

# KITS

10-7-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 11  
ARVIDA MIDDLE SCHOOL  
10900 SW 127 Avenue, Miami  
Thursday, November 10, 2011 at 7:00 p.m.

## PREVIOUSLY DEFERRED

A. 11-10-CZ11-2 ADRIAN BUILDERS AT TAMiami AIRPORT  
III LTD 11-16 14-55-39

## CURRENT

1. 11-11-CZ11-1 S.F. ENTERPRISES OF MIAMI LTD 11-70 13-55-39 N

2. 11-11-CZ11-2 LAWRENCE PERCIVAL 11-90 11-55-39 N



# Official Zoning Agenda

---

## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, NOVEMBER 10, 2011

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, 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

---







**NOTICE**

\*\*\*\*\*

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

\*\*\*\*\*

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

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

**A. ADRIAN BUILDERS AT  
TAMIAMI AIRPORT III LTD**  
(Applicant)

**11-10-CZ11-2 (11-016)**  
**Area 11/District 11**  
**Hearing Date: 11/10/11**

Property Owner (if different from applicant) **Adrian Builders @ Tamiami Airport.**

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> |
|--------------------|-------------------------|--------------------------------|---------------------|------------------------|
| 2003               | Marvin Ross             | - Zone change from GU to IU-1. | C11                 | Approved               |

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

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 11  
MOTION SLIP**

#2

APPLICANT'S NAME: **ADRIAN BUILDERS AT TAMiami AIRPORT III LTD**

REPRESENTATIVE: Javier Aviño

| HEARING NUMBER       | HEARING DATE    | RESOLUTION NUMBER |
|----------------------|-----------------|-------------------|
| 11-10-CZ10-2 (11-16) | October 4, 2011 | CZAB11      11    |

**REC: Denial without prejudice.**

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

DEFER:       INDEFINITELY       TO: Nov 10, 2011       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 applicant's rep had asked for the deferral in anticipation of the Board not having

enough time to hear his application. Applicant's rep asked to be heard first by the

Board on next month's hearing in October.

| TITLE        | M/S      | NAME                | YES      | NO | ABSENT   |
|--------------|----------|---------------------|----------|----|----------|
| COUNCILWOMAN | <b>M</b> | Patricia G. DAVIS   | <b>X</b> |    |          |
| COUNCILMAN   |          | Joseph E. DELANEY   | <b>X</b> |    |          |
| COUNCILMAN   |          | Miguel A. DIAZ      | <b>X</b> |    |          |
| COUNCILWOMAN | <b>S</b> | Beatrice SUAREZ     | <b>X</b> |    |          |
| VICE CHAIR   |          | Ileana R. VAZQUEZ * |          |    | <b>X</b> |
| CHAIRMAN     |          | Jeffrey WANDER      | <b>X</b> |    |          |

VOTE: 

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

**\* PLEASE NOTE THAT VICE CHAIR VAZQUEZ CAME IN DURING THE VOTE AND NOT FOR THE SHORT PRESENTATION ASKING OF THE DEFERRAL.**

EXHIBITS:  YES       NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS  
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

**APPLICANT:** Adrian Builders at Tamiami Airport III LTD      **PH:** Z11-016 (11-10-CZ11-2)

**SECTION:** 14-55-39      **DATE:** November 10, 2011

**COMMISSION DISTRICT:** 11      **ITEM NO.:** A

=====

**A. o SUMMARY OF REQUESTS:**

The applicant is seeking to establish an educational facility within the No School Zone (NSZ) and Outer Safety Zone (OSZ) of the Kendall Tamiami Executive Airport Zoning District. Additionally, the applicant is seeking the deletion of a paragraph of a recorded Declaration of Restrictions which restricts uses on the subject property including a day nursery, Kindergarten, schools and after care.

**o REQUESTS:**

- (1) VARIANCE OF AIRPORT REGULATIONS to permit an educational facility within the No School Zone and within the Outer Safety Zone of the Kendall Tamiami Executive Airport (new educational facilities not permitted).
- (2) Deletion of Paragraph (2) j. of a Declaration of Restrictions as Recorded in Official Record Book 21727 pages 2166 thru 2172, reading as follows:

(2) j. Day nursery, Kindergarten, schools and after school care.

Plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

The purpose of Request #2 is to permit a Day Nursery, Kindergarten, school and after school care that was not permitted by covenant.

**o LOCATION:**

13595 SW 134 Avenue, Miami-Dade County, Florida.

**o SIZE: 4.13 acres**

**B. ZONING HEARINGS HISTORY:**

In 2003, pursuant to Resolution CZAB11-25-06, the Zoning Appeals Board granted a district boundary change from GU, Interim District to IU-1, Light Industrial District. Pursuant to said resolution, the applicant proffered a Declaration of Restrictions limiting uses on the property and providing landscaping in accordance with the requirements of IU-C zoning district.

**C. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

IU-1; office building

Industrial and Office

**Surrounding Properties:**

**NORTH:** GU; park

Industrial and Office

**SOUTH:** RU-TH; single family residences

Low Density Residential (2.5 to 6 du)

**EAST:** IU-C; warehouses

Industrial and Office

**WEST:** IU-C; warehouses

Industrial and Office

**D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:**

|              |                     |
|--------------|---------------------|
| DERM         | <b>No objection</b> |
| Public Works | <b>No objection</b> |
| Parks        | <b>No comment</b>   |
| MDTA         | <b>No comment</b>   |
| Fire Rescue  | <b>No comment</b>   |
| Police       | <b>No comment</b>   |
| Schools      | <b>No comment</b>   |
| Aviation     | <b>Objects*</b>     |

\*as stated in their memorandum

**E. PLANNING AND ZONING ANALYSIS:**

This application was deferred from the October 4, 2011 meeting at the applicant's request. The applicant is seeking to waive the airport regulations prohibiting a school within the No School Zone (NSZ) and Outer Safety Zone (OSZ) for the Kendall-Tamiami Executive Airport Zoning District in order to establish an educational facility on the subject property. The current IU-1 zoning district permits educational facilities as a matter of right; however the property lies within the NSZ and OSZ for Kendall-Tamiami Executive Airport (TMB). Section 33-394 of the Code established the land use zoning criteria for this airport and designates the NSZ as the area bounded on the north by SW 119 Street, and on the south by SW 126 Street, on the east by SW 93 Avenue and on the west by SW 202 Avenue. This area has a length of approximately five statute miles from the end of the runway, and has a width measuring one-half of the length of the longest runway. Additionally, the proposed educational facility will be located within the OSZ as also established in Section 33-394. The OSZ area extends from the end of Inner Safety Zone to SW 119 Street on the north, SW 126 Street on the south, and SW 133 Court. The OSZ area is described as an area that extends outward from the Inner Safety Zone (ISZ) to a point 5,000 feet from a runway end. Section 33-395 subsection (3) states that *new educational facilities, excluding aviation schools, are not permitted within this (NSZ) land use classification* and subsection (5) states *educational facilities (excluding*

*aviation schools) and places of public assembly are not permitted (see attached Zoning Recommendation Addendum).*

The subject property is designated **Industrial and Office** (see attached Zoning Recommendation Addendum) on the CDMP's Land Use Plan (LUP) map. This category accommodates the full range of, *public facilities, hospitals and medical buildings*. Staff notes that the proposed educational facility will be housed within an existing office building. The CDMP states that neighborhood and community serving uses such as educational facilities are permitted only when consistent with other goals objectives and policies of the Plan and compatible with the neighborhood. The Miami-Dade **Aviation Department (MDAD) objects** to this application. A memorandum from said Department dated May 11, 2011 states that the subject property falls inside the No School Zone and Outer Safety Zone as established in the Sections 33-394 and 33-395. Section 33-395 subsections (3 and 5) states that new educational facilities, excluding aviation schools, are not permitted. Therefore, MDAD has determined that the proposed educational facility would not be compatible with operations of TMB and objects to the placement of the educational facility at this location. The location of the proposed educational facility in a NSZ and OSZ endangers the public health, safety, and welfare of students and others who congregate in the vicinity.

The CDMP states under **Land Use Policy 4A** (see attached Zoning Recommendation Addendum) that *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 or architectural elements, landscaping, hours of operation, buffering, and safety, as applicable*. Additionally, **Objective 7 of the Aviation Supplement** (see attached Zoning Recommendation Addendum) states that the County should seek the *maximum compatibility between airports and surrounding communities*. **Aviation Policy 7E** (see Zoning Recommendation Addendum) further states that *to the extent feasible, the CDMP Land Use Element should be used to maximize compatibility of land uses around airports*. Based on the aforementioned and noting the MDAD's objections to this application staff opines that the proposed use would be **incompatible** with aviation activity, **inconsistent** with the CDMP's Aviation policies and objectives and, should be denied without prejudice.

When analyzing request #1 under Sec. 33-402(4) and (5), variances for Kendall-Tamiami Executive Airport (see Zoning Recommendation Addendum), staff notes that the applicant is seeking to permit an educational facility within the NSZ and OSZ, of which MDAD objects. Section 33-402(4) Variances, of the Kendall-Tamiami Executive Airport Ordinance, requires the applicant to show how a literal application of the regulations would result in a practical difficulty or unnecessary hardship. As such, the applicant has not provided staff with the necessary information to show that denial of the request to vary the airport regulations would result in an unnecessary hardship or a practical difficulty. Staff notes that just north of the subject property there is a day care center located at 13455 SW 136 Street. Said facility was granted a Certificate of Use on April 4, 2002, prior to the approval of the "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and Surrounding Area" which restricts uses to ensure land use compatibility around TMB and was approved pursuant to Ordinance No. 02-169 on September 24, 2002. Staff opines that the proposed educational facility is **incompatible** with the land use zoning map for Kendall-Tamiami Executive Airport despite the existence of the day care located to the north which was approved prior to the approval of the "Airport Land Use Zoning Map for Kendall-Tamiami Executive Airport and

*Surrounding Area*". As such, based on the strong objection stated in the memorandum submitted by the Aviation Department, and on the fact that a facility of this type could present a safety hazard at this location, staff **concur with the MDAD and recommends denial without prejudice of request #1 under Section 33-302(4) and (5).**

When analyzing request #2 under the Generalized Modification Standards, Section 33-311(A)(7) (*see attached Zoning Recommendation Addendum*), the applicant is seeking to modify a recorded declaration of restrictions proffered by the original owner which restricted uses on the subject property including day nursery, kindergarten, schools and after care facilities. However, the applicant is seeking to remove this restriction from the subject property in order to allow the establishment of an educational facility at this location. Staff concurs with the Aviation Department objection to the establishment of an educational facility within the Outer Safety Zone (OSZ) and No School Zone (NSZ) of the Kendall-Tamiami Executive Airport Zoning District for all the reasons stated above. **As such, staff recommends denial without prejudice of request #2.**

**F. RECOMMENDATION:**

Denial without prejudice.

**G. CONDITIONS:**

None.

**DATE TYPED:** 07/06/11  
**DATE REVISED:** 08/25/11  
**DATE FINALIZED:** 08/06/11  
CD:ES:GR:NN:JV:CH:AN



Charles Danger, P.E., Interim Director  
Miami-Dade County Department of  
Permitting, Environment & Regulatory  
Affairs

NDN  
GMR  
EG

# ZONING RECOMMENDATION ADDENDUM

*Adrian Builders at Tamiami Airport III LTD*  
11-016

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

|   |  |
|---|--|
| <b>Industrial and Office</b><br>(Pg. I-39)            | <i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for <b>Industrial and Office</b>. 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. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i> |
| (Pg. I-53)  | <i>Neighborhood- or community-serving institutional uses and utilities including schools and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas.</i>  |
| <b>Land Use Policy 4A</b><br>(Pg. I-11)               | <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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.</i>   |
| <b>Aviation Subelement Objective 7</b><br>(Pg. II-48) | <i>Maximize compatibility between airports and surrounding communities.</i>  |
| <b>Aviation Subelement Policy 7E</b><br>(Pg. II-49)   | <i>To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land uses around airports, reflecting recommendations in the federal and state guidance documents cited in Aviation Policy 7B.</i>   |

### PERTINENT ZONING REQUIREMENTS/STANDARDS

|  |  |
|--|--|
| <b>33-394 Establishment of land use zoning criteria for airports</b> | <i>For the purpose of this article all of the land use zoning criteria for Kendall-Tamiami Executive Airport and the surrounding area, as the same is created, established and described hereinbefore, is hereby divided into classifications as follows:</i><br><br><i>(1) Inner District (ILZ). An ILZ covers an area measured as one-half the length of the longest runway at the airport on either side and at the end of each runway centerline at the airport.</i> |
|--|--|

# ZONING RECOMMENDATION ADDENDUM

*Adrian Builders at Tamiami Airport III LTD*  
11-016

|  |  |
|--|--|
|  | <p>(2) <b>Outer District (OLZ).</b> The OLZ at an airport is based on VFR traffic pattern criteria and predominant type of aircraft utilizing the airport. For Kendall-Tamiami Executive Airport "Category A" is used due to the predominant type of aircraft having an approach speed less than 91 knots and aircraft weighing less than 30,001 pounds. The mathematical formula for determining the limits of the OLZ are found in Federal Aviation Administration (FAA) Advisory Circular 7400.2C.</p> <p>(3) <b>No School Zone (NSZ).</b> An NSZ for each runway covers an area that extends five statute miles from the end of a runway in a direct line along the centerline of the runway, and has a width measuring one-half the length of the longest runway at the airport.</p> <p>(4) <b>Inner Safety Zone (ISZ).</b> Also referred to as the Runway Protection Zone (RPZ). For Kendall-Tamiami Executive Airport the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for Runway 13/31 begins at a width of 500 feet and extends 1,000 feet to a width of 700 feet. The ISZ dimension for Runway 9R/27L and Runway 9L/27R begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet.</p> <p>(5) <b>Outer Safety Zone (OSZ).</b> The OSZ is described as an area that extends outward from the ISZ to a point 5,000 feet from a runway end. The OSZ dimension for Runway 13/31 begins at a width of 700 feet and extends 3,800 feet to a width of 1,460 feet. The OSZ dimensions for Runway 9R/27L and Runway 9L/27R begin at a width of 1,750 feet and extend 2,300 feet to a width of 2,440 feet.</p> |
| <p><b>33-395 Land use zoning classifications for airports</b></p>    | <p>(A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:</p> <p>(1) <b>Inner District (ILZ).</b> New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.</p> <p>(2) <b>Outer District (ILZ).</b> New residential construction and educational facilities excluding aviation, within this land use classification are required to incorporate at least a 25 db Noise Level Reduction (NLR) into the design/construction of the structure.</p> <p>(3) <b>No School Zone (NSZ).</b> New educational facilities, excluding aviation schools, are not permitted within this land use classification.</p> <p>(4) <b>Inner Safety Zone (ISZ).</b> New residential construction, educational facilities (excluding aviation schools), churches and places of public assembly are not permitted within this land use classification.</p> <p>(5) <b>Outer Safety Zone (OSZ).</b> Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.</p>   |
| <p><b>33-311(A)(5) Variances from airport zoning regulations</b></p> | <p>Hear applications for and grant or deny variances from any airport zoning regulations, but in considering, granting or denying any such variance the Community Zoning Appeals Boards shall be governed and shall abide by the guides and standards, general purpose and intent of the particular airport zoning regulation concerned. No such application shall be heard until the recommendation of the Director of the Aviation Department is first obtained, which recommendation shall be considered, together with that of the Director's. The granting of a variance under this subsection does not authorize or permit violation of other zoning regulations</p>   |

# ZONING RECOMMENDATION ADDENDUM

## Adrian Builders at Tamiami Airport III LTD 11-016

|  |   |
|--|---|
|  | <p>or the zoning regulations of any municipality concerned unless authorized by the appropriate County or municipal board, body or commission concerned, as the case may be.</p>  |
| <b>33-311(A)(7)<br/>Generalized<br/>Modification<br/>Standards</b> | <p>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</p> |
| <b>33-402.(4)<br/>Variances</b>                                    | <p>Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.</p>   |
| <b>33-402.(5)<br/>Variances</b>                                    | <p>Construction of any educational facility is prohibited at either end of a runway of Kendall-Tamiami Executive Airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. In addition to any findings required in this chapter, variances approving construction of an educational facility within the delineated area shall only be granted when the appropriate zoning board makes specific findings detailing how the public policy reasons for allowing construction outweigh health and safety concerns prohibiting such a location.</p>   |

# Memorandum

**Date:** February 24, 2011

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

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



**Subject:** C-11 #Z2011000016  
Adrian Builders at Tamiami Airport III, Ltd.  
13595 S.W. 134 Avenue  
To Permit a School in the No School Zone of Tamiami Airport  
(IU-1) (4.13 Acres)  
14-55-39

---

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

#### Potable Water Service and Wastewater Disposal

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

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

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

#### Stormwater Management

The proposed change will not affect the existing stormwater management system. However the applicant is advised that any change to the previously approved site plan under Environmental Resource Permit No. 13-02582-P may require a permit modification.

### Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV 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 property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

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

### Enforcement History

DERM has reviewed found no open or closed enforcement records for the subject property.

### 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.

# Memorandum



**Date:** May 11, 2011

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

**From:** José Abreu, P.E., Director  
Aviation Department

**Subject:** Adrian Builders at Tamiami Airport III LTD (PH#: 11-016)  
MDAD DN=11-05-550

As requested by your department, the Aviation Department (MDAD) has reviewed zoning hearing application #11-016, Adrian Builders at Tamiami Airport III LTD. The applicant is requesting to permit a proposed educational facility within two Kendall-Tamiami Executive Airport (TMB) Zoning land use restrictive zones, the No School Zone "NSZ" and the Outer Safety Zone "OSZ" as referenced in Article XL of the Code of Miami-Dade County, Kendall-Tamiami Executive Airport, Section 33-395. Both airport land use restrictive zones prohibit this use. In addition, the OSZ land use restrictive zone prohibits public assemblage uses. The property consists of approximately 4.13 acres and is located at 13595 SW 134 Avenue, Miami-Dade County, Florida. The parcel is located approximately 4,198 feet from TMB's Runway 27L.

MDAD has determined that a proposed educational facility at this location would not be compatible with operations from TMB. Furthermore, the application is in conflict with the following federal, state and county airport land use compatibility regulations:

- Federal Aviation Administration's (FAA) Airport Land Use Compatibility Guidelines
- Proposed Federal Department of Transportation's (FDOT) Airport Land Use Compatibility Guidelines
- Chapter 333 of the Florida Statutes (which mandates the County to establish and amend its Comprehensive Airport Zoning to include an airport land use compatibility component)
- MDAD's Comprehensive Development Master Plan (CDMP) goals and objectives
- State mandated and County enforced Evaluation and Appraisal Report (EAR) goals and objectives for MDAD's airport system
- Code of Miami-Dade County, Article XL, Section 33-395 Kendall-Tamiami Executive Airport Zoning) also commonly referred to as "airport zoning overlay" is more restrictive than the County's underlying zoning for this parcel. As you are aware, the most stringent zoning prevails where conflicts occur.
- The proposed commuter university is within two airport land use restrictive zones, the NSZ and the OSZ. According to the Code, the NSZ prohibits new educational facilities within this land use classification. The NSZ is based upon Florida Statute 333.03 (3) which states the following "... Such regulations shall prohibit the construction of an educational facility of a public or private school at either end of the runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway." The Outer Safety Zone (OSZ) prohibits new educational facilities and public assemblage uses within land use classification.

May 11, 2011  
Marc C. LaFerrier  
Page 2

To allow an exception of the County Code to permit a new educational facility to be sited within an airport restrictive zone which prohibits this use, derails both of our departments' efforts to establish and enforce compatible airport land use zoning. Any incompatible land use near MDAD's airport system, including TMB, could constrain the long-term viability and utility of public-use airport facilities. MDAD relies heavily on grants from the FAA to operate its airport system. Permitting this incompatible land use may jeopardize future grants or potentially restrict the level of activity at the airport.

Since responsible zoning is an objective we both share, and establishing/amending our comprehensive airport zoning as a matter of public safety as mandated by state legislation has been a collaborative effort, we would appreciate your support in recommending denial of this application. Should you have any questions, please contact Mr. José Ramos at (305) 876-8080.

C: Krystal Ritchey, FAA ADO  
Sergey Kireyev, FDOT Airspace and Land Use Manager  
T. Abbott  
J. Ramos

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ADRIAN BUILDERS AT TAMiami AIRPORT III LTD

This Department has no objections to this application as it applies to the request to permit a school in the ¿No-School Zone¿ of the Tamiami Airport.

The applicant will be required to comply with Traffic Division requirements as it pertains to schools at time of permitting.

Additional improvements may be required at time of permitting.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

12-MAY-11

# Memorandum



**Date:** 22-FEB-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000016

**Fire Prevention Unit:**

No objection via case # Z2011000016.

**Service Impact/Demand:**

Development for the above Z2011000016  
 located at 13595 SW 134 AVE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1985 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 6:18 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 43 - Richmond - 13390 SW 152 Street  
 Rescue, ALS 50' Squrt (TRT)

**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 at this stage.

DATE: 01-MAR-11

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

ADRIAN BUILDERS@ TAMIAMI  
AIRPORT III LTD

13595 SW 134 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000016

---

HEARING NUMBER

**HISTORY:**

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT  
NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY  
11-016  
ADDRESS: 13595 SW 134 AVE,

FOLIO: 3059141150010

DATE: 3/1/11

NAME: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD

OPEN CASES:  
Neighborhood Regulations:  
No open cases.

Building Code:

No open cases.

**CLOSED CASES:**

Neighborhood Regulations:

No closed cases.

Building Code:

No closed cases.

---

Ronald Szep, Neighborhood Regulations and Legal Services Division Director  
Miami-Dade County Building and Neighborhood Compliance Department

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

**Inspector:** BOBONIS, EIMIR  
**Evaluator:** AMINA NEWSOME

**Inspection Dat**  
07/21/11

**Process #:** Z2011000016      **Applicant's Name** ADRIAN BUILDERS AT TAMIAMI AIRPORT III LTD  
**Locations:** 13595 SW 134 AVE, MIAMI-DADE COUNTY, FLORIDA.  
**Size:** 4.13 ACRES      **Folio #:** 3059141150010

**Request:**  
THE APPLICANT IS REQUESTING APPLICANT IS REQUESTING TO PERMIT A SCHOOL IN THE NO SCHOOL ZONE OF TAMIAMI AIRPORT.

## EXISTING ZONING

**Subject Property** IU-1,

**EXISTING USE** OFFICE

## SITE CHARACTERISTICS

### STRUCTURES ON SITE:

2 story cbs building

### USE(S) OF PROPERTY:

none, bldg is not occupied

### FENCES/WALLS:

none

### LANDSCAPING:

yes

### BUFFERING:

none

### VIOLATIONS OBSERVED:

none observed

### OTHER:

**Process #**      **Applicant's Name**  
Z2011000016      ADRIAN BUILDERS AT TAMIAMI AIRPORT III LTD

## SURROUNDING PROPERTY

# ZONING INSPECTION REPORT

**NORTH:**

vacand land

**SOUTH:**

residential

**EAST:**

warehouses

**WEST:**

office building

**SURROUNDING AREA**

**NEIGHBORHOOD CHARACTERISTICS:**

Neighborhood is a mix of several zoning districts.

**COMMENTS:**

Inspector **BOBONIS, EIMIR**

Evaluator **AMINA NEWSOME**

Process Number: **Z2011000016** Applicant Name **ADRIAN BUILDERS AT TAMiami AIRPORT III LTD**



Date: 20-JUL-11

Comments: EAST SIDE OF PROPERTY SHOWING  
WHARE HOUSES WALL



Date: 20-JUL-11

Comments: OFFICE BUILDING TO THE WEST



Date: 20-JUL-11

Comments: PROPERTY

Inspector **BOBONIS, EIMIR**

Evaluator **AMINA NEWSOME**

Process Number: **Z2011000016** Applicant Name **ADRIAN BUILDERS AT TAMiami AIRPORT III LTD**



Date: 21-JUL-11

Comments: RESIDENTIAL PROPERTIES TO THE SOUTH

Date: 20-JUL-11

Comments: VACANT PROPERTY TO THE NORTH

8-11-016

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> |
|---|----------------------------|
| <u>ADRIAN BUILDERS AT TAMiami AIRPORT III, INC.</u> |                            |
| <u>ALVARO L. ADRIAN</u>                             | <u>100%</u>                |
| <u>PRESIDENT</u>                                    |                            |

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

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

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: ADRIAN BUILDERS AT TAMiami AIRPORT III, LLC

| <u>NAME AND ADDRESS</u>  | <u>Percentage of Ownership</u> |
|--|--------------------------------|
| <u>1. ALVARO L. ADRIAN, 190 PALM AVE, MIAMI BEACH, FL 33139</u>                              | <u>45%</u>                     |
| <u>2. VIVIAN ADRIAN, 190 PALM AVE, MIAMI BEACH, FL 33139</u>                                 | <u>45%</u>                     |
| <u>3. ADRIAN BUILDERS AT TAMiami AIRPORT III, INC. 13780 SW 26 ST, #105, MIAMI, FL 33185</u> | <u>10%</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

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

\_\_\_\_\_  
2-11-016  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

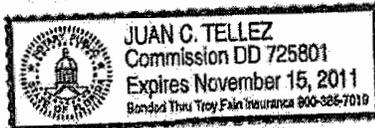
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: X [Signature]  
ALVARO L. ADRIAN, (Applicant) President of the Gen. Partner, Adman Builders at Tamiami Airport III, Inc.

Sworn to and subscribed before me this 1 day of February 2011. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)



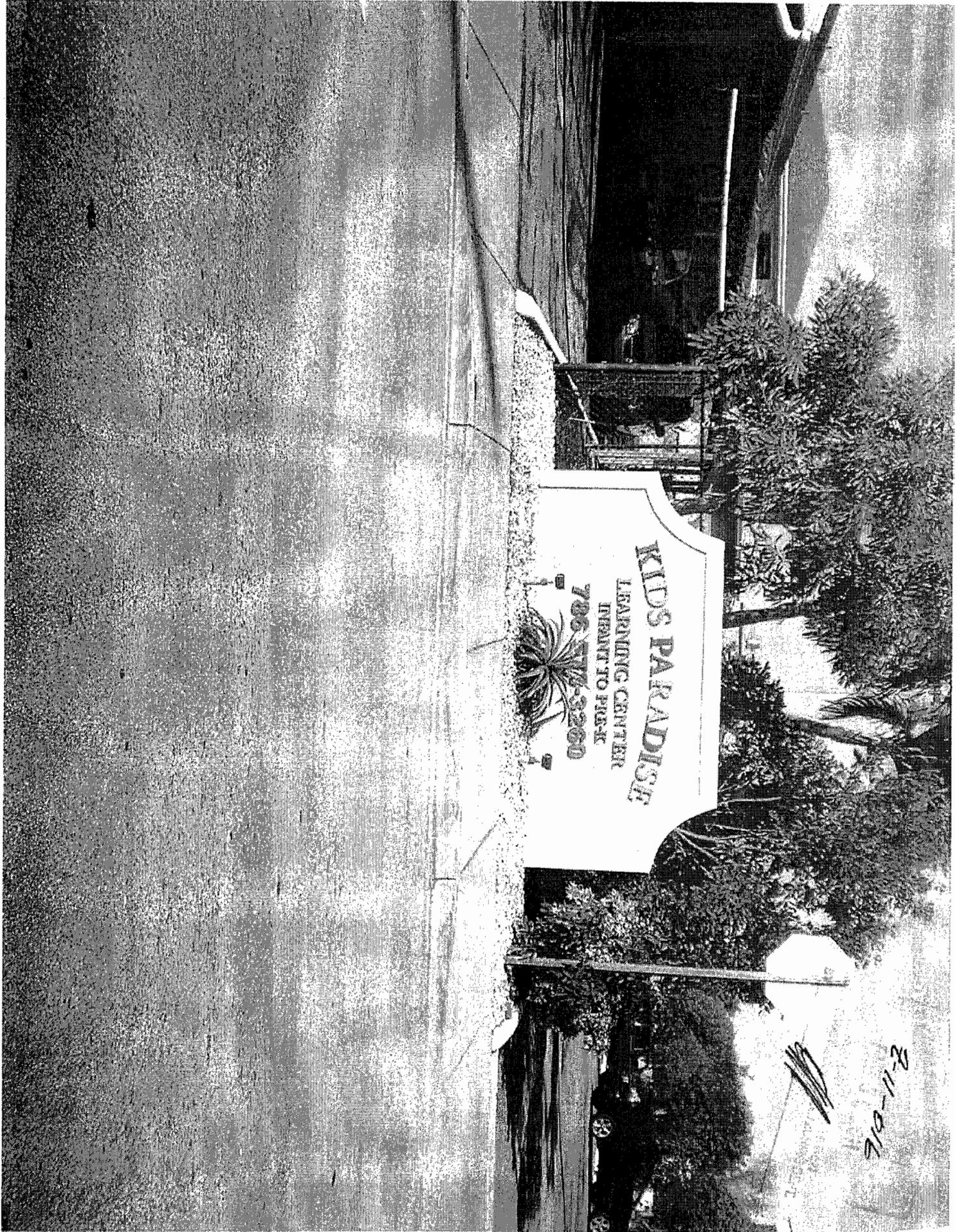
My commission expires: \_\_\_\_\_

Seal

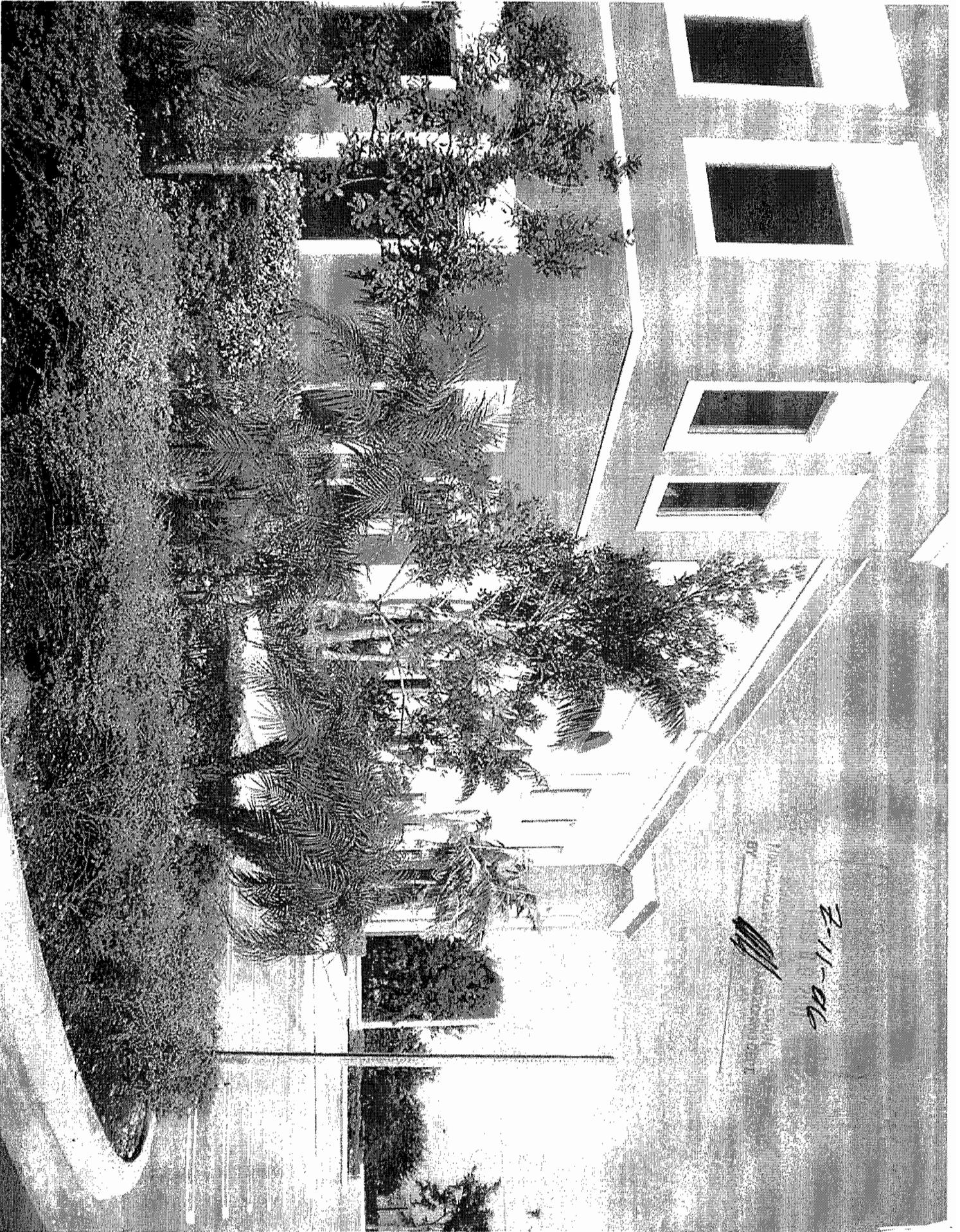
\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

FREE PRE-KINDERGARTEN  
FOR ALL 3 YEAR OLD CHILDREN  
PARTICIPATE - ESCOLAR PARA TODOS LOS NIÑOS DE 3 AÑOS  
CLASES SEEN Ag. 24 - CLASES COMENZAN Agosto 24 (786 573 3260)

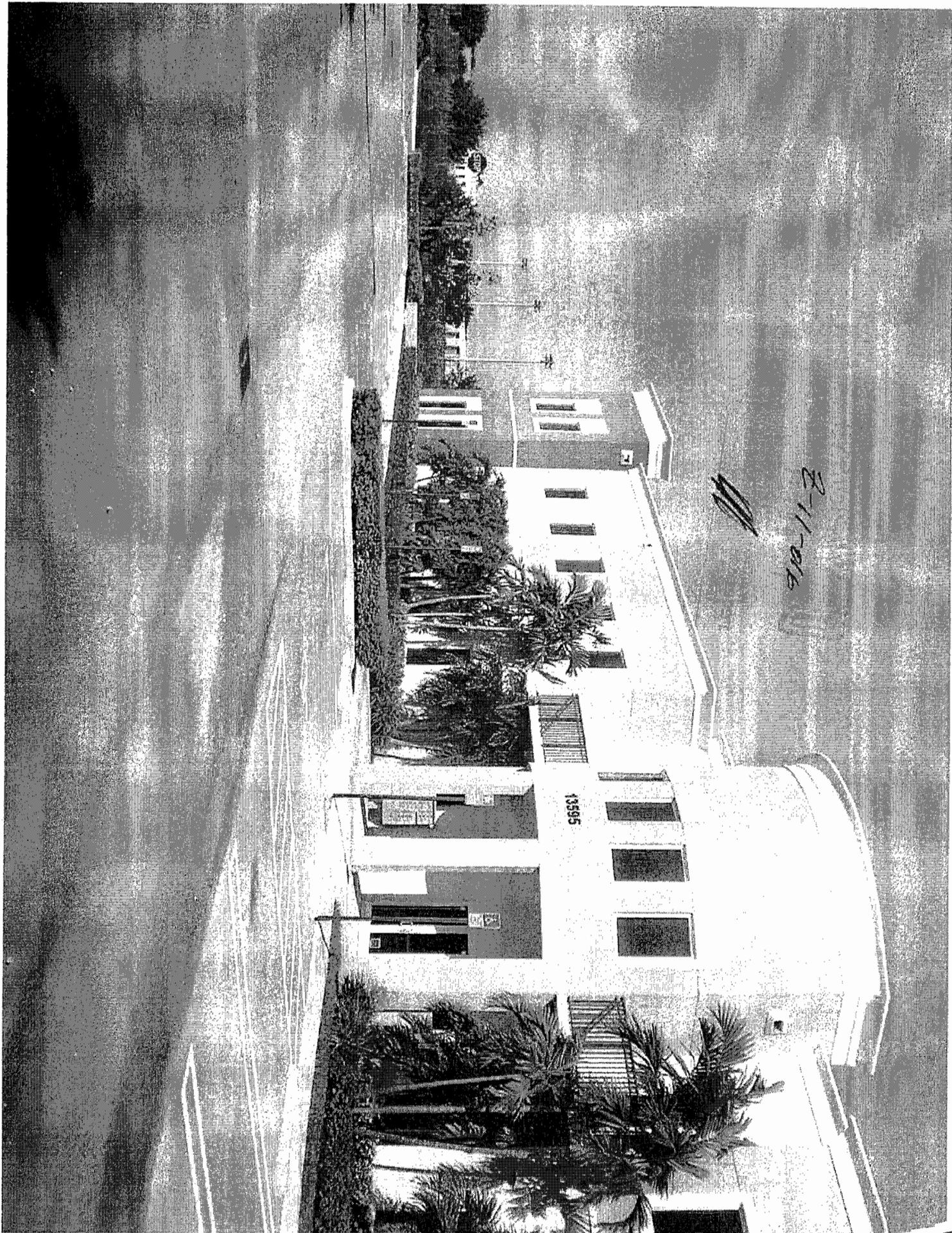
8-11-016



710-11-8

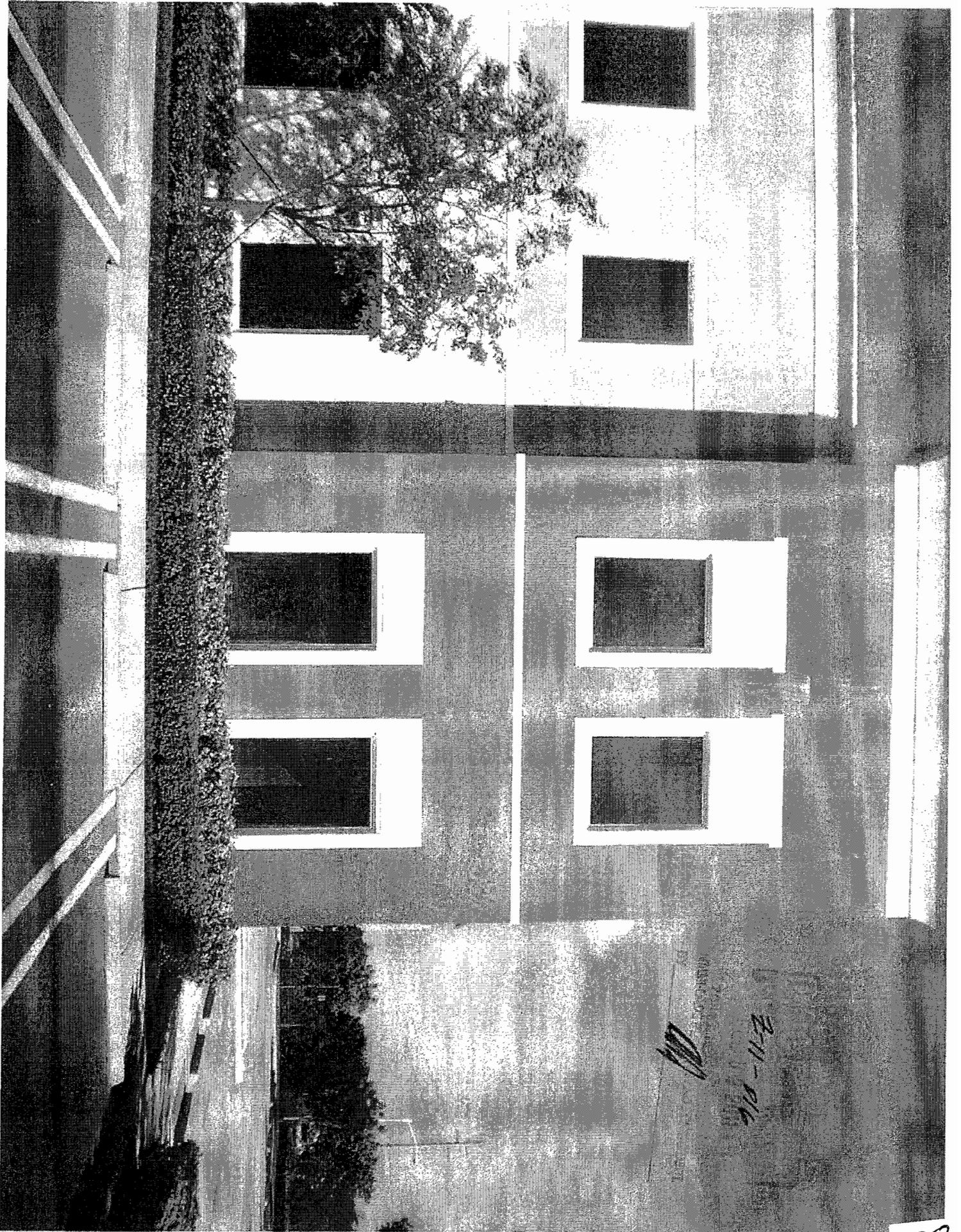


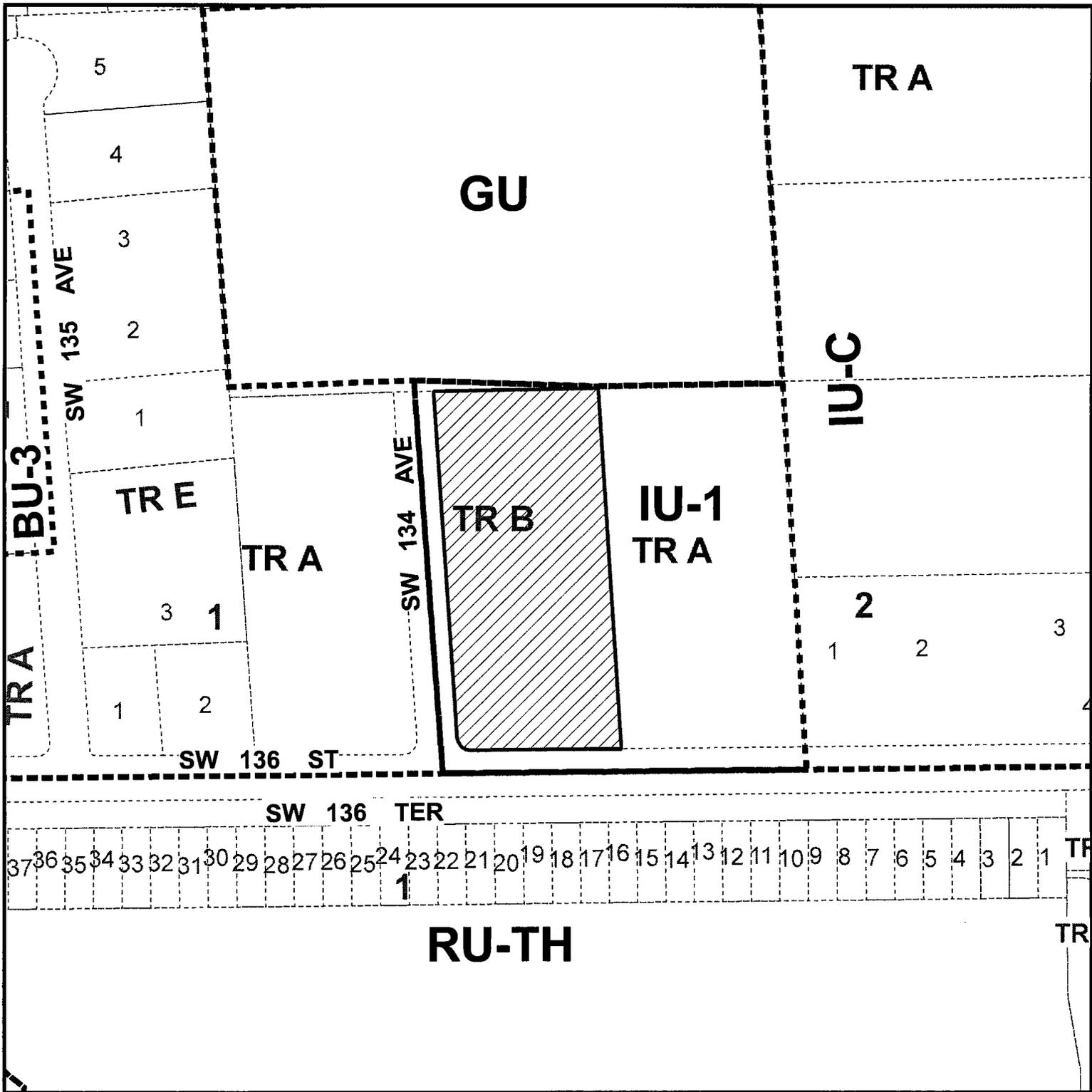
Handwritten text: *E-11-01C*



11

710-11-2





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

Process Number  
**Z2011000016**



Section: 14 Township: 55 Range: 39  
 Applicant: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

- Subject Property Case
- Zoning



SKETCH CREATED ON: Tuesday, March 1, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 29 |



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

Process Number

**Z2011000016**

Section: 14 Township: 55 Range: 39  
 Applicant: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

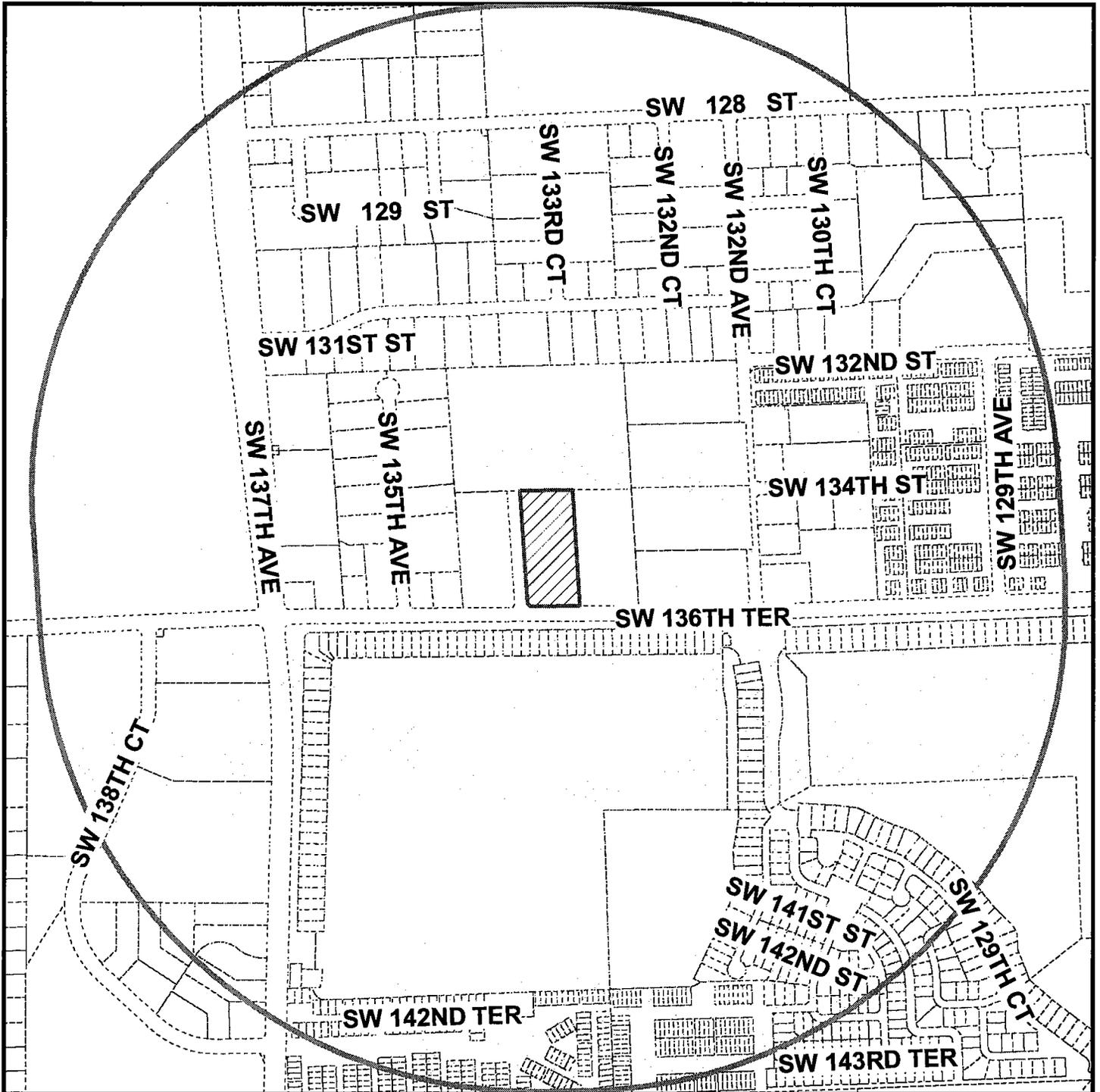
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, March 1, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 30 |



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

Process Number

**Z2011000016**

RADIUS: 2640

Section: 14 Township: 55 Range: 39  
 Applicant: ADRIAN BUILDERS@ TAMIAMI AIRPORT III LTD  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, March 1, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      |    |

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs  
Staff Report to Community Council No. 11**

**PH: Z11-070 (11-11-CZ11-1)**

**November 10, 2011**

Item No. 1

| <b>Recommendation Summary</b>              |   |
|--|---|
| <b>Commission District</b>                 | 9   |
| <b>Applicant</b>                           | S.F. Enterprises of Miami, Ltd.   |
| <b>Summary of Requests</b>                 | The applicant is seeking a zone change to BU-1A   |
| <b>Location</b>                            | NW corner of SW 128 Street and SW 122 Avenue, Miami-Dade County, Florida.                     |
| <b>Property Size</b>                       | 2.69 gross acres  |
| <b>Existing Zoning</b>                     | IU-C  |
| <b>Existing Land Use</b>                   | Vacant  |
| <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 interpretative text, goals, objectives and policies of the CDMP               |
| <b>Applicable Zoning Code Section(s)</b>   | Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i> |
| <b>Recommendation</b>                      | <b>Approval, subject to the acceptance of the proffered covenant</b>                          |

**REQUEST:**

DISTRICT BOUNDARY CHANGE FROM IU-C to BU-1A

**PROJECT DESCRIPTION:**

The site plan submitted by the applicant depicts a proposed 30,019 sq. ft. retail shopping center.

| <b>NEIGHBORHOOD CHARACTERISTICS</b> |  |   |
|-------------------------------------|--|---|
|                                     | <b>Zoning and Existing Use</b>                           | <b>Land Use Designation</b>                                   |
| <b>Subject Property</b>             | IU-C; vacant   | Industrial and Office   |
| <b>North</b>                        | RU-1M(a); single-family residences                       | Industrial and Office   |
| <b>South</b>                        | IU-C; industrial park                                    | Industrial and Office   |
| <b>East</b>                         | IU-C; banquet hall<br>RU-1M(a); single-family residences | Industrial and Office/ Low Density Residential (2.5 to 6 dua) |
| <b>West</b>                         | IU-C; warehouses   | Industrial and Office   |

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is comprised of three (3) lots located at the NW corner of SW 128 Street and SW 122 Avenue. The area surrounding the subject property is primarily characterized by industrial uses located to the south, west and partially to the east. To the north and partially to the east of the subject property are single-family residences.

**SUMMARY OF THE IMPACTS:**

The approval of this application will reduce the availability of Industrial designated properties on this area. However, the proposed BU-1A zoning will provide accessible commercial uses to the workers in the surrounding industrial districts.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Industrial and Office** the Adopted 2015-2025 Land Use Plan (LUP) map. 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. Additionally, 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. The subject parcel is approximately 2.69 acres in size and is located at the intersection of SW 128 Street and SW 122 Avenue, which are half-section line roads in this section of the County. Further, the applicant has proffered a covenant which lists the types of commercial uses that would be allowed on the proposed shopping center site to uses that in staff's opinion which would be supportive of the workers within the surrounding industrial area. As such, the proposed rezoning of the property to BU-1A, Limited Business District, to permit a retail shopping center is **compatible** with the surrounding area and **consistent** with the LUP map of the CDMP with the proffered covenant.

**ZONING ANALYSIS:**

When the applicant's request to rezone the 2.69 acre parcel to BU-1A, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have a unfavorable impact on the environment, the natural resources, or the economy of the County. Further, in staff's opinion, the approval of the application will not have a negative impact on the surrounding roadways or burden or affect transportation facilities based on memoranda from the Departments concerned with reviewing this application. Further, staff opines that the submitted plans indicate sensitivity to the residential uses located to the north and partially to the east, with a continuous row of trees and hedges along the rear (north) property line in addition to a 5' high wall. In staff's opinion, this will mitigate any negative visual impact that may result from the proposed commercial development of the site on the residential properties located to the north. As such, staff opines that the approval of the application will be **compatible** with the surrounding industrial and residential developments, and with the proffered covenant, would be **consistent** with the Industrial and Office designation of the site on the LUP map of the CDMP. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

**ACCESS, CIRCULATION AND PARKING:** The submitted site plans indicate that the retail shopping center site has more parking than required and the location and width of the drives on the subject property are sufficient to accommodate the potential traffic on this approximately 2.69 acre site.

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

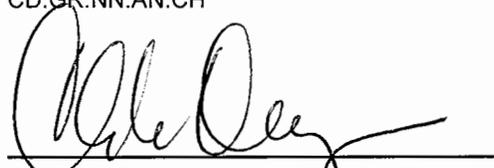
**OTHER:** Not applicable.

**RECOMMENDATION:**

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

**CONDITIONS FOR APPROVAL:** None.

CD:GR:NN:AN:CH



Charles Danger, P.E., Interim Director <sup>or</sup>  
Miami-Dade County Department of Permitting, <sup>or</sup>  
Environment and Regulatory Affairs

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

\*If applicable

## ZONING RECOMMENDATION ADDENDUM

Applicant: *S.F. Enterprises of Miami, Ltd.*  
PH: Z11-070

| NEIGHBORHOOD SERVICES PROVIDER COMMENTS     |               |
|---|---------------|
| DERM  | No objection  |
| Public Works                                | No objection  |
| Parks                                       | No objection  |
| MDT   | No objection* |
| Fire Rescue                                 | No objection  |
| Police                                      | No objection  |
| Schools                                     | No objection  |
| *Subject to conditions in their memorandum. |               |

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

|  |  |
|--|--|
| <p><i>Industrial and Office</i><br/>(Pg. I-39)</p> | <p><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. <b>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.</b> 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></p> |
|--|--|

### PERTINENT ZONING REQUIREMENTS/STANDARDS

|                              |   |
|------------------------------|---|
| <p><b>Section 33-311</b></p> | <p><i>In evaluating an application for a <b>district boundary change</b>, Section 33-311 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> <li>(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></li> <li>(4) <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</i></li> </ol> |
|------------------------------|---|

## ZONING RECOMMENDATION ADDENDUM

Applicant: *S.F. Enterprises of Miami, Ltd.*

PH: Z11-070

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

**1. S.F. ENTERPRISES OF MIAMI LTD**  
**(Applicant)**

**11-11-CZ11-1 (11-070)**  
**Area 11/District 09**  
**Hearing Date: 11/10/11**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

| <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> |
|--------------------|-------------------------|---|---------------------|------------------------|
| 1961               | Arvida Corp             | - New Use Technical & Chemical Research park.                                 | BCC                 | Approved w/conds.      |
| 1964               | Arvida Corporation      | - Unusual Use to permit a hunting preserve.                                   | ZAB                 | Approved w/conds.      |
| 1977               | Arvida Corp             | - Zone change from GU to IU-C proffered covenant and special taxing district. | BCC                 | Approved w/conds.      |

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

# Memorandum



**Date:** July 5, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-11 #Z2011000070  
S.F. Enterprises of Miami, Ltd.  
N.W. corner of S.W. 128<sup>th</sup> Street and S.W. 122<sup>nd</sup> Avenue  
District Boundary Change from IU-C to BU-1A  
(IU-C) (2.7 Acres)  
13-55-39

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

#### Potable Water Service and Wastewater Disposal

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

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

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

#### Stormwater Management

Be advised that the previously approved Surface Water Management General Permit No. 13-02345-P issued in July 6 2004 expired; therefore: a new Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to platting and/or site development, or public works approval

of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

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

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

The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

#### Wetlands

The subject properties do 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.

#### Tree Preservation

There are no tree resources issues on the subject properties.

#### Enforcement History

DERM has found no open or closed enforcement records for the subject property(s).

#### 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: S.F. ENTERPRISES OF MIAMI LTD

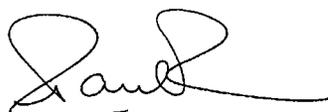
This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 142 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

| Sta.#  |                            | LOS present | LOS w/project |
|--------|----------------------------|-------------|---------------|
| 9768   | SW 122 Ave. s/o SW 104 St. | C           | C             |
| F-2246 | FL Turnpike s/o SW 88 St.  | B           | B             |
| F-2266 | FL Turnpike s/o SR 874     | C           | C             |
| 9760   | SW 120 St. w/o SW 122 Ave. | D           | D             |
| 9814   | SW 137 Ave. s/o SW 120 St. | C           | C             |
| 9816   | SW 137 Ave. s/o SW 136 St. | C           | C             |

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



Raul A Pino, P.L.S.

10-AUG-11

# Memorandum



**Date:** June 30, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** *M.I.* Maria I. Nardi, Chief  
Planning and Research Division  
**Subject:** Z2011000070 (Old Case Z2011000059): SF Enterprises of Miami LTD  
District Boundary Change.

---

**Application Name:** SF Enterprises of Miami LTD.

**Project Location:** The site is located at the NW Corner of SW 128 Street and SW 122 Avenue, Miami-Dade County.

**Proposed Development:** The applicant is requesting a District Boundary Change from IU-C to BU-1A.

**Impact and demand:** The applicant has stated that a declaration of restrictions will be proffered restricting the uses of the property to those customarily permitted in developments such as those described in the letter of intent which is to permit a retail development. Therefore, it is assumed residential uses will not be included as a potential use. Because this application proposes development of a commercial center, it does not generate any new 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

# Memorandum



**Date:** 27-JUL-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000070

## Fire Prevention Unit:

APPROVAL:  
 No objection to site plan date stamped July 8, 2011.

## Service Impact/Demand

Development for the above Z2011000070  
 located at NORTHWEST CORNER OF SW 128 ST & SW 122 AVE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1954 is proposed as the following:

|                           |                |                                      |             |
|---------------------------|----------------|--------------------------------------|-------------|
| <u>N/A</u><br>residential | dwelling units | <u>N/A</u><br>industrial             | square feet |
| <u>N/A</u><br>Office      | square feet    | <u>N/A</u><br>institutional          | square feet |
| <u>30,019</u><br>Retail   | square feet    | <u>N/A</u><br>nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 8.91 alarms-annually.  
 The estimated average travel time is: 6:19 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
 Station 53 - Turnpike - 11600 SW Turnpike Hwy  
 Rescue, Squad

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped July 8, 2011. 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.

DATE: 06-JUL-11

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

S.F. ENTERPRISES OF MIAMI LTD

NW CORNER OF SW 128 ST & 122  
AVE, MIAMI-DADE COUNTY,  
FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000070

---

HEARING NUMBER

**HISTORY:**

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

11-070

ADDRESS: NW CORNER OF SW 128 ST & 122 AVE

FOLIO: 3059130300020, 0030 & 0040

DATE: 7-6-11

NAME: S.F. ENTERPRISES OF MIAMI LTD

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:  
No open cases.

CLOSED CASES:  
Neighborhood Regulations:  
No closed cases.

Building Code:  
No closed cases.

---

Ronald Szep, Neighborhood Regulations and Legal Services Division Director  
Miami-Dade County Building and Neighborhood Compliance Department

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

**Inspector:** HASSUN, PETE  
**Evaluator:** CARL HARRISON

**Inspection Date**  
10/24/11

**Process #:** Z2011000070  
**Applicant's Name:** S.F. ENTERPRISES OF MIAMI LTD

**Locations:** NORTHWEST CORNER OF SW 128 ST & SW 122 AVE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 2.69 ACRES

**Folio #:** 3059130300040

**Request:**

DBC FROM IU-C TO BU-1A

**EXISTING ZONING**

**Subject Property** IU-C,

**EXISTING USE**

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

NONE

**USE(S) OF PROPERTY:**

VACANT

**FENCES/WALLS:**

6 FT CHAINLINK SURROUNDING ALL THREE FOLIOS' AND 6 FT WOOD FENCE ON THE NORTH PROPERTY ABBUTTING FOLIO NO. 3059130300020.

**LANDSCAPING:**

NONE

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

NONE OBSERVED

**OTHER:**

NONE

**Process #** Z2011000070  
**Applicant's Name** S.F. ENTERPRISES OF MIAMI LTD

# ZONING INSPECTION REPORT

## **SURROUNDING PROPERTY**

### **NORTH:**

RU-1MA: SINGLE FLAMILY RESIDENCES

### **SOUTH:**

IU-C: OFFICES/WAREHOUSES

### **EAST:**

RU-1MA: SINGLE FAMILY RESIDENCES & IU-C: OFFICE / WAREHOUSES

### **WEST:**

IU-C: OFFICES/WAREHOUSES

## **SURROUNDING AREA**

THIS IS A MIXED AREA WITH LOW DENSITY RESIDENTIAL PROPERTIES WITH INDUSTRIAL USES.

## **NEIGHBORHOOD CHARACTERISTICS:**

MIXED SINGLE FAMILY HOMES & TOWNHOUSES SURROUNDED BY INDUSTRIAL USES.

## **COMMENTS:**

MORE STREET TREES REQUIRED.



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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2(1)-070

4H

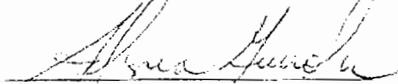
Unnumbered

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date 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:** \_\_\_\_\_  
Carlos M. Solares (Applicant)

Sworn to and subscribed before me this 4 day of May, 2011. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

  
(Notary Public)

My commission expires: 3/10/12

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.

SCHEDULE "A"

S F ENTERPRISES OF MIAMI LTD

Up-Dated:  
Year 2010

EXHIBIT D: PARTNERSHIP INTERESTS

GENERAL PARTNER:

TROPIC DESIGN AND DEVELOPMENT CORP 1%

11919 SW 130 St Ste 30  
Miami, FL 33186

LIMITED PARTNER:

Maria Lourdes Solares, Trustee  
Maria Lourdes Solares Revocable Trust 29.66%

Dated October 25, 2004  
11919 SW 130 St Ste 30  
Miami, FL 33186

Maria Teresa Solares, Trustee  
Maria Teresa Solares Revocable Trust 29.67%

Dated May 13, 2005  
11919 SW 130 St Ste 100 Mia FL 33186

Carlos M. Solares, Trustee 29.67%

Carlos M. Solares Revocable Trust  
Dated May 27, 2005

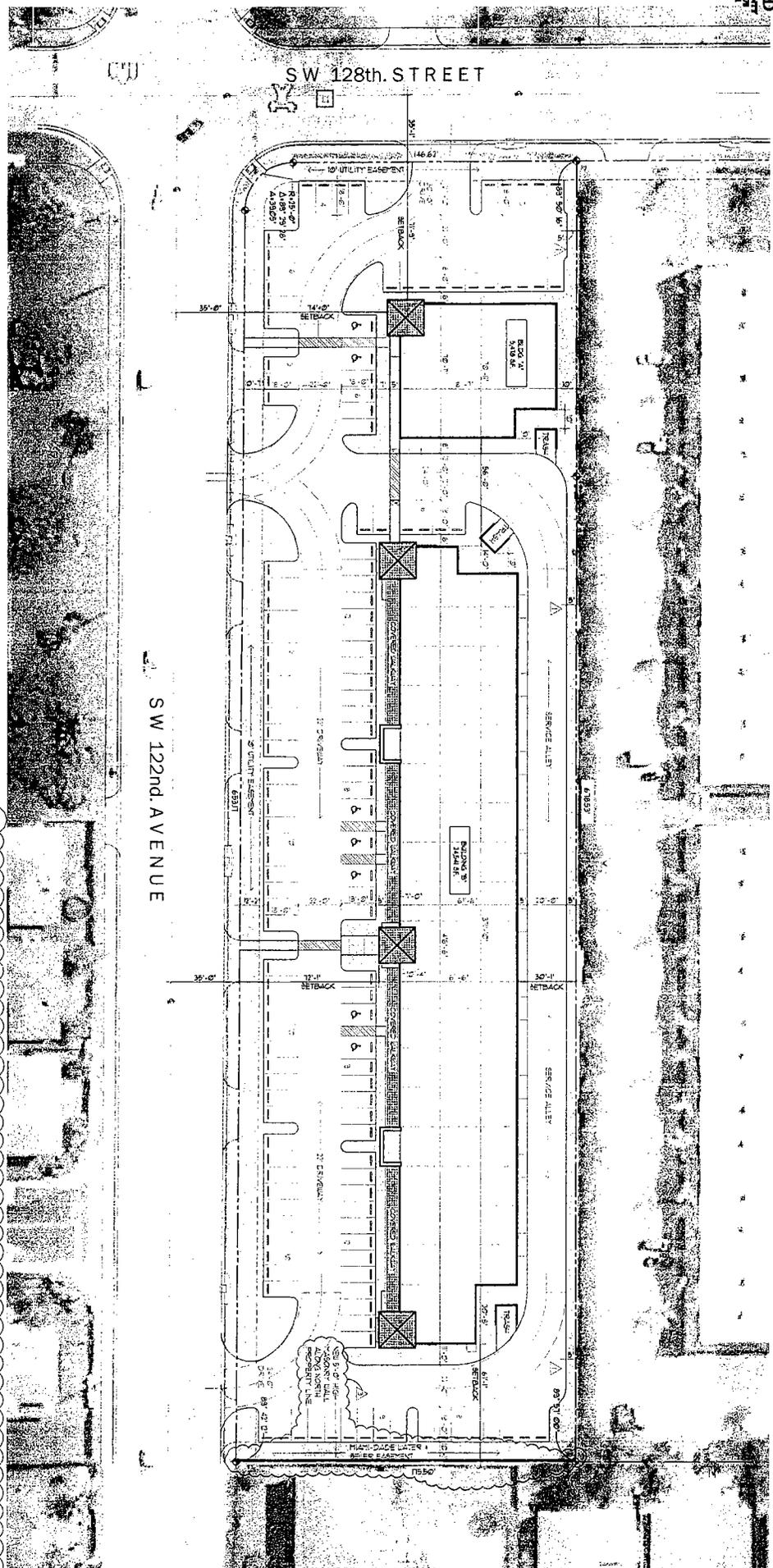
11919 SW 130 St Ste 30  
Miami, FL 33186

Manuel Z Solares, Trustee  
Manuel Z Solares, Revocable Trust 10%

September 13, 2005  
11919 SW 130 St Ste 30  
Miami, FL 33186

Handwritten notes and signatures, including the name "A.H." and a signature that appears to be "C. M. Solares".





SW 122nd AVENUE

SW 128th STREET

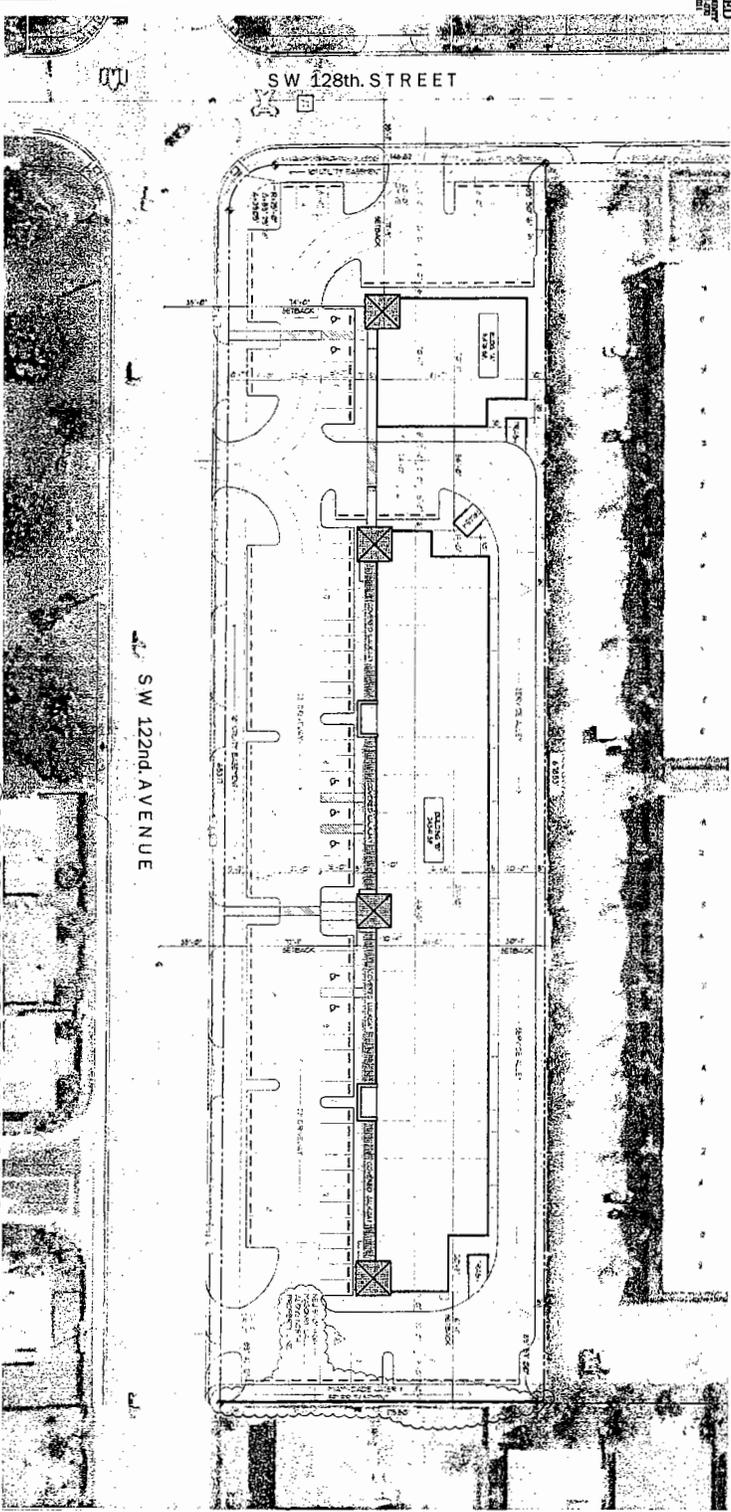
**RECEIVED**  
Z11-070  
JUL 26 2011

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

LEGAL D  
DATE: 7/26/11  
BY: XV

SITE LC

RECEIVED  
 PLANNING DEPT.  
 1000 N.W. 7th St.  
 MIAMI, FL 33136



Site Plan 1"=30'

**RECEIVED**  
 JUL 26 2011  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *PH*

**SITE GENERAL INFORMATION**

OWNER: [REDACTED]  
 PROJECT: [REDACTED]  
 ADDRESS: [REDACTED]  
 CITY: [REDACTED]  
 COUNTY: [REDACTED]  
 STATE: [REDACTED]

**BUILD ZONING LISTING**

| Code  | Description                | Permitted | Conditional | Prohibited |
|-------|----------------------------|-----------|-------------|------------|
| RM-1  | Residential Medium Density | Yes       | No          | No         |
| RM-2  | Residential Medium Density | Yes       | No          | No         |
| RM-3  | Residential Medium Density | Yes       | No          | No         |
| RM-4  | Residential Medium Density | Yes       | No          | No         |
| RM-5  | Residential Medium Density | Yes       | No          | No         |
| RM-6  | Residential Medium Density | Yes       | No          | No         |
| RM-7  | Residential Medium Density | Yes       | No          | No         |
| RM-8  | Residential Medium Density | Yes       | No          | No         |
| RM-9  | Residential Medium Density | Yes       | No          | No         |
| RM-10 | Residential Medium Density | Yes       | No          | No         |
| RM-11 | Residential Medium Density | Yes       | No          | No         |
| RM-12 | Residential Medium Density | Yes       | No          | No         |
| RM-13 | Residential Medium Density | Yes       | No          | No         |
| RM-14 | Residential Medium Density | Yes       | No          | No         |
| RM-15 | Residential Medium Density | Yes       | No          | No         |
| RM-16 | Residential Medium Density | Yes       | No          | No         |
| RM-17 | Residential Medium Density | Yes       | No          | No         |
| RM-18 | Residential Medium Density | Yes       | No          | No         |
| RM-19 | Residential Medium Density | Yes       | No          | No         |
| RM-20 | Residential Medium Density | Yes       | No          | No         |
| RM-21 | Residential Medium Density | Yes       | No          | No         |
| RM-22 | Residential Medium Density | Yes       | No          | No         |
| RM-23 | Residential Medium Density | Yes       | No          | No         |
| RM-24 | Residential Medium Density | Yes       | No          | No         |
| RM-25 | Residential Medium Density | Yes       | No          | No         |
| RM-26 | Residential Medium Density | Yes       | No          | No         |
| RM-27 | Residential Medium Density | Yes       | No          | No         |
| RM-28 | Residential Medium Density | Yes       | No          | No         |
| RM-29 | Residential Medium Density | Yes       | No          | No         |
| RM-30 | Residential Medium Density | Yes       | No          | No         |
| RM-31 | Residential Medium Density | Yes       | No          | No         |
| RM-32 | Residential Medium Density | Yes       | No          | No         |
| RM-33 | Residential Medium Density | Yes       | No          | No         |
| RM-34 | Residential Medium Density | Yes       | No          | No         |
| RM-35 | Residential Medium Density | Yes       | No          | No         |
| RM-36 | Residential Medium Density | Yes       | No          | No         |
| RM-37 | Residential Medium Density | Yes       | No          | No         |
| RM-38 | Residential Medium Density | Yes       | No          | No         |
| RM-39 | Residential Medium Density | Yes       | No          | No         |
| RM-40 | Residential Medium Density | Yes       | No          | No         |
| RM-41 | Residential Medium Density | Yes       | No          | No         |
| RM-42 | Residential Medium Density | Yes       | No          | No         |
| RM-43 | Residential Medium Density | Yes       | No          | No         |
| RM-44 | Residential Medium Density | Yes       | No          | No         |
| RM-45 | Residential Medium Density | Yes       | No          | No         |
| RM-46 | Residential Medium Density | Yes       | No          | No         |
| RM-47 | Residential Medium Density | Yes       | No          | No         |
| RM-48 | Residential Medium Density | Yes       | No          | No         |
| RM-49 | Residential Medium Density | Yes       | No          | No         |
| RM-50 | Residential Medium Density | Yes       | No          | No         |



**CORTLAND COMMERCIAL CENTER**  
 SW 128th ST. & 122nd Ave  
 MIAMI, FLORIDA

**Rodriguez Pereira Architects, Inc.**  
 8000 NW 7th Street, Suite 103 - Miami, FL 33126  
 Phone: (305) 592-8045 FAX: (305) 592-5756

Architecture Planning & Urban Design  
 Space Planning  
 Interior Design

REVISIONS BY: [REDACTED]

DATE: 05-03-11

BY: [REDACTED]

SCALE: A-1



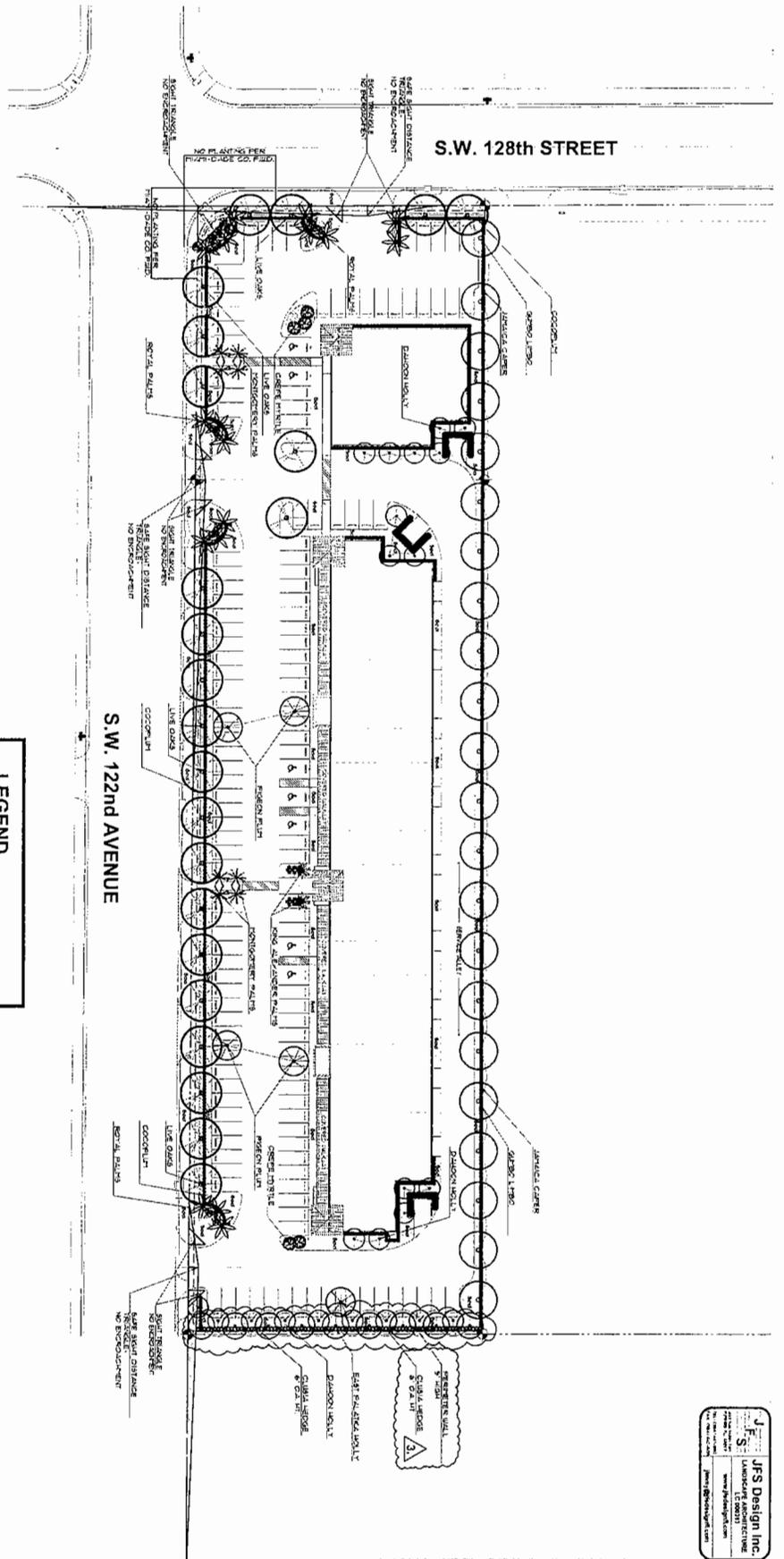






**RECEIVED**  
 JUL 26 2011

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



| LEGEND |   |
|--------|---|
|        | <b>GUMBO LIMBO</b><br>Bournea latifolia           |
|        | <b>PIGEON PLUM</b><br>Coccoloba diversifolia      |
|        | <b>DAHOON HOLLY</b><br>Ilex dahoonii              |
|        | <b>EAST PALATKA HOLLY</b><br>Ilex palatkaensis    |
|        | <b>CREPE MYRTLE</b><br>Lagerströmia speciosa      |
|        | <b>LIVE OAK</b><br>Quercus virginiana             |
|        | <b>KING ALEXANDER PALM</b><br>Livistona alexander |
|        | <b>ROYAL PALM</b><br>Roystonea regia              |
|        | <b>MONTGOMERY PALM</b><br>Washingtonia rooseffii  |



**MASTER SITE LANDSCAPE PLAN**

SCALE: 1" = 30'

A WRITTEN TREE REMOVAL PERMIT IS REQUIRED FROM MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES FOR NON-EMERGENCY TREES ON PLOTS WITH THIS PROPERTY.  
 SEE L-1 FOR LANDSCAPE LEGEND, PLANT LIST NOTES, DETAILS & SPECIFICATIONS, ETC.

| NO. | DATE     | BY   | REVISIONS |
|-----|----------|------|-----------|
| 1   | 06-03-11 | J.P. | REVISED   |
| 2   |          |      |           |
| 3   |          |      |           |
| 4   |          |      |           |

DATE: 06-03-11  
 DRAWN BY: J.P.  
 CHECKED BY: J.P.  
 SCALE: 1" = 30'  
 SHEET: 0

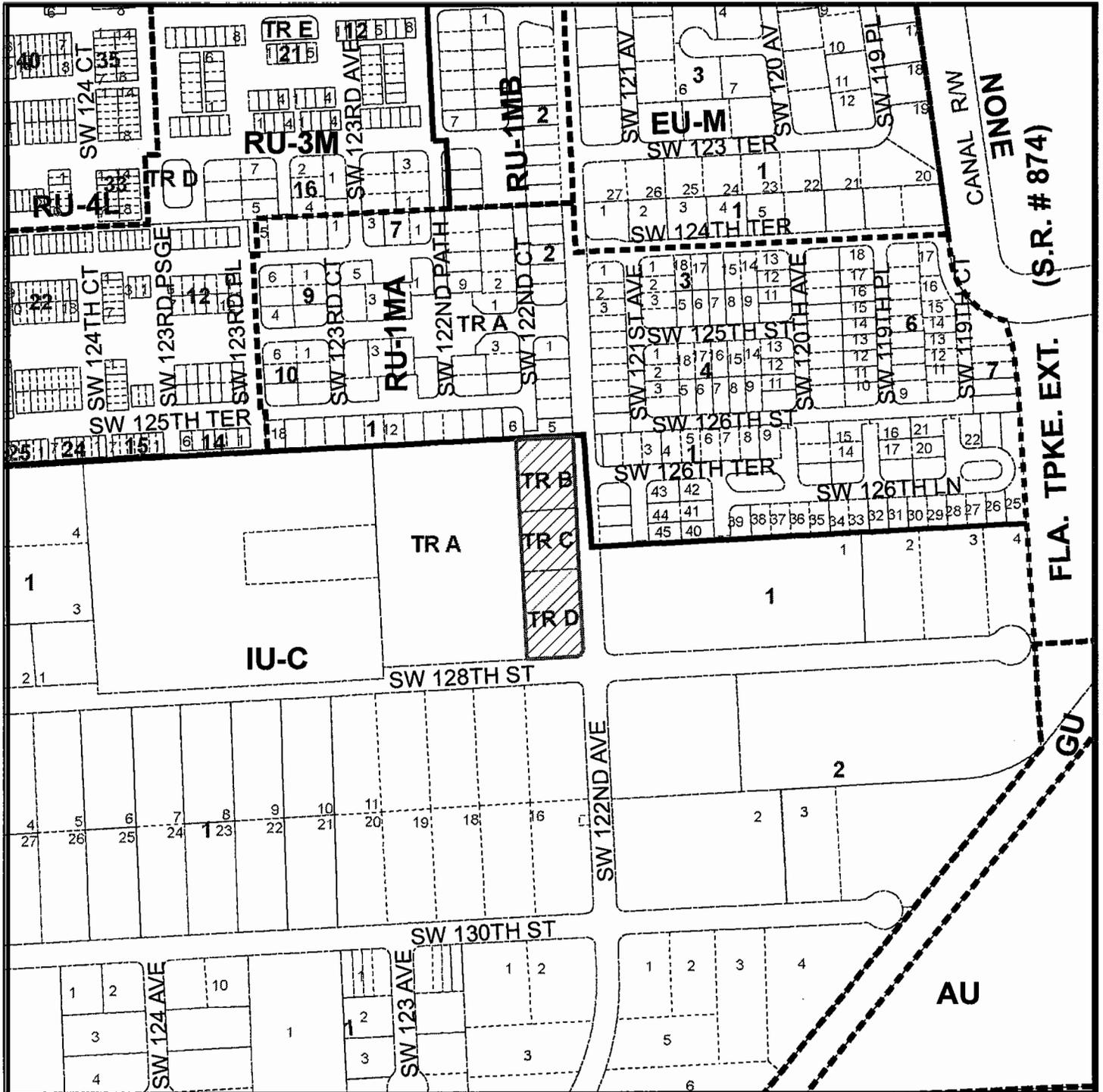
RETAIL FACILITY FOR:  
**CORTLAND COMMERCIAL CENTER**  
 S.W. 128th St. & 122nd Ave  
 MIAMI, FLORIDA

**Rodriguez Pereira Architects, Inc.**  
 8000 NW 7th Street - Suite 103 - Miami, FL 33126  
 Phone: (305) 592-8045 FAX: (305) 592-5756  
 WWW.RODRIGUEZPEREIRA.COM

**JFS Design Inc.**  
 1300 NW 13th St  
 Suite 100  
 Miami, FL 33136  
 Phone: (305) 592-8045  
 Fax: (305) 592-5756  
 www.jfsdesign.com

Architecture  
 Planning &  
 Urban Design  
 Space Planning  
 Interior Design  
 Corp. U.S. # 44-0001394





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

**Process Number**  
**Z2011000070**



**Section: 13 Township: 55 Range: 39**  
**Applicant: S.F. ENTERPRISES OF MIAMI LTD**  
**Zoning Board: C11**  
**Commission District: 9**  
**Drafter ID: KEELING STENNETT**  
**Scale: NTS**

**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, July 6, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 28 |



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

Process Number  
**Z2011000070**



Section: 13 Township: 55 Range: 39  
 Applicant: S.F. ENTERPRISES OF MIAMI LTD  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: KEELING STENNETT  
 Scale: NTS

**Legend**  
 Subject Property



SKETCH CREATED ON: Wednesday, July 6, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 29 |





S.F. Enterprises of Miami  
LTD

This instrument was prepared by:

Name: Javier L. Vazquez, Esq.  
Address: Javier L. Vazquez, P.A.  
6500 Cow Pen Road, #302  
Miami Lakes, Florida 33014

DRAFT

Hearing # 11-070

Item # 1

(Space reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the property in Miami-Dade County, Florida described in Exhibit "A," attached hereto, and hereafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that representations made by the Owner during consideration of Public Hearing No. 11-70 will be abided by the Owner freely, voluntarily and without duress, make the following Declaration of Restrictions covering and running with the property:

Use Restrictions.

Industrial Parcels: Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to restrict the permitted uses those serving the firms and workers in the industrial areas as follows:

- Apparel Stores
- Automobile new parts and equipment, sales only
- Automobile service stations - (which may include facilities available for sale of other retail products and services related to the servicing of automobiles)  
Automobile self-service gas stations
- Automobile storage within a building
- Automobile tires, batteries and accessories (new) retail only installation permitted
- Automobile washing
- Bakeries
- Banks, including drive-in teller service
- Beauty Parlors/ Barber Shops

# DRAFT

- Confectionery, Ice Cream and Dairy Stores
- Computer Sales
- Day nurseries Kindergartens and after school care centers
- Dog and pet hospitals in air-conditioned buildings
- Dry cleaning establishments, using nonflammable solvents
- Drugstores/Pharmacies (maximum square footage of 5,478 sq. ft.)
- Electrical appliance and fixtures stores including related repair
- Employment agencies
- Florist Shoppes
- Grocery stores. (maximum square footage of 5,478 sq. ft.)
- Health and exercise clubs and/or gymnasiums
- Hardware Stores
- Office Supplies and Equipment Stores, Furniture stores, retail of new merchandise only
- Post office stations and branches, operated by postal service employees or agents, which directly serve the public
- Printing, copying and postal packing stores
- Restaurants
- Restaurants with an accessory cocktail lounge-bar use, subject to compliance with Article X, Alcoholic Beverages, of this code
- Tailor shops
- Pet grooming

**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

DRAFT

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 Permitting, Environment and Regulatory Affairs 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.** The Owner acknowledges that 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.

DRAFT

Signed, sealed and acknowledged on this \_\_\_\_ day of \_\_\_\_\_, 2011.

Witnesses:

S.F. Enterprises of Miami, Ltd,  
A Florida Limited Partnership

\_\_\_\_\_

Print Name

\_\_\_\_\_

Print Name

\_\_\_\_\_  
Tropic Design & Development Corp.,  
General Partner  
By: Carlos M. Solares, President

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by Carlos M. Solares, as President of Tropic Design & Development Corp., a Florida Corporation, the General Partner of S.F. Enterprises of Miami, Ltd, a Florida Limited Partnership. He personally appeared before me, is personally known to me or produced \_\_\_\_\_ as identification, and did not take an oath.

(NOTARIAL SEAL)

Notary: \_\_\_\_\_

Print Name: \_\_\_\_\_

Notary Public, State of Florida

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

**Miami-Dade County Department of Permitting, Environment and Regulatory Affairs  
Staff Report to Community Council No. 11**

**PH: Z11-090 (11-11-CZ11-2)**

**November 10, 2011**

Item No. 2

| <b>Recommendation Summary</b>              |   |
|--|---|
| <b>Commission District</b>                 | 8   |
| <b>Applicant</b>                           | Lawrence Percival   |
| <b>Summary of Requests</b>                 | The applicant is seeking to allow additions to an existing single-family residence with encroachments into the setback areas that would result in an increase of the lot coverage beyond what is allowed by the Code. |
| <b>Location</b>                            | 11945 SW 127 Court, Miami-Dade County, Florida.   |
| <b>Property Size</b>                       | 9,896 sq. ft.   |
| <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 ( <i>see attached Zoning Recommendation Addendum</i> )  |
| <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 Variance Standards ( <i>see attached Zoning Recommendation Addendum</i> )  |
| <b>Recommendation</b>                      | <b>Approval with conditions of requests #1 through #5, denial without prejudice of request #6 and modified approval of request #7.</b>  |

**REQUESTS:**

- (1) NON-USE-VARIANCE to permit a 2<sup>nd</sup> floor master bedroom, enclosed stairway and open deck addition to setback varying from 4.46' to 12.06' (15' required) from the side street (south) property line and setback varying from 9' to 18.5' (25' required) from the rear (east) property line.
- (2) NON-USE-VARIANCE to permit the existing single family residence setback 12' (25' required; 14.5' previously approved) from the rear (east) property line and setback 7.46' (15' required; 7.5' previously approved) from the side street (south) property line.
- (3) NON-USE-VARIANCE to permit the proposed circular stairway addition to setback 6.52' (7.5' required) from the interior side (north) property line and setback 12.0' (25' required) from the rear (east) property line.
- (4) NON-USE-VARIANCE to permit the existing utility room setback 5.92' (7.5' required) from the interior side (north) property line.
- (5) NON-USE-VARIANCE to permit two awnings with a maximum projection of 7.17' (5.5' maximum permitted).
- (6) NON-USE-VARIANCE to permit the existing canvas canopy carport setback 4' (5' required) from the front (west) property line.

- (7) NON-USE-VARIANCE to permit the proposed addition resulting in a lot coverage of 51.23% (35% permitted, 36% previously approved).

Plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs entitled "Addition to Residence" as prepared by Engineer Designer and dated stamped received 8/30/11, consisting of 5 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The plans submitted depict the existing 4,643.11 sq. ft. single-family residence with the proposed 426.67 sq. ft. second story addition.

| <b><u>NEIGHBORHOOD CHARATERISTICS</u></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>                              | IU-C; service station          | Industrial and Office                  |
| <b>East</b>                               | RU-TH: FP&L easement           | 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 9,896 sq. ft. RU-1, Single-Family Residential District lot, located at 11945 SW 127 Court, within a subdivision that is comprised of single-family residences. The property to the east is a Florida Power and Light (FP&L) easement, and the properties to the south are industrial and commercial zoned properties developed with a service station and shopping center.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to add additional indoor living space to an existing single-family residence. However, the additional setback encroachments and increased lot coverage could have a negative visual impact on the surrounding area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Since the applicant is not requesting to add additional dwelling units to the site above that allowed, the approval with conditions of the application is **consistent** with the density threshold of the LUP map of the CDMP.

### **ZONING ANALYSIS:**

When requests #1 - #5 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval 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 notes that in January 1993, pursuant to Administrative Variance #92000372, the subject property was previously approved to allow the existing residence to setback a minimum of 14.5' (25' required) from the rear (east) and 7.46' (15' required) from the side street (south) property lines. The submitted plans indicate that the existing residence exceeded the encroachments allowed in the aforementioned 1993 approval, with an additional 2.5' encroachment into the rear (east) setback and 0.04' into the side street (south) setback areas (request #2). Said plans also indicate two (2) awning additions along the rear (east) of the house that extend 1.67' more than the maximum 5.5' projection allowed. Staff opines that the subject property is located at the southeast corner of the section and the subdivision, abutting two (2) section line roadways, SW 127 Avenue and SW 120 Street, and the location of the subdivision walls runs along the rear (east) and side street (south) property lines. As such, the visual impact of these encroachments is minimal, and will not have a negative impact on the properties located to the east and west. Further, staff notes that the closest residential properties to the east that would be most impacted by the encroachments, are located approximately 314' away from the subject property.

Additionally, staff notes that the applicant is requesting approval of proposed additions to the subject property that will result in increased encroachments into the side street (south), rear (east) and interior side (north) setback areas (requests #1, #3 and request #4). Staff opines that the most egregious of the requested setback encroachments are located to the east and south of the subject property where it abuts the aforementioned section line roadways, SW 127 Avenue and SW 120 Street and away from the remainder of the single-family residences within the subdivision in which the subject property is located. As such, staff opines that the approval of these requests, requests #1 thru #5, will not have a negative visual impact on same and therefore will maintain the basic intent and purpose of the Zoning Regulations. However, staff recommends as a condition for approval, that the applicant submits a Declaration of Use, restricting the residence to single-family use only and that the applicant receives approval from the utility companies for the encroachments into the utility easements as indicated in the plans prior to permitting. **Staff therefore, recommends approval with conditions of requests #1 thru #5, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

However, when requests #6 and #7 are similarly analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of these requests in conjunction with the requests for encroachments into the rear (east) and side street (south) setback areas (requests #1 thru #5), would be excessive. The submitted plans depict the existing 452 sq. ft. canvas carport encroaching into the front setback area that is the subject of request #6, the removal of which would result in a 3.03% reduction in the lot coverage. As such, to reduce the lot coverage, staff recommends denial without prejudice of request #6. Therefore, staff recommends a modified approval of request #7, to allow a 48.2% lot coverage, where 35% is allowed and where 36% was previously approved. Staff notes that the requested lot coverage would be 6.2% more than the 42% approved on a property one block to the north of the subject property at 12830 SW 119 Street, pursuant to Administrative Variance #V1982000210. However, staff opines that due to the location of the subject property at the end of a cul-de-sac and on a parcel that is more than 2,300 sq. ft. larger in area than the previous approval, the

6.2% increase in lot coverage will have a minimal visual impact on the surrounding single-family residences and will not have a negative effect on the character of the neighborhood, nor will it set a precedent for over intensive development of RU-1 properties in this area. **Staff therefore, recommends denial without prejudice of request #6 and a modified approval with conditions of request #7, to allow a lot coverage of 48.2%, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

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

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

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval with conditions of requests #1 - #5, modified approval with conditions of request #7 to permit a 48.2% lot coverage and denial without prejudice of request #6.**

**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 "Addition to Residence" as prepared by Engineer Designer and dated stamped received 8/30/11, consisting of 5 sheets, except as herein amended to show the removal of the canvas carport. 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 the applicant the applicant submits a Declaration of Use to the Department restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.
5. That the applicant receives approval from the utility companies for the encroachments into the utility easements as indicated in the plans prior to permitting.

6. That the applicant obtain a building permit for all non-permitted structures on the property from the Department of Permitting, Environment and Regulatory Affairs within 90 days after the appeal period deadline date.

CD:GR:NN:AN:CH



Charles Danger, P.E., Interim Director  
Miami-Dade County Department of Permitting,  
Environment and Regulatory Affairs

NON  
GMR  
ES

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

\*If applicable

# ZONING RECOMMENDATION ADDENDUM

Lawrence Percival  
Z11-090

| <b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b> |              |
|--|--------------|
| DERM   | No objection |
| Public Works                                   | 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>Low Density</b><br/><b>(Pg. I-31)</b></p> | <p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line 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>Section 33-311(A)(4)(b)</b><br/><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> |
|---|--|

**2. LAWRENCE PERCIVAL**  
**(Applicant)**

**11-11-CZ11-2 (11-090)**  
**Area 11/District 08**  
**Hearing Date: 11/10/11**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

| <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> |
|--------------------|-------------------------|-----------------------|---------------------|------------------------|
|--------------------|-------------------------|-----------------------|---------------------|------------------------|

None

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:** August 9, 2011  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-11 #Z2011000090  
Lawrence Percival  
11945 S.W. 127<sup>th</sup> Court  
To Permit a 2nd Floor Master Bathroom, Closet, Storage Room,  
Enclosed Stairway and Deck Addition to Setback Varying from 4.46' to  
6/56' from the Side Street Property Lines and to Permit the Proposed  
Addition Resulting in a Lot Coverage of 43%  
(RU-1) (0.23 Acres)  
11-55-39

---

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

#### Potable Water Service

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

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

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

#### Flood Plain Management

The application site lies within a Special Flood Hazard Zone with a base flood elevation of (AH-8) 8 ft. NGVD as per determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County.

The County flood criteria for this site is (8) ft NGVD. The proposed addition as depicted in the zoning submittal may be a substantial improvement as defined in Chapter 11C of the Code. Existing residential structures with proposed substantial improvements within Special Flood Hazard Zone areas are required to be above the base flood elevation and 8 inches above the crown of road and County Flood Criteria. In other words, the existing lowest finished floor of the house and the proposed lowest finished floor of the addition must be above 8 ft NGVD and 8 inches above the crown of road and County Flood Criteria. The applicant is advised that during the building permit review, DERM will determine if the existing and proposed addition comply with Code requirements. For more information please contact the DERM Floodplain Program at 786-315-2800.

#### Stormwater Management

The proposed additions 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.

#### Tree Preservation

According to the site plan submitted with this zoning application, the proposal will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Section 24 of the Code.

#### Enforcement History

DERM has found no open or closed enforcement records for the subject property.

#### 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.

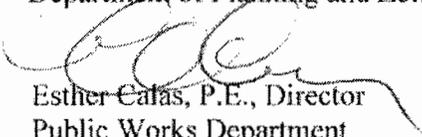
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

# Memorandum



**Date:** November 26, 2008

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

**From:**  Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

---

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Antonio Cotarelo, P.E., Assistant Director  
Public Works Department

Raul Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez

# Memorandum



**Date:** August 16, 2011  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**Thru** *M.N.* Maria I. Nardi, Chief  
Planning and Research Division  
**From:** John M. Bowers, AICP/RLA  
Landscape Architect 2  
Planning and Research Division  
**Subject:** Z2011000090: LAWRENCE PERCIVAL

---

**Application Name:** LAWRENCE PERCIVAL

**Project Location:** The site is located at 11945 SW 127 CT., Miami-Dade County.

**Proposed Development:** The applicant is requesting non-use variances of lot coverage and the rear yard setback for proposed additions and to cure setback encroachments of an existing residence.

**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

# Memorandum



**Date:** 02-AUG-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Karls Paul-Noel, Interim Director  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2011000090

**Fire Prevention Unit:**

No objection to site plan date stamped July 20, 2011.

**Service Impact/Demand**

Development for the above Z2011000090  
 located at 11945 SW 127 CT, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1921 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
 The estimated average travel time is: 6:01 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 53 - Turnpike - 11600 SW Turnpike Hwy  
 Rescue, Squad

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Not applicable to service impact analysis.

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

DATE: 14-SEP-11

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

LAWRENCE PERCIVAL

11945 SW 127 CT, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

Z2011000090

---

HEARING NUMBER

**HISTORY:**

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

11-090

ADDRESS: 11945 SW 127 CT

FOLIO: 3059110220890

DATE: 9-14-11

NAME: LAWRENCE PERCIVAL

OPEN CASES:

Neighborhood Regulations:  
No open cases.

Building Code:  
No open cases.

CLOSED CASES:  
Neighborhood Regulations:  
No closed cases.

Building Code:  
No closed cases.

---

Ricardo Roig, Division Director  
Miami-Dade County Building and Neighborhood Compliance Department

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

**Inspector:** HASSUN, PETE

**Inspection Date**

**Evaluator:** CARL HARRISON

10/24/11

**Process #:** Z2011000090  
**Applicant's Name:** LAWRENCE PERCIVAL

**Locations:** 11945 SW 127 CT, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 9,896 SQ. FT.

**Folio #:** 3059110220890

**Request:**

- 1 Applicant is requesting to permit a 2nd floor master bathroom, closet, storage room, enclosed stairway and deck addition to setback varying from 4.46' to 6.56' (15' required) from the side street (south) property line, and setback varying 9.33' to 18.65' (25' required) from the rear (E) property line.
- 2 Applicant is requesting to permit the proposed addition resulting in a lot coverage of 43% (35% permitted).

**EXISTING ZONING**

**Subject Property** RU-1,

**EXISTING USE** SFR

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

ONE STORY CBS STRUCTURE.

**USE(S) OF PROPERTY:**

SINGLE FAMILY RESIDENCE.

**FENCES/WALLS:**

6 FT CBS WALL ON THE EAST 1/2 OF THE NORTH PROPERTY LINE, EAST PROPERTY LINE AND SOUTH PROPERTY LINE

**LANDSCAPING:**

WELL LANDSCAPED PROPERTY AND R.O.W. SWALE AREAS.

**BUFFERING:**

WELL BUFFERED WITH TREES AND SHRUBS IN ADDITION TO 6 FT CBS WALL SURROUNDING THE PROPERTY.

**VIOLATIONS OBSERVED:**

ALL SETBACK ENCROACHMENTS ADDRESS IN THE LETTER OF INTENT. THE CANVAS AWNING IS ALSO ENCROACHING ON TO THE 10 FT UTILITY EASEMENT. 6 FT WALL HAS AN ADDITIONAL FOOT OF LATTICE ATTACHED WHICH MAKES IT 7 FT IN HEIGHT.

**OTHER:**

NONE

**Process #** Z2011000090  
**Applicant's Name** LAWRENCE PERCIVAL

# ZONING INSPECTION REPORT

## SURROUNDING PROPERTY

### NORTH:

RU-1: SINGLE FAMILY RESIDENCES

### SOUTH:

BU-1A: SHOPPING CENTER & IU-C: SERVICE STATION

### EAST:

RU-TH: FPL UTILITY EASEMENT & TOWN HOMES

### WEST:

RU-1: SINGLE FAMILY RESIDENCES.

## SURROUNDING AREA

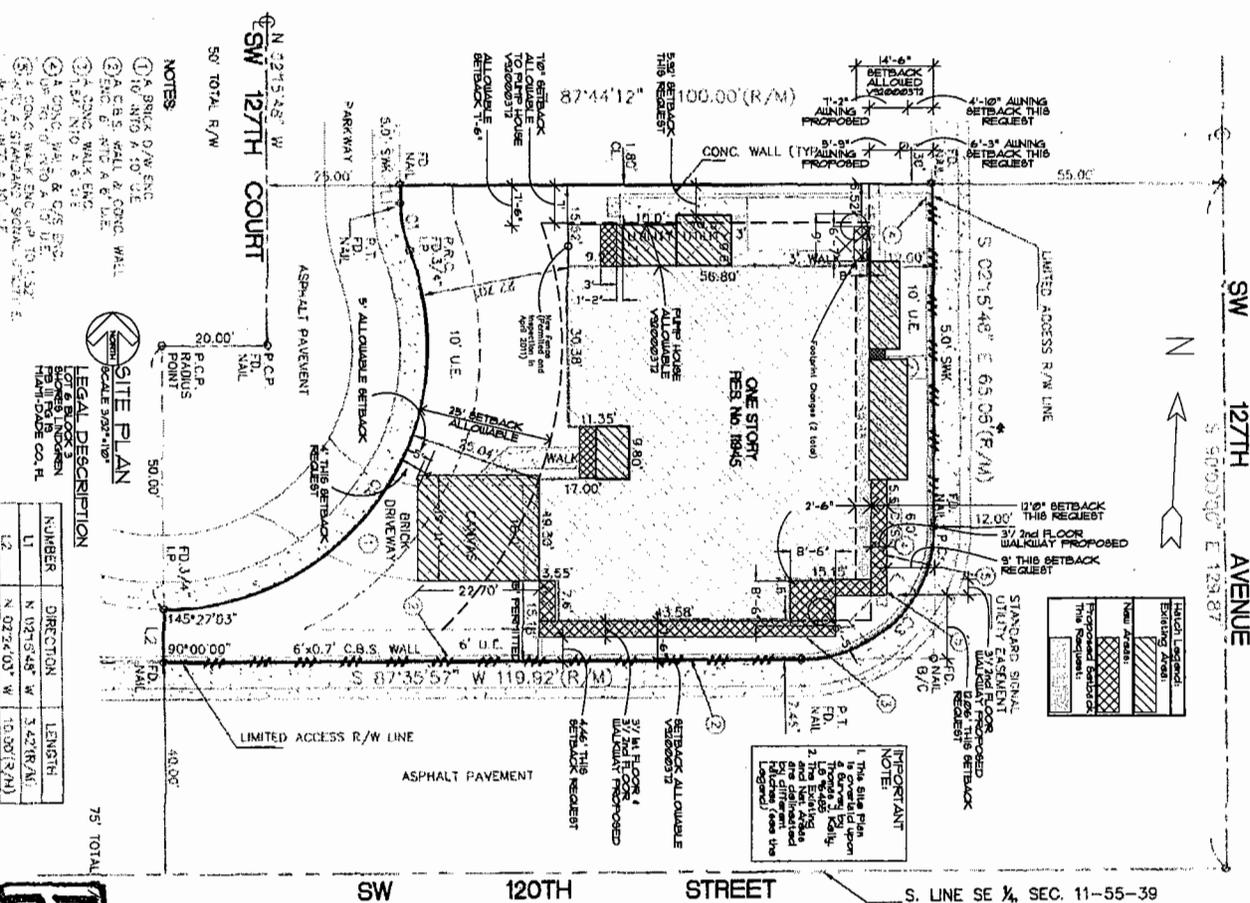
THIS AREA IS LOW DENSITY & LOW-MEDIUM DESITY SURROUNDING BY BUSINESS & INDUSTRIAL USES.

## NEIGHBORHOOD CHARACTERISTICS:

THIS IS A RESIDENTIAL AREA WHICH IS WELL MAINTAINED HOMES & WELL LANDSCAPED R.O.W.

## COMMENTS:

NONE



- NOTES**
1. 6" BRICK 0.75' ENC. TO INTD. A TO U.E.
  2. 6" BRICK 0.75' WALL & CONC. WALL ENC. 6" INTD. A TO U.E.
  3. 4" CONC. WALK. ENC. 4" INTD. A TO U.E.
  4. 4" CONC. WALL & C/S ENC. 4" INTD. A TO U.E.
  5. 4" CONC. WALK. ENC. 4" INTD. A TO U.E.
  6. 4" CONC. WALK. ENC. 4" INTD. A TO U.E.
  7. 4" CONC. WALK. ENC. 4" INTD. A TO U.E.
  8. 4" CONC. WALK. ENC. 4" INTD. A TO U.E.

**LEGAL DESCRIPTION**

SCALE 1/8" = 1'-0"

| NUMBER | DIRECTION       | LENGTH       |
|--------|-----------------|--------------|
| L1     | N 127° 5' 48" W | 3.42 (R/W)   |
| L2     | N 022° 4' 00" W | 10.00 (S.W.) |

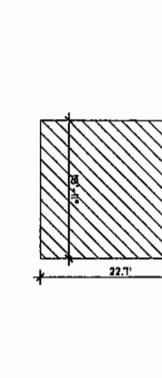
**75' TOTAL**

**REGISTERED**

11-09-10

AUG 3 11 2011

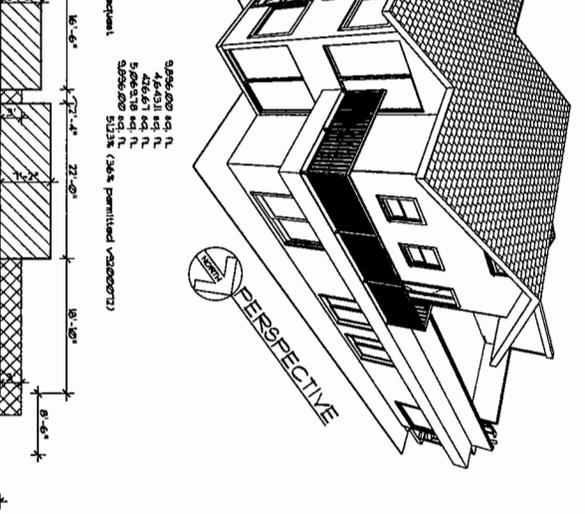
**FLOOR PLAN**



**IMPORTANT NOTE** for  
 The Dimensions shown are  
 based upon the Surveyor's  
 work for Thomas Kelly,  
 Surveyor, dated 11/11/09.  
 If the Lot is subdivided,  
 by the Lot's subdivision,  
 the dimensions of the  
 lots shall be as shown on  
 the subdivision map.

**Area Calculations:**

Lot Area  
 Existing Building Lot Coverage  
 Proposed Additional Lot Coverage  
 Proposed Total Lot Coverage  
 Proposed Total Building Coverage  
 Proposed Total Building Coverage  
 Proposed Total Building Coverage



ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

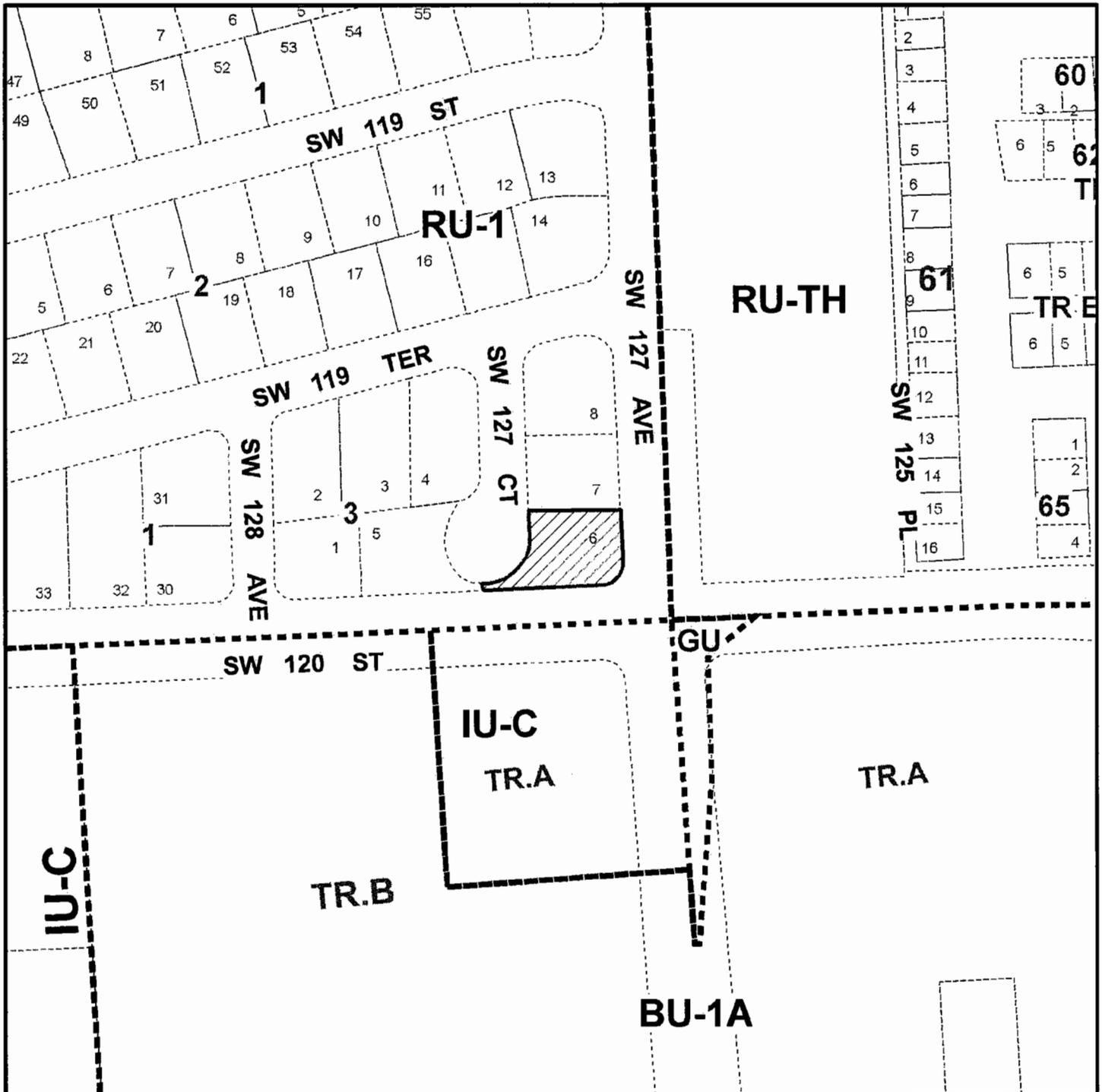
|          |  |  |   |  |   |
|----------|--|--|---|--|---|
| <p>2</p> | <p>Sheet Description:</p> <p>Scale: 1/8" = 1'-0"</p> | <p><b>Addition to Residence</b><br/> <b>11945 SW 127th Court</b><br/> <b>Miami, FL 33186</b></p> | <p><b>Builder:</b><br/>         Owner/Builder</p> | <p><b>Owner:</b><br/>         Lawrence Percival<br/>         11945 SW 127th Court<br/>         Miami, FL 33186</p> | <p>Engineer<br/>         Designer<br/>         P.O. Box 1115<br/>         Weirsdale, Florida 32195<br/>         352-821-9975<br/>         Kenneth S. Risley, P.E.<br/>         WWW.EngineerDesigner.COM</p> |
|          | <p>10/07/2011</p> <p>29/08/2011</p>                  | <p>All Scales are 1/8" = 1'-0"</p> <p>Unless otherwise noted</p>                                 | <p>11945 SW 127th Court</p>                       | <p>11945 SW 127th Court</p>  | <p>11945 SW 127th Court</p>   |











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

Process Number  
**Z2011000090**



Section: 11 Township: 55 Range: 39  
 Applicant: LAWRENCE PERCIVAL  
 Zoning Board: C11  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Thursday, August 4, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 22 |



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

Process Number

**Z2011000090**



Section: 11 Township: 55 Range: 39  
 Applicant: LAWRENCE PERCIVAL  
 Zoning Board: C11  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Legend

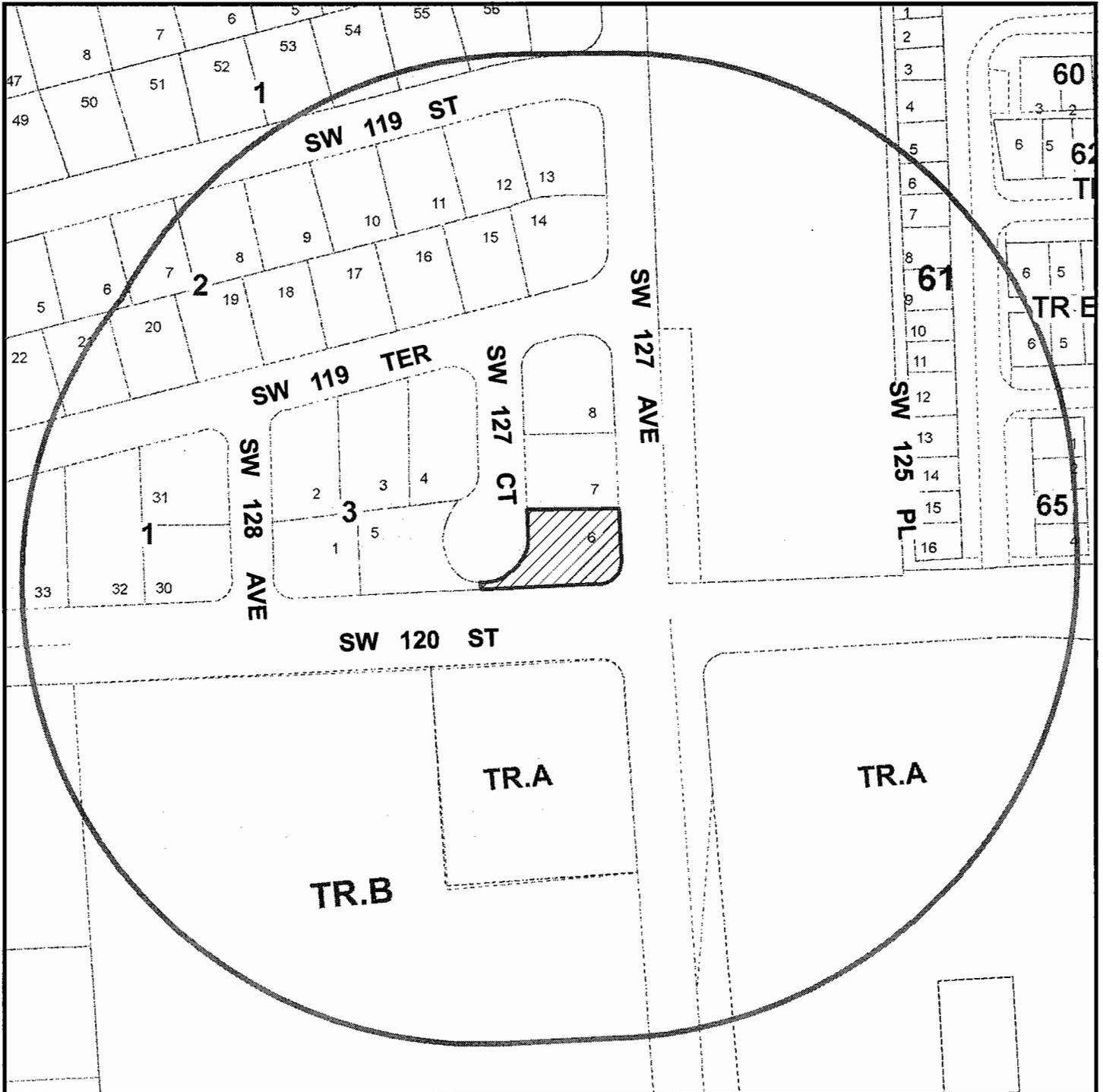
 Subject Property



SKETCH CREATED ON: Thursday, August 4, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      | 23 |





**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 11 Township: 55 Range: 39  
 Applicant: LAWRENCE PERCIVAL  
 Zoning Board: C11  
 Commission District: 8  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2011000090**  
 RADIUS: 500



**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, August 4, 2011

| REVISION | DATE | BY |
|----------|------|----|
|          |      |    |