

1. B & F MARINE, INC.
(Applicant)

08-9-CZ12-1 (06-323)
Area BCC/District 7
Hearing Date: 01/28/10

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	BUR and Corporation.	- Unusual use to permit non-comm. parking. - Variance of parking spaces. - Variance to permit ingress & egress easement. - Variance of wall requirement.	ZAB	Approved w/conds.
1987	Ana Veciana Suarez	- Special exception to permit the expansion of an existing non-conforming building. - Non-Use variance of setback requirements. - Zone change from BU-2 and RU-1 to BU-1A.	ZAB	Approved w/conds.
/				

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

A

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
08-9-CZ12-1/06-323	September 1, 2009	CZAB12	15	09

REC: Approval with conditions of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #4 and request #8 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of request #4 through #7 under Sections 33-311(A)(b) (NUV), 33-311(A)(16) (ASDO) and 33-311(A)(c) (ANUV).

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input type="checkbox"/> TO: _____ <input type="checkbox"/> W/LEAVE TO AMEND
<input checked="" type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input checked="" type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input type="checkbox"/>		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN		Jorge Luis GARCIGA		X	
VICE-CHAIRMAN	S	Alberto SANTANA	X		
COUNCIL WOMAN.		Carla Ascencio-SAVOLA		X	
COUNCIL MAN		Jose I. VALDES		X	
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
VOTE:			4	3	

EXHIBITS: YES NO

COUNTY ATTORNEY: EDUARDO SANCHEZ

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

B

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: **Juan Mayol**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ12-1 (06-323)	November 5, 2008	CZAB12	08

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ 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: Readvertisement at applicant's expense. At applicant's expense to further work with
the homeowners association, revise the site plan, and to submit a revised covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR	X		
MR.		Edward D. LEVINSON	X		
MR.	S	Alberto SANTANA	X		
MR.	M	Jose I. VALDES (C.A.)	X		
VICE-CHAIRMAN		Robert W. WILCOSKY			X
MR.		Elliot N. ZACK	X		
MADAME CHAIRPERSON		Carla ASCENCIO-SAVOLA	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: TOM ROBERTSON

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

#1

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ12-1 9 (6-323)	September 3, 2008	CZAB12	08

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Sections 33-311(A)(16) (ASDO) and 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Nov 5, 2008</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	At applicant's request to submit revised plans.	

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR	X		
MR.		Edward D. LEVINSON			X
MR.		Alberto SANTANA	X		
MR.	M	Jose I. VALDES (C.A.)	X		
VICE-CHAIRMAN		Robert W. WILCOSKY	X		
MR.	S	Elliot N. ZACK	X		
MADAME CHAIRPERSON		Carla ASCENCIO-SAVOLA			X
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: STEPHEN STIEGLITZ

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

APPLICANT: B and F Marine, Inc.

PH: Z06-323 (08-9-CZ12-1)

SECTION: 23-54-40

DATE: January 28, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION

o REQUESTS:

B and F MARINE, INC. is appealing the decision of Community Zoning Appeals Board #12 which denied without prejudice the following:

- (1) BU-1A and RU-1 to BU-2
- (2) Applicant is requesting to permit a proposed eleven (11) story building to setback 20' (39' required) from the front (north and south) property lines and to setback 15' (39' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a lot coverage of 49.90% (40% maximum permitted).
- (4) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.35 maximum permitted).

Requests #2 through #4 on Plan "A"

- (5) Applicant is requesting to permit a proposed eight (8) story building to setback of 20' (33.2' required) from the front (north and south) property lines and to setback 15' (33.2' required) from the side street (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 50.2% (40% maximum permitted).
- (7) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.17 maximum permitted).

Requests #5 through #7 on Plan "B"

And with either requests (#2 through #4 or #5 through #7)

- (8) Applicant is requesting to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property; to permit openings for ingress/egress drives.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2 through #8 may be considered under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08 and "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'B'," as prepared by Tapia-Ruano Architect, Inc., consisting of 16 sheets and dated stamped received 12/1/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is appealing the decision of the Community Zoning Appeals Board #12 (CZAB-12) which denied without prejudice this application in its entirety. This application would allow the rezoning of the property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District. The applicant has submitted two (2) sets of plans (Plan 'A' and Plan 'B') which reflect the development of the site with two alternative options. Both submitted plans indicate a reduction of setbacks requirements from the front, rear and side street property lines, a greater lot coverage than allowed by the Zoning Code and a greater floor area ratio than is permitted. Additionally, the applicant seeks approval to waive a required wall along the rear (south) property line on both plans.

o **LOCATION:**

Lying east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street, Miami-Dade County, Florida.

o **SIZE:** 1.03 acres

B. ZONING HEARINGS HISTORY:

In 1976, several requests were granted on the subject site to permit parking and ingress and egress in a zone more restrictive than the use it serves, to permit 8 parking spaces within 25' of the right-of-way and to waive a 5' high decorative masonry wall where the business zone abuts the residential zone, pursuant to Resolution #4-ZAB-291-76. In 1987, the Zoning Appeals Board (ZAB) approved two requests to permit the expansion of an existing non-conforming building and to permit a reduced setback from the side street property line, pursuant to Resolution #4-ZAB-510-87.

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, 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.
3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **Policy LU-9J.** Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County.

5. Guidelines for Urban Form.

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

- 8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.
- 9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A and RU-1; Commercial building and single-family residences

Business and Office

Surrounding Properties:

NORTH: RU-1; Doug Barnes Park
 BU-2 and BU-3; Commercial

Parks and Recreation
 Business and Office

SOUTH: IU-1 and RU-1; Commercial building and single-family residences

Industrial and Office

EAST: BU-2; Gas station and storage facility

Business and Office

WEST: BU-1A; Commercial building

Business and Office

The subject property is located east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street. Residential, commercial and industrial uses characterize the surrounding area and Doug Barnes Park is located immediately across the street to the north of the subject property.

<u>E. SITE AND BUILDINGS:</u>	<u>PLAN 'A'</u>	<u>PLAN 'B'</u>
Site Plan Review:	(Site plan submitted)	(Site plan submitted)
Scale/Utilization of Site:	Acceptable*	Unacceptable
Location of Buildings:	Acceptable*	Unacceptable
Compatibility:	Acceptable*	Unacceptable
Landscape Treatment:	Acceptable*	Unacceptable
Open Space:	Acceptable*	Unacceptable
Buffering:	Acceptable*	Unacceptable
Access:	Acceptable*	Unacceptable
Parking Layout/Circulation:	Acceptable*	Unacceptable
Visibility/Visual Screening:	Acceptable*	Unacceptable
Urban Design:	Acceptable*	Unacceptable

*Subject to conditions and a proffered covenant.

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 water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

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

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (c) **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
 - (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
 - (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
 - (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
 - (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
 - (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
 - (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - (B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

- (13) any structure within an interior side setback required by the underlying district regulations:
 - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
 - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;

- (B) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (d) **An alternative lot coverage or floor area ratio** for a building shall be approved upon demonstration of the following:
- (1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and
 - (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
 - (3) the increase in lot coverage or floor area ratio will not result in a principal or accessory building(s) with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
 - (4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.
- (h) **An alternative placement of a required perimeter wall** setback from the property line(s) of a parcel where said property line adjoins or lies across the street right-of-way from a residential district, shall be approved after public hearing upon demonstration of the following:
- (1) the setback of the wall is the minimum distance necessary so as not to encroach into an existing utility or landscape easement(s); and
 - (2) that visual screening for the wall by way of landscaping is included in the easement area to prevent graffiti vandalism in a manner provided by this Code; and

- (3) that a suitable mechanism for maintenance of the landscaped area by the property owner, tenant association or similar association be provided in the form of a covenant running with the land.
- (i) **An alternative opening in a wall** otherwise required by this code to be a solid, unbroken barrier when a parcel adjoins or lies adjacent to a residential district, shall be approved after public hearing upon demonstration of the following:
- (1) the width of the wall opening is the minimum width necessary for pedestrians to access the parcel from adjoining or adjacent residential development(s); and
 - (2) the wall opening is immediately adjoining or adjacent to a residential lot, parcel or tract which is restricted in use as common open space.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and to her owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, under grounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including

but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

- (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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 to Plan 'A'	No comment to Plan 'B'
Public Works	No objection to Plan 'A'	No objection to Plan 'B'
Fire Rescue	No objection to Plan 'A'	No objection to Plan 'B'
Police	No objection to Plan 'A'	No comment to Plan 'B'
Schools	No comment	
Aviation	No objection to Plan 'A'	No comment to Plan 'B'

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

On September 1, 2009 the Community Zoning Appeals Board #12 (CZAB-12) denied without prejudice the applicant's requests under this application in its entirety by a vote of 4 to 3, pursuant to Resolution CZAB12-15-09. On September 13, 2009 the applicant appealed the CZAB-12 decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny without prejudice the requests under this application was arbitrary and capricious, void of substantial competent evidence, and contrary to the recommendation of the Department of Planning and Zoning.

This applicant has appealed this application which, pursuant to Resolution #CZAB12-15-09, was denied without prejudice by the CZAB 12, on September 1, 2009. The subject property is located east of S.W. 72 Avenue, between S.W. 40 Street (Bird Road) and S.W. 41 Street in an area characterized by single-family residences, commercial and industrial uses. The applicant is seeking a zone change on the subject property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District, (request #1) in order to construct an office and commercial development on the site. 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. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. 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. Staff notes that BU-2 zoning exists immediately to the east of the subject property where a storage facility was approved in 2001 along with several variances. Staff further notes that BU-1A zoning with a commercial building already exists to the west of the subject site and IU-1, Light Industrial District, zoning exists to the south of the subject site where the neighboring building is being utilized as an animal hospital. Staff further acknowledges that, although there are a few remnant RU-1 zoned lots to the south of the subject site, the area is designated Industrial and Office which permits uses that are more intense than the uses permitted in the BU-2 zone. The proposed BU-2 zoning permits uses such as convention halls, grocery stores, junior department stores, restaurants, supermarkets, liquor package stores, office parks, and regional shopping centers, among others, which are permitted uses in the Business and Office designation of the CDMP. The proposed BU-2 zoning is, therefore, **compatible** with zones in the area and **consistent** with the Business and Office LUP Map designation of the Master Plan. Additionally, the applicant has voluntarily proffered a covenant for each site plan option (Plan 'A' or Plan 'B') each restricting the development of the site to the site plans submitted for this application, additionally the covenants describe architectural details to the building elevations, minimum size trees, lighting restrictions, environmental development and restricting permitted uses on the site.

The Department of Environmental Resources Management (**DERM**) **does not object** to Plan 'A' and has provided no comments to Plan 'B', and indicates that Plan 'A' meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application for Plan 'A'. Additionally, the **Public Works Department does not object** to this application (Plan 'A' or 'B'). Their memorandum nonetheless indicates that access to SW 40 Street must meet current F.D.O.T. access management requirements. Additionally, the subject property requires platting and, therefore, road dedications and improvements will be accomplished through the recording of a plat. The Fire Department offers **no objections** to this application (Plan 'A' or 'B') and has indicated in their memorandum that the response time to the site is approximately **6:01** minutes. The Miami-Dade Aviation Department (**MDAD**) also **does not object** to Plan 'A' and has provided no comments for 'B'. Their memorandum indicates that the proposed project will not require a Height Analysis or Letter of Determination as it does not meet their review criteria.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, the development of the subject property, if granted, would be consistent with the LUP Map designation of the Comprehensive Development Master Plan for Miami-Dade County. The applicant is requesting a zone change from BU-1A and RU-1 to BU-2 on the subject property in order to construct an office and commercial development. Staff recognizes that the proposed zoning of the subject property would uniformly zone the site, and that the proposed BU-2 zoning is consistent with the Business and Office land use category of the LUP Map of the CDMP. Furthermore, the proposed rezoning to BU-2 will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application is acceptable. Additionally, staff notes that the proposal on the subject site is accessible by two major roadways, SW 72 Avenue and SW 40 Street, and as such, will be readily accessible to patrons. Staff further notes that a storage facility was approved in 2001 with a maximum height of 59'-9" on a neighboring property to the east. Staff is of the opinion that abundant landscaping elements in the form of trees and shrubs as illustrated on the submitted plans and 100' wide rights-of-way of SW 72 Avenue and SW 40 Street will effectively mitigate any negative visual or aural impacts the proposed retail and office uses may have on the adjoining properties. As such, staff is of the opinion that the proposed zone change and the accompanying submitted plans (Plan 'A') are **compatible** with the area and are **consistent** with the CDMP. Accordingly, staff recommends approval of the zone change request to BU-2 (request #1), subject to the Board's acceptance of the proffered covenant.

When requests #2 through #4 (Plan 'A') are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Approval of request #2, to permit a setback of 20' (39' required) from the front (north and south) property lines and 15' (39' required) from the side street (west) property line, in staff's opinion, will serve to enhance the character of the site through Plan 'A' incorporation of sound urban design principles as enumerated in the Guidelines for Urban Form. **Policy LU-9J** of the CDMP indicates that Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County. Staff notes that the Guidelines for Urban Form specify that in commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather. Requests #3, to permit a lot coverage of 49.9% (40% maximum permitted), and request #4, to permit a floor area ratio (F.A.R.) of 1.5 (1.35 maximum permitted), in staff's opinion, are indicative and supportive of the urban design elements expressed above, and any negative visual or aural impacts generated by the proposed retail and office use building will be mitigated by abundant landscaping elements as illustrated on the submitted plans and by the 100' wide rights-of-way of SW 72 Avenue and SW 40 Street. As previously mentioned, the submitted plans depict street trees proposed for this development in the form of Live Oak and Sabal Palms which will accommodate pedestrian circulation along the perimeter of the proposed commercial development by sheltering the proposed pedestrian walkways from passing traffic along SW 72 Avenue and SW 40 Street. Additionally, staff notes that a self-storage facility located on a BU-2 zoned property already exists immediately to the east of the subject property where in 2001 this Board approved said use with several companion variances including a similar request to permit a lot coverage of 49.99% (40% permitted) and a more intense request to permit a floor area ratio of 1.95 (0.84 permitted), pursuant to Resolution #CZAB12-44-01. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 through #4 (Plan 'A') under Section 33-311(A)(4)(b) (NUV).

When requests #5 through #7 (Plan 'B') are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to the neighborhood. Staff notes that Plan 'A' and Plan 'B' appear very similar. However, since the proposed building in Plan 'B' is much bulkier and exceeds the floor area ratio by 0.18 more than on Plan 'A'. Staff is of the opinion that such bulkiness and excessive floor area ration would be incompatible with the surrounding area and recommends that Plan 'B' (requests #5 through #7) be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Request #8, (Plans 'A' or 'B') to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property, to permit openings for ingress/egress drives, in staff's opinion, will not be detrimental to the residential properties located to the south of the subject site. Staff notes that ample landscaping is provided along this

southeastern portion of the site, which will mitigate any negative impact generated by this request. Therefore, staff is of the opinion that the approval of the proposal would not be out of character with the area and would be **compatible** with same. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, requests #2 through #4 (Plan 'A') or for requests #5 through #7 (Plan 'B') cannot be analyzed under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When requests #2 through #4 (Plan 'A'), requests #5 through #7 (Plan 'B') and request #8 (with either request Plan 'A' or 'Plan 'B') are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the proposed BU-2 or under the existing zoning regulations, staff is of the opinion that either requests #2 through #4 (Plan 'A'), requests #5 through #7 (Plan 'B') and request #8 (with either request Plan 'A' or 'Plan 'B') cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on the foregoing, staff opines that the proposed office and commercial development is **compatible** with the area and is **consistent** with the Business and Office LUP Map designation of the CDMP. Therefore, staff recommends approval of request #1, subject to the Board's acceptance of the voluntarily proffered covenant; approval with conditions of requests #2 through #4 and request #8 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of requests #4 through #7 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Partial approval of the appeal submitted by the applicant subject to conditions more specifically as approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with condition of requests #2 through #4 and request #8 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of requests #5 through #7 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: For requests #2 through #4 and request #8 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; said plan to include among other things but not be limited to,

location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08.
3. That the openings on the exterior facades of the parking garage, except openings designed to provide vehicular and pedestrian ingress and egress, be outfitted with an architectural mesh or grill screening material. Said screening material and design scheme shall be submitted to and meet the approval of the Director prior to the issuance of a building permit.
4. That street trees along the rear (south) property line shall be 18-feet in height at the time of planting.
5. That all outdoor lighting fixtures shall be located, oriented, adjusted and shielded such that the lighting is deflected, shaded and focused away from adjacent property in accordance with Section 33-4.1 of the Code.
6. That the use be established and maintained in accordance with the approved plan and the voluntarily proffered covenants.
7. That prior to issuance of a building permit, the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material in accordance with Chapter 18-A of the Landscape Code, said landscaping to be installed prior to final zoning inspection.
8. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

DATE INSPECTED: 06/20/08
DATE TYPED: 07/02/08
DATE REVISED: 07/03/08; 07/11/08; 07/30/08; 08/25/08; 09/23/08; 07/02/09; 07/08/09
07/29/09; 12/02/09; 12/03/09
DATE FINALIZED: 12/03/09
MCL;GR:NN;TA


Marc C. LaFerrer, AICP, Director
Miami-Dade County Department of
Planning and Zoning
NDN
GMR

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

CHECKED BY RCC AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 09/01/2009

BY CZAB # 12

RECEIVED
204.323
SEP 15 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY RCC

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. 06-323

Filed in the name of (Applicant) B & F Marine, Inc.

Name of Appellant, if other than applicant Same

Address/Location of APPELLANT'S property: Lying east of S.W. 72nd Avenue, between S.W.
40th Street (Bird Road) and S.W. 41st Street, Miami-Dade County, Florida, a/k/a 4001 S.W.
72nd Avenue, Miami, Florida 33155.

Application, or part of Application being Appealed (Explanation): Entire Application

Appellant (name): B & F Marine, 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
make 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 decision by the Community Zoning Appeals Board 12 (CZAB 12) was not based on
substantial competent evidence. Instead, the decision by the CZAB 12 was arbitrary and
capricious.**

APPELLANT MUST SIGN THIS PAGE

Date: 14 day of September, 2009

Signed

[Handwritten Signature]

Antonio Veciana, Jr.

Print Name

B & F Marine, Inc.
4001 S.W. 72nd Avenue, Miami, Florida 33155

Mailing Address

305-662-2858

Phone

305-662-2943

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

B & F Marine, Inc.

Representing

Signature

[Handwritten Signature]

Juan J. Mayol, Jr., Esq.

Print Name

701 Brickell Avenue, Suite 3000

Address

Miami

City

Florida

State

33131

Zip

305-789-7787

Telephone Number

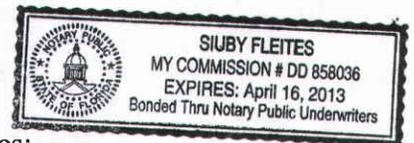
Subscribed and Sworn to before me on the 14th day of September, year 2009

[Handwritten Signature]

Notary Public

(stamp/seal)

Commission expires:



22

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 Antonio Veciana, Jr., President, B & F Marine, 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:

Alberto J. Torres

Signature

ALBERTO J. TORRES

Print Name

Siuby Fleites

Signature

SIUBY FLEITES

Print Name

Antonio Veciana, Jr.

Appellant's signature

Antonio Veciana, Jr.

B & F Marine, Inc.

Sworn to and subscribed before me on the 14th day of September, 2009.

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

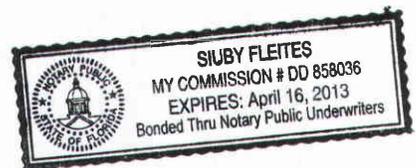
Siuby Fleites

Notary

(Stamp/Seal)

Commission Expires:

8822316_v1



RESOLUTION NO. CZAB12-15-09

WHEREAS, B & F MARINE, INC. applied for the following:

- (1) BU-1A and RU-1 to BU-2
- (2) Applicant is requesting to permit a proposed eleven (11) story building setback 20' (39' required) from the front (north and south) property lines setback a minimum of 15' (39' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a lot coverage of 49.9% (40% maximum permitted).
- (4) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.35 maximum permitted).

REQUESTS #2-#4 ON PLAN "A"

- (5) Applicant is requesting to permit a proposed eight (8) story building setback 20' (33.2' required) from the front (north and south) property lines setback a minimum of 15' (33.2' required) from the side street (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 50.2% (40% maximum permitted).
- (7) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.17 maximum permitted).

REQUESTS #5-#7 ON PLAN "B"

AND WITH EITHER GROUP OF REQUESTS, THE FOLLOWING:

- (8) Applicant is requesting to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2-#8 may be considered 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 Department of Planning and Zoning entitled "Site Plan Study for Multiuse Project at: B & F Marine, Inc - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08 and "Site Plan Study for Multiuse Project at: B & F Marine, Inc - Plan 'B'," as prepared by Tapia-Ruano Architect, Inc., consisting of 16 sheets and dated stamped received 12/1/08. Plans may be modified at public hearing.

SUBJECT PROPERTY: The west 112' of Tract 2, of AMENDED PLAT OF BIRD ROAD ESTATES, SECTION TWO, Plat book 33, Page 19, less the north 15' and less all that part of Tract 2 which lies within the external area formed by a 25' radius arc concave to the southeast tangent of the west line of said Tract 2, and tangent to the south line of the north

15' of said Tract 2. AND: PARCEL 1: All of QUECK SUBDIVISION (A resubdivision of the south 110' of the east 100' of Tract 2, of the AMENDED PLAT OF BIRD ROAD ESTATES, SECTION 2, Plat book 33, Page 19), Plat book 66, Page 85, being the same property described in the warranty deed recorded under Clerk's File No. 77R-279948 in Official Records Book 9855, Page 1509. AND: PARCEL 2: The east 50' of the west 162' of the south 110' of Tract Two, of BIRD ROAD ESTATES, SECTION TWO, Plat book 33, Page 19. AND PARCEL 3: The east 50' of the west 212' of the south 110' of Tract 2, of BIRD ROAD ESTATES AMENDED, SECTION TWO, Plat book 33, Page 19.

LOCATION: Lying east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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 proffered two Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (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 that the requests to permit a proposed eleven (11) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #2), to permit a lot coverage of 49.9% (Item #3), to permit a floor area ratio (F.A.R.) of 1.50 (Item #4), to permit a proposed eight (8) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #5), to permit a lot coverage of 50.2% (Item #6), to permit a floor area ratio (F.A.R.) of 1.50 (Item #7), and to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to deny Items #1 through 8 was offered by Peggy Brodeur, seconded by Alberto Santana, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Carla Ascencio-Savola	nay
Jorge Luis Garciga	nay	Jose I. Valdes	nay
Alberto Santana	aye	Angela Vazquez	aye
Elliot N. Zack		aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit a proposed eleven (11) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #2), to permit a lot coverage of 49.9% (Item #3), to permit a floor area ratio (F.A.R.) of 1.50 (Item #4), to permit a proposed eight (8) story building setback 20' from the front (north and south) property lines setback a minimum of 15' from the side street (west) property line (Item #5), to permit a lot coverage of 50.2% (Item #6), to permit a floor area ratio (F.A.R.) of 1.50 (Item #7), and to waive the required wall set in 10' from the right-of-way with a 10' wide landscape strip along portions of the rear (south) property line where said lot lies across the street from RU zoned property (Item #8) be and the same are hereby denied without prejudice.

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

PASSED AND ADOPTED this 1st day of September, 2009.

Hearing No. 08-9-CZ12-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

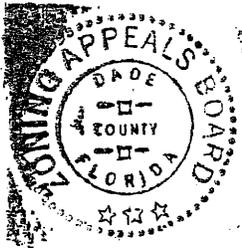
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-15-09 adopted by said Community Zoning Appeals Board at its meeting held on the 1st day of September, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 14th day of September, 2009.



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

SEAL



Memorandum 

Date: July 8, 2008
To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

Subject: C-12 #Z2006000323-2nd Revision
B & F Marine, Inc.
4001 S.W. 72nd Avenue
District Boundary Change from B-U1A & RU-1 to BU-2
(BU-1A/RU-1) (1.03 Acres)
23-54-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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.

Pollution Remediation

The subject property has no records of current contamination assessment or remediation issues on the site or directly abutting the subject site. The applicant is advised that there are records of contamination assessment or remediation issues within 500 feet southwest of the subject property tracked under Permit UT-2440/F-9647, Tropical Paint & Body Shop (7270 SW 41st Street).

Air Quality Preservation

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

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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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 is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information 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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 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

Tree Removal Permit 2008-TREE-PER-00104 was issued to B & F Marine, Inc., on March 11, 2008 and is scheduled to expire on March 11, 2009. All approved tree removal, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00104 shall be required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

Enforcement History

DERM has found the following closed enforcement case for the subject property:

B & F Marina
4001 SW 72nd Avenue

DERM has file number PSO-418. There is record of a closed enforcement case regarding failure to comply with the Sanitary Sewer Evaluation Survey (SSES) on the private pump station. The case was closed on September 9, 2003 with the approval of the SSES.

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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: B & F MARINE, INC.

This Department has no objections to this application.

This Department has no objections to either plan option.

Driveway to Bird Road (SW 40 St.) must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of platting.

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

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



Raul A Pino, P.L.S.

07-JUL-09



Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

Commercial Airport:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka
Opa-locka West

August 4, 2008

Received by
Zoning Agenda Coordinator
AUG 08 2008

Mr. Alberto J. Torres
Land Use Consultant
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847

RE: Determination Number DN-08-07-052 Cursory Airspace Analysis for Z06-0323, B & F Marine, Inc., located at East of SW 72 Ave, between SW 40th Street and SW 41st Street, Miami, FL, Folio Numbers: 3040230140010, 3040230120042, 3040230120041 and 3040230120040.

Dear Mr. Torres:

The Miami-Dade Aviation Department (MDAD) has reviewed the above referenced project for an airspace analysis.

Airspace Review:

The Miami-Dade Aviation Department (MDAD) is in receipt of your submittal for an airspace analysis and determination letter for the above referenced project. Please note that based on our cursory review of the project information provided to us, an assumed project height of **138 ft. AMSL (Above Mean Sea Level)**, does not meet our review criteria for its location and will not require a Height Analysis or Letter of Determination from this Department. Please note that any future changes in building locations/layouts or heights reaching or exceeding an elevation of **192 ft. AMSL** will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

This height determination is an estimate issued on a preliminary or advisory basis. **It is not necessary to file with the FAA** for the structure height as stated above by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. **However, any construction cranes for this project reaching or exceeding 192 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using the same form.** The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form may be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the developer may "e-file" online at <https://oeaaa.faa.gov>.

Delivering Excellence Every Day

Mr. Alberto J. Torres
August 4, 2008
Page 2

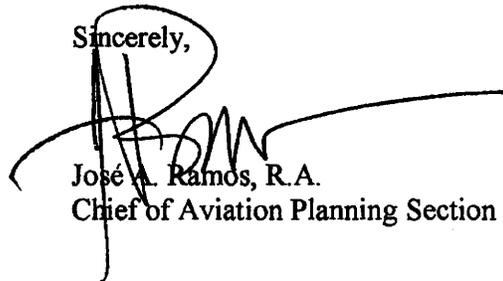
Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. The County's Aviation Department or the applicable municipal building official determines whether the County's height limitations are met, and FAA determines whether FAA building, marking and height requirements are met.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Furthermore, please note that upon completion of this project, no Certificate of Use and Certificate of Occupancy shall be issued by a municipality or Miami-Dade County until approval is obtained by this office certifying that the structure was built no higher than the height approved by this letter. The approval shall be issued by this office after submittal by applicant of the required information as outlined in the Miami International Airport (Wilcox Field) Zoning Ordinance, **Section 33-349 Airspace Approvals, Paragraph A, Subsection 2.**

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

Sincerely,



José A. Ramos, R.A.
Chief of Aviation Planning Section

JR/AH/cf

C: S. Harman
A. Herrera
Marc C. LaFerrier, Department of Planning and Zoning
D. Holness, Department of Planning and Zoning
L. Talleda, Department of Planning and Zoning
F. Gutierrez, Department of Planning and Zoning
File Zoning



Memorandum

Date: 06-JUL-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2006000323

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated June 29, 2009.

APPROVAL:

Fire Engineering & Water Supply Bureau has no objection to site plan A date stamped January 22, 2008 and site plan B date stamped December 1, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand

Development for the above Z2006000323 located at LYING EAST OF SW 72 AVENUE, BETWEEN SW 40 STREET (BIRD ROAD) AND SW 41 STREET, in Police Grid 1596 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> Industrial	square feet
<u>67,605</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>10,925</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 17.98 alarms-annually.
 The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SW 82 Avenue
 Rescue, ALS Engine.

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan A date stamped January 22, 2008 and site plan B date stamped December 1, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

B AND F MARINE, INC.

LYING EAST OF SW 72 AVENUE,
BETWEEN SW 40 STREET (BIRD
ROAD) AND SW 41 STREET,

APPLICANT

ADDRESS

Z2006000323

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No zoning violations observed

B AND F MARINE, INC

JOE MESLER

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: B&F MARINE, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ANTONIO VECIANA, SR. / 10464 SW 128 TERR, MIA, FL.</u>	<u>36.25</u>
<u>ANTONIO VECIANA, JR / 1900 SW 134 AVE, MIA. FL</u>	<u>29.77</u>
<u>CARLOS VECIANA / 3163 VIRGINIA ST., C.G. FL</u>	<u>7.82</u>
<u>ANA VECIANA / 10464 SW 128 TERR., MIAMI, FL</u>	<u>16.57</u>
<u>SIRA VECIANA - MUNIO / 6767 COLLINS AVE, M.B., FL #803</u>	<u>10.39</u>

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

TRUST/ESTATE NAME: _____

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

RECEIVED
 206-323
 NOV 08 2006
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
[Signature]

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: BFF MARINE, INC.

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

Date of contract: _____

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

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206-323
NOV 08 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY AS

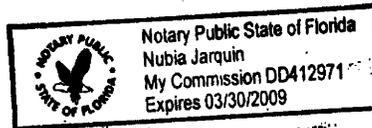
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 8th day of November, 2006. Affiant is personally known to me or has produced Florida driver's license as identification.

[Signature]
(Notary Public)



My commission expires _____

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

CL SW 40th STREET (BIRD ROAD) section 1601 RW

ZONING INFORMATION

EXISTING ZONING
PROPOSED ZONING
LOT AREA

SETBACKS:
FRONT
INTERIOR SIDES
STREET SIDE
REAR (DOUBLE FRONT)
MAX. HEIGHT ALLOWED

LOT COVERAGE ALLOWED
LOT COVERAGE PROPOSED

FAR ALLOWED
ground floor
additional floors up to 8th
ninth and over
Total
1.35 x 44,980

BU-1A AND R-1	
BU-2	
44,980 SQ. FT. 1.032 A	
REQUIRED	PROPOSED
20'-0"	20'-0"
0'-0"	7'-1" TO 74'+
15'-0"	15'-0" GND. 25'-0" parking
20'-0"	20'-0" OFFICE floors
20'-0"	20'-0"
UNLIMITED	100'-0" main roof

FAR PROPOSED	150	67,604.638
BREAKDOWN		4,600 - 72,100 sq. ft.
GROUND FLOOR COMMERCIAL		10,500 SQ. FT.
OFFICE FLOORS 7 AT 8,800 EA.		81,600 SQ. FT.
TOTAL		72,100 SQ. FT.

PARKING REQUIRED		
COMMERCIAL AT 1/250	PROPOSED	44 CARS
OFFICE AT 1/300	PROPOSED	265 CARS
TOTAL	PROPOSED	247 CARS

OPEN SPACE REQUIRED		
18% at grid. + 1.5%/ft (up to 7) + 2.5% over 8		34% 15,285 SQ. FT.
1.5 x 7 = 10.5% + 16 + 7.5		36% 16,166 SQ. FT.
OPEN SPACE PROPOSED		

PARKING		100,875 SQ. FT.
MEZZANINE	13,230 SQ. FT.	
SECOND	20,836 SQ. FT.	
THIRD	20,836 SQ. FT.	
FOURTH	20,835 SQ. FT.	
LAST	13,230 SQ. FT.	

40 = 17,984 SQ. FT.
498 = 22,410 SQ. FT.
44,980 = 50% of 40 + 498

110' bldg height
14' 20' 40' 5' = 14' @ highest point

110' max powered
44,980 = 50% of 40 + 498

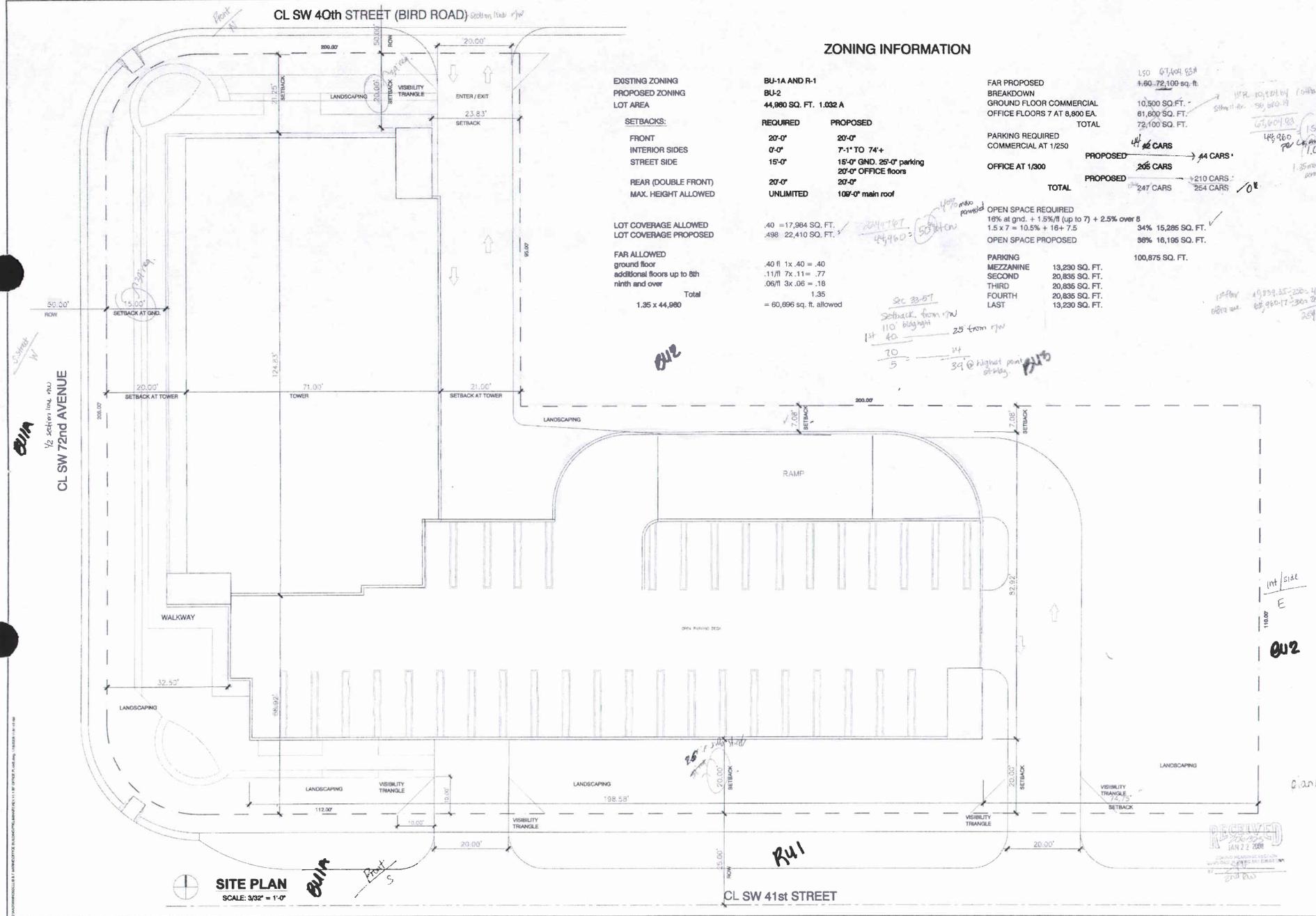
150 67,604.638
4,600 - 72,100 sq. ft.
10,500 SQ. FT.
81,600 SQ. FT.
72,100 SQ. FT.

150
44,980
per Cap. 1.6
1.35 max
150

110' max
49,800 sq. ft. (0.44)
Sch. 1.0 - 50,000 sq. ft.

110' max
49,800 sq. ft. (0.44)
Sch. 1.0 - 50,000 sq. ft.

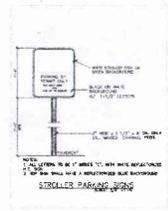
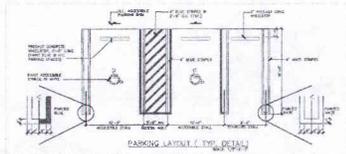
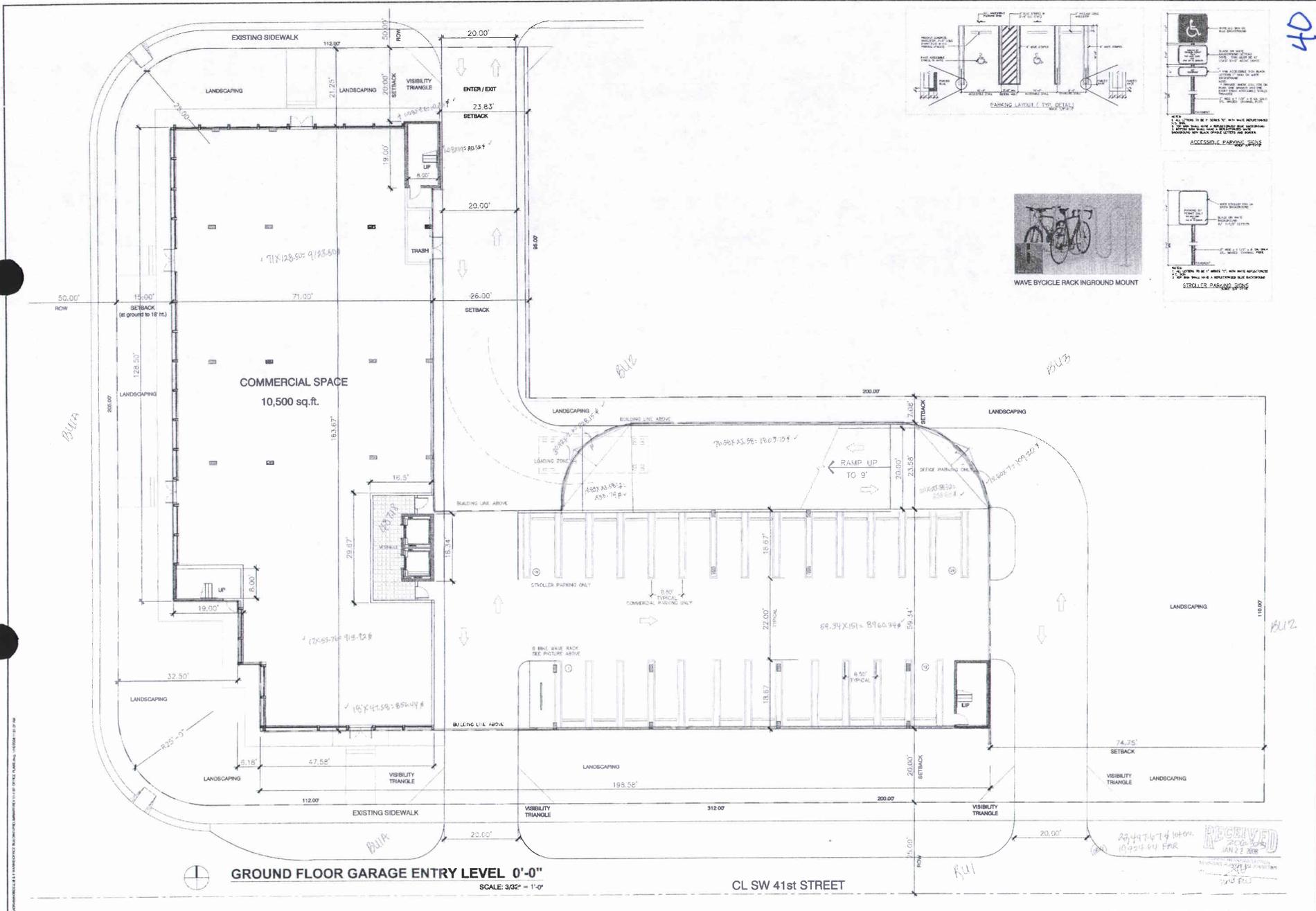
110' max
49,800 sq. ft. (0.44)
Sch. 1.0 - 50,000 sq. ft.



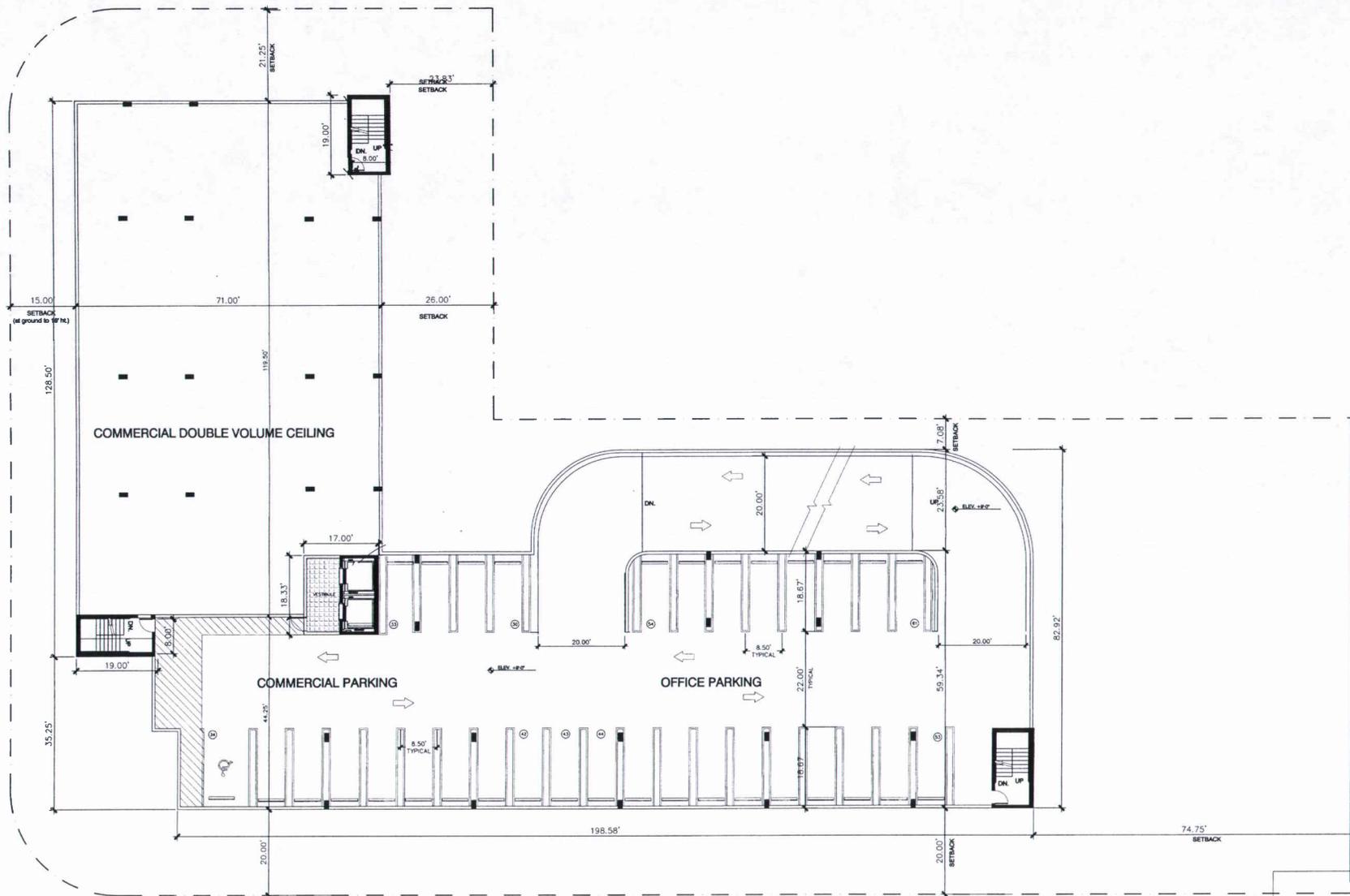
SITE PLAN
SCALE: 3/32" = 1'-0"



40



PLAN
A



MEZZANINE GARAGE LEVEL +9'-0"

SCALE: 3/32" = 1'-0"

8/15/08 #

RECEIVED
 COMMERCIAL ENGINEERING SECTION
 4001 SW 75th AVENUE
 MIAMI, FLORIDA 33156
 JAN 22 2008
and [signature]

41

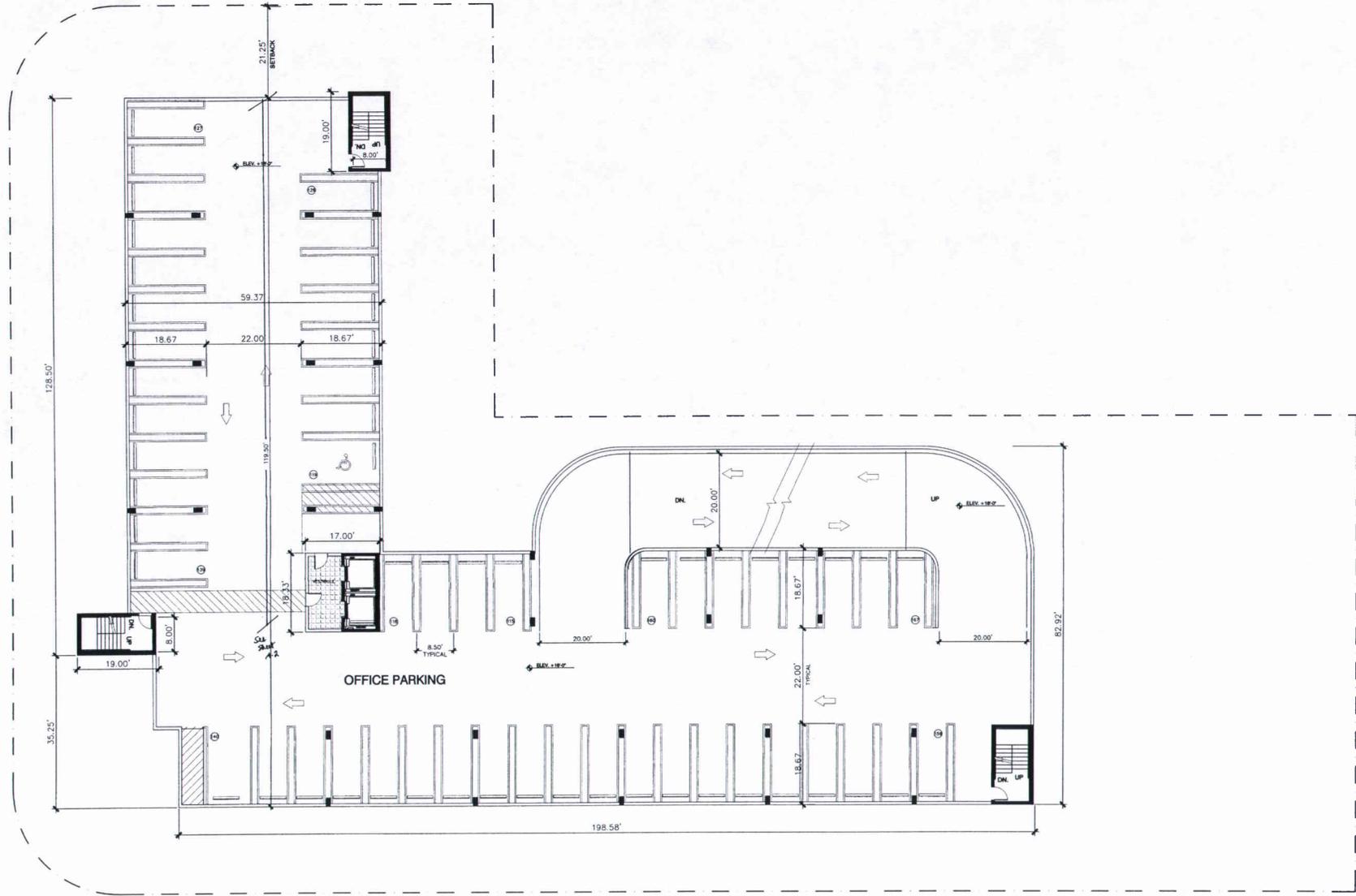
SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
 4001 SW 75th AVENUE MIAMI, FLORIDA 33156

Tapia-Ruano Architect Inc.
 1710 SW 25th AVENUE
 MIAMI, FLORIDA 33135

PLAN A-1

Date: 1-18-08
 Comm. No. 081007

A-2




THIRD FLOOR GARAGE LEVEL +27'-0"
 SCALE: 3/32" = 1'-0"

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 JAN 22 2008
 ENGINEERING SOLUTION
 ALLIANCE FOR PLANNING AND DESIGN, INC.
 2nd fl.

43

Tapia-Ruano Architect Inc.
 1735 NW 22nd Terrace
 Miami, Florida 33135
 (305) 866-0100

SITE PLAN STUDY FOR MULTITRUE PROJECT AT:
B & F MARINE INC.
 4001 SW 75th AVENUE
 MIAMI, FLORIDA 33155

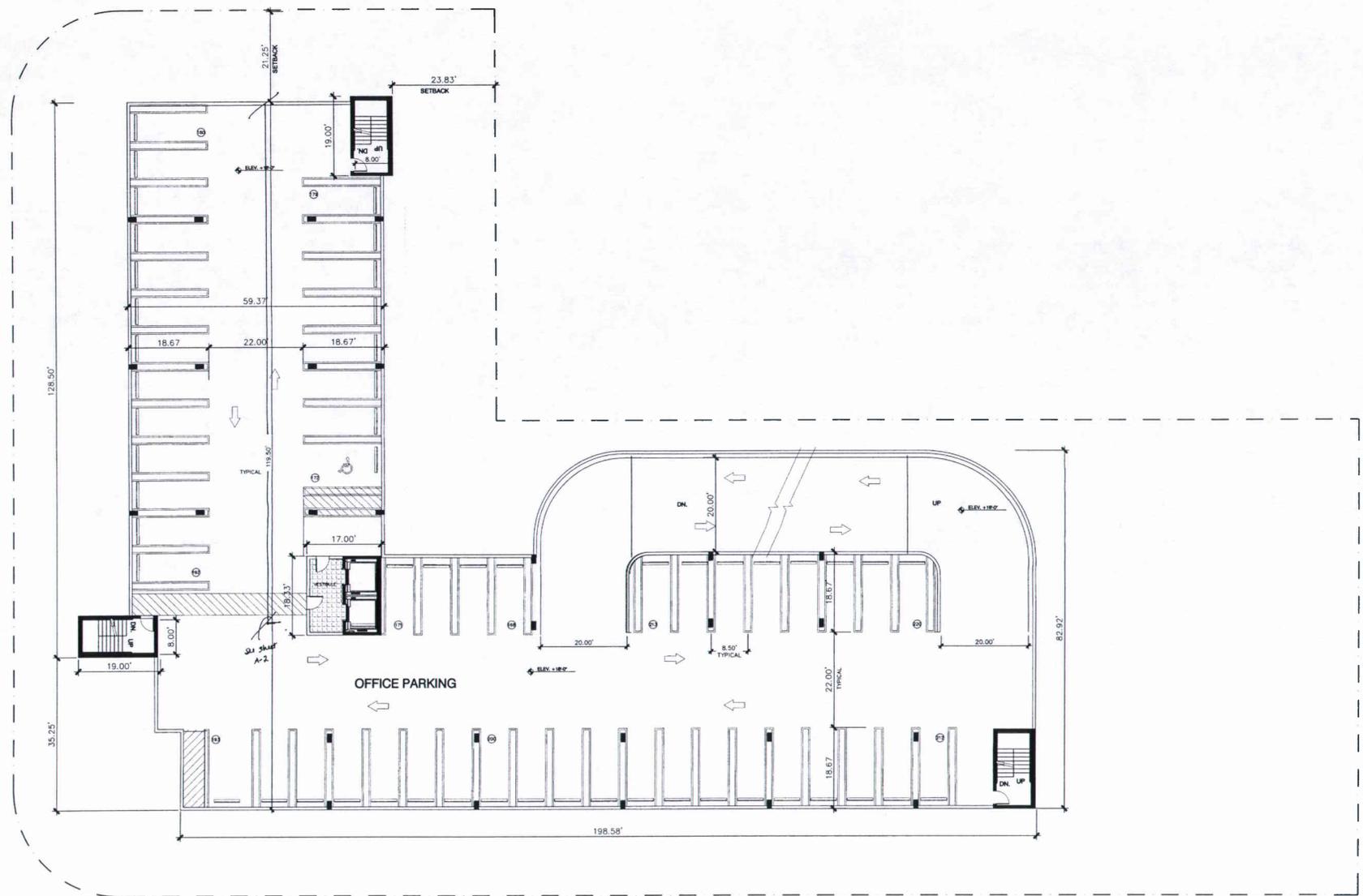
PLAN
'A'

Date: 1-18-08
 Cont'n. No. 081007

A-4

44

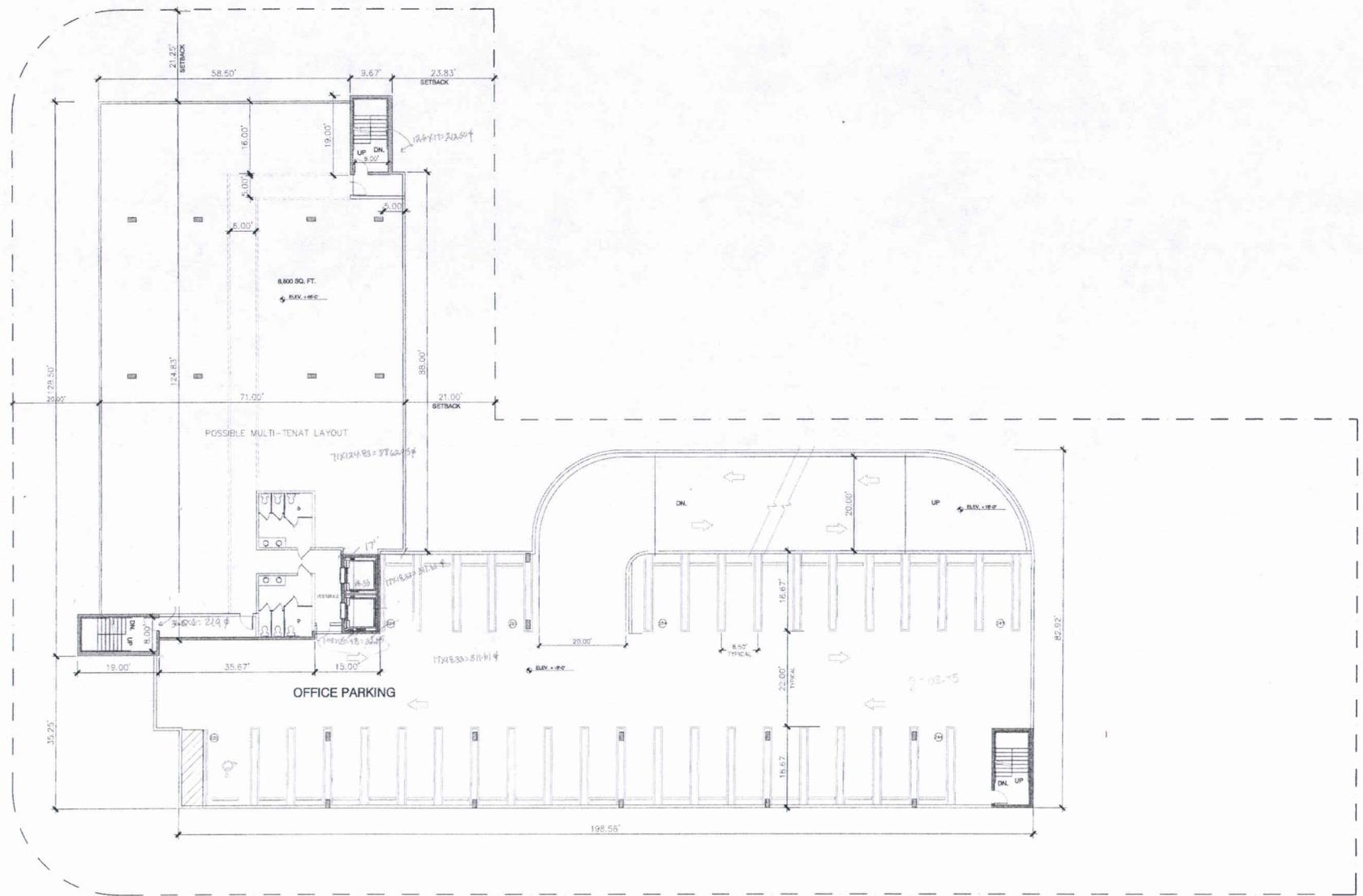
PLAN
A



⊕ FOURTH FLOOR GARAGE LEVEL +36'-0"
SCALE: 3/32" = 1'-0"

6722604

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206.323
JAN 22 2008
DEPT. OF PERMITS AND INSPECTION
MAYOR'S OFFICE
JH
and BCU



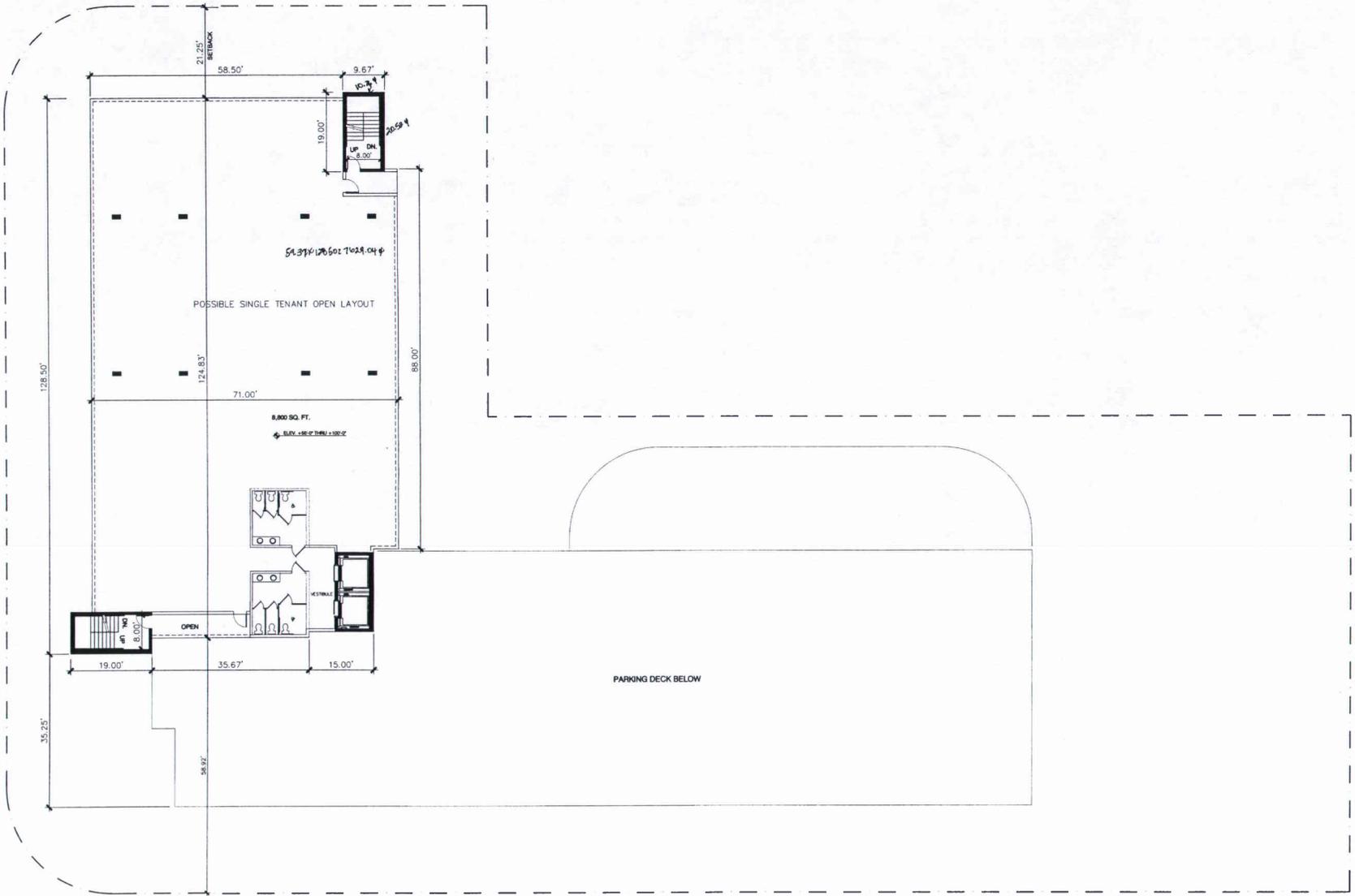
FIFTH FLOOR GARAGE LEVEL & FIRST OFFICE FLOOR +46'-0"
SCALE: 3/32" = 1'-0"

8862.93
765.24
8097.17



46

PLAN
'A'



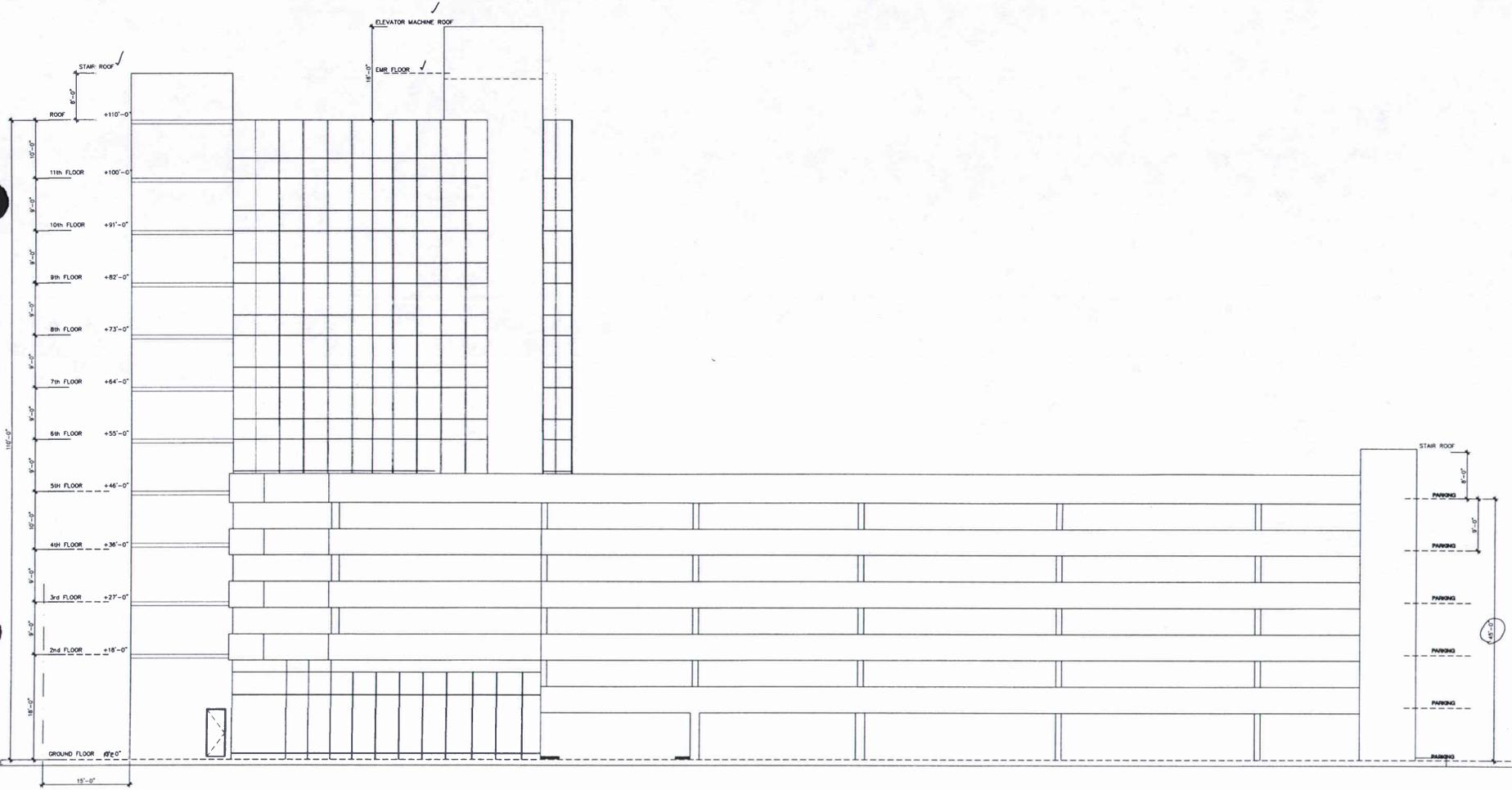
SIXTH FLOOR OFFICE LEVEL +55'-0" THRU 11th FLOOR +100'-0" *Handwritten note: 100' x 100'*
SCALE: 3/32" = 1'-0"

B238.62(0) = 44,431.72



APPROVED FOR THE CITY OF MIAMI BY THE CITY PLANNING AND ZONING DEPARTMENT ON 1/22/08

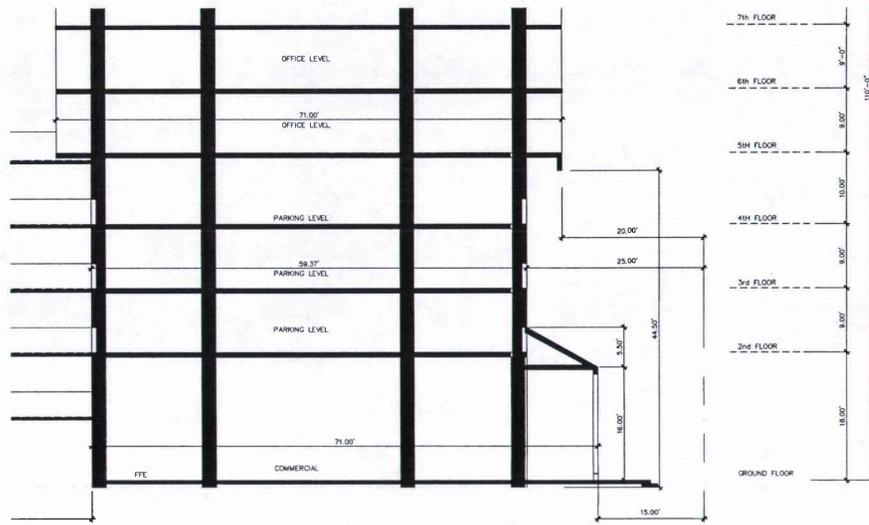
47



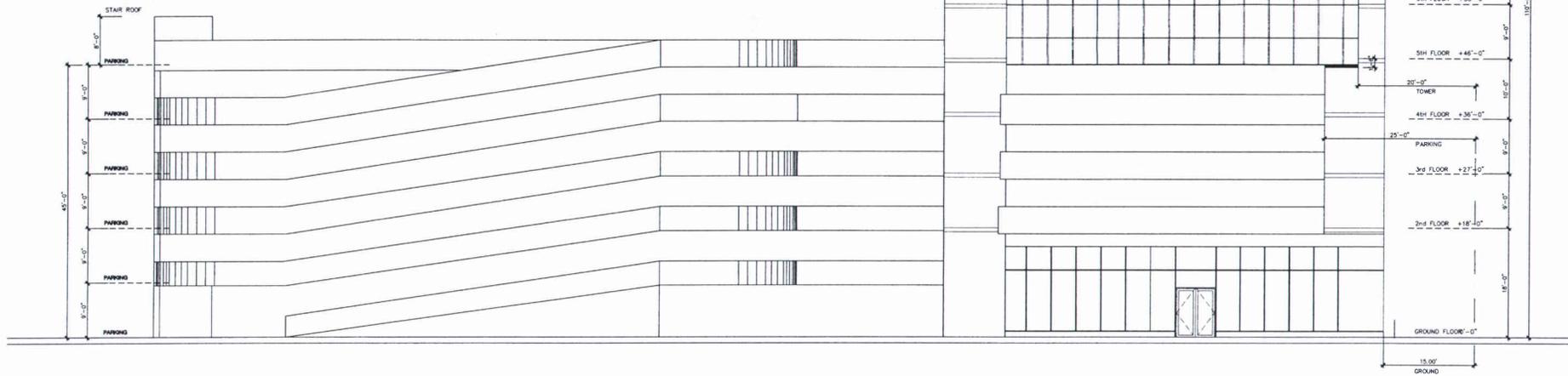
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

RECEIVED
JAN 22 2008
COUNTY HEARINGS SECTION
PLANNING AND ZONING DEPT.
BY: [Signature]
2nd EW

DIAN
'A'



PARTIAL SECTION AT 72 AVE LOOKING SOUTH



NORTH ELEVATION

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

48

AA 000005

Tapia-Ruano Architect Inc.
1734 SW 24th Avenue
Miami, Florida 33134

SITE PLAN STUDY FOR MULTITRUSE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33155

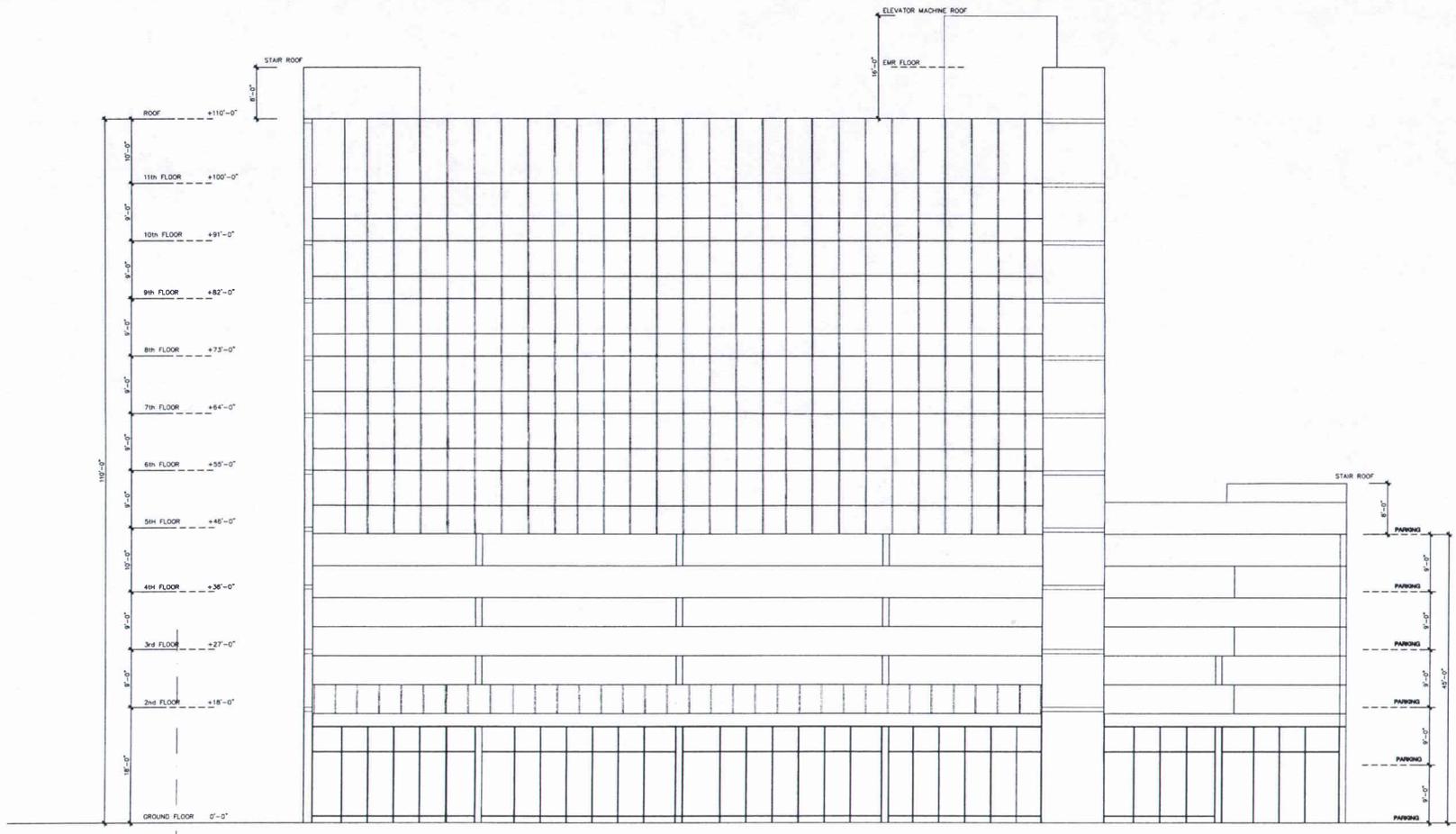
PLAN
'A'

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200-393
JAN 2 2008
LUMBER PLANS SECTION
LUMBER-CORP. PLANNING AND DESIGN DEPT.
JH
JMA PW.

Date: 1-18-08
Comm. No. 081007

A-9

49

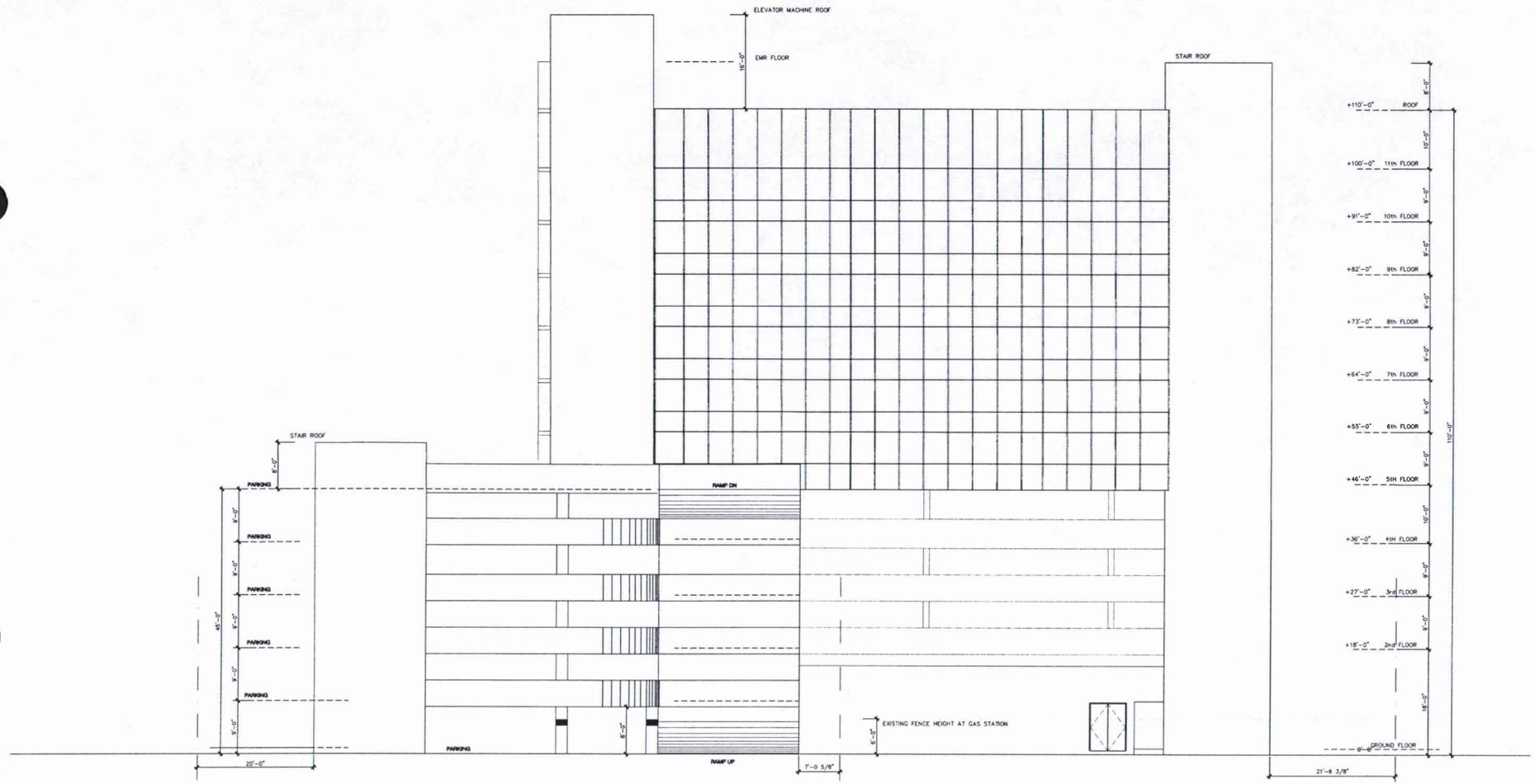


WEST ELEVATION
SCALE: 1/8" = 1'-0"

RECEIVED
2008-293
JAN 22 2008
ZONING DEPARTMENT
4114 N.W. 12th Avenue, Miami, FL 33142
311
JHR
2nd fl.

PLAN 'A'

50



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

RECEIVED
 2008-373
 JAN 22 2008
 ZUMINO & ASSOCIATES
 1510 NW 10TH AVENUE, SUITE 200
 MIAMI, FL 33136
 [Signature]

15

CL SW 40th STREET (BIRD ROAD) Section View

Front North

ZONING INFORMATION

EXISTING ZONING BU-1A AND R-1

PROPOSED ZONING BU-2

LOT AREA 44,880 SQ. FT. 1,055 A

SETBACKS: REQUIRED PROPOSED

FRONT 20'-0" 20'-0"

INTERIOR SIDES 5'-0" 7'-11" TO 7'-6"

STREET SIDE 15'-0" 15'-0" AND 20'-0" OFFICE Bldg

REAR DOUBLE FRONT 20'-0" 20'-0"

MAX. HEIGHT ALLOWED UNLIMITED 82'-0" (main roof)

LOT COVERAGE ALLOWED .40 = 17,952 SQ. FT.

LOT COVERAGE PROPOSED .488 = 21,710 SQ. FT.

FAR ALLOWED .488 1x .48 = .40

GRADE Bldg 1.18 7x 11 = .27

TOTAL 1.17 = 50,662 sq. ft. allowed

FAR PROPOSED 1,596 71,315 sq. ft.

BRICKWORK 10,560 SQ. FT.

GROUND FLOOR COMMERCIAL 70,260 SQ. FT. 61,485.51

OFFICE FLOORS 7 AT 8,175 SQ. FT. 72,455.51

TOTAL 81,015 TOTAL

REQUIRED 43 CARS

PROPOSED 48 CARS

COMMERCIAL AT 1,125 205 CARS

OFFICE AT 1,000 248 CARS

TOTAL 205 CARS 281 CARS

OPEN SPACE REQUIRED 19% of gnd. + 1.9% (up to 8)

15.5' x 10.0' x 16 38.9% 11,218 SQ. FT.

OPEN SPACE PROPOSED 38% 18,185 SQ. FT.

PARKING GROUND 7,880 SQ. FT.

MEZZANINE 11,698 SQ. FT. - parking (no other use)

SECOND 10,476 SQ. FT.

THIRD 10,476 SQ. FT.

FOURTH 10,476 SQ. FT.

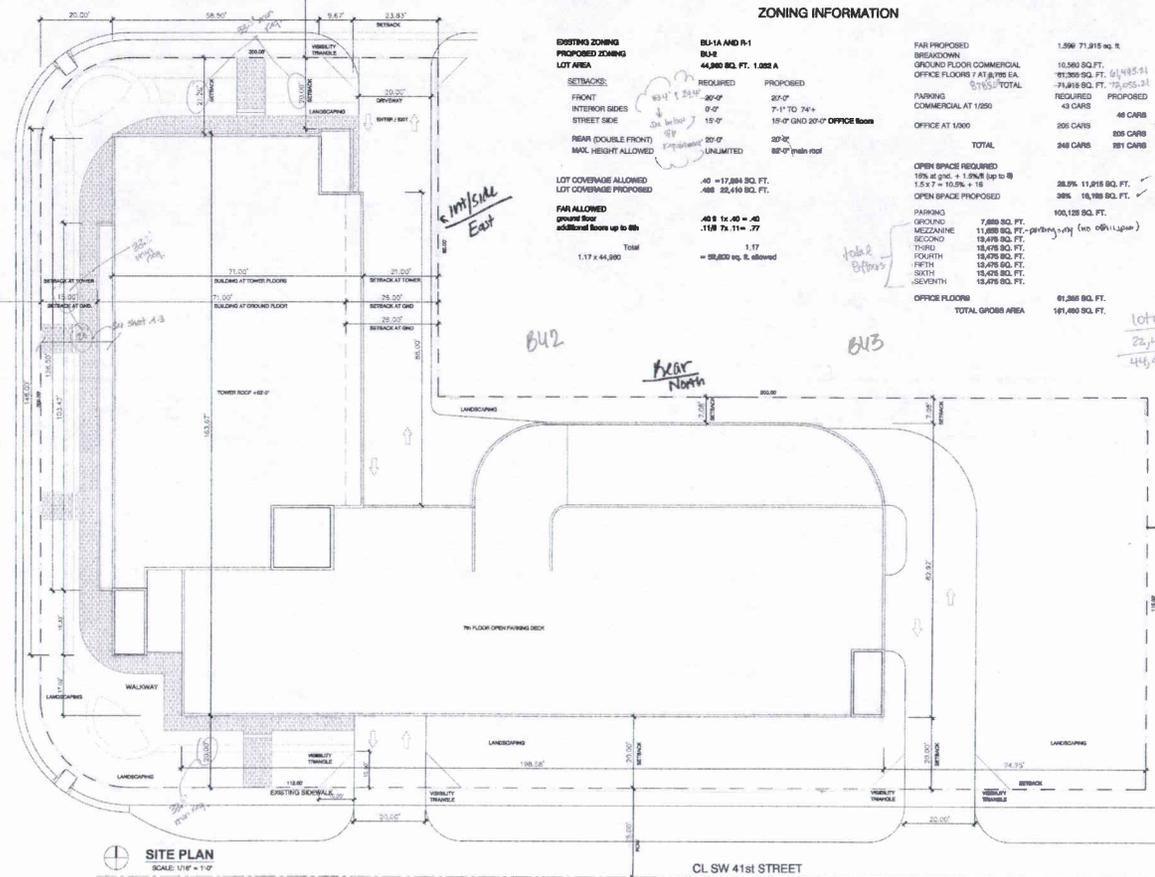
FIFTH 10,476 SQ. FT.

SIXTH 10,476 SQ. FT.

SEVENTH 10,476 SQ. FT.

OFFICE FLOORS 81,268 SQ. FT.

TOTAL GROSS AREA 181,480 SQ. FT.



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

BU1A
Side/West

Imp Side East

Rear North

Front South

BU1A

RU-1

Set 33-57
Setback from RW
B1 1/2 height
40 25' from RW
41' = B1
5 33.1' @ highest point of bldg

Set 33-57
02' parking garage
40 25' from (on 41')
22' = 44'
5 24.4' @ highest point of garage bldg



lot cov
22,410
44,820 = 44%
40% max permitted
FAR
10 ft. x 10 ft.
2-8 = 33
103.9
67,480 sq ft
44,820 = 66%
1.17 max permitted

52

PLAN 'B'

CL SW 40th STREET (BIRD ROAD)

CL SW 72nd AVENUE

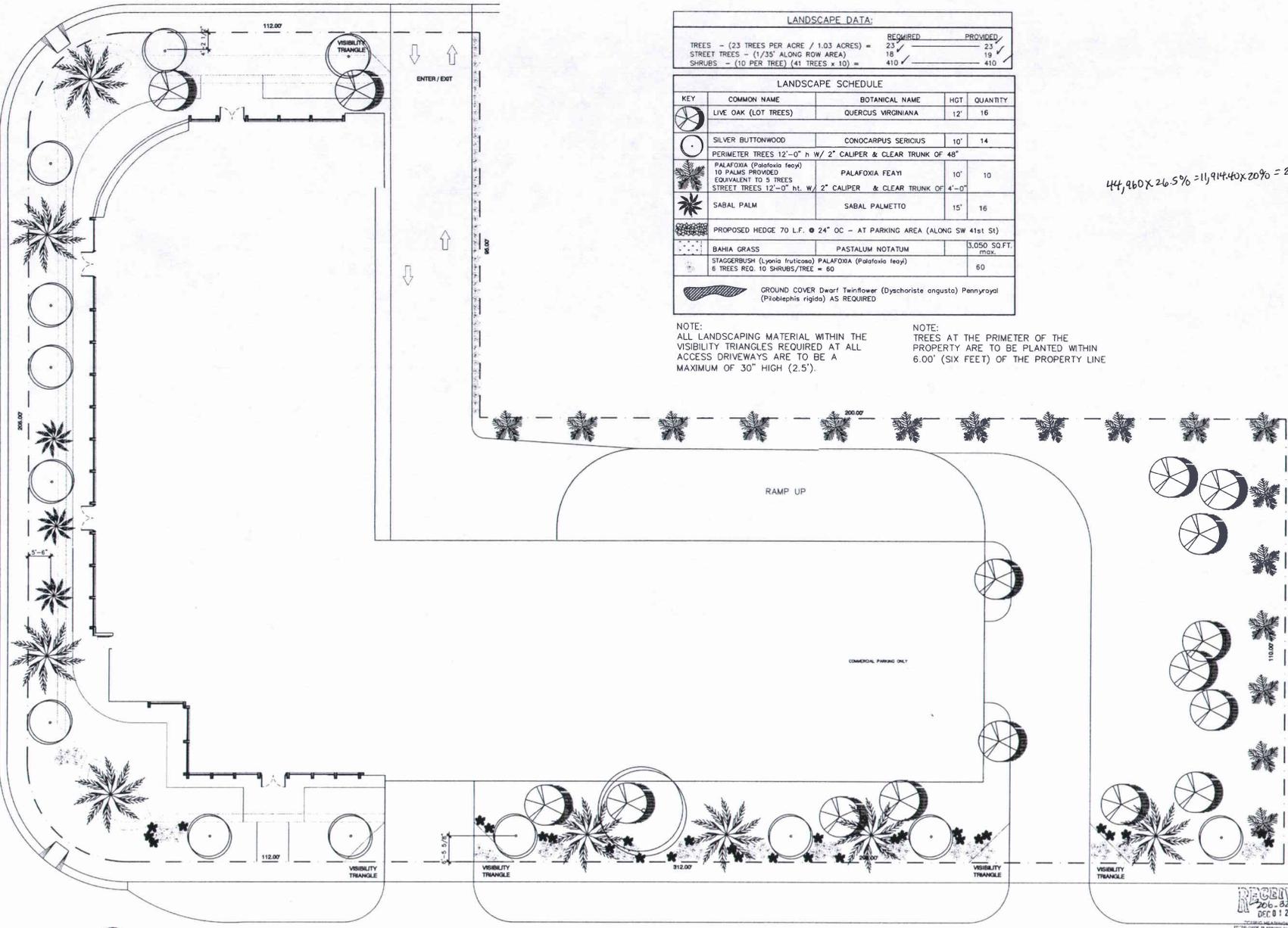
LANDSCAPE DATA:			
	REQUIRED	PROVIDED	
TREES - (23 TREES PER ACRE / 1.03 ACRES) =	23	23	✓
STREET TREES - (1/35' ALONG ROW AREA)	18	19	✓
SHRUBS - (10 PER TREE) (41 TREES x 10) =	410	410	✓

LANDSCAPE SCHEDULE				
KEY	COMMON NAME	BOTANICAL NAME	HGT	QUANTITY
	LIVE OAK (LOT TREES)	QUERCUS VIRGINIANA	12'	16
	SILVER BUTTONWOOD	CONOCARPUS SERICIUS	10'	14
	PERIMETER TREES 12'-0" h W/ 2" CALIPER & CLEAR TRUNK OF 48"	PALAFODIA FEAYI	10'	10
	SABAL PALM	SABAL PALMETTO	15'	16
	PROPOSED HEDGE 70 LF. @ 24" OC - AT PARKING AREA (ALONG SW 41st St)			
	BAHIA GRASS	PASTALUM NOTATUM		3,050 SQ.FT. max.
	STAGGERBUSH (Lyonia fruticosa) PALAFODIA (Palafodia feayi)			60
	GROUND COVER Dwarf Twinflower (Dyschoriste angusta) Pennyroyal (Problephis rigida) AS REQUIRED			

$44,960 \times 26.5\% = 11,914.40 \times 20\% = 2382.88$
max. sod

NOTE:
ALL LANDSCAPING MATERIAL WITHIN THE VISIBILITY TRIANGLES REQUIRED AT ALL ACCESS DRIVEWAYS ARE TO BE A MAXIMUM OF 30" HIGH (2.5').

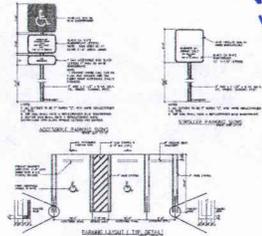
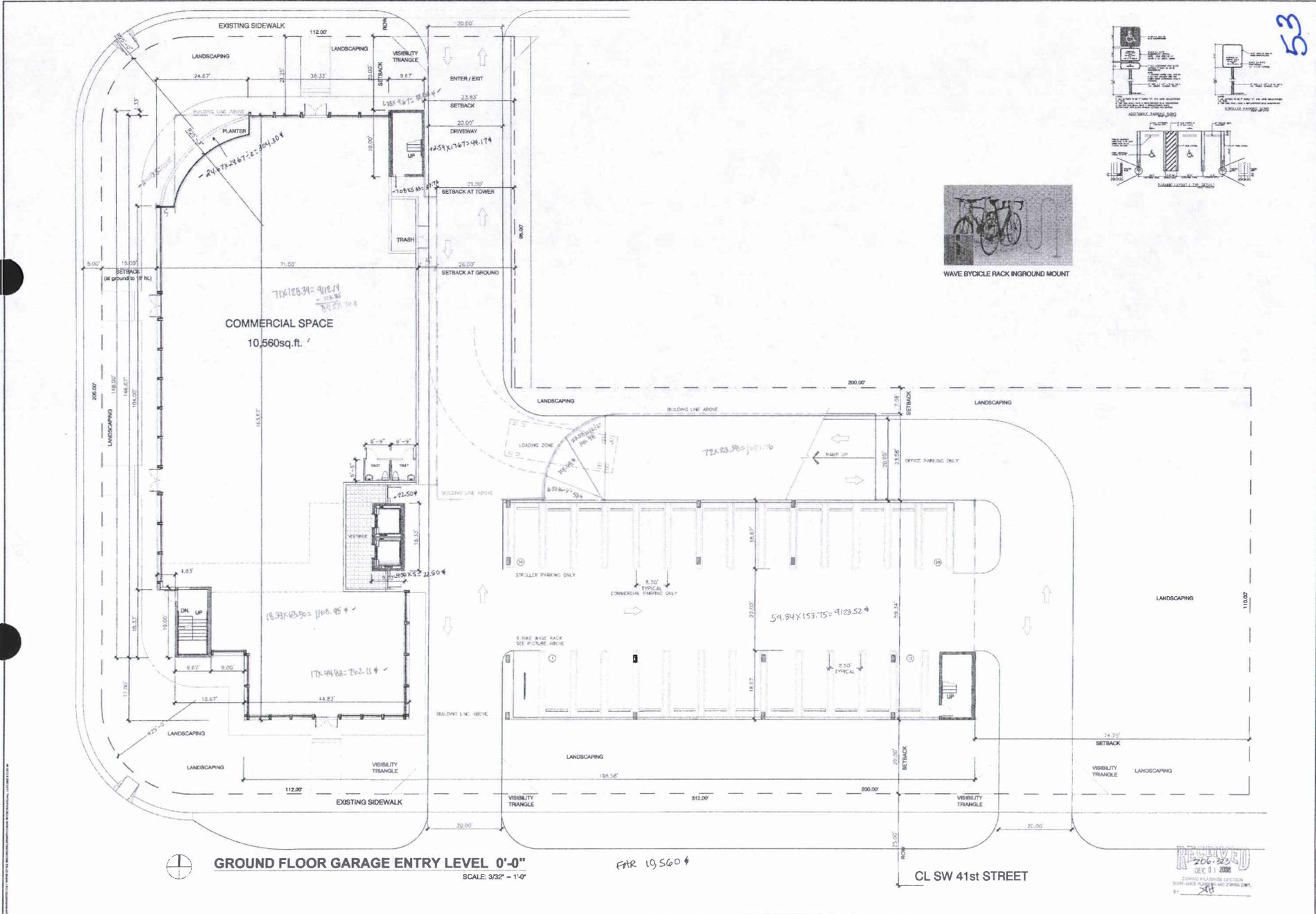
NOTE:
TREES AT THE PRIMER OF THE PROPERTY ARE TO BE PLANTED WITHIN 6.00' (SIX FEET) OF THE PROPERTY LINE



LANDSCAPING CONCEPT PLAN
SCALE: 3/32" = 1'-0"

CL SW 41st STREET

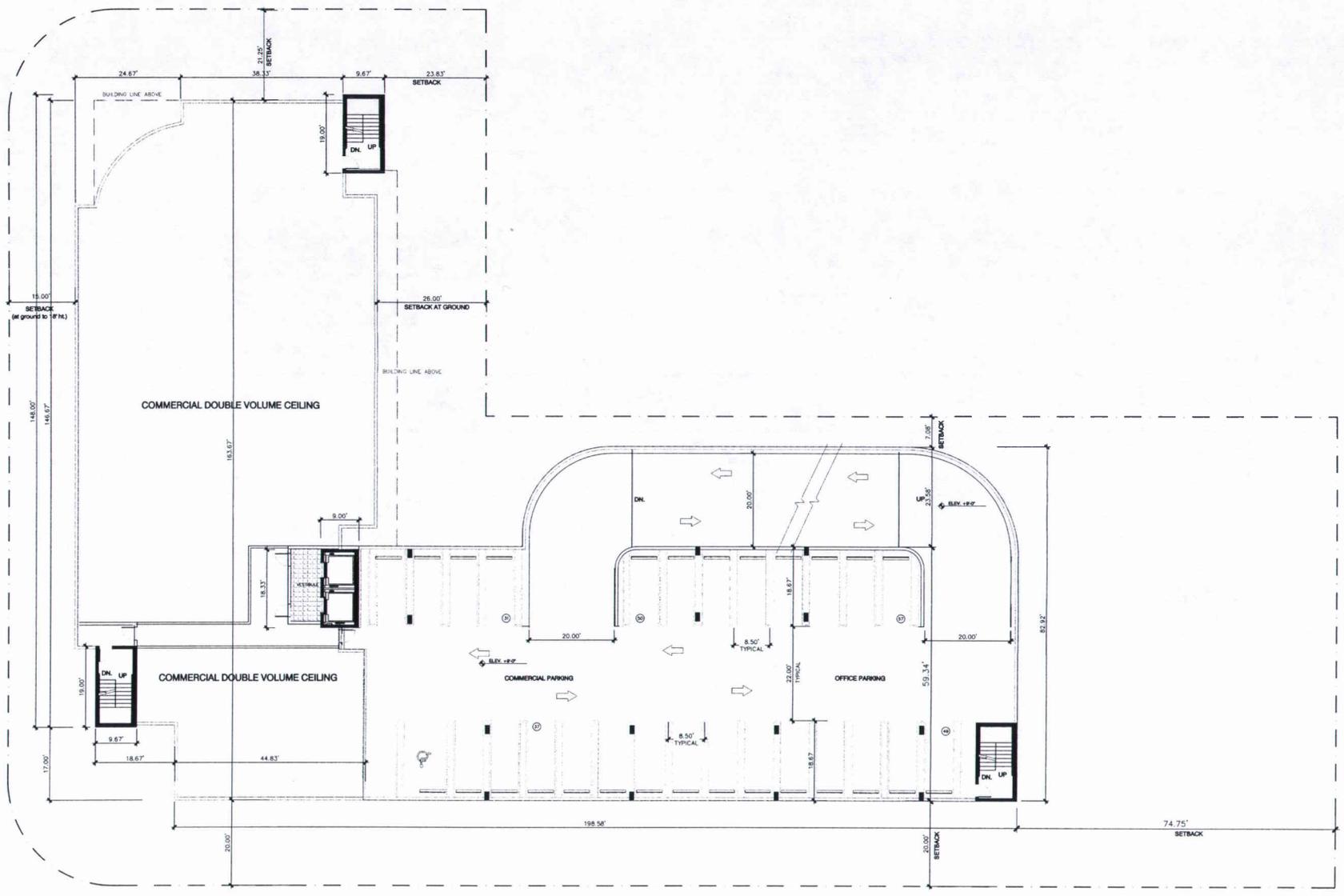




53

54

PLAN
B

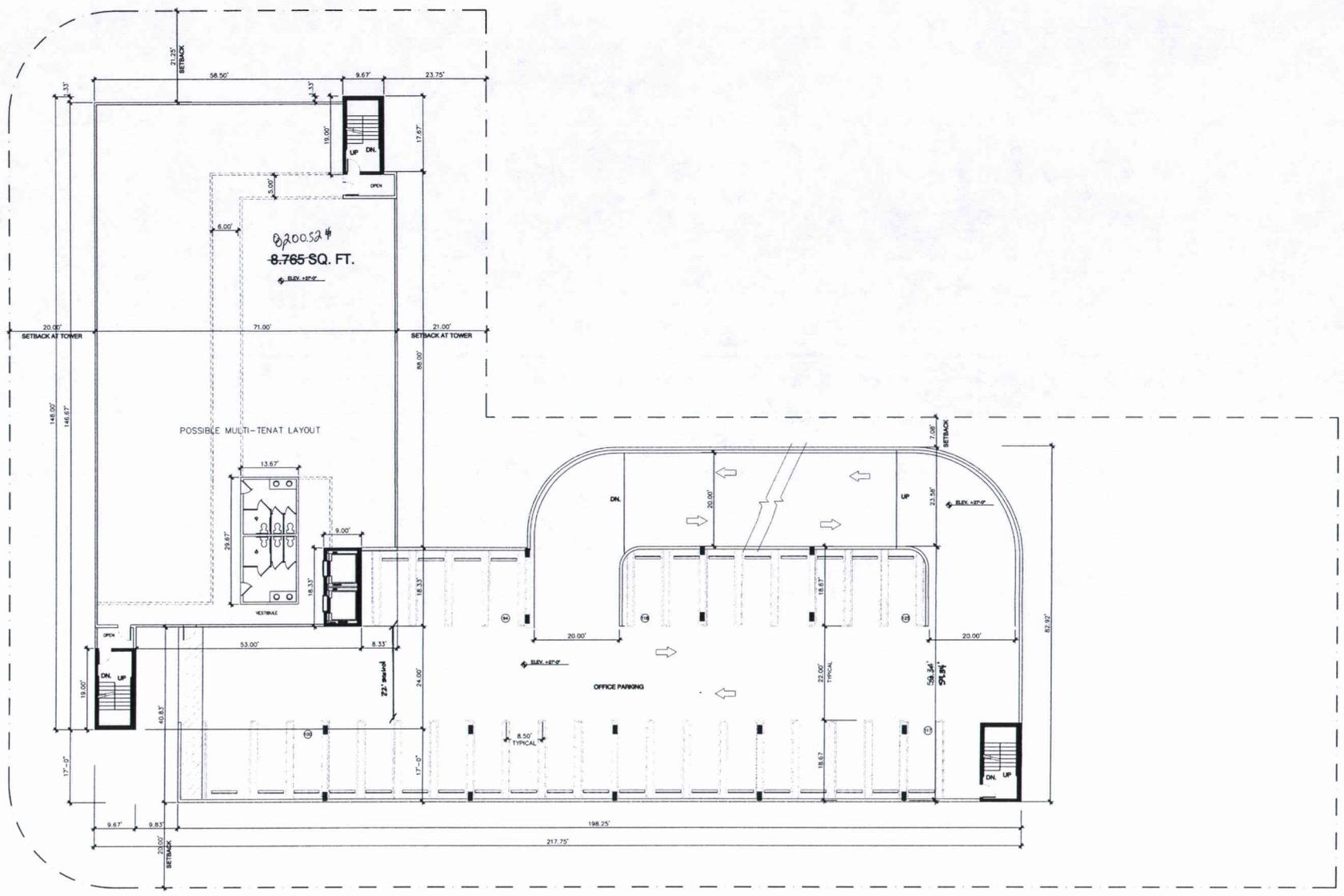



MEZZANINE GARAGE LEVEL +9'-0"
 SCALE: 3/32" = 1'-0"

RECEIVED
 DEC 3 2008
 DEC 11 2008
 ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XLI

PLAN
"B"

56

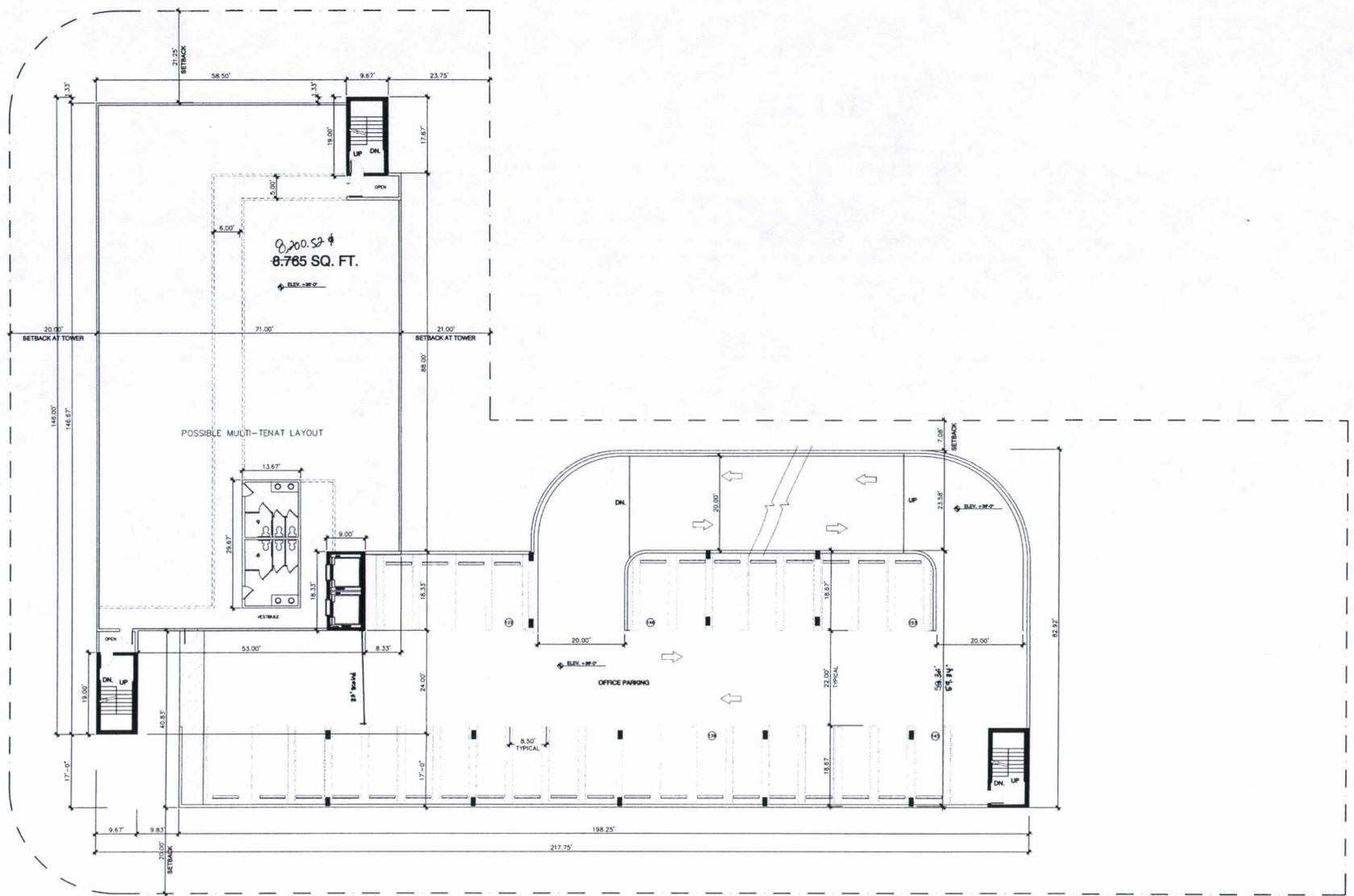


THIRD FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 27'-0"

SCALE: 3/32" = 1'-0"



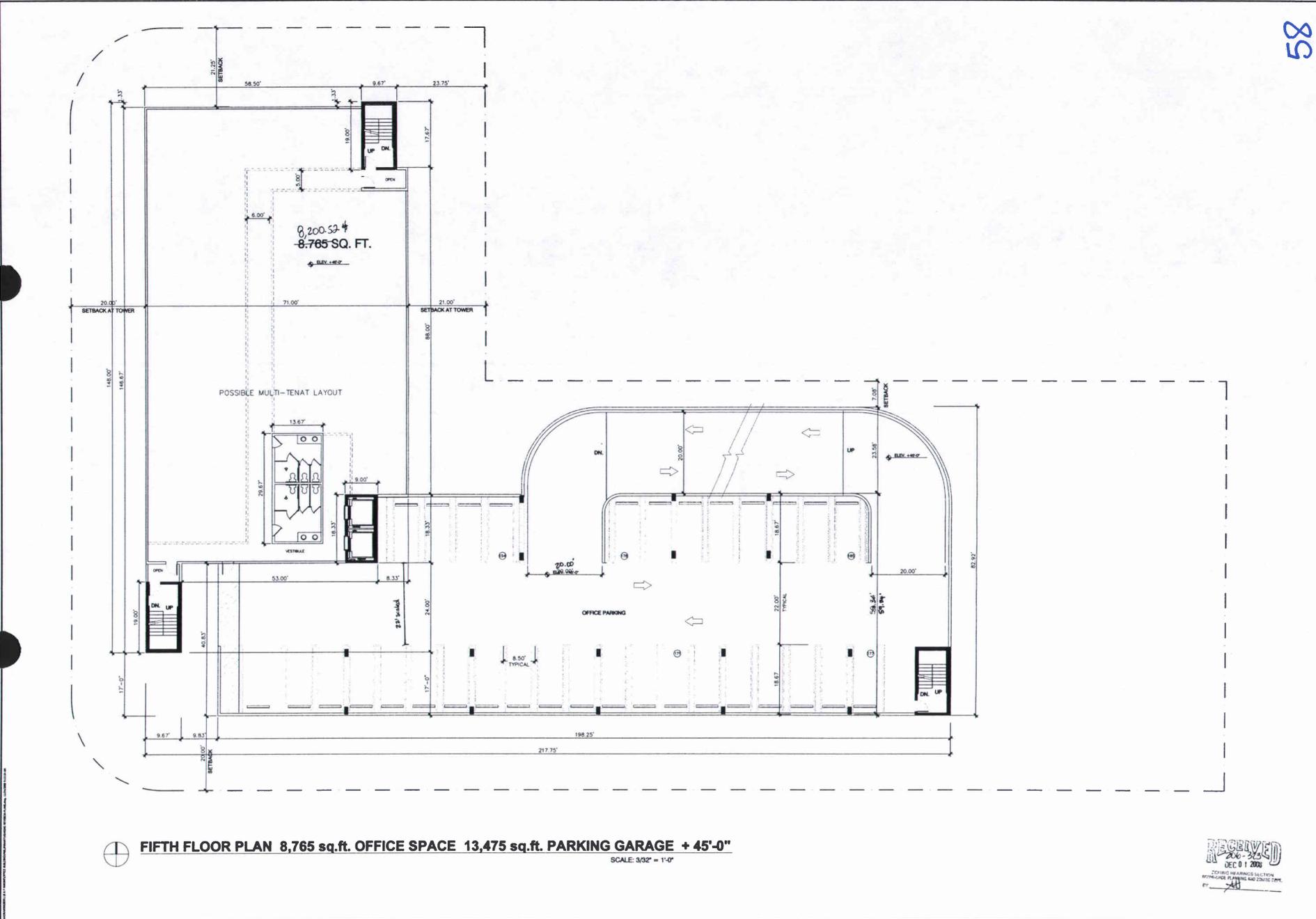
57




FOURTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 36'-0"
 SCALE: 3/32" = 1'-0"

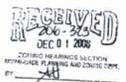
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 DEC 9 11 2009
 2700 W. WASHINGTON BLVD. FIRM
 CITY OF MIAMI PLANNING AND ZONING DEPT.
 BY: *[Signature]*

plan 'B'

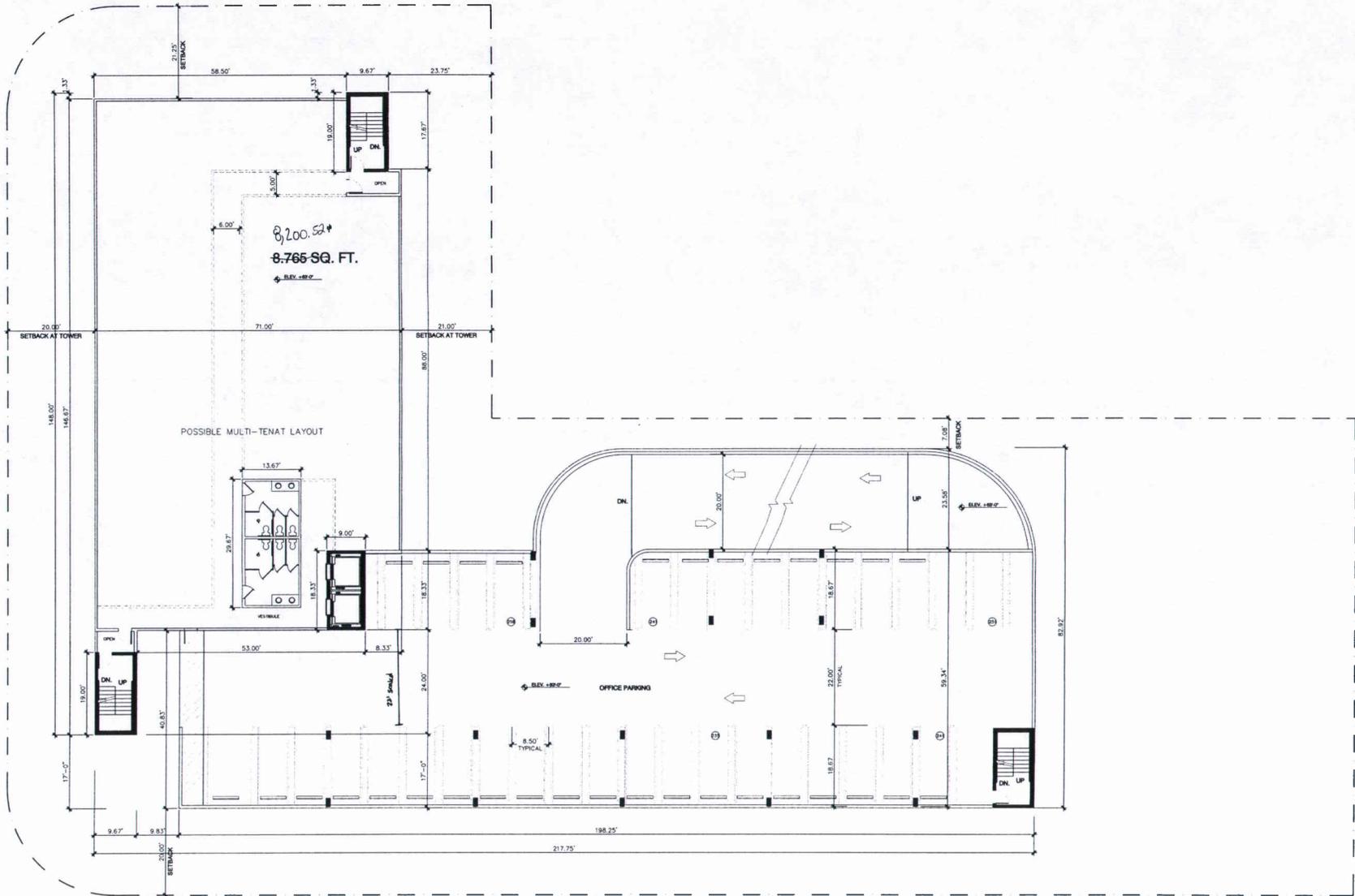


FIFTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 45'-0"

SCALE: 3/32" = 1'-0"



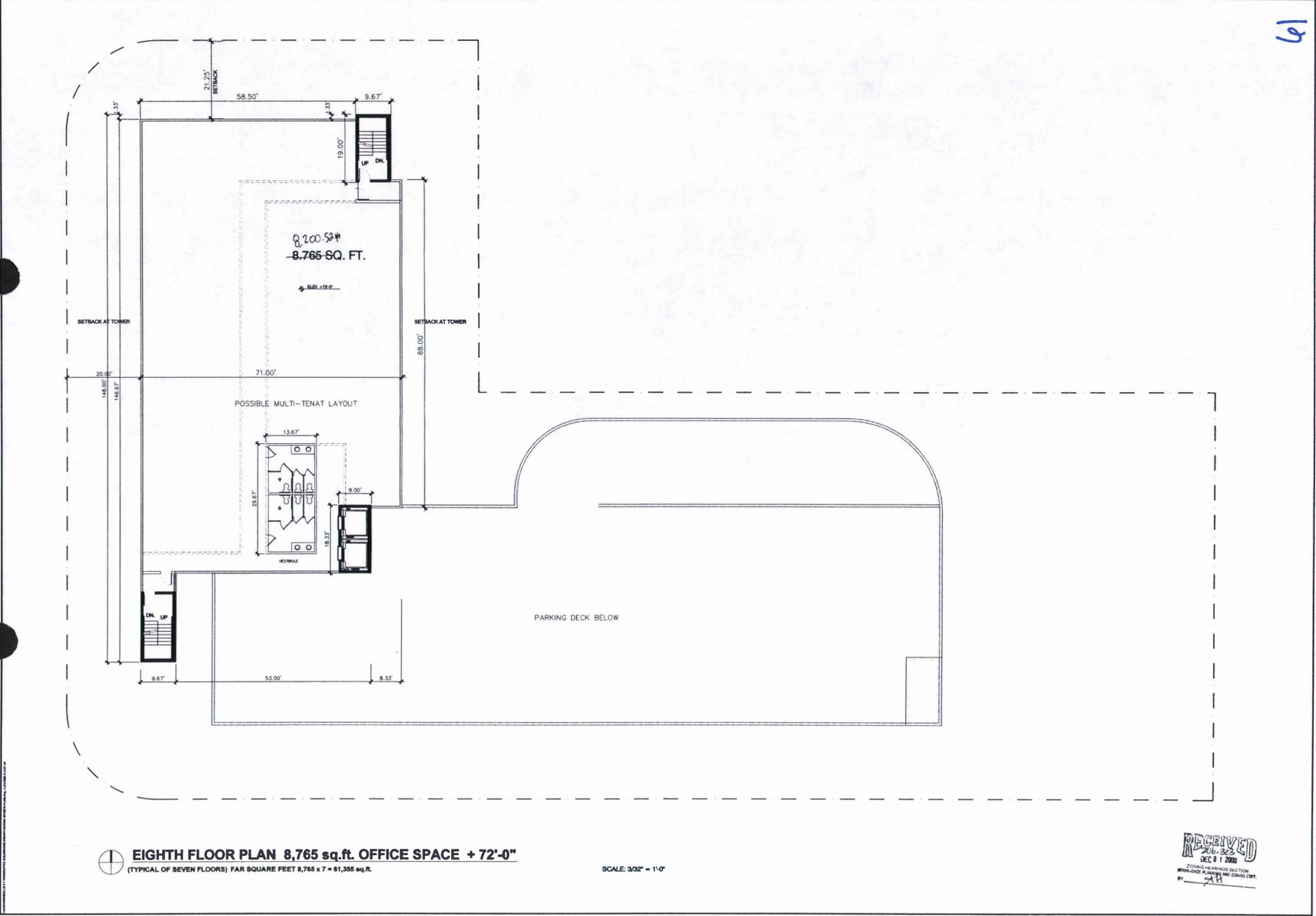
60



SEVENTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE +63'-0"
SCALE: 3/32" = 1'-0"



61



EIGHTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE + 72'-0"
(TYPICAL OF SEVEN FLOORS) FAR SQUARE FEET 8,765 x 7 = 61,355 sq.ft.

SCALE: 3/32" = 1'-0"

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2008-12-23
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ZONING HEARINGS SECTION
PLANNING AND ZONING COM.
BY: [Signature]

62

AA 0000205

Tapia-Ruano Architect Inc.
1758 NW 22ND TERRACE
MIAMI, FLORIDA 33142
(305) 550-0192

SITE PLAN STUDY FOR MULTIFUSE PROJECT AT:
B & F MARINE INC.
MIAMI, FLORIDA 33136
4001 NW 72ND AVENUE

Date: 11-04-08
Comm. No. 081007

A-10

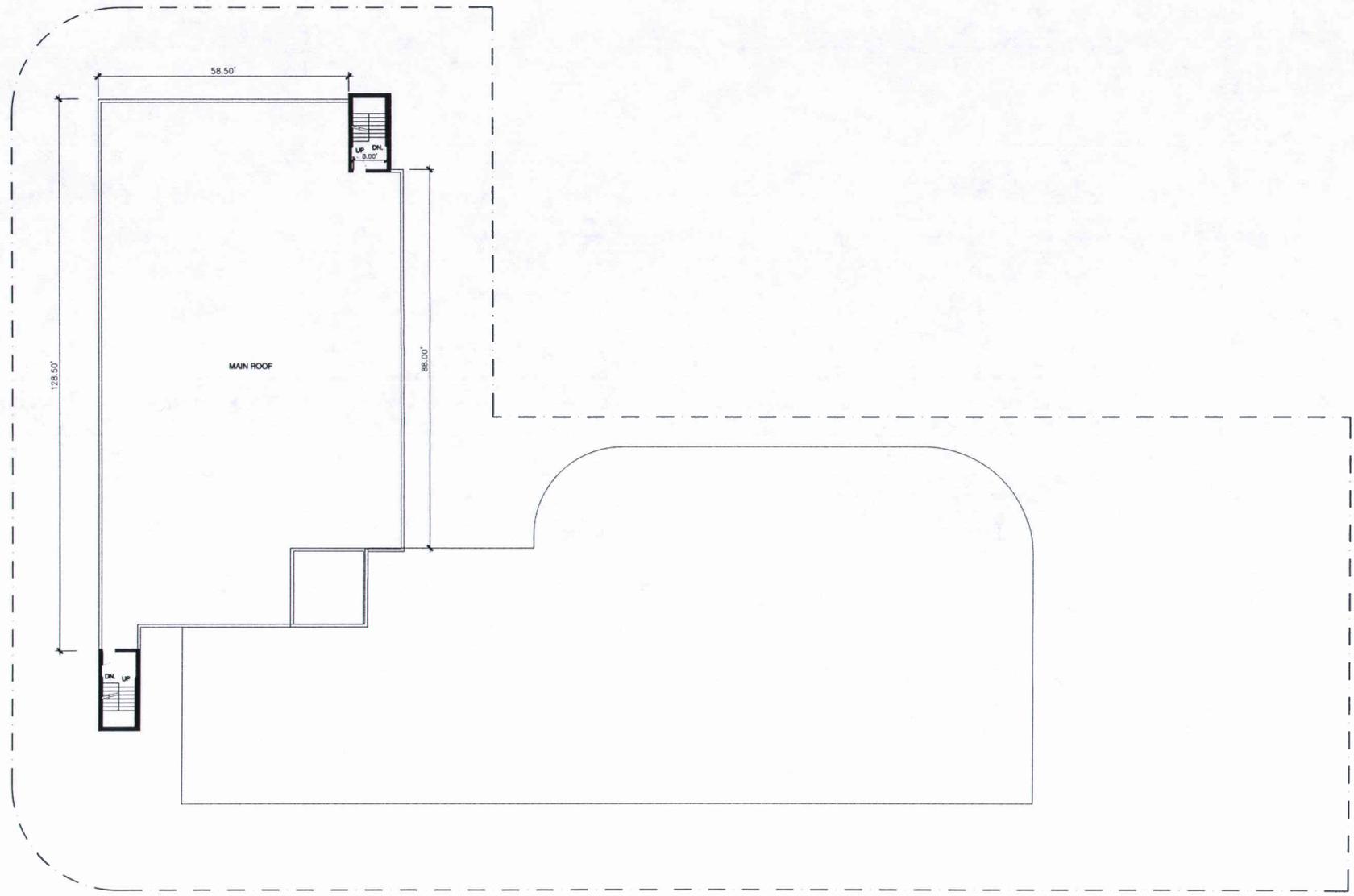
PLAN
B

RECEIVED
DEC 8 1 2008
ZONING HEARING SECTION
1150 PENSACOLA PLANNING AND ZONING DEPT.
BY: *[Signature]*

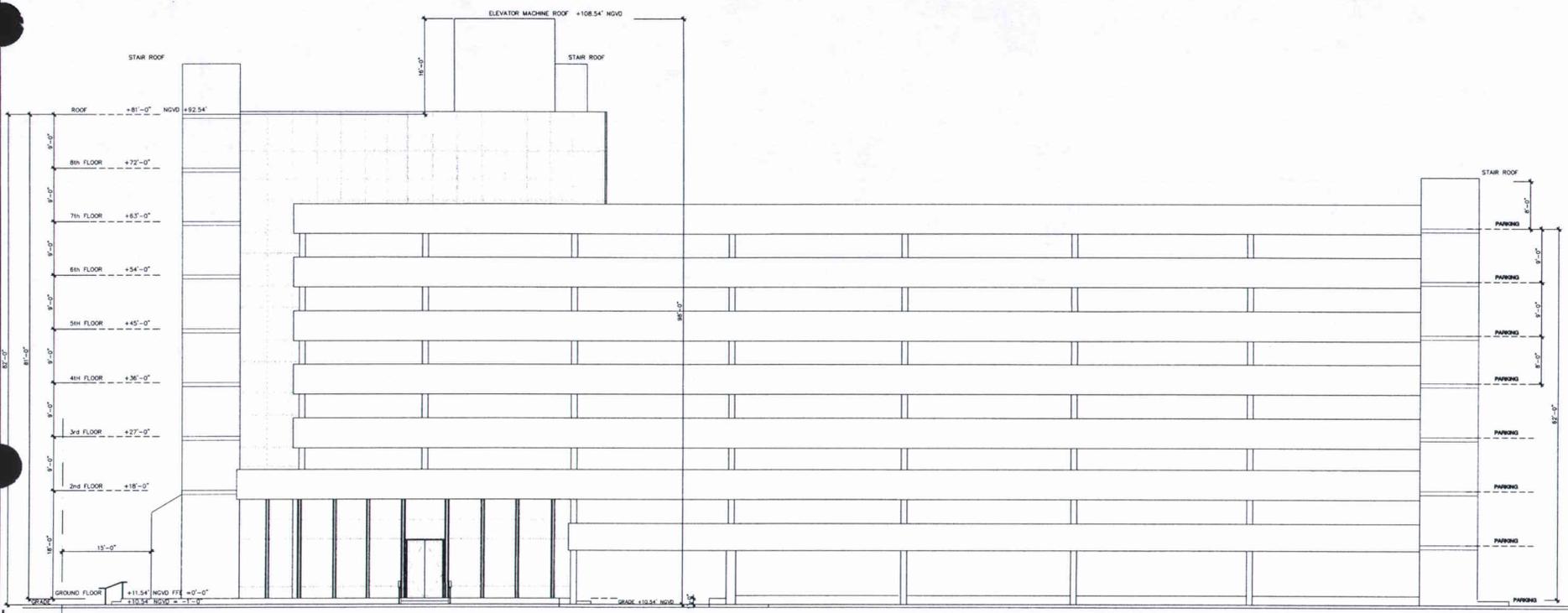


ROOF PLAN 8,765 sq.ft. + 81'-0"

SCALE: 3/32" = 1'-0"



63



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

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DEC 01 2008
2008-325
ZONING DEPARTMENT
11

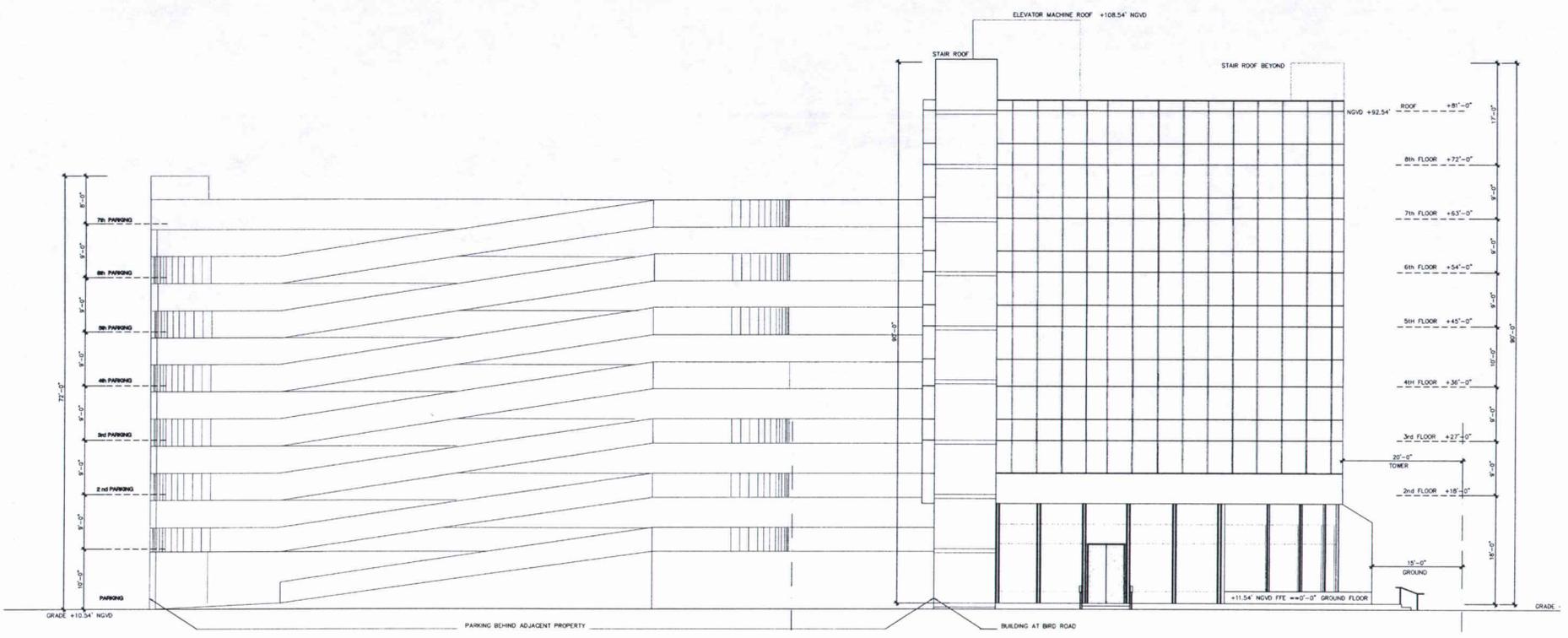
DATE: 11-24-08
COMM. NO. 081007
SITE PLAN STUDY FOR MULTIFAMILY PROJECT AT:
B & F MARINE INC.
4001 NW 72nd AVENUE
MIAMI, FLORIDA 33190

PLAN
'B'

PLAN
B

Date: 11-04-08
Comm. No. 051007

64



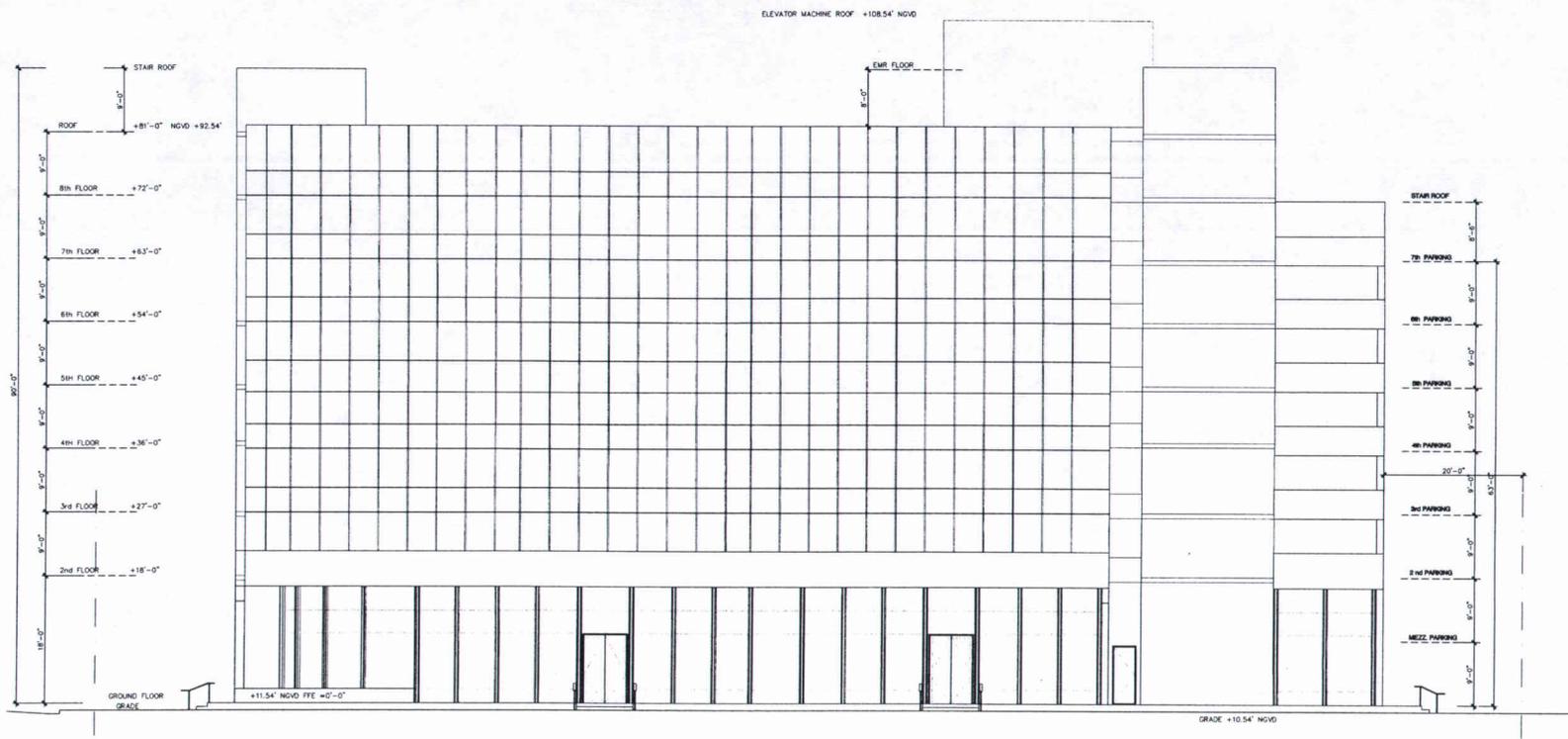
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

RECEIVED
2008-12-03
DEC 03 2008
FOR THE ARCHITECT
BY: [Signature]

65

AA 000000

Tapia-Ruano Architect Inc.
1783 NW 23rd Terrace
Miami, Florida, 33142
(305) 866-0118



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

SITE PLAN STUDY FOR MULTIFUSE PROJECT AT:
B & F MARINE INC.
4001 NW 72nd AVENUE
MIAMI, FLORIDA 33155

PLAN
'B'

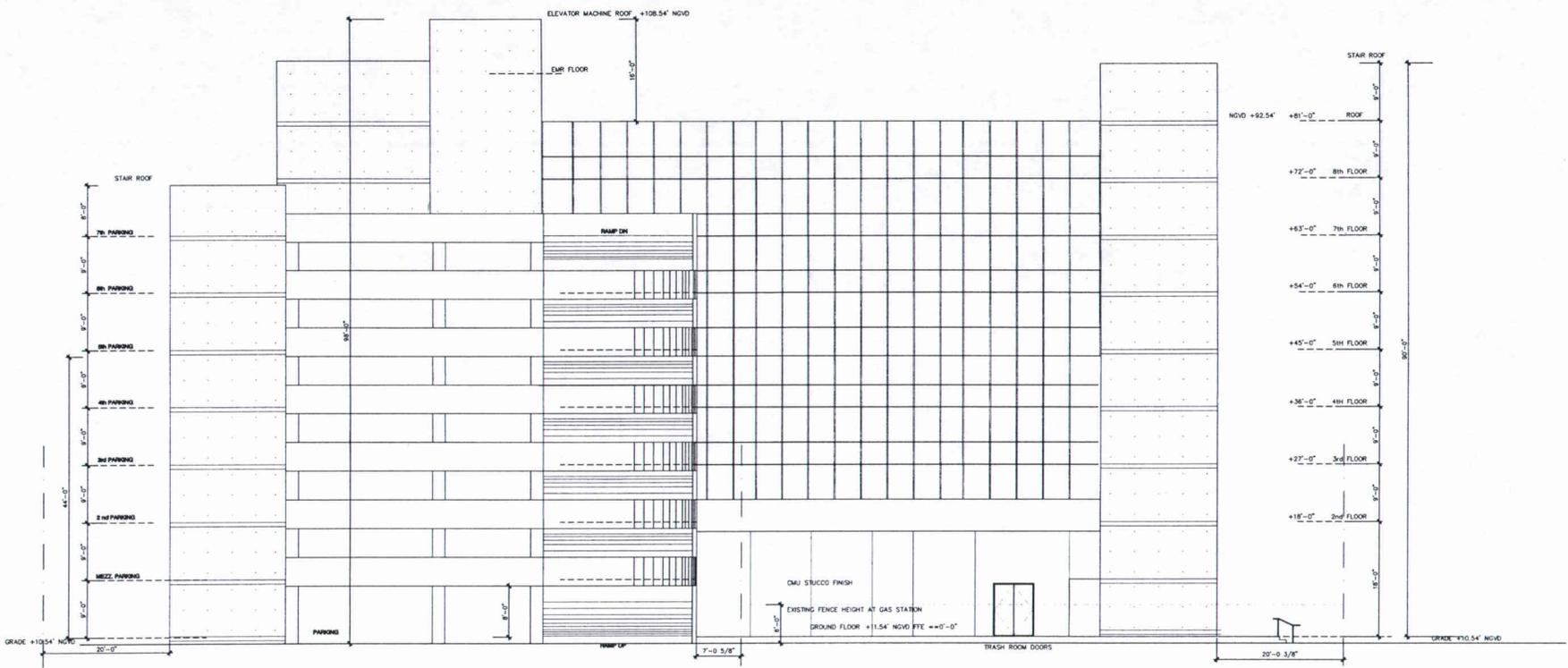
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200-323
DEC 11 2008
TOWN OF MIAMI, SECTION
MAYOR-ORDINANCE AND ZONING DEPT.
BY: *[Signature]*

Date: 11-24-08
Comm. No. 081007

lele

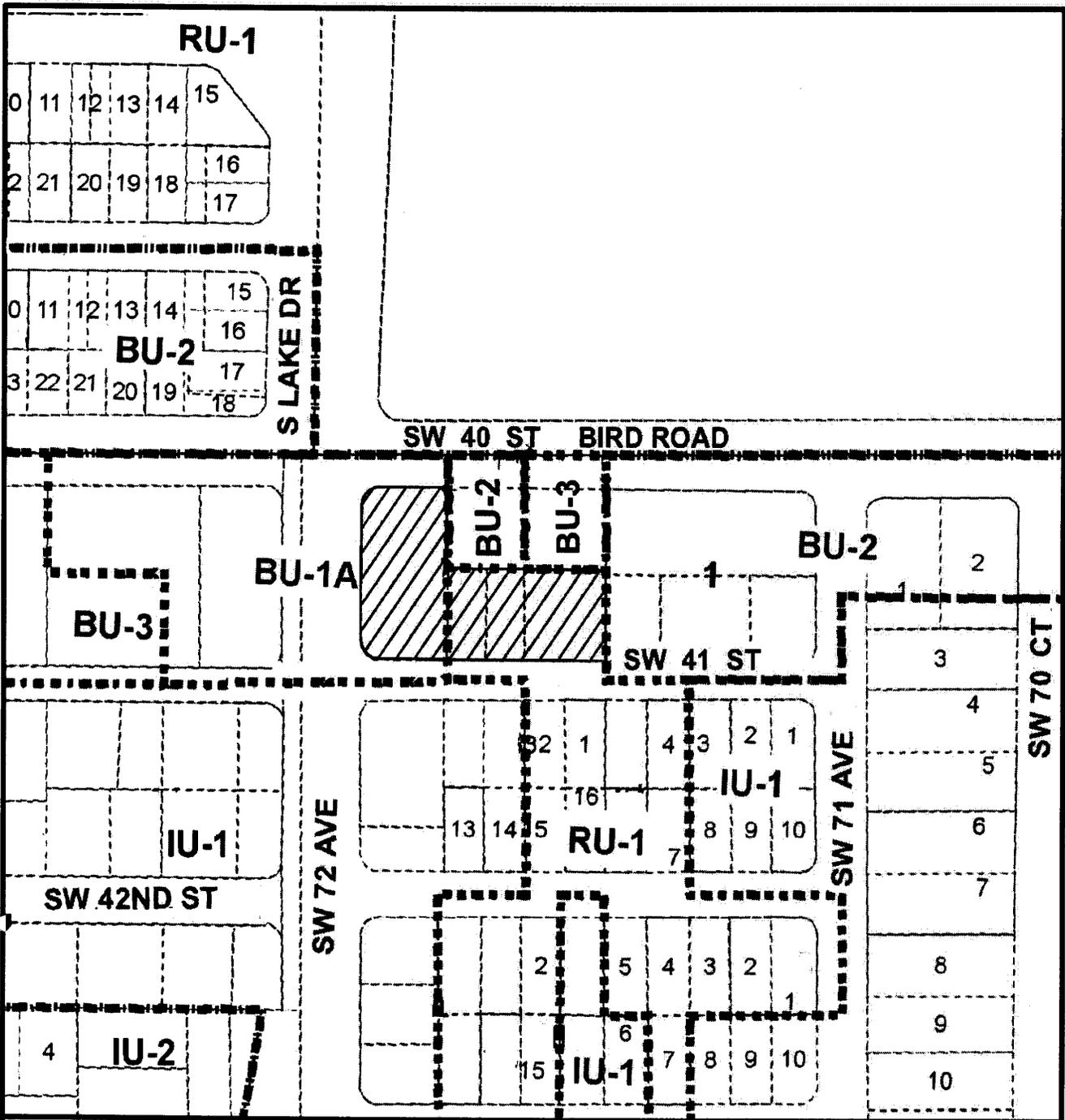
PLAN 'B'

Date: 11-24-08
Comm'l. No. 081007



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

RECEIVED
2008 DEC 1 2008
PLANNING HEARING SECTION
SPANISH FLORISS AND ZONING DEPT.
BY: [Signature]



**MIAMI-DADE COUNTY
HEARING MAP**

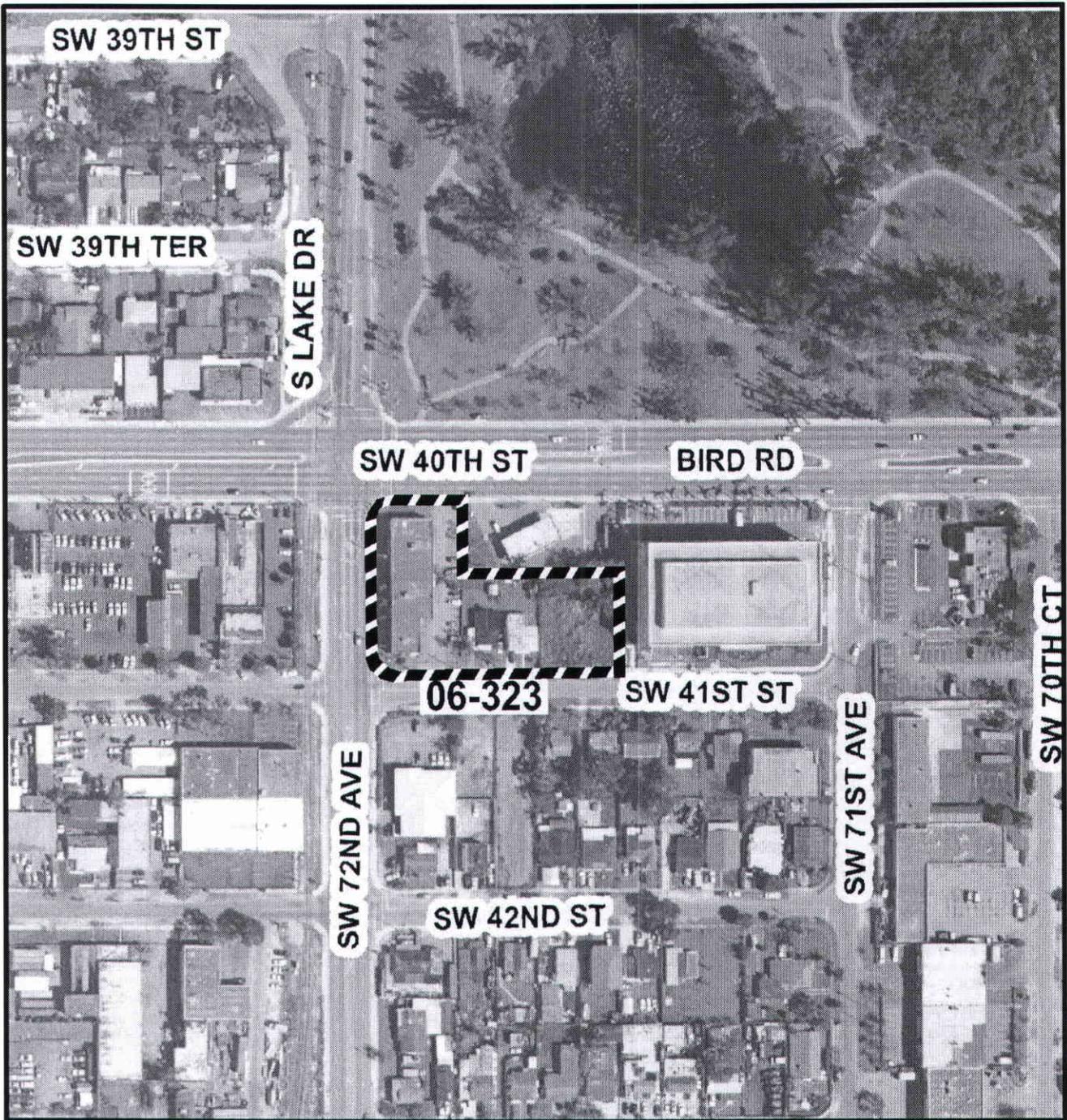
**PROCESS NUMBER
06-323**



 SUBJECT PROPERTY

Section: 23 Township: 54 Range: 40
 Process Number: 06-323
 Applicant: B & F MARINE, INC.
 Zoning Board: C12
 District Number: 07
 Cadastral: ERIC
 Scale: NTS





MIAMI-DADE COUNTY
AERIAL

Section: 23 Township: 54 Range: 40
Process Number: 06-323
Applicant: B & F MARINE, INC.
Zoning Board: C12
District Number: 07
Cadastral: ERIC
Scale: NTS



A. B & F MARINE, INC.
(Applicant)

08-9-CZ12-1 (06-323)
Area 12/District 7
Hearing Date: 09/01/09

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	BUR and Corporation.	- Unusual use to permit non-comm. parking. - Variance of parking spaces. - Variance to permit ingress & egress easement. - Variance of wall requirement.	ZAB	Approved w/conds.
1987	Ana Veciana Suarez	- Special exception to permit the expansion of an existing non-conforming building. - Non-Use variance of setback requirements. - Zone change from BU-2 and RU-1 to BU-1A.	ZAB	Approved w/conds.

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

#1

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ12-1 9 (6-323)	September 3, 2008	CZAB12	08

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Sections 33-311(A)(16) (ASDO) and 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Nov 5, 2008</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	At applicant's request to submit revised plans.	

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR	X		
MR.		Edward D. LEVINSON			X
MR.		Alberto SANTANA	X		
MR.	M	Jose I. VALDES (C.A.)	X		
VICE-CHAIRMAN		Robert W. WILCOSKY	X		
MR.	S	Elliot N. ZACK	X		
MADAME CHAIRPERSON		Carla ASCENCIO-SAVOLA			X
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: STEPHEN STIEGLITZ

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

B

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ12-1 (06-323)	November 5, 2008	CZAB12	08

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: _____ 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: Readvertisement at applicant's expense. At applicant's expense to further work with
 the homeowners association, revise the site plan, and to submit a revised covenant.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR	X		
MR.		Edward D. LEVINSON	X		
MR.	S	Alberto SANTANA	X		
MR.	M	Jose I. VALDES (C.A.)	X		
VICE-CHAIRMAN		Robert W. WILCOSKY			X
MR.		Elliot N. ZACK	X		
MADAME CHAIRPERSON		Carla ASCENCIO-SAVOLA	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: TOM ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: B and F Marine, Inc.

PH: Z06-323 (08-9-CZ12-1)

SECTION: 23-54-40

DATE: September 1, 2009

COMMISSION DISTRICT: 7

ITEM NO.: A

A. INTRODUCTION

o **REQUESTS:**

- (1) BU-1A and RU-1 to BU-2
- (2) Applicant is requesting to permit a proposed eleven (11) story building to setback 20' (39' required) from the front (north and south) property lines and to setback 15' (39' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a lot coverage of 49.90% (40% maximum permitted).
- (4) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.35 maximum permitted).

Requests #2 through #4 on Plan "A"

- (5) Applicant is requesting to permit a proposed eight (8) story building to setback of 20' (33.2' required) from the front (north and south) property lines and to setback 15' (33.2' required) from the side street (west) property line.
- (6) Applicant is requesting to permit a lot coverage of 50.2% (40% maximum permitted).
- (7) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.50 (1.17 maximum permitted).

Requests #5 through #7 on Plan "B"

And with either requests (#2 through #4 or #5 through #7)

- (8) Applicant is requesting to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property; to permit openings for ingress/egress drives.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #7 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and approval of requests #2 through #8 may be considered under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08 and "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'B'," as prepared by Tapia-Ruano Architect, Inc., consisting of 16 sheets and dated stamped received 12/1/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application would allow the rezoning of the property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District. The applicant has submitted two (2) sets of plans (Plan 'A' and Plan 'B') which reflect the development of the site with two alternative options. Both submitted plans indicate a reduction of setbacks requirements from the front, rear and side street property lines, a greater lot coverage than allowed by the Zoning Code and a greater floor area ratio than is permitted. Additionally, the applicant seeks approval to waive a required wall along the rear (south) property line on both plans.

o **LOCATION:**

Lying east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street, Miami-Dade County, Florida.

o **SIZE:** 1.03 acres

B. ZONING HEARINGS HISTORY:

In 1976, several requests were granted on the subject site to permit parking and ingress and egress in a zone more restrictive than the use it serves, to permit 8 parking spaces within 25' of the right-of-way and to waive a 5' high decorative masonry wall where the business zone abuts the residential zone, pursuant to Resolution #4-ZAB-291-76. In 1987, the Zoning Appeals Board (ZAB) approved two requests to permit the expansion of an existing non-conforming building and to permit a reduced setback from the side street property line, pursuant to Resolution #4-ZAB-510-87.

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, 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.
3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **Policy LU-9J.** Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County.
5. **Guidelines for Urban Form.**

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use,

building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.

9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A and RU-1; Commercial building
and single-family residences

Business and Office

Surrounding Properties:

NORTH: RU-1; Doug Barnes Park
BU-2 and BU-3; Commercial

Parks and Recreation
Business and Office

SOUTH: IU-1 and RU-1; Commercial building
and single-family residences

Industrial and Office

EAST: BU-2; Gas station and storage facility

Business and Office

WEST: BU-1A; Commercial building

Business and Office

The subject property is located east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street. Residential, commercial and industrial uses characterize the surrounding area and Doug Barnes Park is located immediately across the street to the north of the subject property.

<u>E. SITE AND BUILDINGS:</u>	<u>PLAN 'A'</u>	<u>PLAN 'B'</u>
Site Plan Review:	(Site plan submitted)	(Site plan submitted)
Scale/Utilization of Site:	Acceptable*	Unacceptable
Location of Buildings:	Acceptable*	Unacceptable
Compatibility:	Acceptable*	Unacceptable
Landscape Treatment:	Acceptable*	Unacceptable
Open Space:	Acceptable*	Unacceptable
Buffering:	Acceptable*	Unacceptable
Access:	Acceptable*	Unacceptable
Parking Layout/Circulation:	Acceptable*	Unacceptable
Visibility/Visual Screening:	Acceptable*	Unacceptable
Urban Design:	Acceptable*	Unacceptable

*Subject to conditions and a proffered covenant.

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 water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (c) **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
- (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and
 - (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
 - (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
 - (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
 - (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
 - (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
 - (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
 - (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the

underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and
- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - (B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
 - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative

development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or

- (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
 - (B) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater,

when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.

(E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.

(d) An alternative lot coverage or floor area ratio for a building shall be approved upon demonstration of the following:

- (1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and
- (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
- (3) the increase in lot coverage or floor area ratio will not result in a principal or accessory building(s) with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
- (4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(h) An alternative placement of a required perimeter wall setback from the property line(s) of a parcel where said property line adjoins or lies across the street right-of-way from a residential district, shall be approved after public hearing upon demonstration of the following:

- (1) the setback of the wall is the minimum distance necessary so as not to encroach into an existing utility or landscape easement(s); and
- (2) that visual screening for the wall by way of landscaping is included in the easement area to prevent graffiti vandalism in a manner provided by this Code; and
- (3) that a suitable mechanism for maintenance of the landscaped area by the property owner, tenant association or similar association be provided in the form of a covenant running with the land.

(i) An alternative opening in a wall otherwise required by this code to be a solid, unbroken barrier when a parcel adjoins or lies adjacent to a residential district, shall be approved after public hearing upon demonstration of the following:

- (1) the width of the wall opening is the minimum width necessary for pedestrians to access the parcel from adjoining or adjacent residential development(s); and
 - (2) the wall opening is immediately adjoining or adjacent to a residential lot, parcel or tract which is restricted in use as common open space.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
 - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and to her owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, under grounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
 - (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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 to Plan 'A'	No comment to Plan 'B'
Public Works	No objection to Plan 'A'	No objection to Plan 'B'
Fire Rescue	No objection to Plan 'A'	No objection to Plan 'B'
Police	No objection to Plan 'A'	No comment to Plan 'B'
Schools	No comment	
Aviation	No objection to Plan 'A'	No comment to Plan 'B'

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the November 5, 2008 meeting at the applicant's request to submit revised plans. The subject property is located east of S.W. 72 Avenue, between S.W. 40 Street (Bird Road) and S.W. 41 Street in an area characterized by single-family residences, commercial and industrial uses. The applicant is seeking a zone change on the subject property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District, (request #1) in order to construct an office and commercial development on the site. 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. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial

recreation establishments. 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. Staff notes that BU-2 zoning exists immediately to the east of the subject property where a storage facility was approved in 2001 along with several variances. Staff further notes that BU-1A zoning with a commercial building already exists to the west of the subject site and IU-1, Light Industrial District, zoning exists to the south of the subject site where the neighboring building is being utilized as an animal hospital. Staff further acknowledges that, although there are a few remnant RU-1 zoned lots to the south of the subject site, the area is designated Industrial and Office which permits uses that are more intense than the uses permitted in the BU-2 zone. The proposed BU-2 zoning permits uses such as convention halls, grocery stores, junior department stores, restaurants, supermarkets, liquor package stores, office parks, and regional shopping centers, among others, which are permitted uses in the Business and Office designation of the CDMP. The proposed BU-2 zoning is, therefore, **compatible** with zones in the area and **consistent** with the Business and Office LUP Map designation of the Master Plan. Additionally, the applicant has voluntarily proffered a covenant for each site plan option (Plan 'A' or Plan 'B') each restricting the development of the site to the site plans submitted for this application, additionally the covenants describe architectural details to the building elevations, minimum size trees, lighting restrictions, environmental development and restricting permitted uses on the site.

The Department of Environmental Resources Management (**DERM**) **does not object** to Plan 'A' and has provided no comments to Plan 'B', and indicates that Plan 'A' meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application for Plan 'A'. Additionally, the **Public Works Department does not object** to this application (Plan 'A' or 'B'). Their memorandum nonetheless indicates that access to SW 40 Street must meet current F.D.O.T. access management requirements. Additionally, the subject property requires platting and, therefore, road dedications and improvements will be accomplished through the recording of a plat. The Fire Department offers **no objections** to this application (Plan 'A' or 'B') and has indicated in their memorandum that the response time to the site is approximately **6:01** minutes. The Miami-Dade Aviation Department (**MDAD**) also **does not object** to Plan 'A' and has provided no comments for 'B'. Their memorandum indicates that the proposed project will not require a Height Analysis or Letter of Determination as it does not meet their review criteria.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will

efficiently use 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. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, the development of the subject property, if granted, would be consistent with the LUP Map designation of the Comprehensive Development Master Plan for Miami-Dade County. The applicant is requesting a zone change from BU-1A and RU-1 to BU-2 on the subject property in order to construct an office and commercial development. Staff recognizes that the proposed zoning of the subject property would uniformly zone the site, and that the proposed BU-2 zoning is consistent with the Business and Office land use category of the LUP Map of the CDMP. Furthermore, the proposed rezoning to BU-2 will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application is acceptable. Additionally, staff notes that the proposal on the subject site is accessible by two major roadways, SW 72 Avenue and SW 40 Street, and as such, will be readily accessible to patrons. Staff further notes that a storage facility was approved in 2001 with a maximum height of 59'-9" on a neighboring property to the east. Staff is of the opinion that abundant landscaping elements in the form of trees and shrubs as illustrated on the submitted plans and 100' wide rights-of-way of SW 72 Avenue and SW 40 Street will effectively mitigate any negative visual or aural impacts the proposed retail and office uses may have on the adjoining properties. As such, staff is of the opinion that the proposed zone change and the accompanying submitted plans (Plan 'A') are **compatible** with the area and are **consistent** with the CDMP. Accordingly, staff recommends approval of the zone change request to BU-2 (request #1), subject to the Board's acceptance of the proffered covenant.

When requests #2 through #4 (Plan 'A') are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Approval of request #2, to permit a setback of 20' (39' required) from the front (north and south) property lines and 15' (39' required) from the side street (west) property line, in staff's opinion, will serve to enhance the character of the site through Plan 'A' incorporation of sound urban design principles as enumerated in the Guidelines for Urban Form. **Policy LU-9J** of the CDMP indicates that Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County. Staff notes that the Guidelines for Urban Form specify that in commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather. Requests #3, to permit a lot coverage of 49.9% (40% maximum permitted), and request #4, to permit a floor area ratio (F.A.R.) of 1.5 (1.35 maximum permitted), in staff's opinion, are indicative and supportive of the urban design elements expressed above, and any negative visual or aural impacts generated by the proposed retail and office use building will be mitigated by abundant landscaping elements as illustrated on the submitted plans and by the 100' wide rights-of-way of SW 72 Avenue and SW 40 Street. As previously mentioned, the submitted plans depict street trees proposed for this development in the form of Live Oak and Sabal Palms which will accommodate pedestrian circulation along

the perimeter of the proposed commercial development by sheltering the proposed pedestrian walkways from passing traffic along SW 72 Avenue and SW 40 Street. Additionally, staff notes that a self-storage facility located on a BU-2 zoned property already exists immediately to the east of the subject property where in 2001 this Board approved said use with several companion variances including a similar request to permit a lot coverage of 49.99% (40% permitted) and a more intense request to permit a floor area ratio of 1.95 (0.84 permitted), pursuant to Resolution #CZAB12-44-01. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 through #4 (Plan 'A') under Section 33-311(A)(4)(b) (NUV).

When requests #5 through #7 (Plan 'B') are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **incompatible** with the surrounding area and would be detrimental to the neighborhood. Staff notes that Plan 'A' and Plan 'B' appear very similar. However, since the proposed building in Plan 'B' is much bulkier and exceeds the floor area ratio by 0.18 more than on Plan 'A'. Staff is of the opinion that such bulkiness and excessive floor area ratio would be incompatible with the surrounding area and recommends that Plan 'B' (requests #5 through #7) be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Request #8, (Plans 'A' or 'B') to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property, to permit openings for ingress/egress drives, in staff's opinion, will not be detrimental to the residential properties located to the south of the subject site. Staff notes that ample landscaping is provided along this southeastern portion of the site, which will mitigate any negative impact generated by this request. Therefore, staff is of the opinion that the approval of the proposal would not be out of character with the area and would be **compatible** with same. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, requests #2 through #4 (Plan 'A') or for requests #5 through #7 (Plan 'B') cannot be analyzed under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When requests #2 through #4 (Plan 'A'), requests #5 through #7 (Plan 'B') and request #8 (with either request Plan 'A' or 'Plan 'B') are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the proposed BU-2 or under the existing zoning regulations, staff is of the opinion that either requests #2 through #4 (Plan 'A'), requests #5 through #7 (Plan 'B') and request #8 (with either request Plan 'A' or 'Plan 'B')

cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on the foregoing, staff opines that the proposed office and commercial development is **compatible** with the area and is **consistent** with the Business and Office LUP Map designation of the CDMP. Therefore, staff recommends approval of request #1, subject to the Board's acceptance of the voluntarily proffered covenant; approval with conditions of requests #2 through #4 and request #8 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of requests #4 through #7 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

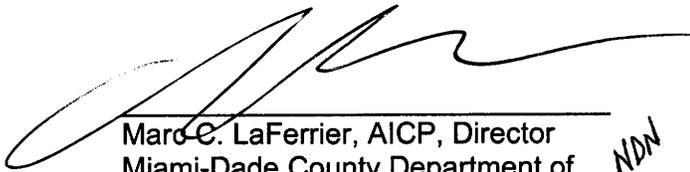
Approval with conditions of request #1, subject to the Board's acceptance of the proffered covenant and approval with condition of requests #2 through #4 and request #8 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV) and denial without prejudice of requests #4 through #7 under Sections 33-311(A)(4)(b) (NUV), 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: For requests #2 through #4 and request #8 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; said plan to include among other things but not be limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Site Plan Study for Multiuse Project at: B & F Marine, Inc. - Plan 'A'," as prepared by Tapia-Ruano Architect, Inc., consisting of 13 sheets and dated stamped received 1/22/08.
3. That the openings on the exterior facades of the parking garage, except openings designed to provide vehicular and pedestrian ingress and egress, be outfitted with an architectural mesh or grill screening material. Said screening material and design scheme shall be submitted to and meet the approval of the Director prior to the issuance of a building permit.
4. That street trees along the rear (south) property line shall be 18-feet in height at the time of planting.
5. That all outdoor lighting fixtures shall be located, oriented, adjusted and shielded such that the lighting is deflected, shaded and focused away from adjacent property in accordance with Section 33-4.1 of the Code.

6. That the use be established and maintained in accordance with the approved plan and the voluntarily proffered covenants.
7. That prior to issuance of a building permit, the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material in accordance with Chapter 18-A of the Landscape Code, said landscaping to be installed prior to final zoning inspection.
8. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

DATE INSPECTED: 06/20/08
DATE TYPED: 07/02/08
DATE REVISED: 07/03/08; 07/11/08; 07/30/08; 08/25/08; 09/23/08; 07/02/09; 07/08/09
07/29/09
DATE FINALIZED: 07/29/09
MCL; NN;TA



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN

Memorandum

Date: July 8, 2008
To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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



Subject: C-12 #Z2006000323-2nd Revision
B & F Marine, Inc.
4001 S.W. 72nd Avenue
District Boundary Change from B-U1A & RU-1 to BU-2
(BU-1A/RU-1) (1.03 Acres)
23-54-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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.

Pollution Remediation

The subject property has no records of current contamination assessment or remediation issues on the site or directly abutting the subject site. The applicant is advised that there are records of contamination assessment or remediation issues within 500 feet southwest of the subject property tracked under Permit UT-2440/F-9647, Tropical Paint & Body Shop (7270 SW 41st Street).

Air Quality Preservation

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

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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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 is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information 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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 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

Tree Removal Permit 2008-TREE-PER-00104 was issued to B & F Marine, Inc., on March 11, 2008 and is scheduled to expire on March 11, 2009. All approved tree removal, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00104 shall be required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

Enforcement History

DERM has found the following closed enforcement case for the subject property:

B & F Marina
4001 SW 72nd Avenue

DERM has file number PSO-418. There is record of a closed enforcement case regarding failure to comply with the Sanitary Sewer Evaluation Survey (SSES) on the private pump station. The case was closed on September 9, 2003 with the approval of the SSES.

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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: B & F MARINE, INC.

This Department has no objections to this application.

This Department has no objections to either plan option.

Driveway to Bird Road (SW 40 St.) must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

Additional improvements may be required at time of platting.

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

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



Raul A Pino, P.L.S.

07-JUL-09



Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

Commercial Airport:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka
Opa-locka West

August 4, 2008

Received by
Zoning Agenda Coordinator
AUG 08 2008

Mr. Alberto J. Torres
Land Use Consultant
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847

RE: Determination Number DN-08-07-052 Cursory Airspace Analysis for Z06-0323, B & F Marine, Inc., located at East of SW 72 Ave, between SW 40th Street and SW 41st Street, Miami, FL, Folio Numbers: 3040230140010, 3040230120042, 3040230120041 and 3040230120040.

Dear Mr. Torres:

The Miami-Dade Aviation Department (MDAD) has reviewed the above referenced project for an airspace analysis.

Airspace Review:

The Miami-Dade Aviation Department (MDAD) is in receipt of your submittal for an airspace analysis and determination letter for the above referenced project. Please note that based on our cursory review of the project information provided to us, an assumed project height of **138 ft. AMSL (Above Mean Sea Level)**, does not meet our review criteria for its location and will not require a Height Analysis or Letter of Determination from this Department. Please note that any future changes in building locations/layouts or heights reaching or exceeding an elevation of **192 ft. AMSL** will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

This height determination is an estimate issued on a preliminary or advisory basis. **It is not necessary to file with the FAA** for the structure height as stated above by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. **However, any construction cranes for this project reaching or exceeding 192 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using the same form.** The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form may be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the developer may "e-file" online at <https://oeaaa.faa.gov>.

Delivering Excellence Every Day

Mr. Alberto J. Torres
August 4, 2008
Page 2

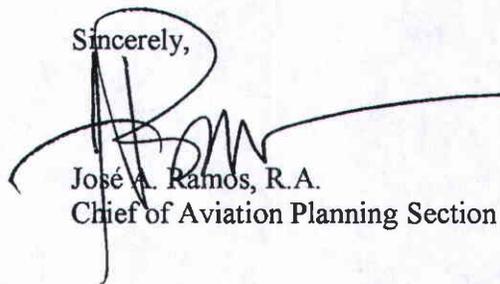
Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. The County's Aviation Department or the applicable municipal building official determines whether the County's height limitations are met, and FAA determines whether FAA building, marking and height requirements are met.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Furthermore, please note that upon completion of this project, no Certificate of Use and Certificate of Occupancy shall be issued by a municipality or Miami-Dade County until approval is obtained by this office certifying that the structure was built no higher than the height approved by this letter. The approval shall be issued by this office after submittal by applicant of the required information as outlined in the Miami International Airport (Wilcox Field) Zoning Ordinance, **Section 33-349 Airspace Approvals, Paragraph A, Subsection 2.**

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

Sincerely,



José A. Ramos, R.A.
Chief of Aviation Planning Section

JR/AH/cf

C: S. Harman
A. Herrera
Marc C. LaFerrier, Department of Planning and Zoning
D. Holness, Department of Planning and Zoning
L. Talleda, Department of Planning and Zoning
F. Gutierrez, Department of Planning and Zoning
File Zoning



Memorandum

Date: 06-JUL-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2006000323

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated June 29, 2009.

APPROVAL:

Fire Engineering & Water Supply Bureau has no objection to site plan A date stamped January 22, 2008 and site plan B date stamped December 1, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand

Development for the above Z2006000323 located at LYING EAST OF SW 72 AVENUE, BETWEEN SW 40 STREET (BIRD ROAD) AND SW 41 STREET, in Police Grid 1596 is proposed as the following:

N/A <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
67,605 <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
10,925 <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 17.98 alarms-annually.
 The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SW 82 Avenue
 Rescue, ALS Engine.

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan A date stamped January 22, 2008 and site plan B date stamped December 1, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

B & F MARINE, INC.

LYING EAST OF SW 72 AVENUE,
BETWEEN SW 40 STREET (BIRD
ROAD) AND SW 41 STREET,

APPLICANT

ADDRESS

Z2006000323

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS FOUND

B & F MARINE, INC

JOSEPH MESLER

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: B&F MARINE, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>ANTONIO UECIANA, SR. / 10464 SW 128 TERR, MIA, FL</u>	<u>36.25</u>
<u>ANTONIO UECIANA, JR / 1900 SW 134 AVE, MIA. FL</u>	<u>29.77</u>
<u>CARLOS UECIANA / 3163 VIRGINIA ST., C.G. FL</u>	<u>7.82</u>
<u>ANA UECIANA / 10464 SW 128 TERR., MIAMI, FL</u>	<u>16.57</u>
<u>SIRA UECIANA - MUNO / 6767 COLLINS AVE, M.B., FL #803</u>	<u>10.39</u>

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

TRUST/ESTATE NAME: _____

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

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 206-323
 NOV 8 8 2006
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
[Signature]

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: B&F MARINE, INC

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

Date of contract: _____

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

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BY AS

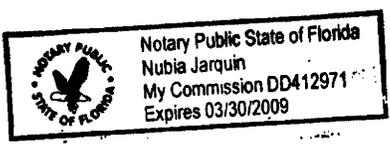
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 8th day of November, 2006. Affiant is personally known to me or has produced Florida driver's license as identification.

[Signature]
(Notary Public)



My commission expires _____

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

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 BY: AT

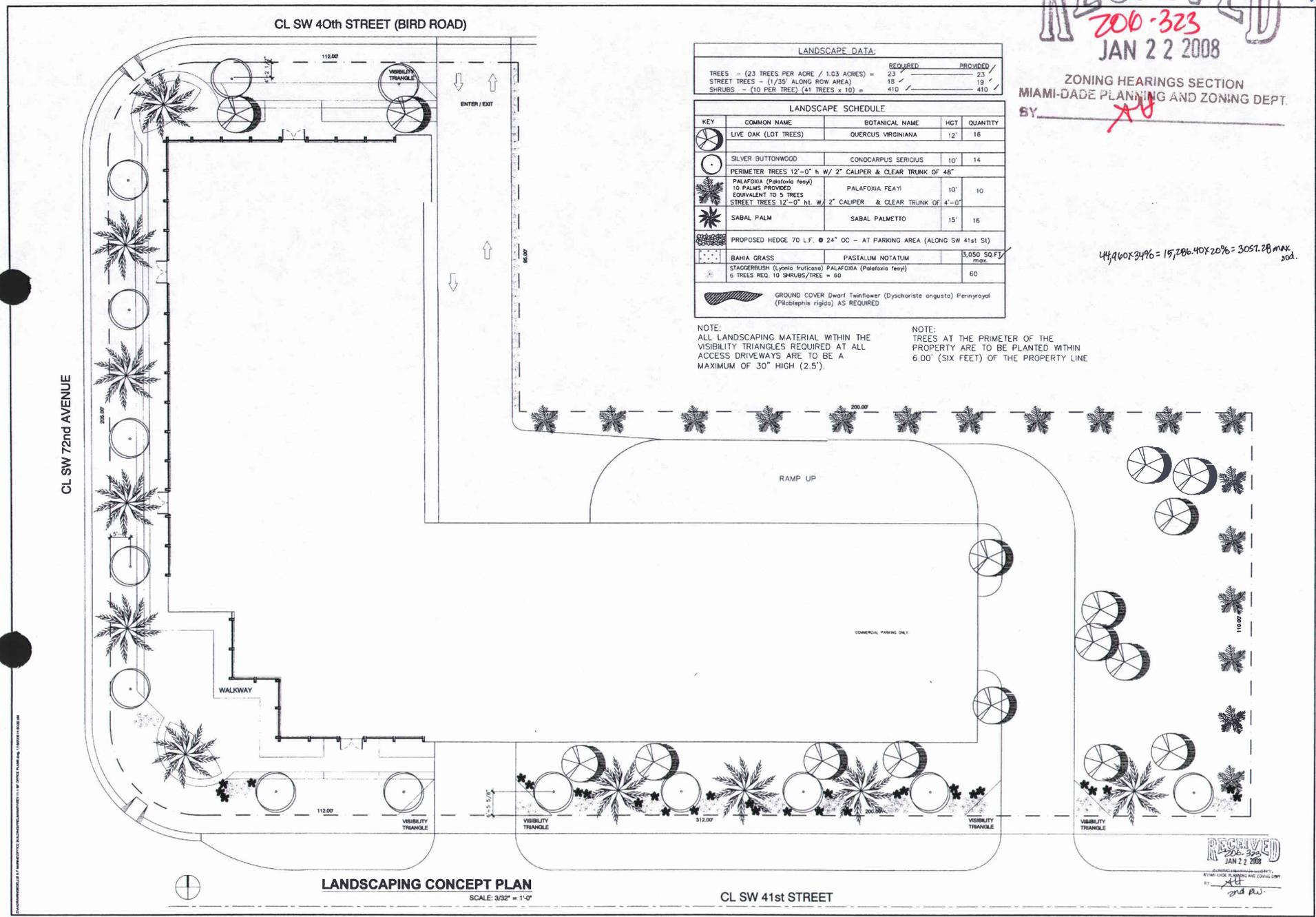
44,960 x 3496 = 15,7206,40 x 20% = 3051.28 max. 304.

LANDSCAPE DATA:			
TREES - (23 TREES PER ACRE / 1.03 ACRES) =	REQUIRED	PROVIDED	
STREET TREES - (1/35' ALONG ROW AREA)	18	23	
SHRUBS - (10 PER TREE) (41 TREES x 10) =	410	410	

LANDSCAPE SCHEDULE			
KEY	COMMON NAME	BOTANICAL NAME	HGT QUANTITY
	LIVE OAK (LOT TREES)	QUERCUS VIRGINIANA	12' 16
	SILVER BUTTONWOOD	CONOCARPUS SERICUS	10' 14
PERIMETER TREES 12'-0" h W/ 2" CALIPER & CLEAR TRUNK OF 48"			
	PALAFOXIA (Palafoxia feayi)	PALAFOXIA FEAYI	10' 10
EQUIVALENT TO 5 TREES			
	STREET TREES 12'-0" h L W/ 2" CALIPER & CLEAR TRUNK OF 4'-0"	SABAL PALMETTO	15' 16
PROPOSED HEDGE 70 L.F. @ 24" OC - AT PARKING AREA (ALONG SW 41st ST)			
	BAHIA GRASS	PASTALUM NOTATUM	5,050 SQ FT max
	STAGGERBUSH (Lyonia fruticosa)	PALAFOXIA (Palafoxia feayi)	60
6 TREES REQ. 10 SHRUBS/TREE = 60			
GROUND COVER Dwarf Twinflower (Dyschoriste angusta) Pennyroyal (Pithecolobium rigidum) AS REQUIRED			

NOTE:
 ALL LANDSCAPING MATERIAL WITHIN THE VISIBILITY TRIANGLES REQUIRED AT ALL ACCESS DRIVEWAYS ARE TO BE A MAXIMUM OF 30" HIGH (2.5').

NOTE:
 TREES AT THE PRIMER OF THE PROPERTY ARE TO BE PLANTED WITHIN 6.00' (SIX FEET) OF THE PROPERTY LINE



LANDSCAPING CONCEPT PLAN
 SCALE: 3/32" = 1'-0"

CL SW 41st STREET

Tapia-Ruano Architect Inc.
 1745 SW 7th Avenue
 Miami, Florida 33135

876 SITE PLAN STUDY FOR MULTIFAMILY PROJECT AT:
 B & F MARINE INC.
 4001 SW 72nd Avenue
 Miami, Florida 33168

PLAN
 'A'

Date: 1-18-08
 Comm. No. 081001

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MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: AT

32

AA 000005

Tapia-Ruano Architect Inc.
1705 WEST PALM BLVD
MIAMI, FLORIDA 33135

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4401 SW 72ND AVENUE
MIAMI, FLORIDA 33155

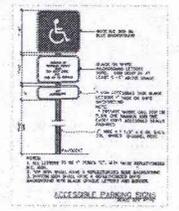
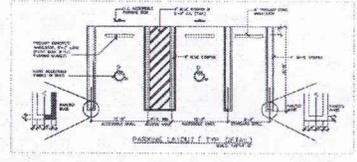
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Date: 1-16-08
Comm No: 061007

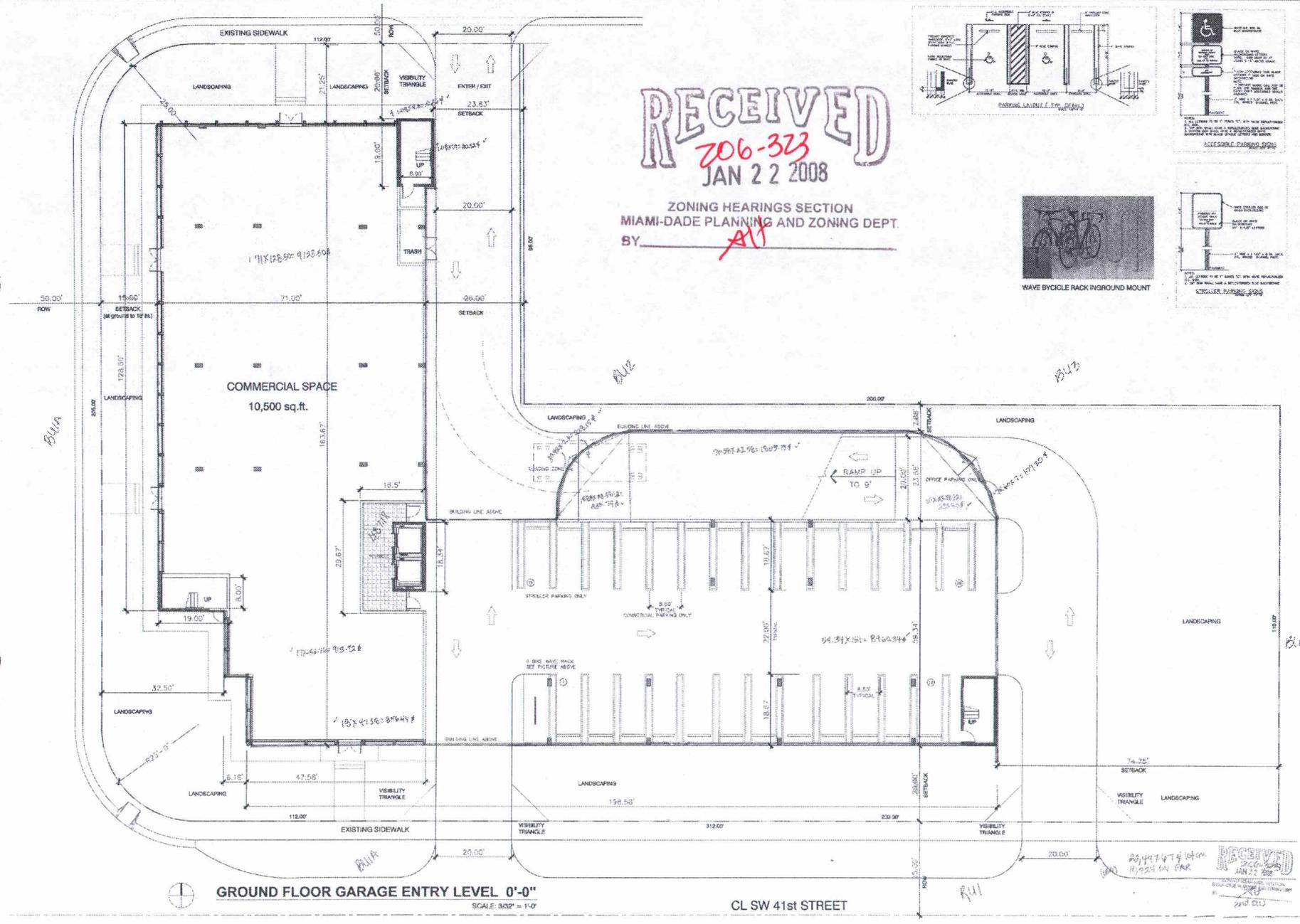
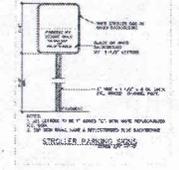
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BY ALJ



WAVE BY CYCLE RACK (GROUND MOUNT)



GROUND FLOOR GARAGE ENTRY LEVEL 0'-0"
SCALE: 3/32" = 1'-0"

