

KITS

3-8-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION

8625 SW 124 Avenue, Miami

Thursday, April 14, 2011 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|---|---------------|----------|---|
| 1. | 11-4-CZ11-1 | <u>KROME AGRONOMICS, LLC</u> | <u>10-51</u> | 24-55-38 | N |
| 2. | 11-4-CZ11-2 | <u>LILIANA QUATROMINI & ELIAS ALVAREZ</u> | <u>10-196</u> | 29-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, APRIL 14, 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. KROME AGRONOMICS, LLC (11-4-CZ11-1/10-051)

**24-55-38
Area 11/District 09**

- (1) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (2) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (3) UNUSUAL USE to permit an entrance feature.
- (4) Applicant is requesting to permit one mausoleum building setback 25' from the front (north) property line and to permit one mausoleum building setback 25' from the side street (east) property line (50' required for each).
- (5) Applicant is requesting to permit three (3) mausoleum buildings setback 20' (25' required) from the rear (south) property line.
- (6) Applicant is requesting to permit burial sites within 25' (50' minimum required) of the right-of-way of S.W. 136 Street and S. W. 177 Avenue.
- (7) Applicant is requesting to permit burial sites within 20' (25' minimum required) from the rear (south) property line.
- (8) Applicant is requesting to permit a proposed maintenance building setback 25' (50' minimum required) from the front (north) property line.
- (9) Applicant is requesting to permit two detached signs with an area of 36 sq. ft. each (one 32 sq. ft. and one 24 sq. ft. sign maximum permitted).
- (10) Applicant is requesting to permit two 36 sq. ft. detached signs setback 7' (15' required) from the (north) front property line.
- (11) Applicant is requesting to permit two additional detached signs, one sign with an area of 81 sq. ft. and the second sign with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line.
- (12) Applicant is requesting to permit the proposed 81 sq. feet detached sign setback 1' (15' minimum required) from the side street (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.

LOCATION: The southwest corner of S.W. 136 Street & S.W. 177 Avenue,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 48.6 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of Requests #1 through 3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. LILIANA QUATROMINI & ELIAS ALVAREZ (11-4-CZ11-2/10-196)

29-54-39

Area 11/District 11

- (1) Applicants are requesting to permit a gazebo setback a minimum of 0.4' (5' required) from the rear (southwest) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Gazebo For: Elias Alvarez & Liliana Quatromini," as prepared by Caymart Design, Inc., dated stamped received 12/22/10, consisting of two sheets. Plans may be modified at public hearing.

LOCATION: 6034 S.W. 160 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7,500 sq. ft.

Department of Planning and Zoning Recommendation:

Approval with a conditions.

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.

2. LILIANA QUATROMINI & ELIAS ALVAREZ
(Applicant)

11-4-CZ11-2 (10-196)
Area 11/District 11
Hearing Date: 04/14/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1998	Hiro Wadhmal	- Zone change from AU to RU-1MB. - Special Exception for a Single Family Residence Development. - Unusual Use to permit a lake excavation.	C-11	Approved w/conds

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

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

APPLICANTS: Liliana Quatromini & Elias Alvarez

PH: Z10-196 (11-04-CZ11-2)

SECTION: 29-54-39

DATE: April 14, 2011

COMMISSION DISTRICT: 11

ITEM NO.: 2

A. INTRODUCTION

o **SUMMARY OF REQUEST:**

The applicants are seeking to legalize the encroachment of an existing gazebo into the rear (southwest) setback area.

o **REQUEST:**

Applicants are requesting to permit an existing gazebo setback a minimum of 0.4' (5' required) from the rear (southwest) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Gazebo For: Elias Alvarez & Liliana Quatromini," as prepared by Caymart Design, Inc., dated stamped received 12/22/10, consisting of two sheets. Plans may be modified at public hearing.

o **LOCATION:** 6034 SW 160 Avenue, Miami-Dade County, Florida.

o **SIZE:** 7,500 sq. ft.

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 as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1M(b); Single-Family residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTHEAST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTHWEST: RU-1M(b); lake	Low Density Residential, 2.5 to 6 dua
SOUTHEAST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 dua
NORTHWEST: RU-1M(b); single-family residence	Low Density Residential, 2.5 to 6 dua

E. 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.

F. 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

G. PLANNING AND ZONING ANALYSIS:

The subject property is located at 6034 SW Street in an area zoned RU-1M(b), Single-Family Modified Residential District. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per gross acre. Since the request will not add additional dwelling units to the subject property, the subject site remains **consistent** with the density threshold of the LUP map of the CDMP.

When the request to permit the existing gazebo encroaching into the rear (southwest) setback area is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the request would be **compatible** with the surrounding area, would not have a negative effect on the appearance of the community, and would not be detrimental to the neighborhood. Staff notes that in June 2009, pursuant to Resolution #CZAB11-11-09, a property located to the northwest of the subject property at 16040 SW 60 Street, was approved for a variance to allow a staircase setback 1' from the rear (south) property line, which also abuts the lake. As such, staff opines that approval of this application to allow the gazebo setback 0.4' from the rear (southwest) property line would not set a precedence in this area for the approval of setback encroachments along the property lines

abutting the lake. Further staff opines that any negative visual impact from the existing encroachment is mitigated by the expanse of the lake to the rear of the subject property, with the nearest residence being approximately 208' to the southwest of the rear property line. Additionally, staff notes that the pictures submitted by the applicant depict the existing gazebo with architecturally pleasing fenestrations which match the existing residence. As such, staff notes that the approval of the request would be **compatible** with the area, and provide an architecturally pleasing enhancement to the aesthetics of the properties abutting the lake in this area. However, staff would recommend as a condition for approval that the gazebo remain open sided and not be enclosed except with approved insect screen materials. **Therefore, staff recommends approval with conditions under the NUV Standards.**

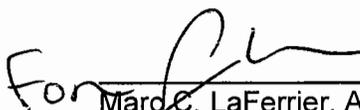
Based on all of the aforementioned, staff opines that the existing gazebo is compatible with the area and therefore recommend approval with conditions of the application under the Non-Use Variance NUV Standards, Section 33-311(A)(4)(b).

H. RECOMMENDATION: Approval with conditions.

I. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing to the Department of Planning and Zoning entitled "New Gazebo For: Elias Alvarez & Liliana Quatromini," as prepared by Caymart Design, Inc., dated stamped received 12/22/10, consisting of two sheets. 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.
4. That the existing gazebo remains open sided and not be enclosed in any manner except for approved insect screen materials.
5. That the applicants shall obtain a building permit for the gazebo from the Building Department within 90 days after the appeal period deadline date.

DATE TYPED: 02/15/11
DATE REVISED: 02/16/11
DATE FINALIZED: 03/15/11
MCL:MTF:NN:NC:CH



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

Memorandum

Date: January 25, 2011

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

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



Subject: C-11 #Z2010000196
Liliana Quatromini and Elias Alvarez
6034 S.W. 160th Avenue
To Permit a Gazebo Setback Less than Required from Property Lines
(RU-1(M)(b)) (0.17 Acres)
29-54-39

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

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.

Stormwater Management

Based on the information received, the proposed gazebo will not affect the existing stormwater management system in the property. This site has been previously approved under Surface Water Management Standard General Permit No. 13-00342-DA and under the conditions of the Cut and Fill permit No. 242.

Wetlands

The subject property is located within the Bird Drive Wetland Basin, in an area that normally contains wetlands. However, this property has already been included as part of a larger project, under DERM Class IV Wetland Permit FW96-111. All Class IV Wetland Permit requirements for this property have been completed under the previously issued permit. Therefore, DERM has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site.

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

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

Enforcement History

DERM has found no open or closed enforcement 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.

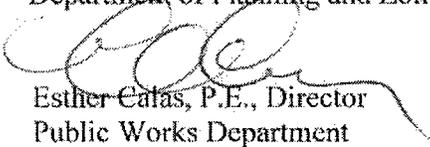
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

From: 
Esther Cafas, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez



Memorandum

Date: 14-JAN-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000196

Fire Prevention Unit:

MDFR has no objection to the application.

Service Impact/Demand

Development for the above Z2010000196
 located at 6034 SW 160 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1658 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 5:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station No. 56 - 16250 SW 72 Street

Planned Service Expansions:

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

Fire Planning Additional Comments

None

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

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

Liliana Quatromini & Elias Alvarez

6034 SW 160 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000196

HEARING NUMBER

HISTORY:

NC: (3) Lot Maintenance Cases found; 200512005325, a warning letter was issued on 11/25/05; 200712011819, a warning letter was issued on 9/27/07; 200812006030, CVN# B054966 was issued on 8/6/08. All cases have been closed.

