





# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, FEBRUARY 15, 2012

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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**A. KING METAL RECYCLING, LLC. (12-1-CZ8-2/11-037)**

**09-53-41  
Area 8/District 02**

- (1) DISTRICT BOUNDARY CHANGE from GU (Interim) to IU-3 (Industry-Unlimited).
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plan are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Office Building For: King Metal recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. Plans may be modified at public hearing.

LOCATION: 8600 NW 36 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2 Acres

Department of Permitting, Environment and  
Regulatory Affairs  
Recommendation:

Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #8.

Protests: 35

Waivers: 0

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

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

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

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

Deferred from: January 18, 2012

**1. INVESTMENTS SPECIALISTS (12-2-CZ8-1/10-060)**  
**ENTERPRISES, INC.**

**22-53-41**  
**Area 8/District 03**

- (1) DISTRICT BOUNDARY CHANGE from IU (Industry-Light) to BU-3 (Business-Liberal).
- (2) UNUSUAL USE to permit a junkyard.
- (3) UNUSUAL USE to permit an automobile, truck, machinery and scrap metal salvage yard.
- (4) SPECIAL EXCEPTION to permit a secondary electrically charged fence around the perimeter of the property.
- (5) NON-USE VARIANCE to waive the zoning regulations requiring junkyards to be surrounded by a solid wall 8 feet in height or an 8-foot high cyclone wire fence interwoven with wooden, metal or plastic strips; to permit the proposed junkyard and automobile, truck, machinery and scrap metal salvage yard to be surrounded by a combination 6-foot high to 7-foot high chain-link fence interwoven with wooden, metal or plastic strips along the front (west), interior side (north), side street (south) property lines, and a 6-foot high C.B.S. wall along the secondary front (east) property lines to create a solid screen.
- (6) NON-USE VARIANCE to waive the zoning regulations requiring junkyards, if fence, to have the fence surrounded by a two-foot concrete (on footing) or heavy sheet metal curb (imbedded at least two (2) feet in ground) adjacent to and inside the fence.
- (7) NON-USE VARIANCE to permit 33 parking spaces (351 required).
- (8) NON-USE VARIANCE to waive the zoning regulations restricting the piling of junk or scrap to the height of wall, fence or hedge; to permit storage of junk vehicles, materials or equipment an scrap to exceed the height of the fence and hedge up to a height of 13'-6".
- (9) NON-USE VARIANCE to permit a landscape hedge with a height at maturity of up to 8 feet and 6-foot high C.B.S. wall within the front (east) and side street (south) setback areas (4 feet high permitted).
- (10) NON-USE VARIANCE to permit a minimum of 9.2% (16% required) of landscape open space.

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Existing As-Built Plans For: Investments Specialists Enterprises, Inc.," as prepared by Miami Engineering Services, Sheets A-1 and L-1 dated stamped received 01/09/12 and the remaining 4 sheets dated stamped received 5/20/11,. For a total of six 6 sheets. Plans may be modified at public hearing

LOCATION: 4101 N.W. 27<sup>th</sup> Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.26 Acres

Department of Permitting, Environment and  
Regulatory Affairs  
Recommendation:

Deferral with leave to amend.

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

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

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

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

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

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

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**2. SULAIMAN S. HINDY (12-2-CZ8-2/11-044)**

**13-52-41  
Area 8/District 02**

- (1) NON-USE VARIANCE to permit a single family residence setback 4.91' (15' required) from the street side (west) property line.
- (2) NON-USE VARIANCE to permit a existing accessory use to setback varying from 4.29' to 4.42' (7.5' required) from the interior side (east) property line.

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Amnesty for attached addition & garage conversions (storage) for: Sulaiman Shindy", as prepared by Fernando Gomez-Pina, P.E. and dated stamped received 10/19/11, for a total of two (2) sheets. Plans may be modified at public hearing.

LOCATION: 16201 North Miami Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 97' X 141'

Department of Permitting, Environment and  
Regulatory Affairs  
Recommendation:

Approval with conditions.

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

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

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

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

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

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

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**3. MMG NORTH, INC. (12-2-CZ8-3/11-060)**

**23-52-41  
Area 8/District 01**

- (1) DISTRICT BOUNDARY CHANGE from BU-1A (Business-Limited) to BU-3 (Business-Liberal)
- (2) SPECIAL EXCEPTION to permit a pawnshop.
- (3) NON-USE VARIANCE to permit parking spaces with a back-out length of 18.5' (22' required)

Plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Proposed Dilallo Jewelry Shop," as prepared by J. Barrio



**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs  
Staff Report to Community Council No. 8**

**PH: Z11-037 (12-1-CZ8-2)**

**February 15, 2012**

Item No. A

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	King Metal Recycling, LLC.
<b>Summary of Requests</b>	The applicant is seeking to allow a zone change to IU-3 and to permit a recycling center spaced less than required from residences. The applicant also seeks to permit the recycling plant with variances to the setback, parking and drives and other zoning regulations.
<b>Location</b>	8600 NW 36 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	2 gross acres
<b>Existing Zoning</b>	GU
<b>Existing Land Use</b>	Recycling plant
<b>2015-2025 CDMP Land Use Designation</b>	Industrial and Office ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Approval, subject to the acceptance of the proffered covenant</b>

This item was deferred from the January 18, 2012 meeting of Community Zoning Appeals Board (CZAB) 8, to obtain additional information from the Environment Division of the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department.

**REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from GU to IU-3.
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line and setback a minimum of 12' 10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a one-way drive with a minimum width of 12' 10" (14' required).
- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.

- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall to not exceed 2.5' in height when located within 10' of the edge of a driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets..

**PROJECT DESCRIPTION:**

The submitted plans depict the recycling center facility with the office additions encroaching into the front (east) setback area. The plans also depict the proposed wall along the front (east) property line.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	GU; recycling plant	Industrial and Office
<b>North</b>	GU; vacant land	Industrial and Office
<b>South</b>	GU; cannery	Terminals
<b>East</b>	RU-1: single-family residences	Low Density Residential (2.5 to 6 dua)
<b>West</b>	GU; rail yard	Terminals

**NEIGHBORHOOD COMPATIBILITY:**

The 2-acre subject parcel contains the existing recycling plant that was previously approved as a steel fabrication plant in 1950. To the west is a rail yard and to the east are single-family residences. The properties on the west side of NW 87 Avenue, which is the side where the subject property is located, contain similar industrial uses. However, the properties located to the east of the aforementioned roadway are primarily developed with single-family residences.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to maintain the existing industrial use which could be an economic benefit to the County by maintaining the availability of such jobs in this area. However, the proposed IU-3 zoning in close proximity to residences could have a negative visual and aural impact on same.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as *Industrial and Office* on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows

*manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses.* The proposed zoning district and the proposed use are **consistent** with the industrial uses permitted under the Industrial and Office land use category. Additionally, **Objective LU-4** requires that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* Staff notes that the subject property and the abutting properties to the north, which are all located to the east of and abutting NW 36 Avenue, are designated Industrial and Office on the LUP map of the CDMP. Further, staff notes that the uses on these properties are industrial. The properties located to the south and west are designated Terminals on the LUP map of the CDMP. The CDMP Land Use Element interpretative text, Terminal land use category, allows rail yards and industrial uses and similar uses that are customary and incidental to the primary railroad use. As such, staff opines that the rezoning of the subject property to IU-3 would bring the property into conformity with the Industrial and Office designation of the property on the CDMP LUP map as well as the industrial uses that currently exist or are planned on the properties designated for Terminal use to the south and west.

However, staff also notes that the properties located to the east of NW 36 Avenue, are primarily developed with residences. **Policy LU-4D** requires that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.* The submitted plans indicate that the recycling facility is developed with the operational and more intensive uses located away from the residences and the offices are located close to NW 36 Avenue, abutting the residences. Further, the applicant is requesting approval of an existing 16' high wall along the front (east) property line which in staff's opinion will mitigate any negative visual or aural impacts on the residences to the east. As such, staff opines that approval of the requests to rezone the property for an industrial use would be **compatible** with the surrounding area and **consistent** with the **Objective LU-4** and **Policy LU-4D** of the CDMP, and with the uses allowed in the areas designated Industrial and Office on the LUP map of the CDMP.

### **ZONING ANALYSIS:**

When the applicant's request to rezone the 2-acre parcel to IU-3, Unlimited Industrial Manufacturing District (request #1), is analyzed under Section 33-311, District Boundary Change, and request #2, to allow the metal recycling facility spaced less than the required 500' from any residential district is analyzed under Section 33-311(A)(3), Special Exception, Unusual and New Uses, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that the approval with conditions of the applicant's request to rezone the property, to allow the continued use as a recycling facility, will be **consistent** with the Industrial and Office designation of the property on the LUP map of the CDMP. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on memoranda from the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department, or the Public Works and Waste Management Department. Additionally, staff notes that the subject property abuts a rail yard facility to the west which in staff's opinion, could enhance the transportation efficiencies of the facility in the future.

Staff notes that the industrial uses on the property have been in existence since 1955, based on the records of the Department of Sustainability, Planning and Economic Enhancement and have existed within close proximity to the residential uses located to the east of NW 36 Avenue. In fact, the residences directly to the east of the subject property were built in 1955. In April 1955, pursuant to Resolution #8165, the subject property was approved to allow a steel fabrication plant. Subsequently, said plant was expanded pursuant to Resolution #ZAB-35-61, in April 1961, to permit the plant within 64' of residential properties, where a 500' spacing is required from residential properties. As such, staff opines that since the exception applied for (request #2) is similar to what was previously approved in 1961, approval of the proposed recycling center which staff opines is similar to and compatible with the previously approved steel fabrication plant uses that were spaced less than allowed from residential properties, will not result in a change in the character of the neighborhood, nor would it result in excessive noise or traffic. However, staff would recommend that due to the proximity to the residential properties, that operations be restricted to days and hours that would not have a negative impact on the quality of life of the residents located to the east. Therefore, staff opines that approval of the district boundary change to allow the continued use of the property as a recycling center will be **compatible** with the surrounding area. However, staff notes that the proposed IU-3 zoning would allow uses that could have a negative visual and aural impact on the residences in the area. Consequently, the applicant has proffered a covenant restricting the use of the property to the recycling facility only and restricting the days and hours of operation for the facility. **Staff therefore, recommends approval of the request #1 under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant and approval with conditions of request #2 under Section 33-311(A)(3), Special Exception, Unusual Uses and New Uses.**

When requests #3 through #8 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff's analysis of the applicant's request for variances to the setback regulations (request #3) indicated that the subject site was previously approved to allow the facility to setback 14' from the front (east) property line and that the applicant is now requesting an additional 10' encroachment. The submitted plans indicate that the encroachment is the result of an expansion of the office building into the front (east) setback area. Said plans indicate that the building will be approximately 19' in height, and that the wall along the front (east) property line will be 16' high, both of which will provide an adequate visual and aural buffer for the industrial operations both within and outside the buildings on the 2-acre subject parcel. Further, staff notes that the 2' 2" encroachment into the interior side (north) setback area is minimal and will not have a negative visual or aural impact on the property to the north which is also designated Industrial and Office on the CDMP LUP map and would allow uses that are similar to and more intensive than being requested on the subject property.

Staff is supportive of the applicant's request, with conditions, to allow the wall to exceed the maximum height allowed by 8' (request #7) and to allow said wall within 10' of the edge of driveway leading to a public right-of-way (request #8). In staff's opinion, the increased wall height in conjunction with the layout of the site which indicates the two-story office building located to the front (east) of the property with the operational and storage areas located behind them, will mitigate the aural and visual impacts of the industrial uses on the residential properties located to the east. In staff's opinion, the approval of the aforementioned requests is integral to the approval of request #6, which would allow the applicant to conduct recycling activities outside of a building or behind enclosed walls on the site.

Further, staff opines that the approval of requests #4 and #5, would not have a negative impact on the surrounding area, nor result in the spillage of parking onto the abutting roadways and negatively affect traffic on same. The submitted plans indicate a traffic circulation pattern on the site which includes the one-way drive that is the subject of request #5, which staff opines will provide adequate stacking for the pickup and delivery of inventory for the recycling center. Further, staff opines that approval with conditions of the applicant's request to provide less parking spaces than required, will not have a negative impact on the surrounding area. However, staff recommends as a condition of approval, that no parking for employees or customers be allowed on the abutting right-of-way, NW 36 Avenue.

Based on the aforementioned, staff opines that the approval with conditions of requests #3 through #8 will not have a negative visual or aural impact on the surrounding area and would be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #3 through #8, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate two (2) ingress points along NW 36 Avenue, the larger of which to the south allows both ingress and egress to the property. Additionally, the applicant has provided a one-way drive along the north property line, circling to the rear (west) of the property, to allow the drop off and pick up of inventory for the recycling facility.

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

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 though #8.**

**CONDITIONS FOR APPROVAL (For requests #2 through #8 only):**

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs (PERA) Department or its successor Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Office Building for: King Metal Recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. 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.
4. That no parking be allowed offsite or along NW 36 Avenue.

5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with PERA or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the use be permitted to operate only between the hours of 7:00 A.M. to 6:00 P.M. on Mondays through Fridays and 8:00 A.M. to 5:00 P.M. on Saturdays.
7. That the applicant comply with all conditions from the Environmental Quality Control Board of PERA or its successor Department.
8. That the applicant comply with all applicable conditions and requirements of the Department of Public Works and Waste Management.

ES:MW::GR:NN:JC:CH



Eric Silva, AICP, Interim Assistant Director *NDN*  
Zoning and Community Design  
Miami-Dade County Sustainability,  
Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

King Metal Recycling, LLC  
Z11-037

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
PERA	No objection*
Public Works and Waste Management	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Industrial and Office</b> (Pg. I-39)	<i>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 telecommunication 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. Free-standing 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. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections.</i>
<b>Objective LU-4</b> (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
<b>Land use Policy LU-4D</b> (Pg. I-11)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.</i>

## PERTINENT ZONING REQUIREMENTS/STANDARDS

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

*King Metal Recycling, LLC  
Z11-037*

	<p>(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i></p> <p>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></p> <p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p><b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b></p>	<p><i>Hear applications for and grant or deny <b>special exceptions</b>; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.</i></p>
<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i></p>

MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 8  
MOTION SLIP

**#2**

APPLICANT'S NAME: **KING METAL RECYCLING, LLC**

REPRESENTATIVE: Pedro Amador

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
12-1-CZ8-2 (11-37)	January 18, 2012	CZAB8	12

**REC: Approval of request #1 subject to the Board's acceptance of the proffered covenant and approval with conditions of requests through #8.**

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

DEFER:       INDEFINITELY       TO: February 15, 2012       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: The board deferred the item in order for DERM (PERA) to provide additional information

regarding dust, noise and vibration that could come from the facility.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Richard C. BROWN (C.A.)	<b>X</b>		
COUNCILMAN		Patrick CURE			<b>X</b>
COUNCILMAN	<b>M</b>	Arthemon JOHNSON	<b>X</b>		
COUNCIL WOMAN		Voncarol Yvette KINCHEN			<b>X</b>
VICE CHAIRMAN	<b>S</b>	Fredericke Alan MORLEY	<b>X</b>		
CHAIRWOMAN		Joy J. DAVIS	<b>X</b>		
VOTE:			<b>4</b>	<b>0</b>	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DAVID HOPE

**A. KING METAL RECYCLING, LLC**  
**(Applicant)**

**12-1-CZ8-2 (11-037)**  
**Area 8/District 02**  
**Hearing Date: 02/15/12**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1950	Dade-County Port Authority & Seaboard Airline Railroad	- Deletion of agreement.	BCC	Approved
1950	Dade-County Port Authority & Seaboard Airline Railroad	- Relinquish Jurisdiction.	BCC	Approved
1955	Nathan Adelman	- Use classification permitting an IU-1 use.	BCC	Approved
1961	Adelman, Adelman & Coverman	- Variance spacing and setback requirement.	ZAB	Approved With conditions
1961	Adelman, Adelman & Coverman	- Variance spacing requirement to permit expansion of steel fabrication plant and setback requirement.	BCC	Approved

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

# Memorandum

**Date:** September 20, 2011

**To:** Charles Danger, P.E., Interim Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs



**Subject:** #Z2011000037-3<sup>rd</sup> Revision  
King Metal Recycling, LLC  
8600 N.W. 36<sup>th</sup> Avenue  
District Boundary Change from GU to IU-3, Special Exception to Permit a  
Steel Fabrication Plant Spaced Less than Required from RU Zoning District  
and to Permit the Steel Fabrication Plant Setback Less than Required from  
Property Lines  
(GU) (2 Acres)  
09-53-41

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The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### Potable Water Service

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

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

#### Wastewater Disposal

The closest public sanitary sewer line is located approximately 125 feet from the site. Consequently, the subject property would have to be served by a public water supply system and a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are activities that are inherent to land uses permitted in the proposed zoning classification that generate liquid waste other than domestic sewage.

Section 24-43.1 (6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

In as much as the zoning request did not comply with the above mentioned Code sections, the property owner applied for and obtained an extension of time from the Environmental Quality Control Board (EQCB) to allow the use of public water supply and a septic tank for a resource recovery facility, subject to the conditions stated in Board Order No. 10-5. As per the recent resubmittal, the applicant is clarifying on site plan "no outside storage". This request would be in compliance with Condition No. 8 of said EQCB Board Order.

#### Stormwater Management

A Class VI permit is required for the construction and operation of the proposed surface water management system. This permit shall be obtained prior site development, or public works approval of paving and drainage plans. The applicant is advised to contact the Water Control Section for further information regarding permitting procedures and requirements.

#### Wetlands

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

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

#### Tree Preservation

The proposal will not impact tree resources. Please be advised that a Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Be advised that any type of construction, including driveways, septic tanks, fences, pipes, buildings, roads, polls etc., should be at least 12-14 feet from specimen (trunk diameter 18 inches or greater) and non specimen trees, also during construction 10-12 feet barriers should be placed around specimen trees and 6-8 feet barriers around non specimen trees. If this distance is not maintained the root systems of the trees may be affected, thereby causing the effective destruction of the trees. In the event that the proposed construction causes the effective destruction of the trees on site, it would constitute a violation of Section 24-49 of the Code. Appropriate actions must be taken to not adversely impact tree resources on the referenced property.

#### Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

Concurrency Review Summary

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

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

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

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

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: KING METAL RECYCLING, LLC

This Department has no objections to this application.

This Department has no objections to the request to permit less parking than required.

This Department has no objections to the request to permit a one-way driveway with a minimum width of 12 feet 10 inches.

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

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

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

08-JUN-11



# Memorandum

**Date:** 20-OCT-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** William W. Bryson, Fire Chief.  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000037

**Fire Prevention Unit:**

This memo supersedes MDFR memorandum dated September 19, 2011.  
 APPROVAL  
 No objection to site plan date stamped received October 11, 2011.

**Service Impact/Demand**

Development for the above Z2011000037  
 located at 8600 NW 36 AVE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0788 is proposed as the following:

N/A	dwelling units	1,768	square feet
<u>residential</u>		<u>industrial</u>	
2,698	square feet	N/A	square feet
<u>Office</u>		<u>institutional</u>	
N/A	square feet	N/A	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: 0.68 alarms-annually.  
 The estimated average travel time is: 6:32 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 2 - Model Cities - 6460 NW 27 Avenue  
 Rescue, BLS Engine, Battalion 5.

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Current service impact calculated based on Letter of Intent date stamped received October 11, 2011. Substantial changes to the Letter of Intent will require additional service impact analysis.

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

15

# Memorandum



**Date:** August 30, 2011  
**To:** Marc LaFerrler, Director  
Department of Planning and Zoning  
**From:** *WV* Maria I. Nardi, Chief  
Planning and Research Division  
**Subject:** Z2011000037: KING METAL RECYCLING, LLC

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**Application Name:** KING METAL RECYCLING, LLC.

**Project Location:** The site is located at 8600 NW 36 AVE, Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from GU to IU-3; a special exception for spacing; and a non-use variance for parking.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 04-JAN-12  
REVISION 2

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

KING METAL RECYCLING, LLC

8600 NW 36 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2011000037

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**HEARING NUMBER**

**HISTORY:**

ENFORCEMENT HISTORY: NC: No open cases. BNC: no open cases

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

**REPORTER NAME:**

NCS Albury

# ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: CARL HARRISON

01/12/12

**Process #:** Z2011000037  
**Applicant's Name:** KING METAL RECYCLING, LLC  
**Locations:** 8600 NW 36 AVE, MIAMI-DADE COUNTY, FLORIDA.  
**Size:** 2 ACRES  
**Folio #:** 3031090001110

## Request:

- 1 DBC from GU to IU-3.
- 2 S.E. to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- 3 NON-USE-VARIANCE to permit the building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- 4 NON-USE-VARIANCE to permit 19 parking spaces (36 required).
- 5 NON-USE-VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- 6 NON-USE-VARIANCE to waive the zoning regulations requiring renovating operation carried on entirely within an enclosed building.
- 7 NON-USE-VARIANCE to permit a wall with a height of 16 (4' maximum permitted) along the front (east) property line.
- 8 NON USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

## EXISTING ZONING

**Subject Property** GU,

**EXISTING USE** RECYCLING METAL

## SITE CHARACTERISTICS

### STRUCTURES ON SITE:

BUILDING WITH METAL CANOPY IN REAR

### USE(S) OF PROPERTY:

RECYCLING FACILITY

### FENCES/WALLS:

8 FT WALL IN FRONT OF BUILDING WITH RAZOR WIRE WHICH NOT PERMITTED. THE REST OF PROPERTY HAS 8 FT IRON FENCE

### LANDSCAPING:

THE PROPERTY HAS LARGE TREES IN THE FRONT OF PROPERTY. THE REST OF THE PROPERTY HAS A HEDGE WITH THE IRON FENCE.

### BUFFERING:

8 FT WALL IN FROM OF BUILDING, THE REST OF THE PROPERTY HAS IRON FENCE WITH AN HEDGE

### VIOLATIONS OBSERVED:

PROPERTY HAS RAZOR WIRE IN FRONT OF BUILDING AND AROUND THE PROPERTY WHICH IS NOT PERMITTED

## ZONING INSPECTION REPORT

**OTHER:**

NONE

**Process #    Applicant's Name**

Z2011000037    KING METAL RECYCLING, LLC

**SURROUNDING PROPERTY**

**NORTH:**

VACANT LOT

**SOUTH:**

THERE IS A SMALL WEARHOUSE BUILDING

**EAST:**

RU-1 1 STORY SINGLE FAMILY RESIDENCE

**WEST:**

RAILROAD TRACK WITH EASTMENT

**SURROUNDING AREA**

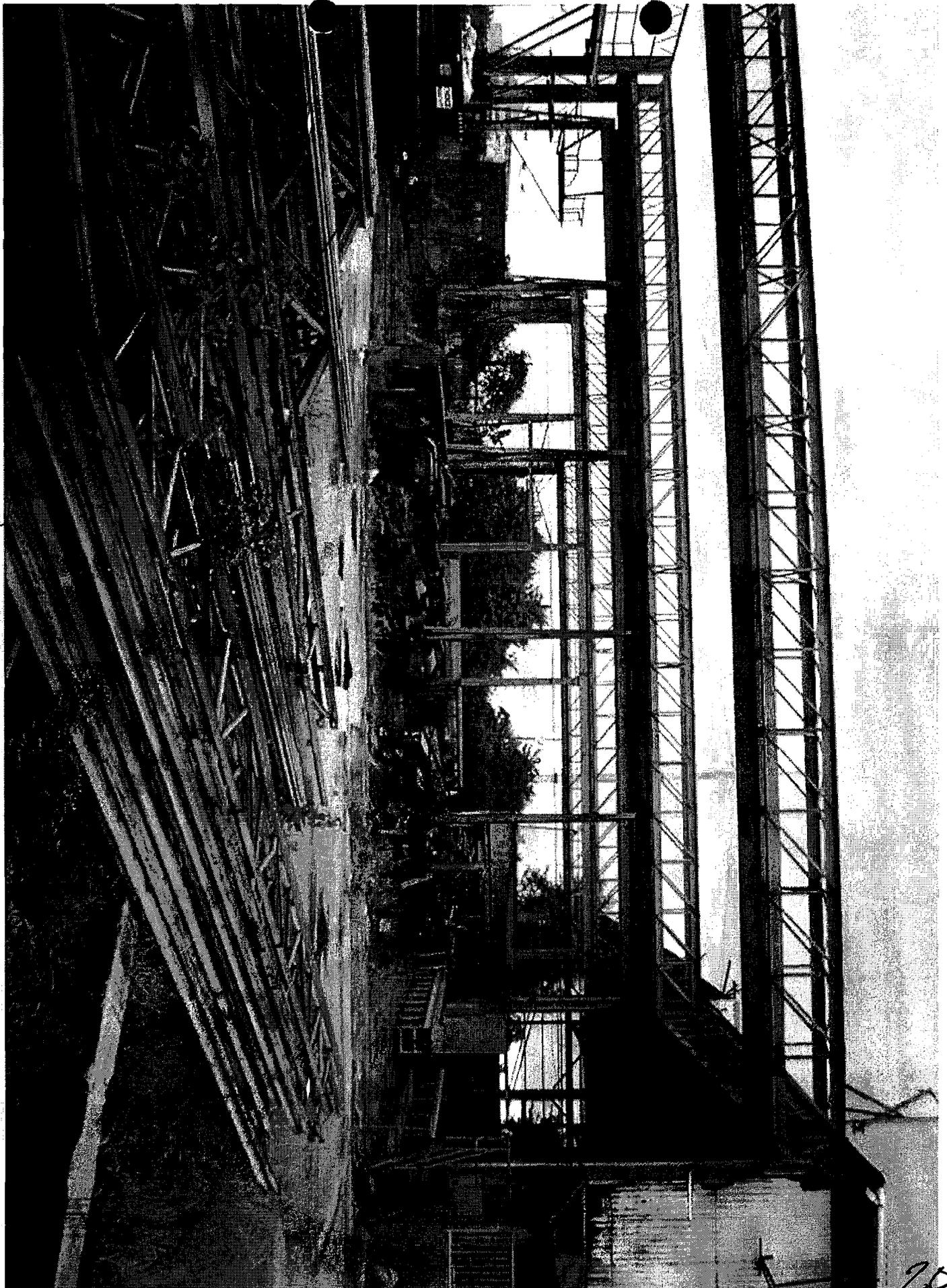
THE EAST OF THE PROPERTY HAS SOME REISIDENTIAL SINGLE FAMILY RESIDENCE

**NEIGHBORHOOD CHARACTERISTICS:**

MOSTY COMMERCIAL WEST OF 36 AVE/EAST OF 36 AVE HAS RESIDENTIAL SINGLE FAMILY RESIDENCE

**COMMENTS:**

Back Side



Front Side



Norw Side

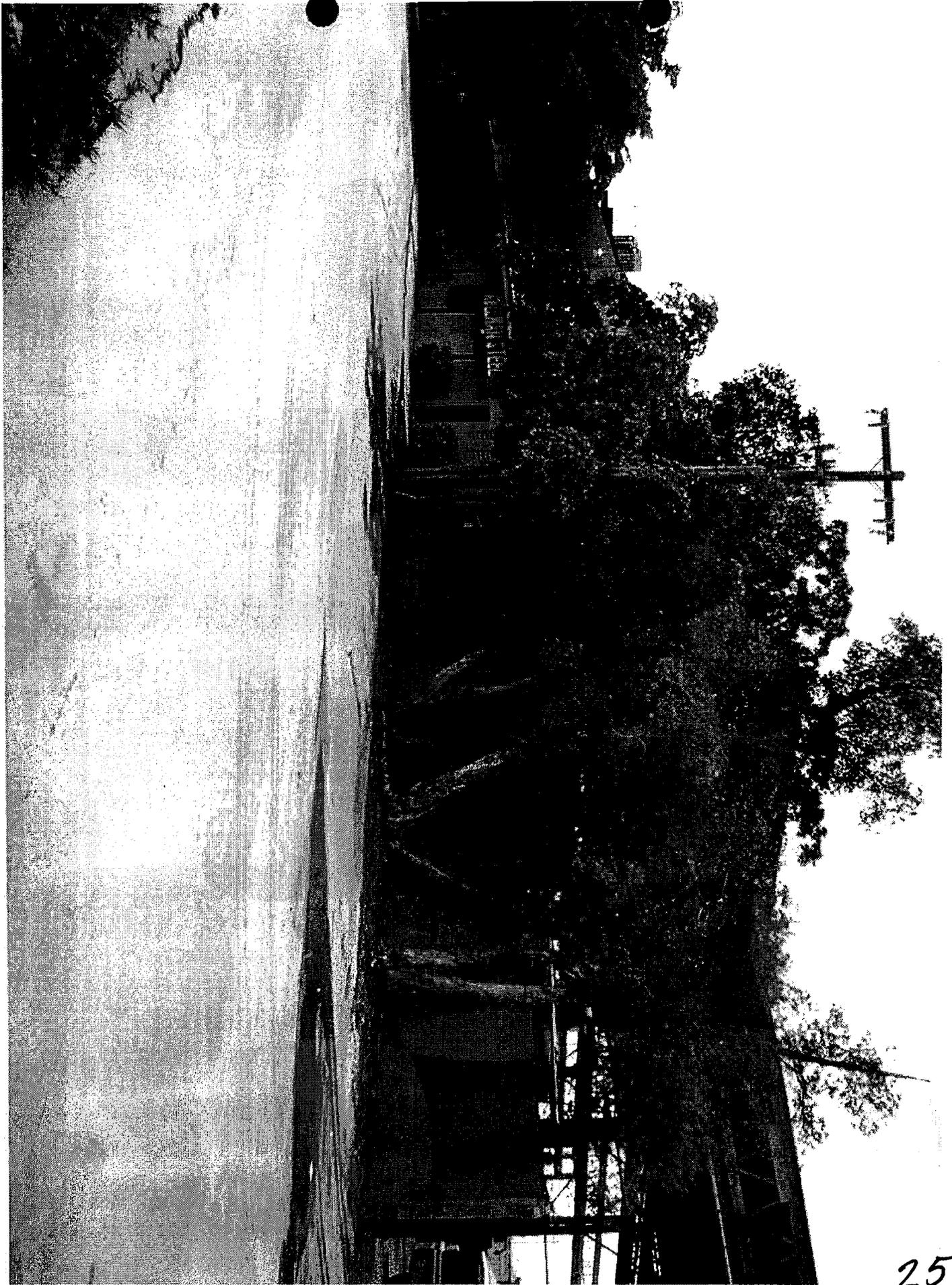


South Side



Front Side





Front side

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: King Metal Recycling, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Pedro L. Amador, 15954 NW 79 PL, M.L., FL. 33016</u>	<u>25 %</u>
<u>Jorge L. Amador, 7783 NW 166 Ter, M.L. FL. 33016</u>	<u>25 %</u>
<u>Yohani Danza, 961 E. 13<sup>th</sup> St. Hialeah, FL. 33010</u>	<u>25 %</u>
<u>Arturo Alvarez, 961 E. 13<sup>th</sup> St. Hialeah, FL. 33010</u>	<u>25 %</u>

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

TRUST/ESTATE NAME \_\_\_\_\_

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

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

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

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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APR 04 2011

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

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

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

Signature: *[Signature]* (Applicant)

Sworn to and subscribed before me this 19 day of AUGUST, 2010. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

*[Signature]*  
(Notary Public)

My commission expires 10-22-2012

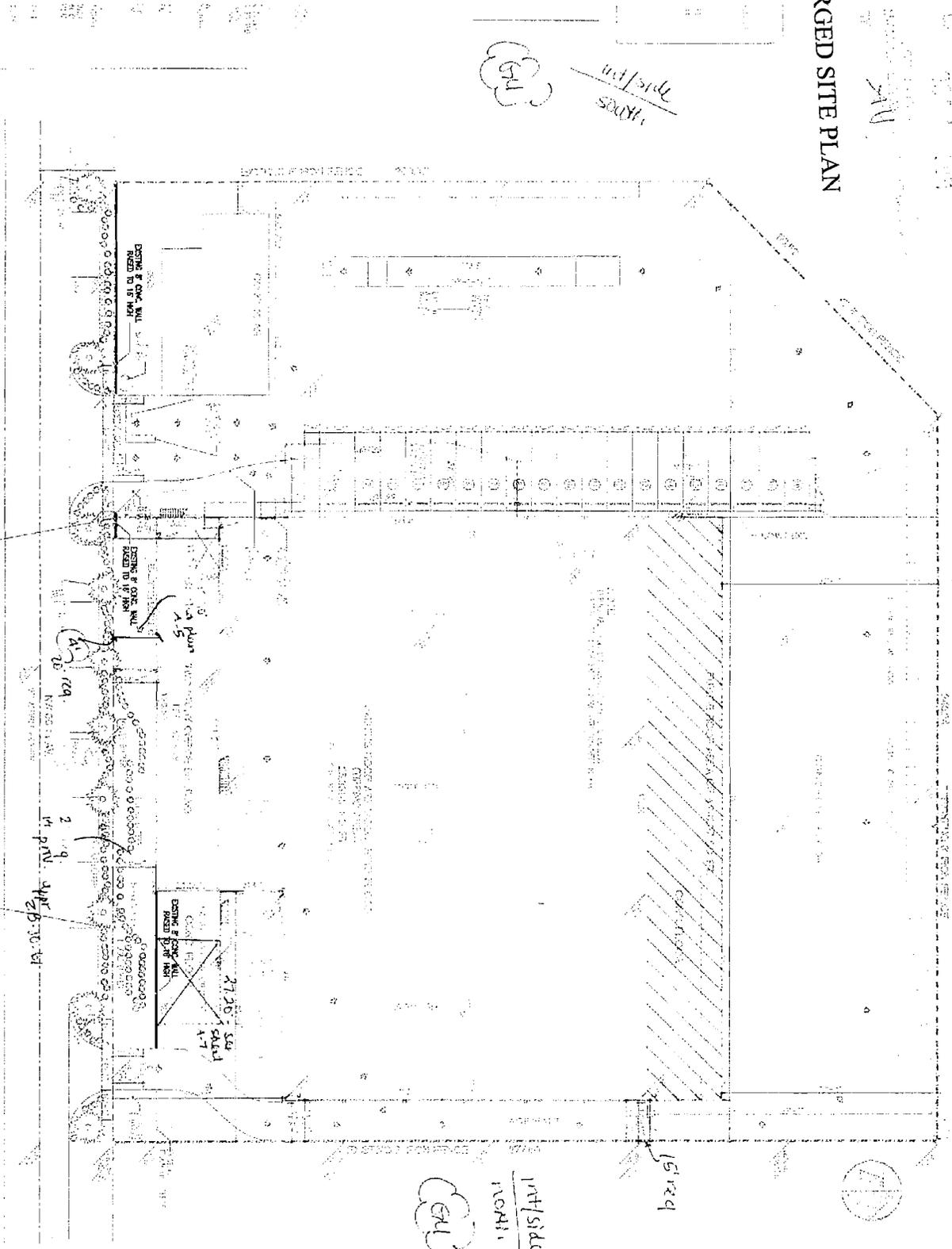
Seal

**MANUEL U. ESCORCIA**  
Commission DD 818859  
Expires October 22, 2012  
Bonded Thru Troy Fair Insurance 800-385-7019

\*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.

21-037

# ENLARGED SITE PLAN



note:  
 OIL street parking  
 not approved under  
 this application

Front/Cast

RUL

parking stalls  
 all appr. under this

\* NO outside storage \*

10/11/11

int/side  
 FRONT  
 (circled)

15' req

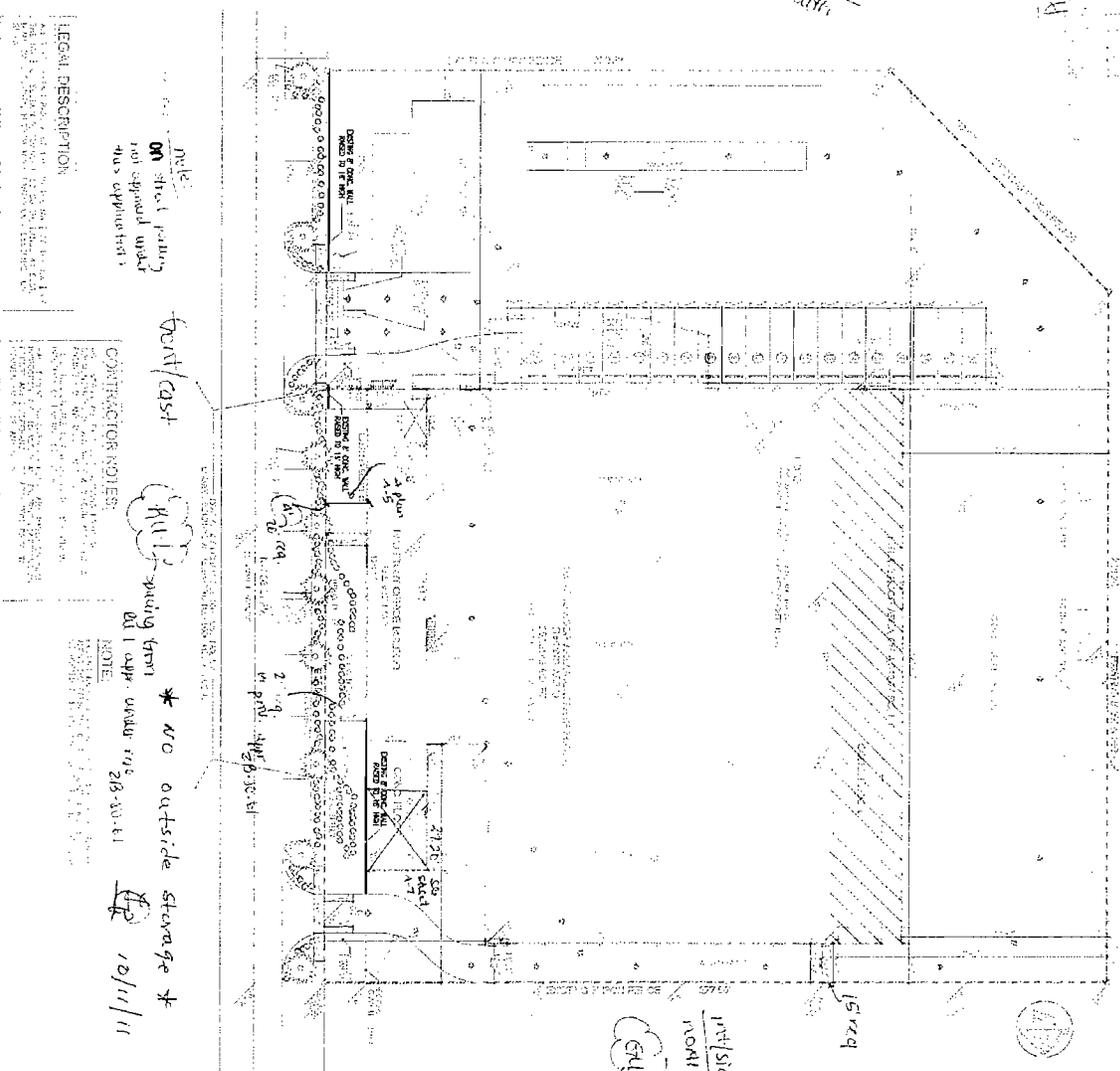
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 MIAMI-DADE COUNTY  
 PROCESS # 211-037  
 DATE: OCT 11, 2011  
 BY: SDR

PAID  
 57,171.167 18  
 5600 22  
 36

10/22/2011

Site Plan  
 211-037  
 10/11/2011

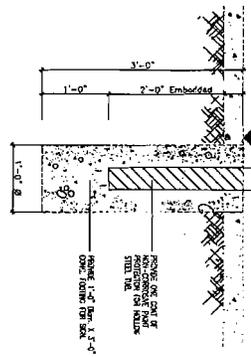
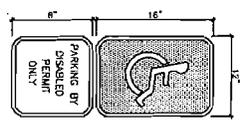


SITE PLAN  
 A-1

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 APR 04 2011

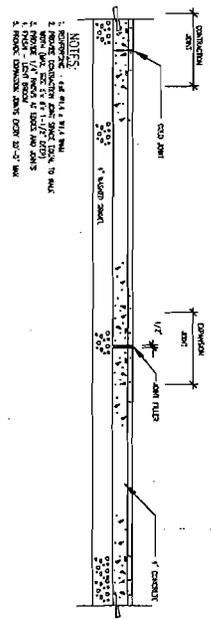
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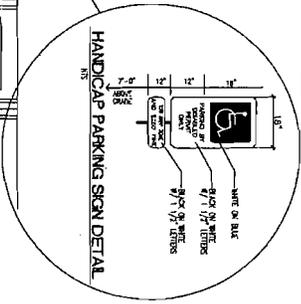


HANDICAPPED PARKING SIGN  
 SCALE: 1/8" = 1'-0"

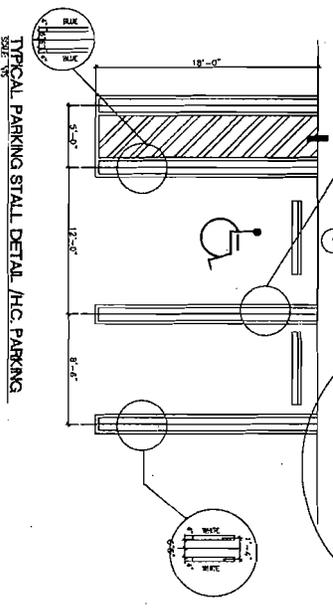
TYPICAL CONCRETE SLAB DETAIL  
 SCALE: 1/8" = 1'-0"



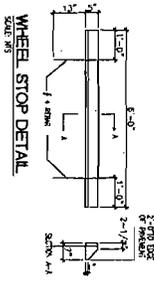
- NOTES:
1. CONCRETE SHALL BE 3000 PSI.
  2. REINFORCE CONCRETE WITH #4 BARS AT 18" ON CENTER.
  3. PROVIDE 1/2" REINFORCING BARS AT 18" ON CENTER.
  4. PROVIDE 1/2" REINFORCING BARS AT 18" ON CENTER.



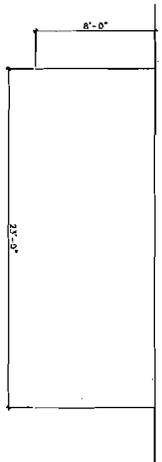
HANDICAPPED PARKING SIGN DETAIL  
 SCALE: 1/8" = 1'-0"



TYPICAL PARKING STALL DETAIL /H.C. PARKING  
 SCALE: 1/8" = 1'-0"



WHEEL STOP DETAIL  
 SCALE: 1/8" = 1'-0"



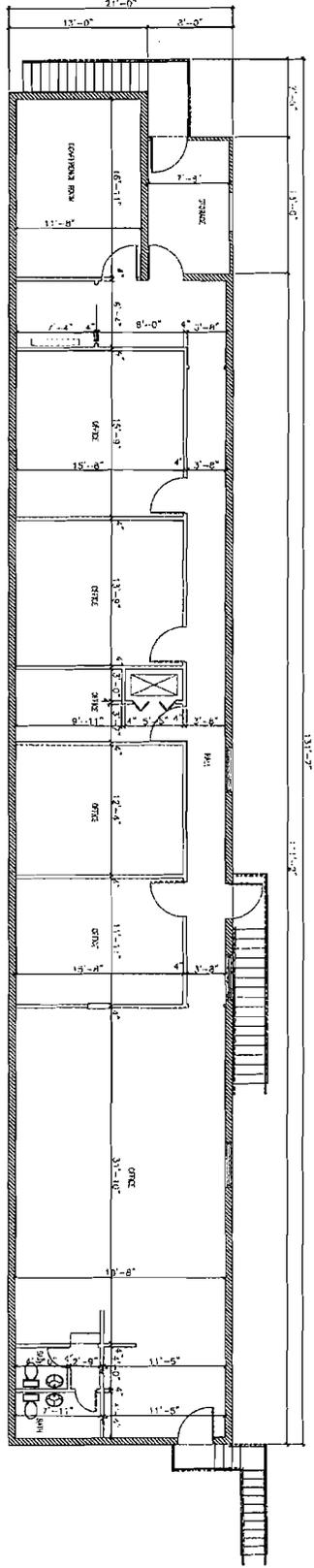
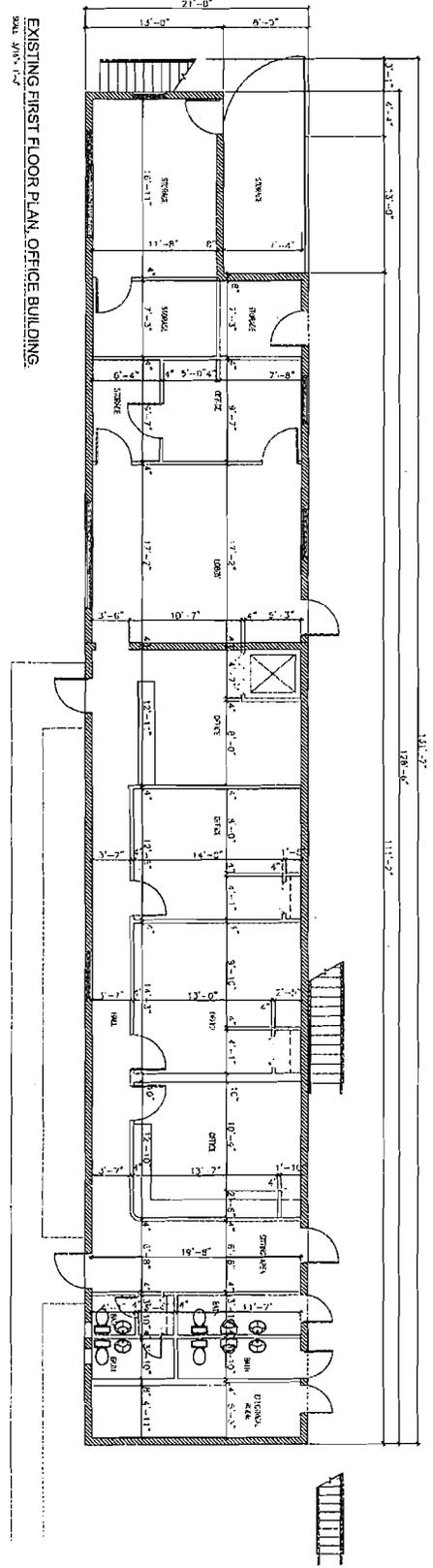
TYPICAL PARALLEL PARKING STALL DETAIL  
 SCALE: 1/8" = 1'-0"

not optimal under this application

**CONTRACTOR NOTE:**  
 -C.C. VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK & NOTIFY ARCHITECT & ENGINEER IMMEDIATELY.  
 -C.C. RESPONSIBLE FOR VERIFYING THE STRUCTURAL INTEGRITY OF EXISTING STRUCTURE.  
 ALL DIMENSIONS GIVEN OR PLANS ARE BASED ON FIELD SURVEYING AND SHALL BE CORRECTED OR ADJUSTED TO REFLECT ANY DISCREPANCIES TO ASSURED PRIOR TO COMMENCEMENT OF ANY WORK.

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SHEET NO. <b>A-1.1</b>	DATE: 08-28-2010	SHEET TITLE: <b>PARKING DETAILS.</b>	DRAWN BY: DG	CHECKED BY: HC	REVISION NO.	DATE	BY	PROJECT NAME & ADDRESS:	SEAL:	 <b>MEC</b> design consultants, inc. 6187 NW 167TH STREET, SUITE: H-24 MIAMI, FLORIDA, 33015 ID 00013556/B00000891 CA NO. 26691 PE NO. 31560 JOSE A. MARTINEZ, P.E. HOMERO CRUZ, L.L.D.
					1	02-09-2011	O.G.	OFFICE BUILDING FOR: KING METAL RECYCLING 8800 NW 58 AVE, MIAMI, FL. 33142.	 JOSE A. MARTINEZ, P.E.	



**LEGEND:**

- ZZZZZ REMOVAL
- REMAINS EXISTING WALL TO
- REMAINS EXISTING INTERIOR WALL TO ROOM
- REMAINS EXISTING TYPE
- REMAINS EXISTING WINDOWS TO ROOM

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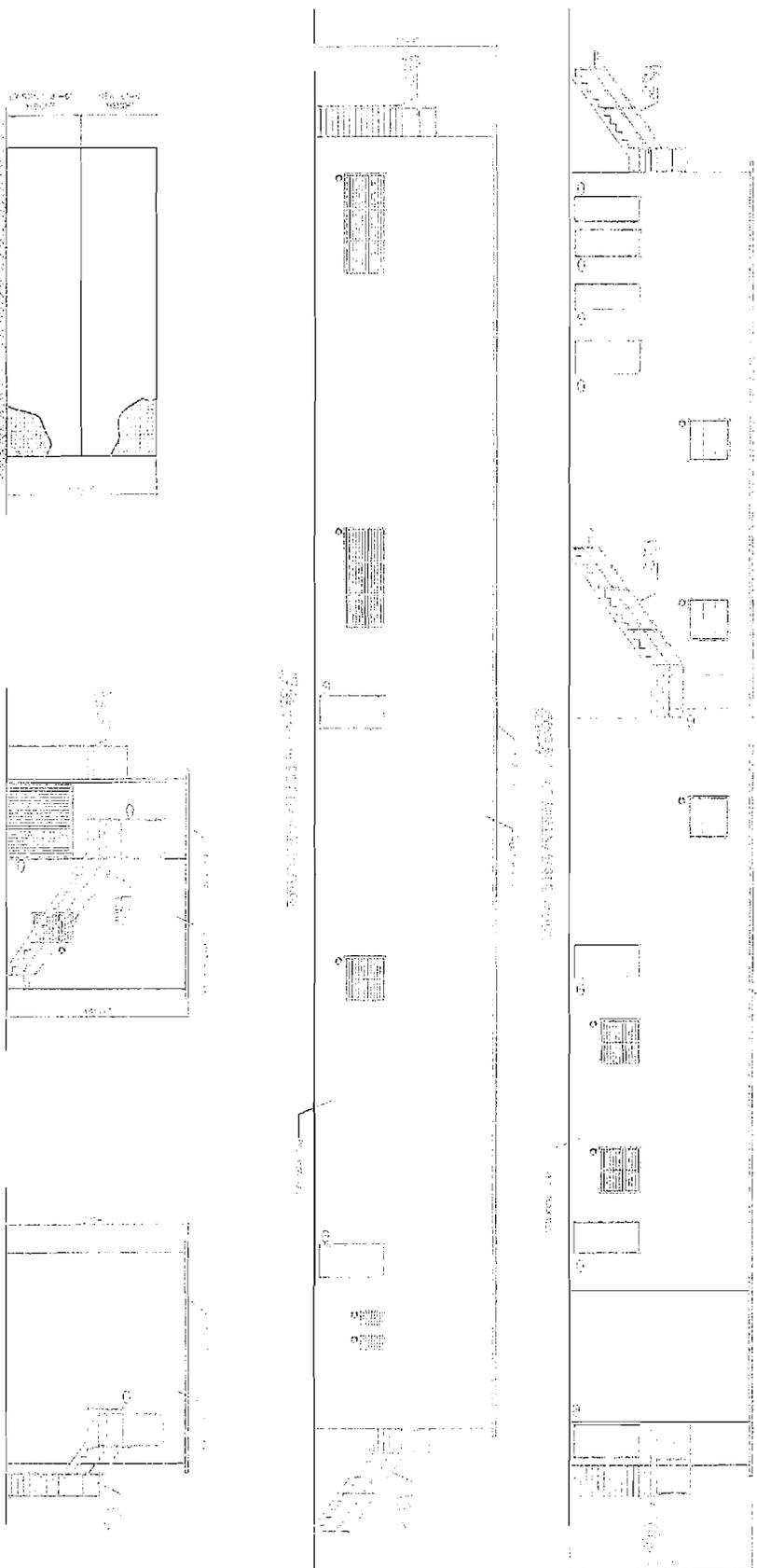
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City of Miami, Office 118

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<b>A-2</b>	SHEET NO.	DATE: 08-28-2010 DRAWN BY: JG CHECKED BY: HC	REVISION NO.    DATE    BY	PROJECT NAME & ADDRESS: OFFICE BLDG. FOR: KING METAL RECYCLING 8600 NW 36 AVE. MIAMI, FL. 33142	SEAL:  JOSE A. MARTINSZ, P.E.	 6187 NW 167TH STREET SUITE 11-24 MIAMI, FL 33130, 305216
	SHEET TITLE <b>FIRST AND SECOND FLOOR PLAN</b>	DATE: 08-28-2010	REVISION NO.    DATE    BY 01-08-2011 02-08-2011	<small>THIS DRAWING CONTAINS PROPRIETARY INFORMATION IS THE PROPERTY OF MEC DESIGN CONSULTANTS, INC. AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE EXPRESS WRITTEN PERMISSION OF MEC DESIGN CONSULTANTS, INC.</small>	(D) 00013958/0000000501 CA NO 26691 PE (FL), 31629 JOSE A. MARTINSZ, P.E. 1010 METRO DRIVE, L.L.C.	

RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS # 211-097  
 DATE: OCT 11 2011  
 BY: SDB



DATE: 10/11/11  
 BY: SDB  
 CHECKED: [Signature]  
 PROJECT: [Illegible]  
 DRAWING: [Illegible]

6-W

CONCRETE BUILDING ELEVATIONS

DATE: 10/11/11

BY: SDB

CHECKED: [Signature]

PROJECT: [Illegible]

DRAWING: [Illegible]

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

DATE: 10/11/11

BY: SDB

CHECKED: [Signature]

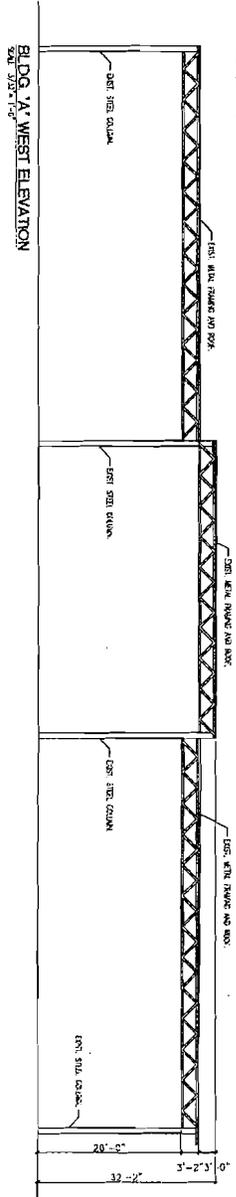
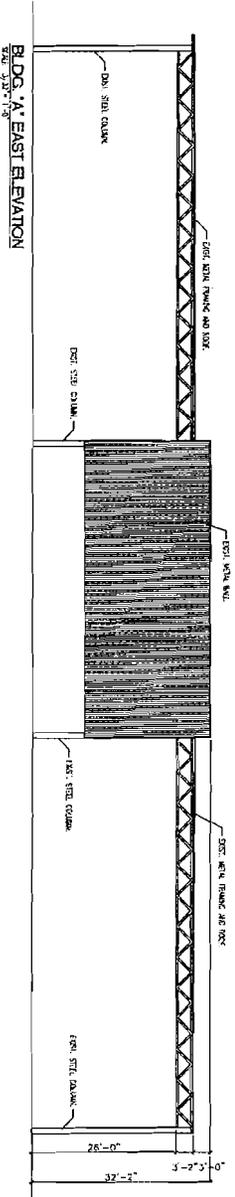
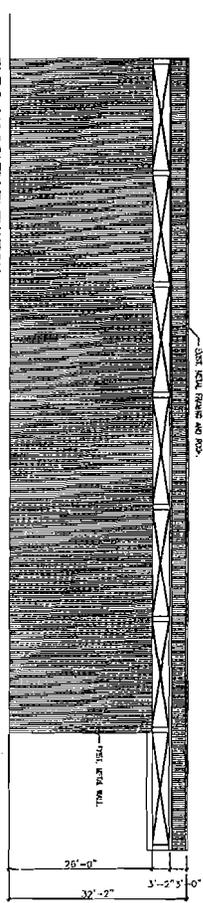
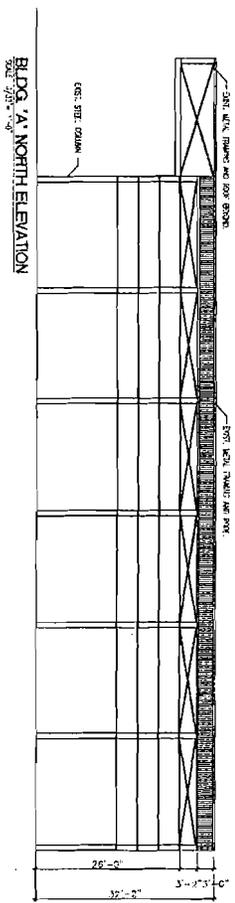
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DRAWING: [Illegible]

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

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 MARIANA GARCIA  
 APR 04 2011

**RECEIVED**  
 APR 04 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AM



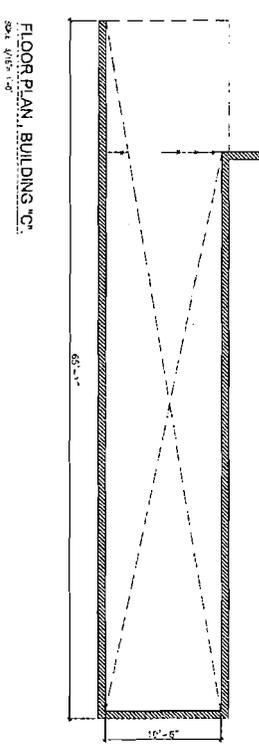
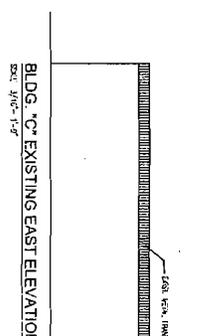
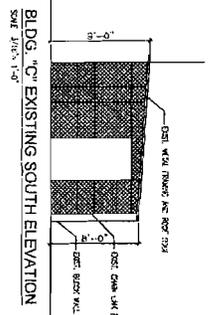
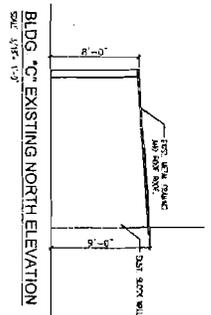
**RECEIVED**  
 APR 04 2011

33

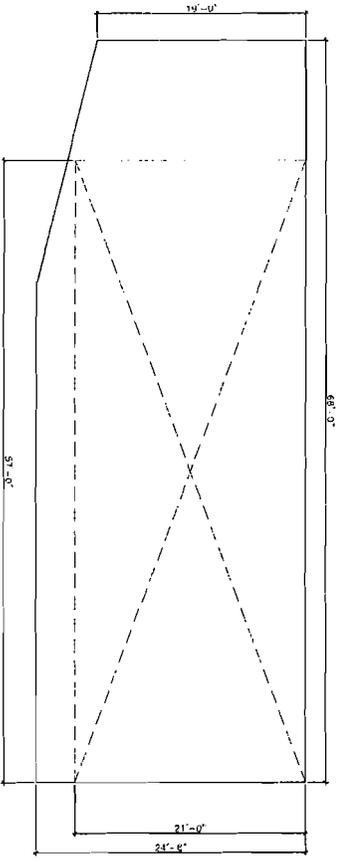
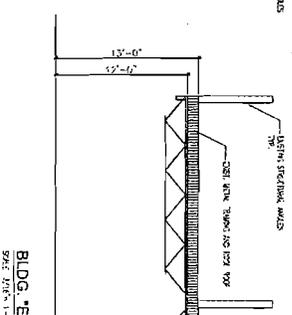
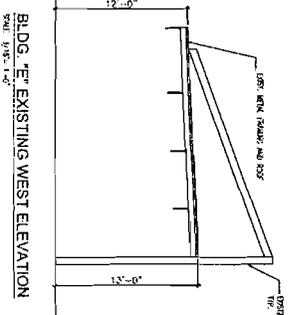
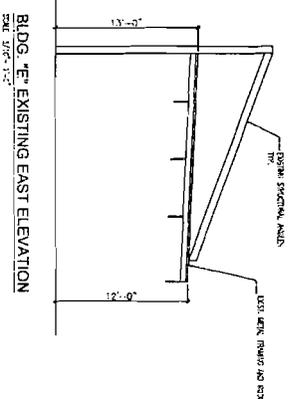
SHEET NO. <b>A-4</b>	SHEET TITLE <b>INDUSTRIAL BUILDING ELEVATIONS.</b>	CHECKED BY: HC	DATE: 08-28-2010	DRAWN BY: CC	PROJECT NAME & ADDRESS: OFFICE BUILDING, FOR: KING METAL RECYCLING, 8600 NW 35 AVE, MIAMI, FL 33142.	SEAL:  JOSE A. MARTINEZ, P.E.	 consultants, inc. 518 NW 167TH STREET SUITE 4-24 MIAMI, FLORIDA 33127
		REVISION NO. 1 	DATE: 02-08-2011	BY:	REVISION NO. 2 	DATE: 02-08-2011	THIS DRAWING CONTAINS PROPRIETARY INFORMATION IS THE PROPERTY OF MEC DESIGN CONSULTANTS, INC. AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF MEC DESIGN CONSULTANTS, INC.

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 APR 04 2011

NOTE:  
 1) EXISTING BUILDING TO BE DEMOLISHED



**RECEIVED**  
 APR 04 2011  
 ZONING DEPT.  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*

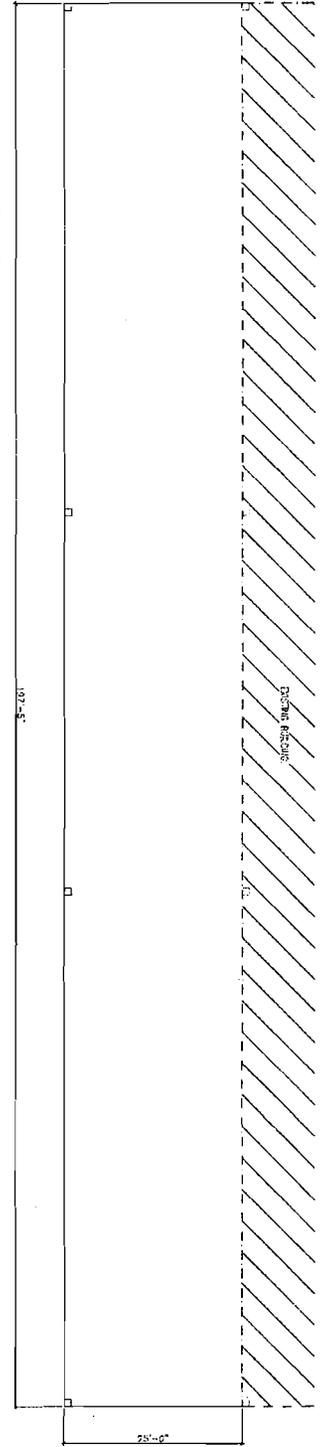


**RECEIVED**  
 APR 04 2011  
 PLANNING AND ZONING DEPT.

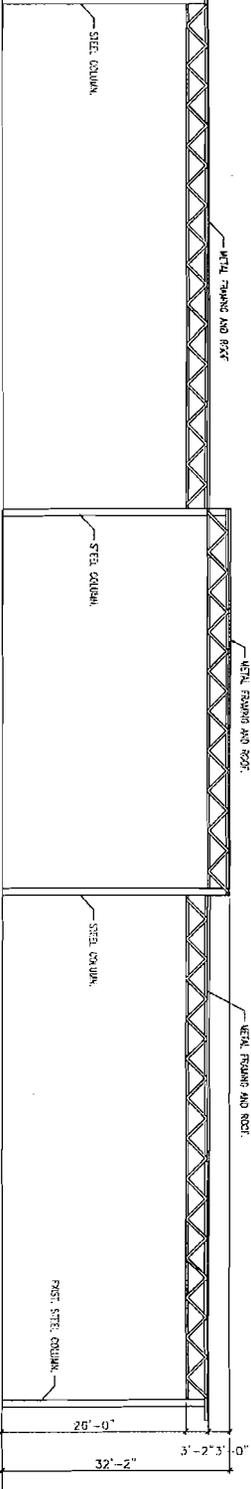
SHEET NO. <b>A-5</b>	SHEET TITLE <b>FLOOR PLAN &amp; ELEVATIONS</b>	DATE: 08-28-2010	BY: <i>[Signature]</i>	PROJECT NAME & ADDRESS: OFFICE BUILDING, FOR: MIND METAL RECYCLING, 8800 NW 36 AVE. MIAMI, FL 33142.	SEAL: <i>[Signature]</i> JOSE A. MARTINEZ, P.E.	 MEC CONSULTANTS, P.C. 5127 NW 15TH STREET SUITE H-24 MIAMI, FLORIDA, 33015 ID: C021056/100000000 CA NO. 26881 PE NO. 01909 JOSE A. MARTINEZ, P.E. HOMERIO CRUZ, I.D.
		CHECKED BY: MS DRAWN BY: OAS DATE: 08-28-2010	REVISION NO. DATE BY 01-10-2011 02-10-2011	THIS DRAWING CONTAINS PROPRIETARY INFORMATION, IS THE PROPERTY OF MEC DESIGN CONSULTANTS, P.C. AND MAY NOT BE REPRODUCED OR DISTRIBUTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF MEC DESIGN CONSULTANTS, P.C.		

34

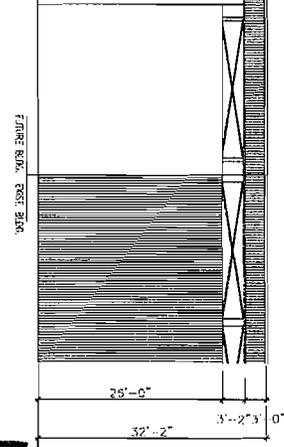
FUTURE BUILDING FLOOR PLAN  
 SCALE: 1/32" = 1'-0"



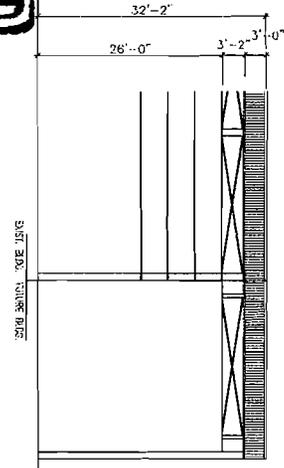
FUTURE BUILDING WEST ELEVATION  
 SCALE: 1/32" = 1'-0"



FUTURE BUILDING SOUTH ELEVATION  
 SCALE: 1/32" = 1'-0"



FUTURE BUILDING NORTH ELEVATION  
 SCALE: 1/32" = 1'-0"



**RECEIVED**  
 APR 04 2011

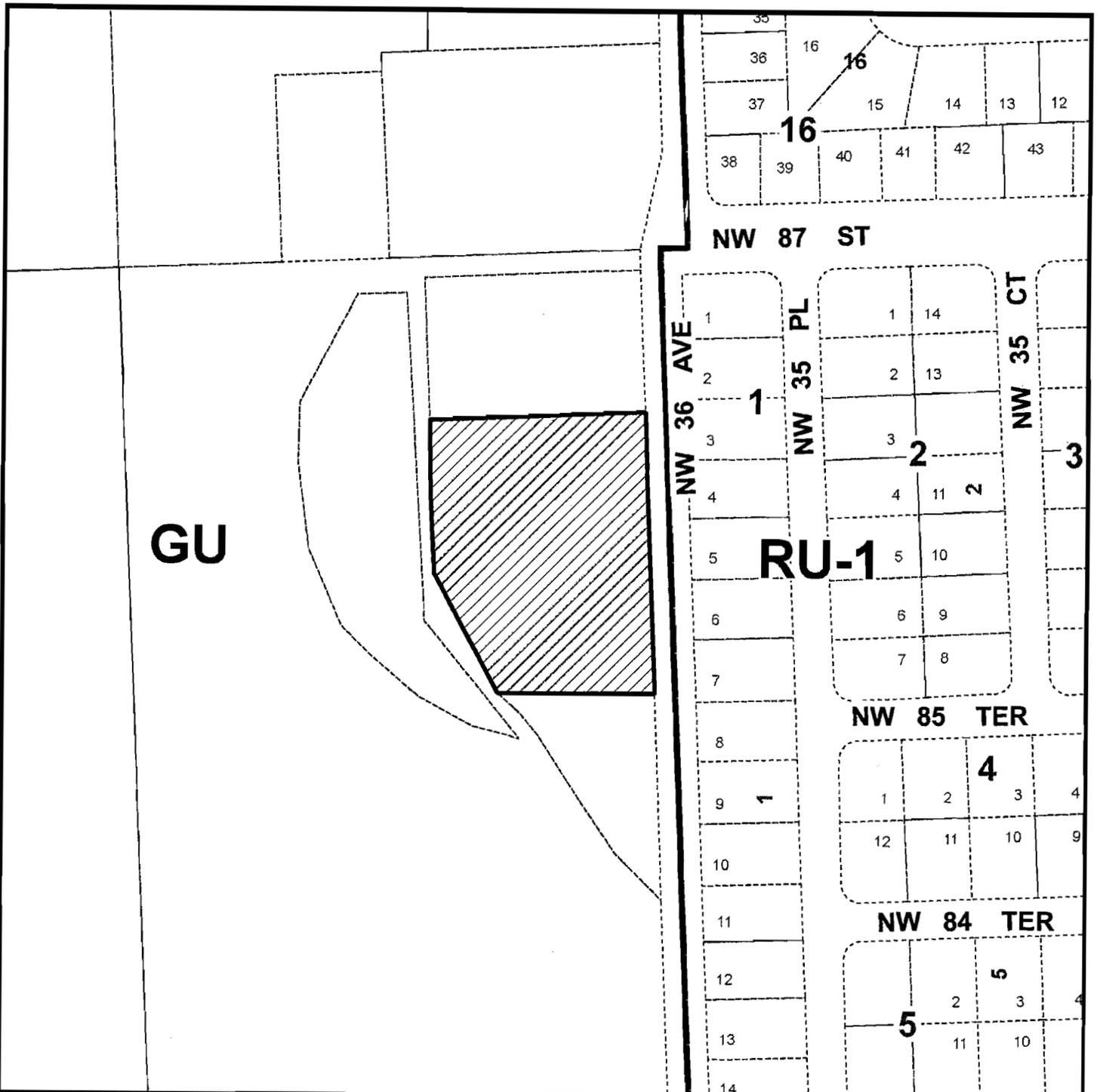
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY ALT

Approved  
**RECEIVED**  
 APR 11 2011

SHEET TITLE <b>FLOOR PLAN          &amp; ELEVATIONS</b>	DRAWN BY: DC DATE: 08-26-2010	CORRECTED BY: HC	REVISION NO. 1 DATE: 01-05-2011 BY:	REVISION NO. 2 DATE: 02-08-2011 BY:	PROJECT NAME & ADDRESS: OFFICE BUILDING, FOR KING METAL RECYCLING, 8800 NW 38 AVE. MIAMI, FL 33142.	SEAL:  JOSE A. MARTINEZ, P.E.	 imec design consultants, inc. 9157 NW 167TH STREET SUITE 11-24 MIAMI, FLORIDA, 33075
	SHEET NO. <b>A-6</b>	DATE: 08-26-2010	DATE: 08-26-2010	DATE: 08-26-2010	DATE: 08-26-2010	17-0001335/800005061 04 NO. 2688 PF NO. 31009 JOSE A. MARTINEZ, P.E. HONORO CRUZ, L.L.D.	





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

Process Number  
**Z2011000037**

Section: 09 Township: 53 Range: 41  
 Applicant: KING METAL RECYCLING, LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON:

REVISION	DATE	BY
	3/7	



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2011000037**



Section: 09 Township: 53 Range: 41  
 Applicant: KING METAL RECYCLING, LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

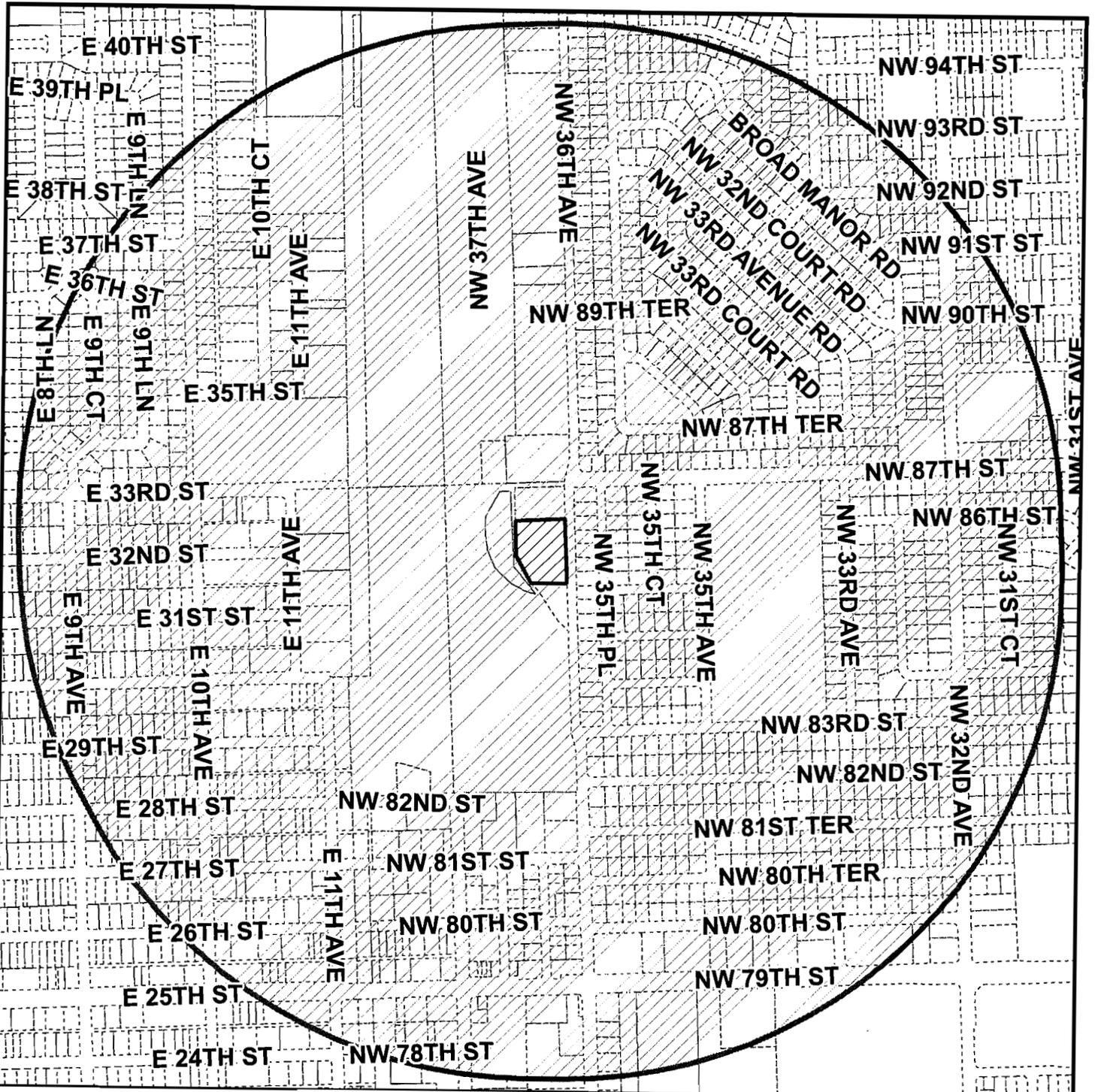
Legend

 Subject Property



SKETCH CREATED ON:

REVISION	DATE	BY
	3/8	



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Section: 09 Township: 53 Range: 41  
 Applicant: KING METAL RECYCLING, LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number

**Z2011000037**

RADIUS: 2640

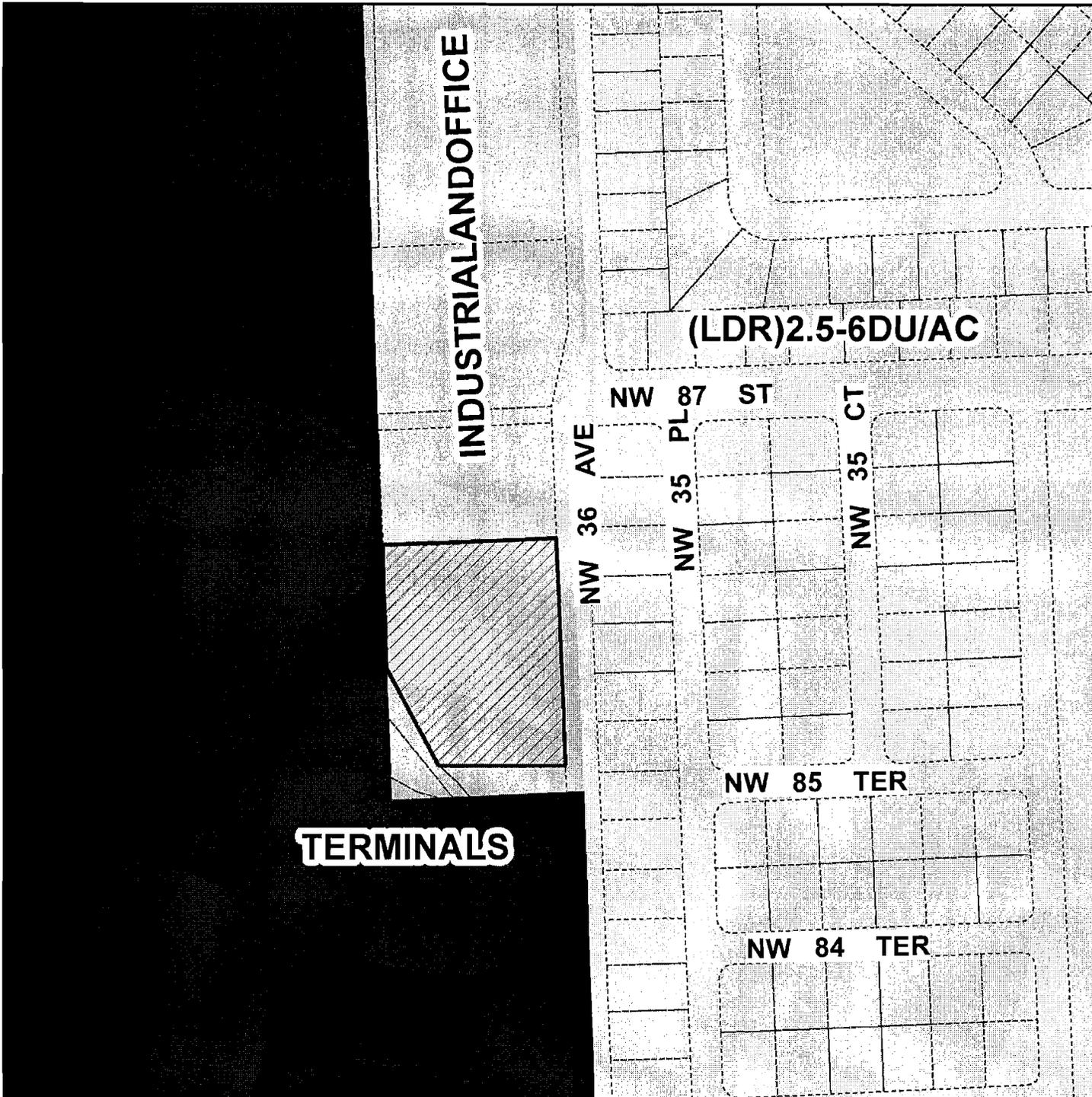
**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, April 7, 2011

REVISION	DATE	BY
		39



**MIAMI-DADE COUNTY**

CDMP MAP

Process Number

**Z2011000037**



Section: 09 Township: 53 Range: 41  
 Applicant: KING METAL RECYCLING, LLC  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON:

REVISION	DATE	BY

This instrument was prepared by:  
Pedro L. Amador  
8600 NW 36<sup>th</sup> Avenue  
Miami, Florida, 33147

PLANNING AND ZONING  
AGENDA OFFICE

2011 DEC 35 P 12:31

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

**WHEREAS**, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, at 8600 NW 36<sup>th</sup> Avenue, Miami, Florida, 33147, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

**IN ORDER TO ASSURE** the County that the representations made by the owner during consideration of Public Hearing No. Z2011000037 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) Work will be carried out in accordance with the attached site plan, shown as Exhibit "B".

(2) The business will be open 365 days per year in accordance with the following hours:

- Monday thru Friday: 7am to 6pm
- Saturday : 8am to 5pm
- Sunday : 8am to Noon Time

(3) The use of the property shall be that which is customary of a metal recycling facility in accordance with the 2002 NAICS Code Numbers; 423930 & 562920, engaged in the collection, sales and processing of ferrous and non ferrous scrap material via the use of a shredder mill, hammer mill, shears, shear balers, balers, material loaders, and/or other similar and necessary equipment & machinery used to carry out the daily functions and operations as described below; and which engages in the merchant wholesale distribution of industrial scrap, household scrap, automotive scrap and other recyclable ferrous and non-ferrous scrap which includes but is not limited to the following:

**Declaration of Restrictions**  
**Page 2**

- Buying, selling, trading, transporting, loading, storing, stocking, shearing, cutting, crushing, torching, reducing, baling, sorting, shredding, milling, fragmentizing of HMS 1 (heavy metal steel) prepared and unprepared steel, iron, scrap metals, cast iron, nickel, high temp alloys, alloys, sheet iron, brake drums, hubs, rotors, rebar, reinforcing steel, beam, square tubing, angles, rods, flat bars, mandrill coils, motor blocks, chain, wire, turnings and plate of which said materials come in all shapes, sizes and conditions.

- Buying, selling, trading, transporting, loading, storing, stocking, shearing, cutting, crushing, torching, reducing, baling, sorting, shredding, milling, fragmentizing of shredable metal goods and white goods, including but not limited to appliances, automobiles whole, automobile parts, equipment, whole parts, semi whole parts, scrap metals, busheling, punchings, whole/semi whole scrap of which said materials come in all sizes, shapes and conditions.

(Space reserved for Clerk)

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

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

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

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

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

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

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

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

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

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

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

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

**[Execution Pages Follow]**

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF SUBJECT PROPERTY:**

**EXHIBIT A**

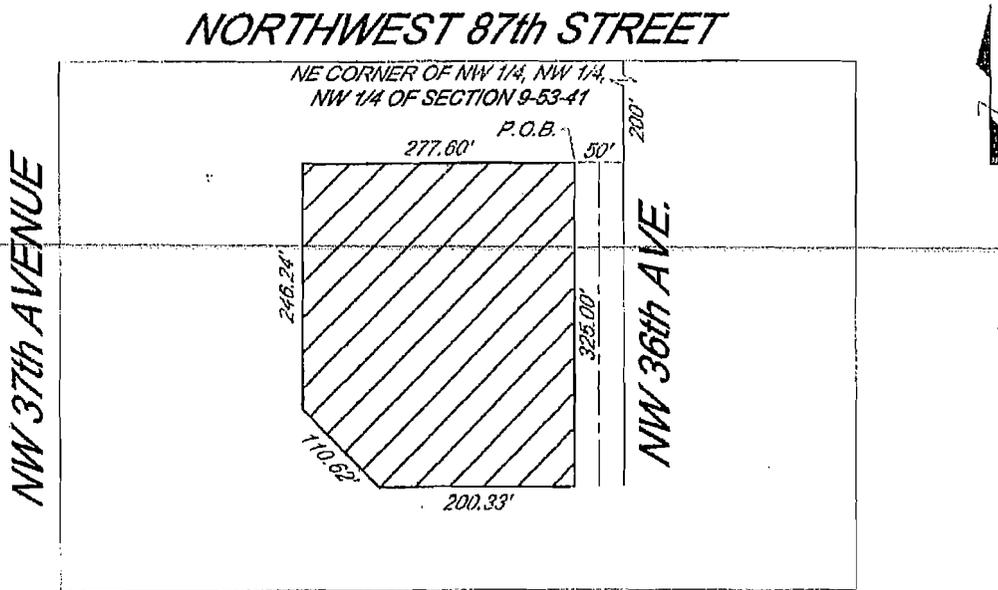
All that certain piece of parcel of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida, more particularly described as follows:

Beginning at a point that is 200 feet South and 50 feet West of the Northeast corner of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 9, thence Southerly along a line 50 feet West of and parallel to the East boundary of the NW 1/4 of the NW 1/4 of the NW 1/4 of said Section 9, a distance of 325 feet to a point, thence Westerly parallel to the North boundary of said Section 9, a distance of 200.33 feet to a point; thence deflecting to the right 45° 23' 44" run a distance of 110.62 feet to a point; thence deflecting to the right 44° 50' 31" run distance of 246.24 feet to a point; thence deflecting to the right 89° 45' 45" run along a line parallel to the North boundary of said Section 9, a distance of 277.60 feet to the POINT OF BEGINNING.

**LOCATION SKETCH**

**NOT TO SCALE**

**NORTHWEST 87th STREET**



**LEGAL DESCRIPTION:**

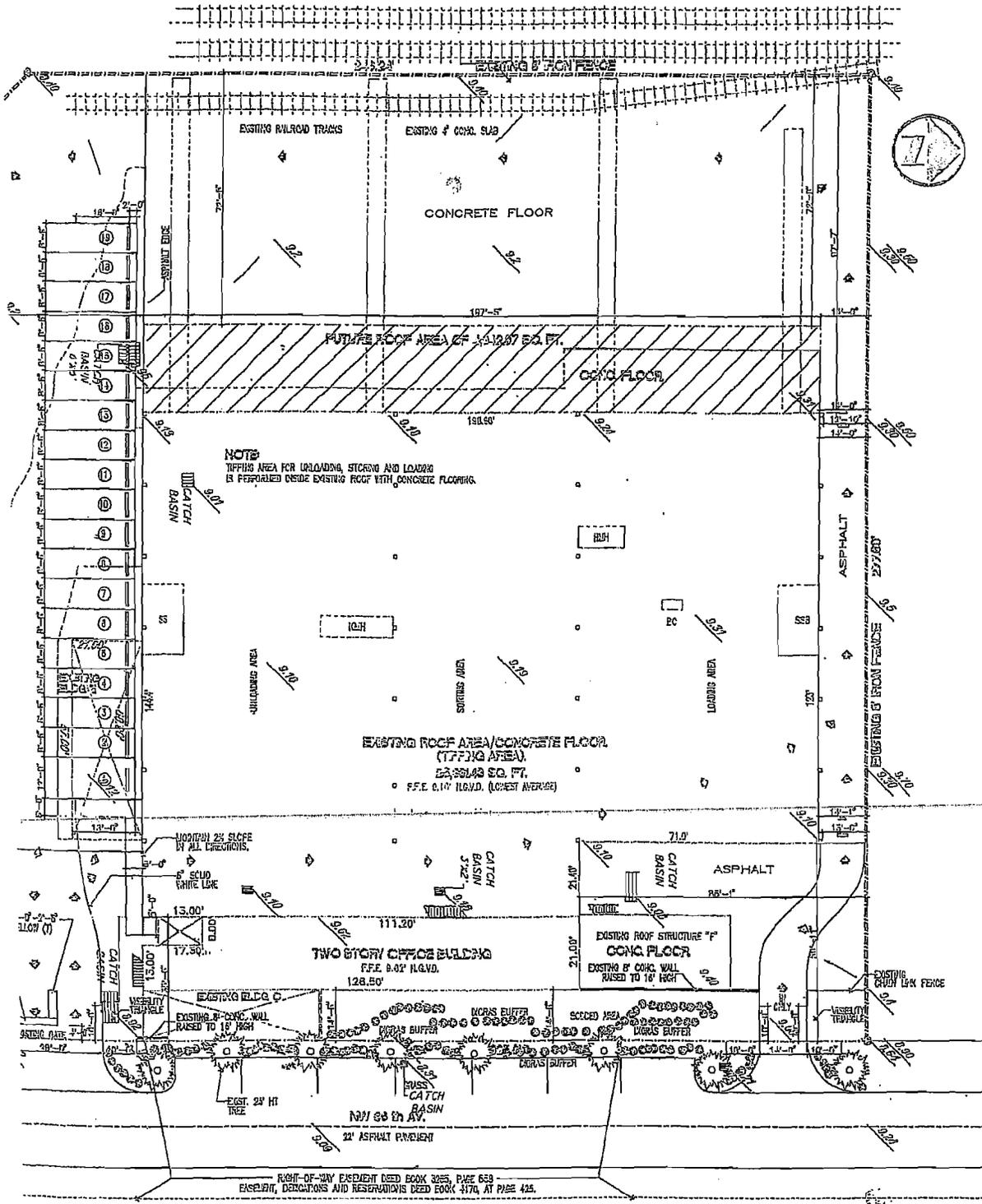
ALL THAT CERTAIN PARCEL OF LAND IN THE NW 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 200.00 FEET SOUTH AND 50.00 FEET WEST OF THE NORTHEAST CORNER OF THE NW 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 9; THENCE SOUTHERLY ALONG A LINE 50.00 FEET WEST OF AND PARALLEL TO THE EAST BOUNDARY OF THE NW 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 9, A DISTANCE OF 325.00 FEET TO A POINT, THENCE WESTERY PARALLEL TO THE NORTH BOUNDARY OF SAID SECTION 9, A DISTANCE OF 200.33 FEET TO A POINT; THENCE DEFLECTING TO THE RIGHT 45 DEGREES 23 MINUTES 44 SECONDS A DISTANCE OF 110.62 FEET TO A POINT; THENCE DEFLECTING TO THE RIGHT 44 DEGREES 50 MINUTES 31 SECONDS RUN A DISTANCE OF 246.24 FEET TO A POINT; THENCE DEFLECTING TO THE RIGHT 89 DEGREES 45 MINUTES 45 SECONDS RUN ALONG A LINE PARALLEL TO THE NORTH BOUNDARY OF SAID SECTION 9, A DISTANCE OF 277.60 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

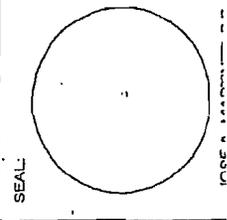
**SITE PLAN**

# EXHIBIT "B"



**med design**  
 consultants, inc.  
 6187 NW 167TH STREET SUITE: H-24  
 MIAMI, FLORIDA, 33015

ID 0001355/480000591 CA NO. 26681 PE NO. 31509  
 JOSE A. MARTINEZ P F



**PROJECT NAME & ADDRESS:**  
 OFFICE BUILDING.  
 FOR: KING/METAL RECYCLING.  
 8600 NW. 36 AVE. MIAMI, FL 33142.

THIS DRAWING CONTAINS PROPRIETARY INFORMATION, IS THE PROPERTY OF MED DESIGN CONSULTANTS, INC., AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF MED DESIGN CONSULTANTS, INC.

REVISION NO	DATE	BY
1	02-08-2011	
2	02-08-2011	
3	08-15-2011	

CHECKED BY: HC

DRAWN BY: OG

DATE: 08-28-2010

SHEET TITLE:  
**SITE PLAN.**

DATE: 08-28-2010

SHEET NO.

**CONTRACTOR NOTES:**

- G.C. VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK & INFORM ARCHITECT & ENGINEER OF ANY DISCREPANCIES.
- G.C. RESPONSIBLE FOR VERIFYING THE STRUCTURAL INTEGRITY OF EXISTING STRUCTURE.
- ALL DIMENSIONS GIVEN ON PLANS ARE BASED ON FIELD INSPECTION. G.C. TO VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO ARCHITECT PRIOR TO COMMENCEMENT OF ANY WORK.

**NOTE:**  
 EXISTING BARBWARE WHICH SITS ON TOP OF THE FENCES ALONG THE PERIMETER OF THE PROPERTY WILL BE CORRECTED TO EXTEND ONLY INSIDE THE PROPERTY LINE.

A-1



Signed, sealed and acknowledged on this 28<sup>th</sup> day of December, 2011

WITNESSES:

Sign *[Signature]*

Print E. Patricia Gutierrez

Sign *[Signature]*

Print Izela Janeiro

Pedro L. Amador

Sign *[Signature]*

Address:  
8600 NW 36<sup>th</sup> Avenue, Miami, Florida, 33147

STATE OF FLORIDA

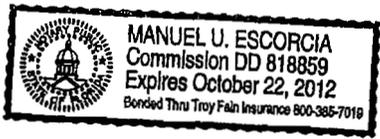
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of December 2011, by Pedro L. Amador, as Owner of the subject property. He is personally known to me.

Notary Public, State of Florida

Sign *[Signature]*

Print MANUEL ESCORCIA



State of Florida at Large ( Seal )

My Commission Expires:

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs  
Staff Report to Community Council No. 8**

**PH: Z10-060 (12-2-CZ8-1)**

**February 15, 2012**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	3
<b>Applicant</b>	Investments Specialists Enterprises, Inc.
<b>Summary of Requests</b>	The approval of this application will allow the applicant to rezone the subject property to commercial zoning, and permit the continued use of the property as a junkyard and salvage yard and permit the facility with less parking. Additionally, the applicant seeks to permit the facility with electrically charged fencing and variances for fence, wall and hedge height, storage above the fence height, as well as variances for landscaping.
<b>Location</b>	4101 NW 27 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	4.26 acres
<b>Existing Zoning</b>	MCUCD
<b>Existing Land Use</b>	Salvage yard, junkyard and storage facility
<b>2015-2025 CDMP Land Use Designation</b>	Community Urban Center
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Deferral with leave to amend.</b>

**REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from IU-1 to BU-3.
- (2) UNUSUAL USE to permit a junkyard.
- (3) UNUSUAL USE to permit an automobile, truck, machinery and scrap metal salvage yard.
- (4) SPECIAL EXCEPTION to permit a secondary electrically charged fence around the perimeter of the property.
- (5) NON-USE VARIANCE to waive the zoning regulations requiring junkyards to be surrounded by a solid 8' high cyclone wire fence interwoven with wooden, metal or plastic strips; to permit the proposed junkyard and automobile, truck, machinery and scrap metal salvage yard to be surrounded by a combination 6' -7' high chain link fence interwoven with wooden, metal or plastic strips along the front (west), interior side (north), and side street (south) property lines, and a 6' high CBS wall along the secondary front (east) property line to create a solid screen.

- (6) NON-USE VARIANCE to waive the zoning regulations requiring junk yards, if fenced, to have the fence surrounded by a 2' concrete (on footing) or heavy sheet metal curb (imbedded at least 2' in ground) adjacent to and inside the fence.
- (7) NON-USE VARIANCE to permit 33 parking spaces (351 required).
- (8) NON-USE VARIANCE to waive the zoning regulations restricting the piling of junk or scrap to the height of the wall, fence or hedge; to permit storage of junk vehicles, materials or equipment and scrap to exceed the height of the fence and hedge up to a height of 13'-6".
- (9) NON-USE VARIANCE to permit a hedge with a height at maturity of up to 8' and a 6' high C.B.S. wall within the front (east) and side street (south) setback areas (4' high permitted).
- (10) NON-USE VARIANCE to permit a minimum of 9.2% (16% required) of landscaped open space.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Existing As-Built Plans For: Investments Specialists Enterprises, Inc.," as prepared by Miami Engineering Services, sheets A1 and L1 dated stamped received 1/9/12 and the remaining 4 sheets dated stamped received 5/20/11, for a total of 6 sheets.

**PROJECT DESCRIPTION:**

The submitted plans depict the existing salvage yard, junkyard and storage facility located on a dual frontage lot, which fronts onto NW 27 Avenue and NW 25 Avenue. The plans depict the existing site comprised of 13,000+ sq. ft. of offices and storage areas. Said plans also depict the existing fences and more than 76,000 sq. ft. of outdoor commercial storage areas that result in the multiple variances to the zoning regulations in this application.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	MCUCD; automobile, truck, machinery and scrap metal salvage yard	Community Urban Center
<b>North</b>	MCUCD; truck and heavy equipment storage facility	Community Urban Center
<b>South</b>	GU; State Road #112	Transportation
<b>East</b>	MUCD: single-family residences	Community Urban Center
<b>West</b>	BU-2; service station	Industrial and Office

**NEIGHBORHOOD COMPATIBILITY:**

The 4.26-acre subject parcel contains the existing automobile, truck, machinery and scrap metal salvage yard, storage facility and junkyard. To the north is a truck and heavy equipment storage facility, to the west is a service station and to the east is a residential development. The property abuts State Road 112, to the south, which is a major east/west expressway and the

elevated Miami-Dade County Metrorail lines runs diagonally across the subject property from the southwest corner to the northwest corner.

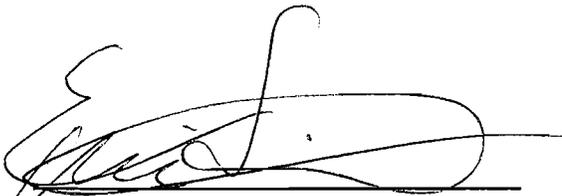
**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to rezone the subject property to a commercial zoning district. However, the approval of the ancillary requests for variances to the zoning regulations pertaining to fence, wall and hedge heights, and landscaping among others, could have a negative visual impact on the surrounding area.

**OTHER:** Notwithstanding the above, staff notes that the subject property is a part of a larger tract of land that was rezoned from multiple zoning districts to Model City Urban Center District (MCUCD), in October 2011, pursuant to Resolution No. Z-12-11. Therefore, this application must be deferred with leave to amend in order to allow for re-advertisement and a revised analysis under the Urban Center Standards.

**RECOMMENDATION:** Deferral with leave to amend.

ES:MW:GR:NN:AN:CH



Eric Silva, AICP, Interim Assistant Director  
Zoning and Community Design  
Miami-Dade County Sustainability, Planning  
and Economic Enhancement Department  
Permitting, Environment and Regulatory Department

NNW

- ZONING RECOMMENDATION ADDENDUM
- HISTORY
- MOTION SLIPS\*
- DEPARTMENT MEMORANDA
- DISCLOSURE OF INTEREST\*
- HEARING PLANS\*
- MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

*Investments Specialist Enterprise, Inc.*  
Z10-060

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
PERA	No objection*
Public Works and Waste Management	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p><b>Urban Centers</b> (Page I-46)</p>	<p><i>Diversified Urban Centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas that will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the Downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and <b>Community Centers</b> which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility. The locations of Urban Centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them. The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area-wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour. Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of</i></p>
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# ZONING RECOMMENDATION ADDENDUM

*Investments Specialist Enterprise, Inc.  
Z10-060*

	<p><i>this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.</i></p> <p><b>Streets and Public Spaces</b></p> <p><i>Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in Urban Centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject Urban Center to the extent that it would better serve the quality and functionality of the center.</i></p> <p><b>Parking</b></p> <p><i>Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.</i></p> <p><b>Buildings</b></p> <p><i>Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</i></p>
<p><b>Business and Office</b> <b>(Page I-41)</b></p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will</i></p>

# ZONING RECOMMENDATION ADDENDUM

*Investments Specialist Enterprise, Inc.  
Z10-060*

	<i>depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
<b>Uses and Zoning Not Specifically Depicted Pg. I-43</b>	<i>Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.</i>
<b>Objective LU-4 (Pg. I-11)</b>	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
<b>Land Use Policy LU-4A (Page I-11)</b>	<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

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

*Investments Specialist Enterprise, Inc.  
Z10-060*

	<p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p><b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b></p>	<p><i>Hear applications for and grant or deny <b>special exceptions</b>; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and <b>unusual use</b> which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.</i></p>
<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>

**1. INVESTMENTS SPECIALISTS**  
**ENTERPRISES INC.**  
**(Applicant)**

**12-2-CZ8-1 (10-060)**  
**Area 8/District 03**  
**Hearing Date: 02/15/12**

Property Owner (if different from applicant) **Investments Specialists Ent., Inc.**

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1953	William & Gene Whiteaker	- Zone change to IU-1.	BCC	Approved

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

**Date:** January 30, 2012  
**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and Economic Enhancement

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs 

**Subject:** C-08 #Z2010000060-1<sup>st</sup> Revision  
Investments Specialists Enterprises, Inc.  
4101 N.W. 27 Avenue  
District Boundary Change from IU-1 to BU-3, Unusual Use to Permit a  
Junkyard and Automobile truck, Machinery and Scrap Metal Salvage, Non-  
Use Variance to Permit the Outdoor Storage of Junk Vehicles, Materials and  
Equipment Within an Area Enclosed by a 6 Foot High Chain Link Fence  
Interwoven with Wooden, Metal or Plastic Strips to Create a Solid Screen, a  
Landscape Hedge with a Height at Maturity of Up to 8 Feet (4 Feet High  
Permitted Within Front Side Street Setback Areas), to Permit the Outdoor  
Storage to Exceed the Height of the Fence and Hedge, Non-Use Variance to  
Permit 9/14% of Landscape Open Space, to Permit 25 Parking Space and  
Non-Use Variance Requiring a Continuous 5 Foot High Masonry Wall  
(IU-1) (4.26 Acres)  
22-53-41

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The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

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

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

with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

No paving grading and drainage improvements are included within this application. The applicant is seeking a change in zoning districts from IU-1 to BU-3 & NUV.

#### Pollution Remediation

There are records of current petroleum contamination assessment/remediation issues on these properties (Specialist Parts, Inc., 4101 NW 27<sup>th</sup> Avenue, UT-1691/F-5857). The contaminated site is in a state funded program awaiting allocation of funds for cleanup.

Please be advised that there are records of petroleum contamination assessment/remediation issues abutting these properties to the north (United Rentals (North America), Inc. (Penske Truck Leasing, Co., L.P.), 4301 NW 27<sup>th</sup> Avenue, UT-2090/F-8314). The contaminated site is currently under assessment. Except as noted above, there are no records of current contamination assessment/remediation issues on any of the other abutting properties.

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

#### Wetlands

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

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

#### Tree Preservation

The subject properties contain tree resources along the right of way of NW 25<sup>th</sup> Avenue. Section 24-49 the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24 of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

The applicant is advised to contact the Tree Program for additional information regarding permitting procedures and requirements prior to site development.

#### Enforcement History

The subject properties have two (2) open records and one (1) closed enforcement record for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information regarding open and/or closed enforcement cases.

Concurrency Review Summary

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

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

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

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

Cc: Eric Silva - Permitting, Sustainability, Planning and Economic Enhancement

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: INVESTMENTS SPECIALISTS ENTERPRISES, INC.

This Department objects to this application.

The 25 foot radius lot corners are required at both street intersections. Proposed C.B.S. wall must be relocated accordingly.

This Department has no objections to the request to permit fewer parking spaces than required.

Driveways to NW 27 Ave. must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

13-JAN-12



# Memorandum

**Date:** 17-JAN-12  
**To:** , Director  
 Department of Sustainability, Planning and Economic Enhancement  
**From:** William W. Bryson, Fire Chief.  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000060

**Fire Prevention Unit:**

This memo supersedes MDFR memorandum dated June 7, 2011.  
 APPROVAL  
 No objection via Case # Z2010000060. Site plan date stamped received January 9, 2012.

**Service Impact/Demand**

Development for the above Z2010000060  
 located at 4101 N.W. 27 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1019 is proposed as the following:

<u>N/A</u>	dwelling units	<u>86,966</u>	square feet
residential		industrial	
<u>2,721</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 4.35 alarms-annually.  
 The estimated average travel time is: 6:30 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 2 - Model Cities - 6460 NW 27 Avenue  
 Rescue, BLS 65' Aerial, Battalion

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Current service impact calculated based on site plan date stamped received January 9, 2012. Substantial changes to the plan will require additional service impact analysis.

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

# Memorandum



**Date:** February 8, 2012

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and economic Enhancement

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

**Subject:** Z2010000060: INVESTMENTS SPECIALISTS ENTERPRISES, INC.  
Revised Documents Dated Stamped Received through 1/10/2012

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**Application Name:** INVESTMENTS SPECIALISTS ENTERPRISES, INC.

**Project Location:** The site is located west of 4101 N.W. 27 AVENUE, Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from IU-1 to BU-3, an unusual use and non-use variances to permit a junkyard and salvage yard. Revised Documents Dated Stamped Received through 1/10/2012 have been submitted.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

Enforcement History CZAB-8

Applicant: Investment Specialist Enterprises

Hearing No: 10-60

Folio Number 3031220000730/3031220000721

Enforcement History: NC: 3031220000730 – Currently there are (7) open cases. Case 201104000551 was opened on January 25, 2011 for failure to remove illegally stored materials. A citation was posted/mailed on January 26, 2011 and citation was personally served to property owner Jenny Guerra, also spoke with attorney Juan Mayol. Hearing was scheduled March 14, 2011 but was rescheduled per Ron Szep. On April 13, 2011 hearing was rescheduled by NCS Albury. On October 25, 2011 Jim Byers advised NCO Brown to schedule cases hearing because owners continue to operate without CU. SMA HEARING WAS SCHEDULED January 12, 2012 and at hearing hearing officer Sanford Youkilis rescheduled due to department renegotiating. CVN was paid January 24, 2012. Case 201104000552 was opened for all zoning violations on January 25, 2011. A citation was posted/mailed on January 26, 2011 and violation observed by Transit safety officer Frank Hernandez and NCS Albury. Hearing scheduled March 14, 2011 and was rescheduled by Ron Szep. On April 13, 2011 case rescheduled per NCS Albury. On December 7, 2011 case reviewed for zoning review. Hearing scheduled for January 12, 2012. At hearing, Sanford Youkilis rescheduled due to department renegotiating. Case 201104000553 was opened on January 25, 2011 for unauthorized use in industry IU-1. CVN posted on January 26, 2011. Hearing scheduled March 14, 2011. Violation observed corrected on March 10, 2011. Per Jim Byers on October 25, 2011 cases need to be scheduled for hearing because still operating without CU. At SMA Hearing on January 12, 2012 Sanford Youkilis rescheduled due department renegotiating. Citation paid on January 24, 2012. On January 26, 2011 case 201104000554 was opened for failure remove junk/trash. Hearing scheduled for March 14, 2011 and was rescheduled by Ron Szep. SMA Hearing scheduled for January 12, 2012 and was rescheduled due department renegotiating. Case 201104002859 was opened May 25, 2011 for failure remove illegally stored materials and citation posted because property owner previously cited. On July 15, 2011 appeal filed and on August 23, 2011 hearing rescheduled. Hearing rescheduled January 12, 2012 and hearing officer rescheduled due department renegotiating. Violation corrected January 13, 2012 and cvn paid January 24, 2012. Case 201104002860 was opened May 25, 2011 for unauthorized use in industry and cvn issued. Appeal filed July 15, 2011 and hearing pending. On January 12, 2012 hearing officer Sanford Youkilis rescheduled due department renegotiating. Violation corrected on January 19, 2012. BNC: No open cases for this folio.

Folio 3031220000721; NC: Case 201004003019 was issued a warning May 12, 2010 for unauthorized use in industry. NCO Williams spoke with property owner on May 12, 2010 and explained nature of violation. On May 27, 2010 company representative hand delivered extension request which was denied. On June 1, 2010 NCO met with owner wife and was advised counsel had filed application for zoning hearing. Email received on June 2, 2010 from Attorney Torres with copy of intent. Extension was granted until August 9, 2010 per Compliance manager Ron Williams and another extension was granted til October 10, 2010. On October 26, 2010 another request was made for additional time but was under

review by Ron Szep. Citation was issued on October 28, 2010. Inspection done on December 16, 2010 violation remains. Appeal filed January 6, 2011 and hearing scheduled March 14, 2011, at SMA hearing on January 12, 2012 hearing officer Sanford Youkilis rescheduled due department renegotiating. On May 12, 2010 warning was issued for maintaining razor wire fence. Spoke to property owner wife who stated company installed fence and was advised they pulled permits. On May 21, 2010 Mrs. Green met with Cindy Vaughan director of Sentry security who advised was applying for public hearing. Extension request was received on May 26, 2010 and submitted to NCS Albury. On June 2, 2010 extension was denied. On June 2, 2010 attorney Torres advised Director knew of his action. On June 8, 2010 extension granted til August 9, 2010, then another extension until October 10, 2010. On October 28, 2010 was issued. On December 16, 2010 violation remains. A assessment appeal was filed on January 6, 2011 and hearing scheduled March 14, 2011. Case originally scheduled on May 14, 2011 but was not heard and rescheduled for future date. Hearing scheduled January 12, 2012 but hearing officer rescheduled due department renegotiating.

Case 201104000556 was opened January 25, 2011 for failure to remove illegally stored materials and a cvn was posted. A appeal was filed and hearing scheduled for March 14, 2011 but was rescheduled 30 days per Ron Szep. SMA hearing was rescheduled April 13, 2011. New SMA hearing date pending. Per Jim Byers instructed Officer Brown to schedule cases because owner continue to operate without a certificate. Violation corrected on January 12, 2012 and hearing January 12, 2012 but hearing officer Sanford Youkilis rescheduled for department to renegotiate.

Case 201104000557 was opened January 25, 2011 for unauthorized use (storage of material) and cvn issued. Appeal was filed and hearing scheduled for March 14, 2011. Violation was corrected on March 10, 2011. Hearing was rescheduled for January 12, 2012 but hearing officer Sanford Youkilis reschedule so department can renegotiate.

Case 201104000558 was opened January 26, 2011 for assorted junk and debris and cvn posted. Appeal filed and hearing scheduled for March 14, 2011 but rescheduled 30 days per Ron Szep. Hearing was rescheduled for January 12, 2012 but hearing officer Sanford Youkilis rescheduled so department can renegotiate. Violation corrected January 19, 2012 and cvn paid January 24, 2012.

Case 201104000567 was opened January 26, 2011 for operating a recycling facility without certificate of use. Citation posted January 26, 2011 and cvn appeal and hearing scheduled for March 14, 2011. Per Ron Szep hearing was rescheduled for 30 days. At SMA hearing on January 12, 2012 hearing officer Sanford Youkilis rescheduled so department can renegotiate. CVN was paid January 24, 2012.

Case 201104002856 was opened May 25, 2011 for unauthorized storage of material and cvn was posted. Appeal was filed July 15, 2011. SMA Hearing was scheduled for January 12, 2012 but hearing officer Sanford Youkilis rescheduled due department renegotiating. Violation corrected on January 13, 2012 and cvn paid January 24, 2012.

Case 201104002858 was opened May 25, 2011 for failure to remove illegally stored material. Appeal filed July 15, 2011. Hearing was rescheduled for January 12, 2012 but hearing officer Sanford Youkilis rescheduled due department renegotiating. CVN was paid January 24, 2012.

BNC: Folio 3031220000721.

Case 20100139598-B was opened September 17, 2010 for mezzanine. On December 28, 2010 initial inspection delayed due no access. NOV mailed August 3, 2011, compliance inspection nov requested November 7, 2011.

Case 20070108482-B was opened March 9, 2007 for 2<sup>nd</sup> floor addition, electrical and mechanical work without permits. NOV mailed March 12, 2007, compliance inspection requested April 23, 2007. Ticket mailed May 16, 2007. Non compliance on July 23, 2007, cvn paid July 30, 2007. Recommended for lien August 20, 2007. Hearing officer approved lien September 17, 2008 and it was recorded September 23, 2008. On October 26, 2011 notice of intent to lien/lien compliance inspection requested.

Case 20110142543-B was opened February 4, 2011 from complaint received from neighborhood Compliance. Nov mailed August 15, 2011. Compliance inspection for NOV requested November 22, 2011.

Case A2008004740-X was opened July 23, 2008 and nov mailed. Ticket personally served September 2, 2008. Ticket paid September 24, 2008. Non compliance affidavit requested November 14, 2008. Lien checklist approved by FUS on August 2, 2010. Final notice of intent to lien/demand for payment mailed August 9, 2010. Hearing Officer approved lien on December 22, 2010. Lien recorded December 23, 2010.

Case F2010110012-U was opened on March 31, 2010. Unsafe sign posted on building January 25, 2011 and NOV posted January 26, 2011. Extension request pending supervisor approval on February 7, 2011. Extension denied February 21, 2011. Posted notice of hearing August 22, 2011. 40 year documents received from property owner on October 4, 2011. 40 year recertification approved November 16, 2011. Case ready for billing December 10, 2011. Recording of board decision completed by clerk of courts December 14, 2011. Bill signed and notarized and mailed December 29, 2011.

# ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH

Inspection Date

Evaluator: CARL HARRISON

08/22/11

**Process #:** Z2010000060  
**Applicant's Name:** INVESTMENTS SPECIALISTS ENTERPRISES, INC.  
**Locations:** 4101 N.W. 27 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
**Size:** 4.26 ACRES  
**Folio #:** 3031220000730

## Request:

1 IU-1 to BU-3

10 Applicant is requesting to waive the zoning regulations requiring a continuous 5-foot high masonry wall setback 10 feet from the secondary frontage (east) property line and said 10-foot strip to be landscaped; to waive same to permit a 7-foot wide greenbelt and a 6-foot high C.B.S. wall setback 2'-6" from the secondary frontage (east) property line penetrated by an existing driveway opening onto N.W. 25th Avenue.

11 Applicant is requesting to permit a landscape hedge with a height at maturity of up to 8 feet and 6-foot high C.B.S. walls within the front and side street setback areas (4 feet high permitted within front and side street setback areas).

12 Applicant is requesting to permit a minimum of 9.2% (16% required) of landscaped open space.

2 Unusual Use to permit a junkyard.

3 UNUSUAL USE to permit an automobile, truck, machinery and scrap metal salvage yard.

4 Special Exception to permit a fence charged with electricity around the perimeter of the property.

5 Applicant is requesting to permit the fence charged with electricity around the perimeter of the Property with a height of 10 feet (8 feet permitted) and to permit a landscape hedge with a height at maturity of up to 8 feet (4 feet high permitted within the front and side street setback areas).

5 Applicant is requesting to permit the use of razor wire around the perimeter of the property (not permitted).

6 Applicant is requesting to waive the zoning regulations requiring junkyards to be surrounded by a solid wall 8 feet in height or an 8-foot high cyclone wire fence interwoven with wooden, metal or plastic strips; to permit the proposed junkyard and automobile, truck, machinery and scrap metal salvage yard to be surrounded by a combination 6-foot high chain-link fence interwoven with wooden, metal or plastic strips along the front (west), interior side (north), side street (south) property lines, and a 6-foot high C.B.S. wall along the secondary front (east) property lines to create a solid screen.

7 Applicant is requesting a waiver of zoning regulations requiring junkyards, if fenced, to have the fence surrounded by a two-foot concrete (on footing) or heavy sheet metal curb (imbedded at least two (2) feet in ground) adjacent to and inside the fence.

8 Applicant is requesting to permit 33 parking spaces (351 required).

9 Applicant is requesting a waiver of zoning regulations restricting the piling of junk or scrap to the height of wall, fence or hedge; to permit storage of junk vehicles, materials or equipment and scrap to exceed the height of the fence and hedge up to a height of 13'-6".

## EXISTING ZONING

**Subject Property** IU-1,

## EXISTING USE

## SITE CHARACTERISTICS

## STRUCTURES ON SITE:

THE SUBJECT PROPERTY HAS 2 BUILDING ON SITE. ONE IS ON THE WEST SIDE OF THE PROPERTY, THE OTHER ONE IS ON THE SOUTHEAST CORNER OF THE PROPERTY.

## USE(S) OF PROPERTY:

THE BUILDING ON THE WEST SIDE OF PROPERTY IS DIVIDED BY A CHAIN LINK FENCE. NORTH SIDE OF BUILDING IS USES FOR SCRAP METAL, THE SOUTHSIDE OF BUILDING IS USES FOR AUTO AND TRUCK PARTS. THE SOUTHEAST BUILDING IS USES FOR A JUNK YARD.

## FENCES/WALLS:

## ZONING INSPECTION REPORT

THE SUBJECT PROPERTY HAS 6 TO 8 FT FENCE ALL AROUND THE PROPERTY. THE PROPERTY ALSO HAS AN ELECTRICAL CHARGE .FENCE ON PROPERTY.

### LANDSCAPING:

THE PROPERTY HAS SOME LANDSCAPE TREE ON EAST SIDE OF PROPERTY WHERE IT ABUTS RESIDENTIAL AREA.

### BUFFERING:

FENCE WITH NYLONO WHERE IT ABUTS RESIDENTIAL HOMES.

### VIOLATIONS OBSERVED:

EAST SIDE NEEDS A 5 FT WALL WHERE IT ABUTS THE RESIDENTIAL AREA.

### OTHER:

Process #	Applicant's Name
Z2010000060	INVESTMENTS SPECIALISTS ENTERPRISES, INC.

### SURROUNDING PROPERTY

#### NORTH:

IU-1-ONE SYORY BUILDING FOR HEAVY EQUIPMENT RENTAL.

#### SOUTH:

NONE-OPEN FIELD/EXIT OF THE EXPRESSWAY, SR # 112

#### EAST:

BU-2-VACANT STORE WITH RESTORATION OF THE BUILDING

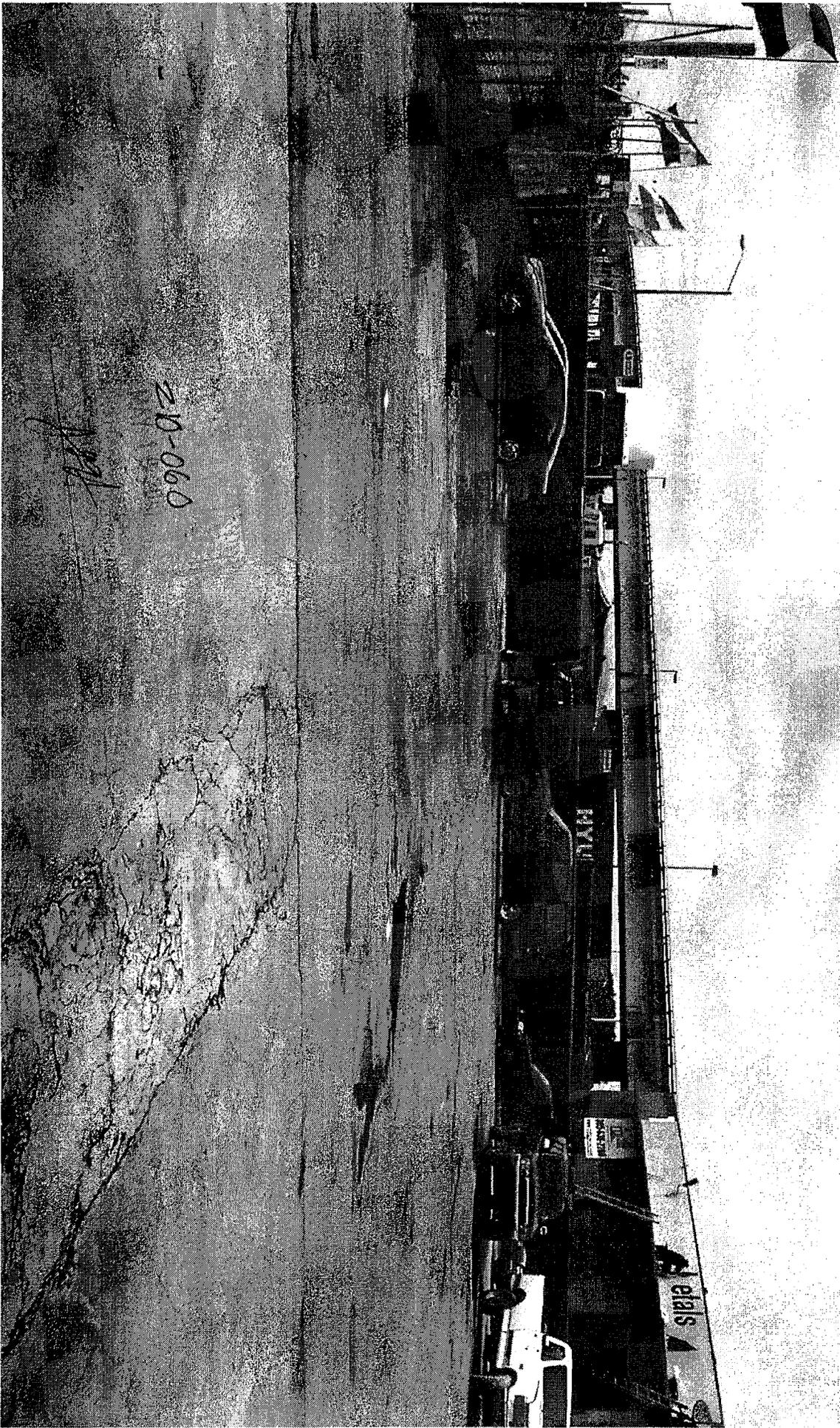
#### WEST:

RU-2; ONE STORY SINGLE FAM

### SURROUNDING AREA

### NEIGHBORHOOD CHARACTERISTICS:

### COMMENTS:



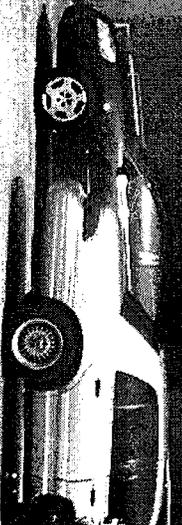
210-060

Specialist Parts

305 634 0850 • 305 634 4545

www.specialistparts.com

4101 NW 27 AVE 634-4545



Specialist Parts  
210-060

*1824*

**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: Investments Specialist Enterprises, Inc., a Florida corporation

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Investments Specialist Enterprises, Inc., a Florida corporation</u>	
<u>4101 NW 27 Ave, Miami, Fl. 33142</u>	
GUERRA, KAREL 16200 SW 173 AVE MIAMI FL 33187	50%
GUERRA, YENI B 16200 SW 173 AVE MIAMI FL 33187	50%

*210-060*  
*J&A*

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>Percentage of Ownership</u>
_____	_____
_____	_____

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

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

NAME AND ADDRESS (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:

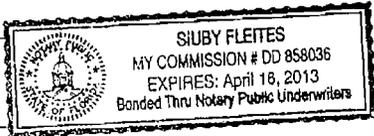
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

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

Signature: Karel Guerra [Signature]  
(Applicant)

Sworn to and subscribed before me this 17<sup>th</sup> day of March, 2010. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)



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

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

210-060

[Signature]



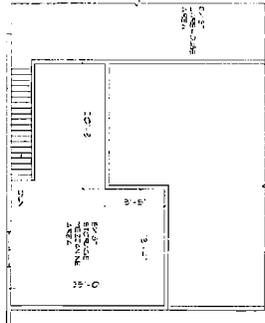






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 MAY 20 2011

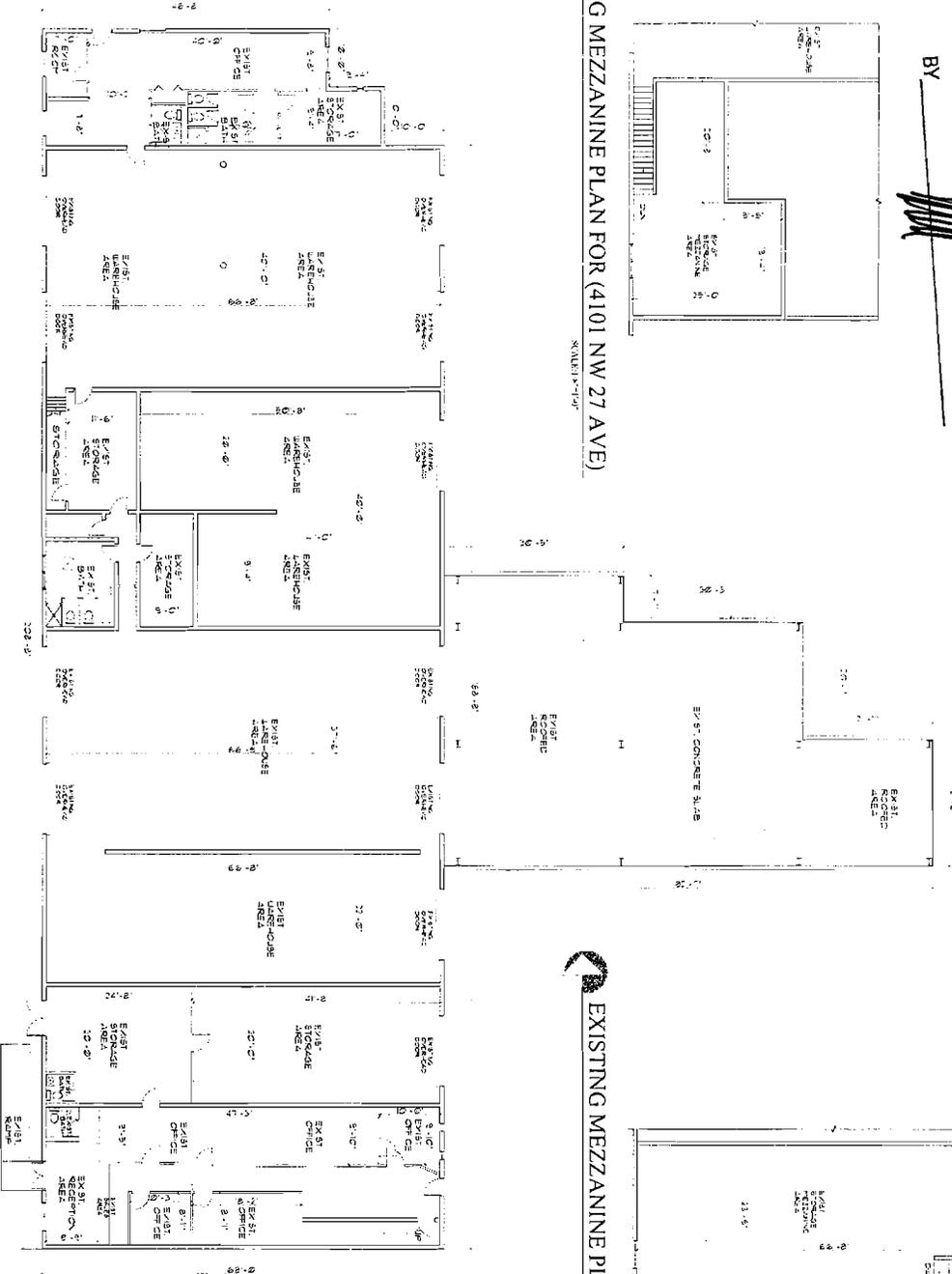
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*



EXISTING MEZZANINE PLAN FOR (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"



EXISTING MEZZANINE PLAN FOR (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"



EXISTING FLOOR PLAN FOR (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"

EXISTING AS-BUILT PLANS FOR  
**INVESTMENTS SPECIALISTS  
 ENTERPRISES INC.**  
 4101 NW 27th AVE & 2501 NW 41 ST  
 MIAMI, FLORIDA 33142

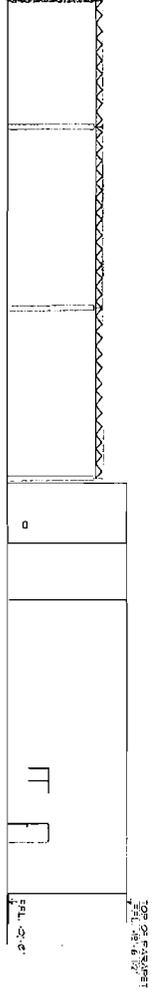
Professional Engineer Seal and Stamp for the State of Florida, including the name of the engineer and the firm name.



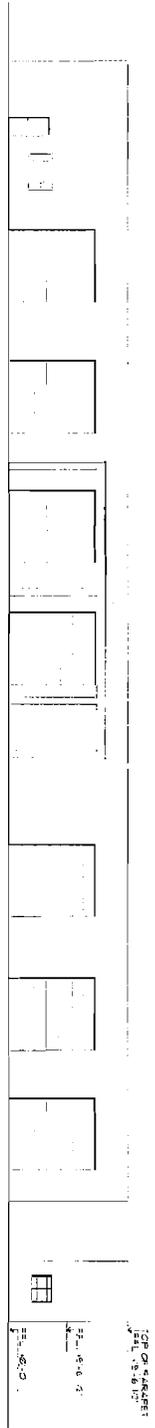
ZONING HEARING SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 P.V.

**RECEIVED**  
 210-068  
 MAY 29 2011  
 TOP OF 31" BEAM  
 ELEV. 13.6' TO 14.0'

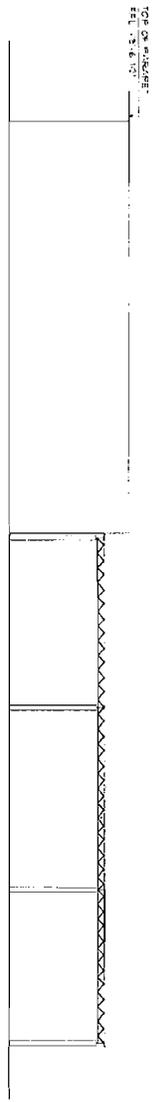
NORTH ELEVATION (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"



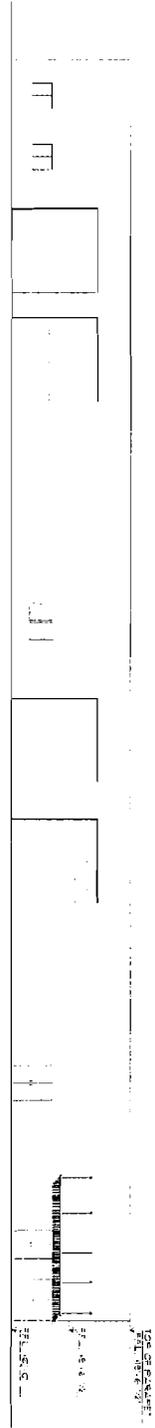
EAST ELEVATION (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"

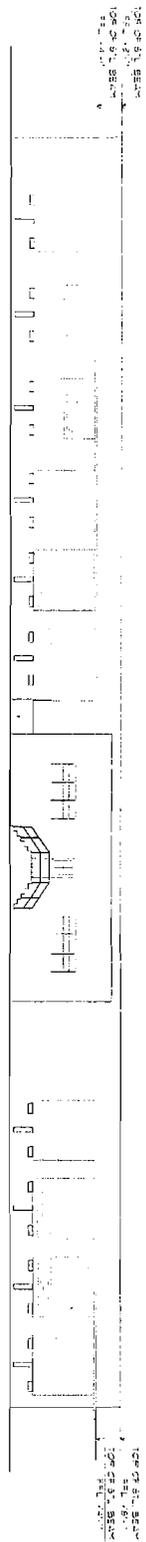


SOUTH ELEVATION (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"



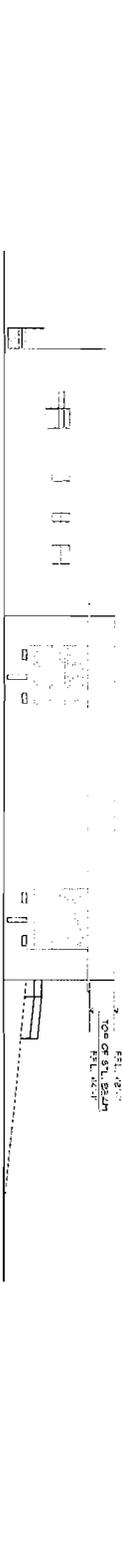
WEST ELEVATION (4101 NW 27 AVE)  
 SCALE: 1/8" = 1'-0"





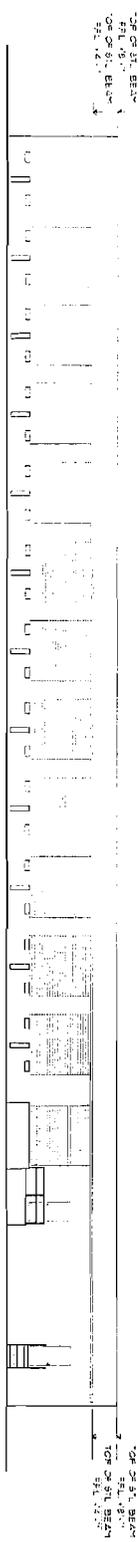
SOUTH ELEVATION (2501 NW 41 ST)

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



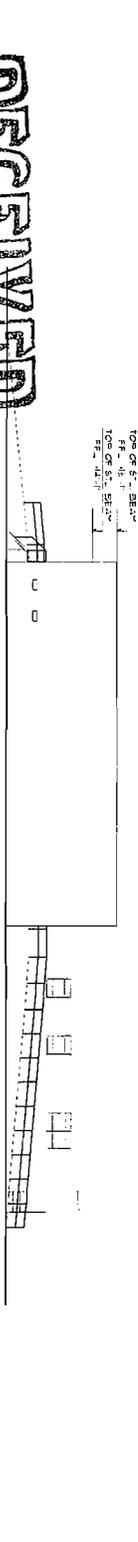
EAST ELEVATION (2501 NW 41 ST)

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



NORTH ELEVATION (2501 NW 41 ST)

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



WEST ELEVATION (2501 NW 41 ST)

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

**RECEIVED**  
210-0606  
MAY 20 2011

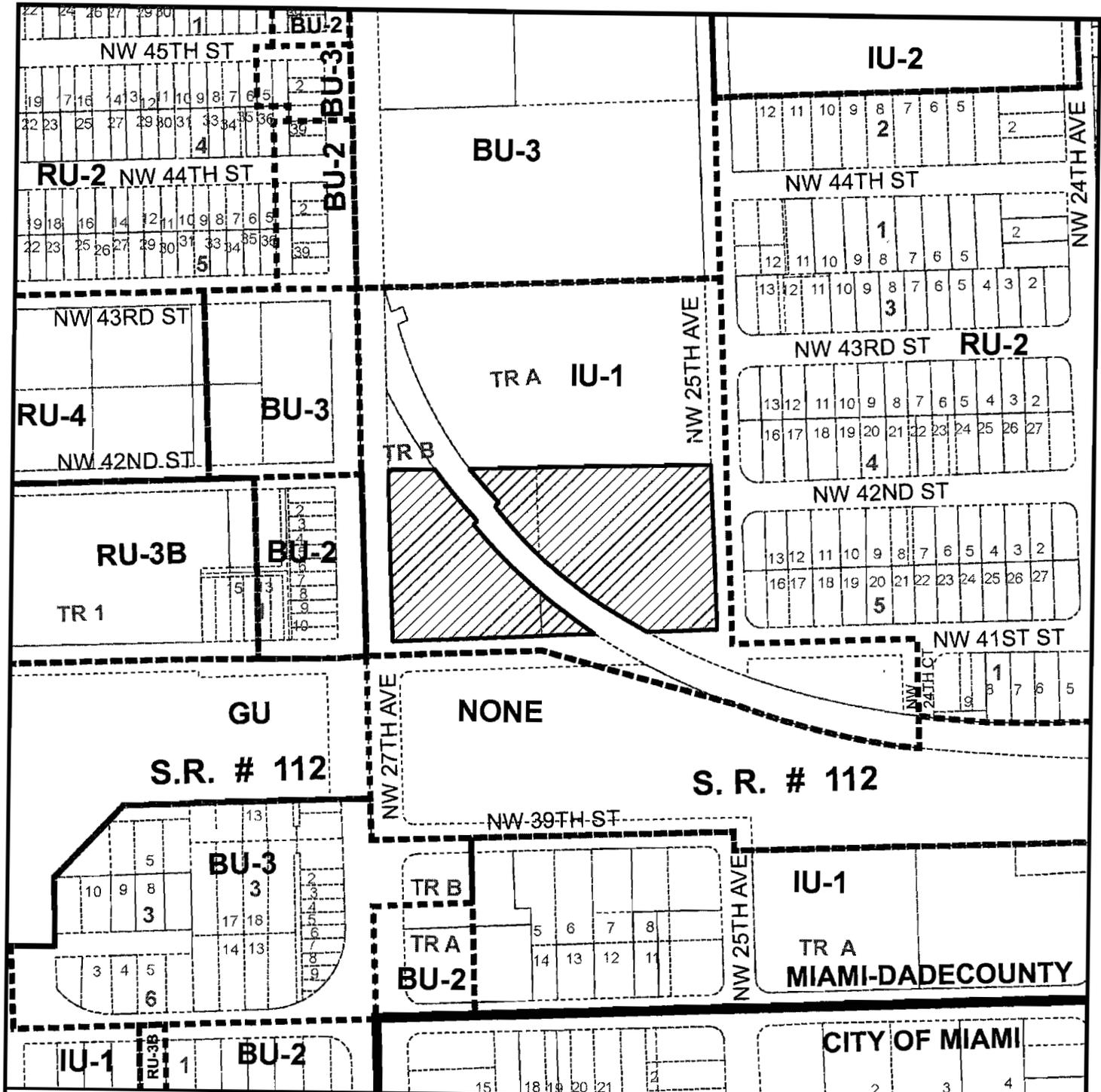
ZONING HEARING SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

EXISTING AS BUILT PLEASE USE  
INVESTMENTS SPECIALISTS  
ENTERPRISES INC.  
4101 N.W. 27th AVE & 2501 NW 41 ST  
MIAMI, FLORIDA 33142

31

A-5



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

Process Number  
**Z2010000060**

Section: 22 Township: 53 Range: 41  
 Applicant: INVESTMENTS SPECIALISTS ENT., INC.  
 Zoning Board: C8  
 Commission District: 3  
 Drafter ID: KEELING  
 Scale: NTS

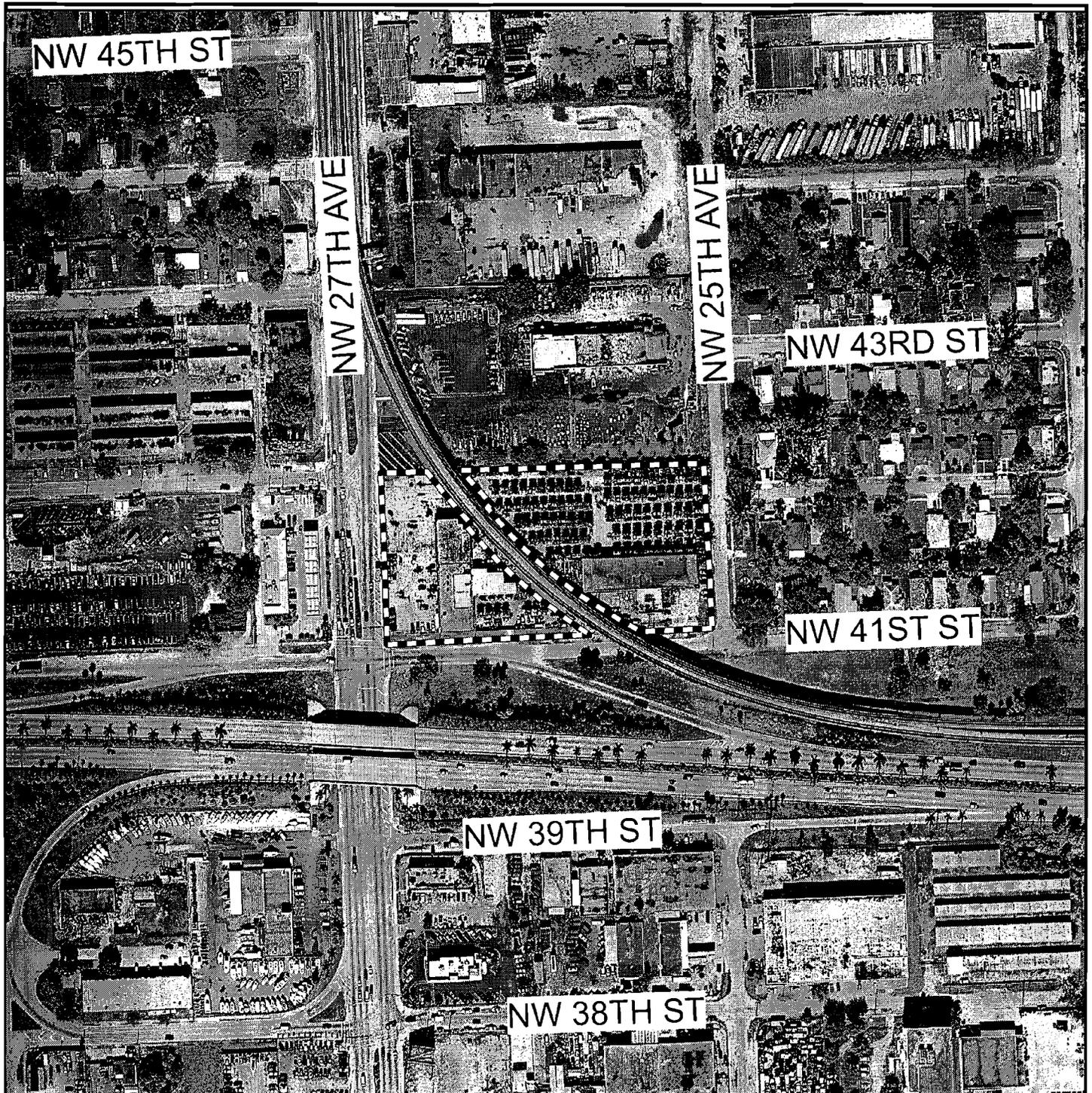
**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, May 28, 2010

REVISION	DATE	BY
		32



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

Process Number

**Z2010000060**



Section: 22 Township: 53 Range: 41  
 Applicant: INVESTMENTS SPECIALISTS ENT., INC.  
 Zoning Board: C8  
 Commission District: 3  
 Drafter ID: KEELING  
 Scale: NTS

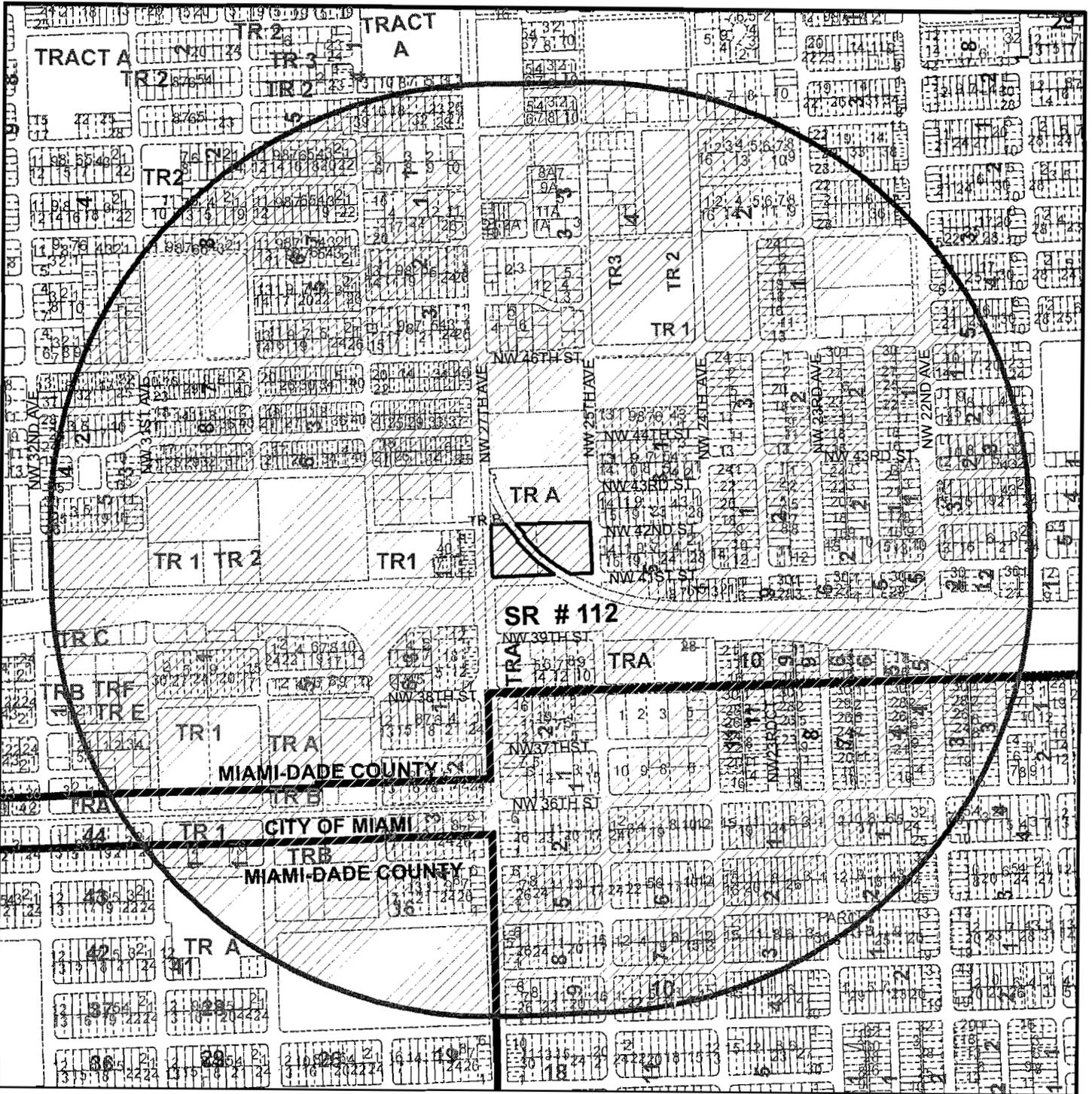
**Legend**

 Subject Property



SKETCH CREATED ON: Friday, May 28, 2010

REVISION	DATE	BY
		33



**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 22 Township: 53 Range: 41  
 Applicant: INVESTMENTS SPECIALISTS ENT., INC.  
 Zoning Board: C8  
 Commission District: 3  
 Drafter ID: KEELING  
 Scale: NTS

Process Number  
**Z2010000060**  
 RADIUS: 2640

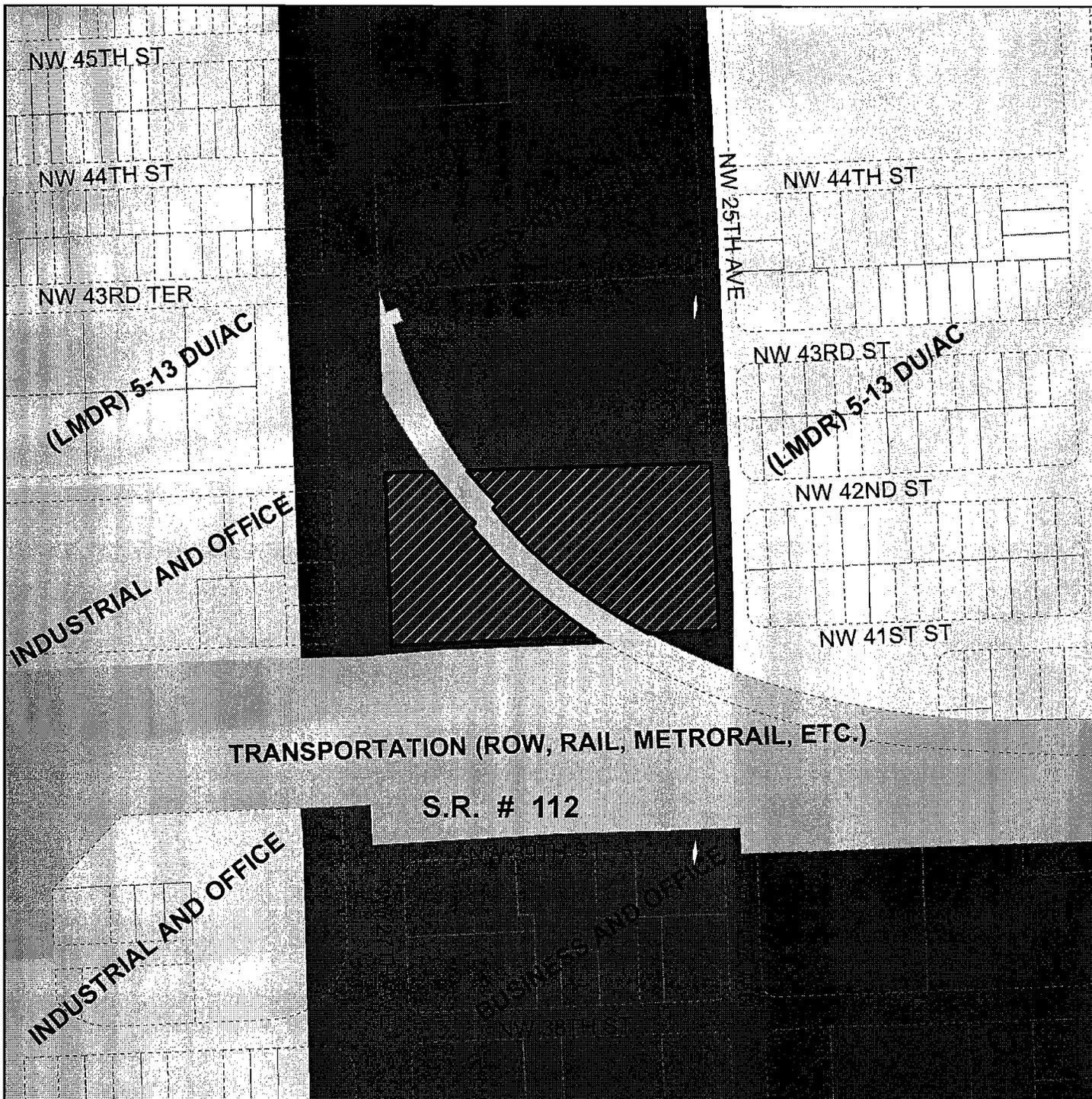
**Legend**

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Friday, May 28, 2010

REVISION	DATE	BY
		34



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

Process Number  
**Z2010000060**



Section: 22 Township: 53 Range: 41  
 Applicant: INVESTMENTS SPECIALISTS ENT., INC.  
 Zoning Board: C8  
 Commission District: 3  
 Drafter ID: KEELING  
 Scale: NTS

**Legend**  
 Subject Property Case



SKETCH CREATED ON: Friday, May 28, 2010

REVISION	DATE	BY

**Miami-Dade County Permitting, Environment and Regulatory Affairs Department  
Staff Report to Community Council No. 8**

**PH: Z11-044 (12-02-CZ8-2)**

**February 15, 2012**

Item No. 2

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	Sulaiman S. Hindy
<b>Summary of Requests</b>	The applicant is seeking to allow an existing single-family residence and accessory use with setbacks less than required by the Zoning Code.
<b>Location</b>	16201 North Miami Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	97' x 141'
<b>Existing Zoning</b>	RU-1
<b>Existing Land Use</b>	Single-Family Residence
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	Approval with conditions

**REQUESTS:**

- (1) NON-USE VARIANCE to permit a single-family residence setback 4.91' (15' required) from the street side (west) property line.
- (2) NON-USE VARIANCE to permit an existing accessory use to setback varying from 4.29' to 4.42' (7.5' required) from the interior side (east) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Amnesty for attached addition & garage conversions (storage) for: Sulaiman S. Hindy," as prepared by Fernando Gomez-Pina, P.E. and dated stamped received 10/19/11, for a total of two (2) sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Existing single-family residence.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>North</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>South</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>West</b>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

### **NEIGHBORHOOD COMPATIBILITY:**

The subject property is a corner lot, located at 16201 North Miami Avenue. Single-family residences characterize the surrounding area where the subject property lies.

### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Low Density Residential** on the Adopted 2015-2025 LUP map. *This designation permits a density range of a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The Land Use Element Interpretive Text under Residential Communities provides that this density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.* The approval with conditions of the requests sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Therefore, staff opines that approval of the application with conditions is **consistent** with the density threshold of the LUP map of the CDMP.

### **ZONING ANALYSIS:**

When requests #1 and #2 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variances From Other Than Airport Regulations, staff is of the opinion that the approval with conditions of the same would not affect the stability and appearance of the community and would be **compatible** with the surrounding area.

While staff found no other similar approvals for variances in the surrounding neighborhood, staff notes that the photographs submitted show the existing additions to be architecturally in accordance with the scale and character of the existing residence. Therefore, approval of the requests will not result in an obvious departure from the aesthetic character of the surrounding area. Staff also notes that the existing additions provide the property owner and her family with additional living space. The existing additions to be legalized consist of extensions to three existing bedrooms, and an addition along the west side of the residence, as indicated in the submitted site plan.

Additionally, the survey and photographs submitted by the applicant show an existing 4' chain link fence along the street side (west) and interior side (east) property lines of the subject property. Therefore, staff recommends that as a condition for approval of this application, that the applicant provide a visual buffer along the street side (west) and interior side (east) property lines either in the form of a hedge, 3' tall at time of planting to grow and be maintained at a height of 6', or in the alternative to erect a 6' high wood fence or CBS wall along said property lines to mitigate any negative visual impact from the aforementioned encroachments on the abutting properties.

Furthermore, based on the configuration of the floor plans, staff opines that future owners could easily convert the existing residence or the storage building into a second residential unit. Therefore, staff recommends as a condition for approval, that the applicant submits a Declaration of Use agreement which restricts the use of the subject property to a single-family use only. Additional conditions for the approval of this application include that the exterior door leading outside from the east side of the house be replaced with a window and that the existing addition at the rear of the storage building, located in the rear (north) setback area be removed

as shown on the plans. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**CIRCULATION AND PARKING:** Not applicable.

**ENVIRONMENTAL REVIEW:** Not applicable.

**OTHER:** Not applicable.

**RECOMMENDATION:**

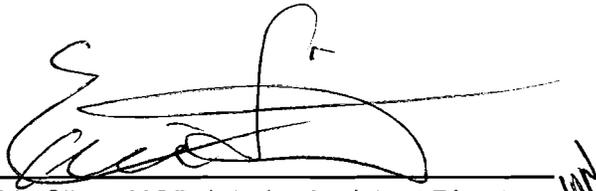
**Approval with conditions.**

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Amnesty for attached addition & garage conversions (storage) for: Sulaiman S. Hindy," as prepared by Fernando Gomez-Pina, P.E. and dated stamped received 10/19/11 for a total of two (2) sheets. 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 and except that the exterior door leading outside from the east side of the residence be removed from the plans.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits a Declaration of Use Agreement restricting the use of the subject property to a single-family residence only, prior to the issuance of a building permit.
5. That the exterior door leading outside from the east side of the residence be replaced with a window.
6. That the rear portion of the accessory building, located in the rear (north) setback area be removed as shown on the plans.
7. That the applicant provides a visual buffer along the street side (west) and interior side (east) property lines either in the form of a hedge, 3' tall at time of planting to grow and be maintained at a height of 6', or in the alternative to erect a 6' high wood fence or CBS wall.

ES:GR:NN:CH:JC

02/02/2011



Eric Silva, AICP, Interim Assistant Director *NON*  
Zoning and Community Design  
Miami-Dade County  
Sustainability, Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Applicant: *Suliman S. Hindy*  
PH: Z11-044

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Environment (PERA)	No objection
Public Works and Waste Management	No objection
Parks	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p><b>Low Density Residential</b> (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
--	---

## PERTINENT ZONING REQUIREMENTS/STANDARDS

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

**12-2-CZ8-2 (11-044)**  
**Area 8/District 02**  
**Hearing Date: 02/15/12**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

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

# Memorandum

**Date:** December 12, 2011  
**To:** Charles Danger, P.E., Interim Director  
Permitting, Environment and Regulatory Affairs

**From:** Jose Gonzalez, P.E., Assistant Director  
Permitting, Environment and Regulatory Affairs



**Subject:** C-08 #Z2011000044-2<sup>nd</sup> Revision  
Sulaiman Hindy  
16201 N. Miami Avenue  
To Permit a Detached Storage Building Setback Less than Required from  
Property Lines and to Permit a Single-Family Residence Setback Less than  
Required from Property Lines  
(RU-1) (.314 Acres)  
13-52-41

---

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and it meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### Floodplain Management

The application site lies within a Special Flood Hazard Zone with a base flood elevation of (AE-7) 7 ft. NGVD as determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 6 to 6.50 ft NGVD. The proposed legalization of several additions (west addition 234 sq. ft., south addition 493 sq. ft. and detached addition 634 sq. ft.) as depicted in the zoning request for a variance of set backs appears to be a substantial improvement as defined in the Section 11C of the Code. Existing residential structures with proposed substantial improvements within Special Flood Hazard Zone areas elevations must be above the base flood elevation and 8 inches above the highest crown of road and County Flood Criteria. Based on the site plan submitted, the highest crown of road is 8.37 ft NGVD. The floor in the existing residence as well as the additions attached to it will be raised to 9.04 ft NGVD, which is in compliance with Code requirements.

#### Potable Water Service

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

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

### Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

### Stormwater Management

Site grading and development plans shall comply with the requirements of Section 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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

### Wetlands

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

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

### Tree Preservation

The proposal to permit a detached storage building will not impact tree resources. Please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

### Enforcement History

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

### Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Permitting, Environment and Regulatory Affairs

PH# Z2011000044  
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: SULAIMAN S. HINDY

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

Raul A Pino, P.L.S.

17-JUN-11

# Memorandum



**Date:** 10-MAY-11  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2011000044

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## **Fire Prevention Unit:**

Not applicable to MDRF site requirements.

## **Service Impact/Demand:**

Development for the above Z2011000044  
located at 16201 NORTH MIAMI AVE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0332 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 4:33 minutes

## **Existing services**

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

Station 32 - Uleta - 358 NE 168 Street  
Rescue, ALS Engine

## **Planned Service Expansions:**

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

None.

## **Fire Planning Additional Comments**

Not applicable to service impact analysis.

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

# Memorandum



**Date:** May 17, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**Thru:**  Maria I. Nardi, Chief  
Planning and Research Division  
**From:**  John M. Bowers, AICP/RLA  
Landscape Architect 2  
Planning and Research Division  
**Subject:** Z2011000044: Hindy Residence

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**Application Name:** Hindy Residence

**Project Location:** The site is located at 16201 N. Miami Ave, Miami-Dade County.

**Proposed Development:** The applicant is requesting a setback variance to the side yard requirement on the east lot line and a waiver of right-of-way dedication along North Miami Ave/or in the alternative a variance to the setback of the west lot line to permit for a garage conversion.

**Impact and demand:** Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 04-JAN-12  
REVISION 2

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

SULAIMAN S. HINDY

16201 NORTH MIAMI AVE, MIAMI-  
DADE COUNTY, FLORIDA.

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**APPLICANT**

---

**ADDRESS**

Z2011000044

---

**HEARING NUMBER**

**HISTORY:**

ENFORCEMENT HISTORY: NC; No open cases. BNC; Case opened on 11-2-2010. NOV issued 11-2-2010 for cottage to the south, addition on south, north and eastside without required permit. Due to non compliance a cvn was issued P005452, P005453, P005454 issued 9-27-2011. Property owner appealed cvn's and hearing date is pending.

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

**REPORTER NAME:**

NCS Albury

# ZONING INSPECTION REPORT

**Inspector:** RODRIGUEZ, FRANK  
**Evaluator:** JACQUELINE CARRANZA

**Inspection Date**  
09/30/11

**Process #:** Z2011000044  
**Applicant's Name:** SULAIMAN S. HINDY

**Locations:** 16201 NORTH MIAMI AVE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 97' X 141'

**Folio #:** 3021130020791

**Request:**

THE APPLICANT IS REQUESTING APPLICANT IS REQUESTING TO PERMIT A SINGLE FAMILY RESIDENCE SETBACK LESS THAN REQUIRED FROM PROPERTY LINES.  
APPLICANT IS REQUESTING TO PERMIT A DETACHED STORAGE BUILDING SETBACK LESS THAN REQUIRED FROM PROPERTY LINES

**EXISTING ZONING**

**Subject Property** RU-1,

**EXISTING USE** NONE

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

One story single family residence and storage building.

**USE(S) OF PROPERTY:**

Residential

**FENCES/WALLS:**

Chain link fencing at north, south and east property lines.

**LANDSCAPING:**

Three yellow tab trees used as street trees along N. Miami Ave. Two medium trees, two palm and a large shrub used as landscaping as well sod on subject property.

**BUFFERING:**

None

**VIOLATIONS OBSERVED:**

Chain link fence at south property line is in disrepair. Setback violations as noted in applicant's request.

**OTHER:**

Fence posts are installed along the middle of subject property.

**Process #** Z2011000044  
**Applicant's Name** SULAIMAN S. HINDY

# ZONING INSPECTION REPORT

## SURROUNDING PROPERTY

### NORTH:

One story single family residence.

### SOUTH:

One story single family residence.

### EAST:

One story single family residence.

### WEST:

One story single family residence.

## SURROUNDING AREA

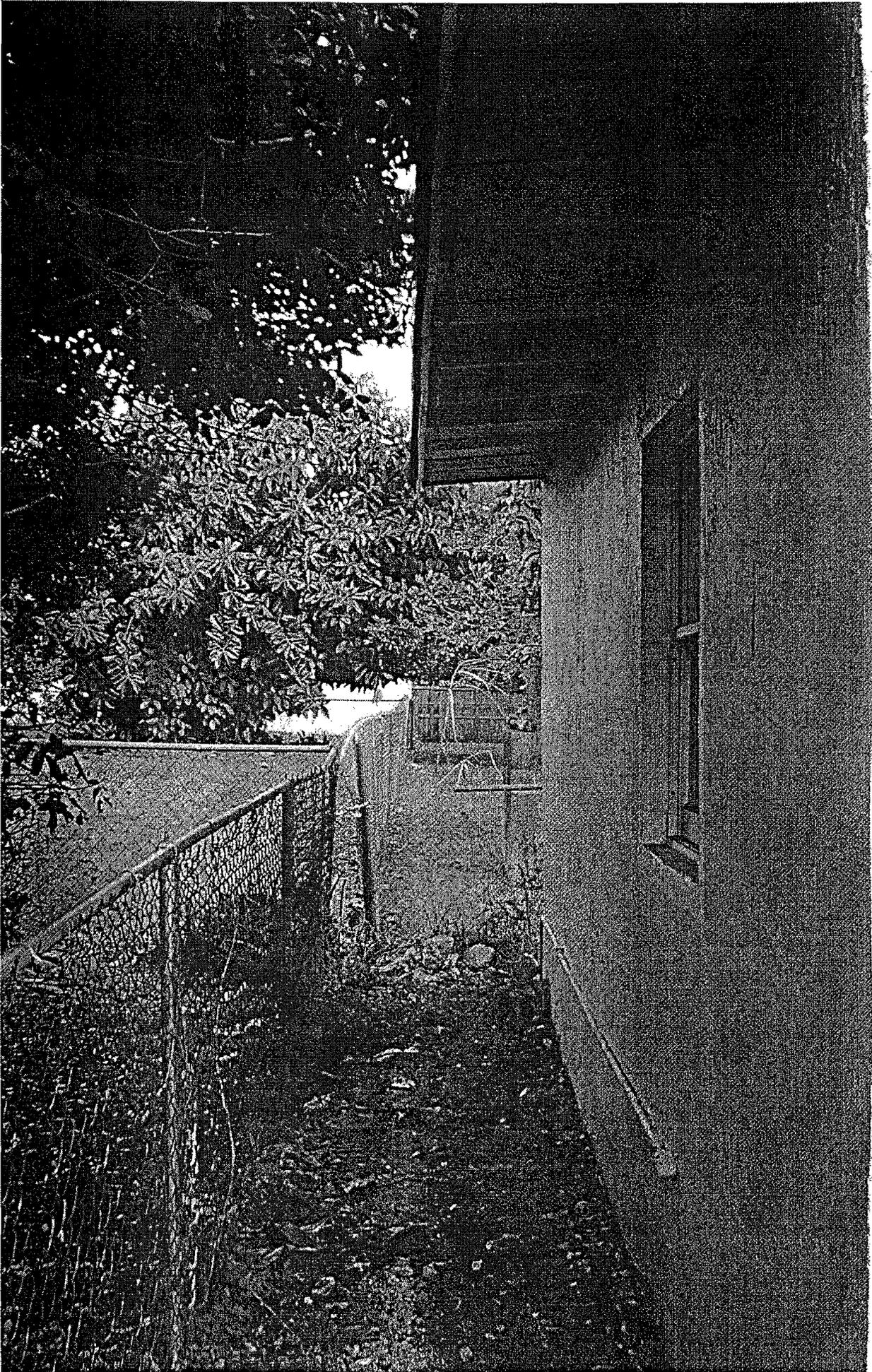
Subject property is surrounded by single family residential properties.

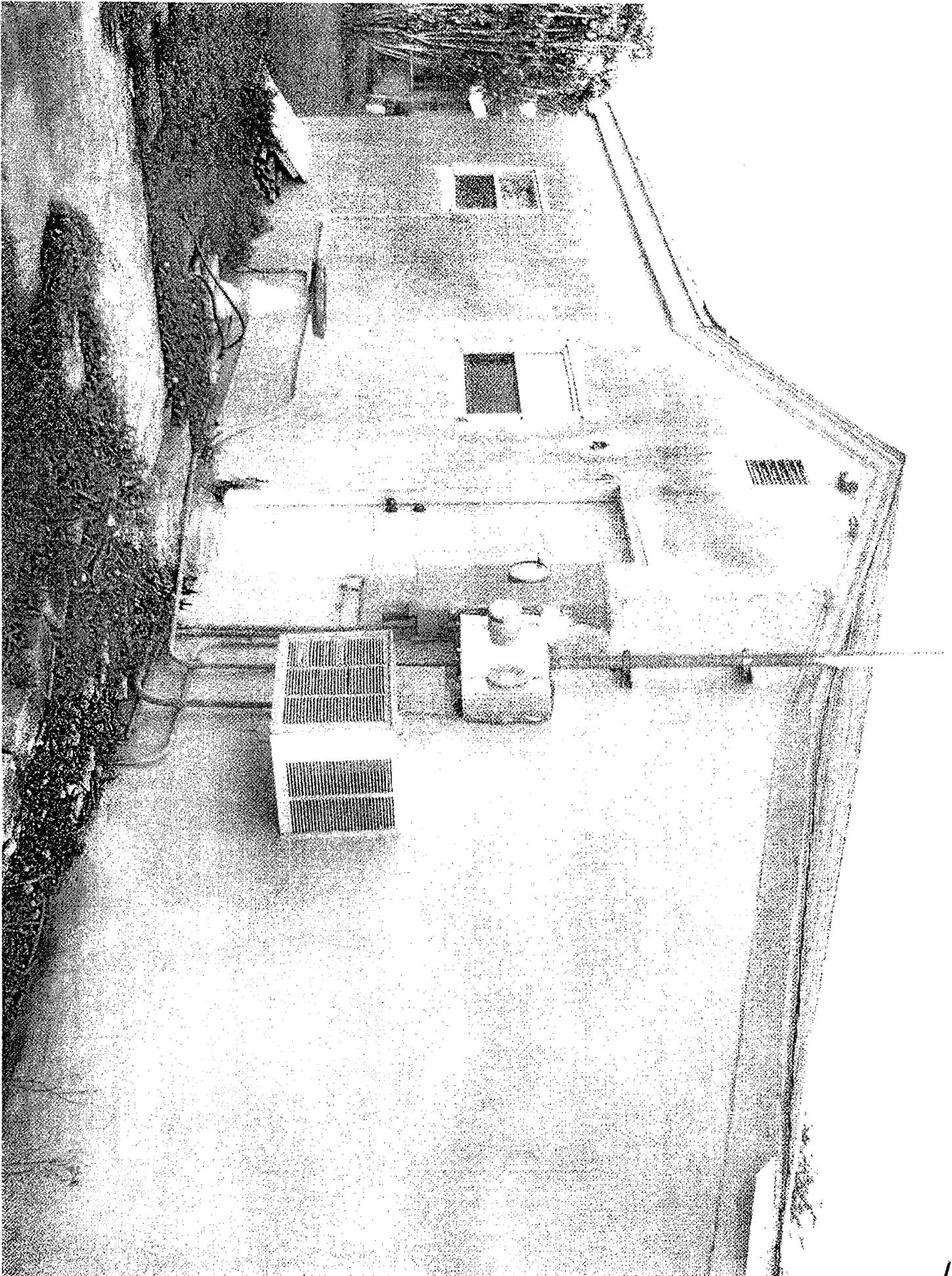
## NEIGHBORHOOD CHARACTERISTICS:

The characteristic of the neighborhood is that of an long ago established single family residential neighborhood.

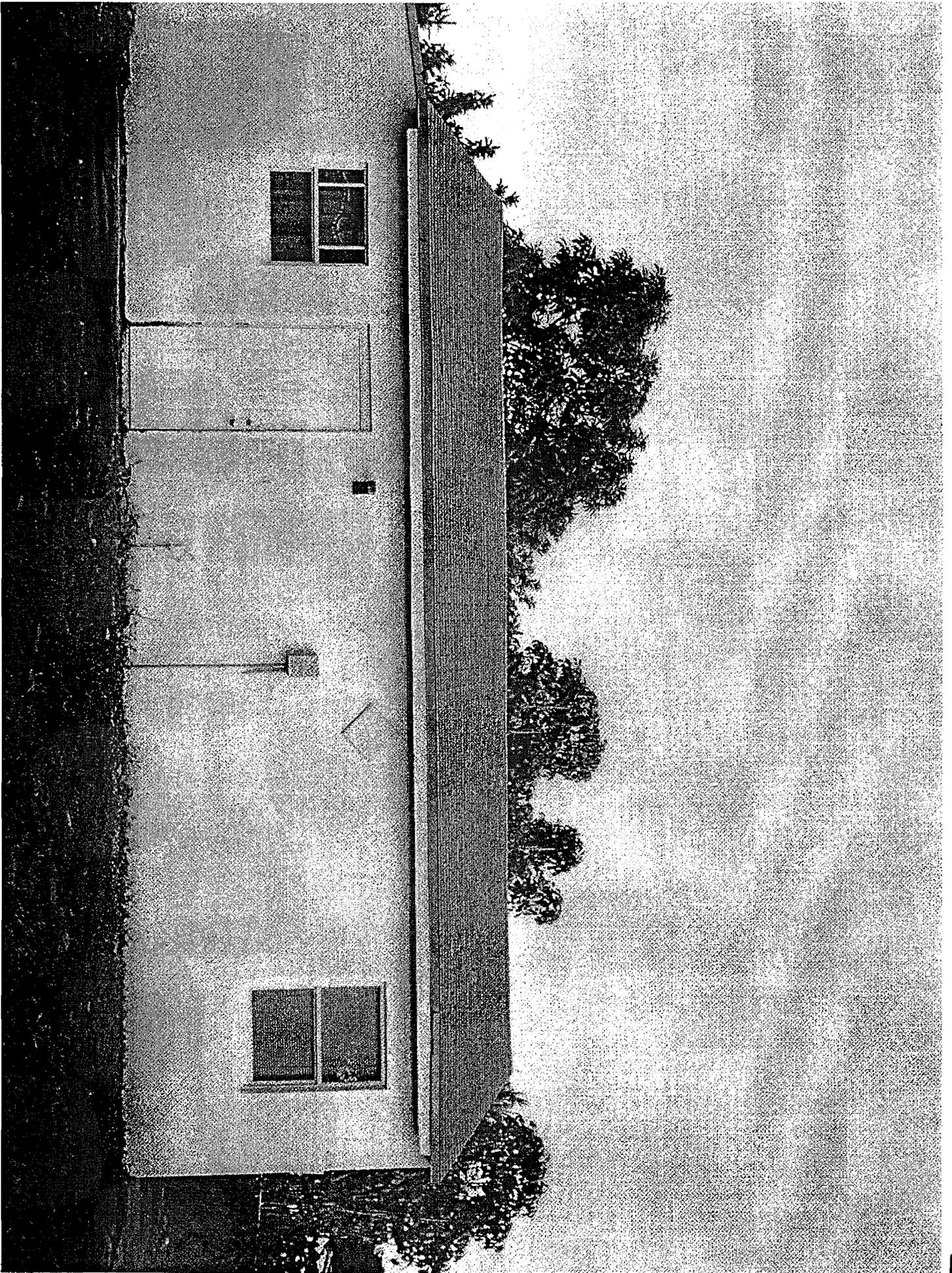
## COMMENTS:

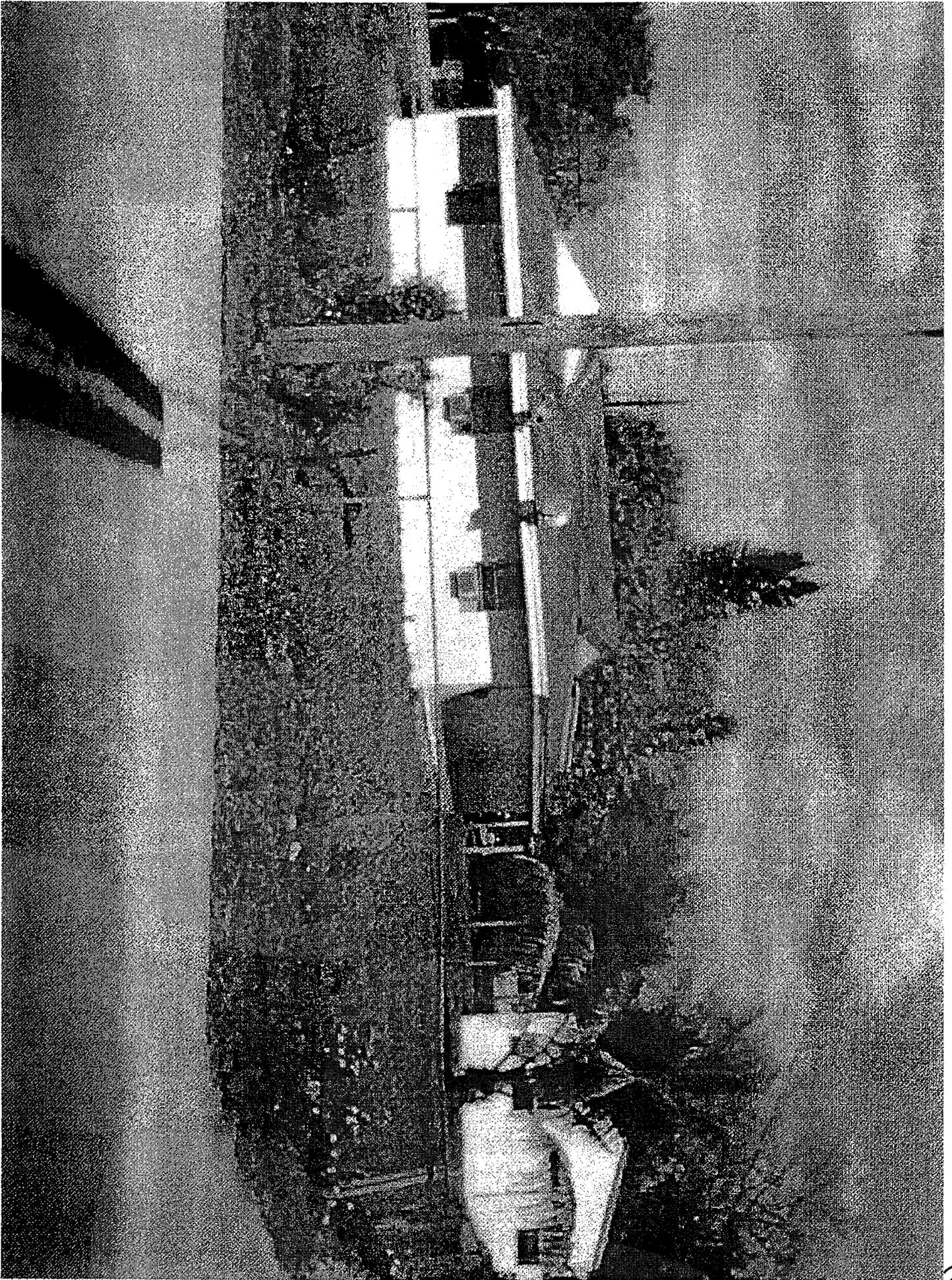
None

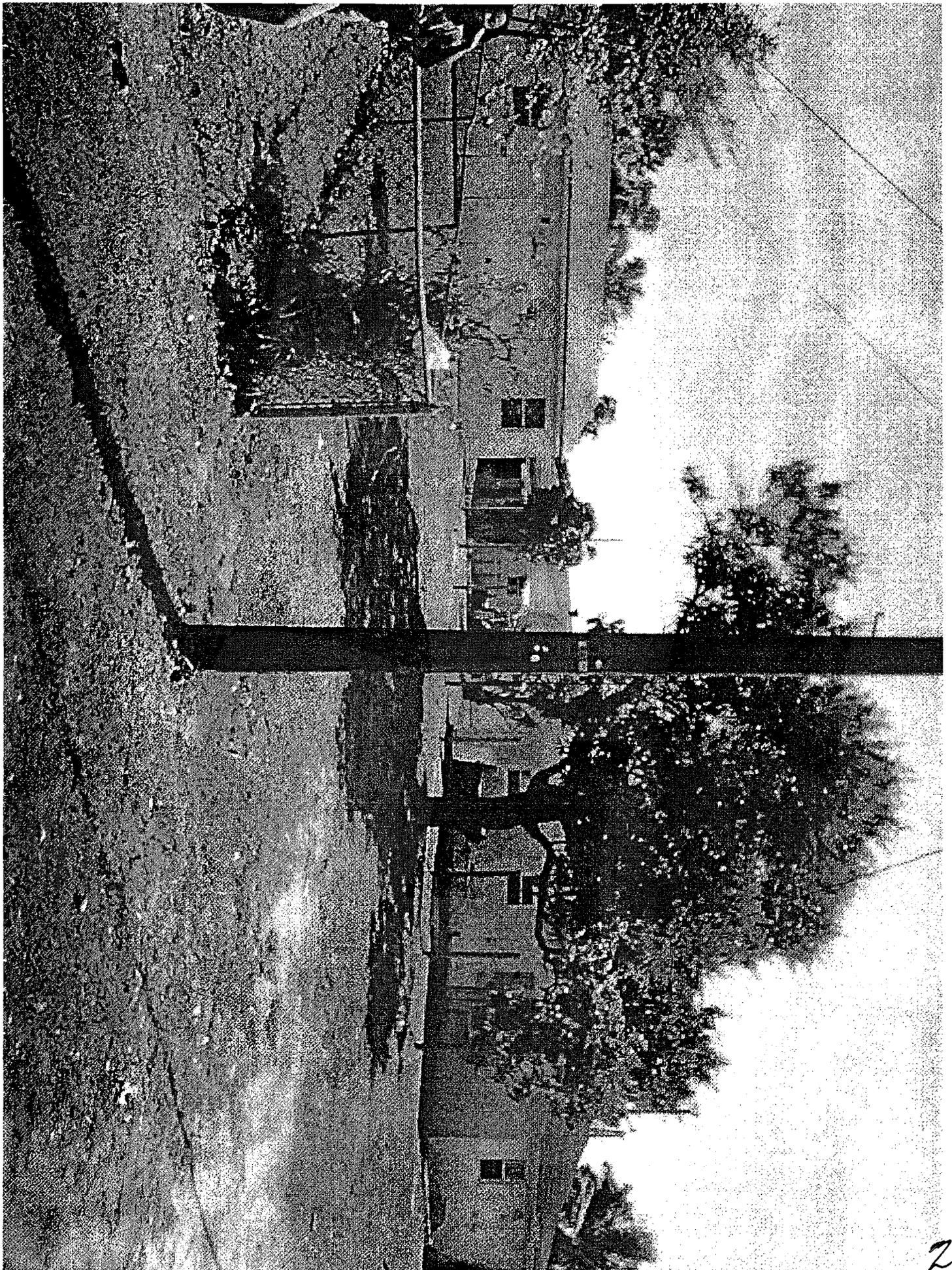












NORTH MIAMI AVENUE

23' PARKWAY

97.07' (R&M)

F.I.P. 1' NO ID. NORTH

F.I.P. 1/2' NO ID.

35.0'

3.05'

15' ZONED STREET LINE

72.18'

57.4'

ADDITION TO BE REMOVED

EXIST. GARAGE  
CONVERSION INTO  
STORAGE  
EXISTING F.F. ELEV. 9.09'

ADDITION TO BE LEGALIZED  
EXISTING F.F.E. 8.22'  
PROPOSED F.F.E. 9.04'

ONE STORY  
RES. 16201  
E.F.F. ELEV. 8.94'  
PROPOSED F.F.E. 9.04'

ATTACHED ADDITION TO BE LEGALIZED  
EXISTING F.F.E. 8.57'  
PROPOSED F.F.E. 9.04'

141.00' (R&M)

141.00' (R&M)

**RECEIVED**  
211-089  
OCT 19 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

NE. 162nd. STREET

ENLARGED SITE PLAN

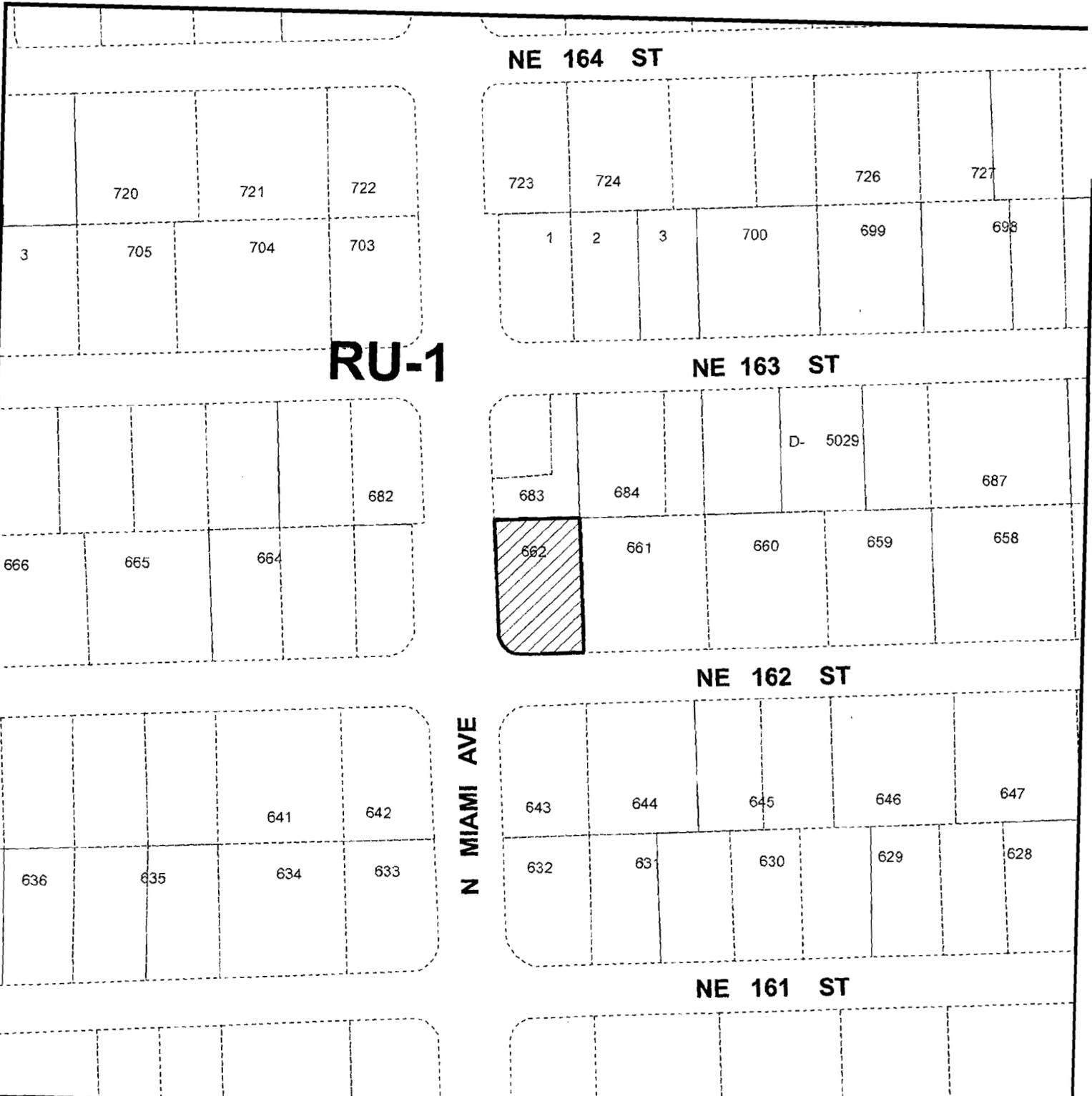
97.06' (R&M)

18.0' PVMT.

SITE PLAN, - SCALE: 1" = 10'







**RU-1**

**NE 164 ST**

**NE 163 ST**

**NE 162 ST**

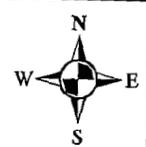
**NE 161 ST**

**N MIAMI AVE**

D- 5029

**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**Z2011000044**



Section: 13 Township: 52 Range: 41  
 Applicant: SULAIMAN S. HINDY  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**  
 Subject Property Case



REVISION	DATE	BY



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

Process Number

**Z2011000044**



Section: 13 Township: 52 Range: 41  
 Applicant: SULAIMAN S. HINDY  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

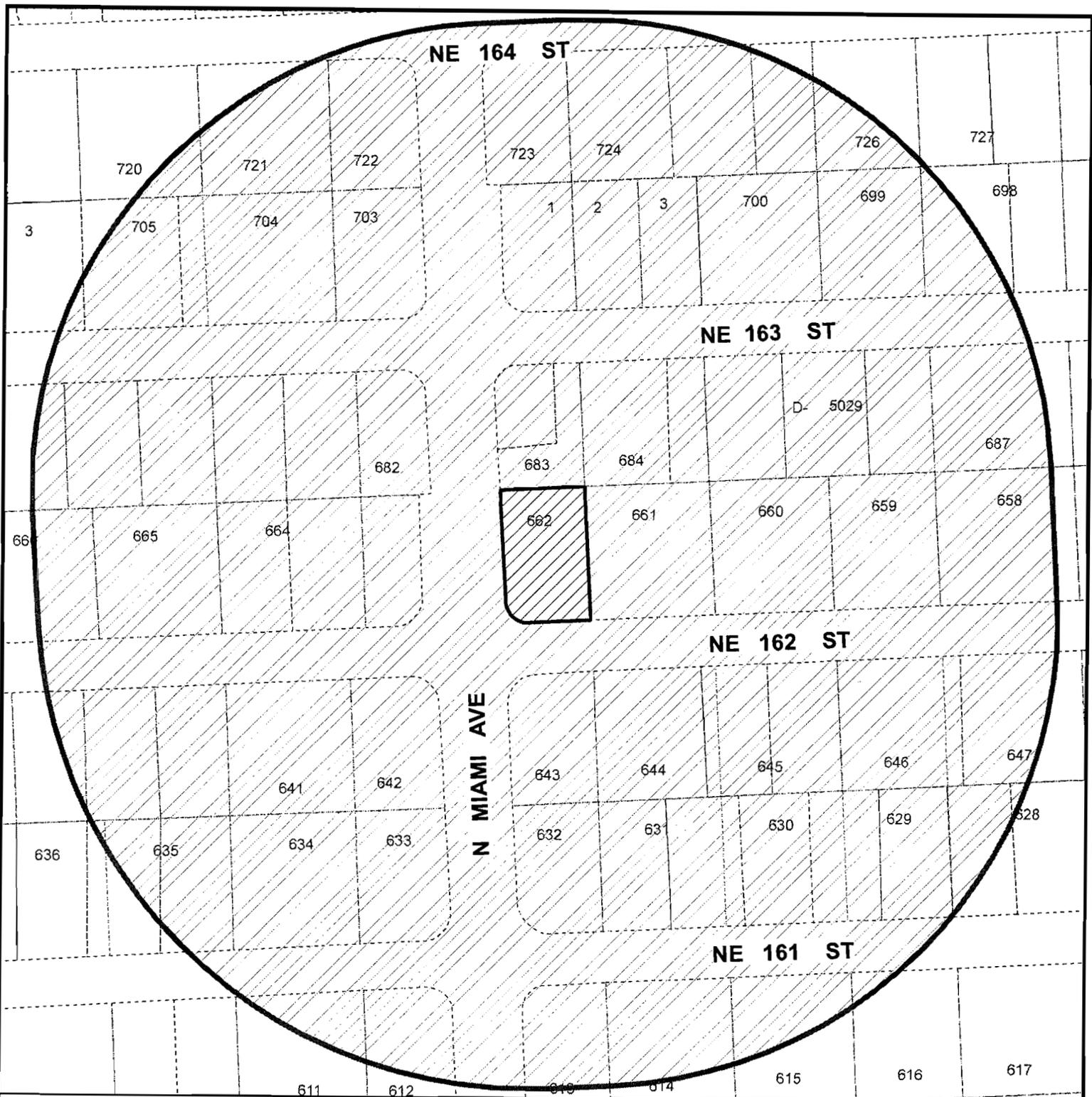
**Legend**

 Subject Property



SKETCH CREATED ON: Friday, April 29, 2011

REVISION	DATE	BY
		26



**MIAMI-DADE COUNTY  
RADIUS MAP**

**Section: 13 Township: 52 Range: 41  
Applicant: SULAIMAN S. HINDY  
Zoning Board: C8  
Commission District: 2  
Drafter ID: JEFFER GURDIAN  
Scale: NTS**

**Process Number  
Z2011000044  
RADIUS: 500**

- Legend**
-  Subject Property
  -  Buffer



SKETCH CREATED ON: Friday, April 29, 2011

REVISION	DATE	BY
		27

NE 164 ST

(LDR) 2.5-6 DU/AC

NE 163 ST



NE 162 ST

N MIAMI AVE

NE 161 ST

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

Process Number  
**Z2011000044**



Section: 13 Township: 52 Range: 41  
Applicant: **SULAIMAN S. HINDY**  
Zoning Board: C8  
Commission District: 2  
Drafter ID: **JEFFER GURDIAN**  
Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, April 29, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs  
Staff Report to Community Council No. 8**

**PH: Z11-060 (12-2-CZ8-3)**

**February 15, 2012**

**Item No. 3**

<b>Recommendation Summary</b>	
<b>Commission District</b>	1
<b>Applicant</b>	MMG North, Inc.
<b>Summary of Requests</b>	The applicant is seeking a zone change to BU-3, a Special Exception to allow a pawn shop use, and to permit said pawn shop with less back-out for the parking spaces than required by the Zoning Code.
<b>Location</b>	13610 NW 7 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	75' x 130'
<b>Existing Zoning</b>	BU-1A
<b>Existing Land Use</b>	Retail Store
<b>2015-2025 CDMP Land Use Designation</b>	Business and Office ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Comprehensive Plan Consistency</b>	Inconsistent with objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change, Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations ( <i>see attached Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Denial without prejudice</b>

**REQUESTS:**

- (1) DISTRICT BOUNDARY CHANGE from BU-1A to BU-3.
- (2) SPECIAL EXCEPTION to permit a pawnshop.
- (3) NON-USE VARIANCE to permit parking spaces with a back-out dimension of 18.5' (22' required).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor Department entitled "Proposed Dilallo Jewelry Shop," as prepared by J. Barrio Architect & Planners Inc., dated stamped received 7/11/2011 and consisting of 2 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The site plan submitted by the applicant depicts the existing 1,785 sq. ft. retail building and 716 sq. ft. storage building with ten (10) parking spaces.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	BU-1A; retail store	Business and Office
<b>North</b>	BU-1A; automotive repair facility	Business and Office
<b>South</b>	BU-1A; automotive repair facility	Business and Office
<b>East</b>	City of North Miami; retail store	Business and Office
<b>West</b>	RU-1; single-family residence, vacant lot	Low Density Residential (2.5 to 6 du)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an interior lot, located at 13610 NW 7 Avenue. The area surrounding the subject property is primarily characterized by commercial uses to the north, south and east and residential uses to the west.

**SUMMARY OF THE IMPACTS:**

The approval of this application will provide an additional service for the surrounding community. However, the proposed rezoning to a more intense Business District which would allow uses similar to the proposed pawn shop could result in an increase in the intensity and types of the uses that would be allowed in this area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

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

Staff acknowledges that the BU-3, Liberal Business District, which is being requested by the applicant, is consistent with the Business and Office designation of the subject property on the CDMP Land Use Plan map. However, the CDMP Land Use Element interpretative text for the Business and Office designation states that *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.* Staff notes that the abutting properties located to the north and south of the subject property are currently zoned BU-1A, Neighborhood Business District and contain tire repair facilities that are permitted uses in the BU-1A zoning district. Staff opines that the rezoning of the subject property to BU-3 would be spot zoning and would be too intensive when compared with the surrounding BU-1A uses located to the north and south, and the residential uses located to the west.

Further, the CDMP Land Use Element **Objective LU-4** states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* CDMP Land Use Element **Policy LU-4A** provides the criteria used to evaluate compatibility, one of which is safety. The Miami-Dade Police Department (MDPD) states in their memorandum that their experience lends itself to anticipate that in areas where pawn shops are present, calls for service may rise. And while the Department has concerns regarding the applicant's request and changing the character of the community by allowing the property to be used as a pawn shop, it does not object to the application. As such, staff opines that based on the aforementioned, the approval of the proposed rezoning of the property to establish a pawn shop use, would be **incompatible** with the BU-1A uses on this block face and the residential uses located to the west and **inconsistent** with CDMP Land Use Element **Objective LU-4**.

### **ZONING ANALYSIS:**

Staff opines that the applicant's request for approval of a district boundary change to BU-3, under Section 33-311 (request #1), is germane to request #2, to establish a pawn shop which is analyzed under Section 33-311(A)(3), **Special Exception**, Unusual and New Uses. The proposed pawn shop use is only permitted in the BU-3 zoning district after a public hearing. As such, staff notes that the applicant is requesting this zone change in order to establish a pawn shop, which would not be permitted in the existing BU-1A zoning district. The BU-3 district provides for a host of uses that are significantly more intense than those allowed in the BU-1A district, such as lumber yards, bottling plants, garage and mechanical services, commercial chicken hatcheries, airports, and pawn shops.

Staff notes that the subject property is surrounded by BU-1A uses to the north and south, and residentially zoned properties to the west. Staff opines that the location of the existing BU-1A zoning district abutting the residentially zoned properties to the west provides the residential properties with access to services for the residents and provides a reasonable transition from the residential uses to the more intensive commercial uses located to the east. Staff notes that the applicant has proffered a covenant that would restrict the use of the subject property to "only the pawn shop use and BU-1A uses". Notwithstanding, staff opines that the approval of the zone change to BU-3 and specifically, to permit the pawn shop use, would result in a change in the character of the surrounding area with the possibility of a rise in the number of calls for service from the MDPD based on their memorandum that could have a detrimental effect on the abutting residential properties. Further, staff opines that approval of said requests would be overly intensive, would be tantamount to spot zoning and would be **incompatible** with the surrounding BU-1A uses within this block face and the abutting residential uses located to the west.

As previously mentioned, staff opines that request #1 for a district boundary change to BU-3 is germane to the applicant's request for a Special Exception to establish a pawn shop (request #2). In staff's opinion, when request #2 is considered in relation to the present and future development of the area concerned, the approval of this use would be overly intensive and the approval of these requests would be **incompatible** with same.

**Staff therefore recommends denial without prejudice of request #1 under Section 33-311, District Boundary Change, and request #2 under Section 33-311(A)(3), Special Exception, Unusual and New Uses.**

When request #3, to permit the pawn shop with reduced back-out dimensions is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that approval of this request would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with same. The approval of request #3, would allow the applicant to establish the pawn shop with parking spaces with back-out dimensions that would be 3.5' less than required by the Code. Staff opines that this could result in reduced stacking space for vehicles on the subject property and therefore cause the spillage of traffic onto NW 7 Avenue, which is a well travelled north/south roadway, and would have a negative impact on traffic in this area. Additionally, staff opines that the applicant's need to request the reduced back-out dimensions indicates that the 9,750 sq. ft. parcel does not provide the applicant with sufficient room to accommodate the proposed pawn shop use. As such, staff opines that the approval of request #3 would negatively impact traffic on the abutting roadway. Therefore, staff **recommends denial without prejudice of request #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:** Access to the site is provided from NW 7 Avenue. The submitted plans indicate that the parking area as configured would not meet the requirement for a 22' back-out space.

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

**ENVIRONMENTAL REVIEW:** Not applicable.

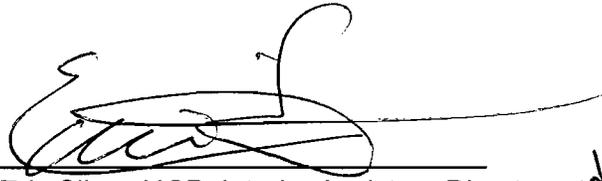
**OTHER:** Not applicable.

**RECOMMENDATION:**

**Denial without prejudice.**

**CONDITIONS FOR APPROVAL:** None.

ES:MW:GR:NN:AN:CH



Eric Silva, AICP, Interim Assistant Director *NDW*  
Zoning and Community Design  
Miami-Dade County Sustainability,  
Planning and Economic Enhancement Department  
Permitting, Environment and Regulatory Affairs Department

ZONING RECOMMENDATION ADDENDUM  
HISTORY  
MOTION SLIPS\*  
DEPARTMENT MEMORANDA  
DISCLOSURE OF INTEREST\*  
HEARING PLANS\*  
MAPS

\*If applicable

## ZONING RECOMMENDATION ADDENDUM

Applicant: *MMG North, Inc.*

PH: Z11-060

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
PERA	No objection*
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

<p><b>Business and Office</b> (Page I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
<p><b>Objective LU-4</b> (Pg. I-11)</p>	<p><i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>
<p><b>Policy LU-4A</b></p>	<p><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></p>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Applicant: MMG North, Inc.

PH: Z11-060

	<p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(1) 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;</li> <li>(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</li> <li>(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</li> <li>(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;</li> <li>(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.</li> </ol>
<p><b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b></p>	<p>Hear applications for and grant or deny <b>special exceptions</b>; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and <b>unusual use</b> which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.</p>
<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>

**3. MMG NORTH, INC**  
**(Applicant)**

**12-2-CZ8-3 (11-060)**  
**Area 8/District 01**  
**Hearing Date: 02/15/12**

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1949	Frank Olivo	- Zone change from RU-2 to BU-1A.	BCC	Approved on a modified basis
1956	Elias Thaw	- Special Exception to permit a mercury type cleaning unit.	BCC	Approved on a modified basis
1956	Elias Thaw	- Modification of a resolution.	BCC	Approved with conditions

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

# Memorandum

**Date:** July 19, 2011

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-08 #Z2011000060-2<sup>nd</sup> Revision  
MMG North, Inc.  
13610 N.W. 7 Avenue  
District Boundary Change from BU-1A to BU-3 and Special Exception to  
Permit a Pawn Shop  
(BU-1A) (.22 Acres)  
23-52-41

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

#### Potable Water Service

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

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

#### Wastewater Disposal

The closest public sanitary sewer is located approximately 268 feet from the subject property; therefore, connection to the public sanitary sewer system is not feasible. Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that the Director of DERM must issue his written approval prior to any zoning action.

Notwithstanding the foregoing, the Director of DERM has determined that the subject application complies with the provisions of Section 24-43.1(6)(g) of the Code. Accordingly, the subject property has been approved for the interim use of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste, provided that the property is connected to public water, in conjunction with the existing or proposed land use and those land uses permitted in the underlying zoning classification which are compatible with the use of a septic tank.

Additionally, the owner of the property has submitted properly executed covenants running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4)(a) and 24-43.1(6)(g) of the Code. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

#### Stormwater Management

According to the information provided for this project, the proposed change will not affect the existing stormwater management system.

#### Wetlands

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

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

#### Air Quality Preservation

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

#### Tree Preservation

There are no tree resources issues on the subject property.

#### Enforcement History

DERM has found one (1) closed enforcement cases for the referenced property address.

#### DEAN CLEANERS AND LAUNDRY (IW5 2864)

A Cease and Desist Notice was issued in February 2000 for effluent discharges. In January 2001 a Monitoring Only Plan was approved with Quarterly Sampling Reviews. Slightly elevated levels of methylene chloride were found in the septic tank in January 2010. However, a closure plan was approved in December 2010 and the case was subsequently closed due to compliance.

#### Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MMG NORTH, INC

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

27-JUN-11

# Memorandum



**Date:** 01-JUN-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Karls Paul-Noel, Acting Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000060

### Fire Prevention Unit:

No objection.

### Service Impact/Demand

Development for the above Z2011000060  
 located at 13610 NW 7 AVE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 3390 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 5:24 minutes

### Existing services

The Fire station responding to an alarm in the proposed development will be:  
 Station 19 - North Miami W - 650 NW 131 Street  
 Rescue, ALS 65' Sqr, TRT-1

### Planned Service Expansions:

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

### Fire Planning Additional Comments

Not applicable to service impact analysis.

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

# Memorandum



**Date:** February 7, 2012

**To:** Jack Osterholt, Interim Director  
Sustainability, Planning and economic Enhancement

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

**Subject:** Z2011000060: MMG North, Inc.  
Revised Documents Dated Stamped Received through 1/10/2012

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**Application Name:** MMG North, Inc.

**Project Location:** The site is located at 13610 NW 7 Ave, Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from BU1-A to BU3, and a Special Exception to permit a pawn shop. A non-use variance of parking is also requested. Revised Documents Dated Stamped Received through 1/10/2012 have been submitted.

**Impact and demand:** The letter of intent which specifies that the purpose of the district boundary change and the associated Special Exception is to permit a pawn shop. Therefore, it is assumed residential uses will not be included as a potential use. Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Parks Property Management Supervisor

DATE: 04-JAN-12  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

MMG NORTH, INC

13610 NW 7 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

Z2011000060

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HEARING NUMBER

**HISTORY:**

ENFORCEMENT HISTORY; NC; No open cases. BNC; A BSS case was opened 1-31-2011 for shutters, window and block wall opening, electrical, mechanical, plumbing installed without permit. Case closed 8-3-2011 due change ownership. Another case opened 3-4-2011 for failure to illuminate parking lots. CVN P003976 was issued on 6-15-2011 for non compliance. Case closed 8-15-2011 after compliance and payment of citation. Another case opened 8-3-2011 for new windows and shutters, blocked opening in wall, interior renovation to include plumbing, metal terrace. Permit pulled and violations corrected on 9-2-2011, case closed on same day. Case opened 7-17-2009 for failure illuminate parking areas and cvn P002590 issued on 2-1-2011 for non compliance. New case opened 20110143196 opened to new owner P--2590 and placed in abeyance.

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

**REPORTER NAME:**

NCS Albury

# ZONING INSPECTION REPORT

**Inspector:** RODRIGUEZ, FRANK

**Inspection Date**

**Evaluator:** CARL HARRISON

09/30/11

**Process #:** Z2011000060  
**Applicant's Name:** MMG NORTH, INC

**Locations:** 13610 NW 7 AVE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 75' x 130'

**Folio #:** 3021230160210

**Request:**

- 1 DBC from BU-1A to BU-3.
- 2 S.E. to permit a pawnshop.
- 3 Applicant is requesting to permit 10 parking spaces (16 required).
- 4 Applicant is requesting to waive the zoning regulation requiring storage of equipment be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls; to permit outdoor storage of equipment within an enclosed 10'3" high iron gate.

**EXISTING ZONING**

**Subject Property** BU-1A,

**EXISTING USE** RETAIL

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

One story building for commercial use

**USE(S) OF PROPERTY:**

Jewelry store with incidental purchase and sales of gold, video, pre-played dvd & video games, computers.

**FENCES/WALLS:**

Iron gate at rear property line and rear building line area. Five foot wall at rear property line.

**LANDSCAPING:**

None

**BUFFERING:**

Five foot wall at rear property line.

**VIOLATIONS OBSERVED:**

Flags displayed outdoors. Balloon sign displayed outdoors without a permit. Razor wire on fence at rear property line.

**OTHER:**

None

**Process # Applicant's Name**

# ZONING INSPECTION REPORT

Z2011000060 MMG NORTH, INC

## **SURROUNDING PROPERTY**

### **NORTH:**

One story commercial building for tire shop.

### **SOUTH:**

One story commercial building for tire shop.

### **EAST:**

One story commercial building with restaurant & convinient store, dance school, furniture store & sub shop.

### **WEST:**

Alley and one story SFR and a vacant lot.

## **SURROUNDING AREA**

Subject property is surrounded by commercially zoned properties and residential zoned properties with a one story single family residence and a vacant lot. Churches & school within close proximity to the west.

## **NEIGHBORHOOD CHARACTERISTICS:**

The neighborhood character is mostly commercial.

## **COMMENTS:**

There is a pawn shop across NW 7 Ave to the southeast of subject property.

Inspector **RODRIGUEZ, FRANK**

Evaluator **CARL HARRISON**

Process Number: **Z2011000060** Applicant Name **MMG NORTH, INC**



Date: 30-SEP-11

Comments: NORTH VIEW OF ALLEY TO THE REAR OF SUBJECT PROPERTY.



Date: 30-SEP-11

Comments: SOUTHWEST VIEW OF SUBJECT PROPERTY.



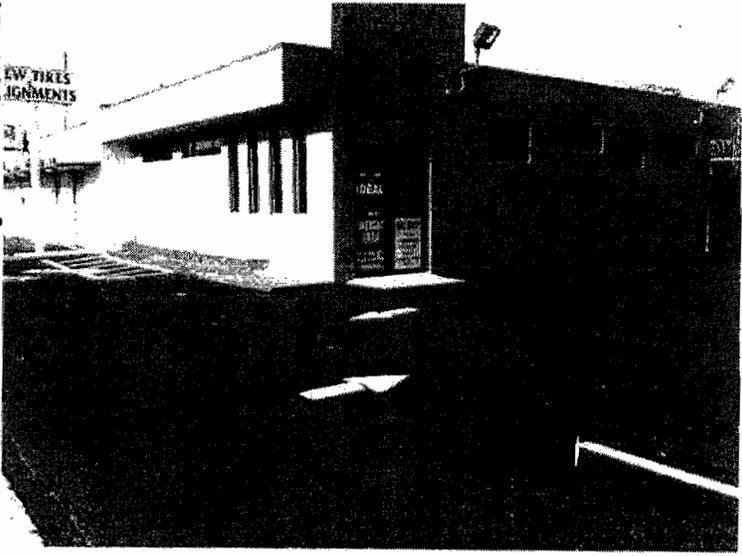
Date: 30-SEP-11

Comments: WEST VIEW OF PROPOSED STORAGE AT SUBJECT PROPERTY.

Handicap parking blue lines  
don't show in pic

08 unroad@yahoo.com, nctydr17

front/side



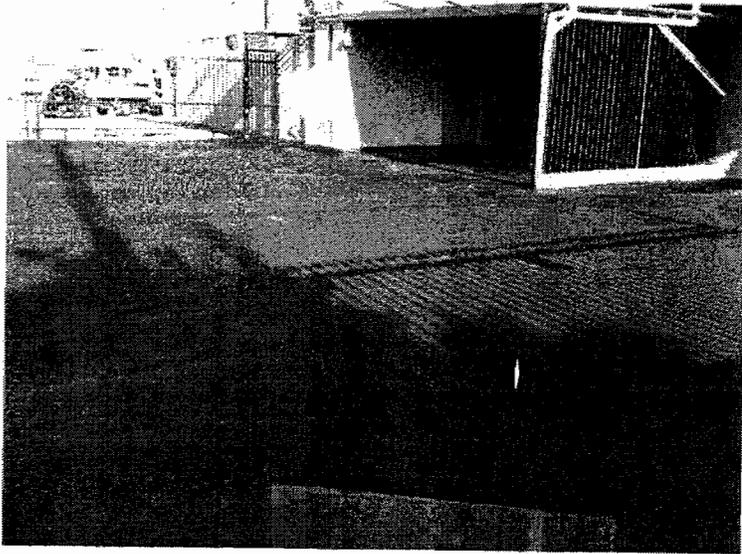
08 unroad@yahoo.com, nctydr17

Handicap parking



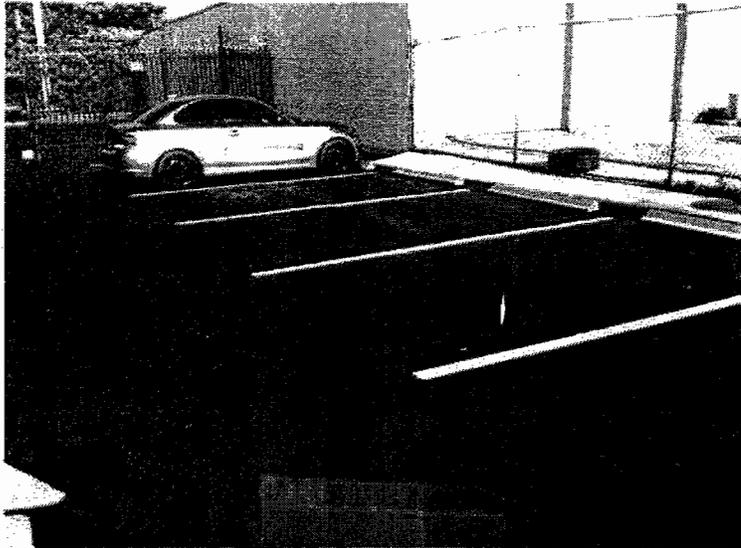
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back/side



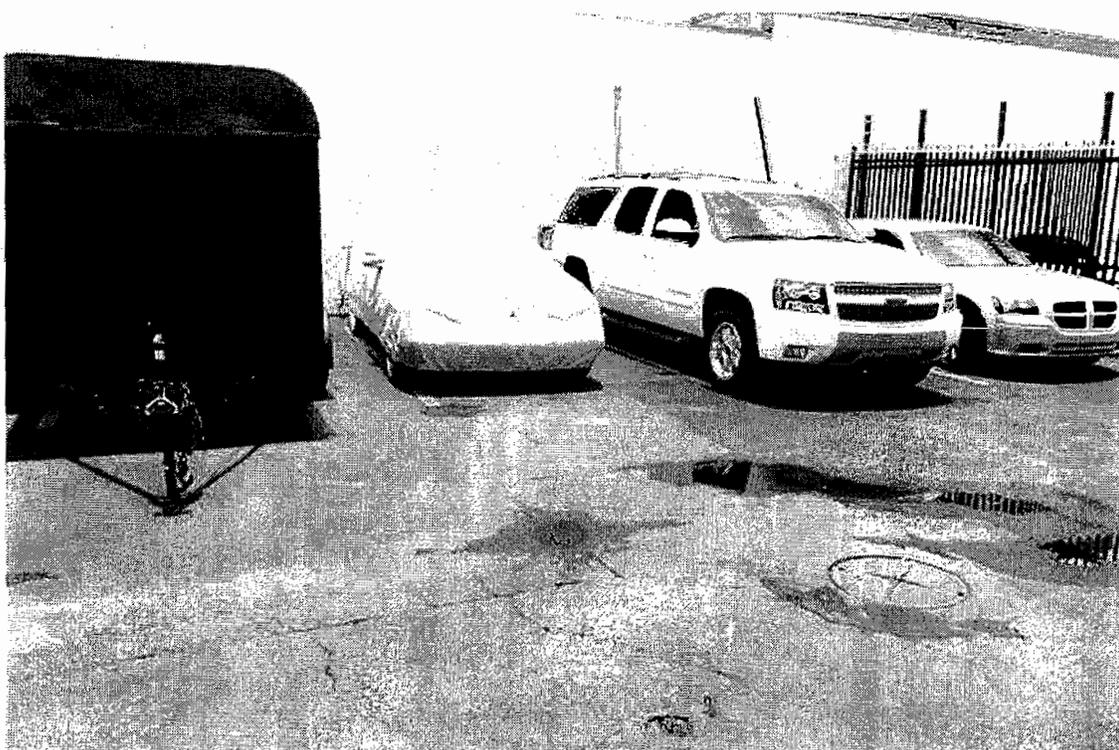
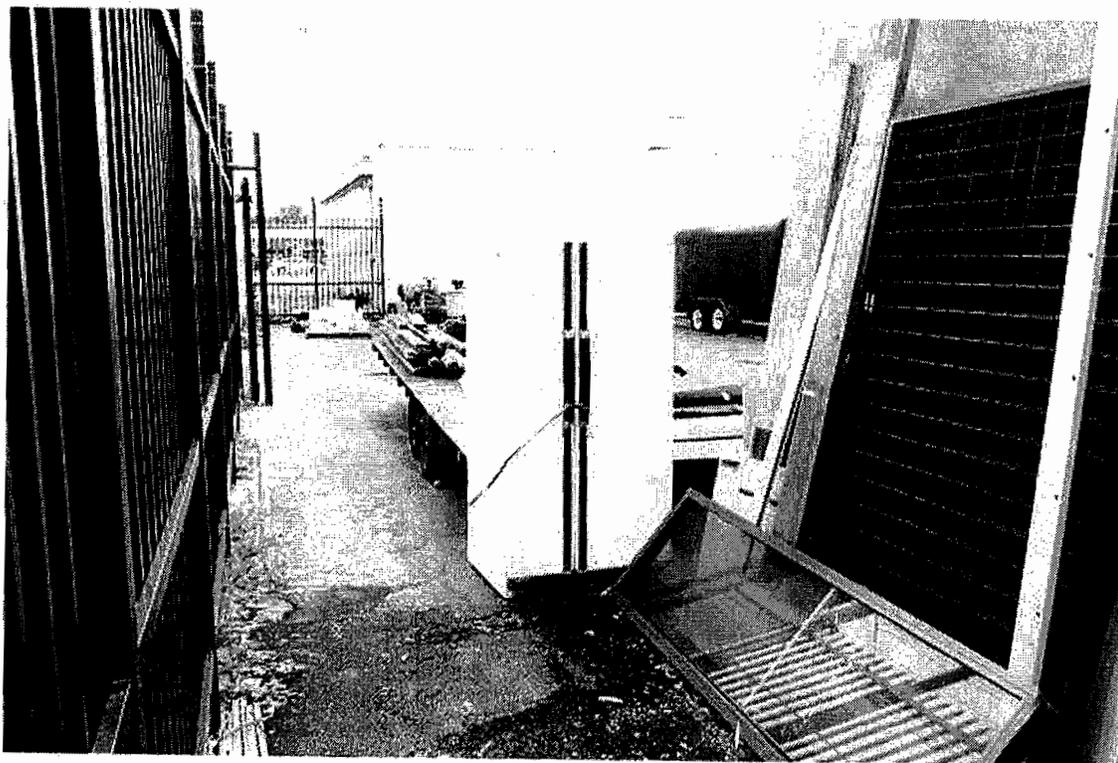
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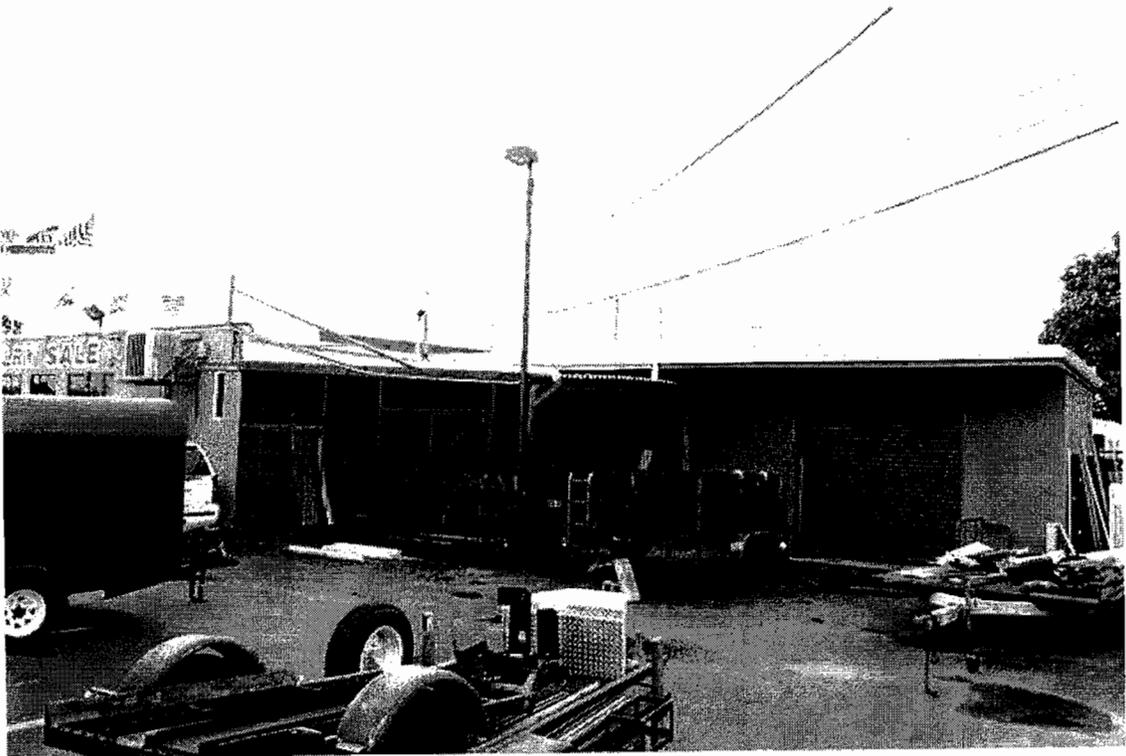
front parking











# Memorandum



**Date:** June 15, 2011

**To:** Franklin Gutierrez, Zoning Services Coordinator  
Department of Planning and Zoning

**From:** James K. Loftus, Director  
Miami-Dade Police Department

**Subject:** Review - Zoning Application  
Case: No. Z2011000060- MMG North Inc.

## **APPLICATION**

The Applicant, MMG North, Inc. is requesting a zoning change to allow for their property to operate as a pawn shop. The property is located at 13610 NW 7 Avenue in Miami-Dade County, Florida.

## **CURRENT POLICE SERVICES**

The site is located in unincorporated Miami-Dade County and serviced by our Intracoastal District, located at 15665 Biscayne Boulevard, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

## **REVIEW**

A review of the application, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. The Department of Planning and Zoning requested a radius check of crimes/calls for service of the location which has been provided in the attached documents.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. Based on this data and due to the nature of the request (pawn shop), it cannot be anticipated as to any projected increase in calls for service. Experience lends itself to anticipate that in areas where pawn shops are present, calls for police service may rise. Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

While the MDPD has concern regarding the applicant's request and changing the character of the community by allowing the property to be used as a pawn shop, we do not object to the proposed zoning modifications. The applicant is encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh  
Attachment

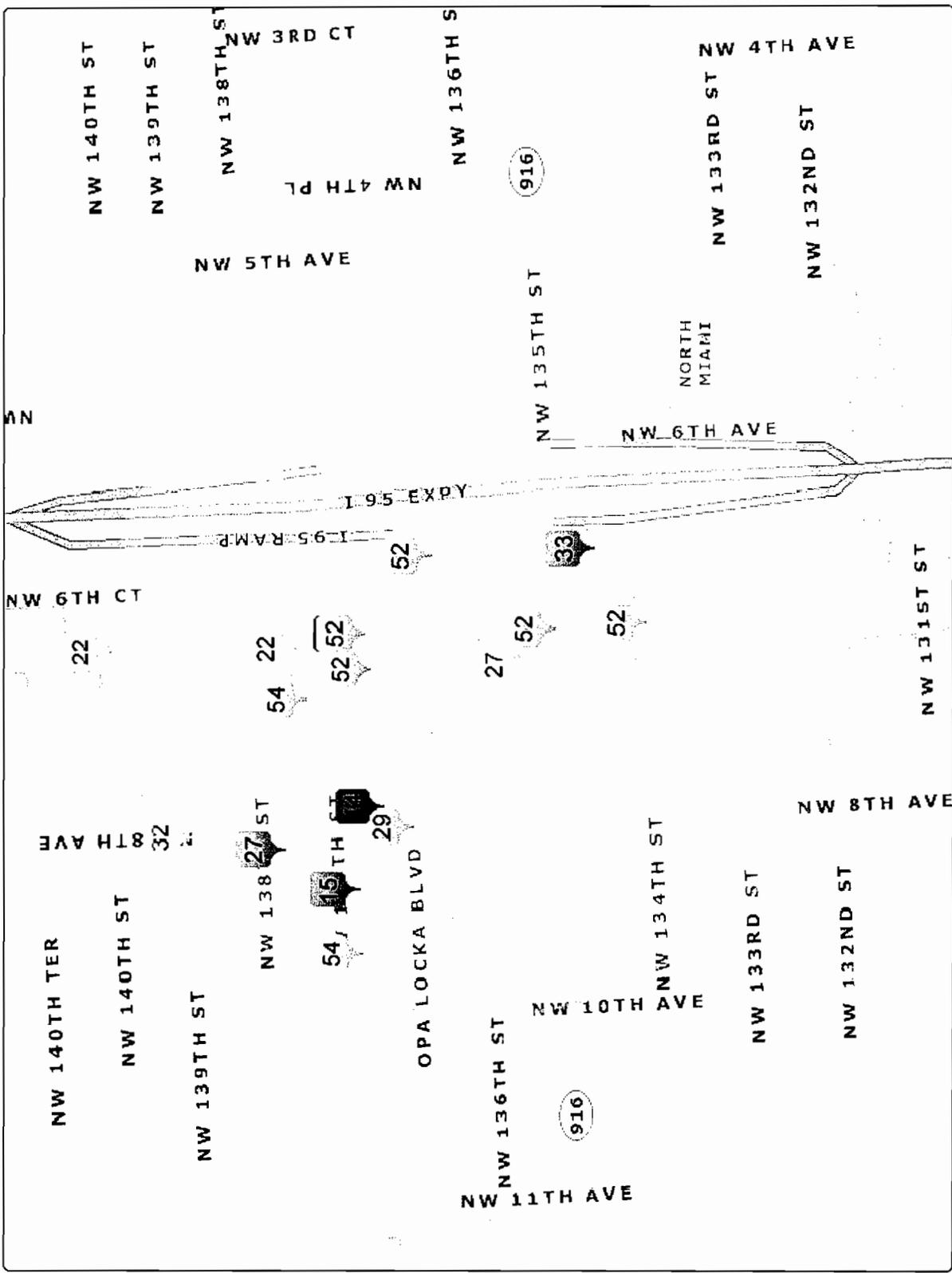
25

# MMG North, INC 2011 Selected Crimes (Jan 1 - May 31) 0.25 Mi

Z2011000060

Miami-Dade Police Department

Map Legend	
52	CDW Incidents (22)
52 (7)	52 - Narcotics Investigation (7)
14 (3)	14 - Conduct Investigation (3)
54 (2)	54 - Fraud (2)
22 (2)	22S - Auto Theft Stolen (2)
29 (2)	29 - Robbery (2)
33 (1)	33LB - Sex Offense L&L Battery (1)
15 (1)	15 - Meet an Officer (1)
28 (1)	28 - Vandalism (1)
32 (1)	32D - Domestic Assault (1)
27 (1)	27U - Larceny Under (1)
27 (1)	27O - Larceny Over (1)



This map was prepared using Miami-Dade County's (MDC) Geographic Information System (GIS). As is the case with all public records information, the nature of the data and the collection processes limit the ability of any aggregator to independently validate data and content. Every effort has been made to ensure that the information represented is accurate, however, the results cannot be guaranteed. In order to ensure the accuracy of the information supplied by MDC, the requestor should consult the official government record. Based on these limitations, MDC is unable to guarantee the accuracy of the information represented. Employees or agents disclaim all warranties, expressed or implied, as to any matter whatsoever and shall not be responsible for any loss or damage that may directly or indirectly arise as the result of use of information contained in the County's GIS.

26



# Miami-Dade Police Department

CDW INCIDENT REPORT



## MMG North, INC 2011 Selected Crimes (Jan 1 - Dec 31) 0.25 Mi

Z2011000060

Case # Agency	From Date From Time From Day	Case Type Clearance	Signal	Classification M.O.	Drug Weapon Property	District Grid	Patrol Quadrant	Geo. Status Location Type Location (Business/Area)
PD110129040608 MDPD: COUNTY	2011-01-29 20:26 SAT.	GENERAL INVESTIGATION OPEN / PENDING	27U - LARCENY UNDER	UNDER SHOPLIFTER	N.A. OTHER STOLEN: FOOD / LIQUOR / CONSUMABLE	I 3390	2 3	X-Y COORDINATES GAS STATION 13500 NW 7TH AVE (CHEVRON GAS STATION)
PD110131043568 MDPD: COUNTY	2011-01-31 23:27 MON.	NARCOTICS CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES GAS STATION 715 OPA LOCKA BLVD
PD110201044876 NORTH MIAMI	2011-02-01 19:54 TUE.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	N.A. 3392	0 N.A.	X-Y COORDINATES PARKING LOT/GARAGE 13695 NW 7TH AVE
PD110203047797 MDPD: COUNTY	2011-02-03 20:05 THU.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES HIGHWAY/ROADWAY NW 135TH ST & NW 7TH AVE
PD110204048332 MDPD: COUNTY	2011-02-04 08:27 FRI.	GENERAL INVESTIGATION CLEAR BY ARREST	270 - LARCENY OVER	OVER CURTIAGE	N.A. OTHER STOLEN: MISCELLANEOUS	I 3390	2 3	X-Y COORDINATES RESIDENCE-SINGLE 13720 NW 8TH AVE (RESIDENCE)
PD110204048604 MDPD: COUNTY	2011-02-04 11:39 FRI.	GENERAL INVESTIGATION OPEN / PENDING	14 - CONDUCT INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES APARTMENT/CONDO 795 OPA LOCKA BLVD
PD110209055923 NORTH MIAMI	2011-02-09 12:43 WED.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	COCAINE OTHER N.A.	N.A. 3392	0 N.A.	X-Y COORDINATES HIGHWAY/ROADWAY 650 OPA LOCKA BLVD (MOBIL GAS STATION)
PD110211059112 MDPD: COUNTY	2011-02-11 15:49 FRI.	GENERAL INVESTIGATION OPEN / PENDING	54 - FRAUD	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES RESIDENCE-SINGLE 866 NW 137TH ST

297

Case # Agency	From Date From Time From Day	Case Type Clearance	Signal	Classification M.O.	Drug Weapon Property	District Grid	Patrol Quadrant	Geo. Status Location Type Location (Business/Area)
PD110223075963 MDPD: COUNTY	2011-02-23 15:08 WED.	ECONOMIC CRIME CLEAR BY EXCEPTION	15 - MEET AN OFFICER	IDENTITY THEFT N/A - UNKNOWN	N.A. OTHER STOLEN: MISCELLANEOUS	I 3390	2 3	X-Y COORDINATES OTHER 830 NW 137TH ST
PD110309096536 NORTH MIAMI	2011-03-09 12:47 WED.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	N.A. 0481	0 N.A.	X-Y COORDINATES HOTEL/MOTEL 13445 NW 7TH AVE
PD110309096630 NORTH MIAMI	2011-03-09 13:48 WED.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER EVIDENCE SEIZED: GUN	N.A. 3392	0 N.A.	X-Y COORDINATES CONVENIENCE STORE 13695 NW 7TH AVE
PD110309096646 NORTH MIAMI	2011-03-09 14:19 WED.	GENERAL INVESTIGATION OPEN / PENDING	14 - CONDUCT INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	N.A. 3392	0 N.A.	X-Y COORDINATES CONVENIENCE STORE 13699 NW 7TH AVE
PD110325120596 MDPD: COUNTY	2011-03-25 19:00 FRI.	GENERAL INVESTIGATION OPEN / PENDING	22S - AUTO THEFT STOLEN	VEHICLE N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES SPECIALTY STORE 13744 NW 7TH AVE (CELLULAR PHONES REPAIR CENTER)
PD110405137306 MDPD: COUNTY	2011-04-05 21:18 TUE.	DOMESTIC CRIME OPEN / PENDING	32D - DOMESTIC ASSAULT	BATTERY N/A - UNKNOWN	N.A. HANDS / FIST / FEET N.A.	I 3390	2 3	X-Y COORDINATES HIGHWAY/ROADWAY NW 139TH ST & NW 8TH AVE
PD110406138459 MDPD: COUNTY	2011-04-06 16:36 WED.	GENERAL INVESTIGATION OPEN / PENDING	14 - CONDUCT INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES GAS STATION 715 OPA LOCKA BLVD
PD110411145799 MDPD: COUNTY	2011-04-11 17:30 MON.	GENERAL INVESTIGATION OPEN / PENDING	54 - FRAUD	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES RESIDENCE-SINGLE 703 NW 137TH ST
PD110414150731 NORTH MIAMI	2011-04-14 22:20 THU.	GENERAL INVESTIGATION OPEN / PENDING	28 - VANDALISM	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	N.A. 0481	0 N.A.	X-Y COORDINATES HIGHWAY/ROADWAY NW 135TH ST & NW 7TH AVE (ROADWAY)
PD110417154926 MDPD: COUNTY	2011-04-17 20:25 SUN.	GENERAL INVESTIGATION OPEN / PENDING	22S - AUTO THEFT STOLEN	VEHICLE N/A - UNKNOWN	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES HIGHWAY/ROADWAY NW 140TH ST & NW 7TH AVE



28

Case # Agency	From Date From Time From Day	Case Type Clearance	Signal	Classification M.O.	Drug Weapon Property	District Grid	Patrol Quadrant	Geo. Status Location Type Location (Business/Area)
PD110418156486 MDPD: COUNTY	2011-04-18 22:10 MON.	ROBBERY OPEN / PENDING	29 - ROBBERY	BUS STOP BUS STOP	N.A. OTHER N.A.	I 3390	2 3	X-Y COORDINATES PARKING LOT/GARAGE 13500 NW 7TH AVE (CHEVRON GAS STATION)
PD110507184413 NORTH MIAMI	2011-03-02 00:00 WED.	SEXUAL CRIME OPEN / PENDING	33LB - SEX OFFENSE L&L BATTERY	OTHER KNOWN NO FORCE	N.A. HANDS / FIST / FEET N.A.	N.A. 0481	N.A. N.A.	X-Y COORDINATES RESIDENCE-SINGLE 13445 NW 7TH AVE (RESIDENCE)
PD110509186424 NORTH MIAMI	2011-05-09 11:11 MON.	GENERAL INVESTIGATION CLEAR BY ARREST	52 - NARCOTICS INVESTIGATION	N.A. N/A - UNKNOWN	N.A. OTHER N.A.	N.A. 0481	0 N.A.	X-Y COORDINATES HIGHWAY/ROADWAY NW 134TH ST & NW 7TH AVE
PD110515196234 MDPD: COUNTY	2011-05-15 21:33 SUN.	ROBBERY OPEN / PENDING	29 - ROBBERY	ROADSIDE ROADSIDE	N.A. HANDGUN N.A.	I 3390	2 3	X-Y COORDINATES HIGHWAY/ROADWAY NW 8TH AVE & OPA LOCKA BLVD (ROADWAY)

**22 Total Incidents**

X

DISCLOSURE OF INTEREST\*

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

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

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
NICHOLAS DILAWO	50%
THORESA DILAWO	50%
_____	_____
_____	_____

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

TRUST/ESTATE NAME \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

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

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

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

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

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this 3rd day of May, 2011. Affiant is personally know to me or has produced Florida Driver License as identification.

\_\_\_\_\_  
(Notary Public)

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


**CLAUDIA RUIZ**  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 Comm# EE061078  
 Expires 2/2/2015

Seal

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

EXISTING 5" HIGH MASONRY WALL TO REMAIN

EXISTING 8' HIGH + 3 STRINGS METAL FENCE & GATE TO REMAIN

20'-0" ALLEY

YEAR WEST

EXISTING 5" HIGH MASONRY WALL TO REMAIN

75.00'

15'-5"

149 SF

17'-8"

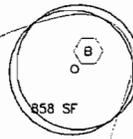
NEW 5'-0" HIGH CONC. MASONRY WALL. SEE DET. THIS SHEET.

D

9

10'-0"

22'-0"



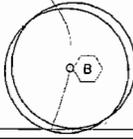
F

Storage (716 SF)

EXISTING ALUM. SHED ROOF TO BE REMOVED

38'-0" 40.5'

per approval of outside agency in this location see P.U. LOT.



8

38'-6"

41'-9"

7

77/5/11 SOUTH

EXISTING 8' HIGH + 3 STRINGS METAL FENCE & GATE (KEEP OPEN DURING BUSINESS HOURS)

6

11/1/11 NORTH

130.00'

Existing Bldg. 13610 NW 7 Ave. Retail (1785 SF)

Adjacent Bldg.

53.90' 54'-0"

22'-0"

5

130.00'

BULLA

EXISTING ASPHALT PAVING TO BE RE-STRIPED

4

3

120 MAX. 6'-8" 8'-8" 8'-8" 5'-0" 5'-0" 5'-0" 12'-0" 20'-0" 20'-0" 20'-0"

16.5' SAND

2

LANDING

EXIST. CB

1

1

4' OVERHANG 668 SF

90D

33'-05"

35'-0"

140 SF

90D

RECEIVED 21-060 JUL 11 2011

PLANTING WITHIN 10' ON EITHER SIDE OF DRIVEWAY IS TO BE KEPT AT A MAX. HEIGHT OF 30'

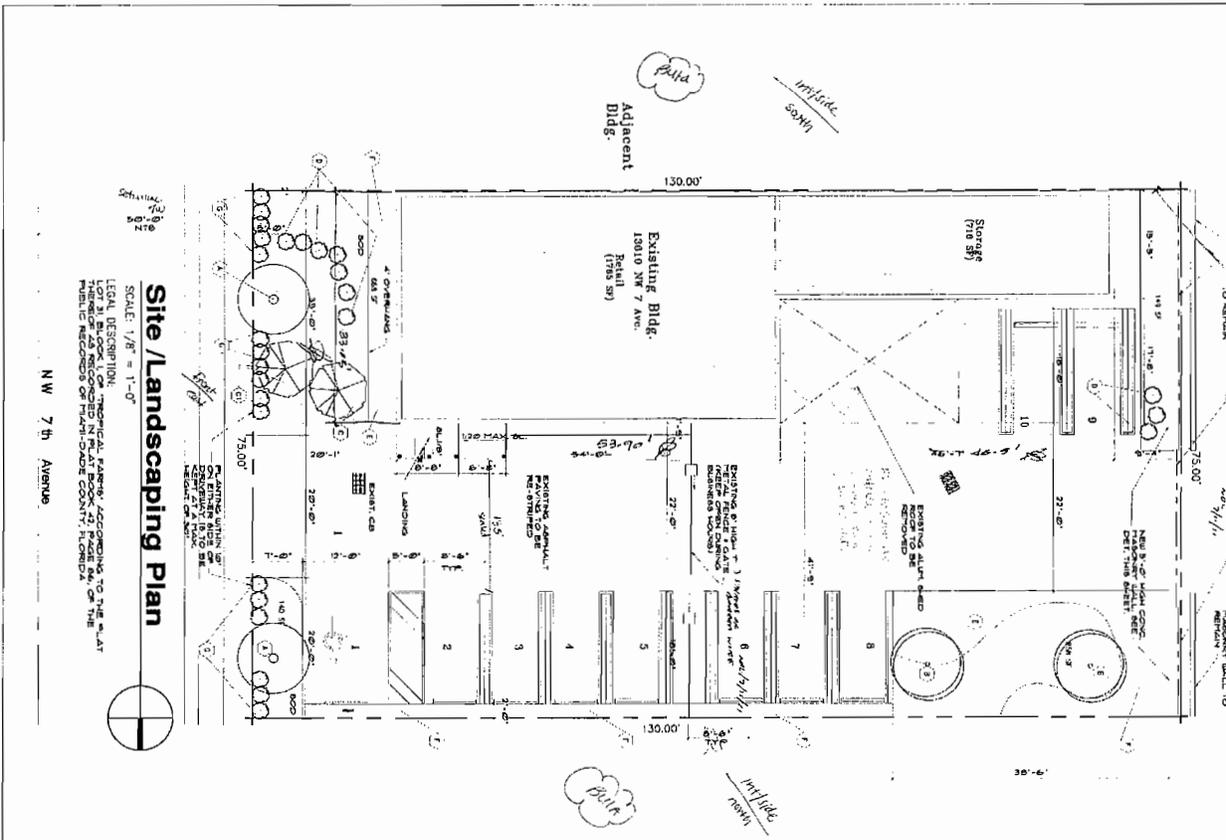
ZONING HEARINGS SECTIC MIAMI-DADE PLANNING AND ZONING DEPT. BY [Signature]

32

Site /Landscaping Plan

ENLARGED SITE PLAN

N 70-0-9



**Site/Landscaping Plan**  
SCALE: 1/8" = 1'-0"  
LEGAL DESCRIPTION: MERCANTILE PROPERTY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42 PAGE 84, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
N W 7th Avenue

**LANDSCAPING LEGEND**

PARK	TREE / PLANT	SPECIES	QUANTITY
1	STREET TREE	LIVE OAK (25'-0" O.C. MAX) (2 HIGH 21 PLANTING)	7
2	SHADE TREE	SHADE TREE (25'-0" O.C. MAX)	7
3	PALM	COCONUT PALM	1
4	PALM	FLORIDA PALM	1
5	PALM	SPANISH PALM	1
6	SHRUBS	SHRUBS (2'-0" O.C. MAX)	10
7	TILCHED AREA	TILCHED AREA (ALL PLANTING AREAS)	
8	500 SANIT AUGUSTINE	500 SANIT AUGUSTINE	
9	CHERRY HEDGE	CHERRY HEDGE	

ALL NEW LANDSCAPED AREAS WILL HAVE IRRIGATION SYSTEMS INSTALLED AND CONTRACTOR TO PROVIDE PLAN SHOWING SENSITIVE HEADS DISTRIBUTION AND WATER CONNECTIONS

**GENERAL SITE INFORMATION**

ZONING: BUIA  
OCCURANCE: MERCANTILE  
LOT AREA: 5,130 SF OR 23 ACRES  
GROSS BUILDING AREA: 17,850 SF OR 81,000 SF  
TOTAL RETAIL AREA: 17,850 SF OR 81,000 SF  
PARK ALLOWED: 10 SPACES OR 2,000 SF  
PARK PROVIDED: 10 SPACES OR 2,000 SF  
PARKING REQUIREMENTS: 10 SPACES  
RETAIL OFFICE AREA (1 PER 250 SF): 10 SPACES  
TOTAL PARKING REQUIRED: 10 SPACES  
LANDSCAPED OPEN AREA REQUIRED: 10% OF 5,130 SF OR 513 SF  
LANDSCAPED OPEN AREA PROVIDED: 10% OF 5,130 SF OR 513 SF  
REQUIRED ADDITIONAL TREES / ACRES: 2X(23) = 5 (REQD)

**RECEIVED**  
JUL 11 2011

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *[Signature]*  
3-5702114 - 10 parking spaces  
7/5/11

EXISTING BUILDING

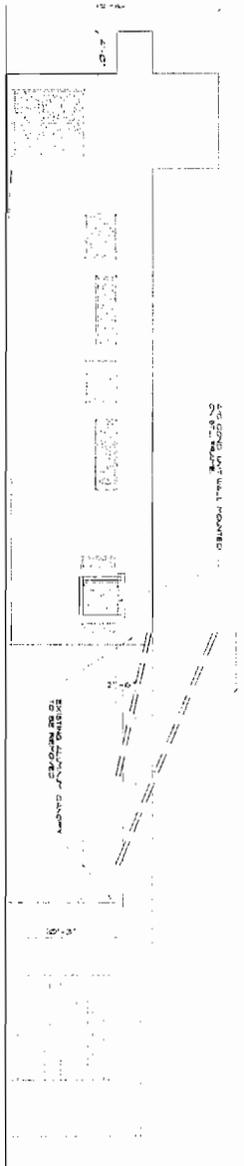
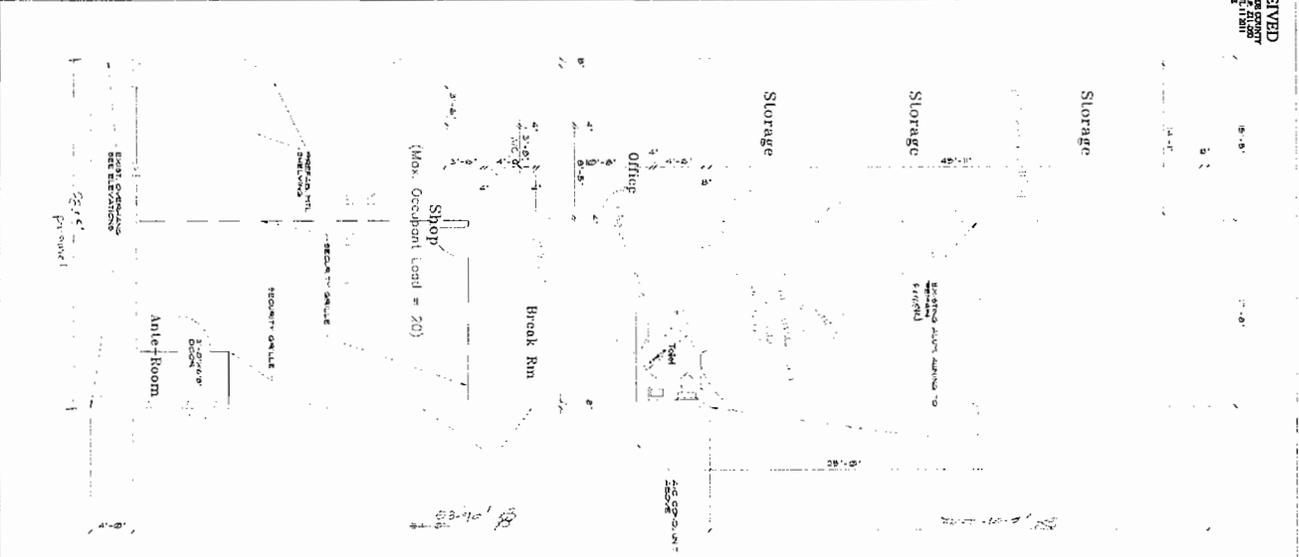
DILALLO  
DATE: 6/21/11  
SCALE: AS SHOWN  
JOB NO: 101-02  
SHEET: 01-01  
OF: 01-02  
DATE: 6/21/11  
BY: [Signature]  
CHECKED: [Signature]  
SCALE: 1/8" = 1'-0"  
SHEET: SL-1  
OF: 01-02

**j. barrio**  
ARCHITECT & PLANNERS INC  
7221 SW 150th Ave, Suite 2410, Miami, Florida 33143  
Tel: (305) 856-0588 Fax: (305) 856-0581 AA 0021667

PROPOSED  
**DILALLO JEWELRY SHOP**  
13610 NW 7th Avenue  
MIAMI, FLORIDA

NO.	REVISION	BY	DATE

RECEIVED  
 PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 DATE: JUL 11 2011



North Elevation - Exist. Bldg.

SCALE: 3/16" = 1'-0"

ALL EXISTING SURFACE  
 WITH CONCRETE FINISH  
 SEE SHEET 10/11



East Elevation - Exist. Bldg.

SCALE: 3/16" = 1'-0"

West Elevation - Exist. Bldg.

SCALE: 3/16" = 1'-0"

Floor Plan

SCALE: 3/16" = 1'-0"



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

**RECEIVED**  
 211-060  
 JUL 11 2011

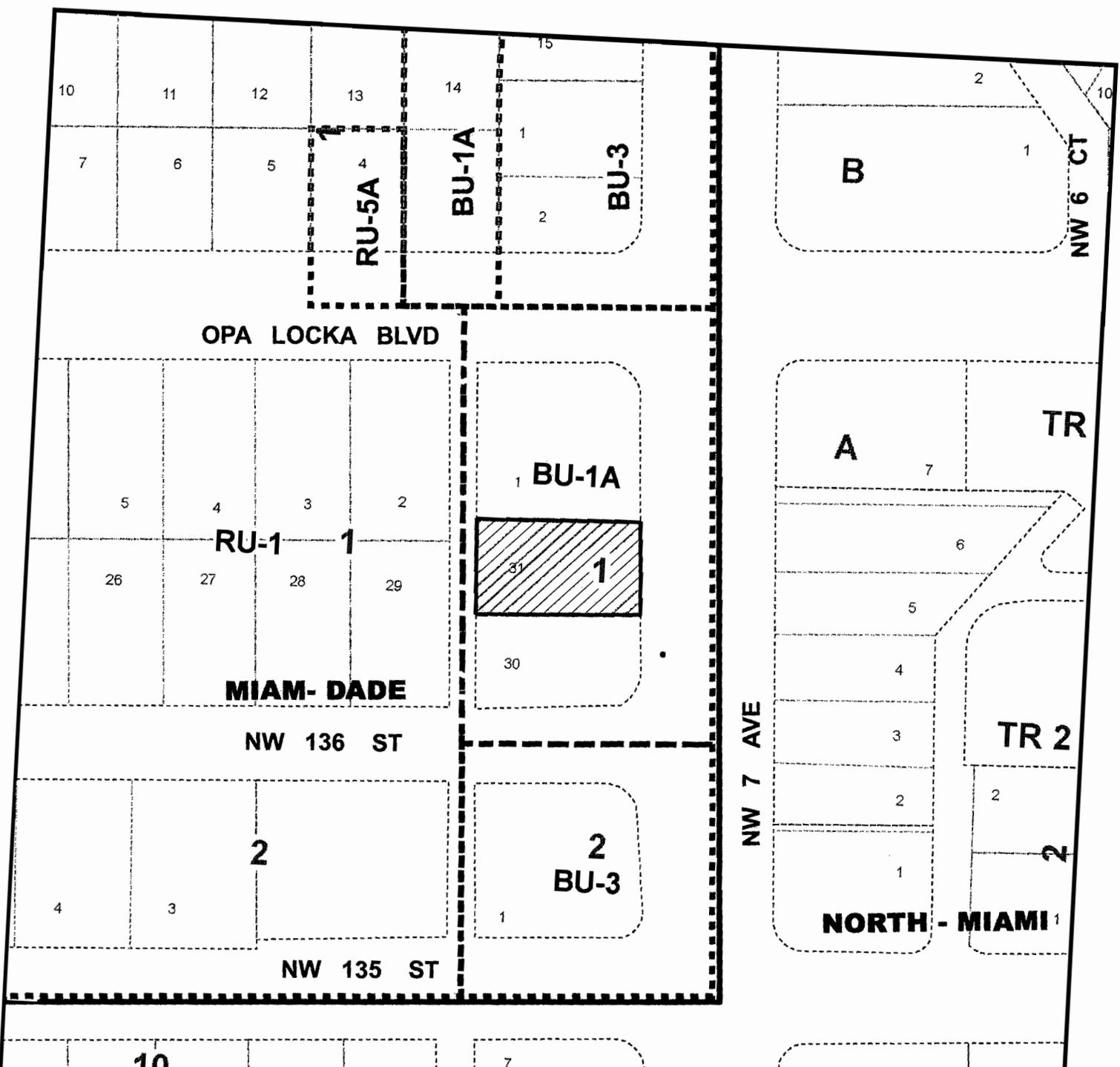
DATE	BY
DESIGNED	J. BARRIO
DRAWN	J. BARRIO
CHECKED	J. BARRIO
SCALE	AS SHOWN
NO.	10/11
SHEET	10/11
OF	10/11
PROJECT	A-2A
OR	
NUMBER	

**j. barrio**  
 ARCHITECT & PLANNERS INC.  
 2301 N.W. 10th St. 2nd Fl. Miami, Florida 33136  
 Tel: (305) 856-1089 Fax: (305) 856-9504 AP 0002557

PROPOSED  
**DILALLO JEWELRY SHOP**  
 1510 NW 7th Ave  
 MIAMI, FLORIDA

No.	REVISIONS	BY	DATE

34.



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

Process Number  
**Z2011000060**

Section: 23 Township: 52 Range: 41  
 Applicant: MMG NORTH, INC  
 Zoning Board: C8  
 Commission District: 1  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

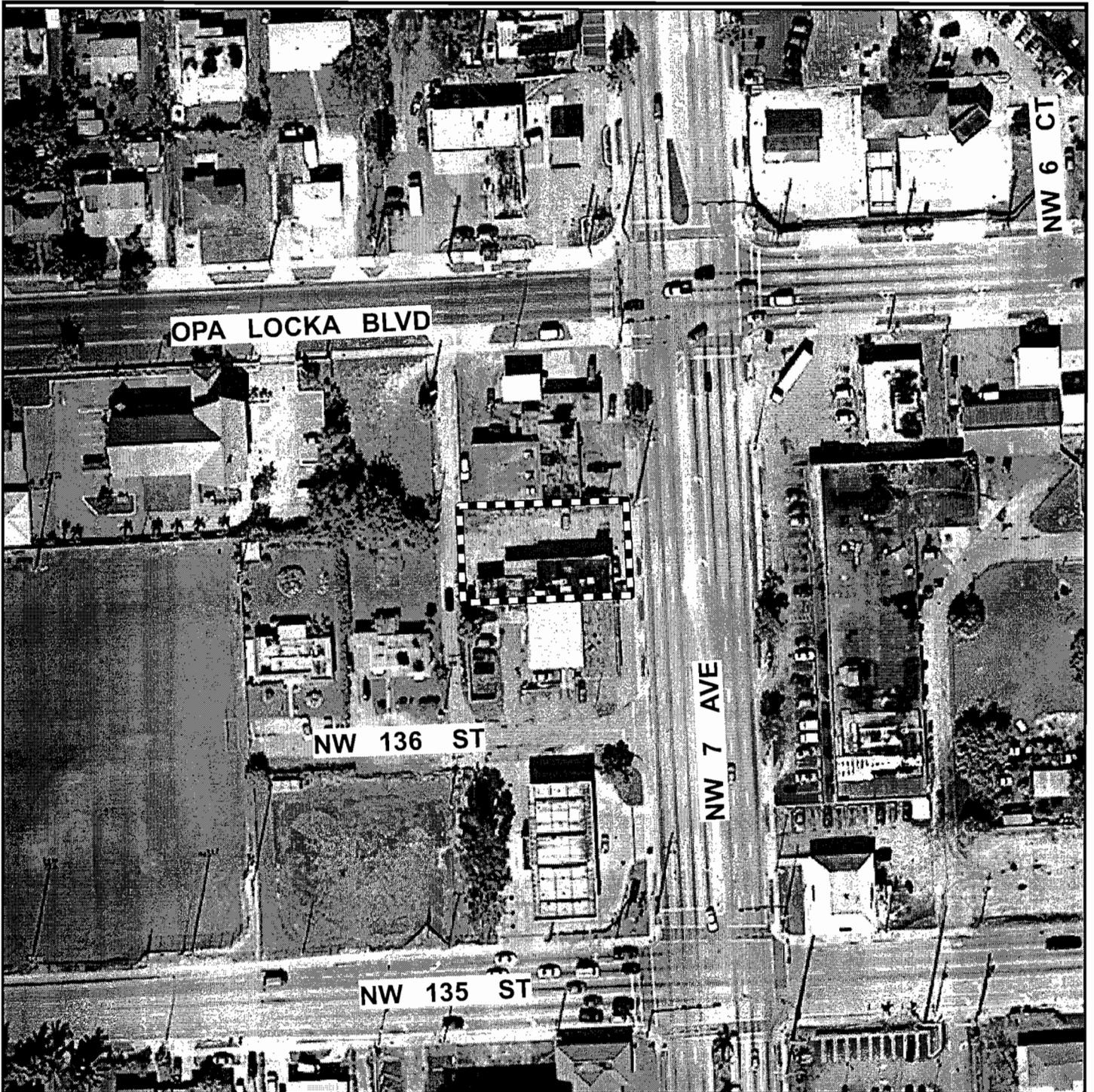
**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, May 23, 2011

REVISION	DATE	BY
	3/5	



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2011000060**



Section: 23 Township: 52 Range: 41  
 Applicant: MMG NORTH, INC  
 Zoning Board: C8  
 Commission District: 1  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

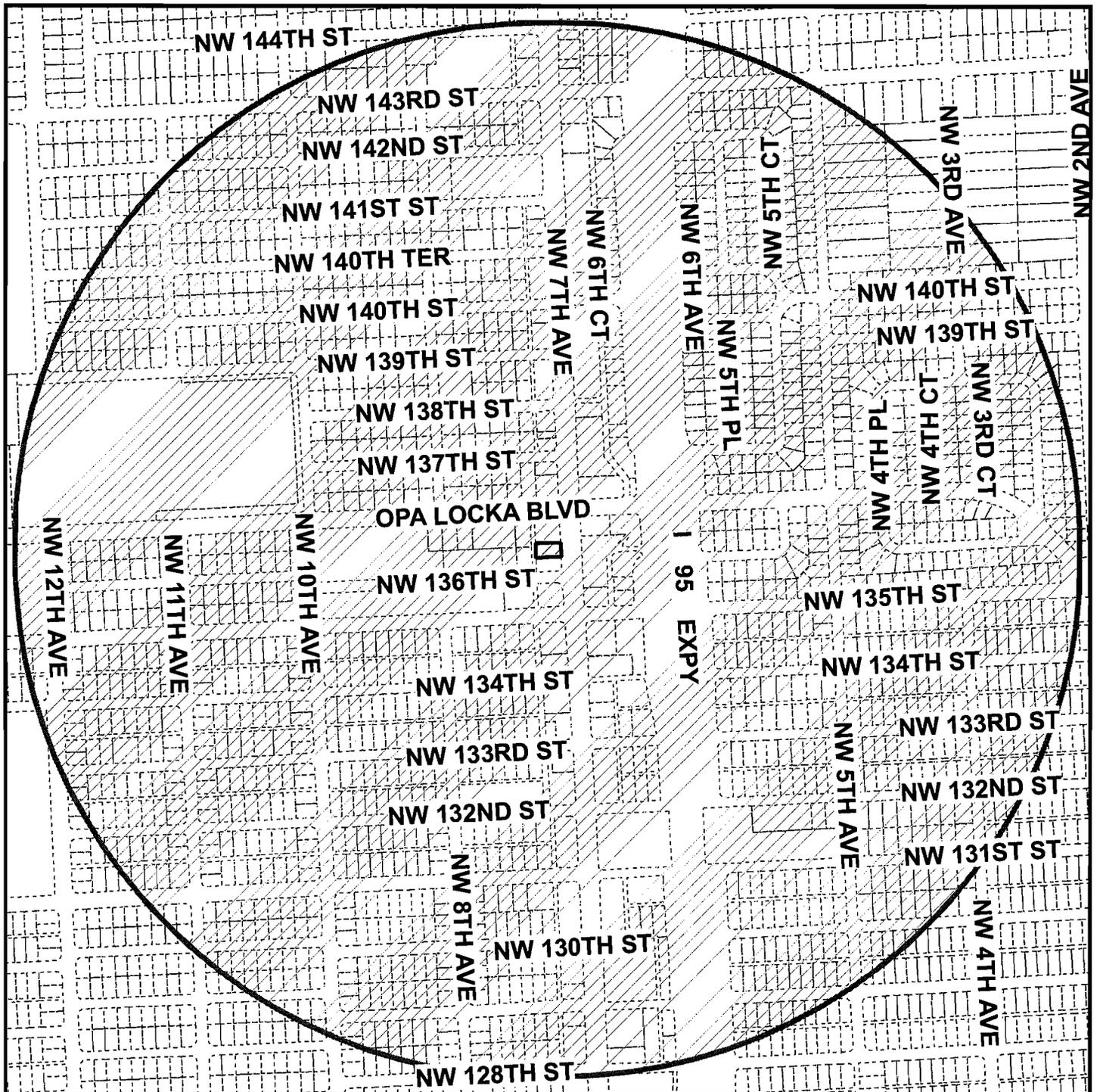
Legend

 Subject Property



SKETCH CREATED ON: Monday, May 23, 2011

REVISION	DATE	BY
	36	



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2011000060**

RADIUS: 2640

Section: 23 Township: 52 Range: 41  
 Applicant: MMG NORTH, INC  
 Zoning Board: C8  
 Commission District: 1  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Monday, May 23, 2011

REVISION	DATE	BY
		37

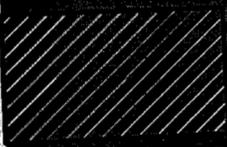


NW 6 CT

OPA LOCKA BLVD

(LDR) 2.5-6 DU/AC

**BUSINESS  
AND  
OFFICE**



NW 136 ST

NW 7 AVE

NW 135 ST

**MIAMI-DADE COUNTY**  
CDMP MAP

Process Number  
**Z2011000060**



Section: 23 Township: 52 Range: 41  
Applicant: MMG NORTH, INC  
Zoning Board: C8  
Commission District: 1  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Monday, May 23, 2011

REVISION	DATE	BY

This instrument was prepared by:  
Name: Mario Garcia-Serra, Esq.  
333 Avenue of the Americas, Suite 4400  
Miami, Florida 33133  
Tel: 305-579-0837  
Fax: 305-961-5837  
garcia-serram@gtlaw.com

PLANNING AND ZONING  
AGENDA OFFICE

2012 JAN 13 A 11: 31

211-60

(Space reserved for Clerk)

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### DECLARATION OF RESTRICTIONS

*WHEREAS*, MMG North, Inc., a Florida corporation, (hereinafter, “**Owner**”) holds the fee simple title to the land located at 13610 NW 7<sup>th</sup> Avenue in Miami-Dade County, Florida, and more specifically described as Lot 31, Block 1, of the Tropical Farms Section as recorded in Plat Book 42, Page 86 in the Public Records of Miami-Dade County, Florida (hereinafter, the “**Property**”), and

*WHEREAS*, Owner desires to operate only as a pawnbroker at the Property; and

*WHEREAS*, in order to so use the Property as a pawnbroker, Owner has applied to Miami-Dade County, Florida (hereinafter, the “**County**”) for, *inter alia*, a change in the County’s zoning designation for the Property from BU-1A to BU-3 (hereinafter, the “**Rezoning**”); and

*IN ORDER TO ASSURE* the County that the representations made by Owner during consideration of Public Hearing No. Z2011-60, will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. **Recitals**. The above recitals are true and correct and are incorporated herein by reference.
2. **Permitted Uses**. Notwithstanding the Rezoning of the Property to the BU-3 District, only the following uses shall be permitted on the Property:
  - a. Pawnbrokers
  - b. All uses permitted in the BU-1A District.
3. **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

(Public Hearing)

**Declaration of Restrictions**  
**Page 2**

whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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

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

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

(Space reserved for Clerk)

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

8. **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.

9. **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.

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

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

12. **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

(Public Hearing)

**Declaration of Restrictions**  
**Page 4**

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 Sustainability, Planning, and Economic Enhancement 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.

13. **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.

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

**[EXECUTION PAGES FOLLOW]**

Signed, witnessed, executed and acknowledge this 1 day of NOVEMBER, 2011.

MMG North, Inc.

Witnesses:

[Signature]  
Print: Juan C Rivera

[Signature]  
Print: RYAN BRIMO

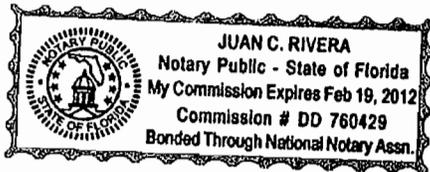
[Signature]

By: Nicholas DiLallo  
Its: President  
(SEAL)

STATE OF FLORIDA }  
COUNTY OF MIAMI-DADE } ss:

The foregoing instrument was acknowledged before met this 1 day of NOV., 2011 by Nichoals DiLallo, as the President of MMG North, Inc, who is personally known to me or produced a valid drivers license as identification.

Notary Public  
Sign Name: [Signature]  
Print Name: Juan C Rivera



My Commission Expires:  
Serial No. (None, if blank):

[NOTARY SEAL]

**JOINDER BY MORTGAGEE**

The undersigned, Alcarad, Inc., a Florida corporation, as Mortgagee under the following mortgage:

Mortgage executed by MMG NORTH, INC., a Florida Corporation, in favor of ALCARAD INC., a Florida Corporation, dated January 5, 2011 and recorded January 12, 2011 in O.R Book 27551, Page(s) 1449-1458, Public Records of Miami-Dade County, Florida, in the original principal sum of \$235,000.00;

covering all/or a portion of the property described in the foregoing Declaration of Restrictions, does hereby acknowledge that the terms of this Declaration of Restrictions are and shall be binding upon the undersigned and its successors in title.

**IN WITNESS WHEREOF**, these presents have been executed this 6 day of February, 2012.

**Witnesses**

JACK NEMORIN  
Print or Type Name

RONALD BARBARIS  
Print or Type Name

**Alcarad, Inc.**, a Florida corporation

By: Alcarad, Inc.

Name: Iris Garcia

Title: President

Address: 192 NE 134 St  
Miami, FL 33161

STATE OF FLORIDA )  
 ) SS.:  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 7 day of February, 2012 by Iris Garcia Perez, as President of Alcarad, Inc., on behalf of said corporation.

[NOTARIAL SEAL]

Notary: Iris Escarra  
Print Name: IRIS ESCARRA  
Notary Public, State of Florida  
My commission expires: 10-8-12  
Commission Number: DD 813581

