



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS**

THURSDAY, NOVEMBER 20, 2014

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

TIME OF MEETING 9:30 AM

APPEAL:

HEARING # DISTRICT(S)

1. **HELEN MICHAEL AND PROFERRED
ENTERPRISES, INC.**

14-003

8

Request(s): The applicants are appealing the decision of Community Zoning Appeals Board #14, which denied without prejudice the following: A district boundary change from AU (Agricultural) to EU-M (Single-Family Modified Estate) district.

Location: Lying north of SW 278 Street, between SW 159 Avenue and SW 162 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, NOVEMBER 20, 2014

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESS

1. HELEN MICHAEL AND 14-7-CZ14-1 (14-003)
PREFERRED ENTERPRISES, INC.

32-56-39
BCC/District 08

The applicants are appealing the decision of Community Zoning Appeals Board #14, which denied without prejudice the following:

DISTRICT BOUNDARY CHANGE from AU to EU-M.

LOCATION: Lying north of SW 278 Street, between SW 159 Avenue and SW 162 Avenue,
MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 20 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval.

Protests: 206

Waivers: 0

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

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

PH: Z14-003 (14-7-CZ14-1)

November 20, 2014

Item No. 1

Appeal Application Summary	
Commission District	8
Applicants	Helen Michael & Preferred Enterprises Inc.
Summary of Requests	The applicants are seeking to allow a district boundary change from AU to EU-M.
Location	Located lying north of SW 278 Street, between SW 159 Avenue & SW 162 Avenue, Florida.
Property Size	20 acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 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)

CZAB Action

CZAB 14 October 1, 2014	Denial without prejudice
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Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC)
Previous Recommendation to the CZAB	<u>Approval</u> (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On October 1, 2014, the Community Zoning Appeals Board (CZAB) #14, denied without prejudice the subject application
2. On October 2, 2014, the appellants, Helen Michael & Preferred Enterprises Inc., appealed the CZAB 14 decision to the Board of County Commissioners (BCC).

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB 14 decision should be **approved**.

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

PH: Z14-003 (14-7-CZ14-1)

November 20, 2014

Item No. 1

Recommendation Summary	
Commission District	8
Applicants	Helen Michael & Preferred Enterprises Inc
Summary of Requests	The applicants are seeking to allow a district boundary change from AU to EU-M.
Location	Located lying north of SW 278 Street, between SW 159 Avenue & SW 162 Avenue, Florida.
Property Size	20 acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 to 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.

REQUEST:

DISTRICT BOUNDARY CHANGE from AU to EU-M.

PROJECT DESCRIPTION:

The applicants seek to rezone the 20-acre parcel from AU, Agricultural District to EU-M, Single Family Modified Estate District.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant land	Estate Density Residential (1 to 2.5 dua)
North	AU; vacant land	Estate Density Residential (1 to 2.5 dua)
South	EU-M: single-family residences	Estate Density Residential (1 to 2.5 dua)
East	AU; vacant land	Estate Density Residential (1 to 2.5 dua)
West	EU-M: single-family residences	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of four vacant contiguous parcels located at the north east corner of SW 162 Avenue & SW 278 Street, Miami-Dade County, Florida. Staff notes that the abutting properties to the south and west are also zoned EU-M, Single Family Modified Estate District and the properties to the north and east are vacant land and are zoned AU, Agricultural District.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to provide additional housing in this section of the County. However, the proposed rezoning could have an impact on traffic in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Estate Density Residential*** on the Adopted 2020-2030 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This density range is characterized by detached estate residences that typically occupy a small portion of the parcel and can be developed at a maximum of 2.5 dwelling units per acre.* Approval of the application would allow the applicants to develop the 20 acre parcel with a maximum of 50 residential units which is the maximum allowed under the density threshold of the LUP map. Further, **Objective LU-4**, of the CDMP Land Use Element 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 abuts properties to the south and the west that are also zoned EU-M. As such, the rezoning of the subject property to EU-M would be **compatible** with the surrounding area and **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map, the CDMP's Land Use Element the interpretative text for the Estate Density Residential category; and with the Land Use Element **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the 20-acre 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). 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.

Furthermore, staff is of the opinion that the proposed zone change to EU-M is **compatible** with the residential developmental trend as evidenced by similar approvals in the surrounding area. Specifically, the abutting properties to the south and west of the subject property were

respectively rezoned from AU to EU-M, between 1957 and 2006, pursuant to several Resolutions #723, #3886, #Z-139-70, #CZAB14-36-99 and CZAB14-34-06.

Therefore, the proposed rezoning of the property to EU-M would be **compatible** with the surrounding area and the residential character of the community. **Therefore, staff recommends approval of the application under Section 33-311, District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

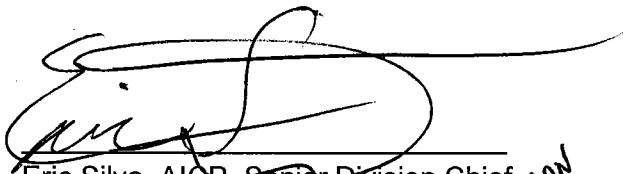
OTHER: Not applicable.

RECOMMENDATION:

Approval.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:EJ



Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NON

ZONING RECOMMENDATION ADDENDUM

Preferred Enterprises Inc/Helen Michael
PH: Z14-003

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks	No objection
Fire Rescue	No objection
Police	No comment
Public Works and Waste Management Department	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

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

Estate Density Residential (Pg. I-31)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential use. 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.</i>
Land Use Objective 4 (Pg. I-11)	<i>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.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(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></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (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 unfavorable impact on the economy of Miami-Dade County, Florida;</i>
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ZONING RECOMMENDATION ADDENDUM

Preferred Enterprises Inc/Helen Michael
PH: Z14-003

	<p>(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></p> <p>(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></p>
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1. HELEN MICHAEL AND
PREFERRED ENTERPRISES, INC.
(Applicant)

14-11-CC-1 (14-003)
BCC/District 08
Hearing Date: 11/20/14

Property Owner (if different from applicant) **Preferred Enterprises Inc. / Helen Michael.**

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

Disclosure of interest form attached? Yes ☒ No ☐

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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No History

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP

APPLICANT'S NAME: **Helen Michael and Preferred Enterprises, Inc.**

#A

REPRESENTATIVE: Alan Krisher

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ14-1 (14-003)	October 1, 2014	CZAB14	6	14

REC: Approval

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

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	S	Diane COATS-DAVIS	X		
COUNCILMAN		Nehemiah DAVIS	X		
COUNCILMAN		Gary J. DUFEK		X	
VICE CHAIRMAN	M	Curtis LAWRENCE	X		
COUNCILWOMAN		Lubby NAVARRO	X		
COUNCILMAN		Neal SPENCER			X
CHAIRMAN		Wilbur B. BELL		X	
VOTE:			4	2	

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Abbie Schwaderer

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: **Helen Michael and Preferred Enterprises, Inc.**

#A

REPRESENTATIVE: **JUAN MAYOL**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ14-1 (14-003)	September 3, 2014	CZAB14	6	14

REC: Approval

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Oct. 1</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> NOTE: Item is deferred due to an error with the ad.		

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	M	Diane COATS-DAVIS	X		
COUNCILMAN		Nehemiah DAVIS			X
COUNCILMAN		Gary J. DUFEK	X		
VICE CHAIRMAN		Curtis LAWRENCE	X		
COUNCILWOMAN	S	Lubby NAVARRO	X		
COUNCILMAN		Neal SPENCER			X
CHAIRMAN		Wilbur B. BELL			X
VOTE:			4	0	

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: Eddie Kirtley

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: **HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.**

#1

REPRESENTATIVE: **Alan Krisher**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ14-1 (14-003)	July 9, 2014	CZAB14	6	14

REC: Approval

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

☒ DEFER: ☐ INDEFINITELY ☒ TO: 9/3/14 ☐ 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

☒ Deferred to 9/3/14 to allow applicants to meet with neighbors. No re-advertisement.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Diane COATS-DAVIS	X		
COUNCILMAN		Nehemiah DAVIS			X
COUNCILMAN	S	Gary J. DUFEK	X		
VICE CHAIRMAN	M	Curtis LAWRENCE	X		
COUNCILWOMAN		Lubby NAVARRO			X
COUNCILMAN		Neal SPENCER			X
CHAIRMAN		Wilbur B. BELL	X		

VOTE:

4	0
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EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: Lauren Morse

Memorandum



Date: June 4, 2014

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

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

Subject: C-14 #Z2014000003-1st Revision
Helen Michael and Preferred Enterprises, Inc., a Florida corp.
NW Corner of SW 159th Avenue and SW 278th Street
District Boundary Changes From AU to EUM
(AU) (0.00 Acres)
32-56-39

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. Accordingly, the application may be scheduled for public hearing.

Potable Water Service

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management

A 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 at (305) 372-6681 for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 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.

Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetlands Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

There are no tree resources issues on the subject properties.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

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.

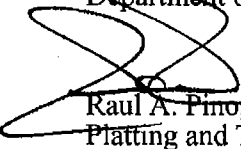
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: March 27, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

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

Subject: Z2014000003
Name: Preferred Enterprises Inc./Helen Michael
Location: Northeast Corner of SW 162 Avenue and SW 278 Street
Section 32 Township 56 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 **47 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.#		LOS present	LOS w/project
9212	Krome Ave. n/o SW 288 St.	C	C
9860	SW 157 Ave. s/o SW 272 St.	B	B
9932	SW 288 St. w/o US-1	D	D
9926	SW 280 St. e/o US-1	C	C

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.

(*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.

Memorandum



Date: January 27, 2014

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Helen Michael and Preferred Enterprises, Inc. (#14_003)

The Department's review of the above-referenced item is provided below. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: *Helen Michael and Preferred Enterprises, Inc.*, seeks a district boundary change from Agricultural (AU) to Modified Estates District (EU-M).

Size: The subject property is approximately 20 acres.

Location: The subject property is located between SW 159 Avenue and SW 162 Avenue (Farmlife School Road) and between theoretical SW 276 Street and SW 278 Street in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the re-designation to Modified Estate District (EU-M) will likely result in development of "Residential Units." Per the Code, residential units located within the project shall, therefore, receive PWWM waste collection service, once the vacant lot is developed. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling

Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to residential units located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Memorandum



Date: May 16, 2014

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

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2014000003: HELEN MICHAEL & PREFERRED ENTERPRISES, INC.
Revised Plans Submitted Sated Stamped Received 5-15-2014

Application Name: HELEN MICHAEL & PREFERRED ENTERPRISES, INC.

Project Location: The site is located in that area lying north of SW 278 Street, between SW 159 Avenue & SW 162 Avenue, Miami-Dade County.

Proposed Development: The request is for approval of a district boundary change from AU to EUM.

Impact and demand: This application generates up to 52 single family units with an estimated population of 170 which generates a local park space need, based on 2.75 acres per 1,000 population, of approximately .46 acre.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 3 (PBD) which has a surplus capacity of 219.11 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Pine Island Lake Park	NEIGHBORHOOD PARK	18.0
Leisure Park	NEIGHBORHOOD PARK	1.9
Leisure Lakes Park	COMMUNITY PARK	8.7
Modello Wayside Park	NEIGHBORHOOD PARK	2.7
South Dade Park	COMMUNITY PARK	8.6
Palmland Park	NEIGHBORHOOD PARK	5.1
Naranja Lakes Park	NEIGHBORHOOD PARK	1.5
Modello Park	COMMUNITY PARK	10.0
Royal Colonial Park	COMMUNITY PARK	25.4
Naranja Park	COMMUNITY PARK	10.0

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

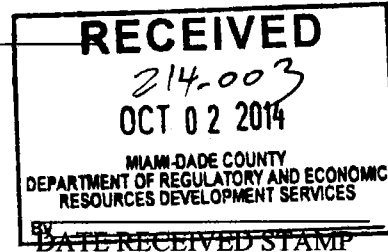
PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE \$1,188.88

RECEIPT # _____

DATE HEARD: 10/01/2014

BY CZAB # 14



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. 14-003

Filed in the name of (Applicant) Helen Michael and Preferred Enterprises, Inc.

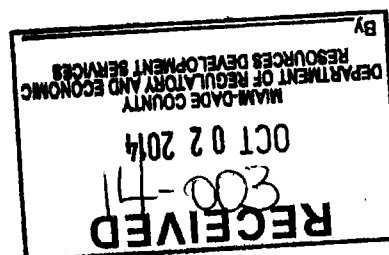
Name of Appellant, if other than applicant Same

Address/Location of APPELLANT'S property: Lying between theoretical SW 159 Avenue and SW 162 Avenue, and between theoretical SW 276 Street and SW 278 Street, Miami-Dade County, Florida.

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

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

The decision by the Community Zoning Appeals Board 14 (CZAB 14) was not based on substantial competent evidence. Instead, the decision by the CZAB 14 was arbitrary and capricious.



18

APPELLANT MUST SIGN THIS PAGE

Date: 2nd day of October, 2014

Signed Helen Michael

Helen Michael

Print Name

1849 Watermill Road, Monticello, Florida 32344

Mailing Address

305-662-2858

Phone

305-662-2943

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Helen Michael

Representing

[Signature]
Signature

Juan J. Mayol, Jr., Esq.

Print Name

701 Brickell Avenue, Suite 3300

Address

Miami

City

Florida

State

33131

Zip

305-789-7787

Telephone Number

Subscribed and Sworn to before me on the 2nd day of October, year 2014

Juan Esma
Notary Public



APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Helen Michael (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
 X 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:

Melissa Scruggs
Signature

Melissa Scruggs
Print Name

Lynn Hartman
Signature

Lynn Hartman
Print Name

Helen Michael
Appellant's signature

Helen Michael

Sworn to and subscribed before me on the 2nd day of October, 2014.

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

Susan Eisen
Notary

(Stamp/Seal)

Commission Expires: **SUSAN EISENMAN**
Notary Public - State of Florida
My Comm. Expires Mar 12, 2018
Commission # FF 100736

APPELLANT MUST SIGN THIS PAGE

Date: 2nd day of October, 2014

Signed

Paul Michael

Paul Michael, President

Print Name

Preferred Enterprises, Inc.

1849 Watermill Road, Monticello, Florida 32344

Mailing Address

305-662-2858

Phone

305-662-2943

Fax

REPRESENTATIVE'S AFFIDAVIT

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

Preferred Enterprises, Inc.

Representing

Juan J. Mayol, Jr.

Signature

Juan J. Mayol, Jr., Esq.

Print Name

701 Brickell Avenue, Suite 3300

Address

Miami

City

Florida

State

33131

Zip

305-789-7787

Telephone Number

Subscribed and Sworn to before me on the 2nd day of October, year 2014

Susan Eisenman

Notary Public

(stamp)

Commission Expires



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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Paul Michael, President of Preferred Enterprises, Inc., (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

Melissa Scruggs
Signature

Melissa Scruggs
Print Name

Lynn Hartman
Signature

Lynn Hartman
Print Name

Paul Michael
Appellant's signature

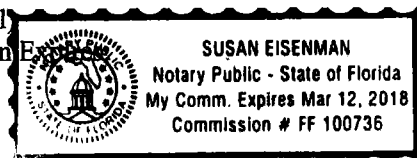
Paul Michael
Preferred Enterprises, Inc.

Sworn to and subscribed before me on the 2nd day of October, 2014.

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

Susan Eisenman
Notary

(Stamp/Seal
Commission Expires



RESOLUTION NO. CZAB14-6-14

WHEREAS, HELEN MICHAEL AND PREFERRED ENTERPRISES, INC. applied for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to EU-M.

SUBJECT PROPERTY: That portion of the N ½ of the SW ¼ of the SE ¼ in 32-56-39.

LOCATION: Lying north of SW 278 Street, between SW 159 Avenue and SW 162 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 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

WHEREAS, a motion to deny the application was offered by Curtis Lawrence, seconded by Diane Coats-Davis, and upon a poll of the members present the vote was as follows:

Diane Coats-Davis	aye	Curtis Lawrence	aye
Nehemiah Davis	aye	Lubby Navarro	aye
Gary J. Dufek	nay	Neal Spencer	absent

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 to EU-M be and the same is hereby denied without prejudice.

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

PASSED AND ADOPTED this 1st day of October, 2014.

Hearing No. 14-7-CZ14-1
rd



Memorandum

Date: 09-JUN-14

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

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2014000003

Fire Prevention Unit:

This memo supersedes MDRF memorandum dated June 4, 2013.

APPROVAL

No objection to the site plan with a May 18, Zoning Department received date.

Service Impact/Demand

Development for the above Z2014000003
located at Lying north of sw 278 street, between SW 159 Avenue & SW 162 Avenue, Miami-Dade County, FL.
in Police Grid 4296 is proposed as the following:

52	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 14.6 alarms-annually.
The estimated average travel time is: 6:00 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 48 - Fontainebleau - 8225 NW 18 Terrace.
Rescue, ALS Engine, TRT Heavy Rescue, Battalion.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan.

DATE: 08-OCT-14

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

**ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE**

HELEN MICHAEL AND
PREFERRED ENTERPRISES, INC.

Lying north of sw 278 street, between
SW 159 Avenue & SW 162 Avenue,
Miami-Dade County, FL.

APPLICANT

ADDRESS

Z2014000003

HEARING NUMBER

HISTORY:

FOLIO: 3069320000350, 3069320000351, 3069320000352, AND 3069320000353

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBRHOOD REGULATIONS CASES.
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING REGULATIONS CASES

HELEN MICHAEL & PREFERRED ENTERPRISES, INC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Preferred Enterprises, Inc., a Florida corporation and Helen Michael Individually

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Paul Michael on behalf of Preferred Enterprises and Helen Michael	<u>100%</u>
1849 Watermill Road	
Monticello, Fl. 32344	

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
RECEIVED	
JAN / 8 2014	
ZONING HEARINGS SECTION	
MIAMI-DADE PLANNING AND ZONING DEPT	
BY _____	

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers,

stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: Land Baron II, LLC, a Florida limited liability company

NAME AND ADDRESS AND OFFICE (if applicable)

Percentage of Stock

Wayne Rosen

50%

Drew Rosen

50%

c/o Terri Sonn, Esq.

2999 NE 191 Street, Suite 409

Aventura, FL 33180

Date of contract: December 11, 2013

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

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

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

Signature: [Signature]

(Applicant) Paul Michael in his capacity as President of Preferred Enterprises, Inc., a Florida corporation and Helen Michael Individually

Sworn to and subscribed before me this 7 day of January, 2014
produced FLC Notary License as identification.

Affiant is personally known to me or has

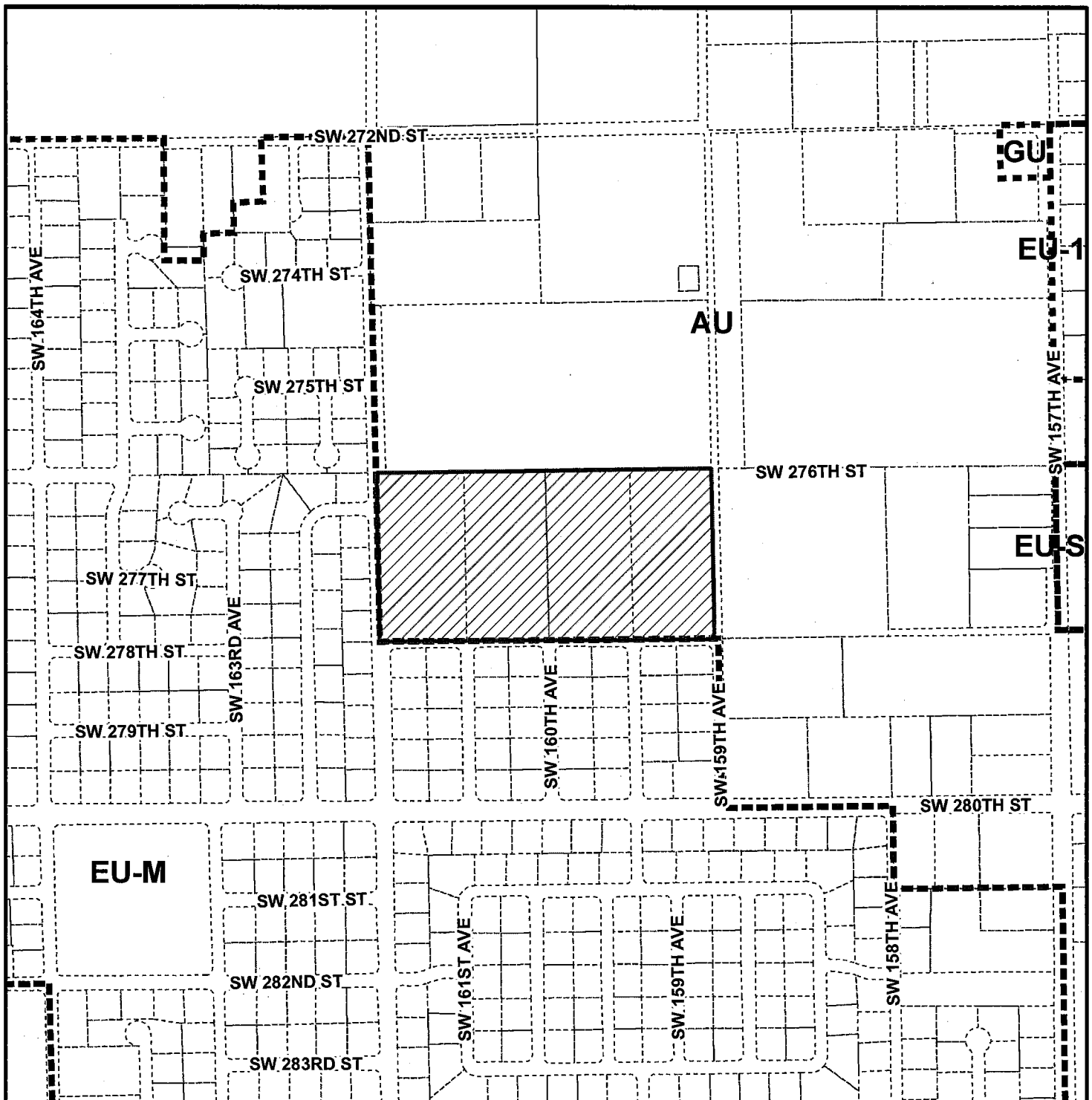
[Signature]
(Notary Public)

My commission expires: May 29, 2014

Seal



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





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000003

Section: 32 Township: 56 Range: 39
Applicant: HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.
Zoning Board: C14
Commission District: 8
Drafter ID: F. Arencibia
Scale: NTS

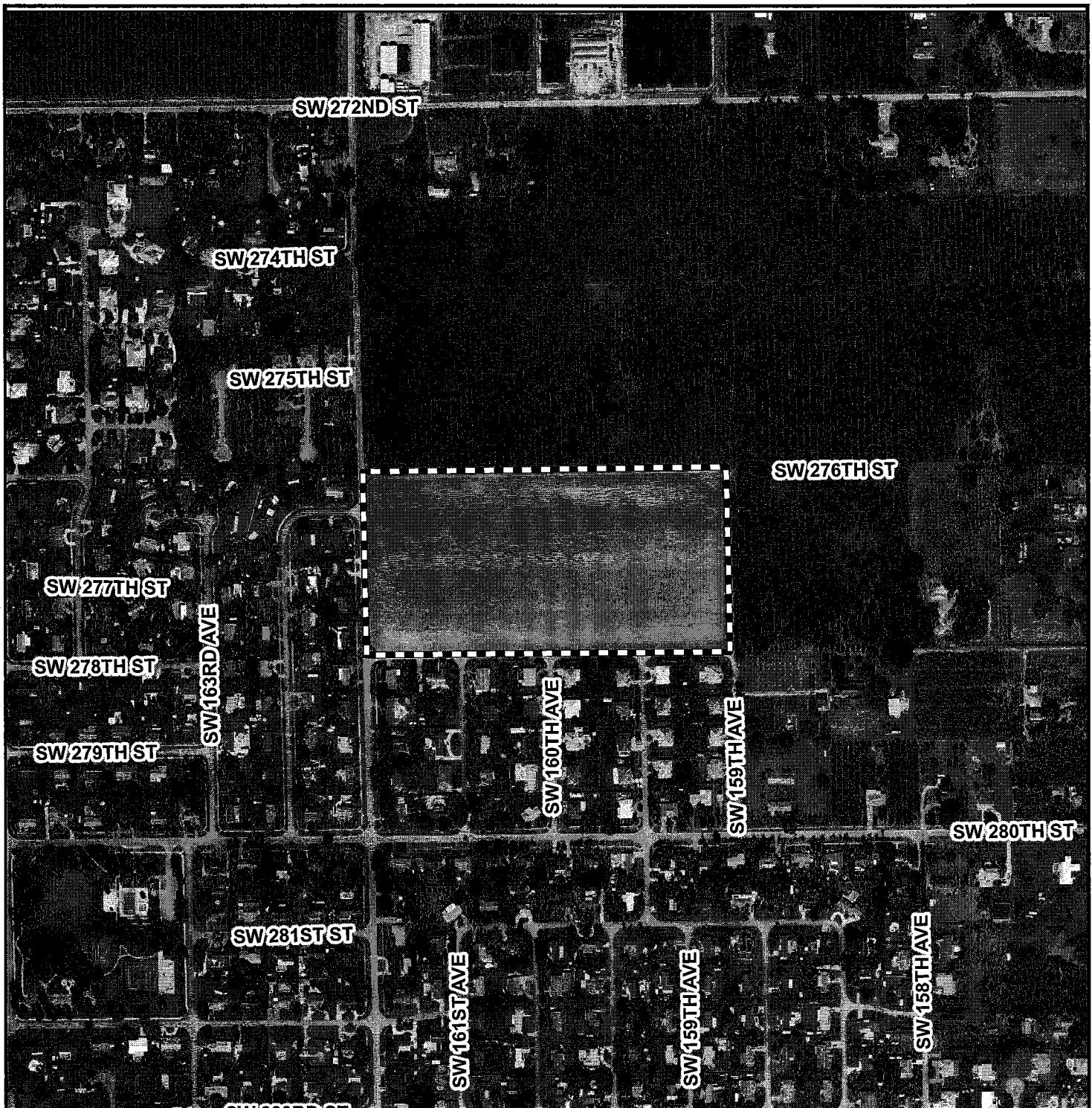
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY
		29



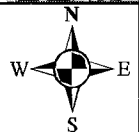
MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2014000003

Legend



Subject Property
Street (Centerline)



Section: 32 Township: 56 Range: 39

Applicant: HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.