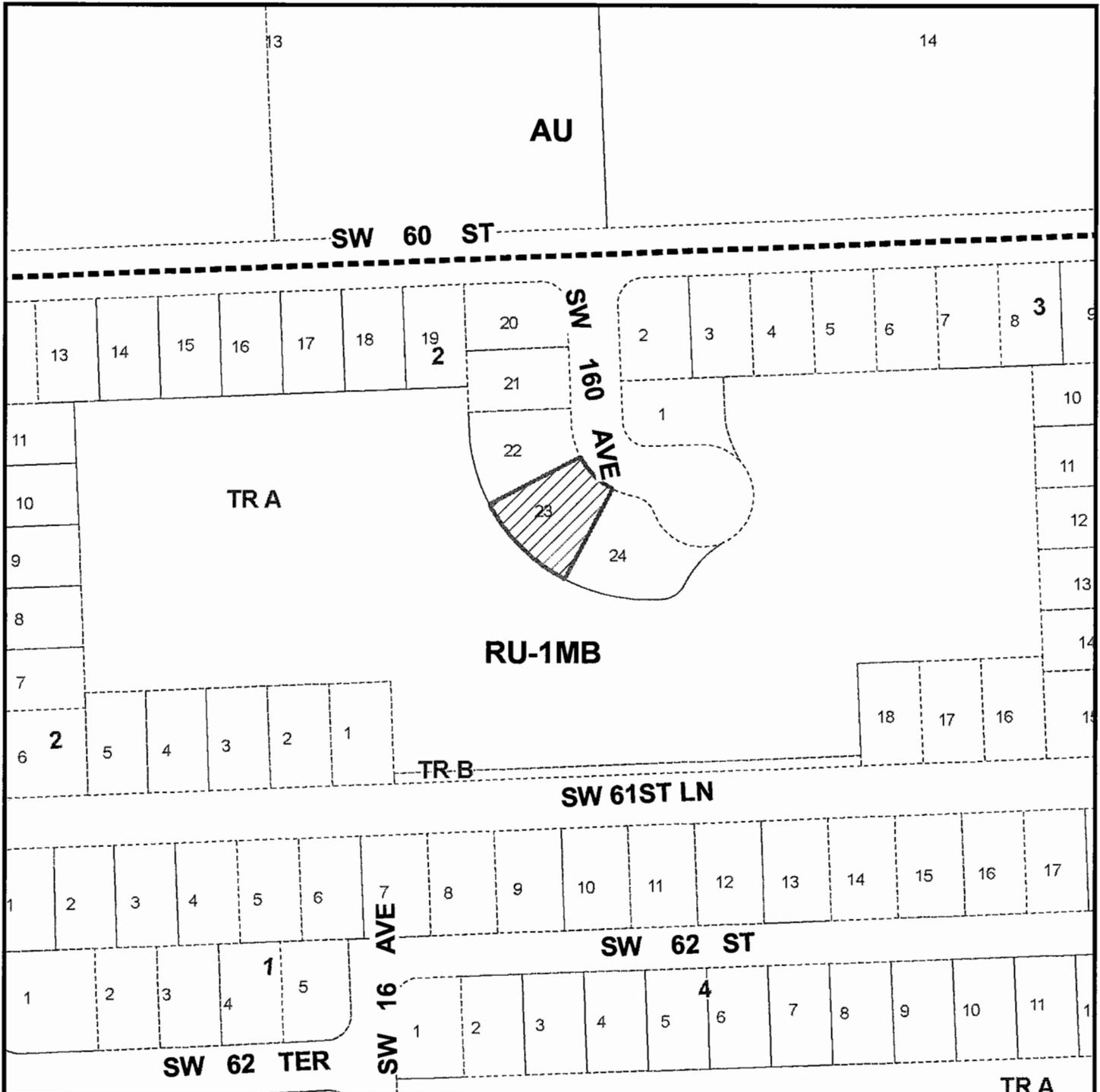
BLDG: (1) Work Without A Permit case was found; 20100139587, Year 2010. The case is pending closure.

Liliana Quatromini & Elias Alvarez

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

REPORTER NAME:

unknown



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000196



Section: 29 Township: 54 Range: 39
 Applicant: Liliana Quatromini & Elias Alvarez
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Wednesday, December 29, 2010

REVISION	DATE	BY
	13	



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2010000196



Section: 29 Township: 54 Range: 39
Applicant: Liliana Quatromini & Elias Alvarez
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, December 29, 2010

REVISION	DATE	BY

1. KROME AGRONOMICS, LLC
(Applicant)

11-4-CZ11-1 (10-051)
Area 11/District 09
Hearing Date: 04/14/11

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

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

If so, who are the interested parties? Stormy Sky, LLC

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

APPLICANT: Krome Agronomics, LLC

PH: Z10-51 (11-4-CZ11-1)

SECTION: 24-55-38

DATE: April 14, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is requesting a special exception to permit a proposed cemetery and associated mausoleums, an Unusual Use to permit a lake excavation and Lake Fill as well as a proposed entrance feature. Additional requests are being sought to permit 4 signs and the proposed mausoleum buildings setback closer to the property lines than permitted by the Zoning Code; to permit burials setback closer to the south property line and the zoned right-of-way than permitted by the Zoning Code and to permit a proposed maintenance building setback closer to the north property line than permitted by the Zoning Code.

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (2) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (3) UNUSUAL USE to permit an entrance feature.
- (4) Applicant is requesting to permit one mausoleum building setback 25' from the front (north) property line and to permit one mausoleum building setback 25' from the side street (east) property line (50' required for each).
- (5) Applicant is requesting to permit three (3) mausoleum buildings setback 20' (25' required).
- (6) Applicant is requesting to permit burial sites within 25' (50' minimum required) of the zoned right-of-way of S.W. 136 Street and S.W. 177 Avenue.
- (7) Applicant is requesting to permit burial sites within 20' (25' minimum required) from the rear (south) property line.
- (8) Applicant is requesting to permit a proposed maintenance building setback 25' (50' minimum required) from the front (north) property line.
- (9) Applicant is requesting to permit two detached signs with an area of 36 sq. ft. each (one 32 sq. ft. and one 24 sq. ft. sign maximum permitted).

- (10) Applicant is requesting to permit two 36 sq. ft. detached signs setback 7' (15' minimum required) from the (north) front property line S.W. 136 Street.
- (11) Applicant is requesting to permit two additional detached signs, one with an area of 81 sq. ft. and one with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line.
- (12) Applicant is requesting to permit the proposed 81 sq. ft. detached sign setback 1' (15' minimum required) from the side street (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.

o **LOCATION:**

The southwest corner of S.W. 136 Street & S.W. 177 Avenue, Miami-Dade County, Florida.

o **SIZE:** 48.6 Acres

B. ZONING HEARINGS HISTORY: None.

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

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.4 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.*
2. *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.

3. **Water.** This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.**
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.
5. **Policy LU-10.** Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.
6. **Policy LU-1R.** Miami-Dade County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.
7. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

8. **LU-3F. Super-Majority Vote:** 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 and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
GU (with an agricultural trend); row crops	Agriculture
<u>Surrounding Properties:</u>	
NORTH: GU (with an agricultural trend); row crops	Agriculture
SOUTH: GU (with an agricultural trend); row crops and Single-family residence	Agriculture
EAST: GU (with an agricultural trend); row crops	Agriculture
WEST: GU (with an agricultural trend); row crops and Single-family residence	Agriculture

F. PERTINENT ZONING 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 PROVIDER COMMENTS:

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

*Subject to conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Agriculture** use. The CDMP indicates *that uses compatible with agriculture and with the rural residential character may be approved in the Agricultural designated areas 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.*

Furthermore, **Policy LU-10** of the CDMP states that the *County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.* In addition staff notes that **Policy LU-1R** of the CDMP states that the *County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.* Staff notes that if approved, this application would eliminate approximately 48.6 acres of viable agricultural land.

The applicant has identified 194,512 burial and cremation uncommitted spaces available in Miami-Dade County and states in their need study that the supply of cemetery spaces will be depleted by 2021 and the supply of cremation spaces will be depleted by 2017. As such, staff opines that although there currently is a significant capacity of cemetery and cremation spaces available, according to state licensing regulations for cemeteries, it typically takes approximately

5-7 years to establish and develop a cemetery use from the time of zoning approval, which shows that there would be a public necessity for this particular use in the near future.

In addition, the CDMP states that other uses compatible with agriculture may be approved if the use is deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Staff agrees that while the creation of burial sites is in the public interest, there are 7 vacant parcels of 30 acres or more in the unincorporated area and inside the UDB which are zoned GU and AU where this use is permitted after approval at a public hearing. Staff acknowledges however that due to the location and configuration of these parcels they may not be suitable for this particular use and may pose an incompatibility issue with the surrounding land uses.

Based on the aforementioned staff opines that the proposed cemetery use is a public necessity due to the finite number of years left of burial and cremation spaces and because there are not enough suitable alternative parcels of land inside the UDB where this use is allowed as a special exception. In addition, outside the UDB within the unincorporated area there are no suitable sites in land that is designated Open Land on the Land Use Plan map and there are no sites in land designated Environmental Protection, where such a use is prohibited. As such the proposed use is consistent with the agriculture designation on the property and would be compatible with the surrounding agricultural uses in the area.

Additionally, **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 then in office, where such Community Zoning Appeals Board (CZAB) issues a decision.* The subject property is located approximately 1.4 miles west of and outside the UDB in an area designated **Agriculture** and abuts a portion of Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. Staff is of the opinion that approval of requests #1 and #2, a Special Exception to permit a proposed cemetery with associated mausoleums and an Unusual Use to permit a lake excavation and lake filling, will require an affirmative vote by five (5) members of the CZAB 11 since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

The applicant is also seeking a special exception to permit a proposed cemetery and associated mausoleums, an unusual use to permit a lake excavation and subsequent lake fill on the subject property, and an unusual use to permit a proposed entrance feature (requests #1 through #3). The Master Plan specifies that *certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding*

area by any of the following: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.

Staff acknowledges that the interpretative text of the CDMP states that *Man-made water bodies are permitted in any land use category subject to applicable environmental regulations* and that the applicant has proffered a covenant restricting the development of the site to the submitted plans; requiring that the fill excavated from the temporary lake will only be used to raise the elevation of the Property for interment and site improvements; providing that no such fill will be sold or distributed to any other property; and providing that in the event the property is not developed in accordance with the approved site plan, the property owner will not remove any fill from the property. Staff notes that the requested lake excavation and fill requests as well as the requested entrance feature are an integral part of the applicant's request for the proposed cemetery which, as previously mentioned, is consistent with the CDMP. **Therefore, staff opines that, along with the proffered covenant, approval of the proposed cemetery use, lake excavation, lake fill, and ancillary entrance feature are consistent with the interpretative text of the CDMP and with Policies LU-10 and LU-1R of the CDMP.**

When requests #1 through #3 are analyzed under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that the proposed cemetery with associated mausoleums, lake excavation and fill, and proposed entrance feature would not have an unfavorable effect on the agricultural economy of Miami-Dade County. In addition, staff notes that the proposed facility is surrounded by predominately vacant parcels used for agriculture and therefore, in staff's opinion, the proposed cemetery will not have a negative aural or visual impact on the surrounding agriculture properties and is compatible with same. Further, staff notes that DERM and the Public Works Department do not object to this application.

In addition, based on the applicant's Letter of Intent, the proposed lake excavation and subsequent lake fill is necessary to raise the elevation of the site for the proposed cemetery use and provides a cost effective means of raising said elevation. *When considering the necessity for and reasonableness of such applied for exception and use in relation to the present and future development of the area concerned and the compatibility of the applied for exception and use with the area and its development,* staff opines that the requested cemetery, lake excavation and fill, along with the proposed entrance feature are compatible with same and would not have an unfavorable effect on the surrounding area in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of requests #1 through #3 under Section 33-311(A)(3).**

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 #4 through #8 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 notes that the proposed layout for the build out of the cemetery as illustrated on the submitted plans places all of the building mass (mausoleums, maintenance building and office building) along the periphery of the site and is therefore visually intrusive and represents an over intensive development of the site that is out of character with the rural aesthetic of the area. **Therefore, staff recommends denial without prejudice of**

requests #4 through #8 under Section 33-311(A)(4)(b).

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 #9 through #12 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 applicant's requests to permit four (4) proposed signs larger in size than permitted by the Zoning Code and to permit three (3) of the proposed signs setback closer to the property lines than permitted by the Zoning Code are excessive and will be visually intrusive. For example, approval of requests #11 and #12 will allow the applicant to erect two (2) detached signs one with an area of 81 sq. ft. and the other with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line and will allow the 81 sq. ft. sign setback 1' from the side street (east) property line. It should be noted that staff's research reveals that no similar approvals of sign variances have been sought in the surrounding area. **Therefore, staff recommends denial without prejudice of requests #9 through #12 under Section 33-311(A)(4)(b).**

Based on the aforementioned, staff opines that approval of the proposed cemetery use, lake excavation, lake fill, and ancillary entrance feature are consistent with the CDMP and would be compatible with the surrounding agriculture uses in the area. However, staff is of the opinion that requests #4 through #12 would be incompatible with the surrounding agriculture area and therefore would be inconsistent with the CDMP. As such, staff recommends approval with conditions, subject to the Boards acceptance of the proffered covenant, of requests #1 through #3 under Section 33-311(A)(3) and denial without prejudice of requests #4 through #12 under Section 33-311(A)(4)(b).

I. **RECOMMENDATION:** Approval with conditions of Requests # 1 through 3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not 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 "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.
3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That all fill excavated from the temporary lake on the southern portion of the property will only be used to raise the elevation of the property for interment and site improvements, and no portion of such fill will be sold or otherwise distributed to any other property.

DATE TYPED: 03/08/11
DATE REVISED: 03/09/11; 03/10/11
DATE FINALIZED: 03/14/11
MCL:GR:MW:NN:CH:NC



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

*NDN
Gmvr*

Memorandum



Date: November 15, 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 #Z2010000051-3rd Revision
Krome Agronomics, LLC
Southwest corner of S.W. 136th Street and S.W. 177th Avenue
Special Exception to Permit a Cemetery
(AU) (48.6 Acres)
24-55-38

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.

Potable Water and Wastewater Disposal

Public water and public sanitary sewer systems are not available in the general area; furthermore, since the site is located outside the Urban Development Boundary, neither public water nor public sanitary sewers can be extended to serve the site. Consequently, any proposed development would have to be served by an on-site drinking water supply well as a source of potable water and by a septic tank and drainfield system as a means for the disposal of domestic liquid waste.

In accordance with Section 24-43.2 of the Miami-Dade County Environmental Code, you are required to demonstrate that the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 62-55, Florida Administrative Code, as same may be amended from time to time, and that the groundwater at the site does not contain more than two hundred fifty (250) milligrams per liter (mg/l) of chlorides at a depth of thirty (30) feet from ground elevation.

Additionally, DERM has received a properly executed covenants running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4) (a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Section 24-43.1 (6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code

Section also provides that nonresidential land uses served by a septic tank and on-site potable water supply may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

The available information indicates that the proposed facility entails the operation of a maintenance facility as part of the proposed cemetery. Therefore the facility will be in violation of the above-mentioned Code Section.

Additionally, the proposed development shall not exceed the maximum sewage loading allowed by Section 24-43.1(4) (b) of the Code. The available information indicates that the subject property contains a gross area of approximately 2,085,208 square feet. The maximum sewage loading rate allowed by the Code is 750 gallons per day per acre (GPD/Ac). Based upon said gross area, the maximum wastewater flow that can be permitted is 35902 gallons per day; and the proposed wastewater flow would result in 827.5 gallons per day, which translates into 17.28 GPD/Ac, which would not exceed the above-mentioned Code Section.

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

Stormwater Management

The subject property is located outside of the Urban Development Boundary where the primary canal system has been found to have insufficient storage capacity to provide flood protection for land use other than agriculture.

A Surface Water Management individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands

An on site inspection performed by DERM staff on May 19, 2010 revealed that 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 also 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 AGRONOMICS, LLC

This Department has no objections to this application.

Driveway to SW 177 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

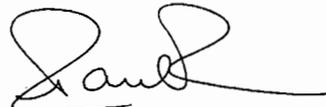
Additional improvements may be required at time of permitting/platting.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 20 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-682	SW 177 Ave. s/o SW 88 St.	C	C
9208	SW 177 Ave. s/o SW 184 St.	C	C
9880	SW 184 St. e/o SW 177 Ave.	B	B

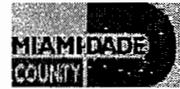
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

10-NOV-10

Memorandum



Date: 10-MAR-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzc, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000051

Fire Prevention Unit:

This memo supersedes MDFR memorandum date June 1, 2010.

OBJECTIONS:

- Instead of a lock box applicant must provide a Knox pad lock or Knox key switch for gates within Fire Department access roads.

Service Impact/Demand:

Development for the above Z2010000051
 located at THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2010 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
<u>residential</u>		<u>industrial</u>	
<u>N/A</u>	square feet	8,475	square feet
<u>Office</u>		<u>institutional</u>	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 12.5 alarms-annually.
 The estimated average travel time is: 6:40 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 43 - Richmond - 13390 152 Street
 Rescue, ALS 50' Squirt (TRT)

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.

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

DATE: 14-OCT-10

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

KROME AGRONOMICS, LLC

THE SOUTHWEST CORNER OF
S.W. 136 STREET & S.W. 177
AVENUE, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000051

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:

KROME AGRONOMICS, LLC THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177
AVENUE

DATE:

10/12/2010

CURRENT ENFORCEMENT HISTORY:

Folio 3058240000012

Open Cases:

Neighborhood Compliance and Building;

No open cases.

Closed Cases:

Neighborhood Compliance and Building;

No previous cases.

Sam Walthour, MSM, Assistant Director

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

REPORTER NAME:

RECEIVED

DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS #: Z10-051
DATE: OCT 12 2010
BY: DAE

IF A CORPORATION owns or leases the subject property, list principal stockholders and percent of stock [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].

COMPANY NAME: Krome Agronomics, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>TITLE</u>
<u>Hugo Perera</u>	<u>Mgr.</u>
<u>c/o Gilbert A. Contreras Esq.</u>	
<u>141 Almeria Avenue</u>	
<u>Coral Gables Fl. 33134</u>	

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
Z10-051
MAY 15 2018

ZONING HEARINGS SECTION
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT

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

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NAME OF PURCHASER: Stormy Sky, LLC, a Delaware limited liability company

MIAMI-DADE COUNTY

PROCESS #: Z10-051

DATE: OCT 12 2010

BY: DAH

ADDRESS AND OFFICE (if applicable)

Percentage of Interest

EDWARD A. FOWLER

SOLE MANAGER 100%

SCI CAPITAL CORPORATION

SOLE MEMBER 100%

C/O WEISS SECOTA HELFMAN PASTORIZA

ATTN: TONY RACIO

2525 PONCE DE LEON BLVD, SUITE 700

CORAL GABLES, FL 33134
Date of contract: MARCH 11, 2010

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

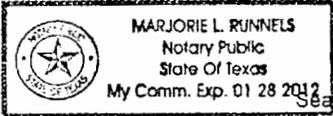
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
EDUARDO A. FOWLER (Applicant), SOLE MANAGER

Sworn to and subscribed before me this 3rd day of May, 2009. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 01-28-2012

RECEIVED
Z10-051
MAY 13 2009
CLERK OF COUNTY COMMISSION
MIAMI-DADE COUNTY
BY: [Signature]

*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

Exhibit B

MIAMI-DADE COUNTY
PROCESS #: Z10-051
DATE: OCT 12 2010
BY: DAH

CORPORATION INTERNATIONAL

Parent, Publicly
Held Company on
NYSE (Ticker
Symbol "SCI")

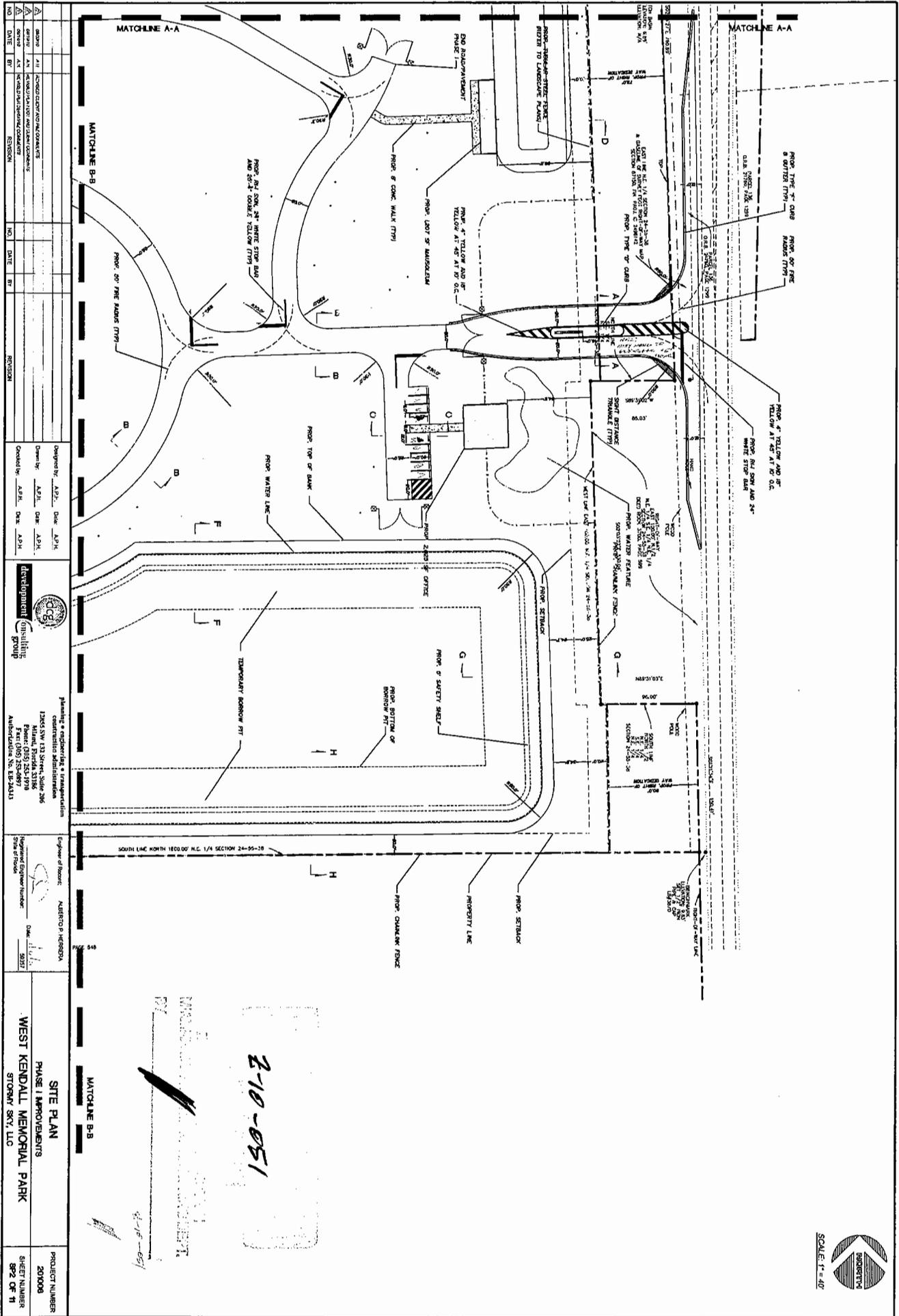
SCI SPECIAL, INC.

Wholly Owned
Subsidiary

SCI CAPITAL CORPORATION

Wholly Owned
Subsidiary

RECEIVED
Z10051
MAY 21 2010
LANDING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: JH



NO.	DATE	BY	REVISION
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SITE PLAN
 PHASE I IMPROVEMENTS
WEST KENDALL MEMORIAL PARK
 STORMY SVY, LLC

PROJECT NUMBER
 207008
 SHEET NUMBER
 892 OF 11

Planning & engineering & transportation
 construction administration
 12865 SW 123 Street, Suite 205
 Miami, Florida 33186
 Tel: (305) 253-0877
 Authorization No. EB-14343

Prepared by: A.P.H. Date: A.P.H.
 Checked by: A.P.H. Date: A.P.H.
 Drawn by: A.P.H. Date: A.P.H.

Prepared by: A.P.H. Date: A.P.H.
 Checked by: A.P.H. Date: A.P.H.
 Drawn by: A.P.H. Date: A.P.H.

PROJECT NUMBER
 207008
 SHEET NUMBER
 892 OF 11



SCALE: 1" = 40'

22



SCALE: 1" = 40'

MATCHLINE C-C

FROM MATCHLINE C-C
REFER TO LANDSCAPE PLAN

FROM TYPICAL STOP SIGN
REFER TO LANDSCAPE PLAN

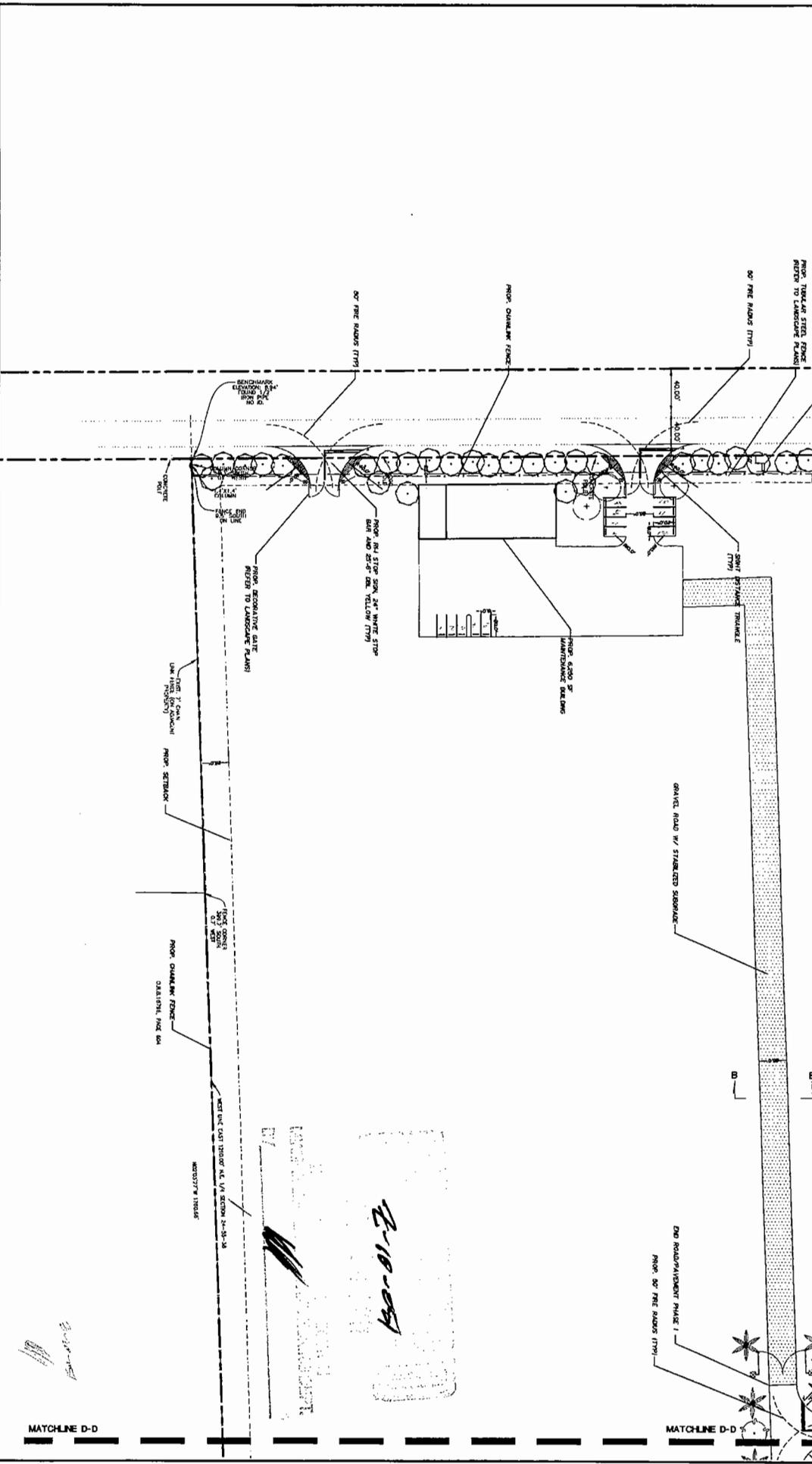
S.E. 1/4 SECTION 15-55-24

1210.44'

2,350.00'

SECTION 15-55-24

NO.	DATE	BY	REVISION
1	08/15/11	ALP	ISSUE FOR PERMITTING
2	09/01/11	ALP	REVISIONS TO PERMITTING
3	09/01/11	ALP	REVISIONS TO PERMITTING
4	09/01/11	ALP	REVISIONS TO PERMITTING
5	09/01/11	ALP	REVISIONS TO PERMITTING
6	09/01/11	ALP	REVISIONS TO PERMITTING
7	09/01/11	ALP	REVISIONS TO PERMITTING
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100	09/01/11	ALP	REVISIONS TO PERMITTING



SITE PLAN
 PHASE I IMPROVEMENTS
WEST KENDALL MEMORIAL PARK
 STORMY SKY, LLC

PROJECT NUMBER
 201006
 SHEET NUMBER
 SP3 OF 11



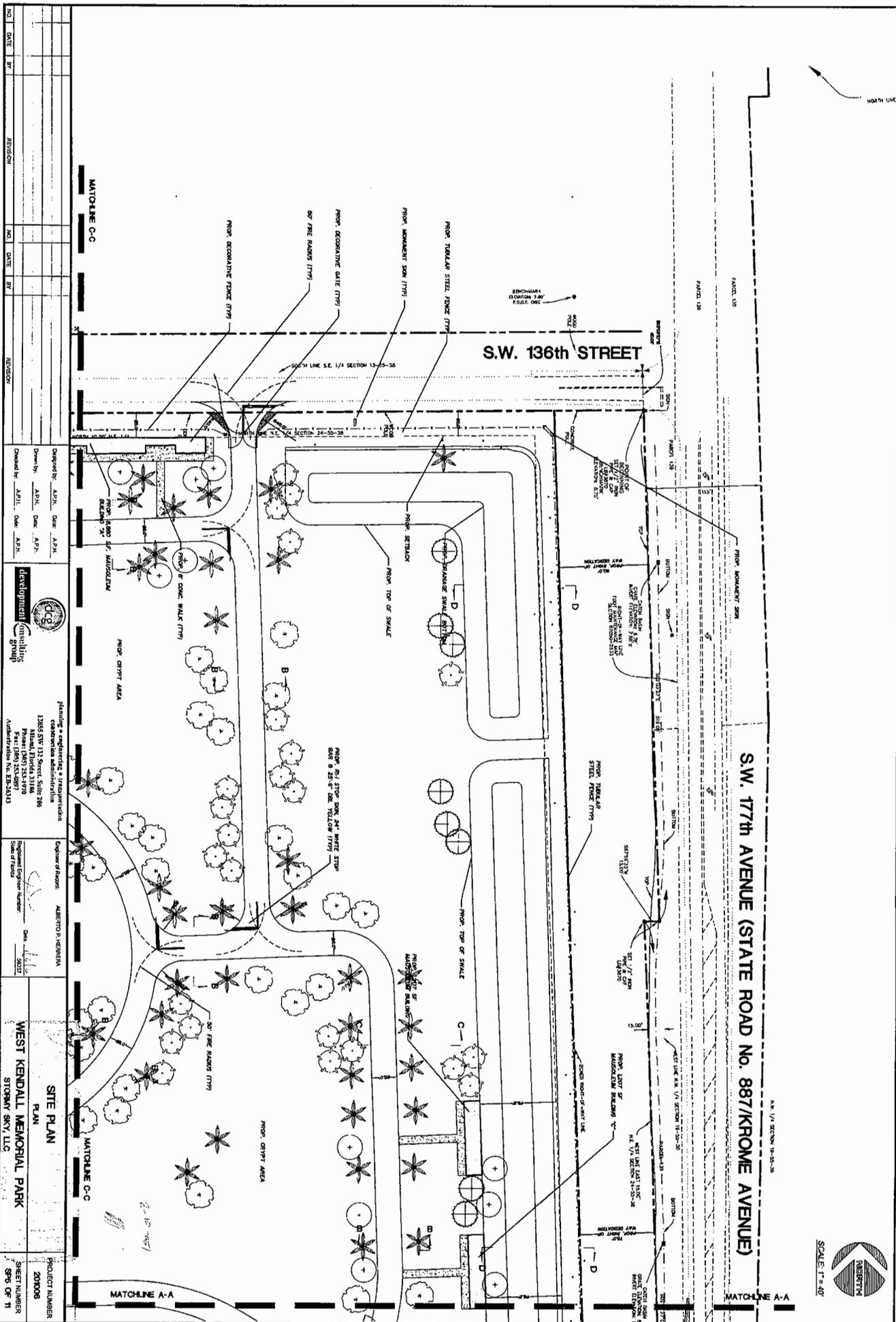
Planning & engineering & transportation
 consultation administration
 13855 SW 113 Street, Suite 205
 Miami, Florida 33186
 Phone: (305) 252-8877
 Fax: (305) 252-8877
 Authorization No. EB-26343

Engineer of Record: ASHLEY W. HANCOCK
 Registered Engineer Number: 11414
 Date: 11/11/11
 Seal: 6537

MATCHLINE D-D
 MATCHLINE C-C

23

NORTH



NO.	DATE	BY	REVISION

Designed By: A.P.H. Date: A.P.H.
 Drawn By: A.P.H. Date: A.P.H.
 Checked By: A.P.H. Date: A.P.H.

Development Consulting Group

Planning & engineering & transportation
 construction administration
 13855 SW 133 Street, Suite 306
 Miami, Florida 33186
 Phone: (305) 221-0970
 Fax: (305) 221-0970
 Authorization No. EB-24143

Engineer of Record: ALBERTO P. VESPERINA
 Registered Engineer Number: 25027
 Date: 2007

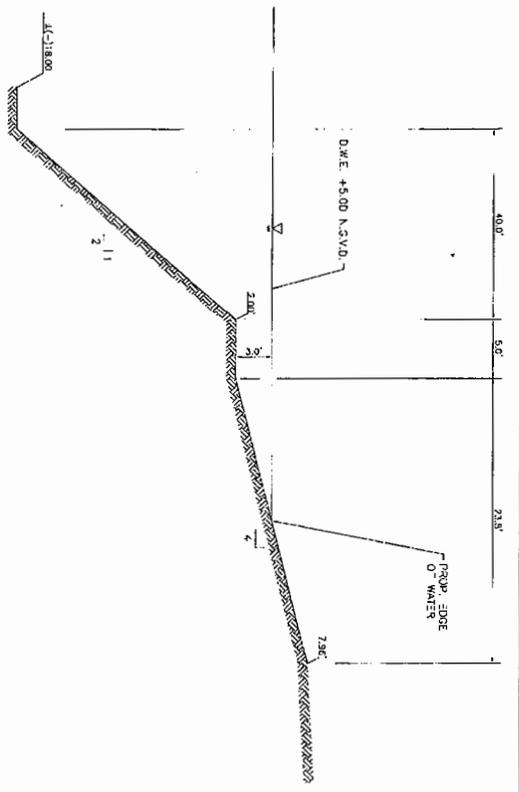
SITE PLAN
 PLAN
WEST KENDALL MEMORIAL PARK
 STORMAY SKY, LLC

PROJECT NUMBER: 201006
 SHEET NUMBER: SP5 OF 11

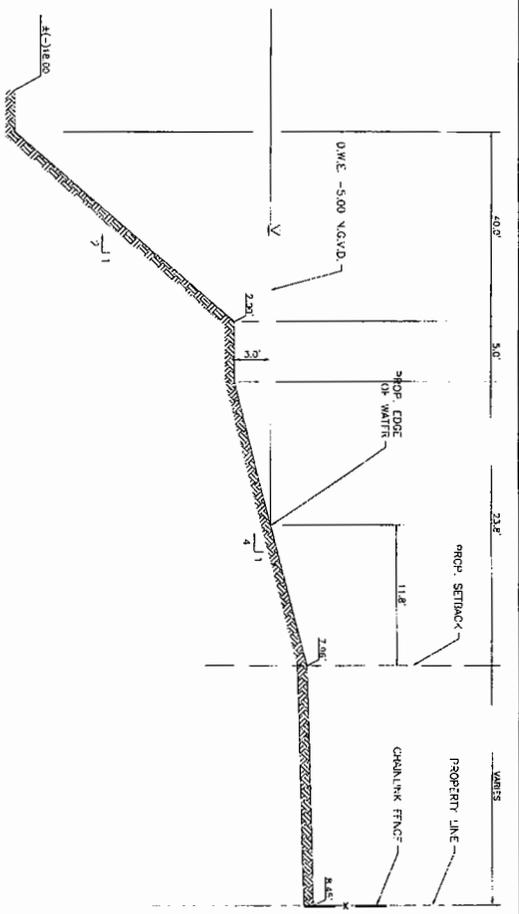
BY: *[Signature]*
 2-18-05



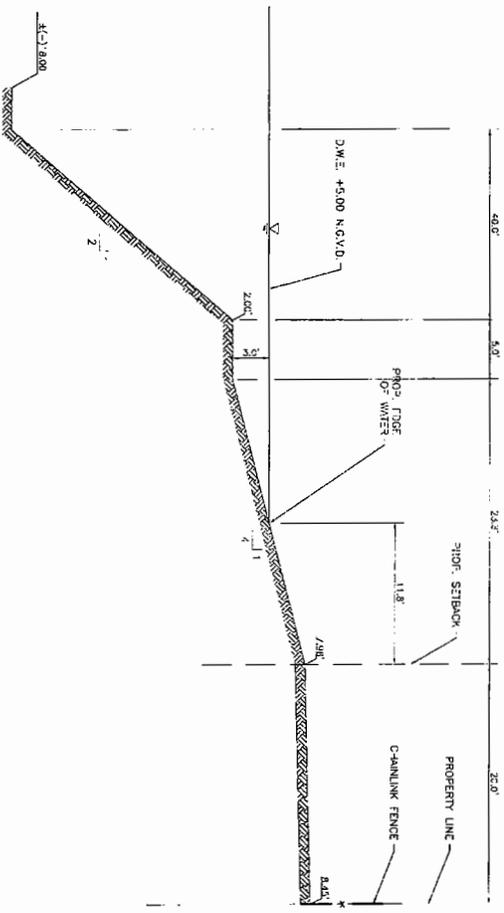
52



SECTION F-F
SCALE: N.T.S.



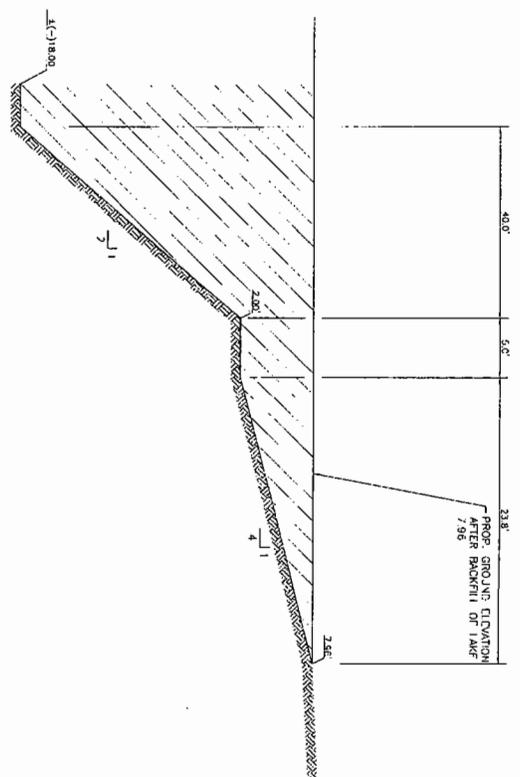
SECTION G-G
SCALE: N.T.S.



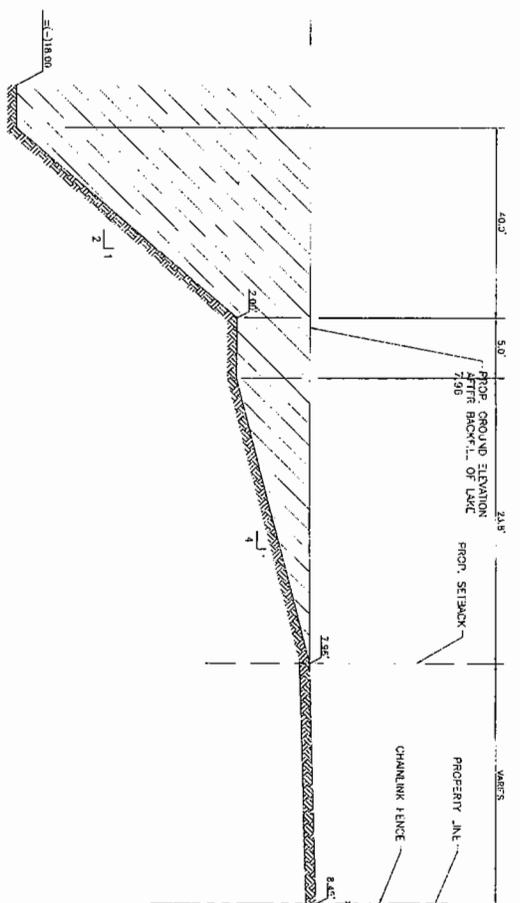
SECTION H-H
SCALE: N.T.S.

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION	Designed by	A.P.H.	Date	06/10		ENGINEER OF RECORD ALBERT P. HERRERA 12955 S.W. 43rd Street, Suite 206 Miami, Florida 33156 Phone: (305) 251-0977 Fax: (305) 251-0977 Auburndale, FL 33845	Registered Engineer Number: State of Florida:	Date: 06/20	PROJECT NUMBER 200006 SHEET NUMBER SP10 OF 11
NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION	Checked by	A.P.H.	Date	06/10					

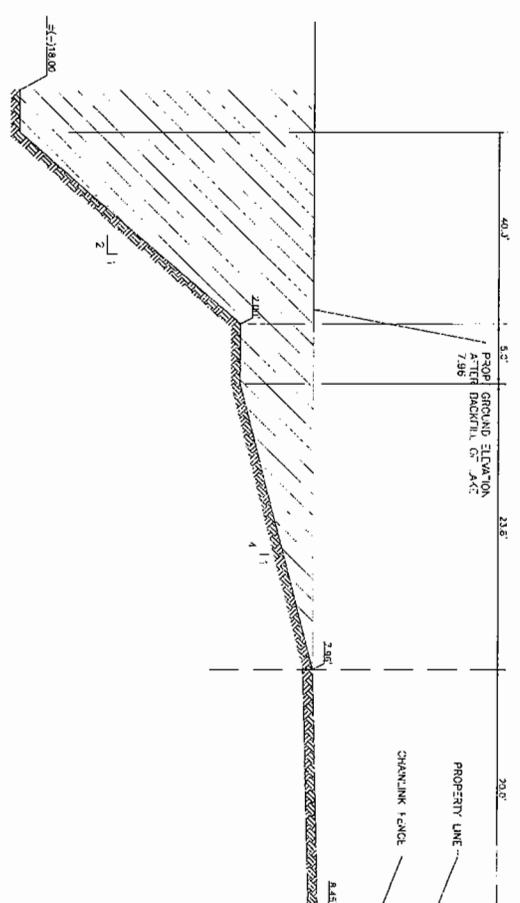
DRAWN BY: [Signature]
 2-10-05/1
 [Stamp: STORMWATER SKY, LLC]



SECTION F-F
SCALE 1/8" = 1'-0"



SECTION G-G
SCALE 1/8" = 1'-0"



SECTION H-H
SCALE 1/8" = 1'-0"

2-10-051

WEST KENDALL MEMORIAL PARK

STORMWATER

NO.	DATE	BY	REVISION	NO.	DATE	BY	REVISION
1	07/11/11	A.P.H.	ISSUED FOR PERMITS	1	07/11/11	A.P.H.	ISSUED FOR PERMITS
2	07/11/11	A.P.H.	REVISED FOR COMMENTS	2	07/11/11	A.P.H.	REVISED FOR COMMENTS
3	07/11/11	A.P.H.	REVISED FOR COMMENTS	3	07/11/11	A.P.H.	REVISED FOR COMMENTS
4	07/11/11	A.P.H.	REVISED FOR COMMENTS	4	07/11/11	A.P.H.	REVISED FOR COMMENTS
5	07/11/11	A.P.H.	REVISED FOR COMMENTS	5	07/11/11	A.P.H.	REVISED FOR COMMENTS
6	07/11/11	A.P.H.	REVISED FOR COMMENTS	6	07/11/11	A.P.H.	REVISED FOR COMMENTS
7	07/11/11	A.P.H.	REVISED FOR COMMENTS	7	07/11/11	A.P.H.	REVISED FOR COMMENTS
8	07/11/11	A.P.H.	REVISED FOR COMMENTS	8	07/11/11	A.P.H.	REVISED FOR COMMENTS
9	07/11/11	A.P.H.	REVISED FOR COMMENTS	9	07/11/11	A.P.H.	REVISED FOR COMMENTS
10	07/11/11	A.P.H.	REVISED FOR COMMENTS	10	07/11/11	A.P.H.	REVISED FOR COMMENTS

development

planning & engineering & transportation
reconstruction administration
12835 SW 132 Street, Suite 208
Miami, FL 33186
Phone: (305) 253-1179
Fax: (305) 253-0877
Administration No. 19-12835

Engineer of Record

ALBERTO P. HERNANDEZ

Professional Engineer License No. 12835

Date: 07/11/11

Scale of Figure: 1/8" = 1'-0"

FLL PLAN

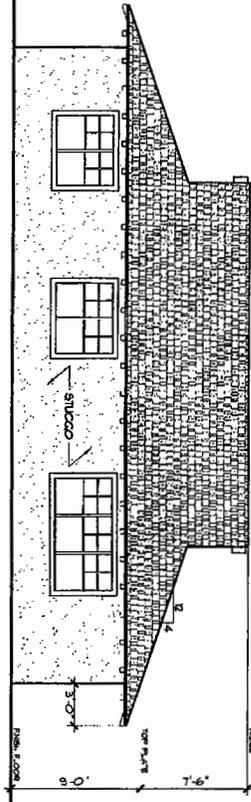
SECTIONS

WEST KENDALL MEMORIAL PARK

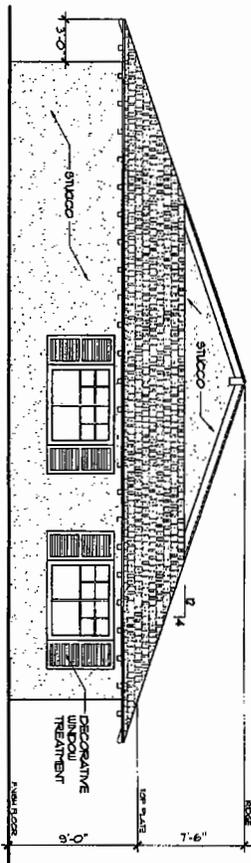
STORMWATER

PROJECT NUMBER: 201008

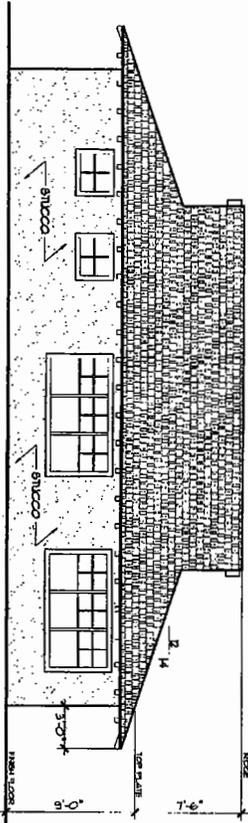
SHEET NUMBER: FPI OF 1



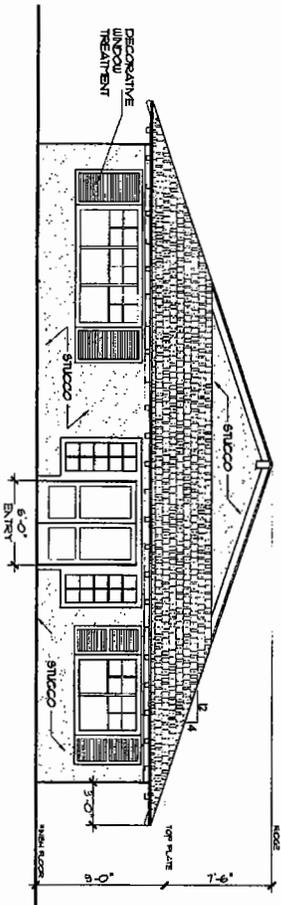
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

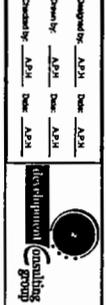


FRONT ELEVATION

2-10-05
 RECEIVED
 2-10-05
 2:17 PM

NO.	DATE	BY	REVISION

Designed by: APK Date: APK
 Drawn by: APK Date: APK
 Checked by: APK Date: APK



Planning & engineering & transportation
 construction administration
 13445 SW 113 Street, Suite 306
 Miami, Florida 33186
 Tel: (305) 252-0897
 Fax: (305) 252-0897
 Authorization No. 13-53443

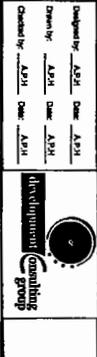
Engineer of Record: ALBERTO P. HERRERA
 Registered Engineer Number: 58337
 Date of Project:

SALES OFFICE ELEVATIONS
 CONCEPTUAL PLAN
 WEST KENDALL MEMORIAL PARK
 STORMWATER SVCS, LLC

PROJECT NUMBER: 207006
 SHEET NUMBER: LPA OF 9

NO.	DATE	BY	REVISION

Designed by: ASPI Date: ASPI
 Drawn by: ASPI Date: ASPI
 Checked by: ASPI Date: ASPI

