

KITS

1-5-2011 Version # 1



**COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION
8625 SW 124 Avenue, Miami
Thursday, February 10, 2011 at 7:00 p.m.**

CURRENT

- | | | | | | |
|----|-------------|-----------------------------------|---------------|----------|---|
| 1. | 11-2-CZ11-1 | <u>RODOLFO AND DEBORAH RIERA</u> | <u>10-28</u> | 01-55-39 | N |
| 2. | 11-2-CZ11-2 | <u>PUBLIX SUPER MARKETS, INC.</u> | <u>10-132</u> | 33-55-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, FEBRUARY 10, 2011

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. RODOLFO AND DEBORAH RIERA (11-2-CZ11-1/10-028)

**01-55-39
Area 11/District 10**

- (1) Applicants are requesting to permit a tiki hut with kitchen, bath and storage setback 10.38' (20' required) from the interior side (West) property line and setback 4.20' (7.5' required) from the rear (South) property line and spaced 5.10' (10' required) from the principal residence.
- (2) Applicants are requesting to permit a lot coverage of 31.6% (30% permitted).
- (3) Applicants are requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5" in height when located within the safe-sight distance triangle; to permit a metal fence 6' high within the safe-sight distance triangle along the front (North) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Public Hearing for: Deborah G. Riera & Rodolfo Riera," as prepared by Nestor J. Cifuentes, P. E., dated stamped received 11/15/2010, consisting of 4 sheets. Plans may be modified at public hearing.

LOCATION: 11944 S.W. 99 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 116.33' x 119'

Department of Planning and
Zoning Recommendation:

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

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. PUBLIX SUPER MARKETS, INC. (11-2-CZ11-2/10-132)

**33-55-39
Area 11/District 09**

- (1) Applicant is requesting to permit an existing liquor package store with sales of alcoholic beverages on Sundays (Sunday sales not permitted except for the month of December).

LOCATION: Lying west of S.W. 177 Avenue (Krome Avenue) and south of theoretical S.W. 90st Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and
Zoning Recommendation:

Approval with a condition.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

1. RODOLFO & DEBORAH RIERA
(Applicant)

11-2-CZ11-1 (10-028)
Area 11/District 10
Hearing Date: 02/10/11

Property Owner (if different from applicant) **Rodolfo Riera.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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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**

APPLICANTS: Rodolfo and Deborah Riera

PH: Z10-28 (11-2-CZ11-1)

SECTION: 01-55-39

DATE: February 10, 2011

COMMISSION DISTRICT: 10

ITEM NO.: 1

A. INTRODUCTION:

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing chickee hut with a bathroom and storage room setback closer to the interior side and rear property lines and spaced closer to the existing residence and to permit a lot coverage which exceeds that permitted by the Zoning Code. The applicants also seek to permit a metal fence within the safe sight distance triangle that exceeds the maximum height permitted by the Zoning Code.

- o **REQUESTS:**
 1. Applicants are requesting to permit a tiki hut with kitchen, bath and storage setback 10.38' (20' required) from the interior side (West) property line and setback 4.20' (7.5' required) from the rear (South) property line and spaced 5.10' (10' required) from the principal residence.
 2. Applicants are requesting to permit a lot coverage of 31.6% (30% permitted).
 3. Applicants are requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5" in height when located within the safe-sight distance triangle; to permit a metal fence 6' high within the safe-sight distance triangle along the front (North) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Public Hearing for: Deborah G. Riera & Rodolfo Riera," as prepared by Nestor J. Cifuentes, P. E., dated stamped received 11/15/2010, consisting of 4 sheets. Plans may be modified at public hearing.

- o **LOCATION:** 11944 S.W. 99 Terrace, Miami-Dade County, Florida.
- o **SIZE:** 116.33' x 119'

B. ZONING HEARINGS HISTORY: None.

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

*The Adopted 2015 and 2025 Land Use Plan designates the subject property subject property as being approximately 3,258' east of and within the Urban Development Boundary for **Estate Density Residential**. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

Surrounding Properties:

NORTH: EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

EAST: EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

WEST: EU-M; Single-family residence

Estate Density Residential, 1 to 2.5 dua

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations.
*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

H. PLANNING AND ZONING ANALYSIS:

This subject property is an interior lot located at 11944 SW 99 Terrace and is improved with a single-family residence in an established area zoned EU-M, Single-Family Modified Estate District. The subject property is designated for **Estate Density Residential** on the LUP map of the CDMP. Because the approval of this application will not add additional dwelling units to the property, the EU-M zoned subject property is **consistent** with the LUP Map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1 and #2 would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff opines that the requested encroachments when coupled with the 23'4" height of the chickee hut are excessive and out of character with the area as evidenced by the lack of similar approvals in the surrounding area. Staff acknowledges that abundant landscaping runs along the interior side (west) and rear (south) property lines. However, staff's review of the submitted plans reveals that the gazebo attains a maximum height of 23'4" when measured to the top of beam. As such, staff opines that the encroachment of 9.62' into the interior side and 3.3' encroachment into the rear setback areas along with the 4.9' reduction in spacing between the chickee hut and principal residence could have a negative visual impact on the adjoining single-family residences located to the west and south of the subject site. Further, staff opines that since the existing chickee hut includes a bathroom, storage room, bar and barbeque structure, said structure serves as a gathering area for the residents and their guests and the requested reduction in the interior side and rear setback requirements will have a negative aural impact on the abutting residences. Moreover, staff notes that the existing canopy carport attached to the east side of the residence results in an increase of the permitted lot coverage from 30% to 31.6% (request #2), which staff opines is also incompatible with the surrounding area. As such, staff opines that the approval of requests #1 and #2 would be out of character with the surrounding area and would set a precedent for requests of similar intensity. Therefore, staff recommends denial without prejudice of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV).

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of request #3 would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. It should be noted that a similar approval was granted on property located at 11965 SW 99 Terrace, immediately to the northwest of the subject site to permit a 6' high fence within the safe sight distance triangle, pursuant to Resolution No. 4-ZAB-340-80. As such, staff opines that the approval of request #3 would not be out of character with the surrounding area. Therefore, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b) (NUV).

- I. **RECOMMENDATION:** Denial without prejudice of requests #1 and #2 and approval with conditions of request #3.
- J. **CONDITIONS:** for request #3 only
1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Public Hearing for: Deborah G. Riera & Rodolfo

Riera," as prepared by Nestor J. Cifuentes, P. E., dated stamped received 11/15/2010, consisting of 4 sheets., except as herein modified to show the removal of the existing canopy carport and removal or relocation of the chickee hut with bathroom, storage room, bar, and barbeque structure, to comply with the setback and spacing requirements of the Zoning Code. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.

DATE TYPED: 12/10/10
DATE REVISED: 12/13/10; 01/3/11; 01/04/11; 02/03/11
DATE FINALIZED: 02/03/11
MCL:GR:NN:CH:TA:NC

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

Memorandum

Date: December 6, 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 #Z2010000028-1st Revision
Rodolfo Riera
11944 S.W. 99th Terrace
To Permit a Detached Addition to a Single-Family Residence Setback
less than Required from Property Lines
(EU-M) (0.32 Acres)
01-55-39

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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: RODOLFO AND DEBORAH RIERA

This Department has no objections to this application.

This Department has no objections to the request to permit an existing metal fence within the safe sight distance triangle.

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.

14-DEC-10



Memorandum

Date: 14-DEC-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000028

Fire Prevention Unit:

COMMENTS:
 This memo supersedes MDR memorandum dated April 6, 2010.
 These comments are for site plan date stamped November 15, 2010:
 - Not applicable to MDR site requirements.

Service Impact/Demand

Development for the above Z2010000028
 located at 11944 S.W. 99 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1857 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 57 - West Kendall - 8501 SW 127 Avenue.
 Rescue, Battalion, Squad.

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

RODOLFO RIERA

11944 S.W. 99 TERRACE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000028

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
RODOLFO RIERA 11944 S.W. 99 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
DATE:
3/22/2010

CURRENT ENFORCEMENT HISTORY:

Folio 30-5901-016-0140

Open Cases:
Building Case 20090131933 Working Without Permit

N.O.V. POSTED on 9-2-09 for Chickee hut in back yard including electrical and plumbing. The property owner applied for extensions to rectify and has applied for this public hearing to allow for the continued use and to be able to final any open permits for same.

Closed Cases:

No previous enforcement cases.

Sam Walthour, MSM, Assistant Director

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

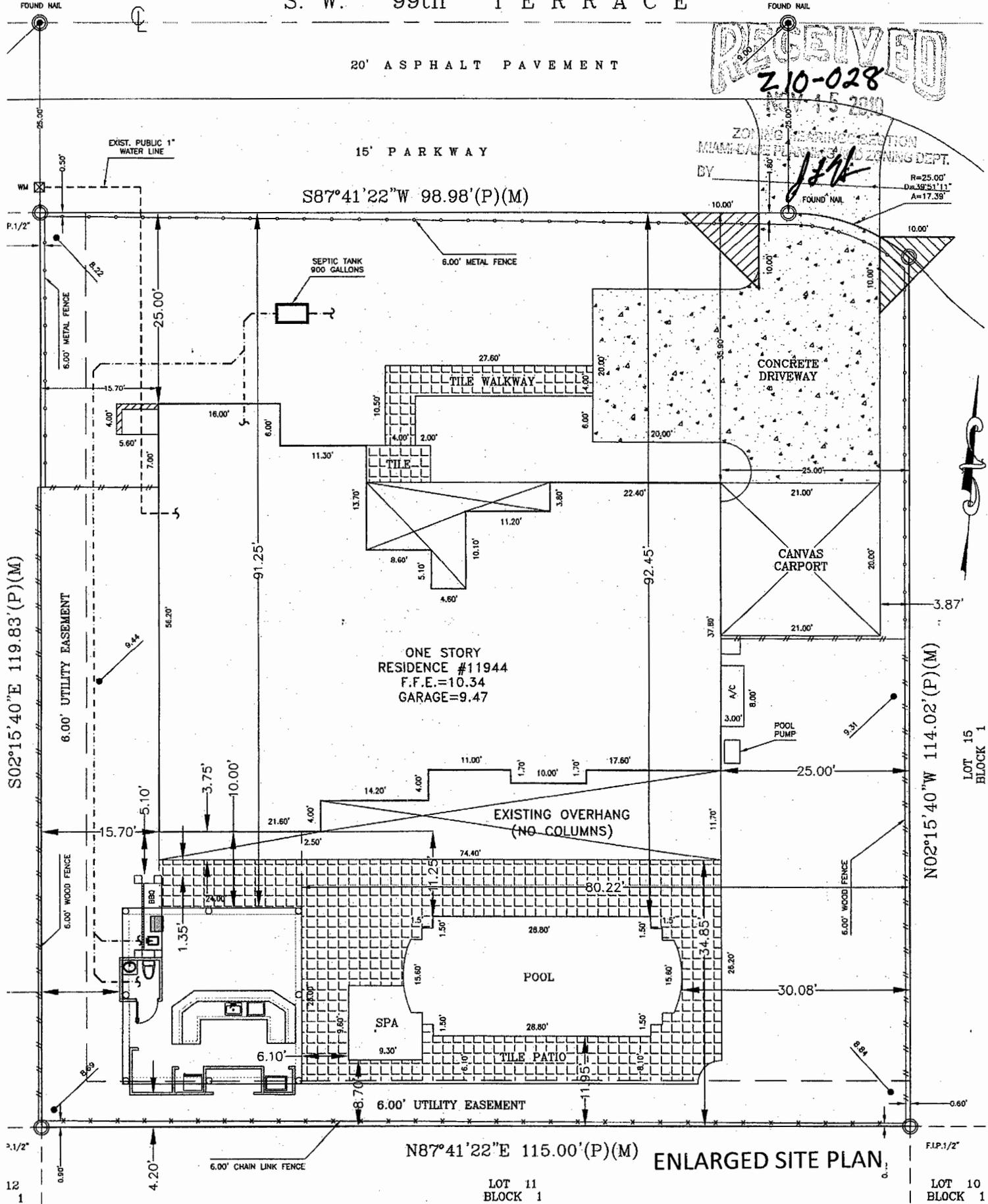
REPORTER NAME:

S. W. 99th TERRACE

20' ASPHALT PAVEMENT

RECEIVED
2-10-028
MAY 15 2001

ZONING HEARING SECTION
MIAMI DADE PLANNING AND ZONING DEPT.
BY *JFK*
R=25.00'
D=39°51'11"
A=17.39'



ONE STORY
RESIDENCE #11944
F.F.E.=10.34
GARAGE=9.47

LOT 11
BLOCK 1

LOT 15
BLOCK 1

LOT 10
BLOCK 1

ENLARGED SITE PLAN

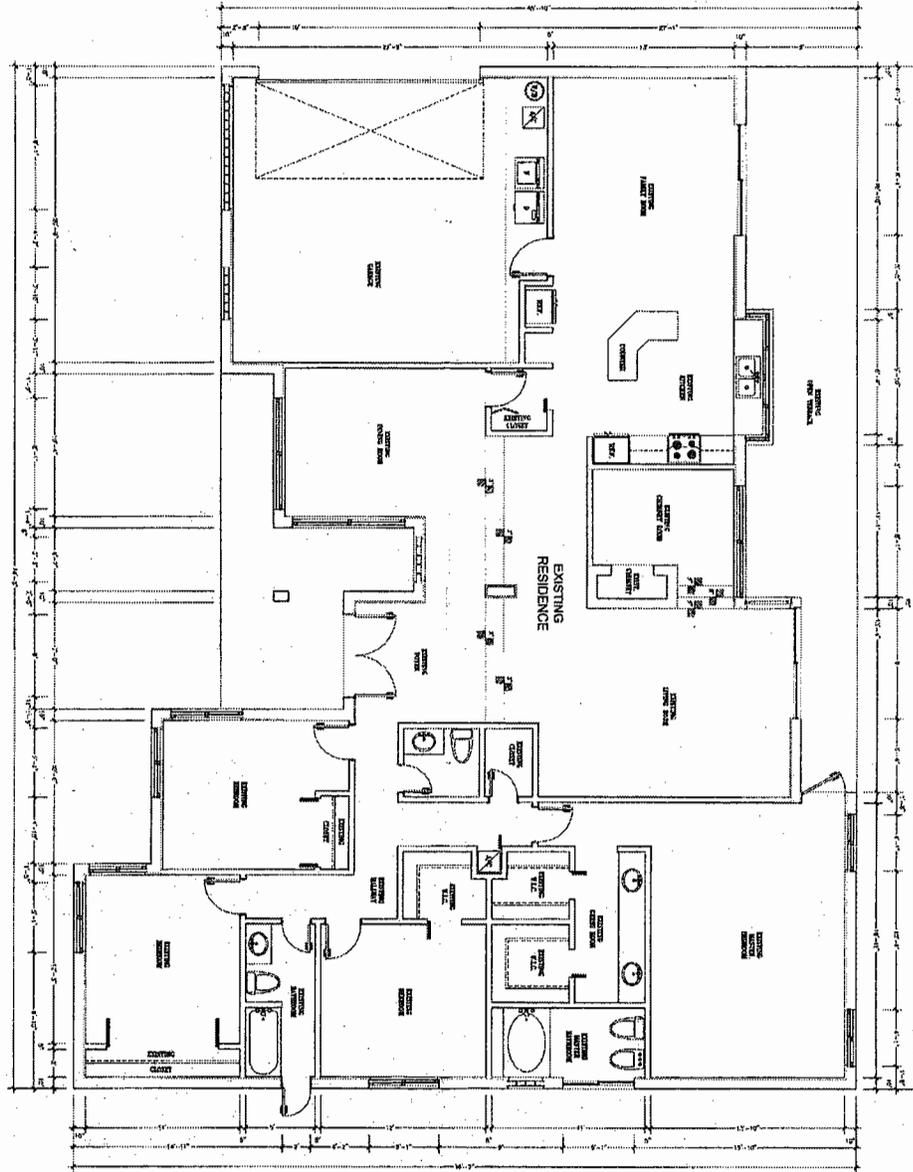
F.I.P. 1/2"

RECEIVED
210-078
NOV 15 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *JJK*

RESIDENCE FLOOR PLAN
SCALE: 1/8" = 1'-0"



RECEIVED
210-078
NOV 15 2010

3 OF 4

SHEET NO.
A-3

DESCRIPTION
DATE
DRAWN BY
CHECKED BY
APPROVED BY
SCALE
PROJECT NUMBER: 2008078

RESIDENCE FLOOR PLAN

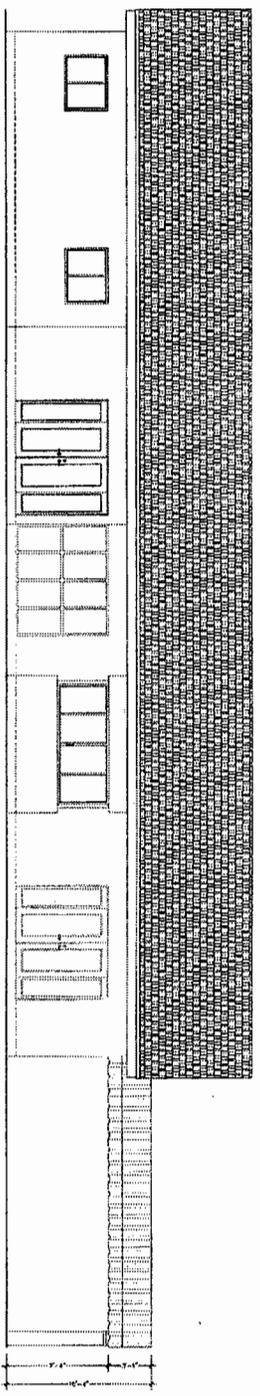
THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF JERICO & COMPANY, P.C. AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT.

PUBLIC HEARING FOR:
DEBORAH G. RIERA AND RODOLFO RIERA.
11944 S.W. 99th TERRACE, MIAMI, FLORIDA. 33188

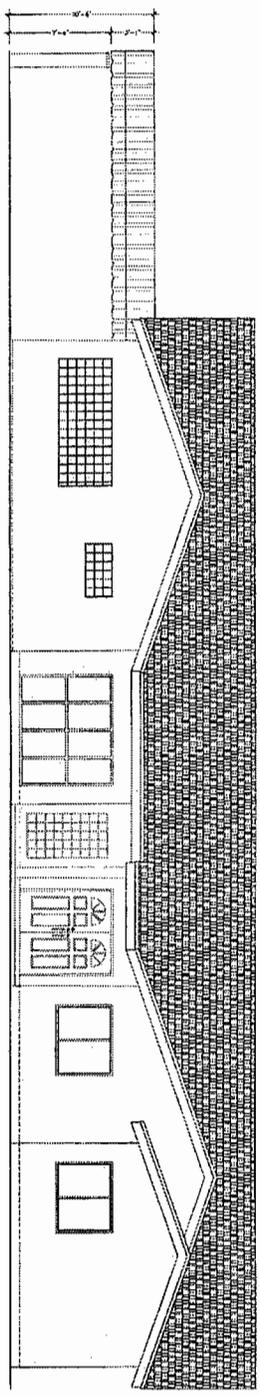
JERICO & COMPANY, P.C.
REGISTERED ARCHITECTS
11944 S.W. 99th TERRACE, MIAMI, FLORIDA 33188
P.O. BOX 504-0554
Phone: 305-554-0554
Fax: 305-554-0554

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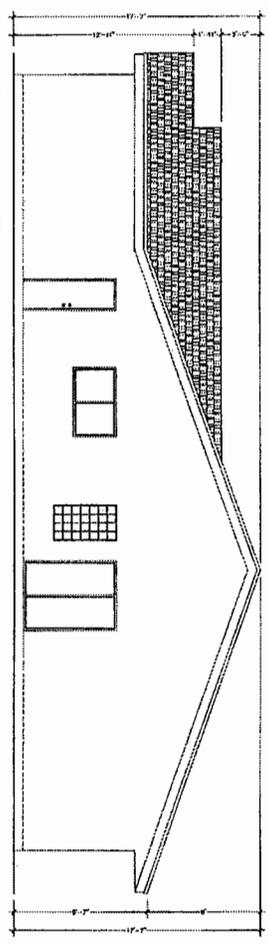
RESIDENCE SOUTH ELEVATION
Scale: 1/8" = 1'-0"



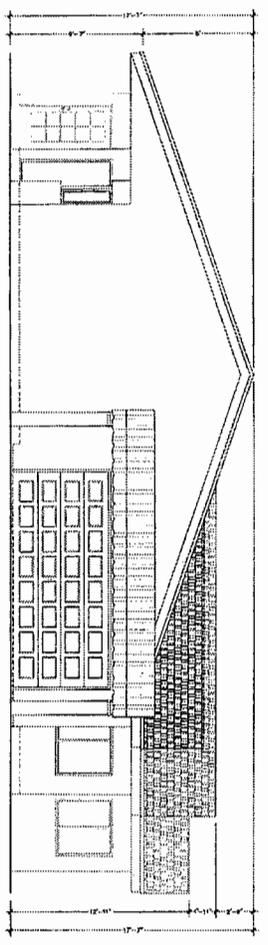
RESIDENCE NORTH ELEVATION
Scale: 1/8" = 1'-0"



RESIDENCE WEST ELEVATION
Scale: 1/8" = 1'-0"



RESIDENCE EAST ELEVATION
Scale: 1/8" = 1'-0"



RECEIVED
210-028
NOV 15 2010

ZONING HEARINGS SECTION
MIAMI/DONE PLANNING AND ZONING DEPT.

BY: *JFR*



4	A-4	SHEET NO.																		
4	OF 4																			
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Basic</td> </tr> <tr> <td>2</td> <td>10-18-10</td> </tr> <tr> <td>3</td> <td>Drawn By</td> </tr> <tr> <td>4</td> <td>O.C.S.</td> </tr> <tr> <td>5</td> <td>Approved By</td> </tr> <tr> <td>6</td> <td>Scale</td> </tr> <tr> <td>7</td> <td>Sheet</td> </tr> <tr> <td>8</td> <td>Project Name</td> </tr> </tbody> </table>			NO.	DESCRIPTION	1	Basic	2	10-18-10	3	Drawn By	4	O.C.S.	5	Approved By	6	Scale	7	Sheet	8	Project Name
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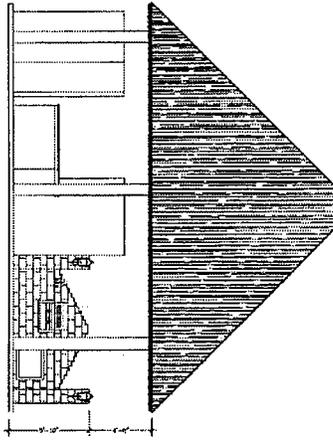
RESIDENCE ELEVATION PLAN

PUBLIC HEARING FOR:
DEBORAH G. RIERA AND RODOLFO RIERA.

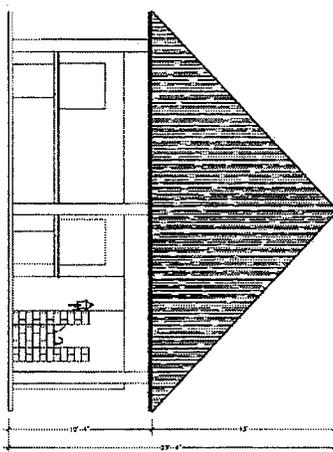
11944 S.W. 99th TERRACE, MIAMI, FLORIDA. 33186

RODOLFO RIERA
ARCHITECT
11944 S.W. 99th Terrace
Miami, Florida 33186
PH: 305-544-6554
FAX: 305-544-6554

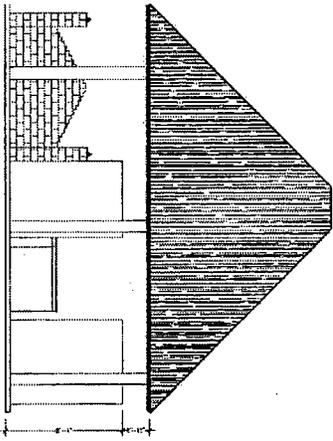
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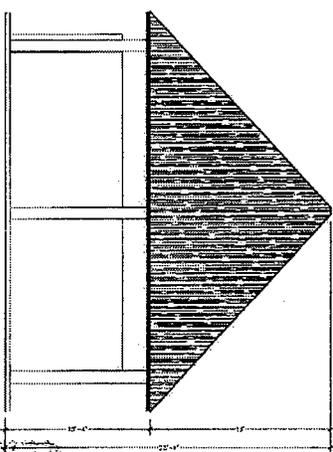
TMI HUT SOUTH ELEVATION



TMI HUT EAST ELEVATION



TMI HUT NORTH ELEVATION



TMI HUT WEST ELEVATION

NOTICE:

IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA CONSTITUTION AND THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS HAS ORDERED THAT A PUBLIC HEARING BE HELD ON THE PROPOSED AMENDMENT TO THE ZONING ORDINANCES OF THE COUNTY OF DADE, FLORIDA, TO REZONE THE PROPERTY DESCRIBED AS:

SECTION 10, TOWNSHIP 25 SOUTH, RANGE 26 WEST, COUNTY OF DADE, FLORIDA.

THE PROPOSED AMENDMENT IS TO REZONE THE PROPERTY FROM ZONING DISTRICT R-1 TO ZONING DISTRICT R-2.

THE PUBLIC HEARING WILL BE HELD ON THE PROPOSED AMENDMENT AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS, TO BE HELD ON TUESDAY, NOVEMBER 15, 2010, AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY COURTHOUSE, 11944 S.W. 99TH TERRACE, MIAMI, FLORIDA 33186.

ANY PERSON WHO HAS AN INTEREST IN THE PROPERTY DESCRIBED ABOVE IS REQUESTED TO ATTEND THE PUBLIC HEARING AND STATE HIS OR HER POSITION ON THE PROPOSED AMENDMENT.

THE BOARD OF COUNTY COMMISSIONERS HAS ORDERED THAT THE PROPOSED AMENDMENT BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DADE, FLORIDA.

FOR MORE INFORMATION, CONTACT THE PLANNING AND ZONING DEPARTMENT, COUNTY OF DADE, 11944 S.W. 99TH TERRACE, MIAMI, FLORIDA 33186, PHONE: (305) 361-3333.

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 25 SOUTH, RANGE 26 WEST, COUNTY OF DADE, FLORIDA.

