

KITS

12-20-2010 Version # 2



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Tuesday, January 18, 2011 at 6:30 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|--------------|--------------------------------------|--------------|----------|
| A. | 10-11-CZ12-4 | <u>LA CARRETA RESTAURANT V, INC.</u> | <u>10-95</u> | 01-55-39 |
| B. | 10-12-CZ12-3 | <u>LATIN MISSIONS MINISTRIES INC</u> | <u>10-80</u> | 27-54-40 |

CURRENT

- | | | | | | |
|----|-------------|---|---------------|----------|---|
| 1. | 11-1-CZ12-1 | <u>FLORIDA SE, INC</u> | <u>10-154</u> | 06-55-40 | N |
| 2. | 11-1-CZ12-2 | <u>BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA</u> | <u>10-155</u> | 35-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, JANUARY 18, 2011

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

I. ELECTION OF CHAIR AND VICE-CHAIR

II. APPROVAL OF SUNSET REVIEW

III. APPLICATIONS:

A. LA CARRETA RESTAURANT V, INC (10-11-CZ12-4/10-095)

**01-55-39
Area 12/District 10**

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall 117 Shopping Center,' as prepared by Robin Bosco, Architects & Planners, Inc., dated last revised 1-14-83; the floor plans are entitled 'Banana Boat,' as prepared by Consultants Collaborative, Inc., dated 1-19-83; the alcoholic beverage survey on file is entitled 'Special Purpose Survey,' as prepared by Schwebke-Shiskin & Associates, Inc., and dated 12-29-82."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Accessory Building Additions for La Carreta Restaurant,' as prepared by Merlo & Associates, Inc., dated stamped received 7/7/10 and consisting of 4 sheets."

The purpose of request #1 is to allow the applicant to submit a new site plan showing additional property improved with an existing free-standing building as well as a detached storage shed, storage room addition and cooler/freezer addition to a previously approved shopping center.

- (2) Applicant is requesting to permit a storage room addition to a commercial building setback varying from 2'6" to 5' (20' required) from the rear (south) property line.
- (3) Applicant is requesting to permit a cooler/freezer addition to a commercial building setback varying from 11' to 12' (20' required) from the rear (south) property line.
- (4) Applicant is requesting to permit a detached storage shed setback a minimum of 5'6" (20' required) from the rear (south) property line and spaced 3'6" (20' required) from the commercial building.
- (5) Applicant is requesting to permit a parking back out distance of 17' (22' required).
- (6) Applicant is requesting to permit 3 street trees (15 street trees required) along S.W. 88 Street (North Kendall Drive) right-of-way and 8 street trees (15 street trees required) along S.W. 89 Street right-of-way.
- (7) Applicant is requesting to permit a minimum of a 2' wide greenbelt strip (7' greenbelt strip required) along the front (north) property line along S.W. 88 Street (North Kendall Drive) right-of-way.

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: 11740 through 11790 S.W. 88 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.52 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards and approval with conditions of request #2 through #5 and request #7 and denial without prejudice of request #6 under Section 33-311(A)(4)(b) NUV.

Protests: 2

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from 11/18/2010

DEFERRED: _____

B. LATIN MISSIONS MINISTRIES, INC. (10-12-CZ12-3/10-080)

**27-54-40
Area 12/District 07**

- (1) SPECIAL EXCEPTION to permit the expansion of an existing religious facility onto additional property to the west.
- (2) UNUSUAL USE to permit the expansion of the existing day nursery onto additional property to the west.
- (3) MODIFICATION of Condition #2 of Resolution 2-ZAB-227-64, last modified by Resolution 5-ZAB-194-97, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Iglesia Alpha & Omega,' revised 6/12/97, consisting of (6) sheets."

TO: 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Parking Structure For Alpha & Omega Church,' consisting of 1 sheet, dated stamped received 10/13/10 and the remaining 7 sheets dated stamped received 10/8/10 for a total of 8 sheets."

The purpose of request #2 is to allow the applicant to submit revised plans showing a 3-story, 4-level parking structure in lieu of a previously approved 2 level parking structure and to show the expansion of the previously approved religious facility and day nursery onto adjacent property to the west.

- (4) Applicant is requesting to permit the parking structure with 3 stories and 4 levels (2 stories maximum permitted).
- (5) Applicant is requesting to permit the parking structure to setback 40' from the interior side (south) property line and to setback a minimum of 20' (75' required for both) from the rear (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 47.31% (15% maximum permitted; 45.2% previously approved).

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

LOCATION: The southwest corner of Miller Drive (S.W. 56 Street) and S.W. 77 Court; A/K/A: 7800 S.W. 56 Street and 7984 S.W. 56 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.62 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from 12/16/2010

DEFERRED: _____

1. FLORIDA SE, INC (11-1-CZ12-1/10-154)

**06-55-40
Area 12/District 08**

MODIFICATION of Condition #2 of Resolution Z-210-83, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Red Lobster Restaurant, S.W. 88th St. – North Kendall Drive, Miami, Florida,' as prepared by T. Max Berry, P. E., dated 7-25-83 and consisting of seven sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Red Lobster,' as prepared by Kimly-Horn and Associates, Inc consisting of 3 sheets, all dated stamped received 9/21/10."

The purpose of this request is to permit the applicant to submit revised site plans showing a new restaurant to replace the previously approved restaurant.

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: Lying south of S.W. 88 Street, approximately 290' east of S.W. 117 Avenue, aka 11550 S.W. 88 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.3 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 1

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. **BOARD OF TRUSTEES OF THE (11-1-CZ12-2/10-155)**
INTERNAL IMPROVEMENT TRUST FUND OF
THE STATE OF FLORIDA

35-54-40
Area 12/District 07

Applicant is requesting to permit a parcel of land with a lot frontage varying from 25' to 50' (125' required).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey Prepared for: Shutts & Bowen, LLP," as prepared by Schwebke-Shiskin & Associates, Inc., dated stamped received 9/21/10 and consisting of one sheet. Plans may be modified at public hearing.

LOCATION: Lying south of S.W. 76 Street, and approximately 157' west of S.W. 72 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10.32 Acres

Department of Planning and
Zoning Recommendation:

Approval.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

A. LA CARRETA RESTAURANT V, INC.
(Applicant)

10-11-CZ12-4 (10-095)
Area 12/District 10
Hearing Date: 01/18/11

Property Owner (if different from applicant) **FGHP 117 PARTNERSHIP.**

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

If so, who are the interested parties? **LA CARRETA RESTAURANT.**

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>
1981	Sumner Gerard, Trustee	- Zone change from GU to BU-2.	BCC	Approved w/conds.
1982	Sumner Gerard, Trustee	- Zone change from BU-2 to BU-1A. - Rescind Declaration of Restrictions.	BCC	Approved w/conds.
1983	Kendall 117	- Non-Use Variance of zoning regulations to waive masonry wall.	ZAB	Approved w/conds.
1983	Kendall 117	- Non-Use Variance of sign regulations to permit additional oversized detached sign.	ZAB	Approved w/conds.
1983	Kendall 117	- Special Exception to permit a cocktail lounge in conjunction with a proposed restaurant. - Special Exception to permit the cocktail lounge spacing less than required from existing churches & schools. - Special Exception to permit a proposed liquor package store spaced less than required to proposed cocktail lounge & existing churches & schools. - Multiple Non-Use Variances for the package store.	ZAB	Approved w/conds.
1985	Kendall 117	- Zone change from GU to BU-1A.	BCC	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
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#4

APPLICANT'S NAME: **LA CARRETA RESTERAUNT V, INC.**

REPRESENTATIVE: Jose Garrido

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
10-11-CZ12-4 (10-095)	November 18, 2010	CZAB12 10

REC: Approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards and approval with conditions of requests #2 through #5 and request #7 and denial without prejudice of request #6 under Section 33-311(A)(4)(b) NUV.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Jan 18, 2011</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred due to a lack of time. The applicant's rep stated that he could not be present.	
For the December hearing and asked to be heard in January.		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN		Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL MAN	S	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		

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

EXHIBITS: YES NO

COUNTY ATTORNEY: JOHN MCINNIS

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: La Carreta Restaurant V, Inc.

PH: Z10-095 (10-11-CZ12-4)

SECTION: 1-55-39

DATE: January 18, 2011

COMMISSION DISTRICT: 10

ITEM NO.: A

=====

A. INTRODUCTION

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall 117 Shopping Center,' as prepared by Robin Bosco, Architects & Planners, Inc., dated last revised 1-14-83; the floor plans are entitled 'Banana Boat,' as prepared by Consultants Collaborative, Inc., dated 1-19-83; the alcoholic beverage survey on file is entitled 'Special Purpose Survey,' as prepared by Schwebke-Shiskin & Associates, Inc., and dated 12-29-82."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Accessory Building Additions for La Carreta Restaurant,' as prepared by Merlo & Associates, Inc., dated stamped received 7/7/10 and consisting of 4 sheets."

The purpose of request #1 is to allow the applicant to submit a new site plan showing additional property improved with an existing free-standing building as well as a detached storage shed, storage room addition and cooler/freezer addition to a previously approved shopping center.

- (2) Applicant is requesting to permit a storage room addition to a commercial building setback varying from 2'6" to 5' (20' required) from the rear (south) property line.
- (3) Applicant is requesting to permit a cooler/freezer addition to a commercial building setback varying from 11' to 12' (20' required) from the rear (south) property line.
- (4) Applicant is requesting to permit a detached storage shed setback a minimum of 5'6" (20' required) from the rear (south) property line and spaced 3'6" (20' required) from the commercial building.
- (5) Applicant is requesting to permit a parking back out distance of 17' (22' required).
- (6) Applicant is requesting to permit 3 street trees (15 street trees required) along S.W. 88 Street (North Kendall Drive) right-of-way and 8 street trees (15 street trees required) along S.W. 89 Street right-of-way.

- (7) Applicant is requesting to permit a minimum of a 2' wide greenbelt strip (7' greenbelt strip required) along the front (north) property line along S.W. 88 Street (North Kendall Drive) right-of-way.

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:** Approval of this application would allow the applicant to modify a condition of a previously approved Resolution in order to submit revised plans showing an existing storage room addition and cooler/freezer addition to an existing commercial building, as well as a detached storage shed which encroach into the rear (south) setback area. Moreover, the applicant seeks to permit a reduced parking back out distance, fewer street trees, and a narrower greenbelt than that required by the Zoning Code.
- o **LOCATION:** 11740 through 11790 S.W. 88 Street, Miami-Dade County, Florida.
- o **SIZE:** 2.52 Acres

B. ZONING HEARINGS HISTORY:

In 1981, pursuant to Resolution No. Z-24-81, a portion of the subject property (Tract B of Berkely Plaza, Plat Book 120; Page 22) was rezoned to BU-2, Special Business District. A Declaration of Restrictions restricting the use of the property for office building purposes and prohibiting restaurant uses on the property was accepted by the Board of County Commissioners and recorded in Official Record Book 11091 on Pages 65 through 68. In June 1982, the previously mentioned portion of the subject site was granted approval of requests to rezone said site from BU-2 to BU-1A, Limited Business District, and to delete said Declaration of Restrictions recorded in Official Record Book 11091 on Pages 65 through 68, pursuant to Resolution No. Z-132-82. In March 1983, the same parcel of land was granted approval for a special exception to permit a cocktail lounge in conjunction with a restaurant and a liquor package store spaced less than the required distance from the cocktail lounge and spaced less than the required distance from religious facilities and schools as well as approval of requests to permit said liquor package store on a parcel of land with an area of 2.26 acres with less floor area and fewer parking spaces than that required by the Zoning Code, pursuant to Resolution No. 4-ZAB-82-83. In June 1983, the previously mentioned portion of the subject site was granted approval of a request to waive the required 5' high masonry wall set in 10' from the rear (south) property line, pursuant to Resolution No. 4-ZAB-192-83. In October 1983, the same parcel of land was granted approval allowing a second (2nd) oversized detached sign of 192 sq. ft., pursuant to Resolution No. 4-ZAB-341-83. In 1985, the then applicant acquired a 55' X 231.29' surplus right-of-way parcel from the Florida Department of Transportation, which was granted a zone change from GU, Interim District, to BU-1A, Limited Business District, pursuant to Resolution No. Z-84-85. Subsequently, a Unity of Title agreement was recorded in Official Record Book 13419 Pages 775-777 uniting said parcel with the existing shopping center site.

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** use. This category

E. SITE AND BUILDINGS:

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

* Subject to conditions.

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.

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 condition 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 that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This application was deferred from the November 18, 2010 meeting due to lack of time. The subject property is currently zoned BU-1A, Limited Business District, and is located at 11740 through 11790 SW 88 Street (N. Kendall Drive). The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The 2.52-acre subject property is improved with an existing shopping center that features a variety of retail, restaurant, and service oriented uses such as a beauty salon, restaurants, and art store which are all permitted uses in the BU-1A zoning district. However, the interpretative text of the CDMP recognizes that some existing lawful uses and zoning are not specifically depicted on the LUP map. 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." Staff opines that the submitted plan is similar to the previously approved plans for a shopping center and that the commercial uses on the site will not be altered by this application. As such, staff opines that the submitted plans along with the existing storage room addition, cooler/freezer addition and storage shed on this parcel are **compatible** with the surrounding commercial uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the 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. 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 their memorandum indicates that the estimated average travel response time is **2:10** minutes.

When request #1, to permit the modification of a condition of a previously approved Resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, in order to permit the applicant to submit new plans depicting an existing storage room addition, cooler/freezer addition and detached storage shed, staff opines that approval of this request would be **compatible** with the surrounding commercial uses along SW 88 Street (North Kendall Drive). Staff's review of the previously approved (1983) plans and the plans submitted for this hearing reveals that the original building footprint and parking configuration remain essentially unchanged except for the storage room addition, cooler/freezer addition and detached storage shed located along the rear (south) property line behind the existing shopping center with the exception of the additional parcel of land which was acquired by the then applicant. Staff notes that the plans submitted in conjunction with this application include said additional parcel of land which is improved with an existing free-standing 1-story drive-through restaurant building. Staff notes that the existing storage room addition and existing cooler/freezer addition are located to the rear of an existing restaurant located on the western end of the shopping center and provide additional storage area for said restaurant without increasing the patron area. Staff further notes that the existing detached storage shed provides additional storage area for an existing frame art store that is located towards the center of the existing shopping center. Moreover, the existing free-standing 1-story building located on the northwest portion of the site consists of approximately 1,873 sq. ft. and

currently houses a drive-through restaurant. In staff's opinion, the approval of request #1 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. In addition, staff notes that the Public Works Department, MDFRD and DERM do not object to the application. However, staff notes that the existing storage room addition and the detached storage shed are located within a 10' wide utility easement which runs along the rear (south) property line. As such, staff recommends as a condition for the approval of request #1, that the applicant obtain written waivers of objection from the affected utility companies for the storage room addition and detached storage shed located within the easement area prior to building permit issuance. Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards.

When requests #2 through #4 and request #7 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. However, when request #6, to permit 3 street trees (15 street trees required) along SW 88 Street (North Kendall Drive) right-of-way and 8 street trees (15 street trees required) along SW 89 Street right-of-way, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that request #6 does not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to the neighborhood.

Staff acknowledges that the approval of request #2 (storage room addition) would result in an encroachment varying from 15' to 17.5' into the rear (south) setback area and that approval of request #3 (cooler/freezer addition) would result in an encroachment varying from 8' to 9' into the rear (south) setback area. Further, staff acknowledges that the approval of request #4 (detached storage shed) would result in an encroachment of 14.5' into the rear (south) property line and would allow said structure to be spaced 3'6" from the existing shopping center. However, staff notes that property located at 11190 SW 88 Street was granted approval of a request to permit a commercial building setback 6' (20' required) from the rear property line, pursuant to Resolution No. Z-24-88. Further, staff notes that the subject property abuts three (3) RU-5A-zoned properties that are each improved with existing office buildings and are located across SW 89 Street which features 60' of right-of-way. Moreover, staff opines that the requested reduction of the spacing requirement between the storage shed and the existing commercial building (request #4) is internal to the site and will not have a negative visual impact on the surrounding area. Staff acknowledges that said right-of-way will provide some buffer for the requested encroachments into the rear (south) setback area however; staff opines that the applicant should provide the required 15 street trees along the SW 89 Street right-of-way in order to effectively buffer the encroachments of the existing storage room addition, cooler/freezer addition, and detached storage shed into the rear (south) setback area. As such, staff has no objections to requests #2 through #4, subject to conditions. However, staff's review of the submitted survey indicates that a portion of an existing canopy that is attached to the free-standing commercial building extends beyond the interior side (north) property line. As such, staff recommends as a condition of the approval of this application, that said canopy be removed prior to permitting. Staff has no objections to request #8, to permit a minimum of 2' wide greenbelt strip (7' greenbelt strip required) along

the front (north) property line along SW 88 Street right-of-way. Staff acknowledges that no similar approvals for a reduced greenbelt strip have been granted in the immediate vicinity of the subject site. However, staff's review of the submitted survey reveals an additional 16.8' of dedicated right-of-way along the front (north) property line. Therefore, staff opines that the provision of the required 15 street trees along the North Kendall Drive right-of-way will adequately off-set any negative visual impact generated by requested reduction in the greenbelt strip by providing both additional greenery along this section-line roadway and shade for pedestrians. As such, staff recommends approval of requests #2 through #4 and request #7, subject to conditions, and denial without prejudice of request #6 under Section 33-311(A)(4)(b) NUV.

When request #5, to permit a parking back out distance of 17' (22' required), is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Staff's review of the submitted plans reveals the requested reduction in parking back out distance only occurs on the northwest corner of the site where 7 compact parking spaces are located and that the remainder of the parking areas on the site comply with the required 22' of parking back out distance. As such, staff opines that the requested 5' reduction in parking back out distance will not impede traffic circulation on the site. Moreover, staff notes that the Public Works Department has no objections to this application. As such, staff recommends approval with conditions of request #5 under Section 33-311(A)(4)(b) NUV.

I. RECOMMENDATION:

Approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards and approval with conditions of requests #2 through #5 and request #7 and denial without prejudice of request #6 under Section 33-311(A)(4)(b) NUV.

J. CONDITIONS:

1. That all the conditions of Resolution #4-ZAB-82-83 remain in full force and effect except as herein modified.
2. That the applicant provide the required amount of street trees along SW 88 Street (North Kendall Drive) and SW 89 Street rights-of-way at the time of permitting.
3. That the canopy attached to the free-standing commercial building fronting on SW 88 Street be removed prior to permitting.
4. That the applicant apply for a building permit for the storage room and cooler/freezer additions and detached storage shed from the Building Department within 90 days after final public hearing approval of this application.
5. That the applicant obtain written waivers from the affected utility companies for the storage room addition and detached storage shed located within the easement area prior to building permit issuance.

DATE INSPECTED: 09/09/10
DATE TYPED: 08/13/10
DATE REVISED: 09/13/10; 09/22/10; 09/24/10; 11/23/10; 01/10/11
DATE FINALIZED: 01/10/11
MCL:GR:NN:AA:NC

For 

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

Date: July 19, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-12 #Z2010000095-3rd Revision
La Carreta Restaurant V, Inc.
11740 S.W. 88th Street
Modification of a Previous Resolution to Submit a New Site Plan Showing
a Cooler/Shed Addition and Request to Permit a Commercial Building
Setback Less than required from Property Lines
(BU-1A) (2.19 Acres)
01-55-39

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

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area for the Southwest Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

The property has 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 property.

Potable Water Service and Wastewater Disposal

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

According to the site plan submitted with this zoning application, the existing cooler and shed addition will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24.

Hazardous Materials Management

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

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Fuel Storage Facilities

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LA CARRETA RESTAURANT V, INC.

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

30-JUL-10

Memorandum



Date: 28-JUL-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000095

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped July 7, 2010.

Service Impact/Demand

Development for the above Z2010000095
located at 11740 S.W. 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 4824 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>840</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.24 alarms-annually.
The estimated average travel time is: 2:10 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

Current service impact calculated based on site plan date stamped July 7, 2010.



**BUILDING & NEIGHBORHOOD
COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION**

ENFORCEMENT HISTORY

NAME: La Carreta Restaurant V Inc

**ADDRESS: 11740-11790 SW 88 St,
Miami- Dade County, FL.**

DATE: 11 – 17 – 2010

Hearing Number: Z2010000095

CURRENT ENFORCEMENT HISTORY:

Neighborhood Compliance Open Cases: None

Neighborhood Compliance Closed Cases:

200002003854: Sign on ROW

Complaint received on 07-14-2000. Warning notice was issued for banner and signs on the right of way. Violation was corrected by the owner and case was closed on 06-25-2002.

2001022005496 Sign without a Permit

Complaint was received on 06-19-2001. A warning was issued, compliance was achieved and the case was closed on 03-27-2003.

200402008551 Unauthorized Use

Complaint was received on 11-04-2004 for an unauthorized use and a warning was issued. The violation was corrected by the owner and the case was closed on 11-16-2004.

200502002054 Parking Premise Violations

Complaint was received for parking premise violation on 04-27-2005 and a warning notice was issued. The violation was corrected by the owner and the case was closed on 06-20-2005.

200502005502 Business Premise Maintenance

Complaint was received on 12-15-2005 and a warning notice was issued for lighting on business premise. Violation was corrected and case was closed on 01-19-2006.

200502005503 Failure to Maintain Parking lot Stripes

Complaint was received on 12-15-2005 and a warning notice was issued. The violation was corrected by the owner and case was closed on 02-21-2006.

200502005504 Failure to Maintain Directional Signs

Complaint was received on 12-15-2005 and a warning notice was issued. Violation was corrected by owner and case was closed on 02-21-2006.

200602001529 Failure to Maintain Sign

Complaint was received on 03-08-2006 and a warning notice was issued. Violation was corrected by owner and case was closed on 05-23-2006.

200602002524 Shed in Rear Setback

Duplicate case was opened on 04-14-2006 and closed on 04-16-2006. See case 200602005176.

200602005176 Shed in Rear Setback

Complaint was received on 06-28-2006 and was referred to the Building Department. Case was closed on 06-28-2006.

200702005597 Commercial Vehicles

Complaint was received on 05-02-2007. No violation was observed and case was closed on 05-02-2007.

200702006563 Commercial Vehicles

Complaint was received on 05-21-2007. No violation was observed and case was closed on 06-01-2007.

BUILDING ENFORCEMENT OPEN CASES: (11)

2008012177 UNSAFE STRUCTURES

***** Subject of Public Hearing*****

Complaint was received on 05-12-2008 for a metal structure installed without a permit. Complaint was referred to open case 20060100859(B). Case remains open pending compliance and payment.

A2003003217 Expired Permit

Complaint was received on 07-14-2003 and a Notice of Violation was issued. Citation 929918 was issued on 03-26-2004. Affidavit of Non-compliance was issued on 06-18-2004. Citation was paid; lien was recorded on 08-03-2006. There are outstanding liens that need to be resolved. Case remains open pending compliance and payment.

A200400633 Expired Permit

Complaint was received and a Notice of Violation was issued. Citation 948390 was issued on 09-21-2004 and was paid on 07-12-2005. A lien was recorded on 06-26-2006. Case remains open pending compliance and payment.

2005035179 Expired Permits

Complaint was received on 06-28-2005 and a Notice of Violation was issued on 07-01-2005. Citation 981072 was issued on 09-14-2005 and an Affidavit of Non-compliance was issued on 12-05-2005. A lien was recorded on 02-23-2007. Citation was paid and case remains open pending compliance and payment.

2005035156 Expired Permit

Complaint was received on 06-27-2005 and a Notice of Violation was issued on 07-05-2005. Citation 981077 was issued on 10-17-2005 and paid on 12-22-2005. Lien was recorded on 11-20-2008. Case remains open pending compliance and payment.

20060100859 Work Without Permit (PUBLIC HEARING)

***** Subject of Public Hearing*****

Received inter-agency complaint on 07-06-2006. A Notice of violation was issued on 07-18-2006. An extension was requested and granted. Citation B005252 was issued on 01-22-2007. An Affidavit of Non-compliance was issued on 03-06-2007. The lien was recorded on 05-09-2008. The case remains open pending the public hearing outcome.

A2006005007 Expired Permit

Complaint was received and a Notice of Violation was issued on 07-13-2006. Citation B004870 was issued on 12-14-2006. The citation was paid on 08-31-2007 and a lien was recorded on 09-11-2007. Case remains open pending compliance and payment.

A2006004497 Expired Permit

Complaint was received and a Notice of Violation was issued on 06-12-2006. Citation B004917 was issued on 12-20-2006. An Affidavit of Non-compliance was issued on 03-13-2007. A lien was recorded on 08-21-2007. Case remains open pending compliance and payment.

A2008002493 Expired Permit

Complaint was received on 03-12-2008 and a Notice of Violation was issued on 03-18-2008. A citation was issued on 06-27-2008 and paid on 07-29-2008. Department advised all liens and citations must be paid and permits obtained, renewed and finalized. Case remains open pending compliance and payment.

20100134327 Work Without a Permit

Complaint was received and a Notice of Violation was issued on 01-05-2010 for electrical violations. Case remains open pending compliance and payment.

A2010003594 Expired Permit

Citation 649063 was issued on 08-12-2010. Citation was paid and permit was renewed on 08-24-2010. Violation was corrected and case was recommended for closing.

2005043234 Expired Permits

See details for A2008002493 regarding this violation. Case remains open pending compliance and payment.

BUILDING ENFORCEMENT CLOSED CASES (8)

2005034640 Work Without Permit

Complaint received and a Notice of Violation was issued on 06-06-2005. Citation 976594 was issued on 09-06-2005. Citation was appealed, withdrawn and paid. Affidavit of Compliance was issued on 03-17-2006. Permit 2006054319 was obtained and case was closed.

200006614 Expired Permits

Complaint was received on 12-21-2000 and a Notice of Violation was issued. Citation 787493 was issued on 05--9-2001. An Affidavit of Non-compliance was issued on 07-10-2003. Citation was paid and violation was corrected. Case was closed on 06-07-2005.

A1998002859 Expired Permit

Case referred to BCCO on 03-11-1998. Case was closed.

200213562 Boilers

Inspection made on steam kettle and passed. Hot water heater where corrections were required and made is not large enough for boiler inspection 75,000 BTU. Case closed on 07-09-2002.

200213563 Boilers

Inspection made on steam kettle and passed. Hot water heater where corrections were required and made is not large enough for boiler inspection 75,000 BTU. Case closed on 07-09-2002.

A2002002294 Expired Permit

Complaint received and citation issued on 04-02-2002. Violation was corrected on 07-31-2002. Citation was paid and case was closed on 08-20-2002.

A2004005528 Expired Permit

A Notice of Violation was issued on 09-12-2004. Case was referred to BCCO. Violation was corrected and closed on 01-12-2005.

200535052 Boilers

A Notice of Violation was issued on 06-22-2005. Citation 964036 was issued on 10-31-2005. An Affidavit of Non-compliance was issued on 03-28-2006. Compliance was achieved and citation was paid on 03-04-2010. Case was closed on 04-13-2010.

Ron Szep, Assistant Director

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Date

Evaluator: NILIA CARTAYA

09/09/10

Process #: Z2010000095
Applicant's Name: LA CARRETA RESTAURANT V, INC.
Locations: 11740 through 11790 S.W. 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
Size: 2.52 ACRES
Folio #: 3059010290020

Request:

1 Modification of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board reading as follows:

From:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Kendall 117 Shopping Center", as prepared by Robin Bosco, Architects & Planners, Inc., dated last revised 1-14-83; the floor plans are entitled "Banana Boat", as prepared by Consultants Collaborative, Inc., dated 1-19-83; the alcoholic beverage survey on file is entitled "Special Purpose Survey", as prepared by Schwebke-Shiskin & Associates, Inc., and dated 12-29-82."

To:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Accessory Building Additions for La Carreta Restaurant", as prepared by Merlo & Associates, Inc, date stamped received 07/07/10 and consisting of 4 sheets."

The purpose of request #1 is to allow the applicant to submit a new site plan showing an attached storage building and freezer to a previously approved shopping center.

2 Applicant is requesting to permit a storage building addition to a commercial building setback varying from 2'6" to 5' (20' required) from the rear (south) property line. (§33-51)

3 Applicant is requesting to permit a cooler/freezer addition to a commercial building setback a varying from 11' to 12' (20' required) from the rear (south) property line. (§33-51)

4 Applicant is requesting to permit a wood storage shed addition to a commercial building setback a minimum of 5'6" (20' required) from the rear (south) property line. (§33-51)

5 Applicant is requesting to permit an existing free standing building setback varying from 4.86' to 8.90' (20' required) from the front (north) property line. (§33-51)

6 Applicant is requesting to permit a back out of 17' (22' required). Sec. 33-122

7 Applicant is requesting to permit 3 street trees (15 street trees required) along SW 88 Street Kendall Drive right-of-way and 8 street trees (15 street trees required) along SW 89 Street right-of-way. CH18A

8 Applicant is requesting to permit a minimum of 2' greenbelt strip (7' greenbelt strip required) along the front (north) property line along SW 88 Street Kendall Drive right-of-way. CH18A

EXISTING ZONING

Subject Property BU-1A,

EXISTING USE SHOPPING CENTER

SITE CHARACTERISTICS

STRUCTURES ON SITE:

ONE STORY CBS SHOPPING PLAZA WITH VARIOUS BUSINESSES AND ALSO A DUNKIN DONUT IN A DETACHED BUILDING ON THE NORTHWEST OUT PARCEL OF THE PROPERTY UNDER FOILIO 30-5901-001-0010.

USE(S) OF PROPERTY:

COMMERCIAL SHOPPING PLAZA

ZONING INSPECTION REPORT

FENCES/WALLS:

6 FT. CHAINLINK FENCE ON THE WEST PROPERTY LINE ABUTTING THE SW 88 ST SOUTH BOUND TURNPIKE EXIT. ALSO A PARTIAL 6 FT. WEAVED CHAINLINK FENCE WITH GATE AT THE REAR OF RESTAURANT BETWEEN THE STORAGE AND BEHIND THE COOLER FINISHED WITH A 5 FT. FICUS & CHERRY HEDGE.

LANDSCAPING:

THE PARKING AREA IN FRONT OF THE RESTAURANT THE TREES WERE REPLACE WITH ROYAL PALMS 20-25 FT IN HEIGHT. NOT IN ACCORDANCE WITH APPROVE LANDSCAPING PLAN UNDER RESO NO. 4ZAB-192-83 (WAIVER: 5 FT. CBS WALL) 6 STREEST TREES, HEDGE WITH BERM MISSING. ON SW 88 ST MISSING STREET TREES ALONG WITH OTHER TREES IN PARKING AREA.

BUFFERING:

20-25 FT LARGE TREES BUFFERING THE EAST SIDE OF PROPERTY. 4 FT CHERRY HEDGE ALONG THE FRONT EAST HAVE OF THE PROPERTY ABUTTING SW 88 ST. LARGE 20-25 FT CLUSTER OF TREES ALONG THE NORTHERN WEST SIDE OF THE PROPERTY.

VIOLATIONS OBSERVED:

NOT IN COMPLIANCE WITH NEW SUBMITTED LANDSCAPING PLANS. STRUCTURES ENCROACHING REAR SOUTH SIDE OF THE PROPERTY WHICH THEY ARE IN THE PROCESS OF LEGALIZING.

OTHER:

VIOLATIONS: THE BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT HAS 12 OPEN CASES ON THIS PROPERTY (BOTH FOLIOS), 5 CASES FOR THE RESTAURANT (APPLICANT) 1 UNSAFE STRUCTURE CASE WHICH ADDRESSES THE STRUCTURES THEY ARE LEGALIZING. 2 EXPIRED/OPEN PERMITS CASES & 2 WORK W/O A PERMIT CASES.

Process # Applicant's Name

Z2010000095 LA CARRETA RESTAURANT V, INC.

SURROUNDING PROPERTY

NORTH:

BU-2 KENDALL TOWN & COUNTRY SHOPPING CENTER

SOUTH:

RU-5A SEMI PROFESSIONAL BUILDINGS

EAST:

BU-1A BANK

WEST:

FLORIDA TURNPIKE

SURROUNDING AREA

ALL BUSINESS USES.

NEIGHBORHOOD CHARACTERISTICS

ZONING INSPECTION REPORT

COMMERCIAL USES.

COMMENTS:

THE PROPERTY HAS VARIOUS LIENS PLACED BY THE BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT FOR CASES THAT ARE STILL OPEN ON THE PROPERTY. THE REASON FOR ZONING HEARING APPLICATION IS TO BE ABLE TO COMPLY WITH MOST OF THESE CASES. BLDG 01 APPLICATION PROCESS NO. C2009099533 06/18/2009 DENIED BY VERONICA MENDOZA PENDING ZONING HEARING APPROVAL.

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 20-SEP-10

Comments: FRONT N EXPOSURE OF Z.H. SITE



Date: 27-SEP-10

Comments: SIGNS ON COLUMNS FOR Z.H. SITE



Date: 27-SEP-10

Comments: FRONT NW EXPOSURE OF Z.H. SITE

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



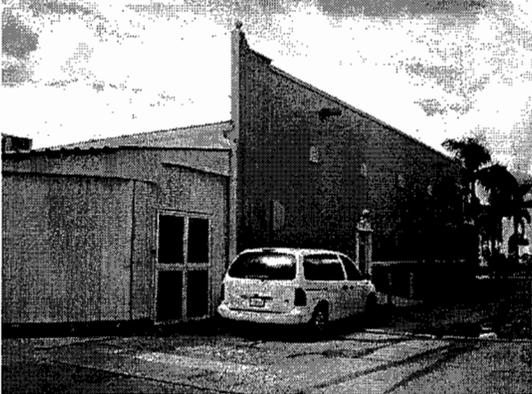
Date: 27-SEP-10

Comments: FRONT NE EXPOSURE OF Z.H. SITE



Date: 27-SEP-10

Comments: SIDE NE EXPOSURE OF Z.H. SITE



Date: 27-SEP-10

Comments: SIDE SE EXPOSURE OF Z.H. SITE

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



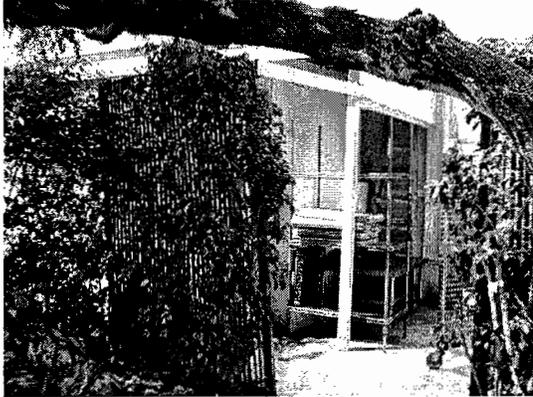
Date: 27-SEP-10

Comments: REAR SE EXPOSURE OF Z.H. SITE



Date: 27-SEP-10

Comments: REAR SW EXPOSURE OF Z.H. SITE



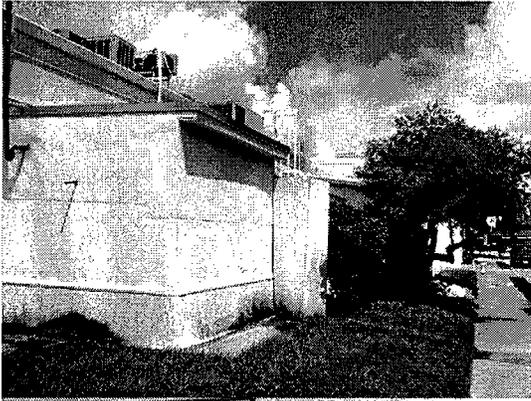
Date: 27-SEP-10

Comments: REAR SE EXPOSURE OF Z.H. SITE

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: REAR SW EXPOSURE OF SITE



Date: 27-SEP-10

REAR SOUTH SIDE OF Z.H. SITE

Comments:



Date: 27-SEP-10

Comments: FRONT NE EXPOSURE OF PROPERTY

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: FRONT SW EXPOSURE OF PROPERTY



Date: 27-SEP-10

Comments: FRONT CORNER NW EXPOERSURE OF PROPERTY



Date: 27-SEP-10

Comments: SIDE NW EXPOSURE OF PROPERTY

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: SIDE SW EXPOSURE OF PROPERTY

Date: 27-SEP-10

Comments:



Date: 27-SEP-10

Comments: REAR W EXPOSURE OF PROPERTY



Date: 27-SEP-10

Comments: FRONT E EXPOSURE OF SHOPPING PLAZA WALKWAY

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: FRONT W EXPOSURE OF SHOPPING PLAZA WALKWAY



Date: 27-SEP-10

Comments: NW VIEW OF BLDG ON NW PART OF PROPERTY



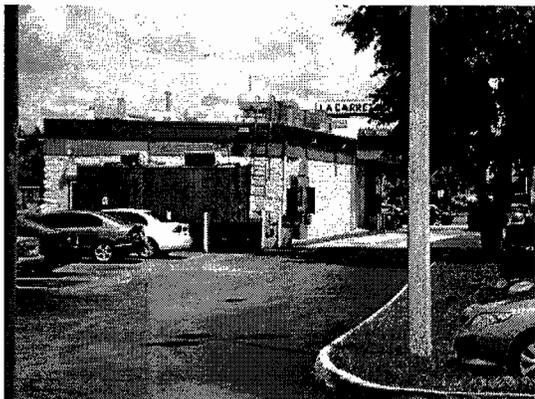
Date: 27-SEP-10

Comments: SW EXPOSURE OF DETACHED TENANT SIGN ON THE NORTH PART OF PROPERTY

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: NE VIEW OF BLDG ON NW PART OF PROPERTY



Date: 27-SEP-10

Comments: WEST VIEW OF PROPERTY PARKING & E EXPOSURE OF DETACHED TENANT SIGN



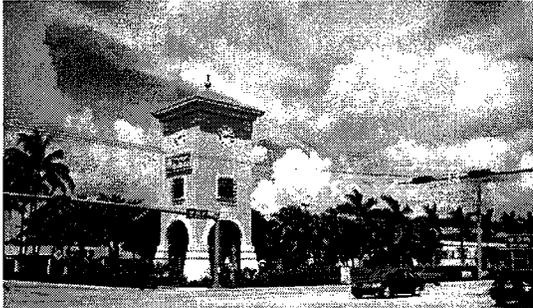
Date: 27-SEP-10

Comments: SUN TRUST BANK EAST OF PROPERTY: BU-1A DISTRICT

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: NW VIEW OF KENDALL TOWN & COUNTRY NORTH OF PROPERTY: BU-2 DISTRICT



Date: 27-SEP-10

Comments: NE VIEW OF KENDALL TOWN & COUNTRY NORTH OF PROPERTY: BU-2 DISTRICT



Date: 27-SEP-10

Comments: TURNPIKE SW 88 ST EXIT WEST OF PROPERTY

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: TURNPIKE SW 88 ST EXIT WEST OF PROPERTY



Date: 27-SEP-10

Comments: DENTAL OFFICE BLDG SOUTH OF THE WEST SIDE OF PROPERTY: RU-5A DISTRICT



Date: 27-SEP-10

Comments: OFFICE BLDG SOUTH OF PROPERTY: RU-5A DISTRICT

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

Process Number: **Z201000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



Date: 27-SEP-10

Comments: OFFICE BLDG SOUTH OF PROPERTY: RU-5A DISTRICT



Date: 27-SEP-10

Comments: OFFICE BLDG SOUTHEAST OF PROPERTY: RU-5A DISTRICT



Date: 27-SEP-10

Comments: 11750 CLOSED OPTICAL BUSINESS NEXT TO Z.H. SITE

Inspector **HASSUN, PEDRO**

Evaluator **NILIA CARTAYA**

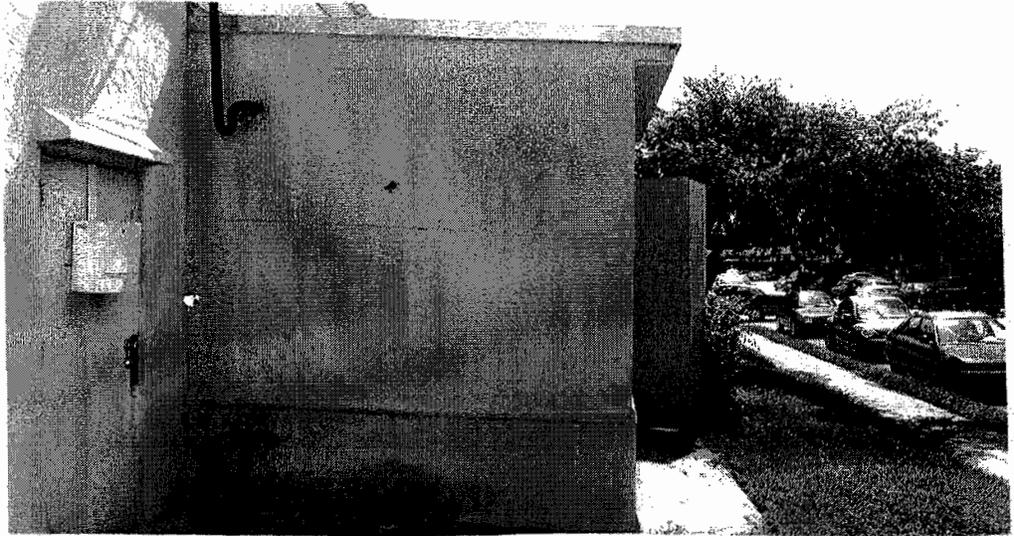
Process Number: **Z2010000095** Applicant Name **LA CARRETA RESTAURANT V, INC.**



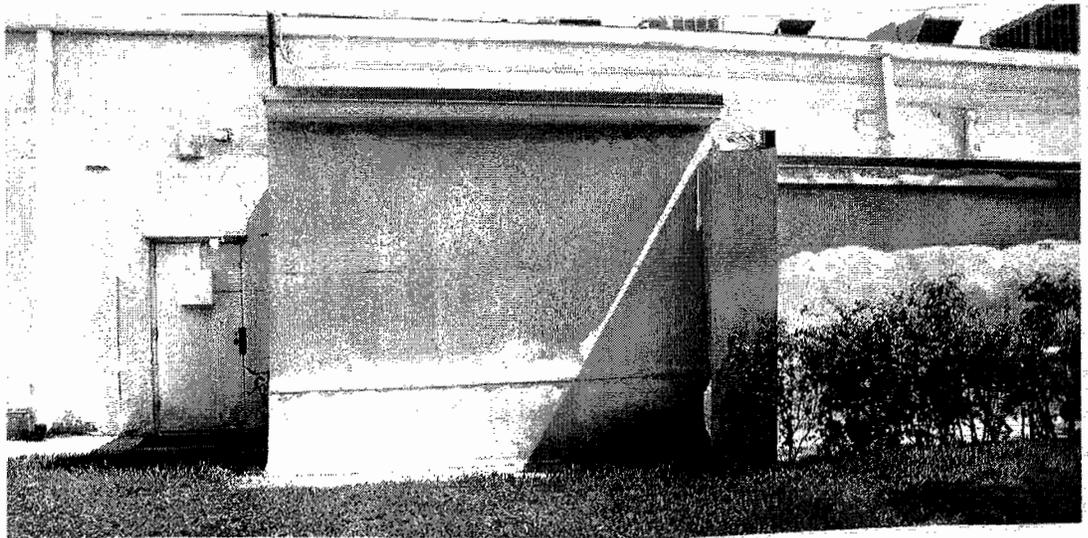
Date: 27-SEP-10

Comments: 11750 CLOSED OPTICAL BUSINESS NEXT TO Z.H. SITE

SIDE ELEVATION



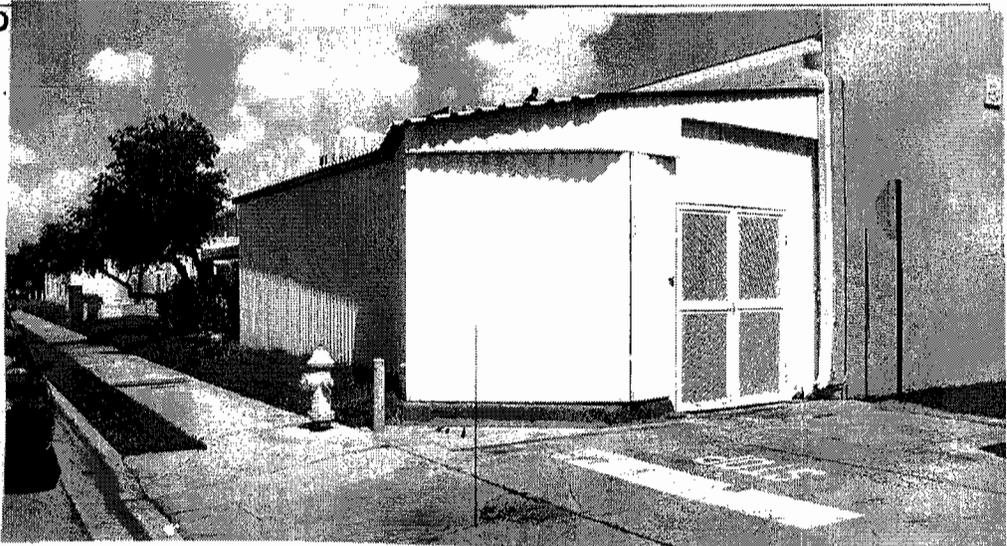
REAR ELEVATION



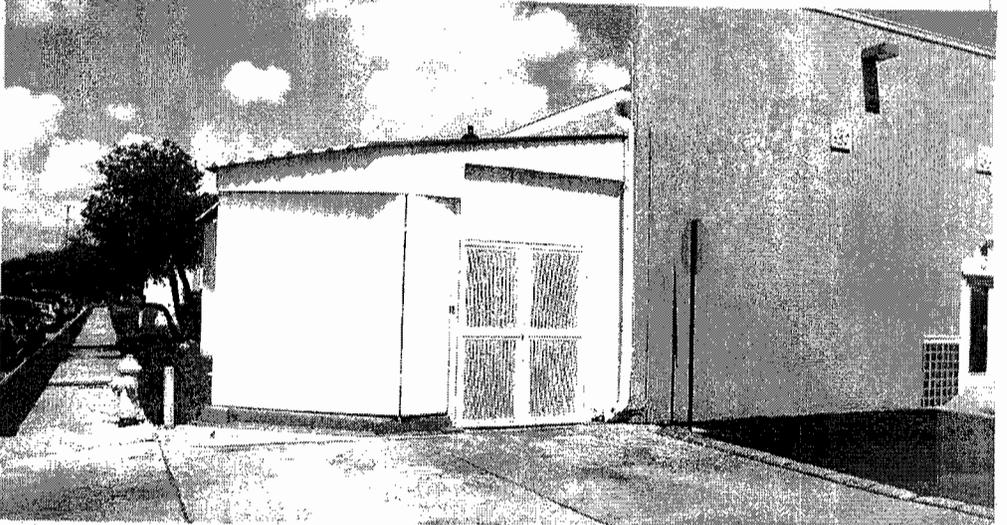
RECEIVED
2-10-095
JUL 07 2010

PLANNING SERVICES SECTION
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
BY: AKA

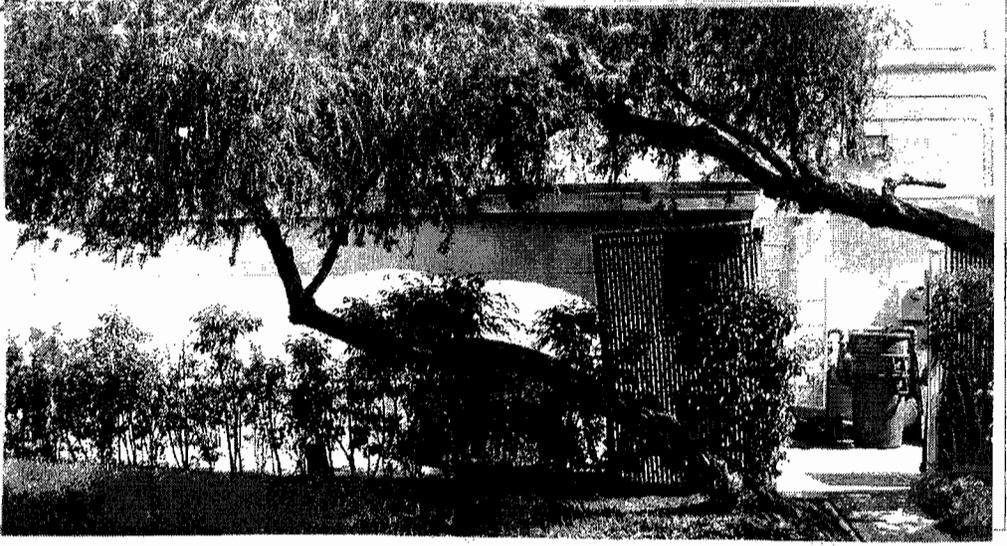
PHOTOGRAPHS
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



RECEIVED
Z10-085
JUL 07 2010
ZONING DEPARTMENT SECTION
MIDLEBURY TOWN, VTD ZONING
BY *[Signature]*

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: LA CARRETA RESTAURANT II, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>FELIPE VAUS JR. 3663 SW 8ST, MIAMI</u>	<u>70%</u>
<u>FELIPE VAUS SR. FL 33135</u>	<u>30%</u>
<u>3663 SW 8ST, MIAMI, FL 33135</u>	

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

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210-095
JUL 07 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *JJA*

Date of contract: _____

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

~~RECEIVED
210-095
SEP 23 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*~~

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

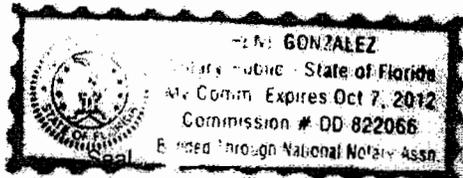
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Signature]*
(Applicant)

Sworn to and subscribed before me this 5 day of August, 2009. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 10/7/2012



*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.

MIKE

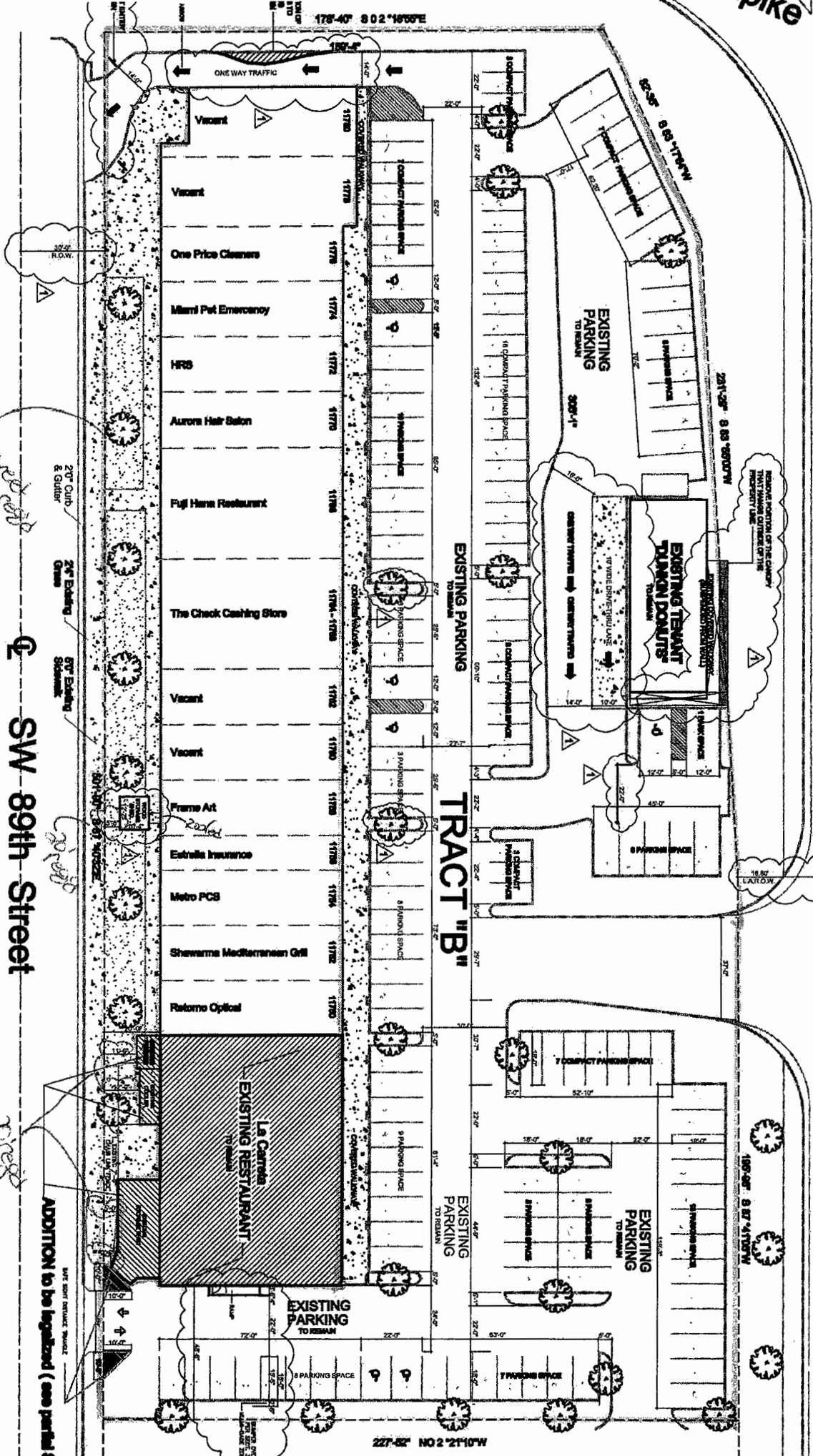
Site Plan

1" = 30'



ENLARGED SITE PLAN

SW 89th Street



15' Street Park
4-5-20
2

20' Curb & Gutter

24' Existing Green

27' Existing Sidewalk

30' Existing Sidewalk

33' Existing Sidewalk

36' Existing Sidewalk

39' Existing Sidewalk

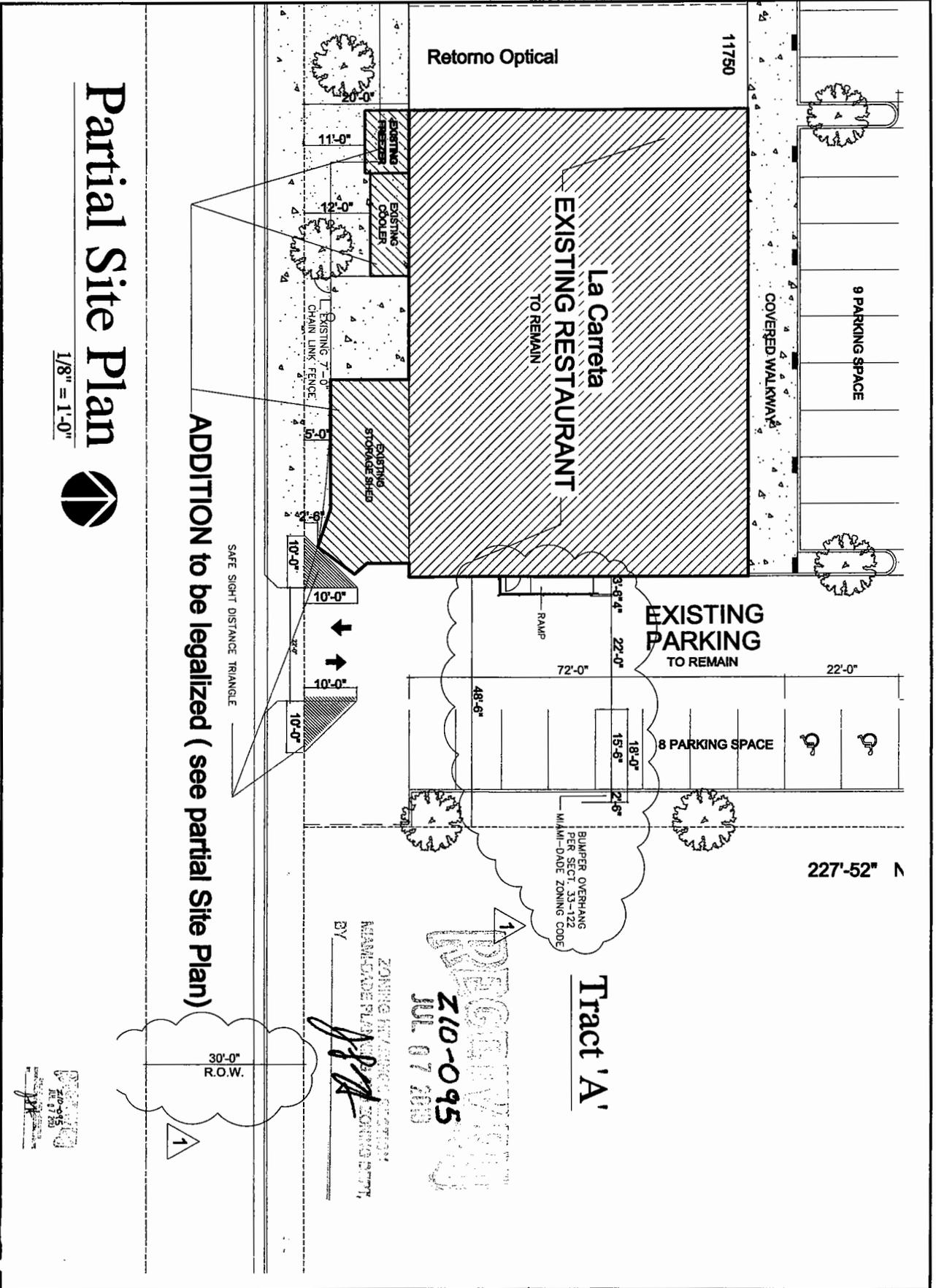
42' Existing Sidewalk

45' Existing Sidewalk

48' Existing Sidewalk

ADDITION to be legalized (see part 6)

146 parking
54 compact
for coverage
35972/11008



Partial Site Plan

1/8" = 1'-0"



ADDITION to be legalized (see partial Site Plan)

SAFE SIGHT DISTANCE TRIANGLE

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

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 210-095
 JUL 07 2009

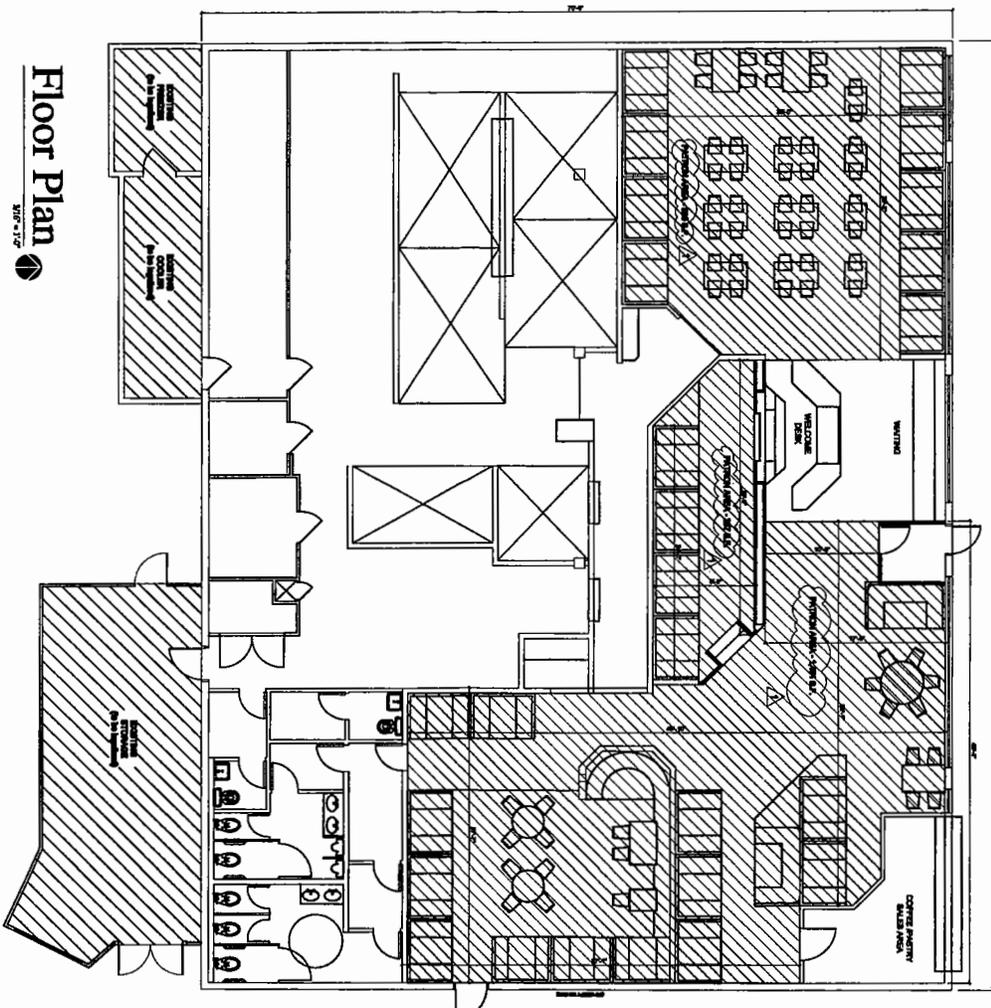
Tract 'A'

BUMPER OVERHANG
 PER SECT. 33-122
 MIAMI-DADE ZONING CODE



seal SP-2 9-22-09	Accessory Building Additions for La Carreta Restaurant <small>11750 Southwest 48th Street, Miami, Florida</small>	jose r. merlo MERLO <small>7340 SW 48 ST., # 104, Miami, Florida</small>	license. no. 0012119	revisions 3-12-08
	revisions per planning review			

42



Floor Plan
SHEET 1 OF 2

PROCESSED
210-095
JUL 07 2010

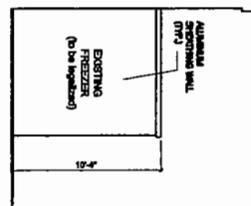
ZONING DEPARTMENT
MAYOR'S OFFICE
BY *JRK*

210-095
JUL 07 2010
JRK

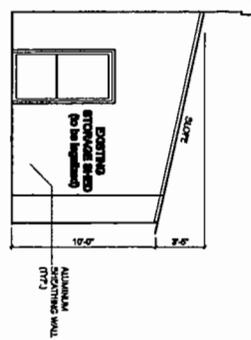
-Damon Ques
1451
257
689
2547 / 50 = 51 parking

A-1	seal	Accessory Building Additions for La Carreta Restaurant <small>11740 Southwest 88th Street, Miami, Florida</small>	jose r. merlo MERLO & associates, inc. <small>7340 SW 48 ST, # 104, Miami, Florida</small>	license. no. 0012119	revisions Δ revisions per planning review 1-14-10 Δ Δ Δ

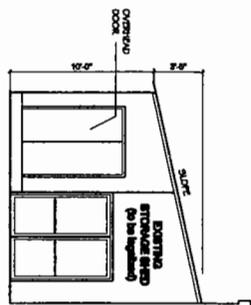
43



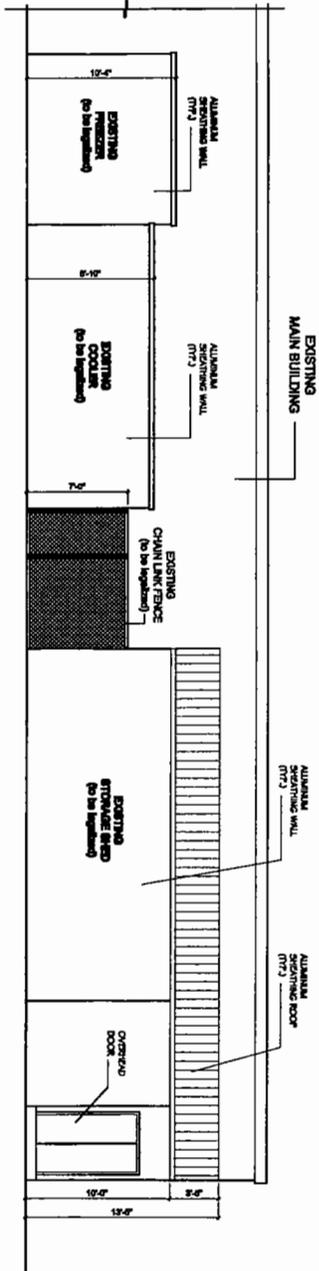
West Elevation
1/4" = 1'-0"



West Elevation
1/4" = 1'-0"



East Elevation
1/4" = 1'-0"



South Elevation
3/8" = 1'-0"

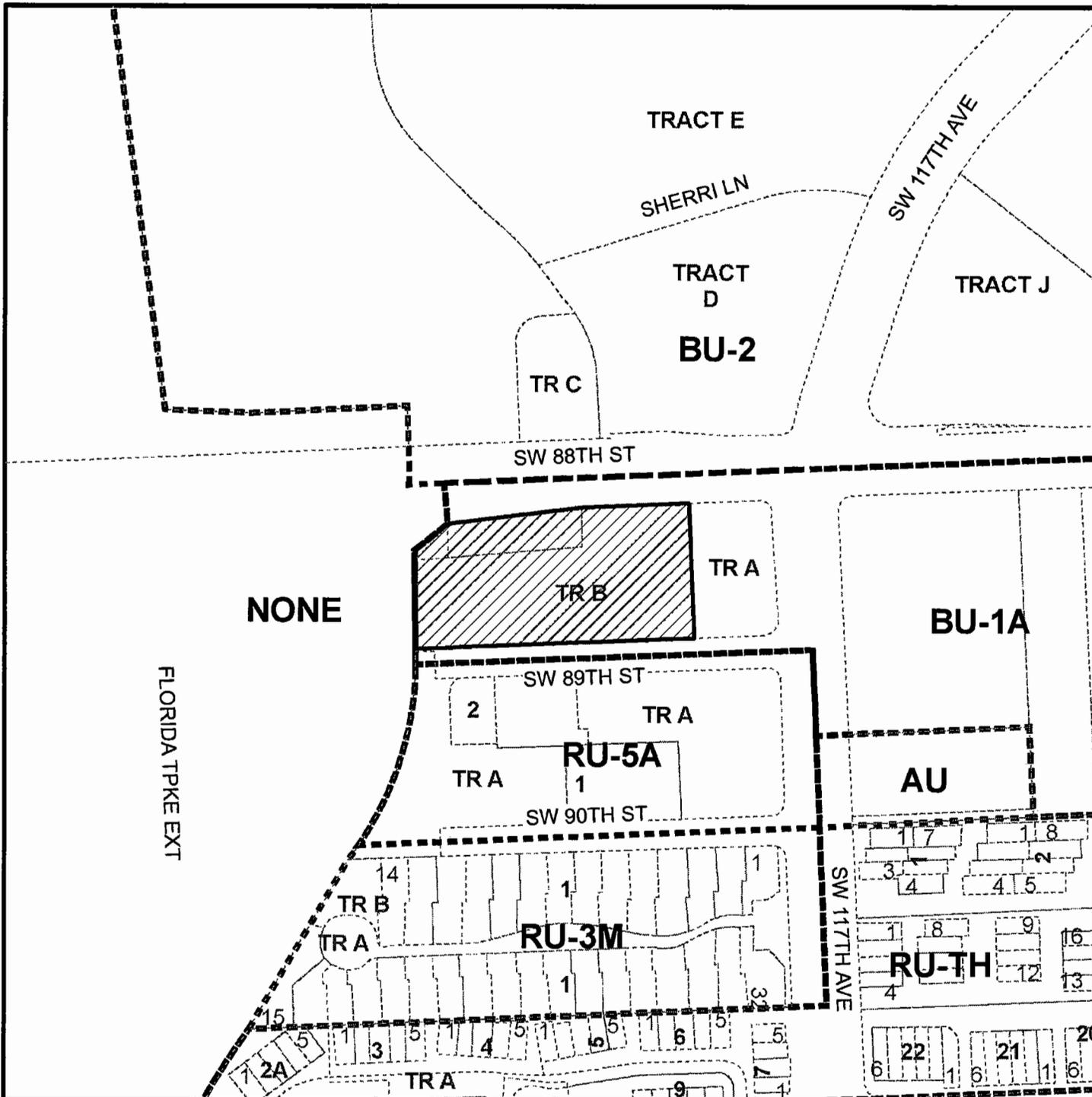
PERCEIVED
210-095
JUL 07 2008

Professional Engineer Seal
No. 210-095
Exp. 07/2011

ZONING SECTION
REMARKS AND NOTES:
BY: *JRM*

seal A-2 9-22-09	Accessory Building Additions for La Carreta Restaurant <small>1170 Southwest 25th Street, Miami, Florida</small>	jose r. merlo MERLO & associates, inc. <small>7340 SW 48 ST., # 104, Miami, Florida</small>	license. no. 0012119 1-14-10
	revisions 1-14-10		

44



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000095

Legend

-  Zoning
-  Subject Property Case

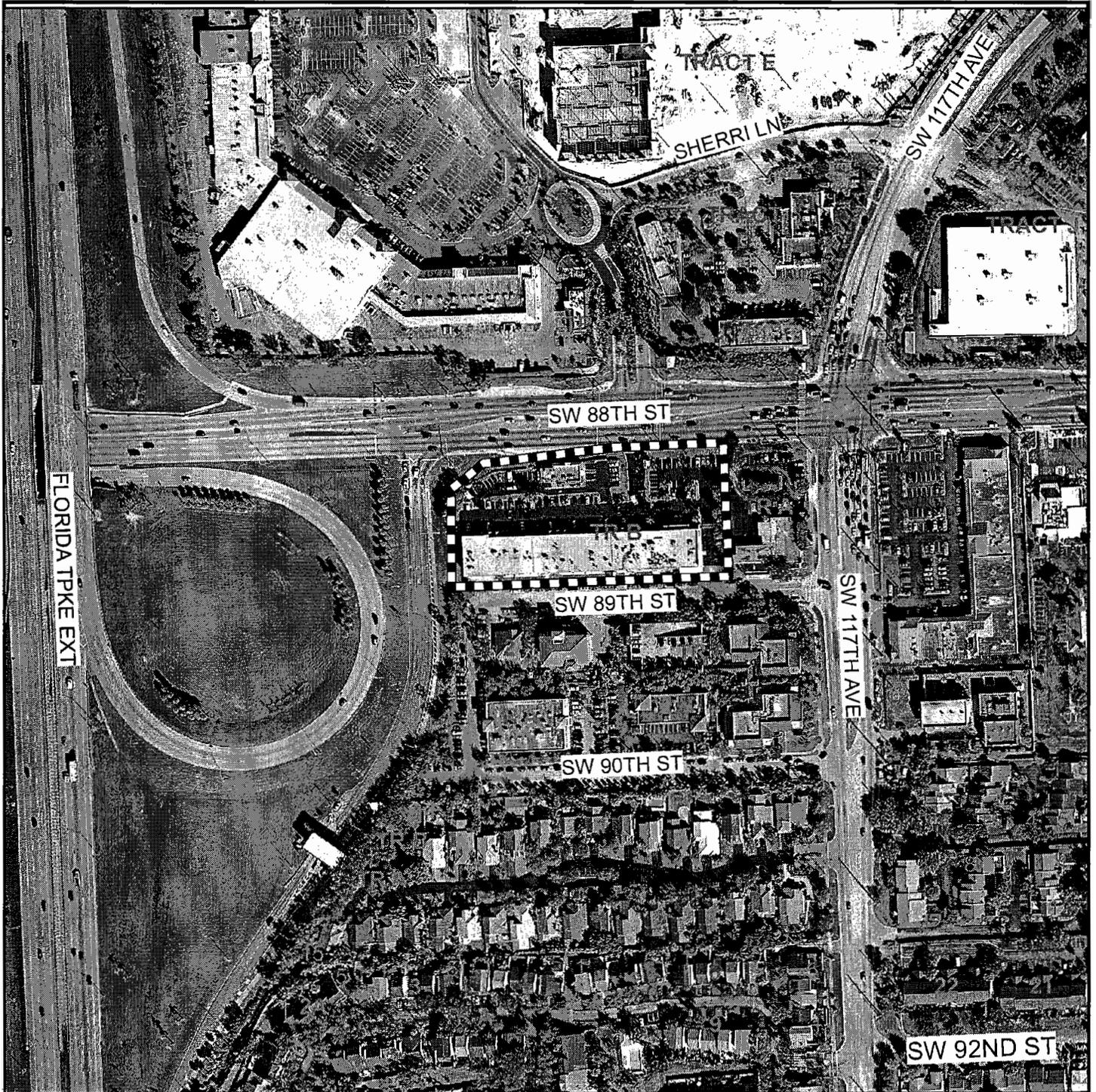


Section: 01 Township: 55 Range: 39
 Applicant: LA CARRETA RESTAURANT V, INC.
 Zoning Board: C12
 Commission District: 10
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Wednesday, August 4, 2010

REVISION	DATE	BY
		45



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z201000095

Legend



Subject Property



Section: 01 Township: 55 Range: 39
 Applicant: LA CARRETA RESTAURANT V, INC.
 Zoning Board: C12
 Commission District: 10
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Wednesday, August 4, 2010

REVISION	DATE	BY

B. LATIN MISSIONS MINISTRIES INC
(Applicant)

10-12-CZ12-3 (10-080)
Area 12/District 07
Hearing Date: 01/18/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1964	Yolanda S. Rossman	- Special Exception Church & Sunday school.	ZAB	Approved w/conds.
1966	Miami Church of Religious Science	- Variance of setback requirement.	ZAB	Approved w/conds.
1967	Miami Church of Religious Science	- Unusual Use electric substation. - Variance of height requirement.	ZAB	Approved w/conds.
1972	Miami Church of Religious Science	- Modify condition #2 of resolution number 2-ZAB-227-64.	ZAB	Approved w/conds.
1982	Gables Academy of Florida Inc.	- Modification of plans. - Non-Use Variance of private school requirement, setback requirements and of zoning regulations.	ZAB	Approved w/conds.
1985	W.A. Stevens & L.E. Suchman, Trustee	- Use Variance office uses. - Variance of height.	BCC	Approved w/conds.
1990	South Miami Waldorf School	- Unusual Use to permit a day nursery, kindergarten, preschool & elementary school. - Non-Use Variance of setback requirements. - Modify of condition of resolution.	ZAB	Approved w/conds.
1994	Latin Mission Ministries	- Modification of plans & resolution. - Non-Use Variance of setback requirement, of spacing requirement and of parking requirement.	ZAB	Approved w/conds.

1997	Latin Mission Ministries Inc.	<ul style="list-style-type: none"> - Modification of plans & resolution. - Special Exception to permit the expansion of the existing religious facility & day nursery. - Non-Use Variance of parking requirements, of setback requirements & zoning regulations. 	ZAB	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
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#3

APPLICANT'S NAME: LATIN MISSIONS MINISTRIES INC

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
10-12-cz12-3 (10-080)	December 16, 2010	CZAB12	10

REC: Approval with conditions.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: January 18, 2011 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER: The application was not heard. The Board called the applicant up to inform the applicant that there would not be enough time for the applicant to be heard and that the application needed to be deferred.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA	X		
COUNCIL MAN	M	Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		

VOTE: 6 0

EXHIBITS: YES NO

COUNTY ATTORNEYS: THOMAS ROBERTSON
MERCEDES HOLSTON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Latin Missions Ministries, Inc.

PH: Z10-080 (10-12-CZ12-3)

SECTION: 27-54-40

DATE: January 18, 2011

COMMISSION DISTRICT: 7

ITEM NO.: B

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval of a modification of a resolution in order to expand an existing religious facility and day nursery onto additional property to the west. In addition the applicant is seeking to allow a three (3) to four (4) level parking garage structure where only two (2) stories are permitted, to allow said parking garage structure to encroach into the interior side (south) and rear (west) setback areas and to allow a lot coverage which exceeds that permitted by code.

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit the expansion of an existing religious facility onto additional property to the west.
- (2) UNUSUAL USE to permit the expansion of the existing day nursery onto additional property to the west.
- (3) MODIFICATION of Condition #2 of Resolution 2-ZAB-227-64, last modified by Resolution 5-ZAB-194-97, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Iglesia Alpha & Omega,' revised 6/12/97, consisting of (6) sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Parking Structure For Alpha & Omega Church,' consisting of 1 sheet, dated stamped received 10/13/10 and the remaining 7 sheets dated stamped received 10/8/10 for a total of 8 sheets."

The purpose of request #2 is to allow the applicant to submit revised plans showing a 3-story, 4-level parking structure in lieu of a previously approved 2 level parking structure and to show the expansion of the previously approved religious facility and day nursery onto adjacent property to the west.

- (4) Applicant is requesting to permit the parking structure with 3 stories and 4 levels (2 stories maximum permitted).
- (5) Applicant is requesting to permit the parking structure to setback 40' from the interior side (south) property line and to setback a minimum of 20' (75' required for both) from the rear (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 47.31% (15% maximum permitted; 45.2% previously approved).

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

- o **LOCATION:** The southwest corner of Miller Drive (S.W. 56 Street) and S.W. 77 Court; A/K/A: 7800 S.W. 56 Street and 7984 S.W. 56 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.62 Acres

B. ZONING HEARINGS HISTORY:

In 1964, pursuant to Resolution #2-ZAB-227-64, the Zoning Appeals Board granted approval for a church and Sunday school on a portion of the site. In 1966, pursuant to Resolution #3-ZAB-84-66, the Zoning Appeals Board granted approval to permit a decorative secondary wall addition to the previously approved church structure. In 1967, pursuant to Resolution #3-ZAB-504-67, the Zoning Appeals Board granted the approval for an unusual use for an electric sub-station and a variance of wall height requirements. In 1972, pursuant to Resolution #4-ZAB-365-72, the Zoning Appeals Board granted the approval for a modification of the previously approved plans, which were approved pursuant to Resolution #2-ZAB-227-64, said modification was to allow the construction of an addition to said religious facility. In 1985, pursuant to Resolution #Z-246-85, the Board of County Commissioners denied a request for a district boundary change from EU-M to RU-5A, on a portion of the subject property and approved a use variance in lieu thereof to allow an office use and a variance of height requirements to allow an office complex on a portion of the site. In 1970, pursuant to Resolution #4-ZAB-77-90, the Zoning Appeals Board granted the approval for an unusual use to allow a day nursery, kindergarten, preschool and elementary school on a portion of the site along with a non-use variance of setback requirements to allow a building of public assemblage to encroach into the side street setback area and a modification of plans previously approved under Resolution #4-ZAB-365-72. In 1994, pursuant to Resolution #5-ZAB-184-94, the Zoning Appeals Board granted the approval for a modification of the previously approved plans, approved pursuant to Resolution #4-ZAB-77-90, said modification was for an expansion to the education facility, office, sanctuary, parking facility and caretaker quarters, as a result of the same application the Zoning Appeals Board also granted variances of setbacks for the school structure, basketball court, to allow parking spaces within 25' from the official right-of-way and within the required interior side and rear setback areas. In 1997, pursuant to Resolution #5-ZAB-194-97, the Zoning Appeals Board granted the approval to modify those plans approved pursuant to Resolution #5-ZAB-184-94, said modification was to allow the expansion of the religious facility and day nursery onto adjacent property. In addition, pursuant to the same resolution, the Zoning Appeals Board granted changes to previous conditions of previous resolutions along with a special exception to expand the religious facility use onto additional property, unusual use to allow a day nursery use onto additional property, to allow parking spaces within 25' from the official right-of-way line and to allow a parking structure to encroach into the interior side, and rear setback area and to exceed the permitted lot coverage. In June 5, 2000 the Director of the Department of Planning and Zoning granted a Substantial Compliance determination pursuant to Resolution #5-ZAB-194-97 which was utilized by the applicant, resulting in the existing development on the site.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. **Office/Residential.** Uses allowed in this category include both professional and clerical offices, hotels, motels and residential uses. Office developments may range from small scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses (Land Use Element, Page I-36).
2. 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 LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M & EU-1, Religious facility, day nursery,
elementary school.

Office-Residential

Surrounding Properties:

NORTH: RU-4L, apartment development

Medium-Density 13-25 dua

SOUTH: EU-M & EU-1, single family residences

Estate Density 1-2.5 dua

EAST: EU-1, religious facility

Office-Residential

WEST: EU-1, school

Office-Residential

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) Generalized Modification Standards. The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, 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)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This item was deferred to January 18, 2011 due to lack of time. The subject property is a 5.62-acre site zoned EU-1, Single-Family One Acre Estate District and EU-M, Estate Modified District, and is currently improved with a religious facility and a day nursery located at 7800 SW 56 Street. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Office/Residential use**; this category includes both professional and clerical offices, hotels, motels and residential uses. Office developments may range from small scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity including height and floor area ratio of office, hotel and motel development in areas designated.

The subject 5.62-acre site contains an existing lawful day nursery and religious facility use and the proposed requests will allow the continued use and maintenance of the existing religious facility and day nursery on the previously approved site. The CDMP states that existing lawful non-residential uses and zoning are **consistent** with said Plan as provided in the Section titled "Concepts and Limitations of the Land Use Plan Map". As such, staff notes that the existing day nursery and religious facility are also **consistent** with the CDMP provided that the applicant complies with the previously approved lot coverage of 45.2% in accordance with Resolution #5-ZAB-194-97. Furthermore, staff opines that said expansion is consistent with **Policy LU-4A** which states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements. Staff notes that the applicant has taken into consideration the adjacent single family residential development to the south and existing school to the west in the architectural design of the proposed three (3) level to four (4) level parking structure, staff notes that the applicant is proposing to provide a double row of trees within the provided 40' setback area to the south and the 21' setback area to the west which, staff opines is an improvement from the previously approved parking garage structure which was approved with a five (5) foot setback from the property line to the south and with less landscaped area. Moreover, **Policy LU-4C** states that residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic. Staff notes that the site plan submitted by the applicant depicts a proposed three (3) to four (4) level parking structure which will provide surplus parking to the existing religious facility. Staff opines that said surplus parking would result in a favorable impact to the neighboring properties which are being affected by substantial overflow parking onto the adjacent rights-of-way swale areas. Staff also opines that the proposed parking garage structure would alleviate, noise and traffic which are presently impacting the surrounding residential area

by the overflow parking. Staff is of the opinion that subject to the recommended reduction of the lot coverage to 45.2%, the proposed expansion would be **compatible** with the surrounding area which is characterized by apartment buildings to the north, residences and a cemetery to the south, a school to the west and a religious facility to the east. Based on the aforementioned, staff is of the opinion that with the recommended reduction of the lot coverage to the previously approved 45.2%, the application is would be **consistent** with the LUP map designation of the CDMP, with the interpretative text of the CDMP and with **Policies LU-4A** and **LU-4C** of the CDMP and, in staff's opinion, is **compatible** with the area.

When requests #1, #2 are analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses and request #3 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff recommends that the requested expansion to the existing religious facility (request #1), expansion of the existing day nursery (request #2) and modification of the previously approved plans (request #3) as recommended with a maximum lot coverage of 45.2% would be **compatible** with the surrounding area. Staff notes that the applicant has obtained an additional parcel of land which lies between an existing school to the west and the existing day nursery and religious facility to the east. The applicant is proposing to expand the existing day nursery use and existing religious facility use onto an additional parcel of land in order to unify the entire site. Staff also notes, that the plans submitted by the applicant depict that the only structure being placed on said additional property is the proposed three (3) to four (4) level parking garage structure which would be setback approximately 21' from the rear (west) property line where the subject site abuts an existing school. The plans submitted by the applicant also depict said proposed parking garage structure with a 40' setback from the interior side (south) property line where the subject site abuts single family residences. Staff notes that a two (2) level parking structure was previously approved with a five (5) foot setback from the interior side (south) property line. Staff opines that the submitted plans which illustrate a proposed 40' setback from the south property line and the proposed landscaped buffer along with a reduction of the proposed parking garage in order to bring the lot coverage to the previously approved 45.2%, would be an improvement to the previously approved site plan. As such, staff is of the opinion that the proposed expansion, as modified, will not adversely impact the surrounding area and will be **compatible** with same. As such staff recommends approval with conditions of requests #1, #2 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses and approval of request #3 under Section 33-311(A)(7) Generalized Modification Standards.

When requests #4, and #5 are analyzed under Section 33-311(A)(4)(b), staff recommends approval with conditions of these requests. As previously mentioned, staff notes that the plans submitted by the applicant depict substantial landscape buffering along the interior side (south) and the rear (west) property lines between the proposed three (3) to four (4) level parking garage structure and said property lines. Staff is of the opinion that with the landscaping as depicted on the plans, the visual impact of the proposed three (3) to four (4) level parking garage structure would be less severe than the previously approved two (2) level parking garage structure which was approved with a five (5) foot setback from the interior side (south) property line where the new plan depicts a forty (40) foot setback. As such staff recommends approval of requests #4 and #5 subject to the condition that the proposed parking garage be reduced in order to reduce the lot coverage to 45.2% as previously approved under Resolution #5-ZAB-194-97 where maximum 15% lot coverage is permitted.

When request #6 is analyzed under Section 33-311(A)(4)(b), staff recommends denial without prejudice of this request. Staff notes that the plans submitted by the applicant depict substantial landscaped buffering along the interior side (south) and along the rear (west) property lines. Staff opines that although said landscaped buffering would diminish the visual impact of said parking structure from the neighboring properties lying to south and west of the subject site, staff opines that the proposed 47.31% lot coverage is excessive and that the plans as submitted should be modified to reflect 45.2% lot coverage as previously approved under Resolution #5-ZAB-194-97. As such, staff recommends denial without prejudice of request #6 under Section 33-311(A)(4)(b).

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That all the conditions of Resolutions #2-ZAB-227-64 and #5-ZAB-194-97 remain in full force and effect except as herein modified to reduce the proposed parking garage to reflect a lot coverage of 45.2% maximum.
2. That the lighting for the parking structure be provided in a manner that would not overspill onto the adjacent properties to the south and to the west.

DATE INSPECTED: 10/07/10
DATE TYPED: 10/25/10
DATE REVISED 12/21/10
DATE FINALIZED: 12/21/10
MCL:GR:NN:NC:TA

For 

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

Memorandum

Date: October 22, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2010000080-3rd Revision
Latin Missions Ministries, Inc.
Southwest corner of Miller Drive and S.W. 77th Court
Special Exception to Permit a Previously Approved Religious Facility onto
Additional Property, Modification of a Previous Resolution to Permit a
Three Story Garage for the Existing Religious Facility, to Permit the
Garage Structure Setback Less than Required from Property Lines and
to Permit a Greater Lot Coverage than Permitted
(EU-1) (4.9 Acres)
27-54-40

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 210-day travel time contour of the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Therefore, development on the property shall be in accordance with regulations established in Section 24-43 of the Code.

The property has a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service

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

Existing public water 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.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4) (a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

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

Drainage for the proposed parking garage shall be allocated to a special exfiltration trench with sand filter. If the garage has elevators, connections from the elevator sump pits are not permitted to connect to the stormwater system.

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

Wetlands

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 landscape plan entitled "Proposed Parking Structure for Alpha and Omega Church", prepared by Felix Pardo and Associates, sheet SP-2 and dated June 22, 2010 (revised September 28, 2010) a specimen-sized live oak tree (trunk diameter 18 inches or greater) on the northwest part of the property will be impacted by the proposed parking garage. Section 24-49.2 of the Code requires preservation of specimen trees whenever reasonably possible. Prior to the removal or relocation of any tree on site, which is subject to the Tree Preservation and Protection provisions of the Code, a Miami-Dade County Tree Removal Permit, which meets the requirements of Sections 24-49.2 and 24-49.4 of the Code, is required. Be advised that pursuant to Section 24-49.2 (II) (1), evaluation of permit applications for the removal of specimen trees include, but is not limited to, factors such as, size and configuration of the property as well as any proposed development; location of tree(s) relative to any proposed development and whether or not the tree(s) can be preserved under the proposed plan or any alternative plan.

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: LATIN MISSIONS MINISTRIES INC

This Department has no objections to this application.

Vehicles entering and exiting the parking garage at the western driveway along SW 56 Street must be right in and right out only.

Additional improvements may be required at time of permitting.

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



Raul A Pino, P.L.S.

27-AUG-10

Memorandum



Date: 23-SEP-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000080

Fire Prevention Unit:

This memo supersedes MDR memorandum dated July 20, 2010.
 APPROVAL
 No objection to site plan date stamped September 17, 2010.

Service Impact/Demand:

Development for the above Z2010000080
 located at THE SOUTHWEST CORNER OF MILLER DRIVE (S.W. 56 STREET) & S.W. 77 COURT; A/K/A: 7800
 S.W. 56 STREET AND 7984 S.W. 56 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1714 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:02 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 13 - East Kendall - 6000 SW 87 Avenue
 BLS 75' Ladder, Squad.

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 07-OCT-10

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

LATIN MISSIONS MINISTRIES INC

THE SOUTHWEST CORNER OF
MILLER DRIVE (S.W. 56 STREET) &
S.W. 77 COURT; A/K/A: 7800 S.W.
56 STREET AND 7984 S.W. 56
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000080

HEARING NUMBER

HISTORY:

No violation found at location

LATIN MISSIONS MINISTRIES INC

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

REPORTER NAME:

N/A

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: ANTONIO ATALA

10/05/10

Process #: Z2010000080
Applicant's Name: LATIN MISSIONS MINISTRIES INC
Locations: THE SOUTHWEST CORNER OF MILLER DRIVE (S.W. 56 STREET) & S.W. 77 COURT;
A/K/A: 7800 S.W. 56 STREET AND 7984 S.W. 56 STREET, MIAMI-DADE COUNTY,
FLORIDA.
Request: **Size:** 5.62 ACRES **Folio #:** 3040270050090

- 1 S.E. to permit the expansion of an existing religious facility onto additional property to the west.
- 2 Unusual use to permit the expansion of the existing day nursery onto additional property to the west.
- 3 Modification of Condition #2 of Resolution 2-ZAB-227-64, last modified by Resolution 5-ZAB-194-97 both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Iglesia Alpha & Omega" revised 6/12/97, consisting of (6) sheets."

TO:

"2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Parking Structure For Alpha & Omega Church", consisting of 1 sheet, dated stamped received 10/13/10 and the remaining 7 sheets dated stamped received 10/08/10 for a total of 8 sheets.

The purpose of request #2 is to allow the applicant to submit revised plans showing a 3 story, 4 level parking structure in lieu of a previously approved 2 level parking structure and to show the expansion of the previously approved religious facility and day nursery onto adjacent property to the west.

4 Applicant is requesting to permit the parking structure with 3 stories and 4 levels (2 stories maximum permitted).

5 Applicant is requesting to permit the parking structure to setback 40' from the interior side (south) property line and to setback a minimum of 20' (75' required for both) from the rear west.

6 Applicant is requesting to permit a lot coverage of 47.31% (15% max permitted, 45.2% previously approved).

EXISTING ZONING

Subject Property EU-1, EU-M,

EXISTING USE CHURCH & SCHOOL

SITE CHARACTERISTICS

STRUCTURES ON SITE:

FOUR ONE STORY BUILDINGS. THE CHURCH BUILDING IS 35 FT HIGH.

USE(S) OF PROPERTY:

RELIGIOUS FACILITY, DAYCARE, PRE-SCHOOL, KINDERGARTEN AND SINGLE FAMILY RESIDENCE.

FENCES/WALLS:

6FT COLUMNS WITH PICKET FENCE ALONG THE SW 56 ST, 6FT CBS WALL WITH 6FT PICKET GATE ALONG SW 56 ST SFR FOLIO 0090. 6FT CBS WALL ALONG THE WEST & SOUTH PROPERTY LINES. ALONG SW 77 CT THE EAST PROPERTY LINE A 6FT PICKET FENCE WITH GATE AND 6 FT CHAINLINK FENCE

LANDSCAPING:

ZONING INSPECTION REPORT

WELL LANDSCAPED WITH 20-30FT ROYAL PALMS MAINLY ALONG SW 56 ST. 15-20FT MOHOGANY ALONG THE WEST PARKING AREA AND SOUTH WALL. CENTER ISLES OF THE PARKING AREA MIXED WITH 12-15FT LIVE OAKS & 10-15FT FOXTAIL PALMS. 6FT FICUS HEDGE ALONG THE CHAINLINK FENCE ON THE EASTSIDE PLAYGROUND AREA WITH LARGE 30FT TREES FOR NATURAL CANOPY.

BUFFERING:

VERY WELL BUFFERING ON THE SOUTH PROPERTY LINE THE 6FT CBS WALL LANDSCAPED WITH 15FT MOHOGANY TREES APPROXIMATELY EVERY 20 FEET.

VIOLATIONS OBSERVED:

NOTICE OF VIOLATION FOR EXPIRED RENEWABLE CU#2003017555 SINCE 09/30/2003 FOR DATCRE/KINDERGARTEN APPROVED UNDER RESO NO. 4ZAB77-90. ALSO OVERAGE ON CONDTION OF MAX 48 ALLOWED. RESO NO. 5ZAB194-97 INCREASED TO 192 BUT NEVER ESTABLISHED. BNC MEMO DATED 10/01/2010, NO VIOLATION CASES FOUND IN THE BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT DATABASE BUT FOUND OPEN PERMITS 1989050219 ELEC 04 FIRE ALARM UNDER FOLIO NO. 0020 AND 1995076325 BLDG 01 FOR INTERIOR ALTERATION UNDER FOLIO NO. 0060.

OTHER:

THERE IS A 40FT CARGO STORAGE CONTAINER ON THE PROPERTY FOLIO NO. 0090 AND JUNK & TRASH. PROHIBITED SIGNS ATTACHED TO THE FENCE ON THE NORTH SIDE IN FRONT OF THE CHURCH, A BANNER AVERTISING PRE-K PROGRAM AND A SIGNED ATTACHED TO THE FENCE ON THE EAST SIDE AT THE ENTRANCE TO THE PARKING AREA. THERE IS A RED WOOD STRUCTURE IN THE PLAYGROUND AREA ABUTTING THE EAST PROPERTY LINE AND ALSO A CANVAS CANOPY.

Process # Applicant's Name

Z2010000080 LATIN MISSIONS MINISTRIES INC

SURROUNDING PROPERTY

NORTH:

RU-4L CONDOS

SOUTH:

EU-M SINGLE FAMILY RESIDENCE

EAST:

EU-1 & EU-M CHURCH WITH DORMS

WEST:

EU-1 DAYCARE, K-12TH PRIVATE SCHOOL

SURROUNDING AREA

THE PROPERTY IS ON ROADWAY KNOWN AS MILLER ROAD BETWEEN THE PALMETTO EXPRESSWAY ON THE EAST AND THE 874 TURNPIKE EXTENSION ON THE WEST.

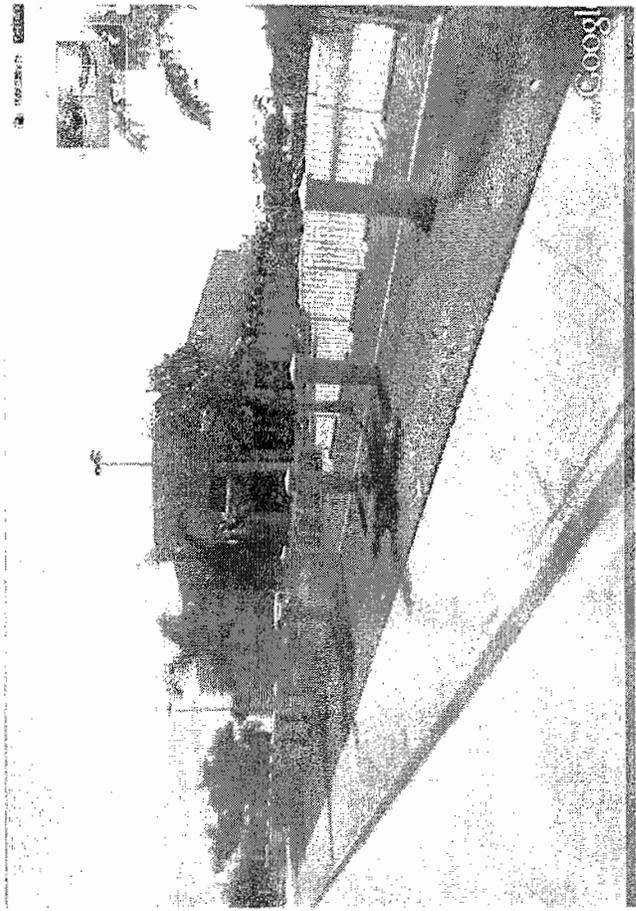
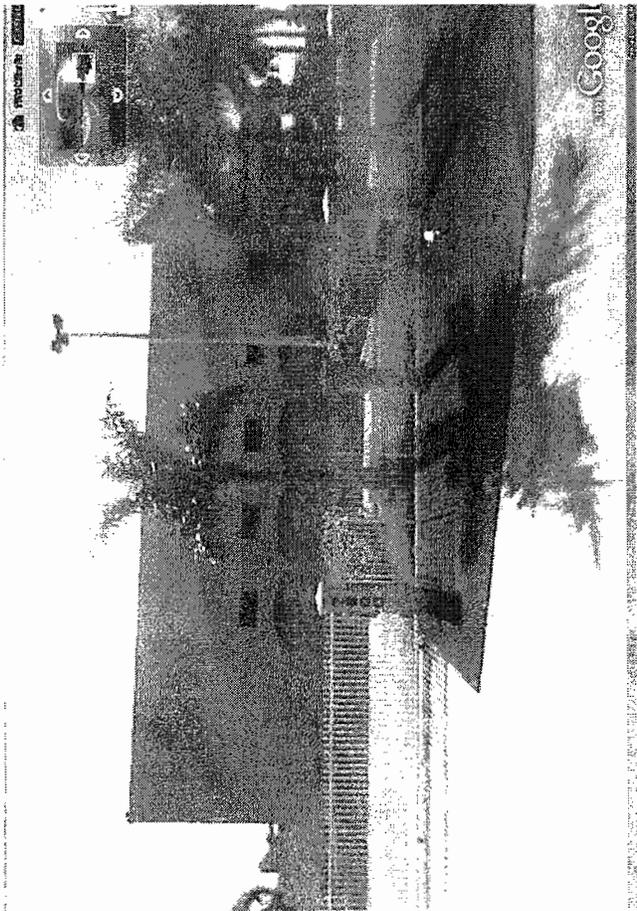
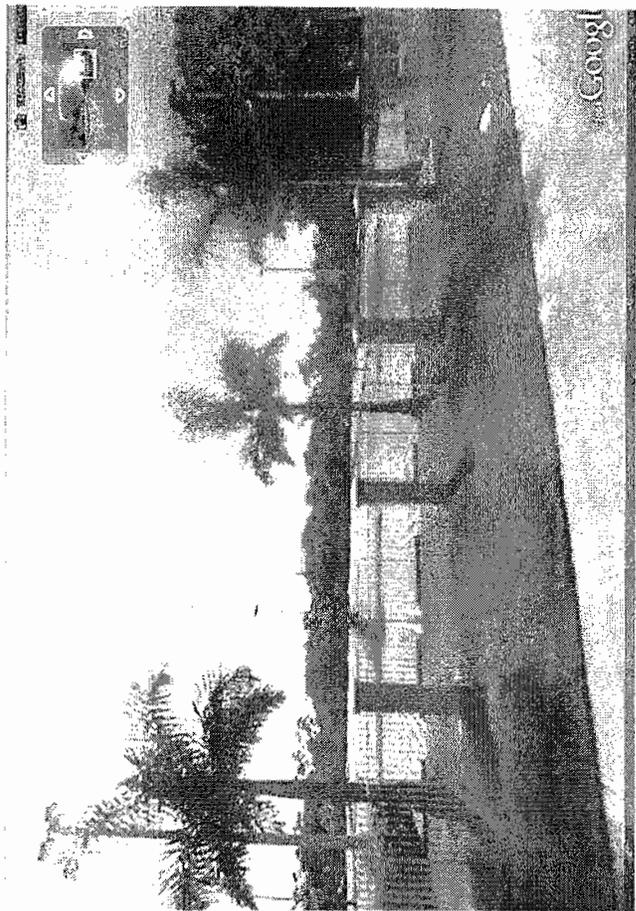
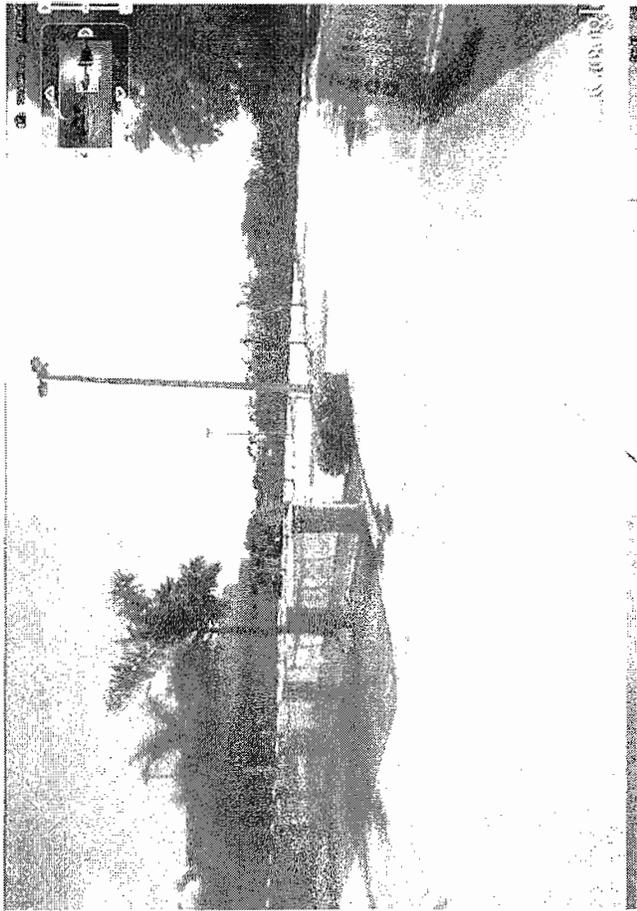
NEIGHBORHOOD CHARACTERISTICS

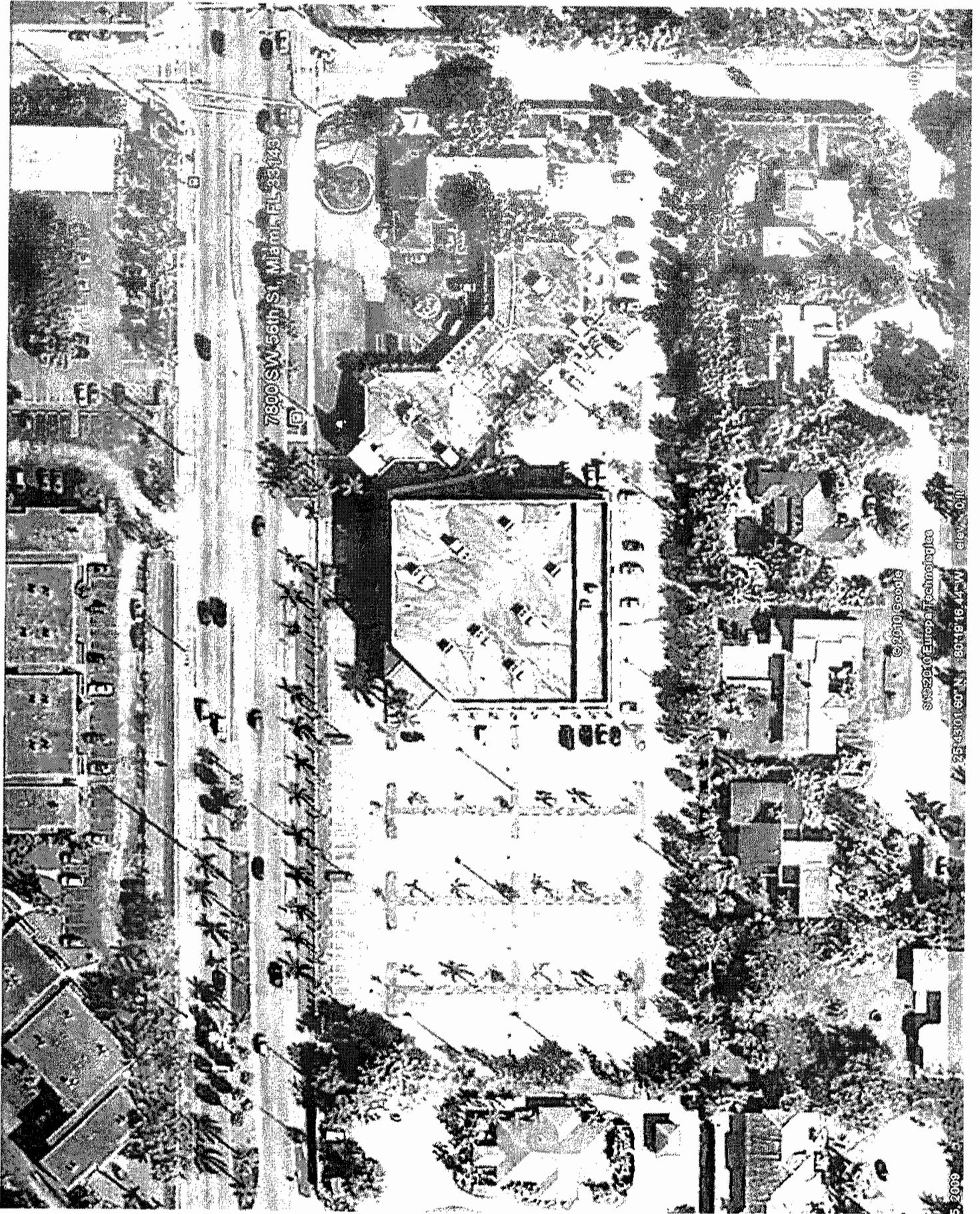
ZONING INSPECTION REPORT

THE PROPERTY IS LOCATED ON A HIGH TRAFFIC STREET WITH HIGH DENSITY ACROSS THE STREET WITH CONDO UNITS AND LOW DENSITY TO THE SOUTH WITH WELL MAINTAINED SINGLE FAMILY RESIDENCES.

COMMENTS:

THERE IS A OVERAGE OF CHILDREN FOR THE DAYCARE/KINDERGARTEN WHICH IS RESTRICTED TO 48 UNDER RESO NO. 4-ZAB-77-90 CONDITION #3 AND IN VIOLATION OF CONDITION #8 TO RENEW ANNUALLY.





DISCLOSURE OF INTEREST*

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

CORPORATION NAME: LATIN MISSIONS MINISTRIES, INCORPORATED

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ALBERTO M. DELGADO, 12295 SW 93 AVE., MIAMI, FL</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____ 210.0%	_____
_____	_____
_____	_____
_____ H	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____ 210.080	_____
_____	_____
_____ JH	_____
_____	_____

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

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 21 day of June, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 2012

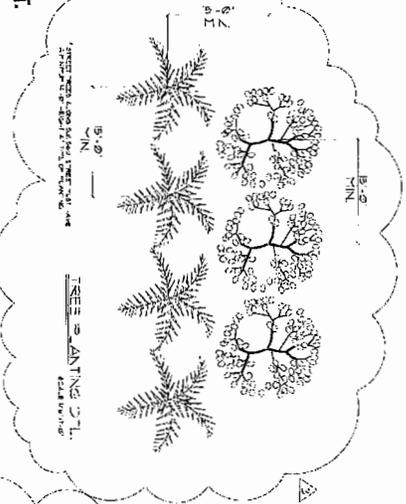


*Disclosure shall not be required of: 1) any entity, the equity interests of which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

RECEIVED
 THE CITY OF MIAMI
 PLANNING DEPARTMENT
 OCT 10 2010

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 OCT 10 2010
 OCT 18 2010

ZONING HEARINGS SECTION
 MANHATTAN PLANNING AND ZONING DEPT.
 BY _____



SCOPE OF WORK

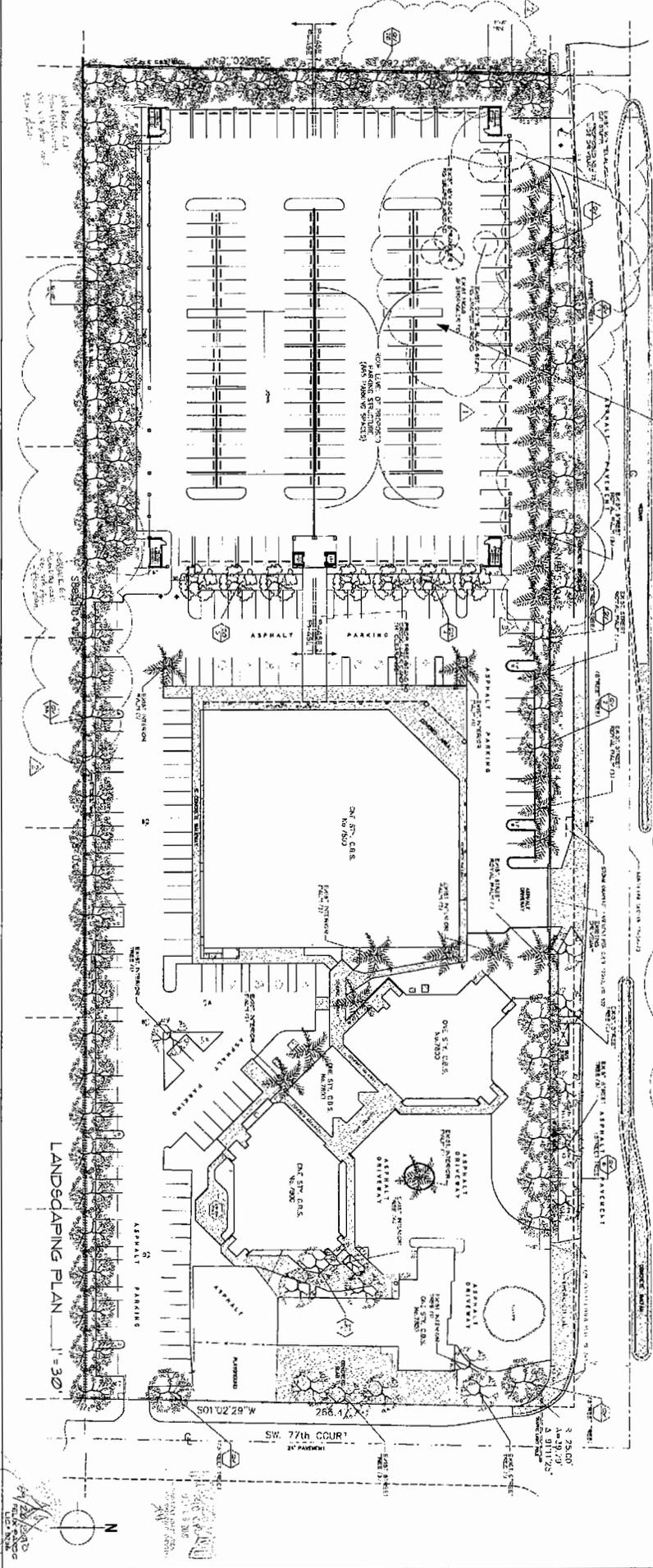
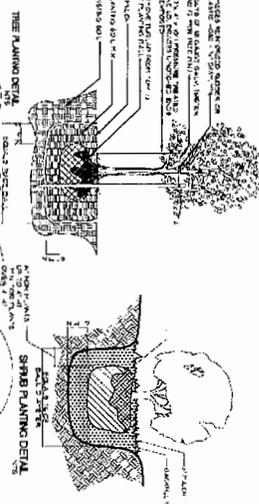
SW 56th STREET

(WALKER DRIVE)

LANDSCAPING SCHEDULE

SYMBOL	NO.	TREE NAME	PLANTING	DATE
1	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
2	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
3	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
4	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
5	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
6	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
7	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
8	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
9	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
10	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
11	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
12	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
13	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
14	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
15	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
16	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
17	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
18	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
19	20	ROBUSTIA VITIFOLIA	PLANTING	11/10
20	20	ROBUSTIA VITIFOLIA	PLANTING	11/10

NOTE: STREET TREES MUST HAVE MIN. 12'-0" HEIGHT AT TIME OF PLANTING.



SP-2
 of Series

PROPOSED PARKING STRUCTURE FOR ALPHA & OMEGA CHURCH

363 ADDRESS: 480 SW 36 STREET, MIAMI, FLORIDA, 33135
 Phone: (305) 273 1783

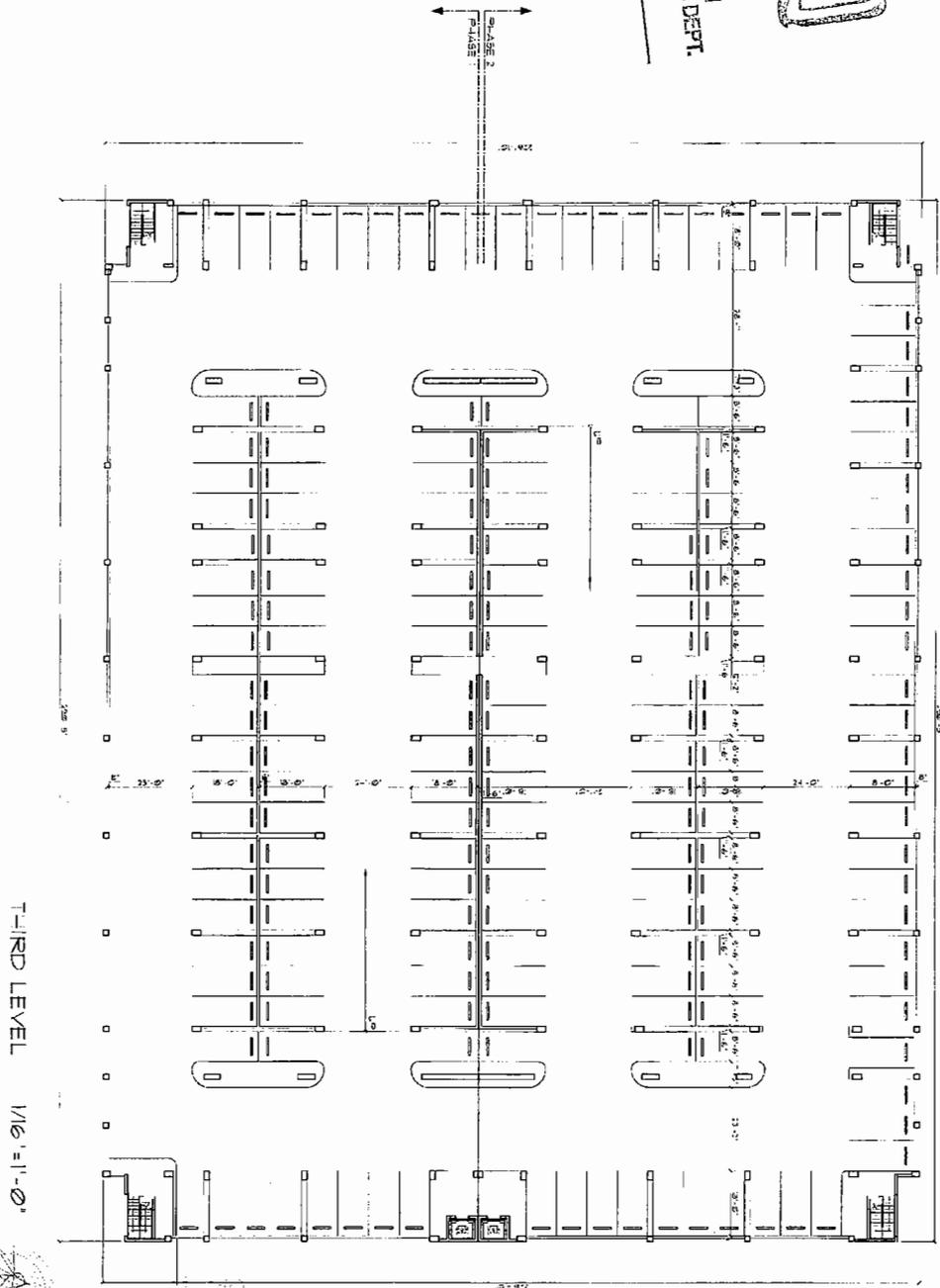
FELIX FARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS
 5455 S.W. 8th STREET, SUITE 705 - MIAMI, FLORIDA, 33134
 Phone: (305) 445-4555 Fax: (305) 445-1026 44 0082478

REV.	DATE	DESCRIPTION
01	07/20/09	ISSUE
02	08/10/09	REVISED
03	09/10/09	REVISED
04	10/10/09	REVISED

RECEIVED
 MIAMI-DADACOUNTY
 PLANNING AND ZONING DEPT.
 277 N.W. 27TH ST.

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

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 OCT 18 2010
 2:10-080



THIRD LEVEL
 1/8" = 1'-0"
 FELIX PARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS

DATE 09-15-10	DRAWN TOMAS DE MENDONÇA	CHECKED EF	SCALE AS SHOWN	PROJECT NO. A-3	SHEET NO. 01	REVISIONS	DATE

**PROPOSED PARKING STRUCTURE FOR
 ALPHA & OMEGA CHURCH**

Job Address: 1500 SW 56 STREET - MIAMI, FLORIDA 33155
 Phone: (305) 774-1292

FELIX PARDO & ASSOCIATES, Inc.
 ARCHITECTURE / PLANNING / INTERIORS
 5495 S.W. 8TH STREET, SUITE 729 - MIAMI, FLORIDA, 33134
 Phone: (305) 445-4555 Fax: (305) 445-1000 AA 02024-18

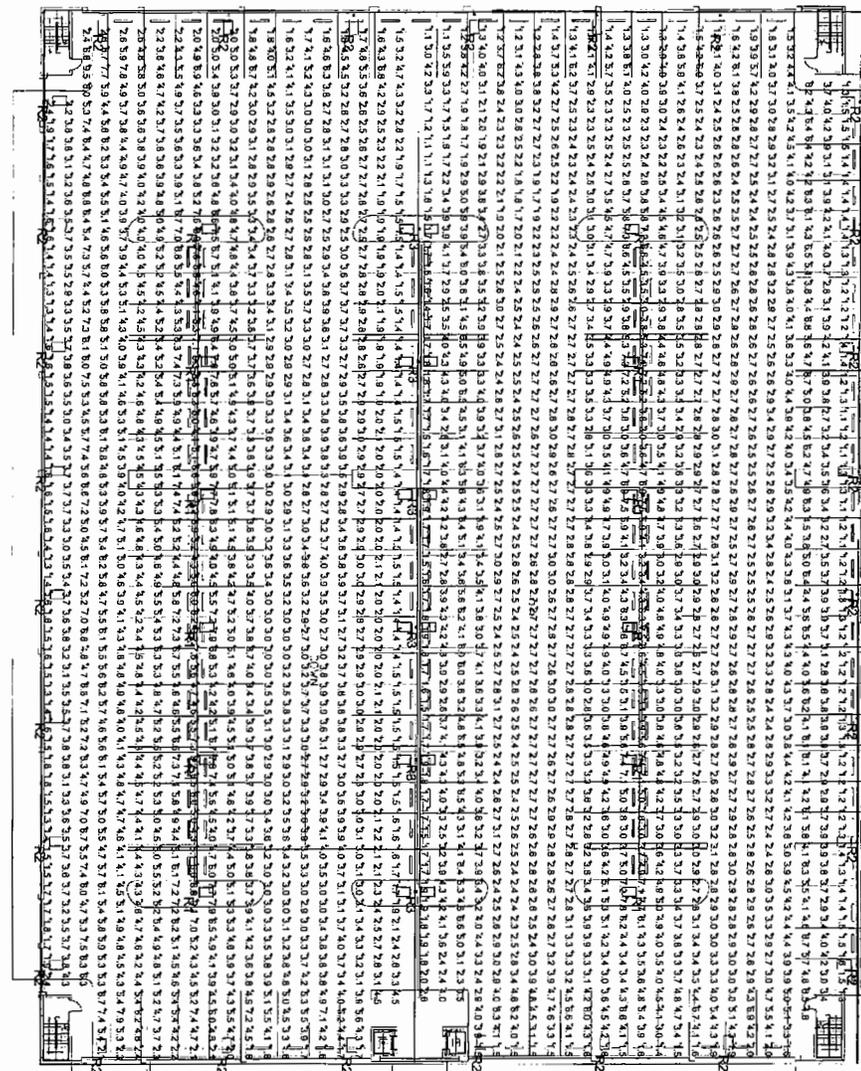
29

Statistics	Symbol	Avg	Max	Min	Max/min	Asp/Min
Roofing and Floor	+	4.0E	5.5E	1.3E	7.2E	3.1E
Roofing and Floor	-	3.1E	7.3E	1.1E	7.2E	3.0E

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Category Number	Description	Lamp	Foot Candles	Lumens	LF	Watt
□	R1	12	NAW9351150PH	WARD 9.0E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM CLEAR PLAT GLASS LENS HOUSING	150 WATT MH, CLEAR	100	12000	0.72	150
□	R2	28	W9354100WH	WARD 9.0E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM CLEAR PLAT GLASS LENS HOUSING	150 WATT MH, CLEAR	100	12000	0.72	150
□	R3	6	ZAW9351150PH	WARD 9.0E CAST ALUM. HOUSING ALUM. REFLECTOR SYSTEM CLEAR PLAT GLASS LENS HOUSING	150 WATT MH, CLEAR	100	12000	0.72	300

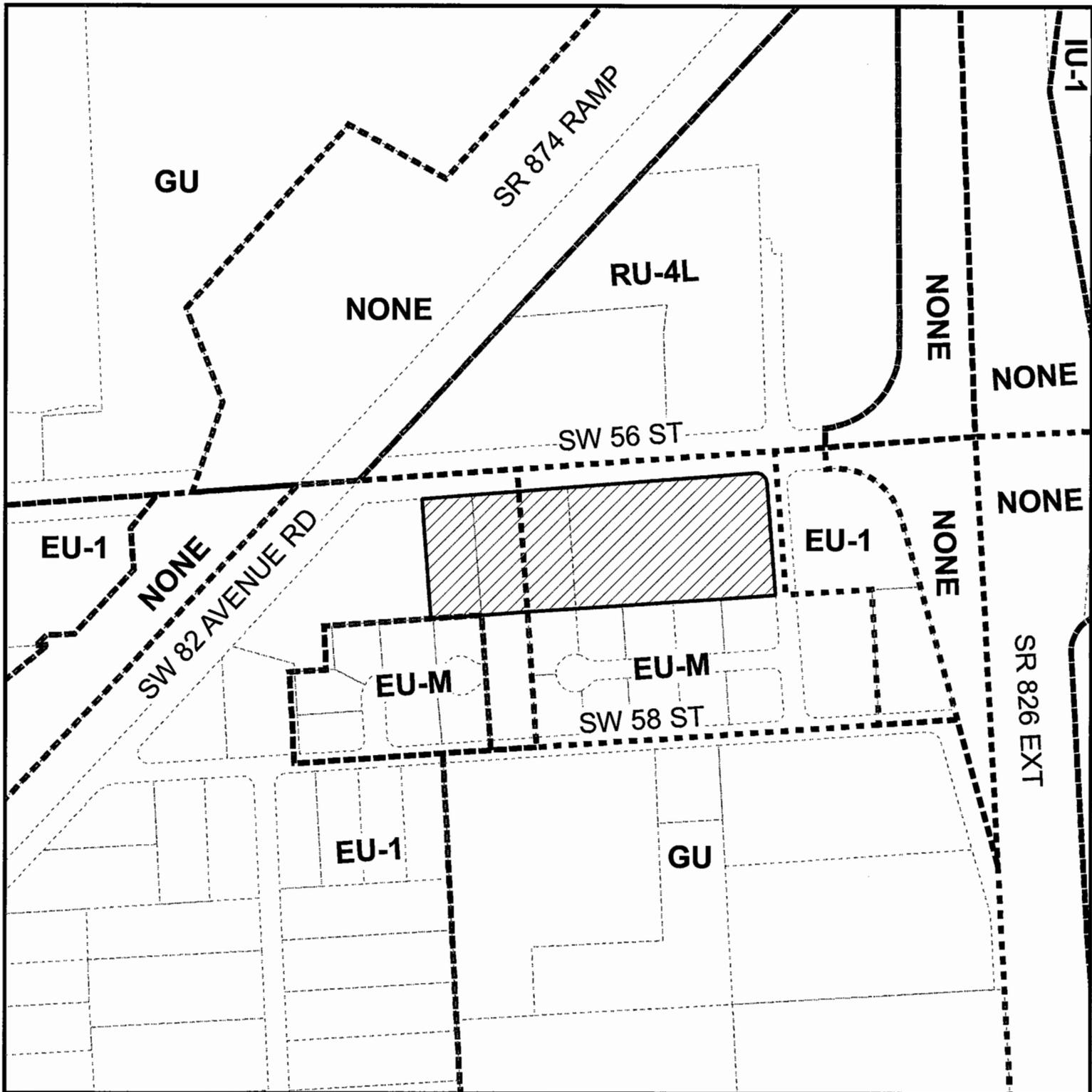
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MAY 14 2013
PLANNING AND ZONING DEPT.



ROOF LIGHTING PLAN



31



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000080

Legend

-  Subject Property Case
-  Zoning



Section: 27 Township: 54 Range: 40
 Applicant: LATIN MISSIONS MINISTRIES INC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, June 29, 2010

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000080

Legend



Subject Property



Section: 27 Township: 54 Range: 40
 Applicant: LATIN MISSIONS MINISTRIES INC
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, June 29, 2010

REVISION	DATE	BY

1. FLORIDA SE, INC.
(Applicant)

11-1-CZ12-1 (10-154)
Area 12/District 08
Hearing Date: 1/18/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1983	Dade County Zoning Department	<ul style="list-style-type: none">- Zone change from AU to BU-2- Zone change from AU to & BU-1A- Special Exceptions to permit a bar with a restaurant and for spacing of alcoholic beverages- Non-Use Variance for a wall- Unusual Use for outdoor dining	BCC	Approved w/conditions

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: Florida SE, Inc.

PH: Z10-154 (11-1-CZ12-1)

SECTION: 6-55-40

DATE: January 18, 2011

COMMISSION DISTRICT: 8

ITEM NO.: 1

=====

A. INTRODUCTION

- o **SUMMARY OF REQUEST:** Approval of this application would allow the applicant to modify a condition of a previously approved Resolution in order to submit revised plans showing a new restaurant building.

- o **REQUEST:**

MODIFICATION of Condition #2 of Resolution No. Z-210-83, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Red Lobster Restaurant, S.W. 88th St. – North Kendall Drive, Miami, Florida,' as prepared by T. Max Berry, P. E., dated 7-25-83 and consisting of seven sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Red Lobster,' as prepared by Kimly-Horn and Associates, Inc consisting of 3 sheets, all dated stamped received 9/21/10."

The purpose of this request is to permit the applicant to submit revised site plans showing a new restaurant to replace the previously approved restaurant.

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

- o **LOCATION:** Lying south of SW 88 Street and approximately 290' east of S.W. 117 Avenue, a.k.a. 11550 S.W. 88 Street, Miami-Dade County, Florida.

- o **SIZE:** 2.3 Acres

B. ZONING HEARINGS HISTORY:

In 1983, pursuant to Resolution No. Z-210-83, the subject property was rezoned to BU-1A, Limited Business District and was granted approval of requests to permit a bar in conjunction with a restaurant, to permit said bar spaced closer to a religious facility and another bar, to waive the required 5' high decorative masonry wall along the interior side (east and west) property lines, and to permit outdoor patio dining and table service in connection with a restaurant and bar.

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** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A; vacant

Business & Office

Surrounding Properties

NORTH: BU-2; retail

Business & Office

SOUTH: RU-TH; townhouses

Business & Office

EAST: BU-1A; restaurant and hotel

Business & Office

WEST: BU-1A and AU; shopping center
and MDC Water and Sewer Facility

Business & Office

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 condition 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 that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is currently zoned BU-1A, Limited Business District, and is located at 11550 SW 88 Street (North Kendall Drive). The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The 2.3-acre subject property is currently vacant but was previously improved with a restaurant which has since been demolished. It should be noted that restaurants are a permitted use in the BU-1A zoning district. Staff opines that the submitted plan is similar to the previously approved plans and that the previously approved restaurant use on the site will not be altered by this application. As such, staff opines that the approval of the requested modification in order to allow the applicant to submit plans for a new restaurant is **compatible** with the surrounding commercial uses located along SW 88 Street (North Kendall Drive) and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP.

When the request, to permit the modification of a condition of a previously approved Resolution in order to permit the applicant to submit revised plans depicting a new restaurant building to replace the previously approved restaurant building, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval of this request would be **compatible** with the surrounding commercial uses along SW 88 Street (North Kendall Drive). Staff's review of the previously approved (1983) plans and the plans submitted for this hearing reveals that the original building footprint and parking configuration remain essentially unchanged except for the interior side (west) setback for the proposed restaurant. Staff notes that the plans submitted in conjunction with this application illustrate the proposed restaurant building setback 20' from the interior side (west) property line where the Zoning Code requires a minimum of 5' for buildings where any openings are provided in the wall of the proposed structure, adjacent to the interior side property lot line.

However, it should be noted that staff's review of the previously approved (1983) plan reveals that the original restaurant was approved with a 57' interior side (west) setback. Staff notes that the plans submitted with this application illustrate the proposed restaurant setback 20' from the interior side (west) property line which is more intensive than the previously approved interior side setback for the original restaurant. Notwithstanding the foregoing, staff opines that the submitted site plan closely resembles the previously approved plans in that the ingress/egress driveways, parking configuration, building height and size as well as landscape area remain essentially the same. In staff's opinion, the approval of the request 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. In addition, staff notes that the Public Works Department, MDFRD and DERM do not object to the application. Therefore, staff recommends approval with conditions of the application under Section 33-311(A)(7) Generalized Modification Standards.

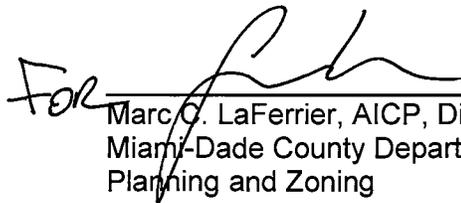
I. RECOMMENDATION:

Approval with conditions.

J. CONDITION:

That all the conditions of Resolution #Z-210-83 remain in full force and effect except as herein modified.

DATE TYPED: 12/01/10
DATE REVISED: 12/03/10; 12/09/10; 12/13/10
DATE FINALIZED: 12/20/10
MCL:GR:NN:CH:NC

For 

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

Date: October 15, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2010000154
Florida SE, Inc.
11550 S.W. 88th Street
Request Modification of a Previous Plan
(BU-1A) (2.3 Acres)
06-55-40

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 Average Day Pumpage Wellfield Protection Area of the Alexander Orr/Snapper Creek/Southwest wellfield complex. Development of the subject property shall be in accordance with the 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.

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

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

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

Stormwater Management

Work not to adversely affect existing drainage system. No new exfiltration system is proposed or allowed under this application.

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

Tree Removal Permit 2010-TREE-PER-00377 was issued for this property to Florida SE Inc on August 9, 2010 and is scheduled to expire on August 9, 2011. Tree Removal Permit 2010-TREE-PER-00377 requires the preservation of several specimen-sized (Trunk diameter 18 inches or greater) trees, which are 13 live oak trees, 1 orange geiger and 1 weeping bottlebrush as identified in DERM-approved permitted plans.

The landscape plan submitted with this zoning application entitled "Red Lobster 11550 SW 88th Street-Tree Inventory Plan", Sheet L1.1, prepared by Kimly-Horn and Associates Inc and dated July 29, 2010 depicts these trees "to remain".

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to this permit is required prior to the removal or relocation of any other tree on the subject property. Please contact this Program at 305-372-6574 for information regarding tree permits.

Enforcement History

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

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP

for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: FLORIDA SE, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

08-OCT-10

Memorandum



Date: 13-OCT-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000154

Fire Prevention Unit:

APPROVAL
 No objection to plan stamped September 21, 2010.

Service Impact/Demand:

Development for the above Z2010000154
 located at 11550 S.W. 88 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1825 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:15 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.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

FLORIDA SE, INC

11550 S.W. 88 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000154

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
FLORIDA SE, INC 11550 S.W. 88 STREET
DATE:
10/12/2010

CURRENT ENFORCEMENT HISTORY:

Folio 3050060000590
Open Cases:

Neighborhood Compliance and Building:
No open cases.

Closed Cases:

Neighborhood Compliance:
No previous cases.

Building:

Case A2009004643 was opened for Expired Permit and an NOV mailed. Citation P000945 was issued. Violation was corrected, citation was paid and case was closed on 8-2-10.

Case A2009004649 was opened for Expired Permit and an NOV mailed. Citation P000947 was issued. Violation was corrected, citation was paid and case was closed on 8-2-10.

Case A2010001913 was opened for Expired Permit and an NOV mailed. Citation P000946 was issued. Violation was corrected, citation was paid and case was closed on 8-2-10.

Sam Walthour, MSM, Assistant Director

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: FLORIDA SE, Inc. - Subsidiary of Darden -
Publicly traded on the New York Stock Exchange
NAME AND ADDRESS Percentage of Stock

<hr/>	<hr/>

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

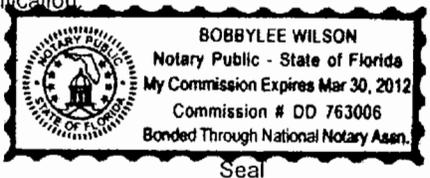
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Jack D. T.*
(Applicant)

Sworn to and subscribed before me this 27th day of Sept., 20 10. Affiant is personally know to me or has produced _____ as identification.

Bobbylee Wilson
(Notary Public)

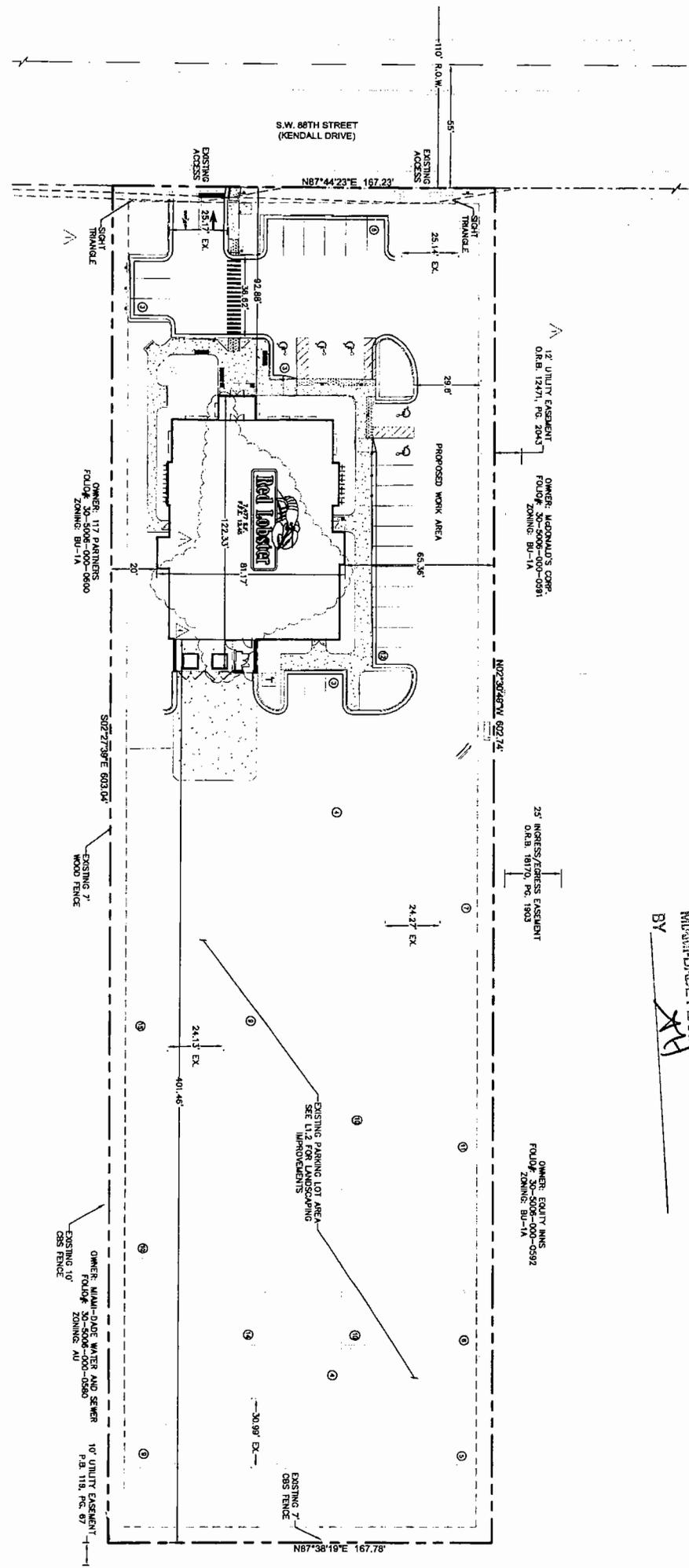


My commission expires: _____

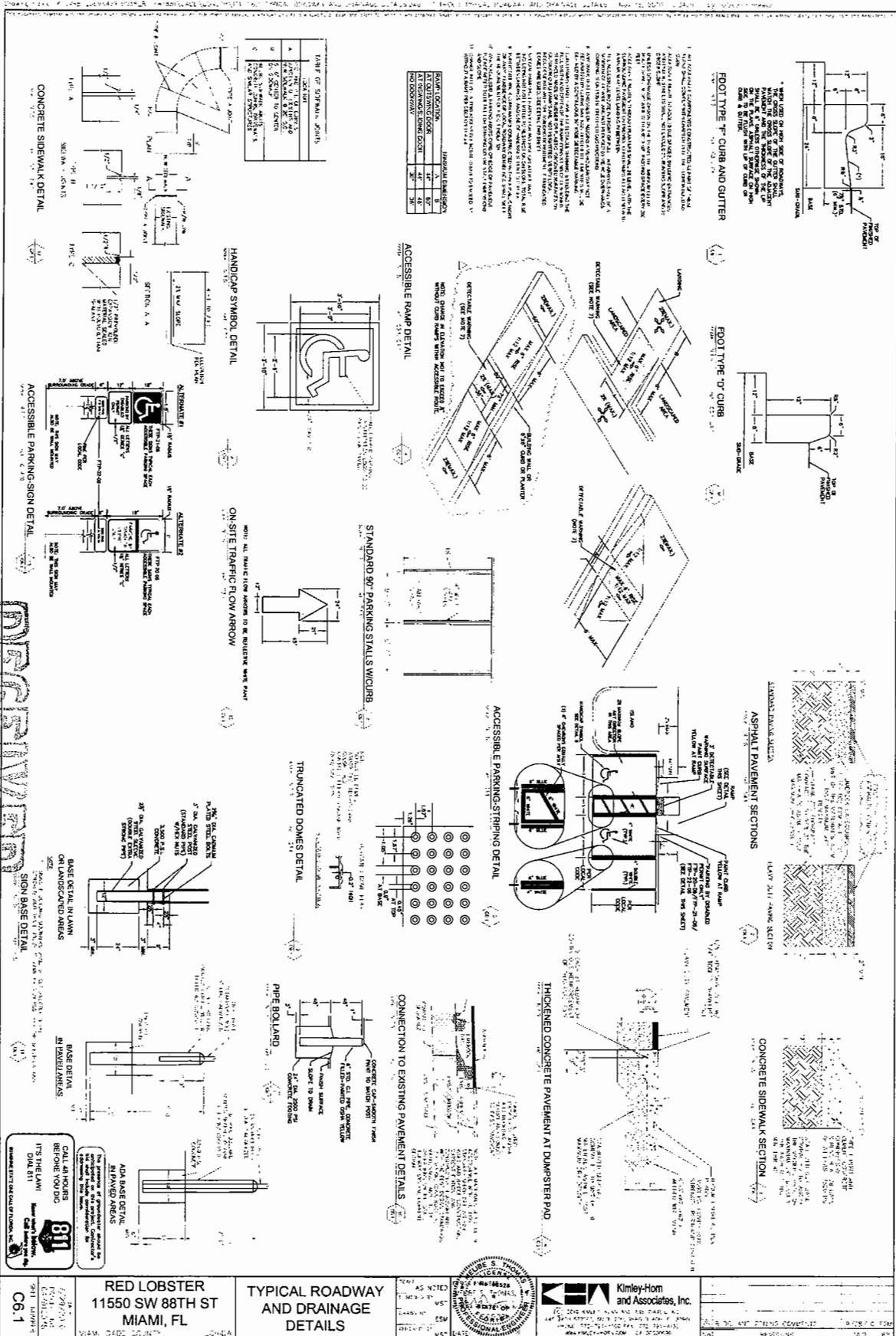
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

PROJECTED
 2-10-15
 NOV 19 2010

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



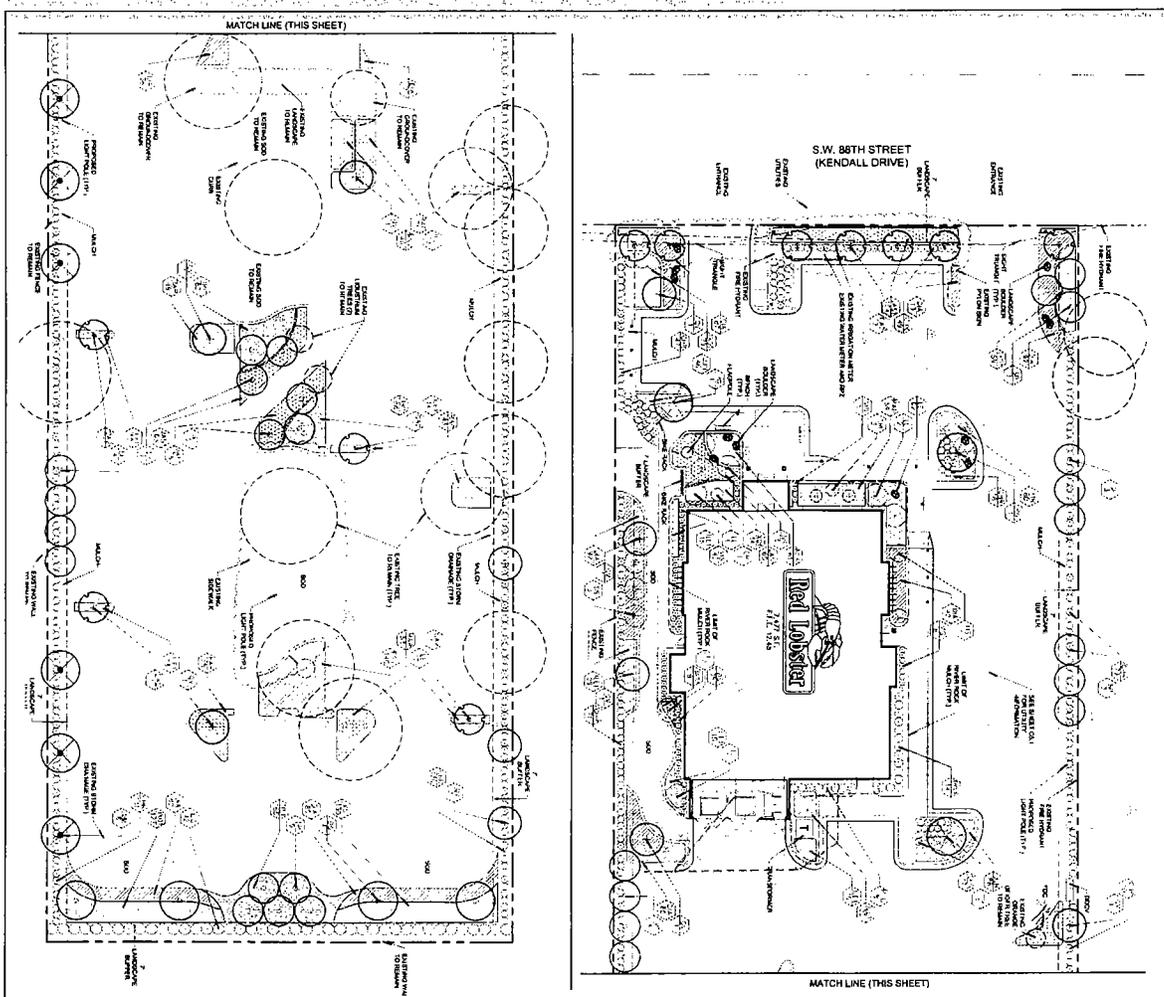
ENLARGE SITE PLAN



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 MAY 19 2010
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

<p>CALL 311 BEFORE YOU DIG 811 MIAMI-DADE COUNTY 311</p>	<p>RED LOBSTER 11550 SW 88TH ST MIAMI, FL</p>	<p>TYPICAL ROADWAY AND DRAINAGE DETAILS</p>	<p>AS NOTED SEE PLAN SEE SPEC SEE SCHEDULE</p>	<p>Kimley-Horn and Associates, Inc.</p>	<p>DATE: 5/19/10 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>
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NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1
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LANDSCAPE NOTES

1. CONSULT THE ARCHITECT FOR THE LOCATION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS.
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19. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS.
20. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MIAMI PLANTING SPECIFICATIONS.

RED LOBSTER
 11550 SW 88TH ST
 MIAMI, FL

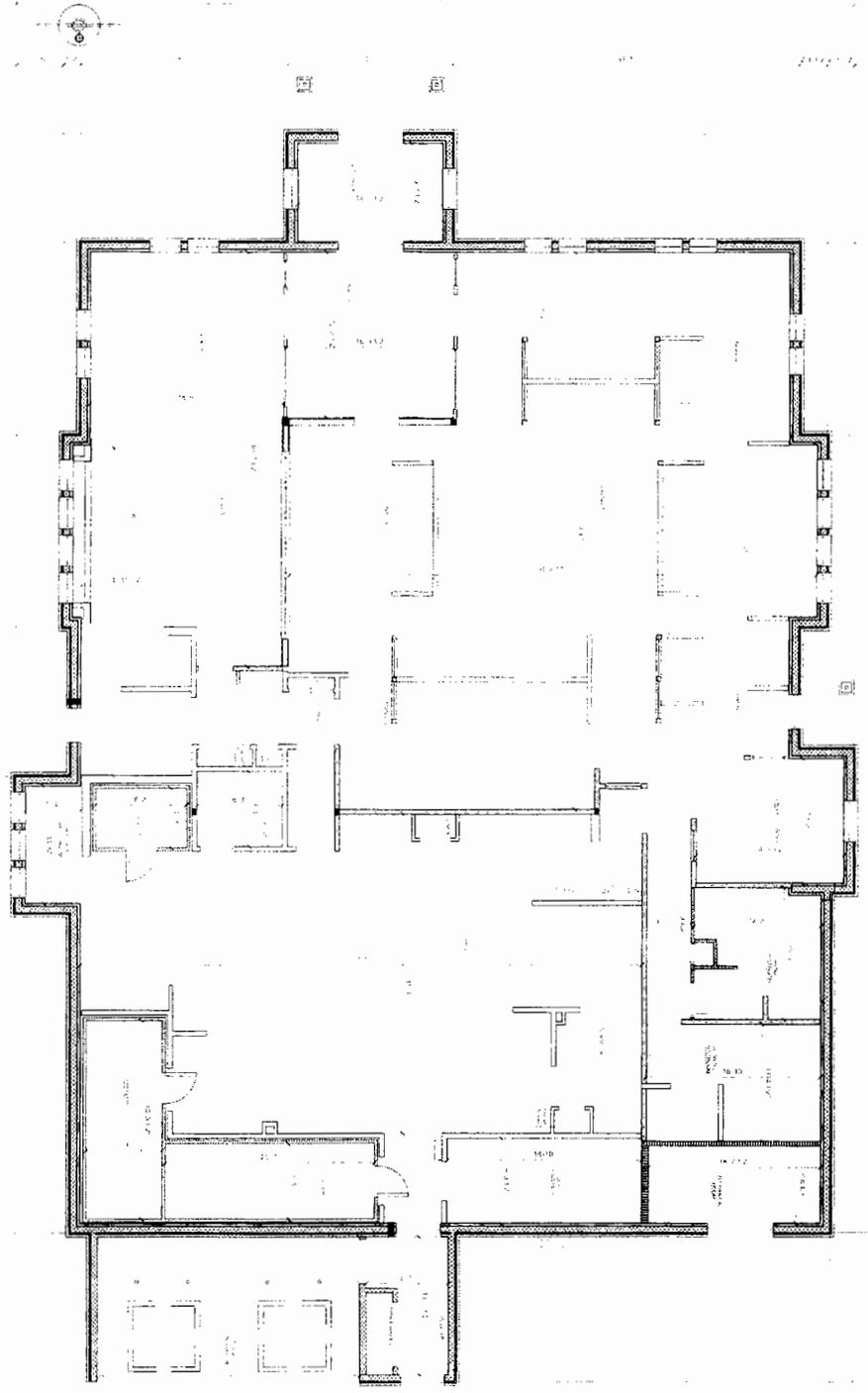
LANDSCAPE PLAN

Kimley-Horn and Associates, Inc.

L12

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

RECEIVED
 210-154
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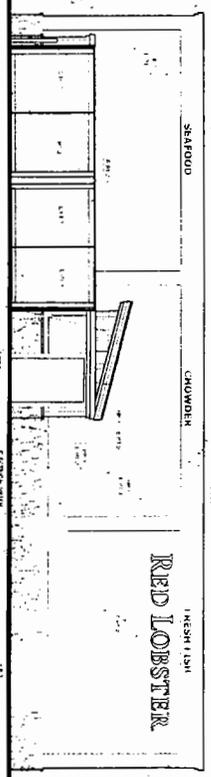
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 14. 1/16384" = 1'-0"
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28'-0" TO ROOF

28'-0" TO ROOF

EXTERIOR FINISH SCHEDULE

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- 2. 1/2" x 1/2" x 1/2" BRICK
- 3. 1/2" x 1/2" x 1/2" BRICK
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- 11. 1/2" x 1/2" x 1/2" BRICK
- 12. 1/2" x 1/2" x 1/2" BRICK
- 13. 1/2" x 1/2" x 1/2" BRICK
- 14. 1/2" x 1/2" x 1/2" BRICK
- 15. 1/2" x 1/2" x 1/2" BRICK
- 16. 1/2" x 1/2" x 1/2" BRICK
- 17. 1/2" x 1/2" x 1/2" BRICK
- 18. 1/2" x 1/2" x 1/2" BRICK
- 19. 1/2" x 1/2" x 1/2" BRICK
- 20. 1/2" x 1/2" x 1/2" BRICK



REAR ELEVATION
316'-11-0"

18'-0" TO WALL

18'-0" TO WALL

18'-0" TO WALL

LEFT ELEVATION
316'-11-0"

18'-0" TO WALL

28'-0" TO ROOF

NOV 17 2010

Handwritten signature

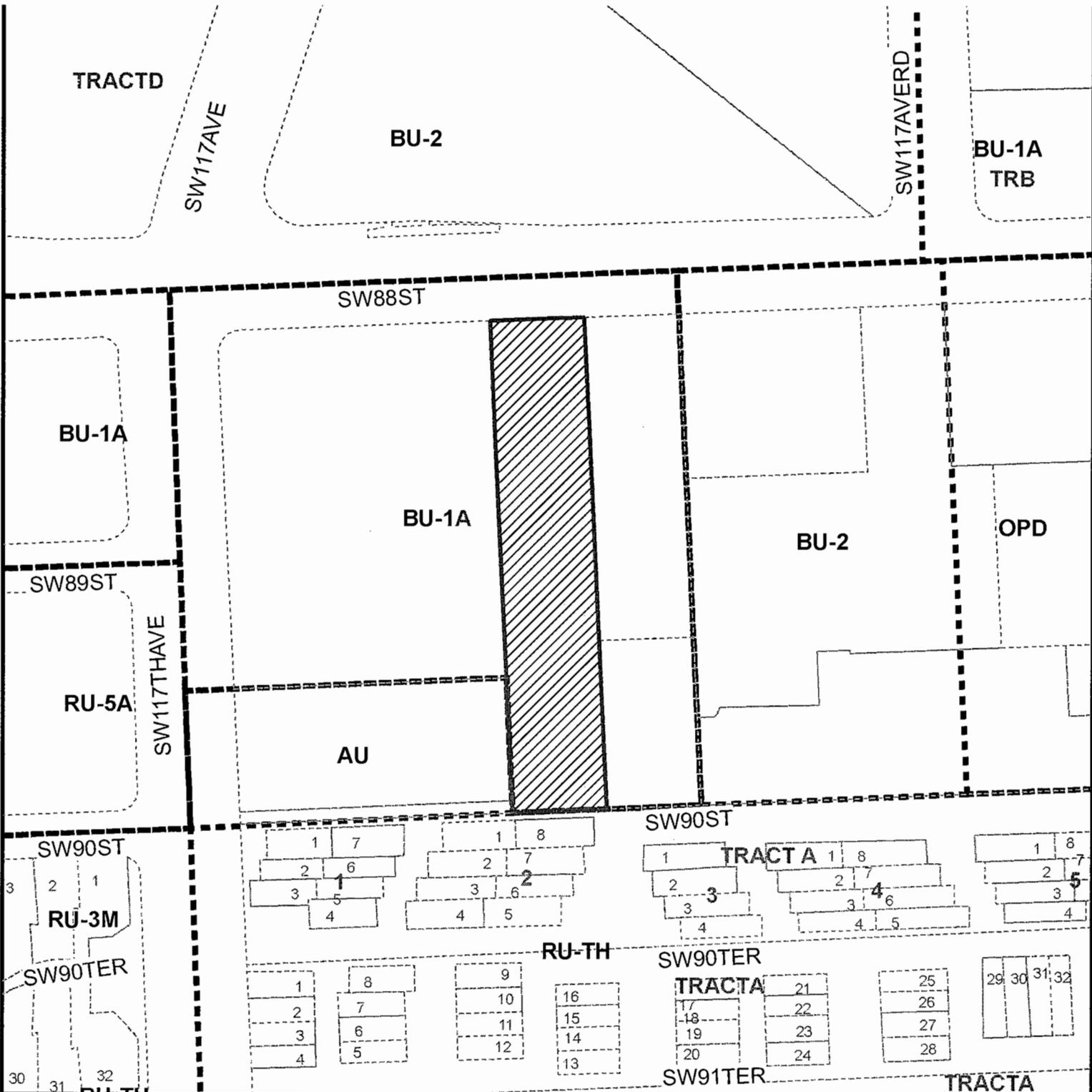
Mark S. Eggl,
Architect

3111 SW 14th Street, Gainesville, FL 32609
1-888-332-8800 1-888-332-1347
Project: Red Lobster
BH68 Prototype
Kendall, FL

Project Number: 10146
Drawn By: MJC
Checked By: MJC
Date: 28 Jul 2010
Revised: 17 Nov 2010
Drawing Name: Exterior Elevations

210-154
NOV 19 2010

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000154

Legend

-  Zoning
-  Subject Property Case



Section: 06 Township: 55 Range: 40
 Applicant: FLORIDA SE, INC.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Monday, August 30, 2010

REVISION	DATE	BY
		24

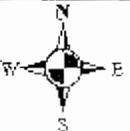


MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000154

Legend

 Subject Property



Section: 06 Township: 55 Range: 40
 Applicant: FLORIDA SE, INC.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Monday, August 30, 2010

REVISION	DATE	BY

2. BOARD OF TRUSTEES OF INTERNATIONAL IMPROVEMENT
TRUST FUND OF THE STATE OF FLORIDA
(Applicant)

11-1-CZ12-2 (10-155)
Area 12/District 07
Hearing Date: 1/18/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

NO HISTORY

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Board of Trustees of the Internal
Improvement Trust Fund of the State
of Florida

PH: Z10-155 (11-1-CZ12-2)

SECTION: 13-55-39

DATE: January 18, 2011

COMMISSION DISTRICT: 7

ITEM NO.: 2

A. INTRODUCTION

o **SUMMARY OF REQUEST:**

This application seeks to permit a parcel of land with less lot frontage than allowed by the zoning district.

o **REQUEST:**

Applicant is requesting to permit a parcel of land with a lot frontage varying from 25' to 50' (125' required).

A survey is on file and may be examined in the Department of Planning and Zoning entitled "Boundary Survey Prepared for Shutts and Bowen, LLP," as prepared by Schwebke-Shiskin & Associates, Inc., dated stamped received 9/21/10 and consisting of one sheet.

o **LOCATION:**

Lying south of SW 76 Street, and approximately 157' west of 72 Court, Miami-Dade County, Florida.

o **SIZE:** 10.32 Acres

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being inside the Urban Development Boundary (UDB) Line for **Environmentally Protected Parks**. The "Environmentally Protected Parks" designation is mainly comprised of environmentally sensitive land and water areas within the authorized boundaries of Big Cypress National Preserve, Everglades National Park, and Biscayne National Park. The National Park Service retains ownership of most of the land in these areas and is currently pursuing the acquisition of the remainder. Additionally, some sites that carry this designation are proposed for public acquisition or have been acquired under Miami-Dade County **Environmentally Endangered Lands (EEL)**, Florida's Conservation and Recreational Lands (CARL) and Florida Forever programs and include tropical hardwood hammocks, high-quality Dade County pineland and viable mangrove forests.

These sites are identified in this category on the LUP map although they may be as small as ten acres in size.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-1; vacant land

Environmentally Protected Parks

SURROUNDING PROPERTY:

NORTH: EU-1; vacant land

Estate Density Residential, 1 to 2.5 dua

SOUTH: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

EAST: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

WEST: EU-1; single-family residences

Estate Density Residential, 1 to 2.5 dua

E. PERTINENT REQUIREMENTS/STANDARDS:

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

F. NEIGHBORHOOD SERVICES:

DERM
Public Works
Parks
MDT
Fire Rescue
Police
Schools

No objection
No objection
No comment
No comment
No objection
No objection
No comment

G. ANALYSIS:

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Environmentally Protected Parks** use. The "Environmentally Protected Parks" designation is mainly comprised of environmentally sensitive land and water areas within the authorized boundaries of Big Cypress National

Preserve, Everglades National Park, and Biscayne National Park. The National Park Service retains ownership of most of the land in these areas and is currently pursuing the acquisition of the remainder. Approval of this application will allow the applicant to waive the zoning regulations requiring a parcel of land with a lot frontage of 125' and to maintain the existing 10.32-acre environmentally protected parcel with a lot frontage of 25' on SW 76 Street and a frontage of 50' on SW 77 Terrace. Staff opines that since the site will be preserved as an environmentally protected site, the approval of the request will not have a negative visual impact on the surrounding area which is primarily made up of EU-1 zoned single family residences and will therefore be **compatible** with the area. As such, approval of the request to permit the parcel with lot frontages varying from 25' to 50' would be **consistent** with the LUP map of the CDMP.

When this application is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood, nor would it affect the appearance of the community. Staff notes that as a result of the proposed road closure for the northern half of SW 76 Street (petition number #P852), the subject property will lose a major portion of the street frontage. However, the subject property will have a 50' frontage on SW 77 Terrace as depicted on the survey submitted with the application. Further, said survey also indicates that the property will have an additional 25' of frontage at the northeast corner of the parcel abutting SW 76 Street, resulting in combined frontage of 75', where 125' is required. Staff notes that the subject parcel and a 2-acre portion of the abutting parcel to the north are vacant, environmentally protected parcels. In addition, staff notes that DERM does not object to the application for a variance of lot frontage. The memorandum from DERM indicates that the Environmentally Endangered Lands Program (EEL), has been working with the State and the owners of the property to the north seeking the road closure which will result in a reduction of the lot frontage, the subject of this application. Therefore, staff opines that the aforementioned road closure and the resulting reduction in lot frontage will maintain the environmentally protected natural forest without denying the surrounding properties access to rights-of-ways in this section of the County, would not have a negative visual impact on the area and, as such, approval would be **compatible** with the surrounding area. Additionally, as previously mentioned, approval of the application is **consistent** with the CDMP. As such, staff recommends approval of this application under the NUV standards, Section 33-311(A)(4)(b).

Based on all of the aforementioned, staff recommends approval of the request to permit the parcel with a lot frontage of 25' to 50' where 125' is required. under Section 33-311(A)(4)(b) (NUV).

H. **RECOMMENDATION:**

Approval.

I. **CONDITIONS:** None.

Board of Trustees of the Internal
Improvement Trust Fund
Z10-155
Page 4

DATE TYPED: 11/24/10
DATE REVISED: 11/29/10
DATE FINALIZED: 12/19/10
MCL:GR:NN:AA:CH

For 

Marc C. La Ferrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning *NDN*

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

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



Subject: C-12 #Z2010000155
Board of Trustess of the Internal Improvement Trust
South of S.W. 76TH Street and West of S.W. 72ND Court
To Permit Less Frontage than Required
(EU-1) (10.32 Acres)
35-54-40

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 Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Potable Water Service Wastewater Disposal

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

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

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

Stormwater Management

According to the site plan submitted, the proposed project will not affect the existing stormwater management system. Therefore, DERM has no pertinent comments.

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.

Natural Forest Communities

The Environmentally Endangered Lands Program (EEL) has no objection to the road closure or the variance for lot frontage. The subject property is called Trinity Pineland Preserve and it is owned by the State. The EEL Program has been working with the State and the Church (property to the north seeking the road closure) on these issues.

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit less frontage than required due to the road closing of SW 76th Street will not impact tree resources. However please be advised that the subject property contains tree resources; however, the property is a designated Natural Forest Community (NFC) pineland by Miami-Dade County therefore tree resources will be regulated through the Natural Resources Planning Section of DERM.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

04-NOV-10

Memorandum



Date: 30-SEP-10
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000155

Fire Prevention Unit:

Not applicable to MDFR site requirements at this stage.

Service Impact/Demand:

Development for the above Z2010000155
located at LYING SOUTH OF S.W. 76 STREET & APPROX. 157' WEST OF S.W. 72 COURT, MIAMI-DADE
COUNTY, FLORIDA.
in Police Grid 1756 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:30 minutes

Existing services

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

Station 13 - East Kendall - 6000 SW 87 Avenue
BLS 75' Ladder, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis at this stage.

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

LYING SOUTH OF S.W. 76 STREET
& APPROX. 157' WEST OF S.W. 72
COURT, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2010000155

HEARING NUMBER

HISTORY:

Current Cases:

Neighborhood Compliance
None

Building
None

Previous Cases:

Neighborhood Compliance
None

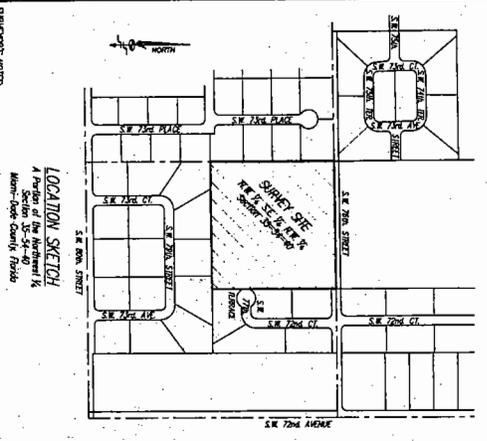
Building
None

N/A

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

N/A

NO.	REVISIONS	DATE
1	As Shown	09/21/10



GENERAL NOTES:

- This sketch represents a "Boundary" survey.
- There are no visible encroachments, other than those shown herein.
- The dimensions shown herein relate to National Geodetic Vertical Datum (N.G.V.D.) of 1928.
- Hidden markers of utilities are shown herein, however, the surveyor has made no attempt to mark any underground utilities other than as shown or indicated on any of the utility permit drawings showing the subject site. (Electric, water, drainage or gas piping).
- No utility was made by this firm to locate and mark any existing or proposed utility lines.
- The distance shown along the property lines were measured and measured, unless noted otherwise.
- The property shown herein also within Federal Road "X" per Road Reference File No. 120808004 and 120808006, map dated September 11, 2008.
- The sketch has been prepared for the suitable use of the only (initial) named herein. The information shown herein does not extend to any unnamed parties.
- This sketch is subject to comment, explanation and other notices that may be indicated by a person in possession of the subject land.
- Any applicable building setback lines affecting the subject property are shown as approved 50% plan prepared by a qualified architect and are not shown herein.
- This firm does not verify the actual lot which the subject property may or may not comply with applicable zoning requirements regarding building setback, setback height, setback from street and parking space restrictions and/or regulations.

LOCAL DESCRIPTION:

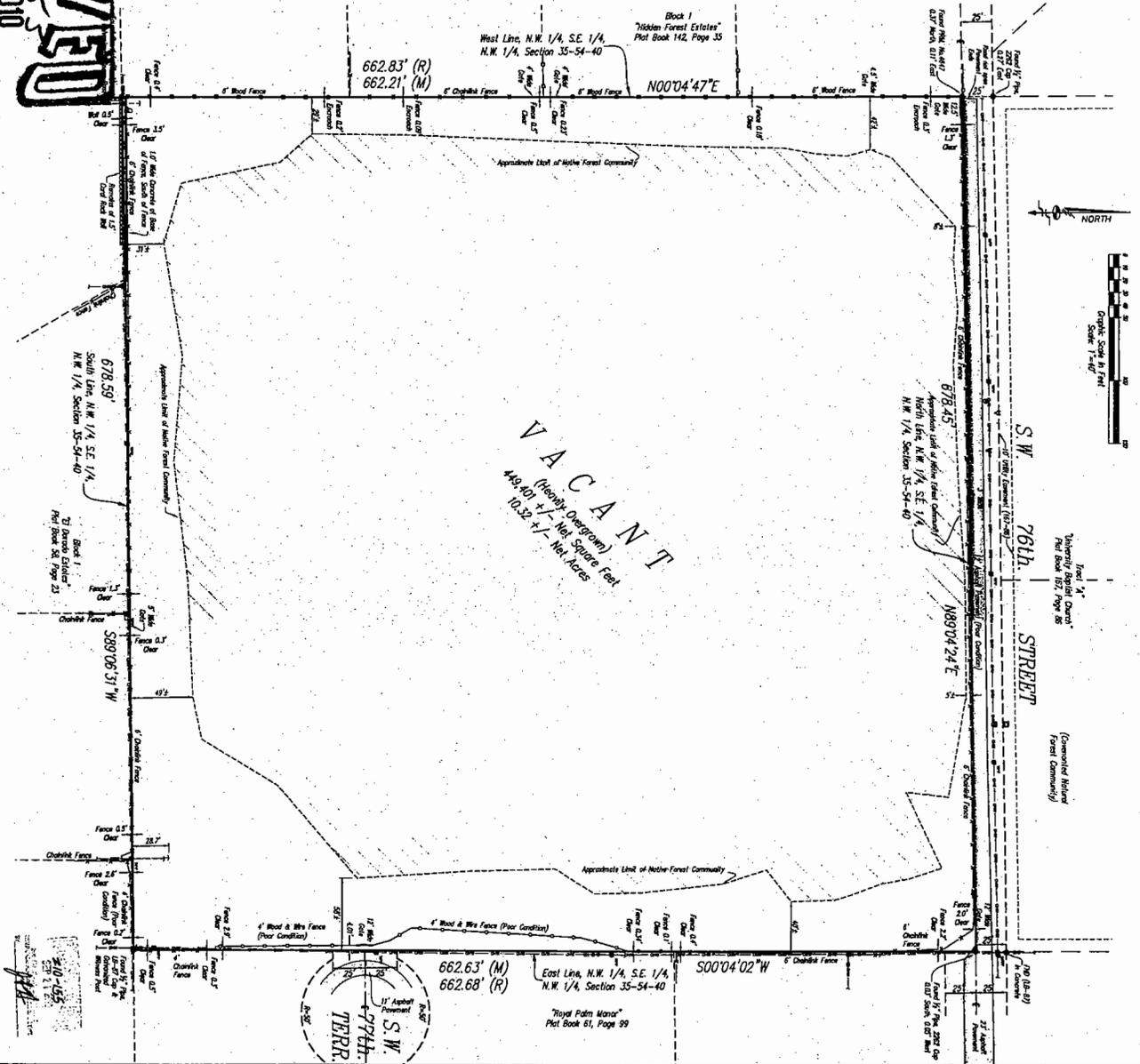
The West 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 54 South, Range 40 East, and the East 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 54 South, Range 40 East, and being in Miami-Dade County, Florida.

Certified to:

- Shuttles & Bowen, LLC
- Member of the General Improvement Trust Fund of the State of Florida
- Member-Dade County, Florida
- HERBERT CENTER

The attached "BOUNDARY SURVEY" of the above shown herein, is true and correct to the best of my knowledge and belief, as required by law, and I am duly sworn in and qualified in the State of Florida. I am duly sworn in and qualified in the State of Florida. I am duly sworn in and qualified in the State of Florida.

SCHWEPPE-SHUKIN & ASSOCIATES, INC.
 9601 S.W. 11th Street, Suite 100, Miami, Florida 33156
 Phone: (305) 671-1055
 Fax: (305) 671-1056



NO.	REVISIONS	DATE
1	As Shown	09/21/10

BOUNDARY SURVEY

Prepared For:
 Shuttles & Bowen, LLP
 201 South Biscayne Boulevard, Suite 1500
 Miami, Florida 33131

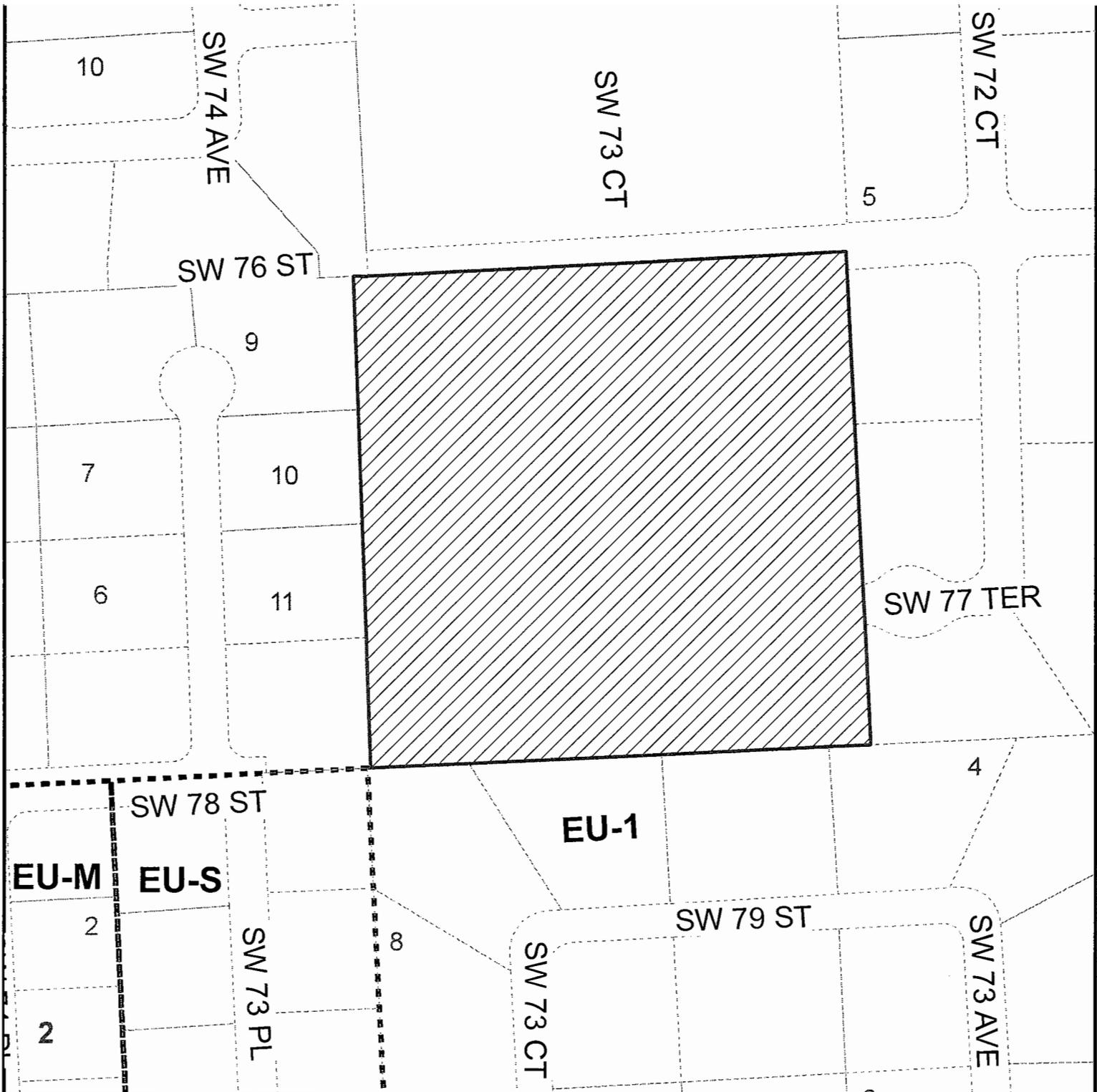
Section 35, Township 54 South, Range 40 East, Miami-Dade County, Florida

Schweppe-Shukin & Associates, Inc.
 LAND PLANNERS & SURVEYORS
 2340 COMMERCE BLVD., MIAMI, FLORIDA 33133 TEL: (305) 432-7010 FAX: (305) 432-3288

Drawn By: [Signature] Scale: 1" = 200'-0" Checked By: A.S. Inc.
 Order No. 197308 F.S. No. 00-00-00-00
 Revised: [Signature] Date: 09/21/10
 This is a "Boundary Survey."
 File No. AJ-4741 Sheet 1 of 1 Sheet(s)

RECEIVED
 SEP 21 2010

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000155

Legend

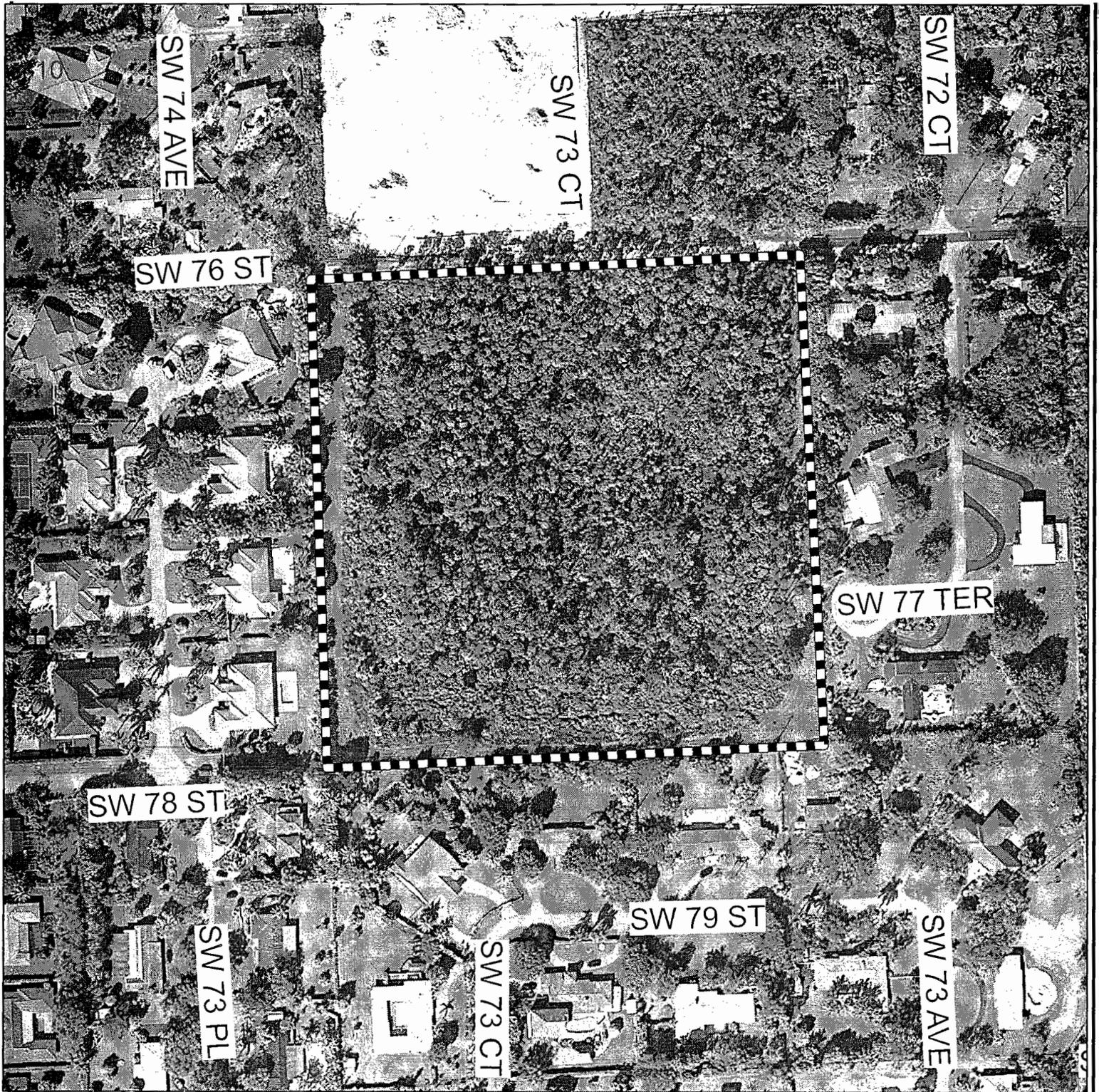
-  Zoning
-  Subject Property Case



Section: 35 Township: 54 Range: 40
 Applicant: BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
 TRUST FUND OF THE STATE OF FLORIDA
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



REVISION	DATE	BY
		12



MIAMI-DADE COUNTY
 AERIAL YEAR 2009

Process Number
Z2010000155

Legend



Subject Property



Section: 35 Township: 54 Range: 40

Applicant: BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
 TRUST FUND OF THE STATE OF FLORIDA

Zoning Board: C12

Commission District: 7

Drafter ID: ALFREDO FERNANDEZ-CUETO

Scale: NTS



SKETCH CREATED ON: Tuesday, September 28, 2010

REVISION	DATE	BY