

# KITS

7-28-2010 Version # 1



COMMUNITY ZONING APPEALS BOARD 11  
KENDALL VILLAGE CENTER - CIVIC PAVILION  
8625 SW 124 Avenue, Miami  
Thursday, September 2, 2010 at 7:00 p.m.

**PREVIOUSLY DEFERRED**

A. 10-7-CZ11-3 KROME GOLD RANCHES II LLLP 10-17 13-55-38

**CURRENT**

1. 10-9-CZ11-1 R & D INVESTMENT, LLC 09-158 14-55-39 N

2. 10-9-CZ11-2 MERCANTIL COMMERCEBANK  
NATIONAL ASSOCIATION 10-37 14-55-39 N



# Official Zoning Agenda

---

## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, SEPTEMBER 2, 2010

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

---

(1) MODIFICATION of Conditions #9 and #12 of Resolution Z-28-08, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited."

TO: "9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited except under the following circumstances; (a) where the excess material will be used in ecosystem restoration projects; (b) where the excess material will be used in the construction of public projects, such as the construction of infrastructure; or (c) where the excess material will be used in the construction of utility facilities and ancillary uses, including roadways."

FROM: "12. That, once the lake excavation operation commences, it shall be carried on continuously and expeditiously until the entire project is completed in three (3) years."

TO: "12. Once the lake excavation operation commences, it shall be carried on continuously and expeditiously until the entire project will be completed."

(2) DELETION of Condition #19 of Resolution Z-28-08, passed and adopted by the Board of County Commissioners, reading as follows:

"19. That the lake fill shall only be used on the subject property or within the current urban development boundary."

The purpose of the Requests #1 and #2 is to allow the applicant to sell the excavated lake materials and to delete the time frame for completion of the lake excavation, and to permit the lake materials to be used off-site and/or outside the current urban development boundary area.

LOCATION: Lying between S.W. 177 Avenue and S.W. 187 Avenue, north of S.W. 136 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 466 Acres

Development Impact Committee  
Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

Deferred from: 7-14-10



Plans are on file and may be examined in the Department of Planning and Zoning entitled "Pinelands Kendall Hotel, L. L. C. Project: Holiday Inn Express Hotel & Suites," as prepared by Maria Gonzalez, consisting of 3 sheets and dated stamped received 2/28/10 and a Boundary Survey as prepared by Mario Prats, Jr. & Associates, dated stamped received 4/7/10 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 13611 S.W. 131 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.75 Acre

Department of Planning and Zoning Recommendation:

Denial without prejudice.

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](http://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. KROME GOLD RANCHES II, LLLP**  
**(Applicant)**

**10-7-CZ11-3 (10-17)**  
**Area 11/District 09**  
**Hearing Date: 09/2/10**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
2008	Krome Gold Ranches II, LLLP	- Unusual Use to permit a lake excavation and to waive the zoning regulations requiring half-section line right-of-way to be 70' in width and to permit no dedication for theoretical S.W. 182 avenue and theoretical S.W. 128 street with conditions.	BCC	Approved of Appeal, overrule ZAB

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:** Krome Gold Ranches II L.L.P.

**PH:** Z10-017 (10-07-CZ11-3)

**SECTION:** 13-55-38

**DATE:** September 2, 2010

**COMMISSION DISTRICT:** 9

**ITEM NO.:** A

**A. INTRODUCTION:**

**o REQUESTS:**

- (1) MODIFICATION of Conditions #9 and #12 of Resolution Z-28-08, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited."

TO: "9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited except under the following circumstances; (a) where the excess material will be used in ecosystem restoration projects; (b) where the excess material will be used in the construction of public projects, such as the construction of infrastructure; or (c) where the excess material will be used in the construction of utility facilities and ancillary uses, including roadways."

FROM: "12. That once the lake excavation operation commences, it shall be carried on continuously and expeditiously so that the entire project will be completed in three (3) years."

TO: "12. Once the lake excavation operation commences, it shall be carried on continuously and expeditiously until the entire project will be completed."

- (2) Deletion of Condition #19 of Resolution Z-28-08, passed and adopted by the Board of County Commissioners, reading as follows:

"19. That the lake fill shall only be used on the subject property or within the current urban development boundary."

The purpose of the requests is to allow the applicant to sell the excavated materials and to delete the time frame for completion of the lake excavation, and to permit the lake materials to be used on-site or off-site within the area and outside the current urban development boundary line.

- o **SUMMARY OF REQUESTS:** Approval of the requests will allow the applicant to modify and delete conditions of a previously approved resolution in order to allow the applicant to release the restriction on the sale of excavated material from the property and the three (3) year time limit for the mining operation. Additionally, the applicant seeks to delete a condition restricting the use of the excavation material off-site outside the UDB.
- o **LOCATION:** Lying between SW 177 Avenue and SW 187 Avenue, north of SW 136 Street, Miami-Dade County, Florida.
- o **SIZE:** 466 Acres

**B. ZONING HEARINGS HISTORY:**

In October 2008, pursuant to Resolution Z-28-08, the subject property was approved with conditions on appeal to the Board of County Commissioners (BCC) for an Unusual Use to permit a lake excavation and to waive the zoning regulations requiring half-section line roadways to be 70' in width. At that time the applicant proffered a covenant which was accepted by the BCC.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.5 miles** west of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.



**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.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This item was deferred from the July 14, 2010 meeting as the Community Zoning Appeals Board (CZAB) 11 due to being unable to obtain an affirmative vote of five (5) members as is required by Policy LU-3F of the interpretative text of the CDMP. The Land Use Plan's (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Agricultural** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Staff notes that the subject property was approved in 2008 pursuant to Resolution #Z-28-08, to allow a 47 unit farm residence development with a 133 acre lake. As such, staff opines that the aforementioned development is compatible with the surrounding agricultural uses and farm residences in the area and consistent with the LUP map designation. However, staff opines that the proposed modification of conditions in the aforementioned resolution that would allow the applicant to sell the excavation material from the proposed lake and allow the deletion of the three (3) year time restriction, for the excavation, combined with the deletion of the condition restricting the use of the lake fill on-site or within the UDB, could result in the creation of a commercial mining operation. The CDMP allows only for the continuation or expansion of existing quarrying and ancillary operations in the Agriculture area. As such, staff opines that approval of the application would be **inconsistent** with the LUP map designation and **incompatible** with the surrounding agricultural uses. Therefore, staff recommends that the applicant's requests to modify and delete conditions of the 2008 Resolution, be denied without prejudice.

**Policy LU-3F** of the interpretative text of the CDMP requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential

uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board. The subject property is located approximately 1.5 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue which is designated in the Master Plan for improvement to 4-lanes. As previously mentioned, staff is of the opinion that approval of the application would allow the applicant to operate a commercial quarrying operation for an indefinite period which would result in the creation of a mining operation and would be **inconsistent** with the Agriculture LUP map designation of the subject property. Therefore, staff opines that even if the application is approved it would require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board, since the use in question does not involve the direct production of agriculture, is not a permitted residential use in an agriculturally designated area, and the approval of the requested use would liberalize the standards or allowances governing such uses 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. 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 does not object** to this application and has indicated that it will not generate any new additional daily peak hour trips therefore no vehicle trips have been assigned. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and indicates that the estimated average travel response time is **15:50** minutes.

When requests #1 and #2 are analyzed under Section 33-311(A)(7), staff opines that the approval of the requested modification and deletion of conditions in Resolution #Z-28-08, to allow the applicant to sell the lake excavation material from the lake and allow the deletion of the three (3) year restriction, would result in the creation of a mining operation. Staff acknowledges that the Public Works Department, MDFRD and DERM, do not object to the application. However, as previously mentioned, approval of the request would result in the creation of a mining operation which would be **inconsistent** with the Agricultural designation of the subject property on the LUP map of the CDMP and **incompatible** with the surrounding rural agricultural community. Further, in staff's opinion, the approval of an indefinite mining operation could precipitate similar requests for approvals of similar operations that are not allowed in the AU zoning district. Additionally, staff opines that the request, to allow for the off-site use of the material outside the UDB (request #2) is germane to the applicant's request to allow for the sale of excavated material and for the extension of time for the excavation (request #1). As such, staff further opines that approval of the application would not be in keeping with the agricultural character of the area or with the spirit and intent of the 2008 zoning approval. Therefore, staff recommends denial with prejudice of the application under Section 33-311(A)(7) (Generalized Modification Standards).

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None

**DATE TYPED:** 06/01/10  
**DATE REVISED:** 06/03/10, 06/04/10, 06/15/10, 07/15/10, 08/03/10  
**DATE FINALIZED:** 08/03/10  
MCL:GR:NN: NC: CH



---

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

# Memorandum

**Date:** July 7, 2010  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** BCC #Z2010000017-4<sup>th</sup> Revision  
Krome Gold Ranches II, LLP  
Between S.W. 177<sup>th</sup> Avenue and North of S.W. 136<sup>th</sup> Street  
Modification of a Condition of a Previous Approved Resolution for a Lake  
Excavation  
(GU) (466 Acres)  
13-55-38

---

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.

#### Water Supply and Wastewater Disposal

Adjacent potable water supply wells must be located more than 100 feet from lake. Section 24-43.3(2) (v) (xviii) of the Code states, "In no case shall the well be located less than one hundred (100) feet from any source of contamination".

DERM Criteria for Lake Excavations Section IV (9) states that septic tanks /drainfield located adjacent to a real estate lake must be placed as far as practicable from the edge of the lake and in no case closer than fifty (50) feet.

Consequently, any proposed development shall comply in accordance with the conditions required by the Code and DERM's Criteria for Lake Excavations.

#### Stormwater Management

The DERM Water Control Section has no objection to the approval of this 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.

#### Pollution Remediation

Given the revision to the letter of intent (dated June 1, 2010), submitted by the Applicant, requesting the withdrawal of the modification of Condition No. 10 to allow blasting with explosives, the Pollution Control Division (PCD) retracts the request for additional information that was originally requested in the Zoning Memo dated June 2, 2010. Therefore, the PCD does not have any concerns with the revised application. Furthermore, DERM records indicate that there are no records of current contamination assessment or remediation issues on the property or abutting the property. Additionally, there are no historical records of contamination assessment or remediation issues regarding non-permitted sites associated with this property or abutting the property.

#### Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

There are no tree resources issues on the subject property.

#### 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 Christine Velazquez at (305) 372-6764.

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: KROME GOLD RANCHES II LLLP

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.

12-APR-10

# Memorandum



**Date:** 21-JUN-10  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000017

**Fire Prevention Unit:**

Not applicable to MDFR accessibility requirements.

**Service Impact/Demand**

Development for the above Z2010000017 located at LYING BETWEEN SW 177 AVE & SW 187 AVE, NORTH OF SW 136 ST, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1976 is proposed as the following:

<u>47</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: 13.2 alarms-annually.  
 The estimated average travel time is: 13:50 ! minutes

**Existing services**

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

**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.

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

DATE: 02-MAR-10

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

KROME GOLD RANCHES II LLLP

LYING BETWEEN SW 177 AVE &  
SW 187 AVE, NORTH OF SW 136  
ST, MIAMI-DADE COUNTY,  
FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2010000017

---

**HEARING NUMBER**

**HISTORY:**

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT  
NEIGHBORHOOD COMPLIANCE  
DIVISION

**ENFORCEMENT HISTORY**

NAME: KROME GOLD RANCHES II LLLP ADDRESS: LYING BETWEEN SW 177 AVE & SW  
187 AVE, NORTH OF SW 136 ST,

DATE: 3/2/10

**CURRENT ENFORCEMENT HISTORY:**

Open Cases:  
No current open cases.

**Closed Cases:**

Case 200902001722 was opened based on a complaint of a vehicle advertised for sale and inspected on 2-18-09. A warning notice was issued for a violation of Ch 19.1(a), a vehicle advertised for sale without a valid Tag to both property and vehicle owner. A re-inspection

conducted on 2-23-09 revealed the vehicle was removed and the case was closed in compliance.

Case 200802011129 was opened based on a complaint of a vehicle advertised for sale and inspected on 10-10-08. A warning notice was issued for a violation of Ch 19.1(a), a vehicle advertised for sale without a valid Tag to both property and vehicle owner. A re-inspection conducted on 10-14-08 revealed the vehicle was removed and the case was closed in compliance.