Zoning Board: C14

Commission District: 8

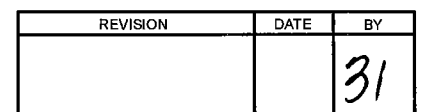
Drafter ID: F. Arencibia

Scale: NTS

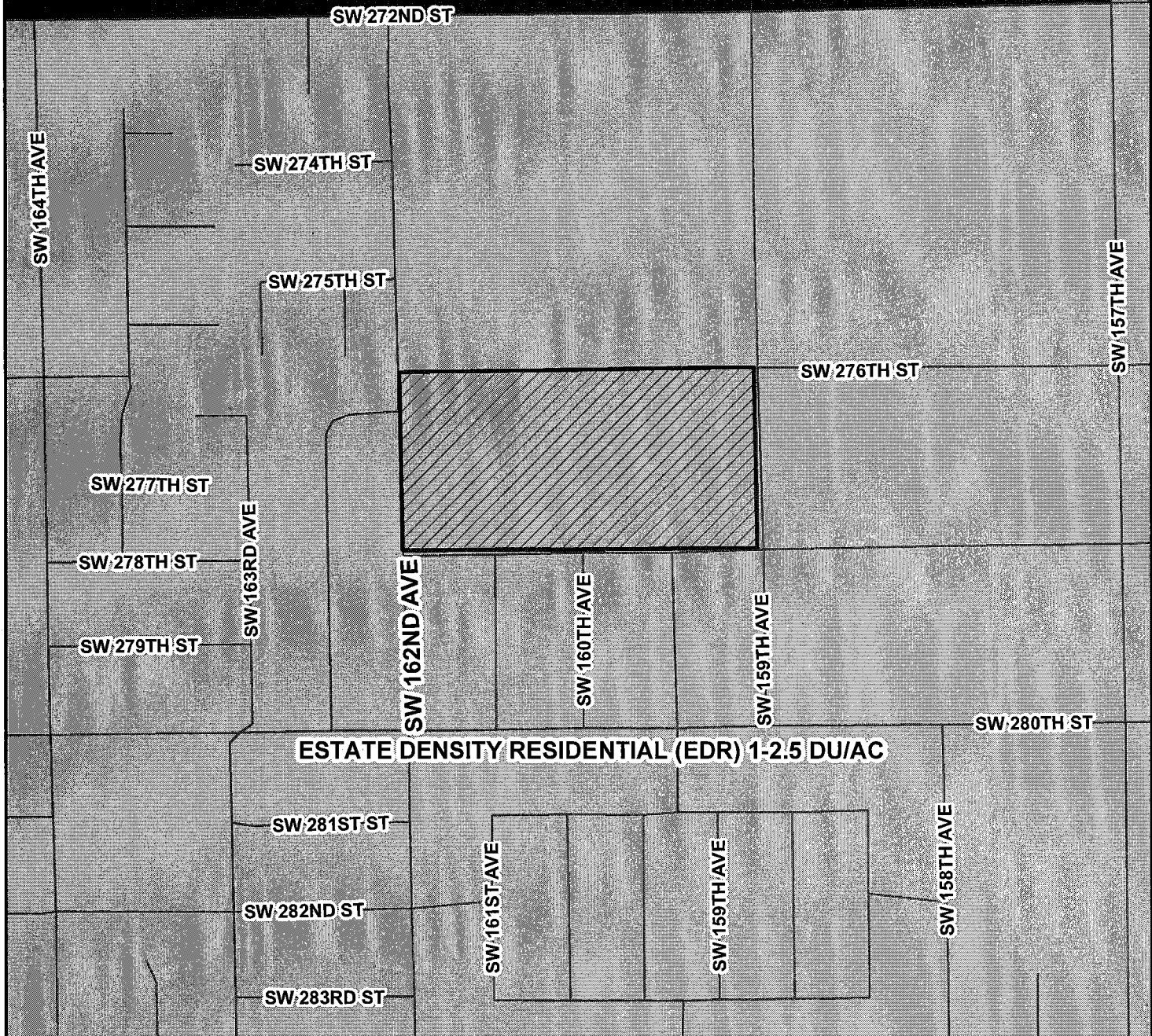


SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY
	30	



AGRICULTURE



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000003



Section: 32 Township: 56 Range: 39

Applicant: HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.



Zoning Board: C14

Commission District: 8

Drafter ID: F. Arencibia

Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY

This instrument was prepared by:
Name: Alan S. Krischer, Esq.
Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131

DRAFT
Helen Michael and
Preferred Enterprises, Inc.
BCC 11/20/14
Z14-003

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owners, **HELEN MICHAEL and PREFERRED ENTERPRISES, INC.**, a Florida corporation (the "Owners"), hold the fee simple title to that certain 20.00 ± acre parcel of land in Miami-Dade County, Florida (the "County"), located on the north side of SW 278th Street between SW 159th Avenue and SW 162nd Avenue (the "Property"), which is legally described in Exhibit "A" to this Declaration;

WHEREAS, the Owners have submitted to the County Public Hearing No. Z2014000003 (the "Application") seeking a district boundary change from GU to EU-M.

IN ORDER TO ASSURE the County that the representations made by the Owners during consideration of the Application will be abided by, the Owners freely, voluntarily and without duress make the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

2. Density Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the residential density of the Property shall be restricted to a maximum of forty (40) dwelling units.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the

Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and shall be recorded, at Owners' expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of all of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with the applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any

action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect.

Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

Owners. The term "Owners" shall include the Owners, and their heirs, successors and assigns.

[SIGNATURE PAGE(S) FOLLOW]

Signed, sealed and acknowledged on this _____ day of _____, 2014.

WITNESSES

HELEN MICHAEL

Signature

Printed Name

Signature

Printed Name

ACKNOWLEDGED BEFORE ME, this _____ day of _____, 2014, by Helen Michael who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC

Printed Name

My Commission Expires: _____

1
2 COMMUNITY ZONING APPEALS BOARD 14
3 SOUTH DADE GOVERNMENT CENTER - ROOM 203
4 10710 SW 211 STREET, MIAMI
5 October 1, 2014 @ 6:00 p.m.
6
7
8
9
10
11

12 Board Members
(Present)

13 Wilber Bell, Chairman
14 Curtis Lawrence, Vice Chairman
15 Gary Dufek
16 Diane Coats-Davis
17 Lubby Navarro
18 Nehemia Davis

19 County Attorney's Office

20 Abbie Schwaderer-Raurell
21 Assistant County Attorney

22 S t a f f

23 Carl Harrison, Evaluator
24
25

I N D E X

CHAIRMAN BELL: 3-4, 6-7, 13-14, 18-20, 23-25,
28-29, 35-36, 42-44, 57, 61, 64, 69-76.

VICE CHAIR LAWRENCE: 3, 13-14, 57-61, 71-75.

COUNCILWOMAN COATS-DAVIS: 3, 35, 42-43, 57-59,
71, 74-75.

COUNCILMAN DAVIS: 3, 70-71, 75.

COUNCILMAN DUFEK: 3, 64-71, 75.

COUNCILWOMAN NAVARRO: 3, 43, 61-64, 71, 75.

S T A F F

MR. HARRISON: 3-6, 30, 43, 70-71, 74-75.

ON BEHALF OF THE APPLICANT

MR. KRISCHER: 7-18, 28, 43-57, 67-69, 71-75.

SUPPORTERS

MR. ALVAREZ: 18-19.

PROTESTERS

MR. DE JESUS: 20-23.

MR. BUCKHALT: 23-25.

MR. LAURIE: 25-27.

MR. WALTON: 27-28.

MR. LECHOT: 28-29.

MR. WHITNEY: 29.

MS. LECHOT: 29-35.

MS. OSBORNE: 35-37.

MS. HINDIN: 37-42.

MR. JONCKHEERE: 43-44.

1 CHAIRMAN BELL: Call to order
2 Community Council 14, zoning hearing.

3 Please stand for the Pledge.

4 (Pledge of Allegiance).

5 CHAIRMAN BELL: Roll call.

6 MR. HARRISON: Councilwoman

7 Coats-Davis?

8 COUNCILWOMAN COATS-DAVIS: Present.

9 MR. HARRISON: Councilman Davis?

10 COUNCILMAN DAVIS: Here.

11 MR. HARRISON: Councilman Dufek?

12 COUNCILMAN DUFEK: Here.

13 MR. HARRISON: Vice Chair Lawrence?

14 VICE CHAIRMAN LAWRENCE: Here.

15 MR. HARRISON: Councilwoman Navarro?

16 COUNCILWOMAN NAVARRO: Present.

17 MR. HARRISON: Please note Councilman
18 Spencer is absent.

19 Chairman Bell?

20 CHAIRMAN BELL: Here.

21 MR. HARRISON: We have quorum.

22 CHAIRMAN BELL: Those who wish to
23 speak this afternoon, please stand and be
24 sworn in by the court reporter. Anybody
25 speaking this afternoon, please stand and

1 be sworn in.

2 (Thereupon, all interested
3 individuals seeking to present testimony
4 in these proceedings were duly sworn to
5 tell the truth, the whole truth and
6 nothing but the truth, after which the
7 following transpired:)

8 CHAIRMAN BELL: Are there any
9 requests for withdrawals or deferrals?

10 Seeing none --

11 MR. HARRISON: "In accordance with
12 the Code of Miami-Dade County, all items
13 to be heard this evening have been legally
14 advertised in the newspaper, notices have
15 been mailed and the properties have been
16 posted. Additional copies of the agenda
17 are available here at the meeting. Items
18 will be called up to be heard by agenda
19 number and name of applicant.

20 "The record of the hearing on each
21 application will include the records of
22 the Department of Regulatory and Economic
23 Resources.

24 "All these items are physically
25 present this evening, available to all

1 interested parties and available to the
2 Members of the Board, who examine items
3 from the record during the hearing.
4 Parties have the right of
5 cross-examination.

6 "This statement, along with the fact
7 that all witnesses have been sworn, shall
8 be included in any transcript of all or in
9 part of these proceedings.

10 "In addition, the following
11 departments have representatives present
12 here at the meeting to address any
13 questions: The zoning evaluation and
14 platting and traffic review sections of
15 the Department of Regulatory and Economic
16 Resources and the County Attorney's
17 Office.

18 "All exhibits used in presentation
19 before the Board become part of the public
20 record and will not be returned unless an
21 identical letter-size copy is submitted
22 for the file.

23 "Any person making impertinent or
24 slanderous remarks or who becomes
25 boisterous while addressing the Community

1 Appeals Board shall be barred from further
2 audience before the Community Appeals
3 Board by the presiding officer unless
4 permission to continue or again address
5 the Board be granted by the majority vote
6 of the Board Members present.

