

FINAL AGENDA

10-18-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER-ROOM #104 (OLD BUILDING)
10710 SW 211 Street, Miami
Wednesday, November 6, 2013 at 6:00 p.m.

PREVIOUSLY DEFERRED

A. 13-9-CZ14-2 SOUTH FLORIDA RE HOLDINGS LLC 13-18 11-56-39



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, NOVEMBER 6, 2013

SOUTH DADE GOVERNMENT CENTER – ROOM #104 (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

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



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

PH: Z13-018 (13-9-CZ14-2)

November 6, 2013

Item No. A

Recommendation Summary	
Commission District	8
Applicant	South Florida RE Holdings, LLC
Summary of Requests	The applicant is seeking to allow a zone change to BU-1A, Limited Business District in order to rezone and develop the property in accordance with the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map Business and Office designation.
Location	SW corner of SW 200 St and SW 127 Ave, Miami-Dade County, Florida.
Property Size	1.78 net acres
Existing Zoning	EU-1, Single-family One Acre Estate District
Existing Land Use	vacant
2015-2025 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval, subject to the acceptance of the proffered zoning covenant.

This item was deferred from the September 17, 2013, and subsequently from the October 17, 2013, Community Zoning Appeals Board (CZAB) #14 meetings to allow the applicant time to provide all of the required covenant documents to staff for review prior to the hearing.

REQUEST:

DISTRICT BOUNDARY CHANGE from EU-1 to BU-1A.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The applicant seeks to rezone the subject property from EU-1 to BU-1A. The subject property was approved for a CDMP Land Use Plan map designation change from Low Density Residential to Business and Office during the October 2009 Amendment Cycle. At that time the applicant proffered a covenant that required the owners to obtain certification under the U.S. Green Building Council's LEED-NC Green Building Rating System or similar system at the time of rezoning.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; vacant land	Business and Office
North	BU-1A; retail store	Business and Office
South	EU-1; vacant land	Business and Office
East	BU-1A; shopping center	Business and Office

West	EU-1; religious facility	Low-Density Residential (2.5 – 6 dua)
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NEIGHBORHOOD COMPATIBILITY:

The 1.78-net acre subject property is a vacant parcel located at the southwest corner of the intersection of section line roadways, SW 200 Street and SW 127 Avenue. The properties on the three (3) other corners of the intersection are zoned BU-1A, two of which are developed with a shopping center and a retail store. The contiguously owned parcel to the west is a religious facility.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the parcel in accordance with the proposed BU-1A, Limited Business District regulations, and provide the community with additional commercial and retail uses in this area. However, since the site is vacant the proposed development could have traffic impacts on the surrounding residential and commercial developments in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The applicant seeks to permit the rezoning of the subject parcel from EU-1, Single-Family One Acre Estate District to BU-1A. The CDMP Land Use Plan (LUP) map designates the subject 1.78-net acre property for Business and Office use. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.* The purpose of the BU-1A, zoning district is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods. The BU-1A district allows all the uses permitted in the BU-1, Neighborhood Business District such as banks, beauty parlors, antique shops, bakeries and drug stores as well as service stations, auto parts stores, drycleaners, retail stores and groceries. As such, the proposed rezoning to BU-1A would be consistent with the CDMP LUP map Business and Office designation. Further, CDMP Land Use Element interpretative text, **Objective LU-4** requires the County to *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 approval of the application would allow the property to be rezoned to a zoning district that is consistent with the CDMP LUP map designation. Further, the staff notes that the properties on the three other corners of this intersection are already zoned for commercial uses therefore, the rezoning of the subject property to BU-1A would be consistent with the character of the surrounding area.

However, as previously noted by staff, the Business and Office designation of the subject property was adopted in the October 2009 cycle of applications to amend the CDMP at which time the applicant proffered a CDMP covenant. Said CDMP covenant required the owner to design the site plan and buildings as applicable at the time of initial rezoning, with the intent to obtain certification under the U.S. Green Building Council's LEED-NC Green Building rating System or similar certification by other comparable green building rating agencies and to use best efforts in pursuing such certification during the development process. The applicant has proffered a zoning covenant requiring the approval of any development plan for the subject parcel through the Administrative Site Plan Review (ASPR) process. Additionally, said zoning

covenant requires that the site plan design satisfy the Green Building rating requirement in accordance with the aforementioned CDMP covenant. Staff opines that the approval of the application, subject to the acceptance of the proffered covenant would maintain the restrictions of the development of the site based on the CDMP amendment and the CDMP covenant. Therefore, staff opines that approval of the application is **compatible** with the area and therefore **consistent** with the CDMP Land Use Element interpretative text in **Business and Office** areas, the CDMP Land Use Plan map **Business and Office** designation for the subject property, the CDMP covenant and CDMP land Use Element **Objective LU-4**.

ZONING ANALYSIS:

For the reasons stated above, staff opines that when the applicant's requests to rezone the 1.78-net acre to BU-1A, is analyzed under Section 33-311, District Boundary Change that the approval of the request would be **compatible** with the commercial uses and zoning in the surrounding area. In staff's opinion, the rezoning of the subject property to BU-1A would permit commercial uses that would not be out of character with, and would be more compatible with the commercially zoned properties located to the north, northeast and to the east of the subject parcel surrounding the intersection.

Based on the memorandum from the Platting and Traffic Review Section of the Department Regulatory and Economic Resources (RER), staff opines that approval of the aforementioned request would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic. Their memorandum states that the application will generate **131** PM daily peak hour trips and that the application meets the criteria for traffic concurrency for an Initial Development Order. Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the RER indicates that the approval with conditions of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. Specifically, its memorandum indicates that a review of the application for compliance with the requirements of Chapter 24 of the Code indicated that the Level of Service standards as specified in the CDMP for potable water supply, wastewater disposal and flood protection are valid for this initial development order. However, the DERM memorandum also indicates that the subject property is located near a County designated Natural Forest Community (NFC), the maintenance of which requires the use of periodic ecological prescribed burning, one every three (3) years. Its memorandum further indicates that the subject property lies within the potential smoke dispersion corridor and may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

In addition, staff notes that the subject property is located at the southwest corner of the intersection of section line roadways, SW 127 Avenue and SW 200 Street and is easily accessible from the Florida Turnpike, a north/south expressway that is located 1.5 miles east of the subject property. As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the proposed rezoning of the subject parcel to BU-1A will be **compatible** with the area, will be **consistent** with the CDMP, will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered zoning covenant, staff recommends approval of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: The subject parcel is located at a well-travelled intersection of two (2) section line roadways, SW 200 Street and SW 127 Avenue and within 1.5 miles of the Florida Turnpike which is located to the east.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:JC:CH



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

NDW

ZONING RECOMMENDATION ADDENDUM

South Florida RE Holdings, LLC
Z13-018

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
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

Business and Office (Page I-41)	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
Objective LU-4 (Pg. I-11)	<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>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p>
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ZONING RECOMMENDATION ADDENDUM

South Florida RE Holdings, LLC
Z13-018

(F) **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

B

APPLICANT'S NAME: **SOUTH FLORIDA HOLDINGS, LLC**

REPRESENTATIVE: **Edward Martos**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-9-CZ14-2 (13-018)	October 17, 2013	CZAB14	13

REC: Approval, subject to the acceptance of the proffered zoning covenant.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: **November 6, 2013** W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: To complete covenant documents.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Diane Coats-DAVIS	X		
COUNCILMAN	S	Nehemiah DAVIS	X		
VICE CHAIRMAN	M	Curtis LAWRENCE	X		
COUNCILMAN		Neal SPENCER	X		
CHAIRMAN		Wilbur B. Bell	X		

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

EXHIBITS: YES NO COUNTY ATTORNEY: **ABBIE SCHWARDERER RAURELL**

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

#2

APPLICANT'S NAME: **SOUTH FLORIDA RE HOLDINGS, LLC**

REPRESENTATIVE: Iris Escarra

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
13-9-CZ14-2 (13-018)	September 17, 2013	CZAB14	13

REC: Approval, subject to the acceptance of the proffered zoning covenant.

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: October 17, 2013 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS
 OTHER: Deferred to allow applicant to submit complete covenant to staff.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	S	Diane Coats-DAVIS	X		
COUNCILMAN	M	Nehemiah DAVIS	X		
VICE CHAIRMAN		Curtis LAWRENCE	X		
COUNCILMAN		Patrice MICHEL			X
COUNCILMAN		Neal SPENCER			X
CHAIRMAN		Wilbur B. Bell	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: RONALD BERNSTEIN

A. SOUTH FLORIDA RE HOLDINGS LLC
(Applicant)

13-9-CZ14-2 (13-018)
Area 14/District 08
Hearing Date: 11/6/13

Property Owner (if different from applicant) **SOUTH FLORIDA FR HOLDINGS, LLC.**

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>
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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: April 10, 2013
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources
Subject: #Z2013000018-1st Revision
South Florida RE Holdings, LLC.
12720 SW 200 Street, Miami, FL
Zoning change from EU-1 to BU-1A
(EU-1) (1.78 Acres)
11-56-39



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.

Wellfield Protection

The subject property is located within the basic wellfield protection zone of the South Miami Heights Wellfield Complex. The property is located within the 30-day and 100-day travel time contours of said Wellfield. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Section 24-43(4)(b) of the Code requires that for a non-residential property connected to public sewers, not having indigenous substrata, and located within the 30-day travel time contour of the basic wellfield protection area of any public utility potable water supply well, the sewage loading into sanitary sewers shall not exceed 1,600 gallons per day per acre. The applicant is advised that compliance with the aforementioned Section of the code will be required prior to approval of development orders.

Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

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

Stormwater Management

The applicant is advised that any future development greater than 2.0 acres of impervious area will require:

1. A Surface Water Management General Permit issued by the Water Control Section of 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. The applicant is advised to contact the Water Control Section at (305)-372-6681 for further information regarding permitting procedures and requirements.
2. 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.
3. Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.
4. 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.

Since the site is located within the South Miami Height Wellfield Complex, drainage restrictions may be applicable.

Wetlands

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

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

Tree Preservation

The subject property contains tree resources along the right of way. 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

The subject properties have one (1) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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: June 20, 2013

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

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

Subject: Z2013000018
Name: South Florida RE Holdings, LLC
Location: 12720 SW 200 Street
Section 11 Township 56 South Range 39 East

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

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **131 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9788	SW 127 Ave. s/o SW 184 St.	B	B
F-54	SW 186 St. w/o HEFT	D	D
9890	SW 200 St. nw/o US-1	D	D
9898	SW 216 St. w/o US-1	B	B
9790	SW 127 Ave. s/o SW 216 St.	C	C
F-1116	SW 200 St. w/o SW 127 Ave.	C	C

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

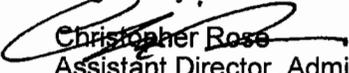
(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.

Memorandum



Date: May 10, 2013

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

From:  Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: #13_018
South Florida RE Holdings, LLC

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

The application request involves a district boundary change from Estates Single Family (EU-1) to Limited Business District (BU-1A). The re-designation to a Business District will likely be considered development for a commercial unit on the property per Chapter 15 of the County Code. As the PWWM does not actively compete for commercial waste collection service at this time, waste collection services may be provided by a private waste hauler. The application will have no impact or any associated costs.

The 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. The PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Memorandum



Date: March 13, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000018: SOUTH FLORIDA RE HOLDINGS LLC

Application Name: SOUTH FLORIDA RE HOLDINGS LLC

Project Location: The site is located at SW CNR OF SW 200 ST & 127 AV, Miami-Dade County.

Proposed Development: The applicant is seeking approval of a district boundary change from EU-1 to BU-1A for uses permitted within this zoning district which does not include residential.

Impact and demand: The request of this application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 26-FEB-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2013000018

Fire Prevention Unit:

No objection to Letter of Intent requesting Zoning change. Future development plans shall be submitted for Fire Department site review.

Service Impact/Demand

Development for the above Z2013000018 located at *SW CNR OF SW 200 ST & 127 AV, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 2268 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 52 - South Miami Hgts - 12105 Quail Roost Drive
Rescue, ALS Tanker, Battalion 7

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis at this stage.

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

DATE: 30-MAY-13

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

SOUTH FLORIDA RE HOLDINGS
LLC

*SW CNR OF SW 200 ST & 127 AV,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000018

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD COMPLIANCE CASES
BLDG: THERE ARE NO CURENT OPEN OR CLOSED BUIDLING SUPPORT CASES.

SOUTH FLORIDA RE HOLDINGS LLC

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: South Florida RE Holdings, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Felipe A. Valls</u>	<u>100%</u>
_____	_____
_____	_____
<u>3663 Southwest 8th Street, Penthouse, Miami, FL 33155</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].

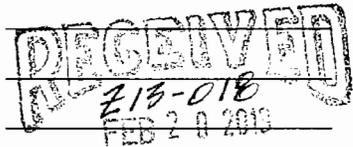
TRUST/ESTATE NAME _____

<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>
_____	_____
_____	_____
_____	_____
_____	_____



ZONING DEPARTMENT ACTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

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

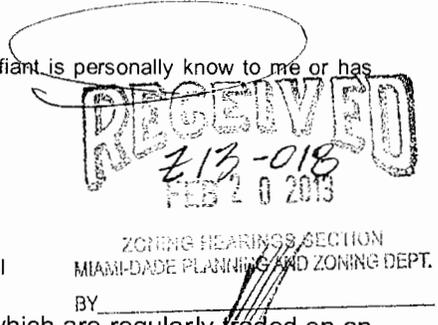
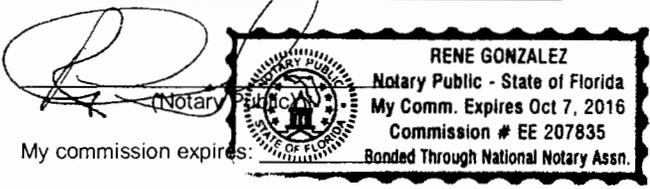
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

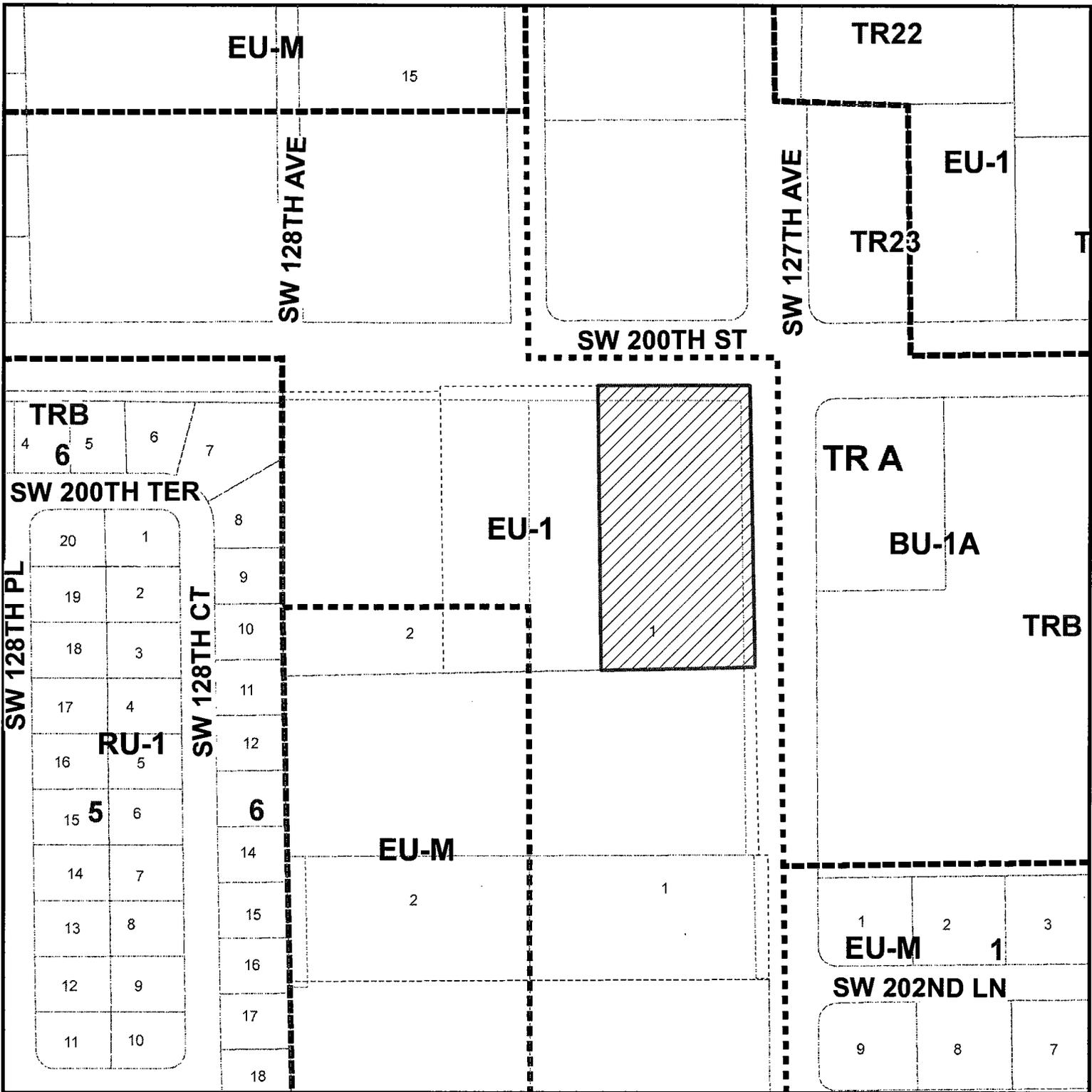
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 19th day of February 2013. Affiant is personally know to me or has produced _____ as identification.



*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
Z2013000018



Section: 11 Township: 56 Range: 39
 Applicant: SOUTH FLORIDA RE HOLDINGS LLC
 Zoning Board: C14
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

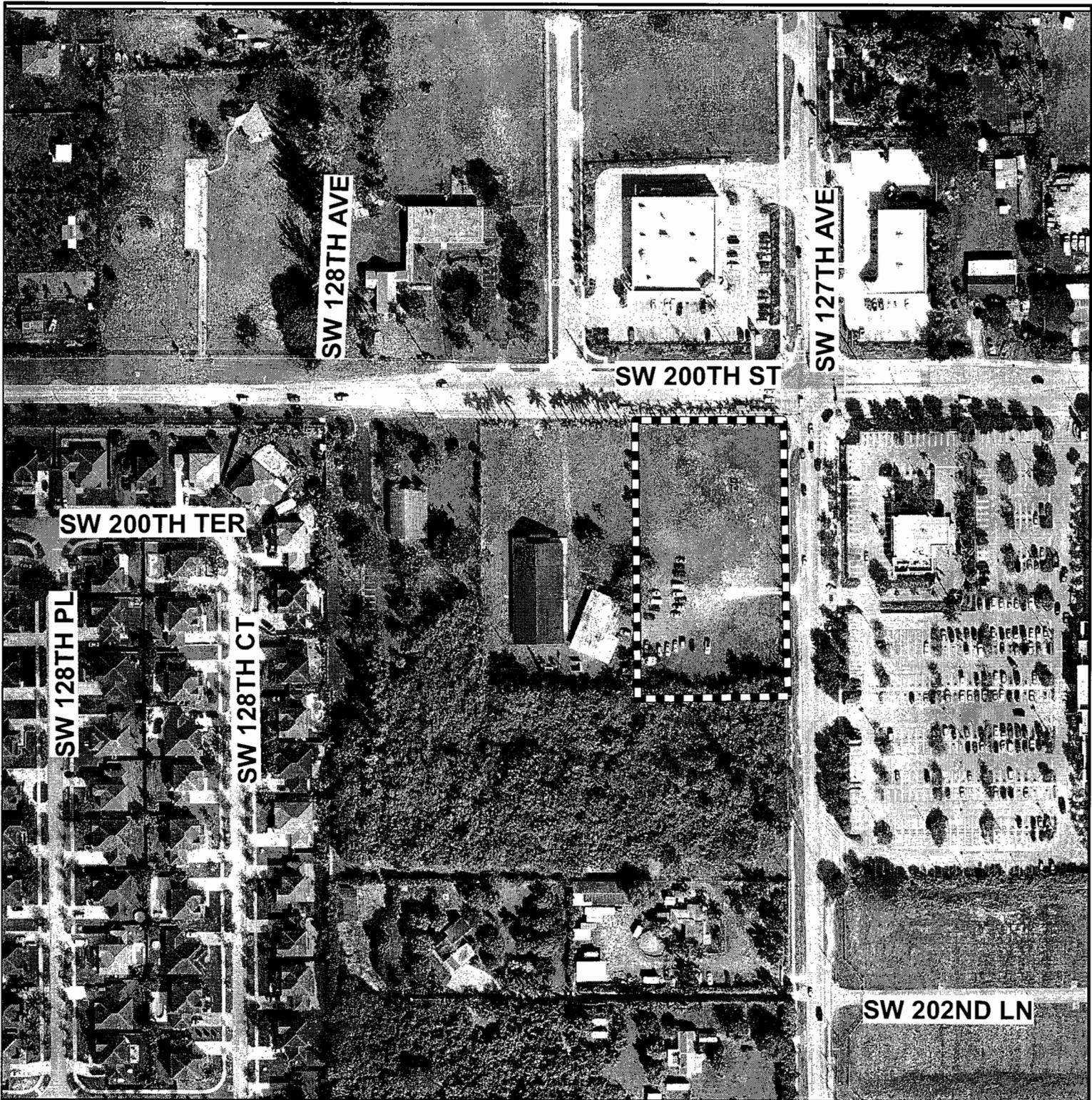
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, March 6, 2013

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000018



Section: 11 Township: 56 Range: 39
 Applicant: SOUTH FLORIDA RE HOLDINGS LLC
 Zoning Board: C14
 Commission District: 8
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, March 6, 2013

REVISION	DATE	BY
		21

(EDR) 1-2.5 DU/AC

SW 128TH AVE

SW 127TH AVE

SW 200TH ST

BUSINESS AND OFFICE

SW 200TH TER

SW 128TH PL

SW 128TH CT

(LDR) 2.5-6 DU/AC

SW 202ND LN

MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2013000018



Section: 11 Township: 56 Range: 39
Applicant: SOUTH FLORIDA RE HOLDINGS LLC
Zoning Board: C14
Commission District: 8
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, March 6, 2013

REVISION	DATE	BY

This instrument was prepared by:
Name: Iris Escarra, Esq.
Greenberg Traurig
333 Avenue of the Americas
Miami, FL 33131

PLANNING AND ZONING
AGENDA OFFICE

2013 SEP 19 A 8: 26
(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z2013-018 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) Prior to the issuance of a building permit for the construction of any improvements on the Property, the Owner shall submit for approval an application for Administrative Site Plan Review ("ASPR") to the Zoning Hearings Section.
- (2) The Owner shall design the Site Plan and Building(s), as applicable at the time of initial rezoning, with the intent to obtain certification under the U.S. Green Building Council's LEED-NC Green Building Rating System or similar certification by other comparable green building rating agencies, and the then owner shall use best efforts to pursue such certification during the development process.

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and

Declaration of Restrictions

Page 2

effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

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

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made

Declaration of Restrictions

Page 3

and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

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

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

[Execution Pages Follow]

LIMITED LIABILITY COMPANY

PLANNING AND ZONING
AGENDA OFFICE

Signed, witnessed, executed and acknowledged on this 20th day of May, 2013 ~~2013~~ ~~SEP~~ ~~19~~ ~~A~~ ~~8:26~~
2013

IN WITNESS WHEREOF, South Florida RE Holdings, LLC has caused these presents to be signed in its name by its proper officials.

Witnesses:

J. Morris
Signature
JACQUELINE DAMES
Print Name
[Signature]
Signature
Jose Rivera
Print Name

South Florida RE Holdings, LLC
Name of LLC
Address:
3663 SW 8 Street, Penthouse
Miami, FL 33131
By [Signature]
(Managing Member)

Print Name: Felipe Valls
[*Note: All others require attachment of original corporate resolution of authorization]

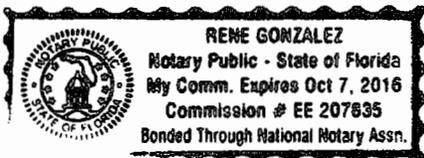
STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by Felipe Valls
(Name)
the Managing Member of South Florida RE Holdings, LLC, on behalf of the LLC.
(Title) (Name)

He/She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 20th day of May, 2013, in the County and State aforesaid.



[Signature]
Signature
Notary Public-State of Florida
Rene Gonzalez
Print Name

My Commission Expires:

(Public Hearing)

Section-Township-Range:

Folio number:
MIA 183238309v2