

KITS

9-12-2011 Version # 2



COMMUNITY ZONING APPEALS BOARD 11
ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
Tuesday, October 4, 2011 at 7:00 p.m.

PREVIOUSLY DEFERRED

A. 11-4-CZ11-1 KROME AGRONOMICS, LLC 10-51 24-55-38

CURRENT

1. 11-10-CZ11-1 GARDEN VILLAGE SHOPPING CENTER
LLC 10-94 04-55-39 N

2. 11-10-CZ11-2 ADRIAN BUILDERS AT TAMiami AIRPORT
III LTD 11-16 14-55-39 N

3. 11-10-CZ11-3 EAST COAST REALTY HOLDING, LLC 11-98 21-55-39 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, OCTOBER 4, 2011

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

- (2) MODIFICATION of Paragraph #3 of a Declaration of Restrictions recorded in Official Record Book 22263, Pages 283–298, only as it applies to the subject property and reading as follows:

FROM: “3. Restrictions on the Use Commercial Parcel. As depicted in the Application and the Plan, a portion of the Property (the “Commercial Parcel”), which is legally described in Exhibit “B” to this Declaration, will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:

1. The sale of used apparel, used jewelry or any other used merchandise.
2. Attended, non-motorized donation collection vehicles.
3. Donated good centers.
4. Pawn shops.
5. Religious facilities.
6. Amusement centers, as defined in Section 33-1 (5.1) of the Code of Miami-Dade County.
7. Auditoriums.
8. Automobile and light truck sales (new and used).
9. Automotive service stations.
10. Automobile self-service gas stations.
11. Automobile storage within a building.
12. Automobile tires, batteries and accessories sales.
13. Automobile washing.
14. Bait and tackle shops.
15. Billiard rooms and pool rooms.
16. Bowling alleys.
17. Convention halls.
18. Bath and massage parlors.
19. Lawn mowers sales and service.
20. Medical observation dormitory.
21. Mortuaries or funeral homes.
22. Motorcycle sales and repairs.
23. Natatoriums.
24. Open-air theaters.
25. Private clubs.
26. Self-service storage facilities.
27. Skating rinks.
28. Telegraph stations.
29. Telephone exchange.
30. Truck rental agency.”

TO: “3. Restrictions on the Use Commercial Parcel. As depicted in the Application and the Plan, a portion of the Property (the “Commercial Parcel”), which is legally described in Exhibit “B” to this Declaration, will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:

1. Attended, non-motorized donation collection vehicles.
2. Donated goods centers.
3. Pawn shops.
4. Religious facilities.
5. Amusement centers, as defined in Section 33-1 (5.1) of the Code of Miami-Dade County.

6. Auditoriums.
7. Automobile and light truck sales (new and used).
8. Automotive service stations.
9. Automobile self-service gas stations.
10. Automobile storage within a building.
11. Automobile tires, batteries and accessories sales.
12. Automobile washing.
13. Bait and tackle shops.
14. Billiard rooms and pool rooms.
15. Bowling alleys.
16. Convention halls.
17. Bath and massage parlors.
18. Lawn mowers sales and service.
19. Medical observation dormitory.
20. Mortuaries or funeral homes.
21. Motorcycle sales and repairs.
22. Natatoriums.
23. Open-air theaters.
24. Private clubs.
25. Self-service storage facilities.
26. Skating rinks.
27. Telegraph stations.
28. Telephone exchange.
29. Truck rental agency.”

- (3) MODIFICATION of Paragraph #1 of a Declaration of Restriction, recorded in Official Record Book 22263, Pages 283–298, only as it applies to the subject property, last modified by Modification of Declaration of Restrictions recorded at Official Record Book 22263, Pages 283–298, recorded in Official record Book 25213, Pages 3423–3427, reading as follows:

FROM: “1. Site Plan. The property shall be developed in accordance with the plans entitled “Caledonia Village Commercial Buildings”, as prepared by Rey Mar & Associates, Inc., Sheet LP-1.1 dated stamped received August 15, 2006, and the rest dated stamped received 7/18/06 for a total of twelve (12) sheets.”

TO: “1. Site Plan. The property shall be developed in accordance with the plans entitled “Garden Village Shopping Center, LLC”, as prepared by George E. Peon, Architect, A.I.A., Sheets A-1, A-4a, A-4b, and L-1 dated stamped received 4/4/11; with sheet A-1 last handwritten revision dated 5/4/11. Sheets A-2a and A-3a dated stamped received 1/14/11. Sheets A-2b and A-3b dated stamped received 12/13/10 and sheet CL-1 dated stamped received 12/6/10 for a total of nine (9) sheets.”

The purpose of requests #1 thru #3 is to allow the applicant to submit a revised plan showing an additional retail building, reducing the number of floors and deleting a restriction, restricting the sale of used jewelry and merchandise for the previously approved commercial development.

- (4) Applicant is requesting to permit a retail building setback 10'3" (25' required) from the side street (east) property line.

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

LOCATION: The Southwest Corner of S.W. 88 Street and S.W. 153 Place,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.7 Acres

Department of Planning and
Zoning Recommendation:

Approval with conditions, subject to the
Board's acceptance of the proffered
covenant.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. ADRIAN BUILDERS AT (11-10-CZ11-2/11-016)
TAMIAMI AIRPORT III LTD**

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

(1) VARIANCE OF AIRPORT REGULATIONS to permit an educational facility within the No School Zone and within the Outer Safety Zone of the Kendall-Tamiami Executive Airport (new educational facilities not permitted).

(2) DELETION of Paragraph 2(j) of a Declaration of Restrictions Recorded in Official Record Book 21727, Pages 2166–2172, reading as follows:

(2)(j) Day Nursery, Kindergarten, school and after school care.

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

The purpose of request #2 is to permit a day nursery, kindergarten, school and after school care that was not permitted by covenant.

LOCATION: 13595 S.W. 134 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.13 Acres

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

(1) Applicant is requesting to permit an existing single-family residence setback 5' (7.5' required) from the interior side (north) property line.

A survey is on file and may be examined in the Department of Planning and Zoning as prepared by Fernando V. Gomez, dated stamped received 8/15/11 and consisting of 2 sheets.

LOCATION: 14110 S.W. 152nd Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 74 x 105

Department of Planning and Zoning Recommendation:

After this application was advertised, staff determined that the requests were not needed. Therefore, the application has been withdrawn by the applicant.

Protests: 0

Waivers: 16

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.

Item #3

**APPLICANT: EAST COAST REALTY HOLDING, LLC
HEARING NO. 11-10-CZ10-3 (11-98)**

After this application was advertised, staff determined that the requests were not needed. Therefore, the application has been withdrawn by the applicant.

A. KROME AGRONOMICS, LLC
(Applicant)

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

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>
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
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP

A

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
11-4-CZ11-1 (10-51)	July 19, 2011	CZAB11 11

REC: 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.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: Sept 6, 2011 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: The application was deferred due to a lack of a quorum. Also the County Attorney had Stated on the record that regardless of the deferral, the application could not be heard because the applicant had modified the application (new plans) and staff needed time to review the changes.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS			
COUNCILMAN		Joseph E. DELANEY			
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ			X
CHAIRMAN		Jeffrey WANDER			

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: DENNIS KERBEL

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

A

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-051)	May 17, 2011	CZAB11	11

REC: 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.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: July 19, 2011 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred due to applicant's request to amend the application.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Patricia G. DAVIS	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILMAN		Miguel A. DIAZ			X
COUNCILWOMAN		Beatrice SUAREZ			X
VICE CHAIR		Ileana R. VAZQUEZ	X		
CHAIRMAN		Jeffrey WANDER	X		

VOTE: **4** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: **THOMAS ROBERTSON**

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

#1

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-51)	April 14, 2011	CZAB11	11

REC: Approval with conditions of Requests #1 through 3, subject to the Board's acceptance of the proffered covenant; Denial without prejudice of Requests #4 through 12.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: May 17, 2011 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: Deferral due to a tied vote.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	M	Patricia G. DAVIS	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILMAN		Miguel A. DIAZ		X	
COUNCILWOMAN		Beatrice SUAREZ		X	
VICE CHAIR		Ileana R. VAZQUEZ		X	
CHAIRMAN	S	Jeffrey WANDER	X		
VOTE:			3	3	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**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: October 4, 2011

COMMISSION DISTRICT: 9

ITEM NO.: A

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is requesting a zone change to AU along with a special exception to permit a proposed cemetery and associated mausoleums, an Unusual Use to permit a lake excavation and lake fill. Additional requests are being sought to permit 2 signs, larger than permitted by the Zoning Code.

o **REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from GU to AU.
- (2) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (3) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (4) 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. (two 32 sq. ft. sign permitted).

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-one (21) sheets, dated stamped received May 27, 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. **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.

6. **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.*

7. **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.*

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU (with an agricultural trend); row crops

Agriculture

Surrounding Properties:

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:

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

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.*

Section 33-311(A)(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:

This item was deferred from the September 6, 2011 meeting due to a lack of time. This application was deferred from the April 14, 2011 meeting due to a tie vote and from the May 17, 2011 with leave to amend in order to submit revised plans. Subsequently, this application was deferred from the July 19, 2011 meeting to allow for a re-advertisement of the amended application and plans.

On August 10, 2011, the applicant submitted revised plans which indicate a relocation of the monument structures on the site and which resulted in the removal of a majority of the variances that were previously requested. Subsequently, the applicant has revised the plans further based on discussions with staff. Due to the revisions, the setback along the south side has been increased to 40', where 25' is required, and the structure along the rear (south) property line has been dramatically reduced. Additionally, other parts of the mausoleum complex have been broken up and shifted to the center of the site, within the southwest quadrant of the property, more than 100 feet from the west property line. The aforementioned changes have been reviewed by staff and are within the scope of the advertisement.

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.

However, Policy 9B vii of the Land Use Element of the CDMP indicates that *Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage.* Staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances. Staff is of the opinion that the proposed signage is excessive and therefore should be denied.

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 seeking to rezone the subject property from GU, Interim District, to AU, Agricultural District (request #1). Staff notes that the GU zoned parcel is 1.4 miles west of and outside the UDB and as such is trended for agricultural uses and is designated for Agriculture use on the LUP map of the CDMP. As such, staff opines that the rezoning of the property from GU to AU would bring the property into conformity with and would be **consistent** with the LUP map designation and would be **compatible** with the majority of the surrounding properties that are also zoned AU. Staff is supportive of this requested zone change which based on memoranda from DERM, and the Public Works among others, would not unduly burden the natural resources in this area or the planned or constructed transportation facilities. **Therefore, staff recommends approval of request #1, under Section 33-311.**

The applicant is also seeking a special exception to permit a proposed cemetery and associated mausoleums and an unusual use to permit a lake excavation and subsequent lake fill on the subject (requests #2 and #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 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 and lake fill are consistent with the interpretative text of the CDMP.**

When requests #2 and #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 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 #2 and #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 request #4 would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the rural agricultural community, and would be detrimental to the neighborhood. Staff opines that approval of the applicant's request to permit two (2) proposed signs which are approximately 2.5 and 5.1 times larger in size than permitted by the Zoning Code is excessive and will be visually intrusive. It should also 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 request #4 under Section 33-311(A)(4)(b).**

Based on the aforementioned, staff opines that approval of the proposed cemetery use, lake excavation and lake fill are **consistent** with the CDMP and would be **compatible** with the surrounding agriculture uses in the area. However, staff is of the opinion that the approval of request #4 would be **incompatible** with the surrounding rural agricultural and rural residential community. **As such, staff recommends approval of request #1, and approval with conditions of requests #2 and #3 subject to the Boards acceptance of the proffered covenant, under Section 33-311(A)(3); and denial without prejudice of request #4 under Section 33-311(A)(4)(b).**

I. **RECOMMENDATION: Approval with conditions of request # 1 and approval of requests #2 and #3 with conditions, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Request #4.**

J. **CONDITIONS: (For requests #2 and #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 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, sheets SP1, SP4, SP5, SP10 and SP11, dated stamped received May 27, 2011, sheet LP9, dated stamped received August 22, 2011 and the remaining 15 sheets

dated stamped received August 10, 2011, for a total of twenty-one (21) sheets, except as herein modified to show the removal of the proposed signage and to show a modification of the landscape plans as indicated in Appendix A.

3. That burial vaults be used on the site at all times as indicated on the plans.
4. That the burial sites be located above the water table as shown on the plans.
5. That the use be established and maintained in accordance with the approved plan.
6. That the landscaping plans be modified in accordance with the conditions outlined in Appendix A to this recommendation.
7. 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.
8. 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.
9. 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.
10. That the applicant shall submit for review and approval by the Department of Environmental Resources Management (DERM), a ground water monitoring plan (GWMP), signed and sealed by a Florida licensed Professional Engineer or Professional Geologist within sixty (60) days of the expiration of the appeal period for this Zoning Hearing.
11. That at a minimum, the GWMP shall include a proposal to install a representative number of sentinel monitoring well(s) at the down-gradient property boundary of the proposed cemetery and that groundwater be monitored for the applicable chemicals of concern.
12. Within ninety (90) days of the receipt of the GWMP approval from DERM and prior to the start of interment activities at the proposed cemetery, the applicant shall install monitoring well(s) and submit a baseline monitoring report, and that subsequent reports shall be submitted in accordance with DERM's approval requirements.
13. That the applicant complies with all other applicable conditions and requirements of DERM.

DATE INSPECTED: 04/22/11
DATE TYPED: 03/08/11
DATE REVISED: 03/09/11, 03/10/11, 6/16/11, 06/23/11, 07/01/11
DATE FINALIZED: 09/07/11
MCL:GR:MW:NN:CH:NC


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

NDW
GMR

APPENDIX A

KROME AGRONOMICS, Z10-051

**Krome Agronomics
Landscape Plan Conditions**

Conditions:

The Tree Legend shall be modified as follows:

**Botanical Name/Common Name Min. Caliper at Planting Min. Height at
Planting
Lot Trees**

Coccoloba uvifera/ Seagrape	8"	14'
Tabebuia chryso-tricha/ Golden Trumpet	6"	12'
Quercus virginiana/Live Oak	6"	14'
Pinus Elliotti/ Slash Pine	6"	14'
Roystonea elata/Royal Palm	10"	18'-20'
Magnolia grandiflora/Southern Magnolia	8"	14'-16'
Lysiloma latisiliqua/Wild Tamarind	6"	14'
Prunus myrtifolia/ West Indian Cherry	6"	12'
Chrysophyllum oliviforme/Satin Leaf*	6"	14'

**Botanical Name/Common Name Min. Caliper at Planting Min. Height at
Planting
Street Trees/Perimeter (north-east)**

Quercus virginiana	8"	18'-20'
Chrysophyllum oliviforme/Satin Leaf*	8"	18'-20'

*Recommended Tree Not In Proposed List

Note: Myrica Cerifera and Myricanthes Fragrans/Simpson Stopper shall not be used as lot or street trees.

That the applicant install a staggered double row of trees along the west and south property lines consisting of Quercus virginiana/Live Oaks and Chrysophyllum Oliviforme/ Satin Leafs, all with a minimum 6" caliper and a minimum height of 14' at time of planting. Along the north and east property lines and in the SW 136 Street and SW 177 Avenue rights-of-way (in close proximity to property lines), the applicant shall install a single row of Live Oaks and Satin Leafs spaced 25' on center. Said trees shall have a minimum 8" caliper and minimum 18'-20' height at time of planting. The alignment of trees along the north and east property lines and inside rights-of-way shall be staggered. If the Public Works Department and FDOT do not permit the trees within the SW 177 Avenue and SW 136 Street rights-of-way, said trees shall be provided inside

APPENDIX A

KROME AGRONOMICS, Z10-051

property lines. Royal Palms indicated along SW 177 Avenue and the cemetery entrance shall remain as indicated by the landscape plan.

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



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 Lorenzo, 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:

N/A	dwelling units	N/A	square feet
<u>residential</u>		<u>industrial</u>	
N/A	square feet	8,475	square feet
<u>Office</u>		<u>institutional</u>	
N/A	square feet	N/A	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: 27-APR-11
REVISION 1

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 REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-051

ADDRESS: THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE

FOLIO: 3058240000012

DATE: 4/27/11

NAME: KROME AGRONOMICS, LLC

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:
No open cases.

CLOSED CASES:
Neighborhood Regulations:
No closed cases.

Building Code:
No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: N/A

04/22/11

Process #: Z2010000051
Applicant's Name: KROME AGRONOMICS, LLC

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

Size: 48.6 ACRES

Folio #: 3058240000012

Request:

THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO PERMIT A CEMETERY.

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NO STRUCTURES ON PROPERTY

USE(S) OF PROPERTY:

VACANT LAND - CORPS

FENCES/WALLS:

6FT CHAINLINK FENCE ON WEST PROPERTY LINE WHICH BELONGS TO THE NEIGHBOR.

LANDSCAPING:

NONE

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO ON FILE DATED 10/14/2010. NO OTHER VIOLATIONS FOUND.

OTHER:

Process # **Applicant's Name**
Z2010000051 KROME AGRONOMICS, LLC

ZONING INSPECTION REPORT

SURROUNDING PROPERTY

NORTH:

GU - CORPS

SOUTH:

GU - FARM WITH SINGLE FAMILY RESIDENCE

EAST:

GU- CORPS

WEST:

GU - FARMS WITH SINGLE FAMILY RESIDENCE

SURROUNDING AREA

AREA IS ZONED GU WITH MAINLY AGRICULTURAL USES.

NEIGHBORHOOD CHARACTERISTICS:

MAINLY FARMS AND CORPS.

COMMENTS:

THIS PROPERTY IS ZONE GU AND TRENDED AU.

Inspector **HASSUN, PEDRO**

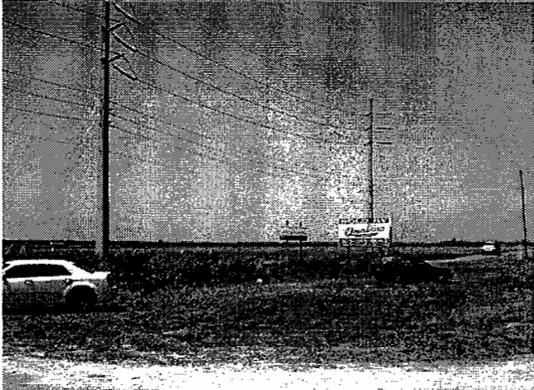
Evaluator **N/A**

Process Number: **Z2010000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: NORTHEAST CORNER OF SUBJECT PROPERTY ON SW 177 AVE & 136 ST.



Date: 31-MAR-11

Comments: PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.



Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z201000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011 PHOTO TAKE FROM THE SOUTHWEST CORNER OF SW 177 AVE & 136 ST.



Date: 31-MAR-11

Comments: PROPERTY TO THE WEST OF SUBJECT PROPERTY AKA 18000 SW 136 ST.



Date: 31-MAR-11

Comments: NORTHEAST VIEW OF PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z201000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: SUBJECT PROPERTY SOUTH VIEW OF WEST PROPERTY LINE.



Date: 31-MAR-11

Comments: EAST VIEW OF SW 136 ST TOWARDS SW 17 AVE.



Date: 31-MAR-11

Comments: PROPERTY TO THE SOUTH OF SUBJECT PROPERTY AKA 14300 SW 177 AVE.

RECEIVED

DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS # 210-051
DATE OCT 12 2010
BY: DAB

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 Eng.</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
210-051
MAY 15 2010

ZONING PLANNING 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

RECEIVED

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

MIAMI-DADE COUNTY

PROCESS #: Z10-051

DATE: OCT 12 2010 **CLASS AND OFFICE (if applicable)**

Percentage of Interest

BY: DAB

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.

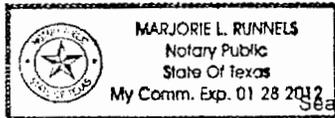
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
EDWARD 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

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210-051
MAY 13 2009
PLANNING DEPT. OF COUNTY OF MIAMI-DADE
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

SCIENCE CORPORATION INTERNATIONAL

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

SCI SPECIAL, INC.

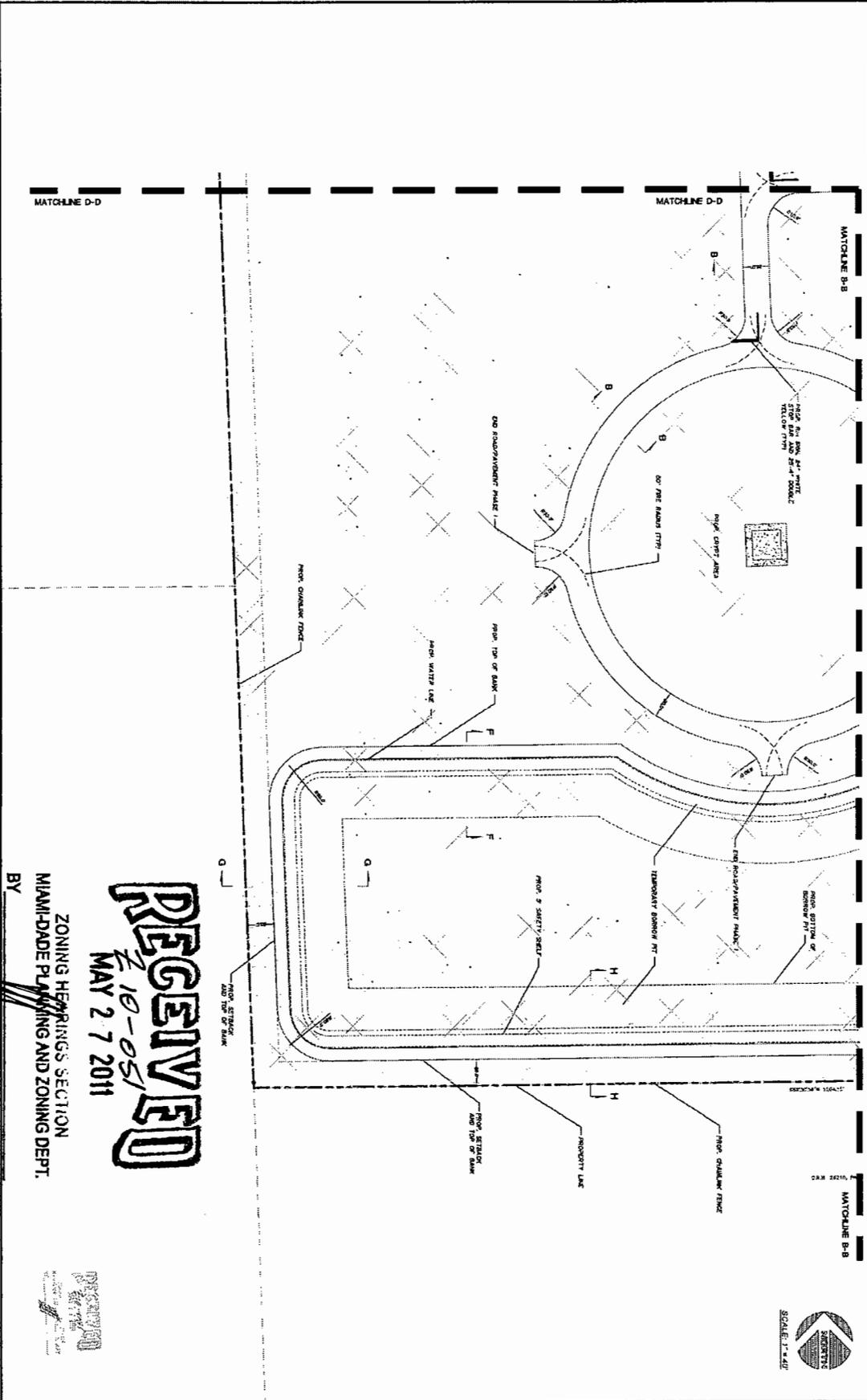
Wholly Owned
Subsidiary

SCI CAPITAL CORPORATION

Wholly Owned
Subsidiary

RECEIVED
Z10051
MAY 21 2010
HEARING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: *JAH*

NO.	DATE	BY	REVISION
1	05/10/11	AS	ISSUED FOR PERMITTING
2	05/10/11	AS	REVISED PER COMMENTS
3	05/10/11	AS	REVISED PER COMMENTS
4	05/10/11	AS	REVISED PER COMMENTS
5	05/10/11	AS	REVISED PER COMMENTS
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8	05/10/11	AS	REVISED PER COMMENTS
9	05/10/11	AS	REVISED PER COMMENTS
10	05/10/11	AS	REVISED PER COMMENTS



RECEIVED
 5-10-05/11
 MAY 27 2011

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

PROJECT NUMBER
 201008
 SHEET NUMBER
 504 OF 11

SITE PLAN
 PHASE I IMPROVEMENTS
 WEST KENDALL MEMORIAL PARK
 STORARY SVY, LLC

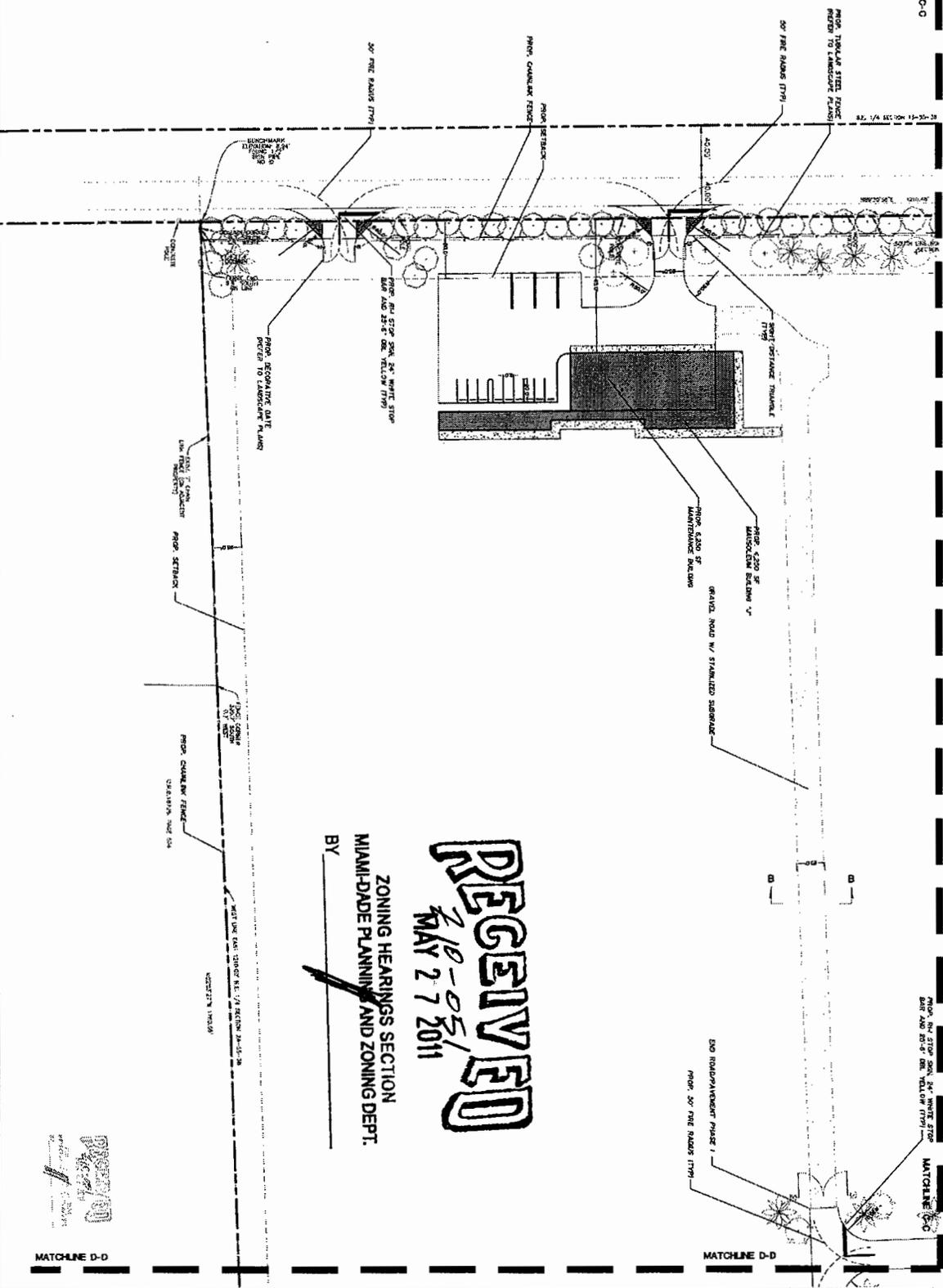
DEVELOPMENT CONSULTING GROUP
 13601 SW 12 STREET, SUITE 200
 MIAMI, FLORIDA 33186
 PHONE: (305) 224-1170
 FAX: (305) 224-1171
 ADMINISTRATION: SW 1034111





SCALE: 1"=40'

MATCHLINE C-C



MATCHLINE D-D

RECEIVED
 7/10-05/
 MAY 27 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

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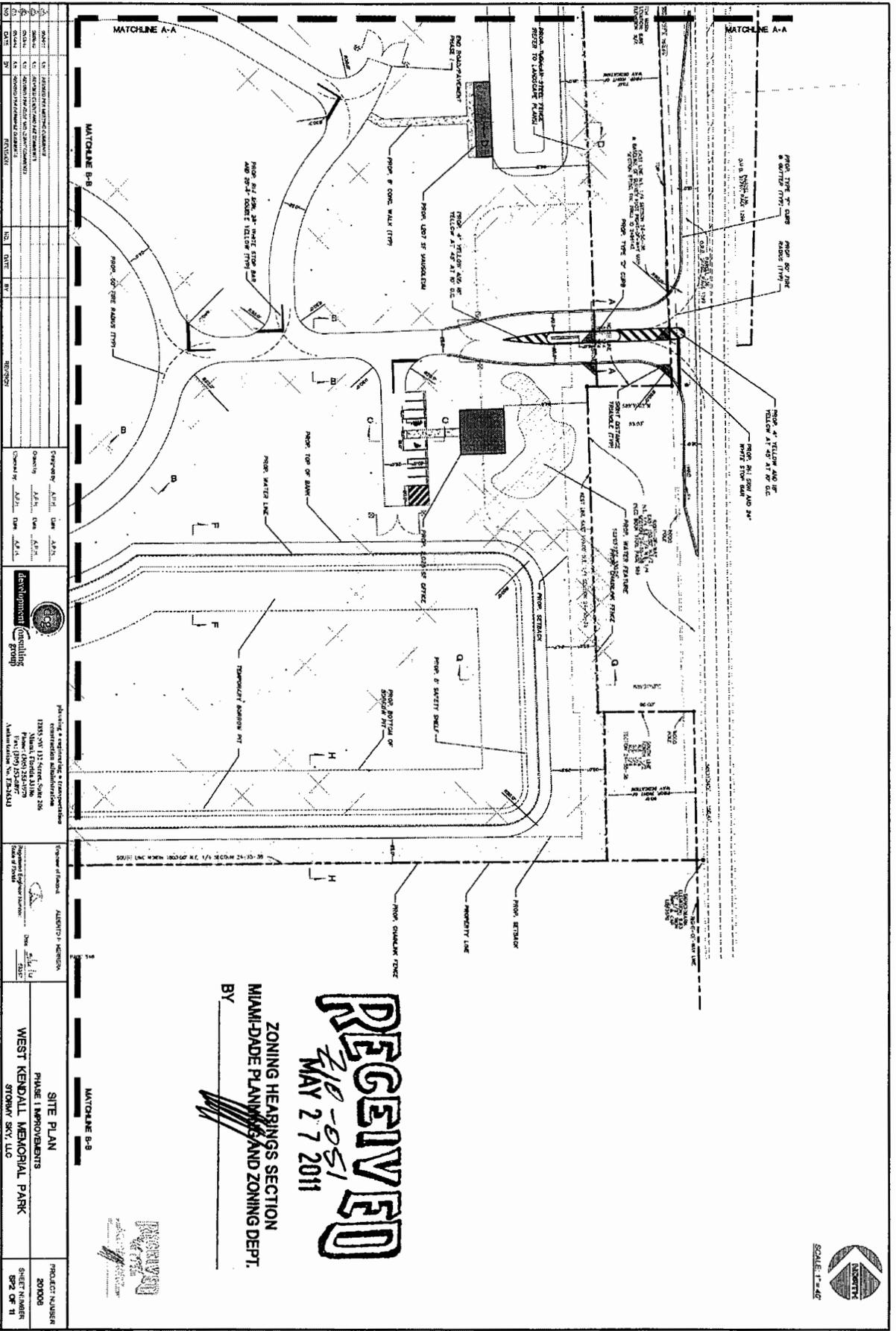


PROGRESSIVE CONSULTING GROUP
 13865 SW 113 Street, Suite 206
 Miami, Florida 33186
 Phone: (305) 251-1199
 Fax: (305) 251-1198
 Registration No. 31232419

Engineer of Record: ALBERT J. HERRERA
 Registered Professional Engineer
 State of Florida
 License No. 12012

SITE PLAN
 PHASE I IMPROVEMENTS
 WEST KENDALL MEMORIAL PARK
 STORWAY SVY. LLC

PROJECT NUMBER: 201006
 SHEET NUMBER: 573 OF 11



NO.	DATE	BY	REVISION
1	01/11/11	ALM	ISSUE FOR PERMIT
2	02/01/11	ALM	REVISED PER COMMENTS
3	02/01/11	ALM	REVISED PER COMMENTS
4	02/01/11	ALM	REVISED PER COMMENTS
5	02/01/11	ALM	REVISED PER COMMENTS
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7	02/01/11	ALM	REVISED PER COMMENTS
8	02/01/11	ALM	REVISED PER COMMENTS
9	02/01/11	ALM	REVISED PER COMMENTS
10	02/01/11	ALM	REVISED PER COMMENTS

Prepared by	ALM	Line	ALM
Checked by	ALM	Car	ALM
Drawn by	ALM	Dim	ALM

Development Consulting Group

Professional Engineering & Architecture
 12855 SW 13 Street, Suite 206
 Miami, Florida 33186
 Phone: (305) 224-1100
 Fax: (305) 224-1101
 Website: www.dcggroup.com

Division of Public Works
 ALBERTO F. MORALES
 Registered Professional Engineer
 No. 11111
 Date: 01/11/11

PROJECT NUMBER	201008
SHEET NUMBER	SHEET 02 OF 11
SITE PLAN	PHASE I IMPROVEMENTS
WEST KENDALL MEMORIAL PARK	STORMWATER SKY, LLC

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 Z10-051
 MAY 27 2011

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



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 MAY 27 2011
 210-0517

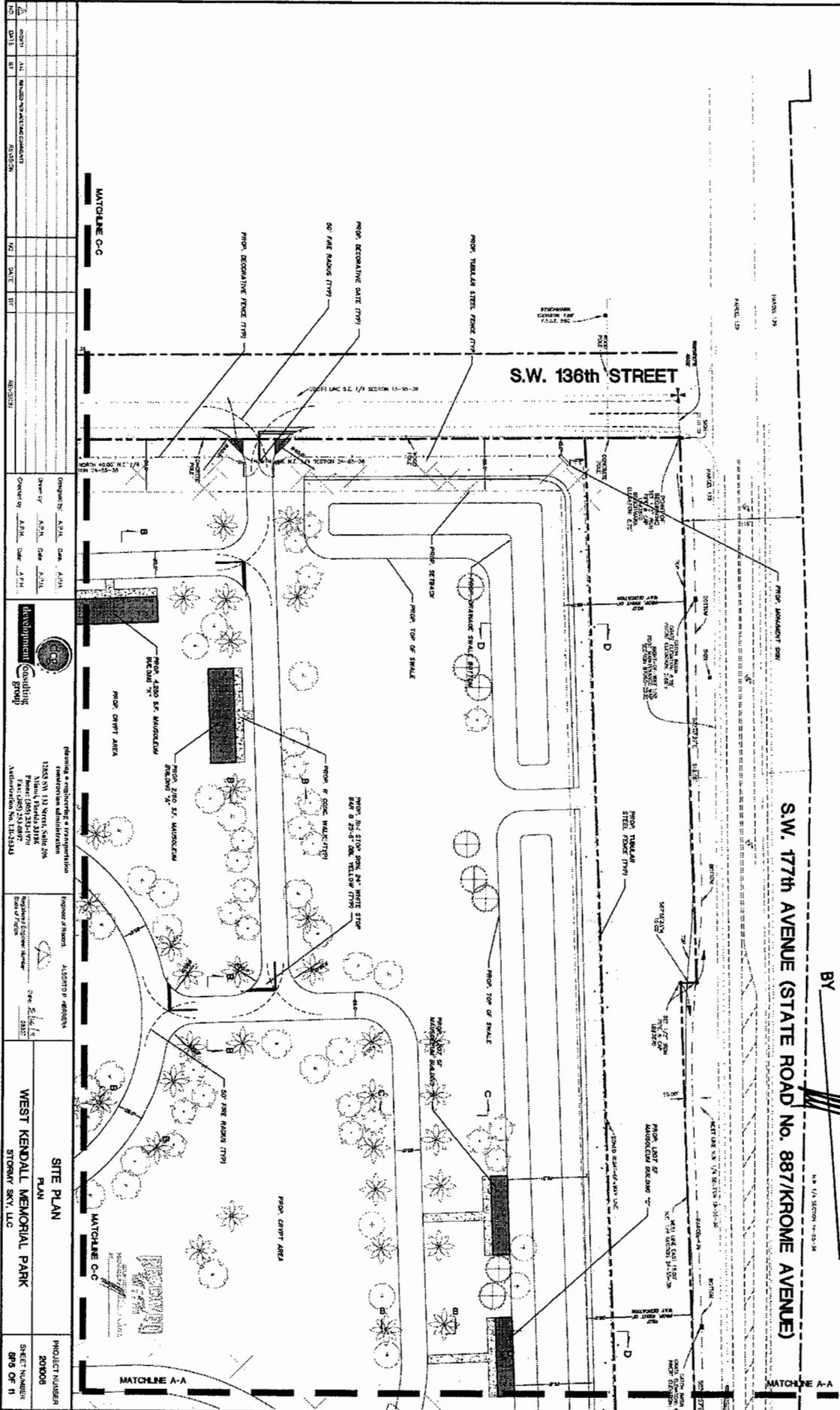
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.



SCALE 1"=40'

S.W. 177th AVENUE (STATE ROAD NO. 887/KROME AVENUE)

S.W. 136th STREET



NO.	DATE	BY	DESCRIPTION
1	05/27/11	ASL	ASL
2	05/27/11	ASL	ASL
3	05/27/11	ASL	ASL
4	05/27/11	ASL	ASL
5	05/27/11	ASL	ASL
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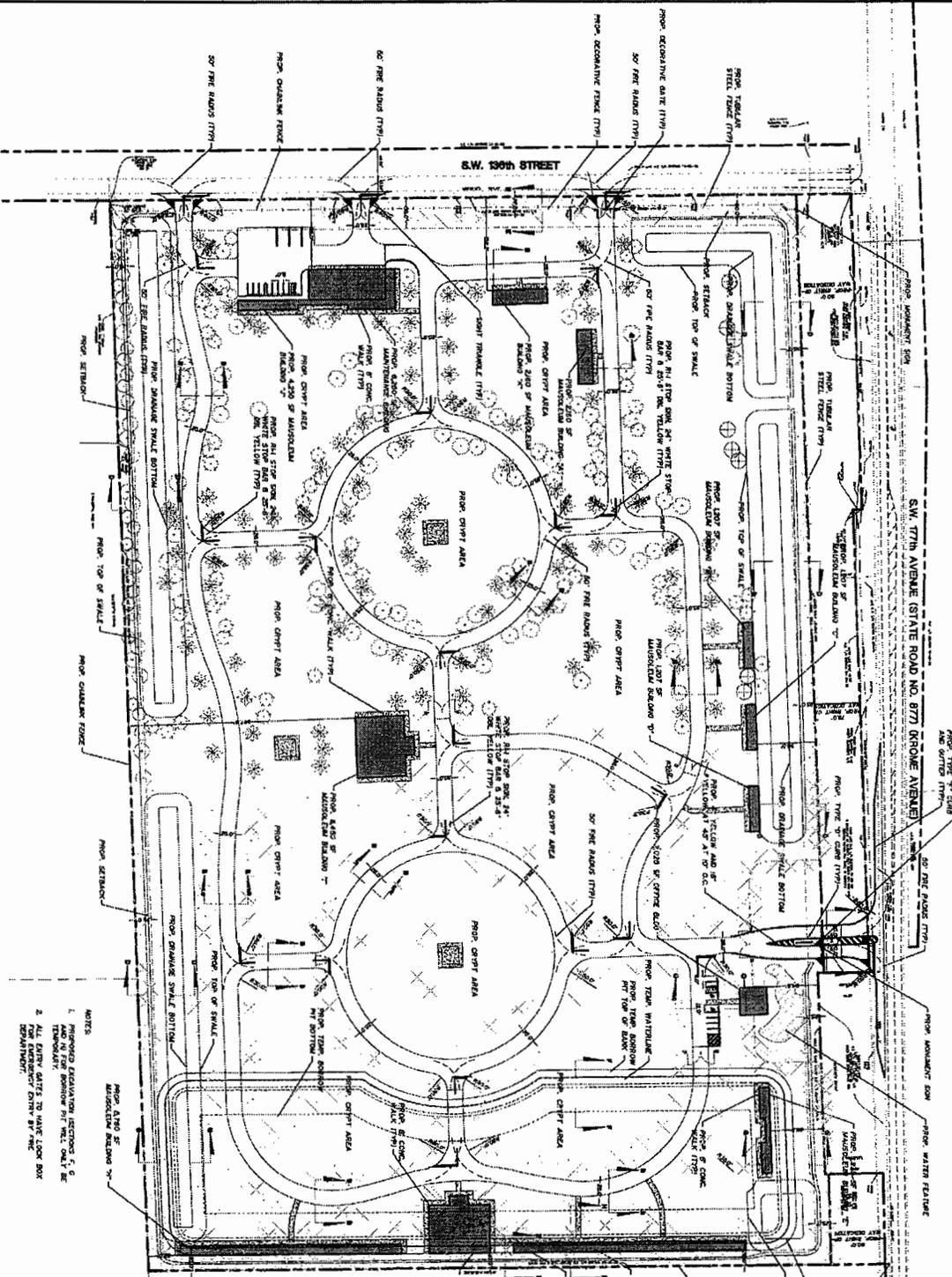
WEST KENDALL MEMORIAL PARK
 STORMWATER SRV. LLC

DEVELOPMENT CONSULTING GROUP
 12825 SW 113 Street, Suite 206
 Miami, Florida 33176
 TEL: (305) 251-2877
 FAX: (305) 251-2877
 www.dcggroup.com

SITE PLAN
 PROJECT NUMBER 200008
 SHEET NUMBER 879 OF 11

REGULATORY
 7-10-05
 MAY 27 2011

ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY 



NO.	DATE	DESCRIPTION
1	10/1/05	PRELIMINARY CONCEPT
2	10/1/05	CONCEPTUAL PLAN
3	10/1/05	CONCEPTUAL PLAN
4	10/1/05	CONCEPTUAL PLAN
5	10/1/05	CONCEPTUAL PLAN
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50	10/1/05	CONCEPTUAL PLAN

MASTER PLAN
 CONCEPTUAL PLAN
 WEST KENDALL MEMORIAL PARK
 STORMY SKY, LLC

PROJECT NUMBER: 200008
 SHEET NUMBER: 1 OF 1

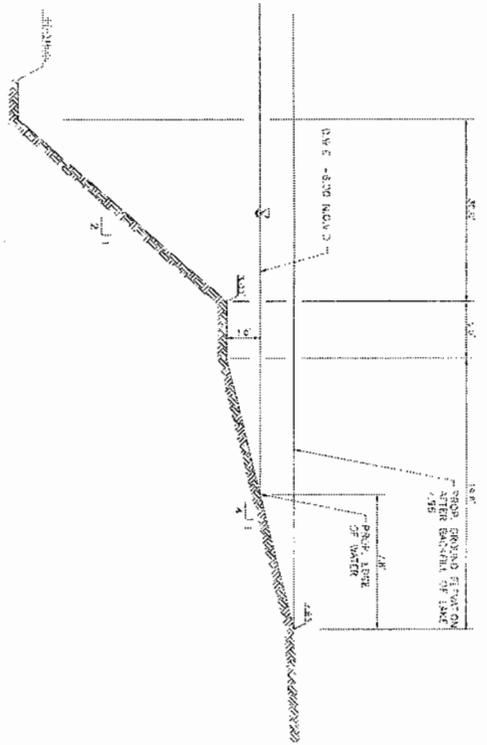
DATE: 10/1/05

SCALE: 1" = 40'

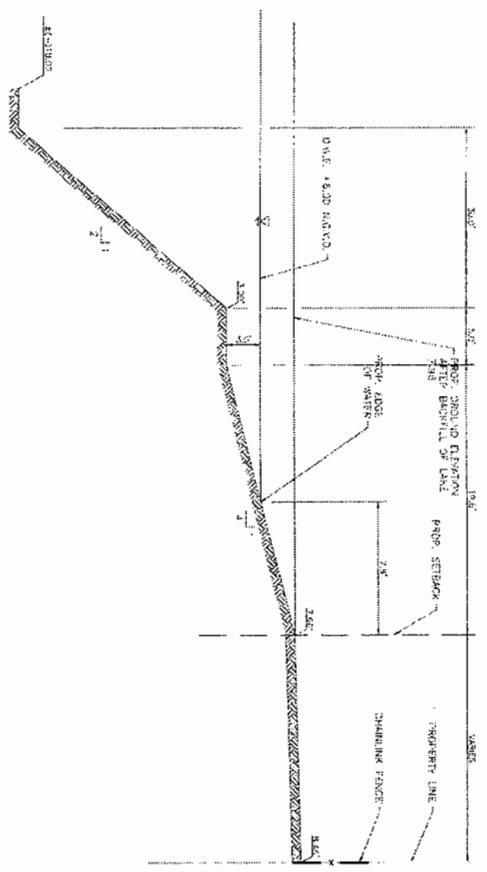
NOTES:
 1. PROPOSED PLANTATION RESPONSE 2, 3, 4 AND 5 FOR RESPONSE #1 WILL ONLY BE TEMPORARY.
 2. ALL ENTRY GATES TO HAVE LOOK BOX DEMONSTRATION.

NO.	DATE	DESCRIPTION
1	10/1/05	PRELIMINARY CONCEPT
2	10/1/05	CONCEPTUAL PLAN
3	10/1/05	CONCEPTUAL PLAN
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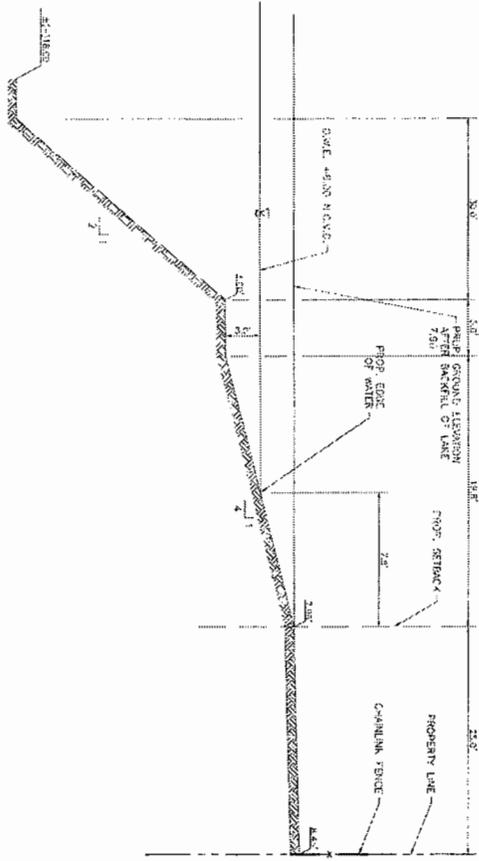
42



SECTION F-F
ZONE F-1



SECTION G-G
ZONE G-1



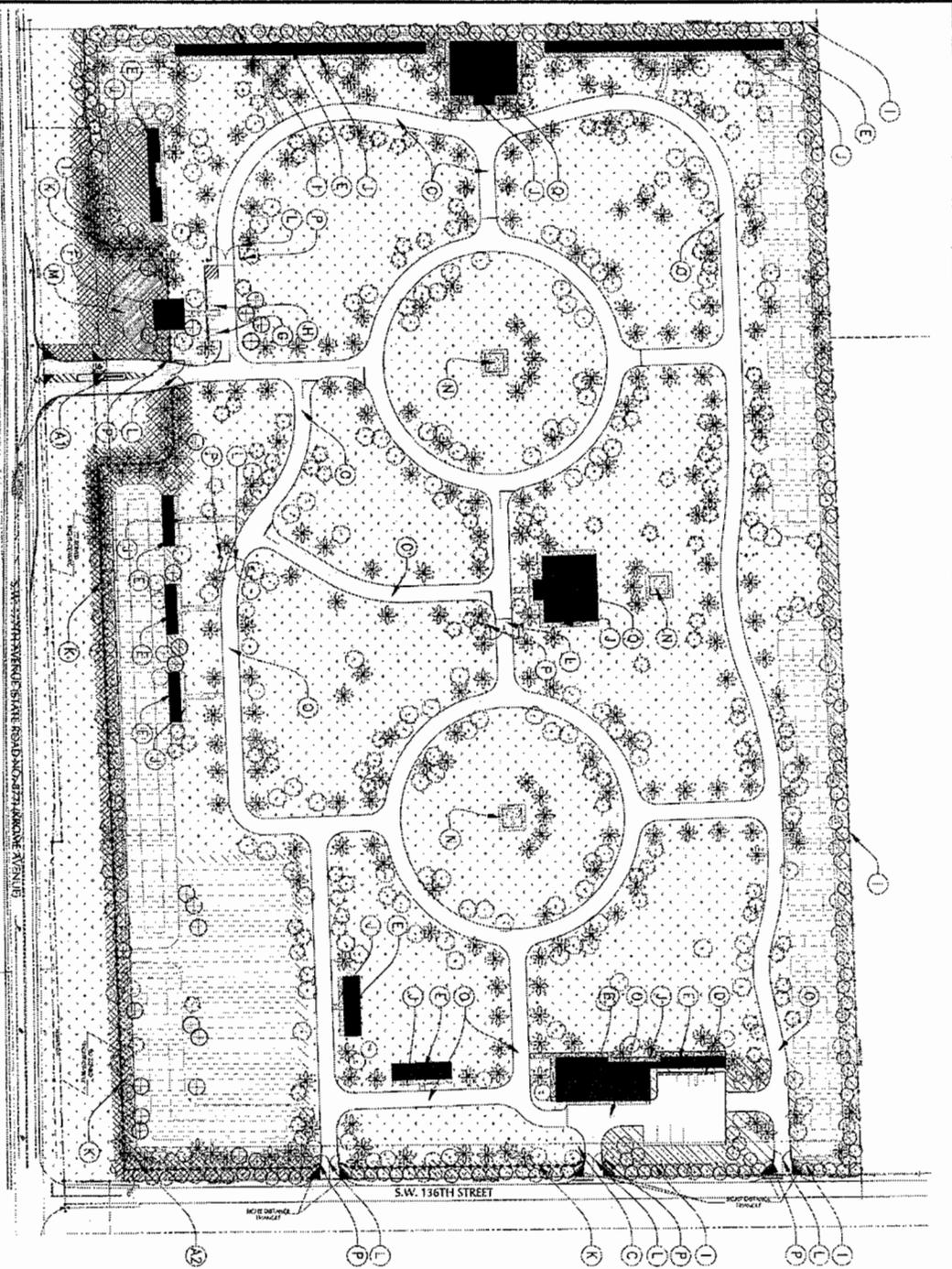
SECTION H-H
ZONE H-1

NO.	DATE	BY	REVISION
1	10/11/10	AS	ISSUED FOR PERMITTING
2	02/01/11	AS	REVISION

Drawn by	AS	Check by	AS
Scale	AS	Date	02/01/11

Project Name	WEST KENDALL MEMORIAL PARK
Client	STORMY SKY, LLC
Project Number	201008
Sheet Number	SP10 OF 11

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 MAY 27 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____



NOTE:
 1. ALL LOCATIONS INDICATED DO NOT INCLUDE ANYTHING TO BE CONSIDERED AS PART OF THE DESIGN OR CONSTRUCTION OF ANY WORK.

- LEGEND**
- (A) MAIN ENTRY TERRACE SEE SHEET A
 - (B) SP. 1 FOR LANDSCAPE SEE SHEET A
 - (C) HANDICAPPED STAIR PARKING SEE SHEET A
 - (D) HANDICAPPED STAIR PARKING SEE SHEET A
 - (E) HANDICAPPED STAIR PARKING SEE SHEET A
 - (F) SALES OFFICE SEE SHEET A
 - (G) SALES OFFICE SEE SHEET A
 - (H) SALES OFFICE SEE SHEET A
 - (I) SALES OFFICE SEE SHEET A
 - (J) CONCRETE SIDEWALK SEE SHEET A
 - (K) 1/2" x 1/2" x 1/2" SEE SHEET A
 - (L) 1/2" x 1/2" x 1/2" SEE SHEET A
 - (M) 1/2" x 1/2" x 1/2" SEE SHEET A
 - (N) SPECIAL FINISH SEE SHEET A
 - (O) 4" x 4" PLANKS SEE SHEET A
 - (P) 4" x 4" PLANKS SEE SHEET A
 - (Q) 4" x 4" PLANKS SEE SHEET A
 - (R) 4" x 4" PLANKS SEE SHEET A
 - (S) 4" x 4" PLANKS SEE SHEET A
 - (T) 4" x 4" PLANKS SEE SHEET A
 - (U) 4" x 4" PLANKS SEE SHEET A
 - (V) 4" x 4" PLANKS SEE SHEET A
 - (W) 4" x 4" PLANKS SEE SHEET A
 - (X) 4" x 4" PLANKS SEE SHEET A
 - (Y) 4" x 4" PLANKS SEE SHEET A
 - (Z) 4" x 4" PLANKS SEE SHEET A

NO.	DATE	BY	REVISION

5-25-11

DESIGNED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 05/11/11

RECEIVED
 MAY 27 2011
 LANDSCAPE IMPROVEMENTS
 BALL MEMORIAL PARK
 TORWAY, KY, LLC

ALL STREET TREES TO BE LOCATED WITHIN 7'-0" OF THE CURB.

PROJECT NUMBER: 201006
 SHEET NUMBER: LP1 OF 9

PLANNING & ENGINEERING & TRANSPORTATION
 CEDARHURST LANDSCAPE ARCHITECTS
 12333 SW 122 Street, Suite 202
 Miami, Florida 33186
 Phone: (305) 251-0897
 Fax: (305) 251-0897
 Accreditation No. EA-2010

SCALE: 1" = 10'-0"

DATE: 05/11/11

PROJECT: BALL MEMORIAL PARK

DESIGNER: [Signature]

CHECKER: [Signature]

DATE: 05/11/11

SCALE: 1" = 10'-0"

DATE: 05/11/11

PROJECT: BALL MEMORIAL PARK

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SCALE: 1" = 10'-0"

DATE: 05/11/11

PROJECT: BALL MEMORIAL PARK

DESIGNER: [Signature]

CHECKER: [Signature]

DATE: 05/11/11

SCALE: 1" = 10'-0"

DATE: 05/11/11

PROJECT: BALL MEMORIAL PARK

DESIGNER: [Signature]

CHECKER: [Signature]

DATE: 05/11/11

SCALE: 1" = 10'-0"

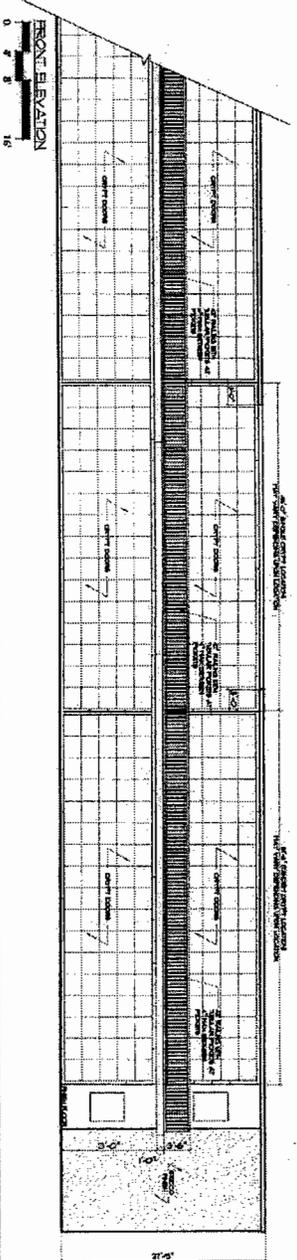
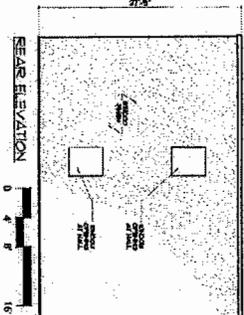
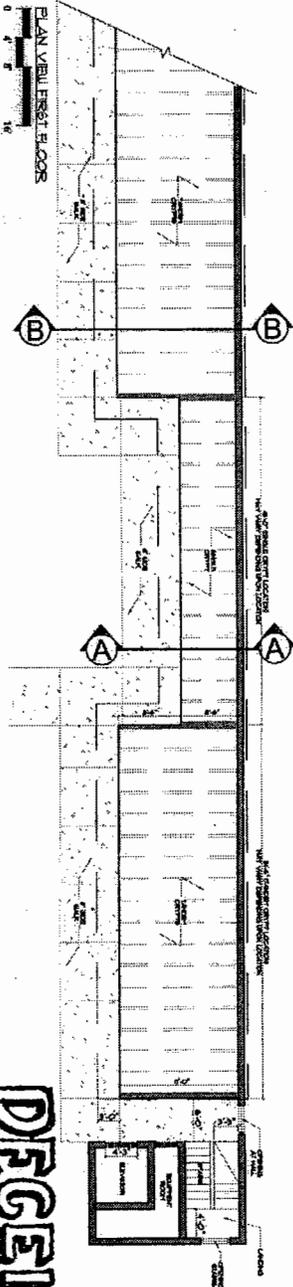
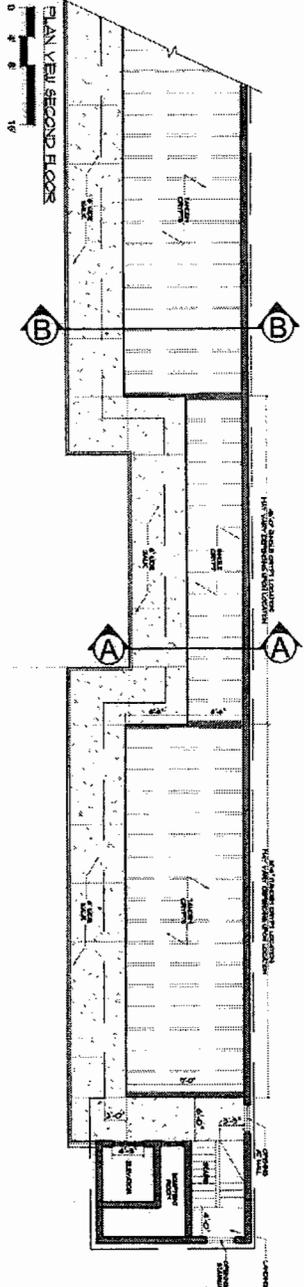
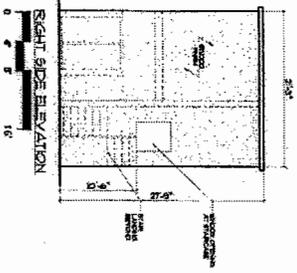
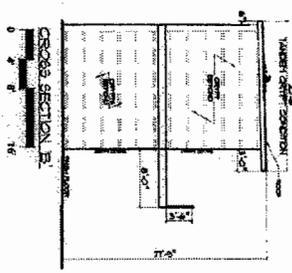
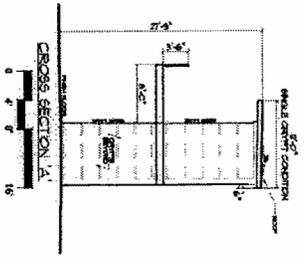
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PROJECT: BALL MEMORIAL PARK

DESIGNER: [Signature]

CHECKER: [Signature]

DATE: 05/11/11

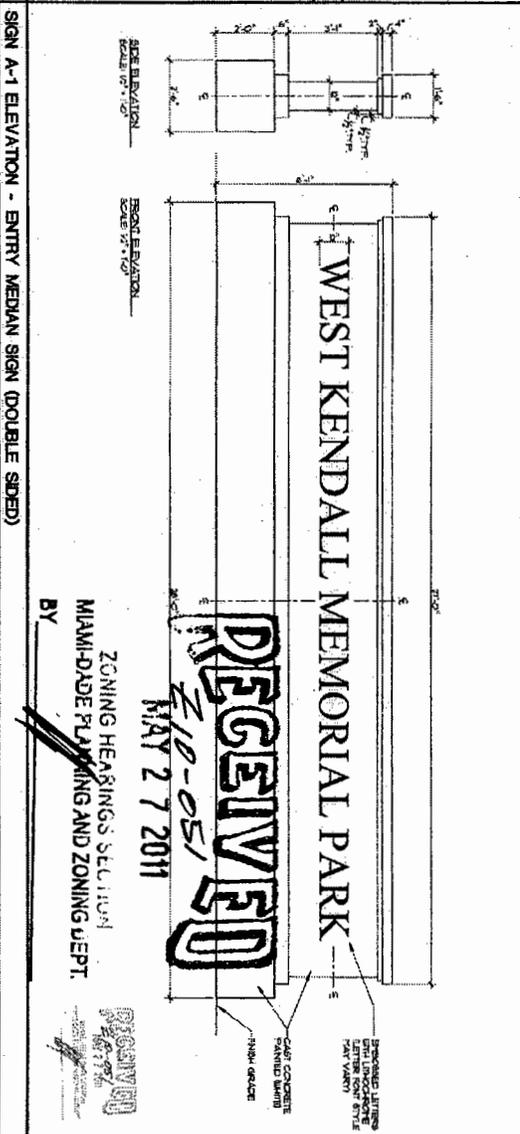
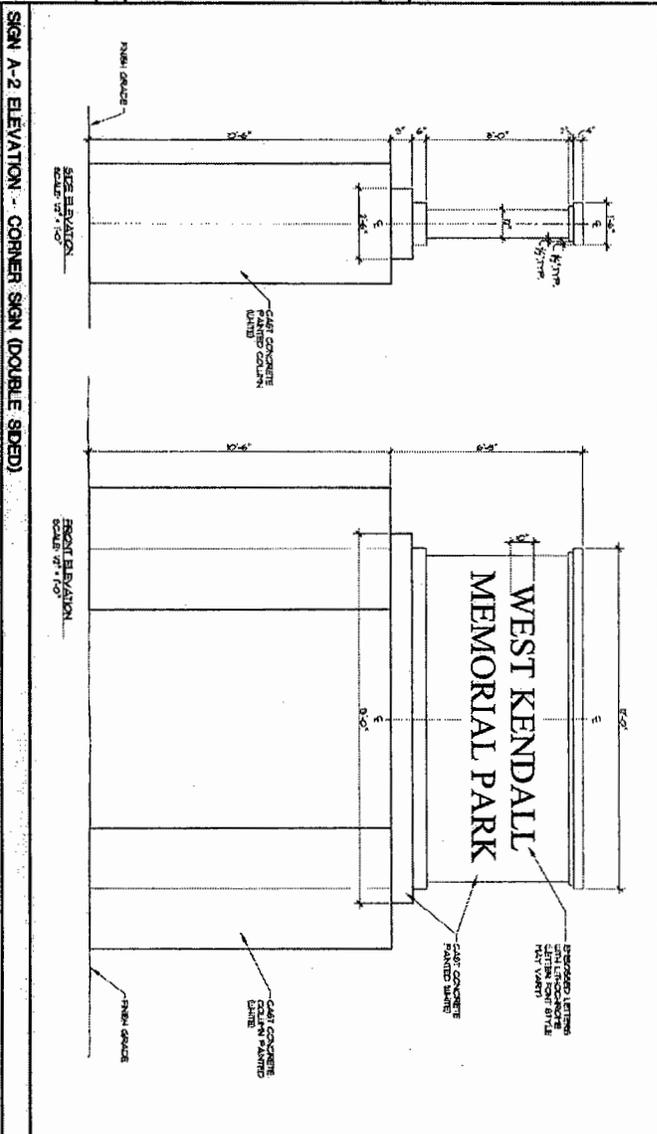
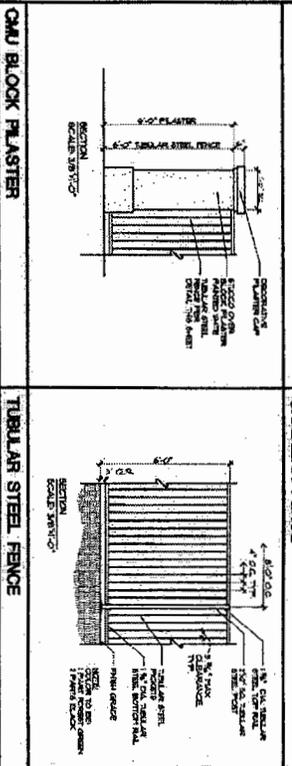
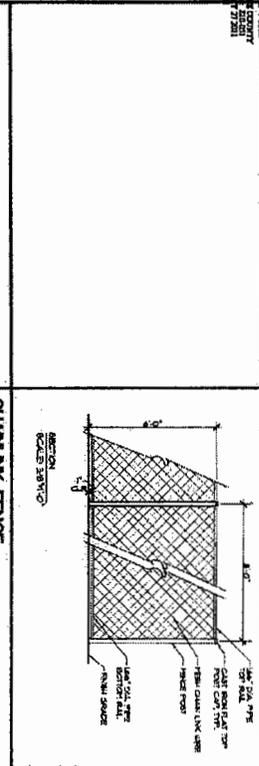


ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

RECEIVED
 5/18-05/
 MAY 27 2011

NO. DATE REV. REVISION	Drawn by: <u>ALH</u> <u>lme</u> <u>ADH</u> Checked by: <u>ALH</u> <u>lme</u> <u>ADH</u>	<p>Planning & Engineering & Transportation Consultants Administration 12862 SW 123 Street, Suite 204 Miami, FL 33158-1979 Tel: (305) 351-1979 Fax: (305) 351-4877 Administration No. BE-23245</p>	Engineer of Record: <u>ALBERTO P. VERRERA</u> Professional Engineer Number: _____ Date: <u>5/18/11</u>	GARDEN MAUSOLEUM PLAN & ELEVATIONS CONCEPTUAL PLAN WEST KENDALL MEMORIAL PARK STORMAN SKY, LLC	PROJECT NUMBER: 207006 SHEET NUMBER: 1PS OF 8
Development Consulting Group 	PROJECT NUMBER: 207006 SHEET NUMBER: 1PS OF 8				

52



NO.	DATE	BY	REVISION

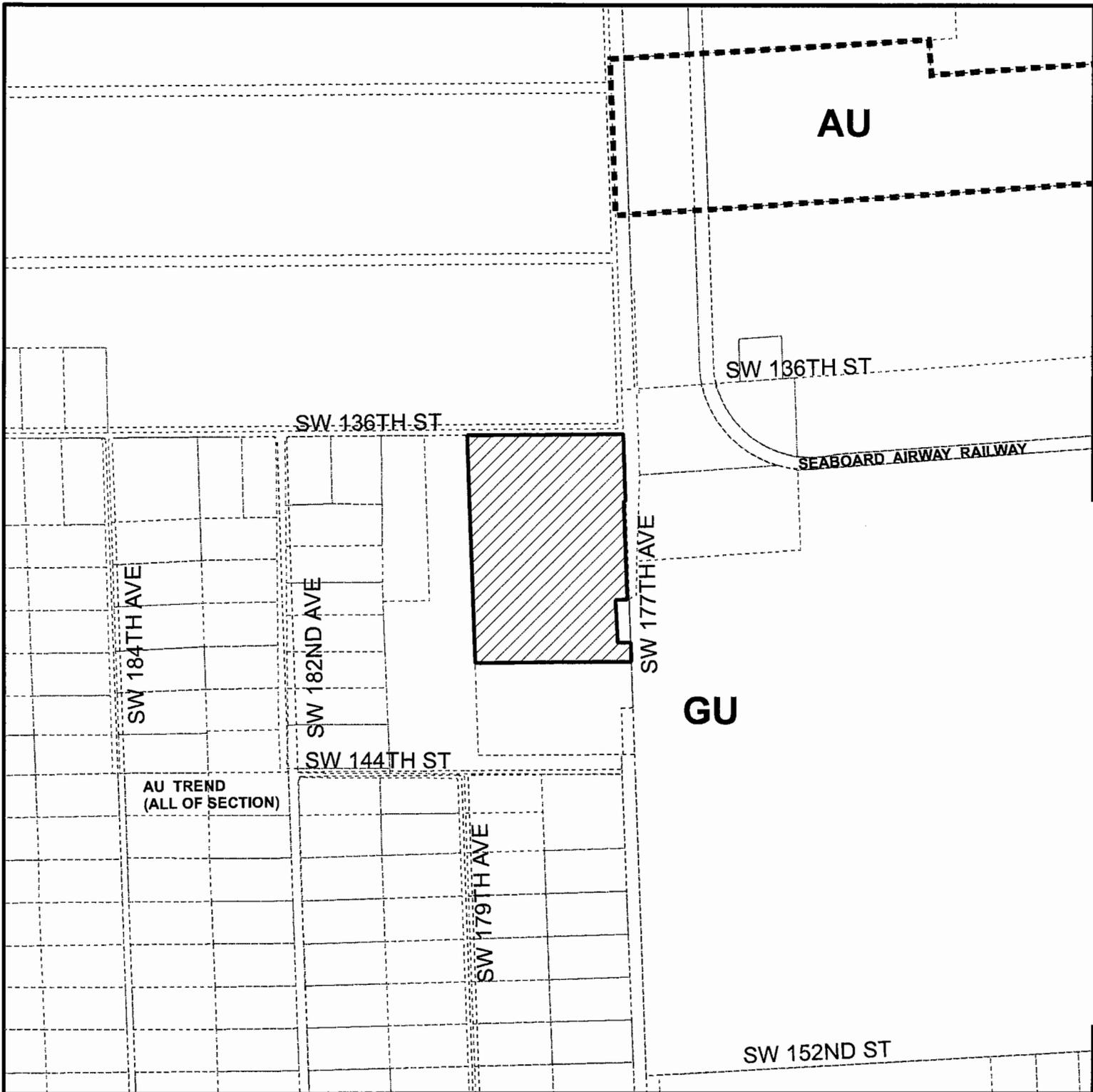
Prepared by: **ALB** Date: 05/24/11
 Checked by: **ML** Date: 05/24/11
 Drawn by: **APL** Date: 05/24/11
 Checked by: **APL** Date: 05/24/11

Planning & Engineering & Transportation
 Construction Administration
 1333 SW 133 Street, Suite 206
 Miami, FL 33135-1799
 Phone: (305) 251-1799
 Fax: (305) 251-1877
 Administration No. 25-2413

Project of Record: **ALBERTO R. INFERRERA**
 Contract/Order Number: **136** Date: **05/27**
 State of Record: **WEST KENDALL MEMORIAL PARK**
STOWAN INV. CO.

RECEIVED
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 MAY 27 2011

PROJECT NUMBER: **20008**
 SHEET NUMBER: **SPR 11/008**
 LP# OF 8



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z201000051



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
		54



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

KROME AGRONOMICS, LLC

10-051

Item # C

This instrument was prepared by:
Tony Recio, Esq.
Weiss Serota Helfman
Pastoriza Cole & Boniske
2525 Ponce de Leon Blvd
Suite 700
Coral Gables, FL 33134

PLANNING AND ZONING
AGENDA OFFICE
2011 AUG 33 P 1218

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. 10-051 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted for hearing entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, sheets SP1, SP4, SP5, SP10 and SP11, dated stamped received May 27, 2011, sheet LP9, dated stamped received August 22, 2011 and the remaining 15 sheets dated stamped received August 10, 2011, for a total of twenty-one (21) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) In the event that the Property is developed in accordance with (1) above, 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.

(Space reserved for Clerk)

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be

(Space reserved for Clerk)

reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 31
day of Aug., 2011

KROME AGRONOMICS, LLC,
a Florida limited liability
company

WITNESSES:

Sign [Signature]
Print Naomi Sorondo
Sign [Signature]
Print Gilbert Contreras

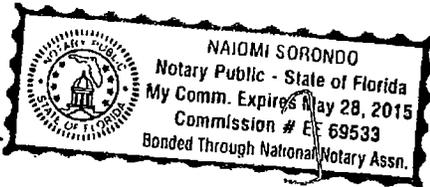
Sign [Signature]
Hugo Pereira
as President/Member/Manager
c/o Gilbert Contreras, Esq.
141 Almeria
Coral Gables, Florida

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31. day of Aug., 2011, by Hugo Pereira as President/Member/Manager and on behalf of KROME AGRONOMICS, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign [Signature]
Print Naomi Sorondo
State of Florida at Large (Seal)
My Commission Expires: 5/28/2015



Declaration of Restrictions

Page 5

Exhibit A

A PORTION OF EAST 1,210.00 FEET OF THE NORTH 1,800.00 FEET OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON THE EAST LINE OF SAID NORTHEAST 1/4 FOR 40.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°03'27" EAST ON SAID EAST LINE 519.06 FEET; THENCE SOUTH 87°56'33" WEST 15.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 15.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 760.69 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE SOUTH 89°31'02" WEST ON SAID NORTH LINE 85.03 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 100.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 330.04 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE NORTH 89°31'03" EAST ON SAID SOUTH LINE 96.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 177TH AVENUE; THENCE SOUTH 01°11'34" EAST ON SAID RIGHT-OF-WAY LINE 150.41 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1,800.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 89°30'58" WEST ON SAID SOUTH LINE 1,204.15 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1,210.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 02°03'27" WEST ON SAID WEST LINE 1,760.66 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 89°30'58" EAST ON SAID SOUTH LINE 1,210.46 FEET TO THE POINT OF BEGINNING.
CONTAINING 2,085,208 SQUARE FEET, 47.8698 ACRES

1. GARDEN VILLAGE SHOPPING CENTER LLC
(Applicant)

11-10-CZ11-1 (10-094)
Area 11/District 11
Hearing Date: 10/04/11

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	Kendall Development S.A.	<ul style="list-style-type: none">- Zone change from GU to RU-4L, RU-1M(a), GU.- Special Exception for Single Family Residence & Commercial Development.- Non-Use Variance's of Zoning Regulations.	C11	Denied without prejudice
1999	Boxford Overseas LTD., Inc.	<ul style="list-style-type: none">- Zone change from GU to RU-1M(a), RU-4L and BU-1A.- Special Exception for Single Family Residence & Commercial Development.- Unusual Use for Entrance Feature and private recreational facility.- Non-Use Variance of zoning regulations.	C11	Denied without prejudice
1999	Kendall Development, S.A.	<ul style="list-style-type: none">- Zone change from GU to RU-1M(a), RU-4L and BU-1A.- Special Exception for Single Family Residence & Commercial Development.- Non-Use Variance of zoning regulations.	BCC	Appeal Denied, Application Denied
2000	Boxford Overseas LTD., Inc.	<ul style="list-style-type: none">- Zone change from GU to RU-1M(a), RU-4L and BU-1A.- Special Exception for Single Family Residence & Commercial Development.- Non-Use Variance of zoning regulations.	BCC	Appeal Denied, Application Denied

2004	Boxford Overseas LTD., Inc.	- Zone change from GU to BU-1A, RU-3M and RU-1MA. - Non-Use Variance's of zoning Regulations and spacing.	C11	Approved w/conds.
2006	Boxford Overseas LTD., Inc.	- Modification of Resolution and Declaration of Restrictions. - Non-Use Variance of patio area.	C11	Approved w/conds.
2006	Alexandra Property Holdings, LLC	- Modification of Resolution and Declaration of Restrictions.	C11	Approved w/conds.

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

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

APPLICANT: Garden Village Shopping Center, LLC

PH: Z10-094 (11-10-CZ11-1)

SECTION: 04-55-39

DATE: October 4, 2011

COMMISSION DISTRICT: 11

ITEM NO.: 1

=====

A. INTRODUCTION

o **SUMMARY OF REQUEST:**

The approval of this application will allow:

- The modification of a condition of a previously approved resolution and modification of two paragraphs of a recorded Declaration of Restrictions that will permit the applicant to submit revised plans.
- Show an additional retail building, reduce the number of floors and delete a restriction, which restricts the sale of used jewelry and merchandise for the previously approved commercial development.
- To permit a retail building with a setback less than required by the Zoning Code.

o **REQUESTS:**

- (1) Modification of Condition #2 of Resolution #CZAB11-12-04, only as it applies to the subject property, last modified by Resolution CZAB11-40-06, both passed and adopted by the Community Zoning Appeals Board #11, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Caledonia Village Commercial Buildings," as prepared by Rey Mar & Associates, Inc., Sheet LP-1.1 dated stamped received 8/15/06 and the rest dated stamped received 7/18/06, for a total of 12 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Garden Village Shopping Center, LLC', as prepared by George E. Peon Architect, A.I.A. Sheets A-1, A-4a, A-4b, & L-1 dated stamped received 04/04/11 with sheet A-1 last handwritten revision dated 05/04/11. Sheets A-2a & A-3a dated stamped received 01/14/11. Sheets A-2b & A-3b dated stamped received 12/03/10 and sheet CL-1 dated stamped received 12/6/10 for a total of 9 sheets."

- (2) Modification of Paragraph #3, of the Declaration of Restrictions recorded in Official Record Book 22263, Pages 283-298, only as it applies to the subject property, reading as follows:

FROM: "3. Restrictions on the Use Commercial Parcel. As depicted in the Application and the Plan, a portion of the Property (the "Commercial Parcel"), which is legally described in Exhibit "B" to this Declaration,

will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:

- (1) The sale of used apparel, used jewelry or any other used merchandise.
- (2) Attended, non-motorized donation collection vehicles.
- (3) Donated good centers.
- (4) Pawn shops
- (5) Religious facilities.
- (6) Amusement centers, as defined in Section 33-1(5.1) of the Code of Miami-Dade County.
- (7) Auditoriums.
- (8) Automobile and light truck sales (new and used).
- (9) Automotive service stations.
- (10) Automobile self-service gas stations.
- (11) Automobile storage within a building.
- (12) Automobile tires, batteries and accessories sales.
- (13) Automobile washing
- (14) Bait and tackle shops
- (15) Billiard rooms and pool rooms.
- (16) Bowling alleys.
- (17) Convention halls
- (18) Bath and massage parlors.
- (19) Lawn mowers sales and service.
- (20) Medical observation dormitory.
- (21) Mortuaries or funeral homes.
- (22) Motorcycle sales and repairs.
- (23) Natatoriums.
- (24) Open-air theaters.
- (25) Private clubs
- (26) Self-service storage facilities.
- (27) Skating rinks
- (28) Telegraph stations
- (29) Telephone exchange
- (30) Truck rental agency.

TO: "3. Restrictions on the Use Commercial Parcel. As depicted in the Application and the Plan, a portion of the Property (the "Commercial Parcel"), which is legally described in Exhibit "B" to this Declaration, will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:

- ~~(1) The sale of used apparel, used jewelry or any other used merchandise.~~
- (2) Attended, non-motorized donation collection vehicles.
- (3) Donated good centers.
- (4) Pawn shops

- (5) Religious facilities.
 - (6) Amusement centers, as defined in Section 33-1(5.1) of the Code of Miami-Dade County.
 - (7) Auditoriums.
 - (8) Automobile and light truck sales (new and used).
 - (9) Automotive service stations.
 - (10) Automobile self-service gas stations.
 - (11) Automobile storage within a building.
 - (12) Automobile tires, batteries and accessories sales.
 - (13) Automobile washing
 - (14) Bait and tackle shops
 - (15) Billiard rooms and pool rooms.
 - (16) Bowling alleys.
 - (17) Convention halls
 - (18) Bath and massage parlors.
 - (19) Lawn mowers sales and service.
 - (20) Medical observation dormitory.
 - (21) Mortuaries or funeral homes.
 - (22) Motorcycle sales and repairs.
 - (23) Natatoriums.
 - (24) Open-air theaters.
 - (25) Private clubs
 - (26) Self-service storage facilities.
 - (27) Skating rinks
 - (28) Telegraph stations
 - (29) Telephone exchange
 - (30) Truck rental agency.
- (3) Modification of Paragraph #1, of the Declaration of Restrictions recorded in Official Record Book 22263, pages 283-298, only as it applies to the subject property, last modified by a Modification of Declaration of Restrictions Recorded at Official Record Book 22263, Pages 283-298, recorded in official record book 25213, pages 3423-3427, reading as follows:
- FROM: "1. Site Plan: The Property shall be developed in accordance with the plans entitled, "Caledonia Village Commercial Buildings," as prepared by Rey Mar & Associates, Inc., Sheet LP-1.1 dated stamped received August 15, 2006 and the rest dated stamped received July 18, 2006 for a total of 12 sheets."
- TO: "1. Site Plan: The Property shall be developed in accordance with the plans entitled, 'Garden Village Shopping Center, LLC', as prepared by George E. Peon Architect, A.I.A. Sheets A-1, A-4a, A-4b, & L-1 dated stamped received 04/04/11 with sheet A-1 last handwritten revision dated 05/04/11. Sheets A-2a & A-3a dated stamped received 01/14/11. Sheets A-2b & A-3b dated stamped received 12/03/10 and sheet CL-1 dated stamped received 12/6/10 for a total of 9 sheets.

The purpose of requests #1 thru #3 is to allow the applicant to submit a revised site plan showing an additional retail building, reducing the number of floors and deleting a restriction,

restricting the sale of used jewelry and merchandise for the previously approved commercial development.

- (4) Applicant is requesting to permit a retail building setback 10'3" (25' required) from the side street (east) property line.

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

- o **LOCATION:**

S.W. Corner of S.W. 88th Street and S.W. 153rd Place, Miami-Dade County, Florida.

- o **SIZE:** 5.7 Acres

B. ZONING HEARINGS HISTORY:

The subject property has been the subject of a number of hearings from 1998 through 2006. In 2004, pursuant to Resolution #CZAB11-12-04, a district boundary change from GU, Interim District, to BU-1A, Limited Business District, RU-3M, Minimum Apartment House District, and RU-1M(a), Modified Single-Family Residential District was approved with conditions, in addition to ancillary non-use variance requests. In 2006, pursuant to Resolution #CZAB11-24-06, the CZAB approved with conditions, the modification of Condition #2 of Resolution #CZAB11-12-04, the modification of Paragraph #1 of a Declaration of Restrictions and a Non-Use Variance of minimum patio area requirements.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; shopping center

Business and Office and
Low-Medium Density Residential,
6 to 13 dua

Surrounding Properties

NORTH: BU-2; retail

Business and Office and
Medium Density Residential, 13 to 25 dua

SOUTH: RU-1Ma; townhouses and park

Low-Medium Density Residential,
6 to 13 dua

EAST: RU-3M; townhouses

Low-Medium Density Residential,
6 to 13 dua

WEST: BU-1A; shopping center

Business and Office

D. 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 objection

*Subject to the conditions indicated in their memorandum.

E. PLANNING AND ZONING ANALYSIS:

The subject property is located at the S.W. corner of S.W. 88th Street and S.W. 153rd Place in the west Kendall area of Miami-Dade County. Residential communities, a park and commercial retail uses characterize the surrounding area.

The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the western half of the subject 5.7-acre site as **Business and Office**, (see attached *Zoning Recommendation Addendum*) which permits the full range of sales and service activities, and the eastern half of the site as **Low-Medium Density Residential** (see attached *Zoning Recommendation Addendum*) use which permits a minimum of six (6) dwelling units per gross acre and a maximum density of 13 units per gross acre. Additionally, the interpretative text of the CDMP indicates that all existing uses and zoning are consistent with the LUP Map of the CDMP. As such, the existing shopping center use is **consistent** with the with the interpretative text and LUP map of the CDMP.

When requests #1 thru #3 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), (see attached *Zoning Recommendation Addendum*) the proposed modifications, in staff's opinion, will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, nor be incompatible with the area, nor be contrary to the public interest. Staff opines that although the revised site plan shows a more intensive development, it will not have an unfavorable effect on the surrounding area and will not be contrary to the public interest. This development has been designed to be in harmony with the general appearance and character of the community. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that this application will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that approval of the subject requests would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be a detriment to the community.

Additionally, staff opines that request #2, the removal of the restriction of the sale of used jewelry and merchandise for the previously approved commercial development is an approved use in the BU-1 and BU-1A zoning districts, subject to certain restrictions. Pursuant to Section 33-238(3), apparel stores selling new and/or used merchandise, are permitted, within the existing zoning district, provided that such establishments offering used merchandise, does not contain more than four thousand (4,000) square feet of gross floor area. In addition, the *incidental* sales of used jewelry, used toys, and used furniture shall

also be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those *incidental* sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store. Furthermore, pursuant to Section 33-238(20), the *incidental* sales and purchases of used jewelry is also permitted within the existing zoning district, within typical jewelry stores.

When request #4 is analyzed under 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, (see *attached Zoning Recommendation Addendum*) staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be a detriment to the community. Furthermore, staff opines that request #4 is germane to requests #1 thru #3, and that the increased encroachment into the side street (east) setback area will not have a negative visual impact on the surrounding area.

Accordingly, staff recommends approval with conditions of requests #1 thru #3 under Section 33-311(A)(7) (Generalized Modification Standards), and approval with conditions of request #4 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

F. RECOMMENDATION: Approval with conditions, subject to the Board's acceptance of the proffered covenant.

G. CONDITIONS:

1. That all the conditions of Resolution #CZAB11-12-04, last modified by Resolution #CZAB11-24-06 remain in full force and effect except as herein modified.
2. That all the conditions of Declaration of Restrictions, recorded in Official Records Book 22263, Pages 283 - 298 as last modified by Modification of Declaration of Restrictions recorded in Official Record Book 25213, pages 3423 - 3427, remain in full force and effect except as herein modified.
3. That any future establishment proposing the sale of used apparel, used jewelry or any other used merchandise be limited to apparel stores selling new and/or used merchandise, provided that such establishments offer used merchandise, does not contain more than four thousand (4,000) square feet of gross floor area. In addition, the incidental sales of used jewelry, used toys, and used furniture shall only be permitted in conjunction with the sales of used apparel, provided that the floor area devoted to the display of those incidental sales items does not exceed thirty (30) percent of the total gross floor area of the apparel store.
4. That any future establishment proposing the sales and purchases of used jewelry be limited to traditional jewelry stores, primarily engaged in selling new merchandise with the incidental sales and purchases of used jewelry.

DATE INSPECTED:
DATE TYPED: 07/11/11
DATE REVISED:
DATE FINALIZED: 08/02/11
MCL:GR:NN:CH:JC

ADDENDUM

For 

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

ZONING RECOMMENDATION ADDENDUM

Garden Village Shopping Center, LLC
Z10-094

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

<p>Business and Office (Pg. I-41)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (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.</i></p>
<p>Uses and Zoning Not Specifically Depicted (Pg. I-41)</p>	<p><i>Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(7)</p>	<p>Generalized Modification Standards. <i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i></p>
<p>33-311(A)(4)(b)</p>	<p>Non-Use Variances From Other Than Airport Regulations. <i>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.</i></p>

Memorandum

Date: May 26, 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 #Z20100000944th Revision
Garden Village Shopping Center, LLC
15680 S.W. 88 Street
Modification of a Previous Resolution and Covenant to Submit New Plans
(BU-1A) (5.7 Acres)
04-55-39

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.

Wellfield Protection

The subject property is located within the West Wellfield Protection Area for the West Wellfield. The West Wellfield is located between SW 72nd Street and Coral Way along theoretical SW 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area. Development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Pursuant to Section 24-43(5) of the Code, the property has a properly executed covenant running with the land in favor of Miami-Dade County which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

A permit from DERM's Water Control Section is required for the construction and operation of any water management system on the project site. This permit shall be obtained prior to platting and/or site development, or Public Works approval of paving and drainage plans, and shall also comply with CDMP and State criteria.

Drainage system shall be designed to comply with the level of flood protection corresponding to the 5-years/1-day storm event, as a minimum. In addition, runoff corresponding to the 25-years/3-days storm event shall be also retained on-site.

Minimum lot elevation and lowest floor elevation criteria must be applied in accordance with requirements of Section 11C of the Code. In addition, project site must be graded in such a way that runoff cannot be routed toward adjacent properties and/or public right of way.

The applicant is advised to contact the DERM's Water Control Section for further and/or more detailed information regarding permitting procedures and requirements applicable to this proposed development.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands

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

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject properties contain tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. 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 Chapter 24. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

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: GARDEN VILLAGE SHOPPING CENTER LLC

This Department has no objections to this application.

All vehicle turning radii must have a minimum of 15 feet.

Additional improvements may be required at time of permitting.

This land may require 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 202 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
9857	SW 157 Ave. s/o SW 88 St.	C	C
9856	SW 157 Ave. n/o SW 88 St.	C	C
F-1080	SW 88 St. w/o SW 147 Ave.	D	D
9844	SW 152 Ave. s/o SW 88 St.	D	D
F-2529	SW 88 St. w/o SW 157 Ave.	D	D

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



Raul A Pino, P.L.S.

13-MAY-11

Memorandum



Date: 27-APR-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000094

Fire Prevention Unit:

APPROVAL
 No objection to site plan date stamped April 4, 2011.

Service Impact/Demand

Development for the above Z2010000094
 located at 15680 S.W. 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1818 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>54,152</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 16,16 alarms-annually.
 The estimated average travel time is: 5:28 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 38 - Hammocks - 10001 Hammocks Blvd.
 Rescue, ALS 50' Squirt

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped April 4, 2011. Substantial changes to the plan will require additional service impact analysis.

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

Memorandum



Date: June 13, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.N.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2010000094: Garden Village Shopping Center, LLC

Application Name: Garden Village Shopping Center, LLC.

Project Location: The site is located at 15680 SW 88th Street, Miami-Dade County.

Proposed Development: The applicant is requesting modification of previous resolution and covenant to submit new plans for a retail shopping center.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 25-JUL-11

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

GARDEN VILLAGE SHOPPING
CENTER LLC

SOUTHWEST CORNER OF SW 88
ST AND SW 153 PL, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000094

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-094

ADDRESS: SOUTHWEST CORNER OF SW 88 ST AND SW 153 PL

FOLIO: 3059040722730 & 2732

DATE: 7-21-11

NAME: GARDEN VILLAGE SHOPPING CENTER LLC

OPEN CASES:

Neighborhood Regulations:

Folio 3059040722730 no open cases.

Folio 30590407222732

Case 201102001760 was opened and CVN T013802 was issued for a violation of Ch 19-14(a) junk

& trash. An affidavit of compliance has been submitted to the Clerk of Court and the CVN has been appealed.

Case 201102001761 was opened and CVN T013799 was issued for a violation of Ch 21-30.01(d) Graffiti. An affidavit of compliance has been submitted to the Clerk of Court and the CVN has been appealed.

Building Code:

No open cases.

CLOSED CASES:

Neighborhood Regulations:

No closed cases.

Building Code:

No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: JACQUELINE CARRANZA

08/04/11

Process #: Z201000094
Applicant's Name: GARDEN VILLAGE SHOPPING CENTER LLC
Locations: SOUTHWEST CORNER OF SW 88 ST AND SW 153 PL, MIAMI-DADE COUNTY, FLORIDA.
Size: 5.7 ACRES
Folio #: 3059040722732

Request:

1 Modification of Condition #2 of Resolution CZAB11-12-04, only as it applies to the subject property, last modified by Resolution CZAB11-40-06, both passed and adopted by Community Zoning Appeals Board #11, reading as follows:

FROM:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Caledonia Village Commercial Buildings,' as prepared by Rey Mar & Associates, Inc., Sheet LP-1.1 dated stamped received 8/15/06 and the rest dated stamped received 7/18/06 for a total of 12 sheets."

TO:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Garden Village Shopping Center, LLC', as prepared by George E. Peon Architect, A.I.A. Sheets A-1, A-4a, A-4b, 7 L-1 dated stamped received 04/04/11 with sheet A-1 last handwritten revision dated 05/04/11. Sheets A-2a & A-3a dated stamped received 01/14/11. Sheets A-2b & A-3b dated stamped received 12/13/10 and sheet CL-1 dated stamped received 12/6/10 for a total of 9 sheets.

2 Modification of Paragraph #3, recorded in Official Record Book 22263, Pages 283-298, only as it applies to the subject property, reading as follows:

FROM:

"3. Restrictions on the Use Commercial Parcel. As depicted in the Application and the Plan, a portion of the Property (the "Commercial Parcel"), which is legally described in Exhibit "B" to this Declaration, will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:

1. The sale of used apparel, used jewelry or any other used merchandise. 2. Attended, non-motorized donation collection vehicles. 3. Donated goods centers. 4. Pawn shops. 5. Religious facilities. 6. Amusement centers, as defined in Section 33-1(5.1) of the code of Miami-Dade County. 7. Auditoriums. 8. Automobile and light truck sales (new and used). 9. Automotive service stations. 10. Automobile self-service gas stations. 11. Automobile storage within a building. 12. Automobile tires, batteries and accessories sales. 13. Automobile washing. 14. Bait and tackle shops. 15. Billiard rooms and pool rooms. 16. Bowling alleys. 17. Convention halls. 18. Bath and massage parlors. 19. Lawn mowers sales and service. 20. Medical observation dormitory. 21. Mortuaries or funeral homes. 22. Motorcycle sales and repairs. 23. Natatoriums. 24. Open-air theaters. 25. Private clubs. 26. Self-service storage facilities. 27. Skating rinks. 28. Telegraph stations. 29. Telephone exchange. 30. Truck rental agency."

3 Modification of Paragraph 1 of Declaration of Restrictions, recorded in Official Record Book 22263, Pages 283-298, only as it applies to the subject property, last modified by Modification Of Declaration Of Restrictions Recorded AT Official Record Book 22263, Pages 283 To 298, recorded in Official Record Book 25213, Pages 3423-3427, reading as follows:

FROM:

"1. Site Plan. The Property shall be developed in accordance with the plans entitled "Caledonia Village Commercial Buildings," as prepared by Rey Mar & Associates, Inc., Sheet LP=1.1 dated stamped received August 15, 2006 and the rest dated stamped received July7 18, 2006 for a total of twelve (12) sheets."

TO:

"1. Site Plan. The Property shall be developed in accordance with the plans entitled "Garden Village Shopping Center, LLC", as prepared by George E. Peon Architect, A.I.A. Sheets A-1, A-4a, A-4b, 7 L-1 dated stamped received 04/04/11 with sheet A-1 last handwritten revision dated 05/04/11. Sheets A-2a & A-

ZONING INSPECTION REPORT

3a dated stamped received 01/14/11. Sheets A-2b & A-3b dated stamped received 12/13/10 and sheet CL-1 dated stamped received 12/6/10 for a total of 9 sheets.

The purpose of requests #1 thru #3 is to allow the applicant to submit a revised site plan showing an additional retail building, reducing the number of floors and deleting a restriction, restricting the use of used jewelry and merchandise for the previously approved commercial development.

4 Applicant is requesting to permit a retail building setback 10'3" (25' required) from the side street (east) property line.

EXISTING ZONING

Subject Property BU-1A,

EXISTING USE VACANT

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE FOR FOLIO NO. 3059040722732 & A TWO STORY STRUCTURE ON FOILIO NO. 3059040722730.

USE(S) OF PROPERTY:

VACANT LAND FOR FOLIO NO. 3059040722732 & A BANK ON FOILIO NO. 3059040722730 AKA 15690 SW 88 ST WITH CU# 2009007214 ISSUED ON 01/30/2009.

FENCES/WALLS:

NONE

LANDSCAPING:

NO LANDSCAPING ON FOLIO NO. 3059040722732 AND REQUIRED LANDSCAPING ON FOLIO NO. 3059040722730.

BUFFERING:

NONE

VIOLATIONS OBSERVED:

AS PER BNC MEMO DATED 07/25/2011. CVN NO. T013802 ISSUED ON 03/09/2011 AND APPEALED ON 03/25/2011. THERE IS A BANNER AT THE ENTRANCE OF THE U.S. CENTURY BANK 15680 SW 88 ST.

OTHER:

NONE.

Process # Applicant's Name

Z2010000094 GARDEN VILLAGE SHOPPING CENTER LLC

SURROUNDING PROPERTY

NORTH:

BU-2: SHOPPING CENTER

SOUTH:

ZONING INSPECTION REPORT

RU-1MA & RU-3M: SINGLE FAMILY HOMES & TOWNHOUSES

EAST:

RU-3M: TOWNHOUSE DEVELOPMENT

WEST:

BU-1A; SHOPPING CENTER

SURROUNDING AREA

THIS PROPERTY IS ON A FULL SECTION LINE WHICH IS KNOWN AS KENDAL DR WHICH MAINLY BUISNESS USE AREA.

NEIGHBORHOOD CHARACTERISTICS:

THIS A BUISNESS AREA SURROUNDED BY MIXED RESIDENTIAL USES.

COMMENTS:

NONE.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Garden Village Shopping Center, LLC, a Florida limited liability company

NAME AND ADDRESS	Percentage of Interest
Marcel Navarro	7.51%
Gabriel Navarro	7.51%
Patricia Pico	7.51%
Michael Navarro	7.47%
Luis Navarro	34.72%
Jose Navarro	35.28%

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest
Z10-094	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable) _____ Percentage of Interest _____

210-094

Date of contract: _____

JJA

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

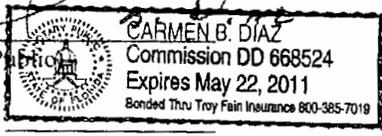
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Garden Village Shopping Center LLC,
a Florida limited liability company

By: _____
Martin Pico, Manager

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

(Notary Public) 

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

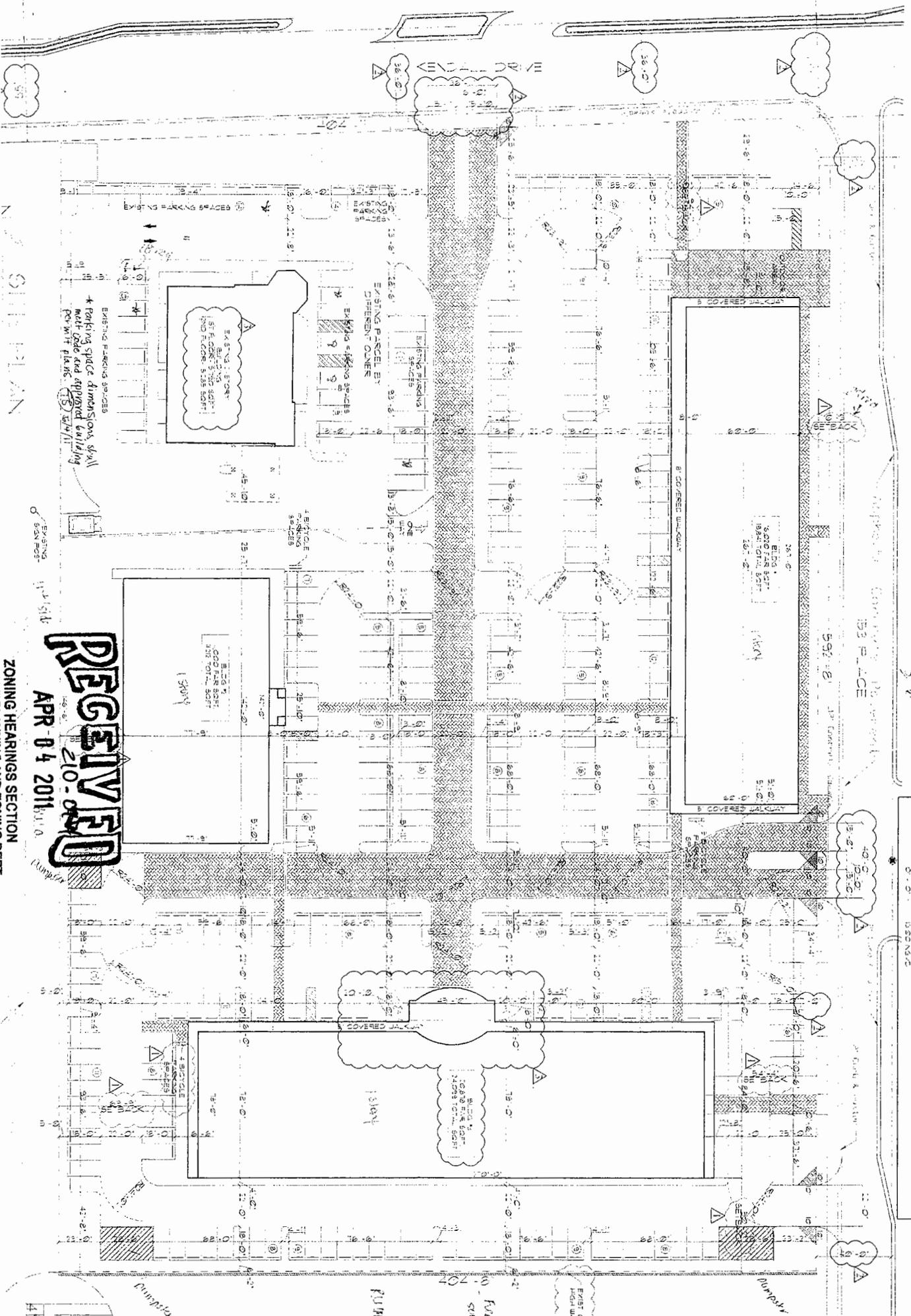
ENLARGED SITE PLAN

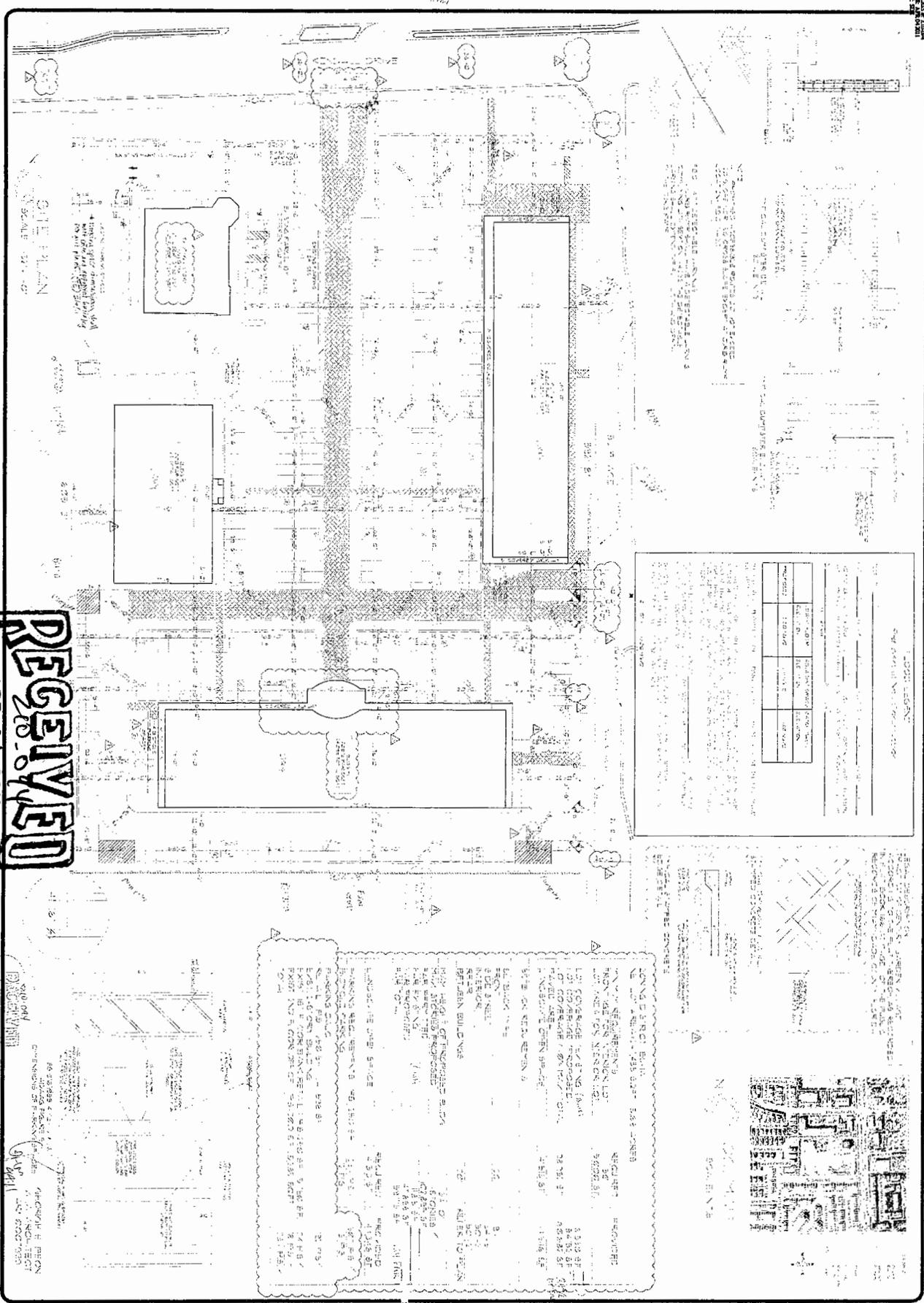
SITE PLAN

EXISTING PARKING SPACES
* Parking space dimensions shall meet code and approved building permit plans.

RECEIVED
APR 04 2011
210-0600

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





SITE PLAN
SCALE: 1/8\"/>

RECEIVED
APR 04 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *STF*

1. ZONING SECTION			
PROJECT NO.	DATE	BY	REVISIONS

PROPOSED BUILDING FOR:
GARDEN VILLAGE SHOPPING CENTER, LLC
FOLIO# 30-5904-072-2732

REQUIREMENTS:
 1. LOT COVERAGE SHALL NOT EXCEED 40% OF THE TOTAL LOT AREA.
 2. LOT AREA SHALL BE 10,000 SQ. FT. OR MORE.
 3. MINIMUM OPEN SPACE SHALL BE 10% OF THE TOTAL LOT AREA.
 4. MINIMUM OPEN SPACE SHALL BE 5,000 SQ. FT. OR MORE.
 5. MINIMUM OPEN SPACE SHALL BE 10% OF THE TOTAL LOT AREA.
 6. MINIMUM OPEN SPACE SHALL BE 5,000 SQ. FT. OR MORE.
 7. MINIMUM OPEN SPACE SHALL BE 10% OF THE TOTAL LOT AREA.
 8. MINIMUM OPEN SPACE SHALL BE 5,000 SQ. FT. OR MORE.
 9. MINIMUM OPEN SPACE SHALL BE 10% OF THE TOTAL LOT AREA.
 10. MINIMUM OPEN SPACE SHALL BE 5,000 SQ. FT. OR MORE.

DATE	BY	REVISIONS

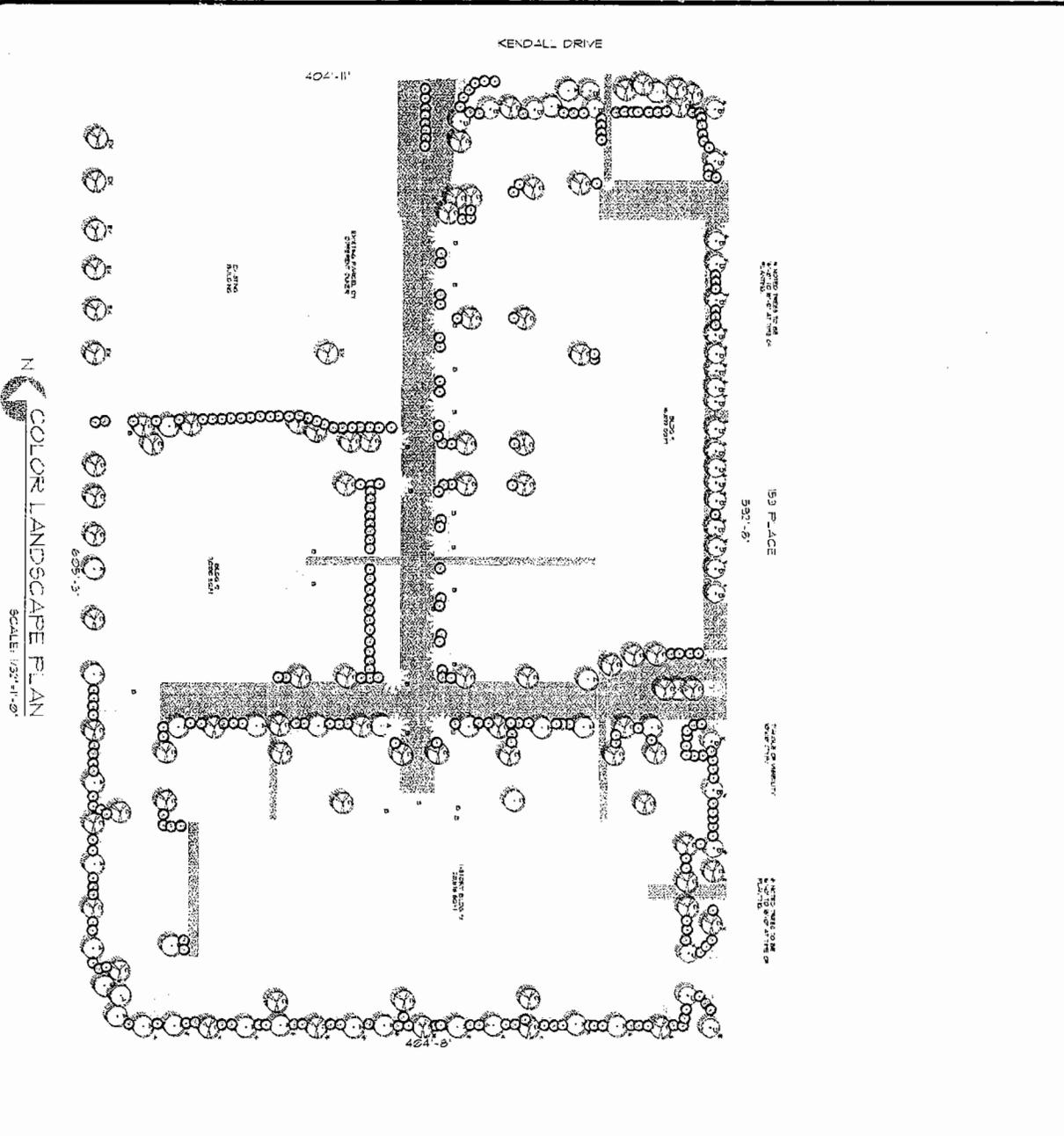
A-1

PROPOSED BUILDING FOR:
GARDEN VILLAGE SHOPPING CENTER, LLC
FOLIO# 30-5904-072-2732

ZONING SECTION
 PLANNING SECTION
 ENGINEERING SECTION
 ARCHITECTURAL SECTION
 LANDSCAPE ARCHITECTURE SECTION
 CIVIL ENGINEERING SECTION
 ELECTRICAL ENGINEERING SECTION
 MECHANICAL ENGINEERING SECTION
 PLUMBING SECTION
 STRUCTURAL ENGINEERING SECTION
 TRANSPORTATION SECTION
 UTILITY SECTION
 ENVIRONMENTAL SECTION
 HISTORIC PRESERVATION SECTION
 OTHER SECTION

GEORGE E. PEON
 ARCHITECT, A.L.L.C.
 1100 BAYVIEW BLVD.
 SUITE 1000
 MIAMI, FL 33134
 TEL: 305.555.1234
 FAX: 305.555.1235

RECEIVED
 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPT.
 12/06/2010



N
 COLOR LANDSCAPE PLAN
 SCALE: 1/32" = 1'-0"

RECEIVED
 210-0444
 DEC 06 2010

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

LEGEND

	TREE
	SHRUBS
	GRASSES

PLANT SCHEDULE

SYMBOL	SYM. NAME	BOTANICAL NAME	COMMON NAME	NATIVE	SEASONAL
A	20	YES	NATIONAL HOLLAND	YES	B 10' x 7' 6" DRUM
B	21	YES	NATIONAL BILLY	YES	C 10' x 8' DRUM
C	22	YES	CONCORDIA	YES	D 10' x 8' DRUM
D	23	YES	CONCORDIA	YES	E 10' x 8' DRUM
E	24	YES	CONCORDIA	YES	F 10' x 8' DRUM
F	25	YES	CONCORDIA	YES	G 10' x 8' DRUM
G	26	YES	CONCORDIA	YES	H 10' x 8' DRUM
H	27	YES	CONCORDIA	YES	I 10' x 8' DRUM
I	28	YES	CONCORDIA	YES	J 10' x 8' DRUM
J	29	YES	CONCORDIA	YES	K 10' x 8' DRUM
K	30	YES	CONCORDIA	YES	L 10' x 8' DRUM
L	31	YES	CONCORDIA	YES	M 10' x 8' DRUM
M	32	YES	CONCORDIA	YES	N 10' x 8' DRUM
N	33	YES	CONCORDIA	YES	O 10' x 8' DRUM
O	34	YES	CONCORDIA	YES	P 10' x 8' DRUM
P	35	YES	CONCORDIA	YES	Q 10' x 8' DRUM
Q	36	YES	CONCORDIA	YES	R 10' x 8' DRUM
R	37	YES	CONCORDIA	YES	S 10' x 8' DRUM
S	38	YES	CONCORDIA	YES	T 10' x 8' DRUM
T	39	YES	CONCORDIA	YES	U 10' x 8' DRUM
U	40	YES	CONCORDIA	YES	V 10' x 8' DRUM
V	41	YES	CONCORDIA	YES	W 10' x 8' DRUM
W	42	YES	CONCORDIA	YES	X 10' x 8' DRUM
X	43	YES	CONCORDIA	YES	Y 10' x 8' DRUM
Y	44	YES	CONCORDIA	YES	Z 10' x 8' DRUM
Z	45	YES	CONCORDIA	YES	AA 10' x 8' DRUM
AA	46	YES	CONCORDIA	YES	AB 10' x 8' DRUM
AB	47	YES	CONCORDIA	YES	AC 10' x 8' DRUM
AC	48	YES	CONCORDIA	YES	AD 10' x 8' DRUM
AD	49	YES	CONCORDIA	YES	AE 10' x 8' DRUM
AE	50	YES	CONCORDIA	YES	AF 10' x 8' DRUM
AF	51	YES	CONCORDIA	YES	AG 10' x 8' DRUM
AG	52	YES	CONCORDIA	YES	AH 10' x 8' DRUM
AH	53	YES	CONCORDIA	YES	AI 10' x 8' DRUM
AI	54	YES	CONCORDIA	YES	AJ 10' x 8' DRUM
AJ	55	YES	CONCORDIA	YES	AK 10' x 8' DRUM
AK	56	YES	CONCORDIA	YES	AL 10' x 8' DRUM
AL	57	YES	CONCORDIA	YES	AM 10' x 8' DRUM
AM	58	YES	CONCORDIA	YES	AN 10' x 8' DRUM
AN	59	YES	CONCORDIA	YES	AO 10' x 8' DRUM
AO	60	YES	CONCORDIA	YES	AP 10' x 8' DRUM
AP	61	YES	CONCORDIA	YES	AQ 10' x 8' DRUM
AQ	62	YES	CONCORDIA	YES	AR 10' x 8' DRUM
AR	63	YES	CONCORDIA	YES	AS 10' x 8' DRUM
AS	64	YES	CONCORDIA	YES	AT 10' x 8' DRUM
AT	65	YES	CONCORDIA	YES	AU 10' x 8' DRUM
AU	66	YES	CONCORDIA	YES	AV 10' x 8' DRUM
AV	67	YES	CONCORDIA	YES	AW 10' x 8' DRUM
AW	68	YES	CONCORDIA	YES	AX 10' x 8' DRUM
AX	69	YES	CONCORDIA	YES	AY 10' x 8' DRUM
AY	70	YES	CONCORDIA	YES	AZ 10' x 8' DRUM
AZ	71	YES	CONCORDIA	YES	BA 10' x 8' DRUM
BA	72	YES	CONCORDIA	YES	BB 10' x 8' DRUM
BB	73	YES	CONCORDIA	YES	BC 10' x 8' DRUM
BC	74	YES	CONCORDIA	YES	BD 10' x 8' DRUM
BD	75	YES	CONCORDIA	YES	BE 10' x 8' DRUM
BE	76	YES	CONCORDIA	YES	BF 10' x 8' DRUM
BF	77	YES	CONCORDIA	YES	BG 10' x 8' DRUM
BG	78	YES	CONCORDIA	YES	BH 10' x 8' DRUM
BH	79	YES	CONCORDIA	YES	BI 10' x 8' DRUM
BI	80	YES	CONCORDIA	YES	BJ 10' x 8' DRUM
BJ	81	YES	CONCORDIA	YES	BK 10' x 8' DRUM
BK	82	YES	CONCORDIA	YES	BL 10' x 8' DRUM
BL	83	YES	CONCORDIA	YES	BM 10' x 8' DRUM
BM	84	YES	CONCORDIA	YES	BN 10' x 8' DRUM
BN	85	YES	CONCORDIA	YES	BO 10' x 8' DRUM
BO	86	YES	CONCORDIA	YES	BP 10' x 8' DRUM
BP	87	YES	CONCORDIA	YES	BQ 10' x 8' DRUM
BQ	88	YES	CONCORDIA	YES	BR 10' x 8' DRUM
BR	89	YES	CONCORDIA	YES	BS 10' x 8' DRUM
BS	90	YES	CONCORDIA	YES	BT 10' x 8' DRUM
BT	91	YES	CONCORDIA	YES	BU 10' x 8' DRUM
BU	92	YES	CONCORDIA	YES	BV 10' x 8' DRUM
BV	93	YES	CONCORDIA	YES	BW 10' x 8' DRUM
BW	94	YES	CONCORDIA	YES	BX 10' x 8' DRUM
BX	95	YES	CONCORDIA	YES	BY 10' x 8' DRUM
BY	96	YES	CONCORDIA	YES	BZ 10' x 8' DRUM
BZ	97	YES	CONCORDIA	YES	CA 10' x 8' DRUM
CA	98	YES	CONCORDIA	YES	CB 10' x 8' DRUM
CB	99	YES	CONCORDIA	YES	CC 10' x 8' DRUM
CC	100	YES	CONCORDIA	YES	CD 10' x 8' DRUM
CD	101	YES	CONCORDIA	YES	CE 10' x 8' DRUM
CE	102	YES	CONCORDIA	YES	CF 10' x 8' DRUM
CF	103	YES	CONCORDIA	YES	CG 10' x 8' DRUM
CG	104	YES	CONCORDIA	YES	CH 10' x 8' DRUM
CH	105	YES	CONCORDIA	YES	CI 10' x 8' DRUM
CI	106	YES	CONCORDIA	YES	CJ 10' x 8' DRUM
CJ	107	YES	CONCORDIA	YES	CK 10' x 8' DRUM
CK	108	YES	CONCORDIA	YES	CL 10' x 8' DRUM
CL	109	YES	CONCORDIA	YES	CM 10' x 8' DRUM
CM	110	YES	CONCORDIA	YES	CN 10' x 8' DRUM
CN	111	YES	CONCORDIA	YES	CO 10' x 8' DRUM
CO	112	YES	CONCORDIA	YES	CP 10' x 8' DRUM
CP	113	YES	CONCORDIA	YES	CQ 10' x 8' DRUM
CQ	114	YES	CONCORDIA	YES	CR 10' x 8' DRUM
CR	115	YES	CONCORDIA	YES	CS 10' x 8' DRUM
CS	116	YES	CONCORDIA	YES	CT 10' x 8' DRUM
CT	117	YES	CONCORDIA	YES	CU 10' x 8' DRUM
CU	118	YES	CONCORDIA	YES	CV 10' x 8' DRUM
CV	119	YES	CONCORDIA	YES	CW 10' x 8' DRUM
CW	120	YES	CONCORDIA	YES	CX 10' x 8' DRUM
CX	121	YES	CONCORDIA	YES	CY 10' x 8' DRUM
CY	122	YES	CONCORDIA	YES	CZ 10' x 8' DRUM
CZ	123	YES	CONCORDIA	YES	CA 10' x 8' DRUM
CA	124	YES	CONCORDIA	YES	CB 10' x 8' DRUM
CB	125	YES	CONCORDIA	YES	CC 10' x 8' DRUM
CC	126	YES	CONCORDIA	YES	CD 10' x 8' DRUM
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CG	130	YES	CONCORDIA	YES	CH 10' x 8' DRUM
CH	131	YES	CONCORDIA	YES	CI 10' x 8' DRUM
CI	132	YES	CONCORDIA	YES	CJ 10' x 8' DRUM
CJ	133	YES	CONCORDIA	YES	CK 10' x 8' DRUM
CK	134	YES	CONCORDIA	YES	CL 10' x 8' DRUM
CL	135	YES	CONCORDIA	YES	CM 10' x 8' DRUM
CM	136	YES	CONCORDIA	YES	CN 10' x 8' DRUM
CN	137	YES	CONCORDIA	YES	CO 10' x 8' DRUM
CO	138	YES	CONCORDIA	YES	CP 10' x 8' DRUM
CP	139	YES	CONCORDIA	YES	CQ 10' x 8' DRUM
CQ	140	YES	CONCORDIA	YES	CR 10' x 8' DRUM
CR	141	YES	CONCORDIA	YES	CS 10' x 8' DRUM
CS	142	YES	CONCORDIA	YES	CT 10' x 8' DRUM
CT	143	YES	CONCORDIA	YES	CU 10' x 8' DRUM
CU	144	YES	CONCORDIA	YES	CV 10' x 8' DRUM
CV	145	YES	CONCORDIA	YES	CW 10' x 8' DRUM
CW	146	YES	CONCORDIA	YES	CX 10' x 8' DRUM
CX	147	YES	CONCORDIA	YES	CY 10' x 8' DRUM
CY	148	YES	CONCORDIA	YES	CZ 10' x 8' DRUM
CZ	149	YES	CONCORDIA	YES	CA 10' x 8' DRUM
CA	150	YES	CONCORDIA	YES	CB 10' x 8' DRUM
CB	151	YES	CONCORDIA	YES	CC 10' x 8' DRUM
CC	152	YES	CONCORDIA	YES	CD 10' x 8' DRUM
CD	153	YES	CONCORDIA	YES	CE 10' x 8' DRUM
CE	154	YES	CONCORDIA	YES	CF 10' x 8' DRUM
CF	155	YES	CONCORDIA	YES	CG 10' x 8' DRUM
CG	156	YES	CONCORDIA	YES	CH 10' x 8' DRUM
CH	157	YES	CONCORDIA	YES	CI 10' x 8' DRUM
CI	158	YES	CONCORDIA	YES	CJ 10' x 8' DRUM
CJ	159	YES	CONCORDIA	YES	CK 10' x 8' DRUM
CK	160	YES	CONCORDIA	YES	CL 10' x 8' DRUM
CL	161	YES	CONCORDIA	YES	CM 10' x 8' DRUM
CM	162	YES	CONCORDIA	YES	CN 10' x 8' DRUM
CN	163	YES	CONCORDIA	YES	CO 10' x 8' DRUM
CO	164	YES	CONCORDIA	YES	CP 10' x 8' DRUM
CP	165	YES	CONCORDIA	YES	CQ 10' x 8' DRUM
CQ	166	YES	CONCORDIA	YES	CR 10' x 8' DRUM
CR	167	YES	CONCORDIA	YES	CS 10' x 8' DRUM
CS	168	YES	CONCORDIA	YES	CT 10' x 8' DRUM
CT	169	YES	CONCORDIA	YES	CU 10' x 8' DRUM
CU	170	YES	CONCORDIA	YES	CV 10' x 8' DRUM
CV	171	YES	CONCORDIA	YES	CW 10' x 8' DRUM
CW	172	YES	CONCORDIA	YES	CX 10' x 8' DRUM
CX	173	YES	CONCORDIA	YES	CY 10' x 8' DRUM
CY	174	YES	CONCORDIA	YES	CZ 10' x 8' DRUM
CZ	175	YES	CONCORDIA	YES	CA 10' x 8' DRUM
CA	176	YES	CONCORDIA	YES	CB 10' x 8' DRUM
CB	177	YES	CONCORDIA	YES	CC 10' x 8' DRUM
CC	178	YES	CONCORDIA	YES	CD 10' x 8' DRUM
CD	179	YES	CONCORDIA	YES	CE 10' x 8' DRUM
CE	180	YES	CONCORDIA	YES	CF 10' x 8' DRUM
CF	181	YES	CONCORDIA	YES	CG 10' x 8' DRUM
CG	182	YES	CONCORDIA	YES	CH 10' x 8' DRUM
CH	183	YES	CONCORDIA	YES	CI 10' x 8' DRUM
CI	184	YES	CONCORDIA	YES	CJ 10' x 8' DRUM
CJ	185	YES	CONCORDIA	YES	CK 10' x 8' DRUM
CK	186	YES	CONCORDIA	YES	CL 10' x 8' DRUM
CL	187	YES	CONCORDIA	YES	CM 10' x 8' DRUM
CM	188	YES	CONCORDIA	YES	CN 10' x 8' DRUM
CN	189	YES	CONCORDIA	YES	CO 10' x 8' DRUM
CO	190	YES	CONCORDIA	YES	CP 10' x 8' DRUM
CP	191	YES	CONCORDIA	YES	CQ 10' x 8' DRUM
CQ	192	YES	CONCORDIA	YES	CR 10' x 8' DRUM
CR	193	YES	CONCORDIA	YES	CS 10' x 8' DRUM
CS	194	YES	CONCORDIA	YES	CT 10' x 8' DRUM
CT	195	YES	CONCORDIA	YES	CU 10' x 8' DRUM
CU	196	YES	CONCORDIA	YES	CV 10' x 8' DRUM
CV	197	YES	CONCORDIA	YES	CW 10' x 8' DRUM
CW	198	YES	CONCORDIA	YES	CX 10' x 8' DRUM
CX	199	YES	CONCORDIA	YES	CY 10' x 8' DRUM
CY	200	YES	CONCORDIA	YES	CZ 10' x 8' DRUM

RECEIVED
 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPT.
 12/06/2010

10/21/10

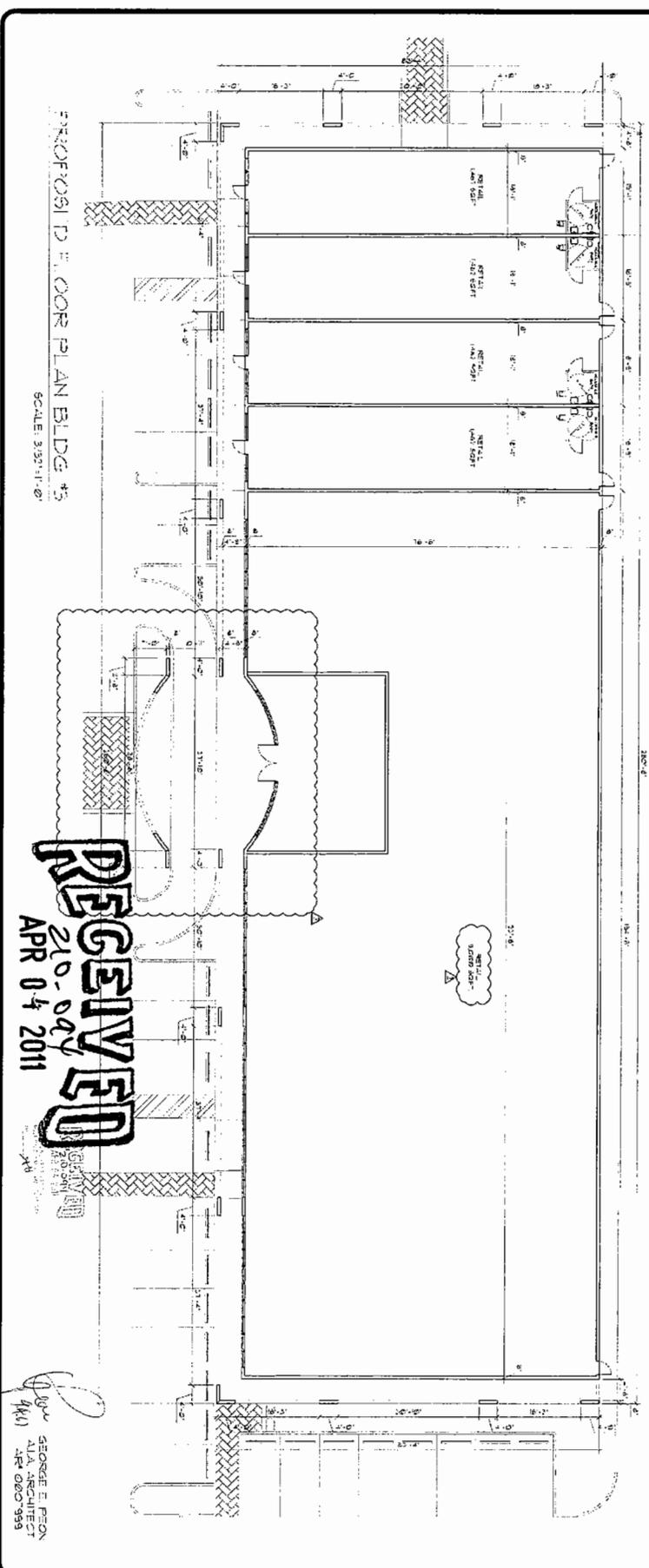
PROPOSED BUILDING FOR:

GARDEN VILLAGE SHOPPING CENTER, LLC
 FOLIO# 30-5904-072-2732

NO. 1	DATE: 12/06/2010
NO. 2	DATE: 12/06/2010
NO. 3	DATE: 12/06/2010
NO. 4	DATE: 12/06/2010
NO. 5	DATE: 12/06/2010
NO. 6	DATE: 12/06/2010

RECEIVED
 MIAMI-DADE COUNTY
 PLANNING AND ZONING DEPT.
 APR 04 2011

PROPOSED 1ST FLOOR PLAN BLDG. #3
 SCALE: 3/32"=1'-0"



RECEIVED
 210-0000
 APR 04 2011

GEORGE E. PEON
 AIA ARCHITECT
 APR 06/03 393

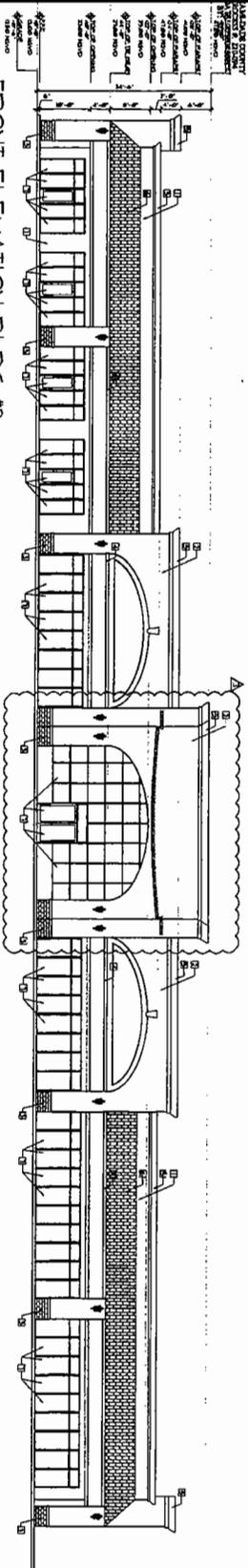
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY ADD

DATE	11/11/10
BY	ADD
PROJECT	GARDEN VILLAGE SHOPPING CENTER, LLC
NO.	A-4a

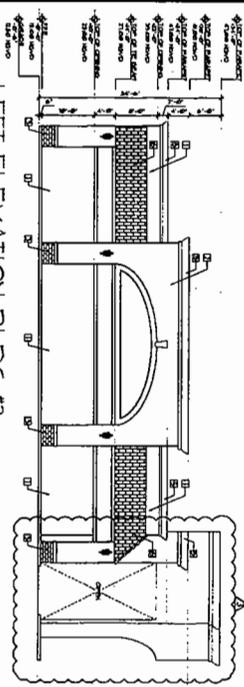
PROPOSED BUILDING FOR:
GARDEN VILLAGE SHOPPING CENTER, LLC
 FOLIO# 30-5904-072-2732

GEORGE E. PEON
 ARCHITECT, A.I.A.
 APR 06/03/99
 ARCHITECTURE
 PLANNING
 INTERIORS
 4450 N.W. 12TH AVENUE
 MIAMI, FL 33150
 P.O. BOX 100445

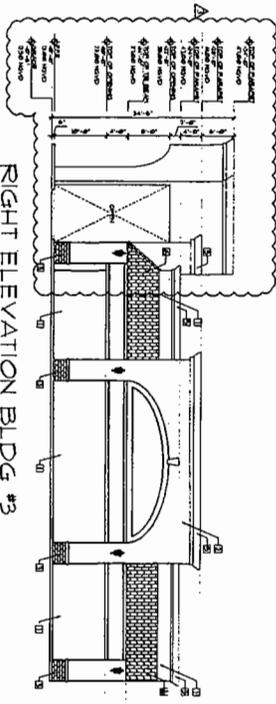
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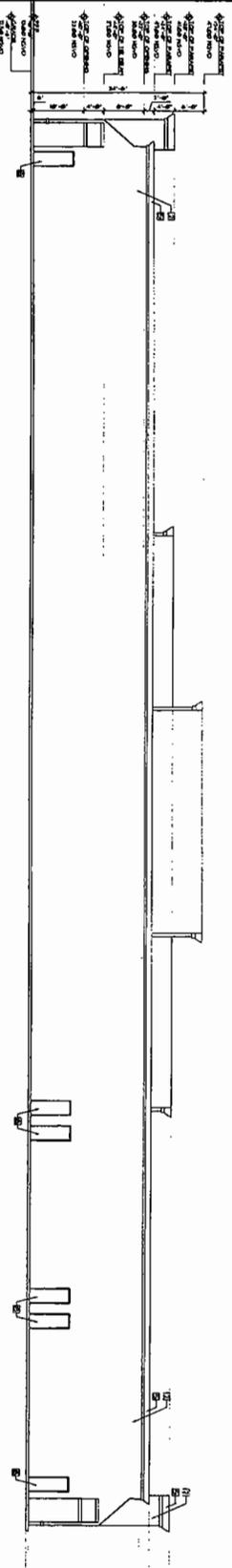
FRONT ELEVATION BLDG #3
(NORTH)
SCALE: 3/32"=1'-0"



LEFT ELEVATION BLDG #3
(EAST)
SCALE: 3/32"=1'-0"



RIGHT ELEVATION BLDG #3
(WEST)
SCALE: 3/32"=1'-0"



REAR ELEVATION BLDG #3
(SOUTH)
SCALE: 3/32"=1'-0"

- EXTERIOR FINISHES:
- WALLS:
- 1 TEXTURED STUCCO PAINTED.
 - 2 SMOOTH STUCCO PAINTED.
 - 3 SIMULATED STONE VENEER.
 - 4 STUCCO BANDS.
 - 5 PREFABRICATED HOLDING.
- ROOF:
- 6 SPANISH 3-CEMENT BARREL.
 - 7 TILE COLOR TO BE SELECTED.
- DOORS AND WINDOWS:
- 8 IMPACT RESISTANT GLASS.
 - 9 ALUM. FRAME DOORS AND FRAMES.
- FLOORS:
- 10 EXTERIOR WALKWAYS.
 - 11 BROOK FINISH CONCRETE.

RECEIVED
210-094
APR 04 2011

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

RECEIVED
APR 31 2011

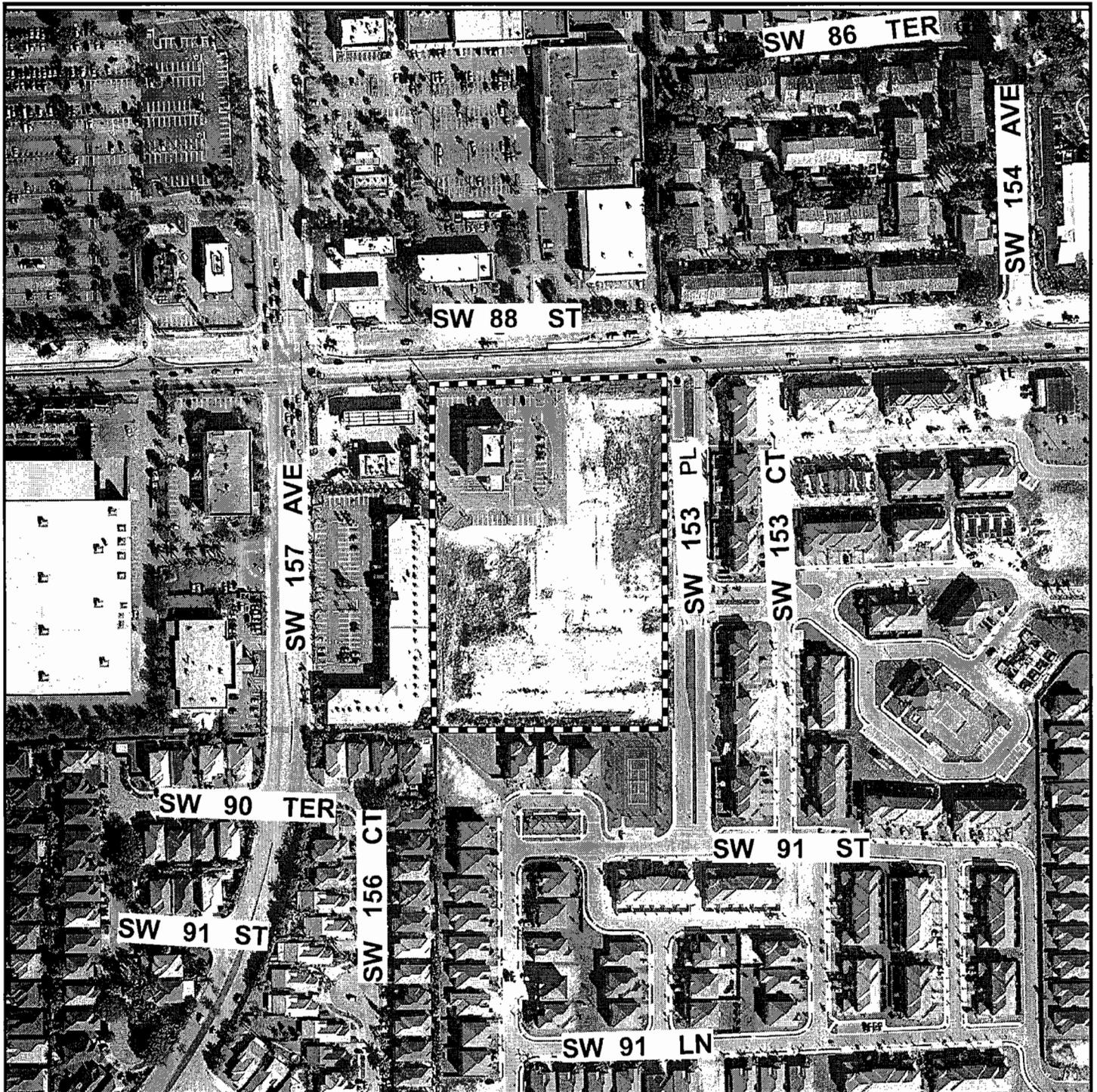
GEORGE E. PEON
AIA ARCHITECT
APR 2007595

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PROPOSED BUILDING FOR:
GARDEN VILLAGE SHOPPING CENTER, LLC
FOLIO# 30-5904-072-2732

GEORGE E. PEON
ARCHITECT AIA
ARCHITECTURE
PLANNING
INTERIORS

4142 NW 14 CT, SUITE 8
MIAMI FL 33186
TEL: (305) 594-9487
FAX: (305) 594-9487



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z201000094

Section: 04 Township: 55 Range: 39

Applicant: GARDEN VILLAGE SHOPPING CENTER LLC

Zoning Board: C11

Commission District: 11

Drafter ID: JEFFER GURDIAN

Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 14, 2010

REVISION	DATE	BY
Street Addition	7/30/10	Jgurd

Received by
Zoning Agenda Coordinator

SEP 20 2011

GARDEN Village Shopping
CENTER LLC

10-094

Item: 1

This instrument was prepared by
or under the supervision of

Name Tracy R. Slavens, Esq
Address Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space reserved for Clerk of Court)

**MODIFICATION OF THAT CERTAIN DECLARATION OF RESTRICTIONS,
RECORDED IN OFFICIAL RECORDS BOOK 22263 AT PAGE 283 AS MODIFIED BY
THAT CERTAIN MODIFICATION OF DECLARATION OF RESTRICTIONS
RECORDED IN OFFICIAL RECORDS BOOK 25213 AT PAGE 3423**

THIS Modification of Declaration of Restrictions is made this ___ day of _____,
2011, by Garden Village Shopping Center, LLC, a Florida limited liability company, and
Alexandra Property Holdings, LLC, a Florida limited liability company (the "Owners"), in favor
of Miami-Dade County, a political subdivision of the State of Florida (the "County")

WITNESSETH:

WHEREAS, the Owners hold the fee simple title to that certain property lying, being and
situated in Miami-Dade County, Florida, as legally described in Exhibit "A" attached hereto,
hereinafter referred to as the "Property",

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in
favor of the Miami-Dade County, was recorded in the Public Records of Miami-Dade County in
Official Records Book 22263 at Page 283, which placed certain restrictions and conditions on
the use of the Property,

WHEREAS, the Declaration was last modified by a Modification of Declaration of
Restrictions Recorded in Official Records Book 22263 at Page 283 (hereinafter referred to as the
"Modification"), which was recorded in Official Records Book 25213 at Page 3423, in order to
amend the site plan governing the development of the Property,

WHEREAS, in accordance with the terms of the Declaration, as modified by the Modification, the Owners applied for a public hearing to modify the Declaration, as modified by the Modification, to allow additional permitted uses and to revise the site plan governing the development of the Property;

WHEREAS, a public hearing was held before the Community Zoning Appeals Board for Area 11 (the "CZAB") on _____, 2011, at which hearing the CZAB adopted Resolution No. _____ (the "Resolution"); and

WHEREAS, the Resolution approved the modification of the Declaration, as modified by the Modification, as these instruments apply to the Property.

NOW, THEREFORE, the parties hereby agree as follows:

1. Paragraph 3 of the Declaration shall now read as follows:
2. **Restrictions on the Use Commercial Property.** As depicted in the Application and the Plan, a portion of the Property (the "Commercial Parcel"), which is legally described in Exhibit "B" to this Declaration, will be developed in accordance with the BU-1A zoning district regulations. Notwithstanding the proposed BU-1A zoning classification of the Commercial Parcel, none of the following uses shall be permitted on the Commercial Parcel:
 1. Attended, non-motorized donation collection vehicles.
 2. Donated goods centers.
 3. Pawn shops.
 4. Religious facilities.
 5. Amusement centers, as defined in Section 33-1 (5.1) of the Code of Miami-Dade County.
 6. Auditoriums.
 7. Automobile and light truck sales (new and used).
 8. Automotive service stations.
 9. Automobile self-service gas stations.
 10. Automobile storage within a building.
 11. Automobile tires, batteries and accessories sales.
 12. Automobile washing.
 13. Bait and tackle shops.
 14. Billiard rooms and pool rooms.
 15. Bowling alleys.
 16. Convention halls.

- 17 Bath and massage parlors
- 18 Lawn mowers sales and service
- 19 Medical observation dormitory
- 20 Mortuaries or funeral homes
- 21 Motorcycle sales and repairs
- 22 Natatoriums
- 23 Open-air theaters
- 24 Private clubs
- 25 Self-service storage facilities
- 26 Skating rinks
- 27 Telegraph stations
- 28 Telephone exchange
- 29 Truck rental agency

2 Paragraph 1 of the Declaration shall now read as follows

- 1 **Site Plan.** The Property shall be developed in accordance with the plans entitled "Garden Village Shopping Center, LLC", as prepared by George E Peon Architect, A I A Sheets A-1, A-4a, A-4b, and L-1 dated stamped received 4/4/11 with sheet A-1 last handwritten revision dated 5/4/11, sheets A-2a and A-3a dated stamped received 1/14/11, sheets A-2b and A-3b dated stamped received 12/13/10, and sheet CL-1 dated stamped received 12/6/10, for a total of 9 sheets

3 Except as hereby amended, all other restrictions in the Declaration, as modified by the Modification, shall remain in full force and effect

[Signature Page Follows]

The Director of the Miami-Dade County Department of Planning and Zoning does hereby effectuate and acknowledge the above Modification of Declaration of Restrictions

WITNESSES:

Miami-Dade County
Department of Planning and Zoning

Signature

Printed Name

Marc LaFerrier, Director

Signature

Printed Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by Marc LaFerrier, as Director of the Miami-Dade County Department of Planning and Zoning, who is personally known to me or has produced _____, as identification

Witness my signature and official seal this ____ day of _____, 2011, in the County and State aforesaid

Notary Public State of Florida

Printed Name

My Commission Expires

EXHIBIT A

Legal description of subject property:

Tract A of Century Garden Villas, according to the plat thereof, as recorded in Plat Book 166 at Page 1 of the Public Records of Miami-Dade County, Florida.

Received by
Zoning Agenda Coordinator

SEP 20 2011

GARDEN Village Shopping

CENTER LLC

10-094

Item : 1

This instrument was prepared by
or under the supervision of.

Name: Tracy R. Slavens, Esq
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space reserved for Clerk of Court)

**MODIFICATION OF COVENANT RUNNING WITH THE LAND
IN LIEU OF UNITY OF TITLE (COMMERCIAL)
RECORDED AT OFFICIAL RECORDS BOOK 26248 AT PAGE 2513**

THIS Modification of Covenant Running With The Land In Lieu Of Unity Of Title is made this _____ day of _____, 2011, by Garden Village Shopping Center, LLC, a Florida limited liability company, and Alexandra Property Holdings, LLC, a Florida limited liability company (the "Owners"), which shall be binding on the Owners, all heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them.

WITNESSETH:

WHEREAS, the Owners hold fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, which is legally described in the attached Exhibit "A," and hereinafter referred to as the "Property"; and

WHEREAS, a Covenant In Lieu Of Unity Of Title (which, as modified as described below, is hereinafter referred to as the "Covenant") in favor of the Miami-Dade County, was recorded in Official Records Book 26243 at Page 2513 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, pursuant to the terms of the Covenant, the Director of the Miami-Dade County Department of Planning and Zoning has approved the modification of Paragraph No. 1 of the Covenant, specifically as it relates to the site plan governing the development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Paragraph No. 1 of the Covenant, as it specifically relates to the Property, as modified, hereby reads as follows:

"1. The Property will be developed in substantial conformity with the site plan entitled "Garden Village Shopping Center, LLC". as prepared by George E. Peon

Architect, A.I.A. Sheets A-1, A-4a, A-4b, and L-1 dated stamped received 4/4/11 with sheet A-1 last handwritten revision dated 5/4/11, sheets A-2a and A-3a dated stamped received 1/14/11, sheets A-2b and A-3b dated stamped received 12/13/10, and sheet CL-1 dated stamped received 12/6/10, for a total of 9 sheets.

No Modification shall be effected in said site plan without the written consent of the then owner(s) of the Property, and the Director of the Department of Planning and Zoning; provided the Director finds that the modification conforms with the standards established in Section 33-257 of the Code of Miami-Dade County, and provided further, that should the Director withhold such approval, the then owner(s) of the property shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board or Board of County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter.

3. Except as modified herein, all other restrictions in the Covenant shall remain in full force and effect.

[EXECUTION PAGES FOLLOW]

The Director of the Miami-Dade County Department of Planning and Zoning does hereby effectuate and acknowledge the above Modification of Declaration of Restrictions.

WITNESSES:

Miami-Dade County
Department of Planning and Zoning

Signature

Marc LaFerrier, Director

Printed Name

Signature

Printed Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by Marc LaFerrier, as Director of the Miami-Dade County Department of Planning and Zoning, who is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 2011, in the County and State aforesaid.

Notary Public State of Florida

Printed Name

My Commission Expires:

EXHIBIT A

Legal description of subject property:

Tract A of Century Garden Villas, according to the plat thereof, as recorded in Plat Book 166 at Page 1 of the Public Records of Miami-Dade County, Florida.

**2. ADRIAN BUILDERS AT
TAMIAMI AIRPORT III LTD
(Applicant)**

**11-10-CZ11-2 (11-016)
Area 11/District 11
Hearing Date: 10/04/11**

Property Owner (if different from applicant) **Adrian Builders @ Tamiami Airport.**

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>
2003	Marvin Ross	- Zone change from GU to IU-1.	C11	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: Adrian Builders at Tamiami Airport III LTD **PH:** Z11-016 (11-10-CZ11-2)

SECTION: 14-55-39 **DATE:** October 4, 2011

COMMISSION DISTRICT: 11 **ITEM NO.:** 2

=====

A. o SUMMARY OF REQUESTS:

The applicant is seeking to establish an educational facility within the No School Zone (NSZ) and Outer Safety Zone (OSZ) of the Kendall Tamiami Executive Airport Zoning District. Additionally, the applicant is seeking the deletion of a paragraph of a recorded Declaration of Restrictions which restricts uses on the subject property including a day nursery, Kindergarten, schools and after care.

o REQUESTS:

- (1) VARIANCE OF AIRPORT REGULATIONS to permit an educational facility within the No School Zone and within the Outer Safety Zone of the Kendall Tamiami Executive Airport (new educational facilities not permitted).
- (2) Deletion of Paragraph (2) j. of a Declaration of Restrictions as Recorded in Official Record Book 21727 pages 2166 thru 2172, reading as follows:

(2) j. Day nursery, Kindergarten, schools and after school care.

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

The purpose of Request #2 is to permit a Day Nursery, Kindergarten, school and after school care that was not permitted by covenant.

o LOCATION:

13595 SW 134 Avenue, Miami-Dade County, Florida.

o SIZE: 4.13 acres

B. ZONING HEARINGS HISTORY:

In 2003, pursuant to Resolution CZAB11-25-06, the Zoning Appeals Board granted a district boundary change from GU, Interim District to IU-1, Light Industrial District. Pursuant to said resolution, the applicant proffered a Declaration of Restrictions limiting uses on the property and providing landscaping in accordance with the requirements of IU-C zoning district.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-1; office building

Industrial and Office

Surrounding Properties:

NORTH: GU; park

Industrial and Office

SOUTH: RU-TH; single family residences

Low Density Residential (2.5 to 6 dua)

EAST: IU-C; warehouses

Industrial and Office

WEST: IU-C; warehouses

Industrial and Office

D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM
 Public Works
 Parks
 MDTA
 Fire Rescue
 Police
 Schools
 Aviation

No objection
No objection
No comment
No comment
No comment
No comment
No comment
Objects*

*as stated in their memorandum

E. PLANNING AND ZONING ANALYSIS:

The applicant is seeking to waive the airport regulations prohibiting a school within the No School Zone (NSZ) and Outer Safety Zone (OSZ) for the Kendall-Tamiami Executive Airport Zoning District in order to establish an educational facility on the subject property. The current IU-1 zoning district permits educational facilities as a matter of right; however the property lies within the NSZ and OSZ for Kendall-Tamiami Executive Airport (TMB). Section 33-394 of the Code established the land use zoning criteria for this airport and designates the NSZ as the area bounded on the north by SW 119 Street, and on the south by SW 126 Street, on the east by SW 93 Avenue and on the west by SW 202 Avenue. This area has a length of approximately five statute miles from the end of the runway, and has a width measuring one-half of the length of the longest runway. Additionally, the proposed educational facility will be located within the OSZ as also established in Section 33-394. The OSZ area extends from the end of Inner Safety Zone to SW 119 Street on the north, SW 126 Street on the south, and SW 133 Court. The OSZ area is described as an area that extends outward from the Inner Safety Zone (ISZ) to a point 5,000 feet from a runway end. Section 33-395 subsection (3) states that *new educational facilities, excluding aviation schools, are not permitted within this (NSZ) land use classification* and subsection (5) states *educational facilities (excluding aviation*

schools) and places of public assembly are not permitted (see attached Zoning Recommendation Addendum).

The subject property is designated **Industrial and Office** (see attached Zoning Recommendation Addendum) on the CDMP's Land Use Plan (LUP) map. This category accommodates the full range of, *public facilities, hospitals and medical buildings*. Staff notes that the proposed educational facility will be housed within an existing office building. The CDMP states that neighborhood and community serving uses such as educational facilities are permitted only when consistent with other goals objectives and policies of the Plan and compatible with the neighborhood. The Miami-Dade **Aviation Department (MDAD) objects** to this application. A memorandum from said Department dated May 11, 2011 states that the subject property falls inside the No School Zone and Outer Safety Zone as established in the Sections 33-394 and 33-395. Section 33-395 subsections (3 and 5) states that new educational facilities, excluding aviation schools, are not permitted. Therefore, MDAD has determined that the proposed educational facility would not be compatible with operations of TMB and objects to the placement of the educational facility at this location. The location of the proposed educational facility in a NSZ and OSZ endangers the public health, safety, and welfare of students and others who congregate in the vicinity.

The CDMP states under **Land Use Policy 4A** (see attached Zoning Recommendation Addendum) that *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 or architectural elements, landscaping, hours of operation, buffering, and safety, as applicable*. Additionally, **Objective 7 of the Aviation Supplement** (see attached Zoning Recommendation Addendum) states that the County should seek the *maximum compatibility between airports and surrounding communities*. **Aviation Policy 7E** (see Zoning Recommendation Addendum) further states that *to the extent feasible, the CDMP Land Use Element should be used to maximize compatibility of land uses around airports*. Based on the aforementioned and noting the MDAD's objections to this application staff opines that the proposed use would be **incompatible** with aviation activity, **inconsistent** with the CDMP's Aviation policies and objectives and, should be denied without prejudice.

When analyzing request #1 under Sec. 33-402(4) and (5), variances for Kendall-Tamiami Executive Airport (see Zoning Recommendation Addendum), staff notes that the applicant is seeking to permit an educational facility within the NSZ and OSZ, of which MDAD objects. Section 33-402(4) Variances, of the Kendall-Tamiami Executive Airport Ordinance, requires the applicant to show how a literal application of the regulations would result in a practical difficulty or unnecessary hardship. As such, the applicant has not provided staff with the necessary information to show that denial of the request to vary the airport regulations would result in an unnecessary hardship or a practical difficulty. Staff notes that just north of the subject property there is a day care center located at 13455 SW 136 Street. Said facility was granted a Certificate of Use on April 4, 2002, prior to the approval of the "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and Surrounding Area" which restricts uses to ensure land use compatibility around TMB and was approved pursuant to Ordinance No. 02-169 on September 24, 2002. Staff opines that the proposed educational facility is **incompatible** with the land use zoning map for Kendall-Tamiami Executive Airport despite the existence of the day care located to the north which was approved prior to the approval of the "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and

Surrounding Area". As such, based on the strong objection stated in the memorandum submitted by the Aviation Department, and on the fact that a facility of this type could present a safety hazard at this location, staff **concur with the MDAD and recommends denial without prejudice of request #1 under Section 33-302(4) and (5).**

When analyzing request #2 under the Generalized Modification Standards, Section 33-311(A)(7) (*see attached Zoning Recommendation Addendum*), the applicant is seeking to modify a recorded declaration of restrictions proffered by the original owner which restricted uses on the subject property including day nursery, kindergarten, schools and after care facilities. However, the applicant is seeking to remove this restriction from the subject property in order to allow the establishment of an educational facility at this location. Staff concurs with the Aviation Department objection to the establishment of an educational facility within the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall-Tamiami Executive Airport Zoning District for all the reasons stated above. **As such, staff recommends denial without prejudice of request #2.**

F. RECOMMENDATION:

Denial without prejudice.

G. CONDITIONS:

None.

DATE TYPED: 07/06/11
DATE REVISED: 08/25/11
DATE FINALIZED: 08/06/11
MCL:GMR;NN:CH:AN



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

NON

ZONING RECOMMENDATION ADDENDUM

Adrian Builders at Tamiami Airport III LTD
11-016

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

<p>Industrial and Office (Pg. I-39)</p>	<p>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for Industrial and Office. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</p>
<p>(Pg. I-53)</p>	<p>Neighborhood- or community-serving institutional uses and utilities including schools and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas.</p>
<p>Land Use Policy 4A (Pg. I-11)</p>	<p>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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.</p>
<p>Aviation Subelement Objective 7 (Pg. II-48)</p>	<p>Maximize compatibility between airports and surrounding communities.</p>
<p>Aviation Subelement Policy 7E (Pg. II-49)</p>	<p>To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land uses around airports, reflecting recommendations in the federal and state guidance documents cited in Aviation Policy 7B.</p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-394 Establishment of land use zoning criteria for airports</p>	<p>For the purpose of this article all of the land use zoning criteria for Kendall-Tamiami Executive Airport and the surrounding area, as the same is created, established and described hereinbefore, is hereby divided into classifications as follows:</p> <p>(1) Inner District (ILZ). An ILZ covers an area measured as one-half the length of the longest runway at the airport on either side and at the end of each runway centerline at the airport.</p>
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ZONING RECOMMENDATION ADDENDUM

Adrian Builders at Tamiami Airport III LTD 11-016

	<p>(2) Outer District (OLZ). The OLZ at an airport is based on VFR traffic pattern criteria and predominant type of aircraft utilizing the airport. For Kendall-Tamiami Executive Airport "Category A" is used due to the predominant type of aircraft having an approach speed less than 91 knots and aircraft weighing less than 30,001 pounds. The mathematical formula for determining the limits of the OLZ are found in Federal Aviation Administration (FAA) Advisory Circular 7400.2C.</p> <p>(3) No School Zone (NSZ). An NSZ for each runway covers an area that extends five statute miles from the end of a runway in a direct line along the centerline of the runway, and has a width measuring one-half the length of the longest runway at the airport.</p> <p>(4) Inner Safety Zone (ISZ). Also referred to as the Runway Protection Zone (RPZ). For Kendall-Tamiami Executive Airport the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for Runway 13/31 begins at a width of 500 feet and extends 1,000 feet to a width of 700 feet. The ISZ dimension for Runway 9R/27L and Runway 9L/27R begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet.</p> <p>(5) Outer Safety Zone (OSZ). The OSZ is described as an area that extends outward from the ISZ to a point 5,000 feet from a runway end. The OSZ dimension for Runway 13/31 begins at a width of 700 feet and extends 3,800 feet to a width of 1,460 feet. The OSZ dimensions for Runway 9R/27L and Runway 9L/27R begin at a width of 1,750 feet and extend 2,300 feet to a width of 2,440 feet.</p>
<p>33-395 Land use zoning classifications for airports</p>	<p>(A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:</p> <p>(1) Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.</p> <p>(2) Outer District (ILZ). New residential construction and educational facilities excluding aviation, within this land use classification are required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.</p> <p>(3) No School Zone (NSZ). New educational facilities, excluding aviation schools, are not permitted within this land use classification.</p> <p>(4) Inner Safety Zone (ISZ). New residential construction, educational facilities (excluding aviation schools), churches and places of public assembly are not permitted within this land use classification.</p> <p>(5) Outer Safety Zone (OSZ). Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.</p>
<p>33-311(A)(5) Variances from airport zoning regulations</p>	<p>Hear applications for and grant or deny variances from any airport zoning regulations, but in considering, granting or denying any such variance the Community Zoning Appeals Boards shall be governed and shall abide by the guides and standards, general purpose and intent of the particular airport zoning regulation concerned. No such application shall be heard until the recommendation of the Director of the Aviation Department is first obtained, which recommendation shall be considered, together with that of the Director's. The granting of a variance under this subsection does not authorize or permit violation of other zoning regulations</p>

ZONING RECOMMENDATION ADDENDUM

Adrian Builders at Tamiami Airport III LTD 11-016

	<i>or the zoning regulations of any municipality concerned unless authorized by the appropriate County or municipal board, body or commission concerned, as the case may be.</i>
33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
33-402.(4) Variances	<i>Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.</i>
33-402.(5) Variances	<i>Construction of any educational facility is prohibited at either end of a runway of Kendall-Tamiami Executive Airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. In addition to any findings required in this chapter, variances approving construction of an educational facility within the delineated area shall only be granted when the appropriate zoning board makes specific findings detailing how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.</i>

Date: February 24, 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 #Z2011000016
Adrian Builders at Tamiami Airport III, Ltd.
13595 S.W. 134 Avenue
To Permit a School in the No School Zone of Tamiami Airport
(IU-1) (4.13 Acres)
14-55-39

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

Potable Water Service and Wastewater Disposal

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

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

The proposed change will not affect the existing stormwater management system. However the applicant is advised that any change to the previously approved site plan under Environmental Resource Permit No. 13-02582-P may require a permit modification.

Wetlands

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

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. 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. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

DERM has reviewed 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: May 11, 2011

To: Marc C. LaFertier, Director
Department of Planning & Zoning

From: José Abreu, P.E., Director
Aviation Department

Subject: Adrian Builders at Tamiami Airport III LTD (PH#: 11-016)
MDAD-DN-11-05-550

As requested by your department, the Aviation Department (MDAD) has reviewed zoning hearing application #11-016, Adrian Builders at Tamiami Airport III LTD. The applicant is requesting to permit a proposed educational facility within two Kendall-Tamiami Executive Airport (TMB) Zoning land use restrictive zones, the No School Zone "NSZ" and the Outer Safety Zone "OSZ" as referenced in Article XL of the Code of Miami-Dade County, Kendall-Tamiami Executive Airport, Section 33-395. Both airport land use restrictive zones prohibit this use. In addition, the OSZ land use restrictive zone prohibits public assemblage uses. The property consists of approximately 4.13 acres and is located at 13595 SW 134 Avenue, Miami-Dade County, Florida. The parcel is located approximately 4,198 feet from TMB's Runway 27L.

MDAD has determined that a proposed educational facility at this location would not be compatible with operations from TMB. Furthermore, the application is in conflict with the following federal, state and county airport land use compatibility regulations:

- Federal Aviation Administration's (FAA) Airport Land Use Compatibility Guidelines
- Proposed Federal Department of Transportation's (FDOT) Airport Land Use Compatibility Guidelines
- Chapter 333 of the Florida Statutes (which mandates the County to establish and amend its Comprehensive Airport Zoning to include an airport land use compatibility component)
- MDAD's Comprehensive Development Master Plan (CDMP) goals and objectives
- State mandated and County enforced Evaluation and Appraisal Report (EAR) goals and objectives for MDAD's airport system
- Code of Miami-Dade County, Article XL, Section 33-395 Kendall-Tamiami Executive Airport Zoning) also commonly referred to as "airport zoning overlay" is more restrictive than the County's underlying zoning for this parcel. As you are aware, the most stringent zoning prevails where conflicts occur.
- The proposed commuter university is within two airport land use restrictive zones, the NSZ and the OSZ. According to the Code, the NSZ prohibits new educational facilities within this land use classification. The NSZ is based upon Florida Statute 333.03 (3) which states the following "... Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of the runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway." The Outer Safety Zone (OSZ) prohibits new educational facilities and public assemblage uses within land use classification.

May 11, 2011
Marc C. LaFerrier
Page 2

To allow an exception of the County Code to permit a new educational facility to be sited within an airport restrictive zone which prohibits this use, derails both of our departments' efforts to establish and enforce compatible airport land use zoning. Any incompatible land use near MDAD's airport system, including TMB, could constrain the long-term viability and utility of public-use airport facilities. MDAD relies heavily on grants from the FAA to operate its airport system. Permitting this incompatible land use may jeopardize future grants or potentially restrict the level of activity at the airport.

Since responsible zoning is an objective we both share, and establishing/amending our comprehensive airport zoning as a matter of public safety as mandated by state legislation has been a collaborative effort, we would appreciate your support in recommending denial of this application. Should you have any questions, please contact Mr. José Ramos at (305) 876-8080.

C: Krystal Ritchey, FAA ADO
Sergey Kireyev, FDOT Airspace and Land Use Manager
T. Abbott
J. Ramos

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ADRIAN BUILDERS AT TAMIAMI AIRPORT III LTD

This Department has no objections to this application as it applies to the request to permit a school in the ;No-School Zone; of the Tamiami Airport.

The applicant will be required to comply with Traffic Division requirements as it pertains to schools at time of permitting.

Additional improvements may be required at time of permitting.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

12-MAY-11

Memorandum



Date: 22-FEB-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2011000016

Fire Prevention Unit:

No objection via case # Z2011000016.

Service Impact/Demand:

Development for the above Z2011000016
 located at 13595 SW 134 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1985 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:18 minutes

Existing services

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

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis at this stage.

DATE: 01-MAR-11

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ADRIAN BUILDERS@ TAMIAMI
AIRPORT III LTD

13595 SW 134 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000016

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

11-016

ADDRESS: 13595 SW 134 AVE,

FOLIO: 3059141150010

DATE: 3/1/11

NAME: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:

No open cases.

CLOSED CASES:

Neighborhood Regulations:

No closed cases.

Building Code:

No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: BOBONIS, EIMIR
Evaluator: AMINA NEWSOME

Inspection Dat
07/21/11

Process #: Z2011000016 **Applicant's Name** ADRIAN BUILDERS AT TAMIAMI AIRPORT III LTD
Locations: 13595 SW 134 AVE, MIAMI-DADE COUNTY, FLORIDA.
Size: 4.13 ACRES **Folio #:** 3059141150010

Request:
THE APPLICANT IS REQUESTING APPLICANT IS REQUESTING TO PERMIT A SCHOOL IN THE NO SCHOOL ZONE OF TAMIAMI AIRPORT.

EXISTING ZONING

Subject Property IU-1,

EXISTING USE OFFICE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

2 story cbs building

USE(S) OF PROPERTY:

none, bldg is not occupied

FENCES/WALLS:

none

LANDSCAPING:

yes

BUFFERING:

none

VIOLATIONS OBSERVED:

none observed

OTHER:

Process # **Applicant's Name**
Z2011000016 ADRIAN BUILDERS AT TAMIAMI AIRPORT III LTD

SURROUNDING PROPERTY

ZONING INSPECTION REPORT

NORTH:

vacand land

SOUTH:

residential

EAST:

warehouses

WEST:

office building

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS:

Neighborhood is a mix of several zoning districts.

COMMENTS:

Inspector **BOBONIS, EIMIR**

Evaluator **AMINA NEWSOME**

Process Number: **Z2011000016** Applicant Name **ADRIAN BUILDERS AT TAMiami AIRPORT III LTD**



Date: 20-JUL-11

Comments: EAST SIDE OF PROPERTY SHOWING
WHARE HOUSES WALL



Date: 20-JUL-11

Comments: OFFICE BUILDING TO THE WEST



Date: 20-JUL-11

Comments: PROPERTY

Inspector **BOBONIS, EIMIR**

Evaluator **AMINA NEWSOME**

Process Number: **Z2011000016** Applicant Name **ADRIAN BUILDERS AT TAMiami AIRPORT III LTD**



Date: 21-JUL-11

Comments: RESIDENTIAL PROPERTIES TO THE SOUTH

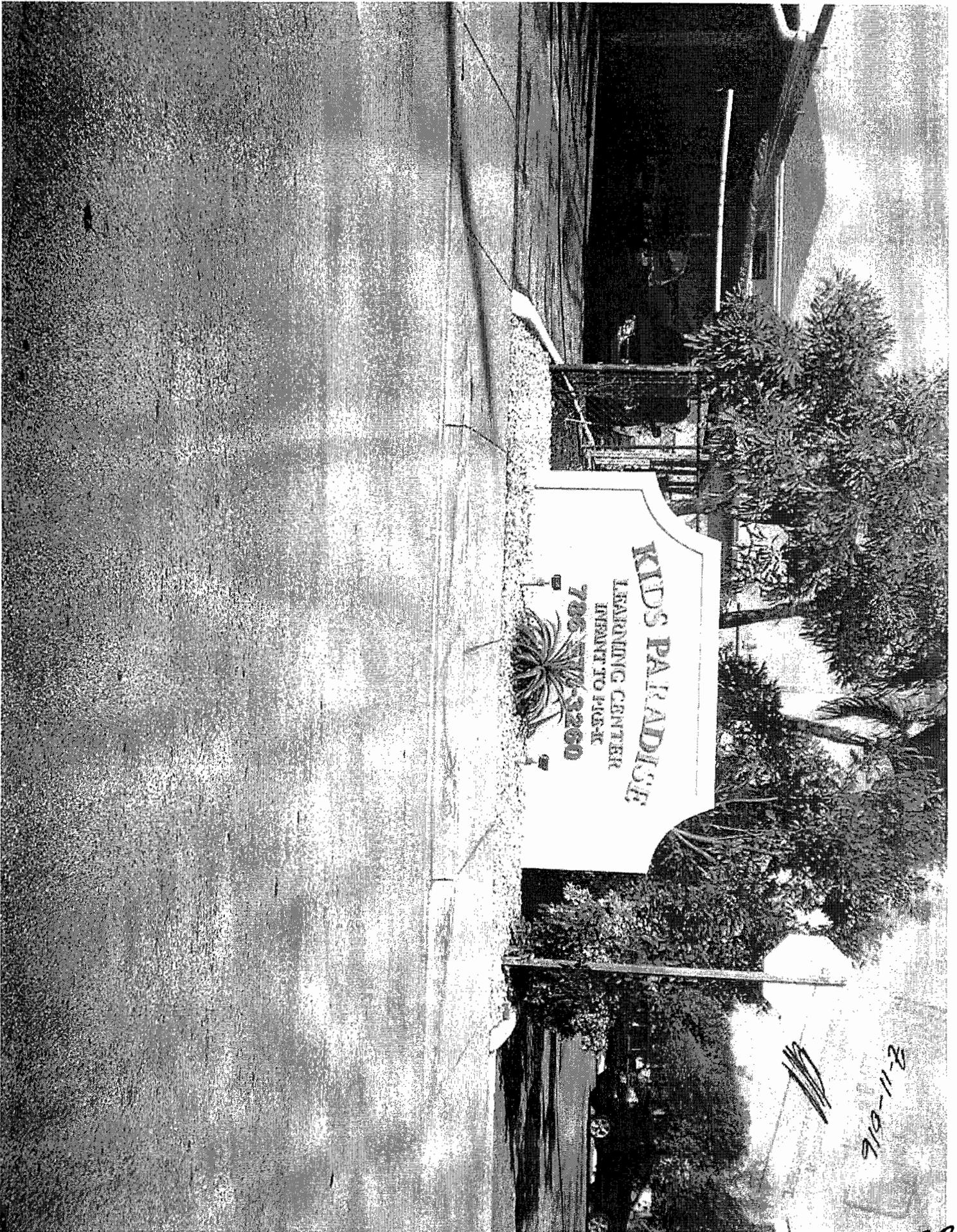


Date: 20-JUL-11

Comments: VACANT PROPERTY TO THE NORTH

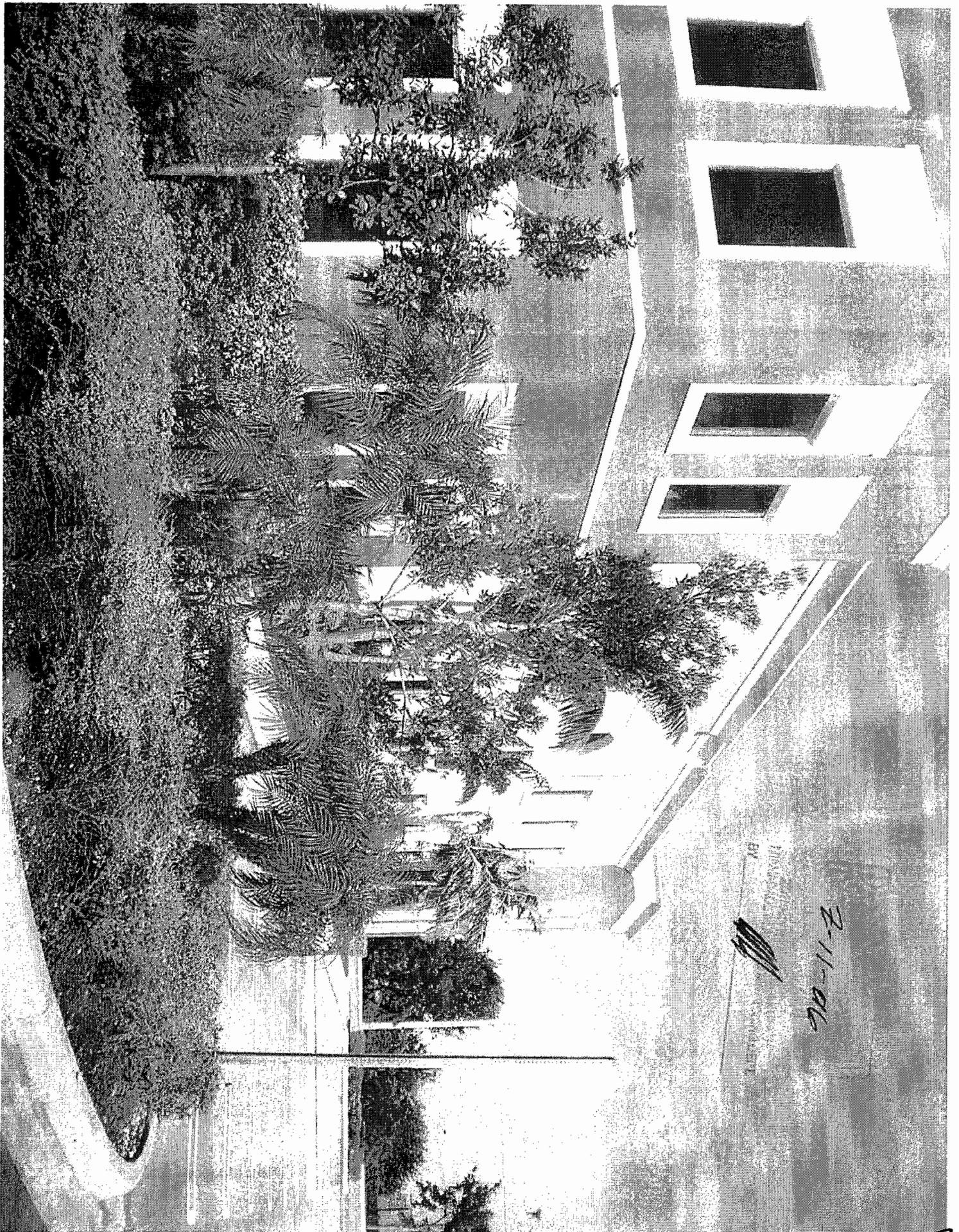
FREE PRE-KINDERGARTEN
FOR ALL 3 YEAR OLD CHILDREN
SANTIS PRE-ESCOLAR PARA TODOS LOS NIÑOS DE 3 AÑOS
CLASES SEEN AGOSTO 24 CLASES COMIENZAN Agosto 24 (786 573 3360)

2-11-016

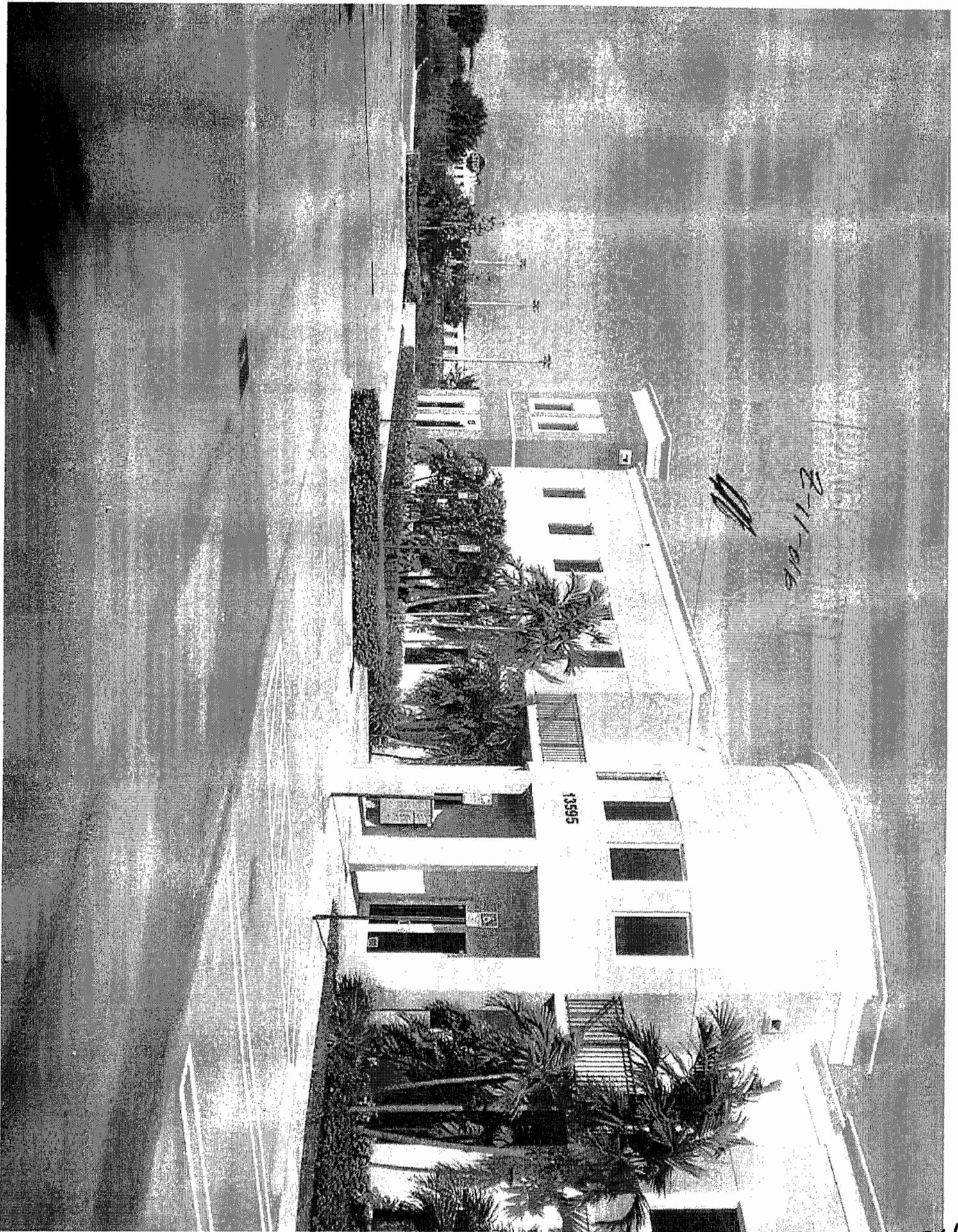


KIDS PARADISE
LEARNING CENTER
INFANT TO PRESK
706-577-9260

710-11-2

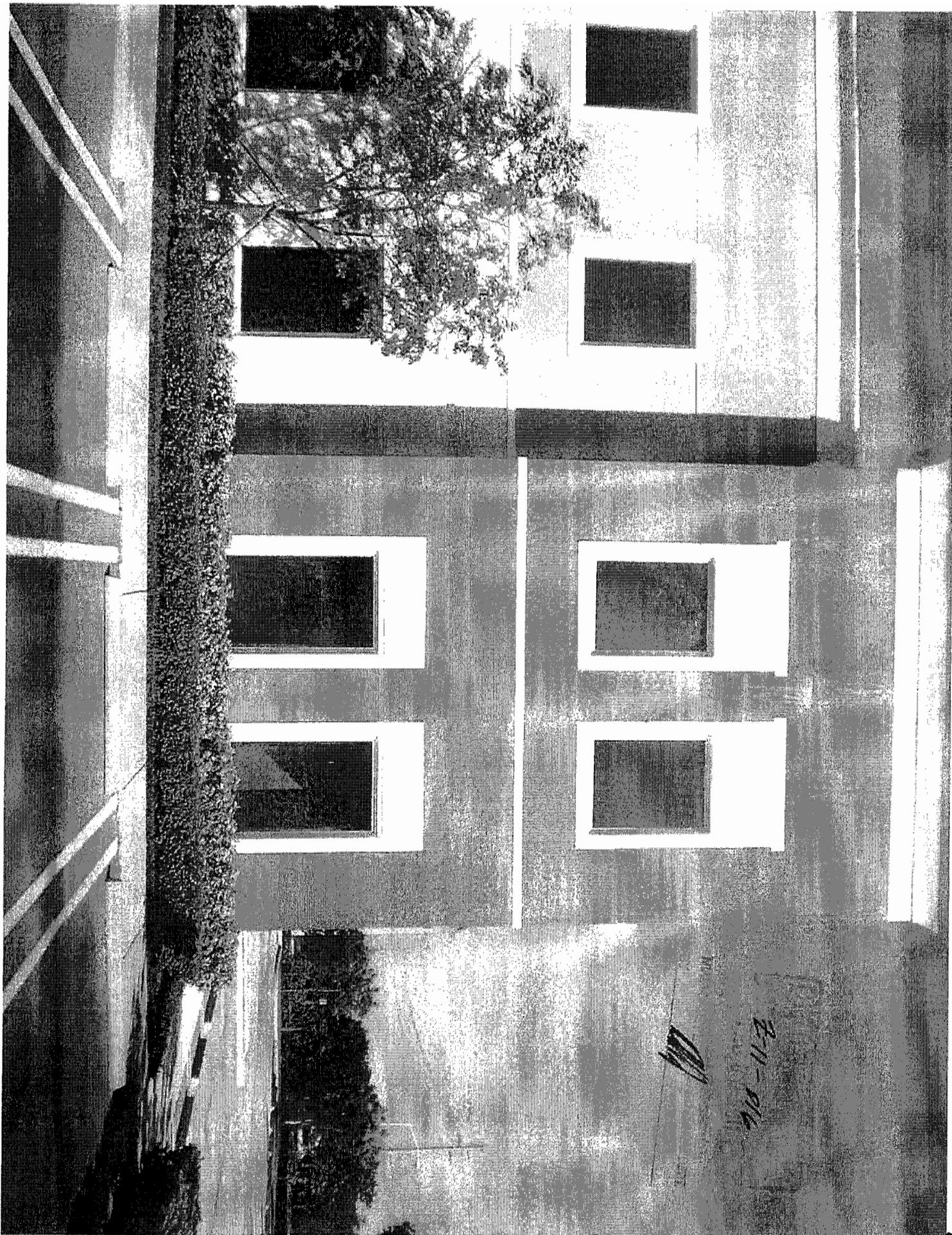


2-11-06



E-11-016

13595



8-11-016

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

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

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

TRUST/ESTATE NAME _____

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

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: ADRIAN BUILDERS AT TAMiami AIRPORT III, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>1. ALVARO L. ADRIAN, 190 PALM AVE, MIAMI BEACH, FL 33139</u>	<u>45%</u>
<u>2. VIVIAN ADRIAN, 190 PALM AVE, MIAMI BEACH, FL 33139</u>	<u>45%</u>
<u>3. ADRIAN BUILDERS AT TAMiami AIRPORT III, Inc 13780 SW 26 ST, #105, MIAMI, FL 33185</u>	<u>10%</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

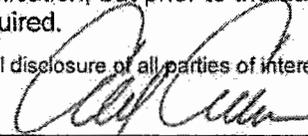
STATE OF FLORIDA
NOTARY PUBLIC
BY: 

Date of contract: _____

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

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

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

Signature: 
ALVARO L. ADRIAN, (Applicant) Resident of the Gen. Partner, Adnan Builders of Tamiami Airport III, Inc.

Sworn to and subscribed before me this 1 day of February 2011. Affiant is personally know to me or has produced _____ as identification.

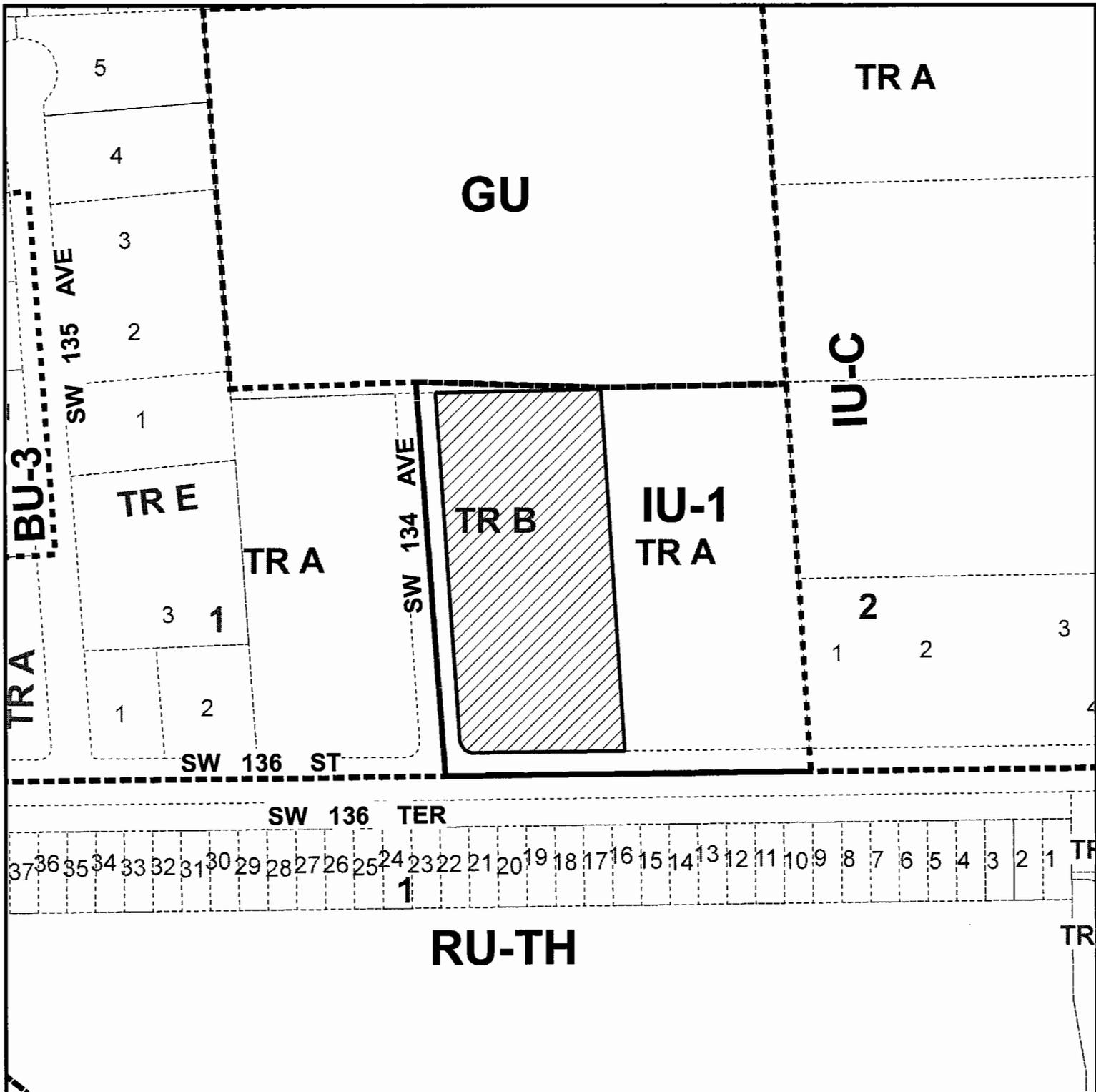

(Notary Public)



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.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000016



Section: 14 Township: 55 Range: 39
 Applicant: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD
 Zoning Board: C11
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

- Subject Property Case
- Zoning



SKETCH CREATED ON: Tuesday, March 1, 2011

REVISION	DATE	BY
		28



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000016



Section: 14 Township: 55 Range: 39
 Applicant: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD
 Zoning Board: C11
 Commission District: 9
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 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Tuesday, March 1, 2011

REVISION	DATE	BY