

KITS

1-12-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 15
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)
10710 SW 211 Street, Miami
Tuesday, February 22, 2011 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|---|---------------|----------|---|
| 1. | 11-2-CZ15-1 | <u>THE CITY OF FLORIDA CITY</u> | <u>08-154</u> | 01-58-38 | N |
| 2. | 11-2-CZ15-2 | <u>RMC FLORIDA GROUP LTD. DBA CEMEX</u> | <u>09-165</u> | 18-58-39 | N |
| 3. | 11-2-CZ15-3 | <u>KIMCO AUTOFUND LP</u> | <u>10-22</u> | 07-56-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, FEBRUARY 22, 2011

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

FROM: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1st day of December, 2009."

TO: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1st day of December, 2020."

The purpose of the request is to allow the applicant to extend the completion date of the lake excavation.

LOCATION: 15900 S.W. 408 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 123 Acres

Department of Planning and Zoning
Recommendation:

Approval with a condition.

Protests: 1

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. **KIMCO AUTOFUND LP (11-2-CZ15-3/10-022)**

**07-56-40
Area 15/District 09**

REQUESTS # 1 THROUGH # 8 WERE REVIEWED UNDER THE USE VARIANCE FROM OTHER THAN AIRPORT REGULATIONS.

- (1) Applicant is requesting to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof.
- (2) Applicant is requesting to permit a block length of approximately 661' (500' maximum permitted).
- (3) Applicant is requesting to permit a block perimeter length of approximately 2,409.59' (1,600' maximum permitted).
- (4) Applicant is requesting to delete 2 new type "A" streets and 1 new type "B" street (required as per New Street Dedications Plan) and waiving the street type and landscape parameters for minor streets.
- (5) Applicant is requesting to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street.
- (6) Applicant is requesting to permit a 2nd flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (one 24 sq. ft. sign permitted per street frontage).
- (7) Applicant is requesting to waive the zoning regulation requiring designated bicycle route signage (required as per Bike Route Plan).
- (8) Applicant is requesting to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street.

NOTICE

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

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

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

1. THE CITY OF FLORIDA CITY
(Applicant)

11-2-CZ15-1 (08-154)
Area 15/District 09
Hearing Date: 02/22/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
No History				

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

APPLICANT: The City of Florida City

PH: Z08-154 (11-2-CZ15-1)

SECTION: 1-58-38

DATE: February 22, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 1

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

This application would permit a private prison facility with a lake with a greater lot coverage than allowed by the Zoning Code. Additionally, the applicant seeks to permit said facility with a taller than permitted steel perimeter fence with razor ribbon as well as parking on brick pavers in the GU, Interim zoning district.

o **REQUESTS:**

- (1) UNUSUAL USE to permit to permit a detention center/correction facility.
- (2) UNUSUAL USE to permit a lake excavation.
- (3) Applicant is requesting to permit a lot coverage of 29.96% (15% maximum permitted).
- (4) Applicant is requesting to permit a steel perimeter fence 15' high and 6 coils of razor ribbons (8' high with a maximum of 3 strands of barbed wire permitted) and a steel fence with a height of 15' (8' high maximum permitted).
- (5) Applicant is requesting to permit parking on brick pavers (hard surface, gravel or mulch required).

Plans are on file and may be examined in the Zoning Department entitled, "The GEO Group, Inc. Detention/Corrections Facility" as prepared by Kimley-Horn and Associates, Inc. consisting of 3 sheets dated stamped received 01/19/11 and plans as prepared by Design Engineer consisting of 18 sheets. Sheets A-2 thru A-16, A-16A, dated stamped received 01/19/11 and sheets A-17 & A-18 dated stamped received 01/25/11, for a total of 21 sheets. Plans may be modified at public hearing.

o **LOCATION:**

Lying east of S.W. 187 Avenue, approximately 665' south of S.W. 376 Street, Miami-Dade County, Florida.

o **SIZE:** 40.56 acres

B. ZONING HEARINGS HISTORY: None.

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

1. *The Adopted 2015 and 2025 Land Use Plan designates the northern, approximately 620' of the subject property as being for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.*
2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. **Other uses including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest** and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.*
3. *The southern, approximately 670' of the subject property is designated **Environmental Protection** on the adopted 2015 and 2025 Land Use Plan of the CDMP. The Environmental Protection designation applies to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems of County, regional, State or national importance. These lands are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. However, some high-quality uplands such as tropical hammocks and pinelands on the State Conservation And Recreation Lands (CARL) and Miami-Dade County Environmentally Endangered Lands (EEL) acquisition lists are also included. Most of the CARL projects are designated on the future Land Use Plan (LUP) Map, but some are not because of their small size. EEL projects that are acquired and are large enough to be depicted at the Plan Map scale are also designated on the Future Land Use Plan Map.*

*It is the policy of this Plan that all land areas identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists shall have equally high priority for public acquisition as those land areas designated Environmental Protection on the Future LUP Map. **Uses permitted within these areas must be compatible with the area's environment and the objectives of the Comprehensive Everglades Restoration Plan, and shall not adversely affect the long-term viability, form or function of these ecosystems.** Residential development in this area shall be limited to a maximum density of one unit per five acres, and in some parts of this area lower densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems.*

Because of the importance of maintaining the natural form and function of these areas, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. However, so long as these lands remain in private ownership, some compatible use of this land will be permitted by Miami-Dade County consistent with the goals, objectives and policies of this Plan and the objectives of the Comprehensive Everglades Restoration Plan. All proposed uses will be reviewed on a case-by-case basis for compliance with environmental regulations and consistency with this Plan and the Comprehensive Everglades Restoration Plan. The following provides an indication of the uses and residential densities that may be considered for approval subject to conformity with the pertinent goals, objectives and policies of this Plan. The precise boundary of the entire Environmental Protection area is depicted on the LUP map. The map titled "Environmental Protection Subareas" (Figure 7) and the following text indicate the boundaries between subareas of the Environmental Protection Area.

- 4. Environmental Protection Subarea D (Canal-111 Wetlands).** *This subarea contains the southern portion of the East Everglades, south of Florida City. The subarea is bounded on the west and south by Everglades National Park, on the east by US Highway 1, and on the north by the Agriculture area and Open Land Subarea 5. The area is traversed by Canal-111 and is the subject of a Comprehensive Everglades Restoration Plan project seeking to remedy degraded hydrological and biotic conditions in this portion of the Everglades. Most of this area is under the ownership of the South Florida Water Management District and most of the remainder is proposed for acquisition under the State's Save Our Rivers program. The lands that are not yet slated for public acquisition should be studied to determine whether public acquisition would be mutually beneficial to public and private interests in the area. These areas are wetlands and subject to case-by-case evaluation of use or site-alteration proposals by federal, State, regional and County agencies. Moreover, most of this land is also included in the area governed by the East Everglades Resource Management program (Chapter 33-B, Code of Miami-Dade County).*
- 5. Policy LU-4A.** *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

6. **Water.** *This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.***
7. **CON -5A** – *The Stormwater Management (Drainage) Level of Service (LOS) Standards for Miami-Dade County contain both a Flood Protection (FP) and Water Quality (WQ) component. The minimum acceptable Flood Protection Level of Service (FPLOS) standards for Miami-Dade County shall be protection from the degree of flooding that would result for a duration of one day from a ten-year storm, with exceptions in previously developed canal basins, where additional development to this base standard would pose a risk to existing development. All structures shall be constructed at, or above, the minimum floor elevation specified in the federal Flood Insurance Rate Maps for Miami-Dade County, or as specified in Chapter 11-C of the Miami-Dade County Code, whichever is higher.*
8. **Policy Con -7J.** *In evaluating applications that will result in alterations to wetlands, Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives may be denied.*
9. **Other Land Uses Not Addressed.**

*Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not 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. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.*

10. **Legislative Intent.**

The CDMP is not intended to preempt the processes whereby applications may be filed for relief from land development regulations. Rather, it is the intent of the Board of County Commissioners that such applications be filed, considered and finally determined, and that administrative remedies be exhausted, where a strict application of the CDMP would contravene the legislative intent as expressed herein.

The Board recognizes that a particular application may bring into conflict, and necessitate a choice between, different goals, priorities, objectives, and provisions of the CDMP. While it is the intent of the Board that the Land Use Element be afforded a high priority, other elements must be taken into consideration in light of the Board's responsibility to provide for the multitude of needs of a large heavily populated and diverse community. This is especially true with regard to the siting of public facilities.

Recognizing that County Boards and agencies will be required to balance competing policies and objectives of the CDMP, it is the intention of the County Commission that such boards and agencies consider the overall intention of the CDMP as well as portions particularly applicable to a matter under consideration in order to ensure that the CDMP, as applied, will protect the public health, safety and welfare.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; vacant land

Agriculture/Environmental Protection

Surrounding Properties:

NORTH: GU; residential treatment facility

Institutions, Utilities and Communications

SOUTH: GU; vacant land

Environmental Protection

EAST: GU; vacant land

Agriculture/Environmental Protection

WEST: GU; prison facility and row crops

Institutions, Utilities and Communications
Agriculture

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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

development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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

Sec. 24-48.3.

(1) *Miami-Dade County Environmental Resources Management Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, upon the following evaluation factors, when applicable:*

(a) *The potential adverse environmental impact and cumulative adverse environmental impact of the proposed work, including but not limited to the effect upon hydrology, water quality, water supply, wellfields, aquifer recharge, aesthetics, navigation, public health, historic values, air quality, marine and wildlife habitats, archeological values, wetland soils suitable for habitat, floral and faunal values, rare, threatened and endangered species, natural flood damage protection, wetland values, land use classification, recreation, and any other environmental values, affecting the public interest.*

(b) *An on-site retention system of applicable design storm shall be utilized as the first priority for the disposal of stormwater runoff at any location in Miami-Dade County with the exception of projects located in the North Trail Basin, Bird Drive Basin, East Turnpike Basin, Western C-9 Basin or any other area subject to Miami-Dade County's cut and fill criteria.*

Sec. 24-50.8. - Considerations for evaluating lands for acquisition and management; EEL Program Manual.

(1) Evaluation of each acquisition proposal shall be based upon the following considerations:

(a) The primary considerations for evaluating environmental land shall be:

(i) The biological value and viability of the resource;

- (ii) The vulnerability of the resource to degradation or destruction; and
- iii) The requirements (including costs) for managing the resource to maintain its natural attributes, and the feasibility of meeting those management requirements.

Ancillary land shall be evaluated in conjunction with the adjacent environmental land.

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to conditions.

G. PLANNING AND ZONING ANALYSIS:

Approval of this application would allow the applicant to develop a private correctional facility along with a lake on the 40.56 acre parcel that is located east of S.W. 187 Avenue, approximately 665' south of S.W. 376 Street, approximately one (1) mile south of and outside the Urban Development Boundary (UDB). Additionally, the applicant seeks to permit the correctional facility with a greater lot coverage than allowed, a higher than permitted steel perimeter fence with razor wire and a variance to the parking regulations. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the approximately northern 620' of the subject property as **Agriculture** use and the approximately southern 670' of the subject property as **Environmental Protection** on the adopted 2015 and 2025 Land Use Plan of the CDMP.

Staff notes that the Legislative Intent of the CDMP indicates that, although the Land Use Element of the CDMP must be taken into consideration, other needs, and especially the siting of public facilities, must be taken into consideration in light of the Board's responsibility to provide for the multitude of needs of a large heavily populated and diverse community. The buildings for the proposed facility will be located on the northern portion of the site, which is designated Agriculture on the LUP map of the CDMP. The interpretative text of said CDMP, states that ***other uses including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.*** The applicant indicated in an additional letter that a Statement of Objectives for an Inter-Governmental Service Agreement (IGSA) issued by the Federal Government listed a need for additional detentions/corrections services in Miami-Dade County. Said IGSA stated that the Department responsible for immigration enforcement, Immigration and Customs Enforcement (ICE), needs 1,500 – 2,000 new detention beds to meet local demand in the

Miami metropolitan area. The applicant is proposing to develop a 2,272 bed detention facility, which would satisfy this need. Among the objectives listed in the agreement is a possible co-location with an existing detention facility that can provide or at least augment support services, such as food, maintenance, and utilities, as well as being within an hour's drive of the Miami Field Office for ICE. The applicant indicated that the location of the proposed facility adjacent to other large correctional facilities, located to the west and north, creates a secure environment for the facility and results in adequate spacing for the facility from residential and other non-correctional uses in this area of the County. Additionally, the applicant opines, and staff is in agreement, that this "correctional hub" in south Miami-Dade County has the necessary facilities to meet the objectives of the IGSA, such as paved direct access and support services from the neighboring correctional facilities, that distinguish it from other areas outside the Urban Development Boundary (UDB). The applicant further indicated that sites that do not have these characteristics are not adequate for modern correctional facilities to provide necessary services for detainees, service personnel, employees, and visitors, and therefore other areas outside the UDB are not suitable for this proposed use. Further, the applicant has indicated in a supplementary letter that similar facilities have historically been located in rural areas, well spaced from adjacent residential communities, due to citizen demands, and that similar facilities in Miami-Dade County are located in areas that are primarily designated Agricultural or Open Lands on the LUP map of the CDMP. The aforementioned existing facilities, like the proposed correctional facility, are located in an area that is primarily made up of agricultural uses. Therefore, staff opines that the approval of the request to allow the correctional facility within an area that is designated Agriculture, in this area of the County, would be **compatible** with the immediately surrounding area and, therefore, may be considered for approval.

Additionally, the applicant also stated in the aforementioned letter that, due to the size of the facility, it is virtually impossible to provide these services in any comprehensive manner on a parcel smaller than the subject property (40 acres) in an urbanized area, and that the correctional and detention facility is in the public's security interest and therefore fulfills a public necessity for secure, comprehensive detention facilities. The applicant further stated that the agricultural capability of the north half of the property has been compromised, due to the disturbance of the land by a previous owner. Staff concurs with the opinions of the applicant that there is a need for comprehensive, secure detention facilities and that the location of this proposed facility in this area of the County satisfies the public interest criteria, for the location of such facilities in an area designated Agriculture on the LUP map of the CDMP. Further, staff opines that the rural character of the surrounding area along with the adjacent institutional uses provides a more suitable setting for this facility. Therefore, staff opines that the proposed correctional facility is **consistent** with the Agricultural designation of the northern portion of the subject property on the LUP map designation of the CDMP.

Further, the applicant is requesting approval for a proposed 8.58 acre lake excavation and a portion of the parking for the facility on a portion of the property that is designated Environmental Protection on the LUP map of the CDMP. Staff notes that the interpretative text of the CDMP indicates that the **Water category** includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and **water-related uses may be permitted for flood control** or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.** The proposed lake excavation is in keeping with the minimum lake area

required by DERM in order to meet stormwater management requirements, to ensure stormwater retention on site, and to prevent on-site and off-site flooding. As previously mentioned, the CDMP indicates that unusual uses may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that **the use would be compatible with and would not have an unfavorable effect or detrimentally impact the surrounding area**. The proposed lake excavation would be compatible with the area, would prevent the possible threat of flooding, and would not detrimentally impact the surrounding community. In fact, it is **consistent** with the CDMP since it provides the protection that the surrounding area would need to prevent the damage that a flooding event could cause. As mentioned above, under the water designation the CDMP allows, in any land use category, man-made water bodies that would provide **flood control** or recreational purposes, subject to applicable environmental regulations. As such, staff opines that the proposed lake is **consistent** with the CDMP since environmental regulations require the excavation of the lake to provide the necessary flood control measures. In addition, the lake can be used to irrigate the agricultural uses and landscape elements on the site; and as an attraction for waterfowl and wildlife.

Additionally, staff notes that the submitted plans depict a portion of the parking for the facility, to the north of the lake on the southern, approximately 18.6 acres of the subject property that is designated as Environmental Protection on the LUP map of the CDMP. Staff has worked with the applicant in order to accommodate the required parking area for the proposed facility as indicated on the submitted plans. The submitted plans now depict an area of approximately 1.8 acres, or approximately 10% of the lot area, for parking and drives on this portion of the property. Staff notes that the line of demarcation for the Environmentally Protected area is not well defined in this area and, as such, does not object to the parking area on pervious block materials on this portion of the subject property. Further, staff opines that this encroachment is minimal and combined with the fact that the applicant proposes to use pervious materials in the parking areas, will have a minimal impact on the environmentally protected area.

Staff's research of the subject property, based on photographs in the County's GIS system, indicates that as recent as 2006, the southern portion of the subject property that is designated as Environmentally protected land, was cultivated with row crops, as is currently being done on the property located to the west. Further, staff notes that the DERM does not object to the application or to the proposed parking on the area that is designated Environmental Protection on the LUP map of the CDMP, providing they obtain the required permits. Further, their memorandum indicated that although the subject property is not located within a designated wetland basin it does contain jurisdictional wetlands as defined by Section 24-5 of the Code and therefore would require a DERM Class IV Wetland Permit.

Further, staff notes that the subject property is not within the area that is identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists. Additionally, staff opines that the proposed lake excavation and the limited encroachment of the parking and drives into the environmentally protected area will not have a negative impact on the area or will not have a long term effect on the viability, form or function of the ecosystems in the surrounding area and therefore will be compatible with the environment in the surrounding area. Therefore, staff opines that the

use of a relatively small portion of the Environmental-Protection-designated property for the proposed parking area and the use of the property for a water management lake excavation for a correctional facility, which staff opines is in the public interest and for which no suitable alternative site exists, is **consistent** with **Policy CON – 7J** of the interpretative text of the CDMP. Additionally, staff notes that although the subject property is located within Environmental Subarea D, it is not located within the area that is governed by the East Everglades Resource Management Program, and as such, is not subject to Chapter 33-B of the Code of Miami-Dade County. Further, staff notes that the DERM memorandum indicated that a full evaluation of the resources on the subject property will be carried out during the permitting process, in order to preserve unique biologic resources on the property and which, according to Section 24-50.8 of the Code, is a necessary element of the public acquisition process for environmentally protected lands.

As such, staff opines that approval of the parking for the proposed correctional facility, which is also an institutional use, along with the proposed lake excavation, is compatible with the surrounding environmental systems and will therefore not have a negative impact on same. Therefore, staff opines that approval of the proposed limited parking area within the proximity of that area of the property that is designated as Environmental Protection on the LUP map of CDMP is **compatible** with the area and **consistent** with the interpretative text of the CDMP.

When the aforementioned Unusual Use, requests #1 and #2, are analyzed under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses), staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and **consistent** with the interpretative text of the CDMP. As previously mentioned, the proposed private detention facility is similar to the State correctional facility located to the west of the subject property and to the mental health facility located to the north. Staff notes that both of these facilities were approved for an expansion in 1994, pursuant to Resolution #Z-60-94. Further, staff notes that the proposed lake excavation would provide the facility with the required level of water retention on the property to protect the property and the surrounding area from on-site and off-site flooding, as indicated in the DERM memorandum. Additionally, staff notes that the proposed detention facility and the lake excavation will not cause undue or excessive burden on public facilities, including water, sewer as indicated in the memoranda from the Public Works Department and from DERM, or will not tend to create a fire or other equally or greater dangerous hazards as indicated by the MDFRD in their memorandum. Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(3).

When requests #3 through #5, are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with same. Staff acknowledges that the applicant's request to permit the detention facility with a lot coverage of 29.96%, where a maximum of 15% is allowed (request #3) primarily results from the 8.53 acre lake which is a part of the application, being subtracted from the total gross lot area. Staff is supportive of the lake feature as a water retention feature on the subject property and opine that the approximately 9% increase in the lot coverage as a result of the lake being subtracted from the total lot area, will not have a negative visual impact on the surrounding area. Additionally, staff opines that the approval of requests #4 and #5 would also not affect the appearance and stability of the surrounding area and would be compatible with same.

Staff notes that the previously mentioned resolution, Resolution #Z-60-94, granted approval of two (2) 12' high fences with razor tape and concertina wire on both sides of the fence, which is similar to request #4. Further, staff opines that approval of the request for parking on brick pavers (request #5), would enhance the drainage being proposed on the property along with the proposed lake excavation. Therefore, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) NUV standards.

Accordingly, staff opines that the approval of the applicant's requests for an unusual use to permit a private correctional facility and a lake excavation (requests #1 and #2) along with variances to allow the facility with an increased lot coverage, a 15' high perimeter fence with razor wire and coils and parking on brick pavers (requests #3 through #5), are **compatible** with the other correctional and mental health facilities located in the area and **consistent** with the LUP map and the interpretative text of the CDMP.

H. **RECOMMENDATION:** Approval with conditions.

I. **CONDITIONS:**

1. That the plans submitted for a building permit be substantially in accordance with those submitted for the hearing entitled "The GEO Group, Inc. Detention/Corrections Facility," as prepared by Kimley-Horn and Associates, Inc., consisting of 3 sheets and plans prepared by Design Engineer, consisting of 16 sheets, for a total of 19 sheets, all dated stamped received 01/19/11.
2. That the use be established and maintained in accordance with the approved plan.
3. That the lake tract be platted; no building permit shall be issued for the site until the lake excavation is completed and lake as-built drawings submitted to and approved by the Department of Planning and Zoning.
4. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "The GEO Group, Inc. Detention/Corrections Facility," as prepared by Kimley-Horn and Associates, Inc., consisting of 3 sheets and plans prepared by Design Engineer, consisting of 16 sheets, for a total of 19 sheets, all dated stamped received 01/19/11
5. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director of the Department of Planning and Zoning or the Director of the Department of Environmental Resources Management (DERM).
6. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department Environmental

- Resources Management; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.
7. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department of Environmental Resources Management (DERM); said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
 8. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of the Department of Environmental Resources Management.
 9. Excess excavated material may be removed from the premises; however, the sale of said material shall be strictly prohibited.
 10. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
 11. That the hours of the lake excavation operation shall be controlled by the Director of the Department of Planning and Zoning to ensure that the same does not become a nuisance to the surrounding area.
 12. That, once the lake excavation operation commences, it shall be carried on continuously and expeditiously so that the entire project will be completed in three (3) years.
 13. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises.
 14. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Planning and Zoning; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
 15. Upon the issuance of a lake excavation permit, the title of the property in question shall not be transferred without the approval of the Director of the Department of Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.
 16. That the applicant obtain an Excavation Use Permit from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all

terms and conditions, the same subject to cancellation upon violation of any of the conditions.

17. All excavations shall be completely enclosed by a safety barrier, with a minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
18. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
19. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management.
20. That the applicant comply with all applicable conditions and requirements of the Public Works Department.
21. That the applicant comply with all applicable conditions and requirements of the Miami-Dade Fire-Rescue Department.

DATE TYPED: 01/21/11
DATE REVISED: 01/24/11, 01/26/11, 02/14/11
DATE FINALIZED: 02/14/11
MCL:GR:NN:AA:CH



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

*NDN
GMK*

Memorandum



Date: January 31, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-15 #Z2008000154-5th Revision
The Geo Group Inc
S.W. 187th Avenue and S.W. 382nd Street
Unusual Use to Permit a Detention Center and Lake Excavation and
Request to Permit Less Setback and Greater Lot Coverage than
Required
(GU) (40.56 Acres)
01-58-38

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

Potable Water Service and Wastewater Supply

Public water and public sanitary sewers are located approximately 600 and 1,030 west of the site respectively. Moreover, the property lies outside the urban development boundary (UDB). Generally, the Miami-Dade Water and Sewer Department (MDWASD) do not provide service to properties located outside the UDB. The applicant is advised to contact Miami-Dade Planning and Zoning as well and Miami-Dade Water and Sewer Department to determine consistency of water and sewer connection of this project with the CDMP. If MDWASD does not agree to provide service, the applicant will be required to obtain a variance from the Environmental Quality Control Board (EQCB) for the use of an on-site drinking supply well and septic tank for the proposed project.

Stormwater Management

The proposed project shall comply with Stormwater retention requirements for properties located outside of the Urban Development Boundary, where flood protection in this area has been determined to be inadequate to support new development. Cut & Fill requirements will be required for flood protection, prior to platting or seeking building permits.

A surface water management permit and a Class II permit by DERM shall be required for the construction of the drainage system associated with any proposed development at the subject site.

Water management areas set aside for flood protection shall be designed to retain on-site the 100-year/3-days storm event.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Pollution Remediation

There are no records of current contamination assessment/remediation issues on these properties or abutting these properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with these properties or abutting these properties.

Wetlands

Although the subject property is not located within a designated wetland basin, it does contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a DERM Class IV Wetland Permit will be required.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources. The Wetlands Resources Section of DERM (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property revealed the presence of tree resources; however the property contains jurisdictional wetlands therefore these tree resources will be regulated through the DERM Class IV Wetland Permit. Please be advised that any tree resources on site that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

Enforcement History

DERM has found one closed enforcement record for the subject property(s):

Allapattah Investments/Diaz Landscaping (FW-41650):

On November 4, 2004, DERM inspection revealed the dredging of freshwater wetlands (drainage ditches) on the subject property without the required permit. A Notice of Violation was issued on December 9, 2004 for the violation. Subsequently, on January 31, 2005, DERM issued a Uniform Civil Violation Notice (UCVN) #866012 for violations of the Code of Orders of the Director. A Notice of Intent to Lien was later issued on May 24, 2005 followed by a Demand Letter on August 11, 2005 due to non-compliance with the UCVN. On January 11, 2007, an Affidavit of Compliance was filed and the case was closed due to compliance with site restoration requirements.

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: THE GEO GROUP INC

This Department has no objections to this application.

Guardrail will be required around the perimeter of the lake adjacent to roadways and driveways.

Guardrail installation must comply with Miami-Dade County Code and the Standard Details of the Public Works Manual.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

Additional improvements and lake section requirements may be required at time of permitting.

Property owner must provide paved public access to this site.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 160 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal 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
F-84	SW 344 St. e/o SW 187 Ave.	B	B

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.



Raul A Pino, P.L.S.

10-SEP-10



Memorandum

Date: 08-FEB-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000154

Fire Prevention Unit:

OBJECTIONS:

- These objections are related to site plan date stamped January 19, 2011.
- As per several MDFR previous memorandums, applicant must provide Knox key switch or Knox pad lock at all gates where Fire Department access is required.
 - A security fence runs across the Fire Department access road and creates a Dead-End that exceeds the 150 feet limit. Applicant must provide a gate with a 15 feet clear width.
 - It is recommended that the applicant provides an emergency vehicle circulation plan.

Service Impact/Demand

Development for the above Z2008000154 located at LYING EAST OF S.W. 187 AVEVUE, APPROXIMATELY 665' SOUTH OF S.W. 376 STREET, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 2813 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
<u>residential</u>		<u>industrial</u>	
<u>N/A</u>	square feet	<u>292,906</u>	square feet
<u>Office</u>		<u>institutional</u>	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 198.5 alarms-annually.
 The estimated average travel time is: 11:30 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 65 - East Homestead - 13150 SE 24 Street, Homestead.
 Rescue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 Station 72 - Florida City - Vicinity of SW 344 Street and 193 Avenue.

Fire Planning Additional Comments

Current service impact calculated based on plans date stamped January 19, 2011. Substantial changes to the plans will require additional service impact analysis.

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

19

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

THE GEO GROUP INC

LYING EAST OF S.W. 187 AVEVUE,
APPROXIMATELY 665' SOUTH OF
S.W. 376 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000154

HEARING NUMBER

HISTORY:

CURRENT ENFORCEMENT HISTORY
BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD COMPLIANCE ENFORCEMENT

OPEN CASES: No open cases found.
CLOSED CASES: No closed cases found.

BUILDING ENFORCEMENT CASES

OPEN CASES: No open cases found.
CLOSED CASE: No closed cases found.

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

REPORTER NAME: NCO C. HUDSON

ZONING INSPECTION REPORT

Inspector: BOBONIS, EIMIR

Inspection Dat

Evaluator: ANTONIO ATALA

01/31/11

Process #: Z2008000154
Applicant's Name: THE CITY OF FLORIDA CITY

Locations: LYING EAST OF S.W. 187 AVEVUE, APPROXIMATELY 665' SOUTH OF S.W. 376 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 40.56 ACRES

Folio #: 3088010000080

Request:

- 1 Unusual Use to permit a detention center/correctional facility. 33-13
- 2 Unusual Use to permit a lake excavation. 33-13
- 3 Applicant is requesting to permit a lot coverage of 29.96% (15% allowed). 33-49
- 4 Applicant is requesting to permit a steel perimeter fence with a height of 15' and 6 coils of razor ribbons (8' high with a maximum of 3 strands of barbed wire permitted) and a steel fence with a height of 15' (8' high maximum permitted).
- 5 Applicant is requesting to waive the zoning regulations requiring parking to be gravel, mulched or hard surface; to permit parking on brick pavers.

EXISTING ZONING

Subject Property GU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE

USE(S) OF PROPERTY:

NONE

FENCES/WALLS:

NONE

LANDSCAPING:

NONE

BUFFERING:

NONE

VIOLATIONS OBSERVED:

NONE

OTHER:

NONE

ZONING INSPECTION REPORT

Process # Applicant's Name

Z2008000154 THE CITY OF FLORIDA CITY

SURROUNDING PROPERTY

NORTH:

GU, VACANT

SOUTH:

GU, VACANT

EAST:

GU, 75 % VACANT, 25% OCCUPIED BY EMPLOYEES OF SOUTH FLORIDA EVALUATION AND TREATMENT CENTER PARKING LOT

WEST:

GU, SOUTH FLORIDA CORRECTIONAL INSTITUTION

SURROUNDING AREA

NEIGHBORHOOD CHARACTERISTICS

MOST PROPERTIES IN THE AREA ARE USE FOR AGRICULTURAL USE OR NOT BEEN USED AT ALL. EXCLUDING THE SOUTH FLORIDA CORRECTIONAL INSTITUTION TO THE WEST AND THE SOUTH FLORIDA TREATMENT CENTER AND EVALUATION TO THE NORTH.

COMMENTS:

Inspector **BOBONIS, EIMIR**

Evaluator **ANTONIO ATALA**

Process Number: **Z2008000154** Applicant Name **THE CITY OF FLORIDA CITY**



Date: 28-JAN-11

Comments: PROPERTY



Date: 28-JAN-11

Comments: PROPERTY TO THE EAST



Date: 28-JAN-10

Comments: PROPERTY TO THE NORTH

Inspector **BOBONIS, EIMIR**

Evaluator **ANTONIO ATALA**

Process Number: **Z2008000154** Applicant Name **THE CITY OF FLORIDA CITY**



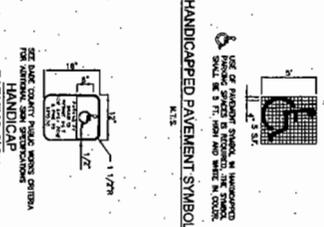
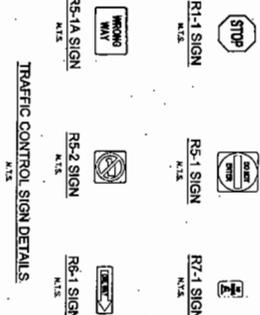
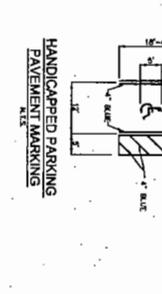
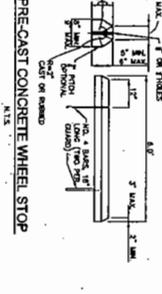
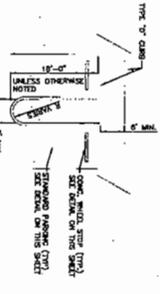
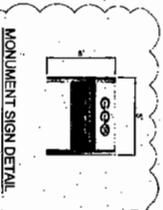
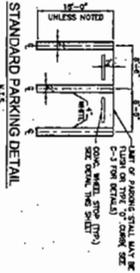
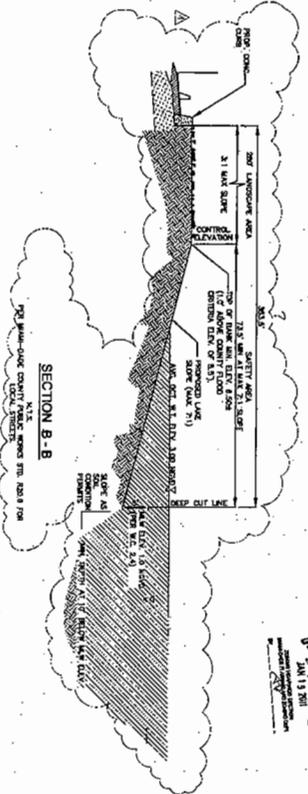
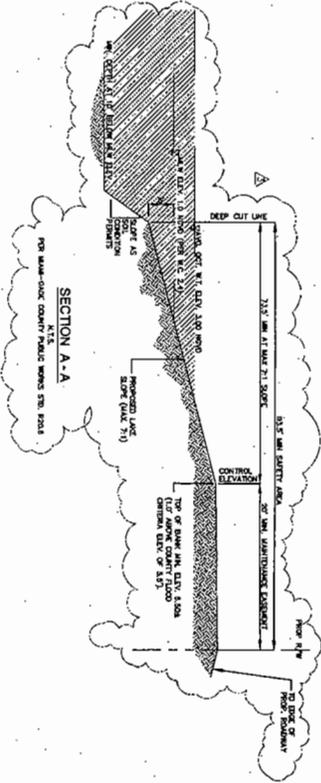
Date: 28-JAN-11

Comments: PROPERTY TO THE SOUTH



Date: 29-JAN-10

Comments: PROPERTY TO THE WEST



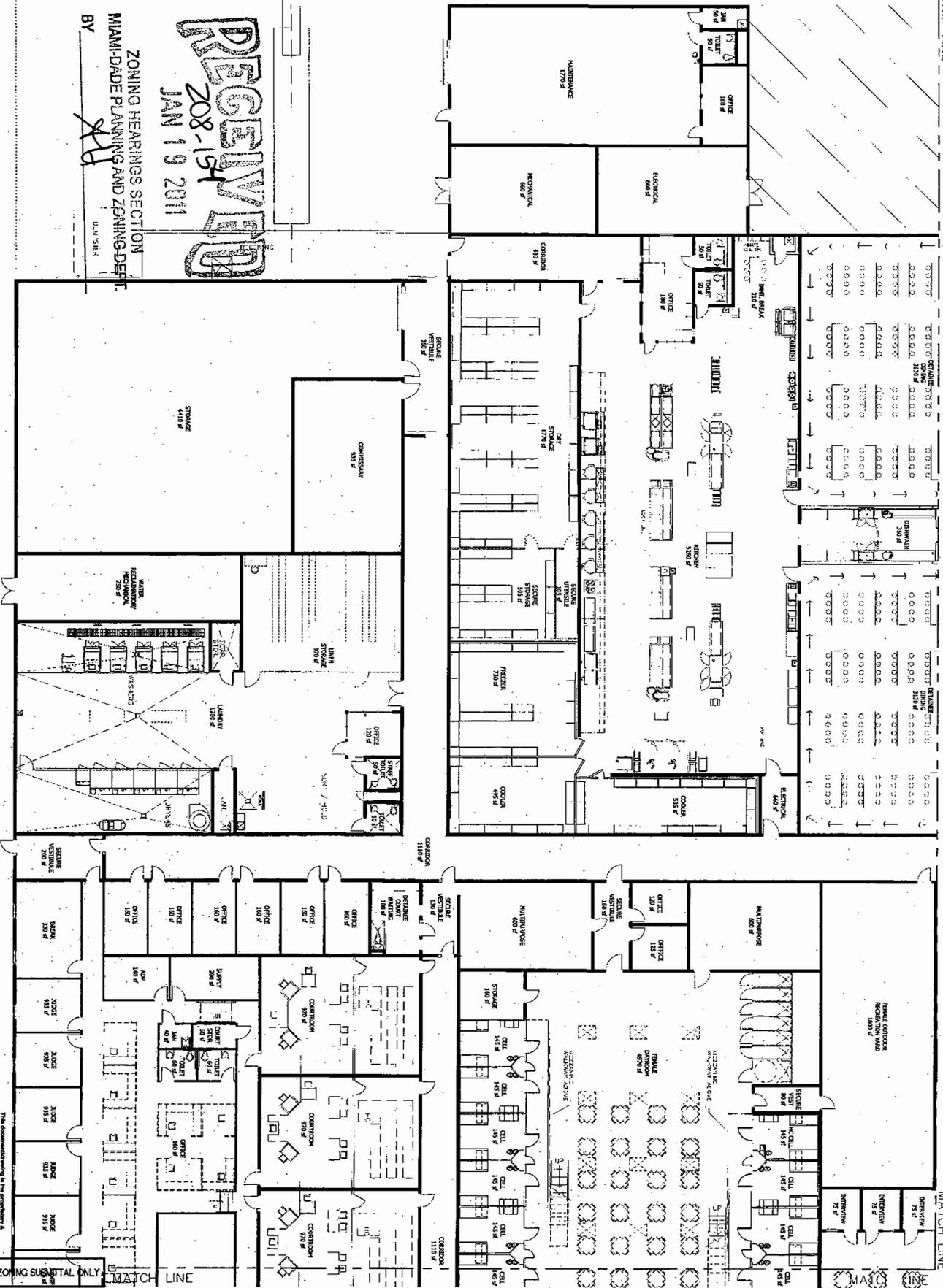
BY *[Signature]*
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED
 2011 JAN 19 2011

FOR ZONING SUBMITTAL ONLY

WATCH LINE

MATCH LINE



RECEIVED
 208-154
 JAN 19 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY **XX**
 D.M. S.H.

PARTIAL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

FIRST FLOOR SUPPORT BUILDING

FOR ZONING SUBMITTAL ONLY

The construction of this project is the responsibility of the contractor. The architect is not responsible for the construction of this project. No representation is made by the architect for the construction of this project.

RECEIVED
 208-154
 JAN 19 2011

29

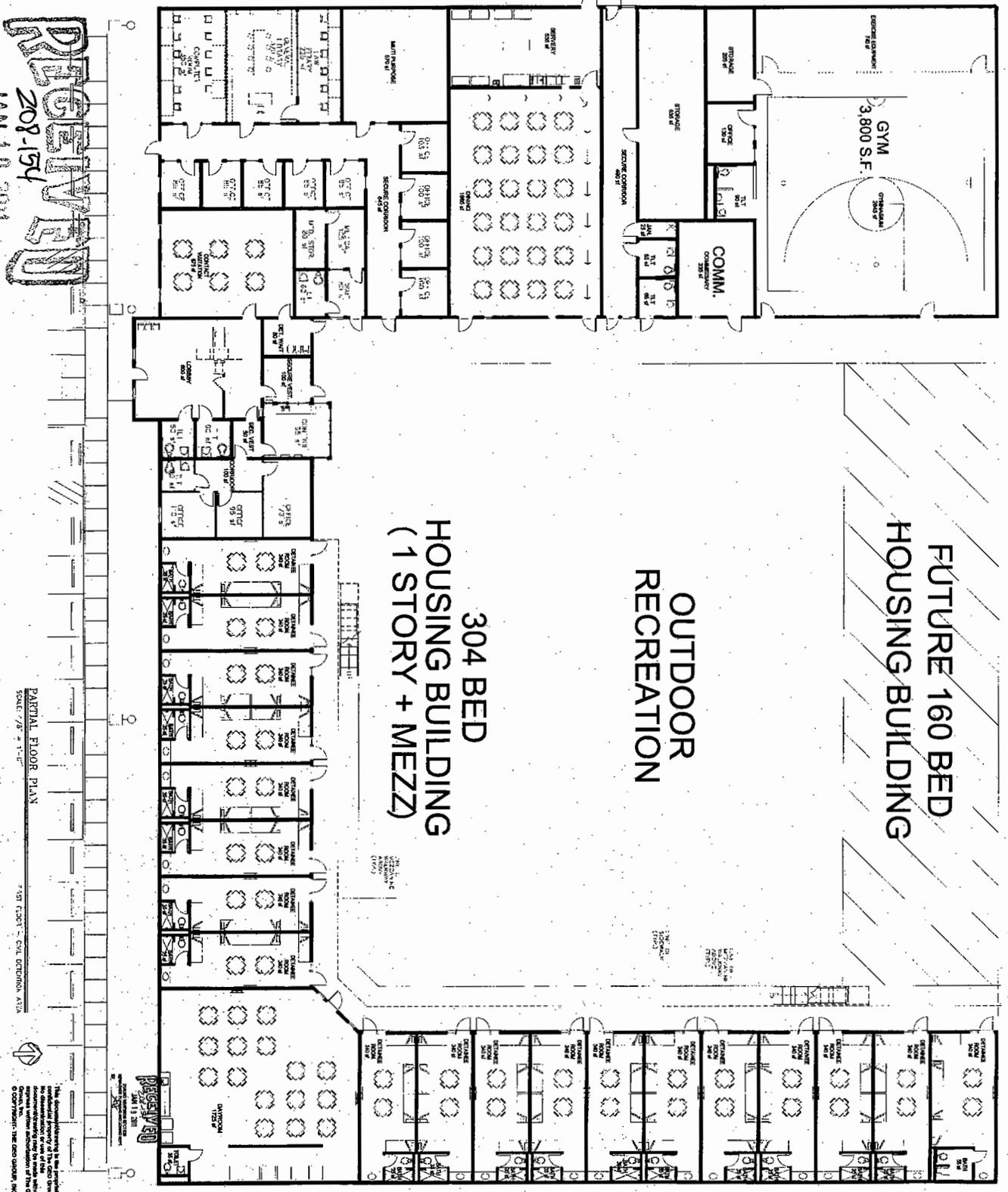
MATCH LINE

MATCH LINE

FUTURE 160 BED HOUSING BUILDING

OUTDOOR RECREATION

304 BED HOUSING BUILDING (1 STORY + MEZZ)



RECEIVED
208-154
JAN 19 2011

PARTIAL FLOOR PLAN
SCALE: 7/8" = 1'-0"

7401 EAST - CIV. DETENTION, A13A

The Architect warrants that the building is to be constructed in accordance with the approved plans and specifications of the City of Miami-Dade, Florida, and that the building will be constructed in accordance with the applicable provisions of the Florida Building Code, Miami-Dade County, Florida, and the applicable provisions of the Florida Building Code, Miami-Dade County, Florida.

FOR ZONING SUBMITTAL ONLY

MATCH LINE

MATCH LINE

The GEO Group, Inc.
DETENTION/CORRECTION FACILITY
VIAM-DADE 1 0410A

DATE: 05/27/2010
DRAWN BY: A1
SCALE: 7/8" = 1'-0"

FLOOR PLANS

SCALE: 7/8" = 1'-0"	DATE: 05/27/2010
DRAWN BY: A1	CHECKED BY: A1
PROJECT NO: 08052	DATE: 05/27/2010



1	ARCHITECT: THE GEO GROUP, INC.
2	ENGINEER: THE GEO GROUP, INC.
3	DATE: 05/27/2010
4	PROJECT NO: 08052
5	SCALE: 7/8" = 1'-0"

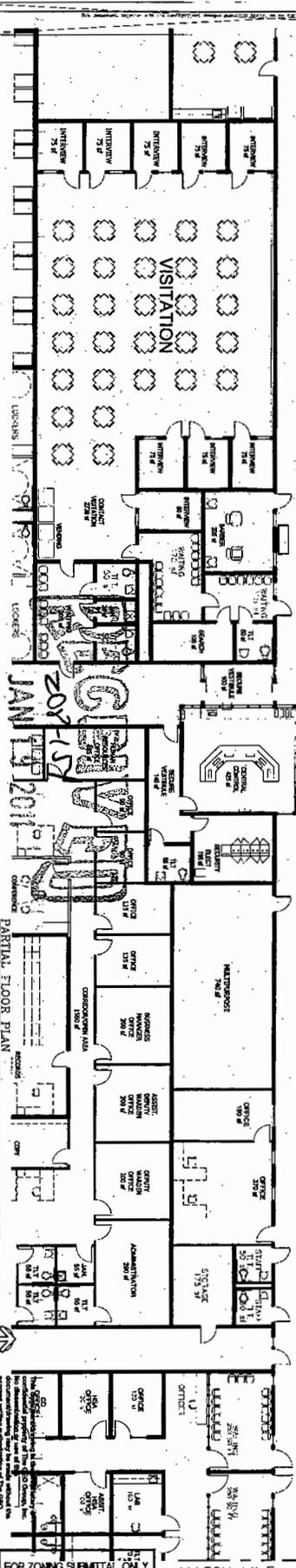
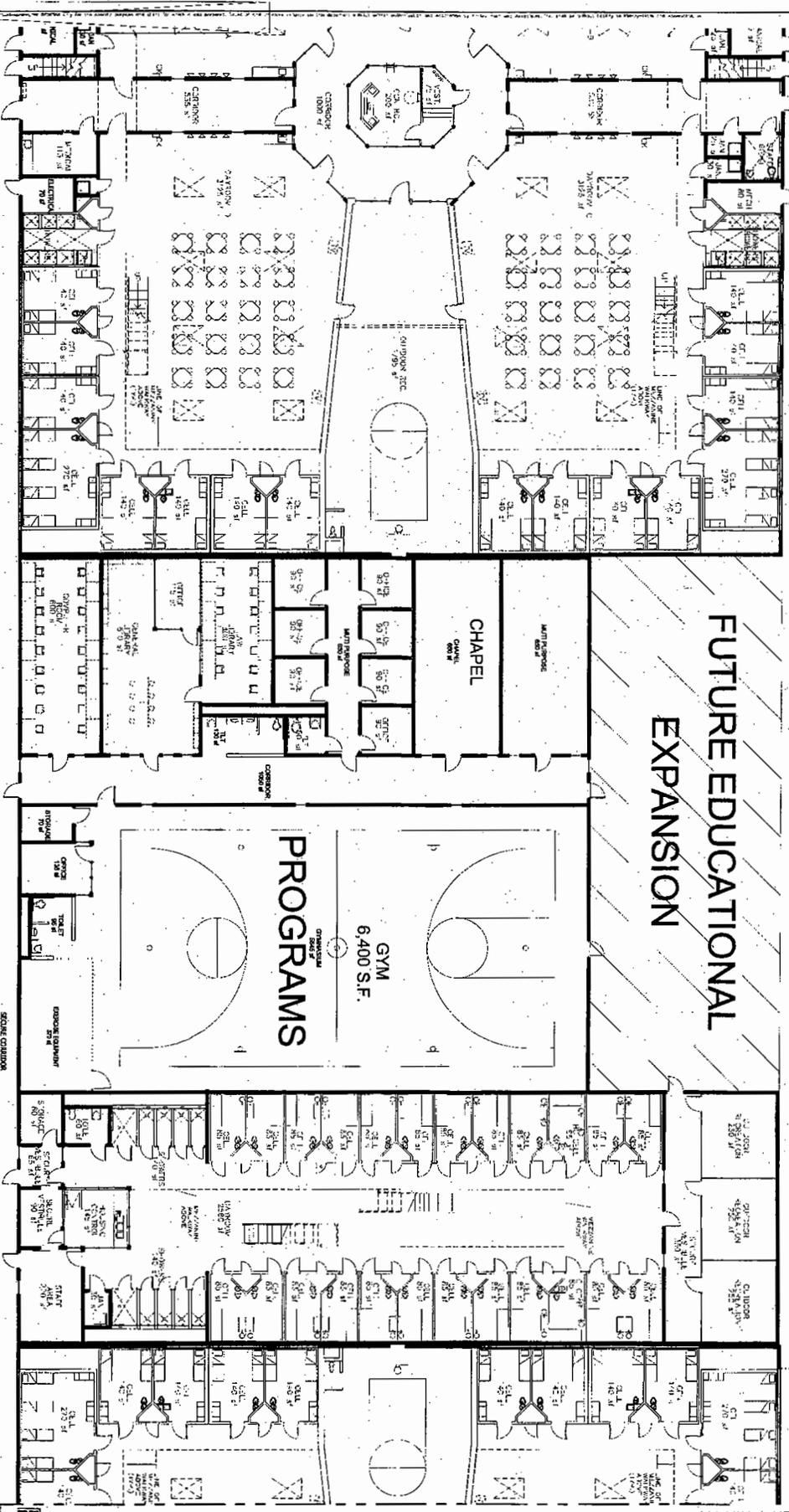
33

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

MATCH LINE

MATCH LINE

FUTURE EDUCATIONAL EXPANSION



ZONING HEARINGS SECTION
 MAMMADE PLANNING AND ZONING DEPT.
 BY: *[Signature]*

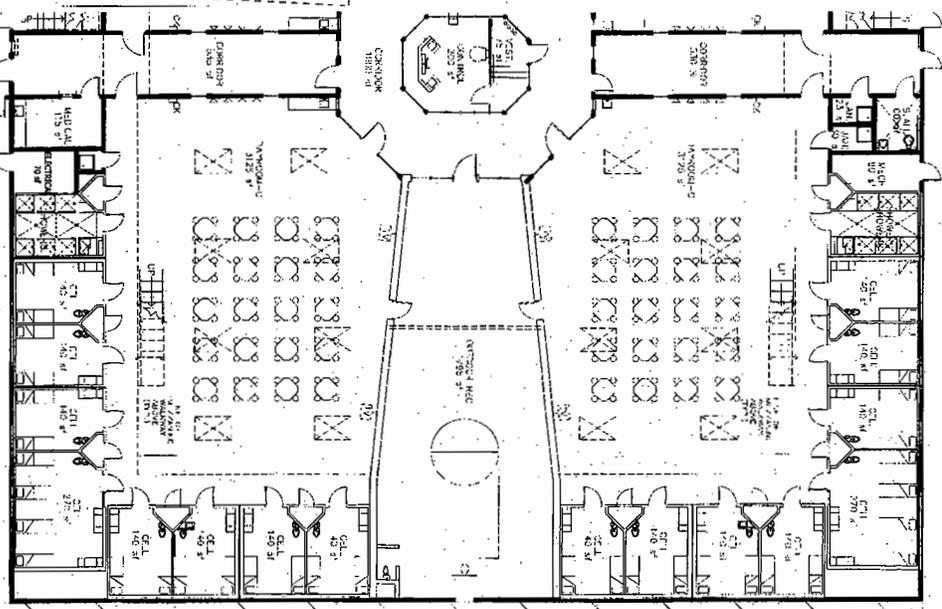
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 2011-157

PARTIAL FLOOR PLAN

1/4" = 1' - 0"

FOR ZONING SUBMITTAL ONLY

MATCH LINE
1ST STORY + MEZZ



FUTURE 320 BED
HOUSING BUILDING

RECEIVED
208-154
JAN 19 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY XY

PARTIAL FLOOR PLAN

RESIDENTIAL - D-1 SINGLE-FAMILY DISTRICT



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RECEIVED
JAN 11 2011

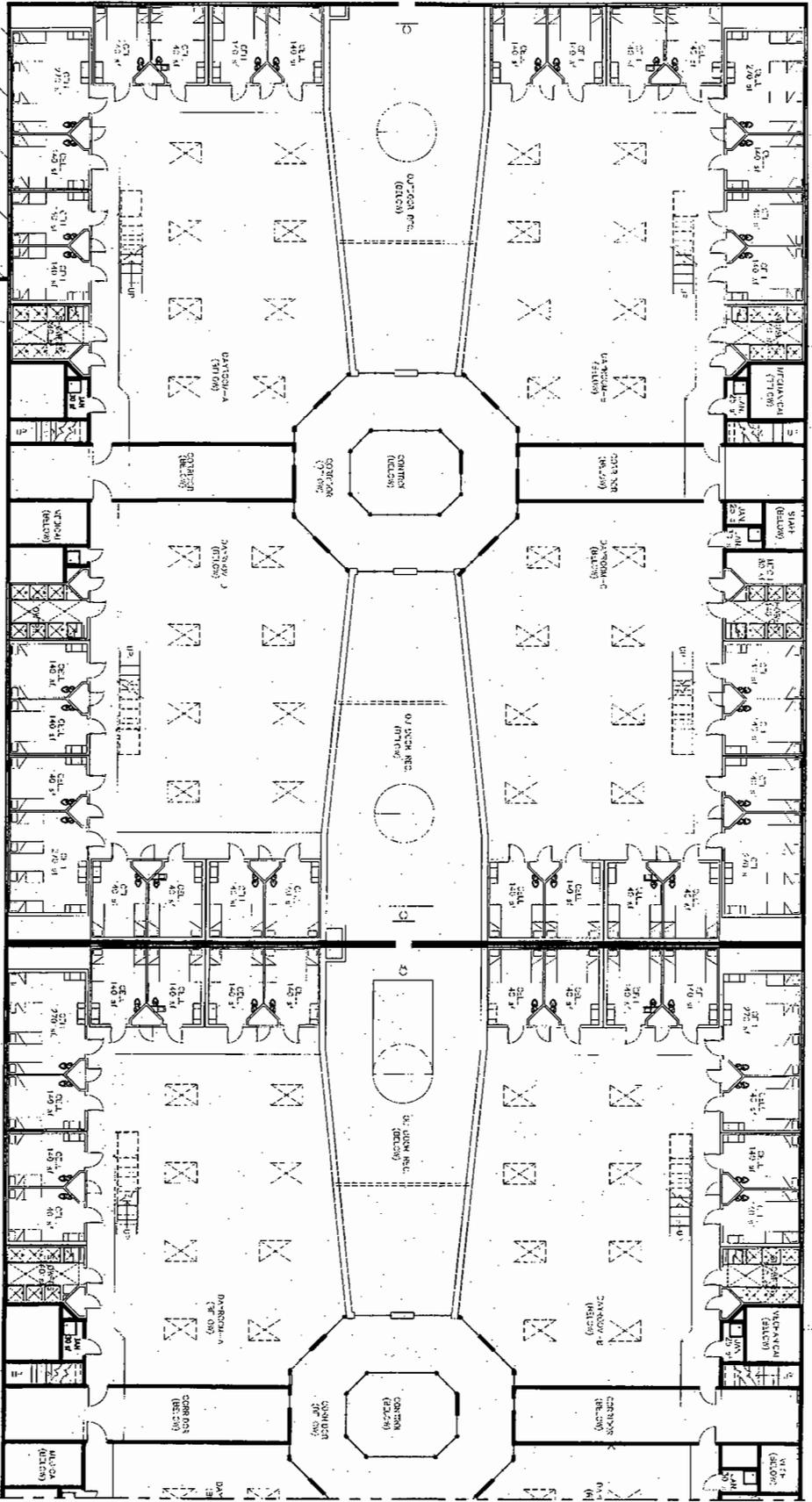
FOR ZONING SUBMITTAL ONLY

MATCH LINE

MATCH LINE

WATCH LINE

WATCH LINE



RECEIVED
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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *XV*

PARTIAL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

STANDARD SYMBOLS - DETENTION FACILITY

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FOR ZONING SUBMITTAL ONLY

MATCH LINE

MATCH LINE

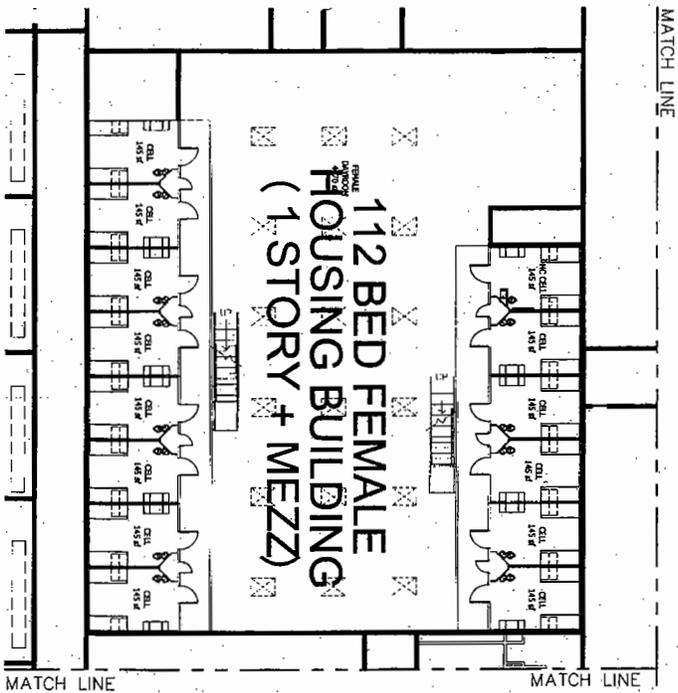
The GEO Group, Inc.
 DETENTION/CORRECTION FACILITY

FLOOR PLANS



DATE: 12/15/10	DESIGN NUMBER: 10-00000000	PROJECT: MIAMI-DADE COUNTY DETENTION CENTER
DATE: 12/15/10	DESIGN NUMBER: 10-00000000	PROJECT: MIAMI-DADE COUNTY DETENTION CENTER
DATE: 12/15/10	DESIGN NUMBER: 10-00000000	PROJECT: MIAMI-DADE COUNTY DETENTION CENTER

38



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 BY: *AF*

PARTIAL 1ST FLOOR PLAN

SHEET 1 OF 1 - TOTAL 2 FLOOR PLAN



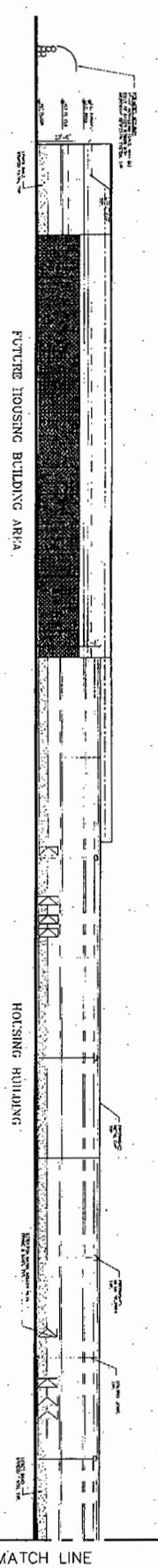
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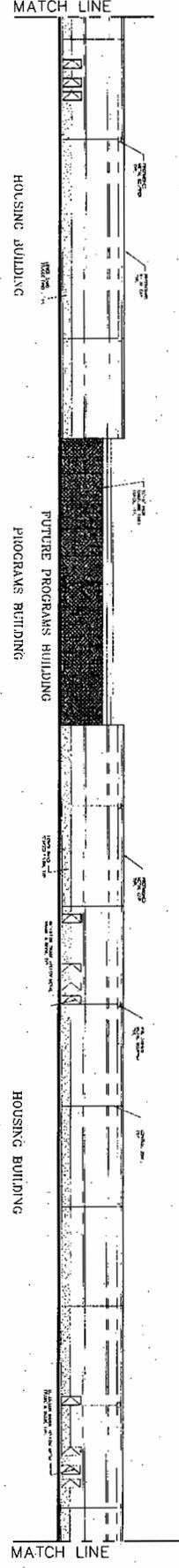
FOR ZONING SUBMITTAL ONLY

SHEET NO. A-108 DATE: 02/17/11 BY: T. W. G.	The GEO Group, Inc. DETENTION/CORRECTION FACILITY MIAMI - DACE FLORIDA	FLOOR PLANS	SCALE: AS NOTED DRAWN BY: JESSICA L. WATSON CHECKED BY: JESSICA L. WATSON DATE: 02/17/11		1 ADDRESS ZONING HEARING CONTINUING TO 2/22/11 2 REVISED DESIGN PER ZONING DEPARTMENT'S JANUARY 31, 2011 3 REVISED DESIGN PER ZONING DEPARTMENT'S JANUARY 31, 2011 4 REVISED DESIGN PER ZONING DEPARTMENT'S JANUARY 31, 2011 No. REVISIONS DATE BY
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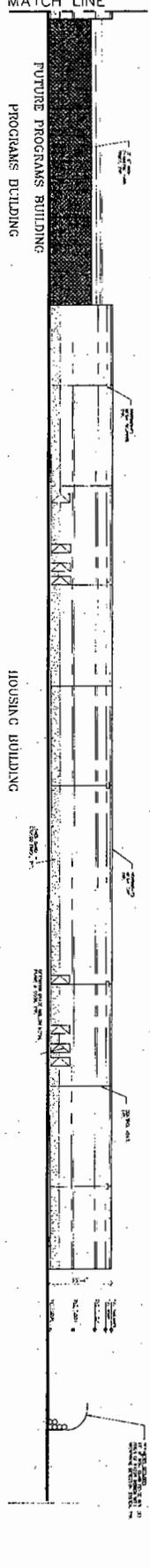
43



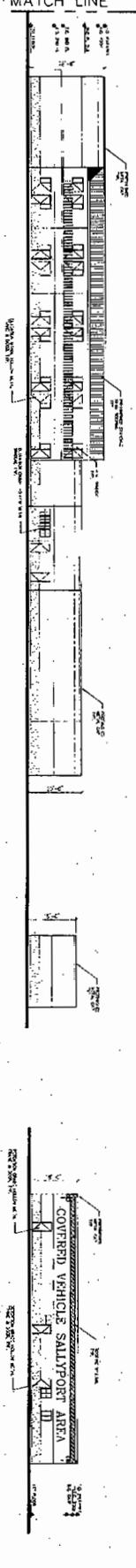
NORTH - EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"



NORTH - EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"

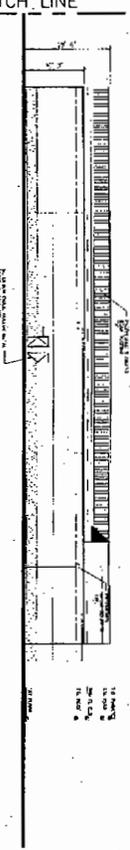


NORTH - EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"



NORTH - EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"

WEST - EXTERIOR ELEVATION - TRANSPORTATION/ARMOY
SCALE: 1/8" = 1'-0"



WEST - EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'-0"

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BY *[Signature]*

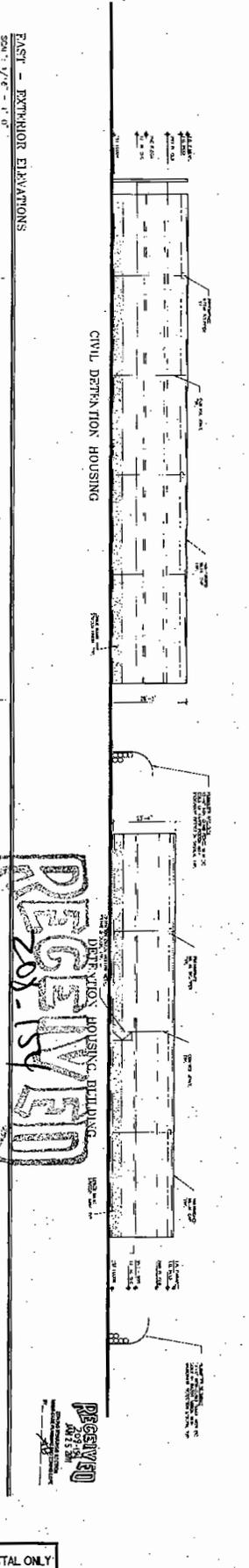
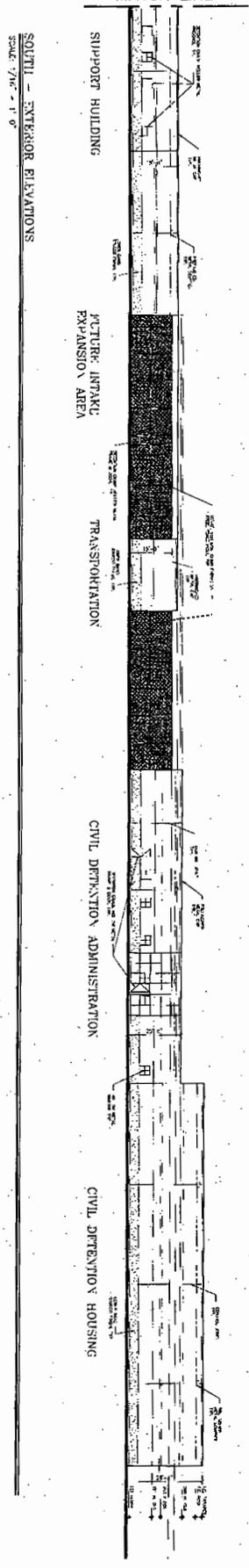
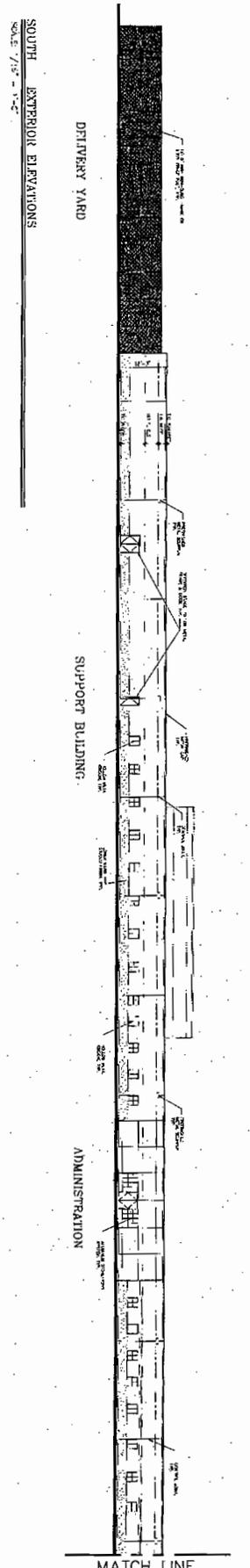
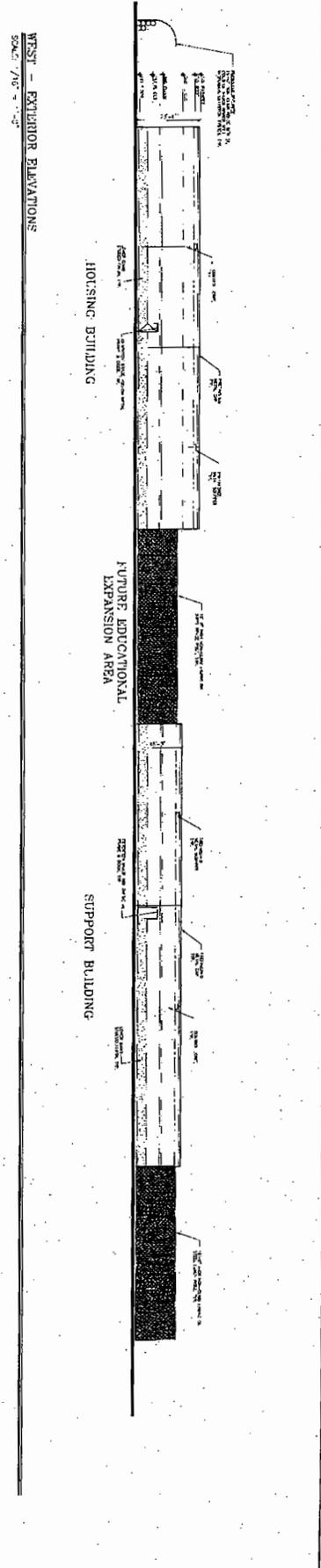
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FOR ZONING SUBMITTAL ONLY

<p>The GEO Group, Inc. DETENTION/CORRECTION FACILITY</p>		<p>EXTERIOR ELEVATIONS</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>	
<p>VIAM-24DC</p>		<p>ON DA</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>		<p>DATE: 09/27/10 DRAWN BY: SLS CHECKED BY: SLS DATE: 09/27/10</p>	

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

The undersigned is the proprietor & authorized agent of The GEO Group, Inc. and hereby certifies that the information contained herein is true and correct to the best of his knowledge and belief.

FOR ZONING SUBMITAL ONLY

The GEO Group, Inc.
DETENTION/CORRECTION FACILITY
MIAMI - CADF

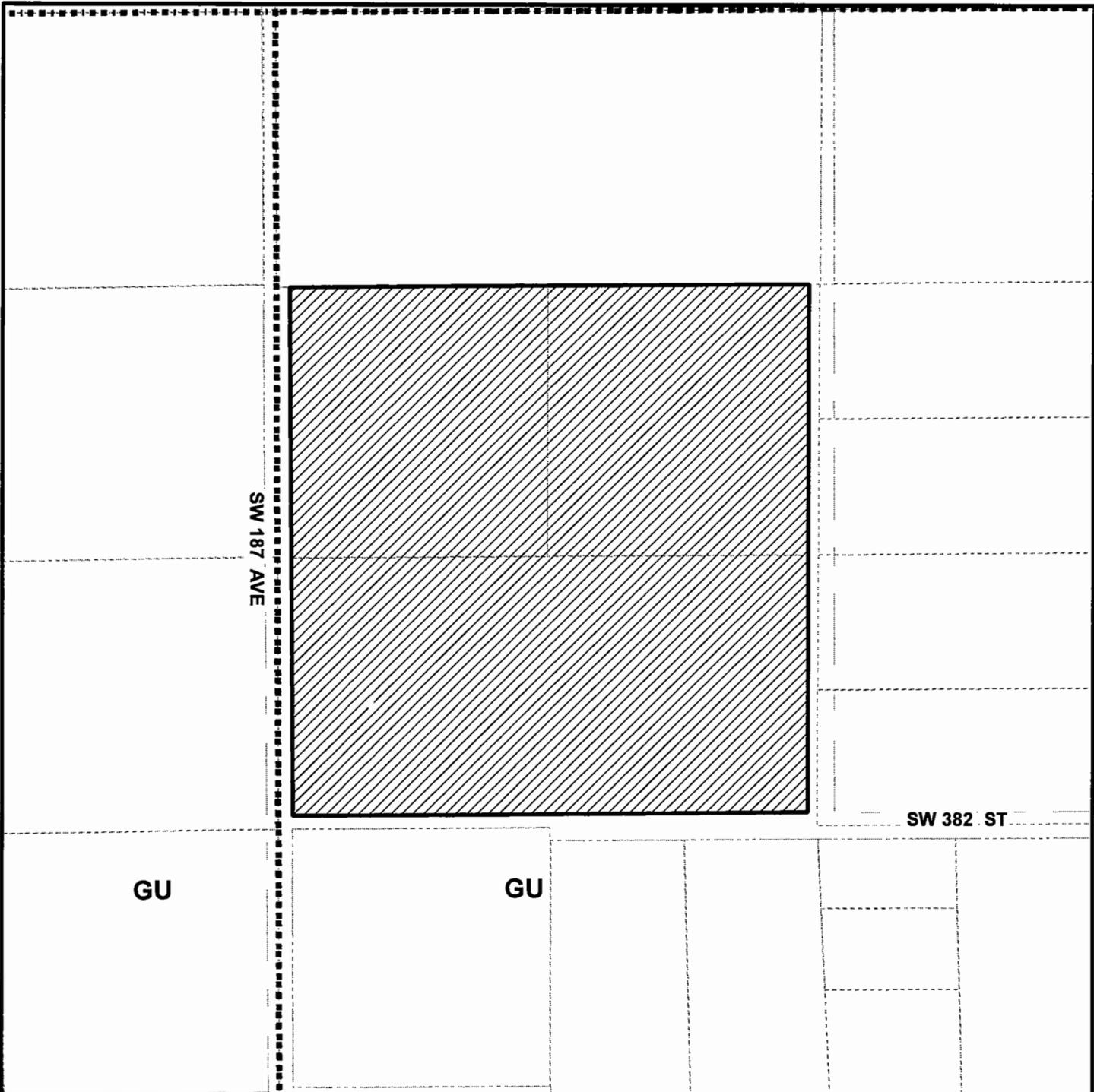
EXTERIOR ELEVATIONS

SCALE	1/8" = 1'-0"
DATE	01/25/11
DESIGNED BY	...
DRAWN BY	...
CHECKED BY	...
DATE	01/25/11



NO.	1	REVISIONS
NO.	2	...
NO.	3	...
NO.	4	...
NO.	5	...
NO.	6	...
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NO.	8	...
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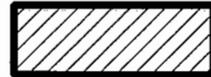
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**MIAMI-DADE COUNTY
HEARING MAP**

Section: 01T ownership: 58 Range: 38
 Applicant: THE GEO GROUP INC.
 Zoning Board: C15
 Commission District: 09
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
08-154



SUBJECT PROPERTY



SKETCH CREATED ON: 08/13/08

REVISION	DATE	BY
		47



SW 187 AVE

SW 382 ST

MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 01 Township: 58 Range: 38
 Applicant: THE GEO GROUP INC.
 Zoning Board: C15
 Commission District: 09
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

Process Number
08-154



SUBJECT PROPERTY



SKETCH CREATED ON: 08/13/08

REVISION	DATE	BY

2. RMC FLORIDA GROUP LTD. DBA CEMEX
(Applicant)

11-2-CZ15-2 (09-165)
Area 15/District 09
Hearing Date: 02/22/11

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1968	Torcise Bros.	- Unusual Use to permit a lake excavation, batching plant & rock crushing plant.	ZAB	Approved w/conds.
1969	Trocise Bros.	- Unusual Use to permit a lake excavation, batching plant & rock crushing plant.	BCC	Approved in part w/conds.
1978	Florida Rock & Sand Co. Inc.	- Modification of conditions.	ZAB	Approved w/conds.
1980	Florida Rock & Sand Co. Inc.	- Modification & deletion of conditions.	ZAB	Approved w/conds.
1980	Florida Rock & Sand Company, Inc.	- Modification of plans. - Special Exception. - Unusual Use of lake excavation. - Non-Use Variance to waive Right-of-Way.	ZAB	Approved w/conds.
1983	Florida Rock & Sand Company, Inc. ET AL	- Unusual Use expansion of lake excavation. - Modify conditions.	ZAB	Approved w/conds.
1995	FLA Rock & Sand Co. Inc.	- Unusual Use lake excavation. - Non-Use Variance to waive Right-of-Way.	BCC	Approved w/conds.
1997	FLA Rock & Sand Co. Inc.	- Unusual Use to permit asphalt batching, concrete & rock crushing plant.	ZAB	Approved w/conds.

1998	Sprint Spectrum	- Unusual Use to permit a cell tower antenna. - Non-Use Variance for setbacks. - Modify conditions.	C15	Approved w/conds.
1999	FLA Rock & Sand Co. Inc.	- Unusual Use to permit a lake excavation.	C15	Approved w/conds.
2001	FLA Rock & Sand Company, Inc.	- Reformation of resolution.	C15	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

APPLICANT: RMC Florida Group LTD D/B/A Cemex

PH: Z09-165 (11-2-CZ15-2)

SECTION: 18-58-39

DATE: February 22, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION:

o **SUMMARY OF REQUEST:**

The applicant seeks to modify a condition of a previously approved Resolution to allow for the extension of the time for a previously approved lake excavation.

o **REQUEST:**

(1) MODIFICATION of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, reading as follows:

FROM: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1st day of December, 2009."

TO: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1st day of December, 2020."

The purpose of the request is to allow the applicant to extend the completion date of the previously approved lake excavation.

o **LOCATION:** 15900 SW 408 Street, Miami-Dade County, Florida.

o **SIZE:** 123 Acres

B. ZONING HEARINGS HISTORY:

In January 1969, pursuant to Resolution #Z-10-69, the subject property was approved for an Unusual Use to permit a lake excavation, a concrete batching plant, asphalt plant and other ancillary uses. Between 1969 and 1999, the subject property and contiguous parcels were further approved to allow the expansion of the lake excavation and ancillary uses onto other property as well as to permit a wireless antenna on a portion of the property. In December 1999, the subject property was approved, pursuant to Resolution #CZAB15-15-99, to permit the continuation of the lake excavation on the subject parcel up until December 2009. Said Resolution was further the subject of a reformation, pursuant to Resolution #CZAB15-8-01, in July 2001.

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

1. *The subject property is located approximately **3.5 miles south of and outside of the Urban Development Boundary (UDB)**. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Open Land**. The land designated as "Open Land" is not needed for urban uses between now and the year 2015 and has been set aside for uses other than urban development. It is not simply surplus land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character.*
2. *Also included in some Open Land areas are some existing year-round agricultural activities and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.*
3. *Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area.*
4. **Open Land Subarea 5 (South Miami-Dade).** *This Open Land subarea lies south and east of Homestead and Florida City. It is bounded on the north and west by the Agriculture area, and on the south and east by Environmental Protection areas. Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communication facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. Uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.*
5. **Policy LU-4A.** *When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; lake excavation and ancillary uses

Open Land

Surrounding Properties:

NORTH: AU; vacant land

Open Land

SOUTH: AU; vacant land

Environmental Protection

EAST: AU; vacant land

Open Land

WEST: AU; lake excavation

Open Land

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

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

F. NEIGHBORHOOD SERVICES PROVIDER COMMENT:

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

G. PLANNING AND ZONING ANALYSIS:

The subject property is located in an area that is designated **Open Land Subarea 5** on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and the existing quarrying and ancillary uses are among the uses that may be considered for approval in this area. Staff notes that the existing lake excavation and ancillary uses were last approved with conditions in 2001, pursuant Resolution #CZAB15-8-01 (a Reformation of Resolution #CZAB15-15-99). One of the conditions of the aforementioned resolutions required the completion of the lake excavation project prior to December 2009. Approval of the application would allow the applicant to modify a condition of a prior resolution to allow the extension of the time for the previously approved lake excavation. Notwithstanding, **Policy LU-4A** of the CDMP's interpretative text states *that when evaluating compatibility among proximate uses, the County shall consider, among other things, such factors as traffic, noise, access, and hours of operation*. Staff is of the opinion that approval of the applicant's request for an extension of the time for the lake excavation will not have a negative visual and aural effect on the surrounding properties. As such, staff is of the opinion that approval of the application will be **compatible** with the area and **consistent** with the LUP map of the CDMP.

When the application is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), in staff's opinion, the proposed modification will not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. Further, staff acknowledges that DERM, the Public Works, Miami-Dade Fire-Rescue, Water and Sewer and Miami-Dade Transit Departments do not object to the application. Additionally, staff notes that the subject property abuts contiguously owned property to the north, east and to the west, and vacant environmentally protected lands to the south. Further, staff notes that the property to the west and a contiguously owned property located to the northwest of the subject property also contain similar lake excavation operations. As such, staff opines that an extension of time for the previously approved lake excavation until December 2020, will not have a negative impact and would be more **compatible** with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. Therefore, staff recommends a approval with a condition of the application under Section 33-311(A)(7), Generalized Modification Standards.

Based on the aforementioned, staff maintains that approval of the application to allow the extension of the time for the lake excavation until December 2020, as requested, would be **consistent** with the LUP map of the CDMP and **compatible** with the surrounding area.

H. RECOMMENDATION: Approval with a condition.

I. CONDITION:

That all the conditions of Resolution #CZAB15-8-01 remain in full force and effect except as herein modified.

DATE TYPED: 12/28/10
DATE REVISED: 01/06/11, 01/21/11, 02/08/11
DATE FINALIZED: 02/08/11
MCL:GR:NN:JV:CH

For 

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

Memorandum



Date: December 7, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C15 #Z2009000165
RMC Florida Group, Ltd.
15900 S.W. 408 Street
Modification of Condition
(AU) (123 Acres)
17-58-39

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

Stormwater Management

DERM has no objection to the approval of this application.

Coastal Resources

DERM has no objections regarding the proposed project. The applicant should be advised however, that the subject property is located in the South Dade wetlands. The wetlands on the subject property could be considered to be transitional wetlands that may include both freshwater wetland vegetation and coastal (halophytic) wetland vegetation. However, an on-site inspection would be necessary to determine the extent of each vegetation type.

Wetlands

The Wetland Resources Section has no objection to this request for extension of time to complete the lake excavation provided that all requirements of the Code are met prior to the resumption of the extraction of the lime rock.

Tree Preservation

The proposal for the extension of time to complete the lake excavation will not impact tree resources. Therefore, DERM has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: RMC FLORIDA GROUP LTD. DBA CEMEX

This Department has no objections to this application.

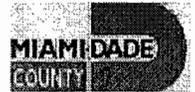
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

18-FEB-10

Memorandum



Date: 24-NOV-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000165

Fire Prevention Unit:

No objection to Letter of Intent.

Service Impact/Demand

Development for the above Z2009000165
located at 15900 S.W. 408 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2889 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: 12:17 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 65 - East Homestead - 1350 SE 24 Street
Rescue

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.

11

DATE: 24-JAN-11
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

RMC FLORIDA GROUP LTD. DBA
CEMEX

15900 S.W. 408 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000165

HEARING NUMBER

HISTORY:

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

BUILDING DIVISION (0)

NO OPEN OR CLOSED ENFORCEMENT CASES FOUND WITHIN THE LAST 12 MONTHS.

NEIGHBORHOOD COMPLIANCE DIVISION (0)

NO OPEN OR CLOSED ENFORCEMENT CASES FOUND WITHIN THE LAST 12 MONTHS.

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

REPORTER NAME:

NCO C. HUDSON

DISCLOSURE OF INTEREST

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

CORPORATION NAME: CEMEX Construction Materials Florida, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>CEMEX S. A. B. de C. V., Traded on NYSE</u>	<u>Indirect owner of</u>
<u>_____</u>	<u>100%</u>
<u>_____</u>	<u>_____</u>

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

TRUST/ESTATE NAME: _____

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

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[Signature]

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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NOV 18 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

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

NAME OF PURCHASER: _____

NAME, 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:

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 2009-165
 NOV 18 2009
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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: _____

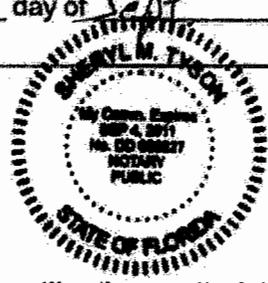
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____ (Pete Lyons)
(Applicant)

Sworn to and subscribed before me this 4th day of Sept, 2009 Affiant is personally known to me or has produced _____ as identification

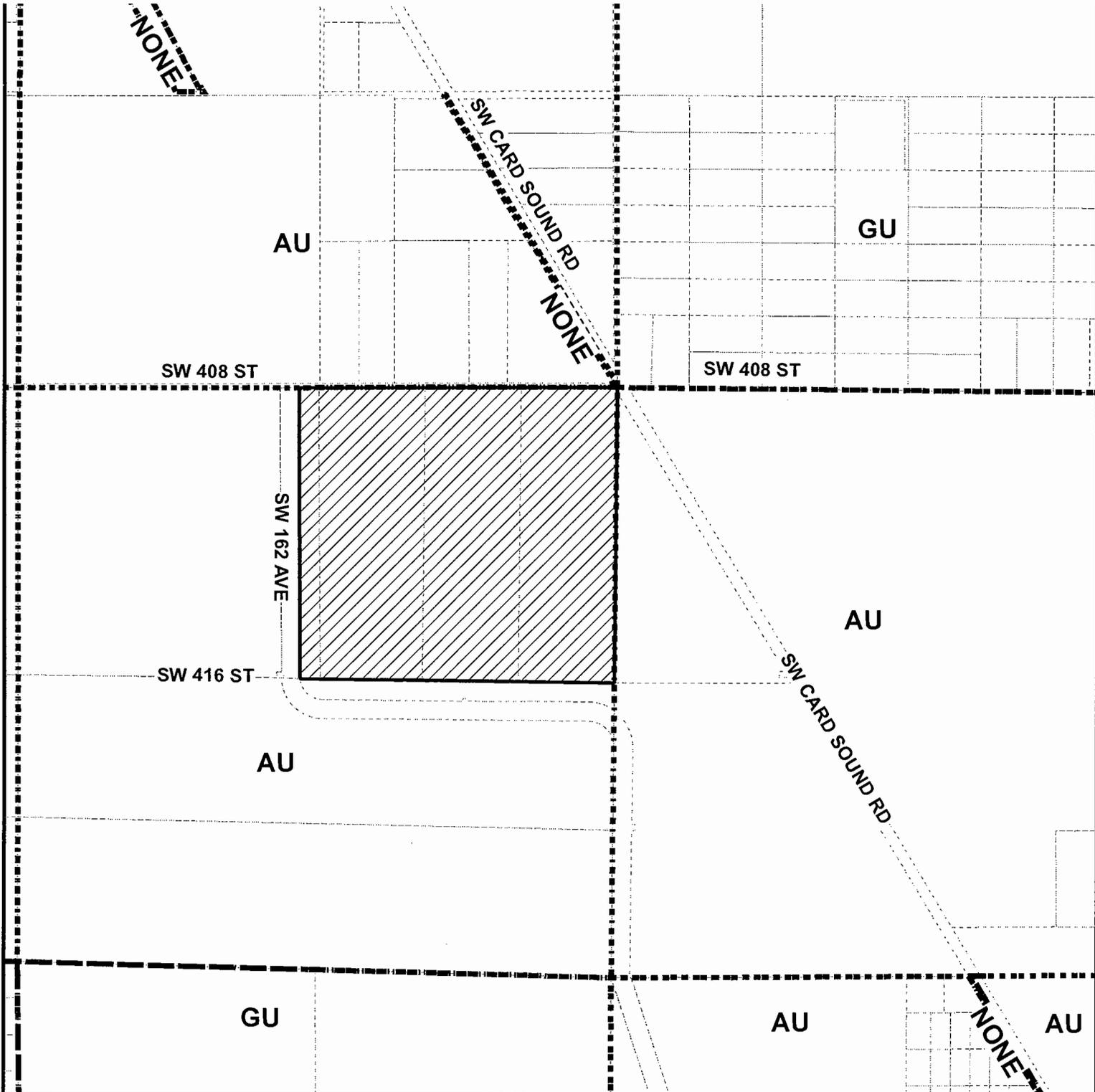
Sheryl M. Tyson
(Notary Public)



My commission expires _____

RECEIVED
 209-165
 NOV 18 2009
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: _____

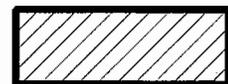
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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
09-165

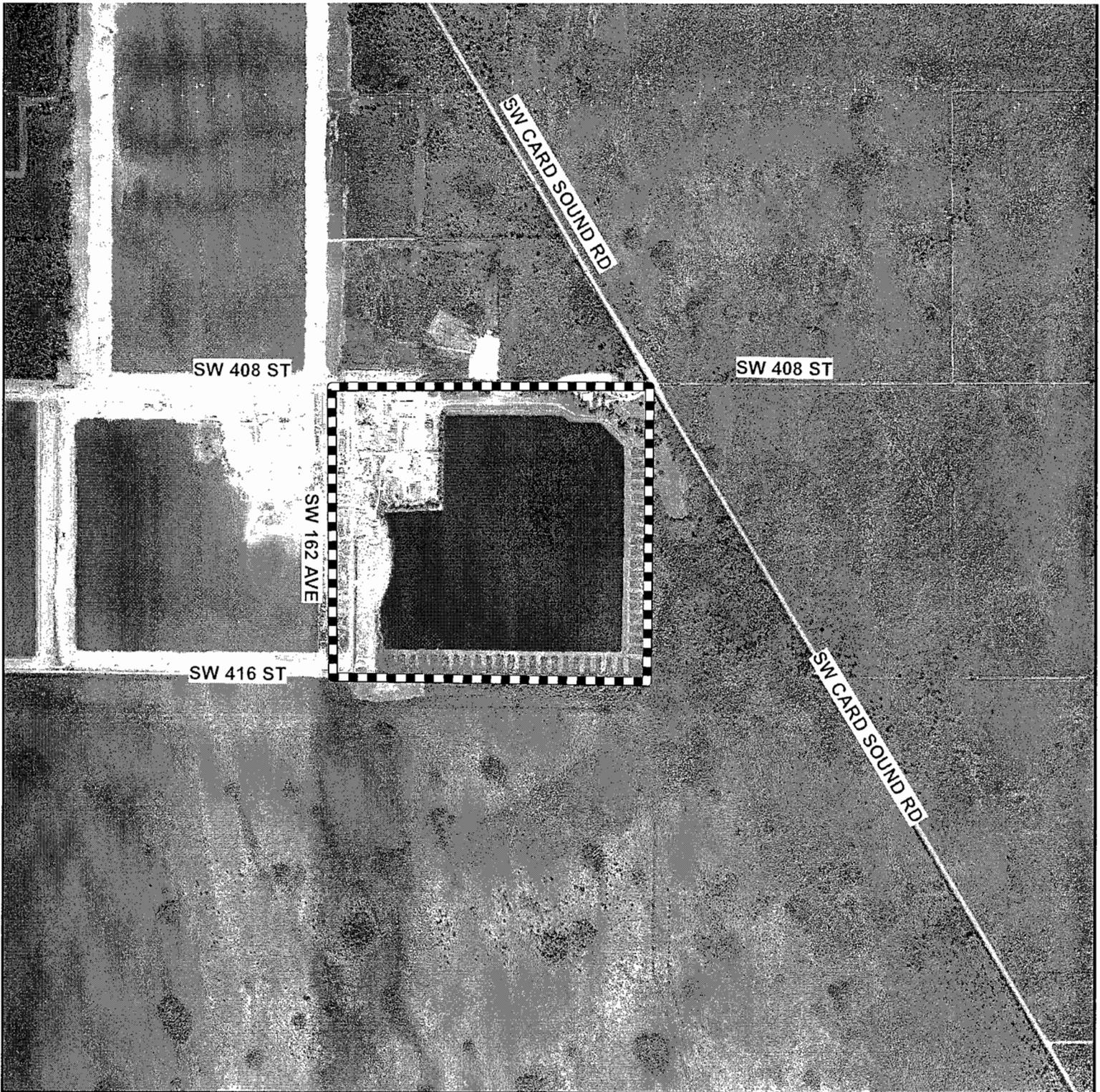
Section: 17 Township:58 Range: 39
 Applicant: RMC Florida Group LTD. DBA Cemex
 Zoning Board: C15
 Commission District: 09
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



REVISION	DATE	BY
		15



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 17 Township:58 Range: 39

Applicant: RMC Florida Group LTD. DBA Cemex

Zoning Board: C15

Commission District: 09

Drafter ID: ALFREDO

Scale: NTS

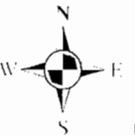
----- Zoning

Process Number

09-165



SUBJECT PROPERTY



SKETCH CREATED ON: 12/23/09

REVISION	DATE	BY

3. KIMCO AUTOFUND LP
(Applicant)

11-2-CZ15-3 (10-022)
Area 15/District 09
Hearing Date: 02/22/11

Property Owner (if different from applicant) **KIMCO AUTOFUND LP, Delaware LP.**

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? WAL-MART CORP

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>
1963	Fredor Inc.	- Variance of spacing for alcoholc use.	ZAB	Approved
1967	Betty Lou Co.	- Special Exception expansion of existing non-conforming bar.	ZAB	Approved
1967	Betty Lou Co.	- Modification of resolution 3283-5.59 (to delete mention of parking store in condition 4).	BCC	Approved
1967	Betty Lou Co.	- Special Exception & Use Variance expand bar into nightclub in BU-1A as permitte in BU-3.	ZAB	Denied without prejudice
1967	Betty Lou Co.	- Use Variance to permit a package store in BU-1a as permittes in BU-2.	ZAB	Denied
1967	Betty Lou Co.	- Special Exception spacing for package store.	ZAB	Denied
1967	Betty Lou Co.	- Parking Variance.	ZAB	Denied
1967	Betty Lou Co.	- Parking Variance.	ZAB	Denied without prejudice
1969	Charles Del – Ask	- Zone change from GU to RU-4M.	BCC	Approved
1976	Director of Building, Zoning and Planning	- Zone change from (BU-1A) to BU-1.	BCC	Approved

1976	Director of Building, Zoning and Planning	- Zone change from (RU-2) to BU-1.	BCC	Approved
1979	Ford Leas Devel Corp.	- Modification of condition of resolution. - Non-Use Variance of wall requirements.	ZAB	Approved w/conds.
1983	Alan & Robert Potankin	- Modification of resolution.	ZAB	Approved w/conds.
1997	Potamkin Chevrolet Inc.	- Non-Use Variance of sign regulations.	ZAB	Approved w/conds.
2007	Director of Planning & Zoning.	- Zone change from multiple zones to Cutler Ridge Metropolitan Urban Center District.	BCC	Approved

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

APPLICANT: Kimco Autofund L.P.

PH: Z10-022 (11-02-CZ15-3)

SECTION: 7-56-40

DATE: February 22, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 3

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The applicant is seeking to permit a retail store on the subject property without the residential development component required by the underlying regulating land use plan of the CRMUC. Additional requests are being sought because the proposed development plan for the retail store does not meet the zoning regulations for the Cutler Ridge Metropolitan Urban Center District (CRMUC) adopted by the Board of County Commissioners (BCC) on October 10, 2006, pursuant to Ordinance #06-152. Overall, the applicant seeks to vary the requirements of the CRMUC that pertain to the following: use, block length, block perimeter length, new type "A" and "B" streets, habitable space depth for a parking garage with frontage on a street, signage, bicycle route signage, street trees and street parameter regulations, setbacks, ground floor area, height requirements, storefront glazing, window sill placement, screening of service areas, required cornice line, and requirements regulating the location of and access to the loading and service entries.

o **REQUESTS:**

REQUESTS # 1 THROUGH # 8 WERE REVIEWED UNDER THE USE VARIANCE FROM OTHER THAN AIRPORT REGULATIONS.

- (1) Applicant is requesting to waive the residential use requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof.
- (2) Applicant is requesting to permit a block length of approximately 661' (500' maximum permitted).
- (3) Applicant is requesting to permit a block perimeter length of approximately 2,409.59' (1,600' maximum permitted).
- (4) Applicant is requesting to delete 2 new type "A" streets and 1 new type "B" street (required as per New Street Dedications Plan) and waiving the street type and landscape parameters for minor streets.
- (5) Applicant is requesting to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street.
- (6) Applicant is requesting to permit a 2nd flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (one 24 sq. ft. sign permitted per street frontage).

- (7) Applicant is requesting to waive the zoning regulation requiring designated bicycle route signage (required as per Bike Route Plan).
- (8) Applicant is requesting to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street.
- (9) Applicant is requesting to permit a retail store and parking garage structure setback varying from 0' to 39.09' (mixed use portion 0' or 10' required) along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' (10' or 15' required) along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line (10' or 15' required) to 70.8' along the mixed use portion of the east property line (0' or 10' required).
- (10) Applicant is requesting to permit a department store with 99,824 sq. ft. of ground floor area (40,000 sq. ft. maximum permitted).
- (11) Applicant is requesting to waive the height requirements to permit a 1-story building (3 stories required in the center sub-district).
- (12) Applicant is requesting to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage.
- (13) Applicant is requesting to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts.
- (14) Applicant is requesting to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal.
- (15) Applicant is requesting to waive the required cornice line from the front elevation.
- (16) Applicant is requesting to waive the requirement that loading and service entries shall be allowed only in the rear along service roads.
- (17) Applicant is requesting to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Walmart Store #5912-00," as prepared by Creech Engineers and "Walmart," as prepared by Shade Lawrence O'Quinn, dated stamped received 8/13/10 and consisting of 14 sheets. Plans may be modified at public hearing.

o **LOCATION:**

21151 South Dixie Highway, Miami-Dade County, Florida.

o **SIZE:** 6.5 Acres

B. ZONING HEARINGS HISTORY:

The subject site was included in various zoning hearings between 1963 and 1997. On March 22, 2007, the subject property was part of a larger parcel of land (81 acres) that was rezoned to Cutler Ridge Metropolitan Urban Center District (CRMUC), pursuant to Resolution #Z-5-07.

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

Urban Centers

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

The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and areawide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this

section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

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

Radius. *The area developed as an urban center shall extend to a one-mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.*

Streets and Public Spaces. *Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets*

and pedestrian accessways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

Parking. *Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominantly in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.*

Buildings. *Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.*

Density and Intensity. *The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.*

		Average Floor Area Ratios (FAR)	Maximum Densities Dwelling Units per Gross Acre
Metropolitan Centers	Urban	Greater than 3.0 in the core Not less than 0.75 in the edge	250

In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of

Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies. As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Policy LU-7F.

Policy LU-7A

Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human services in varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.

Policy LU-7F

Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

CRMUCD -Mixed-use Corridor and Residential Modified;
three commercial buildings

Metropolitan Urban Center

Surrounding Properties:

NORTH:

CRMUCD - Mixed-use Corridor;
office building and shopping center

Metropolitan Urban Center

SOUTH: AU; Black Creek Canal

Water

EAST:

CRMUCD - Mixed-use Corridor and Residential Modified;
Multi-family apartments

Metropolitan Urban Center

WEST:

CRMUCD - Mixed-use Corridor;
gas station

Metropolitan Urban Center

F. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(a) Use Variance. *The Board shall 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. 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.*

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

G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the conditions indicated in their memoranda.

H. PLANNING AND ZONING ANALYSIS:

Project Location and Requests

The subject property is located at 21151 South Dixie Highway in the Cutler Ridge area of Miami-Dade County. A mixture of uses including commercial and office buildings along with multi-family residential developments characterize the surrounding area. The subject site lies approximately 690' to the west of the Town of Cutler Bay and approximately 250' to the east of the South Dade Bus Way. The approval of this application will allow the development of a 99,894 sq. ft retail building along with a one-story (two-level) parking garage on the subject property which will provide commercial retail services. The applicant is seeking to permit a retail store on the subject property without the residential development component required by the underlying regulating land use plan of the Cutler Ridge Metropolitan Urban Center (CRMUC). Additional requests are being sought because the proposed development plan for the retail store does not meet the zoning regulations for the CRMUC adopted by the Board of County Commissioners on October 10, 2006, pursuant to Ordinance #06-152. Overall, the applicant seeks to vary the requirements of the CRMUC that pertain to the following: use, block length, block perimeter length, new type "A" and "B" streets, habitable space depth for a parking garage with frontage on a street, signage, bicycle route signage, street trees and street parameter regulations, setbacks, ground floor area, height requirements, storefront glazing, window sill placement, screening of service areas, required cornice line, and requirements regulating the location of and access to the loading and service entries. **The analysis is structured to demonstrate how the application was successful or failed to meet the intent of the CRMUC regulations and its consistency with the Comprehensive Development Master Plan (CDMP) Urban Center interpretative text. Regulating plan figures are provided to illustrate the various design and intensity requirements of the CRMUC district ordinance and design alternative synopses are also included. During meetings with the applicant, two design alternatives were provided by staff to illustrate how to design a similar project with less variances or in conformance with the CRMUC district regulations.**

Project Scoping Meetings

Staff worked closely with the applicant in order to design a project that is consistent with the Urban Center interpretative text of the CDMP and meet the intent of the adopted CRMUC District of the Zoning Code. Staff presented the applicant with two design alternatives that would have either reduced the multitude of variances sought in this application or alleviated the severity of some of the variances sought in this application. Although the applicant did not incorporate the design alternatives presented by staff into

the plans submitted with this application, the discussion below provides a brief summary of both design alternatives suggested by staff.

Design Alternative No. 1

One of the plan alternatives designed by staff depicts the required parking on the rooftop of the retail component accessed by a ramp and small surface parking lot on the east side of the property, adjoining the retail building. This option allows for the accommodation of the required type "A" street along the south and east sides of the property and their parameter requirements which include on-street parking, landscape strips for street trees, sidewalks, and a landscaped promenade along that portion of the property adjoining the Black Creek Canal. In addition, said design alternative shows the truck loading area screened by the retail building, thereby effectively shielding the loading areas from the adjacent roadways, the linear park located along the north side of the Black Creek Canal and the promenade required on the south side of the subject property. Moreover, said design alternative not only allows for the incorporation of the type "A" streets fitted with street trees as noted but also would allow for abundant landscape buffers along the north and south sides of the proposed surface parking project and enhance the vista of the linear park contemplated by the CRMUC along both sides of the Black Creek Canal.

Design Alternative No. 2

In an effort to address the applicant's concerns regarding Design Alternative No. 1, staff presented the applicant with a second design alternative which also would have reduced the severity of or eliminated the numerous variance requests sought in this application. Design Alternative No. 2 includes a reduced parking garage in order to accommodate a 27' wide landscape buffer on the south side of the parking garage facing the Black Creek Canal and a 22' wide landscape buffer along the north side of the parking area fronting on SW 211 Street. Additional parking is provided on top of the retail building's roof accessed by a ramp located inside the parking garage. The building footprint is not altered but it is moved closer to US-1 and SW 211 Street, allowing for the incorporation of the required type "A" streets and their parameters along the south and east sides of the subject property. Alternative No. 2 provides for a pedestrian path in lieu of the type "B" street indicated by the CRMUC New Street Dedications Plan which would bisect the property and decrease the block length thereby diminishing the distances for the pedestrian walking into and/or crossing the subject property. In addition, this alternative includes enhancements to the proposed retail building's façade in the form of increased glazing, a requirement by the CRMUC district ordinance to create visual interest along US-1 and SW 211 Street as well as a 15' wide area at the northwest corner of the building for dining use associated with the bakery function located inside the retail store. In staff's opinion, said dining area and additional storefront glazing would have represented a significant improvement over the submitted plans by creating visual interest along US-1 and SW 211 Street and consequently encouraging increased pedestrian activity as contemplated by the CRMUC regulations.

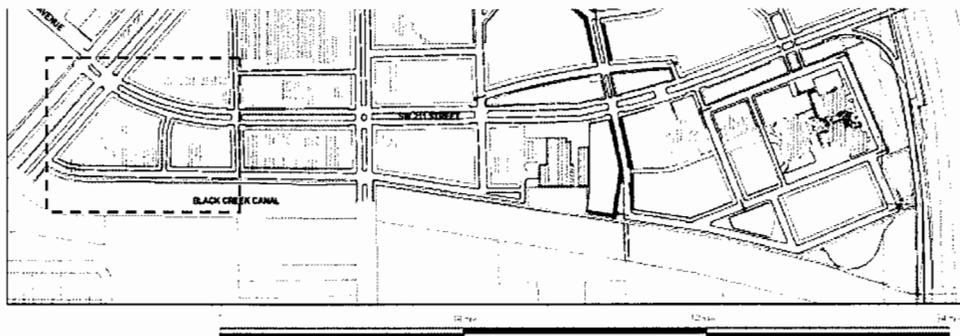
Comprehensive Development Master Plan (CDMP)

The subject property lies within the **Cutler Ridge Metropolitan Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). *Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Emphasis in design and development of these centers and all of their individual components has been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages.*

All of the parcels within the boundaries of the approved Cutler Ridge Urban Area District Ordinance, are regulated by plans and descriptive standards described in Ordinance #06-152, which is consistent with the Urban Center interpretative text. Among other things, said Ordinance requires buildings to be oriented to the street, parking lots to be predominately relegated to the rear or sides of buildings, primary building entrances to be placed close to the street, and shade trees and weather protection to be available in order to create a pedestrian-friendly environment. Staff recognizes that the interpretative text of the CDMP contains competing policies and objectives. The purpose of the discussion below is to assist the Board in balancing said competing policies and objectives of the CDMP.

Urban Centers

Staff opines that portions of this application are consistent with the Urban Center Interpretative Language of the CDMP. The proposed retail development will increase transit and pedestrian mobility by introducing a large-scale retail use within walking distance of the South Miami-Dade Bus Way which will encourage transit use and provide a retail use for the community. Staff opines that the application is consistent with the Urban Center interpretative text in that the proposed retail use on the subject site will attract large numbers of both residents and visitors to this evolving Metropolitan Urban Center.



LAND USE FRONTAGE

See Section 33-284.83 and 284.99.7 of this code for specific permitted uses in each land use area

KEY

- MM: Mixed-use (Main Street)** Minimum 1st floor - businesses, professional offices, civic, education and government offices. 2nd floor and above - residential, and live-work units (For permitted density see Building Heights Regulating Plan)
- MO: Mixed-use Optional:** 1st floor (optional) - businesses, live-work professional offices, civic, education and government offices. all floors - residential (For permitted density see Building Heights Regulating Plan)
- MC: Mixed-use Corridor:** Residential, businesses, professional offices, civic, education and government offices (For permitted density see Building Heights Regulating Plan)
- No Frontage Required**
- ID: Industrial District:** in all floors - IU-1 uses and live-work units in addition: all uses permitted in the MC category
- I: Institutional:** Civic, education and government offices
- RM: Residential Modified:** Rowhouse, and small apartments (For permitted density see Building Heights Regulating Plan)
- Street Vista**
- Existing Buildings**

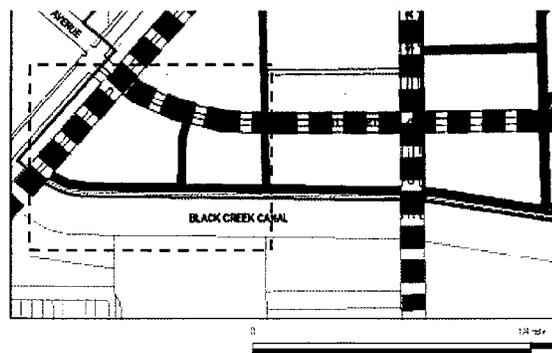
Figure 1.

12

Notwithstanding the aforementioned, staff notes that the proposed retail development as illustrated on the submitted site plan does not meet the full intent of the Urban Center Interpretative Language of the CDMP. Specifically, it should be noted that the interpretative text of the CDMP indicates that *Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically and that incorporation of residential uses is encouraged.* Staff notes that the adopted Land Use Frontage Plan (Figure 1) depicts portions of the subject site as Mixed Use Corridor which permits residential, business, professional office, civic, education and government office uses alone or mixed with residential uses and other portions of the site as Residential Modified, which permits rowhouse and multi-family development. **Staff opines that the requested waiver of the residential uses (request #1) on the site does not meet the intent of the Urban Center interpretative text of the CDMP which encourages horizontal and vertical integration of land uses.**

Urban Center - Streets and Public Spaces

The Urban Center interpretative text of the CDMP indicates that the size of blocks and network of streets and pedestrian accessways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. The applicant seeks to allow a block length and block perimeter of greater length than what is provided by the Urban Center interpretative text and required by the CRMUC zoning regulations (request #2 and #3). Moreover, the applicant also seeks to delete two (2) new type "A" streets and one (1) new type "B" street (request #4) (Figure 2). **Staff opines that the approval of said requests is inconsistent with the street and public space policy of the Urban Center interpretative text of the CDMP which stipulates that the size of blocks and network streets and pedestrian accessways shall be designed in a manner that reduces walking distances for pedestrians.**



NEW STREETS

Note: New streets allocated are based on the charrette illustrative plan and are approximate

KEY

- New "A" Streets
- Existing "A" Streets
- New "B" Streets
- Existing "B" Streets
- Property Ownership Pattern at time of charrette
- Miami Dade County
- Town of Cutler Bay

Figure 2.

In addition the interpretative text indicates that emphasis shall be placed on sidewalks, with street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. The subject site fronts on US-1 (South Dixie Highway) which is depicted as major roadway on the LUP Map of the CDMP and is a heavily trafficked corridor. Although staff acknowledges that the applicant has provided landscape elements along the west and north property lines that abut US-1 and SW 211 Street, the submitted plans are devoid of the CRMUC district minimum required number of street trees and street type parameter requirements as evidenced in request #8 of this application. **As such, staff opines that the approval of request #8 is inconsistent with the Streets and Public Space Urban Center interpretative text of the CDMP.**

Urban Centers - Parking

The Urban Center interpretative text indicates that parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses. The applicant is requesting to waive the CRMUC district regulation requiring 20' wide habitable space depth for the proposed parking garage fronting on SW 211 Street (request #5). The incorporation of the habitable spacing housing any of the permitted ordinance land uses would screen and separate the parking activity from the public realm and provide a more attractive street frontage that promotes pedestrian activity as envisioned by the Cutler Ride Metropolitan Urban Center Charrette Plan and required by the district regulations. **Accordingly, staff opines that said request does not meet the intent of the Urban Center interpretative text for parking structures located in Urban Centers.**

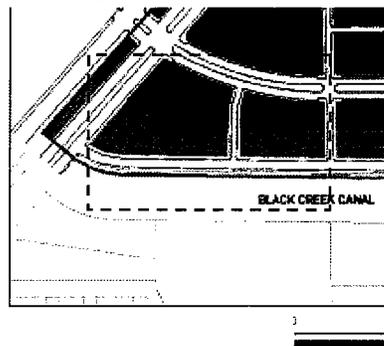
Urban Centers - Buildings

The Urban Center interpretative text provides that buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Furthermore the interpretative text of the CDMP indicates that continuous blank walls at street level are prohibited and that architectural elements such as abundant windows should be incorporated into the building facades to create interest for the passing pedestrian. Staff's review of the submitted plans reveals that the applicant is requesting to permit the proposed retail and parking garage buildings setback further away from the property lines than required by the CRMUC zoning regulations (request #9). The submitted site plan shows a sidewalk and stepped landscape terrace varying in width between the property line and the proposed build-to-line that together with the existing SW 211 and US1 sidewalks provides good circulation for pedestrian activity. However, the absence of abundant fenestration (doors and windows) on the proposed building and non-existent habitable space screening the garage from street views does not create or promote the type of pedestrian activity along the street that is common with highly glazed buildings exposing activities within. **As such, staff objects to request #9 when considering that a building lacking appropriate fenestration and placed close to the street edge does not create the type of character found in urban environments.** Staff notes that the applicant also seeks to waive required architectural elements at street level, such as storefront glazing, cornice line and placement of window sills (requests #12, #13 and #15), which staff opines are all essential components of the building design policies of

the Urban Center interpretative text of the CDMP. Waiving the required architectural elements for the proposed retail building results in blank walls at the street level which, as indicated in the interpretative text of the CDMP is prohibited and is contrary to the design goals of the CRMUC. **As such, staff opines that requests #12, #13 and #15 are inconsistent with the design policies of the Urban Center interpretative text of the CDMP.**

Urban Centers - Density and Intensity

The range of average floor area ratios (FARs) within Metropolitan Urban Centers for parcels lying in the edge sub districts shall not be less than 0.75. The southern portion of the subject site is located in the Edge Subdistrict of the CRMUC and the northern portion of the site is located within the Center Subdistrict of the CRMUC (Figure 3). Buildings with a minimum F.A.R. of 0.75 should be established in the Edge Subdistrict and buildings with an average F.A.R. should be established in the Center Subdistrict. Although the proposed retail development is not planned with a building intensity reaching the minimum F.A.R. of 0.75 required for developments located in the Edge Subdistrict, staff opines that the development of this parcel may act as a triggering mechanism for economic development of the Edge and Center Subdistrict portions of the CRMUC. Further, it should be noted that the average F.A.R.(s) required by the CDMP for this urban center will be achieved incrementally once the town center is developed over time. **Taking into consideration that the current use of the property is an abandoned car dealership with three vacant buildings, staff is of the opinion that the building intensity proposed in this application will contribute to an increase in F.A.R. on this partially vacant parcel, which is deemed consistent with the Urban Center interpretative language of the CDMP.**



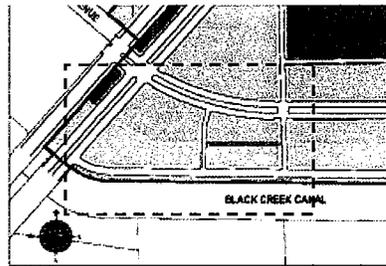
SUB-DISTRICTS

KEY

-  Core Sub-District
-  Center Sub-District
-  Edge Sub-District
-  Miami Dade County
-  Town of Cutler Bay

Figure 3.

*The Urban Center interpretative text indicates that the height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Further, Policy LU-7F indicates that where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy. The CRMUC district Building Heights Plan indicates a minimum of 2 stories for development on the south portion of the subject property fronting the Black Creek Canal and US1 and a minimum of 3 stories for development on the north portion of the subject property fronting SW 211 Street (figure 4). These minimum development heights adopted in the CRMUC district were based, among other things, on concurrency determinations, CDMP Urban Center intensity thresholds and levels of service and are provided to guarantee the appropriate densification and intensification of the Metropolitan Urban Center as stipulated in Policy-7A. The appropriate densification and intensification of the Metropolitan Urban Center will provide services to a greater portion of the County's population and accommodate high housing densities to support the services provided. The approval of low intensity development in this center is contrary to the objectives of the CDMP text for Metropolitan Urban Centers which should be highly intensely developed areas. Further, the height is needed to provide a building scale that frames the street and is compatible with other future development in the area that can potentially reach heights of up to 12 stories. When considering that the existing one-story multi-family residential development located to the south of the subject site and the Black Creek Canal is located in an area that is undergoing transition and lies within the Center Subdistrict of the Goulds Community Urban Center which allows a building height ranging from two-stories to four-stories and that the minimum required by the CRMUC district regulations for the subject parcel allows for greater height and intensity than what is proposed by the applicant's one-story retail building with a parking garage, **in staff's opinion, the proposed building height is not meeting the intent of the Metropolitan Urban Center text of the CDMP.***



BUILDING HEIGHTS

Key	Pedestal	
	Minimum	Maximum
	6 stories	8 stories
	6 stories	8 stories
	6 stories	8 stories
	2 stories	8 stories
	3 stories	6 stories
	2 stories	6 stories
	2 stories	4 stories
	1 story	2 stories

Figure 4.

Use Variance Requests #1 through #8

Section 33-284.89 of the Standard Urban Center District Regulations provides that relief from the regulations governing density, linear buildings used to screen parking, provision of type “A” streets, street trees, maximum size of blocks, and signage shall be permitted only pursuant to the standards and requirements of Section 33-311(A)(4)(a) of the Zoning Code. 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. The standard stipulates that the Board shall 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 regulations.

As previously mentioned, the subject property lies within the **Cutler Ridge Metropolitan Urban Center** as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). All of the parcels within the boundaries of the approved Cutler Ridge Urban Area District Ordinance, are regulated by plans and descriptive standards described in Ordinance #06-152. As previously mentioned, staff worked closely with the applicant in an effort to redesign the submitted plans to reduce the number of variance requests sought in this application. Staff maintains that the submitted plans can be redesigned to come closer into compliance with the CRMUC regulations and eliminate some of the requested variances.

In this regard, the applicant could have designed a retail building with a smaller ground floor footprint than the proposed 99,894 sq. ft. footprint, and accommodated the 99,894 sq. ft. in two or three floors. The smaller building footprint would have allowed the building to meet the minimum height requirements and the dedication of the type “A” and “B” Streets with all of their required parameters including sidewalks, landscape strips for

street trees, on-street parking and a promenade along the Black Creek Canal. Additional retail uses could have been accommodated in liner buildings screening the garage, thus eliminating the request to not provide habitable space to screen garages. In summary, the building should have been designed in a more compact and vertical envelope, in lieu of the proposed prototype. Further, the required residential use component (request #1) would have provided a transition and buffer to the multi-family residential developments located to the south of the site and the Black Creek Canal. The design illustrated on submitted plans lacks pedestrian connectivity due to the requested increase in the block length and perimeter (requests #2 and #3) as well as the requested deletion of the required type "A" and type "B" streets (request #4). Moreover, staff notes that the submitted plans do not provide the required 20' habitable space depth for the proposed parking structure which in staff's opinion does not provide a visual buffer for the parking structure (request #5). Staff notes that the approval of requests #6 and #8 will allow the applicant to erect signage that is larger in size than that allowed by the CRMUC regulations and will allow the applicant to waive the required street trees and street type parameter requirements along US-1, SW 211 Street, and the required type "A" and "B" streets which staff opines is contrary to the spirit and intent of said regulations which is to create a "main street" streetscape that features moderately sized signage and tree lined street vistas that contribute to a human scale at the street level. Request #7 will allow the applicant to waive the required bicycle route signage as required by the Bicycle Route Plan of the CRMUC zoning regulations. Staff notes that the required bicycle route signage is essential in directing pedestrians and bicyclists to the Black Creek Trail which is part of the County's adopted Open Space Master Plan. Staff is of the opinion 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 unnecessary hardship. Based on the foregoing analysis, the use variance requests #1 through #8 do not meet the standards set forth in Section 33-311(A)(4)(a), which require that a zoning hardship be shown. **As such, requests #1 through #8 cannot be approved under same. Staff therefore, recommends denial without prejudice of requests #1 through #8 under Section 33-311(A)(4)(a).**

Non-Use Variance Requests #9 through #17

When requests #9 through #17 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area and the emerging CRMUC district. As previously mentioned, approval of request #9, to permit the proposed retail building and parking garage setback is in staff's opinion, not objectionable; however with the lack of fenestration and glazing, the closeness of the building to the street edge is unappealing and more in keeping with traditional suburban commercial development than with the compact urban form that is envisioned for the CRMUC. Staff opines that request #10, to permit a department store with 99,824 sq. ft. of ground floor area (40,000 maximum permitted) and request #11, to permit a building height of 1 story (3-story minimum required) could be eliminated or alleviated by redesigning the building with a second floor in order to comply with the maximum ground floor area permitted by the CRMUC. Staff's research of similar retail operations in other urban areas reveals that multi-story buildings are typically utilized in urban settings in order to achieve a compact urban form while preserving the functionality of the retail business. Staff opines that the requested increase of the setback for the proposed retail building without the appropriate architectural treatment at street level, the requested increase in the ground floor area permitted and the requested reduction in the required building height will impede the pedestrian scale environment envisioned by the CRMUC at the street level and will

instead lead to a continuation of suburban environments that favor the automobile where other modes of travel are marginalized. Request #12, to allow 1% storefront glazing along US-1 and 21% storefront glazing along SW 211 Street (70% glazing required for both); request #13 to waive the zoning requirement that windowsills be placed a minimum of 24" and a maximum of 48" above grade and request #15 to waive the required cornice line from the front elevation, in staff's opinion do not promote the design goals of the CRMUC which are to create a "main street" character that provides visual interest for pedestrians through architectural variety. Approval of requests #14 and #16 will allow the loading and service areas to be located along the southern portion of the site (on the side of the building) and will allow said areas to be visible from US-1 and from the properties located to the south of the Black Creek Canal. Similarly, approval of request #17 will allow access to the parking garage from a type "A" main street (SW 211 Street) where said access ways are allowed only from service roads and/or minor streets. **Staff is not supportive of requests #14, #16 and #17 and opines that the approval of said requests will result in an unattractive view of loading areas and driveways at the street level where the CRMUC regulations seek to promote welcoming vistas of storefronts and landscape elements that lead to an increase in pedestrian activity.**

Therefore, in staff's opinion, approval of requests #9 through #17 would be out of character with the planned development of the area under the Cutler Ridge Metropolitan Urban Center guidelines and will set a precedent for similar requests of this type in the area and would not allow this community to be developed as envisioned. Staff opines that these requests do not maintain the basic intent and purpose of the CRMUC zoning regulations which were adopted by the BCC, will not be compatible with citizen's vision for the development of the surrounding area and will be detrimental to the community. Therefore, requests #9 through #17 should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None.

DATE TYPED: 01/07/11

DATE REVISED: 01/10/11; 01/13/11; 01/19/11; 01/24/11; 01/31/11; 02/09/11; 02/14/11

DATE FINALIZED: 02/14/11

MCL:GR:ES:NN:CH:NC



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

Date: August 27, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-15 #Z201000022-2nd Revision
Kimco Autofund, LP
21151 S. Dixie Highway
To Permit a Retail Development to Waive Certain Requirements for the
Cutler Ridge Urban Center District
(NA) (6.5 Acres)
07-56-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting and/or site development, or public works approval of paving and drainage plans. The applicant

is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

Canal Right of Way verification letter is required from the South Florida Water Management District (SFWM) for the C-1N (Black Creek Canal) prior to Final Plat approval or prior to seeking building permits, to prevent unauthorized encroachment into said canal right-of-way.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Section 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

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

Pollution Remediation

There are records of current petroleum contamination assessment/remediation issues on the property (Cutler Ridge Automotive, LLC D/B/A Potamkin South, 21111 S Dixie Hwy, (IW5-715/F-666)). There are no records of current contamination assessment/remediation on the abutting properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

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

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of 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. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

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

Enforcement History

DERM has reviewed the Permits and Enforcement database and has found two (2) closed enforcement cases for the referenced property address. The following is a summary of these closed enforcement cases that are associated with the subject folios:

Gold Coast Lincoln Mercury (Folio # 30-6007-000-0080) -IW5 715

On November 27th 1990 a Notice of Violation was issued to this facility for discharges to three (3) septic tanks. Improvements were made and completed on July 25th 1991 and the case was subsequently closed due to compliance.

Cutler Ridge Automotive LLC D/B/A Potamkin South (Folio # 30-6007-000-0080) -PSO 97

On July 21st 2008 Uniform Civil Violation Notice (UCVN) #B012622 was issued to this facility for failure to submit the required Elapsed Time (ET) meter readings. The ET meter readings were later submitted and on September 22nd 2008 the case was subsequently closed due to compliance.

Pollution Control

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Hazardous Materials Management

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

Operating Permits

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

Fuel Storage Facilities

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: KIMCO AUTOFUND LP

This Department has no objections to this application.

Proposed roadway and median improvements/modifications along SW 211 Street are not part of this application and is subject to the approval of the Director.

Additional improvements may be required at time of permitting/platting.

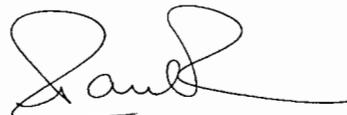
Driveway to South Dixie Highway must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 365 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal 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
F-346	S. Dixie Hwy n/o SW 112 Ave.	D	D
F-1095	SW 112 Ave. n/o SW 216 St.	C	C
9758	SW 117 Ave. nw/o US-1	D	D
9894	SW 211 St. e/o SW 112 Ave.	E	E
9898	SW 216 St. w/o US-1	B	B

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.



Raul A Pino, P.L.S.

31-AUG-10

Memorandum



Date: 08-SEP-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000022

Fire Prevention Unit:

This memo supersedes MDRF memorandum dated July 12, 2010.
 APPROVAL
 No objection to site plan date stamped August 13, 2010.

Service Impact/Demand:

Development for the above Z2010000022
 located at 21151 S DIXIE HWY, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2293 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
<u>residential</u>		<u>industrial</u>	square feet
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<u>Office</u>		<u>institutional</u>	
<u>99,894</u>	square feet	<u>N/A</u>	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 29.66 alarms-annually.
 The estimated average travel time is: 5:03 minutes

Existing services

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

Station 34 - Cutler Ridge - 10850 SW 211 Street
 Rescue, BLS 50' Squrt, 100' Platform, Squad

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped August 13, 2010. Substantial changes to the site plan will require additional service impact analysis.

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

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

KIMCO AUTOFUND LP,
DELAWARE LP

21151 S DIXIE HWY, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000022

HEARING NUMBER

HISTORY:

CURRENT ENFORCEMENT HISTORY:

No current open cases, liens or citations with Neighborhood Compliance.
Open case with Building Department

OPEN CASES: Building Department

Case #:200001919 ; Citation 863094 issued ; Accessibility Enforcement.
Case Status: Open with outstanding balance \$11,785

Closed Cases: Neighborhood Compliance

Case #200801007310
12/16/2008 Warning R116156 issued ; Code Section 33-8.1 ; wall banners require permits.
02/24/2009 Citation B067313 issued ; Failure to comply with warning ; Code Section 33-8.1.
03/30/2009 Affidavit of Compliance.
Case Status: Closed (Paid and Complied)

Case #:200801007315
12/11/2008 Warning R116155 issued ; Code Section 33-95(F) ; Illegal display of banners.
01/22/2009 ; Complied by violator.
Case Status: Closed

Case #:200201003887
06/13/2002 Citation 866930 issued ; Code Section 33-95(F) ; Illegal display of banners.
08/14/2002 Affidavit of Compliance.

Case Status: Closed (Paid and Complied)

Case #200101007035

10/10/2001 Warning issued ĳ Code Section 33-95(F) ĳ Illegal display of banners.

10/15/2001 ĳ Complied by violator.

Case Status: Closed

Case #200101007034 ĳ Duplicate case.

Case Status: Closed

Case #200001002977

05/11/2000 Warning issued ĳ Code Section 33-95(l) ĳ Illegally maintaining a portable sign.

07/15/2000 ĳ Complied by violator

Case Status: Closed

Closed Cases: Building Department

Case #:A2008001053 ĳ Citation B042990 issued for expired permit.

Case Status: Closed (Citation voided)

Case #:A2008001098 ĳ Citation B042991 issued for expired permit.

Case Status: Closed (Citation Voided)

Case #:A2004000431 ĳ Citation 926571 issued for expired permit.

Case Status: Closed (Citation paid and complied)

Case #:200108674 ĳ Citation 909209 issued for work without permit.

Case Status: Closed (Citation paid and complied)

Case #:20070104752 ĳ Citation B039291 issued for work without permit.

Case Status: Closed (Citation paid and complied)

Case #:A2008001186 ĳ Citation B042980 issued for expired permit.

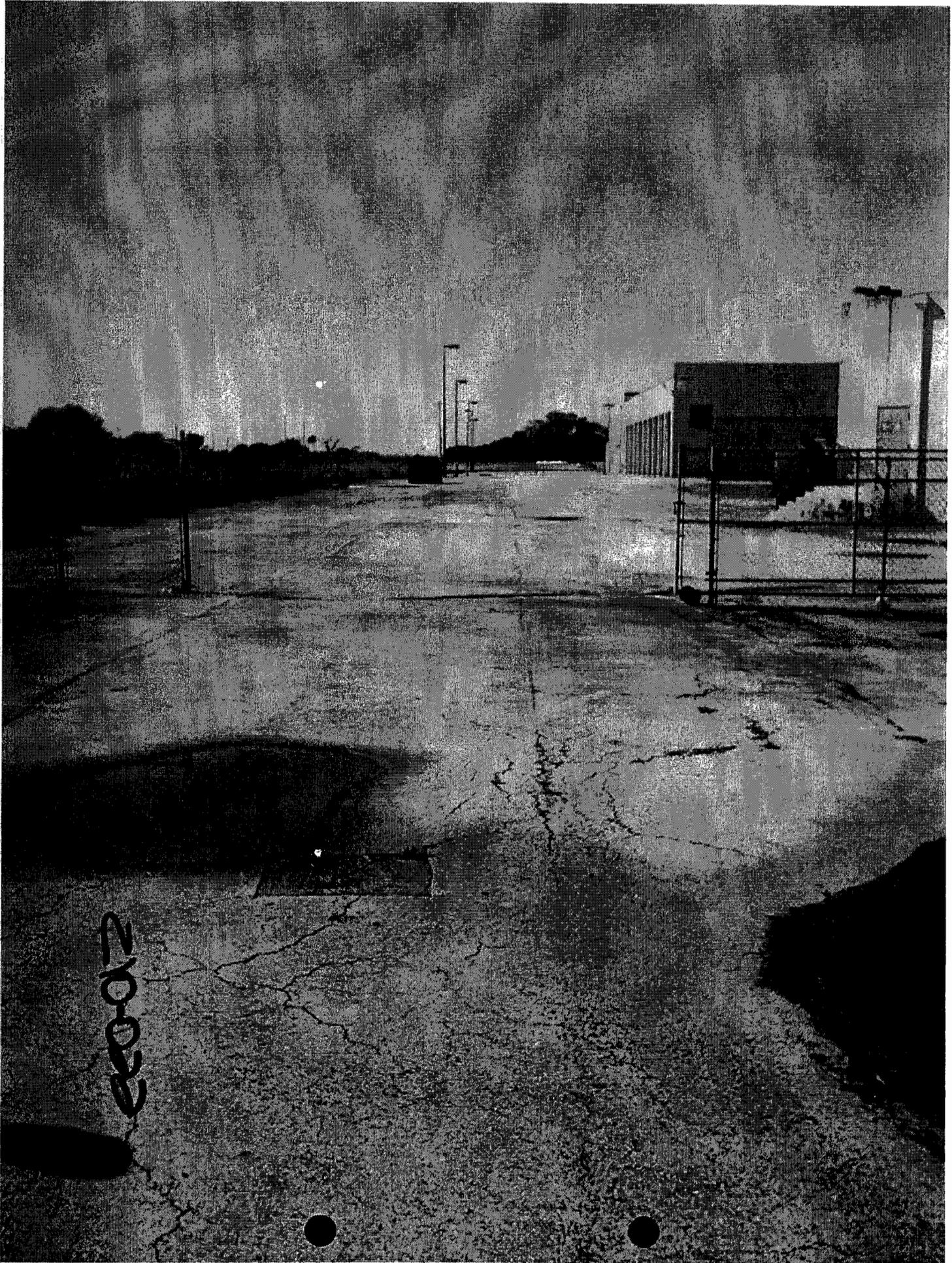
Case Status: Closed (Citation voided)

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

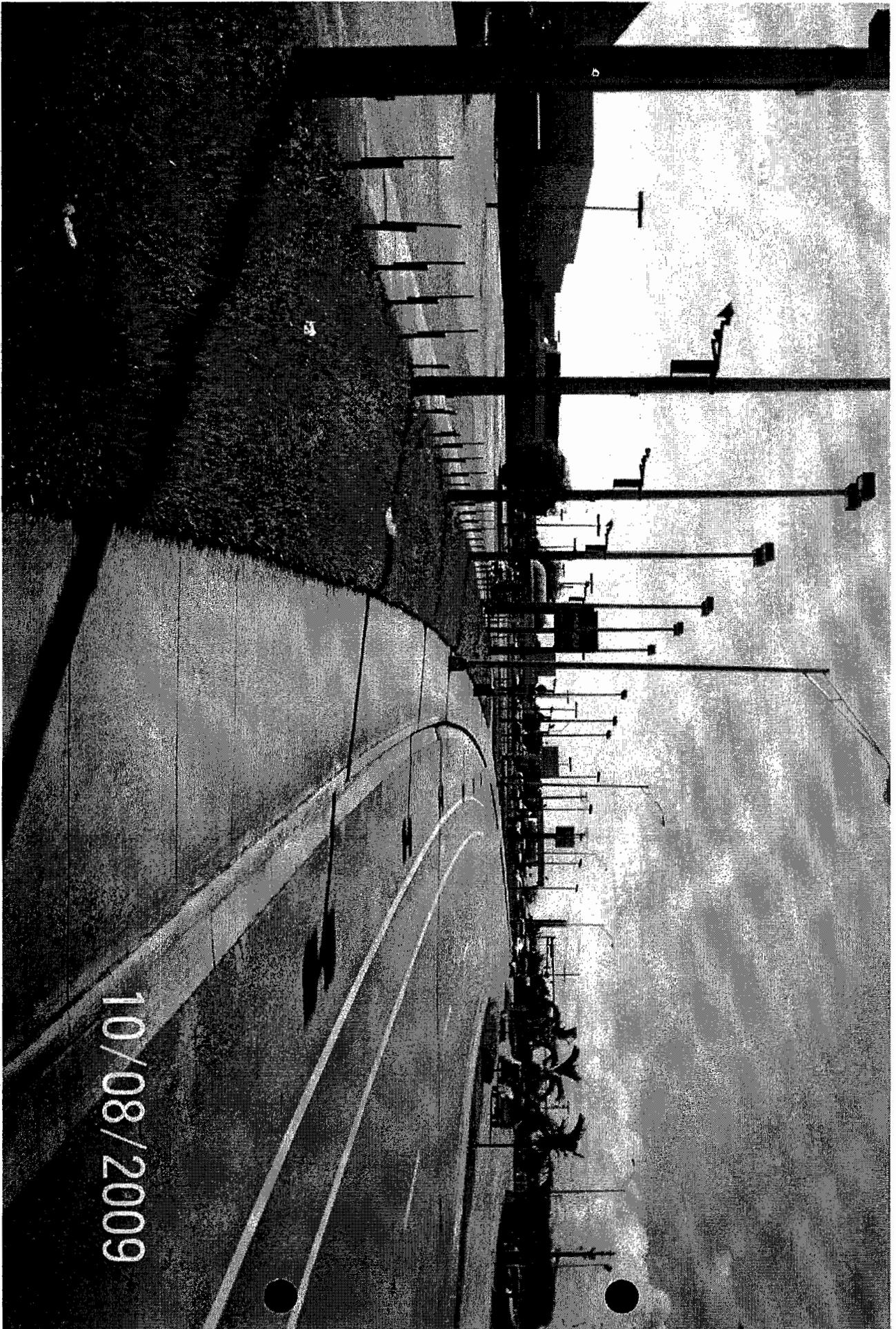


210-022

02/25/2010



210032



210-022

10/08/2009

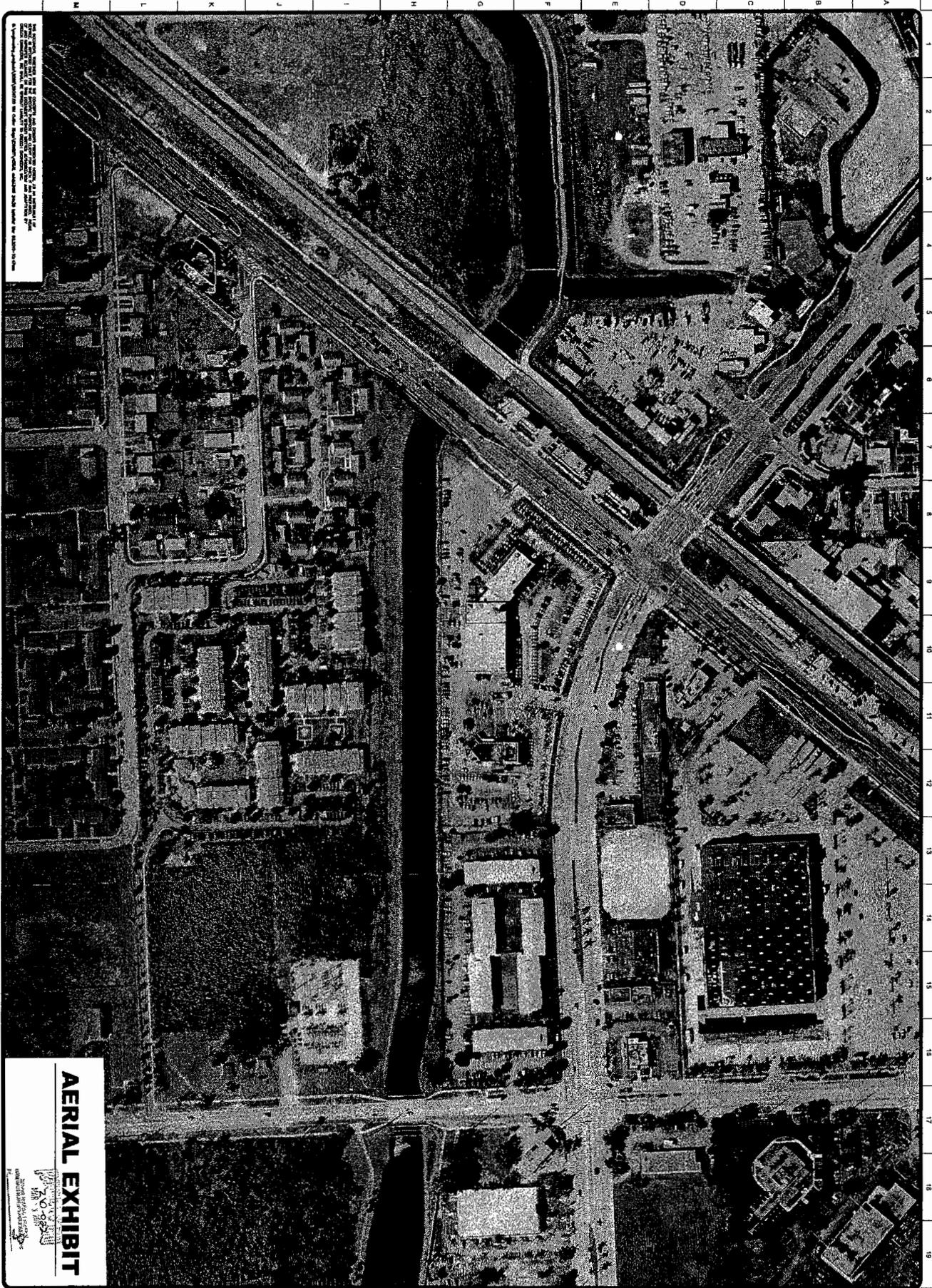
210-022



10/08



280-012



THIS AERIAL PHOTOGRAPH WAS OBTAINED FROM THE MIAMI-DADE COUNTY PLANNING DEPARTMENT. THE PHOTOGRAPH IS A COPY OF THE ORIGINAL PHOTOGRAPH AND IS NOT A REPRODUCTION OF THE ORIGINAL PHOTOGRAPH. THE PHOTOGRAPH IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE MIAMI-DADE COUNTY PLANNING DEPARTMENT.

AERIAL EXHIBIT

CITY OF MIAMI
 PLANNING DEPARTMENT
 3150 N.W. 1ST AVENUE
 MIAMI, FL 33136

EX	DATE	
	SCALE	
	BY	
	DATE	
	REVISION	

WALMART STORE #5912-00
 GOULDS, MIAMI-DADE COUNTY, FLORIDA
 WALMART STORES EAST, LP.
 2001 SE 10TH STREET, BENTONVILLE, AR 72716

CREECH
 ENGINEERS, INC.
2511 W. U.S. 90, SUITE 100, MIAMI, FL 33156
 726 S.E. FEDERAL HIGHWAY, SUITE 222, STUART, FLORIDA 34994 (772) 285-1413
 OFFICE ALSO IN AUSTIN, HOUSTON AND TALLAHASSEE, FL
STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE, LANDS AND WATER
 REGISTRATION NO. 12345, EXPIRES 12/31/2010

REVISION	BY

RECEIVED
2/10/2010
MAR 03 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

DISCLOSURE OF INTEREST*

BY _____

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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: Kimco Auto Fund, L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>Kimco Auto Venture, Inc.</u>	<u>50.00%</u>
<u>3333 New Hyde Park Road, Suite 100</u>	_____
<u>New Hyde Park, NY 10042</u>	_____
<u>Pot/Kim Auto Venture General, Inc.</u>	<u>0.02%</u>
<u>Pot/Kim, Ltd.</u>	<u>49.98%</u>
<u>130 Spruce Street, Ste 30-B, Philadelphia PA 19106</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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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

N/A

NOTICE: For 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. Kimco Autofund, L.P., by its general partner, Pot/Kim Autoventure General, Inc.,

Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March 2010 [Signature] personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 01-26-2012

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

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

NAME OF PURCHASER: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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

<u>N/A</u>	

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Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 01-26-2012



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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: Kimco Auto Venture General, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Robert Potamkin</u>	<u>49%</u>
<u>Alan Potamkin</u>	<u>49%</u>
<u>LBP Irrevocable Trust</u>	<u>1%</u>
<u>CFP Irrevocable Trust</u>	<u>1%</u>
<u>130 Spruce Street, Ste 30-B, Philadelphia, PA 19106</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: Wal-Mart Stores East, LP

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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

<u>N/A</u>	

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The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief. Kimco Autofund, L.P., by its general partner, Pot/Kim Autoventure General, Inc.,

Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 01-26-2012



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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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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 LBP Irrevocable Trust

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>Lexie Potamkin (life)</u>	<u>100%</u>
<u>Ayla Potamkin (remainder)</u>	<u>33.33%</u>
<u>Alura Potamkin (remainder)</u>	<u>33.33%</u>
<u>Alexander Potamkin (remainder)</u>	<u>33.33%</u>
<u>130 Spruce Street, Suite 30-B, Philadelphia PA 19106</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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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

N/A

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Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

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[Signature]
(Notary Public)

My commission expires: 01-26-2012



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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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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 CFP Irrevocable Trust

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>Claudia Potamkin (life)</u>	<u>100%</u>
<u>Cole Potamkin (remainder)</u>	<u>33.33%</u>
<u>Adam Potamkin (remainder)</u>	<u>33.33%</u>
<u>Andi Potamkin (remainder)</u>	<u>33.33%</u>
<u>130 Spruce Street, Suite 30-B, Philadelphia Pa 19106</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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	
Date of contract: <u>10/23/09</u>	

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

<u>N/A</u>	

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Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 01/26/2012

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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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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: Pot/Kim, Ltd.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
Pot/Kim Auto Venture General, Inc.	0.11%
A&R Investments, Inc.	46.69%
Grant & Academy, Inc.	19.18%
A&R West Dade, Inc.	12.26%
Robert Potamkin	10.88%
Alan Potamkin	10.88%

130 Spruce Street, Suite 30-B, Philadelphia, PA 19106
 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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	
Date of contract: <u>10/23/09</u>	

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

<u>N/A</u>	

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The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief. Kimco Autofund, L.P., by its general partner, Pot/Kim Autoventure General, Inc.,

Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

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[Signature]
(Notary Public)

My commission expires: 01-26-2012



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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: A&R Investments, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Robert Potamkin</u>	<u>50%</u>
<u>Alan Potamkin</u>	<u>50%</u>
<u>130 Spruce Street, Suite 30-B,</u>	
<u>Philadelphia PA 19106</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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

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CORPORATION NAME: Grant & Academy, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Robert and Lexie Potamkin</u>	<u>50%</u>
<u>Alan Potamkin</u>	<u>50%</u>
<u>130 Spruce Street, Suite 30-B,</u>	
<u>Philadelphia PA 19106</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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/09

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

<u>N/A</u>	

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. Kimco AutoFund, L.P., by its general partner, Pot/Kim Autoventure General, Inc.,

Signature: *Andrew Pfeifer*
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March, 2010. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)

My commission expires: 01-26-2012



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any partnership, corporation or trust 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.

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: A&R West Dade, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Robert and Lexie Potamkin	50%
Alan Potamkin	50%
130 Spruce Street, Suite 30-B, Philadelphia PA 19106	

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: Wal-Mart Stores East, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Wal-Mart Stores, Inc.</u>	<u>100%</u>
<u>2001 SE 10th Street</u>	
<u>Bentonville, AR 72716-0550</u>	
<u>Publicly traded corporation</u>	
Date of contract: <u>10/23/09</u>	

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

<u>N/A</u>	

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. Kimeo Autovund, L.P., by its general partner, Pot/Kim Autoventure General, Inc.,

Signature: [Signature]
Andrew Pfeifer (Applicant) Vice President

Sworn to and subscribed before me this 9 day of March, 20 10. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



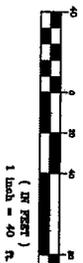
My commission expires: 01-26-2012

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

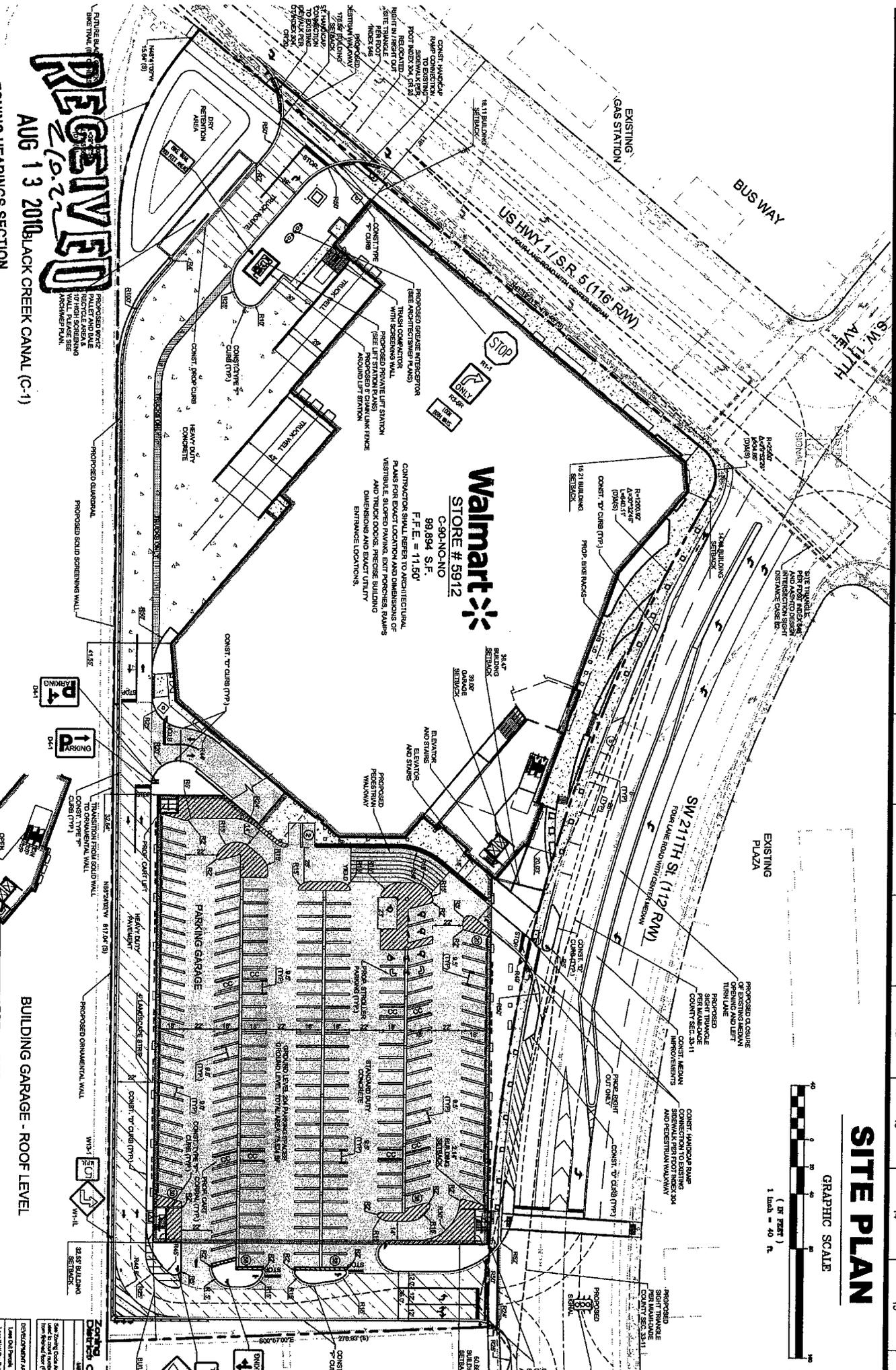
1
2
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10
11
12
13
14
15

SITE PLAN

GRAPHIC SCALE



52



Walmart
STORE # 5912

F.F.E. = 11,501
C-90-N-C-N-O
89,894 S.F.

CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT PAVING, EXTERIOR LIGHTING AND TRUCK DOORS. PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.

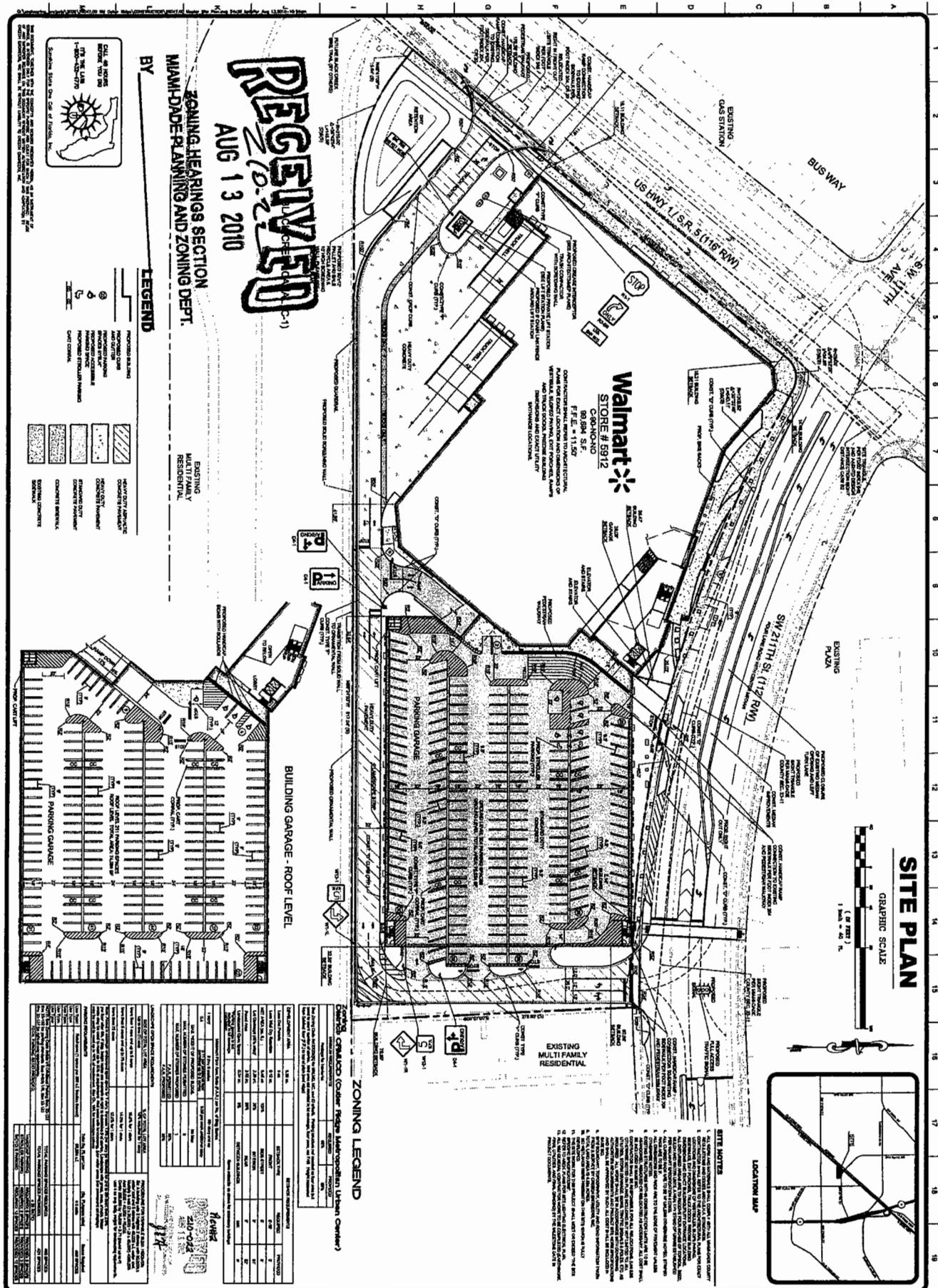
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AUG 13 2016
BLACK CREEK CANAL (C-1)

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

ENLARGED SITE PLAN ENLARGED SITE PLAN

BUILDING GARAGE - ROOF LEVEL

DATE	DESCRIPTION	BY
08/13/16	Site Plan	...



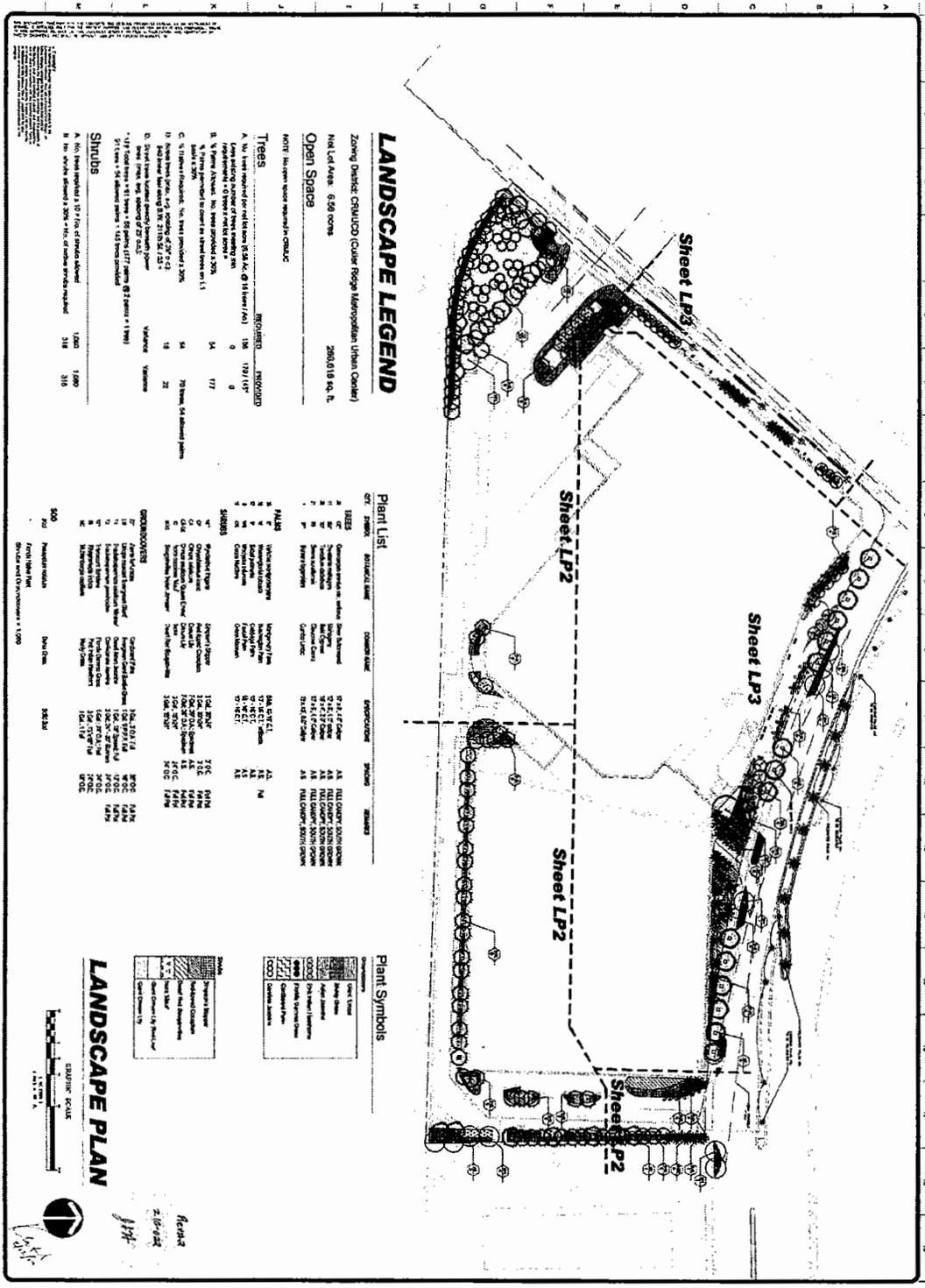
C-1

WALMART STORE # 5912-00
GOULDS, MIAMI-DADE COUNTY, FLORIDA
WALMART STORES EAST, LP.
2001 SE 10TH STREET, BENTONVILLE, AR 72716

CRECH
ENGINEERS, INC.
7201 SW 32nd Street, Suite 100, Miami, FL 33155
TEL: 305-444-1415
FAX: 305-444-1416
WWW.CRECH-INC.COM

REVISIONS	BY	DATE

53



LANDSCAPE LEGEND

Zoning District: OSUDDO (Outer Ring Suburban Urban Center)
 Net Lot Area: 6.08 acres
 Open Space: 2,960,018 sq. ft.

NOTE: All open space required in context

TREES	REQUIRED	PROVIDED
A. No. trees required per lot based on 10 trees per acre @ 10' x 10' spacing	136	136
B. No. trees provided	0	0
C. No. trees provided in context	0	0
D. No. trees provided in context	0	0
E. No. trees provided in context	0	0
F. No. trees provided in context	0	0
G. No. trees provided in context	0	0
H. No. trees provided in context	0	0
I. No. trees provided in context	0	0
J. No. trees provided in context	0	0
K. No. trees provided in context	0	0
L. No. trees provided in context	0	0
M. No. trees provided in context	0	0
N. No. trees provided in context	0	0
O. No. trees provided in context	0	0
P. No. trees provided in context	0	0
Q. No. trees provided in context	0	0
R. No. trees provided in context	0	0
S. No. trees provided in context	0	0
T. No. trees provided in context	0	0
U. No. trees provided in context	0	0
V. No. trees provided in context	0	0
W. No. trees provided in context	0	0
X. No. trees provided in context	0	0
Y. No. trees provided in context	0	0
Z. No. trees provided in context	0	0

Plant List

PLANT	SYMBOL	QUANTITY	PLANT NAME	PLANT TYPE	PLANT SIZE	PLANT SPECIES	PLANT CODE
1	(Symbol)	10	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
2	(Symbol)	20	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
3	(Symbol)	30	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
4	(Symbol)	40	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
5	(Symbol)	50	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
6	(Symbol)	60	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
7	(Symbol)	70	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
8	(Symbol)	80	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
9	(Symbol)	90	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR
10	(Symbol)	100	FLORIDA PALM	Tree	10' x 10'	WALTONIA GLABRA	FLOR

Plant Symbols

LANDSCAPE PLAN

Graphic scale: 1" = 100'

North arrow

Legend for symbols:

- Proposed Building
- Proposed Parking
- Proposed Driveway
- Proposed Fencing
- Proposed Landscaping
- Proposed Site
- Proposed Street
- Proposed Utility
- Proposed Water
- Proposed Sewer
- Proposed Storm
- Proposed Gas
- Proposed Electric
- Proposed Telephone
- Proposed Cable
- Proposed Fiber
- Proposed Other

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ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

LP1

WALMART STORE # 5912-00
 GOULDS, MIAMI-DADE COUNTY, FLORIDA
 WAL-MART STORES EAST, LP,
 2001 SE 10TH STREET, BENTONVILLE, AR 72716

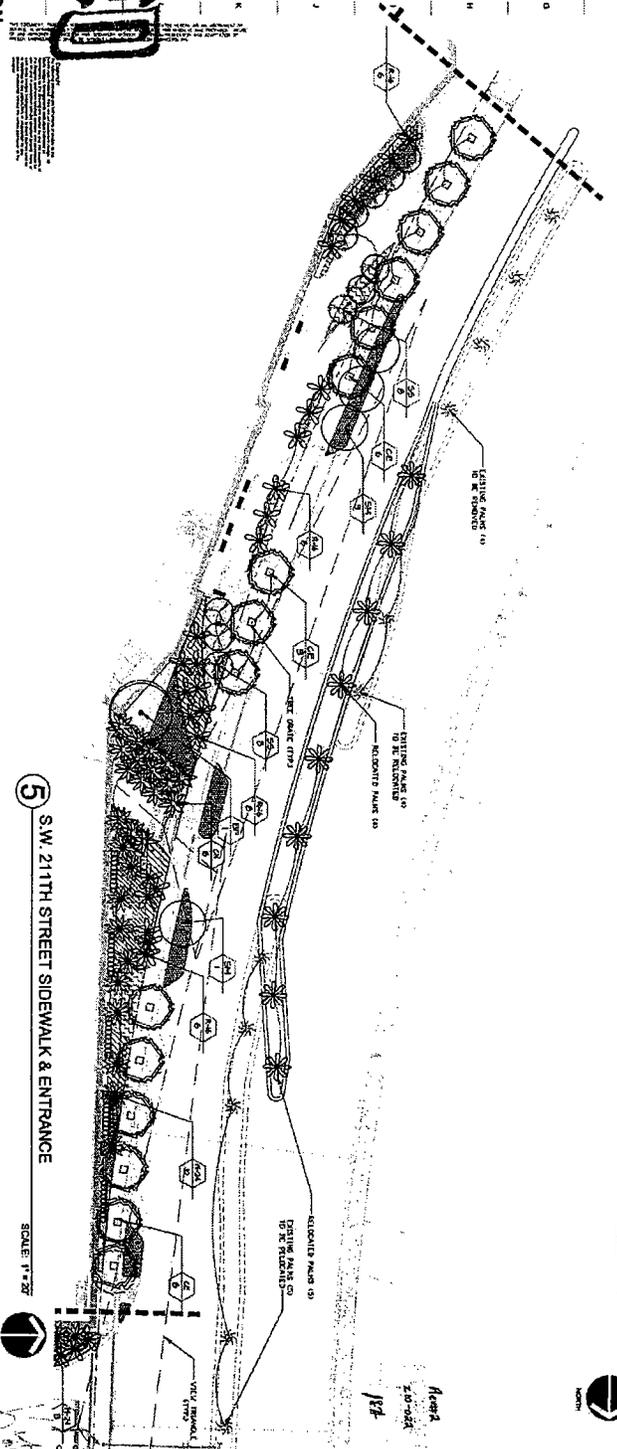
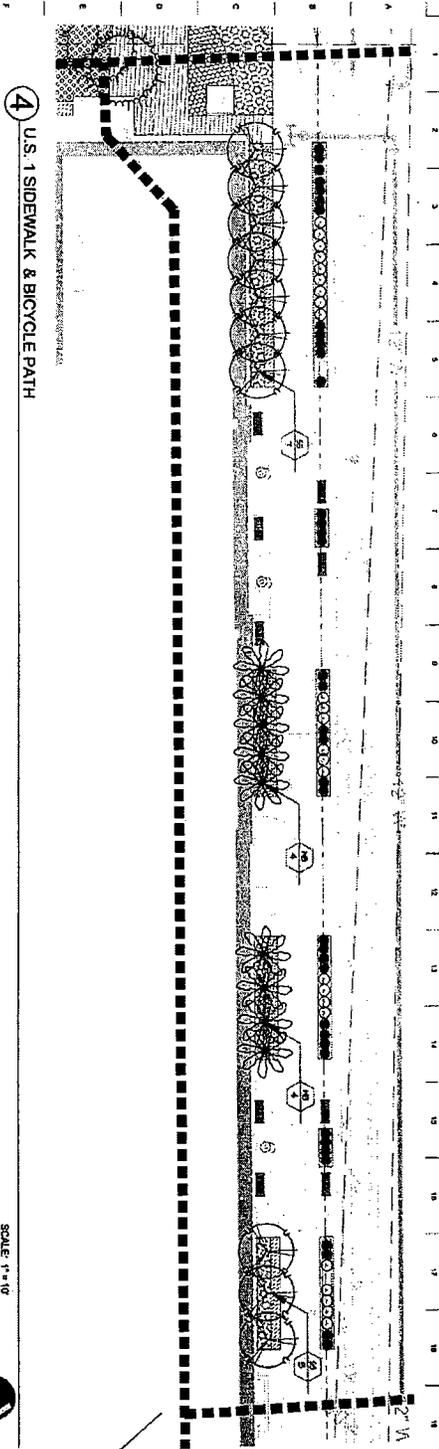
CUOZZO DESIGN GROUP
 610 SE Federal Highway
 Suite 100
 Miami, Florida 33134
 772.251.3131
 www.cuozzodesign.com

DATE	BY	REVISION

45

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 AUG 13 2010
 Z 10.22

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



DATE	BY	DESCRIPTION

WALMART STORE # 5912-00
 GOULDS, MIAMI-DADE COUNTY, FLORIDA
 WAL-MART STORES EAST, LP.
 2001 SE 10TH STREET, BENTONVILLE, AR 72716

CUOZZO DESIGN GROUP
 819 SE Federal Highway
 Suite 100
 Stuart, Florida 34994
 787-221-8888
 4772712000
 www.cuozzodesign.com

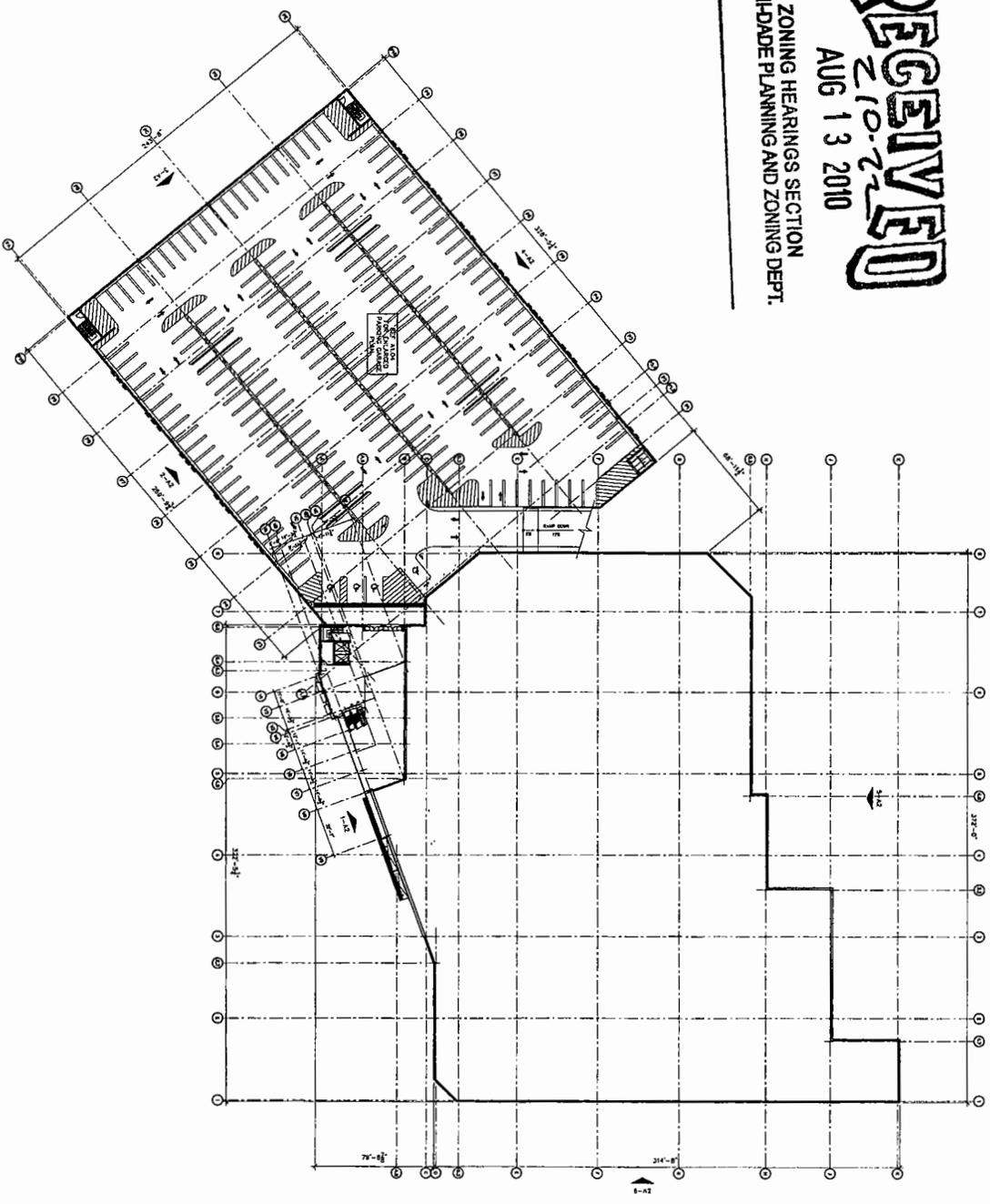
DATE	BY	DESCRIPTION

56

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 Z-10-2-2

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

OVERALL SECOND FLOOR PLAN
 1 SECOND FLOOR PLAN
 10/10/10



DATE: 10/10/10
 A1.01

OVERALL SECOND FLOOR PLAN

NOT FOR CONSTRUCTION

Project: 51025 A1-01
 Date: 10/10/10
 Scale: 1/8" = 1'-0"

MS: JTB

DESIGNED BY: MS/ASD
 DRAWN BY: MS/ASD
 CHECKED BY: MS/ASD
 PROJECT CODE: 10000
 DRAWING DATE: 10/10/10

NO.	REVISION	DATE

Walmart
 GOULDS, FLORIDA
 STORE NO. 5912
 JOB NUMBER: 6905010 PHOTO: 90M

CONSULTANTS

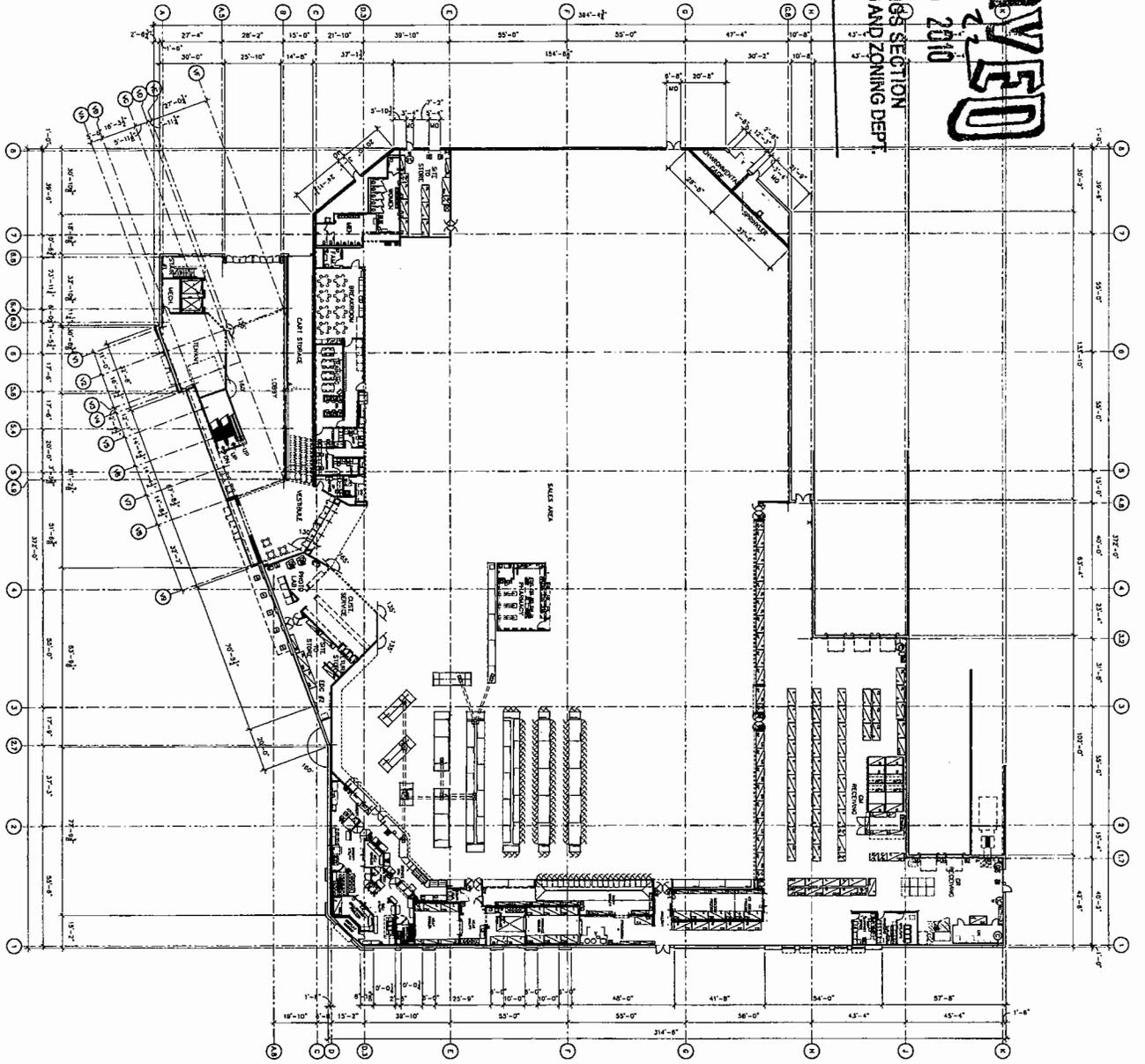
STIPULATION FOR REUSE
 THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

Shade Lawrence O'Quinn, Architect
 Registration No. 4021437
 211 N. Howard St., Suite 225
 Fort Lauderdale, FL 33302
 Telephone 314/774-0424

59

RECEIVED
 AUG 13 2010
 2:10:21 PM

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



1 FIRST FLOOR PLAN
 1'-0"=1'-0"
 082310
 08/23/10

SHEET
 A1.02

NOT FOR
 CONSTRUCTION
 FIRST
 FLOOR
 PLAN

4811230
 8/12/10
 A. J. [Signature]

DATE	BY	CHKD.
08/12/10	CEWENS	CEWENS

NO.	DATE	DESCRIPTION
1	08/12/10	ISSUED FOR PERMIT
2	08/12/10	ISSUED FOR PERMIT
3	08/12/10	ISSUED FOR PERMIT
4	08/12/10	ISSUED FOR PERMIT
5	08/12/10	ISSUED FOR PERMIT

Walmart
 GOULDS, FLORIDA
 STORE NO. 5912
 JOB NUMBER: 0805010 | PHOTO: 90M

CONSULTANTS

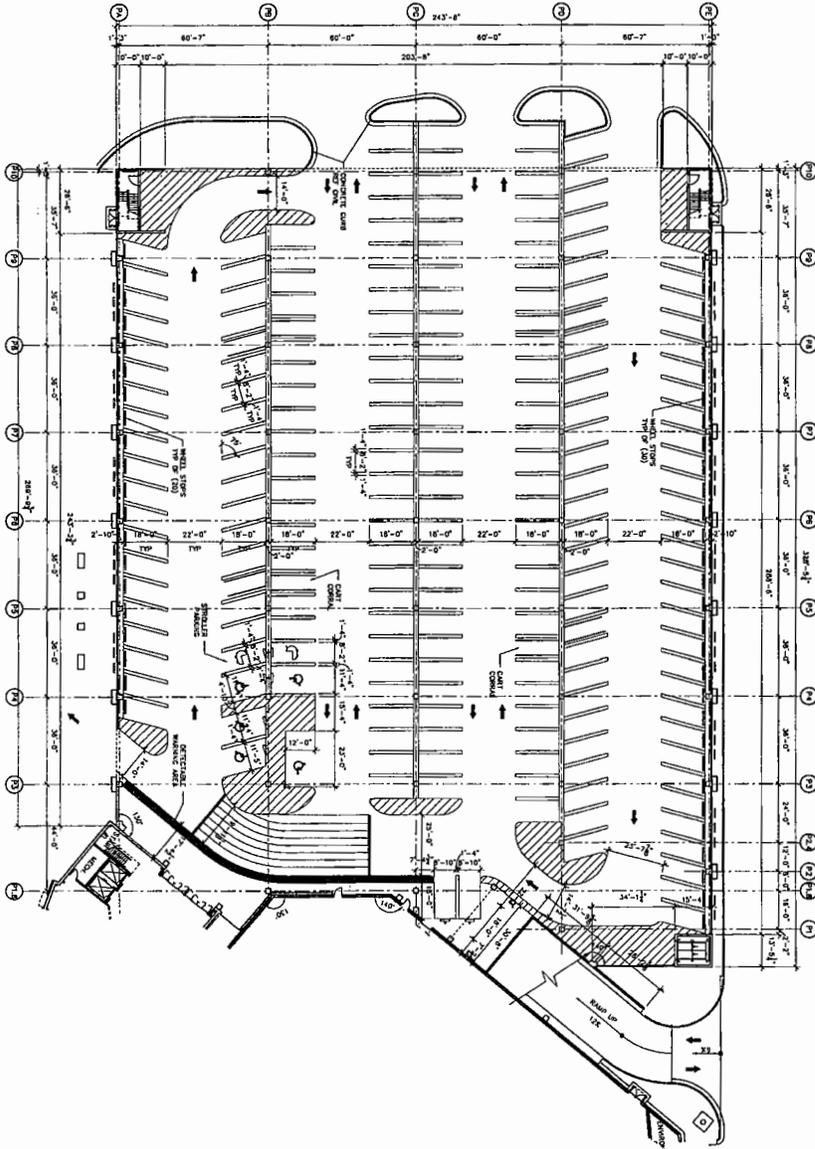
STIPULATION FOR REUSE
 This drawing is the property of the architect and is not to be used for any other project without the written consent of the architect. It is to be used only for the project and site specified on the title block. It is to be returned to the architect upon completion of the project. It is to be kept in a safe place and not to be loaned, copied, or otherwise used without the written consent of the architect.

Shels Lemmon O'Quinn Architect
 Registration No. AR01487
 111 W. Riverside Dr., Suite 202
 Doral, FL 33126
 Telephone: 771-713-0456

60

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 ZLO. 2/2
 AUG 13 2010

ZONING HEARINGS SECTION
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 BY _____

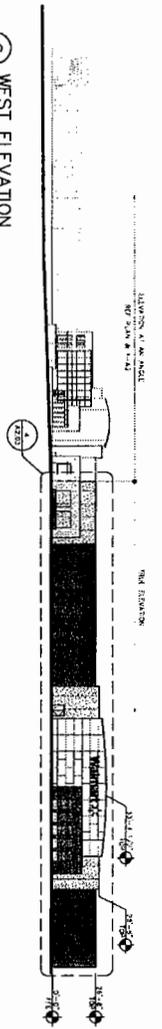


1 FIRST FLOOR GARAGE FLOOR PLAN
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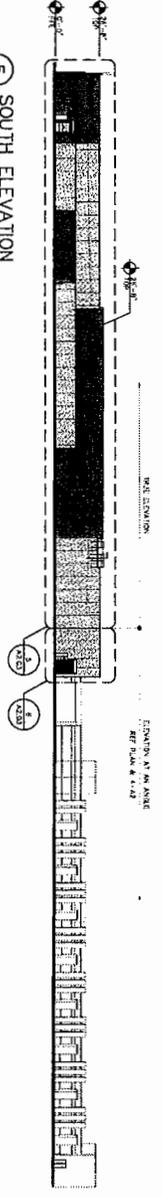
<p>DATE: 11.03</p>	<p>NOT FOR CONSTRUCTION</p> <p>FIRST FLOOR GARAGE FLOOR PLAN</p>	<p>108.11.200</p> <p>108.11.200</p>	<p>108.11.200</p> <p>108.11.200</p>	<p>Walmart</p> <p>GOULDS, FLORIDA</p> <p>STORE NO. 5912</p> <p>JOB NUMBER: 0905016 PHOTO: 0036</p>	<p>CONSULTANTS</p>	<p>STIPULATION FOR REVISION</p> <p>THIS DOCUMENT IS THE PROPERTY OF WALMART STORES INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WALMART STORES INC.</p>	<p>Shook Lawrence O'Quinn Architect</p> <p>Registration No. 4892427</p> <p>211 N. Howard St. Suite 222</p> <p>Fort Worth, Texas 76102</p> <p>Telephone 214/718-0876</p>
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61

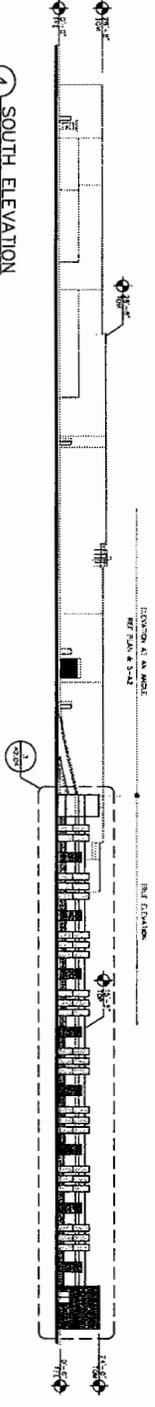
6 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



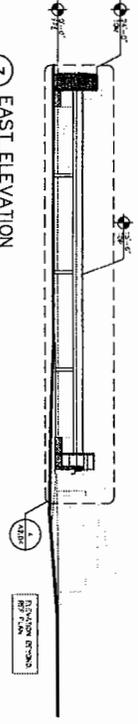
5 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



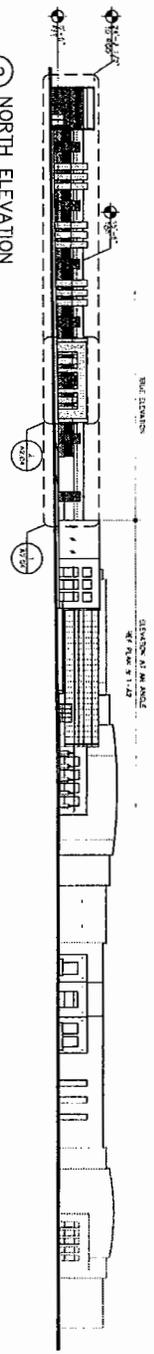
4 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



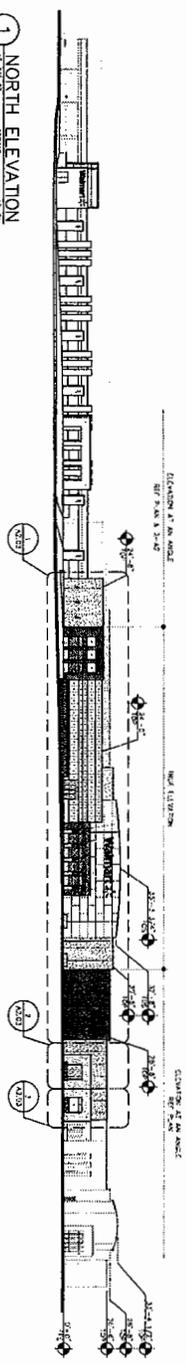
3 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



SHEET NOTES

1. CONSULT ALL APPLICABLE CODES AND ORDINANCES.
2. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
3. FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.
4. MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN ON THE DRAWINGS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

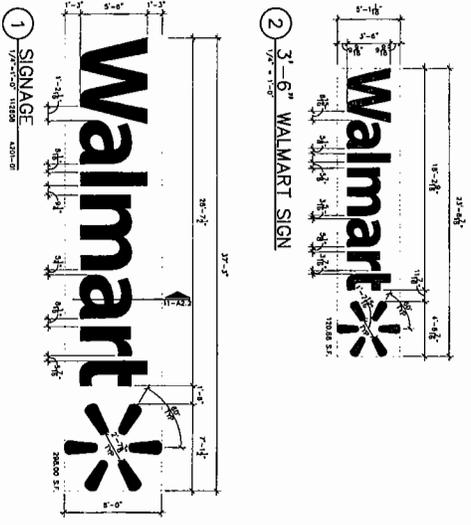
NOI FOR CONSTRUCTION
 EXTERIOR ELEVATIONS
 A2

DATE: 8/12/10
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

PROJECT NO: 10-008
 CLIENT: [Name]

WALMART
 GOULDS, FLORIDA
 STORE NO. 5912
 JOB NUMBER: 0902010 PROJECT: 00M

DATE: 8/12/10
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]



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

11/593

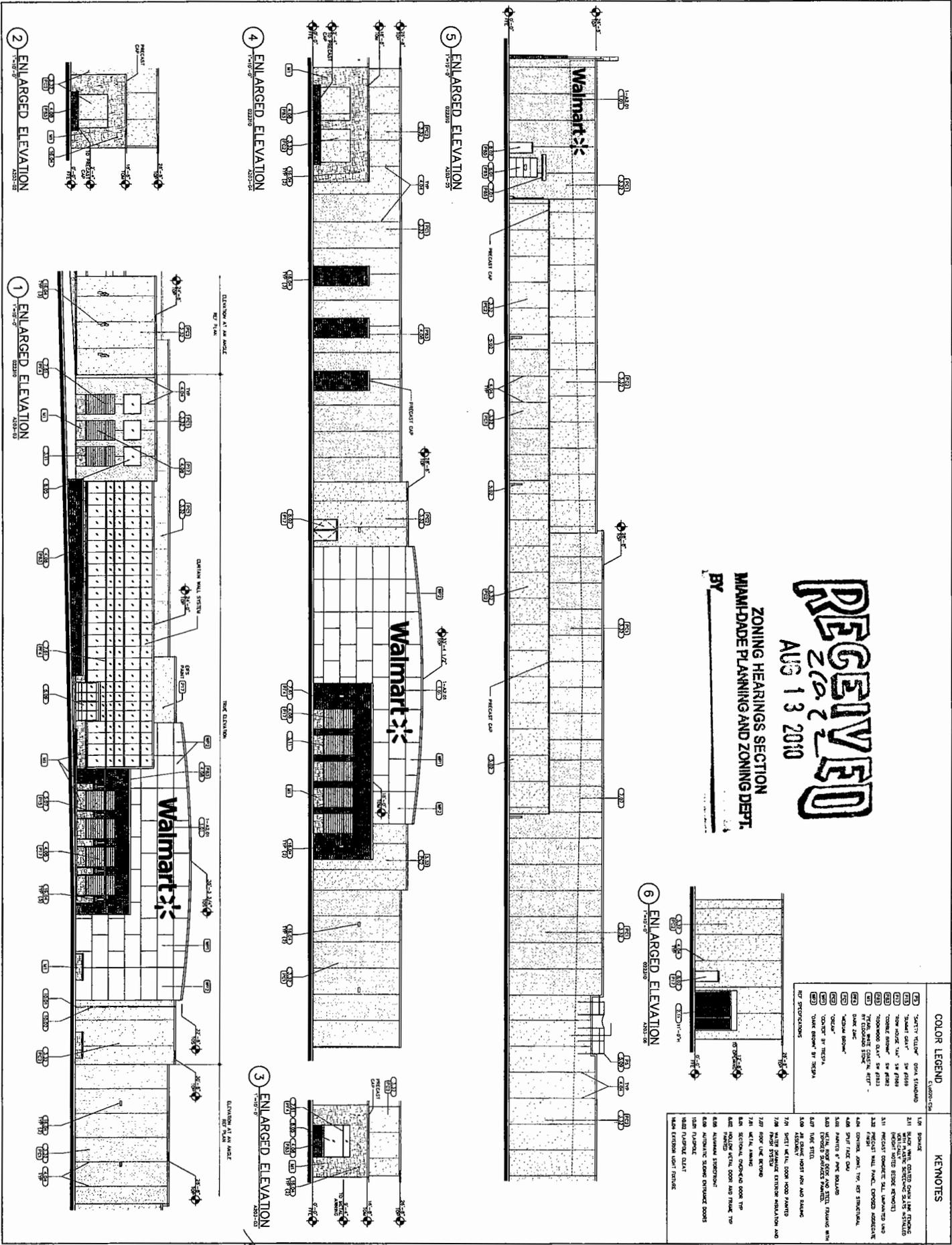
SIGNAGE SCHEDULE

ITEM	DESCRIPTION	QTY	COLR	FINISH	REMARKS	TOTAL AREA
1	3'-6" WALMART SIGN	1	WHITE	PAINT		11.00
2	36'-0" WALMART SIGN	1	WHITE	PAINT		36.00
TOTAL SIGNAGE SCHEDULE						47.00

<p>NOT FOR CONSTRUCTION</p> <p>SIGNAGE</p> <p>SHEET A2.01</p>	<p>DATE: 08/12/10</p> <p>PROJECT: 5912</p> <p>CLIENT: WALMART</p>	<p>DESIGNER: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>DATE: 08/12/10</p>	<p>Walmart GOULDS, FLORIDA STORE NO. 5912</p> <p>JOB NUMBER: 0905010 PROJECT: [Blank] ROOM: [Blank]</p>	<p>CONSULTANTS</p>	<p>STIPULATION FOR REUSE</p> <p><small>THIS DOCUMENT IS THE PROPERTY OF SHUKL LUTHERS O'QUINN ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SHUKL LUTHERS O'QUINN ARCHITECTS, INC. THIS DOCUMENT IS THE PROPERTY OF SHUKL LUTHERS O'QUINN ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SHUKL LUTHERS O'QUINN ARCHITECTS, INC.</small></p>	<p>Shukl Luther's O'Quinn, Architect Registration No. 0021210 211 N. Roberts St., Suite 212 Coral Gables, FL 33134 Telephone: 312/718-0428</p>
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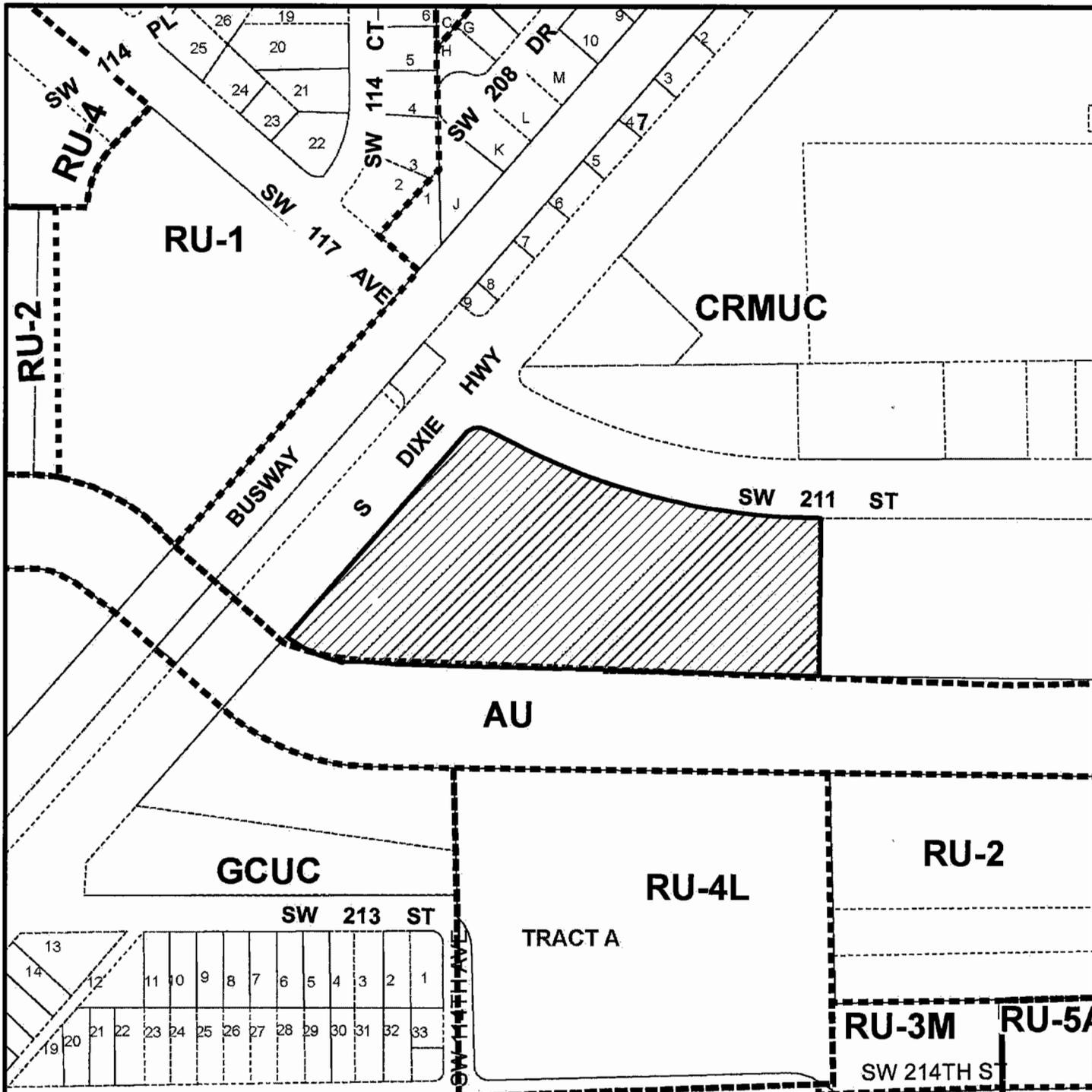
64

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



<p>NOT FOR CONSTRUCTION</p> <p>ENLARGED EXTERIOR ELEVATIONS</p> <p>DATE: A2.03</p>	<p>Walmart</p> <p>GOULDS, FLORIDA</p> <p>STORE NO. 5912</p> <p>JOB NUMBER: 605510 PHOTO: 60M</p>	<p>CONSULTANTS</p> <p>STIPULATION FOR REUSE</p> <p>THIS DRAWING IS THE PROPERTY OF WELLS FARGO BANK, N.A. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WELLS FARGO BANK, N.A.</p>	<p>Shade Lawrence O'Quinn Architect</p> <p>Registration No. 0092987</p> <p>211 N. Howard St. Suite 200</p> <p>Miami, Florida 33130</p> <p>Telephone: 305.375.1100</p>
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65



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000022

Section: 07 Township: 56 Range: 40
 Applicant: KIMCO AUTOFUND LP, DELAWARE LP
 Zoning Board: C15
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

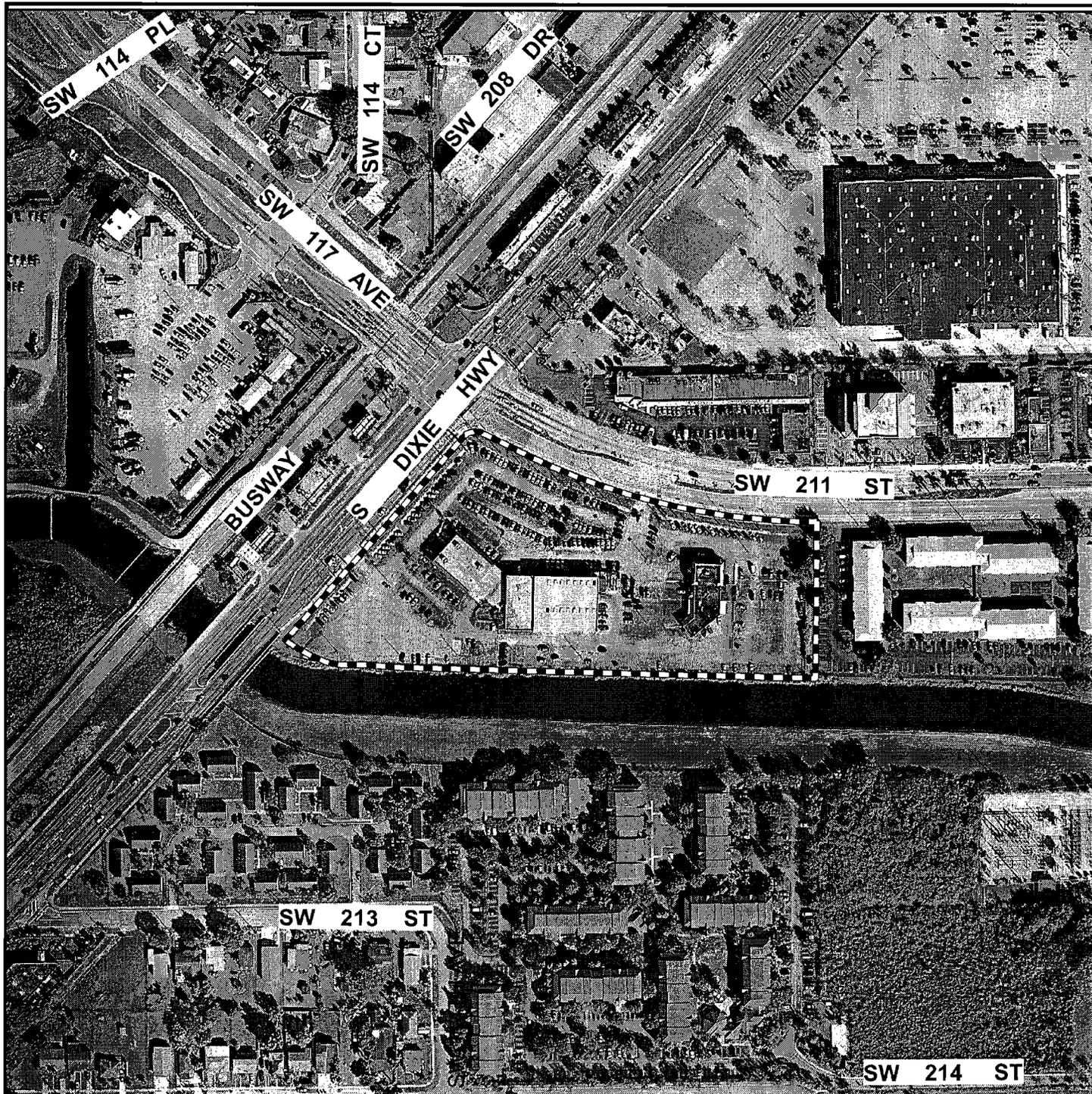
 Subject Property Case



SKETCH CREATED ON: Monday, March 15, 2010

REVISION	DATE	BY

167



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

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