



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: April 6, 2022

TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Kendall Toyota – Internal Illumination of Entry Wall – Determination of
Architectural Harmony

PETITION REQUEST

Kendall Imports, LLC is requesting the Village Council's final determination of architectural harmony and approval of their request to internally illuminate the existing synthetic glass wall at the front of the Kendall Toyota Automobile Dealership. Pursuant to Division 5.19 of the Village's Land Development Regulations, "the village council shall make the final determination of architectural harmony".

OWNERS/APPLICANT

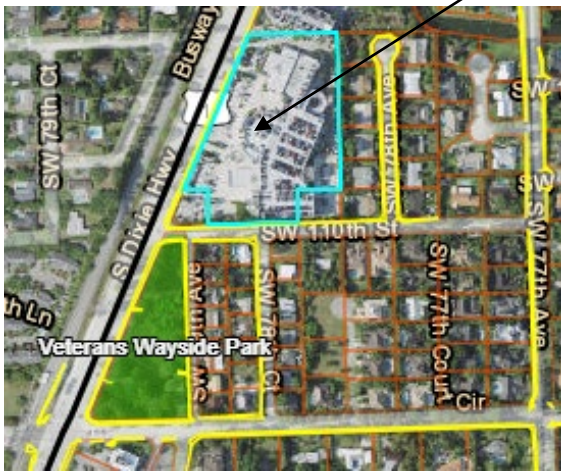
Melissa Tapanes, Esq. (Applicant); Kendall Imports, LLC (Owner).

PROPERTY DESCRIPTION/SITE LOCATION

The subject property is located at 10943 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development and BU-2, Special Business Development zoning districts.



SUBJECT PROPERTY



-  BU-1
-  BU-1A
-  BU-2
-  BU-3
-  PR



BACKGROUND

On July 18, 2017, the Village Council approved a conditional use permit and site development plan allowing for the expansion of the Kendall Toyota Service garage approximately 93 feet to the south and 34 feet to the east. One of the requirements for approval of a site development plan includes analysis of the proposed development related to conformance with applicable regulations of the zoning district in which it is located. One of the comments of the staff report to the Village Council indicated,

" Sheet A 4.01 of the submitted plans shows a new entrance "portal" that is proposed to be installed at the entrance to the existing Toyota dealership. The glass portal is not part of the plan submittal for the proposed garage extension and will be reviewed separately in conjunction with planned interior and exterior remodeling at the Toyota dealership. Division 5.19 of the Village's Land Development Regulations requires all buildings to be constructed of an architectural style and color which will harmonize with the premises and with other buildings in the adjoining area. The initial proposed glass portal design includes internal lighting that would not be consistent with the Village's architectural standards, in staff's opinion. The applicants are in the process of addressing design issues identified by staff".

Following consideration of the Applicant's plans and request for a conditional use permit at the advertised public hearing in 2017, the Village Council imposed the following condition of approval:

" Architectural design of the entrance portal shall be designed to be consistent with the architectural standards of the Village's Land Development Regulations and Pinecrest Parkway (US 1) Corridor Plan and shall be reviewed and approved separately by the

Administrative Official”.

In July 2021, Kendall Toyota submitted an application to the Building and Planning Department for a building permit to illuminate the synthetic glass wall. The permit application was denied since the wall was proposed to be internally illuminated in the same way as originally intended, contrary to the Village Council’s condition of approval.

On October 13, 2021, Kendall Toyota submitted an application requesting the Village Council’s final determination of architectural harmony and approval of their request to internally illuminate the existing wall at the front of the Kendall Toyota Automobile Dealership.

CONTINUANCE

The Applicant’s request for final determination of architectural harmony was originally scheduled for the Village Council’s consideration on January 11, 2022, but has been continued at the request of the Village and the Applicant to provide both parties with the opportunity to review historical records related to exterior lighting conditions and to address a code requirement for the shielding of light fixtures in the parking lot. The Building and Planning Department has provided records and information to the Applicant and has since met multiple times with the owner of Kendall Toyota to review existing lighting conditions. Most recently, the Village Manager and Planning Director met with Kendall Toyota representatives on March 16, 2022 and they indicated that they are in the process of evaluating current lighting conditions and alternative solutions. Staff recommends that the determination of architectural harmony be continued to provide the applicants with an opportunity to retrofit the existing light fixtures with required shielding and to review the overall photometrics of the property once that element is installed.

PUBLIC COMMENT

The Building and Planning Department has not received any public correspondence regarding the Applicant’s request to illuminate the existing synthetic glass wall.

CODE OF ORDINANCES - CHAPTER 30, LAND DEVELOPMENT REGULATIONS

Division 5.19 Appearance of Site and Structures. As indicated in the original staff report to the Village Council in 2017, Division 5.19 of the Village’s Land Development Regulations requires all buildings to be constructed of an architectural style and color that will harmonize with the premises and with other buildings in the adjoining area:

The following standards shall apply within all zoning districts:

(a) Architectural style and color. All buildings constructed shall be of an architectural style and color which will harmonize with the premises and with other buildings in the same neighborhood. Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale.

Buildings constructed within the commercial zoning districts adjacent to Pinecrest Parkway shall be designed in accordance with the architectural styles and color palette of the Pinecrest Parkway (US 1) vision plan. Corporate chain building designs and prototype/generic architectural designs may be permitted to the extent that they comport with the architectural design standards of the Pinecrest Parkway (US 1) Vision Plan adopted by the Village Council on October 9, 2012.

(f) Exterior lighting. Light sources shall be shielded and arranged to eliminate glare from roadways and streets; and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light.

Internal illumination of the synthetic glass wall would not be consistent with the architectural design requirements of Division 5.19 of the Village's Land Development Regulations, and would not harmonize with other buildings in the same neighborhood. Staff is unaware of any other façade or wall in the Village of Pinecrest that is internally illuminated and designed in the same way as the proposed illuminated wall is designed. Examples of internally illuminated Toyota building facades are provided below:



Germain Toyota



Germain Toyota



North Miami Toyota



West Kendall Toyota

Division 4.3 (e) General business (BU-1A) district. 1. Intent. The proposed illuminated wall would be inconsistent with the intent of the BU-1A zoning District:

(e) General business (BU-1A) district. 1. Intent – Businesses within the BU-1A district are located within the US 1 linear commercial corridor and are intended to accommodate retail sales and services, including highway-oriented sales and services to residents and motorists along the US 1 corridor. The BU-1A district is not intended to accommodate manufacturing of goods or other activities which may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

The intent of the Special Business (BU-2) zoning district is similar to the intent of the BU-1A district regarding the generation of nuisance impacts. The BU-1A and BU-2 zoning districts are not intended to accommodate uses that may generate nuisance impacts. Chapter 15, Nuisances, of the Village's Code of Ordinances indicates lighting to be a nuisance when found to be inconsistent or contrary to adopted standards.

An Illumination Study, completed by Allied on December 27, 2021 (attached) confirms existing lighting levels at the Kendall Toyota property line adjacent to Pinecrest Parkway to be as high as 48.2 foot-candles, or 96.4 times greater than otherwise permitted by code today. Additionally, a recent field inspection completed by the Building and Planning Department has confirmed that several of the existing lights on the subject property are not shielded and are causing glare. The proposed illuminated wall may result in the addition of more lighting intensity to the site that is already non-conforming with regard to existing unshielded lighting fixtures and intensity of lighting at the property line. Recent photographs showing existing lighting conditions on the subject property are provided on pages 9 and 10 of this report.

Division 4.8 Pinecrest Parkway (US 1) Corridor Development Standards. The proposed internally illuminated wall is inconsistent with Division 4.8 of the Village's Land Development Regulations - Pinecrest Parkway (US 1) Corridor Development Standards, Paragraph (e) Site Development Standards and Amenities:

Division 4.8 (e) 6. Lighting. Pedestrian scale lighting oriented downwards, decorative lighting, and accent lighting shall be incorporated into site plans for the redevelopment of a subject property adjacent to pedestrian walks and gathering spaces as described and illustrated in the village's Pinecrest Parkway (US 1) vision plan.

The existing intensity of glare on the property with multiple unshielded light fixtures, and an intensity of lighting at the property line that exceeds the Village's established maximum

of 0.5 foot candles may be exacerbated with the addition of a lighted façade and would not be consistent with intended and planned “decorative lighting” and “accent lighting” adjacent to Pinecrest Parkway.

Division 5.20 – Non-conformities. Internal illumination of the existing synthetic glass wall may add lighting to the exterior of the property that may increase the existing degree of non-conformity, contrary to Division 5.20 of the Village’s Land Development Regulations. The Land Development Regulations limit lighting at the property line to a maximum of 0.5 foot candles. An Illumination Study completed by Allied on December 27, 2021 (attached) confirms existing lighting levels at the property line adjacent to Pinecrest Parkway to be as high as 48.2 foot-candles, or 96.4 times greater than otherwise permitted by code today.

Division 5.20 (b) prohibits any increase in non-conformity. Although Division 5.20 (b) (1) below allows restoration of a non-conformity, and Division 5.2 (b) (2) below allows repairs of a non-conformity, section (1) states that a non-conforming feature may not be increased or intensified, and section (2) states that no alterations shall be made which would increase a non-conforming feature of a structure:

Div. 5.20 (b) Increase in permitted nonconformities prohibited. Unless otherwise provided for in the land development code, this division is intended to prohibit nonconformities from being enlarged upon, expanded or extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district. Exceptions may be approved when the nonconformity is changed to a conforming use, when improvements are required by law, or as follows:

(1) Restoration. Any nonconforming structure which has been damaged or made unsafe or unusable to an extent less than 50 percent of its assessed value, may be restored or reconstructed for its intended use, provided the floor area of such use, building or structure shall not exceed the floor area which existed as of November 27, 2000. All repairs shall be substantially completed within one year after damages occur or such use shall not be rebuilt except as a conforming use. A nonconforming feature may not be increased or intensified.

(2) Repairs. Normal maintenance and repair and incidental alteration of a nonconforming structure or a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability; provided, however, that no structural alterations shall be made which would increase the number of dwelling units or otherwise increase a nonconforming feature of the structure.

Representatives from Kendall Toyota have indicated they will be addressing the need to shade the existing light fixtures in the parking area and securing the services of an

electrical engineer to show that the proposed wall illumination will not worsen the existing non-conformity.





Division 7.14. Illumination. The proposed internally illuminated façade is inconsistent with Division 7.14 of the Village's Land Development Regulations. The illuminated wall is proposed to be illuminated with internal Light Emitting Diode (LED) lights. Division 7.14 of the Village's Land Development Regulations specifically prohibits the illumination of building facades with Light Emitting Diodes (LED) or other wall washer or building wash lights:

Illumination of building facades with light emitting diodes (LED) or other "wall washer" or "building wash" lights is prohibited.

PINECREST CODE OF ORDINANCES - CHAPTER 15, NUISANCES

Lighting contrary to the standards of Chapter 15 of the Pinecrest Code of Ordinances is considered to be a nuisance:

(10) Lighting. *Exterior lights installed on private property must be designed, arranged or shielded in such a manner that all adjacent properties and the public roadways are protected from direct or reflective glare or hazardous interference to pedestrians or motorists. The fixtures shall be shielded and aimed downwards. Lighting intensity shall be limited to 0.5 foot-candles at the property line.*

The proposed internally illuminated wall may result in the addition of more lighting intensity to the site that is already non-conforming in terms of glare and intensity of lighting at the property line. Please refer to the photographs included above and to the attached Illumination Study.

PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN

The proposed illuminated wall is inconsistent with goals of the Village's Comprehensive Development Master Plan, including the following:

Policy 1-1.7.1. Reinforce and Enhance the Village's Community Appearance. Major physical attributes within the Village shall be preserved through application of design review standards and management of signs, landscaping, open space preservation, tree protection, and other urban design amenities. Special emphasis shall be placed on preserving and/or improving the character of major natural and man-made corridors, including the waterways or major drainage corridors, and major transportation corridors which serve as a focal point for the motoring public.

Illumination of the front wall as requested by the Applicant would not enhance the appearance of the community or improve the character of the Pinecrest Parkway Corridor, and it would add lighting to the site that is already several times brighter at the property line than other commercial properties adjacent to Pinecrest Parkway.

An internally illuminated wall is not consistent with the existing and planned architectural character of the Pinecrest Parkway Corridor. The Building and Planning Department is not aware of any other walls or facades that are internally illuminated in the way that the proposed wall would be, if approved.

Policy 1-1.7.2. Pinecrest Parkway Vision Plan. Pursue implementation of the consensus aspects of the Pinecrest Parkway Vision Plan through the revision of the Land Development Regulations. The Village may consider adopting the color palette and architectural and sign design standards presented in the Pinecrest Parkway Vision Plan, as may be amended prior to or after adoption, for future commercial development to reinforce the Pinecrest "brand identity" of new and renovated buildings within the Village's non-residential corridors.

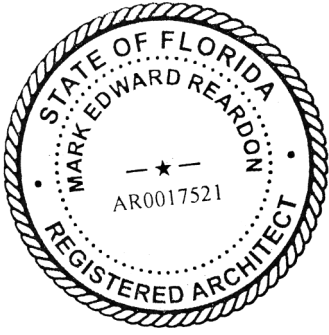
The Village completed and adopted the *Pinecrest Parkway (US 1) Vision Plan* in 2012 for improvement of conditions along the US 1 corridor and has recently engaged consultants and residents in the process of updating the plan. The Village has incorporated recommendations of the Vision Plan into the Village's Comprehensive Development Master Plan and adopted related standards in the Village's Land Development Regulations for implementation of plan recommendations. The architectural style of the

proposed internally illuminated wall would not be consistent with the preferred architectural styles of the *Pinecrest Parkway (US 1) Vision Plan*, and would not be compatible with the established and evolving Pinecrest aesthetic and character of the commercial zoning districts adjacent to Pinecrest Parkway.

STAFF RECOMMENDATION

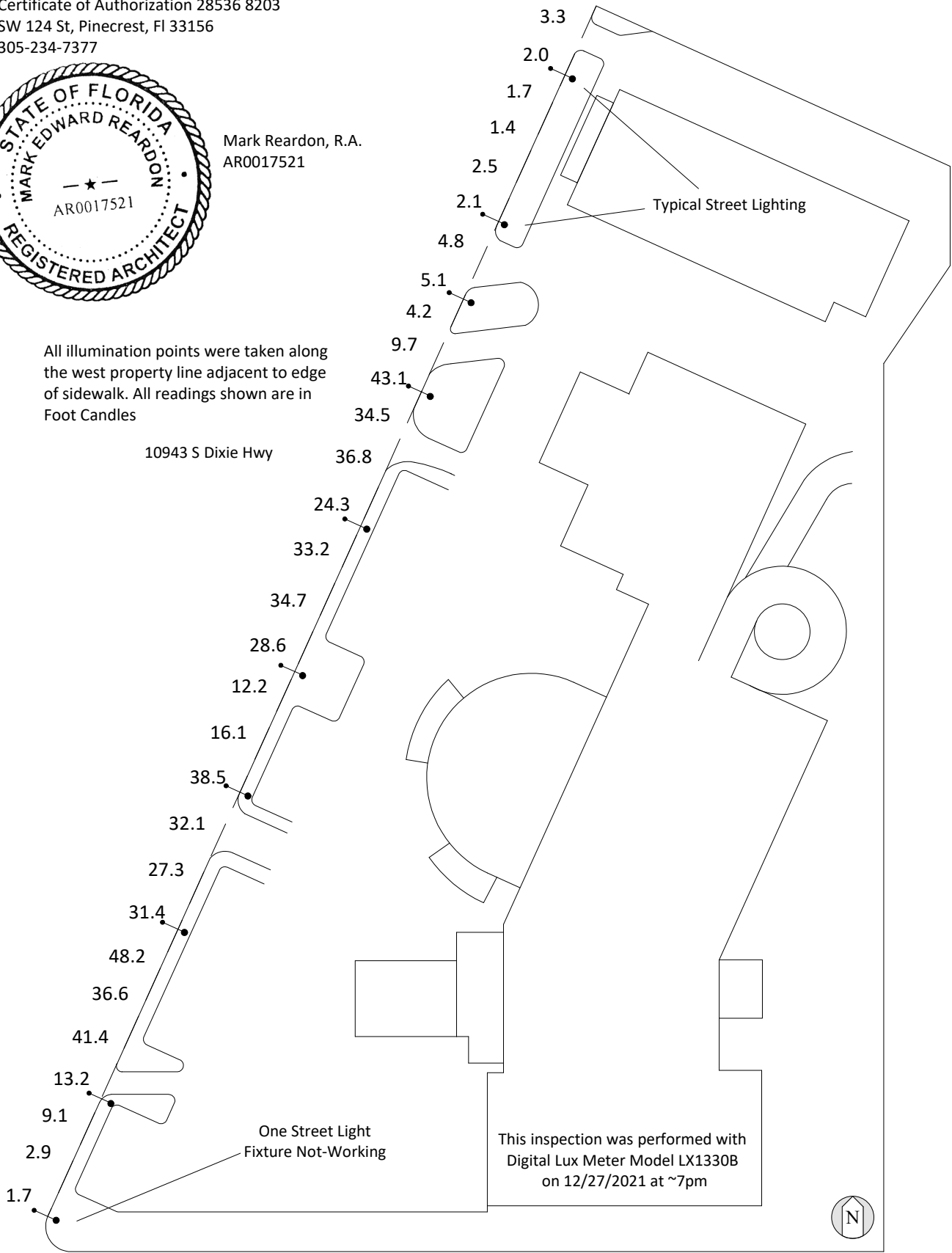
The Building and Planning Department recommends denial of the request to illuminate the existing synthetic glass wall for the following reasons:

1. Illumination of the wall would be inconsistent with the plans and Development Order approved by the Village Council in 2017 that specifically excluded internal illumination of the wall. The proposed illumination has been reviewed by the Administrative Official and has not been approved.
2. Illumination of the wall and the glare emanating from the lights in the wall would be inconsistent with the intent of the BU-1A and BU-2 zoning districts.
3. Illumination of the wall would be inconsistent with the requirements and standards of the Village's Land Development Regulations, including Divisions 4.3, 4.8, 5.19, 5.20, and 7.14.
4. Illumination of the wall would be inconsistent with the design standards of the Village's adopted *Pinecrest Parkway (US 1) Vision Plan*.
5. Illumination of the wall would be inconsistent with the standards of Chapter 15 of the Village's Code of Ordinances.
6. Illumination of the wall would be inconsistent with policies of the Village's Comprehensive Development Master Plan.



Mark Reardon, R.A.
AR0017521

All illumination points were taken along the west property line adjacent to edge of sidewalk. All readings shown are in Foot Candles



Illumination Study

For Village of Pinecrest



VILLAGE OF PINECREST
Building & Planning Department

PUBLIC HEARING APPLICATION

Administrative Review Application

- Please check one:
- VILLAGE COUNCIL
 - PLANNING BOARD
 - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY
Application No. _____
Date Received: _____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|---|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other <u>Final determination by Village Council</u> |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) Kendall Imports, LLC		
Mailing Address 200 S. Biscayne Blvd., Suite 300	City, State, Zip Miami, FL 33131	Telephone (305) 374-5300 Email MTapanes@brzoninglaw.com
Name of Owner Kendall Imports, LLC		
Mailing Address 13750 SW 136 Street	City, State, Zip Miami, FL 33186	Telephone (786) 345-2600 Email LBean@KendallToyota.net

PROPERTY INFORMATION

- A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5010-000-0080

Address 10943 Pinecrest Parkway, Pinecrest FL 33156

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

See Legal Description as Exhibit A

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

B. ADDRESS (If number has been assigned) 10943 Pinecrest Parkway, Pinecrest FL 33156

C. SIZE OF PROPERTY _____ ft. X _____ ft. = 268,235 sq. ft.; 6.15 acre(s)
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

E. DATE SUBJECT PROPERTY WAS ACQUIRED _____

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

Final determination of architectural harmony for Permit No. EL2020-0540 to construct an entrance portal on Owner's Property located at 10943 Pinecrest Parkway as approved by Development Order 2017-0718-3.

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See Letter of Intent for details.

Is this application the result of a Notice of Violation or deviation from approved plans? Yes No

Are there any existing structures on the property? Yes No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) Car dealership

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 10 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other _____

Please check only one of the following options:

FOR VILLAGE COUNCIL PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

FOR ZONING BOARD PURPOSES

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 14 days of the decision.

9/28/2001 _____ / Melissa Tapanes Llahues, Esq.
 Date Applicant's Signature Print Name

_____ / _____
 Date Applicant's Signature (if more than one) Print Name

I/We Kendall Imports LLC as Owner(s) of Lot(s) the subject property described in Exhibit A

Block _____ Section _____ PB/PG _____

of property which is located at 10943 Pinecrest Parkway, Pinecrest FL 33156 desire to file an application for a public hearing before the Village Council Planning Board Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

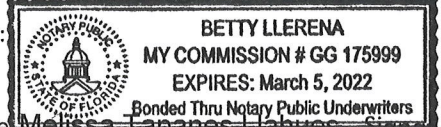
I/We as the owners of the subject property (check one):

- do hereby authorize Melissa Tapanes Llahues to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Lorraine Bean* Signature *Lorraine Bean* Date 9/27/2021

Owner's Name _____ Signature _____ Date _____

*Lorraine Bean as Manager of Kendall Imports LLC *Lorraine Bean* 9/27/2021

Notary to Owner: 

Applicant's Name Melissa Tapanes Llahues Signature *Melissa Llahues* Date 9/28/21

Notary to Applicant: 

Betty Llerena 9/28/2021

Exhibit A

LEGAL DESCRIPTION OF
PROPERTY OWNED BY KENDALL IMPORTS, LLC
(Address: 10943 South Dixie Highway, Miami, FL 33156)

(Parcels 1 through 5 are Folio No. 20-5010-000-0080)

PARCEL 1:

The South 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 lying East of the Southeasterly Right-of-Way line of State Road No. 5 (U.S. Highway No. 1), less the South 125 feet thereof, in Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida.

PARCEL 2:

The West 225 feet of the East 375 feet of the North 100 feet of the South 125 feet of the NW 1/4 of the SE 1/4 of the NE 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida.

PARCEL 3:

The South 60.84 feet of all that part of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 lying Southeasterly of the Southeasterly Right-of-Way line of State Road No. 5 (U.S. Highway No. 1), in Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida.

PARCEL 4:

The West 88 feet of the East 463 feet of the North 100 feet of the South 125 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida.

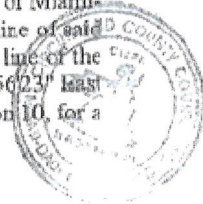
PARCEL 5:

That portion of the North 1/2 of the NW 1/4 of the SE 1/4 of NE 1/4 lying Southeasterly of the Southeasterly Right-of-Way line of State Road No. 5 (U.S. Highway No. 1), in Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida, less the South 60.84 feet thereof, more particularly described as follows:

Begin at the NE corner of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida; thence run South $0^{\circ}03'53''$ East along the East line of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 of said Section 10 for a distance of 272.69 feet to a point 60.84 feet Northerly of the SE corner of the North 1/2 of the NW 1/4 of SE 1/4 of the NE 1/4 of said Section 10, thence run South $89^{\circ}54'00''$ West along a line parallel to the South line of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 of said Section 10 for a distance of 440.71 feet to a point on the Southeasterly right-of-way line of State Road No. 5 (U.S. Highway No. 1) as the same is shown on the plat thereof recorded in Plat Book 53 at Page 45 (Sheet 2) of the Public Records of Miami-Dade County, Florida; thence run North $24^{\circ}40'37''$ East along the Southeasterly right-of-way line of said State Road No. 5 (U.S. Highway No. 1) for a distance of 300.58 feet to a point on the North line of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 of said Section 10; thence run North $89^{\circ}56'23''$ East along the North line of the North 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4 of said Section 10 for a distance of 314.90 feet to the Point of Beginning.

PARCEL 6: (Folio No. 20-5010-000-0092)

The East 150 feet of the North 100 feet of the South 125 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida.





200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6227 office
305.377.6222 fax
mtapanes@brzoninglaw.com

October 13, 2021

VIA E-MAIL & HAND DELIVERY

Mr. Stephen Olmsted, AICP
Planning and Zoning Director
Village of Pinecrest
12645 South Dixie Highway
Pinecrest, Florida 33156

RE: Request for Final Determination of Architectural Harmony for
Permit No. EL2020-0540 for the Property located at 10943 S.
Dixie Highway, Pinecrest, Florida

Dear Mr. Olmsted:

This law firm represents Kendall Imports, LLC (d/b/a Kendall Toyota) ("Applicant") in connection with the property located at 10943 S. Dixie Highway in the Village of Pinecrest ("Village") ("Property"). Please consider this the Applicant's letter of intent requesting a final determination of "architectural harmony" from the Village Council related to Permit No. EL2020-0540 to allow illumination of the entrance portal at the Property ("Entrance Portal"). As required by Development Order 2017-0718-3, the Entrance Portal is consistent with the architectural design standards of the Village's Land Development Regulations and the Pinecrest Parkway (US1) Corridor Plan ("US1 Corridor Plan").

Background. In July 2017, the Village approved a conditional use permit and site development plan for the expansion of the existing Toyota Service Garage ("Development Order"). See Exhibit A, Development Order 2017-0718-3. As part of the Development Order, the Entrance Portal was to be designed consistent with the architectural design standards of the Village's Land Development Regulations and the US1 Corridor Plan. In September 2017, the Village issued Building Permit BL2016-1028 ("Building Permit"), which authorized interior renovations and façade improvements on the Property. Condition #3 of the Building Permit stated that future illumination of the Entrance Portal would require issuance of a separate electrical permit. See Exhibit B,

Building Permit. In January 2021, consistent with Condition #3, the Applicant applied for a separate electrical permit. In response, the Village provided comments, to which the Applicant responded. See Exhibit C, Comments and Responses. Despite the Applicant's good faith efforts to address comments and work with the Village administration, the Applicant and administration have concluded that Village Council approval is necessary to secure the electrical permit that will allow the Entrance Portal to be illuminated as required by the Toyota franchise. As a result, the Applicant respectfully requests final determination of "architectural harmony" from the Village Council pursuant to Code Division 5.19(a).

The Entrance Portal is in harmony with the premises and with other buildings in the neighborhood because the Entrance Portal is a corporate chain building design, which are common throughout the Pinecrest Parkway. The Entrance Portal is a proprietary requirement of the Toyota franchise model. See Figure 1 and Figure 2, below. Further, the Entrance Portal is designed in accordance with the architectural styles and color palette of the US1 Corridor Plan. The Entrance Portal reduces the mass, scale and uniform monolithic appearance of the dealership building, while providing visual interest from the commercial streetscape.



Figure 1



Figure 2

Architectural Harmony with the LDRs and US1 Corridor Plan. Division 5.19(a) of the Code provides that all buildings shall be of an architectural style and color that is in harmony with the premises and with other buildings in the same neighborhood. Façades shall be designed to reduce the mass, scale and uniform monolithic appearance of large unadorned walls, while providing visual interest. Articulation shall be required and accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian or motorist.

Buildings constructed within the commercial zoning districts adjacent to Pinecrest Parkway shall be designed in accordance with the architectural styles and color palette of the US1 Corridor Plan. Chapter 5.7.1 of the Plan states that the locale wishes to encourage architecture that is attractive and compatible with its current buildings and structures. Further, Chapter 5.7.1 seeks to endorse unique buildings within a cohesive group. The Plan states the Village adopts a flexible, but well-defined color scheme for new and existing commercial signage.

Further, local stakeholders have identified, and overwhelmingly supported, the use of grey, white, black, and red. See Chapter 5.7.2, US1 Corridor Plan. Corporate chain building designs may be permitted to the extent they comport with the architectural design standards of the US1 Corridor Plan. Along the Pinecrest Parkway, there are numerous buildings that utilize corporate chain designs with illumination. For example, Ethan Allen, Chase Bank, and LBU Lighting utilize internal illumination similar to the Entrance Portal to create distinct massing elements and details. See Figure 3, below.



Figure 3

The Entrance Portal reduces the mass, scale and uniform monolithic appearance of the front elevation of the building, while providing visual interest to the Property because the Entrance Portal varies the elevation's height and width. The Entrance Portal is detached and stands lower than the main structure. This design creates an appearance of divide by creating distinct massing elements and details that are perceived at scale from the street. The Entrance Portal artfully breaks up the massing of the front elevation by shifting the volume of the structure to create movement and architectural interest. Further, when the Entrance Portal is illuminated, it provides visual interest as it is a unique design and hallmark of Toyota dealerships. See Figure 1 and Figure 2, above. Without the illuminated Entrance Portal, Kendall Toyota would lose its exclusive design, lose visual interest from potential customers, and violate its franchise agreement.

The Entrance Portal is designed in accordance with the architectural styles of the US1 Corridor Plan. The Entrance Portal is an elegant, corporate design that fits seamlessly within the commercial context of the US-1 Corridor. The Entrance Portal's design is inimitable and fits within the cohesive group of structures within the Kendall Toyota campus, thus achieving the Plan's goal to encourage architecture that is attractive and compatible with its current buildings and structures. In addition, Toyota, the largest automaker in the world, supports the environment through its electrified product offerings and plans to debut three (3) new electrified models to

the U.S market in 2021. See Exhibit D, Toyota Press Release. Last, the Entrance Portal aligns with the Plan's desired color palette. The overwhelming surface area of the Entrance Portal's façade is white, with gray outlines. The Toyota logo and overhang are red, and the word "Kendall" is written in black, which aligns with local stakeholders' desire for the use of gray, white, black, and red.

Compliance with Illumination Standards. There is no apparent Code provision that specifically regulates illumination of interior lighting. The Applicant is proposing illumination internal to the Entrance Portal—not an illuminated sign or the illumination of outdoor recreational facilities. Even so, the Applicant's proposal complies with illumination standards applicable to other design features as set out in Code Divisions 7.14 and 5.25. Further, the proposed portal has a maximum of 30 candela at the face of the portal and 1 candela within 20' of the portal, with no light leakage at or over the property line. See Exhibit E, CLI Design and ML Engineering and Inspections Services Letter.

Division 7.14 of the Code regulates the illuminated signs. While the entrance portal is not an illuminated sign, the existing Toyota sign will be illuminated by interior lighting. Division 7.14 expressly provides that the signs may be illuminated by interior lighting. The Entrance Portal does not provide any "indirect lighting from any external source", all lighting is interior to the portal. No indirect lighting from any external source will shine directly on adjacent property, signage, motorist or pedestrians, or illuminate an area greater than the area occupied by the permitted signage. See Exhibit F, Photometric Plan.

Division 5.25 of the Code regulates outdoor recreational area lighting. It provides that lighting shall be designed so that any overspill of lighting onto adjoining properties or street rights-of-way shall not exceed 0.5 foot candle vertically or horizontally and shall not cause any reflected illumination onto the adjacent properties, structures, or rights-of-way. As evidence by the accompanying photometric plan, the Applicant's proposed illuminated interior lighting does not overspill at more than 0.5 foot candle vertically or horizontally onto adjoining properties or street rights-of-way and does not cause any reflected illumination onto adjacent properties, structures, or rights-of-way in compliance with Division 5.25 of the Code.

Based on the forgoing, we respectfully request your expeditious review and scheduling this application for a final determination of "architectural harmony" from the Village Council pursuant to Code Division 5.19(a) to allow the issuance of Permit No. EL2020-0540 and consequently the illumination of the Entrance Portal at the Property. Should you have any questions, comments, or require additional information, please do not hesitate to phone me at (305) 377-6227.

Very truly yours,



Melissa Tapanes Llahues

CC: Lori Bean
Chris Roberts
Orlando Sharpe
David Butter



VILLAGE OF PINECREST, FLORIDA
VILLAGE COUNCIL

DEVELOPMENT ORDER

HEARING NUMBER: 2017-0718-3

APPLICANT: KENDALL IMPORTS, LLC, G.F.B. ENTERPRISES, LLC
& M/M MICHAEL STAHL

HEARING DATE: JULY 18, 2017

RELIEF SOUGHT: CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF
EXISTING TOYOTA SERVICE GARAGE APPROXIMATELY 93.3'
TO THE SOUTH AND 34.0' TO THE EAST; SITE DEVELOPMENT
PLAN TO ALLOW EXPANSION OF EXISTING TOYOTA
SERVICE GARAGE; AND MODIFICATION OF THE RECORDED
DECLARATION OF RESTRICTIONS TO REFLECT REVISED
SITE DEVELOPMENT PLAN AND EXPANSION OF TOYOTA
SERVICE GARAGE

LOCATION: 10943 PINECREST PARKWAY (#2050100000080)

The request for approval of a request filed by the "Applicant" came to be heard before the Village Council of the Village of Pinecrest, Florida (the "Village Council") at a public hearing held on July 18, 2017. The Village Council having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant and their representative, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations adopted by the Village of Pinecrest, Florida.
2. The Applicant has established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby granted subject to the conditions included in Paragraph 6 of this approval.
4. This Order shall take effect immediately upon execution by the Village Clerk.
5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.

6. The Village Council hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:
- a) The Applicant shall comply with all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
 - b) The Applicant shall comply with all terms, conditions and provisions imposed by the Village Council, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
 - c) This approval is conditioned upon the following:

Conditional Use Permit

- Approval of the proposed amendment to the Future Land Use Map of the Village's Comprehensive Development Master Plan.
- Approval of the proposed amendment of the Official Zoning Map of the Village of Pinecrest.
- Maintenance of the existing landscape buffers and masonry walls located adjacent to the eastern and southern property lines.
- Treatment of any new or remodeled automotive service garages and buildings with sound absorbing and attenuation materials as necessary to minimize noise impacts on adjoining residential properties and achieve and maintain compliance with determined decibel levels.
- Enhancement of the existing landscape buffer adjacent to the eastern and southern property boundaries and maintenance of the buffers consistent with the Declaration of Restrictions and with the submitted landscape plans prepared by Rosenberg Gardner Design, dated July 5, 2017.
- Maintenance of the existing masonry walls adjacent to the southern and eastern boundaries of the subject property consistent with the Declaration of Restrictions.

Site Development Plan

- Approval of the proposed preliminary subdivision plat.
- Approval and recording of the final subdivision plat, unless construction is otherwise proposed to occur as permitted with approval of the proposed preliminary plat in compliance with Miami-Dade County Platting Requirements; and execution of a covenant in lieu of unity of title prior to issuance of building permits for vertical construction.
- Review and approval of submitted plans by the Miami Dade County Department of Regulatory and Economic Resources, including the Division of Environmental Resources Management; Miami-Dade County Public Works Department; the Florida Department of Transportation; and the Florida Department of Environmental Protection or authorized agency prior to the issuance of building permits.
- Final approval of plans by the Miami-Dade County Fire and Rescue Department prior to the issuance of building permits.
- Approval of the proposed modified Declaration of Restrictions by the Village Council; review and approval of the modified Declaration of Restrictions by the Village Attorney; and subsequent recording of the approved Declaration in the Public Records of Miami-Dade County prior to issuance of building permits.
- Review and approval of a stormwater management plan by the Building and Planning Department prior to issuance of building permits.
- Approval of an NPDES stormwater permit from the Florida Department of Environmental Protection or authorized agency prior to issuance of building permits.

- Approval of a demolition permit prior to any removal of asphalt or any other demolition on site.
- Submittal of a performance bond to the Village of Pinecrest prior to the issuance of building permits, subject to review and approval by the Public Works Director, in an amount sufficient to pay for the cost of removal of the pavement adjacent to SW 110 Street and restoration to sod and landscaping as indicated on submitted plans.
- Compliance with all requirements of the Village of Pinecrest, including the Pinecrest Code of Ordinances, Land Development Regulations and Comprehensive Development Master Plan.
- Approval of all required building permits prior to commencement of any interior remodeling.
- Review and approval of the proposed traffic circulation by Miami-Dade County Traffic Engineering Division prior to issuance of building permits.
- Submittal of a letter of compliance from a registered engineer or architect following installation of new exterior lighting stating that the lights have been installed, shielded from glare, and inspected under operating conditions and found to be consistent with all lighting and photometric requirements of the Village of Pinecrest.
- Submittal of a letter of compliance from a registered sound engineer following installation of the 2-bay car wash and equipment stating that the facility has been inspected under operating conditions with all drying blowers operational and that noise levels and impacts of the noise and equipment under operating conditions are consistent with the sound and noise restrictions of the Village of Pinecrest's Code of Ordinances. Such letter of compliance shall be required and submitted prior to deployment of the car wash and prior to issuance of a certificate of occupancy for the car wash by the Village of Pinecrest.
- Architectural design of the entrance "portal" shall be designed to be consistent with the architectural design standards of the Village's Land Development Regulations and Pinecrest Parkway (US1) Corridor Plan and shall be reviewed and approved separately by the Administrative Official.

Amended Declaration of Restrictions

- Reinstatement of Condition 12 of the Declaration of Restrictions for the subject property as recorded in the Public Records of Miami-Dade County on December 20, 2001.
- Review and approval of the Declaration of Restrictions by the Village Attorney and subsequent recording of the approved Declaration in the Public Records of Miami-Dade County prior to submittal of the final subdivision plat.

d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.

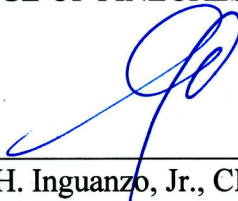
7. The public record, including but not limited to the Village Council and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the Village Council, along with sworn testimony and evidence established before the Village Council are hereby incorporated by reference.

PASSED AND ADOPTED this 18th day of July, 2017 by the Village Council as follows:

Councilmember Ball	Aye
Councilmember Hochkammer	Aye
Councilmember McDonald	Aye
Vice Mayor Kraft	Aye
Mayor Corradino	Aye

EXECUTED this 8th day of August, 2017.

VILLAGE OF PINECREST, FLORIDA



Guido H. Inguanzo, Jr., CMC
Village Clerk

Office of the Village Clerk

This document supersedes and replaces the Development Order recorded in Book 30657 Pages 4204-4207, which has no further force and effect.

Revised March 19, 2018 to provide correct applicant names and property folio numbers.



VILLAGE OF PINECREST, FLORIDA
VILLAGE COUNCIL

DEVELOPMENT ORDER

HEARING NUMBER: 2017-0718-3

APPLICANT: BFI PINECREST, LLC AND GFB ENTERPRISES LLC

HEARING DATE: JULY 18, 2017

RELIEF SOUGHT: CONDITIONAL USE PERMIT TO ALLOW EXPANSION OF EXISTING TOYOTA SERVICE GARAGE APPROXIMATELY 93.3' TO THE SOUTH AND 34.0' TO THE EAST; SITE DEVELOPMENT PLAN TO ALLOW EXPANSION OF EXISTING TOYOTA SERVICE GARAGE; AND MODIFICATION OF THE RECORDED DECLARATION OF RESTRICTIONS TO REFLECT REVISED SITE DEVELOPMENT PLAN AND EXPANSION OF TOYOTA SERVICE GARAGE

LOCATION: 10943 PINECREST PARKWAY

The request for approval of a request filed by BFI Pinecrest, LLC and GFB Enterprises LLC (the "Applicant") came to be heard before the Village Council of the Village of Pinecrest, Florida (the "Village Council") at a public hearing held on July 18, 2017. The Village Council having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant and their representative, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations adopted by the Village of Pinecrest, Florida.
2. The Applicant has established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby granted subject to the conditions included in Paragraph 6 of this approval.
4. This Order shall take effect immediately upon execution by the Village Clerk.
5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.

6. The Village Council hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:

- a) The Applicant shall comply with all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
- b) The Applicant shall comply with all terms, conditions and provisions imposed by the Village Council, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
- c) This approval is conditioned upon the following:

Conditional Use Permit

- Approval of the proposed amendment to the Future Land Use Map of the Village's Comprehensive Development Master Plan.
- Approval of the proposed amendment of the Official Zoning Map of the Village of Pinecrest.
- Maintenance of the existing landscape buffers and masonry walls located adjacent to the eastern and southern property lines.
- Treatment of any new or remodeled automotive service garages and buildings with sound absorbing and attenuation materials as necessary to minimize noise impacts on adjoining residential properties and achieve and maintain compliance with determined decibel levels.
- Enhancement of the existing landscape buffer adjacent to the eastern and southern property boundaries and maintenance of the buffers consistent with the Declaration of Restrictions and with the submitted landscape plans prepared by Rosenberg Gardner Design, dated July 5, 2017.
- Maintenance of the existing masonry walls adjacent to the southern and eastern boundaries of the subject property consistent with the Declaration of Restrictions.

Site Development Plan

- Approval of the proposed preliminary subdivision plat.
- Approval and recording of the final subdivision plat, unless construction is otherwise proposed to occur as permitted with approval of the proposed preliminary plat in compliance with Miami-Dade County Platting Requirements; and execution of a covenant in lieu of unity of title prior to issuance of building permits for vertical construction.
- Review and approval of submitted plans by the Miami Dade County Department of Regulatory and Economic Resources, including the Division of Environmental Resources Management; Miami-Dade County Public Works Department; the Florida Department of Transportation; and the Florida Department of Environmental Protection or authorized agency prior to the issuance of building permits.
- Final approval of plans by the Miami-Dade County Fire and Rescue Department prior to the issuance of building permits.
- Approval of the proposed modified Declaration of Restrictions by the Village Council; review and approval of the modified Declaration of Restrictions by the Village Attorney; and subsequent recording of the approved Declaration in the Public Records of Miami-Dade County prior to issuance of building permits.
- Review and approval of a stormwater management plan by the Building and Planning Department prior to issuance of building permits.
- Approval of an NPDES stormwater permit from the Florida Department of Environmental Protection or authorized agency prior to issuance of building permits.

- Approval of a demolition permit prior to any removal of asphalt or any other demolition on site.
- Submittal of a performance bond to the Village of Pinecrest prior to the issuance of building permits, subject to review and approval by the Public Works Director, in an amount sufficient to pay for the cost of removal of the pavement adjacent to SW 110 Street and restoration to sod and landscaping as indicated on submitted plans.
- Compliance with all requirements of the Village of Pinecrest, including the Pinecrest Code of Ordinances, Land Development Regulations and Comprehensive Development Master Plan.
- Approval of all required building permits prior to commencement of any interior remodeling.
- Review and approval of the proposed traffic circulation by Miami-Dade County Traffic Engineering Division prior to issuance of building permits.
- Submittal of a letter of compliance from a registered engineer or architect following installation of new exterior lighting stating that the lights have been installed, shielded from glare, and inspected under operating conditions and found to be consistent with all lighting and photometric requirements of the Village of Pinecrest.
- Submittal of a letter of compliance from a registered sound engineer following installation of the 2-bay car wash and equipment stating that the facility has been inspected under operating conditions with all drying blowers operational and that noise levels and impacts of the noise and equipment under operating conditions are consistent with the sound and noise restrictions of the Village of Pinecrest's Code of Ordinances. Such letter of compliance shall be required and submitted prior to deployment of the car wash and prior to issuance of a certificate of occupancy for the car wash by the Village of Pinecrest.
- Architectural design of the entrance "portal" shall be designed to be consistent with the architectural design standards of the Village's Land Development Regulations and Pinecrest Parkway (US1) Corridor Plan and shall be reviewed and approved separately by the Administrative Official.

Amended Declaration of Restrictions

- Reinstatement of Condition 12 of the Declaration of Restrictions for the subject property as recorded in the Public Records of Miami-Dade County on December 20, 2001.
- Review and approval of the Declaration of Restrictions by the Village Attorney and subsequent recording of the approved Declaration in the Public Records of Miami-Dade County prior to submittal of the final subdivision plat.

d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.

7. The public record, including but not limited to the Village Council and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the Village Council, along with sworn testimony and evidence established before the Village Council are hereby incorporated by reference.

PASSED AND ADOPTED this 18th day of July, 2017 by the Village Council as follows:

Councilmember Ball	Aye
Councilmember Hochkammer	Aye
Councilmember McDonald	Aye
Vice Mayor Kraft	Aye
Mayor Corradino	Aye

EXECUTED this 8th day of August, 2017.

VILLAGE OF PINECREST, FLORIDA



Guido H. Inguanzo, Jr., CMC
Village Clerk

Office of the Village Clerk

Permits

- Apply / New Permit
- Search Permit
- Pay Fees

Projects

- Search Projects
- Pay Fees

Properties

- Search Property

Inspections

- Schedule
- Scheduled

License

- Search Licenses
- Pay Fees

Violations

- Search
- Pay Fees

CRM

- Report Issue
- Search Issues

Shopping Cart

- Pay All Fees
- Paid Items

Contact

- Contact us

Permit Search

Search By: PERMIT NUMBER Contains BL2016-1028 SEARCH

Search Results

PERMIT NUMBER
<u>BL2016-1028</u>

Permit #BL2016-1028

Inspections

Permit Info Site Info Contacts (3) Fees \$423,672.20 Inspections(307)
 Reviews (30)

Type: ALTERATION

Subtype: COMMERCIAL

Short Description: ALT 2 INT. RENOVATION+FACADE IMPROVEMENT

Status: FINALED

Applied Date: 7/13/2016

Approved Date: 9/20/2017

Issued Date: 9/20/2017

Finalized Date: 7/7/2020

Expiration Date:

Notes: (7/12/2018 9:06 AM JC)

Provide special inspector letter for the following items, to comply with Chapter 8 of Miami Dade Code of Ordinances, Sect. 8-22.2:

- Reinforced masonry (FBC 2122.4)
- Soil compaction under slabs on grade.
- Struct. steel connections.
- Curtain wall systems.

Linked Activities:

Permit(s)		
ME2020-0134	MECHANICAL	FINALED
BL2020-0470	WINDOWSDOORS	FINALED
BL2020-0469	WINDOWSDOORS	FINALED
BL2020-0222	SIGNS	FINALED
REV2020-0025	REVISION	FINALED
REV2019-0379	REVISION	FINALED
BL2019-1628	MECHANICAL	FINALED
BL2019-1210	SIGNS	FINALED
REV2019-0181	REVISION	FINALED
REV2019-0156	NEW CONSTRUCTION	FINALED
PW2019-0035	OTHER MISC PW	FINALED
BL2019-0283	TRUSSES	FINALED
REV2019-0035	REVISION	FINALED
EL2019-0059	ELECTRICAL	FINALED
PL2019-0025	PLUMBING	FINALED
REV2018-0492	REVISION	FINALED
BL2018-1947	WINDOWSDOORS	FINALED
EL2018-0581	ELECTRICAL	FINALED

REV2018-0422	REVISION	FINALED
BL2018-1656	DRIVEWAY	FINALED
BL2018-1649	TRUSSES	FINALED
BL2018-1503	OTHER MISC BLDG	FINALED
BL2018-1493	RAILINGS	FINALED
REV2018-0343	NEW CONSTRUCTION	FINALED
BL2018-1379	OTHER MISC BLDG	FINALED
BL2018-1368	SIGNS	FINALED
REV2018-0272	REVISION	FINALED
EL2018-0282	ELECTRICAL	FINALED
BL2018-0869	TRUSSES	FINALED
PW2018-0031	OTHER MISC PW	FINALED
EL2018-0135	ELECTRICAL	FINALED
BL2018-0440	WINDOWSDOORS	FINALED
EL2018-0109	ELECTRICAL	FINALED
BL2018-0368	TRUSSES	FINALED
REV2018-0097	REVISION	FINALED
BL2018-0239	ROOF	FINALED
REV2018-0004	ADDITION	FINALED
ME2017-0323	MECHANICAL	FINALED
ME2017-0322	MECHANICAL	FINALED
PZ2017-0369	TREE REMOVAL	FINALED
PL2017-0531	PLUMBING	FINALED
EL2017-0519	ELECTRICAL	FINALED
REV2017-0355	REVISION	FINALED
BL2016-0857	ALTERATION	WITHDRAWN

Attachments:

10943 S DIXIE HWY - PHASE III - WAITING.LOUNGE 10943 S DIXIE HWY - PHASE III - AREA- TCO .pdf WAITING.pdf
 10943 S DIXIE HWY - CU.doc.pdf 10943 S DIXIE HWY - CU.doc.pdf

The Village of Pinecrest, Florida makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this website indicates understanding and acceptance of this statement.

12645 Pinecrest Parkway Village of Pinecrest, FL 33156

[HOME](#) | [CONTACT](#)

Type: PLANNING

Department: PLANNING

Condition: (8/11/2017 6:22 PM SO)

1. DIVISION 5.22 (D) LAND DEVELOPMENT CODE Lighted off-street parking facilities. All required off-street parking facilities for multiple family residential development and all nonresidential land uses shall install light fixtures which project the light rays directly to the parking surface, and shall include shields which restrict projection or light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. All lighting shall comply with minimum standards and shall not cast more than one-half foot-candle at the property line. Certification from a qualified engineer shall be submitted prior to issuance of a certificate of occupancy.

2. Lexus Logo and "Kendall Toyota" signage indicated on the glass portal are not permitted with this submittal and shall require a separate signage permit from the Village of Pinecrest.

3. Interior lighting of the glass portal has been removed by the project manager and future lighting (exterior lighting or dimmed interior lighting) shall require review and approval by the Building and Planning Department and issuance of a separate electrical permit.

Date Added: 8/11/2017

Date

Required:

Date

Satisfied:

Status:

Remarks:

Div. 9.2 -- sign. Any display of characters, letters, logos, illustrations, or any other ornamentation designed or used as advertisement, announcement or to indicate direction. This term shall not be interpreted to include traffic control devices or warning signs. A sign that is not visible from any nearby public or private property is not a sign subject to regulation under Division 7.



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6227 office

305.377.6222 fax

mtapanes@brzoninglaw.com

July 2, 2021

VIA E-MAIL & HAND DELIVERY

Mr. Stephen Olmsted, AICP
Planning and Zoning Director
Village of Pinecrest
12645 South Dixie Highway
Pinecrest, Florida 33156

RE: Request for Permit No. EL2020-0540 for the Property located at 10943 S. Dixie Highway, Pinecrest, Florida

Dear Mr. Olmsted:

This law firm represents Kendall Imports, LLC (d/b/a Kendall Toyota) (the "Applicant") in connection with the property located at 10943 S. Dixie Highway (the "Property"). We are in receipt of your three comments dated January 19, 2021 in connection with Permit No. EL2020-0540. The purpose of this correspondence is to provide you with a narrative response to these comments and reiterate our request for the Village's approval.

1. Please indicate the intensity of lighting emitted by the portal in candelas per square meter (Cd/M²) in full daylight, and between dusk and dawn.

As confirmed in the attached May 18, 2021 correspondence prepared by CLI Design and ML Engineering and Inspections Services, the proposed portal has a maximum of 30 candela at the face of the portal and 1 candela within 20' of the portal, with no light leakage at or over the property line. See Exhibit A.

Notwithstanding the foregoing, the Applicant is proposing illumination of the entrance portal — not an illuminated sign or the illumination of outdoor recreational facilities. Even so, the Applicant's proposal complies with illumination standards applicable to other design features as set out in Code Divisions 7.14 and 5.25.

- 2. Please add a dimmer switch and switch details and specifications to the proposed lighting circuit to allow consistency with the architectural design standards of the Village's Land Development Regulations and Pinecrest Parkway (US1) Corridor Plan.*

The Toyota entrance portal is a proprietary design. A dimmer switch is neither available or possible. We kindly ask for clarity and specificity of the pertinent architectural design standards of the Village's Land Development Regulations and Pinecrest Parkway (US1) Corridor Plan. Without criteria to satisfy, we respectfully request that this matter be escalated to the Village Manager and/or Village Council for further review.

- 3. Per Development Order 2017-0718-3, the proposed lighting plan, when revised, will be submitted to the Administrative Official (Village Manager) for review.*

Attached, please find the proposed lighting plan for submittal to the Village Manger for review. See Exhibit B.

The Applicant respectfully requests approval of the permit to allow the proposed illuminated entrance portal. There is no apparent Code provision that specifically regulates illumination of interior lighting. The Applicant is proposing illumination of the entrance portal—not an illuminated sign or the illumination of outdoor recreational facilities. Even so, the Applicant's proposal complies with illumination standards applicable to other design features as set out in Code Divisions 7.14 and 5.25.

Division 7.14 of the Code regulates the illuminated signs. While the entrance portal is not an illuminated sign, the existing Toyota sign will be illuminated by interior lighting. Division 7.14 expressly provides that the signs may be illuminated by interior lighting. The entrance portal does not provide any "indirect lighting from any external source", all lighting is interior to the portal. No indirect lighting from any external source will shine directly on adjacent property, signage, motorist or pedestrians, or illuminate an area greater than the area occupied by the permitted signage.

Division 5.25 of the Code regulates outdoor recreational area lighting. It provides that lighting shall be designed so that any overspill of lighting onto adjoining properties or street rights-of-way shall not exceed 0.5 foot candle vertically or horizontally and shall not cause any reflected illumination onto the adjacent properties, structures, or rights-of-way. As evidence by

the accompanying photometric plan, the Applicant's proposed illuminated interior lighting does not overspill at more than 0.5 foot candle vertically or horizontally onto adjoining properties or street rights-of-way and does not cause any reflected illumination onto adjacent properties, structures, or rights-of-way in compliance with Division 5.25 of the Code.

Based on the forgoing, we respectfully request your expeditious review and approval of this permit application. Should you have any questions, comments, or require additional information, please do not hesitate to phone me at (305) 377-6227.

Very truly yours,



Melissa Tapanes Llahues

CC: Chris Roberts
Orlando Sharpe
Cecilia Torres-Toledo

ENVIRONMENTAL

Toyota to Debut Three New Electrified Vehicles for U.S. Market

February 10, 2021



Portfolio will add two Battery Electric Vehicles (BEVs) and a plug-in hybrid (PHEV)

Internal research shows BEV and PHEV models have similar environmental benefits

Latest Environmental Action Plan pursues targets in support of Toyota Environmental Challenge 2050

PLANO, Texas (February 10, 2021) – Toyota Motor North America (TMNA) announced plans to debut in the U.S. market this year, three new electrified models – two BEVs and a PHEV.

“We continue to be leaders in electrification that began with our pioneering introduction of the Prius nearly 25 years ago,” said Bob Carter, TMNA executive vice president of sales. “Toyota’s new electrified product offerings will give customers multiple choices of powertrain that best suits their needs.”

The new electrified models further expand Toyota’s U.S. leadership in alternative powertrain vehicles. Toyota has over 40% share of the total alternative fuel vehicle market, which includes a 75% share of the fuel cell market and a 64% share of hybrids and plug-ins. By 2025, Toyota’s goal is to have 40% of new vehicle sales be electrified models, and by 2030 expects that to increase to nearly 70%.

Globally, Toyota hybrid vehicles sold have avoided an estimated 139 million tons of greenhouse gas (GHG) into the atmosphere. In the U.S., we have avoided approximately 38 million tons of GHG. This achievement is the result of Toyota’s long-standing commitment to the environment and creating a net positive impact on the planet and society.

Between now and 2025, Toyota and Lexus models, globally, will have an electrified option. Toyota is also developing a dedicated BEV platform, e-TNGA, that offers flexibility for all drive configurations. These initiatives are further steps toward achieving the Toyota Environmental Challenge 2050, introduced in 2015, the most demanding and most inspiring environmental commitments Toyota has ever made.

“We believe the fastest way to lower greenhouse gases in the transportation sector is to offer drivers lower carbon choices that meet their needs,” said Gill Pratt, chief scientist of Toyota Motor Corporation and CEO of Toyota Research Institute. “At every price point and with multiple powertrains, we can put more people in cleaner automobiles across North America to have the greatest near-term impact on total carbon emissions.”

Toyota shared highlights of new internal research evaluating the environmental impact and cost of ownership between a PHEV and a BEV. For this research, Toyota created a tool that shows the trade-off between GHG Emissions and Total Cost of Ownership. The source code for this tool is publicly available at carghg.org for others to experiment with the various input parameters and see the movement of BEVs and PHEVs on the GHG and cost plot. The research found:

- GHG of a currently available BEV model and PHEV model are roughly the same in on-road performance when factoring in pollutants created by electricity production for the average U.S. energy grid used to charge batteries.
- Manufacturing is a component of GHG emissions. Using the “Greenhouse gases, Regulated Emissions, and Energy use in Technologies” (GREET) model, researchers found that the production of a PHEV emits less GHG since it uses a smaller, lighter weight battery.
- The PHEV is much less expensive to buy and own, compared to the BEV. Without any incentives, the five-year Total Cost of Ownership (TCO) of a long-range BEV is significantly higher than the PHEV. If you include incentives available this year (2020), the TCO of a long-range BEV is much higher.

The key point is that a BEV and PHEV can provide similar environmental benefits. Each has a unique profile and can be an optimal solution in different circumstances. By having a diversified product portfolio with multiple forms of vehicle electrification, Toyota can let consumers choose the model that best suits their usage needs and cost profile while maximizing the total contribution to GHG reduction.

Toyota’s progress on Challenge 2050 in North America is measured across four key areas – reducing carbon emissions, conserving water, fostering a sustainable supply chain including waste reduction, and protecting biodiversity. Sustainability planning, strategies and actions are driven by an annual North American Environmental Action Plan, with a five-year roadmap modeled to achieve targets in Challenge 2050 and also the United Nations Sustainable Development Goals (SDGs). Toyota is currently targeting:

- Reduction in CO₂ from the company’s operations, products and vehicle lifecycle – including logistics, suppliers and dealers
- Reduction in overall water use per unit of vehicle production by 3% from a 2020 baseline
- Reduction of procurement of plastic packaging materials by 25% from a 2018 baseline
- Development of third party validated onsite habitat management policy by 2021 and begin implementation in 2022.

As proof of its commitment, Toyota recently agreed to purchase power from a future Clearway Energy Group wind farm to reduce its overall carbon footprint from electricity used from the power grid. Toyota also provided an annual update toward having a net positive environmental impact in the [2020 North American Environmental Report](#).

About Toyota

Toyota (NYSE:TM) has been a part of the cultural fabric in the U.S. for more than 60 years, and is committed to advancing sustainable, next-generation mobility through our Toyota and Lexus brands, plus our nearly 1,500 dealerships.

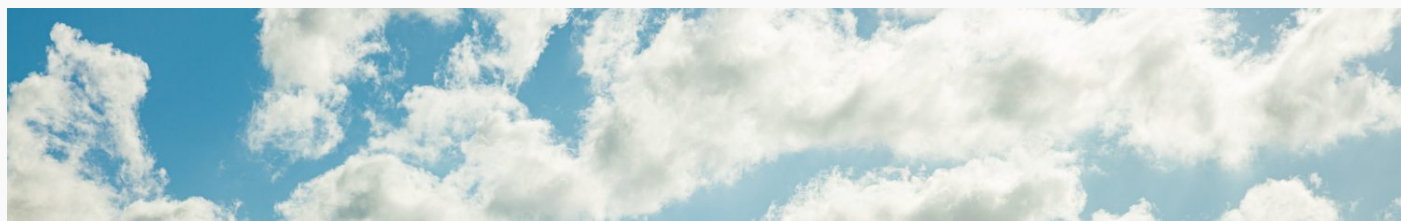
Toyota has created a tremendous value chain and directly employs more than 36,000 in the U.S. The company has contributed world-class design, engineering, and assembly of more than 30 million cars and trucks at our 9 manufacturing plants, 10 including our joint venture in Alabama that begins production in 2021.

To help inspire the next generation for a career in STEM-based fields, including mobility, Toyota launched its virtual education hub at www.TourToyota.com with an immersive experience and chance to visit many of our U.S. manufacturing facilities. The hub also includes a series of free STEM-based lessons and curriculum through Toyota USA Foundation partners, virtual field trips and more. For more information about Toyota, visit www.toyotaneewsroom.com.

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To Whom It May Concern:

Our team at CLI Design as well as the engineering team at ML Engineering and inspections services, LLC. Have confirmed that the Portal Light at the Kendall Toyota does not exceed 9.62 FC (which if converted into candela would be 100 candela)

The only way to measure the light output from a light source or light fixture is by using foot candle readings based on the lumen output of the light source. That foot candle reading is then converted back into candela(s) in order to show the candela totals.

The Kendall Toyota property's portal has a max of 2.9 Fc at the face of the portal and a min of 0.1 within 20' of the portal and 0 FC at the property line. This would mean when converted to Candela, the portal has a max of 30 candela at the face of the portal and 1 candela within 20' of the portal, with no light leakage at or over the property line.

Per our light studies and our site review, this light portal falls within and is under the city requested requirements of the max candela ratio. The drawings and studies have been formally stamped by our engineering firm.

SINCERELY,



FARREN HALCOVICH + MAURICE LORD

