



11-10-2009 Version # 1



BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER -
2ND FLOOR

111 NW 1 Street, Miami

Thursday, December 17, 2009 at 9:30 a.m.

CURRENT

DISTRICT

1. 09-10-CZ8-5	<u>WRC & TEACHER INSURANCE & MET</u> <u>LIFE</u>	(DEVELOPMENTAL IMPACT COMMITTEE)	<u>09-33</u>	31-53-41	N	6
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Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, DECEMBER 17, 2009

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION 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 COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

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

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

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

SWEARING IN OF WITNESSES

1. **WRC & TEACHER INSURANCE & MET LIFE**
(09-10-CZ8-5/09-033)

31-53-41
Area 8/District 6

- (1) To make a Substantial Deviation Determination pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:
- (2) MODIFICATION of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of

this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the request is to allow the applicant to modify the previously approved condition of the development order to extend the build-out date of the project.

LOCATION: South of State Road #836 and lying on both sides of N.W. 57 Avenue (Red Road), Miami-Dade County, Florida.

SIZE OF PROPERTY: 388.54 Acres

Developmental Impact Committee
Recommendation:

Approval with conditions as set forth in the
Department of Planning and Zoning's
Recommendation.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**1. WRC & TEACHER INSURANCE &
MET LIFE**

**09-10-CZ8-5 (09-033)
Area BCC/District 6
Hearing Date: 12/17/09**

Property Owner (if different from applicant) **WRC, Teacher Ins., Met Life, FSP Blue Lagoon DR LLC, MM Regional Est. LLC, Blue Lagoon Ownerco LLC, Blue Lagoon Investment LLC, Waterford Centre LTD, Visa International Service Assoc., Marian G Fewell Tr.**

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

Disclosure of interest form attached? Yes ☒ No ☐

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1948	Seminole Rock & Sand Company	- Zone change from GU, AU, RU-3B, BU-2A, IU-1, IU-2 to IU-2	BCC	Approved w/conds.
1985	Rhomberg Realty Holding	- D.R.I.	BCC	Approved w/conds.
1988	Rhomberg Realty Holding Inc. ET AL	- Modification of DRI. - Deletion of Condition resolution. - Zone Change from GU, IU-2 to IU-2	BCC	Approved w/conds.
1988	Rhomberg Realty Holding Inc. ET AL	- Modification of Condition #22 of Z-153-85.	BCC	Approved
1989	WRC Properties, Inc.	- Modification of condition #6 & #8 S.A.O.R. 428-86.	BCC	Approved
1990	WRC Properties, Inc.	- D.R.I.	BCC	Approved w/conds.
1992	WRC Properties, Inc.	- Modification of Condition #25 of resolution Z-32-90.	BCC	Approved
1996	WRC Properties Co.	- Make a substantial deviation determination. - Modification of conditions #29 & #47 of resolution.	BCC	Approved w/conds.

1998	WRC Properties, Inc.	<ul style="list-style-type: none">- Make a substantial deviation determination.- Modification of conditions #29 & #47 of resolution.	BCC	Approved w/conds.
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Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

RESOLUTION NO. CZAB8-23-09

WHEREAS, WRC PROPERTIES, INC, ET AL applied for the following:

- (1) To make a Substantial Deviation Determination pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:
- (2) MODIFICATION of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is

developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the request is to allow the applicant to modify the previously approved condition of the development order to extend the build-out date of the project.

Upon a demonstration that the applicable standards have been satisfied, approval of the Request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SUBJECT PROPERTY: Lots 1A, 7 and 8, Block 1, Lots 1-3, Lot 5 and Lots 7-9, Block 2, BLUE LAGOON, WEST SECTION TWO, Plat book 122, Page 74, and Lot 9, Block 1 and Lot 10, Block 2, BLUE LAGOON WEST, SECTION THREE, Plat book 129, Page 73; and Lot 4-A and Lot 6-A, Block 2, BLUE LAGOON WEST, SECTION FOUR, Plat book 132, Page 24; and Lots 2-5, Block 1, BLUE LAGOON WEST, SECTION ONE, Plat book 118, Page 76; and Lots 1-6, Block 2 of BLUE LAGOON EAST, Plat book 120, Page 63; and Lot 2, Block 1, FIRST ADDITION TO BLUE LAGOON EAST, Plat book 133, Page 100 and begin at the northwest corner of Lot 9, Block 1; BLUE LAGOON WEST, SECTION THREE, Plat book 129, Page 73; said point also being on the S/ly right-of-way line of State Road No. 836; thence S00°14'45"E along the west line of said Lot 9 for 355.25' to the southwest corner of said Lot 9; thence S89°45'15"W along the north right-of-way line of Blue Lagoon Drive for 103.19'; thence S00°14'45"E for 80' to the point on a circular curve concave to the southwest; thence run SE/ly and S/ly along said circular curve concave to the southwest, having a radius of 25' through a central angle of 99°1'41" for an arc distance of 43.21' to the Point of compound curvature with a circular curve concave to the west; thence run S/ly, along said circular curve concave to the west, having a radius 1,000' through a central angle of 1°59'56" for an arc distance of 34.89'; thence run S10°46'52"W for a distance of 199.99' to the Point of curvature with a circular curve concave to the east; thence run S/ly, along said circular curve concave to the east, having a radius of 1,070' through a central angle of 12°52'30" for an arc distance of 240.44'; thence run S2°5'38"E for a distance of 169.94'; thence run S87°39'38"W for a distance of 594.79'; thence run N2°20'22"W for a distance of 1,085.56' to the S/ly right-of-way line of State Road No. 836; thence run N85°56'14"E along the S/ly right-of-way line of State Road No. 836 for a distance of 345.09'; thence continue along the S/ly right-of-way line of State Road No. 836 N87°22'10"E for a distance of 478.44' to the Point of beginning and Lots 1-7, Block 1, Lots 1-

