



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 25, 2012

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. MIAMI GARDENS COMMONS, LLC (12-6-CZ5-1/11-077)

12-52-40
BCC/District 1

Applicant is appealing the decision of Community Zoning Appeals Board #5, which denied with prejudice the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5 auto stacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.95 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions of requests #1 - #4
and denial without prejudice of requests #5
and #6.

Protests: _____ 0 _____

Waivers: _____ 0 _____

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): _____

DEFERRED: _____

THE END

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 Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), 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.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z11-077 (12-06-CZ05-1)

**October 25, 2012
Item No. 1**

Recommendation Summary	
Commission District	1
Applicant	Miami Gardens Commons, LLC
Summary of Requests	The applicant is seeking a zone change to BU-2 and to permit less classroom space, outdoor recreation space and stacking spaces than required. Additionally, the applicant is seeking to waive the required 5' high masonry wall and permit one (1) tenant two (2) wall signs, where one sign per tenant is permitted.
Location	5901 Miami Gardens Drive, Miami-Dade County, Florida.
Property Size	2.95 acres
Existing Zoning	IU-C
Existing Land Use	Office Building
2015-2025 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions of requests #1 - #4 and denial without prejudice of requests #5 and #6.

On June 28, 2012, pursuant to Resolution No. CZAB5-5-12, Community Zoning Appeals Board (CZAB) 5, denied with prejudice the entire application by a vote of 4 to 1. Subsequently, on July 13, 2012, the applicant appealed the CZAB 5 decision to the Board of County Commissioners (BCC) citing that no competent substantial evidence of record existed for CZAB 5 to deny the application.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from IU-C (Controlled Industrial District) to BU-2 (Special Business District).
- (2) NON-USE VARIANCE to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft.).
- (4) NON-USE VARIANCE to permit zero (0) stacking spaces (5 stacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit one (1) tenant with two (2) wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The subject property is an existing 3-story 72,682 sq. ft. multi-tenant office building.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-C; office building	Business and Office
North	RU-4L; multi-family residential	Medium Density Residential (13 to 25 dua)
South	IU-C; commercial	Business and Office
East	IU-C; commercial and storage facility	Business and Office
West	IU-C; storage facility	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing office building located at 5901 Miami Gardens Drive. The surrounding area is characterized by commercial and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will rezone the subject property to BU-2 and increase the visibility of tenants of the existing office building by increasing the number of signs. Additionally, approval would permit a private school with less classroom and outdoor recreational space and zero (0) auto stacking spaces for a private school. As such, the proposed school could result in additional traffic in the surrounding area and the proposed additional signage could result in visual clutter and have a negative visual impact on the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The approval of the requests sought in this application will permit the applicant to rezone the property from IU-C to BU-2, provide less classroom and outdoor space than required for a private school and increase the number of wall signs on the existing office building. Staff opines that the requested BU-2, Special Business District, is **consistent** with the Business and Office designation of the subject property on the CDMP Land Use Plan map. Additionally, the proposed educational use is consistent with Land Use Element interpretative text for Institutions, Utilities and Communications which states that *neighborhood or community-serving institutional uses, cell towers and utilities including **schools**, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be*

approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states 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. Additionally staff notes that the existing office building will be utilized for the proposed educational use. The existing facility did not require a zoning hearing and was built as a matter of right and subject to the County's building permit process. Staff notes that submitted plans for this application depict the same building elevations, architectural elements, landscaping, buffering and parking areas as were previously approved although the floor plans have been modified to accommodate the proposed 907 students.

Further, the CDMP Land Use Element interpretative text for the Business and Office designation states that *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 notes that memoranda submitted by the Departments of Public Works and Waste Management, the Environment Division of the Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the requested district boundary change. Therefore, staff opines that the proposed district boundary change and educational use are **consistent** with the Business and Office designation and the Land Use Element interpretative text for Institutions, Utilities and Communications and **compatible** with the surrounding area based on the that Land Use Element Policy LU-4A compatibility criteria.

ZONING ANALYSIS:

When request #1, District Boundary Change from IU-C to BU-2, is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **consistent** with the CDMP's LUP map Business and Office designation. The Environment Division of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the Level of Service (LOS) standards for potable water service, wastewater disposal, or stormwater management. Further, staff opines that said request would not have an unfavorable impact on the environmental and natural resources, or economy nor burden water, sewer solid waste disposal, recreation, education or public transportation facilities as evidenced by memoranda submitted by the Departments of Public Works and Waste Management; Parks, Recreation and Open Spaces; the Environment Division of Regulatory and Economic Resources; and Miami-Dade Fire Rescue. Additionally, said departments indicate in their memoranda that they do not object to this application. As such, staff opines that the applicant's request for a zone change to BU-2 will not have a negative impact on the surrounding area. Staff notes that the existing office building and uses are allowed in the BU-2 zoning district. **Therefore, staff recommends approval of request #1 under Section 33-311 Standards for District Boundary Change.**

When requests #2, #3 and #4 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the requests to permit the subject property with less classroom and outdoor recreation space than required and zero (0) stacking spaces would be **compatible** with the area. In staff's opinion, requests #2, #3 and #4

maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Staff notes that the requested non-use variances are for a proposed private school which is allowed by right within the BU-2, Special Business District. The applicant has indicated in the letter of intent that the private school will be a post secondary facility for college aged students. Staff notes that due to the size of the subject property, the proposed private college did not meet the main campus standards for private colleges and universities listed in Section 151.14 of the Zoning Code. Said Section of the Code states that private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established for high schools; therefore, the requested non-use variances are based on the private school standards for a high school educational facility as outlined in Section 151.18. Staff notes that the requests to permit less classroom and outdoor recreation space (requests #2 and #3) are based on the proposed total of 907 students. Staff opines said requests are minimal because the school offers its students convenient class schedules that allow for attendance at anytime during the day or evening. Therefore the number of students on campus will vary and may not reach the requested 907 students at any given time. Further, staff opines that request #4 to permit zero (0) stacking spaces, where five (5) are required will not impact the traffic circulation within the parking lot or negatively impact the adjacent roadways. Additionally, staff opines that modes of transportation utilized vary for college aged students from personal vehicle, mass transit and carpooling. In the event a student is dropped off at the location, the layout of the parking lot is designed with ample space to for other vehicles to maneuver around a stopped vehicle without impacting the circulation throughout the parking lot. **As such, staff recommends approval with conditions of requests #2, #3 and #4 under the Non-Use Variance (NUV) Standards.**

However, when request #5 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of this request would be out of character with the surrounding area. The applicant is requesting to permit two (2) wall signs for one (1) tenant, where only one (1) wall sign per tenant is permitted. In staff's opinion the request is incompatible with the surrounding area. Further, staff notes that in addition to the permitted one (1) wall sign per tenant, tenants of the existing office building are identified on an existing monument sign located along NW 183 Street (Miami Gardens Drive). Said monument sign faces east and west which aids in locating tenants in the existing office building by passersby traveling in either direction. Staff opines that the request is incompatible and would have a negative visual impact on the surrounding area. **As such, staff recommends denial without prejudice of request #5 under the Non-Use Variance (NUV) Standards.**

When analyzing request #6, to waive zoning regulations requiring a 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the request is **incompatible**. Staff notes that the BU-2 zoning district requires a 5' high decorative masonry wall when abutting RU zoned properties; however, the existing IU-C zoning district does not have the same requirement. Staff opines that the wall provides a buffer that can mitigate visual and noise impacts from the proposed educational use. **As such, staff recommends denial without prejudice of request #6 under the Non-Use Variance (NUV) Standards.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts an existing office building with only one (1) ingress/egress point along NW 183 Street (Miami Gardens Drive). There are 247 parking spaces for the proposed private school and existing office uses.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Approval with conditions of requests #1 - #4 and denial without prejudice of requests #5 and #6.

CONDITIONS FOR APPROVAL: (for requests #1 - #4 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami Gardens Commons" as prepared by Gutierrez & Lorenzo Architects, dated stamped received, 03/21/2012 consisting of 6 sheets, except as herein modified to show the required 5' high masonry wall and removal of the additional tenant sign to show one sign per tenant.
3. That the use be established and maintained in accordance with the approved plan.
4. That at the time of Certificate of Use issuance and each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the administrator of the school detailing the number of students that are currently enrolled in said facility.
5. That the enrollment of the private school be limited to 907 students.

ES:MW:NN:CH:AN



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

NDN

ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
11-077

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Environmental Resources Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Business and Office	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial mannas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <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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ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
11-077

Institutions, Utilities and Communications (Pg. I-53)	Neighborhood or community-serving institutional uses , cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan
Land Use Element Policy LU-4A (Pg. I-11)	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.

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) 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 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.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered; (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development; (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida; (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction; (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.
33-311(A)(4)(b)	Upon appeal or direct application in specific cases, the Board shall hear and grant applications

ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
11-077

Non-Use Variances From Other Than Airport Regulations	<p>for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</p>								
33-151.14. – Private colleges and universities (a)	<p>Main campus requirements. Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities. Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," adopted pursuant to Resolution No. R-633-77.</p>								
33-151.18. - Physical standards(a, c & e)	<p>(a) Outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.</p> <p style="text-align: center;"><i>Minimum Standards for Outdoor Recreation Playground/Play Areas</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 50%; padding: 5px;">School categories</th> <th style="width: 50%; padding: 5px;">Required area</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Day nursery/kindergarten and preschool and after-school care</td> <td style="padding: 5px;">45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time</td> </tr> <tr> <td style="padding: 5px;">Elementary school (grades 1—6)</td> <td style="padding: 5px;">500 square feet per student for the first 30 students; thereafter, 300 square feet per student</td> </tr> <tr> <td style="padding: 5px;">Junior and senior high school (grades 7—12)</td> <td style="padding: 5px;">800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student</td> </tr> </tbody> </table> <p>(c) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.</p> <p>(e) Classroom size. All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:</p> <p>(1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.</p> <p>(2) Elementary (grades 1—6), 30 square feet per pupil.</p> <p>(3) Junior high and senior high (grades 7—12), 25 square feet per pupil.</p> <p>(4) Baby-sitting service, 22 square feet of room area per child.</p>	School categories	Required area	Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time	Elementary school (grades 1—6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student	Junior and senior high school (grades 7—12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student
School categories	Required area								
Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time								
Elementary school (grades 1—6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student								
Junior and senior high school (grades 7—12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student								

1. MIAMI GARDENS COMMONS, LLC
(Applicant)

12-6-CZ5-1 (11-077)
Area 05/District 01
Hearing Date: 10/25/12

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

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>
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None

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.

Memorandum

Date: July 25, 2012

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

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

Subject: C-05 #Z2011000077-1st Revision
Miami Gardens Commons, LLC
5901 Miami Gardens Drive
District Boundary Change from IU-C to BU-2 and to Waive the
Required 5' High Masonry Wall where a Business Lot Abuts a
Residentially Zoned Property from the Rear Property Line
(IU-C) (2.95 Acres)
12-52-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

The proposed District Boundary Zone change from IU-C to BU-2 will not affect the existing stormwater management system. However, any change to the existing stormwater management system will require a modification to the previously approved SFWMD ERP 13-02936-P-02.

Wetlands

Although the subject property is not located within a designated wetland basin, it does contain jurisdictional wetlands as defined by Section 24-5 of the Code. However, a Class IV Wetland Permit FW02-112 was issued for this property for the clearing and filling of 2.48 acres of jurisdictional wetlands for commercial purposes. The permit expired on June 26, 2009.

Therefore, the Department has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site. Any additional work in jurisdictional wetlands will require a new Class IV Wetland Permit.

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.

Operating Permits

Section 24-18 of the Code authorizes the Department to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Tree Preservation

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

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

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

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.

C-05 #Z2011000077

Miami Gardens Commons, LLC

Page 3

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PH# Z2011000077
CZAB - C05

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MIAMI GARDENS COMMONS, LLC

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", with a long horizontal flourish extending to the right.

Raul A Pino, P.L.S.

16-SEP-11

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY *me* AMOUNT OF FEE 2164.73

RECEIPT # _____

DATE HEARD: 6/28/12

BY CZAB # 5

RECEIVED
11.077
JUL 13 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *me*
DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z20111000077

Filed in the name of (Applicant) Miami Gardens Commons, LLC

Name of Appellant, if other than applicant c/o John R. Herin, Jr.

Address/Location of APPELLANT'S property:
5901 Miami Gardens Drive, Hialeah, Florida 33015

Application, or part of Application being Appealed (Explanation):
The entire Application. No competent substantial evidence of record existed for Community Council No. 5 to deny the Application.

Appellant (name): Miami Gardens Commons

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

APPELLANT MUST SIGN THIS PAGE

Date: 14 day of July, year: 2012

Signed _____

John R Herin, Jr. _____

Print Name

P.O. Box 2328
Fort Lauderdale, Florida 33303-9998

Mailing Address

(954) 761-8111

(954) 761-8112

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the _____ day of _____, year _____

Notary Public

(stamp/seal)

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Broward

Before me the undersigned authority, personally appeared John R. Herin, Jr.
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Rita Boughey
Signature

Rita Boughey
Print Name

Deborah E. Sabido
Signature

Deborah E. SABIDO
Print Name

[Signature]
Appellant's signature

John R. Herin, Jr.
Print Name

Sworn to and subscribed before me on the 7 day of July, year 2012.

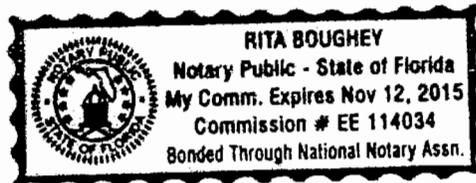
Appellant is personally know to me or has produced _____ as identification.

[Signature]
Notary

(Stamp/Seal)

Commission Expires:

[b:forms/affidapl.sam(9/08)]



RESOLUTION NO. CZAB5-5-12

WHEREAS, **MIAMI GARDENS COMMONS, LLC** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 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, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158

sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	aye
		Juan A. Garcia	nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of

sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources.

PASSED AND ADOPTED this 28th day of June, 2012.

Hearing No. 12-06-CZ5-1

ej

Memorandum



Date: August 11, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.N.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000077: Miami Gardens Commons, LLC

Application Name: Miami Gardens Commons, LLC

Project Location: The site is located at 5901 Miami Gardens Dr., Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from IU-C to BU-2. A non-use variance is requested to waive the requirement for a 5' high concrete masonry wall where the rear property line abuts residential property.

Impact and demand: The letter of intent specifies that the purpose of the district boundary change is for retail and office uses in an existing building. Therefore, it is assumed residential uses will not be included as a potential use. 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

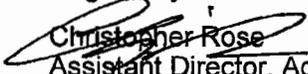
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: July 27, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: DIC # 11-077
Miami Gardens Commons, LLC

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

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #11-077
Miami Gardens Commons, LLC

Application: *Miami Gardens Commons, LLC* is requesting a district boundary change from Industrial District, conditional (IU-C) to Special Business District (BU-2) to allow for the site to accommodate an ITT Technical Institute. The applicant also requests non-use variances to waive requirements to build a wall at the rear of the property line; develop an outdoor recreation/ play area; address "auto stacking" or the dropping off and picking up of children that do not drive or use public transportation; and address a standardized classroom size.

Size: The subject property is approximately 2.958 acres.

Location: The subject property is located at 5901 Miami Gardens Drive, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

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

3. Recycling: Commercial Establishments

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

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: 27-JUL-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
Miami-Dade Fire Rescue Department
Subject: Z2011000077

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped July 6, 2011.

Service Impact/Demand

Development for the above Z2011000077
located at 5901 MIAMI GARDENS DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0098 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>48,455</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>24,227</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 17.85 alarms-annually.
The estimated average travel time is: 7:15 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 51 - Honey Hill - 4775 NW 199 Street Rescue

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped July 6, 2011. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 04-SEP-12
REVISION 2

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MIAMI GARDENS COMMONS, LLC

5901 MIAMI GARDENS DR, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC; No open cases. BNC: No bss cases opened/closed

Miami Gardens Commons, LLC

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

REPORTER NAME:

Memorandum



Date: May 11, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2011000077

Zoning Inspector: Frankie Rodriguez
Inspection date: May 11, 2012
Location: 5901 N.W. 183 St. (Miami Gardens Dr.)

The subject property has a three story office/retail building which is only occupied by three tenants all of which have been issued their Certificates of Use.

The landscape at the rear (north) property line of the subject property where the applicant is requesting the 5' high masonry wall to be waived as required where a business lot abuts a residentially zoned property is well maintained with green area with shrubs and trees. The abutting residential property has a chain link fence at the share rear property line of the subject property with a 6' well maintained ficus hedge with Queen palm trees.

No unauthorized uses were observed. Most of the vacant units will have to be built out to suit since the interior space is just a shell.

RECEIVED
211-877
JUL 06 2011

DISCLOSURE OF INTEREST*

RECEIVED

MIAMI-DADE COUNTY
PROCESS # 211-077
DATE MAR 26 2012
BY: DAH

if a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned. [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: MIAMI GARDENS COMMUNITY, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Fernando Sanchez</u>	<u>100%</u>
<u>18306 NW 62nd AVE #300</u>	
<u>Miracle, FL 33015</u>	

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

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

NAME OF PURCHASER: _____

MIAMI-DADE COUNTY
NOTICE OF PUBLIC HEARING AND OFFICE (if applicable)

Percentage of Interest

DATE: MAR 21 2012
BY: DAH

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311-077
JUL 06 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

Date of contract: _____

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

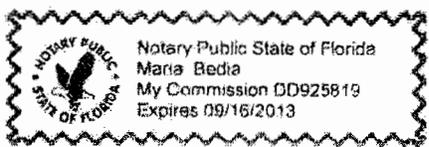
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 24 day of May, 20 11. Affiant is personally know to me or has produced Know to me as identification.

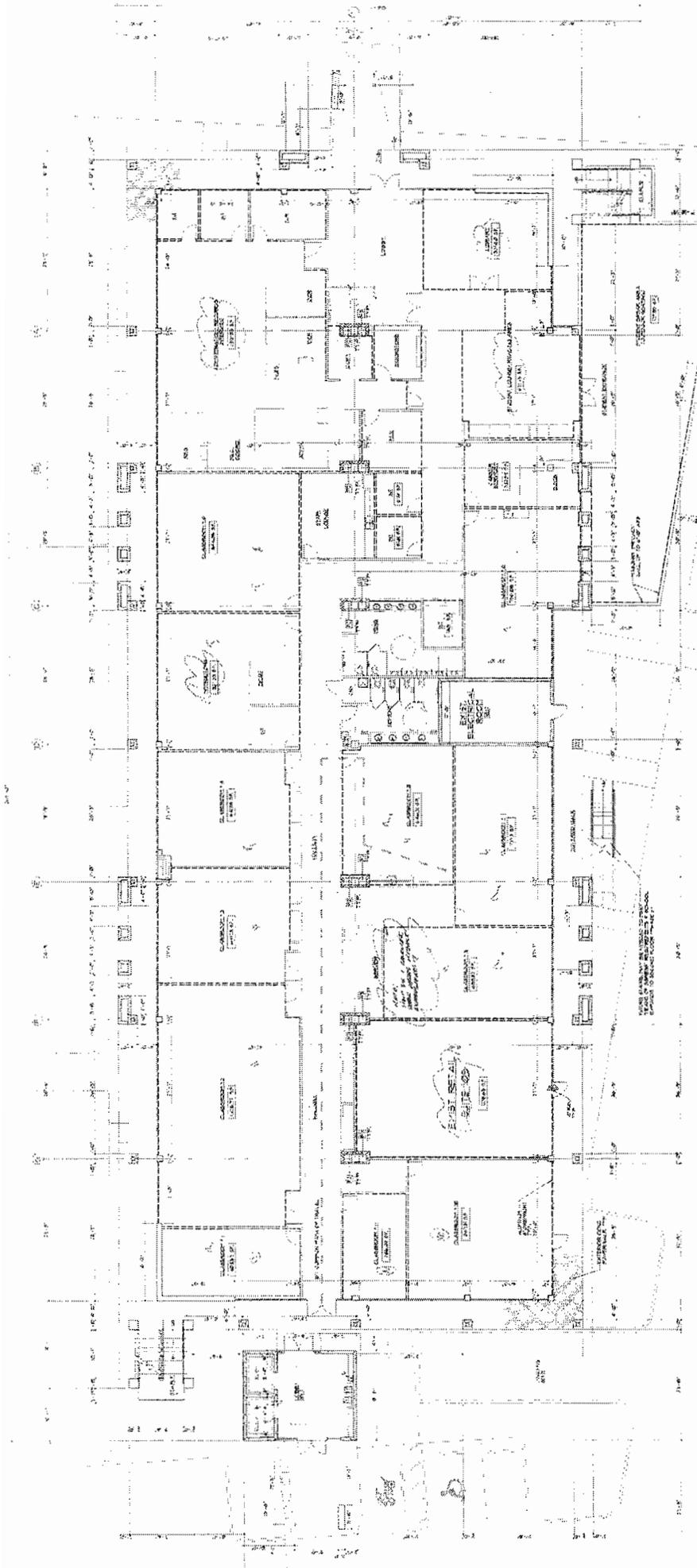
Maria Bedia
(Notary Public)



My commission expires: 9/16/13

Seal

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



1ST FLOOR PLAN (PHASE II.A)

PIPE SPINKER NOTES

1. ALL PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE MFG. INSTRUCTIONS AND THE APPROPRIATE CODES.

2. ALL PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE MFG. INSTRUCTIONS AND THE APPROPRIATE CODES.

3. ALL PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE MFG. INSTRUCTIONS AND THE APPROPRIATE CODES.



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 MAR 2 1 2012

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

FIRST FLOOR AREA CALCULATIONS

DESCRIPTION	AREA	CLADDING AREA	NET AREA	GROSS AREA	PERCENTAGE
RESTAURANT	10,000	10,000	10,000	10,000	100%
RETAIL	5,000	5,000	5,000	5,000	100%
OFFICE	15,000	15,000	15,000	15,000	100%
STAIRS	1,000	1,000	1,000	1,000	100%
ELEVATOR	500	500	500	500	100%
MECHANICAL	1,000	1,000	1,000	1,000	100%
TOTAL	32,500	32,500	32,500	32,500	100%

DATE: 03/01/12
 SHEET: A-1.1
 OF: 1

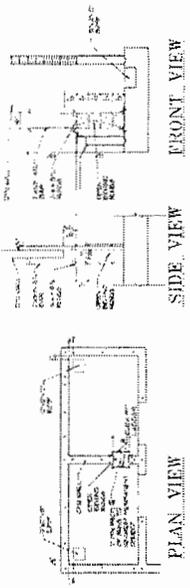
PROJECT TITLE:
 MIAMI GARDEN COMMONS

PROPOSED PRIVATE SCHOOL/EDUCATIONAL FACILITY AT:
MIAMI GARDEN COMMONS
 8001 MIAMI GARDENS DRIVE
 MIAMI, MIAMI DADE COUNTY, FL.

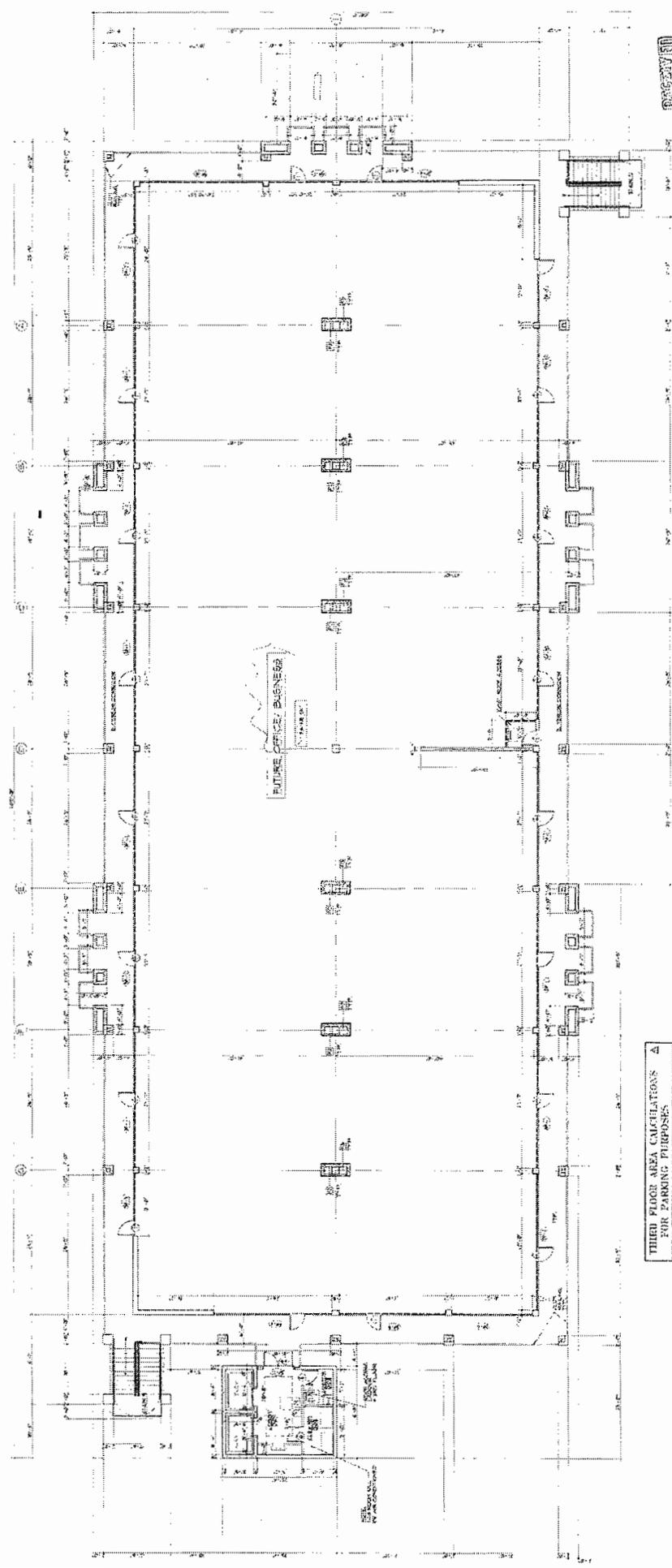
DATE: 03/01/12
 SCALE: 1/8" = 1'-0"
 DRAWN BY: [Name]
 CHECKED BY: [Name]

GUTIERREZ & LOZANO ARCHITECTS
 1000 BAYVIEW BLVD., SUITE 1000
 MIAMI, FL 33134
 TEL: 305.371.1234
 FAX: 305.371.1235
 WWW.GLOZANO.COM





ELEVATOR PIT LADDER



THIRD FLOOR AREA CALCULATIONS
FOR PARKING PURPOSES

DATE	BY	SCALE

RECEIVED
MAR 21 2012

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



GUTIERREZ & LOZANO ARCHITECTS
1001 MIAMI GARDENS DRIVE
MIAMI, FL 33136

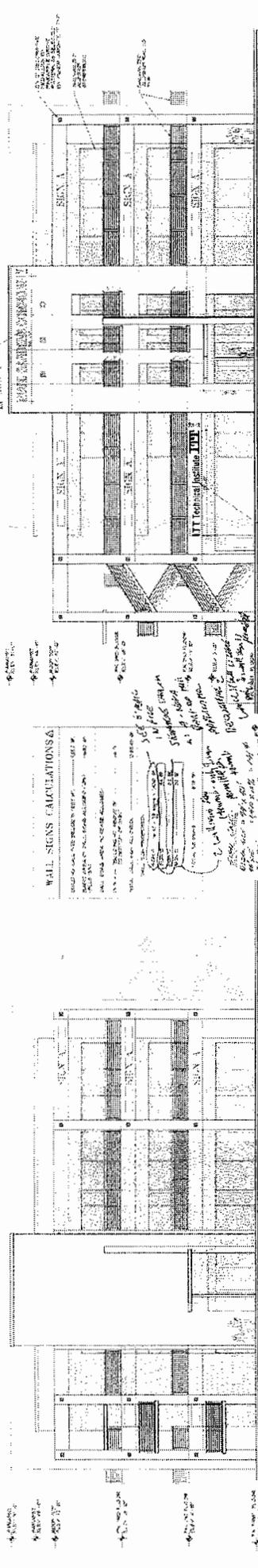
PROPOSED PROJECT: MIAMI GARDENS COMMONS
PROJECT NO.: 12-0000000-0000

DATE: 03/15/12
SCALE: AS SHOWN

PROPOSED PROJECT: MIAMI GARDENS COMMONS
PROJECT NO.: 12-0000000-0000
DATE: 03/15/12
SCALE: AS SHOWN

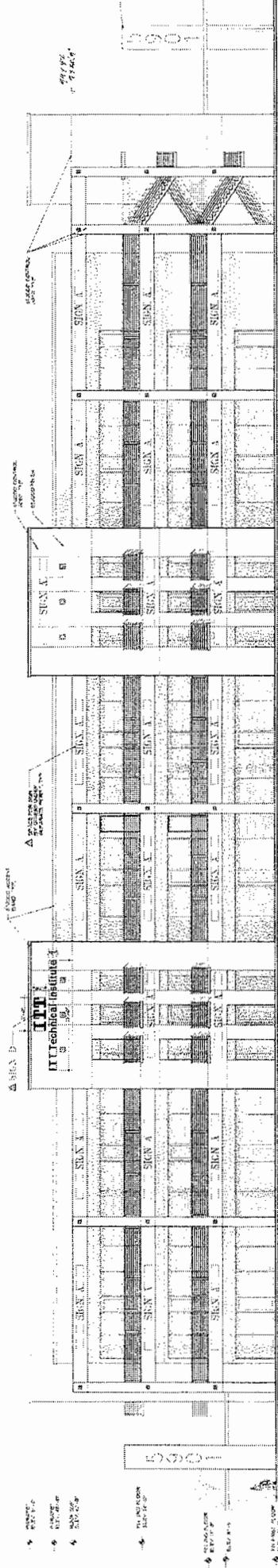
SHEET TITLE: MIAMI GARDENS COMMONS

JOB NO.: 12-0000000-0000
DATE: 03/15/12
SHEET: A-1.3
OF: 13

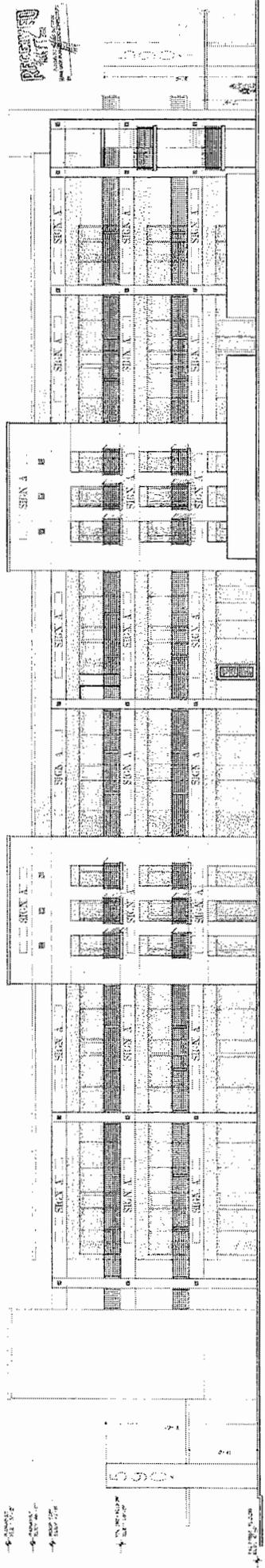


NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

RECEIVED
 MAR 21 2012

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



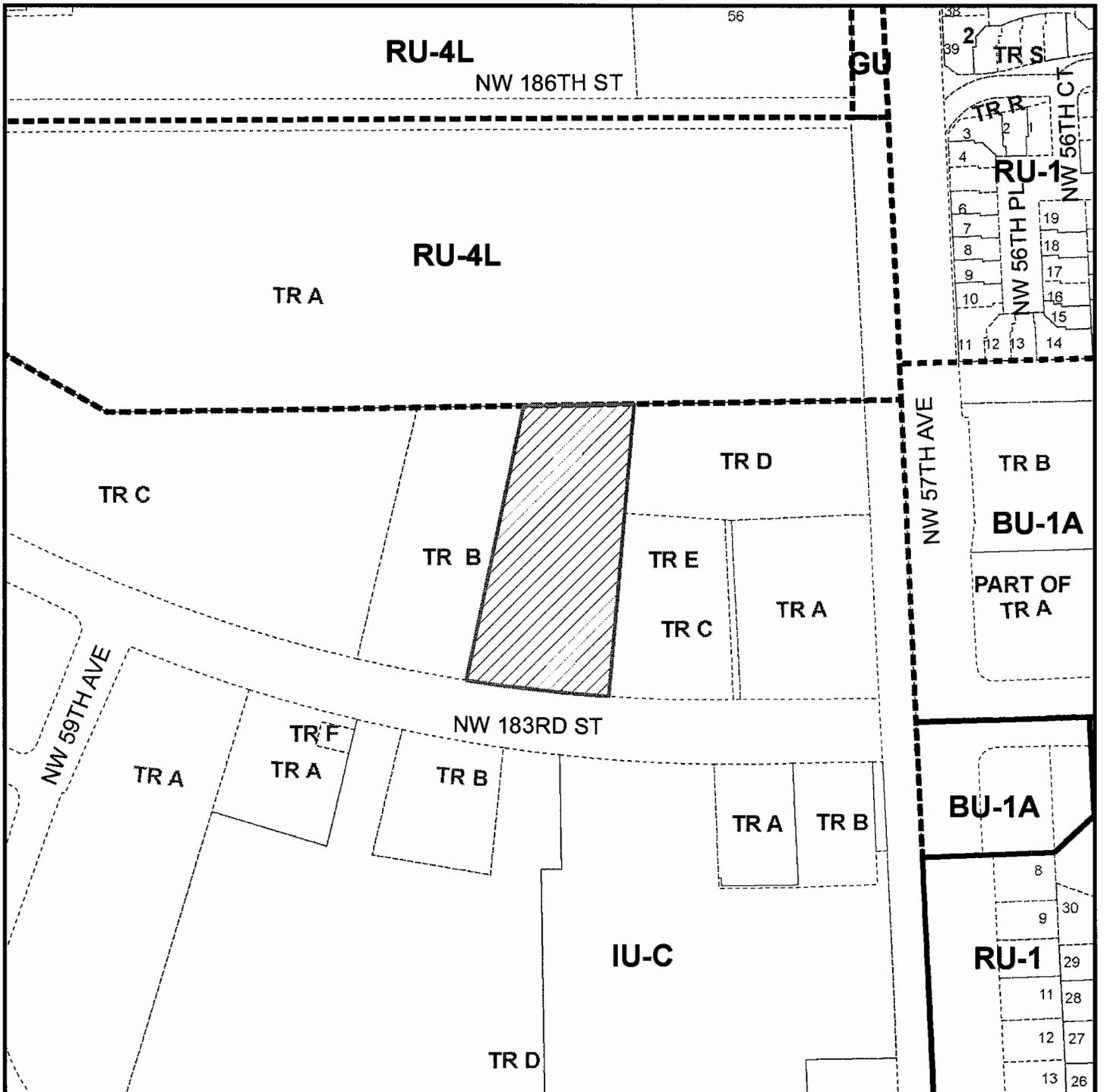
GUTIERREZ & LOZANO ARCHITECTS
 1000 S.W. 15TH AVENUE, SUITE 200
 MIAMI, FL 33135
 TEL: 305.375.1111 FAX: 305.375.1112



PROPOSED PRIVATE VEHICULAR/PEDESTRIAN FACILITY AT
MIAMI GARDEN COMMONS
 3801 MIAMI GARDENS DRIVE
 MIAMI, MIAMI DADE COUNTY, FL

SHEET TITLE:
 14 x 11
 SCALE: 1/8" = 1'-0"

DWG. NO.:
 DATE: 02/14/12
 SHEET
A-1.4
 OF



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000077

Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS



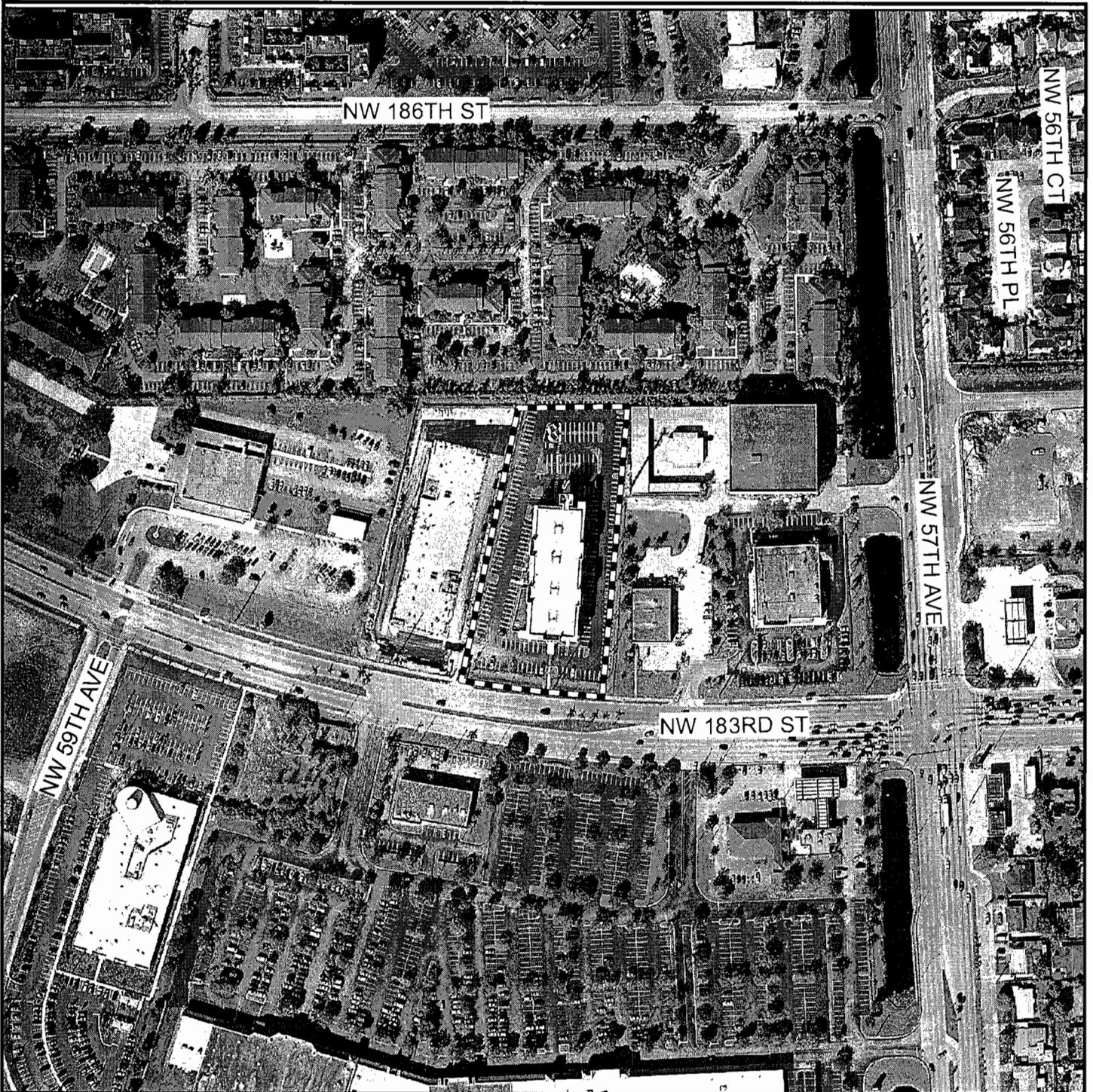
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		35



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000077



Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS

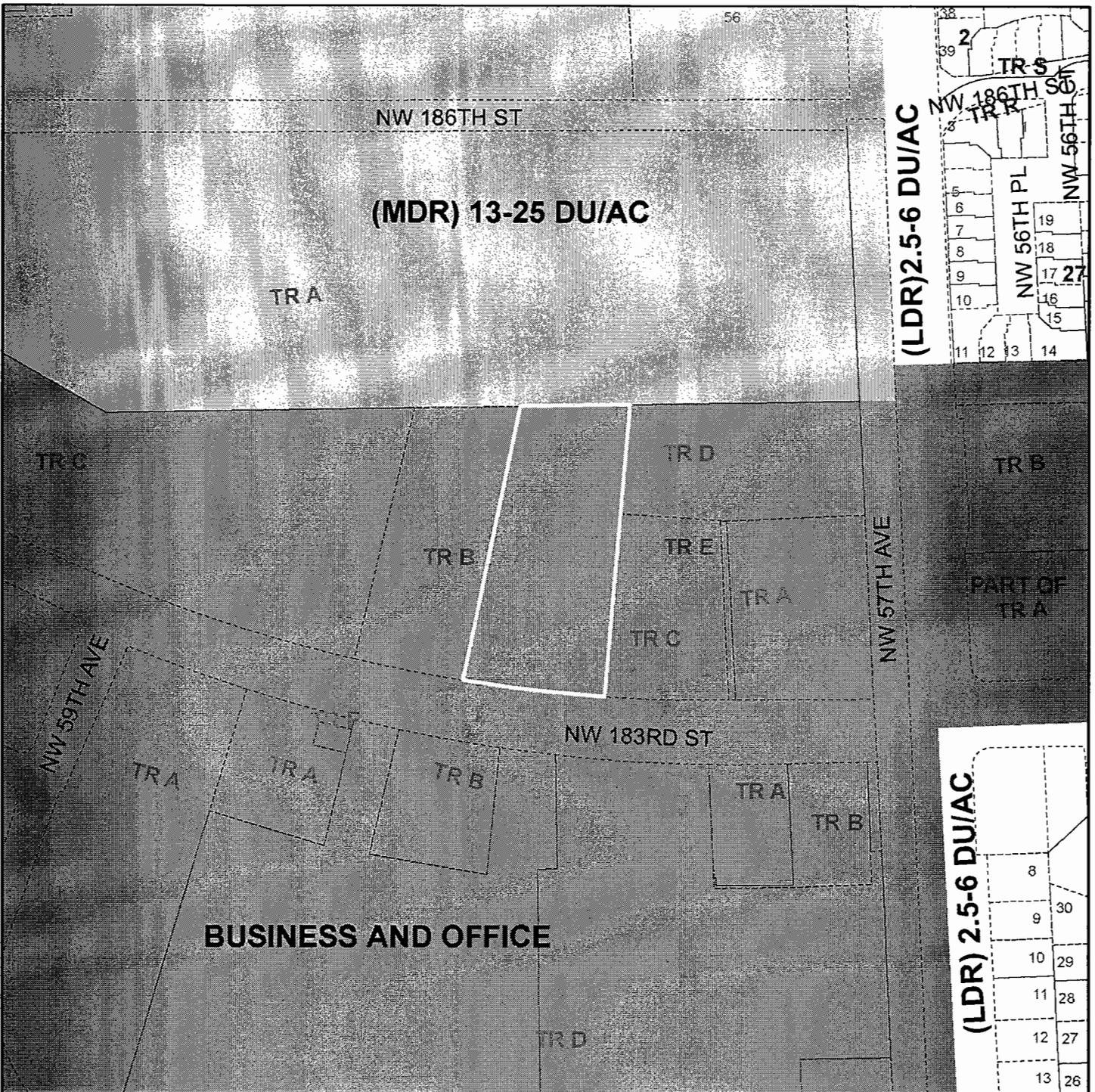
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		36



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000077



Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

Subject Property Case



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY