

KITS

11-5-2008 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
Tuesday, December 9, 2008 at 7:00 p.m.

CURRENT

1. 08-12-CZ11-1 CARLIN RAFIE

07-408

05-55-39 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, DECEMBER 9, 2008

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, 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

1. CARLIN RAFIE (08-12-CZ11-1/07-408)

5-55-39
Area 11/District 11

Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in the approval of Substantial Compliance Determination Application #D2004000032.

The purpose of the request is to require the site to be developed in accordance with the plan approved by the Board of County Commissioners pursuant to Resolution No. Z-26-04, or to seek approval at public hearing for a modification of the previously approved plan.

LOCATION: The southeast corner of S.W. 162 Avenue and North Kendall Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 20 Acres

Department of Planning and Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

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

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

1. CARLIN RAFIE
(Applicant)

08-12-CZ11-1 (07-408)
Area 11/District 11
Hearing Date: 12/9/08

Property Owner (if different from applicant) **West Kendall Holdings**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2001	Gunhild Milner	DRI for a multi-use development.	CZAB-11	Recommended for approval
2001	Gunhild Milner	- Zone change from GU to BU-2 & BU-3. - Special exception for multi-use dev. & alcohol spacing. - Non-Use variances of parking, setbacks, zoning & landscape regulations. - Unusual Uses for Alf, recreational facility, lake excavation.	CZAB-11	Recommended for approval
2001	Gunhild Milner, et al	DRI for a multi-use development.	BCC	Approved w/conds.
2001	Gunhild Milner, et al	- Zone change from GU to BU-2 & BU-3. - Special exception for a multi-use development & alcohol spacing. - Unusual Uses for Alf, recreational facility, lake excavation. - Non-Use variances of parking, setbacks, zoning & landscape regulations.	BCC	Approved w/conds.
2004	West Kendall Holdings	- Sub. Deviation Determination. - Modification of resolution.	BCC	Approved w/conds.
2004	West Kendall Holdings	- Sub. Deviation Determination. - Modification of resolution.	CZAB-11	Approved w/conds.
2004	West Kendall Holdings	- Modification of covenant and resolution. - Special exception for residential use. - Non-Use variance of parking. - Unusual Use for outdoor dinner.	BCC	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANT: Carlin Rafie

PH: Z07-408 (08-12-CZ11-1)

SECTION: 5-55-39

DATE: December 9, 2008

COMMISSION DISTRICT: 11

ITEM NO.: 1

A. INTRODUCTION

o **REQUEST:**

Appeal of an Administrative Decision alleging that the Director of the Department of Planning and Zoning erred in the approval of Substantial Compliance Determination Application #D2004000032.

The purpose of the request is to require the site to be developed in accordance with the plan approved by the Board of County Commissioners pursuant to Resolution #Z-26-04, or to seek approval at public hearing for a modification of the previously approved plan.

o **SUMMARY OF REQUEST:**

The appellant, Carlin Rafie, is appealing an Administrative Decision on the property located at the southeast corner of S.W. 162 Avenue and North Kendall Drive alleging that the Director erred in the approval of the plans submitted for the Substantial Compliance Determination Application #D2004000032 by approving a site plan showing buildings spaced less than required from other buildings and a building being labeled for a bank/retail/restaurant use.

o **LOCATION:**

The southeast corner of S.W. 162 Avenue and North Kendall Drive, Miami-Dade County, Florida.

o **SIZE:** 20 Acres

o **IMPACT:**

Approval of this application will allow the site to be developed in accordance with the plan approved, pursuant to Resolution #Z-26-04, or to seek approval at public hearing for a modification of the previously approved plan. This application will not have a negative impact to the surrounding area.

B. ZONING HEARING HISTORY:

In 2001, pursuant to Resolutions #Z-6-01 and #Z-7-01, the Board of County Commissioners (BCC) approved a multi-use Development of Regional Impact consisting of office, retail, community medical facility/wellness center, community/youth center, home for the aged (senior assisted living facility), hotel, movie theatre, and a public transportation terminal (Metro bus terminals for multiple routes). The application consisted of zone changes from GU, Interim District, to BU-2, Special Business District,

and BU-3, Liberal Business District, and a special exception for site plan approval. In addition, the BCC approved various unusual uses and special exceptions for the proposed services for this development and various accompanying non-use variances which permitted 0' of dedication for portions of SW 157 Avenue and portions of theoretical SW 162 Avenue, permitted certain buildings to setback closer to property lines than would be required, and permitted less parking than would be required on certain parcels within this development. In 2004, pursuant to Resolutions #Z-26-04 and #Z-27-04, the subject property was part of a larger tract of land where the applicant was granted approval of a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes for certain modifications to an approved Development of Regional Impact (DRI) in order to include a 300-bed hospital with accompanying day care; a senior apartment housing facility; a police substation; to reduce the square footage of previously approved retail uses; reduce the number of previously approved hotel rooms; provide a 200-bed/unit home for the aged or in the alternative, an up to 125-unit senior residence facility; to construct a bus terminal facility; to increase the number of screens and seats for a movie theatre; to amend the timing of certain road improvements; and to extend the build-out and termination date for 3 additional years. In addition, the applicant was granted an approval for a modification of a previously approved site plan indicating the aforementioned amendments to the previously approved development program, and showing changes in the lakes' configurations. Other approved requests included an unusual use to permit outdoor dining, a non-use variance to permit valet parking and a special exception to permit residential uses in the BU-2 district was also approved in order to permit the establishment of a senior apartment housing facility. A modification of a previously proffered declaration of restrictive covenant was also approved in order to allow the applicant to modify the previously approved plans and to develop the site with a new building program. In 2007, the Director of the Department of Planning and Zoning found plans submitted for a Substantial Compliance Determination application D200400032 to be in substantial compliance with the previously approved plans pursuant to Resolution #Z-26-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations

as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-2 and BU-3; vacant

Business and Office

Surrounding Properties:

NORTH: BU-1A; shopping center

Business and Office

SOUTH: BU-2 and BU-3; vacant

Business and Office

EAST: BU-2; vacant

Business and Office

WEST: BU-2; vacant
RU-1M(a), single-family residences

Business and Office
Low-Density Residential 2.5 to 6 du

The subject property is located in the west Kendall area of Miami-Dade County. The area where the subject property lies is characterized by new single-family home subdivisions and recently completed shopping centers.

E. SITE AND BUILDINGS:

Site Plan Review:

(Plans from ASPR #D200400032)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Acceptable

F. PERTINENT REQUIREMENTS/STANDARDS:

1. Upon application of an **appeal of an administrative decision**, the Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of the regulations.
2. **Section 33-51. Setbacks in business and industrial districts.** The minimum setback distances and spacing requirements in all business districts and in IU-1,

IU-2 and IU-3 Industrial Districts (see Section 33-273 for IU-C setback requirements) shall be as follows:

Between buildings --Twenty (20) feet.

3. **Section 33-310.1(A)(I) Substantial Compliance With Previous Approval.** The Director shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the previous zoning action regarding a site plan, as demonstrated by all of the following:

(A) Development density and intensity have not materially changed, in that:

1. the number of buildings is not increased by more than 10 percent;
2. the number of stories is the same or fewer;
3. the height of the building(s) is the same or less;
4. the number of units is the same or fewer;
5. the lot coverage and floor area ratio are the same or less;
6. the number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subsection and of this chapter; and
7. density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.

(B) Design has not materially changed, in that:

1. the roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
2. the parking area is in the same general location and configuration;
3. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single-family development, zero lot line, rowhouse, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
 - (a) the underlying zoning district regulations, or
 - (b) any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;

4. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
5. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
6. elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;
7. recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or are converted from one recreational use to another;
8. if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
9. if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as approved by zoning action. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
10. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing, or of expanding the scope of existing variances, alternative site development options, or other approvals pursuant to alternative development standards such that they would differ to a greater degree from the strict application of the zoning code;
11. additional outparcels may be added where:
 - (a) there is no increase in the project's total floor area ratio or lot coverage;
 - (b) there is no reduction in the total amount of landscaped open space; and
 - (c) addition of the outparcel does not result in noncompliance with any other provision of this subsection on any other portion of the subject property.
12. reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this code.

(C) The slope of any lake for which a modification is requested complies with Section 33-16 and all other applicable provisions of this code.

G. NEIGHBORHOOD SERVICES:

DERM	No objections
Public Works	No objections
Parks	No objections
MDT	No objections
Fire Rescue	No objections
Police	No objections
Schools	No comments

H. ANALYSIS:

The subject 20-acre vacant property is located at the southeast corner of S.W. 162 Avenue and North Kendall Drive in an area characterized by new single-family home subdivisions and recently completed shopping centers. The appellant, Carlin Rafie, is appealing an Administrative Decision alleging that the Director erred in the approval of Substantial Compliance Determination #D2004000032. The purpose of the request is to require the site to be developed in accordance with the plan approved at the Zoning Hearing by Resolution #Z-26-04, which showed commercial buildings spaced 40' from each other, in lieu of the spacing of less than 40' from each other as shown in the plans approved under Substantial Compliance Determination Application #D2004000032. The appellant alleges that the site plan approved by the Department of Planning and Zoning violates the Zoning Code by showing buildings spaced closer to each other than previously approved, which normally require a variance of spacing. Section 33-51 of the Zoning Code indicates that the minimum setback distances and spacing requirements in all business districts and in IU-1, IU-2 and IU-3 Industrial Districts shall be 20' between buildings. Additionally, the appellant alleges that the site plan approved by the Department of Planning and Zoning violates a condition set forth by the Department of Public Works which restricted buildings not to be utilized for bank, retail or restaurant uses. Staff notes that said condition is not actually a condition, but a review comment issued by the Department of Public Works on April 12, 2000 based on the submitted plans for the Kendall Town Center DRI application. In 2004, pursuant to Resolutions #Z-26-04 and #Z-27-04, the subject property was part of a larger tract of land where the applicant was granted approval of a substantial deviation determination pursuant to Section 380.06(19) of the Florida Statutes for certain modifications to an approved Development of Regional Impact (DRI) in order to include a 300-bed hospital with accompanying day care; a senior apartment housing facility; a police substation; to reduce the square footage of previously approved retail uses; reduce the number of previously approved hotel rooms; provide a 200-bed/unit home for the aged or in the alternative, an up to 125-unit senior residence facility; to construct a bus terminal facility; to increase the number of screens and seats for a movie theatre; to amend the timing of certain road improvements; and to extend the build-out and termination date for 3 additional years. In addition, the applicant was granted an approval for a modification of a previously approved site plan indicating the aforementioned amendments to the previously approved development program, and showing changes in the lakes' configurations. Other approved requests included an unusual use to permit outdoor dining, a non-use variance to permit valet parking and a special exception to permit residential uses in the BU-2 district was also approved in order to permit the establishment of a senior apartment housing facility. A modification of a previously proffered declaration of restrictive covenant was also approved in order to allow the

applicant to modify the previously approved plans and to develop the site with a new building program. In 2007, the Director of the Department of Planning and Zoning found plans submitted for a Substantial Compliance Determination application D200400032 to be in substantial compliance with the previously approved plans pursuant to Resolution #Z-26-04.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. Additionally, the **Public Works Department** and the **Miami-Dade Fire and Rescue Department** have **no objections** to this application. Additionally, the Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **7:10** minutes.

Staff notes that the 2004 approved plans showed five buildings in an L-shaped formation spaced 40' from each other on the subject site. In 2007, the Director of the Department of Planning and Zoning found the plans submitted for a Substantial Compliance Determination application D200400032 to be in substantial compliance with the previously approved plans according to the substantial compliance criteria as stipulated under Section 33-310.1(A)(I). Staff notes that the plans submitted in 2007 were reviewed under said Zoning Section and met all the required criteria such as the number of buildings not be increased by more than 10 percent; the number of stories must remain the same or fewer; the height of the building(s) be the same or less; the building setbacks must be the same or greater distance from perimeter property lines; and elevations and renderings of buildings must be substantially similar architectural expressions as those shown on the approved plans. As previously mentioned, the appellant alleges that the site plan approved by the Department of Planning and Zoning violates the Zoning Code by showing buildings spaced closer to each other than required and previously approved. Although the 2007 substantial compliance plans depicted a similar L-shaped building configuration as the 2004 plans, staff notes that the previously approved buildings spaced 40' from each other were now connected by roofed structures and, therefore, no spacing between buildings were required because the previously approved multiple buildings that aligned in an L-shaped configuration became two L-shaped buildings. There is no required spacing between each L-shaped building because the new configuration joined what were previously separate buildings. The newly configured L-shaped buildings meet the criteria under Section 33-310.1(A)(I) and do not create any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing.

As previously mentioned, the appellant also alleges that the site plan approved by the Department of Planning and Zoning violates a condition set forth by the Department of Public Works which restricted buildings not to be utilized for bank, retail or restaurant uses. Staff notes that said condition is not actually a condition, but a review comment issued by the Department of Public Works on April 12, 2000 based on the submitted plans for the Kendall Town Center DRI application. Staff further notes that Resolution #Z-26-04 does not include such condition and the existing BU-2 zoning on the subject site permits, as a matter of right, said uses. As such, staff recommends that this Appeal of Administrative Decision be denied without prejudice.

- I. **RECOMMENDATION:** Denial without prejudice

J. **CONDITIONS:** None

DATE INSPECTED: 10/14/08
DATE TYPED: 11/12/08
DATE REVISED: 11/13/08; 11/14/08; 11/18/08; 11/26/08
DATE FINALIZED: 11/26/08
MCL; MTF; NN; AA; JV

for Maria T. Topf

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

Memorandum



Date: February 29, 2008

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

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

Subject: C-11 #Z2007000408
Carlin Rafie
Southeast Corner of S.W. 162nd Avenue and Kendall Drive
Appeal of an Administrative Decision
(BU-2) (20 Acres)
05-55-39

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

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CARLIN RAFIE

This Department has no objections to this application.

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

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

Raul A Pino, P.L.S.

05-JUN-08

Memorandum



Date: 27-FEB-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000408

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2007000408
 located at S.E. CORNER OF SW 162 AVENUE & N KENDALL DR, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1817 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: N/A alarms-annually.
 The estimated average travel time is: 7:10 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 36 - Hammocks - 10001 Hammock Blvd.
 Rescue, ALS 50' Sqr, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

CARLIN RAFIE

S.E. CORNER OF SW 162 AVENUE
& N KENDALL DR, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000408

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Last enforcement case was 200502000844. Cited for overgrowth. Complied and paid CVN. Case closed 08/05/2005. No violations since that time.

No Cases open and No Violation Observed.

McCrink, T

Application for Public Hearing

Appeal of Administrative Decision

Amount of fee \$855.00

Total including surcharge \$923.40

Additional Radius Fee: to be determined

Imaging Fee \$60.00

Folio # 30-5905-002-0010 thru 0480

Appeal to be heard by
CZAB# 11

Sec. 5 Twp. 55 Rge. 39

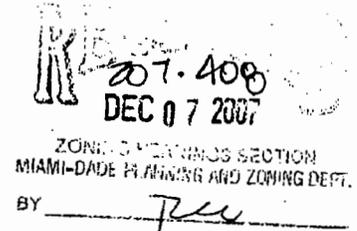
Important – The applicant and/or the applicant's attorney must be present at the hearing.

1. Name of applicant (Print) Carlin Rattie
2. Mailing Address/Telephone Number 16003 SW 97 Terrace
Miami, FL 33196 786-553-4234
3. Contact Person Jenny Lawson c/o Association of Community Organizations for Reform Now
4. Mailing Address/Telephone Number 1380 West Flagler Street, Miami, FL 33135;
305-644-3005 E-MAIL FLACORN@ACORN.ORG
5. Name of Property Owner West Kendall Holdings, LLC c/o The Rouse Company
6. Owner's Address Assumed to be 10275 Little Pataxent Pkwy, Columbia, MD 21044,
as printed on original application

7. Legal Description of the Property Covered by the Application: The property in question is commonly referred to as Zone A, of which the full legal description is as follows:

Part 1:

Begin at a point on the north line of Section 5, Township 55 South, Range 39 East, and the north-south half section line of said Section 5, as determined in Miami-Dade County Circuit Court Case No. 86-24085 CA14; thence N87°42'56"E along the north line of said Section 5 for 2,658.21' to a point; thence S0°3'26"W 2,643.03' to the centerline of theoretical S.W. 96 Street; thence S87°46'20"W along said centerline for 2,643.03' to the



north-south half section line of said Section 5; thence N020'32"E along said half section line for 2,640.94' to the Point of beginning. Less the north 55' thereof, for road right-of-way.

Part 2:

A portion of the NE ¼ of Section 5, Township 55 South, Range 39 East, being particularly described as follows:

Commence at the Northwest corner of the said NE ¼ of Section 5; thence S0°19'57"W along the west line of the said NE ¼ of Section 5 for 1,002.94'; thence S89°40'3"E for 46' to the Point of beginning of the parcel herein described; thence from the above established Point of beginning, run N41°23'4"E for 201.54'; thence S56°11'41"E for 65.58'; thence S48°36'56"E for 219.76'; thence S41°23'4"W for 323' to a point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 25' and a central angle of 90°0'0" for an arc distance of 39.27' to the Point of tangency; thence N48°36'56"W for 128.37' to a point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 25' and a central angle of 48°56'53" for an arc distance of 21.36' to the Point of tangency, said point being 46' east of, as measured at right angles to, the said west line of the NE ¼ of Section 5; thence N0°19'57"E along a line that is 46' east of, and parallel with, the said west line of the NE ¼ of Section 5 for 171.37' to the Point of beginning.

8. Address or location SW 162 Avenue & North Kendall Drive

9. Size of Property irr. ft. x irr. ft.

10. Administrative Decision appealed:

The decision being appealed is the following: on November 2, 2007, the Acting Assistant Director of Zoning of the Miami-Dade County Department of Planning and Zoning, found plans entitled "The Pointe at Kendall Town Center," dated/stamped October 23, 2007 for Application D200400032 for Substantial Compliance Determination, to be in substantial compliance (see Attachment A) with previously approved plans pursuant to Resolution Z-26-04, passed and adopted by the Board of County Commissioners on the 24th day of June, 2004.

The decision of staff to find the Plans in substantial compliance with the Resolution is being appealed.

RECEIVED
DEC 07 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY



The actual provision being violated is Sec. 33-51, *Setbacks in business and industrial districts*, which states in part:

The minimum setback distances and spacing requirements in all business districts and in IU-1, IU-2 and IU-3 Industrial Districts (see Section 33-273 for IU-C setback requirements) shall be as follows:

Between buildings -- Twenty (20) feet.

The plans approved pursuant to Resolution Z-26-04 by the Board of County Commissioners show the spacing between buildings Wing B1 and Wing B2; Wings A1 and Wing A2; and Wing A2 and Wing A3 – to be in accordance with section 33-51 of the Code. Specifically, Zone A Plan (A 2.0), dated 1/28/04, specifies a pedestrian open spacing between these buildings of forty (40) feet, in accordance with the code.

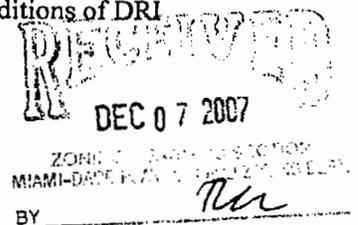
In contrast, plans approved by the Planning and Zoning Department on November 2, 2007 for Application of Substantial Compliance number D2004000032 clearly show the distance between these buildings to be in violation of Section 33-51's between-building setback requirements. When measured, Zone A Site Plan (AS 1), dated/stamped 10/23/2007, shows the distance between these buildings to be clearly less than the required 20-foot setback.

In addition, building Wing A3 is labeled "bank/retail/restaurant" on the same Zone A Site Plan (AS1), dated 4/06/07. A bank, however, is prohibited by the conditions set forth by the Miami-Dade Department of Public Works prior to their endorsement of the Kendall Town Center DRI, (see attachment B) due to the high traffic turnover a bank would bring. This use is not specified in the Resolution, nor is there a permit for such use on file with the Planning and Zoning Department.

13. Reason why the decision should be reversed:

The appellant is requesting that the determination of substantial compliance be reversed. The buildings in question must either be located according to the requirements of the code or the developer must apply for the appropriate variances needed to alleviate the requirements of the code.

Furthermore, Building Wing A3 must not be approved as a potential bank, and this potential use must be removed from the plans unless the developer acquires the appropriate approval from the Department of Public Works prior to the approval of the plans by the Department of Planning and Zoning, pursuant to the conditions of DRI approval.



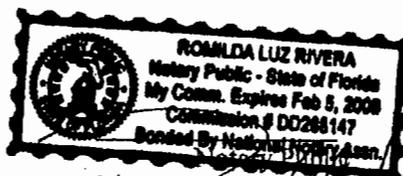
AFFIDAVIT

I, Carlin Rafie, being first duly sworn, depose and say that I am the party aggrieved by the action of the administrative official made the subject matter of this application, and that all of the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct and honest to the best of my knowledge and belief.

Carlin Rafie
Signature

Sworn and Subscribed before me

This 9 day of Dec. 2007



Exp: Feb 5, 2008

Note: An 8% surcharge will be added to all fees except DERM and Concurrency and will be in effect from 10/1/03 through 9/30/08. Additional radius fees will be charged at the time of filing, if available, or will be assessed and billed to you at a later date, if applicable.

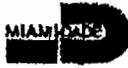
A web imaging fee of \$60.00 is due at the time of filing.

RECORDED
DEC 07 2007

ZONE
MIAMI-DADE PUBLIC HEALTH DEPARTMENT
BY

Attachment B

MIAMI-DADE COUNTY, FLORIDA



STEPHEN R. CLARK CENTER

PUBLIC WORKS DEPARTMENT
SUITE 1610
111 N.W. FIRST STREET
MIAMI, FLORIDA 33128-1970
(305) 375-2900

April 12, 2000

Mr. Eric Silva
DRI Coordinator
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021

S.F.A.P.C.