8, Block 2, Lots 1-6, Block 3, Lots 1 & 2, Block 4 of WATERFORD, SECTION ONE, Plat book 140, Page 30.

LOCATION: South of State Road #836 and lying on both sides of N.W. 57 Avenue (Red Road), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the amendment to the existing Development Orders (i.e. Resolution Z-24-98) noted herein as requested Item #1, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and the Land Use Plan map of the Comprehensive Development Master Plan, and

WHEREAS, a motion to recommend to the Board of County Commissioners, a finding of no substantial deviation (Item #1), approval of Item #2 under Section 33-311(A)(7), and denial of Item #2 without prejudice under Section 33-311(A)(17) was offered by Richard C. Brown, seconded by Fredricke Alan Morley, and upon a poll of the members present, the vote was as follows:

Richard C. Brown	aye	Arthemon Johnson	aye
Patrick Cure	aye	Voncarol Yvette Kinchen	absent
Dr. Joy J. Davis	aye	Fredricke Alan Morley	aye
Vernell Everett		aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the Board recommends to the Board of County Commissioners to find that the amendment to the existing Development Orders (i.e. Resolution Z-24-98) be approved, and that said amendment, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review.

BE IT FURTHER RESOLVED, this Board recommends to the Board of County Commissioners that the requested modification of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners (Item #2) be approved under Section 33-311(A)(7), with the recommended approval subject to the following conditions:

1. That all conditions of Resolution No. Z-24-98 remain in full force and effect except as herein modified.
2. That the Applicant comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

BE IT FURTHER RESOLVED, this Board recommends to the Board of County Commissioners that the requested modification of Condition #47 of Resolution Z-32-90, passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners (Item #2), shall read as follows:

47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2014) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O.

4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs.

BE IT FURTHER RESOLVED, this Board recommends to the Board of County Commissioners that Item #2 be and the same is hereby denied without prejudice under Section 33-311(A)(17).

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 21st day of October, 2009.

Hearing No. 09-10-CZ8-5
ej

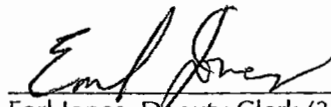
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3RD DAY OF NOVEMBER, 2009.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

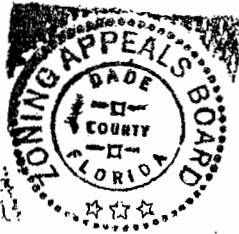
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-23-09 adopted by said Community Zoning Appeals Board at its meeting held on the 21st day of October, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3th day of November, 2009.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



Memorandum



Date: December 17, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: WRC & Teacher Insurance & Met Life (Z09-033)

SUMMARY OF REQUESTS:

The applicants are seeking a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes in connection with a modification of Resolution #Z-32-90, last modified by Resolution #Z-24-98, that would extend the build-out date of the DRI from December 30, 2009 to December 29, 2014.

LOCATION: Lying south of State Road #836 and lying on both sides of NW 57 Avenue (Red Road), Miami Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting a modification of a condition of a previously approved DRI. 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 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions as set forth in the Department of Planning and Zoning's recommendation.

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, 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 is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z09-33
WRC & TEACHER INSURANCE & MET LIFE

Respectfully Submitted,

DIC Executive Council
September 02, 2009

Ysela Llori
Assistant County Manager

Absent

Manny Mena, Assistant Fire Chief
Miami-Dade Fire Rescue Department



AYE

Irma San Roman, Deputy Director
Metropolitan Planning Organization Secretariat



AYE

Subrata Basu, Assistant Director of Planning
Department of Planning and Zoning



AYE

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



AYE

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



AYE

Jorge S. Rodriguez, P.E., Assistant Director
Miami-Dade Water and Sewer Department



AYE

**DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENTAL IMPACT COMMITTEE**

APPLICANT: WRC & Teacher Insurance & Met Life

PH: 09-033

SECTION: 35,36,51-53-40,1,2-53-40,31-53-41

DIC DATE: September 2, 2009

COMMISSION DISTRICT: 8

=====

A. INTRODUCTION

o REQUESTS:

- (1) To make a Substantial Deviation Determination pursuant to 380.06(19) of the Florida Statutes with respect to the following amendment and request:
- (2) MODIFICATION of Condition #47 of Resolution Z-32-90 passed and adopted by the Board of County Commissioners, last modified by Resolution Z-24-98 passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 30, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulations) and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in §33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modifications or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

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The purpose of the request is to allow the applicants to modify the previously approved condition of the development order to extend the build-out date of the project.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under Section 33-311(A)(7) (Generalized Modification Standards) or Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

o **SUMMARY OF REQUEST:**

The applicants are requesting to modify a previously approved Development Order in order to extend the buildout date from December 30, 2009 to December 29, 2014.

- o **LOCATION:** South of State Road #836 and lying on both sides of NW 57 Avenue (Red Road), Miami Dade County, Florida.

- o **SIZE:** 388.54 acres

B. ZONING HEARING HISTORY:

In 1948, this site was part of a larger parcel that was rezoned by the Board of County Commissioners (BCC) from GU, Interim District, AU, Agricultural District, RU-3B, Bungalow Court District, BU-2A, Special Business District, IU-1, Light Industrial Manufacturing District, and IU-2, Heavy Industrial Manufacturing District to IU-2 and permitted the excavation of rock. Resolution No. 4-ZAB-406-84 approved several variances of setback requirements, signage, and the location of two restaurants in a hotel lobby. In addition, unusual use requests to permit a marina, outdoor patio dining, and an entrance feature and special exceptions to increase the hotel height and to permit night lighting were granted. In 1985, the BCC granted a Development of Regional Impact (DRI) Development Order that permitted 407 acres ± of land, of which this site was a part, that allowed the development of offices, support commercial uses, restaurants, a health club and two hotels. In 1988, there were three substantial deviations approved for the site which modified various conditions and rezoned a portion of the DRI property from GU and IU-2 to IU-2. In 1990, the BCC granted an approval on the aforementioned DRI site that allowed an additional hotel and additional office space. In 1996, pursuant to Resolution No. Z-46-96, the BCC granted a substantial deviation and modification of Resolution Z-32-90 that allowed the modifications of conditions of Development Order that increased the square footage of office space, decreased the square footage of retail floor area, the number of restaurants seats for restaurant use, and also allowed for the extension of the build out date for the project by five years to 2004. In 1998, the BCC made a no substantial deviation determination and granted the modification of conditions of Resolution Z-24-98 that permitted the applicant to extend the build out date of the project to December 30, 2009, decreased the square footage for office space, and increased the number of hotel buildings and rooms. From 2000 to 2008 the site received various approvals from the Community Zoning Appeals Board-8 which granted sign variances, a Burger King headquarters building and the partial filling of a lake.

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Office/Residential**. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.

Residential uses are also allowed in the Office/Residential category. In these locations, residential density may be approved up to one density category higher than that allowed in

the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the 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 office use of the site. When residential uses are mixed with office uses, the overall scale and intensity, including height and floor area ratio of the mixed-use development shall be no greater than that which would be approved if the parcel was developed in either office use only or residential use only, whichever is higher. Within the Office/Residential category, business uses ancillary and to serve the on-site use(s) may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential category does not authorize other business or commercial uses.

2. **Objective LU-1.** The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
3. **Policy LU-1B.** Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.
4. **Policy LU-1G.** Business developments shall preferably be placed in cluster or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
5. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
6. **Policy LU-8B.** Distribution of neighborhood or community-serving retail sales uses and

personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-2; Office complex, parking garage
lake

Office/Residential

Surrounding Properties:

NORTH: GU; Expressway

Terminals

SOUTH: R-1, C-1, G/1, R-3 (City of Miami)
BU-2, RU-4A (Miami-Dade);
SR 836, single-family residences;
shopping center

High Density 50-125 dua
Business and Office, Low
Density 2.5-6 dua

EAST: R-4(City of Miami); lake

Transportation

WEST: RU-4, RU-4M, IU-2; park

Parks and Industrial and Office

E. SITE AND BUILDINGS:

Site Plan Review: (No plans submitted)

F. PERTINENT REQUIREMENTS/STANDARDS:

Florida Statutes §380.06(19) Developments of Regional Impact-Substantial Deviation

The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

- (a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including

changed market conditions. The procedures set forth in this subsection are for that purpose.

- (b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and

shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

- (c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to the development permits. Any extension of the buildout date of the project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review

Senate Bill 360, 2009 Florida Legislative Session, Section 14 Community Renewal Act (1)

Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06 (19) (c), Florida Statutes. This section shall not be construed to prohibit conversion from the construction phase to the operation phase upon completion of construction.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except when it can be demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision shall apply to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification shall not extend the time limit beyond 2 additional years.

(6) Nothing in this section shall impair the authority of a county or municipality to require the owner of a property, that has notified the county or municipality of the owner's intention to receive the extension of time granted by this section, to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

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

Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The Community Zoning Appeals shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs of this section have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

G. NEIGHBORHOOD SERVICES:

DERM
Public Works
Parks

No objection
No objection
No comment

MDT	No objection
Fire Rescue	No objection
Police	No objection
Water and Sewer	No objection
Solid Waste	No objection
Aviation	No objection

H. ANALYSIS

The applicants are seeking a substantial deviation determination on a Development of Regional Impact (DRI) Development Order as it pertains to Resolution #Z-24-98. The purpose of this application is to allow the applicants to modify Condition #47 of Resolution No. Z-24-98 in order to extend the build-out date of the project from December 30, 2009 to December 29, 2014. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for Office/Residential use. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Staff notes that this application is not changing the current use or density and is only seeking a new build-out date. Therefore, staff opines that the application is **consistent** with the LUP map of the CDMP.

The Development Orders for this project were originally approved in 1985. In 1990, the Development Orders were amended and its development thresholds were increased. In 1992, the County approved a one year extension of the buildout date for a day care center pursuant to Resolution Z-80-92. The buildout date was again amended pursuant to Resolution Z-46-96 in 1996 from 1999 to 2004 along with changing other development thresholds. Resolution Z-24-98 extended the buildout date from 2004 to 2009 and changed the development thresholds to its current authorization.

The applicants have submitted building permit receipts, cancelled checks and other evidence that is contained in the record, indicating that the DRI was under active construction on July 1, 2007. Under the 2008 amendment to Section 380.06 (19) projects under active construction on July 1, 2007 are eligible for a three year extension without further DRI review. Staff opines that the application is not requesting increased densities, does not necessitate further infrastructure improvements and will have minimal impact to the surrounding community. Noting the aforementioned, staff is of the opinion that the requested time extension would not create a substantial deviation requiring further development of regional impact review.

In addition to the three year extension requested pursuant to Section 380.06(19), the applicants have requested an additional two years pursuant to the recently passed Senate Bill 360. Senate Bill 360, from 2009, provides an additional 2-year extension for such projects that are eligible without further DRI review. The bill states that in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s.380.06 (19) (c), Florida Statutes. As previously noted, the build-out date for the DRI is December 31, 2009 which meets the criteria stated in Senate Bill 360. Additionally, as previously noted, the extension of the build-

out date does not change the land use or intensity of the DRI and will have minimal additional impacts to the surrounding community. Based on the aforementioned, staff recommends approval of request #1, which would allow the buildout extension for three years under Section 380.06(19) and an additional two years under Senate Bill 360 for a total of five years until December 29, 2014.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application. Additionally, the Miami-Dade County Aviation Department (**MDAD**) **does not object** to this application and states in their memorandum that the site is compatible with operations from Miami International Airport. Further, the Miami-Dade Fire and Rescue Department (**MDFR**), the Department of Solid Waste Management (**SWM**), the Miami-Dade Police Department (**MDPD**), and the Miami-Dade Water and Sewer Department (**WASD**) **do not object** to this project. The Public Works Department (**PWD**) **does not object** to this application, and indicates that the applicant must meet existing conditions and required improvements. Miami Dade Transit (**MDT**) **does not object** to this application and their memorandum indicates that the application is concurrent with the Level of Service (LOS) standards established for Miami-Dade County.

When request #2, to modify Condition #47 of Resolution Z-32-90, is analyzed under the General Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not adversely impact the surrounding area and will be **compatible** with same. The purpose of this request is to allow the applicants to modify the previously approved condition of the development order to extend the buildout date to December 29, 2014. Staff notes that modifying Condition #47 of Resolution #Z-32-90 does not increase the already approved entitlements and, as such, would have a minimal impact the surrounding area, generate excessive traffic, tend to create or to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the modification will not have an unfavorable effect on same and will not be contrary to the public interest. Staff notes that there have been no significant changes in the area and the impacts have not changed. Therefore, staff recommends approval with conditions of the modification of Condition #47 of Resolution #Z-32-90 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicants have not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to analyze the request under said standards and, as such, request #2 should be denied without prejudice under same.

Accordingly, staff recommends approval of request #1; approval of request #2 with conditions under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice the request under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

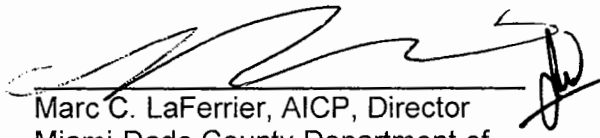
I. RECOMMENDATION:

Approval of request #1; approval of request #2 with conditions under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

J. CONDITIONS: For request #2 only

1. That all conditions of Resolution No. Z-24-98 remain in full force and effect except as herein modified.
2. That the Applicant comply with all applicable requirements, recommendations, requests and other provisions of the various Departments as contained in the departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

DATE TYPED: 5/15/09
DATE REVISED: 8/3/09, 8/4/09, 8/10/09, 8/11/09, 8/13/09, 8/26/09
DATE FINALIZED: 8/26/09
MCL:NN:JV:CI



