ZONING HEARING OF MONDAY, OCTOBER 17, 2016
VILLAGE HALL COUNCIL CHAMBERS
9705 E. HIBISCUS STREET, PALMETTO BAY, FLORIDA

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 7:00 PM.
ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

THE NUMBER OF CORRESPONDENCE RECEIVED IN SUPPORT OF AN APPLICATION AND THE NUMBER OF CORRESPONDENCE RECEIVED AGAINST AN APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE VILLAGE OF PALMETTO BAY ZONING HEARING MEETING DATE FOR THIS COUNCIL.

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1. Call to Order, Roll Call, Pledge of Allegiance

2. Reading of Decorum Statement/Swearing in of Witnesses

3. Public Hearing Item:

ITEM 1: The following item is being considered pursuant to Divisions 30-30.5 and 30-50.17 of the Village's Land Development Code:

Applicant:	Brandsmart USA of South Dade, Inc. (VPB-16-011)
Folio:	33-5028-025-0010
Location:	16025 and 16051 South Dixie Highway
Zoned:	Business District - Special (B-2).
Request:	Modification of an approved site plan eliminating the buffer along the south property line to allow an internal drive lane connection for the adjacent property to the south.

PLANS ARE ON FILE FOR THE ABOVE APPLICATION AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/or continued. Under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

NOTICE OF APPEAL RIGHTS

Decisions of the Village of Palmetto Bay Council (VPB) are appealed to the Circuit Court. Appeals to Circuit Court must be filed within 30 days of the execution of the Village of Palmetto Bay resolution. Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by this Council with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning & Zoning at (305) 760-8544, or the Village Clerk at (305) 259-1234. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 375-5955.

STAFF REPORT

BRANDSMART USA OF SOUTH DADE COUNTY, INC.
VPB-16-011

Village of Palmetto Bay

ZONING ANALYSIS

FILE: VPB-16-011 **HEARING DATE:** 10/17/2016

APPLICANT: Brandsmart USA of South Dade County, Inc. **COUNCIL DIST.:** 2

A. GENERAL INFORMATION

REQUEST: Brandsmart USA of Dade County is requesting a modification of an approved site plan eliminating the buffer along the south property line to allow an internal drive lane connection for the adjacent property to the south.

ADDRESS: 16025 and 16051 South Dixie Highway

LOT SIZE: 794,055 sq. ft. (18.229 Acres)

FOLIO #: 33-5028-025-0010

B. BACKGROUND

In an effort to fulfill the branding requirements and specifications of Honda and BMW, South Motor Company of Dade County (South Motors) is proposing a significant investment to the facility to the south. As part of their new design they have identified the need for an internal drive lane. The property does not have the space for the drive lane and therefore has reached an agreement with Brandsmart to utilize a small portion of the property along the southern edge of the Brandsmart property adjacent to the BMW parking structure, to provide a drive lane. The request if approved would eliminate a portion of the landscape buffer to provide the space for a drive lane.

The landscape buffer in question was originally required as a condition of an earlier approved site plan that sought to buffer the commercial development from what was then residentially zoning to property on the south side. The southern property was never developed for residential and is today a South Motors BMW and Honda automobile dealership facility that also includes repair facilities.

The Applicant is seeking to modify a site plan as approved pursuant to Resolution No. Z-6-69, and is bringing forward a new design which keeps with the general intent of the previous plan. The property continues comply with parking, open space, and pervious area requirements.

C. ZONING HEARING HISTORY:

On March 23, 2001, the Miami-Dade County Department of Planning and Zoning approved **Resolution No. CZAB13-2-01**, granting a non-use variance to allow a 4th sign, and modified the previous site plan approval.

On January 18, 2000, the Miami-Dade County Department of Planning and Zoning approved **Resolution No. CZAB13-1-00**, granting a non-use variance to reduce the required setback for a sign.

In 1999, the Metropolitan Dade County approved through substantial compliance an amended site plan.

On September 4, 1991, the Metropolitan Dade County Zoning Appeals Board approved **Resolution No. 4-ZAB-229-91**, granting the request to modify condition #3 from the Z-6-69 resolution to read as follows, "that the development be substantially in accordance with the plan entitled existing planting plan w/proposed burger king site, as prepared by Bruce Howard and associates, last revised 6-5-91 except that a decorative wall be erected 10 feet from the south property line and said 10 foot strip be landscaped including trees, grass and a sprinkler system for proper maintenance, and including a combination wall and hedge, intermittently at 10 foot intervals, set in 25 feet from the east property line up to the canal said 25 foot strip to be landscaped including trees, grass, and a sprinkler system for proper maintenance." The request was granted.

On October 3, 1974, the Dade County Board of County Commissioners pursuant to **Resolution No. 4-ZAB-78-74** granted the Applicant's variance request to allow outdoor sales of dry goods four times a year

On January 9, 1969, the Dade County Board of County Commissioners, pursuant to **Resolution No. Z-6-69**, granted the Applicant's request subject to the following condition, that the development be substantially in accordance with the plan submitted that a decorative wall be erected 10 feet from the south property line and said 10 foot strip be landscaped including trees, grass and a sprinkler system for proper maintenance, and including a combination wall and hedge, intermittently at 10 foot intervals, set in 25 feet from the east property line up to the canal said 25 foot strip to be landscaped including trees, grass, and a sprinkler system for proper maintenance." The request was granted.

On December 11, 1968, the Dade County Board of County Commissioners, pursuant to **Resolution No. 4-ZAB-94-68,** rezoned the property to BU with three conditions. First, that a plot use plan be submitted and meet the approval of the planning director. Second, that the development be substantially in accordance with the plan submitted that a decorative wall be erected 10 feet from the south property line and said 10 foot strip be landscaped including trees, grass and a sprinkler system for proper maintenance, and third that the use be established and maintained in accordance with the approved plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE DESIGNATION
Subject Property:	
B-2; Business District	Business and Office
Surrounding Properties:	
NORTH:	
B-2; Business District	Business and Office
EAST:	
R-1M; Apartment House	Low Density Residential (2.5-6 D.U.'s)
SOUTH:	
R-3M; Minimum Apartment House	Low-Medium(5 to 13 D.U.'s)
B-2; Business District	Business and Office
WEST:	
Special (MDC*)	Special (MDC*)

MDC = Miami-Dade County Code
D.U. = Dwelling Units

E. SITE AND BUILDINGS

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Acceptable
Location of Building(s):	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Visibility/Visual Screening:	Acceptable
Circulations:	Acceptable

F. ANALYSIS

The following is a review of the request to modify the existing site plan, pursuant to the criteria at Section 30-30.5(j)(1) of the Village's Code of Ordinances. The Background Section, the Zoning History Section of this report, and the staff report are hereby incorporated into this analysis by reference.

Criteria a: In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

Analysis: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified as relating to the

modified site plan request. Each GOP is provided with a brief analysis. The finding of those analysis' is provided at the end of this criterion.

Policy 1.1.12: Encourage balanced future land use patterns along the US-1 commercial corridor that would ensure a natural buffer or transition area between the commercial uses and the single family residential areas, thus ensuring the concentration of future development in areas with adequate infrastructure and facilities.

Analysis: The proposal is to eliminate a landscape buffer which currently exists only between two commercial buildings where the drive lane is to be located. The remaining portion of the buffer shall remain, particularly as it pertains to the areas that continue to be adjacent to residential uses.

Finding: Consistent.

Criteria b: In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Analysis: The project is in compliance/consistent with the B-2 district development standards including all setbacks, height, buffers, parking and landscaping. However, the site must continue to adhere to the approved site plan.

Finding: Consistent.

Criteria c: In what respects the plan is or is not in conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.

Analysis: The development does not impact the above systems provided the remainder of the development continues to remain in compliance with the 1999 site plan approval.

Finding: Consistent

Criteria d: In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

i. Relationship to adjoining properties.
ii. Internal circulation, both vehicular and pedestrian.
iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees.
iv. Building arrangements between buildings in the proposed development and those adjoining the site.

Analysis: See Criteria "a" and "b",. The application is consistent with the permitted heights of the zoning district in which it is located. Additionally, the

Applicant shall be required to continue compliance with all other development approvals set forth in the 1999 site plan.

Finding: Consistent.

Criteria e: In what respects the plan is or is not in conformance with the Village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Analysis: The applicant is proposing no other changes to the current site plan and only wishes to remove that portion of the landscape buffer requirement on the South property line to accommodate the proposed drive lane. This area is currently behind the building and adjacent to another commercial building to the south. The remaining landscape buffer is to remain intact.

Finding: Consistent.

C. NEIGHBORHOOD SERVICES

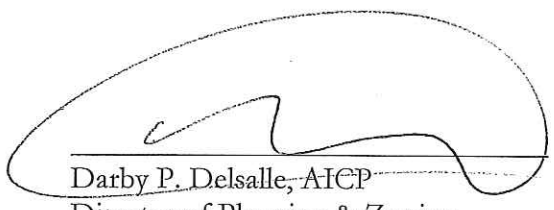
Code Compliance	No Objection
DERM	Required
Public Services	Required

H. RECOMMENDATION

Staff recommends conditional approval of the site plan modification request pursuant to Section 30-30.5(j)1 of the Village's Code of Ordinances. Staff conditions approval upon the following:

1. All previous conditions, approvals, and resolutions shall remain in effect unless otherwise altered by the granting of this request and any conditions assigned therein. The Applicant shall comply with the requirements of all other applicable departments/agencies as part of the building permit submittal process.

2. The property is developed in substantial compliance with the plans entitled "Brandsmart USA Shopping Center" as prepared by Stiles Architectural Group Inc., consisting of 2 sheets, dated stamped received September 22, 2016.



Darby P. Delsalle, AICP
Director of Planning & Zoning

ZONING HISTORY

BRANDSMART USA OF SOUTH DADE COUNTY, INC.
VPB-16-011

RESOLUTION NO. CZAB13-2-01

WHEREAS, **BRANDSMART USA OF SOUTH DADE, INC.** applied for the following:

(1) NON-USE VARIANCE OF ZONING REGULATIONS to permit a fifth 90 sq. ft. detached sign (4 previously approved).

(2) NON-USE VARIANCE OF ZONING REGULATIONS to permit a third and fourth wall sign (2 signs per tenant permitted).

(3) MODIFICATION of Condition #2 of Resolution CZAB13-1-00 passed and adopted by Community Zoning Appeals Board #13 on the 12th day of January, 2000, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Brandsmart USA - Proposed South Miami Facility,' as prepared by VSN Engineering, Inc., consisting of 2 sheets. Except as herein modified to delete the 90 sq. ft. detached sign."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Brandsmart USA,' as prepared by VSN Engineering, Inc., as further modified by the applicant and dated received 12/22/00."

The purpose of the request is to permit the applicant to submit plans showing the additional signage.

The aforementioned plan is on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 3, EAST HILL, Plat book 46, Page 43 and Tract "A", TREASURY SUBDIVISION, Plat book 95, Page 25.

LOCATION: 16051 South Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 13 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested non-use variance of zoning regulations (Item #1), and modification (Item #3) on a modified basis to delete the third and fourth wall sign, would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, but the non-use variance of zoning regulations (Item #2) 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 approve Item #1, approve Item #3 on a modified basis, and deny Item #2 without prejudice was offered by Linda Robinson, seconded by Karen Kirby, and upon a poll of the members present, the vote was as follows:

Robert Harrison III	aye	Marsha Matson	nay
Karen Kirby	aye	Paula Palm	nay
Albert J. LaVoie	aye	Linda Robinson	aye

John Pettit nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 13, that the requested non-use variance of zoning regulations (Item #1) be and the same is hereby approved.

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 13 that the requested modification (Item #3) on a modified basis be and the same is hereby approved, and shall read as follows:

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Brandsmart USA,' as prepared by VSN Engineering, Inc., dated received 12/22/00, except as herein modified to delete the third and fourth wall signs."

BE IT FURTHER RESOLVED that the application as approved is subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, 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 'Brandsmart USA,' as prepared by VSN Engineering, Inc., dated received 12/22/00, except as herein modified to delete the third and fourth wall sign."

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

5. That the existing 243 sq. ft. sign located approximately 55 ft. south from the north property line and approximately 60 ft. from South Dixie Highway right-of-way line shall be permanently removed.

BE IT FURTHER RESOLVED that the non-use variance of zoning regulations (Item #2) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

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 and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 14th day of March, 2001.

Hearing No. 01-2-CZ13-1
rb

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 23RD DAY OF MARCH, 2001.

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER

DIRECT DIAL: (305) 375-3075
DIRECT FAX: (305) 375-1239

DEPARTMENT OF PLANNING AND ZONING
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2800
FAX (305) 375-2795

March 23, 2001

Brandsmart USA of South Dade, Inc.
c/o Jerry B. Proctor, Esq.
Bilzin Sumberg Dunn Baena Price & Axelrod
200 South Biscayne Boulevard #2500
Miami, FL 33131-2336

Re: Hearing No. 01-2-CZ13-1
Location: 16051 South Dixie Highway

Dear Applicant:

Enclosed herewith is Resolution No. CZAB13-2-01, adopted by the Miami-Dade County Community Zoning Appeals Board 13, which approved Item #1, approved Item #3 on a modified basis, and denied Item #2 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of $500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and /or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

You are hereby advised that the decision of the Community Zoning Appeals Board may be appealed by an aggrieved party to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Marcy Gordon
Legal Counsel

MG:rb
Enclosures

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Marcy Gordon, as Deputy Clerk and Legal Counsel 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 13, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB13-2-01 adopted by said Community Zoning Appeals Board at its meeting held on the 14th day of March, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand on this 23rd day of March, 2001.

Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning

SEAL

RESOLUTION NO. CZAB13-1-00

WHEREAS, **BRANDSMART USA OF SOUTH DADE, INC.** applied for the following:

(1) NON-USE VARIANCE OF SIGN REGULATIONS in a shopping center limiting the size and number of detached signs to two-200 sq. ft. signs or one-300 sq. ft. sign; to vary same to permit a total of 5 detached sign on the shopping center site (signs consisting of 77.6 sq. ft., 90 sq. ft., 120 sq. ft., 243 sq. ft. and 310 sq. ft.) (the 77.6 sq. ft. sign was previously approved by resolution).

(2) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the aforementioned 310 sq. ft. sign to setback 62' (135.6' required) from the interior side (south) property line and for the aforementioned 90 sq. ft. sign to setback 25.81' (135.6' required) from the interior side (north) property line.

A plan is on file and may be examined in the Zoning Department entitled "Brandsmart USA - Proposed South Miami Facility," as prepared by VSN Engineering, Inc., consisting of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A", TREASURY SUBDIVISION, NO. 5023, Plat book 95, Page 25.

LOCATION: 16051 South Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 13 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, at which time the applicant requested permission to withdraw those portions of the non-use variance of sign regulations and setback requirements (Items 1 & 2) that pertain to the 90 sq. ft. detached sign, and at which time the applicant requested a waiver of the refile period, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the portion of the requested non-use variance of sign regulations that pertain to the 77.6 sq. ft., 120 sq. ft., 243 sq. ft. and 310 sq. ft. detached signs (Item #1) and

that portion of the requested non-use variance of setback requirements that pertain to the 310 sq. ft. detached sign (Item #2) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to withdraw those portions of the non-use variance of sign regulations and setback requirements (Items 1 & 2) that pertain to the 90 sq. ft. detached sign should be approved, and that the requested waiver of the refile period should be approved, and

WHEREAS, a motion to permit the withdrawal of those portions of Items #1 & 2 that pertain to the 90 sq. ft. detached sign, waive the refile period and approve the balance of the application was offered by Paula Palm, seconded by Tom David, and upon a poll of the members present, the vote was as follows:

Tom David	aye	Paula Palm	aye
Robert Harrison III	absent	John Pettit	aye
Marsha Matson	aye	Linda Robinson	aye
		Susan M. Ludovici	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 13, that the portion of the requested non-use variance of sign regulations that pertain to the 77.6 sq. ft., 120 sq. ft., 243 sq. ft. and 310 sq. ft. detached signs (Item #1) and that portion of the requested non-use variance of setback requirements that pertain to the 310 sq. ft. detached sign (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, 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 "Brandsmart USA - Proposed South Miami Facility," as prepared by VSN Engineering, Inc., consisting of 2 sheets. Except as herein modified to delete the 90 sq. ft. detached sign.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

BE IT FURTHER RESOLVED, that the request to withdraw those portions of Items #1 & 2 that pertain to the 90 sq. ft. detached sign be and the same is hereby approved, and said Items are withdrawn without prejudice.

BE IT FURTHER RESOLVED, that the request to waive the refile period, be and the same is hereby approved.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

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 and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 12th day of January, 2000.

Hearing No. 00-1-CZ13-2
sw

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 18th DAY OF JANUARY, 2000.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 13, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB13-1-00 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of January, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand on this 18th day of January, 2000.

Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning

SEAL

BrandsMart USA
PROPOSED SOUTH MIAMI FACILITY
WAREHOUSE AND SHOWROOM
DADE COUNTY, FLORIDA

EXHIBIT 4 tabbies

OWNER:

BrandsMart USA

3200 SW 42ND STREET, M/S 1VT01
HOLLYWOOD, FLORIDA 33312
(954) 797-4000

PROPOSED USE	AREA	PARKING REQUIRED	PARKING PROVIDED
1. BrandsMart USA	101,745 S.F.		
2. SERVICE MERCHANDISE	52,625 S.F.		
3. MARSHALLS	44,436 S.F.	809	1,017
4. AMOCO GAS STATION	738 S.F.		
5. BURGER KING	2,911 S.F.		
TOTAL	202,455 S.F.	809	1,017
HANDICAPPED PARKING SPACES		16	19
BABY STROLLER PARKING SPACES		4	4

MAXIMUM HEIGHT 66 FEET

NUMBER STORIES ONE

FLOOR AREA RATIO

RETAIL (1 THRU 5)	202,455 SQ. FT.	100 %
TOTAL	202,455 SQ. FT.	100 %

TOTAL SQUARE FOOTAGE OF BUILDING(S) / NET LAND AREA = 202,455 / 794,055 = 0.255 FLOOR AREA RATIO

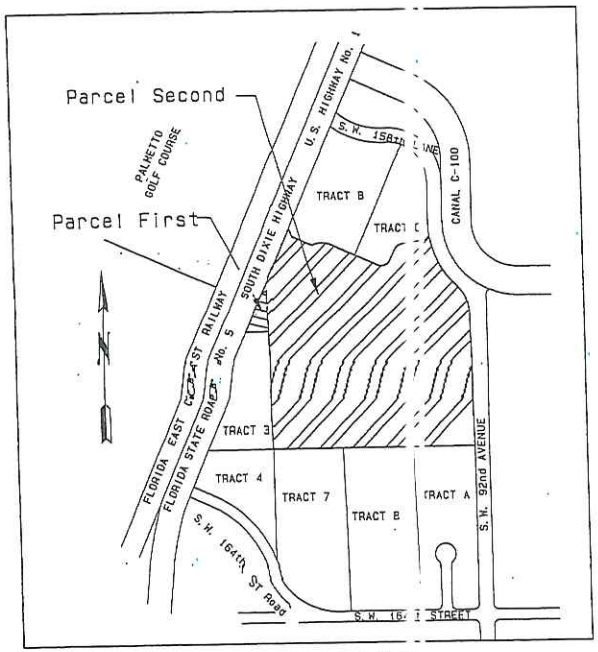
TREES
NUMBER REQUIRED 401 NUMBER PROVIDED 402

WATER (NAME OF UTILITY) MIAMI-DADE WATER & SEWER AUTH. DEPT.
SEWER (NAME OF UTILITY) MIAMI-DADE WATER & SEWER AUTH. DEPT.
NOTES (SHOW SYMBOLS)
GARBAGE COLLECTION METRO-DADE

EXISTING VS PROPOSED CONDITIONS

	PREVIOUSLY APPROVED	PROPOSED CONDITIONS
1. BrandsMart USA	0 S.F.	101,745 S.F.
2. SERVICE MERCHANDISE	52,625 S.F.	52,625 S.F.
3. MARSHALLS	44,436 S.F.	44,436 S.F.
4. HOME DEPOT	88,433 S.F.	0 S.F.
5. BURGER KING	2,911 S.F.	2,911 S.F.
6. AMOCO	738 S.F.	738 S.F.
TOTAL	189,143 S.F.	202,455 S.F.

NET INCREASE IN SQUARE FOOTAGE: 13,312 S.F. (7.04 %)



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PARCEL FIRST:

TRACT 3 OF EAST HILL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 43, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PARCEL SECOND:

TRACT "A" OF "THE TREASURY SUBDIVISION - NO. 5033" ACCORDING TO THE PLAT THEREOF, AS RECORDED MARCH 15, 1973, IN PLAT BOOK 98, AT PAGE 25, UNDER CLERK'S FILE NO. 73R-88090 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. LESS AND EXCEPTING THE PARCEL FIRST DESCRIBED ABOVE.

ENGINEERS:

V.S.N. ENGINEERING, INC.
CIVIL ENGINEERS

8550 W. FLAGLER STREET, SUITE 113
MIAMI, FLORIDA 33144
TEL (305) 551-6267
FAX (305) 551-4542

LIST OF DRAWINGS:

C-1 COVER SHEET AND LOCATION MAP
C-2 CONCEPTUAL SITE PLAN
L-1 LANDSCAPE PLAN
L-2 LANDSCAPE LEGEND, NOTES AND DETAILS

SITE CRITERIA LEGEND

ZONING DISTRICT BU-2 RESOLUTION NUMBER 4-ZAB-220-91

GROSS LAND AREA	18.229 ACRES	
LESS R.O.W	N/A ACRES	
LESS WATER	N/A ACRES	
LESS OTHER	N/A ACRES	
NET LAND AREA	18.229 ACRES	794,055 SQ. FT.

NET LAND AREA	794,055 SQ. FT.	100.0 %
LOT COVERAGE (BLDG)	189,304 SQ. FT.	23.8 %
PAVED AREA	505,495 SQ. FT.	63.7 %
TOTAL	694,799 SQ. FT.	87.5 %

LANDSCAPED OPEN SPACE

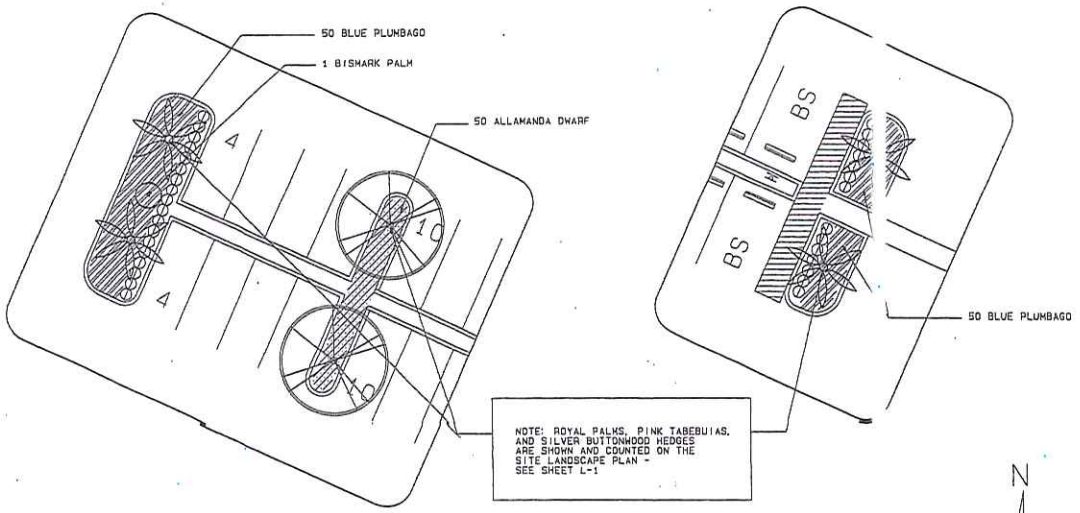
REQUIRED	98,463 SQ. FT.	12.4 %
PROVIDED	99,256 SQ. FT.	12.5 %

NET LAND AREA	794,055 SQ. FT.	100 %
WATER	N/A SQ. FT.	N/A %
WITHIN ENCLOSED O	N/A SQ. FT.	N/A %
UNENCLOSED WALLS		

THE FOLLOWING PLANS CONSIST OF Seven PAGES ARE IN SUBSTANTIAL COMPLIANCE WITH RESOLUTION Z-6934-218-229-91

D. Hodges
4-9-99

dated: April 7, 1999
cad ref: 99009-10



AS PER SITE LANDSCAPE PLAN -
THERE ARE 18 ISLANDS @ 50 BLUE PLUMBAGO
= 600 BLUE PLUMBAGO TOTAL.
THERE ARE 18 ISLANDS @ 50 ALLAMANDA
= 600 ALLAMANDA TOTAL.

N

Scale: 1" = 10'

TYPICAL PLANTINGS FOR PARKING ISLANDS

SEE SHEET L-1 FOR LOCATIONS

1" = 10'

LANDSCAPE NOTES

1. All plant material shall be Florida NO. 1 or better.
2. Contractor shall familiarize himself with the location of and avoid any damage to existing utility lines, buried cables, and other utilities in the area.
3. Tree, palm, shrub and groundcover locations are to be staked in the field and approved by the Landscape Arch. prior to installation.
4. Planting soil shall be SOIL SO topsoil/sand mix, free of clay, stones, roots, or other foreign matter. Any backfill shall be approved by the L.A.
5. Contractor shall coordinate with the irrigation contractor and leave provisions for it.
6. All planting beds shall be mulched to a depth of 3" with Shredded Cypress Mulch brand "B" or approved equal.
7. Sod shall be St. Augustine "floratam" strongly rooted, and free from weed, fungus, insects and diseases. Contractor shall sod all areas as indicated on the plan or as directed. Payment shall be as per the total sodded area, to be verified in the field.
8. Sod shall be installed in accordance with the specifications as defined by FDOT. Sod shall carry a 6 month warranty.
9. All shrubs and groundcovers shall carry a 180-day warranty. All trees and palms shall carry a one-year warranty from the date of final acceptance.
10. All trees and palms shall be staked as per accepted standards by the Florida Nurserymen and Growers Association (FNGA).
11. The plant list is intended only as an aid in bidding. Any discrepancies found between the quantities in the plans and plant list/site Tara, the quantities on the plan will be held valid.
12. Irrigation shall provide for a 100% coverage with a 50% overlap, automatic system with rain autostore sensor as per Florida Xeriscape Law Requirements. NO overspray shall fall onto paved surfaces. All guidelines as outlined by the South Florida Water Management District (SFWMD) shall be strictly adhered to.
13. Contractor shall provide a water truck during planting to insure proper watering-in during installation and will be responsible for continual watering until final acceptance by the owner.

ALL SOD SHALL BE ARGENTINE BAHIA AND THIS NOTE SHALL SUPERSEDE NOTE NO. 7 OF THE LANDSCAPE NOTES.

LANDSCAPE LEGEND - CHAPTER 18A - ORDINANCE 85-222

PROJECT NAME: BRANDSMART USA — RESOLUTION NO.: 4-ZAD-229-91

ZONING DISTRICT -BU-2

GROSS LAND 16.228 (ACRE) NET LAND 14.324 (ACRE) WATER BODIES N/A (ACRE)

	REQUIRED	PROVIDED
Landscape Sod Area (If applicable)	10.4 %	10.5 %
GREENBELT WIDTH (If applicable)	N/A feet	N/A feet
LAND AREA (as defined in ORDINANCE)	205 MAX. OF 12.4%	205 MAX. OF 12.4%
TREES		
Trees per net Lot	401	402
Street Trees		
(Trees in the right of way (-) or on private property	* will require Public Works Approval or Special Taxing District)	
TOTAL NUMBER OF TREES	401	425
SHRUBS (10 per each tree required)	4010	4070

*200 shrubs/hedges shall be native spp. No more than 200 of req. native spp. shall be Sabal Palm. Irrigation system required pursuant Chapter 33 - Dade Co. Code.

BUSINESS (BU) AND INDUSTRIAL (IU) ZONES

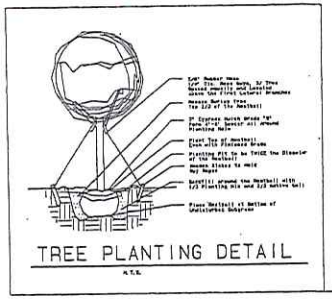
A. Open space required per Section 33 of Zoning Code.
net lot area (sq. ft.) 704,905 x 10.4% = 98,462 sq. ft.

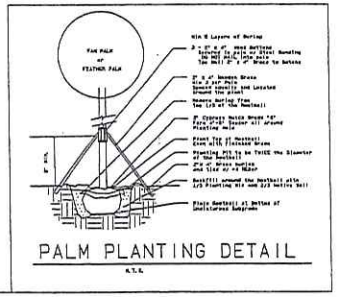
B. Parking Lot Landscaping required per Chapter (Sec 18A)
number of parking spaces=
C. 468 x 9 = 98,463 sq. ft. (total lawn area required)

D. Maximum lawn area (sod) permitted
16,892 sq. ft.
98,463 X .20= 19,692 sq. ft.

E. Maximum lawn area provided 16,892 sq. ft.

Symbol	Num	Calib	Scientific Name	Common Name	Native (yes/no)	Max. Canopy Width (ft.)	Max. Canopy Ht. (ft.)
QV	57		Quercus virginiana	LIVE OAK	Yes	50'	40'
SI	43		Bursera simaruba	GUMBO LIMBO	Yes	35'	35'
CO	70		Coccoloba diversifolia	PIGEON PLUM	Yes	30'	30'
CH	18		Clusia rosea	PITCH APPLE	Yes	25'	25'
PT	41	1	Tabebuia heterophylla	PINK TABEBUIA	NO	25'	25'
SM	91	1	Swietenia mahagoni	MAHOGANY	Yes	40'	40'
TC	13	1	Tabebuia caraiba	YELLOW TABEBUIA	NO	25'	25'
TL		1	Ligustrum spp.	TREE LIGUSTRUM	NO	25'	25'
PE	18		Ptychosperma elegans	ALEXANDER PALM	NO	20'	20'
RE	36		Roystonea elata	ROYAL PALM	Yes	20'	25'
MS	13		Medyetia bifurcata	FOXTAIL PALM	NO	10'	20'
SA		6	Syagrus romanzoffiana	QUEEN PALM	No	10'	20'





PLANT LIST

*	Common Name	Botanical Name	Specification
BS	43 GUMBO LIMBO	Bursera simaruba	12" x 8'-spr., 2 1/2" cal. @ dbh
CE	88 GREEN BUTTONWOOD	Conocarpus erec	12" x 8'-spr., 2 1/2" cal. @ dbh
CO	70 PIGEON PLUM	Coccoloba diver	10" x 8'-spr., 2" cal. @ dbh
CH	18 PITCH APPLE	Clusia rosea	9" x 8'-spr., FTG, 2" cal. @ dbh
PT	41 PINK TABEBUIAS	Tabebuia hetero	10" x 8'-spr., 2" cal. @ dbh
QV	57 LIVE OAKS	Quercus virgini	12" x 8'-spr., 2 1/2" cal. @ dbh
SM	91 MAHOGANY	Swietenia mahog	12" x 8'-spr., 2 1/2" cal. @ dbh
TC	13 YELLOW TABEBUIAS	Tabebuia caraib	12" x 8'-spr., 2 1/2" cal. @ dbh
PE	18 ALEXANDER PALMS	Ptychosperma el	12'-14' o.a., 8ft. tk., full head
RE	36 ROYAL PALMS	Roystonea regia	16'-18' o.a., 8" @ dbh, full head
MS	13 FOXTAIL PALMS	Wodyetia bifurc	12'-14' o.a., 8" @ dbh, full head
DIS	4 BISMARK PALMS	Bismarckia nobil	3" x 3' full, specimen
ALL	600 BUSH ALLAMANDA	Allaeanda cath	Ca 'Dwarf' 18" x 18", 18" o.c., 3 gal.
SES	1180 SILVER BUTTONWOOD	Conocarpus erec	'Sericeus' 24" x24", 24" o.c., full, 3 gal.
CI	700 COCOPLUM	Chrysobalanus i	24" x24", 24" o.c., full, 3 gal.
FAK	600 FAKAHATCHEE GRASS	Tripsacum dact	24" x24", 30" o.c., full, 3 gal.
IXO	480 IXORA "NORA GRANT"	Ixora spp.	24" x24", 24" o.c., full, 3 gal.
PLU	600 BLUE PLUMBAGO	Plumbago spp.	18" x 18", 24" o.c., full, 3 gal.

LANDSCAPE LEGEND, NOTES, DETAILS, ETC.

VSNE
• CIVIL
• LAND DEVELOPMENT
• TRAFFIC AND TRANSPORTATION
8550 W. FLAGLER ST. SUITE 113, MIAMI, FLORIDA 33144
TEL. (305)551-6267 FAX (305)551-4542

BRANDSMART USA
PROPOSED SOUTH MIAMI FACILITY
WAREHOUSE AND SHOWROOM
MIAMI, FLORIDA.

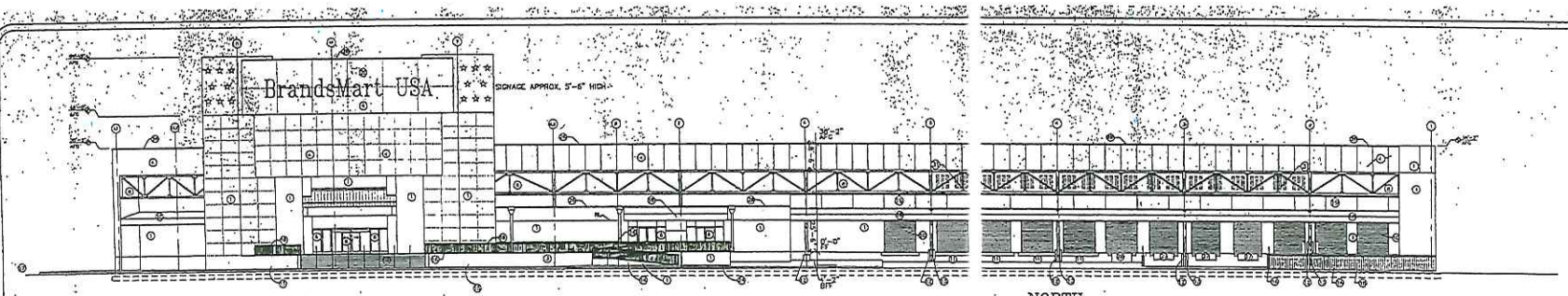
no	date	revision/issue
1.	4/2/99	As per Dade Co. Dreports

designed J. SOCASH
drawn N. SERRATE
checked R. VARGAS
approved R. VARGAS
proj. no 99009-01
scale AS SHOWN
date FEB 20, 1999
cad ref 99009-02

4-9-99

JAMES F. SOCASH
RLA • 001132

drawing
L-2



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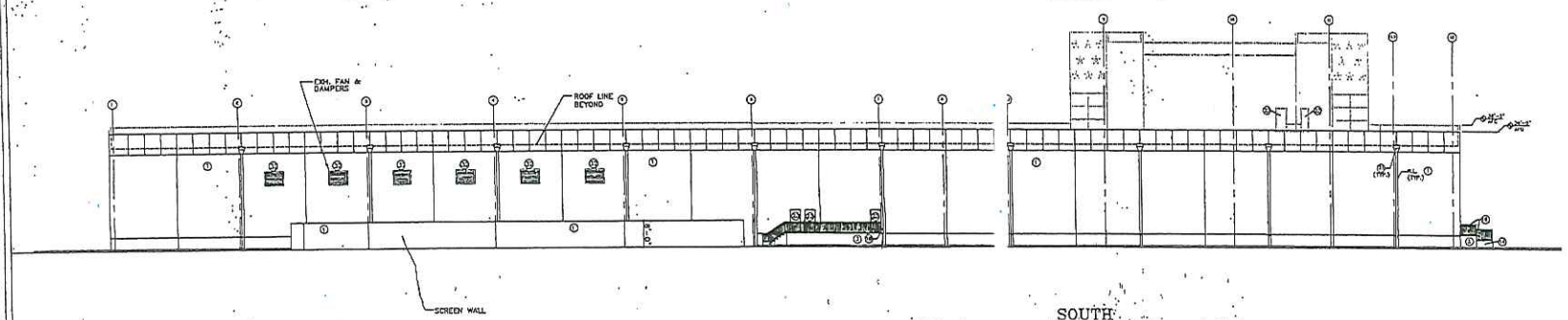

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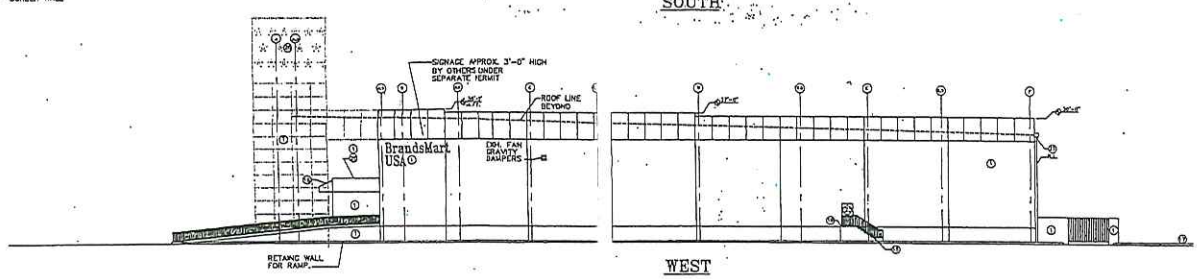

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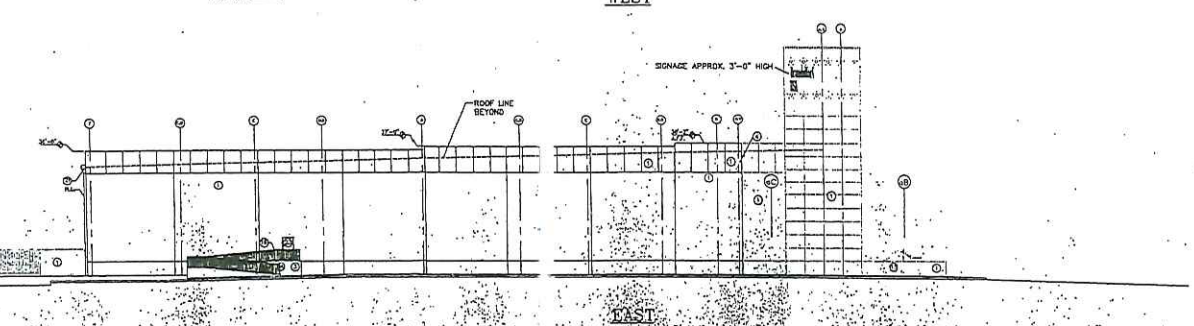


EAST

PRELIMINARY EXTERIOR FINISH LEGEND

1. CONCRETE TILT/PRECAST PANEL
2. C.I.P. CONCRETE
3. CMU/STUCCO FINISH
4. STUCCO OVER WIRE LATH OR EIFS OVER 3/4" PLYWOOD
5. CL. AND ALUM. CURTAIN WALL
6. CL. AND ALUM. ENTRANCE
7. CEMENT BARREL ROOF TILE
8. STL. TRUSS
9. STL. TRUSS BEYOND
10. OVERHEAD ROLLING DOOR
11. WOOD DOCK BUMPER ASSEMBLY
12. RUBBER DOCK ASSEMBLY
13. CONCRETE PIER
14. STL. BOLLARD/CONCRETE FILLED
15. CONCRETE RAMP
16. CONCRETE STAIR
17. STL PIPE RAILING 1-1/2"ø SEE GENERAL NOTE #1 SHEET A-2.0
18. CONCRETE CURB
19. VINYL AWNING AND ALUM. FRAME
20. CONT. 20'-0" L. x 4'-0" H. x 6" D. SIGN CABINETS WITH BACK LIGHTED DECORATIVE SIGN PANELS. BY OTHERS UNDER SEPARATE PERMIT.
21. PROJECT ID SIGNAGE BY OTHERS, PROVIDE BACKING
22. SCUPPER AND SCUPPER BOX COVER
23. GUTTER AND LEADER
24. DOOR AND FRAME (SEE SCHEDULE)
25. RECESSED CURB AND PAVEMENT PER FACBC/ADA W/ DETECTABLE WARNING SURFACE
26. NOT USED
27. ALUM. COPING
28. MCGUIRE, MKA 1000 MECHANICAL DOCK LEVELER W/ MCGUIRE SHEL-SEAL SSBHC OR APPROVED EQUALS
29. BISHAMON 6"X8" SIZZROCK OR APPROVED EQUAL INSTALL PER MFR. RECOMMENDATIONS & SPECS.
30. STL PAN STAIRS, CLOSED RISERS.
31. 3 HR. FIRE-RESISTIVE RATED COLUMN.
32. FAI LOUVERS W/ SECURITY BARS & INSECT SCREEN.
33. EXHAUST FANS W/ SECURITY BARS & INSECT SCREEN & ALUM. SHUTTERS. (BANANCIAN TYPE).

NOT FOR CONSTRUCTION

REVISIONS	BY/DATE
ROTATE ELEVATIONS RIGHT TO LEFT	02/14/99

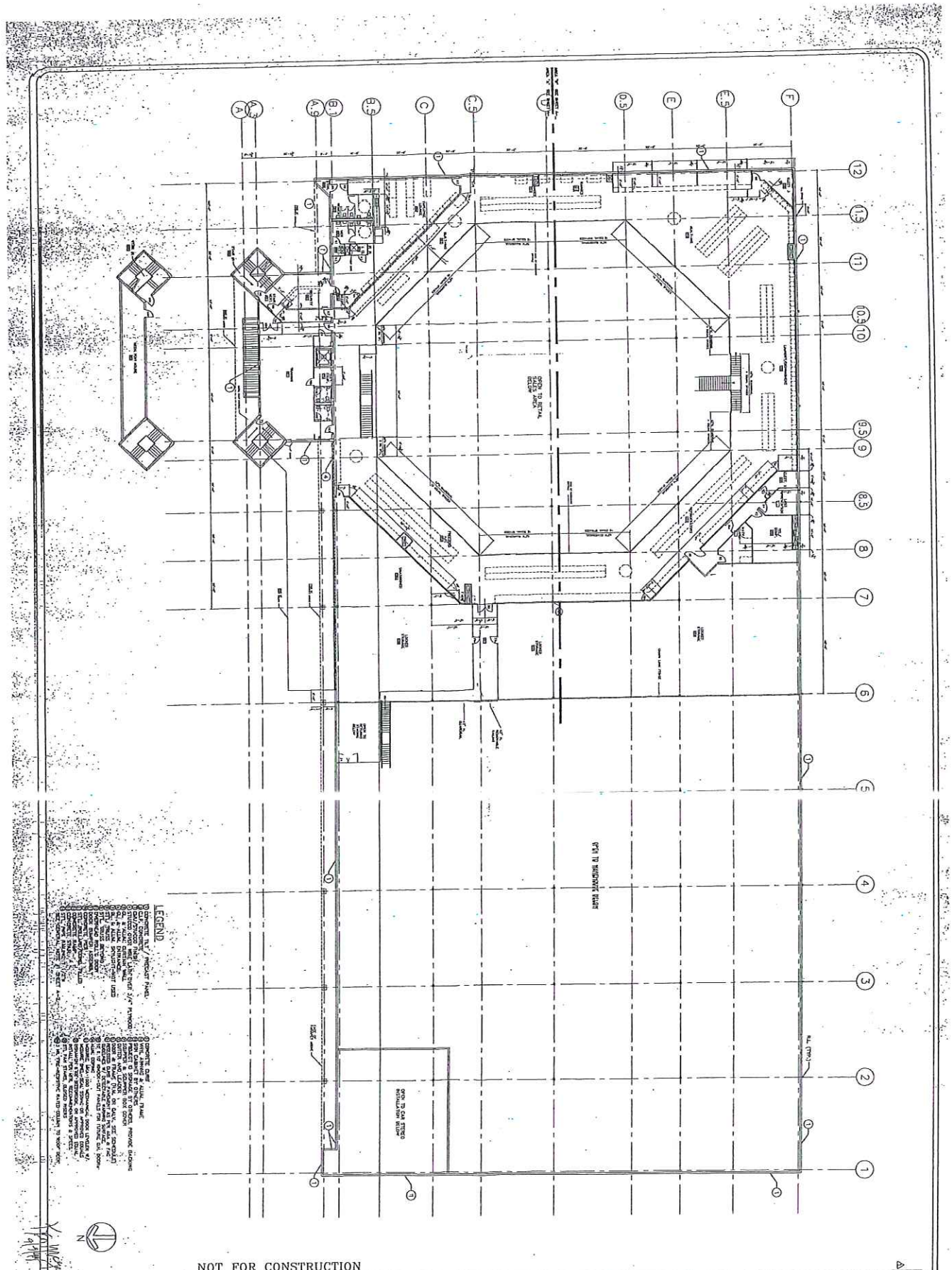
Kenneth McGee P.A. Architect
211 N. Ridgewood Ave., Suite 201
Daytona Beach, Florida 32114
PH: (904) 239-5990 FX:(904) 239 0066
Florida Registration # AAC001927

BRANDSMART REALTY CORP.
3200 SW 42nd STREET
HOLLYWOOD, FLORIDA

BRANDSMART USA
WAREHOUSE & SHOWROOM
16051 SOUTH DIXIE HIGHWAY
MIAMI, FLORIDA

ELEVATIONS

DRAWN BY: ncr
CHECKED: kmm
DATE: 02/23/99
SCALE: 1/16" = 1'-0"
JOB #: C:\A- BMSMIA\3of3
SHEET: 3 of 3



NOT FOR CONSTRUCTION

BrandsMart USA
WAREHOUSE & SHOWROOM
16051 SOUTH DIXIE HIGHWAY
MIAMI, FLORIDA

MEZZANINE LEVEL FLOOR PLAN

BRANDSMART REALTY CORP.
3200 SW 42 nd STREET
HOLLYWOOD, FLORIDA 33312

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Florida Registration # AAC001927

DRAWN BY
CHECKED
DATE 02/23/99
SCALE 1/16" = 1'-0"
JOB # C:\A-Miami\2d\3-
SHEET 2 of 3

REVISIONS
ROTATE PLAN RIGHT TO LEFT
BY
DATE