4/11/00

RE: The Kendall Town Center DRI
Request for additional information

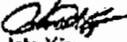
Mr. Silva,

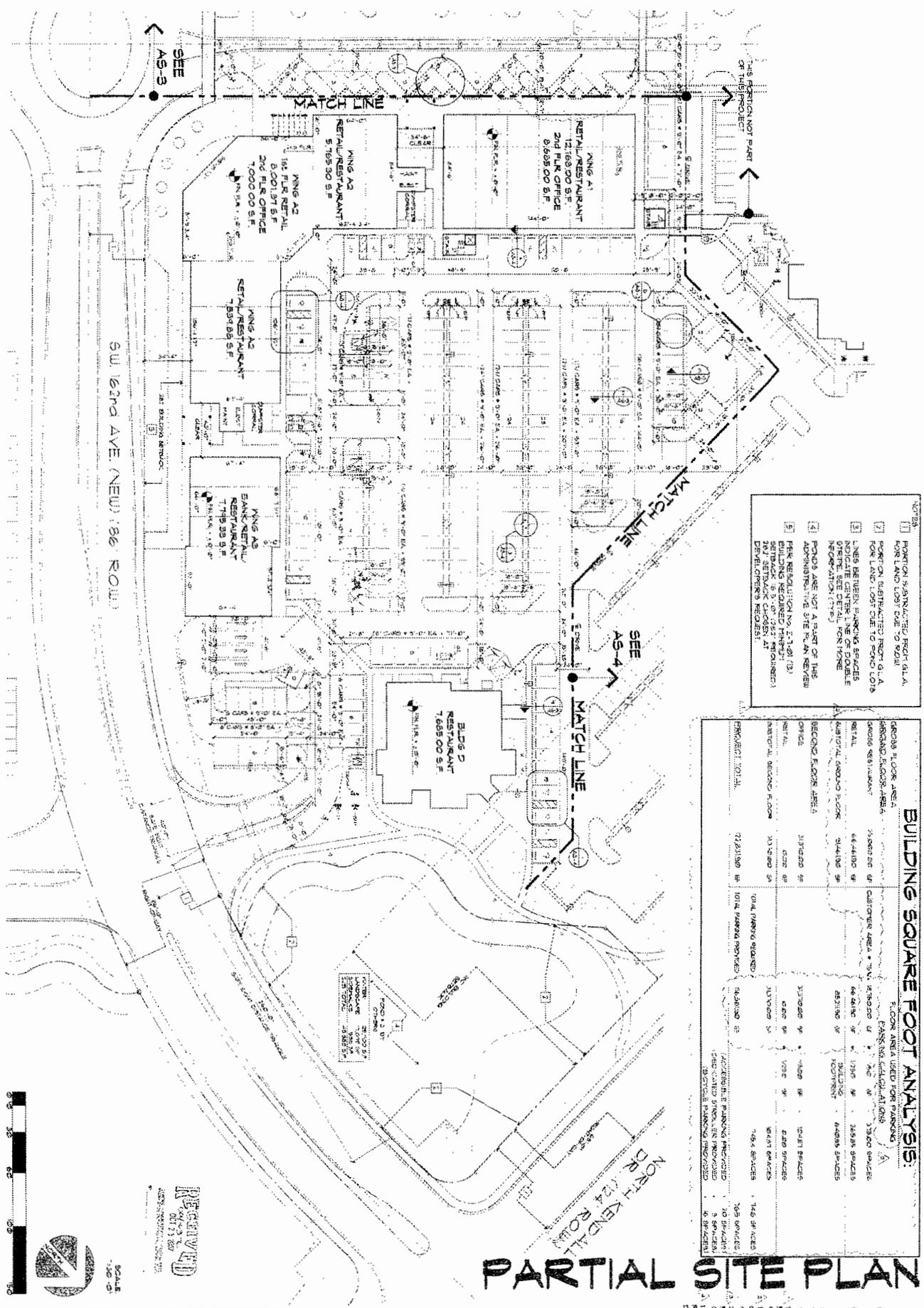
The Miami-Dade County Public Works Department has reviewed the Development of Regional Impact application for development approval for The Kendall Town Center dated April 2000 for sufficiency approval. The following is list of issues that need to be addressed and resolved prior to further review of the application.

- (1) The applicant must include a master plan specifying the location of all of the various proposed uses for this application.
- (2) The Art-Tab worksheets show a number of discrepancies. We will have to meet with the applicant's representatives to resolve these issues.
- (3) The use of diverted linked trips in the reduction of external trip generation is not permitted.
- (4) Any retail uses such as supermarkets, banks, gas stations, and/or fast-food restaurants, will not be reserved under this DRI.
- (5) The internalization rates for a number of proposed uses, which are not listed in the 6th Edition ITE Handbook Tables, must be justified with documentation.
- (6) Any proposed mitigation that requires signal re-timing and/or signal timing adjustments will require a document detailing the modification of the timing and a letter from Bob Williams, with the Traffic Control Center, specifically approving the proposed modification.
- (7) A number of the adjustment factors and trip generation calculations on the submitted committed development worksheets do not concur with our department's records. These factors must be corrected. (Ex: K.V. Center has a net new peak hour trip generation of 3000 trips; Jane Plaza has 875 trips)

Should you have any questions, please contact me at (305) 375-2701.

Sincerely,


John Kim
Traffic Engineer



1. PORTION UNBANNED FROM G.L.A. FOR LAND LOST DUE TO VOID.
2. PORTION SUBTRACTED FROM G.L.A. FOR LAND LOST DUE TO POND LOTS.
3. LINES BETWEEN PARKING SPACES INDICATE CENTER LINE OR DOUBLE ORANGE. SEE DETAIL FOR MORE INFORMATION (17-1).
4. POND'S ARE NOT A PART OF THIS ADMINISTRATION. SEE PLAN REVIEW BUILDING REQUIRED PROPERTY AND SETBACK CHECKS AT DEVELOPER'S REQUEST.

BUILDING SQUARE FOOT ANALYSIS:

DEVELOPER FLOOR AREA	PERMITTED FLOOR AREA	FLOOR AREA USED FOR PARKING	FLOOR AREA USED FOR PARKING
12,160 SF	12,160 SF	12,160 SF	12,160 SF
5,195 SF	5,195 SF	5,195 SF	5,195 SF
1,591 SF	1,591 SF	1,591 SF	1,591 SF
1,795 SF	1,795 SF	1,795 SF	1,795 SF
7,685 SF	7,685 SF	7,685 SF	7,685 SF
TOTAL	TOTAL	TOTAL	TOTAL

PARTIAL SITE PLAN

RECEIVED
01/17/20

SCALE
1" = 20'

THE POINTE AT
KENDALL TOWN CENTER
ZONE 'A'

255 N.E. 3RD. AVENUE
FORT LAUDERDALE FL 33301
954-467-7400

PROJECT NO. AS-2

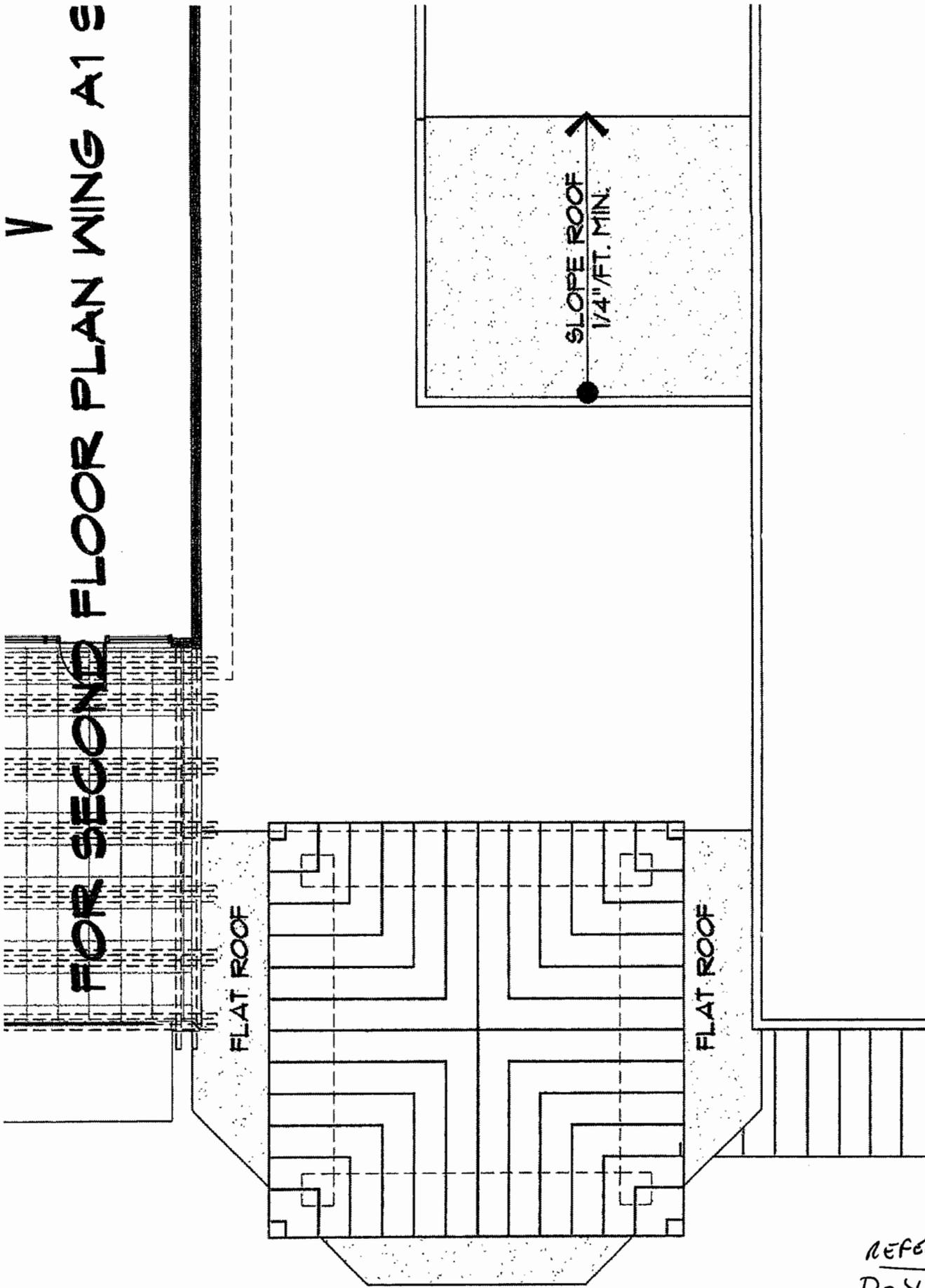
DATE: 01/17/20

SCALE: 1" = 20'

D.F. ZIMMER ARCHITECT - PLANNER

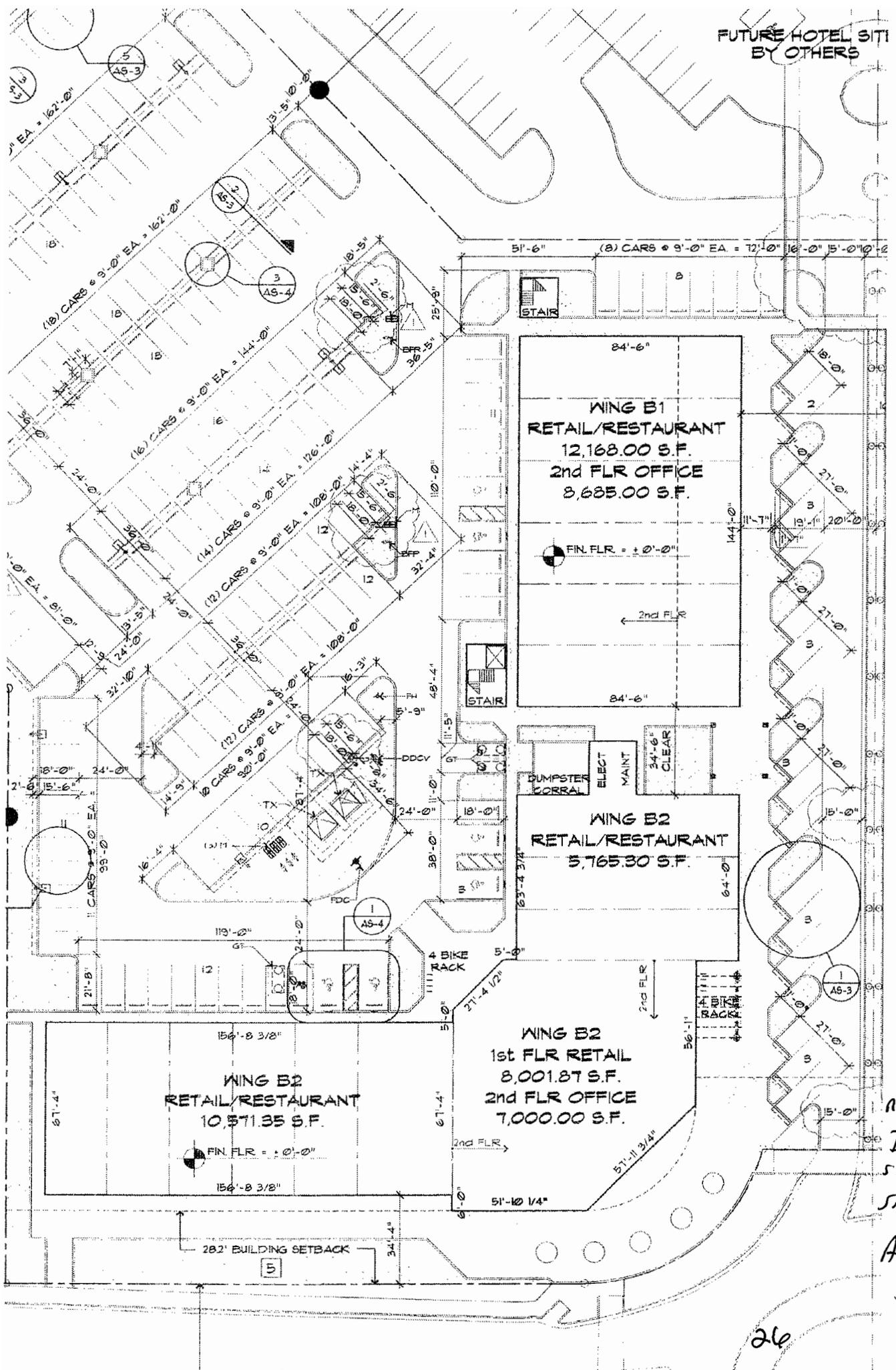
RELENDER
DO4.032

V
FOR SECOND FLOOR PLAN WING A1 S



REFERENCE
D04032
FLOOR PLAN
A-3

FUTURE HOTEL SITE
BY OTHERS

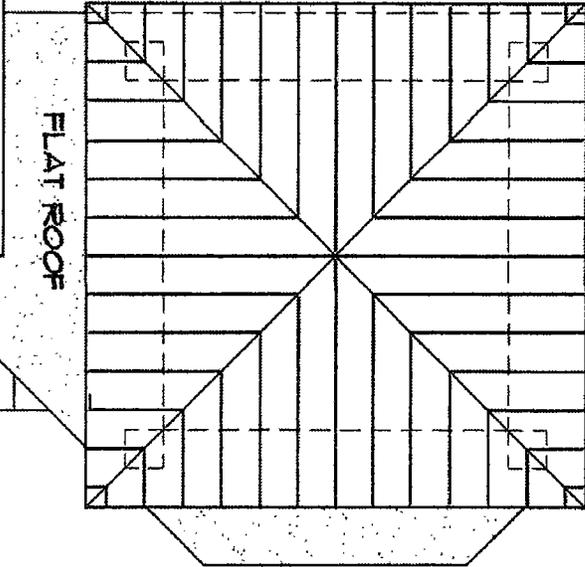
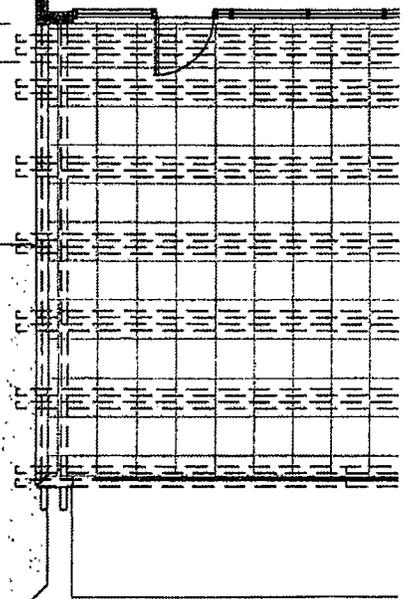
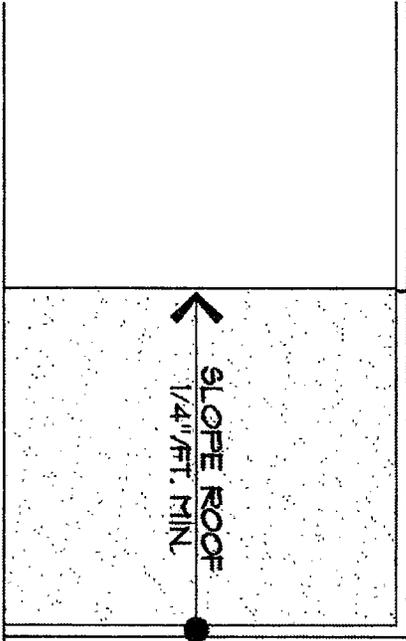


Refer to
Doy's
STEP
SHEET

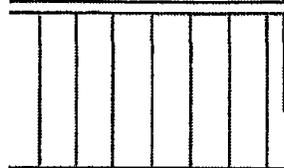
A-5
3



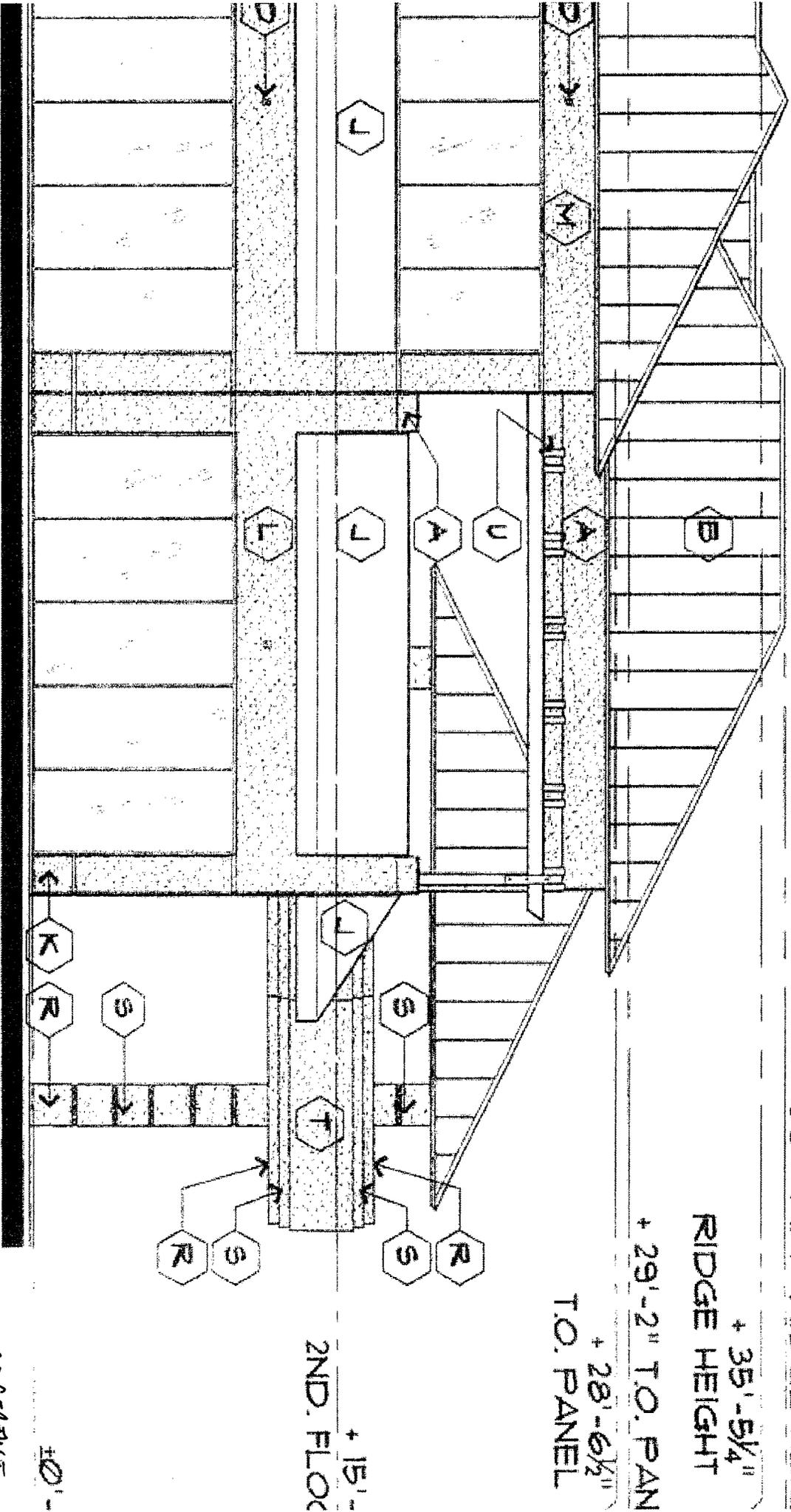
SIDE FACE OF BUILDING TO OUTSIDE FACE OF BUILDING



SECOND FLOOR PLAN WING B2 SEE SHEET A-7



REFERENCE
D04.032
FLOOR PLAN
A.5



+ 36'-1 1/4" RIDGE HEIG

+ 35'-5 1/4" RIDGE HEIGHT

+ 29'-2" T.O. PAN

+ 28'-6 1/2" T.O. PANEL

+ 15'- 2ND. FLOOR

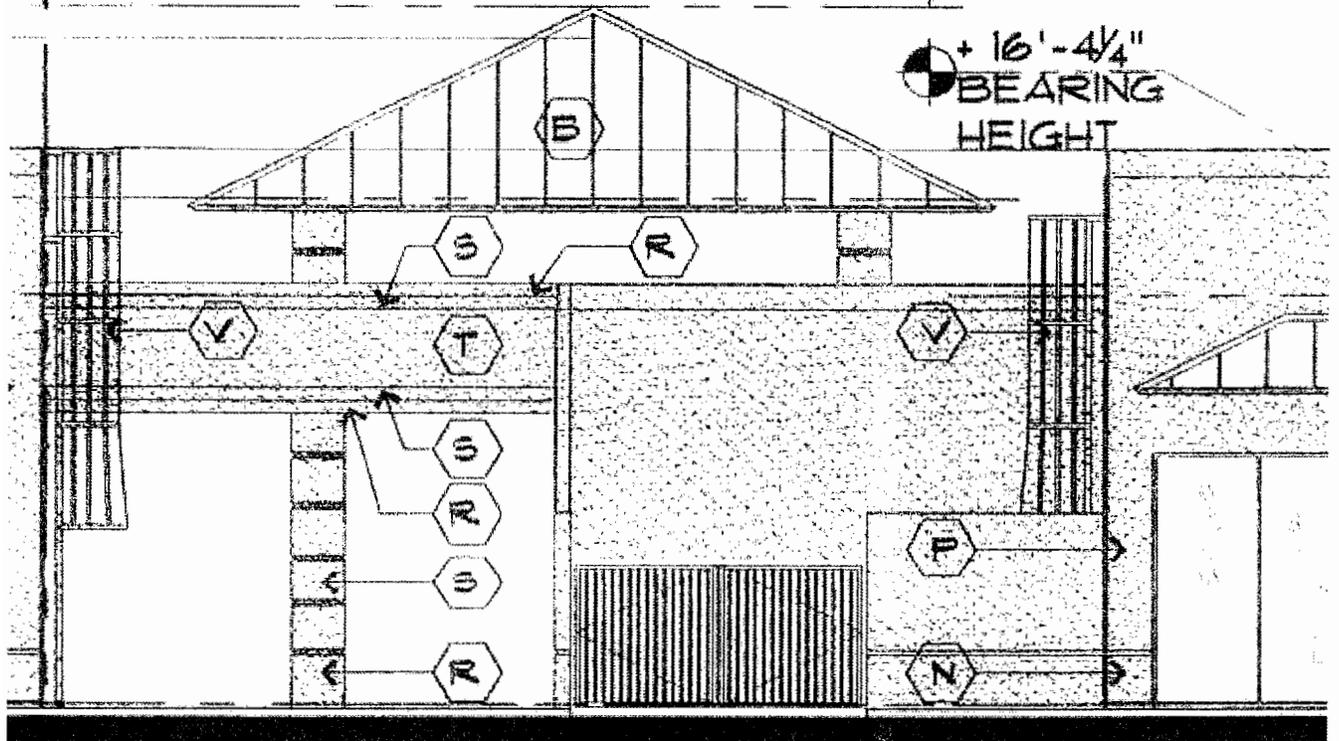
+ 0' -

REFERENCES
 DO 4032
 ECGN 401
 A-9

FINISH
LINE

+ 22'-0" T.O. PAN

+ 16'-4 1/4"
BEARING
HEIGHT

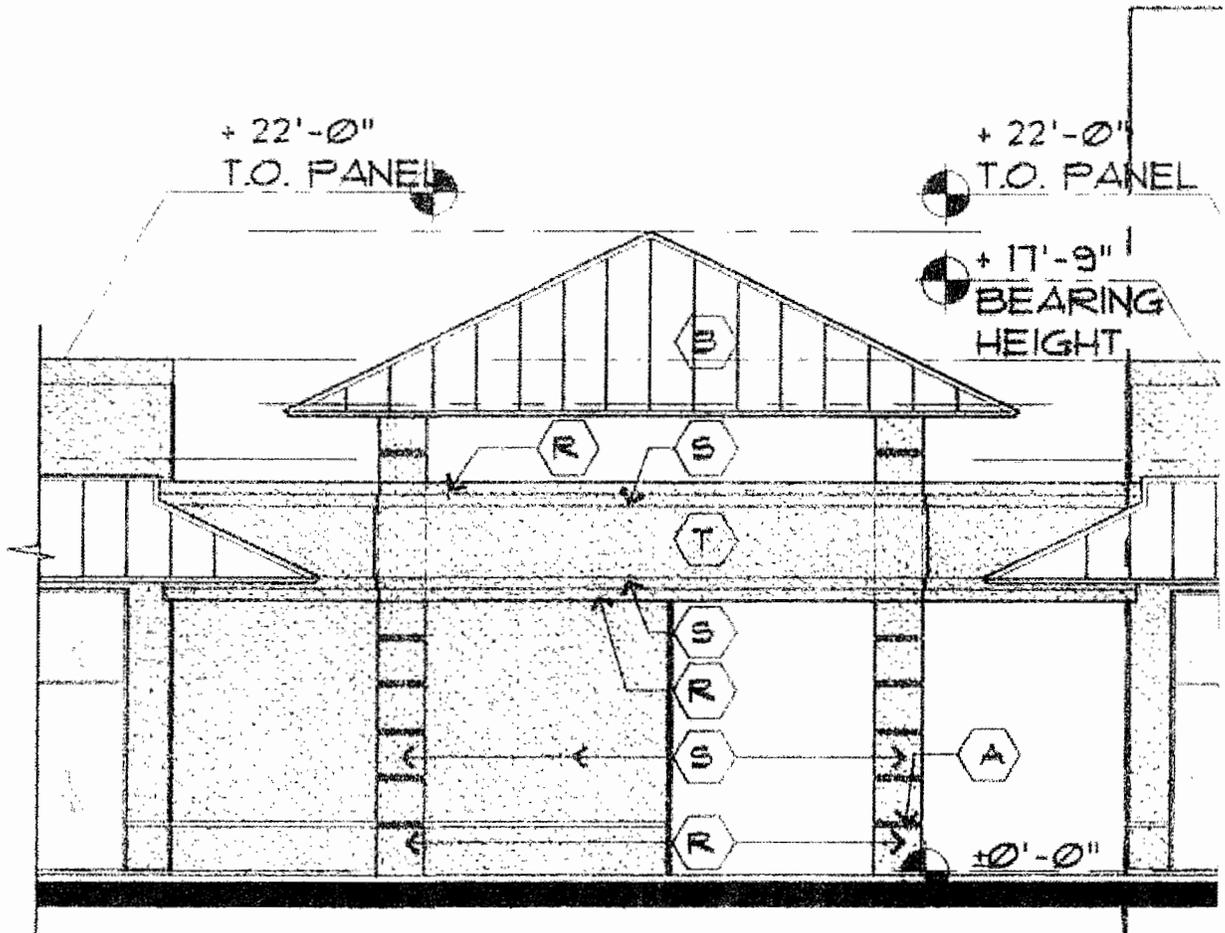


REFERENCE
DOCS

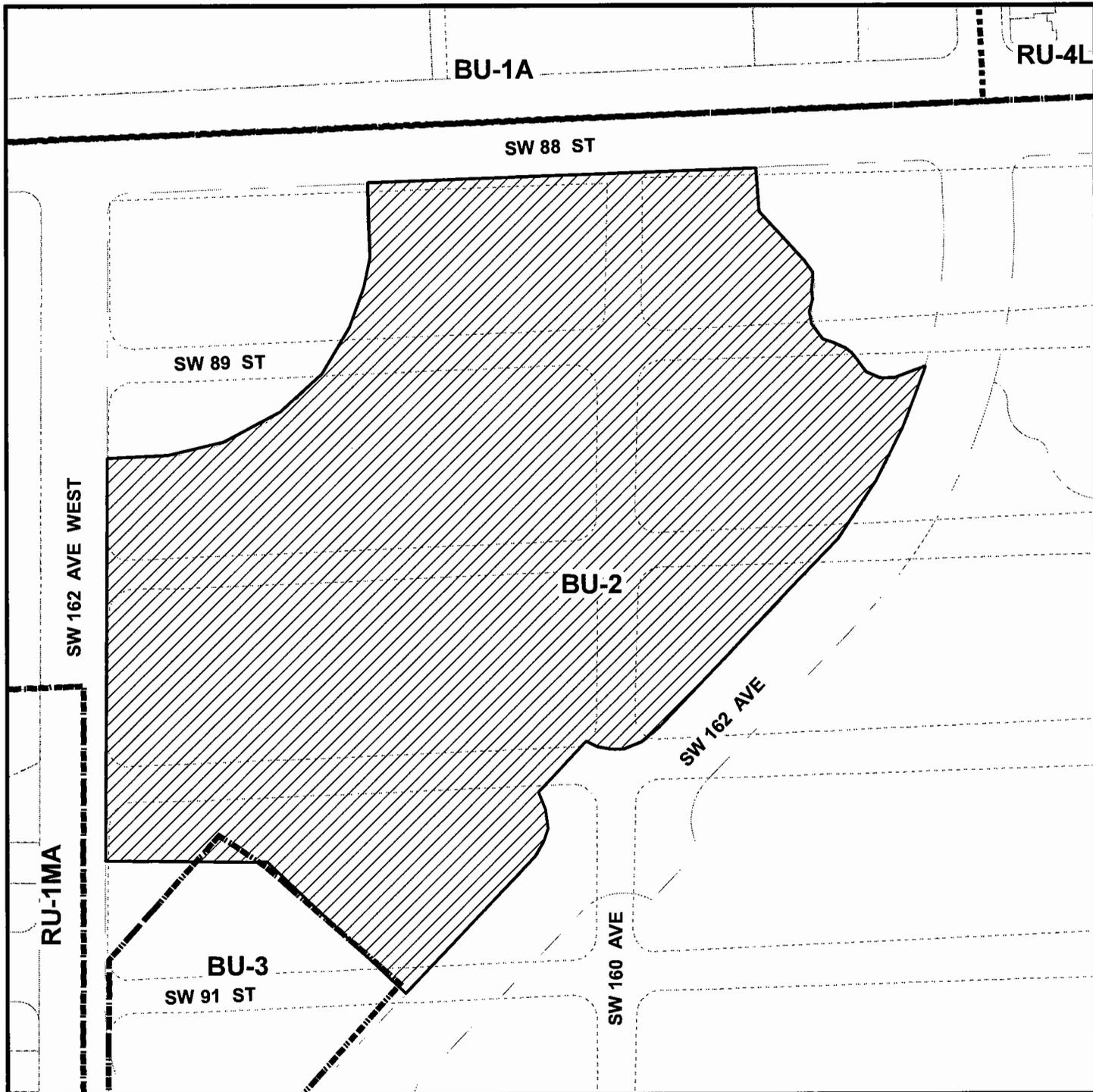
ELEVATION
A-9



4



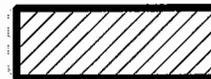
MATCH
LINE 2
REFERENCES
DOT.032
ELEVATION
A-8



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 05 Township: 55 Range: 39
 Applicant: CARLIN RAFIE
 Zoning Board: C11
 Commission District: 11
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
07-408

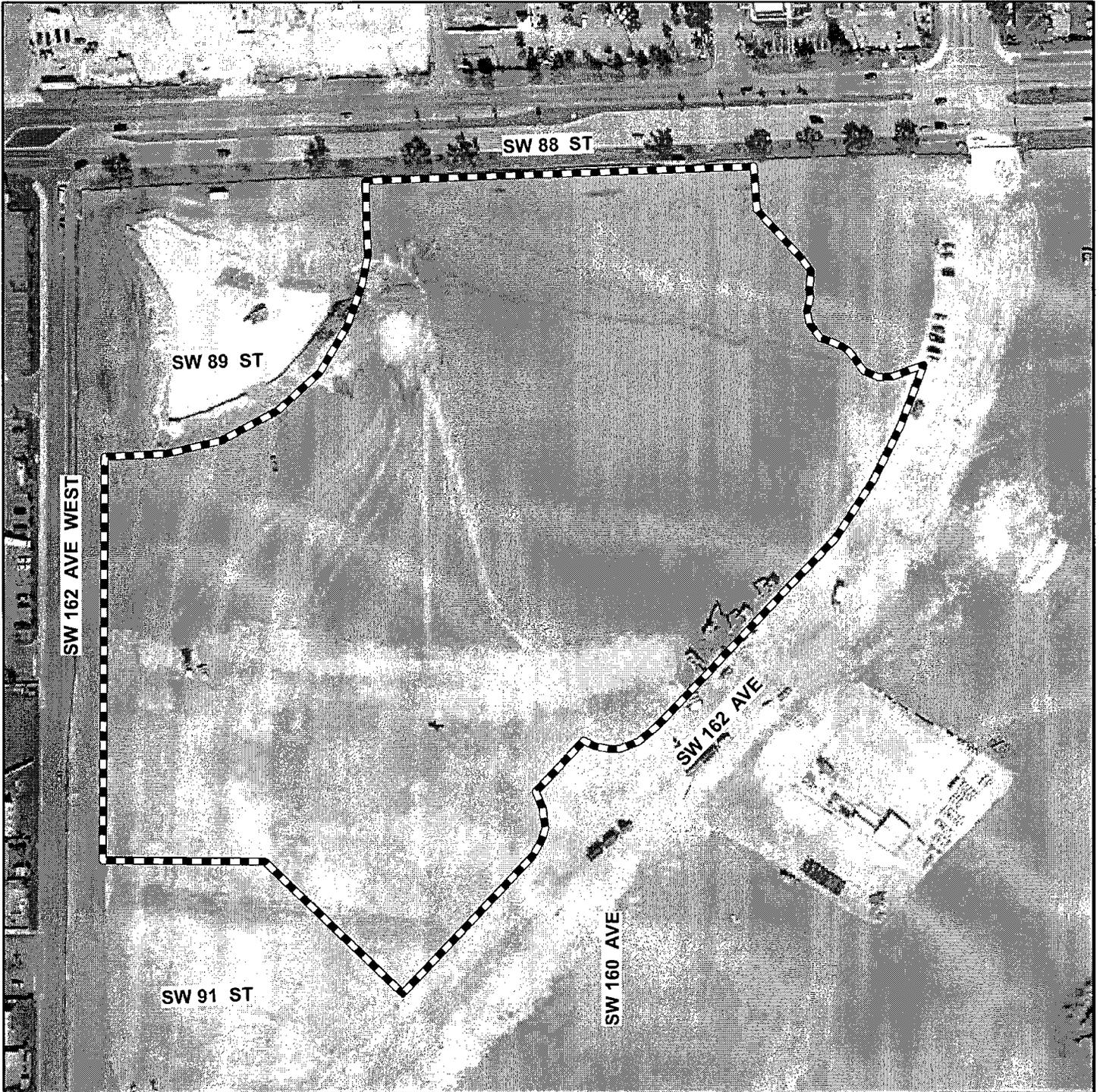


SUBJECT PROPERTY



SKETCH CREATED ON: 07/17/08

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 05 Township: 55 Range: 39
 Applicant: CARLIN RAFIE
 Zoning Board: C11
 Commission District: 11
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
07-408



SUBJECT PROPERTY



SKETCH CREATED ON: 07/17/08

REVISION	DATE	BY