

FINAL AGENDA

6-4-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 5
NORMA & JEAN REACH PARK
7901 NW 176 Street, Miami
Thursday, July 11, 2013 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|------------|---|--------|----------|---|
| 1. | 13-7-CZ5-1 | <u>FAMILY PAINTBALL CENTER, LLC ET AL</u> | 12-79 | 03-54-39 | N |
| 2. | 13-7-CZ5-2 | <u>TARGET CORPORATION</u> | 12-154 | 03-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, JULY 11, 2013

NORMA & JEAN REACH PARK

7901 NW 176 STREET, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

2. **TARGET CORPORATION 13-7-CZ5-2 (12-154)**

3-54-39
Area 5/Dist. 12

REQUEST #1 ON PARCEL "1"

- (1) USE VARIANCE to permit an access drive in a GU zoned parcel to serve a BU zoned parcel as would be permitted in a BU zoned parcel.

REQUESTS #2 - #4 ON PARCEL "2"

- (2) DELETION of Paragraph No. 1 of the Declaration of Restrictions recorded in Official Records Book 28300 Page 2562, reading as follows:

"1. **Administrative Site Plan Approval.** Prior to the issuance of a building permit for the construction of any vertical improvements on the Property, the Owner shall submit for approval an application for administrative site plan review (ASPR) to the Zoning Hearings Section. Prior to the issuance of a building permit for the construction of any vertical improvements on the Property, the Owner shall obtain approval of the ASPR. This condition shall not preclude the issuance of other permits (other than a foundation permit), such as, but not limited to, fence permits to secure the perimeter of the Property and zoning improvement permits to allow site work activities."

The purpose of request #2 is to remove the requirement of submitting plans to be reviewed through the ASPR process.

- (3) NON-USE VARIANCE to waive the required minimum 5' high CBS wall between the GU and BU zone district.
- (4) NON-USE VARIANCE to waive the required 6' high wall, fence or hedge within a minimum 5' wide landscape buffer between dissimilar land uses along west and north property lines.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Target" as prepared by CPH, dated stamped received 12/19/12 and landscape plans dated stamped received 5/23/13 all consisting of 14 pages. Plans may be modified at public hearing.

LOCATION: Northwest corner of SW 8 Street and SW 137 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 30 Acres

Department of Regulatory and
Economic Resources

Recommendation:

Denial without prejudice of requests #1 and
#4 and approval with conditions of requests
#2 and #3.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD
NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL
CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS
BEING CONTEMPLATED.

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

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5**

PH: Z12-079(13-7-CZ5-1)

July 11, 2013

Item No. 1

Recommendation Summary	
Commission District	12
Applicants	Family Paintball Center, LLC, et al.
Summary of Requests	The applicants are seeking to delete a previously approved plan in order to subdivide a tract of land into two (2) parcels and to permit a private recreational outdoor facility.
Location	The northwest corner of NW 137 Avenue and theoretical NW 2 Street, Miami-Dade County, Florida.
Property Size	5.02-acres
Existing Zoning	IU-1, Light Industrial Manufacturing District
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Industrial 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(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

REQUESTS #1 AND #2 ON PARCELS #1 & #2

- (1) VACATION of a lake excavation request approved pursuant to Resolution CZAB5-3-09, passed and adopted by Community Zoning Appeals Board #5.
- (2) DELETION of plans approved pursuant to Resolution CZAB5-3-09, passed and adopted by Community Zoning Appeals Board #5.

The purpose of Requests #1 and #2 is to vacate a previously approved lake excavation and to delete an approved plan showing a proposed lake in order to submit revised plans showing the paintball facility on the northern half of the site and to permit the southern half of the site to comply with the underlying zoning district requirements.

REQUESTS #3 & #4 ON PARCEL 1 ONLY

- (3) UNUSUAL USE to permit a private recreational facility to wit: a proposed outdoor paintball facility.
- (4) NON-USE VARIANCE to permit 12' high metal poles (maximum 8' high permitted) with netting material.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "A Site Plan for Family Paintball Center" as prepared Orlando Perez Jr., Architect, sheets A-1 & L-1 dated stamped received 8/22/12, all other sheets dated stamped received 6/5/12, for a total of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

The entire subject property was rezoned to IU-1, Light Industrial District pursuant to Resolution #CZAB5-3-09. Said resolution also allowed a lake excavation on the entire parcel. The applicants are now seeking to vacate a portion of the prior resolution pertaining to the lake excavation, to delete the lake plans, and to permit a private recreational paintball facility on the north parcel. The submitted plans depict the proposed recreational facility on Parcel 1, the northern 2.51-acre portion of the subject property, with a 16,000 sq. ft. water retention area.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-1; vacant	Industrial and Office
North	IU-1;vacant	Industrial and Office
South	GU; vacant	Industrial and Office
East	RU-1; single-family residences	Low Density Residential, 2.5 - 6 dua
West	GU; vacant	Open Land

NEIGHBORHOOD COMPATIBILITY:

The subject property is a vacant 5.02-acre tract that abuts vacant parcels to the north, west, and south. Single-family residences are located on the east side of the 80' wide section line roadway NW 137 Avenue. Additionally, property abuts the Urban Development Boundary (UDB) which runs along the rear (west) property line of the subject parcel. The vacant parcel to the north is zoned IU-1 similar to the zoning on the entire subject property. However, staff notes that Parcel 2 is currently a part of the application and will become the abutting parcel to the south if the application is approved. Therefore, in staff's opinion, if the application is approved as requested, the properties to the north and south can be developed with industrial uses based on the current zoning and the designation on the CDMP LUP map.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to provide the community with additional recreational facilities and release the parcels from the requirement to develop the parcels with a lake. However, the intensification of the uses will create additional impact on traffic in this area and the increased pole height could have a visual impact on the residences to the east and the abutting properties to the north, south and west.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated for **Industrial and Office** use on the CDMP Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities,*

warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations.

The applicants seek to delete plans approved pursuant to a resolution for a larger tract of land in order to permit a recreational paintball facility on a portion of the parcel with variances to the pole height regulations for the zoning district. Staff notes that the properties located to the east of NW 137 Avenue are primarily developed with residences. Staff opines, based on the analysis below, that the revised site plan is **compatible** with the surrounding area based on compatibility criteria set forth in the **Land Use Element Policy LU-4A** which 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.* The submitted plans for the proposed recreational facility indicate that the playfield on which the more intensive activities will be located are setback 99' from the front (east) property line. This property line fronts onto NW 137 Avenue which is approximately 120' wide and a section line right-of-way. Said playfields are oriented towards the west of the property abutting the vacant parcels that are designated Open Land on the CDMP Land Use Plan maps. Additionally, the front setback areas contain landscaped areas that contain a continuous row of Oak, Mahogany and Buttonwood trees that will visually buffer the paintball activities from the residences located to the east. Further, the applicants are requesting approval of proposed 12' high poles and netting around the entire playground areas which in staff's opinion will mitigate any negative visual or noise impacts on the residences to the east. As such, staff opines that approval of the application would be **compatible** with the surrounding area based on the criteria set forth in CDMP **Policy LU-4A** and **consistent** with the CDMP, the adopted interpretative text and the LUP map Industrial and Office designation for the entire subject property.

ZONING ANALYSIS:

When requests #1 and #2 to vacate the portion of a resolution pertaining to the lake excavation and delete the lake plans on both parcels, Parcel #1 and #2, are analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of these requests would be **compatible** with the area when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned. Based on the memoranda from the Departments reviewing the application, and for the reasons stated above, staff opines that approval of requests #1 and #2 will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. Staff, therefore, opines that approval of the applicants' request to vacate the lake excavation approved pursuant to Resolution #CZAB5-03-09 (request #1) as well as the plans approved pursuant to said resolution (request #2) will be **compatible** with the area for the reasons that are further explained below. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) Generalized Modification Standards.**

When analyzing request #3 to permit the private recreational facility under Section 33-311(A)(3), Standards For Special Exceptions, **Unusual Uses**, staff is of the opinion that, for the reasons explained below, approval of this request would be **compatible** with the residential properties to the east and the vacant parcels to the north, south and west. Further, staff opines that the proposed recreational paintball facility will not result in excessive traffic as evidenced by the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) which states that the application meets the traffic concurrency criteria. Said memorandum also indicates that the development will generate **10 PM** daily peak hour vehicle trips that do not exceed the acceptable Level of Service (LOS) of NW 12 Street, NW 117 Avenue, SW 137 Avenue and the Tamiami Trail which operate at LOS B and C. However, its memorandum indicates that the property will require platting in accordance with Chapter 28 of the Code. The Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources indicates in its memorandum that approval meets all LOS standards for an initial development order and that the application has been approved for concurrency subject to the comments and conditions outlined therein. Additionally the memorandum from the Miami-Dade Fire Rescue Department (MDFRD) indicates that there will be no significant impact on MDFRD services in this area. Based on the aforementioned department memoranda, staff opines that the requests will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development.

Staff notes that the proposed facility is designed with features that will mitigate the impact on the residential uses to the east. The proposed development of the site for the recreational paintball facility will be setback 99' from the front (east) property line which abuts a 120' wide section line right-of-way. Said plans also indicate substantial buffering within the front setback area and a 12' high mesh fencing around the playground areas that is the subject of request #4 and of which staff is supportive for reasons to be explained later. However, due to the proximity to the residential development to the east, staff recommends the intensity of the recreational uses on the Parcel 1 be restricted to prevent any negative aural impact on the residences or other components to the development that could create other hazards to the surrounding area. Staff therefore recommends as conditions for approval of the recreational facility (1) that alcohol sales be prohibited, (2) that no outdoor speakers be allowed, (3) that no spillage of light outside the facility be permitted, and (4) that the hours of operation be restricted. As such, staff opines that the approval with conditions of request #3 will not have a negative visual or aural impact on the residential developments located to the east that would be most impacted by this development. **Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

The applicants also seek approval of a variance to permit 12' high metal poles (8' maximum permitted) with netting material (request #4) under Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations. Staff opines that the 12' high metal poles and netting could have a visual impact on the abutting parcels to the north, south and west. Staff notes, however, that the property to the north is zoned IU-1 like Parcel 1 on which the paintball facility will be located. Parcel 2 is currently a part of the application and will become the abutting parcel to the south if the application is approved. The IU-1 zoning district allows uses such as electric substations, dry cleaning and dyeing plants, fertilizer storage, lumber yards, metallizing processing and other uses that could be more intensive than the proposed paintball facility use. Staff, therefore, opines that visual impact of the excessive height will be less

intensive than the impacts that could result from the other IU-1 uses on the abutting parcels to the north and south of Parcel 1. In addition, said plans also indicate sufficient landscaping in the form of hedges and trees along the west, south and north property lines which staff opines will mitigate any negative visual impact on the surrounding properties.

In addition, although the proposed pole and netting would be visible from the residences located to the east, the location of the play areas around which the netting would be placed is adequately spaced from the residences. Therefore, staff opines that any negative visual impact would be minimal. Further, staff notes that the submitted plans indicate that there will be adequate landscaping in the form of a landscape buffer area within the front (east) setback area consisting of at least fourteen (14) trees and hedges that will mitigate any negative visual impact from the over-height fence and netting. Staff, therefore, opines that approval of this request will be **compatible** with the surrounding area and will not be out of character with same. **Based on the foregoing analysis, staff recommends approval with conditions of request #4 under Section 33-311(A)(4)(b) Non-Use Variances From Other than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted site plans indicate access to the site through an ingress/egress drive along NW 137 Avenue and adequate parking on-site for the proposed recreational facility.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

FOR PARCEL 1 ONLY

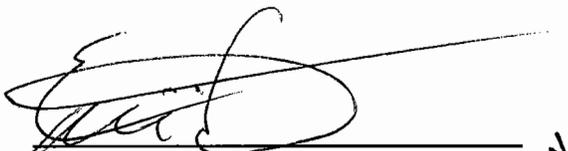
1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "A Site Plan for Family Paintball Center" as prepared Orlando Perez Jr., Architect, sheets A-1 & L-1 dated stamped received 8/22/12, all other sheets dated stamped received 6/5/12, for a total of 6 sheets.
3. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
4. That the applicants obtain a Certificate of Use for the recreational paintball facility from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

5. That the landscaping indicated on the plans be installed prior to the issue of Certificate of Use for the facility.
6. That the use be established and maintained in accordance with the approved plan.
7. That the use of outdoor speakers in connection with the private recreational outdoor paintball facility be prohibited.
8. That no alcohol sales or consumption be permitted on the subject property or in connection with the private recreational outdoor paintball facility.
9. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that the outdoor lighting installation shall not be used until a compliance letter from a registered engineer or architect is provided.

FOR PARCELS 1 AND 2

10. That the applicants comply with all applicable conditions and requirements of the Platting and Traffic Review Section and the Division of Environmental Resource Management of the Miami-Dade County Department of Regulatory and Economic Resources.

ES:MW:NN:AN:CH



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

NDN

ZONING RECOMMENDATION ADDENDUM

*Family Paintball Center, LLC Et Al
PH: Z12-079*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No comment</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Industrial and Office <i>(Pg. I-39)</i>	<p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p>
Objective LU-4 <i>(Pg. I-11)</i>	<p><i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses.	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals</i></p>
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ZONING RECOMMENDATION ADDENDUM

Family Paintball Center, LLC Et Al

PH: Z12-079

	<p><i>Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i></p>

1. FAMILY PAINTBALL CENTER, LLC & ET. AL.
(Applicant)

13-7-CZ5-1 (12-079)
Area 05/District 12
Hearing Date: 07/11/13

Property Owner (if different from applicant) **Mildred & Alcedes Morgado & Tuya LLC.**

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

If so, who are the interested parties? **Family Paintball Center, LLC**

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>
2009	Alcides & Anely Morgado ET, AL	- Zone change from GU to IU-1. - Unusual Use to permit a lake excavation.	C05	Approved with condition(s)

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

Memorandum



Date: March 18, 2013

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

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

Subject: #Z2012000079-1st Revision
Gloria Velazquez
West side of NW 137th Avenue, north of Theoretical NW 2nd Street
Unusual Use to Permit a Proposed Outdoor Paintball Facility
(IU-1) (2.51 Acres)
03-54-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

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 Supply and Wastewater Disposal

Public water and public sanitary sewer systems are not located within feasible distance for connection to the subject property.

The proposed use is considered an unusual use. Section 24-43.1(b)(viii) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, plating action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main.

Inasmuch as the above-noted request did not comply with the noted Code Section, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system. In addition, a minimum separation distance of 100 feet is required from septic tank drainfields, from all surface waters and from any other source of contamination.

Since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

Based on the Water Control letter dated April 9, 2012, a payment into the Stormwater Compensating Trust Fund, based on fee schedule of 33.25% of appraised market value, will be required.

The site shall be filled to Miami-Dade County Flood Criteria, with a minimum low point set at elevation +7.2 feet NGVD, or half a foot below adjacent back of sidewalk or crown of road, whichever is higher.

A berm with minimum elevation of +8.4 feet NGVD (100-year/3-day storm stage) along the property lines or equivalent grading to match the required berm elevation shall be provided at all roadway entrances.

Pollution Remediation

On September 4, 2012, the applicant submitted analytical results from water samples taken from an existing monitoring well that exceeded groundwater cleanup target levels established in the Code. Based on the results and historical use of the property, the applicant will be required to submit a Site Assessment Report (SAR).

On November 15, 2012, DERM staff collected soil samples at the subject property. The results revealed levels of soil contaminants above the cleanup target levels on a portion of the property. The applicant has agreed to install a DERM approved engineering control to eliminate human exposure to soil prior to operation of the business.

Wetlands

The subject property lies within the North Trail Wetland Basin, which is a wetland area as defined by Section 24-5 of the Code. The subject zoning application is for the northern portion of this site (2.51 acres). Class IV Wetland Permit FW86-047A was issued for the northern 2.51 acres of the parcel, this permit authorized the after-the-fact filling of 2.01 acres and excavation of 0.50 acres of wetlands for a light industrial facility. This permit is scheduled to expire on October 29, 2013.

This Section has no objection to the scheduling of this zoning application provided that the Class IV Wetland Permit FW86-047A is transferred to the new property owner and modified for the new land use and site plans prior to any development orders.

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

Tree Preservation

Be advised that any wetland resources will be regulated through Class IV Wetland Permit FW86-047A. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for

potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: FAMILY PAINTBALL CENTER, LLC

This Department has no objections to this application.

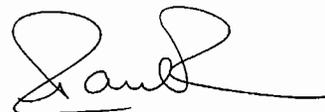
Additional improvements may be required at time of platting.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 10 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9365	NW 12 St. w/o NW 117 Ave.	B	B
9798	SW 137 Ave. n/o Tamiami Trail	C	C

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



Raul A Pino, P.L.S.

11-SEP-12

Memorandum



Date: July 16, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: Z2012000079: FAMILY PAINTBALL CENTER, LLC

Application Name: FAMILY PAINTBALL CENTER, LLC

Project Location: The site is located at the WEST SIDE OF NW 137 AVE NORTH OF THEORETICAL NW 2 STREET, Miami-Dade County.

Proposed Development: The applicant is requesting an unusual use and associated non-use variances to permit a paintball facility.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



Memorandum

Date: 13-SEP-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000079

Fire Prevention Unit:

APPROVAL
 No objection via Case Z2012000079.

Service Impact/Demand

Development for the above Z2012000079
 located at WEST SIDE OF NW 137 AVE NORTH OF THEORETICAL NW 2 STREET, MIAMI-DADE COUNTY,
 FLORIDA.

in Police Grid 1284 is proposed as the following:

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

Based on this development information, estimated service impact is: 8.0 alarms-annually.
 The estimated average travel time is: 6:22 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 58 - Tamiami - 12700 SW 6 Street.
 Rescue, ALS engine.

Planned Service Expansions:

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

Fire Planning Additional Comments

Unusual use. Service impact estimated based on similar cases.

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

DATE: 16-JUL-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

FAMILY PAINTBALL CENTER, LLC

WEST SIDE OF NW 137 AVE
NORTH OF THEORETICAL NW 2
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2012000079

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS
CASES.

BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REUGULATIONS
CASES.

FAMILY PAINTBALL CENTER, LLC

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: FAMILY PAINTBALL CENTER LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ADOLFO BETANCOURT</u>	<u>50%</u>
<u>JENNIFER BETANCOURT</u>	<u>50%</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>
_____	_____
_____	_____
_____	_____
_____	_____

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#12-019
JUN 05 2012

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

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

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

NAME OF PURCHASER: FAMILY PAINTBALL CENTER LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

ADOLFO BETANCOURT 1040 NW 136TH AVENUE
MIAMI FL 33134

50%

JENNIFER BETANCOURT 1040 NW 136TH AVENUE
MIAMI FL 33134

50%

Date of contract: _____

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

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2/2-019
JUN 05 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

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

Signature: _____
(Applicant) PRESIDENT

Sworn to and subscribed before me this 4th day of JUNE, 2012. Affiant is personally know to me or has produced _____ as identification.

Esther Quintero
(Notary Public)
ESTHER QUINTERO
MY COMMISSION # DD988652
EXPIRES April 11, 2014
(407) 398-0153 FloridaNotaryService.com

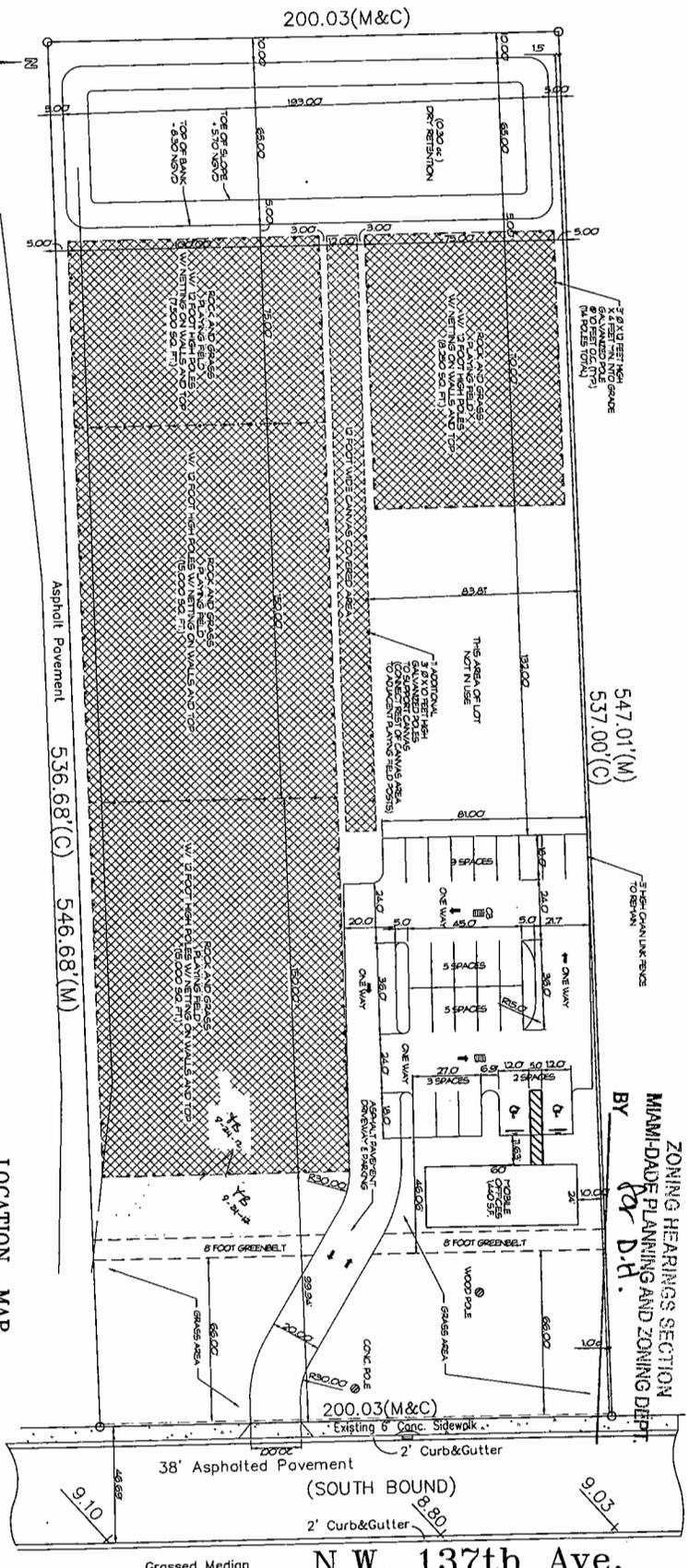
Notary

My commission expires: _____ Seal

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

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 218-079
 AUG 22 2012

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



SITE PLAN
 SCALE: 1"=20'

LEGAL DESCRIPTION

E HEREBY CERTIFY THAT THERE ARE NO EXISTING STRUCTURES, UTILITIES, PROPERTY RIGHTS, DEDICATIONS OR EASEMENTS OF RECORDS ON THE LAND DESCRIBED HEREON OTHER THAN SHOWN OR NOTED AND THAT THE NUMBER, PLAT AND BOUNDARY SURVEY MAPS AND RECORDS REFERRED TO IN THIS PLAN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ALSO THAT THIS TITLE PLAN AND BOUNDARY SURVEY CONFORMS TO THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND SURVEYS, PLUANT SECTION 412.021, OF THE FLORIDA STATUTES AND TO CHAPTER 358 OF THE FLORIDA ADMINISTRATIVE CODE.

ZONING LEGEND

ZONING CLASSIFICATION: U-1, GU
 BUILDING HEIGHT: N/A

LOT AREA: 2.51 ACRES +/- 109,336 SQ. FT. - 16,000 RETENTION AREA
 LOT AREA: 53,336 SQ. FT.

WAREHOUSE AREA: N/A
 OFFICE AREA: 1,440 SQ. FT.
 UNUSUAL AREA: N/A

TOTAL LOT COVERAGE: 1,440 SF (13.4%)

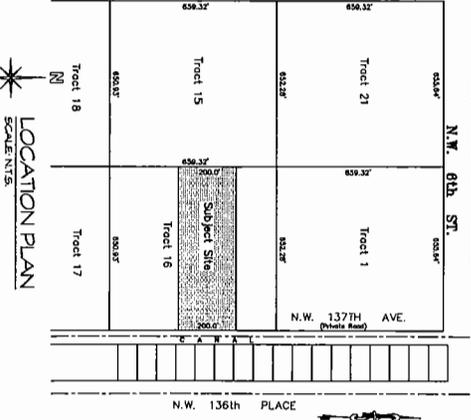
PARKING REQUIREMENT

WAREHOUSE W/200 SF: N/A
 OFFICE W/200 SF: 4.8 * 5 SPACES

TOTAL PARKING REQUIRED: 5 SPACES
 60 PERSONS @ 1 SPACE/4 PERSON = 15 SPACES
 TOTAL PARKING PROVIDED: 24 SPACES / OK

SETBACKS

FRONT PROPERTY LINE	REQUIRED	PROVIDED
FRONT PROPERTY LINE	20'	N/A
LEFT SIDE PROPERTY LINE	5'	N/A
INT. SIDE PROPERTY LINE	5'	10'
REAR PROPERTY LINE	5'	N/A



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 AUG 22 2012

ORLANDO PEREZ, JR.
 ARCHITECT
 12505 SW 137 AVE, STE 104, MIAMI, FLORIDA 33186
 E-MAIL: orp@architectp.com

305-971-0052

DRAWN BY: _____ DATE: _____
 REV. No. REVISION DESCRIPTION DATE

A SITE PLAN FOR
 FAMILY PAINTBALL CENTER
 5XX NW 137 AVE, MIAMI
 FLORIDA 33182

00014354

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PLANNING NOTES

- (See plant specification and details for additional standards)
- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants
- Soil is to be grade "X" weed free.
- All areas marked "X" shall be solid seeded with St. Augustine "Peanut" seed and Sod Watered in place. Sod to be 12" x 12" x 1/2" thick and 1/2" deep.
- All plants are to be dressed with a minimum 3" layer of Heliconia mulch.
- Planting plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Engineer. Additions and / or deletions to the plant material must be approved by the project engineer.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verifications for 100% sod and coverage for all areas specified.
- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.
- All lawn located in parking stands is to be set high with top of curb. Provide adequate soil to within 3" of top of curb.
- Treat one to be planted within parking stands other soil is brought up to grade. Deeply set root balls are not acceptable.
- Planting soil for topsoil and backfill shall be 50/50 mix.
- Planting soil for sod to be compacted to 95% Proctor.
- Post 1970s soil to be compacted to 95% Proctor.
- Post 1970s soil to be compacted to 95% Proctor.

GENERAL NOTES

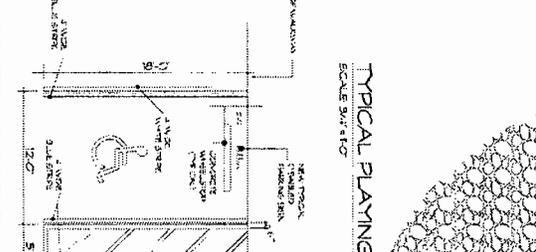
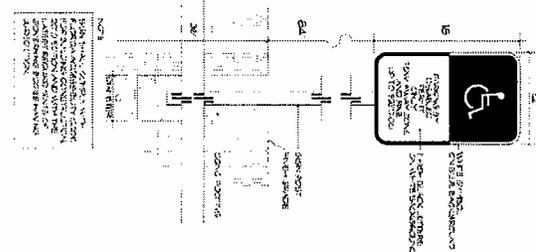
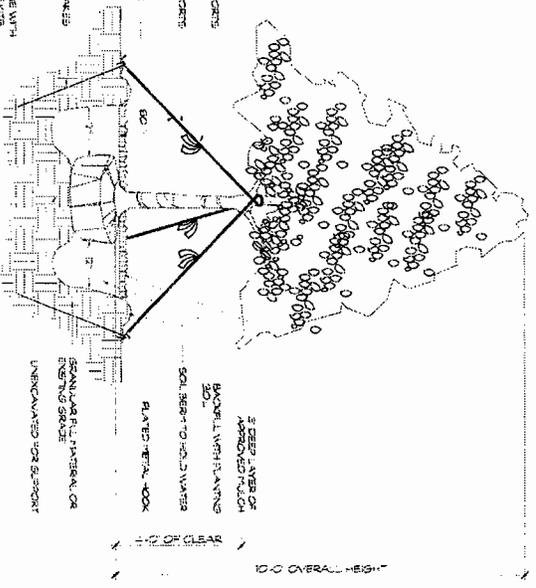
- The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to beginning work. Verify all utilities are properly marked and tagged during installation.
- All underground and unmarked tree pits are to be properly marked and tagged during installation.
- All planting plans are to be brought to the attention of the Architect for verification prior to installation.

- 1. SEE DRAWINGS FOR ALL DIMENSIONS
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
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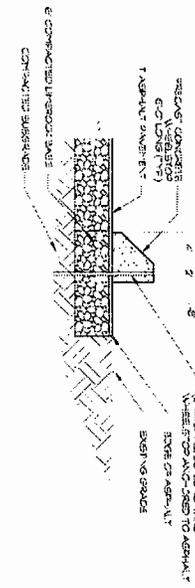
TREE PLANTING DETAIL
SCALE: TREES UP TO 6" DIA.

TYPICAL DISABLED PARKING SIGN
SCALE: SIGN UP TO 6" DIA.

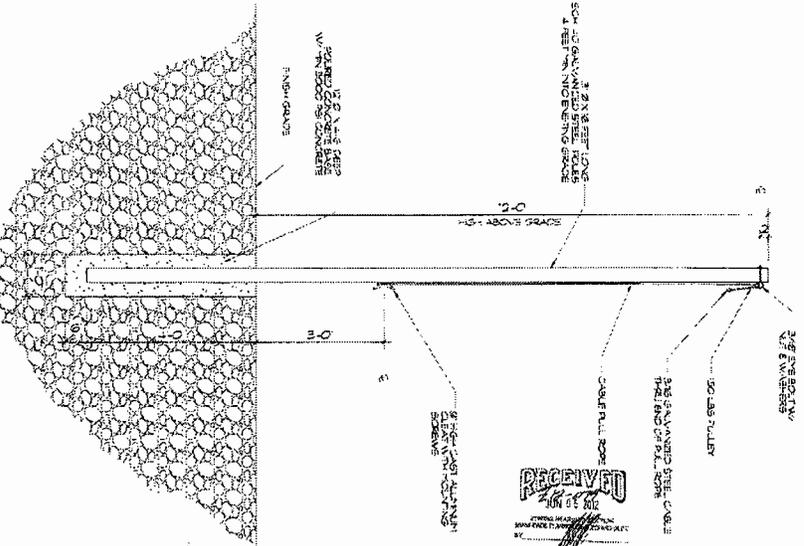
DISABLED PARKING SPACE
SCALE: SIGN UP TO 6" DIA.



TYPICAL PARKING BUMPER DETAIL
SCALE: 1/4" = 1'-0"



TYPICAL PLAYING FIELD POLE CROSS SECTION
SCALE: 5/8" = 1'-0"



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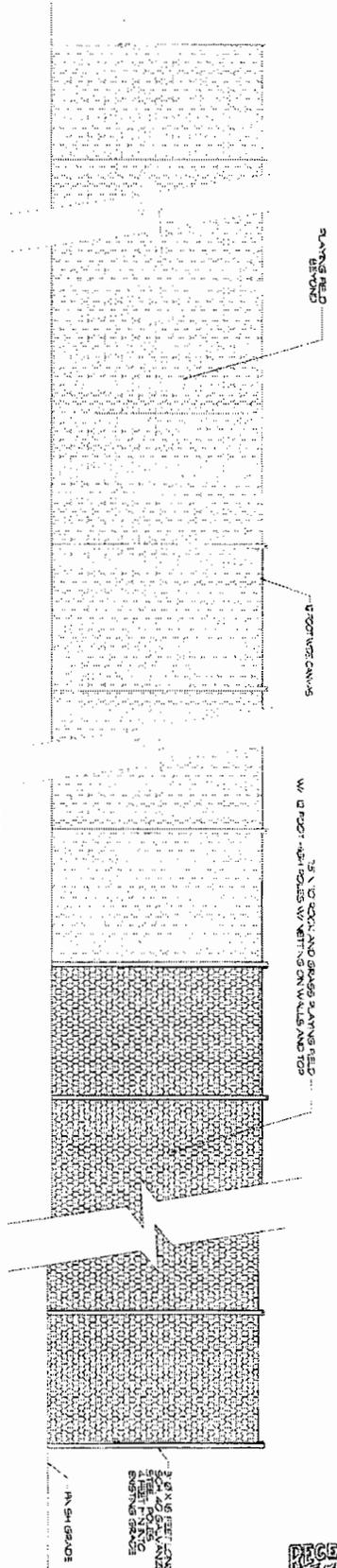
ORLANDO PEREZ, JR.
ARCHITECT
2525 SW 1ST AVE, SUITE 100, MIAMI, FLORIDA 33135
TEL: 305.444.8888 FAX: 305.444.8889

AR0014354

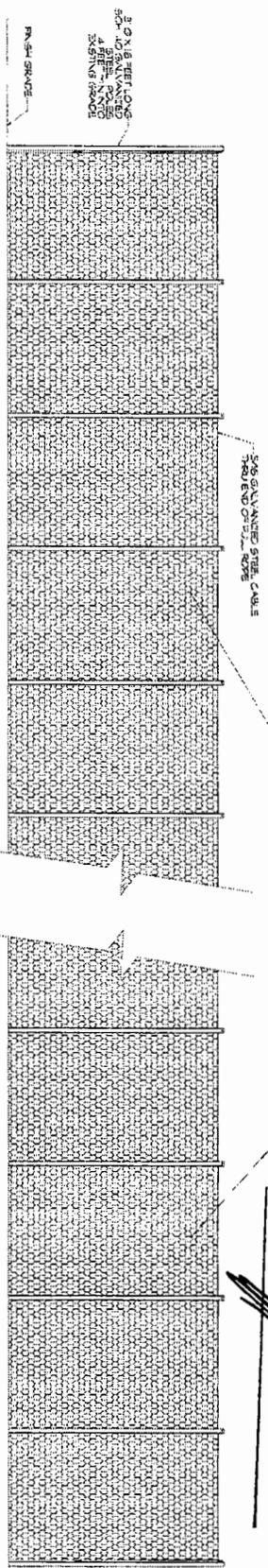
REV. NO.	REVISION DESCRIPTION	DATE

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22



PLAYING FIELDS NORTH ELEVATION
SCALE 1/4" = 1'-0"



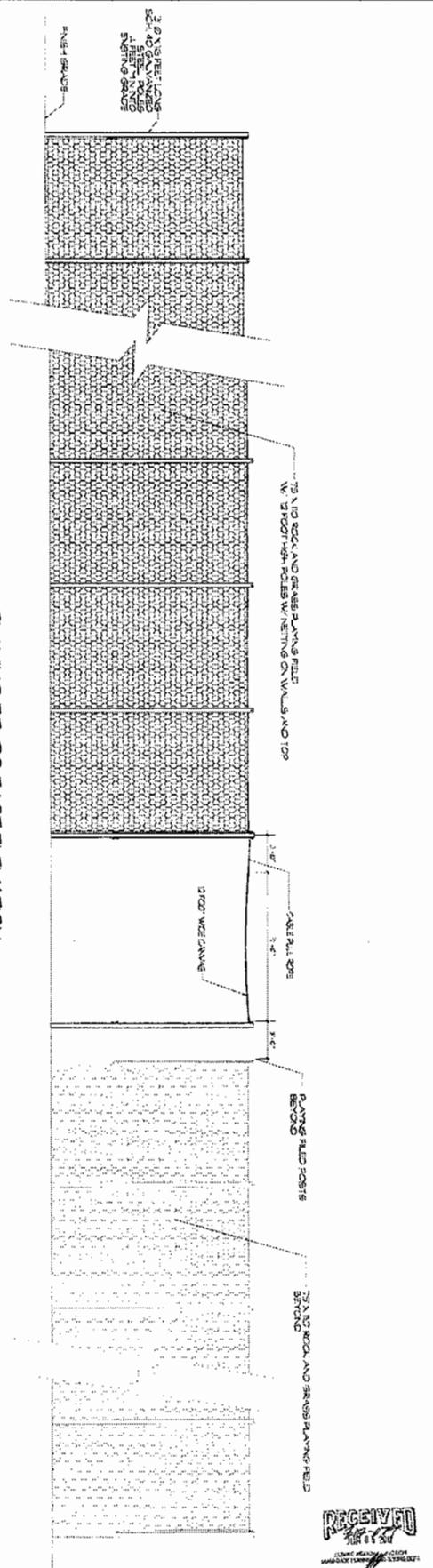
PLAYING FIELDS SOUTH ELEVATION
SCALE 1/4" = 1'-0"

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

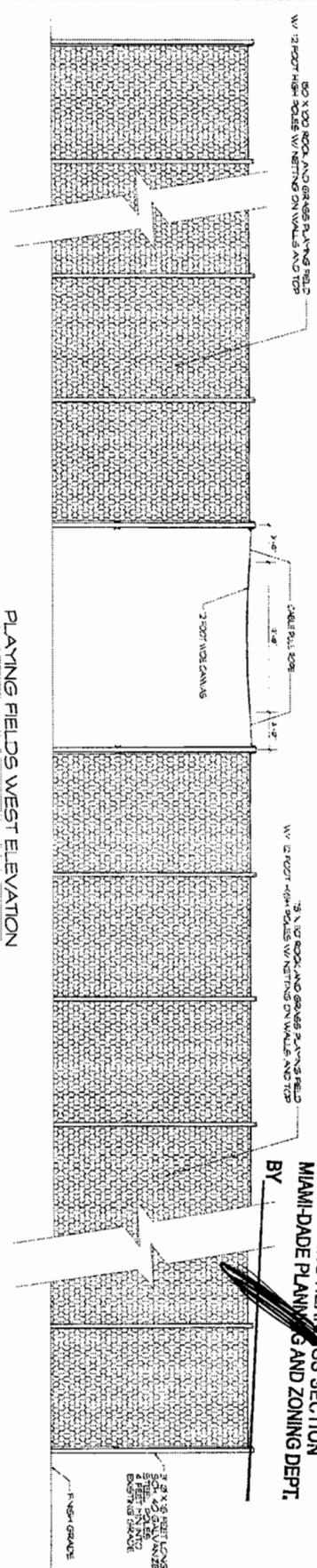
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A SITE PLAN FOR FAMILY PAINTBALL CENTER 5XX NW 137 AVE, MIAMI FLORIDA 33182		ORLANDO PEREZ, JR. ARCHITECT 10995 SW 12 AVE, STE 204, MIAMI, FL 33196-2888 305.224.4600	DRAWN BY: _____ DATE: _____ REV. No. _____ REVISION DESCRIPTION _____ DATE: _____
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PLAYING FIELDS EAST ELEVATION
SCALE 1/4" = 1'-0"



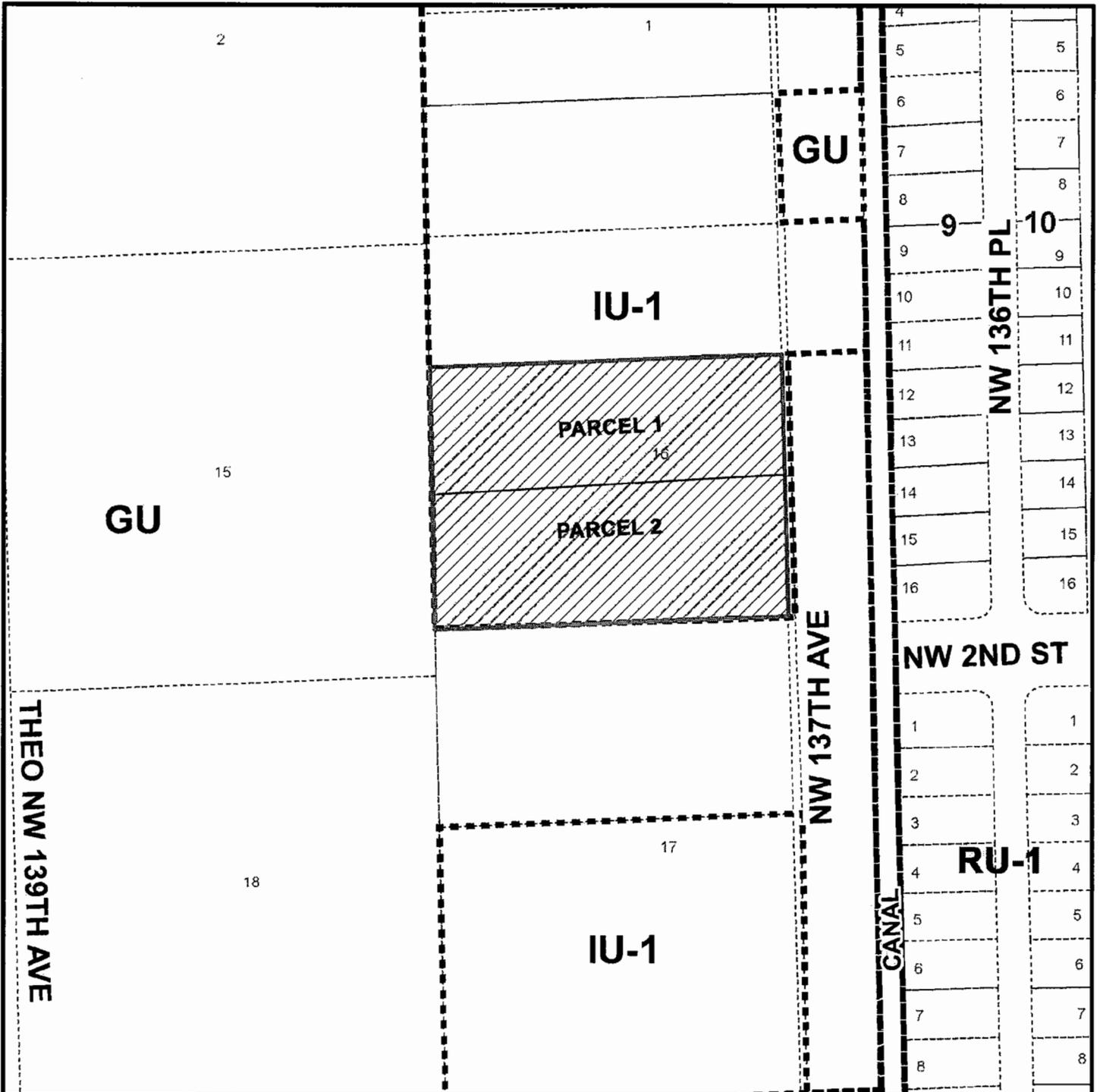
PLAYING FIELDS WEST ELEVATION
SCALE 1/4" = 1'-0"

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MIAMI-DADE PLANNING AND ZONING DEPT.
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COUNTY PLANNING AND ZONING DEPT.
BY

A SITE PLAN FOR FAMILY PAINTBALL CENTER 5XX NW 13 TH AVE, MIAMI FLORIDA 33182	ORLANDO PEREZ, JR. ARCHITECT 12500 SW 13 TH AVE, SUITE 201, MIAMI, FLORIDA 33186 P: (305) 441-1111 F: (305) 441-1112 WWW.ORDPEREZARCHITECT.COM	DRAWN BY: _____ DATE: _____ REV. No. _____ REVISION DESCRIPTION: _____ DATE: _____
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MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000079



Section: 03 Township: 54 Range: 39
 Applicant: FAMILY PAINTBALL CENTER, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, July 18, 2012

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000079



Section: 03 Township: 54 Range: 39
 Applicant: FAMILY PAINTBALL CENTER, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

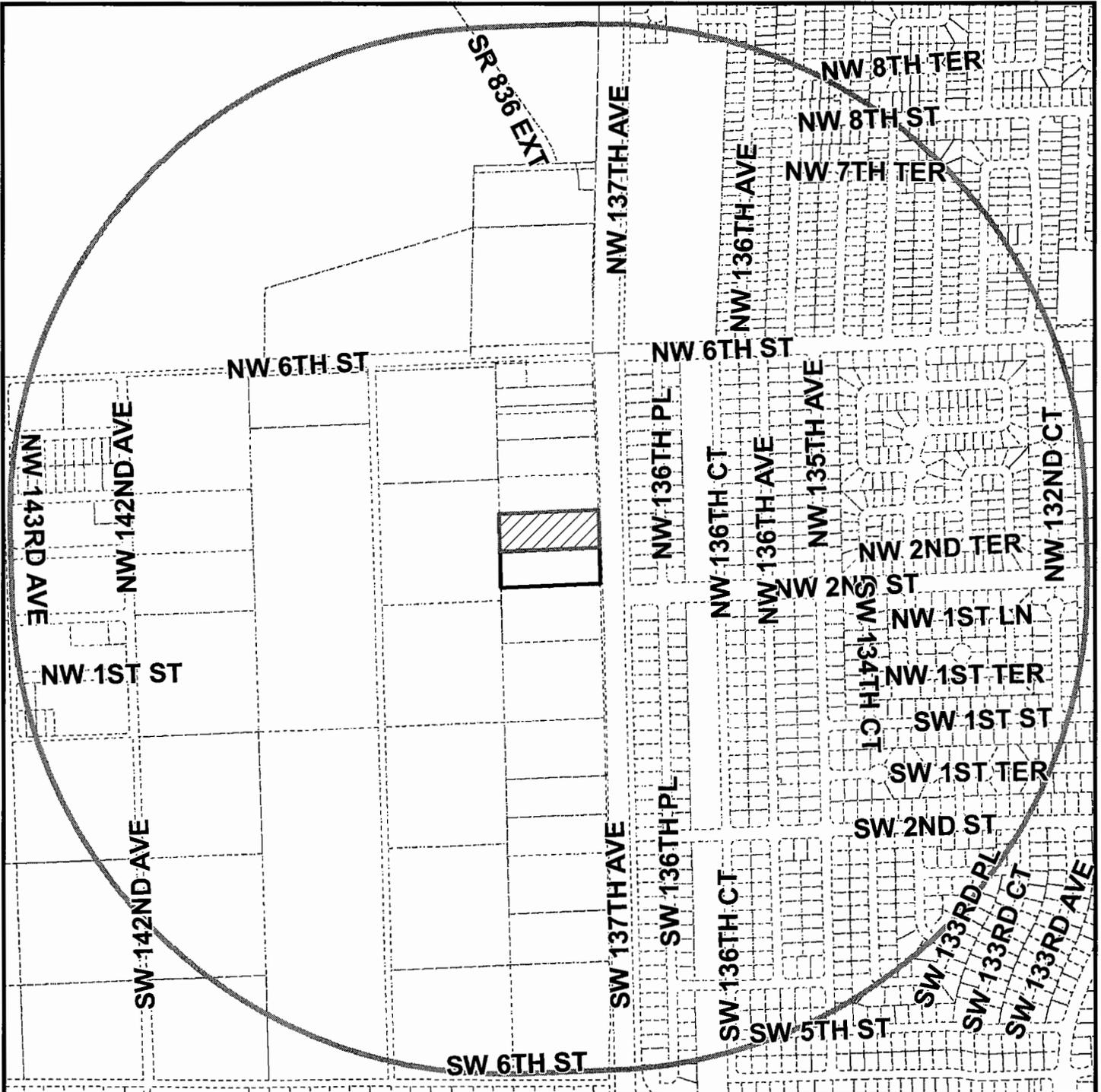
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 18, 2012

REVISION	DATE	BY
		27



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2012000079
 RADIUS: 2640

Section: 03 Township: 54 Range: 39
 Applicant: FAMILY PAINTBALL CENTER, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

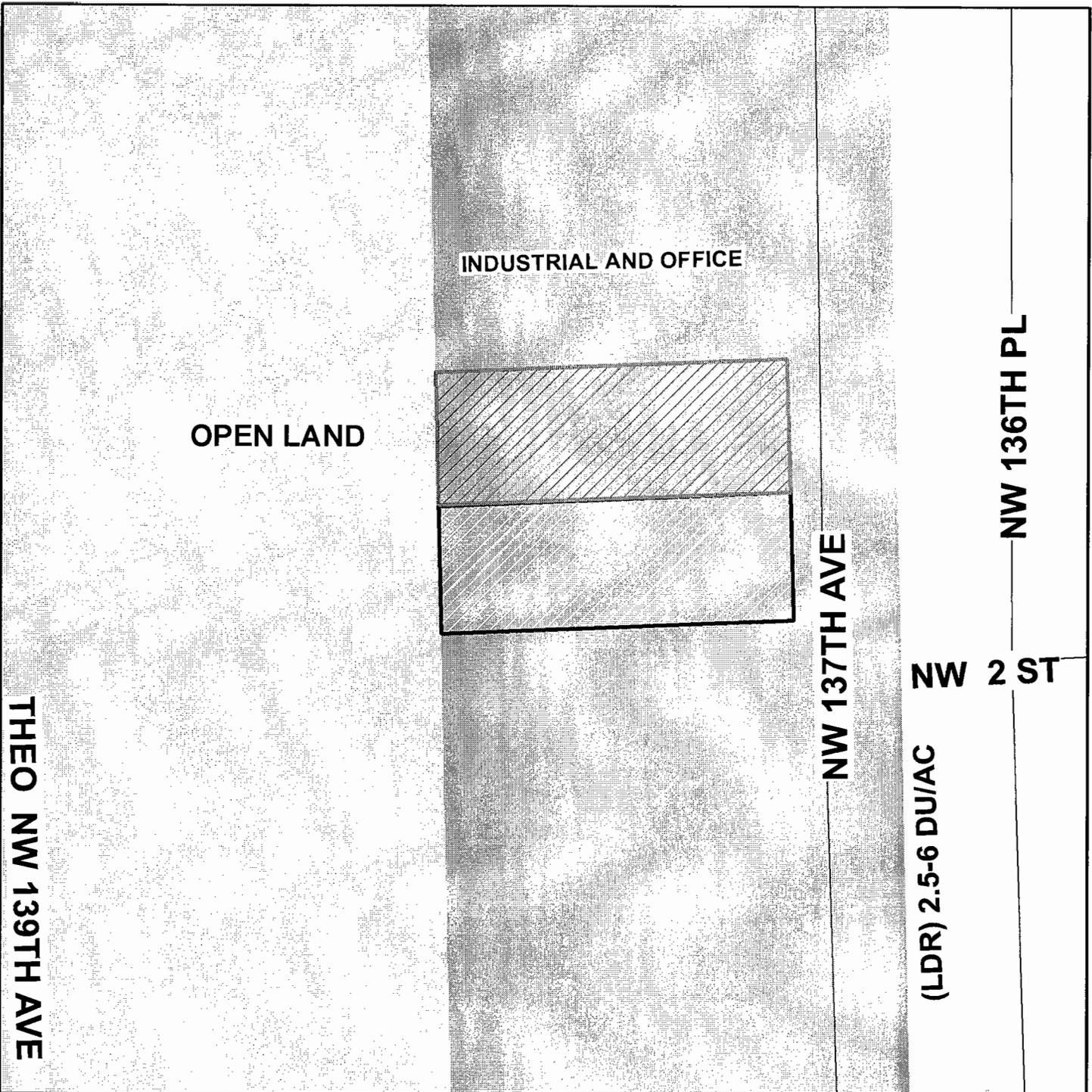
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Tuesday, June 19, 2012

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000079



Section: 03 Township: 54 Range: 39
 Applicant: FAMILY PAINTBALL CENTER, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, June 19, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5**

PH: Z12-154 (13-7-CZ5-2)

July 11, 2013

Item No. 2

Recommendation Summary	
Commission District	12
Applicant	Target Corporation
Summary of Requests	The approval of this application would allow the applicant to develop the subject property with a commercial access road on a GU parcel to serve a BU parcel, which is not allowed, delete a requirement to obtain ASPR approval, and to waive a wall and dissimilar land use buffer.
Location	Northwest corner of SW 8 Street and SW 137 Avenue, Miami-Dade County, Florida.
Property Size	30 Acres
Existing Zoning	BU-2, Special Business District GU, Interim District
Existing Land Use	vacant land
2015-2025 CDMP Land Use Designation	Business and Office Open Land <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a), Use Variance standards, Section 33-311(A)(3), Section 33-311 (A)(7) General Modification Standards , and Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice of requests #1 and #4 and approval with conditions of requests #2 and #3.

REQUESTS:

REQUEST #1 ON PARCEL 1

- (1) USE VARIANCE to permit an access drive in the GU zone parcel to serve a BU parcel as would be permitted in a BU parcel.

REQUESTS #2 - #4 ON PARCEL 2

- (2) DELETION of Paragraph No.1 of the Declaration of Restrictions recorded in Official Records Book 28300 Page 2562.
- (3) NON-USE VARIANCE to waive the required minimum 5' high CBS wall between the GU and BU zone district.
- (4) NON-USE VARIANCE to waive the required 6' high wall, fence or hedge within a minimum 5' wide landscape buffer between dissimilar land uses along the west and north property lines.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Target" as prepared by CPH, dated stamped received 12/19/12 and landscape plans dated stamped received 5/23/13 all consisting of 14 pages. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The submitted plans depict a proposed Target store consisting of a 135,800 sq. ft. retail store on the approximately 12.5-acre parcel #2 that is currently zoned BU-2. The remaining 17.5 acre parcel is vacant land zoned GU, which is to remain vacant and zoned GU.

Pursuant to Resolution #CZAB5-8-12, the 12.5-acre parcel #2 was approved to allow a district boundary change from GU to BU-2. Additionally, the applicant proffered a declaration of restrictions, which among other things provided that: prior to the issuance of a building permit the owner shall submit for approval an application for administrative site plan review (ASPR) to the Zoning Hearings Section; notwithstanding the approval of the application and the rezoning of the property to BU-2, no building within the property may exceed two (2) stories in height; nightclubs and pubs and bars be prohibited on the property; the owner shall provide connectivity to and from the proposed improvements within the property and the existing sidewalk and SE 8th Street.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; vacant land	Business & Office
North	IU-C; vacant land	Business & Office
South	BU-1A; commercial	Transportation and Business & Office
East	RU-1; single family residences	Low Density Residential (2.5 to 6 dua)
West	GU; vacant land	Open Land

NEIGHBORHOOD COMPATIBILITY:

The subject property is located west of SW 137 Avenue and north of SW 8 Street. Vacant land, residential and commercial uses characterize the surrounding area.

SUMMARY OF THE IMPACTS:

The approval of this application would allow the applicant to develop parcel #2 of the subject property with an access road (commercial use), which could precipitate future development outside the Urban Development Boundary (UDB). Although the waiver of the required wall will allow for stormwater drainage, the lack of a dissimilar land use buffer could also have visual impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is approximately 30 acres of vacant land and consists of two parcels. Parcel #1 is the west parcel and consists of approximately 17.5 acres located outside of the UDB. It is adjacent to the West property line of Parcel #2. Parcel #2 is the east parcel and consists of approximately 12.5 acres located at the intersection of SW 137 Avenue and SW 8 Street. The subject property is a unique parcel of land in that each parcel has a different land

use designation due to the fact that one parcel is located inside the UDB and the other outside of the UDB, which results in different allowable uses for each parcel.

The UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

Parcel #1, the western parcel, of the subject property is located outside of the UDB and designated as **Open Land Subarea 3 (Tamiami-Bird Canal Basins)** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. This subarea is bounded on its north by hypothetical NW 12 Street and SW 8 Street, on the east by the year 2015 UDB, on the south by the year 2015 UDB and hypothetical SW 56 Street, and on the west by SW/NW 147 Avenue and Levee 31N. The subarea includes the eastern portion of the North Trail basin and the Bird Drive Everglades basin. Uses that can be considered for approval in this subarea include rural residences at a maximum density of 1 dwelling unit per 5 acres, compatible institutional uses, public facilities, utility and communications facilities, seasonal agricultural use, recreational use, or limestone quarrying and ancillary uses. Uses that could compromise groundwater quality shall not occur in this area. Any land alteration and development in the Bird Drive or North Trail basins shall conform to the wetland basin plans adopted for those basins pursuant to policies of the CDMP. Land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction, or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea; but no greater than one unit per five acres; recreation as indicated for the specific Open Land Subarea; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance, or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County, or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan. Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed.

Parcel #2, the eastern parcel, of the subject property is located inside the UDB and abuts the UDB line on the west and is designated as **Business and Office** on the CDMP 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.* 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.

Parcel #1 of the current application was part of a larger parcel of land (50 acres), west of theoretical SW 139 Avenue, which was a part of CDMP Amendment Application No. 5 in the April 2007 cycle. CDMP Amendment Application No. 5 requested to expand the UDB to include the current application parcel #1 (a.k.a. parcel A) and redesignate the same from Open Land to Business and Office. Staff notes that parcel #2 was not a part of the CDMP application and was already inside the UDB and designated Business and Office.

The Miami-Dade County Planning and Zoning Department recommended denial of the CDMP Amendment No. 5 given that: (1) the applicant did not adequately demonstrate the need to move the UDB and did not meet the conditions set forth in the CDMP for expanding the UDB, (2) the site did not need to be redesignated to address stormwater management and traffic access issues associated with parcel #2, and (3) that parcel #2 had sufficient land area for the proposed home improvement center proposed at that time. CDMP Amendment Application No. 5 was granted approval by the BCC but was overturned in court. Therefore, parcel #1 remains outside of the UDB and remains designated as Open Land. Although the CDMP analysis for the CDMP amendment application discussed the possibility of an access drive through Parcel #1, the possible scenario discussed involved a possible access drive along the southern portion of Parcel #1, parallel to SW 8 Street, designed in a manner that would provide access to the proposed store but would not induce development to occur in areas outside the UDB.

Further, the CDMP **Land Use Element Objective LU-4** states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The **Land Use Element Policy LU-4A** of said interpretive text provides that *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.*

Although staff has previously determined that an access drive could be constructed consistent with the Open Land designation, the access drive as proposed in the application is designed as a roadway or through street not as an access drive to the proposed Target store. Staff is of the opinion that approval of the applicant's request would change the character of parcel #1 and could precipitate more intensive uses and development within the GU Open Land parcel in the future. As such, staff opines that based on the aforementioned, the approval of the proposed road would be **inconsistent** with the UDB Interpretive Text which discourages urban infrastructure outside of the UDB.

ZONING ANALYSIS:

As previously mentioned, the subject property is a 30-acre site that consists of two parcels of land; parcel #1 is the western parcel and approximately 17.5 acres and parcel #2 is the eastern parcel abutting SW 137 Avenue and approximately 12.5 acres. Pursuant to Resolution #CZAB5-8-12, parcel #2 of the subject property was granted approval of a District Boundary Change from GU (Interim District) to BU-2 (Special Business District) in September 2012. Staff notes that no plans were submitted for this previously approved application and that a proffered covenant was accepted for future development of the site that restricts the height of buildings to two (2) stories, requires any future development to go through the Administrative Site Plan

Approval process, and prohibits certain uses, such as nightclubs, pubs and bars, on the property.

The submitted plans for the current application depict a proposed Target store consisting of a 135,800 sq. ft. retail store on the approximately 12.5-acre parcel #2 that is currently zoned BU-2. The remaining 17.5-acre parcel is vacant land zoned GU, which is to remain vacant and zoned GU. Staff notes that parcel #1 has been included as part of this application specifically to permit an access drive on parcel #1 to serve parcel #2.

The subject application requests an access drive from SW 8 Street into the southwest portion of Parcel #1 (GU parcel; Open Land designation) then running parallel to SW 8 Street and then continuing north along the full length of the dividing property line between parcel #1 and parcel #2 (BU parcel; Business and Office designation). However, the CDMP amendment application analysis did not anticipate a separate free flowing road outside of the Target parking lot, it also did not include a technical zoning analysis and zoning regulations were not taken into consideration in that analysis. The BU district zoning regulations permit *any property in a BU District to be used as access for egress and ingress only to property zoned in any BU classification or in any IU classification provided that both properties are under the same ownership*. Therefore, staff is of the opinion that an access drive used to serve a BU property is considered a business use. Since parcel #1 is zoned GU, zoning regulations would not allow for a private access road use through the GU parcel to serve the adjacent BU parcel. Based on this, a use variance is required to permit an access drive in the GU zone parcel to serve a BU parcel as would be permitted in a BU parcel.

When request #1, use variance to permit an access drive in the GU zone parcel to serve a BU parcel as would be permitted in a BU parcel, is analyzed under the Use Variance Section 33-311(A)(4)(a) staff opines that approval of this request would be **incompatible** with the surrounding area and would not be consistent with the general purpose and intent of the zoning regulations. The purpose of this request is to allow an access drive through parcel #1 (GU/Open Land) to serve parcel #2 (BU-2/ Business and Office). However, in order to achieve this, the applicant is requesting a use variance to permit the BU use for an access road within the GU parcel.

Section 33-311(A)(4)(a) provides that a **use variance** permits a use of land other than that which is prescribed by the zoning regulations. The standard stipulates that *the Board shall hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; and further provided that the use variance will be in harmony with the general purpose and intent of the regulations*. To prove an unnecessary hardship, the applicant must demonstrate that under applicable zoning regulations, the property is unusable and the applicant is deprived of all economic use or benefit from the property in question.

Based on the information provided by the applicant, staff opines that the applicant has not demonstrated any special conditions related to the subject site where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. Staff opines that the requested access road running parallel to the length of the west property line and parallel to the internal aisle is excessive, and unnecessary. Staff also opines that approval of request #1 could result in the property being used as a pass through to avoid the intersection at SW 137 Avenue and SW 8th Street. Also, approval of the same may precipitate urban development on the GU parcel #1, which is not allowed. In addition, parcel #1 of the subject property is planned

for use as a stormwater management area for parcel #2 and the remaining land may be developed with the uses allowed in the GU district/Open Land designation which includes but is not limited to rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; as such, provides the applicant with economic use and benefit.

The department does not object to the proposed retail use on parcel #2 of the subject property, which provides the applicant with reasonable use and benefit of the property. However, staff is of the opinion that the approval of the use variance request will not be in harmony with the general purpose and intent of the regulation, and that denial of the same will not result in unnecessary hardship, will not render the property unusable and will not deprive the applicant of all reasonable use or benefit from the property. **As such, staff recommends that the request for the proposed access drive on parcel #1 be denied without prejudice under the Use Variance Standards Section 33-311(A)(4)(a).**

Staff notes that the applicant discusses in the letter of intent two examples of previously approved applications with access related issues between dissimilar uses. Staff opines that the Lalex and Boxford applications referred to in the letter of intent are substantially different from the current application.

In the first example, Lalex II, LLC (Z09-178), the applicant refers to a preliminary recommendation on the original plan for this development. The request was to permit access to a commercial zoned property through a residentially zoned property. The Lalex application had land use designations of Office/Residential and Business and Office in contrast to the Open Land designation of the current application. The Office/Residential land use designation, which is the designation on which the access was proposed, allows non-residential office development in addition to residential development. Also, that application proposed a unified development plan for a mixed use development with both residential and commercial components and was designed to function together. Whereas the current application does not propose a unified development plan and the Open Land use designation does not allow a commercial use. Finally, staff notes that the Lalex application was subsequently revised and this request was taken out of the revised version and was not a part of the final version of that application. Moreover, staff notes that the department did not support the request to permit access to a commercial zoned property through a residentially zoned property at that time.

In the second example, Boxford Overseas, Ltd. (Z02-074), the applicant refers to a non-use variance request to waive the required 5' high decorative solid wall where a commercial lot abuts a residentially zoned property, in order to permit a wall with openings. This application also proposed a unified development plan for a mixed use development and was designed to function together and have access to both the residential and commercial components throughout the entire site. Whereas, again, the subject application does not propose a unified development plan and the parcel through which access is requested will not be developed and on which a commercial use is not allowed.

When request #2, DELETION of Paragraph No.1 of the Declaration of Restrictions recorded in Official Records Book 28300 Page 2562, which requires the applicant to submit for approval an application for administrative site plan review (ASPR) to the Zoning Hearing Section, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that the approval of said request would be **compatible** with the surrounding area and would be consistent with the general purpose and intent of the zoning regulations for the reasons stated below. Further, the proposed deletion, in staff's opinion, will not generate excessive noise or traffic, tend to create a

fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest.

Pursuant to Resolution No. CZAB5-8-12 the applicant proffered a declaration of restrictions with the previously approved application, which among other things provided that prior to the issuance of a building permit for the construction of any vertical improvements on the property, that owner shall submit for approval an application for ASPR to the Zoning Hearing Section. Staff notes that the reason for said paragraph is that no site plan was provided with that application. Given that the applicant has submitted a site plan with the current application, staff opines that paragraph no. 1 of said covenant is no longer needed as that stipulation is fully satisfied with the site plan provided as part of the current application. As such, staff opines that the approval of request #2 would be **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(7) Generalized Modification Standards.**

When request #3, to waive the required minimum 5' high CBS wall between the GU and BU zone district is analyzed, staff opines that approval of this request will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. As mentioned in the CDMP analysis, the subject property was a part of a CDMP amendment application in the April 2007 cycle and was granted approval to allow the use of a portion of Parcel #1 as a stormwater retention area. Consequently, staff believes that waiving the wall would allow stormwater to freely flow into the previously approved stormwater retention area. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

However, when request #4, to waive the required 6' high wall, fence or hedge within a minimum 5' wide landscape buffer between dissimilar land uses along the west property line, is similarly analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will not maintain the basic intent and purpose of the zoning, subdivision and other land use regulation would have a negative visual impact and would be out of character and **incompatible** with the surrounding area particularly as it affects the stability and appearance of the community. Although this request requires a 6' high wall, fence or hedge, staff opines that the applicant should comply with this requirement by providing only a 6' high hedge as a visual buffer between the dissimilar land uses along the west property line, which will also allow for the stormwater to freely flow into the stormwater management area in Parcel #1 as stated above. **Therefore, staff recommends denial without prejudice of request #4 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has two (2) ingress and egress drives, one along SW 137 Ave and one along SW 8 Street. The plans also show a total of 571 parking spaces, which exceeds the minimum required parking by 28 spaces.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Denial without prejudice of requests #1 and #3 and approval with conditions of requests #2 and #4.

CONDITIONS FOR APPROVAL: (for requests #2 and #4)

1. That a site plan be submitted to and meet with the approval of the Director of the Miami-Dade County 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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Target" as prepared by CPH, dated stamped received 12/19/12 and landscape plans dated stamped received 5/23/13 all consisting of 14 pages, except as herein modified to show the removal of the proposed driveways outside of the west property line of parcel 2.
3. That the use be established and maintained in accordance with the approved plan.
4. That all the previously accepted Declaration of Restrictions recorded in Official Records Book 28300 Page 2562 remain in full force except as herein amended.
5. That the applicant provide the 6' high hedge along the west property line.
6. That the applicant install an anti-shopping cart removal system and have it operational concurrent with its opening so that the shopping carts are not taken offsite.
7. That the applicant comply with all applicable conditions and requirements of the Department of Regulatory and Economic Resources and all other departments as contained in their memoranda pertaining to this application.

ES:MW:NN:CH:JC


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

NDW

ZONING RECOMMENDATION ADDENDUM

Target Corporation

Z12-154

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (Department of Regulatory and Economic Resources)	No objection
Platting and Traffic Review Section (Department of Regulatory and Economic Resources)	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
Miami-Dade Transit	No objection
*Subject to conditions in the Department's attached memorandum.	

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

<p>Business and Office (Pg. I-41)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property for Business and Office use. 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. 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.</i></p>
<p>Urban Development Boundary (Pg. I-58)</p>	<p><i>The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.</i></p> <p><i>The CDMP seeks to facilitate the necessary service improvements within the UDB to accommodate the land uses indicated on the LUP map within the year 2015 time frame. Accordingly, public expenditures for urban service and infrastructure improvements shall be focused on the area within the UDB, and urban infrastructure is discouraged outside the UDB. In particular, the construction of new roads, or the extension, widening and paving of existing arterial or collector roadways to serve areas outside the UDB at public expense will be permitted only if such roadways are shown on the LUP map and in the Transportation Element.</i></p>

ZONING RECOMMENDATION ADDENDUM

Target Corporation

Z12-154

<p>Open Land (Pg. I-61)</p>	<p><i>The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; commercial vehicle storage as indicated for the specific Open Land Subarea; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.</i></p> <p><i>Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed.</i></p>
<p>Open Land Subarea 3 (Tamiami-Bird Canal Basins) (Pg. I-64)</p>	<p><i>This subarea is bounded on its north by hypothetical NW 12 Street and SW 8 Street, on the east by the year 2015 UDB, on the south by the year 2015 UDB and hypothetical SW 56 Street, and on the west by SW/NW 147 Avenue and Levee 31N. The subarea: includes the eastern portion of the North Trail basin and the Bird Drive Everglades basin. Uses that can be considered for approval in this subarea include rural residences at a maximum density of 1 dwelling unit per 5 acres, compatible institutional uses, public facilities, utility and communications facilities, seasonal agricultural use, recreational use, or limestone quarrying and ancillary uses. Uses that could compromise groundwater quality shall not occur in this area. Any land alteration and development in the Bird Drive or North Trail basins shall conform to the wetland basin plans adopted for those basins pursuant to policies of the CDMP.</i></p>
<p>Objective LU-4 (Pg. I-11)</p>	<p><i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>
<p>Policy LU-4A (Page I-11)</p>	<p><i>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.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Target Corporation

Z12-154

<p>33-311(A)(7)(a) Generalized Modification Standards</p>	<p><i>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 Board of County Commissioners, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>

2. TARGET CORPORATION
(Applicant)

13-7-CZ5-2 (12-154)
Area 05/District 12
Hearing Date: 07/11/13

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

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

If so, who are the interested parties? **None.**

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>
2012	Lowes Home Centers, Inc.	- Zone change from GU to BU-2.	C05	Approved with condition(s)

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

Memorandum 

Date: April 5, 2013

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

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

Subject: C-05 #Z2012000154-1st Revision
Target Corporation, a Minnesota corporation
NW Corner of SW 8th Street and 137th Avenue
Deletion of a Condition of Recorded Covenant; Deletion of
Condition by Resolution; and Non-Use Variance to Waive Wall
Requirements Between Districts
(BU-2) (12.56 Acres)
03-54-39

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.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. Section 24-43(10) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any land use within the Northwest Wellfield protection area without obtaining the prior written approval of the Director of the Department or his designee. The same Code Section further requires that the Director shall issue his written approval only if, among other requirements, the required land use is not one or more of the following Miami-Dade County zoning classifications: BU-3, IU-1, IU-2, IU-3 or IU-C, and is a land use contained in Table E-1 therein. Any future land use will need to comply with allowable land uses established in Table E-1 of the Code.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

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.

Be advised that the water main extension permit is issued by the Florida Department of Health. Civil drawings for the required water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section.

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

This proposed development is located within the North Trail Basin and currently has a cut and fill approval (CF 614). Any deviation of the final site plan from the below conditions will require a modification of the Cut and Fill (CF-614).

A covenant running with the land, binding present and future owners; must be executed and submitted to Water Control Section. The covenant must reserve a minimum area of 11.16 acres designated as surface water management areas, based on the North Trail Basin Cut and Fill criteria. Said covenant and accompanying stormwater area management plan, must be submitted after preliminary approval of the plans by the Coastal and Wetland Resources Section and prior to the issuance of the Class IV permit or Final Plat approval.

The site, with exception of the proposed water management areas, shall be filled to Miami-Dade County Flood Criteria, with a minimum low point set at elevation +8.75 feet NGVD.

The site shall be developed not to exceed maximum 100-year, 3-day flood stage of +8.33 feet NGVD and provide adequate drainage flood protection for the proposed development.

Provide a berm with minimum elevation of +9.80 feet NGVD (100-year/3-day storm stage) based on the proposed site development grading plan, along the development boundary or equivalent grading to match the required berm elevation at all roadway entrances.

No encroachment by fill or any use other than drainage is allowed in the surface water management areas.

An Individual Environmental Resource Permit issued by the South Florida Water Management District may be required prior to construction.

This approval is for the proposed development only. Any future development, or a modification of the present one, will require a new application to obtain a re-approval of the cut and fill criteria for the entire property.

The applicant is advised to contact the Water Control Section at (305)372-6681 for additional information.

Coastal Resources

The applicant is advised that canals adjacent to the subject property (C-4 Tamiami Canal and Mud Canal) are accessible to the Federally Listed Endangered West Indian Manatee.

Potential adverse impacts to the Federally Endangered West Indian Manatee may result from construction projects in this area as manatees are known to frequent waters of the C-4 and Mud Canals. Manatees have been injured or killed by entrapment in existing culverts as well as roadway/culvert projects under construction within Miami-Dade County. The Miami-Dade County Manatee Protection Plan requires that all new or replacement culverts and outfalls accessible to manatees be designed to prevent entrapment of or injury to these animals. Those outfalls which are greater than 7 inches and less than 60 inches in diameter shall be covered with grates or screens with spaces less than 7 inches wide in order to prevent entrapment. New culverts installed in areas not previously accessible to manatees shall be covered with flap gates or other devices designed so as not to cause injury to manatees, and to prevent the animals from entering the outfall including during construction.

The State of Florida Fish and Wildlife Conservation Commission (FWC) requires that all work proposed in waters known to host manatees comply with FWC's Standard Manatee Conditions for In-Water Work. The Department recommends strict adherence to said conditions.

Construction projects in this area should employ turbidity barriers and means of containment so materials from construction projects do not enter surface waters of the C-4 or Mud Canals. Any containment systems to be installed in waters of these canals should be designed to account for tidal and wind influence.

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 construction projects in this area. It is the applicant's responsibility to contact these agencies.

The applicant is advised to contact the Coastal and Wetlands Resources Section Management at (305)372-6575 for additional information.

Wetlands

The subject properties are located within the North Trail Wetlands Basin and contain wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject properties.

DERM has reviewed the site plans submitted with this application entitled "Overall Landscape Plan-Target SW 8th Street and SW 137th Avenue" and "Detail Sheet-Target SW 8th Street and SW 137th Avenue", prepared by CPH, Sheets L-1 and C-3 and dated August 2012 and December 19, 2012. DERM has no objection to the zoning application, however, be advised that the area depicted as "muhly grass" on the plans mentioned above do not depict the Miami Dade County approved wetland delineation line.

A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that the site plans be changed to preserve unique biologic resources.

Please note that the approval of the zoning application and site plans is not intended, nor shall it be used, to limit this Department's ability to enforce the provisions of the Code. The applicant is advised to contact Wetland Resources Section at (305-372-6585) for further information concerning the wetland permitting requirements.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject properties contain tree resources and contain jurisdictional wetlands. Wetland Resources will be regulated through a Class IV Wetland Permit. Section 24-48 of the Code requires the preservation of all tree islands. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

Enforcement records

The subject properties have one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

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.

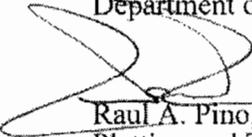
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: February 12, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: 
Raul A. Pino, PLS
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2012000154
Name: Target Corporation
Location: Northwest Corner of SW 8 Street and SW 137 Avenue
Section 03 Township 54 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

Driveways to SW 8 Street and SW 137 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **464 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Station Number		LOS present	LOS with project
9365	NW 12 St. w/o NW 117 Ave.	B	B
F-88	SW 8 St. e/o SW 137 Ave.	D	D
9798	SW 137 Ave. n/o SW 8 St.	C	C
9800	SW 137 Ave. s/o SW 8 St.	D	D
F-266	SW 8 St. e/o SW 147 Ave.	D	D

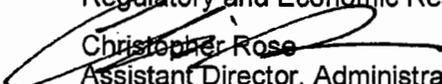
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Memorandum



Date: January 18, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

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

Subject: # Z12-154
Target Corporation

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

#Z12-154
Target Corporation

Application: *Target Corporation* is requesting the following to develop a Target store which is located on a property zoned in a Special Business district (BU-2):

- 1) Deletion of Condition No. 1 of Resolution No. CZAB5-8-12
- 2) Deletion of Condition No. 1 of Declaration of Restrictions recorded in Official Record Book 28300 at Pages 2562
- 3) A Non-use variance of Sec. 33-253.7 of the Miami Dade County Code to waive the requirement of a decorative masonry wall along the common property adjacent to the Interim (GU) district

Size: The subject property is 12.56 acres.

Location: The subject property is generally located on the northwest corner of the intersection of SW 8th Street and SW 137th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (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 28, 2012, 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 establishment of a Target store on the property will likely be considered development for a "commercial unit." 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

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 plans associated with this project incorporate at least one of the following traffic circulation criteria 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: January 29, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

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

Subject: Z2012000154: TARGET CORPORATION

Application Name: TARGET CORPORATION

Project Location: The site is located at NW CNR OF SW 8 ST & 137 AVE, Miami-Dade County.

Proposed Development: The request is for approval of modification of conditions of a resolution and non-use variance.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. We have no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. The Department has no objection to this application.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



DATE: May 13, 2013

TO: Nicolas Nitti
Supervisor, Zoning Evaluation
Department of Regulatory and Economic Resources

FROM: Nilia Cartaya *Nilia Cartaya*
Principal Planner
Miami-Dade Transit - Engineering, Planning & Development Division

SUBJECT: Review of Zoning Hearing No. 12-154 (Target Corporation)
Revision No. 1
MDT Project No. OSP006
FSC No. 41.04

Project Description

12-154 – Target Corporation is requesting the deletion of a condition of a previously approved Resolution and the deletion of a previously recorded Declaration of Restrictions that would require proposed site plans for the property to be reviewed via the Administrative Site Plan Approval Process. In addition, the applicant seeks to waive the required decorative masonry wall along property lines adjacent to GU (Interim District) zoned property. The subject property is approximately 12.56 acres and is located on the northwest corner of SW 137 Avenue and the north side of the Tamiami Canal which runs parallel to SW 8 Street (Tamiami Trail), Miami-Dade County, Florida.

Current Transit Service

There is transit service within the immediate vicinity of the application site, provided by Routes 51 (Flagler MAX) and 137 (West Dade Connection). The alignment for these routes is illustrated on the attached maps. The service headways for these routes (in minutes) are as follows:

**Metrobus Route Service Summary
Target Corporation 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		
51 (Flagler MAX)	15	30	30	n/a	n/a	n/a	0	L/F/E
137 (West Dade Connection)	30	45	60	n/a	40	45	0	L

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

November 2012 Line Up

Future Transportation/Transit Improvements

The 2014 Transportation Improvement Program (TIP) proposes the following improvement on one of the roadways within the immediate vicinity of the site.

Facility/Project Limits	Type of Work
SW 137 Avenue (from SW 24 Street to SW 8 Street)	Widen roadway from 4 to 6 lanes

The 2035 Long Range Transportation Plan (LRTP) lists the following improvement within the immediate vicinity of this project.

Facility/Project Limits	Type of Work	Priority/Funding Phase
SW 137 Avenue (from SW 24 Street to SW 8 Street)	Widen roadway from 4 to 6 lanes	Priority II

The draft 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route	Improvement/Adjustment
51 (Flagler MAX)	Route to be transformed to Flagler Enhanced Bus and extended to the future terminal at SW 147 Ave and SW 8 St.
137 (West Dade Connection)	No planned improvements.

In addition, the draft 2013 ten-year TDP identifies in its 2023 Recommended Service Plan the following new routes that will serve the vicinity of the project:

Route	Description
SR 836 Express Enhanced Bus	This route will provide premium limited stop and express transit service along SR 836 and SW 8 Street (East-West Corridor) from west Miami-Dade County (SW 8 Street and SW 147 Avenue) to the MIC via SW/NW 107 Avenue and SR 836.
SW 137 Avenue Enhanced Bus	This route will provide premium limited-stop transit service along SW 137 Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8th Street and SW 147th Avenue) to SW 304 Street and US-1.
Flagler Enhanced Bus	This route will provide premium

	limited-stop transit service along Flagler Street from Downtown Miami to West Miami-Dade County.
--	--

MDT Comments/Recommendations

The subject site is currently vacant and is located on the northwest corner of two section-line roadways, SW 137 Avenue and SW 8 Street. There is no direct transit service currently serving the subject site. However, the subject site is located within a ¼ mile of Routes 51 (Flagler MAX) and 137 (West Dade Connection) which currently provide bus service with a 30 minute or better AM/PM peak-hour headways. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

As previously mentioned, the draft 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan three proposed new Metrobus Routes that will operate within the immediate vicinity of the subject site.

The SR 836 Express Enhanced Bus and the Flagler Enhanced Bus will provide premium transit service along the segment of SW 8 Street that runs parallel to the Tamiami Canal just south of the subject site. Both routes will terminate at the proposed West Miami-Dade/SW 8 Street Park-and-Ride/Transit Terminal located at SW 8 Street and SW 147 Avenue. These enhanced bus projects will feature specially-branded 60-foot diesel/electric hybrid buses as well as strategic park-and-ride locations. In addition, these routes provide a premium east-west transit connection between the residential suburban areas of Western Miami-Dade and the MIC and the Downtown Central Business District. Service headways for the SR 836 Express Enhanced Bus will be 10 minutes during the AM/PM peak. The existing Route 51 (Flagler MAX) will be transformed into the Flagler Enhanced Bus with service headways improved from 15 to 12 minutes during the AM/PM peak and 30 minutes during midday service.

Specifically, the SR 836 Express Enhanced Bus and the Flagler Enhanced Bus both feature enhanced bus stations at SW 137 Avenue and SW 8 Street (see attached maps). These enhanced bus stations will feature WiFi, real-time "Where is the Bus?" arrival information via the internet or on web-enabled mobile devices, real-time "Next Bus" arrival information via electronic signs, as well as spacious weather-protected areas for passengers to wait for the bus.

It should be noted that this property was the subject of a recent DIC application No. 12-62 (Lowe's Home Centers, Inc.) which rezoned the property from GU (Interim District) to BU-2 (Special Business District), pursuant to Resolution No. CZAB5-8-12. Prior to said approval of the requested zone change, the then applicant had worked closely with MDT and had voluntarily proffered a Declaration of Restrictions in order to ensure that pedestrian connectivity and transit-related improvements would be incorporated into the site plans. Paragraph No. 4 of a

Declaration of Restrictions recorded in Official Records Book 283000 at Page 2562 of the Public Records of Miami-Dade County requires the following transit-related improvements:

"4. Transit Improvements. In an effort to enhance public transportation in the area by creating a pedestrian route from the Property to the existing bus pull out bay on westbound SW 8th Street, just west of SW 137th Avenue, the Owner shall provide pedestrian connectivity to and from the proposed improvements within the Property and the existing sidewalk on SW 137th Avenue as close as practicable to the intersection of the existing sidewalk and SW 8th Street. In addition, prior to the issuance of a certificate of use and occupancy for any improvements within the Property, the Owner shall design and install a bus stop and bus shelter, substantially in accordance with the sketch attached to this Declaration as Exhibit "B" and adjacent to the existing sidewalk on SW 137th Avenue on the far side of the ingress/egress driveway which provides access to the Property."

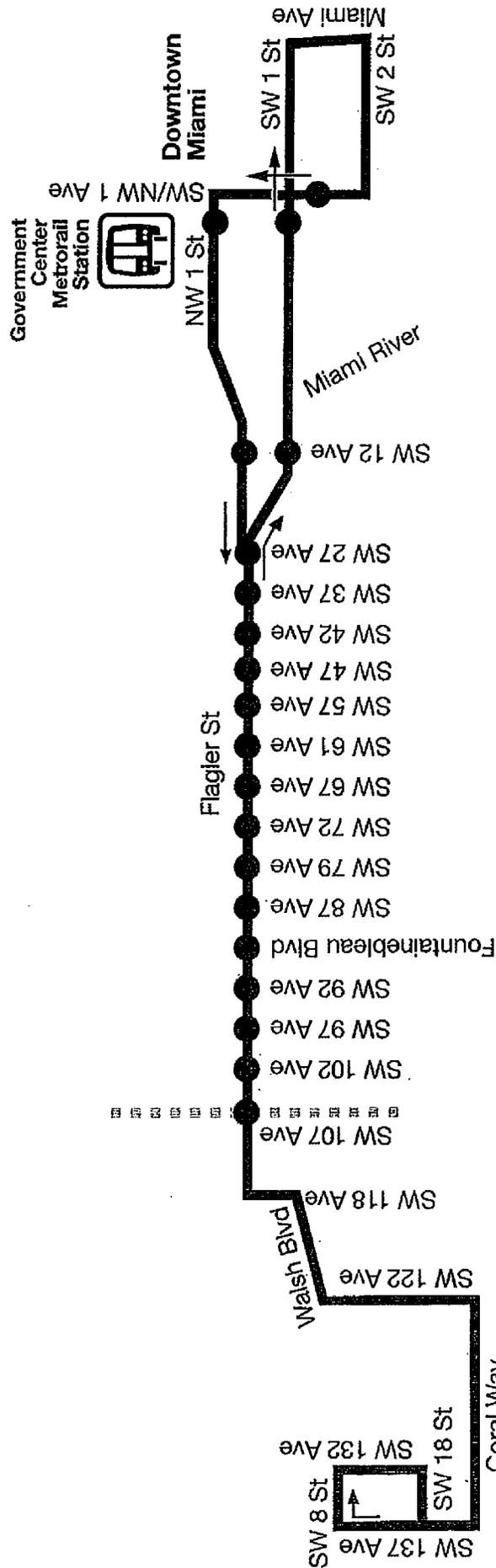
Staff has reviewed the submitted plans and acknowledges that the applicant has provided a continuous sidewalk from the property to the existing bus pull out bay located on the westbound side of SW 8th Street just west of SW 137 Avenue. However, staff notes that the 10' X 20' bus stop pad/shelter as illustrated in Exhibit "B" of the Declaration of Restrictions recorded in Official Records Book 283000 at Page 2562 of the Public Records of Miami-Dade County is currently not shown on the plans.

The location of the proposed bus stop pad/shelter along SW 137 Avenue is located within an FPL easement that runs along the entire east property line. The applicant has indicated that they are working closely with FPL to obtain approval for the bus shelter structure. **As such, MDT has no objections to this application subject to the following conditions:**

1. That the applicant provide and construct a bus shelter along SW 137 Avenue provided that Florida Power and Light (FPL) agrees to the bus shelter structure within their existing easement limits.
2. That the applicant adds a note to the submitted site plan indicating that the 10' X 20' bus stop pad/shelter will be provided subject to FPL approval of such structure within their existing easement limits along SW 137 Avenue.
3. In the event this application is approved, that the above noted conditions be included in the resolution approving the site plan.

c: Monica D. Cejas, P.E., Senior Professional Engineer
Gerald E. Bryan, Section Chief Service Planning and Scheduling
Eric Zahn, Transit Planning Section Supervisor
Douglas K. Robinson, Principal Planner

Route 51 Flagler MAX

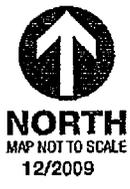
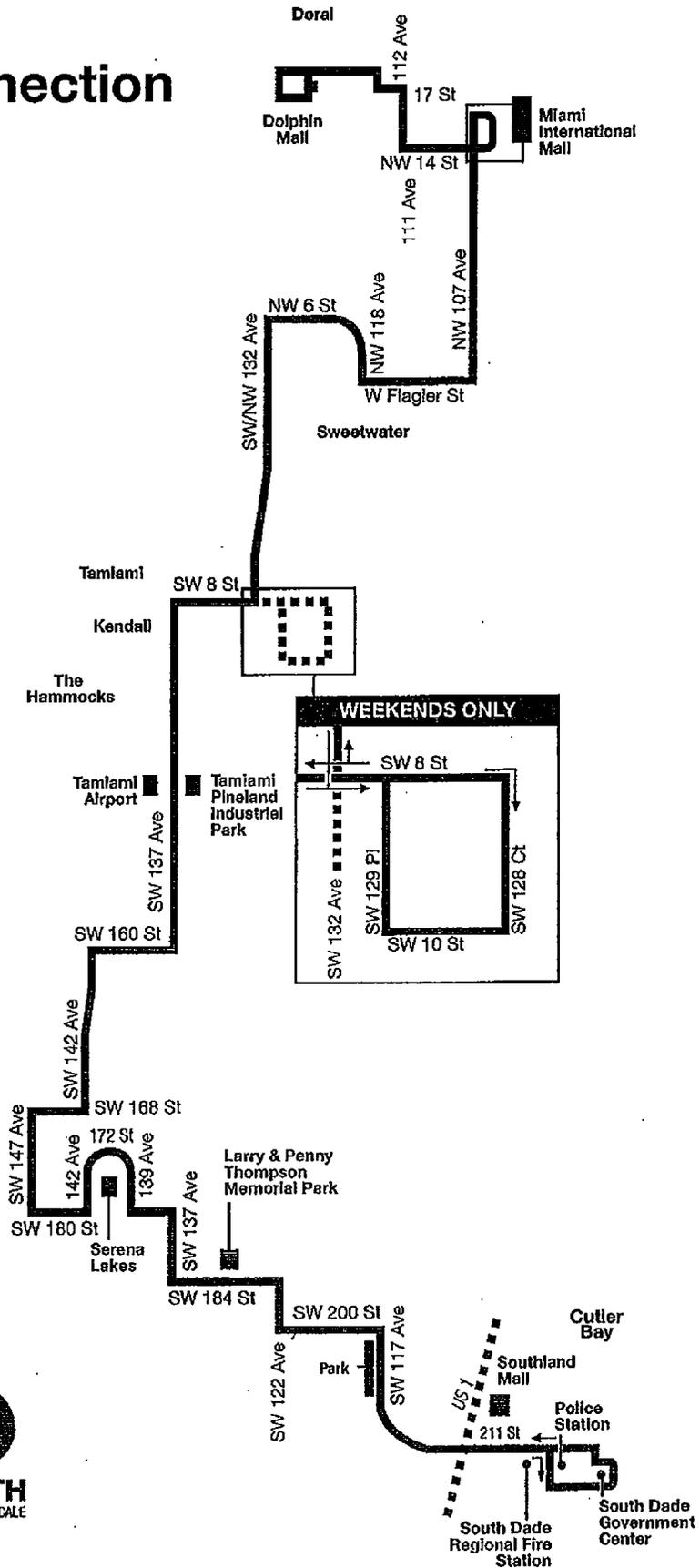


NORTH
MAP NOT TO SCALE
03/12

● LIMITED STOPS

Makes all local stops west of 107 Ave

Route 137 West Dade Connection



Near Term Transportation Plan For Miami-Dade County



FIGURE 6: PROPOSED EAST-WEST EXPRESS

Near Term Transportation Plan For Miami-Dade County

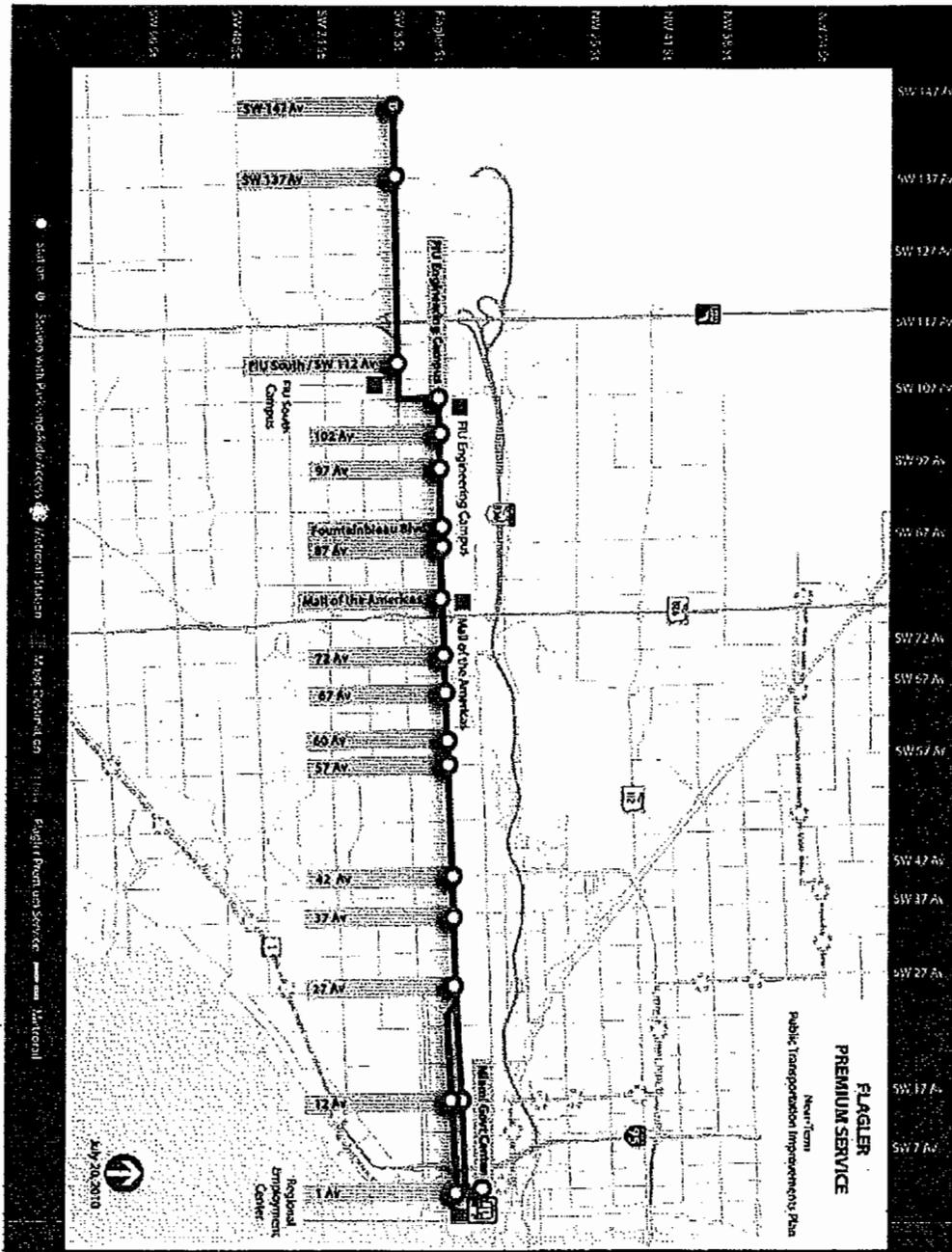


FIGURE 7: PROPOSED FLAGLER ROUTE

Memorandum



Date: 10-JAN-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000154

Fire Prevention Unit:

No objection to plan stamped received December 19, 2012, via Case # Z2012000154

Service Impact/Demand

Development for the above Z2012000154
 located at NW CNR OF SW 8 ST & 137 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1341 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>135,000</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 40.2 alarms-annually.
 The estimated average travel time is: 4:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 61 - Trail - 15155 SW 10 Street
 ALS Engine,

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 received December 19, 2012. 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: 07-JUN-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

TARGET CORPORATION

NORTHWEST CORNER OF SW 8
ST & 137 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000154

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases

Target Corporation

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

REPORTER NAME:

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.

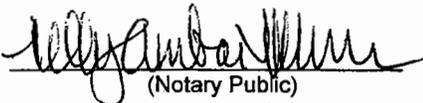
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

TARGET CORPORATION, a Minnesota corporation

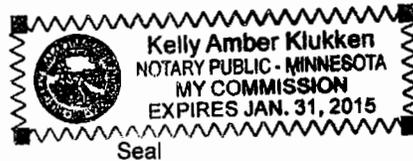
Signature: 

Print Name/Title: Scott Nelson
Sr Vice President
Target Corporation

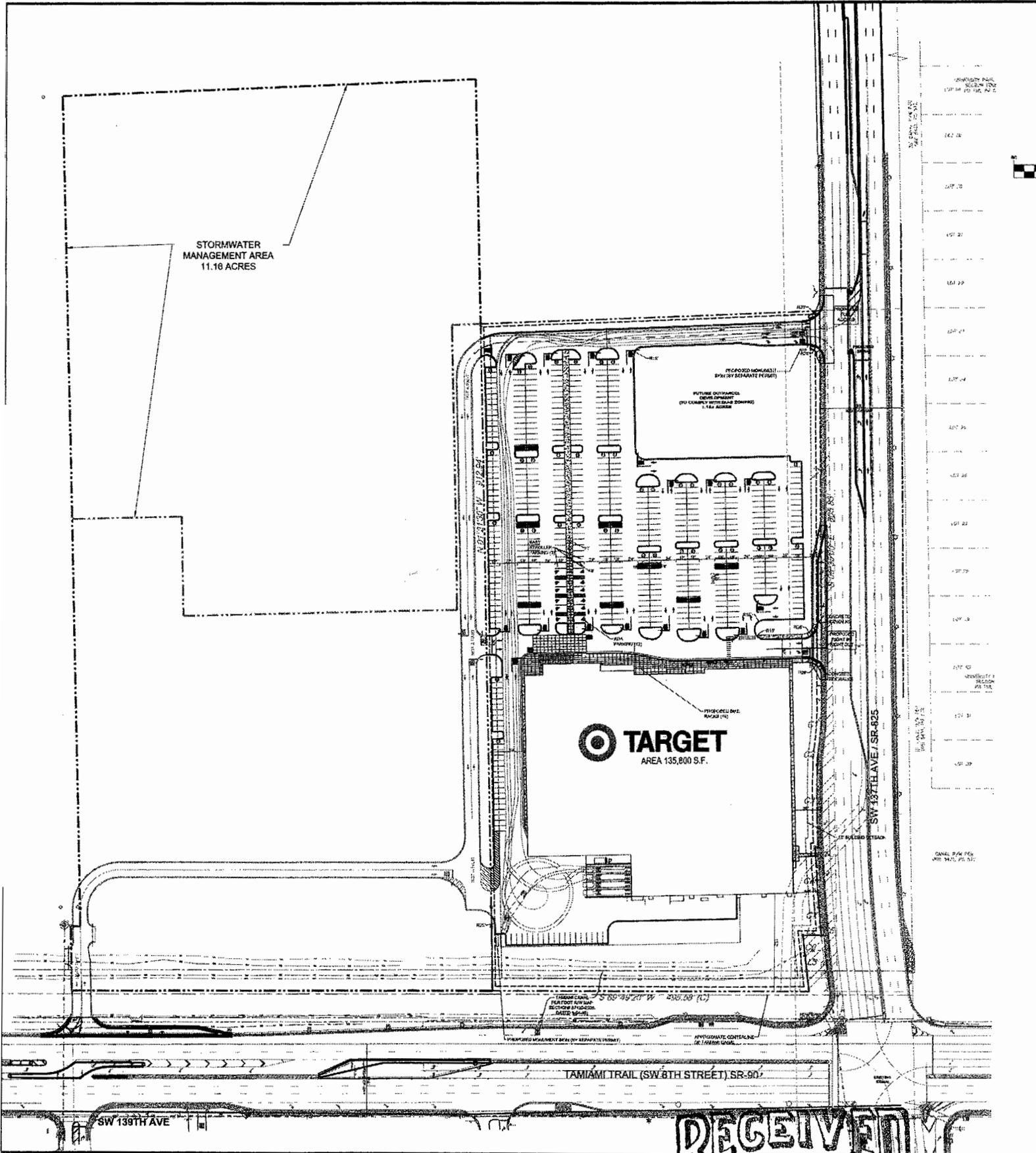
Sworn to and subscribed before me this 7th day of December 2010. Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

My commission expires: JAN. 31, 2015



*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.



SW 139TH AVE

TAMIAMI TRAIL (SW 8TH STREET) SR-90

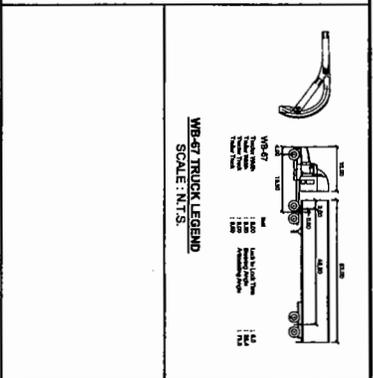
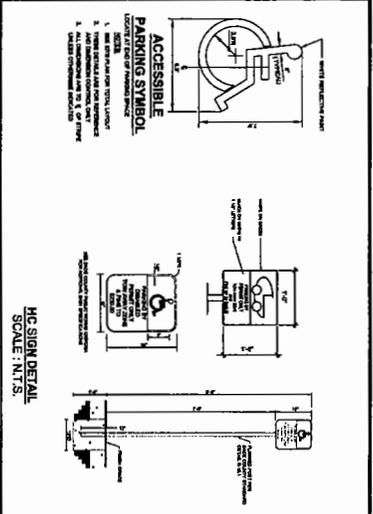
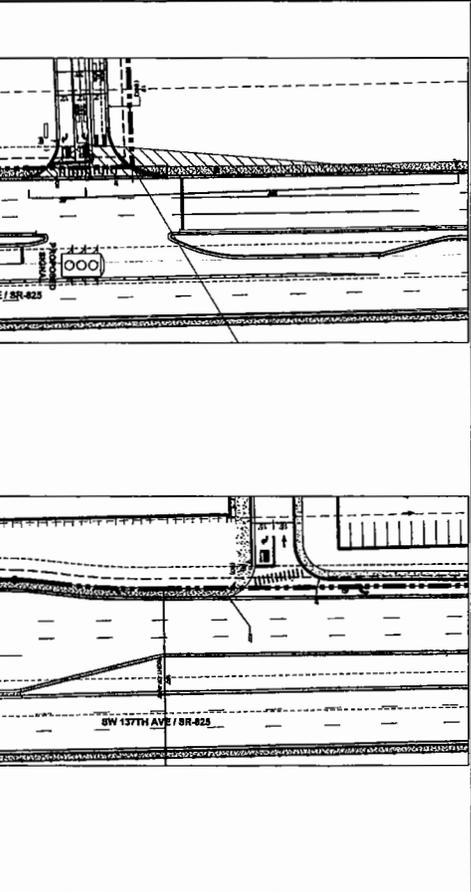
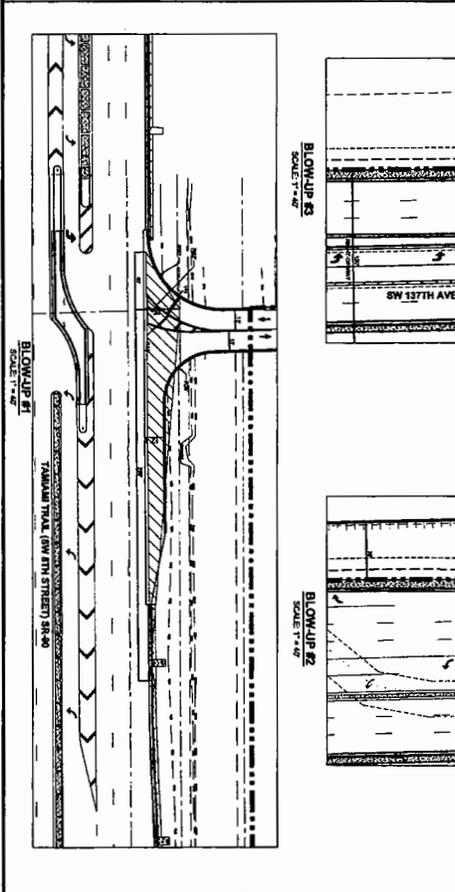
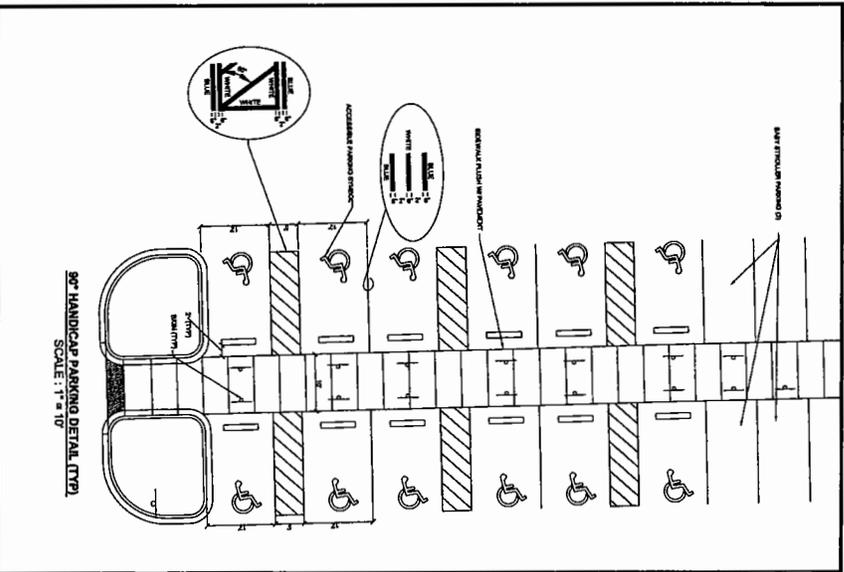
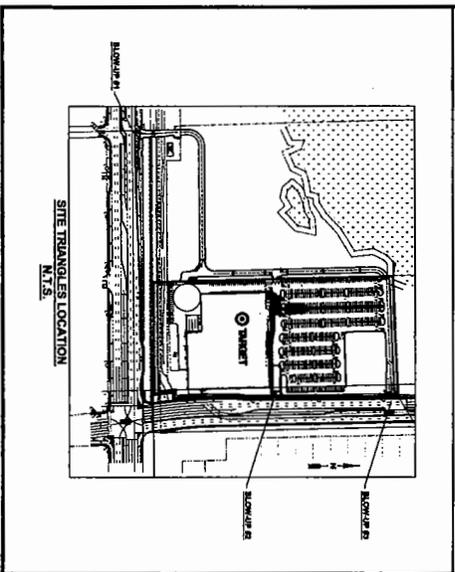
SW 137TH AVE / SR-825

ENLARGED SITE PLAN

RECEIVED
 212-134
 MAY 23 2013

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

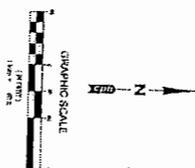
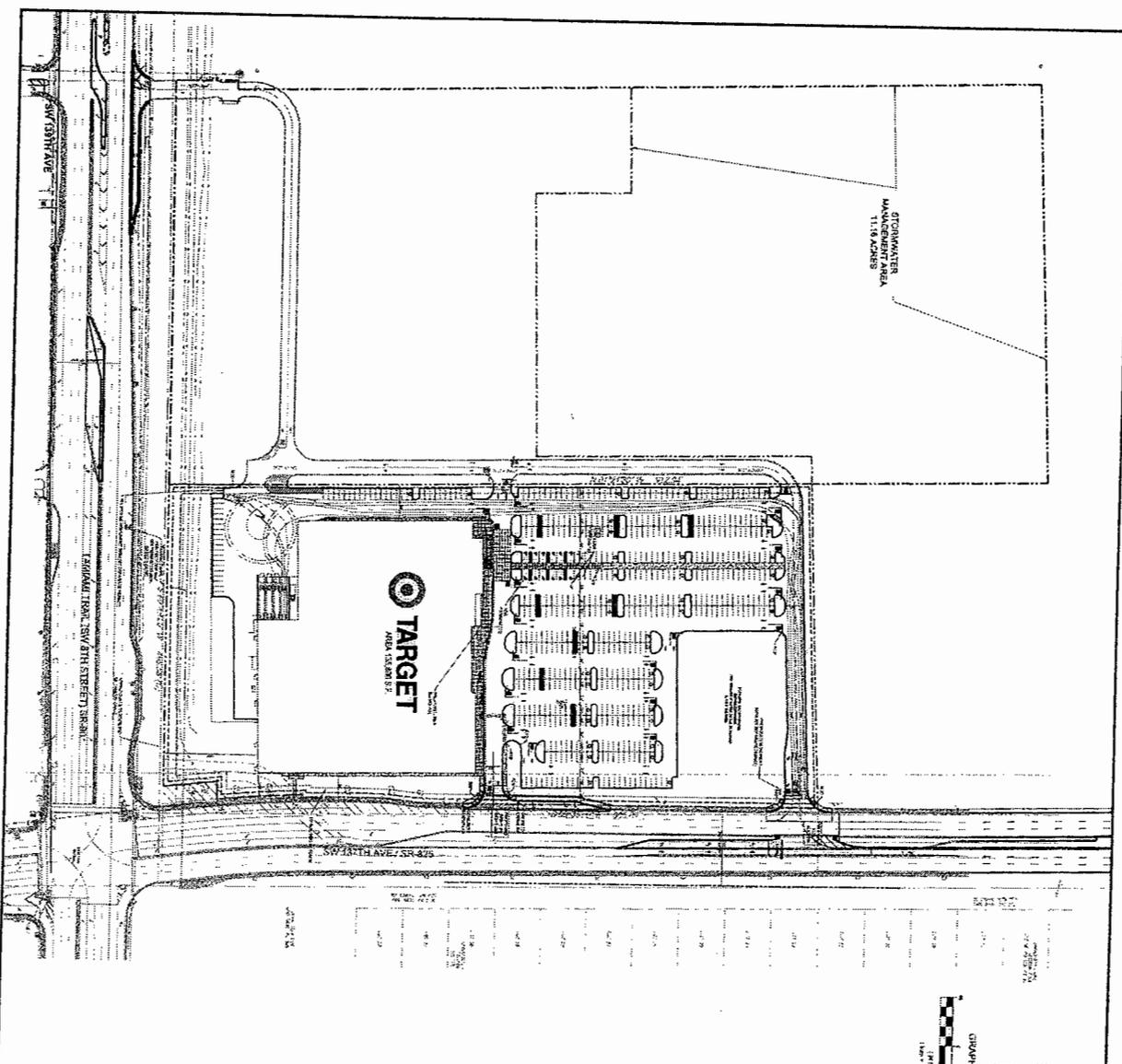
34



RECEIVED
 11-14-12
 REF. 13 202

C-3	DETAIL SHEET	Designed by: CPC	Checked by: DMI	Approved by: CPC	Scale: 1" = 40'	Date: 12/19/12	Job No.: T8708	File: CONCEPT L10	No.	Date	Revision	By
	TARGET (T-2826) SW 8TH ST & NW 137TH AVE MIAMI DADE COUNTY, FLORIDA											

gph
 11-14-12



LEGAL DESCRIPTION

... (Detailed legal description text) ...

LEGAL DESCRIPTION

... (Detailed legal description text) ...

ADDITIONAL DESIGN REQUIREMENTS

1. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.	2. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.
3. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.	4. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.
5. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.	6. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.
7. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.	8. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.
9. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.	10. The building shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 2, and the Florida Fire Code, Chapter 6, Part 2.

PERMITS AND REGULATIONS

NO.	DESCRIPTION	STATUS
1	Building Permit	APPROVED
2	Fire Department Approval	PENDING
3	Health Department Approval	PENDING
4	Environmental Impact Statement	COMPLETED
5	Historic Preservation Review	NOT APPLICABLE
6	Public Works Department Approval	PENDING
7	Water Management Plan Approval	PENDING
8	Stormwater Management Plan Approval	PENDING
9	Site Plan Approval	PENDING
10	Final Inspection	PENDING

MASTER PLAN

TARGET (T-2620)

SW 8TH ST & NW 137TH AVE
MIAMI DADE COUNTY, FLORIDA

Developed by: CPC

Drawn by: LAY

Checked by: CPC

Approved by: CPC

Scale: 1" = 50'

Date: 2/19/13

Job No.: 17028

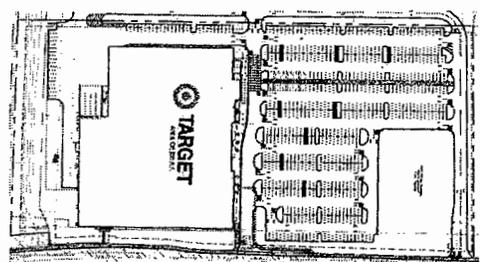
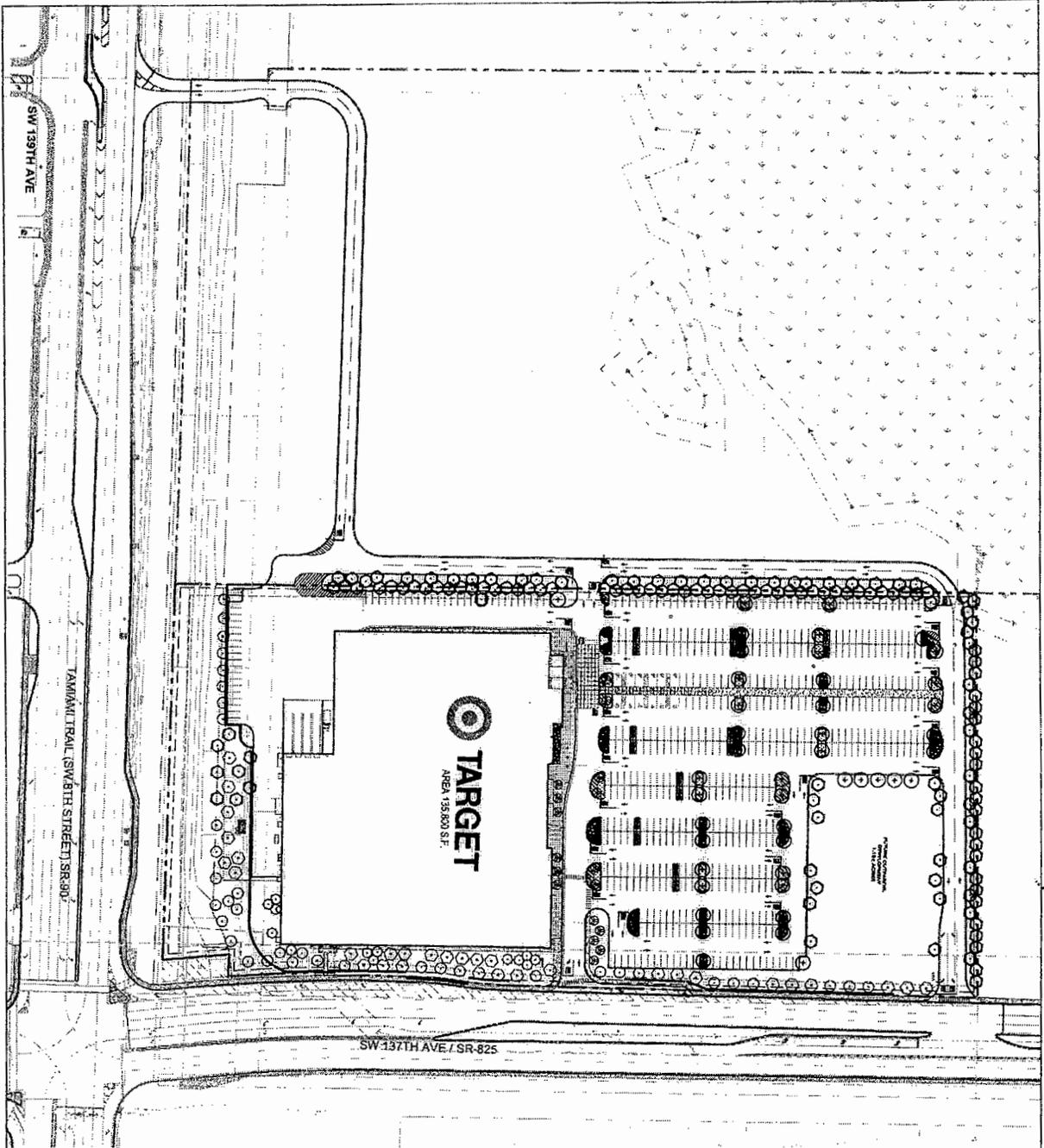
File: CONCEPT.LAY

CPH

1000 N.W. 107th Ave.
Miami, FL 33177
Tel: 305.444.1111
Fax: 305.444.1112

Sheet No. **G-2**

Target 2/12/14 36



RECEIVED
 APR 23 2012
 2:12:15 PM
 811
 Know what's below.
 Call before you dig.

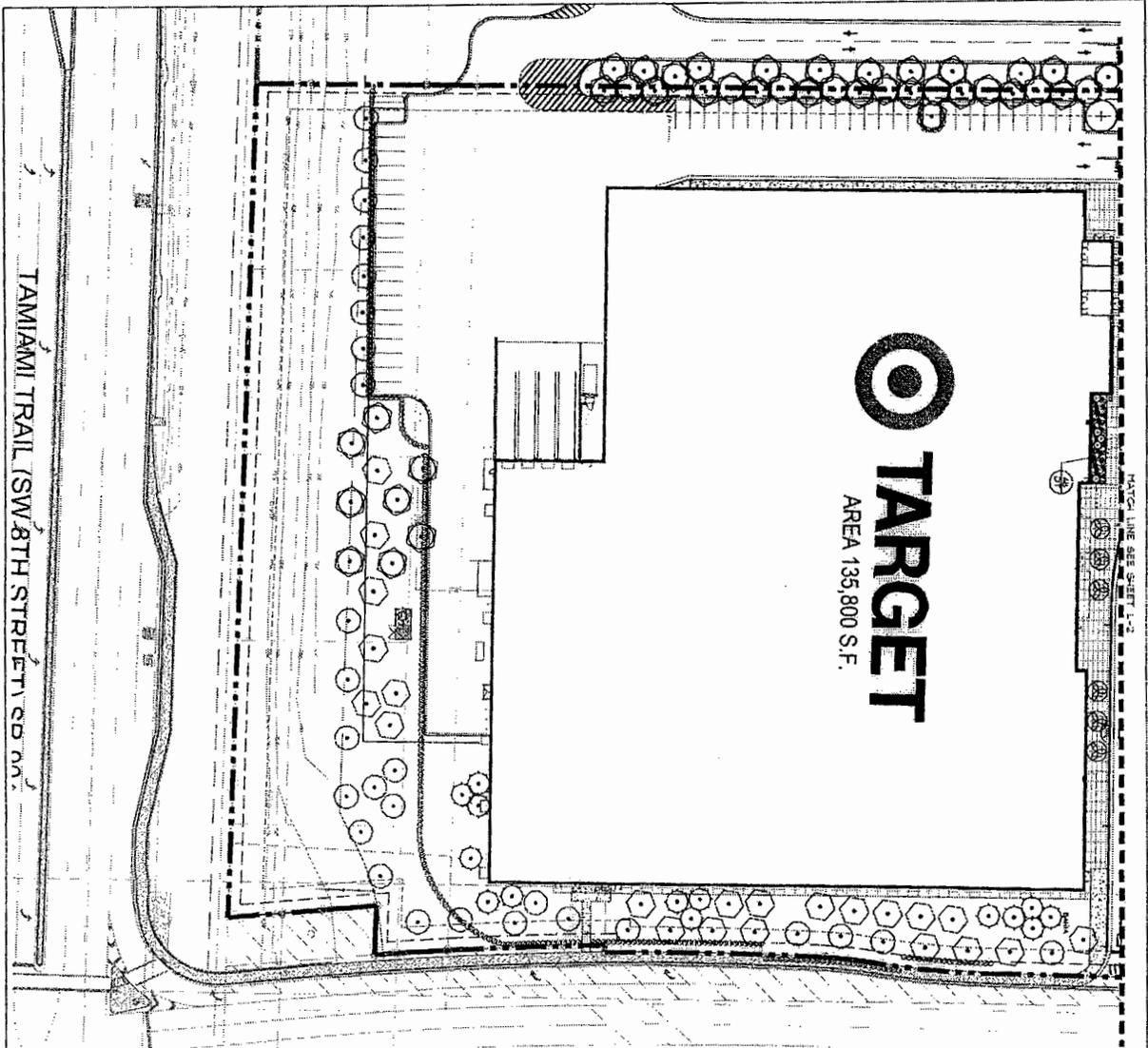
- PLANT LIST**
- | SYMBOL | PLANT NAME |
|----------|--------------|
| (Symbol) | 10' SP. OAK |
| (Symbol) | 12' SP. OAK |
| (Symbol) | 14' SP. OAK |
| (Symbol) | 16' SP. OAK |
| (Symbol) | 18' SP. OAK |
| (Symbol) | 20' SP. OAK |
| (Symbol) | 22' SP. OAK |
| (Symbol) | 24' SP. OAK |
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| (Symbol) | 90' SP. OAK |
| (Symbol) | 92' SP. OAK |
| (Symbol) | 94' SP. OAK |
| (Symbol) | 96' SP. OAK |
| (Symbol) | 98' SP. OAK |
| (Symbol) | 100' SP. OAK |

OVERALL LANDSCAPE PLAN

TARGET
 SW 8TH ST & SW 137TH AVE
 MIAMI, FLORIDA

Designed by: JCV
 Drawn by: RES
 Checked by: JCV
 Approved by: JCV
 Scale: 1" = 50'
 Date: AUG 2012
 Job No.: 79728
 File: 1-1

gph
 GARDENING
 PLANNING
 HEDGING
 CONSULTANTS
 1000 N. W. 107th Ave., Suite 100
 Miami, FL 33177
 Phone: 305.444.4444
 Fax: 305.444.4444
 Website: www.gph.com



TARGET
AREA 135,800 S.F.

TAMIAMI TRAIL (SW 8TH STREET) SB ON

MATCH LINE SEE SHEET L-3

- PLANT LIST**
- STYL. COMMON NAME
- ① LIVE OAK
 - ② TO BALD CYPRESS
 - ③ CASAHGE PALM
 - ④ SPANISH BROOM
 - ⑤ SPANISH BROOM
 - ⑥ SPANISH PALM

- NOTES / ACCENT**
- ① G. REC. THE COGNAC
 - ② M. SPANISH PALM
 - ③ M. SPANISH PALM
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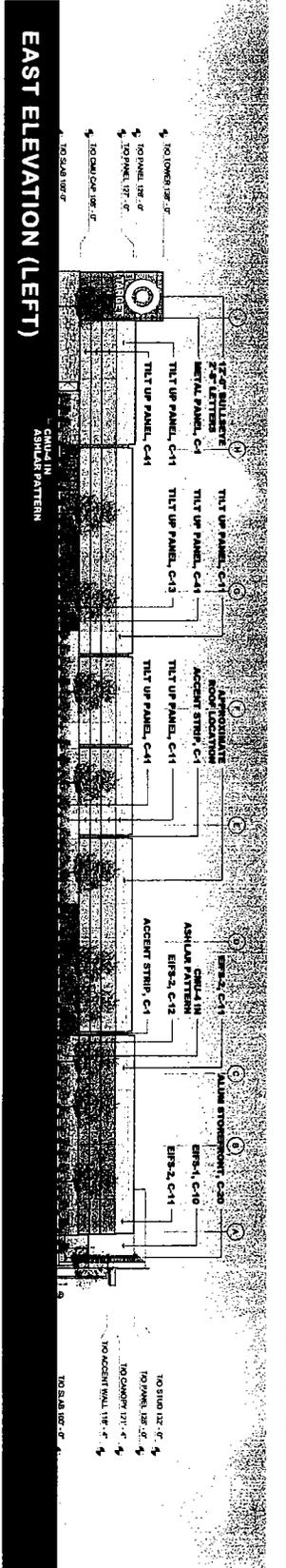
212-154
RECEIVED
MAY 23 2012

811
Key sign below.
Call before you dig.

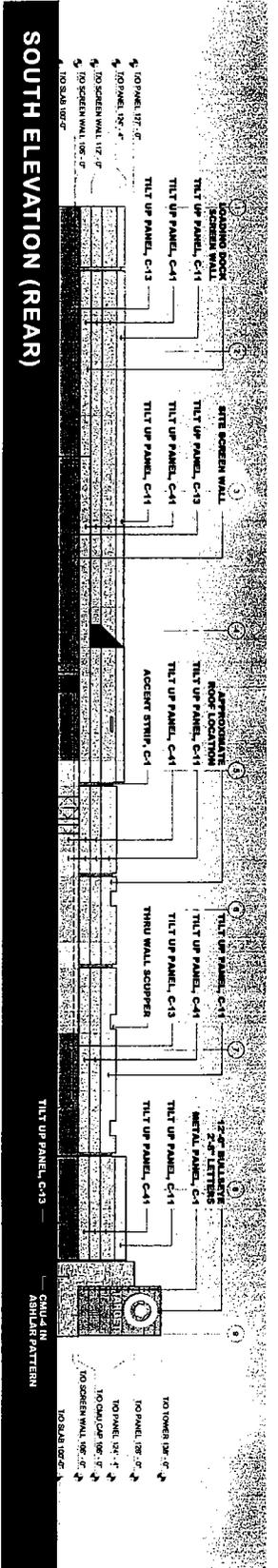
<p>gph</p> <p>Gregory J. Pappalardo Principal Landscape Architect 1000 S.W. 15th Ave., Suite 200 Miami, FL 33135 (305) 371-1111 www.gregorypappalardo.com</p>	<p>Project: Location: Client: Date: Scale: Job No.:</p>	<p>Drawn by: Checked by: Designed by: Date: Job No.:</p>	<p>212-154 RECEIVED MAY 23 2012</p>	<p>811 Key sign below. Call before you dig.</p>	<p>LANDSCAPE PLAN</p>	<p>SW 8TH ST & SW 13TH AVE MIAMI, FLORIDA</p>	<p>Sheet No. L-3</p>
					<p>DATE: AUG. 2012</p>	<p>FILE: LEP</p>	<p>BY:</p>

39

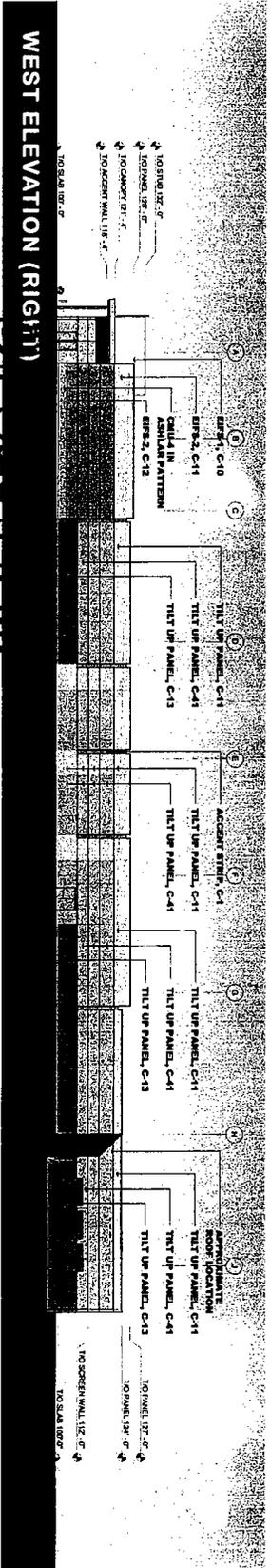
NORTH ELEVATION (FRONT)



EAST ELEVATION (LEFT)



SOUTH ELEVATION (REAR)



WEST ELEVATION (RIGHT)



SCALE 1/16" = 1'-0"

T-2826 West, Dade FL

DEC 19, 2012

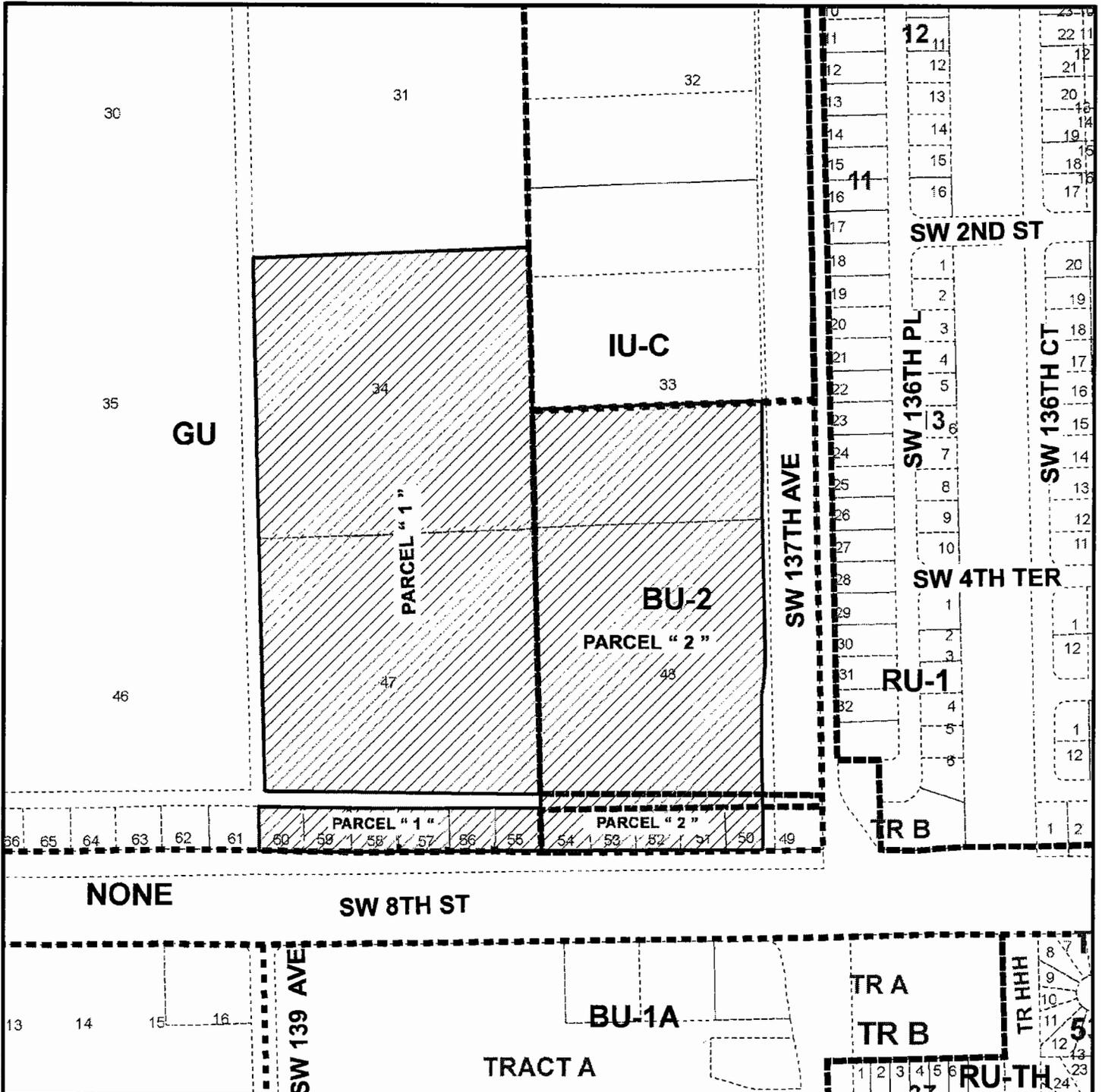
DAVID MITCHELL ARCHITECTS

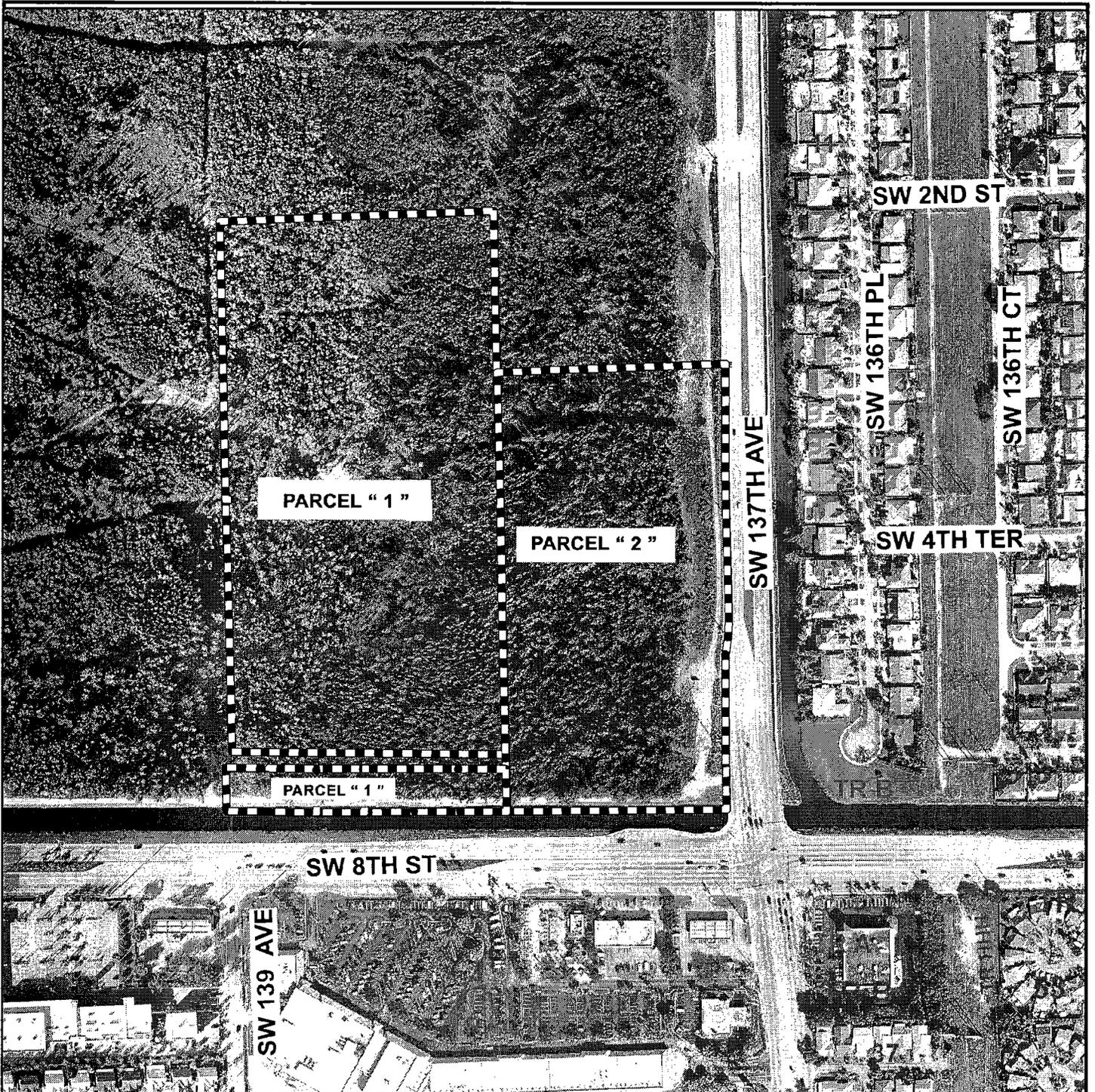
EXTERIOR ELEVATIONS

STUDIO 1000 DESIGN

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY KB 212-154





MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000154



Section: 03 Township: 54 Range: 39
Applicant: TARGET CORPORATION
Zoning Board: C5
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

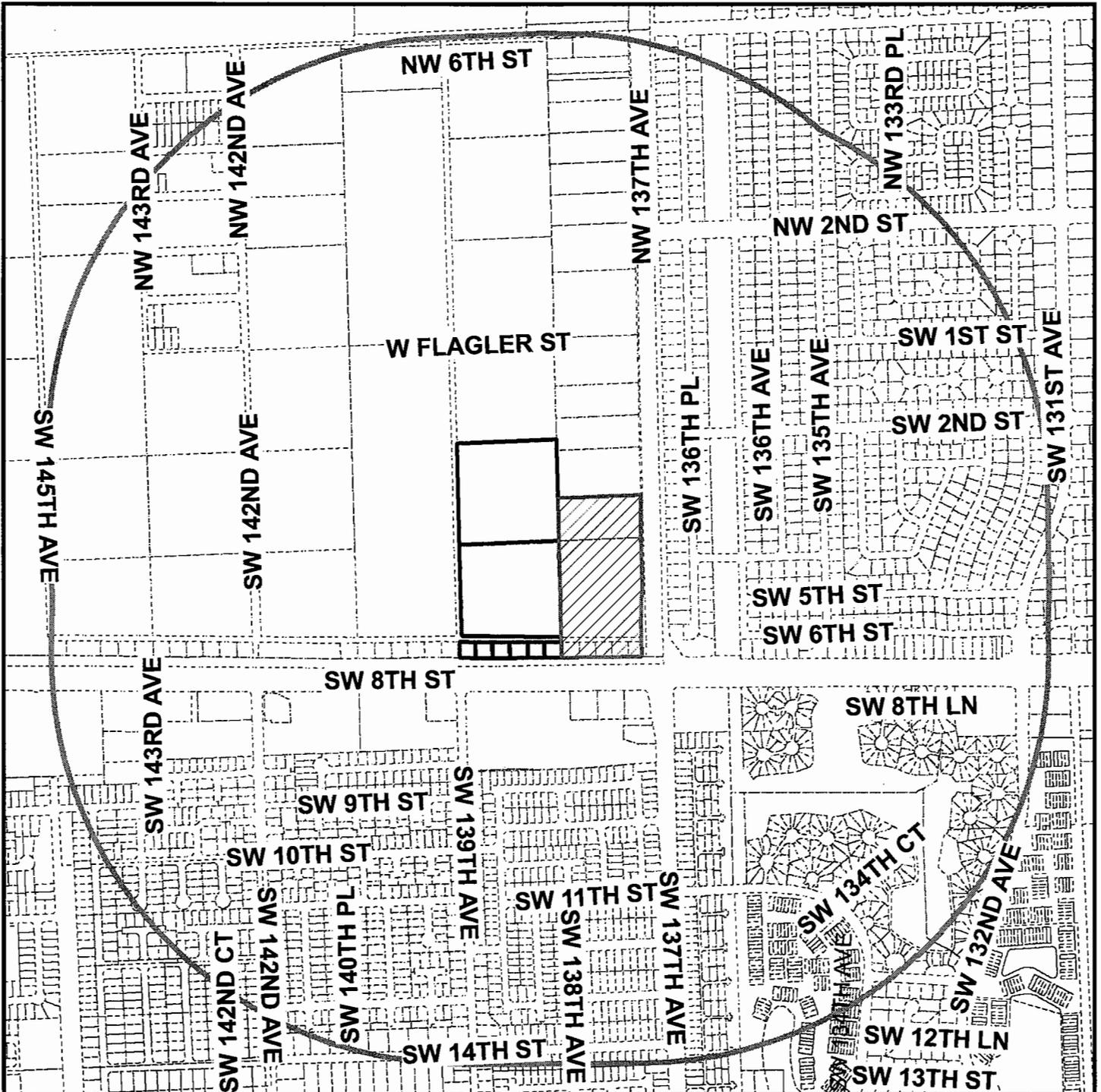
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, May 21, 2013

REVISION	DATE	BY
		43



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number

Z2012000154

RADIUS: 2640



Section: 03 Township: 54 Range: 39
 Applicant: TARGET CORPORATION
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

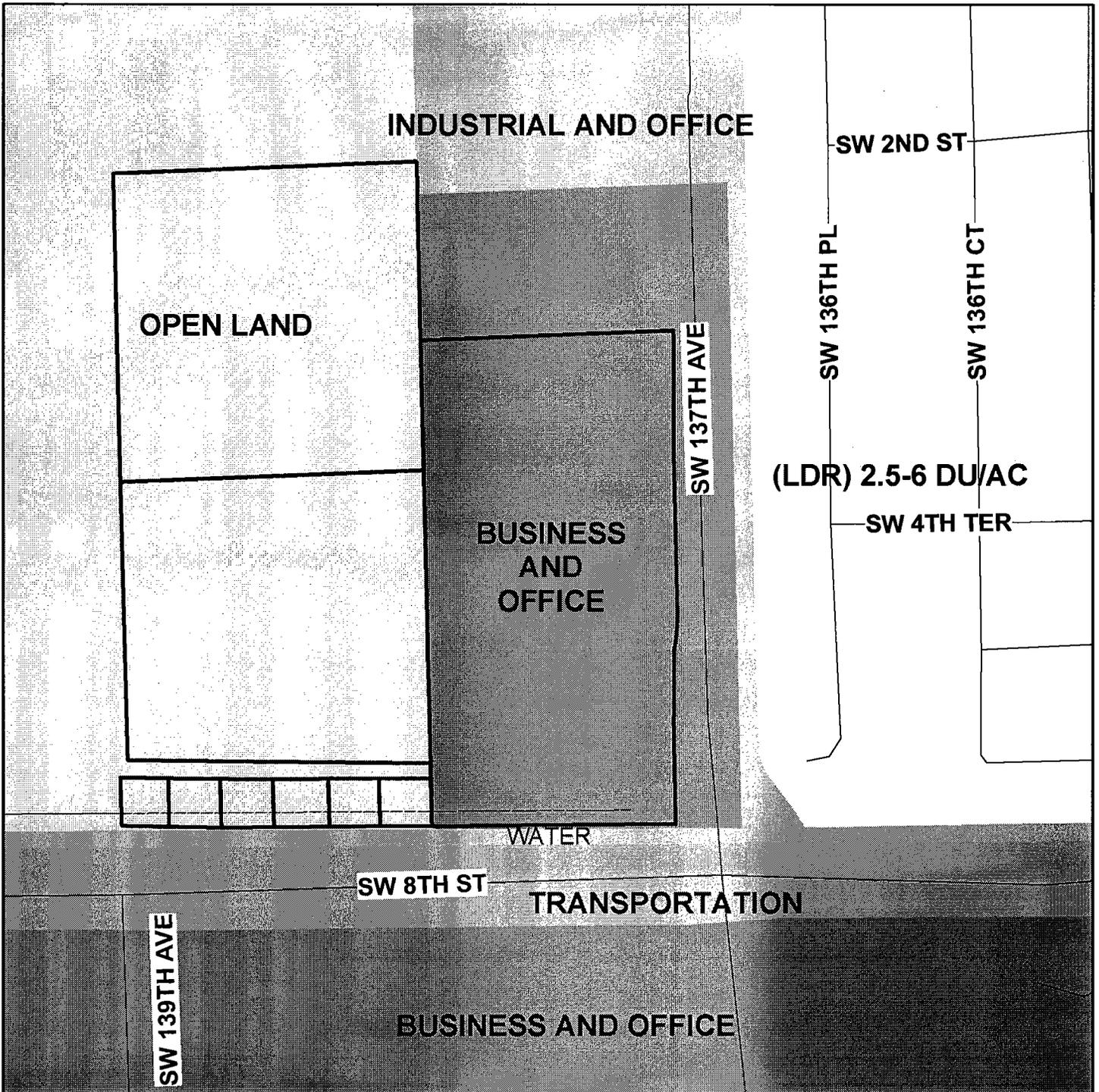
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, January 17, 2013

REVISION	DATE	BY
		44



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000154



Section: 03 Township: 54 Range: 39
 Applicant: TARGET CORPORATION
 Zoning Board: C5
 Commission District: 12
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, January 17, 2013

REVISION	DATE	BY
		45