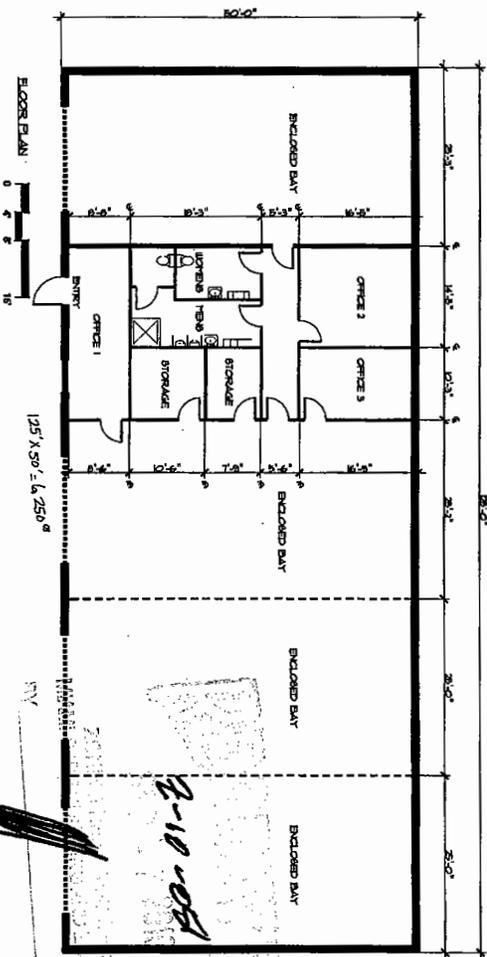


Planning & engineering & transportation
 construction administration
 13803 SW 13th Street, Suite 204
 Miami, FL 33185-1779
 Phone: (305) 252-8877
 Fax: (305) 252-8877
 Administration No. 25234243

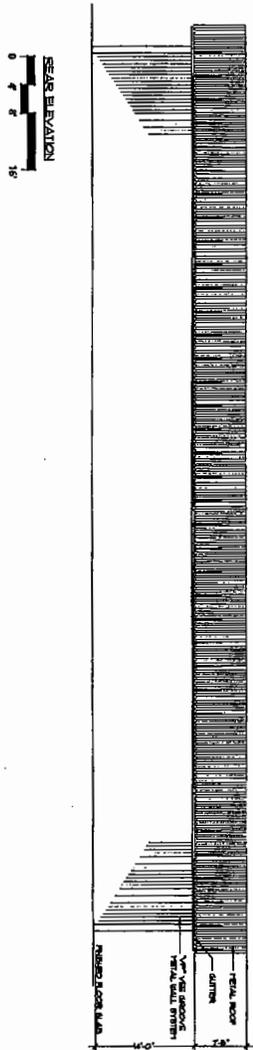
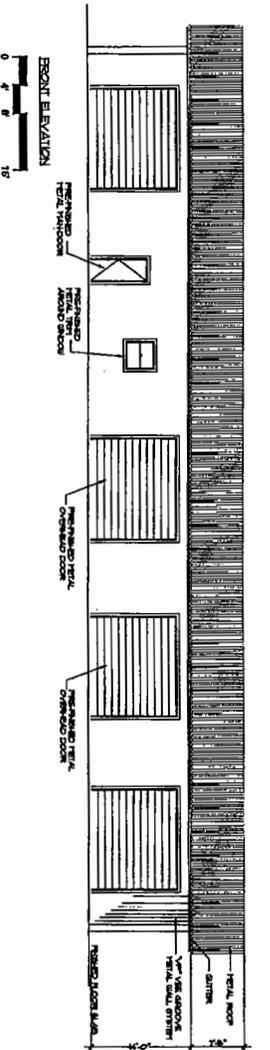
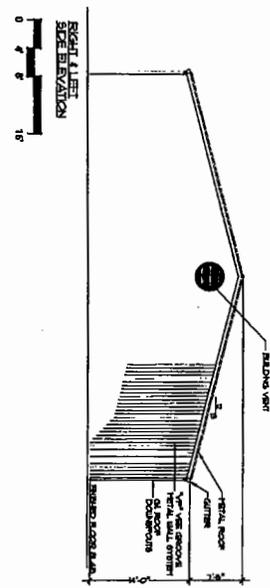
Supervisor of record: ALBERTO P. MARRERA
 Registered Engineer Number: 58352
 Date: 5/8/02

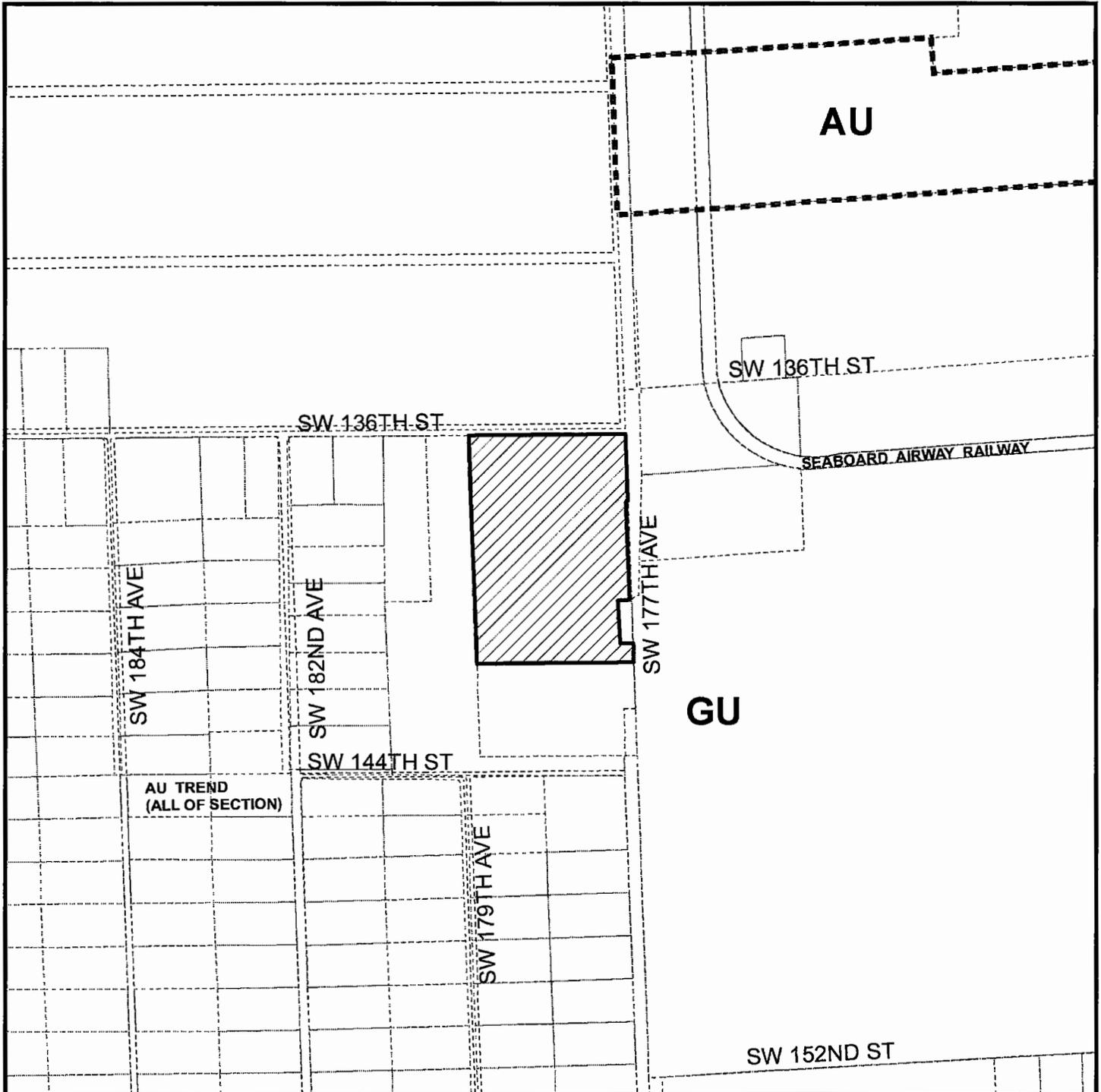
**MAINTENANCE FACILITY FLOOR
 PLAN & ELEVATION
 CONCEPTUAL PLAN**
 WEST KENDALL MEMORIAL PARK
 BROWARD COUNTY, FL

PROJECT NUMBER: 200008
 SHEET NUMBER: LFM OF 9



RECEIVED
 SEP 27 2002
 WEST KENDALL MEMORIAL PARK
 BROWARD COUNTY, FL





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000051



Section: 19 Township: 55 Range: 39
 Section: 24 Township: 55 Range: 38
 Applicant: KROME AGRONOMICS, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY
		43



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 19 Township: 55 Range: 39
 Section: 24 Township: 55 Range: 38
 Applicant: KROME AGRONOMICS, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: KEELING
 Scale: NTS

Process Number
Z2010000051



Legend

 Subject Property



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY