

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z17-169

October 31, 2019

Item No. A

Appeal Application Summary	
Commission District	8
Appellant	Thomas "Jeff" Blakley
Original Applicant (Application #Z17-169)	Estates of Biscayne LLC.
Summary of Request	The appellant is appealing the decision of Community Zoning Appeals Board (CZAB) #14, which approved a district boundary change from AU, Agriculture District and GU, Interim District to EU-M, Single-Family Modified Estate District (Resolution #CZAB14-2-19).
Location	Lying north of SW 288 Street between SW 174 Avenue and SW 172 Avenue, Miami-Dade County, Florida.
Property Size	10 gross acres
Existing Zoning	AU, Agriculture District and GU, Interim District
Existing Land Use	Vacant land
2020 - 2030 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP

This item was deferred from the July 25, 2019 BCC meeting at the request of the appellant. Subsequently, the item was deferred again from the September 26, 2019 BCC meeting due to lack of quorum.

CZAB Action

CZAB 14 April 4, 2019	Approved (Resolution #CZAB14-2-19)
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Staff Recommendation

Recommendation of the Appeal	<u>Denied Without Prejudice</u> (Uphold CZAB decision)
Previous Recommendation to the CZAB	Approval. (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On May 23, 2018, the Community Zoning Appeals Board (CZAB) #14, denied without prejudice the subject application (Resolution #CZAB14-17-18).
2. On May 31, 2018, the applicant, Estates of Biscayne LLC., appealed the CZAB #14 decision to the BCC.

3. On November 15, 2018, the Board of County Commissioners (BCC) remanded the application back to the Community Zoning Appeals Board (CZAB #14), because it was found that the original hearing at CZAB #14 had not been noticed properly. The notice issue was the result of the contiguously owned property not being included as part of the application. The mailed notice radius extends from any contiguously owned property, and not just the subject property alone. By including the contiguously owned property, the mailed notice area increased, therefore, the application had to be re-noticed to include the expanded notice area for hearing before CZAB #14.
4. On April 4, 2019, the Community Zoning Appeals Board (CZAB) #14, approved the subject application (Resolution #CZAB14-2-19).
5. On April 22, 2019, the appellant, Thomas "Jeff" Blakley, appealed the CZAB #14 decision to the BCC.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the CZAB#14 decision for approval should be upheld and the appellants' request for a reversal of the CZAB #14 decision should be **denied without prejudice**.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 14**

PH: Z17-169

April 4, 2019
Item No. A

Recommendation Summary	
Commission District	8
Applicants	Estates of Biscayne LLC.
Summary of Requests	The applicant is seeking to allow a district boundary change from AU, Agriculture District and GU, Interim District to EU-M, Single-Family Modified Estate District.
Location	Lying north of SW 288 Street between SW 174 Avenue and SW 172 Avenue, Miami-Dade County, Florida.
Property Size	10 gross acres
Existing Zoning	AU, Agriculture District and GU, Interim District
Existing Land Use	Vacant land
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
Recommendation	Approval

This application was remanded back to the Community Zoning Appeals Board (CZAB #14) at the November 15, 2018 BCC meeting, because it was found that the original hearing at CZAB #14 was not noticed properly. The notice issue is the result of the contiguously owned property not being included as part of the application. The mailed notice radius extends from any contiguously owned property, and not just the subject property alone. By including the contiguously owned property, the mailed notice area increased, therefore, the application has been re-noticed including the expanded notice area for hearing before CZAB #14. The application was deferred at the February 7, 2019 meeting of Community Zoning Appeals Board (CZAB #14) due to a tied vote (2-2). Subsequently, the application was deferred from the March 14, 2019 meeting due to lack of quorum.

REQUEST:

DISTRICT BOUNDARY CHANGE from AU and GU to EU-M.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The subject property was part of a much larger tract of land (20.74 acres) that, in May 2004, pursuant to Resolution #CZAB14-16-04, was denied for a zone change from AU and GU to EU-M.

The applicant seeks to rezone the 10-gross acre parcel from AU, Agriculture and GU, Interim District to EU-M, Single-family Modified Estate District.

Staff notes that on May 23, 2018, pursuant to Resolution #CZAB14-17-18, the subject application had been denied without prejudice by the Community Zoning Appeals Board (CZAB #14). Subsequently, the applicant, Estates of Biscayne LLC., appealed the CZAB #14 decision to the Board of County Commissioners (BCC). However, at the November 15, 2018 meeting of

the BCC, this application was remanded back to CZAB #14 by the board, because it was found that the original hearing at CZAB #14 was not noticed properly.

NEIGHBORHOOD CHARACTERISTICS		
Zoning and Existing Use		Land Use Designation
Subject Property	AU/GU; vacant land	Estate Density Residential (1 to 2.5 dua)
North	AU; vacant	Estate Density Residential (1 to 2.5 dua)
South	EU-1; single-family residences	Estate Density Residential (1 to 2.5 dua)
East	AU; single-family residences	Estate Density Residential (1 to 2.5 dua)
West	GU; nursery/plant field house	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located lying north of SW 288 Street between SW 174 Avenue and SW 172 Avenue. The subject parcel is in an area surrounded by AU zoned parcels to the north and the east, GU zoned parcel to the west and EU-1 parcels to the immediate south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the entire property under the EU-M zoning regulations, which may bring additional traffic into the area. However, staff notes from the Platting and Traffic Review section of the Department of Regulation and Economic Resources (RER) in their memorandum that the application meets the traffic concurrency criteria and does not exceed the acceptable Level of Service (LOS) in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Estate Density Residential**. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* Staff notes that under the gross acreage of 10 acres, the applicant can develop the parcel with up to 25 residential units, which is the maximum allowed under the density threshold of the CDMP Estate-Density Residential designation on the LUP map.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2030, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The subject property is surrounded by AU zoned parcels to the north and east, GU zoned parcel to the west and EU-1 zoned parcels with single-family residences to the immediate south. Therefore, staff opines that the rezoning of the subject property to the proposed EU-M zoning district would be compatible with the surrounding area, and that approval of the request would

be **consistent** with the density threshold of the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map and CDMP's Land Use Element, **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the 10-acre subject parcel to EU-M, Single-Family Modified Estate District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that the approval of the applicant's request to rezone the property will be **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in memoranda from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Their memorandum also indicates that the proposed development will meet the traffic concurrency criteria for an Initial Development Order. Said memorandum indicates that the proposed development will generate 34 PM daily peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways as specified in the memorandum, dated August 15, 2017. Additionally, staff notes that the memorandum from the Environmental Division of RER indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Staff's research of the area found a similar approval for EU-M zoning in the surrounding area. A large tract of land located just due north of the subject parcel at 28550 SW 172 Avenue was approved pursuant to Resolutions #Z-249-90 and #Z-34-93 to permit a district boundary change from AU to EU-M. Additionally, staff notes that the subject parcel abuts the half-section line roadways SW 288 Street to the south and SW 172 Avenue to the east, and is approximately 2.5 miles west of the intersection of US 1/Miami-Dade Busway and SW 288 Street. As such, staff opines that the approval of the EU-M zoning would be in keeping with the transitional trend of the development as evidenced by similar approvals in the surrounding area, would be **compatible** with same and consistent with the Estate Density Residential land use designation of the CDMP. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval.

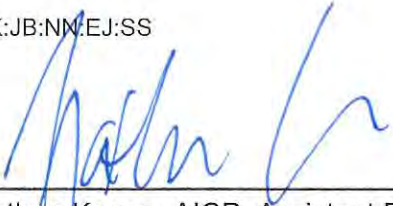
CONDITIONS FOR APPROVAL: None.

Estates of Biscayne LLC.

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NK:JB:NM:EJ:SS



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Estates of Biscayne LLC.
Z17-169

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Water and Sewer Department (WASD)	No objection*
Fire Rescue Department	No objection
Parks, Recreation and Open Spaces	No comments
Police	No comments
Schools	No comments
*Subject to conditions in their memorandum.	

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

Estate Density Residential (Pg. I-29)	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i>
Objective LU-4 (Pg. I-9)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i> (F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which: (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or</i>
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ZONING RECOMMENDATION ADDENDUM

Estates of Biscayne LLC.
Z17-169

	<i>unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
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PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY W AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 4/4/19

BY CZAB # 14



DATE RECEIVED STAMP

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

RE: Hearing No. Z2017000169

Filed in the name of (Applicant) Estates of Biscayne, LLC

Name of Appellant, if other than applicant Thomas "Jeff" Blakley

Address/Location of APPELLANT'S property: 28590 SW 170th Avenue Homestead, FL 33030

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

See attached appeal of the erroneously approved District Boundary Change: AU and GU to EU-M

Appellant (name): Thomas "Jeff" Blakley

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

See attached appeal.

APPELLANT MUST SIGN THIS PAGE

Date: 22nd day of April, year: 2019

Signed _____

Rachel A. Streitfeld, Esq. for Mr. Thomas J. Blakley
Print Name

1455 North Treasure Drive #70 North Bay Village, FL 33141
Mailing Address

(954) 290-8600

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Thomas J. Blakley

Representing

Rachel Streitfeld

Signature

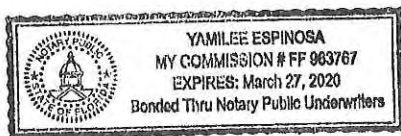
Print Name

1455 N. Treasure Drive #70
Address

North Bay Village FL, 33141
City State Zip

(954) 290-8600
Telephone Number

Subscribed and Sworn to before me on the 22 day of April, year 2019



Notary Public

Yamilee Espinosa

(stamp/seal)

Commission expires: 3/27/2020



APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF _____

COUNTY OF _____

Before me the undersigned authority, personally appeared Rachel A. Streitfeld, Esq. for Mr. Thomas J. Blakley (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

Signature _____

Alejandro Oliva
Print Name

Signature _____

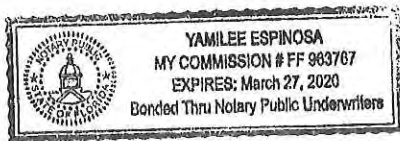
Dicky Gonzalez
Print Name

Appellant's signature _____

Rachel A. Streitfeld, Esq. for Mr. Thomas J. Blakley
Print Name

Sworn to and subscribed before me on the 22 day of April, year 2019.

Appellant is personally know to me or has produced FL D License as identification.



Notary _____

(Stamp/Seal)

Yamilee Espinosa

Commission Expires: 3/27/2020



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MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
BY: FURNEYS

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS

LOWER TRIBUNAL:
REDLAND COMMUNITY COUNCIL,
AREA 14

APPLICATION Z2017000169

THOMAS "JEFF" BLAKLEY

Appellant,

vs.

MIAMI-DADE COUNTY
REDLAND COMMUNITY COUNCIL,

Appellee.

