



FINAL AGENDA

Community Zoning Appeals Board 12
 Kendall Village Center, Civic Pavilion, 8625 SW 124 Avenue, Miami, FL
 Thursday, April 24, 2025 at 6:30 pm

PREVIOUSLY DEFERRED

A.	Z2024000011	Nickaley Trust Holdings, LLC and Curby Corp.	24-11	54-40-28	N
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APPEALS

CURRENT

1.	Z2024000093	Jensen's Liquors #7, LLC	24-93	54-40-28	N
2.	Z2024000129	Bello Estates LLC	24-129	54-40-26	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12
MEETING OF APRIL 24, 2025

KENDALL VILLAGE CENTER, CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI, FLORIDA.

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND
ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. BELLO ESTATES, LLC. Z2024000129

Area 11/District 06

The application is to allow three proposed single-family residences each to occupy more area on their individual lots than permitted by code.

- (1) NON-USE VARIANCE to permit Lot 1, Block 1 with a lot coverage of 22.59% (20% maximum permitted).
- (2) NON-USE VARIANCE to permit Lot 2, Block 1 with a lot coverage of 23% (20% maximum permitted).
- (3) NON-USE VARIANCE to permit Lot 3, Block 1 with a lot coverage of 23% (20% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Proposed Residence Bello Estates LLC.", as prepared by Salazar & Associates Architects – Planners, dated stamped received 01/23/2025, consisting of 9 sheets. Plans may be modified at public hearing.

LOCATION: Lying east of SW 76 Avenue, approximately 310 feet north of SW 67 Street, AKA 6505, 6535 & 6565 SW 76 Avenue, Miami-Dade County, FL

SIZE OF PROPERTY: 2.00 acres

Department of Regulatory and Economic Resources

Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the [Department of 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). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board No. 12**

PH: Z24-011

April 24, 2025

Item No. A

Recommendation Summary	
Commission District	10
Applicants	Nickaley Trust Holdings, LLC. & Curby, Corp.
Summary of Requests	The applicant seeks to allow a district boundary change from AU (minimum 5-gross acre lot) to RU-1 (minimum 7,500 sq. ft. lot) which could allow the property to be developed with more residential units than currently allowed.
Location	9330 SW 66 Street, Miami-Dade County, Florida.
Property Size	±1.23-gross (±1.14-net) acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Duplex
2030-2040 CDMP Land Use Designation	Low Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval, subject to the Board's acceptance of the proffered covenant.

This item could not be heard at the February 27, 2025, meeting of the Community Zoning Appeals Board (CZAB) 12 due to a lack of quorum.

The public hearing on this item has not been held.

REQUEST:

DISTRICT BOUNDARY CHANGE from AU, Agricultural District to RU-1, Single-Family Residential District.

PROJECT DESCRIPTION:

The applicant seeks to rezone the ±1.23-gross (±1.14-net) acres subject property from AU, Agricultural District, to RU-1, Single-Family Residential District, which could allow the property to be developed with more residential units than currently allowed. Staff notes that there were no plans submitted for this subject application. However, a zoning covenant is being voluntarily proffered by the applicant that, among other things, restricts the development on the subject property to a maximum of two (2) single-family residential units.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; duplex	Low Density Residential (2.5 to 6 dua)

North	EU-M; single-family residences	Low Density Residential (2.5 to 6 dua)
South	AU & RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
West	EU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The ±1.23-gross (±1.14-net) acres which is currently occupied by a duplex is located at 9330 SW 66 Street. Staff notes that the subject property is surrounded by properties that are residential in nature with EU-M zoned properties to the North, AU and RU-1 to the South, RU-1 to the east and EU-1 to the West, all of them developed with single family-residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the subject property to RU-1, Single Family Residential District, in order to provide additional housing in this area, which could have traffic impacts as well as impacts on other County services. Based on memoranda from the departments reviewing this application, the additional impacts will be minimal and will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application meets the traffic concurrency criteria, does not exceed the acceptable Level of Service (LOS) on the neighboring roadways and will generate approximately 2 PM peak hour vehicle trips. Staff notes that the application requests will add to the population in the area, impact water and sewer services, and may bring additional noise into the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±1.23-gross acre subject property is located within the Urban Development Boundary (UDB) and the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map designates the site as **Low Density Residential**. The Low-Density Residential category allows a range in density “from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre” and “is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses”. It could also include “a mixture or housing types, provided that the maximum gross density is not exceeded.” The Low-Density Residential category allows development of the 1.23-gross acre subject site with a maximum of **seven (7) residential units**. The applicants seek a district boundary change on the subject site from AU to RU-1 (Single-Family Residential District) that would allow the development of the ±1.14-net acre subject parcel with up to six (6) residential units which is **consistent** with the maximum density threshold allowed under the CDMP. However, staff notes that the applicant has voluntarily proffered a Zoning Declaration of Restrictions which, among other things, restricts the development on the subject property to a maximum of two (2) single-family residential units. Therefore, staff opines that approval of the rezoning of the subject property to RU-1 would be **consistent** with the density threshold of **Low-Density Residential** designation on the CDMP LUP map.

Additionally, staff opines that the rezoning would be consistent with CDMP policies that require the County to give priority to infill development and redevelopment of substandard or

underdeveloped environmentally suitable urban areas contiguous to existing urban development, where urban services and facilities have the capacities to accommodate additional demand. Furthermore, the CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2030, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* Therefore, subject to the Board's acceptance of the proffered covenant, staff opines that the rezoning of the subject property to RU-1 would be **compatible** with the surrounding area and **consistent** with the uses allowed under the **Low-Density Residential** Land use category text and the density threshold of CDMP Low Density Residential Communities LUP map designation. Staff further opines that approval of the application will not create any significant impacts which will disrupt or degrade the safety and tranquility of the neighboring properties and would be **compatible** with the surrounding area based on the Zoning Analysis below.

ZONING ANALYSIS:

The applicant seeks approval of a request for a district boundary change from AU, Agricultural District, to RU-1, Single-Family Residential District. For the reasons stated above and below, staff opines that when the request to rezone the ±1.23-gross (±1.14-net) acres acre parcel to RU-1 is analyzed under Section 33-311, District Boundary Change, the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County and would be **compatible** with the surroundings when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to, among other things, lessen congestion on the highways and promote convenience and general welfare, 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. Staff supports the district boundary change and opines that the request for a zone change on the subject property to RU-1 would be **consistent** with the aforementioned CDMP designation of the parcel on the CDMP Land Use Plan map, and would be **compatible** with the natural transition of residential zoning trend of development in the surrounding area.

Staff notes that the subject property is located at 9330 SW 66 Street. Based on the submitted Survey the subject parcel is comprised of one parcel which is ±1.23-gross (±1.14-net) acres of land area and consist of one single-family residence. Staff opines that the RU-1 zoning district on the subject parcel will create a harmonious transition between the single-family residences that are located to the north, south, and east of the subject site, and would not alter the residential development trend within the surrounding community. Under the requested RU-1 zoning district regulations, the site could be developed with up to six (6) single-family residences. However, staff notes that the applicant has voluntarily proffered a Zoning Declaration of Restrictions, which limits that the residential density on the subject property to a maximum of two (2) single-family residential units. In addition, staff's research of the surrounding area found several similar approvals for rezoning applications. For example, in 1970, the Board of Commissioners approved a rezoning from AU to RU-1, pursuant to Resolution #Z-3-71, to allow the parcel located immediately to the east of the subject site that is currently built with 4 single-family detached residences. Also, in 1993, the parcel immediately to the south was approved for a rezoning from AU to RU-1 which allowed the parcel to be developed with 2 single-family residences. Based on the foregoing, staff opines that the proposed rezoning and allowable densities for residential development on the subject site would be **compatible** with the development trend within the surrounding area and with the County's policies to appropriately increasing residential densities and intensities of development within the UDB, and the rezoned property will act as a reasonable

transition between the existing single-family detached residences located to the north, south and west of the subject site.

It is important to mention, that the applicant has not submitted a site plan that is part of this application. Based on the configuration and layout of the proposed number of dwelling units that would be developed on the subject site, if any variances from the zoning code are needed on those future properties, the applicant may need to come back before this Board to seek those variances.

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the request will not cause their facilities and services to operate below their adopted levels of service standards. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Their memorandum also indicates that the proposed development will meet the traffic concurrency criteria for an Initial Development Order. Said memorandum indicates that the proposed development will generate 2 PM daily peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways as specified in the memorandum, dated March 26, 2024. Additionally, staff notes that the memorandum from the Environmental Division of RER indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. In addition, the other departments reviewing the application, including the Miami-Dade Fire Rescue Department and the Water and Sewer Department, do not object to the application. Based on the aforementioned department memoranda, staff opines that the request for rezoning will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. As such, staff opines that approval of the request to rezone the subject parcel to RU-1, would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the rezoning in relation to the present and future development of the area. **Staff, therefore, recommends approval of this application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:JB:SS:EA:PM

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Nickaley Trust Holdings, LLC & Curby Corp
PH: Z24-011

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Water & Sewer WASD</i>	<i>No objection</i>
<i>Building and Neighborhood Compliance (BNC)</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Low Density (Pg. I-31)	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Objective LU-4 (Pg. I-8)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Nickaley Trust Holdings, LLC & Curby Corp.
PH: Z24-011

	<p>(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></p> <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>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

CURBY CORP/CURBELO, ROBERT

9330 SW 66 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000011

DATE

HEARING NUMBER

FOLIO: 30-4028-004-0620

REVIEW DTE OF CURRENT ENFORCEMENT HISTORY:

March 22, 2024

NEIGHBORHOOD REGULATIONS OPEN:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

CURBY CORP/CURBELO, ROBERT

OUTSTANDING LIENS AND FINES:

There are no outstanding lien or fines.

Memorandum



Date: February 13, 2025

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management

Subject: Z2024000011-2nd Review
Nickaley Trust Holdings LLC and Curby Corp
9330 SW 66th Street
DBC from AU to RU-1 to split parcel to develop maximum of two (2)
single family residential homes.
(AU) (1.25 acres)
38-54-40

A handwritten signature in blue ink that reads "Lisa M. Spadafina".

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code related to potable water service and wastewater disposal and wellfield protection area, respectively.

Wellfield Protection

The subject property is located within the basic Wellfield Protection Area of the Alexander Orr Wellfield. The site is situated within the 100-day travel time contour of said Wellfield. Since the subject request is for residential development, a covenant prohibiting hazardous materials is not required; however, all development shall comply with the requirements of section 24-43 of the Code.

Conditions of Approval: None

Potable Water Service

According to DERM records, the subject property is currently connected to public water, connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

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

Conditions of Approval: None

Wastewater Disposal

This request for a district boundary change from AU to RU-1 does not include a site plan. The Proposed Declaration of Restrictions states that the property shall be developed with a maximum of two (2) single family residential homes, and that no residential structure on the Property shall exceed 5,000 square feet in total floor area.

Pursuant to the Code, based on the development proposed in the Declaration of Restrictions for the requested district boundary change and an analysis of water and sewer infrastructure in the area, the proposed residential development is within feasible distance to connect to public water and public sanitary sewer. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.

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

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof. Said covenant is recorded under Miami-Dade County Official Records Book 34511, Page 4711.

Existing public 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.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits, DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins that have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

Please be advised, DERM review and approval is required for any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources, including specimen trees (a tree with a trunk diameter of 18 inches or greater). Section 24-49 of the Code provides for the preservation and protection of specimen tree resources. A Miami-Dade County Tree 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. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

The applicant has not provided any information about the specimen trees on the site. DERM cannot determine that this project complies with the requirements of sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. Please note that the Code generally requires the preservation of specimen trees and the standards in the Code for removal/relocation of specimen trees are stricter than for removal of non-specimen trees.

The subject application, which requests a district boundary change from AU to RU-1 could result in tree removal/relocation activity to trees. DERM recommends approval of this application with a condition that requires the preservation of the specimen trees whenever reasonably possible, unless a tree removal permit is obtained which authorizes the removal of specimen trees as per the specimen tree standards of section 24.49.2(II)(1) of the Code. **Any DERM recommendation or approval of the district boundary change shall not be interpreted as approval for the removal or relocation of any tree resources on site.**

The applicant is advised to contact the Tree and Forest Resources Section at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

Water Control Review

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 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.

The proposed development is located within the 100 days travel time contour of the Alexander Orr Wellfield Protection Area. Pursuant to section 24-43(5)(c)(iv) of the Code baffles must be installed at the exfiltration trenches and no weep hole is allowed inside the drainage structures.

Conditions of Approval: None

DERM Enforcement History Review

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

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 20, 2024

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD)

A handwritten signature in blue ink, appearing to be "M. Valdes", written over the "From:" field.

Subject: Zoning Application Comments - 9330 SW 66 Street
Application No. Z2024000011- (Pre-App. No. Z22P-209)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process. *The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval.*

Application Name: 9330 SW 66 Street

Location: The proposed project is located at 9330 SW 66th Street with Folio No. 30-4028-004-0620, in unincorporated Miami-Dade County.

Proposed Development: The applicant is seeking approval for a district boundary change from AU (Agriculture) to RU-1 (Single-Family Residential) to subdivide the parcel into two lots, in order to allow the construction of two (2) single family residences. Per applicant representative Mr. Ben Fernandez email dated March 5, 2024, each of the proposed single-family residence will have approximately 6,000 square feet. The existing residence will be demolished.

The estimated total water/sewer flows for the proposed project will be 1,020 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

The subject property is connected to water. There is an existing 8-inch water main (E8280-1) abutting the property along SW 66th Street to where the developer may connect to provide water service for the proposed development. *Final points of connections and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.*

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests a WASD Developer Agreement. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to <http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program, please go to <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to <http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf>

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. The SDWWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the SDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

The existing facility is currently septic. If DERM requires connection to the sewer system for the two lots, there is an existing 8-inch gravity sewer system (ES24119D00A-2 Manhole No. 2), located approximately 1,700 feet away from the site in SW 70th Street and SW 94th Avenue to where the developer may connect and extend a new 8-inch gravity sewer **at Full Depth** northerly along SW 94th Avenue to SW 66th Street, thence easterly as required to provide service to the proposed single family residences, provided that there is sufficient depth and that there are no obstacles that would preclude construction of the sewer system. The developer is responsible for providing the minimum coverage on the proposed sewer main extension as specified in the WASD Design standard. *Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.*

If Unity of Title does not apply, then any gravity sewer within the property shall be public and 8-inch minimum in diameter.

The sewage flow from the proposed development will be transmitted to Pump Station (PS) No. 1038, (PS) No. 536 and (PS) No.559. All pump stations are currently in OK Moratorium Code Status. Below is the existing and projected Nominal Average Pump Operating Time (NAPOT) for said pump stations.

P.S. 1038

Existing NAPOT: 0.98 hrs.
Proposed Development: 1,020 gpd
Proposed Projected NAPOT: 1.03 hrs.

P.S. 536

Existing NAPOT: 7.16 hrs.
Proposed Development: 1,020 gpd
Proposed Projected NAPOT: 7.16 hrs.

P.S. 559

Existing NAPOT: 5.85 hrs.
Proposed Development: 1,020 gpd
Proposed Projected NAPOT: 5.85 hrs.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

In addition, below please find links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>


Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov or Benita Ramirez at (786) 552-8121 or Benita.Ramirez@miamidade.gov.

Memorandum



Date: February 20, 2025

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

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

Subject: Z2024000011
Name: Nickaley Trust Holdings LLC and Curby Corp.
Location: 9330 SW 66 Street
Section 28 Township 54 South Range 40 East

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

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedication per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of the plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate approximately **2 PM** peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of this new trip **does not** exceed the acceptable level of service of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9264	SW 56 Street west of SW 87 Avenue	C	C

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

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: March 07, 2024

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2024000011

The Miami-Dade Fire Rescue Department has **no objection** to request for zoning designation change uploaded to “EnerGov” on 2/29/2024. Any future site plans will need separate approval.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Concurrency Management

From: Concurrency Management
Sent: Friday, April 26, 2024 8:41 AM
To: Ben J. Fernandez; Betty LLerena
Cc: Simon, Nathaly; Garcia, Jeannette C.; Stillings, Noel (RER); Connally, Ronald (RER); CASTILLO, DENISE; Concurrency Management
Subject: Nickaley Trust Holdings, LLC and Curby Corp. Z2024000011 (PH30240301002750) No Impact
Attachments: Nickaley Trust Holdings, LLC and Curby Corp. Z2024000011 (PH30240301002750) No Impact.pdf

**RE: PUBLIC SCHOOL CONCURRENCY – NO IMPACT
NICKALEY TRUST HOLDINGS, LLC AND CURBY CORP. - Z2024000011
LOCATED AT 9330 SW 66 ST
PH3024030100275 - FOLIO NO.: 3040280040620**

Dear Applicant,

Pursuant to State Statutes and the Interlocal Agreement for Public School Facility Planning, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) revealed the applicable Level of Service (LOS) standards of 100% Florida Inventory of School Housing (FISH) have not been impacted by the proposed development, which contains 2 units.

Therefore, the application has complied with the requirements of this Schools Planning Level Review for the next six (6) years. In the future a new Public School Concurrency Determination must be conducted prior to Miami-Dade County issuing a development order.

Should you have any questions, please feel free to contact me at 305-995-7285

Ivan M. Rodriguez, Director
Facilities Planning
1450 NE 2 Ave., Suite 523
Miami, Florida 33132
305.995.4501



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number:	<u>PH3024030100275</u>	Local Government (LG):	<u>Miami-Dade</u>
Date Application Received:	<u>3/1/2024 10:14:47 AM</u>	LG Application Number:	<u>Z2024000011</u>
Type of Application:	<u>Public Hearing</u>	Sub Type:	<u>Zoning</u>

Applicant's Name: **Nickaley Trust Holdings, LLC and Curby Corp.**
 Address/Location: **9330 SW 66 ST**
 Master Folio Number: **3040280040620**
 Additional Folio Number(s):

PROPOSED # OF UNITS **2**
 SINGLE-FAMILY DETACHED UNITS: **2**
 SINGLE-FAMILY ATTACHED UNITS: **0**
 MULTIFAMILY UNITS: **0**

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
--------	---------------	------------------------	----------------	-------------	---------	-------------

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **33.18%** included for charter and magnet schools (Schools of Choice).

MCPS has **NOT** conducted a preliminary public school concurrency review of this application.

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net

Memorandum



Date: January 21, 2025

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

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Application Z2024-000011 Nickaley Trust Holdings, LLC & Curby Corp.

The Miami-Dade County Office of Historic Preservation (OHP) has reviewed the subject application and offers the following comments:

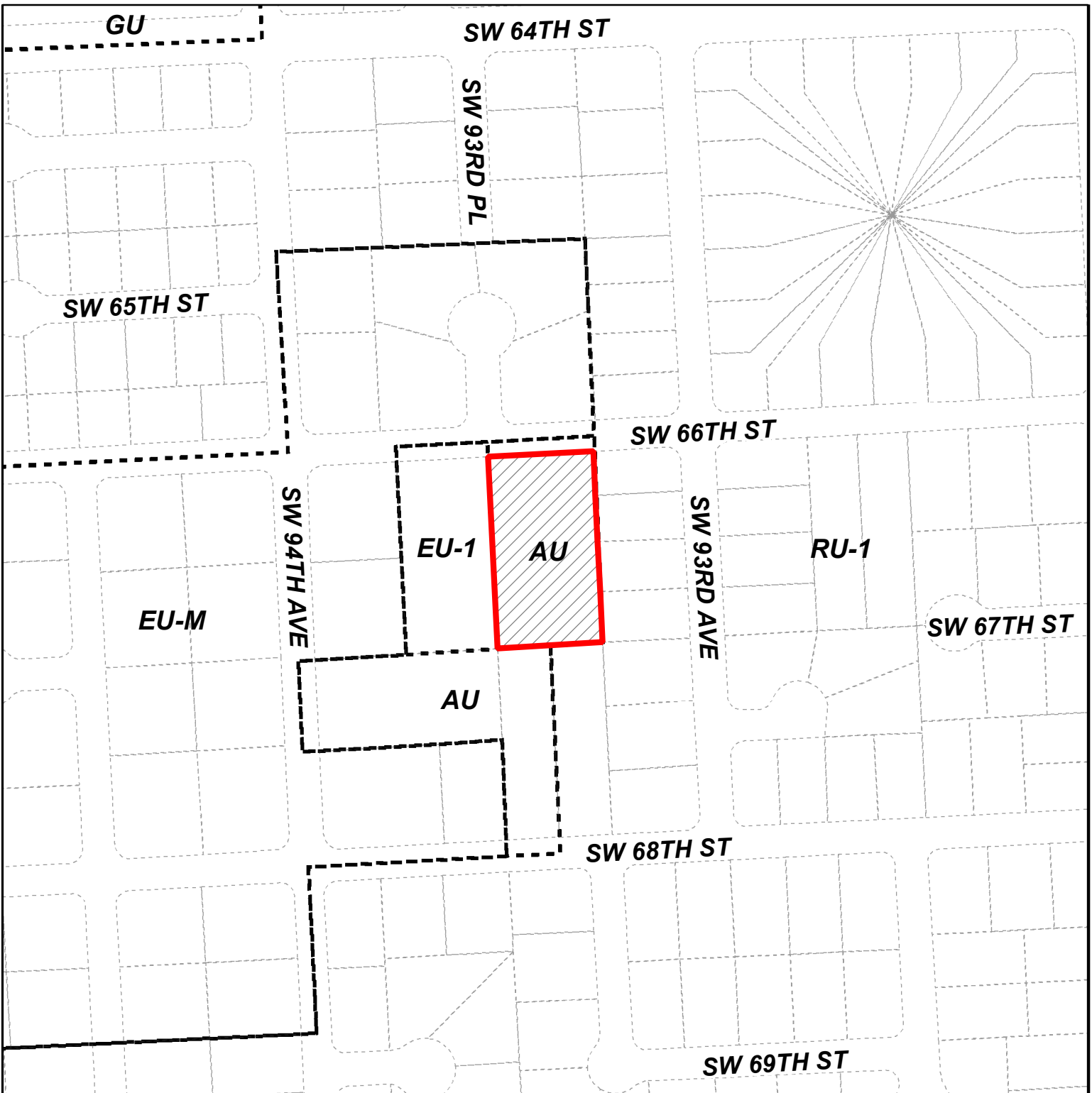
Per CDMP Policy LU-6A, Miami-Dade County shall continue to identify, seek appropriate designation, and protect properties of historic, architectural, cultural and archaeological significance.

Condition for Approval

The OHP has identified one 1952 structure associated with folio 30-4028-004-0620 that meets the 50-year or older benchmark for historic resource eligibility. If slated to be demolished now or in the future, the applicant shall complete and submit a Florida Master Site File Historical Structure Form for each structure prior to demolition of the historic structure within the application area.

Visit the Florida Division of Historical Resources Florida Master Site File website for instructions, forms, and FAQs. <https://dos.fl.gov/historical/preservation/master-site-file/>

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2024000011



Section: 28 Township: 54 Range: 40
 Applicant: Nickaley Trust Holdings, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

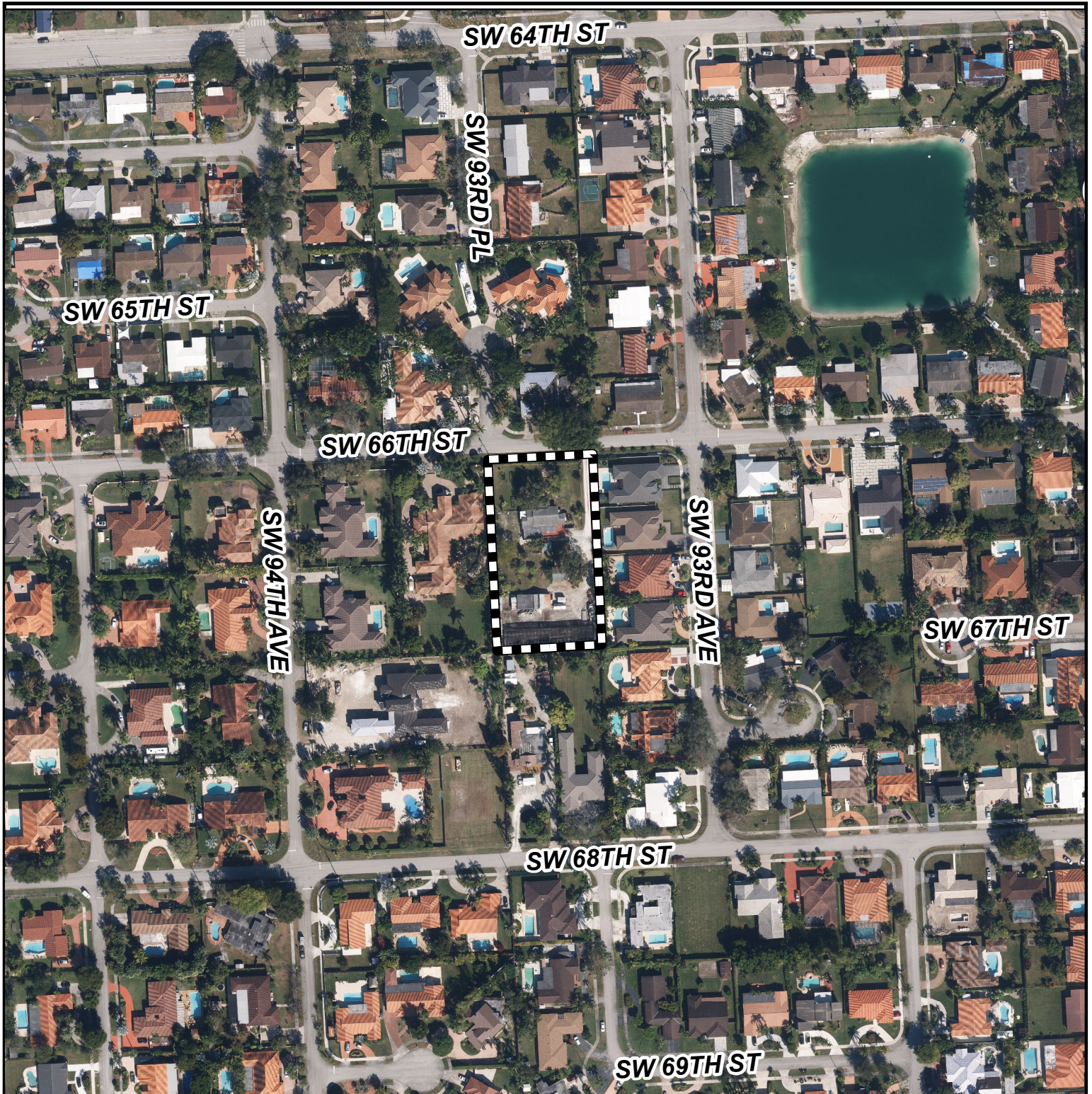
Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Monday, March 4, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2024000011

Legend
 Subject Property

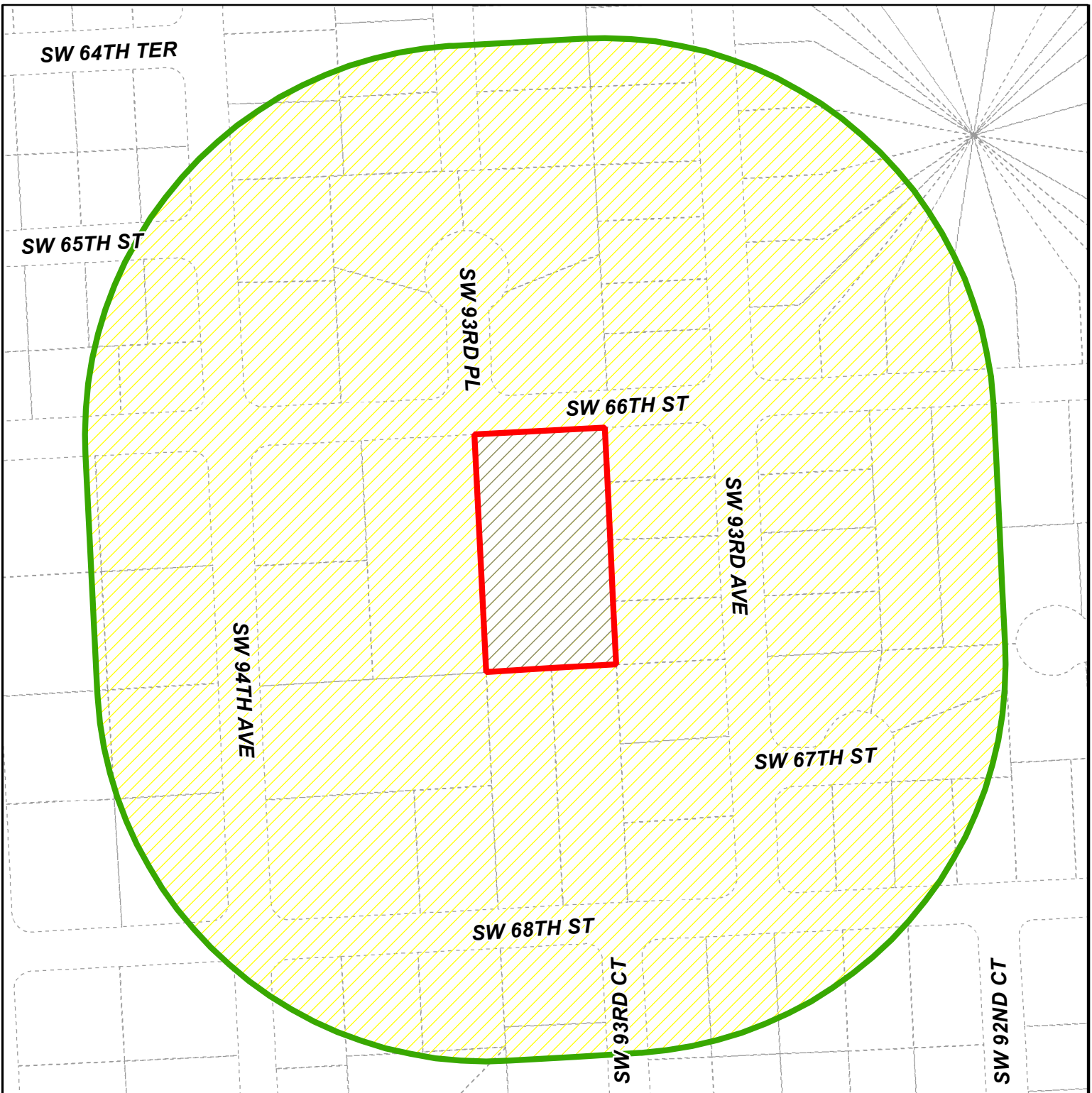


Section: 28 Township: 54 Range: 40
 Applicant: Nickaley Trust Holdings, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Monday, March 4, 2024

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 28 Township: 54 Range: 40
 Applicant: Nickaley Trust Holdings, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2024000011
 RADIUS: 500

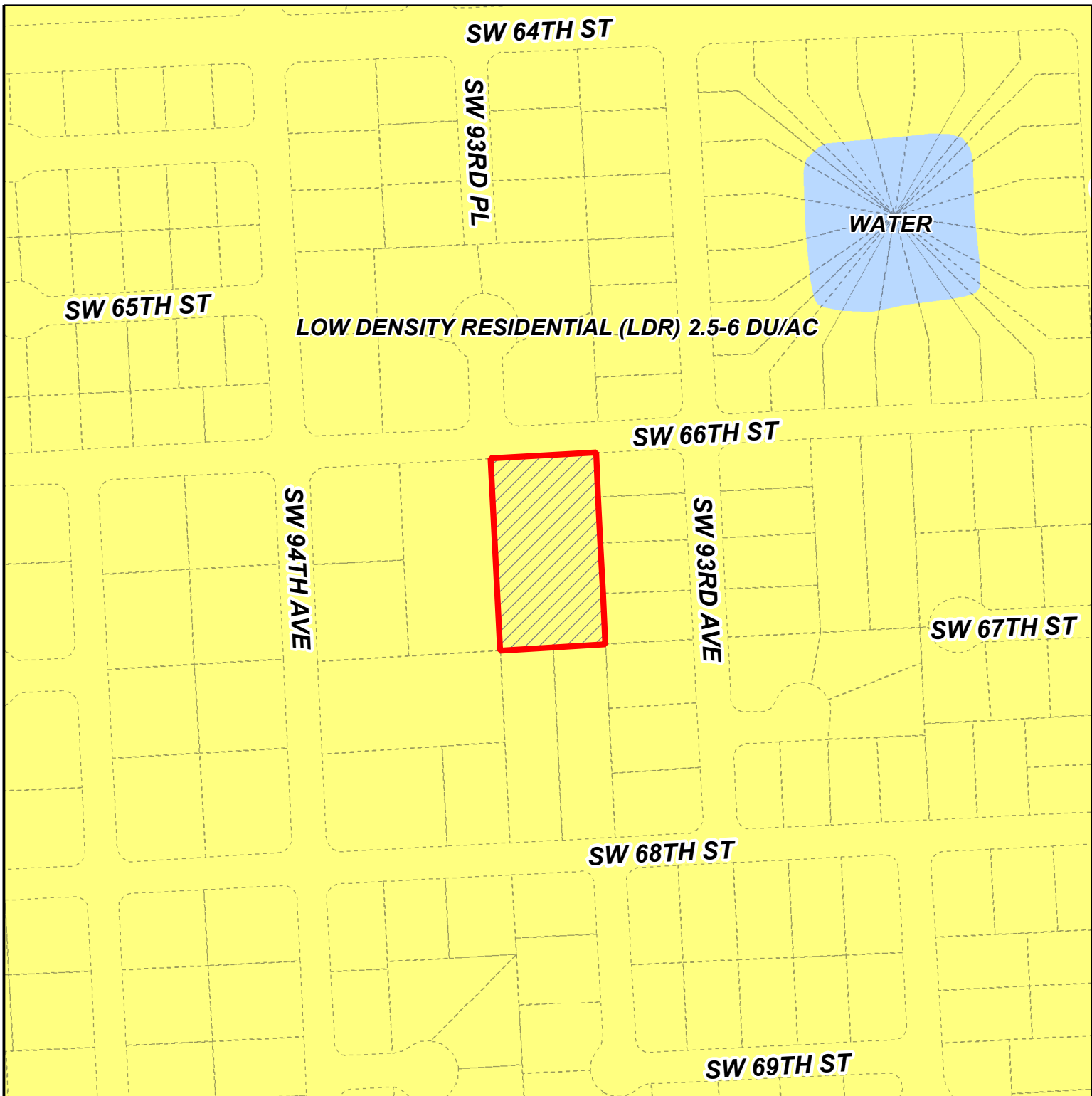
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, March 26, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2024000011

Section: 28 Township: 54 Range: 40
 Applicant: Nickaley Trust Holdings, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



Legend

 Subject Property Case



SKETCH CREATED ON: Monday, March 4, 2024

REVISION	DATE	BY

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MIAMI-DADE COUNTY

Disclosure of Interest*

PROCESS NO. 224-011

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].

DATE: MAY 29 2024

BY: ISA

CORPORATION NAME: Nickaley Trust Holdings, LLC, 7601 SW 99 Avenue, Miami, FL 33173

NAME AND ADDRESS	PERCENTAGE OF STOCK
Carlos Alonso, 9505 SW 66 ST, Miami, FL 33173	50%
Eliette Alonso, 9505 SW 66 ST, Miami, FL 33173	50%

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: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where 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: N/A

NAME AND ADDRESS	PERCENTAGE OF OWNERSHIP

*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.

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Disclosure of Interest

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].

PROCESS NO. 224-011
DATE: MAY 29, 2024
BY: DA


NAME OF PURCHASER: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

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

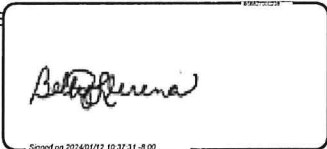
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing or zoning determination, a supplemental disclosure of interest is required.

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

DocuSigned by:

 Signature CECEBA702AB24F5... Carlos Alonso Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

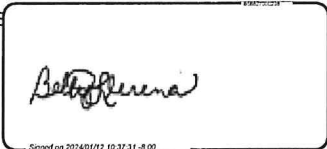
physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge  (type)

Betty Llerena
 Commission # HH 221018
 Notary Public - State of Florida
 My Commission Expires Mar 05, 2026

Notary Stamp 2024/01/12 11:37:31 PST 85832700C238

(Affix Notary Seal above)

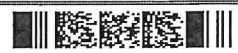

 Signature of Notary Public
Betty Llerena
 Typed, printed, or stamped name of Notary Public

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2020/1



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Zoning Hearing Application

Miami-Dade County Department of Regulatory and Economic Resources
Development Services Division

Expedite

Pre-Application No.: Z2023P00209

Pre-Application Meeting Date: 09/14/2023

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-011
DATE: FEB 29 2024
BY: ISA
Date Stamp Received

Applicant Information

NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Nickaley Trust Holdings LLC and Curby Corp

PROPERTY FOLIO(S): 30-4028-004-0620

APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: c/o 200 South Biscayne Boulevard, Suite 300

City: Miami State: FL Zip: 33131 Phone no.: 305-374-5300

Fax no.: 305-377-6222 E-mail: c/o bfernandez@brzoninglaw.com

OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of all owners):

Nickaley Trust Holdings LLC and Curby Corp

Mailing Address: c/o 200 South Biscayne Boulevard, Suite 300

City: Miami State: FL Zip: 33131 Phone no.: 305-374-5300

Fax no.: 305-377-6222 E-mail: c/o bfernandez@brzoninglaw.com

CONTACT PERSON/APPLICANT'S REPRESENTATIVE INFORMATION:

Name: Ben Fernandez Company: Bercow Radell Fernandez Larkin and Tapanes PLLC

Mailing Address: 200 South Biscayne Boulevard, Suite 300

City: Miami State: FL Zip: 33131 Phone no.: 305-377-6235

Fax no.: 305-377-6222 E-mail: bfernandez@brzoninglaw.com

Subject Property Legal Description

Provide complete legal description, i.e., lot, block, subdivision name, plat book and page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly identify each legal description. If lengthy, legal description is required to be submitted in Microsoft Word via email or other digital media.

See Exhibit A.



Zoning Hearing Application

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Subject Property Legal Description (continued)

MIAMI-DADE COUNTY PROCESS NO.: Z24-011 DATE: FEB 29 2024 BY: ISA

Address or Location of Property

For location, use description such as NE corner of, etc.: 9330 SW 66 Street

Size of Property

In acres: 1.25

Date Property Acquired/Leased

acquired leased: May 2023 (month and year)

Lease term (years):

Contiguous Property

Is contiguous property owned by the subject property owner(s)? no yes If yes, provide complete legal description of said contiguous property.

Option to Purchase

Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify intended purchaser or lessee and complete 'Disclosure of Interest' form.)

Present Zoning

AU (Agricultural)

Application Requests

- District Boundary(zone) Changes [Zone(s) requested]: RU-1
Unusual Use:
Use Variance:
Non-Use Variance:
Alternative Site Development Option:
Special Exception:
Modification of Previous Resolution/Plan [provide resolution number(s)]:
Modification of Declaration or Covenant [provide recording book(s) and page]:



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Zoning Hearing Application

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Development Proposed

If applicable:

MIAMI-DADE COUNTY

Area of building(s) for non-residential uses: _____ PROCESS NO. 2024-011

DATE: FEB 29 2024

Proposed residential units **OR** for application without a site plan, units permitted by the _____ BY: ISA
requested zoning district _____ (total number of units).

Residential unit type(s):

Single-Family Detached _____ Single-Family Attached _____

Multi-Family _____

Recent Public Hearing

Has a public hearing been held on this property within the last one and one-half years? no yes .

If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

Notice of Violation

Is this application a result of a violation notice? no yes . If yes, provide name to whom the violation notice was served and describe the violation:

(Pursuant to Section 8CC-7(d) no zoning action may be approved for any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.)

Describe Structures on the property

2 one-story buildings and 1 storage unit

Existing Use

Is there an existing use on the property? no yes . If yes, what use and when was it established?

0802 MULTIFAMILY 2-9 UNITS : 2 LIVING UNITS

Comprehensive Development Master Plan (CDMP) amendment

Please indicate whether this property was subject to a recent Comprehensive Development Master Plan amendment. If so, please indicate the ordinance number:

Peak hour trip generation

Indicate the estimated peak-hour vehicle trips to be generated by the proposed application:

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-011

Acknowledgement by Applicant

1. RER Platting and Traffic Review Section, RER Division of Environmental Resources Management (DERM) and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed, and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

DATE: FEB 29 2024
BY: ISA

DocuSigned by:

CECEDA702AB24F5...


(Applicant's Signature)

Carlos Alonso, Manager of Nickaley Trust Holdings LLC

(Print Name of Applicant)

Sworn to and subscribed before me on the
12th day of January, 2024

Affiant is personally known to me or has produced _____


_____ as identification
Public

Print Name: Betty Llerena

Commission expires: March 5, 2026



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MIAMI-DADE COUNTY
PROCESS NO.: 724-011

Acknowledgement by Applicant

1. RER Platting and Traffic Review Section, RER Division of Environmental Resources Management (DERM) and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed, and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

DATE: FEB 29 2024
BY: ISA

DocuSigned by:
robert curbelo
871269701C75403...

(Applicant's Signature)

Roberto Curbelo, Manager of Curby Corp.

(Print Name of Applicant)

Sworn to and subscribed to before me on the
12th day of January, 2024

Affiant is personally known to me or has produced _____
_____ as identification
Betty Llerena

Notary Public

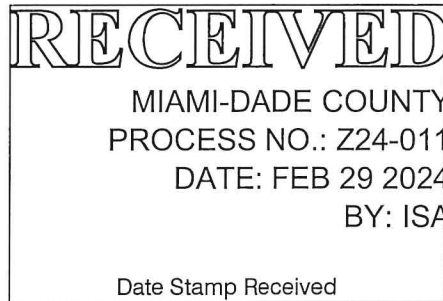
Print Name: Betty Llerena

Commission expires: March 5, 2026



9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:09 -6:00





Applicant's Affidavit

Zoning Application No.: _____

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and advertised.

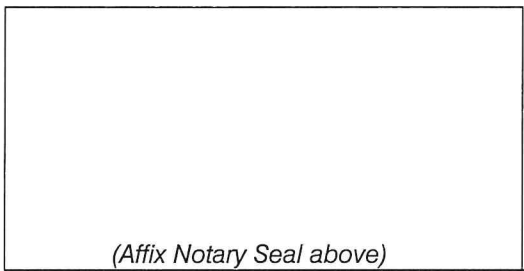
OWNER OR TENANT AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

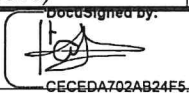
physical presence online notarization this _____ day of _____,

Affiant identified by: personal knowledge satisfactory evidence _____ (type)



Signature of Notary Public

Typed, printed, or stamped name of Notary Public



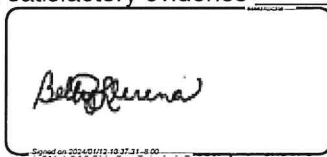
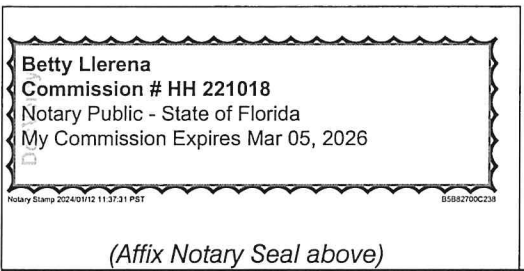
CORPORATION AFFIDAVIT

(I)(WE), Carlos Alonso, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of Nickaley Trust Holdings, LLC corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 12th day of January, 2024

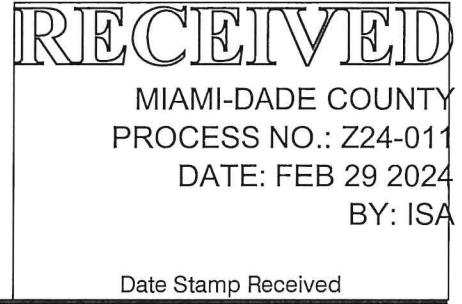
Affiant identified by: personal knowledge satisfactory evidence _____ (type)



Typed, printed, or stamped name of Notary Public

9C666759-2532-4408-85C4-0CD1040182C0 -- 2024/01/12 10:25:09 -8:00





Applicant's Affidavit

Zoning Application No.: _____

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and advertised.

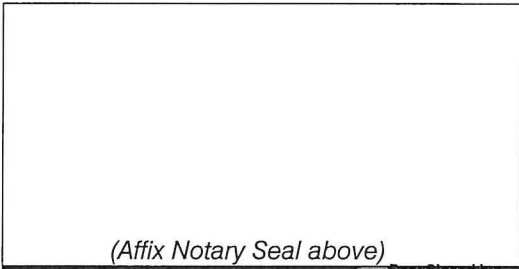
OWNER OR TENANT AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this _____ day of _____, _____

Affiant identified by: personal knowledge satisfactory evidence _____ (type)



Signature of Notary Public

Typed, printed, or stamped name of Notary Public

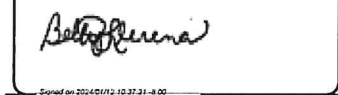
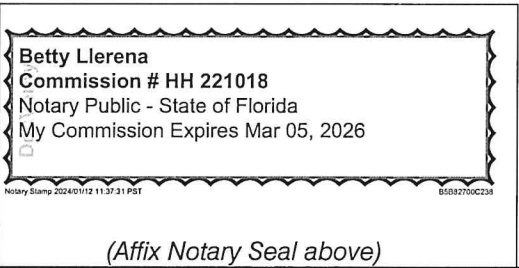
CORPORATION AFFIDAVIT

(I)(WE), Robert Curbelo *robert curbelo* 871269701C75403, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of Curby Corp. corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge satisfactory evidence _____ (type)

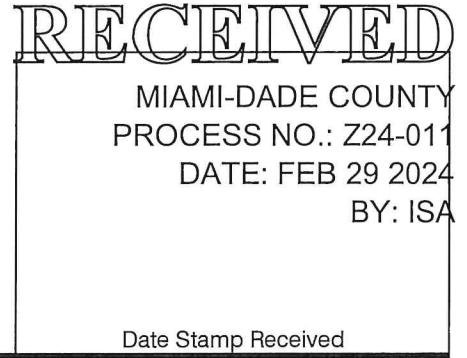


Signature of Notary Public

Betty Llerena
Typed, printed, or stamped name of Notary Public

9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:09 -8:00





Applicant's Affidavit

Zoning Application No.: _____

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and advertised.

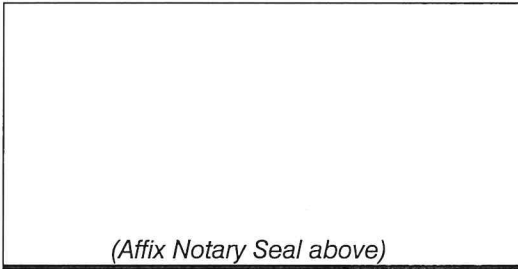
PARTNERSHIP AFFIDAVIT

(I)(WE), N/A, being first duly sworn, depose and say that (I am)(we are) partners of the _____ partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this _____ day of _____, _____

Affiant identified by: personal knowledge satisfactory evidence _____ (type)



Signature of Notary Public

Typed, printed, or stamped name of Notary Public

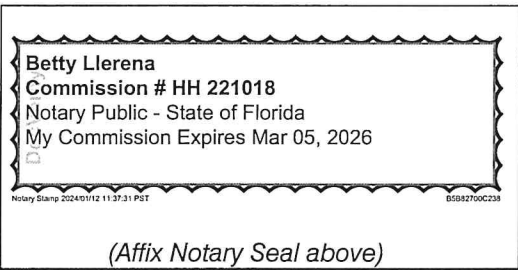
ATTORNEY AFFIDAVIT

I, Ben Fernandez, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property which is the subject matter of the proposed zoning action.

The foregoing was acknowledged before me by means of (how the individual appeared check one):

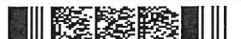
physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge satisfactory evidence _____ (type)



Signature of Notary Public

Typed, printed, or stamped name of Notary Public



9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:09 -8:00

RECEIVED

Ownership Affidavit for Corporation

MIAMI-DADE COUNTY
PROCESS NO.: Z24-011

State of: Florida Zoning Application No.: _____ DATE: FEB 29 2024

County of: Miami-Dade BY: ISA

Before me, the undersigned authority, personally appeared Carlos Alonso, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or executive officer of the Corporation hereinafter named _____
Nickaley Trust Holdings, LLC, with the following address:

7601 SW 99 Avenue, Miami, FL 33173

2. The Corporation owns the property which is the subject of the proposed zoning action.

3. The subject property is legally described as:

See Exhibit A.

4. Affiant is legally authorized to file this application.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning determination or zoning action granted at public hearing.

Affiant:

Signature

DocuSigned by:



CECEDA702AB24F5...

Signature

Print Name

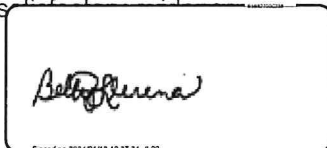
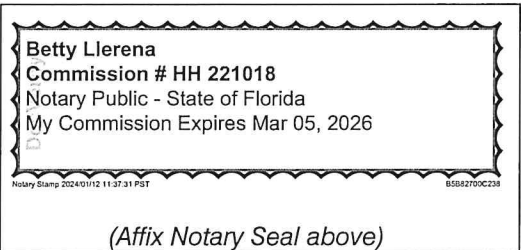
Carlos Alonso

Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge satisfied with _____ (type)



Signature of Notary Public

Betty Llerena

Typed, printed, or stamped name of Notary Public

9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:03 -8:00



RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z24-011

Ownership Affidavit for Corporation

State of: Florida Zoning Application No.: _____ DATE: FEB 29 2024
County of: Miami-Dade BY: ISA

Before me, the undersigned authority, personally appeared Robert Curbelo, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

- Affiant is the president, vice-president or executive officer of the Corporation hereinafter named _____
Curby Corp., with the following address:
15439 SW 80 Street, #105, Miami, FL 33193
- The Corporation owns the property which is the subject of the proposed zoning action.
- The subject property is legally described as:
See Exhibit A.
- Affiant is legally authorized to file this application.
- Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning determination or zoning action granted at public hearing.

Affiant:

DocuSigned by:
robert curbelo
871269701C75403...

Signature

Signature

Print Name

Robert Curbelo
Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge _____

Betty Llerena
Commission # HH 221018
Notary Public - State of Florida
My Commission Expires Mar 05, 2026

Notary Stamp 2024/01/12 11:37:31 PST 85882700C231

(Affix Notary Seal above)

Betty Llerena

(type)

Signature of Notary Public

Betty Llerena

Typed, printed, or stamped name of Notary Public

9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:09 -8:00



RECEIVED

MIAMI-DADE COUNTY

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].

PROCESS NO. 224-011
DATE FILED FEB 29 2024

BY: ISA

CORPORATION NAME: Nickaley Trust Holdings, LLC, 7601 SW 99 Avenue, Miami, FL 33173

NAME AND ADDRESS	PERCENTAGE OF STOCK
Carlos Alonso 50%	9505 SW 66 St.
Miami, FL	33173

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: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where 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: N/A

NAME AND ADDRESS	PERCENTAGE OF OWNERSHIP

**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.*



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RECEIVED

MIAMI-DADE COUNTY

Disclosure of Interest

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].

PROCESS NO. 22-011
DATE: FEB 29 2024
BY: SA


NAME OF PURCHASER: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

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 or zoning determination, a supplemental disclosure of interest is required.

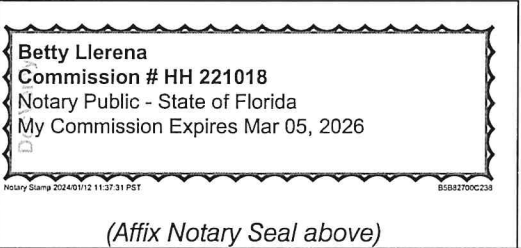
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

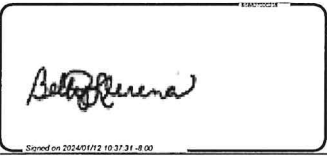
DocuSigned by:

 CECEDA702AB24F5... Carlos Alonso
 Signature Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge s Betty Llerena (type)




 Signature of Notary Public
Betty Llerena
 Typed, printed, or stamped name of Notary Public

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2020/1

Department of Regulatory and Economic Resources • Development Services Division
www.miamidade.gov/zoning

111 NW 1st Street, 11th Floor Miami, Florida 33128
T 305-375-2640



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RECEIVED

MIAMI-DADE COUNTY

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].

PROCESS NO. 724-011
DATE FEB 29 2024
BY: ISA

CORPORATION NAME: Curby Corp., 15439 SW 80 Street, # 105, Miami, FL 33193

Table with 2 columns: NAME AND ADDRESS, PERCENTAGE OF STOCK. Row 1: Robert Curbelo, 15439 SW 80 Street, # 105, Miami, FL 33193, 100%

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: N/A

Table with 2 columns: NAME AND ADDRESS, PERCENTAGE OF INTEREST. No data rows.

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: N/A

Table with 2 columns: NAME AND ADDRESS, PERCENTAGE OF OWNERSHIP. No data rows.

*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.

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RECEIVED

MIAMI-DADE COUNTY

Disclosure of Interest

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].

PROCESS NO. 724-011
DATE FEB 29 2024
BY 10A


NAME OF PURCHASER: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

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 or zoning determination, 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.

DocuSigned by:

 871269701C75403...

 Signature Robert Curbelo _____
 Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):


physical presence online notarization this 12th day of January, 2024

Affiant identified by: personal knowledge _____ (type)

Betty Llerena
 Commission # HH 221018
 Notary Public - State of Florida
 My Commission Expires Mar 05, 2026

Notary Stamp 2024/01/12 11:37:31 PST 85882700C238

(Affix Notary Seal above)



 Signature of Notary Public
Betty Llerena

 Typed, printed, or stamped name of Notary Public

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2020/1

Department of Regulatory and Economic Resources • Development Services Division
www.miamidade.gov/zoning

111 NW 1st Street, 11th Floor Miami, Florida 33128
T 305-375-2640



9C666759-2532-4408-85C4-0CD1040182C0 --- 2024/01/12 10:25:09 -8:00



This instrument was prepared by:
Ben Fernandez, Esq.
Bercow Radell Fernandez Larkin + Tapanes, PLLC
200 South Biscayne Boulevard, Suite 300
Miami, FL 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, **Curby Corp. and Nickaley Trust Holdings LLC**, hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit A, attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the Owner during consideration of **Public Hearing No. Z2024000011** 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 the foregoing recitals are incorporated as if fully set forth herein.
2. The Property shall be developed with a maximum of two (2) single family residential homes.
3. No residential structure on the Property shall exceed 5,000 square feet in total floor area, unless approval is first obtained from the Environmental Quality Control Board.

Declaration of Restrictions

MISCELLANEOUS

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 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 Housing Director with respect to WFH units and the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. In addition, 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.

Declaration of Restrictions

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 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

Declaration of Restrictions

recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

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

[Execution Pages Follow]

Declaration of Restrictions

**ACKNOWLEDGEMENT
CORPORATION**

Signed, witnessed, executed and acknowledged on _____, 2025.

IN WITNESS WHEREOF, **Curby Corp**, has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Curby Corp

Address:
15439 SW 80 Street, Suite 105
Miami, FL 33193

By: Roberto Curbelo, Manager

[*Note: All others require attachment of original corporate resolution of authorization]

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Roberto Curbelo, the Manager of **Curby Corp**, on behalf of the corporation. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal on _____, 2025, in the County and State aforesaid.

Notary Name: _____

Notary Public-State of Florida

My Commission Expires: _____

Declaration of Restrictions

**ACKNOWLEDGEMENT
LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on _____, 2025.

IN WITNESS WHEREOF, **Nickaley Trust Holdings LLC**, has caused these presents to be signed in its name by its proper officials.

Witnesses:

Signature

Print Name

Signature

Nickaley Trust Holdings LLC

Address:
7601 SW 99 Avenue
Miami, FL 33173

By: Carlos Alonso, Manager
[*Note: All others require attachment of
original corporate resolution of
authorization]

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Carlos Alonso, the Manager of **Nickaley Trust Holdings LLC**, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal on _____,
2025, in the County and State aforesaid.

Notary Name: _____
Notary Public-State of Florida
My Commission Expires: _____

Declaration of Restrictions

Exhibit A

The North One-Half (1/2) of the West One-Half (1/2) of Tract 86 of DADE COUNTY DEVELOPMENT COMPANY SUBDIVISION, Section 28, Township 54 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 3, at Page 169 of the Public Records of Miami-Dade County, Florida.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board No. 12**

PH: Z24-093

April 24, 2025

Item No. 1

Recommendation Summary	
Commission District	6
Applicant	Jensen's Liquors #7, LLC
Summary of Request	The applicant seeks approval to permit a previously approved liquor package store with the sale of alcoholic beverages on Sundays.
Location	8701 SW 72 Street, Miami-Dade County, Florida.
Property Size	0.35 Acres
Existing Zoning	BU-2, Special Business District
Existing Land Use	Retail outlet
2030-2040 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives, and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit a liquor package store with Sunday sales of alcohol (Sunday sales not permitted except only during the month of December).

PROJECT HISTORY AND DESCRIPTION:

Between 1961 and 1978, the subject site has been the subject of multiple zoning hearing applications. In 1961, pursuant to Resolutions #ZB-595-61, the Metropolitan Zoning Appeals Board approved a special exception to permit a liquor/beer/wine bar and package store for the property. Subsequently, in 1964, pursuant to Resolution #3-ZAB-135-66, the Metropolitan Zoning Appeals Board approved a special exception to allow the expansion of the existing liquor/beer/wine bar and package store. Finally, in 1978, pursuant to Resolution #4-ZAB-300-78, the Metropolitan Zoning Appeals Board approved an additional special exception for a further expansion of the same liquor/beer/wine bar and package store on the property.

In the present application, the applicant seeks approval to permit the aforementioned existing liquor store located on the subject site to be able to sell alcoholic beverages on Sundays.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; retail outlet	Business and office
North	BU-2; office building	Business and office
South	BU-1A; gas station	Business and office
East	BU-1; gas station	Business and office
West	BU-2; shopping center	Business and office

NEIGHBORHOOD COMPATIBILITY:

The 0.35-acre subject property consists of an existing, stand-alone liquor package store building located at 8701 SW 72nd Street. The one-story building faces SW 72nd Street and 87th Avenue, both of which are well-traveled roadways. The surrounding area is characterized by commercial, and retail uses to the north, south, east and west of the subject site. These uses include a gas station to the south and east, office buildings to the north, restaurant and a retail store to the west.

SUMMARY OF THE IMPACTS:

Approval of this application would allow the existing liquor store to extend the sales of alcoholic beverages for one additional day (Sunday), resulting in sales from Monday through Sundays. Staff opines that approval of the request for the request of an additional day of liquor sales will not create any additional traffic impacts on the surrounding neighborhood, and will not create any significant new impacts on the County resources in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±0.35 -acre subject property is located within the Urban Development Boundary (UDB) and designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map. *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, entertainment and cultural facilities, amusements, and commercial recreation establishments such as private commercial marinas.* The purpose of the BU-2, Special 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 applicant's intent is to allow extended days for the sales of alcoholic beverages for the liquor store. Staff opines that the approval of the request will not change the commercial use on the subject property. As such, staff opines that approval of the request to allow the applicant to increase the selling of alcoholic beverages for an additional day of the week (Sundays) at the existing liquor package store would be **compatible** with the surrounding area and **consistent** with the CDMP Business and Office Land Use Element interpretive text for the Business and Office land use category and with the Business and Office category for the parcel on the CDMP LUP map.

ZONING ANALYSIS:

When the request to permit Sunday sales of alcohol (Sunday sales not permitted except only during the month of December), is analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the request would be **compatible** with the surrounding area. Staff notes that the subject business is a non-conforming liquor/beer/wine bar and package store. Staff opines that the request to allow the sales of alcoholic beverages on Sundays will not result in excessive traffic because the liquor package store is an approved use that is already allowed to sell alcoholic beverages Monday through Saturdays and will be adding only 1 more additional day.

Staff also notes that based on the memoranda submitted by other departments reviewing the application, approval of this application would not have an unfavorable effect on the economy of Miami-Dade County, would not tend to create a fire or other equally or greater dangerous hazard,

or provoke excessive overcrowding of people, or provoke a nuisance, and would not be incompatible with the area concerned. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) in their memorandum dated January 31, 2025, states that they have no objections to the application and that this application will not generate any additional vehicular trips. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum dated January 29, 2025, indicates that the request under this application does not entail any environmental concerns and that they have no objections to the application and that approval of the request will not impact services in the area. In addition, the memorandum from the Miami-Dade Fire Rescue Department and the Water and Sewer Department indicates no objection to the application as well. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities.

The 0.35-acre subject site is currently operating as an existing liquor package store, surrounded by commercial and retail uses to the north, south, east, and west. Staff notes that the requested Sunday sales may be similar to other liquor package stores that may be found in the surrounding areas and opines that the proposed request to allow Sunday sales will not have a significant impact on the neighborhood, which is mostly characterized by existing commercial uses along SW 72 Street and 87 Avenue, both of which are well-traveled roadways.

Based on the foregoing, staff supports the request to allow Sunday sales of alcoholic beverages at the existing liquor package store and opines that approval of same will not create the intrusion of any additional uses into the area, and would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would not affect the stability and appearance of the community and that the request would be **compatible** with the surrounding commercial uses in the area. **Therefore, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) (Non-Use Variances From Other Than Airport Regulations).**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That the sale of alcoholic beverages shall be limited between the hours of 8:00 a.m. and 10:00 pm Mondays through Sundays 7 days a week.
2. That the applicant applies for and obtain a Certificate of Use from the Department of Regulatory and Economic Resources for the sale of alcoholic beverages, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

Jensen's Liquors #7, LLC

Z24-093

Page | 4

ES:JB:SS:EA:PM

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Jensen's Liquors #7, LLC
PH: Z24-093

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Miami-Dade Fire Rescue (MDFR)</i>	<i>No objection</i>
<i>Water and Sewer Department (WASD)</i>	<i>No objection</i>
<i>Building and Neighborhood Compliance (BNC)</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p>Business and Office (Page I-40)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities' section may be used within the limits provided in this paragraph.</i></p>
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ZONING RECOMMENDATION ADDENDUM

Jensen's Liquors #7, LLC
PH: Z24-093

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SUNSET CORNERS HOLDING
LLC/CRUZ, EDUARDO

8701 SW 72 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000093

DATE

HEARING NUMBER

FOLIO: 30-4028-002-0100

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

January 30, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

SUNSET CORNERS HOLDING LLC/CRUZ, EDUARDO

OUTSTANDING LIENS AND FINES:


There are no outstanding liens or fines.

Memorandum

MIAMI-DADE
COUNTY

Date: January 29, 2025

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2024000093-2nd Review
Sunset Corners Holdings, LLC
8701 SW 72nd Street
NUV to allow package sales of liquor on Sundays for consumption
off premises.
(BU-2) (0.352 acres)
28-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). DERM has no pertinent comments regarding this application since the request for a non-use variance to allow package sales of liquor on Sundays for consumption off premises does not entail any environmental concerns. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water service and wastewater disposal.

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


cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: January 29, 2025

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) 

Subject: **UPDATED** Zoning Application Comments - Jensen's Liquors # 7, LLC
Application No. Z2024000093

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this Zoning Application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Jensen's Liquors # 7, LLC

Location: The proposed project is located on approximately 0.35 acres at 8701 SW 72nd Street, with Folio No. 30-4028-002-0100, in unincorporated Miami-Dade County.

Proposed Development: Per Letter of Intent dated June 21, 2024, the Applicant is requesting a Non-Use Variance to allow package sales on Sundays of beer, wine, and liquor for consumption off premises only.

Water/Sewer: The subject site is located within the WASD's water and sewer service area. The subject property is currently connected to water and sewer.

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov.

Memorandum



Date: January 31, 2025

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

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

Subject: Z2024000093
Name: Jensen's Liquors #7, LLC
Location: 8701 SW 72 Street
Section 28 Township 54 South Range 40 East

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

This land **complies** with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 10 thru 13, Block 5, Plat Book 22, Page 8. A Unity of Title approved by the Platting and Traffic Review Section is required contact Claudia Luna at Claudia.Luna@miamidade.gov.

This application does not generate any additional trips.

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: February 28, 2025

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2024000093

The Miami-Dade Fire Rescue Department review is limited to site plan access only. Determination in regard to request noted in the "Letter of Intent" uploaded in "Energov" on 06/26/24 is outside MDR department's purview.

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Memorandum



Date: January 30, 2025

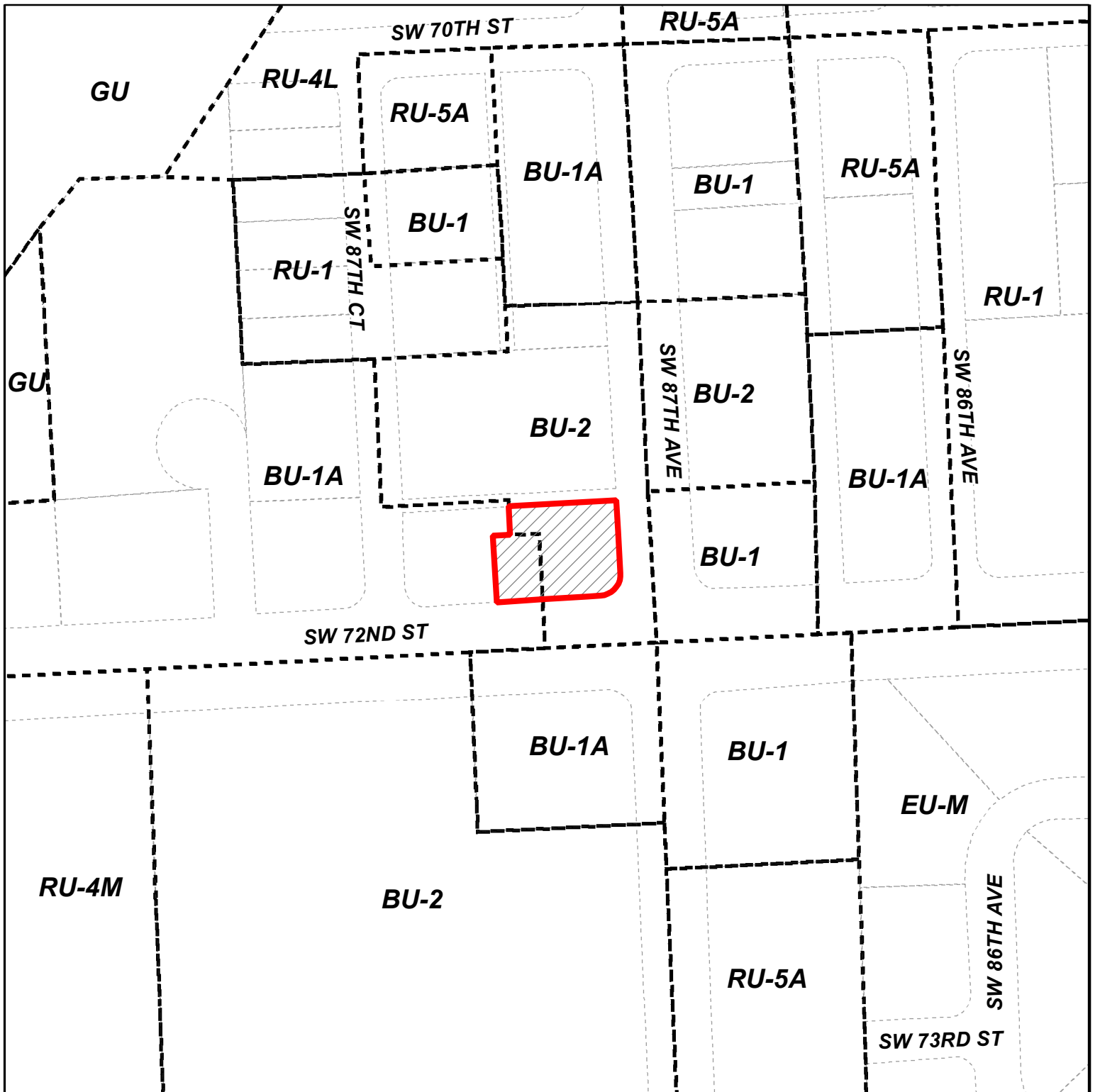
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Application Z2024-000093 Jensens Liquors #7, LLC

The Miami-Dade County Office of Historic Preservation has reviewed the subject application and has no comments or objections.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2024000093



Section: 28 Township: 54 Range: 40
 Applicant: Sunset Corners Holding, LLC
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Tuesday, July 2, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2024000093

Legend
 Subject Property



Section: 28 Township: 54 Range: 40
Applicant: Sunset Corners Holding, LLC
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Tuesday, July 2, 2024

REVISION	DATE	BY

SW 70TH ST

SW 87TH CT

SW 87TH AVE

SW 86TH AVE

SW 72ND ST

SW 86TH AVE




SW 73RD ST

MIAMI-DADE COUNTY
RADIUS MAP

Section: 28 Township: 54 Range: 40
Applicant: Sunset Corners Holding, LLC
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Process Number
Z2024000093
RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, July 2, 2024

REVISION	DATE	BY

TRANSPORTATION (ROW,
RAIL, METRORAIL, ETC.)

SW 70TH ST

SW 87TH CT

BUSINESS AND OFFICE

SW 87TH AVE

LOW DENSITY
RESIDENTIAL
(LDR) 2.5-6 DU/AC

SW 86TH AVE

SW 72ND ST

ESTATE DENSITY
RESIDENTIAL
(EDR) 1-2.5 DU/AC

SW 86TH AVE

SW 73RD ST

MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2024000093

Section: 28 Township: 54 Range: 40
Applicant: Sunset Corners Holding, LLC
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, July 2, 2024

REVISION	DATE	BY

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: SUNSET CORNERS HOLDINGS, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
EDUARDO CRUZ	100%
1516 NW 27TH AVENUE, MIAMI, FL 33125	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: Eduardo E. Cruz (Eduardo Cruz)
(Applicant) Jensen's Liquors # 7, LLC

Sworn to and subscribed before me this 10th day of May, 2024. Affiant is personally known to me or has produced FL DL # C620-205-65-348-0 as identification.

[Signature]
(Notary Public)

My commission expires 10/31/24



*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.

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Jensen's Liquors # 7, LLC

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

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

TRUST/ESTATE NAME:

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: Eduardo E. Cruz (Eduardo Cruz)
(Applicant) Jensen's Liquors # 7, LLC

Sworn to and subscribed before me this 10th day of May, 2024. Affiant is personally known to me or has produced FL DL # C620-205-65-348-0 as identification.

Michelle Acebal
(Notary Public)

My commission expires 10/31/24



*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.







SUNSET CORNERS
WINES, LIQUORS & CHEESE
EST. 1955
305.271.8492
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**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Community Zoning Appeals Board 12**

PH: Z24-129

April 24, 2025

Item No. 2

Recommendation Summary	
Commission District	6
Applicant	Bello Estates LLC
Summary of Requests	The applicant intends to develop the subject site with three (3) single-family residences, with one (1) residence each on three (3) separate lots, and seeks to allow each proposed residence with more lot coverage than permitted by Code.
Location	Lying east of SW 76 Avenue, approximately 310 feet north of SW 67 Street, AKA 6505, 6535 & 6565 SW 76 Avenue, Miami-Dade County, Florida
Property Size	±2.00 acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Vacant
2030-2040 CDMP Land Use Designation	Estate Density Residential (1 to 2.5 du/ac) <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit Lot 1, Block 1 with a lot coverage of 22.59% (20% maximum permitted).
- (2) NON-USE VARIANCE to permit Lot 2, Block 1 with a lot coverage of 23% (20% maximum permitted).
- (3) NON-USE VARIANCE to permit Lot 3, Block 1 with a lot coverage of 23% (20% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Proposed Residence Bello Estates LLC.", as prepared by Salazar & Associates Architects – Planners, dated stamped received 01/23/2025, consisting of 9 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The applicant seeks to develop three (3) existing vacant lots (Lot #1, Lot #2, and Lot #3) that the subject parcel is comprised of, with a 1-story, approximately 7,497 sq. ft. in size single-family home on each. To implement the proposed development, the applicant requests non-use variances to allow each proposed residence to exceed the lot coverage limits required by the zoning regulations for lots in the EU-1 district. The submitted site plan depicts that Lot #1 is an interior lot with a lot area of approximately 30,404.88 sq. ft. and a lot frontage of 113.23' along SW 76 Avenue, while Lot #2 and Lot #3 are also interior lots, each with an approximate lot area of 29,838.6 sq. ft., and a lot frontage of 111' along SW 76 Avenue.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; vacant	Estate Density Residential (1 to 2.5 dua)
North	EU-1; single-family residence and vacant parcel	Estate Density Residential (1 to 2.5 dua)
South	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
East	EU-1; single-family residence	Special District
West	826 Expressway	836 Expressway

NEIGHBORHOOD COMPATIBILITY:

The ±2.00-acres subject site is located east of SW 76 Avenue, approximately 310 feet north of SW 67 Street, and is comprised of three (3)-sperate vacant lots identified by addresses 6505, 6535 & 6565 SW 76 Avenue. The subject property is surrounded by other EU-1 zoned properties, which consist of existing single-family residences to the south and east, while a single-family residence and a vacant lot are located to the north and the 826 Expressway along the west of the subject site.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop all three (3) vacant lots with a single-family home on each, which may bring additional noise and traffic into the area. However, staff notes from the Platting and Traffic Review section of the Department of Regulation and Economic Resources (RER) in their memorandum that the application meets the traffic concurrency criteria because the parcels lies within the urban infill area of the County where traffic concurrency does not apply. However, the memo indicates that this application does not exceed the acceptable Level of Service (LOS) on the neighboring roadways, and it will only generate approximately 1 PM peak hour vehicle trip.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Estate Density Residential*** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map and is inside the Urban Development Boundary. *This category allows a range in density from a minimum of 1 to a maximum of 2.5 dwelling units per gross acre and is characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized.* The applicant seeks approval to develop each of the vacant lots with a proposed single-family residence, which would result in more lot coverage than is permitted by the Code. Staff opines that the approval of the requests under this application that seeks to increase the lot coverage to the proposed one (1)-story single-family residences by approximately 2.59% - 3%, is not excessive, and will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Since the applicant is not requesting to add additional dwelling units or change the proposed single-family residence use on the property, staff opines that approval of the application with conditions would be **consistent** with the Estate Density Residential Communities designation of the CDMP LUP map.

ZONING ANALYSIS:

The applicant seeks to permit the development of three (3) existing vacant lots of the subject site with a proposed 1-story single-family residence on each lot, and seeks to allow each residence with more lot coverage than permitted by the Code under the current EU-1 zoning district. Lots had already been created, this application is solely for the site plan and non-use variance of lot coverage. Staff notes that these three (3) existing vacant lots were created on 2023 with the utilization of SUR (Severable Use Rights) set forth under Section 33B-45, which allows that the lot area and lot frontage requirements for properties that are zoned EU-1 can be a minimum of 32,500 sq. ft. and a minimum of 110' respectively. Without the use of SUR, the EU-1 lots would need to be a minimum lot area of 43,560 sq. ft. and a minimum of 125' respectively. When the requests to permit the proposed single-family residences with an increased lot coverage ranging from 22.59% to 23% (where a maximum lot coverage of 20% is permitted for each) are analyzed under the Non-Use Variance (NUV) From Other Than Airport Regulations Standards, Section 33-311 (A)(4)(b), staff opines that the approval of these requests, with conditions, would be **compatible** with the surrounding area.

The applicant seeks to permit a proposed one (1)-story single-residence on each of the three (3) existing vacant lots (lots #1, lots #2 and #3 in Block 1) of the Bello Estates subdivision with more lot coverage area than permitted by Code. When request #1, to permit Lot 1, Block 1 with a proposed lot coverage of 22.59%, and requests #2 and #3, to permit Lot 2, Block 1 and Lot 3, Block 1 with a proposed lot coverage of 23% (a maximum of 20% permitted on each separate lot) are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311 (A)(4)(b), staff opines that approval of the requests with conditions would be **compatible** with the surrounding area, would not be detrimental to the neighborhood nor would it affect the appearance of the community. Staff opines that the requests to permit one of the proposed single-family residence with a 2.59% increase in lot coverage, and for the other two residences with a 3% increase in lot coverage, is minimal in nature, would be internal to each of their separate lots, and would not result in an obvious departure from the character of the surrounding area. As such, staff opines that the approval with conditions of the requests will not generate excessive noise or traffic, create other hazards to the surrounding area or be incompatible with same, when considering the necessity for and reasonableness of the proposed in relation to the present and future development of the area concerned. Staff further opines that the architectural style and scale of the proposed single-family residences are **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity, and as such, would not be out of character or detrimental to the neighborhood and will not have significant visual impact on the adjacent properties, and would be compatible with same.

Although staff's research did not find any other similar approvals for an increased lot coverage in the surrounding area, staff notes that the three (3) proposed single-family residences each comply with all the other zoning requirements for building setbacks and building heights. Staff opines that the increase in lot coverage is minimal and internal to the site and would not have significant visual impacts on the adjacent properties. Staff further notes that each of these requests could have been processed separately through an administrative adjustment application each, as the requested lot coverage increase complies with the thresholds for administrative adjustments pursuant to Section 33-36.1 of the County Code. This procedure allows a 50% reduction in setbacks and a 15% increase in lot coverage for a principal and/or accessory structure, provided that the signed consent of all contiguous property owners, including those across the street(s), is obtained. However, the applicant chose not to process each lot separately with an administrative variance application for each, and instead applied for a public hearing that would encompass all three lots under the same zoning application.

Furthermore, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum dated 3/14/2025 does not object to the application and that the application will generate approximately 1 PM peak hour vehicle trip. The memorandum dated 2/13/2025, from the Division of Environmental Resources Management (DERM) of the RER indicates that approval of the aforementioned requests will not have an unfavorable impact on the environmental resources in the area. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed three (3) single family residences will have a negative impact on the fire rescue services in the area. Therefore, staff opines that approval with conditions of the requests #1, #2 and #3 would be **compatible** with the surrounding land uses and would not be detrimental to the area. As such, **staff recommends approval with conditions of the application (requests #1 through #3) under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.


OTHER: Not applicable

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs 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, "Proposed Residence Bello Estates LLC.", as prepared by Salazar & Associates Architects – Planners, dated stamped received 01/23/2025, consisting of 9 sheets. Except any future additions on the property which conform to zoning code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant comply with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Water & Sewer of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 11, 2025.

ES:JB:SS:EA:VM



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

ZONING RECOMMENDATION ADDENDUM

Bello Estates LLC
(PH: Z24-129)

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

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

Estate Density Residential (Pg. I-29)	This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Sec. 33-36.1. - Administrative adjustment procedure	Zoning Districts - AU, GU, EU-1, EU-1C, EU-2, EU-S, EU-M, RU-1, RU-1Ma, RU-1Mb, RU-1Z, RU-2 Setback - Maximum reduction 50% (i.e., if minimum required setback is 10 feet, then setback could not be reduced below 5 feet administratively) Lot Coverage - maximum increase for a principal and/or accessory structure 15% (i.e., if maximum lot coverage in the district is 30%, then total lot coverage that could be approved administratively is 34.5 percent)												
Sec. 33-49. - Table of minimum widths, area of lots, maximum lot coverage, and minimum building sizes.	For the districts enumerated in this section, the minimum width and area of lots, the maximum lot coverage, and minimum building sizes shall be as set forth in the following table: Expand <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">District</th> <th style="width: 10%;">Families</th> <th style="width: 15%;">Min. Width</th> <th style="width: 15%;">Min. Lot Area (Sq. Ft.)</th> <th style="width: 15%;">Max. Lot Coverage (% of Lot Area)</th> <th style="width: 15%;">Min. Bldg. Size (Cu. Ft.)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">EU-1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">Prior to 4-17-51 100'</td> <td style="text-align: center;">1 ac. (inc. r/w)</td> <td style="text-align: center;">15%</td> <td style="text-align: center;">15,000</td> </tr> </tbody> </table>	District	Families	Min. Width	Min. Lot Area (Sq. Ft.)	Max. Lot Coverage (% of Lot Area)	Min. Bldg. Size (Cu. Ft.)	EU-1	1	Prior to 4-17-51 100'	1 ac. (inc. r/w)	15%	15,000
District	Families	Min. Width	Min. Lot Area (Sq. Ft.)	Max. Lot Coverage (% of Lot Area)	Min. Bldg. Size (Cu. Ft.)								
EU-1	1	Prior to 4-17-51 100'	1 ac. (inc. r/w)	15%	15,000								
Sec. 33-228. - Lot coverage; minimum lot width; minimum lot depth.	(a) The maximum area covered by the main structure on lots in EU-1, Single-family one (1) acre Estate Districts shall be fifteen (15) percent of total lot area; provided, however, that where the main structure is no higher than one (1) story, then such maximum area covered by the main structure shall be twenty (20) percent.												

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

ENFORCEMENT HISTORY

BELLO ESTATES, LLC/CARRO, JOSEPH 6565 SW 76 AVE
6505 SW 76 AVE
6535 SW 76 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000129

DATE

HEARING NUMBER

FOLIO: 30-4026-046-0030/30-4026-046-0020/30-4026-046-0010

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

August 1, 2024

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

BELLO ESTATES, LLC/CARRO, JOSEPH


OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum

Date: February 13, 2025

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2024000129-2nd Review
Bello Estates LLC
6505 SW 76th Avenue
Requesting lot coverage increase from 20% to 30% to develop a
single-family residence on each of three lots.
(EU-1) (2 acres)
26-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service, wastewater disposal and wellfield protection. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code related to potable water service and wastewater disposal and wellfield protection area, respectively.

Wellfield Protection

The properties are located within the 210-day and the average travel time contours of the Alexander Orr Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in section 24-43 of the Code.

Section 24-43(4)(a) of the Code provides sewage loading restrictions for properties located within the basic wellfield protection area of any public utility potable water supply well. According to this section of the Code, for residential uses in the 210-day travel time contour of the Alexander Orr wellfield protection area, to be served by an onsite sewage treatment and disposal system (OSTDS) as means for the disposal of domestic wastewater, using public water supply and not having indigenous sandy substrata, the maximum sewage loading shall not exceed 850 gallons per day per acre.

According to the survey submitted with this request, each proposed lot included in this application contains a gross area of approximately 0.75 acres. Utilizing the sewage flow rates in the Code, the proposed development would generate a wastewater flow of approximately 510 gallons per day. This flow translates into a sewage loading rate of 680 gallons per day per acre for each lot, which complies with the aforementioned Code requirements for a residential property to be served by public water and an OSTDS.

Conditions of Approval: None

Potable Water Supply

According to DERM records, public water is currently abutting the subject properties. Pursuant to the Code and based on the proposed site plan, the proposed development shall connect to public water in accordance with Code requirements.

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

Conditions of Approval: None

Wastewater Disposal

Based on feasible distance requirements in section 24-43.4 of the Code and the site plan submitted with this application, the properties are not currently within feasible distance to connect to the public sewer system; consequently, the proposed development would have to be served by an onsite sewage treatment and disposal system (OSTDS) as a means for the disposal of domestic liquid waste.

In accordance with section 24-43.1(3) of the Code, no zoning action shall be approved if a proposed residential land use is to be served by an OSTDS and any source of water until it is determined that the proposed development complies with this section of the Code and public sanitary sewers are not within feasible distance. Pursuant to section 24-43.1(3)(a)(i) of the Code, the minimum lot size for a single-family residence to be served by public water and an OSTDS shall be 15,000 square feet (gross). Based on the boundary survey submitted, stamped received by Miami Dade County on September 10, 2024, and the site plan stamped received by Miami Dade County on January 23, 2025, the total gross area for each of lots 1, 2 and 3 is approximately 32,599 square feet, which complies with the minimum lot size requirements per the Code.

This analysis is based on sanitary sewer infrastructure as it exists at the time of this application. Please be advised that sanitary sewer system infrastructure is constantly changing, and future applications related to this property will be reanalyzed based on the infrastructure that exists at the time of such future applications.

Conditions of Approval: None

Water Control Review

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 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.

The proposed development is located within the 210-day and the average travel time contours of the Alexander Orr Wellfield Protection area. Pursuant to section 24-43(5)(c)(iv) of the Code baffles must be installed at the exfiltration trenches and no weep hole is allowed inside the drainage structures.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject properties indicates the presence of tree resources. Additionally, Tree Permit #2214283 is associated with the subject properties; however, this permit expired on December 22, 2024. The applicant is required to adhere to all conditions and requirements of this permit. Any additional tree(s) proposed for removal and/or relocation that are subject to the tree preservation and protection provisions of the Code, including tree removals and/or relocations that were approved under Tree Permit #2214283 but were not completed prior to permit expiration, will require a new Tree Removal/Relocation Permit. Section 24-49 of the Code provides for the preservation and protection of tree resources. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

DERM Enforcement History Review

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

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: February 11, 2025

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD)

Subject: Zoning Application Comments - Bello Estates LLC
Application No. Z2024000129 - Revision No. 1

A handwritten signature in blue ink, appearing to be "M. Valdes", is written over the "From:" field of the memorandum.

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objection to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process. The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval.

Application Name: Bello Estates LLC

Location: The proposed project is located on approximately 2.00 acres at 6505, 6535, and 6565 SW 76th Avenue, with Folio Nos. 30-4026-046-0010, 30-4026-046-0020, and 30-4026-046-0030, respectively, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting a lot coverage increase in order to develop three (3) single-family residences (one single-family residence per folio). Each single-family residence will be over 5,000 sq. ft. (under air conditioning), as per floor plan submitted.

The estimated total water demand for the proposed project will be 1,530 gallons per day (gpd).

Please note that the subject property has a 10-foot Utility Easement within and along the western boundary of the property. The Metal Fence proposed along the western boundary of the property will be encroaching on the 10-foot utility easement, as per site plan submitted. At the present time, WASD does not have water/sewer facilities in said Utility Easement. Water infrastructure is located within the public Right-of-Way along SW 76th Avenue and presently, there is no sewer infrastructure in the vicinity of the subject site. **WASD has no objections to this application, subject to the following condition that shall be included in the Zoning Resolution for this application:**

- If future water/sewer infrastructure is installed in the Utility Easement within the owner's property, the owner is made fully responsible for any damage to permanent structures located in said Utility Easement as a result of Miami-Dade Water and Sewer Department's forces installing water/sewer infrastructure, or performing maintenance or repairs to existing WASD infrastructure located within the utility easement and holds the County harmless of any damage resulting from any such installation, maintenance or repairs. In addition, no other structure should be built within the Utility Easement.

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

There is an existing 8-inch water main (E13380-3) abutting the property along SW 76th Avenue to where the developer may connect to provide water service to the proposed development. *Final points of connections and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.*

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to <http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program please go to <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to <http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf>

Sewer: The proposed development is located within the WASD's sewer service area. There is no sanitary gravity sewer connection in close proximity to this property at the present time.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>


Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Benita Ramirez at (786) 552-8121 or benita.ramirez@miamidade.gov.

Memorandum



Date: March 14, 2025

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

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

Subject: Z2024000129
Name: Bello Estates, LLC c/o Joseph Carro
Location: 6505, 6535, 6565 SW 76 Avenue
Section 26 Township 54 South Range 40 East

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

This land **complies** with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 1 thru 3, Block 1, Plat Book 177, Page 36.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **1 PM** peak hour vehicle trips.

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.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: January 24, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2024000129

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "EnerGov" on 01/23/2025. Single family home.

MDFR's review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number:	<u>PH3024062800520</u>	Local Government (LG):	<u>Miami-Dade</u>
Date Application Received:	<u>6/28/2024 10:15:37 AM</u>	LG Application Number:	<u>22024000129</u>
Type of Application:	<u>Public Hearing</u>	Sub Type:	<u>Zoning</u>

Applicant's Name: **Bello Estates LLC C/O Joseph Carro**
 Address/Location: **6565 SW 76 AVE**
 Master Folio Number: **3040260460030 (3040260000550)**
 Additional Folio Number(s): **3040260460020, 3040260460010,**

PROPOSED # OF UNITS **3**
 SINGLE-FAMILY DETACHED UNITS: **3**
 SINGLE-FAMILY ATTACHED UNITS: **0**
 MULTIFAMILY UNITS: **0**

CONCURRENCY SERVICE AREA SCHOOLS

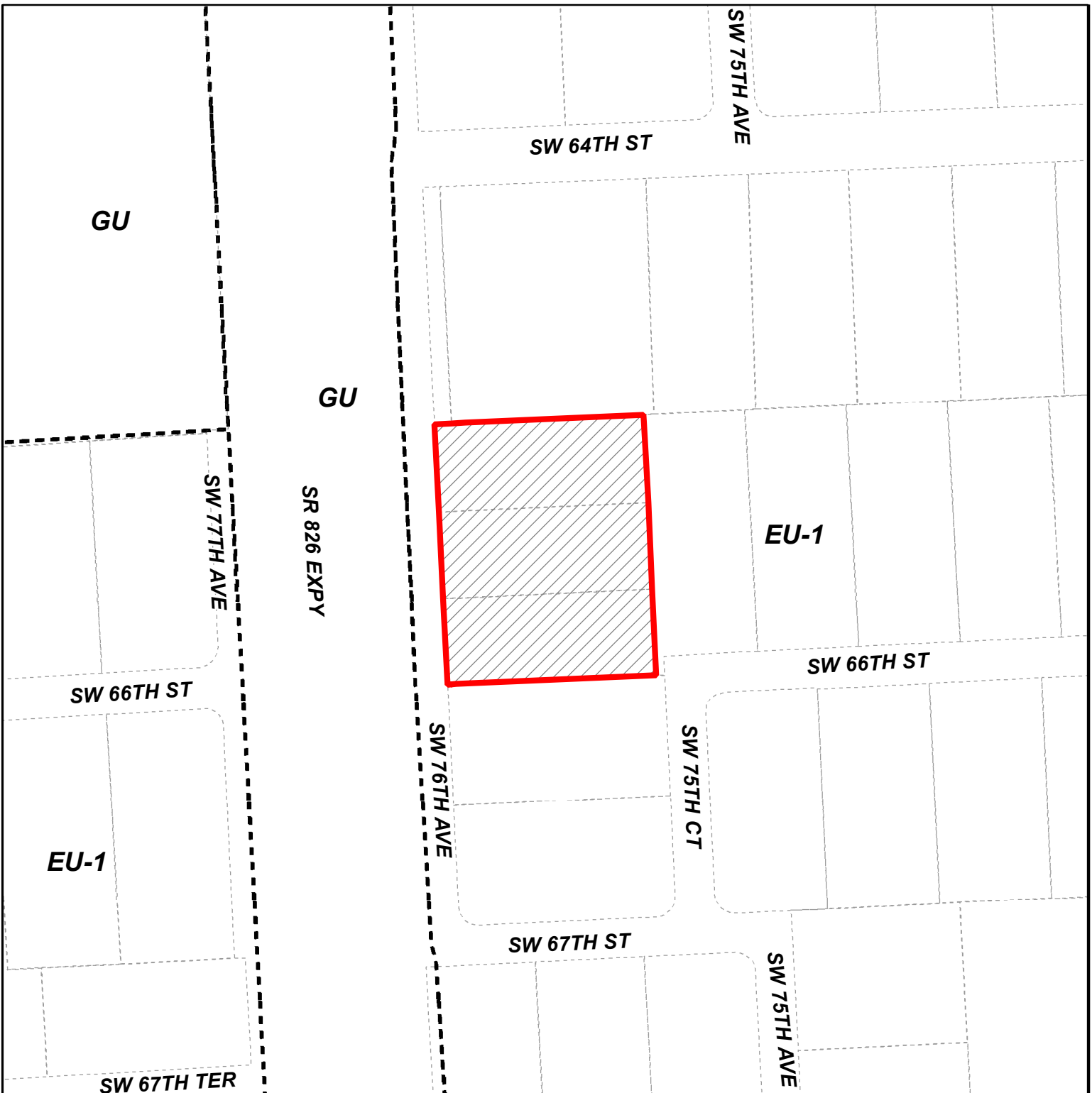
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
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ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **33.18%** included for charter and magnet schools (Schools of Choice).

MCPS has **NOT** conducted a preliminary public school concurrency review of this application.

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2024000129



Section: 26 Township: 54 Range: 40
 Applicant: Bello Estates LLC
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

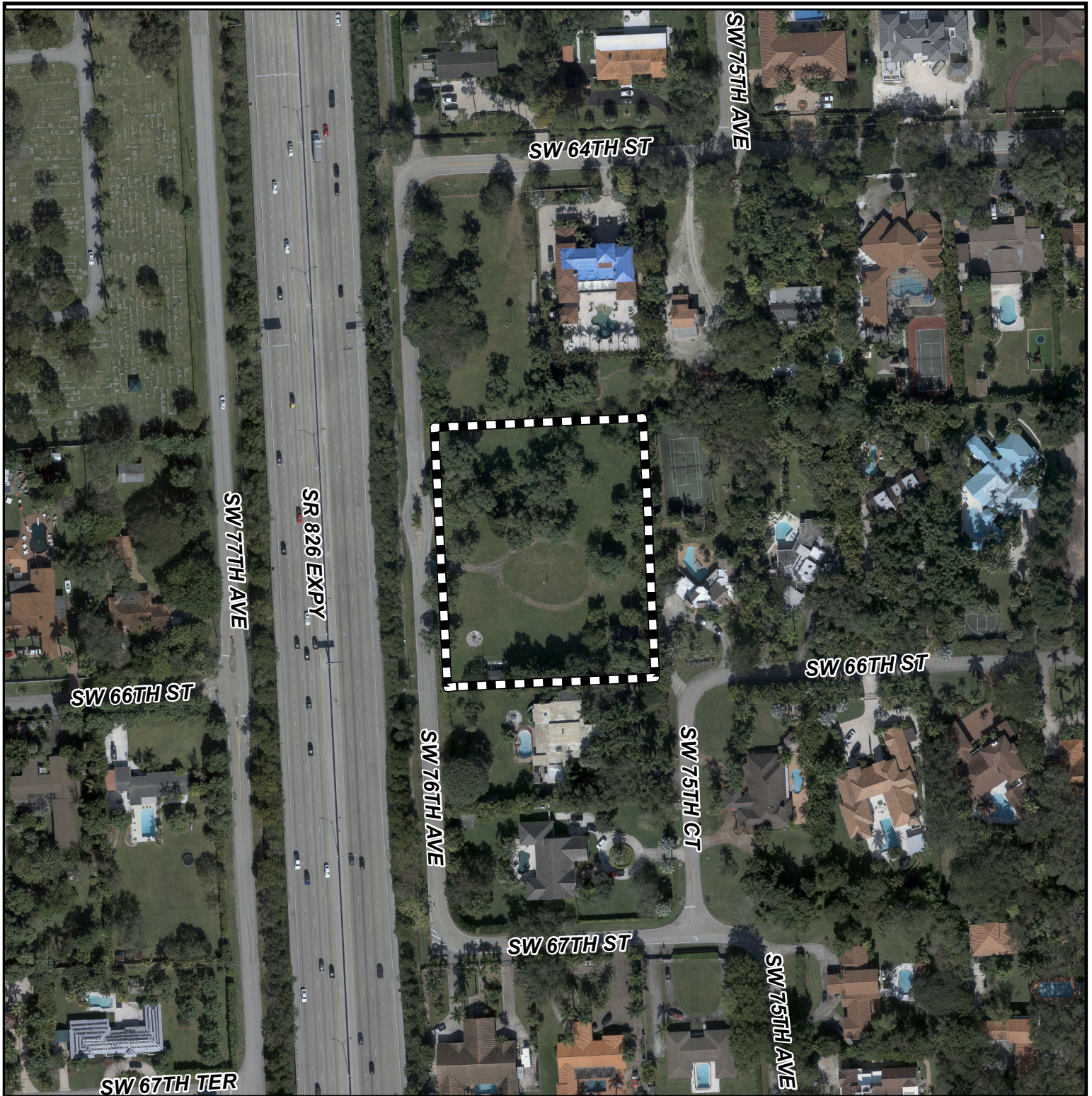
Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Thursday, June 27, 2024


REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2024000129

Legend
 Subject Property

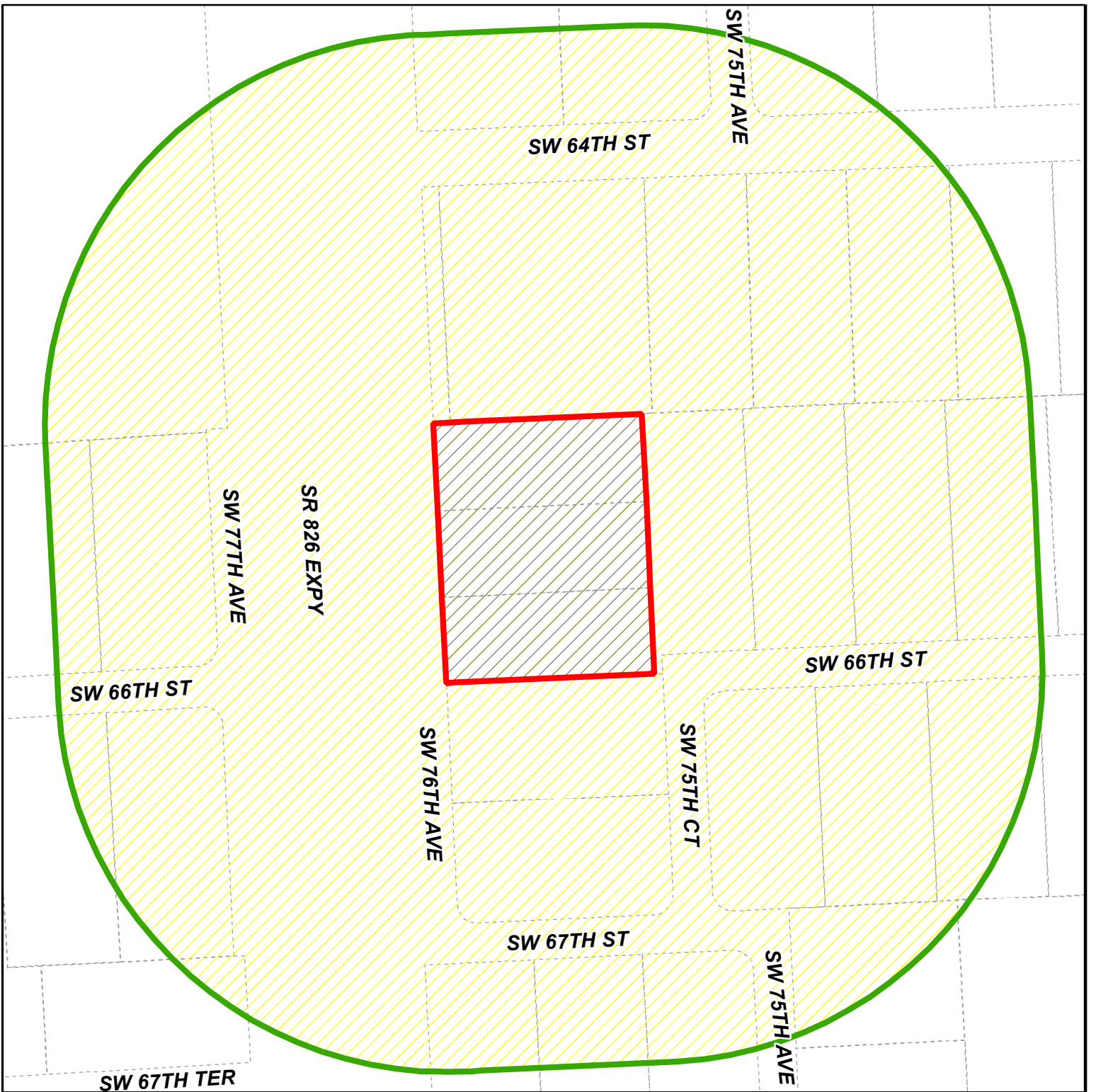


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SKETCH CREATED ON: Thursday, June 27, 2024

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 26 Township: 54 Range: 40
 Applicant: Bello Estates LLC
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2024000129
 RADIUS: 500

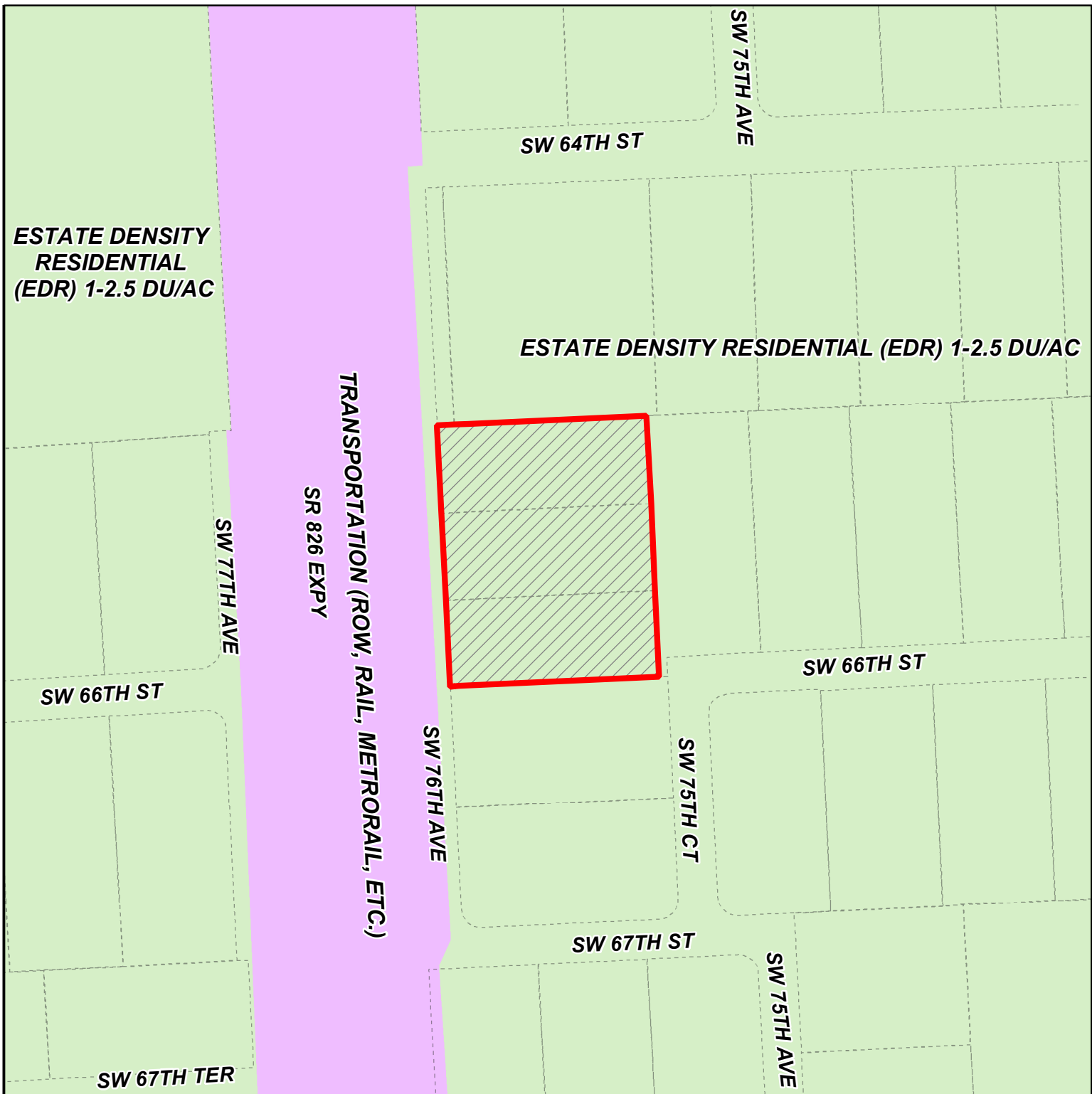
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Thursday, June 27, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2024000129



Section: 26 Township: 54 Range: 40
 Applicant: Bello Estates LLC
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, June 27, 2024

REVISION	DATE	BY

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Bello Estates LLC 2-202400129

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Josely CARRO 13003 ZAMORANA ST</u>	<u>100%</u>
<u>COVAI GABLES FL 33156</u>	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 16 day of November, 2024. Affiant is personally known to me or has produced Florida Drivers License as identification.

(Notary Public)

My commission expires _____



*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.

(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF Florida Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared _____ hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

- 1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
- 2. The subject property is legally described as:
LOTS 1-293 Belle ESTATES PB 177-036
ABA. 6505 SW 76 AVE 6535 SW 76 AVE
6565 SW 76 AVE MIAMI FL

- 3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

ZONING HEARING 2 2024 000129

(Space reserved for Clerk)

Witnesses:

Signature TAYLOR BOTTIFERI
Print Name Taylor Bottiferi

Signature Anthony Bellu
Print Name Anthony Bellu

Affiant's signature [Signature]
Print Name Joseph CARRO

Sworn to and subscribed before me on the 10th day of June, 2024.

Affiant is personally known to me or has produced _____ as identification.

Notary Public Signature [Signature]
Print Name Carol Goraczko

State of Florida

My Commission Expires: _____



ZONING HEARING 2 2024 000129

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z24-129 DATE JUN 24 2024 BY CABR



WOODS - LOT MAIN 20151



INSIDE LOT - WEST



inside lot - EAST



inside lot - north



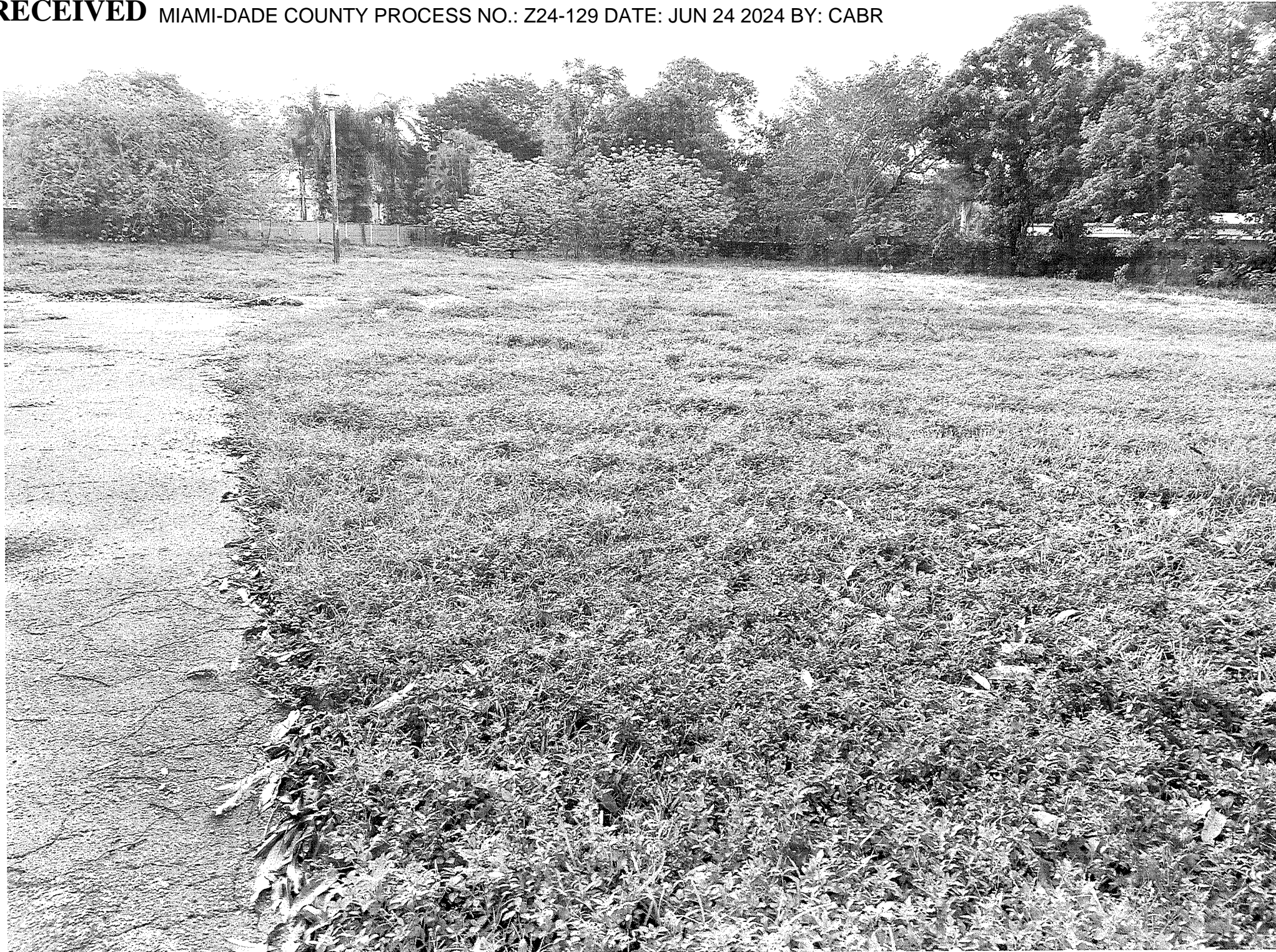
INSIDE LOT - EAST



inside lot - east



INSIDE LOT - SOUTH



INSIDE LOT - EAST





