

KITS

4-13-2009 Version # 2



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, May 12, 2009 at 7:00 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|-------------|------------------------------------------------|--------|----------|
| A. | 09-2-CZ11-2 | MINISTERIO INTERNACIONAL EL REY
JESUS, INC. | 08-72 | 22-55-39 |
| B. | 09-4-CZ11-4 | WALMART STORES EAST, LP | 08-183 | 32-54-39 |

CURRENT

- | | | | | | |
|----|-------------|------------------------|--------|----------|---|
| 1. | 09-5-CZ11-1 | WMD WEST SUNSET, LLC | 08-190 | 29-54-39 | N |
| 2. | 09-5-CZ11-1 | WMD LONDON SQUARE, LLC | 08-230 | 14-55-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, MAY 12, 2009

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 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

**A. MINISTERIO INTERNACIONAL EL REY JESUS, INC.
(09-2-CZ11-2/08-72)**

**22-55-39
Area 11/District 11**

- (1) Applicant is requesting to waive the zoning regulations requiring a Class "B" Point of Sale Sign to be located on the same premises whereon the use is situated; to permit the sign on a parcel without the principal building.
- (2) Applicant is requesting to permit 3 detached signs (2 detached signs maximum permitted) and to permit the signs to be spaced 19' (894' required) from each other.
- (3) Applicant is requesting to permit one detached lateral sign setback a minimum of 2.17' from the side street (east) property line and the 2nd detached lateral sign setback a minimum of 2.25' from the front (north) property line (7.28' required for each).
- (4) Applicant is requesting to permit a decorative fountain in conjunction with one of the three detached signs setback 15' (20' required) from the front (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and requests #1-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Proposed Monument Sign," as prepared by G & A Architect, P.A., consisting of 1 sheet dated stamped received 10/3/08. Plans may be modified at public hearing.

LOCATION: 14100 S.W. 144 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 31.4 Acres

Department of Planning and
Zoning Recommendation:

Denial without Prejudice

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 04/02/2009

B. WALMART STORES EAST, LP (09-4-CZ11-4/08-183)

**32-54-39
Area 11/District 11**

- (1) MODIFICATION of Condition #2 of Resolution Z-124-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Wal-Mart Kendall Drive & S.W. 157 Ave.,' as prepared by Post, Buckley, Schuh and Jernigan, Inc., dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90."

TO: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc., consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, dated stamped received 12/11/08 for a total of 6 sheets."

(2) MODIFICATION of Paragraph #1 of Declaration of Restrictions, recorded in Official Records Book 14630, Pages 1633-1640, reading as follows:

FROM: "1. Specification of Site Plan: That said property be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Post, Buckley, Schuh and Jernigan, Inc., entitled 'Wal-Mart Kendall Drive and S.W. 157th Avenue, dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90. Said plans being on file with the Dade County Building and Zoning Department and by reference made a part of this declaration."

TO: "1. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc. consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, dated stamped received 12/11/08 for a total of 6 sheets."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area.

(3) Applicant is requesting to waive the zoning regulations requiring all uses to be conducted within enclosed buildings; to permit the garden center with a fence and wind screening enclosure.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 and #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

LOCATION: 15885 S.W. 88 Street (North Kendall Drive), Miami-Dade County, Florida.

SIZE OF PROPERTY: 14.01 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 214 _____

Waivers: _____ 1 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 04/02/2009

1. WMD WEST SUNSET, LLC (09-5-CZ11-1/08-190)

**29-54-39
Area 11/District 9**

- (1) SPECIAL EXCEPTION to permit a bar with karaoke and live music in conjunction with a full-service restaurant.
- (2) SPECIAL EXCEPTION of spacing requirements to permit the bar spaced less than the required 1,500' from other alcoholic beverage uses and spaced less than the required 2,500' from a school or religious facility.
- (3) Applicant is requesting to permit 407 parking spaces (438 parking spaces required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District or under §33-311(A)(4)(b) (Non-use variance) or (c) (Alternative Non-Use Variance).

The plans are on file and may be examined in the Department of Planning and Zoning entitled, "West Sunset Square Development Plan", as prepared by Lawrence S. Levinson and plans entitled "Jokey & Grumpy Sports Grill", as prepared by A.A. Architectural, both dated 1/12/09 and a liquor survey as prepared by Aylward Engineering & Surveying, Inc., dated stamped received 1/20/09 totaling 3 sheets. Plans may be modified at public hearing.

LOCATION: The Northwest corner of SW 72 Street and SW 157 Ave, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10 Acres

Department of Planning and
Zoning Recommendation:

Approval of with conditions of requests #1, and #2 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, approval of request #3 under Section 33-311(A)(4)(b) Non-Use Variance (NUV) or under Section 33-311(A)(16) (ASDO), and denial without prejudice of same under Section 33-311(A)(4)(c) Alternative Non-Use Variance (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. WMD LONDON SQUARE, LLC (09-5-CZ11-2/08-230)

**14-55-39
Area 11/District 9**

- (1) SPECIAL EXCEPTION to permit a bar in conjunction with a package store and a cigar shop.
- (2) SPECIAL EXCEPTION to permit the bar spaced less than the required 1,500' from other alcoholic beverages uses and to permit the package store spaced less than the required 2,500' from schools.

Plans are on file and may be examined in the Department of Planning & Zoning entitled "Public Hearing Site Plan London Square" as prepared by Architectural Alliance consisting of 2 sheets dated stamped received 1/28/08, plans entitled "As-Built Floor Plan for Stogie's Cigars-Bay 306 at London Square", as prepared by Saltz Michelson Architects consisting of 1 sheet dated stamped received 1/20/09 and a liquor survey as prepared by Aylward Engineering & Surveying, Inc., dated stamped received 1/20/09 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 13630 SW 120 St., Miami-Dade County, Florida

SIZE OF PROPERTY: 23.85 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions of requests #1 and #2.

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.

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 Planning and Zoning (DPZ) within 14 days after the DPZ 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. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) 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 challenge or appeal.

A. MINISTERIO INTERNACIONAL EL REY JESUS, INC.
(Applicant)

09-2-CZ11-2 (08-72)
Area 11/District 11
Hearing Date: 5/12/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1980	Karl Noonan, Trustee	Zone change from GU to RU-TH, IU-1, and IU-C.	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
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

A

APPLICANT'S NAME: **MINISTERIO INTERNACIONAL EL REY JESUS, INC.**

REPRESENTATIVE: Denise Martinez Ganzeani

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-2-CZ11-2 (08-72)	April 2, 2009	CZAB11	09

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: May 12, 2009 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: At applicant's request to proffer a covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Nelson D. Diaz	X		
COUNCILMAN	S	Joseph E. DELANEY	X		
COUNCILWOMAN	M	Beatrice SUAREZ	X		
COUNCILWOMAN		Ileana R. VAZQUEZ	X		
VICE CHAIR		Jeffrey WANDER			X
CHAIRWOMAN		Patricia G. DAVIS	X		
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **ED SANCHEZ**

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#2

APPLICANT'S NAME: MINISTERIO INTERNACIONAL EL REY JESUS, INC.

REPRESENTATIVE: Daniella Rojas

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-2-CZ11-2 (08-72)	February 4, 2009	CZAB11	09

REC: Denial without prejudice.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: April 2, 2009 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS

OTHER: To allow the applicant time to submit revised plans.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Nelson D. Diaz	X		
COUNCILMAN	S	Joseph E. DELANEY	X		
COUNCILWOMAN		Beatrice SUAREZ	X		
COUNCILWOMAN	M	Ileana R. VAZQUEZ	X		
VICE CHAIR		Jeffrey WANDER			X
CHAIRWOMAN		Patricia G. DAVIS	X		

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: ED SANCHEZ

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

APPLICANT: Ministerio Internacional El Rey Jesus, Inc. **PH:** Z08-072 (09-2-CZ11-2)

SECTION: 22-55-39 **DATE:** May 12, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** A

=====

A. INTRODUCTION

o **REQUEST:**

- (1) Applicant is requesting to waive the zoning regulations requiring a Class "B" Point of Sale Sign to be located on the same premises whereon the use is situated; to permit the sign on a parcel without the principal building.
- (2) Applicant is requesting to permit 3 detached signs (2 detached signs maximum permitted) and to permit the signs to be spaced 19' (894' required) from each other.
- (3) Applicant is requesting to permit one detached lateral sign setback a minimum of 2.17' from the side street (east) property line and the 2nd detached lateral sign setback a minimum of 2.25' from the front (north) property line (7.28' required for each).
- (4) Applicant is requesting to permit a decorative fountain in conjunction with one of the three detached signs setback 15' (20' required) from the front (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #4 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and requests #1-#4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Monument Sign," as prepared by G & A Architect, P.A., consisting of 1 sheet dated stamped received 10/3/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to waive the zoning regulations to permit a "Point of Sale" sign on a parcel of land without the principal building as well as to permit 3 detached signs spaced less than required from each other and encroaching into the side street (east) and front (north) setbacks. Additionally, the applicant seeks to permit a decorative fountain encroaching into the front (north) setback.

o **LOCATION:** 14100 S.W. 144 Avenue, Miami-Dade County, Florida.

o **SIZE:** 31.4 acres

B. ZONING HEARINGS HISTORY:

In 1980, the subject property was part of a tract of land that was approved for a district boundary change from GU, Interim District, to IU-1, Light Industrial District, and IU-C, Conditional Industrial District, pursuant to Resolution #Z-2-80.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. 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 shops 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.

2. Uses and Zoning Not Specifically Depicted.

Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Policy 9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-1 and IU-C; church, parking lot, vacant

Industrial and Office

Surrounding Properties:

NORTH: GU; Tamiami Executive Airport

Terminal

SOUTH GU; CSX railroad tracks

Transportation

EAST: IU-C; warehouses, vacant land

Industrial and Office

WEST: IU-1 and IU-C; warehouses, vacant land

Industrial and Office

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Unacceptable

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

N/A

Buffering:

Unacceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Unacceptable

Signage:

Unacceptable

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony

with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Section 33-311(A)(19) Alternative Site Development Option for Buildings and Structures in IU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the IU-1, IU-2, IU-3, and IU-C zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

(c) **Setbacks** for a principal or accessory industrial building or structure shall be approved after public hearing upon demonstration of the following:

- (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
- (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
- (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
- (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
- (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
- (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district

regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - (B) the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either: (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
 - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%), ninety percent (90%) if located adjoining or adjacent to a discordant use, of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
 - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other

structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and

- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 - (16) safe sight distance triangles shall be maintained as required by this code; and
 - (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
 - (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 16, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
 - (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use;
 - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
 - (C) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or

- (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any industrial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping, convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners of property in the immediate vicinity and the needs of the occupants of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
 - (B) the proportionality between the impacts on the residents or on other owners of property in parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional landscaped open space.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

* Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This application was deferred from the February 4, 2009, meeting to allow the applicant to submit revised plans. Subsequently, the application was again deferred from the April 2, 2009, meeting to allow the applicant to proffer a covenant. On January 28, 2009, the applicant submitted revised plans, consisting only of the Class B Point of Sale sign. The revised plans depict the proposed

sign without encroachments into front or side street setbacks thereby removing the need for requests #2 through #4 as previously advertised for the February 4, 2009, meeting.

The subject property is located at 14100 SW 144 Avenue, approximately **1.5 miles east of and within the Urban Development Boundary (UDB)**. The subject property currently has two separate zoning classifications. The northern rectangular portion of the subject property, approximately 21.2 gross acres, referred to as Tracts A and B, is currently zoned IU-1, Light Industrial Manufacturing District, and the remainder, currently zoned IU-C, Conditional Industrial District, is referred to as tracts C and D. The applicant, Ministerio Internacional El Rey Jesus, Inc., is now only requesting to waive the zoning regulation requiring a Class "B" Point of Sale sign to be located on the same site whereon the principal building is situated; to permit the sign on a parcel without the principal building (request #1). To the east and west are warehouses and vacant lots zoned IU-1 and IU-C respectively. To the south is a railroad track zoned GU, Interim District, which separates the property from developed RU-TH, Townhouse, and RU-2, Two-Family Residential, zoning districts. To the north is the Tamiami Executive Airport and is zoned GU, Interim District. The submitted plans depict the 31.4 acre subject property comprised of 4 parcels, Tracts A, B, C and D, aligned alphabetically, from Tract A abutting SW 136 Street located to the north, to Tract D, which abuts the railroad tracks located to the south. The submitted plans and boundary survey indicate that the applicant intends to site the proposed sign and fountain in the northeast corner of Tract A, in an approximately 1,683 sq. ft. area and approximately 1,500' north of the existing church. The 141,000 sq. ft. church is located to the south on Tract C, with the parking located on Tract D and on the southern half of Tract B.

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. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. However, they state in their memorandum that the applicant must file an Entrance Feature application to be reviewed by the Plat Committee. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and indicates that the estimated response time is **7:30 minutes**. Additionally, the **Miami-Dade Aviation Department (MIA)** has **no objections** to this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Industrial and Office** use. 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. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the existing church on this IU-C zoned parcel is **consistent** with the interpretative text of the CDMP.

However, Policy 9B vii of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The applicant is requesting to waive the zoning requirements to permit the sign on a parcel of land without the principal building. Staff acknowledges that the church is not located within close proximity to SW 136 Street, which is a well travelled roadway. Staff opines that the approval of a Class "B" Point of Sale sign on a separate tract of land approximately 1,500' north of the principal structure could lead to a proliferation of such signage that are separated from the related use by setting a precedent to allow signs of a similar nature along the roadway for businesses that are

similarly located away from SW 136 Street. As such, staff opines that approval of the signage would not be in keeping with the intent and purpose of the zoning and land use regulations, and, would be **incompatible** with the surrounding area.

When the applicant's remaining request to waive the zoning regulation requiring a Class "B" Point of Sale sign to be located on the same site whereon such is situated; to permit the sign on a parcel without the principal building (request #1) is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of the request is out of character and **incompatible** with the surrounding area. Further, as previously mentioned staff has consistently recommended denial of applications seeking deviations from signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. In staff's opinion, the approval of the proposed Class "B" Point of Sale sign on a separate tract of land from the primary church site is unnecessary and as previously mentioned, could lead to a proliferation of signs and could set a precedent for similar requests of this type in the area. Staff further opines that the location of the sign on a separate tract of land, located more than 1,500' to the north of the church, and separated by another tract of land, could, without the unification of the tracts, set an unwelcome precedent for businesses similarly located away from SW 136 Street. As such, staff recommends denial without prejudice of request #1 under the Non-Use Variance Standards (NUV).

When analyzed under the Alternative Non-Use Variance Standards [Section 33-311(A)(4)(c)] (ANUV), the applicant would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would prevent the reasonable use of the premises. The applicant has not proven that compliance with the Code would result in an unnecessary hardship. Therefore the application cannot be approved under the Alternative Non-Use Variance Standards. As such, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(c) (ANUV).

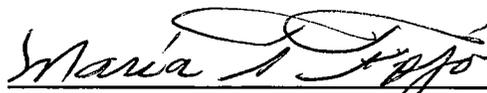
Based on all of the aforementioned, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(b) (NUV) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without Prejudice.

J. CONDITIONS: None.

DATE INSPECTED: 05/02/08
DATE TYPED: 12/02/08
DATE REVISED: 01/09/09, 01/13/09, 02/19/09, 03/02/09, 03/19/09, 04/16/09, 04/20/09
DATE FINALIZED: 04/20/09/
MCL:MTF:NN:JV:CH

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

Memorandum

Date: May 8, 2008

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

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

Subject: C-11 #Z2008000072
Ministerio Internacional el Rey Jesus, Inc.
14100 S.W. 144th Avenue
Unusual Use to Permit an Entrance Feature
(IU-1) (31.4 Acres)
22-55-39

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.

Tree Preservation

According to the site plan submitted with this zoning application, the proposed entrance feature will not impact tree resources. Therefore, DERM has no objection to this zoning application; however, please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

DERM has found no open or closed enforcement record for the subject property.

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: MINISTERIO INTERNACIONAL EL REY

This Department has no objections to this application.

An Entrance Feature application must be filed to be reviewed by the Plat Committee. Entrance features reviewed by the Plat Committee have a more scrutinized review process which includes other affected Departments such as Fire Rescue and Water & Sewer.

Proposed lateral sign along SW 136 Street must set back from the safe sight distance triangle per Sec. 33-11 of the Miami-Dade County Code.

Additional improvements may be required at time of permitting.

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.



Raul A Pino, P.L.S.

11-AUG-08

Memorandum



Date: 12-MAY-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000072

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000072
 located at 14100 S.W. 144 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2017 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: 7:30 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 43 - Richmond - 13390 SW 152 Street
 Rescue, ALS 50' Squrt (TRT)

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

MINISTERIO INTERNACIONAL EL
REY

14100 S.W. 144 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000072

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

05-06-08 No current violations observed.

No prior history found on any of the three folio numbers involved in this case.

Allen Beck.

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]. (Non-Profit)

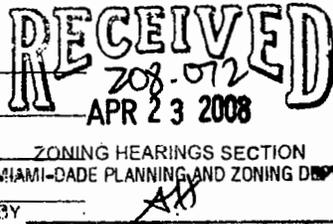
CORPORATION NAME: Ministerio Internacional El Rey Jesus, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Guillermo Maldonado, 14100 SW 144 Ave, 33186</u>	<u>Non-Profit</u>
<u>Ana G. Maldonado, 14100 SW 144 Ave, 33186</u>	<u>Non-Profit</u>
<u>Carlos A. Acosta, 16362 SW 62 Terr, 33193</u>	<u>Non-Profit</u>
<u>John Laffitte, 8421 SW 202 St, 33189</u>	<u>Non-Profit</u>
<u>Raquel Torres, 11405 NW 7 St #105, 33172</u>	<u>Non-Profit</u>
<u>Gabriel Dearden, 10770 N. Kendall Dr. #H-8, 33176</u>	<u>Non-Profit</u>

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

TRUST/ESTATE NAME _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

RECEIVED
209-072
APR 23 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY ALT

Date of contract: _____

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

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 21 day of April, 2008. Affiant is personally know to me or has produced N/A as identification.

[Signature]
(Notary Public)



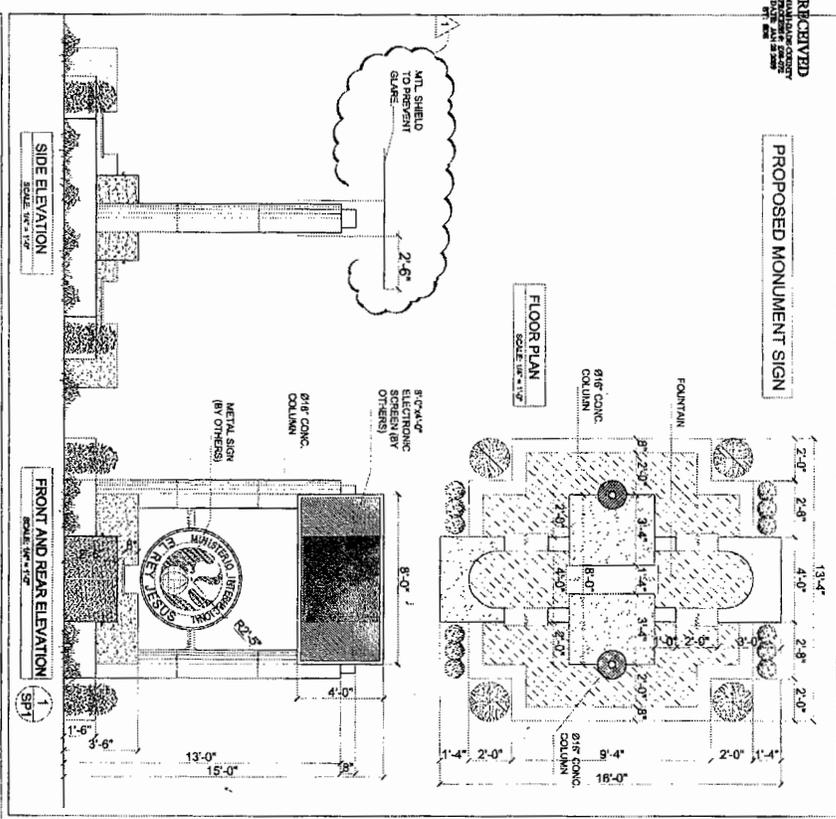
Almed M. Osorio
Commission # DD359579
Expires: OCT. 03, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

My commission expires: 10/3/08

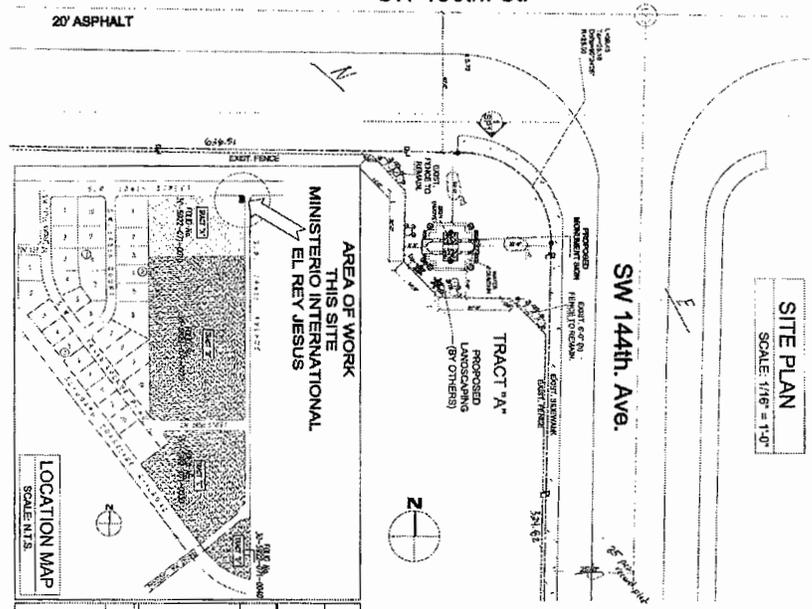
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

RECEIVED
 MUNICIPAL CORP
 11/15/09 10:58 AM

PROPOSED MONUMENT SIGN



SW 136th. St.

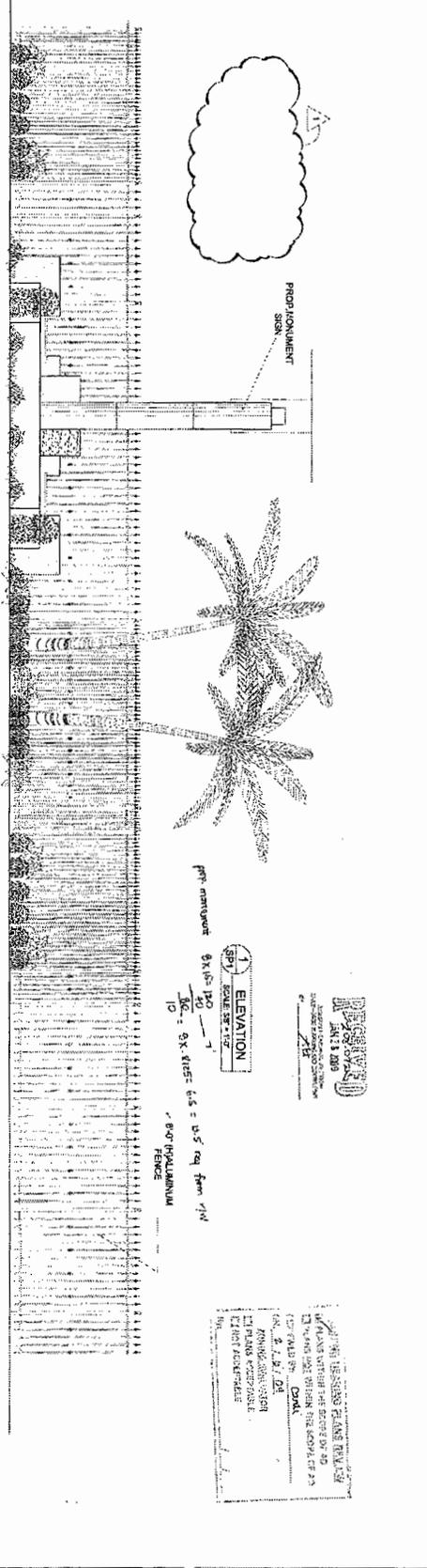


SITE PLAN
 SCALE: 1/16" = 1'-0"

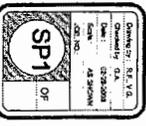
LEGAL ADDRESS:
 CORNER SOUTH-WEST AT 136TH ST AND 144TH AVENUE, MIAMI FLORIDA

SCOPE OF WORK:
 TO BUILD A SIGN WITH AN ELECTRONIC INFORMATION SCREEN SUPPORTED WITH TWO CONCRETE COLUMNS & RECIRCULATING WATER FOUNTAIN BELOW THE SIGN.

LEGAL DESCRIPTION:
 TRACT "A" OF "EL REY JESUS" ACCORDING TO THE PLANS AS RECORDED IN PLAT BOOK 1418 PAGE 22 OF THE RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



ELEVATION
 SCALE: 3/8" = 1'-0"



DESIGNER: G. B. & A. ARCHITECT, P.A.
 14000 N.W. 22ND AVENUE, SUITE 200
 MIAMI, FLORIDA 33187
 PHONE: (305) 555-2277
 FAX: (305) 555-2278
 WWW: WWW.GBAARCHITECT.COM

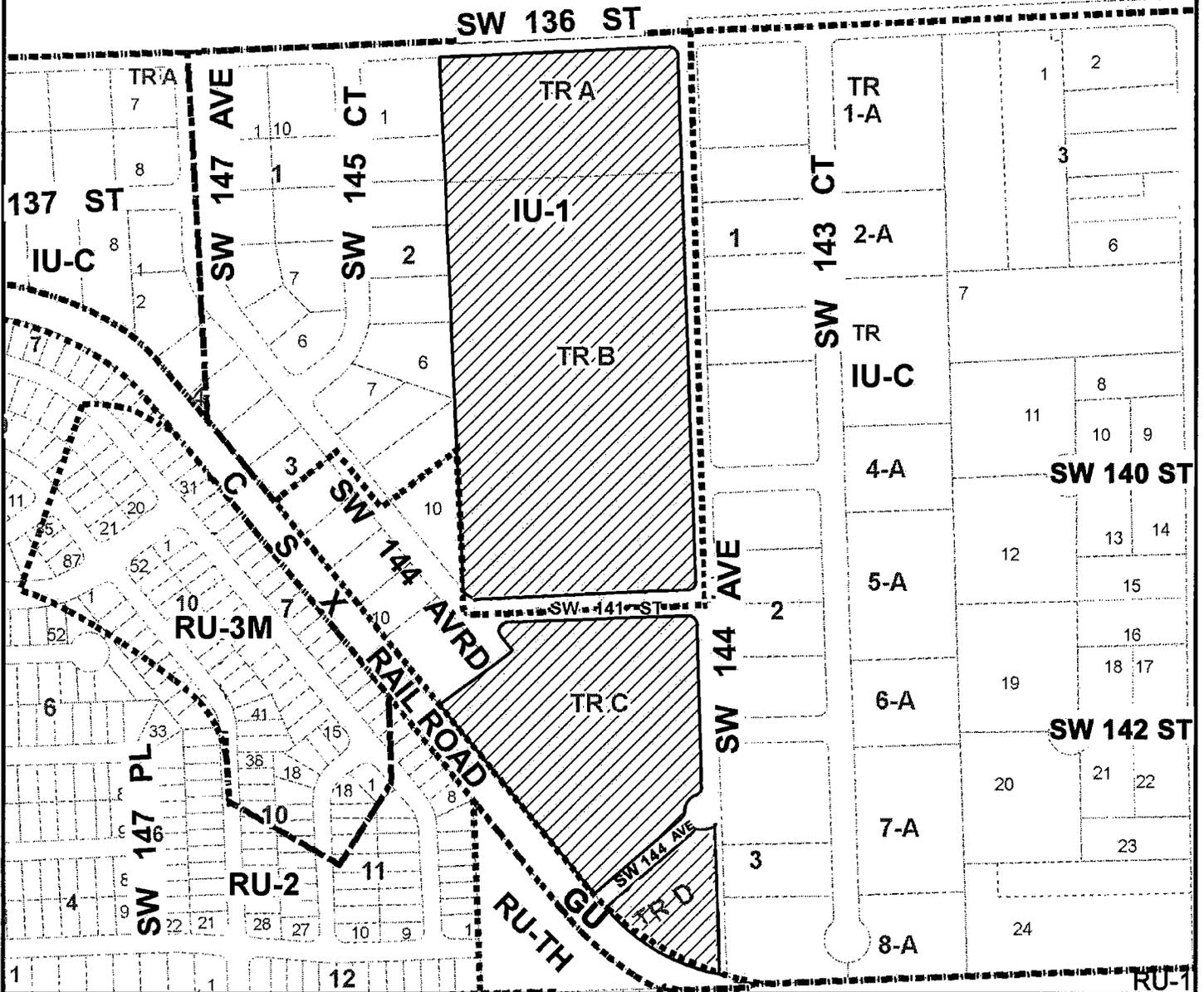


PROPOSED MONUMENT SIGN
 1401 SW 142nd Ave
 MIAMI, FL
 33187

No.	Date	Revision
1	1-20-09	Building Dept. comments

ALL LEGAL DESCRIPTIONS, PLANS, SPECIFICATIONS, AND PLANS PROVIDED OR OTHERWISE BY THE CLIENT ARE HEREBY ACCEPTED BY THE ARCHITECT AS ACCURATE AND COMPLETE AND THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION ONLY. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION ONLY AND HAS NOT CONDUCTED SURVEYING OR ENGINEERING. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION ONLY AND HAS NOT CONDUCTED SURVEYING OR ENGINEERING. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION ONLY AND HAS NOT CONDUCTED SURVEYING OR ENGINEERING.

GU



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number

08-072

Section: 22 Township: 55 Range: 39
 Applicant: MINISTERIO INTERNACIONAL EL REY JESUS
 Zoning Board: C11
 District Number: 11
 Drafter ID: JEFFER
 Scale: NTS



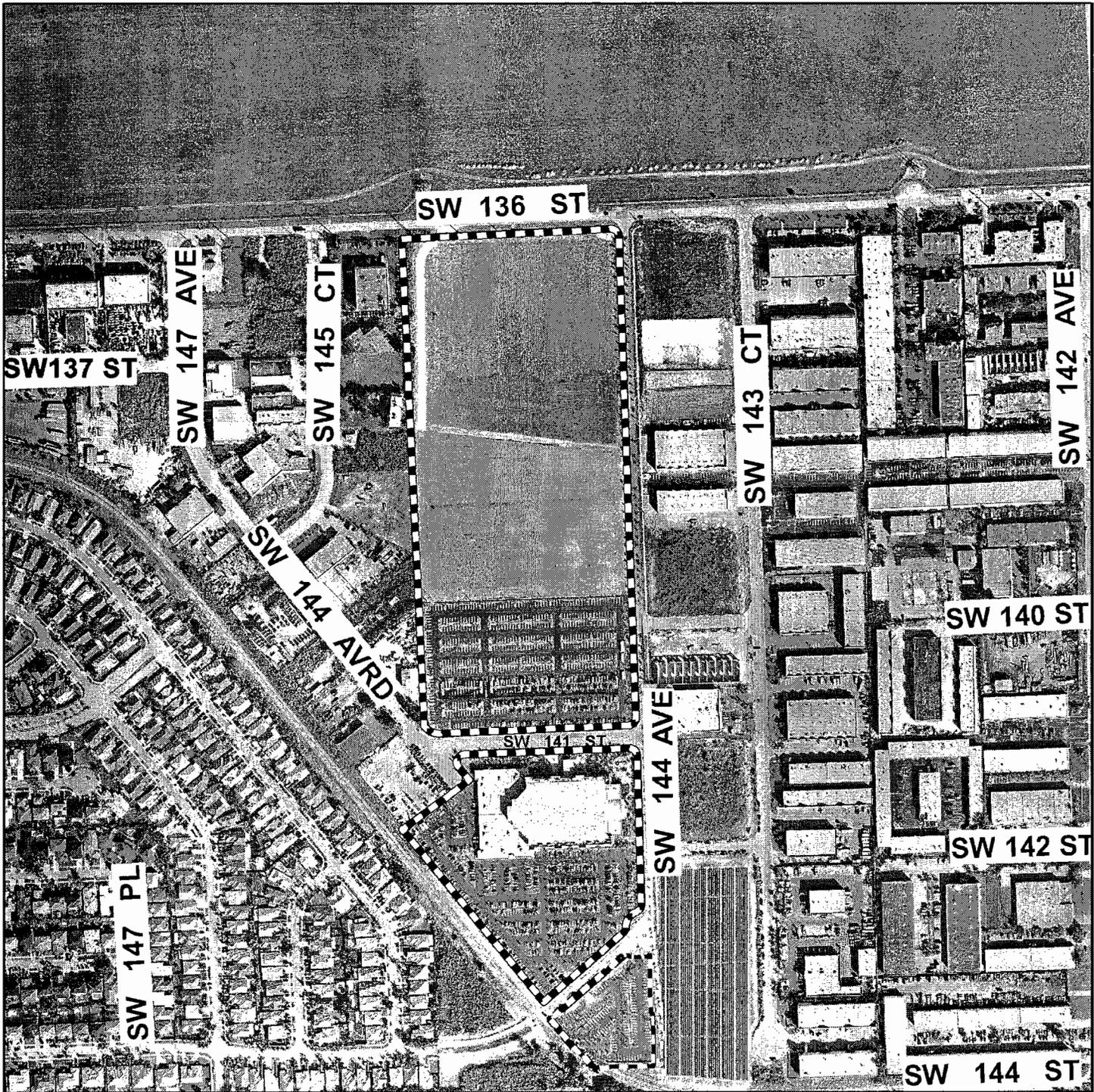
SUBJECT PROPERTY



CREATED ON: 11/07/08

REVISION	DATE	BY
Street Label	12/04/08	Jaurd

20



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number

08-072



SUBJECT PROPERTY

Section: 22 Township: 55 Range: 39
 Applicant: MINISTERIO INTERNACIONAL EL REY JESUS
 Zoning Board: C11
 District Number: 11
 Drafter ID: JEFFER
 Scale: NTS



CREATED ON: 11/07/08

REVISION	DATE	BY
ZONE LABEL	12/01/08	JGURO

B. WALMART STORES EAST, LP
(Applicant)

09-4-CZ11-4 (08-183)
Area 11/District 11
Hearing Date: 5/12/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1990	Louis O. & Iris J. Gonzalez	Zone change from GU to BU-1A / Special Exception to permit a business / a Variance for a 5' high wall / Use Variance to permit an outdoor garden.	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
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

#4

APPLICANT'S NAME: WALMART STORES EAST, LP

REPRESENTATIVE: Susan Motley

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
09-4-CZ11-4 (08-183)	April 2, 2009	CZAB11	09

REC: Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: May 12, 2009 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

OTHER: Deferred due to consecutive tied votes. The first motion was for an indefinite deferral with leave to amend, the second motion was for approval, and the third motion was for a deferral to June. All motions ended in tied votes.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	M	Nelson D. Diaz	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILWOMAN		Beatrice SUAREZ		X	
COUNCILWOMAN		Ileana R. VAZQUEZ		X	
VICE CHAIR	S	Jeffrey WANDER	X		
CHAIRWOMAN		Patricia G. DAVIS		X	
VOTE:			3	3	

EXHIBITS: YES NO

COUNTY ATTORNEY: ED SANCHEZ

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

APPLICANT: Walmart Stores East L.P.