_____ /

**APPEAL ON BEHALF OF THOMAS "JEFF" BLAKLEY OF THE REDLAND
COMMUNITY COUNCIL'S ERRONEOUS APPROVAL OF ESTATES OF BISCAYNE**

I. STATEMENT OF THE CASE AND FACTS

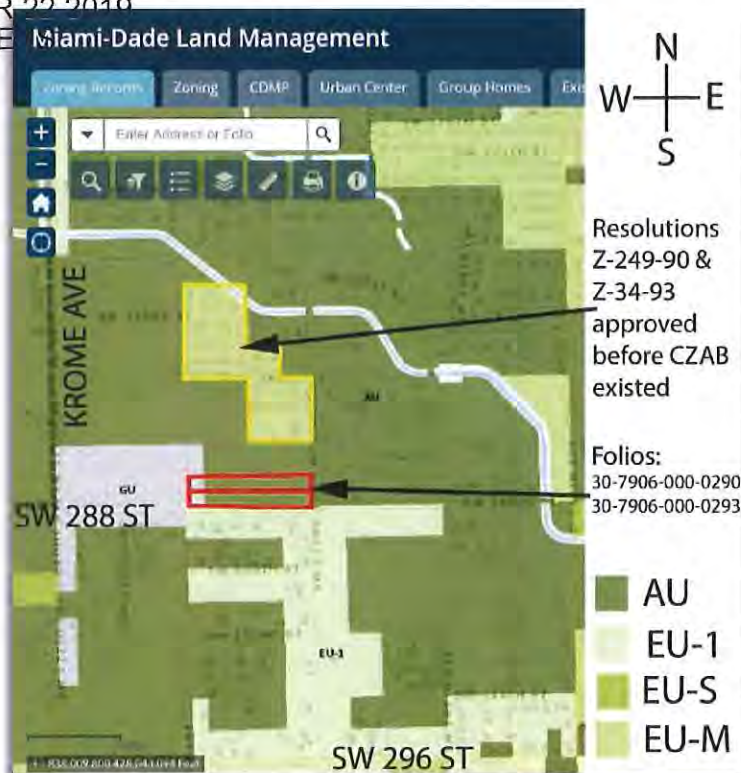
The appellant, Mr. Thomas "Jeff" Blakley ("Mr. Blakley"), requests that the Miami-Dade County Board of County Commissioners (the "Commission") deny the Estates of Biscayne application for a District Boundary Change from AU and GU to EU-M ("Estates of Biscayne" or "Application") with prejudice for three reasons. First, the Application, having been previously denied by the Redland Community Council ("CC14"), is barred from approval by the doctrine of *administrative res judicata*. Second, the Application was not approved based on substantial competent evidence; and finally, because the procedural history of the Application resulted in an abuse of process. For the reasons further described below, Mr. Blakley requests that this Commission deny the Application with prejudice.

A. The Property and the Parties

The subject property of the Application is ten acres of agricultural land in southwest Miami-Dade County at the intersection of SW 288th Street and SW 172nd Avenue in The Redland. The property is owned by Estates of Biscayne, LLC, of which Mr. Lewis Swezy is the registered agent and manager. Mr. Swezy also owns a separate ten-acre parcel not part of the Application, through his corporation, Estates of Biscayne, Inc. The second ten-acre parcel owned by Estates of Biscayne, Inc. is immediately to the north of and abutting the subject property of the Application.

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In 2004, Mr. Swezy applied for and was denied a District Boundary Change to EU-M for the entirety of his twenty acres at SW 288th Street and SW 172nd Avenue. This image depicts the zoning designations and boundaries in the area, with the site of the Application highlighted in red.

Mr. Blakley resides at 28590 SW 170th Avenue within the immediate vicinity of Estates of Biscayne and has voiced his opposition to the Application since its initial submittal in 2004. Mr. Blakley is the formal appellant here. However, he is supported by dozens of neighbors who attended numerous public hearings before CC14 and the Commission.

The neighbors mobilized against the Application to preserve the character of The Redland and to present a united front requesting a compromise of Mr. Swezy. Since 2004 and consistently throughout the recent public hearings on the Application, Mr. Blakley and his neighbors requested a District Boundary Change to EU-1 instead of EU-M. The neighbors utilized a Facebook group, made telephone calls, knocked on each other's doors, and coordinated a petition mail-in campaign to demonstrate their opposition to EU-M zoning at the Estates of Biscayne site. Indeed, when the Application came before CC14 on February 7, 2019, 138 protests and 0 waivers were recorded. An additional 91 signatures were gathered via petition in opposition to the Application following that meeting and are attached hereto as Exhibit "A".

A. Procedural History

1. **2004 Application for 20 Acres Denied by CC14 and Commission**

On May 11, 2004, CC14 denied application Z2003000222, which was a request for a District Boundary Change from AU and GU to EU-M. The site of application Z2003000222 was the 20 acres of agricultural land at the corner of SW 288th Street and SW 172nd Avenue owned by Estates of Biscayne, Inc. On December 16, 2004 – after numerous deferrals – the Commission affirmed the CC14 and denied the District Boundary Change for Mr. Swezy's property without prejudice. The southern half of the site denied in that application is the ten-acre site of the subject Application. The image below shows the procedural history of the 2004 application.

BRIGHT SIDE LEGAL

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2. 2017 Application for 10 Acres Denied, Appealed, Remanded

On June 16, 2017, Estates of Biscayne LLC submitted the current Application for a District Boundary Change from AU and GU to EU-M for the southern half of Mr. Swezy's property at the corner of SW 288th Street and SW 172nd Avenue. Unlike the 2004 application to rezone all twenty acres, the subject Application was allegedly intended to rezone only the southern ten acres. The following paragraphs describe what occurred during four public hearings before CC14, all of which were heavily attended by neighbors in opposition to the Application.

a. The Neighbors Opposed the Application at Four CC14 Hearings

CC14 heard the Application on November 30, 2017. Due to numerous objections and requests for EU-1 zoning by neighbors - including Mr. Blakley, the Application was deferred. On February 13, 2018, Mr. Blakley, represented by counsel, again proffered a compromise at EU-1. Other neighbors also spoke against the Application and reiterated their requests for EU-1 zoning. The Motion Slip from the February 13, 2018 CC14 hearing is part of the official record, and it states the following as the reason to defer the Application with leave to amend: "to allow the applicant to meet with neighbors and modify request to EU-1 in lieu of EU-M." However, on April 18, 2018, the Application was not modified. Despite the clear instructions provided on February 13, the applicant did not amend his Application to request EU-1. The April 18, 2018 CC14 hearing resulted in another deferral to allow for review of a proffered covenant. Finally, on May 23, 2018, CC14 denied the Application without prejudice.

b. On Appeal, the Flawed Application Was Remanded Back to CC14

The applicant appealed to the Commission, and was heard on November 15, 2018. However, due to oversight of the applicant, the folio number provided on the Application described the northern half of Mr. Swezy's property, while the legal description provided matched that of the southern portion of same. This error went unnoticed until the Application made its way – on appeal by the applicant – to the Commission on November 15, 2018. That day, counsel for Mr. Blakley advised the County Attorney, Mr. Dennis Kerbel, and the Assistant Director of Development Services, Mr. Nathan Kogon, that the property described in the subject Application erroneously included all twenty acres of Mr. Swezy's land at the corner of SW 288th Street and SW 172nd Avenue. The Commission, advised by counsel, determined that a new application for the correctly described property must be submitted and a new hearing must be held before CC14.

3. Following Three More CC14 Hearings, The Application is Erroneously Approved

Board	Resolution	Result	Hearing Date
BCC	Z4304	APPEAL DENIED, APPLICATION DENIED	12/16/2004
BCC		DEFERRED TO DATE CERTAIN	10/07/2004
BCC		DEFERRED TO DATE CERTAIN	07/29/2004
C14	CZAB141604	DENIED WITHOUT PREJUDICE	05/11/2004
C14		DEFERRED TO DATE CERTAIN	04/14/2004
C14		DEFERRED TO DATE CERTAIN	02/11/2004

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DATE: APR 22 2019
BY: FURNEYS

a. Two More Deferrals

Dozens of neighbors attended the February 7, 2019 public hearing on Estates of Biscayne before CC14, anticipating that CC14 would deny the Application as it had previously done. However, following public comment, CC14 engaged in a fascinating discussion that shed light on the fatigue surrounding the Estates of Biscayne application, and general feelings of frustration and inefficacy on the part of CC14 councilmembers.¹ After commenting about the Commission's likelihood of overturning the decision of CC14, Councilmember Lara made a motion to approve the Application. Her motion was mildly debated, and CC14 vote 2-2, resulting in another deferral of the Application. On March 14, 2019, CC14 did not meet due to lack of quorum. Again, dozens of neighbors attended this hearing to persuade CC14 to deny the Application only to have their time wasted.

b. The Application is Erroneously Approved at a Sham Hearing

On April 4, 2019, the CC14 meeting was "standing room only." Whereas during the previous



six public hearings, supporters of Estates of Biscayne were limited to Mr. Swezy and his business associates and family members, the room was packed with individuals wearing matching t-shirts: "I Support Biscayne Estates." Based on information and belief, these "supporters" know nothing about Estates of Biscayne, do not live in the immediate vicinity, have no interest in the Application, and were paid to attend the CC14 hearing as part of an "astro-turf" strategy on the part of the applicant.² These "supporters" also submitted written petitions, providing their names and addresses. Exhibit B to

this appeal is a table with petitioner data, demonstrating that Mr. Swezy's "supporters" live miles away from the subject property in a few multifamily residential buildings. The image to the left demonstrates the scene on April 4, 2019 fifteen minutes before the start of CC14's seventh scheduled meeting on the Application.

The applicant's representative, attorney Jeffrey Bercow, made a brief presentation, during which he acknowledged that the Application had not changed and that there was no new information to present about Estates of Biscayne. This firm, representing Mr. Blakley's interests and speaking as the informally authorized representative of the neighbors, reminded CC14 that they previously denied the Application and had no new information to justify approving it. A final request was made for EU-1 zoning. Ultimately, CC14 approved the Application. The table below presents the changes in CC14 councilmember votes over time from initial denial of the Application to final approval. No

¹ Transcripts from the February 7 and April 4 hearings are forthcoming.

² "Astroturf" in this context refers to creating the impression of public support by paying people in the public to pretend to support something. It is the opposite of "grassroots", which is genuine public support of an issue. See www.urbandictionary.com.

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BY: FURNEYS

additional facts about the property, proffered covenants, or the Application itself were provided on the record to inform the changes in the votes pictured below.

Councilmember	May 23, 2018	February 7, 2019	April 4, 2019
Dufek	Deny	Recused	Recused
Lara	Deny	Approve	Approve
Waters	Deny	Deny	Deny
Bell	Deny	Approve	Approve
Chairman Lawrence	Approve	Deny	Approve

I. ARGUMENT

A. Administrative Res Judicata Renders the April 4th Approval by CC14 Invalid

The doctrine of administrative res judicata describes the concept of claim preclusion as applied to administrative decisions, and is firmly entrenched as part of the decisional law of the State of Florida in relation to zoning cases. *See Wager v. City of Green Cove Springs*, 261 So.2d 827 (Fla.1972); *City of Miami Beach v. Prevatt*, 97 So.2d 473 (Fla.1957); *Burger King Corporation v. Metropolitan Dade County*, 349 So.2d 210 (Fla.3d DCA 1977); *Taub v. Metropolitan Dade County*, 296 So.2d 566 (Fla.3d DCA 1974); *Baker v. Metropolitan Dade County*, 296 So.2d 544 (Fla.3d DCA 1974); *Metropolitan Dade County v. Crowe*, 296 So.2d 532 (Fla.3d DCA 1974); *Metropolitan Dade County Board of County Commissioners v. Rockmatt Corporation*, 231 So.2d 41 (Fla.3d DCA 1970); *Coral Reef Nurseries, Inc. v. Babcock Co.*, 410 So.2d 648 (Fla. App., 1982). In layman's terms, the doctrine prevents an applicant from getting a "second bite at the apple."

Administrative res judicata applies to the subject Application: the doctrine is applicable to decisions dealing with zoning regulations unless it can be shown that since the earlier ruling thereon there has been a substantial change of circumstances relating to the subject matter with which the ruling was concerned, sufficient to prompt a contrary determination. *See Metropolitan Dade County Board of County Commissioners v. Rockmatt Corporation*, supra, 231 So.2d at 44. Because CC14 voted to deny Estates of Biscayne and then subsequently, to approve same – there being no changes in the Application and no changes in surrounding circumstances to merit as such – *administrative res judicata* prohibits the April 4, 2019 approval. CC14 was legally compelled, in the absence of such changes, to vote the same way on April 4, 2019 as it had on May 23, 2018: CC14 should have denied the Application.

B. The Application is Not Supported by Substantial Competent Evidence

The Miami-Dade County RER staff report is favorable to the application, however it provides no competent substantial evidence to support same. The report issues conclusory statements as to the District Boundary Change's compatibility with the surrounding neighborhood, and provides the factually correct consistency between the requested EU-M designation with the Miami-Dade County Future Land Use Map. Nevertheless, Mr. Blakley points to the image on page 2 of this appeal. The entire area surrounding Estates of Biscayne is zoned Agricultural or EU-1. The only exception is an EU-M development that was approved in 1990 and 1993 before the establishment of Community Councils. Additionally, the record transcripts from the May 23, 2018, February 7, 2019, and April 4, 2019 hearings on the Application include numerous comments from CC14 councilmembers that suggest inappropriate consideration of the Application resulting in vote inconsistencies. The table

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provided above demonstrates those inconsistencies. Mr. Blakley does not make accusations of foul play in this appeal, however no basis in competent substantial evidence was provided on the record for the Application's ultimate approval.

C. Multiple Deferrals Resulted in an Abuse of Process

Mr. Blakley and his neighbors were compelled to attend eight public hearings on the subject of Estates of Biscayne between November, 2017 and April, 2019. The applicant, when faced with opposition, continuously requested deferrals on the basis of a desire to meet with the neighbors and come to a compromise. However, no such compromise was made, as Mr. Swezy refused to amend his District Boundary Change request to EU-1. Month after month, between November, 2017 and April, 2019, the neighbors were forced to show up at CC14 meetings to voice their opposition to ensure the Application would not be approved. Month after month, the Application was deferred without posting new notice of the Application. Even after CC14 denied the Application in May, 2018, the neighbors were still called upon to demonstrate their opposition because they believed that in their absence, the Application would be erroneously approved. Indeed, as soon as the applicant launched his astroturf campaign, CC14 gave Estates of Biscayne the green light it had been waiting for.

II. CONCLUSION

Mr. Blakley requests that the Commission deny the Application with prejudice because CC14 should never have approved same after it was initially denied. The applicant is not entitled to another bite at the apple, especially when the circumstances compelling the second round of CC14 hearings arose due to the applicant's and the County's own error. The Application for a District Boundary Change to EU-M is inconsistent with the surrounding area, which is almost exclusively zoned Agricultural and EU-1. Finally, the regular, almost monthly deferrals of Estates of Biscayne created a situation whereby Mr. Blakley and his neighbors were gravely disserved. They attended eight public hearings to ensure their voices were heard, and in the end, their voices were drowned out by out-of-area members of the general public standing in as sincere supporters. The manipulation of the public hearing process on this Application merits a denial of same, and *administrative res judicata* compels it. Please deny the Estates of Biscayne application with prejudice.

Respectfully submitted this 22nd day of April, 2019.

/s/ Rachel Streitfeld

RACHEL A. STREITFELD, ESQ.

Florida Bar No. 127211

Bright Side Legal

1455 North Treasure Drive, Suite 70

North Bay Village, Florida 33141

(954) 290-8600

rachel@brightsidelegalfl.com

Attorney for Mr. Thomas "Jeff" Blakley

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Exhibit "A"

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PETITION

HEARING NUMBER: Z2017000169

APPLICANT NAME: ESTATES OF BISCAYNE, LLC

LOCATION: Lying north of S.W. 288 Street, between S.W. 172 Avenue and S.W. 174 Avenue, Miami-Dade County, FL.

PROPERTY SIZE: 10 Acres

DISTRICT BOUNDARY CHANGE from AU (agricultural) to EU-M (estate use single-family residential, minimum 15,000 sq. ft.)

HEARING DATE: March 14, 2019, 6:00 p.m., in the Community Room of the Palmetto Golf Course, 9300 S.W. 152 St., Miami, FL.

We, the undersigned residents of Dade County, more specifically the Redland Edge area and the surrounding neighborhood, request the denial of the application for a zoning change from agricultural district (AU) to builder's half acre residential (EU-M)

NAME	PRINT NAME	ADDRESS
<u>Lorian Mallory Jr.</u>		<u>27800 SW 174 Ave Homestead, FL 33031</u>
<u>Jeanette T. Mallory</u>		<u>27800 SW 174 Ave Homestead, FL 33031</u>
<u>Dornercha Mallory</u>		<u>27800 SW 174 Ave Homestead, FL 33031</u>
_____		_____
_____		_____
_____		_____

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NAME	PRINT NAME	ADDRESS
KYLE L. NAVE	Kyle L. Nave	17020 SW 280th ST
WILLIAM D. SMITH	William D. Smith Jr.	17020 SW 280th ST
Gas Villagran	Gas Villagran	28004 SW 169th CT

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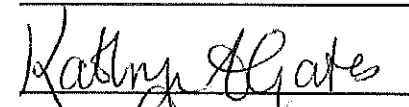
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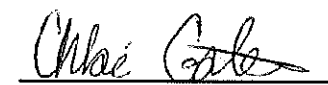
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NAME	PRINT NAME	ADDRESS
	RUSSELL I. GATES	28400 SW 170 AVE 33030

	KATHRYN GATES	28400 SW 170 th AVE 33030
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	CHLOE GATES	28400 SW 170 th Ave. 33030
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	James Gates	28400 SW 170 th Ave 33030
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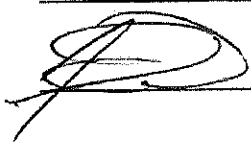
PRINT NAME

ADDRESS



Ida Gilbert

18560 SW 295th TERR.
Homestead, FL 33030



Juan Rene Said

27245 SW 165 AV
Homestead FL 33031

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NAME

PRINT NAME

ADDRESS

William Barrows WILLIAM BARROWS 27441 S.W. 165 AVENUE

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NAME

PRINT NAME

ADDRESS

Ken McLeod

Kevin McLeod

15250 SW 269 TER HOMESTEAD FL 33032

Barbara Soto

[Signature]

25955 SW 152 CT, Homestead, FL, 33032

Yael Oliver

[Signature]

15251 SW 269 TR HOMESTEAD 33032

MERCEDES #2901 ERDO MT,

15251 SW 269 TERRA

33032

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NAME

PRINT NAME

ADDRESS

Hugo Mo		
<i>Hugo R. Morison</i>	Hugo R. Morison	27401 SW 165 AVE Homestead, FL 33031
<i>MIRLA MOREJON</i>	Mirila Morison	27401 S.W. 165 AVE Homestead, FL 33031
<i>Kanne Cravens</i>	Kanne Cravens	27420 SW 165 Ave Homestead, FL 33031
<i>Leon Cravens</i>	Leon Cravens	27420 SW 165 Ave Homestead, FL 33031
<i>Jessica Cravens</i>	Jessica Cravens	27420 SW 165 Ave Homestead, FL 33031
<i>Vicky Gonzalez</i>	Vicky Gonzalez	27201 S.W. 165 Ave Homestead, FL 33031
<i>Donald Daigle</i>	Donald Daigle	27201 S.W. 165 Ave Homestead, FL 33031

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NAME	PRINT NAME	ADDRESS
<i>Elena Espinosa</i>	ELENA ESPINOSA	28104 SW 168 Ct. HOMESTEAD FL 33030
<i>Alfredo Espinosa</i>	ALFREDO ESPINOSA	 28104 S.W. 168 Ct. HOMESTEAD, FL 33030

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NAME

PRINT NAME

ADDRESS

~~Juan R. Peraza~~ ~~Juan R. Peraza~~ ~~17060 SW 280 ST~~
Juan R. Peraza Juan R. Peraza 17060 SW 280 ST
Marra D. Neyra Marra D. Neyra 17060 SW 280 ST
Manuel Neyra Manuel Neyra 17060 SW 280 ST
Manu Neyra

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NAME	PRINT NAME	ADDRESS
 Brian Riekers		27470 SW 172 Ave Fl 33031 ^{Homestead}
 ANDRES GUERRA		27470 SW 172 Ave 33031
 REGLA GUERRA		27470 S.W. 172 AVE 33031
 NIKOLE GUERRA		27470 SW 172VE 33031
 Jessica Riekers		27470 SW 172 AVE 33031

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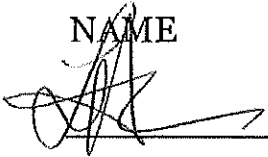
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NAME

PRINT NAME

ADDRESS



LAUREL WADE

28720 SW 170TH Ave
33030

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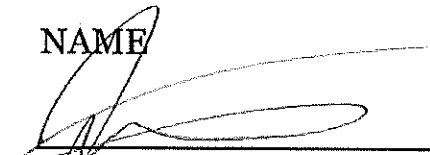
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NAME

PRINT NAME

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	Jeffrey Sutton	28130 S.W. 173 RD PATH
	KATHY Myles	28130 S.W. 173 RD PATH Homestead, FL 33030

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NAME	PRINT NAME	ADDRESS
<i>Todd L. Schaffer</i>	Todd L. Schaffer	29370 SW 173rd Court Homestead, FL 33030
<i>Donna M. Walker</i>	Donna M. Walker	29300 SW 173 CT Homestead 33030
<i>Todd A Walker</i>	Todd A Walker	29300 SW 173 CT Homestead, 33030

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NAME	PRINT NAME	ADDRESS
<u>Isabel Phillips</u>		<u>29271 S.W. 173 Ct.</u>
<u>Jon Bergert</u>		<u>18703 SW 295 TER</u>
<u>Juan Gonzalez</u>		<u>16995 S.W. 298 street</u>
<u>Shawn Sinclair</u>		<u>19800 S.W. 280th street</u>

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NAME

PRINT NAME

ADDRESS

Barton Douglas

Barton Douglas

17336 SW 282 St

Cecilia Douglas

Cecilia Douglas

17336 SW 282 St

Michele May

Michele May

17397 SW 282 St

Grant Melin

17397 SW 282 St

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NAME	PRINT NAME	ADDRESS
	Celicia Meredith	17335 SW 282 St Homestead, FL 33080
	Robert Meredith	17335 SW 282 St Homestead, FL 33080

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NAME

PRINT NAME

ADDRESS

Nen Burrell *Nen Burrell* 17341 SW 278 ST

CYNTHIA BURRELL *Cynthia Burrell* 17341 SW 278 ST

William D Miller *William D Miller* 16550 SW 299 ST

Patricia Miller *Patricia Miller* 16550 SW 299 ST

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NAME

PRINT NAME

ADDRESS

	Jorge M. Lopez	17325 SW. 280 St. Homestead FL 33031
	Samuel Lopez	17325 SW 280th St Homestead FL 33031
	Zenaida Lopez	17325 SW. 280 St Homestead FL 33031

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HEARING DATE: March 14, 2019, 6:00 p.m., in the Community Room of the Palmetto Golf Course, 9300 S.W. 152 St., Miami, FL.

We, the undersigned residents of Dade County, more specifically the Redland Edge area and the surrounding neighborhood, request the denial of the application for a zoning change from agricultural district (AU) to builder's half acre residential (EU-M)

NAME

PRINT NAME

ADDRESS

ARSENIO RAVELO

17345 SW 280 ST Homestead
FL 33071

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
BY: FURNEYS

PETITION

HEARING NUMBER: Z2017000169

APPLICANT NAME: ESTATES OF BISCAYNE, LLC

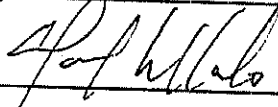
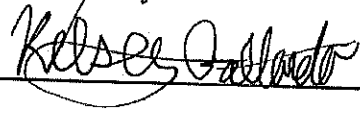
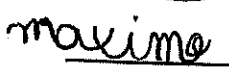
LOCATION: Lying north of S.W. 288 Street, between S.W. 172 Avenue and S.W. 174 Avenue, Miami-Dade County, FL.

PROPERTY SIZE: 10 Acres

DISTRICT BOUNDARY CHANGE from AU (agricultural) to EU-M (estate use single-family residential, minimum 15,000 sq. ft.)

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NAME	PRINT NAME	ADDRESS
	Camila Gallardo	27560 SW 172nd Ave. Redland, FL 33031
	Rafael Gallardo	27560 SW 172nd Ave. Redland, FL 33031
	Kelsey Gallardo	27560 SW 172nd Ave. Redland, FL 33031
	Maximo Gallardo	27560 SW 172nd Ave. Redland, FL 33031
	Norma Valdés	27560 SW 172nd Ave. Redland, FL 33031

RECEIVED

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NAME

PRINT NAME

ADDRESS

<i>Barbara Milledge</i>	BARBARA MILLEDGE	28480 SW 172 Ave
<i>Christine Hodges</i>	CHRISTINE HODGES	28480 SW 172 Ave

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
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PETITION

HEARING NUMBER: Z2017000169

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NAME

PRINT NAME

ADDRESS

Kristi Doyne-Bailey	Kristi Doyne-Bailey	28580 SW 170 Ave 33030
Raul Sanchez	Raul Sanchez	28470 SW 170 Ave 28580 SW 170 Ave
Daniel F. Bailey	Daniel F. Bailey	Homestead FL 33030
Anita Sanchez	Anita Sanchez	28470 SW 170 Ave Homestead, FL 33030
Jeremy Sanchez	Jeremy Sanchez	28470 SW 170 Ave Homestead, FL 33030

RECEIVED

MIAMI-DADE COUNTY
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PETITION

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NAME	PRINT NAME	ADDRESS
Edward M. Holmes		17375 SW. 283 rd ST. 33030
YVETTE ROSARIO		17375 SW. 283 rd ST. 33030

RECEIVED

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PETITION

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APPLICANT NAME: ESTATES OF BISCAYNE, LLC

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NAME	PRINT NAME	ADDRESS
Humberto DEL RIO	17125 SW 288 ST	Homestead Florida 33030.
LONEY Vegas	17125 SW 288 ST	Homestead FL 33030.
Joseibbis Cremades	17125 SW 288 ST	Homestead FL 33030.
JORMARYS. Cremades	17125 SW 288 ST	Homestead FL 33030.

"we're opposed to this development."

Thanks.

RECEIVED

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PETITION

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NAME	PRINT NAME	ADDRESS
	Karl N Zimmermann	17241 SW 281 st Street
Gudelia Q. Rhoades	M Rhoades	Homestead FL 33030
BEN POWELL	Ben Powell	28600 SW 170 Ave Homestead FL
	Stefan Rhoades	
Jane Brown		28605 SW 172nd Ave Homestead, FL 33030

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
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NAME

PRINT NAME

ADDRESS

Terry Barnett 17220 SW 281ST Homestead FL 33030

Terry Barnett

 Kathleen Davis 17220 SW 281st

Homestead FL

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169

PETITION

DATE: APR 22 2019

BY: FURNEXS

HEARING NUMBER: Z2017000169

APPLICANT NAME: ESTATES OF BISCAYNE, LLC

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NAME

PRINT NAME

ADDRESS



ERNESTO CARABALLO

18697 SW. 297 TR
HOMESTEAD FL 33030

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
BY: FURNEYS

PETITION

HEARING NUMBER: Z2017000169

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NAME	PRINT NAME	ADDRESS
<u>Aylin Silveira</u>	<u>[Signature]</u>	<u>17320 SW 278 ST</u> <u>Homestead, FL 33031</u>
<u>Sergio Carballo</u>	<u>[Signature]</u>	<u>17320 SW 278 ST</u> <u>Homestead, FL 33031</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
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NAME

PRINT NAME

ADDRESS

Reinaldo Carballo Reinaldo Carballo 16620 SW 294 Terf. Fla.
33033 Homestead.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169

PETITION

DATE: APR 22 2019

BY: FURNES
HEARING NUMBER: Z2017000169

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NAME

PRINT NAME

ADDRESS

Delia A. Carballo

Delia A. Carballo

25505 SW 182 ave

Homestead FL 33031

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
BY: FURNEYS

PETITION

HEARING NUMBER: Z20170000169

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NAME

PRINT NAME

ADDRESS

Sandra Bryant	Sandra Bryant	16861 SW 278 St, Hmstd.
Kater Reidy	Katherine Hendrix	27825 S.W. 165 Ave 33031
Isabel Abu-Baker	Isabel Baker	27820 SW 174 ave Homestead FL 33031

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-169
DATE: APR 22 2019
BY: FURNEYS

PETITION

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NAME

PRINT NAME

ADDRESS

Leonard Talariz / Bertha Campos 17280 SW 278th St Miami

RECEIVED

Exhibit "B"

MIAMI-DADE COUNTY
 PROCESS NO: Z17-169
 DATE: APR 22 2019
 BY: FURNEYS

	Name	Address	Unit Number	Own/Rent
1		Outliers		
2	Yadira Cortez	12833 S. W. 252 St.		
3		Invalid Petitioners		
4	Luisa Valdez	3 - '07		
5	Balsy Briceno	24650 S.W. 146 Ct.	208	Rent
6		East Mowry Drive		
7	Noel Lopez-Fanoka	1116 E. Mowry Dr.	103	Rent
8	Diana Drago	1114 E. Mowry Dr.	201	Rent
9	Maday Lopez	1114 E. Mowry Dr.	101	Rent
10	Jesus Cruz	1118 E. Mowry Dr.	201	Rent
11	Juan Rivas	1112 E. Mowry Dr.	105	Rent
12	Jean Benoiste	1124 E. Mowry Dr.	201	Rent
13	Pedro Diaz	11-22 E. Mowry Dr.	104	Rent
14		Naranja 26400 146 Ct.		
15	Yordanka Perez	26400 S.W. 146 Ct.	201	Rent
16	Maritza Alonso	26400 S.W. 146 Ct.	2-101	Rent
17	Sierra Moore	26400 S.W. 146 Ct.	104	Rent
18	Illegible	26400 S.W. 146 Ct.	108	Rent
19	Oswaldo	26400 S.W. 146 Ct.	Not given	Unknown
20	Nicolas Padron	26400 S.W. 146 Ct.	205	Rent
21	Janet Melio	26400 S.W. 146 Ct.	Not given	Unknown
22	Rudy Blandon	26400 S.W. 146 Ct.	301	Rent
23		Naranja 26450 146 Ct.		
24	Omar Rivas	26450 S.W. 146 Ct.	301	Rent
25	Juliet Castillo	26450 S.W. 146 Ct.	107	Rent
26	Ester Gonzalez	26450 S.W. 146 Ct.	3 - 301	Rent
27	Carol Romero	26450 S.W. 146 Ct.	307	Rent
28	Laura E. Delgado	26450 S.W. 146 Ct.	101	Rent
29	Illegible	26450 S.W. 146 Ct.	105	Rent
30	Ana A. Cardozo	26450 S.W. 146 Ct.	Not given	Unknown
31	Susana Bella	26450 S.W. 146 Ct.	305	Rent
32	Odeny Tamayo	26450 S.W. 146 Ct.	208	Rent
33	Jose Arrayo	26450 S.W. 146 Ct.	309	Rent
34	Claudio Padilla	26450 S.W. 146 Ct.	105	Rent
35	Zena Mathis	26450 S.W. 146 Ct.	Not given	Unknown
36	Illegible Alvarez	26450 S.W. 146 Ct.	2-302	Rent
37		Naranja 26500 146 Ct.		
38	Olga Diaz	26500 S.W. 146 Ct.	3 - 303	Rent
39	Jacmel del Rio	26500 S.W. 146 Ct.	Not given	Rent
40	Maria Leyva	26500 S.W. 146 Ct.	3 - 105	Rent

RECEIVED

Exhibit "B"

MIAMI-DADE COUNTY

PROCESS NO: Z17-169

DATE: APR 22 2019

BY: FURNEYS

		Naranja 26760 142 Ave.		
	Graciela Aragon	26760 S. W. 142 Ave.	108	Rent
43	Magdalena Guerra	26760 S. W. 142 Ave.	103	Rent
44	Aida Jimenez	26790 S. W. 142 Ave.	106	Rent
45	Rafael Rodriguez	26780 S. W. 142 Ave.	202	Rent
46	Clara Ortega	26760 S.W. 142 Ave.	104	Rent
47		Naranja 14241 S.W. 267 St.		
48	Signature Only - Illegible	14241 S.W. 267 St.	101	Rent
49	Signature Only - Illegible	14241 S.W. 267 St.	102	Rent
50	Signature Only - Illegible	14241 S.W. 267 St.	103	Rent
51	Signature Only - Illegible	14241 S.W. 267 St.	104	Rent
52	Signature Only - Illegible	14241 S.W. 267 St.	105	Rent
53	Name Only - Maria E. Amy	14241 S.W. 267 St.	106	Rent
54	Name Only - Illegible	14241 S.W. 267 St.	201	Rent
55	Pedro	14241 S.W. 267 St.	202	Rent
56	Signature Only - Illegible	14241 S.W. 267 St.	203	Rent
57	Signature Only - Illegible	14241 S.W. 267 St.	303	Rent
58	Name Only - Illegible	14241 S.W. 267 St.	305	Rent
59	Signature Only - Illegible	14241 S.W. 267 St.	307	Rent
60	Signature Only - Illegible	14241 S.W. 267 St.	102	Rent
61	Signature Only - Illegible	14241 S.W. 267 St.	103	Rent
62		Naranja 14281 S.W. 267 St		
63	Signature Only - Olga L. Bu???	14281 S.W. 267 St	104	Rent
64	Signature Only - Marilele Senono	14281 S.W. 267 St	204	Rent
65	Signature Only - Illegible	14281 S.W. 267 St	301	Rent
66		Miami - N.W. 10 Ave.		
67	Jorge A. Martinez	2301 N.W. 10th Ave.	104	Rent
68	Alvaro Varazona	2301 N.W. 10th Ave.	107	Rent
69	Gina Illegible	2311 N.W. 10th Ave.	306	Rent
70	Mario R. Escorcia	2311 N.W. 10th Ave.	308	Rent
71	Rodrigo Mallo	2311 N.W. 10th Ave.	105	Rent
72	Muna Ahmes	2321 N.W. 10th Ave	Not given	Unknown
73	Indira Jaquez	2321 N.W. 10th Ave	204	Rent
74	Milron Illegible	2321 N.W. 10th Ave	205	Rent
75	Adela Talavera	2331 N. W. 10th Ave.	102	Rent
76	Varghese George	2331 N. W. 10th Ave.	105	Rent
77	Jocelyn Brown	2331 N. W. 10th Ave.	201	Rent
78	Nancy Ballajares	2401 N.W. 10th Ave.	303	Rent
79	Jose D. Dominguez	2401 N.W. 10th Ave.	Not given	Unknown
80	Daniel Illegible	2401 N.W. 10th Ave.	304	Rent
81	Anibel Guerra	2401 N.W. 10th Ave.	307	Rent
82	Hilda Amador	2401 N.W. 10th Ave.	101	Rent
83	Carlos Gutierrez	2401 N.W. 10th Ave.	107	Rent

RECEIVED

Exhibit "B"

MIAMI-DADE COUNTY

PROCESS NO: 2017-168

DATE: APR 22 2019

BY: FURNEYS

84	Enrique Lopez	2401 N.W. 10th Ave.	207	Rent
85	MacPolis Zamora	2411 N.W. 10th Ave.	202	Rent
86	Lazaro illegible	2411 N.W. 10th Ave.	Not given	Unknown
87	Illegible Lopez	2411 N.W. 10th Ave.	301	Rent
88	Laetta Eubanks	2411 N.W. 10th Ave.	208	Rent
89	Teresa I. Perez	2421 N.W. 10th Ave.	103	Rent
90	Kenny Delgado	2421 N.W. 10th Ave.	206	Rent
91	Ulises Santam ???	2421 N.W. 10th Ave.	303	Rent
92	Milaida Gonzalez	2421 N.W. 10th Ave.	101	Rent
93	Clovis Gonzalez	2421 N.W. 10th Ave.	302	Rent
94	Gil Mallo	2421 N.W. 10th Ave.	304	Rent
95	Johanna Diaz	2431 N.W. 10th Ave.	202	Rent
96	Nurys A. Cespedes	2431 N.W. 10th Ave.	201	Rent
97	Illegible Santos	2431 N.W. 10th Ave.	201	Rent
98	Illegible	2431 N.W. 10th Ave.	104	Rent
99	Raul Alfonso	2505 N.W. 10th Ave.	105	Rent
100	2505 N.W. 10th Ave.	2505 N.W. 10th Ave.	306	Rent
101	Luis Lazo	2505 N.W. 10th Ave.	104	Rent
102	Melissa J. Villatoro	2505 N.W. 10th Ave.	105	Rent
103	Illegible Orozco	2515 N.W. 10th Ave.	308	Rent
104	Name Only - Nidia Illegible	2515 N.W. 10th Ave.	206	Rent
105	Leigo?ives Matos	2515 N.W. 10th Ave.	304	Rent
106	Joa ----- Hurtado	2515 N.W. 10th Ave.	101	Rent
107	Denise Rivera	2515 N.W. 10th Ave.	104	Rent
108	Jose B. Mendoza	2525 N.W. 10th Ave.	302	Rent
109	Andres Cardozo	2515 N.W. 10th Ave.	201	Rent
110	Ania Diaz	2525 N.W. 10th Ave.	206	Rent
111	Jose Luis Sagredo Morales	2525 N.W. 10th Ave.	108	Rent
112	Francisco J. Illegible	2525 N.W. 10th Ave.	206	Rent
113	Sergio Guerrero	2525 N.W. 10th Ave.	305	Rent
114	Delio Feliz	2603 N.W. 10th Ave.	302	Rent
115	Maria A. Falcon	2603 N.W. 10th Ave.	104	Rent
116	Greter Illegible	2603 N.W. 10th Ave.	206	Rent
117	Loreter - no surname	2603 N.W. 10th Ave.	204	Rent
118	Stanley Vaz	2607 N.W. 10th Ave.	Not given	Unknown
119	Rosalina Pena	2607 N.W. 10th Ave.	102	Rent
120	Oniel Castro	2607 N.W. 10th Ave.	307	Rent
121	Oscar Barrero	2607 N.W. 10th Ave.	207	Rent
122	Emelix Negrin	2607 N.W. 10th Ave.	305	Rent
123	Isaias Rojas	2613 N.W. 10th Ave.	305	Rent
124	Gary Green	2613	201	Unknown

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: MARCH 14, 2019

A

APPLICANT'S NAME: ESTATES OF BISCAYNE, LLC.

REPRESENTATIVE: Adrian Carrillo

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000169	Z17-169	CZAB14 18

☐ WITHDRAW:	☐ APPLICATION	☐ ITEM(S):
☒ DEFER:	☐ INDEFINITELY	☐ TO: <u>04-04-19</u> ☐ W/LEAVE TO AMEND <u>Due to lack of quorum</u>
☐ DENY:	☐ WITH PREJUDICE	☐ WITHOUT PREJUDICE
☐ ACCEPT PROFFERED COVENANT	☐ ACCEPT REVISED PLANS	
☐ APPROVE:	☐ PER REQUEST	☐ PER DEPARTMENT ☐ PER D.I.C.
	☐ WITH CONDITIONS	☐ AS MODIFIED
☐ OTHER:		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Gary J. DUFEK			
COUNCIL WOMAN		Yesenia Fatima LARA			
COUNCIL WOMAN		Mary K. WATERS			
VICE CHAIR		Wilbur B. BELL			
CHAIR		Curtis LAWRENCE			

VOTE: 0 0 0

EXHIBITS: ☐ YES ☐ NO

COUNTY ATTORNEY: Sarah Davis

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: FEBRUARY 7, 2019

1

APPLICANT'S NAME: ESTATES OF BISCAYNE, LLC.

REPRESENTATIVE: Adrian Carrillo

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000169	Z17-169	CZAB14 18

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____

☒ DEFER: ☐ INDEFINITELY ☒ TO: 3/14/19 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS ☐ AS MODIFIED _____

☒ OTHER: Deferral due to tied vote.

Councilman Dufek was present at hearing. However, he recused himself from hearing the application.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Gary J. DUFEK			
COUNCIL WOMAN	M	Yesenia Fatima LARA	✓		
COUNCIL WOMAN		Mary K. WATERS		✓	
VICE CHAIR	S	Wilbur B. BELL	✓		
CHAIR		Curtis LAWRENCE		✓	

VOTE: 2 2 0

EXHIBITS: ☐ YES ☐ NO

COUNTY ATTORNEY: Sarah Davis

Present at hearing however, he recused himself from the hearing of this application

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: MAY 23, 2018

B

APPLICANT'S NAME: ESTATES OF BISCAYNE, LLC.
REPRESENTATIVE: JASON BASS

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000169	Z17-169	CZAB14 18

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____
☐ DEFER: ☐ INDEFINITELY ☐ TO: _____ ☐ W/LEAVE TO AMEND
☒ DENY: ☐ WITH PREJUDICE ☒ WITHOUT PREJUDICE
☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS
☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS ☐ AS MODIFIED _____
☐ OTHER: _____

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Salvatore Rocco DEVITO			☒
COUNCILMAN	M	Gary J. DUFEK	☒		
COUNCIL WOMAN		Yesenia Fatima LARA	☒		
COUNCIL WOMAN	S	Mary K. WATERS	☒		
VICE CHAIR		Wilbur B. BELL	☒		
CHAIR		Curtis LAWRENCE		☒	

VOTE: 4 1 0

EXHIBITS: ☐ YES ☒ NO COUNTY ATTORNEY: MR. HOPE

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: APRIL 18, 2018

A

APPLICANT'S NAME: ESTATES OF BISCAYNE, LLC.

REPRESENTATIVE: JASON BASS

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000169	Z17-169	CZAB14 18

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____
☒ DEFER: ☐ INDEFINITELY ☒ TO: 5/23/18 ☐ W/LEAVE TO AMEND
☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE
☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS
☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS ☐ AS MODIFIED _____
☒ OTHER: To Allow covenant to be reviewed for legal sufficiency

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Salvatore Rocco DEVITO		✓	
COUNCILMAN		Gary J. DUFEK	✓		
COUNCIL WOMAN	S	Yesenia Fatima LARA	✓		
COUNCIL WOMAN		Mary K. WATERS	✓		
VICE CHAIR	M	Wilbur B. BELL	✓		
CHAIR		Curtis LAWRENCE	✓		

VOTE: 5 1 0

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: SARA DAVIS

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: FEBRUARY 13, 2018

B/A

APPLICANT'S NAME: ESTATES OF BISCAYNE, LLC.

REPRESENTATIVE: Lewis Swezy

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER		
Z2017000169	Z17-169	CZAB14		18

☐ WITHDRAW:	☐ APPLICATION	☐ ITEM(S):	
☒ DEFER:	☐ INDEFINITELY	☒ TO: <u>4/18/18</u>	☒ W/LEAVE TO AMEND
☐ DENY:	☐ WITH PREJUDICE	☐ WITHOUT PREJUDICE	
☐ ACCEPT PROFFERED COVENANT	☐ ACCEPT REVISED PLANS		
☐ APPROVE:	☐ PER REQUEST	☐ PER DEPARTMENT	☐ PER D.I.C.
	☐ WITH CONDITIONS	☐ AS MODIFIED _____	
☒ OTHER: <u>to allow the applicant to meet with neighbors & modify request to ELL in-lieu of EUM.</u>			

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Salvatore Rocco DEVITO	☒	☒	
COUNCILMAN	M	Gary J. DUFEK	☒		
COUNCIL WOMAN	S	Yesenia Fatima LARA	☒		
COUNCIL WOMAN		Mary K. WATERS		☒	
VICE CHAIR		Wilbur B. BELL	☒		
CHAIR		Curtis LAWRENCE	☒		

VOTE:

0	0
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 0 4/2

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Sarah Davis

2/14 4/18

58

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: NOVEMBER 30, 2017

3

APPLICANT'S NAME: ESTATES OF BISCAYNE LLC.

REPRESENTATIVE: Lewis SWEZY

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000169	17-169	CZAB14 17

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____
☒ DEFER: ☐ INDEFINITELY ☒ TO: 2-13-18 ☐ W/LEAVE TO AMEND
☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE
☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS
☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS ☐ AS MODIFIED _____
☒ OTHER: To meet neighbors - No RE-Advertisement

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Salvatore Rocco DEVITO			
COUNCILMAN		Gary J. DUFEK	✓		
COUNCIL WOMAN	✓	Yesenia Fatima LARA	✓		
COUNCIL WOMAN		Mary K. WATERS	✓		
VICE CHAIR	M	Wilbur B. BELL	✓		
CHAIR		Curtis LAWRENCE	✓		

VOTE: 5 0 0

EXHIBITS: ☒ YES ☒ NO

COUNTY ATTORNEY: SARAH DAVIS

Memorandum



Date: July 7, 2017

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: Z2017000169
Estates of Biscayne LLC
SW 172nd Avenue and SW 288th Street
DBC from AU to EU-M
(10 Acres)

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the "From:" line of the memorandum.

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code.

Potable Water Service and Wastewater Disposal

Based on the information submitted, the requested district boundary change from AU to EU-M does not propose any development at this time however will allow the future development of single family residences. Public water and public sanitary sewers are not currently abutting the subject property. In accordance with the Code, DERM will evaluate the feasibility of connecting to the public water supply system and public sanitary sewer system prior to DERM approval of any future development order (zoning site plan, plat, building permit) that proposes development on the subject property.

This memorandum shall not be interpreted as a written approval from DERM regarding the use of onsite potable water supply and/or septic tanks for future development.

Stormwater Management

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the DERM Water Control Section (305-372-6681) for further information regarding permitting procedures and requirements.

Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

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

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood

protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Natural Forest Communities

The subject parcel is across the street from a County designated Natural Forest Community (NFC). Development on parcels near NFC properties must avoid adverse impacts to these areas associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. If appropriate, an erect barrier should be placed along the edge of the site prior to commencing any work to minimize potential damage to the NFC property. Heavy machinery may not be parked alongside or inside the NFC in order to avoid causing damage to plants and substrate.

Additionally, please be advised that according to the landscape Code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

An aerial review of the subject property does not indicate the presence of tree resources. Should tree resources be present, please note that Section 24-49 of the Code provides for the preservation and protection of tree resources.

Please note that a Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects shall be designed to meet the requirements of Sections 24-49.2 and 24-49.4 of the Code including compliance with the specimen tree preservation requirements of the Code as well as CON 8A of the CDMP. The applicant is advised to contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Please be advised that Section 24-49.9 of the Code and Objective CON8I of the CDMP will require the removal of all prohibited species listed in Section 24-49 of the Code that exist on any development site prior to development or redevelopment and any developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

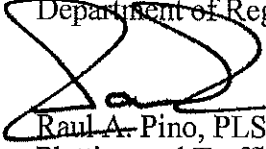
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 15, 2017

To: Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2017000169
Name: Estates at Biscayne, LLC
Location: Northwest Corner of SW 162 Avenue and SW 288 Street
Section 06 Township 57 South Range 39 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections**.

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **34 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9212	Krome Ave N/O SW 288 ST	C	C
9864	SW 167 Ave N/O SW 288 ST	C	C
9932	SW 288 St W/O US 1	C	C
9936	SW 296 ST W/O US 1	B	B

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

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: July 5, 2017

To: Nathan Kogon, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD)

Subject: Zoning Application Comments - Estates of Biscayne, LLC
Application Z2017000169

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject project. The information provided below is preliminary and it does not affect the Zoning Process.

Application Name: Estates of Biscayne, LLC.

Location: The proposed project is located on approximately 10 acres of vacant land at the northwest corner of SW 172th Avenue and SW 288th Street with Folio No. 30-7906-000-0290, in unincorporated Miami-Dade County.

Proposed Development: District boundary change from AU (Agricultural District) to EU-M (Estate Modified District) and subdivide the parcel into twenty lots. The estimated total water demand for the proposed project cannot be determined at this time as the total proposed development was not provided with the zoning application.

Water: The proposed development is located within the WASD's water service area. The South Dade System will provide the water supply. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the CDMP.

There is an existing 12-inch water main stub-outs located on SW 285th Street at SW 172nd Avenue, to where the developer may connect and extend the same (12-inch water main) heading southerly along SW 172nd Avenue to the southeast corner of the property to provide service to all lots. Any public water main extension within the property shall be 8-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with (2) points of connections. Final points of connections and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC required is consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to
<http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 8A-381 and 18-A and 18-B of the Miami-Dade County Code and consistent with Policies WS-5E and WS-5F of the CDMP, respectively.

For more information about our Water Conservation Program, please go to
<http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to
<http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf>

Sewer: The proposed development is located within the WASD's sewer service area. There is no sanitary sewer system in the vicinity of the subject project.

Below please find additional links to the WASD portal which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>

Should you have any questions, please call me at (786) 552-8198 or Alfredo Sanchez at (786) 552-8237.

Memorandum



Date: June 22, 2017

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2017000169

The Miami-Dade Fire Rescue Department has **no objection** with the above zoning application. Applicant is requesting a zoning designation change from AU to EUM based on the letter of intent. However, any future proposed site plan will be subject for a review of compliant fire department access.

For additional information, please contact at acuello@miamidade.gov or call 786-331-4545

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

ESTATES OF BISCAYNE LLC

N/A
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2017000169

DATE

HEARING NUMBER

FOLIO: 30-7906-000-0290

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

August 29, 2017

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

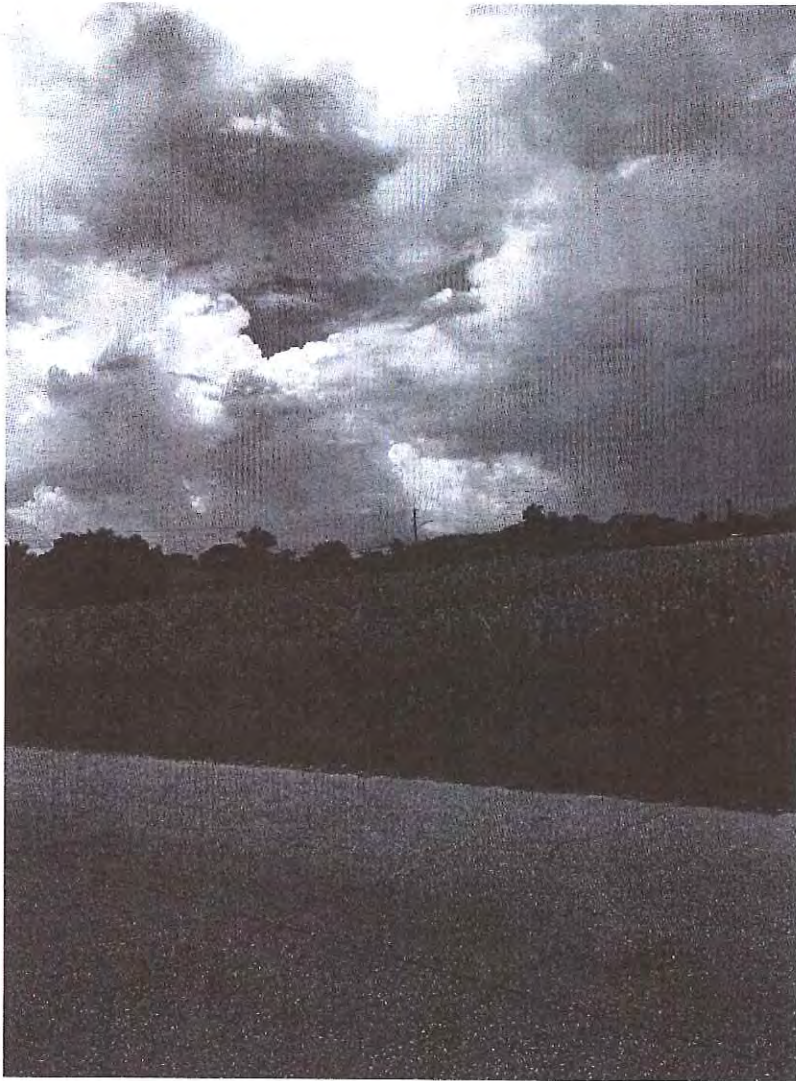
ESTATES OF BISCAYNE LLC

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

RECEIVED
217-169
JUN 16 2017
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ENVIRONMENTAL SERVICES

MAG



RECEIVED
217-169
JUN 16 2017
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
COMMUNITY RESOURCES
PLANNING AND DEVELOPMENT

HAB

RESOLUTION NO. CZAB14-2-19

WHEREAS, **ESTATES OF BISCAYNE, LLC** applied for the following:

DISTRICT BOUNDARY CHANGE from AU and GU to EU-M.

SUBJECT PROPERTY: SUBJECT PROPERTY: 6 57 39 10 AC M/L S1/2 OF SE1/2 OF SE1/4 OF NW1/4 OR 13131-2550 1286 4.

LOCATION: Lying north of SW 288 Street between SW 172 Avenue and SW 174 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 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, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested District Boundary Change from AU and GU to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by CZAB14-17-18, and

WHEREAS, **ESTATES OF BISCAYNE, LLC** had appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU and GU to EU-M

SUBJECT PROPERTY: SUBJECT PROPERTY: 6 57 39 10 AC M/L S1/2 OF SE1/2 OF SE1/4 OF NW1/4 OR 13131-2550 1286 4.

LOCATION: Lying north of SW 288 Street between SW 172 Avenue and SW 174 Avenue, Miami-Dade County, Florida, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 14, and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate resolution CZAB14-17-18 and to remand the application

back to Community Appeals Board 14 on November 15, 2018 because it was found that the original hearing was not noticed properly and,

WHEREAS, ESTATES OF BISCAYNE, LLC applied to Community Appeals Board 14 for the following:

AU and GU to EU-M

SUBJECT PROPERTY: SUBJECT PROPERTY: 6 57 39 10 AC M/L S1/2 OF SE1/2 OF SE1/4 OF NW1/4 OR 13131-2550 1286 4.

LOCATION: Lying north of SW 288 Street between SW 172 Avenue and SW 174 Avenue, Miami-Dade County, Florida,

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WEHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that a District Boundary Change from AU and GU to EU-M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida and should be approved, and

WHEREAS, a motion to approve the application was offered by Curtis Lawrence, seconded by Yesenia Fatima Lara, and upon a poll of the members present the vote was as follows:

Gary J. Dufek	absent	Curtis Lawrence	aye
Yesenia Fatima Lara	aye	Mary K. Waters	nay
	Wilbur B. Bell	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested District Boundary Change from AU and GU to EU-M be and the same is hereby approved and said property is hereby zoned accordingly.

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

PASSED AND ADOPTED this 4th day of April, 2019.

dc

THE RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 23rd DAY OF APRIL, 2019

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Danielle Curry, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-2-19 adopted by said Community Zoning Appeals Board at its meeting held on the 4th day of April, 2019.

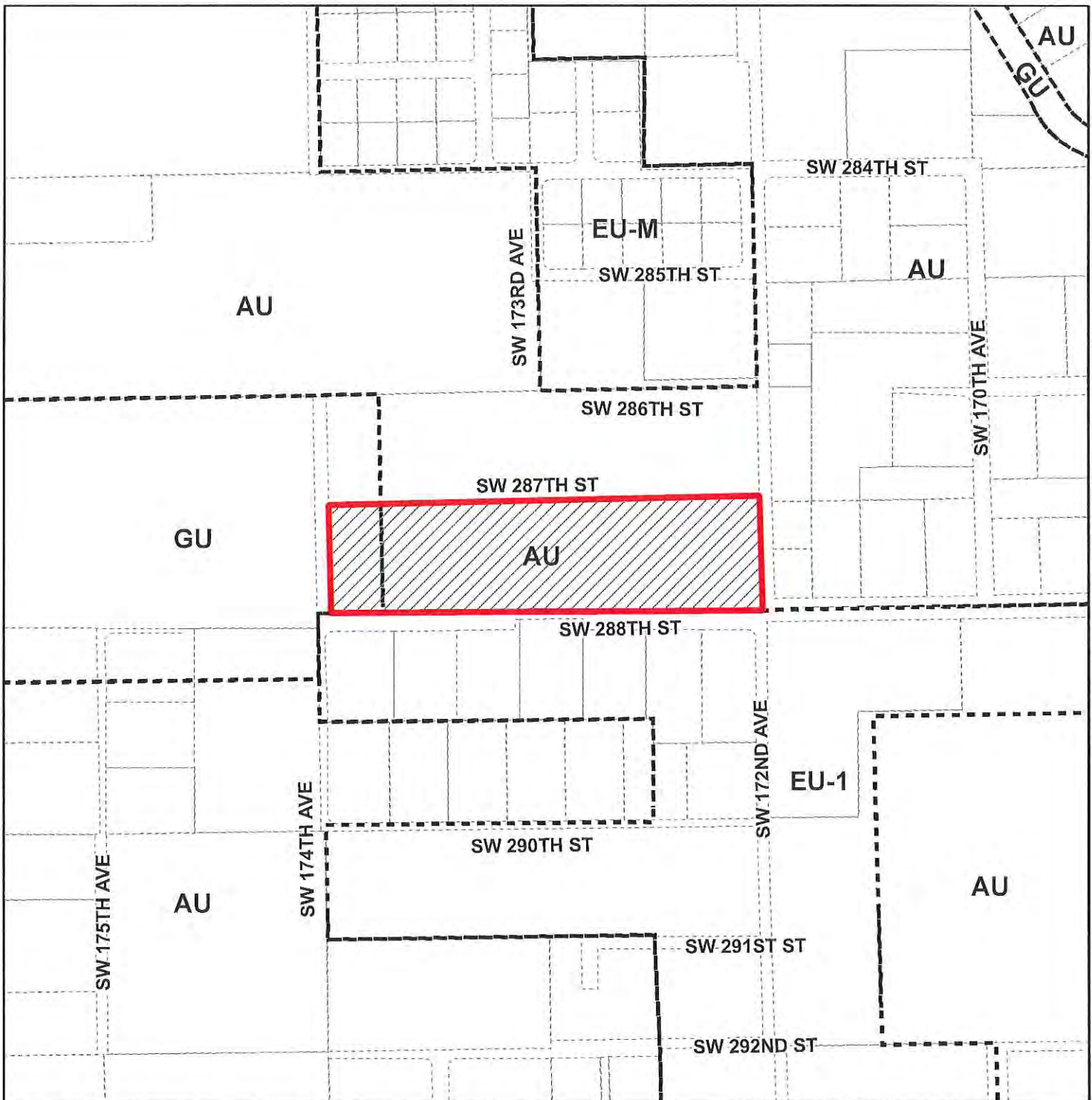
IN WITNESS WHEREOF, I have hereunto set my hand on this the 23rd day of April, 2019.

Danielle Curry

Danielle Curry, Deputy Clerk (17983)
Miami-Dade Department of Regulatory and Economic
Resources



SEAL



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2017000169

Section: 06 Township: 57 Range: 39
 Applicant: Estates of Biscayne LLC
 Zoning Board: C14
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
	74	



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2017000169

Legend
 Subject Property



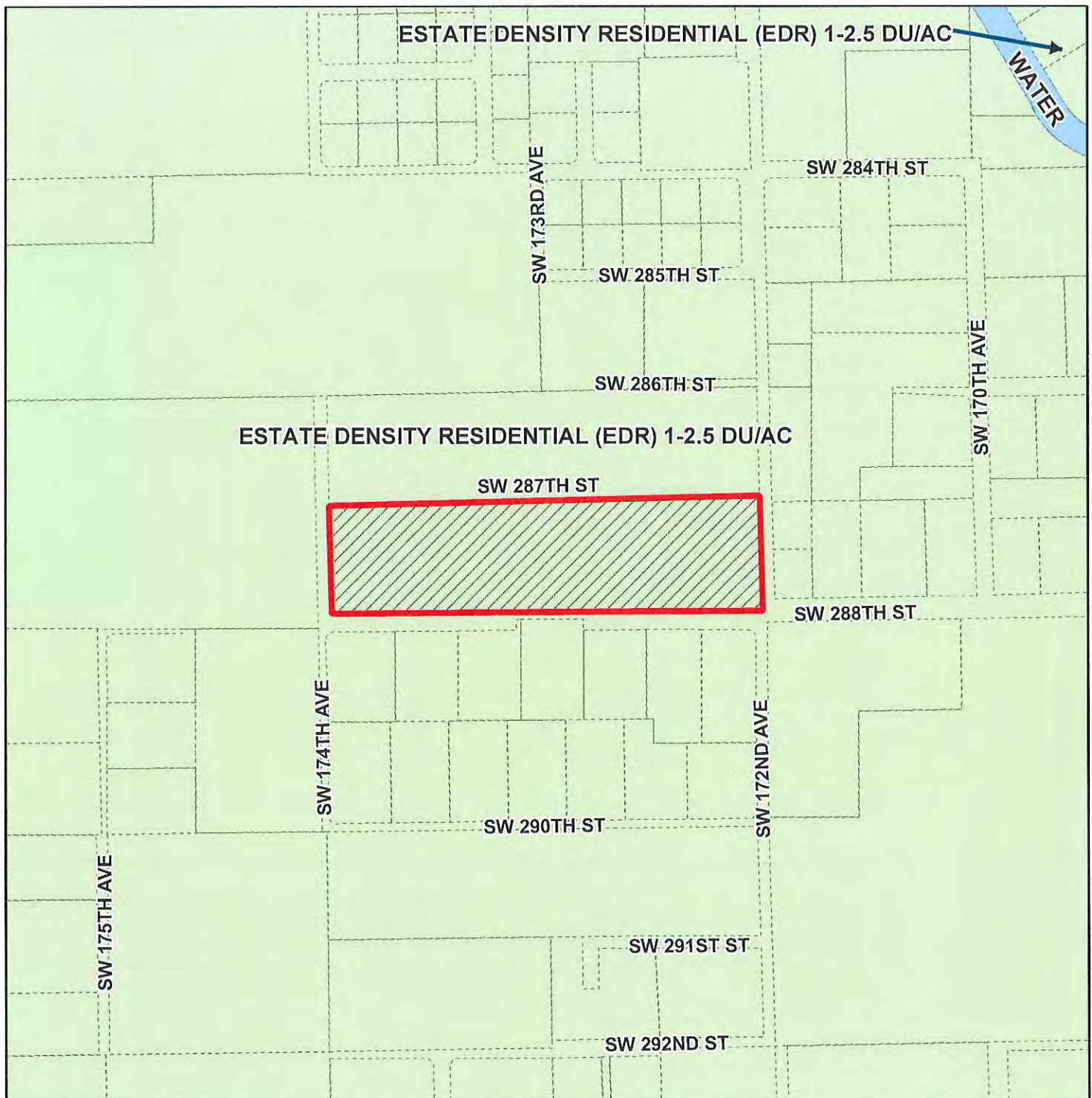
Section: 06 Township: 57 Range: 39
Applicant: Estates of Biscayne LLC
Zoning Board: C14
Commission District: 8
Drafter ID: E.Cespedes
Scale: NTS



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
		75

REVISION	DATE	BY
	76	



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2017000169

Section: 06 Township: 57 Range: 39
Applicant: Estates of Biscayne LLC
Zoning Board: C14
Commission District: 8
Drafter ID: E.Cespedes
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
		77

COMMUNITY ZONING APPEALS BOARD - AREA 14

PALMETTO GOLF COURSE - COMMUNITY ROOM

9300 SW 152 STREET - MIAMI, FLORIDA

Thursday, April 4, 2019

6:00 p.m.

E X C E R P T

ITEM NO:

ESTATES OF BISCAYNE, LLC.
17-169

BOARD MEMBERS

PRESENT:

Wilbur Bell, Chairman
Curtis Lawrence, Vice Chairman
Gary J. Dufek (recused)
Yesenia Fatima Lara
Mary K. Waters

STAFF PRESENT:

Jorge Vital
James Edwin Kirtley, Jr., Assistant County Attorney

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I N D E X

BOARD MEMBERS

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Chairman Bell 4,5,6,7,9,11,12,13
Board Member Mr. Lawrence 11,12,13
Board Member Ms. Lara 12,13
Board Member Ms. Waters 9,10,11,12,13

STAFF

Mr. Vital 3,4,5,12,13
Mr. Kirtley 4,5,9,13

APPLICANT/SUPPORTERS

Mr. Bercow 5,6,7,13

OPPOSERS

Ms. Streitfeld 7,8,9

* * * * *

(All witnesses were sworn in by the Court Reporter.)

* * * * *

MR. VITAL: In accordance with the code of Miami-Dade County, all items to be heard today have been legally advertised in the newspaper, notices have been mailed and the properties have been posted.

Additional copies of the agenda are available here at the meeting. Items will be called up to be heard by agenda number and name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources. All these items are physically present today and available to all Board Members during the hearing, and they may examine these items.

Parties have the right of Cross-Examination. This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings. In addition, the following departments have staff present here to address any

1 questions; the Zoning Evaluation and
2 Platting and Traffic Review sections of the
3 Department of Regulatory and Economic
4 Resources, and the County Attorney's
5 Office.

6 CHAIRMAN BELL: First item we've
7 heard before. Do we have to go back
8 through all of the -- how do we handle
9 that?

10 MR. KIRTLEY: No, sir. Typically
11 where you've already had a public hearing,
12 and as I understand it there was a tie vote
13 so the item carried over, and then last
14 month there was no quorum so it carried
15 over again. In a situation like that where
16 we've already had the public hearing, it's
17 at your pleasure, Mr. Chair, but I don't
18 advice that you open it again. People have
19 already spoken once and that's what is
20 required.

21 I understand Mr. Bercow may wish to
22 make a five-minute statement. That is also
23 up to you. But if you do that, you need to
24 allow those who are against the application
25 five minutes, as well.

1 so, if they can organize themselves
2 in that fashion in that amount of time,
3 then, you know, that could be done. But it
4 is up to you. You do not need to reopen
5 the public hearing.

6 CHAIRMAN BELL: If we open it up to
7 him, then we have to open it up to
8 everybody. Five minutes.

9 MR. KIRTLEY: Well, for five
10 minutes, or however long he takes, the
11 other side needs to have that same amount
12 of time. So, if they can organize.

13 CHAIRMAN BELL: Okay.

14 MR. BERCOW: Mr. Chair --

15 MR. VITAL: If I might call Item A,
16 Estates of Biscayne, LLC, application
17 number 17-169. And it has 138 objectors
18 and 114 waivers.

19 (Board Member Dufek exited the
20 dais.)

21 CHAIRMAN BELL: What we are going
22 to do, Mr. Bercow, we will give you five
23 minutes.

24 MR. BERCOW: Thank you, Mr. Chair.

25 MR. KIRTLEY: Mr. Bercow, I'm

1 sorry. If I could also just put on the
2 record that Mr. Dufek has recused himself,
3 and that he has stepped out of the room.

4 CHAIRMAN BELL: Right.

5 MR. BERCOW: Mr. Chair, I
6 recognize --

7 CHAIRMAN BELL: Let me explain. He
8 will get five minutes, just the attorney
9 for the item, right, and the opposition
10 will get five minutes. That's it. Okay.
11 All right.

12 MR. BERCOW: Mr. Chair, Jeff
13 Bercow, 200 South Biscayne Boulevard,
14 representing Estates of Biscayne. I
15 recognize you have a long agenda this
16 evening besides this matter. There are a
17 lot of people here. If it's the pleasure
18 of the Board not to reopen the public
19 hearing, I don't need to re-summarize. You
20 have heard this several times already.

21 I would like to ask the people who
22 are here this evening to support this
23 application to please stand. If you're
24 already standing, please raise your hands,
25 if you're already standing.

1 CHAIRMAN BELL: No clapping, no
2 clapping.

3 MR. BERCOW: You don't need to say
4 anything else. You don't need to say
5 anything else.

6 Mr. Chair, that's it. I don't need
7 to make a full presentation.

8 CHAIRMAN BELL: Okay. Okay.

9 Who is going to make a statement
10 for the opposition? Who wants to speak
11 against the item? Opposition?

12 MS. STREITFELD: Good evening,
13 Members of the Board. My name is Rachel
14 Streitfeld with Law Offices at 1455 North
15 Treasure Drive in North Bay Village,
16 Florida. I've been here before. I want to
17 thank you for taking the time to hear from
18 the opposition. The neighbors who have
19 been here asking you to reject this
20 application to dismiss it with prejudice
21 have actually been here for months. We
22 were here three weeks ago when we didn't
23 have a quorum. We are here a month before
24 that when you all had a tie vote on this
25 application. We actually were there at the

1 County Commission about eight months ago
2 when this appeal came before the County
3 Commission, and we, the opposition, are the
4 individuals who flagged the notice
5 insufficiencies for the County Attorney,
6 openly giving the applicant a quote/unquote
7 bite of the apple.

8 We, the opposition, we are the ones
9 who let the County Attorney know that there
10 was a notice provision issue.

11 I want to say that, yes, the
12 applicant has done a phenomenal job of
13 recruiting all of these people to come and
14 support his application tonight. But this
15 application has been before you for ever a
16 year. It has been deferred at least four
17 times. You voted against it. You voted
18 tied. And now, miraculously all these
19 people are here. But the residents, the
20 residents who live in the Redland, could
21 you please stand who are in opposition to
22 this project?

23 All of those people who have been
24 speaking to you over the course of the last
25 year and a half are here to ask you the

1 same thing, please reject this application,
2 dismiss it with prejudice, and force the
3 applicant to come back with the EU-1
4 compromise that we have been discussing for
5 the last 24 months, at least.

6 EU is consistent with the
7 surrounding area. This is an agricultural
8 parcel in the Redlands, designated
9 agricultural community. An EU-1
10 designation has been and continues to be
11 the compromise of the neighbors. And we
12 are essentially begging you at this point
13 to hear our voices, to dismiss this project
14 with prejudice and do not allow our good
15 faith in bringing the issue to the County
16 to work a manifest injustice against us by
17 allowing this project to move forward as a
18 result of our good faith. Thank you.

19 MR. KIRTLEY: So, at this point you
20 can close the public hearing again and
21 deliberate.

22 CHAIRMAN BELL: Public hearing is
23 closed. Board Members, discussion?

24 BOARD MEMBERS MS. WATERS: Of
25 course, I have to agree with the attorney

1 who has just spoken in the fact that this
2 may be inside the UDB. It is also
3 surrounded, it is trended by agricultural
4 properties. And, again, the homes that I
5 spoke about last month -- two months ago,
6 are on a minimum of one acre to one and a
7 half acres. That would be the only
8 residential property in the area that has
9 homes on the smaller lot size like that,
10 with agriculture being on the west, north
11 and east sides, and estate homes on
12 multi-acre properties, it would seem
13 logical that the trends for that area
14 remains at the very least one home per
15 acre, which would comply with the EU-1 that
16 was just stated, which mandates one acre
17 per.

18 And the county, though the Planners
19 are suggesting, or recommending, approval
20 of this application, it has gotten to be in
21 the last few years the County is approving
22 just about everything, and that's because
23 the County itself is who is changing the
24 zoning in these areas from acreage
25 properties, from EU-M, EU-S, things like

1 that, in such a way to where if it weren't
2 for the County choosing to change these
3 zones, then the applicant's attorney
4 wouldn't be able to say, it is designated
5 as estate density. And this property has
6 been used in row crops for many years, even
7 by the applicant himself who leases the
8 property for that purpose.

9 And in my thinking, I think it is
10 very generous to even allow one home per
11 acre in an area where there really aren't
12 that many homes.

13 So, I would suggest that we deny
14 this application with prejudice.

15 CHAIRMAN BELL: Comments?

16 BOARD MEMBER MR. LAWRENCE: You
17 know, this is one of those applications
18 that, when it comes before you, you kind of
19 wish I was home right now.

20 It's been before us several times,
21 and the last go-around I voted against the
22 application. And after reviewing it, and
23 going out to the site, and looking at the
24 County's recommendation, I'm going to
25 switch my vote this time to go with a yes.

1 I have nothing else to say except
2 I'm for the application.

3 BOARD MEMBER MS. LARA: I said
4 everything that I have to say on this
5 application previously.

6 BOARD MEMBER MR. LAWRENCE: I move
7 that the application be approved with any
8 necessary conditions as set forth by the
9 County.

10 BOARD MEMBER MS. LARA: I second
11 the motion.

12 CHAIRMAN BELL: We have a motion
13 and a second. Call for the vote.

14 MR. VITAL: If I may, it is just a
15 straight approval. There are no conditions
16 tied to this.

17 CHAIRMAN BELL: Conditions set
18 forth by Staff.

19 BOARD MEMBERS MS. WATERS: Wait a
20 minute, wait a minute.

21 BOARD MEMBER MR. LAWRENCE: Only
22 the motion stated, approval with
23 conditions, if any, set forth by Staff.

24 BOARD MEMBERS MS. WATERS: Then I
25 would like to add something to that motion.

1 BOARD MEMBER MR. LAWRENCE: The
2 motion is not open for amendment.

3 BOARD MEMBERS MS. WATERS: It
4 hasn't been voted on.

5 BOARD MEMBER MR. LAWRENCE: It's
6 been motioned and seconded. Let's hear the
7 vote.

8 MR. KIRTLEY: There is a motion on
9 the floor and it has been seconded.
10 Amendments are usually at the discretion of
11 the maker of the motion whether to accept
12 them.

13 BOARD MEMBER MR. LAWRENCE: Call
14 for the vote.

15 MR. VITAL: Council Member Lara?

16 BOARD MEMBER MS. LARA: Yes.

17 MR. VITAL: Council Member
18 Lawrence?

19 BOARD MEMBER MR. LAWRENCE: Yes.

20 MR. VITAL: Council Member Waters?

21 BOARD MEMBERS MS. WATERS: No.

22 MR. VITAL: Chairperson Bell?

23 CHAIRMAN BELL: Yes.

24 MR. VITAL: Motion passes 3 to 1.

25 MR. BERCOW: Thank you.

1 UNIDENTIFIED SPEAKER: Thank you
2 everyone for putting up with this
3 application.

4 (Item adjourned.)

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1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE

4
5 I, Janice Aguirre, Registered
6 Professional Reporter, Notary Public, State of
7 Florida, certify that the following witnesses
personally appeared before me on April 4, 2019 and
were duly sworn.

8 Witness my hand and official
seal this 30th day of April, 2019.

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11
12 
13

14 -----
15 JANICE AGUIRRE

16 Registered Professional Reporter
17 Notary Public, State of Florida
Commission No. GG 160089
18 My Commission Expires: December 8, 2021
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1 CERTIFICATE OF REPORTER

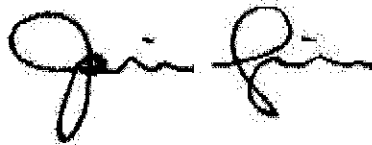
2 STATE OF FLORIDA

3 COUNTY OF DADE

4 I, JANICE AGUIRRE, Registered
5 Professional Reporter, do hereby certify that I was
6 authorized to and did stenographically report the
7 CZAB Board 14 Meeting of April 4, 2019; that a
8 review of the EXCERPT transcript was requested;
9 And that the foregoing transcript, pages 1 through 14,
10 is a true record of my stenographic notes.

11 I FURTHER CERTIFY that I am not a
12 relative, employee, or attorney, or counsel of any of
13 the parties; nor am I a relative or employee of any
14 of the parties' attorney or counsel connected with the
15 action, nor am I financially interested in the action.

16 DATED this 30th day of April,
17 2019 at Miami, Dade County, Florida.

18 

19 -----
20 JANICE AGUIRRE

21 Registered Professional Reporter
22 Notary Public, State of Florida
23 Commission No. GG 160089
24 My Commission Expires: December 8, 2021
25