

# KITS

2-2-2010 Version # 1



COMMUNITY ZONING APPEALS BOARD 12  
KENDALL VILLAGE CENTER - CIVIC PAVILLION  
8625 SW 124 Avenue, Miami  
Wednesday, March 10, 2010 at 6:30 p.m.

**CURRENT**

- |    |             |   |               |          |   |
|----|-------------|---|---------------|----------|---|
| 1. | 10-3-CZ12-1 | <u>FERNANDO DONAYRE &amp; STACY DONAYRE</u> | <u>09-59</u>  | 21-55-40 | N |
| 2. | 10-3-CZ12-2 | <u>WRC PROPERTIES, INC.</u>                 | <u>09-143</u> | 36-54-39 | N |
| 3. | 10-3-CZ12-3 | <u>LKS ASSOCIATES, L. P.</u>                | <u>09-144</u> | 30-54-40 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, MARCH 10, 2010

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 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

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1. **FERNANDO DONAYRE & STACY DONAYRE (10-3-CZ12-1/09-059)**

21-55-40  
Area 12/District 8

- (1) MODIFICATION of Condition #7 of Resolution #2114, passed and adopted by the Board of County Commissioners, only as it applies to the subject property, and reading as follows:

FROM: "7. That the slope requirements on all excavations be modified to provide a one-foot horizontal slope from the setback area to the high water line, from which point a slope of one foot vertical for each seven feet horizontal be provided into a minimum of 5' of water at low water elevation."

TO: "7. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Garage Addition Fernando & Stacey Donayre,' as prepared by Bob Koger, Architect, 2 sheets dated stamped received 4/21/09 and 2 sheets dated stamped received 7/28/09 and sheet "S-1" entitled 'Fernando & Stacey Donayre Garage Addition-Canopy,' as prepared by Gollaville Krishna Rao, dated stamped received 12/2/09, and a lake slope survey, as prepared by Continental Land Surveyors, Inc., dated stamped received 9/21/09 for a total of 6 sheets."

The purpose of this request is to allow the applicant to submit revised plans showing modifications to the previously approved lake slope and a dock structure.

- (2) Applicants are requesting to permit a single-family residence setback 14.6' (15' required) from the interior side (north) property line.
- (3) Applicants are requesting to permit the single-family residence with a lot coverage of 31.3% (30% permitted).
- (4) Applicants are requesting to permit a canopy setback 9' (20' required) on the interior side (north) property line and to extend waterward beyond the top of the bank (not permitted).
- (5) Applicants are requesting to permit a boat ramp setback 9' (20' required) on the interior side (north) property line.
- (6) Applicants are requesting to permit a decorative fountain spaced 4.5' from the residence (10' required) and setback 11.15' (20' required) on the interior side (north) property line.
- (7) Applicants are requesting to permit a shower and barbecue setback 6.75' (20' required) on the interior side (north) property line.
- (8) Applicants are requesting to permit a decorative fountain in front of the residence (not permitted) and setback 15.1' (75' required) from the front (east) property line.
- (9) Applicants are requesting to permit a metal gate with columns with a height of 7' (6' permitted).

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: 14100 S.W. 92 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 20,300 sq. ft.

Department of Planning and  
Zoning Recommendation:

Accordingly, staff recommends modified approval with conditions of request #1, approval with conditions of requests #2, #3, #8 and #9 and denial without prejudice of requests #4 through #7.

Protests: 0

Waivers: 0

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

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

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

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

**2. WRC PROPERTIES, INC. (10-3-CZ12-2/09-143)**

**36-54-39  
Area 12/District 10**

Applicant is requesting to permit an individual tenant in a shopping center with 3 wall signs (2 signs permitted for each tenant).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Nordstrom," as prepared by Callison, consisting of 2 sheets and dated stamped received 11/06/09. Plans may be modified at public hearing.

LOCATION: Lying north of S.W. 88 Street (North Kendall Drive), between the Homestead Extension of Florida's Turnpike and S.W. 117<sup>th</sup> Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 87 Acres

Department of Planning and  
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

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

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

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

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

**3. LKS ASSOCIATES, L.P. (10-3-CZ12-3/09-144)**

**30-54-40  
Area 12/District 10**

Applicant is requesting to permit a 4<sup>th</sup> detached sign (2 detached signs permitted/3 detached signs previously approved).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "CVS/Pharmacy," as prepared by CKE Group and an elevation entitled "CVSCS#48520," as prepared by Icon Identity Solutions, all dated stamped received 10/7/09 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 6801 S.W. 117 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 16 Acres

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

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

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

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

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

**NOTICE**

\*\*\*\*\*

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

\*\*\*\*\*

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

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

**1. FERNANDO DONAYRE & STACY DONAYRE**  
**(Applicant)**

**10-3-CZ12-1 (09-059)**  
**Area 12/District 8**  
**Hearing Date: 03/10/10**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1948	Troup Quarries, Inc.	- Zone Change from AU to IU-2.	BCC	Approved in part w/conds.
1950	Troup Quarries, Inc.	- Zone change from AU, GU and IU-2 to GU and IU-2 to permit a rock pit.	BCC	Approved in part w/conds.
1955	Troup Quarries, Inc.	- Zone change from GU to IU-2.	BCC	Approved in part w/conds.
1958	Three Bays Improvement CO.	- Special permission for expansion of excavation limits.	BCC	Approved in part w/conds.
1961	Three Bays Improvement CO.	- Unusual Use to permit excavation.	C02	Approved in part w/conds.
1962	Three Bays Improvement CO.	- Unusual Use to permit excavation.	BCC	Approved in part w/conds.
1964	Briar Bay Properties, Inc.	- Unusual Use to permit excavation & incidental use including rock crusher plant / ready-mix concrete.	BCC	Approved in part w/conds.
1964	Briar Bay Properties, Inc.	- Unusual Use to permit excavation & incidental use including rock crusher plant / ready-mix concrete.	BCC	Approved in part 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. 12**

**APPLICANT:** Fernando and Stacy Donayre

**PH:** Z09-059 (10-3-CZ12-3)

**SECTION:** 21-55-40

**DATE:** March 10, 2010

**COMMISSION DISTRICT:** 8

**ITEM NO.:** 1

**A. INTRODUCTION**

o **REQUESTS:**

- (1) MODIFICATION of Condition #7 of Resolution #2114, passed and adopted by the Board of County Commissioners, only as it applied to the subject property, and reading as follows:

FROM: "7. That the slope requirements on all excavations be modified to provide a one-foot vertical to four-foot horizontal slope from the setback area to the high water line, from which point a slope of one foot vertical for each seven feet horizontal be provided into a minimum of 5' of water at low water elevation."

TO: "7. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Garage Addition Fernando & Stacey Donayre,' as prepared by Bob Koger, Architect, 2 sheets dated stamped received 4/21/09 and 2 sheets dated stamped received 7/28/09 and sheet "S-1" entitled 'Fernando & Stacey Donayre Garage Addition-Canopy,' as prepared by Gollaville Krishna Rao, dated stamped received 12/2/09, and a lake slope survey, as prepared by Continental Land Surveyors, Inc., dated stamped received 9/21/09 for a total of 6 sheets.

The purpose of this request is to allow the applicants to submit revised plans showing modifications to the previously approved lake slope and a dock structure.

- (2) Applicants are requesting to permit a single-family residence setback 14.6' (15' required) from the interior side (north) property line.
- (3) Applicants are requesting to permit the single-family residence with a lot coverage of 31.3% (30% permitted).
- (4) Applicants are requesting to permit a canopy setback 9' (20' required) on the interior side (north) property line and to extend waterward beyond the top of the bank (not permitted).
- (5) Applicants are requesting to permit a boat ramp setback 9' (20' required) on the interior side (north) property line.

- (6) Applicants are requesting to permit a decorative fountain spaced 4.5' (10' required) from the residence and setback 11.15' (20' required) on the interior side (north) property line.
- (7) Applicants are requesting to permit a shower and barbecue setback 6.75' (20' required) on the interior side (north) property line.
- (8) Applicants are requesting to permit a decorative fountain in front of the residence (not permitted) and setback 15.1' (75' required) from the front (east) property line.
- (9) Applicants are requesting to permit a metal gate with columns with a height of 7' (6' permitted).

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

o **SUMMARY OF REQUESTS:**

The applicants are requesting to modify plans for a previously approved lake slope, to permit the existing single-family residence along with an existing boat ramp, canopy, barbecue and shower and decorative fountain to encroach into the interior side (north) setback area. Additionally, the applicants seek to permit a greater lot coverage than that permitted, an existing decorative fountain within 75' of the front property line and a metal gate with 7' high columns.

o **LOCATION:**

14100 SW 92 Avenue, Miami-Dade County, Florida.

o **SIZE:** 20,300 sq. ft.

**B. ZONING HEARINGS HISTORY:**

In 1958, pursuant to Resolution #2114, the Board of County Commissioners granted the approval for a special permit for expansion of a lake excavation. In 1968, zone changes to EU-M and RU-4L were granted, pursuant to Resolution No. Z-167-68. This Resolution was further modified to correct a legal description for the property rezoned to RU-4L, pursuant to Resolution No. Z-188-68. In 1969, a variance of lot frontage requirements on 15 lots to permit the recording of a plat was granted, pursuant to Resolution No. 4-ZAB-299-69.

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

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

2. **Policy LU-4D.** Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complimentary elements and buffer any incompatible elements.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**Surrounding Properties:**

**NORTH:** EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**SOUTH:** EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**EAST:** EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**WEST:** EU-M; lake

Estate Density Residential, 1 to 2.5 dua

The subject parcel is located at 14100 SW 92 Avenue. The surrounding area is characterized by single-family residences. A canal and lake are part of the residential development.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Acceptable\***

Landscape Treatment:

**N/A**

Open Space:

**N/A**

Buffering:

**Acceptable**

Access:

**Acceptable**

\*Subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**33-311(A)(7) Generalized Modification Standards.** The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, 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.

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

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to the conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject lakefront property is located at 14100 SW 92 Avenue within an EU-M zoned single-family residential development. Approval of this application would allow the modification of a previously approved lake slope and approve plans for the existing single-family residence and the proposed addition with multiple detached structures encroaching into the interior side (north) setback area, including a canopy, boat ramp, barbecue structure and shower. Additionally, approval would allow the applicants an increased lot coverage for the subject site, an accessory structure (fountain) within the front setback area and 7'-high gate columns. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Estate Density Residential** use, which permits a minimum of 1 to a maximum of 2.5 units per acre. This application will not generate additional dwelling units on the subject site; therefore, the existing single-family residence and addition is **consistent** with the LUP map's Estate Density Residential designation of the CDMP. However, staff opines that the proposed encroachment of multiple structures into the interior side (north) setback area is overly intensive and the approval of the plans will have a negative visual impact on the surrounding residential properties with access to the

private lake. Further, staff opines that the encroachment of the canopy, shower and barbecue areas in particular, which provide outdoor amenities for the residents and their guests to enjoy, could have a negative aural impact on the abutting residence located to the north of the subject property. As such, staff opines that the aforementioned detached structures, the subject of requests #4 through #7 which are germane to and a part of request #1, are **incompatible** with the surrounding area and should be denied without prejudice. Further, as later explained below, that part of request #1 that encompasses requests #4 through #7 should similarly be denied.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works** and **Miami-Dade Fire Rescue (MDFR) Departments** also have **no objections** to this application. The MDFR memorandum indicates that the estimated average travel response time is **5:18** minutes.

When request #1 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), approval of the Modification of Condition #7 of Resolution No. 2114 will allow the applicants to submit revised plans in order to modify the previously approved lake slope to reflect the existing slope and include a barbecue, decorative fountain, and shower, as well as a boat ramp that extends waterward from the top of the slope. Staff is of the opinion that a modified approval of this request to allow the existing lake slope will not generate excessive noise or traffic, provokes excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. Staff acknowledges that according to a plat restriction for the Lakeshore Section 1, which is where the subject property lies, the private lake is for the use of all property owners abutting the lake and as such views of the property and access will be limited to the owners/occupants of the surrounding properties that abut the lake. The approval of this request will allow the applicants the maintenance and continued use of the canopy, boat ramp, decorative fountain, barbecue and shower that encroach into the interior side (north) setback area and in the case of the canopy and boat ramp, extend waterward beyond the top of the bank which is not permitted. The existing development illustrated in the submitted plans that are the subject of requests #4 through #7, are germane to and a part of request #1, the requested modification of the lake slope (request #1). Staff opines that requests #4 - #7 are too intensive and as previously mentioned, visually and aurally intrusive to the surrounding properties. Staff, therefore, opines that approval of request #1 would be contrary to the public interest and would be **incompatible** with the surrounding area when considering the necessity for and reasonableness of the request. However, staff opines that a modified approval of the request #1, only as it applies to the existing lake slope and pertaining to the lot coverage and the encroachment of the residence into the interior side (north) setback area (requests #2 and #3), and requests #8 and #9 regarding the decorative fountain in the front yard and the gate columns, would not be detrimental to the surrounding area and would be **compatible** with same. Staff therefore recommends a modified approval with conditions of request #1, to show the removal of the structures referred to in request #4 through #7. As such, staff recommends a modified approval with conditions of request #1 under Section 33-311(A)(7).

When requests #2 and #3 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of these requests would not be detrimental to the community. The applicant's submitted plan depicts an existing single-family residence with a 0.4' encroachment into the interior side (north) setback area. Staff opines that the approval of request #2, to allow the residence setback 14.6' (15' required) from the interior side (north) property line is minimal and probably due to an inadvertent construction error. Further, staff opines that the 0.4' encroachment will not be visually intrusive to the abutting residence and that the hedge indicated in the photographs submitted with the application along both interior side (north and south) property lines will mitigate any negative visual impact of this encroachment. Additionally, staff opines that approval of request #3, to allow the single-family residence with a 31.3% lot coverage on the 21,090 sq. ft. lot, is also a minimal visual intrusion on the surrounding properties and will not be out of character with the surrounding residential properties. Staff's research of similar approvals in the surrounding area identified a property located northwest of the property on the other side of the lake at 13711 SW 97 Avenue, that was approved for a 2% increase in the lot coverage, pursuant to Resolution #CZAB12-10-04, in 2004. As such, staff opines that approval of the requested 1.3% increase in lot coverage would not set a precedent. However, staff will recommend as a condition for the approval of these requests that the applicants maintain the hedge indicated in the submitted photographs, along the interior side (north and south) property lines. Based on the aforementioned, staff recommends approval with conditions of requests #2 and #3 under the Non-Use Variance Standards.

Similarly, when requests #8 and #9 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), approval of the requests would not be out of character with the surrounding residential properties and would not have a negative visual impact on same. Staff notes that the decorative fountain referred to in request #8, illustrated in the photographs submitted with the application, is located in the front yard and is a part of a well landscaped area that enhances the curb appeal of the residence. Staff opines that the approximately 5' high decorative structure located to the northwest of the entrance gate will not have a negative visual impact on the properties to the east, or provide a visual distraction to traffic or pedestrians travelling along SW 92 Avenue. The submitted plans indicate an iron fence mounted atop a concrete wall sloping away from the entrance gateway, from a height of 7' for the columns to a minimum height of 4' 6". Staff opines that the wall and fence along with the continuous hedge behind the wall indicated in the plans sufficiently mitigate any negative visual impact from the decorative fountain. Further, staff opines that approval of request #9, to allow the 7' high columns would also not have a negative visual impact on the surrounding area but would, instead, add to the curb appeal of the residence. Therefore, staff recommends approval of requests #8 and #9 under the Non-Use Variance Standards.

However, when requests #4 through #7 are analyzed under Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff opines that approval of these requests would be overly intensive and out of character with the surrounding properties and in particular the properties abutting the lake. As previously mentioned, the aforementioned requests are germane to request #1, the purpose of which is to allow the applicant to submit revised plans showing modifications to the previously approved lake slope. Staff opines that though the previously mentioned plat restriction for the Lakeshore Section 1 limits access to the lake to property owners and residents abutting the lake, approval of a modified lake slope when coupled with the intensive development proposed will have a negative visual impact

on the surrounding properties. Staff opines that the subject property provides the applicants with adequate square footage to have sited the canopy, fountain, shower and boat ramp in a manner that avoids encroachments into the interior side setback areas. Staff, therefore, opines that approval of requests #4 through #7 would be out of character with the surrounding area and are **incompatible** with same. Based on the aforementioned, staff recommends denial without prejudice of requests #4 through #7 under the Non-Use Variance Standards.

Staff opines that approval of the requested modification of Condition #7 of Resolution #2114, to allow the applicants to submit revised plans showing modifications to the previously approved lake slope (request #1) and of requests #4 through #7, would be **incompatible** with the surrounding area. Based on the aforementioned, staff recommends modified approval with conditions of request #1 to show the removal of the structures referred to in requests #4 through #7. However, staff opines that requests #2 and #3 and requests #8 and #9, are not out of character with the surrounding area, are **compatible** with same and should be approved with conditions under the Non-Use Variance Standards.

**I. RECOMMENDATION:**

Accordingly, staff recommends modified approval with conditions of request #1, approval with conditions of requests #2, #3, #8 and #9 and denial without prejudice of requests #4 through #7.

**J. CONDITIONS: (For requests #1, #2 and #3 and #8 and #9 only).**

1. That all the conditions of Resolution #2114, remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Garage Addition Fernando & Stacey Donayre,' as prepared by Bob Koger, Architect, 2 sheets dated stamped received 4/21/09 and 2 sheets dated stamped received 7/28/09 and sheet "S-1" entitled 'Fernando & Stacey Donayre Garage Addition-Canopy,' as prepared by Gollaville Krishna Rao, dated stamped received 12/2/09, and a lake slope survey, as prepared by Continental Land Surveyors, Inc., dated stamped received 9/21/09 for a total of 6 pages, except as herein amended to show the removal of the canopy, the decorative fountain in the rear yard, the boat ramp, shower and barbecue within the interior side (north) setback area.
3. That the applicants submit to the Department of Planning Zoning 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 the issuance of a Certificate of Use for the expansion.
4. That the use be established and maintained in accordance with the approved plan.
5. That the applicants maintain the existing hedge along the interior side (north) property line at a maximum height of 7'.

Fernando and Stacy Donayre  
Z09-059  
Page 8

**DATE INSPECTED:** 12/20/09  
**DATE TYPED:** 01/27/10  
**DATE REVISED:** 01/28/10, 02/05/10, 02/24/10  
**DATE FINALIZED:** 02/24/10  
MCL:GR:NN:JV:NC:CH:

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

J.V.  
GR

# Memorandum



**Date:** May 20, 2009

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

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

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

**Subject:** C-12 #Z2009000059-Revised  
Fernando and Stacy Donayre  
14100 S.W. 92 Avenue  
Request to Permit a Garage addition to a Single-Family Residence  
Setback less than Required from Property Lines and Request to Permit  
Accessory Structures Setback less than Required from Property Lines  
(EU-M) (0.47 Acres)  
21-55-40

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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

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

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

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

#### Wetlands

The subject 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 Chapter 24, the Code of Miami-Dade County 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.

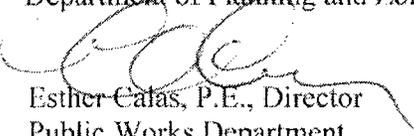
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

# Memorandum



**Date:** November 26, 2008

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

**From:**   
Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

---

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

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

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

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

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

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

Leandro Rodriguez

# Memorandum



**Date:** 07-MAY-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000059

**Fire Prevention Unit:**

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

**Service Impact/Demand:**

Development for the above Z2009000059  
located at 14100 S.W. 92 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2027 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 5:18 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station 4 - Coral Reef - 9201 SW 152 Street  
Rescue, ALS Engine, Battalion

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

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

DATE: 05-JAN-10  
REVISION 2

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

FERNANDO DONAYRE & STACY  
DONAYRE

14100 S.W. 92 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2009000059

---

HEARING NUMBER

**HISTORY:**

Current case history;

Case 201002000043 was opened based on enforcement history request and inspected on 1-4-10. A violation of over height hedges was observed and will be addressed under case 201002000029. No further violations were observed and case was closed.

Case 201002000029 was opened based on enforcement history request and inspected on 1-4-10. A warning notice was issued for over height hedges and will be re-inspected after 1-20-10.

Previous case history;

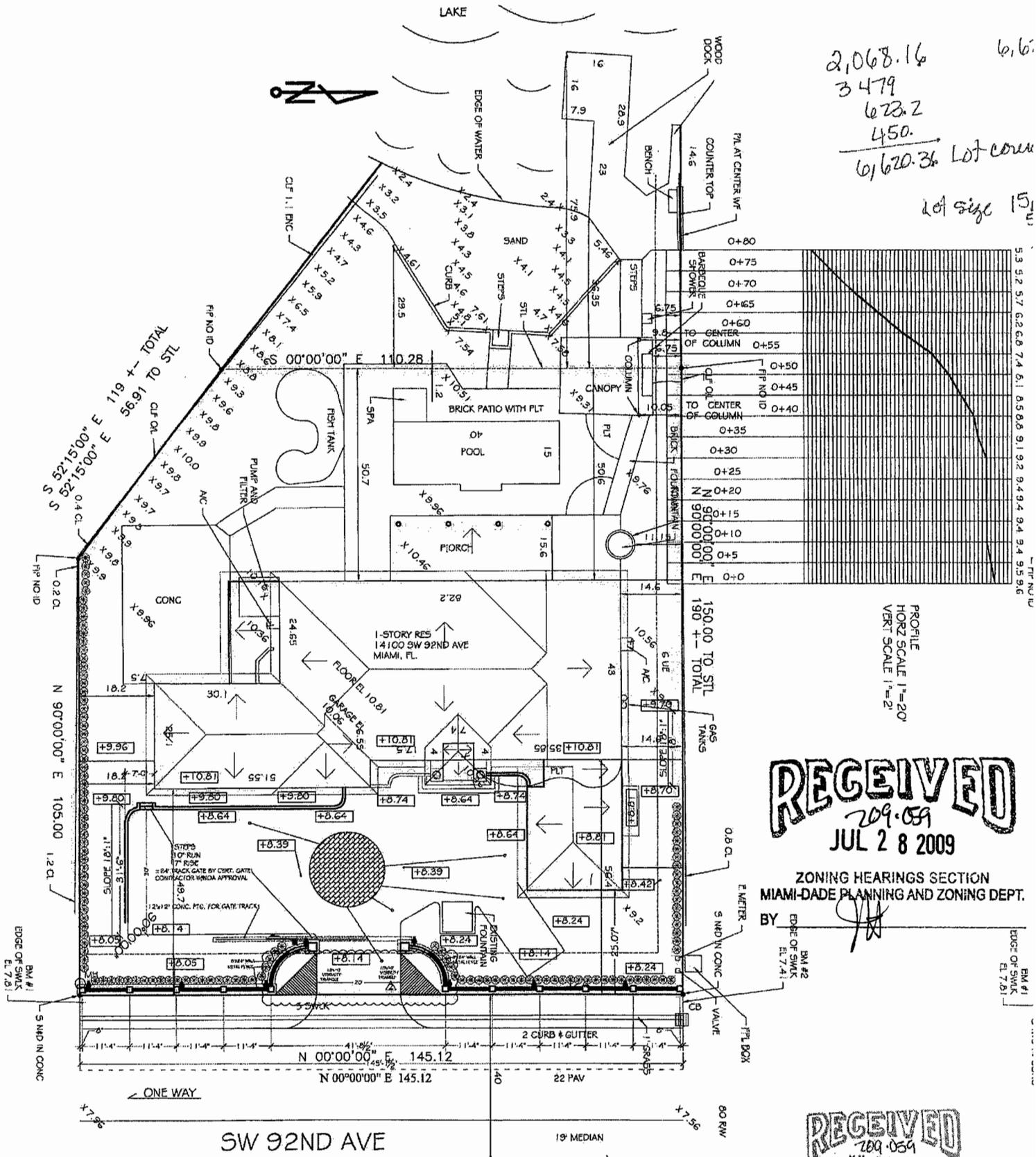
Case 200902006516 was opened based on enforcement history request and inspected on 5-20-09. No violations were observed and the case was closed.

Case 200902005241 was opened based on enforcement history request and inspected on 4-28-09. No violations were observed and the case was closed.

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

**REPORTER NAME:**

2,068.16  
 3479  
 623.2  
 450.  
 61620.36 Lot cover  
 lot size 15'



**SITE PLAN** SCALE 1" = 20'

**ENLARGED SITE PLAN**

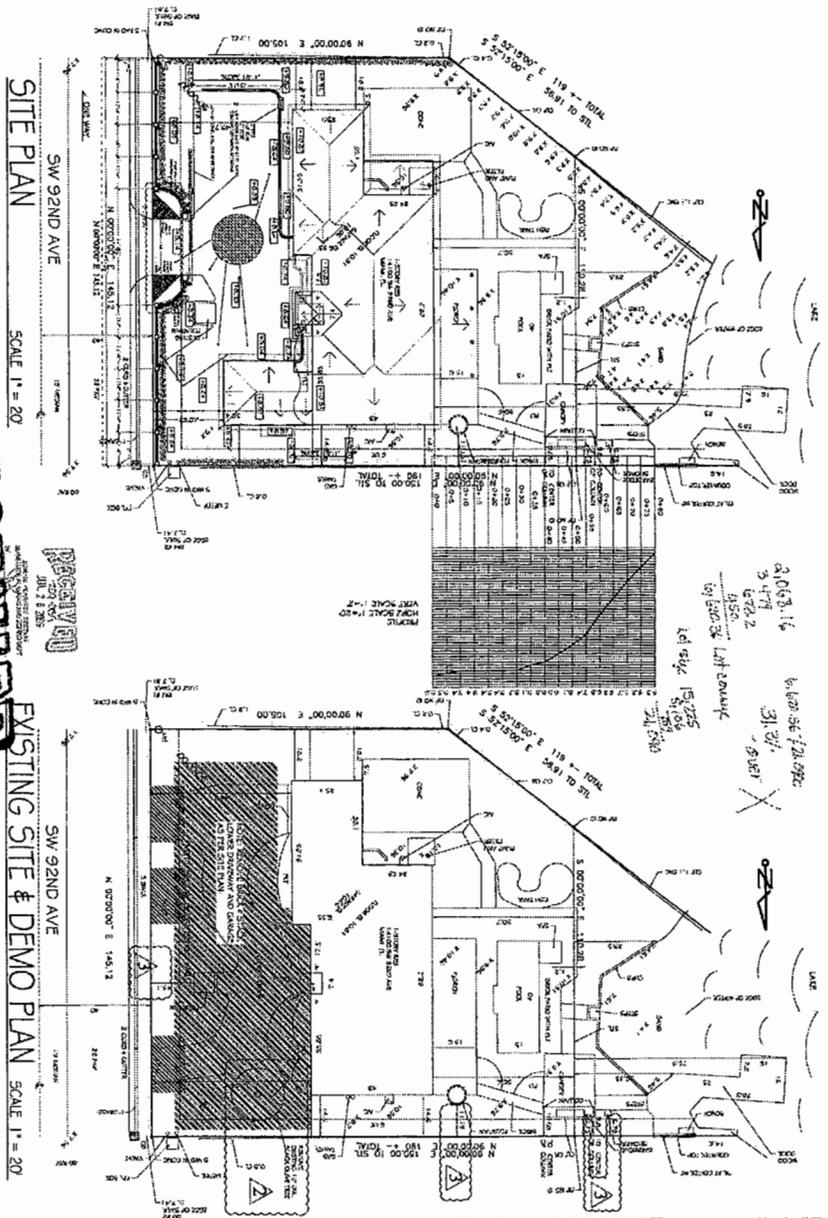
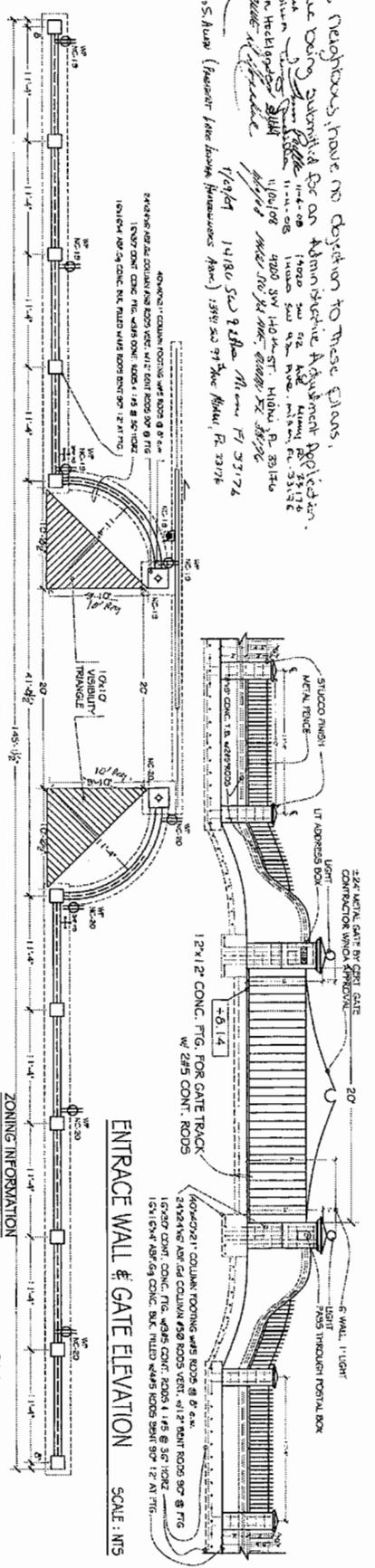
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 JUL 28 2009

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

Use the notations have no objection to these plans,  
 which are being submitted for an Administrative Approval Application.  
 I have reviewed the plans and find them to be in accordance with the  
 applicable codes and regulations. I have no objection to the issuance of a  
 building permit for the construction of the above described work.  
 1/18/09 14180 SW 92nd Ave. Miami, FL 33176  
 James S. Huser (Inspector Lake County Homeowners Assoc.) 13915 SW 92nd Ave. Miami, FL 33176



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ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

**ENTRANCE WALL & GATE ELEVATION** SCALE: 1/8" = 1'-0"

ZONING INFORMATION  
 ZONING: EUM  
 ADDRESS: 14100 SW 92ND AVE  
 MIAMI, FLORIDA 33176

EXISTING CONDITIONS  
 TOTAL SURVIVED AREA: 24,642.22 SqFt  
 TOTAL BUILDABLE AREA: 23,133.97 SqFt  
 SET BACKS: REQUIREMENTS PROVIDED  
 FRONT: 25 Ft  
 REAR: 25 Ft  
 LEFT SIDE: 15 Ft  
 RIGHT SIDE: 15 Ft

PROPOSED CONSTRUCTION:  
 EXISTING AREA: 3,720.52 SqFt  
 EXISTING PATIO AREA: 624.00 SqFt  
 EXISTING GARAGE (TO BE RENOVATED): 624.00 SqFt  
 PROPOSED GARAGE ADDITION: 647.65 SqFt  
 PROPOSED GNL: 277.62 SqFt  
 PROPOSED ENTRANCE AREA: 97.50 SqFt  
 TOTAL BUILDING AREA: 6,061.35 SqFt

LEGAL DESCRIPTION  
 LOT: 84 BLK: 1, OF LAKESHORE SECTION TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 91, PAGE 5, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA DRIVEWAYS. (LIMESTONE OVERLAND) 3,264.50 SqFt

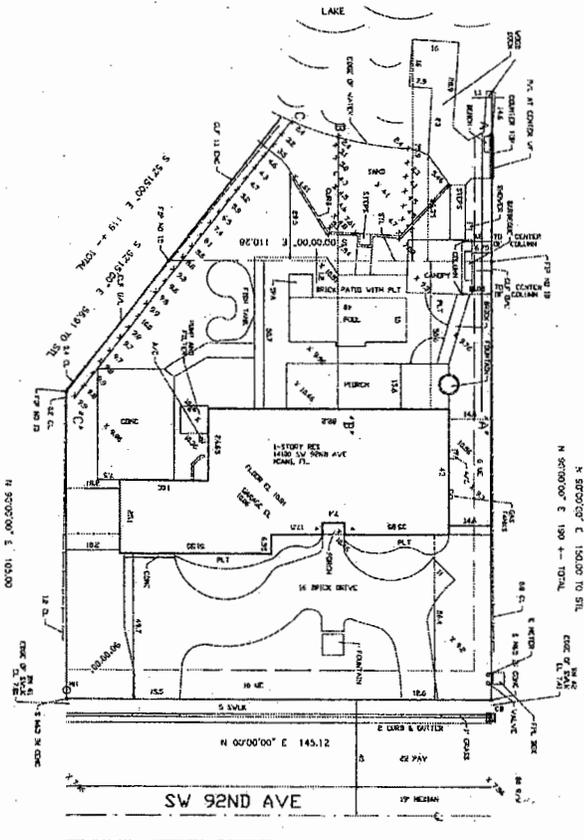
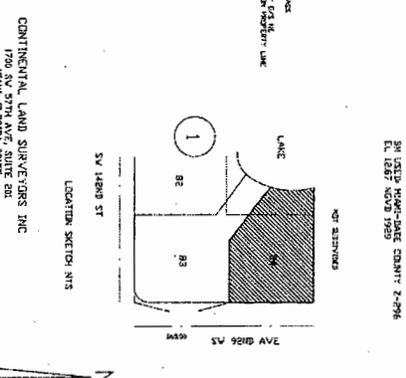
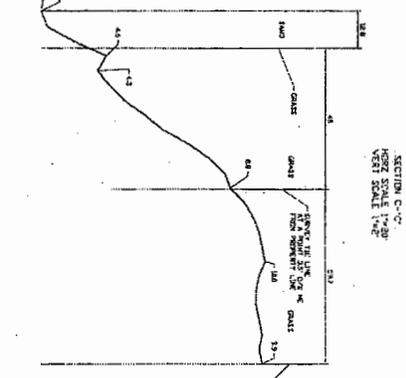
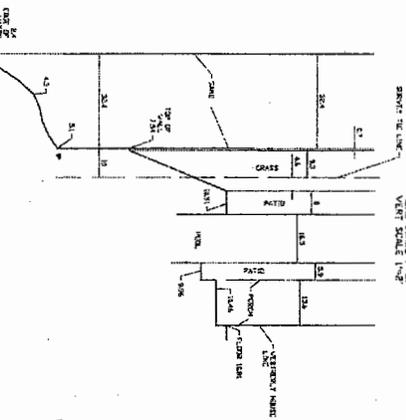
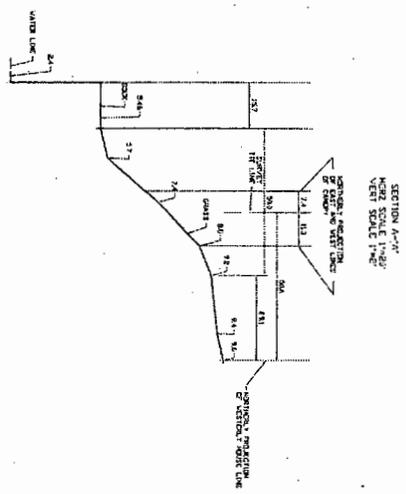
SCHEDULE OF DRAWINGS  
 SP-1 SITE PLAN  
 A-1 EXISTING FLOOR PLAN & DEMOLITION  
 A-2 FLOOR PLAN, WINDOW & DOOR & FINISH SCHEDULE  
 A-3 N, S, E, W ELEVATIONS  
 A-4 GENERAL NOTES, BAR TIE DOWN DTL, WOOD BLOCKING DTL, TWO PLY TRUSS DTL, GIRDER TRUSS CON. DTL, TRAYSER TRUSS CON DTL, GARAGE DOOR DETAIL  
 S-1 WALL FRAMING @ DOOR & WINDOW OPENING, SECTION TYP. WALL REINFORCING, SCOPE OF WORK.  
 S-2 CONNECTION DETAILS  
 S-3 SECTION A DTL, FOUNDATION PLAN, FOOTING SCHEDULE, CONCRETE COLUMN SCHEDULE, SOIL STATEMENT  
 S-4 CONC. BEAM SCHEDULE, WIND PRESSURES, GIRDER TRUSS REACTIONS, GIRDER ANCHOR TYPE 1 & 2, SECTION DTLS  
 S-5 FOOTING SCHEDULE, CONC. COLUMN SCHEDULE, SLOPING NOTES, TERRACE FOUNDATION PLAN, TERRACE ROOF FRAMING  
 E-1 EXISTING ELECTRICAL PLAN, EXISTING PANEL  
 E-2 ELECTRICAL PLAN, ELECT. PANEL  
 M-1 EXISTING MECHANICAL PLAN  
 M-2 MECHANICAL PLAN, C.U. TIE DOWN DTL  
 P-1 PLUMBING PLAN, WASTE ISOMETRIC

**REVISIONS**

- BUILDING DEPT. (10-20-2008)
- PERM REVISION (03-14-2009)
- ZONING CORRECTIONS (07-22-2009)

**SHEET**  
 SP-1  
 1 OF 14

**ROBERT KOGER ARCHITECT**  
 ROBERT A. KOGER, AIA  
 NO. 28-8885  
 14631 SW 87TH PLACE  
 PALM BEACH, FL 33476-8022  
 (305) 894-7060 / FAX (305) 875-3217



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**LEGAL DESCRIPTION**

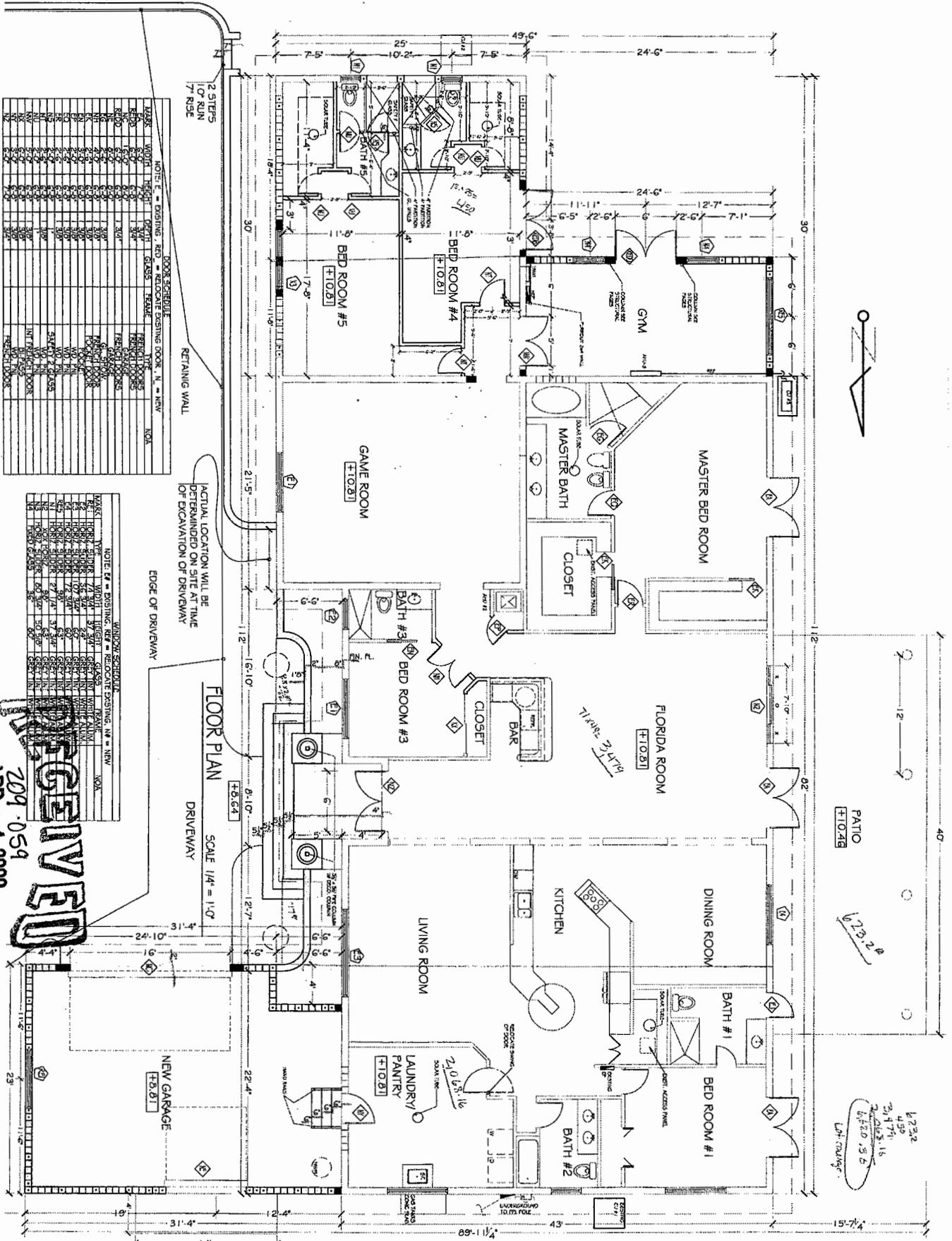
LOT 81, LARGESIDE SECTION TWO, SUBDIVISION ONE PLAT THEREOF AS SHOWN ON PLAT BOOK 81 AT PAGE 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

1.4119 SW 92ND AVE, MIAMI, FL.

1.4119 SW 92ND AVE, MIAMI, FL.

1.4119 SW 92ND AVE, MIAMI, FL.

**DATE:** 5-07-08 1:28:43 A.M.  
**REVISION:** 5-07-08 1:28:43 A.M.  
**REVISION:** 5-07-08 1:28:43 A.M.  
**REVISION:** 5-07-08 1:28:43 A.M.  
**REVISION:** 5-07-08 1:28:43 A.M.



NOTE: E = EXISTING, RD = RELOCATE EXISTING, N = NEW, NOA

MARK	WOOD	TRUSS	CEILING	GLASS	STONE	FINISH	TYPE	NOA
1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3
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NOTE: E = EXISTING, RD = RELOCATE EXISTING, N = NEW, NOA

MARK	WOOD	TRUSS	CEILING	GLASS	STONE	FINISH	TYPE	NOA
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ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
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 3 OF 14

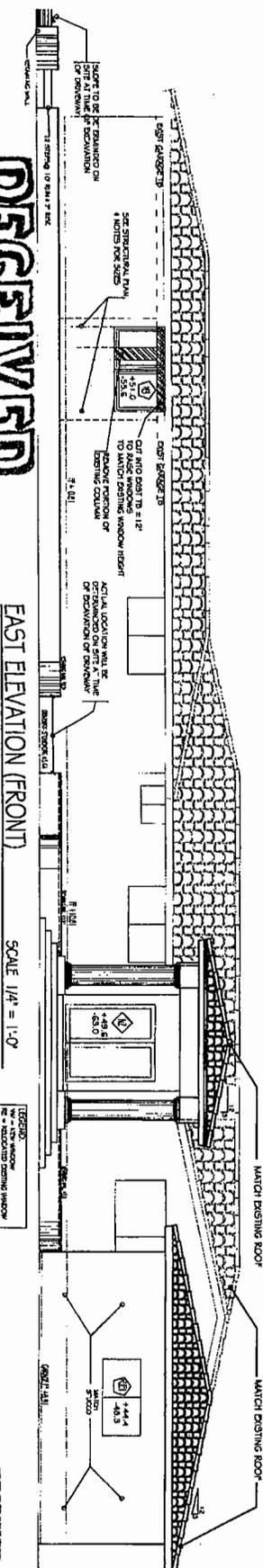
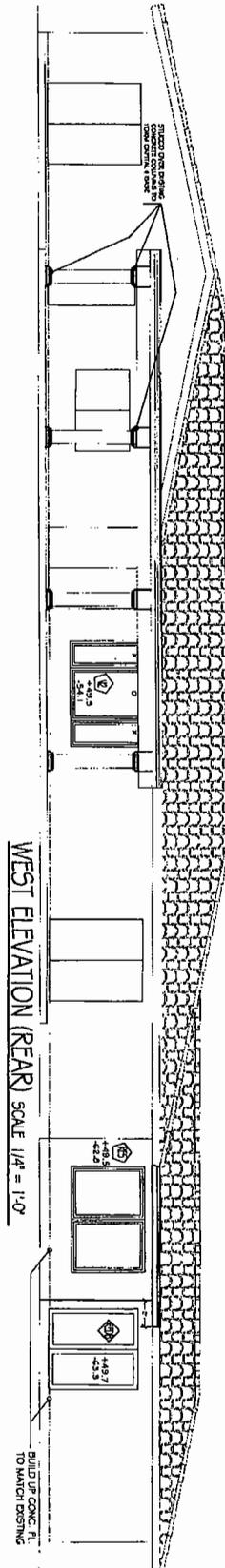
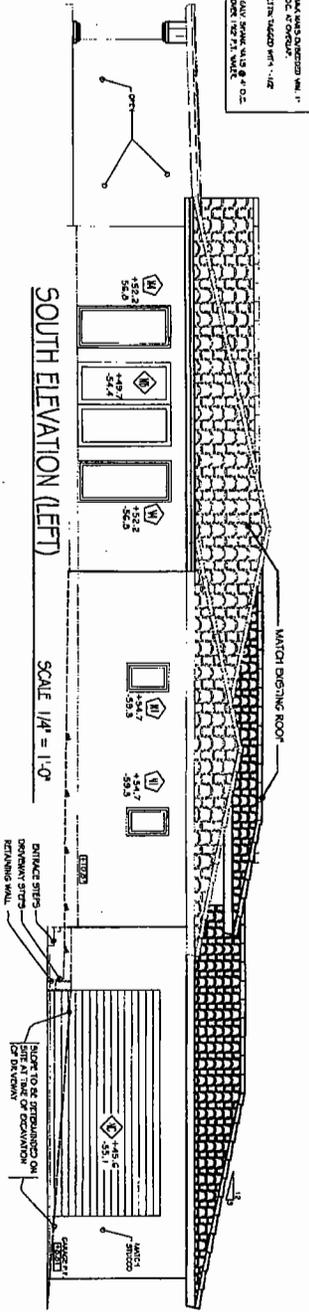
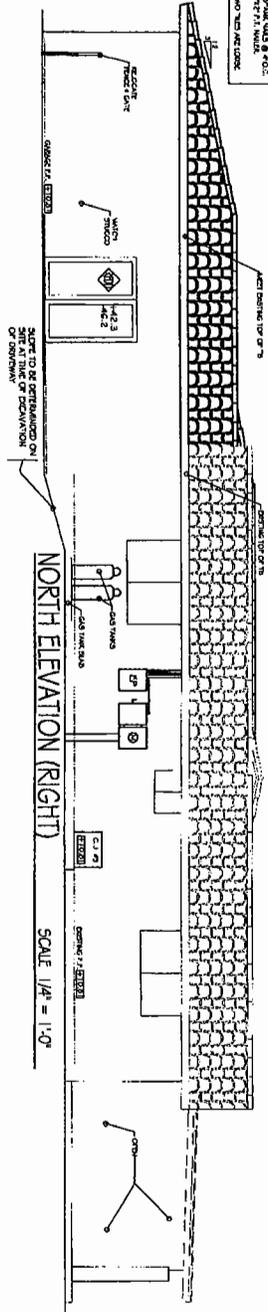
△ REVISIONS

GARAGE ADDITION  
**FERNANDO & STACEY DONAYRE**  
 14100 SW 92ND AVE, MIAMI, FLORIDA  
 PHONE: 305-322-9380

**BOB KOGER ARCHITECT**  
 ROBERT A. KOGER, AIA  
 NO. AR-98837A  
 14631 SW 87TH PLACE  
 PALMETTO BAY, FL 33176-8022  
 (305) 804-7060 / FAX (305) 675-3217

18

**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.  
 3. ALL MATERIALS ARE TO BE OF THE BEST QUALITY AVAILABLE.  
 4. ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.



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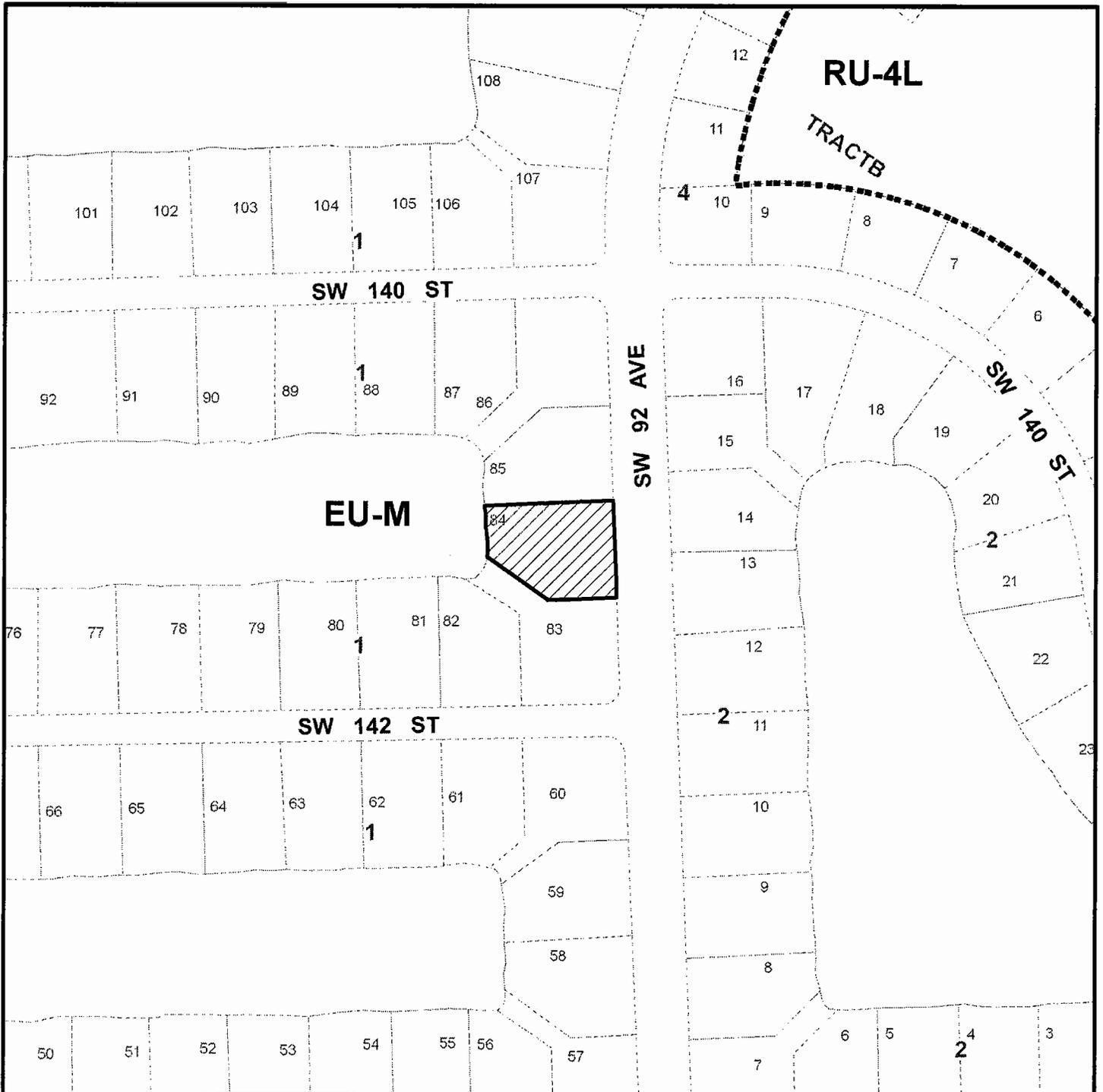
GARAGE ADDITION  
**FERNANDO & STACEY DONAYRE**  
 14100 SW 92ND AVE, MIAMI, FLORIDA  
 PHONE: 305-322-9380

**BOB KOGER ARCHITECT**  
 ROBERT A. KOGER, AIA  
 NO. AR-0005174  
 14631 SW 87TH PLACE  
 PALM BEACH, FL 33476-8022  
 (305) 804-7060 / FAX (305) 875-3217

19







**MIAMI-DADE COUNTY**

**HEARING MAP**

Section: 21 Township: 55 Range: 40  
 Applicant: FERNANDO & STACEY DONAYRE  
 Zoning Board: C12  
 Commission District: 8  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number

**09-059**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 04/28/09

REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2008**

**Section: 21 Township: 55 Range: 40**

**Applicant: FERNANDO & STACEY DONAYRE**

**Zoning Board: C12**

**Commission District: 8**

**Drafter ID: JEFFER**

**Scale: NTS**

**----- Zoning**

**Process Number**

**09-059**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 04/28/09

REVISION	DATE	BY

**2. WRC PROPERTIES, INC.**

10-3-CZ12-2 (09-143)

10-3-CZ12-2 (09-143)

(Applicant)

Area 12/District 10  
Hearing Date: 03/10/10Property Owner (if different from applicant) WRC PROPERTIES, INC.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>
1984	Hooligan's, Inc.	- Special exception nightclub & spacing. - Unusual Use outdoor dining. - Non-Use variances zoning regulations. - Use variance & special exemption to permit a barbeque pit.	ZAB	Approved w/conds
1984	Kathryn Mills	- Zone change from EU-M to BU-2 & RU-5A. - Special exception hotel office. - Unusual Use lake, floating docks, entrance feature & outdoor dining. - Variance setback landscape buffer.	BCC	Approved w/conds
1984	Kathryn Mills & Dade County	- DRI	BCC	Approved
1985	Kendall Town & Country Assoc. Ltd.	- Special exception of spacing. - Non-Use variances of zoning regulations limiting the hours of sale of alcoholic beverages. - Unusual Use for outside dining.	ZAB	Approved w/conds
1985	Michael Neiman	- Special exception of spacing.	ZAB	Approved w/conds
1985	Kendall Town & Country Assoc. Ltd.	- Special exception of spacing. - Non-Use variances of zoning regulations to extend alcoholic sales.	ZAB	Approved w/conds
1985	Kendall Town & Country Assoc. Ltd.	- Non-Use variance of signs.	ZAB	Approved w/conds
1985	Kendall Town & Country Assoc.	- Special exception to permit nightclubs spacing. - Non-Use variance of zoning regulations for number of floors, sales of alcoholic beverages.	ZAB	Approved w/conds
1985	St Elmo Investments, LTD.	- Zone change from GU to RU-5A.	BCC	Approved
1986	GASTAT, Inc.	- Special exception to permit a discothèque. - Non-Use Variance of zoning regulations to waive prepared & served on the premises.	ZAB	Approved w/conds
1986	Clifford L. Suchman & Leonard A. Wein	- Deletion of condition of covenant.	BCC	Approved w/conds

1986	Kendall Town & Country Assoc.	- Modification of condition of resolution & declaration of restrictions.	BCC	Approved w/conds
1987	Kendall Town & Country Assoc.	- Modification of condition of resolution & declaration of restrictions. - Non-Use variance of zoning regulations required for accessory uses.	BCC	Approved
1989	WRC Properties, Inc.	- Special exception to permit a nightclub spacing.	ZAB	Approved w/conds
1990	WRC Properties	- Modification of condition of resolution. - unusual Use to permit outdoor patio. - Non-Use Variance of sign regulations. - Special exception to permit spacing for alcoholic beverages.	ZAB	Approved w/conds
1990	MIPA, Inc.	- Special exception to permit the relocation of an existing package store & spacing.	ZAB	Approved
1992	Car Care Express	- Use Variance to permit a hand car wash.	ZAB	Approved w/conds
1993	Charcoals Restaurant	- Special exception to permit a night club. - Spacing for alcoholic beverages.	ZAB	Approved w/conds
1994	WRC Properties, Inc.	- Special exception to permit a night club & alcoholic spacing.	ZAB	Approved w/conds
1996	Shop, Wash, & Detailing	- Modification of conditions in resolution.	ZAB	Approved on a modified basis
2001	Gus Exposito	- Use Variance to permit a car wash.	C12	Approved w/conds
2006	WRC Properties, Inc.	- Sub devise modify conditions of resolution & declaration of restrictions. - Zone change from RU-5A to BU-2.	BCC	Approved w/conds
2006	WRC Properties, Inc.	- Sub devise modify conditions of resolution & declaration of restrictions. - Zone change from RU-5A to BU-2.	C12	Recommended for approval
2008	WRC Properties, Inc.	- Non-Use Variance of signs.	C12	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. 12**

**APPLICANT:** WRC Properties, Inc.

**PH:** Z09-143 (10-3-CZ12-2)

**SECTION:** 36-54-39

**DATE:** March 10, 2010

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 2

**A. INTRODUCTION**

o **REQUEST:**

Applicant is requesting to permit an individual tenant in a shopping center with 3 wall signs (2 signs permitted for each tenant).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Nordstrom," as prepared by Callison, consisting of 2 sheets and dated stamped received 11/06/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

Approval of this application will allow the tenant in the shopping center to have one more wall sign than permitted.

o **LOCATION:** Lying north of S.W. 88 Street (North Kendall Drive), between the Homestead Extension of Florida's Turnpike and S.W. 117<sup>th</sup> Avenue, Miami-Dade County, Florida.

o **SIZE:** 87 Acres

**B. ZONING HEARINGS HISTORY:**

In 1984, pursuant to Resolution #Z-70-84, the Board of County Commissioners (BCC) approved with conditions a Development of Regional Impact (DRI) consisting of office space, specialty center uses, retail uses, a movie theatre, a hotel and the reconfiguration of an existing 8-acre lake. There were several subsequent hearings on the subject property which modified the plans and conditions of the Development Order of the DRI. Additionally, there were several approvals for variances of the sign regulations in this shopping center. For example, in 1985, pursuant to Resolution #4-ZAB-418-85, the subject property was approved to allow 5 wall signs (2 wall signs permitted) and to permit 3 detached signs; each with a total of 820 sq. ft. ( 2 detached 200 sq. ft. signs or 1,300 sq. ft. sign permitted). In 1990, the subject property was approved, pursuant to Resolution #4-ZAB-136-90, to allow the modification of previously approved plans to allow the applicant to submit new plans indicating proposed signage around the lake and modified approval to allow seasonal and decorative banners in the shopping center. Subsequently, the subject property was approved to permit 5 detached signs in addition to those approved in 1985, a 30' 3" detached sign (30' maximum permitted) as well as 10 directional signs with a minimum 2' 1 1/2" from grade (4' required), pursuant to Resolution #CZAB12-23-08.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems). 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 uses.

2. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary and within a **Metropolitan Urban Center**.

Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; **Metropolitan Centers** such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or

high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, be developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

### **Uses and Activities**

Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses are encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

**Uses and Zoning Not Specifically Depicted.**

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

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

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
BU-2; shopping center	Business & Office
<b><u>Surrounding Properties</u></b>	
<b><u>NORTH:</u></b> RU-3M, RU-1M(b) and RU-5A; apartments, single-family residences and offices	Business & Office Low-Medium Residential, 5 to 13 du
<b><u>SOUTH:</u></b> BU-2 and BU-1A; Shopping Center	Business & Office
<b><u>EAST:</u></b> BU-2 and RU-5A; Offices and Hotel	Business & Office
<b><u>WEST:</u></b> GU; Florida Turnpike Expressway	Transportation

The subject parcel is located directly east of the Florida Turnpike, on the north side of North Kendall Drive in a shopping center called "The Kendall Town and Country Mall". A combination of residential and commercial uses characterizes the surrounding area.

**E. SITE AND BUILDINGS:**

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

Signage: **Acceptable**  
Urban Design: **N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. 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. As such, the existing shopping center use is consistent with the LUP map of the CDMP. However, staff notes that **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. However, staff opines that the 87 acre subject site and the location of the store which is the subject of this application at the intersection of 2 of the mall entrances, are sufficient grounds for approval of additional tenant signage for this store, which will allow passersby to locate and arrive at their

destination within this shopping center faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property.

Further, although the subject property lies within a **Metropolitan Urban Center** as designated by the adopted 2015 and 2025 Comprehensive Development Master Plan (CDMP), staff opines that approval of this application meets the sign criteria for urban centers indicated in the CDMP's interpretative text. Staff notes that there will be an internal system of pedestrian paths within this shopping center. The proposed signage contributes to the attainment of the plan as provided in the urban center interpretative text. In accordance with the CDMP, design of developments and roadways within the centers should emphasize pedestrian activity, safety and comfort, as well as vehicular movement. As previously mentioned, approval of this application will allow passersby to locate and arrive at their destination within this shopping center faster and will cut down on driver distractions which, in staff's opinion, will improve safety and comfort, as well as vehicular movement on the subject site. Therefore, approval of this application is **consistent** with the Urban Center interpretative language of the Comprehensive Development Master Plan (CDMP).

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department (**MDFRD**) has no objections to this application and has indicated that the average travel response time for this site is **5:10** minutes.

When the request to permit an individual tenant in the shopping center to have 3 wall signs (2 wall signs permitted per tenant) is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of the request would be **compatible** with the area. Under said standard, 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. Staff notes that the proposed signage will be located in a development that is bounded by major transportation corridors such as the Florida Turnpike to the west, SW 117 Avenue to the east and SW 88 Street to the south, which will serve to buffer any negative visual impact generated by the proposed signage from the immediate area. Additionally, as previously mentioned, the additional signage for the store which is the subject of the application, will be located within the southeast quadrant of the 87 acre site at the intersection of two entrance driveways to the mall, one from SW 88 Street and the other SW 117 Avenue, both of which are well travelled roadways. In addition, staff opines that the proposed signage will allow passersby to locate and arrive at their destination within this shopping center faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Further, staff notes that the subject site was previously approved for variances to the signage regulations on more than one occasion and as such, approval of this request

would not be precedent setting. Staff opines that the proposed signage is not excessive given the size of the subject property, 87 acres, and the placement of the signs internally on the site would be compatible with the surrounding area and in keeping with the large retail and office component of the Kendall Town and Country Mall. As such, staff recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

**I. RECOMMENDATION:**

Approval with conditions.

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Nordstrom," as prepared by Callison, consisting of 2 sheets and dated stamped received 11/06/09.
3. That the use be established and maintained in accordance with the approved plan.

**DATE TYPED:** 02/11/10  
**DATE REVISED:** 02/12/10, 02/24/10  
**DATE FINALIZED:** 02/24/10  
MCL;GR;NN;JV;NC:CH



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

JV.  
GR

# Memorandum



**Date:** October 20, 2009  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

**Subject:** C-12 #Z2009000143  
WRC Properties, Inc.  
Lying North of S.W. 88<sup>TH</sup> Street between the Homestead Extension of  
Florida's Turnpike  
Request to Permit a Greater Amount of Wall Signs than Permitted  
(BU-2) (87 Acres)  
36-54-39

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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 Basic Wellfield Protection Area of the Southwest Wellfield. The site is situated within the 100 and 210 days travel time contour of the said Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. Therefore, DERM may approve the application and it 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. All sewer lines shall comply with the exfiltration standards, as applied within wellfield protection areas.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity

in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Wetlands

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

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

#### Tree Preservation

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

#### Enforcement History

DERM has reviewed their records and has found four (4) closed enforcement cases for the referenced property address. The following is a summary of these closed enforcement cases that are associated with the subject folios:

Prime Hospitality Corp. Folio # 30-4936-007-0060

On June 11<sup>th</sup>, 2001 Uniform Civil Violation Notice (UCVN) # 783042 was issued to this facility for a violation of Miami-Dade County water shortage emergency restrictions. The violation was uncorrectable and the case was subsequently closed by DERM.

WRC Properties Inc (Burger King) Folio # 30-4936-007-0030

On June 11<sup>th</sup>, 2001 UCVN # 783043 was issued to this facility for a violation of Miami-Dade County water shortage emergency restrictions. The violation was uncorrectable and the case was subsequently closed by DERM.

WRC Properties Inc (Washington Mutual Bank). Folio # 30-4936-007-0040

On June 11<sup>th</sup>, 2001 UCVN # 783045 was issued to this facility for a violation of Miami-Dade County water shortage emergency restrictions. The violation was uncorrectable and the case was subsequently closed by DERM.

WRC Properties Inc (South of Burger King) Folio # 30-4936-007-0020

On June 11<sup>th</sup>, 2001 UCVN # 783046 was issued to this facility for a violation of Miami-Dade County water shortage emergency restrictions. The violation was uncorrectable and the case was subsequently closed by DERM.

Operating Permits

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: WRC PROPERTIES, INC.

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul A Pino", with a stylized flourish at the end.

Raul A Pino, P.L.S.

16-OCT-09

# Memorandum



**Date:** 03-NOV-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2009000143

**Fire Prevention Unit:**

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

**Service Impact/Demand**

Development for the above Z2009000143  
 located at LYING NORTH OF S.W. 88 STREET BETWEEN THE HOMESTEAD EXTENSION OF FLORIDA'S  
 TURNPIKE AND S.W. 117 AVENUE MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 3930 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 5:10 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 9 - Kendall - 7777 SW 117 Avenue  
 Rescue, ALS Engine

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

WRC PROPERTIES, INC.

LYING NORTH OF S.W. 88 STREET  
BETWEEN THE HOMESTEAD  
EXTENSION OF FLORIDA'S  
TURNPIKE AND S.W. 117 AVENUE  
MIAMI-DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2009000143

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**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

NO ZONING VIOLATION OBSERVED

WRC PROPERTIES, INC

THOMAS KEELS

**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: W R C Properties, Inc., a Delaware corporation

<b>NAME AND ADDRESS</b>	<b>Percentage of Stock</b>
-------------------------	----------------------------

<u>Teachers Insurance and Annuity Association of America*</u>	<u>100%</u>
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*\* Teachers Insurance and Annuity Association of America is a pension fund and/or pension trust comprised of over 5,000 separate ownership interests.*

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

TRUST/ESTATE NAME: N/A

<b>NAME AND ADDRESS</b>	<b>Percentage of Interest</b>
-------------------------	-------------------------------

RECEIVED  
 209-143  
 OCT 06 2008  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: *AS*

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

<b>NAME AND ADDRESS</b>	<b>Percentage of Ownership</b>
-------------------------	--------------------------------

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: <u>N/A</u>	RECEIVED 209-43 OCT 06 2009	Percentage of Interest
NAME AND ADDRESS (if applicable)		
	ZONING HEARINGS SECTION MARIETTA PLANNING AND ZONING DEPT.	
	BY <u>AT</u>	

Date of contract: \_\_\_\_\_

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

N/A

**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.

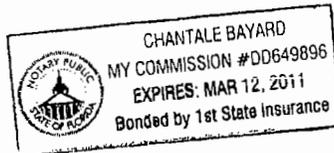
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

**WRC Properties, Inc., a Delaware corporation**

By: [Signature]  
Denise Maxwell, Assistant Secretary

Sworn to and subscribed before me this 6 day of October, 2009. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)

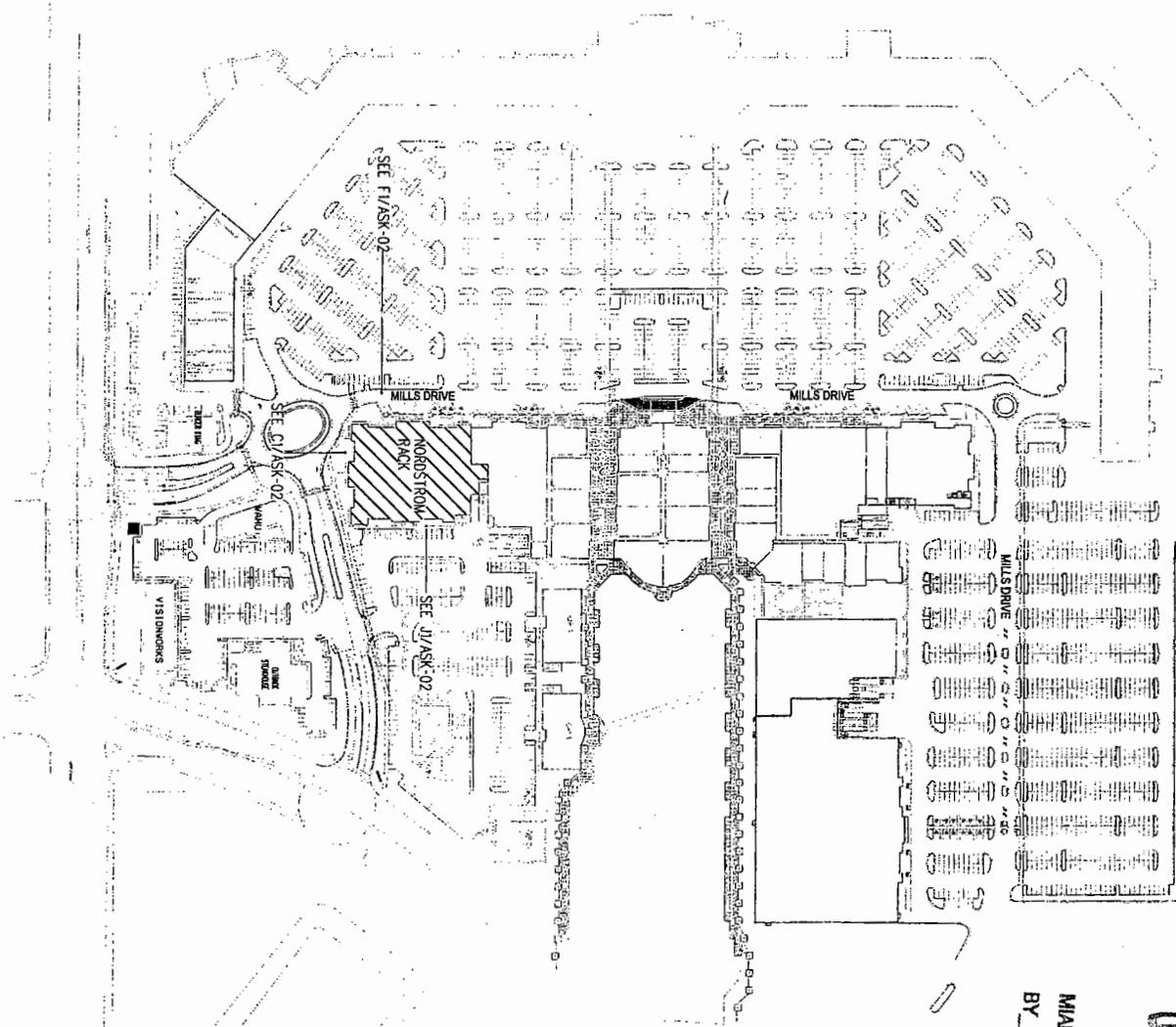


My commission expires 3-12-11

\*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.



AI STORAGE SITE PLAN



**RECEIVED**  
 209-143  
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ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AT

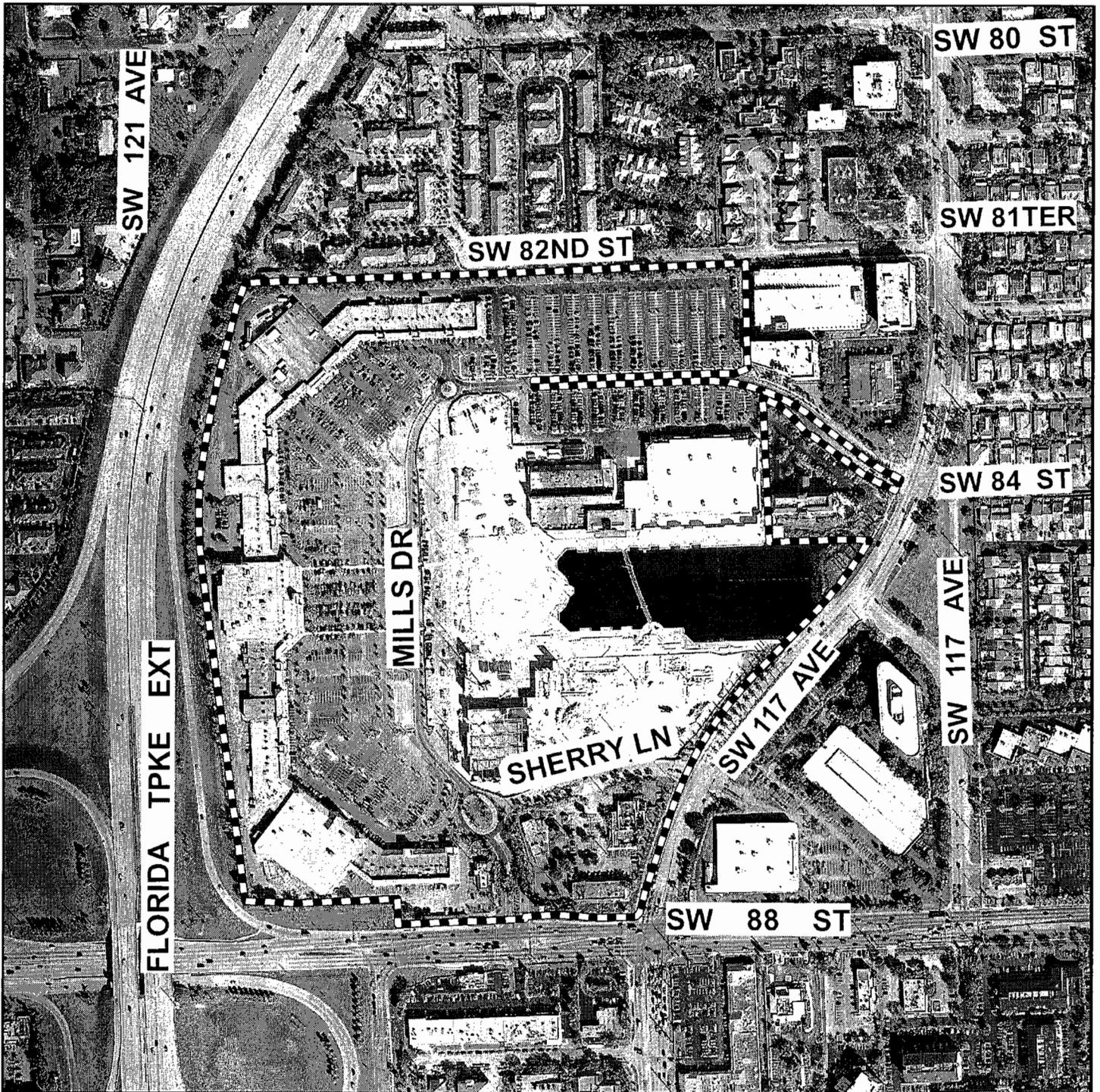


**NORDSTROM**  
 KENDALL TOWN AND COUNTRY RACK (778)  
 TOWN AND COUNTRY SPECIALTY CENTER  
 8200 MILLS DRIVE  
 MIAMI, FLORIDA 33183  
 JOB NUMBER 28897.02



OWNER:  
 NORDSTROM, INC.  
 1700 7th Avenue, Suite 1000  
 Seattle, WA 98101  
 T 206 363 4300  
 F 206 363 4218  
 www.nordstrom.com





**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

**Section: 36 Township: 54 Range: 39**

**Applicant: WRC PROPERTIES**

**Zoning Board: C12**

**Commission District: 10**

**Drafter ID: JEFFER**

**Scale: NTS**

**----- Zoning**

**Process Number**

**09-143**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 09/19/09

REVISION	DATE	BY

**3. LKS ASSOCIATES, L. P.**  
**(Applicant)**

**10-3-CZ12-3 (09-144)**  
**Area 12/District 10**  
**Hearing Date: 03/10/10**

Property Owner (if different from applicant) **LKS ASSOC.**

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1972	Joseph Mallah, ET AL.	- Zone change from RU-1 to BU-1A & AU, RU-1 to RU-3M. - Special exception for multi-family development. - Variance for height.	BCC	Approved w/conds.
1973	Ralph Fisch & Bernard Kappel	- Modify a portion of resolution Z-53-72	BCC	Approved
1984	Boun Tempo, Inc.	- Use Variance & Special exception for night club & hours of sales of alcohol.	BCC	Approved in part w/conds.
1984	Govin Enterprises Inc.	- Special exception to permit a cocktail lounge until 3:00am.	ZAB	Approved w/conds.
1984	Brandon Kendall Investments LTD	- Use Variance & Special exception for night club spacing. - Unusual Use for outdoor seating - Variance for 14sf. dance floor.	BCC	Approved w/conds.
1985	Brandon Kendall Inv.	- Non-Use Variance to sell alcohol from 11am to 4:50am.	ZAB	Approved
1986	California Federal Savings	- Non-Use Variance 3 wall signs.	ZAB	Approved w/conds.
1989	Gilbert Robinson Inc.	- Unusual Use to permit a carnival tent in celebration of an annual St. Patrick's Day festival.	ZAB	Approved w/conds.
1992	Muben Lamar United Partnership	- Use Variance liquor package Store. - Special Exceptions of spacing.	ZAB	Approved w/conds.

1994	Muben Lamar L.P.	<ul style="list-style-type: none"> <li>- Non-Use Variance of 3<sup>rd</sup> detached sign.</li> <li>- Non-Use Variance of setbacks for signs.</li> </ul>	ZAB	Approved w/conds.
1994	Muben-Lamar LP	<ul style="list-style-type: none"> <li>- Use Variance truck rental agency.</li> <li>- Non-Use Variance 5' decorative masonry wall enclosure around the auto storage area to waive same.</li> </ul>	ZAB	Approved w/conds.
2003	BJ's Wholesale Club, Inc.	- Modification of condition #2 of resolution 5ZAB-43-94.	C12	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. 12**

**APPLICANT:** LKS Associates L.P.

**PH:** Z09-144 (10-3-CZ12-3)

**SECTION:** 30-54-40

**DATE:** March 10, 2010

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 3

**A. INTRODUCTION**

o **REQUEST:**

Applicant is requesting to permit a 4<sup>th</sup> detached sign (2 detached signs permitted/3 detached signs previously approved).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "CVS/Pharmacy," as prepared by CKE Group and an elevation entitled "CVSCS#48520," as prepared by Icon Identity Solutions, all dated stamped received 10/7/09 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

Approval of this application will allow a 4<sup>th</sup> detached sign were 2 detached signs are permitted and a total of 3 detached signs were previously approved.

o **LOCATION:** 6801 S.W. 117 Avenue, Miami-Dade County, Florida.

o **SIZE:** 16 Acres

**B. ZONING HEARINGS HISTORY:**

The subject site was included in various zoning hearings between 1972 and 2003; however the variances granted were not related to signage on the site. In 1986, the subject site was granted approval of a request to permit a third wall sign (2 permitted – 2 existing) for one tenant in the shopping center, pursuant to Resolution No. 4-ZAB-272-86. In 1994, the subject site was granted approval of a request to permit a third detached sign (2 permitted – 2 existing) of 42.68 sq. ft. in a shopping center, pursuant to Resolution No. 5-ZAB-123-94.

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

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 such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. 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 uses.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

BU-1A; wholesale club, bank, gas station,  
 and shopping center

Business & Office

**Surrounding Properties**

**NORTH:** RU-3M; Townhouses

Low-Medium Residential, 6 to 13 dua

**SOUTH:** BU-1A; Shopping Center

Business & Office

**EAST:** RU-3M; Townhouses

Low-Medium Residential, 6 to 13 dua

**WEST:** BU-1A; Shopping Center

Business & Office

The subject property is located on the northeast corner of Sunset Drive (SW 72 Street) and SW 117 Avenue and is developed with a shopping center. A combination of residential and commercial uses characterizes the surrounding area.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Plan submitted.)

Scale/Utilization of Site:

N/A

Location of Buildings:

N/A

Compatibility:

Unacceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

N/A

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

Unacceptable

Signage:

Unacceptable

Urban Design:

N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject property is located on the northeast corner of Sunset Drive (SW 72 Street) and SW 117 Avenue and is developed with a shopping center. The applicant is seeking to permit a 4<sup>th</sup> detached sign with an overall height of 20' and a sign face area of 79.5 sq. ft. The Zoning Code permits a maximum of 2 detached signs on this site. As previously mentioned, in 1994, the subject site was granted approval of a request to permit a third detached sign (2 permitted – 2 existing) of 42.68 sq. ft. in a shopping center, pursuant to Resolution No. 5-ZAB-123-94. It should be noted that the 3<sup>rd</sup> detached sign approved in 1994 was never constructed; however, the plans approved in the 1994 Resolution illustrate the proposed 3<sup>rd</sup> detached sign to be located on the southeast corner of the site. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. 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. Moreover, staff opines that the subject site has already had the benefit of relief from the signage regulations since a 3<sup>rd</sup> detached sign was approved on the site in 1994. Staff notes that approval of a 4<sup>th</sup> detached sign on the southwest corner of the site would result in unnecessary visual clutter along SW 72 Street, a section line roadway, because the proposed 20' high sign would be approximately 180' to the west of an existing 25' high pylon sign for the shopping center. Therefore, staff opines that this application is **incompatible** with the surrounding area.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of

the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department (**MDFRD**) has no objections to this application and has indicated that the average travel response time for this site is **6:06** minutes.

When the application is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the request is **incompatible** with the area. Under said standard, 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. As previously mentioned, the subject site has already had the benefit of relief from the signage regulations since a 3<sup>rd</sup> detached sign was approved on the site in 1994 on the southeast corner of the site. Staff opines that the proposed 4<sup>th</sup> detached sign on the southwest corner of the site is excessive given the previous approval in 1994. Further, staff opines that the approval of a 4<sup>th</sup> detached sign on this site would negatively impact adjacent roadways by creating additional driver distractions, would not be in keeping with the intent and purpose of the zoning and land use regulations and would have a negative impact on the aesthetic quality of the surrounding area. As such, staff recommends denial without prejudice of this application under the Non-Use Variance Standards (NUV).

**I. RECOMMENDATION:**

Denial without prejudice.

**J. CONDITIONS:** None.

**DATE TYPED:** 01/22/10  
**DATE REVISED:** 01/25/10; 02/05/10; 02/24/10  
**DATE FINALIZED:** 02/24/10  
MCL;GR;NN;TA;NC

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

JJ.  
GR

# Memorandum

**Date:** October 19, 2009

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

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

**Subject:** C-12 #Z2009000144  
LKS Associates, L.P.  
6801 S.W. 117<sup>th</sup> Avenue  
Request to Permit a Detached Sign  
(BU-1A) (16 Acres)  
30-54-40

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

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

#### Enforcement History

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

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LKS ASSOCIATES, L. P.

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", written in a cursive style.

Raul A Pino, P.L.S.

16-OCT-09

# Memorandum



**Date:** 15-OCT-09  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2009000144

## Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

## Service Impact/Demand

Development for the above Z2009000144  
located at 6801 SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1707 is proposed as the following:

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

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

## Existing services

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

Station 9 - Kendall - 7777 SW 117 Avenue  
Rescue, ALS Engine

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments

Not applicable to service impact analysis.

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

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

LKS ASSOCIATES, L. P.

6801 SW 117 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2009000144

---

HEARING NUMBER

**HISTORY:**

CMS# 201003001008 ¿Enforcement History inspection January 29th, 2010. No open cases. No current violations.

PREVIOUS CASES:

CMS# 200003004743 ¿Complaint in June 2000 for Jet Ski dumped behind BJ¿s. Not in violation.

CMS# 200403008475 ¿CVN issued in September 2004 for Banner sign in the right-of-way advertising: ¿Impex Cargo Express Kendall 6965 SW 117 AVE.¿ CVN paid. Case closed as complied.

CMS# 200503002482 ¿Complaint April 2005 for Parking Premises Violations. Letter and copy of ordinance mailed to property owner. Case acknowledged and closed.

CMS# 200503005716 ¿NOV issued in December 2005 for No Bike Racks and Litter Bins. Case closed as complied.

CMS# 200503005717 ¿CVN issued in November 2005 for Failure to maintain illuminated and/or marquee signs in a functional state. CVN paid. Case closed as complied.

CMS# 200803006356 ¿Complaint in June 2008 for Failure to Obtain Zoning Permit. Not in violation.

CMS# 200903009165 ¿Enforcement history inspection in October 2009.

CMS# 200903010601 ¿Enforcement history inspection in December 2009.

LKS ASSOCIATES, L. P.

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

N/A

**REPORTER NAME:**

N/A

**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: N/A

NAME AND ADDRESS Percentage of Stock

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

TRUST/ESTATE NAME: N/A

NAME AND ADDRESS Percentage of Stock

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: LKS ASSOCIATES, L.P., a Delaware limited partnership, authorized to do business in the State of Florida

NAME AND ADDRESS Percentage of Stock

Kendall/Sunset G.P., Inc.  
521 Fifth Avenue, Suite 2300  
New York, NY 10175

See Attached

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BY *[Signature]*

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

NAME OF PURCHASER: N/A

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

Date of contract: \_\_\_\_\_

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

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

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

LKS ASSOCIATES, L.P.  
By: Kendall Stinson VP, Inc., FLORIDA CORPORATION  
Signature: [Signature] VP  
ALAN L. GORDON

Sworn to and subscribed before me this 30<sup>th</sup> day of September, 2009. Affiant is personally known to me or has produced as identification.

[Signature]  
(Notary Public)

**MARGERY B. CERASOLI**  
Notary Public, State of New York  
No. 01CE9042761  
Qualified in Queens County  
Commission Expires June 5, 2010

My commission expires JUNE 5, 2010

\* 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.

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BY: [Signature]

LKS ASSOCIATES L.P.

LIMITED PARTNERS

PERCENTAGE

ABERCROMBY PROPERTY INTERNATIONAL	36.0000%
HENRY A. LOEB, THOMAS L. KEMPNER, ELISABETH L. LEVIN & JEAN TROUBH TTES U/W CARL M. LOEB FBO HENRY A. LOEB CHILDREN	4.3800%
KATHRYN POTEAT TRUST U/A DTD 2/8/05	0.1000%
MARGARET A. KEMPNER	0.1000%
CARL L. KEMPNER, JR.	0.1000%
MICHAEL C. KEMPNER	0.1001%
JOHN L. LOEB ET AL TTES 9/9/64 FBO J. CHIRA	2.1000%
JOHN L. LOEB ET AL TTES 9/9/64 FBO A. BROFMAN	2.1000%
JOHN L. LOEB ET AL TTES 9/9/64 FBO A. LOEB	2.1000%
JOHN A. LEVIN, JEROME A. MANNING, TTES U//D 9/9/64 FBO DEBORAH L. BRICE	2.1000%
JOHN L. LOEB ET AL TTES 9/9/64 FBO J. LOEB, JR.	2.1000%
ARTHUR E. LEE	0.8000%
JESSICA TCHEREPNINE	0.8000%
NORMAN N. MINTZ	0.5000%
IRWIN D. ROWE	0.3000%
FREDERICK WALLERT, JR.	0.3000%
GOLDEN BRIDGE PARTNERS	7.0000%
MAURICE R. GREENBERG	4.5000%
EDWARD E. MATTHEWS & MARIE L. MATTHEWS TTES FBO THEIR CHILDREN	1.8600%
EDWARD E. MATTHEWS	2.5999%
MARNE OBERNAUER, SR.	0.8000%
MARNE OBERNAUER, JR.	0.8000%
JOSEPH S. LESSER AS TRUSTEE FBO JOSEPH HOTUNG	0.6000%
PATRICK HOTUNG	0.6000%
ANN HOTUNG	0.4000%
ELLEN HOTUNG	0.4000%
AMY LESSER	0.5000%
SHARON LESSER MAGUIRE	0.5000%
ALAN L. GORDON	0.3000%
JOSHUA GOLDMAN	0.1000%
PHYLLIS A. KENNEDY	0.0600%
GENERAL PARTNER	
KENDALL/SUNSET GP, INC.	12.5000%
SPECIAL PARTNER	
J.S. KARLTON CO., INC.	12.5000%
TOTAL	100.0000%

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MIAMI-DADE PLANNING AND ZONING DEPT.  
BY 

14



<b>John L. Loeb ET AL Trust</b>	<b>2.1000%</b>
Beneficiary: A. Brofman	
John A. Levin & Jerome A. Manning, as Trustees	
<b>John L. Loeb ET AL Trust</b>	<b>2.1000%</b>
Beneficiary: A. Loeb	
John A. Levin & Jerome A. Manning, as Trustees	
<b>John A. Levin, Jerome A. Manning Trust</b>	<b>2.1000%</b>
Beneficiary: Deborah L. Brice	
John A. Levin & Jerome A. Manning, as Trustees	
<b>John L. Loeb Trust</b>	<b>2.1000%</b>
Beneficiary: J. Loeb, Jr.	
John A. Levin & Jerome A. Manning, as Trustees	
<b>Arthur E. Lee</b>	<b>.8000%</b>
<b>Jessica Tcherepnine</b>	<b>.8000%</b>
<b>Norman N. Mintz</b>	<b>.5000%</b>
<b>Irwin D. Rowe</b>	<b>.3000%</b>
<b>Frederick Wallert, Jr.</b>	<b>.3000%</b>
<b>Golden Bridge Partners, a Partnership</b>	<b>7.0000%</b>
<i>Principals</i>	
Ralph Hansmann	
Sibyl Golden	
Susan Linder	
Prudence Steiner	
Elizabeth Steiner	
Joshua Steiner	
Marjorie Kaplan	
Susan Kaplan	
William Kelly	
Trust: Beneficiary: Pamela Golden – Sibyl Golden as Trustee	
Estate of William Golden – Sibyl Golden & Pam Golden as Beneficiaries	
<b>Maurice R. Greenberg</b>	<b>4.5000%</b>
<b>Edward E. Matthews &amp; Marie L. Matthews Trust</b>	<b>1.86000%</b>
Beneficiaries: their Children: Gregory E. Matthews, Douglas L. Matthews, Louise S. Matthews & Russell E. Matthews	
<b>Edward E. Matthews</b>	<b>2.5999%</b>
<b>Marne Obernauer, Sr.</b>	<b>.8000%</b>

**RECEIVED**  
CORLA  
OCT - 7 2009

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

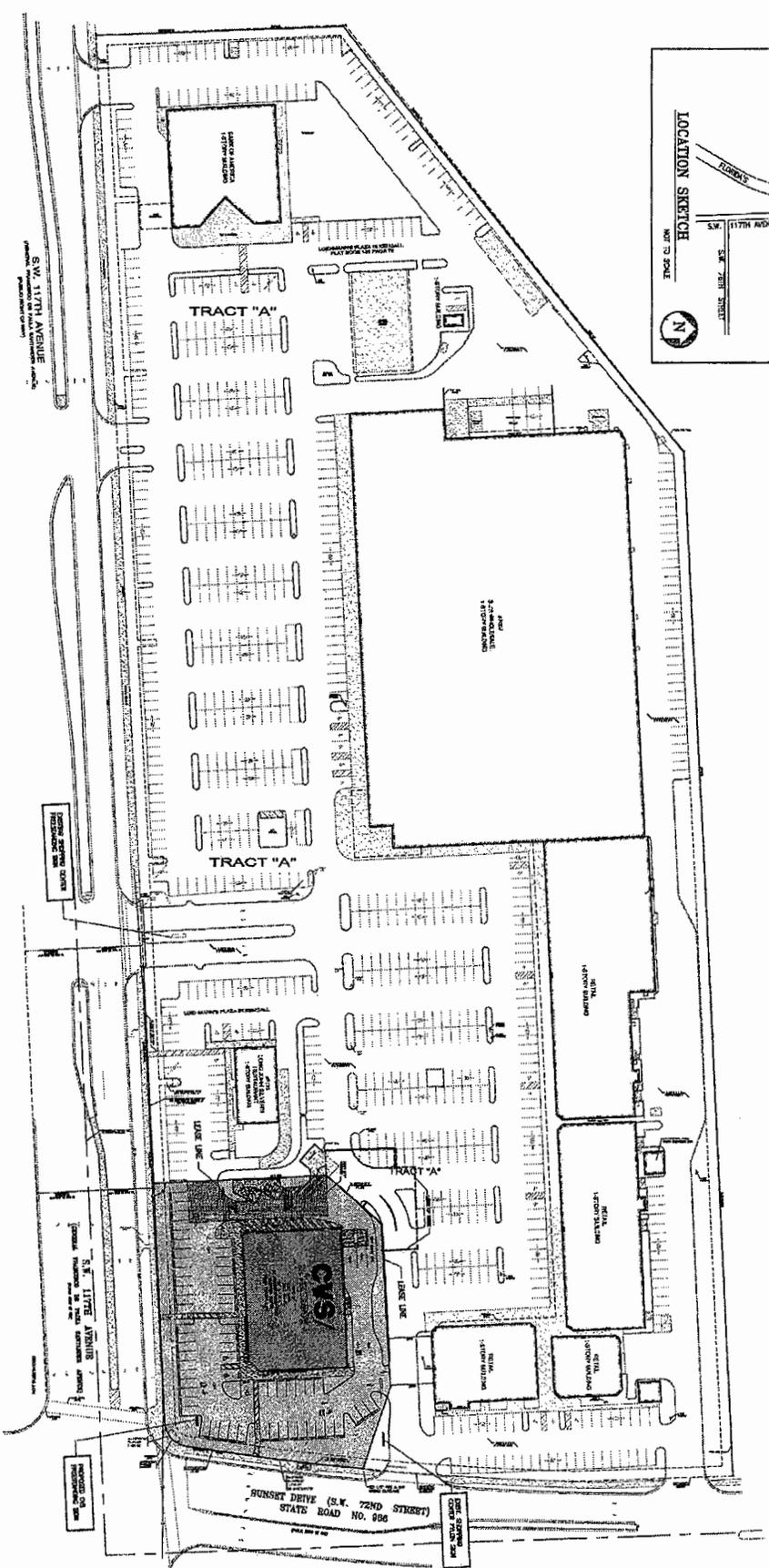
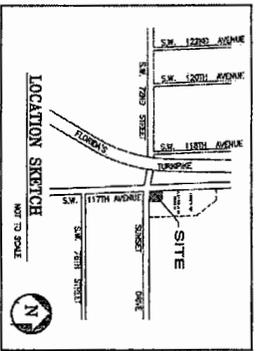
<b>Marne Obernauer, Jr.</b>	<b>.8000%</b>
<b>Joseph S. Lesser Trust</b>	<b>2.000%</b>
Beneficiaries: Joseph Hotung, Patrick Hotung, Ann Hotung and Ellen Hotung	
<b>Amy Lesser</b>	<b>.5000%</b>
<b>Sharon Lesser Maguire</b>	<b>.5000%</b>
<b>Alan L. Gordon</b>	<b>.3000%</b>
<b>Joshua Goldman</b>	<b>.1000%</b>
<b>Phyllis A. Kennedy</b>	<b>.0600%</b>
<b>J.S. Karlton Co., Inc. – a Delaware Corporation</b>	<b>12.5000%</b>
John S. Karlton, Recipient and Sole Owner: 100%	

**RECEIVED**  
 209-144  
 OCT - 7 2009

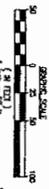
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_







OVERALL SITE PLAN



**RECEIVED**

OCT - 7 2009

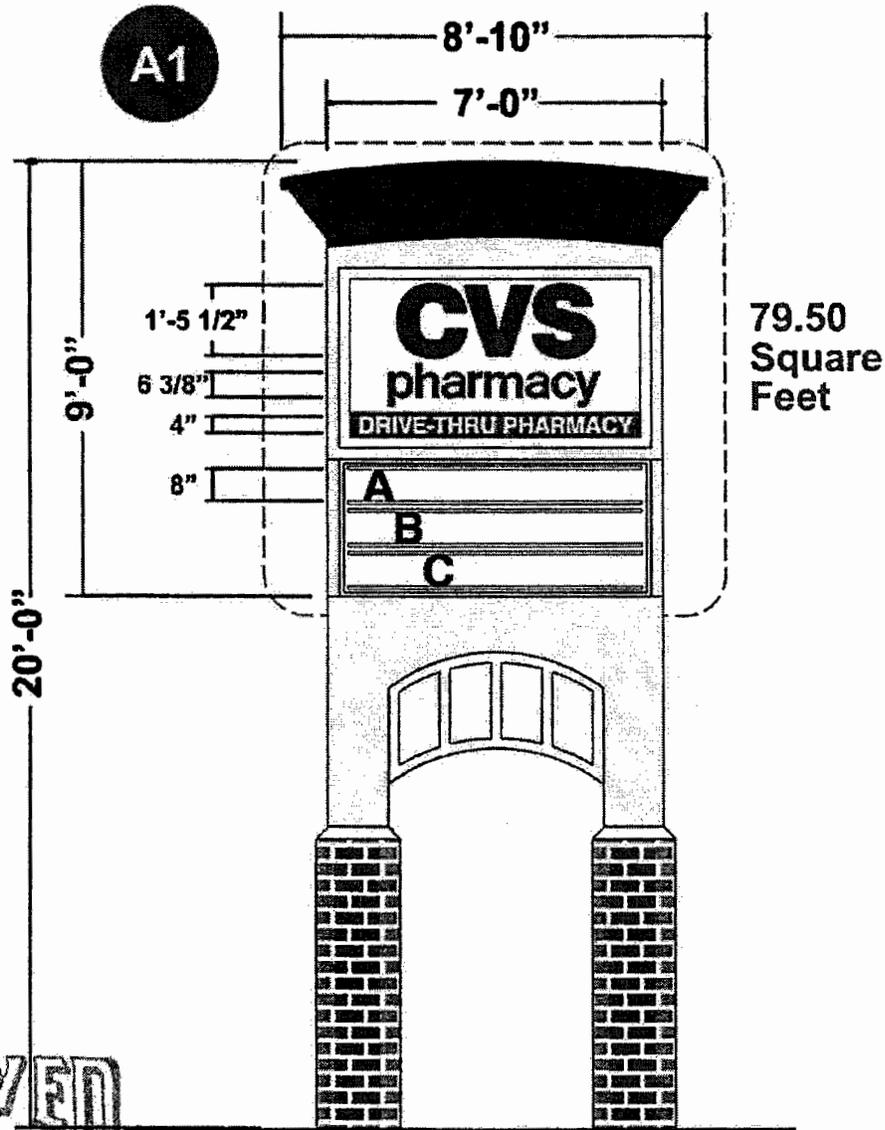
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

<p><b>CKE GROUP</b> INCORPORATED 2000 S.W. 11TH AVENUE SUITE 100 MIAMI, FL 33135 TEL: 305.375.1111 FAX: 305.375.1112</p>	<p>CONSULTANT:</p>	<p>SCALE:</p> <p><i>1/8" = 1'-0"</i></p>	<p><b>CVS/</b> Pharmacy FLORIDA COASTAL FORM-TYPE A-LEFT HAND WHI SEE DRIVE-THRU STORE NUMBER: 5827 38 117th Ave &amp; Sunset Drive (SW 72 Rd) MIAMI-DADE COUNTY, FLORIDA PERM. THIS PLAN</p>	<p><b>DEVELOPER</b></p> <p><b>HOOD ENTERPRISE GROUP</b> 350 S.W. 10TH AVENUE SUITE 1000 MIAMI, FL 33135 TEL: 305.575.1111</p>	<p>REVISIONS:</p> <p>1-10-09 SMC</p> <p>DATE: OCTOBER 22, 2009</p> <p>DRAWING BY: N.S.</p> <p>JOB NUMBER: C-0-1181</p> <p>TITLE: CVS-KENDAL VALE CENTER OVERALL SITE PLAN</p> <p>SHEET NUMBER: C-0</p> <p>COMMENTS: NOT RELEASED FOR CONSTRUCTION</p>
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**Freestanding Signs**



**RECEIVED**  
209144  
OCT - 7 2009

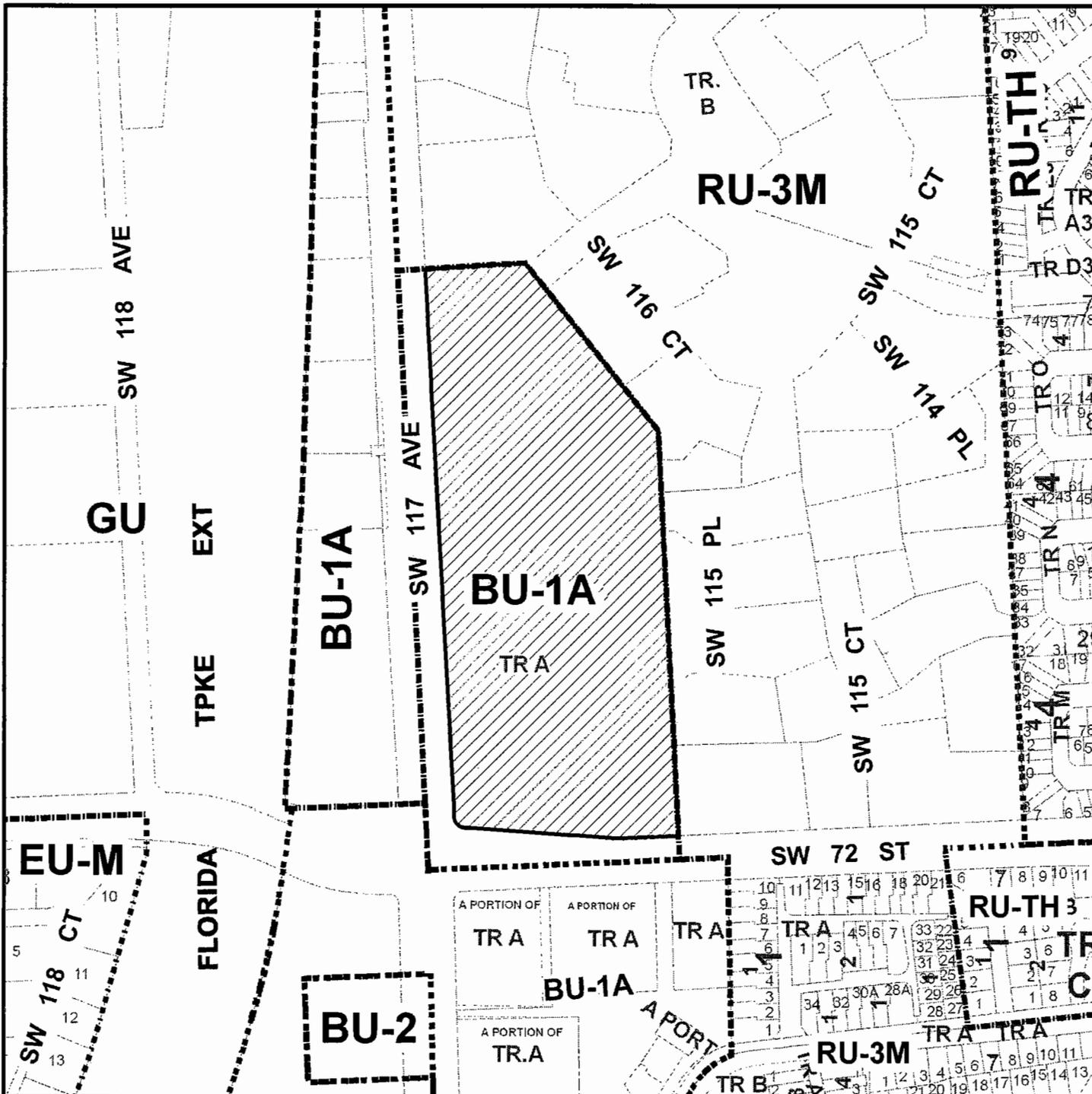
79.50 sq.ft.  
Qty. 1 - Illum

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

**icon**  
Identity Solutions  
1418 Elmhurst Rd.  
Elk Grove Village  
Illinois 60007

**CVS CS#48520**  
**NEC Sunset Dr. & SW 117th Ave.**  
**Miami, Florida 33173**

Date:	08-14-2009 PMF
Revisions:	



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 30 Township: 54 Range: 40  
 Applicant: LKS ASSOCIATES, L.P  
 Zoning Board: C12  
 Commission District: 10  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**09-144**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/15/09

REVISION	DATE	BY
		23



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

**Section: 30 Township: 54 Range: 40**

**Applicant: LKS ASSOCIATES, L.P**

**Zoning Board: C12**

**Commission District: 10**

**Drafter ID: JEFFER**

**Scale: NTS**

**----- Zoning**

**Process Number**

**09-144**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/15/09

REVISION	DATE	BY