROPERTIES, INC.</u> | <u>08-1</u> | 06-57-39 |
| B. | 11-2-CZ14-1 | <u>QUAIL AT THE TURNPIKE, LLC</u> | <u>09-126</u> | 06-56-40 |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF TUESDAY, MARCH 8, 2011

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 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

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Quail at the Turnpike Commercial Center,' as prepared by Trautman & Zabowski, Architect, Inc., consisting of 10 sheets, dated 6-6-94 on Sheet 2, and dated 8-9-94 on the remaining sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Quail at the Turnpike Commercial Center,' as prepared by Campanile & Associates, Inc. consisting of 14 sheets, dated stamped received 6/25/10, with sheets 'ZE 1 of 2' and 'ZE 2 of 2,' last handwritten revised dated 8/5/10."

The purpose of Request #1 is to allow the applicant to submit a revised site plan showing different building and driveway configurations.

(2) Applicant is requesting to permit 2 proposed parcels with 0' frontage (75' required) on a public street.

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: Lying east of the Homestead Extension of Florida's Turnpike and south of S.W. 186 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.25 Acres

Department of Planning and Zoning
Recommendation:

Approval with a condition, subject to the Boards acceptance of the proffered Covenant.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 2/08/11

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. J & I PROPERTIES, INC.
(Applicant)

08-9-CZ14-1 (08-1)
Area 14/District 08
Hearing Date: 03/08/11

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

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

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> |
|--------------------|-------------------------|--------------------------------------|---------------------|------------------------|
| 2002 | Anne Delk, Trustee | Zone change from GU and AU to EU-1C. | CZAB-14 | Approved |

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

A

APPLICANT'S NAME: **J & I PROPERTIES, INC.**

REPRESENTATIVE: John Jabro

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|--------------------|------------------|-------------------|----|
| 08-9-CZ14-1 (08-1) | October 16, 2008 | CZAB14 | 08 |

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: _____ 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: At the request of the applicant's attorney to revise the application. The readvertisement
will be at applicant's expense.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|-------------------|----------|------------------------|----------|----------|--------|
| MR. | M | Wilbur B. BELL | X | | |
| MADAME VICE-CHAIR | | Dawn Lee BLAKESLEE | X | | |
| MR. | S | Gary J. DUFEEK | X | | |
| DR. | | Pat WADE | X | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | X | | |
| VOTE: | | | 4 | 0 | |

EXHIBITS: YES NO

COUNTY ATTORNEY: Joni Armstrong-Coffey

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

#1

APPLICANT'S NAME: J & I PROPERTIES, INC.

REPRESENTATIVE: John Jabro

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|--------------------|--------------------|-------------------|----|
| 08-9-CZ14-1 (08-1) | September 17, 2008 | CZAB14 | 08 |

REC: Denial without prejudice.

| | | |
|--|--|---|
| <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>Oct 16, 2008</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: | At the request of the applicant's attorney. The attorney stated that he was recently hired | |
| | and that he needed time to review the application and meet with staff. | |

| TITLE | M/S | NAME | YES | NO | ABSENT |
|-------------------|----------|------------------------|----------|----------|--------|
| MR. | | Wilbur B. BELL | X | | |
| MADAME VICE-CHAIR | | Dawn Lee BLAKESLEE | X | | |
| MR. | S | Gary J. DUFEK | X | | |
| DR. | M | Pat WADE | X | | |
| CHAIRMAN | | Curtis LAWRENCE (C.A.) | X | | |
| VOTE: | | | 5 | 0 | |

EXHIBITS: YES NO

COUNTY ATTORNEY: RON BERNSTEIN

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**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANTS: J & I Properties, Inc.

PH: Z08-001 (08-9-CZ14-1)

SECTION: 6-57-39

DATE: March 8, 2011

COMMISSION DISTRICT: 8

ITEM NO.: A

A. INTRODUCTION

- o **SUMMARY OF REQUESTS:** The applicant is seeking to change the zoning on the property from EU-1C, Estates 1 Family 2½ Acres District, to AU, Agricultural District. Additionally, the applicant seeks to permit an AU lot with less lot area than required and to delete a Declaration of Restrictions that limits the use of the property to 1 single-family residence.

- o **REQUESTS:**

- (1) District Boundary change from EU-1C to AU

OR IN THE ALTERNATIVE:

- (2) USE VARIANCE to permit agricultural uses in the EU-1C zone as would be permitted in the AU zone.

- (3) Applicant is requesting to permit a lot area of 4.216 gross acres (5 gross acres required).

- (4) Applicant is Deletion of the Declaration of Restrictions recorded in Official Record Book 20979, Pages 1428-1435.

The purpose of the request #4 is to remove a covenant restricting the property to a maximum of one single-family residence.

A boundary survey is on file and may be examined in the Department of Planning and Zoning entitled "29101 SW 127 Avenue," as prepared by Ford, Armenteros & Manucy, Inc. dated stamped received 1/8/08 and consisting of 1 page.

- o **LOCATION:** 29101 SW 177 Avenue, Miami-Dade County, Florida.

- o **SIZE:** 4.216 Acres

- B. ZONING HEARINGS HISTORY:** In December 2002, the subject property was approved for a district boundary change from GU, Interim District, and AU, Agricultural District, to EU-1C, Single-Family two and one-half (2 ½) acre Estate District in lieu of EU-1, Single-Family One Acre Estate Residential District, with the acceptance of a proffered covenant limiting the development of the site to one (1) single-family residence.

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

1. *The subject property is located approximately **2 miles east of and within the Urban Development Boundary (UDB)**, which is SW 197 Avenue along this portion of Miami-Dade County. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Estate Density Residential** use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.*

2. **Uses and Zoning Not Specifically Depicted.** 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-5B.**
*All development orders authorizing a **new land use** or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and **is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map"**. The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP*

D. NEIGHBORHOOD CHARACTERISTICS:

| <u>ZONING</u> | <u>LAND USE PLAN DESIGNATION</u> |
|---|--|
| <u>Subject Property:</u> | |
| EU-1C; vacant land | Estate Density Residential, 1 to 2.5 dua |
| <u>Surrounding Properties:</u> | |
| <u>NORTH:</u> GU and AU; plant nursery | Estate Density Residential, 1 to 2.5 dua |
| <u>SOUTH:</u> GU and AU; vacant land | Estate Density Residential, 1 to 2.5 dua |
| <u>EAST:</u> AU; vacant land | Estate Density Residential, 1 to 2.5 dua |
| <u>WEST:</u> EU-S; church AU: nursery/fruit stand | Estate Density Residential, 1 to 2.5 dua |

The 4.216-acre subject property is located approximately 2 miles east of and within the UDB, at 29101 SW 177 Avenue. The property is mostly surrounded on four sides by larger properties that are zoned AU, Agricultural District, and GU, Interim District, two of which are currently vacant. The remaining property that is partially aligned with the western property line across SW 177 Avenue, is zoned EU-S, Estate Suburban Single-Family District, and is currently occupied by a church.

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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

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

Section 33-311(A)(4)(a) Use Variance. *The Board shall hear and grant applications for **use variances** from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.*

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.

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 dangerous hazard, or provoke excessive overcrowding or people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the conditions indicated in their memorandum.

G. PLANNING AND ZONING ANALYSIS:

This item was deferred from the September 17, 2008 and the October 16, 2008 meetings at the applicant's request. Subsequently, the item was again deferred from the February 08, 2011 meeting due to a lack of quorum. The 4.216-acre subject property is located approximately 2 miles east of and within the UDB, at 29101 SW 177 Avenue. The surrounding area is characterized by vacant farmland, nurseries and a church.

The approval of the requested district boundary change would allow the applicant to rezone the property to AU to allow agricultural uses. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this subject property, which lies 2 miles east of and within the UDB, for **Estate Density Residential** use. This land use designation of the LUP map is *typically characterized by detached estates, which utilize only a small portion of the total parcel*, and permits a minimum of 1 to a maximum of 2.5 dwelling units per gross acre. The subject property was rezoned from AU, Agricultural District, to EU-1C, Single-Family two and one-half (2 ½) acre Estate District, in lieu of EU-1, Estates Single-Family 1 Acre District, in December 2002, pursuant to Resolution #CZAB14-11-02, and is mainly surrounded by properties zoned AU and GU, Interim District, and one property zoned EU-S, Estates Suburban Single-Family District, developed with a church, which partially abuts the subject property to the west. The surrounding AU and GU zoned properties are existing lawful residential and non-

residential uses and zoning that are not specifically depicted on the LUP map but according to the interpretative text of the CDMP are deemed to be consistent with the Master Plan as provided in the section titled "Concepts and Limitations of the Land Use Plan Map."

The interpretative text of the CDMP also states that approval of new zoning must be consistent with the provisions of the specific land use category in which the parcel exists. However, the rezoning of the subject property to AU is not consistent with the provisions of Estate Density Residential designation of the subject property on the LUP map of the CDMP, and therefore staff opines that **approval of the requested zone change to AU would be inconsistent with the CDMP**. In addition, **Policy LU-5B** states that *all development orders authorizing a new land use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map."* **Therefore, staff opines that approval of either the requested district boundary change to AU or the alternative request for a use variance would be contrary to this interpretation and would therefore be inconsistent with the LUP map of the CDMP.**

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Further, the Board shall consider whether the development, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County.

As previously mentioned, the proposed rezoning of the subject property to AU, which would permit the property to be used for agricultural development is **inconsistent** with the Estate Density Residential LUP Map designation of the CDMP. Staff acknowledges that the approval of this request would not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM, or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. However, staff's research of the surrounding area did not reveal approvals of any similar requests for rezoning of properties to AU within the UBD. As such, staff opines that the approval of this request to rezone the 4.216-acre subject property to AU within the UDB would be **inconsistent** with the interpretative text and LUP map of the CDMP and should be denied without prejudice.

Similarly, approval of the applicant's alternative request for a use variance to permit agricultural uses within the EU-1C zone as would be permitted in the AU zone (request #2), would for the reasons stated above be contrary to the County's plan for the future development of this area and specifically would be **inconsistent** with the LUP map of the CDMP. Therefore, staff opines

that approval of this alternative request would be contrary to the public's interest. Further, staff notes that the applicant has not provided staff with the necessary information to show that denial of the request for a use variance would result in an unnecessary hardship. Therefore, staff recommends that the applicant's request for a zone change to AU (request #1) along with the alternative request for a use variance to permit agricultural uses in the EU-1C zone as would be permitted in the AU (request #2) be denied without prejudice.

Additionally, staff is cognizant of the fact that the requested use is **compatible** with the majority of the surrounding properties, which are currently zoned AU and GU. However, staff maintains that the approval of the applicant's request to rezone the property to AU, though compatible with the surrounding properties, is **inconsistent** with the LUP map designation and the interpretative text of the CDMP and as previously mentioned, should be denied without prejudice.

When request #3, to permit a lot area of 4.216 gross acres (5 gross acres required), is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff opines that this request is germane to the applicant's request to rezone the property to AU which staff does not support. The subject property is currently zoned EU-1C, which requires a minimum lot area of 2.5 acres, which staff notes is adequate for the current zoning. Further, the NUV standards require that the Board 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**, among other things. As previously mentioned, the requested zone change to AU is **inconsistent** with the LUP map of the CDMP. As such, the requested variance of lot area, which staff opines is germane to the aforementioned request to rezone the property to AU, should be denied without prejudice at this time. Staff therefore recommends that request #3, should be denied without prejudice under the NUV Standards of Section 33-311(A)(4)(b).

When request #4, to permit the deletion of a Declaration of Restrictions restricting the development of the site to a maximum of 1 single-family residence, is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed deletion will not, in staff's opinion, generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. Staff notes that the applicant wishes to release this restriction in order to utilize the subject property for agricultural purposes, which staff further notes is **compatible** with the surrounding agricultural uses. However, it should be noted that request #4 is germane to request #1, to rezone the subject site from EU-1C to AU, which is **inconsistent** with the land use regulations as it pertains to the Estate Density Land Use map designation on the subject property. As such, staff recommends denial without prejudice of request #4 under Section 33-311(A)(7) (Generalized Modification Standards).

Based on all of the foregoing, staff opines that the requested zone change to rezone the subject site from EU-1C to AU (request #1) or the alternative request to permit agricultural uses in the EU-1C zone as would be permitted in the AU zone (request #2), are **inconsistent** with the LUP map of the CDMP. Moreover, it should be noted that requests #3 and #4 are germane to request #1. Accordingly, staff recommends denial without prejudice of requests #1 through #4.

H. **RECOMMENDATION:** Denial without prejudice.

I. **CONDITIONS:** None.

DATE INSPECTED: 04/17/08
DATE TYPED: 05/29/08
DATE REVISED: 06/09/08; 08/04/08, 08/29/08, 09/29/08, 01/05/11, 01/26/11, 01/31/11,
02/01/11, 02/09/11
DATE FINALIZED: 02/09/11
MCL:GR:NDN:NC:CH



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

NDN
GMB

Memorandum

Date: July 14, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-14 #Z2008000001-1st Revision
J & I Properties, Inc.
29101 S.W. 177th Avenue
DBC from EU-IC to AU and Request to Permit a Lot that would not meet
Lot Area Requirements
(EU-1C) (3.96 Acres)
06-57-39

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

Potable Water Service

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

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 has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade County Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP), subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at (305)372-6700.

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

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

Enforcement History

DERM has found no open or closed enforcement record 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: J & I PROPERTIES, INC.

This Department has no objections to this application.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

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

This application does 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-JAN-11



Memorandum

Date: 14-JAN-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000001

Fire Prevention Unit:

This memo supersedes the MDFR memo dated 7/29/10. MDFR has no objection to the application.

Service Impact/Demand

Development for the above Z2008000001
 located at 29101 SW 177 Avenue, MIAMI-DADE COUNTY, FLORIDA
 in Police Grid 2552 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:30 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station No. 6 - Modello - 15890 SW 288 Street

Planned Service Expansions:

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

Fire Planning Additional Comments

None

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

DATE: 04-JAN-11
REVISION 4

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

J & I PROPERTIES, INC.

29101 SW 177 Avenue, MIAMI-
DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

Z2008000001

HEARING NUMBER

HISTORY:

CURRENT ENFORCEMENT HISTORY
BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD COMPLIANCE DIVISION

OPEN CASES (0)
NO OPEN CASES WERE FOUND.

CLOSED CASES (5)
200301003586 JUNK & TRASH
A case was opened on 08-16-2003 and a warning notice was issued for maintaining junk and trash on the property. The violation was corrected and the case was closed on 09-16-2003.

200701005063 Unauthorized Use: Commercial Vehicle Storage
A complaint was received on 08-02-2007 for illegal commercial vehicle storage. An inspection of the property revealed no vehicles stored on the property.

200801000298 ENFORCEMENT HISTORY REQUEST
No violations were observed on 01-18-2008. NCO observed an active agricultural use at time of inspection.

200801004112 ENFORCEMENT HISTORY REQUEST
No violations were observed on 06-18-2008.

200801004981 ENFORCEMENT HISTORY REQUEST
No violations were observed on 08-05-2008.

BUILDING DIVISION

OPEN CASES (0)

CLOSES (0)

There were no open or closed Building enforcement cases.

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

REPORTER NAME:

ZONING INSPECTION REPORT

inspector: BOBONIS, EIMIR

Inspection Dat

Evaluator: N/A

04/17/08

| | |
|-------------------|---|
| Process # | Applicant's Name |
| Z2008000001 | J & I PROPERTIES, INC |
| Locations: | 29101 SW 177 Avenue, MIAMI-DADE COUNTY, FLORIDA |
| Size: | 3.96 ACRES |
| | Folio # 3079060000470 |

Request:

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM SINGLE-FAMILY 2½ ACRE ESTATE DISTRICT TO AGRICULTURAL DISTRICT.

EXISTING ZONING

Subject Property EU-1C,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE

USE(S) OF PROPERTY:

NONE

FENCES/WALLS:

NONE

LANDSCAPING:

NONE

BUFFERING:

NONE

VIOLATIONS OBSERVED:

NONE

OTHER:

NONE

Process # Applicant's Name

Z2008000001 J & I PROPERTIES, INC

SURROUNDING PROPERTY

NORTH:

PLANT NURSERY

SOUTH:

VACANT LAND

EAST:

VACANT LAND

WEST:

FRUIT STAND / NURSERY

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS

AGRICULTURAL

COMMENTS:

Inspector **BOBONIS, EIMIR**

Evaluator **N/A**

Process Number: **Z200800001** Applicant Name **J & I PROPERTIES, INC**



Date: 16-APR-08

Comments: PROPERTY



Date: 16-APR-08

Comments: PROPERTY TO THE NORTH



Date: 16-APR-08

Comments: SOUTH PROPERTY

Inspector **BOBONIS, EIMIR**

Evaluator **N/A**

Process Number: **Z200800001** Applicant Name **J & I PROPERTIES, INC**



Date: 16-APR-08

Comments: EAST PROPERTY



Date: 16-APR-08

Comments: PROPERTY TO THE WEST (FRUIT STAND/
NURSERY)

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: J&I Properties, Inc

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-----------------------------------|----------------------------|
| <u>Jorge & Isabel Morales</u> | |
| <u>14185 SW 182 Ave</u> | |
| <u>Miami, FL 33196</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].

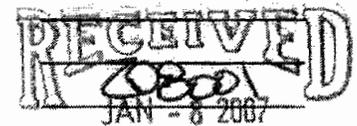
TRUST/ESTATE NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Interest</u> |
|---|-------------------------------|
| <u>Jorge Morales - 14185 SW 182 Ave</u> | <u>50%</u> |
| <u>Isabel Morales - " " "</u> | <u>50%</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: _____

| <u>NAME AND ADDRESS</u> | <u>Percent of Ownership</u> |
|-------------------------|-----------------------------|
| | |
| | |
| | |
| | |
| | |



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

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, ADDRESS AND OFFICE (if applicable) | Percentage of Interest |
|--|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Date of contract: _____

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

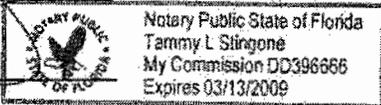
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

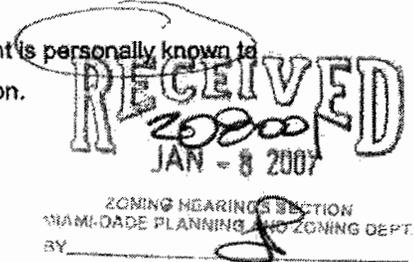
Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 14 day of July, 2007. Affiant is personally known to me or has produced Personally known as identification.

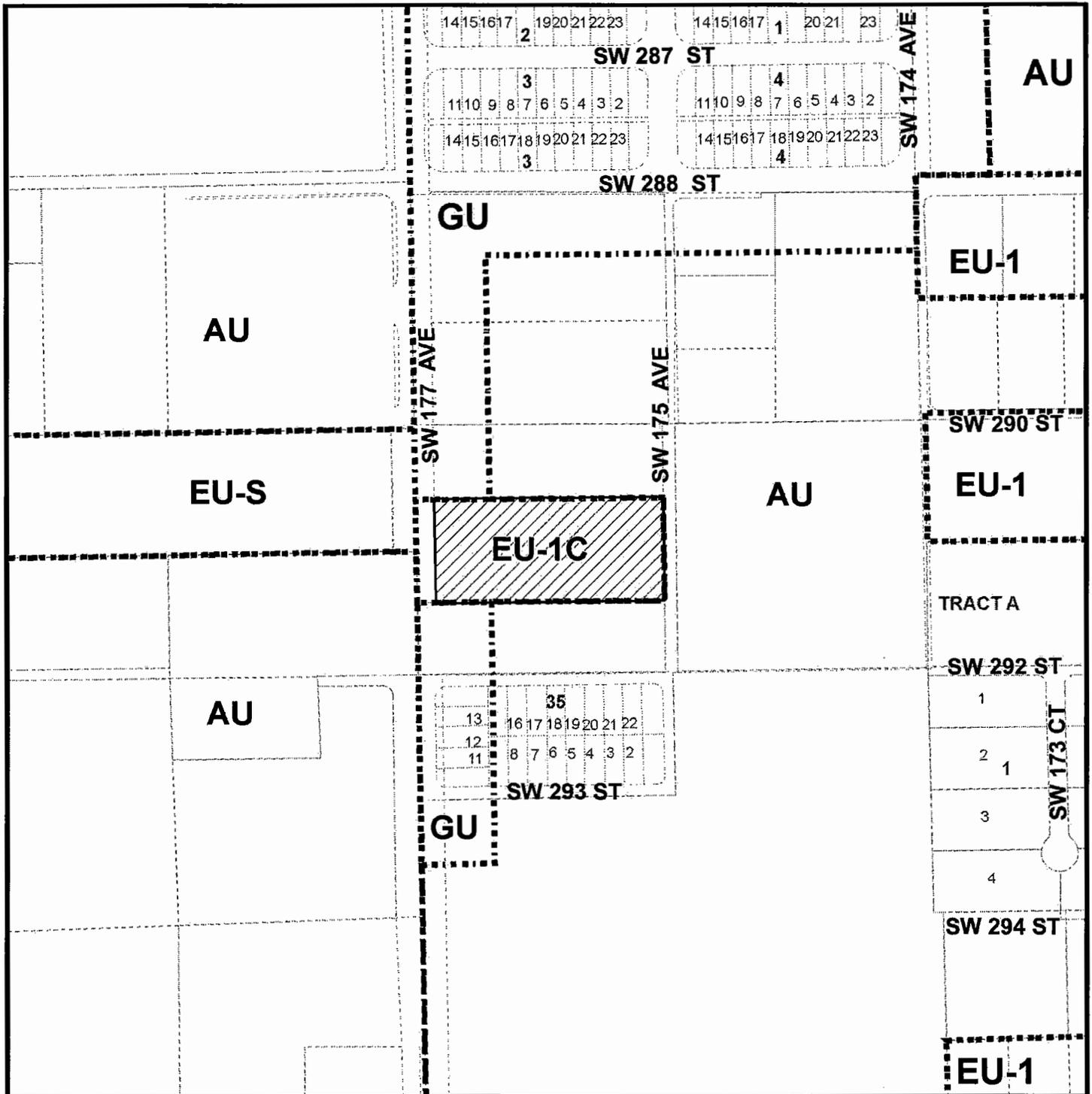
[Signature]
(Notary Public)



My commission expires _____



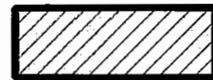
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-001

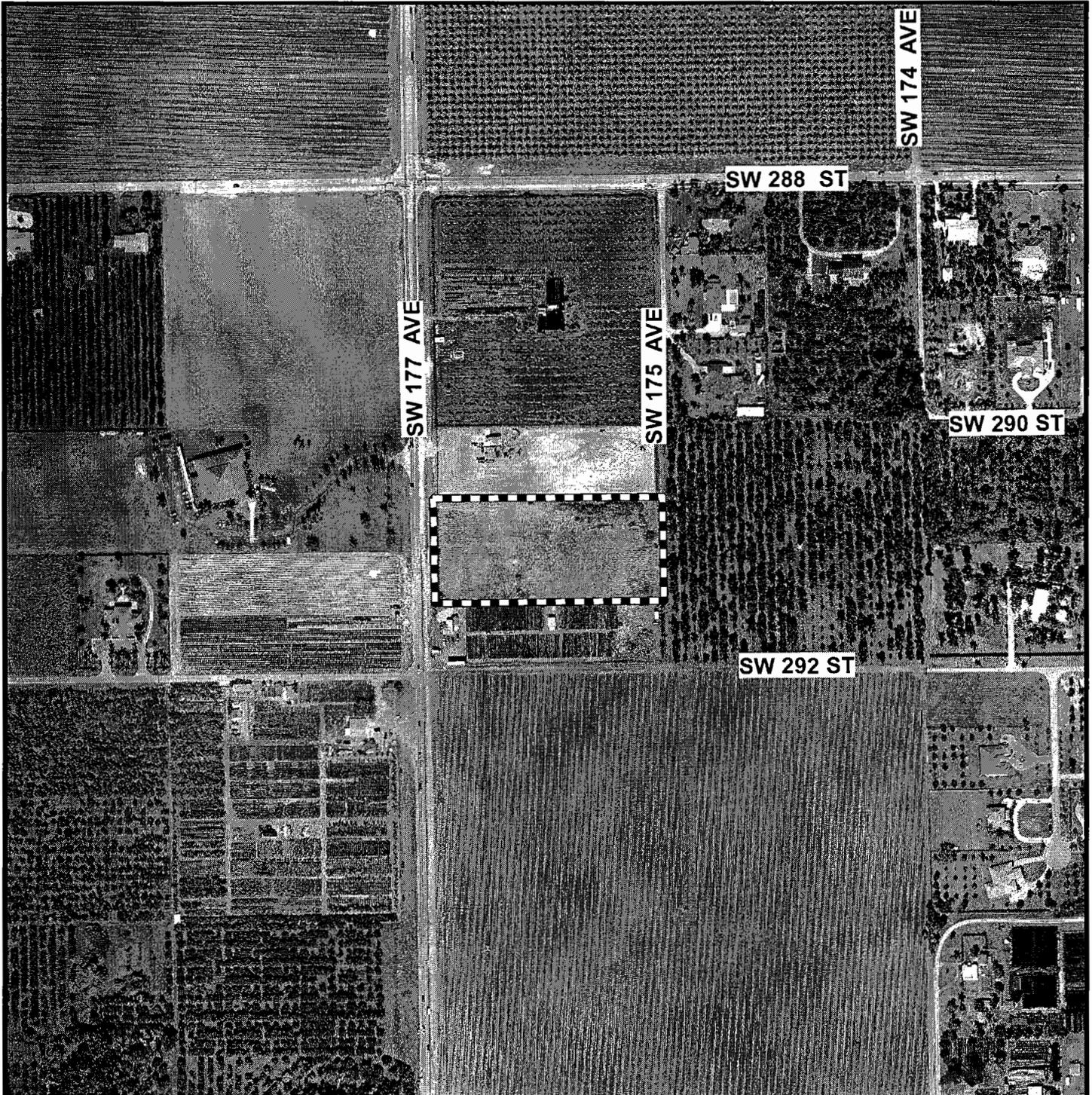
Section: 06 Township: 57 Range: 39
 Applicant: J & I PROPERTIES, INC
 Zoning Board: C14
 District Number: 8
 Drafter ID: N'NAGBE
 Scale: NTS



