

# FINAL AGENDA

8-4-2014 Version # 1



COMMUNITY ZONING APPEALS BOARD 15  
SOUTH DADE GOVERNMENT CENTER-ROOM #104 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Wednesday, September 10, 2014 at 7:00 p.m.

**PREVIOUSLY DEFERRED**

A. 14-7-CZ15-1 TOWER ROAD GARDENS LTD 14-16 34-56-39 N

**CURRENT**

1. 14-9-CZ15-1 288 HOLDINGS LLC 14-20 02-57-39 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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**COMMUNITY ZONING APPEALS BOARD - AREA 15**

**MEETING OF WEDNESDAY, SEPTEMBER 10, 2014**

**SOUTH DADE GOVERNMENT CENTER – ROOM 104 1<sup>st</sup> Floor (OLD BUILDING)**

**10710 SW 211 STREET, MIAMI, FLORIDA**

**NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 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**

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Department of Regulatory and  
Economic Resources  
Recommendation:

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

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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**NOTICE**

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

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 Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) 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](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Regulatory and Economic Resources Department  
Staff Report to Community Council No. 15**

PH: Z14-016 (14-7-CZ15-1)

September 10, 2014

Item No. A

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	Tower Road Gardens, Ltd.
<b>Summary of Requests</b>	The application is for a higher fence height than allowed in front of the build-to-line and within the safe-sight distance triangle of a residential development in the Naranja Community Urban Center District (NCUCD).
<b>Location</b>	26700 – 26790 SW 142 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	5.403acres
<b>Existing Zoning</b>	NCUCD, Naranja Community Urban Center District
<b>Existing Land Use</b>	Vacant
<b>2020-2030 CDMP Land Use Designation</b>	Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	<b>Consistent</b> with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variance <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Modified approval with conditions.</b>

This item was deferred from the July 16, 2014 meeting of Community Zoning Appeals Board (CZAB) #15, to allow the applicant to amend the site plan to show the proposed fence continuing along the south property line within the safe-sight distance triangle. The applicant has submitted the revised plans which have been addressed by staff in the analysis below.

**REQUESTS:**

- 1) NON-USE VARIANCE to permit a wrought iron fence with a height of 6' and columns with a height of 6'-10" (3.5' maximum permitted) when located in front of the build-to-line.
- 2) NON-USE VARIANCE to permit a wrought iron fence with a height of 6' and columns with a height of 6'10" (2.5' maximum permitted) when located within the vehicular safe sight distance

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "La Joya Apartments" as prepared by Forum Architecture & Interim Design, Inc., dated stamped received 07/30/14 and consisting of 2 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The subject property is located within the Naranja Community Urban Center District (NCUCD) and was approved through the Administrative Site Plan Review (ASPR) process, ASPR #2012000010, to permit a 150-unit multi-family residential development.

The applicant now seeks to permit the residential development with a fence with columns that will be above the maximum 3.5' height when located in front of the build-to-line and within the safe-sight distance triangle for a proposed residential development within the NCUCD.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	NCUCD: row crops	Community Urban Center
<b>North</b>	NCUCD; row crops	Community Urban Center
<b>South</b>	NCUCD; Single Family Residences	Community Urban Center
<b>East</b>	NCUCD; row crops	Community Urban Center
<b>West</b>	NCUCD; vacant	Community Urban Center

**NEIGHBORHOOD CHARACTER:**

The subject property is a vacant parcel containing row crops and is located within the Naranja Community Urban Center District (NCUCD). The properties to the north and east are contiguously owned and also contain row crops. To the west is a vacant parcel and to the south are existing single-family residences. All the properties surrounding the subject property are also located within the NCUCD.

**SUMMARY OF THE IMPACTS:**

Approval of the requested variance of fence height will allow the applicant to provide additional security for the future residents of the previously approved multi-family residential development. However, the approval of a fence above the height permitted under the NCUCD regulations could have a visual impact on properties in the surrounding area that could be developed under said standards.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

In November 2005, pursuant to Resolution Z-26-05, Parcels B and C was a part of a larger tract of land that was rezoned to the Naranja Community Urban Center District (NCUCD).

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **NCUC District**. 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 have 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 NCUC District are regulated by plans and descriptive standards described in Ordinance #05-146, 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/or open space, and shade trees and weather protection to be available in order to create a

pedestrian-friendly environment at street level. Additionally, said ordinance permits fences at a maximum height of 3'-6" when located in front of the build-to-line.

The purpose of the application is to allow the applicant to permit a fence with a height of 6' and columns 6'-10" high in front of the build-to-line that will be higher than permitted by the NCUCD regulations and located within the safe-sight distance triangle. Staff notes that the subject property is within the Center Sub-District and is designated RM, Residential Modified on the regulating plans for the NCUC District that was approved in 2005. As such, the multi-family residential development that is being developed through the Administrative Site Plan Review (ASPR) process, is **consistent** with the with the CDMP LUP map Urban Center designation and the Land Use Element interpretative text for Urban Centers.

However, for reasons that will be explained in the zoning analysis, staff opines that the applicant's request to permit the development with a fence with columns in front of the build-to-line with a maximum height of 6'-10", would be incompatible with the development of the surrounding area under the NCUCD regulations. Therefore, staff opines that a modified approval to allow the proposed fence in front of the build-to-line at a maximum height of 4'-6" and the columns at 5', would be closer to the intent of the vision expressed by the residents for development of this area under the NCUCD ordinance, and **compatible** with the area.

### **ZONING ANALYSIS:**

When the applicant's request to permit a wrought iron fence with a height of 6' and columns with a height of 6'-10" (3'-6" maximum permitted) in front of the build-to-line (request #1), and an ancillary request to permit said fence within the safe-sight distance triangle (request #2) are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that a modified approval with conditions of this application would be **compatible** with the surrounding area and would not be detrimental to the neighborhood or negatively affect the appearance of the community.

The plans submitted by the applicant indicate a proposed fence in front of the build-to-line that is 2'-6" higher than the height allowed under the NCUCD regulations. Although staff recognizes the need for security expressed by the applicant in its letter of intent, staff opines that the proposed fence height is excessive and would not maintain the intent of the residents of this area that were expressed in the ordinance for the NCUCD. Therefore, in the alternative, staff opines that approval of a maximum height of 4'-6" for the fence and 5' for the columns, would be closer to the intent of the vision expressed by the residents for development of this area under the NCUCD ordinance while still providing additional security.

Similarly, staff notes that the location of the proposed 6' high fence with columns within the safe-sight distance triangle (request #2) could create a hazard for vehicular and pedestrian traffic SW 288 Street. The applicant indicated in its revised letter of intent, that although the County Code requirement is that the safe-sight distance triangle is measured from the property line, they opine that the requested variance would meet the Florida Department of Transportation's (FDOT) requirement, which measures said distance from the edge of the travel lane. The proposed development will be comprised of a 25.5' wide open area from the property line and prior to the edge of the travel lane. This open area, based on the NCUCD standards, is comprised of a pedestrian sidewalk, landscape strip, parallel parking aisle and a bike lane. Staff notes that the Platting and Traffic Review' memorandum does not object to the request to permit the above height fence within the safe-sight distance triangle, subject to the conditions outlined in its memorandum dated August 1, 2014. However, as with request #1, staff opines that the

proposed fence height is excessive and would not maintain the intent of the residents of this area that were expressed in the ordinance for the NCUCD. Therefore, staff recommends a modified approval with conditions of said request, to also allow the fence at a maximum height of 4'-6" and 5' for the columns.

Further, staff notes that this would not be out of character with the area and would still provide the future residents with additional security. Staff notes that pursuant to Resolution #CZAB14-11-10, a property located to the west of the subject property, within the NCUCD at 26600 SW 146 Court, was approved to permit a fence in front of the build-to-line at a maximum height of 4'-6".

Staff opines that the modified approval being recommended by staff will allow the development of the parcel in a manner that will be closer to the intent of the NCUCD regulations and provide the future residents with an element of security. Further, staff opines that although the height of 4'-6" that is recommended by staff is an average one foot (1') taller than allowed by the NCUCD regulations, the fence meets the 75% transparency requirement and approval will not have a negative visual impact on the surrounding properties.

Staff opines that because of the unique location of this development abutting four (4) roadways, that a modified approval to allow an increased height for the proposed fence will provide a welcome visual transition and will act as a reasonable visual buffer to deter unwanted pedestrian or vehicular and pedestrian traffic from encroaching into the property. As such, staff opines that a modified approval with conditions of the application will also not have a negative impact on the future development of the surrounding area within the NCUCD. **Therefore, staff recommends modified approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV), Non-Use variance standards, to allow a maximum fence height of 4'-6" and 5' for the columns in front of the build-to-line and within the safe-sight distance triangle.**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate an ingress/egress point along SW 142 Avenue and SW 267 Street.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Modified approval with conditions.**

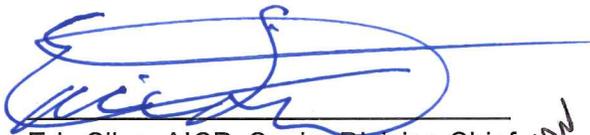
**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "La Jolla Apartments" as prepared by Forum Architecture & Interim Design, Inc., dated stamped received 07/30/14 and consisting of 2 sheets, except as herein

amended, to show a maximum fence height of 4'-6" and a column height of 5', in front of the build-to-line and within the safe-sight distance triangle.

