

**1. LIBERTY STATION, INC.**  
**(Applicant)**

**07-9-CZ8-3 (06-192)**  
**BCC/District 3**  
**Hearing Date: 2/7/08**

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>
1949	Renuart Holding Co., Inc.	Zone change from RU-3 to BU-1.	BCC	Approved

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

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

#3

APPLICANT'S NAME: LIBERTY STATION, INC.

REPRESENTATIVE: Brian Adler

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-9-CZ8-3 (06-192)	September 19, 2007	CZAB8	07

**REC:** Approval of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same request under Section 33-311(A)(4)(c) (ANUV).

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

DEFER:       INDEFINITELY       TO: Oct 23, 2007       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: Lack of time remaining in the hearing. The applicant's rep was at the podium, but there was not enough time to proceed with the application. The applicant put his name, address, and phone number on the record for the neighbors to meet with him. The neighbors objected to the deferral, but there was no time remaining for the application to be heard.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Richard C. BROWM			
MR.		Patrick CURE			
MR.		Arthemon JOHNSON			
MS.		Voncarol Yvette KINCHEN			
MR.		Fredericke Alan MORLEY (C.A.)			
CHAIRMAN		Vernell EVERETT			

VOTE: 

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EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Liberty Station, Inc.

**PH:** Z06-192 (07-9-CZ8-3)

**SECTION:** 30 & 31-52-42

**DATE:** February 7, 2008

**COMMISSION DISTRICT:** 3

**ITEM NO.:** 1

**A. INTRODUCTION**

o **REQUESTS:**

The applicant is appealing the decision of Community Zoning Appeals Board #8 which denied without prejudice Request #1 and approved the withdrawal of Request #2 for the following:

- (1) BU-1 to BU-1A
- (2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

- o **SUMMARY OF REQUESTS:** The applicant is appealing the decision of the Community Zoning Appeals Board-8 (CZAB-8) that denied a request to change the zoning on the property from BU-1, Neighborhood Business District, to BU-1A, Limited Business District. Additionally, the Board approved the applicant's withdrawal of request #2. Approval of this appeal would allow the rezoning of the property from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, to allow the development of the site with additional commercial uses.
- o **LOCATION:** The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida.
- o **SIZE:** 100' x 165'
- o **IMPACT:** Approval of this appeal will allow the applicant to provide additional business services to the community. However, some of the BU-1A uses may have a negative aural and visual impact on the residential community to the east.

- B. ZONING HEARINGS HISTORY:** On October 25, 1949, the subject property was part of a tract of land that was granted a district boundary change from RU-3, Four Unit Apartment District, to BU-1, Neighborhood Business District, pursuant to Resolution No. 3414.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
2. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

BU-1 vacant land

Business and Office

**Surrounding Properties:**

**NORTH:** BU-1; office building

Business and Office

<b>SOUTH:</b> BU-1; commercial building	Business and Office
<b>EAST:</b> RU-2; vacant land	Low Density Residential, 2.5 to 6 dua
<b>WEST:</b> BU-1A; office/apartments City of N. Miami; apartments	Business and Office Business and Office

The subject property is located on the southeast corner of N.E. 119 Terrace and West Dixie Highway. To the north, south and partially to the west of the subject property are offices and commercial buildings. To the east is residentially zoned vacant land. The area is characterized by duplexes and single-family residences further to the east and residential apartment buildings are also located in the City of North Miami to the west.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(No site plan submitted)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>N/A</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>N/A</b>
Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>
Service Areas:	<b>N/A</b>
Signage:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

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

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection*
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memoranda.

#### H. ANALYSIS:

On October 23, 2007, the Community Zoning Appeals Board #8 (CZAB-8) denied without prejudice the applicant's request to rezone the subject property from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, (request #1) by a vote of 5 to 0, pursuant to Resolution #CZAB-8-42-07. At the aforementioned hearing, the Board also approved the applicant's request to withdraw request #2, to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line. Staff notes that the applicant intends to withdraw this request before this Board and staff concurs with same. On November 9, 2007, the applicant appealed the CZAB-8's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the requested district boundary change was arbitrary and capricious, void of substantial competent evidence, and contrary to the recommendation of the Department of Planning and Zoning. Staff notes that all existing, legally established uses and zoning are consistent with the CDMP. As such, the CZAB-8's decision to deny the zone change and retain the existing BU-1 zoning on the subject property is consistent with the CDMP.

The subject property is located at the southeast corner of N.E. 119 Terrace and West Dixie Highway. The applicant is requesting a zone change from BU-1 to BU-1A, (request #1) to allow for the development of the site with the additional uses allowed in the BU-1A zone. The parcels to the north and south, along West Dixie Highway, are developed with offices and commercial buildings. To the west of the subject property is a mixed-use office and apartment building and an apartment complex with multiple buildings, the latter located in the City of North Miami, across West Dixie Highway, a major north/south roadway. To the east of the subject property is a vacant parcel of land zoned RU-2, Two-Family residential District, separated from the subject property by a 12' wide service alley. Further to the east, duplexes and single-family residences characterize the area. The applicant has voluntarily proffered a covenant that (1) restricts the hours of operation for the commercial development from 5:00 a.m. to midnight only, and (2) requires that the owner place a sign on the property prohibiting vehicles from making a right turn when exiting the commercial site onto NE 119 Terrace, and (3) stipulating that trees will be planted 20' on center along the rear (east) property line, in order to provide additional buffering for the residentially zoned parcels to the east.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application. Their memorandum indicates that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County and that the applicant will have to comply with all conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the application meets traffic concurrency because it lies within the urban infill area. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application. Also, they indicate that the estimated response time is **5.56 minutes**

Approval of this appeal would rezone the subject property from BU-1 to BU-1A. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities including retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals,

medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The interpretative text of the CDMP provides that in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. The CDMP further stipulates that uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, which the proffered covenant will ensure. In addition, the CDMP prohibits, in most wellfield protection areas, uses that involve the use, handling, storage, generation or disposal of hazardous material or waste, and may limit the maximum buildable area, as defined in Chapter 24 of the County Code. The applicant is seeking to rezone the subject property to BU-1A, which staff supports. The proposed BU-1A zone allows uses such as gas stations, drive-through banks and restaurants, dancing halls, grocery stores, mortuaries and pet shops. Staff opines that the proposed zone change to BU-1A, subject to the Board's acceptance of the voluntarily proffered covenant, would be **compatible** with the area and would be **consistent** with the allowable uses as listed in the Business and Office category of the CDMP. The well-traveled West Dixie Highway to the west and a residential district to the east border the subject site. West Dixie Highway is a well developed main road with a variety of commercial zones along its east side, varying from BU-1, to BU-3, Liberal Business District, within one half mile of the subject property. Said commercial zones are bordered by residential uses to the east. Based on the aforementioned, staff opines that the proposed zone change to BU-1A is **consistent** with the Business and Office designation of the LUP map of the CDMP, and is **compatible** with the surrounding area, subject to the conditions proffered by the applicant in the covenant.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to BU-1A, staff notes that the request is consistent with the Business and Office designation of the LUP map of the Comprehensive Development Master Plan. Though approval of the BU-1A zoning would allow more intense uses than the abutting BU-1 zones to the north and south of the subject site on the east side of West Dixie Highway, staff's research has indicated that this development fits the similar pattern of varying intensities of commercial zones along West Dixie Highway in this area and would not be incompatible with same. Additionally, BU-1A zoning exists to the west of the subject property, and as previously mentioned, BU-1A zoning is also prevalent along this corridor, as well as BU-2 and BU-3 zoning further to the northeast along the Highway. Staff also notes that DERM and the Public Works Department do not object to the proposed development, nor do any of the other County agencies that submitted memoranda in conjunction with this application in

their assessments of the impact of the development on County services. Additionally, the applicant has voluntarily proffered a covenant that (1) restricts the hours of operation for the commercial development on the site from 5:00 a.m. to midnight, (2) that the owner place a sign on the property restricting any vehicular egress onto NE 119 Terrace from turning to the right, and (3) ensuring that additional landscaping above that required by the landscape regulations in the form of trees be planted 20' on center along the rear (east) property line. Staff opines that the provisions of the covenant will reduce any potential negative impact that the commercial development of the site might have on the residentially zoned property to the east resulting from the approval of this application. Staff therefore opines that the proposed BU-1A zoning is **consistent** with the CDMP's Business and Office Land Use Plan map category and **compatible** with the other BU-1A, BU-2 and BU-3 zones found along the West Dixie Highway corridor. As such, subject to the Board's acceptance of the voluntarily proffered covenant and to the withdrawal of request #2, staff recommends approval of the appeal and of the request for a zone change to BU-1A.

**I. RECOMMENDATION:**

Approval of the appeal and of the zone change to BU-1A, subject to the Board's acceptance of the proffered covenant and withdrawal of Request #2.

**DATE INSPECTED:** 07/26/07  
**DATE TYPED:** 08/02/07  
**DATE REVISED:** 08/09/07, 10/15/07, 12/21/07, 12/28/07, 01/02/08, 01/18/08, 01/28/08  
**DATE FINALIZED:** 01/28/08  
SB:MTF:LVT:CH

  
\_\_\_\_\_  
Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** March 7, 2007

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

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

**Subject:** C-08 #Z2006000192-Revised  
Liberty Station, Inc.  
W. Dixie Highway and 119<sup>th</sup> Terrace  
District Boundary Changes from BU-1 to BU-1A  
Non-Use Variance to Waive Wall Requirements  
(BU-1) (0.38 Acres)  
31-52-42

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

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

#### Potable Water Service

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

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

#### Wastewater Disposal

The closest public sanitary sewer is located approximately 1,000 feet from the subject property; therefore, connection to the public sanitary sewer system is not feasible. Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that the Director of DERM must issue his written approval prior to any zoning action.

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

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

#### Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is, therefore, suggested that the applicant contact DERM concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey

showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

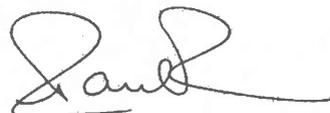
REVISION 1  
PH# Z2006000192  
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LIBERTY STATION, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

23-APR-07

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY CAH AMOUNT OF FEE \$2,034.56

RECEIPT # \_\_\_\_\_

DATE HEARD: 10/ 23/ 2007

BY CZAB # 8 CZAB-84207

206-192  
**RECEIVED**  
NOV 09 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY CAH  
DATE RECEIVED STAMP \_\_\_\_\_

\*\*\*\*\*  
This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z2006000192

Filed in the name of (Applicant) Liberty Station, Inc., a Florida corporation

Name of Appellant, if other than applicant Same as above

Address/Location of APPELLANT'S property: SE Corner of NE 119<sup>th</sup> Terrace and West Dixie Highway  
[Appeal of Resolution No. CZAB8-42-07]

Application, or part of Application being Appealed (Explanation): Denial of district boundary change from BU-1 to BU-1A

Appellant (name): Liberty Station, Inc. hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows: (State in brief and concise language)

The denial of the requested district boundary change was arbitrary and capricious, void of substantial competent evidence, and contrary to the recommendation of Miami-Dade County's professional staff.

APPELLANT MUST SIGN THIS PAGE

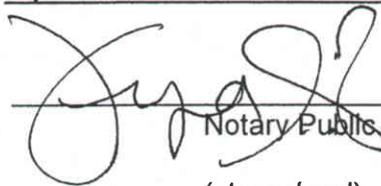
Date: 9<sup>th</sup> day of November, 2007.

Signed:



Brian S. Adler, Esquire  
Bilzin Sumberg Baena Price & Axelrod LLP  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131  
Attorney for Appellant  
Phone: 305-350-2351  
Fax: 305-351-2206

Subscribed and Sworn to before me on the 9<sup>th</sup> day of November year 2007



Notary Public

(stamp/seal)

Commission expires:



Kyra Albarracin  
Commission # DD348962  
Expires: AUG. 22, 2008  
www.AARONNOTARY.com

APPELLANT'S AFFIDAVIT OF STANDING  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared BRIAN S. ADLER, ESQUIRE, attorney for Liberty Station, Inc. (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Christine A. Bower  
Signature

Christine A. Bower  
Print Name

[Signature]  
Signature

Iris Diaz  
Print Name

[Signature]

Brian S. Adler, Esquire  
Bilzin Sumberg Baena Price & Axelrod LLP  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131  
Attorney for Appellant

Sworn to and subscribed before me on the 9<sup>th</sup> day of November, 2007.

Appellant is personally know to me or has produced as \_\_\_\_\_ as identification.

[Signature]  
Notary  
(Stamp/Seal)

Commission Expires:



Kyra Albarracin  
Commission # DD348962  
Expires: AUG. 22, 2008  
WWW.AARONNOTARY.COM

**RESOLUTION NO. CZAB8-42-07**

*WHEREAS*, **LIBERTY STATION, INC.** applied for the following:

- (1) BU-1 to BU-1A
- (2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets, Sheet 1 dated stamped received 8/8/07, Sheet A1(a) dated stamped received 8/13/07 and Sheets 2, A4(a) and A4(b) dated stamped received 5/3/07 and plans as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 9 – 14, Block 6, BELLEVUE BISCAYNE, Plat book 17, Page 29.

LOCATION: The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2), and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that requested withdrawal of the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2) should be granted, and that

the requested district boundary change to BU-1A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to withdraw Item #2 and to deny Item #1 without prejudice was offered by Richard C. Brown, seconded by Patrick Cure, and upon a poll of the members present the vote was as follows:

Richard C. Brown	aye	Vernell Everett	aye
Patrick Cure	aye	Arthemon Johnson	absent
		Voncarol Yvette Kinchen	aye
		Fredricke Alan Morley	aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 8, that the requested withdrawal of the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2) be and the same is hereby granted and said Item is hereby withdrawn without prejudice.

*BE IT FURTHER RESOLVED* that the requested district boundary change to BU-1A (Item #1) be and the same is hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 23<sup>rd</sup> day of October, 2007.

Hearing No. 07-9-CZ8-3  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

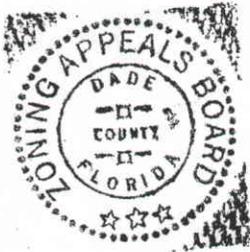
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-42-07 adopted by said Community Zoning Appeals Board at its meeting held on the 23<sup>rd</sup> day of October, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 31<sup>st</sup> day of October, 2007.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





# Memorandum

**Date:** 02-AUG-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000192

**Fire Prevention Unit:**

Approval. Fire Engineering and Water Supply Bureau has no objections to site plan date stamped February 28, 2007.

**Service Impact/Demand:**

Development for the above Z2006000192 located at THE SOUTHEAST CORNER OF N.E. 119 TERRACE AND WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 0594 is proposed as the following:

_____	dwelling units	_____	square feet
residential		industrial	
_____	square feet	_____	square feet
Office		institutional	
2,720	square feet	_____	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: .77 alarms-annually.  
 The estimated average travel time is: 5:56 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 30, Miami Shores, 9500 NE 2 Avenue  
 Rescue, BLS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 67, Arcola, 1275 NW 79 Street

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped February 28, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO NORTHEAST OFFICE

## ENFORCEMENT HISTORY

Liberty Station Inc.

THE SOUTHEAST CORNER OF  
N.E. 119 TERRACE AND WEST  
DIXIE HIGHWAY, MIAMI-DADE  
COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

February 7, 2008

06-192

---

**HEARING DATE**

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

May 24, 2007

NCO observed weeds exceeding 18 inches in height plus junk, trash and litter on the swale adjacent to 30-2231-037-0320.

May 30, 2007

NCO made an additional inspection to determine on which parcel or parcels the violations were occurring. The NCO observed a commercial cart on the triangular, southernmost portion of 30-2331-037-0310. As this folio number is identified with what appears to be two contiguous parcels on the map and as the triangular, southernmost parcel is a portion of the adjacent Veterans of Foreign War's paved parking lot, the NCO has emailed a query to the Property Appraiser Web Support. The query asked for clarification about whether the triangular parcel is part of the 0310 folio number owned by Liberty Station or whether the web site map is in error. If the triangular parcel belongs to Liberty Station a ticket for commercial vehicle storage will be issued.

May 31, 2007

Civil Violation Notice 953724 was issued to Liberty Station for 19-14(A), failure to maintain a non-residential lot (the -0310 parcel). Civil Violation Notice 953725 was issued for 19-14(B), failure to

maintain the swale adjacent to a non-residential lot (the -0320 parcel).

June 7, 2007

The Property Appraiser confirmed that the triangular parcel on which the commercial cart was seen on May 30<sup>th</sup> was not part of the -0310 folio-numbered parcel owned by Liberty Station and that the Property Appraiser would correct the records' error.

July 26, 2007

The lots and the adjacent rights-of-way were cleared. Both cases were closed.

July 26, 2007

A large detached sign without permit was seen on the property. A new case was opened and 30-day warning letter R87555 was issued.

August 7, 2007

Case number 200706003799 for the sign without permit remains open.

August 7, 2007

There is no street address on record for this property. There is no use on this property. There is no certificate of use for this property.

September 27, 2007

Case number 2007060033799 for the sign without permit was closed after the sign was removed.

December 4, 2007

There is no street address on record for this property. There is no use on this property. There is no certificate of use for this property.

January 4, 2008

No violation exist at this property at this time.

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: Liberty Station, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Carlos Fontecilla, President 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>
Isabel Fontecilla 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>

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

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

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

**RECEIVED**  
206-192  
JUL 05 2006

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AA

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

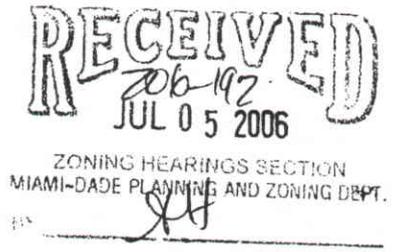
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

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

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

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_



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

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

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

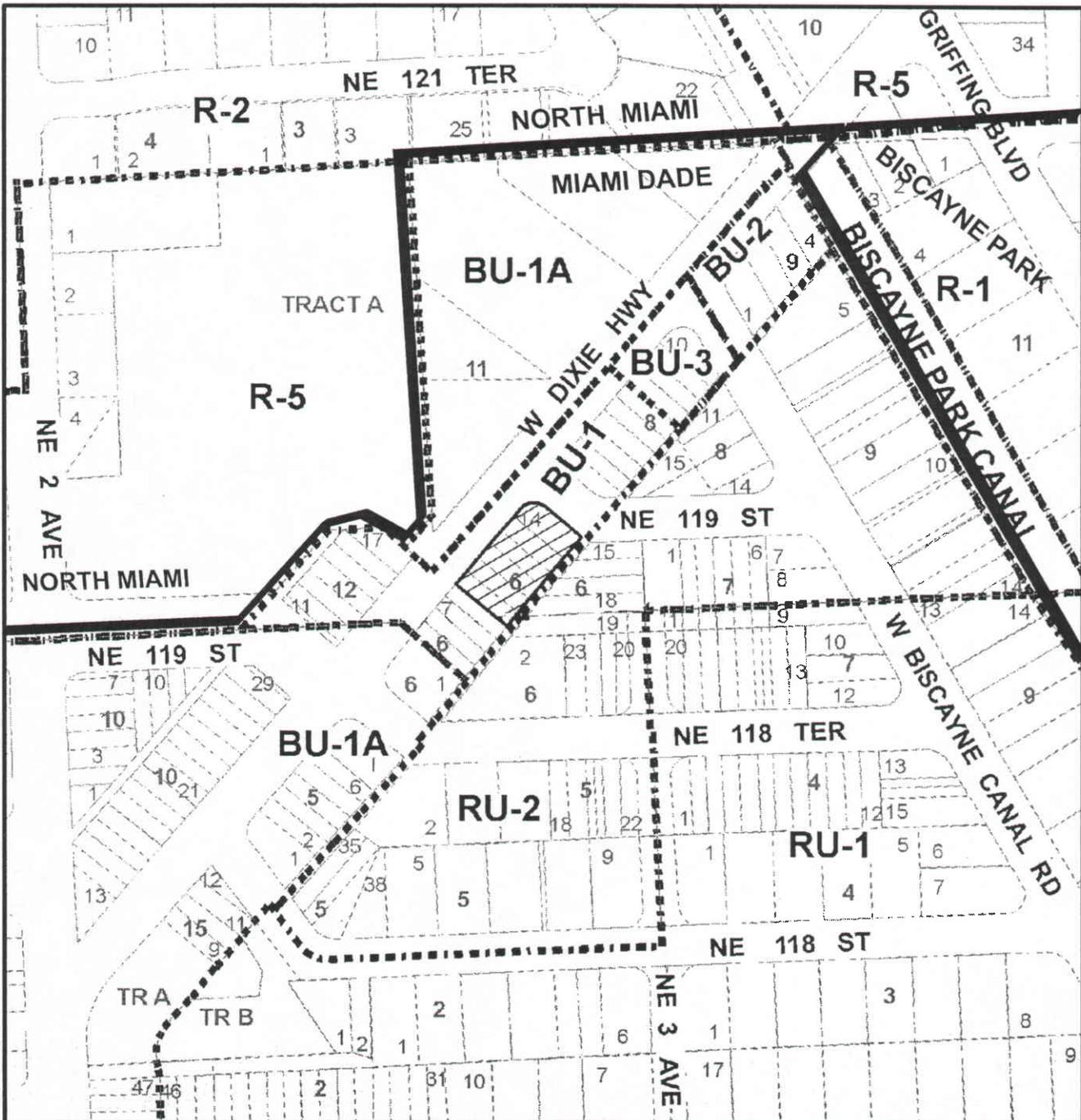
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Claudia Fontecilla  
Claudia Fontecilla, Vice President

Sworn to and subscribed before me this 29 day of JUNE, 2006. Affiant is personally known to me or has produced as identification.

[Signature]  
(Notary Public) **MIGUEL A. GUEVARA**  
MY COMMISSION # DD 549002  
EXPIRES: May 8, 2010  
1-800-3-NOTARY FL-Notary Discount Assoc. Co.

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



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**06-192**



Section: 30,31 Township: 52 Range: 42  
 Applicant: LIBERTY STATION, INC.  
 Zoning Board: C08  
 District Number: 03  
 Drafter ID: ALFREDO  
 Scale: NTS



**SUBJECT PROPERTY**



APPROVED	DATE	BY
John Reed in RECAP	11/22/06	JOHN REED
Tracy Reed in Municipality	11/22/06	TRACY REED



MIAMI-DADE COUNTY  
**AERIAL**

Process Number  
**06-192**



Section: 30,31 Township: 52 Range: 42  
 Applicant: LIBERTY STATION, INC.  
 Zoning Board: C08  
 District Number: 03  
 Drafter ID: ALFREDO  
 Scale: NTS



**SUBJECT PROPERTY**



REVISION	DATE	BY
South Beach to AECMAP	01/13/06	JORDO
South Beach to Municipality	01/22/06	JORDO

**C. LIBERTY STATION, INC.**  
**(Applicant)**

**07-9-CZ8-3 (06-192)**  
**Area 8/District 3**  
**Hearing Date: 10/23/07**

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>
1949	Renuart Holding Co., Inc.	Zone change from RU-3 to BU-1.	BCC	Approved

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

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

#3

APPLICANT'S NAME: **LIBERTY STATION, INC.**

REPRESENTATIVE: Brian Adler

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
07-9-CZ8-3 (06-192)	September 19, 2007	CZAB8	07

**REC:** Approval of request #1; approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same request under Section 33-311(A)(4)(c) (ANUV).

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

DEFER:       INDEFINITELY       TO: Oct 23, 2007       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: Lack of time remaining in the hearing. The applicant's rep was at the podium, but there was not enough time to proceed with the application. The applicant put his name, address, and phone number on the record for the neighbors to meet with him. The neighbors objected to the deferral, but there was no time remaining for the application to be heard.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Richard C. BROWM			
MR.		Patrick CURE			
MR.		Arthemon JOHNSON			
MS.		Voncarol Yvette KINCHEN			
MR.		Fredericke Alan MORLEY (C.A.)			
CHAIRMAN		Vernell EVERETT			

VOTE:

EXHIBITS:  YES       NO

COUNTY ATTORNEY: DENNIS KERBEL

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Liberty Station, Inc.

**PH:** Z06-192 (07-9-CZ8-3)

**SECTION:** 30 & 31-52-42

**DATE:** October 23, 2007

**COMMISSION DISTRICT:** 3

**ITEM NO.:** C

=====

**A. INTRODUCTION**

o **REQUESTS:**

(1) BU-1 to BU-1A

(2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance)

The aforementioned plans are on file and may be examined in the Zoning Department entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets and dated stamped received 8/6/07 and a landscape plan as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:** This application would allow the rezoning of the property from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, to allow the development of the site with a service station. Additionally, the applicant seeks to waive the requirement for a 5' high masonry wall where the business lot abuts residential properties along the rear (east) property line.

o **LOCATION:** The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida.

o **SIZE:** 100' x 165'

o **IMPACT:** Approval of this application will allow the applicant to provide additional business services to the community. However, the proposal will impact the residential community to the east with traffic and noise.

**B. ZONING HEARINGS HISTORY:** On October 25, 1949, the subject property was part of a tract of land that was granted a district boundary change from RU-3, Four Unit Apartment District, to BU-1, Neighborhood Business District, pursuant to Resolution #3414.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

BU-1 vacant land

Business and Office

**Surrounding Properties:**

**NORTH:** BU-1; office building

Business and Office

**SOUTH:** BU-1; VFW building

Business and Office

**EAST:** RU-2; vacant land

Low Density Residential, 2.5 to 6 du

**WEST:** BU-1A; office/apartments  
City of N. Miami; apartments

Business and Office  
Business and Office

The subject property is located on the southeast corner of N.E. 119 Terrace and West Dixie Highway. To the north, south and partially to the west of the subject property are offices; to the east is residentially zoned vacant land and residential apartment buildings are also located in the City of North Miami to the west.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>
Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Acceptable</b>
Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>
Service Areas:	<b>Acceptable</b>
Signage:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden 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.
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and

budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection*
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

This item was deferred from the September 19, 2007 meeting due to a lack of time. The subject property is located at the Southeast corner of N.E. 119 Terrace and West Dixie Highway. The applicant is requesting a zone change from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, (request #1) and to waive the zoning regulations requiring a 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (request #2) to allow for the development of the 16,500 sq. ft. site with a service station. The parcels to the north and south are developed with office buildings. To the west of the subject site is a mixed use office and apartment building and an apartment complex with multiple buildings, the latter located in the City of

North Miami, across West Dixie Highway, a major north/south roadway. To the East of the subject property is a vacant duplex-zoned property, separated from the subject property by a 12' wide service alley. The zoning regulations require a 5' high masonry wall between the proposed commercial use and the residential uses located to the east with openings only for ingress and egress to the alley. The submitted site plans depict the abovementioned requests and show the retail building on the site located closer to the southern portion of the property with three rows of gas pumps oriented towards the well traveled West Dixie Highway on the west side of the property and parking located along the eastern property line. The main ingress and egress points are located along West Dixie Highway and along NW 119 Terrace to the north of the property. The applicant has provided adequate buffering along the eastern property line along the alley and along the southern property line, both in the form of Pidgeon Plum and Dahoon Holly trees as well as Cocoplum hedging. The plans also depict landscape buffering along the west and north property lines and show the rights-of-way lined with Live Oak and Silver Buttonwood trees along with additional Cocoplum hedging and a variety of other plants. Staff acknowledges that the rezoning of the property to a higher intensity business category and the proposed development of the site as a gas station could impact the future residential uses located to the east with increased traffic and noise. However, staff maintains that the orientation of the activity towards West Dixie Highway, as well as the landscaping provided will buffer the activity from the future residential development to the east and will create a welcome aesthetically pleasing visual accent for the area.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application. Their memorandum indicates that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, and the applicant will have to comply with all conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the application meets traffic concurrency because it lies within the urban infill area. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application.

Approval of this application would rezone the subject property from BU-1 to BU-1A and waive the zoning regulations requiring a 5' high masonry wall where a business lots abuts RU zoned property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities including retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The interpretative text of the CDMP provides that in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. The applicant is seeking to rezone the subject property to BU-1A in order to develop the site as a service station, which staff supports. The proposed BU-1A zone allows uses such as gas stations, banks with drive-through tellers, dancing halls, grocery

stores, mortuaries, pet shops, and restaurants. Staff opines that the proposed zone change to BU-1A would be **compatible** with the area and would be **consistent** with the allowable uses as listed in the Business and Office category of the CDMP. The well-traveled West Dixie Highway to the west and a residential district to the east border the subject site. West Dixie Highway is a well developed main road with a variety of commercial zones on the east side, varying from BU-1, to BU-3, Liberal Business District, within a one half mile radius of the subject property. Said commercial uses are bordered by residential uses to the east. Though not providing the required 5' high wall to buffer the dissimilar uses to the east, staff notes that the applicant has provided, as depicted on the submitted plans, a 5' high chain link fence with vinyl cover in conjunction with the landscape buffering, which staff opines will effectively mitigate any negative visual impacts the proposed gas station will have on the future residential uses to the east. Based on the aforementioned, staff opines that the proposed zone change to BU-1A is **consistent** with the Business and Office designation of the LUP map of the CDMP, and is **compatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to BU-1A, staff notes that the request is consistent with the Business and Office designation of the LUP map of the Comprehensive Development Master Plan. Though approval of the BU-1A zoning would result in the creation of an island of greater use intensity between the BU-1 uses to the north and south of the subject site, staff's research has indicated that this development fits the similar pattern of varying intensities of commercial uses along West Dixie Highway in this area and would not be out of place. Additionally, the proposed service station site would also be compatible with a similar trend of development of service stations in groups of twos and threes observed within a 2-mile radius of the subject site and, as such, will not negatively affect development in the surrounding area. Staff also notes that DERM and the Public Works Department do not object to the proposed development, nor does any other County agency in an assessment of the impact of the development on County services in the area. As previously mentioned, the applicant has provided, as depicted on the submitted plans, a 5' high chain link fence with vinyl cover in conjunction with the landscape buffering in lieu of the required wall along the rear (east) property line adjacent to the alley which will, in staff's opinion, lessen the visual and aural impact of the development on the residential uses to the east. Staff therefore opines that the proposed BU-1A zoning is **consistent** with the CDMP's Business and Office Land Use Plan map category and **compatible** with the other BU-1A, BU-2 and BU-3 zones found in the area. As such, staff recommends approval of the zone change request to BU-1A.

When analyzing request #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request to waive the requirement for a 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line 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 request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff is of the opinion that the provision of the chain link fence with vinyl cover in lieu of the masonry wall along with the abundant landscaping as illustrated in the submitted plans provides a substantial buffer to the abutting residential zone and the future development to the east. Furthermore, staff opines that the configuration of the building and parking along with the aforementioned buffering serves to orient the majority of the commercial activity away from the residential area while lessening the visual and aural impacts. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance Standard (ANUV) Section 33-311(A)(4)(c), the applicants would have to prove that request #2 is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed in accordance with the zoning regulations, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV Standards.

As previously mentioned, staff is of the opinion that the proposed zone change to BU-1A is **consistent** with the LUP map of the CDMP and **compatible** with the development in the surrounding area. Staff therefore recommends approval of request #1 for a district boundary change to BU-1A and approval with conditions of the request #2, to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line, under Section 33-311(A)(4)(b) Non-Use Variance (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

Approval of request #1 for district boundary change, and request #2 with conditions under Section 33-311(A)(4)(b) Non-Use Variance (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) Alternative Non-Use Variance (ANUV).

**J. CONDITIONS: (Applicable to request #2 only)**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to 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 "Liberty Station," as prepared by EGN, consisting of 5 sheets and dated stamped received 8/6/07 and a landscape plan as prepared

by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

**DATE INSPECTED:** 07/26/07  
**DATE TYPED:** 08/02/07  
**DATE REVISED:** 08/09/07, 10/15/07  
**DATE FINALIZED:** 10/15/07  
SB:MTF:LVT:NC:JH:CH



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Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** March 7, 2007

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

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

**Subject:** C-08 #Z2006000192-Revised  
Liberty Station, Inc.  
W. Dixie Highway and 119<sup>th</sup> Terrace  
District Boundary Changes from BU-1 to BU-1A  
Non-Use Variance to Waive Wall Requirements  
(BU-1) (0.38 Acres)  
31-52-42

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style and is positioned to the right of the "From:" field.

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

#### Potable Water Service

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

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

#### Wastewater Disposal

The closest public sanitary sewer is located approximately 1,000 feet from the subject property; therefore, connection to the public sanitary sewer system is not feasible. Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that the Director of DERM must issue his written approval prior to any zoning action.

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

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

#### Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is, therefore, suggested that the applicant contact DERM concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey

showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

REVISION 1  
PH# Z2006000192  
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LIBERTY STATION, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

23-APR-07



# Memorandum

**Date:** 02-AUG-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000192

**Fire Prevention Unit:**

Approval. Fire Engineering and Water Supply Bureau has no objections to site plan date stamped February 28, 2007.

**Service Impact/Demand:**

Development for the above Z2006000192  
 located at THE SOUTHEAST CORNER OF N.E. 119 TERRACE AND WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY,  
 FLORIDA.

in Police Grid 0594 is proposed as the following:

<u>residential</u>	dwelling units	<u>industrial</u>	square feet
	square feet		square feet
<u>Office</u>		<u>institutional</u>	
2,720	square feet		square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: .77 alarms-annually.  
 The estimated average travel time is: 5:56 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 30, Miami Shores, 9500 NE 2 Avenue  
 Rescue, BLS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 67, Arcola, 1275 NW 79 Street

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped February 28, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO NORTHEAST OFFICE

## ENFORCEMENT HISTORY

LIBERTY STATION INC.

The southeast corner of NE 119  
Terrace and West Dixie Highway,  
Miami, Florida

---

**APPLICANT**

---

**ADDRESS**

October 23, 2007

06-192

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**HEARING DATE**

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

10/12/2007- No record of violation found,

Inspected by NCS Wanda Anthony.

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: Liberty Station, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Carlos Fontecilla, President 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>
Isabel Fontecilla 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>

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

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

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

**RECEIVED**  
206-192  
JUL 05 2006  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY AA

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

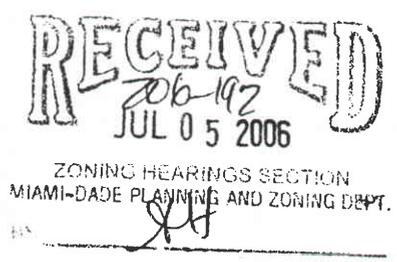
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

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

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

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_



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

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

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

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

Signature: Claudia Fontecilla  
Claudia Fontecilla, Vice President

Sworn to and subscribed before me this 29 day of JUNE, 2006. Affiant is personally known to me or has produced as identification.

[Signature]  
(Notary Public) **MIGUEL A. GUEVARA**  
MY COMMISSION # DD 549002  
EXPIRES: May 8, 2010  
1-800-3-NOTARY FL-Notary Discount Assoc. Co.

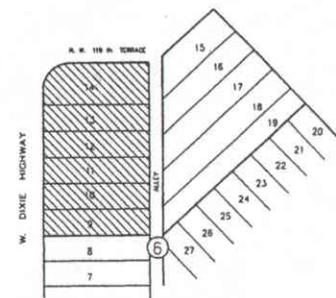
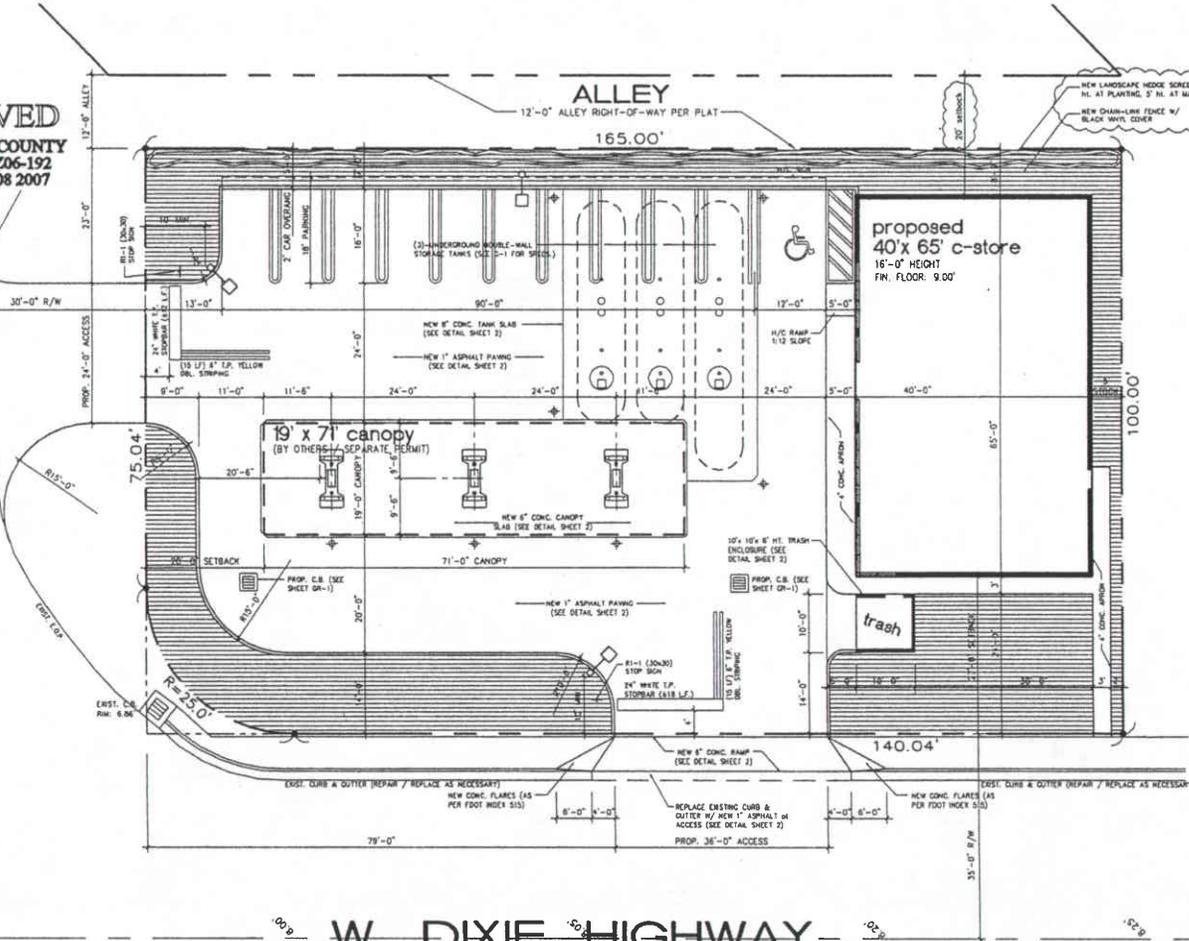
My commission expires \_\_\_\_\_

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

RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS # Z06-192  
 DATE: AUG 08 2007  
 BY: SDB

N. W. 119th TERRACE

W. DIXIE HIGHWAY



**LEGAL DESCRIPTION:**  
 LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 6 OF "BELLEVUE BISCAYNE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 29 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**ZONING LEGEND:**  
 C-STORE, 20-15  
 Height (to top of roof) 18 FEET  
 Lot Coverage (excluding under-roof) 7.5% S.F.  
 Maximum Sign Area 100 S.F.

**WARNING SIGNS:**  
 WARNING SIGNS TO BE POSTED TO (2)-TWO SIDES OF EACH CANOPY COLUMN PER NFPA 304 9-5. SIGNS TO READ AS FOLLOWS:  
 -WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISRUPT CANOPY INTO AN UNAPPROVED CONTAINER  
 -NO SMOKING  
 -STOP MOTOR

**WARNING SIGNS:**  
 WARNING SIGNS TO BE POSTED TO (2)-TWO SIDES OF EACH CANOPY COLUMN PER NFPA 304 9-5. SIGNS TO READ AS FOLLOWS:  
 -WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISRUPT CANOPY INTO AN UNAPPROVED CONTAINER  
 -NO SMOKING  
 -STOP MOTOR

**FLOOD LEGEND:**  
 Commercial, Industrial  
 FLOODED: 2022 DISASTER ADDRESS: 1191 S. 119th AVE. DISTRICT 11  
 LOT: 119th AVE. BLOCK: 6, SUBDIVISION:  
 PLAT BOOK: 11, PAGE: 29, METES & BOUNDS:  
 CROWN OF ROAD: 8.25', (1) HIGH CORNER OF ROAD ELEVATION AND INDEX FROM A CERTIFIED SURVEY PREPARED BY: JAY KEEB, PLS. LIC. #2211  
 DRAIN/W/C - SURFACE WATER W/OUT STORMWATER PERMIT  
 SPNO - ENVIRONMENTAL RES. NOT:  
 TOTAL IMPERVIOUS AREA: 5,228.00' U/C PAVING:  
 HAVE THIS SITE OR OTHER PORTIONS OF THIS PROPERTY BEEN GRANTED A CLEAR OR FINAL LOAN? \_\_\_\_\_ LOAN# \_\_\_\_\_

Lowest floor elev./ft. (lowest/finished area)	Adjacent Grade elev. (feet as well as the elev.)	Color Basin
PROP.: 8.00 FT. H.C.V.	8.50 FT. H.C.V.	7.80 FT. H.C.V.

**PRODUCT APPROVAL NOTES:**  
 THE FOLLOWING ITEMS ARE NOT PART OF THIS PERMIT. PRODUCT APPROVAL AND/OR SHOP DRAWINGS TO BE PROVIDED BY RESPECTIVE MANUFACTURERS:  
 \* CANOPY  
 \* SIGNS  
 \* EXHAUST HOOD  
 \* STORE FRONTS  
 \* EXTERIOR DOORS  
 \* WOOD TRUSSES  
 \* PRE-CAST ROOF THIN TEES & PANELS  
 \* HURRICANE SHUTTERS

**SITE CALCULATIONS:**  
 ZONING: 20-15  
 TOTAL AREA: 16,500 sq. ft. (0.379 acres)  
 R/O/W: 0 sq. ft.  
 NET AREA: 16,500 sq. ft. (0.379 acres)  
 IMPERVIOUS AREA: 12,685 sq. ft. (78.02%)  
 PERVIOUS (GREEN) AREA: 3,815 sq. ft. (23.12%)  
 TOTAL FLOOR AREA: 2,800 sq. ft.  
 FLOOR TO LOT AREA RATIO: 16.9 %  
 PARKING REQUIRED: 2,800 of a 1/250 = 11.2  
 PARKING PROVIDED: 11 (incl. 1-4-0' space)

**FIRE EXTINGUISHER:**  
 C-STORE  
 PROVIDE (2) 2A 40-B-C RATED (MIN.) FIRE EXTINGUISHERS @ 4' A.F.T. (TOP of 5' A.F.T. MAX.) BY MAX. TRAVEL DISTANCE TO REACH OF 75'-0"  
 (2) SMOKE DETECTORS (TIED TO ELEC. BREAKERS) @ SALES AREA TO EACH OUTSIDE CORNER  
 FUEL ISLANDS  
 PROVIDE (1) 40-B-C RATED (MIN.) PER 2-FUEL ISLANDS (15 sq. ft. MIN.)  
 CONSTRUCTION  
 PROVIDE (1) 4A 20-B-C RATED (MIN.) DURING CONSTRUCTION (N.F.P.A. 1441 SEC. 309.8)  
 TOP OF EXTINGUISHER SHALL NOT EXCEED 5 FT. ABOVE FINISH FLOOR

**SITE PLAN**  
 scale: 1" = 20'-0"

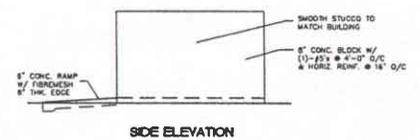
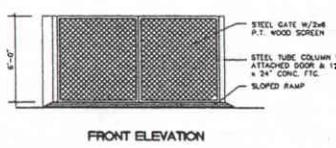
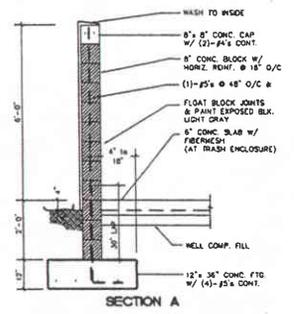
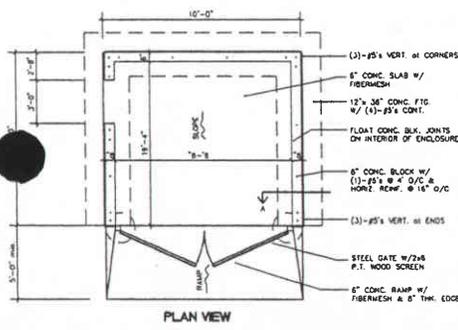
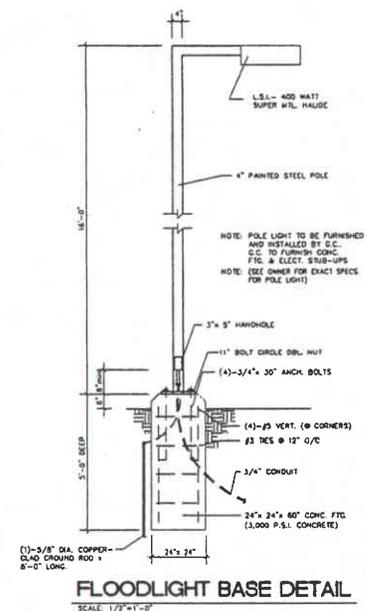
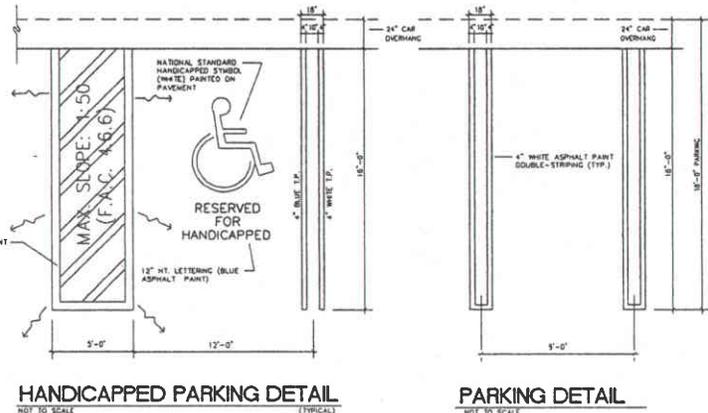
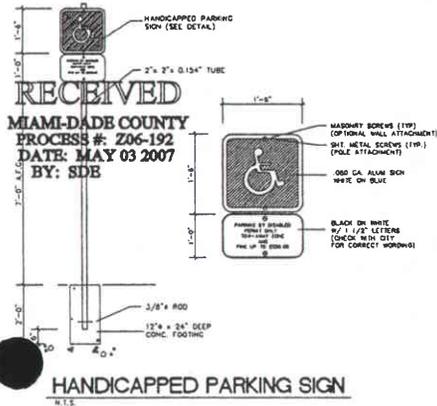
13900 SW 97th AVENUE  
 Miami, Florida 33176  
 305 975-0278  
 305 755-8800  
 305 737-7078  
 Telephone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
**EGN INC**  
 ENGINEERING  
 A.M. PROFESSIONAL P.E. C-64 4817

Date: 05/15/06  
 By: \_\_\_\_\_  
 Ck: \_\_\_\_\_  
 Scale: 1" = 20'-0"  
 Job No: 573  
 Rev: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 03/11/07  
 04/15/07  
 04/30/07  
 08/03/07

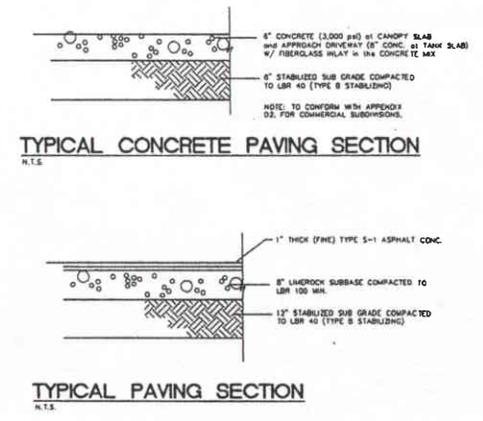
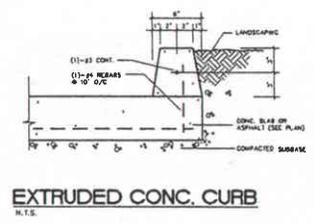
DADE COUNTY, FLORIDA

**SITE PLAN**  
**LIBERTY STATION**  
 1933 W. DIXIE HIGHWAY.

1



**TRASH ENCLOSURE DETAILS**  
 N.T.S.



13990 SW 97th Avenue  
 Miami, Florida 33176  
 Phone: 305 592-4838  
 Fax: 305 592-8907  
 Internet: 305 232-7251

**EGAN AND**  
**ENGINEERING**  
 A.M. PASQUAL, P.E., CH. E. 0117

Date: 06/13/08  
 By: \_\_\_\_\_  
 Chk: \_\_\_\_\_  
 Scale: AS NOTED  
 Job No: 573  
 Rev: \_\_\_\_\_ Date: \_\_\_\_\_

SITE DETAILS  
 LIBERTY STATION  
 18933 W. DIXIE HIGHWAY.

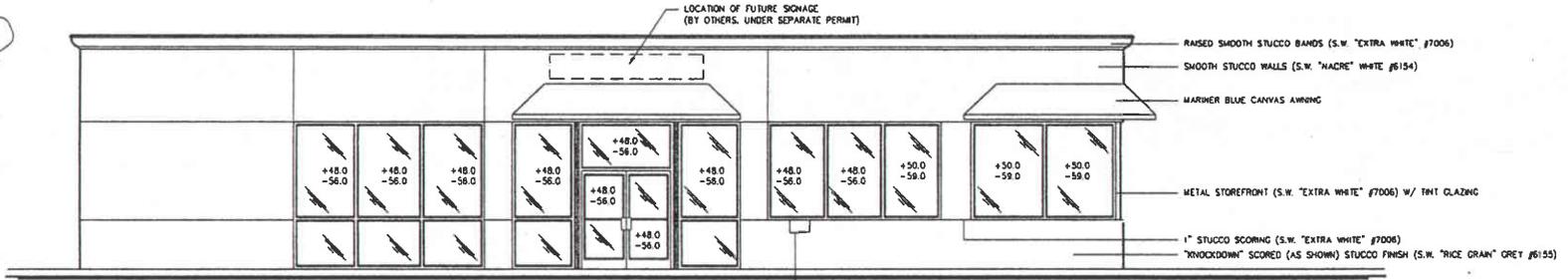
DADE COUNTY, FLORIDA

2

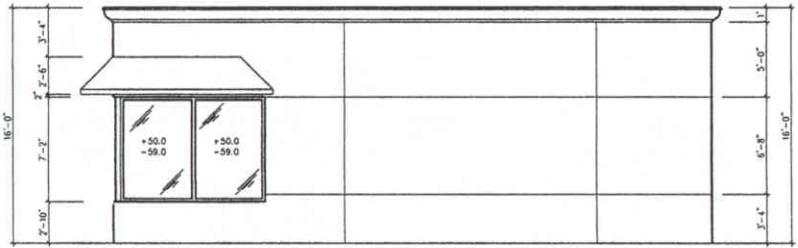


**RECEIVED**  
 MIAMI-DADE COUNTY  
 PROCESS #: Z06-192  
 DATE: MAY 03 2007  
 BY: SDR 10'-0"

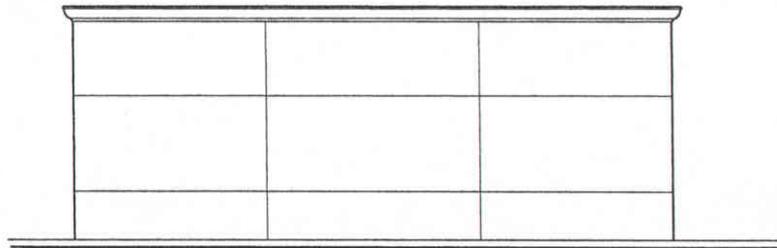
TOP OF KNEEWALL (STORE): 3'-4"  
 TOP OF FLOOR: 0'-0"



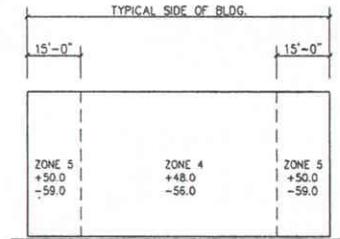
**FRONT (N.E.) STORE ELEVATION**  
 SCALE: 1/4"=1'-0"



**SIDE (N.W.) STORE ELEVATION**  
 SCALE: 1/4"=1'-0"



**SIDE (S.E.) STORE ELEVATION**  
 SCALE: 1/4"=1'-0"



**WIND LOADS ON BLDG.**  
 HURRICANE PROOF WINDOWS & DOORS SHOP DRAWINGS to be SUBMITTED BY MFG.

22

1390 SW 97th Avenue  
 Miami, Florida 33176  
 Telephone: 305 897-8000  
 Fax: 305 715-8000  
 305 251-7298  
**CONCRETE**  
**CONCRETE**  
 A.B. PASQUAL, P.E. Lic. 48717

Date: 06/15/08  
 By: JES  
 Ck: \_\_\_\_\_  
 Scale: 1/4"=1'-0"  
 Job No: 573  
 Rev: \_\_\_\_\_ Date: \_\_\_\_\_  
 04/30/07

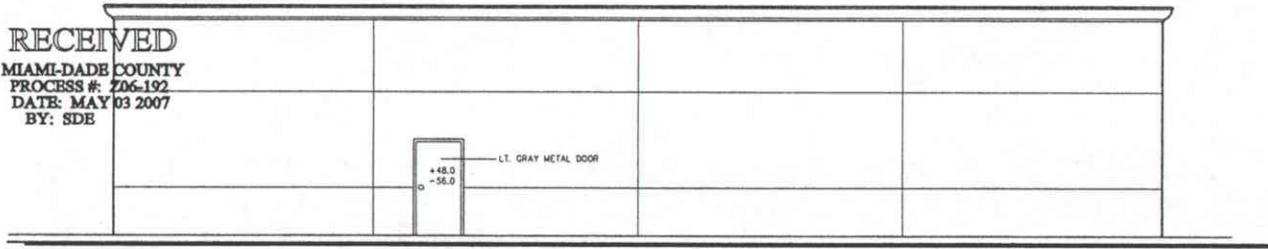
MIAMI-DADE COUNTY, FLORIDA

EXTERIOR ELEVATIONS  
**LIBERTY STATION**  
 1933 W. DYME HIGHWAY

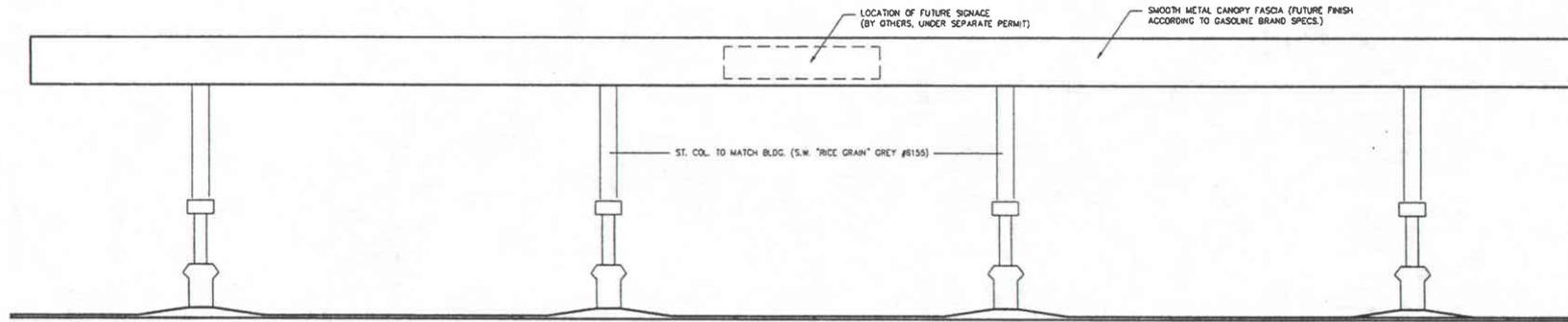
**A-4a**

23

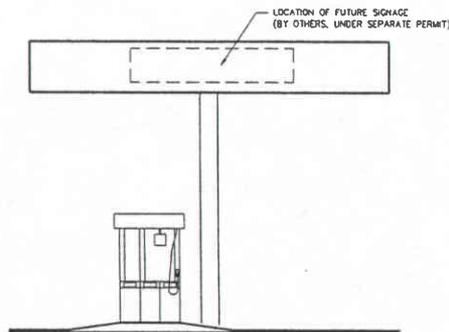
RECEIVED  
MIAMI-DADE COUNTY  
PROCESS # 206-192  
DATE: MAY 03 2007  
BY: SDB



REAR ( S.W. ) STORE ELEVATION  
SCALE: 1/4"=1'-0"



FRONT ( N.W. ) CANOPY ELEVATION  
SCALE: 1/4"=1'-0"



SIDE CANOPY ELEVATION  
SCALE: 1/4"=1'-0"

1390 SW 976 AVENUE  
MIAMI, Florida 33176  
Telephone: 305 972-8978  
305 752-4807  
305 252-7228  
Fax: 305 252-7228  
ELECTRIC INC.  
A/E ARCHITECT, P/E CIVIL #6717

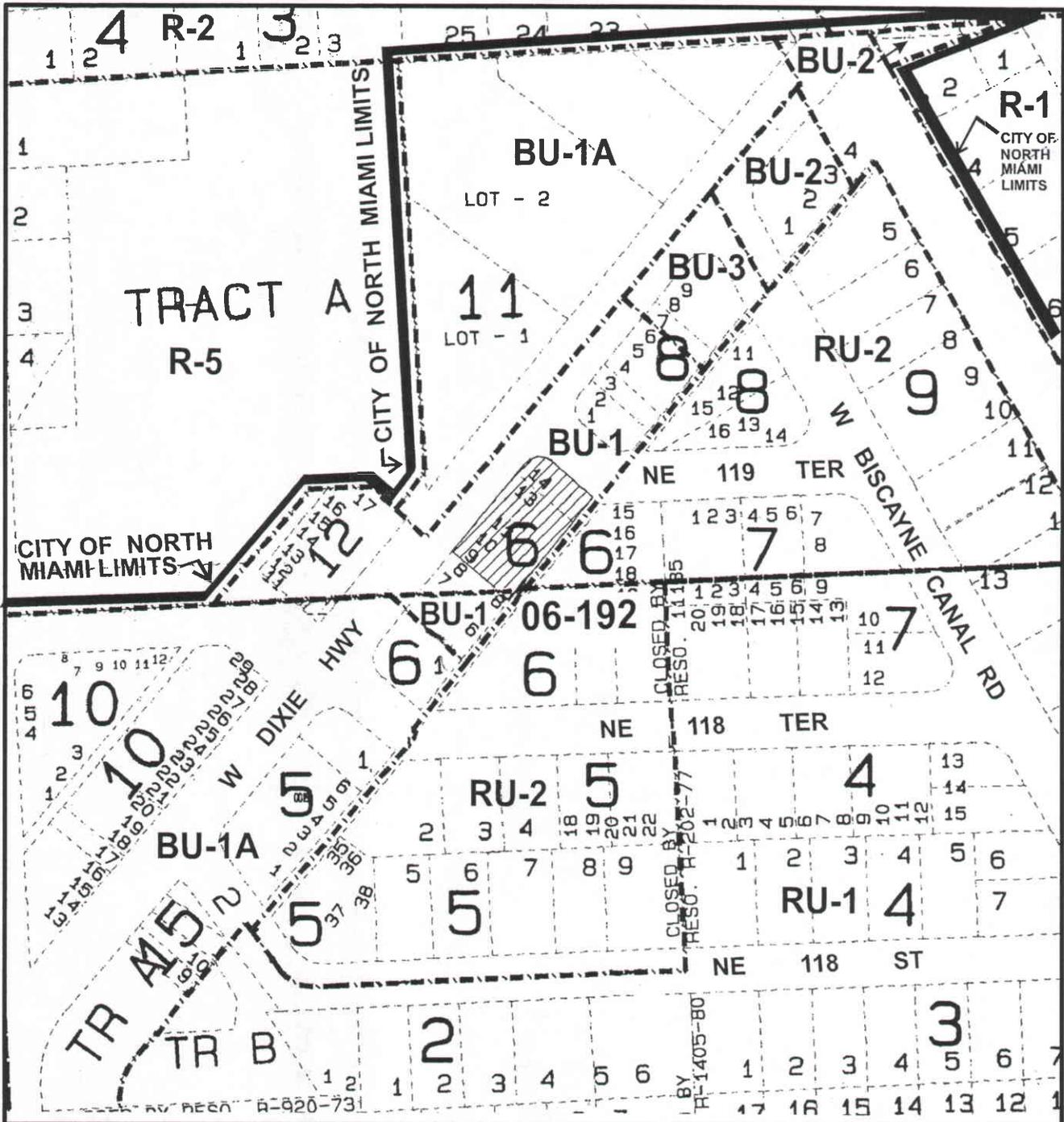
Date: 06/15/08  
By: JES  
Chk:  
Scale: 1/4"=1'-0"  
Job No: 573  
Rev: Date:  
04/30/07

MIAMI-DADE COUNTY, FLORIDA

EXTERIOR ELEVATIONS  
LIBERTY STATION  
18523 W. DIXIE HIGHWAY

A-4b





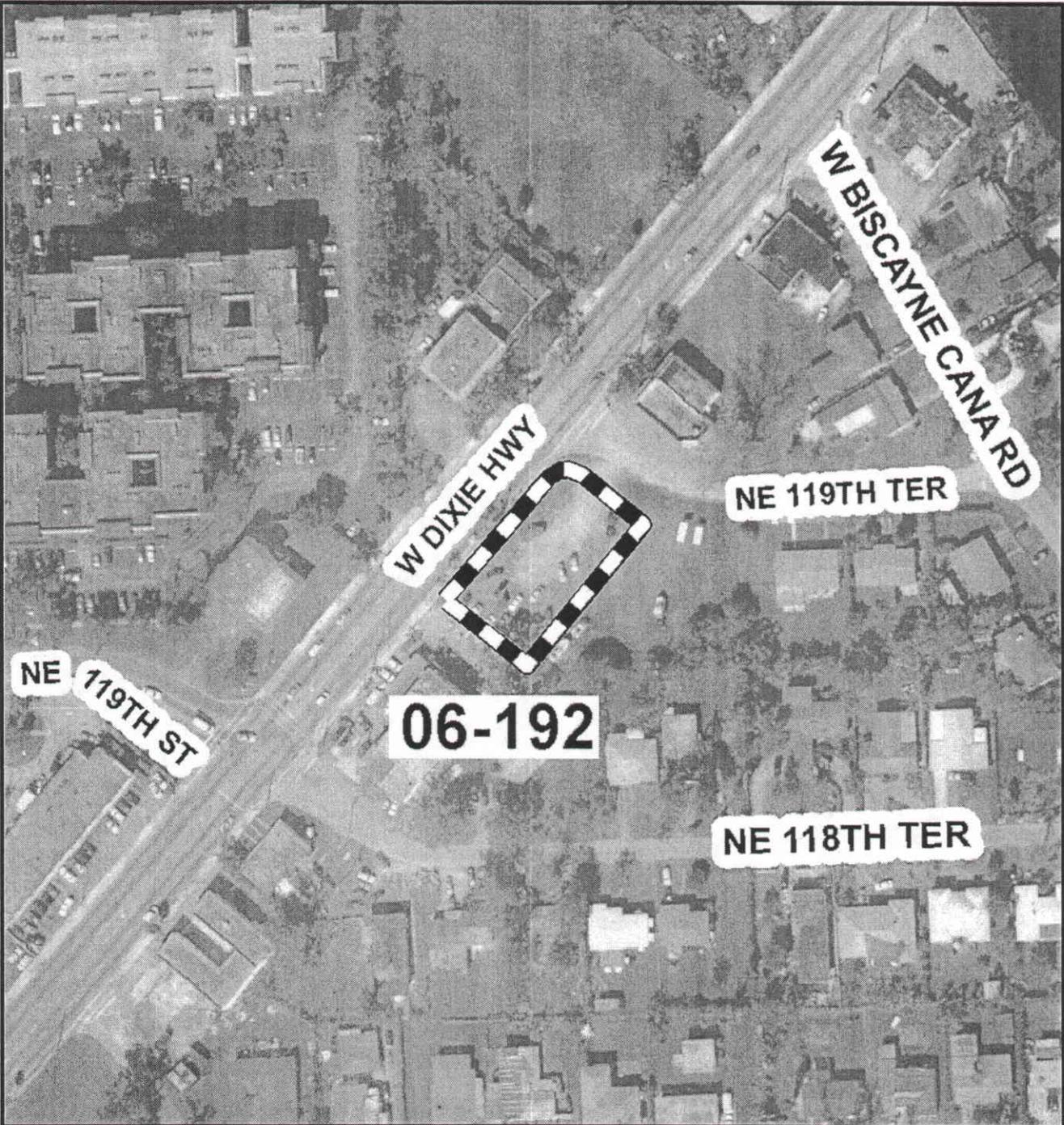
**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 30,31 Township: 52 Range: 42  
 Process Number: 06-192  
 Applicant: LIBERTY STATION, INC.  
 Zoning Board: C08  
 District Number: 03  
 Drafter ID: ALFREDO  
 Scale: NTS



 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 30,31 Township: 52 Range: 42  
Process Number: 06-192  
Applicant: LIBERTY STATION, INC.  
Zoning Board: C08  
District Number: 03  
Drafter ID: ALFREDO  
Scale: NTS



**3. LIBERTY STATION, INC.**  
**(Applicant)**

**07-9-CZ8-3 (06-192)**  
**Area 8/District 3**  
**Hearing Date: 9/19/07**

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>
1949	Renuart Holding Co., Inc.	Zone change from RU-3 to BU-1.	BCC	Approved

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8

APPLICANT: Liberty Station, Inc.

PH: Z06-192 (07-9-CZ8-3)

SECTION: 30 & 31-52-42

DATE: September 19, 2007

COMMISSION DISTRICT: 8

ITEM NO.: 3

=====

A. INTRODUCTION

o REQUESTS:

(1) BU-1 to BU-1A

(2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance)

The aforementioned plans are on file and may be examined in the Zoning Department entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets and dated stamped received 8/6/07 and a landscape plan as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS: This application would allow the rezoning of the property from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, to allow the development of the site with a service station. Additionally, the applicant seeks to waive the requirement for a 5' high masonry wall where the business lot abuts residential properties along the rear (east) property line.

o LOCATION: The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida.

o SIZE: 100' x 165'

o IMPACT: Approval of this application will allow the applicant to provide additional business services to the community. However, the proposal will impact the residential community to the east with traffic and noise.

B. ZONING HEARINGS HISTORY: On October 25, 1949, the subject property was part of a tract of land that was granted a district boundary change from RU-3, Four Unit Apartment District, to BU-1, Neighborhood Business District, pursuant to Resolution #3414.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

BU-1 vacant land

Business and Office

**Surrounding Properties:**

**NORTH:** BU-1; office building

Business and Office

**SOUTH:** BU-1; VFW building

Business and Office

**EAST:** RU-2; vacant land

Low Density Residential, 2.5 to 6 du

**WEST:** BU-1A; office/apartments  
 City of N. Miami; apartments

Business and Office  
 Business and Office

The subject property is located on the southeast corner of N.E. 119 Terrace and West Dixie Highway. To the north, south and partially to the west of the subject property are offices; to the east is residentially zoned vacant land and residential apartment buildings are also located in the City of North Miami to the west.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>
Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Acceptable</b>
Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>
Service Areas:	<b>Acceptable</b>
Signage:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden 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.
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and

budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection*
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The subject property is located at the Southeast corner of N.E. 119 Terrace and West Dixie Highway. The applicant is requesting a zone change from BU-1, Neighborhood Business District, to BU-1A, Limited Business District, (request #1) and to waive the zoning regulations requiring a 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (request #2) to allow for the development of the 16,500 sq. ft. site with a service station. The parcels to the north and south are developed with office buildings. To the west of the subject site is a mixed use office and apartment building and an apartment complex with multiple buildings, the latter located in the City of North Miami, across West Dixie Highway, a major north/south roadway. To the East of the

subject property is a vacant duplex-zoned property, separated from the subject property by a 12' wide service alley. The zoning regulations require a 5' high masonry wall between the proposed commercial use and the residential uses located to the east with openings only for ingress and egress to the alley. The submitted site plans depict the abovementioned requests and show the retail building on the site located closer to the southern portion of the property with three rows of gas pumps oriented towards the well traveled West Dixie Highway on the west side of the property and parking located along the eastern property line. The main ingress and egress points are located along West Dixie Highway and along NW 119 Terrace to the north of the property. The applicant has provided adequate buffering along the eastern property line along the alley and along the southern property line, both in the form of Pidgeon Plum and Dahoon Holly trees as well as Cocoplum hedging. The plans also depict landscape buffering along the west and north property lines and show the rights-of-way lined with Live Oak and Silver Buttonwood trees along with additional Cocoplum hedging and a variety of other plants. Staff acknowledges that the rezoning of the property to a higher intensity business category and the proposed development of the site as a gas station could impact the future residential uses located to the east with increased traffic and noise. However, staff maintains that the orientation of the activity towards West Dixie Highway, as well as the landscaping provided will buffer the activity from the future residential development to the east and will create a welcome aesthetically pleasing visual accent for the area.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application. Their memorandum indicates that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, and the applicant will have to comply with all conditions set forth in their memorandum. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that the application meets traffic concurrency because it lies within the urban infill area. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application.

Approval of this application would rezone the subject property from BU-1 to BU-1A and waive the zoning regulations requiring a 5' high masonry wall where a business lots abuts RU zoned property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. This category accommodates the full range of sales and service activities including retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The interpretative text of the CDMP provides that in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. The applicant is seeking to rezone the subject property to BU-1A in order to develop the site as a service station, which staff supports. The proposed BU-1A zone allows uses such as gas stations, banks with drive-through tellers, dancing halls, grocery stores, mortuaries, pet shops, and restaurants. Staff opines that the proposed zone

change to BU-1A would be **compatible** with the area and would be **consistent** with the allowable uses as listed in the Business and Office category of the CDMP. The well-traveled West Dixie Highway to the west and a residential district to the east border the subject site. West Dixie Highway is a well developed main road with a variety of commercial zones on the east side, varying from BU-1, to BU-3, Liberal Business District, within a one half mile radius of the subject property. Said commercial uses are bordered by residential uses to the east. Though not providing the required 5' high wall to buffer the dissimilar uses to the east, staff notes that the applicant has provided, as depicted on the submitted plans, a 5' high chain link fence with vinyl cover in conjunction with the landscape buffering, which staff opines will effectively mitigate any negative visual impacts the proposed gas station will have on the future residential uses to the east. Based on the aforementioned, staff opines that the proposed zone change to BU-1A is **consistent** with the Business and Office designation of the LUP map of the CDMP, and is **compatible** with the surrounding area.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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. When evaluating this application for a district boundary change to BU-1A, staff notes that the request is consistent with the Business and Office designation of the LUP map of the Comprehensive Development Master Plan. Though approval of the BU-1A zoning would result in the creation of an island of greater use intensity between the BU-1 uses to the north and south of the subject site, staff's research has indicated that this development fits the similar pattern of varying intensities of commercial uses along West Dixie Highway in this area and would not be out of place. Additionally, the proposed service station site would also be compatible with a similar trend of development of service stations in groups of twos and threes observed within a 2-mile radius of the subject site and, as such, will not negatively affect development in the surrounding area. Staff also notes that DERM and the Public Works Department do not object to the proposed development, nor does any other County agency in an assessment of the impact of the development on County services in the area. As previously mentioned, the applicant has provided, as depicted on the submitted plans, a 5' high chain link fence with vinyl cover in conjunction with the landscape buffering in lieu of the required wall along the rear (east) property line adjacent to the alley which will, in staff's opinion, lessen the visual and aural impact of the development on the residential uses to the east. Staff therefore opines that the proposed BU-1A zoning is **consistent** with the CDMP's Business and Office Land Use Plan map category and **compatible** with the other BU-1A, BU-2 and BU-3 zones found in the area. As such, staff recommends approval of the zone change request to BU-1A.

When analyzing request #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the request to waive the requirement for a 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line 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 request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff is of the opinion that the provision of the chain link fence with vinyl cover in lieu of the masonry wall along with the abundant landscaping as illustrated in the submitted plans provides a substantial buffer to the abutting residential zone and the future development to the east. Furthermore, staff opines that the configuration of the building and parking along with the aforementioned buffering serves to orient the majority of the commercial activity away from the residential area while lessening the visual and aural impacts. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When analyzed under the Alternative Non-Use Variance Standard (ANUV) Section 33-311(A)(4)(c), the applicants would have to prove that request #2 is due to an unnecessary hardship and that, should said request not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed in accordance with the zoning regulations, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV Standards.

As previously mentioned, staff is of the opinion that the proposed zone change to BU-1A is **consistent** with the LUP map of the CDMP and **compatible** with the development in the surrounding area. Staff therefore recommends approval of request #1 for a district boundary change to BU-1A and approval with conditions of the request #2, to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line, under Section 33-311(A)(4)(b) Non-Use Variance (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

Approval of request #1 for district boundary change, and request #2 with conditions under Section 33-311(A)(4)(b) Non-Use Variance (NUV) and denial without prejudice of request #2 under Section 33-311(A)(4)(c) Alternative Non-Use Variance (ANUV).

**J. CONDITIONS:** (Applicable to request #2 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to 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 "Liberty Station," as prepared by EGN, consisting of 5 sheets and dated stamped received 8/6/07 and a landscape plan as prepared

by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

**DATE INSPECTED:** 07/26/07  
**DATE TYPED:** 08/02/07  
**DATE REVISED:** 08/09/07  
**DATE FINALIZED:** 08/20/07  
SB:MTF:LVT:NC:CH



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Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

Memorandum 

**Date:** March 7, 2007

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

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

**Subject:** C-08 #Z2006000192-Revised  
Liberty Station, Inc.  
W. Dixie Highway and 119<sup>th</sup> Terrace  
District Boundary Changes from BU-1 to BU-1A  
Non-Use Variance to Waive Wall Requirements  
(BU-1) (0.38 Acres)  
31-52-42

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

Potable Water Service

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

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

Wastewater Disposal

The closest public sanitary sewer is located approximately 1,000 feet from the subject property; therefore, connection to the public sanitary sewer system is not feasible. Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that the Director of DERM must issue his written approval prior to any zoning action.

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

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

#### Stormwater Management

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that, due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is, therefore, suggested that the applicant contact DERM concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in 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 may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey

showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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 Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

REVISION 1  
PH# Z2006000192  
CZAB - C08

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: LIBERTY STATION, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

23-APR-07



# Memorandum

**Date:** 02-AUG-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000192

**Fire Prevention Unit:**

Approval. Fire Engineering and Water Supply Bureau has no objections to site plan date stamped February 28, 2007.

**Service Impact/Demand:**

Development for the above Z2006000192  
 located at THE SOUTHEAST CORNER OF N.E. 119 TERRACE AND WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY,  
 FLORIDA.  
 in Police Grid 0594 is proposed as the following:

_____	dwelling units	_____	square feet
residential		industrial	
_____	square feet	_____	square feet
Office		institutional	
2,720	square feet	_____	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: .77 alarms-annually.  
 The estimated average travel time is: 5:56 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 30, Miami Shores, 9500 NE 2 Avenue  
 Rescue, BLS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 Station 67, Arcola, 1275 NW 79 Street

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped February 28, 2007. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

LIBERTY STATION, INC.

THE SOUTHEAST CORNER OF N.E.  
119 TERRACE AND WEST DIXIE  
HIGHWAY, MIAMI-DADE COUNTY,  
FLORIDA.

---

**APPLICANT**


---

**ADDRESS**


---

 Z2006000192
 

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

May 24, 2007 NCO observed weeds exceeding 18 inches in height plus junk, trash and litter on the swale adjacent to 30-2231-037-0320.

May 30, 2007 NCO made an additional inspection to determine on which parcel or parcels the violations were occurring. The NCO

observed a commercial cart on the triangular, southernmost portion of 30-2331-037-0310. As this folio number is identified with what appears to be two contiguous parcels on the map and as the triangular, southernmost parcel is a portion of the adjacent Veterans of Foreign War's paved parking lot, the NCO has emailed a query to the Property Appraiser Web Support. The query asked for clarification about whether the triangular parcel is part of the -0310 folio number owned by Liberty Station or whether the Web site map is in error. If the triangular parcel belongs to Liberty Station a ticket for commercial vehicle storage will be issued.

May 31, 2007 Civil Violation Notice 953724 was issued to Liberty Station for 19-14(A), failure to maintain a non-residential

lot (the -0310 parcel). Civil Violation Notice 953725 was issued for 19-14(B), failure to maintain the swale adjacent to a non-residential lot (the -0320 parcel).

June 7, 2007 The Property Appraiser confirmed that the triangular parcel on which the commercial cart was seen on May 30th was

not part of the -0310 folio-numbered parcel owned by Liberty Station and that the Property Appraiser would correct the records' error.

July 26, 2007 The lots and the adjacent rights-of-way were cleared. Both cases were closed.

July 26, 2007 A large detached sign without permit was seen on the property. A new case was opened and 30-day warning letter R87555 was issued. August 7, 2007 Case number 200706003799

DATE: 08/07/07

for the sign without permit remains open.

August 7, 2007 There is no street address on record for this property. There is no use on this property. There is no certificate of use for this property.

Inspected by NCO Flora Major.

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: Liberty Station, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Carlos Fontecilla, President 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>
Isabel Fontecilla 12305 S. Dixie Hwy Miami, Florida 33156	<u>50%</u>

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

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

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

**RECEIVED**  
206-192  
JUL 05 2006

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AA

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

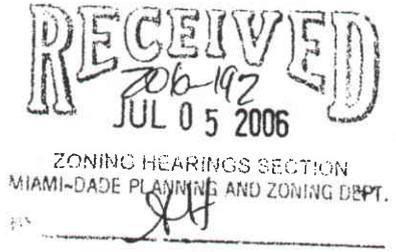
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

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

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

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_



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

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

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

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

Signature: Claudia Fontecilla  
Claudia Fontecilla, Vice President

Sworn to and subscribed before me this 29 day of JUNE, 2006. Affiant is personally known to me or has produced as identification.

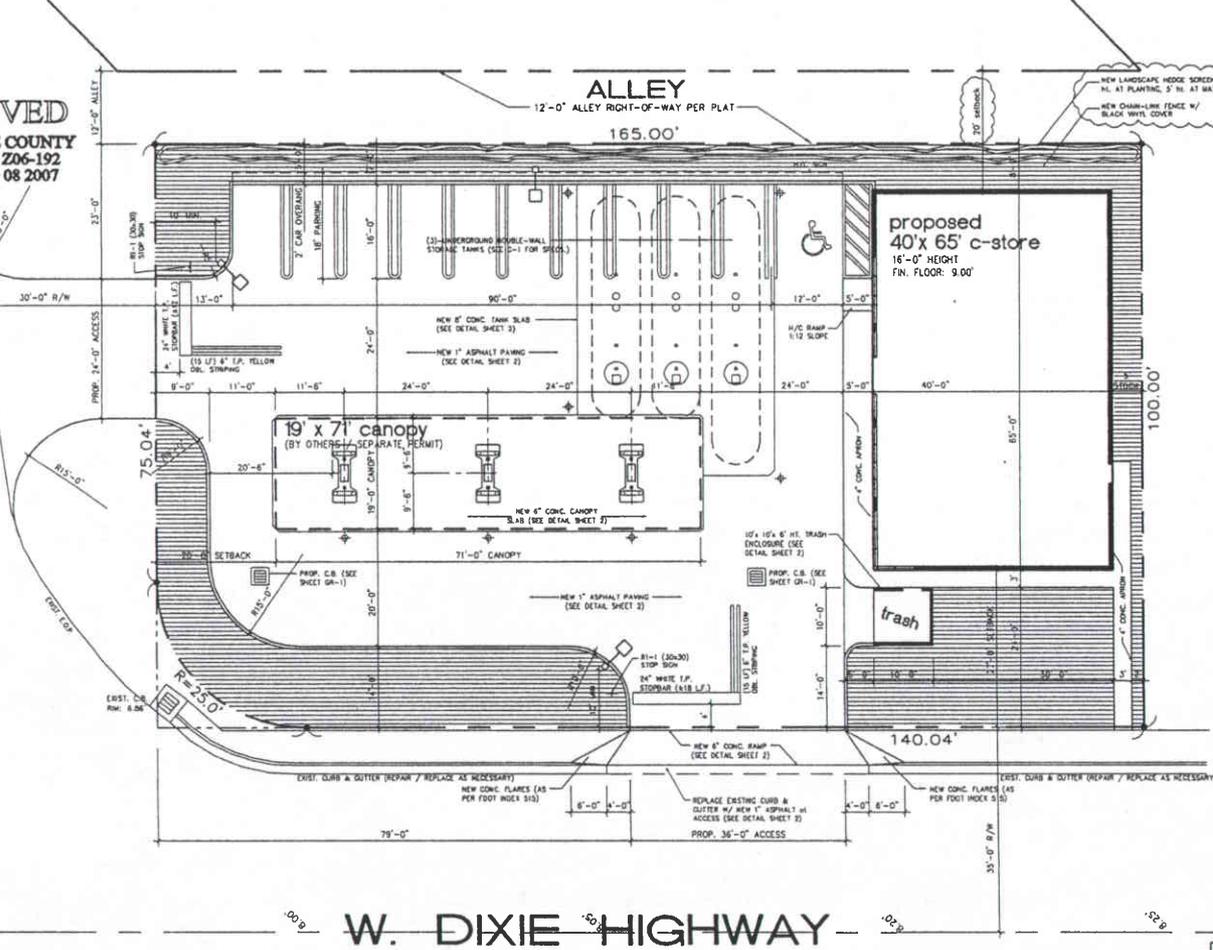
[Signature]  
(Notary Public) **MIGUEL A. GUEVARA**  
MY COMMISSION # DD 549002  
EXPIRES: May 8, 2010  
1-800-3-NOTARY FL-Notary Discount Assoc. Co.

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

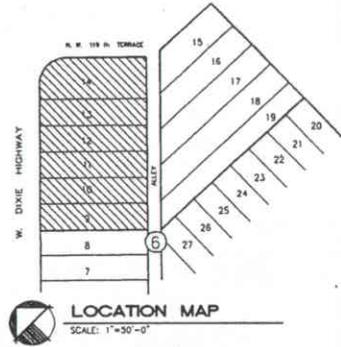
\* Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership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

RECEIVED  
 MIAMI-DADE COUNTY  
 PROCBSS #: Z06-192  
 DATE: AUG 08 2007  
 BY: SDE

N. W. 119 th TERRACE



W. DIXIE HIGHWAY



LOCATION MAP  
 SCALE: 1"=50'-0"

**LEGAL DESCRIPTION:**  
 LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 6 OF 'BELLEVUE BISCAYNE' ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17 AT PAGE 29 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**ZONING LEGEND:**  
 ZONING: BU-1A  
 Height to edge of roof: 18 FEET  
 Max. Lot Area: 2,800 sq. ft. (0.079 acre)  
 Max. Coverage (excluding under roof): 25%  
 Planned Use: Office

**APPLICABLE REGULATIONS:**

**REUSE:** In addition to the requirements of this permit, there may be additional regulations, restrictions on this property that may be found in the Public Records of the County, Florida 305.28 (CC, Florida Statutes, Chapter 176/178).

**PERMITS:** All work shall comply with all applicable codes and regulations of the State of Florida and the City of Miami-Dade County, Florida.

**LIABILITY:** The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.

**NOTES:** All signs required for this County Building Department are shown here. See also all rules, regulations, policies, procedures and permits.

**WARNING SIGNS:**  
 WARNING SIGNS TO BE POSTED TO (3)-TWO SIDES OF EACH CANOPY COLUMN PER MFA 30A 3-4 SIGNS TO READ AS FOLLOWS:  
 -DANGER - IT IS DANGEROUS AND HAZARDOUS TO DISPOSE GASOLINE INTO AN UNAPPROVED CONTAINER  
 -NO SMOKING  
 -STOP MOTOR

**FIRE EXTINGUISHER:**  
 C-15186:  
 PROVIDE (3) 3A 40-B-C FIRE EXTINGUISHERS @ 4' A.F.F. (TOP @ 5' A.F.F. MAX) W/ MAX. TRAVEL DISTANCE TO REACH OF 25'-0"  
 (3) SMOKE DETECTORS (TIED TO SLECE BREAKER) @ SALES AREA  
 FUEL ISLANDS:  
 PROVIDE (1) 40-B-C RATED (MIN.) PER 2-FUEL ISLANDS (3 MAX. MIN.)  
 CONSTRUCTION:  
 PROVIDE (1) 44 30-BC RATED (MIN.) DURING CONSTRUCTION (M.F.P.A. 1141 REC. 2004)  
 TOP OF EXTINGUISHERS SHALL NOT EXCEED 5 FT. ABOVE FINISH FLOOR

**FLOOD LEGEND:**  
 Commercial, Industrial

**ADDRESS: 1191 N.W. 119th TERRACE**  
 LOT: 9, 10, 11, 12, 13, 14, BLOCK 6, SUBDIVISION:  
 PLAT BOOK: 17, PAGE: 29, METES & BOUNDS:  
 CROWN OF ROAD: 5.55 FT. AVG. CROWN OF ROAD ELEVATION HAS BEEN TAKEN FROM A CERTIFIED SURVEY PREPARED BY: JAY DEN, PLS LIC. 5221  
 CORN/HC - SURFACE WATER NIGHT STORMWATER PERMIT:  
 SW-0 - ENVIRONMENTAL RES. NOT:  
 TOTAL IMPROVEMENT AREA: 3,222.66 SQ. FT. 1/3 PAVING  
 HAS THE SITE OR OTHER PORTION OF THE PROPERTY BEEN GRANTED A COLOR OF FINAL LOAN? \_\_\_\_\_ LOAN:  

Lowest Floor elev./ft.	Adjacent Grade elev. (incl. 18" of the street)	Color
PROP.: 5.00 FT. MVD.	5.50 FT. MVD.	1.80 FT. MVD.

**PRODUCT APPROVAL NOTES:**  
 THE FOLLOWING ITEMS ARE NOT PART OF THIS PERMIT. PRODUCT APPROVAL AND/OR SHOP DRAWINGS TO BE PROVIDED BY RESPECTIVE MANUFACTURERS:  
 • CANOPY  
 • SIGNS  
 • EXHAUST HOOD  
 • STORE FRONTS  
 • EXTERIOR DOORS  
 • WOOD TRUSSES  
 • PRE-CAST ROOF TWIN TEES & PANELS  
 • HURRICANE SHUTTERS

**SITE CALCULATIONS:**

ZONING:	BU-1A
TOTAL AREA:	16,500 sq. ft. (0.379 acre)
R/O/W:	0 sq. ft.
NET AREA:	16,500 sq. ft. (0.379 acre)
IMPERVIOUS AREA:	12,685 sq. ft. (0.290)
PERVIOUS (GREEN) AREA:	3,815 sq. ft. (0.087)
TOTAL FLOOR AREA:	2,800 sq. ft.
FLOOR TO LOT AREA RATIO:	16.9%
PARKING REQUIRED:	2,800 of a 1/250 = 11.2
PARKING PROVIDED:	11 (incl. 1-4(C) spaces)

SITE PLAN  
 SCALE: 1"=20'-0"

13900 SW 97th AVENUE  
 Miami, Florida 33176  
 305 993-8828  
 305 314-8800  
 305 335-7294  
 Fax: 305 335-7294  
**ENGINEERING**  
 A.M. PASQUAL, P.E. CH. 48177

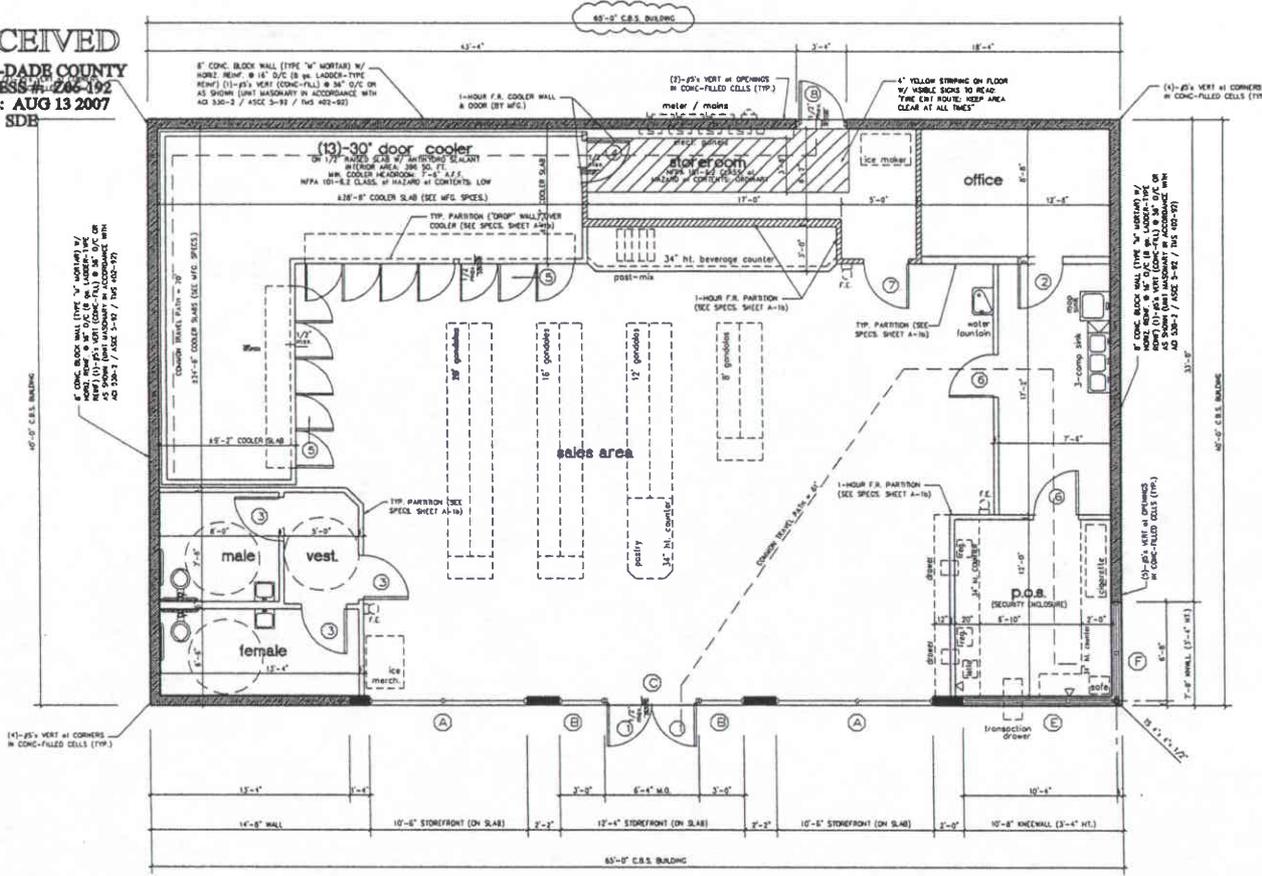
Date: 08/13/06  
 By:  
 Scale: 1"=20'-0"  
 Job No.: 573  
 Rev: Date:  
 03/12/07  
 04/10/07  
 04/30/07  
 08/03/07

DADE COUNTY, FLORIDA

SITE PLAN  
 LIBERTY STATION  
 19633 W. DIXIE HIGHWAY.



RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS # 206-192  
 DATE: AUG 13 2007  
 BY: SDR



**FLOOR PLAN**  
 scale: 1/4"=1'-0"

**NOTES:**  
 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OR RELOCATION OF GAS LINES IN THE PATH OF CONSTRUCTION  
 - TAKE-OUT FOOD SERVICE ONLY. NO CONSUMPTION OF FOOD OR BEVERAGES ON PREMISES. NO TABLES OR COUNTERS PERMITTED.

13950 SW 97th Avenue  
 Miami, Florida 33176  
 Telephone: 305 992-6828  
 Facsimile: 305 775-8887  
 Internet: 305 325-1721

**LEVIN INC**  
 ENGINEERING  
 A.M. PRODAL, P.E., Eng. #817

Date: 06/15/06  
 By: JES  
 Chk:  
 Scale: 1/4"=1'-0"  
 Job No: 573  
 Rev: \_\_\_\_\_  
 Date: \_\_\_\_\_

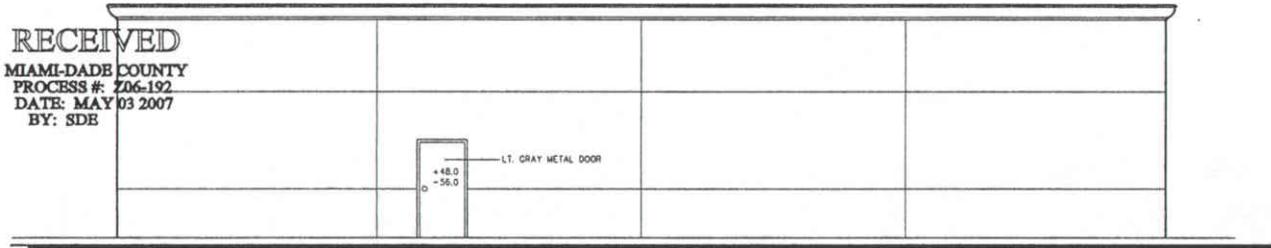
MIAMI-DADE COUNTY, FLORIDA

**FLOOR PLAN**  
**LIBERTY STATION**  
 1803 W. DIXIE HIGHWAY.

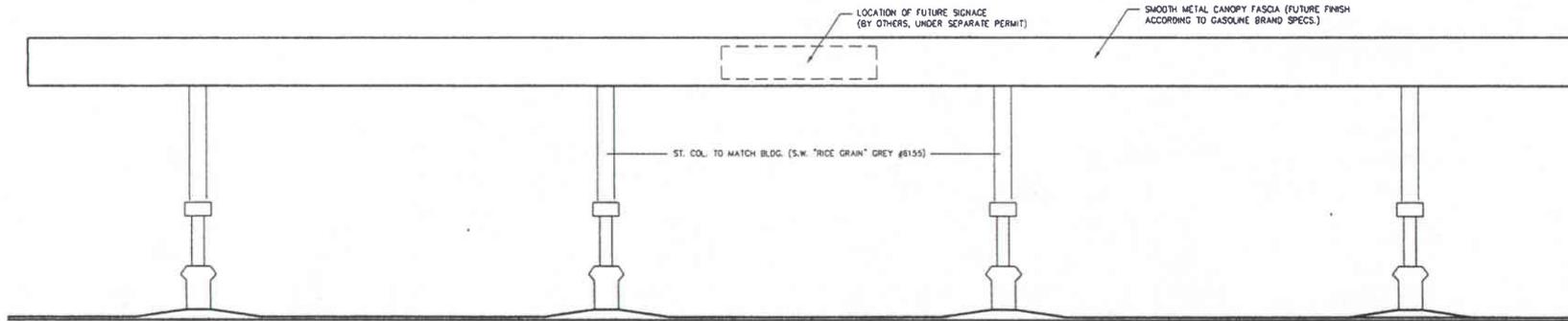
**A-1a**



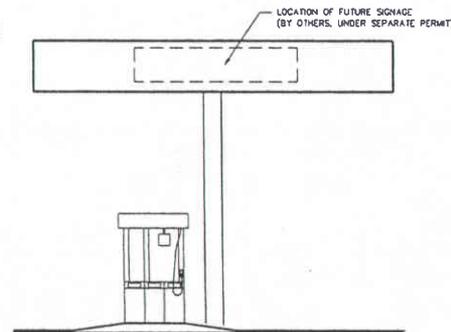
RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS #: Z06-192  
 DATE: MAY 03 2007  
 BY: SDE



REAR ( S.W. ) STORE ELEVATION  
 SCALE: 1/4"=1'-0"



FRONT ( N.W. ) CANOPY ELEVATION  
 SCALE: 1/4"=1'-0"



SIDE CANOPY ELEVATION  
 SCALE: 1/4"=1'-0"

13950 SW 97th AVENUE  
 Miami, Florida 33176  
 Telephone: 305 892-8888  
 Fax: 305 705-8888  
 305 335-7788



Date:	06/15/06
By:	JES
Chk:	
Scale:	1/4"=1'-0"
Job No:	573
Rev:	Date:
	04/30/07

MIAMI-DADE COUNTY, FLORIDA

EXTERIOR ELEVATIONS  
 LIBERTY STATION  
 18833 W. DIXIE HIGHWAY.

A-4b

23

**JFS Design Inc.**  
 LANDSCAPE ARCHITECTURE  
 LC 000393  
 Landscape Design  
 Irrigation Design  
 jenny@jfsdesign.com

**JFS**  
 11933 West Dixie Hwy  
 Miami, FL 33155  
 TEL: (305) 441-8833  
 FAX: (305) 441-8835

**LIBERTY STATION**  
 11933 WEST DIXIE HWY  
 MIAMI, FL.

No.	Date	Revision
1.	07/26/06	Site Plan revisions per Dade Co. comments
2.	08/04/06	Site Plan revisions per Dade Co. comments
3.	08/04/06	Site Plan revisions per Dade Co. comments on 08/04/06
4.	08/04/06	Site Plan revisions per Dade Co. comments on 08/04/06

designed: J. P. SOGAH  
 drawn: B. DIAZ  
 checked: T.Y. MORAN  
 approved: J. P. SOGAH  
 project #: 06-95  
 scale: 1"=10'  
 date: July 26, 2006  
 cad ref: 06-95-01

JAMES P. SOGAH  
 P.L.C. # 00007  
 Drawing:  
**L-1**

**LANDSCAPE LEGEND - CHAPTER 18A  
 SITE DATA**

ZONING DISTRICT: BU-1A	ORDINANCE 96-13	
	NET LAND: 0.578 ACRES	16,280 SF
<b>OPEN SPACE</b>	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan. Net lot area x 30.5% = 5,055.9 SF	2,528	3,420
B. Square feet of parking lot open space required by Chapter 33, on site plan. 4 surface spaces x 10,822.50 SF	10	10
C. Total SF of open space required by Chapter 33, A + B =	2,538	3,430
<b>LAWN AREA CALCULATION</b>	3,000	3,500
A. Minimum lawn area (foot) permitted, required by Chapter 33, on site plan. 2 x 3,000 SF =	6,000	6,000
B. Maximum lawn area (foot) permitted, required by Chapter 33, on site plan. 2 x 3,000 SF =	6,000	6,000
<b>TREES: 22 per Acre</b>		
A. No. trees required per net lot area space. Less existing no. of trees existing on required B. & P. Allowance. No. of trees provided 30 x 30% =	3	3
C. % Native Required. No. of trees provided x 50% =	3	3
D. Street trees (minimum average spacing of 20' on 20' linear feet along street, 35')	3	3
E. Street trees located directly beneath power lines, 100' from spacing of 20' on	1	1
<b>SHRUBS:</b>		
A. No. shrubs required x 50% = No. of shrubs allowed	150	250
B. No. shrubs allowed x 50% = No. of Native shrubs required	75	125 (50% B. & P.)

**IRRIGATION:**  
 A FULLY AUTOMATIC IRRIGATION SYSTEM IS TO BE INSTALLED WITH THIS PROPERTY. IRRIGATION TO PROVIDE 100% COVERAGE WITH 50% OVERLAP PER FLORIDA BUILDING CODE, APPENDIX F.  
 AUTOMATIC CONTROLLER TO BE INSTALLED WITH TINI-CLICK RAIN SENSOR ATTACHED TO CONTROLLER FOR WATER CONSERVATION PER FBC, APPENDIX F.

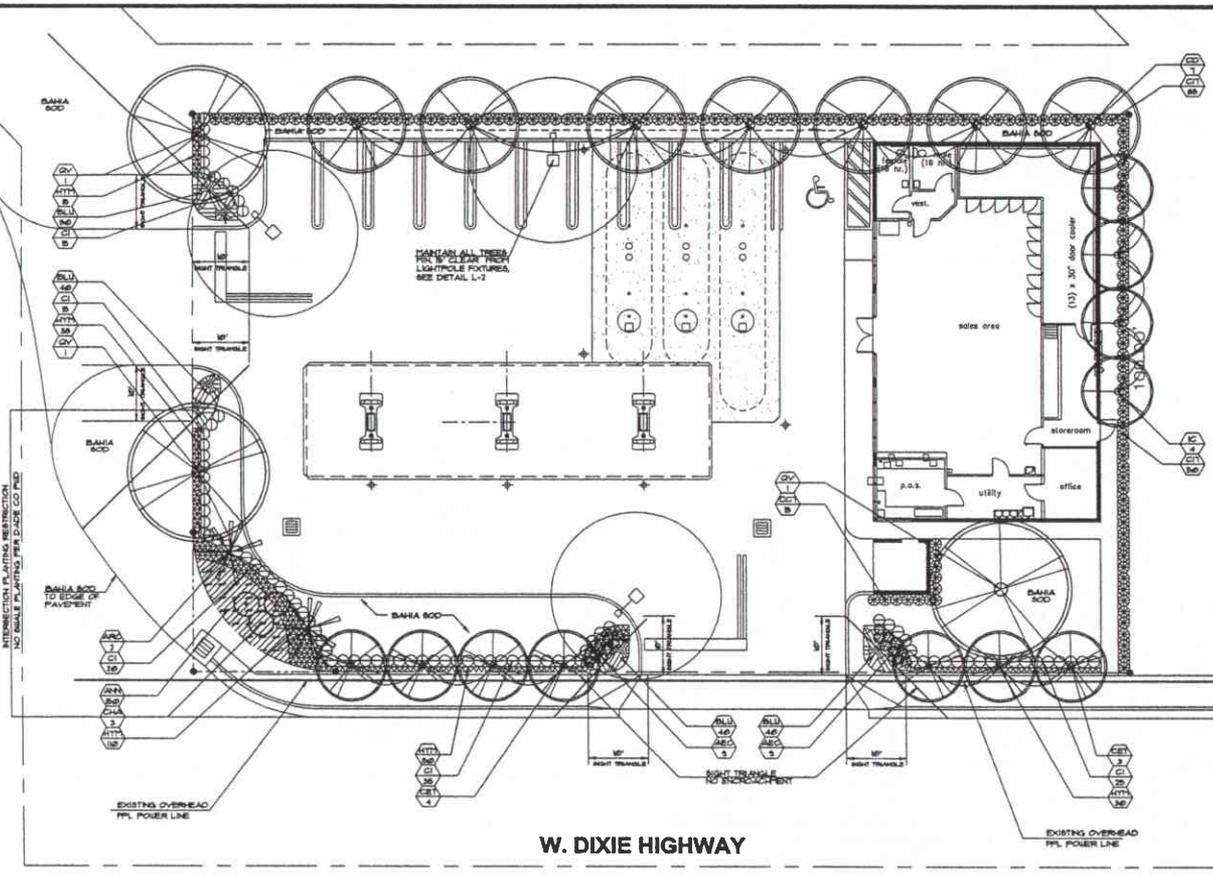
STREET TREE TABULATIONS		
	REQUIRED	PROVIDED
<b>WEST DIXIE HIGHWAY</b> 1/4" 1" x 1" TREES/35 LF EXISTING OVERHEAD POWER LINE REQUIRED USE OF TREE PER FBC GUIDELINES	7	7 CET
<b>NW 119th Terrace</b> 1/4" 1" x 1" trees/35 LF	3	3 2 OV/11 AC
<b>TOTALS</b>	10	10

SEE L-2, FOR PLANTLIST, LANDSCAPE LEGEND, DETAILS, NOTES, ETC.  
 SEE IRR-1 FOR IRRIGATION PLANS, SPECIFICATIONS, DETAILS, NOTES, ETC.



SCALE: 1" = 10'

**LANDSCAPE PLAN**



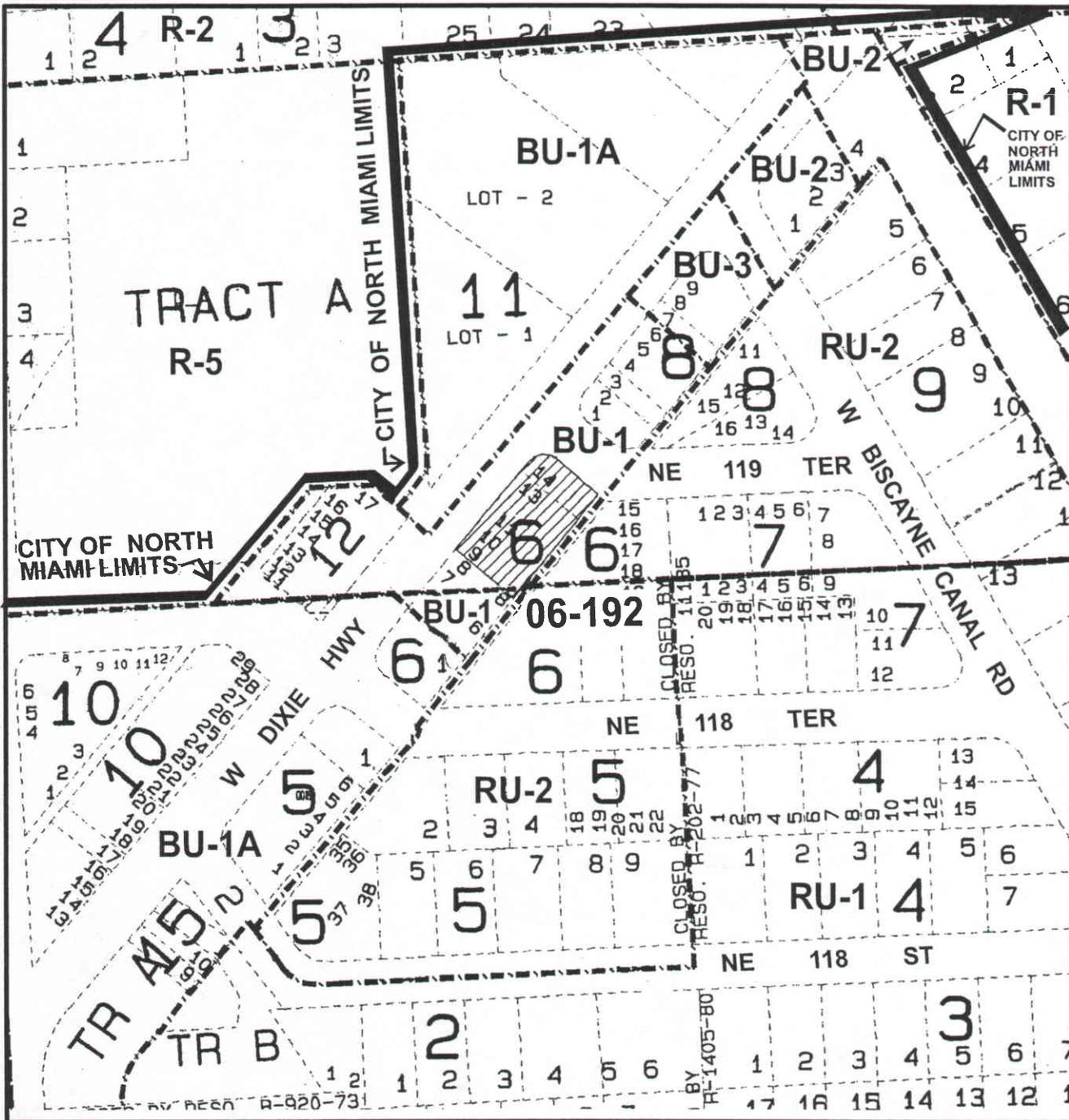
SYTL	NATIVE	NAME	BOTANICAL NAME	SPECIFICATION
CD	YES	1 PINEAPPLE PLUM	Coccoloba diversifolia	8" x 8" pr, 2 1/2" gal.
CET	YES	1 SILVER BUTTWOOD	Conocarpus erect. 'serotina'	8" x 8", min. 5 lbs 4 o.a. PL
IC	YES	4 DAHOOB HOLLY	Ilex cassine	18" x 8" pr, 2" gal.
OV	YES	3 LIVE OAKS	Quercus virginiana	8" x 8" pr, 2 1/2" gal.
ARC		3 KING ALEXANDER PALM	Archontopanax alexandria	1/2" dia, TRIPLE, full head
AEC		18 AEGHEIA BROWELIADS	Androsace bianchettiana	3 gal, 18" x 18", BELLIS
ANN		180 FLOWERING ANNALES	Species, color to be sel.	4" pots, 8" dia. full
CCT	YES	5 JAMAICA CAPER	Capparis cynophallophora	1 gal, 36" x 24", 36" dia. full
CHA		3 EUROPEAN FAN PALM	Chorozema funalis	5 gal, 4" o.a., full
CI	YES	18 COCOPLUM	Chromolaena odorata	24" x 24", 24" dia, full, 3 gal.
CIT	YES	18 COCOPLUM	Chromolaena odorata	7 GAL, 36" x 24" full, 36" dia.
DLI		780 FLORIDIAN PLAK LBY	Dianella lasiocarpa	8" x 8", 18" dia, 1 gal.
HYT	YES	325 SPIDER LBY	Hymenocallis latifolia	8" x 8" full, 1/2" dia, 1 gal.

**RECEIVED**  
 206-192  
 MAY 03 2007

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *[Signature]*

RECEIVED  
 MIAMI-DADE COUNTY  
 DATE: MAY 03 2007  
 TIME: 10:20 AM



**MIAMI-DADE COUNTY  
HEARING MAP**

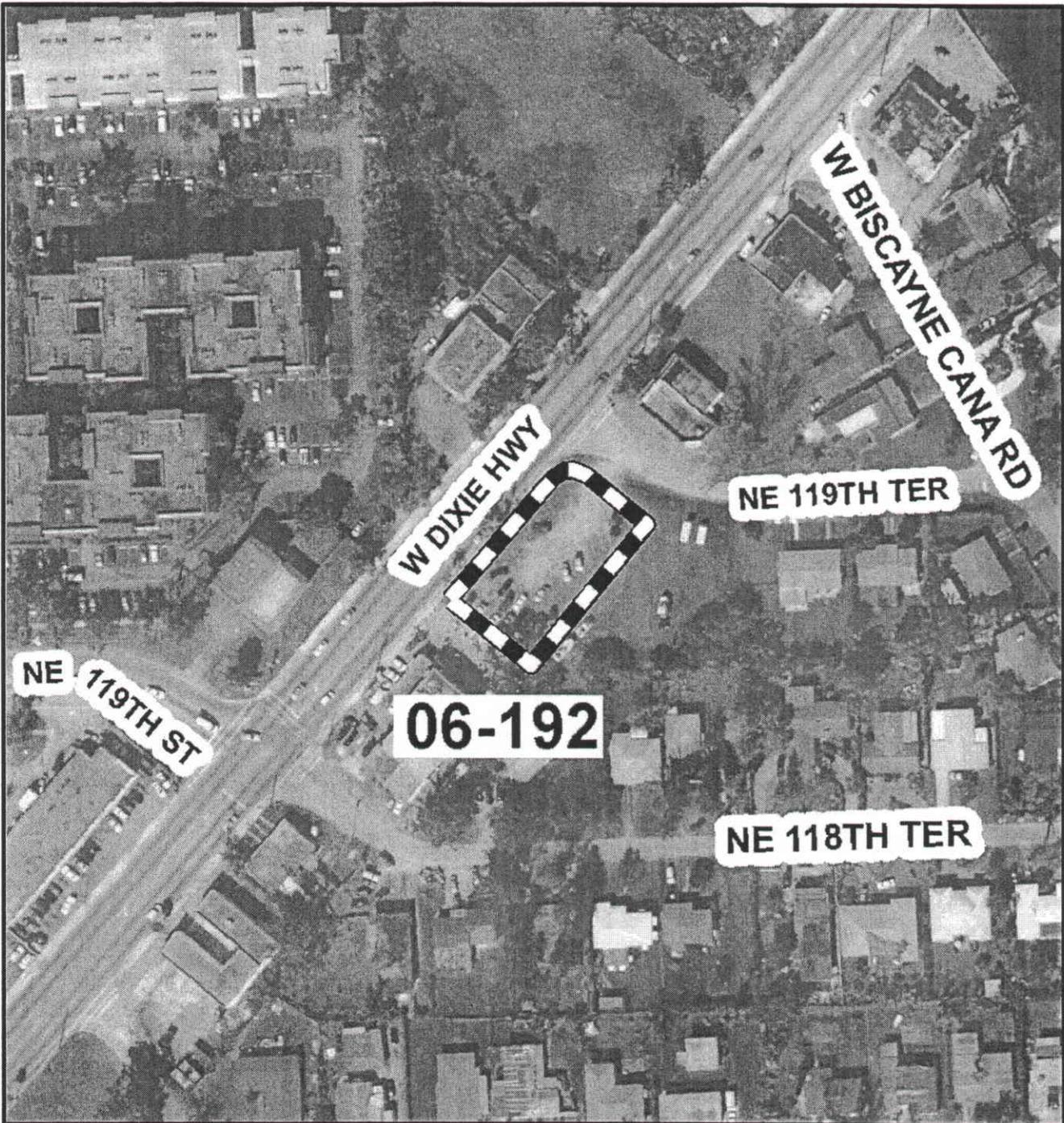
Section: 30,31 Township: 52 Range: 42  
 Process Number: 06-192  
 Applicant: LIBERTY STATION, INC.  
 Zoning Board: C08  
 District Number: 03  
 Drafter ID: ALFREDO  
 Scale: NTS



 SUBJECT PROPERTY



G: ZONING DRAFTING 06-192, 0704.  
 REVISED 05/23/07-Add The AFT  
 REVISED 05/24/07 (Color Radius Abol-AFT.)  
 REVISED 07/12/07 (Show BU-1 Zone) ESM



MIAMI-DADE COUNTY  
**AERIAL**

Section: 30,31 Township: 52 Range: 42  
Process Number: 06-192  
Applicant: LIBERTY STATION, INC.  
Zoning Board: C08  
District Number: 03  
Drafter ID: ALFREDO  
Scale: NTS



# Memorandum



**Date:** November 30, 2007

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Jack Kardys, Interim Director  
Park and Recreation Department

**Subject:** Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2008. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

JK: rk

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD

PBD	2007 Unincorporated Population Plus Permitted Development	Standard @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Recreation Open Space Acreage	Surplus (Deficit) Acres	Percent of Standard (%)
			Public Park Acres	School Acres	1/2 Private Open Space Acres			
1	395,924	1,088.79	972.08	299.82	110.00	1,381.90	293.11	126.92
2	588,732	1,619.01	1,616.63	356.30	137.00	2,109.93	490.92	130.32
3	155,755	429.33	526.63	96.62	17.00	623.82	195.49	145.64
<b>Total:</b>	<b>1,140,411</b>	<b>3,136.13</b>	<b>3,115.34</b>	<b>752.74</b>	<b>264.00</b>	<b>4,115.65</b>	<b>979.52</b>	<b>134.29</b>

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** September 25, 2007

**To:** Jack Kardys, Interim Director  
Park and Recreation Department

**From:**  Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**Subject:** Blanket Concurrency Approval for Local Recreation Open Space

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo  
L. Itzkoff  
L. Talleda  
H. Brown

# Memorandum



**Date:** September 17, 2007

**To:** Subrata Basu, Interim Director, Department of Planning and Zoning

**From:** *Kathleen Woods Richardson*  
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

**Subject:** Solid Waste Disposal Concurrency Determination

---

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2014 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2008), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

## Attachment

cc: Vicente Castro, Deputy Director, Operations  
Christopher Rose, Deputy Director, Administration  
James Bostic, Assistant Director, Operations  
Asok Ganguli, Assistant Director, Technical Services

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SEP 18 2007

Asst. Director Planning

**Department of Solid Waste Management (DSWM)  
Solid Waste Management Disposal Facility Available Capacity  
From Fiscal Year 2007-08 Through Fiscal Year 2016-17**

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL
OCT. 1, 2007 TO SEPT. 30, 2008	1,885,000	828,686	155,000	673,686	2,518,633	307,000	2,211,633	2,068,785	355,000	1,713,785	250,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,885,000	673,686	155,000	518,686	2,211,633	307,000	1,904,633	1,713,785	355,000	1,358,785	250,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,885,000	518,686	155,000	363,686	1,904,633	307,000	1,597,633	1,358,785	355,000	1,003,785	250,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,885,000	363,686	155,000	208,686	1,597,633	307,000	1,290,633	1,003,785	355,000	648,785	250,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,885,000	208,686	155,000	53,686	1,290,633	307,000	983,633	648,785	355,000	293,785	250,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,885,000	53,686	53,686	0	983,633	408,314	575,319	293,785	293,785	0	311,215
OCT. 1, 2013 TO SEPT. 30, 2014	1,885,000	0	0	0	575,319	567,000	8,319	0	0	0	500,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,885,000	0	0	0	8,319	8,319	0	0	0	0	500,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,885,000	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2016 TO SEPT. 30, 2017	1,885,000	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				5			7			5	

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	155,000
SOUTH DADE LANDFILL	307,000
NORTH DADE LANDFILL	355,000
WMI CONTRACT	250,000
<b>TOTAL TO BE LANDFILLED</b>	<b><u>1,067,000</u></b>

\* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

\*\* South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to South Dade Landfill and WMI.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Brown and Caldwell based on the actual January, 2007, survey with actual tons from January, 2007, through June, 2007, and projected tons for July, August and September, 2007.

# Memorandum



**Date:** January 15, 2008

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Harpal Kapoor, Director  
Miami-Dade Transit

**Subject:** FY08 Blanket Concurrency Approval for Transit

This memorandum serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above-referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County line. Please ask your staff to continue to flag any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2007 to September 30, 2008, or until canceled by written notice from my office.

Should your staff require additional information or assistance with mass transit concurrency matters, please have them contact John T. Spillman, Chief, Planning & Development Division, at 786-469-5289. Your continued cooperation on these important matters is greatly appreciated.

c: Albert Hernandez  
John T. Spillman

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Asst. Director Planning

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

# Memorandum



**Date:** October 12, 2006

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit

**Subject:** FY-07 Blanket Concurrency Approval for Transit

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

This memorandum serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85 and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area included in the 2005 Transit Development Program (TDP) update (Figure IV-3, page IV-23), we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues to advance the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County Line. Please ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT Staff.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period of October 1, 2006 to September 30, 2007, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

**Cc:** Albert Hernandez, Deputy Director  
MDT Planning and Engineering  
Mario G. Garcia, Chief  
MDT System Planning Division  
Helen A. Brown, Concurrency Administrator  
Department of Planning and Zoning

**Date:** September 25, 2007

**To:** Jack Kardys, Interim Director  
Park and Recreation Department

**From:**  Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**Subject:** Blanket Concurrency Approval for Local Recreation Open Space

---

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo  
L. Itzkoff  
L. Talleda  
H. Brown

**Date:** November 30, 2006

**To:** Dianne O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** *AS* Vivian Donnell Rodriguez, Director  
Park and Recreation Department *SDM*

**Subject:** Concurrency approval

---

This memorandum updates the blanket concurrency approval memo of November 15, 2005. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2007. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD

2006 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	332,396	36,047	368,443	1,013.21	963.51	455.52	85.32	1,504.35	491.14	1.484
2	520,177	33,762	553,939	1,523.31	1,476.12	447.53	139.79	2,063.44	540.13	1.354
3	141,699	59,407	201,106	553.03	578.93	126.30	6.90	712.13	159.10	1.287
	994,272	129,216	1,123,488	3,089.55	3,018.56	1,029.35	232.01	4,279.92	1,190.37	1.375

# Memorandum



**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

# Memorandum



**Date:** September 15, 2006

**To:** Diane O'Quinn Williams, Director, Department of Planning and Zoning

**From:** *Kathleen Woods Richardson*  
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

**Subject:** Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2013 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2007), at which time a new determination will be issued. If, however, a significant event occurs which substantially alters the projection, the Department will issue an updated determination.

## Attachment

cc: Vicente Castro, Deputy Director, Operations  
Dana M. Moss, Sr., Deputy Director, Administration and Finance  
James Bostic, Assistant Director, Operations  
Asok Ganguli, Assistant Director, Technical Services  
David Ritchey, Assistant Director, Administration

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13 2006

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

**Department of Solid Waste Management (DSWM)**  
**Solid Waste Management Disposal Facility Available Capacity**  
**From Fiscal Year 2006-07 Through Fiscal Year 2015-16**

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
OCT. 1, 2006 TO SEPT. 30, 2007	1,776,000	783,085	167,000	616,085	2,499,001	180,000	2,319,001	1,896,521	354,000	1,542,521	250,000	951,000	825,000
OCT. 1, 2007 TO SEPT. 30, 2008	1,776,000	616,085	167,000	449,085	2,319,001	180,000	2,139,001	1,542,521	354,000	1,188,521	250,000	951,000	825,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,776,000	449,085	167,000	282,085	2,139,001	180,000	1,959,001	1,188,521	354,000	834,521	250,000	951,000	825,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,776,000	282,085	167,000	115,085	1,959,001	180,000	1,779,001	834,521	354,000	480,521	250,000	951,000	825,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,776,000	115,085	115,085	0	1,779,001	231,915	1,547,086	480,521	354,000	126,521	250,000	951,000	825,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,776,000	0	0	0	1,547,086	574,479	972,607	126,521	126,521	0	250,000	951,000	825,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,776,000	0	0	0	972,607	701,000	271,607	0	0	0	250,000	951,000	825,000
OCT. 1, 2013 TO SEPT. 30, 2014	1,776,000	0	0	0	271,607	271,607	0	0	0	0	250,000	521,607	825,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,776,000	0	0	0	0	0	0	0	0	0	250,000	250,000	825,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,776,000	0	0	0	0	0	0	0	0	0	0	0	825,000
REMAINING YEARS				4			7			5			

ANNUAL DISPOSAL RATE (In tons)

RESOURCES RECOVERY ASHFILL	167,000
SOUTH DADE LANDFILL	180,000
NORTH DADE LANDFILL	354,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u>951,000</u>

\* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

\*\* South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes to South Dade Landfill and WMI.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated August, 2006.





**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2004 and 2005**



Miami-Dade Police Department

Grid(s): 0133, 0389, 0594, 0862, 0917, 1231, 1582, 1825, 2146, 2293, 2307, 2382

2004      2005

<b>Grid 0594</b>			2004	2005
<b>Part I</b>				
130A	AGGRAVATED ASSAULT		2	12
2200	BURGLARY		26	26
2400	MOTOR VEHICLE THEFT		20	17
090A	MURDER - NONNEG MANSLAUGHTER		0	1
110A	RAPE		1	0
1200	ROBBERY		10	4
230C	SHOPLIFTING		0	1
230G	SHOPLIFTING ALL OTHERS		24	12
230F	SHOPLIFTING FROM A MOTOR VEHICLE		24	20
<b>Part I TOTAL</b>			107	93
<b>Part II</b>				
2000	ARSON		1	0
260A	FRAUD CON/SWINDLE/FALSE PRET.		1	0
350B	ILLEGAL DRUG EQUIPMENT		1	0
260D	IMPERSONATION		2	6
1000	KIDNAPPING - ABDUCTION		1	0
350A	NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		7	1
130B	SIMPLE ASSAULT		23	19
130E	SIMPLE STALKING		1	0
<b>Part II TOTAL</b>			37	26
<b>Grid 0594 TOTAL</b>			144	119



# Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2004 and 2005



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0133", "0389", "0594", "0862", "0917", "1231", "1582", "1825", "2146", "2293", "2307", "2382" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) ) and Common

			2004	2005
Grid	Signal Code	Signal Description		
0594	13	SPECIAL INFORMATION/ASSIGNMENT	97	66
	14	CONDUCT INVESTIGATION	278	219
	15	MEET AN OFFICER	771	513
	17	TRAFFIC ACCIDENT	72	42
	18	HIT AND RUN	23	15
	19	TRAFFIC STOP	58	69
	20	TRAFFIC DETAIL	10	14
	21	LOST OR STOLEN TAG	7	10
	22	AUTO THEFT	32	35
	25	BURGLAR ALARM RINGING	52	59
	26	BURGLARY	64	69
	27	LARCENY	37	14
	28	VANDALISM	11	17
	29	ROBBERY	10	9
	30	SHOOTING	0	1
	32	ASSAULT	47	60
	33	SEX OFFENSE	4	1
	34	DISTURBANCE	203	164
	36	MISSING PERSON	39	18
	37	SUSPICIOUS VEHICLE	18	20
38	SUSPICIOUS PERSON	15	17	
39	PRISONER	7	8	
41	SICK OR INJURED PERSON	62	82	
43	BAKER ACT	9	9	
44	ATTEMPTED SUICIDE	2	1	
45	DEAD ON ARRIVAL	8	16	



# Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2004 and 2005



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0133", "0389", "0594", "0862", "0917", "1231", "1582", "1825", "2146", "2293", "2307", "2382" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

			2004	2005
Grid	Signal Code	Signal Description		
0594	47	BOMB OR EXPLOSIVE ALERT	1	0
	49	FIRE	9	5
	52	NARCOTICS INVESTIGATION	6	6
	54	FRAUD	5	12
<b>Total Signals for Grid 0594 :</b>			1,957	1,571