7 "The number of filed protests and
8 waivers in each application will be read
9 into the record at the time of hearing as
10 each application is read. Those items not
11 heard prior to the ending time for this
12 meeting will be deferred to the next
13 available zoning hearing meeting date for
14 this Board."

15 First item on the agenda, Item A,
16 14-7-CZ14-1, Helen Michael and Preferred
17 Enterprises, Incorporated, application
18 number 14-003. There are 197 protests and
19 0 waivers.

20 CHAIRMAN BELL: When I call you,
21 please step up to the podium, state your
22 name and address clearly for the record.

23 I will then proceed to call you who
24 are in support of the application. I will
25 then call on the objectors.

1 Those of you would wish to speak will
2 state your name and address. For those of
3 you speaking, I would ask, you know, that
4 you make your presentation short and
5 nonrepetitive. Thank you.

6 MR. KRISCHER: Thank you.

7 Good evening, Mr. Chairman, Members
8 of the Board. For the record, my name is
9 Alan Krischer with the law firm of Holland
10 & Knight, address of 701 Brickell Avenue,
11 appearing on behalf of the applicants
12 tonight in their request for a district
13 boundary change to rezone approximately
14 20 acres from AU to EU-M.

15 As your staff report indicates, we
16 are consistent with the comprehensive plan
17 and your staff is recommending approval
18 with no objections and no conditions. And
19 we, of course, agree with their analysis.

20 Now, in many circumstances, that
21 would be the end of my presentation, but
22 as you can see, the room is filled and I
23 imagine that almost everyone behind me is
24 going to be an objection to this
25 application.

1 You had deferred this matter once
2 before so that we would have the
3 opportunity to meet with our neighbors,
4 and talk about the issues and see if there
5 was a way to resolve this before bringing
6 it back to you. And unfortunately we were
7 not able to work that out, the differences
8 between what the neighbors are looking --
9 excuse me, what the neighbors are looking
10 for and the applicant's proposal was too
11 fundamental.

12 So because we have so many objectors
13 here tonight, I will be making a slightly
14 longer presentation, but since every one
15 of your reviewing agencies has recommended
16 approval and none of them have raised any
17 objections, I'm going to be keeping my
18 initial comments somewhat brief. And I
19 expect that I'll be doing most of my
20 talking in response to any points that are
21 brought up by our objectors, so I'd like
22 to reserve that time for rebuttal.

23 But the basic point remains the same:
24 This application has been found to be
25 consistent with your comprehensive plan.

1 It is consistent with your zoning code.
2 It is consistent with principles of good
3 planning and it has been thoroughly
4 reviewed by your professional staff, which
5 is recommending approval. And that does
6 not change despite the fact that there are
7 a number of objectors.

8 So to orient the Board, this aerial
9 photograph shows the property and the
10 surrounding area. The subject property
11 consists of about 20 acres. It's outlined
12 in light blue. It's at the intersection
13 of Southwest 162 Avenue and 278 Street.
14 It's about a block north of 280 Street.

15 It's surrounded to the west and to
16 the south by existing residential
17 development; to the north and to the east
18 by existing agricultural development.

19 To orient you further, off this
20 picture, this is where Dixie Highway runs,
21 down this way.

22 On the other board is a detail from
23 the Future Land Use Map of your
24 Comprehensive Development Master Plan.
25 And the subject property there is outlined

1 in yellow. The thick black line is 280
2 Street. The very thick dotted line across
3 the top of that picture is the urban
4 development boundary. This property is
5 located well inside the Urban Development
6 Boundary. And like all property inside
7 the UDB, it is designated for an urban
8 use. None of the property inside the UDB
9 is designated to be agricultural use in
10 the long term.

11 Like all of the surrounding property
12 is designated for estate density
13 residential. That's that light green that
14 you see there. The ag is the dark green
15 on the other side of the urban boundary.

16 The estate density residential
17 category calls for residential development
18 of up to 2.5 units per acre.

19 As I mentioned, the property is
20 currently zoned AU. The applicants have
21 requested a district boundary change from
22 the ag designation to EU-M. That is
23 consistent with the comprehensive plan
24 designation.

25 Now, when originally filed, the

1 application had a number of variances that
2 were requested. All of those requests
3 have been withdrawn. This is a request
4 for straight up EU-M zoning. There are no
5 variances. There are no other special
6 requests. No special exception.

7 EU-M is one of your estate density
8 districts. It permits single-family
9 detached residential homes. It requires a
10 minimum net lot size of 15,000 square
11 feet. And the more -- all of the
12 regulations governing EU-M are included in
13 Tab 6 of your book, if you have any
14 questions about what those restrictions
15 are.

16 What does EU-M look like? Well, it
17 looks pretty much like almost every house
18 you see on this aerial photograph. All of
19 these houses to the west, everything you
20 see on here is zoned EU-M. All of these
21 houses to the south are zoned EU-M. A
22 straight EU-M zoning is what this
23 neighborhood has been working under for
24 many, many years. And that's what we are
25 requesting.

1 All the way from 288 Street, all the
2 way up to the Urban Development Boundary,
3 right along the Urban Development
4 Boundary, that is all EU-M.

5 Now, in your books and in your
6 packets that you receive from staff, you
7 have the staff analysis. Planning &
8 Zoning has determined that the EU-M
9 request meets the comprehensive plan and
10 the requirements of the zoning code. Your
11 Public Works Department has reviewed the
12 application and found that there is
13 adequate capacity on the roadways to
14 permit the proposed development. Fire,
15 Solid Waste, DERM, Parks, they've all
16 reviewed the instant request and
17 determined that there's adequate
18 infrastructure.

19 Your schools, Miami-Dade County
20 Schools, has conducted its capacity
21 analysis and found that capacity exists
22 for these requests.

23 So, again, all the recommendations
24 are for approval.

25 Why are we here for EU-M? Over here,

1 this is a copy of all of the zoning maps
2 for basically a full square mile centered
3 around the property. You can see the
4 subject property is identified there and
5 you can see the surrounding areas. That
6 is really hard to read at a distance.

7 CHAIRMAN BELL: Could you set that
8 back so the audience can see it.

9 MR. KRISCHER: Sure. Mike, do
10 you want to --

11 CHAIRMAN BELL: Go to the end, that
12 way they got a good view.

13 VICE CHAIRMAN LAWRENCE: Turn the
14 easel around. We can see it. Turn it.

15 CHAIRMAN BELL: Yeah, we're good.
16 There we go.

17 MR. KRISCHER: Now I'm not sure I can
18 see it.

19 CHAIRMAN BELL: That's better. Can
20 the audience see that better?

21 THE AUDIENCE: Yes.

22 MR. KRISCHER: That's the zoning maps
23 as they appeared.

24 Could you put that up? Because
25 that's what I'm going to be talking off

1 of. The zoning map -- and we're going to
2 turn around that for a second.

3 VICE CHAIRMAN LAWRENCE: Turn that to
4 that side.

5 CHAIRMAN BELL: There you go, for the
6 audience, right there.

7 MR. KRISCHER: Now, that map is based
8 off -- that map is based off the notice
9 map that went out. You'll have a copy of
10 the uncolored map in your category.

11 That green oval is the boundaries of
12 the noticed area for this application.
13 That oval is a radius of half a mile. The
14 diameter of it is a full mile. So that
15 map is more than a square mile, again,
16 centered around our property.

17 And you'll notice that all of that
18 area in blue immediately abutting our
19 property, adjoining our property, is EU-M.
20 The EU-M runs the entire length of our
21 western boundary. It runs the entire
22 length of our southern boundary. Again,
23 it runs all the way to the UDB, all the
24 way up 162 Avenue.

25 This entire developed neighborhood

1 has been developed with EU-M density, with
2 EU-M zoning. And the request before you
3 tonight is simply to allow the EU-M
4 district -- the EU-M zoning that is
5 compatible with that district to continue.
6 It's compatible with what's there, it's
7 harmonious and it's the appropriate zoning
8 district for this property.

9 How consistent is that pattern of
10 development? Again, every person I think
11 that's here tonight behind me is going to
12 speak in opposition to this application
13 and I expect that almost all of them
14 themselves live on an EU-M lot. Because
15 our objectors submitted a petition to the
16 County, and there's a copy of it in Tab 7
17 of your book, but I'm sure they will
18 distribute it as well, that has 188
19 signatures on it, 188 objectors, which is
20 a lot of objectors. We've really brought
21 the neighborhood together on this.

22 Of those 188 objectors, 185 of them
23 live on an EU-M lot, when we
24 crossed-checked the addresses.

25 So almost every single objector in

1 that petition is asking this Board to deny
2 these applicants the same zoning that they
3 themselves have for their neighborhood and
4 on their own properties.

5 They will be coming up as soon as I
6 sit down and asking you to make a
7 determination that EU-M is inconsistent
8 with EU-M. That having developed, and
9 lived in a very lovely neighborhood that
10 is EU-M, that somehow it would be
11 detrimental, inharmonious or not supported
12 to have the same zoning right next to
13 them.

14 You probably have a lot of lawyers
15 come up and talk about the standard of
16 review for zoning application. I'm not
17 going to do that, but I am going to say
18 what you have been instructed in the past,
19 which is, this hearing is not about
20 figuring out what's popular. It's not
21 about figuring out what the neighbors
22 would want, or like or prefer. It's not
23 the purpose of conducting a poll of the
24 folks that live in the area. It is for
25 planning. It is for zoning.

1 The purpose is to determine whether
2 the planning policies that this County and
3 this Board have adopted through the
4 comprehensive plan and the zoning code
5 warrant the request that's in front of
6 you.

7 And so even though once I sit down --
8 I'm going to sit down in 30 seconds -- I'm
9 going to be followed by a hopefully not
10 too long line of speakers expressing their
11 dismay with this request, I will
12 reiterate, the request is consistent with
13 the comprehensive plan. It is consistent
14 with the requirements of your zoning code.

15 The County has already made a
16 determination that this is an urban area,
17 that this is part of the area that is to
18 be part of the urban housing stock for
19 this County.

20 It is appropriate for single-family
21 development. And it is appropriate that
22 it be exactly what's adjoining it, EU-M.

23 Every reviewing department of your
24 professional staff has recommended
25 approval. And we would ask that you do it

1 as well. And I look forward to speaking
2 to you in response to our neighbor's
3 objections.

4 Thank you.

5 CHAIRMAN BELL: Supporters of the
6 application, are there any other
7 supporters of the application?

8 MR. ALVAREZ: Right here.

9 CHAIRMAN BELL: Supporter?

10 MR. ALVAREZ: Yes.

11 Good evening. My name is Jorge
12 Alvarez. I reside at 27401 Southwest 164
13 Avenue. I.

14 Was also the developer of the
15 property that's to the south of this
16 property, which is 10 acres, back in '02.
17 I subdivided that property into 20 EU-M
18 lots.

19 I think this application is just and
20 coincides with the neighborhood. I
21 currently own five acres close by and
22 would like to develop that in the future.

23 Thank you.

24 CHAIRMAN BELL: Sorry. Could you put
25 that map up on the easel, kind of move

1 back so the we can see it and the audience
2 can see it, so people can show where they
3 live, if they object to the application.
4 To the side. There we go.

5 Are you on the map.

6 MR. ALVAREZ: Sorry?

7 CHAIRMAN BELL: Are you on this?

8 MR. ALVAREZ: Yes, I'm on the map.

9 CHAIRMAN BELL: Where are you on
10 this, on the drawing?

11 MR. ALVAREZ: I own this five-acre
12 tract right here (indicating) and I live
13 right here (indicating).

14 MS. SCHWADERER-RAURELL: Sir, for the
15 record, can you just state, I mean, the
16 cross-streets of the 5-acre tract you
17 indicated.

18 MR. ALVAREZ: It's 278th Street and
19 approximately 157 Avenue, one lot in.

20 MS. SCHWADERER-RAURELL: Thank you.

21 CHAIRMAN BELL: Okay. Anymore
22 supporters of the application?

23 Okay, objectors.

24 Is everybody -- all the objectors
25 have been sworn in, right? Okay. All

1 right.

2 Yes, sir.

3 MR. DE JESUS: Good evening, Panel,
4 my name is Victor De Jesus. I live at
5 27840 Southwest 160 Avenue.

6 CHAIRMAN BELL: On the map.

7 MR. DE JESUS: This is 160 Avenue.
8 I'm the third house or the middle house.
9 There's two houses. I'm right here,
10 approximately.

11 CHAIRMAN BELL: Okay.

12 MR. DE JESUS: And, basically, of
13 course, I agree with him, we all live in
14 EU-M. That's a no-brainer.

15 When I bought my house 10, 12 years
16 ago, I bought under -- not the assumption,
17 but there's plenty of land there. And
18 when my kids were a little smaller, we had
19 a good time there. The schools were
20 great.

21 I'm not saying we don't need it. I'm
22 saying we don't -- but we don't want it.
23 We don't need it.

24 And, for instance, Number 1, some of
25 our commissioners do not support police,

1 Fire-Rescue as far as funding them. Now,
2 when you bring more 52 approximately homes
3 in this area, you're going to double the
4 amount of people there. More Fire-Rescue,
5 more police might be needed. They might
6 not. Nobody knows.

7 Dade County schools. I was in open
8 house the other night, my son's school has
9 50 to 53 kids per class. And I guess he
10 says the panel says that the School Board
11 approves of that. How many more kids are
12 going to move in this area?

13 We're going to have more cars, more
14 traffic. You know, our kids grow up in
15 that neighborhood. And I'm speaking for
16 myself and my kids, because, you know,
17 that also is supported -- you could go
18 back in the minutes of the County, Lynda
19 Bell actually even supported that being
20 agricultural. Now, Lynda Bell flip flops
21 on certain things, so now I'm sure she
22 won't support it now.

23 That's all agricultural. I mean,
24 what's it going to take? I mean, a lot of
25 people, I'm sure -- I don't mean any

1 disrespect, are older, but our kids still
2 there. We're going to grow, but there's
3 more kids in the neighborhood. There's
4 parks.

5 I mean, I can sit here and talk to
6 you till you're blue in the face. I don't
7 have fancy words, but I've got a fancy
8 family and a fancy neighborhood to back us
9 up. Just understand where the neighbors
10 are coming from.

11 They tried it before. And, you know,
12 the sign said five-acre parcel lots for
13 sale. Now they're talking about 50 some
14 plus homes in that neighborhood.

15 And please, somebody, correct me if
16 I'm wrong, when we got with the attorneys,
17 their words were, they do not have to show
18 us no kind of plan. Well, very good,
19 thanks for helping us out there, Buddy.

20 Show us where the boundaries are.
21 Show us where your roads are going to be.
22 Show us when the new traffic comes through
23 there, doing 60, 70 miles an hour, because
24 we're going to be a cutoff zone and
25 they're trying to get home. I mean, let's

1 think a little bit beyond just somebody
2 with deep pockets. We don't have deep
3 pockets. We got short hands with deep
4 pockets. I mean, we're trying to make an
5 honest living when we moved 10, 15 years
6 ago. And it's all agricultural.

7 For now, I mean, I have nothing else
8 to say. I'm not going to sit here and
9 talk to you till you're blue in the face.
10 I'm sure you're going to hear plenty more
11 other people, but that's my stand. And
12 I'm going to try to keep it short and
13 sweet.

14 But please understand where the
15 neighbors are coming from, as a mother, as
16 a father for our kids.

17 CHAIRMAN BELL: Okay.

18 MR. DE JESUS: I mean, don't think
19 about the big developers all the time.
20 Give us a little bit.

21 Thanks.

22 CHAIRMAN BELL: Okay. Next.

23 MR. BUCKHALT: My name is Johnathan
24 Buckhalt. I reside at 16 -- 16290
25 Southwest 274 Street.

1 CHAIRMAN BELL: Where is --

2 MR. BUCKHALT: My house sits here.
3 I'm right here at the end of this street
4 here. Like you said, they're all EU-M. I
5 bought land on one acre. I didn't want to
6 be packed into a place like sardines.

7 And all the land from that side,
8 yeah, it can be zoned EU-M, up to that
9 line where it's all going to be
10 agricultural.

11 We know some day lots are going to be
12 built, everyone knows it's going to be
13 built some day, but we don't want to see
14 40 houses there with the cars, and traffic
15 and everything else that comes along with
16 that. Put -- I mean, I'd like to see
17 five-acre lots, but even something better
18 than 40 houses sitting right here.

19 We have five-acre parcels down this
20 side already. If you had a five-acre lot,
21 would you want six houses packed against
22 your property line? No, you build some
23 sort of progression to it.

24 There's many more things to say.
25 I'll let other people bring up the points

1 I'm forgetting, but please think about the
2 little man.

3 CHAIRMAN BELL: Okay. Next.

4 MR. LAURIE: Good evening. William
5 Laurie, 27902 Southwest 159 Court. And I
6 oppose the changing of this parcel of land
7 from agricultural to EU-M.

8 The Miami-Dade definition of zoning
9 is that zoning controls the use, the
10 development of land for the health,
11 welfare, safety of the community. The
12 Redlands are synonymous with agriculture.
13 And to change this parcel from AU to EU-M
14 provides no gain to the established
15 community. It's, in fact, detrimental.

16 If this parcel is rezoned to
17 residential, this will link 40 new homes
18 directly to an existing neighborhood. The
19 impact has negative effects on all facets
20 of the community's well-being.

21 First and foremost is traffic. We
22 estimate that over 100 additional
23 vehicles, not including the traffic that
24 will be involved with the construction,
25 will have to transit our neighborhood to

1 thoroughfares. Our streets are not
2 equipped with sidewalks.

3 This through traffic will endanger
4 our children, elderly walkers, longer
5 street runs, increase speed and decrease
6 safety. The traffic review should bear
7 out.

8 Environmental concerns. All the
9 homes in the area are on septic tanks.
10 Some homes use wells for potable water.
11 The aquifer water quality studies need to
12 be done on that. That's going to be an
13 impact.

14 Fire-Rescue services will be degraded
15 due to increased populated density.

16 Neighborhood watch, police services
17 will be stressed.

18 Parks and recreation facilities are
19 at capacity now. We have a nice park.
20 It's full. It's crowded.

21 An increase in school enrollees,
22 teacher/student ratios.

23 Public transit, solid waste services
24 will also be stretched.

25 I know apparently there's been a Comp

1 Plan done, but let's look at the level of
2 services that will be reduced.
3 Concurrency information center will note
4 this loss of capacity.

5 Additional concerns are the developer
6 has been less than forthcoming with site
7 plans. The spec of tract homes next to
8 our established neighborhood is
9 distressing.

10 This parcel of land is presently
11 being farmed, is providing produce. The
12 surrounding area has been developed to a
13 manageable density.

14 To rezone, lose farmland, while
15 adversely affecting the community is
16 counter to the Miami-Dade definition of
17 zoning.

18 MR. WALTON: I'm Bruce Walton. I
19 live at 27801 Southwest 159 Court. I live
20 right next to the (inaudible). You have
21 it highlighted there. I'm the house
22 that's right on the field. And I've
23 watched the farmer work there for all
24 these years and he probably produces one
25 of the best crops I've ever seen. All the

1 other farms around there cannot compare to
2 what he's producing out of that farm.

3 I concur with everything he said.

4 Thank you.

5 CHAIRMAN BELL: Yes, sir. Next.

6 MR. LECHOT: Good evening. My name
7 is Steve LeChot. I live at 16100 278
8 Street. That would be right across the
9 street, right there facing the field.

10 Is there any way I can refer to that
11 other chart?

12 MR. KRISCHER: Sure.

13 MR. LECHOT: That you have right
14 there.

15 MR. KRISCHER: It's the one right
16 behind it.

17 MR. LECHOT: When he was talking
18 about this one here, he was talking about
19 how close this was to the UDB -- or how
20 far away it was from the UDB. That's only
21 a thousand feet. He referred to the oval
22 around it as being a half-mile radius, but
23 he brought it down to 280 Street. The
24 radius goes down to 286 Street. So, as
25 you can see, over 50% of this boundary is

1 agriculture. And we'd like to keep it
2 that way. That's all I've got.

3 CHAIRMAN BELL: Okay. Thank you.
4 Next.

5 MR. WHITNEY: My name is Joe Whitney.
6 I'm at 27825 Southwest 162 Avenue, the
7 second parcel to the south.

8 There are some other parcels that are
9 available for sale out in the Redlands
10 area. I work for Century 21. Our office
11 has at least two pieces that I know off
12 the top of my head that's available zoned
13 and ready to go. There's plenty of other
14 land out there that's available for these
15 developers instead of changing these
16 current AU-zoned Redland properties. So
17 if you can take that into consideration
18 when you decide on this. That's all I
19 got, but thank you.

20 CHAIRMAN BELL: Thanks.
21 Next.

22 MS. LECHOT: Good evening. My name
23 is Sandra LeChot. That was my better half
24 that spoke a minute ago. My address is
25 16100 Southwest 278 Street. And I live

1 right here facing that field. I've lived
2 there for 31 years. And I bought that
3 house, because I love the area, because
4 Redland is agriculture and nurseries. And
5 I would like to see it kept that way.

6 I do have some more signatures on a
7 petition. Can I turn this in at this
8 time?

9 MR. HARRISON: Thank you.

10 MS. LECHOT: If you'll bear with me,
11 I've kind of written some notes here as to
12 what the attorney's had to say.

13 I printed out pretty much everything
14 on the web site having to do with all the
15 agencies that filed whatever they had to
16 file and what the staff recommended.

17 According to what I found, I don't
18 really see that the police department or
19 that the schools actually made a comment.
20 There was no comment. It was not an
21 approval. It was not an objection. It
22 was just a no comment. So he said that
23 all of these agencies approved everything.
24 And I disagree with that.

25 As far as the signatures on the

1 petitions, yes, most of them are from
2 people that are in an EU-M zoning, but,
3 like he did say, there are some that are
4 not.

5 And we have signatures from all of
6 these people here that are on five-acre
7 lots and one-and-a-half or two-acre lots.
8 And some of them even wrote letters, okay,
9 which he didn't happen to mention, that we
10 filed at least 35 letters that I'm aware
11 of that oppose the zoning.

12 And one lady just bought the property
13 on 280 here (indicating). She bought five
14 acres. It's a beautiful place. She's
15 just added all of this landscaping. She's
16 got horses. It's gorgeous. And now here
17 she is -- she did write a letter. And
18 here she is not wanting all this traffic,
19 because she's got these horses. And it's,
20 like -- it's out in an area that we don't
21 need all of this traffic.

22 We did meet with the developer's
23 attorneys, like you asked us to, and
24 basically it was all for not, because they
25 came back to us. We told them our reasons

1 and what we would like to see. And they
2 weren't willing to budge. All that they
3 were willing to do was to budge on the
4 size of the homes that they were going to
5 build. I didn't think that that was any
6 way of trying to work with the community.
7 And I thought that was the purpose of the
8 meeting, was to try to come to an
9 agreement.

10 I object for many reasons. One is
11 that there is no shortage of homes in the
12 area. And there are eight new homes that
13 are right here on 280 and Old Dixie, okay?
14 They're up for sale. Four of them are
15 built. Four of them are being built,
16 okay? The developer himself is building
17 homes within a mile of my house that's up
18 for sale. He's got ads in the paper every
19 Sunday for his homes. He's got two
20 developments that he's building, one on 67
21 Avenue and 296 Street, which is where he
22 had us meet, so that we could see the
23 houses that he's building.

24 But then he had us move to another
25 site, because they couldn't have -- they

1 didn't have a key to where we were
2 supposed to meet. So we all had to move
3 to another site, which is this other
4 development, so that we could see that
5 home as well. Just to let you know.

6 Also, as Joe Whitney said, there are
7 resales in the area and there are
8 foreclosures going on. And I know this,
9 because I walked around and got these
10 signatures on the petitions. So I know I
11 saw homes for sale. There's plenty of
12 homes for sale there.

13 And as my husband stated, this site
14 here is only a thousand feet from the UDB
15 line. It doesn't mean that it has to be
16 developed. And as you can see, there's
17 agriculture on two sides. And there's
18 EU-M on two sides. So, to me, it's pretty
19 equal. And it doesn't need to be
20 developed.

21 As far as the water shortage, I feel
22 that when you put up to 50 homes, which is
23 what I believe they're wanting to do, if
24 you put 50 homes there, you're going to
25 have what we -- we have water restrictions

1 already in Miami-Dade County. You're
2 going to have 52 homes that are going to
3 need drinking water. You're going to have
4 52 homes that are going to need water for
5 landscaping. This agriculture site needs
6 well water. That's to say it comes from
7 the same place, but you get much less use
8 of water through the well water being used
9 on this agriculture site as opposed to 50
10 homes.

11 And traffic, well, we already know
12 what that's going to do. And, like I
13 said, I moved to this area 31 years ago.
14 And I moved there. I had a choice between
15 two homes, the home in Redland and a home
16 in West Kendall. And I moved here,
17 because I love the agriculture. I love
18 the nurseries. I love being out in a
19 rural area. And I wanted to be away from
20 traffic. I don't have far to go to do my
21 shopping. It's a perfect setup, perfect
22 neighborhood. And I would like to see it
23 kept that way.

24 Agriculture is very, very important
25 to the area. As a matter of fact, the

1 country uses agriculture from the Redland
2 during the winter months throughout the
3 country. So I would like to see it remain
4 agriculture, and landscape and nurseries.

5 And I think that I would really
6 appreciate it if you guys would support us
7 in any way that you can and help us keep
8 Redland green.

9 Thank you.

10 COUNCILWOMAN COATS-DAVIS: What's
11 your name again?

12 MS. LECHOT: Sandra LeChot.

13 MS. OSBORNE: Hello, my name is
14 Melinda Osborne and I live at 27850
15 Southwest 159 Avenue. I'm the third house
16 in here, so we're right down the street.
17 It's a dead-end street to go to the field.

18 And, first, I want to say that Bill
19 Laurie, everything he said, I support
20 100%.

21 The lady that was mentioned that
22 has horses --

23 CHAIRMAN BELL: You've got to be
24 sworn. You came in late.

25 MS. OSBORNE: I didn't come in late.

1 I was sworn in. I was here early.

2 CHAIRMAN BELL: Okay. No problem.

3 MS. OSBORNE: There was a mention of
4 the lady who bought the five acres of the
5 horse. She's on my street, right here at
6 the end, the point of 280 and 159 Avenue.
7 My daughter and I work with her and the
8 horses.

9 The extra traffic in the neighborhood
10 would absolutely be detrimental to -- you
11 know, none conducive with what we're doing
12 with the horses there. The horses are
13 used for a very important purpose. They
14 are used for equine therapy at the Agape
15 Center. Barb Morello is the owner of that
16 property. And she couldn't be here
17 tonight, but wanted me to speak her
18 concerns. You know, it's going to totally
19 derail her purpose of buying the property
20 and having those horses. There's no way
21 with the extra traffic, we're going to be
22 able to walk, you know, train them the way
23 we've been doing.

24 I've been in my property over
25 10-and-a-half years. I have a 13-year-old

1 daughter, who I raised in the
2 neighborhood. I am not at all open to the
3 extra traffic going through the
4 neighborhood. There's already too much.
5 The schools and the parks, as were already
6 mentioned, are already overcapacity.

7 And just -- and the agricultural
8 aspect of it, absolutely that was part of
9 the reason, you know, I wanted to be near
10 there, the fields there. We, you know,
11 get to enjoy the change of the properties,
12 the importance of that to the community
13 and the whole United States, like they
14 said, during the winter months.

15 And just, you know, we appreciate
16 your consideration in any way you can to
17 keep this property as it is agricultural,
18 nursery and keep our neighborhood the way
19 it is. Thank you.

20 MS. HINDIN: Hi. I'm Lindsey Hindin.
21 I live at 27905 Southwest 162 Avenue. I
22 live right next to Joe Whitney, 162, and
23 I'm the third house in from the field.

24 Just to sort of sum up some of the
25 concerns. We previously addressed this

1 issue on this exact same property back in
2 2007 and '08, and we were very successful.
3 And this situation was dismissed.

4 The traffic pattern -- one of the
5 problems with traffic pattern is this
6 particular piece of land, as you can see,
7 is surrounded by avocado groves. That
8 means that the traffic is going to be very
9 limited to these areas, which is going to
10 increase density and traffic, because
11 there's very limited access to that
12 particular 20-acre piece.

13 In 2008, when we went door to door
14 and we petitioned every home, we found out
15 that in our area there's 2.7 vehicles per
16 home and 2.2 children per home. So that
17 traffic pattern is going to be very much
18 of a problem when you have those avocado
19 groves on either side and you have Mr.
20 Ingram's nursery on the other side.

21 Secondly, I am the director of the
22 emergency department of South Miami
23 Hospital. And I'm very familiar with
24 Homestead Hospital being extremely
25 overwhelmed with increasing wait times in

1 their emergency departments, decreasing
2 patient satisfaction. And they are now
3 transferring patients from Homestead
4 Hospital to Baptist and to South Miami.

5 They cannot continue to have
6 overwhelming development in this area in
7 spite of the comprehensive plan.

8 I have also spoken to Fire-Rescue in
9 Miami-Dade County. They have reduced the
10 number of people that are working there.
11 They have laid them off. And that has
12 resulted in increasing response times.
13 And I can tell you this was the case back
14 in 2007, and they acknowledge that.

15 Furthermore, there are, as Joe
16 Whitney says, multiple other developments
17 taking place in Homestead, many by Mr.
18 Rosen, and including Keys Gate Golf Club,
19 which has just been purchased. And it
20 will not be a golf club anymore; it will
21 be a housing development. How much more
22 do we need in the comprehensive plan?

23 Schools are overwhelmed. The ratios
24 are increasing, and the schools in -- C
25 and D schools. This is not a great thing.

1 I'm very glad that I chose not to have
2 children.

3 The other reality is that this
4 property -- it's true, this property is
5 less than two blocks from the UDB line.
6 As has been stated, why not have a
7 progression from EU-M through to UDB.
8 That would be a natural progression and it
9 would work for the community. It would
10 work for the agricultural. And it would
11 work for the people, who have those
12 five-acre lots right here. Forty new
13 houses is going to be a huge density.

14 And we don't know it's 40, because,
15 as has already been stated in the meeting
16 where we met, as you had requested, with
17 the lawyers, they said they did not have
18 to provide any kind of plan for us. That
19 was it.

20 The bottom line was they were looking
21 at rezoning. So we don't know. The
22 original plan was 52 homes, which they
23 withdrew. Now it's 40, 42. We have no
24 idea. And did they sort of fool us
25 around. You know, the meeting was

1 supposed to be here. Then they moved it
2 to here. This is a very accomplished law
3 firm. I know, they do business for the
4 hospital I work for. They are not paid to
5 make errors and they're not paid to forget
6 a key.

7 Septic tanks and wells. I'm on a
8 septic tank and I'm on a well. Having 42,
9 52 more homes is a problem. The Redlands
10 is agricultural.

11 And, finally, I think at the last
12 election, us, as taxpayers and voters, we
13 clearly stated that we did not want this
14 piece of land. Clearly stated that we did
15 not want this piece of land developed.
16 Lynda Bell is no longer as effective I
17 believe November 16th, the commissioner.
18 She was outvoted.

19 We are tired of having our
20 neighborhood, which is EU-M -- and it was
21 very presumptuous of you, by the way, to
22 make the comment that we were going to
23 state that EU-M is inconsistent with EU-M.
24 We've never stated that. We are simply
25 stating that we feel that EU-M is at its

1 maximum capacity. This is the UDB line
2 with five-acre lots. And we would like a
3 reasonable progression. This piece of
4 land does not need to be developed at this
5 time.

6 We would very much appreciate your
7 consideration. And if you have any
8 questions, we'd be happy to answer them.

9 Thank you.

10 CHAIRMAN BELL: Okay. Thank you.

11 MS. SCHWADERER-RAURELL: Mr. Bell,
12 Mr. Chair, if I could make a quick
13 announcement.

14 Staff has passed around copies of
15 petitions and letters that were received
16 on this application. Some of them say
17 duplicate. And that just means that the
18 letter is maybe by the same person who
19 also signed the petition, just for
20 purposes of staff counts of how many
21 objectors they received, but it doesn't
22 mean that there's two copies of the letter
23 in the packet. Just to clarify.

24 COUNCILWOMAN COATS-DAVIS: Is this
25 the petition the same that's in the book,

1 same application?

2 MR. KRISCHER: That is the copy of
3 the petition that we received from staff.
4 It would not include any additional names
5 that were submitted tonight.

6 COUNCILWOMAN NAVARRO: Mr. Chairman,
7 so do we have a total of --

8 MR. HARRISON: Through the Chair.

9 COUNCILWOMAN NAVARRO: -- the
10 petitioners -- the objectors?

11 MR. HARRISON: For the record, what
12 staff read into the record, apart from
13 what was received recently, which we have
14 not had a chance to match with what was
15 received, we had 197 people that were
16 opposed.

17 CHAIRMAN BELL: Do we have any
18 objectors?

19 MR. JONCKHEERE: I was not sworn in.

20 (Thereupon, Mr. Benoit Jonckheere was
21 duly sworn).

22 MR. JONCKHEERE: My name is Benoit
23 Jonckheere. I live on 16208 Southwest 274
24 Street. Property over here (indicating).
25 It's a two-acre property. John has one.

1 Another neighbor has one also.

2 We moved there, because we love the
3 neighborhood. We love the green. So,
4 east, I have all the avocado grove.

5 I totally acknowledge and agree with
6 everything, which have been said before.

7 One thing I want to add, it's -- I'm
8 sorry, I don't know the street. I think
9 it's 270 probably 5 or 276 Street. Let me
10 show you. (Indicating). It was an
11 eight-acre avocado. Was sold maybe six,
12 seven years ago by a developer to build 16
13 houses. Only three have been built right
14 now. Only three. So I don't know if
15 because the market is strong, but I don't
16 think there's a demand probably for houses
17 in this neighborhood. Let's keep it
18 green.

19 Thank you.

20 CHAIRMAN BELL: Anymore? Is there
21 anymore objectors?

22 Seeing none, we'll go to the
23 rebuttal.

24 MR. KRISCHER: All right. Mr.
25 Chairman, thank you very much.

1 I was right that most of the people
2 here were in objection to this. And I
3 think that we can stipulate that no matter
4 how many people have sent in letters, that
5 there's considerable amount of opposition
6 to this development.

7 However, many of the things, indeed
8 all of the things that you've heard
9 tonight, are not a sufficient basis for
10 denying this application. And I'll go
11 through why.

12 It's mentioned, and I apologize that
13 I tried to keep track as well as I could
14 of who raised the objections, but I'll
15 just group them by subject.

16 So the objection concerning to
17 schools. And I've been doing this for a
18 while. And, you know, back in 2000, the
19 mid 2000's, early 2000's, that was the
20 complaint that I'm sure you, as Board
21 members, and members of the community,
22 heard the most, the schools are
23 overcrowded, the schools are overcrowded.

24 And you, the County, Miami-Dade
25 County School Board, did something about

1 that. You made it better. In the
2 application that you have -- I mean, for
3 some reason, the staff report for this
4 particular application in 2007, isn't
5 available online, but if you look in Tab
6 10, you approved, this Board approved, any
7 EU-M application up near the UDB, back in
8 the day, in 2006. And it has the school
9 report. And the schools were horribly
10 overcrowded: 160%, 120% overcrowded.

11 School analysis for this application,
12 which is the last tab in this book, all of
13 the schools that service this property are
14 under capacity today, which seems amazing,
15 but what's happened in the last 10 years
16 is that the School Board has constructed
17 numerous improvements. All of the things
18 that were identified as future capacity
19 improvements in 2006 have been completed.

20 And so you have new K through 8
21 schools that have been opened, expansions
22 to South Dade Senior. And you have had so
23 many charter schools open in this area,
24 that at the council meeting last month of
25 the city of Homestead, the city of

1 Homestead council directed their staff to
2 start exploring a moratorium, because
3 there were too many schools that have been
4 built in the city of Homestead, in this
5 area. There are literally hundreds of
6 student stations, elementary, middle and
7 high school, that are available to service
8 this.

9 Not only has the capacity been
10 increased, but because of the pressure of
11 good folks, like the people that are here
12 tonight, constantly complaining about that
13 with reason, Miami-Dade County and
14 Miami-Dade County Public Schools finally
15 implemented school concurrency. You
16 cannot build unless the School Board
17 determines that there's adequate capacity.

18 Not just tonight. Whatever this
19 Board does tonight, if you approve this
20 application, when we come in for plat,
21 they're going to check again to make sure
22 that whatever is specifically requested,
23 that there is adequate capacity in the
24 schools. And if there isn't, we can't get
25 a plat.

1 And so, yes, there is still a lot of
2 residual fear and a perception out there
3 that things are going to be terrible if
4 you approve more homes, but things have
5 improved markedly in that respect.

6 As to traffic, we're talking about
7 extending local roads by a block. You'll
8 notice that all of this area over here,
9 you've got local roads that extend
10 two blocks, four blocks. People don't go
11 70 miles an hour down those roads. If
12 they do -- if they do, then that is a
13 condition that exists everywhere in the
14 County.

15 These roads are all constructed
16 according to the Public Works manual for
17 local roads. In many cases, in areas much
18 denser than EU-M; RU-1, RU-1MA, RU-1MB.
19 So if neighbors are telling you that the
20 basic standard for a local road in Dade
21 County cannot handle more than one block,
22 a local road cannot be more than one block
23 or it's unsafe for their kids, unsafe for
24 their elderly, that is simply absurd.

25 I don't mean to disparage their

1 experience of their neighborhood, but the
2 standard for evaluating these zoning
3 requests has to be grounded in evidence
4 and in fact.

5 The Public Works Department has
6 reviewed this. A local road that is two
7 blocks in length is not inherently unsafe.

8 Moreover, they've reviewed the
9 overall infrastructure for the area.
10 Southwest 268 Street has more than enough
11 capacity to accommodate these homes.

12 It is above level of service. It's
13 actually level of service C. Not level of
14 service E. Not level of service D.

15 The addition of another 20 acres of
16 EU-M, when you've got literally five or
17 600 homes, just in that portion of that
18 aerial and it extends beyond, is not going
19 to render that road any different that
20 they'll notice in terms of traffic,
21 because your Public Works Department has
22 analyzed the impact. And determined that
23 for all the traffic counts, there will be
24 no degradation of level of service.

25 With respect to wells, I mean,

1 generally, as a general matter,
2 agricultural uses more water than
3 residential uses. It's a very
4 water-intensive use.

5 But all of these homes in this
6 area -- and, again, I keep coming back to
7 the fact -- that this is blocks, and
8 blocks and blocks of EU-M that all
9 function very nicely.

10 This block, if this Board approves
11 it, this group of homes, is going to be
12 functionally indistinguishable from the
13 rest of this neighborhood. And I'll get
14 to the cumulative nature in a moment.

15 But in terms of calling them tract
16 houses, thinking that the wells won't
17 operate, thinking that it's going to cause
18 an environmental problem for these
19 residents, these homes have been here for
20 decades, in the same level of density,
21 without any of those ill effects.

22 With respect to Homestead Hospital,
23 it was something that had been brought up
24 earlier. We actually, as Ms. Hindin
25 mentioned, we represent Baptist Hospital.

1 We spoke to them about that. Baptist
2 Hospital does have a tremendous number of
3 people that are using the emergency room,
4 the emergency services at Homestead
5 Hospital. The problem that they're having
6 is that there's a lot of people that are
7 showing up there not for emergency care,
8 but for primary care. Very large numbers
9 of indigent folks, some with, some without
10 insurance, are showing up, not for
11 emergency treatment, but for primary care.
12 And those individuals get triaged, and
13 they do not receive emergency room care,
14 obviously, and they will have to wait,
15 because they're not an emergency.

16 The folks that are buying detached
17 estate density homes with 2.7 cars are not
18 going to be showing up at Baptist Hospital
19 emergency room instead of going to their
20 primary doctor.

21 There is no indication that Baptist
22 Hospital cannot provide adequate emergency
23 care for the people that are turning up
24 there in need of it.

25 With respect to parks, your Parks

1 Department has reviewed this, determined
2 there's surplus of park land in the area.

3 With respect to the fire, the Fire
4 Department has reviewed this and
5 determined that there is an adequate
6 response time.

7 There are budget constraints on all
8 County departments. That has been the
9 case for unfortunately far too long.

10 If that were an adequate basis for
11 not increasing density by 40, 50 homes,
12 you would shut down development in
13 Miami-Dade County. And I don't want to
14 talk about case law too much, although I
15 did include some cases in the book, but it
16 is simply not legally sufficient to point
17 to these types of generalized impacts that
18 would completely preclude all development
19 as a basis for denying a rezoning.

20 Almost every request for development
21 approval increases traffic, for example.
22 That's not the issue. The issue is, can
23 the infrastructure accommodate the
24 increase in traffic. Otherwise, this
25 Board and all government boards would have

1 unfettered discretion to deny everything
2 that came in front of them. And the
3 courts have said that is not what the rule
4 is.

5 With respect to the lack of a site
6 plan, when we had originally come forward
7 with this application, we had submitted a
8 site plan because we were seeking
9 variances. We were seeking to deviate
10 from the minimum standards of EU-M.

11 We withdrew that application for two
12 reasons.

13 One, because we were receiving
14 pushback from the County with respect to
15 the increase in density that comes from
16 those variances, because they would have
17 allowed for slightly smaller lots. And we
18 were told that that was not something that
19 we were looking at.

20 The second thing that we were told,
21 is that the Public Works Department had
22 concerns about not having these roads pass
23 through, because the Public Works
24 Department has determined that that type
25 of road interconnectivity is critical to

1 the smooth function of the transportation
2 network down here.

3 We will be working with your
4 professional staff and we will be working
5 with your Public Works Department when we
6 come in for platting. Just like all of
7 the homes in this area were zoned EU-M
8 and the final site plan was determined at
9 the time that the plat came forward in
10 connection with Public Works Department
11 and meeting all of the requirements for
12 staff.

13 Buffers and transitional elements are
14 a marvelous tool of planning. They work
15 really well.

16 I have five-acre estates, which I
17 don't think is really a credible option.
18 There's homes all the way up here.
19 There's literally hundreds of homes. Each
20 of these blocks is 32 lots. 150 homes
21 that are closer to the UDB than we are.
22 They're all EU-M.

23 These homes up here are five-acre
24 estates immediately adjoining the UDB.
25 We're not immediately adjoining the UDB.

1 What we are immediately adjoining is
2 five homes over here, eight homes over
3 here. All of them are EU-M. All of them
4 are 15 to 17,000-square-foot lots.

5 What this property would be
6 appropriate for, will be compatible for,
7 is to match what borders us. Not what is
8 several blocks away. And not to keep it
9 as agriculture.

10 Yes, the Redlands is renown for its
11 agriculture. This property is inside the
12 Urban Development Boundary. This property
13 is not supposed to remain in the
14 agricultural inventory for the long term.
15 It is an urban property.

16 The best way to protect the
17 properties outside the UDB is to not waste
18 the developable land inside the UDB.
19 Whenever you increase the size of your
20 lot, you burn up more developable land for
21 each unit.

22 Talk about need, if you approve this
23 application tonight, it would be a year
24 before we got our plat approved. That's
25 about what it takes to get a plat approved

1 in Dade County. It would be another, you
2 know, 5 or 6 months before we got a
3 building permit done. However long
4 construction would take from that point,
5 sales, marketing.

6 Developers are not looking at what
7 the market is today. They're looking at
8 what the market is typically two years
9 from when I'm standing in front of you.

10 And so while we recognize that our
11 neighbors can look and see what homes are
12 for sale, in terms of substantial
13 competent evidence, using that term,
14 looking forward into the market is a skill
15 that developers use. And they don't
16 always do it well, but they're not
17 planning for the present day.

18 I think I've hit on most of the
19 points. I'm available to answer any
20 questions.

21 But to summarize all of this, we
22 totally understand that our neighbors
23 would rather things stay the way they are.
24 I don't think that there's any question
25 tonight that they don't want this to

1 happen. And if that was the rule, then
2 this would be a very easy decision for
3 you.

4 However, there's a reason why you
5 have a thick packet from your Planning and
6 Zoning Department instead of just how many
7 people are for and against. It's because
8 this process is supposed to be guided by
9 what makes sense, what does the
10 infrastructure support, what does your
11 comprehensive plan say, how do you plan
12 for the orderly development of this
13 County. Not just what other people would
14 like to see in the adjoining yards.

15 We believe that we have fully
16 satisfied all of the criteria of the code,
17 that your staff has done an excellent job
18 of reviewing the impacts and that this
19 application should be approved.

20 Thank you very much. And I can
21 answer any specific questions that you
22 have.

23 CHAIRMAN BELL: Okay, Board Members.

24 COUNCILWOMAN COATS-DAVIS: Excuse me.

25 VICE CHAIRMAN LAWRENCE: You know --

1 we -- I'm sorry.

2 COUNCILWOMAN COATS-DAVIS: I'm sorry.

3 VICE CHAIRMAN LAWRENCE: Ladies
4 first.

5 COUNCILWOMAN COATS-DAVIS: I'm sorry
6 about my voice. I'm not well tonight, but
7 I'm here listening.

8 And let me commend the attorney for
9 an elegant and factual presentation, but I
10 am one that don't change stripes.

11 I am a native born Miamian. I know
12 what's in the Redlands. I know what was
13 on Krome. I know what was in Richmond
14 Heights. Pretty much what's going on as
15 far as the land is concerned.

16 And I'm in a neighborhood that had
17 development. And after development came,
18 then citizens started complaining about
19 traffic and everything else.

20 Well, my response to them was, "Why
21 didn't you come to the meetings? Why
22 weren't you there when decisions were
23 deemed? Plans were being made to make
24 those decisions?"

25 The traffic in the community is just

1 terrible. I've watched groves turning to
2 estates where the communities are crowded.

3 I don't know if I'm speaking for the
4 citizens out there, but, to me, it's not
5 as much we don't want, as we don't want to
6 be crowded, a crowded community, where
7 people are moving out where they can have
8 space, and have land for their children to
9 play and enjoy some kind of peace,
10 atmosphere, not like the north end of
11 Miami-Dade, which is pretty congested.

12 So as a native Miamian, and you may
13 call me old fashion, but that's my
14 opinion, I think the community should have
15 what they want and we start listening to
16 the community for what they want.

17 Thank you.

18 (Applause).

19 VICE CHAIRMAN LAWRENCE: Mr.
20 Chairman, over the years we've seen this
21 happen time and time again. You have
22 property that is zoned ag. And the owners
23 farm it. And when farming becomes less
24 viable, or they get tired of it and they
25 want to liquidate, the first thing that is

1 done is you seek to upgrade the zoning on
2 the property to increase its value and it
3 becomes more profitable to the owner then.

4 And I think the owners actually owe
5 the residents a little something. After
6 all, you've gotten an agricultural
7 exemption on the property all of these
8 years.

9 And I think a compromise would have
10 gone a long ways here as far as maybe
11 asking for one-acre parcels instead of
12 what you're looking at here.

13 And we've tried over the years to
14 create -- when you get that close to the
15 Urban Development Boundary line, to create
16 some type of buffer where we do entertain,
17 you know, one-acre lots as opposed to
18 these 15,000, 16, 17,000-square-foot lots.

19 So with the availability of other
20 parcels in the area and the glut of
21 houses, whether they're foreclosures or
22 new homes on the market, I really believe
23 that this application is a little bit
24 premature at this time.

25 And to give you what you want this

1 evening would actually change the whole
2 character of that neighborhood.

3 I've been out there many times. And
4 I know it's -- you can look at it as being
5 a little selfish on the residents' part,
6 because, you know, they want to see this
7 field. They want to see this farmland. I
8 mean, even though they are living on the
9 same thing, they want to see it.

10 If you go out there, and you take a
11 look at what they're talking about, they
12 have a valid point. You know, when they
13 moved there, this was there. And, you
14 know, like I said, I know it's a little
15 selfish to expect it to be there forever.
16 And eventually it will be developed, but I
17 just think this is a little premature at
18 this time and I can't support it.

19 (Applause).

20 CHAIRMAN BELL: We can't have the
21 clapping. That's out of order, please,
22 okay?

23 Lubby.

24 COUNCILWOMAN NAVARRO: Thank you, Mr.
25 Attorney and residents for coming.

1 I am a strong believer that we do --
2 we should have long time ago created a
3 buffer, basically the UDB and development.
4 And I was not on the board when those, I
5 think, five homes were referenced to or
6 approved right along the UDB. And that is
7 something that I will never support that
8 close to the UDB.

9 I think it is a buffer in an area
10 that is, to me, our most pristine area in
11 the County. And I do understand your
12 pride living in that area. I think these
13 are the areas in our County that we have
14 to continue to protect.

15 Like my colleague said, eventually,
16 because of our Master Plan, these are
17 areas that are going to be developed, so I
18 think it's something that you, living
19 there, will have to know, that,
20 eventually, whether this passes here or
21 not today, the attorneys and developers
22 and the owner representatives will come
23 here again to ask us or another board to
24 approve it.

25 Again, this area, to me, is an area

1 that has a large agriculture area.
2 Although you are living in a different
3 density, we have to protect -- and this is
4 just my philosophical view of maybe land
5 use, in these areas along the UDB, I do
6 see it, it is very -- it borders the UDB
7 very close.

8 And my other concern is that,
9 obviously, like the attorney said, we
10 don't know until he goes through plat, and
11 through that process what the through
12 streets would look like, but I do believe
13 that looking at the property that it will
14 create traffic and the traffic will
15 probably end up in those homes right
16 across.

17 So the dumping -- on the people
18 speeding to get to the top of the border
19 of the property will occur. And then --
20 'cause you're not going to be able to
21 create streets in the other area, which is
22 ag. And that, to me -- I understand the
23 residents' concerns in that.

24 So, at this time, I have to say that
25 this is something that I cannot support.

1 I have to say that we have to continue to
2 preserve this area.

3 CHAIRMAN BELL: Mr. Dufek.

4 COUNCILMAN DUFEK: I've lived on the
5 Redlands most of my life. And I've been
6 involved in zoning most of my life.

7 One thing that I've seen is the fact
8 that every time the County or developers
9 come in and move the UDB line, the first
10 thing that the people in the affected area
11 will say, and I've heard it time and time
12 again at hearings, is there's already so
13 much land inside the UDB, develop that
14 first.

15 Well, this, from what I can see, has
16 been -- and I don't know when it was put
17 in the UDB, and I'm quite sure that staff
18 probably doesn't know when it was put
19 inside the UDB, but I do know that the
20 homes on the south side were built in the
21 mid 60's and the homes on the west side
22 were built in the mid 70's.

23 And so I would venture a guess that
24 it's probably been 50 years that this
25 property has been inside the UDB. And

1 people have been using the argument that,
2 hey, we've already got all this land in
3 the UDB; develop that before you move the
4 line.

5 Now, if we come here and say, no,
6 we're not going to let you develop this,
7 then we're defeating the purpose of having
8 a zoning and a UDB line altogether.

9 Because, like I said, this is inside
10 the UDB, whether it was developed 50 years
11 ago, when it was moved in or whether it
12 just is going to sit there and we're going
13 to keep moving the UDB line, because we
14 can't develop what's inside there. Then
15 what we're doing, and I've seen it also,
16 is the fact that you're doing leap frog
17 development and that cost you more for
18 public services. It cost you more for
19 police to go through empty areas, blank
20 areas, like you see in West Kendall and
21 stuff like that. There will be massive
22 tracks of agricultural line and then
23 another development. Well, it cost money
24 to be leap frogging. Not only the Fire
25 Department, but the police department and

1 all the public services over those long
2 distances.

3 And that's the reason why, to my
4 idea, the orderly development of the stuff
5 inside the UDB line should happen before
6 the UDB is moved again. And if you don't
7 allow this to happen, I'm afraid that
8 you're basically pushing the can down the
9 road saying, well, yeah, we're going to
10 need more UDB land, which means we're
11 going to lose more agricultural land.

12 And this land, although it's been
13 farmed for, like I say, probably over
14 50 years that it's been inside the UDB,
15 it's still -- the fact remains that it is
16 inside the UDB. And, like I said, the
17 fact that the homes south of that were
18 built in the 60's and the ones west of it
19 were built in the 70's, that tells you
20 that it's been a long time that it's been
21 inside the UDB. And that should be
22 developed before we go any farther.

23 And so I hate to say it, because I
24 got a lot of friends out there, but I
25 think that this development is

1 appropriate. It's not out of line.

2 I'd like to ask just a couple of
3 questions.

4 Number 1, how many units are you
5 planning to build on this? Because
6 comparable properties to the south shows
7 that there shouldn't be more than, what,
8 about 40 units in this 20-acre property.

9 MR. KRISCHER: Through the Chair, and
10 to respond to your first point first, it's
11 always been inside the UDB. It was inside
12 the first iteration of the UDB.

13 COUNCILMAN DUFEK: That's what I was
14 thinking, that it was probably part of the
15 original UDB line that was drawn back in
16 the 50's when Dade County was first
17 organized. That's how old it is.

18 MR. KRISCHER: It was in the GLUMP,
19 the Generalized Urban Master Plan,
20 whatever it stands for.

21 The total number of units will be
22 determined by -- with EU-M, it's a net
23 density. And so it's a matter of where
24 the roads are, where the functions are.
25 It's always going to be less than the

1 maximum.

2 All of your staff reports analyze at
3 52, because that's the theoretical
4 maximum. If we didn't have any roads, if
5 we didn't have any need to -- if we could
6 just put them all together and have people
7 walk to their houses, you could fit 52 on
8 here.

9 You're absolutely right, the four
10 blocks immediately south of us are also
11 the same size, it's 20 acres, and there's
12 40 homes on that. That's probably what
13 we're looking at. To be candid with the
14 Board, it might be 1 or 2 more units
15 that's going to be driven by -- the
16 derisive laughter may not show on the
17 transcript, but you should base your
18 decision on the fact that even at 52.
19 There is no indication that this is not an
20 appropriate development that's supported
21 by infrastructure.

22 COUNCILMAN DUFEK: The other question
23 I have is, some of the people brought up
24 the subject, and I was curious as to
25 whether you would be allowed in this

1 development to do the same thing or
2 whether you would have to bring in Water
3 and Sewer lines.

4 Will this be developed -- if this is
5 developed, will this be developed with
6 well on septic tanks or will it have to be
7 on Water and Sewer?

8 MR. KRISCHER: It would not have to
9 be on Water and Sewer. If you look in Tab
10 2 of the book that we handed out, that's
11 the DERM recommendation. We will have to
12 bring in water, but we will not have to
13 bring sewer.

14 COUNCILMAN DUFEK: Oh, you just have
15 to bring in the water?

16 MR. KRISCHER: Yes.

17 CHAIRMAN BELL: What is that, well
18 water?

19 MR. KRISCHER: We will have to --
20 DERM has said we will have to connect to
21 potable water, public water.

22 COUNCILMAN DUFEK: Public water,
23 septic tank.

24 Okay, that's all I have.

25 CHAIRMAN BELL: Mr. Davis.

1 COUNCILMAN DAVIS: I agree with him,
2 so --

3 THE AUDIENCE: Can't hear you.

4 COUNCILMAN DAVIS: -- I don't need to
5 restate it.

6 MR. HARRISON: Through the Chair, if
7 I might just make one slight correction
8 for staff's sake.

9 Our recommendation shows that you,
10 may get up to 50 units, not 52, so just
11 for clarification.

12 CHAIRMAN BELL: Okay.

13 COUNCILMAN DUFEK: I'll make a motion
14 to approve the application as per the
15 Department's recommendation.

16 COUNCILMAN DAVIS: I'll second.

17 COUNCILMAN DUFEK: All terms and
18 conditions of the County.

19 CHAIRMAN BELL: We have a motion to
20 approve.

21 COUNCILMAN DAVIS: And I second.

22 CHAIRMAN BELL: We have a second.
23 We'll call for the question.

24 MR. HARRISON: There's a motion on
25 the floor to approve the application per

1 staff's recommendation.

2 Motion was moved by Councilman Dufek
3 and seconded by Councilman Davis.

4 Councilman Dufek?

5 COUNCILMAN DUFEK: Yes.

6 MR. HARRISON: Councilman Davis?

7 COUNCILMAN DAVIS: Yes.

8 MR. HARRISON: Vice Chair Lawrence?

9 VICE CHAIR LAWRENCE: No.

10 MR. HARRISON: Councilwoman
11 Coats-Davis?

12 COUNCILWOMAN COATS-DAVIS: No.

13 MR. HARRISON: Councilwoman Navarro?

14 COUNCILMAN NAVARRO: No.

15 MR. HARRISON: And Chairman Bell?

16 CHAIRMAN BELL: Yes.

17 MR. HARRISON: It's a tie vote.

18 MR. KRISCHER: If I may, through the
19 Chair, there has been considerable
20 distress by the community voiced to you
21 about being called out here time and time
22 again, and we have contractual issues with
23 the application.

24 Given that there are insufficient
25 votes for the approval, we would request

1 the contrary motion. And if it pleases
2 the Board, to formally take action on
3 this, recognizing that we're not going to
4 get approval.

5 I'm quite confident that our
6 neighbors do not want to come out again
7 next month, which I'm looking to the
8 County attorney, will be the result of a
9 tie vote. We appreciate the members that
10 have voted in support of this application,
11 but a tie vote, I don't think anybody here
12 would object to resolving this issue
13 tonight. If it cannot be resolved with an
14 approval, we would welcome the opportunity
15 for a final resolution with a contrary
16 motion.

17 MS. SCHWADERER-RAURELL: If there is
18 a tie vote, another motion could be in
19 order. If no other motion is passed, if
20 it's a tie vote, the application would
21 automatically be deferred to your next
22 meeting.

23 VICE CHAIRMAN LAWRENCE: We can't
24 change the actual request, correct?

25 CHAIRMAN BELL: Modify.

1 MS. SCHWADERER-RAURELL: Well, what
2 exactly -- Mr. Lawrence, what exactly do
3 you mean? I mean --

4 VICE CHAIRMAN LAWRENCE: If he were
5 to change his request to one-acre home
6 sites, then I would change my vote.

7 CHAIRMAN BELL: Even three quarter.

8 MR. KRISCHER: If I may, I appreciate
9 the suggestion, Board Member Lawrence.
10 The applicants in this matter are the
11 owners of the property. There are
12 financial terms of the transaction, as
13 were noted before. I cannot stand here
14 and say that the deal still works at a
15 lower density.

16 And although it may seem as though
17 any density is better than ag, if they are
18 going to be forced to continue to farm
19 this for another, what, it was seven years
20 since the last application when everybody
21 was here and told, you know, next year in
22 Jerusalem, dayenu; this will be in the
23 future. Well, if they have to farm it
24 another seven years, they need to have
25 their ag.

1 So I do appreciate it. I do not mean
2 to be in any way difficult, but I do not
3 believe that is a resolution for the
4 applicant.

5 CHAIRMAN BELL: Okay. Board Members,
6 what's it going to be?

7 VICE CHAIRMAN LAWRENCE: That's it.

8 MR. KRISCHER: A motion for denial I
9 think would be the contrary motion.

10 VICE CHAIRMAN LAWRENCE: I'd like to
11 offer a motion that this application be
12 denied.

13 COUNCILWOMAN COATS-DAVIS: Second.

14 CHAIRMAN BELL: Call for the
15 question.

16 MR. HARRISON: There's a motion on
17 the floor. There's a new motion on the
18 floor to deny the application. The motion
19 was moved by Councilman Lawrence and it
20 was seconded by Councilwoman Coats-Davis.

21 Vice Chair Lawrence?

22 VICE-CHAIR LAWRENCE: Yes.

23 MR. HARRISON: Councilman
24 Coats-Davis?

25 COUNCILMAN COATS-DAVIS: Yes.

1 MR. HARRISON: Councilwoman Navarro?

2 COUNCILWOMAN NAVARRO: Yes.

3 MR. HARRISON: Councilman Dufek?

4 COUNCILMAN DUFEK: No.

5 MR. HARRISON: Councilman Davis?

6 COUNCILMAN DAVIS: Yes. Go ahead,

7 yes.

8 MR. HARRISON: And Chairman Bell?

9 CHAIRMAN BELL: No.

10 Your motion carries.

11 MR. HARRISON: Motion carries 4 to 2,

12 motion to deny with -- is that denied

13 without prejudice?

14 VICE CHAIRMAN LAWRENCE: That's

15 correct.

16 CHAIRMAN BELL: Right.

17 VICE CHAIRMAN LAWRENCE: Yeah.

18 COUNCILWOMAN COATS-DAVIS: Right.

19 CHAIRMAN BELL: Denied without

20 prejudice.

21 MR. KRISCHER: Thank you very much.

22 We will not see you next month.

23 CHAIRMAN BELL: The public hearing is

24 closed. You did a good job.

25 MR. KRISCHER: Thank you very much.

1 CHAIRMAN BELL: Excellent. You're
2 the best.

3 (Thereupon, at 7:37 p.m., the meeting
4 was adjourned).

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CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF DADE)

I, Lorena Ramos, Notary Public, State
of Florida, certify that all witnesses
personally appeared before me on 10/01/2014,
and were duly sworn.

Lorena Ramos

LORENA RAMOS, NOTARY PUBLIC

STATE OF FLORIDA

Commission #FF119086 MAY 4, 2018

CERTIFICATE OF REPORTER

I, Lorena Ramos, Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceeding, the hearing on Helen Michael and Preferred Enterprises, Inc., No. 14-003, heard by Board 14; and that the transcript, pages 1 through 76, is a true and correct record of my stenographic notes.

DATED this 5th day of November 2014,
at Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, RPR & FPR
COURT REPORTER