3. That the maximum fence height on the subject property shall be 4'-6" with columns at a maximum height of 5'.
4. That the use be established and maintained in accordance with the approved plan.
5. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section of the Miami-Dade County Department of Regulatory and Economic Resources outlined in its memorandum dated August 1, 2014.

ES:MW:NN:EJ:CH



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

NDW

# ZONING RECOMMENDATION ADDENDUM

Tower Road Gardens  
Z14-016

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

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

<p><b>Urban Centers</b> (Pg. I-46-48)</p>	<p><i>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 <b>Community Centers</b> 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.</i></p> <p><i>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.</i></p> <p><i>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 <b>Community Centers</b> shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of 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.</i></p> <p><i>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</i></p>
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# ZONING RECOMMENDATION ADDENDUM

## Tower Road Gardens Z14-016

	<p>policies established below.</p> <p>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.</p> <p><b>Uses and Activities.</b> 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 <b>Community-scale Urban Centers</b> 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.</p> <p><b>Buildings.</b> 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.</p>
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### PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></p>	<p>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.</p>
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MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 15  
MOTION SLIP

#1

APPLICANT'S NAME: **TOWER ROAD GARDENS**

REPRESENTATIVE: **JONATHAN SHERMAN**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ15-1 (14-016)	July 16, 2014	CZAB15	4	14

**REC: Modified approval with conditions.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_

DEFER:       INDEFINITELY       TO: 9/10/14       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

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

WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	<b>S</b>	Enid Washington <b>DEMPS</b>	X		
COUNCILMAN		Paul J. <b>MORROW</b> (C.A.)			X
COUNCIL WOMAN	<b>M</b>	Diane <b>RICHARDSON</b>	X		
COUNCILMAN		Marvin D. <b>WILSON, SR</b>	X		
VICE CHAIR WOMAN		Gale L. <b>WIMBLEY</b>			
COUNCIL WOMAN		Marva <b>WILLIAMS</b>			X
CHAIR WOMAN		Marjorie <b>MURILLO</b>	X		

VOTE:

Gale L. Wimbley was present but arrived after the hearing had started. She arrived at 7:10 pm.

EXHIBITS:  YES       NO

COUNTY ATTORNEY: Not Present

**A: TOWER ROAD GARDENS LTD**  
**(Applicant)**

**14-7-CZ15-1 (14-016)**  
**Area 15/District 09**  
**Hearing Date: 09/10/14**

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>
2005	The Director of the Department of Planning and Zoning	- Zone change from Multiple zones to NCUAD.	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.

# Memorandum



**Date:** March 20, 2014

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

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

**Subject:** C-15 #Z2014000016  
Tower Road Gardens, LTD  
26700-26790 SW 142<sup>nd</sup> Ave  
Fence height more than required  
(NCUC) (5.403 Acres)  
34-56-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

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.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

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

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

### Stormwater Management

The proposed change will not affect the existing stormwater management system. However, the applicant is advised that any change to the previously approved site plan under Environmental Resource Permit No. 13-05411-P may require a permit modification.

### Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetlands 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 south of a county designated Natural Forest Community (folio 30-6934-022-0030). 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 plant species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. As such, the tree and understory resources contained in these communities are accorded heightened protection by Section 24-49 of the Code.

This pine rockland may 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 of this pine rockland. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

Development on parcels adjacent to NFC must avoid adverse impacts to the NFC property. Adverse impacts include, but are not limited to, those associated with the placement of structures, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. Roads are preferable to buildable lots abutting NFC property lines to help ensure that NFC sites are compatible with adjacent property uses. A protective barrier by the Natural Resources Planning Section shall be required between the NFC and the subject parcel prior to the commencement of any work and during all phases of development in order to protect the NFC from potential impacts and shall remain in place until this Department authorizes its removal.

According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of a native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants. Additionally, per Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject properties prior to development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. Pursuant to this subsection and in accordance with Chapter 19 of the Code, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

The applicant is advised to contact DERM Natural Resources Planning Section at (305) 372-6548 for more information about the NFC, protective barrier requirements, landscaping issues and plans and removal of prohibited plant species prior to the development of site.

#### Tree Preservation

The subject property contains tree resources along the western side of the site. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The site also contains prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject property prior to development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. Pursuant to this subsection and in accordance with Chapter 19 of the Code, developed sites shall be maintained to prevent the growth or accumulation of prohibited species including grass, weeds and non-native undergrowth.

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 the Tree Permitting Program at (305) 372-6574 for additional information regarding permitting procedures and requirements prior to site development.

#### Enforcement History

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

#### Concurrency Review Summary

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

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

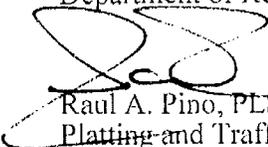
cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** August 1, 2014

**To:** Eric Silva, Development Coordinator  
Department of Regulatory and Economic Resources

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

**Subject:** Z2014000016  
Name: Tower Road Gardens Ltd.  
Location: 26700 & 26790 SW 142 Avenue  
Section 34 Township 56 South Range 39 East

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

The proposed fence within the safe sight distance triangle will require a covenant and conditional permit waiver by the Traffic Division of the Public Works and Waste Management Department at time of permitting.

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

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

# Memorandum



**Date:** March 7, 2014

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

**From:** Paul Mauriello, Assistant Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Tower Road Gardens, LTD. (#14\_016)

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

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The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

**Application:** Tower Road Gardens, LTD., seeks a non-use variance to permit a fence in excess of that permitted under the County's Standard Urban Center Ordinance at La Joya Apartments that is currently under construction on the property.

**Size:** The subject property is approximately 5 acres.

**Location:** The subject property is located at SW 268<sup>th</sup> Street between SW 142<sup>nd</sup> Avenue and SW 143<sup>rd</sup> Avenue, in Miami-Dade County, Florida.

## **Analysis:**

### 1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

### 2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the La Joya Apartments, a 150-unit affordable multifamily residential property, will be considered a commercial establishment. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

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

#### 4. Recycling

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

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

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

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305-514-6666.

#### 4. Waste Storage/Setout Considerations

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

#### 5. Site Circulation Considerations

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

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

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

# Memorandum



**Date:** March 10, 2014

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

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

**Subject:** Z2014000016: TOWER ROAD GARDENS LTD.

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**Application Name:** TOWER ROAD GARDENS LTD.

**Project Location:** The site is located at 26700 26790 SW 142 AVE, Miami-Dade County.

**Proposed Development:** The applicant is requesting approval for a non-use variance to exceed fence height permitted by code.

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

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers

# Memorandum



**Date:** 19-MAR-14  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2014000016

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## Fire Prevention Unit:

No objection to the site plan with a February 16, 2014 Zoning Department received date. No entry vehicle gates associated with this application.

## Service Impact/Demand

Development for the above Z2014000016  
located at 26700 26790 SW 142 AVE  
in Police Grid 2487 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: 7:18 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 6 - Modello - 15890 SW 288 Street  
Rescue, BLS Tanker, B

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 17-JUN-14

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

TOWER ROAD GARDENS LTD

lying north of sw 268 st, east of theo.  
sw 143 ave & west of theo. sw 142  
ave

---

APPLICANT

---

ADDRESS

Z2014000016

---

HEARING NUMBER

**HISTORY:**

NC: THERE ARE NO OPEN OR CLOSED NEIGHBORHOOD REGULATIONS CASE

BLDG: THERE ARE NO OPEN OR CLOSED BUILDING SUPPORT REGULATIONS CASES

TOWER ROAD GARDENS LTD

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

**REPORTER NAME:**



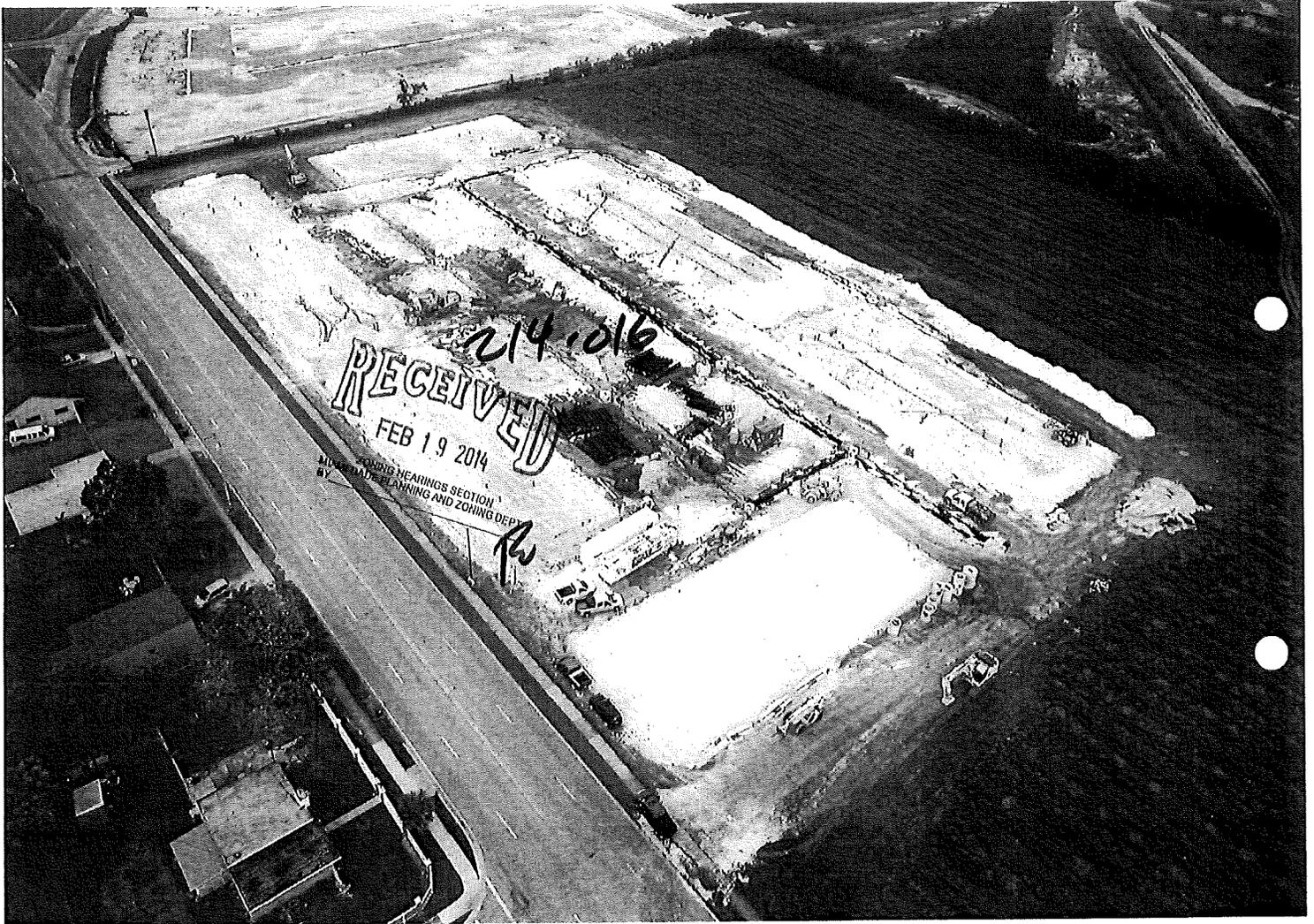
design-management  
builders corp.

Planning and Construction

La Joya Apartments

SHIFF  
AERIAL  
PHOTOS

01-13-14

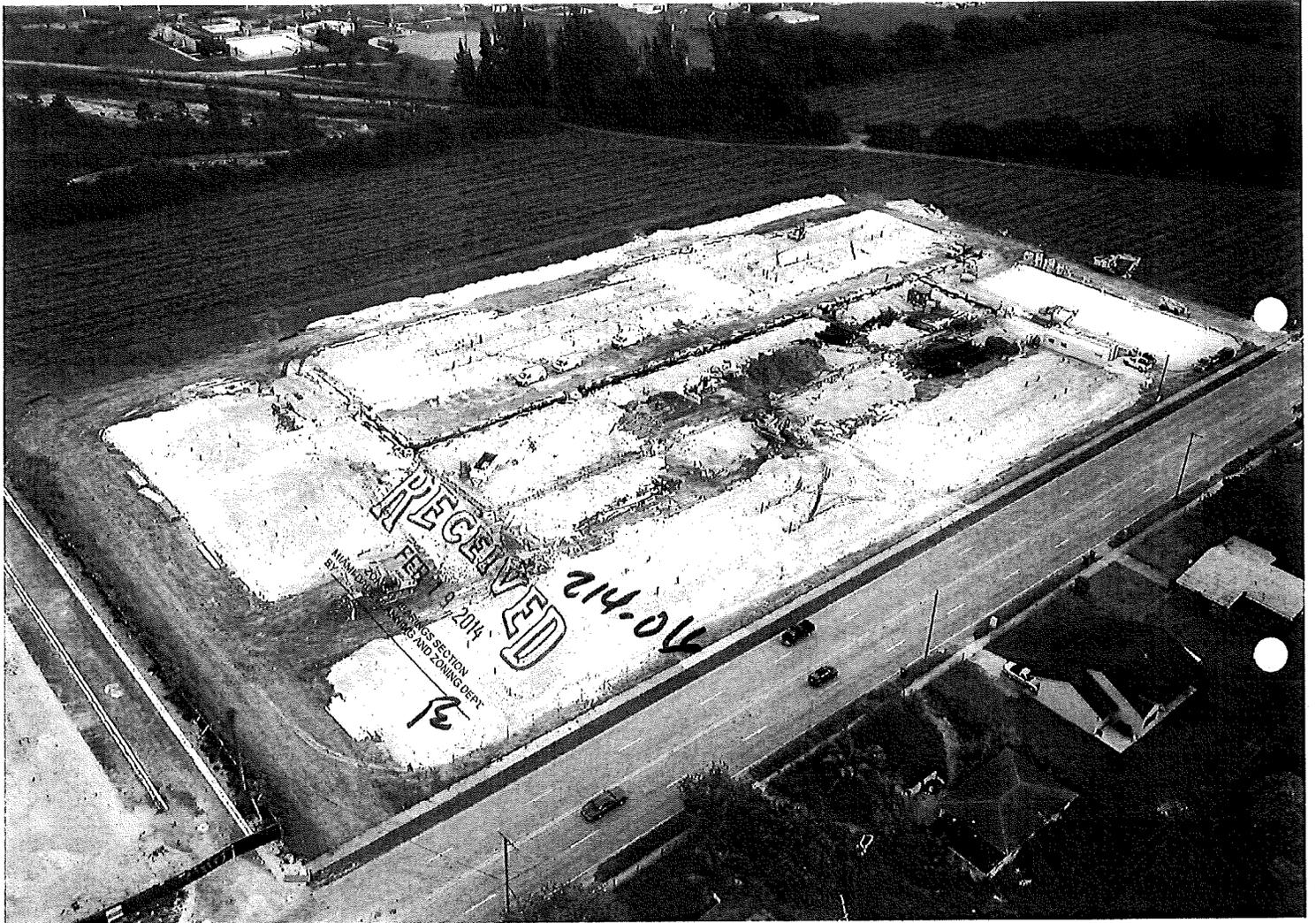


design-management  
builders corp.

La Joya Apartments

SMITH  
SERIAL  
PHOTOS

01-13-14



design-management  
builders corp.

La Joya Apartments

SMITH  
AERIAL  
PHOTOS

01-13-14

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>
_____	_____
_____	_____
_____	_____
_____	_____

214-011  
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 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND  
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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: TOWER ROAD GARDENS, LTD.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
GENERAL PARTNER: TOWER ROAD GARDENS GP LLC	0.01 %
HEWIS N. SWEZY - PRESIDENT - 100% OF SHARES 1735 NW 146 ST #306 MIAMI LAKES, FL 33016	
INVESTOR LIMITED PARTNER: STCC TOWER ROAD GARDENS LLC	99.99 %
1155 PEACHTREE STREET NE #300 ATLANTA, GA 30309 <del>DONNA KELCE - FIRST VICE PRESIDENT</del>	

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

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature

(Applicant)

*Lucas V. Smezy - Talon Road Gardens, LTD*

(Print Applicant name)

Sworn to and subscribed before me this 3 day of Feb., 202014. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

*M. E. Gil*

(Notary Public)



My commission expires: \_\_\_\_\_

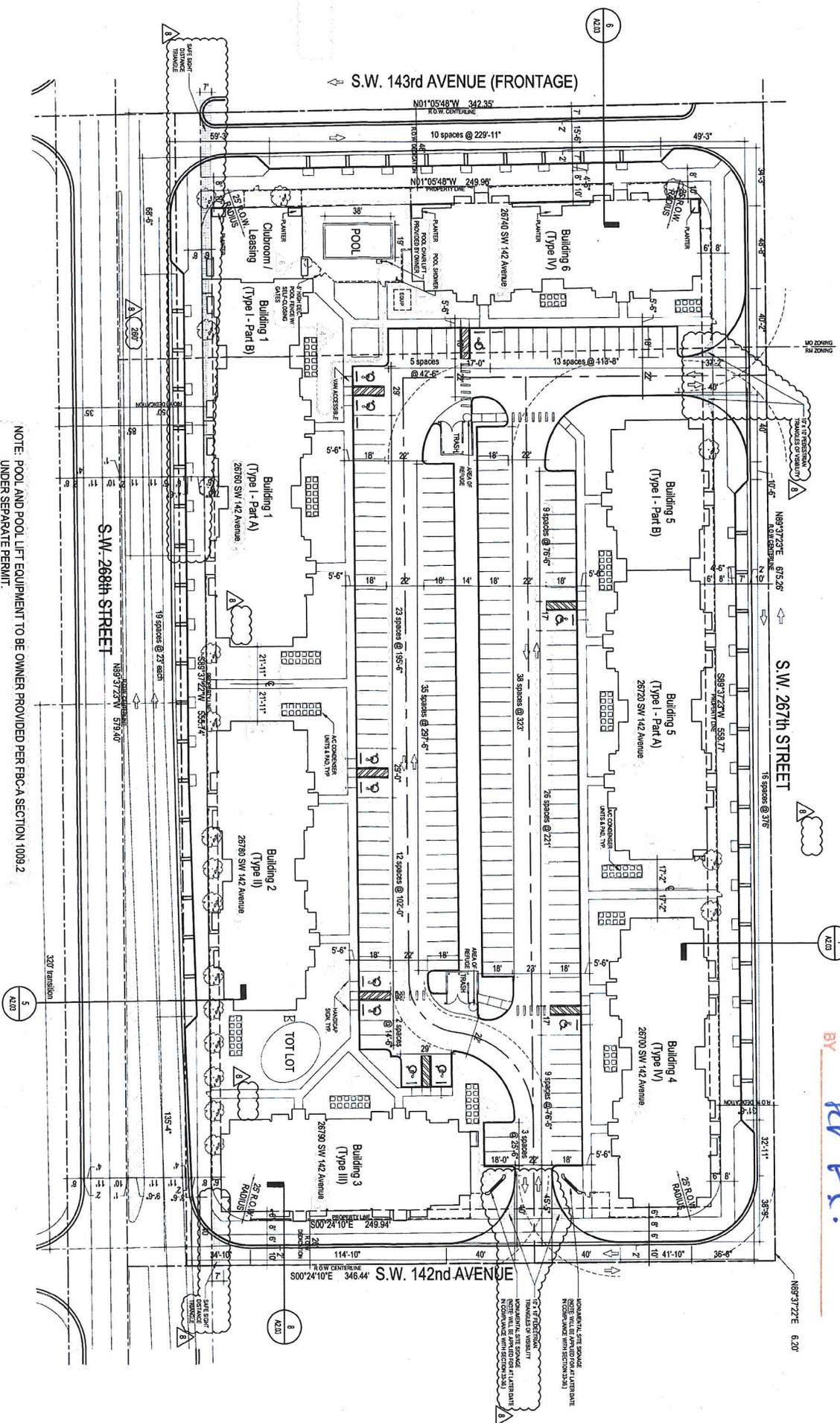
Seal

\*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.

**RECEIVED**  
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ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT  
 BY *AV E.C.*

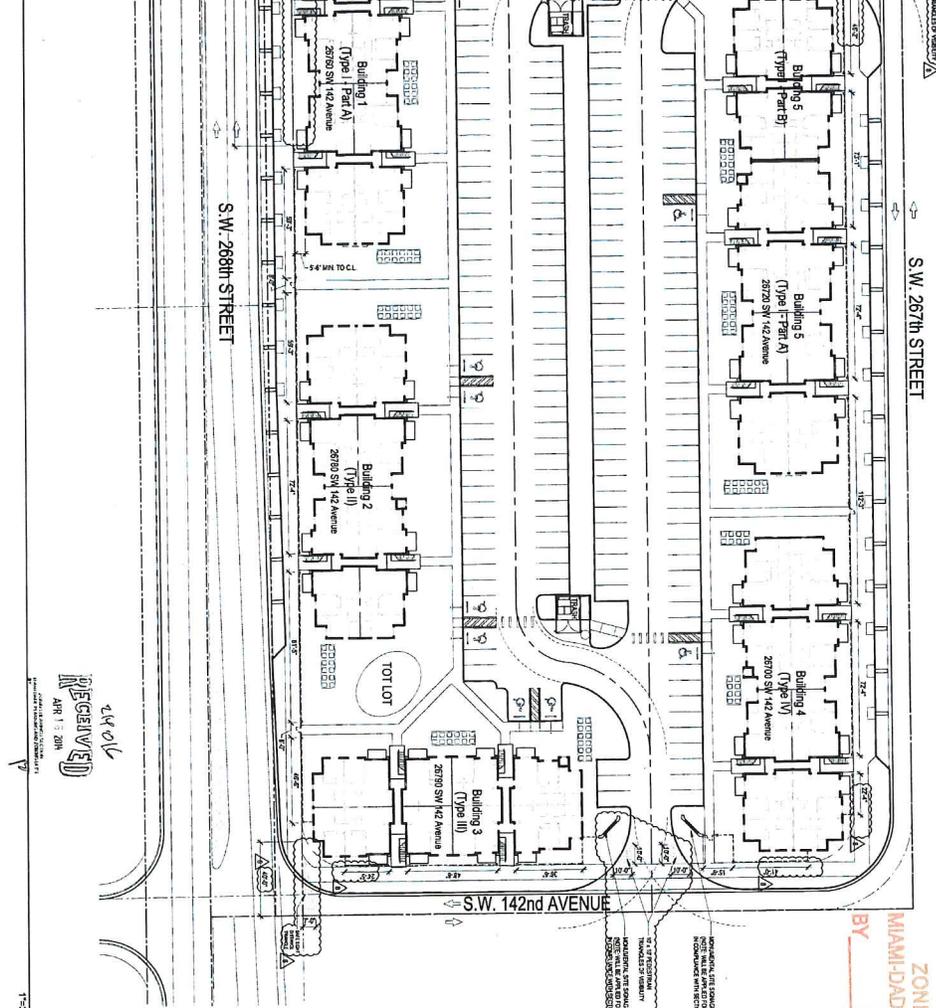
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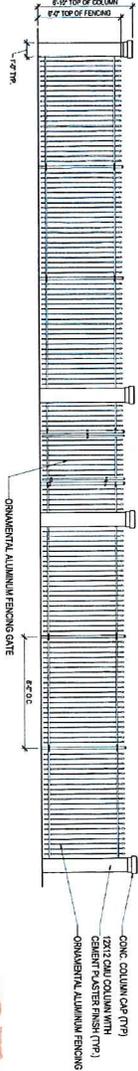
ENLARGED SITE PLAN



1 Site Fencing Plan



2 Partial Fence Elevation



REVISED  
APR 11 2014



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APR 16 2014  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY: [Signature]

SHEET NOTES  
A. SEE SHEET A2.01 FOR ZONING & SITE INFORMATION

**FORUM ARCHITECTURE & INTERIOR DESIGN, INC.**  
746 Florida Avenue, Suite 112  
Atlanta, Georgia 30308  
Phone: 404.525.4142  
www.forumarchitect.com

**ARCHITECTURE & INTERIOR DESIGN, INC.**  
NAME: JAMESON L. HENDERSON

**LaJoya Apartments**  
Naperville, FL  
04/07/14

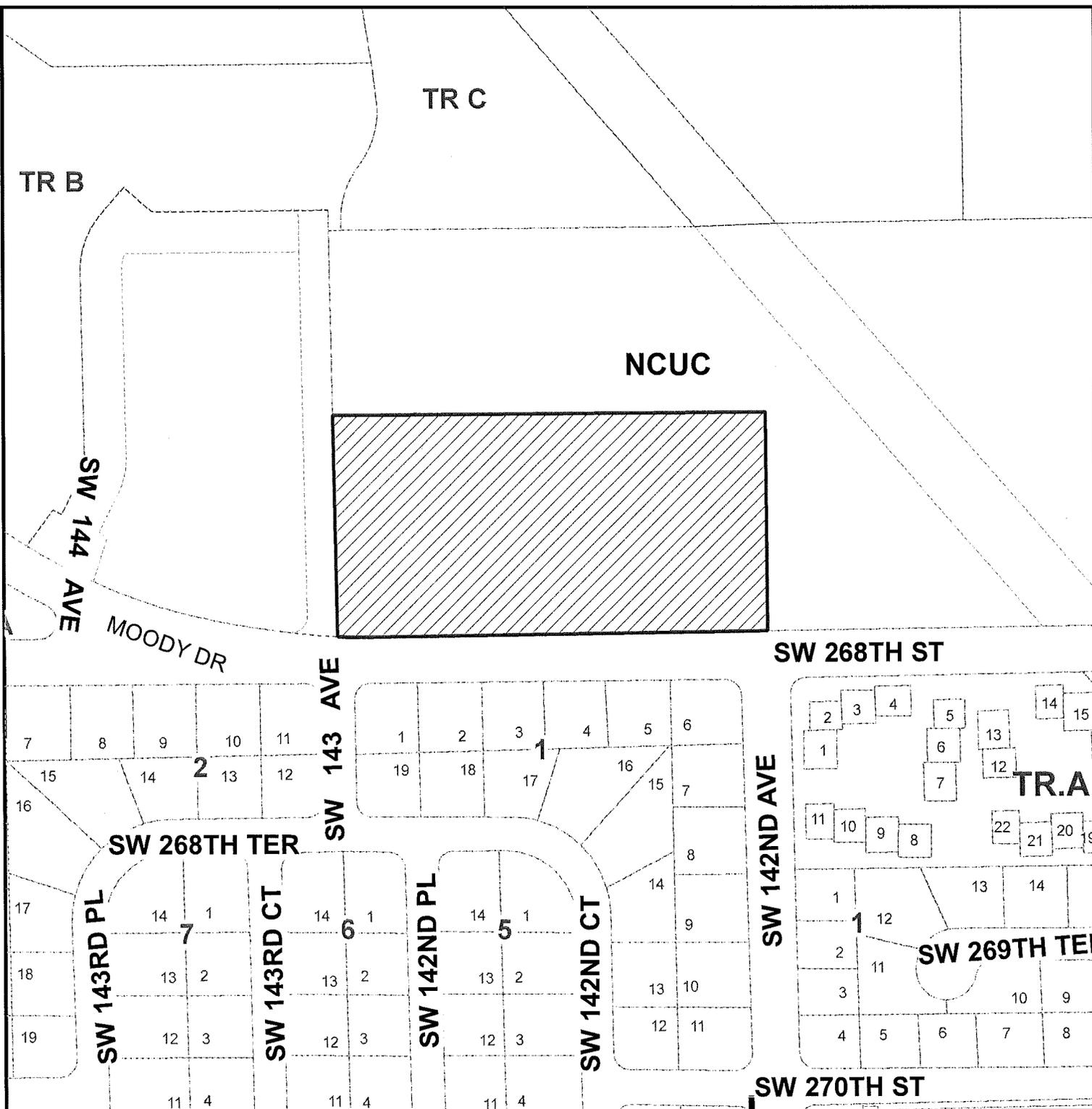
James B. Bickel  
ARCHITECT  
SET DISTRIBUTIONS:  
05/03/14  
05/07/14  
05/07/14

**SHEET REVISIONS:**

NO.	DATE	DESCRIPTION
1	04/07/14	Issue for Review
2	04/07/14	Issue for Review
3	04/07/14	Issue for Review
4	04/07/14	Issue for Review
5	04/07/14	Issue for Review

EDITED BY: PROJECT NO. 12-2855  
Site Plan  
Fencing Plan & Elevations  
**A2.04**

26



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**Z2014000016**



Section: 34 Township: 56 Range: 39  
 Applicant: TOWER ROAD GARDENS LTD  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, March 13, 2014

REVISION	DATE	BY
		27



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2013**

Process Number

**Z2014000016**



Section: 34 Township: 56 Range: 39  
 Applicant: TOWER ROAD GARDENS LTD  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

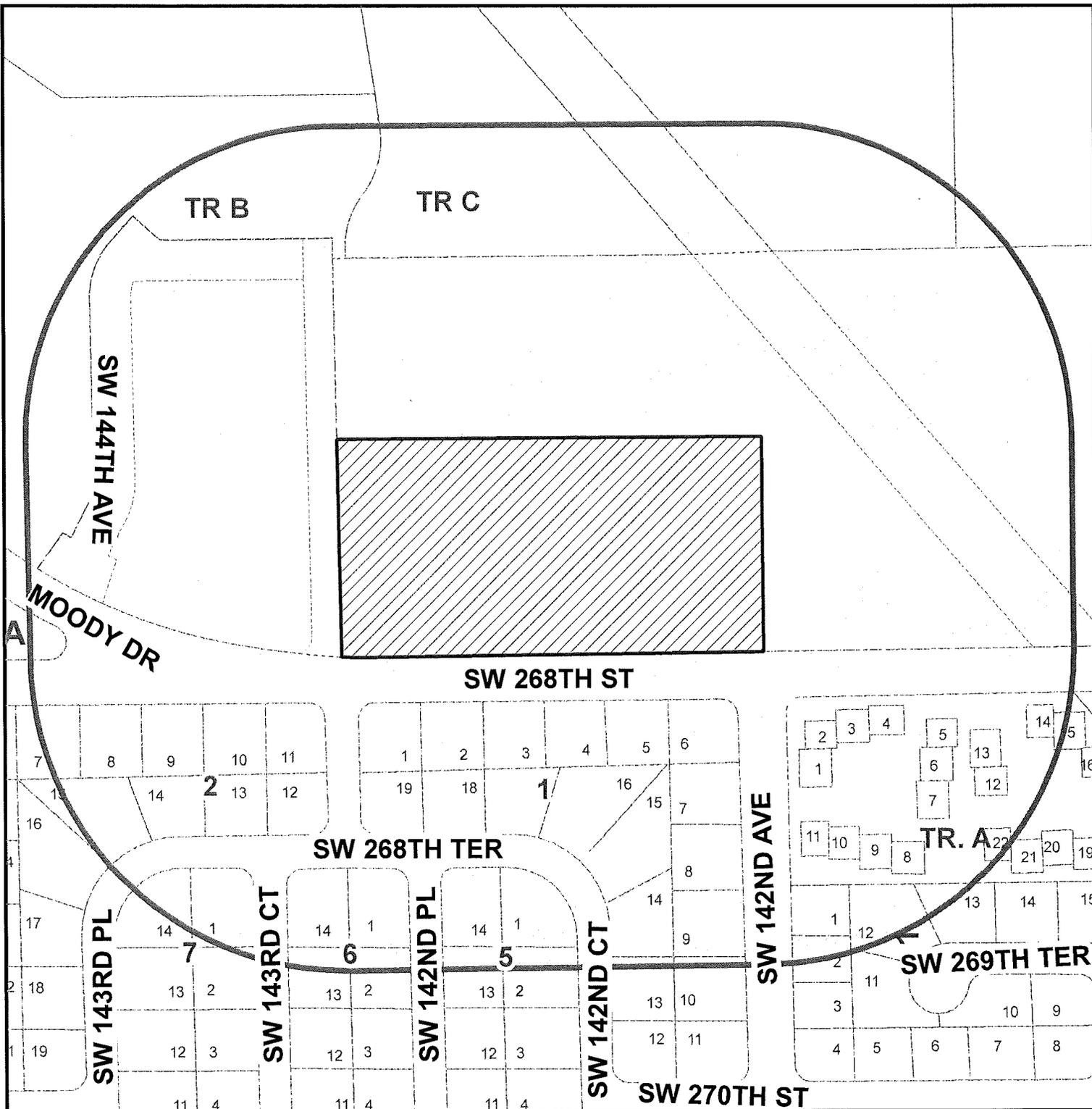
**Legend**

 Subject Property



SKETCH CREATED ON: Thursday, March 13, 2014

REVISION	DATE	BY
		28



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2014000016**  
RADIUS: 500



Section: 34 Township: 56 Range: 39  
 Applicant: TOWER ROAD GARDENS LTD  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

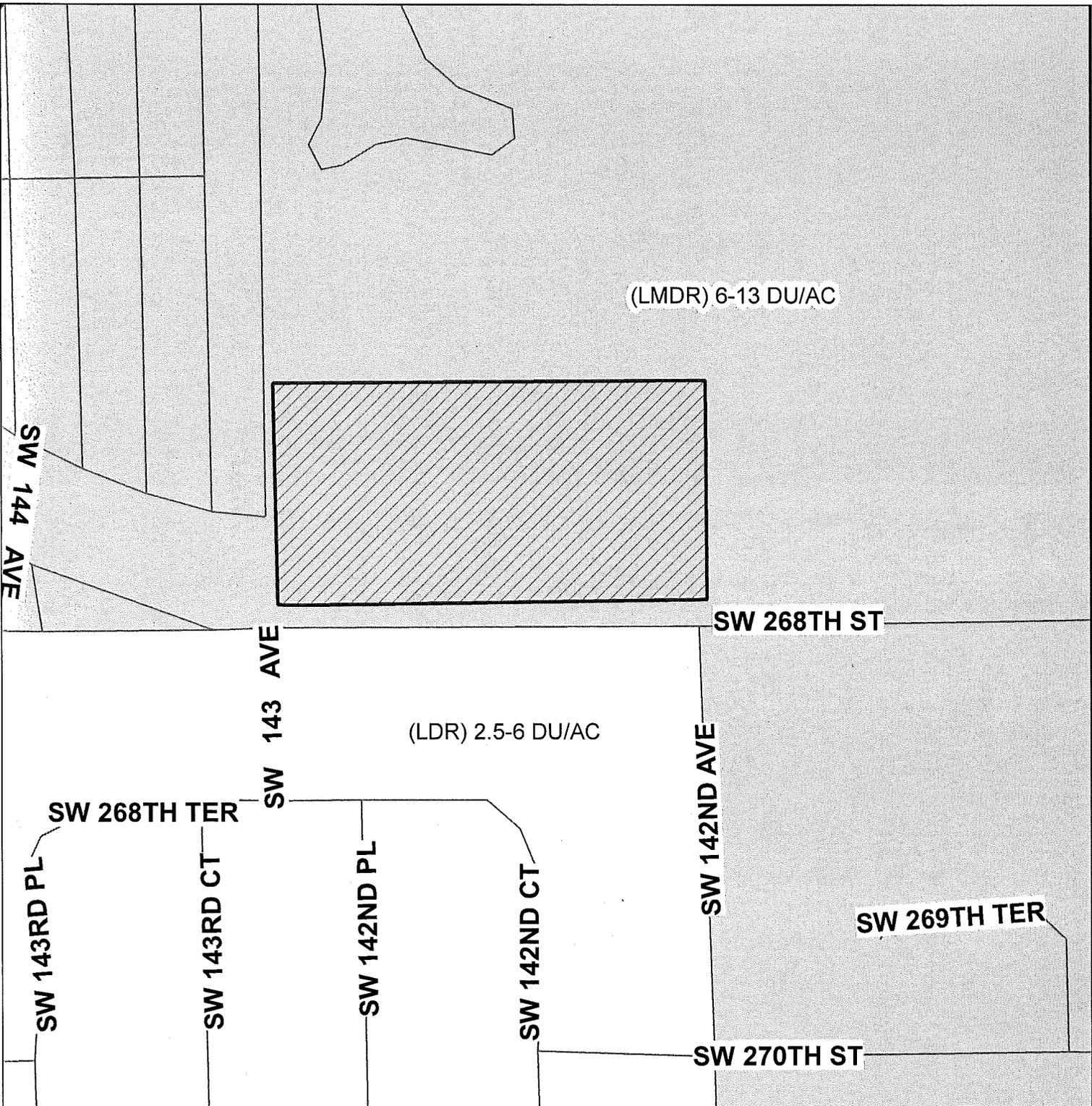
**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, March 13, 2014

REVISION	DATE	BY
		29



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number

**Z2014000016**



Section: 34 Township: 56 Range: 39  
 Applicant: TOWER ROAD GARDENS LTD  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 15**

**PH: Z14-020 (14-09-CZ15-1)**

**September 10, 2014**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	288 Holdings, LLC
<b>Summary of Requests</b>	The applicant is seeking a district boundary change from BU-1 to BU-1A
<b>Location</b>	13525 SW 288 Street, Miami-Dade County, Florida
<b>Property Size</b>	210' X 215'
<b>Existing Zoning</b>	BU-1, Neighborhood Business District
<b>Existing Land Use</b>	Commercial building
<b>2020 - 2030 CDMP Land Use Designation</b>	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, <b>District Boundary Change</b> <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval, subject to the Board's acceptance of the proffered covenant.</b>

**REQUEST:**

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

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The applicant seeks to rezone the 210' x 215' subject property from BU-1, Neighborhood Business District to BU-1A, Limited Business District.

In 1971, pursuant to Resolution #Z-79-71, the subject property as part of a larger tract of land that was approved to permit a District Boundary change from AU, Agricultural District to BU-1, Neighborhood Business District.

In 1990, pursuant to Resolution #4-ZAB-228-90, an application was approved to permit a motor vehicle emission testing facility in the BU-1 zoning district and also to permit 12' wide one way drives.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-1; vacant commercial building	Business and Office
<b>North</b>	RU-1; single-family residences	Low Density Residential (2.5 to 6 du)
<b>South</b>	BU-2; retail stores	Business and Office
<b>East</b>	BU-1A; restaurant and shopping center	Business and Office
<b>West</b>	BU-1; vacant land	Business and Office

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is in an area characterized by commercial uses, single-family residences and vacant parcels.

**SUMMARY OF THE IMPACTS:**

The approval of this application, as per the applicant's letter of intent, will allow the applicant to rezone the property to BU-1A, Limited Business District in order to redevelop the parcel with additional commercial uses on the property, including the possibility of a drive-through operation. However, approval of the same may also create additional traffic impacts on the surrounding properties in the area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Business and Office** use. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.*

The purpose of the BU-1A, Limited Business District is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods. The BU-1A district allows uses such as, but is not limited to, banks with drive through tellers, beauty parlors, antique shops, bakeries and drug stores as well as service stations, auto parts stores, drycleaners, retail stores and health and exercise clubs, including bath and massage parlors, and includes all uses permitted in the BU-1, Neighborhood Business District.

As such, staff opines that approval of the proposed rezoning from BU-1 to BU-1A would be **compatible** with the surrounding area and **consistent** with the CDMP LUP map Business and Office designation and the CDMP Business and Office text describing the allowed uses in this land use category.

**ZONING ANALYSIS:**

The applicant seeks approval of a district boundary change from BU-1 to BU-1A. When the applicant's request to rezone the 210' x 215' parcel to BU-1A, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of this request would be **compatible** with the surrounding area. Staff notes that the subject property is located along the northern side of SW 288 Street, a half section line roadway; west of SW 137 Avenue, a section line roadway and approximately 0.2 miles east of the Florida Turnpike Expressway. Staff further notes that the subject property abuts residentially zoned and developed properties to the north, BU-1A zoned properties to the east, BU-2, Special Business District zoned property to the south and BU-1 zoned property to the west.

Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application meets the traffic concurrency criteria for an initial development order. Also, the Division of Environmental Resources Management of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed re-zoning of the property will have a negative impact on fire rescue services in the area. Based on the aforementioned memoranda, staff opines that approval of the subject request will not have an unfavorable effect on the economy of Miami-Dade County, Florida. Further, approval 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.

Staff notes that there is an existing structure on the property. The applicant has proffered a Declaration of Restrictions that prior to the issuance of final building permit approval, any building on the subject property will be removed, unless it is shown to meet zoning code requirements. Staff's research of the area found a similar approval for a district boundary change from BU-1 to BU-1A. A tract of land located at the northeast corner of SW 288 Street and SW 137 Avenue was approved pursuant to Resolution #Z-259-84 for a district boundary change from BU-1 to BU-1A. As such, staff is of the opinion that approval of the district boundary change from BU-1 to BU-1A would be **compatible** with the surrounding area. **Staff therefore, recommends approval of the application subject to the Board's acceptance of the proffered covenant under Section 33-311, District Boundary Change.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:** Approval, subject to the Board's acceptance of the proffered covenant.

**CONDITIONS FOR APPROVAL:** None.

ES:MW:NN:CH:EJ



Eric Silva, AICP, Senior Division Chief  
Development Services Division  
Miami-Dade County  
Regulatory and Economic Resources Department

# ZONING RECOMMENDATION ADDENDUM

288 Holdings, LLC  
Z14-020

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

<p><b>Business and Office</b> (Pg. I-41)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Business and Office</b>. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.</i></p>
--	---

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311 District Boundary Change</b></p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i></li> <li>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></li> </ol>
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## ZONING RECOMMENDATION ADDENDUM

288 Holdings, LLC  
Z14-020

	<p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
--	---

**1. 288 HOLDINGS LLC**  
**(Applicant)**

**14-9-CZ15-1 (14-020)**  
**Area 15/District 09**  
**Hearing Date: 09/10/14**

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

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

If, so who are the interested parties? **2800 Holdings LLC.**

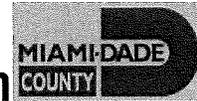
Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1971	Monarch Realty Corp.	- Zone change from AU to RU-1 (10500 cf.), & Au to BU-1 ~Conditions~.	BCC	Approved w/condition(s)
1990	Warren E. & Bonnie W. Daniels	- Use Variance to permit a motor vehicle emission testing facility in the BU-1 zone. - Non-use variance of parking requirement to permit 12' (14' required) 1-way drive.	BCC	Approved w/Condition(s)

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

# Memorandum



**Date:** March 26, 2014

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

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

**Subject:** C-15 #Z2014000020  
288 Holdings LLC  
13525 SW 288<sup>th</sup> Street  
DBC BU-1 to BU-1A  
(BU-1) (1.04 Acres)  
02-57-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### 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

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

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

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

#### Pollution Remediation

There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

#### Wetlands

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

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

#### Tree Preservation

The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

#### Air Quality Preservation

In the event of any kind of renovation or demolition activity, an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A notice of asbestos renovation or demolition form must be filed with the Air Quality Management Division of DERM for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

#### Enforcement History

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

#### Concurrency Review Summary

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

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

# Memorandum



**Date:** June 11, 2014

**To:** Eric Silva, Development Coordinator  
Department of Regulatory and Economic Resources

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

**Subject:** Z2014000020  
Name: 288 Holdings, LLC  
Location: 13525 SW 288 Street  
Section 02 Township 57 South Range 39 East

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

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-17451.

Additional improvements may be required at time of permitting.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **67 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9928	SW 288 St. w/o SW 137 Ave.	D	D
9824	SW 137 Ave. n/o SW 288 St.	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.

# Memorandum



**Date:** March 13, 2014  
**To:** Eric Silva, Assistant Director  
Regulatory and Economic Resources Department  
**From:** Paul Mauriello, Assistant Director, Waste Operations  
Public Works and Waste Management Department  
**Subject:** 288 Holdings, LLC (#14\_020)

A handwritten signature in black ink, appearing to read "Paul Mauriello", written over the printed name in the "From:" field.

The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

**Application:** *288 Holdings, LLC*, seeks a district boundary change from the Property's existing BU-1 (Business-Residential) zoning classification to BU1-A (Business-Limited District) which would permit additional commercial uses on the property, including a drive-through operation.

**Size:** The subject property is approximately 1.04 acres.

**Location:** The subject property is located at 13525 S.W. 288<sup>th</sup> Street, Miami-Dade County, Florida.

## **Analysis:**

### 1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

### 2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the subject property located at 13525 S.W. 288<sup>th</sup> Street, will be considered a commercial establishment. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore,

the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service.

### 3. Recycling: Commercial Establishments

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

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) Other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

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

### 4. Waste Storage/Setout Considerations

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

### 6. Site Circulation Considerations

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

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

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

# Memorandum



**Date:** March 24, 2014

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

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

**Subject:** Z2014000020: 288 HOLDINGS LLC

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**Application Name:** 288 HOLDINGS LLC

**Project Location:** The site is located at 13525 SW 288 ST, Miami-Dade County.

**Proposed Development:** The request is for approval of a district boundary change from BU1 TO BU1A for commercial development.

**Impact and demand:** This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** 19-MAR-14  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2014000020

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## Fire Prevention Unit:

No new site plan being proposed.

## Service Impact/Demand

Development for the above Z2014000020  
located at 13525 SW 288 ST, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 6537 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: 8:30 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 6 - modello - 15890 SW 288 Street  
Rescue, BLS Tanker

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 18-JUL-14

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

288 HOLDINGS LLC

13525 SW 288 ST, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

---

ADDRESS

---

Z2014000020

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HEARING NUMBER

**HISTORY:**

NC: THERE ARE CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS CASES

BLDG OPEN: CASE #R2014032324-R, WAS OPENED ON JULY 1, 2014, FOR FAILURE TO OBTAIN A PERMIT FOR BOILER #56404. A WARNING NOTICE WAS ISSUED. THE CASE REMAINS OPEN FOR NON-COMPLIANCE AND NON-PAYMENT OF INVOICE #R2014032324.

BLDG CLOSED: THERE ARE NO CURRENT OPENED OR CLOSED BUILDING SUPPORT REGULATIONS CASES

288 HOLDINGS LLC

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

**REPORTER NAME:**

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: \_\_\_\_\_

<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>
	_____
_____	_____
_____	_____
<small>ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT</small>	_____

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: 238 Holdings LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
Devin White, 3400 NW 114 Avenue, Miami FL 33178	12.5%
David Albert, 3400 NW 114 Avenue, Miami FL 33178	12.5%
Jose Ab. ante, 3400 NW 114 Avenue, Miami FL 33178	75%
_____	_____

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

NAME OF PURCHASER: \_\_\_\_\_

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

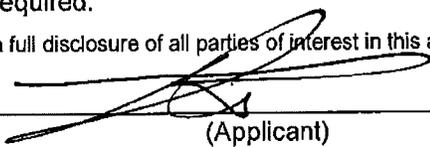
Date of contract: \_\_\_\_\_

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

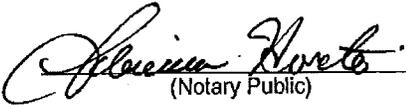
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

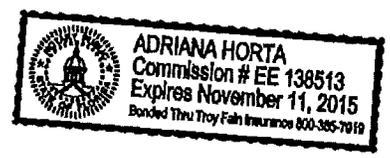
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature:   
(Applicant)

Sworn to and subscribed before me this 28<sup>th</sup> day of February, 2014. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

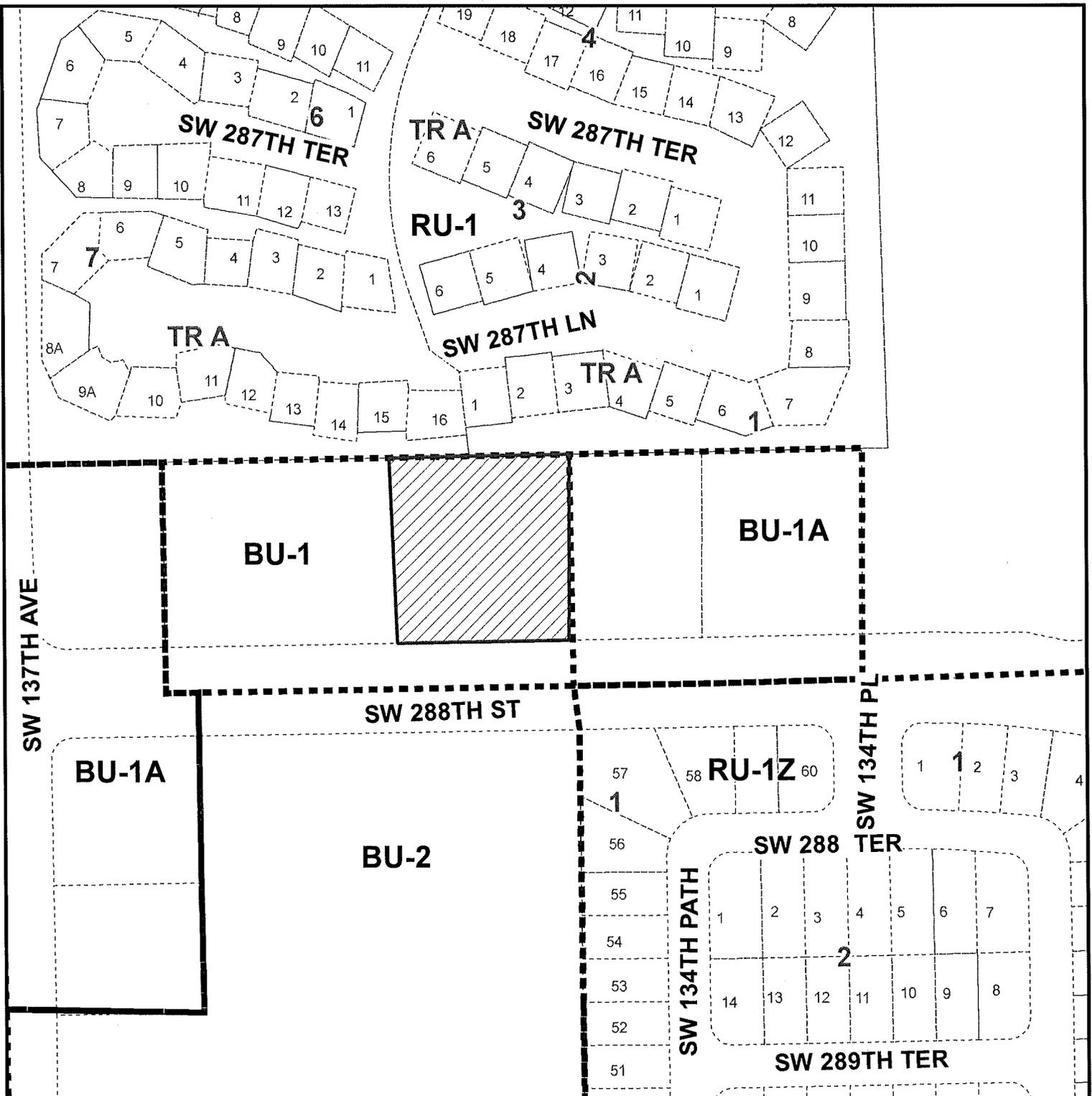
  
(Notary Public)

My commission expires: 11-11-2015



Seal

\*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

**Z2014000020**



Section: 02 Township: 57 Range: 39  
 Applicant: 288 HOLDINGS LLC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, March 11, 2014

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2013**

Process Number  
**Z2014000020**



Section: 02 Township: 57 Range: 39  
 Applicant: 288 HOLDINGS LLC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

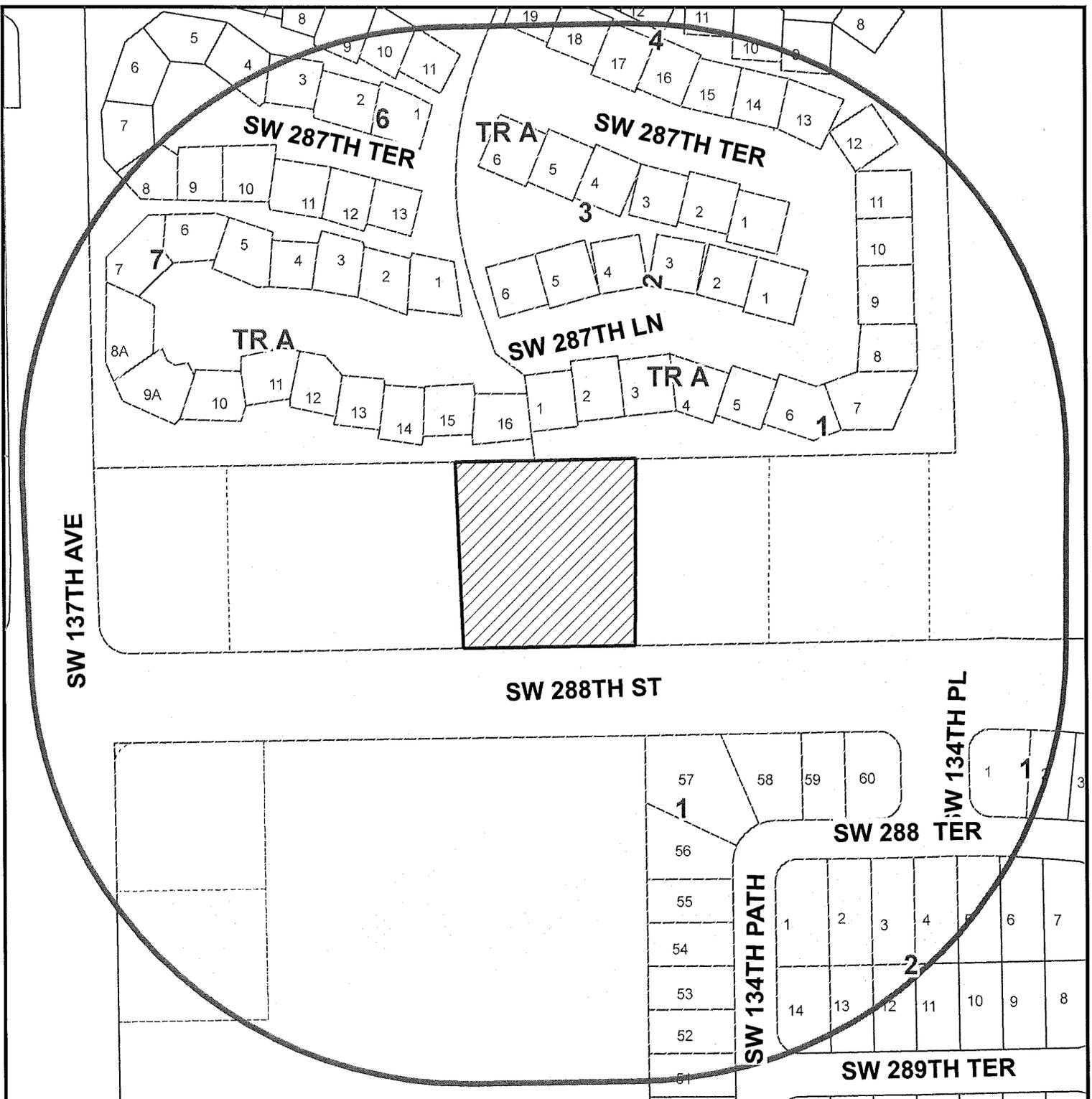
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, March 11, 2014

REVISION	DATE	BY
		19



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2014000020**  
RADIUS: 500



Section: 02 Township: 57 Range: 39  
Applicant: 288 HOLDINGS LLC  
Zoning Board: C15  
Commission District: 9  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

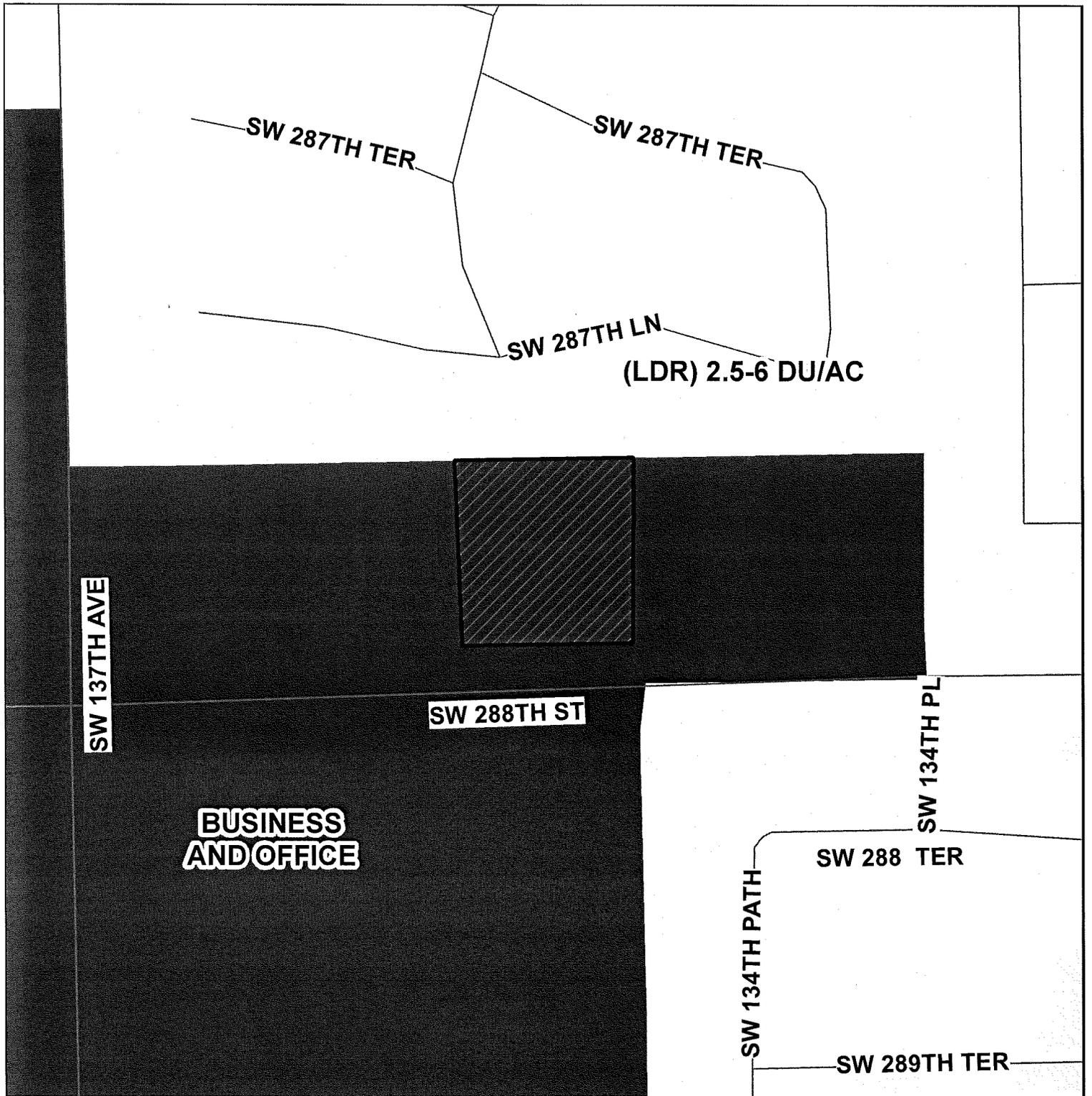
**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, March 11, 2014

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number

**Z2014000020**



Section: 02 Township: 57 Range: 39  
 Applicant: 288 HOLDINGS LLC  
 Zoning Board: C15  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Tuesday, March 11, 2014

REVISION	DATE	BY

This instrument was prepared by:  
Name:  
Patricia M. Baloyra  
Broad and Cassel  
2 S. Biscayne Blvd #2100  
Miami, FL 33131

PLANNING AND ZONING  
AGENDA OFFICE

2014 AUG 20 A 8:31

**DRAFT**

288 Holdings LLC  
CZAB15. 9/10/14  
214-020

(Space reserved for Clerk)

### DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned Owner, 288 Holdings, LLC, holds the fee simple title to the land in Miami-Dade County, Florida, described as follows:

THE E 210 FT OF THE SOUTH 260 FT OF THE SW 1/4 OF THE SW 1/4 OF THE NW 1/4 IN 2-57-39 LESS THE 45 FT R/W FOR BISCAYNE DRIVE

and hereinafter called the "Property," which is supported by the attorney's opinion, and

*IN ORDER TO ASSURE* the County that the representations made by the owner during consideration of Public Hearing No. 14-020 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That any building on the subject property shall be removed prior to the issuance of a final building permit for construction of any improvements on the property, unless it is shown to meet zoning code requirements.

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

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been

(Public Hearing: 14-020)

recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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

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

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and

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Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Page Follows]

ACKNOWLEDGMENT BY 288 HOLDINGS LLC

Signed, witnessed, executed and acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESSES: 288 Holdings LLC, a Florida Limited Liability Company

Name: \_\_\_\_\_ By: \_\_\_\_\_
Name: \_\_\_\_\_
Title: \_\_\_\_\_
Name: \_\_\_\_\_

STATE OF FLORIDA )
) ss.
COUNTY OF MIAMI-DADE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ of 288 EVERGLADES HOLDINGS LLC, a Florida limited liability company. He/she is personally known to me or has produced the following form of identification:

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public, State of Florida  
\_\_\_\_\_  
Printed, typed or stamped name of Notary Public

My Commission Expires: