

FINAL AGENDA

1-28-2013 Version # 2



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Wednesday, March 6, 2013 at 6:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|--------|----------|---|
| 1. | 13-3-CZ14-1 | <u>NEW CINGULAR WIRELESS PCS, LLC & GFWC WOMAN'S CLUB OF HOMESTEAD</u> | 10-46 | 01-57-38 | N |
| 2. | 13-3-CZ14-2 | <u>PINE ISLAND TOMATO FARMS, INC</u> | 12-136 | 30-55-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

Revised Agenda

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, MARCH 6, 2013

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

I. Election of Officers

II. Applications:

1. NEW CINGULAR WIRELESS PCS, LLC AND (13-3-CZ14-1/10-046)
GFWC WOMANS CLUB OF HOMESTEAD

01-57-38
Area 14/District 08

- (1) UNUSUAL USE to permit a 140' high Wireless Supported Service Facility and ancillary equipment.
- (2) MODIFICATION of CONDITION # 2 of Resolution 5-ZAB-316-95, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Women's Club of Homestead", as prepared by Robert & Barnes Associates, and dated received 4/18/95."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "JPJN (GFWC Women's Club of Homestead" as prepared by Mactec Engineering & Consulting, Inc. consisting of nine (9) sheets dated stamped received 4/22/11."

The purpose of the Request #2 is to allow the applicant to submit plans showing the addition of a wireless supported service facility and ancillary equipment to the site.

- (3) NON-USE VARIANCE to permit (0) street trees (19 street trees required).

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

LOCATION: 17905 SW 292 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5 Gross Acres +/-

Department of Regulatory and
Economic Resources

Recommendation :

Approval with conditions of requests #1,
modified approval with conditions of requests
#2; and denial without prejudice of request
#3.

Protests: _____ 1 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**Miami-Dade County Department of regulatory and Economic Resources
Staff Report to Community Council No. 14**

PH: Z10-046 (13-3-CZ14-1)

March 6, 2013

Item No. 1

Recommendation Summary	
Commission District	8
Applicants	New Cingular Wireless PCS, LLC and GFWC Woman's Club of Homestead
Summary of Requests	The applicants are seeking to submit revised plans showing a 140' high cell tower within an existing private club facility with less street trees than permitted.
Location	17905 SW 292 Street, Miami-Dade County, Florida.
Property Size	4.62 acres
Existing Zoning	AU
Existing Land Use	Private club
2015-2025 CDMP Land Use Designation	Estate Density, 1 to 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards Section 33-311(A)(3), Unusual Uses For Wireless Supported Service Facilities Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions of request #1, modified approval with conditions of request #2; and denial without prejudice of request #3.

REQUESTS:

- (1) UNUSUAL USE to permit a 140' high Wireless Supported Service Facility and ancillary equipment.
- (2) MODIFICATION of CONDITION of Condition #2 of Resolution 5-ZAB-316-95, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled " Women's Club of Homestead" as prepared by Robert & Barnes Associates, and dated 4/18/95."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "JPJN (GFWC Women's Club of Homestead)" as prepared by Mactec Engineering & Consulting, Inc. consisting of nine (9) sheets dated stamped received 4/22/11."

The purpose of request #2 is to submit plans showing the addition of a wireless supported service facility and ancillary equipment to the site.

- (3) NON-USE-VARIANCE to permit zero (0) street trees (19 street trees required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The site plan submitted by the applicant depicts a proposed 140' high monopole antenna structure and ancillary facilities on an AU, Agricultural District parcel containing an existing private club and row crop cultivation.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; private club, row crops	Estate Density Residential (1 to 2.5 du/a)
North	EU-S; religious facility	Estate Density Residential (1 to 2.5 du/a)
South	AU; row crops	Estate Density Residential (1 to 2.5 du/a)
East	AU: row crops	Estate Density Residential (1 to 2.5 du/a)
West	AU: row crops	Estate Density Residential (1 to 2.5 du/a)

NEIGHBORHOOD COMPATIBILITY:

The subject property is surrounded on three (3) sides by vacant parcels and parcels currently used for agricultural cultivation and an existing religious facility to the north. However, the majority of the properties surrounding the subject property to the west, north and south are developed with single-family residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional wireless coverage in this area of the County. However, approval of the 140' high antenna structure with a lack of adequate landscaping in the form of street trees to mitigate the impact of the facility in this area could have a visual impact on the surrounding areas.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site that is located within the Urban Development Boundary (UDB) for **Estate Density Residential** use. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. This density range is typically characterized by detached estates, which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per acre.*

The applicants seek to permit a 140' high wireless supported facility and ancillary equipment on an AU zoned property that was previously approved to allow a private club. The Land Use Element interpretative text for areas designated residential Communities permits utility facilities such as is being requested, *only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood*. Further, the Land Use Element interpretative text for Institutions and Utilities category, states that *neighborhood or community-serving institutional uses, **cell towers and utilities** including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas*. As such, staff opines that the proposed 140' high wireless supported facility on the AU zoned property could be permitted in the Estate Density designation if the use is found to be consistent with other goals and policies of the CDMP.

However, **Policy LU-4A** of the Land Use Element interpretative text requires the County to among other things, consider height, bulk, scale of architectural elements, landscaping and buffering as applicable when evaluating compatibility among proximate land uses. Staff opines that the approval of the proposed 140' high wireless supported facility and ancillary structures on the 4.62 acre subject property could create a negative visual impact on the surrounding area. However, since the surrounding properties are similar or larger in area than the subject parcel and the proposed tower will be located central to the property, staff opines that the proposed tower may not have a negative visual impact on said properties. Notwithstanding, without the street trees as an additional visual buffer (request #3), the ancillary facilities around the pole, could have a negative visual impact and would be incompatible with the area based the criteria outlined in Policy LU-4A and therefore inconsistent the CDMP Land Use Element interpretative text for Residential Communities and the future development of the area based on the Estate Density designation on the LUP map.

Therefore, with the condition that the street trees be installed, staff opines that approval of the application would be **compatible** with the area based on the criteria outlined in **Policy LU-4A** and **consistent** with the CDMP Land Use Element interpretative text, and the CDMP LUP map Estate designation.

ZONING ANALYSIS:

When request #1, to permit a wireless supported service facility designed as a 140' high telecommunications tower and ancillary facilities is analyzed under Section 33-311(A)(3)(a), (Unusual Uses for Wireless Supported Service Facilities), staff opines that approval of the request would be **compatible** with the surrounding area. Staff opines that based on the memoranda submitted by the Departments concerned with reviewing this application, staff opines that approval with conditions of this application will not generate excessive noise or traffic, tend to create fire or other equally dangerous hazard, provoke excessive overcrowding of people, or provoke a nuisance. Further, based on said memoranda provided by the reviewing Departments, the application meets the level of service standards for an initial development order. Further, staff opines that approval with conditions of the request would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification in relation to the present and future development of the area concerned. Additionally, staff notes that although the proposed 140' high wireless facility is substantially taller than any structure in the surrounding area, it is located more than 600' from the nearest

residential building that is located northwest of the site and therefore will not have a negative visual impact on same. Further, the proposed tower and ancillary facilities are located more than 120' from the rear (north) property line which abuts an existing religious facility parking area.

The applicants have indicated in their letter of intent that the purpose of the application is to address reliable **wireless coverage and capacity** in this area. *Section 33-311(A)(3)(a)(i)* of the Code requires the applicant to *demonstrate that the proposed tower will cure signal interference problems, or the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed wireless supported service facility.* The applicant has provided staff with coverage maps that indicate existing coverage in the area of the proposed site as well as the projected coverage of the proposed facility. Said maps indicate the areas of marginal or poor in-building coverage which the applicants' letter of intent indicates will be improved by the proposed telecommunication facility. In addition, the applicant provided staff with the additional information required by *Section 33-311(A)(3)(a)(ii)* of the Code to permit independent verification of the factual data required to show the lack of wireless coverage and capacity in the area. As such, staff opines that the applicant has provided the necessary documentation to demonstrate that there is a total lack of wireless coverage in this area for the provider intended to be served by the proposed wireless supported service facility. In summary, the applicant's Letter of Intent attested that the application meets all applicable Code requirements based on the aforementioned and the supporting documentation. Further, the County's Information Technology Department (ITD) has reviewed the documents submitted and confirmed that they meet the technical standards to continue the process of permitting the site.

As such, staff opines that approval of the applicant's request for an unusual use to permit a 140' high telecommunications tower and ancillary equipment (request #1) would be **compatible** with the surrounding agricultural and residential developments and therefore, **staff recommends approval with conditions of request #1 under Section 33-311(A)(3)(a), Unusual Uses for Wireless Supported Service Facilities..**

Staff opines that approval of request #2, to modify a condition of a prior resolution in order to allow the applicants to submit revised plans showing the proposed telecommunication tower is contingent on the approval of request #1. Staff notes that memoranda from the Miami-Dade Fire Rescue Department, the Division of Environment Resource Management (RER), Miami-Dade Aviation or the Public Works and Waste Management Departments indicate that the approval of the application would not generate excessive noise or traffic, tend to create a fire or equally dangerous hazard, tend to provoke a nuisance and would be **compatible** with the area concerned when considering the necessity and reasonableness of the modification in relation to the present and future development of the area concerned. However, although for the reasons stated above, staff is supportive of request #1, staff opines that the proposed modification of the plans to include a variance of the street tree requirement (request #3) could have a visual impact on the surrounding area. As such, staff opines that a modified approval of request #2 to include the necessary street trees would be **compatible** with the surrounding area. **Therefore, staff recommends a modified approval with conditions of request #2 to provide the street trees under Section 33-311(A)(7), Generalized Modification Standards.**

When request #3, to permit 0 street trees, where 19 is required, is analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff is of the opinion that approval of this request would not maintain 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 appearance of the community. Staff notes that the subject property is zoned AU and that approximately 50% of the parcel is currently involved in an on-going agricultural cultivation based on reviews of aerial photographs in the County's Geographical Information Systems (GIS) and will still remain available for agricultural production. Notwithstanding, staff opines that the addition of the 140' high wireless tower in addition to the existing private club use creates an intensification of the non-agricultural uses on the remainder of the property. Although the required street trees would not visually screen the 140' high tower, staff opines that they would provide a visual mitigation for the intensification of the non-agricultural uses on this site and also provide additional screening for the ancillary facilities, which include an equipment shelter for the tower. Therefore, staff opines that the approval of request #3 which would allow a 100% reduction in the number of street trees will be out of character with and **incompatible** with the predominant pastoral setting of the surrounding area. As such, staff opines that approval of this request in conjunction with the cell tower (request #1) could have a visual impact on the surrounding area. **Staff, therefore, recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b) Non-Use Variances.**

Based on the aforementioned, staff opines that the proposed tower will not have a negative impact on the surrounding area and would be **compatible** with same. However, staff opines that the street trees (request #3) would provide additional mitigation of any negative impact created by the intensification of the non-agricultural uses on the agriculturally zoned property. Therefore, staff opines that said request should be denied and the applicant should be required to comply with same.

ACCESS, CIRCULATION AND PARKING: The submitted site plans indicate two access drives from SW 292 Street for the existing private club and a separate access drive for the proposed wireless tower and support facilities located to the west along the front property line. Additionally, the plans indicate that the site will have adequate parking on site for the service vehicles.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions of request #1, modified approval with conditions of request #2, to include the required street trees; and denial without prejudice of request #3.

CONDITIONS FOR APPROVAL: (For requests #1 and #2 only).

1. That all the conditions of Resolution 5-ZAB-316-95, remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "JPJN (GFWC Women's Club of Homestead)" as prepared by Mactec Engineering & Consulting, Inc. consisting of nine (9) sheets dated stamped received 4/22/11, except as herein amended to provide all the street trees required.

3. That the applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
4. That the applicants install the street trees as required by the Code.
5. That the applicants obtain a Certificate of Use for the new wireless supported service facility from the Department of Regulatory and Economic Resources upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the telecommunications tower be designed to allow collocation of other telecommunication service operators.
7. That the telecommunications tower comply with all FAA and FCC lighting requirements and any and all Federal and State regulations governing the up-lighting of the United States flag.

ES:MW:NN:JC:CH

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. The signature is stylized and cursive.

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

*New Cingular Wireless PCS, LLC and GFWC Woman's Club of Homestead
PH: Z10-046*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management(RER)</i>	<i>No objection*</i>
<i>Public Works and Waste Management</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Aviation</i>	<i>No objection*</i>
<i>Information Technology</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Estate Density Residential (Pg. I-31)	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationships.</i>
Institutions, Utilities and Communications (Pg. I-53)	<i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i>
Objective LU-4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Land Use Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

ZONING RECOMMENDATION ADDENDUM

New Cingular Wireless PCS, LLC and GFWC Woman's Club of Homestead
PH: Z10-046

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(3)(a) Unusual uses for Wireless Supported Facilities</p>	<p>Hear application for and grant or deny unusual uses for Wireless Supported Service Facilities, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development, provided that:</p> <ul style="list-style-type: none">i. The applicant shall demonstrate that the proposed Wireless Supported Service Facility will cure:<ul style="list-style-type: none">a. signal interference problems; orb. the applicant's lack of wireless service coverage or capacity in the area intended to be served by the proposed Wireless Supported Service Facility ii. The applicant shall provide information to permit independent verification of factual data relied upon by the applicant to establish 3(a)(i) above, including, but not limited to the following:<ul style="list-style-type: none">a. the purpose for the proposed Wireless Supported Service Facility; andb. the following technical data for the proposed Wireless Supported Service Facility and for each existing, authorized, pending and proposed adjacent facility:<ul style="list-style-type: none">i. site name or other reference;ii. facility latitude and longitude;iii. site elevation;iv. for each antenna at each of the included facilities:<ul style="list-style-type: none">1. height of antenna radiation center;2. antenna type and manufacturer;3. maximum effective radiated output power, including the maximum total power radiated from all channels;4. azimuth of main antenna lobe; and5. beam tilt and null-fill of each antenna.c. a complete up- and down-link power budget for the proposed Wireless Supported Service Facility, including any differences that may exist with the power budgets of the adjacent facilities, to ensure that all of the gain and loss factors used by the applicant are included in a verification analysis.d. complete descriptions of methodology, formulas, data presented in appropriate parameter data units (e.g., Erlangs, Watts, dBm, ft.), existing traffic studies and
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ZONING RECOMMENDATION ADDENDUM

*New Cingular Wireless PCS, LLC and GFWC Woman's Club of Homestead
PH: Z10-046*

	<p style="text-align: center;"><i>trend analyses if the proposed facility is intended to cure a lack of capacity, and any other information necessary for an independent engineer to verify statements concerning signal interference or lack of capacity or coverage; and</i></p> <p><i>e. identification of any equipment that differs from industry standards.</i></p> <p><i>iii. that the applicant shall reimburse the department for fees charged to the department for independent verification of factual data relied upon by the applicant, as required pursuant to paragraph 3 a ii above.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>

**1. NEW CINGULAR WIRELESS PCS, LLC &
GFWC WOMEN'S CLUB OF HOMESTEAD**
(Applicant)

13-3-CZ14-1 (10-046)
Area 14/District 08
Hearing Date: 03/06/13

Property Owner (if different from applicant) **GFWC WOMEN'S CLUB OF HOMESTEAD**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1974	The Dr. Paul Dudley White National Bicycling Foundation, Inc.	- Unusual Use to permit recreational facility. ~Conditions~	BCC	Approved with Condition(s)
1995	The Dr. Paul Dudley White National	- Unusual Use to permit a private club. - Non-Use Variance of Zoning regulation to permit on grass C. paved parking gravel drive much required. ~Conditions~	ZAB	Approved with Condition(s)

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.

Memorandum 

Date: January 9, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: BCC #Z201000046-1st Revision
New Cingular Wireless PCD, LLC
17905 S.W. 292nd Street
Unusual Use to Permit a Monopole Telecommunication Tower
(AU) (4.62 Acres)
01-57-38

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Stormwater Management

DERM Water Control Section has no objection to the approval for the proposal to permit a monopole telecommunication facility.

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 located near a county designated Natural Forest Community. Natural Forest Communities (NFC's) are upland natural areas (Pine Rockland and Hardwood Hammocks) that, meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit a monopole telecommunication tower will not impact tree resources. 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

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: May 21, 2010

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

From: José Ramos, R.A., Chief, Aviation Planning
Aviation Department

Subject: Zoning Application #10-046
NEW CINGULAR WIRELESS PCS, LLC
Determination Number DN-10-05-343

A handwritten signature in black ink, appearing to read "JR", with a long horizontal line extending to the right.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Zoning Hearing Application #10-046, New Cingular Wireless PCS, LLC. The applicant is requesting an Unusual Use to permit the installation and maintenance of a Monopole Wireless telecommunications facility on the property. The subject property is 4.62 Acres and is located at 17905 S.W. 292 Street, Miami-Dade County, Florida. Folio No. 30-7801-000-0601.

Based on our cursory review of the project information provided to us, an assumed telecommunications facility project height of 140 ft Above Ground Level (AGL) structure at the above referenced parcel conforms to Miami-Dade County Airport Zoning Ordinance. However, an FAA Airspace Determination is required to coordinate frequency activation and verify that no interference is caused to FAA facilities prior to beginning any transmission from the site. See next paragraph for filing information.

It is necessary to file with the FAA by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. Furthermore, any construction cranes for this project reaching or exceeding 200 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using the same form. This form should be filed with a 45 day advance notice prior to raising the crane. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. The developer may "e-file" online at <https://oeaaa.faa.gov>. Alternatively, this form may be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

JR/AH/cf

C: S. Harman
A. Herrera
Jose Hernandez, Planning & Zoning
File

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: NEW CINGULAR WIRELESS PCS, LLC

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", with a long horizontal flourish extending to the right.

Raul A Pino, P.L.S.

25-MAY-10

Memorandum



Date: 01-JUN-10
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000046

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2010000046
located at 17905 SW 292 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2551 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 16 - Homestead - 325 NW 2 Street
Rescue, ALS Engine, ALS 75, Ladder

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 05-FEB-13
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

NEW CINGULAR WIRELESS PCS,
LLC & GFWC WOMAN'S CLUB OF
HOMESTEAD

17905 SW 292 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000046

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPENED OR CLOSED NEIGHBORHOOD REGULATORY COMPLIANCE CASES.
BLDG SUPPORT: THERE ARE NO CURRENT OPENED OR CLOSED NIEGHBORHOOD REGULATORY COMPLIANCE CASES.

NEW CINGULAR WIRELESS PCS, LLC & GFWC WOMEN'S CLUB OF HOMESTEAD

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

REPORTER NAME:
UNKNOWN

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: NEW CINGULAR WIRELESS PCS, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Publically TRADED COMPANY</u>	_____
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECORDED
210-046
APR 26 2009
ZONING HEARINGS SECTION
MINNEAPOLIS PLANNING & ZONING DEPT.
BY: JSA

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

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

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

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210-046

APR 20 2010

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *JSA*

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

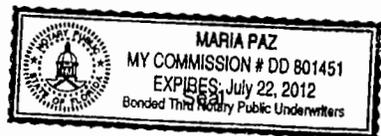
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Signature]*
(Applicant)

Sworn to and subscribed before me this 9 day of APRIL, 2010. Affiant is personally know to me or has produced DRIVERS LICENSE as identification.
J 600 548 71 2950

[Signature]
(Notary Public)

My commission expires: 7.22.12



*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.

SO FT	ACRES
220,989	5.072
1,200	0.027

DISTRICT LAND USE
(9000 AGRICULTURE)

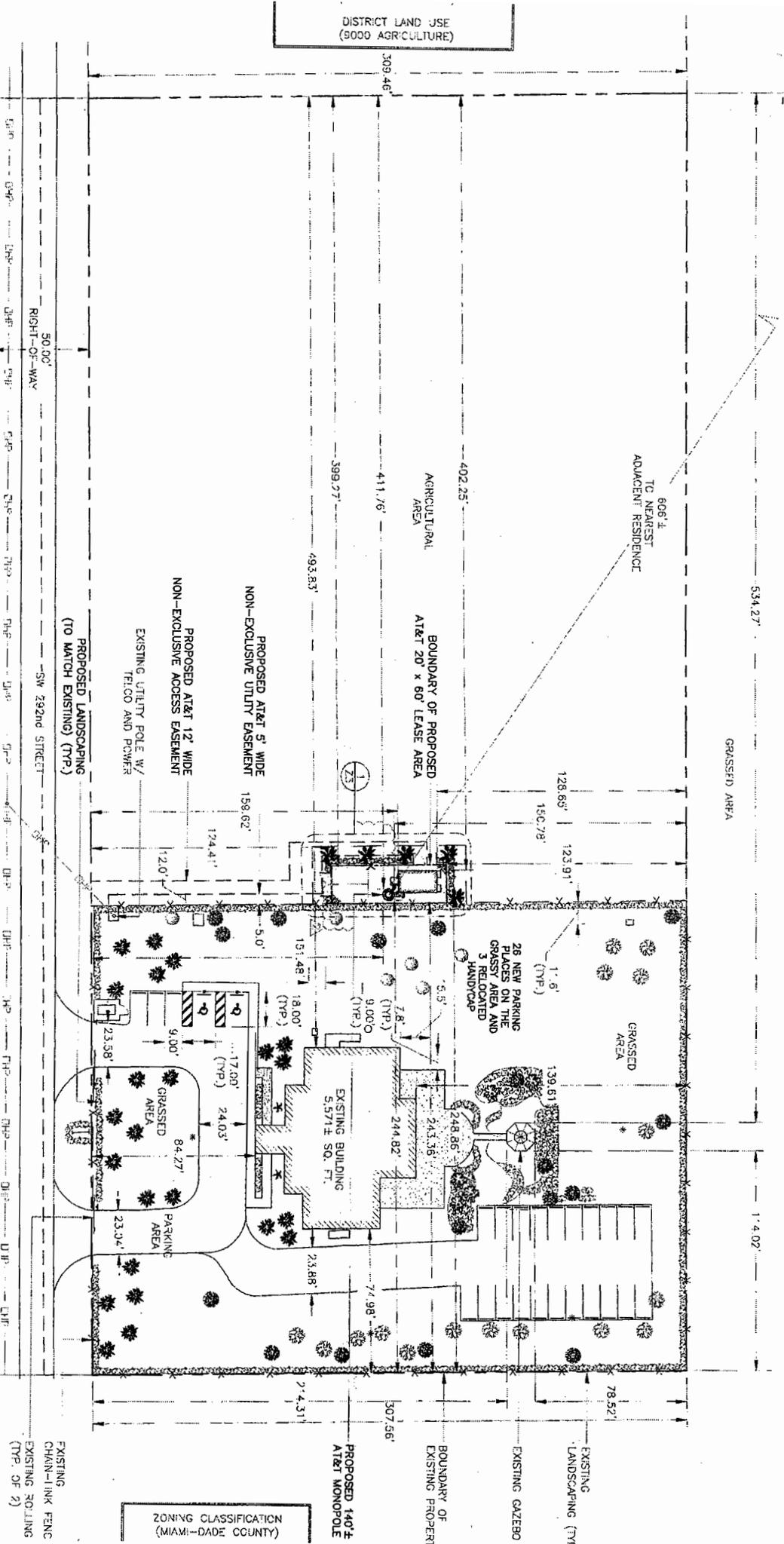
ENLARGE SITE PLAN

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

RECEIVED
ZIR-046
APR 22 2011

SETBACKS FROM PROPERTY BOUNDARY
TO AT&T EQUIPMENT

ZONING CLASSIFICATION
(008 VACANT LAND)
DISTRICT LAND USE
(9000 AGRICULTURE)



RECEIVED
 PLANNING DEPARTMENT
 1100 SOUTH STREET
 MIAMI, FL 33130
 DATE: APR 22 2011



ZONING CLASSIFICATION
 (0081 VACANT LAND USE
 DISTRICT LAND USE
 (9000 AGRICULTURE))

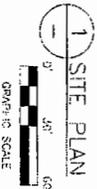
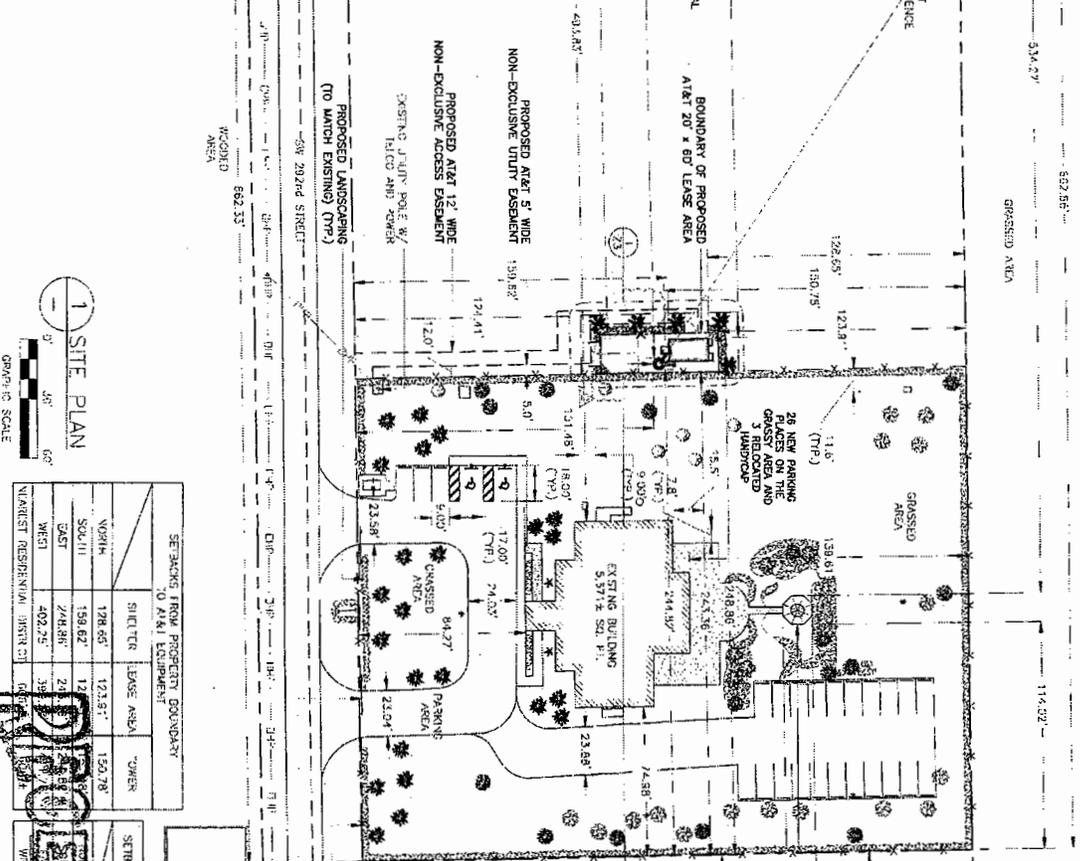
EXISTING	0.7%
REQUIRED	2%
PROVIDED	2%

ZONING CLASSIFICATION
 (0081 VACANT LAND USE
 DISTRICT LAND USE
 (9000 AGRICULTURE))

ZONING CLASSIFICATION
 (MIAMI-DADE COUNTY)
 DISTRICT LAND USE
 (9000 AGRICULTURE)

LEASE AREA	SO FT	ACRES
1200	5,072	0.127

SITE DATA	AC	SO FT	FACINGS	NOISE
EXISTING PREVIOUS AREA	5,072	220,969	103X	N/A
EXISTING PREVIOUS AREA	4,707	203,029	93X	N/A
EXISTING PREVIOUS AREA	3,37	15,940	721X	N/A
EXISTING PREVIOUS AREA	0.376	16,310	177X	0.005



SETBACK FROM PROPERTY BOUNDARY TO A/R EQUIPMENT	SHEETER	LEASE AREA	OWNER
NORTH	128.65'	123.65'	150.78'
SOUTH	158.62'	121.65'	150.78'
EAST	248.88'	24'	24'
WEST	402.25'	38'	38'

SETBACKS FROM PROPERTY BOUNDARY	BUILDING	SCREENED
NORTH	128.65'	123.65'
SOUTH	158.62'	121.65'
EAST	248.88'	24'
WEST	402.25'	38'

ZONING CLASSIFICATION
 (0081 VACANT LAND USE
 DISTRICT LAND USE
 (9000 AGRICULTURE))

EXISTING CHAIN-LINK FENCE
 EXISTING ROILING GATE
 (TYPE: 01 7)

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 APR 22 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

PROJECT NO. 098-03-1816 (2)

DATE OF MEETING: 4/22/11

DATE OF DRAWING: 04/19/11

SITE PLAN

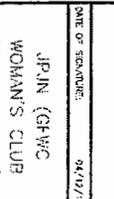
3-1/2" = 1'-0"

22

WOMAN'S CLUB OF HOMESTEAD

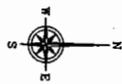
11000 SW 2700 STREET
 HOMESTEAD, FL 33033

SHEET NO. 22



MACTEC

11000 SW 2700 STREET
 HOMESTEAD, FL 33033
 TEL: 305-255-1100
 FAX: 305-255-1100



ABBREVIATION	SYMBOL USED	EXISTING LANDSCAPING LEGEND		QUANTITY	NATIVE SPECIES
		Scientific	Common		
LO	●	Quercus virginiana	LIVE OAK	18	X
CL	●	Bursera simaruba	GUMBO LIMBO	16	X
TR	●	Tournefortia chrysantha	TRUMPET TREE	4	X
RP	●	Rostonia regia	ROYAL PALM	23	X
BP	●	Barringtonia nobilis	BISMARCK PALM	5	X
PYG	●	Phoenix roebelenii	PICTA DATE PALM	2	X
CHR	●	varies	SHRUB	-	X



TREES	REQUIRED	PROVIDED
NUMBER OF TREES REQUIRED PER NET LOT ACRE = 9 TREES x 5 ACRES	45	48
*EXISTING TREES = 38		
EXISTING PALMS = 30 (3 PALMS = 30)		
TOTAL EXISTING TREES = 48		

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Z-10-046
APR 22 2011

ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT



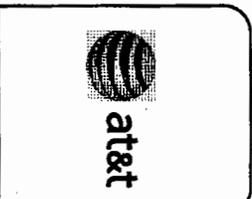
DATE OF SIGNATURE: 04/12/11
 J-PUN (CHWC)
 WOMAN'S CLUB
 OF HOMESTEAD)
 17805 SW 282nd STREET
 HOMESTEAD, FL 33060
 SHEET NAME
 LANDSCAPE
 SITE DATA
 SHEET NUMBER
 Z20

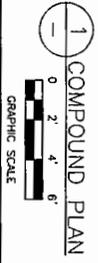
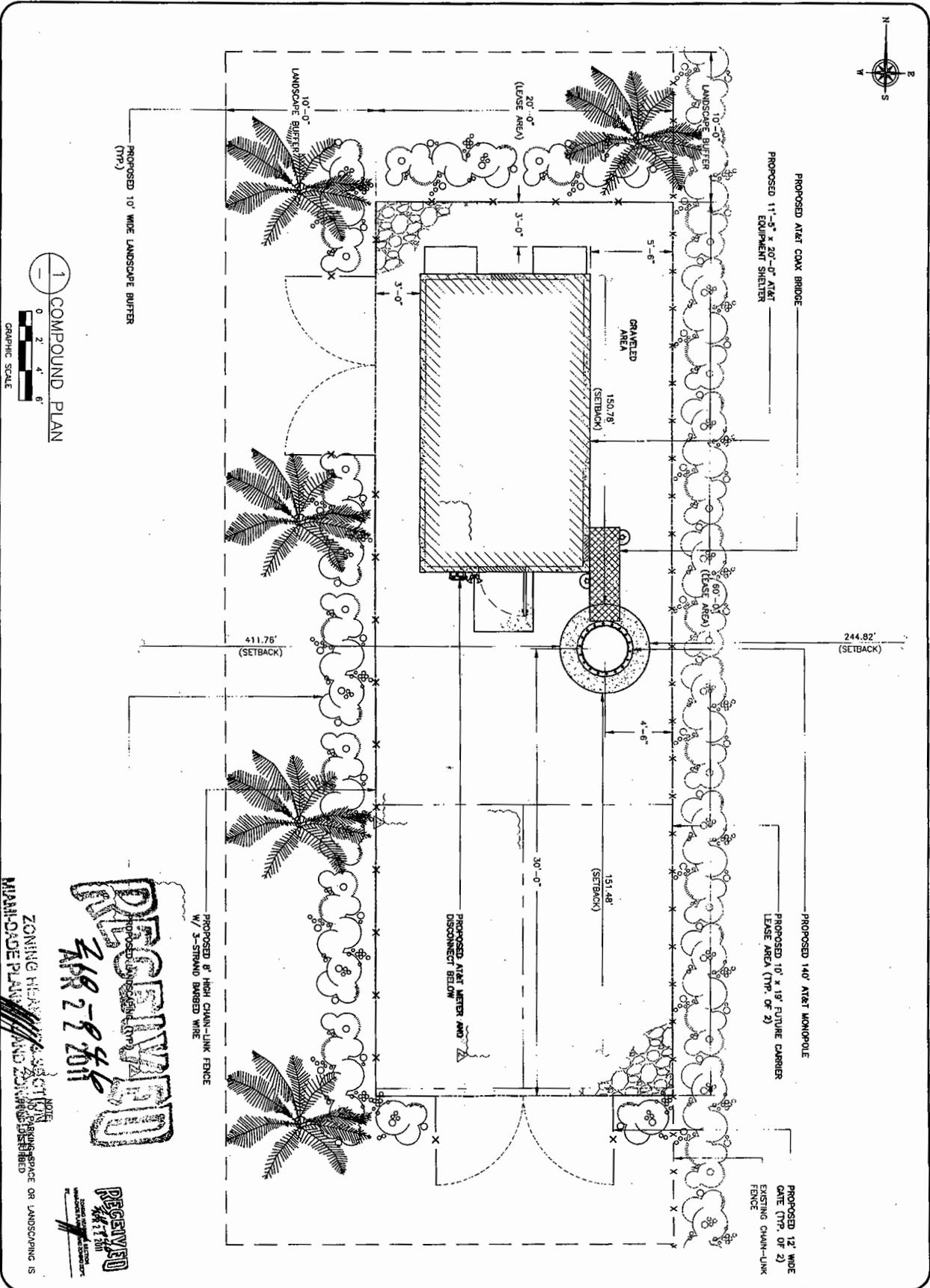


NO.	DATE	DESCRIPTION
1	12/9/10	FOR PERMIT
2	02/24/11	REVISED
3	04/12/11	FOR PERMIT

DESIGNED BY: A. WARREN
 CHECKED BY: J.A. BELANDRO

COMPANY OF ARCHITECTURE & DESIGN
 PROJECT NO. 6789-08-1818 (23)
 1102 LANTANA AVENUE
 AUSTIN, TEXAS 78704
 512.453.1111
 FAX 512.453.1122





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APR 22 2011

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APR 11 2011

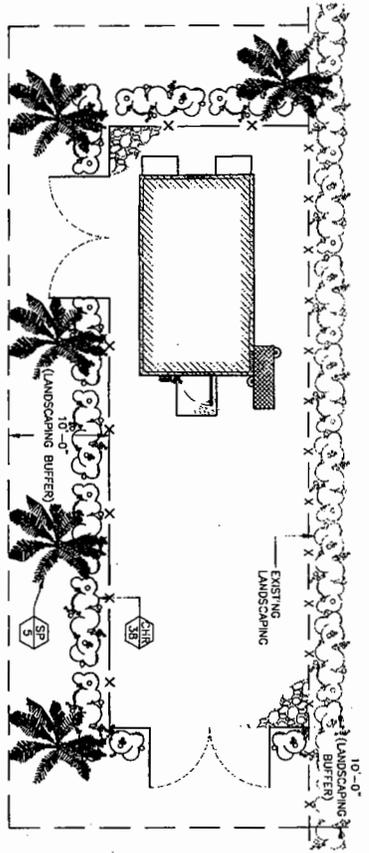
NOTE: ALL SETBACK SPACE OR LANDSCAPING IS TO BE PROVIDED BY THE OWNER.

ZONING HIGHWAY AND ZONING MAP-GRADE PLANS AND ZONING

BY:

<p>MACTEC MULTI-MEDIA ENGINEERING & CONSULTING, INC. 1120 AMERICAN BOULEVARD SUITE 100, OFFICE 5045 W. 125th STREET MIAMI, FL 33149 TEL: (305) 594-3300 FAX: (305) 526-7799</p>		<p>DATE OF SIGNATURE: 04/12/11</p> <p>DATE OF SIGNATURE: 04/12/11</p> <p>J.P.J. (GFWC) WOMAN'S CLUB OF HOMESTEAD</p> <p>17904 SW 39th STREET HOMESTEAD, FL 33030</p> <p>SHEET NAME: COMPOUND PLAN</p> <p>SHEET NUMBER: Z3</p>	<p>PROJECT NO.: 0788-00-1018 (23)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12/2/10</td> <td>RECEIVED</td> <td></td> </tr> <tr> <td>2</td> <td>12/2/10</td> <td>RECEIVED</td> <td></td> </tr> <tr> <td>3</td> <td>12/2/10</td> <td>EGS REVISION</td> <td></td> </tr> <tr> <td>4</td> <td>12/2/10</td> <td>EGS REVISION</td> <td></td> </tr> </tbody> </table> <p>DRAWN BY: A. WARDEN CHECKED BY: J.A. DELGADO</p>	NO.	DATE	BY	DESCRIPTION	1	12/2/10	RECEIVED		2	12/2/10	RECEIVED		3	12/2/10	EGS REVISION		4	12/2/10	EGS REVISION		
NO.	DATE	BY	DESCRIPTION																					
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4	12/2/10	EGS REVISION																						

23



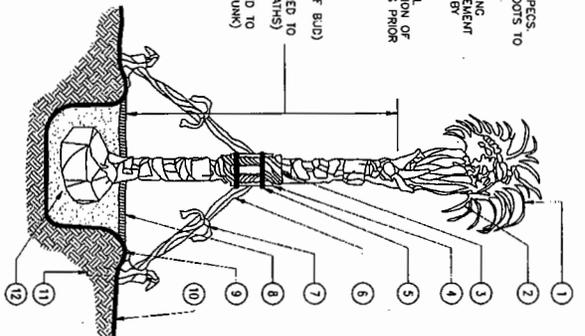
LANDSCAPING MATERIAL SCHEDULE

TREES AND PALMS	SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	SPECIFICATIONS	COMMENTS
	SP	5	SABAL PALMETTO	CABBAGE PALM	15' - 18' O.A.	STRAIGHT TRUNK, FULL HEADS	BODED
SHRUBS AND GROUND COVER							
	CH	38	CHRISTOPHANIUM LEUCO 'RED TIP'	RED TIP COCCOPLUM	24" x 24"		FULL TO BASE
	ML	180	FLORA MULCH OR EQUIVALENT			STD GRADE 8" MULCH TO BE INSTALLED AT 3" DEPTH	

1 PROPOSED LANDSCAPE PLAN

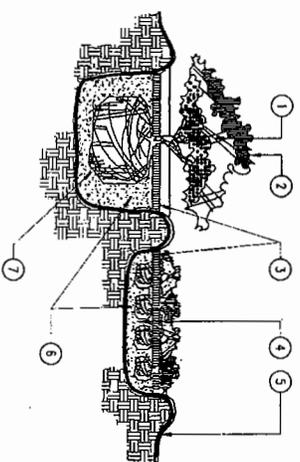


- SABAL PALMETTO W/BOOTS IN PLACE.
- SEE PLANS AND SPECS TO REMAIN ON TRUNK.
- FINAL TREE STAKING DETAILS AND PLACEMENT OWNER APPROVED BY OWNER.
- CONTRACTOR SHALL ASSURE PROTECTION OF ADJACENT PROPS PRIOR TO INSTALLATION.



2 PALM TREE DETAIL

- MINIMUM OF NINE (9) GOOD PALM FRONDS
- PRUNE AND THE FRONDS WITH HEAVY TRUNK CABBAGE PALMS TO BE "HURRICANE CUT"
- 3 LAYERS OF BURAP TO PROTECT TRUNK
- FIVE (5) 2" x 4" x 18" WOOD BATTENS
- SECURE BATTENS WITH 2X" CARBON STEEL BANDS TO HOLD BATTENS IN AND PALM HEIGHT OF BATTENS SHALL BE LOCATED IN RELATION TO THE HEIGHT OF THE PALM FOR ADEQUATE BRACING.
- 3" x 27" x 4" x 8" GAL. (GRILL AND NAIL, IF NECESSARY TO BATTENS AND 2" x 4" STAKES, FLAG AT MIDDPOINT AND AT BASE.
- PROVIDE FLAGGING
- 3" SHREDED CYPRESS MULCH TAPERED TO GRADE 2" FROM TRUNK
- DERG SOIL TO HOLD WATER
- FINISH GRADE
- 2" x 4" x 24" (MIN.) P.T. WOOD STAKES (TYP.) NAIL TO SUPPORT POLES
- PREPARED AREA PLANTING SOIL AS SPECIFIED



3 SHRUB DETAIL

- NOTES:
- TOP OF SHRUB ROOTBALLS TO BE PLANTED 1" - 2" HIGH WITH SOIL MOUNDING UP TO THE TOP OF THE ROOTBALL.
 - PRUNE ALL SHRUBS TO ACHIEVE A UNIFORM MASS/HEIGHT.
 - 3" MINIMUM SHREDED CYPRESS MULCH TAPERED TO GRADE 2" FROM TRUNK.
 - EXCAVATE ENTIRE BED SPECIFIED FOR GROUND COVER BED.
 - FINISHED GRADE.
 - PREPARED PLANTING SOIL AS SPECIFIED. NOTE: WHEN GROUNDCOVERS AND SHRUBS USED IN MASSES ENTIRE BED TO BE MOUNDING WITH PLANTING SOIL MIN AS SPECIFIED.
 - SCABRY ROOTBALL SIDES AND BOTTOM.

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Z10-044
APR 22 2011

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MARTIN LUTHER KING JR. CENTER
MARTIN LUTHER KING JR. CENTER
MARTIN LUTHER KING JR. CENTER

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



MACTEC TREE SERVICE & CONSULTING, INC.
1400 S.W. 10TH AVENUE, SUITE 100
MIAMI, FL 33135
TEL: (305) 381-3988
FAX: (305) 381-1788

CLIENT: J.P. & M. WILSON
PROJECT NO.: 0788-00-1018 (22)

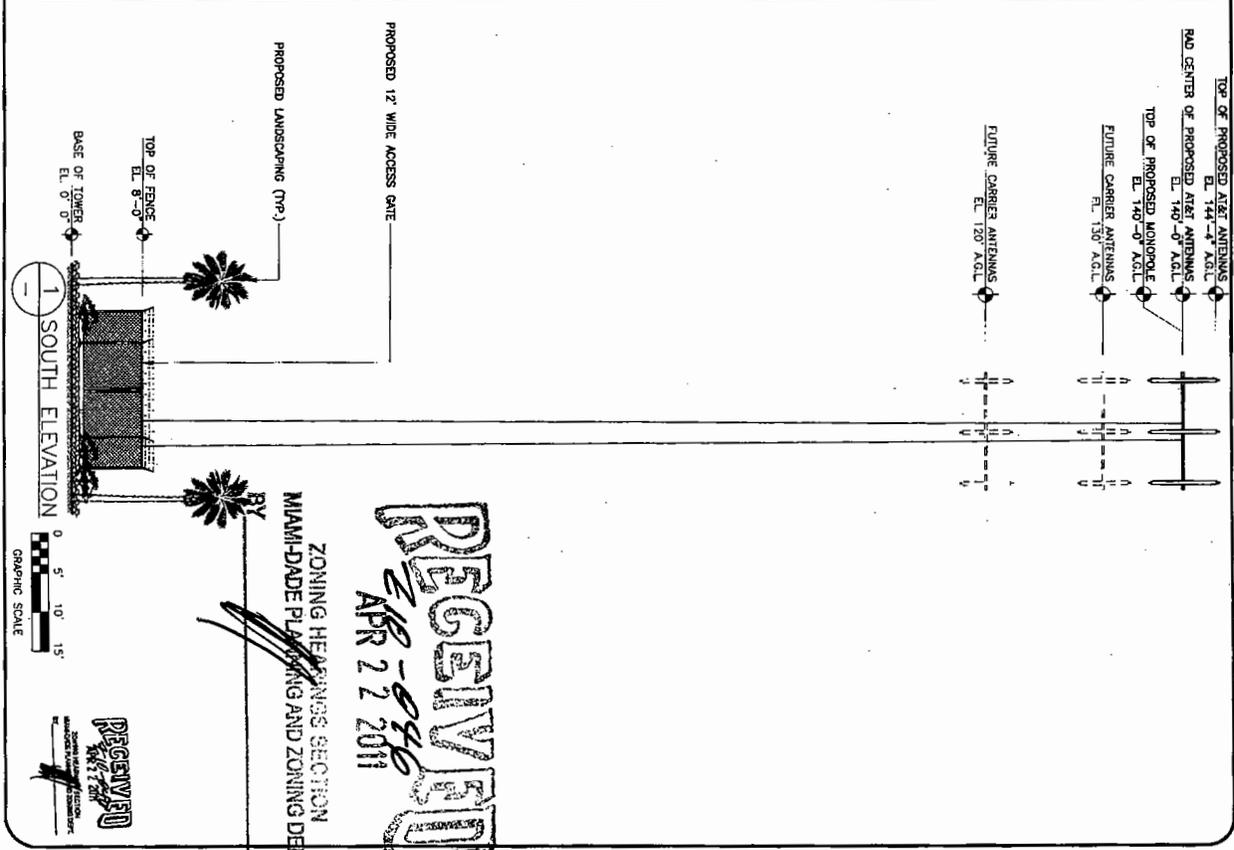
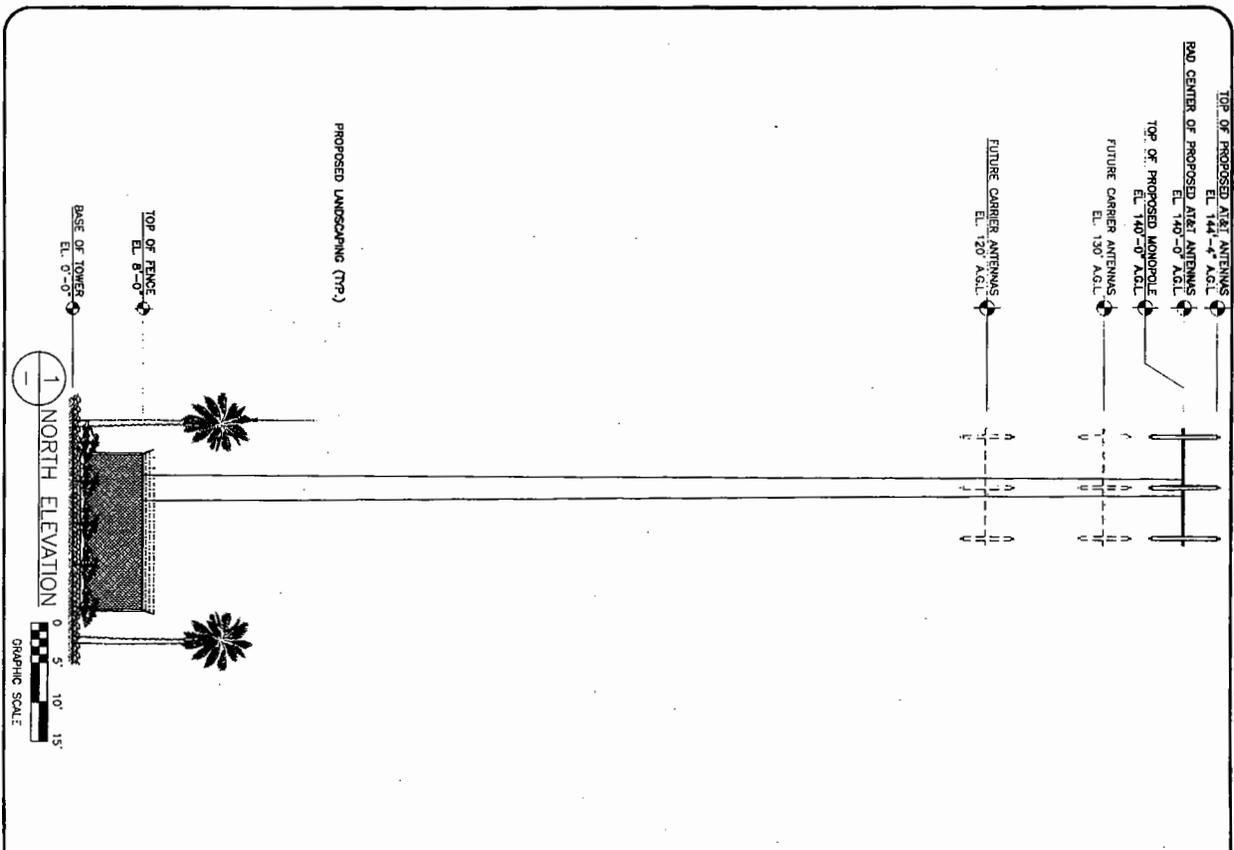
REV	DATE	DESCRIPTION
0	8/2/10	FOR PERMIT
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10		
11		
12		

DRAWN BY: A. WARDEN
CHECKED BY: J.A. BRIDGEMAN



J.P. & M. WILSON (GRWC)
WOMAN'S CLUB
OF HOMESTEAD)

DATE OF SHEET: 04/12/11
SHEET NAME: LANDSCAPE DETAILS
SHEET NUMBER: 27



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APR 22 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPARTMENT





MACTEC ENGINEERING & CONSULTING, INC.
 CONSULTANTS OF RECORD
 1100A, 20th ST. N.
 MIAMI, FL 33137
 TEL: (305) 882-6588
 FAX: (305) 228-1795

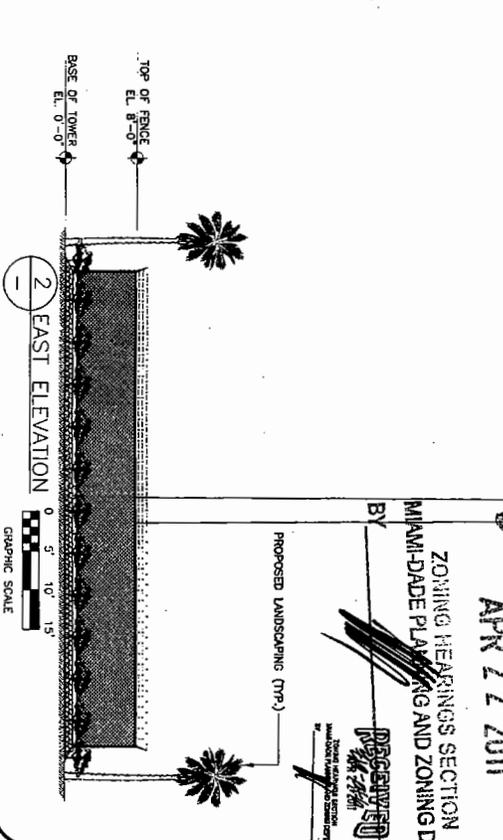
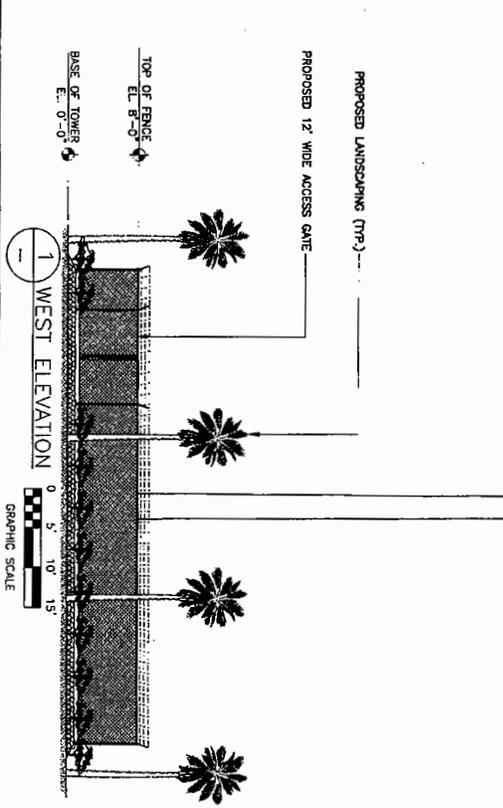
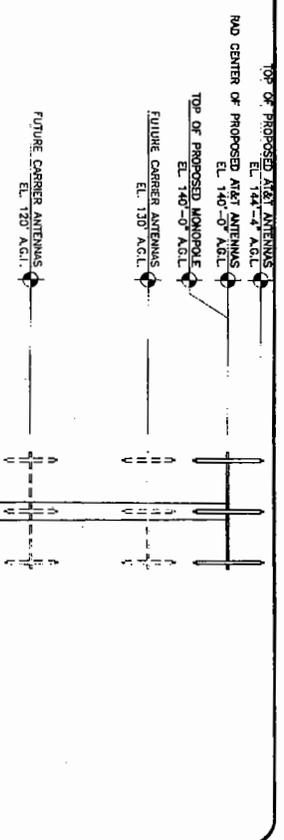
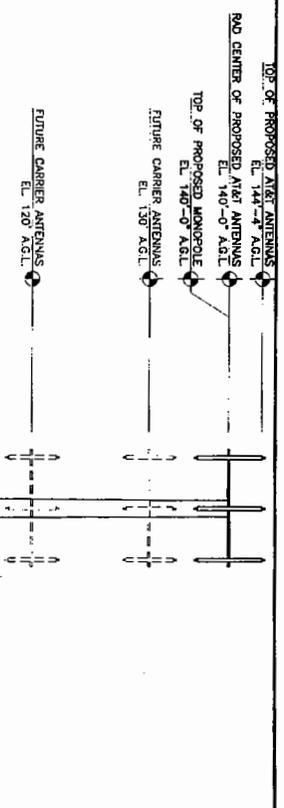
PROJECT NO.: 0708-09-1818 (22)
 SHEET NO.: 26



J.A. BELARDO
 ENGINEER

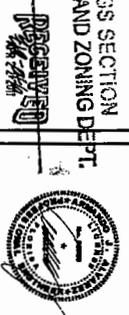
CLIENT: J.P. JAIN (GFMG)
 WOMAN'S CLUB
 OF HOMESTEAD
 17905 SW 292nd STREET
 HOMESTEAD, FL 33033

DATE OF SIGNATURE: 04/12/11
 SHEET NAME: ELEVATIONS
 SHEET NUMBER: 26



RECEIVED
 APR 22 2011
 218-046

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

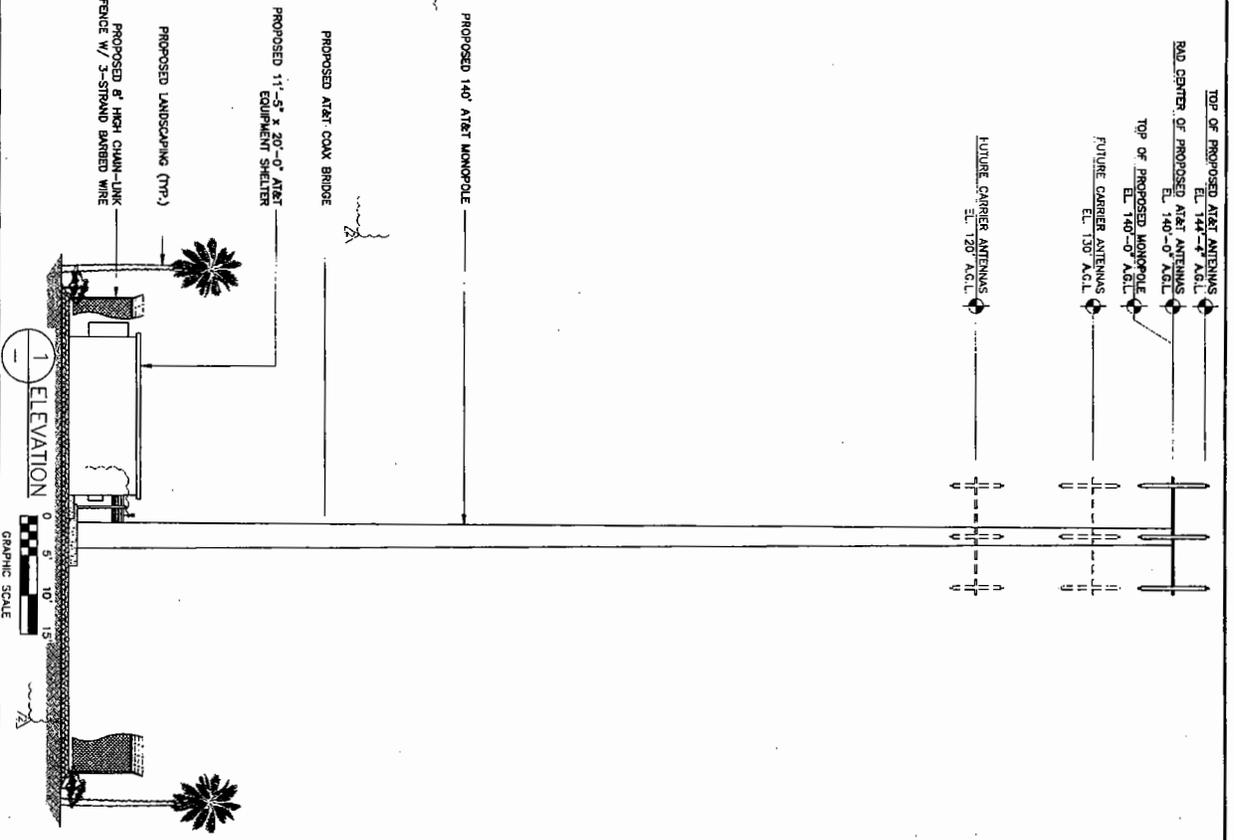


DATE OF SIGNATURE: 04/17/11
 J.PUN (GFWC)
 WOMAN'S CLUB
 OF HOMESTEAD)
 17968 SW 20th STREET
 HOMESTEAD, FL 33060
 S-CITY NAME
 E: EVANTONS
 SHEET NUMBER
 75

MACTEC
 MACTEC ENGINEERING & CONSULTING, INC.
 CONSULTING ENGINEER
 1700 W. UNIVERSITY BLVD., SUITE 100
 APOPKA, FL 32703
 PHONE: (407) 281-1100
 FAX: (407) 281-1100
 PROJECT NO.: 6788-08-1916 (22)

NO.	DATE	DESCRIPTION
0	03/21/10	FOR PERMIT
1	04/17/11	FOR PERMIT
2	04/17/11	FOR PERMIT
3	04/17/11	FOR PERMIT
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RECEIVED
 PLANNING DEPARTMENT
 1200 W. WASHINGTON AVENUE
 MIAMI, FL 33135



RECEIVED
2010-04-22
 APR 22 2011

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

RECEIVED
 PLANNING DEPARTMENT
 1200 W. WASHINGTON AVENUE
 MIAMI, FL 33135



MACTEC
 MAINTENANCE & CONSTRUCTION, INC.
 OFFICE: 1175 LAKEWOOD PARKWAY
 PALM BEACH, FL 33409
 PHONE: 561-833-1100
 FAX: 561-833-1101
 E-MAIL: info@mactec.com

STATEMENT OF WORK ORDER # 6008
 PROJECT NO.: 6786-03-1916 (23)

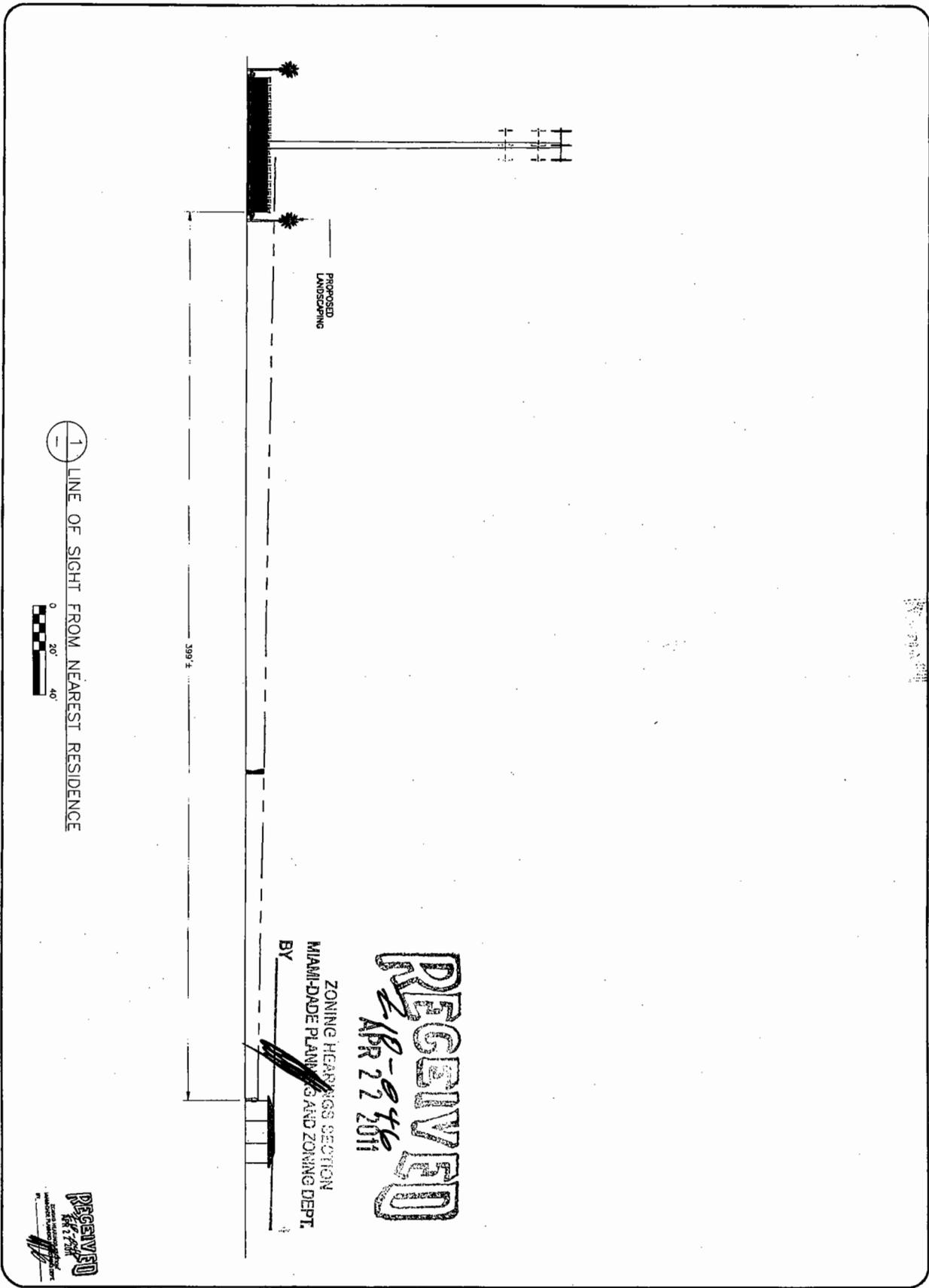
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DRAWN BY: A. WARDEN
 CHECKED BY: J.A. DELGADO



DATE OF SUBMITTAL: 04/12/11
 JIPUN (GFWC)
 WOMAN'S CLUB
 OF HOMESTEAD)
 17930 SW 282ND STREET
 HOMESTEAD, FL 33060

SHEET NAME:
 TOWER
 ELEVATION
 SHEET NUMBER:
 Z4



RECEIVED
APR 22 2011

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

RECEIVED
 4/22/11



MACTEC

MACTEC DESIGN & CONSTRUCTION, INC.
 12000 N.W. 27th Avenue
 Suite 100
 Miami, FL 33187
 Phone: (305) 556-1188
 Fax: (305) 556-1189

COMPARISON OF APPLICATION # 6025
 PROJECT NO. 6788-09-1818 (22)

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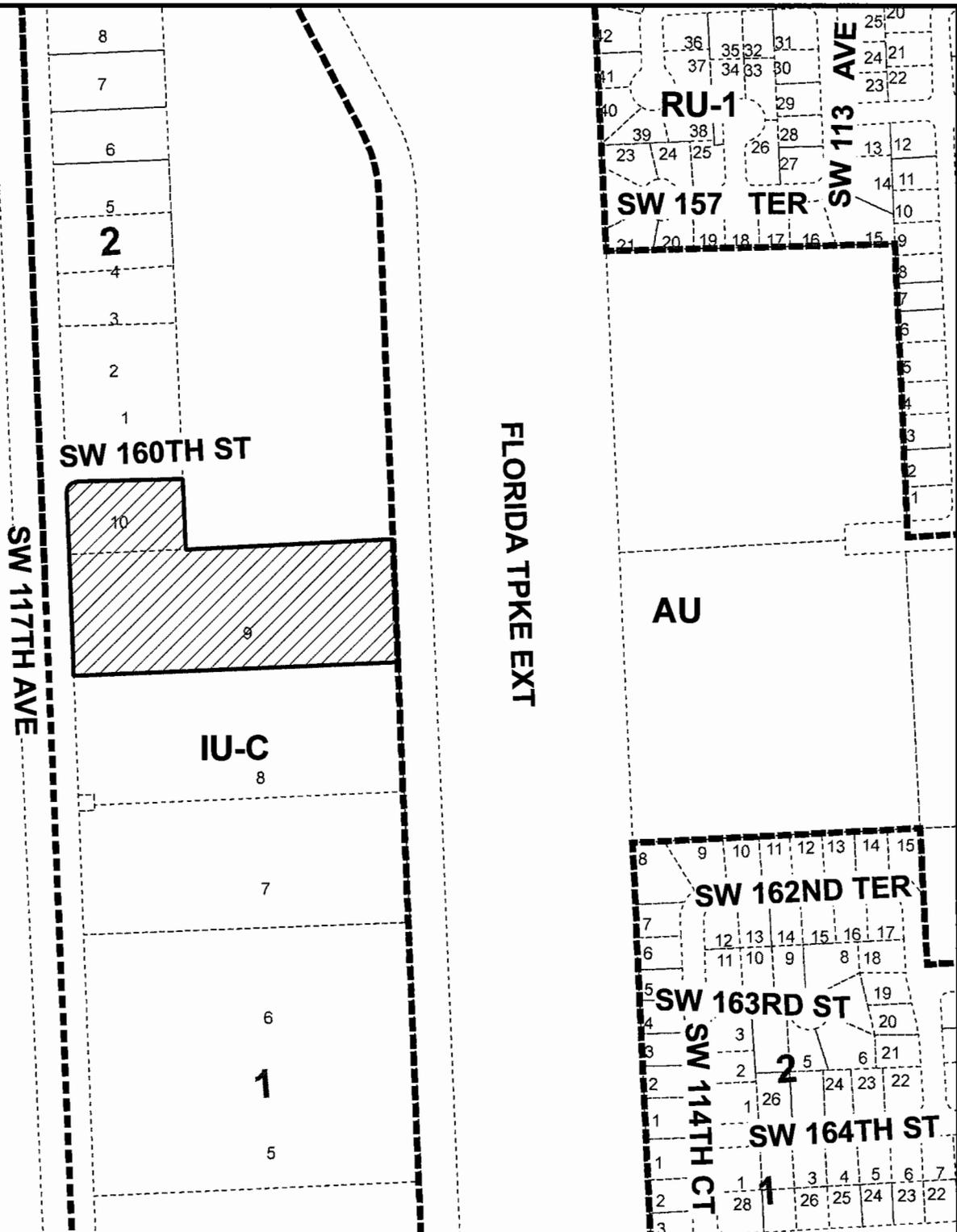
DATE OF SIGNATURE: 04/12/11

JPN (SFWC)
 WOMAN'S CLUB
 OF HOMESTEAD)

17805 SW 20TH STREET
 HOMESTEAD, FL 33060

LINE OF SIGHT

SHEET NUMBER
 78



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000136



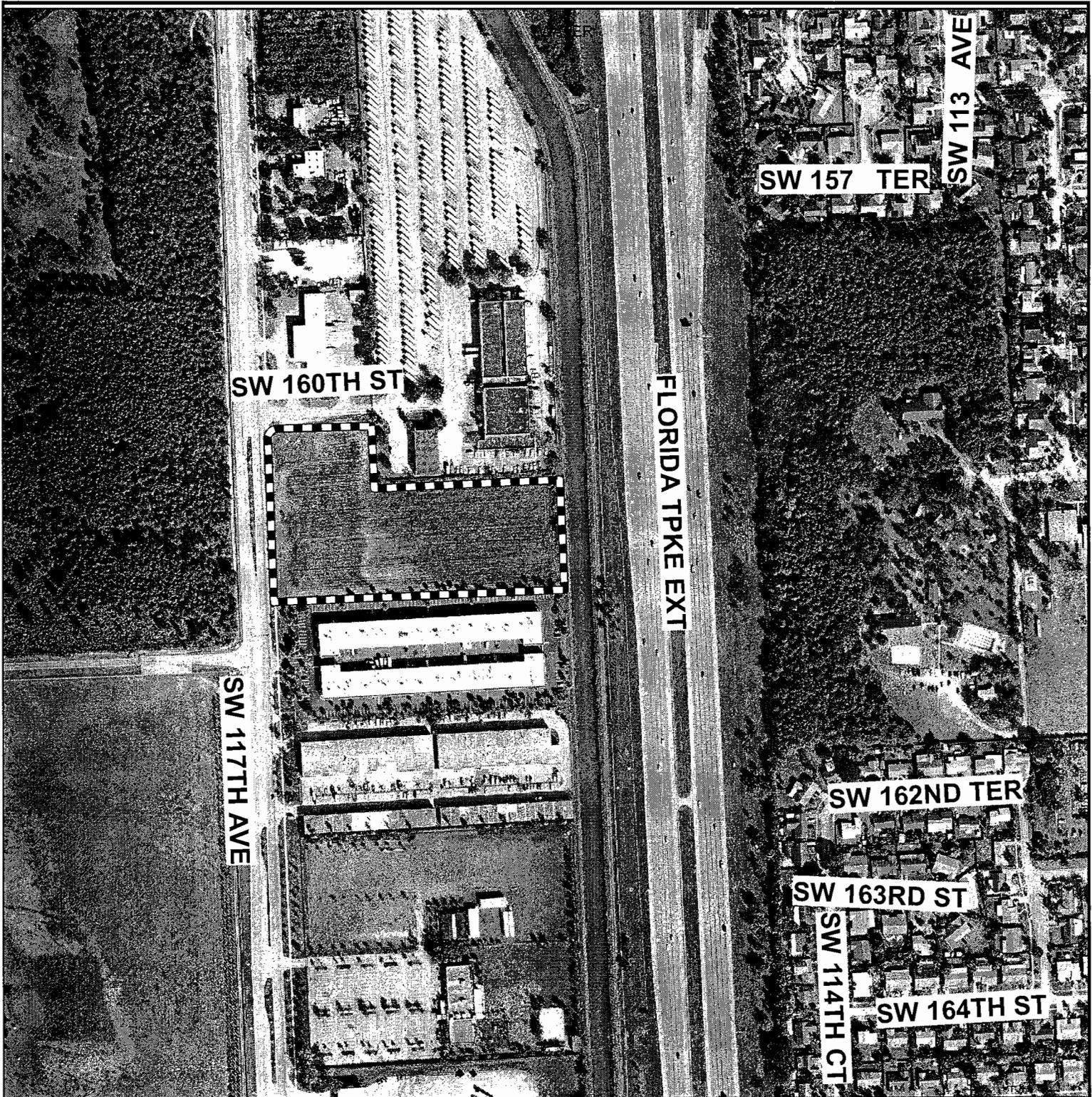
Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
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MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000136



Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

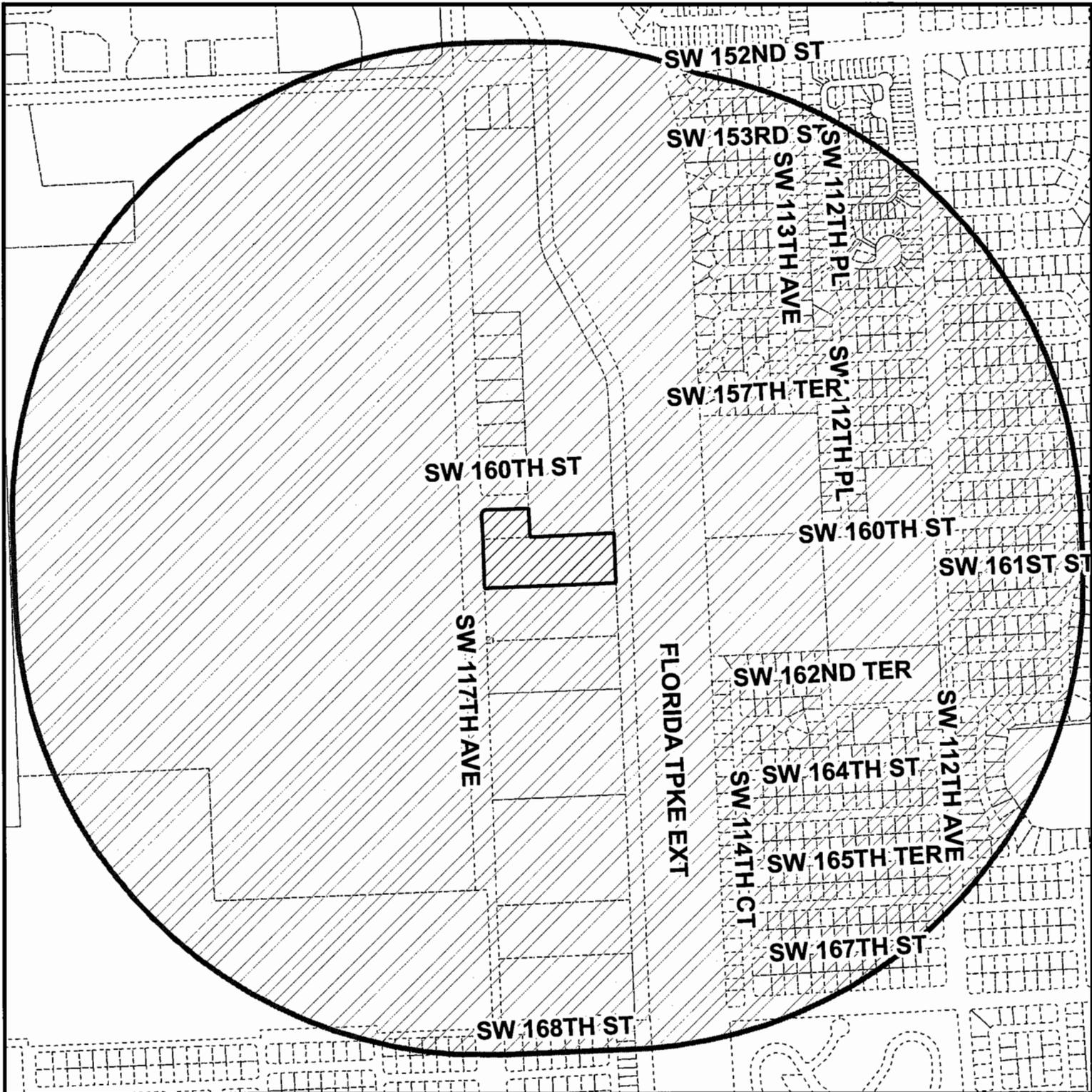
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 Subject Property



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
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MIAMI-DADE COUNTY
RADIUS MAP

Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000136
 RADIUS: 2640



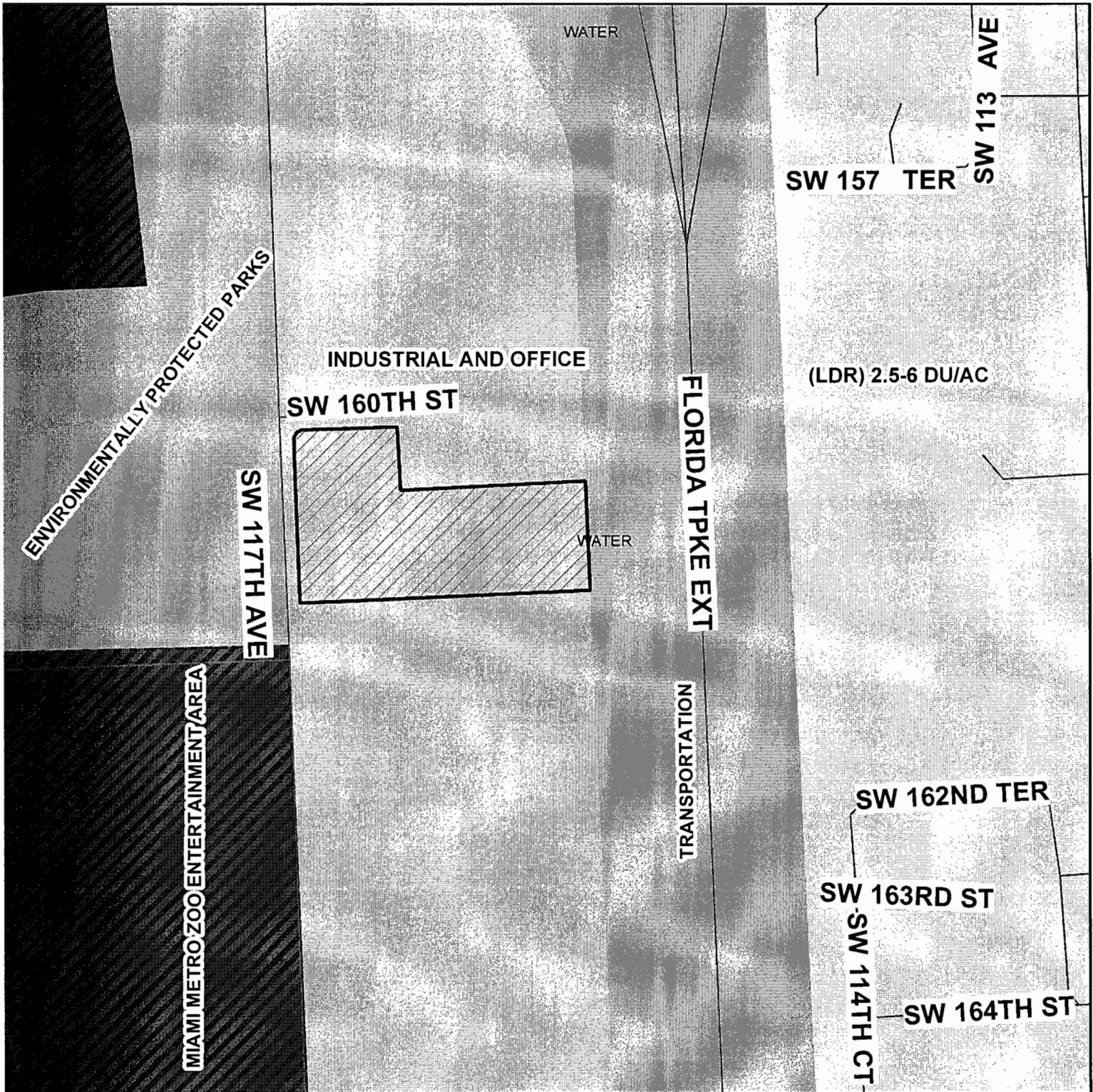
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-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
		31



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000136



Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 14**

PH: Z12-136 (13-01-CZ14-2)

March 6, 2013

Item No. 2

Recommendation Summary	
Commission District	9
Applicant	Pine Island Tomato Farms, Inc
Summary of Requests	The applicant is seeking a use variance to permit farming in an industrial zoning district.
Location	The southeast corner of SW 117 Avenue and theoretical SW 160 Street, Miami-Dade County, Florida
Property Size	6.01-acres
Existing Zoning	IU-C, Controlled Industrial District
Existing Land Use	Row crops
2015-2025 CDMP Land Use Designation	Industrial and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(a) Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice

REQUEST:

USE VARIANCE to permit agricultural farming in the IU-C zone as would be permitted in the AU zone.

PROJECT HISTORY & DESCRIPTION:

In 1984, pursuant to Resolution No. Z-229-84 the subject property was part of a larger tract of land that was rezoned from AU, Agriculture to IU-C, Controlled Industrial District. Staff notes that the letter of intent submitted with this application indicates that the applicant farmed the subject site for twenty-five (25) years with a three (3) year gap between 2005-2008. The letter further indicates that the applicant intends to farm the parcel year round. Staff's review of the County's GIS aerial photographs indicate that row crops have existed on the subject property as indicated in the applicant's letter of intent. Staff notes that the agricultural use prior to 2005 was considered non-conforming and Section 33-35 states among other things that a nonconforming use that is discontinued for a period of at least six (6) months, the property shall not be used for a use that is prohibited.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-C; row crops	Industrial and Office
North	IU-C; warehouse and school bus depot	Industrial and office
South	IU-C; warehouses	Industrial and Office
East	Florida Turnpike Extension	Transportation

West	AU; US Coast Guard property	Environmentally Protected Parks
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NEIGHBORHOOD COMPATIBILITY:

The subject property is located on the southeast corner of SW 117 Avenue and theoretical SW 160 Street. There are existing row crops on the subject property. The surrounding area is characterized by industrial uses and environmentally protected park land.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to maintain the existing row crops on the subject site. However, the use is inconsistent with the zoning district and CDMP.

CDMP ANALYSIS:

The subject property is designated as **Industrial and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources. Staff opines that approval of this application would be **inconsistent** with the allowable Industrial and Office uses. Additionally, staff notes that the interpretative text under the Land Use Element Concepts and Limitations of the Land Use Plan Map states among other things that *all approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan.**

Further, the CDMP interpretative text for Industrial and Office states that if the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an Minor Statistical Area (MSA) with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not

have a significant adverse impact on future industrial development. Staff notes that the subject site is located in MSA 6.2 which as of July 2012 had 192.6 acres of vacant industrial land. Additionally, the depletion year for industrial land within this MSA is 2021. Staff notes that approval of the request sought in this application will allow the applicant to legally establish an agricultural use in the IU-C zoning district.

Staff notes that the request is **inconsistent** with the CDMP Urban Development Boundary (UDB) interpretative text, which restricts the establishment of new commercial agricultural uses on properties located within the UDB. The interpretative text indicates that *no new commercial agricultural use of property may be established within the Urban Development Boundary, except on property designated Agriculture on the LUP map or zoned AU (Agricultural) or GU (Interim). All property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. An additional exception is that land in utility easements or rights-of-way or airport or other large government - owned properties may be approved for new commercial agricultural uses where the use would be compatible with, and would have no unfavorable effect on, the surrounding area. Commercial agricultural uses include, without limitation, all uses of property associated with commercial horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; apiculture; pisciculture, when the property is used principally for the production of tropical fish; all forms of farm production; and all other such uses, except retail nurseries and retail greenhouses. Incidental agricultural use of property specifically authorized by zoning which is otherwise consistent with the LUP map does not constitute commercial agriculture use within the meaning of this provision.* Staff notes that the subject property is zoned IU-C and therefore does not meet the exception stated above for the establishment of new commercial agricultural uses inside the UDB.

Further, the CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* Staff notes that the existing agricultural use is inconsistent with the LUP map designation and interpretative text and therefore **inconsistent** with Land Use Element Objective LU-4. Staff opines that the existing row crops are out of character with the abutting warehouse and school bus depot to the north and south and is **inconsistent** with the uses allowed in the Industrial and Office designation on the CDMP LUP map, the Land Use Element Concepts and Limitations of the LUP map text, the interpretative text for Industrial and Office, and the interpretative text for the UDB.

ZONING ANALYSIS:

When analyzing the request, to permit agricultural farming in the IU-C zone as would be permitted in the AU zoning district under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations, staff opines that the request is **inconsistent** with the general purpose and intent of the zoning regulations. A **use variance** as provided in Section 33-311(A)(4)(a) permits a use of land other than which is prescribed by the zoning regulations. Among other things, the applicant must demonstrate how the literal enforcement of the provisions of the zoning district regulations would result in an unnecessary hardship and that the use variance would be in harmony with the general purpose and intent of the zoning regulations. To prove an unnecessary hardship, the applicant must demonstrate that under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question. In staff's opinion, a hardship does not exist because the site can be used for industrial uses. Further, staff notes that the applicant has not demonstrated any special conditions related to the subject site

where the literal enforcement of applicable zoning district provisions would result in an unnecessary hardship. **As such, staff recommends denial without prejudice of this application under Section 33-311(A)(4)(a), Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: N/A

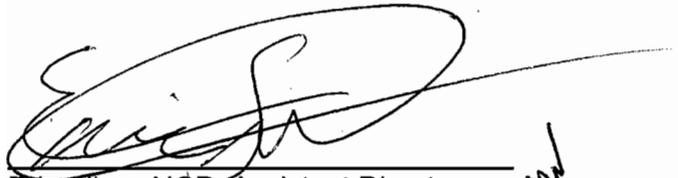
NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION: Denial without prejudice

CONDITIONS FOR APPROVAL: None

ES:MW:NN:JC:AN



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDW

ZONING RECOMMENDATION ADDENDUM

Pine Island Tomato, Inc

Z12-136

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p>Industrial and Office (Pg. I-39)</p>	<p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p> <p><i>If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.</i></p>
<p>Urban Development Boundary (Pg. I-57)</p>	<p><i>No new commercial agricultural use of property may be established within the Urban Development Boundary, except on property designated Agriculture on the LUP map or zoned AU (Agricultural) or GU (Interim). All property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. An additional exception is that land in utility easements or rights-of-way or airport or other large government - owned properties may be approved for new commercial agricultural uses where the use would be compatible with, and would have no unfavorable effect on, the surrounding area. Commercial agricultural uses include, without limitation, all uses of property associated with commercial horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; apiculture; pisciculture, when the property is used principally for the production of tropical fish; all forms of farm production; and all other such uses, except retail nurseries and retail greenhouses. Incidental agricultural use of property specifically authorized by zoning which is otherwise consistent with the LUP map does not constitute commercial agriculture use within the meaning of this provision.</i></p>
<p>Land Use Element Objective LU-4 (Pg. I-11)</p>	<p><i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>

ZONING RECOMMENDATION ADDENDUM

Pine Island Tomato, Inc
Z12-136

<p>Concepts and Limitations of the Land Use Plan Map</p> <p>(Pg. I-73)</p>	<p>Uses and Zoning Not Specifically Depicted on the LUP Map. Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree, which has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.</p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(4)(a) Use Variances From Other Than Airport Regulations</p>	<p>Upon appeal or direct application in specific cases to hear and grant applications for use variances from the terms of the zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum use variance that will permit the reasonable use of the premises; and further provided, no variance from any airport zoning regulation shall be granted under this subsection; provided, however, no use variance shall be granted permitting a BU or IU use in any residential, AU or GU District, unless the premises immediately abuts a BU or IU District. A "use variance" is a variance which permits a use of land other than which is prescribed by the zoning regulations and shall include a change in permitted density.</p>
<p>Sec. 33-35. - Nonconforming uses</p>	<p>(a) A nonconforming use shall not be extended in any direction nor shall such use be replaced by another use not specifically permitted in the district concerned.</p> <p>(b) No building or premises wherein or whereon a nonconforming use is discontinued for a period of at least six (6) months, or is superseded by a use permitted under the provisions of this chapter in the district in which said building or premises are situated, shall again be devoted to any use prohibited by this chapter in the district.</p> <p>(c) Any building which does not conform in use, occupancy or construction, or in some other way, with the provisions of this chapter (said structure, use of occupancy having existed prior to the adoption of these regulations) which becomes damaged as to roof and/or structure to an extent of fifty (50) percent or more of its reasonable market value at the time, by fire, flood, explosion, wind, war, not or any other act of God or man, shall not be reconstructed or used or occupied as before said damage, but, if damage to an extent of less than fifty (50) percent of the reasonable market value at the time of the damage, the building may be reconstructed or used as before, provided such reconstruction is completed or such use is started within six</p>

ZONING RECOMMENDATION ADDENDUM

Pine Island Tomato, Inc

Z12-136

(6) months of the date of such damage.

(d) When a nonconforming building is vacated, the Director may attach, or have attached, a notice to the effect that new occupancy shall require conformance to this chapter, but the absence of such notice shall not relieve the owner of full compliance with this chapter.

(e) Where any premises, whereon a building containing a nonconforming use is located, is partially acquired by an official public body for a public purpose, the use shall be permitted to continue on remaining portion of the premises under the following conditions:

- (1) Where part of the structure is taken, an amount equal to that portion required may be added to the remaining structure.*
- (2) If the entire structure is acquired, a new structure may be erected on the remaining portion of the premises, if such premises conform to the requirements of this chapter, providing said new structure does not exceed in size the original structure that was taken.*
- (3) If such existing structure does not warrant remodeling or relocating, then a new structure may be erected on the remaining portion of the premises, providing the same does not exceed in size the original structure and providing that the new structure can be erected on the site in accordance with applicable zoning regulations.*
- (4) If the existing structure is such that it can be relocated on the portion of premises remaining, then the same can be relocated providing it complies with applicable zoning and building regulations.*
- (5) Where a new structure is erected for several uses and it is desired to reestablish a nonconforming use, the same shall be permitted providing the area to be devoted to the nonconforming use shall not exceed the original area devoted to the nonconforming use.*

(f) In the event a nonconforming use is created by resolution pursuant to an application filed by the Director, an application requesting a nonuse variance or special exception pursuant to Section 33-304 of the Code which furthers the original purpose and intent of the nonconforming use may be filed at no fee to the applicant. The application filed under this subsection must be filed within twelve (12) months of the date the zoning resolution is transmitted to the Clerk of the Commission and shall only apply to those nonuse variances and special exceptions which are necessitated by a change of zoning and that would not have been required under the prior zoning district.

2. PINE ISLAND TOMATO FARMS, INC
(Applicant)

13-3-CZ14-2 (12-136)
Area 14/District 09
Hearing Date: 03/06/13

Property Owner (if different from applicant) **FIRST BANK OF MIAMI**

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? **Pine Island Tomato Farms, Inc.**

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
None				

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.

Memorandum 

Date: December 10, 2012

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-14 #Z2012000136
Pine Island Tomato Farms, Inc.
NW Corner of SW 160 Street and SW 117th Avenue
Use Variance to Permit the Farming of Agricultural Products in the
IU-C Zone, as Would Be Permitted in the AU Zone.
(IU-C) (6.01 Acres)
30-55-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Stormwater Management

Applicant is advised that any future development with more than 2.0 acres of impervious area will required a Surface Water Management General Permit from DERM, for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

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

In the event of any encroachment into the adjacent canal, a Letter of authorization will be required from the South Florida Water Management District.

Wetlands

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

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

Tree Preservation

The subject parcel with folio 30-5030-018-0090 contains tree resources along the right of way of SW 117th Avenue. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. This Department'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 the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

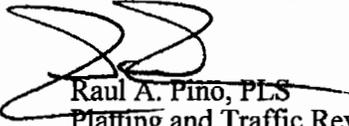
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: January 15, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2012000136
Name: Pine Island Tomato Farms, Inc.
Location: SE Corner of SW 160 Street & SW 117 Avenue
Section 30 Township 55 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot's 9 and 10, Block 1 of Plat Book 133, Page 88.

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.

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

REVIEW #12-136

Pine Island Tomato Farms, Inc.

Application: *Pine Island Tomato Farms, Inc.* is requesting a variance to allow for the continued use of a farm on the property which is currently zoned in an Industrial area.

Size: The subject property is 6.01 acres.

Location: The subject property is generally located on the corner of SW 160th Street and SW 117th Avenue in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The farm use within an Industrial area will likely be considered a "commercial unit." Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |

- | | |
|----------------------------------|-------------|
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application**

Memorandum



Date: 13-DEC-12
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000136

Fire Prevention Unit:

No objection via case Z2012000136.

Service Impact/Demand

Development for the above Z2012000136 located at SOUTHEAST CORNER OF SW 160 ST & SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 2085 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually. The estimated average travel time is: 5:15 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 43 - Richmond - 13390 SW 152 Street
Rescue, ALS 65' Aerial, (TRT)

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 30-NOV-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

PINE ISLAND TOMATO FARMS,
INC

*NWC SW 160 ST & SW 117 AVE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000136

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC; No open cases. Prior case opened July 25, 2012 for graffiti on right-of-way and warning notice issued. Citation was issued on July 30, 2012 and citation electronically closed on August 30, 2012. BNC; No open/closed BSS cases.

Pine island Tomato Farms

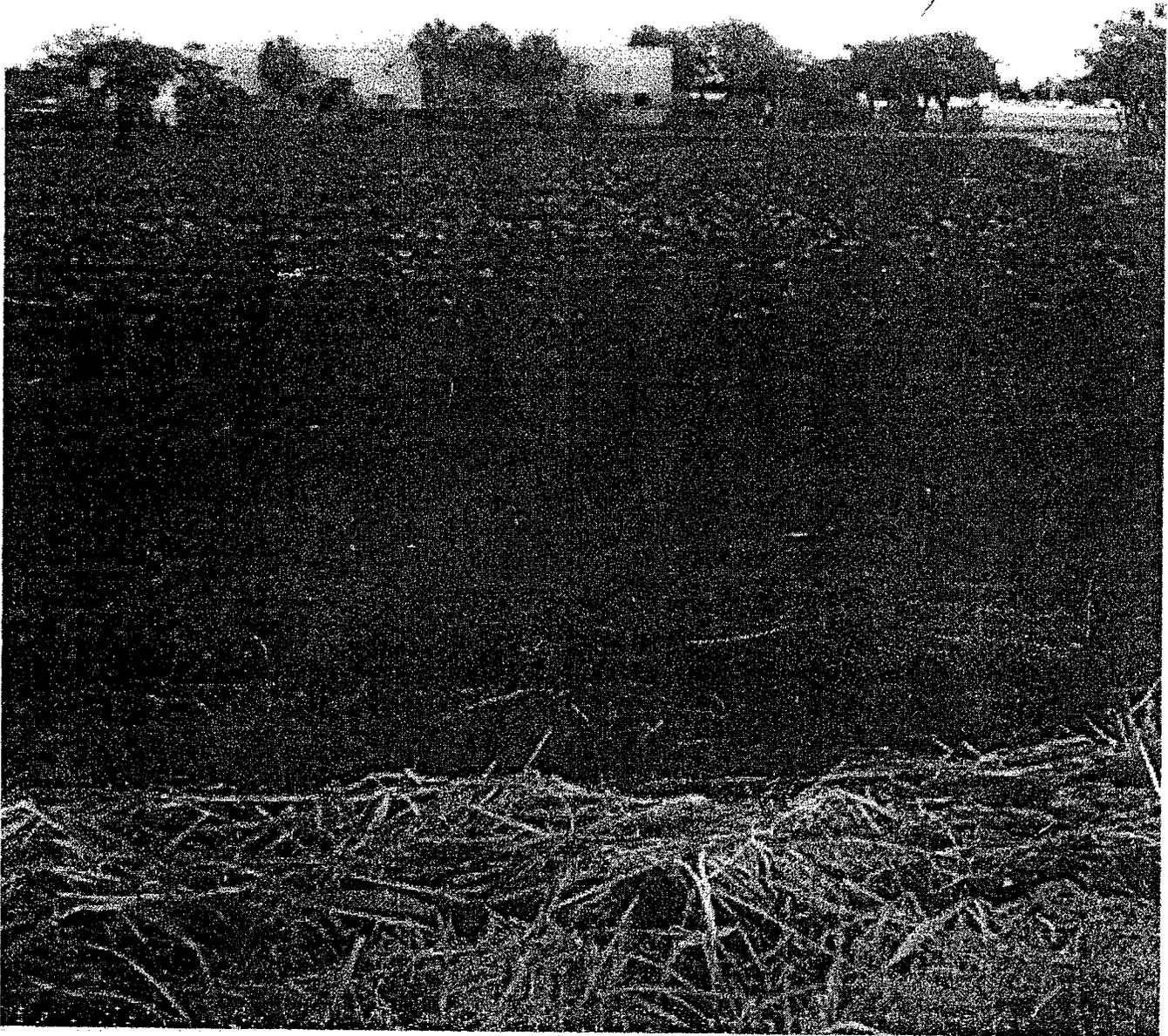
**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

REAR ELEVATION

RECEIVED
2/7/85

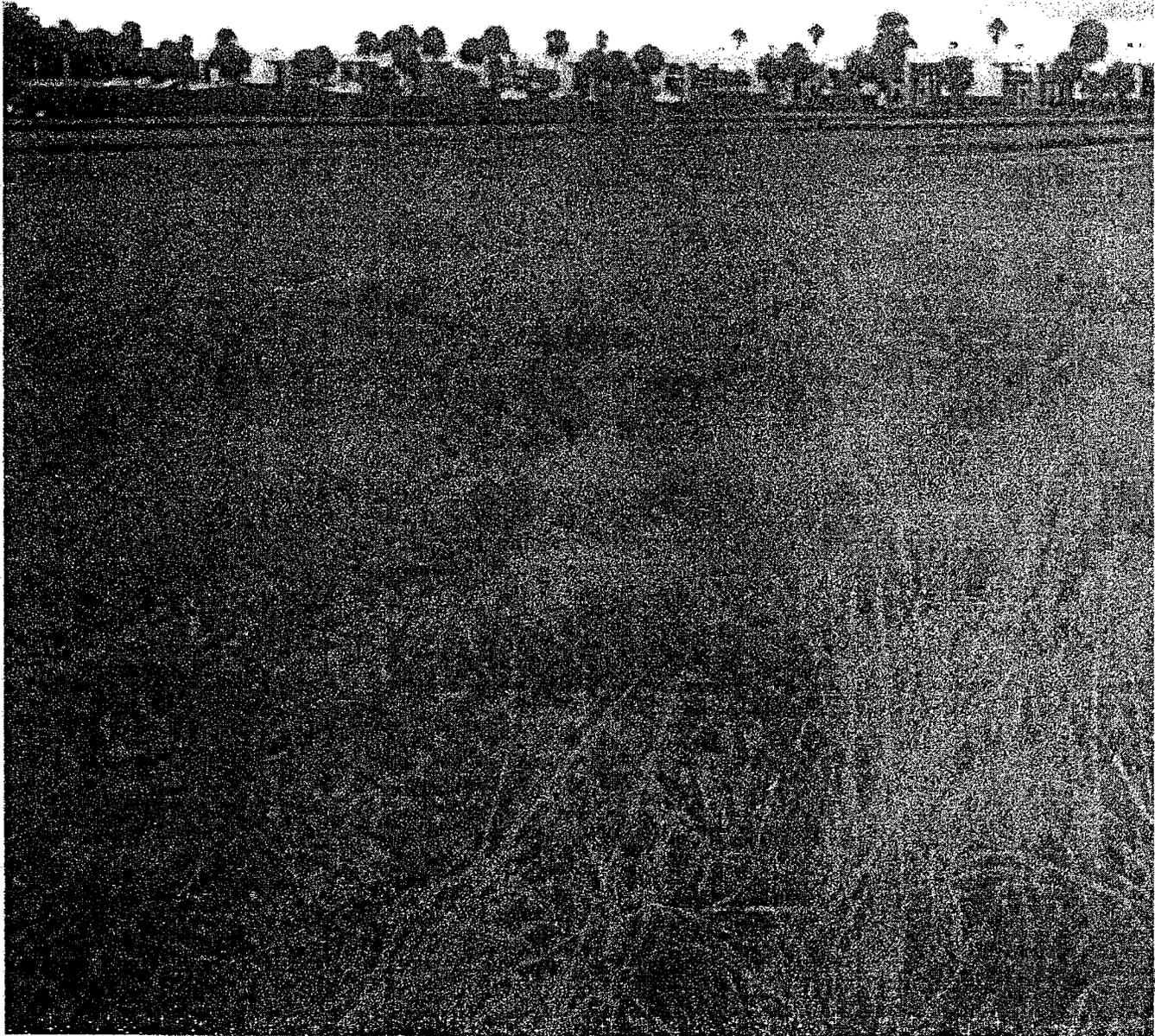
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: _____



FRONT ELEVATION

RECEIVED
3-12-13

ZONING DEPARTMENT
MAYOR'S OFFICE
BY



SIDE ELEVATION

RECEIVED
217-136

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

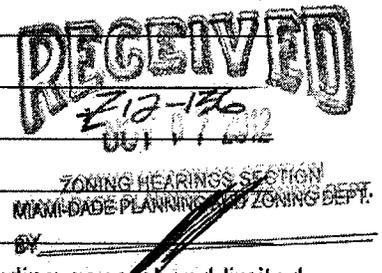
CORPORATION NAME: Pine Island Tomato Farms, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Pine Island Tomato Farms</u>	<u>100%</u>
<u>Gary Lynn Choffin</u>	

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

TRUST/ESTATE NAME _____

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



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

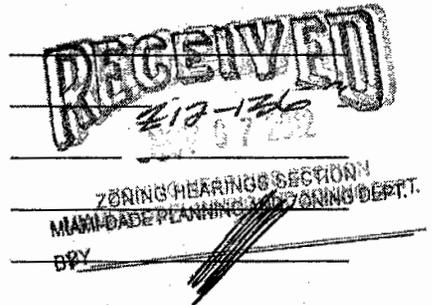
NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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



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

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

Signature: _____
(Applicant)

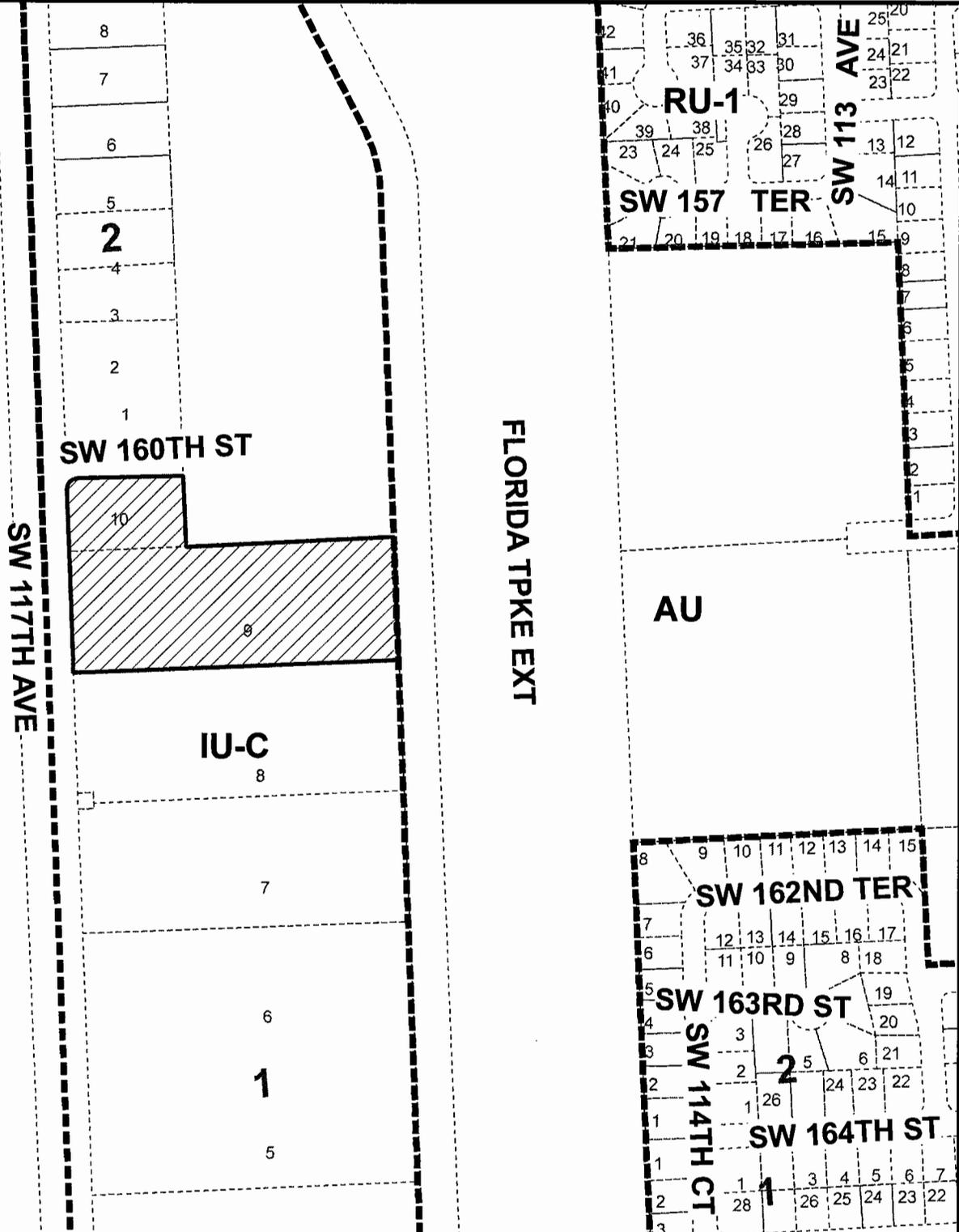
Sworn to and subscribed before me this 17 day of October 20 12. Affiant is personally know to me or has produced _____ as identification.

Billie Kay Kunz
(Notary Public)

My commission expires: 9-19-14



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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000136



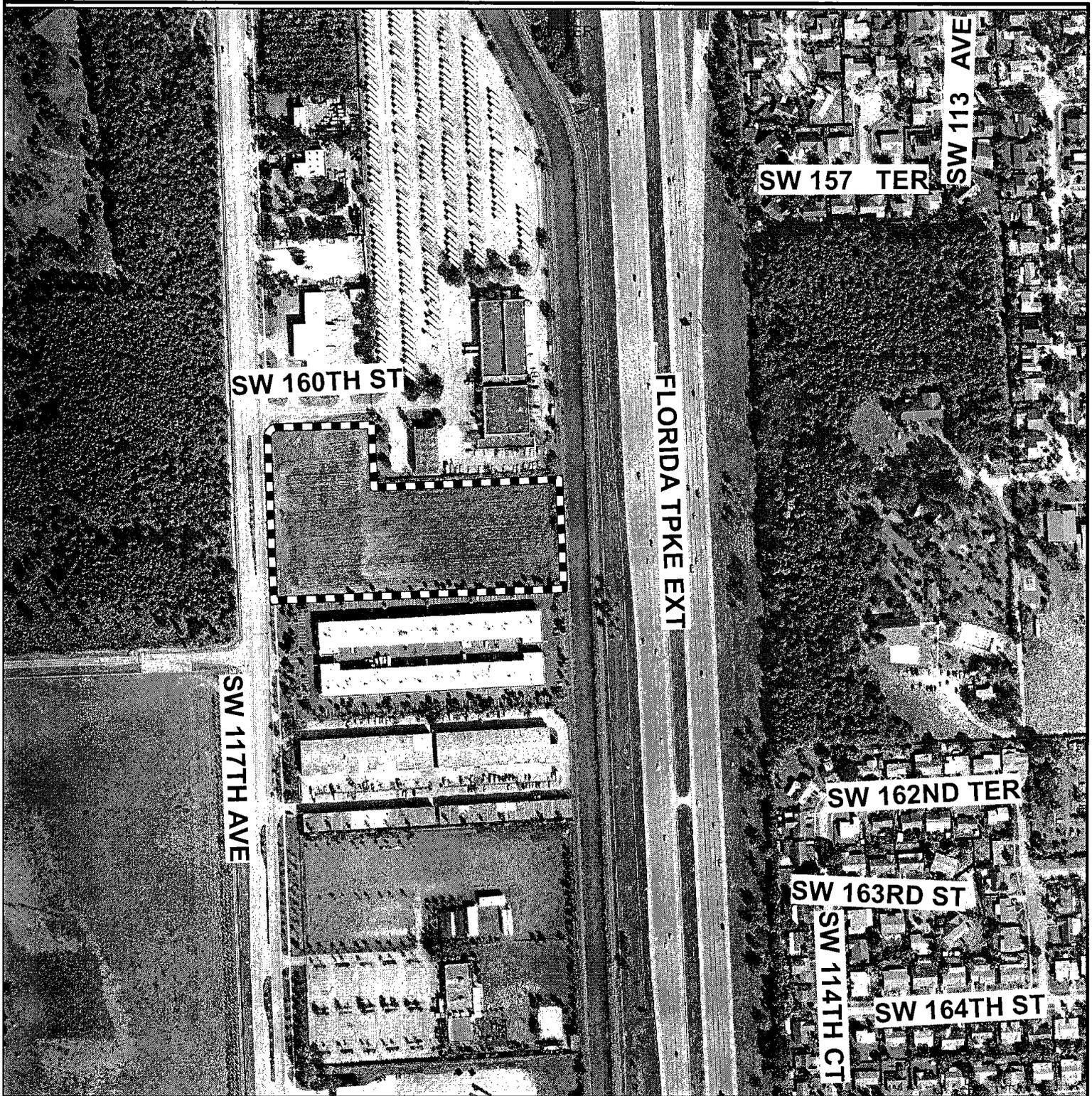
Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY

Process Number

AERIAL YEAR 2012

Z2012000136



Section: 30 Township: 55 Range: 40

Applicant: PINE ISLAND TOMATO FARMS, INC

Zoning Board: C14

Commission District: 9

Drafter ID: JEFFER GURDIAN

Scale: NTS

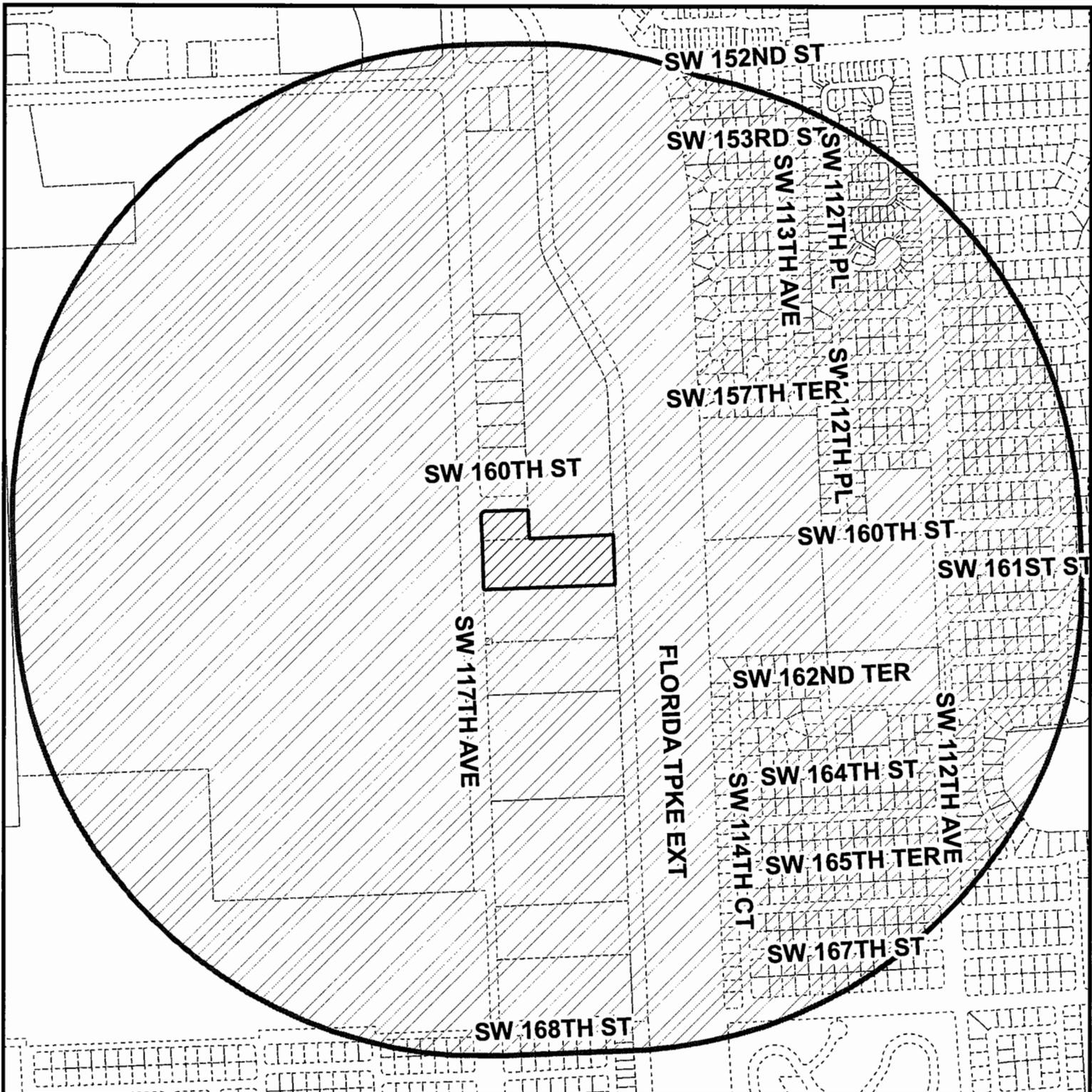
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 Subject Property



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
RADIUS MAP

Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number

Z2012000136

RADIUS: 2640



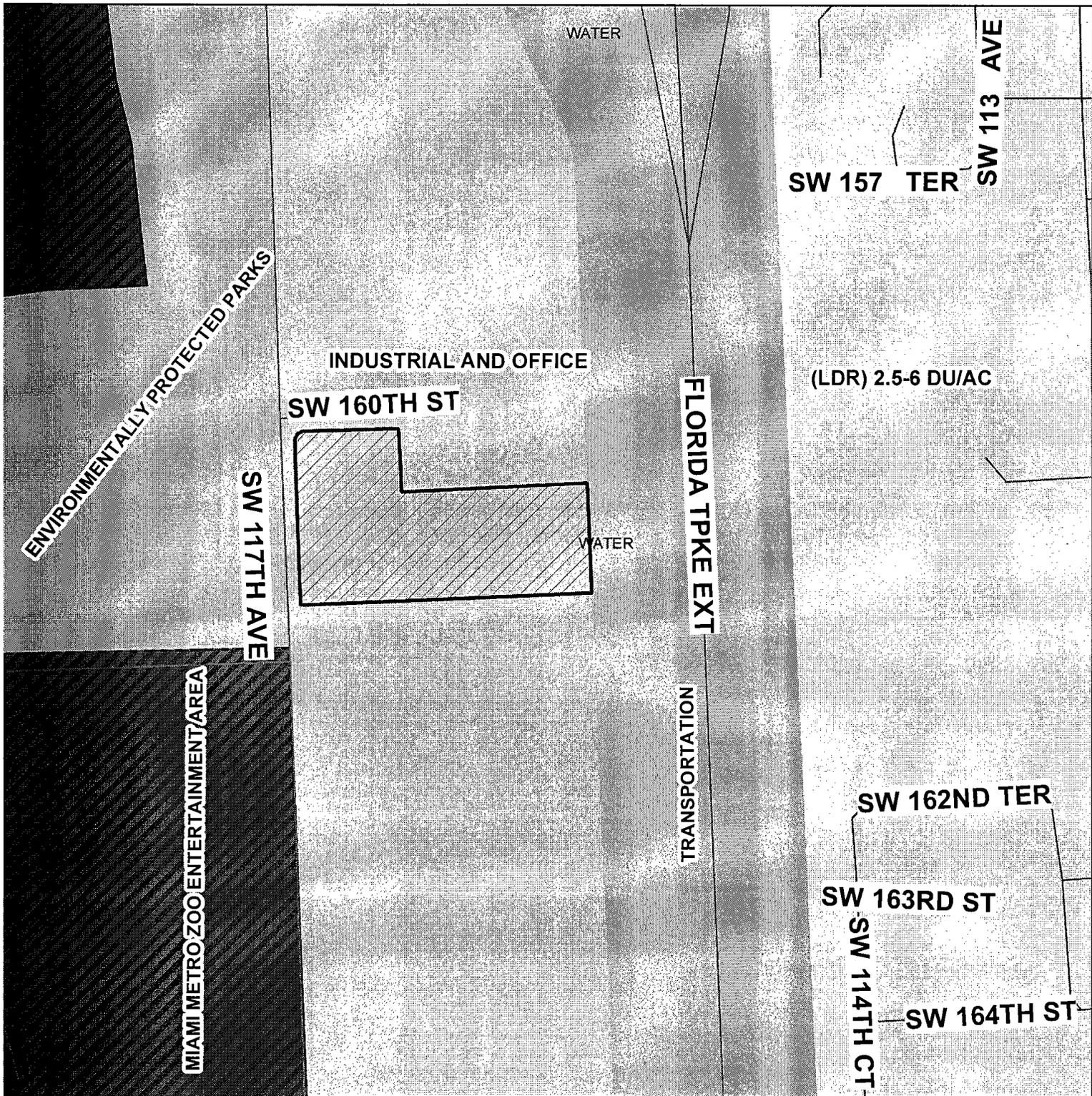
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, November 30, 2012

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000136



Section: 30 Township: 55 Range: 40
 Applicant: PINE ISLAND TOMATO FARMS, INC
 Zoning Board: C14
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY