



FINAL AGENDA

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

PREVIOUSLY DEFERRED

A.	Z2022000253	Peter Martinez Noda	22-253	54-40-35	N
B.	Z2024000083	Publix Super Markets, Inc.	24-83	55-40-16	N

APPEALS

CURRENT

1.	Z2024000148	Jorge and Martha C. Beltran	24-148	54-41-31	N
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Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12
MEETING OF July 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.

SWEARING IN OF WITNESSES

A. PETER MARTINEZ NODA Z2022000253

Area 12/District 6

The application is to permit 4 proposed residential lots with less area, less width and depth, and to permit the future residences to cover more area on these lots than allowed by Code. Additionally, the application seeks to allow the proposed residential lots with no frontage on a public street, and to permit access to these lots by way of a private driveway.

(1)NON-USE VARIANCE to permit the proposed 4 residential lots to have lot areas varying from 0.35-acres to 0.39-acres (minimum 1-gross acre required).

(2)NON-USE VARIANCE to permit the proposed 4 residential lots to have lot widths varying from 102' to 124' (minimum 125' required).

(3)NON-USE VARIANCE to permit the proposed 4 residential lots to have lot depths varying from 124.89' to 151.88' (minimum 200' required).

(4)NON-USE VARIANCE to permit the proposed 4 residential lots to have lot coverages varying from 30% to 35% (maximum 15% permitted).

(5)NON-USE VARIANCE to permit 4 proposed residential lots to have 0' of frontage on public rights-of-way (125' required), and to permit such lots to have access to the public street by means of a private driveway.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "7130 SW 74 ST", as prepared by DECEM, LLC., dated stamped received 1/27/2025, consisting of a total of 1 sheet. Plan may be modified at public hearing.

LOCATION: 7130 SW 74 Street, Miami-Dade County, Florida

SIZE OF PROPERTY: ±1.56-net Acres

Department of Regulatory and
Economic Resources
Recommendation:

Modified approval with conditions of requests #1, #3, #4 and #5 to permit 3 residential lots and denial without prejudice of request #2.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from June 26, 2025

B. PUBLIX SUPER MARKETS, INC. Z2024000083

Area 12/District 8

The application is to allow a previously approved liquor package store with the sale of alcoholic beverages on Sundays.

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).

LOCATION: 13003 SW 89 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: ±5.91 acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from May 29, 2025

1. JORGE AND MARTHA C. BELTRAN Z2024000148

Area 12/District 7

The application is to permit rezoning from EU-1 (Estate District /one-acre gross lots) to EU-M (Estate Modified District/15,000 sq. ft. lots) which will allow the property to be developed with two residential units.

DISTRICT BOUNDARY CHANGE from EU-1, (One Acre Estate District) to EU-M, (Estate Modified District).

LOCATION: 8101 Red Road, Miami-Dade County, Florida

SIZE OF PROPERTY: ±1.05-gross (±0.68-net) Acres

Department of Regulatory and
Economic Resources
Recommendation:

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

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

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 12**

PH: Z22-253

July 24, 2025
Item No. A

Recommendation Summary	
Commission District	6
Applicant	Peter Martinez Noda
Summary of Requests	The applicant seeks to permit four (4) proposed residential lots on the subject property with less area, less width and depth, and to permit future residences on those lots to have more lot coverage than allowed by Code. Additionally, the application seeks to allow the proposed residential lots to have no frontage on an existing public street, and to permit access to these 4 lots by means of a private driveway.
Location	7130 SW 74 Street, Miami-Dade County, Florida.
Property Size	±1.56 net Acres
Existing Zoning	EU-1, Single-family One-Acre Estate Residential District
Existing Land Use	Single-family residence
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 the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified approval with conditions of requests #1, #3, #4 and #5 to permit 3 residential lots and denial without prejudice of request #2.

This application was deferred from the June 26, 2025 meeting of the Community Zoning Appeals Board (CZAB) 12, in order to allow the applicant to work with the opposing neighbor. The attached recommendation remains unchanged from what was previously provided to the Board.

The public hearing on this item was held.

REQUESTS:

- (1) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot areas varying from 0.35-acres to 0.39-acres (minimum 1-gross acre required).
- (2) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot widths varying from 102' to 124' (minimum 125' required).
- (3) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot depths varying from 124.89' to 151.88' (minimum 200' required).
- (4) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot coverages varying from 30% to 35% (maximum 15% permitted).

(5) NON-USE VARIANCE to permit 4 proposed residential lots to have 0' of frontage on public rights-of-way (125' required), and to permit such lots to have access to the public street by means of a private driveway.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "7130 SW 74 ST", as prepared by DECEM, LLC., dated stamped received 1/27/2025, consisting of a total of 1 sheet. Plan may be modified at public hearing.

PROJECT DESCRIPTION:

The applicant seeks to subdivide the ±1.65-gross acre subject parcel that is zoned EU-1, Single-Family One Acre Estate District, into four (4)-proposed lots, each with less lot area, lot width and lot depth than otherwise required for EU-1 zoned parcels. The application also seeks to allow the proposed residential lots to have no frontage on a public street, and to permit access to these lots by way of a private driveway. Additionally, the applicant seeks to allow future proposed residences that are to be constructed on these lots to have more lot coverage than otherwise permitted by Code. The submitted site plan sheet shows the subdivision of the subject parcel into the four (4)-lots, as well as the access to each parcel by means of a private driveway.

<u>NEIGHBORHOOD CHARATERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
North	EU-1, religious facility	Estate Density Residential (1 to 2.5 du/ac)
South	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
East	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
West	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)

NEIGHBORHOOD COMPATIBILITY:

The ±1.65-gross (±1.56 net) acre subject property is an interior lot and consists of an existing 2,499 sq. ft. single-family residence located at 7130 SW 74 Street. The surrounding area is also characterized by EU-1 zoned properties, with existing single-family residences located to the south, east and west of the subject site, whereas an existing church use is located to its north.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to subdivide the subject property to provide additional housing in this area, which could have traffic impacts as well as impacts on other County services. However, 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 will generate approximately 4 PM peak hour vehicle trips. Staff

notes that the application request will add to the population and may bring additional noise into the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. *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.* This allows the applicant to develop the ± 1.65 -gross (± 1.56 net) acres subject site with a total of 4 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map. Under the current zoning application, the applicant seeks to subdivide the ± 1.65 -gross (± 1.56 net) acre subject property into four (4) proposed residential lots, which would be similar to the aforementioned maximum density threshold allowed under the CDMP. Staff notes that each of the proposed lot shall have a lot area, lot width and depth that is less than otherwise required for EU-1 zoned parcels. Notwithstanding, based on the foregoing, staff opines that the approval of the proposed subdivision of the subject parcel, which would permit residential development that is within the density threshold allowed under the Estate Density designation on the LUP map, would be **consistent** with the density threshold of the **Estate Density Residential** designation of the parcel on the CDMP Land Use Plan map.

ZONING ANALYSIS:

The applicant seeks to subdivide the ± 1.65 -gross (± 1.56 net) acre subject property into four (4) proposed residential lots that are to be accessed by means of a private driveway. The subject site is zoned EU-1, Single-family One-Acre Estate Residential District, which requires a residential lot to be a minimum of 1 gross acres, a minimum lot width of 125' and a minimum lot depth of 200'. Staff opines that when the requests to subdivide the subject property into 4 lots that shall have less lot area, lot width and lot depth than currently allowed, are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), approval with conditions of those requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community when considering the necessity and reasonableness of the proposed subdivision 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 health, safety, morals, 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 subdividing of the existing lot and opines that based on the Comprehensive Development Master Plan land use designation of Estate Density Residential, and for the reasons explained in the Comprehensive Development Master Plan Analysis section, the subdivision would be **consistent** with the CDMP designation of the parcel on the CDMP Land Use Plan map, and **compatible** with the natural transition of residential zoning trend of development in the surrounding area.

Staff notes that the county's Geographic Information System (GIS) shows an existing single-family residence on the subject property that the applicant intends to demolish and subdivide the ± 1.65 -gross (± 1.56 net) acre subject property into 4 separate lots. Additionally, GIS shows the subject property is surrounded with existing EU-1 zoned properties to the south, east and west which were approved for a zone change from EU1A to EU1 by the Board of County Commissioners in 1951 pursuant to Resolution #4257. Additionally, in 1957, pursuant to Resolution #410, the Board of County Commissioners denied a request to permit lots located immediately to the south, east

and west of the subject property to be rezoned from EU-1 to EU-M and in the alternative approved for the development of the subject parcels using the EU-M Standards. Staff further notes that in 2020 pursuant to Resolution # CZAB12-13-20, the Community Zoning Appeals Board 12 (CZAB 12) denied without prejudice requests to permit lots varying from 25,816.30 sq. ft. to 30,298.89 sq. ft. (43,560 sq. ft. gross required), lots with lot coverage of 30% (15% maximum permitted), lots with a lot depth varying from 144.36' to 153.75' (200' required) and lots with a front setback of 35' (50' required) from the front (north) and front (east) property lines for the property located immediately to the South at 7420 SW 71 Avenue. Such denial without prejudice was appealed to the BCC at which time pursuant to Resolution #Z-2-21 the BCC granted the appeal and overruled the decision of CZAB 12, thereby granting approval of requests to permit Lots #1 and #2 each with a lot area varying from 25,816.30 sq. ft. to 30,298.89 sq. ft. (43,560 sq. ft. gross required) (Request #2), the requested NON-USE VARIANCE to permit Lots #1 and #2 each with a lot coverage of 30% (15% maximum permitted) (Request #3), the requested NON-USE VARIANCE to permit Lots #1 and #2 each with a lot depth varying from 144.36' to 153.75' (200' required) (Request #4) and the requested NON-USE VARIANCE to permit Lots #1 and #2 with a front setback of 35' (50' required) from the front (north) and front (east) property lines, respectively (Request #5).

approved in 2021 by the, received an approval recommendation pursuant to Resolution #CZAB12-11-22 for a rezoning from EU-1 to EU-M, together with variances of lot areas and frontages which are consistent with the EU-M standards. Staff notes that the EU-M, Single-family Estate Modified Use Residential District, allows a residential lot to be a minimum of 15,000 sq. ft., a minimum lot width of 120' and a minimum lot depth of 115'. As such, staff opines that approval of the requests #1, #2 and #3 that would allow the 4 proposed lots to have lot areas varying from 15,246 sq. ft. (0.35-acres) to 16,988 sq. ft. (0.39-acres) (request #1); with lot widths varying from 102' to 124' (request #2); and to have lot depths varying from 124.89' to 151.88' (request #3), would be compatible with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the requests in relation to the present and future development of the area. Regarding the requested lot coverage for the proposed lots varying from 30% to 35%, where a maximum lot coverage of 15% is permitted (request #4), staff opines that the request would be internal to the subject site and is extrinsically intertwined to the aforementioned request #1 that seeks to allow lots that would have a reduced area than otherwise required by Code. The applicant also requests an ancillary non-use variance to permit the four residential lots with 0' of lot frontage on a public street (125' required), and to permit access to these lots by way of a private driveway (request #5). When this request 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 surrounding area. Staff notes that said private road will be internal to the subject property, and opines that due to the unique characteristics of the proposed residential lots that would have limited direct frontage to the public roadway SW 74 Street, the use of a private driveway is necessary and should be approved based on the special circumstances affecting the subject property. Staff further opines that the frontage of these proposed single-family residential lots along the private driveway would be internal to the subject site, would not be visible in the area, and would not create a significant visual impact in the area. For the same reasons, staff opines that approval of same with conditions will not be detrimental to the public welfare or injurious to the other properties in the area in which the property is situated. Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources does not object to this request.

Additionally, staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review

Section of the Department of Regulatory and Economic Resources (RER), does not object to the application as indicated in their memorandum stating application meets the traffic concurrency criteria for an Initial Development Order. Their memorandum, dated January 22, 2025, indicates that the application will only generate 4 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum dated February 6, 2025, indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. 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 approval of the applicant's requests for reduced lot areas, lot depths, and lot frontages; and for more lot coverage, along with the 0' frontage on a public right of way, will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, and will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. Staff further opines that requests #1 through #5 are not intensive, would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and would not be out of character with the surrounding properties in the neighborhood. Therefore, staff opines that the approval of requests #1 through #5 would be **compatible** with the area and would *maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the stability and appearance of the community*. **Based on the foregoing analysis, staff recommends modified approval with conditions of requests #1, #3, #4 and #5 to permit 3 residential lots and denial without prejudice of request #2 of the application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

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 Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "7130 SW 74 ST", as prepared by DECEM, LLC., dated stamped received 1/27/2025, consisting of a total of 1 sheet. Except as may be specified by any zoning resolution applicable to the subject property, 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.

Peter Martinez Noda

Z22-253

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4. That the applicant complies with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources as contained in its memorandum.

ES:JB:SS:JH

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Peter Martinez Noda
PH: Z22-253

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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 & 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

Estate Density <i>(Pg. I-31)</i>	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
Objective LU-4 <i>(Pg. I-8)</i>	<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>
Objective LU-4 <i>(Pg. I-9)</i>	<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>
Policy LU-4A <i>(Page I-9)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

MARTINEZ NODA, PETER

7130 SW 74 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2022000253

DATE

HEARING NUMBER

FOLIO No: 30-4035-000-0220

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

May 23, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

MARTINEZ NODA, PETER


OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum

Date: February 6, 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: Z2022000253-10th Review
Peter Martinez Noda
7130 SW 74th Street
NUV for lot area, depth, width, and frontage. Proposing 4 residential lots
(EU-1) (1.57 acres)
35-54-40

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 section 24-43.1 of the Code related to potable water service and wastewater disposal.

Wellfield Protection

The subject property is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. The development of the subject property shall be in accordance with the regulations established in section 24-43 of the Code.

Conditions of Approval: None

Potable Water Service

Pursuant to the Code and based on the site plan submitted, the proposed residential lots are within feasible distance to connect to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Under section 24-43.4(2)(b)(iii) of the Code, once a property or portion thereof is determined to be within feasible distance, the owner shall record, in the Public Records of Miami-Dade County and at the owner's expense, a covenant in a form acceptable to the Director 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.

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: That the property owner submits a covenant in accordance with the requirements of section 24-43.4(2)(b)(iii) of the Code.

Wastewater Disposal

Pursuant to the Code and based on the site plan submitted, public sanitary sewers are not currently located within feasible distance for connection to the subject property; 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 for a proposed residential land use to be served by an OSTDS 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 served by public water and OSTDS shall be 15,000 square feet (gross). According to the site plans submitted, sheet SP-1, stamped received by Miami-Dade County on January 15, 2025, and DERM staff calculations, the proposed four lots comply with the minimum lot size requirements in section 24-43.1(3)(a)(i) of the Code. Therefore, DERM can administratively approve this application.

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.

The proposed development is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. 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.

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.

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 Removal 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.

DERM has reviewed the site plan entitled " 7130 SW 74 ST" prepared by Daniel Diez, R.A., and dated as received by Miami-Dade County on January 15, 2025, which indicates the removal/relocation of non-specimen and specimen tree resources. The applicant has not provided any information about the specimen trees. DERM cannot determine if 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 non-specimen 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. DERM approval of this zoning application shall not be interpreted as approval of removal or relocation approval 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.

Condition of approval: specimen trees must be preserved whenever reasonably possible, unless a tree removal permit is obtained in compliance with the specimen tree standards of section 24.49.2(II)(1) of the Code.

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: May 21, 2025

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

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

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

Subject: **UPDATED** Zoning Application Comments - Peter Martinez Noda
Application No. Z2022000253

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.

At the time of development, the applicant is advised to consult with the project's engineer and WASD's Plans Review staff to finalize points of connection and capacity approval. A WASD Agreement and/or a Verification Form will be required.

Application Name: Peter Martinez Noda

Location: The proposed project is located on approximately 1.57 acres at 7130 SW 74th Street, with Folio No. 30-4035-000-0220, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting the approval of certain non-use variances in order to subdivide the property into four (4) lots to allow the construction of four (4) single-family residences. The existing single-family residence will be demolished.

The gross floor area for the future single-family residences was not provided with this application; therefore, to calculate the water demand, it was assumed that each single-family residence will have a gross floor area under 3,001 sq. ft.

The estimated total water demand for the proposed project will be 840 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 (E15457-2) along SW 74th Street abutting the northern boundary of the property, to where the developer may connect and extend southerly, a new 8-inch water main within the property in a dedicated public right-of-way (R/W) and/or in a WASD easement to a point as required to abut and provide water service to the proposed lots.

Any public water main extension within the property shall be 8-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connections. Final points of connection 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 required is 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 existing facility is currently on septic. 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 Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov.

Memorandum



Date: February 11, 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: Z2022000253
Name: Alexander Borell
Location: 7130 SW 74 Street
Section 35 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 dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

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 **4 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:

- 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 29, 2024
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2022000253

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in "EnerGov" on 3/26/2024.

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.





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2022000253

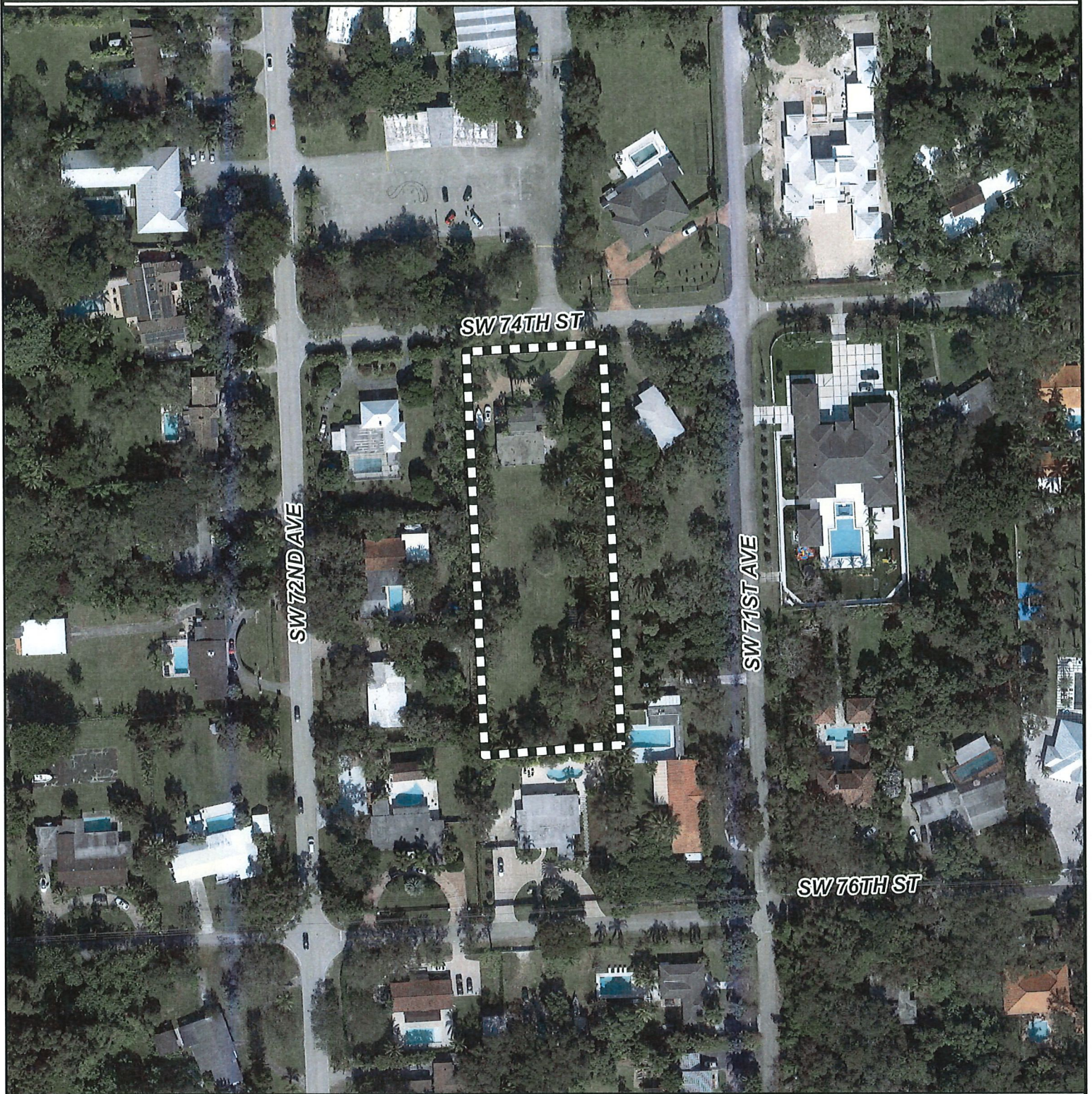
Section: 35 Township: 54 Range: 40
 Applicant: Peter Martinez Noda
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




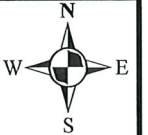
REVISION	DATE	BY
		16



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2022000253

Legend
 Subject Property



Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY
		17






MIAMI-DADE COUNTY
RADIUS MAP

Section: 35 Township: 54 Range: 40
 Applicant: Peter Martinez Noda
 Zoning Board: C12
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2022000253
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY
		ES

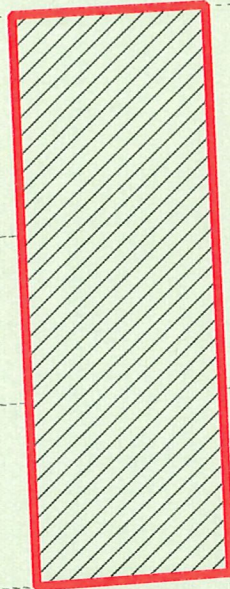
ESTATE DENSITY RESIDENTIAL (EDR) 1-2.5 DU/AC

SW 74TH ST

SW 72ND AVE

SW 71ST AVE

SW 76TH ST



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2022000253

Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

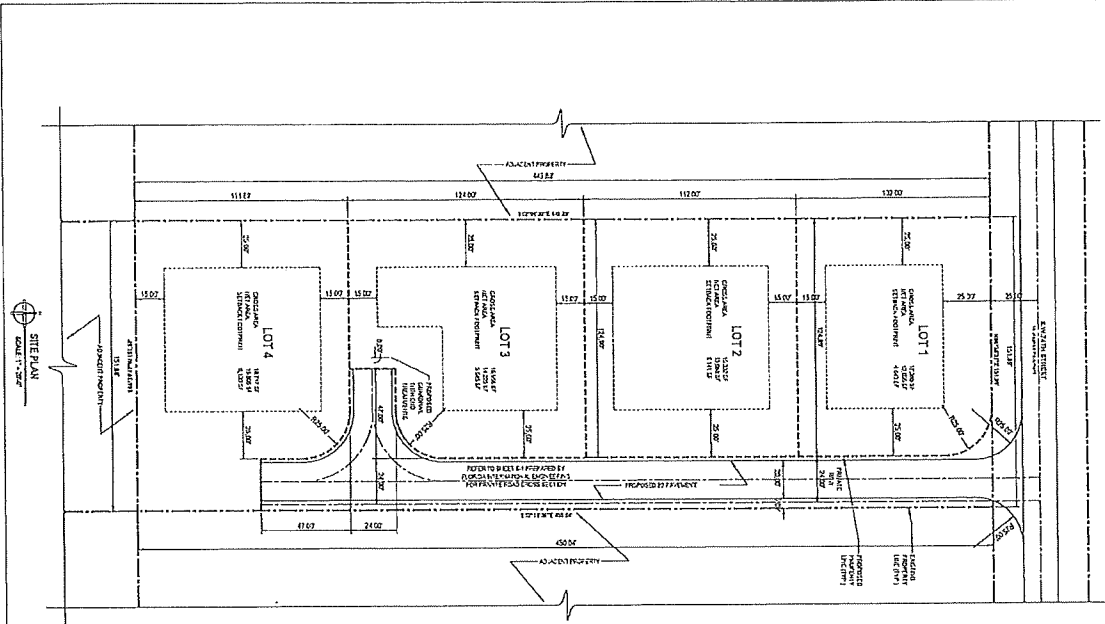
Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY
		19



PROPERTY INFORMATION		PRE-DEVELOPMENT NOTES	
Parcel No.	20220102	1. All information is based on the best available information and is not a guarantee of accuracy.	
Address	7130 SW 74 ST	2. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.	
Area	30,000 sq ft	3. The applicant is responsible for providing all necessary information and documentation to support the application.	
Map No.	20220102	4. The applicant is responsible for providing all necessary information and documentation to support the application.	
ZONING DATA		5. The applicant is responsible for providing all necessary information and documentation to support the application.	
Zone	RS-1	6. The applicant is responsible for providing all necessary information and documentation to support the application.	
Use	Single-Family Residential	7. The applicant is responsible for providing all necessary information and documentation to support the application.	
Setbacks	25' Front, 30' Side, 35' Rear	8. The applicant is responsible for providing all necessary information and documentation to support the application.	
Other	See notes	9. The applicant is responsible for providing all necessary information and documentation to support the application.	

7130 SW 74 ST
MIAMI, FL 33143
OWNER: DR. PETER WARTWIEZ KODA

DICMA, LLC
1100 N. MIAMI AVENUE, SUITE 1000
MIAMI, FL 33132
PH: 305.375.1100
WWW.DICMA.COM

Submitted to: Miami-Dade County
Submitted by: Dicma, LLC
Submitted on: 01/27/2025

SP-1



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MIAMI-DADE COUNTY
PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

October 10, 2022

OPINION OF TITLE

Subject Property
Folio Number: 30-4035-000-0220
Type of Property: Single Family
Owner: Peter Martinez Noda

TO: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Right-of-Way Dedication, Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined the Public Records for the following described property:

The East 151.85' of the North 1/2 of the South 1/2 of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4, less the North 25' for Right-of-Way; and the North 143.03' of the East 151.58' of the South 1/2 of the South 1/2 of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 lying and being in Miami-Dade County, Florida. All in Section 35, Township 54 South, Range 40 East according to the Public Records of Miami-Dade County, Florida.

I am of the opinion that as of today's date, the fee simple title to the above-described real property was vested in:

PETER MARTINEZ-NODA, a single man

Subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:** On or about, March 19, 2020, Peter Martinez-Noda, gave a mortgage to Executive National Bank, in the original principal amount of \$500,000.00, said mortgage was recorded on or about March 30, 2020, in Official Record Book 34875 at Page 46. Said mortgage was assigned and is currently in the possession of Regions Mortgage.
2. **RECORDED CONSTRUCTION LIENS,**
CONTRACT LIENS AND JUDGEMENTS: **NONE**
3. **GENERAL EXCEPTIONS:**
 - a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
 - b. General or special taxes and assessments required to be paid in the year 2022 and subsequent years.
 - c. Rights or claims of parties in possession not recorded in the Public Records.

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MIAMI-DADE COUNTY
PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

- d. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete Land and inspection of the Land.
- e. Easements or claims of easements not recorded in the Public Records.
- f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
- g. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

4. SPECIAL EXCEPTIONS:

- a. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
- b. Rights of the lessees under unrecorded leases.

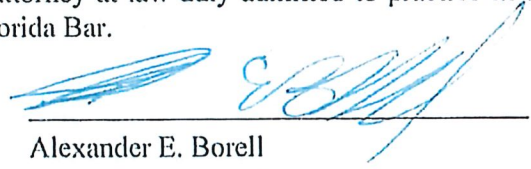
I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name: NONE
Interest: NONE
Special Exception Number: N/A

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

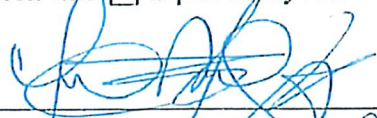


Alexander E. Borell
Florida Bar No. 0793078

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 10 day of October, 2022, by Alexander E. Borell who is personally known or has produced a driver's license as identification.

my commission expires: 7/5/2026



Notary At Large
Print Name: JORGE BARROS M.