CL SW 41st STREET

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JAN 22 2008

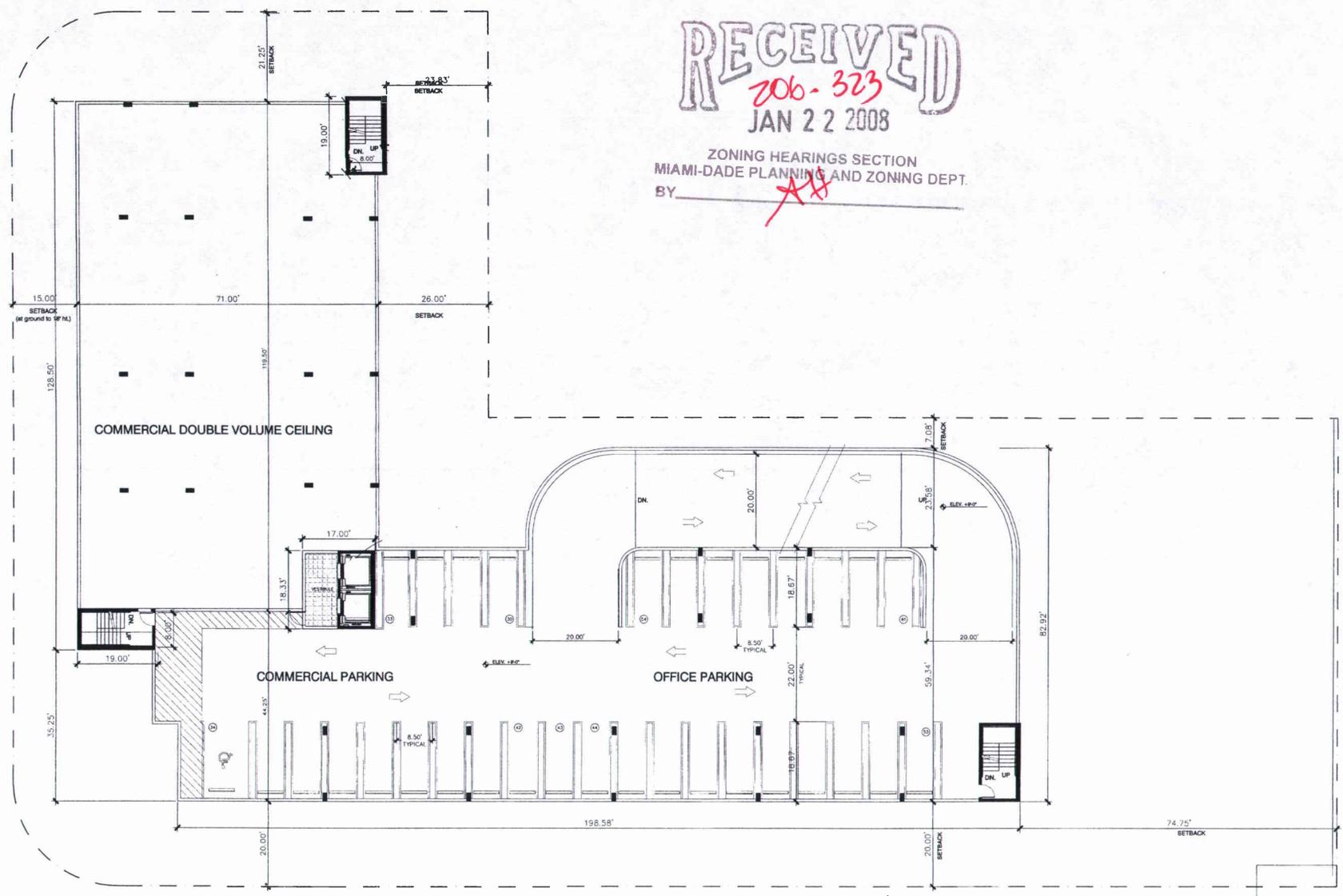
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AA 000026

Tapia-Ruano Architect Inc.
Miami, Florida, 33146
1745 SW 72nd Terrace
PH: 305-441-1122

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BY: ~~AS~~



MEZZANINE GARAGE LEVEL +9'-0"
SCALE: 3/32" = 1'-0"

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SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA, 33156

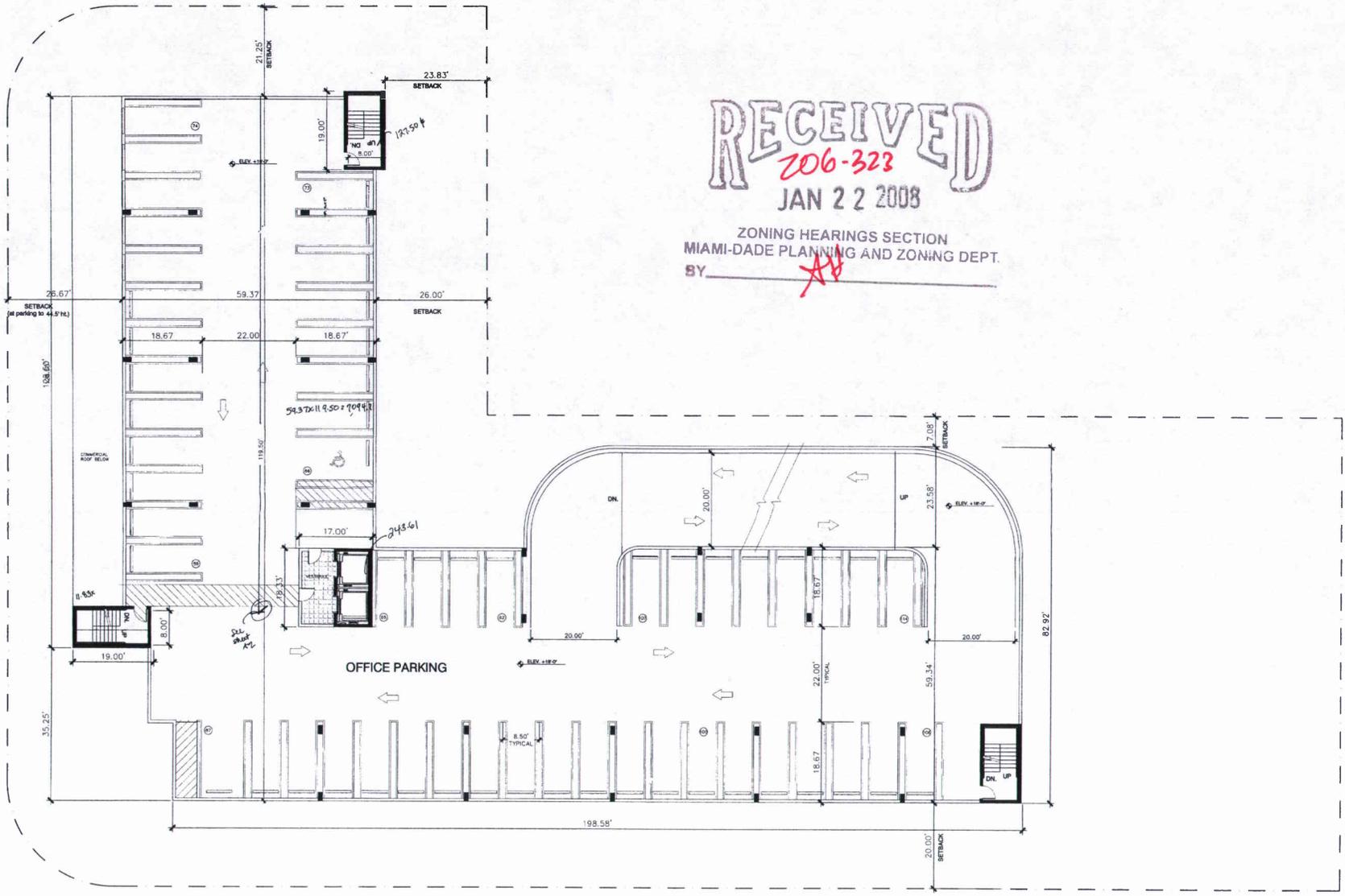
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Date:
1-18-08
Comm. No.
081007

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



⊕ SECOND FLOOR GARAGE LEVEL +18'-0"
SCALE: 3/32" = 1'-0"

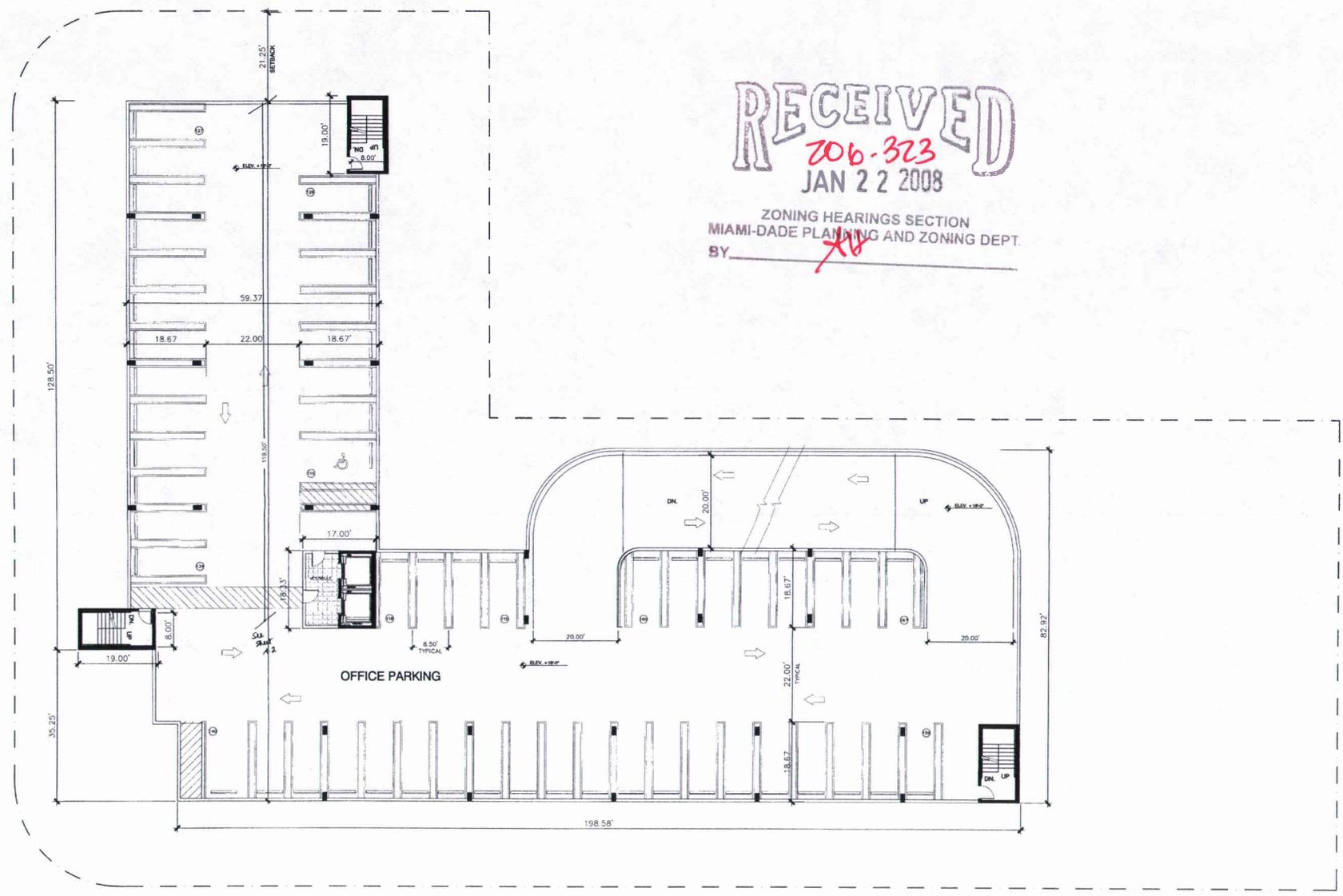
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JAN 22 2008
BY AB

35

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THIRD FLOOR GARAGE LEVEL +27'-0"
SCALE: 3/32" = 1'-0"

6728.60 f

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JAN 22 2008
BY XLB
SNA BW.

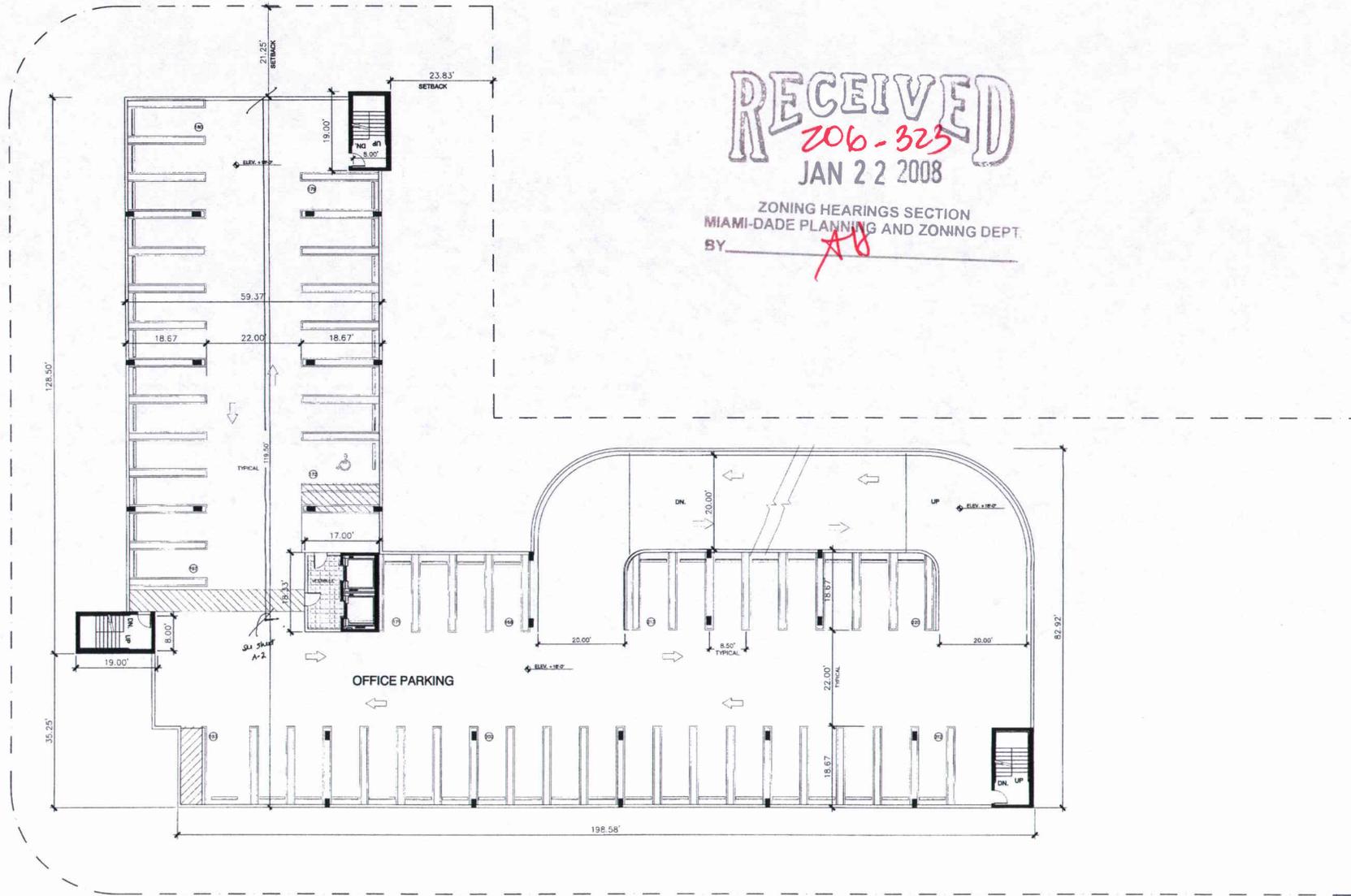
AA 0000205
Tapia-Fuano Architect Inc.
Miami, Florida, 33146
1715 SW 23rd Terrace
DDB 8860102

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
MIAMI, FLORIDA 33155
4001 SW 72nd AVENUE

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Date: 1-18-08
Comm. No. 081007

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 BY AB

⊕ **FOURTH FLOOR GARAGE LEVEL +36'-0"**
 SCALE: 3/32" = 1'-0"

6720604

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AA 000506

Tapia-Ruano Architect Inc.
 1715 SW 25th Terrace
 Miami, Florida, 33135

B & F MARINE INC.
 4001 SW 75th Avenue
 Miami, Florida 33156

PLAN
A-1

Date: 1-18-08
 Comm. No. 081027

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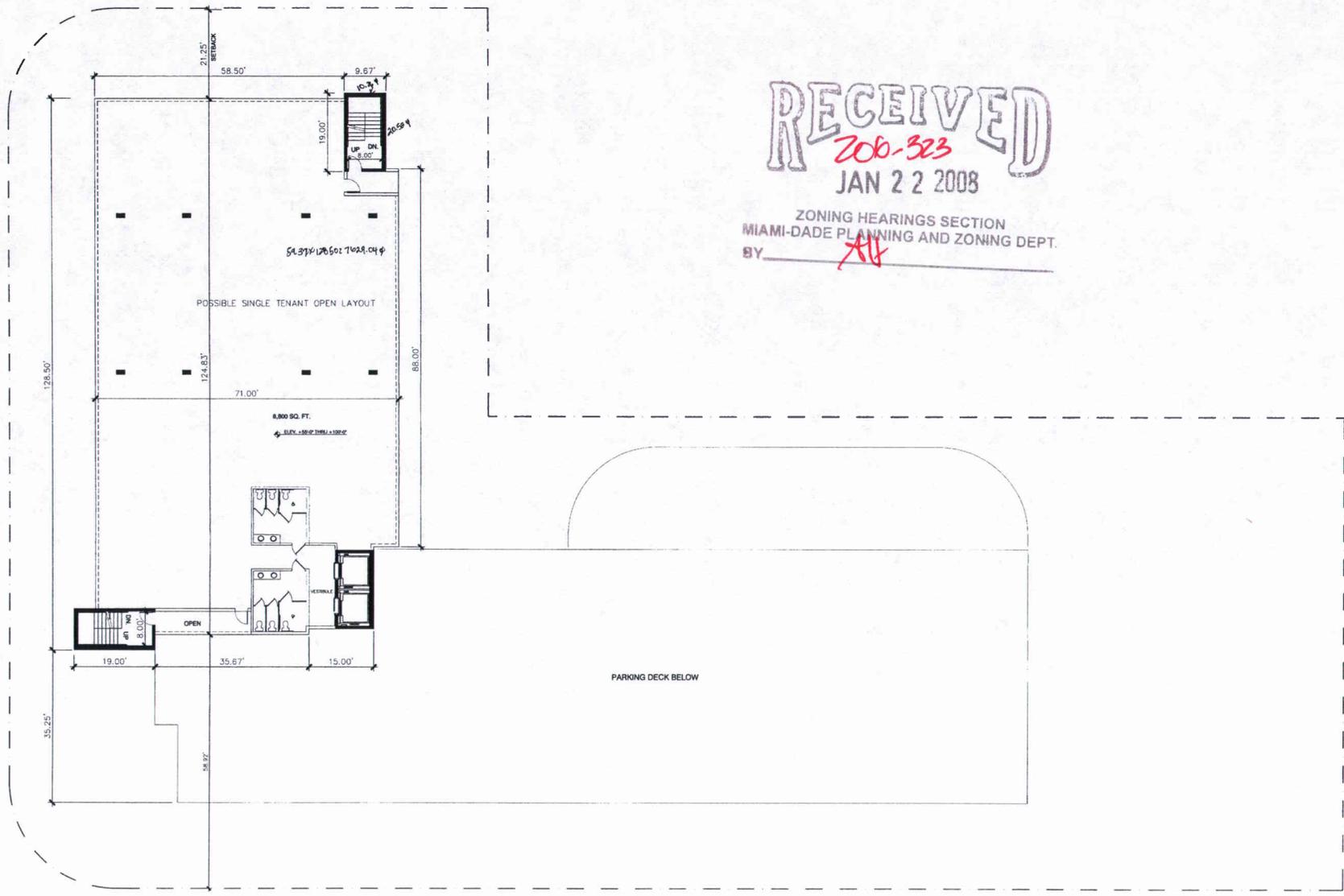
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AA 0000005

Tapla-Ruano Architect Inc.
1702 SW 25th Terrace
Miami, Florida 33144
(305) 866-0192

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JAN 22 2008

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



SIXTH FLOOR OFFICE LEVEL +55'-0" THRU 11th FLOOR +100'-0" *John A. Spina*
SCALE: 3/32" = 1'-0"

$6258.62(0) = 49,431.72$

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JAN 22 2008
AT
2nd EW

8788 PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72ND AVENUE
MIAMI, FLORIDA 33156

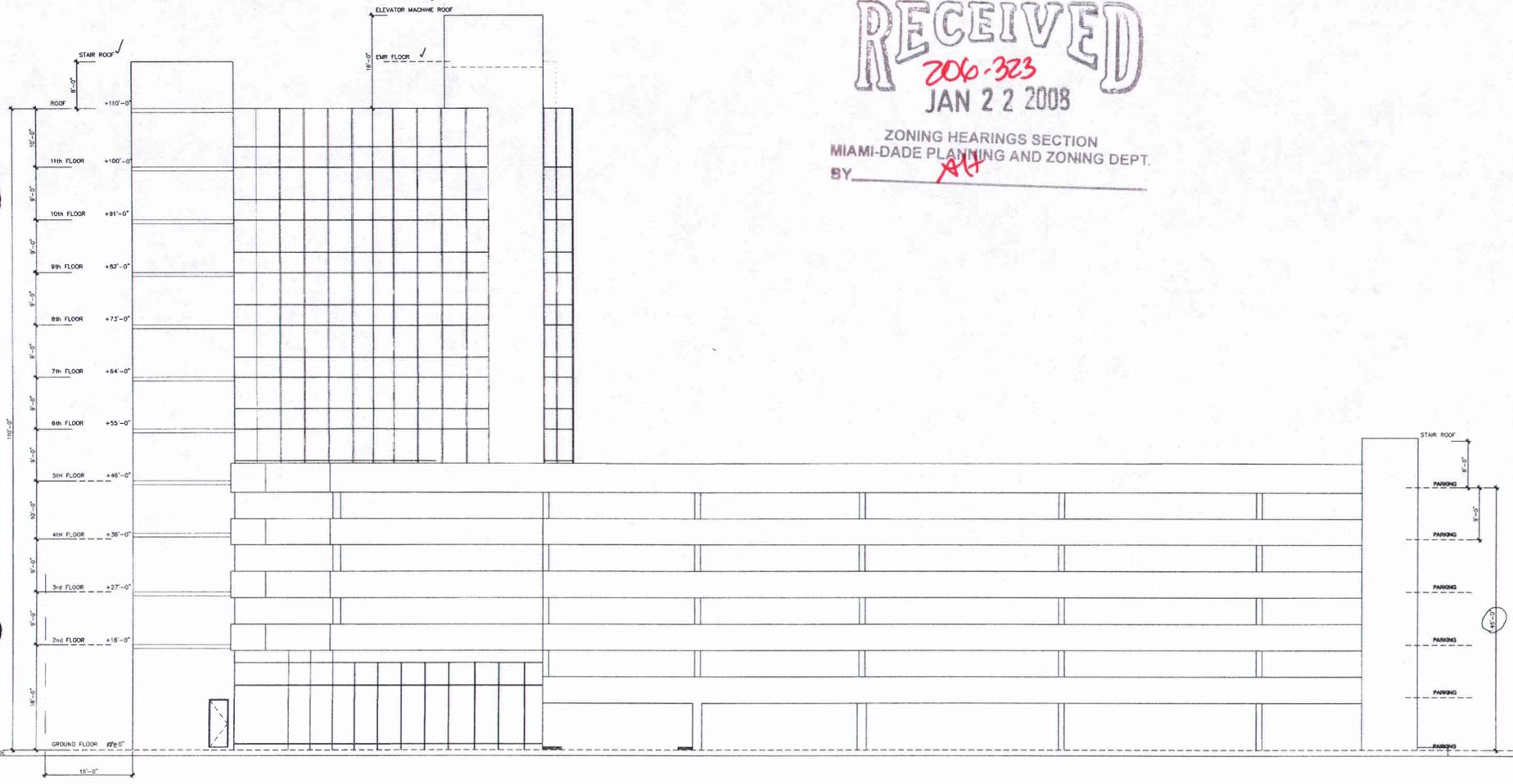
PLAN
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Date: 1-18-08
Comm. No. 081007

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JAN 22 2008

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT



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

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206-323
JAN 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

Tapla-Ruano Architect Inc.
1733 SW 23RD TERRACE
MIAMI, FLORIDA 33135
(305) 854-0198

SITE PLAN STUDY FOR MULTIFAMILY PROJECT AT:
B & F MARINE INC.
MIAMI, FLORIDA 33156
4001 SW 72ND AVENUE

PLAN
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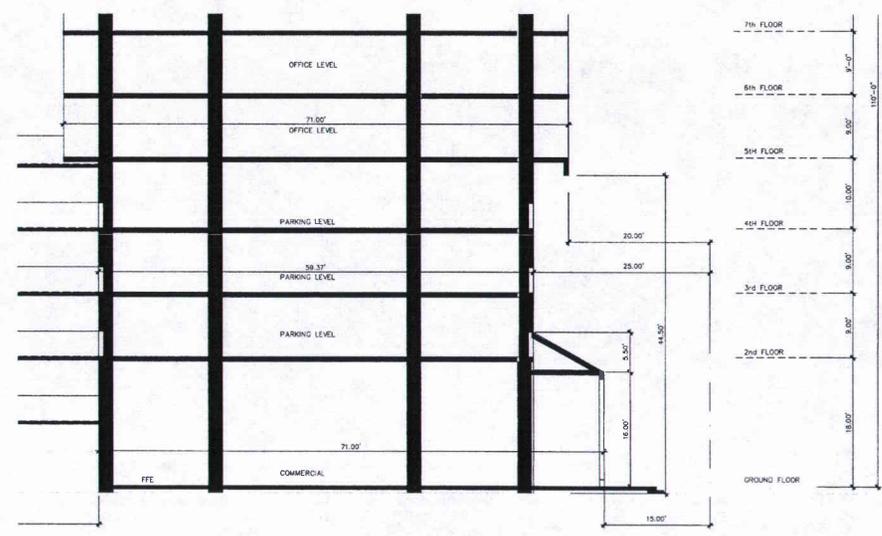
Date: 1-16-08
Comm. No. 081007

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 200-323
 JAN 22 2008

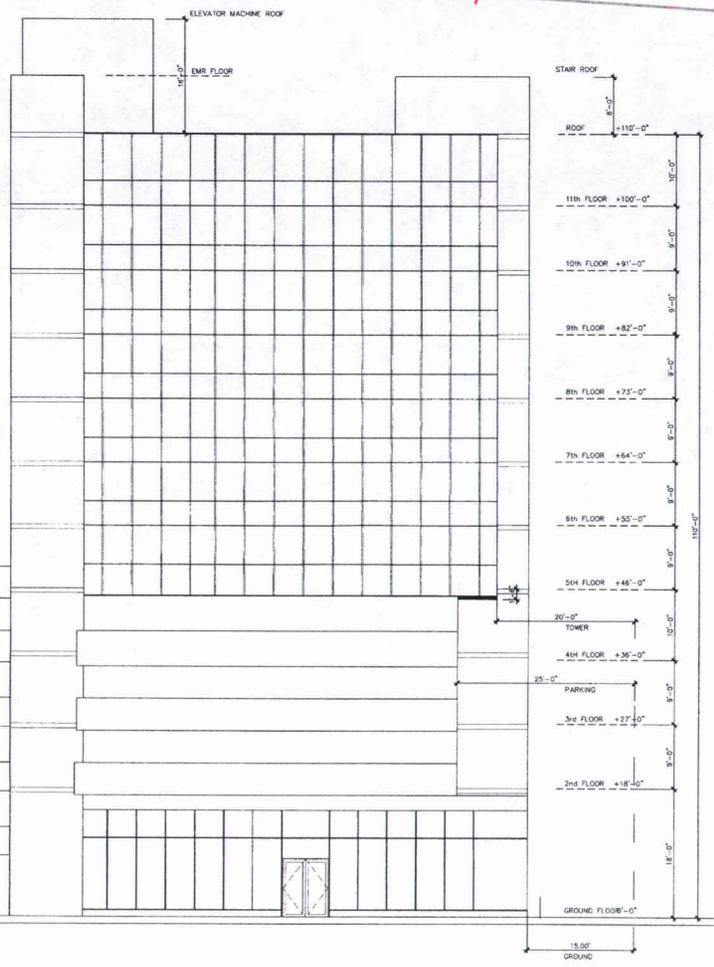
4D

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

Tapia-Ruano Architect Inc.
 1700 SW 23RD TERRACE
 MIAMI, FLORIDA 33135
 (305) 856-0100



PARTIAL SECTION AT 72 AVE LOOKING SOUTH



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

RECEIVED
 200-323
 JAN 22 2008
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: *AKH*
and pw.

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
 B & F MARINE INC.
 4001 SW 72ND AVENUE
 MIAMI, FLORIDA 33135

PLAN
 'A'

Date: 1-16-08
 Comm. No. 081007

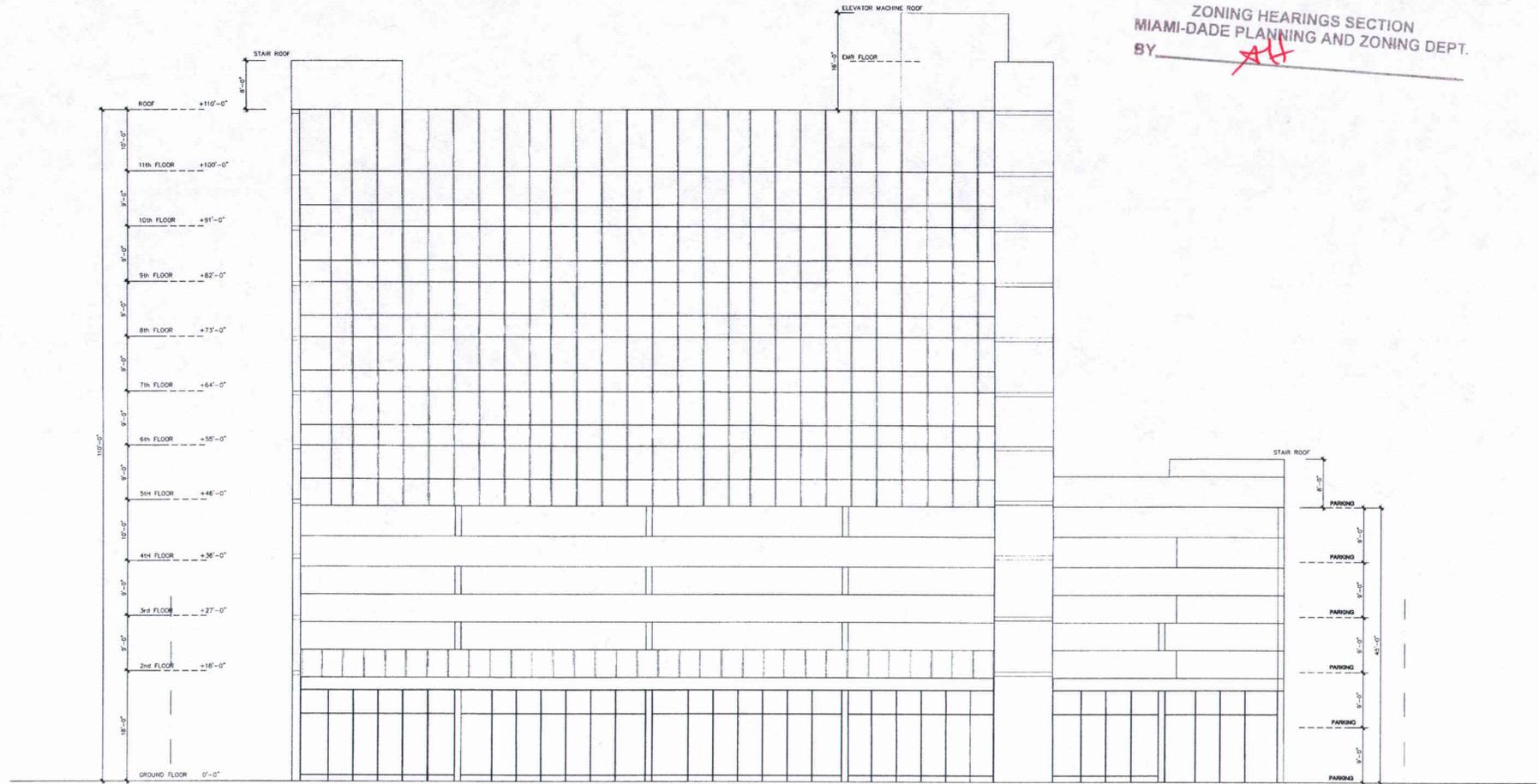
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JAN 22 2008

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MIAMI-DADE PLANNING AND ZONING DEPT.

BY

AT



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

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200-323
JAN 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

AA 0003506
Tapia-Ruano Architect Inc.
Miami, Florida, USA
1700 SW 22nd Avenue

SITE PLAN STUDY FOR MULTIFUSE PROJECT AT:
B & F MARINE INC.
MIAMI, FLORIDA 33106
4001 SW 72nd AVENUE

PLAN
'A'

Date:
1-18-08
Comm. No.
081007

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206-328
DEC 01 2008

44

AA 0009205

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

$44,960 \times 26.5\% = 11,914.40 \times 20\% = 2382.88$
max. std

Tapia-Ruano Architect Inc.
Miami, Florida, USA
www.tapia-ruano.com

BITE PLAN STUDY FOR MULTITUBE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33155

PLAN 'B'

Date: 11-24-08
Comm. No. 051007

L-1

CL SW 40th STREET (BIRD ROAD)

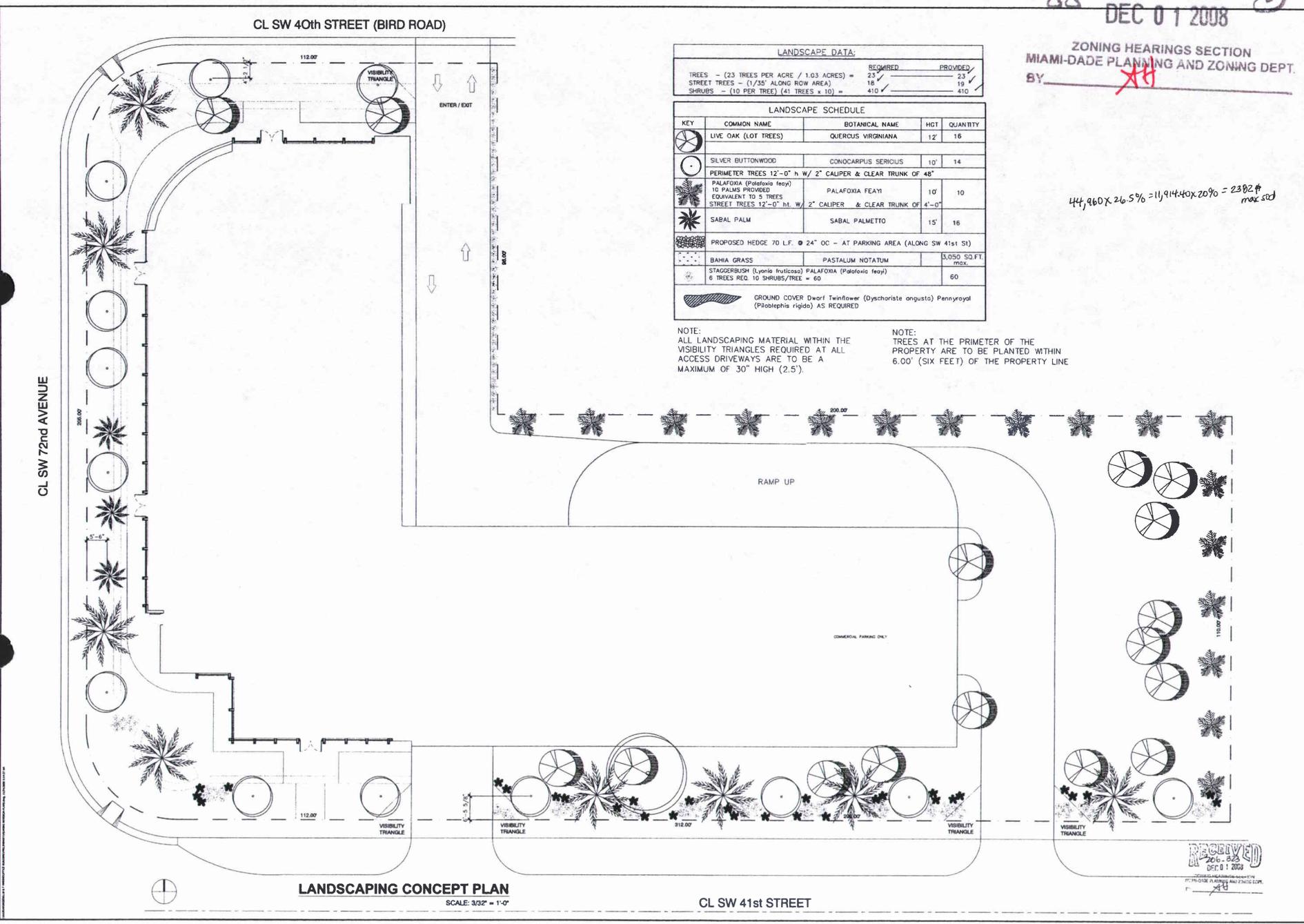
CL SW 72nd AVENUE

LANDSCAPE DATA:		REQUIRED	PROVIDED
TREES - (23 TREES PER ACRE / 1.03 ACRES) =	23	23	23
STREET TREES - (1/35' ALONG ROW AREA)	16	16	19
SHRUBS - (10 PER TREE) (41 TREES x 10) =	410	410	410

LANDSCAPE SCHEDULE				
KEY	COMMON NAME	BOTANICAL NAME	HGT	QUANTITY
	LIVE OAK (LOT TREES)	QUERCUS VIRGINIANA	12'	16
	SILVER BUTTONWOOD	CONOCARPUS SERICUS	10'	14
PERIMETER TREES 12'-0" h W/ 2" CALIPER & CLEAR TRUNK OF 48"				
	PALAFOXIA (Palafoxia feayi)	PALAFOXIA FEAYI	10'	10
10 PALMS PROVIDED EQUIVALENT TO 5 TREES				
	SABAL PALM	SABAL PALMETTO	15'	16
STREET TREES 12'-0" H. W/ 2" CALIPER & CLEAR TRUNK OF 4'-0"				
PROPOSED HEDGE 70 L.F. @ 24" OC - AT PARKING AREA (ALONG SW 41st St)				
	BAHIA GRASS	PASTALUM NOTATUM	5,050 SQ.FT. max.	
	STAGGERBUSH (Lyonia fruticosa)	PALAFOXIA (Palafoxia feayi)	60	
6 TREES REQ. 10 SHRUBS/TREE = 60				
	GROUND COVER Dwarf Twinflower (Dyschoriste angusta) Pennyroyal (Problephis rigida) AS REQUIRED			

NOTE:
ALL LANDSCAPING MATERIAL WITHIN THE VISIBILITY TRIANGLES REQUIRED AT ALL ACCESS DRIVEWAYS ARE TO BE A MAXIMUM OF 30" HIGH (2.5').

NOTE:
TREES AT THE PRIMETER OF THE PROPERTY ARE TO BE PLANTED WITHIN 6.00' (SIX FEET) OF THE PROPERTY LINE



LANDSCAPING CONCEPT PLAN
SCALE: 3/32" = 1'-0"

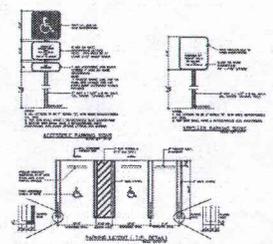
CL SW 41st STREET

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206-328
DEC 01 2008

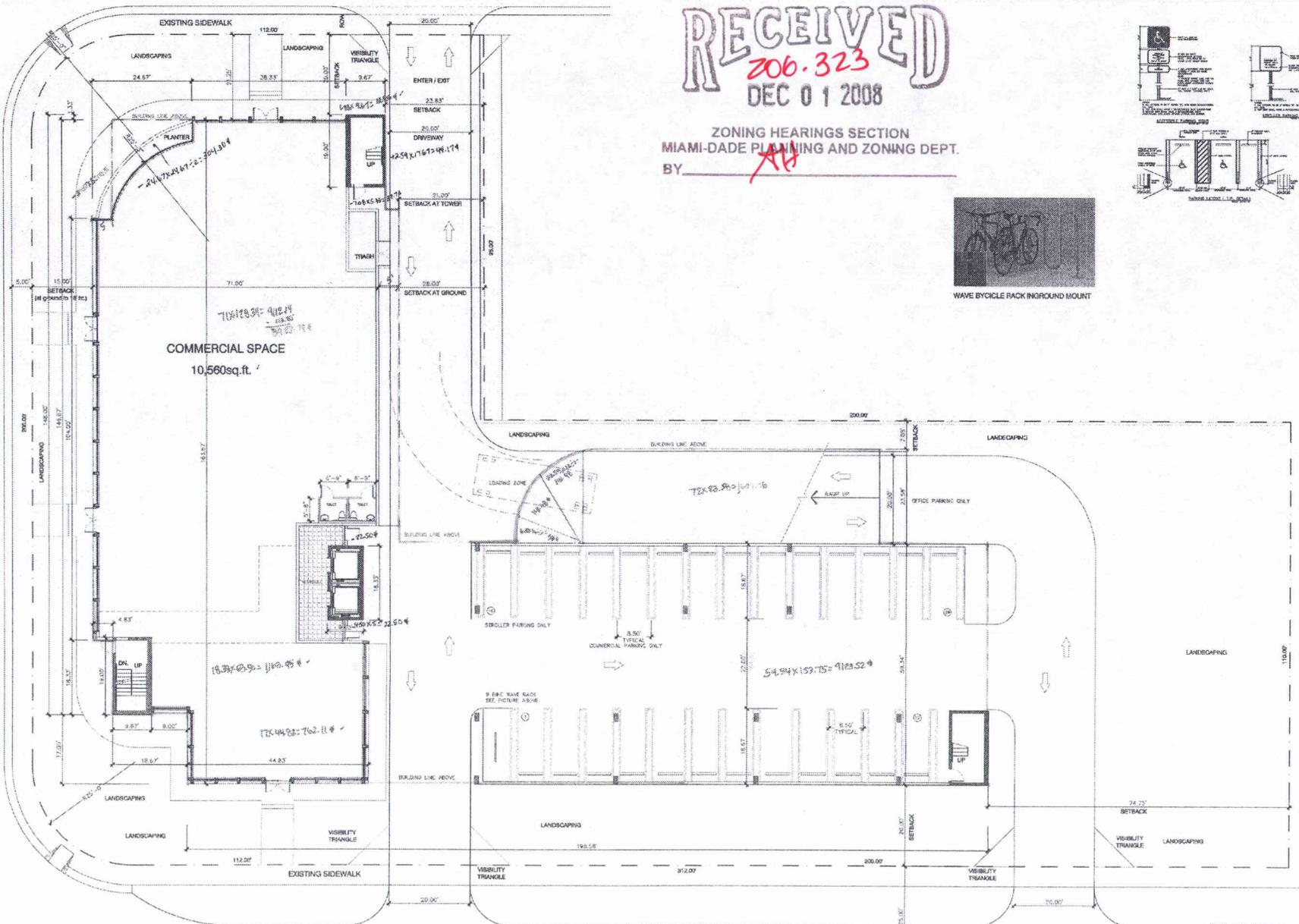
45

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



WAVE BICYCLE RACK INGROUND MOUNT



GROUND FLOOR GARAGE ENTRY LEVEL 0'-0"
SCALE: 3/32" = 1'-0"

FAR 19,560 #

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AA-000026
Tapla-Ruano Architect Inc.
Miami, Florida 33146
1700 BAYVIEW TERRACE

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72ND AVENUE
MIAMI, FLORIDA 33155

PLAN
"B"

Date: 11-24-08
Comm. No. 081007

A-1

46

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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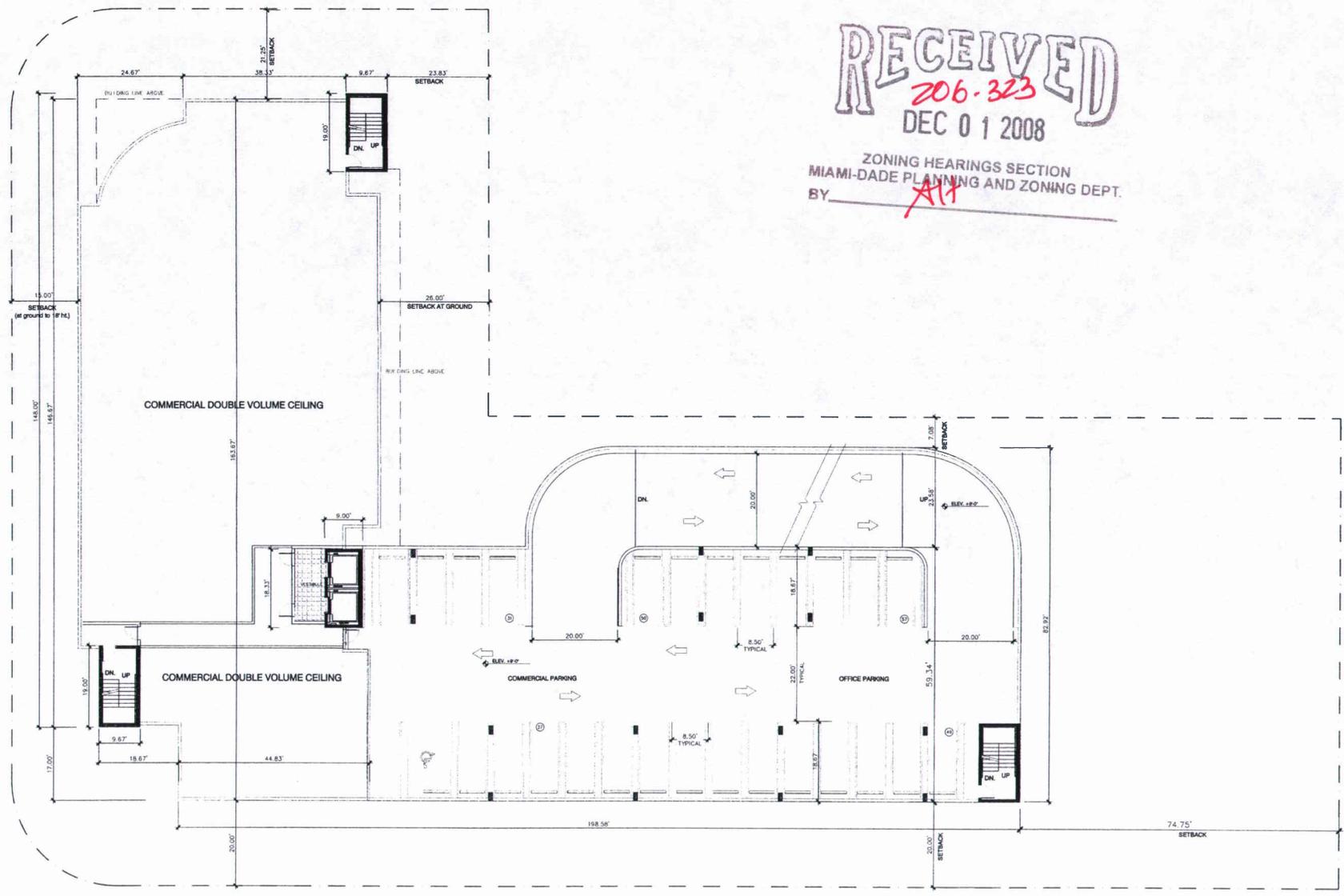
Tapla-Ruano Architect Inc.
1108 SW 25th Terrace
Miami, Florida, 33135
(305) 866-0122

DATE: 11-24-08
COMM. NO. 081007

PLAN 'B'

DATE: 11-24-08
COMM. NO. 081007

A-2



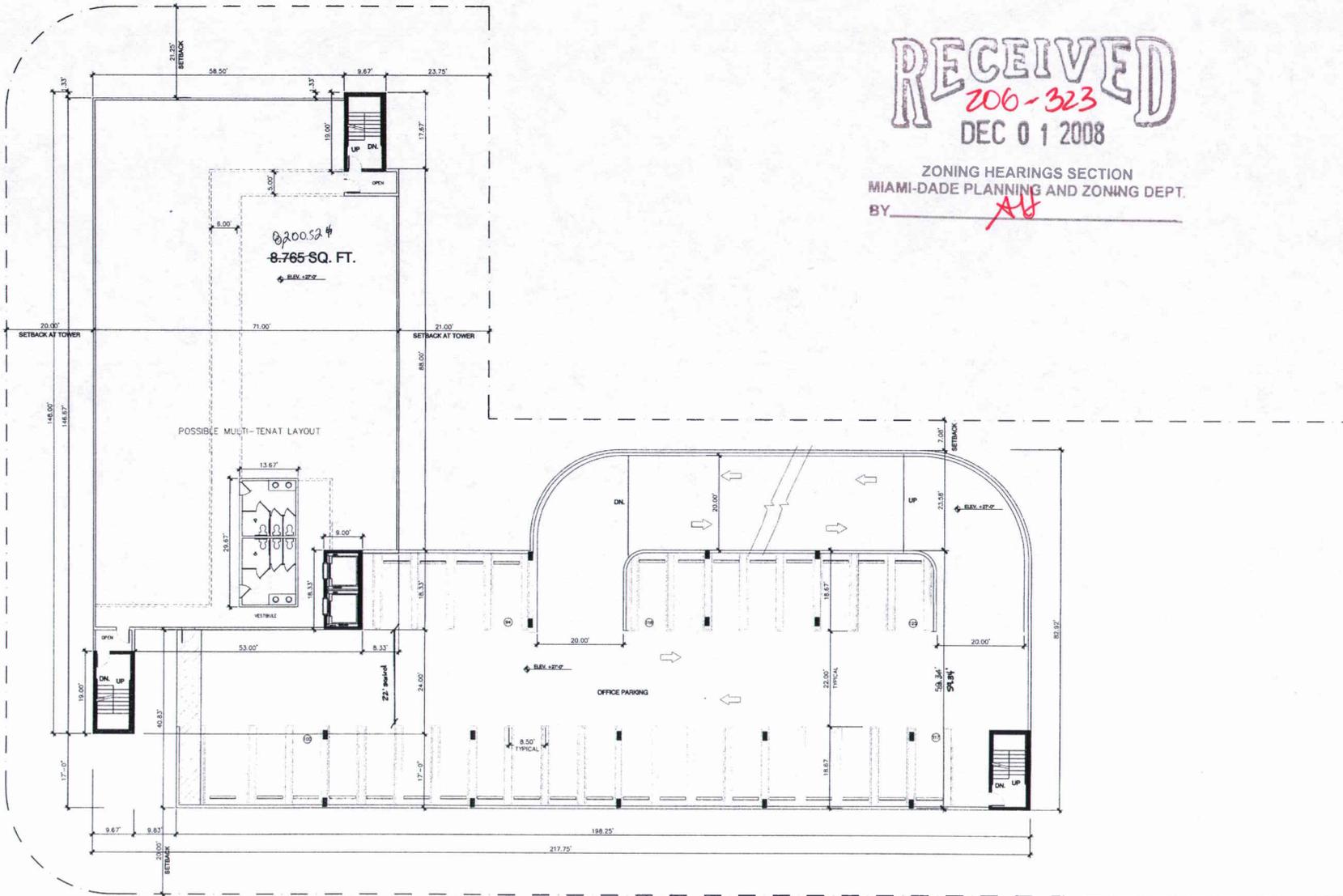
MEZZANINE GARAGE LEVEL +9'-0"
SCALE: 3/32" = 1'-0"

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AB



THIRD FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 27'-0"

SCALE: 3/32" = 1'-0"

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AB

DATE: 11-24-08
COMM. NO. 081007

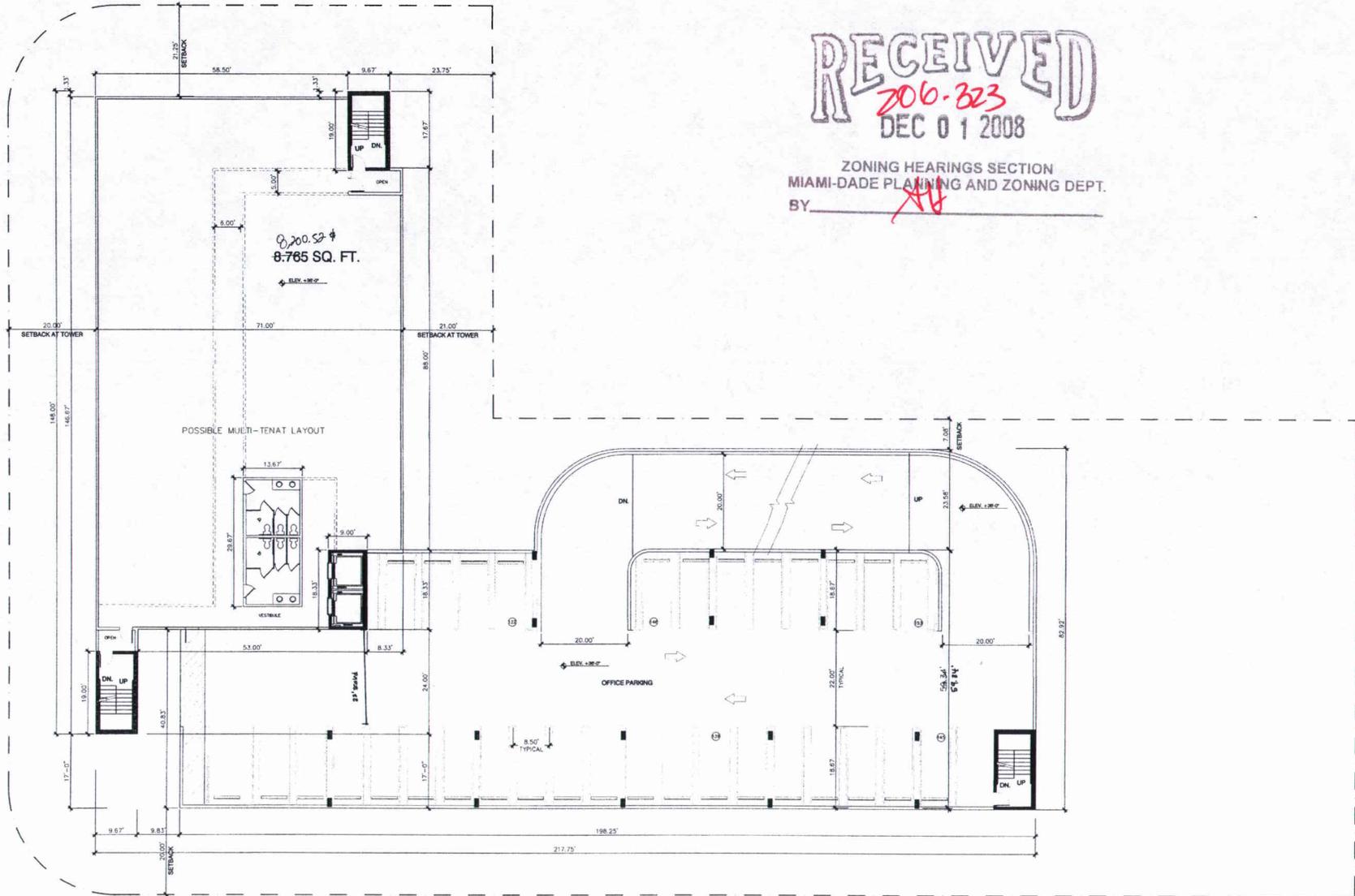
PLAN 'B'

DATE: 11-24-08
COMM. NO. 081007

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



FOURTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 36'-0"

SCALE: 3/32" = 1'-0"

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

Tapia-Ruano Architect Inc.
Miami, Florida, USA
www.tapia-ruano.com

SITE PLAN STUDY FOR MULTITRUSE PROJECT AT:
B & F MARINE INC.
MIAMI, FLORIDA 33148
4001 SW 72ND AVENUE

Plan
B

Date: 11-24-08
Comm. No. 081007

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

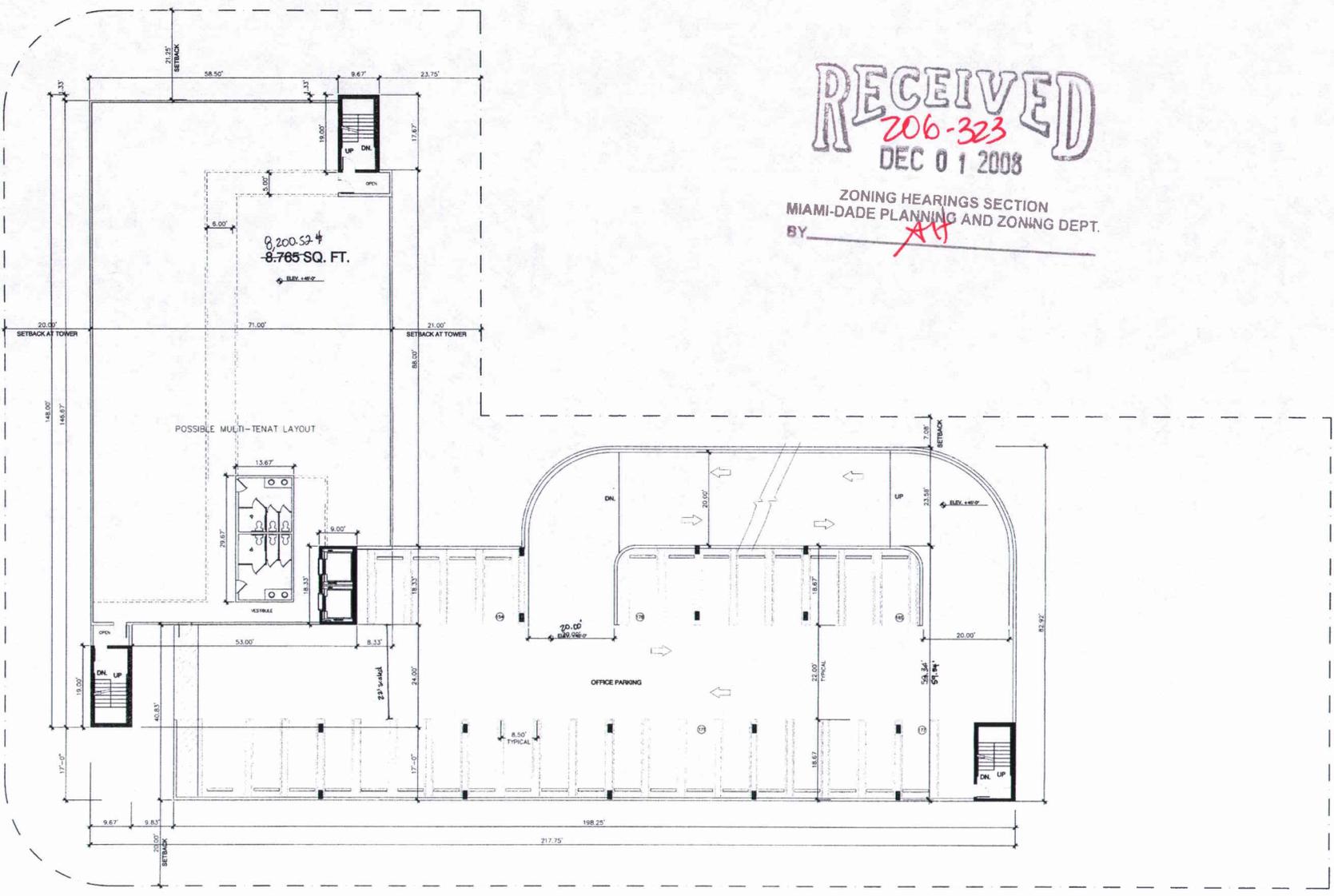
Tapia-Ruano Architect Inc.
1750 SW 72nd Avenue, Suite 100
Miami, Florida, 33156

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33156

PLAN
B

Date: 11-24-08
Comm. No. 081007

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

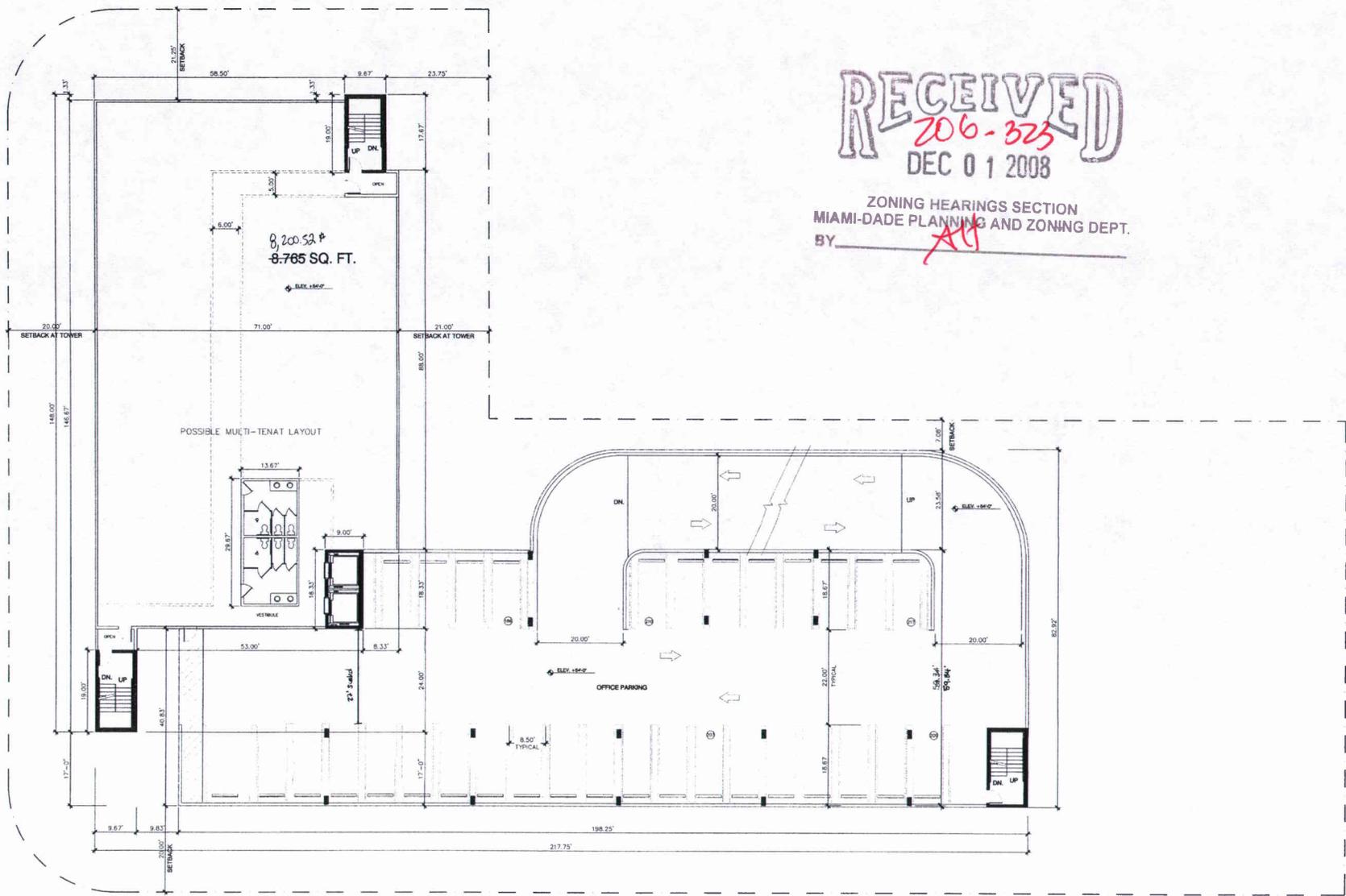


FIFTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 45'-0"
SCALE: 3/32" = 1'-0"

15

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AG



SIXTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE + 54'-0"
SCALE: 3/32" = 1'-0"

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DEC 01 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Tapia-Ruano Architect Inc.
1715 SW 2nd Avenue
Miami, Florida 33135

SITE PLAN STUDY FOR MULTITRUSE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33155

PLAN
'B'

Date: 11-24-08
Comm. No. 081007

52

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

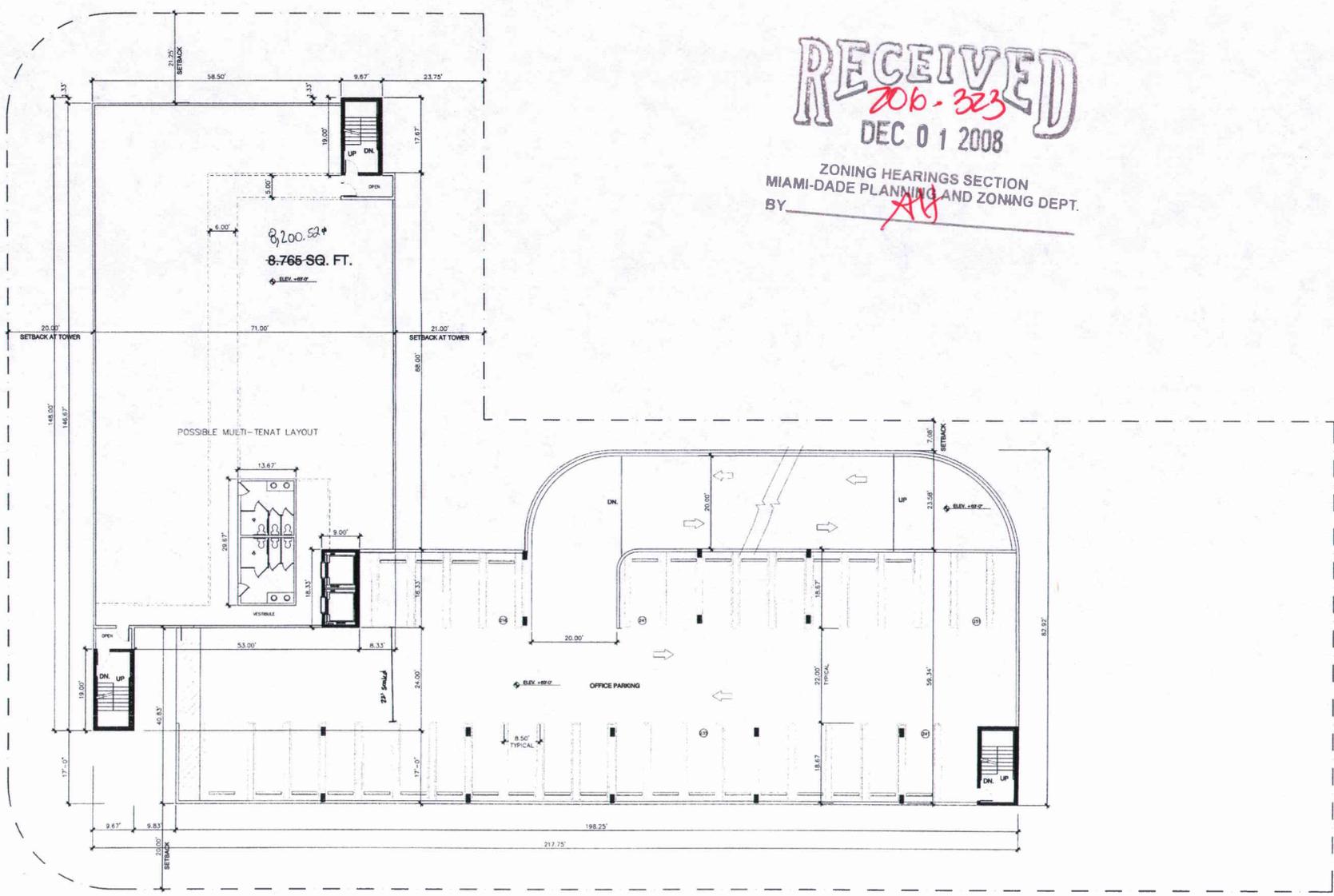
Tapia-Ruano Architect Inc.
200 SW 1st Avenue
Miami, Florida, 33135

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72ND AVENUE
MIAMI, FLORIDA 33155

PLAN
'B'

Date: 11-24-08
Comm. No. 051007

A-8



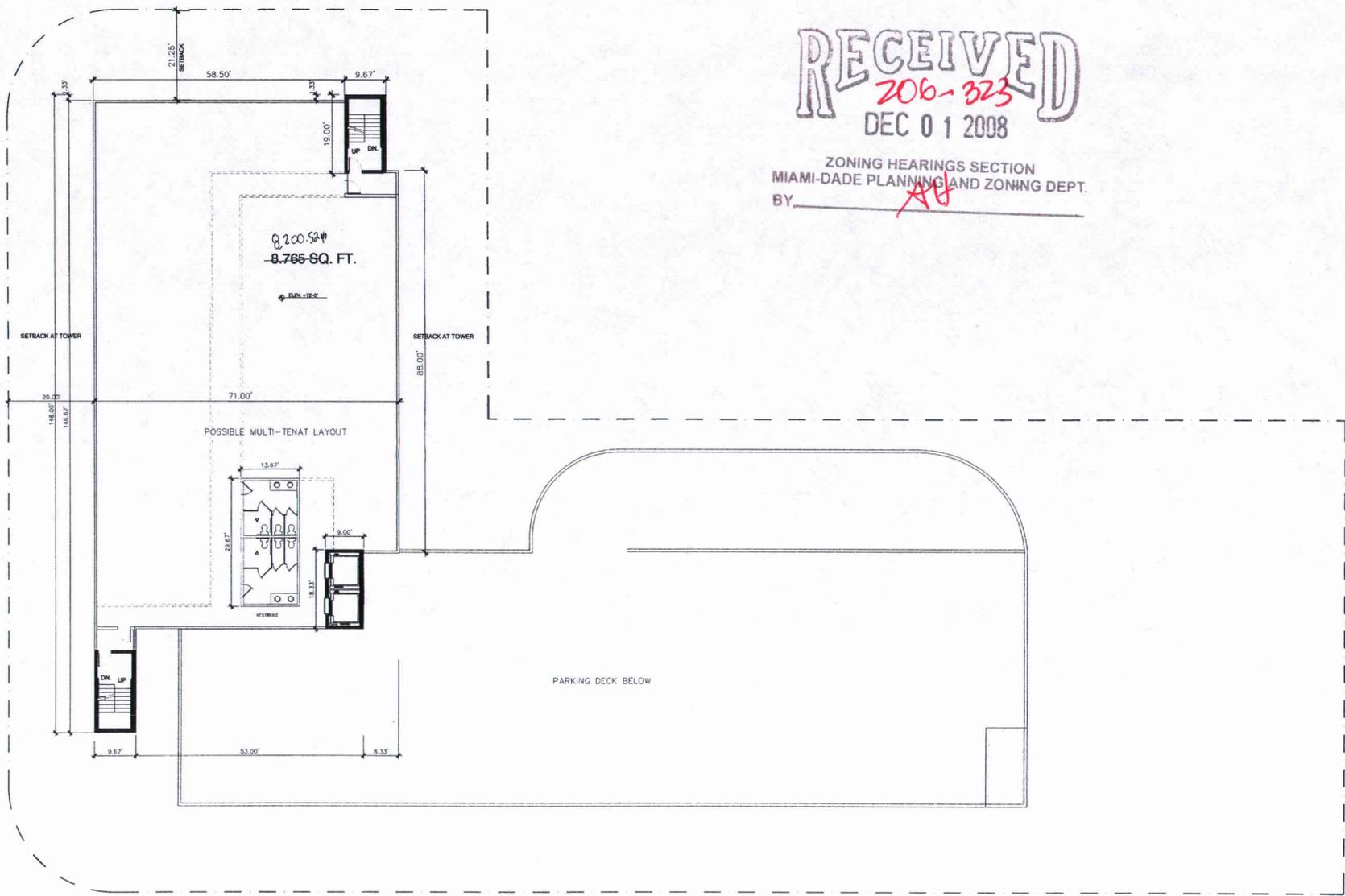
SEVENTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE 13,475 sq.ft. PARKING GARAGE +63'-0"
SCALE: 3/32" = 1'-0"

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206-323
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AB



EIGHTH FLOOR PLAN 8,765 sq.ft. OFFICE SPACE + 72'-0"
(TYPICAL OF SEVEN FLOORS) FAR SQUARE FEET 8,765 x 7 = 61,355 sq.ft.

SCALE: 3/32" = 1'-0"

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206-323
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: AB

Tapia-Ruano Architect Inc.
Miami, Florida 33142
305.594.8122

DATE: 11-24-08
COMM. NO. 091007
SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33185

PLAN
'B'

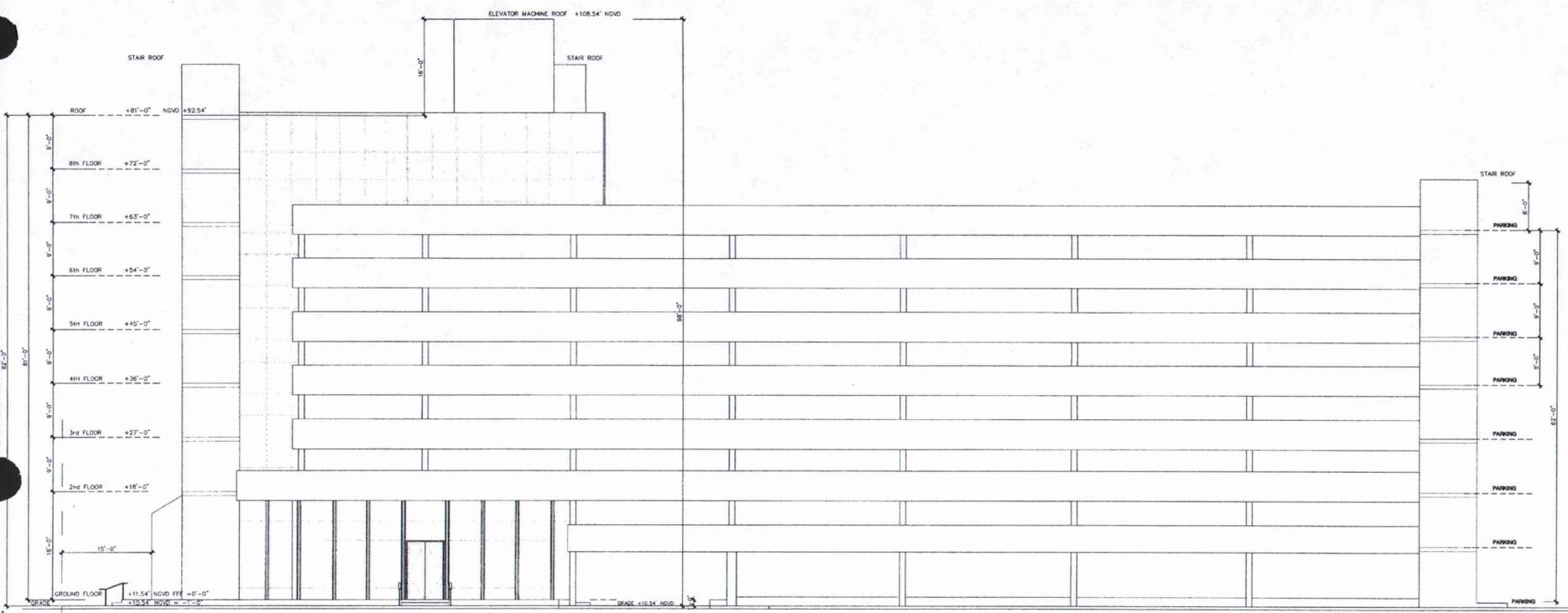
Date: 11-24-08
Comm. No. 091007

55

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

Tapia-Ruano Architect Inc.
1703 SW 23RD TERRACE
MIAMI, FLORIDA 33135
(305) 866-0182



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

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY AA

DATE: 11-24-08
COMM. NO. 081007

PLAN
B

DATE: 11-24-08
COMM. NO. 081007

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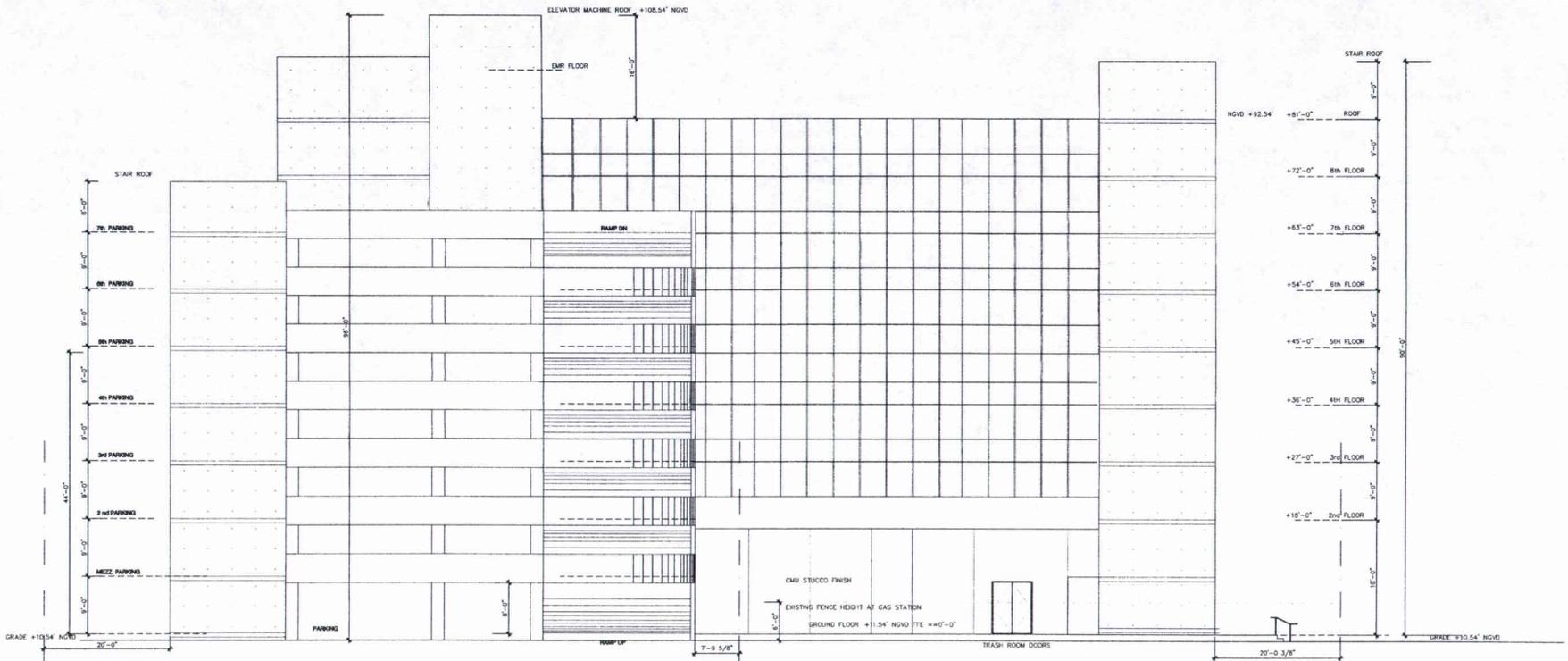
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY XH

Tapia-Ruano Architect Inc.
1750 SW 24th Avenue
Miami, Florida, 33135
305.866.0070

DATE: 11-24-08
COMM. NO. 081007
BY: XH

PLAN
B

AA 0003206



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

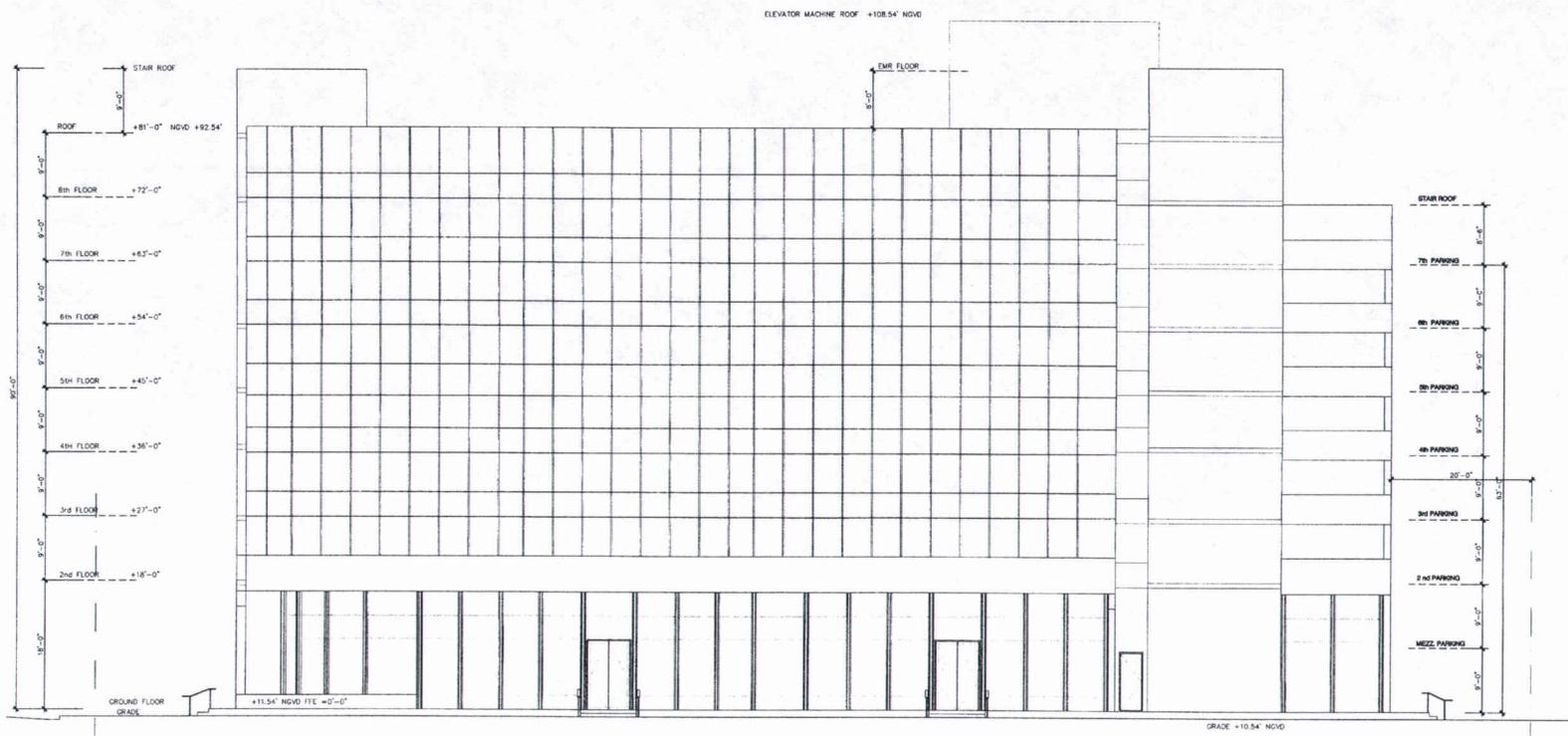
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DEC 01 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY XH

57

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DEC 01 2008

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

AA 0003205
Tapia-Ruano Architect Inc.
1180 SW 20th Terrace
Miami, Florida, 33136



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

SITE PLAN STUDY FOR MULTIPLE PROJECT AT:
B & F MARINE INC.
4001 SW 72ND AVENUE
MIAMI, FL, FLORIDA 33156

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DEC 11 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AA

PLAN
"B"

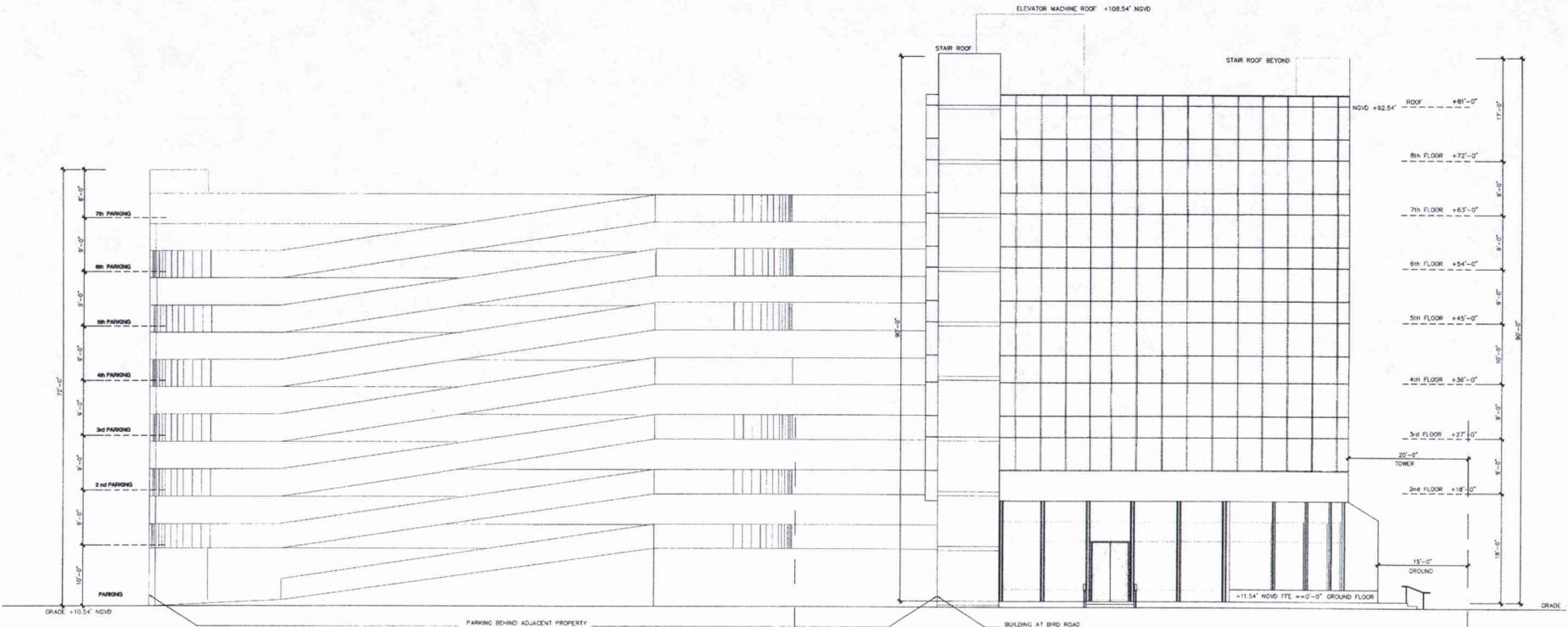
Date: 11-24-08
Comm. No. 081007

58

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

AA-0003205
Tapia-Ruano Architect Inc.
Miami, Florida, 33142
1750 SW 25th Terrace



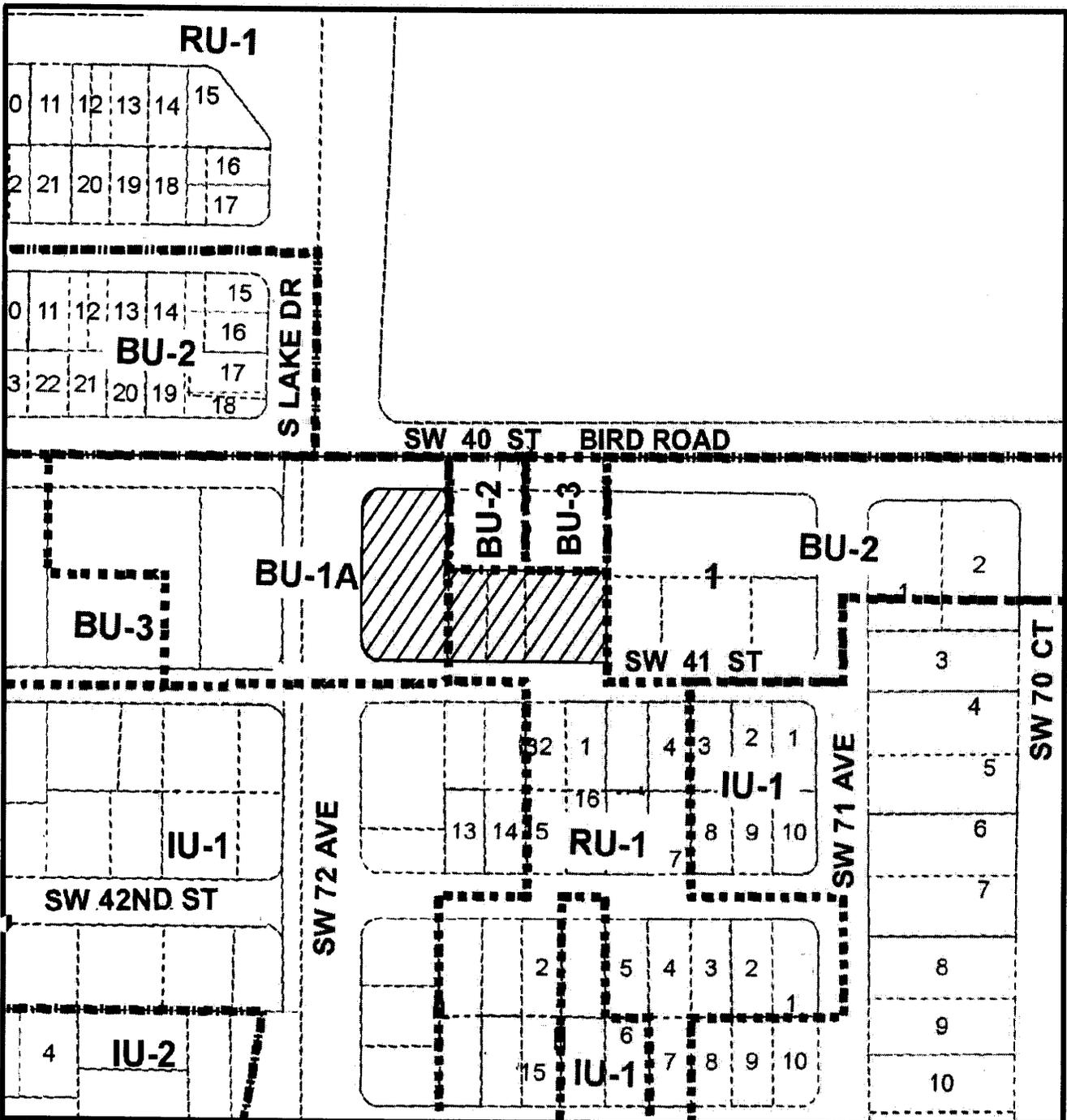
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

SITE PLAN STUDY FOR MULTITUBE PROJECT AT:
B & F MARINE INC.
4001 SW 72nd AVENUE
MIAMI, FLORIDA 33156

PLAN
'B'

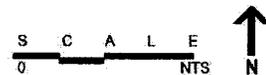
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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AS

Date: 11-24-08
Comm. No. 081007



**MIAMI-DADE COUNTY
HEARING MAP**

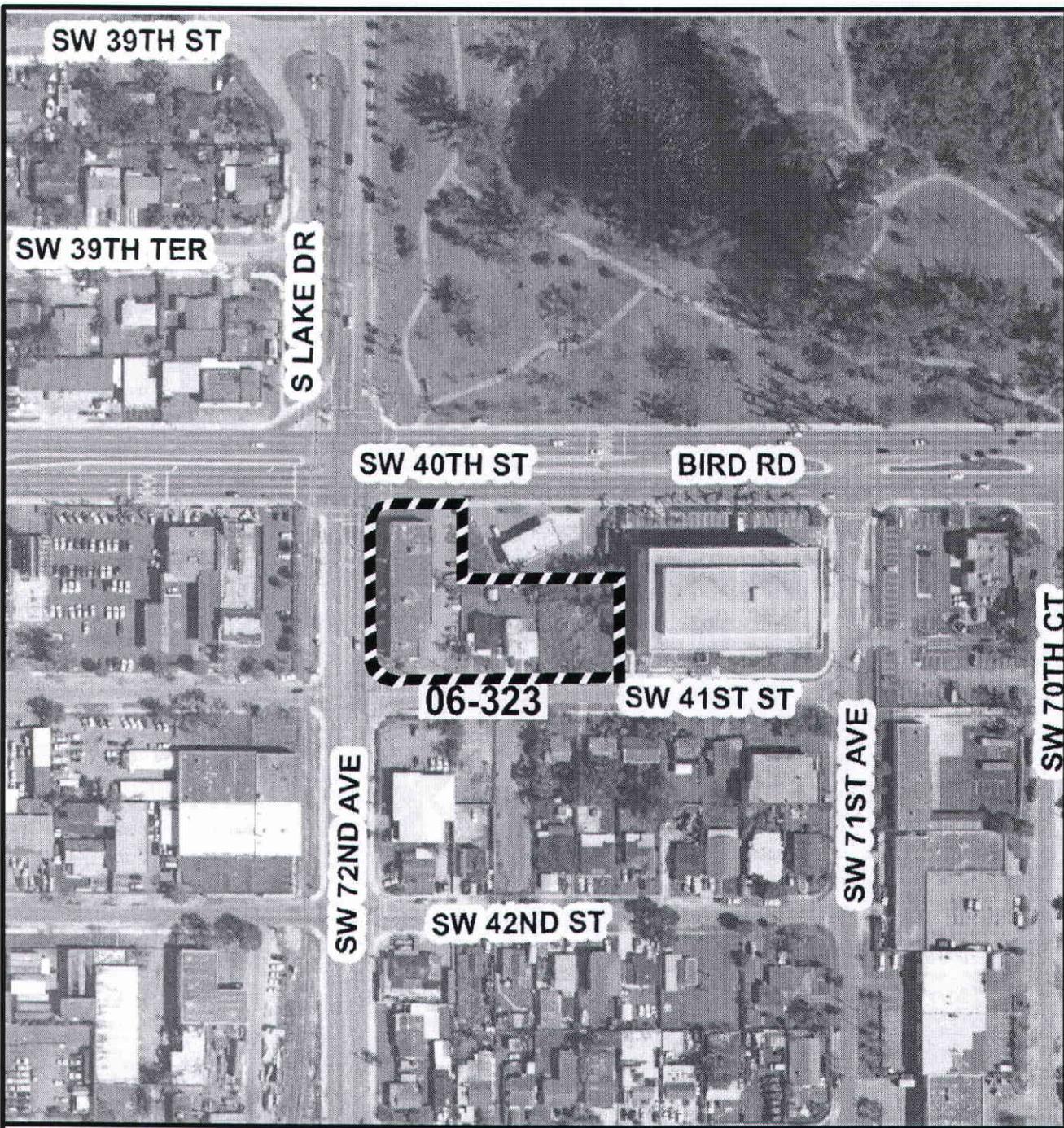
**PROCESS NUMBER
06-323**



 SUBJECT PROPERTY

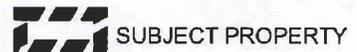
Section: 23 Township: 54 Range: 40
 Process Number: 06-323
 Applicant: B & F MARINE, INC.
 Zoning Board: C12
 District Number: 07
 Cadastral: ERIC
 Scale: NTS





MIAMI-DADE COUNTY
AERIAL

Section: 23 Township: 54 Range: 40
Process Number: 06-323
Applicant: B & F MARINE, INC.
Zoning Board: C12
District Number: 07
Cadastral: ERIC
Scale: NTS



B. B & F MARINE, INC.
(Applicant)

08-9-CZ12-1 (06-323)
Area 12/District 7
Hearing Date: 11/5/08

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	BUR and Corporation.	<ul style="list-style-type: none">- Unusual use to permit non-comm. parking.- Variance of parking spaces.- Variance to permit ingress & egress easement.- Variance of wall requirement.	ZAB	Approved w/conds.
1987	Ana Veciana Suarez	<ul style="list-style-type: none">- Special exception to permit the expansion of an existing non-conforming building.- Non-Use variance of setback requirements.- Zone change from BU-2 and RU-1 to BU-1A.	ZAB	Approved w/conds.

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD AREA 12
MOTION SLIP**

#1

APPLICANT'S NAME: **B & F MARINE, INC.**

REPRESENTATIVE: **Juan Mayol**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
08-9-CZ12-19 (6-323)	September 3, 2008	CZAB12	08

REC: Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same requests under Sections 33-311(A)(16) (ASDO) and 33-311(A)(16) (ASDO) and 33-311(A)(4)(c) (ANUV).

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY DATE: Nov 5, 2008 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: At applicant's request to submit revised plans.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR	X		
MR.		Edward D. LEVINSON			X
MR.		Alberto SANTANA	X		
MR.	M	Jose I. VALDES (C.A.)	X		
VICE-CHAIRMAN		Robert W. WILCOSKY	X		
MR.	S	Elliot N. ZACK	X		
MADAME CHAIRPERSON		Carla ASCENCIO-SAVOLA			X
VOTE:			5	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **STEPHEN STIEGLITZ**

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: B and F Marine, Inc.

PH: Z06-323 (08-9-CZ12-1)

SECTION: 23-54-40

DATE: November 05, 2008

COMMISSION DISTRICT: 7

ITEM NO.: B

A. INTRODUCTION

o **REQUESTS:**

- (1) BU-1A and RU-1 to BU-2
- (2) Applicant is requesting to permit a minimum setback of 15' (39' required) from the front (north and south) property lines and setback 15' (39' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a lot coverage of 50% (40% maximum permitted).
- (4) Applicant is requesting to permit a floor area ratio (F.A.R.) of 1.6 (1.35 maximum permitted).
- (5) Applicant is requesting to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property; to permit openings for ingress/egress drives.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 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 Department of Planning and Zoning entitled "Site Plan Study for Multiuse Project at: B & F Marine, Inc.," as prepared by Tapia-Ruano Architect, Inc., consisting of 14 sheets and dated stamped received 1/22/08. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application would allow the rezoning of the property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District. Additional requests are being sought on the subject property to permit reduced setbacks from property lines, to permit a greater lot coverage and floor area ratio than permitted and to waive a required wall along the rear (south) property line.

o **LOCATION:**

Lying east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street, Miami-Dade County, Florida.

o **SIZE:** 1.03 acres

o **IMPACT:**

Approval of the rezoning of the property to BU-2 will allow the applicant to provide additional commercial services to the community. However, said zoning would bring additional traffic and activity to the surrounding community and would impact public services. Additionally, the requests to allow greater lot coverage and FAR, to permit reduced setbacks and waive the required wall could visually impact the surrounding properties.

B. ZONING HEARINGS HISTORY:

In 1976, several requests were granted on the subject site to permit parking and ingress and egress in a zone more restrictive than the use it served, to permit 8 parking spaces within 25' of the right-of-way and to waive a 5' high decorative masonry wall where the business zone abuts the residential zone, pursuant to Resolution #4-ZAB-291-76. In 1987, the Zoning Appeals Board (ZAB) approved two requests to permit the expansion of an existing non-conforming building and to permit a reduced setback from the side street property line, pursuant to Resolution #4-ZAB-510-87.

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, 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.
3. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
4. **Policy LU-9J.** Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County.
5. **Guidelines for Urban Form.**

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.
8. Pedestrian circulation shall be provided between activity nodes, all public places, and all subdivisions through connectivity of section, half-section and local roadways constructed with sidewalks and supplemented by pedestrian paths.
9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian

access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1A and RU-1; Commercial building
and single-family residences

Business and Office

Surrounding Properties:

NORTH: RU-1; Doug Barnes Park

Parks and Recreation

SOUTH: IU-1 and RU-1; Commercial building
and single-family residences

Industrial and Office

EAST: BU-2; Gas station and storage facility

Business and Office

WEST: BU-1A; Commercial building

Business and Office

The subject property is located east of S.W. 72 Avenue, Between S.W. 40 Street (Bird Road) and S.W. 41 Street. Residential and commercial uses characterize the surrounding area and Doug Barnes Park is located immediately across the street to the north of the subject property.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	Acceptable*
Compatibility:	Acceptable*
Landscape Treatment:	Acceptable*
Open Space:	Acceptable*
Buffering:	Acceptable*
Access:	Acceptable*
Parking Layout/Circulation:	Acceptable*
Visibility/Visual Screening:	Acceptable*
Urban Design:	Acceptable*

*Subject to conditions and a proffered covenant.

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 water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (c) **Setbacks** for a principal or accessory building or structure shall be approved after public hearing upon demonstration of the following:
 - (1) the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining property; and

- (2) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
- (3) the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development by more than 20% of the landscaped open space percentage required by the applicable district regulations; and
- (4) any area of shadow cast by the proposed alternative development upon an adjoining property will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a de minimus impact on the use and enjoyment of the adjoining parcel of land; and
- (5) the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofed structure and if located on the roof of such an alternative development shall be screened from ground view and from view at the level in which the installations are located, and shall be designed as an integral part of and harmonious with the building design; and
- (6) the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
- (7) the architectural design, scale, mass, and building materials of any proposed structure(s) or addition(s) are aesthetically harmonious with that of other existing or proposed structure(s) or building(s) on the parcel proposed for alternative development; and
- (8) the wall(s) of any building within a front, side street or double frontage setback area or within a setback area adjacent to a discordant use, required by the underlying district regulations, shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
- (9) the proposed alternative development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot, parcel or tract; and
- (10) any windows or doors in any building(s) to be located within an interior side or rear setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on building(s) of a discordant use located on an adjoining parcel of land; and

- (11) total lot coverage shall not be increased by more than ten percent (10%) of the lot coverage permitted by the underlying district regulations; or a total floor area ratio shall not be increased by more than ten percent (10%) of the floor area ratio permitted by the underlying district regulations; and
- (12) the area within an interior side or rear setback required by the underlying district regulations located adjacent to a discordant use will not be used for off-street parking except:
 - (A) in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings of a discordant use located on an adjoining parcel of land; or
 - (B) if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - (i) articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - (ii) landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
- (13) any structure within an interior side setback required by the underlying district regulations:
 - (A) is screened from adjoining property by landscape material of sufficient size and composition to obscure at least eighty percent (80%) (if located adjoining or adjacent to a discordant use) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure(s) at time of planting; or
 - (B) is screened from adjoining property by an opaque fence or wall at least eight (8) feet, six (6) feet if located adjoining or adjacent to a discordant use, in height that meets the standards set forth in paragraph (g) herein; and
- (14) any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least 10 feet or the minimum distance to comply with fire safety standards, whichever is greater; and
- (15) when a principal or accessory building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

- (16) safe sight distance triangles shall be maintained as required by this code; and
- (17) the parcel proposed for alternative development shall continue to provide the required number of on-site parking spaces as required by this Code, except that off-site parking spaces may be provided in accordance with Section 33-128 of this Code; and
- (18) the parcel proposed for alternative development shall satisfy all other applicable underlying district regulations or, if applicable, prior zoning actions issued prior to the effective date of this ordinance (May 2, 2003), regulating setbacks, lot area and lot frontage, lot coverage, floor area ratio, landscaped open space and structure height; and
- (19) the proposed development will meet the following:
 - (A) interior side setbacks shall not be reduced by more than fifty percent (50%) of the side setbacks required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater when the adjoining parcel of land is a BU or IU district; interior side setbacks shall not be reduced by more than twenty-five (25%) percent of the interior side setbacks required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (B) side street setbacks shall not be reduced by more than twenty-five (25%) of the underlying district regulations;
 - (B) front setbacks (including double-frontage setbacks) shall not be reduced by more than twenty-five (25%) percent of the setbacks required by the underlying district regulations; and
 - (D) rear setbacks shall not be reduced below fifty (50%) percent of the rear setback required by the underlying district regulations, or the minimum distance required to comply with fire safety standards, whichever is greater, when the adjoining parcel of land is a BU or IU district; rear setbacks shall not be reduced below twenty-five (25%) percent of the rear setback required by the underlying district regulations when the adjoining parcel of land allows a discordant use.
 - (E) setbacks between building(s) shall not be reduced below 10 feet, or the minimum distance required to comply with fire safety standards, whichever is greater.
- (d) An alternative lot coverage or floor area ratio for a building shall be approved upon demonstration of the following:**
 - (1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

- (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
 - (3) the increase in lot coverage or floor area ratio will not result in a principal or accessory building(s) with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
 - (4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.
- (h) **An alternative placement of a required perimeter wall** setback from the property line(s) of a parcel where said property line adjoins or lies across the street right-of-way from a residential district, shall be approved after public hearing upon demonstration of the following:
- (1) the setback of the wall is the minimum distance necessary so as not to encroach into an existing utility or landscape easement(s); and
 - (2) that visual screening for the wall by way of landscaping is included in the easement area to prevent graffiti vandalism in a manner provided by this Code; and
 - (3) that a suitable mechanism for maintenance of the landscaped area by the property owner, tenant association or similar association be provided in the form of a covenant running with the land.
- (i) **An alternative opening in a wall** otherwise required by this code to be a solid, unbroken barrier when a parcel adjoins or lies adjacent to a residential district, shall be approved after public hearing upon demonstration of the following:
- (1) the width of the wall opening is the minimum width necessary for pedestrians to access the parcel from adjoining or adjacent residential development(s); and
 - (2) the wall opening is immediately adjoining or adjacent to a residential lot, parcel or tract which is restricted in use as common open space.
- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
 - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

- (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (I) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any commercial enterprises proposed within the approved development and the quality of life of residents and to her owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping materials, the inclusion of residential use(s), convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, under grounding of utility lines, monument signage (where detached signs are allowed) or limited and cohesive wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners immediate vicinity and the needs of the business owners and employees of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- (B) the proportionality between the impacts on the residents or other owners of property of parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in setbacks for numerous lots or significantly large commercial buildings may warrant the provision of additional landscaped open space.

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
Aviation	No objection*

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This application was deferred from the September 3, 2008 meeting at the applicant's request to submit revised plans. As of the time of this writing, staff has not received any revised plans. The subject property is located east of S.W. 72 Avenue, between S.W. 40 Street (Bird Road) and S.W. 41 Street in an area characterized by single-family residences and commercial uses. The applicant is seeking a zone change on the subject property from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District, (request #1) in order to construct an office and commercial development totaling 61,600 square feet of office space and 10,500 square feet of commercial space within a 11-story building. Most of the commercial space that is located on the first floor will front on SW 72 Avenue along the west property line where the applicant is proposing a tower at a maximum height of 126'. The applicant has incorporated urban design elements into the site design. For example, the building that encompasses most of the westerly portion of the subject site provides a covered walkway along the frontage of said commercial space to both promote pedestrian activity and shelter pedestrians from the elements. Additionally, plans submitted with this application illustrate a proposed 6-story parking garage that is sited on the eastern portion of the site and will provide a total of 254 parking spaces including 7 surplus spaces, which staff opines, well exceed the required 247 parking spaces for the subject site. Additionally, other requests included in this application would permit a building with a minimum setback of 15' (39' required) from the front (north and south) property lines and setback 15' (39' required) from the side street (west) property line (request #2), to permit a lot coverage of 50% (40% maximum permitted) (request #3), to permit a floor area ratio (F.A.R.) of 1.6 (1.35 maximum permitted) (request #4) and to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property; to permit openings for

ingress/egress drives (request #5). The applicant has voluntarily proffered a covenant restricting the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. Additionally, the **Public Works Department does not object** to this application. Their memorandum indicates that access to SW 40 Street must meet current F.D.O.T. access management requirements. Additionally, the subject property requires platting and, therefore, road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application. The Miami-Dade Aviation Department (**MDAD**) also **does not object** to this application. Their memorandum indicates that the proposed project height of 138' will not require a Height Analysis or Letter of Determination as it does not meet their review criteria.

The applicant is requesting a zone change from BU-1A, Limited Business District, and RU-1, Single-Family Residential District, to BU-2, Special Business District, as well as companion requests for variances of setbacks, floor area ratio, lot coverage and the waiving of the required wall as specified above, to construct an office and commercial development. 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. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. 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. Staff opines that the applicant has incorporated urban design elements such as siting the proposed building in close proximity to the intersection of two major roadways, SW 72 Avenue and SW 40 Street, thus creating a focal point at the intersection of said roadways. Moreover, staff notes that the submitted plans illustrate a covered walkway along the 1-story commercial pedestal of the building which staff opines will promote pedestrian activity and provide shelter from the elements. The submitted site plan also depicts a greenbelt that varies in width between the proposed covered walkway and the rights-of-way that features Sabal Palm and Mahogany trees which staff opines will not only enhance the curb appeal of the site but will also provide shade to pedestrians. Staff notes that for a development of this magnitude to fully comply with the Urban Design Manual it must apply for similar setback variances as mentioned above, by bringing the building closer to the street in order to provide a human element and promote pedestrian connectivity and circulation. Staff notes that BU-2 zoning exists immediately to the east of the subject property where a storage facility was approved in 2001 along with several variances including requests for additional lot coverage and F.A.R., pursuant to Resolution #CZAB12-44-01. Said storage facility was approved with requests to permit a lot coverage of 49.99% (40% permitted) and to permit a floor area ratio of 1.95 (0.84 permitted) with a maximum height of 59'-9". As previously mentioned, the applicant seeks approval of this application to permit a lot coverage of 50% (40%

maximum permitted) (request #3), to permit a floor area ratio (F.A.R.) of 1.6 (1.35 maximum permitted) (request #4) with a maximum height of 126' and to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property; to permit openings for ingress/egress drives (request #5). Staff further notes that BU-1A zoning with a commercial building already exists to the west of the subject site and IU-1, Light Industrial District, zoning exists to the south of the subject site where the neighboring building is being utilized as an animal hospital. Staff further acknowledges that, although there are a few remnant RU-1 zoned lots to the south of the subject site, the area is designated Industrial and Office which permits uses that are more intense than the uses permitted in the BU-2 zone. The proposed BU-2 zoning permits uses such as convention halls, grocery stores, junior department stores, restaurants, supermarkets, liquor package stores, office parks, and regional shopping centers, among others, which are permitted uses in the Business and Office designation of the CDMP. The proposed BU-2 zoning is, therefore, **compatible** with zones in the area and **consistent** with the Business and Office LUP Map designation of the Master Plan.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration whether 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. Additionally, the Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently use 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. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, the development of the subject property, if granted, would be consistent with the LUP Map designation of the Comprehensive Development Master Plan for Miami-Dade County. The applicant is requesting a zone change from BU-1A and RU-1 to BU-2 on the subject property in order to construct an office and commercial development. Staff recognizes that the proposed zoning of the subject property would uniformly zone the site, and that the proposed BU-2 zoning is consistent with the Business and Office land use category of the LUP Map of the CDMP. Furthermore, the proposed rezoning to BU-2 will not have an unfavorable impact on the environment as indicated in DERM's memorandum, which indicates that the application is acceptable. Additionally, staff notes that the proposal on the subject site is accessible by two major roadways, SW 72 Avenue and SW 40 Street, and as such, will be readily accessible to patrons. Moreover, the submitted plans depict a total of 254 parking spaces, fully meeting the parking requirements of the Zoning Code for the retail and office development proposed, which staff opines is adequate to accommodate the proposed retail and office uses. Staff further notes that a storage facility was approved in 2001 with a maximum height of 59'-9". Although the applicant seeks approval of a building with a maximum height of 126', staff is of the opinion that abundant landscaping elements in the form of trees and shrubs as illustrated on the submitted plans and 50' wide rights-of-way of SW 72 Avenue and SW 40 Street will effectively mitigate any negative visual or aural impacts the proposed retail and office uses may have on the adjoining properties. As

such, staff is of the opinion that the proposed zone change and the accompanying submitted plans are **compatible** with the area and are **consistent** with the CDMP. Accordingly, staff recommends approval of the zone change request to BU-2 (request #1), subject to the Board's acceptance of the proffered covenant.

When requests #2 through #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that said requests maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Approval of request #2, to permit a minimum setback of 15' (39' required) from the front (north and south) property lines and setback 15' (39' required) from the side street (west) property line, in staff's opinion, will serve to enhance the character of the site through the incorporation of sound urban design principles as enumerated in the Guidelines for Urban Form. **Policy LU-9J** of the CDMP indicates that Miami-Dade County shall continue to use, but not be limited exclusively to, design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County. Staff notes that the Guidelines for Urban Form specify that in commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather. Requests #3, to permit a lot coverage of 50% (40% maximum permitted), and request #4, to permit a floor area ratio (F.A.R.) of 1.6 (1.35 maximum permitted), in staff's opinion, are indicative and supportive of the urban design elements expressed above, and any negative visual or aural impacts generated by the proposed retail and office use building will be mitigated by abundant landscaping elements as illustrated on the submitted plans and by the 50' wide rights-of-way of SW 72 Avenue and SW 40 Street. As previously mentioned, the submitted plans depict street trees proposed for this development in the form of Live Oak and Sabal Palms which will accommodate pedestrian circulation along the perimeter of the proposed commercial development by sheltering the proposed pedestrian walkways from passing traffic along SW 72 Avenue and SW 40 Street. Additionally, staff notes that a self-storage facility located on a BU-2 zoned property already exists immediately to the east of the subject property where in 2001 this Board approved said use with several companion variances including a similar request to permit a lot coverage of 49.99% (40% permitted) and a more intense request to permit a floor area ratio of 1.95 (0.84 permitted), pursuant to Resolution #CZAB12-44-01. Request #5, to waive the required wall set in 10' from the right-of-way and portions of a 10' wide landscape strip along the rear (south) property line where said lot lies across the street from RU zoned property, to permit openings for ingress/egress drives, in staff's opinion, will not be detrimental to the residential properties located to the south of the subject site. Staff notes that ample landscaping is provided along this southeastern portion of the site, which will mitigate any negative impact generated by this request. Therefore, staff is of the opinion that the approval of the proposal would not be out of character with the area and would be **compatible** with same. As such, based on all the aforementioned, staff recommends approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards for the BU Zoning District, Section 33-311(A)(16), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest

standards as established. However, the applicant has not provided staff with the documentation required for analysis under same. As such, requests #2 through #5 cannot be approved under the ASDO Standards and should be denied without prejudice under Section 33-311(A)(16) (ASDO).

When requests #2 through #5 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, since this property can be developed under the proposed BU-2 or under the existing zoning regulations, staff is of the opinion that requests #2 through #5 cannot be approved under the ANUV Standard and should be denied without prejudice under same.

Based on the foregoing, staff opines that the proposed office and commercial development is **compatible** with the area and is **consistent** with the Business and Office LUP Map designation of the CDMP. Therefore, staff recommends approval of request #1, subject to the Board's acceptance of the voluntarily proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(16) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: For requests #2 through #5 only.

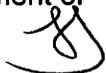
1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include among other things but not be limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Site Plan Study for Multiuse Project at: B & F Marine, Inc.," as prepared by Tapia-Ruano Architect, Inc., consisting of 14 sheets and dated stamped received 1/22/08.
3. That the use be established and maintained in accordance with the approved plan.
4. That prior to issuance of a building permit, the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material in accordance with Chapter 18-A of the Landscape Code, said landscaping to be installed prior to final zoning inspection.

5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

DATE INSPECTED: 06/20/08
DATE TYPED: 07/02/08
DATE REVISED: 07/03/08; 07/11/08; 07/30/08; 08/25/08; 09/23/08
DATE FINALIZED: 10/06/08
MCL; MTF; LVT; JV



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning



Memorandum



Date: March 24, 2008
To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2006000323-2nd Revision
B & F Marine, Inc.
4001 S.W. 72nd Avenue
District Boundary Change from B-U1A & RU-1 to BU-2
(BU-1A/RU-1) (1.03 Acres)
23-54-40

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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.

Pollution Remediation

The subject property has no records of current contamination assessment or remediation issues on the site or directly abutting the subject site. The applicant is advised that there are records of contamination assessment or remediation issues within 500 feet southwest of the subject property tracked under Permit UT-2440/F-9647, Tropical Paint & Body Shop (7270 SW 41st Street).

Air Quality Preservation

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

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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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 is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information 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 Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 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

Tree Removal Permit 2008-TREE-PER-00104 was issued to B & F Marine, Inc., on March 11, 2008 and is scheduled to expire on March 11, 2009. All approved tree removal, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions.

The applicant is advised that a new Miami-Dade County Tree Removal Permit or an amendment to Tree Removal Permit 2008-TREE-PER-00104 shall be required prior to the removal or relocation of any other tree on the subject property. The DERM Tree Program may be contacted at (305) 372-6574 for further information.

Enforcement History

DERM has found the following closed enforcement case for the subject property:

B & F Marina
4001 SW 72nd Avenue

DERM has file number PSO-418. There is record of a closed enforcement case regarding failure to comply with the Sanitary Sewer Evaluation Survey (SSES) on the private pump station. The case was closed on September 9, 2003 with the approval of the SSES.

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.

PUBLIC WORKS DEPARTMENT COMMENTS

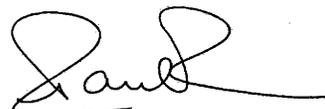
Applicant's Names: B & F MARINE, INC

This Department has no objections to this application as it applies to the District Boundary Change.

Driveways or access to Bird Road (SW 40 St.) must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

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



Raul A Pino, P.L.S.

13-DEC-06



Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

Commercial Airport:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka
Opa-locka West

August 4, 2008

Received by
Zoning Agenda Coordinator
AUG 08 2008

Mr. Alberto J. Torres
Land Use Consultant
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131-2847

RE: Determination Number DN-08-07-052 Cursory Airspace Analysis for Z06-0323, B & F Marine, Inc., located at East of SW 72 Ave, between SW 40th Street and SW 41st Street, Miami, FL, Folio Numbers: 3040230140010, 3040230120042, 3040230120041 and 3040230120040.

Dear Mr. Torres:

The Miami-Dade Aviation Department (MDAD) has reviewed the above referenced project for an airspace analysis.

Airspace Review:

The Miami-Dade Aviation Department (MDAD) is in receipt of your submittal for an airspace analysis and determination letter for the above referenced project. Please note that based on our cursory review of the project information provided to us, an assumed project height of **138 ft. AMSL (Above Mean Sea Level)**, does not meet our review criteria for its location and will not require a Height Analysis or Letter of Determination from this Department. Please note that any future changes in building locations/layouts or heights reaching or exceeding an elevation of **192 ft. AMSL** will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

This height determination is an estimate issued on a preliminary or advisory basis. **It is not necessary to file with the FAA** for the structure height as stated above by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. **However, any construction cranes for this project reaching or exceeding 192 ft AMSL (Above Mean Sea Level) must be filed by the construction contractor using the same form.** The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form may be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the developer may "e-file" online at <https://oeaaa.faa.gov>.

Delivering Excellence Every Day

Mr. Alberto J. Torres
August 4, 2008
Page 2

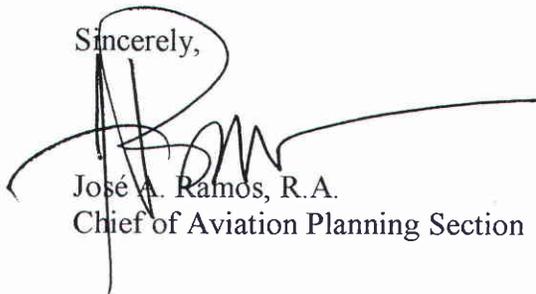
Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. The County's Aviation Department or the applicable municipal building official determines whether the County's height limitations are met, and FAA determines whether FAA building, marking and height requirements are met.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Furthermore, please note that upon completion of this project, no Certificate of Use and Certificate of Occupancy shall be issued by a municipality or Miami-Dade County until approval is obtained by this office certifying that the structure was built no higher than the height approved by this letter. The approval shall be issued by this office after submittal by applicant of the required information as outlined in the Miami International Airport (Wilcox Field) Zoning Ordinance, **Section 33-349 Airspace Approvals, Paragraph A, Subsection 2.**

Should you have any questions in obtaining and/or filling out FAA form 7460-1 or if I can be of any further assistance, please feel free to contact me at 305-876-8080.

Sincerely,



José A. Ramos, R.A.
Chief of Aviation Planning Section

JR/AH/cf

C: S. Harman
A. Herrera
Marc C. LaFerrier, Department of Planning and Zoning
D. Holness, Department of Planning and Zoning
L. Talleda, Department of Planning and Zoning
F. Gutierrez, Department of Planning and Zoning
File Zoning



Memorandum

Date: 28-JAN-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2006000323

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated December 19, 2007.
 APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped December 21, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed only to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2006000323 located at THE NORTHEAST CORNER OF S.W. 41 STREET AND S.W. 72 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

in Police Grid 1596 is proposed as the following:

N/A residential	dwelling units	N/A Industrial	square feet
61,600 Office	square feet	N/A institutional	square feet
10,500 Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 16.66 alarms-annually.
 The estimated average travel time is: 6:01 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SW 82 Avenue.
 Rescue, ALS Engine

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 Station 13 - East Kendall - 6000 SW 87 Avenue.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped December 21, 2007. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

B & F MARINE, INC

THE NORTHEAST CORNER OF S.W.
41 STREET AND S.W. 72 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2006000323

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

Prior cases:

Folio# 30-4023-014-0010 -CMS#200603005267 NOV issued in November 2006 for unauthorized use.
Case closed as complied.

Folio# 30-4023-012-0040 -CMS#200103010810 NOV issued in December 2001 for graffiti on
dumpster. Case closed as complied.

Folio# 30-4023-012-0041 -No violations.

Folio# 30-4023-012-0042 -CMS#200703011945 complaint for tow trucks at location. Not in violation.

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: B&F MARINE, INC.

NAME AND ADDRESS	Percentage of Stock
<u>ANTONIO VECIANA, SR. / 10464 SW 128 TERR, MIA, FL</u>	<u>36.25</u>
<u>ANTONIO VECIANA, JR / 1900 SW 134 AVE, MIA. FL</u>	<u>29.77</u>
<u>CARLOS VECIANA / 3163 VIRGINIA ST., C.G. FL</u>	<u>7.82</u>
<u>ANA VECIANA / 10464 SW 128 TERR., MIAMI, FL</u>	<u>16.57</u>
<u>SIRA VECIANA - MUNIO / 6767 COLLINS AVE, M.B., FL #803</u>	<u>10.39</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 Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 BY *[Signature]*

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	Percent of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: B&F MARINE, INC

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

Date of contract: _____

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

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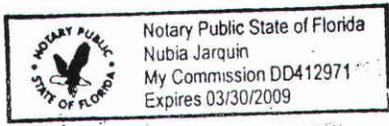
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]
(Applicant)

Sworn to and subscribed before me this 8th day of November, 2006. Affiant is personally known to me or has produced Florida driver's license as identification.

[Signature]
(Notary Public)



My commission expires _____

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

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CL SW 40th STREET (BIRD ROAD)

ZONING INFORMATION

EXISTING ZONING
 PROPOSED ZONING
 LOT AREA

BU-1A AND R-1
 BU-2
 44,960 SQ. FT. 1.032 A

SETBACKS:

FRONT
 INTERIOR SIDES
 STREET SIDE
 REAR (DOUBLE FRONT)
 MAX. HEIGHT ALLOWED

REQUIRED	PROPOSED
20'-0"	20'-0"
0'-0"	7'-1" TO 7'4"
15'-0"	15'-0" GND. 25'-0" parking 20'-0" OFFICE floors
20'-0"	20'-0"
UNLIMITED	109'-0" main roof

LOT COVERAGE ALLOWED
 LOT COVERAGE PROPOSED

.40 = 17,984 SQ. FT.
 .498 22,410 SQ. FT.

FAR ALLOWED
 ground floor
 additional floors up to 8th
 ninth and over

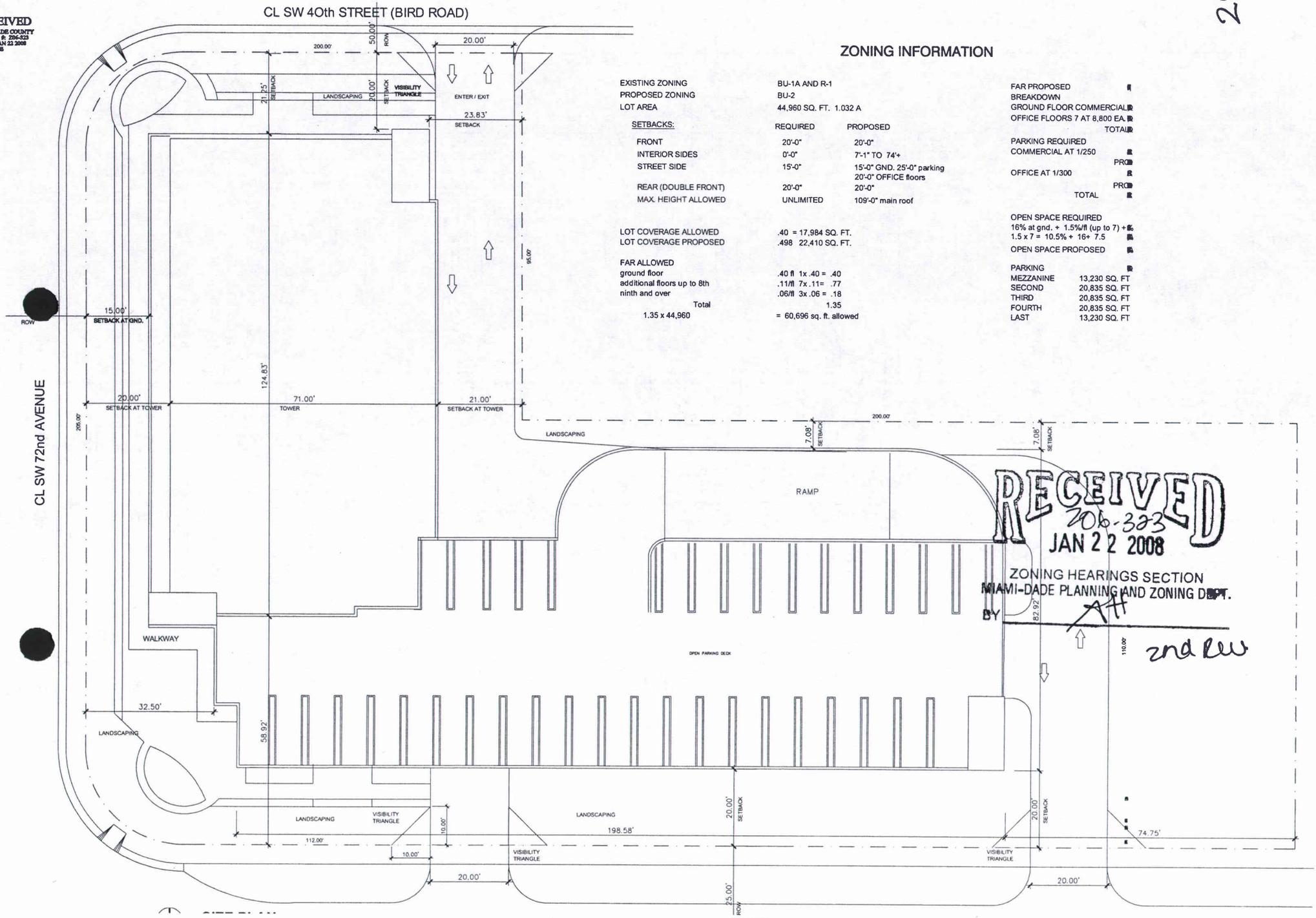
.40 fl 1x .40 = .40	
.11/fl 7x .11 = .77	
.06/fl 3x .06 = .18	
Total	1.35
	= 60,696 sq. ft. allowed

FAR PROPOSED
 BREAKDOWN
 GROUND FLOOR COMMERCIAL
 OFFICE FLOORS 7 AT 8,800 EA.

TOTAL	PROG	PROG
COMMERCIAL AT 1/250		
OFFICE AT 1/300		
TOTAL		

OPEN SPACE REQUIRED
 16% at gnd. + 1.5%/ft (up to 7) + 1.5
 1.5 x 7 = 10.5% + 10% 7.5
 OPEN SPACE PROPOSED

PARKING	SQ. FT.
MEZZANINE	13,230 SQ. FT.
SECOND	20,835 SQ. FT.
THIRD	20,835 SQ. FT.
FOURTH	20,835 SQ. FT.
LAST	13,230 SQ. FT.



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BY *AAH*
 2nd Rev

ENLARGED SITE PLAN

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CL SW 40th STREET (BIRD ROAD)

CL SW 72nd AVENUE

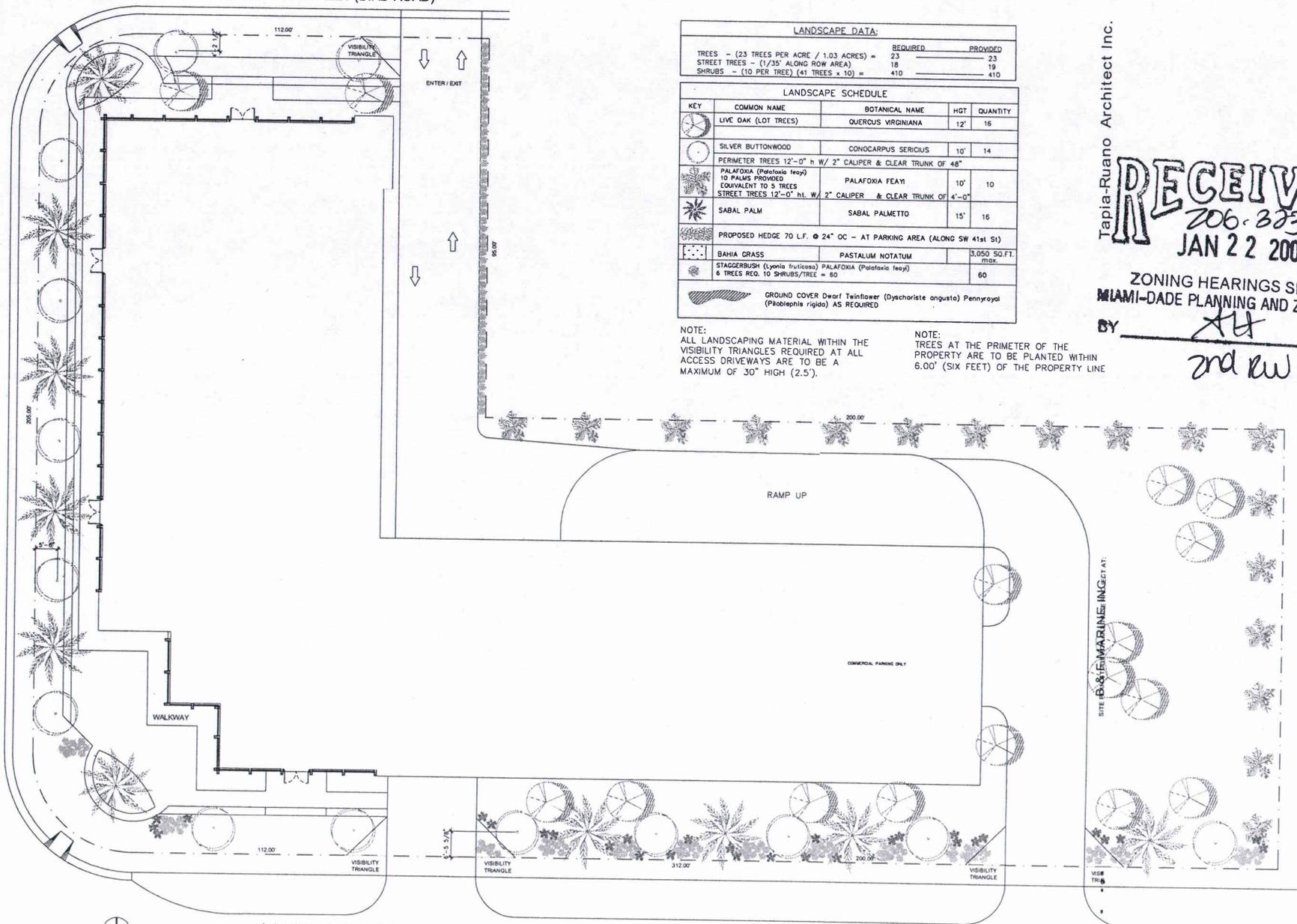
LANDSCAPE DATA:			
	REQUIRED	PROVIDED	
TREES - (23 TREES PER ACRE / 1.03 ACRES) =	23	23	
STREET TREES - (1/35' ALONG ROW AREA) =	18	19	
SHRUBS - (10 PER TREE) (41 TREES x 10) =	410	410	

LANDSCAPE SCHEDULE				
KEY	COMMON NAME	BOTANICAL NAME	HGT	QUANTITY
	LIVE OAK (LOT TREES)	QUERCUS VIRGINIANA	12'	16
	SILVER BUTTONWOOD	CONOCARPUS SERICIUS	10'	14
	PERIMETER TREES 12'-0" h W/ 2" CALIPER & CLEAR TRUNK OF 48"			
	PALAFOXIA (Palafoxia feayi) 10 PALMS PROVIDED EQUIVALENT TO 5 TREES	PALAFOXIA FEAYI	10'	10
	STREET TREES 12'-0" HL. W/ 2" CALIPER & CLEAR TRUNK OF		4'-0"	
	SABAL PALM	SABAL PALMETTO	15'	16
	PROPOSED HEDGE 70 L.F. @ 24" OC - AT PARKING AREA (ALONG SW 41st St)			
	BAHIA GRASS	PASTALUM NOTATUM	3,050 SQ. FT. max.	
	STAGGERBUSH (Lyonia frutescens) PALAFOXIA (Palafoxia feayi)			60
	GROUND COVER Dwarf Twinstower (Dyschoriste angusta) Pennyroyal (Phibopphis rigida) AS REQUIRED			

NOTE:
ALL LANDSCAPING MATERIAL WITHIN THE VISIBILITY TRIANGLES REQUIRED AT ALL ACCESS DRIVEWAYS ARE TO BE A MAXIMUM OF 30" HIGH (2.5').

NOTE:
TREES AT THE PRIMER OF THE PROPERTY ARE TO BE PLANTED WITHIN 6.00' (SIX FEET) OF THE PROPERTY LINE

Tapia-Ruano Architect Inc.
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LANDSCAPING CONCEPT PLAN

SCALE: 3/32" = 1'-0"

CL SW 41st STREET

1. LANDSCAPING CONCEPT PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

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BY [Signature] and [Signature]

LOT AREA	44,960 SQ. FT. 1.032 A
LOT COVERAGE PROPOSED	.498 22,410 SQ. FT.
OPEN SPACE PROPOSED	36% 16,195 SQ. FT.

LOT	44,960 SQ. FT.
BUILDING	22,410 SQ. FT.
ASPHALT	6,355 SQ. FT.
OPEN	16,195 SQ. FT.
TOTAL	44,960 SQ. FT.

2961 SQ. FT. ASPHALT PAVMT

22,410 SQ. FT. BUILDING FOOTPRINT

TOTAL LANDSCAPED AREA 16,195 SQ. FT.

400 SQ. FT. ASPHALT PAVMT

2,095 SQ. FT. A.P.

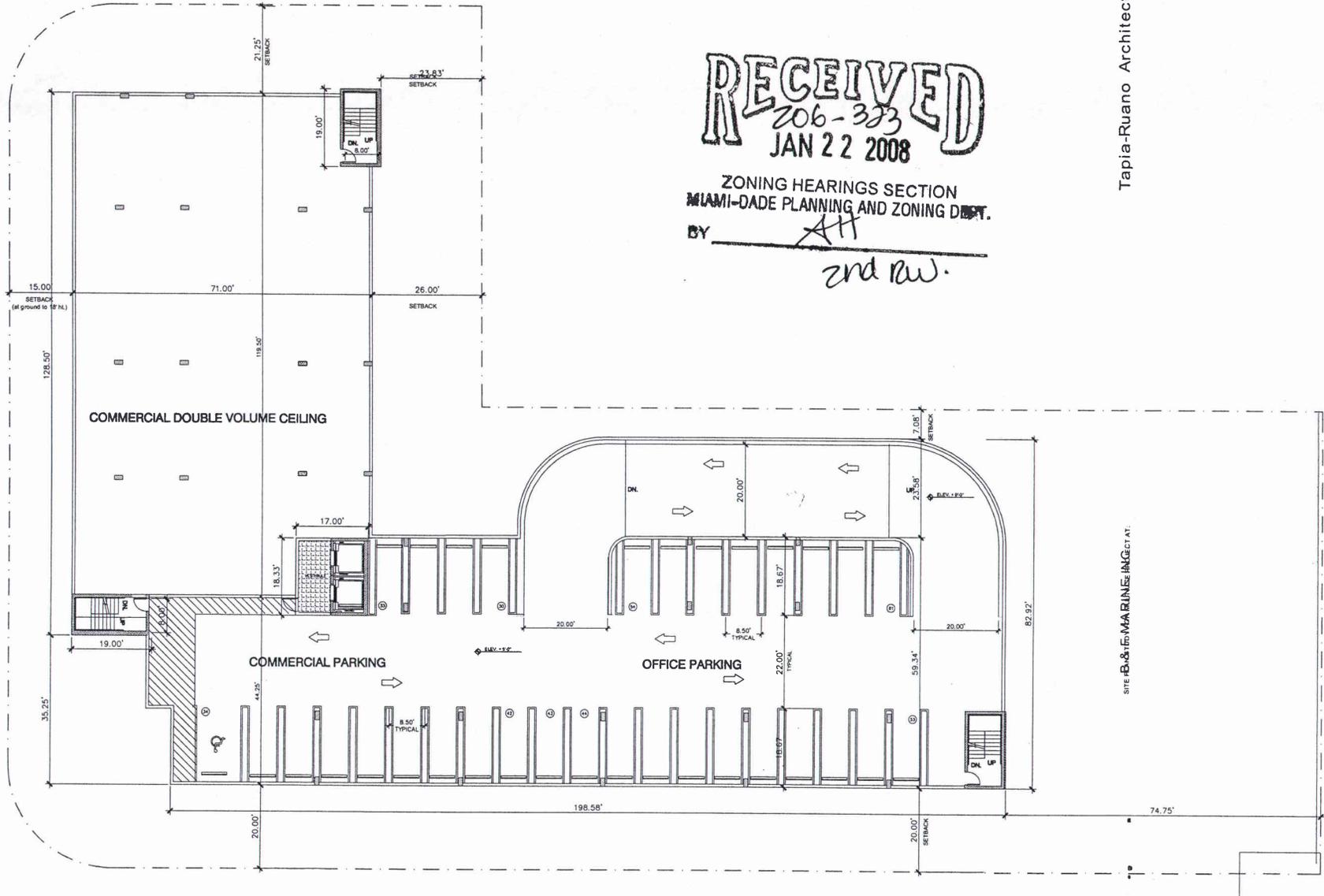
SMITH & BURNETT MARINE INCORPORATED

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Tapia-Ruano Architect Inc.



MEZZANINE GARAGE LEVEL +9'-0"
SCALE: 3/32" = 1'-0"

SITE # 04-167-MAR-LINE-ING-CT-AT

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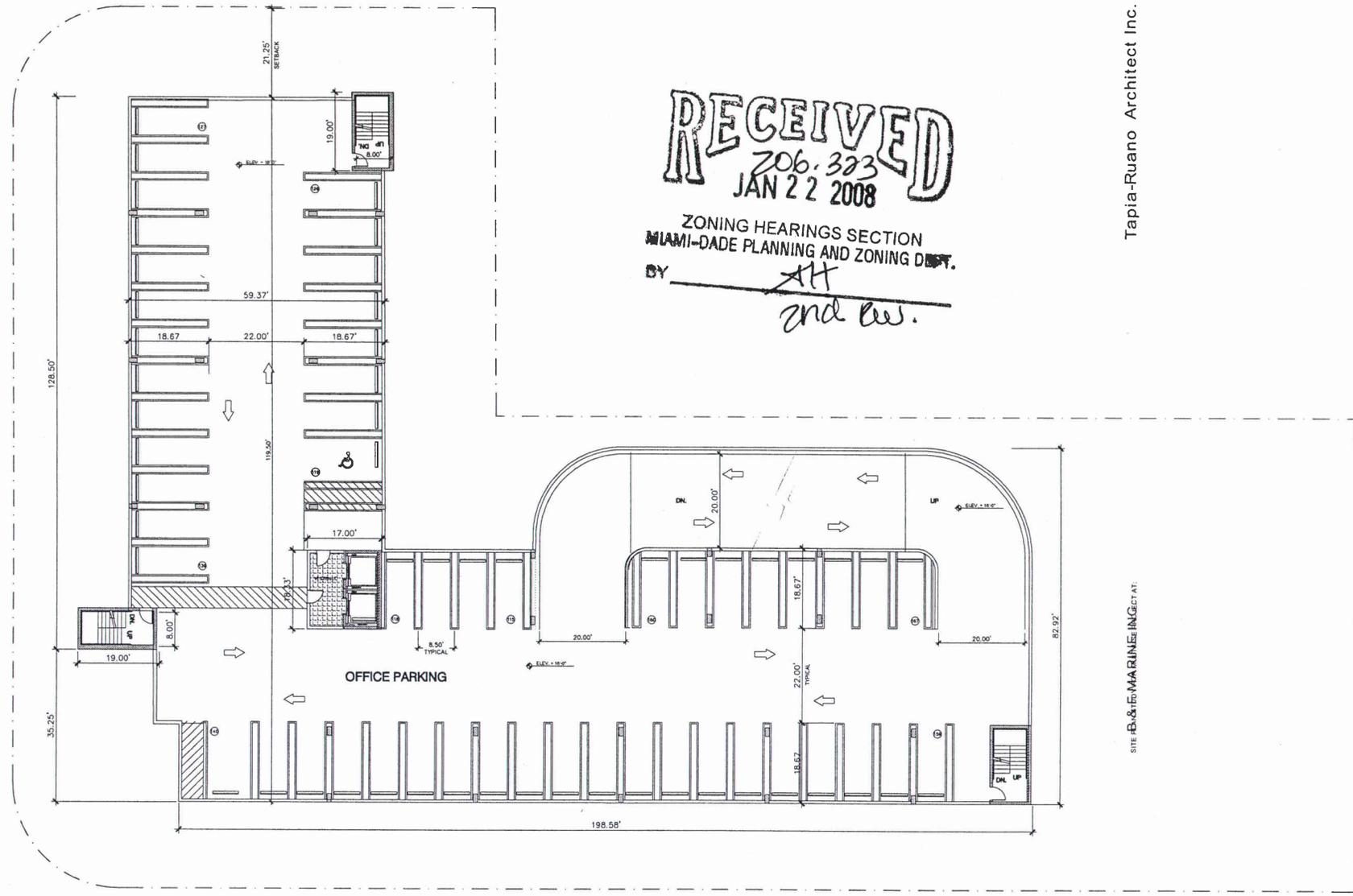
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Tapia-Ruano Architect Inc.

SITE PLAN BY: MA RUIZ, INC. ET AL.



⊕ THIRD FLOOR GARAGE LEVEL +27'-0"
SCALE: 3/32" = 1'-0"

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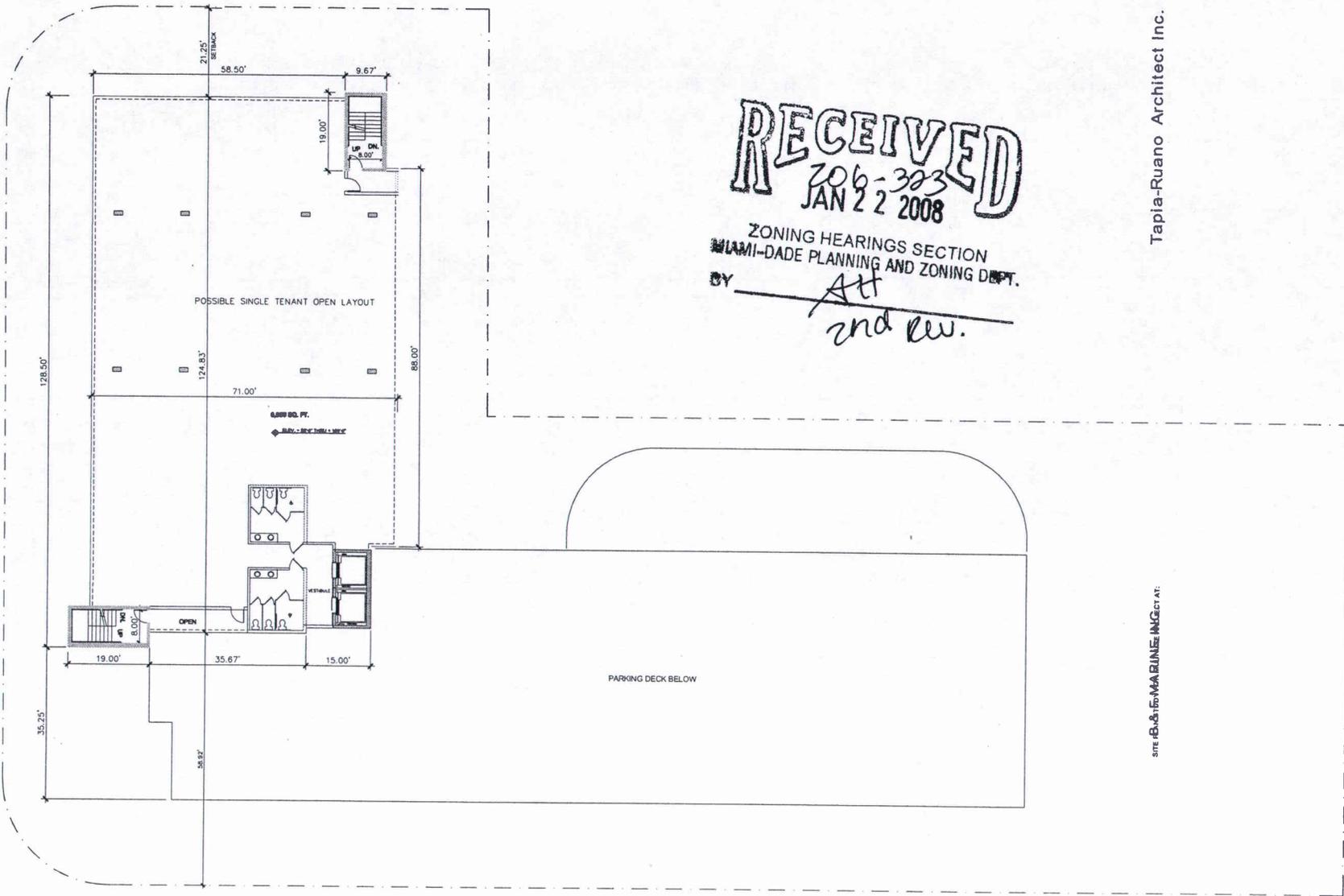
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Tapia-Ruano Architect Inc.

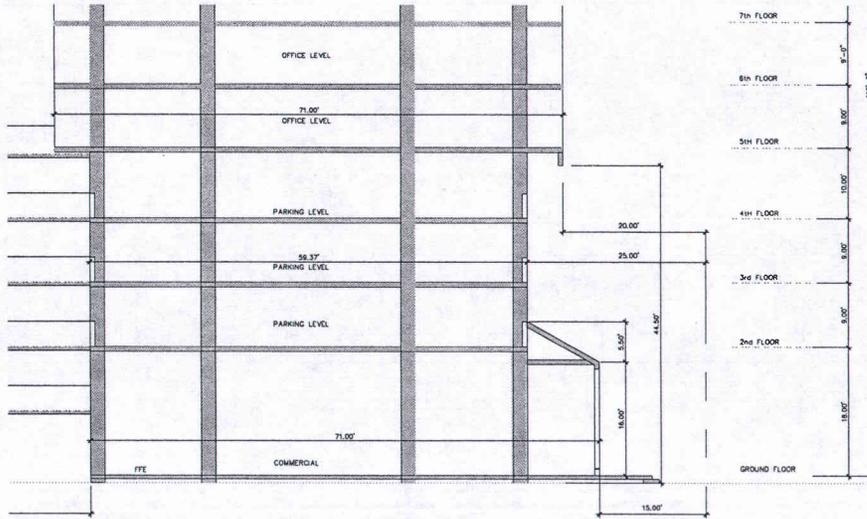
SITE # B-150 MARINE ING CT AT



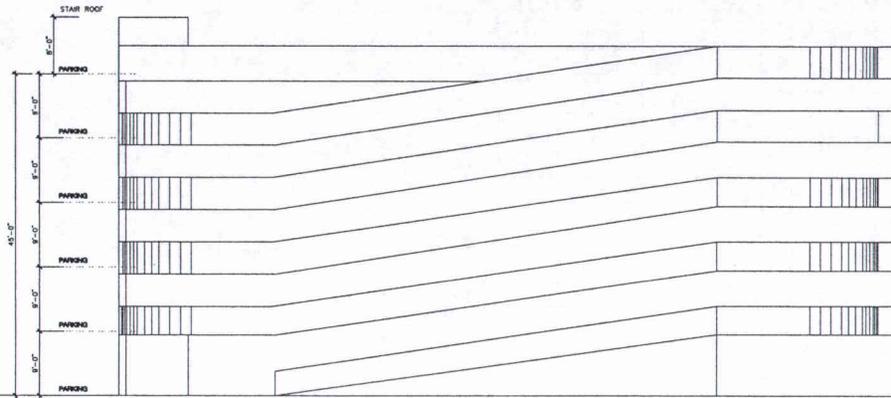
SIXTH FLOOR OFFICE LEVEL +55'-0"
SCALE: 3/32" = 1'-0"

PLANNING # 206-323

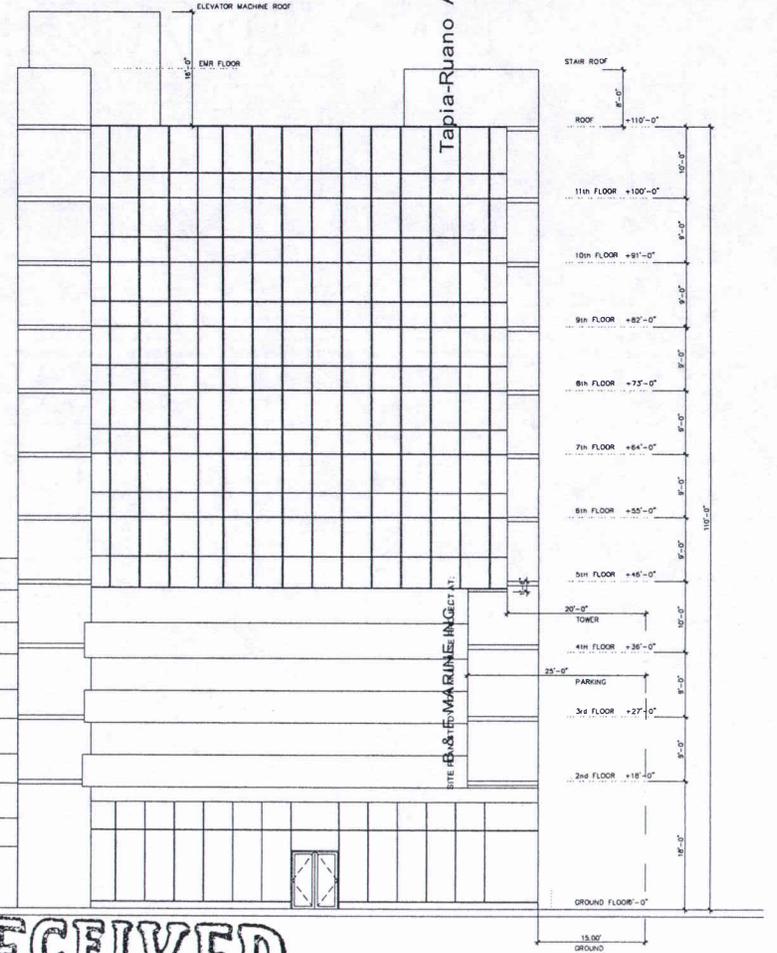
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PROC-206 & 206-203
DATE: JAN 22 2008
BY: KCB



PARTIAL SECTION AT 72 AVE LOOKING SOUTH



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



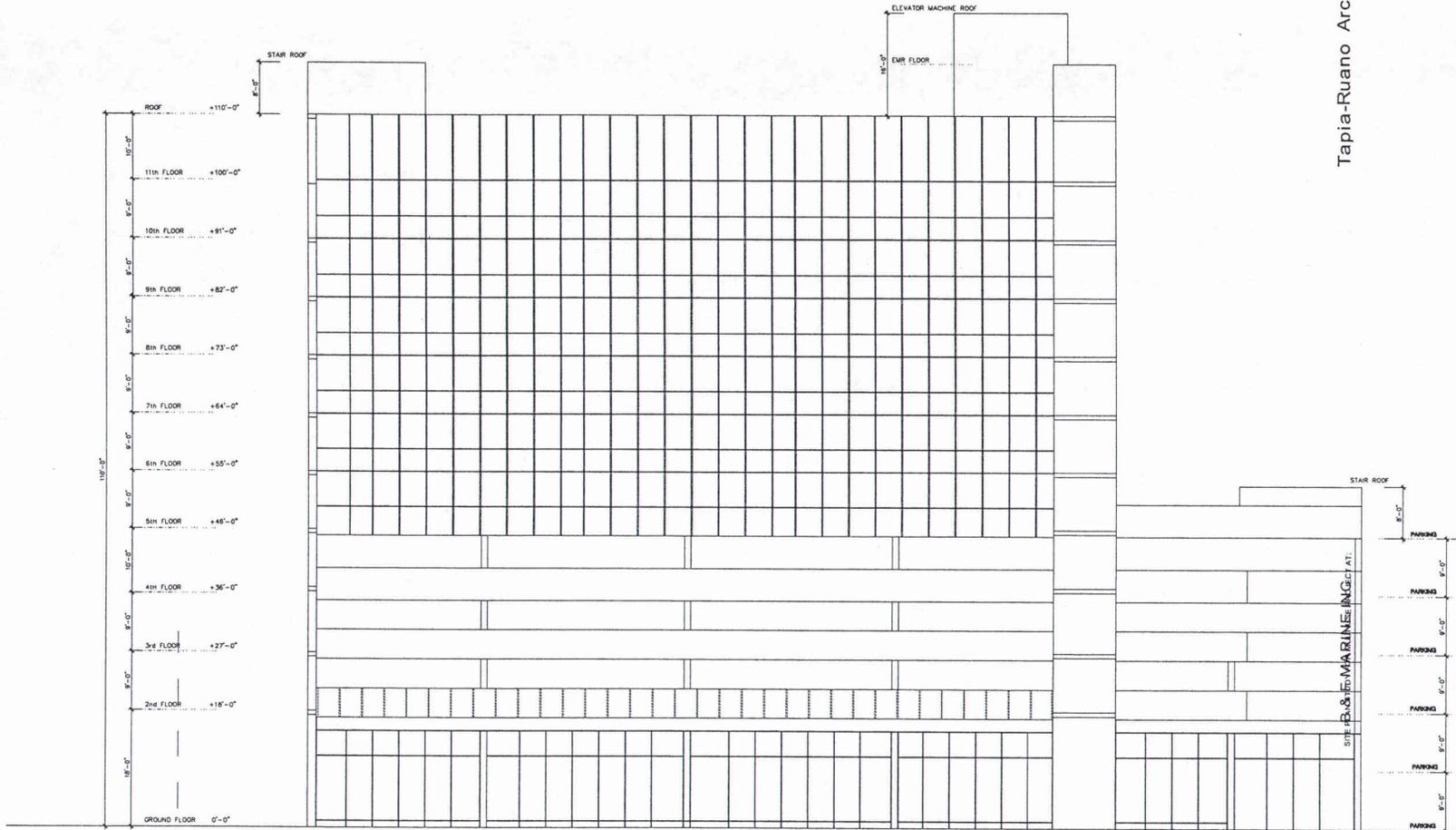
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DATE: JAN 22 2008
BY: BDB

Tapia-Ruano Architect Inc.



WEST ELEVATION

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

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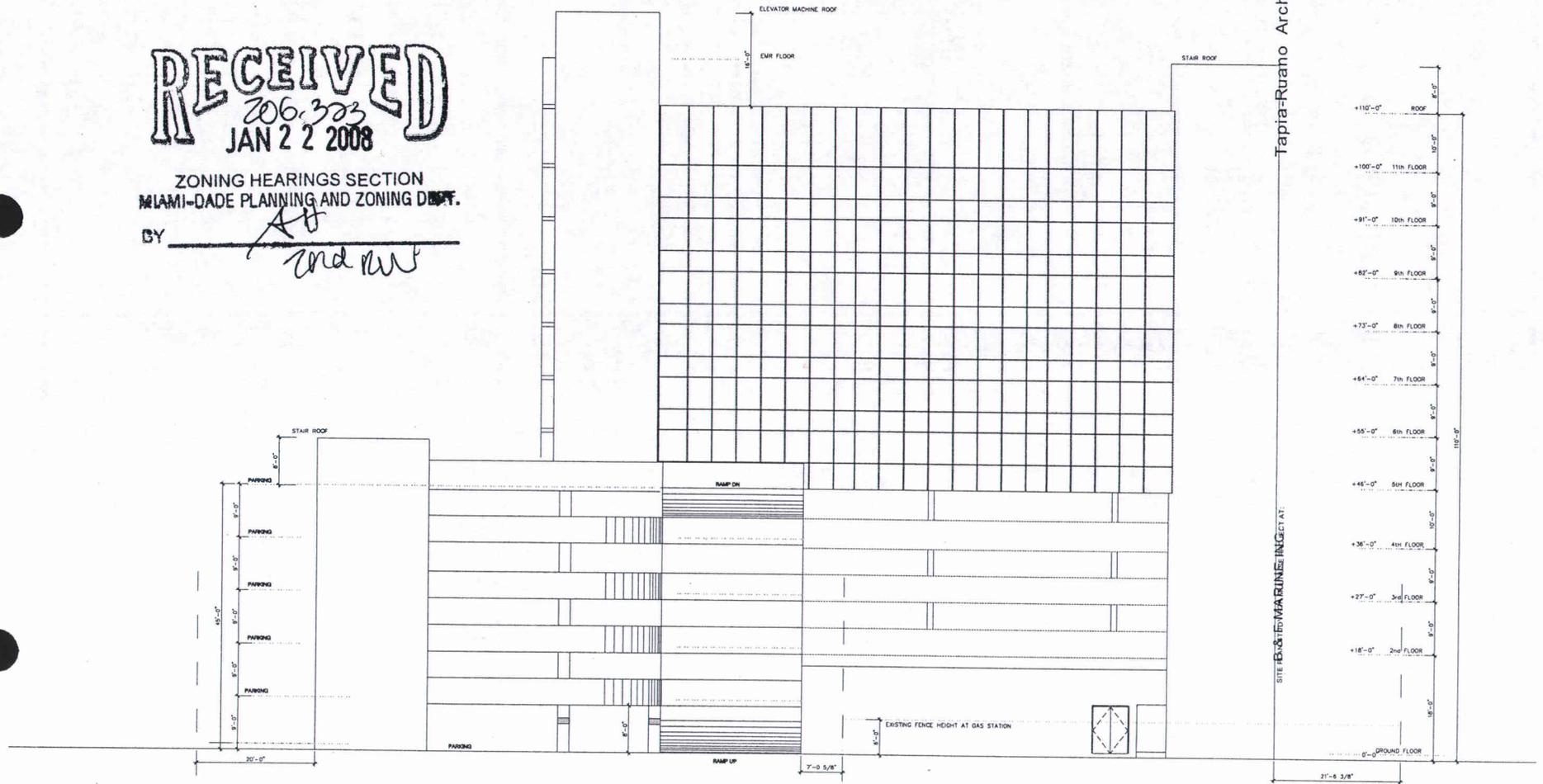
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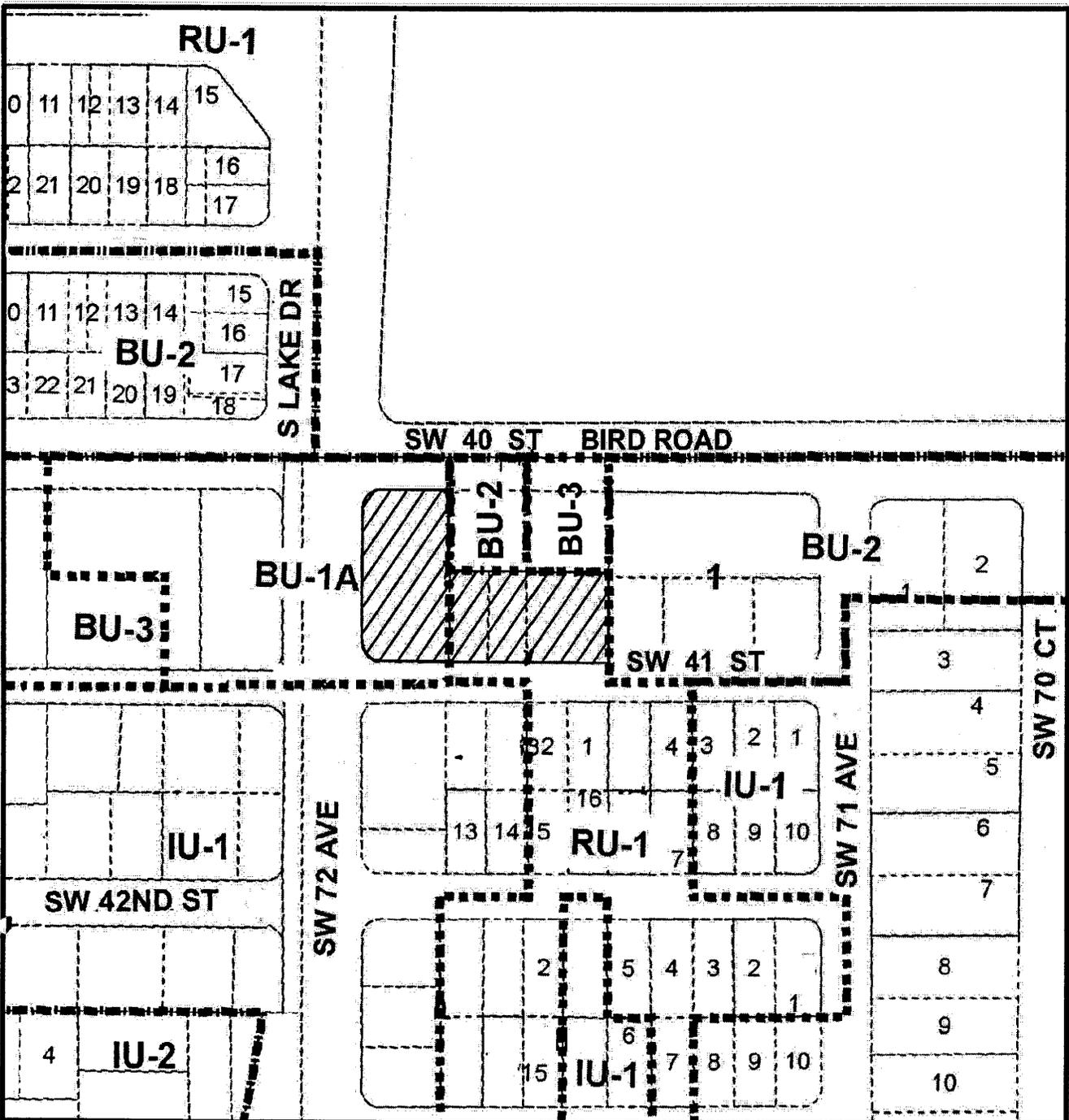


EAST ELEVATION
SCALE: 1/8" = 1'-0"

Tapia-Ruano Architect Inc.

SITE # B&B MARINE PROJECT AT

•
•
A



**MIAMI-DADE COUNTY
HEARING MAP**

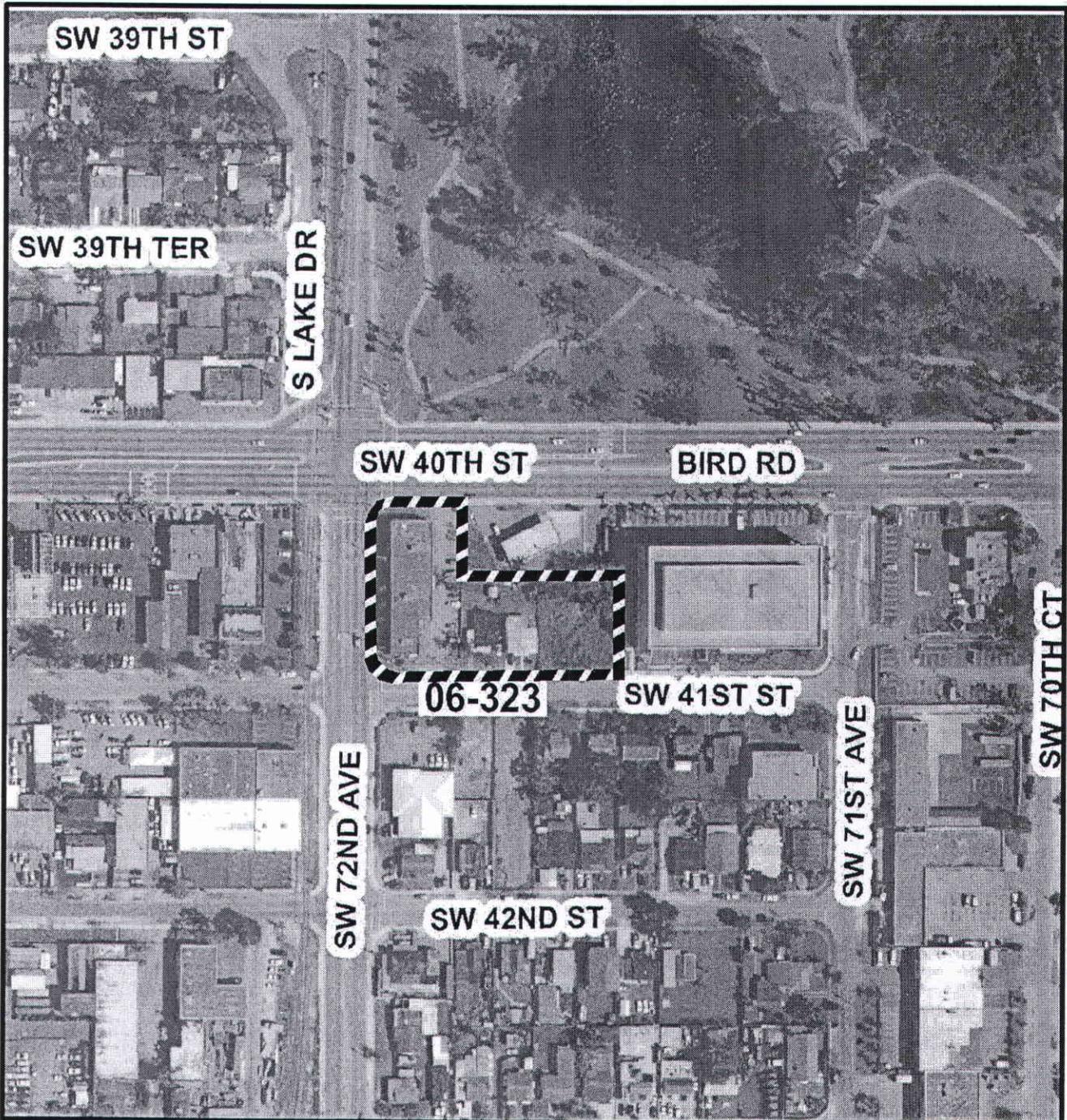
**PROCESS NUMBER
06-323**



 **SUBJECT PROPERTY**

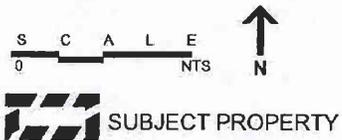
Section: 23 Township: 54 Range: 40
 Process Number: 06-323
 Applicant: B & F MARINE, INC.
 Zoning Board: C12
 District Number: 07
 Cadastral: ERIC
 Scale: NTS





MIAMI-DADE COUNTY
AERIAL

Section: 23 Township: 54 Range: 40
Process Number: 06-323
Applicant: B & F MARINE, INC.
Zoning Board: C12
District Number: 07
Cadastral: ERIC
Scale: NTS



Memorandum



Date: September 17, 2008

To: Marc C. LaFerrier, A.I.C.P., 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 one (1) year 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, 2009), 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
Asok Ganguli, Assistant Director, Technical Services
Michael Moore, Assistant Director, Disposal Operations

Department of Solid Waste Management (DSWM)
Solid Waste Facility Capacity Analysis
Fiscal Year 2008-09

Fiscal Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY														LANDFILLS			Total
		RESOURCES RECOVERY FACILITY - ONSITE							RESOURCES RECOVERY FACILITY - RTI							SOUTH DADE	NORTH DADE	WMI	
		On-site Contractual Tonnage (C)	Unders (D)	Shredded Tires (E)	"Dry" Ash to Ashfill (D)	Fines Landfilled at S.D. Landfill (F)	Fines for Cover at S.D. Landfill (F)	Net Tonnage (G)	RTI Contractual Tonnage (H)	RTI Rejects (I)	RTI Reject Overs (J) (L)	10% RTI Less Okelanta Ash (K)	Okelanta "Dry" Ash to R.F. Ashfill (K, L)	RTI Fines for Cover at N.D. Landfill (F)	Biomass Fuel (M)	Garbage and Trash (N)	Trash (C)	Garbage & Trash (P)	
			[1]		[2]	[3]					[4]	[5]	[6]	[7]	[8]	[9]	[1]-[9]		
2008 * (A)	1,789,000	967,000	172,000	8,000	162,000	0	0	825,000	184,000	27,000	21,000	4,000	14,000	20,000	98,000	479,000	205,000	188,000	1,789,000
2009 ** (B)	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2010	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2011	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2012	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2013	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2014	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2015	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2016	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000
2017	1,859,000	936,000	134,000	11,000	128,000	32,000	15,000	616,000	270,000	24,000	24,000	0	27,000	20,000	175,000	361,000	267,000	250,000	1,859,000

RESOURCES RECOVERY	GARBAGE	RTI REJECT OVERS	TRASH	TIRES	TOTAL
* TOTAL @ 1.789M	848,000	21,000	90,000	8,000	967,000 (82% Garbage; 2% RTI Reject Overs; 16% Trash, Includes Tires)
** TOTAL @ 1.859M	FY2009 771,000	24,000	130,000	11,000	936,000 (82% Garbage; 3% RTI Reject Overs; 15% Trash, Includes Tires)
			270,000		270,000 (RTI)

TOTAL WASTE STREAM PERCENTAGES @ 1.859 MILLIONS TONS

GARBAGE	TRASH	SPECIAL (includes Tires)	TOTAL
1,179,000	667,000	13,000	1,859,000
63.4%	35.9%	0.7%	100.0%

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR					
Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed	WMI **** Unused Capacity
Base Capacity (June 30, 2008)	546,335	2,393,225	1,995,450		
2008 (July - September)	501,239	2,297,705	1,941,954	188,000	314,000
2009	346,239	1,938,705	1,874,954	250,000	250,000
2010	191,239	1,575,705	1,407,954	250,000	250,000
2011	36,239	1,214,705	1,140,954	250,000	250,000
2012	0	734,944	873,954	250,000	250,000
2013	0	218,944	608,954	250,000	250,000
2014	0	0	339,954	250,000	250,000
2015	0	0	72,954	500,000	0
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Total Remaining Years	3	5	7		

- * Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okelanta 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 bulldozed 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.

Assumptions:

- A: The FY2007 tons reported in the various categories are based on actual tonnage reported from October 1, 2006 through June 30, 2007 and projected tonnage for July, August and September, 2007.
- B: The FY2008 total tons are the base tonnage budgeted for FY2008.
- C: The contract put-or-pay onsite tonnage DSWM must deliver to Resources Recovery Plant.
- D: Under and Ash are residue and combined cannot exceed 28.5% of Onsite Contractual Tonnage burned. Ash is 14% of Onsite burned. Unders are landfilled at South Dade Landfill.
- E: Shredded Tires are processed waste tires. Shredded Tires are landfilled at North Dade.
- F: Fines represent 24.9% of the RTI Contractual Tonnage or approximately 67,000 tons. 20,000 tons are recyclable RTI fine and used as cover at North Dade Landfill. 47,000 tons are onsite fines from onsite trash processing; 15,000 tons are used as cover at South Dade Landfill; 32,000 tons are landfilled at South Dade Landfill and do not affect the onsite residue guarantee.
- G: Onsite net tonnage are metal recycling and RDF incineration.
- H: The RTI contractual tonnage.
- I: RTI rejects and RTI reject overs, combined, equal to 17.6% of the RTI Contractual tonnage or approximately 48,000 tons. RTI rejects are landfilled at North Dade Landfill.
- J: RTI reject overs become onsite waste by first going over the scale and then tipped into the garbage pit at the Resources Recovery Plant.
- K: The combined 10% RTI less Okelanta Ash and the Okelanta Ash is 10% of the RTI Contractual Tonnage or 27,000 tons. The material used for the 10% RTI less Okelanta Ash is Unders.
- L: Okelanta Ash is landfilled at Resources Recovery Ashfill.
- M: Biomass fuel is 65% of the RTI Contractual tonnage.
- N: For FY2008, South Dade accepts garbage, trash, ash, onsite fines and unders.
- O: For FY2008, North Dade Landfill accepts only trash, shredded tires and RTI rejects.
- P: For FY2008, Medley Landfill accepts all materials except waste tires and other special materials.

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

MIAMI-DADE
COUNTY

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 27th Avenue from 62nd Street to the Broward County line. Please ask your staff to continue to flag any application whose address is on NW 27th 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

RECEIVED
JAN 17 2007

Asst. Director Planning

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

PARKS COM

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
Total:	1,140,411	3,136.13	3,115.34	752.74	264.00	4,115.65	979.52	134.29

Memorandum

MIAMI-DADE
COUNTY

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

RECEIVED
SEP 18 2007

Asst. Director Planning

SOLID WASTE
CONCURRENCY

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	
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
TOTAL TO BE LANDFILLED	<u>1,067,000</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, 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: 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

MIAMI-DADE
COUNTY

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

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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

RECEIVED
JAN 17 2007

Asst. Director Planning

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

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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

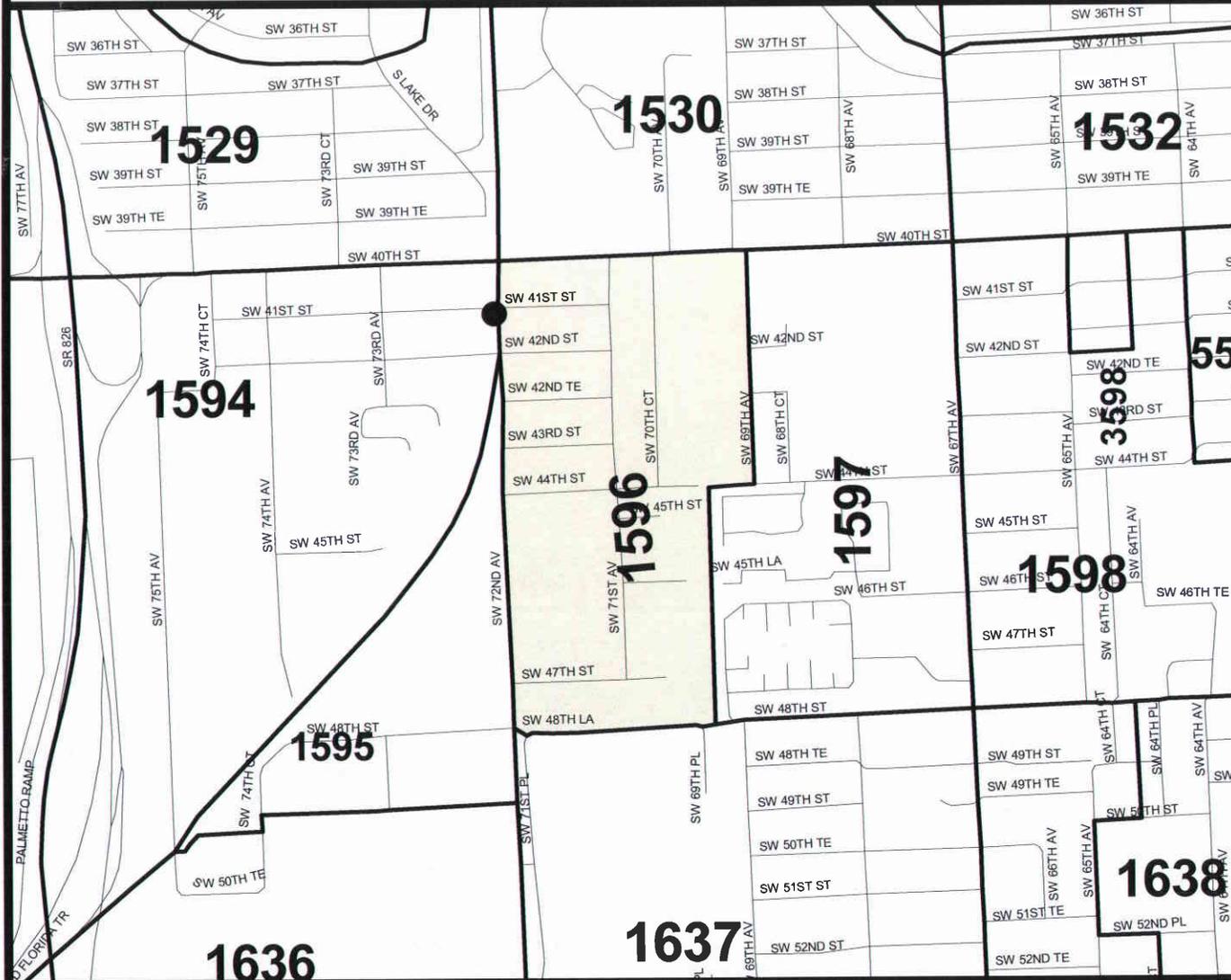
PARKS & RECREATION
 NEW PARKS

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			
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3	155,755	429.33	526.63	96.62	17.00	623.82	195.49	145.64
Total:	1,140,411	3,136.13	3,115.34	752.74	264.00	4,115.65	979.52	134.29



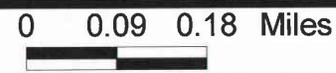
Miami-Dade Police Department
Target Area - Police Grid(s): 1596
B & F MARINE, INC; HEARING # 06-323

c-12



Police Grids Boundaries
 Boundary

MDPD Crime Analysis System
 December 22, 2006
 Data in this document represents
 successfully geocoded attributes.





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): 1596

2004 2005

Grid 1596					
Part I					
	130A		AGGRAVATED ASSAULT	8	4
	2200		BURGLARY	13	13
	2400		MOTOR VEHICLE THEFT	5	6
	1200		ROBBERY	0	1
	230C		SHOPLIFTING	0	2
	230G		SHOPLIFTING ALL OTHERS	21	17
	230F		SHOPLIFTING FROM A MOTOR VEHICLE	10	7
Part I TOTAL				57	50
Part II					
	2000		ARSON	1	0
	260A		FRAUD CON/SWINDLE/FALSE PRET.	5	4
	260D		IMPERSONATION	2	0
	350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	0	1
	130B		SIMPLE ASSAULT	4	5
Part II TOTAL				12	10
Grid 1596 TOTAL				69	60



Miami-Dade Police Department

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



Detail Filter: (Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate) and (Dis.Grid in ("1596")) 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	2004	2005
1596	13	SPECIAL INFORMATION/ASSIGNMENT	32	33
	14	CONDUCT INVESTIGATION	48	48
	15	MEET AN OFFICER	279	208
	16	D.U.I.	0	1
	17	TRAFFIC ACCIDENT	53	46
	18	HIT AND RUN	8	8
	19	TRAFFIC STOP	36	28
	20	TRAFFIC DETAIL	8	15
	21	LOST OR STOLEN TAG	9	13
	22	AUTO THEFT	19	28
	25	BURGLAR ALARM RINGING	144	205
	26	BURGLARY	24	24
	27	LARCENY	14	11
	28	VANDALISM	8	16
	29	ROBBERY	0	1
	32	ASSAULT	11	24
	33	SEX OFFENSE	0	1
	34	DISTURBANCE	62	82
	36	MISSING PERSON	1	0
	37	SUSPICIOUS VEHICLE	5	4
38	SUSPICIOUS PERSON	6	3	
39	PRISONER	3	2	
41	SICK OR INJURED PERSON	11	10	
43	BAKER ACT	0	1	
47	BOMB OR EXPLOSIVE ALERT	0	2	
48	EXPLOSION	1	0	



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 ("1596")) 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		
1596	49	FIRE	4	1
	52	NARCOTICS INVESTIGATION	0	1
	54	FRAUD	7	7
Total Signals for Grid 1596 :			793	823