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

**REPORTER NAME:**

**DISCLOSURE OF INTEREST\***

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or 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 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 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: Krome Gold Ranches II, LLLP, 1430 South Dixie Highway, Suite 201, Coral Gables, FL 33146

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
Please refer to Exhibit "A" attached hereto.	_____
_____	_____

**RECEIVED**  
2-10-017  
FEB 17 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

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

NAME OF PURCHASER: \_\_\_\_\_

NAME AND ADDRESS (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:

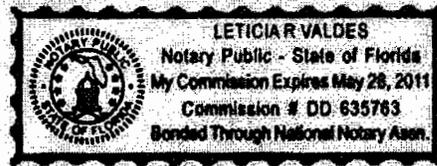
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: \_\_\_\_\_  
ARMANDO J. GUERRA (Applicant)

Sworn to and subscribed before me this 11 day of February, 2010 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Leticia R. Valdes  
(Notary Public)



My commission expires May 28, 2011

\*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  
20-017  
FEB 17 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_



GARSH Investments LLLP	Jose & Ileana Garcia	47.27000%	4.007843%
	Jose A Garcia Retained Annuity Trust #1	9.30500%	0.788935%
	Jose A Garcia Retained Annuity Trust #2	9.30500%	0.788935%
	Ileana Garcia Retained Annuity Trust #1	9.30500%	0.788935%
	Ileana Garcia Retained Annuity Trust #2	9.30500%	0.788935%
	Garcia Family Trust FBO Gillian Garcia	7.75500%	0.657517%
	Garcia Family Trust FBO Alejandro Garcia	7.75500%	0.657517%
<b>Total</b>		<b>100.00000%</b>	<b>8.478618%</b>
Puente Land Holding, LLC	Jim Puente	50.00000%	0.611439%
	Michael E Stein	50.00000%	0.611439%
<b>Total</b>		<b>100.00000%</b>	<b>1.222878%</b>
J.I.R. Investments, LLC	Jirasak Prasertlum	60.00000%	0.691273%
	Ileana Ramirez	20.00000%	0.230424%
	Ricardo Rodriguez	20.00000%	0.230424%
<b>Total</b>		<b>100.00000%</b>	<b>1.152122%</b>
The Pros at Okeechobee, LLC	Seth Benes	2.99000%	0.034449%
	Allan Benes	2.99000%	0.034449%
	Michael Wittels	51.55002%	0.593919%
	Howard Wittels	10.79000%	0.124314%
	Joel Benes	31.68000%	0.364992%
<b>Total</b>		<b>100.00002%</b>	<b>1.152122%</b>
Tres Hermanos LLP	Adrienne J Guerra Trust	33.33333%	0.489151%
	Corinne M Guerra Trust	33.33333%	0.489151%
	Eric A Guerra Trust	33.33333%	0.489151%
<b>Total</b>		<b>100.00000%</b>	<b>1.467453%</b>
Seventeen Holdings LLC	Antonio R Gonzalez	50.00000%	0.576061%
	Joaquin A Gonzalez	30.00000%	0.345637%
	Orlando Delgado	10.00000%	0.115212%
	Maria Delgado	10.00000%	0.115212%
<b>Total</b>		<b>100.00000%</b>	<b>1.152122%</b>
Summit Group Properties, Inc.	Armando J & Maria C Guerra	100.00000%	
<b>Total</b>		<b>100.00000%</b>	<b>1.630504%</b>
C.M.G. Holdings, LLC	Carlos M Garcia	100.00000%	
<b>Total</b>		<b>100.00000%</b>	<b>2.304244%</b>
Phi Alpha Holdings, LLC	Ana Diaz Cordero	50.00000%	0.423931%
	L Frank Cordero	50.00000%	0.423931%
<b>Total</b>		<b>100.00000%</b>	<b>0.847862%</b>
Brosis Gift Limited Liability Com	Alejandro Diaz	50.00000%	0.423931%
	Ana Diaz Cordero	50.00000%	0.423931%
<b>Total</b>		<b>100.00000%</b>	<b>0.847862%</b>
Rodney Barreto	Rodney Barreto	100.00000%	
<b>Total</b>		<b>100.00000%</b>	<b>4.608488%</b>
Steven M Henriques, Katherine V Henriques & Rebecca A Henriques, Joint Tenants In	Steven M Henriques	33.33346%	0.282622%
	Katherine V Henriques	33.33346%	0.282622%
	Rebecca A Henriques	33.33308%	0.282618%
	<b>Total</b>	<b>100.00000%</b>	<b>0.847862%</b>
Bernardo Goenaga	Bernardo Goenaga	100.00000%	
<b>Total</b>		<b>100.00000%</b>	<b>3.456358%</b>

RECEIVED  
20 07  
FEB 17 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

Ezequiel Herran as Trustee of the Ezequiel Herran Revocable Trust and Nancy Herran as Trustee of the Nancy Herran Revocable Trust		Ezequiel Herran Revocable Trust	50.00000%	0.576061%
		Nancy Herran Revocable Trust	50.00000%	0.576061%
<b>Total</b>			<b>100.00000%</b>	<b>1.152122%</b>
Sergio Pino		Sergio Pino	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>4.239309%</b>
The Sasha Andrade 2005 Irrevocable Trust		Sasha Andrade	50.00000%	0.460848%
The Natasha Andrade 2005 Irrevocable Trust		Natasha Andrade	50.00000%	0.460848%
<b>Total</b>			<b>100.00000%</b>	<b>0.921697%</b>
Daniel R Valdes		Daniel R Valdes	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>2.350330%</b>
Jorge Guerra Revocable Trust		Jorge Guerra Revocable Trust	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>1.059827%</b>
Antolin G Herran Revocable Trust		Antolin G Herran Revocable Trust	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>1.152122%</b>
Henry Quintana, Mercedes Quintana as tenants in common		Henry Quintana	50.00000%	0.460848%
		Mercedes Quintana	50.00000%	0.460848%
<b>Total</b>			<b>100.00000%</b>	<b>0.921697%</b>
Maria C Guerra Irrevocable Trust		Maria C Guerra Irrevocable Trust	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>15.356865%</b>
Krome Gold Ranches Management		Armando J Guerra	33.33600%	0.027177%
		Maria C Guerra	33.33200%	0.027174%
		Maria C Guerra Irrevocable Trust	33.33200%	0.027174%
<b>Total</b>			<b>100.00000%</b>	<b>0.081525%</b>
Karl Garcia Irrevocable Trust		Karl Garcia Irrevocable Trust	100.00000%	
<b>Total</b>			<b>100.00000%</b>	<b>0.921697%</b>
<b>Krome Gold Ranches Investor Total</b>				<b>6.943725%</b>

RECEIVED  
210-017  
FEB 17 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

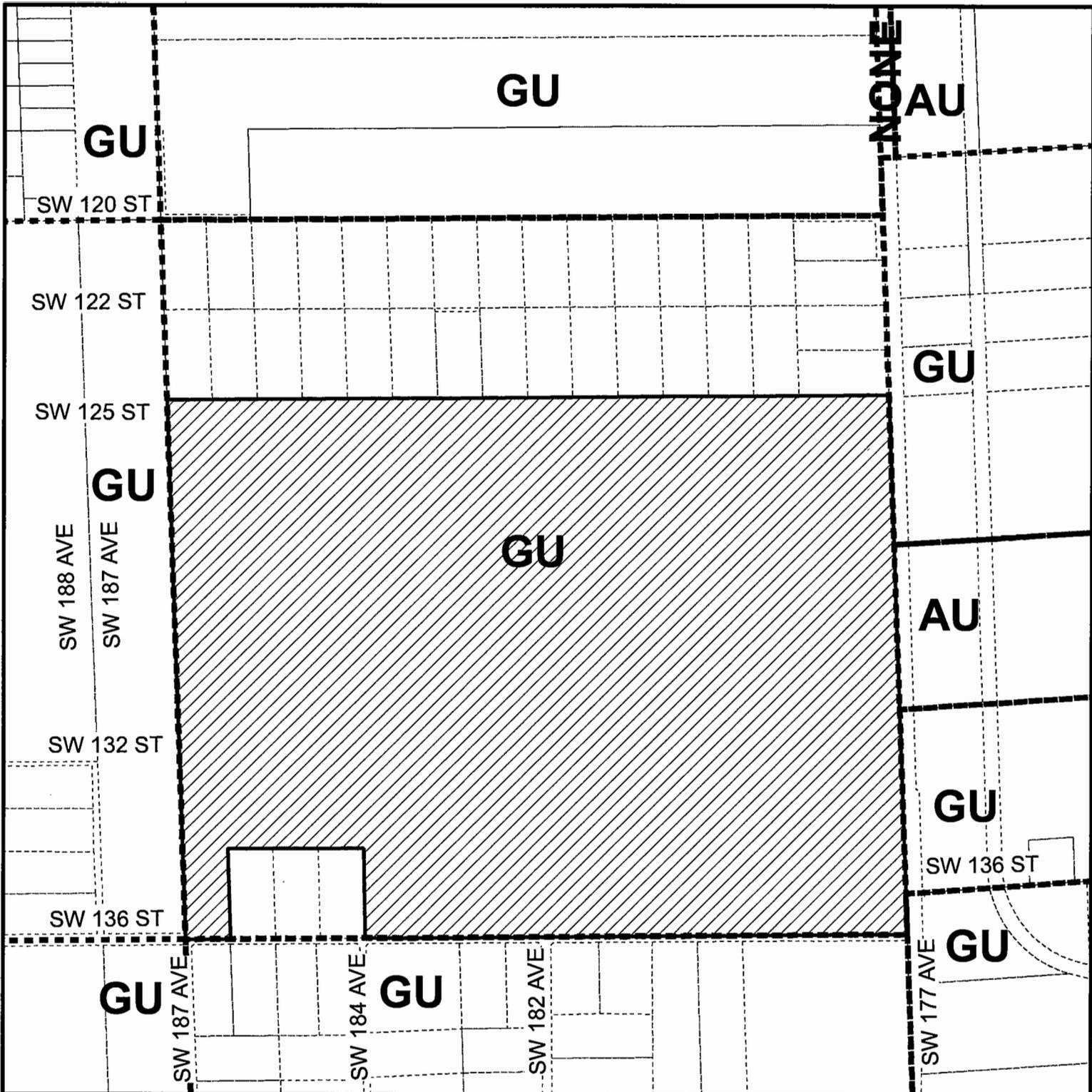
**Krome Gold Ranches Investors, LLC.**

Carlos F Arazoza as Trustee of the Carlos F Arazoza Revocable Trust	Carlos F Arazoza as Trustee of the Carlos Faragoza Revocable Trust	100.00000%	0.064994%
CALE Investments LLC c/o Mari	Manuel Chacon	24.99997%	0.008832%
	Maria Chacon	24.99997%	0.008832%
	Juan C Ledesma	24.99997%	0.008832%
	Suzett Ledesma	24.99997%	0.008832%
Brialan Corp	Alberto Guerra	50.00000%	0.353269%
	Vivian Guerra	50.00000%	0.353269%
Siberio Investments LLC	Daniel & Ana Siberio	49.99999%	0.088317%
	Frank & Patricia Siberio	44.99999%	0.079486%
	Nicholas Siberio	5.00000%	0.008832%
Ten Talents Investments, LLC	Howard Todd Mckinnis	50.00000%	0.032497%
	Deborah Sue Mckinnis	50.00000%	0.032497%
ENS Consulting	Emiliano Herran	50.00000%	0.194982%
	Emiliano E Herran	50.00000%	0.194982%
Veneciana Investments, LLC	Claudia Puig	50.00000%	0.081242%
	Richard Amundsen	50.00000%	0.081242%
Jorge E Alvarino	Jorge E Alvarino	99.99999%	0.229625%
Alberto Guerra Irrevocable Child's Trust Agreement #1	Alberto Guerra Irrevocable Child's Trust Agreement #1	100.00000%	0.529903%
Alberto Guerra Irrevocable Child's Trust Agreement #2	Alberto Guerra Irrevocable Child's Trust Agreement #2	100.00000%	0.529903%
Armando J Guerra Revocable Trust & Maria C Guerra Revocable Trust, as tenants in common	Armando J Guerra Revocable Trust	50.00000%	1.110693%
	Maria C Guerra Revocable Trust	50.00000%	1.110693%
Eric Arman Guerra	Eric Arman Guerra	99.99996%	0.022748%
Corinne Guerra	Corinne Guerra	100.00000%	0.030872%
Adrienne Guerra	Adrienne Guerra	100.00000%	0.035747%
Leticia R Valdes	Leticia R Valdes	99.99998%	0.084492%
Donald Fritch & Marta Fritch	Donald Fritch	50.00000%	0.097491%
	Marta Fritch	50.00000%	0.097491%
Belinda Money	Belinda Money	100.00000%	0.097491%
Lawrence Money III	Lawrence Money III	100.00000%	0.064994%
Laurie A Money I.T.F. Brittani Al	Laurie A Money I.T.F. Brittani Alexandra Small	99.99990%	0.016248%
Carlos M Garcia	Carlos M Garcia	100.00000%	0.353269%
Daniel F Valdes Revocable Trust	Daniel F Valdes Revocable Trust	100.00000%	0.045925%
David L Valdes Revocable Trust	David L Valdes Revocable Trust	100.00000%	0.045925%
Emma M Guerra Revocable Tru	Emma M Guerra Revocable Trust	99.99998%	0.091850%
Ramon E Rasco & Ana Lauda R	Ramon E Rasco	50.00000%	0.147861%
	Ana Lauda Rasco	50.00000%	0.147861%
Gabriel M & Maria C Bustamante as tenants by the entirety	Gabriel M Bustamante	50.00000%	0.162485%
	Maria C Bustamante	50.00000%	0.162485%
Cristina L Rasco	Cristina L Rasco	100.00000%	0.042246%
Richard A Rasco	Richard A Rasco	100.00000%	0.042246%
Ramon A Rasco	Ramon A Rasco	100.00000%	0.042246%
<b>Total: Krome Gold Ranches II Investors</b>			<b>6.943725%</b>

**Total: Krome Gold Ranches II LLLP** | 100.000000%

RECEIVED  
210-017  
FEB 17 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2010000017**

Section: 24/13/14 Township: 55 Range: 38  
 Section: 18/19 Township: 55 Range: 39  
 Applicant: KROME GOLD RANCHES II LLLP  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: ALFREDO FERNANDEZ-CUETO  
 Scale: NTS