APPROXIMATE AREA: 0.15 ACRES.

APPROXIMATE PERCENTAGE OF TOTAL SECTION: 1.5%.

WALL LEGEND

1" = 1" WALL

2" = 2" WALL

3" = 3" WALL

4" = 4" WALL

5" = 5" WALL

6" = 6" WALL

7" = 7" WALL

8" = 8" WALL

9" = 9" WALL

10" = 10" WALL

RECEIVED
210-028
NOV 15 2010

PLANNING AND ZONING DEPT.
172

NOV 15 2010

ELEVATION PLAN

11944 S.W. 99th TERRACE, MIAMI, FLORIDA. 33186

PUBLIC HEARING FOR: DEBORAH G. RIERA AND RODOLFO RIERA.

800 BAY ST 1100R
MIAMI, FLORIDA 33133
PH: 305-564-9594

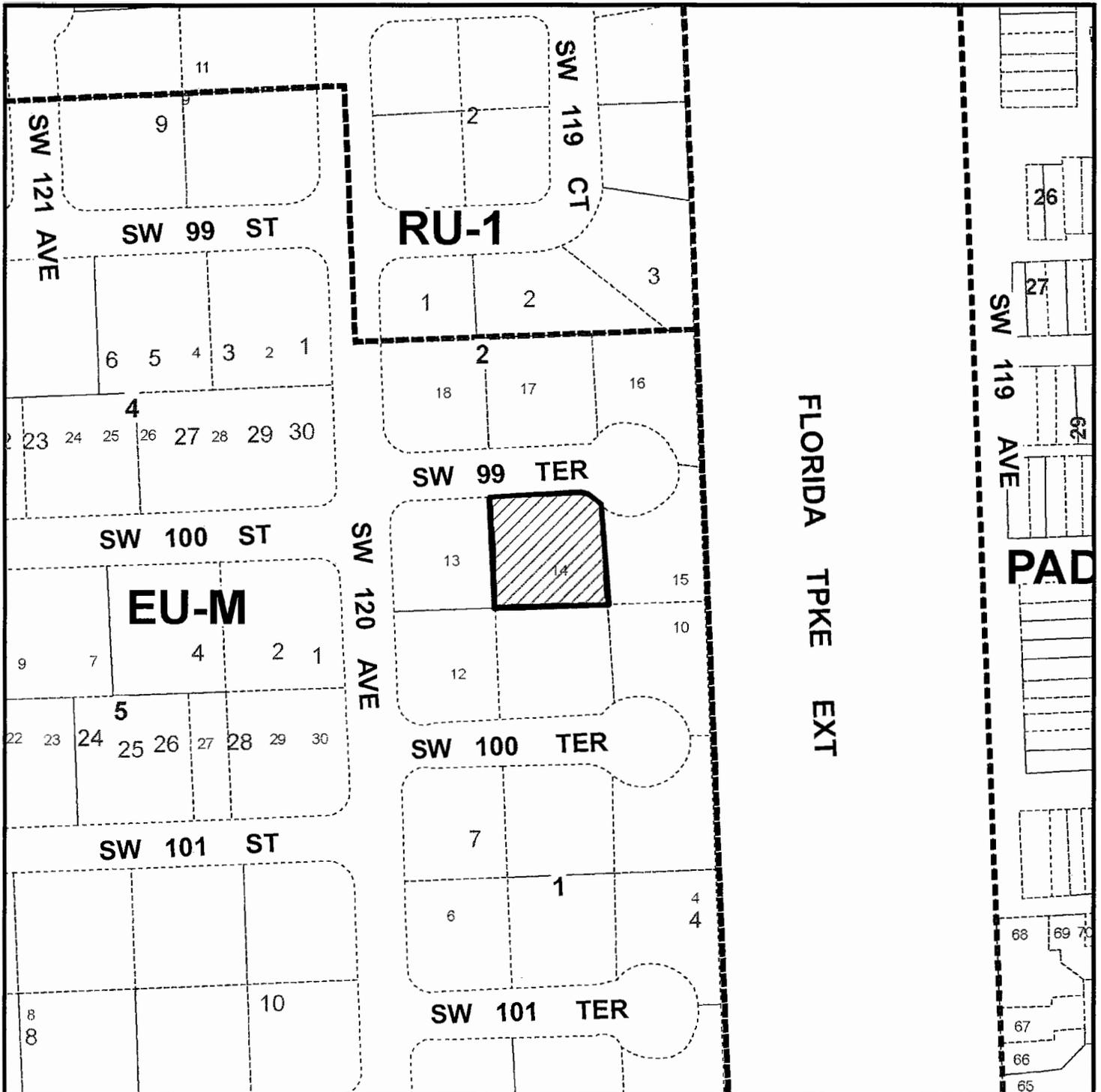
FROM: DEBORAH G. RIERA & RODOLFO RIERA

DATE: 11/15/10

SHEET NO. A-2

2 OF 4

15



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000028

Section: 01 Township: 55 Range: 39
 Applicant: RODOLFO RIERA
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, March 22, 2010

REVISION	DATE	BY
		16



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2010000028

Section: 01 Township: 55 Range: 39
 Applicant: RODOLFO RIERA
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

 Subject Property



SKETCH CREATED ON: Monday, March 22, 2010

REVISION	DATE	BY

2. PUBLIX SUPER MARKETS, INC.
(Applicant)

11-2-CZ11-2 (10-132)
Area 11/District 09
Hearing Date: 02/10/11

Property Owner (if different from applicant) **Eureka Partners, LLC.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
2007	South Florida Growers Association, Inc.	- Zone change from AU to BU-1A.	C-11	Approved

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: Publix Super Markets, Inc.

PH: Z10-132 (11-2-CZ11-2)

SECTION: 33-55-39

DATE: February 10, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION

- o **SUMMARY OF REQUEST:** This application would allow the applicant to open the existing liquor package store on Sundays.

- o **REQUEST:**

Applicant is requesting to permit an existing liquor package store with sales of alcoholic beverages on Sundays (Sunday sales not permitted except during the month of December).

- o **LOCATION:** 18200 SW 147 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 9.84 acres

B. ZONING HEARINGS HISTORY:

In November 2007, pursuant to Resolution #CZAB11-47-07, the Community Zoning Appeals Board 11 granted the approval of a zone change from AU, Agricultural district to BU-1A, Limited Business district and accepted a proffered covenant restricting the development of the property to a site plan submitted with said application.

