

# FINAL AGENDA

3-27-2012 Version # 1



COMMUNITY ZONING APPEALS BOARD 15  
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Thursday, April 26, 2012 at 7:00 p.m.

## PREVIOUSLY DEFERRED

A. 12-3-CZ15-2 SOUTH MIAMI HOSPITAL, INC

11-111

02-57-39



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF WEDNESDAY, APRIL 26, 2012

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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**Miami-Dade County Sustainability, Planning and Economic Enhancement Department  
Staff Report to the Developmental Impact Committee (DIC)**

**PH: Z11-111**

**DIC Date: February 8, 2012**

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	South Miami Hospital, Inc.
<b>Summary of Requests</b>	The applicant is seeking a zone change to BU-2.
<b>Location</b>	South of SW 288 Street and SW 137 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	16.78 acres
<b>Existing Zoning</b>	AU and BU-1A
<b>Existing Land Use</b>	Vacant
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval, subject to the Board's acceptance of the proffered covenant</b>

**REQUEST:**

DISTRICT BOUNDARY CHANGE FROM AU and BU-1A to BU-2.

**PROJECT DESCRIPTION:**

The site plan submitted by the applicant depicts a proposed 152,868 sq. ft. Walmart store.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU and BU-1A; vacant	Business and Office
<b>North</b>	BU-1 and BU-1A; light manufacturing and vacant	Business and Office
<b>South</b>	AU; vacant	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-1Z: single-family zero lot line residences	Low Density Residential (2.5 to 6 dua)
<b>West</b>	BU-1A; light manufacturing and food processing City of Homestead: B-2: retail and office building PUD: single-family cluster residences	Business and Office/Low-Medium Density Residential (6-13 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is located south of SW 288 Street and east of SW 137 Avenue. The area surrounding the subject property is primarily characterized by commercial uses located to the north and partially to the west, and residential uses to the east and south and partially to the west.

**SUMMARY OF THE IMPACTS:**

The approval of this application will increase the intensity of the commercial uses allowed in this area. However, the proposed BU-2 zoning will provide accessible commercial uses to the residents and workers in the surrounding residential and commercial districts.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text, under the Business and Office land use category *accommodates the full range of sales and service activities. Included are **retail**, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities.* Staff further notes that the proposed BU-2 zoning permits uses such as apparel stores, hardware stores, restaurants, major department stores, regional shopping centers, furniture stores, supermarkets, banks, pet shops, printing shops and variety stores, among others, which are permitted uses in the Business and Office designation of the CDMP. Therefore, the requested BU-2 zoning on the subject parcel is **consistent** with the uses allowed in the CDMP Land Use Element interpretative text under the Business and Office land use category, and is consistent with the Business and Office designation on the CDMP LUP map.

Staff notes that the entire subject property was redesignated to Business and Office from Business and Office and Low Density Residential during the October 2010 CDMP Amendment Cycle. Additionally, during the amendment process the applicant proffered a CDMP covenant that indicates no residential uses shall be permitted on the property and that at the time of rezoning, a site plan shall be proffered with a declaration of restrictions requiring the development of the property to be substantially in accordance with the submitted site plan which shall address, inter alia, transit, bicycle and pedestrian accessibility. As required by the CDMP covenant, the applicant has proffered a covenant in conjunction with the application which ties the proposed development to a site plan, which depicts a Walmart store. The submitted site plan depicts internal sidewalk connections that are linked to sidewalks located along SW 137 Avenue to the east and SW 288 Street to the north. Additionally, the site plan depicts an existing bike lane along SW 137 Avenue and to accommodate customers with bikes, there are two bike racks that can hold a minimum of sixteen (16) bikes.

The area surrounding the subject property has abutting business and residential zoning designations. As such, the proposed rezoning of the property to BU-2, Limited Business District,

to permit a Walmart store, is **compatible** with the surrounding area, subject to the Board's acceptance of the proffered covenant. Furthermore, approval of the proposed retail use with the proffered covenant would be **consistent** with the CDMP LUP map.

### **Neighborhood Service Provider Comments**

The proposed rezoning has been reviewed by all of the service providers. Based on the information provided, staff opines that the proposed development will have a favorable economic impact on Miami-Dade County.

Staff opines that the rezoning of the subject site to BU-2 will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the **Department of Permitting, Environment and Regulatory Affairs (PERA) Environmental Resources Division (ERD)**, subject to the required wellfield covenant. Furthermore, its memorandum indicates that the zoning request meets the minimum requirements as set forth in Chapter 24 of the Code of Miami-Dade County. Since public water and public sanitary sewers can be made available to this property, ERD will require that the applicant connect to the water supply and the public sanitary sewer system. The **Public Works and Waste Management Department does not object** to this application as it pertains to the development of the property in accordance with the submitted site plan. Its memorandum indicates that this application meets the criteria for traffic concurrency for an Initial Development Order. **Miami-Dade Transit has no objection** to this application. Its memorandum indicates that the project has been reviewed for mass transit concurrency and was found concurrent with the level-of-service standards established by Miami-Dade County. The **Miami-Dade Fire and Rescue Department has no objection** to this application and indicates in its memorandum that this development is expected to generate approximately 45 fire and rescue calls annually. Further, the Fire Water and Engineering Section has reviewed and approved the submitted plan. Any future substantial changes to this plan must also be reviewed and approved by said Department. Miami-Dade Police Department (**MDPD**) has **no objection** to this application as well. The proposed facility location would be serviced by the South District, located at 10800 S.W. 211 Street. Consequently, Staff opines that approval of this application with the aforementioned proffered covenant would not have an unfavorable impact on the environment, and would not unduly burden water, sewer, solid waste disposal, or other necessary public facilities.

### **ZONING ANALYSIS:**

When the applicant's request to rezone the 16.78 acre parcel to BU-2 is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Furthermore, in staff's opinion, the approval of the application will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on memoranda from the Departments concerned with reviewing this application. Further, staff opines that the submitted plans indicate sensitivity to the abutting residential uses located to the east, by providing a landscaped berm, a continuous row of trees and hedges along the interior side (east) property line in addition to a 6' high concrete wall. In staff's opinion, this will mitigate any negative visual or aural impact that may result from the proposed commercial development of the site on the residential properties located to the east. Furthermore, most of the intensive activities such as truck drop offs and drives are located on the west side of the site, away from the existing residential properties. Additionally, the applicant has addressed pedestrian and bike access to the site as stipulated in the CDMP covenant. As such, staff opines that the approval of

the application will be **compatible** with the surrounding commercial and residential developments, and with the proffered covenant, would be **consistent** with the Business and Office designation of the site on the LUP map of the CDMP. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

**ACCESS, CIRCULATION AND PARKING:** The submitted site plans indicate that the Walmart store site has 98 more parking spaces than required and the location and width of the drives on the subject property are sufficient to accommodate the potential traffic on this approximately 16.78 acre site. Furthermore, the site has ingress and egress drives along S.W. 288<sup>th</sup> Street, which is a half section line road, and S.W. 137<sup>th</sup> Avenue, which is a section line road. Additionally, the submitted site plan depicts internal sidewalk connections that are linked to sidewalks located along SW 137 Avenue to the east and SW 288 Street to the north and bike racks to accommodate customers with bikes.

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

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval, subject to the Board's acceptance of the proffered covenant.**

**CONDITIONS FOR APPROVAL:** None.

ES:MW:GR:NN:CH:JV:AN:JC



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Applicant: *South Miami Hospital, Inc.*  
PH: Z11-111

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Environment (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p><b>Business and Office</b> (Pg. I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311 District Boundary Change</b></p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public</i></p>
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# ZONING RECOMMENDATION ADDENDUM

Applicant: *South Miami Hospital, Inc.*  
PH: Z11-111

	<p><i>requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <p>(1) <i>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;</i></p> <p>(2) <i>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;</i></p> <p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>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.</i></p> <p>(5) <i>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.</i></p>
<p><b>Section 33-303.1 Developmental Impact Committee</b></p>	<p>(7)(D)(7) <i>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</i></p> <p>(a) <i>Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <p><i>Business uses involving in excess of ten (10) acres or one hundred thousand (100,000) square feet of retail floor area, or one thousand (1,000) vehicle off-street parking space capacity.</i></p>

**A. SOUTH MIAMI HOSPITAL, INC.**  
**(Applicant)**

**12-3-CZ15-2 (11-111)**  
**Area 15/District 9**  
**Hearing Date: 04/26/12**

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

If so, who are the interested parties? **WALMART STORES EAST, LP**

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1959	James Warrington	- District Boundary Change from AU to BU-3	BCC	Approved on a Modified Basis

# Memorandum



**Date:** April 26, 2012

**To:** The Community Zoning Appeals Board - 15

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANTS:** South Miami Hospital, Inc. (Z11-111)

**SUMMARY OF REQUEST:**

The applicant is requesting a zone change from AU, Agricultural District, and BU-1A, Limited Business District, to BU-2, Special Business District.

**LOCATION:** Lying South of SW 288 Street and SW 137 Avenue, Miami-Dade County, Florida.

**COMMENTS:**

This application is before the Developmental Impact Committee due to the size of the application. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held on February 8, 2012 and the attached Department memoranda were reviewed and considered by said Committee.

**DIC RECOMMENDATION:**

**Approval**, subject to the Board's acceptance of the modified proffered covenant as set forth in the Department of Permitting, Environment and Regulatory Affairs' recommendation.

As part of the motion, the Developmental Impact Committee Executive Council requested to include in the proffered covenant that "all truck deliveries to the Walmart Store on the property shall be restricted to egress and ingress to SW 137 Avenue".

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions and the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z11-111  
SOUTH MIAMI HOSPITAL, INC

Respectfully Submitted,

DIC Executive Council  
February 08, 2012

William Bryson, Fire Chief  
Miami-Dade Fire Rescue Department Absent

Irma San Roman, Interim Director  
Metropolitan Planning Organization Secretariat Absent

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department  AYE

Antonio Cotarelo, Assistant Director  
Public Works Department  AYE

Jose Gonzalez, P.E., Assistant Director  
Department of Environmental Resources Mgmt  AYE

Bertha M. Goldenberg, Assistant Director  
Miami-Dade Water and Sewer Department  AYE

**Date:** December 23, 2011,  
**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement  
**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs  
  
**Subject:** DIC #Z2011000111-2<sup>nd</sup> Revision  
South Miami Hospital, Inc.  
Southeast corner of S.W. 288<sup>th</sup> Street and S.W. 137<sup>th</sup> Avenue  
District Boundary Change from BU-1A & AU to BU-2  
(BU-1A) (16.78 Acres)  
02-57-39

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Enclosed, please find the Permitting, Environment and Regulatory Affairs review of the above referenced zoning application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). As noted in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code subject to the conditions below and may be scheduled for hearing.

**Conditions for Wellfield Protection:**

1. The owner of the property shall submit a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on that portion of the subject property located within the basic wellfield protection area of any public utility potable water supply well. The Code further requires that the Director must issue his written approval prior to public hearing. Consequently, the above-noted covenant must be submitted to and approved prior to the public hearing for the subject application.

**Pertinent Environmental Services Comments:**

**Wellfield Protection**

The subject property is located within the basic wellfield protection area of the Homestead Air Force Base Wellfield. Specifically, a small portion of the southwestern corner of the site is situated within the 210 days travel time contour of said wellfield. Therefore, development on the subject property within the wellfield shall be in accordance with regulations established in Section 24-43 of the Code. Section 24-43 of the Code prohibits the use, generation, handling, disposal, discharge or storage of hazardous materials and hazardous waste within that portion of the aforementioned wellfield. However, the use, handling or storage of factory prepackaged materials are allowed within a building, if the land use is primarily engaged in retail sales of factory prepackaged products intended for domestic use; will be served by public water and public sanitary sewers; and if the building is located outside the thirty (30) days travel time of any wellfield. The applicant is advised that the proposed land use (Wal-mart store) typically includes gas stations, diesel power stand-by generators and diesel fuel pumps for fire suppression that would be prohibited within that portion of the property within the wellfield.

### Potable Water Service

The subject property is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. Public water is available in the form an abutting 12-inch distribution main located along S. W. 288<sup>th</sup> Street; additionally, a 24-inch transmission main and an 8-inch distribution main located along S.W. 288<sup>th</sup> Street also abut the site.

The source for this water supply is MDWASD's Alexander Orr Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

### Wastewater Disposal

The subject property is located within MDWASD sewer franchised service area; the closest public sanitary sewer is an abutting 10-inch force main located along S.W. 288<sup>th</sup> Street.

The wastewater flow is directed into pump station 30-0692B, and then, the South District Wastewater Treatment Plant. All the aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by MDWASD. The aforesaid force main and pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

### Stormwater Management

A Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. Furthermore, a Class VI Permit may be required for the construction of this drainage system. These permits shall be obtained prior to platting and/or site development, or public works approval of paving and drainage plans. The applicant is advised to contact the Water Control Section for further information regarding permitting procedures and requirements.

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

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

### Pollution Remediation

There are records of current Arsenic contamination assessment/remediation issues on the property planned to be addressed during future site redevelopment.

There are records of current petroleum contamination assessment/remediation issues, on the property abutting to the northwest (Speedway Motors Corp (D/B/A Speedway FINA Inc./ J.C. FINA, 13690 SW 288 St., UT-1109/F-12399). This site is currently under assessment.

Wetlands

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

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

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

The subject properties have two (2) closed enforcement records. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

In summary, this application cannot be approved at this time and therefore should not be scheduled for public hearing.

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

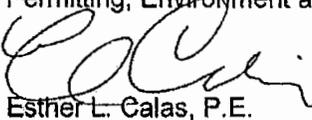
Cc: Eric Silva, Permitting, Environment and Regulatory Affairs  
Jorge Vital, Permitting, Environment and Regulatory Affairs

# Memorandum



**Date:** December 5, 2011

**To:** Charles Danger, P.E.  
Interim Director  
Permitting, Environment and Regulatory Affairs

**From:**   
Esther L. Calas, P.E.  
Chief County Engineer

**Subject:** DIC11-111  
Name: Homestead South Miami Hospital – Wal-Mart  
Location: SW 288th Street & SW 137<sup>th</sup> Avenue  
Sec. 2 Twp. 57 Rge. 39

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I. CARDINAL DISTRIBUTION

North 44.0 %	East 5.0 %
South 11.0%	West 40.0 %

II. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

SW 288 <sup>th</sup> Street	SW 137 <sup>th</sup> Ave.	SW 127 <sup>th</sup> Avenue
Section Line	Section Line	Section Line

III. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

**Station 9928** located on SW 288 Street e/o SW 137<sup>th</sup> Avenue, has a maximum LOS "D" of 2520 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1555 vehicles and 35 vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9928** with its 1590 PHP and assigned vehicles is at LOS "D". The 163 vehicles generated by this development when combined with the 1590 equals 1753 and a level of service "D" where the range of LOS "D" is from 960 to 2520 trips.

**Station 9824** located on SW 137<sup>th</sup> Avenue n/o SW 288<sup>th</sup> Street has a maximum LOS "D" of 3460 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1698 vehicles and 31 vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9824** with its 1729 PHP and assigned vehicles is at LOS "B". The 193 vehicles generated by this development when combined with the 1729 equals 1922 and a level of service "B" where the range of LOS "B" is from 1 to 2260 trips.

**Station 9922** located on SW 268<sup>th</sup> w/o Street w/o SW 127<sup>th</sup> Avenue, has a maximum LOS "D" of 2720 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 740 vehicles and 48 vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9922** with its 788 PHP and assigned vehicles is at LOS "A". The 119 vehicles generated by this development when combined with the 788 equals 907 and a level of service "A" where the range of LOS "A" is from 1 to 1030 trips.

**Station 9738** located on SW 112<sup>th</sup> Avenue, n/o SW 268<sup>th</sup> Street, has a maximum LOS "D" of 1290 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 937 vehicles and 121 vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9738** with its 1058 PHP and assigned vehicles is at LOS "B". **Station**. The 20 vehicles generated by this development when combined with the 1058 equals 1078 and a level of service "B" where the range of LOS "B" is from 591 to 1200 trips.

**Station 9956** located on SW 344 Street, w/o SW 137<sup>th</sup> Avenue, has a maximum LOS "D" of 1830 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 363 vehicles and no vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9956** with its 363 PHP is at LOS "B". The 17 vehicles generated by this development when combined with the 363 equals 380 and a level of service "B" where the range of LOS "B" is from 1 to 580 trips.

**Station 9952** located on SW 328<sup>th</sup> Street, w/o SW 137<sup>th</sup> Avenue, has a maximum LOS "D" of 1400 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 300 vehicles and no vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9952** with its 300 PHP is at LOS "B". The 74 vehicles generated by this development when combined with the 300 equals 374 and a level of service "B" where the range of LOS "B" is from 151 to 1140 trips.

**Station 9944** located on SW 312<sup>th</sup> Street, e/o the TPK, has a maximum LOS "D" of 3310 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2103 vehicles and no vehicles have been assigned to this section of road from previously approved Development Orders. **Station 9944** with its 2103 PHP and assigned vehicles is at LOS "C". The 119 vehicles generated by this development when combined with the 2103 equals 2222 and a level of service "C" where the range of LOS "C" is from 1 to 2430 trips.

IV. SITE PLAN REQUIRED CONDITIONS

- A. Dedications and median improvements to SW 288<sup>th</sup> street and SW 137<sup>th</sup> Avenue including turning lanes shall be according to the Miami Dade County Public Works Department (PWD) and Florida Department of Transportations (FDOT) Standards.
- B. In addition, any required roadway dedications and improvements on the north, south, east and west side of the development shall be accomplished during the platting and permitting process. A traffic study shall be provided also during the platting process in order to determine the traffic impact to the surrounding roads and the need for new and or improvement of existing traffic signals.
- C. The land may require to be platted.

V. STANDARD CONDITIONS THAT APPLY TO THIS DEVELOPMENT

- A. The following certification signed and sealed by a State of Florida registered engineer shall be provided in a letter or plan submitted at the time a Plat or building permits are requested:  
"I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Green book) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, intersection sight distance, horizontal/clear zone clearance, vertical clearance, super elevation, shoulder widths, grades, bridge widths, etc."
- B. Street lights, as well as other right of way improvements are required per PWD Standards.
- C. Provide appropriate radii to allow large vehicles from Fire, Rescue and Solid Waste Departments and school buses from Miami Dade County Public Schools.
- D. Driveways shall be no less than twenty two feet (22') in width and shall be resilient enough for large vehicles.
- E. All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code; G5.3 of the PWD Manual; and Index 546, FDOT Design Standards for Design Construction, Maintenance and Utility Operations on the State Highway System.
- F. Entrance features are not reviewed and/or approved under this application. They must be submitted to the Plat Committee as an entrance feature application.
- G. All traffic signing, markings and signal plans, on site and offsite, shall be submitted to the PWD for Paving & Drainage review and approval.

This application **meets** the criteria for traffic concurrency for an Initial Development Order. No vehicle trips have been reserved by this application. Additional traffic concurrency reviews will be required at a future stage of development. In addition it will be subject to the payment of Road Impact Fees.

cc: Jorge Vital, Development Impact Coordinator, PERA  
Joan Shen, P.E., PhD, Assistant Chief, Traffic Engineering Division, PWWD  
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWWD  
Armando E. Hernandez, Special Admin. for Concurrency, Traffic Engineering Division, PWWD

# Memorandum



**Date:** October 6, 2011  
**To:** Marc C. LaFerrier, Director  
Department of Planning & Zoning  
**From:** William W. Bryson, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** DIC 2011000111 – South Miami Hospital, Inc.  
Miami-Dade County, Florida

According to the letter of intent dated August 16, 2011, the applicant is seeking a district boundary change from BU-1A (Business – Limited District) and AU (Agriculture) to BU-2 (Special Business District) in order to allow the development of a Wal-Mart Retail Center.

## SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **45** fire and rescue calls annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, the current stations serving this area will be able to handle the expected number of alarms.
- (B) Based on data retrieved during calendar year 2010, the average travel time to the vicinity of the proposed development was **6:46** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.
- (C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

## EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
6	15890 SW 288 Street	Rescue, Tanker, Battalion	8
5	13150 SW 238 Street	Rescue, Engine	7
65	1350 SE 24 Street	Rescue	3
66	3100 SE 8 Street	Engine	4

## PLANNED SERVICES

STATION	ADDRESS	SERVICE
70	SW 248 St. & SW 114 Place	Undetermined

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the site plan entitled 'Wal-Mart Store # 5671-00 North Homestead' as prepared by Creech Engineers, Inc., dated stamp received September 21, 2011.
  
- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC review process.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

/ch

# Memorandum



**Date:** October 27, 2011

**To:** Charles Danger, P.E. Interim Director  
Permitting, Environmental and regulatory Affairs Department

**From:** Maria A. Valdes, LEED® Green Assoc., Chief  
Comprehensive Planning & Water Supply Certification Section

**Subject:** South Miami Hospital, Inc. ( Walmart North Homestead )  
DIC Application # Z2011000111

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** South Miami Hospital, Inc

**Proposed Development:** The applicant is requesting a District Boundary Change from AU, Agricultural District, and BU-1A, Limited Business District, to BU-2, Special Business District. The applicant is proposing to develop a Walmart Retail Store consisting of 152,868 square feet. The total water demand for this project will be 15,287 (gpd).

**Project Location:** The subject application is located on the Southeast corner of the intersection of SW 288<sup>th</sup> Street and SW 137<sup>th</sup> Avenue, in unincorporated Miami-Dade County.

**Water:** The subject project is located within MDWASD's service area. The source of water for this project is the Alexander Orr Water Treatment Plant. The developer shall extend a new 16-inch water distribution main from the intersection of SW 137<sup>th</sup> Avenue and SW 288<sup>th</sup> Street, heading southerly along SW 137<sup>th</sup> Avenue to the south west corner of the Developer's property.

Please note that Agreement No. 21038 has been requested from MDWASD for the subject project and final points of connection will be issued at the time said Agreement for the proposed development is offered. Furthermore, the water comments provided herein are consistent with CDMP policies WS-1A, WS-1B and WS-2A.

Additionally, effective January 11, 2011, MDWASD implemented a Water Supply Certification (WSC) Program to assure adequate water supply is available to all water users of the MDWASD as required by policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit. Please note that a WSC will be required for this project. The certification letter will be issued at the time the Agreement is offered. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Sewer:** The subject project is located within MDWASD's service area. A private pump station will be required. Connect to an existing 48-inch sanitary sewer force main abutting the property along SW 288<sup>th</sup> Street, and extend a new 16-inch sanitary sewer force main along SW 137<sup>th</sup> Avenue as needed to connect to the pump station on the developer's property. Any proposed sewer extension inside the Developer's property shall be 8-inch minimum. Final points of connection will be issued at the time Agreement No. 21038 is offered.

The South District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

For more information about our Water Conservation Program please go to <http://www.miamidade.gov/conservation/home.asp>.

For information concerning the Water-Use Efficiency Standards Manual please go to [http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.

# Memorandum



**Date:** October 28, 2011

**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

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

**Subject:** Z2011000111: SOUTH MIAMI HOSPITAL, INC

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**Application Name:** SOUTH MIAMI HOSPITAL, INC

**Project Location:** The site is located at the SEC SW 288 ST & SW 137 AVE, Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from BU-1A & AU TO BU-2 for a development of a Wal-Mart Store.

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

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

# Memorandum



**Date:** November 4, 2011

**To:** Charles Danger  
Interim Director  
Department of Permitting, Environment, and Regulatory Affairs

**From:**   
Deputy Director, Administration  
Public Works and Waste Management Department

**Subject:** DIC # 11-111  
South Miami Hospital, Inc

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

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #11-111  
South Miami Hospital, Inc

**Application:** *South Miami Hospital, Inc.* is requesting a district boundary change from Agricultural District, AU, and Limited Business district, BU-1A, to Special Business District, BU-2.

**Size:** The subject property is 16.78 acres.

**Location:** The subject property is generally located on the southeast corner of SW 288 Street and SW 137 Avenue, in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

The project proposes the development of a Wal-Mart store, which will likely be considered a "commercial unit." Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial and multi-family developments located in unincorporated Miami-Dade County:

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

3. Recycling: Commercial Establishments

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

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |

5) Aluminum (cans, scrap)

10) Wood

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

#### 4. Waste Storage/Setout Considerations

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

#### 5. Site Circulation Considerations

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

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

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

# Memorandum



**Date:** October 19, 2011  
**To:** Jorge Vital  
DIC Coordinator  
Permitting, Environment and Regulatory Affairs  
**From:** Nilia Cartaya  
Principal Planner *Nilia Cartaya*  
Miami-Dade Transit - Engineering, Planning & Development Division  
**Subject:** Review of DIC Project No. 11-111 (South Miami Hospital, Inc.)

## Project Description

The applicant is requesting a district boundary change from AU, Agricultural District, and BU-1A, Limited Business District, to BU-2, Special Business District. The size of the property is 16.78 acres and is located on the southeast corner of SW 288<sup>th</sup> Street and SW 137<sup>th</sup> Avenue, Miami-Dade County, Florida.

## Current Transit Service

There is direct transit service located approximately 0.4 miles to the east of the application site. The closest transit service is provided by Metrobus Route 70 along SW 132<sup>nd</sup> Avenue. The service headway for the above mentioned route (in minutes) is as follows:

**Metrobus Route Service Summary  
South Miami Hospital, Inc. Application Site**

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
70	30	60	60	n/a	60	60	0.4	L

**Notes:** L means Metrobus local route service  
F means Metrobus feeder service to Metrorail  
E means Express or Limited-Stop Metrobus service

June 2011 Line Up

### **Future Transportation/Transit Improvements**

Currently, the 2012 Transportation Improvement Program (TIP) proposes widening of SW 137<sup>th</sup> Avenue from the Homestead Extension of the Florida Turnpike (HEFT) to US-1 from 2 to 4 lanes. The 2035 Long Range Transportation Plan (LRTP) lists a project to widen SW 137<sup>th</sup> Avenue from the Homestead Extension of the Florida Turnpike (HEFT) to US-1 from 2 to 4 lanes as a Priority I Project with funding for construction in 2010-2014.

The adopted 2011 ten-year Transit Development Plan (TDP) identifies in its 2021 Recommended Service Plan the following improvements/adjustments on the existing route serving the vicinity of the project:

Route 70: Truncate Route at Southland Mall when Cutler Bay Circulator begins service (2013).

### **MDT Comments/Recommendations**

Miami-Dade Transit (MDT) Metrobus Route 70 currently provides local bus service within 0.4 mile of the application site which features a 30 minute AM/PM peak headway. **Based on the information presented, MDT has no objections to this project.**

### **Concurrency**

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.



# Memorandum



**Date:** November 7, 2011

**To:** Charles Danger, Interim Director  
Permitting, Environment and Regulatory Affairs

**From:**  James K. Loftus, Director  
Miami-Dade Police Department

**Subject:** Review - Zoning Application  
Case: No. Z2011000111 – South Miami Hospital (Wal-Mart Stores, Inc.)

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## APPLICATION

The applicant, South Miami Hospital, on behalf of the Wal-Mart Stores, Inc., is requesting a public hearing to change the zoning classification of approximately 17 acres of land located on the southeast corner of SW 288 Street and SW 137 Avenue from BU-1A (Business-Limited District) and AU (Agricultural District) to BU-2 (Special Business District). The applicant is requesting the change to allow for the development of a Wal-Mart Store (24-Hour Supercenter).

## CURRENT POLICE SERVICES

The proposed Wal-Mart Supercenter will be located in unincorporated Miami-Dade County and serviced by our South District, located at 10800 SW 211 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

## REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. A ½ mile radius check of crimes/calls for service of the location was completed and has been provided in the attached documents for the Miami-Dade County Permitting, Environment and Regulatory Affairs.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. Based on this data and due to the nature of the request (Wal-Mart Store), it cannot be accurately predicted as to any projected increase in calls for service. Experience lends itself to anticipate that calls for police service will rise upon the completion of the project due to an increase in citizens being present in the area. Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

Charles Danger, Interim Director

November 7, 2011

Page 2

Additionally, it is recommended that Wal-Mart Stores, Inc., work closely with the local police district command staff in considering security options for the site, especially during high volume times, to include but not limited to holidays.

While the MDPD does not object to any proposed zoning modifications to complete this project, we recommend the following to be implemented as part of the venture.

- No deliveries between the hours of 9:00 p.m. – 7:00 a.m.
- Install a cement wall bordering the property that abuts the residential areas
- Do not allow overnight parking of recreational vehicles (RV's) on the property
- Work with the Public Works and Waste Management Department regarding traffic flow, speed zones, school zones, and related signage along bordering streets
- Hire uniformed licensed/certified security personnel, which may include law enforcement and/or a private security company during times identified as appropriate

The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez, of the Public Information & Education Bureau, may be contacted at (305) 471-1775.

JKL/kh

Attachment

# Memorandum



**Date:** February 6, 2012

**To:** Charles Danger, Interim Director  
Department of Permitting, Environment and Regulatory Affairs

**From:** José A. Ramos, R.A., Division Director  
Aviation Planning, Land-Use and Grants Division  
Aviation Department

A handwritten signature in black ink, appearing to read "J. Ramos". The signature is written in a cursive style with a long horizontal stroke extending to the right.

**Subject:** DIC Application No. 11-111  
South Miami Hospital  
MDAD DN-11-12-965

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As requested by the Department of Permitting, Environment and Regulatory Affairs, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for a District Boundary Change from BU-1A and AU to BU-2. The subject property is 16.78 acres and is located on the southeast corner of SW 288 Street and SW 137 Avenue, Miami-Dade County, Florida.

Based upon our review of the project information provided to us, it appears that the proposed zone change at this location is compatible with operations from Homestead General Aviation Airport, provided there are no conflicts with applicable local, state and federal aviation guidelines/regulations including the Code of Miami-Dade County, Article XXXIX, Homestead General Aviation Airport Zoning. The applicant is required to coordinate with Mr. Larry Ventura, the contact at Homestead Air Reserve Base. He may be reached at 305-224-7163 or at [Lawrence.ventura@homestead.af.mil](mailto:Lawrence.ventura@homestead.af.mil)

Should you have any questions, please feel free to contact me at 305-876-8080.

JR/rb

DATE: 17-FEB-12  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

SOUTH MIAMI HOSPITAL, INC

lying south of SW 288 ST & east of  
SW 137 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000111

---

HEARING NUMBER

**HISTORY:**

NO ZONING OR BUILDING CASES FOUND

SOUTH MIAMI HOSPITAL, INC

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

**REPORTER NAME:**

**ZONING INSPECTION REPORT**

**Inspector:** BOELLARD, FRANCIE

**Inspection Date**

**Evaluator:** JACQUELINE CARRANZA

02/14/12

**Process #:** Z2011000111      **Applicant's Name**  
SOUTH MIAMI HOSPITAL, INC

**Locations:** lying south of SW 288 ST & east of SW 137 AVE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 16.78 ACRE

**Folio #:** 3079020000110

**Request:**

DBC from BU-1A & AU to BU-2

**EXISTING ZONING**

**Subject Property** AU, BU-1A,

**EXISTING USE**

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

NONE

**USE(S) OF PROPERTY:**

VACANT LAND CURRENTLY BEING FARMED

**FENCES/WALLS:**

NONE

**LANDSCAPING:**

NONE

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

NONE

**OTHER:**

**Process #**      **Applicant's Name**  
Z2011000111      SOUTH MIAMI HOSPITAL, INC

**SURROUNDING PROPERTY**

## ZONING INSPECTION REPORT

**NORTH:**

BU1, DAYCARE, GAS STATION

**SOUTH:**

TREE NURSERY, AU & RU1Z

**EAST:**

RU1Z, RETAIL SHOPPING CENTER BU2

**WEST:**

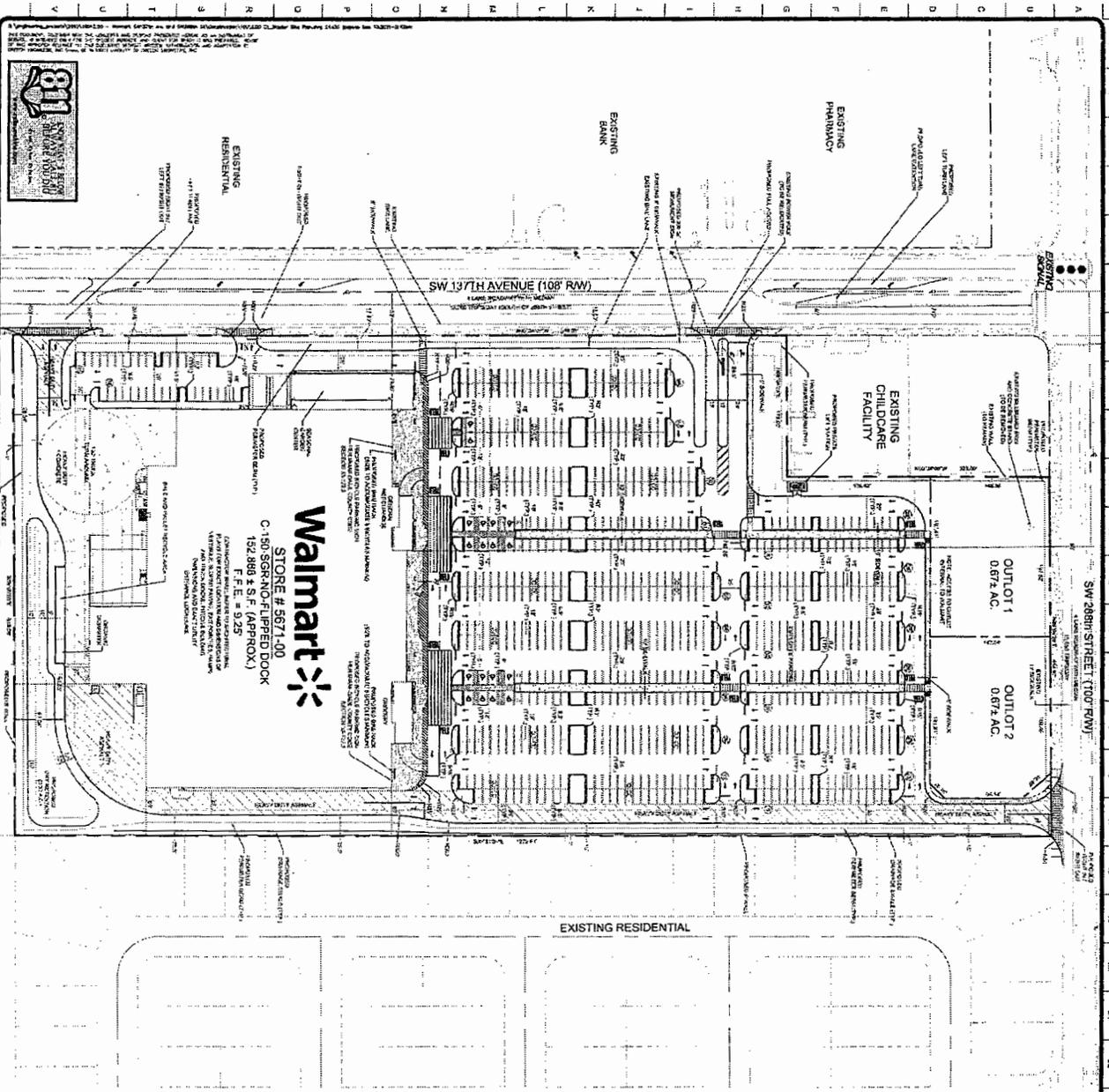
BU1A, RETAIL SHOPPING CENTER & CITY OF HOMESTEAD FOLIOS

**SURROUNDING AREA**

**NEIGHBORHOOD CHARACTERISTICS:**

MIX OF RESIDENTIAL, AGRICULTURAL AND RETAIL SHOPPING CENTERS

**COMMENTS:**



### Walmart

**STORE # 5671-00**  
**C-150 (SGR-NO-FLIPPED DOCK)**  
**152,888 S.F. (APPROX.)**  
**F.F.E. # 9.25**

PROPOSED DEVELOPMENT OF A 152,888 S.F. (APPROX.) WAREHOUSE/STORAGE FACILITY WITH 20 DRIVE-THRU DOCKS AND 100 CAR SPACES.

### LEGEND

**ZONING LEGEND**

**Zoning BU-2 (BULKY USE)**

**PERMITTED USES:** BULKY USES, STORAGE, AND OTHER USES AS LISTED IN THE ZONING ORDINANCE.

**PROHIBITED USES:** RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER USES AS LISTED IN THE ZONING ORDINANCE.

**PROPOSED DEVELOPMENT:** WAREHOUSE/STORAGE FACILITY WITH 20 DRIVE-THRU DOCKS AND 100 CAR SPACES.

### SITE PLAN

GRAPHIC SCALE

1" = 100'

### ZONING LEGEND

**Zoning BU-2 (BULKY USE)**

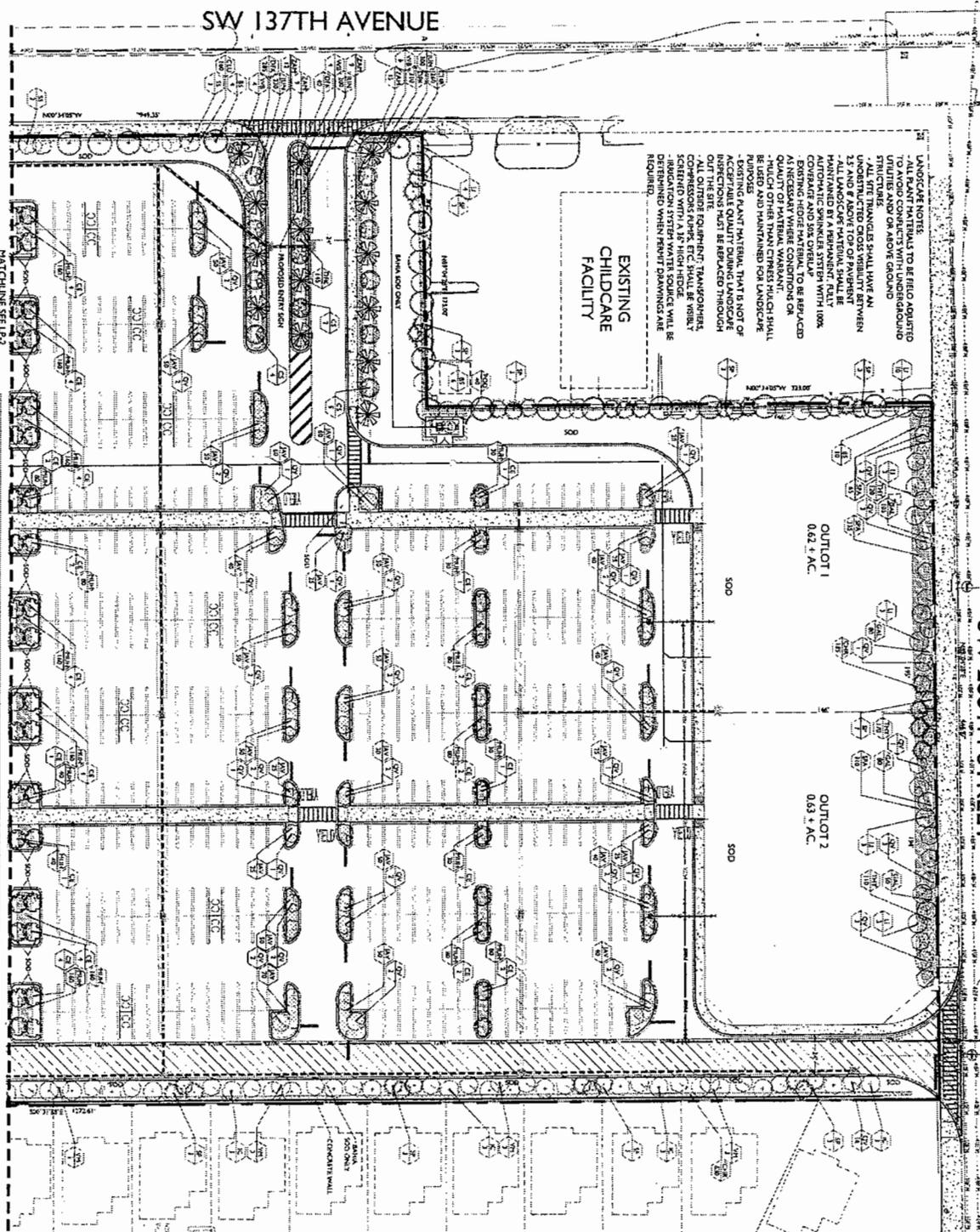
**PERMITTED USES:** BULKY USES, STORAGE, AND OTHER USES AS LISTED IN THE ZONING ORDINANCE.

**PROHIBITED USES:** RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER USES AS LISTED IN THE ZONING ORDINANCE.

**PROPOSED DEVELOPMENT:** WAREHOUSE/STORAGE FACILITY WITH 20 DRIVE-THRU DOCKS AND 100 CAR SPACES.

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**LANDSCAPE NOTES:**  
 - ALL PLANT MATERIALS TO BE FIELD ADJUSTED TO AVOID CONTACT WITH UNDERGROUND STRUCTURES OR ABOVE GROUND STRUCTURES.  
 - ALL TREE TRIANGLES SHALL HAVE AN 8" ROUND END TO END OF TRUNK BETWEEN 2.5' AND 3.0' FROM THE TRUNK.  
 - ALL LANDSCAPE MATERIAL SHALL BE MAINTAINED BY A PERMANENT, FULLY TRAINED AND SKILLED PERSONNEL WITH 100% COVERAGE AND SKILL LEVEL.  
 - EXISTING HEDGE MATERIAL TO BE REPLACED AS NECESSARY WHERE CONDITIONS OR DAMAGE TO THE MATERIAL IS OBSERVED.  
 - PLANT MATERIAL THAT IS NOT OF ACCEPTABLE QUALITY DURING LANDSCAPE INSPECTIONS MUST BE REPLACED THROUGH THE SUPPLIER.  
 - EQUIPMENT TRANSPORTERS, COMPRESSORS, PUMPS, ETC. SHALL BE VISIBLY IDENTIFIED WITH A 12" HIGH HEDGE OR SIGNAGE.  
 - IRRIGATION SYSTEM WITH SOURCE WILL BE PROVIDED.  
 - ALL PLANT MATERIAL SHALL BE FIELD ADJUSTED TO AVOID CONTACT WITH UNDERGROUND STRUCTURES OR ABOVE GROUND STRUCTURES.  
 - ALL TREE TRIANGLES SHALL HAVE AN 8" ROUND END TO END OF TRUNK BETWEEN 2.5' AND 3.0' FROM THE TRUNK.  
 - ALL LANDSCAPE MATERIAL SHALL BE MAINTAINED BY A PERMANENT, FULLY TRAINED AND SKILLED PERSONNEL WITH 100% COVERAGE AND SKILL LEVEL.  
 - EXISTING HEDGE MATERIAL TO BE REPLACED AS NECESSARY WHERE CONDITIONS OR DAMAGE TO THE MATERIAL IS OBSERVED.  
 - PLANT MATERIAL THAT IS NOT OF ACCEPTABLE QUALITY DURING LANDSCAPE INSPECTIONS MUST BE REPLACED THROUGH THE SUPPLIER.  
 - EQUIPMENT TRANSPORTERS, COMPRESSORS, PUMPS, ETC. SHALL BE VISIBLY IDENTIFIED WITH A 12" HIGH HEDGE OR SIGNAGE.  
 - IRRIGATION SYSTEM WITH SOURCE WILL BE PROVIDED.

EXISTING  
 CHILDCARE  
 FACILITY



**REVISIONS**

NO.	DATE	DESCRIPTION
1	06/15/11	ISSUED FOR PERMIT
2	06/15/11	ISSUED FOR PERMIT
3	06/15/11	ISSUED FOR PERMIT
4	06/15/11	ISSUED FOR PERMIT
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99	06/15/11	ISSUED FOR PERMIT
100	06/15/11	ISSUED FOR PERMIT

**WALMART STORE # 5671-00**  
 WALMART STORES INC.  
 2001 SE 10TH STREET  
 BENTONVILLE, AR 72716  
 NORTH HOMESTEAD, MIAMI-DADE COUNTY



35

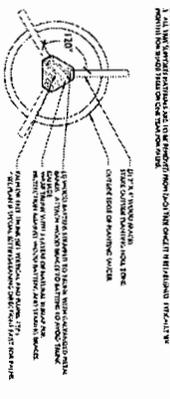
**PROJECT INFORMATION**

PROJECT NO.	5671-00
CLIENT	WALMART STORES INC.
DATE	06/15/11
SCALE	AS SHOWN
DESIGNER	LAND DESIGN SOUTH
PROJECT MANAGER	[Signature]
DATE	06/15/11



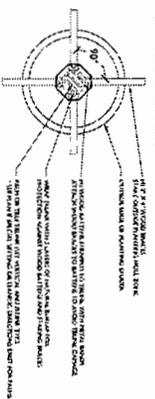


**SMALL PALM STAKING PLAN**



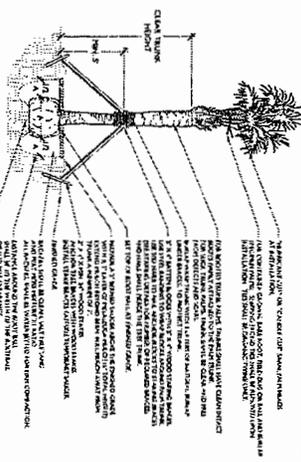
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**LARGE PALM OR TREE STAKING PLAN**



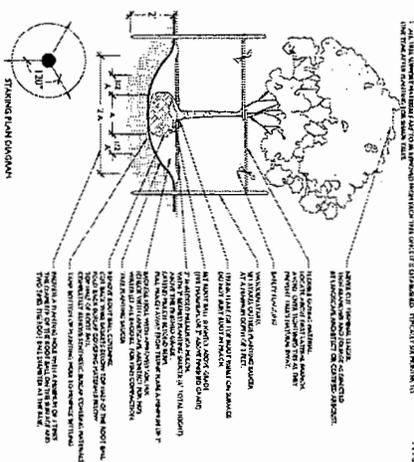
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**PALM PLANTING DETAIL**



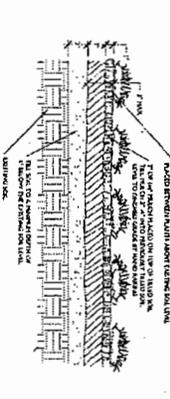
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**TREE PLANTING DETAIL**



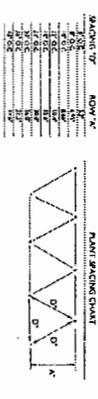
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**GROUND COVER DETAIL**



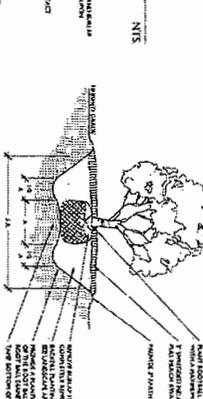
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**PLANT SPACING DETAIL**



1. 1/2\"/>

**SHRUB PLANTING DETAIL**



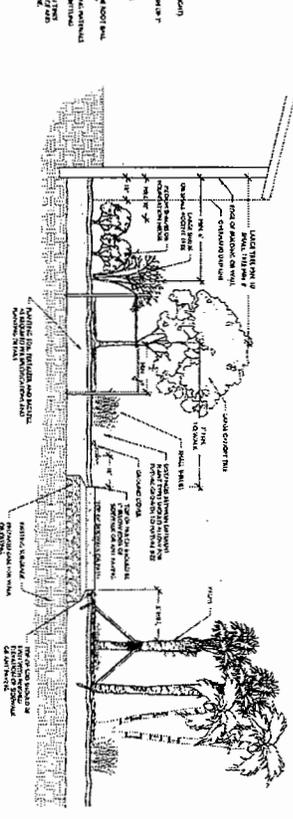
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**ROOT BARRIER DETAIL**

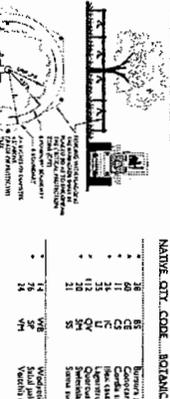


1. 1/2\"/>

**TYPICAL PLANTING DIAGRAM**



**TREE PROTECTION DETAIL**



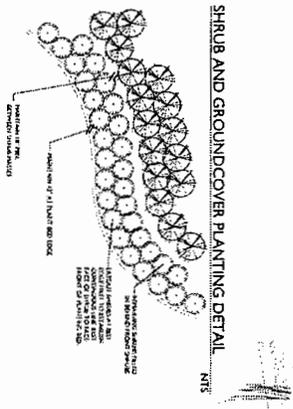
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**OVERALL LANDSCAPE SCHEDULE**

NATIVE	QTY.	CODE	BOTANICAL NAME	COMMON NAME	SIZE & SPACING
1	1	101	...	...	...
2	2	202	...	...	...
3	3	303	...	...	...
4	4	404	...	...	...
5	5	505	...	...	...
6	6	606	...	...	...
7	7	707	...	...	...
8	8	808	...	...	...
9	9	909	...	...	...
10	10	1010	...	...	...
11	11	1111	...	...	...
12	12	1212	...	...	...
13	13	1313	...	...	...
14	14	1414	...	...	...
15	15	1515	...	...	...
16	16	1616	...	...	...
17	17	1717	...	...	...
18	18	1818	...	...	...
19	19	1919	...	...	...
20	20	2020	...	...	...
21	21	2121	...	...	...
22	22	2222	...	...	...
23	23	2323	...	...	...
24	24	2424	...	...	...
25	25	2525	...	...	...
26	26	2626	...	...	...
27	27	2727	...	...	...
28	28	2828	...	...	...
29	29	2929	...	...	...
30	30	3030	...	...	...
31	31	3131	...	...	...
32	32	3232	...	...	...
33	33	3333	...	...	...
34	34	3434	...	...	...
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37	37	3737	...	...	...
38	38	3838	...	...	...
39	39	3939	...	...	...
40	40	4040	...	...	...



**LANDSCAPE NOTES:**  
 1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IRRIGATION HANDBOOK AND THE IRRIGATION HANDBOOK FOR THE SOUTHWESTERN UNITED STATES.  
 2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IRRIGATION HANDBOOK AND THE IRRIGATION HANDBOOK FOR THE SOUTHWESTERN UNITED STATES.  
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**WALMART STORE # 5671-00**  
 WALMART STORES INC.  
 2001 SE 10TH STREET  
 BENTONVILLE, AR 72716  
 NORTH HOMESTEAD, MIAMI-DADE COUNTY

**LAND DESIGN SOUTH**  
 Planning | Landscape Architecture  
 Environmental Services | Transportation  
 401 Columbus Blvd, Suite 110 • Coral Gables, FL 33134  
 Telephone: 305.478.8501 • Fax: 305.478.8502

**LANDSCAPE PLAN**  
 SHEET # LP-3

RECEIVED BY THE CITY OF BENTONVILLE, ARKANSAS... RECEIVED BY THE CITY OF BENTONVILLE, ARKANSAS...

1. The proposed site plan is shown in the attached site plan... 2. The proposed site plan is shown in the attached site plan...

3. The proposed site plan is shown in the attached site plan... 4. The proposed site plan is shown in the attached site plan...

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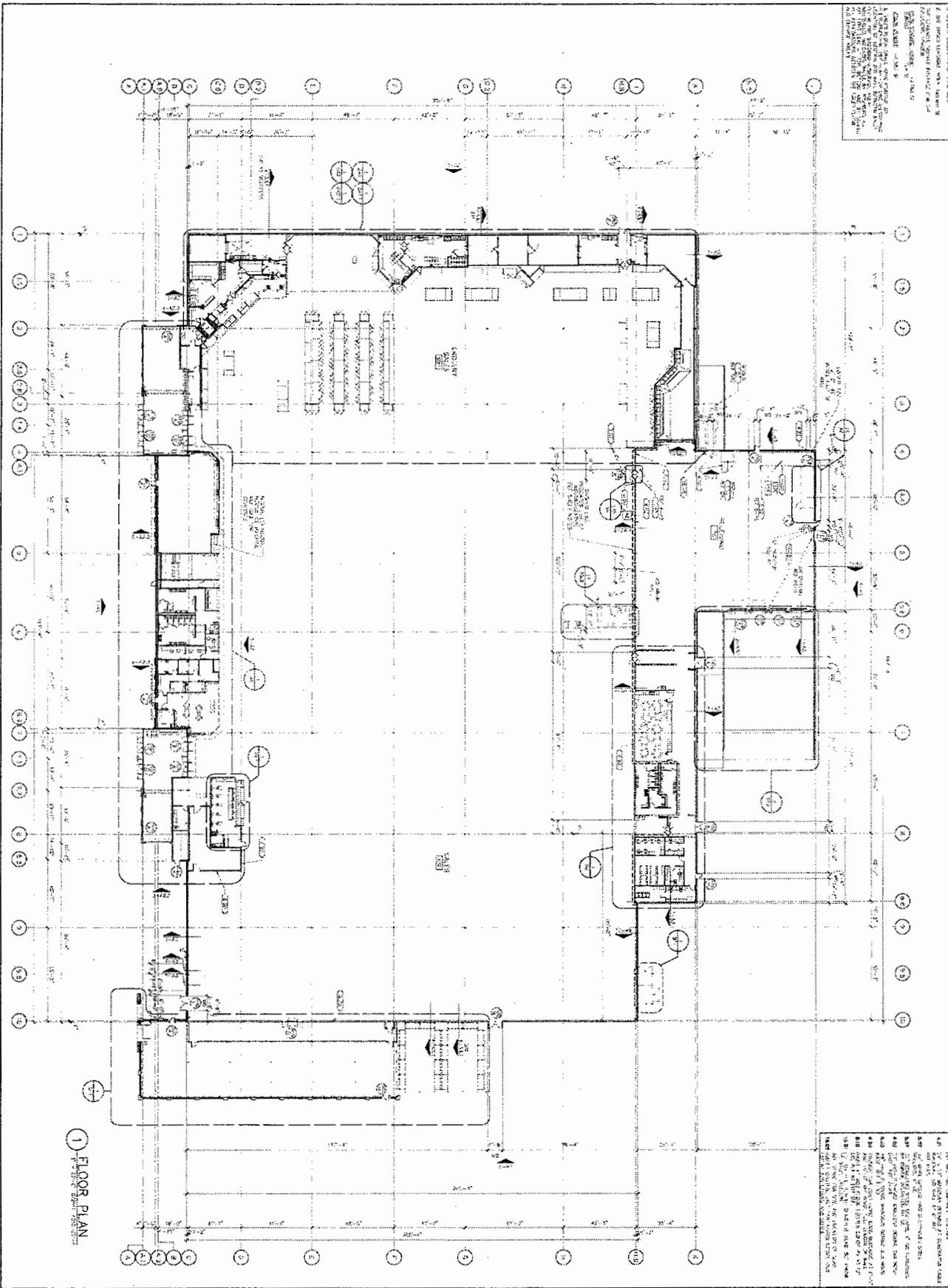
41. The proposed site plan is shown in the attached site plan... 42. The proposed site plan is shown in the attached site plan...

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45. The proposed site plan is shown in the attached site plan... 46. The proposed site plan is shown in the attached site plan...

**SHEET NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING AND LANDSCAPE.



1 FLOOR PLAN

**REVISIONS**

NO.	DATE	DESCRIPTION
1	08/15/11	ISSUED FOR PERMITS
2	09/01/11	REVISED TO REFLECT PERMIT COMMENTS
3	09/15/11	REVISED TO REFLECT FIELD CHANGES
4	10/01/11	REVISED TO REFLECT PERMIT COMMENTS
5	10/15/11	REVISED TO REFLECT FIELD CHANGES
6	11/01/11	REVISED TO REFLECT PERMIT COMMENTS
7	11/15/11	REVISED TO REFLECT FIELD CHANGES
8	12/01/11	REVISED TO REFLECT PERMIT COMMENTS
9	12/15/11	REVISED TO REFLECT FIELD CHANGES
10	01/01/12	REVISED TO REFLECT PERMIT COMMENTS

**REVISIONS**

**Walmart**  
 N. HOMESTEAD, FL.  
 STORE #1234-21  
 100

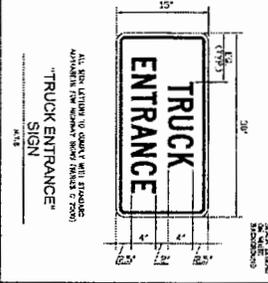
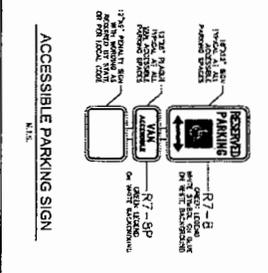
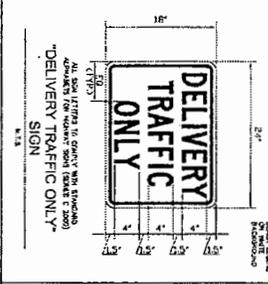
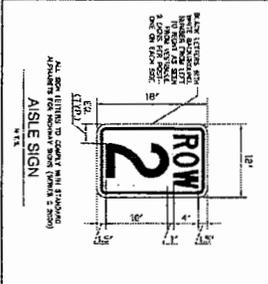
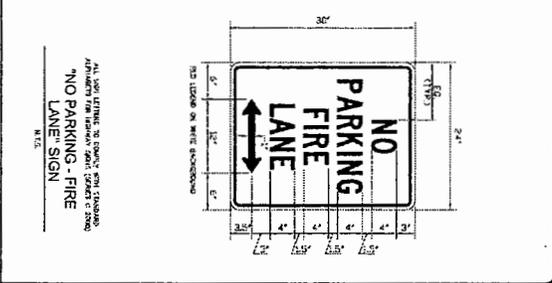
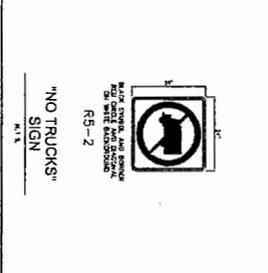
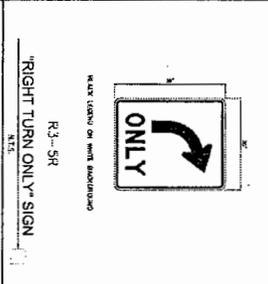
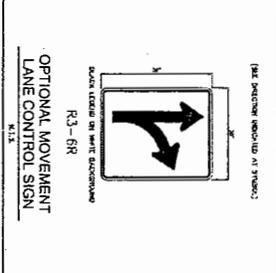
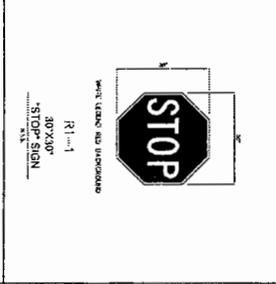
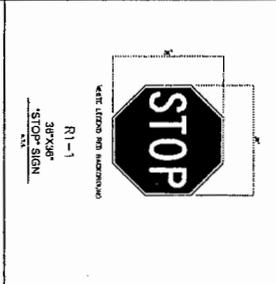
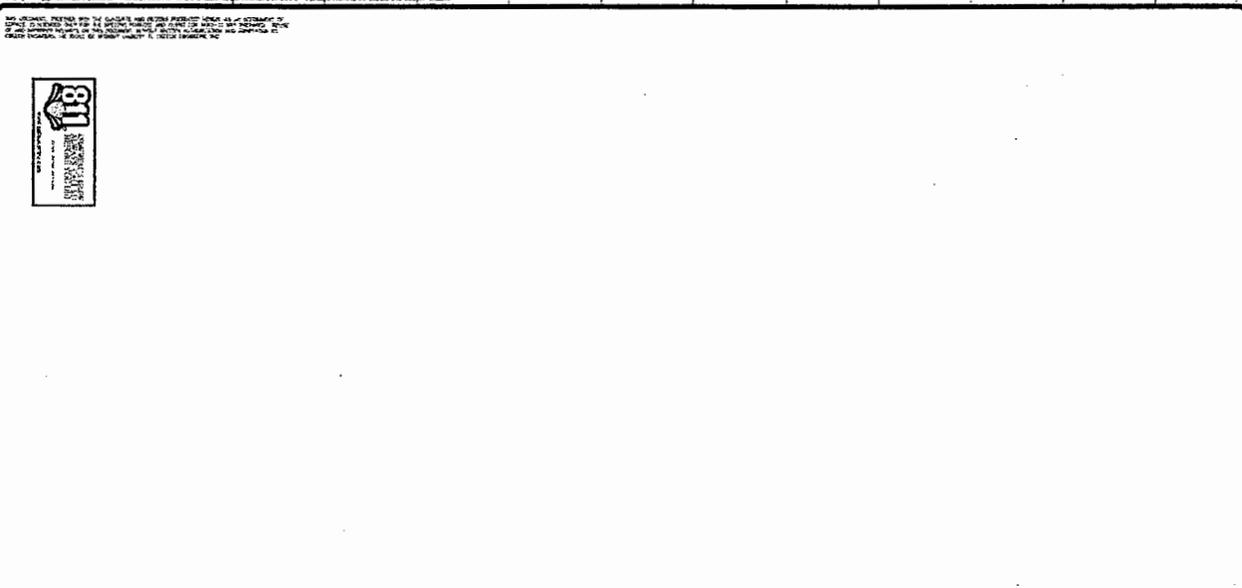


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 DEC 17 2011

FLOOR PLAN  
 A1







**STRIPING AND SIGNAGE DETAILS**

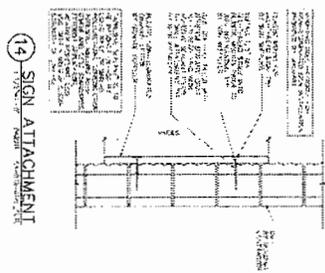
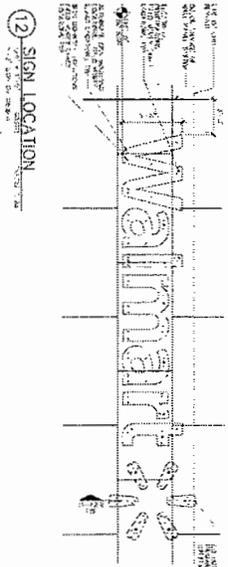
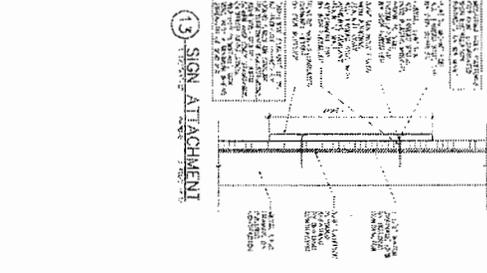
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 10/11/11  
 10/11/11

WALMART STORE # 5671-00  
 NORTH HOMESTEAD MIAMI-DADE COUNTY, FLORIDA  
 WAL-MART STORES, INC.  
 2001 SE 10TH STREET, BENTONVILLE, AR 72716

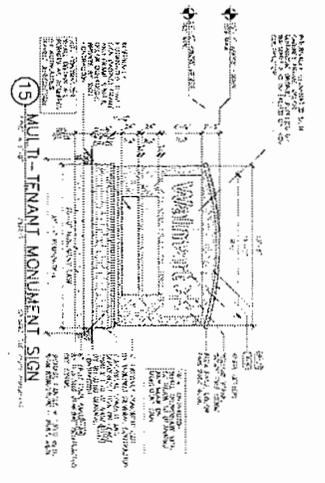
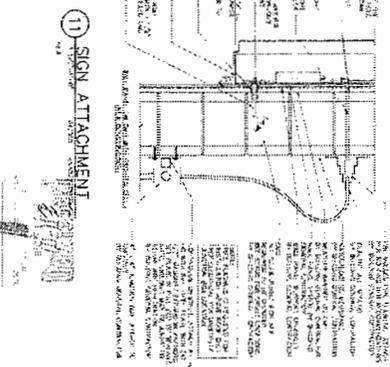
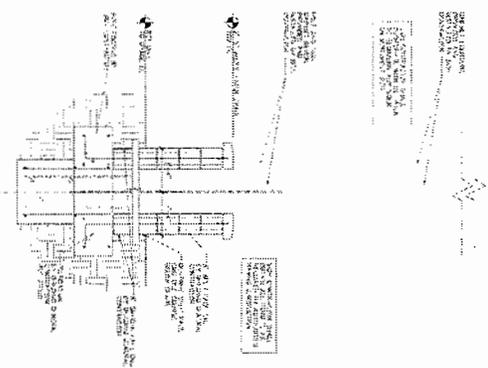


**ADAM C. DAVIS**  
 ENGINEER  
 LICENSE NO. 10098718  
 STATE OF FLORIDA

REVISIONS BY	DATE



**17 MULTI-TENANT MONUMENT SECTION**



NO.	DESCRIPTION	DATE	BY	CHKD.	APP.
1	DESIGN	12/14/17	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
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SCALE: SIGNAGE A2.2

NO.	DESCRIPTION	DATE	BY	CHKD.	APP.
1	DESIGN	12/14/17	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
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5	...	...	...	...	...
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18	...	...	...	...	...
19	...	...	...	...	...
20	...	...	...	...	...

**Walmart**  
N. HOMESTEAD  
HOME DEPOT

DATE: 12/14/17  
SCALE: A2.2

**BIRB**  
ARCHITECTURE

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Z-11-111  
SEP 21 2011

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

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: South Miami Hospital, Inc. a Florida not-for-profit corporation, f/k/a South Miami Hospital Foundation, Inc., 6300 S.W. 73<sup>rd</sup> Street, Miami, FL 33143

NAME AND ADDRESS

Percentage of Stock

South Miami Hospital, Inc. is a Florida not-for-profit corporation, and as such has no principals or stockholders. This corporation is managed by a Board of Directors, each of which is an independent person with no ownership interest in this corporation.

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 N/A

NAME AND ADDRESS

Percentage of Interest

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

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: N/A

NAME AND ADDRESS Percentage of Ownership

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

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, partnership or other similar

(M3088343;1)

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2-11-11  
SEP 21 2011

ZONING HEARINGS SECTION  
PLANNING AND ZONING DEPT.  
BY

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

NAME OF PURCHASER: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores East, LP, a Delaware Limited Partnership</u>	<u>100%</u>
<u>2001 S.E. 10<sup>th</sup> Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly Traded Corporation.</u>	

Date of contract: July 15, 2010

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.

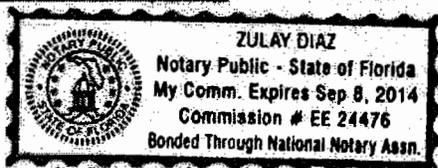
Signature:

*[Handwritten Signature]*

Lincoln Mendez, Chief Executive Officer

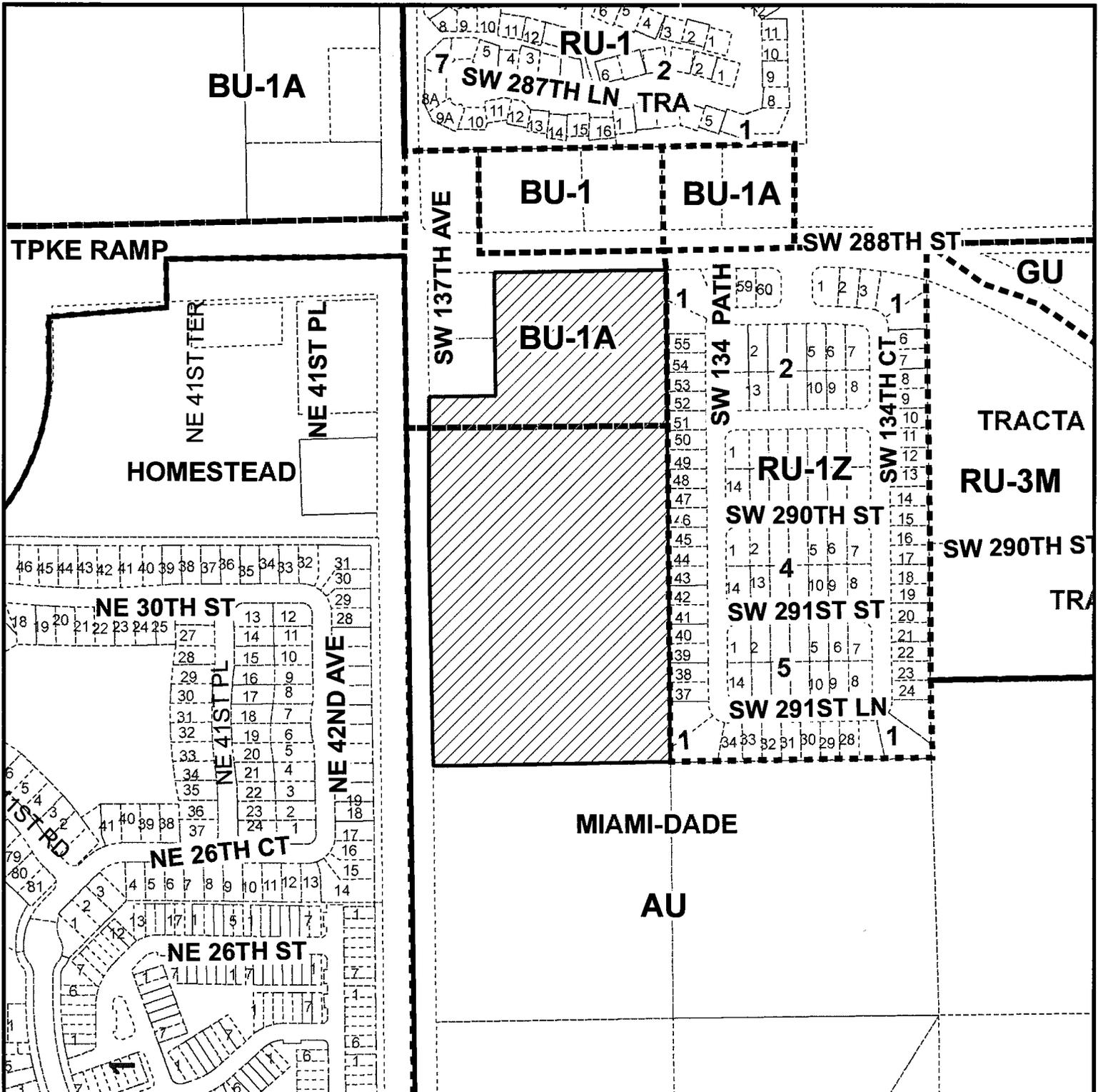
Sworn to and subscribed before me this 22<sup>nd</sup> day of August, 2011. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

*[Handwritten Signature]*  
(Notary Public)



My commission expires: \_\_\_\_\_ Seal

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



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

Process Number

**Z2011000111**



Section: 02 Township: 57 Range: 39  
 Applicant: SOUTH MIAMI HOSPITAL, INC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

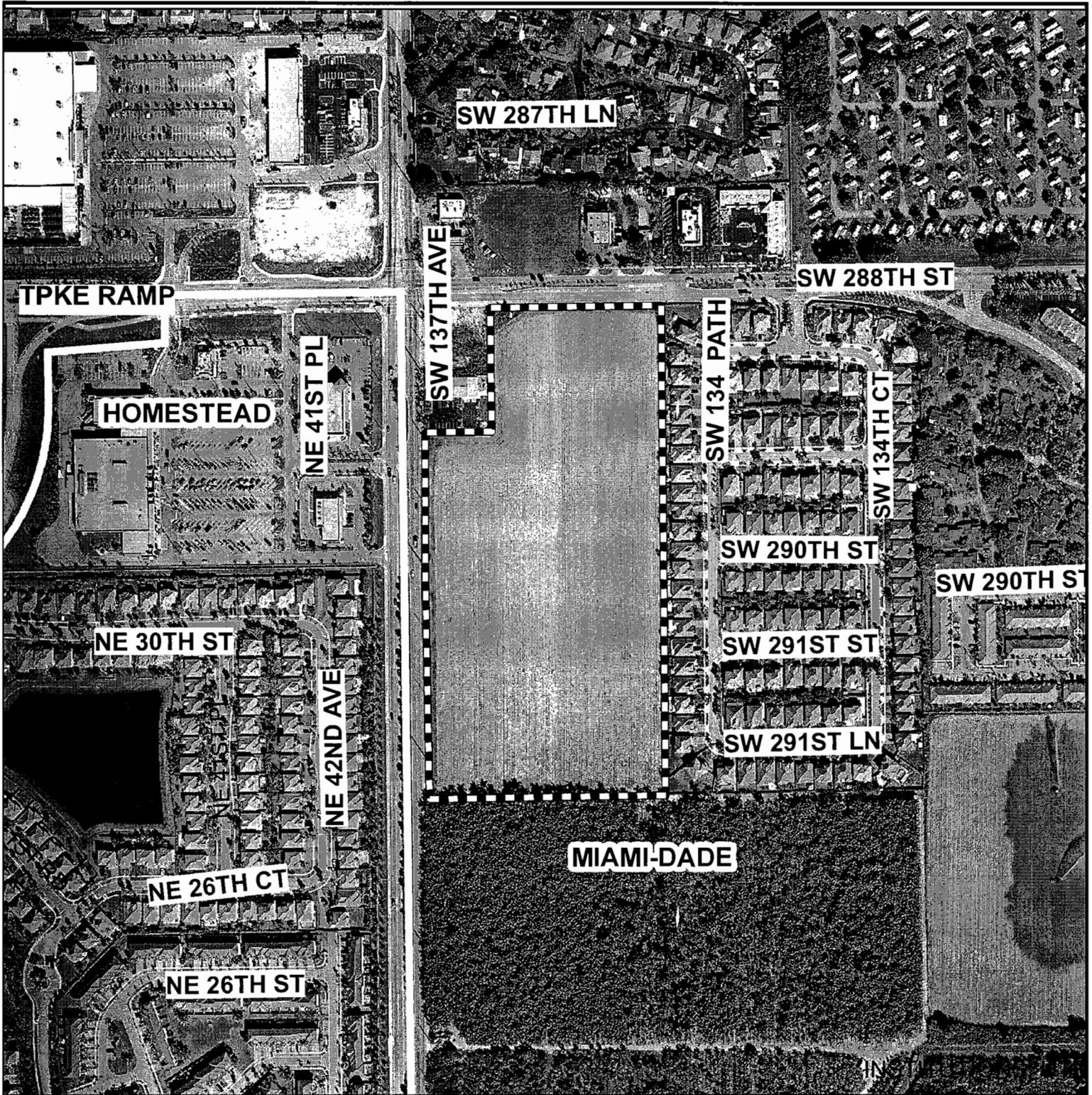
**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, October 7, 2011

REVISION	DATE	BY
		46



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2011000111**



Section: 02 Township: 57 Range: 39  
 Applicant: SOUTH MIAMI HOSPITAL, INC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

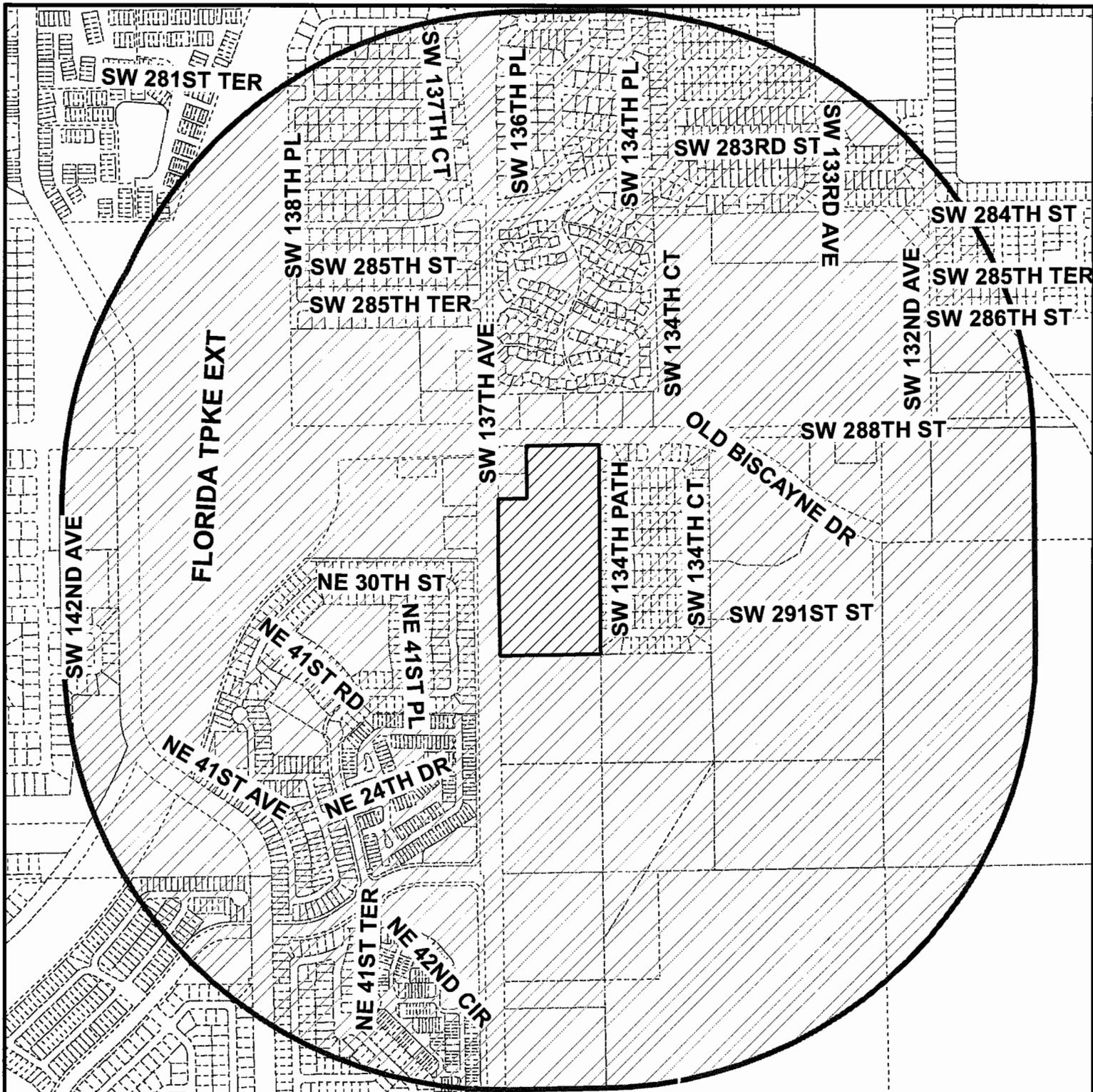
Legend

 Subject Property



SKETCH CREATED ON: Friday, October 7, 2011

REVISION	DATE	BY
		47



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2011000111**

RADIUS: 2640



Section: 02 Township: 57 Range: 39  
 Applicant: SOUTH MIAMI HOSPITAL, INC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, October 7, 2011

REVISION	DATE	BY

2012 MAR -9 A 10:01

This instrument was prepared under  
the supervision of:

Name: Joel E. Maxwell, Esq.  
Address: Akerman Senterfitt & Eidson  
One Southeast Third Avenue, 25<sup>th</sup> Floor  
Miami, Florida 33131

CZAB-15

211-111

(Space Reserved for Clerk of the Court)

**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida described on Exhibit "A," attached hereto and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE THE **County** that the representations made by the owner during consideration of Public Hearing No. 11-111 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Walmart Store #5671-00, North Homestead Miami-Dade County, Florida," as prepared by Creech Engineers, Inc., dated stamped received December 12, 2011, for a total of 11 sheets.

(2) All truck deliveries to Walmart Store on the Property shall be restricted to egress and ingress to Southwest 137<sup>th</sup> Avenue.

(3) Notwithstanding the Land Use Plan map designation of the Property of "Business and Office," residential uses shall not be permitted on the Property.

**County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the

privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

**Enforcement.** Enforcement shall be by action against any parties or person violation, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be responsible for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Authorization of Miami-Dade County to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the Disposition of an appeal that results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Sustainability, Planning and Economic Enhancement Department or the executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning, or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

**Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]



ACKNOWLEDGEMENT CORPORATION

Signed, witnessed, executed and acknowledged on the 29<sup>th</sup> day of February, 2012.

IN WITNESS WHEREOF, South Miami Hospital, Inc., a Florida Not-for-Profit Corporation has caused these presents to be signed in its name by its proper officials.

Witnesses:

Katharine Pzy  
Signature  
Katharine Partridge  
Printed Name  
Kossina Brborich  
Signature  
Kossina Brborich  
Printed Name

South Miami Hospital, Inc.  
A Florida Not-for-Profit Corporation  
Address:  
6200 S.W. 73<sup>rd</sup> Street

South Miami, FL 33143  
By Lincoln Mendez  
Chief Executive Officer

Print Name: Lincoln Mendez – Chief Executive Officer

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledge before me by Lincoln Mendez the Chief Executive Officer of South Miami Hospital, Inc., a Florida Not-for-Profit Corporation.

He is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this 29<sup>th</sup> day of February, 2012, in the County and State aforesaid.

Zulay Diaz  
Signature  
Zulay Diaz  
Print Name

Notary Public-State of Florida

My Commission Expires: Sept. 8, 2014

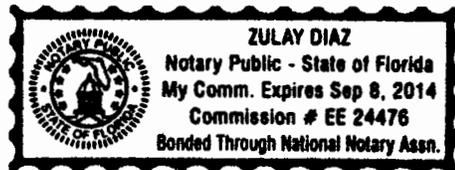


EXHIBIT "A"

**Legal Description of the Property**

The West ½ of the Northwest ¼ of the Southwest ¼, LESS the North 55 feet and the West 53 feet for roads, and less beginning at the Northwest corner of the West ½ of the Northwest ¼ of the Southwest ¼, then South 378 feet, East 228 feet, North 378 feet, West 228 feet to the Point of Beginning, Township 57, Range 392, Section 2, Dade County, Florida.

LESS AND EXCEPT that land conveyed to Metropolitan Petroleum Company by that certain Quit Claim Deed recorded in Official Records Book 18184, Page 274, of the public records of Miami-Dade County, Florida.

MIAMI-DADE COUNTY, FLORIDA.

CONTAINING 731,878 SQUARE FEET OR 16.80 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST ¼ CORNER OF SECTION 2, TOWNSHIP 57 SOUTH, RANGE 39 EAST, BEING A 2 1/2" ALUMINUM DISK STAMPED "MIAMI-DADE SURVEY"; THENCE NORTH 89°04'34" EAST ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2, A DISTANCE OF 672.99 FEET; THENCE SOUTH 00°31'45" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 2, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°31'45" EAST ALONG SAID EAST LINE, A DISTANCE OF 1272.72 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 2; THENCE SOUTH 89°04'51" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 619.03 FEET TO AN INTERSECTION WITH A LINE 53.00 FEET EAST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2; THENCE NORTH 00°34'13" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 949.66 FEET TO AN INTERSECTION TO A LINE 378.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2; THENCE NORTH 89°04'34" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 175.00 FEET TO AN INTERSECTION WITH A LINE 228.00 FEET EAST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2; THENCE NORTH 00.34'13" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 323.01 FEET TO AN INTERSECTION WITH A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 2; THENCE NORTH 89°04'34" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 444.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ AND THE POINT OF BEGINNING.