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning.0

Memorandum



Date: April 30, 2009

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

Subject: #Z2009000033
WRC & Teacher Insurance & Met Life
South of SR 836 & Lying on Both Sides of 57 Avenue
Request to Extend the Build-Out Date for a Previous Approved
Development Regional Impact
(IU-2) (362.05 Acres)
31-53-41

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

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

Concurrency Review Summary

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

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

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

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

Memorandum



Date: August 6 , 2009

To: Marc C. Leferrier
Interim Director
Planning & Zoning Department

From: Esther L. Galas, P.E.
Director
Public Works Department

Subject: DIC09-033
Name: WRC Properties, Inc.
Location: East and West of NW 57th Avenue N&S of Blue Lagoon Road
Sec.31, 51, 36 Twp. 53 Rge. 41 & 20

This application is seeking amendments to the Development Order (DO) to extend the built out date from the current December 30th, 2009 to December 30th, 2014.

The Public Works Department has no objection to the new built date of December 30th, 2014. The existing conditions and required improvements will need to be met by the new expiration date.

cc: Jorge Vital, Development Impact Coordinator.
Planning and Zoning Department

Joan Shen, P.E., PhD
Manager, Traffic Engineering Division

Jeff Cohen, P.E.
Assistant Chief, Traffic Engineering Division

Armando E. Hernandez
Special Administrator for Concurrency, Traffic Engineering Division

Memorandum



Date: May 18, 2009

To: Marc C. LaFertier, Director
Department of Planning & Zoning

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department (collecting)

Subject: DIC # 2009000033 - WRC Properties, Inc. et al (Revision No. 1)
Lying east and west of Red Road on the north and south side of Blue Lagoon Drive,
Miami-Dade County, Florida

According to the application, the applicant is seeking amendments to the Development Order to extend the build out date from its current December 30, 2009 deadline to December 30, 2012.

The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to DIC application # 2009000033. The request will have no impacts to capacity or levels of service that MDFR provides to that area of the County.

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.

If you need additional information, please contact the Planning Section at 786-331-4540.

HL:ch

Memorandum



Date: May 15, 2009

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

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application #09-033
WRC & Teacher Insurance & MET Life
DN-09-05-130

A handwritten signature in black ink, appearing to be "J. Ramos", written over the "From:" field.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #09-033, WRC & Teacher Insurance & MET Life. The applicants are requesting to extend the build out date for a previously approved DRI. The subject property is 362.05 acres and is located south of SR 836 and lying on both sides of 57 Avenue (Red Road), Miami-Dade County, Florida.

Based on the available information, MDAD has determined that an extended build out date for a previously approved DRI is compatible with operations from Miami International Airport. It should be noted, however, that any development plans associated with this application must be reviewed by MDAD and determined to be in compliance with Miami International Airport Zoning.

JR/RB/cf

C: M. Fajardo
S. Harman
Jorge Vital, Acting DIC Coordinator, Department of Planning & Zoning

Memorandum



Date: May 12, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner *J. Garcia*
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 09-033 (WRC Properties, Inc. Et Al)

Project Description

The applicant is requesting a modification of the Development Order in order to extend the build out date of the project for three additional years. The subject property is 388.54 acres and is located south of State Road 836 (Dolphin Expressway) and lying on both sides of NW 57th Avenue (Red Road), Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes 57 and 238/East-West Connection along NW 57th Avenue and along Blue Lagoon Drive by Route 238/East-West Connection. Route 7 also provides service along NW 7th Street which is within walking distance of the application sites. The service headways for the above mentioned routes (in minutes) are as follows:

**Metrobus Route Service Summary
WRC Properties, 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		
7	30	40	60	N/A	40	40	0.3	F
57	40	60	N/A	N/A	N/A	N/A	0.0	F
238/East-West Connection	30	60	70	N/A	N/A	N/A	0.0	F

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

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Program (TIP) shows under the Primary State Highways and Intermodal section an intermodal hub capacity project on Perimeter Road from 57th to 72nd Avenues. Under the MDX section a SR-836 Express Bus Service study is listed and in the PTP project section, resurfacing and traffic operational improvements along NW 7th Street from 37th to 72nd Avenues are listed. The 2030 Long Range Transportation Plan (LRTP) identifies as a Highway and Transit Priority 1 improvement extending the Metrorail alignment from the Miami Intermodal Center to Florida International University campus.

The 2008 ten-year Transit Development Plan (TDP) identifies in its 2018 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

- Route 7: No planned improvements
- Route 57: Extend route to service the future Miami Intermodal Center
- Route 238: Adjust peak headway from 30 to 45 minutes

No new service is proposed in the immediate vicinity of this project within the 2018 Recommended Service Plan.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application sites. No impact is expected to be generated by the request to extend the build out date from the Development Order. 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: May 4, 2009

To: Jorge Vital
Acting DIC Coordinator
Department of Planning and Zoning

From:  Christopher Rose
Deputy Director, Administration 
Department of Solid Waste Management

Subject: DIC#09-033
WRC Properties, Inc, Et Al

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

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #09-033 WRC Properties, Inc, Et Al

Application: *WRC Properties, Inc, ET Al* are requesting a modification of the Development Order in order to extend the build out date of the project for an additional 3 years.

Size: The subject property is 388.54 acres.

Location: The subject property is located South of State Road 836 and lying on both sides of N.W. 57 Avenue (Red Road), Miami-Dade County, Fl.

Analysis:

1. Solid Waste Disposal

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department 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 17, 2008, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with 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

This project falls within the DSWM **solid waste collection service area**. A number of the residences proposed for inclusion in this project meet the County Code definition of **residential unit**. Per the code, residential units located within the project shall, therefore, receive DSWM garbage and trash collection service. Twice weekly individual curbside garbage and trash collection, scheduled bulky waste collections service, and unlimited use of the Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area.

In addition the project proposes multifamily uses. Chapter 15-2 of the Miami-Dade County Code requires the following of multi-family and commercial uses located in unincorporated Miami-Dade County:

Section 15-2 - "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."

3. Recycling

Currently, DSWM provides curbside recycling services to **residential units** located in the unincorporated Dade County. Residential units shall, therefore, utilize DSWM weekly curbside

recycling services, provided for the County by World Waste Services, Inc. The recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Participation in the residential program is mandatory in accordance with Chapter 15, Section 15-2.6 of the County Code. Further information may be obtained by calling the Department's Service Development Division at 594-1500 or 514-6714.

As it relates to the multi-family uses, **Section 15-2.2** requires that "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)"

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 514-6666.

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 accord 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 setout 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.

Memorandum



Date: May 11, 2009

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

A handwritten signature in black ink, appearing to read "BM Goldenberg", written over the printed name and title.

Subject: WRC & Teacher Insurance & MET Life - DIC Application # - Z2009000033

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

Application Name: WRC & Teacher Insurance & MET Life

Proposed Development: The applicant is requesting an extension of the build-out date to be first modified from December 30, 2009 to 2012 and then to December 20, 2020.

Project Location: The subject property is 309.05 acres and is located East & West of Red Road (N.W. 57th Avenue) on the North and South sides of Blue Lagoon Drive, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. Public water mains exist throughout the area. The source of water for this project is the Hialeah Preston Water Treatment Plant. The plant is operating under a 20-year Water Use Permit issued by South Florida Water Management District on November 15, 2007. 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. Public sanitary sewers exist throughout the area. The Central 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:

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

- Adequate transmission and plant capacity exist at the time of the owner's request. 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.

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.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

RECEIVED
209-033
MAR 04 2009

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

CORPORATION NAME WRC Properties, Inc.	
NAME AND ADDRESS	Percentage of Stock
730 Third Avenue New York, NY 11017	A wholly owned subsidiary of Teachers Insurance and Annuity Association of America which is a not-for-profit corporation, chartered as a life insurance company under the laws of the State of New York; and has no shareholders

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

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

WRC PROPERTIES, INC.

By: Mark J. [Signature]
Title: Vice President

Sworn to and subscribed before me this 6th day of January, 2009. Affiant is personally known to me or has produced _____ as identification.

Ketty M. Amores
Ketty M. AMORES
(Notary Public) Notary Public, State of New York
No. 01AM8030238
Qualified in Kings County
My commission expires _____ Commission Expires September 7, 2009
Certificate filed in NY County

- * 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 percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME Teachers Insurance and Annuity Association of America	
NAME AND ADDRESS	Percentage of Stock
730 Third Avenue New York, NY 11017	N/A – Teachers Insurance and Annuity Association of America is a not-for-profit corporation, chartered as a life insurance company under the laws of the State of New York, and has no shareholders

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

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

TEACHERS INSURANCE & ANNUITY ASSOC OF AMERICA

By: Wilfredo M. Lopez

Title: VICE PRESIDENT +
CORPORATE SECRETARY

Sworn to and subscribed before me this 5th day of January, 2009. Affiant is personally known to me or has produced _____ as identification.

Ketty M. Amores
(Notary Public)

KETTY M. AMORES
Notary Public, State of New York
No. 01AM6030238
Qualified in Kings County
Commission Expires September 7, 2009
Certificate filed in NY County

My commission expires _____

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

RECEIVED
2009-03
MAR 04 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AD

DISCLOSURE OF INTEREST*

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

CORPORATION NAME Metropolitan Life Insurance Company	
NAME AND ADDRESS	Percentage of Stock
Attn: Director 101 East Kennedy Blvd. Suite 2330, Tampa, FL 33602.	Metropolitan Life Insurance Company is a corporation under the laws of the State of New York wholly owned by MetLife, Inc. MetLife, Inc. is a corporation under the laws of the State of Delaware equity interests in which are regularly traded on the NYSE

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

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

RECEIVED
209-033
MAR 04 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AS

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: Charles C. Davis Jr.

Title: Director

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

Jean D. Cooper
(Notary Public)



My commission expires _____

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

TEAM METRO

ENFORCEMENT HISTORY

WRC & TEACHER INSURANCE &
MET LIFE

SOUTH OF STATE ROAD 836 &
LYING ON BOTH SIDES OF N.W.
57 AVENUE (RED ROAD), MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000033

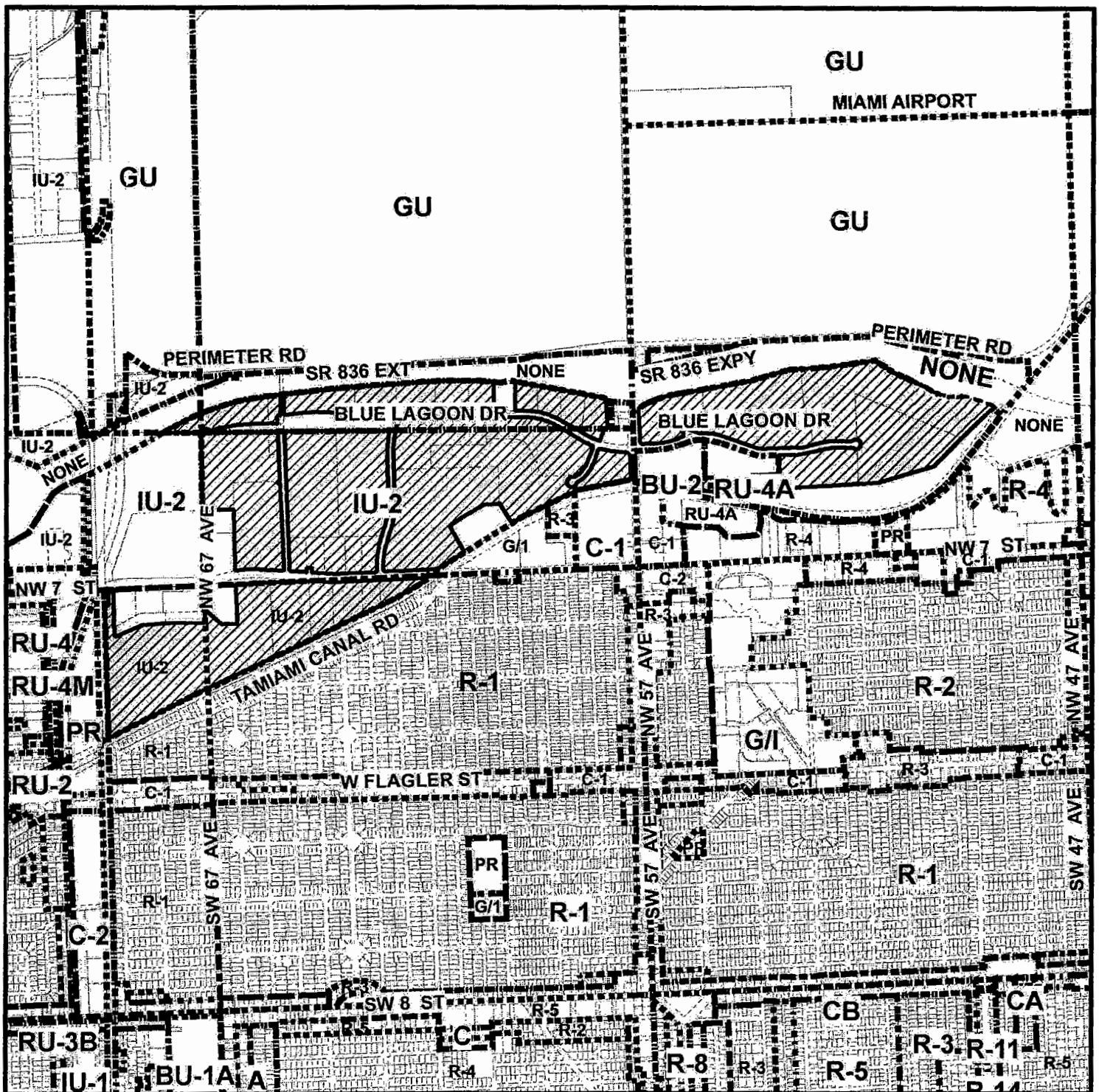
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY:

For folio #30-3131-025-0020, CMS #200903008535 was opened inspected on 09/18/09 and no violation was found case closed, CMS #200903009051 inspected on 10/13/09 no violation was found and case closed, CMS #200903009050 inspected on 10/13/09 no violation found and case closed. For folio #30-3131-025-0030, case CMS #200903008537 inspected on 09/18/09 no violation found and case closed, CMS #200903009049 inspected on 10/13/09 was found in violation for no address display, violation was corrected and case closed. For folio #30-3131-025-0050, CMS #200903008538 was inspected on 09/18/09 no violation found and case closed, CMS #200903009052 was inspected on 10/15/09 no violation found and case closed, and CMS #200903010046 was inspected on 11/12/09 no violation found and case closed.

Cheryl Davidson



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-033

Section: 31 Township: 53 Range: 41
 Section: 35,36,51 Township: 53 Range: 40
 Section: 01,02 Township: 54 Range: 40
 Applicant: WRC & TEACHER INSURANCE & MET LIF
 Zoning Board: C08
 Commission District: 06
 Drafter ID: ALFREDO
 Scale: NTS
 Zoning

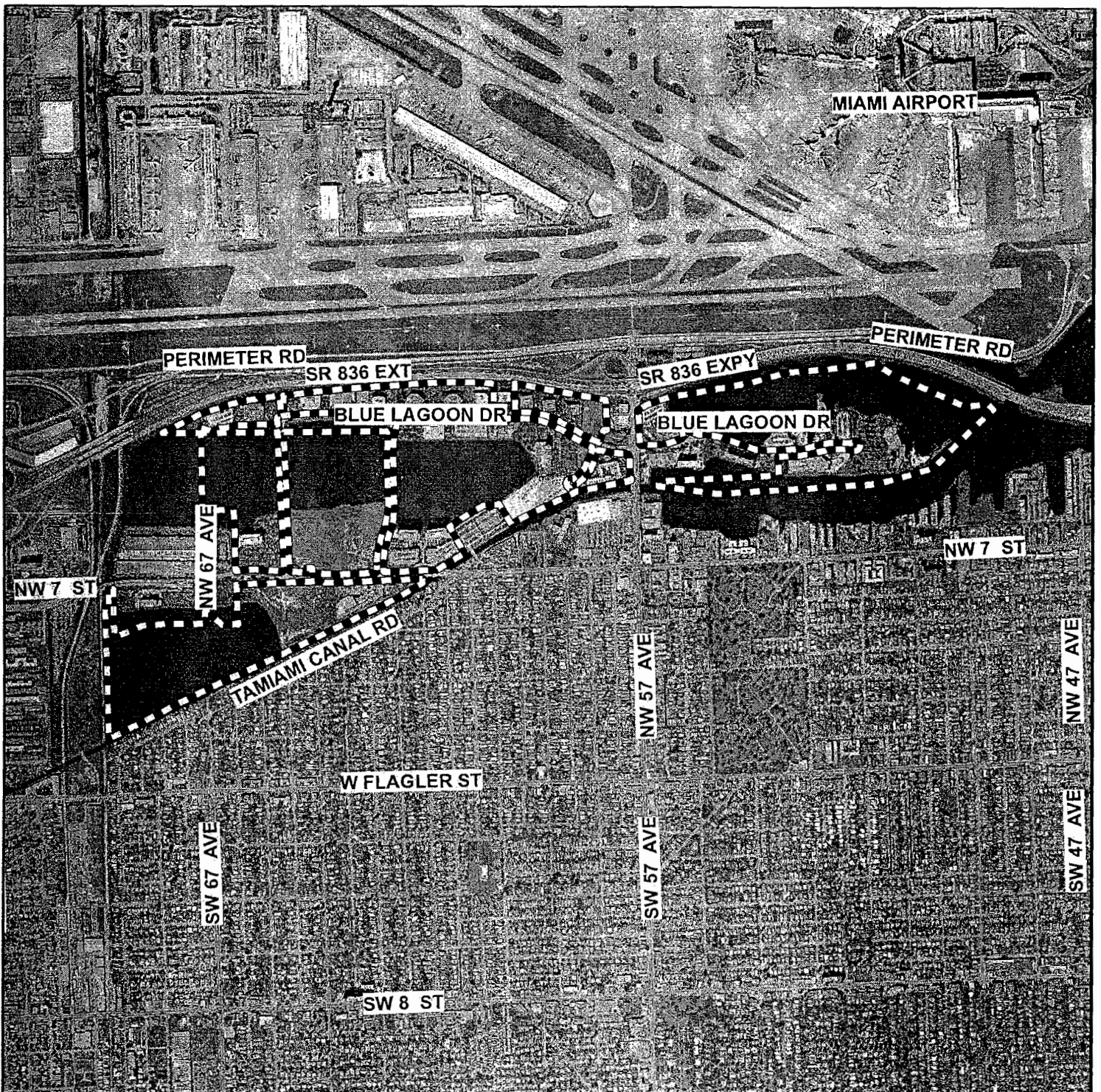


SUBJECT PROPERTY



SKETCH CREATED ON: 04/02/09

REVISION	DATE	BY
	36	



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-033

Section: 31 Township: 53 Range: 41
 Section: 35,36,51 Township: 53 Range: 40
 Section: 01,02 Township: 54 Range: 40
 Applicant: WRC & TEACHER INSURANCE & MET LIF
 Zoning Board: C08
 Commission District: 06
 Drafter ID: ALFREDO
 Scale: NTS
 Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 04/02/09

REVISION	DATE	BY