KITS

4-19-2011 Version # 1

COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Wednesday, May 25, 2011 at 6:30 p.m.

CURRENT

1.	11-5-CZ12-1	SALADRIGAS FAMILY LIMITED PARTNERSHIP	09-177	10-55-40	N
2.	11-5-CZ12-2	TCPC ASSOCIATES, LLC	11-31	36-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, MAY 25, 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

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1. SALADRIGAS FAMILY LIMITED PARTNERSHIP (11-5-CZ12-1/09-177) **10-55-40**
Area 12/District 08

(1) Applicant is requesting to waive the zoning regulations requiring lots to have frontage on a public street; to permit 4 proposed lots with 0' of frontage (120' required) on a public street and to permit access to a public street by means of a private road.

A plan is on file and may be examined in the Department of Planning and Zoning entitled "Tree and Boundary Survey for Waiver of Plat," as prepared by J. Bonfill & Associates, Inc., dated stamped received 5/19/10, consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: Lying east of S.W. 83 Avenue, approximately 378' south of S.W. 108 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.25 Acres

Department of Planning and Zoning Recommendation: Approval with conditions.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. TCPC ASSOCIATES, LLC (11-5-CZ12-2/11-031) **36-54-39**
Area 12/District 12

(1) MODIFICATION of Paragraph #2 and Exhibit "B" of a Declaration of Restrictions recorded in Official Records Book 25086 at Pages 677 through 686 as last modified by a Declaration of Restrictions recorded in Official Records Book 26527 at Pages 4880 through 4889, reading as follows:.

FROM: "2. Use Restriction. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant, a copy of which uses are set forth in Exhibit "B", provided that nothing herein shall prevent the use of the Property for a medical office building or medical diagnostic center."

TO: "2. Use Restriction. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to: i)those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant, and ii) commuter colleges as defined in Section 33-1 (30.2) of the Miami-Dade County Code. The permitted uses of the Property are set forth in Exhibit "B". It is further provided that nothing herein shall prevent the use of the Property for a medical office building or medical diagnostic center."

FROM: EXHIBIT "B" USES OF SUBJECT PROPERTY

(1) Abstract tile
(2) Accountants--bookkeeping

(3) Actuaries
(4) Advertising (no shops)
(5) Adjusters (insurance)
(6) Aerial survey and photography
(7) Appraisers--no sale or rental of any type of merchandise or equipment
(8) Architects
(8.1) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

(a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area. Related art exhibition space shall be ancillary to the principal uses.

(b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.

(c) That all art exhibitions shall be conducted within the principal structure.

(d) That there shall be a maximum of six art shows per year.

FROM: EXHIBIT "B" USES OF SUBJECT PROPERTY

(e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.

(f) That the sale of art shall be prohibited.

(9) Attorneys
(10) Auditors
(10A) Banks, excluding drive-thru banking facilities
(11) Banks, including drive-thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more
(12) Business analysts--counselors or brokers
(13) Building contractors, office only (no shop or storage)
(14) Chiropodists
(15) Chiropractors
(16) Consulates
(17) Counseling, child guidance and family service
(18) Court reporter, public stenographer
(19) Credit reporting
(19A) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
(20) Dentist
(21) Detective agencies and investigating service
(22) Drafting and plan service
(23) Engineers, professional
(24) Insurance and bonds
(25) Manufacturers agents
(26) Market research
(27) Medical doctors
(27A) Medical Allied Training Facility that on a site of two net acres or more.

a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;

b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;

c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;

d) That the number of students be limited to no greater than 100 students per session;

e) That a maximum of 2 sessions be conducted daily.

(28) Model agencies (no school)
(29) Mortgage broker
(30) Notary public
(31) Optician
(32) Optometrist
(33) Public libraries
(34) Public relations
(35) Real estate
(36) Real estate management
(37) Secretarial service
(38) Shoppers information service
(39) Social service bureau
(40) Stock brokers exchange--investment service
(41) Tax consultants
(42) Telephone answering service
(43) Theater ticket agencies
(44) Travel agencies
(45) Zoning consultants
(46) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section."

TO: EXHIBIT "B" USES OF SUBJECT PROPERTY

(1) Abstract tile
(2) Accountants--bookkeeping
(3) Actuaries
(4) Advertising (no shops)
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(9) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area. Related art exhibition space shall be ancillary to the principal uses.

b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.

c) That all art exhibitions shall be conducted within the principal structure.

d) That there shall be a maximum of six art shows per year.

e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.

f) That the sale of art shall be prohibited.

(10) Attorneys
(11) Auditors
(12) Banks, excluding drive-thru banking facilities
(13) Banks, including drive-thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more
(14) Business analysts--counselors or brokers
(15) Building contractors, office only (no shop or storage)
(16) Chiropodists
(17) Chiropractors
(18) Commuter Colleges
(19) Consulates
(20) Counseling, child guidance and family service
(21) Court reporter, public stenographer
(22) Credit reporting
(23) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
(24) Dentist
(25) Detective agencies and investigating service
(26) Drafting and plan service
(27) Engineers, professional
(28) Insurance and bonds
(29) Manufacturers agents
(30) Market research
(31) Medical doctors
(32) Medical Allied Training Facility that on a site of two net acres or more.

a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;

b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;

c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;

d) That the number of students be limited to no greater than 100 students per session;

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(43) Shoppers information service
(44) Social service bureau
(45) Stock brokers exchange--investment service
(46) Tax consultants
(47) Telephone answering service
(48) Theater ticket agencies
(49) Travel agencies
(50) Zoning consultants
(51) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section."

The purpose of the above request is to add "Commuter College" as an additional use to the previous list of approved uses for a portion of the subject site.

LOCATION: 11731 Mills Drive, Miami-Dade County, Florida

SIZE OF PROPERTY: 8.2 Acres

Department of Planning and Zoning Recommendation: Deferral.

Protests: 3 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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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.

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

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

1. SALADRIGAS FAMILY LIMITED PARTNERSHIP
(Applicant)

11-5-CZ12-1 (09-177)
Area 12/District 08
Hearing Date: 05/25/11

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

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

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1955	Frank Paskewich	- Special Exception to permit a mail order home occupation.	BCC	Approved with conditions
1959	Director of Metro Dade County Building & Zoning Dept.	- Zone change from EU-1 to EU-M.	BCC	Approved

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

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

APPLICANT: Saladrigas Family Limited Partnership **PH:** Z09-177 (11-5-CZ12-1)

SECTION: 10-55-40 **DATE:** May 25, 2011

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION

- **SUMMARY OF REQUEST:**

  The request will allow the applicant to subdivide the subject property into four (4) proposed single-family residential lots to front on a private ingress and egress easement.

- **REQUEST:**

  Applicant is requesting to waive the zoning regulations requiring each lot to have frontage on a public street; to permit 4 proposed parcels with 0' frontage (120' required) on a public street and to permit access to said parcels to a public street by means of a private ingress and egress easement.

  A survey is on file and may be examined in the Zoning Department entitled "Tree and Boundary Survey for Waiver of Plat," as prepared by J. Bonfill & Associates, Inc. consisting of 2 sheets dated stamped received 05/19/10. Plans may be modified at public hearing.

- **LOCATION:**

  Lying east of SW 83 Avenue, approximately 378' south of SW 108 Street, Miami-County, Florida.

- **SIZE:** 2.25± acres.

B. ZONING HEARINGS HISTORY:

In 1959, pursuant to Resolution #4129, the subject property was a part of a larger parcel, which was granted approval of a district boundary change from EU-1 to EU-M by the Board of County Commissioners.

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

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for ***estate density residential****. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre. This density range is typically characterized by detached estates which utilize*

only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	EU-M; vacant	Residential, Estate Density, 1 to 2.5
Surrounding Properties:		
NORTH:	EU-M; single-family residence	Residential, Estate Density, 1 to 2.5
SOUTH:	EU-1; single family residence	Residential, Estate Density, 1 to 2.5
EAST:	EU-M; single-family residence	Residential, Estate Density, 1 to 2.5
WEST:	EU-M; single-family residence	Residential, Estate Density, 1 to 2.5

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

H. PLANNING AND ZONING ANALYSIS:

The subject property is located east of SW 83 Avenue, approximately 378' south of SW 108 Street. The applicant is seeking the subdivision of a 2.25-acre parcel of land into four (4) proposed parcels to be developed with four (4) proposed single-family residences to front on a private ingress and egress easement. This application will allow the applicant to provide additional housing for the community. Staff notes, that the Land Use Plan (LUP) of the

Comprehensive Development Master Plan (CDMP) designates this area for **Estate Density Residential** which permits a maximum development density of 2.5 units per gross acre, for the maximum development of 5 units on this 2.25± acre site. Therefore, staff opines that this request is **consistent** with the numerical density threshold of the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and **compatible** with the surrounding estate residential area.

Staff notes that the applicant has been granted the approval to develop the subject property with four (4) single family residential parcels fronting on a public right-of-way under Tentative Plat #22632 which indicates a 50' public right-of-way with a 100' cul-de-sac which provides access to said four proposed lots . However, the applicant has opted to apply for a public hearing in order to provide access to said four (4) residential lots by means of a 20' ingress and egress easement in lieu of the approved public right-of-way.

Staff has reviewed the survey submitted by the applicant and concurs that in order to make the necessary improvements for the public right-of-way as approved in Tentative Plat #22632, several mature trees would have to be removed from the public right-of-way and that the removal of said mature trees will result in a negative visual impact to the surrounding area. In addition, staff is of the opinion that the proposed 20' wide ingress and egress easement will serve the proposed single-family residential development in a similar manner as a public right-of-way since the proposed public right-of-way would be limited to serve only these four (4) proposed single-family residences. **As such, staff recommends approval with conditions of this application**

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Tree and Boundary Survey for Waiver of Plat," as prepared by J. Bonfill & Associates, Inc. consisting of 2 sheets dated stamped received 05/19/10.

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

DATE INSPECTED:
DATE TYPED: 03/29/11
DATE REVISED: 05/12/11
DATE FINALIZED: 05/12/11
MLF; GMR:NN:CH;TA

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

NAN

Memorandum

MIAMI-DADE COUNTY

Date: February 15, 2011

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

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

Subject: C-12 #Z2009000177-2nd Revision
Saladrigas Family Limited Partnership
East of S.W. 83rd Avenue and South of S.W. 108th Street
Request to Permit 4 Lots with 0' Frontage and to Permit Access by Means of a Private Easement
(EU-M) (2.25 Acres)
10-55-40

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.