PH: Z08-183 (09-04-CZ11-4)

SECTION: 32-54-39

DATE: May 12, 2009

COMMISSION DISTRICT: 11

ITEM NO.: B

A. INTRODUCTION:

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution Z-124-90, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Wal-Mart Kendall Drive & S.W. 157 Ave.,' as prepared by Post, Buckley, Schuh and Jernigan, Inc., dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90."

TO: "2. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc., consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, all dated stamped received 12/11/08 for a total of 6 sheets."

- (2) MODIFICATION of Paragraph #1 of Declaration of Restrictions, recorded in Official Records Book 14630, Pages 1633-1640, reading as follows:

FROM: "1. Specification of Site Plan: That said property be developed substantially in accordance with the spirit and intent of the plan previously submitted, prepared by Post, Buckley, Schuh and Jernigan, Inc., entitled 'Wal-Mart Kendall Drive and S.W. 157th Avenue, dated last revised 4-13-90 on Sheets 1, 2 and 3; floor plans and elevation plans entitled 'Walmart,' as prepared by Robert C. Workman, consisting of 2 sheets dated 2-2-90. Said plans being on file with the Dade County Building and Zoning Department and by reference made a part of this declaration."

TO: "1. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Walmart, Kendall Fl. Store #1680-03,' as prepared by Kimley-Horn & Associates, Inc. consisting of 3 sheets, 2 sheets dated stamped received 1/31/09 and 1 sheet dated stamped received 1/23/09 and plans entitled 'Walmart,' as prepared by Pb2 Architecture & Engineering, consisting of 3 sheets, all dated stamped received 12/11/08 for a total of 6 sheets."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area.

- (3) Applicant is requesting to waive the zoning regulations requiring all uses to be conducted within enclosed buildings; to permit the garden center with a fence and wind screening enclosure.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 and #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The approval of this application will allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area. Additionally, the applicant seeks to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit a garden center with a fence and wind screening enclosure.
 - o **LOCATION:** 15885 S.W. 88 Street (North Kendall Drive), Miami-Dade County, Florida.
 - o **SIZE:** 14.01 Acres
- B. **ZONING HEARINGS HISTORY:** In 1990, a district boundary change was granted, subject to a proffered covenant, on the subject property from GU, Interim District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-124-90. Additional requests to permit a site plan approval of business uses on a site in excess of ten acres and to permit an outdoor garden center in the BU-1A district were also approved with conditions.

C. **COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property 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 (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies

LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; Retail center

Business and Office

Surrounding Properties:

NORTH: RU-4L; Single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: BU-1A; Retail center, gas station

Business and Office

EAST: BU-2; Shopping center, gas station

Business and Office

WEST: RU-4L; Single-family residences

Low Density Residential, 2.5 to 6 du

The subject property is located at 15885 S.W. 88 Street (North Kendall Drive). The surrounding area is characterized with single-family homes, retail centers, gas stations and shopping centers.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan provided.)
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
Urban Design:	Acceptable

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to **modify or eliminate** any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create 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.

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

Section 33-311(A)(4)(b). Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the April 2, 2009 meeting due to a tied vote. The subject property is located at 15885 S.W. 88 Street (North Kendall Drive) in an area characterized by single-family residences, shopping centers and gas stations. In 1990, a district boundary change was granted, subject to a proffered covenant, on the subject property from GU, Interim District, to

BU-1A, Limited Business District, pursuant to Resolution #Z-124-90. Additional requests to permit a site plan approval of business uses on a site in excess of ten acres and to permit an outdoor garden center in the BU-1A district were also approved with conditions. The applicant is seeking to modify Condition #2 of the above mentioned Resolution (request #1) and modify Paragraph #1 of a Declaration of Restrictions (request #2) in order to submit a revised plan for the subject property showing an addition to an existing retail building and to show an expansion to the outdoor sales area. Additionally, the applicant is seeking to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit the garden center with a fence and wind screening enclosure (request #3). The applicant has submitted revised plans that will be explained below depicting the aforementioned requests.

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. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and has indicated that a driveway to SW 88 Street must meet current F.D.O.T. access management requirements. Their memorandum further indicates that this application will generate an additional **226 pm** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "B", "C" and "D". The Miami-Dade Fire Rescue Department (**MDFR**) also has **no objections** to this application and indicates that the estimated average travel response time is **6:06** minutes.

The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) 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, entertainment and cultural facilities, amusements and commercial recreation establishments. Staff notes that the BU-1A zoning permits retail uses, which is a permitted use in the Business and Office designation of the CDMP. As such, the proposed modifications and companion request to allow an expansion to the outdoor sales area for the existing retail center is **consistent** with the Master Plan.

The standards under Section 33-311(A)(7) Generalized Modification Standards, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of a previously approved condition which has been imposed by any final decision adopted by Resolution 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, would not tend to provoke a nuisance, would not be incompatible with the area when considering the necessity for and reasonableness of the modification or elimination in relation to the present and future development of the area. When requests #1 and #2 are analyzed under Section 33-311(A)(7), staff opines that the approval of these requested modifications would not generate excessive traffic and would not be contrary to the public interest. Approval of these requests will allow the applicant to submit a revised site plan showing an addition to an existing retail building and to show an expansion to the outdoor sales area. The approved site plans as described under Condition #2 of Resolution #Z-124-90 and Paragraph #1 of the Development Limits of a Declaration of Restrictions indicate the establishment of 117,847 sq. ft. of building area for retail use on the westerly portion of the 14.01-acre subject property. Parking was located on the easterly portion of the subject property. Both portions of the site are connected by a system of drives providing access to parking areas and the adjacent street network consisting of SW 157 Avenue on the east and SW 88 Street to the south. Three large drives, one running north/south and the other two east/west, proposed as the primary connectors to access parking areas and use in the parcel, are depicted to delineate entry

7

drives and drive intersections. Staff notes that the proposed plans illustrate an additional large drive running north/south on SW 88 Street, along with a total proposed building square footage of 177,126 which includes the proposed addition to the existing building and the proposed expansion to the garden center. When considering the necessity for and the reasonableness of the proposed modifications on the subject property, staff is of the opinion that these modifications will not have an unfavorable effect on the area and will not be contrary to the public interest. Staff notes that the previously approved plan and the proposed site plan are similar except for the proposed addition to the existing building, which reduces the rear setback area from 70' to 56'. However, large tree species and a substantial number of shrubs are used to buffer the proposed addition and expansion from adjacent uses and to mitigate the visual impact generated by same. Additionally, as previously mentioned, the proposal is **consistent** with the CDMP and is **compatible** with the existing uses in the area. As such, staff further opines that approval of request #1 and #2 would be in keeping with the spirit of the area and, therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to analyze requests #1 and #2 under said Standards, and as such, these requests should be denied without prejudice under same.

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Request #3, to waive the zoning regulations requiring all uses to be conducted within enclosed buildings in order to permit the garden center with a fence and wind screening enclosure, is not excessive and, in staff's opinion, minimal visual and aural impacts will be generated by same. Staff notes that most of the proposed garden center will be located on the east side of the existing building towards the south portion of the property away from the residential community located to the north and west of the site. Additionally, staff opines that the existing 110' width of the right-of-way of SW 88 Street will provide an adequate buffering distance to mitigate the noise that may be generated by the proposed garden center use from the retail center use located to the south. As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the request is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the applicable zoning regulations, staff is of the opinion that request #3 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on all of the aforementioned, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(7) (Generalized Modification Standards), denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

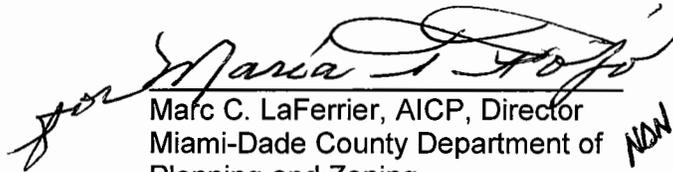
I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That all conditions of Resolution #Z-124-90 remain in full force and effect except as herein modified.
2. That the applicant submit a revised Declaration of Restrictions to the Department of Planning and Zoning within 90 days of the approval of this application, unless a time extension is granted by the Director for good cause shown.

DATE INSPECTED: 01/08/09
DATE TYPED: 02/24/09
DATE REVISED: 02/25/09; 02/26/09; 03/03/09; 04/16/09
DATE FINALIZED: 04/16/09
MCL; MTF; NN; AA; JV


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

Memorandum



Date: February 13, 2009

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

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

Subject: C-11 #Z2008000183-2nd Revision
Wal-Mart Stores East, LP
15885 S.W. 88 Street
Modification of a Previous Resolution
(BU-1A) (14.01 Acres)
32-54-39

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

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.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between S.W. 72nd Street and Coral Way along theoretical S.W. 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

The expansion of the existing building will impact the existing on-site drainage system; therefore, plans and calculations must be submitted to the DERM Water Control Section to determine the adequacy of the proposed improvement. In addition, a Class II permit application shall be submitted as part of the drainage improvement. The applicant is advised to contact the DERM Water Control Section at (305) 372-6681 for further information.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations

Wetlands

The subject property is located within the Bird Drive Basin, and is a jurisdictional wetland area as defined by Section 24-5 of the Code. However, a Class IV Wetland Permit FW86-030 was issued for this property to Walmart Stores, Inc. for the filling of 17.4 acres of jurisdictional wetlands for commercial and residential purposes. The permit expired on August 30, 1993. However, an on-site inspection performed by DERM staff on October 3, 2006 revealed that the permitted filling had been completed to the limits of the project boundary and that no wetlands existed on-site. Therefore, DERM has no objection to the scheduling of this zoning application.

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

Tree Removal Permit 2006-755 was issued to Walmart Stores Division Store #1680 and expired on November 16, 2008. TP2006-755 requires the preservation of one specimen-sized (trunk diameter 18 inches or greater) live oak tree on the northeast portion of the property, as well as several regular size trees as identified in DERM-approved permitted plans. The landscape plan and tree inventory submitted with this application on January 23, 2009 entitled "Walmart, Kendall Fl Store #1680", Sheets L-1 and L-2, dated December 8, 2008 and prepared by Kimley-Horn and Associates, Inc depicts regular sabal palms #64-68 and #102-106, specimen size live oak tree #93, regular size live oak trees #94,95,100 and 101, and regular size gumbo limbo trees #96-98 to remain. These trees are required to be preserved as per Tree Removal Permit 2006-755.

The landscape plan and tree inventory also depicts regular size palms #78-80, 81, 83 and 115-117 to be relocated. These palms were required to be preserved as per Tree Removal Permit 2006-755; however a Tree Removal Permit 2008-TREE-PER-00572 was issued to Walmart Stores Division Store #0555 on January 30, 2009 authorizing the removal and relocation of several trees including the relocation of these regular size palms. Therefore, this Section recommends approval of this application.

Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00572 is required prior to the removal or relocation of any other tree on the subject property. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History

DERM has found one closed enforcement record for the following property.

Notices of Violation were issued on December 10, 2001, January 28, 2002 and December 10, 2003 to Wal-Mart Store #1680 for operating without the required Private Sewer Operating Permit (or non-renewal of prior permits). These notices were subsequently complied with and the case closed.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMMP 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. 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:WALMART STORES EAST, LP

This Department has no objections to this application.

Driveway to SW 88 Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 226 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
9856	SW 157 Ave. n/o SW 88 St.	B	B
9857	SW 157 Ave. s/o SW 88 St.	C	C
F-2529	SW 88 St. w/o SW 157 Ave.	C	C
F-1080	SW 88 St. w/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.



Raul A Pino, P.L.S.

08-JAN-09

Memorandum



Date: 18-FEB-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000183

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated December 23, 2008.
 APPROVAL
 - No objections to site plan date stamped January 31, 2009.

Service Impact/Demand:

Development for the above Z2008000183
 located at 15885 S.W. 88 STREET (NORTH KENDALL DRIVE), MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1778 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	institutional	square feet
178,000 Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 52.86 alarms-annually.
 The estimated average travel time is: 6:06 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 56 - West Sunset - 16250 SW 72 Street
 Rescue, ALS Engine, Haz Mat support.

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 plans date stamped January 31, 2009. Substantial changes to the plan will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

WALMART STORES EAST, LP

15885 SW 88 STREET (NORTH
KENDALL DRIVE), MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000183

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000183

CURRENT ENFORCEMENT HISTORY:

MARCH 18, 2009

CMS# 200912001422 was opened for an Enforcement History inspection. No current zoning violations were observed. Case closed.

OCTOBER 17, 2008

CMS#200812008848 was opened for an Enforcement History inspection. No current zoning violations were observed. Case closed.

MARCH 12, 2008

CMS#200812003162 was opened for portable signs on the right of way. Warning letter was mailed on issued on 03/18/08. Violation was corrected on 04/02/08. Case closed.

MARCH 12, 2008

CMS#200812003161 was opened for portable signs on the right of way. Warning letter was mailed on issued on 03/18/08. Violation was corrected on 04/02/08. Case closed.

SEPTEMBER 26, 2007

CMS#200712011474 was opened for retailer sign posted, found not in violation. Case closed.

NOVEMBER 13, 2006

CMS#200612011918 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

NOVEMBER 13, 2006

CMS#200612011917 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

NOVEMBER 13, 2006

CMS#200612011916 was opened for signs on the right-of-way on 11/13/06, which violation was corrected by Inspector. Case closed.

JANUARY 25, 2006

CMS#200612002399 was opened for signs on the right-of-way on 01/25/06, which violation was corrected by inspector. Case closed.

JULY 25, 2005

CMS#200512003771 was opened for signs on the right-of-way on 07/25/05, which violation was corrected by inspector. Case closed.

MARCH 16, 2005

CMS#200512001448 was opened for junk and trash in the rear of the parking lot. Warning letter was issued on 03/16/05. On 3/22/05, violation was corrected by owner. Case closed.

APRIL 20, 2001

CMS#200102002806 was opened for not displaying the warning signs of Graffiti on the spray cans. On 04/24/01 a citation was issued. Citation was paid and compliance was met. Case closed.

AUGUST 2, 2000

CMS#200002004842 was opened for signs on the right-of-way on 08/02/00, which violation was corrected by inspector. Case closed.

JUNE 8, 2000

CMS#200002004247 was opened for Outside Business. On 06/08/00, found in violation and Warning letter issued on 06/15/00. Found still in violation on 07/26/00 and Citation was issued. On 06/29/01, citation was paid and in compliance. Case closed.

JUNE 27, 2000

CMS#200002003561 was opened for Outside Business, selling fireworks. Citation was issued on 06/30/00. On 07/12/00, violation was corrected and citation was paid. Case closed.

JUNE 27, 2000

CMS#200002003558 was opened for signs on the right of way. Citation was issued on 06/30/00. On 08/04/00, sign was removed and citation was paid. Case closed

02/09/01 Compliance inspection was conducted by NCO F. Major. Violation corrected and CVN paid. Case was closed.

CMS 200102002806

04/20/01 Case opened for violation 21-30.01(f)(2) – graffiti. 1st inspection conducted by NCO F. Major. CVN 785361 was issued.

06/02/01 Compliance inspection was conducted by NCO Major. Violation was corrected and CVN paid. Case was closed.

CMS 200512001448

03/16/05 Case opened for violation of 19-8(a) – junk & trash. 1st inspection conducted by NCO R. Marin. Warning Letter R14312 was issued.

03/23/05 Re-inspection was conducted by NCO Marin. Violation was corrected and case closed.

CMS 200812003161

03/12/08 Case was opened for violation of Sec. 33-95(i) – sign violation on private property. 1st inspection was conducted by NCO M. Rojas. Warning letter N11870 was issued.

04/02/08 Re-inspection was conducted by NCO Rojas. Violation was corrected and case closed.

CMS 200812003162

03/12/08 Case was opened for violation of Sec. 33-95(i) – sign violation on private property. 1st inspection was conducted by NCO M. Rojas. Warning letter N11880 was issued.

04/02/08 Re-inspection was conducted by NCO Rojas. Violation was corrected and case closed.

10/21/08 No current violations at the present time.

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: _____

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

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 PLANNING HEARINGS SECTION
 MANASSAS PLANNING AND ZONING DEPT.
 BY: *TH*

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: Wal-Mart Stores East, LP

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>Wal-Mart Stores East, LP</u>	<u>100% WHOLLY</u>
<u>2001 SE 10th Street</u>	<u>OWNED BY WAL-MART STORES</u>
<u>Bentonville, AR 72716</u>	<u>INC, PUBLICLY TRADED ON THE</u>
_____	<u>TRADED ON THE NEW YORK</u>
_____	<u>STOCK EXCHANGE</u>

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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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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: J. Chris Callaway JCR
J. Chris Callaway (Applicant) Regional Vice President

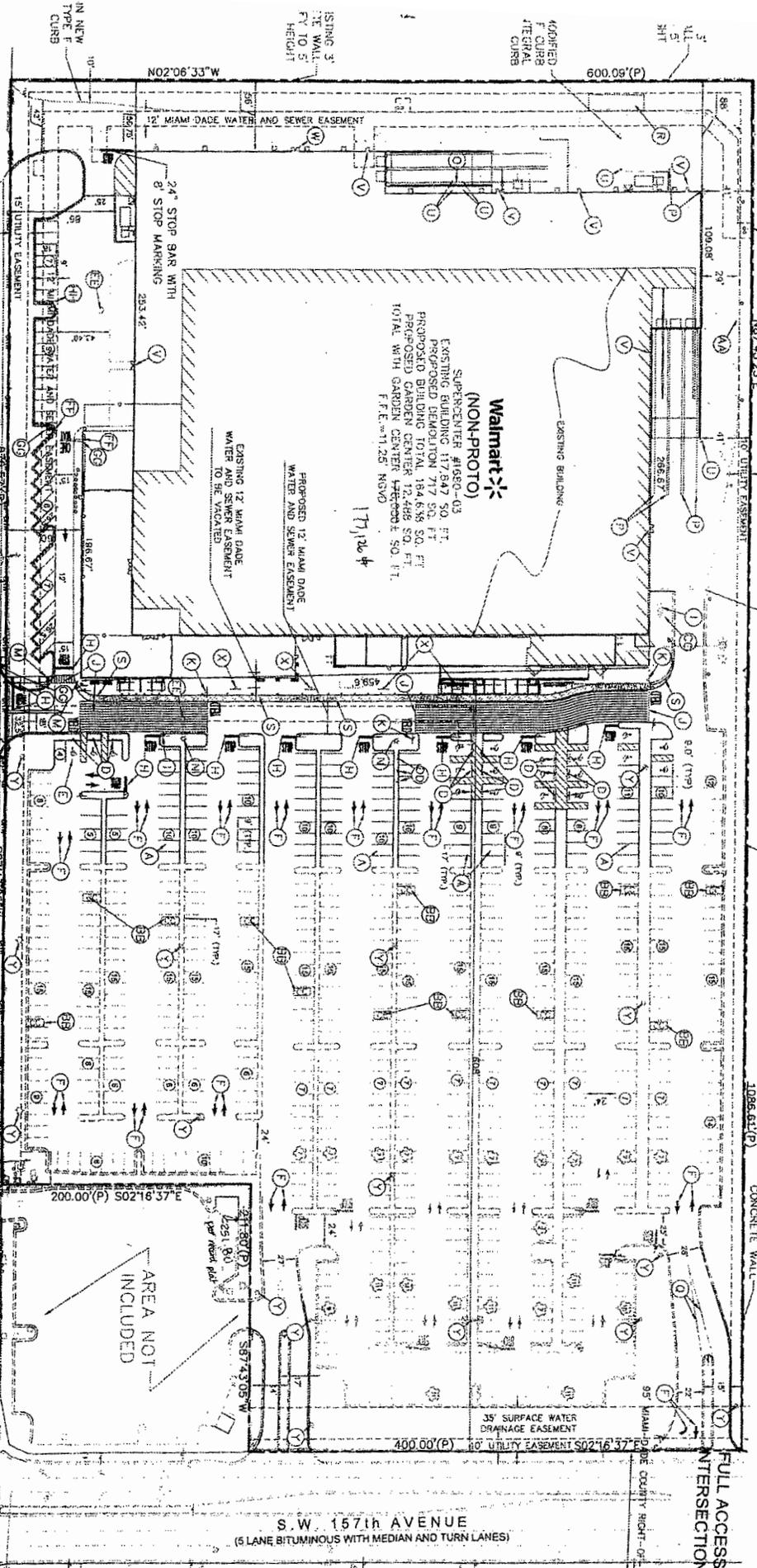
Sworn to and subscribed before me this 28 day of September 2008. Affiant is personally known to me or has produced _____ as identification.

Kimberly Pruitt
(Notary Public)

"NOTARY SEAL"
 Kimberly Pruitt
 State of Arkansas, A County Benton
 My Commission Expires 11/1/2015

My commission expires: 11/1/2015

*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.



ENLARGED SITE PLAN

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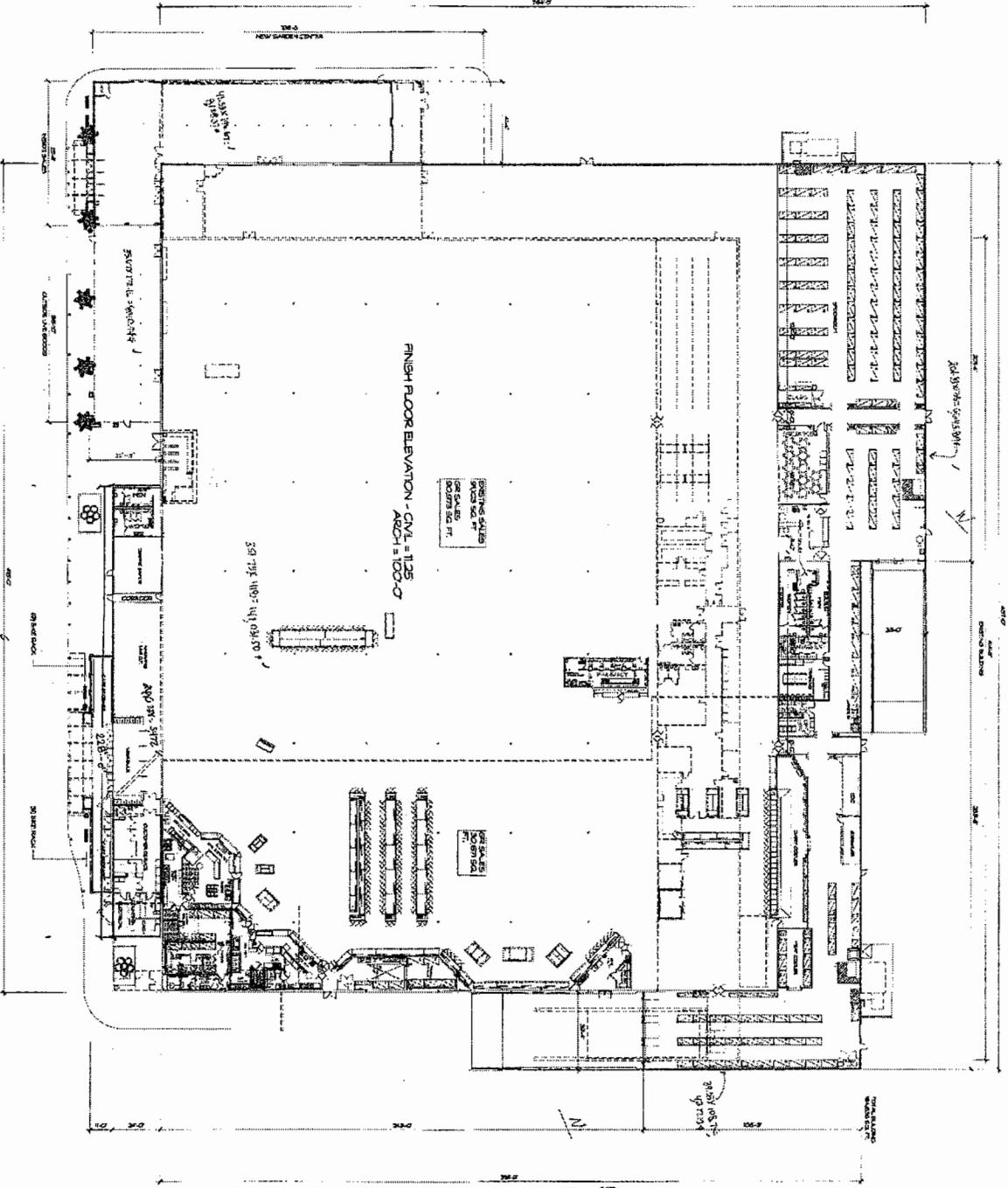
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

FULL ACCESS INTERSECTION EXISTING SIGNAL
 110' MIAMI-DADE COUNTY RIGHT-OF-WAY (VARIES)
 110' MIAMI-DADE COUNTY RIGHT-OF-WAY (VARIES)
 NORTH KENDALL DR. (S.W. 8811th STREET - S.R. 94)
 (4 LANE BITUMINOUS WITH MEDIAN AND TURN LANES)
 S.W. 157th AVENUE
 (5 LANE BITUMINOUS WITH MEDIAN AND TURN LANES)
 FULL ACCESS INTERSECTION

S.W. 157th AVENUE
 (5 LANE BITUMINOUS WITH MEDIAN AND TURN LANES)

East
 Front
 042

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Kendall, Florida
#1680



WALMART STORE #680
TOTAL GROSS AREA
TOTAL NET AREA
TOTAL FLOOR AREA
TOTAL

177,266 sq ft

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BY: *ALF*

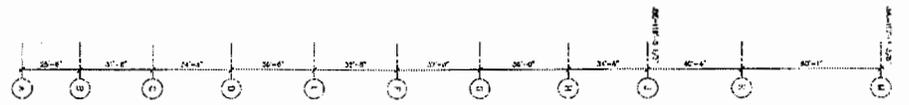
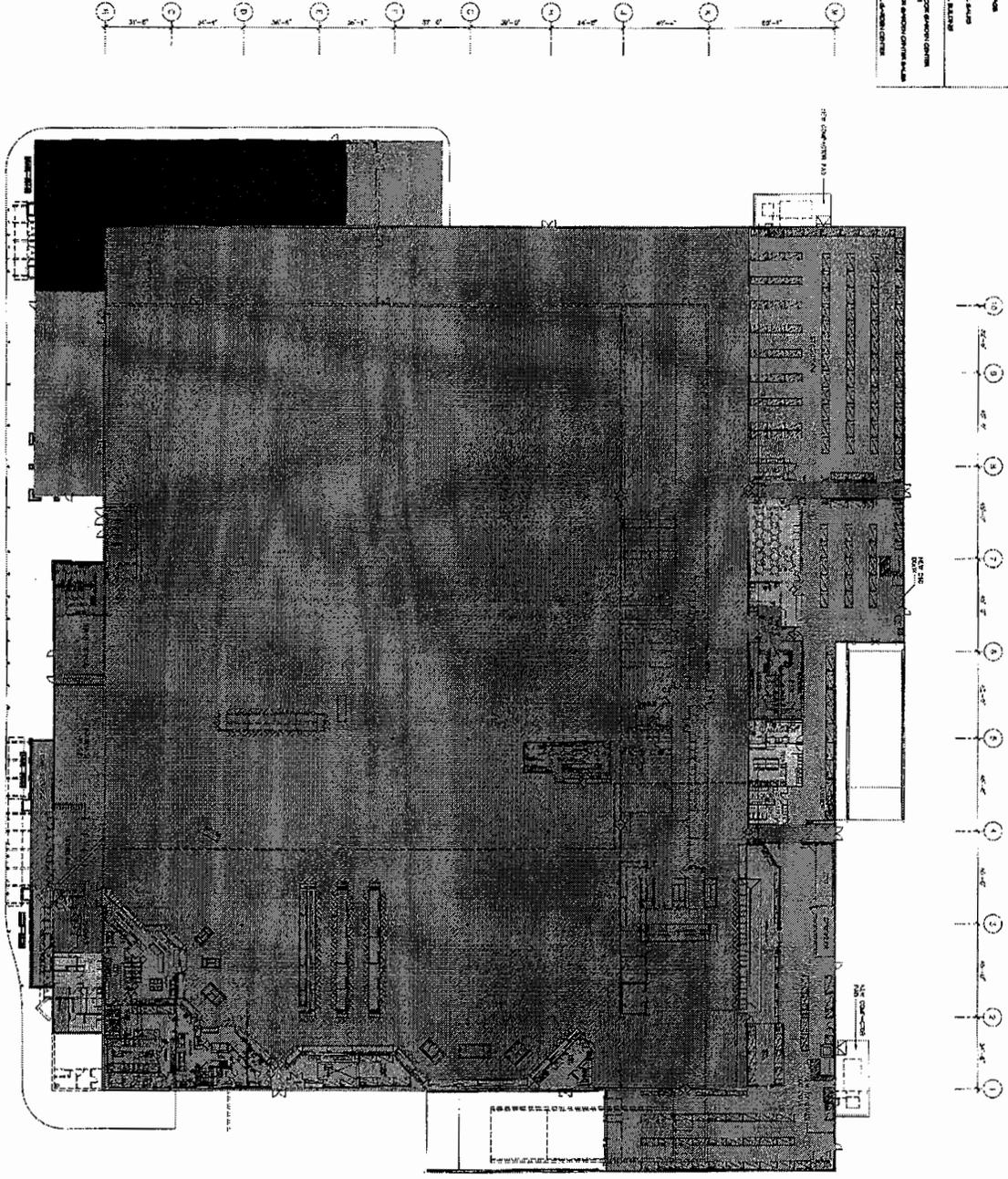
210 West Augustine Drive
Kissimmee, Florida 34746
Phone: 407.436.3846
Fax: 407.436.1300
www.walmart.com



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PLANNING AND ZONING DEPARTMENT
DECEMBER 11 2009

DATE	BY	REVISIONS



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DEC 11 2009
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BY XIT

KENDALL, FLORIDA

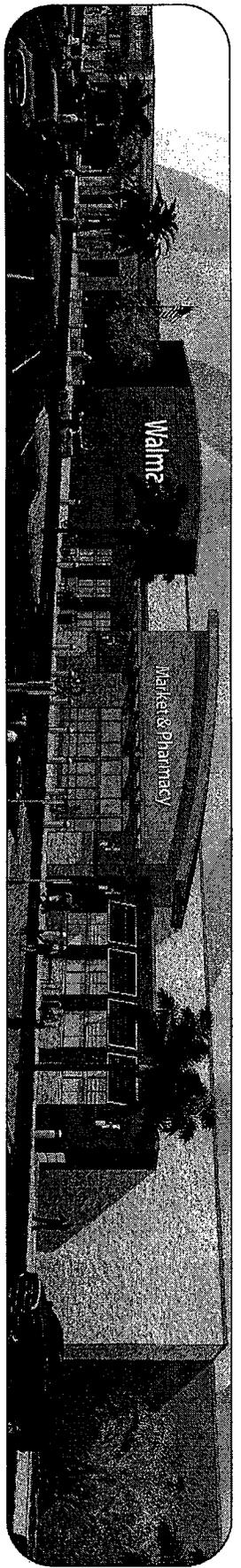
Store # 1680

FLOOR PLAN AREAS
Walmart

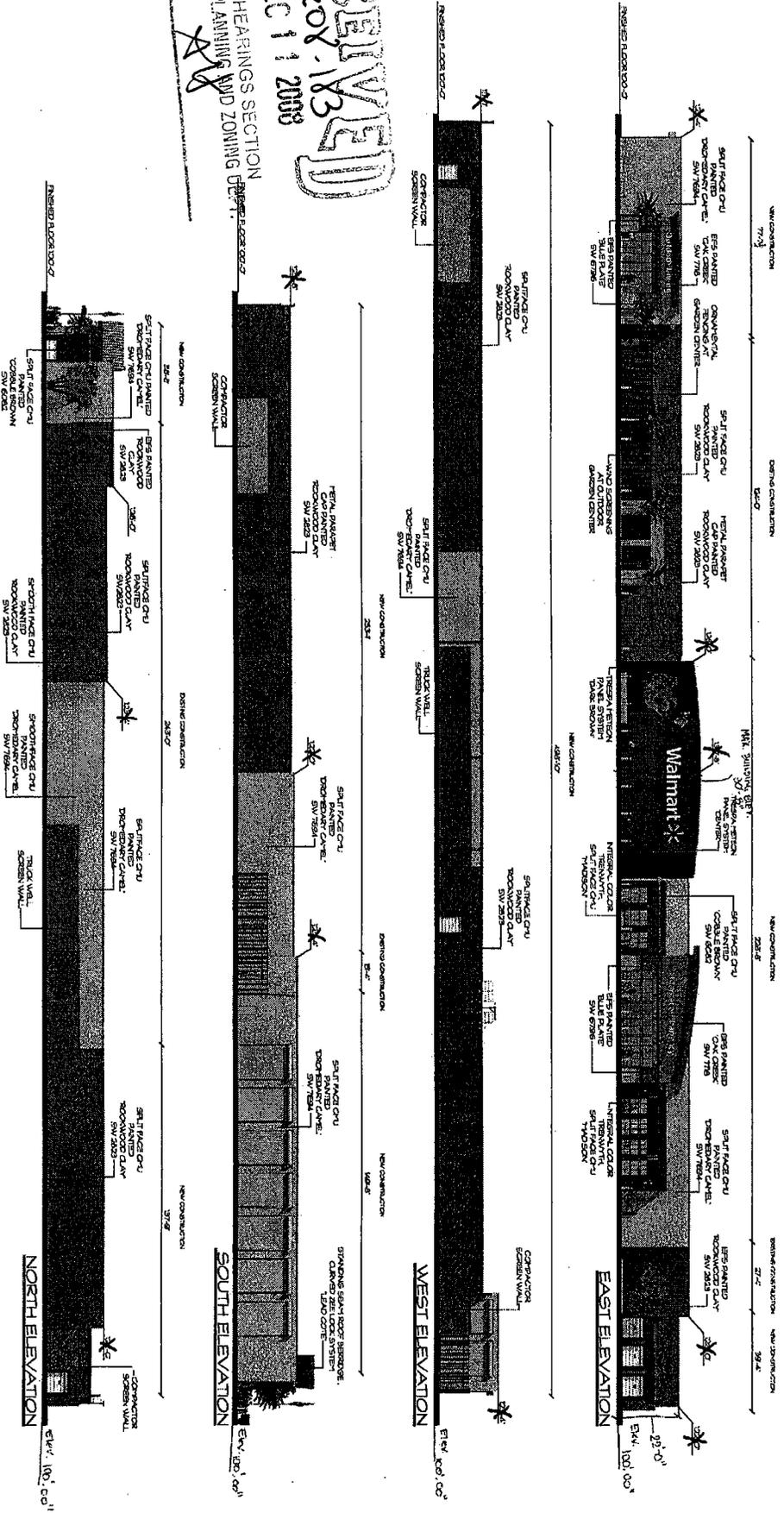
710 West Rosemead Drive
Bogalusa, Louisiana 70309
Phone: 225-338-5800
www.dba.com



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FRONT PERSPECTIVE



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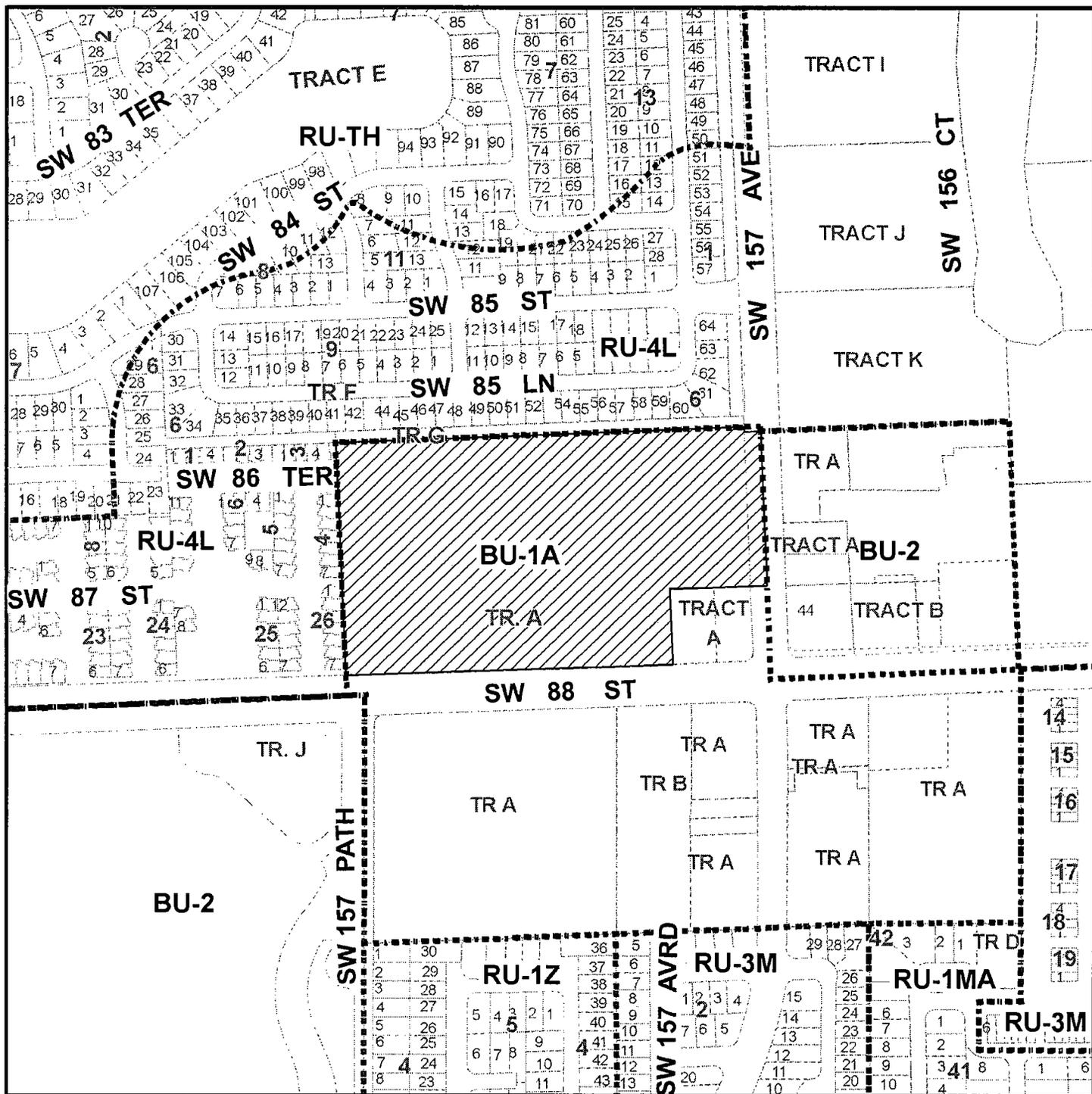
ZONING HEARINGS SECTION
 PLANNING AND ZONING DEPT.

Kendall, Florida
 # 1680



710 West Rosemead Drive
 Kissimmee, Florida 34759
 Phone: 407.434.1435
 Fax: 407.434.1200
 WWW.WALMART.COM





MIAMI-DADE COUNTY
HEARING MAP
 Section: 32 Township: 54 Range: 39
 Applicant: WALT MART STORES EAST, LP
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number
08-183




SUBJECT PROPERTY



SKETCH CREATED ON: 09/29/08

REVISION	DATE	BY
	27	



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 32 Township: 54 Range: 39

Applicant: WALTMART STORES EAST, LP

Zoning Board: C11

Commission District: 11

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

08-183



SUBJECT PROPERTY



SKETCH CREATED ON: 09/29/08

REVISION	DATE	BY

1. WMD WEST SUNSET, LLC
(Applicant)

09-5-CZ11-1 (08-190)
Area 11/District 11
Hearing Date: 5/12/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2007	Sunset & South Dade LTD. Partnership	Zone change from AU to BU-1A.	C-11	Approved
2008	WMD West Sunset, LLC	Non-Use Variance for signage.	C-11	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: WMD West Sunset, LLC.

PH: Z08-190(09-5-CZ11-1)

SECTION: 29-54-39

DATE: May 12, 2009

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a bar with karaoke and live music in conjunction with a full service restaurant.
- (2) SPECIAL EXCEPTION to permit a bar spaced less than the required 1,500' from other alcoholic uses and spaced less than the required 2,500' from a school or religious facility.
- (3) Applicant is requesting to permit 407 parking spaces (438 required)

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District), or under §33-311(A)(4)(b) (Non-use variance) or (c) (Alternative Non-Use Variance).

The plans are on file and may be examined in the Department of Planning and Zoning entitled "West Sunset Square Development Plan", as prepared by Lawrence S. Levinson and plans entitled "Jokey & Grumpy Sports Grill", as prepared by A.A. Architectural, both dated 1/12/09 and a liquor survey as prepared by Aylward Engineering & Surveying, Inc., dated stamped received 1/20/09 totaling 3 sheets. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** This application would allow the applicant to have a bar with Karaoke and live music in conjunction with a restaurant and establish said bar spaced less than required from other alcoholic beverage uses and a school or religious facility. Additionally, the applicant seeks to permit less parking spaces than required for the proposed use.
- o **LOCATION:** The Northwest corner of SW 72 Street and SW 157 Ave, Miami-Dade County, Florida.
- o **SIZE:** 10 acres

B. ZONING HEARINGS HISTORY:

In 2007, a zone change request from AU, Agricultural District, to BU-1A, Limited Business District, was approved, pursuant to Resolution #CZAB11-21-07. Subsequently, in September 2008, the subject property was approved to permit 2 detached signs and 2 automatic changing signs pursuant to Resolution #CZAB11-18-08.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

(1) The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **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. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

(2) Other Land Uses Not Addressed.

Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

(3) **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff,

access, traffic, **parking**, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
BU-1A; shopping center under construction	Business & Office
<u>Surrounding Properties</u>	
<u>NORTH:</u> RU-1M(a) & RU-1; Single-family residences	Low Density Residential
<u>SOUTH:</u> BU-1A; Shopping Center	Business & Office
<u>EAST:</u> RU-1; Single-family residences	Low Density Residential
<u>WEST:</u> RU-3M; Townhouses	Low Density Residential

The subject parcel is located at the northwest corner of SW 72 Street and SW 157 Avenue. Single-family residences abut the subject property to the north and to the east. Townhouses abut the subject property to the west and commercial uses abut the subject property to the south. A combination of residential and commercial uses characterizes the surrounding area.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted)
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:	N/A
Energy Considerations:	N/A
Service Areas:	Acceptable
Signage:	Acceptable
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by

the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals 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 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 of and its development.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (j) An alternative reduction in the number of required parking spaces shall be approved after public hearing upon demonstration of the following:**
- (1) the alternative reduction of the number of required parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either:
 - (A) the lot, parcel or tract is located within six hundred and sixty (660) feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) map, within one-quarter (1/4) mile from existing rail transit stations or existing express busway stops; or
 - (B) the hours of operation of multiple commercial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or
 - (2) the total number of required parking spaces is not reduced below ten percent (10%); and
 - (3) the alternative development involves a mixed-use project in which the number of off-street parking spaces is calculated by applying the Urban Land Institute (ULI) Shared Parking Methodology to the required number of parking spaces.

- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
 - (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. 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.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance 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 non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is currently zoned BU-1A and is located at the northwest corner of SW 72 Street and SW 157 Ave in a recently approved shopping center. Single-family and townhouse residences and commercial uses characterize the surrounding area. The applicant is requesting a Special Exception to permit a bar with karaoke and live music in conjunction with a full service restaurant (request #1), along with a Special Exception to permit the bar spaced less than the required 1,500' from other alcoholic uses and spaced less than the required 2,500' from a school or religious facility (request #2). Additionally, the applicant seeks to permit 407 parking spaces (request #3). The zoning regulations do not permit live entertainment within a bar, nor does it permit a bar spaced less than 1,500' from other alcoholic uses or less than 2,500' from a school or religious facility. Additionally, based on the zoning district regulations, the applicant requires a minimum of 438 parking spaces for the proposed development. The applicant has submitted plans indicating the location of the proposed bar restaurant, within the shopping center. Also, the applicant has submitted a liquor survey indicating the location of the proposed bar and its spacing from public schools and religious facilities.

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. The **Public Works Department** has **no objections**

to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department (**MDFRD**) has no objections to this application and their memorandum indicates that the estimated average travel response time is **6:01** minutes.

Approval of this application would permit a bar with karaoke and live music in conjunction with a full service restaurant in addition to permitting the bar spaced less than required from other alcoholic beverage uses and a school or religious facility. Additionally, approval would permit the proposed uses within a shopping center with less parking spaces than required. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities including retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, **entertainment** and cultural facilities, amusements and commercial recreation establishments. The existing BU-1A zone allows uses such as package stores, pubs and bars as well as uses allowed in the BU-1A zone, such as restaurants. Further, the interpretative text of the CDMP allows for certain uses that are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Staff opines that the existing BU-1A uses and the proposed bar with karaoke within the restaurant is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP.

The applicant is seeking a Special Exception to permit bar with karaoke and live music in conjunction with a full service restaurant (request #1), along with a Special Exception to permit the bar spaced less than the required 1,500' from other alcoholic uses and spaced less than the required 2,500' from a school or religious facility (request #2). When analyzing the aforementioned requests under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the requests 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 planned and budgeted for construction, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff opines that the proposed bar with karaoke and live music in conjunction with a full service restaurant (request #1) and the requested reduction in spacing between the bar and nearby religious facilities and public schools (request #2) will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, 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. It should be noted that the submitted plans illustrate that the proposed bar with karaoke and live music in conjunction with a full service restaurant will be located at the southwest corner of the shopping center. To the west are townhouse residences zoned RU-3M, Minimum Apartment House District and to the south is a shopping center also zoned BU-1A. The plans submitted by the applicant indicate that the patron area of the restaurant is

approximately 1,952 sq. ft., including a 40 sq. ft. (5' x 8') stage area. Due to the small scale of this facility, staff opines that approval of the bar with karaoke and live music in conjunction with a full service restaurant use will not result in excessive noise and concentration of people nor have a negative aural impact on the existing townhouse residences located to the west of the site. Further, staff opines that the requested karaoke and live music within the restaurant will provide entertainment for the diners in the restaurant and patrons of the bar and is not likely to have a negative impact on the abutting residences to the west since said entertainment will occur within an enclosed building. Staff acknowledges that the memoranda provided by the Department of Environmental Resources Management (DERM) and the Public Works Department, indicates that the bar with karaoke and live music in conjunction with a full service restaurant will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP.

As per the liquor survey submitted by the applicant, the proposed bar will be approximately 2,087' from Dante B. Fascell Elementary School located at 15625 SW 80 Street and 2,140 from Bowman Foster Ashe Elementary School located at 6401 SW 152 Avenue, which staff opines is adequate spacing between the proposed use and the existing schools. Similarly, staff opines that the Church of Jesus Christ of Latter Day Saints, located 1,576' to the east of the proposed bar is adequately spaced from the facility. The liquor survey submitted by the applicant further indicates the existence of at least 9 other establishments that offer the sale of alcoholic beverages on or off the premises within the 1,500' limit. For example, there is the Sunset Billiards establishment at 15770 SW 72 Street, located 313' to the south of the proposed restaurant and bar in the shopping center across the street. Similarly, a Publix store is located in a shopping center that is 384' to the south. There are also other establishments, some of which are proposed such as the proposed Walgreens store which will be located within the same shopping center as the proposed restaurant and bar. Notwithstanding, staff opines that the approval of the applicant's request to permit the bar spaced less than the required 1,500' from other alcoholic uses and spaced less than the required 2,500' from a school or religious facility will not have a negative impact on the surrounding area. Staff notes that except for the restaurants, all of the aforementioned uses are for the consumption of alcoholic beverages off of the premises. The proposed restaurant and bar with karaoke and live music however provides an eclectic mix in entertainment and dining options to the residents of the surrounding residential communities. In staff's opinion, the proposed reduced spacing request is **compatible** with the surrounding commercial uses and will not negatively impact the existing elementary schools or religious facility. In addition, as previously mentioned, staff opines that the request to permit a bar in connection with a restaurant with karaoke and live music will be compatible with the area and will not result in excessive noise or traffic, cause undue or excessive burden on public facilities. However, due to the proximity of the residences located to the west, staff would condition approval of the requested Special Exceptions on restrictions to the hours of operation, that no dancing be allowed by the patrons and that the bar, karaoke and live music be permitted only as accessory uses to the full service restaurant. As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(3).

When analyzing request #3 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request to permit 407 parking spaces (438 required), 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 request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff is of the opinion that approval of the reduced number of parking spaces in the 10-acre shopping center will not result in spillage of parking onto the abutting streets or have a negative impact on traffic in the area. Further, the requested reduction of 31 spaces is in staff's opinion comparatively minimal, when the size of the lot is taken into consideration. Staff also notes that the Public Works Department has no objections to this request based on the fact that approval of this request along with that of the aforementioned requests for Special Exceptions, will not generate any new peak hour trips. As such, staff recommends approval of request #3 under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance Standard (ANUV) Section 33-311(A)(4)(c), the applicants would have to prove that request #3 is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed in accordance with the zoning regulations, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV Standards.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(16) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. When the applicant's request to permit 407 parking spaces (438 required) is analyzed under the aforementioned ASDO standards, staff notes that the required reduction of 31 spaces is below the 10% maximum reduction allowed, the subject property abuts SW 157 Avenue and SW 72 Street, which are both Major Roadways identified on the LUP map of the CDMP and the hours of operation of the multiple commercial uses within the development do not overlap. Further, the application complies with all the other ASDO requirements in that the alternative reduction does not apply to disabled parking spaces or others identified in the ASDO standards. Additionally, the applicant has provided an analysis of the off-street parking spaces applying the Urban Land Use Institute (ULI) Shared Parking Methodology to the required number of parking spaces. Said analysis concluded that the resulting peak parking demand is **392** and **355** parking spaces for the weekday and weekend condition, respectively. The analysis therefore concluded and staff concurs, that under the worst case scenario, approval of the requested 407 parking spaces will result in **15** surplus parking spaces. Based on the aforementioned, staff therefore recommends approval of the applicant's request for reduced parking (request #3) under Section 33-311(A)(16) ASDO.

As previously mentioned, staff is of the opinion that proposed bar with karaoke and live music within the full service restaurant is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP. Based on the aforementioned, staff therefore recommends approval with conditions of the applicant's request for a Special Exception to permit a bar with karaoke and live music in conjunction with a full service restaurant (request #1) and approval with conditions of the request for a Special Exception to permit the bar spaced less than the required 1,500' from other alcoholic uses and spaced less than the required 2,500' from a school or religious facility (request #2), both under Section 33-311(A)(3),

Special Exceptions, Unusual Uses And New Uses. Staff also recommends approval of the request #3, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) or under Section 33-311(A)(16) (ASDO), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval of with conditions of requests #1 and #2 under Section 33-311(A)(3), Special Exceptions, Unusual Uses And New Uses, approval of request #3 under Section 33-311(A)(4)(b) Non-Use Variance (NUV) or under Section 33-311(A)(16) (ASDO), and denial without prejudice of same under Section 33-311(A)(4)(c) Alternative Non-Use Variance (ANUV).

J. CONDITIONS:

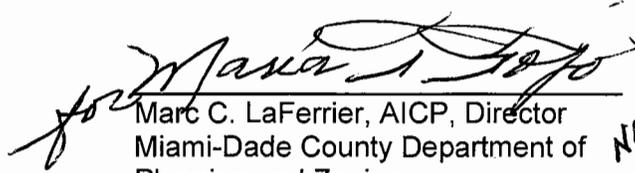
1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "West Sunset Square Development Plan", as prepared by Lawrence S. Levinson and plans entitled "Jokey & Grumpy Sports Grill", as prepared by A.A. Architectural, both dated 1/12/09 and a liquor survey as prepared by Aylward Engineering & Surveying, Inc., dated stamped received 1/20/09 totaling 3 sheets.
3. That the bar, karaoke and live music use be only permitted up to 1:00 AM.
4. That the bar, karaoke and live music use be operated solely as an accessory use to the full service restaurant, and if the full service restaurant use is terminated, the bar, karaoke and live music use will automatically expire.
5. That no dancing by patrons be allowed within this full service restaurant/bar.
6. That the use be established and maintained in accordance with the approved plan.
7. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

WMD West Sunset, LLC.

Z08-190

Page 11

DATE INSPECTED: 07/26/07
DATE TYPED: 03/24/09
DATE REVISED: 03/24/09, 03/26/09, 04/15/09
DATE FINALIZED: 04/15/09
MCL:MTF:MW:NN:NC:CH



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

Memorandum



Date: March 26, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-11 #Z2008000190-Revised
W.M.D. West Sunset, LLC
N.W. Corner of S.W. 72nd Street and S.W. 157th Avenue
Special Exception to Permit a Bar with Karaoke
(BU-1A) (10 Acres)
29-54-39

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.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

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.

REVISION 1
PH# Z2008000190
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:WMD WEST SUNSET, LLC

This Department has no objections to this application.

This Department has no objections to the request to permit 407 parking spaces where 438 are required. The shopping center has allocated sufficient parking spaces.

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.



Raul A Pino, P.L.S.

23-MAR-09

Memorandum



Date: 11-FEB-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000190

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated February 5, 2009.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped January 12, 2009. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2008000190 located at THE NORTHWEST CORNER OF S.W. 72 STREET & S.W. 157 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1698 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:01 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 56 - West Sunset - 16250 SW 72 Street
 Rescue, ALS Engine Haz Mat Support

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

WMD WEST SUNSET, LLC

THE NORTHWEST CORNER OF
S.W. 72 STREET & S.W. 157
AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2008000190

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ZONING Number Z2008000190

CURRENT ENFORCEMENT HISTORY:

JANUARY 22, 2009

CMS #200912000285 was opened for an Enforcement History inspection. No current violations were observed.

MAY 16, 2007

CMS #200712006243 was opened in reference to overgrowth. W/N #R103622 was issued to the property owner. A re-inspection was conducted on 06/28/07, still found in violation and CVN #B017117 was issued. NCO did a compliance inspection on 7/19/07, violation corrected and CVN was paid.

DECEMBER 12, 2006

CMS #200612011866 was opened in reference overgrowth. W/N #R74510 was issued to the property owner. A re-inspection was conducted on 1/24/07, property was in compliance.

OCTOBER 17, 2006

CMS #200612009012 was opened for junk and trash, sofa and misc items. NCO referred case to Solid Waste Management for removal on 10/19/2006.

JUNE 14, 2004

CMS #200412004264 was opened for illegal political sign on the right away. Not in violation when

NCO went out on 6/15/2004.

OCTOBER 8, 2004

CMS #200412007983 was opened for overgrowth. NCO went out on 12/1/04 lot was recently cut, not in violation.

JULY 13, 2004

CMS #200412005281 was referred by Mr. Octavio Gonzalez from the Heath Department for overgrowth. Case is already in process #200412005056, for same violation.

JULY 1, 2004

CMS #200412005056 was opened for overgrowth. W/N #R15215 was issued to property owner. Re-inspection was conducted on 7/23/2004, violation in compliance

APRIL 26, 2004

CMS #200412003196 was opened for overgrowth by fence in rear of location. W/N #R16848 issued to property owner. A re-inspection was conducted on 5/18/2004, violation corrected.

MARCH 10, 2003

CMS #200312001755 was opened for overgrowth. First inspection was conducted on 3/17/03, grass recently cut, not in violation.

DECEMBER 6, 2000

CMS #200012004919 was opened for overgrowth. First inspection was conducted on 12/29/2000, not in violation.

JUNE 30, 2000

CMS #200012001486 was opened for sign violation on private property. W/N #027456 was issued to property owner. NCO conducted a re-inspection on 4/30/2001 and found violation was corrected by owner.

WMD WEST SUNSET LLC

MARITZA ROJAS

DISCLOSURE OF INTEREST*

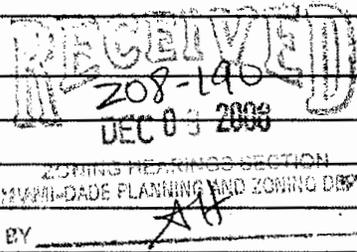
If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural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

CORPORATION NAME: WMD West Sunset , L.L.C.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See attached</u>	

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

TRUST/ESTATE NAME: N/A

<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 partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: N/A

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

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

RECEIVED
208-190
DEC 03 2008
ZONING HEARINGS SECTION
ZONING PLANNING AND ZONING DIST.
BY AH

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

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

Signature: [Signature] (Larry Bernick, Vice-President) WB
 (Applicant) WMD West Sunset, L.L.C. a Florida limited liability company
 By: Woolbright West Sunset Member, L.L.C. a Florida limited liability company, its Managing Member

Sworn to and subscribed before me this 18th day of November, 2008. Affiant is personally known to me or has produced _____ as identification.

Tracy L. Rosario
(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
 Tracy L. Rosario
 Commission # DD786179
 Expires: JUNE 23, 2012
 BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires 6/23/12

*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 a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.

Interests in Master West Sunset, LLC

	Percentage of Interest
Robert Shapiro 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	51.0%
Janet Shapiro 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	8.5%
Jay Shapiro 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	8.5%
Bradley Shapiro 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	8.5%
Eric Shapiro 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	8.5%
Jeffrey Fengler 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	5.0%
Patricia Chimelis 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	5.0%
Lawrence Levinson 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	5.0%

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ZONING HEARINGS SECTION
ENVIRONMENTAL PLANNING AND ZONING DEPT.
BY AH

Interests in WMD West Sunset. LLC

	Percentage of Interest
Woolbright West Sunset Member, LLC 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	50.1%
Master West Sunset, LLC 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	49.9%

Interests in Woolbright West Sunset Member. LLC

	Percentage of Interest
Woolbright Holdings, LLC 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	100%

Interests in Woolbright Holdings, LLC

	Percentage of Interest
Duane Stiller 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	100%

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ZONING HEARINGS SECTION
MYRA-LIADE PLANNING AND ZONING DEPT.
BY AH

THE FRONT, THE PLANS IS TO BE USED FOR E-ROOFING AND ACCEPTS 7" MINIMUM STEEL ROOFING AND BOARDS

10 FT. OF A DRIVEWAY AND MAX. 4 FT. WITHIN FRONT AND SIDE STREET SETBACKS

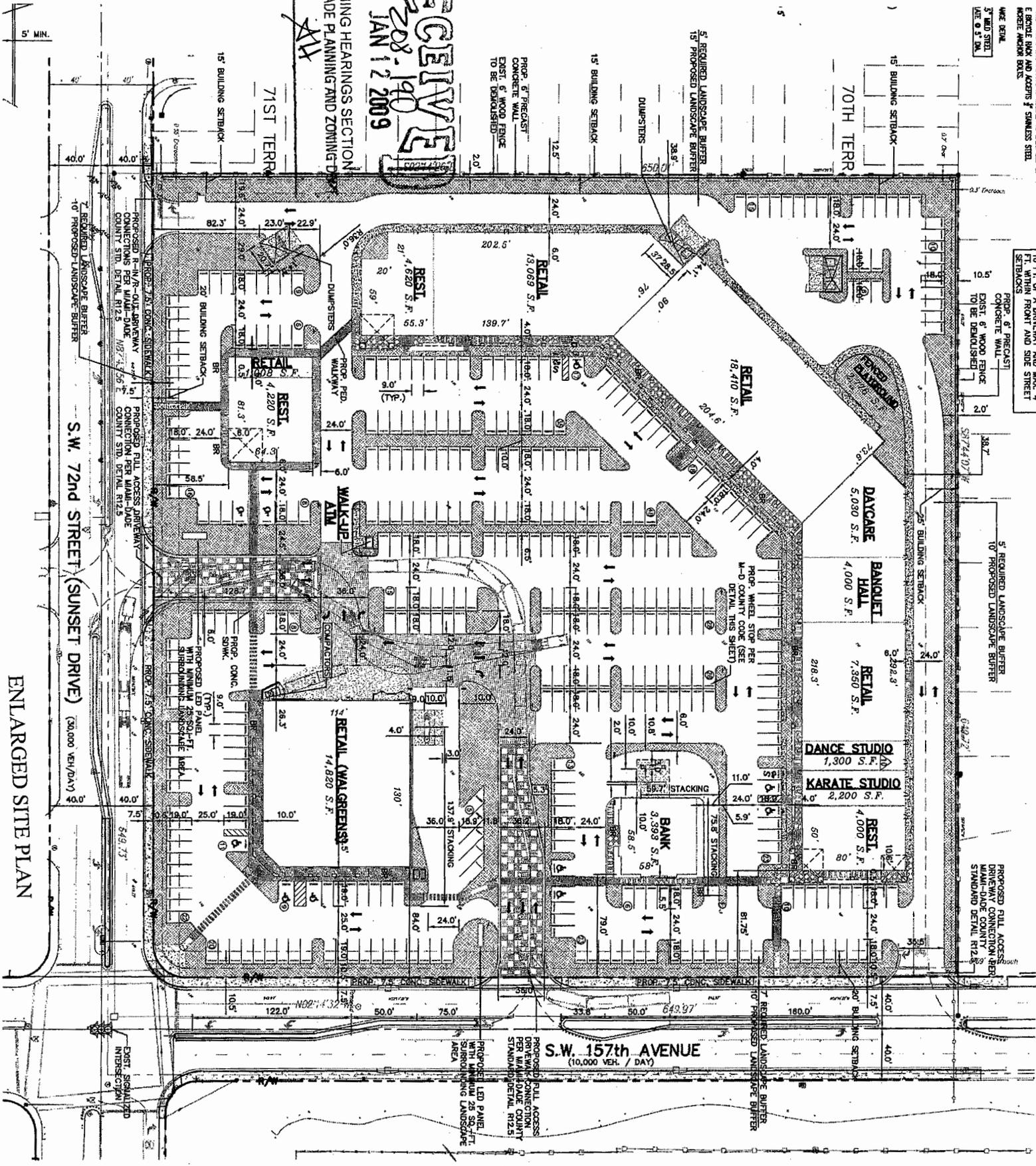
5' REQUIRED LANDSCAPE BUFFER TO PROPOSED LANDSCAPE BUFFER

PROPOSED FULL ACCESS DRIVEWAY CONNECTION PER MIAMI-DADE COUNTY STANDARD DETAIL R12.5

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING

XX



S.W. 72nd STREET (SUNSET DRIVE)

S.W. 157th AVENUE
 (10,000 VEH. / DAY)

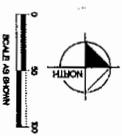
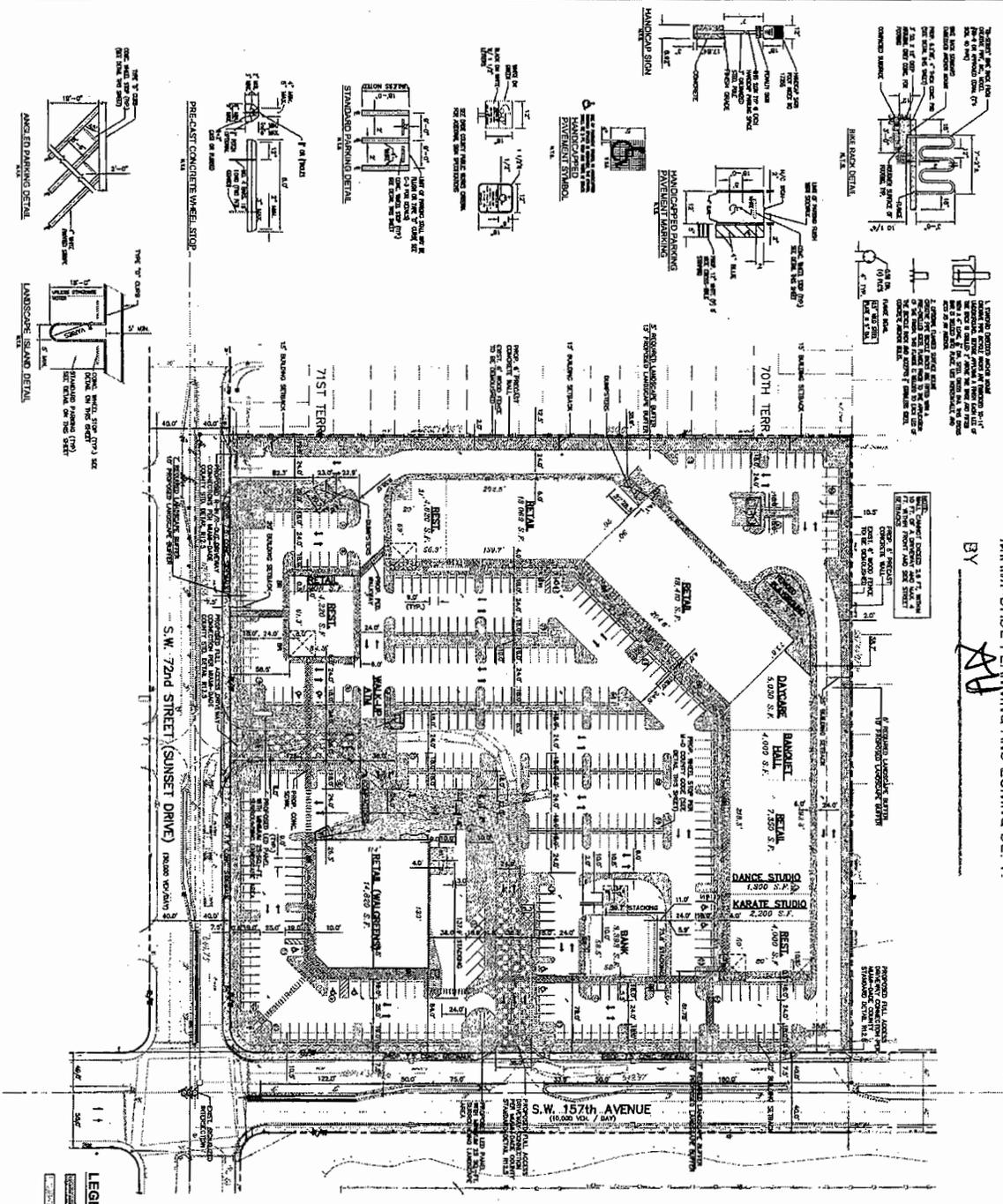
ENLARGED SITE PLAN

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PLANNING DEPARTMENT
MAY 12 2009

RECEIVED
JAN 12 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AD



DEVELOPMENT SYNOPSIS

EXISTING/PROPOSED	AREA (SQ. FT.)	AREA (ACRES)
EXISTING PAVED PARKING	1,200,000	27.47
EXISTING ASPHALT DRIVE	1,000,000	22.96
EXISTING CONCRETE DRIVE	1,000,000	22.96
EXISTING LANDSCAPE	1,000,000	22.96
EXISTING TOTAL	4,200,000	96.35
PROPOSED PAVED PARKING	1,200,000	27.47
PROPOSED ASPHALT DRIVE	1,000,000	22.96
PROPOSED CONCRETE DRIVE	1,000,000	22.96
PROPOSED LANDSCAPE	1,000,000	22.96
PROPOSED TOTAL	4,200,000	96.35

BR RECYCLE MARKS (12 TOTAL PROVIDED)
FOR SUNSET SQUARE COUNTY CODE
PER PER 20-100-000 COUNTY CODE
PER PER 20-100-000 COUNTY CODE

BR RECYCLE MARKS (12 TOTAL PROVIDED)
FOR SUNSET SQUARE COUNTY CODE
PER PER 20-100-000 COUNTY CODE
PER PER 20-100-000 COUNTY CODE

BR RECYCLE MARKS (12 TOTAL PROVIDED)
FOR SUNSET SQUARE COUNTY CODE
PER PER 20-100-000 COUNTY CODE
PER PER 20-100-000 COUNTY CODE

LEGEND
PROPOSED HEAVY DUTY ASPHALT PAVEMENT
PROPOSED SOA LANDSCAPE AREA

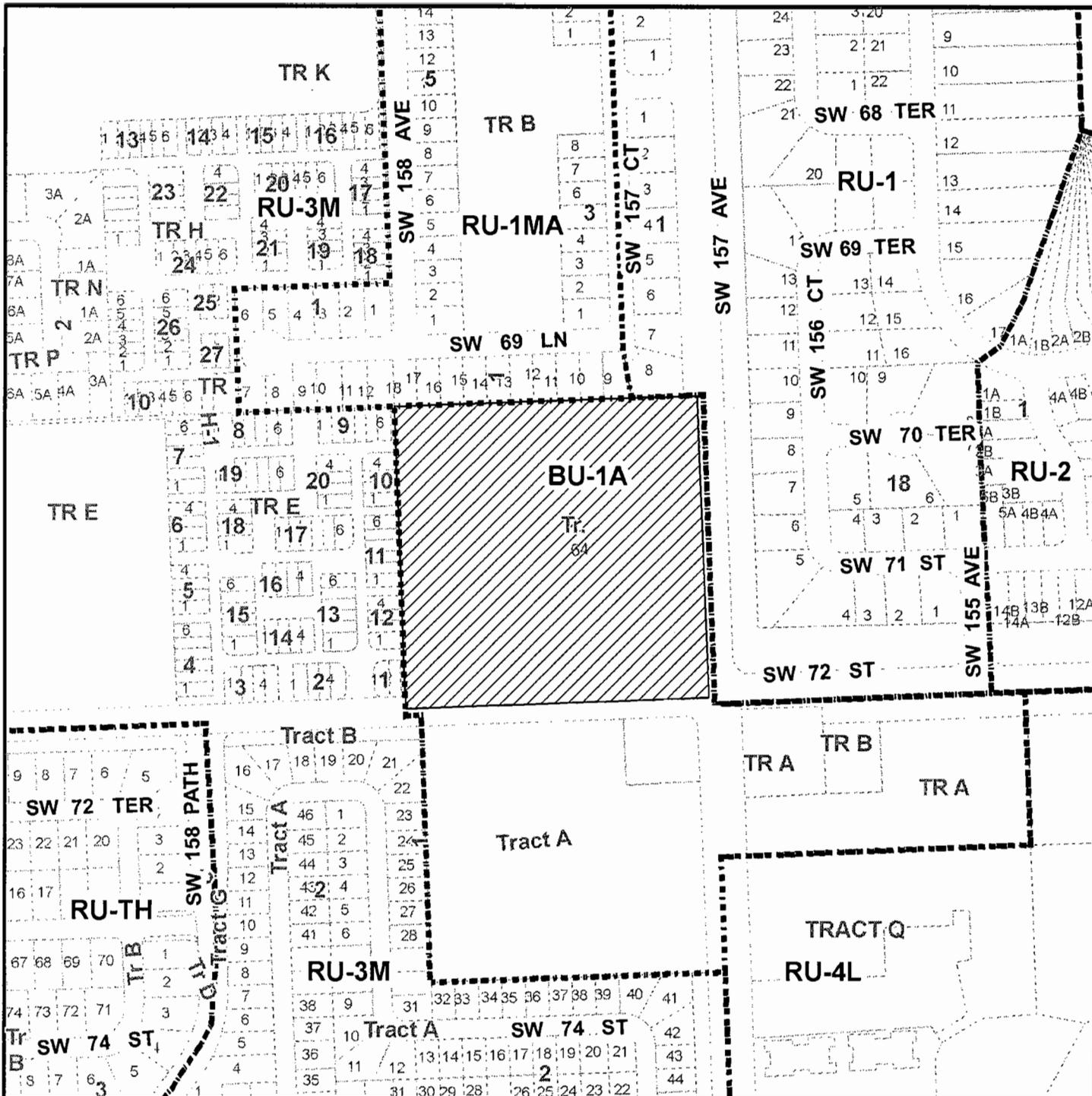
**WEST SUNSET SQUARE
DEVELOPMENT PLAN**
SW. 72nd STREET, (SUNSET DRIVE) AND SW. 157th AVENUE
MIAMI, DADE COUNTY, FLORIDA



Lawrence S. Levinson, AIA
KIMLEY-HORN and Associates, Inc.
1911 NE 131st Street, Suite 100, Miami, Florida 33178
Tel: 305.575.1200
Fax: 305.575.1201

REVISIONS
A. CHANGE FROM PREVIOUS EDITION
B. CHANGE FROM PREVIOUS EDITION
C. CHANGE FROM PREVIOUS EDITION

DATE: AUGUST 2008
PROJECT NUMBER: 25156-000
SITE PLAN SP 1.0



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-190

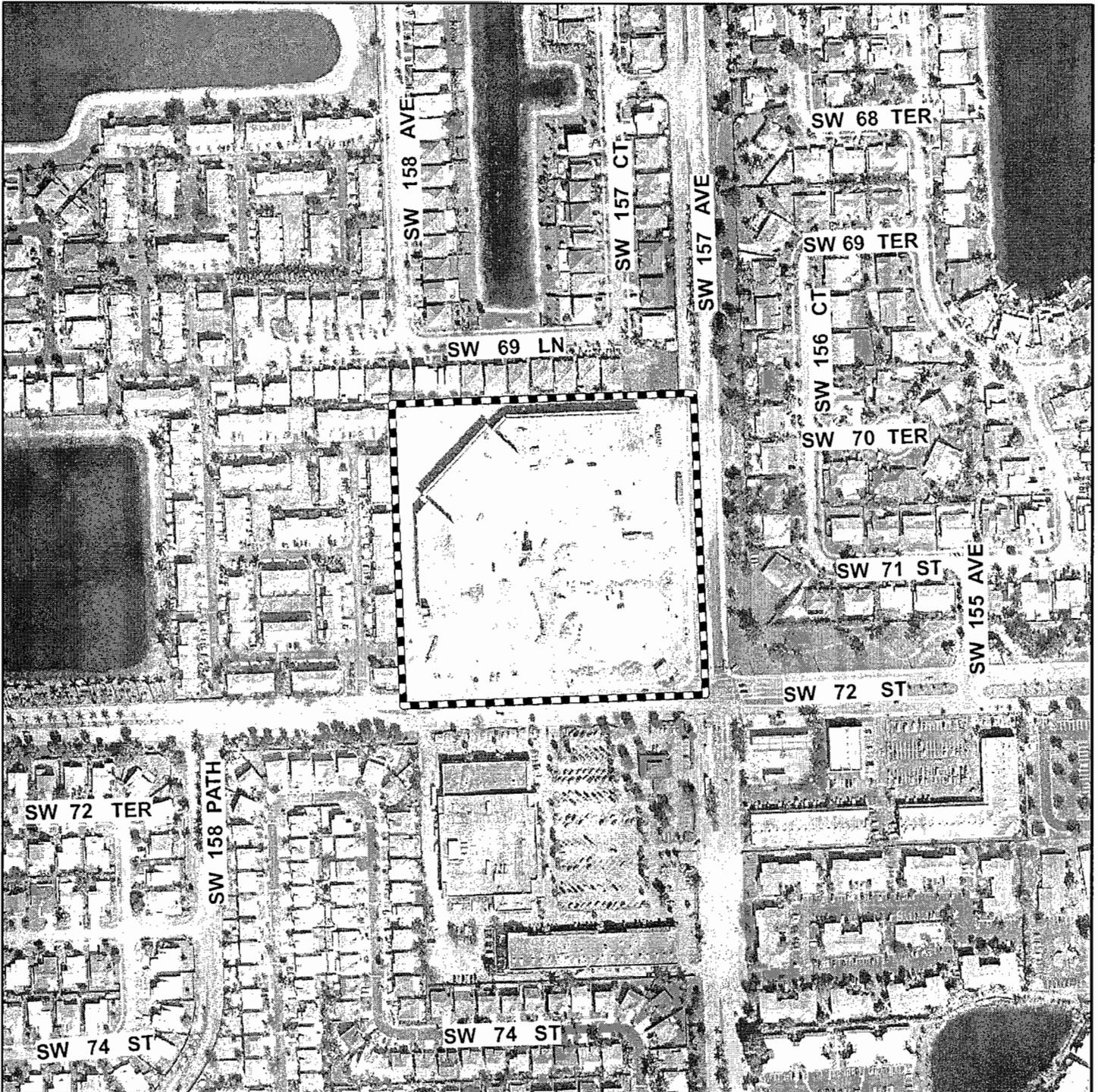
Section: 29 Township: 54 Range: 39
 Applicant: JOKEY & GRUMPY SPORT GRILL
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



REVISION	DATE	BY
		26



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 29 Township: 54 Range: 39
 Applicant: JOKEY & GRUMPY SPORT GRILL
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

Process Number
08-190



SUBJECT PROPERTY



SKETCH CREATED ON: 09/26/08

REVISION	DATE	BY

2. WMD LONDON SQUARE, LLC
(Applicant)

09-5-CZ11-2 (08-230)
Area 11/District 9
Hearing Date: 5/12/09

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2006	Forty Acre Farm LTD.	- Zone change from GU to BU-1A, IU-1 - Non-Use Variance for parking - Special Exception to permit 3 bars & spacing requirements - Unusual Use outdoor dining.	C-11	Approved w/Conds.
2007	WMD London Square, LLC	- Modification of parcel 1 & 2 of Off-Site Roadway - Deletion of condition #5 of Resolution - Non-Use Variance of zoning requirements sales of alcohol.	C-11	Approved w/Conds.
2008	WMD London Square, L.L.C.	- Modification of paragraph #1 of declaration of restrictions & modification of condition #2 of resolution & deletion of condition #13 of resolution - Non-Use Variance of parking spaces.	C-11	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: WMD London Square, LLC

PH: Z08-230 (09-5-CZ11-2)

SECTION: 14-55-39

DATE: May 12, 2009

COMMISSION DISTRICT: 9

ITEM NO.: 2

=====

A. INTRODUCTION

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a bar in conjunction with a package store and a cigar shop.
- (2) SPECIAL EXCEPTION to permit the bar spaced less than the required 1,500' from other alcoholic beverages uses and to permit the package store spaced less than the required 2,500' from schools.

Plans are on file and may be examined in the Department of Planning & Zoning entitled "Public Hearing Site Plan London Square" as prepared by Architectural Alliance consisting of 2 sheets dated stamped received 1/28/08, plans entitled "As-Built Floor Plan for Stogie's Cigar-Bay 306 at London Square", as prepared by Saltz Michelson Architects consisting of 1 sheet dated stamped received 1/20/09 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application will permit the establishment of a bar in connection with a package store and a cigar shop spaced less than required from other alcohol beverage uses and from a school.

o **LOCATION:** 13630 SW 120 St., Miami-Dade County, Florida

o **SIZE:** 23.85 Acres

B. ZONING HEARINGS HISTORY:

In 2006, the subject property was part of a larger parcel of land, which was granted zone changes from GU, Interim District, to BU-1A, Limited Business District, and to IU-1, Light Industrial Manufacturing District, pursuant to Resolution No. CZAB11-25-06. Additional requests for an unusual use to permit outdoor seating in conjunction with restaurants and lounge/bars in conjunction with restaurants, a special exception of the spacing requirements to permit 3 lounge/bars in conjunction with restaurants in the BU-1A zone, and a reduction in the required number of parking spaces were also approved with conditions. In 2007, the subject site was part of a larger parcel of land, which was granted approval of requests to delete Condition #5 of Resolution No. CZAB11-7-07 which limited the hours and days for the sale of alcoholic beverages and to permit a liquor package store with sales of alcoholic beverages on Sundays, pursuant to Resolution No. CZAB11-41-07. In 2008, the subject site was part of a larger tract of land that was granted approval of requests to modify a portion of a previously recorded Declaration of Restrictions and to modify Condition #2 of

Resolution No. CZAB11-25-06 to allow for the submittal of revised plans, a request to delete Condition #13 of Resolution No. CZAB11-25-06 reading "the applicant shall provide 1,048 parking spaces on Parcel 'A' by 14,300 sq. ft. and increase retail space by 14,300 sq. ft., or otherwise adjust the mix of retail and/or restaurant uses on Parcel 'A' in a manner that results in either a parking surplus, or parking deficit of no more than 9 parking spaces from the number of spaces required by the Code", and a request to permit 2,017 parking spaces, pursuant to Resolution No. CZAB11-17-08.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the westerly 21.27 acres of the subject property 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 stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
2. The 2015 and 2025 Adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the easterly 2.58 acres of the subject property for **Industrial and Office**. 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 telecommunications 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. Freestanding 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. Freestanding retail and personal service uses and shops 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU1-A and IU-1; Shopping center

Business and Office &
 Industrial and Office

Surrounding Properties:

NORTH: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: IU-C; Warehouses

Industrial and Office

EAST: IU-1; Warehouse and Office

Industrial and Office

WEST: GU; Kendall-Tamiami Airport

Transportation Terminals

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable*

Location of Buildings:

N/A

Compatibility:

Acceptable*

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

N/A

Urban Design:

N/A

*Subject to conditions

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals 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 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 of and its development.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at the southeast corner of SW 120 Street and SW 137 Avenue and is improved with a recently constructed shopping center. The surrounding area is characterized with single-family homes located to the north across SW 120 Street, undeveloped land to the immediate west with the Kendall-Tamiami Airport found further to the west, across SW 137 Avenue, warehouses and offices to the east and more warehouses and offices to the south. Tamiami Pineland Park, an environmentally protected park, is located approximately 600' to the southeast of the subject property. The applicant is seeking a special exception to permit a bar in connection with a package store and a cigar shop (request #1) and a special exception of spacing requirements as applied to alcoholic beverage uses to permit said bar spaced less than the required 1,500' from other alcoholic beverages uses and to permit the package store spaced less than the required 2,500' from schools (request #2). The applicant has submitted plans indicating the location of the proposed bar in connection with a package store and a cigar shop within the existing shopping center. Also, the applicant has submitted a liquor survey indicating the location of the proposed bar and package store and its spacing from other alcoholic beverage uses and schools in the area.



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. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria for an Initial Development Order and that it does not generate new additional daily peak hour vehicle trips. 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 **6:13** minutes.

Approval of this application will allow the applicant to establish a bar in connection with a package store and a cigar shop on the site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the westerly 21.27 acres of the subject property for **Business and Office** use and the easterly 2.58 acres of the subject property for **Industrial and Office** use. The Business and Office category accommodates a full range of sales and services activities, including retail, wholesale, personal and professional services, commercial and professional offices, hotels and motels, hospitals, medical buildings, entertainment and cultural facilities and commercial recreational establishments. Uses permitted in the Industrial and Office category are 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 telecommunications facilities, microwave towers, radar stations and cell towers are also allowed. The subject site's existing BU-1A and IU-1 zoning and the proposed bar in conjunction with a package store and a cigar shop are **consistent** with the LUP Map of the CDMP.

When analyzing the requests #1 and #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the requests for the proposed bar and package store in connection with a cigar shop and to permit said bar spaced less than the required 1,500' from other alcoholic beverage uses and said package store spaced less than the required 2,500' from a school 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 planned and budgeted for construction, provoke excessive overcrowding or concentration of people, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with such area of and its development. Staff opines that the proposed bar in connection with a package store and a cigar shop (request #1) along with the requested reduction in spacing between the bar and other nearby alcoholic beverage uses and the requested reduction in spacing between the package store and schools (request #2) will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, 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. It should be noted that the submitted plans

6

illustrate a proposed bar in conjunction with a package store and a cigar shop located along the west side of the subject site facing SW 137 Avenue. Staff notes that the memoranda provided by the Department of Environmental Resources Management (DERM) and the Public Works Department, indicates that the proposed bar in conjunction with a package store and a cigar shop will not reduce the Levels of Service (LOS) Standards as set forth in the CDMP.

The liquor survey submitted by the applicant indicates the existence of three restaurants with service bars located on the subject site within the existing shopping center, spaced approximately 619' to 763' from the proposed bar. Additionally, as per the liquor spacing survey submitted by the applicant, the proposed bar will be approximately 747 feet from a liquor store which is also located on the subject site. In staff's opinion, the proposed reduced spacing request is **compatible** with the surrounding commercial and industrial uses and will not negatively impact the other existing alcoholic beverage uses on the site. In addition, as previously mentioned, staff opines that the request to permit a bar in connection with a package store and a cigar shop will be compatible with the area, will allow the applicant to provide an eclectic mix of commercial uses, and will not result in excessive noise or traffic, cause undue or excessive burden on public facilities. The Zoning Code provides that package stores in shopping centers in BU-1A districts shall be at least 500' from any other licensed alcoholic beverage establishment and at least 2,500' feet from any school. Staff's review of the submitted liquor spacing survey reveals that although the proposed package store complies with the required 500' spacing from other alcohol uses, said package store is located 1,236' from an existing school, The Heritage School, located at 13300 SW 120 Street. However, staff notes that the proposed package store is situated along the southwestern portion of the site and is oriented towards SW 137 Avenue, facing away from the existing school which is located 1,236' to the northeast and fronts on SW 120 Street. Moreover, staff notes that the existing configuration of the subject site features multiple buildings interspersed throughout the site between the proposed package store and the existing school which staff opines will further buffer the proposed package store from the existing school. As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(3).

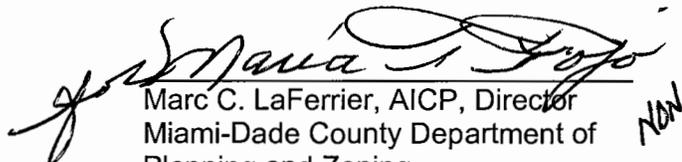
I. **RECOMMENDATION:** Approval with conditions of requests #1 and #2.

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning 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, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Hearing Site Plan London Square" as prepared by Architectural Alliance consisting of 2 sheets dated stamped received 1/28/08, plans entitled "As-Built Floor Plan for Stogie's Cigar-Bay 306 at London Square", as prepared by Saltz Michelson Architects consisting of 1 sheet dated stamped received 1/20/09 for a total of 4 sheets.

3. That the use be established and maintained in accordance with the approved plan.
4. That the sale of alcoholic beverages shall be limited to the hours of operation for the cigar shop.
5. That the bar and package store use shall be operated solely as an accessory use to the cigar shop, and if the cigar shop is terminated, the bar and package store use will automatically expire.
6. That the applicant apply for and obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning for the sale of alcoholic beverages, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

DATE INSPECTED: 12/12/08
DATE TYPED: 02/20/09
DATE REVISED: 03/16/09; 03/17/09; 04/16/09
DATE FINALIZED: 04/16/09
MCL:MTF:MW:NN:TA:NC


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

Memorandum



Date: January 15, 2009

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-11 #Z2008000230
WMD London Square, L.L.C.
S.E. Corner S.W. 120th Street and S.W. 137th Avenue
Special Exception to Permit a Bar in Conjunction with a Cigar Shop
Spaced Less Than Required
(IU-1) (23.85 Acres)
14-55-39

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.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted 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 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:WMD LONDON SQUARE, LLC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

02-FEB-09

Memorandum



Date: 18-DEC-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000230

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply site requirements.

Service Impact/Demand:

Development for the above Z2008000230
located at 13630 S.W. 120 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1952 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: 6:13 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 53 - Turnpike - 11600 SW Turnpike Hwy
Rescue, Squad

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

WMD LONDON SQUARE, LLC

13630 S.W. 120 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000230

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200902001692 CLOSED (ENFORCEMENT HISTORY).

200902001644 CLOSED (SIGN ON PRIVATE PROPERTY).

200902001411 CLOSED (SIGN ON PRIVATE PROPERTY).

200902001682 OPEN ISSUED WARNING # W4493 (SIGN VIOLATION ON PRIVATE PROPERTY
BANNER CODE SECTION 33-95 F.

200902000601 OPEN ISSUED WARNING # W4484 (SIGN VIOLATION ON PRIVATE PROPERTY
BANNER CODE SECTION 33-95 F.

200902000600 OPEN ISSUED WARNING # W4474 (SIGN VIOLATION ON PRIVATE PROPERTY
BANNER CODE SECTION 33-95 F.

200902000598 OPEN ISSUED WARNING # W4516 (SIGN VIOLATION ON PRIVATE PROPERTY
BANNER CODE SECTION 33-95 F.

200902000596 CLOSED (SIGN ON PRIVATE PROPERTY).

200902000592 CLOSED (SIGN ON PRIVATE PROPERTY).

200902000574 CLOSED (SIGN ON PRIVATE PROPERTY).

DATE: 03/11/09

200902000571 CLOSED (SIGN ON PRIVATE PROPERTY).

MARIA PANIZO

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: WMD London Square, L.L.C.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>See attached</u>	

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

CORPORATION NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>

RECEIVED
208-230
DEC 03 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>

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708-230
DEC 03 2008

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

Interests in WMD London Square. LLC

	Percentage of Interest
Woolbright London Square Member, LLC 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	50.1%
Master London, LLC 900 North Federal Highway, Suite 208 Hallandale, Florida 33009	49.9%

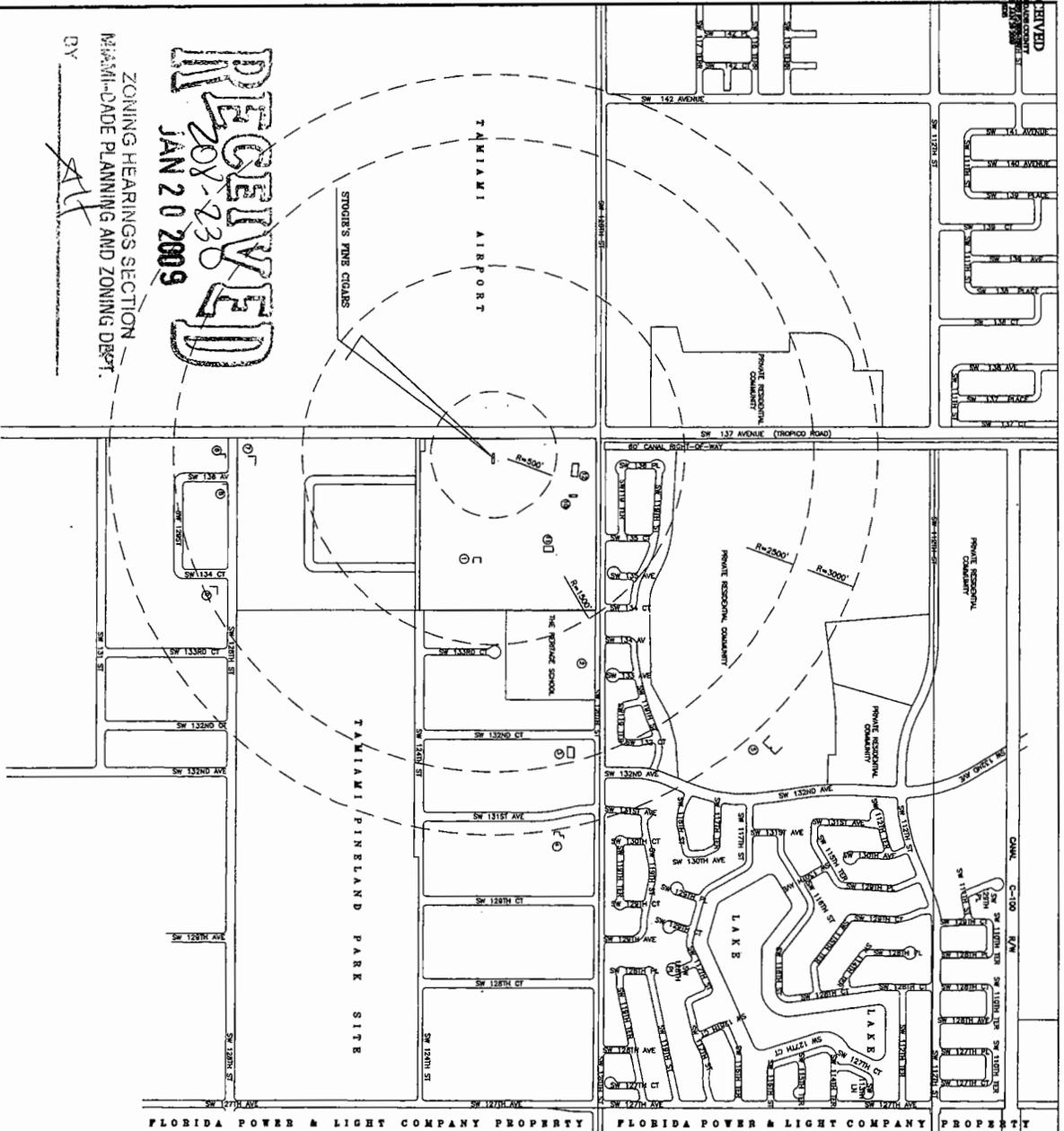
Interests in Woolbright London Square Member. LLC

	Percentage of Interest
Woolbright Holdings, LLC 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	100%

Interests in Woolbright Holdings, LLC

	Percentage of Interest
Duane Stiller 3200 North Military Trail Fourth Floor Boca Raton Florida 33431	100%

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 PLANNING DEPARTMENT
 JAN 20 2009



ZONING HEARINGS SECTION
 MID-DECADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

RECEIVED
 JAN 20 2009

NO.	DATE	APPROVED SEC.
1	1/15/09	EM
2		EM
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10		EM

PROJECT NAME:
STOGIE'S FINE CIGARS

SHEET TITLE
LIQUOR SURVEY



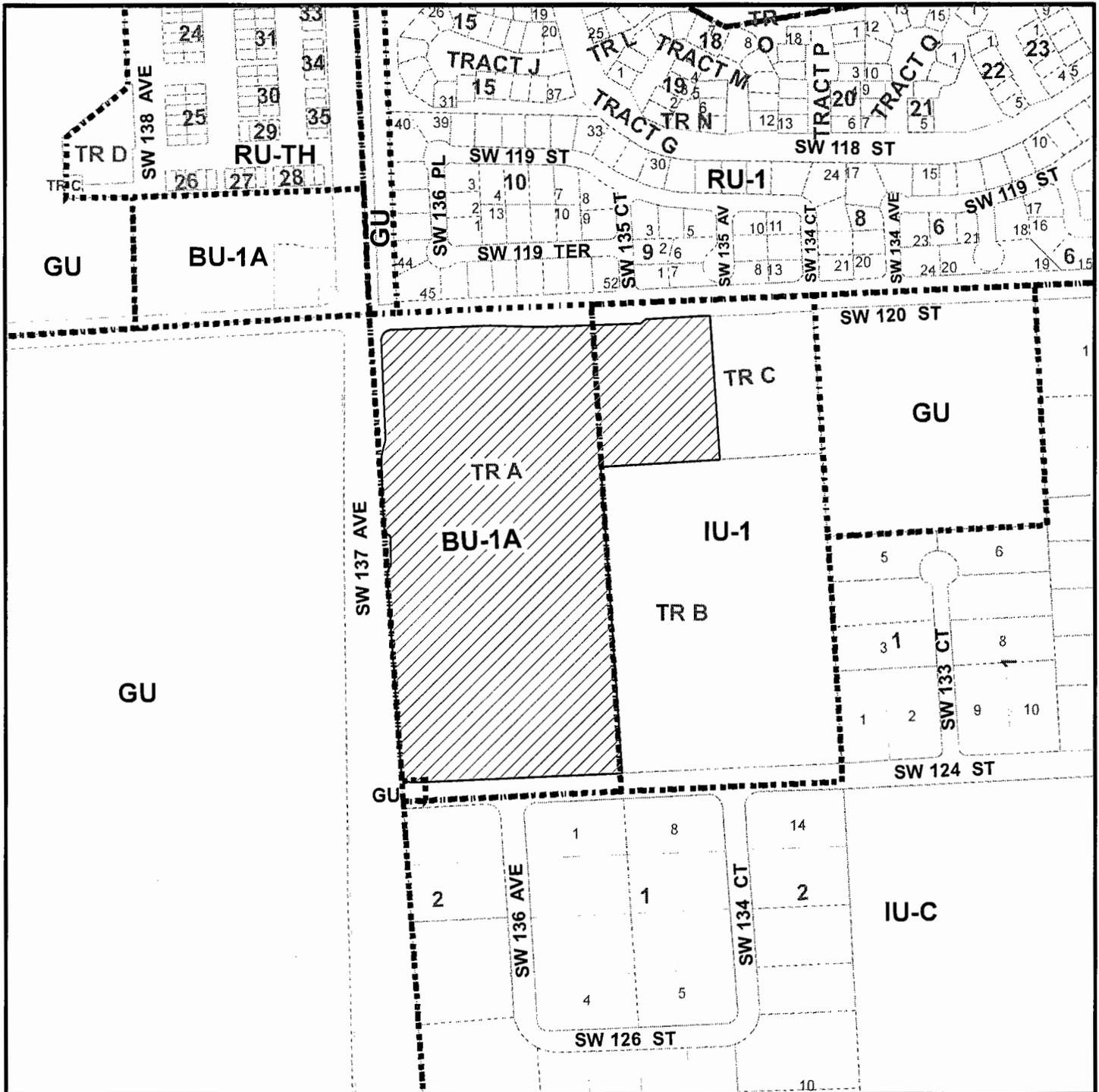
ATWARD ENGINEERING & SURVEYING, INC.
 CIVIL & ENVIRONMENTAL ENGINEERS/PLANNERS
 3222 Ridge Trk, Suite 303, Tampa, FL 33628
 352-424-3812 or 305-827-2118 Fax 352-424-3812 or 305-827-2118
 www.atward-engineering.com

DATE: 1/17/2009
 SCALE: 1"=400'
 SHEET NO. 1 OF 1

DISTANCES FROM STOGIE'S FINE CIGARS		
NUMBER	TO OBJECTS	DISTANCE
1	STOGIE'S FINE CIGARS	0
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97	STOGIE'S FINE CIGARS	0
98	STOGIE'S FINE CIGARS	0
99	STOGIE'S FINE CIGARS	0
100	STOGIE'S FINE CIGARS	0

DISTANCES FROM STOGIE'S FINE CIGARS		
NUMBER	TO OBJECTS	DISTANCE
1	STOGIE'S FINE CIGARS	0
2	STOGIE'S FINE CIGARS	0
3	STOGIE'S FINE CIGARS	0
4	STOGIE'S FINE CIGARS	0
5	STOGIE'S FINE CIGARS	0
6	STOGIE'S FINE CIGARS	0
7	STOGIE'S FINE CIGARS	0
8	STOGIE'S FINE CIGARS	0
9	STOGIE'S FINE CIGARS	0
10	STOGIE'S FINE CIGARS	0
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92	STOGIE'S FINE CIGARS	0
93	STOGIE'S FINE CIGARS	0
94	STOGIE'S FINE CIGARS	0
95		



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 55 Range: 39
 Applicant: WMD LONDON SQUARE, LLC
 Zoning Board: C11
 Commission District: 09
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning

Process Number
08-230



SUBJECT PROPERTY



SKETCH CREATED ON: 12/09/08

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
08-230



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REVISION	DATE	BY