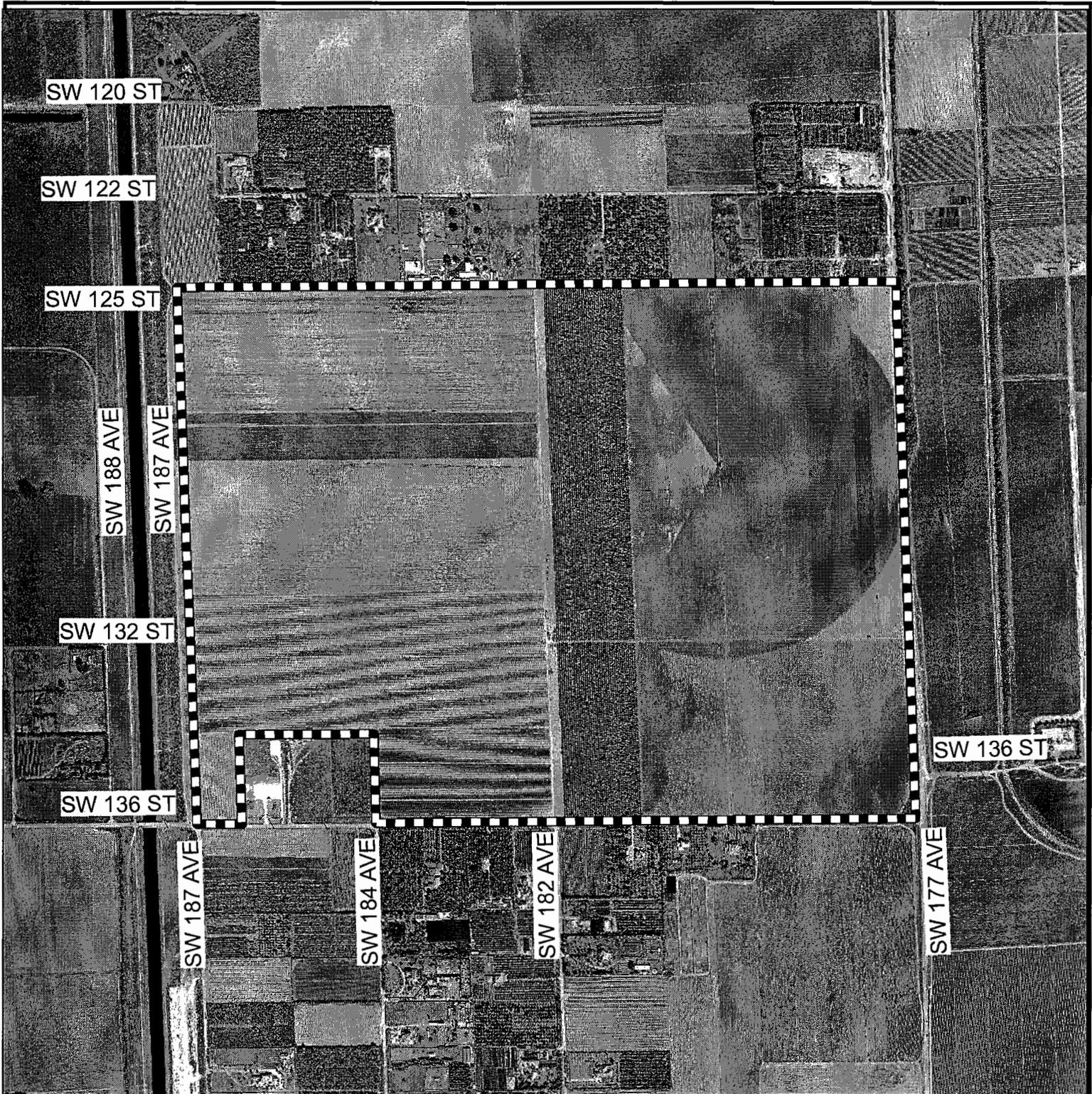
**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, February 25, 2010

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number  
**Z2010000017**

**Legend**



Subject Property



Section: 24/13/14 Township: 55 Range: 38  
 Section: 18/19 Township: 55 Range: 39  
 Applicant: KROME GOLD RANCHES II LLLP  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: ALFREDO FERNANDEZ-CUETO  
 Scale: NTS



SKETCH CREATED ON: Thursday, February 25, 2010

REVISION	DATE	BY

**1. R & D INVESTMENT, LLC.**  
**(Applicant)**

**10-9-CZ11-1 (09-158)**  
**Area 11/District 9**  
**Hearing Date: 09/2/10**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
No History				

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:** R & D Investment L.L.C.

**PH:** Z09-158 (10-9-CZ11-1)

**SECTION:** 14-55-39

**DATE:** September 2, 2010

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

=====

**A. INTRODUCTION**

o **REQUESTS:**

(1) IU-C to IU-1

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING:

(2) USE VARIANCE to permit a day care center in the IU-C zoning district as would be permitted in the IU-1 zoning district.

AND WITH EITHER REQUESTS #1 OR #2, THE FOLLOWING:

(3) VARIANCE OF AIRPORT REGULATIONS to permit a new day care facility within the Kendall-Tamiami Executive Airport No-School Zone (new educational facilities not permitted within the no-school zone).

(4) Applicant is requesting to permit 3,080 sq. ft. of classroom area (3,150 sq. ft. required).

Plans are on file and may be examined in the Department of Planning and Zoning entitled, "Remodeling Existing Building into a Daycare," as prepared by Mendez Professional Engineering Corp., dated stamped received 3/16/10 and consisting of 5 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking a zone change from IU-C, Conditional Industrial District, to IU-1, Light Industrial Manufacturing District, or in the alternative a use variance to permit a daycare center in the IU-C zoning district as would be permitted in the IU-1 zoning district. Additionally, the applicant seeks to permit the daycare center with less classroom area than would be permitted by the zoning regulations and to allow the daycare center within the Kendall-Tamiami Executive Airport No-School Zone.

o **LOCATION:**

12039 S.W. 132 Court, Miami-Dade County, Florida

o **SIZE:** 2 Acres

**B. ZONING HEARINGS HISTORY:** None.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for Industrial and Office use. The **Industrial and Office** uses allowed in this category include 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 encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.
2. **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.
3. **Objective LU-5.** Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.
4. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is

consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

5. **Objective AV-7.** Maximize compatibility between airports and the surrounding communities.
6. **Policy AV-7B.** Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around Miami International, Homestead Air Reserve Base, Opa-Locka, **Kendall-Tamiami Executive**, Opa-Locka West, and Homestead General Aviation Airports. These ordinances updates shall be based on the guidelines recommended in the following federal and state documents. Due to operational differences, all listed documents may not pertain to all airports.

(Federal) – Department of Transportation – Federal Aviation Regulation Part 77  
(Objects affecting Navigable Airspace)

(Federal) – Department of Defense Air Installation Compatible Use Zone Report  
(AICUZ) for HAFB (August 1988)

(State) – Chapter 333, Florida Statutes, (Airport Zoning)

7. **Policy AV-7E.** To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land uses around airports, reflecting recommendations in the federal and State guidance documents cited in Policy AV-7B.
8. **Institutions, Utilities and Communications.** Neighborhood or community-serving institutional uses, cell towers and utilities **including schools**, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries **may be approved where compatible in all urban land use categories**, in keeping with any conditions specified in the applicable category and where provided in certain Open Land subareas. When considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. **All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.**

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

IU-C; office building

Industrial and Office

**SURROUNDING PROPERTIES:**

<b><u>NORTH:</u></b> RU-1: single-family residence	Low Density Residential, 2.5 to 6 dua
<b><u>SOUTH</u></b> IU-C; warehouse condominium	Industrial and Office
<b><u>EAST:</u></b> IU-C: warehouse condominiums and office building	Industrial and Office
<b><u>WEST:</u></b> IU-C; service station, and warehouse condominiums	Industrial and Office

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plans submitted.)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>Unacceptable</b>
Open Space:	<b>N/A</b>
Buffering:	<b>Unacceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary

public facilities which have been constructed or planned and budgeted for construction;

- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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

**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)(5) Variances from airport zoning regulations.** Hear applications for and grant or deny variances from any airport zoning regulations, but in considering, granting or denying any such variance the Community Zoning Appeals Boards shall be governed and shall abide by the guides and standards, general purpose and intent of the particular airport zoning regulation concerned. No such application shall be heard until the recommendation of the Director of the Aviation Department is first obtained, which recommendation shall be considered, together with that of the Director's. The granting of a variance under this subsection does not authorize or permit violation of other zoning regulations or the zoning regulations of any municipality concerned unless authorized by the appropriate County or municipal board, body or commission concerned, as the case may be.

**Sec. 33-395(A)(3). - Land use zoning classifications for airports.** (A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:

(3) No School Zone (NSZ). New educational facilities, excluding aviation schools, are not permitted within this land use classification.

**Sec. 33-402.(4) Variances.** Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No comment</b>
MDT	<b>No comment</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Aviation	<b>Objects</b>
Schools	<b>No objection</b>

\*Subject to conditions indicated in their memorandum

**H. ANALYSIS:**

The subject property is located at 12039 SW 132 Court, in an area that is zoned IU-C, Conditional Industrial District, and lies approximately 1.08 miles to the east of Runway 27R, at the Kendall Tamiami Executive Airport (TMB) and is inside the Kendall Tamiami Executive Airport No School Zone (NSZ) as defined in the Code of Miami-Dade County, Article XL, Kendall-Tamiami Executive Airport Zoning, Section 33-395. Approval of this application would permit the applicant to rezone the subject property to IU-1, Light Industrial Manufacturing District, or in the alternative, a use variance to permit a daycare center in the IU-C, as would be permitted in the IU-1 zoning district. Additionally, the applicant seeks to vary the airport regulations to permit the daycare center within the Kendall Tamiami Executive Airport No School Zone (request #3) and to permit the daycare center with a classroom area of 3,080 sq. ft. (3,150 sq. ft. required) (request #4). The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site 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. Additionally, the interpretative text of the CDMP indicates that neighborhood or community-serving institutional uses, including **schools**, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories. Staff is not supportive of the applicant's request to rezone the subject property to IU-1 (request #1), or for a use variance to permit the daycare center in the IU-C district as would be permitted in the IU-1

zoning district (request #2). Staff opines that the aforementioned requests are germane to the applicant's request, to permit a new daycare facility within the Kendall Tamiami Executive Airport No-School Zone (request #3) and as such should be denied without prejudice for the reasons to be cited below.

Policy **LU-4A** of the CDMP states that when evaluating compatibility among proximate land uses, the County shall among other things 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. Further, **Objective AV-7**, of the CDMP requires the County to maximize compatibility between airports and the surrounding communities. Additionally, **Policy AV-7B** and **Policy AV-7E** of the Aviation Subelement of the CDMP states that Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around the **Kendall-Tamiami Executive Airport**, among others, as well as, to the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land uses around airports. Staff notes that a property located at the southeast corner of SW 127 Avenue and SW 120 Street, was approved pursuant to Resolution #CZAB11-36-04, in October 2004, to permit a daycare center within the Kendall-Tamiami Executive Airport No School Zone. This property is located approximately 1.54 miles to the east of and from the end of Runway 9L/27R, approximately 0.5 miles further than the parcel that is the subject of this application. The Miami-Dade Aviation Department (MDAD) at that time also indicated in their memorandum that they strongly objected to that application on the basis that the location of a daycare facility in a NSZ endangers the public health, safety and welfare of children and others who congregate in the vicinity and determined that the daycare facility would not be compatible with operations from TMB. The Miami-Dade Aviation Department (MDAD) indicates in its memorandum pertaining to the current application that the proposed daycare center which will also be located within the NSZ would be **incompatible** with the existing TMB, located to the west and therefore objects to the proposed development. Its memorandum further indicates that incompatible development near the Miami-Dade County system of airports could constrain the long-term viability and utility of the public-use airport facilities; and that permitting the encroachment of incompatible uses such as the proposed use, may jeopardize future grants from the Federal Aviation Administration (FAA) or potentially restrict the level of activity of the airport. The CDMP indicates that **neighborhood-or community-serving institutional uses including schools may be approved where compatible in all urban land use categories**, in keeping with any conditions specified in the applicable category and where provided in certain Open Land subareas. However, Objective 7 of the Aviation Supplement states that the County should seek the maximum compatibility between airports and surrounding communities. Policy 7E of said supplement further states that the CDMP Land Use Element should be used to maximize compatibility of land uses around airports. Based on the aforementioned and noting the MDAD's objections to this application, staff opines that the proposed use would be **incompatible** with the Kendall Tamiami Executive Airport operations, **inconsistent** with the CDMP's Aviation policies and objectives and, should be denied without prejudice.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works Department** has **no objections** to this application provided their comments and recommendations are adequately addressed. They indicate in their memorandum that this application generates fewer peak hour trips

than the existing approved use; therefore no vehicle trips have been assigned. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application. Its memorandum indicates that the estimated travel response time would be **7:06** minutes. The Miami-Dade Aviation Department (**MDAD**) **objects** to this application. Its memorandum states that the site, located 5,715' (approximately 1.08 miles) from runway 27R at Kendall Tamiami Executive Airport is inside the No School Zone (NSZ) as referenced in the Code of Miami-Dade County, Article XL, Kendall-Tamiami Executive Airport Zoning, Section 33-395. The Department also indicates in the memorandum that the NSZ is based upon Florida Statute 333.03 (3) which states the following "... Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of the runway of a publicly owned, public use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway."

When the applicant's request for a district boundary change from IU-C to IU-1 (request #1) is analyzed under Section 33-311, staff acknowledges that approval of this request will not have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, based on the memorandum from DERM. Similarly, staff opines that approval of this request, based on the memorandum from the Public Works Department, will not have a negative impact on the roads or streets within the surrounding area. However, staff opines that approval of this zone change request would allow the establishment of an IU-1 parcel within an area in which the predominant zoning is IU-C. The IU-C zoning also allows all the uses permitted in the IU-3, Unlimited Industrial Manufacturing District, which is the most liberal industrial district and which allows very intensive uses such as explosives, lead oxide, dynamite storage and the rendering and storage of dead animals, offal, garbage and waste products. There is no indication that the future development of the area will be anything other than its current use. However, in the future, more hazardous uses such as those referenced above, which are permitted in the IU-C zoning district, could potentially locate near to the proposed daycare center. Further, as previously mentioned the MDAD objects to this application and indicates in their memorandum that incompatible land development near the Miami-Dade County system of airports, including TMB, could constrain the long-term viability and utility of the public-use airport facilities. Further, staff's research did not indicate that there were any similar approvals for zone changes to IU-1 within close proximity to the subject property. As such, staff opines that approval of this request would be precedent setting. Therefore, staff opines that approval of the request for a zone change to IU-1 would be **incompatible** with the surrounding properties to the south, east and west, which are all zoned IU-C, and further, that approval of the zone change to allow the use of the subject property for a daycare center would unduly burden or affect public transportation facilities and have a negative impact on the future viability of the aforementioned airport which is a part of the County's transportation facilities.

Similarly, approval of the applicant's alternative request for a use variance to permit a daycare center within the IU-C zoning district as would be permitted within the IU-1 zoning district (request #2), would for the reasons stated above be **incompatible** with the surrounding properties which are predominantly zoned IU-C. As previously mentioned, the MDAD indicates in their memorandum that the approval of the daycare center could constrain the long-term viability and utility of the public-use airport facilities such as the TMB located to the west. As such, staff opines that the approval of a use variance to allow the daycare center would be contrary to the public interest. Further, staff notes that the

applicant has not provided staff with the necessary information to show that denial of the request for a use variance would result in an unnecessary hardship. Therefore, staff recommends that the applicant's request for a zone change to IU-1 (request #1) and the alternative request for a use variance to permit a daycare center within the IU-C zoning district as would be permitted within the IU-1 zoning district (request #2) be denied without prejudice.

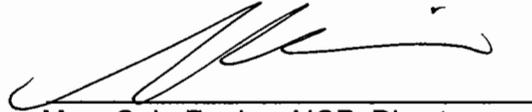
Staff opines, that request #3, to vary the Airport Regulations and permit a daycare facility within the Kendall-Tamiami Executive Airport NSZ, and the request to permit 3,080 sq. ft. of classroom area (request #4), are germane to the applicant's request for either the zone change to IU-1 (request #1), or in the alternative, the use variance to permit a daycare center within the IU-C zoning district as would be permitted within the IU-1 zoning district (request #2). Staff maintains that the location of the proposed daycare center within the NSZ of the TMB would be **incompatible** with same. The standards for the analysis of request #3, Section 33-311(A)(5) Variances from Airport Zoning Regulations, requires that consideration of approval for variances be governed by the particular zoning regulations concerned and that the recommendation of the Director of the MDAD be obtained. Staff notes that the Kendall Tamiami Executive Airport No School Zone does not permit schools except for aviation schools. Further, as previously mentioned, the Director of the MDAD has indicated his objection to the proposed development for reasons stated above. Additionally, Section 33-402.(4) Variances, of the Kendall Tamiami Executive Airport Ordinance, requires the applicant to show how a literal application of the regulations would result in a practical difficulty or unnecessary hardship. As was previously noted by staff, the applicant has not provided staff with the necessary information to show that denial of the request to vary the airport regulations would result in an unnecessary hardship or a practical difficulty. Similarly, staff maintains that approval of the request to permit the daycare center with 3,080 sq. ft. of classroom area (request #4), would not maintain the basic intent and purpose of the zoning regulations and would be **incompatible** with the surrounding IU-C uses. Therefore, staff recommends denial without prejudice of request #3 under Section 33-311(A)(5) Variances from Airport Zoning Regulations and under Section 33-402.(4) Variances; and request #4, under Section 33-311(A)(4)(b) Non-Use Variances (NUV).

Based on all of the aforementioned, the staff opines that the approval of the daycare center would be **inconsistent** with the CDMP's Aviation policies and objectives and **incompatible** with the regulations of the Kendall Tamiami Executive Airport NSZ within which it would be located and with the surrounding IU-C zoned properties. Staff, therefore, recommends denial without prejudice of request #1, denial without prejudice of request #2 under Section 33-311(A)(4)(a), Use Variance, request #3 under Section 33-311(A)(5) Variances from Airport Zoning Regulations and under Section 33-402.(4) Variances; and request #4, under Section 33-311(A)(4)(b) NUV.

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

J. **CONDITIONS**: None.

**DATE TYPED:** 07/08/10  
**DATE REVISED:** 07/09/10, 07/13/10, 08/03/10  
**DATE FINALIZED:** 08/03/10  
MCL:GR:NN:NC:CH



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

J.V.  
BR

# Memorandum

**Date:** June 23, 2010

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

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



**Subject:** C-11 #Z2009000158-2<sup>nd</sup> Revision  
R&D Investment, LLC  
12039 S.W.132<sup>nd</sup> Court  
District Boundary Change from IU-C to IU-1, Request to Permit a Lot  
Area than Required for a School and To Permit a Day Care Center within  
the Airport Regulations No School Zone  
(IU-C) (2 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.

#### Potable Water Service and Wastewater Disposal

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

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

### Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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.

### Natural Forest Communities

The properties referenced in this application contain county-designated Natural Forest Community (NFC) preserve areas and as such these areas are protected under the environmental regulations contained in the Code. A restrictive covenant requiring the preservation of pineland resources within the preserves was executed on February 24, 1984.

Please be advised that the pineland preservation areas are depicted on the site plan submitted with this application entitled "Remodeling Existing Bldg into a Day Care- Bays 16,17,18,19 and 20" prepared by Mendez Professional Engineering Corporation, dated March 2, 2010, Sheet SP, also the landscape plan Sheet LS, depicts the exotic tree Ear leaf acacia (*Brassia actinophylla*) to be removed from the preservation area. Please be advised that a Natural Forest Community (NFC) permit from DERM is required for any work within the preservation areas, including but not limited to, the removal of exotic plant species and the installation of new plant material. This Section recommends approval of this application.

### Tree Preservation

The subject properties have a restrictive covenant requiring the preservation of pineland resources within easements facing SW 120th Street and SW 132nd Court. The site and landscape plans submitted with this application depict these areas as tree preservation areas. The proposal of the zone change and daycare center within airport regulations will not impact these tree preservation areas. Therefore, the Tree Program 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. Please see the Natural Forest Community comments for further information about the tree preservation areas.

### Enforcement History

DERM has found one closed enforcement record for folio 30-5914-006-0100.

Folio: 30-5914-006-0100

DERM has file # NFC-373. There is a closed enforcement case involving Tamiami Petroleum Developers, INC specifically for Natural Forest Community clearing/removal at the site located at, near or in the vicinity of S.W. 120<sup>th</sup> ST and S.W.132<sup>nd</sup> AVE. A Uniform Civil Violation Notice (#719523) was issued on March 09, 2004 and the violation was closed due to compliance in October 2004.

### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning management practices as related to the handling of hazardous materials.

### 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 due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

### 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 Christine Velazquez at (305) 372-6764.

# Memorandum



**Date:** December 22, 2009  
**To:** Marc C. LaFerrier, Director  
Department of Planning & Zoning  
**From:** Sunil Harman, Division Director - Aviation Planning, Land-Use & Grants  
Aviation Department  
**Subject:** R & D Investments, LLC (PH#: 09-158)  
MDAD DN-09-12-279

A handwritten signature in black ink, appearing to be "SH", written over the signature line of the memorandum header.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for a non-use variance to Sections 33-395(3) and 33-403 of the Miami-Dade Code to permit a new day nursery to be located at 12039 S.W. Court, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the site is located approximately 5,715 feet or 1.08 miles from Runway 27R at Kendall-Tamiami Executive Airport (TMB) and inside the No School Zone (NSZ) as referenced in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395. According to the Code, new educational facilities are not permitted within this land use classification. The NSZ is based upon Florida Statute 333.03 (3) which states the following "...Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of the runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway." MDAD has endeavored to amend its comprehensive airport zoning ordinances to include a land use component based upon Florida Statute 333 as well as the Federal Aviation Administration's (FAA) land use guidelines. It should be noted that incompatible land development near the Miami-Dade County system of airports, including TMB, could constrain the long-term viability and utility of the public-use airport facilities. MDAD relies heavily on grants from the FAA to operate its system of airports. Permitting the encroachment of incompatible land uses such as the referenced request, may jeopardize future grants or potentially restrict the level of activity at the airport.

For these reasons, MDAD objects to a proposed day nursery at this site. Should you have any questions, please contact me at (305) 876-7090.

SH/rb

- C: J. Abreu  
M. Southwell  
N. Jolly  
L. Stover  
J. Ramos  
R. Bergeron

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: R & D INVESTMENT, LLC

This Department has no objections to this application.

Miami Dade County Public Works Department Traffic Engineering Division has no objection, if the recommendations and comments indicated below are incorporated into the plans and related documentation.

The Traffic Engineering Division has reviewed: the Site Plans, revised 03/02/2010, received by Planning and Zoning on 03/16/2010; the Traffic Memorandum, dated 03/25/2010; the R&D Investments, LLC - Results of Staff Vehicle Count email, received 05/19/2010, and a letter to Mr. Marc LaFerrier, Director, DP&Z, entitled R&D Investments, LLC - Property Located at 12039 SW 132 Court, dated June 10, 2010, for the proposed facility located at 12039 SW 132 Court, and has the following recommendations and comments:

Site Plan Review:

A minimum of eight (8) parking stalls shall be reserved, immediately in front of the facility, for parent vehicle unloading/loading use during the peak 2 hour arrival and dismissal times. Signs are required and must indicate the facility name and time intervals of restricted parking when most of the loading activities will occur.

The daycare must operate with a maximum peak vehicle demand (staff and stacking vehicle demand) of no more than 16 vehicles (15 site allocated stalls and 1 site surplus stall) during the hours of operation. A parking agreement, specifying that one (1) surplus non-handicapped parking stall shall be encumbered solely for the daycare's use, must be provided.

Traffic Study Comments:

The Traffic Memorandum, dated 03/25/2010, and the R&D Investments, LLC - Results of Staff Vehicle Count email, received on 05/19/2010, are acceptable.

Document Requirements:

All figures and statements in the supporting documentation must be modified to be consistent. There are many discrepancies, e.g. - number of children, staff, tenant bays, and queuing, throughout the

documentation.

There are only 16 parking stalls available for this facility, and 8 must be allocated for loading activities during the AM and PM peak periods.

Should you need additional information or clarification on this matter, please contact Mr. Ricardo Gavilan at (305) 375-2030.

Additional improvements may be required at time of permitting.

This application does not generate any new additional daily peak hour trips. The proposed use generates fewer peak hour trips than the approved existing use; therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

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

Raul A Pino, P.L.S.

17-JUN-10

**Child Care Check List for  
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: \_\_\_\_\_

School Address: 12039 SW 132 st Tax Folio # 30 - 59140060100

1. Is this an expansion to an existing school  Yes  No If yes, indicated the number of students: \_\_\_\_\_ and age and grade ranges originally approved: \_\_\_\_\_
  2. Total size of site: 516.19' x 170' = 87.752 + 43,560 sq. ft. = 2.01 acres (See SP)
  3. Number of children or students requested: 90 Ages: 0 to 5 years
  4. Number of teachers: 9 Number of administrative & clerical personnel: 1
  5. Number of classrooms: 6 Total square footage of classroom area: 3160 SF
  6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):  
Total: 993 SF
  7. Amount of outdoor recreation/play area in square footage: 2400 SF
- NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:  
no
  9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 10 parking spaces required by §33-124(L) 10
  10. Indicate the number of auto stacking spaces: 5 provided 5 required.
  11. Proposed height for the structure(s): 33' <sup>two</sup> FLOOR See §33-151.18(g).
  12. Size of identification sign: 18' x 2.6" = 33.8 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
  13. Days and hours of operation: Monday to Saturday (12h) 6:30 am to 6:30 pm
  14. Does the subject facility share the site with other facilities?  Yes  No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
  15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17?  Yes  No (If yes, describe the residential uses and indicate same on the plans).

**RECEIVED**  
209-158 3.  
NOV - 4 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

**PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.**

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

**CLASSROOM SPACE:** Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 90 (number of children) = 3150 sq. ft. of classroom area required.

- b. Elementary Grades 1-6 N/A

30 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12) N/A

25 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 3150  
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 3150

**OUTDOOR RECREATION SPACE:**

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 90 (½ of children) = 2,025

- b. Grades 1-6 500 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_ N/A

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

- c. Grades 7-12 800 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_ N/A

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 2025 SF  
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 2400 SF

**TREES:** See §33-151.18(g), and the Planning Division (12<sup>th</sup> Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 2 Trees provided: 3 Existing

- b. Ten shrubs are required for each tree required. Shrubs required 20 Shrubs provided 20 New

- c. Grass area for organized sports/play area in square feet: \_\_\_\_\_

- d. Lawn area in square feet (exclusive of organized sports/play area): 2400

**RECEIVED** 4.  
 609158  
 NOV - 4 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

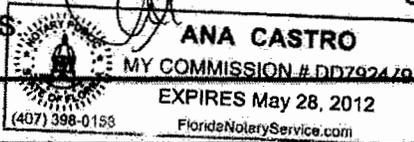
School Address: 12039 SW 132nd, Miami - FL Zip Code: 33186

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 27 day of OCTOBER at Miami-Dade County, Florida

\_\_\_\_\_  
Signature

WITNESSES



STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

**RECEIVED**  
09158  
NOV - 4 2009

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

# Memorandum



**Date:** 06-APR-10  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000158

**Fire Prevention Unit:**

APPROVAL  
 - No objection to site plan date stamped March 16, 2010.

**Service Impact/Demand**

Development for the above Z2009000158  
 located at 12039 S.W. 132 COURT, 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>3,239</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.17 alarms-annually.  
 The estimated average travel time is: 7:06 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**

Current service impact calculated based on site plan date stamped March 16, 2010.

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

# TEAM METRO

## ENFORCEMENT HISTORY

R & D INVESTMENT, LLC

12039 S.W. 132 COURT, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2009000158

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current Case history;  
Case 200902014094 for folio 3059140060120 and Case 200902014092 for folio 3059140060100  
were opened based on enforcement history request and inspected on 11-23-09. No violations  
were observed and cases were closed.

Previous case history;  
No previous cases.

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: R&D Investments, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Rogert De Leon</u>	<u>50%</u>
<u>Rafael Rosado</u>	<u>25%</u>
<u>Leocadia Rosado</u>	<u>25%</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 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 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: N/A

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

**RECEIVED**  
 09150  
 NOV - 4 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEP.

BY \_\_\_\_\_

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

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

NAME OF PURCHASER: 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.