Law Offices of Alexander Borell
319 Clematis street, Suite 200, West Palm Beach FL 33401
561-766-1452 * alex@borelllaw.com * www.borelllaw.com



RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

Ownership Affidavit for Individual

Zoning Application _____

Before me, the undersigned authority personally appeared, PETER MARTINEZ NODA, 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 a Zoning Modification Application.
2. The subject property is located at 7130 SW 74 Street, Miami FL 33143, and has a legal description as follows:

The East 151.85' of the North 1/2 of the South 1/2 of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4, less the North 25' for Right-of-Way; and the North 143.03' of the East 151.58' of the South 1/2 of the South 1/2 of the West 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 lying and being in Miami-Dade County, Florida. All in Section 35, Township 54 South, Range 40 East according to the Public Records of Miami-Dade County, Florida.

3. Affiant understands this Affidavit is subject to the penalties of law for perjury and that it will be used in conjunction with the Zoning Modification Application.

Witness: Jorge Barmos

PETER MARTINEZ NODA

Witness: Andre Borell

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of October, 2022, by PETER MARTINEZ NODA, who is personally known or has produced a driver's license as identification.



My Commission Expires 09/26/2024

Notary Signature
NOTARY PUBLIC OF THE STATE

Print Name: Alex E. Borell

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MIAMI-DADE COUNTY
PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR



LAW OFFICES OF
ALEXANDER E. BORELL

MIAMI LAKES
7975 NW 154 STREET
SUITE 480
MIAMI LAKES, FL 33016
305.514.0500 OFFICE

MAIN OFFICE
319 CLEMATIS STREET
SUITE 200
WEST PALM BEACH, FL 33401
561.766.1452 OFFICE

October 10, 2022

VIA ELECTRONIC SUBMISSION

Metro Dade County, Zoning Department
111 NW 1 Street, Suite 1100
Miami, FL 33128

**Re: Zoning Modification Request by Peter Martinez Noda
7130 SW 74 Street, Miami FL 33143**

To whom it may concern:

This firm represents Peter Martinez Noda, in connection with his plans to develop 7130 SW 74 Street, Miami FL 33143 (the "Project"), Folio No. 30-4035-000-0220. In accordance therewith, we are pleased to submit the enclosed Zoning Hearing Application Form for the Project.

The Project:

The Project will consist of the demolition of the current residential structure on the property, so as to allow the lot to be subdivided into 4 separate residential homes with a road for ingress and egress

Zoning Information and Existing Conditions:

The subject Property is located in an area where several other homeowners have recently requested and have been approved to subdivide their properties. Mr. Martinez Noda intends to construct residential homes on his property which will be consistent with the density and make-up of the surrounding community.

Metro Dade County, Zoning Department
October 10, 2022
Page 2

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MIAMI-DADE COUNTY
PROCESS NO: Z22-253
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BY: CABR

Furthermore, and as more thoroughly described on the attached plans, the Project satisfies or exceeds all site development standards under the current zoning code, specific regulations as well as the standard regulations, as applicable. The Project's buildings will be setback as required under the Code; and shall follow and meet those standards.

Collectively, the Project is consistent with the Code, as well as many of the goals and policies of the County's Comprehensive Development Master Plan. If you have any questions or require any additional information, please do not hesitate to contact me at 786-586-5562.

Respectfully,



Alexander E. Borell



**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 12**

PH: Z24-083

July 24, 2025
Item No. B

Recommendation Summary	
Commission District	8
Applicant	Publix Super Markets, Inc.
Summary of Request	The applicant seeks approval to permit a previously approved liquor package store with the sale of alcoholic beverages on Sundays.
Location	13003 SW 89 Place, Miami-Dade County, Florida.
Property Size	5.91 Acres
Existing Zoning	BU-2, Special Business District
Existing Land Use	Shopping center
2030-2040 CDMP Land Use Designation	Industrial and Office 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.

This application was deferred from the May 29, 2025 meeting of the Community Zoning Appeals Board (CZAB) 12, in order to allow the applicant to clear pending fines with the Building and Neighborhood Compliance (BNC).

The public hearing on this item was not held.

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 1989 and 2021, the subject site has been the subject of multiple zoning applications. In September 1989, pursuant to Resolution #4-ZAB-322-89, the Metropolitan Dade County Zoning Appeals Board denied without prejudice the following requests for a unit located within the shopping center at 13135 SW 89 Place: (1) a special exception to permit a proposed nightclub, (2) a special exception to allow the nightclub to be located less than 1,500 feet from another business with an alcoholic beverage use and less than 2,500 feet from an existing church, (3) a non-use variance to waive the usual zoning requirements for nightclubs, including the minimum floor space of 2,200 sq. ft. and a dance floor of at least 308 sq. ft., allowing the nightclub to operate with less floor space and without a dance floor, and (4) extended hours of operation for both the nightclub and liquor stores, including Sundays. In November 1989, this denial was appealed to the Board of County Commissioners (BCC) under Resolution #Z-216-89, where the BCC approved, with conditions, requests 1 through 3 but denied request number 4, which sought to extend the hours of operation for both the nightclub and liquor stores, including Sundays.

In January 1996, pursuant to Resolution #5-ZAB-20-96, the Zoning Appeals Board approved additional requests, including a modification of the previously approved site plan; a special

exception to allow the expansion of the existing nightclub; continued reduction in required distance from other alcoholic beverage uses and a religious facility; extended hours of operation for alcoholic beverage service on Sundays from 10:00 a.m. to 4:50 a.m. the next day, and on Mondays from 5:00 p.m. to 4:50 a.m. the following day; and permission to operate the shopping center with fewer parking spaces than typically required by code.

In May 2021, under Resolution #CZAB12-1-21, the Miami-Dade County Community Zoning Appeals Board 12 approved a modification of a prior zoning resolution to accommodate substantial redevelopment of the site. The approval permitted the applicant to demolish the existing shopping center while retaining the 6,085-square-foot Outback Steakhouse and construct a new two-story, 58,306-square-foot Publix Super Market. The approved plans also included a 1,200-square-foot liquor package store within the Publix, 10,980 square feet of one-story in-line retail and restaurant space, and a total of 344 parking spaces. In addition, the resolution granted several zoning exceptions and variances: a special exception to allow the liquor package store to be located within less than the required 2,500 feet from religious facilities; a non-use variance to reduce the side street (west) setback to 15 feet where 25 feet is required; and a non-use variance to permit 13% landscaped open space, where a minimum of 15.5% is normally required.

In the current application, the applicant seeks approval to allow the existing liquor package store within the Publix Super Market to sell alcoholic beverages on Sundays.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; shopping center	Industrial and Office & Business and Office
North	IU-1; warehouses	Industrial and Office
South	BU-2; office building, shopping center	Business and Office
East	IU-1; warehouses	Industrial and Office
West	RU-4M; single-family residences	Low Medium Density Residential 6-13 du/ac

NEIGHBORHOOD COMPATIBILITY:

The subject property is part of an established shopping center located at 13005 SW 89 Place. The surrounding area is predominantly composed of commercial and industrial uses to the north, south, and east, while single-family residences are located to the west.

SUMMARY OF THE IMPACTS:

Approval of this application would permit the existing liquor package store to extend its sales of alcoholic beverages to include Sunday, thereby allowing sales from Monday through Sunday. Staff opines that approval of the request for an additional day of liquor sales will not result in increased traffic impacts on the surrounding neighborhood or significant additional demands on County resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±5.91-acre subject property is located within the Urban Development Boundary (UDB) and designated as **Industrial and Office and Business and Office**. Uses allowed in the **Industrial**

and Office include, manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The Business and Office category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation. Further, the CDMP Land Use Element Interpretative Text states that existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. Said text further states that all such lawful uses and zoning are deemed to be consistent with this Plan. The current application is to allow the existing liquor package store to sell alcoholic beverages on Sundays. Therefore, staff opines that since the approval of the application will not change the existing shopping center use, the subject property is consistent with the CDMP Land Use Element interpretative text in Industrial and Office areas and the CDMP Land Use Plan map Industrial and Office designation for the subject property. The applicant 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 an approved liquor/beer/wine bar and package store pursuant to Resolution #CZAB12-1-21. 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 the attached memorandum, 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 the attached memorandum, 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.

It is important to mentioned that per Resolution #5-ZAB-20-96, the Metropolitan Dade County Zoning Appeals Board approved the following additional requests for the property located at 13135 SW 89 Place, (1) modification of a previously approved site plan, (2) a special exception to permit the expansion of an existing nightclub, (3) a special exception to allow the nightclub to be located closer than required to other alcoholic beverage uses and an existing religious facility, **(4) an extension of the hours of operation for the nightclub and liquor stores to serve alcoholic beverages on Sundays from 10:00 a.m. to 4:50 a.m. and on Mondays from 5:00 p.m. to 4:50 a.m.**, and (5) permission to allow the existing shopping center to operate with fewer parking spaces than required by code. Request number 4 is a similar request to what the applicant is asking now and was approved in the same shopping center.

The 5.91-acre subject site is currently operating with an existing liquor package store, surrounded by commercial and industrial uses to the north, south and east, and single-family residences to the west. Staff notes that the requested Sunday sales may be similar to other liquor package stores that are found in the surrounding area and opines that the proposed request to allow Sunday sales will not have a significant impact on the neighborhood. 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 p.m. 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.

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

Publix Super Markets, Inc.
PH: Z24-083

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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>Industrial and Office (Page I-40, I-41 and I-42)</p>	<p>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources. If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development. In general, the typical residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety reasons. Exceptions may be granted for the following: (1) the development of live-work or work-live buildings or the adaptive reuse of existing structures for these purposes in areas of light industrial uses such as office, wholesale, distribution and the assembling of pre-manufactured parts; (2) the development of a TND as provided herein; and (3) the residential development of a portion of an industrially designated area where the portion is, a) 10 acres or smaller and is bounded on two or more sides by existing residential development or zoning, or is b) the perimeter of a Plan-designated industrial area which perimeter does not exceed a depth of 150 feet; and c) the subject portion of the industrially designated site immediately adjoins a currently developed or platted residential area and the Director of the Department of Planning and Zoning determines that the inclusion of a residential component in the Industrially designated area, designed to provide compatible transition along the boundary, is the best means of maintaining the quality of the adjoining residential area. Notwithstanding the foregoing, applications for residential zoning that were properly filed prior to August 25, 2000, can be considered where adjoining land is residentially zoned, designated or developed. Residential developments in this land use category may participate in the inclusionary zoning program. The</p>
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ZONING RECOMMENDATION ADDENDUM

Publix Super Markets, Inc.

PH: Z24-083

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	<p>properties utilized for residential development will be eligible within the limits provided in this paragraph for the density allowances of the inclusionary zoning program in the Residential Communities section. TNDs may be permitted in Industrial and Office areas where: 1) compatible with nearby development and with the objectives and policies of this Plan, 2) necessary services exist or will be provided by the developer, and 3) adjacent to land designated Residential Communities on the LUP map (including across an abutting major or minor roadway) along 30 percent or more of the total perimeter of the TND, provided that land designated Residential Communities exists along at least some portion of the two or more sides. (Multiple sides created by an out parcel shall count as one side only). TND located within Industrial and Office areas shall allocated to Workshop Uses a minimum of 15 percent and a maximum of 30 percent of the gross built up area planned for development within a TND, and shall have a residential density no greater than the average of the adjacent Residential Communities designations or ten units per acre, whichever is higher. Workshops Uses shall be oriented to adjacent non-residential areas, while the residential uses shall be oriented to the adjacent Residential Communities designations. All criteria for TNDs enumerated in the Residential Communities section of this Chapter, other than the provisions governing percent of built up area which may be devoted to workshop uses addressed herein and the maximum permitted residential density, shall govern the development of TNDs in areas designated Industrial and Office.</p>
<p>Business and Office (Page I-42 and I-43)</p>	<p>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.</p> <p>Residential uses, and mixing of residential use with commercial, light industrial, 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.</p>

ZONING RECOMMENDATION ADDENDUM

Publix Super Markets, Inc.

PH: Z24-083

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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Sec. 33-151. - Hours and days of sale.</p>	<p>(a) Establishments for package sales only. Vendors holding a license from the State beverage department for the sale of alcoholic beverages for consumption off the premises only, shall make no sale of alcoholic beverages on Sundays, and shall make no sale of alcoholic beverages during weekdays except between the hours of 8:00 a.m. and 10:00 p.m.; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages (excepting such stores as are nonconforming under the zoning regulations) may make sales of beer in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods; provided further, however, that nothing in the foregoing proviso shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a State license from the beverage department for the sale of beer in sealed containers, for consumption off the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m.</p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</p>

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

PUBLIX SUPER MARKETS, INC.

13005 SW 89 PL
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2024000083

DATE

HEARING NUMBER

FOLIO No: 30-5016-033-0050

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 21, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases

BUILDING SUPPORT REGULATIONS OPEN:

Building Support Case B2024013709-F opened on 05/18/2024 for Failure to obtain Building Recertification. Civil Violation Notice (CVN) P051225 issued on 05/18/2024. CVN recorded on 05/20/2024 under Book: 34235 Page: 4942 Total Pages: 2. CVN paid on 07/26/2024. A Non-Compliance Affidavit was issued on 08/27/2024. A Lien request was forwarded, however the recommendation was rejected and returned to enforcement. There are pending assessment penalties. Civil Violation Notice P058288, was issued 01/02/2025, for section 8-11(f) of the South Florida building code: failure to obtain a building recertification. Civil Violation Notice P051225 was submitted for closure. The closure was approved on 01/02/2025. Civil Violation Notice P058288, was recorded on 01/08/2025, under Book: 34565 Page: 149 Total Pages: 2. A Non -Compliance Affidavit was issued for Civil Violation Notice P058288, on 03/10/2025 [Building recertification not approved]. Citation P058288 has been paid. A Notice of assessment of continuing penalties, was issued on 03/11/2025, for Civil Notice Violation P058288. There are outstanding assessment penalties associated with the affidavit of Non-Compliance. The case remains open.

BUILDING SUPPORT REGULATIONS CLOSED:

There are no closed cases.

OUTSTANDING LIENS AND FINES:

There are outstanding Fees and penalties associated with citation P058288. More information regarding compliance, please contact the Building Support Department at 786 315-2424. Applicant can also contact the Legal Department; ceappeals@miamidade.gov to request a Compliance Consent Agreement.

Memorandum



Date: April 25, 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 *Lisa Spadafina*

Subject: Z2024000083-2nd Review
Real Sub LLC
13003 SW 89th Place
Non-use variance to allow package sales on Sundays of beer, wine
and liquor at an existing grocery store, for consumption off premises
only.
(BU-2) (5.91acres)
16-55-40

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 proposed quest for a non-use variance to allow package sales on Sundays of beer, wine and liquor, 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: April 18, 2025

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

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

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

Subject: **UPDATED** Zoning Application Comments - Publix Super Markets Inc.
Application No. Z2024000083

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.

Application Name: Publix Super Markets Inc.

Location: The proposed project is located on approximately 5.91 acres at 13005 SW 89th Place, with Folio No. 30-5016-033-0050, in unincorporated Miami-Dade County.

Proposed Development: Per Letter of Intent dated April 26, 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.

Please note that the subject property has a 2 feet Utility Easement within and along the eastern, western, and southern boundary of the property. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

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.

There are water and sewer mains within the property, either in existing dedicated Right-of-Way (R/W) or easements, which need to be removed and relocated if in conflict with the proposed development. In addition, no trees or palms should be planted within five (5) feet of any WASD facility. Easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In case of R/W to be closed and vacated within the property, mains shall be removed and relocated, if needed, before closing/vacating them. Fire hydrants associated with mains to be removed and relocated shall be relocated as per Fire Department recommendations. Cutting and plugging of existing water mains shall be done by a licensed contractor under WASD supervision. Services to existing customers cannot be interrupted.

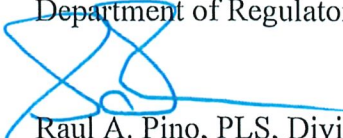
Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavalde@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov.

Memorandum



Date: April 17, 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: Z2024000083
Name: Publix Super Markets, Inc.
Location: 13003 SW 89 Place
Section 16 Township 55 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tract K, Plat Book 99, Page 41.

This application does not generate any trips.

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.

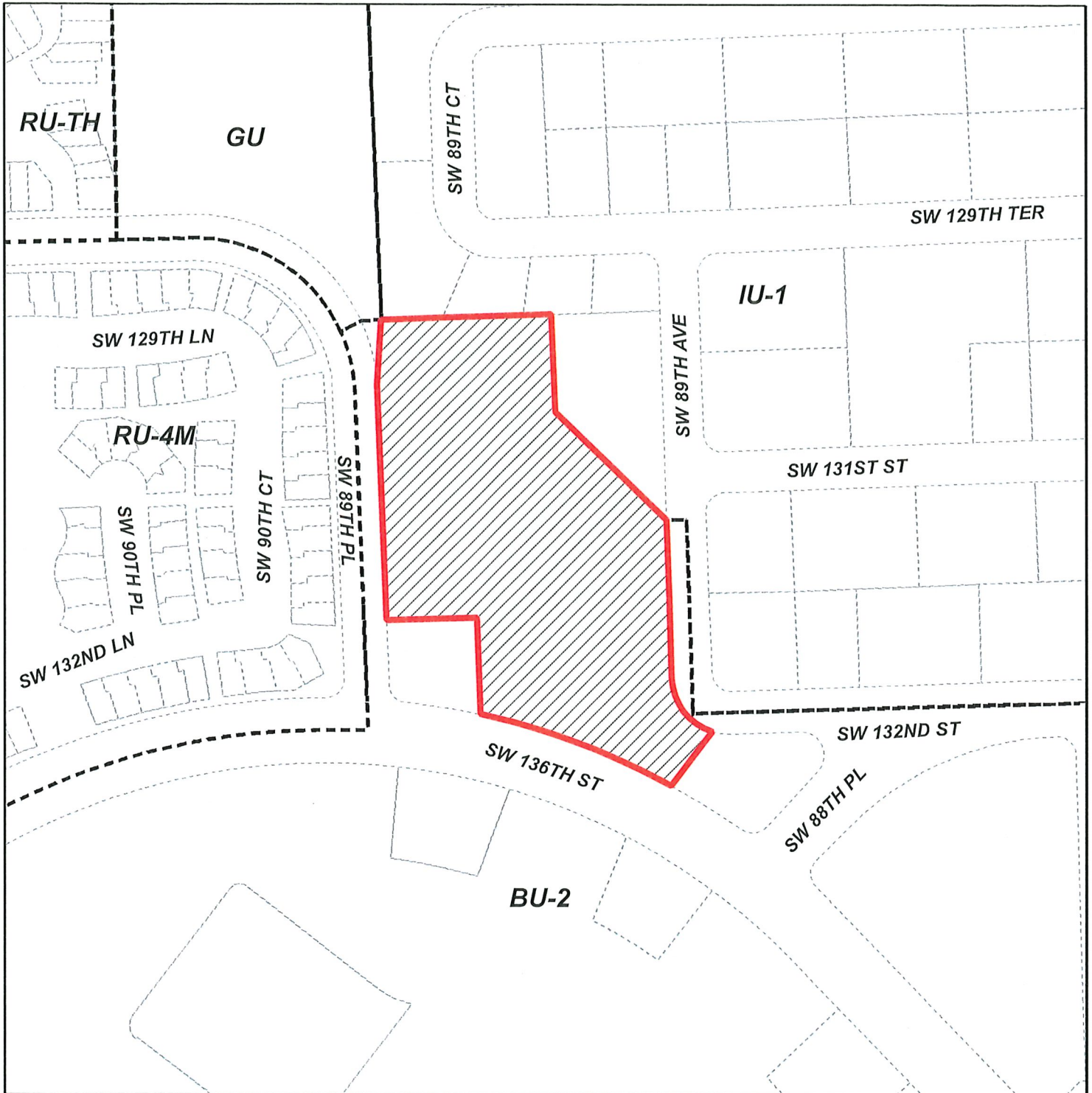
Memorandum



Date: April 29, 2025
To: Eric Silva, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2024000083

The Miami-Dade Fire Rescue review is limited to site access only. The intent of this application described in the letter of intent uploaded in "Energov" on 08/21/24, is outside MDR purview. Any future site plans will need separate approval.

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2024000083

Section: 16 Township: 55 Range: 40
 Applicant: Publix Super Markets, Inc.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

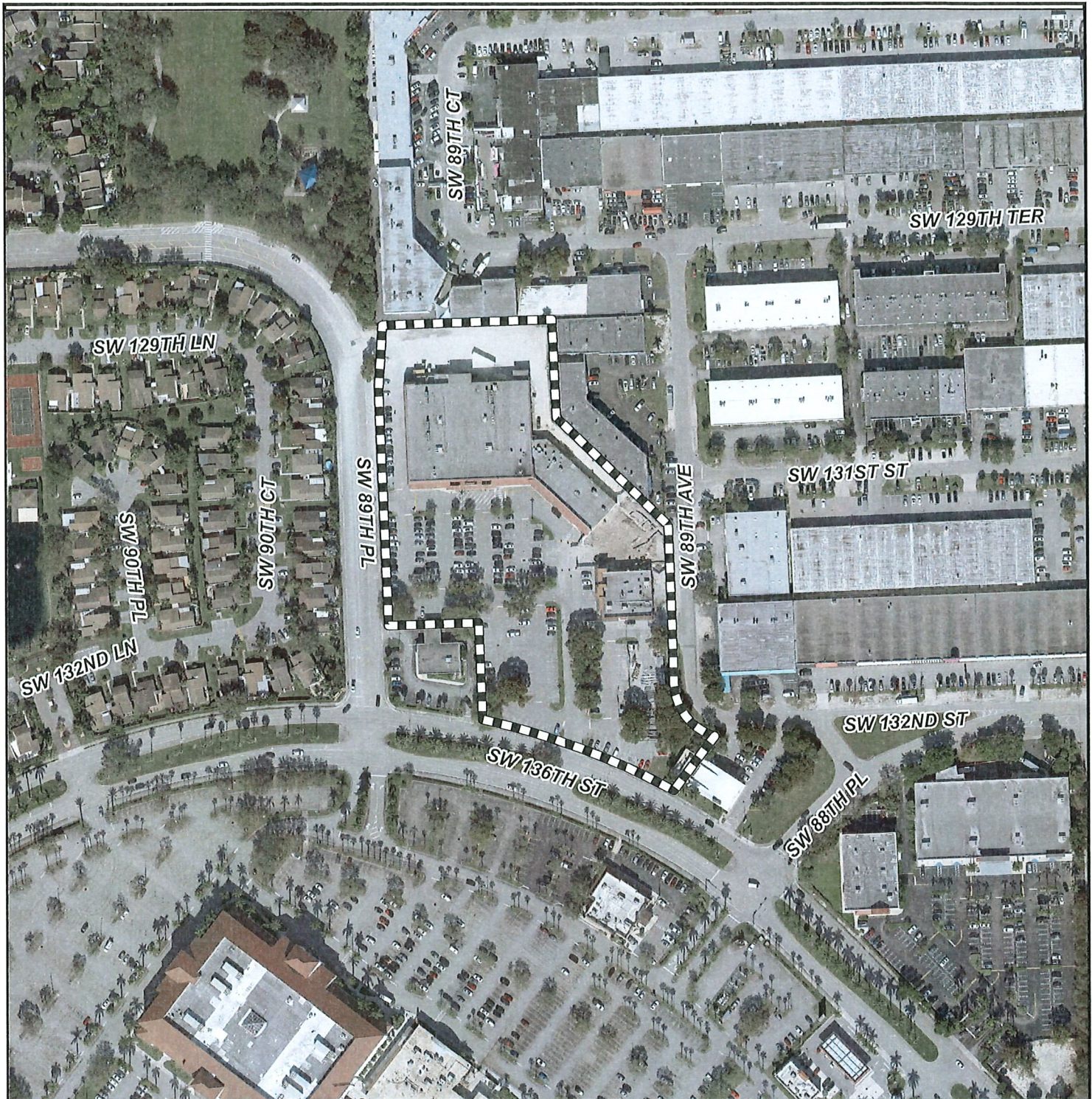
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, August 23, 2024

REVISION	DATE	BY
		13



MIAMI-DADE COUNTY
AERIAL YEAR 2023

Process Number
Z2024000083

Legend



Subject Property

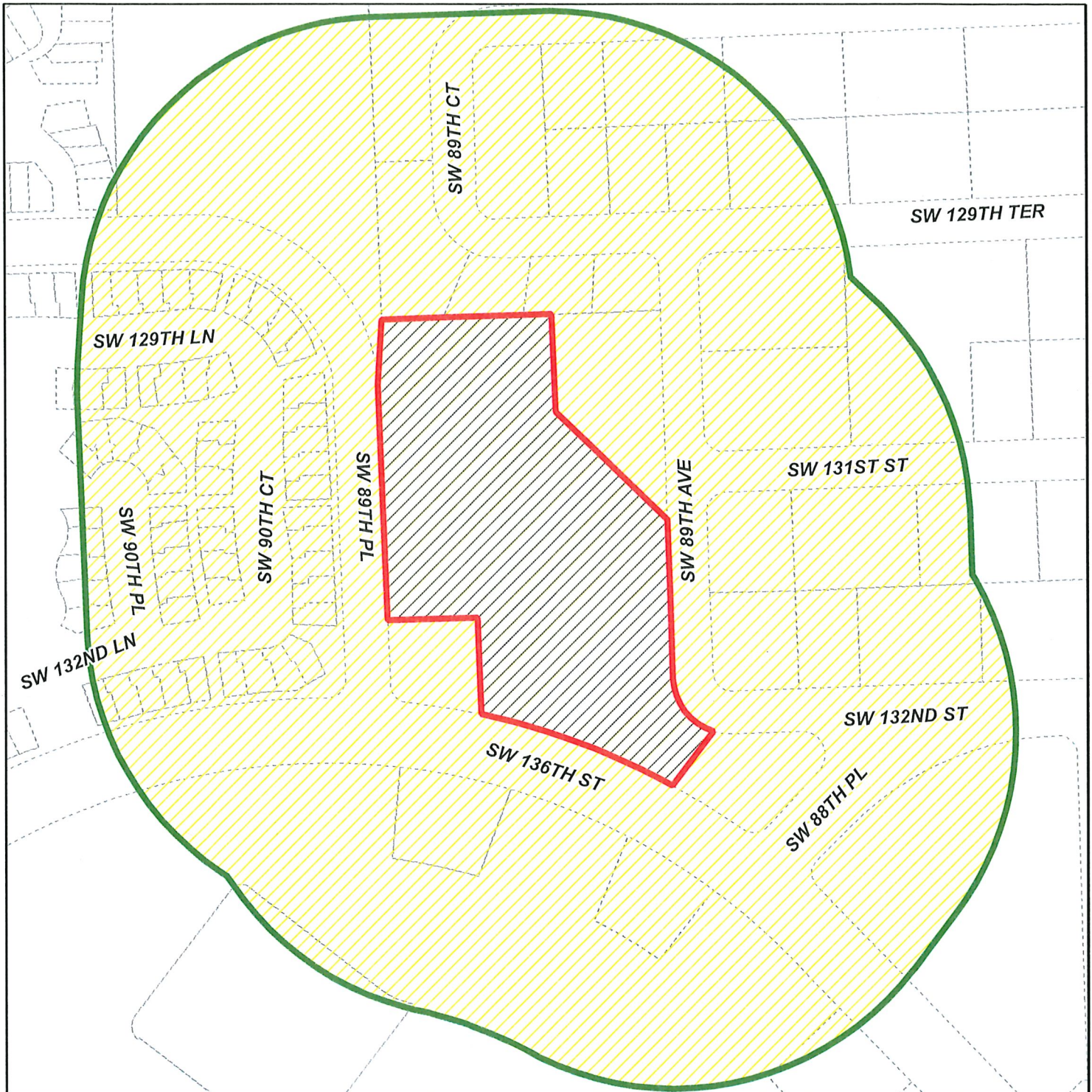


Section: 16 Township: 55 Range: 40
 Applicant: Publix Super Markets, Inc.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Friday, August 23, 2024

REVISION	DATE	BY
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




MIAMI-DADE COUNTY
RADIUS MAP

Section: 16 Township: 55 Range: 40
 Applicant: Publix Super Markets, Inc.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2024000083
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Friday, August 23, 2024

REVISION	DATE	BY
		15



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2024000083



Section: 16 Township: 55 Range: 40
 Applicant: Publix Super Markets, Inc.
 Zoning Board: C12
 Commission District: 8
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, August 23, 2024

REVISION	DATE	BY
		16

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083

DATE: AUG 21 2024

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: Publix Super Markets, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Please see attached Exhibit "B"	

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>

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO.: Z24-083

DATE: AUG 21 2024

BY: ISA

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: Bryan M
(Applicant) Publix Super Markets, Inc.

Sworn to and subscribed before me this 23 day of April, 2024. Affiant is personally known to me or has produced n/a as identification.

Jessica Hernandez
(Notary Public)



JESSICA HERNANDEZ
Commission # HH 253135
Expires April 14, 2026

My commission expires 4/14/26

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

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083

DATE: AUG 21 2024
BY: ISA

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: Real Sub, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Please see attached Exhibit "C"</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>

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MIAMI-DADE COUNTY

PROCESS NO: 24-083

DATE: AUG 21 2024

BY: ISA

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: Budacia _____
(Applicant) Real Sub, LLC

Sworn to and subscribed before me this 17 day of May, 2024. Affiant is personally known to me or has produced n/a as identification.

Jessica Hernandez
(Notary Public)



JESSICA HERNANDEZ
Commission # HH 253135
Expires April 14, 2026

My commission expires 4/14/26

*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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MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

EXHIBIT "B"

Publix Super Markets, Inc. Ownership Disclosure

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024

Exhibit "B"

The following officers, identified on Sunbiz.org, may be contacted at 3300 Publix Corporate Parkway, Lakeland, FL 33811-3311. BY: ISA

- Merriann M. Metz (SVP, Secretary)
- David P. Phillips (Executive VP & CFO)
- Randall T. Jones, Sr. (Executive Chairman)
- Michael R. Smith (SVP)
- Robert J. McGarrity (VP, Facilities)
- Bridgid A. O'Connor (VP, Real Estate Strategy)
- Randolph L. Barber (VP, Industrial Maintenance and Purchasing)
- William W. Rayburn, IV (VP, Real Estate Assets)
- Kevin S. Murphy (CEO)
- John L. Goff, Jr. (President)
- Mikhael H. Ser (VP, Facilities)

Publix is the largest employee-owned retail grocery chain in the United States and is privately owned and operated by approximately 250,000 employees. Publix's common stock is made available for sale to eligible active employees and non-employee members of its Board of Directors. Publix's common stock is not traded on a stock exchange and, therefore, does not have a "ticker symbol." The market price of Publix's common stock is determined by its Board of Directors each quarter.

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

Exhibit "C"

REAL SUB, LLC - List of primary officers and stockholders' information

Merriann M. Metz	Secretary
David P. Phillips	Treasurer
William W. Rayburn, IV	Vice President
Kevin S. Murphy	President
Bridgid A. O'Connor	Vice President

100% Member of Real Sub, LLC: Publix Super Markets, Inc.

RECEIVED



MIAMI-DADE COUNTY LOBBYIST ACTIVITY AUTHORIZATION

Section 2-11.1(s) - Code of Miami-Dade County Florida

MIAMI-DADE COUNTY

PROCESS NO.: Z24-083

DATE: AUG 21 2024

BY: ISA

Please Type or Print in Ink

Principal's Name	Publix Super Markets, Inc.
Principal's Contact Person	Greenspoon Marder LLP
Principal's Trade Name	Publix Super Markets, Inc.
Mailing Address	600 Brickell Avenue, Suite 3600
	Miami, Florida 33131
Telephone Number	305-789-2763
Other Principal(s) of Interest holding directly or indirectly a 5% or more ownership interest.	
Name Of Lobbyist(s)	
	Louis J. Terminello, Esq.
	Joshua Remedios, Esq.
Lobbyist's Address	600 Brickell Avenue, Suite 3600
Note: It is the responsibility of the lobbyist to notify the Clerk of the Board of County Commissioners of any changes in address.	Miami, Florida 33131
Telephone Number	305-789-2763
Date Employed	March 25, 2024
Note: On or before July 1st of each year, every lobbyist must file an expenditure statement with the Clerk of the Board of County Commissioners for the preceding calendar year, regardless of the level of activity of the lobbyist, and whether or not the lobbyist has incurred any expenses during the reporting period.	
<input type="checkbox"/> Please check here if the lobbyist is employed for a specific issue.	
Specific Issue:	
I swear under penalty of perjury that the information on this form is true and accurate.	
Principal's Signature: <i>Budgeria</i>	Date: 4/23/24
Pursuant to Section 2-11.1(s)(9) of the Code of Miami-Dade County, misrepresentation on this form may subject a person to prohibition from lobbying before the County Commission or any committee, board or county personnel for a period not to exceed five years.	

For Office Use Only:

Date Entry Date _____, 20____

Entered By _____

(Form Revision Date: 8/18/03)

Clerk of the Board of County Commissioners, 111 NW First Street, Suite 17-202, Miami, FL 33128

Office: 305 375-5137 - Fax 305 375-2484

www.miami-dadeclerk.com/dadecoc/Clerk_Board.asp



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MIAMI-DADE COUNTY

PROCESS NO.: Z24-083

DATE: AUG 21 2024

BY: ISA

EXHIBIT "A"

Property Legal Description

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

Exhibit "A"

Property Description

Tract "K" of BRIAR BAY URBAN PARK, SECTION THREE, according to the Plat thereof, as recorded in Plat Book 99, at Page 41, of the Public Records of Miami-Dade County, Florida.

Together with non-exclusive easements for ingress, egress and parking as contained in Declaration recorded February 26, 1975, in Official Records Book 8918, Page 1126, as affected by Affidavit recorded June 28, 1986, in Official Records Book 12936, Page 518, and Amendment to and Partial Vacation of Declaration recorded October 19, 1993, in Official Records Book 16094, Page 3066, all of the Public Records of Miami-Dade County, Florida.

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MIAMI-DADE COUNTY

PROCESS NO.: Z24-083

DATE: AUG 21 2024

BY: ISA

Warranty Deed

This instrument prepared by
(and after recording return to):

DATE: AUG 21 2024
BY: ISA

Anthony M. Rodriguez, Esq.
Publix Super Markets, Inc.
PO Box 407
Lakeland, Florida 33802-0407

30-5016-033-0050
Property Appraiser's Folio Number

SPECIAL WARRANTY DEED

The Grantor, **KIKI L. COURTELIS, AS TRUSTEE OF THE INVESTMENT TRUST CREATED UNDER THE ALEC P. COURTELIS DECLARATION OF TRUST DATED 04/08/1994**, whose mailing address is 703 Waterford Way, Suite 800, Miami, Florida 33126, in consideration of ten dollars (\$10.00) and other valuable considerations received from the Grantee, hereby grants and conveys to the Grantee, **REAL SUB, LLC**, a Florida limited liability company, whose mailing address is Post Office Box 407, Lakeland, Florida 33802-0407, the real property in Miami-Dade County, Florida, described on the attached **Exhibit A**, along with any rights, privileges, hereditaments, appurtenances, and easements related to such real property.

This conveyance is subject to real estate taxes for 2015 and subsequent years, and the matters described on **Exhibit B**.

The Grantor hereby covenants and warrants that the property is free of all encumbrances except as otherwise expressly provided herein, that lawful seisin of and good right to convey the property are vested in the Grantor, and that the Grantor hereby fully warrants the title to the property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

DATED this 29th day of JAN, 2015.

[SIGNATURE PAGE FOLLOWS]

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

Signed in the presence of:

KIKI L. COURTELIS, AS TRUSTEE OF
THE INVESTMENT TRUST CREATED
UNDER THE ALEC P. COURTELIS
DECLARATION OF TRUST DATED
04/08/1994

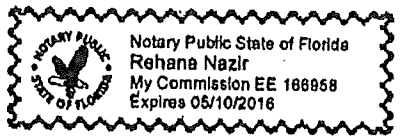
Rehana Nazir
(print name): Rehana Nazir

By: Kiki L. Courtelis
Kiki L. Courtelis, not individually, but
only as Trustee of the Investment Trust
created under the Alec P. Courtelis
Declaration of Trust, dated April 8, 1994

Victor L. Stosik
(print name): Victor L. Stosik

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 28 day of JANUARY, 2015,
by KIKI L. COURTELIS, as Trustee of the Investment Trust created under the Alec P. Courtelis
Declaration of Trust dated 04/08/1994, on behalf of the trust. Such person is personally known to me or
produced _____ as identification.



Rehana Nazir (SEAL)
Printed/typed name: _____
Notary Public-State of _____
Commission Number: _____
Commission expires: _____

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

EXHIBIT A TO SPECIAL WARRANTY DEED

Property Description

Tract "K" of BRIAR BAY URBAN PARK, SECTION THREE, according to the Plat thereof, as recorded in Plat Book 99, at Page 41, of the Public Records of Miami-Dade County, Florida.

Together with non-exclusive easements for ingress, egress and parking as contained in Declaration recorded February 26, 1975, in Official Records Book 8918, Page 1126, as affected by Affidavit recorded June 28, 1986, in Official Records Book 12936, Page 518, and Amendment to and Partial Vacation of Declaration recorded October 19, 1993, in Official Records Book 16094, Page 3066, all of the Public Records of Miami-Dade County, Florida.

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA

EXHIBIT B TO SPECIAL WARRANTY DEED

Permitted Title Matters

Easements, notes dedications and all other matters either shown or recited on the plat of BRIAR BAY URBAN PARK SECTION TWO, as recorded in Plat Book 99, Page(s) 41, of the Public Records of Miami-Dade County, Florida, specifically, for the 2 foot easements for fire hydrants, guard rails and street lights along the platted rights-of-way.

Agreement Governing Land Development recorded July 5, 1972, in Official Records Book 7786, Page 173, of the Public Records of Miami-Dade County, Florida.

Provisions of that certain Declaration recorded February 26, 1975, in Official Records Book 8918, Page 1126, as affected by Affidavit recorded June 28, 1986, in Official Records Book 12936, Page 518, and Amendment to and Partial Vacation of Declaration recorded October 19, 1993, in Official Records Book 16094, Page 3066, of the Public Records of Miami-Dade County, Florida.

Easement in favor of General Waterworks Corporation, a Florida corporation recorded December 19, 1975, in Official Records Book 9183, Page 852, as assigned to Dade County, Florida by Quit Claim Deed recorded February 28, 1979, in Official Records Book 10315, Page 415, of the Public Records of Miami-Dade County, Florida.

Agreement for Street Lighting recorded April 22, 1983, in Official Records Book 11766, Page 2356, of the Public Records of Miami-Dade County, Florida.

Declaration of Restrictions recorded May 20, 1994, in Official Records Book 16372, Page 1936, of the Public Records of Miami-Dade County, Florida.

Terms of that certain Lease between Briar Bay Shopping Center, Ltd., a Florida limited partnership (Landlord), and Publix Super Markets, Inc., a Florida corporation (Tenant), as evidenced by that certain Memorandum of Lease recorded March 20, 1996, in Official Records Book 17136, Page 2870, of the Public Records of Miami-Dade County, Florida.

Easement in favor of Florida Power & Light Company recorded April 10, 2007, in Official Records Book 25521, Page 3820, of the Public Records of Miami-Dade County, Florida.

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MIAMI-DADE COUNTY
PROCESS NO.: Z24-083

DATE: AUG 21 2024

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: Publix Super Markets, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Please see attached Exhibit "B"	

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>

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO.: Z24-083

DATE AUG 21 2024

BY: ISA

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: Buana
(Applicant) Publix Super Markets, Inc.

Sworn to and subscribed before me this 23 day of April, 2024. Affiant is personally known to me or has produced aka as identification.

Jessica Hernandez
(Notary Public)



JESSICA HERNANDEZ
Commission # HH 253135
Expires April 14, 2026

My commission expires 4/14/26

*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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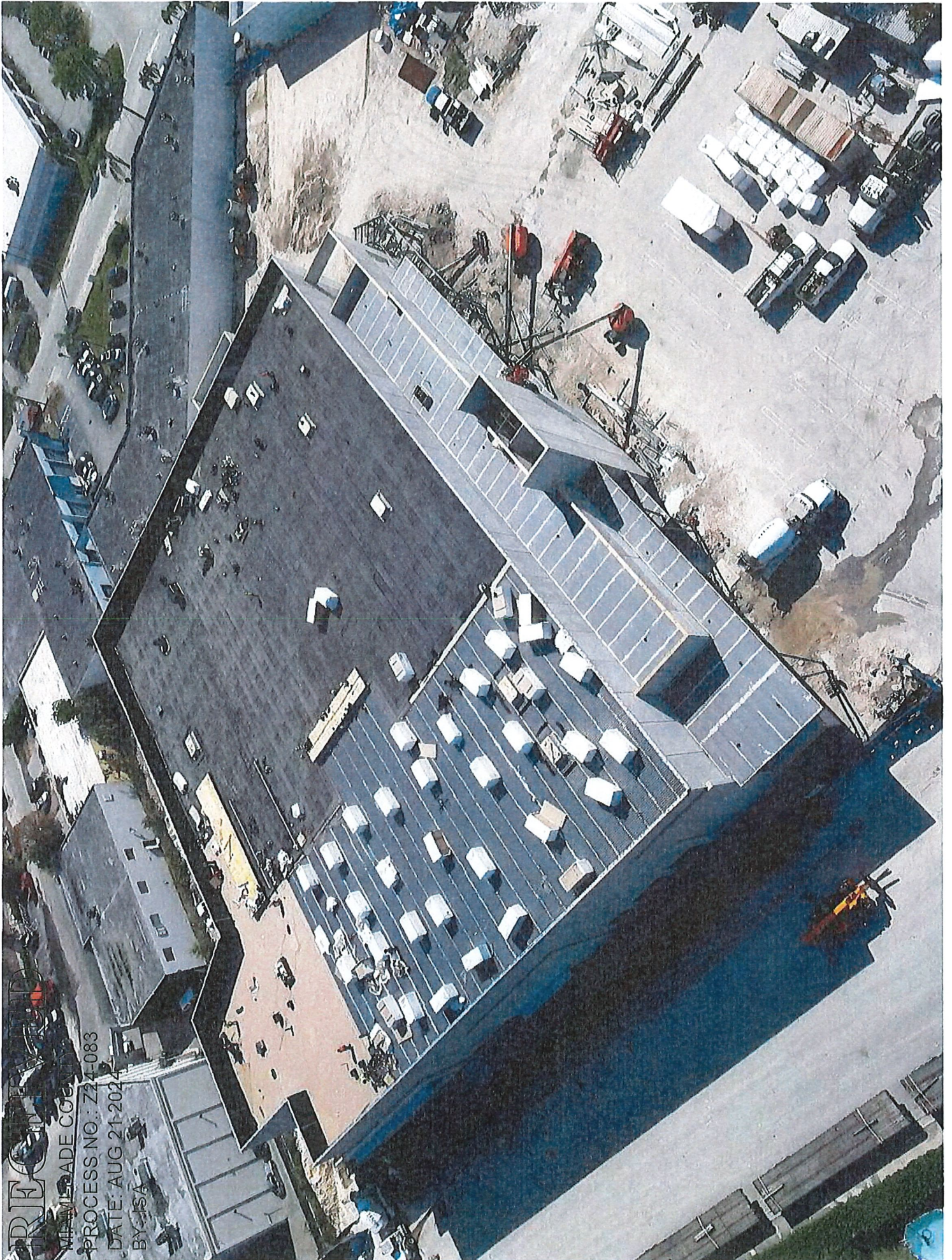


REC'D
PROJECT NO. 2024
DATE: AUGUST 11, 2024

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z24-083
DATE: AUG 21 2024
BY: ISA





TRICOR
MIDLAND COUNTY

PROCESS NO: Z24-083

DATE: AUG 21 2024

BY: JSA

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 12**

PH: Z24-148

July 24, 2025
Item No. 1

Recommendation Summary	
Commission District	7
Applicants	Jorge and Martha C. Beltran
Summary of Requests	The applicants seek to rezone the subject property from EU-1 (minimum 1-acre gross lots) to EU-M (minimum 15,000 square feet lots) which would allow the parcel to be developed with more residential units than currently permitted.
Location	8101 Red Road, Miami-Dade County, Florida.
Property Size	±1.05-gross (±0.68-net) Acre
Existing Zoning	EU-1, Single-family One-Acre Estate Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Estate Density Residential; 1-2.5 du/ac <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.

REQUESTS:

DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District, to EU-M, Estate Modified Residential District.

PROJECT DESCRIPTION AND HISTORY:

The subject property consists of a single corner lot with a total area of ±1.05-gross (±0.68-net) acres, and is currently improved with an existing single-family residence. Under the current zoning application, the applicants seek to permit a rezoning of the subject parcel from EU-1, Single-Family One Acre Estate District, to EU-M, Estate Modified Residential District, in order to allow the property to be developed with two (2) residential lots. Staff notes that there were no plans submitted for the subject application. However, a zoning covenant is being voluntarily proffered by the applicant that restricts that the maximum number of dwelling units permitted on the property shall not exceed a total of two (2) single-family residential dwelling units.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential (1 - 2.5 du)
North	RU-1; single-family residences	Estate Density Residential (1 - 2.5 du)
South	EU-1; religious facility & private school	Estate Density Residential (1 - 2.5 du)
East	EU-1; single-family residence	Estate Density Residential (1 - 2.5 du)

West	RS-3 (City of South Miami); single-family residences	Estate Density Residential (1 - 2.5 dua)
------	---	---

NEIGHBORHOOD COMPATIBILITY:

The ±1.06-gross (±0.67-net) acre subject property consists of an existing single-family residence located at 8101 Red Road, and is a corner lot that fronts along both SW 57 Avenue and SW 81 Terrace. The surrounding area is characterized by single-family residences to the north, a religious facility and a private school to the south, and properties to the east that are zoned EU-1. Staff notes that the properties to the west of the subject site, across from SW 57 Avenue (Red Road), are all located within the City of South Miami, and consist of similar lots sizes as the lots being proposed on the subject property.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to rezone the subject property in order to provide additional housing in this area. 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. Staff notes that the Platting and Traffic Review section of the Department of Regulation and Economic Resources (RER) indicate in their memorandum that the parcel lies within the urban infill area of the County where traffic concurrency does not apply and it will generate approximately 3 PM peak hour vehicle trips. Staff however notes that the application request 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 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. *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.* This allows the applicant to develop the ±1.05-gross (±0.68-net) acre subject site with a total of 2 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map. The applicant seeks a district boundary change from EU-1 to EU-M. Staff notes that EU-M, Single-Family Modified Estate District, has a minimum lot size of 15,000 sq. ft. and approval of this application could allow the applicant to develop the subject parcel with up to a maximum of 2 residential units which does not exceed the aforementioned maximum density threshold allowed under the CDMP. Although no plans were submitted for this subject application, the submitted letter of intent indicates that the applicant intends to develop the current parcel as two (2) single-family residential lots that would be built in accordance with the EU-M zoning district standards. Additionally, staff notes that through the Workforce Housing program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing, and as such, the 1.05-gross acre property could be developed up to a maximum of three (3) residential dwelling units utilizing the workforce housing program. However, staff notes that the applicants have voluntarily proffered a zoning covenant that, among other things, restricts that the maximum number of dwelling units permitted to be developed on the property shall not exceed a total of two (2) single-family residential dwelling units, including any workforce housing increase.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2040, 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.* Additionally, the **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states

when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. The subject property is a square shaped parcel of land designated as Estate Density on the CDMP LUP map, which abuts properties to the north that are zoned RU-1 (minimum 7,500 sq. ft. lots) and developed with detached single-family residences. The properties located immediately to the west of the subject site, across from SW 57 Avenue (Red Road), and within the City of South Miami, are developed as single-family residential properties with lots sizes varying from 13,500 sq. ft. to 15,750 sq. ft. in area. Staff notes that further to the south there is a pocket of RU-3 developed parcels, that do not adjoin the subject property, but are separated from the site by just one EU-1 zoned parcel. Staff opines that the proposed EU-M zoning, which permits residential development within the density threshold allowed under the Estate Density designation on the LUP map, will provide a reasonable transition between the RU-1 zoned properties to its north, and the larger sized detached single-family lots abutting to the west of the subject site. Additionally, approval of same will continue the Estate Density residential development trend that exists within the neighborhood. 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.

Therefore, staff opines that approval of the rezoning of the subject property to EU-M, subject to the Board's acceptance of the proffered covenant, would be compatible with the surrounding area and **consistent** with the density threshold of the **Estate Density Residential** designation of the parcel on the CDMP Land Use Plan map, and will be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element and Policies **LU-4A**.

ZONING ANALYSIS:

The applicants seek approval to rezone subject property from EU-1, One Acre Estates Single-Family District to EU-M, Estates Modified Single-Family District which could allow more residential units than currently allowed. For the reasons stated above and below, staff opines that when the aforementioned request to rezone the ±1.05-gross (±0.68-net) acre parcel to EU-M zoning district is analyzed under Section 33-311, District Boundary Change, the approval of the request would be **compatible** with the surrounding area when considering 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 health, safety, morals, 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 based on the Comprehensive Development Master Plan land use designation of Estate Density Residential, and for the reasons explained in the Comprehensive Development Master Plan Analysis section of this application, the request for a zone change is **compatible** with the natural transition of residential zoning trend of development in the surrounding area. As such, staff opines that the approval of EU-M zoning would be in keeping with the character of the surrounding area, would be **compatible** with same and **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map.

Staff notes that the county's Geographic Information System (GIS), as well as the county's Property Appraiser Website shows that the subject property abuts existing RU-1 zoned properties to the north. Additionally, the properties across the street to the west, in the jurisdiction of City of South Miami would have approximately the same square footage as the proposed EU-M zoning

district. Staff notes that although no site plans were submitted for this application, at the time of permitting any future residential development of the property would have to comply with EU-M zoning requirements, which require the development to be compatible with the adjacent uses through the implementation of adequate buffering, site planning, and/or design features. Based on the aforementioned reasons, staff opines that approval of the request to rezone the subject parcel to EU-M would be compatible with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the zone change in relation to the present and future development of the area.

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application and indicate in their memorandum that the application will meet the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will generate 3 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. 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 approval of the applicant's request for a district boundary change will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, and will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities.

Based on the aforementioned reasons, staff opines that approval of the request to rezone the subject parcel to EU-M, subject to the proffered covenant, would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the zone change in relation to the present and future development of the area. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval for a district boundary change to EU-M, Estate Modified District, under Section 33-311, District Boundary Change standards.**

ACCESS, CIRCULATION AND PARKING: N/A

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.

Jorge and Martha C. Beltran

Z24-148

Page | 5

ES:JB:SS:VM

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Jorge and Martha C. Beltran
PH: Z24-148

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Fire Rescue Department	No objection
Water & Sewer Department (WASD)	No objection
Building and Neighborhood Compliance (BNC)	No objection
Miami-Dade County Public Schools	No objection
Miami-Dade County Office of Historic Preservation (OHP)	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.
Objective LU-4 (Pg. I-8)	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.
Objective LU-4A (Pg. I-9)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) 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.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <p style="margin-left: 40px;">(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</p> <p style="margin-left: 40px;">(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County,</p>
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ZONING RECOMMENDATION ADDENDUM

Jorge and Martha C. Beltran

PH: Z24-148

Page | 7

including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

JORGE AND MARTHA C. BELTRAN

8101 SW 57 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2024000148

DATE

HEARING NUMBER

FOLIO No: 30-4131-013-0010

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 24, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases.

OUTSTANDING LIENS AND FINES:

There are no outstanding Liens, Fine, or Fees

Memorandum



Date: July 14, 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

A handwritten signature in blue ink, reading "Lisa M. Spadafina".

Subject: Z2024000148-3rd Review
Jorge Beltran Martha C. Beltran
8101 SW 57th Avenue
DBC from EU-1 to EU-M to divide the property into two lots with one
single family residence on each parcel.
(EU-1) (1.06 acres)
31-54-41

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 section 24-43.1 of the Code related to potable water service and wastewater disposal.

Potable Water Supply and Wastewater Disposal

According to DERM records, the property is currently connected to public water. Pursuant to the Code and based on the requested district boundary change, the future development is within feasible distance to connect to public sanitary sewers. Therefore, the future development shall connect to public water and sanitary sewers in accordance with the Code. Please note that this development will need to obtain a sanitary sewer extension permit prior to DERM approval of future development orders. 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.

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

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

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.

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). The subject application was reviewed to determine whether the proposed request is in accordance with the specimen tree protection standards contained in section 24-49.2 of the Code; however, no information regarding these tree resources was submitted with this application. It is noted that the applicant has not submitted a site plan for consideration with the application.

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

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standards. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process.

The subject application, which requests a district boundary change from EU-1 to EU-M could result in tree removal/relocation activity to specimen trees. Because the subject application does not include a proposed site plan, it cannot be determined at this time whether the applicant's future plans for the property, which are yet to be submitted--would comply with specimen tree standards. DERM approval of the district boundary change shall not be interpreted as DERM approval of removal or relocation of tree resources.

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.

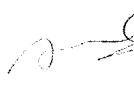
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: July 31, 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) 

Subject: Zoning Application Comments - Beltran Residences
Application No. Z2024000148

The Water and Sewer Department has reviewed the proposed development for the subject zoning 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: Beltran Residences

Location: The proposed project is located on approximately 1.06 Acres, at 8101 SW 57th Avenue, with Folio No. 30-4131-013-0010, in unincorporated Miami-Dade County.

Proposed Development: The applicant is requesting a District Boundary Change from EU-1 (Single - Family One acre Estate District) to UE-M (Estate Modified District). The Applicants propose to utilize Article XIAA (Workforce Housing Development Program) to split the property into two single family residential parcels. A site plan was not submitted with this application.

The gross floor area for the future single-family residences was not provided; therefore, to calculate the water/sewer flows, it was assumed that each single-family residence will have a gross floor area less than 3,001square feet.

The estimated total water demand for the proposed project will be 420 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 System (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 (EU643-1) along SW 57th Avenue abutting the western boundary of the property and another 8-inch water main along SW 81st Terrace abutting the southern boundary of the property, 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 connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC required

is 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 Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. The CDWWTP is operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the CDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

There is an existing 8-inch sanitary sewer gravity (ES5297-5, not available) located approximately 127 feet west of the intersection of SW 57th Avenue and SW 81st Street, to where the developer may connect and extend a new 8-inch gravity sewer easterly in SW 81st Street to SW 57th Avenue, then northerly along SW 57th Avenue as required to provide service to the proposed development, provided there is sufficient depth and that there are no obstacles which would preclude construction of the sewer system. **Please note that per GIS data, it appears that the gravity sewer extension will reach partially to parcel No. 1 (northern parcel).** 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 diameter.

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) 177 and (P.S.) 559. Both pump stations are currently in OK Moratorium Code Status. Below is the existing and projected Nominal Average Pump Operating Time (NAPOT) for both pump stations.

P.S. 177

Existing NAPOT: 6.68 hrs.
Proposed Development: 420 gpd
Proposed Projected NAPOT: 6.68 hrs.

P.S. 559

Existing NAPOT: 5.28 hrs.
Proposed Development: 420 gpd
Proposed Projected NAPOT: 5.28 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.

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 Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov.

Memorandum



Date: August 6, 2024

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: Z2024000148
Name: Jorge and Martha C. Beltran
Location: 8101 SW 57 Avenue
Section 31 Township 54 South Range 41 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 meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **3 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:

- 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: July 24, 2024

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

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

Subject: Z2024000148

The Miami-Dade Fire Rescue Department has **no objection** to request for district boundary change from EU-1 to EU-M uploaded to EnerGov on 7/22/2024. 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.

From: [HERRERA, ANA I](#)
To: "beltran_miami@gmail.com"; "jproctor@proctorpa.com"
Cc: [Simon, Nathaly](#); [Garcia, Jeannette C.](#); [RODRIGUEZ, IVAN M](#); [Concurrency Management](#); [Stillings, Noel \(RER\)](#)
Subject: Jorge Beltran and Martha C. Beltran (Z2024000148) (PH3024091600738) No Impact
Date: Friday, December 6, 2024 10:48:00 AM
Attachments: [Jorge Beltran and Martha C. Beltran \(Z2024000148\) \(PH3024091600738\) No Impact.pdf](#)

**RE: PUBLIC SCHOOL CONCURRENCY – NO IMPACT
JORGE BELTRAN AND MARTHA C. BELTRAN (Z2024000148)
LOCATED AT 8101 SW 57 AVE
PH3024091600738 – FOLIO NUMBER: 3041310130010**

Dear Applicant,

Pursuant to State Statutes and the Interlocal Agreement for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (School Planning Level Review).

As noted in the School Planning Level Review, the proposed development would yield a maximum residential density of 2 residential units, which generate 0 students. At this time, the application has no impact on the public schools in the area. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent, notwithstanding any additional information that may surface after further departmental research. As such, this analysis does not constitute a Public School Concurrency Approval.

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



Ana Herrera

**District Coordinator
Growth Management**

Office of Governmental Affairs and Land Use
Facilities Design and Construction
Miami-Dade County Public Schools
1450 N.E. Second Avenue
Miami, Florida 33132
(305) 995-4603



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: **PH3024091600738** Local Government (LG): **Miami-Dade**
 Date Application Received: **9/16/2024 2:02:11 PM** LG Application Number: **Z2024000148**
 Type of Application: **Public Hearing** Sub Type: **Zoning**

Applicant's Name: **Jorge Beltran and Martha C. Beltran**
 Address/Location: **8101 SW 57 AVE**
 Master Folio Number: **3041310130010**
 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
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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

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Memorandum



Date: March 10, 2025

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

From: Amina N. Newsome, HCD Division Director
Housing & Community Development (HCD)

Subject: Zoning Application Comments
Application No.: Z2024000148
Applicant: Jorge and Martha C. Beltran
Location: 8101 SW 57 AVE
Folio No(s): 30-4131-013-0010

Housing and Community Development (HCD) has reviewed the proposed development for the subject zoning application.

This is not an Infill Housing Program property.

For assistance with HCD programs, please contact the following:

- Workforce Housing Agreements/Rental Regulatory Agreements/Compliance: Phyllis Tynes - (786) 469-4167 or Phyllis.TynesSaunders@miamidade.gov
- Contribution-in-lieu fee requests and Acknowledgment of Payment: Shawn Topps - (786) 469-2209 or Shawn.Topps@miamidade.gov
- Impact fee waiver requests: Leyani Sosa/Mayra Diaz - (786) 469-2185 or Leyani.Sosa@miamidade.gov or Mayra.Diaz2@miamidade.gov
- Infill Housing Reviews: Oscar Barco - (786) 469-4226 Oscar.Barco@miamidade.gov
- Workforce/Affordable Housing zoning reviews: Jamila Llewelyn - (786) 469-4124 or Jamila.Llewelyn@miamidade.gov

Cc: Maria Elena Cedeno, Principal Planner, RER
Susan Furney, Development Services Intake Manager, RER

Memorandum



Date: August 8, 2024

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 Z2024-000148 Jorge and Martha C. Beltran

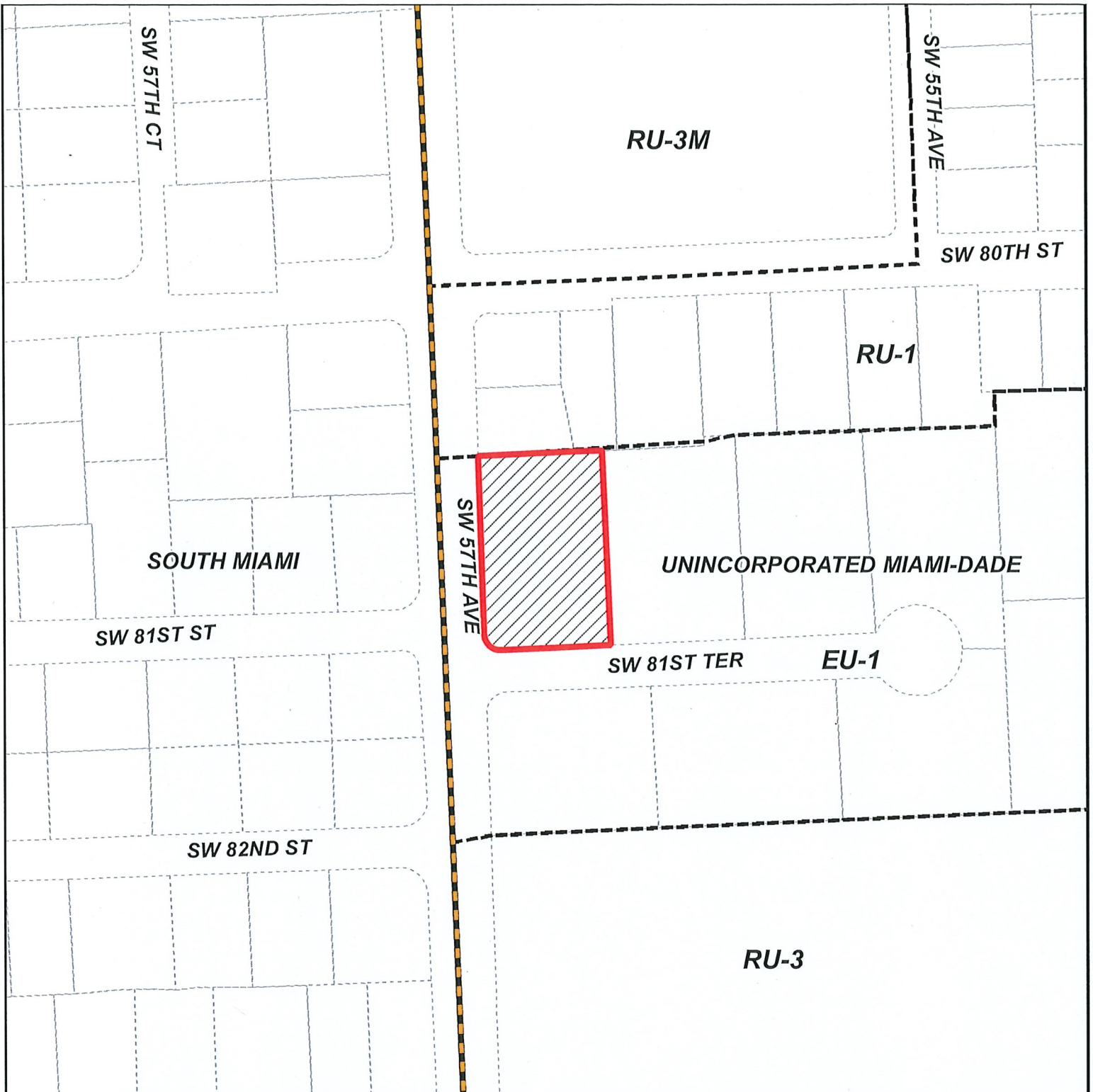
The Miami-Dade County Office of Historic Preservation (OHP) has reviewed the subject application and offers the following comments:

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.

The OHP has identified one structure from 1954 associated with folio 30-4131-013-0010 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 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
Z2024000148



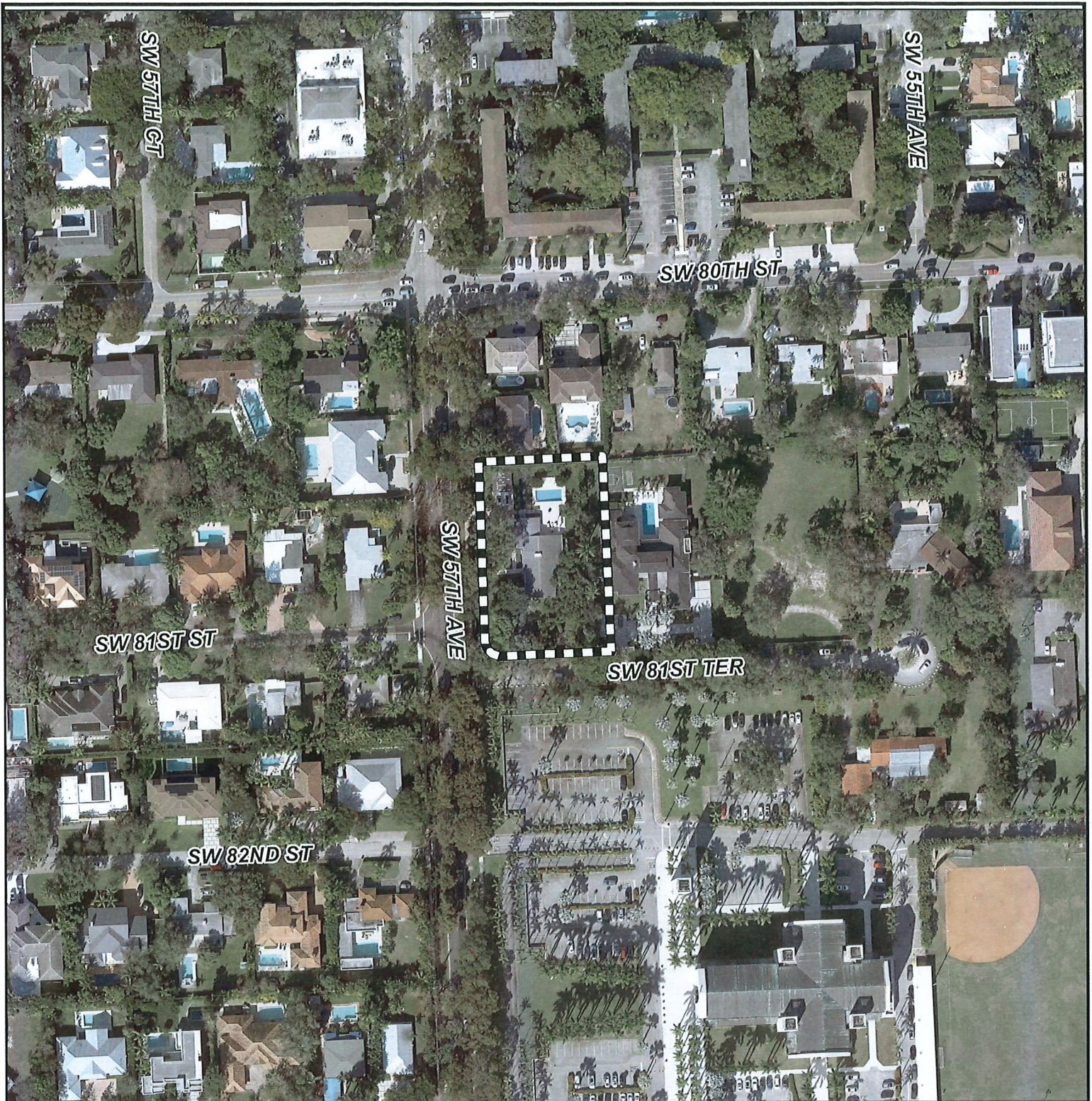
Section: 31 Township: 54 Range: 41
 Applicant: Jorge Beltran and Martha C. Beltran
 Zoning Board: C12
 Commission District: 7
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
AERIAL YEAR 2023

Process Number
Z2024000148

Legend
 Subject Property

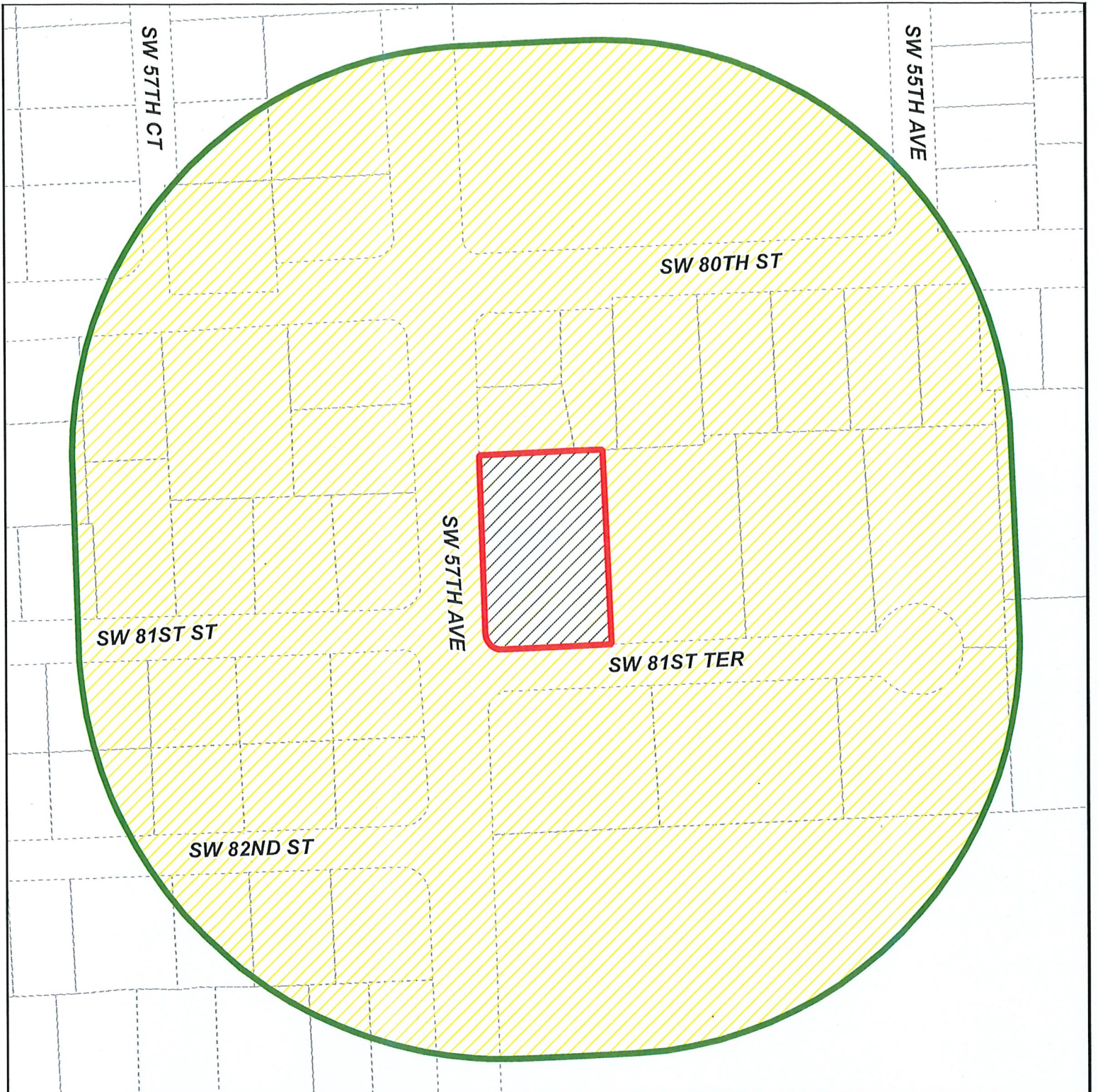


Section: 31 Township: 54 Range: 41
Applicant: Jorge Beltran and Martha C. Beltran
Zoning Board: C12
Commission District: 7
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Wednesday, July 24, 2024

REVISION	DATE	BY
		22






MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2024000148
 RADIUS: 500

Section: 31 Township: 54 Range: 41
 Applicant: Jorge Beltran and Martha C. Beltran
 Zoning Board: C12
 Commission District: 7
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

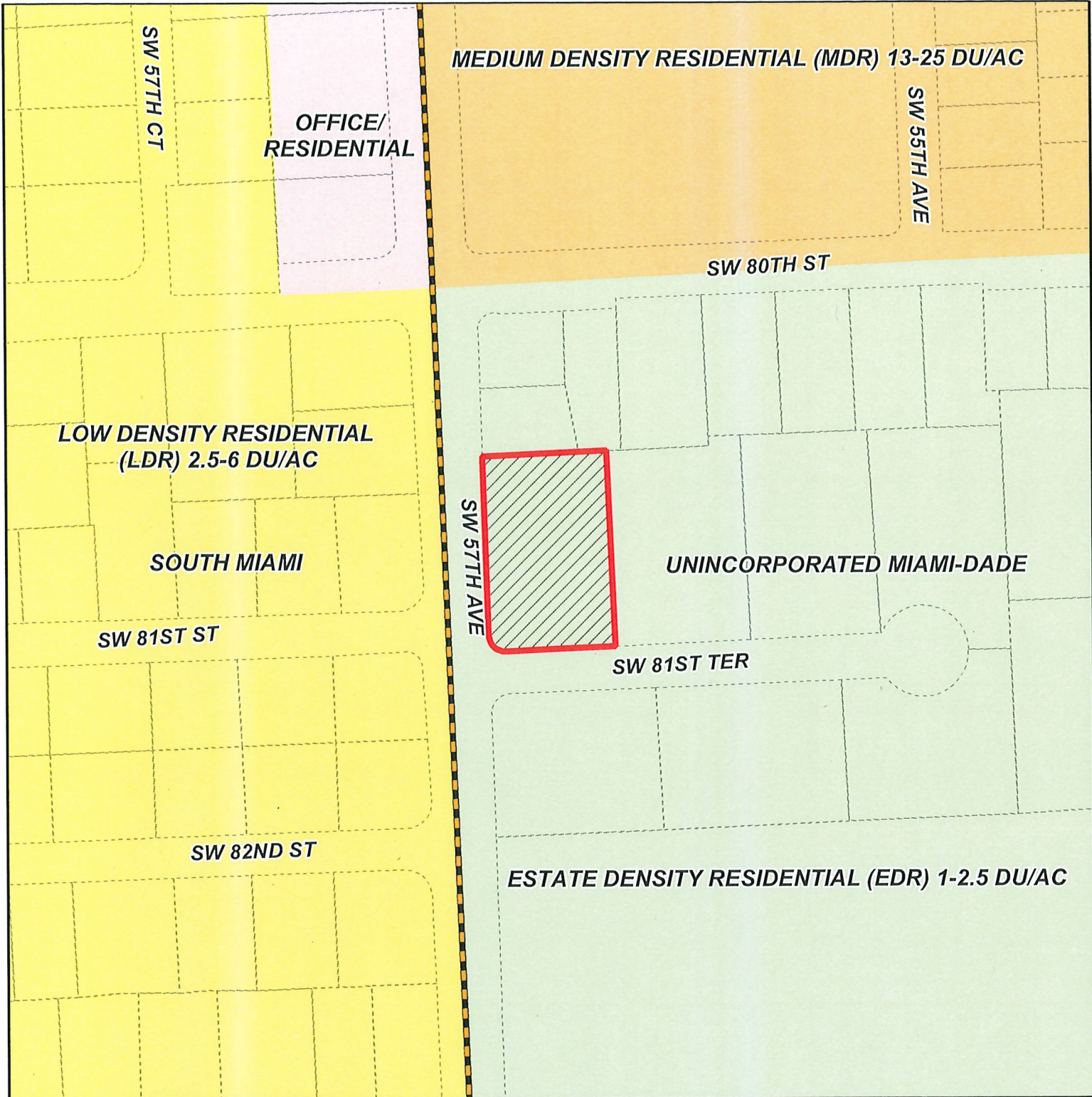
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, July 24, 2024

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2024000148

Section: 31 Township: 54 Range: 41
 Applicant: Jorge Beltran and Martha C. Beltran
 Zoning Board: C12
 Commission District: 7
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY
		24

Jerry B. Proctor, P.A.

February 18, 2025

Email

Ms. Veronica Mendoza
Miami-Dade County RER
Public Hearing Section
111 NW 1st Street, 11th Floor
Miami, FL 33128

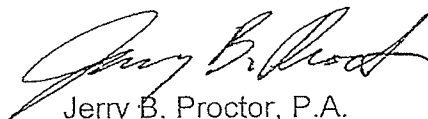
Re: Jorge and Martha C. Beltran
Zoning Application: Z2024000148

Dear Ms. Mendoza:

Pursuant to Article XIIA of Chapter 33, please accept and process the attached Declaration of Restrictions, submitted in conjunction with the District Boundary change in the above-styled application.

Thank you.

Sincerely,



Jerry B. Proctor, P.A.
Jerry B. Proctor
President

This instrument was prepared by:
Name: Jerry B. Proctor, ESQ
Address: Jerry B. Proctor PA
7600 SW 57 Avenue, Suite 210
South Miami, FL 33143

Folio number: 30-4131-013-0010

(Space reserved for Clerk of the Court)

**DECLARATION OF RESTRICTIVE COVENANTS AND
WORKFORCE HOUSING AGREEMENT**

WHEREAS, the undersigned Owners, JORGE BELTRAN and MARTHA C. BELTRAN (the "Owners"), hold fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property,"; and

IN ORDER TO ASSURE the County that the representations made to it by Owners during consideration of Public Hearing No. Z2024000148 (the "Application") will be abided by, the Owners freely, voluntarily and without duress make the following Declaration of Restrictive Covenant and Workforce Housing Agreement (the "Declaration") covering and running with the property:

RECITALS

1. The foregoing recitals are true and correct and are incorporated herein.
2. Payment in Lieu of Construction of Workforce Housing Units. The Owners is developing the Property in accordance with the Workforce Housing Development Program (the "Workforce Housing Program"), Section 193.3 et seq. of the Code of Miami-Dade County (the "County Code"). Owner is complying with the requirements of the Workforce Housing Program through a monetary contribution in lieu of construction of the units in accordance with Section 193.8(2) of the County Code. Owner has agreed to satisfy the requirements of Section 193.9 within 60 days of the final approval of the Application (subject to no appeals having been filed), and will tender \$32,500.00 ("Payment in Lieu") in accordance with Miami-Dade County's payment in lieu schedule. The funds shall be made to the Affordable Housing Trust Fund established under Chapter 17, Article VII of the Code, in lieu of construction of required on-site workforce housing units. This Payment in Lieu shall satisfy the requirements of section 33-193.9 of the Code in connection with the development of two (2) single-family residential units.

3. Number of Units. Notwithstanding the zoning district and land use designation of the Property, the maximum number of dwelling units permitted to be developed on the Property shall not exceed a total of two (2) single-family residential dwelling units, including any workforce housing increase.
4. 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.
5. Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' 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. Owners, 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.
6. 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 this Declaration in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
7. Modification, Amendment, Release. This Declaration may be modified, Amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. 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.
8. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any

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MIAMI-DADE COUNTY PROCESS NO.: Z24-148 DATE: MAR 4 2025 BY: ISA
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.

9. 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.
10. 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.
11. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof pursuant to a lawful permit issued by the County (or any successor municipality), and inspections made and approval of occupancy given by the County (or any successor municipality), 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.
12. 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 Miami-Dade County, Florida shall be entitled to revoke any approval predicated upon the invalidation portion.
13. 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 recordable form, acknowledging that this Declaration is null and void and of no further effect.

14. 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.
15. Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Signature page to follow]

Signed, witnessed, executed, and acknowledged on this 12 day of February, 2025.

IN WITNESS WHEREOF, JORGE BELTRAN and MARTHA C. BELTRAN, have caused these presents to be signed in its name by its proper officials.

WITNESSES:

Print Name: Francois Flamand
[Signature]
Print Name: Danays Echevarria
[Signature]

JORGE BELTRAN
[Signature]
Name: JORGE BELTRAN
Title: OWNER

WITNESSES:

Print Name: Miriam Velazquez
[Signature]
Print Name: DINOVA SANTA RHEIA
[Signature]

MARTHA C. BELTRAN
[Signature]
Name: MARTHA BELTRAN
Title: OWNER

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Jorge and Martha C. Beltran personally known to me or have produced _____ as identification. Witness my signature and official seal this 12 day of February, 2025, in the County and State aforesaid.

[Signature]
Name: Yessenia K Lagos
My Commission Expires: March 5, 2026

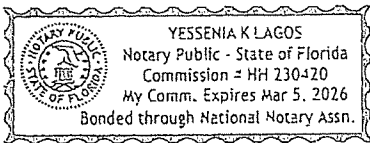


Exhibit A

Legal Description

Lot 1, VICTORIA GARDENS, Plat Book 55, Page 13 of the Public Records of Miami-Dade County, Florida.

OPINION OF TITLE

To: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as an inducement for acceptance of Declaration of Restrictive Covenants and Workforce Housing Agreement, pursuant to Public Hearing No. Z2024000148, it is hereby certified that I have examined a complete abstract of title consisting of an owner's title insurance policy issued by Old Republic National Title Insurance Company identified as OF6-8030069 ("Title Policy") effective as of August 9, 2011, @ 10:13 AM, and a title and name search printouts from the effective date of the Policy to February 4, 2025, @ 11:00 PM, inclusive, of the property described on Exhibit A hereto. I know of no reason that the Title Policy is inaccurate or incomplete.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Jorge Beltran and Martha C. Beltran, husband and wife

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES: - NONE

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS: - NONE

3. GENERAL EXCEPTIONS:
 - a. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
 - b. Rights of persons other than the above owners who are in possession.
 - c. Facts that would be disclosed upon accurate survey.
 - d. Any unrecorded labor, mechanics or materialmen's liens.
 - e. Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:
 - a. Reservations and restrictions set forth in the plat of Victoria Gardens, according to the plat thereof, as recorded in Plat Book 55 at Page 13, of the Public Records of Miami-Dade County, Florida.
 - b. Covenant Running with the Land in favor of Miami-Dade County recorded October 23, 2024, in Official Records Book 34459 at Page 231, of the Public Records of Miami-Dade County, Florida.

I hereby certify that I have reviewed copies of the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictive Covenants and Workforce Housing Agreement.

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Therefore, it is my opinion that the following parties must join in the Declaration of Restrictive Covenants and Workforce Housing Agreement in order to make the Declaration of Restrictive Covenants and Workforce Housing Agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
NONE		

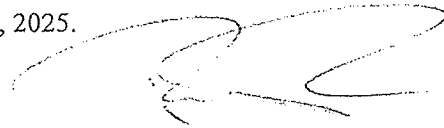
The following is a description of the aforementioned title and name search printouts:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
1 (Title Search)	Attorneys' Title Fund Services, LLC	13	8/1/2011 – 2/4/2025
2 (Name Seach)	Attorneys' Title Fund Services, LLC	20	8/1/2011 – 2/4/2025

I hereby certify that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the Declaration of Restrictive Covenants and Workforce Housing Agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and am a member in good standing of the Florida Bar.

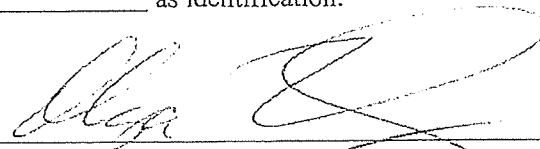
Respectfully submitted this 19th day of February, 2025.



Paul Palmer, Esquire
Palmer, Palmer & Mangiero
12790 South Dixie Highway
Miami, Florida 33156

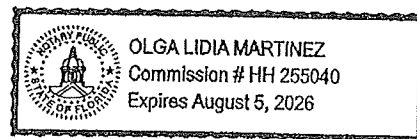
State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 19th day of February, 2025, by Paul Palmer, who is personally known to me or who has produced _____ as identification.



Notary Public, State of Florida
Printed Name: _____

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Exhibit A
Legal Description

Lot 1 of Victoria Gardens, according to the plat thereof, as recorded in Plat Book 55 at Page 13, of the Public Records of Miami-Dade County, Florida

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RECEIVED MIAMI DADE COUNTY PROCESSING NO. 224148 DATE SEP 10 2024 BY CONGO



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