SUBJECT PROPERTY



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



**MIAMI-DADE COUNTY
AERIAL**

Process Number
08-001

Section: 06 Township: 57 Range: 39
 Applicant: J & I PROPERTIES, INC
 Zoning Board: C14
 District Number: 8
 Drafter ID: N'NAGBE
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 02/11/08

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

B. QUAIL AT THE TURNPIKE, LLC
(Applicant)

11-2-CZ14-1 (09-126)
Area 14/District 09
Hearing Date: 03/08/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-------------------------------|---|---------------------|--|
| 1972 | Jack Waxman, TR. | - Zone change from RU-2 to RU-4L. | ZAB | Recommended for Approval on a Modified Basis |
| 1973 | Jack Waxman, TR. | - Zone change from RU-2 to RU-4L. | BCC | Approved in Part |
| 1974 | JEMCO Mastercraft Homes. Inc. | - Zone change from (RU-4L to IU-C). | BCC | Approved |
| 1974 | JEMCO Mastercraft Homes. Inc. | - Zone change from RU-2 to IU-C. | BCC | Approved w/conds. |
| 1984 | Marvin Ross Friedman, TR. | - Zone change from (IU-C) to BU-1A. - Use Variance wholesale showrooms & storage. - Special Exception to permit business development. - Variance for 483 parking spaces. | BCC | Approved w/conds. |
| 1994 | Marvin Ross Friedman, Trustee | - Modification of condition #2 of resolution & deletion of Unity of Title. | 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. 14**

APPLICANT: Quail at the Turnpike, LLC

PH: Z09-126 (11-2-CZ14-1)

SECTION: 6-56-40

DATE: March 8, 2011

COMMISSION DISTRICT: 9

ITEM NO.: B

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The requests will allow the applicant to submit a site plan which indicates modifications to a previously approved plan and to allow two (2) of the three (3) proposed parcels with less than the required frontage on a public street.

o **REQUESTS:**

(1) **MODIFICATION** of Condition #2 of Resolution #Z-20-84, passed and adopted by the Board of County Commissioners, last modified by Resoltuion # 5-ZAB-402-94, passed and adopted by Zoning Appeals Board, only as it applies to the subject property, 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 'Quail at the Turnpike Commercial Center', as prepared by Trautman & Zabowski, Architect, Inc., consisting of 10 sheets, dated 6-6-94 on Sheet 2, and dated 8-9-94 on the remaining sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Quail at the Turnpike Commercial Center", as prepared by Campanile & Associates, Inc. consisting of 14 sheets, dated stamped received 6/25/10, with sheets 'ZE 1 of 2' and '2 of 2', last handwritten revised dated 8/5/10."

The purpose of Request #1 is to allow the applicant to submit revised plans showing different building and driveway configurations.

(2) Applicant is requesting to permit two (2) proposed parcels with 0' frontage (75' required) on a public street.

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 east of the Homestead Extension of Florida Turnpike and south of SW 186 Street, Miami-Dade County, Florida.

o **SIZE:** 6.25 Acres

B. ZONING HEARINGS HISTORY:

In 1984, pursuant to Resolution #Z-80-84, the subject property was a part of a larger parcel of land which was granted the approval of a district boundary change from IU-C, Industrial District Conditional, to BU-1A, (Limited Business) along with a special exception for site plan approval for a commercial development and a non-use variance of parking requirements by the Board of County Commissioners. In 1994, pursuant to Resolution #5-ZAB-402-94, the subject property was a part of a larger parcel of land, which was granted the approval for a modification of previous approved plans (approved pursuant to Resolution #Z-80-84) and the deletion of a Unity of Title by the Zoning Appeals Board.

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

- 1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.*
- 2. **Uses and Zoning Not Specifically Depicted.** Some existing uses and zoning are not specifically depicted on the LUP map. All existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". The limitations referenced in this paragraph pertain to existing zoning districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.*

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.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

BU-1A; vacant

Industrial and Office

SURROUNDING PROPERTY:

NORTH: PECUC; commercial and warehouses

Industrial and Office

SOUTH: BU-1A; vacant

Industrial and Office

EAST: BU-1A & PECUC; Industrial warehouses

Industrial and Office

WEST: Florida Turnpike

Transportation

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

33-311(A)(7) Generalized Modification Standards. *The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, 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*

5

be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

H. PLANNING AND ZONING ANALYSIS:

This application was deferred from the February 8, 2011 meeting due to a lack of quorum. The subject property is a 6.25-acre vacant parcel of land zoned BU-1A, Limited Business District, located east of the Homestead Extension of Florida's Turnpike and south of SW 186 Street. The LUP map designates this property for **Industrial and Office**. However, the existing zoning on the subject property is BU-1A, Limited Business District which allows the existing commercial development. Additionally, it should be noted that the CDMP states *that existing lawful residential and non-residential uses and zoning which are not specifically depicted on the LUP map 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 limitation referenced in this paragraph pertains to existing zoning and uses. As such, the existing BU-1A zoning which allows the proposed commercial development is **consistent** with the interpretative text of the CDMP. **Policy LU-4A** 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 subject property abuts the Homestead Florida Turnpike Extension to the west and that the proposed structures for the commercial development would be **compatible** with the surrounding industrial developments in this area. In addition, staff notes that the applicant has proffered a Covenant in lieu of a Unity of Title restricting the development of the subject property to the new plans submitted with this application and that said plans depict a decrease in square footage from the previously approved plans and are in compliance with the required number of parking spaces. As such, staff is of the opinion that the proposed commercial development on this site will be **consistent** with the LUP map designation of the CDMP, with the interpretative text of the CDMP and with **Policy LU-4A** of the CDMP and, in staff's opinion, is **compatible** with the area.

When request #1 is analyzed under Section 33-311(A)(7) the Generalized Modification Standards, staff opines that approval of request #1 subject to a condition that all conditions of resolution #5-ZAB-402-94 remain in full force and effect would be compatible with the area. Staff notes that the proposed development only as it applies to the subject property, complies with the setbacks, building height, landscaping, lot coverage, floor area ratio and parking requirements. In addition staff notes that the submitted plans represent a decrease in square footage from the previously approved plans on the subject property from 78,800 square feet to 53,374 square feet, a decrease in lot coverage from 78,800 square feet, to 23,224 square feet, and maintains compatible landscape areas. As such, staff opines that the submitted plans for the proposed commercial development will not generate additional

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. As such, staff recommends approval of request #1 under Section 33-311(A)(7).

When request #2 is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would not affect the stability and appearance of the community and would be **compatible** with the surrounding area. Approval of request #2 to permit two (2) of the proposed three (3) parcels with a lot frontage of 0' (75' required) will allow the development of two (2) of the parcels within the proposed commercial developments to be served by a twenty four (24) foot ingress and egress easement which the Public Works Department has stated has no objections. In addition, staff notes that the applicant has proffered a Covenant running with the land in Lieu of a Unity of Title which restricts the development of the subject property to the submitted site plan. Staff acknowledges that a Covenant running with the land in Lieu of a Unity of Title eliminates the need for a non-use variance of lot frontage requirements for said two (2) proposed parcels. However, the applicant has requested to include said non-use variance of lot frontage with this application. Staff has evaluated and determined that as depicted on the submitted new plans, a 24' ingress and egress easement will provide adequate driveway width for vehicles entering and exiting said parcels with no frontage on a public street. Therefore, in staff's opinion, approval of request #2 is **compatible** with the surrounding area. Staff is supportive of request #2, subject to conditions, and notes that the proposal would be **consistent** with the LUP map designation of the CDMP with the interpretative text of the CDMP and with **Policy LU-4A** of the CDMP. As such, staff recommends approval of request #2 with conditions under Section 33-311(A)(4)(b) (NUV).

RECOMMENDATION:

Approval with conditions, subject to the Boards acceptance of the proffered Covenant.

J. CONDITIONS:

1. That all the conditions of Resolution #5-ZAB-402-94 remain in full force and effect.
2. That the applicant comply with all conditions stated in the Public Works Department memorandum dated June 5, 2011.

DATE TYPED: 12/17/10
DATE REVISED: 12/20/10; 12/21/10; 01/26/11; 02/01/11; 02/09/11
DATE FINALIZED: 02/09/11
MCL:GR:NN:NC:TA



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

Memorandum



Date: June 15, 2010

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

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

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

Subject: C-14 #Z2009000126-1st Revision
Quail at the Turnpike, LLC
Homestead Extension of Florida Turnpike and S.W. 186th Street
Non-Use Variance to Permit 5 Lots with Zero Frontage to a Public Right-
of-Way
(BU-1A) (7.68 Acres)
06-56-40

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 Wastewater Disposal

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

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

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

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

Canal Right of Way verification letter is required from the SFWMD for the C-1N (Black Creek Canal) prior to Final Plat approval or prior to seeking building permits, to prevent unauthorized encroachment into said canal right-of-way

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the 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.

Wetlands

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

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

Tree Preservation

The subject properties contain tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

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

Pollution Control

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Hazardous Materials Management

Due to the nature of uses allowed in the existing 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 required management practices.

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 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.

Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. 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.

Enforcement History

DERM has reviewed the Permits and Enforcement database 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: QUAIL AT THE TURNPIKE, LLC

This Department objects to this application.

Remove one-way driveway entrance off of Quail Roost Drive to avoid traffic spill-out into the right-of-way.

Provide sidewalk connection from the right-of-way of Quail Roost Drive to the proposed development and throughout.

Drive-thru's must have a minimum length of 125 feet of auto-stacking from order board to pick-up window and a by-pass lane must be provided as well.

Relocate the car wash to avoid traffic conflict with stacking and oncoming vehicles from the westbound drive.

A 15 foot turning radii along all vehicle paths must be provided and indicated on the plans.

Guardrail will be required along driveways and parking lot adjacent to canal.

Guardrail installation must comply with Miami-Dade County Code and the Standard Details of the Public Works Manual.

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

The applicant may contact the Land Development Division at 305-375-2141 to further discuss the comments provided.

This land requires 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 meet the traffic concurrency criteria for an Initial Development Order. It will generate 392 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.# | | LOS present | LOS w/project |
|-------|----------------------------|-------------|---------------|
| 9728 | SW 107 Ave. s/o SW 160 St. | D | D |

| | | | |
|--------|----------------------------|---|---|
| 9874 | SW 184 St. w/o US-1 | C | C |
| 9876 | SW 184 St. w/o SW 117 Ave. | C | C |
| 9970 | US-1 sw/o SW 200 St. | C | C |
| F-54 | SW 186 St. w/o HEFT | D | D |
| F-1114 | SW 186 St. w/o US-1 | C | C |

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



Raul A Pino, P.L.S.

05-JAN-11



Memorandum

Date: 17-JUN-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000126

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 2, 2009.
 APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped June 9, 2010. Any changes to the vehicular circulation must be resubmitted for review and approval.

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

Service Impact/Demand

Development for the above Z2009000126

located at LYING EAST OF THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE AND SOUTH OF S.W. 186 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2205 is proposed as the following:

| | | | |
|---------------------------|----------------|--------------------------------------|-------------|
| <u>N/A</u> residential | dwelling units | <u>N/A</u> industrial | square feet |
| <u>40,200</u> Office | square feet | <u>N/A</u> institutional | square feet |
| <u>12,880</u> Retail | square feet | <u>N/A</u> nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 12.66 alarms-annually.
 The estimated average travel time is: 6:18 minutes

Existing services

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

Station 50 - Perrine - 9798 Hibiscus Street
 Rescue

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on letter of intent date stamped June 9, 2010. Substantial changes to the letter of intent will require additional service impact analysis.

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

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DATE: 04-JAN-11
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

QUAIL AT THE TURNPIKE, LLC

LYING EAST OF THE HOMESTEAD
EXTENSION OF FLORIDA'S
TURNPIKE AND SOUTH OF S.W.
186 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000126

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

There are no new or active enforcement cases for the Building or Neighborhood Compliance Divisions.

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: ANTONIO ATALA

01/14/11

Process #: Z2009000126
Applicant's Name: QUAIL AT THE TURNPIKE, LLC

Locations: LYING EAST OF THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE AND SOUTH OF S.W. 186 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 6.25 ACRES
Folio #: 3060060500030

Request:

1 THE APPLICANT IS REQUESTING A NON-USE VARIANCE TO PERMIT 5 LOTS WITH ZERO FRONTAGE ON A PUBLIC RIGHT OF WAY.

EXISTING ZONING

Subject Property BU-1A,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE

USE(S) OF PROPERTY:

VACANT LAND

FENCES/WALLS:

6 FT CHAINLINK FENCE ON THE NORTH AND WEST PROPERTY LINES.

LANDSCAPING:

NONE

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO DATED 01/04/2011 REVISION#1 FROM 08/27/2009 MEMO. NO OTHER CASES, OPEN PERMITS OR CVNS' FOUND.

OTHER:

THERE IS A 10 FT UTILITY EASEMENT ALL AROUND THE PROPERTY.

Process # Z2009000126
Applicant's Name QUAIL AT THE TURNPIKE, LLC

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:
PECUC -

SOUTH:
IU-1 & IU-C

EAST:
BU-1A & PECUC

WEST:
FLORIDA TURNPIKE

SURROUNDING AREA

THIS AREA IS A MIX OF COMMERCIAL AND INDUSTRIAL USES WEST OF THE FLORIDA TURNPIKE.

NEIGHBORHOOD CHARACTERISTICS

THIS IS ABUTTING THE PECUC AND SURROUNDED BY BOTH BUSINESS AND INDUSTRIAL USES.

COMMENTS:

Inspector **HASSUN, PEDRO**

Evaluator **ANTONIO ATALA**

Process Number: **Z2009000126** Applicant Name **QUAIL AT THE TURNPIKE, LLC**



Date: 31-JAN-11

Comments: SUBJECT PROPERTY - N EXPOSURE.



Date: 31-JAN-11

Comments: SUBJET PROPERTY - W VIEW



Date: 31-JAN-11

Comments: SUBJECT PROPERTY - N VIEW.

Inspector **HASSUN, PEDRO**

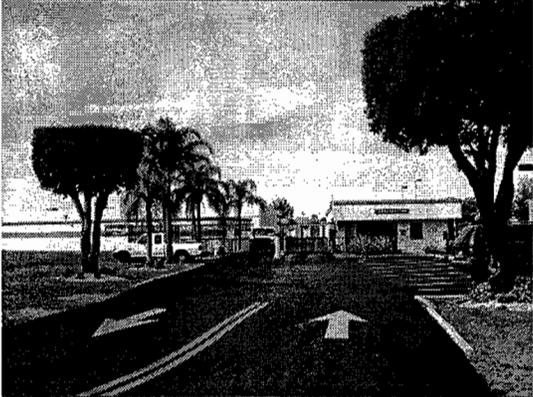
Evaluator **ANTONIO ATALA**

Process Number: **Z2009000126** Applicant Name **QUAIL AT THE TURNPIKE, LLC**



Date: 31-JAN-11

Comments: SUBJECT PROPERTY - SW VIEW.



Date: 31-JAN-11

Comments: 11111 SW 186 ST - MINISTORAGE - S EXPOSURE - LOT N OF SUBJECT PROPERTY.



Date: 31-JAN-11

Comments: OFFICE BLDG UNDER CONSTRUCTION 11055 SW 186 ST - S EXPOSURE - LOT N OF SUBJECT PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **ANTONIO ATALA**

Process Number: **Z2009000126** Applicant Name **QUAIL AT THE TURNPIKE, LLC**



Date: 31-JAN-11

Comments: SHOPPING CENTER 10921 - 11037 SW 186 ST - S
EXPOSURE - PROPEERTY N OF SUBJECT
PROPERTY.



Date: 31-JAN-11

Comments: FLORIDA TURNPIKE - WEST OF SUBJECT
PROPERTY.



Date: 31-JAN-11

Comments: FLORIDA TURNPIKE - WEST OF SUBJECT
PROPERTY FROM SW 186 ST.

Inspector **HASSUN, PEDRO**

Evaluator **ANTONIO ATALA**

Process Number: **Z2009000126** Applicant Name **QUAIL AT THE TURNPIKE, LLC**



Date: 31-JAN-11

Comments: GRAINGER 10900 SW 186 ST - N EXPOSURE - LOT E OF SUBJECT PROPERTY.



Date: 31-JAN-11

Comments: 10890 SW 186 ST - W EXPOSURE - LOT E OF SUBJECT PROPERTY ACROSS CANAL.



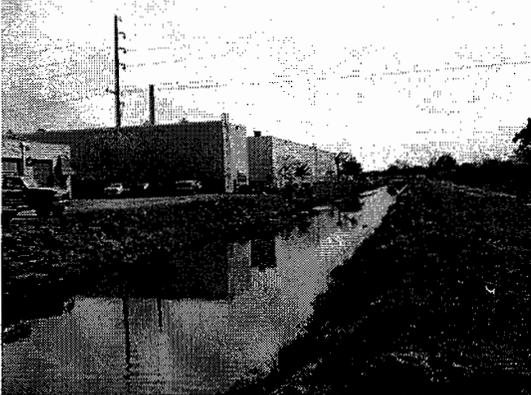
Date: 31-JAN-11

Comments: 10871 SW 188 ST - W EXPOSURE - LOT E OF SUBJECT PROPERTY ACROSS CANAL.

Inspector **HASSUN, PEDRO**

Evaluator **ANTONIO ATALA**

Process Number: **Z2009000126** Applicant Name **QUAIL AT THE TURNPIKE, LLC**



Date: 31-JAN-11

Comments: CANAL - S VIEW - E OF SUBJECT PROPERTY.



Date: 31-JAN-11

Comments: CANAL - N VIEW - E OF SUBJECT PROPERTY.

PHOTOGRAPHS

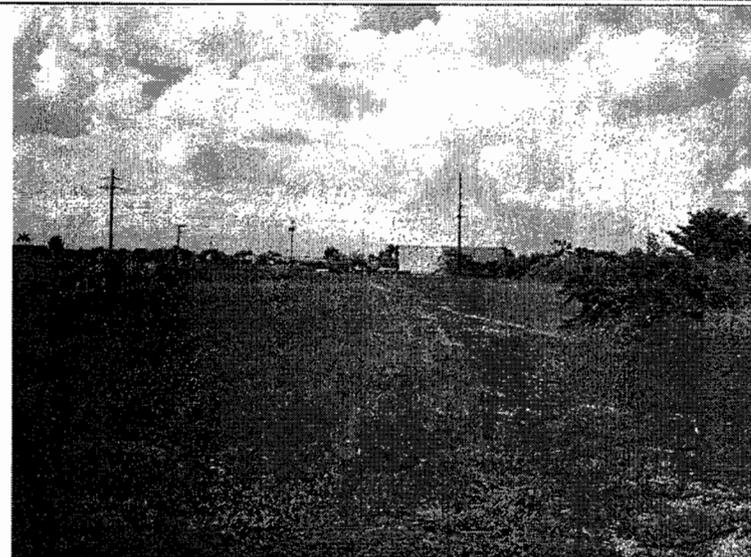
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



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: QUAIL AT THE TURNPIKE, LLC

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|--|----------------------------|
| <u>Paula L. & Robert W. Brockway</u> | <u>100%</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| <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.

N/A

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

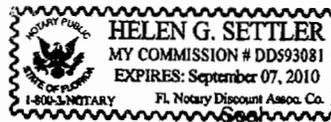
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

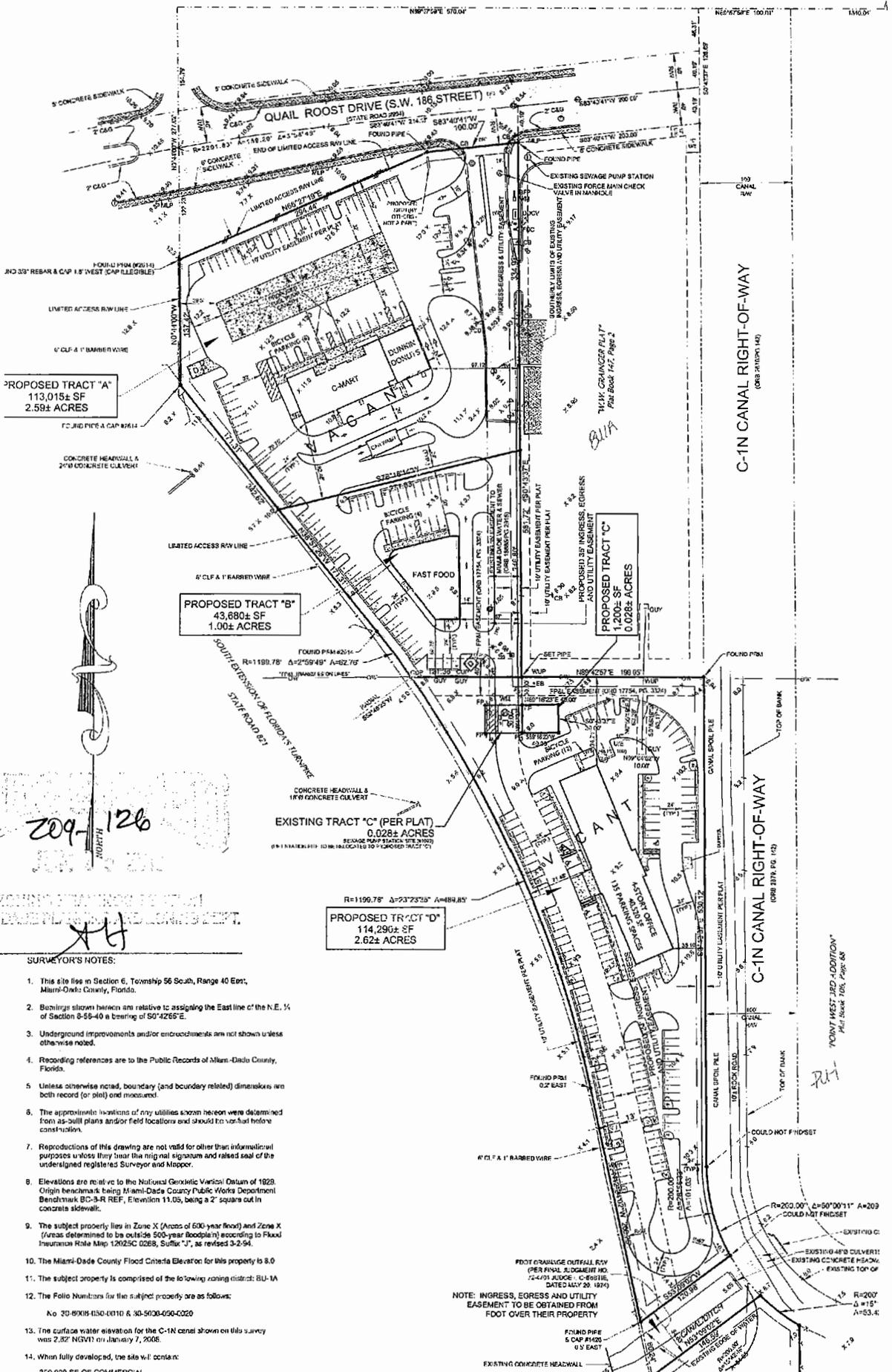
Sworn to and subscribed before me this 29th day of June, 2009. Affiant is (personally know to me) or has produced _____ as identification.

(Notary Public)



My commission expires: 9.7.10

*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.



PROPOSED TRACT "A"
113,015± SF
2.59± ACRES

PROPOSED TRACT "B"
43,680± SF
1.00± ACRES

PROPOSED TRACT "C"
1,300± SF
0.028± ACRES

EXISTING TRACT "C" (PER PLAT)
0.028± ACRES

PROPOSED TRACT "D"
114,290± SF
2.62± ACRES

209-126
NORTH

ZONING DISTRICT: BU-1A
MAY 20 2006

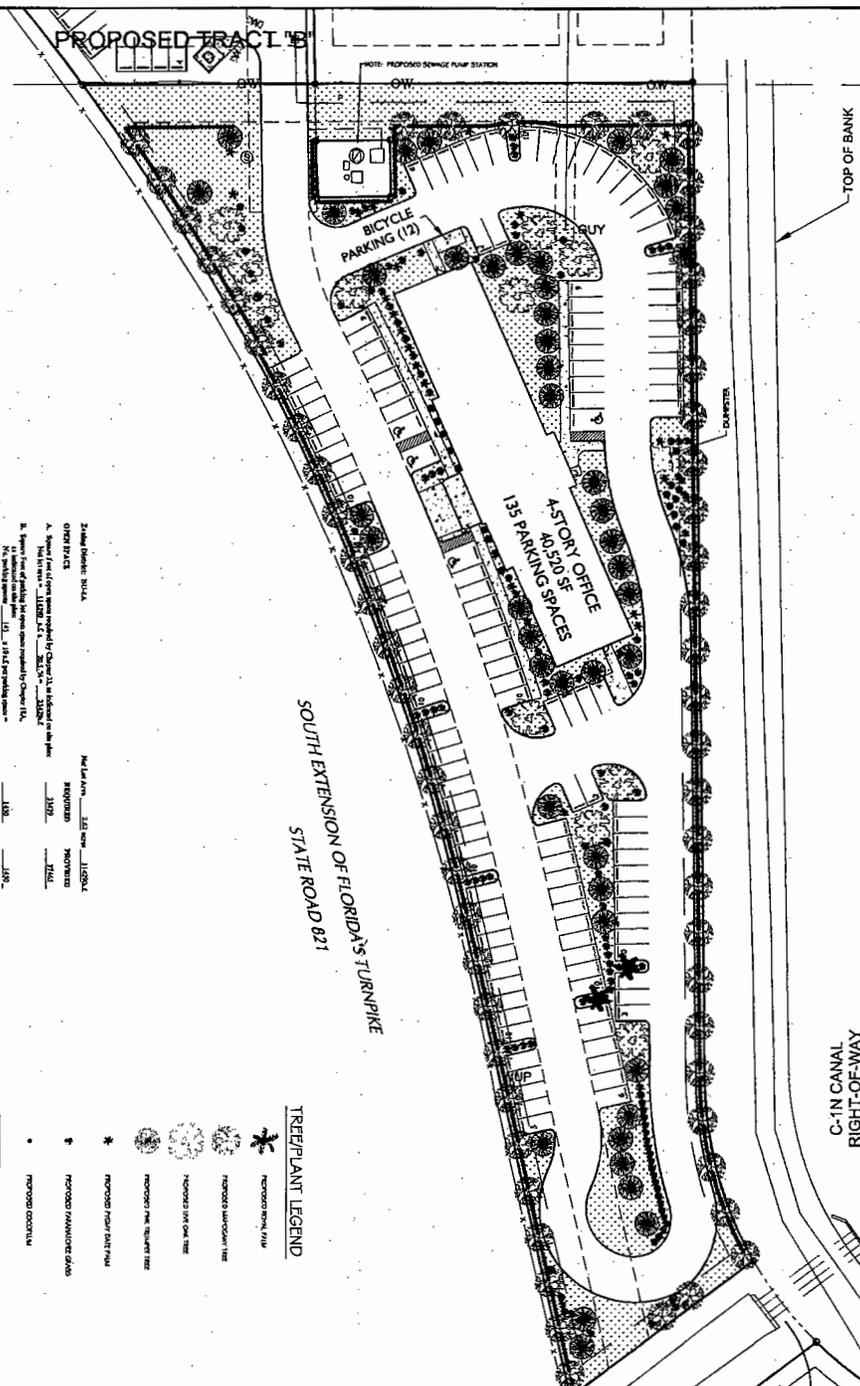
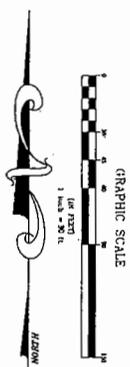
SURVEYOR'S NOTES:

- This site lies in Section 6, Township 56 South, Range 40 East, Miami-Dade County, Florida.
- Boundaries shown hereon are relative to assigning the East line of the N.E. 1/4 of Section 8-56-40 a bearing of S04°26'5"E.
- Underground improvements and/or encroachments are not shown unless otherwise noted.
- Recording references are to the Public Records of Miami-Dade County, Florida.
- Unless otherwise noted, boundary (and boundary related) dimensions are both record (or plat) and measured.
- The approximate locations of any utilities shown hereon were determined from as-built plans and/or field locations and should be verified before construction.
- Reproductions of this drawing are not valid for other than informational purposes unless they bear the original signature and related seal of the undersigned registered Surveyor and Mapper.
- Elevations are relative to the National Geodetic Vertical Datum of 1929. Origin benchmark being Miami-Dade County Public Works Department Benchmark BC-3-R REF, Elevation 11.05, being a 2" square cut in concrete sidewalk.
- The subject property lies in Zone X (Areas of 600-year flood) and Zone X (Areas determined to be outside 500-year floodplain) according to Flood Insurance Rate Map 12025C 0285, Surface "1", as revised 3-2-94.
- The Miami-Dade County Flood Criteria Elevation for this property is 8.0
- The subject property is comprised of the following zoning district: BU-1A
- The Folio Numbers for the subject property are as follows:
No. 20-8938 (150-0110) & 30-5030-050-020
- The surface water elevation for the C-1N canal shown on this survey was 2.32' NGVD11 in January 7, 2006.
- When fully developed, the site will contain:
250,000 SF OF COMMERCIAL
- Total area of acreage = 334,465 square feet (7.85 acres), more or less.
- This is a Boundary Survey

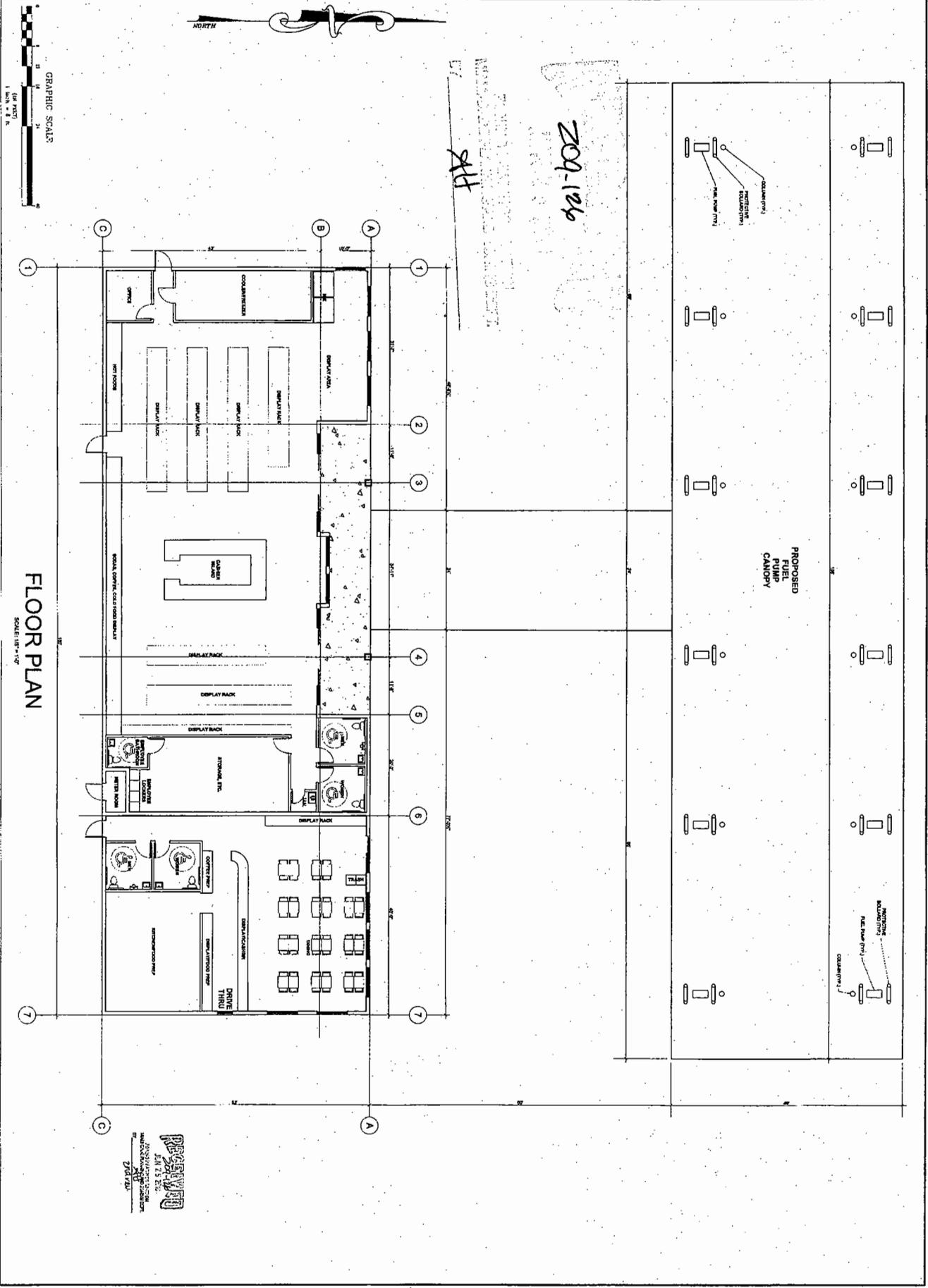
ENLARGED SITE PLAN

NOT A PART

25



| SYMBOL | LAND USE OR PLANT | PLANT NAME | PLANT SIZE | QUANTITY | HEIGHT | SPACING | COMMENTS |
|--------|-------------------|------------|------------|----------|--------|---------|----------|
| 1 | Tree | Shade Tree | 12" | 12 | 12' | 12' | |
| 2 | Tree | Shade Tree | 18" | 27 | 18' | 18' | |
| 3 | Tree | Shade Tree | 24" | 45 | 24' | 24' | |
| 4 | Tree | Shade Tree | 30" | 63 | 30' | 30' | |
| 5 | Tree | Shade Tree | 36" | 81 | 36' | 36' | |
| 6 | Tree | Shade Tree | 42" | 99 | 42' | 42' | |
| 7 | Tree | Shade Tree | 48" | 117 | 48' | 48' | |
| 8 | Tree | Shade Tree | 54" | 135 | 54' | 54' | |
| 9 | Tree | Shade Tree | 60" | 153 | 60' | 60' | |
| 10 | Tree | Shade Tree | 66" | 171 | 66' | 66' | |
| 11 | Tree | Shade Tree | 72" | 189 | 72' | 72' | |
| 12 | Tree | Shade Tree | 78" | 207 | 78' | 78' | |
| 13 | Tree | Shade Tree | 84" | 225 | 84' | 84' | |
| 14 | Tree | Shade Tree | 90" | 243 | 90' | 90' | |
| 15 | Tree | Shade Tree | 96" | 261 | 96' | 96' | |
| 16 | Tree | Shade Tree | 102" | 279 | 102' | 102' | |
| 17 | Tree | Shade Tree | 108" | 297 | 108' | 108' | |
| 18 | Tree | Shade Tree | 114" | 315 | 114' | 114' | |
| 19 | Tree | Shade Tree | 120" | 333 | 120' | 120' | |
| 20 | Tree | Shade Tree | 126" | 351 | 126' | 126' | |
| 21 | Tree | Shade Tree | 132" | 369 | 132' | 132' | |
| 22 | Tree | Shade Tree | 138" | 387 | 138' | 138' | |
| 23 | Tree | Shade Tree | 144" | 405 | 144' | 144' | |
| 24 | Tree | Shade Tree | 150" | 423 | 150' | 150' | |
| 25 | Tree | Shade Tree | 156" | 441 | 156' | 156' | |
| 26 | Tree | Shade Tree | 162" | 459 | 162' | 162' | |
| 27 | Tree | Shade Tree | 168" | 477 | 168' | 168' | |
| 28 | Tree | Shade Tree | 174" | 495 | 174' | 174' | |
| 29 | Tree | Shade Tree | 180" | 513 | 180' | 180' | |
| 30 | Tree | Shade Tree | 186" | 531 | 186' | 186' | |
| 31 | Tree | Shade Tree | 192" | 549 | 192' | 192' | |
| 32 | Tree | Shade Tree | 198" | 567 | 198' | 198' | |
| 33 | Tree | Shade Tree | 204" | 585 | 204' | 204' | |
| 34 | Tree | Shade Tree | 210" | 603 | 210' | 210' | |
| 35 | Tree | Shade Tree | 216" | 621 | 216' | 216' | |
| 36 | Tree | Shade Tree | 222" | 639 | 222' | 222' | |
| 37 | Tree | Shade Tree | 228" | 657 | 228' | 228' | |
| 38 | Tree | Shade Tree | 234" | 675 | 234' | 234' | |
| 39 | Tree | Shade Tree | 240" | 693 | 240' | 240' | |
| 40 | Tree | Shade Tree | 246" | 711 | 246' | 246' | |
| 41 | Tree | Shade Tree | 252" | 729 | 252' | 252' | |
| 42 | Tree | Shade Tree | 258" | 747 | 258' | 258' | |
| 43 | Tree | Shade Tree | 264" | 765 | 264' | 264' | |
| 44 | Tree | Shade Tree | 270" | 783 | 270' | 270' | |
| 45 | Tree | Shade Tree | 276" | 801 | 276' | 276' | |
| 46 | Tree | Shade Tree | 282" | 819 | 282' | 282' | |
| 47 | Tree | Shade Tree | 288" | 837 | 288' | 288' | |
| 48 | Tree | Shade Tree | 294" | 855 | 294' | 294' | |
| 49 | Tree | Shade Tree | 300" | 873 | 300' | 300' | |
| 50 | Tree | Shade Tree | 306" | 891 | 306' | 306' | |
| 51 | Tree | Shade Tree | 312" | 909 | 312' | 312' | |
| 52 | Tree | Shade Tree | 318" | 927 | 318' | 318' | |
| 53 | Tree | Shade Tree | 324" | 945 | 324' | 324' | |
| 54 | Tree | Shade Tree | 330" | 963 | 330' | 330' | |
| 55 | Tree | Shade Tree | 336" | 981 | 336' | 336' | |
| 56 | Tree | Shade Tree | 342" | 999 | 342' | 342' | |
| 57 | Tree | Shade Tree | 348" | 1017 | 348' | 348' | |
| 58 | Tree | Shade Tree | 354" | 1035 | 354' | 354' | |
| 59 | Tree | Shade Tree | 360" | 1053 | 360' | 360' | |
| 60 | Tree | Shade Tree | 366" | 1071 | 366' | 366' | |
| 61 | Tree | Shade Tree | 372" | 1089 | 372' | 372' | |
| 62 | Tree | Shade Tree | 378" | 1107 | 378' | 378' | |
| 63 | Tree | Shade Tree | 384" | 1125 | 384' | 384' | |
| 64 | Tree | Shade Tree | 390" | 1143 | 390' | 390' | |
| 65 | Tree | Shade Tree | 396" | 1161 | 396' | 396' | |
| 66 | Tree | Shade Tree | 402" | 1179 | 402' | 402' | |
| 67 | Tree | Shade Tree | 408" | 1197 | 408' | 408' | |
| 68 | Tree | Shade Tree | 414" | 1215 | 414' | 414' | |
| 69 | Tree | Shade Tree | 420" | 1233 | 420' | 420' | |
| 70 | Tree | Shade Tree | 426" | 1251 | 426' | 426' | |
| 71 | Tree | Shade Tree | 432" | 1269 | 432' | 432' | |
| 72 | Tree | Shade Tree | 438" | 1287 | 438' | 438' | |
| 73 | Tree | Shade Tree | 444" | 1305 | 444' | 444' | |
| 74 | Tree | Shade Tree | 450" | 1323 | 450' | 450' | |
| 75 | Tree | Shade Tree | 456" | 1341 | 456' | 456' | |
| 76 | Tree | Shade Tree | 462" | 1359 | 462' | 462' | |
| 77 | Tree | Shade Tree | 468" | 1377 | 468' | 468' | |
| 78 | Tree | Shade Tree | 474" | 1395 | 474' | 474' | |
| 79 | Tree | Shade Tree | 480" | 1413 | 480' | 480' | |
| 80 | Tree | Shade Tree | 486" | 1431 | 486' | 486' | |
| 81 | Tree | Shade Tree | 492" | 1449 | 492' | 492' | |
| 82 | Tree | Shade Tree | 498" | 1467 | 498' | 498' | |
| 83 | Tree | Shade Tree | 504" | 1485 | 504' | 504' | |
| 84 | Tree | Shade Tree | 510" | 1503 | 510' | 510' | |
| 85 | Tree | Shade Tree | 516" | 1521 | 516' | 516' | |
| 86 | Tree | Shade Tree | 522" | 1539 | 522' | 522' | |
| 87 | Tree | Shade Tree | 528" | 1557 | 528' | 528' | |
| 88 | Tree | Shade Tree | 534" | 1575 | 534' | 534' | |
| 89 | Tree | Shade Tree | 540" | 1593 | 540' | 540' | |
| 90 | Tree | Shade Tree | 546" | 1611 | 546' | 546' | |
| 91 | Tree | Shade Tree | 552" | 1629 | 552' | 552' | |
| 92 | Tree | Shade Tree | 558" | 1647 | 558' | 558' | |
| 93 | Tree | Shade Tree | 564" | 1665 | 564' | 564' | |
| 94 | Tree | Shade Tree | 570" | 1683 | 570' | 570' | |
| 95 | Tree | Shade Tree | 576" | 1701 | 576' | 576' | |
| 96 | Tree | Shade Tree | 582" | 1719 | 582' | 582' | |
| 97 | Tree | Shade Tree | 588" | 1737 | 588' | 588' | |
| 98 | Tree | Shade Tree | 594" | 1755 | 594' | 594' | |
| 99 | Tree | Shade Tree | 600" | 1773 | 600' | 600' | |
| 100 | Tree | Shade Tree | 606" | 1791 | 606' | 606' | |
| 101 | Tree | Shade Tree | 612" | 1809 | 612' | 612' | |
| 102 | Tree | Shade Tree | 618" | 1827 | 618' | 618' | |
| 103 | Tree | Shade Tree | 624" | 1845 | 624' | 624' | |
| 104 | Tree | Shade Tree | 630" | 1863 | 630' | 630' | |
| 105 | Tree | Shade Tree | 636" | 1881 | 636' | 636' | |
| 106 | Tree | Shade Tree | 642" | 1899 | 642' | 642' | |
| 107 | Tree | Shade Tree | 648" | 1917 | 648' | 648' | |
| 108 | Tree | Shade Tree | 654" | 1935 | 654' | 654' | |
| 109 | Tree | Shade Tree | 660" | 1953 | 660' | 660' | |
| 110 | Tree | Shade Tree | 666" | 1971 | 666' | 666' | |
| 111 | Tree | Shade Tree | 672" | 1989 | 672' | 672' | |
| 112 | Tree | Shade Tree | 678" | 2007 | 678' | 678' | |
| 113 | Tree | Shade Tree | 684" | 2025 | 684' | 684' | |
| 114 | Tree | Shade Tree | 690" | 2043 | 690' | 690' | |
| 115 | Tree | Shade Tree | 696" | 2061 | 696' | 696' | |
| 116 | Tree | Shade Tree | 702" | 2079 | 702' | 702' | |
| 117 | Tree | Shade Tree | 708" | 2097 | 708' | 708' | |
| 118 | Tree | Shade Tree | 714" | 2115 | 714' | 714' | |
| 119 | Tree | Shade Tree | 720" | 2133 | 720' | 720' | |
| 120 | Tree | Shade Tree | 726" | 2151 | 726' | 726' | |
| 121 | Tree | Shade Tree | 732" | 2169 | 732' | 732' | |
| 122 | Tree | Shade Tree | 738" | 2187 | 738' | 738' | |
| 123 | Tree | Shade Tree | 744" | 2205 | 744' | 744' | |
| 124 | Tree | Shade Tree | 750" | 2223 | 750' | 750' | |
| 125 | Tree | Shade Tree | 756" | 2241 | 756' | 756' | |
| 126 | Tree | Shade Tree | 762" | 2259 | 762' | 762' | |
| 127 | Tree | Shade Tree | 768" | 2277 | 768' | 768' | |
| 128 | Tree | Shade Tree | 774" | 2295 | 774' | 774' | |
| 129 | Tree | Shade Tree | 780" | 2313 | 780' | 780' | |
| 130 | Tree | Shade Tree | 786" | 2331 | 786' | 786' | |
| 131 | Tree | Shade Tree | 792" | 2349 | 792' | 792' | |
| 132 | Tree | Shade Tree | 798" | 2367 | 798' | 798' | |
| 133 | Tree | Shade Tree | 804" | 2385 | 804' | 804' | |
| 134 | Tree | Shade Tree | 810" | 2403 | 810' | 810' | |
| 135 | Tree | Shade Tree | 816" | 2421 | 816' | 816' | |
| 136 | Tree | Shade Tree | 822" | 2439 | 822' | 822' | |
| 137 | Tree | Shade Tree | 828" | 2457 | 828' | 828' | |
| 138 | Tree | Shade Tree | 834" | 2475 | 834' | 834' | |
| 139 | Tree | Shade Tree | 840" | 2493 | 840' | 840' | |
| 140 | Tree | Shade Tree | 846" | 2511 | 846' | 846' | |
| 141 | Tree | Shade Tree | 852" | 2529 | 852' | 852' | |
| 142 | Tree | Shade Tree | 858" | 2547 | 858' | 858' | |
| 143 | Tree | Shade Tree | 864" | 2565 | 864' | 864' | |
| 144 | Tree | Shade Tree | 870" | 2583 | 870' | 870' | |
| 145 | Tree | Shade Tree | 876" | 2601 | 876' | 876' | |
| 146 | Tree | Shade Tree | 882" | 2619 | 882' | 882' | |
| 147 | Tree | Shade Tree | 888" | 2637 | 888' | 888' | |
| 148 | Tree | Shade Tree | 894" | 2655 | 894' | 894' | |
| 149 | Tree | Shade Tree | 900" | 2673 | 900' | 900' | |
| 150 | Tree | Shade Tree | 906" | 2691 | 906' | 906' | |
| 151 | Tree | Shade Tree | 912" | 2709 | 912' | 912' | |
| 152 | Tree | Shade Tree | 918" | 2727 | 918' | 918' | |
| 153 | Tree | Shade Tree | 924" | 2745 | 924' | 924' | |
| 154 | Tree | Shade Tree | 930" | 2763 | 930' | 930' | |
| 155 | Tree | Shade Tree | 936" | 2781 | 936' | 936' | |
| 156 | Tree | Shade Tree | 942" | 2799 | 942' | 942' | |
| 157 | Tree | Shade Tree | 948" | 2817 | 948' | 948' | |
| 158 | Tree | Shade Tree | 954" | 2835 | 954' | 954' | |
| 159 | Tree | Shade Tree | 960" | 2853 | 960' | 960' | |
| 160 | Tree | Shade Tree | 966" | 2871 | 966' | 966' | |
| 161 | Tree | Shade Tree | 972" | 2889 | 972' | 972' | |
| 162 | Tree | Shade Tree | 978" | 2907 | 978' | 978' | |
| 163 | Tree | Shade Tree | 984" | 2925 | 984' | 984' | |
| 164 | Tree | Shade Tree | 990" | 2943 | 990' | 990' | |
| 165 | Tree | Shade Tree | 996" | 2961 | 996' | 996' | |
| 166 | Tree | Shade Tree | | | | | |



FP-A
 SHEET 1 OF 1

QUAIL AT THE TURNPIKE
 MIAMI-DADE COUNTY, FLORIDA
 FLOOR PLAN
 PROPOSED TRACT "A"

for **QUAIL AT THE TURNPIKE, LLC**

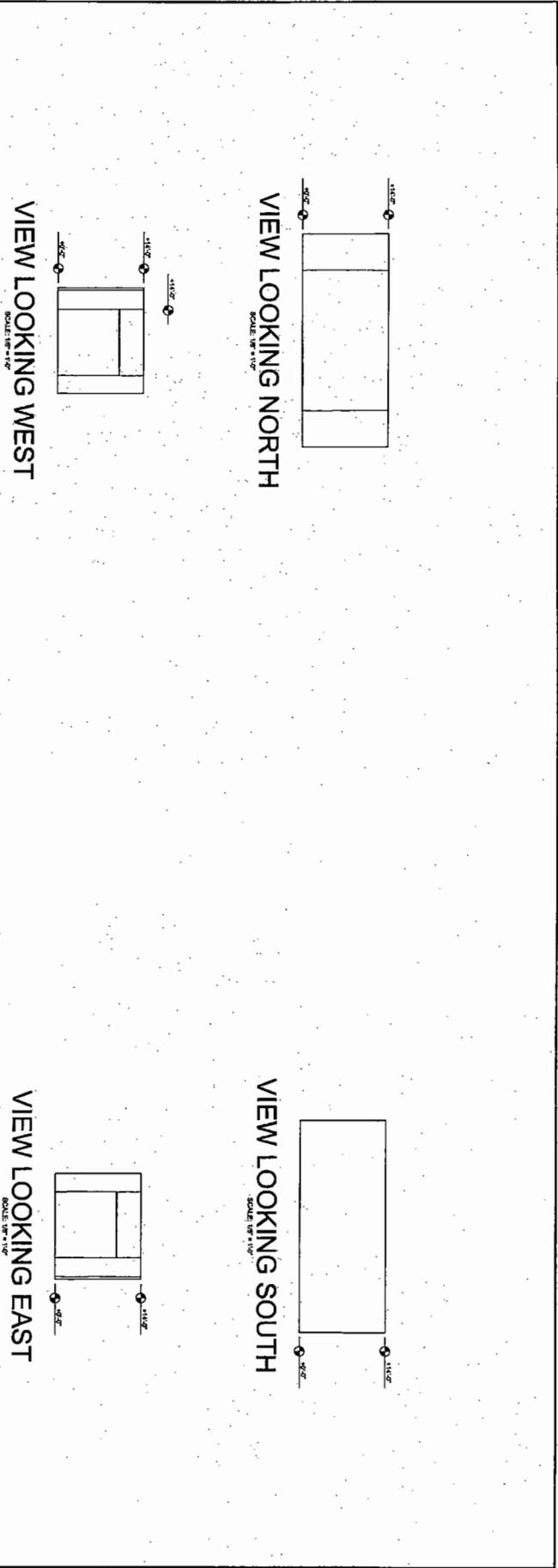
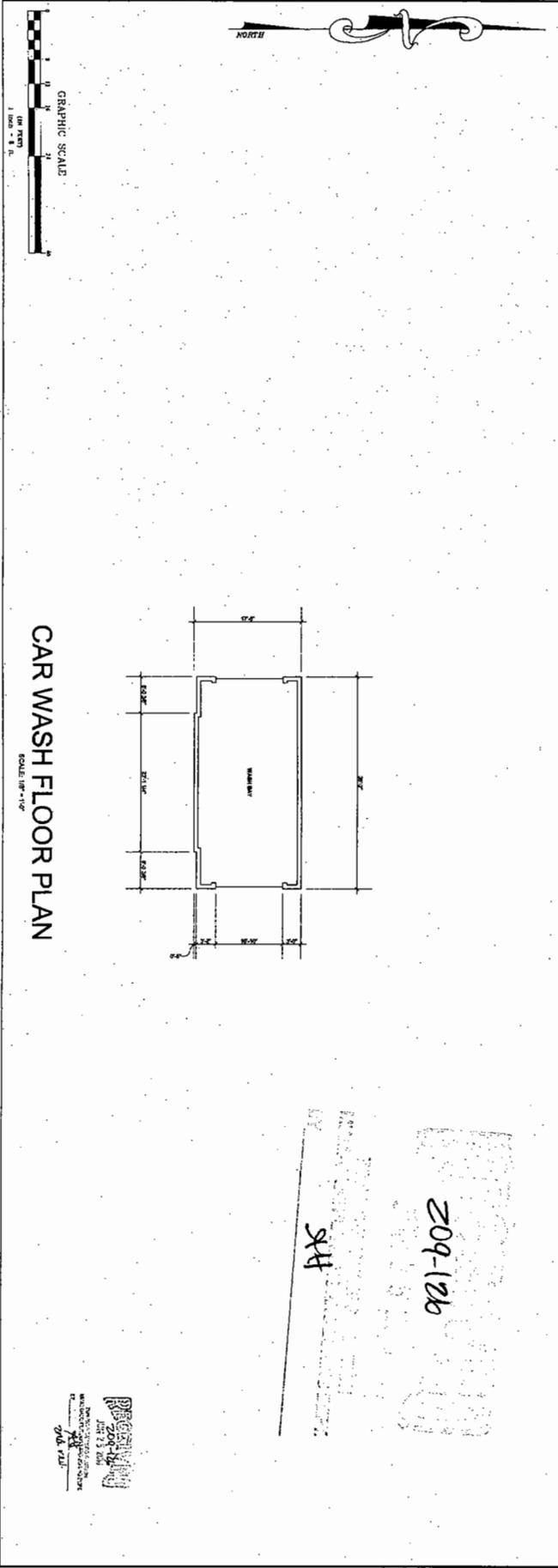
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LOU CAMPANILE, JR.
 PROFESSIONAL ENGINEER NO. 38702
 PROFESSIONAL SURVEYOR & MAPPER NO. 4261
 STATE OF FLORIDA

CAMPANILE & ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS

6420 MAH DRIVE
 CORAL GABLES, FLORIDA 33156-1831
 TEL: (305) 971-1988
 FAX: (305) 971-1988

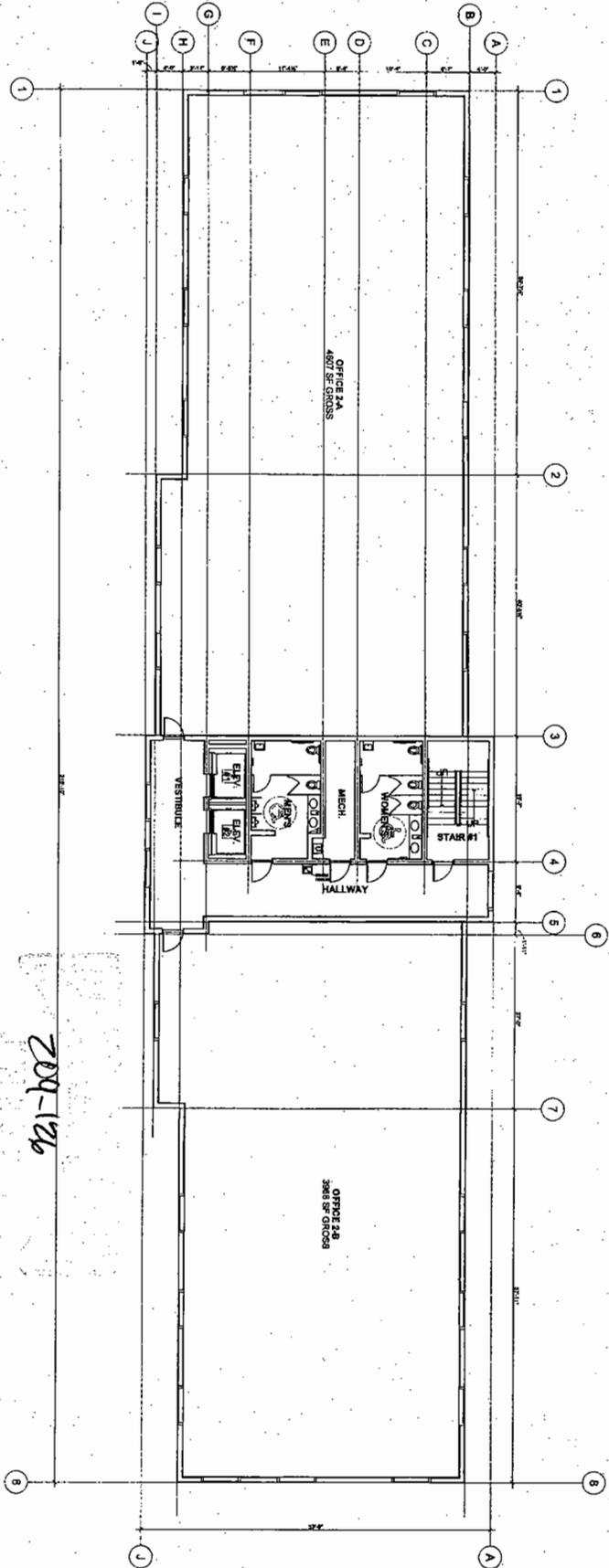
31



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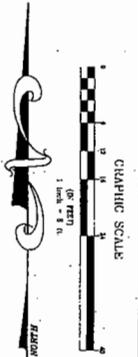
FLOOR PLAN - SECOND FLOOR

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



209-126
 PK

PROFESSIONAL SEAL
 LOU CAMPANILE, P.E.
 PROFESSIONAL ENGINEER AND SURVEYOR
 STATE OF FLORIDA
 7/19/22
 2nd flr



FP-D
 SHEET 1 OF 4

QUAIL AT THE TURNPIKE
 MIAMI-DADE COUNTY, FLORIDA
 FLOOR PLAN
 PROPOSED TRACT "D"

for **QUAIL AT THE TURNPIKE, LLC**

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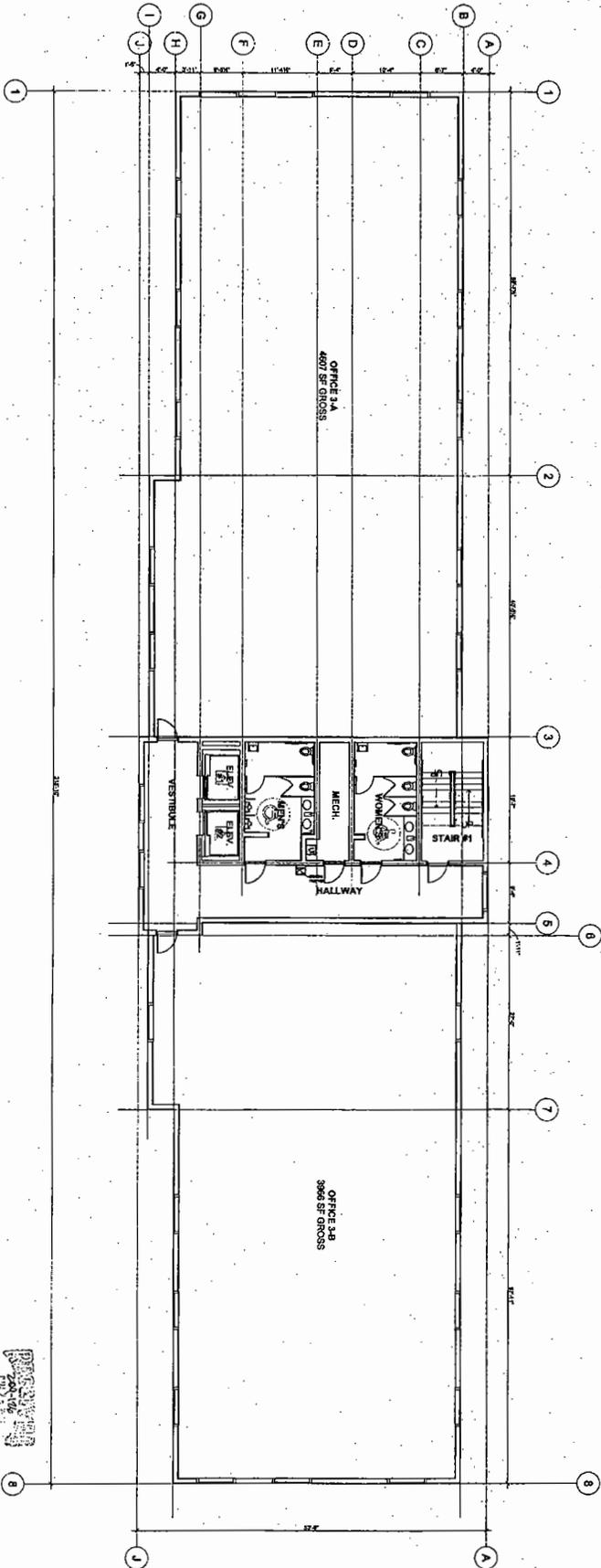
CAMPANILE & ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS

8420 MASH DRIVE
 CORAL GABLES, FLORIDA 33156-1831
 TEL: (305) 971-1988
 FAX: (305) 971-1989

35

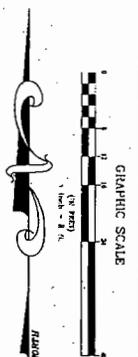
FLOOR PLAN - THIRD FLOOR

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



BY: *PK*

209-100



PROPOSED TRACT "D"
 200-100
 1/11/12
 2nd REV

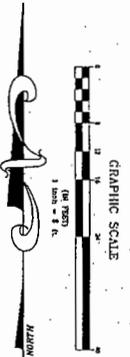
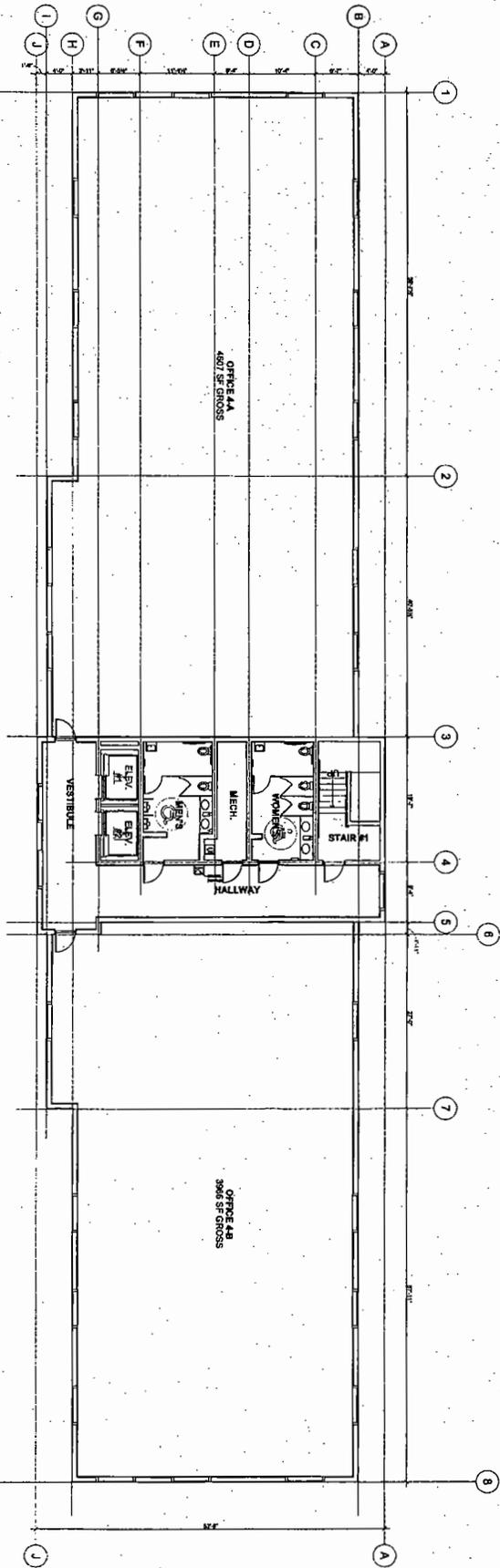
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|-------------------------|---|---|---|---|---|
| SHEET 3 OF 4 FP-D | QUAIL AT THE TURNPIKE MIAMI-DADE COUNTY, FLORIDA FLOOR PLAN PROPOSED TRACT "D" | for QUAIL AT THE TURNPIKE, LLC | COPYRIGHT © 2012 CAMPANILE & ASSOCIATES, INC. ALL RIGHTS RESERVED. THIS DOCUMENT MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. | LOU CAMPANILE, JR. PROFESSIONAL ENGINEER NO. 30762 PROFESSIONAL SURVEYOR & MAPPER NO. 332 STATE OF FLORIDA | CAMPANILE & ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 8420 MAHI DRIVE CORAL GABLES, FLORIDA 33156-1831 TEL: (305) 971-1928 FAX: (305) 971-1989 |
| | PROJECT NO.: 4382 DATE: 11/11/12 DESIGNER: CHECKED: DRAWN: DATE: | | | | |

FLOOR PLAN - FOURTH FLOOR

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

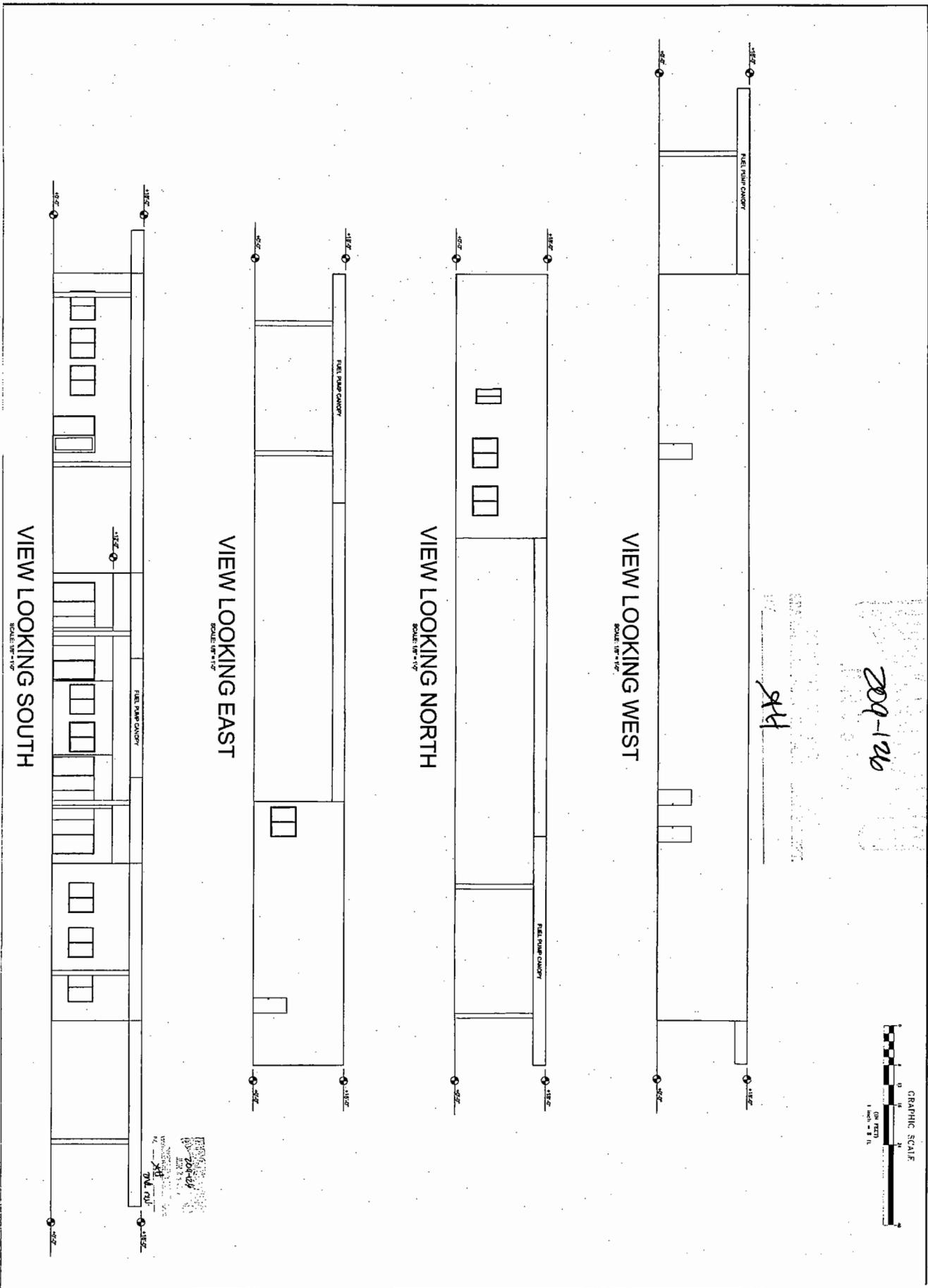
200-126

AKH

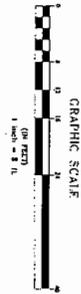


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|--------------------------------|--|---|---|---|---|---|
| SHEET FP-D 4 OF 4 | PROJECT NO. 200-126 DATE: 4/19/03 DRAWN BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature] | QUAIL AT THE TURNPIKE MIAMI-DADE COUNTY, FLORIDA FLOOR PLAN PROPOSED TRACT "D" | for QUAIL AT THE TURNPIKE, LLC | COPYRIGHT © 2010 CAMPANILE & ASSOCIATES, INC. ALL RIGHTS RESERVED. THIS DOCUMENT MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. |  CAMPANILE & ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS LEO CAMPANILE, JR. PROFESSIONAL ENGINEER REG. NO. 10767 PROFESSIONAL SURVEYOR & MAPPER REG. NO. 4336 STATE OF FLORIDA | 8420 MARK DRIVE CORAL GABLES, FLORIDA 33146-1831 TEL: (305) 971-1988 FAX: (305) 971-1989 |
|--------------------------------|--|---|---|---|---|---|

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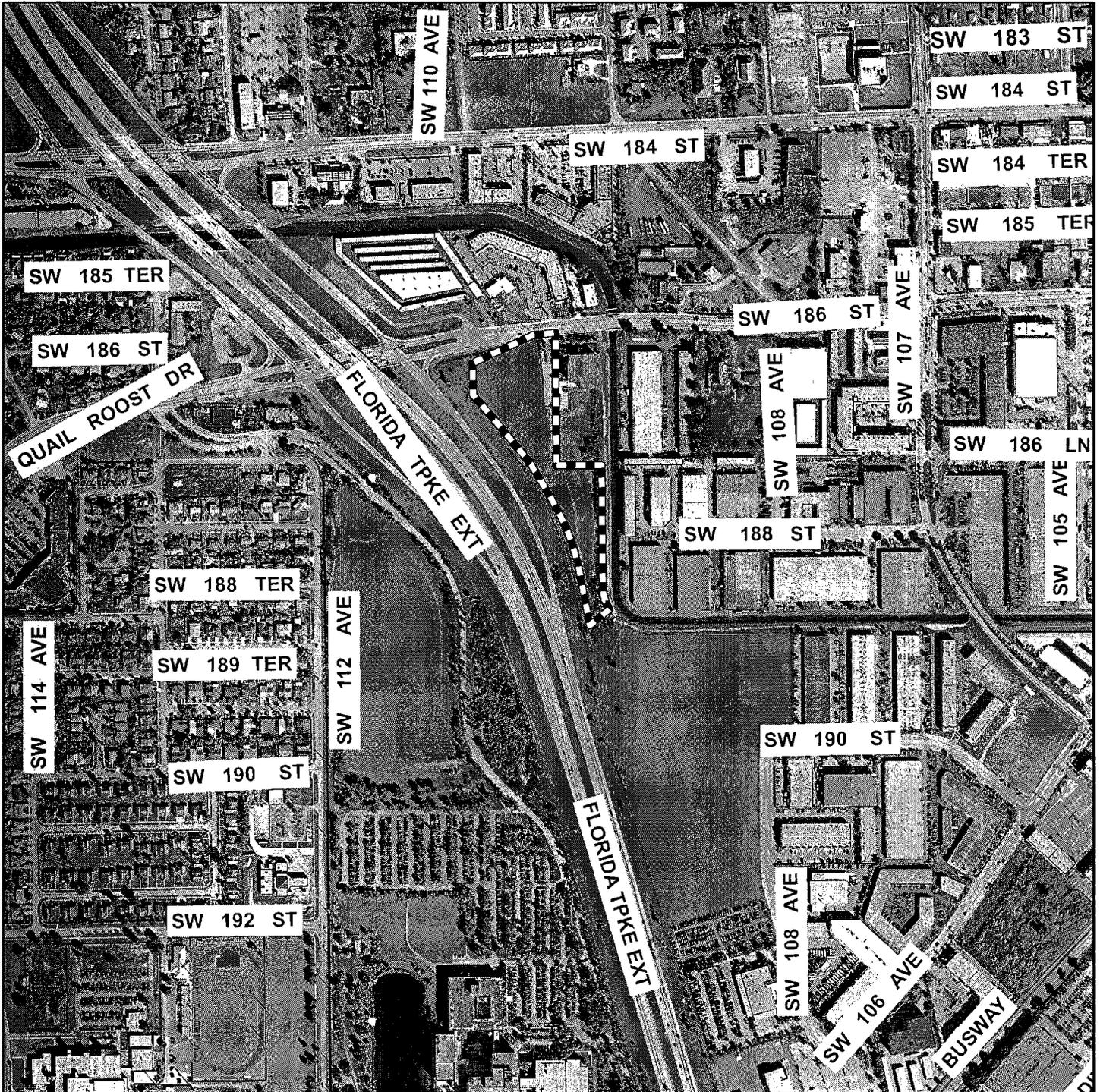


200-1206
 2/14



| | | | | | | |
|--------------------------------|--|--|---|---|--|---|
| SHEET EL-A 1 OF 1 | PROJECT NO. 200-1206 DATE: 01/10/10 DESIGNER: JAC ARCHITECT: JAC ENGINEER: JAC SURVEYOR: JAC DRAWN BY: JAC | QUAIL AT THE TURNPIKE MIAMI-DADE COUNTY, FLORIDA BUILDING ELEVATIONS PROPOSED TRACT "A" | for QUAIL AT THE TURNPIKE, LLC | COPYRIGHT © 2010 CAMPANILE & ASSOCIATES, INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS NOT TO BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. | | CAMPANILE & ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS 8420 MAJ 8 DRIVE CORAL GABLES, FLORIDA 33156-1851 TEL: (305) 871-1888 FAX: (305) 871-1889 |
|--------------------------------|--|--|---|---|--|---|

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MIAMI-DADE COUNTY
AERIAL YEAR 2009

Section: 06 Township: 56 Range: 40
 Applicant: QUAIL AT THE TURNPIKE, LLC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number
09-126



SUBJECT PROPERTY



SKETCH CREATED ON: 08/10/09

| REVISION | DATE | BY |
|-----------------------|---------|-------|
| Less Out Parcel * B * | 6/16/10 | JGURD |