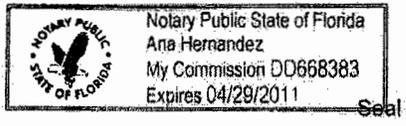

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

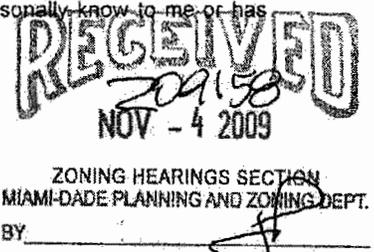
Signature: *Roger De Leon*  
(Applicant) Roger De Leon

Sworn to and subscribed before me this 23 day of September 2009. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

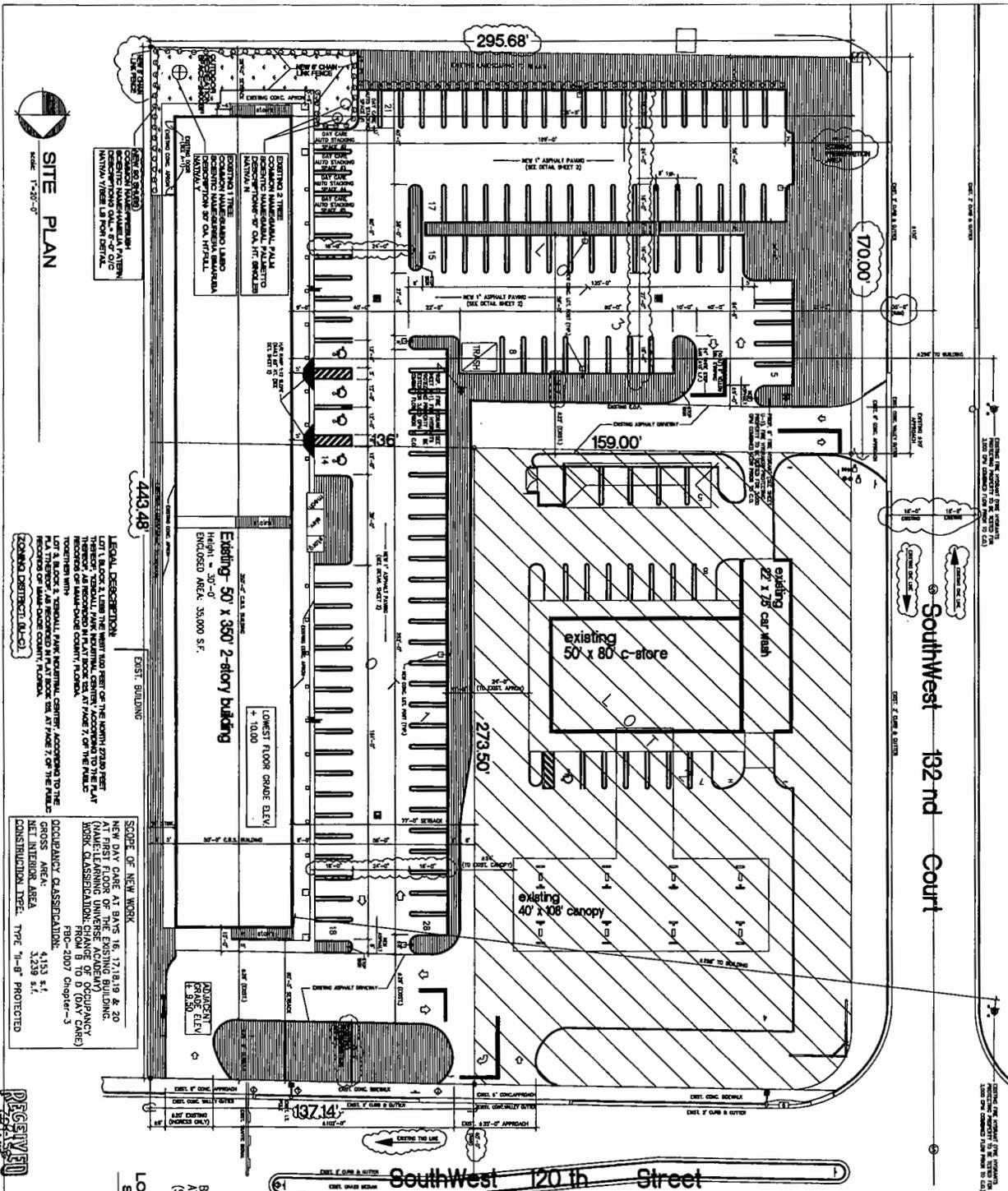
*Ana Hernandez*  
(Notary Public)



My commission expires: \_\_\_\_\_







**SITE PLAN**  
SCALE: 1" = 30'-0"

**LEGAL DESCRIPTION:**  
LOT 1, BLOCK 1, LINDEN THE WEST END PART OF THE NORTH 225th STREET TRACT, AS RECORDED IN PLAT BOOK 57 OF PAGE 7 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
TOGETHER WITH THE SOUTHWEST PARK APARTMENT CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 58 OF PAGE 7 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
(CONDOMINIUM DISTRICT, B1-C2)

**SCOPE OF NEW WORK:**  
NEW DAY CARE AT BAYS 16, 17, 18, 19 & 20 AT FIRST FLOOR OF THE EXISTING BUILDING.  
WORK CLASSIFICATION: CHANGE OF OCCUPANCY FROM B TO D (DAY CARE)  
FBC-2007 Chapter-3  
4153 S.F.  
NET INTERIOR AREA  
3,239 S.F.  
CONSTRUCTION TYPE: TYPE "I-B" PROTECTED

**LOCATION SKETCH**  
BAYS 16, 17, 18, 19, 20 AT FIRST LEVEL (SCOPE OF WORK)  
SW 124th ST  
EXISTING 2-STORY BUILDING  
SW 120th ST

**RECEIVED**  
MENDENZ PROFESSIONAL ENGINEERING CORP.  
1385 CORAL WAY SUITE 203  
MIAMI, FL 33145  
Phone: (305) 654-9824

**FLOOD LEGEND**

NO. OF FEET	TYPE OF FLOOD	AREA
1.00	1.00	AREA 1
2.00	2.00	AREA 2
3.00	3.00	AREA 3
4.00	4.00	AREA 4
5.00	5.00	AREA 5
6.00	6.00	AREA 6
7.00	7.00	AREA 7
8.00	8.00	AREA 8
9.00	9.00	AREA 9
10.00	10.00	AREA 10
11.00	11.00	AREA 11
12.00	12.00	AREA 12
13.00	13.00	AREA 13
14.00	14.00	AREA 14
15.00	15.00	AREA 15
16.00	16.00	AREA 16
17.00	17.00	AREA 17
18.00	18.00	AREA 18
19.00	19.00	AREA 19
20.00	20.00	AREA 20

**Mendez Professional Engineering Corp.**  
1385 CORAL WAY SUITE 203  
MIAMI, FL 33145  
Phone: (305) 654-9824

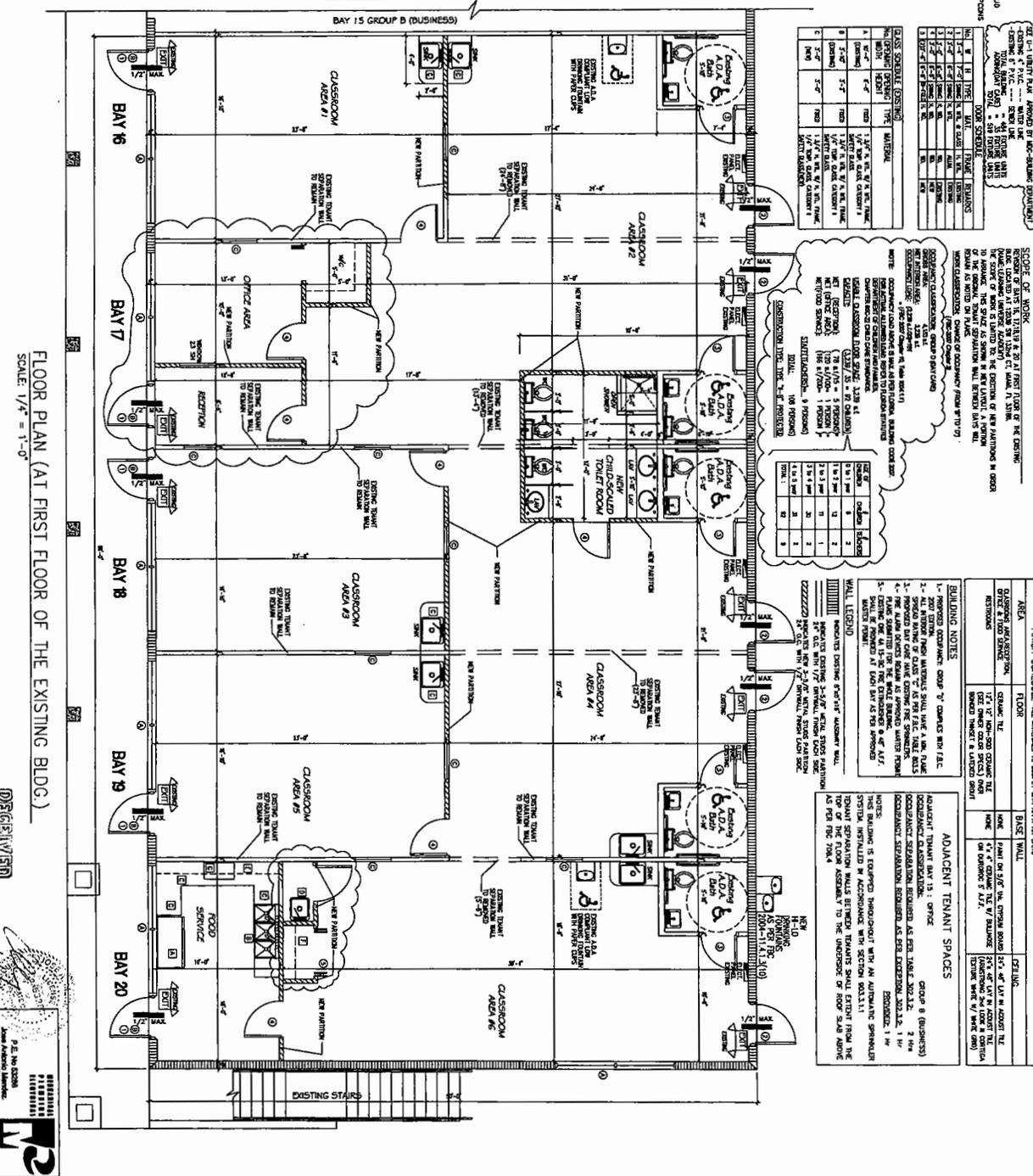
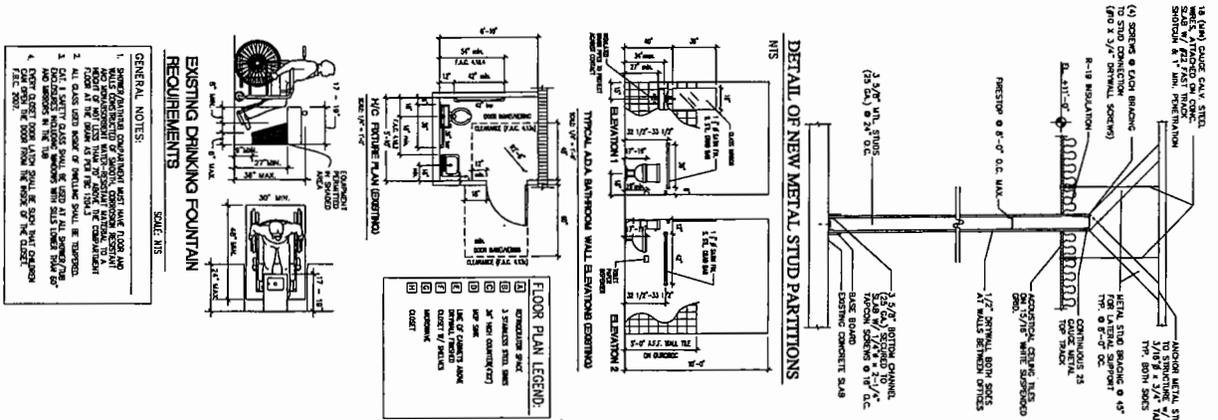
**TYPE OF REMODELING EXISTING BLDG INTO A DAY CARE PROJECT: BAYS 16, 17, 18, 19, 20**  
**OWNER: RAFAEL ROSADO (R & D DEVELOPERS)**  
**PROJECT LOCATION: 12039 SW 132nd CT, MIAMI, FL 33186**  
**Phone: (786) 586-6603**

REVISIONS: BY  
DATE

26







<p><b>REVISIONS BY</b></p> <p>2/02/2010</p>	<p><b>FINISH SCHEDULE</b> ALL MATERIALS TO COMPLY WITH WHAT IS SHOWN ON THIS PLAN.</p> <table border="1"> <tr> <th>AREA</th> <th>FLOOR</th> <th>FINISH</th> </tr> <tr> <td>CEILING</td> <td>CEILING</td> <td>CEILING</td> </tr> <tr> <td>WALL</td> <td>WALL</td> <td>WALL</td> </tr> <tr> <td>FLOOR</td> <td>FLOOR</td> <td>FLOOR</td> </tr> </table>	AREA	FLOOR	FINISH	CEILING	CEILING	CEILING	WALL	WALL	WALL	FLOOR	FLOOR	FLOOR	<p><b>ADVANCED TENANT SPACES</b></p> <p>GROUP B (BUSINESS)</p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p> <p>4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.</p>	<p><b>TYPE OF PROJECT:</b> REMODELING EXISTING BLDG INTO A DAY CARE</p> <p><b>OWNER:</b> RAFAEL ROSADO (R &amp; D DEVELOPERS)</p> <p><b>PROJECT LOCATION:</b> 12039 SW 132nd CT, MIAMI, FL 33186</p> <p><b>Phone:</b> (786) 566-6603</p>
AREA	FLOOR	FINISH													
CEILING	CEILING	CEILING													
WALL	WALL	WALL													
FLOOR	FLOOR	FLOOR													

29



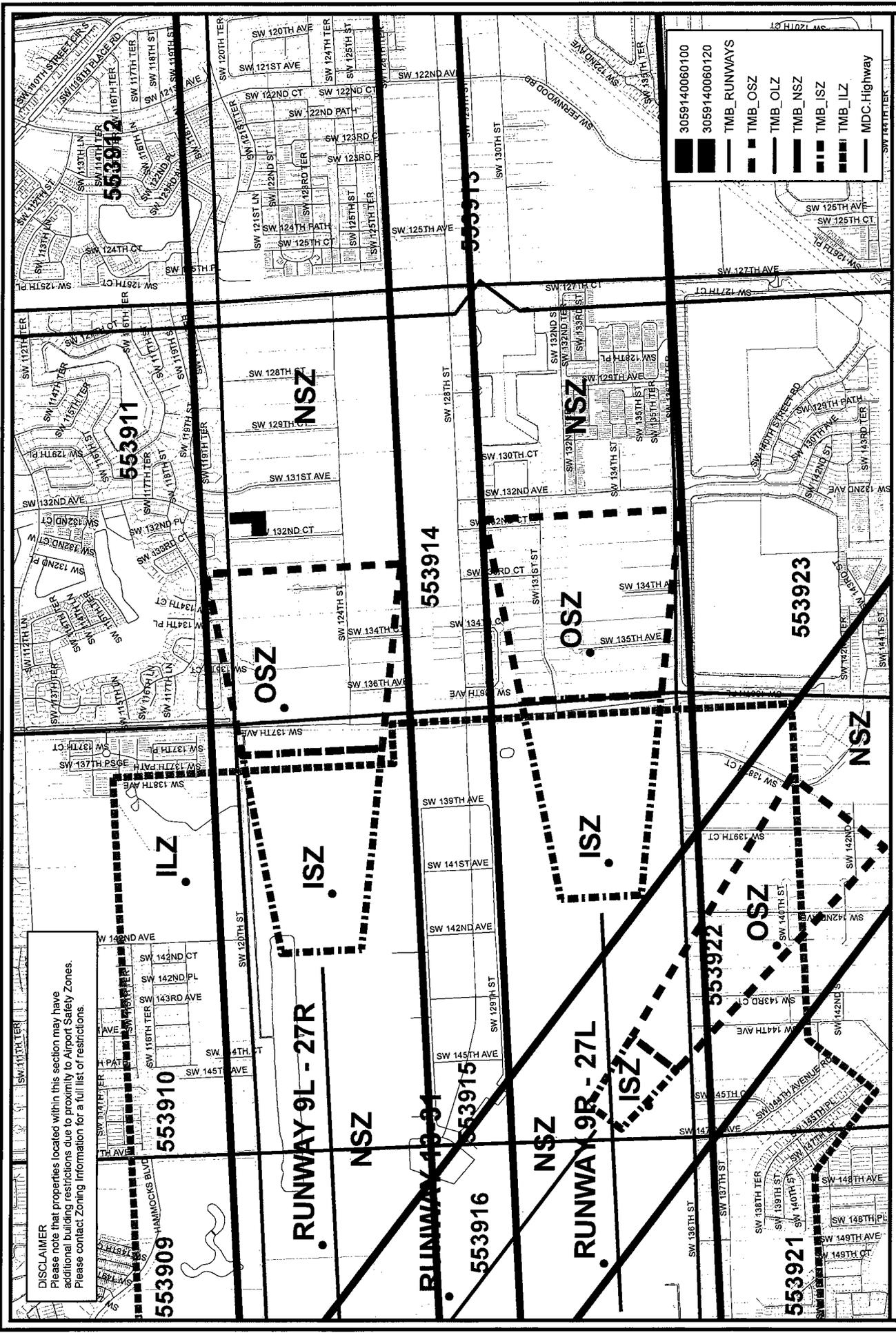
**DISCLAIMER**  
 Please note that properties located within this section may have additional building restrictions due to proximity to Airport Safety Zones. Please contact Zoning Information for a full list of restrictions.

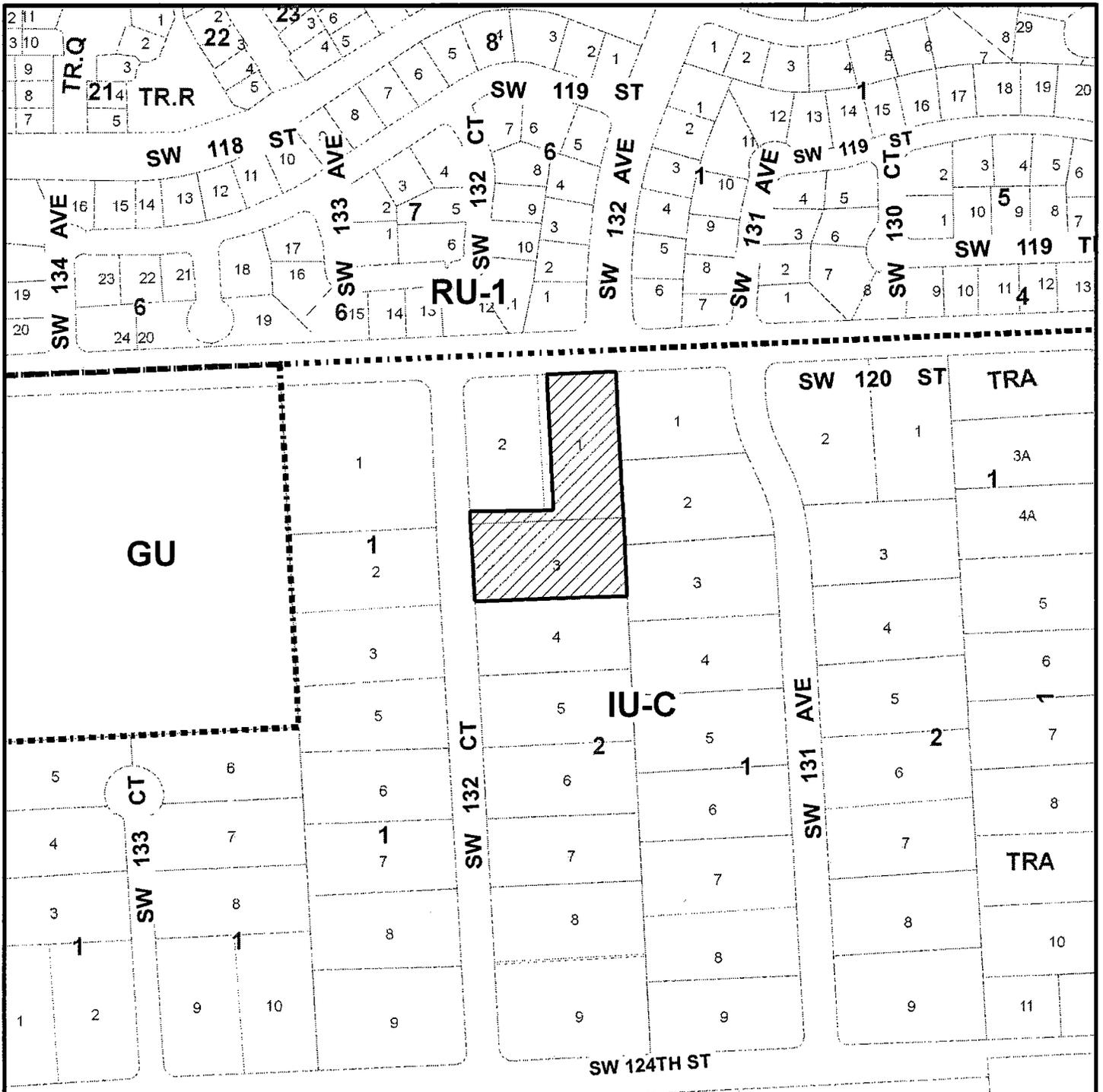
	3059140060100
	3059140060120
	TMB_RUNWAYS
	TMB_OSZ
	TMB_OLZ
	TMB_NSZ
	TMB_ISZ
	TMB_ILZ
	MDC: Highway

August 3, 2010

0 0.1 0.2 0.4 0.6 Miles

**Kendall Tamiami Executive Airport  
 Safety Zones  
 (3059140060120 and 3059140060100)**





**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Section: 14 Township: 55 Range: 39  
 Applicant: R & D INVEWSTMENT, LLC  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number

**09-158**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/13/09

REVISION	DATE	BY
		32

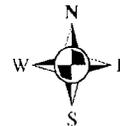


**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Section: 14 Township: 55 Range: 39  
 Applicant: R & D INVEWSTMENT, LLC  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number

**09-158**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/13/09

REVISION	DATE	BY

**2. MERCANTIL COMMERCEBANK**  
**NATIONAL ASSOCIATION**  
**(Applicant)**

**10-9-CZ11-2 (10-37)**  
**Area 11/District 9**  
**Hearing Date: 09/2/10**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1991	Barry Trustee	- Zone change from IU-C to BU-A	BCC	Approved in part

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:** Mercantil Commercebank National Association   **PH:** Z10-037 (10-9-CZ11-2)

**SECTION:** 14-55-39

**DATE:** September 2, 2010

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 2

**A. INTRODUCTION**

o   **REQUEST:**

- (1) SPECIAL EXCEPTION to permit a Class "C" sign on a BU-1A (Limited-Business District) zoned property where the street frontage on the opposite side is zoned GU (Interim District) (commercial or industrial zoned property required).
- (2) Applicant is requesting to permit the Class "C" sign setback 10.5' (20' required) from the front (west) property line.
- (3) Applicant is requesting to permit the Class "C" sign within 300' of an existing building (not permitted).

Plans are on file and may be examined in the Zoning Department entitled "Pinelands Kendall Hotel, L. L. C. Project: Holiday Inn Express Hotel & Suites," as prepared by Maria Gonzalez, consisting of 3 sheets and dated stamped received 02/28/10 and a Boundary Survey as prepared by Mario Prats, Jr. & Association, dated stamped received 4/7/10 for a total of 4 sheets. Plans may be modified at public hearing.

o   **SUMMARY OF REQUESTS:**

The applicant is seeking to permit a Class C sign on a commercially zoned property where the property on the opposite side of the street is not commercially or industrially zoned; and to permit said sign with reduced setbacks from the front property line and spaced less than required from the existing building on the site.

o   **LOCATION:** 13611 S.W. 131 Street, Miami-Dade County, Florida.

o   **SIZE:** 0.75 acre

**B. ZONING HEARINGS HISTORY:**

In 1991, the subject property was approved for a district boundary change from IU-C, Conditional Industrial District, to BU-1A, Limited Business District, pursuant to Resolution #Z-204-91.

**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:**

BU-1A; commercial bank

Industrial and Office

**Surrounding Properties:**

**NORTH:** BU-1A; row crops

Industrial and Office

**SOUTH** BU-1A; office complex

Business and Office

**EAST:** BU-1A; vacant land

Industrial and Office

**WEST:** GU; Tamiami Executive Airport

Terminals

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>Unacceptable</b>
Signage:	<b>Unacceptable</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**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.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No objection</b>

\* Subject to conditions indicated in their memorandum.

#### H. ANALYSIS:

The subject property is located at 13611 SW 131 Street, approximately **2 miles east of and within the Urban Development Boundary (UDB)**. 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. Staff notes that the subject property was rezoned from IU-C, Conditional Industrial District, to BU-1A, Limited Business District, pursuant to Resolution #Z-204-91, in 1991. The CDMP indicates that all existing uses and zoning are consistent with the CDMP. As such, the existing commercial bank on this BU-1A zoned parcel is **consistent** with the interpretative text of the CDMP.

However, specifically, 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 a Class C sign on a parcel of land which is approximately 524' from the parcel of land which is to be served by the proposed sign. Staff acknowledges that the hotel which is to be served by the proposed signage is located at 13475 SW 131 Street, approximately 524' to the west of the beneficiary property. Staff notes that the subject property, on which the proposed sign is to be located, is developed with a bank which already has an existing sign on the site and staff is of the opinion that a second sign at the same location will be excessive. Additionally, the zoning regulations prohibit Class "C" signs in the BU-1A District and on properties which face the GU, Interim District zoned properties. The Tamiami Executive Airport, which extends from SW 120 Street to SW 136 Street and directly fronts the subject property on the opposite side of SW 137 Avenue, is a GU zoned property. 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.

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. They indicate in their memorandum that this application does not generate any new additional daily peak hour trips; therefore no vehicle trips have been assigned. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objections** to this application and indicates that the estimated response time is **6:20 minutes**.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff acknowledges that the Public Works Department, MDFRD and DERM, do not object to the application. Additionally, staff concurs with the applicant's opinion that the use of the property on the opposite side of the street, the Tamiami Executive Airport, although zoned GU, Interim District, is similar to an industrial or commercial use, which allows for the proposed signage on the opposite side of the street on a commercially zoned property. Notwithstanding, staff opines that approval of the request to allow the Class C signage on a parcel of land that does not contain the use served by the sign and which is located on a street frontage opposite from a GU zoned property will create a negative visual impact along SW

137 Avenue within close proximity to the aforementioned airport. Staff's research of the zoning hearing records for similar uses within this section of Miami-Dade County, (Section 14, Township 55 and Range 39), did not indicate any approvals as intense as what being requested herein. As such, staff opines that approval of the request to allow the subject property with a Class C sign where street frontage on the opposite side of the street is zoned GU (request #1), would create a negative visual impact along this section of SW 137 Avenue, could set a precedent for similar requests and would be **incompatible** with the existing surrounding commercial and industrial developments in this area. Based on the aforementioned, staff therefore recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When the applicant's remaining requests to permit the Class "C" sign setback 10.5' (20' required) from the front (west) property line (request #2) and to permit said sign within 300' (not permitted) of an existing building (request #3), are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the aforementioned requests are germane to request #1 and as such, approval of the requests would be 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. As such, staff recommends denial without prejudice of requests #2 and #3 under the Non-Use Variance Standards (NUV).

Based on all of the aforementioned, staff recommends denial without prejudice of request #1 and denial without prejudice of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

**I. RECOMMENDATION:**

Denial without Prejudice.

**J. CONDITIONS: None.**

**DATE TYPED:** 06/29/10  
**DATE REVISED:** 06/29/10, 07/13/10, 08/03/10  
**DATE FINALIZED:** 08/03/10  
MCL:MTF:NN:AA:CH

  
\_\_\_\_\_  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of J.V.  
Planning and Zoning

# Memorandum

**Date:** April 20, 2010  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-11 #Z2010000037  
Mercantil Commerce Bank, National Association  
13611 S.W. 131<sup>st</sup> Street  
To Permit a Billboard Sign Setback will Less than Required from Property  
Lines, Special Exception to Permit the Sign Spaced Less than 300' from  
an Existing Building and Special Exception to Permit a Sign where the  
Street Frontage on the Opposite Side is Not Zoned Commercial or  
Industrial  
(BU-1A) (.75 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 the request on this application since the request does not entail any environmental concern. However, the applicant is advised that DERM approval of subsequent development orders will be contingent upon compliance with all applicable requirements of the Code.

#### 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 Christine Velazquez, at (305) 372-6764.

PH# Z2010000037  
CZAB - C11

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MERCANTIL COMMERCEBANK NATIONAL ASSOCIATION

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.

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

Raul A Pino, P.L.S.

25-MAY-10

# Memorandum



**Date:** 21-APR-10  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000037

**Fire Prevention Unit:**

Not applicable to MDRF site requirements.

**Service Impact/Demand**

Development for the above Z2010000037  
 located at 13611 S.W. 131 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1985 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: 6:20 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' Sqr (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.

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

DATE: 22-JUL-10

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

MERCANTIL COMMERCEBANK  
NATIONAL ASSOCIATION

13611 S.W. 131 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2010000037

---

HEARING NUMBER

**HISTORY:**

NAME: ADDRESS:

MERCANTIL COMMERCEBANK NATIONAL ASSOCIATION 13611 S.W. 131 STREET

DATE:

7/22/2010

CURRENT ENFORCEMENT HISTORY:

Folio 3059140640090

Open Cases:

Neighborhood Compliance and Building:

No open cases.

Closed Cases:

Neighborhood Compliance:

Case 201002000971 warning notice posted on 1-28-10 for a sign violation and the violation was corrected.

Building:

Case A2009000182 addressed for Expired Permit. Citation B073168 was issued, paid, and in compliance.

Cases A2008000970 and A2006005444 addressed for Expired Permit are in compliance.

---

Sam Walthour, MSM, Assistant Director

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

**REPORTER NAME:**

RECEIVED  
210-037  
MAY 17 2010

**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: Mercantil Commercebank, National Association \*

NAME AND ADDRESS Percentage of Stock

Mercantil Commercebank, National Association  
12496 N.W. 25<sup>th</sup> Street, Miami, FL 33182

\* A nationally chartered financial institution.

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

NAME AND ADDRESS Percentage of Stock

If a **LIMITED 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: \_\_\_\_\_

NAME AND ADDRESS Percentage of Stock

PLANNING AND ZONING  
AGENDA OFFICE  
2010 JUL 15 P 4:47

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 Stock

210.037  
AD

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 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.

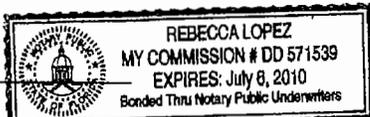
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Mercantil Commercebank, National Association

Signature: Carolyn McGoey  
Carolyn McGoey, Vice Pres. of Channels

Sworn to and subscribed before me this 25<sup>th</sup> day of February, 2010. Affiant is personally known to me or has produced as identification.

Rebecca Lopez  
(Notary Public)



My commission expires \_\_\_\_\_

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

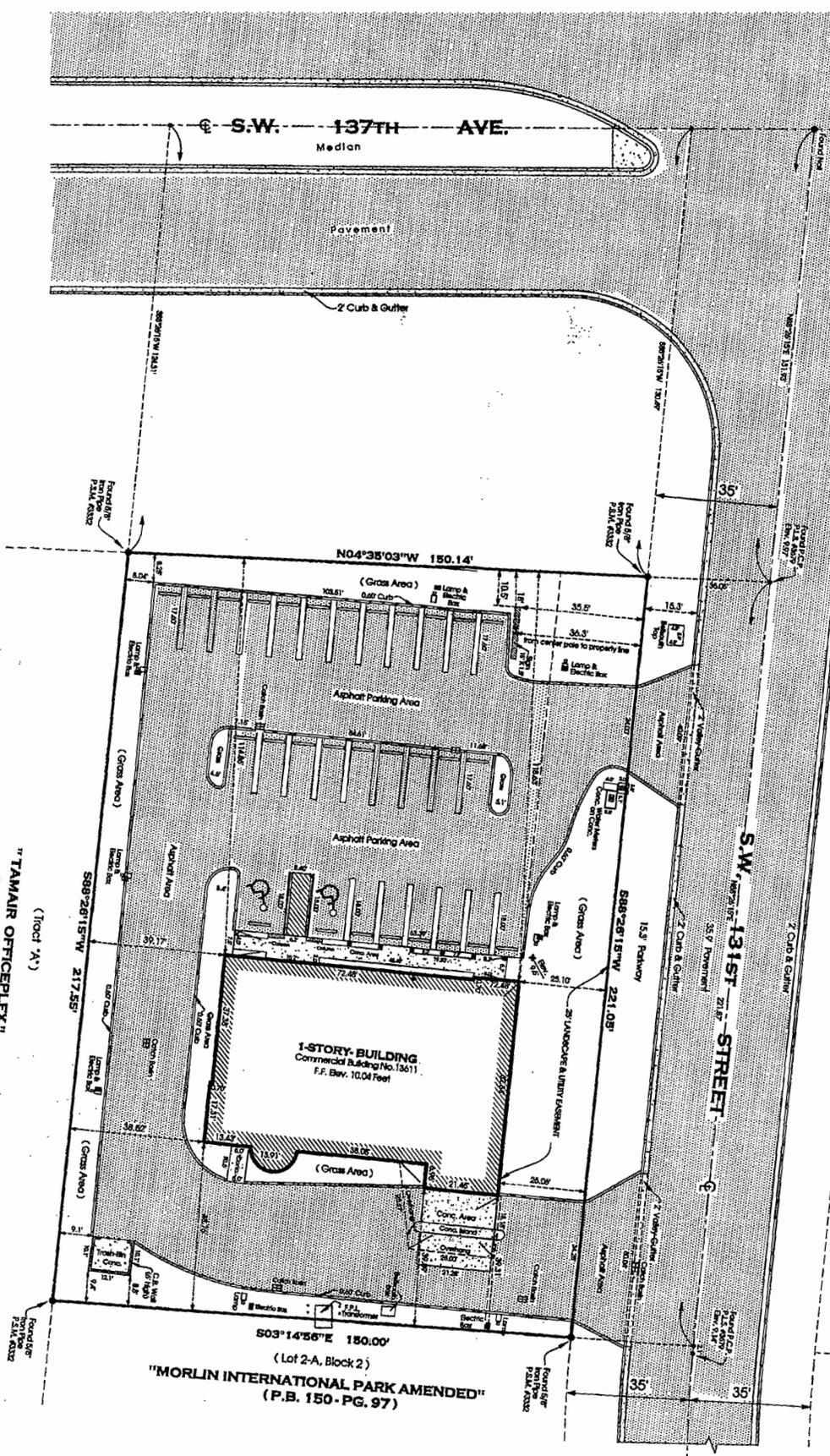


"MORLIN INTERNATIONAL PARK AMENDED"  
 (P.B. 150 - PG. 97)  
 (Lot 1-A, Block 1)

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

**RECEIVED**  
 210-087  
 APR 07 2010

14



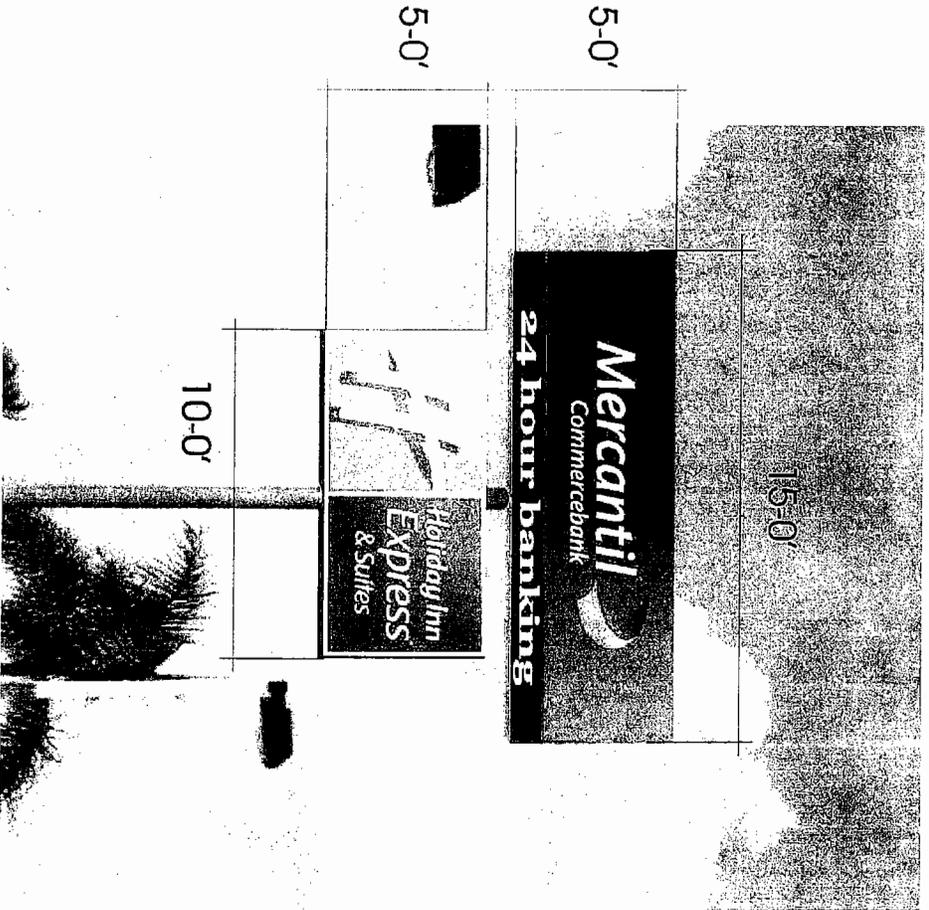
"TAMAIR OFFICEPLEX"  
 (P.B. 153 - PG. 18)  
 (Tract 1-A)

ENLARGED SITE PLAN



**RECEIVED**

MIAMI-DADE COUNTY  
PROCESS #: 210-037  
DATE: MAY 19 2010  
BY: SDE



Scale 0.5"=2.0'

**PINELANDS KENDALL HOTEL, LLC.**  
**PROJECT: HOLIDAY INN EXPRESS HOTEL & SUITES**  
(add electrical box on existing sign)

13611 SW 131 ST  
Discount Signs  
7508 NW 55 St, Miami Fl

Prepared by:  
Maria Gonzalez  
02-28-2010

210-037  
BY: *[Signature]*

RECEIVED

MIAMI-DADE COUNTY

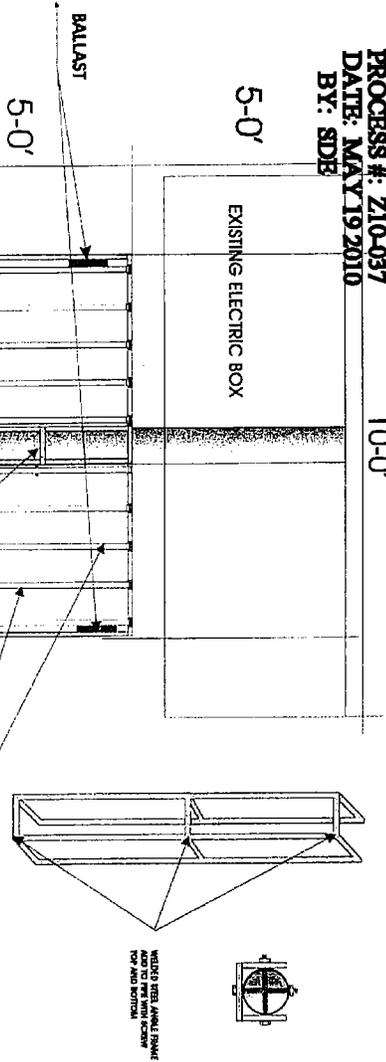
PROCESS #: Z10-037

DATE: MAY 19 2010

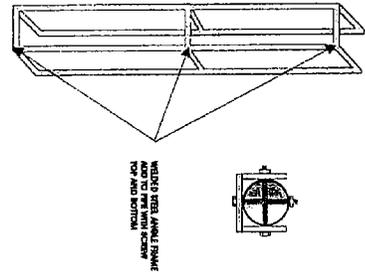
BY: SDB

15-0'  
10-0'

5-0'  
EXISTING ELECTRIC BOX



1 1/2" X 1 1/2" X 3/16"  
ALUMINUM ANGLE FRAME  
WELDED



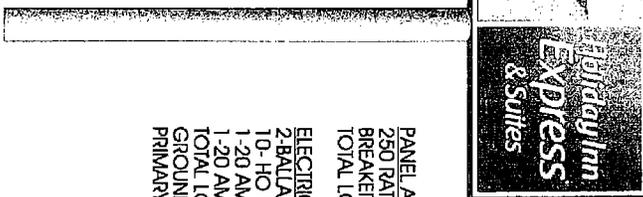
HO DAY LIGHT LAMP F-60

THE SIGN AS PER ASCE 7-05  
AND 2007 F.B.C. WIND LOAD  
146 MPH EXPOSURE "C"  
IMPORTANCE FACTOR 1.0

QTY	TRANSFORMER	AMPS
1	15000	4.0
1	9000	3.5
1	7500	2.5
1	BALLAST	2.0
TOTAL AMPS		4.0

**FASTENER TABLE**

FASTENER	WOOD	CONCRETE	STEEL
3/8" LAG BOLTS THROUGH WALL	X	X	X
3/8" LAG BOLTS W/ LEAD SHIELDS	X	X	X
3/8" LAG BOLTS	X	X	X
3/4" TOGGLE BOLTS	X	X	X
3/8" SLEEVE ANCHORS	X	X	X
3/8" x 2 1/2" TANCON SCREWS	X	X	X



PANEL A  
250 RATING  
BREAKER # 3  
TOTAL LOAD: 150 AMP

ELECTRICAL SPECS  
2-BALLAST 2.0 AMP  
10- HO F60 CW LAMPS  
1-20 AMP CIRCUIT  
1-20 AMP INTERNAL DISCONNECT SWITCH  
TOTAL LOAD: 6 AMP  
GROUNDING/BOUNDING AS PER NEC 250  
PRIMARY WIRE # 12 THHN/THWN

**PINELANDS KENDALL HOTEL, LLC.**  
**PROJECT: HOLIDAY INN EXPRESS HOTEL & SUITES**  
 (add electrical box on existing sign)

13611 SW 131 ST  
 Discount Signs  
 7508 NW 55 St, Miami Fl

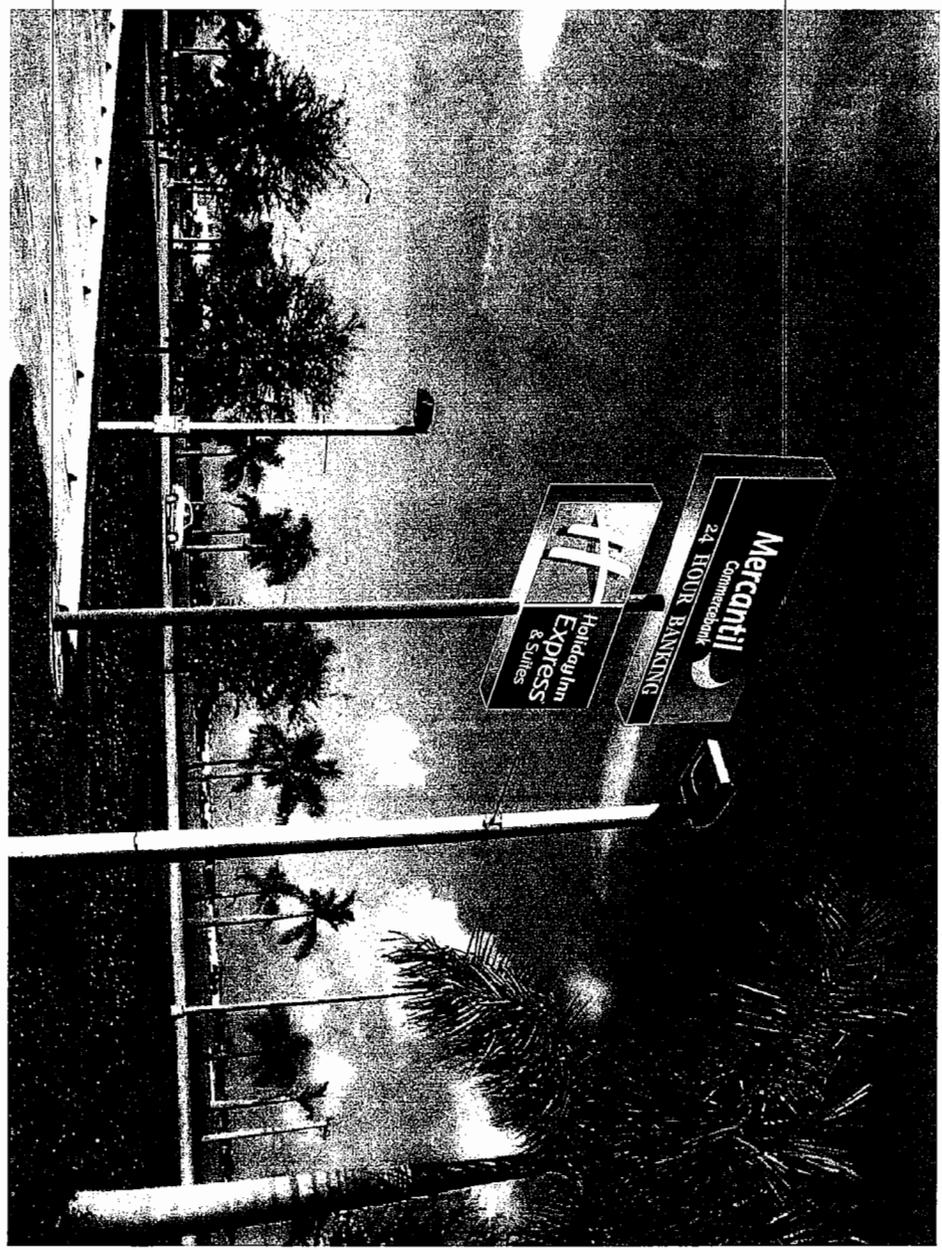
Prepared by:  
 Maria Gonzalez  
 02-28-2010

210-037

RECEIVED  
210-057  
JUN 22 2010

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

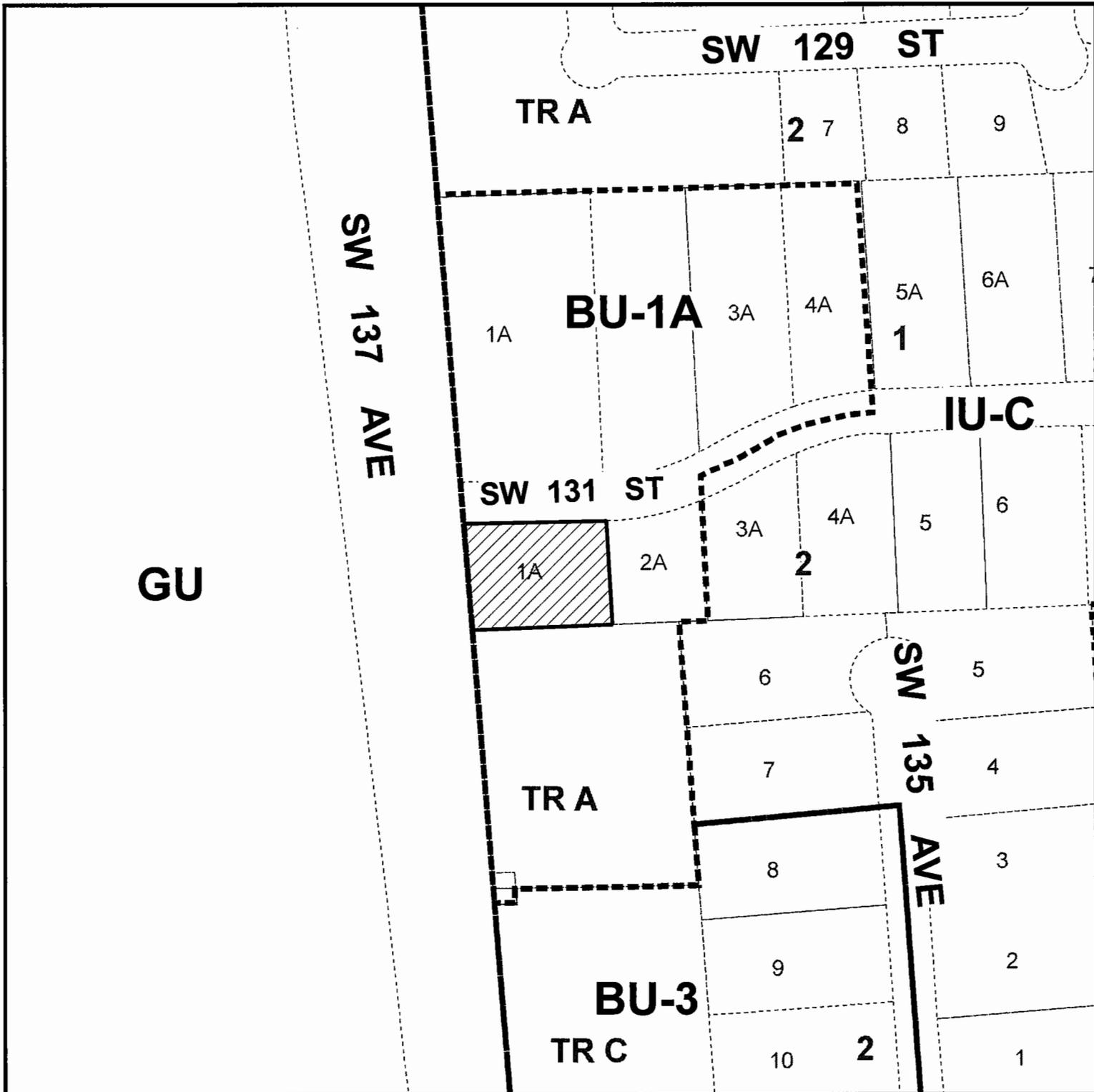
25'-0"



PINELANDS KENDALL HOTEL, LLC.  
PROJECT: HOLIDAY INN EXPRESS HOTEL & SUITES

13611 SW 131 ST  
Discount Signs  
7508 NW 55 St, Miami Fl

Prepared by:  
Maria Gonzalez  
02-28-2010



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2010000037**



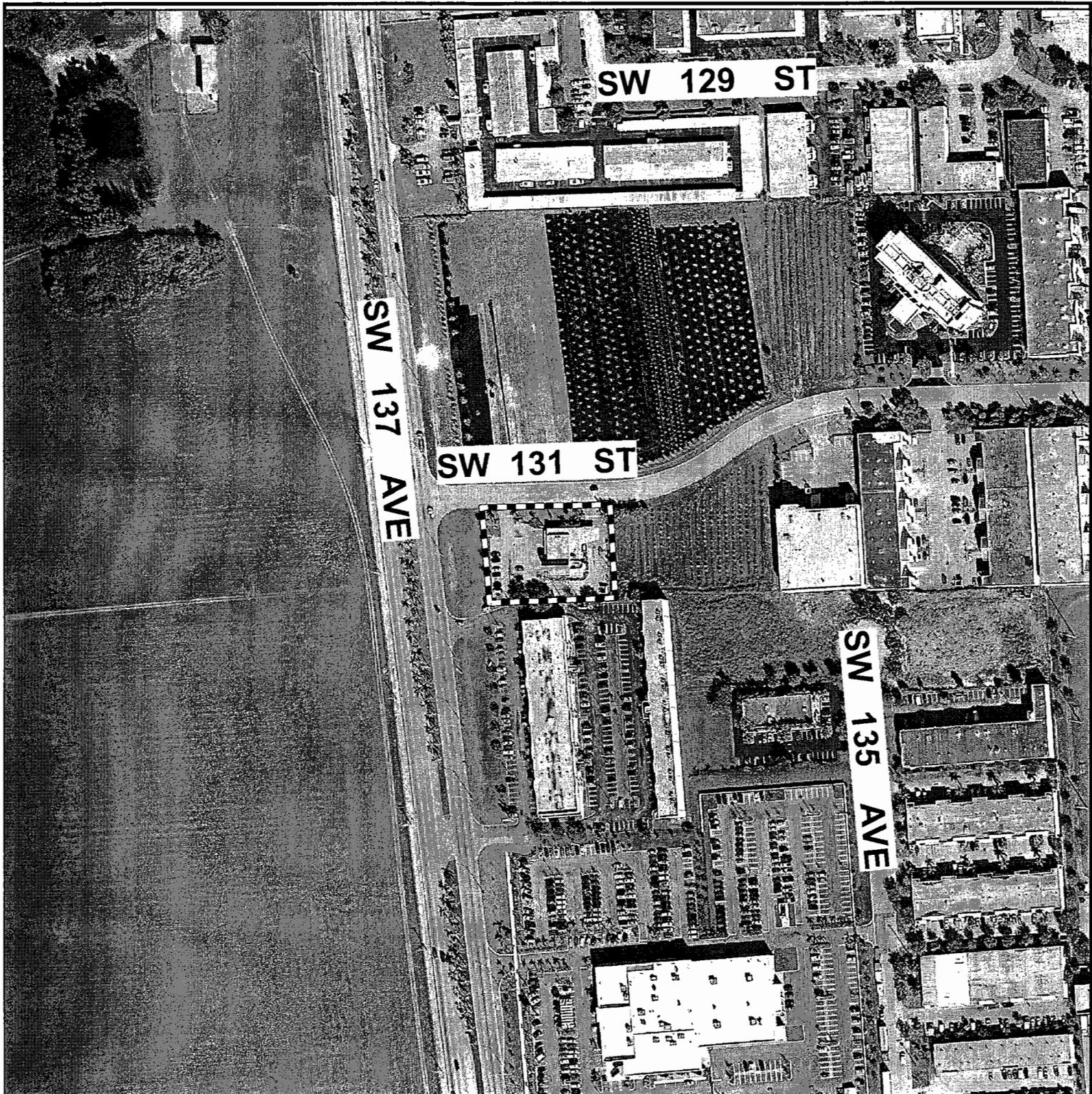
Section: 14/15 Township: 55 Range: 39  
 Applicant: MERCANTIL COMMERCEBANK NATIONAL ASSOCIATION  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



REVISION	DATE	BY
		19



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2010000037**



Legend

 Subject Property

Section: 14/15 Township: 55 Range: 39  
 Applicant: MERCANTIL COMMERCEBANK NATIONAL ASSOCIATION  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS



SKETCH CREATED ON: Wednesday, April 14, 2010

REVISION	DATE	BY