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

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

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

Policy LU-4A. *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, **parking**, height, bulk, scale of architectural elements, landscaping, **hours of operation**, buffering, and safety, as applicable.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; shopping center

Business & Office

Surrounding Properties

NORTH: AU; agricultural

Low Density Residential, 2.5 to 6 du

SOUTH: AU; agricultural

Agriculture

EAST: RU-1MA; single family residences

Low Density Residential, 2.5 to 6 du

WEST: AU; agricultural

Low Density Residential, 2.5 to 6 du

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. *Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

H. PLANNING AND ZONING ANALYSIS:

The subject property is currently zoned BU-1A, Limited Business District, and is located at 18200 SW 147 Avenue. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. The existing BU-1A zone allows uses such as package stores, pubs and liquor package stores as well as uses allowed in the BU-1A zone, such as restaurants. Staff opines that the existing liquor package store is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP.

When analyzing this application, under the Non-Use Variance Standard, Section 33-311(A)(4)(b), staff is of the opinion that this request should be approved with a condition. Staff opines that the location of the store within a 9.84 acre shopping center, located at the intersection of two well travelled section line roads, SW 147 Avenue and SW 184 Street, is unobtrusive to the closest residential properties which are well spaced from the existing liquor package store. Additionally, staff opines that allowing the sale of alcoholic beverages on Sundays, subject to a condition that the sales be limited to the hours of operation of the shopping center on Sundays, is compatible with the BU-1A uses within the shopping center, would not be detrimental to the community and will allow the establishment to provide its patrons the convenience of shopping at the site on Sundays. Subject to this condition, staff recommends approval of this application under the NUV Standards.

As previously mentioned, staff is of the opinion that the operation of the existing liquor package store during the hours of operation of the shopping center on Sundays is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP. Based on the aforementioned, staff therefore recommends approval subject to a condition of the applicant's request for the sale of alcoholic beverages on Sundays.

I. RECOMMENDATION:

Approval with a condition.

J. CONDITION:

That the Sunday hours of operation for the liquor package store be limited from 9:00 am to 10:00 pm.

DATE INSPECTED:

DATE TYPED: 12/13/10
DATE REVISED: 12/15/10; 1/3/11
DATE FINALIZED: 1/3/11
MCL:GR:NN:NC:AA



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

Memorandum



Date: September 1, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-11 #Z2010000132
Publix Super Markets, Inc.
18200 S.W. 147th Avenue
To Permit Liquor Sales on Sunday
(BU-1A) (9.84 Acres)
33-55-39

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

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable 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: PUBLIX SUPER MARKETS, INC.

This Department has no objections to this application.

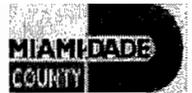
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

24-SEP-10

Memorandum



Date: 04-JAN-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000132

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand:

Development for the above Z2010000132
located at 18200 SW 147 AVE, MIA.MI-DADE COUNTY, FLORIDA.
in Police Grid 2170 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: 8:32 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' Sqrt (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.

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

PUBLIX SUPER MARKETS, INC.

18200 SW 147 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000132

HEARING NUMBER

HISTORY:

Neighborhood Compliance;
No current Enforcement History

Building;
No current Enforcement History

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

REPORTER NAME:

Brenda Campo

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: Publix Super Markets, Inc. (lessee)

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
* Please see attached.	

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
* Not applicable.	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
* Not applicable.	

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

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

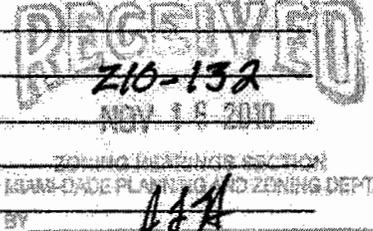
NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
* Not applicable.	
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

* Not applicable.



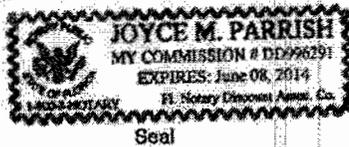
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____ (Applicant) JOHN A. ATTAWAY, JR.

Sworn to and subscribed before me this 8th day of Nov 2010. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)



My commission expires: 06/08/14

*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.

Publix.

BENEFICIAL OWNERSHIP OF SECURITIES

The following table sets forth certain information about the shares of the Company's common stock beneficially owned as of the close of business on February 5, 2010 by each of the Company's nominees for director, each executive officer named in the Summary Compensation Table and all directors and executive officers as a group. Additionally, the table includes the persons (including any group deemed a "person" under Rule 13d-3 of the Securities Exchange Act of 1934) known by the Company to be a beneficial owner of more than 5% of the Company's outstanding common stock.

Name of beneficial owner	Number of shares of common stock beneficially owned as of February 5, 2010 (1)	% of class
Carol Jenkins Barnett	45,275,331 (2) (4)	5.81
Hoyt R. Barnett	8,153,060 (2) (3) (4)	1.05
William E. Crenshaw	9,231,643 (4) (5) (6) (7)	1.18
Jane B. Finley	4,615	*
Sherrill W. Hudson	15,000 (5)	*
Charles H. Jenkins, Jr.	8,299,901 (5)	1.07
Howard M. Jenkins	23,471,501 (4) (5) (6) (7) (8)	3.01
E. Vane McClurg	5,184,040 (4) (5) (8)	*
Maria A. Sastre	6,761 (5)	*
John A. Attaway, Jr.	41,424 (5) (6)	*
Laurie Z. Douglas	71,953 (5) (6)	*
Randall T. Jones, Sr.	53,158 (5) (6)	*
David P. Phillips	267,891 (4) (5) (6)	*
Employee Stock Ownership Plan (ESOP)	245,845,899 (3)	31.55
401(k) Plan	55,690,646 (9)	7.15
All directors and executive officers as a group (34)	100,148,697 (4) (5) (6) (7)	12.85

* Shares represent less than 1% of common stock.

- (1) "Beneficially owned" means the sole or shared voting or investment power with respect to the Company's common stock. Unless otherwise indicated, the individual has sole voting and investment power with respect to the shares shown as beneficially owned. In accordance with the beneficial ownership regulations, the same shares of common stock may be included as beneficially owned by more than one individual or entity. The address for all beneficial owners is 3300 Publix Corporate Parkway, Lakeland, Florida 33811 with a mailing address of Post Office Box 407, Lakeland, Florida 33802-0407.
- (2) Total shares beneficially owned by Ms. Barnett include 4,665,794 shares of common stock also shown as beneficially owned by her husband, Mr. Barnett, but exclude 3,487,266 shares beneficially owned by Mr. Barnett as to which Ms. Barnett disclaims beneficial ownership. Total shares beneficially owned by Mr. Barnett exclude 40,609,537 shares beneficially owned by Ms. Barnett, as to which Mr. Barnett disclaims beneficial ownership.
- (3) Total shares beneficially owned by Mr. Barnett exclude 245,594,990 shares of common stock also shown as beneficially owned by the Company's ESOP. Mr. Barnett is Trustee of the ESOP. He exercises sole voting power over 3,792,371 shares owned by the ESOP. For ESOP shares allocated to participants' accounts, Mr. Barnett will vote the shares as instructed by participants; however, he will vote the shares at his discretion if no instruction is received from participants.
- (4) These shares include the following number of shares of common stock held indirectly for which the individual has sole voting and investment power: Ms. Barnett, 7,555 shares; Mr. Barnett, 2,933,904 shares; Mr. Crenshaw, 7,124,650 shares; Mr. H. Jenkins, 3,050 shares; Mr. McClurg, 1,027,016 shares; Mr. Phillips, 30,890 shares; and the directors and executive officers as a group, 13,068,354 shares.
- (5) These shares include the following number of shares of common stock held directly or indirectly for which the individual has shared voting and investment power: Mr. Crenshaw, 97,412 shares; Mr. Hudson, 12,500 shares; Mr. C. Jenkins, Jr., 2,626,935 shares; Mr. H. Jenkins, 19,970,080 shares; Mr. McClurg, 502,260 shares; Ms. Sastre, 2,561 shares; Mr. Attaway, 23,465 shares; Ms. Douglas, 59,189 shares; Mr. Jones, 2,250 shares; Mr. Phillips, 48,075 shares; and the directors and executive officers as a group, 28,584,909 shares.

Merriann Metz
Senior Attorney
Direct Dial (305) 680-6314

Publix.

August 18, 2010

RECEIVED
210-132
AUG 18 2010
ZONING PLANNING SECTION
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
BY *JdH*

Miami-Dade County Zoning Department

Re: Application for Zoning Hearing/Disclosure of Interest

Dear Sir or Madam:

This letter serves to notify you that Publix Super Markets, Inc., a Florida corporation, is a publicly reporting company with more than 5,000 shareholders. Miami-Dade County may verify our status and obtain our relevant filings by visiting the U.S. Securities and Exchange Commission's website at www.sec.gov.

If you have any questions or wish to discuss any aspect of this matter, please contact the undersigned.

Very truly yours,

Merriann Metz
Merriann Metz, Esquire

MMM

Publix Super Markets, Inc. Post Office Box 407 • Lakeland • FL • 35802-0407
Telephone: (863) 688-7407 • Fax: (863) 413-5768 • www.publix.com

WHERE SHOPPING IS A PLEASURE.®

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: Eureka Partners, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Real Sub, LLC 3300 Publix Corporate Parkway, Lakeland, FL 33802, a wholly owned subsidiary of Publix Supermarkets, Inc.</u>	<u>50.1</u>
<u>Vigilant Investors, LLC 200 Pasadena Place, Orlando, FL 32803</u>	<u>49.9</u>
<u>Stephen E. Brandon-non member-manager</u>	
<u>Randy J. Hollman-non member-manager</u>	

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

TRUST/ESTATE NAME _____

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

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 ZONING HEARINGS SECTION
 BY *JJA*

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
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Date of contract: _____

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

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ZONING HEARINGS SECTION
HONOLULU PLANNING AND ZONING DEPT.

JJA

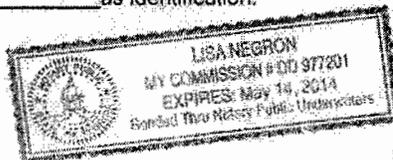
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Lynett Kereby*
(Applicant)

Sworn to and subscribed before me this 15 day of November, 2010. Affiant is personally known to me or has produced _____ as identification.

Lisa Negron
(Notary Public)



My commission expires: _____

Seal

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

VIGILANT INVESTORS, LLC

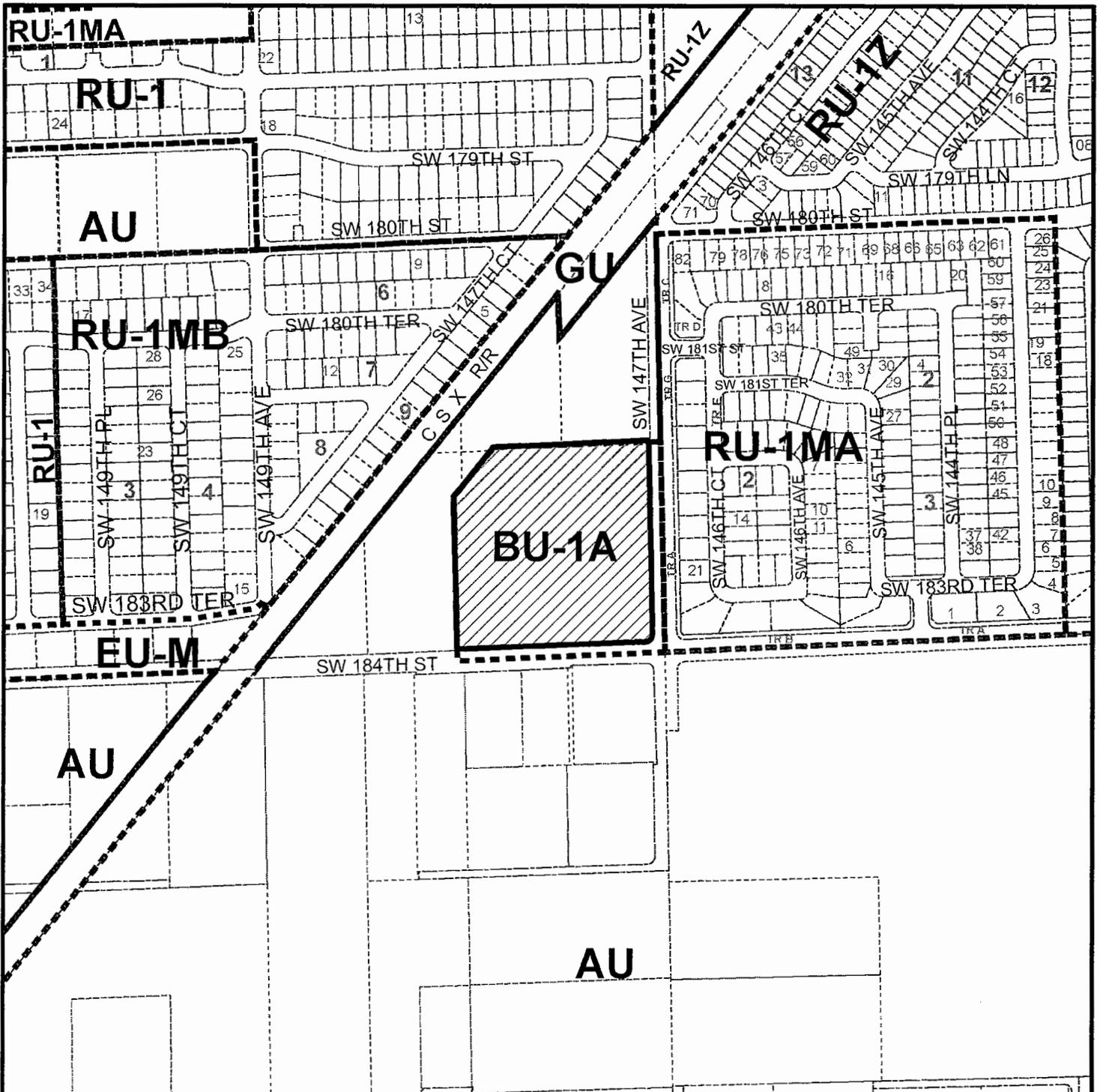
EXHIBIT "A"
Initial Capital Contributions

<u>Member and Address</u>	<u>Description of Property Contributed</u>	<u>Amount of Capital Contribution</u>	<u>Percentage Interest Contributed</u>
*Brandon Land and Development Company 200 Pasadena Place Orlando, Florida 32803	Cash	\$1,200.00	40%
*Irrevocable Trust of Katharine F. Brandon 200 Pasadena Place Orlando, Florida 32803	Cash	\$150.00	5%
*Irrevocable Trust of William C. Brandon 200 Pasadena Place Orlando, Florida 32803	Cash	\$150.00	5%
*Hollihan Enterprises, Inc. 200 Pasadena Place Orlando, Florida 32803	Cash	\$900.00	30%
Ryan J. Hollihan 200 Pasadena Place Orlando, Florida 32803	Cash	\$300.00	10%
*Robert J. Hollihan Irrevocable Trust dated December 24, 1996 200 Pasadena Place Orlando, Florida 32803	Cash	\$300.00	10%

ORL 296659255v3 -065349.020500

- * Stephen Brandon is the sole shareholder and officer of Brandon Land Development Company.
- * The beneficiary of the Katharine F. Brandon Trust is Katharine F. Brandon. The Trustee is Stephen E. Brandon
- * The beneficiary of the William C. Brandon Trust is William C. Brandon. The Trustee is Stephen E. Brandon
- * Randy Hollihan is the sole shareholder of Hollihan Enterprises
- * The beneficiary of the Robert J. Hollihan Trust is Robert J. Hollihan. The Trustee is Randy J. Hollihan.

RECEIVED
210-132
NOV 23 2010
ZONING DEPARTMENT SECTION
COMMUNITY PLANNING AND ZONING DEPT.
BY: *J.F.H.*



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000132



Section: 33 Township: 55 Range: 39
 Applicant: PUBLIX SUPER MARKETS, INC.
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

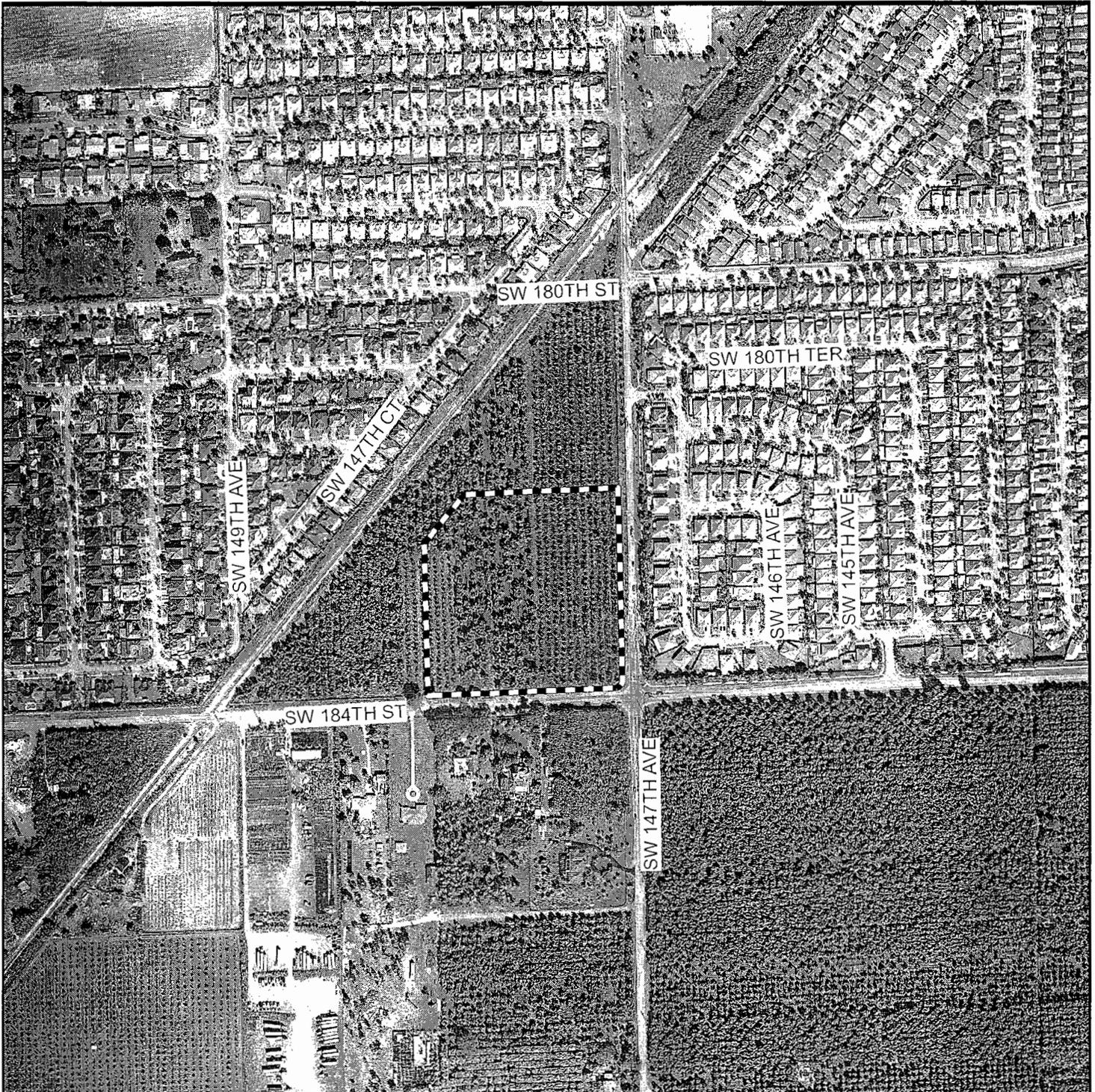
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, August 24, 2010

REVISION	DATE	BY
		16



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000132



Section: 33 Township: 55 Range: 39
 Applicant: PUBLIX SUPER MARKETS, INC.
 Zoning Board: C11
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Legend

 Subject Property



SKETCH CREATED ON: Tuesday, August 24, 2010

REVISION	DATE	BY