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 has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 11C of Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

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

Wetlands
The subject 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 subject property is not a designated Natural Forest Community by Miami-Dade County.

Tree Preservation
According to the previous plans and survey submitted with this zoning application, the property contains specimen-sized trees (trunk diameter 18 inches or greater), which were shown to be impacted specifically trees #6, #59 and #60 were shown to be relocated. Section 24-49 of the Code of Miami Dade County requires the preservation of tree resources.

However,the applicant has submitted to the Tree Program of DERM a letter dated 02/09/2011 that states that all trees on the site will be preserved, also a properly executed covenant running with the land in favor of Miami Dade County exist for this property and was recorded on 1/25/2011. The covenant shall provide for the preservation of the specimen-sized tree (# 6) as shown on a site plan of record entitled "Tree and Boundary Survey for Waiver of plat of 8260 SW 108 Street", prepared by J Bonfill and Associates Inc, and dated 9/20/2010. An inspection performed by DERM staff and the site plan submitted with this covenant confirm that trees #59 and #60 shown to be relocated are actually non specimen trees. Therefore, this Section has no objection to the approval of this zoning application.

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 Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

PH# Z2009000177
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: SALADRIGAS FAMILY LIMITED PARTNERSHIP

This Department has no objections to this application.

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

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

Raul A Pino, P.L.S.
24-FEB-10

REVISION 1

Memorandum

Date: 07-JUN-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2009000177

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated January 25, 2010.
APPROVAL:
No objection via Case # Z2009000177.

Service Impact/Demand

Development for the above Z2009000177
located at LYING EAST OF S.W. 83 AVENUE, APPRX. 378' SOUTH OF S.W. 108 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1895 is proposed as the following:

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

Based on this development information, estimated service impact is: 1.10 alarms-annually.
The estimated average travel time is: 5:23 minutes

Existing services

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

Station 23 - Suniland - 7825 SW 104 Street
Rescue, BLS 75' Ladder

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 survey date stamped May 19, 2010.

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

10

DATE: 11-JAN-10

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

SALADRIGAS FAMILY LIMITED PARTNERSHIP

APPLICANT

LYING EAST OF S.W. 83 AVENUE, APPRX. 378' SOUTH OF S.W. 108 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000177

HEARING NUMBER

HISTORY:

Current case history;
Case 20100200201 was opened based on enforcement history request and inspected on 1-7-10.
No violations were observed and the case was closed.

Previous case history;
No previous cases.

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

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Saladrigas Family Limited Partnership

NAME AND ADDRESS	Percentage of Ownership
See Exhibit A	

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable) _____ Percentage of Interest

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Date of contract: _____

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

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: By Carlos A Salachiyn
(Applicant)

Sworn to and subscribed before me this 15th day of December, 2009. Affiant is personally known to me or has produced _____ as identification.

DMartinez
(Notary Public)

My commission expires June 23, 2012

DORAMIR V. MARTINEZ
MY COMMISSION # DD800013
EXPIRES June 23, 2012
(407) 398-0153 FloridaNotaryService.com

*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.

EXHIBIT A
TO DISCLOSURE OF INTEREST FORM
FOR
SALADRIGAS FAMILY LIMITED PARTNERSHIP
A FLORIDA LIMITED LIABILITY PARTNERSHIP

GENERAL PARTNER:

Saladrigas Heritage Investments, LLC, a Florida limited liability company		1%
• Carlos Saladrigas, Manager	50%	
• Olga M. Saladrigas	50%	

LIMITED PARTNERS:

Carlos A. Saladrigas, Jr.		20%
Luis Ramon Saladrigas		20%
Elisa M. Saladrigas		20%
Jorge A. Saladrigas		20%
Saladrigas Children's Irrevocable Trust		19%
• Jose M. Sanchez, Trustee		
• Carlos Adam Saladrigas	50%	
• Javier Alejandro Saladrigas	50%	

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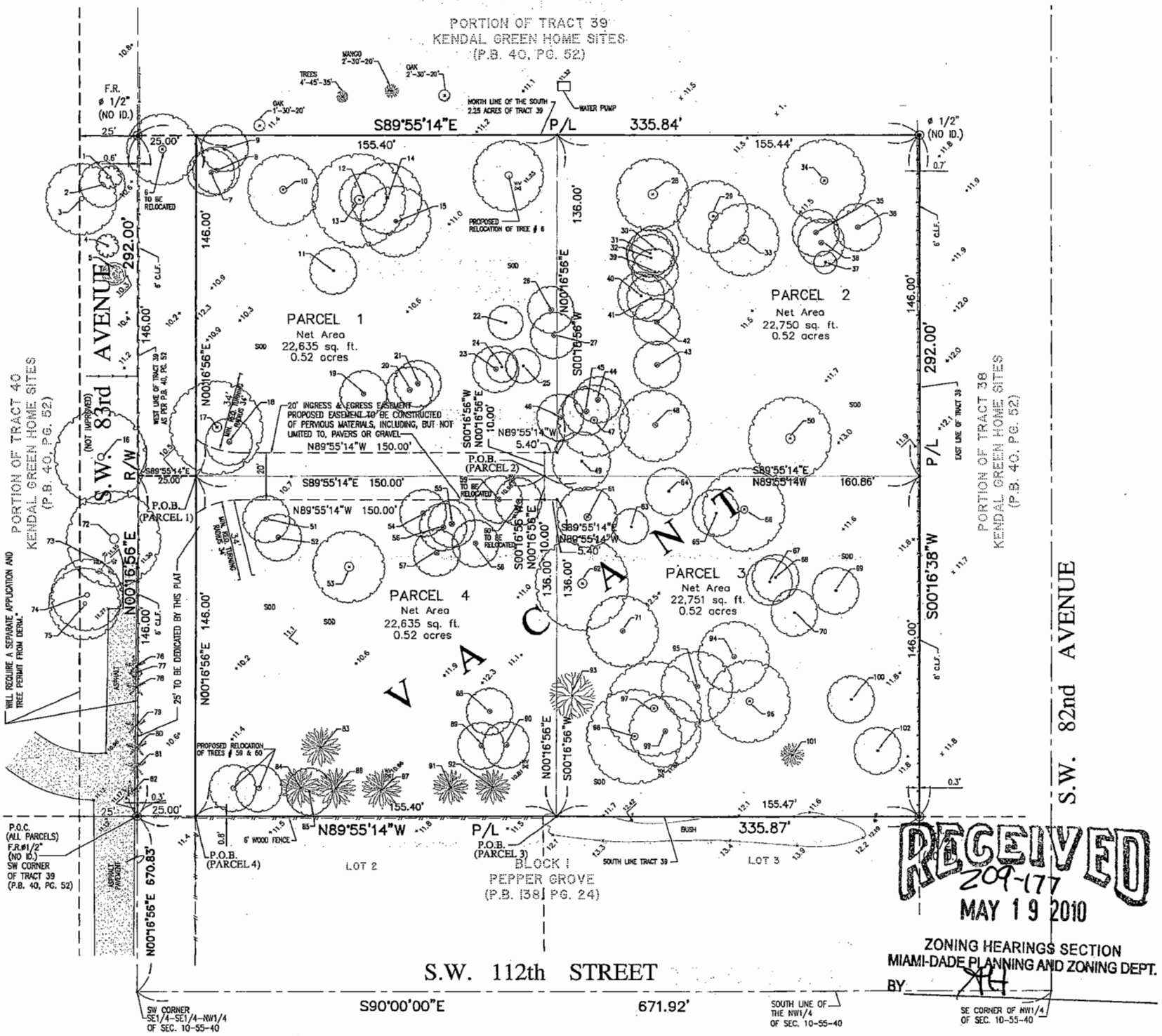
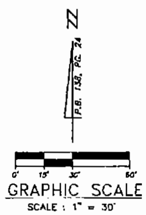
BY



ENLARGED SITE PLAN

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z09-177
DATE: MAY 19 2010
BY:

TREE AND BOUNDARY SURVEY
for
Waiver of Plat
of
8260 S.W. 108th Street, Miami, Florida.
Section 10, Township 55 South, Range 40 East,
Miami-Dade County, Florida.
for
Saladrigas Family Limited Partnership and/or assigns.



TREE LEGEND

SYMBOL COMMON NAME — Tree (Species unknown); Mango Tree; Oak Tree; Palmetto
SYMBOL COMMON NAME — Palm Tree; Royal Poinciana; Alexander Palm Tree

* TREE TYPES ARE DETERMINED TO THE BEST OF OUR ABILITY AND SHOULD BE CONFIRMED BY BOTANIST OR A TRAINED SPECIALIST

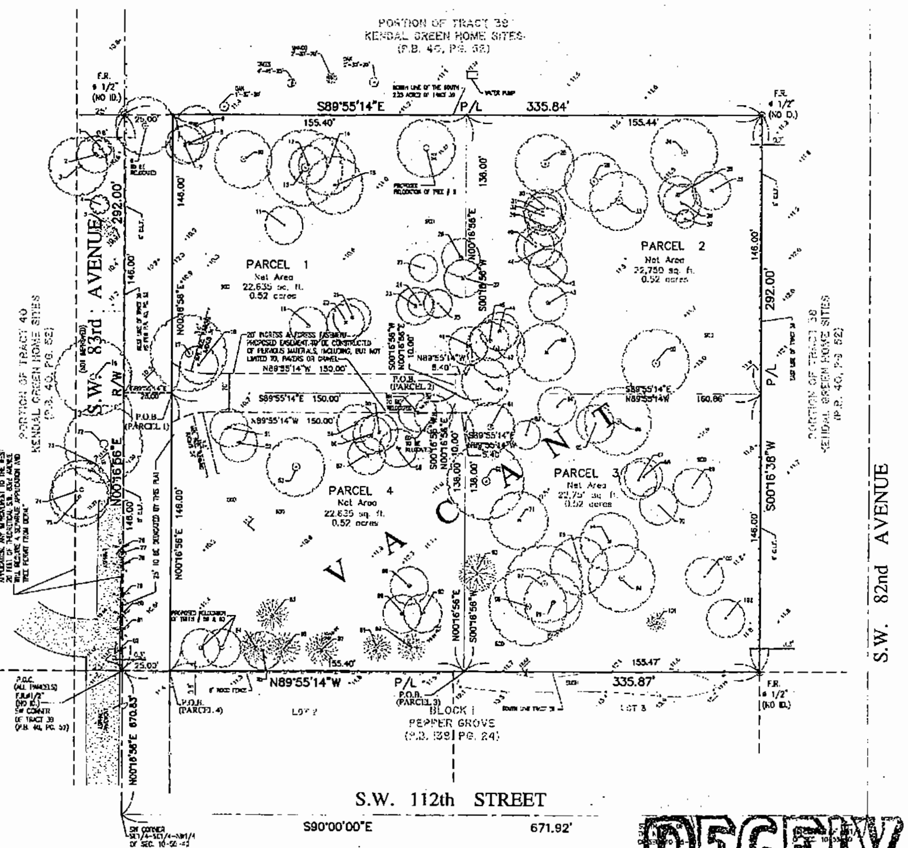
1.5'-15'-10' Diameter-Height-Spread (Diameter measured at breast height)

ABBREVIATIONS

A Arc Length
A/C Air Conditioner Pad
ASPH. Asphalt
B.M. Benchmark
C.B.S. Concrete Block Structure
C.G. Curb & Gutter
C/L Center Line
CONC. Concrete
C.S. Concrete Slab
DWY. Driveway
E.T.P. Electric Transformer Pad
F.F.E. Finished Floor Elevation
F.I.P. Found Iron Pipe
F.N.D. Found Nail & Disc
F.R. Found Rebar
I.D. Identification
INV. Inverts
L.F.E. Lowest Floor Elevation
M/L Monument Line
P.B. Plat Book
P.C.P. Permanent Control Point
PG. Page
PL. Planter
P/L Property Line
P.R.M. Permanent Reference Monument
R/W Right-of-Way Line
SW. Sidewalk
T.B.M. Temporary Benchmark
V.G. Valley Gutter

LEGEND

Concrete Light Pole
Metal Light Pole
Guy Wire
Utility Power Pole
Fire Hydrant
Water Meter
Electric Box
Telephone Box
Sewer Manhole
Overhead Utility Lines
Light Pole
Gas Valve
Water Valve
Water Manhole
Telephone Manhole
Monitoring Well
Parking Meter
Chain Link Fence
Unknown Manhole
Sewer Valve
Mail Box
Spot Elevation
Temporary Benchmark
1.5'-15'-10' Diameter-Height-Spread
Right-of-Way Lines
Property Corner
Traffic Sign
Catch Basin
Drainage Manhole
Wood Fence
Iron Fence
C.B.S. Wall
Clean Out
Guard Pole



No.	Common Name	Scientific Name	Diameter	Height	Spread
1	Alexander Palm (to remain)	Ptychosperma Elegans	0.5'	30'	10'
2	Oak Tree (to remain)	Quercus Virginiana	1.5'	25'	20'
3	Oak Tree (to remain)	Quercus Virginiana	2'	50'	30'
4	Alexander Palm (to remain)	Ptychosperma Elegans	1.5'	30'	10'
5	Royal Poinciana (to remain)	Delonix Regia	0.5'	25'	10'
6	Oak Tree (to be relocated)	Quercus Virginiana	3'	40'	30'
7	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
8	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
9	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
10	Oak Tree (to remain)	Quercus Virginiana	3'	40'	30'
11	Oak Tree (to remain)	Quercus Virginiana	1'	20'	20'
12	Oak Tree (to remain)	Quercus Virginiana	1'	20'	20'
13	Oak Tree (to remain)	Quercus Virginiana	4'	40'	40'
14	Oak Tree (to remain)	Quercus Virginiana	1.5'	35'	30'
15	Oak Tree (to remain)	Quercus Virginiana	1.5'	35'	30'
16	Oak Tree (to remain)	Quercus Virginiana	3'	50'	40'
17	Oak Tree (to remain)	Quercus Virginiana	4'	45'	40'
18	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
19	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
20	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
21	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
22	Oak Tree (to remain)	Quercus Virginiana	1'	25'	15'
23	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
24	Oak Tree (to remain)	Quercus Virginiana	0.8'	18'	13'
25	Oak Tree (to remain)	Quercus Virginiana	1'	25'	15'
26	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
27	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
28	Oak Tree (to remain)	Quercus Virginiana	4'	40'	30'
29	Oak Tree (to remain)	Quercus Virginiana	4'	40'	30'
30	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
31	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
32	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
33	Oak Tree (to remain)	Quercus Virginiana	4'	40'	30'
34	Oak Tree (to remain)	Quercus Virginiana	3'	35'	35'
35	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
36	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
37	Oak Tree (to remain)	Quercus Virginiana	1'	18'	10'
38	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
39	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
40	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
41	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
42	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
43	Oak Tree (to remain)	Quercus Virginiana	2'	30'	20'
44	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
45	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
46	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
47	Oak Tree (to remain)	Quercus Virginiana	3'	40'	30'
48	Oak Tree (to remain)	Quercus Virginiana	2'	40'	30'
49	Oak Tree (to remain)	Quercus Virginiana	1'	30'	25'
50	Oak Tree (to remain)	Quercus Virginiana	4'	45'	35'
51	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'

No.	Common Name	Scientific Name	Diameter	Height	Spread
52	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
53	Oak Tree (to remain)	Quercus Virginiana	4'	40'	30'
54	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
55	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
56	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
57	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
58	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
59	Oak Tree (to be relocated)	Quercus Virginiana	2'	35'	20'
60	Oak Tree (to be relocated)	Quercus Virginiana	2'	35'	20'
61	Oak Tree (to remain)	Quercus Virginiana	3'	35'	25'
62	Oak Tree (to remain)	Quercus Virginiana	4'	45'	40'
63	Oak Tree (to remain)	Quercus Virginiana	1'	25'	15'
64	Oak Tree (to remain)	Quercus Virginiana	1'	30'	20'
65	Oak Tree (to remain)	Quercus Virginiana	1'	30'	20'
66	Oak Tree (to remain)	Quercus Virginiana	3'	40'	35'
67	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
68	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
69	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
70	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
71	Oak Tree (to remain)	Quercus Virginiana	2'	35'	30'
72	Oak Tree (to remain)	Quercus Virginiana	4'	40'	40'
73	Palmetto (to remain)	Quercus Virginiana	1'	15'	10'
74	Oak Tree (to remain)	Quercus Virginiana	2'	50'	30'
75	Oak Tree (to remain)	Quercus Virginiana	1.5'	50'	30'
76	Palm (to remain)	Quercus Virginiana	0.7'	10'	5'
77	Unknown Tree (to remain)	Quercus Virginiana	0.7'	10'	5'
78	Palm (to remain)	Quercus Virginiana	0.7'	10'	5'
79	Palm (to remain)	Quercus Virginiana	1'	20'	9'
80	Palm (to remain)	Quercus Virginiana	0.5'	10'	5'
81	Palm (to remain)	Quercus Virginiana	0.5'	10'	5'
82	Palm (to remain)	Quercus Virginiana	0.5'	10'	5'
83	Mango Tree (to remain)	Mangifera Indica	0.8'	25'	17'
84	Mango Tree (to remain)	Mangifera Indica	0.8'	25'	17'
85	Oak Tree (to remain)	Quercus Virginiana	1'	30'	20'
86	Mango Tree (to remain)	Mangifera Indica	0.8'	25'	17'
87	Mango Tree (to remain)	Mangifera Indica	0.8'	25'	17'
88	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
89	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
90	Oak Tree (to remain)	Quercus Virginiana	2'	35'	20'
91	Mango Tree (to remain)	Mangifera Indica	1'	25'	15'
92	Mango Tree (to remain)	Mangifera Indica	1'	25'	15'
93	Unknown Tree (to remain)	Quercus Virginiana	3'	40'	20'
94	Oak Tree (to remain)	Quercus Virginiana	2'	35'	30'
95	Oak Tree (to remain)	Quercus Virginiana	2'	35'	30'
96	Oak Tree (to remain)	Quercus Virginiana	3'	40'	35'
97	Oak Tree (to remain)	Quercus Virginiana	3'	45'	40'
98	Oak Tree (to remain)	Quercus Virginiana	3'	45'	40'
99	Oak Tree (to remain)	Quercus Virginiana	2'	40'	30'
100	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'
101	Mango Tree (to remain)	Mangifera Indica	0.8'	20'	10'
102	Oak Tree (to remain)	Quercus Virginiana	1'	25'	20'

Z09-177

J. Bonfill & Associates, Inc.
ARCHITECTS, LAND SURVEYORS & MAPPERS
Florida Certificate of Authorization LB3398
9360 S.W. 72nd Street Suite 265
Miami, Florida 33173 (305) 598-8383

TREE AND BOUNDARY SURVEY for Waiver of Plat
of
8260 S.W. 108th Street, Miami, Florida.
Section 10, Township 55 South, Range 40 East,
Miami-Dade County, Florida.
for
Saladrigas Family Limited Partnership and/or assigns.

REVISIONS	BY
REVISION 1 (PRIVATE ROAD) 06-21-2007	J.S.
REVISION 2 (NEW DIVISION) 02-19-2008	E.F.
REVISION 3	J.S.
REVISION 4 (FIELD WORK UPDATE)	J.S.
REVISION 5	E.F.

Proj: 06-0478
Job: 08-0161
Date: 12-18-2009
Drawn: G.P., L.E., G.M.
Checked: J.J.B.
Scale: AS SHOWN
Field Book: FILE
SHEET 2 OF 2

RECEIVED
Z09-177
MAY 19 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

16

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 209-177
DATE: MAY 19 2010
BY: SD

SURVEYOR'S NOTES:

1. MAP OF TREE SURVEY:

Last day of field work was performed on December 18, 2009.

2. LEGAL DESCRIPTION:

LEGAL DESCRIPTION OF PARENT TRACT:

The South 2.25 Acres of Lot 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida. Less the West 25 feet for road purposes.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

A portion of Tract 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:
Begin at the Southwest Corner of Tract 39 of KENDAL GREEN HOME SITES, recorded in Plat Book 40, at Page 52; thence N00°16'56"E, along the West line of said Tract 39, a distance of 292.00 feet to a point. thence S89°55'14"E, along a line parallel with the South line of said Tract 39, a distance of 335.84 feet to a point on the East line of said Tract 39; thence S00°16'56"W, along the aforesaid East line, a distance of 292.00 feet to the Southeast corner of said Tract 39, thence N59°55'14"W, along the South line of said Tract 39, a distance of 330.87 feet to the Point of Beginning.
Less and Except the West 25 feet for road purposes.

Folio: 30-5010-007-0080

LEGAL DESCRIPTION OF PARCEL 1:

A portion of Tract 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida. Less the West 25 feet for road purposes, more particularly described as follows:

Commence at the Southwest Corner of Tract 39 of KENDAL GREEN HOME SITES, recorded in Plat Book 40, at Page 52; thence N00°16'56"E, along the West line of said Tract 39, a distance of 146.00 feet; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, also being the North line of Block 1 of PEPPER GROVE, recorded in Plat Book 138, Page 24, a distance of 25.00 feet to the Point of Beginning; thence N00°16'56"E, along a line 25 feet of and parallel with the West line of said Tract 39, a distance of 146.00 feet to a point; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, a distance of 155.40 feet; thence S00°16'56"W, along a line parallel with the West line of said Tract 39, a distance of 136.00 feet; thence N89°55'14"W, a distance of 5.40 feet; thence S00°16'56"W, a distance of 10.00 feet; thence N89°55'14"W, a distance of 150.00 feet to the Point of Beginning.

LEGAL DESCRIPTION OF PARCEL 2:

A portion of Tract 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida. Less the West 25 feet for road purposes, more particularly described as follows:

Commence at the Southwest Corner of Tract 39 of KENDAL GREEN HOME SITES, recorded in Plat Book 40, at Page 52; thence N00°16'56"E, along the West line of said Tract 39, a distance of 146.00 feet; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, also being the North line of Block 1 of PEPPER GROVE, recorded in Plat Book 138, Page 24, a distance of 176.00 feet to the Point of Beginning; thence N00°16'56"E, a distance of 10.00 feet; thence S89°55'14"E, a distance 5.40 feet; thence N00°16'56"E, along the West line of said Tract 39, a distance of 136.00 feet to a point; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, a distance of 155.44 feet to a point on the East line of said Tract 39; thence S00°16'56"W, along the aforesaid East line, a distance of 146.00 feet; thence N89°55'14"W, along a line parallel with the South line of Tract 39, a distance of 160.86 feet to the Point of Beginning.

LEGAL DESCRIPTION OF PARCEL 3:

A portion of Tract 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida. Less the West 25 feet for road purposes, more particularly described as follows:

Commence at the Southwest Corner of Tract 39 of KENDAL GREEN HOME SITES, recorded in Plat Book 40, at Page 52; thence S89°55'14"E, along the South line of said Tract 39, also being the North line of Block 1 of PEPPER GROVE, recorded in Plat Book 138, Page 24, a distance of 180.40 feet to the Point of Beginning; thence N00°16'56"E, along a line parallel with the West line of said Tract 39, a distance of 136.00 feet; thence N89°55'14"W, a distance of 5.40 feet; thence N00°16'56"E, a distance of 10.00 feet; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, a distance of 160.86 feet to a point on the East line of said Tract 39; thence S00°16'38"W, along the aforesaid East line, a distance of 146.00 feet to a point on the South line of said Tract 39; thence N89°55'14"W, along the aforesaid line, a distance of 155.47 feet to the Point of Beginning.

LEGAL DESCRIPTION OF PARCEL 4:

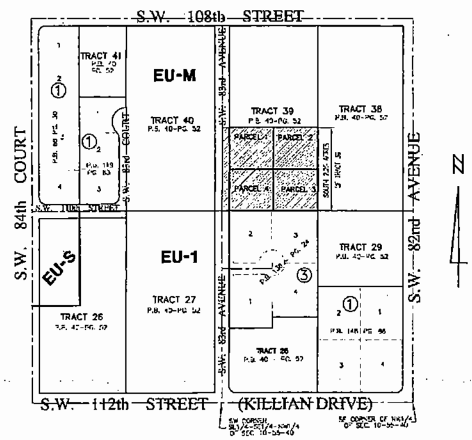
A portion of Tract 39, of KENDAL GREEN HOME SITES, according to the Plat thereof, as recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida. Less the West 25 feet for road purposes, more particularly described as follows:

Commence at the Southwest Corner of Tract 39 of KENDAL GREEN HOME SITES, recorded in Plat Book 40, at Page 52; thence S89°55'14"E, along the South line of said Tract 39, also being the North line of Block 1 of PEPPER GROVE, recorded in Plat Book 138, Page 24, a distance of 25.00 feet to the Point of Beginning; thence N00°16'56"E, along a line 25 feet of and parallel with the West line of said Tract 39, a distance of 146.00 feet; thence S89°55'14"E, along a line parallel with the South line of said Tract 39, a distance of 150.00 feet; thence S00°16'50"W, a distance of 10.00 feet; thence S89°55'14"E, a distance of 5.40 feet; thence S00°16'56"W, along a line parallel with the West line of said Tract 39, a distance of 136.00 feet to a point on the South line of said Tract 39; thence N89°55'14"W, along the aforesaid line, a distance of 155.40 feet to the Point of Beginning.

3. ACCURACY:

The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement.

TREE AND BOUNDARY SURVEY
for
Waiver of Plat
of
8260 S.W. 108th Street, Miami, Florida.
Section 10, Township 55 South, Range 40 East,
Miami-Dade County, Florida.
for
Saladrigas Family Limited Partnership and/or assigns.



A PORTION OF THE SE 1/4 OF NW 1/4 OF SECTION 10, TOWNSHIP 55 SOUTH, RANGE 40 EAST

LOCATION SKETCH
SCALE: 1"=200'

RECEIVED
209-177
MAY 19 2010
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY ____

4. SOURCES OF DATA:

As to Vertical Control:
By scaled determination the subject property lies in Flood Zone X, as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120635, Map No. 260, Suffix J, Revised Date: 07-17-1995.

An accurate Zone determination should be made by the preparer of the map, the Federal Emergency Management Agency, or the Local Government Agency having jurisdiction over such matters prior to any judgments being made from the Zone as noted. The referenced Federal Emergency Management Agency Map states in the notes to the user that "this map is for insurance purposes only".

The vertical control element of this survey was derived from the National Geodetic Vertical Datum, (N.G.V.D., 1929).

Benchmarks used:
P-4047 Elev.=9.62' (N.G.V.D.)
Location:
S.W. 104th Street - 30' South of C/L
S.W. 82nd Avenue - 45' East of C/L
PK Nail and Brass Washer in concrete sidewalk.

P-4048 Elev.=9.45' (N.G.V.D.)
Location:
S.W. 104th Street - 36' South of C/L
S.W. 87th Avenue - 42' West of C/L
PK Nail and Brass Washer in concrete sidewalk.

As to Horizontal Control:

North Arrow and Bearings refer to an assumed value of N59°55'14"W along the South line of the Subject Property, recorded on Plat Book 138, Page 24, of the Public Records of Miami-Dade County, Florida: This line is considered an established and well-monumented line.

- Plat of "KENDAL GREEN HOME SITES", recorded in Plat Book 40, at Page 52, of the Public Records of Miami-Dade County, Florida.
- Section 10, Township 55 South, Range 40 East, of the Public Records of Miami-Dade County, Florida.
- Plat of "PEPPER GROVE", recorded in Plat Book 138, at Page 24, of the Public Records of Miami-Dade County, Florida.
- Plat of "BIBIANA ESTATES SUBDIVISION", recorded in Plat Book 162, at Page 20, of the Public Records of Miami-Dade County.

5. LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map or contained within this Report that may be found in the Public Records of Miami-Dade County, or the records of any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear of public record. No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were Located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

This notice is required by the "Minimum Technical Standards for Land Surveying in the State of Florida," pursuant to Rule 5J-17 of the Florida Administrative Code.

6. CLIENT INFORMATION:

This Waiver of Plat and the Survey Map resulting therefrom was prepared at the insistence of and certified to:

Saladrigas Family Limited Partnership and/or assigns.

7. DEVELOPMENT CRITERIA:
a) Present Zoning: EU-M Single-Family Estate Modified District.

b) Proposed Use: For Single Family Residence.

c) Public Water: to be utilized.

d) Sanitary Sewer: Septic Tank.

e) Number of Lots: Four (4) Lots.

f) Development Criteria:

PARENT TRACT Area: 88,070 sq. ft. or 2.25 acres more or less.
PARCEL 1 Area: 22,635 sq. ft. or 0.52 acres more or less.
PARCEL 2 Area: 22,750 sq. ft. or 0.52 acres more or less.
PARCEL 3 Area: 22,751 sq. ft. or 0.52 acres more or less.
PARCEL 4 Area: 22,635 sq. ft. or 0.52 acres more or less.

g) Ownership subject to OPINION OF TITLE.

h) Miami-Dade County Flood Criteria Elevation 8 feet as per "Amended Plat of Flood Criteria Map". Plat Book 120, at Page 13, recorded in Miami-Dade County, Florida.

8. PURPOSE OF THIS TENTATIVE PLAT:
The expressed purpose of this Waiver of Plat is subdivide the subject property in four (4) Parcels of approximate equal size and dedicate 25 feet for road purposes.

9. CONTACT PERSON INFORMATION

Name: Carlos Saladrigas

Telephone number: (305) 598-5437

Fax Number: (305) 668-5410

e-mail address: carlos@saladrigasmiami.com

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Tree and Boundary Survey" and the Survey Map and Report resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Boundary Survey" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

J.Bonfill & Associates, Inc.
Florida Certificate of Authorization Number LB 3398

209-177

By: ____
Juan J. Bonfill
Professional Surveyor and Mapper Number LS 3179
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party.

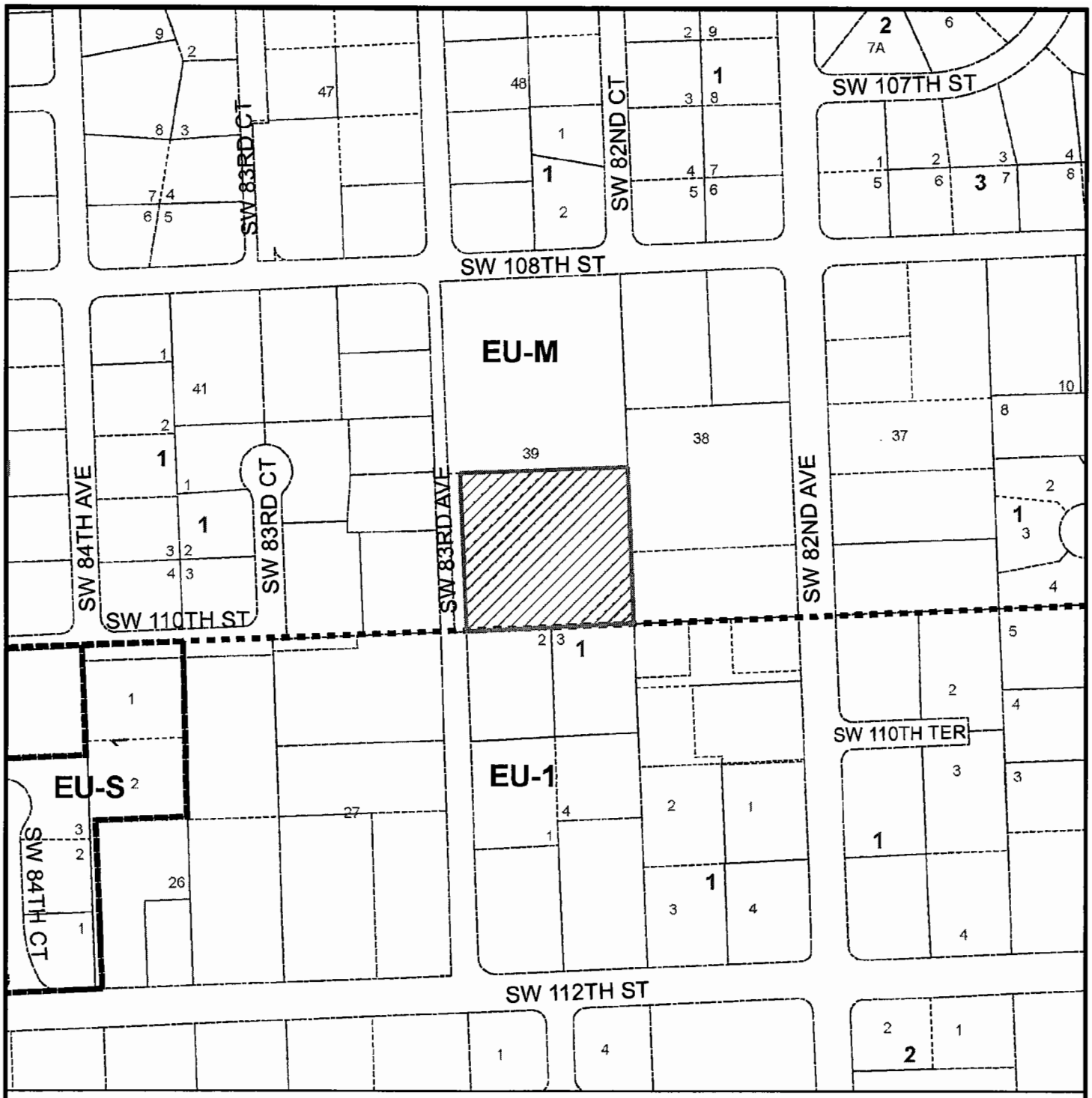
J. Bonfill & Associates, Inc.
ARCHITECTS, LAND SURVEYORS & MAPPERS
Florida Certificate of Authorization LB3398
9360 S.W. 72nd Street Suite 265
Miami, Florida 33173 (305) 598-8383

TREE AND BOUNDARY SURVEY for Waiver of Plat
of
8260 S.W. 108th Street, Miami, Florida.
Section 10, Township 55 South, Range 40 East,
Miami-Dade County, Florida.
for
Saladrigas Family Limited Partnership and/or assigns.

REVISIONS	BY
REVISION 1 (PRIVATE ROAD) 06-21-2007	J.S.
REVISION 2 (NEW DIVISION) 03-19-2008	E.F.
REVISION 3	J.S.
REVISION 4 (FIELD WORK UPDATE) 12-18-2009	J.S.
REVISION 5 (TREE INFO.)	

Proj:	06-0478
Job:	08-0161
Date:	12-18-2009
Drawn:	G.P., L.E., G.M.
Checked:	J.J.B.
Scale:	AS SHOWN
Field Book:	FILE
SHEET 1 OF 2	

17



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2009000177

Section: 10 Township: 55 Range: 40
Applicant: SALADRIGAS FAMILY LIMITED PARTNERSHIP
Zoning Board: C12
Commission District: 8
Drafter ID: KEELING STENNETT
Scale: NTS

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 31, 2011

REVISION	DATE	BY
Revised Legal Desc.	04/01/11	KWS

MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2009000177

N
W E
S

Section: 10 Township: 55 Range: 40
Applicant: SALADRIGAS FAMILY LIMITED PARTNERSHIP
Zoning Board: C12
Commission District: 8
Drafter ID: KEELING STENNETT
Scale: NTS

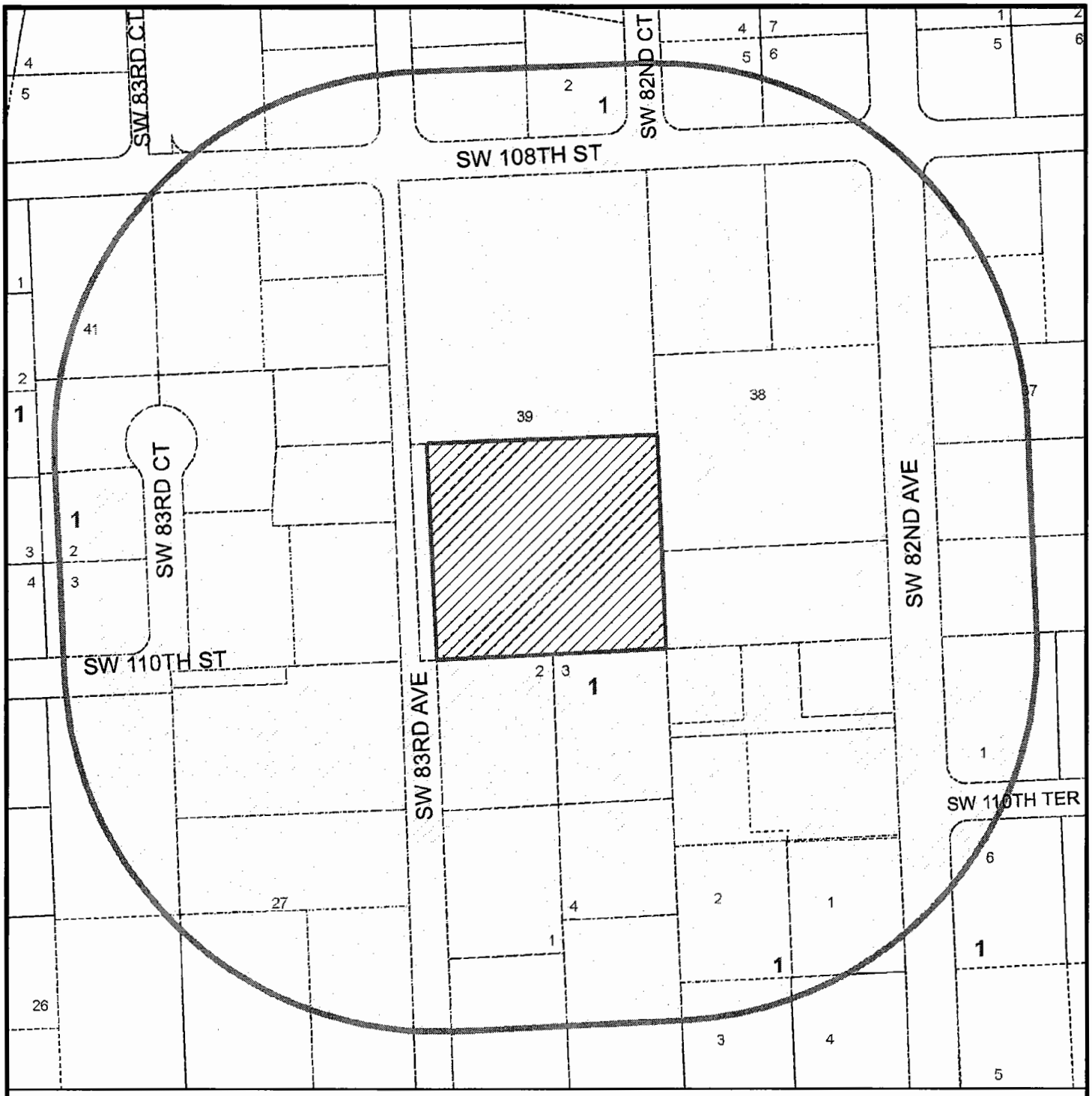
Legend
Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 31, 2011

REVISION	DATE	BY
Revised Legal Desc.	04/01/11	KWS

19



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2009000177

RADIUS: 500

Section: 10 Township: 55 Range: 40
Applicant: SALADRIGAS FAMILY LIMITED PARTNERSHIP
Zoning Board: C12
Commission District: 8
Drafter ID: KEELING STENNETT
Scale: NTS

N W E S

Legend

- Subject Property
- Buffer
- Property Boundaries

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, March 31, 2011

REVISION	DATE	BY
Revised Legal Desc.	04/01/11	KWS

2. TCPC ASSOCIATES, LLC
(Applicant)

11-5-CZ12-2 (11-031)
Area 12/District 12
Hearing Date: 05/25/11

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:

Year	Applicant	Request	Board	Decision
1984	Hooligan's Inc.	- Special Exception to permit a night club & to permit the proposed night club spaced less than required. - Unusual Use to permit outdoor seating in connection with the proposed night club. - Non-Use Variance to permit a proposed Tiki bar with no walls. - Use Variance & Special Exception to permit a proposed BBQ pit in the BU-2 zone.	ZAB	Approved w/conds
1984	Kathryn Mills	- Zone change from EU-M to BU-2 & RU-5A. - Special Exception for hotel & office commercial development. - Special Exception for 312 room hotel in BU-2. - Unusual Uses to permit lake reconfiguration, floating docks, entrance feature and restaurants with outdoor dining. - Non-Use Variance for landscaping buffer in lieu of wall. - Non-Use Variance requiring wall.	BCC	Approved in part w/conds
1984	Kathryn Mills & Dade County	- Development of regional impact approval: 331,420 sq ft convenience center uses, 317,000 sq ft office space and 270,600 sq ft specialty center uses, etc.	ZAB	Approved w/conds

1986	Kendall Town & Country Assoc.	- Modification of condition of resolution and covenant; reduce the number of rooms for a hotel.	BCC	Approved
1987	Kendall Town & Country Assoc.	- Modification of condition of Resolution and covenant. - Non-Use Variance of zoning regulations requiring accessory uses to be located behind the principal building.	BCC	Approved in part w/conds
1990	WRC Properties	- Modification of condition of resolution. - Unusual Use to permit outdoor patio and table service to permit outdoor entertainment for the retail specialty center and outdoor water-related uses (use of non-motorized boats) on the lake. - Non-Use Variance for signage regulation. - Special Exception to permit proposed alcoholic beverage uses within the retail specialty center spaced less than required.	ZAB	Approved w/conds
1992	Car Care Express	- Use Variance to permit a hand car wash under a canvas canopy in the RU-5A zone.	ZAB	Approved w/conds
1994	WRC Properties	- Special Exception to permit a night club. - Special Exception of spacing requirement as applied to alcoholic beverage uses to permit a proposed night club spaced less than required.	ZAB	Approved w/conds
2001	Gus Exposito	- Use Variance to permit car wash in RU-5A zone as would be permitted in the BU-1A zone.	C12	Approved w/conds
2006	WRC Properties, Inc	- To make a Substantial Deviation Determination to DRI. - Modification of condition of resolution and agreement. - Zone change from RU-5A to BU-2.	BCC	Approved w/conds

2008	WRC Properties, Inc	- Non-Use Variance for additional detached signs.	C12	Approved in part w/conds
2010	WRC Properties, Inc	- Non-Use Variance for additional signs.	C12	Approved in part w/conds

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

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

APPLICANTS: TCPC Associates, LLC **PH:** Z11-031 (11-5-CZ12-2)

SECTION: 36-54-39 **DATE:** May 25, 2011

COMMISSION DISTRICT: 12 **ITEM NO.:** 2

==========

A. INTRODUCTION

o SUMMARY OF REQUEST:

In order to permit a commuter college on the subject site, the applicant seeks to modify a paragraph along with Exhibit B of a previously recorded Declaration of Restrictions for a commercial development that limits the site to specific uses.

o REQUEST:

MODIFICATION of Paragraph #2 and Exhibit "B" of a Declaration of Restrictions recorded in Official Records Book 25086, Pages 677-686 as last modified by a Declaration of Restrictions recorded in Official Record Book 26527, pages 4880 - 4889, reading as follows:

FROM: "2. Use Restriction: Notwithstanding the approval of the application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant, a copy of which uses are set forth in Exhibit "B"; provided that nothing therein shall prevent the use of the Property for a medical office building or medical diagnostic center."

TO: "2. Use Restriction: Notwithstanding the approval of the application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to: i) those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant; and ii) commuter colleges as defined in Section 33-1(30.2) of the Miami-Dade County Code. The permitted uses of the property are set forth in Exhibit "B". It is further provided that nothing herein shall prevent the use of the Property for a medical office building or medical diagnostic center:

FROM: EXHIBIT "B" USES OF SUBJECT PROPERTY:

(1) Abstract tile
(2) Accountants--bookkeeping
(3) Actuaries
(4) Advertising (no shops)
(5) Adjusters (insurance)
(6) Aerial survey and photography

(7) Appraisers--no sale or rental of any type of merchandise or equipment
(8) Architects
(8.1) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

(a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area. Related art exhibition space shall be ancillary to the principal uses.
(b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.
(c) That all art exhibitions shall be conducted within the principal structure.
(d) That there shall be a maximum of six art shows per year.
(e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.
(f) That the sale of art shall be prohibited.

(9) Attorneys
(10) Auditors
(10A) Banks, excluding drive-thru banking facilities
(11) Banks, including drive-thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more
(12) Business analysts--counselors or brokers
(13) Building contractors, office only (no shop or storage)
(14) Chiropodists
(15) Chiropractors
(16) Consulates
(17) Counseling, child guidance and family service
(18) Court reporter, public stenographer
(19) Credit reporting
(19A) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
(20) Dentist
(21) Detective agencies and investigating service
(22) Drafting and plan service
(23) Engineers, professional
(24) Insurance and bonds
(25) Manufacturers agents
(26) Market research
(27) Medical doctors
(27A) Medical Allied Training Facility that on a site of two net acres or more.

a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;
b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;
c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;
d) That the number of students be limited to no greater than 100 students per session;
e) That a maximum of 2 sessions be conducted daily.

(28) Model agencies (no school)
(29) Mortgage broker
(30) Notary public
(31) Optician
(32) Optometrist
(33) Public libraries
(34) Public relations
(35) Real estate
(36) Real estate management
(37) Secretarial service
(38) Shoppers information service
(39) Social service bureau
(40) Stock brokers exchange--investment service
(41) Tax consultants
(42) Telephone answering service
(43) Theater ticket agencies
(44) Travel agencies
(45) Zoning consultants
(46) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section."

TO: "EXHIBIT "B" USES OF SUBJECT PROPERTY:

(1) Abstract tile
(2) Accountants--bookkeeping
(3) Actuaries
(4) Advertising (no shops)
(5) Adjusters (insurance)
(6) Aerial survey and photography
(7) Appraisers--no sale or rental of any type of merchandise or equipment
(8) Architects
(9) Arts foundations as defined in Section 33-1(9.1), subject to the following conditions:

a) That the main offices of the foundation, related lecture and seminar rooms, together with the art exhibition space, shall be the principal uses located on the premises, occupying in excess of 50% of the gross floor area. Related art exhibition space shall be ancillary to the principal uses.
b) That the art display areas shall be for the exhibition of artwork created by artists who are sponsored by the foundation, and all artwork displayed shall be of the visual arts only.
c) That all art exhibitions shall be conducted within the principal structure.
d) That there shall be a maximum of six art shows per year.
e) That off-street parking requirements for the art display area shall be calculated at one parking space for every 250 square feet, or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code.
f) That the sale of art shall be prohibited.

(10) Attorneys
(11) Auditors
(12) Banks, excluding drive-thru banking facilities
(13) Banks, including drive-thru banking facilities, upon approval after public hearing on office complex sites of three (3) acres or more
(14) Business analysts--counselors or brokers
(15) Building contractors, office only (no shop or storage)
(16) Chiropodists
(17) Chiropractors
(18) Commuter Colleges
(19) Consulates
(20) Counseling, child guidance and family service
(21) Court reporter, public stenographer
(22) Credit reporting
(23) Day nursery, kindergarten and afterschool care licensed by the State of Florida Department of Health and Rehabilitative Services and established in accordance with the requirements of Article XA.
(24) Dentist
(25) Detective agencies and investigating service
(26) Drafting and plan service
(27) Engineers, professional
(28) Insurance and bonds
(29) Manufacturers agents
(30) Market research
(31) Medical doctors
(32) Medical Allied Training Facility that on a site of two net acres or more.

a) That such uses shall be located on sites having frontage on a major access road, including major roadways (three or more lanes) and frontage roadways serving limited access highways and expressways;

b) That no ingress/egress driveways be located other than from the major access road as indicated in (a) above;
c) That the hours of operation be limited to 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 4:00 p.m. on Saturdays;
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(40) Real estate
(41) Real estate management
(42) Secretarial service
(43) Shoppers information service
(44) Social service bureau
(45) Stock brokers exchange--investment service
(46) Tax consultants
(47) Telephone answering service
(48) Theater ticket agencies
(49) Travel agencies
(50) Zoning consultants
(51) Any use which is found by the Director to be a use similar to one (1) of the above numbered uses and, in his opinion, conforms to the intent of this section."

The purpose of the above request is to add "Commuter College" as an additional use to the previous list of approved uses for a portion of the subject site.

- **LOCATION:**

  11731 Mills Drive, Miami-Dade County, Florida.

- **SIZE:** 8.2 Acres

B. ZONING HEARINGS HISTORY:

In 1984, pursuant to Resolution #Z-70-84, the Board of County Commissioners (BCC) approved with conditions a Development of Regional Impact (DRI) consisting of office space, specialty center uses, retail uses, a movie theatre, a hotel and the reconfiguration of an existing 8-acre lake. There were several subsequent hearings on the subject property which modified the plans and conditions of the Development Order of the DRI. In 2001, pursuant to Resolution #CZAB12-34-01, the Community Zoning Appeals Board #12 (CZAB #12) approved a request to permit a hand car wash. In 2006, the BCC approved a substantial deviation determination pursuant to a certain modification to the approved Development Order (D.O.) in order to amend

the requirement to preserve the 40' buffer of existing pines and associated under story along 535' of the easterly northern boundary of the subject property and provide a 25' buffer in lieu. A modification request of a proffered covenant was also approved in order to submit revised plans indicating two new office buildings, a 4-level parking garage, and new surface parking along the north property line for Phase I and an additional 3-level parking garage for Phase II of the development. An additional request was approved for a district boundary change from RU-5A, Semi-Professional Office District, to BU-2, Special Business District, pursuant to Resolution #Z-34-06.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property, which approximately **4.7 miles east of and inside the Urban Development Boundary (UDB)** as being within the Urban Development Boundary for **Business and Office**. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.*

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

Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; ***Metropolitan Centers*** *such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers,*

as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, be developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Uses and Activities

Regional and ***Metropolitan Centers*** *shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses are encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in*

design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

2. **Uses and Zoning Not Specifically Depicted.**

Some existing uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". The limitations referenced in this paragraph pertain to existing zoning districts and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-2; office buildings	Business and Office
Surrounding Properties	
NORTH: RU-5A; office building	Office/Residential
RU-1M(b) & RU-3M: single-family, Residences & town houses	Low-Medium Density Residential, 6 to 13 dua
SOUTH: BU-2; shopping center RU-5A: offices	Business and Office
EAST: RU-1; single-family residences	Low-Medium Density Residential, 6 to 13 dua
WEST: BU-2; shopping center	Business and Office

E. PERTINENT ZONING 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; 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

G. PLANNING AND ZONING ANALYSIS:

Approval of this application would allow the applicant to modify a covenant only as it applies to the subject property for a previously approved development that limited the site to specific uses in order to permit a commuter college. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. *This category accommodates a full range of sales and services activities, including retail, wholesale, personal and professional services, commercial and professional offices, hotels and motels, hospitals, medical buildings, entertainment and cultural facilities and commercial recreational establishments.* Further, the subject property is located with a **Metropolitan Urban Center** on the LUP map of the CDMP, which shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors. The subject site's existing BU-2, Special Business District zoning allows the proposed commuter college use. As such, the proposed expansion of uses to include a commuter college use is **consistent** with the LUP Map of the CDMP. Based on the aforementioned, staff opines that the approval of the applicant's request for a modification of a previously approved Declaration of Restrictions to allow additional business uses is **compatible** with the surrounding area and thereby **consistent** with the interpretative text of the CDMP.

When analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the proposed modification of the previously approved restrictive covenant approved pursuant to Resolution # Z-34-06 to allow the applicant additional BU-2 uses in the shopping center will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. Staff notes that the Public Works Department has indicated in their memorandum that the proposed use would not generate any new additional peak hour trips in excess of those that have previously been assigned. Additionally, staff notes that based on memoranda from DERM and MDFRD, approval of this application is not likely to generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. Staff notes that the subject property was previously restricted to uses in the RU-5A, Semi-Professional Office District among which was a Medical Allied Training Facility. In staff's opinion, the proposed commuter college use is a similar use. Further, the applicant has indicated in their letter of intent that the programs that the college/university would offer, include specialized training for those professions typically found within the list of the RU-5A permitted uses. Staff also opines that the applicant is not proposing any changes to the previously approved plans and the proposed commuter college use is **consistent** with the LUP map of the CDMP and **compatible** with the previously approved RU-5A uses on the subject parcel and the surrounding BU-2 zoned properties. However, staff recommends as a condition for approval of

this application that all other paragraphs of the Declaration of Restrictions remain in place except as herein modified. As such, staff recommends approval with conditions of the application under the Generalized Modification Standards, Section 33-311(A)(7).

Notwithstanding, due to an inadvertent error in the advertisement, this item must be deferred to the next scheduled meeting of this Board.

H. RECOMMENDATION:

Deferral.

I. CONDITIONS:

1. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

2. That all the conditions of Declaration of Restrictions, recorded in Official Records Book 25086, Pages 677-686 as last modified by a Declaration of Restrictions recorded in Official Record Book 26527, pages 4880 - 4889, pursuant to Resolution #Z-34-06, remain in full force and effect except as herein modified.

DATE TYPED: 04/22/11
DATE REVISED: 05/12/11
DATE FINALIZED: 05/12/11
MCL:GR:NN: CH

FOR

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: March 23, 2011

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

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

Subject: C-12 #Z2011000031
TCPC Associates, LLC
11731 Mills Drive
Modification of a Declaration of Restrictions
(BU-2) (1 Acres)
36-54-39

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

Wellfield Protection

The subject property is located within the Basic Day Pumpage Wellfield Protection Area for the Southwest Wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code. Since the subject request is for a non-residential land use, 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 or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

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

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

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

with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management
The proposed change will not affect the existing stormwater management system.

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

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

Tree Preservation
The proposal of the modification of a declaration of restrictions will not impact tree resources. Therefore, the DERM 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 the Code.

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

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

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

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

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

REVISION 1

PH# Z2011000031
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: TCPC

This Department has no objections to this application.

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

This application does 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.
06-APR-11

Memorandum

Date: 24-MAR-11

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2011000031

Fire Prevention Unit:

No objection.

Service Impact/Demand:

Development for the above Z2011000031
located at 11731 MILLS DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1786 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: ___ 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 at this stage. Service impact analysis will be determined upon submission of the plans for the related project.

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

ZONING INSPECTION REPORT

Inspector: MARTINEZ, RAMIRO **Inspection Dat**

Evaluator: N/A 05/05/11

Process #: Z2011000031 **Applicant's Name** TCPC ASSOCIATES, LLC

Locations: 11731 MILLS DR, MIAMI-DADE COUNTY, FLORIDA.

Size: 8.2 ACRES **Folio #:** 3049360410020

Request:

1 Modification of Paragraph #2 and Exhibit "B" of a Declaration of Restrictions recorded in Official Records Book 25086 at Pages 677 through 686 as last modified by a Declaration of Restrictions recorded in Official Records Book 26527 at Pages 4880 through 4889

FROM:

"2. Use Restriction. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant, a copy of which uses are set forth in Exhibit "B"; provided that nothing herein shall prevent the use of the Property for a medical office building or medical diagnostic center."

TO:

"2. Use Restriction. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to: i) those uses permitted in the RU-5A zoning district as such exists at the time of proffer of this covenant; and ii) commuter colleges as defined in Section 33-1(30.2) of the Miami-Dade County Code. The permitted uses of the Property are set forth in Exhibit "B." It is further provided that nothing herein shall prevent the use of the Property for a medical office building or medical diagnostic center."

1a FROM:
" EXHIBIT B
USES OF SUBJECT PROPERTY

Use prior exhibit B
1b TO:
" EXHIBIT B
USES OF SUBJECT PROPERTY

Use new Exhibit B with new commuter college use listed

The purpose of the above request is to add "Commuter College" as an additional use to the previous list of approved uses for a portion of the subject site.

REQUEST #1 ON PARCEL "A"

EXISTING ZONING

Subject Property BU-2,

EXISTING USE OFFICE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THE SITE CURRENTLY HAS TWO, 4-STORY OFFICE BUILDINGS AND A 4 LEVEL PARKING GARAGE.

ZONING INSPECTION REPORT

USE(S) OF PROPERTY:

2 OFFICE BUILDINGS & A PARKING GARAGE IS CURRENTLY THE USE ON THE PROPERTY.

FENCES/WALLS:

NO FENCES ALONG THE PERIMITER OF SUBJECT PROPERTY.

LANDSCAPING:

THE PROPERTY IS SUBSTANTIALLY LANDSCAPED, ESPECIALLY ON THE NORTHERN SIDE WHERE A 25 FT LANDSCAPE BUFFER EXISTS.

BUFFERING:

THE PROPERTY HAS AN EXCELLENT LANSCAPE BUFFER CONSISTING OF TREES & HEDGES ALONG THE NORTH PROPERY LINE.

VIOLATIONS OBSERVED:

NO ZONING VIOLATIONS OBSERVED DURING SITE INSPECTION AND RESEARCH OF DADE COUNTY RECORDS SHOWS THAT THERE ARE NO OPEN ENFOREMENT CASES OR CITATIONS ON THE SUBJECT PROPERTY.

OTHER:

Process #	Applicant's Name
Z2011000031	TCPC ASSOCIATES, LLC

SURROUNDING PROPERTY

NORTH:

RU-3M (TOWNHOMES); RU-1MB (2-STORY SINGLE-FAMILY RESIDENCES); RU-5A (2 STORY OFFICE BUILDING).

SOUTH:

BU-2 AND RU-5A; TOWN & COUNTRY MALL AND MEDICAL OFFICE BUILDING.

EAST:

RU-1; SINGLE FAMILY HOMES.

WEST:

BU-2; TOWN & COUNTRY MALL.

SURROUNDING AREA

THE PROPERTY IS SURROUNDED BY TOWN AND COUNTRY MALL TO THE SOUTH AND WEST AND OFFICE BUILDING/SINGLE FAMILY HOMES TO THE NORTH.

NEIGHBORHOOD CHARACTERISTICS:

ZONING INSPECTION REPORT

THE SUBJECT PROPERTY IS LOCATED DIRECTLY EAST OF THE FLORIDA TURNPIKE, ON THE NORTH SIDE OF KENDALL. OFFICES, SINGLE FAMILY HOMES, AND COMMERCIAL USES CHARACTERIZE THE AREA.

COMMENTS:

RECEIVED
Z11-031
MAR 0 8 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: TCPC Associates, LLC, a Delaware limited liability company

NAME AND ADDRESS	Percentage of Stock
Teachers Insurance and Annuity Association of America*	100%

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: N/A

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____

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

_____

_____

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

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

TCPC Associates, LLC, a Delaware limited liability company

By: _____

Print Name: Mark Yacoretta

Title: Asst. Secretary

Sworn to and subscribed before me this 28 day of Feb., 2011. Affiant is personally known to me or has produced _____ as identification.

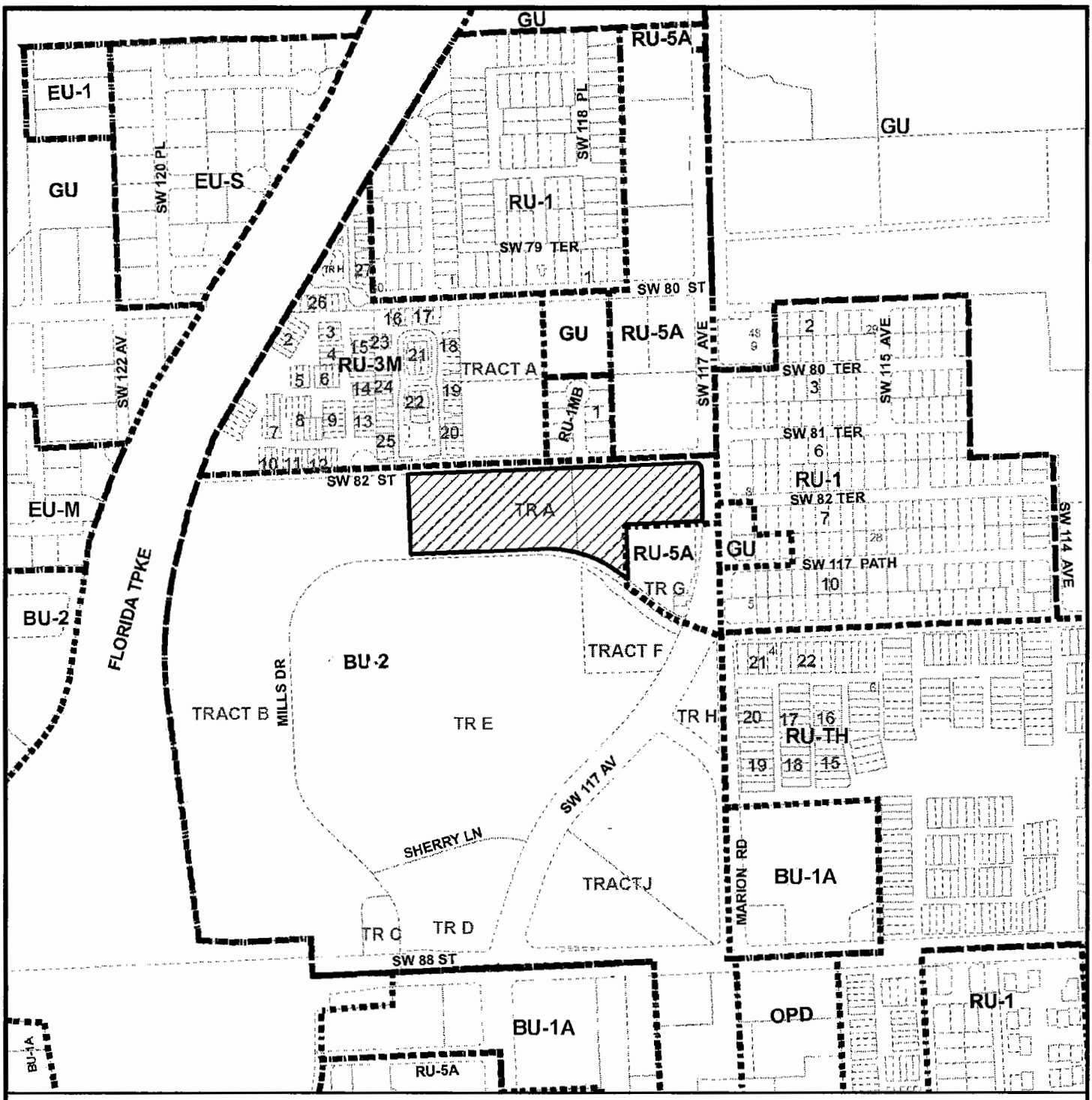
(Notary Public)

My commission expires _____

LORRAINE M. PATTERSON
NOTARY PUBLIC
MECKLENBURG COUNTY, NC
MY COMMISSION EXPIRES OCT. 14, 2013

*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. Sec. 33-304, Miami-Dade County Code.

RECEIVED
Z11-031
MAR 08 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000031

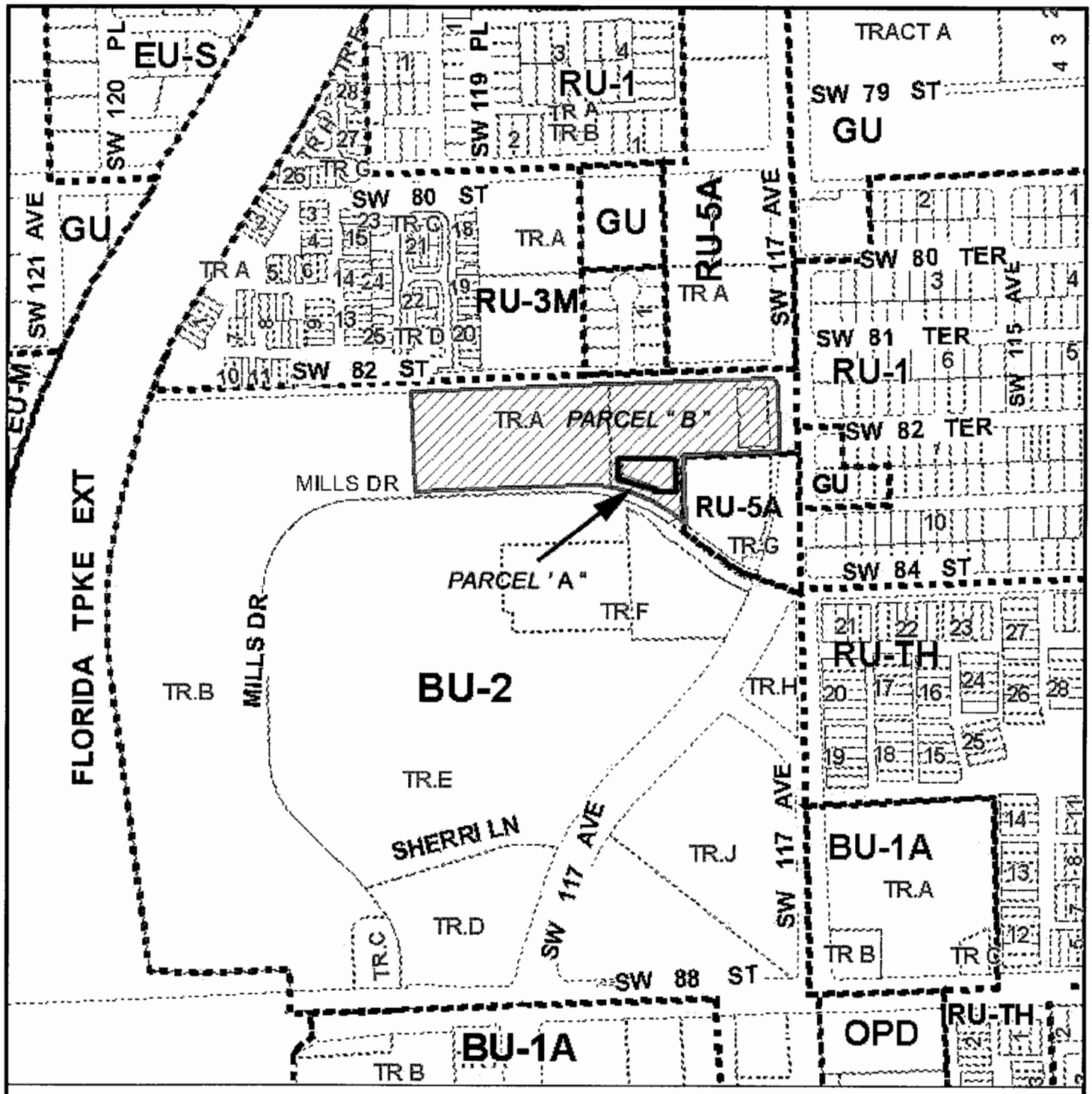
Section: 36 Township: 54 Range: 39
Applicant: TCPC ASSOCIATES. LLC
Zoning Board: C12
Commission District: 12
Drafter ID: KEELING
Scale: NTS

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2011000031

Section: 36 Township: 54 Range: 39
Applicant: TCPC ASSOCIATES, LLC
Zoning Board: C12
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, April 20, 2011

REVISION	DATE	BY
		24

MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
Z2011000031

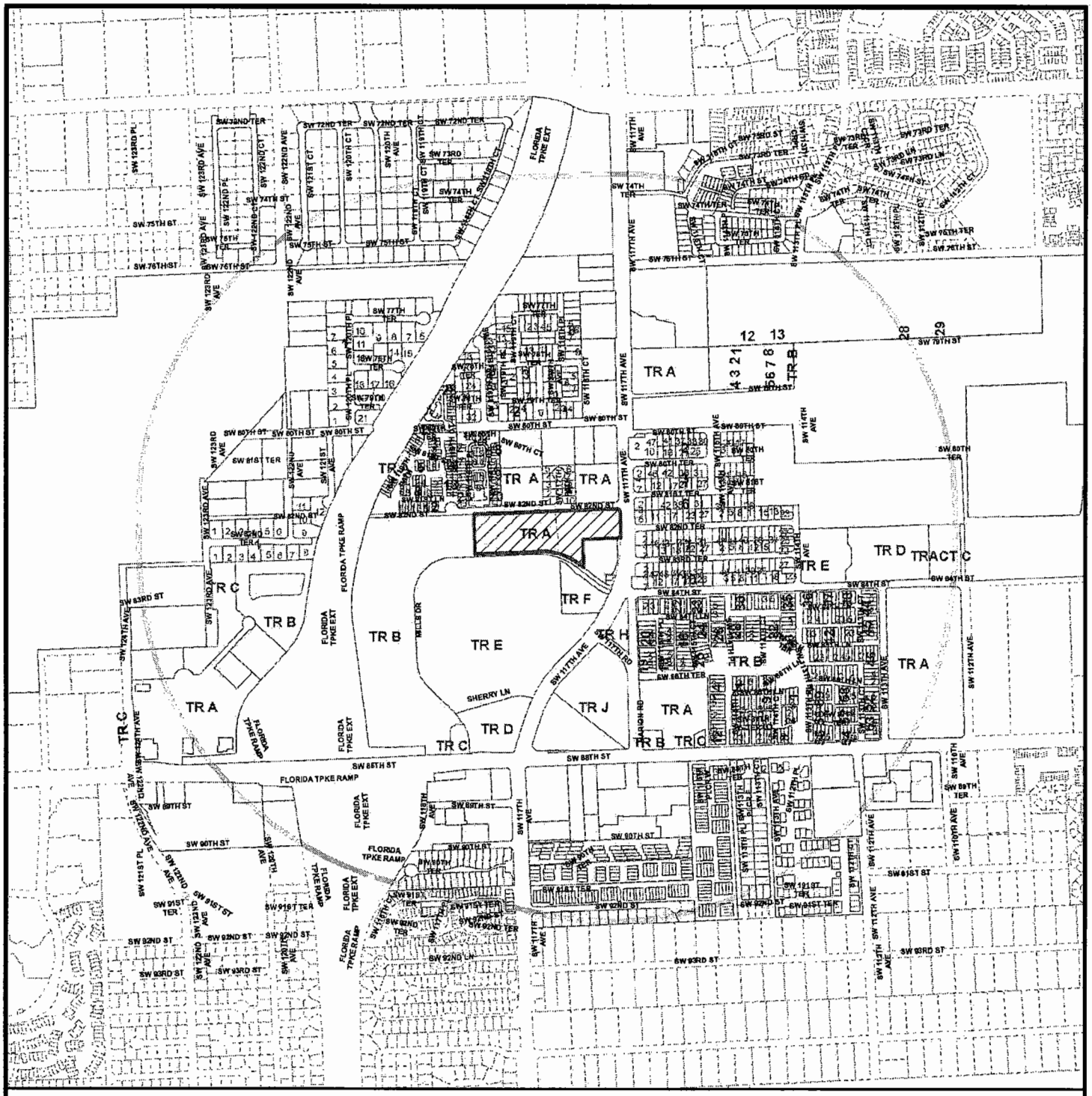
Section: 36 Township: 54 Range: 39
Applicant: TCPC ASSOCIATES, LLC
Zoning Board: C12
Commission District: 12
Drafter ID: KEELING
Scale: NTS

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2011000031

Section: 36 Township: 54 Range: 39
Applicant: WRC PROPERTIES & TCPC ASSOCIATES, LLC
Zoning Board: C12
Commission District: 12
Drafter ID: KEELING

SUBJECT PROPERTY
AND
CONTIGUOS IF APPLICABLE

RADIUS:2640'

N W E S

MIAMI-DADE COUNTY

REVISION	DATE	BY