

**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS**

**COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER
- 2ND FLOOR**

111 NW 1 Street, Miami

Thursday, February 19, 2015 at 9:30 a.m.

PREVIOUSLY DEFERRED

DISTRICT

A.	14-7-CZ14-1	<u>HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.</u>	(APPEAL OF CZAB)	14-3	32-56-39	8
B.	15-1-CC-1	<u>DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES</u>		14-110	36-52-41	2

CURRENT

DISTRICT

1.	15-2-CC-1	<u>DEPARTMENT OF REGULATORY AND ECONOMICS RESOURCES</u>	(DEVELOPMENTAL IMPACT COMMITTEE)	14-139	12-52-40	N	13
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Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, FEBRUARY 19, 2015

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

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

**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 (Override CZAB decision – requires a 2/3 vote of the BCC of the members present).

Protests: 206 Waivers: 0

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

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

DEFERRED: _____

Deferred from November 20, 2014

B. DEPARTMENT OF REGULATORY & ECONOMIC RESOURCES 15-1-CC-1 (14-110)

**36-52-41
BCC/District 02**

(1) DELETION of Declaration of Restriction recorded in Official Record Book 19356, Pages 2623-2636.

(2) DELETION of Declaration of Restrictions recorded in Official Record Book 24467, Pages 3151-3161.

The purpose of the above requests is to allow the applicant to delete previous agreements tying the site under a previous zoning district in order to allow the site to be developed in accordance with the North Central Urban Area District (NCUAD).

LOCATION: Lying West of I-95, East of NW 7 Avenue & between NW 114 Street & NW 115 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.8 Acres

Department of Regulatory and
Economic Resources

Recommendation:

Approval.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from January 22, 2015

1. DEPARTMENT OF REGULATORY & ECONOMIC RESOURCES 15-2-CC-1 (14-139)

12-52-40
BCC/District 13

DISTRICT BOUNDARY CHANGE from RU-4L, BU-1A, BU-2, BU-3 & IU-C to Country Club Urban Area District (CCUAD).

LOCATION: Lying generally North of State Road 826, East of theoretical extension of NW 62nd Avenue, West of NW 57 Avenue & South of NW 183 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 278 Acres

Department of Regulatory and
Economic Resources

Recommendation:

Approval.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

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)

February 19, 2015

Item No. A

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, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i>

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 of the members present)
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).
3. On November 20, 2014, the application was deferred by the Board of County Commissioners (BCC) to allow the applicants to meet with the neighbors.

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)

February 19, 2015

Item No. A

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

MM

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) <i>Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</i></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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ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126
(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 11/20/14

#Z-

ITEM: 1.

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

MOTION: Deferred to February 19, 2015 at 9:30 a.m. with no additional notice being provided.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bovo		X		
Diaz	S	X		
Edmonson				X
Heyman				X
Jordan		X		
Levine Cava	M	X		
Monestime				X
Moss				X
Souto		X		
Suarez		X		
Zapata		X		
Chairwoman Sosa		X		
TOTAL		8	0	5

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

#A

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

REPRESENTATIVE: Alan Krisher

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

REC: Approval

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

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

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

#A

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

REPRESENTATIVE: JUAN MAYOL

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

REC: Approval

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Oct. 1 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

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

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

#1

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

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	

EXHIBITS: YES NO

COUNTY ATTORNEY: Lauren Morse

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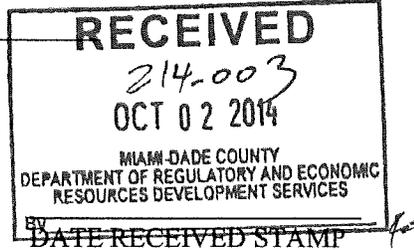
PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ 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.

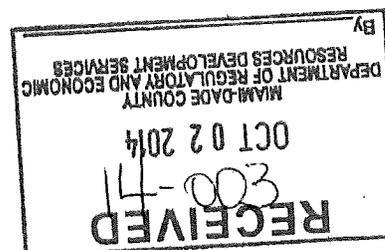
Name of Appellant, if other than applicant Same

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.



APPELLANT MUST SIGN THIS PAGE

Date: 2nd day of October, 2014

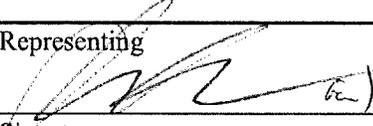
Signed Helen Michael

Helen Michael
Print Name

1849 Watermill Road, Monticello, Florida 32344
Mailing Address

305-662-2858 305-662-2943
Phone Fax

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

Helen Michael
Representing

Signature

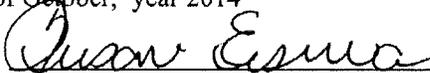
Juan J. Mayol, Jr., Esq.
Print Name

701 Brickell Avenue, Suite 3300
Address

Miami Florida 33131
City State Zip

305-789-7787
Telephone Number

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


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
- 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 Hanfman
Signature

Lynn Hanfman
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:



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 305-662-2943
Phone Fax

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

Preferred Enterprises, Inc.

Representing

[Signature]
Signature

Juan J. Mayol, Jr., Esq.
Print Name

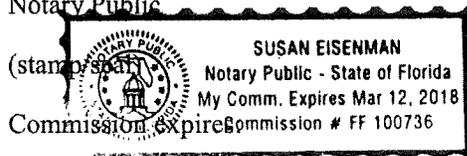
701 Brickell Avenue, Suite 3300
Address

Miami Florida 33131
City State Zip

305-789-7787
Telephone Number

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

Susan Eisenman
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 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 Scruge
Signature

Melissa Scruge
Print Name

Lynn Hartman
Signature

Lynn Hartman
Print Name

Paul Michael
Appellant's signature

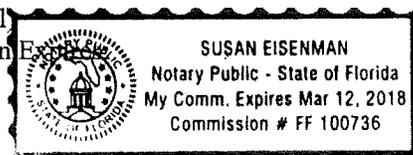
Paul Michael
Preferred Enterprises, Inc.

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 1/2 of the SW 1/4 of the SE 1/4 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

Revised 10/17/14
32-56-39/14-003

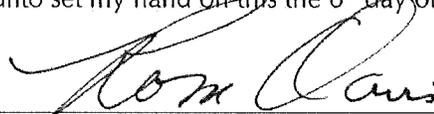
CZAB14-6-14

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

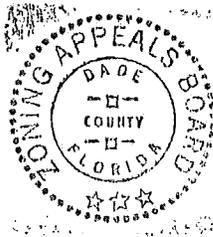
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-6-14 adopted by said Community Zoning Appeals Board at its meeting held on the 1st day of October, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of October, 2014.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade Department of Department of Regulatory
and Economic Resources

SEAL



**A. HELEN MICHAEL AND
PREFERRED ENTERPRISES, INC.**
(Applicant)

14-11-CC-1 (14-003)
BCC/District 08
Hearing Date: 02/19/15

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

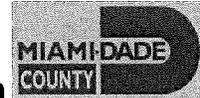
Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

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.



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.

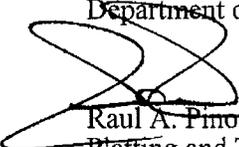
cc: Nathan Kogon, Department of Regulatory and Economic Resources

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)

A handwritten signature in black ink, appearing to read "Paul Mauriello", written over the "From:" field of the memorandum.

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

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 MDRFR 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
<u>residential</u>		<u>industrial</u>	square feet
N/A	square feet	N/A	
<u>Office</u>		<u>institutional</u>	
N/A	square feet	N/A	square feet
<u>Retail</u>		<u>nursing home/hospitals</u>	

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

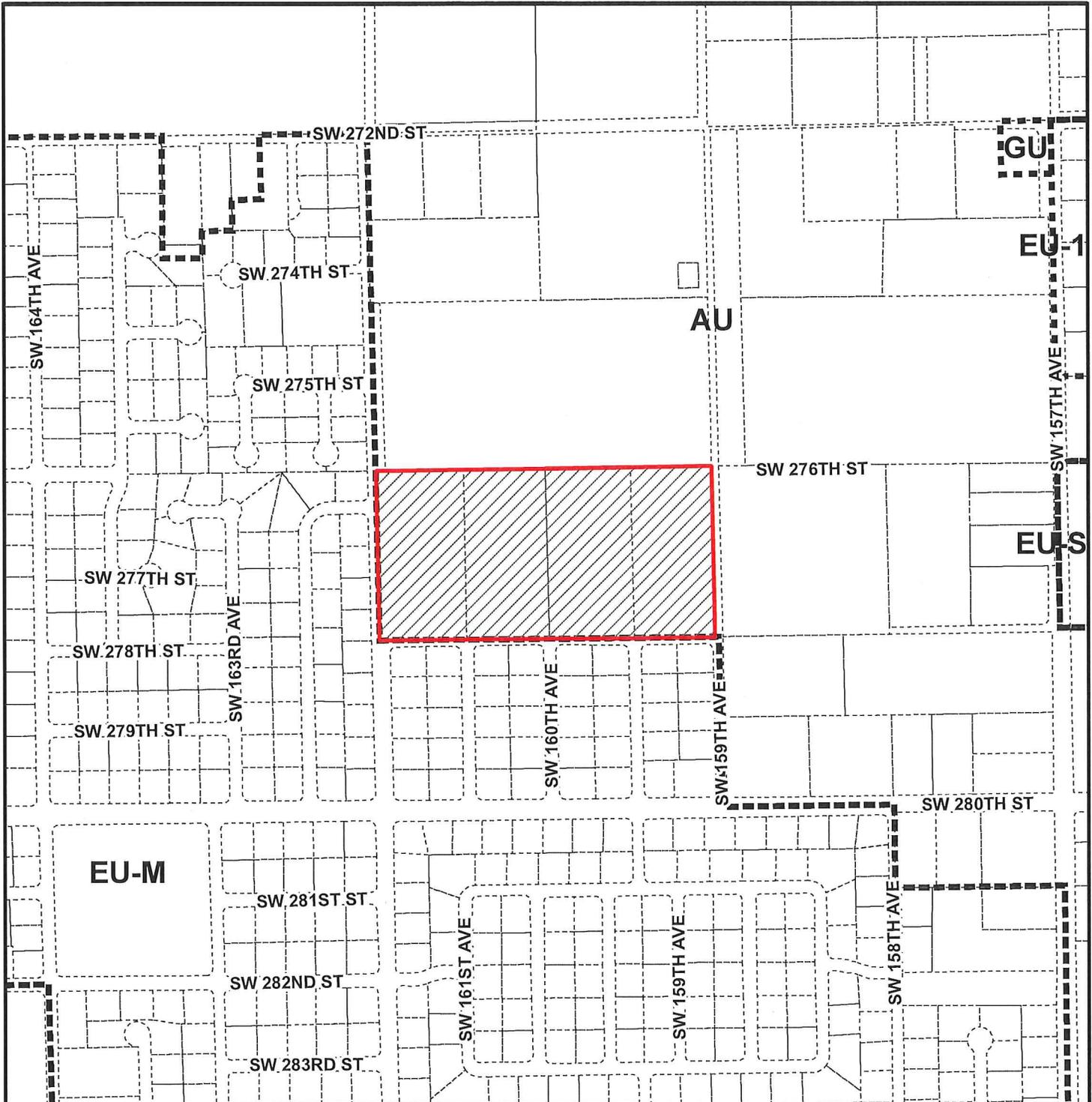
NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBRHOOD REGULATIONS CASES.

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:



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)

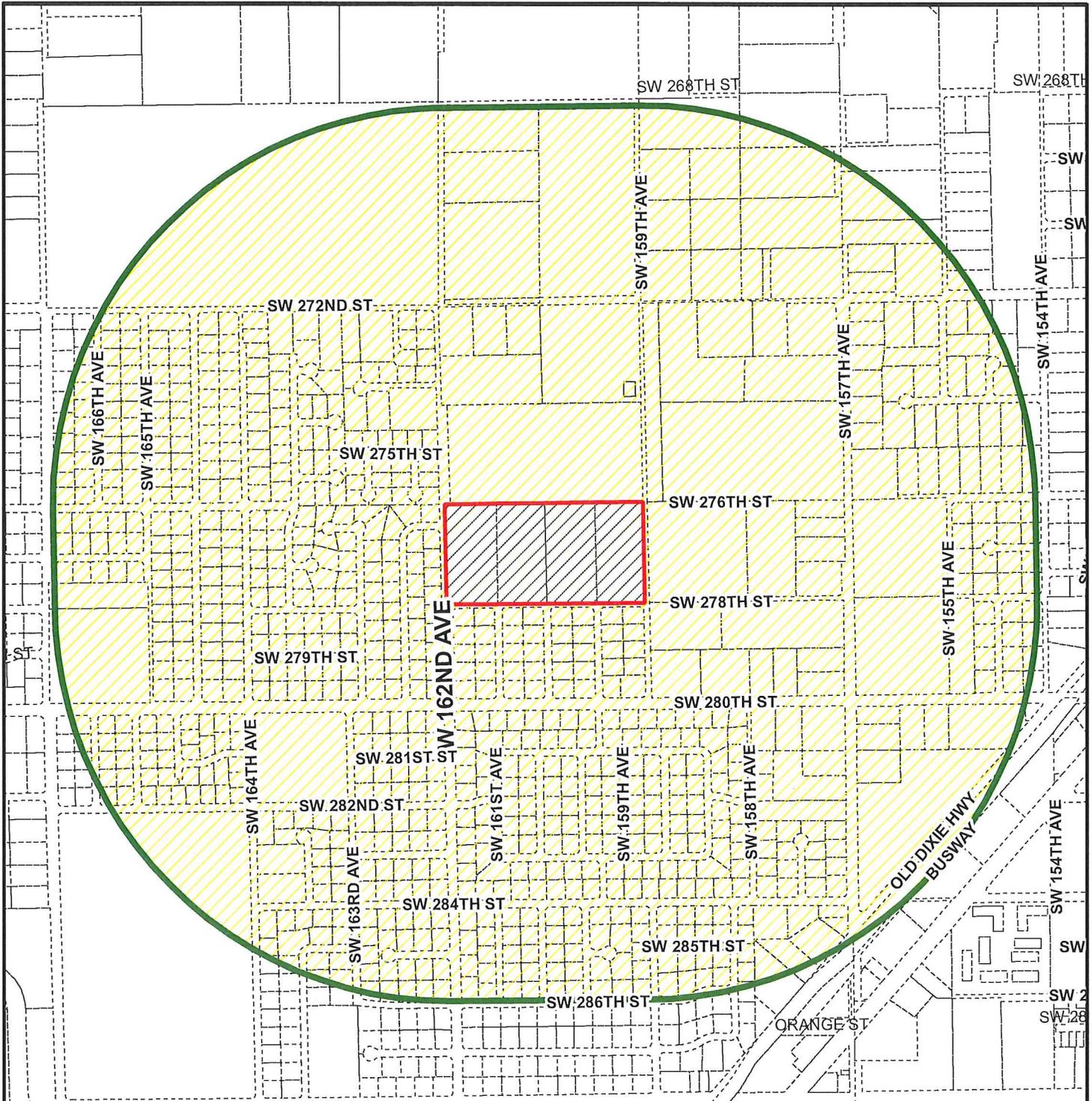


Section: 32 Township: 56 Range: 39
 Applicant: HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.
 Zoning Board: C14
 Commission District: 8
 Drafter ID: F. Arencibia
 Scale: NTS



SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY
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MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2014000003
 RADIUS: 2640

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
-  Buffer
- Street (Centerline)
- Property Boundaries



SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY
		31



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

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STEPHEN CLARK CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS

ITEM

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

Board of County Commissioners
(Present)

Rebeca Sosa, Chairwoman
Barbara J. Jordan
Juan C. Zapata
Jose "Pepe" Diaz
Javier D. Souto
Xavier L. Suarez
Daniella Levine Cava

County Attorney's Office

Craig Collier & Dennis Kerbel
Assistant County Attorneys

On behalf of the Applicant

Alan Krischer, Esq.
Holland & Knight

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COMMISSIONERS

CHAIRWOMAN SOSA: 3-4, 6-9, 20-27, 29-35, 37, 42-46, 51, 56, 61, 64-68, 74, 77-80, 82-85, 87-91.

COMMISSIONER DIAZ: 7-8, 31, 56-61, 67-69, 77, 82, 84, 88-90.

COMMISSIONER SUAREZ: 45-47, 49-51, 67.

COMMISSIONER LEVINE CAVA: 52-56, 67, 77, 80-85, 87-91.

COMMISSIONER ZAPATA: 61-64.

COMMISSIONER SOUTO: 64-65, 67-74, 82.

COMMISSIONER JORDAN: 74-77.

STAFF

MR. SILVA: 4-6, 43-46, 51, 57, 61, 76, 85, 87-88, 90.

MR. COLLER: 6-7, 37, 47-49, 66, 82-87, 90.

ON BEHALF OF THE APPLICANT

MR. KRISCHER: 4, 8-20, 37-42, 86-90.

SUPPORTERS

OBJECTORS

MS. BEAUCHAMP: 21-22.
MR. MERRITT: 22-23.
MS. SAMALION: 23-24.
MR. WALTON: 24-25.
MR. WHITNEY: 25-27.
MR. LAURIE: 27-29.
MR. GRAY: 29-30.
MR. DE JESUS: 31-34.
MR. LECHOT: 34-35.
MS. LECHOT: 30, 35-37.

1 CHAIRWOMAN SOSA: Thank you. Good
2 morning. And please join us for a moment
3 of silence, followed by the Pledge of
4 Allegiance.

5 Commissioners.

6 (Pledge of Allegiance).

7 CHAIRWOMAN SOSA: Good morning and
8 welcome to the zoning meeting today.

9 Mr. Clerk, will you please swear the
10 witnesses and the translators, please.

11 THE CLERK: Will the witnesses please
12 rise and raise your right hand.

13 CHAIRWOMAN SOSA: Those who are going
14 to speak.

15 THE CLERK: Do you solemnly swear
16 that the testimony you're about to give
17 will be the truth, the whole truth and
18 nothing but the truth, so help you God?

19 COLLECTIVELY: I do.

20 THE CLERK: Do you swear to interpret
21 the testimony given?

22 THE INTERPRETERS: I do.

23 THE CLERK: Thank you.

24 CHAIRWOMAN SOSA: Thank you, Mr.
25 Clerk.

1 At this point, I will entertain any
2 requests for deferral or withdrawal?

3 Seeing none, then staff, for the
4 record -- sir, sir, you can sit down.

5 MR. KRISCHER: I'm so psyched.

6 CHAIRWOMAN SOSA: Thank you.

7 Staff, for the record, please read
8 the Department's introductory statement
9 for the zoning hearing.

10 MR. SILVA: Good morning, Madam
11 Chairwoman and Commissioners.

12 In accordance with the Code of
13 Miami-Dade County, all items to be heard
14 today have been legally advertised in the
15 newspaper, notices have been mailed and
16 the properties have been posted.
17 Additional copies of the agenda are
18 available here in the chambers.

19 Items will be called up to be heard
20 by agenda number and name of applicant.
21 The record and file for the hearing on
22 each application will include documents
23 from the public agencies, the Department
24 of Regulatory and Economic Resources. And
25 where there is an appeal from the

1 Community Zoning Appeals Board, we also
2 have the transcript from those hearings.

3 All documents are physically present
4 today, available to all interested parties
5 and available to Members of the Board of
6 County Commissioners, who may examine
7 these items from the record during the
8 hearing. Parties have the right of
9 cross-examination.

10 This statement, along with the fact
11 that all witnesses have been sworn, shall
12 be included in any transcript of these
13 proceedings.

14 In addition, there's an official
15 translator present in the chambers for
16 those individuals requiring such
17 assistance.

18 The first application on the
19 agenda -- the only application on the
20 agenda is Helen Michael and Preferred
21 Enterprises, Incorporated, Hearing No.
22 14-003. We've had 206 protests in this
23 item and no waivers.

24 This item is an appeal by the
25 decision by the Community Zoning Appeals

1 Board. The application to change the
2 zoning district was denied by the
3 Community Zoning Appeals Board, and the
4 applicant has appealed it to the Board of
5 County Commissioners. The staff
6 recommendation is for approval.

7 And we also distributed today a memo
8 from the School Board that was not
9 included in your packet. We did not
10 include that. This memo indicates that
11 there is sufficient capacity for schools
12 in the area.

13 CHAIRWOMAN SOSA: Thank you, sir.

14 Mr. Attorney, is there anything you
15 need to read for the record?

16 MR. COLLIER: No, I just want to
17 advise the Board that on the kit -- it
18 says in order to overturn a Community
19 Zoning Appeals Board, it says two-thirds
20 of the Board Members. That's two-thirds
21 of members present.

22 CHAIRWOMAN SOSA: Present. Thank
23 you, sir.

24 Okay. Let me ask you, Mr. Attorney,
25 is there any limitation for the time the

1 applicant spends in presenting the
2 application?

3 MR. COLLER: Well, he needs to be
4 given a reasonable period of time.

5 CHAIRWOMAN SOSA: Okay. We want
6 to --

7 MR. COLLER: So we can judge that --

8 CHAIRWOMAN SOSA: We have a lot of
9 neighbors.

10 MR. COLLER: Right, we need to give
11 them equal time.

12 CHAIRWOMAN SOSA: And I want to make
13 sure that they understand how the process
14 goes.

15 We let the applicant do the
16 presentation. And then after that, we
17 allow the residents, who have signed
18 cards, to come and speak and give their
19 part.

20 With that --

21 COMMISSIONER DIAZ: Madam Chair, I'm
22 sorry to interrupt, a personal moment, if
23 I could.

24 CHAIRWOMAN SOSA: Go ahead, sir.

25 COMMISSIONER DIAZ: Thank you.

1 There's a gentleman in the back of
2 the room that I wanted to -- Mr. Chuck
3 Lanza, which is one of our Directors --

4 CHAIRWOMAN SOSA: Oh, my God.

5 COMMISSIONER DIAZ: -- in fire for
6 many years. And we worked, all of us, you
7 and me, especially, Madam Chair --

8 CHAIRWOMAN SOSA: Wow.

9 COMMISSIONER DIAZ: -- many years
10 ago. And I just wanted to say he looks
11 better than ever. I don't know what he's
12 doing, but he's so good. Welcome aboard
13 always.

14 CHAIRWOMAN SOSA: Welcome back home.

15 MR. LANZA: Thanks. Good to be here.

16 CHAIRWOMAN SOSA: With that, the
17 applicant, how much time do you need for
18 your presentation, sir?

19 MR. KRISCHER: I think about 10 to
20 12 minutes. And I'll be mostly speaking
21 in rebuttal.

22 CHAIRWOMAN SOSA: Okay, let me give
23 you 15.

24 MR. KRISCHER: Thank you.

25 CHAIRWOMAN SOSA: So you don't pass

1 the time.

2 MR. KRISCHER: Excellent.

3 CHAIRWOMAN SOSA: And starts running.
4 Go ahead.

5 MR. KRISCHER: All right. Good
6 morning, Madam Chairman, Members of the
7 Board. For the record, my name is Alan
8 Krischer with the law firm of Holland &
9 Knight, address 701 Brickell Avenue.

10 I'm joined this morning by my client,
11 Wayne Rosen; and my partner, Juan Mayol,
12 who will be handing out our exhibit books
13 this morning. And we're appearing on
14 behalf of the applicants.

15 This morning, we're here before you
16 on a request for district boundary change
17 to rezone a 20-acre parcel from AU to
18 EU-M. The request is consistent with your
19 Master Plan. Your staff is recommending
20 approval with no objections. None of your
21 reviewing departments had any objections
22 or concerns. And so your staff
23 recommendation is without conditions.

24 Obviously we agree with their
25 analysis. And normally with such a clean

1 recommendation, we would have a very brief
2 presentation indeed, but as you are aware,
3 we're here before you on an appeal.

4 We have a number of neighbors that
5 have expressed concern about the
6 application. We had the opportunity to
7 meet with them prior to the CZAB hearing,
8 and we appreciate them taking the time to
9 meet with us and the CZAB giving us that
10 opportunity.

11 And we went to CZAB 14, and we had a
12 very lengthy hearing. You can see the
13 transcript of that hearing in Tab 17 of
14 the books that have been handed out. And
15 at the end of that lengthy hearing, the
16 Board was split. We had three votes that
17 were in favor of approving the
18 application, subject to staff's
19 recommendation of approval, and three
20 votes that were against the application.

21 Now, with a tie vote, if you keep
22 having tie votes, you still go back to the
23 Board. Rather than stay below, and in
24 limbo and have us and the neighbors keep
25 going back, we, as the applicant, made a

1 request to the contrary motion, to the
2 Board members change their votes, so there
3 will be denial. And that is how we are
4 before you today, it is a denial, which
5 requires a supermajority vote if this
6 Board is going to overturn it, but we
7 believe that the application merits
8 approval.

9 Because we have so many objectors, I
10 will be making a longer presentation, but
11 because your professional staff is
12 recommending approval, we are consistent
13 with the comp plan, I will try to keep my
14 initial presentation somewhat brief and
15 make most of my comments in response to
16 any concerns that the neighbors raise, so
17 I'd like to make sure I reserve that time
18 for rebuttal.

19 First, to orient the Board, and I'll
20 go to the traveling mike, this aerial
21 photograph shows the subject property.
22 It's, again, outlined in blue. It's
23 20 acres of property, on Northwest (sic)
24 162 Avenue. And this right here is
25 Southwest 280 Street. The property is

1. presently zoned for agricultural use. All
2 of this property that you see in this area
3 is developed as residential. It's EU-M
4 homes.

5 This Board shows an excerpt of the
6 Future Land Use Map of your Comprehensive
7 Development Master Plan. The property is
8 outlined in yellow. As you can see, this
9 solid black line here is Southwest 280
10 Street. This very heavy dotted black line
11 is the Urban Development Boundary.

12 The property is inside the Urban
13 Development Boundary. And because it is
14 inside the Urban Development Boundary,
15 like most of the property, it is not
16 designated to be agricultural.

17 Like all of the surrounding property,
18 it is designated to be developed with
19 residential development, estate density
20 residential, which calls for development
21 up to 2.5 units per acre.

22 The property is currently zoned AU.
23 And we've requested a district boundary
24 change for EU-M, which is consistent with
25 that comprehensive plan designation.

1 Now, EU-M is one of your estate
2 density residential districts, permit
3 single-family homes and it requires that
4 lots have a minimum net lot size of
5 15,000 square feet.

6 So what does an EU-M development look
7 like? All of the houses to the west of
8 us, on the other side of 162nd Avenue that
9 you see on that aerial, those are all EU-M
10 lots. All the houses to the south of us,
11 across 278 Street, 280 Street, all the way
12 down to 288 Street, all the way up to the
13 Urban Development Boundary, all of that
14 residential development is EU-M. Almost
15 every house that you see in this aerial
16 photograph is zoned EU-M.

17 Now, you have -- your recommendation
18 packages, in our books, the staff
19 recommendation request. Every department
20 that's reviewed the application has
21 determined that it should be approved.
22 Planning & Zoning has found that the EU-M
23 meets the requirement of the zoning code.
24 Public Works department has found that
25 there is adequate capacity in the roadway

1 network. Fire, DERM and Parks have all
2 determined the infrastructure is in place
3 to accommodate the requirements of the
4 development. And as your staff has
5 pointed out, Miami-Dade County Public
6 Schools have conducted a concurrency
7 analysis and found capacity exists for the
8 request.

9 All of the recommendations are for
10 approval. There are no objections from
11 any department.

12 So why are we here for EU-M? Why
13 that zoning district? Because that's the
14 zoning district that is consistent with
15 the neighborhood.

16 This is a composite board that shows
17 the zoning maps for this area. And what
18 we did, is we basically went out for a
19 full mile. This is a full square mile,
20 half a mile in every way, showing all the
21 zoning districts. And it is nearly
22 impossible to read this at any scale. So
23 we took that board and we colored it to
24 show you what the zoning districts are.

25 This area right here is the subject

1 property. This area here in blue is all
2 EU-M. We have EU-M adjoining us across
3 162 Avenue. We have EU-M to the south of
4 us, across 278 Street. We have EU-M
5 running along the entire length of our
6 western property line. EU-M running along
7 the entire length of our southern property
8 line. 162 Avenue runs all the way from
9 288, all the way up to the Urban
10 Development Boundary. All of this is
11 EU-M.

12 This green circle shows the notice
13 radius for this application. That's a
14 half a mile in radius, a mile in diameter.

15 Virtually every home that received
16 notice of this application here today is
17 an EU-M zoned home. Nearly every person
18 that speaks today, based on what we saw at
19 the Community Zoning Appeals Board, lives
20 in an EU-M house.

21 This is the appropriate pattern of
22 development for this neighborhood. It is
23 compatible with what's there, it's
24 harmonious and it's the appropriate zoning
25 district for this property.

1 We had our objectors submit a
2 petition to the Community Zoning Appeals
3 Board. It should be in your package
4 below. There are 188 names objecting to
5 this application. We looked at the
6 address of every single person that signed
7 that petition. And of those 188 names,
8 185 of them lived in EU-M lots. They live
9 in the same zoning district that we're
10 requesting today.

11 And I expect that the same is true of
12 the neighbors, who are here this morning,
13 that the overwhelming majority of them
14 themselves live in EU-M, and are here
15 today to ask you not to permit this
16 applicant to have the same zoning that
17 they themselves live in and they
18 themselves enjoy.

19 Now, in our package, I've included a
20 couple of the seminal cases on land use.
21 I promise, I'm not going to read from
22 them. I know how much the Board members
23 love having lawyers talk about the law,
24 but I will stress what they say.

25 This is a quasi-judicial proceeding.

1 This hearing is not about figuring out
2 whether a particular request is popular.
3 It's not about polling the area to see
4 whether or not the neighbors want to see a
5 particular rezoning change happen. It's
6 not about counting up the number of
7 objections of affected people to see
8 whether or not they want the project to go
9 forward. It's about applying the planning
10 principles that this Commission has long
11 adopted.

12 This property is inside the Urban
13 Development Boundary. The best way to
14 protect the properties outside the Urban
15 Development Boundary. The properties that
16 your comprehensive plan has identified as
17 critical for agriculture and open space is
18 to make sure that the lands inside the
19 Urban Development Boundary are developed
20 according to your plan.

21 And we talked about that at length in
22 front of the Community Zoning Appeals
23 Board. And one of the Council Members,
24 Councilman Dufek, correctly pointed out
25 that this property has been inside the UDB

1 for decades. This is not a new change.
2 This is not a result of a comprehensive
3 plan amendment that brought this property
4 inside the urban development boundary
5 after these neighbors had bought their
6 homes. It's always been inside the UDB,
7 from your very first Comp Plan.

8 And he also shared his concern that
9 whenever developers and their lawyers come
10 before you seeking to put pressure on the
11 UDB and move the UDB, the people use the
12 argument that -- and I'm going to read
13 this -- "We've already got all this land
14 in the UDB; develop that land before you
15 move the line". Now, if we come in here
16 and say, no, we're not going to let you
17 develop this, then we're defeating the
18 idea of having a zoning and the UDB line
19 altogether.

20 And he's right, if you don't want to
21 develop green fields that are far from
22 existing neighbors, where anybody lives,
23 the other side of that coin is allowing
24 development in areas that are already
25 inside the UDB.

1 And you saw yesterday that it can be
2 very energizing, and you get a lot of
3 community interest, if you ever try to
4 increase and change the planned density,
5 going above what the comp plan shows in
6 already developed neighborhoods.

7 If you don't allow where the Comp
8 Plan is already in place, and the
9 developer is asking for the exact same
10 zoning district that pervades in the
11 neighborhood, it's going to be very
12 difficult for you to effectively utilize
13 your inventory that's inside the Urban
14 Development Boundary to relieve the
15 pressure on the Urban Development
16 Boundary.

17 So even though, once I sit down, I'm
18 going to be followed by a number of
19 speakers that are going to speak in
20 objection of this application, this
21 application deserves to be approved.

22 The request is consistent with the
23 Comp Plan. It meets all of your zoning
24 requirements. Your staff has determined
25 that all of the infrastructure necessary

1 to serve the development is in place. It
2 is inside the Urban Development Boundary.
3 It is appropriate for this category of
4 single-family development, like all of the
5 other properties surrounding it. And we
6 respectfully request your approval. And
7 I'll speak the rest after the neighbors
8 have spoken.

9 CHAIRWOMAN SOSA: Thank you, sir.

10 Now, we will open for those who sign
11 the cards, Mina Beauchamp. Then I have
12 Charles Merritt.

13 Please, when I call your name, you
14 can stand in one podium and the next
15 person in the other one, so we can --
16 Charles Merritt, Arlene Somanali. I'm
17 sorry, if I mispronounce. Sometimes it's
18 hard to read. Bruce Walton, Joe Whitney.

19 Okay. State your name and your
20 address for the record. And then after
21 you state your name and your address for
22 the record, the time starts running. And
23 it's in front of you.

24 We always give, and that's the rule
25 of the Commission, two minutes to each

1 speaker. I have been advised to the
2 administration that in the page, in the
3 page for the County, it says that we give
4 five minutes to speakers. Please make
5 sure you let the administration know so
6 that they can verify that information,
7 because it has been two minutes since we
8 have been here.

9 Go ahead. And, welcome, everybody.

10 MS. BEAUCHAMP: Thank you. It's Mina
11 Beauchamp, 27900 Southwest 160 Avenue,
12 Homestead, 331 -- 33031.

13 I oppose it. I just think it's going
14 to bring more traffic to the area. And
15 I'm one who also feels that areas that are
16 already approved for development should be
17 developed, because we do have a developer.
18 I believe it's to the west of 162 Avenue
19 that started years ago. And it hasn't
20 even come back up since the housing, you
21 know, problem that we've had in Dade
22 County with the real estate market
23 folding.

24 And I think it also, with what's
25 showing now is, I guess many analysis are

1 also thinking there's going to be probably
2 another housing bubble. And, you know,
3 nobody has the magic or crystal ball to
4 know what's going to happen in the future,
5 but I just don't think that it's something
6 that has to be done right now with what's
7 going on with the housing market. That's
8 it.

9 CHAIRWOMAN SOSA: Thank you very
10 much.

11 Sir, welcome.

12 MR. MERRITT: Charles Merritt, 27900
13 Southwest 160 Avenue.

14 Based on the Petitioner's data there,
15 it looks like the majority of the area is
16 agriculture, not developed neighborhoods.
17 So it looks like it's -- the appeal of our
18 neighborhood is that we're backed up
19 against this agriculture. And that's the
20 way we'd like to keep it.

21 And as my wife stated, the extra
22 traffic through all those short side
23 streets leading into the development are
24 going to become busier.

25 And the high school, South Dade High

1 School, I mean, it's overcrowded, so I
2 don't know how the School Board accepted
3 40 additional houses, or whatever the
4 development is going to consist of. It's
5 a lot of burden on the school system. And
6 thank you.

7 CHAIRWOMAN SOSA: No, thank you.
8 Arlene and then Bruce Walton.
9 Welcome.

10 MS. SAMALION: Good morning. Thank
11 you for allowing me to speak. My name is
12 Arlene Samalion. I live at 26251
13 Southwest 162nd Avenue. I live about
14 five streets up from them. I live outside
15 the UDB. I live in ag land. I live in
16 Redland. I have a 10-acre site, five of
17 which is endangered pine land. And we'd
18 like to keep it agriculture out there.

19 This is a transition area. And the
20 street that I live on, 262nd Avenue, is
21 heavily traveled by people. And we've had
22 an influx of more traffic and gridlock.
23 And I've had so many accidents on that
24 corner there. It's one woman went through
25 the stop sign and got killed. Another one

1 plowed 50 feet into my -- under my fence
2 and knocked down a 21-foot pine, a
3 four-foot cabbage palm. And I'd like to
4 keep the traffic down.

5 And I think this EU-M would have a
6 tremendous impact on my -- on our lands
7 out there. We have tractors. We have the
8 big rigs coming down to pick up the
9 produce. It's a multimillion dollar
10 enterprise, farmland. And I'd like to
11 keep everything in farmland, as you know.
12 But those are my objections. And thank
13 you for allowing me to speak.

14 CHAIRWOMAN SOSA: No, thank you.
15 Sir.

16 MR. WALTON: My name is Bruce Walton.
17 I live at 27801 Southwest 159 Court,
18 Homestead, 33031.

19 I concur with the previous speakers,
20 I do not want this to become housing,
21 because it's right next to my house, of
22 course.

23 The field there has been planted with
24 crops since I've been there. And probably
25 one of the most beautiful fields I've

1 seen, as far as crops go, they produce
2 probably one of the best crops around.

3 This County lives on crops. Let's
4 face it, if it wasn't for the farmers, we
5 probably wouldn't be -- too many of us
6 around here. And we support the whole
7 United States. That's my objection.

8 And the traffic is going to be
9 terrible. I can just visualize the
10 disaster the area will turn into for the
11 next several years, if they start
12 construction, compared with a lot of the
13 other construction in the area. Thank
14 you.

15 CHAIRWOMAN SOSA: Thank you.

16 I have Joe Whitney, then William
17 Laurie, John Gray, Victor De Jesus.
18 Welcome.

19 MR. WHITNEY: Good morning. I'm Joe
20 Whitney, 27825 162 Avenue.

21 I'm opposed to the zoning change. I
22 do live across the street from the
23 property. My wife and I bought the house
24 over 20 years ago, and we really enjoy the
25 vacant farm field right next to our home

1 where we raised our family.

2 It's just a very quiet neighborhood.
3 And we're afraid, you know, with another
4 40 or 50 homes coming in next to us,
5 obviously we're going to be in the middle
6 of a development as opposed to the
7 outskirts.

8 You know, we met with the attorney.
9 And he asked to meet with us at one of the
10 sites and we did. And he asked if there's
11 anything that we could come to an
12 agreement, and try to work something out.
13 The owners in the neighborhood, the
14 homeowners in the neighborhood, have
15 requested a couple of options to maybe one
16 acre, 2-and-a-half acres, some
17 transitional zoning, even a
18 three-quarter-acre lot. The attorney went
19 back to his client and he said no, they
20 wanted, you know, the half acre; either
21 all or nothing.

22 So we went back to the meeting, as
23 you know, and the request was denied by
24 city council or Community Council.

25 There are other several other

1 properties for sale in the Homestead
2 Redland area that are already zoned for
3 half-acre and one-acre lots. And as a
4 real estate agent myself, our office has
5 several for sale.

6 I'd like to see that property be
7 bought up and developed that's already
8 zoned for half acre and one-acre lots and
9 not change the agricultural zoning till
10 further down the road until everything has
11 been either bought up and built out.

12 You know, based on that, that's one
13 reason that I'm against the change in
14 zoning. Thank you.

15 CHAIRWOMAN SOSA: Thank you.

16 Good morning. Welcome.

17 MR. LAURIE: Good morning. I am
18 William Laurie. I reside at 27902
19 Southwest 159 Court, Homestead 33031.

20 And, just for the record, I've never
21 received any mailing information for these
22 hearings.

23 I oppose the change for this parcel
24 of land from agriculture to residential
25 EU-M.

1 The Miami-Dade Code definition of
2 zoning is that zoning controls the use,
3 development of land for the health,
4 welfare, safety of the community.

5 The Redlands are synonymous with
6 agriculture. And to change this parcel
7 from AU to EU-M provides no gain to the
8 established community. It is, in fact,
9 detrimental.

10 If this parcel is rezoned to
11 residential, it will link 40 new homes
12 directly to an existing neighborhood. The
13 impact of this negatively affects all
14 facets of the community's wellbeing.

15 First and foremost is traffic. We
16 estimate over 100 additional vehicles, not
17 including the construction of traffic.
18 They'll have to transit our neighborhood
19 to access thoroughfares.

20 Our streets are not equipped with
21 sidewalks. This through traffic will
22 endanger our children, elderly walkers.
23 Longer street runs equal increase speed,
24 decrease safety. Heavy construction
25 equipment will damage our roads. A

1 traffic review should bear this out.

2 Environmental concerns. All homes in
3 this area are on septic waste systems.
4 Many established homes are on wells for
5 potable water. What impact would 40
6 additional homes have on the aquifer and
7 our water quality?

8 Fire and rescue services will be
9 degraded due to increased population
10 density. Neighborhood watch and police
11 services will be stressed. Parks and
12 recreational facilities are at capacity
13 now. And increase in school enrollees
14 decreases the student/teacher ratio even
15 farther. Public transit, solid waste
16 services also will be stretched. In all,
17 our level of services will be reduced.

18 CHAIRWOMAN SOSA: Thank you, sir. We
19 really appreciate it.

20 MR. GRAY: Madam Chairwoman --

21 CHAIRWOMAN SOSA: Welcome.

22 MR. GRAY: -- Commissioners, my name
23 is John Gray, and I'm currently staying at
24 27905 Southwest 162 Avenue, two houses
25 away from this said property.

1 As the Commissioners presiding at
2 this meeting, I assume you would have read
3 and heard all the arguments put forward by
4 the residents about the zoning, and I'm
5 not going to bother to repeat any of them.

6 But I would like to emphasize that
7 the local county community zoning area
8 appeals board listened to all the
9 residents and agreed with them. These
10 commissioners have significant local
11 knowledge, and in their detriment, they
12 ruled that the property should not be
13 rezoned. I am sure you will not be
14 willing to reverse that decision lightly.

15 And as a final point, I understand
16 that an application for rezoning was done
17 in 2007/8. It was deferred indefinitely,
18 because the concerns over traffic
19 congestion, and that traffic congestion
20 question is even more important today than
21 it was then. Thank you very much.

22 CHAIRWOMAN SOSA: No, thank you.

23 I have Victor De Jesus, Steve Lechot.
24 Sandra -- wants to be the last, Sandra?

25 MS. LECHOT: Yes.

1 CHAIRWOMAN SOSA: Okay, you are the
2 last.

3 MR. DE JESUS: Good morning. My name
4 is Victor De Jesus. I reside at 27840
5 Southwest 160 Avenue, 33031.

6 And if I may, if I may step up to
7 your calendar, just I'd like to show you
8 where I live on this one real quick.

9 I live on 160, which is probably the
10 main artery. And I'm sure the traffic is
11 going to be flowing through here. Now,
12 all of this, yeah, it's agricultural.

13 COMMISSIONER DIAZ: We need the mike,
14 sir.

15 CHAIRWOMAN SOSA: Sir, let me -- now
16 you can get that mike, because if not, we
17 don't hear you and those at home will
18 never be able to hear what you say.

19 MR. DE JESUS: Okay. You want me to
20 start again? My time is going up.

21 I live on 160 here, and this is
22 probably one of the main arteries right
23 here. And if you see, that's right smack
24 that's going to go in that field. All
25 this is agriculture.

1 And what they failed to realize or
2 mention, all these are five-acre lots.
3 Over here, there's a two-and-a-half acre
4 farm with horses.

5 Now, on this other one that they did
6 not mention, if I may, real quick, all
7 this in green is all farmland. All this,
8 yes, of course, we live in EDU-M (sic),
9 okay? I'm going back to my post here.

10 CHAIRWOMAN SOSA: We're holding the
11 time for you. Don't worry.

12 MR. DE JESUS: Like I said, as far as
13 traffic, we have kids that play in that
14 neighborhood, and all the neighbors can
15 testify, I'm a big father. Our kids play
16 in the neighborhood. They ride golf carts
17 legally, which is legal.

18 Now, what I'm going to bring up about
19 schools. I was going to bring my two kids
20 out of school, but my wife said that's
21 un-father of me. However, my kids live
22 it. I go to school with them all the
23 time. The schools are overcrowded in
24 there.

25 And I heard a good joke this morning

1 from an accountant: Two plus two equals
2 -- he goes to hire an accountant, two plus
3 two, he asked the accountant, what is it?
4 Four. Okay, next applicant. He asked the
5 other accountant: What's two plus two?
6 Whatever you want the number to be.

7 With that being said, the schools
8 right now, yeah, they're probably adding
9 the principals, assistant principals and
10 the administration to fulfill numbers to
11 say the schools are not crowded. We're
12 there everyday. We see it everyday.

13 I'm representing some of my other
14 neighbors, because, unfortunately, I got
15 nominated to miss work, which I have no
16 problem, miss a day's pay. I have no
17 problem, because they make a little bit
18 less than me. And I will suck it up. And
19 here I am. I mean, we do not -- it's not
20 we don't want it; we don't need it.

21 What about one-acre lots? Nobody
22 wants to work with us. And I would love
23 to shake hands with the Commissioners,
24 some Commissioners.

25 CHAIRWOMAN SOSA: Thank you.

1 MR. DE JESUS: Thank you.

2 CHAIRWOMAN SOSA: Thank you very
3 much.

4 Steve and then Sandra.

5 MR. LECHOT: Good morning. My name
6 is Steve Lechot and I live at 16100 278
7 Street. I face that piece of property
8 that we're talking about.

9 I live in the -- I've lived in that
10 house for over 31 years, and I'm against
11 the zoning from AU to EU-M. My reason is
12 that there's already too many vacant
13 homes, homes for sale or in foreclosure in
14 the neighborhood.

15 There's another development within
16 the half-mile radius adjacent to this
17 property on 274 Street and was to have 18
18 homes built on it on half-acre lots. To
19 date, only four have been built.

20 A development is being built on 296
21 Street, and another on 172 Avenue and a
22 third on 154 Avenue, all within a one-mile
23 radius. And will negatively contribute
24 more, excuse me, to our overdeveloped
25 lands.

1 The developer -- I probably shouldn't
2 say it -- who's trying to purchase this
3 land has already bought Keys Gate Golf &
4 Country Club and plans to build on half of
5 it. He doesn't need this piece of land,
6 too. We do not need anymore empty houses.
7 And I would like to keep Redland green.
8 Thank you.

9 CHAIRWOMAN SOSA: Thank you.

10 MS. LECHOT: Good morning, everyone.
11 My name is Sandra Lechot, and I live at
12 16100 Southwest 278 Street, and my home
13 also faces the subject property.

14 I wanted to add in addition with
15 regard to what Joe Whitney stated
16 regarding our meeting with the attorneys,
17 they were not willing to budge on any kind
18 of compromise with us as to this rezoning.
19 And they even told us that they are not
20 obligated to provide us with a site plan,
21 so we don't know how many houses will be
22 built or how the streets will run, because
23 they withdrew their original site plan and
24 refused to give us another one.

25 As far as the petitions, we gathered

1 200 signatures, not 188, because I turned
2 in more petitions at the Community Council
3 meeting. And we also sent 35 letters
4 opposing the rezoning. Our objections
5 should hold weight, and they should not be
6 ignored.

7 I am against this rezoning request
8 for many reasons, but I will only state a
9 few.

10 It is unnecessary use of agricultural
11 land. This site sits within only a
12 thousand feet of the UDB line and is
13 bordered on two sides by the active -- by
14 active agriculture, the avocado groves.

15 For the past 31 years that I've lived
16 in the neighborhood, this particular
17 parcel has grown various crops year-round.
18 Our nation depends on Redland to supply it
19 with crops during the winter months.
20 Agriculture lands are unique and
21 economically important resource and need
22 to be protected and preserved.

23 This site is not on the current land
24 use map. Its current designation for
25 zoning is vacant land. Therefore, this

1 application is premature, and it should be
2 denied. Redland is all about agriculture
3 and nurseries. Please help us keep
4 Redland green. Thank you.

5 CHAIRWOMAN SOSA: Thank you, Sandra.
6 Thank you. That was the last card that I
7 have for speakers.

8 Now rebuttal.

9 Mr. Attorney, make sure that I follow
10 all the rules to make sure we comply with
11 everyone.

12 MR. COLLER: We will try.

13 MR. KRISCHER: Thank you. I will try
14 to respond to as many of the comments as
15 were raised. There were a number of
16 different topics, but I was right about
17 two things, which is, one, that almost
18 everybody here is objecting to this
19 application; and, two, almost all of our
20 objectors themselves live in EU-M lots.

21 I'll go down them in order. With
22 respect to schools, there was this
23 application that was filed in 2007/2008.
24 And at the time schools were horribly
25 overcapacity. There were schools in the

1 area that were 160 percent of capacity,
2 120 percent of capacity. And this County
3 did something about it. This County
4 entered into an interlocal agreement with
5 the Miami-Dade County School Board to
6 implement school concurrency. New schools
7 were open. And ironically just a month
8 before the Community Zoning Appeals Board
9 meeting, the Homestead city council, at
10 one of their workshops, started talking
11 about a moratorium on new schools within
12 the city of Homestead, because there have
13 been so many charter schools that have
14 opened up in that area that the schools
15 that are there are now running under
16 capacity and they're concerned about
17 whether they have enough students.

18 The School Board has looked at this
19 application and has determined that there
20 is capacity. And because there is
21 concurrency, that's not the end of the
22 process. Before we can pull a plat on
23 this property, they will conduct a final
24 concurrency review and we will not be able
25 to develop unless there is adequate school

1 capacity.

2 But I understand. As one of the
3 neighbors said, they're afraid of new
4 development. There's always been concern
5 about school capacity. And the word
6 doesn't get out there, the work that
7 you've done to fix those issues.

8 With respect to traffic, any
9 development creates traffic; anything. If
10 you were to adopt a standard that said if
11 there's more traffic from a development
12 that would give the Commission the ability
13 to turn down any development altogether.
14 And that's not what the standard is.

15 The standard is whether or not there
16 is adequate infrastructure to handle the
17 additional traffic. Your Public Works
18 department has reviewed the application
19 and found that the roads that we're
20 impacting level of service C, not level
21 service of D, not level of service E.

22 As to the suggestion that adding a
23 block length to a neighborhood street
24 would create so long of a run that that
25 would be inherently unsafe for kids or the

1 elderly to walk down, if you look at the
2 aerial photograph, this entire
3 neighborhood that our neighbors clearly
4 cherish and value is filled with those
5 neighborhood streets that run as long as
6 half a mile.

7 Clearly going from one block to
8 two block with the standard Public Works
9 section that you have all over the County
10 is not going to create an inherently
11 unsafe condition for anyone.

12 With respect to the aquifer, we are
13 going to be required per your DERM memo to
14 connect to public water.

15 With respect to sewer or septic, DERM
16 has analyzed this and has determined that
17 we can provide the septic safely.

18 With respect to the market that's
19 coming forward, as your neighbors have
20 pointed out, there's active development in
21 the area. There's a demand for this
22 housing. You know how long the
23 development process takes. Even if we got
24 zoning approval today, by the time we get
25 a site plan, and a plat approved and our

1 permitting done, we're talking about
2 getting out of the ground 18 months to
3 2 years from now.

4 There is a benefit to providing
5 housing. And it's an important benefit
6 for the Redland. Your comprehensive plan
7 balances two goals that this County has to
8 have: To make sure that it preserves the
9 agriculture that is so important to this
10 community and to make sure that there's
11 adequate housing for the people who live
12 here.

13 You balance it by the tools in your
14 plan. And one of the key tools is the
15 Urban Development Boundary that says here
16 is the line; here is where the ag should
17 be; here is where the housing should be.
18 We are on the side of the line, where you
19 have determined that's where the housing
20 should be, which is why you have so many
21 people living there.

22 If they were living in a one
23 per-five-acre house area, then 80% of the
24 people here, 80% of the people that signed
25 that petition wouldn't be living in that

1 neighborhood.

2 The best way to protect the Redland,
3 to protect the agriculture areas is to use
4 the inventory that you have inside the
5 Urban Development Boundary efficiently,
6 and not burn up that land at one house per
7 five acres.

8 Or even we did talk about reducing
9 the density, we remain open to that, but
10 one-acre lots, directly across the street
11 from EU-M, does not make financial sense.
12 And there's no planning reason for it.
13 And it ends up burning up way too much
14 land for too few units.

15 All of these homes, every neighbor
16 who stood up here, save one, I believe,
17 their homes are either surrounded on four
18 sides by EU-M or on three sides by EU-M.

19 It's compatible. It is consistent
20 with your plan. And it is good policy to
21 approve this application.

22 I'm available to answer any
23 questions.

24 CHAIRWOMAN SOSA: Thank you, sir.
25 Thank you very much.

1 Before I go to the Commissioner of
2 the area, just for clarification, let me
3 ask you a question.

4 To the north of the -- you can sit
5 down.

6 MR. KRISCHER: Oh, I'm sorry.

7 CHAIRWOMAN SOSA: To the north of the
8 subject property is a vacant land. What
9 is the state land designation for that
10 area?

11 MR. SILVA: The property to the north
12 is vacant. And the CDMP designation is
13 for estate density.

14 CHAIRWOMAN SOSA: Estate density,
15 which is residential, correct?

16 MR. SILVA: Residential, correct.

17 CHAIRWOMAN SOSA: Residential.

18 To the south, they have single-family
19 homes. How many per acre?

20 MR. SILVA: That parcel there looks
21 like there's about 40 homes, and it's
22 about the same size of the parcel that
23 we're viewing today, which is 20 acres.
24 So it's about two units per acre.

25 CHAIRWOMAN SOSA: So two units per

1 acre.

2 And the vacant land to the east, what
3 is the land use designation?

4 MR. SILVA: The CDMP designation for
5 that property is also estate density
6 residential.

7 CHAIRWOMAN SOSA: Also residential.

8 And then to the west, where the
9 single-family homes are, how many per
10 acre?

11 MR. SILVA: To the west, that
12 development pattern in there is a little
13 bit different. It's not the through
14 streets, and it's not divided into 10
15 units per block. But we'd have to check
16 the lot size there, but I would say it's
17 probably the same 15,000 square feet per
18 lot, so probably about two per acre.

19 CHAIRWOMAN SOSA: Two per acre.
20 Okay.

21 How many houses the application is
22 asking per acre on this lot?

23 MR. SILVA: The maximum density that
24 will permitted by the CDMP would be
25 50 units per acre. The applicant hasn't

1 requested a specific number. He hasn't
2 proffered a covenant with a specific
3 number, but based on the fact you would
4 have to build roads, he could probably get
5 about 40 -- we'd estimate around 40 units
6 per acre is what we're estimating.

7 CHAIRWOMAN SOSA: Which is, more or
8 less, two per acre?

9 MR. SILVA: Correct.

10 CHAIRWOMAN SOSA: So the same as the
11 others?

12 MR. SILVA: The same as the south,
13 correct.

14 CHAIRWOMAN SOSA: So there's no
15 request for increasing density at all?

16 MR. SILVA: There's no request for
17 increases in density; no requests for
18 variances either.

19 CHAIRWOMAN SOSA: Okay. Commissioner
20 Suarez.

21 COMMISSIONER SUAREZ: For me to vote
22 to overturn a decision of the -- give me
23 the correct name. Of the zoning appeals
24 board, right? Requires something like
25 what happens in football, when they

1 overrule by a replay what the referee see
2 on the field. And I dug up that standard,
3 and it is incontrovertible, visual
4 evidence. So I have to look for
5 incontrovertible, visual evidence.

6 CHAIRWOMAN SOSA: Can you translate?

7 COMMISSIONER SUAREZ: Compelling,
8 convincing, sort of a difference, Madam
9 Chair, between the standard in criminal
10 cases versus the standard in civil cases.
11 In civil cases, as we all know, it is the
12 preponderance of the evidence, which is
13 50% plus one typically. In criminal
14 cases, it's got to be beyond a reasonable
15 doubt. So we'll take that one.

16 In that vein, I am impressed by the
17 fact that I saw that Wilbur Bell was the
18 chairperson of the Community Council, and
19 I trust his judgment a lot. And I realize
20 that I misread the minutes, or did I see
21 that the initial vote was a tie vote and
22 that the applicant asked for it to be
23 re-voted, so that they can get this
24 process going.

25 So it's no longer as compelling as I

1 would have thought, because it was 3 to 3.
2 And I see that Mr. Bell, as chairperson,
3 voted with the applicant.

4 And then I looked at the cases cited
5 by the applicant. Is the standard,
6 really, Craig and Dennis, what these cases
7 state? I'm looking at Pollard versus Palm
8 Beach County, where it says that the
9 opinion of the neighbors that they're
10 going to have more congestion or more
11 pollution is not enough to deny an
12 applicant's desire to change the zoning
13 to, in this case, a little bit more
14 density.

15 And, also, another case cited, Deebes
16 (phonetic) versus Key West, in which it
17 actually says that we have to be very
18 careful not to deny the constitutional
19 rights of the property owner to rezone the
20 property.

21 Am I reading those things correctly
22 or is that overstated a little bit by
23 zealous counsel from Holland & Knight?

24 MR. COLLIER: This is what we advise
25 the boards that we talk with.

1 With regard to traffic, there are
2 cases that say that generalized complaints
3 of traffic are not considered adequate
4 substantial competent evidence.

5 Where a lay person testifies -- for
6 example, we had a situation involving a
7 daycare mid-block, where the neighbors
8 say, listen, it takes me 15 minutes now to
9 get out of my driveway into the street
10 because of the traffic, our argument is
11 that's not generalized concerns of
12 traffic, but actually observable, a
13 statement of evidence that that is
14 adequate.

15 But it is a problem in the case law
16 where people just make generalized
17 concerns about traffic. That is a
18 concern.

19 Your determination on a zoning
20 decision has to be based upon substantial
21 competent evidence. There's many things
22 in the record that you can look to: The
23 maps, what the zoning maps are, the
24 general pattern of development. Those are
25 things that you can rely on in making your

1 decision.

2 COMMISSIONER SUAREZ: Thank you,
3 Craig.

4 On the other concerns of the
5 neighbors, I looked up with my own school
6 source, my wife, the standard for class
7 size. And the last time I remember, there
8 was a class size constitutional amendment
9 that restricted it to 20 per class.

10 My wife also texted me back that
11 sometimes you get around that. So Mr. De
12 Jesus might be partially right when he
13 says that one plus one is not always two,
14 in that apparently when they have
15 co-teachers, they can go to as many as 35,
16 but Mr. De Jesus' statement as to 45 is a
17 little bit exaggerated. And it's two and
18 a half times -- or two and a quarter
19 bigger than what the state requirements
20 are.

21 I'm actually also impressed by the
22 fact that 90% or 85%, it sounds like 90%
23 of all the objectors actually live in --
24 live in an area that has already got this
25 zoning. And I feel for Mr. And

1 Mrs. Lochet about the fact that their
2 preference is to have, you know, the
3 agricultural zoning and to keep this area
4 as much that way as possible.

5 But I don't see a compelling reason
6 to go against the recommendation of our
7 staff. I don't see any of the
8 objectors -- as important as, of course,
9 they'd like to preserve their lifestyle.
10 In Brickell, we would very much not like
11 to have anymore density, because as it is,
12 you know, people just can barely get in
13 and out of our homes. If there's a
14 festival in Key Biscayne, it's just awful
15 on Brickell.

16 In that sense, I was impressed. They
17 said condition C for traffic generally in
18 the area; is that correct?

19 And then counsel kind of slipped a
20 little bit, he went from C to D and then I
21 think he forgot -- is there a condition E
22 or do we go straight from D to F? Anyhow,
23 that got a little bit mumbled in his
24 statement.

25 But we're at least two degrees

1 separated from condition F, right?

2 MR. SILVA: We looked at four
3 different count stations. And two of
4 those count stations were at C, one was at
5 B and one was at D.

6 COMMISSIONER SUAREZ: Okay, the
7 second one you said is D or B?

8 MR. SILVA: Two of them were at C,
9 one was at B, as in boy, and one was D, as
10 in dog, D.

11 COMMISSIONER SUAREZ: Thank you.

12 So there was at least one that was D,
13 as in dog. That's a dog when you can't
14 get through traffic. I like that.

15 But I have -- I very seldom go
16 against what the PZAB (sic) does. In this
17 case, of course, it was a tie vote. I
18 just don't see really a reason to deny the
19 applicant's right to do with his property,
20 something that I don't think it's going to
21 do any, you know, substantial harm to the
22 community or to the County.

23 CHAIRWOMAN SOSA: Thank you,
24 Commissioner.

25 I'm going to go to Commissioner

1 Levine Cava followed by Commissioner Diaz.

2 COMMISSIONER LEVINE CAVA: Thank you
3 very much, Madam Chair.

4 As you all know, this is my first
5 zoning hearing, and this is in my
6 district. So I take tremendous,
7 tremendous concern for this decision. I
8 think it speaks to the future of the
9 district. And I'm very grateful for the
10 opportunity to speak to it and hope that
11 my colleagues will give me the respect and
12 deference on this matter.

13 I know that there's been tremendous
14 thoroughness, diligence, civility in what
15 has been very contested proceedings.

16 The applicant and counsel naturally
17 wish to develop this property to the
18 maximum permissible. We also have
19 residents represented and reflected in the
20 tie vote at the Community Council. And
21 while most may currently live in the same
22 zoning as is being requested, as was
23 observed, they object to the property
24 getting the same zoning as they enjoy.

25 Would this objection be related to

1 denying others the same rights, as was
2 suggested by counsel, or might there be
3 other reasons, other objectives for
4 concern?

5 And I think it's really important to
6 take into consideration that this is the
7 district with the majority of agriculture
8 for our County, as has been noted. It's a
9 balance between the interest of
10 agriculture and development.

11 I'm very proud that our agriculture
12 manager, Charles LaPradd is sitting in the
13 audience. I don't think he came down just
14 for this zoning hearing, because, in fact,
15 it's farm week. It's called Farm City
16 Week. Thank you very much. And I hope
17 that after this hearing, you'll all take
18 the opportunity to go downstairs to the
19 lobby and purchase fruits and vegetables
20 from Robert. Robert is here. This is an
21 annual event put on, thanks to our
22 agricultural manager and many other
23 sponsors. And it speaks to the uniqueness
24 and the special quality of agriculture in
25 our County.

1 So the challenge here is that the
2 Urban Development Boundary does not
3 specifically provide for what happens
4 inside the boundary. It only provides for
5 what happens outside the boundary. And
6 it's well understood by those in the
7 district, and those who have interest in
8 agriculture that what happens inside the
9 line, leading up to the line, is the
10 critical consideration for the future of
11 what happens outside the line.

12 I have heard from hundreds of
13 farmers, hundreds of residents that the
14 important question is how we get to that
15 line, and how we feather, or how we create
16 a buffer or transition zone to reduce the
17 pressure on development outside the line.

18 And this is a very unique situation.
19 It's one that I would say is equally
20 balanced on -- if you look at the
21 boundaries of the property, which is
22 currently zoned for zero housing. And on
23 two sides it's bound by the half-acre lots
24 and on two sides, it's bound by
25 agricultural land. Across the northern

1 terminus into the UDB, of course, the next
2 property south is also designated as AG,
3 as agricultural, as has been indicated.

4 And so this is a unique opportunity
5 for us to really put our money where our
6 mouths are as far as the feathering, or
7 buffering or transition, as it's called.

8 I don't -- my interests here are not
9 so much because of the special qualities
10 that these current homeowners have
11 enjoyed, to walk their dogs or enjoy the
12 fact that they have agricultural land
13 across the street. This is not about
14 personal benefit. This is about community
15 benefit, and about the importance of these
16 agricultural lands.

17 I recognize that there's a huge
18 pressure for development in this area.
19 And that's why policy about buffer zones
20 and so on is so critical as we move
21 forward.

22 I also recognize that the CZAB
23 reflected that concern in their tie vote.
24 And they could have gone further to
25 recommend alternatives, but instead they

1 deferred the item to the Board in
2 downtown, causing these residents to have
3 to take a day off from work to come down
4 and speak to us.

5 They could have suggested a lower
6 density to create feathering, like EU-S or
7 EU-1, but instead we must resolve this
8 today.

9 I would like to recommend that we
10 uphold their decision to deny the
11 application, but I would like to hear from
12 my colleagues before I make a motion to
13 that effect. Thank you.

14 CHAIRWOMAN SOSA: Thank you,
15 Commissioner Levine Cava.

16 Commissioner Diaz.

17 COMMISSIONER DIAZ: Thank you, Madam
18 Chair.

19 And it is true that we sometimes get
20 some applications that have a lot of
21 issues back and forth and it becomes very
22 hard sometimes to determine which way to
23 go, but I just re-looked again at our
24 information from the County, and what was
25 presented by the attorneys and, of course,

1 the applicant.

2 Is there anything that I'm missing?
3 But I don't see anything deniable on this,
4 including the School Board. Everything
5 was passed by all our areas.

6 Let me ask, again, Eric, is there
7 anything that's denied?

8 MR. SILVA: None of the departments
9 had any problems with this application.
10 There were no problems with concurrency or
11 anything else.

12 COMMISSIONER DIAZ: This is kind of
13 unusual, because usually there's
14 something. And you're smiling, because
15 there's usually something wrong somewhere.

16 Look, I come from an area that I grew
17 up with horse farms all around it, and it
18 was beautiful, the area of Sweetwater, and
19 even strawberry fields and so on.
20 Unfortunately, all that's gone. And,
21 maybe in hindsight, we would have been
22 better trying to get a little different
23 type of growth, but we're trying to stay
24 within the standards of the urban boundary
25 line. And we keep telling people -- you

1 know, and we're growing, to make sure
2 within the urban boundary line that we can
3 do what we need to do.

4 Now, I understand farming and the
5 farmland. And I respect that it is
6 important, and it's an industry, but I
7 also respect property rights in this
8 country. That's what makes it very strong
9 and that's what makes our country strong,
10 that when you have a property and you
11 decide to sell it, you sell it for a
12 purpose or whatever, you want to get out
13 of a certain type of business that you
14 have the ability to do so.

15 There's nothing -- nobody here could
16 tell the residents of the area that's
17 going to make them feel better in any way,
18 shape or form, but simply by law, I think
19 Commissioner Suarez said it best, there's
20 nothing here that tells us in any way for
21 us to really use to go against except for
22 people that really don't want that there.

23 And I can understand. Traffic, yeah,
24 there's going to be traffic no matter what
25 we do. Every single project that we

1 develop -- I mean, think about downtown,
2 all the projects. We got four \$1 billion
3 projects coming in. Talk about traffic.
4 And, yeah, we have mass transit, but not
5 enough. So there's a lot of issues.

6 And, to my colleague, I know it's
7 your district, and I know that it's very
8 personal, because the people that
9 represent and vote for us, but we all have
10 these issues in our district. We all do.
11 And I had this happen in my district not
12 too long ago. And basically I wish I
13 would have -- people would have voted a
14 different way, but it wasn't the case. It
15 was in general. That's why we're here.
16 And we all look at different things that
17 are important to all of us.

18 I don't find nothing in here. And I
19 do take wholeheartedly the testimony of
20 the people that are there, when they're
21 saying with their families, and working
22 and the children and all that. And I know
23 that when you bought, you bought a rural
24 area, but somebody had to build the houses
25 where you live, and probably the people

1 that were there before didn't want you
2 guys to go in when those houses were
3 built. I mean, that's just the way growth
4 is.

5 But when we set a general standard
6 that we're going to do the growth within
7 the urban boundary line and not outside,
8 we can't play favorites. It's got to be
9 the best of all the issues. And that's
10 why those departments are there in the
11 County. So we have a checkoff list
12 against any negativity or anything that
13 could be precise.

14 When we've gone against, and that's
15 why Eric was kind of smiling at me, is
16 because there's always been one or two
17 issues that kind of we have to balance
18 out, but in this case there is none.
19 They're all in favor.

20 And the Chairwoman pointed it out
21 very clearly, that on all sides of this
22 there's one -- it's the same zoning that
23 these people basically requiring, you
24 know, except for the one on top.

25 Am I correct, two and two?

1 MR. SILVA: The CDMP is all estate.
2 That was the question from the Chairwoman,
3 about the CDMP.

4 COMMISSIONER DIAZ: Okay, the CDMP.
5 Okay, I'm sorry, the CDMP. That's where I
6 meant to go.

7 So, with that, I don't see anything
8 to go against the applicant applying.

9 And, again, it's heartfelt when you
10 see people that, yeah, they don't want to
11 have a change. They want to have that
12 farmland in front of them, but then that
13 other person has a right to sell that for
14 their family for something else. And that
15 would be development, and that's why they
16 get paid the money they get for the land,
17 so that's where I'm at, to state that.

18 CHAIRWOMAN SOSA: Thank you.

19 I have Commissioner Zapata, then
20 Commissioner Souto.

21 COMMISSIONER ZAPATA: Thank you,
22 Madam Chair.

23 And my comments are kind of more
24 sympathetic than anything with the
25 homeowners.

1 I will be supporting the Commissioner
2 of the area in the motion she makes out of
3 respect, 'cause she's new, and I think
4 that's a good policy to have.

5 But I've got to say that I haven't
6 seen anything wrong with this application.
7 I mean, as a former chair of a community
8 council, I know what that Community
9 Council is trying to do. I know the
10 frustration the residents have. You know,
11 it's great to kind of keep things the way
12 they are, but the sad reality is that, you
13 know, there isn't anything within our
14 policies or within the law that would
15 really give us the moral ability to deny
16 this application.

17 You know, I represent the western
18 part of the County. I have a lot of areas
19 that are very similar to yours. And I
20 know how, in a way, heartbreaking it is to
21 see the quality of life and the open lands
22 that you enjoy right now, to see them
23 become something else, but the reality is
24 that there's not much we can do to stop
25 that from happening.

1 You know, I think the applicant made
2 a very compelling case as to, you know,
3 the surrounding zoning. It's compatible.
4 I don't think there's any detrimental
5 impact with regards to this, you know,
6 placing an undue burden on any of the
7 infrastructure that's there.

8 Although I would just say, as a
9 matter of comment, in most UMMA areas,
10 there's a lot of things that we could have
11 done better in zoning. So my suggestion
12 to you all is that, in the future, the
13 best way to preserve it would probably be
14 looking at maybe incorporating or becoming
15 a part of a city. Remaining
16 unincorporated, you're subject to a lot of
17 things that may not necessarily, you know,
18 be in your interest. So that's my
19 suggestion.

20 But, Madam Chair, I appreciate the
21 folks coming out. This is a far way's
22 off, so I know it was a hike for you guys
23 to come down here, so I appreciate that.

24 I wish there was something that I
25 can, you know, offer more than just my

1 moral support, but I think from a legal
2 perspective, it gets tricky.

3 But, again, I'll support the
4 Commissioner of the area, although really
5 I don't have much from a legal perspective
6 to deny this application. Thank you.

7 CHAIRWOMAN SOSA: I have Commissioner
8 Souto, then Commissioner Jordan.

9 COMMISSIONER SOUTO: Madam Chair, my
10 Dear Colleagues, I think that the director
11 of the department of agriculture for the
12 County is seated back there. And I'd like
13 to hear from him, if you don't mind, Mr.
14 LaPradd. Charles LaPradd is back there.
15 I'd like to ask him some questions.

16 CHAIRWOMAN SOSA: Welcome, sir.

17 MR. LaPRADD: Charles LaPradd,
18 Agriculture Manager, Miami-Dade County.

19 Yes, sir.

20 COMMISSIONER SOUTO: Mr. LaPradd,
21 we're dealing here with this issue, which
22 is a very difficult issue in Miami-Dade
23 County, and it's becoming more and more
24 so, of the balance between the agriculture
25 land, land suited for agriculture in this

1 County that is an agriculture county, or
2 so they say, with \$3 billion worth of
3 products I hear, and the tomato capital of
4 the USA in the wintertime and so on and so
5 forth.

6 And all you have to do is go down
7 there to Homestead, starting now in
8 December, so go to the farmer's market and
9 see what's going on down there. And spend
10 a few hours there.

11 Could you brief us about the
12 agriculture situation down there, and the
13 available lands and the spatial
14 microclimate that we have down here, so on
15 and so forth.

16 MR. LaPRADD: Certainly. Madam Chair
17 and Commissioners, South Florida is very
18 unique, especially the southern end of
19 Miami-Dade County, in that it is a
20 subtropical growing climate, and we can
21 produce crops year-round. We grow
22 everything from traditional vegetables to
23 tropical fruits and vegetables.

24 CHAIRWOMAN SOSA: You need to
25 interrupt?

1 MR. COLLER: I apologize.

2 Mr. LaPradd, I know you may have come
3 in late, were you sworn in?

4 MR. LaPRADD: No. No, sir, I was
5 not.

6 MR. COLLER: Okay. This is
7 quasi-judicial hearing, so we need all
8 witnesses --

9 CHAIRWOMAN SOSA: Mr. Clerk.
10 And please address the application
11 itself.

12 MR. LaPRADD: Okay.

13 CHAIRWOMAN SOSA: Mr. Clerk.
14 Thank you, Mr. Attorney.

15 THE CLERK: Raise your right hand.
16 Do you solemnly swear that the testimony
17 you're about to give is the truth, the
18 whole truth and nothing but the truth, so
19 help you God?

20 MR. LaPRADD: I do.

21 CHAIRWOMAN SOSA: Thank you, sir.

22 MR. LaPRADD: So specifically about
23 this particular property? Okay.

24 This property has been farmed for
25 decades. Traditionally row crops.

1 Generally, it is a squash field. It is a
2 viable piece of agricultural land. It is
3 well-suited for production in this County.

4 You know, if you -- I can elaborate
5 on the industry, but if I have to tailor
6 it specifically to this particular
7 application, then that would be the
8 extent.

9 COMMISSIONER SOUTO: Thank you.

10 Well, Madam Chair, I know this is a
11 zoning meeting, but I think that
12 everything in life has to put it in
13 context. And although all the rules of
14 the road, and we have our brilliant
15 Harvard law school graduate, Mr. Suarez --

16 COMMISSIONER SUAREZ: Alleged,
17 alleged.

18 COMMISSIONER SOUTO: -- here giving us
19 some lecture on the law. And now it's --

20 COMMISSIONER LEVINE CAVA: And,
21 excuse me, and I'm a graduate also,
22 Columbia Law School, let the record
23 reflect.

24 CHAIRWOMAN SOSA: So we've got two.
25 Oh, my God.

1 COMMISSIONER DIAZ: Now we have
2 Columbia and Harvard.

3 COMMISSIONER SOUTO: And I have a
4 granddaughter from Cornell.

5 CHAIRWOMAN SOSA: Now we are in
6 trouble.

7 COMMISSIONER SOUTO: And I deal with
8 her a lot.

9 COMMISSIONER DIAZ: I have a
10 doctorate from Sweetwater U.

11 COMMISSIONER SOUTO: So, anyway, I
12 think I know about the lawyers, and about
13 the law. And I served in Tallahassee with
14 some of the very best. Folks like
15 Charles, Charlie Kennedy used to sit next
16 to me, and he's in the Supreme Court and
17 so on and so forth. And many, many
18 friends, and I served under them and they
19 taught me a thing or two. I sat in the
20 judiciary committee for years and the
21 criminal justice committee, so I think I
22 know about lawyers and about things. And
23 respect them all. And my family is full
24 of lawyers and doctors. So, believe me, I
25 feel your pain. Who was that, Clinton

1 used to say to somebody.

2 But, anyway, we have to look at the
3 problem here, because we live in a
4 community. We live in Miami-Dade County.

5 And there was a thing, the Cuban guys
6 here on the dais probably remember, a
7 comedian that used to be on television,
8 and they used to say, you know why this
9 happened, because this is Miami. And,
10 yeah, this is Miami. And Miami is very
11 unique in many ways.

12 And this is one of the uniqueness of
13 Miami-Dade County. We are a place in the
14 world that we are balanced of many things.
15 And yet, pardon of my use of words and my
16 explanation, but I think the people need
17 to know, especially those watching this
18 program and others of what takes place
19 here, and this is the first time that the
20 Commissioner, the new Commissioner is here
21 And she's hit by this like with a 2 x 4
22 right now, you know. And that ain't
23 funny, as they say.

24 COMMISSIONER DIAZ: We've been all
25 here.

1 COMMISSIONER SOUTO: I've been
2 involved in this situation before. And
3 the applicant, they have all the rights.
4 There's no doubt about that.

5 On the other hand, we also live in
6 Miami-Dade County. And we have -- I have
7 to look at a balance. And I have to look
8 at everything.

9 I also know that area very well,
10 extremely well. I used to be the Senator
11 for that area. Probably the only Senator
12 in the history of Florida that was there
13 every Friday and every Saturday, you know,
14 available to everyone.

15 And as a matter of fact, I lived in
16 Homestead once. I lived on -- what is
17 that street where the police station is?
18 I used to live in a tomato farm there many
19 years ago. So, you know, I can tell you
20 -- and they I had safe houses, when I was
21 with CA there. So I can tell you about
22 (inaudible) roads, and all those roads
23 there and Plummer Drive and so on. I
24 could go on and on and on.

25 So do I know Homestead? Of course I

1 know Homestead. Do I know the Redland?
2 Redland is a wonderful part of Miami-Dade
3 County. It's probably one of the most
4 scenic, beautiful, nice, tranquil,
5 different lifestyle, different lifestyle
6 and different thing. And needed, and
7 needed.

8 Because I want you to know, okay,
9 that we have fruits, that the only place
10 that you can grow in the USA, those
11 fruits, like, mamey, like atemoya, like
12 annona is tropical fruits, that I know all
13 of you like those fruits, especially the
14 Latin guys. It's there. It's there. You
15 cannot grow them in California. You
16 cannot grow them in -- that's the only
17 place in the USA where you can grow that,
18 except maybe in the Caribbean, or in Cuba
19 or in all those places. So, yes, we have
20 a subtropical climate, that we have a very
21 unique microclimate, whether you like it
22 or not.

23 Now, once it's gone, it's gone. It's
24 endangered species, you know. It's
25 endangered species. That's what it is.

1 The agricultural -- and I have to add all
2 of this, because we have to take all the
3 things in context. I have to give you
4 background information. So, yeah, this is
5 zoning, but I have to give you background
6 information.

7 The fact of the matter is that we're
8 dealing with an endangered species, you
9 know. And once it's gone, it's gone.

10 And agriculture, it's a thing that
11 stays for life. In other words, the
12 amount of jobs -- we're talking about
13 jobs. We're talking in this County, that
14 is there, this place about jobs
15 constantly: Well, this produces so many
16 jobs; well, that produces so many jobs.
17 Well, when you build a house, you produce
18 jobs there, but that's it. That stops
19 there. It produces taxes.

20 But agriculture, it's well-known that
21 agriculture requires a lot of job, because
22 it's the guy who drives the truck; the guy
23 who drives the tractor; the other guy who
24 picks up the fruit, it's the other guy,
25 and on, and on and on. It's intensive.

1 It's labor intensive. Agriculture is
2 labor intensive, meaning, a lot of jobs.
3 Not today or tomorrow; it's forever. So,
4 you know, it's for always.

5 So this keeps us in many different --
6 you know, 10 years from now, the taxes and
7 the money -- the monies move. If it stays
8 in agriculture compared to the monies that
9 they're going to produce in the
10 construction of the homes there, it's
11 incredible. I mean, agriculture produces
12 so many jobs and move so much money, that
13 that's what we need. Talking about
14 agriculture, you know.

15 And so the applicant -- from the
16 legal standpoint, the legal also has a
17 right. This is America, and so on and so
18 forth.

19 Now from all the other angles that we
20 have to analyze, I have to tell you, that
21 I have to look at everything. And,
22 besides, you know, I usually tend to be
23 with the Commissioner from the area. And
24 I know she's in a very tight place right
25 now, very tight position, very difficult

1 decision. I know all these friends that
2 we have there in the first row, top of the
3 line. I mean, you know, the very best,
4 great guys. And they have -- but, you
5 know, I'm caught between a rock and a hard
6 place. It's such a case.

7 So in a case like this, I tend to
8 side with the -- in respect, because she
9 is the Commissioner from that area.

10 There's things on both sides, but I
11 have to look at this County in general. I
12 have to look long term. I have to look
13 long term also. I have to look at the
14 future of this County. And what's good
15 for this County and all of that.

16 So, you know, it's not that easy.
17 It's not that easy. And I'll be with the
18 Commissioner from the area in respect to
19 this and all of that.

20 CHAIRWOMAN SOSA: Thank you, Senator.
21 Commissioner Jordan.

22 COMMISSIONER JORDAN: Thank you,
23 Madam Chair.

24 Senator Souto, I was glad that you
25 called our agricultural specialist up in

1 order to talk about what was currently
2 going on on the property, because that was
3 one of the questions that I had.

4 And I want to say that, Daniela, I
5 know you may be new to this Commission,
6 but I know you're not new to the issues
7 regarding South Dade or the community.
8 And you're on top of what the desires of
9 your community would be in this situation.

10 I also want to -- want us to think
11 about Broward County, and how Broward
12 County -- you can't tell the UDB from
13 where the homes start. You really can't.
14 And that's why, when you look on the news
15 all the time, you see an alligator on
16 somebody's patio, because their habitat
17 has been invaded so much.

18 So, you know, I agree that there
19 needs to be a buffer, and I think that
20 that buffer starts with those five-acre --
21 one house on five-acre lots kind of serve
22 as a buffer in a way, but it's also my
23 understanding that the Community Council
24 was really willing to compromise and offer
25 approval, if there would be an agreement

1 to building one house per acre.

2 Is that correct?

3 MR. SILVA: That was brought up at
4 the Community Council meeting. The
5 applicant did not agree with that.

6 COMMISSIONER JORDAN: You know, when
7 we buy our homes, we buy our homes with
8 certain expectations about what's there,
9 and we also buy our homes based on what
10 the County has zoned it to be as well as
11 whatever covenants would be placed on
12 those properties.

13 So, you know, I -- I've always
14 considered myself to be the third
15 commissioner from the South Dade, even
16 though I represent District 1, extreme
17 north, because I grew up in South Dade.
18 And it saddens me to see how much
19 agricultural land that we have lost. And
20 to hear that this land has been farmed,
21 that it's good soil for farming and to see
22 how many of the properties that were not
23 being farmed have now turned into
24 ornamental type of usage for farming. And
25 it's made it very profitable.

1 If you go down Krome Avenue, you
2 can't decide which one you want to stop to
3 in order to try and select plants. And if
4 you ever go to -- Bob's here, Robert is
5 here? Where are you, Bob?

6 COMMISSIONER LEVINE CAVA: He's
7 downstairs selling fruits and vegetables.

8 COMMISSIONER DIAZ: You know, I
9 thought that was him.

10 COMMISSIONER JORDAN: You know, you
11 have to really appreciate the local
12 produce that's presented right there, that
13 you can buy.

14 So, you know, I am in support of the
15 district commissioner and her
16 recommendation. I have an affinity for
17 maintaining as much agricultural land as
18 we possibly can in South Dade. So I will
19 be supporting her motion.

20 CHAIRWOMAN SOSA: Thank you.

21 Anyone else wishes to speak?

22 Okay. Then let me say a few words.
23 Since this is the first meeting of
24 Commissioner Levine Cava, I have to say
25 something.

1 I don't find anything legal to deny
2 the application, like Commissioner Suarez
3 already stated. I know that we all wish
4 to -- I used to sit in -- I always say
5 this story -- in front of my house and see
6 all the beautiful trees. Now I have to
7 see an incredible big building. And
8 sometimes people sit in the balconies and
9 say hello from far away, so it's -- it was
10 a change.

11 I remember when we had the
12 Fontainebleau golf course here, that it
13 was commissioner -- Senator Souto and
14 myself. Everyone was wishing to keep the
15 green areas, but it was impossible,
16 because the owner decided to develop. And
17 this is going to continue happening.

18 I know that the owners have rights.
19 You have right in your own land. You have
20 right in what you own, but I cannot sit
21 here today, even when I analyze all that,
22 because I tend to give the courtesy to the
23 Commissioner of the area, and the
24 Commissioner of the area is the one that
25 have to deal with the problems over there

1 all the time.

2 So for this time I'm pretty sure that
3 the best way to handle this would have
4 been a good negotiation between the
5 neighbors and the developer, where you can
6 reduce the density up to a point that is
7 acceptable by both, creating a buffer to
8 protect the residents and some kind of
9 respect, because this is going to come
10 back. And it's going to keep coming back,
11 because there are rights. And the owner
12 of the land has rights, too. And you
13 never know the necessity of the land is.

14 If you own your house, and you want
15 to sell your house -- if I need you, I'll
16 call you. Let me finish. You don't mind?
17 Thank you very much.

18 If you own your land, and you have a
19 house, and you are able to do two floors
20 and you need to develop, because you need
21 the money, you need to have a family,
22 there are rights that have to be
23 respected, but at the same time, the best
24 deal is a good negotiation that can be
25 good for the neighbors, respecting the

1 rights of the owner and sometimes that
2 prevents future constant happening and
3 request.

4 So I don't know how the Commissioner
5 wants to handle that. I will follow you,
6 but I will strongly recommend, because
7 they have rights to continue coming back.
8 And one day you might find that maybe they
9 will get more density than the one they're
10 asking, because you never know.

11 So in order to preserve everybody, I
12 think that -- I would love to see them
13 sitting down, working together and coming
14 back with an agreement where everybody can
15 be happy, but I will follow your lead.
16 Thank you.

17 COMMISSIONER LEVINE CAVA: I don't
18 want to see myself. This is what they
19 advise me.

20 For those of you in the audience, I
21 have to watch myself while I'm talking, so
22 I'd rather not do that, so I just covered
23 up the screen.

24 Thank you very much. Although this
25 is my second meeting, yesterday's meeting

1 was ended prematurely before we had a
2 chance to vote, so this is really an
3 important moment for me personally and I
4 think for our community.

5 I'm very grateful for the quality of
6 the conversation, of the presentations,
7 both by the applicant and by the community
8 residents and the discussion here on the
9 dais. It really fills me with a lot of
10 hope for the future. So I'm very
11 gratified to everyone for their comments.

12 And I think that what's been said
13 really reflects the fact that yes, of
14 course, property owners have rights, but
15 their rights are not to develop to the
16 maximum potential, but to develop within
17 the framework of the zoning opportunity.

18 And I will be looking at policy
19 development that would speak to the need
20 for policy around a transition or buffer
21 zone, so that we're not constantly faced
22 with these situations. And we have some
23 -- hopefully some guidelines that will
24 allow us not to get to the Broward
25 situation, like Commissioner Jordan said,

1 where we build out maximally to the line,
2 making it impossible for agriculture to
3 occur on the other side of the line.

4 I've heard from so many farmers, that
5 when that happens, they are not able to
6 continue with their agricultural business.
7 And that leads to the inevitably of
8 pushing back and pushing back. And that
9 is not what we want. We do want to
10 preserve this unique asset that we have.

11 And I want to commend the neighbors,
12 because I don't think they came strictly
13 for the reasons of their personal agenda.
14 I think they also came, many of them,
15 understanding the difficult nature of this
16 transition space.

17 So I would like to move at this time
18 that the CZAB -- that we go with the CZAB
19 recommendation for denial.

20 COMMISSIONER JORDAN: Second.

21 COMMISSIONER DIAZ: That's not the
22 motion.

23 CHAIRWOMAN SOSA: The motion has to
24 be restated.

25 MR. COLLER: The motion is to deny

1 the appeal and sustain the decision of the
2 community zoning appeals board.

3 COMMISSIONER LEVINE CAVA: And if I
4 could just add, I do expect, as Chairwoman
5 Sosa said, that this will lead to a
6 communication at the local level and some
7 ability to compromise. While it would be
8 nice to have farmland, I'm not hopeful
9 that there's a farmer --

10 CHAIRWOMAN SOSA: Commissioner,
11 before we do -- would you yield for a
12 second for a question?

13 COMMISSIONER LEVINE CAVA: Yes.

14 CHAIRWOMAN SOSA: Would you entertain
15 a deferral to allow the neighbors to sit
16 down with them and come back, like we
17 usually do when this happens, to prevent,
18 right, Mr. Attorney, a process to start
19 again?

20 COMMISSIONER LEVINE CAVA: Well, I
21 don't want to disadvantage the applicant
22 in terms of additional fees. I really
23 don't know what the implication of denial
24 versus deferral is. Maybe that could be
25 explained to me.

1 CHAIRWOMAN SOSA: Maybe you could.

2 MR. COLLER: If the Board were to
3 deny the application, then the next would
4 be an appeal to the appellate division in
5 the circuit court by the applicant.

6 If the item is deferred, and the
7 parties get an opportunity to sit -- and I
8 don't know if that would be fruitful.

9 COMMISSIONER LEVINE CAVA: I think
10 enough said. I would withdraw my motion,
11 and instead restate it, as I move to defer
12 the item.

13 COMMISSIONER DIAZ: I'll second.

14 CHAIRWOMAN SOSA: With instructions.

15 COMMISSIONER LEVINE CAVA: With
16 instructions.

17 CHAIRWOMAN SOSA: For the applicants
18 to work with the neighbors.

19 COMMISSIONER LEVINE CAVA: Thank you,
20 Madam Chair.

21 COMMISSIONER DIAZ: I'll second the
22 motion.

23 COMMISSIONER LEVINE CAVA: So if you
24 could state it, that would be great.

25 MR. COLLER: Well, I want to find

1 out, because if we defer to a date
2 certain, like we did with the CDMP
3 yesterday, we avoid the expense of
4 re-noticing and re-advertising. I don't
5 know when our next zoning date is, whether
6 that would be an appropriate time for the
7 deferral or whether you wish to have it
8 for a different time.

9 CHAIRWOMAN SOSA: For the zoning
10 meeting in January or in February?

11 COMMISSIONER LEVINE CAVA: February.

12 CHAIRWOMAN SOSA: February? For the
13 zoning -- for the scheduled zoning meeting
14 in the month of February.

15 MR. COLLER: Do we have a date for --

16 CHAIRWOMAN SOSA: Yes.

17 MR. COLLER: Is it the February is
18 the desire?

19 CHAIRWOMAN SOSA: That's what the
20 Commissioner said.

21 MR. COLLER: Do we have a date
22 certain for the February meeting?

23 MR. SILVA: The meeting date in
24 February is February 19th.

25 MR. COLLER: I think we should -- if

1 we have to give the applicant an
2 opportunity to address the date, the
3 deferral date, so --

4 MR. KRISCHER: Through the Chair,
5 Madam Commissioner, we have contractual
6 issues that if we're deferred out to
7 February, that may be a length of time.
8 I've been speaking with our client. And
9 while I do believe that we may be able to
10 come back with you and reach a fruitful
11 exercise, one thing for our conversation
12 with our sellers might be helpful for us,
13 there was some discussion -- the next
14 zoning district down from EU-M is the EU-S
15 zoning district. And I think that we
16 would go back to our sellers and talk
17 about whether we can reach an arrangement
18 that could work out at that, and
19 see whether, as a market perspective,
20 whether that works.

21 In order to not waste the time of our
22 neighbors, I think it would be helpful to
23 determine whether that would be a fruitful
24 conversation for us to have.

25 But if we could come back in

1 December, that would be within
2 our contractual timeframes.

3 CHAIRWOMAN SOSA: We don't -- we
4 don't even know if --

5 MR. COLLER: I don't even know --

6 CHAIRWOMAN SOSA: We don't have a
7 December meeting.

8 AUDIENCE: This thing has been
9 deferred since July.

10 MR. SILVA: We do have a December
11 meeting date. It's December 18th.

12 CHAIRWOMAN SOSA: December 18th.

13 COMMISSIONER LEVINE CAVA: Madam
14 Chair.

15 CHAIRWOMAN SOSA: Go ahead,
16 Commissioner, it's your option.

17 COMMISSIONER LEVINE CAVA: Thank you
18 very much, and thank you for your
19 willingness to proceed.

20 I don't -- I don't know what your
21 contractual obligations are, but the
22 neighbors have substantial interest here
23 to be heard. December is premature. I
24 think January is premature. I think
25 February is a reasonable timeframe to have

1 substantial conversation.

2 Yes, I would be amenable to an EU-S
3 designation, if there can be some greater
4 agreement both from the CZAB and from the
5 neighbors.

6 COMMISSIONER DIAZ: I agree with you
7 on that.

8 CHAIRWOMAN SOSA: When is the January
9 meeting?

10 MR. SILVA: The January meeting is
11 January 22nd.

12 CHAIRWOMAN SOSA: 22nd, Commissioner.

13 COMMISSIONER LEVINE CAVA: I don't
14 know what the compelling reason would be
15 for January 22nd over February 19th. I
16 would much prefer February 19th. And I
17 see from the faces in the audience that
18 they would as well, so I would ask for--

19 COMMISSIONER DIAZ: I suggest
20 February 19th is a good date.

21 MR. KRISCHER: If I may answer the
22 question, through the Chair, our contract,
23 we would have to negotiate for an
24 extension to get even in January. So our
25 concern would be that if it goes out to

1 February, that may decide the issue and
2 keep us from going forward.

3 So I think we would have enough time
4 to meet with our neighbors by the end of
5 January, and be back to you either with a
6 decision or without, but it is the will of
7 the Board.

8 COMMISSIONER LEVINE CAVA: If I just
9 might ask, I'm sure that you'll have to be
10 negotiating the change of the application
11 as well as any other matter, so I don't
12 know -- I don't really understand what's
13 the difference between January and
14 February. And I think February allows for
15 sufficient time for public input.

16 CHAIRWOMAN SOSA: The holidays
17 season, some neighbors, they go out of
18 town and that is why mostly the
19 Commissioner of the area is thinking about
20 that.

21 MR. KRISCHER: Absolutely. If we
22 could be deferred, that would be
23 wonderful.

24 CHAIRWOMAN SOSA: Okay. Your motion
25 then, Commissioner?

1 COMMISSIONER DIAZ: Second.

2 MR. COLLER: The motion is to defer
3 the item to February 19th. Is that
4 correct, February 19th?

5 MR. SILVA: Nineteenth.

6 MR. COLLER: It will be at 9:30 in
7 these chambers. This is -- the notice
8 that we're giving today is the notice.

9 So to those members that are from the
10 area that are in the audience, please mark
11 your calendars, because there won't be
12 additional notice given, other than the
13 notice that we're giving today.

14 COMMISSIONER DIAZ: Second that
15 motion, Madam Chair.

16 COMMISSIONER LEVINE CAVA: And before
17 I make the motion, could I ask a question?

18 Would it be possible to provide some
19 more specificity about the site plan to
20 the neighbors as they have requested, so
21 they can understand better what they're
22 responding to in terms of the traffic
23 patterns and roads?

24 MR. KRISCHER: We will sit down with
25 the neighbors, and we will talk to them

1 and give them more specifics about the
2 development, yes.

3 COMMISSIONER LEVINE CAVA: Great,
4 because I'm sure they'll address it next
5 public hearing. Thank you very much.

6 So I so move.

7 CHAIRWOMAN SOSA: So there was a
8 motion. It was second by Commissioner
9 Diaz. Additional questions? Anyone
10 wishes to be recorded no? Without
11 objection -- you can't leave; I need you
12 for the next one -- that item is adopted.
13 The zoning meeting is adjourned. And now
14 we call the special meeting.

15 (Thereupon, at 11:30 a.m., the
16 meeting was adjourned).

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

PH: Z14-110 (15-1-CC-1)

February 19, 2015

Item No. B

Recommendation Summary	
Commission District	2
Applicant	The Director of the Department of Regulatory and Economic Resources
Summary of Requests	The applicant seeks a deletion of an agreement that restricts the development of the property to a previously approved office building, in order to allow the future development of the property in compliance with the North Central Urban Area District (NCUAD).
Location	Lying west of I-95 between NW 114 Street and NW 115 Street, Miami-Dade County, Florida.
Property Size	1.8 Acres
Existing Zoning	NCUAD, North Central Urban Area District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Community Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval

This item was deferred from the January 22, 2015, meeting of the Board of County Commissioners (BCC) due to a lack of quorum.

REQUEST:

DELETION of a Declaration of Restrictions recorded in Official Records Book 24467, Pages 3151 - 3161.

The purpose of the request is to delete the existing covenant in order to allow the applicant to develop the property in accordance with the North Central Urban Area District (NCUAD) regulations.

PROJECT DESCRIPTION AND HISTORY:

The subject property has been the subject of several zoning approvals from 1953 to 2003. Most recently, however, in October 2000, pursuant to Resolution #CZAB8-19-00, the subject property was approved for a district boundary change from BU-2, Special Business District, to BU-3, Liberal Business District along with the approval of a site plan for commercial development, a variance of the landscape regulations, and an Unusual Use to permit a recreational park facility, open to the public. At the time of this approval, the then applicant proffered a declaration of restrictions that among other things, restricted the development of the site to a specific site plan, restricted the uses on the property only to BU-2 uses and designated a portion of the property as a park, open to the public. Between 2001 and 2003, the applicant sought, and received approval of requests to modify the aforementioned resolution and covenant as it applied to the site plans as well as to remove the previously proffered restrictions to BU-2 uses on the subject parcel. Specifically, pursuant to Resolution #CZAB8-18-03, the elimination of the Declaration of

Restrictions recorded under Official Record Book (ORB) 21389, Pages 4949 – 4963, as well as the modification of a condition pertaining to the site plan from the October 2000 resolution, were approved by the Board. As a result of this approval, the property owner/applicant proffered a new Declaration of Restrictions, recorded in ORB 24467, Pages 3151 – 3161, which among other things, restricted the development of the site to a revised site plan and carried forward the restriction that required that a portion of the site be developed and maintained by the owners as a small park for public use.

Subsequently, pursuant to Resolution Z-14-12, the subject property was a part of a larger tract of land that was rezoned from multiple zoning districts to the North Central Urban Area District (NCUAD). The purpose of the current application is to delete the existing Declaration of Restrictions in order to permit the development of the property under the NCUAD regulations by current and future owners.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	NCUAD; office building and billboard	Community Urban Center
North	NCUAD; office building, repair shop	Community Urban Center
South	NCUAD; auto sales lot, warehouse building	Community Urban Center
East	GU: I-95 Expressway	Transportation
West	NCUAD; auto sales facility, religious facility	Community Urban Center

NEIGHBORHOOD CHARACTER:

The property is located along the NW 7 Avenue corridor that was recently rezoned to NCUAD and is surrounded by existing offices, auto sales lots and warehouse buildings. To the east of the subject property is the I-95 expressway.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the development of the subject property in accordance with the regulations of the NCUAD. Staff opines that the approval of the application would be consistent with the traffic and environmental impacts previously analyzed at the time of the rezoning to NCUAD and will allow the development of the parcel in conformity with the vision of the community described in Ordinance #11-65 for the NCUAD.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

In July 2012, pursuant to Resolution Z-14-12, the subject property was a part of a larger tract of land that was rezoned to the **North Central Urban Area District (NCUAD)**. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property as lying within the **NCUAD**. Urban Centers are identified as hubs for future development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve and are intended to be moderate-to-high-intensity design-unified areas that will contain a concentration of different urban functions such as residential uses integrated both horizontally and vertically. Emphasis in design and development of these

centers and all of their individual components have been created to promote active pedestrian environments through high-quality design of public spaces as well as private buildings; human scaled appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. All of the parcels within the boundaries of the approved NCUAD described in Ordinance #11-65, are regulated by plans and descriptive standards which are consistent with the CDMP Land Use Element interpretative text for Urban Centers.

Approval of this application will allow the owner to delete a Declaration of Restrictions that restricted the development of the property to a previously approved site plan, that among other things, included a commercial office use and a small park for public use, which was to be maintained by the owner at no cost to the County, in order to permit the development of the property in accordance with NCUAD.

As such, staff opines that the application is **consistent** with the CDMP LUP map Urban Center designation and the Land Use Element interpretative text for Urban Centers.

ZONING ANALYSIS:

When the application to delete a prior Declaration of Restrictions, is analyzed under Section 33-311(A)(7), Generalized Modification Standards, staff opines that approval of the application would not create a negative impact on the surrounding area. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the Division of Environmental Resources Management of (RER) and the Miami-Dade Fire and Rescue Department (MDFRD) have no objections to the application, and have indicated in their memoranda that approval of the application will not impact traffic or services in the area.

As previously noted, the subject property currently contains an existing office building with a billboard. Approval of this application will allow the development of the property within the guidelines of the NCUAD design standards, and therefore, would be **compatible** with vision expressed by the community for the development of properties within the NW 7 Avenue corridor in the surrounding area, through the Ordinance #11-65. **Therefore, staff recommends approval of the application under Section 33-311(A)(7), Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: NA.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval.

CONDITIONS: None

The Director of the Department of Regulatory and Economic Resources

Z14-110

Page | 4

ES:MW:NN:EJ:CH

A handwritten signature in blue ink, appearing to read "Eric Silva", is written over a horizontal line. To the right of the signature, the word "Non" is written vertically in blue ink.

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

ZONING RECOMMENDATION ADDENDUM

The Director of the Department of Regulatory and Economic Resources
Z14-110

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No comment
Schools	No objection
*Subject to conditions in their memorandum.	

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

<p>Urban Centers (Pg. I-45-48)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time.</i></p>
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ZONING RECOMMENDATION ADDENDUM

The Director of the Department of Regulatory and Economic Resources
Z14-110

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
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**B. DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES**

**15-1-CC-1 (14-110)
Area BCC/District 02
Hearing Date: 01/22/15**

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1953	O. J. Tanner Estate	- Zone change from RU-1, BU-2 to BU-2A.	BCC	Approved
1992	Repossession Auction	- Unusual Use to permit Automotive auction sales From an open lot - Use variance to permit a Used car sales & display - Non-use variance of parking And landscaping	ZAB	Approved with condition(s)
2000	BKCLP LTD	- Zone change from BU-2 to BU-3 - Special Exception to permit A commercial development - Non-use variance of lawn Lawn requirement - Unusual use for a rec. center	C08	Approved with condition(s)
2001	BKCLP LTD	- Modification of resolution - Non-use variance of parking, Setback & landscape. 12432.	C08	Approved with condition(s)
2003	World Rentals and Sales, LLC.	- Deletion of declaration of Restriction, and modified of resolution	C08	Approved with condition(s)

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.

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: January 22, 2015

**ITEM: DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
15-1-CC-1 (14-003)**

MEETING CANCELLED

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bovo				
Levine Cava				
Diaz				
Edmonson				
Heyman				
Jordan				
Moss				
Souto				
Sosa				
Suarez				
Zapata				
Chairman Monestime				
TOTAL				

Memorandum



Date: October 17, 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-08 #Z2014000110
Deletion of Declaration of Restrictions
Lying West of I-95 between NW 114th Street and NW 115th Street
Deletion of a previous Agreement tying the site under a previous
zoning district in order to allow the applicant to develop in
accordance with the North Central Urban Area District.
(1.8 Acres)
36-52-41

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 and Wastewater Disposal

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

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

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

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Miami-Dade County Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact staff for additional information regarding tree permitting procedures and requirements prior to site development.

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.

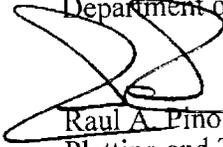
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: October 14, 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: Z2014000110
Name: Department of Regulatory and Economic Resources
Location: Lying West of I-95, Between NW 114 Street & NW 115 Street
Section 36 Township 52 South Range 41 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 11 through 29, Block 2, Plat Book 19, Page 79.

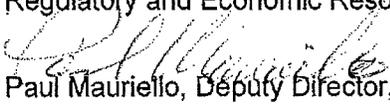
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: October 13, 2014

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

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

Subject: Department of Regulatory and Economic Resources (DIC #14_110)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division, at 305-375-1354. **The PWWM has no objections to the proposed application.**

Application: *The Miami-Dade County Department of Regulatory and Economic Resources (RER)* is requesting to delete the Declaration of Restrictions recorded in the Public Records of Miami-Dade County, at Plat Book 24467 Pages 3151-3161. The deletion will allow for development of the site in accordance to the North Central Urban Area District (NCUAD). According to the Miami-Dade County Comprehensive Development Master Plan Land Use Element, Urban Centers throughout the County "contain business, employment, civic, and/or high-or moderate-density residential uses."

Size: The subject property is approximately 1.8 acres.

Location: The subject property is lying west of I-95, between NW 114th Street and NW 115th 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 18, 2014, 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 Regulatory and Economic Resources 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 NCUAD allows development of high-or moderate-density residential uses. This type of development meets the definition of multi-family residential establishments, while options for business, employment, and civic uses meet the County Code definition of commercial establishments.

Per the Code, the following is required of multi-family residential and commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service.

3. Recycling: Multi-family Residential Establishments

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

5. 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."

6. 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: October 14, 2014

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

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

Subject: Z2014000110: DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Application Name: DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Project Location: The site is located in that area LYING WEST OF 1-95, BETWEEN NW 114 STREET & NW 115 STREET, Miami-Dade County.

Proposed Development: The request is for deletion of a declaration of restriction to bring the site into compliance with the NCUAD district.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards.

Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. 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

Memorandum



Date: 01-OCT-14
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2014000110

Fire Prevention Unit:

No site plan available for analysis.

Service Impact/Demand

Development for the above Z2014000110
located at LYING WEST OF 1-95, BETWEEN NW 114 STREET & NW 115 STREET, MIAMI-DADE COUNTY,
FLORIDA.
in Police Grid 0592 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:18 minutes

Existing services

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

Station 19 - North Miami W - 650 NW 131 Street
Rescue, ALS 60 feet Aerial, TRT-1

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis at this stage.

DATE: 22-OCT-14

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

LYING WEST OF 1-95, BETWEEN
NW 114 STREET & NW 115
STREET, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2014000110

HEARING NUMBER

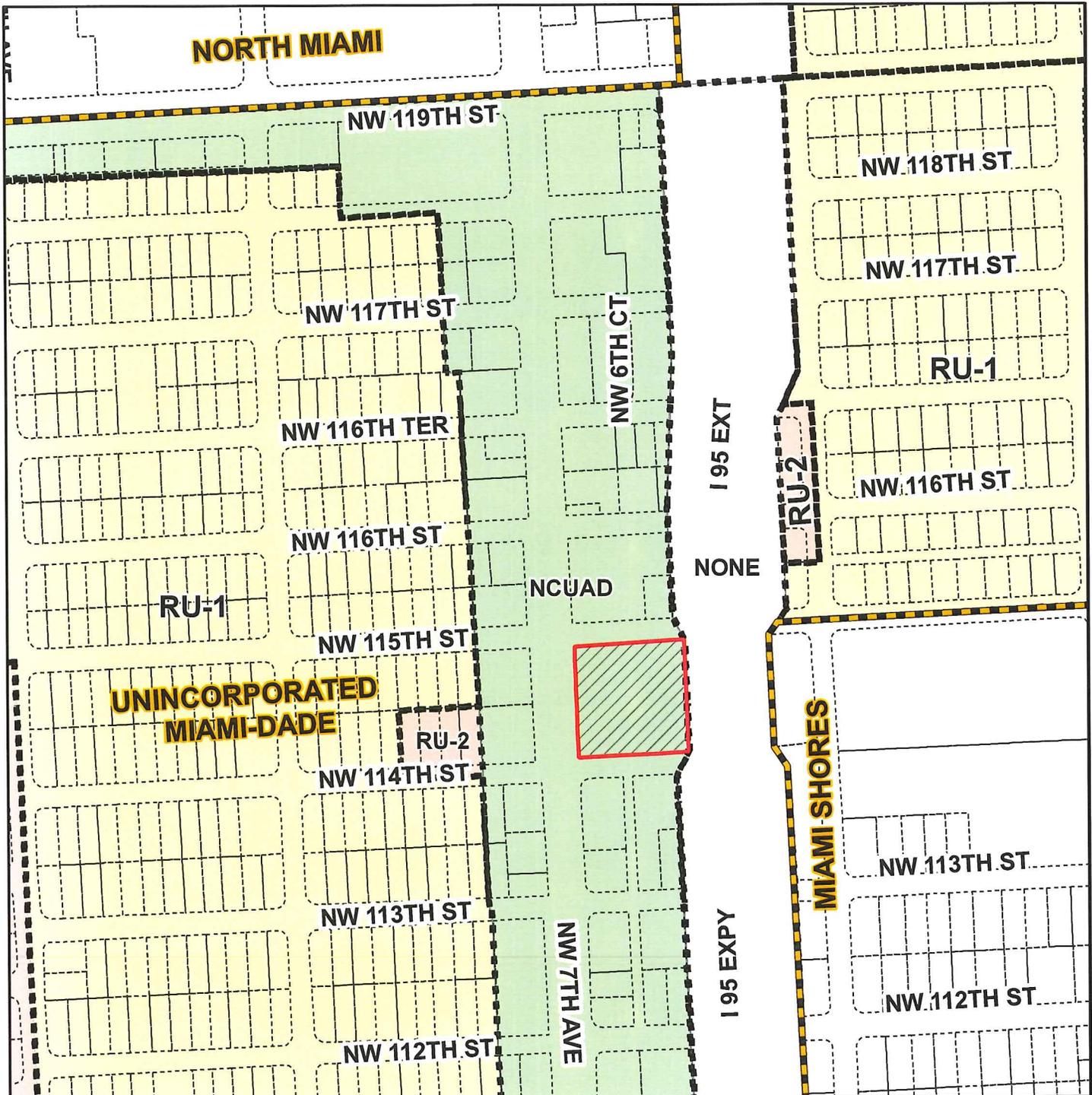
HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC:No bss cases

Department of Regulatory and Economic Resources

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

REPORTER NAME:



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000110

Legend

-  Subject Property Case
-  Zoning

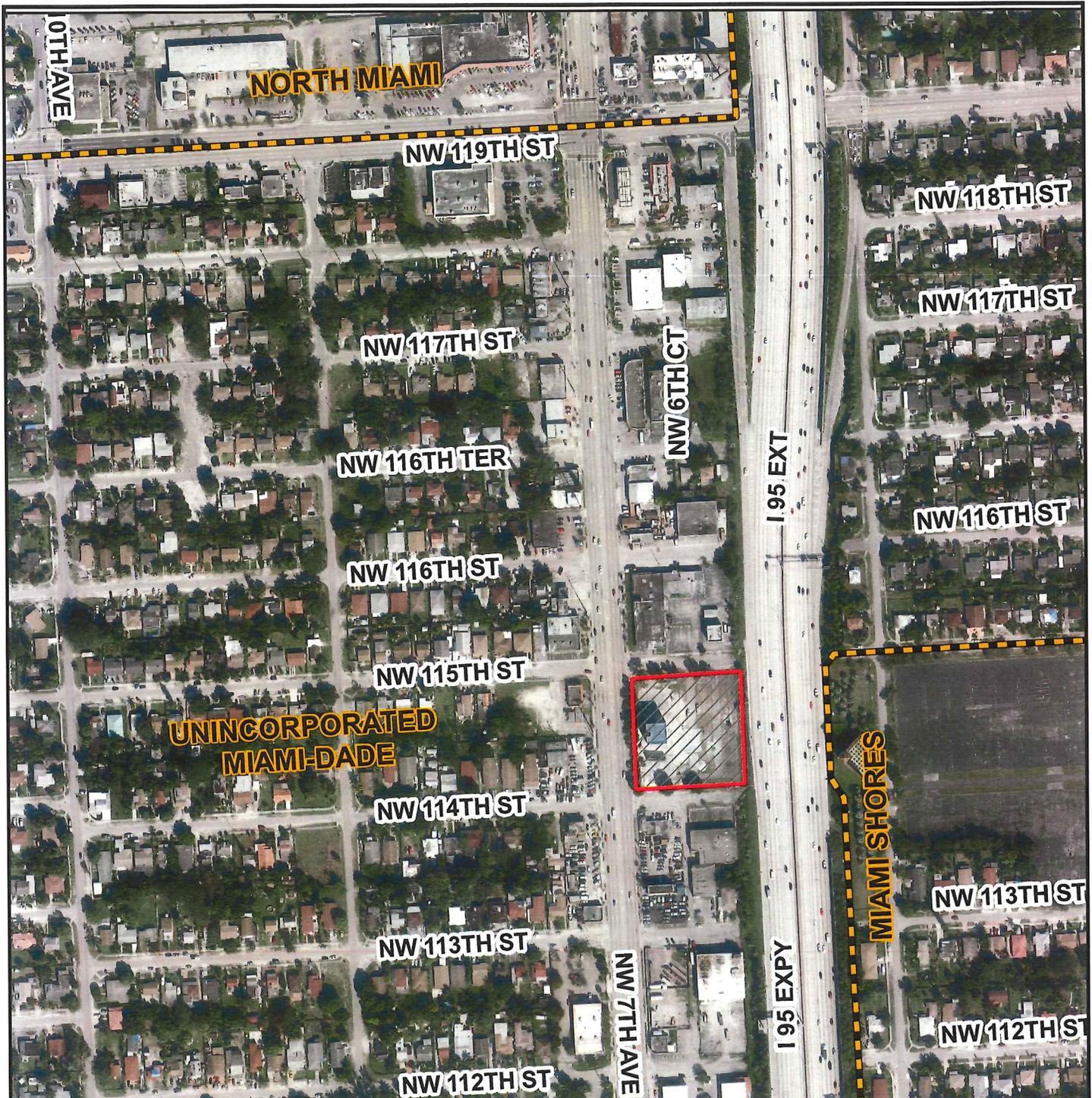


Section: 36 Township: 52 Range: 41
 Applicant: DEPARTMENT OF
 REGULATORY AND ECONOMIC RESOURCES
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: GGARCIA
 Scale: NTS



SKETCH CREATED ON: Tuesday, December 16, 2014

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number

Z2014000110

Legend

-  Subject Property
-  Municipalities

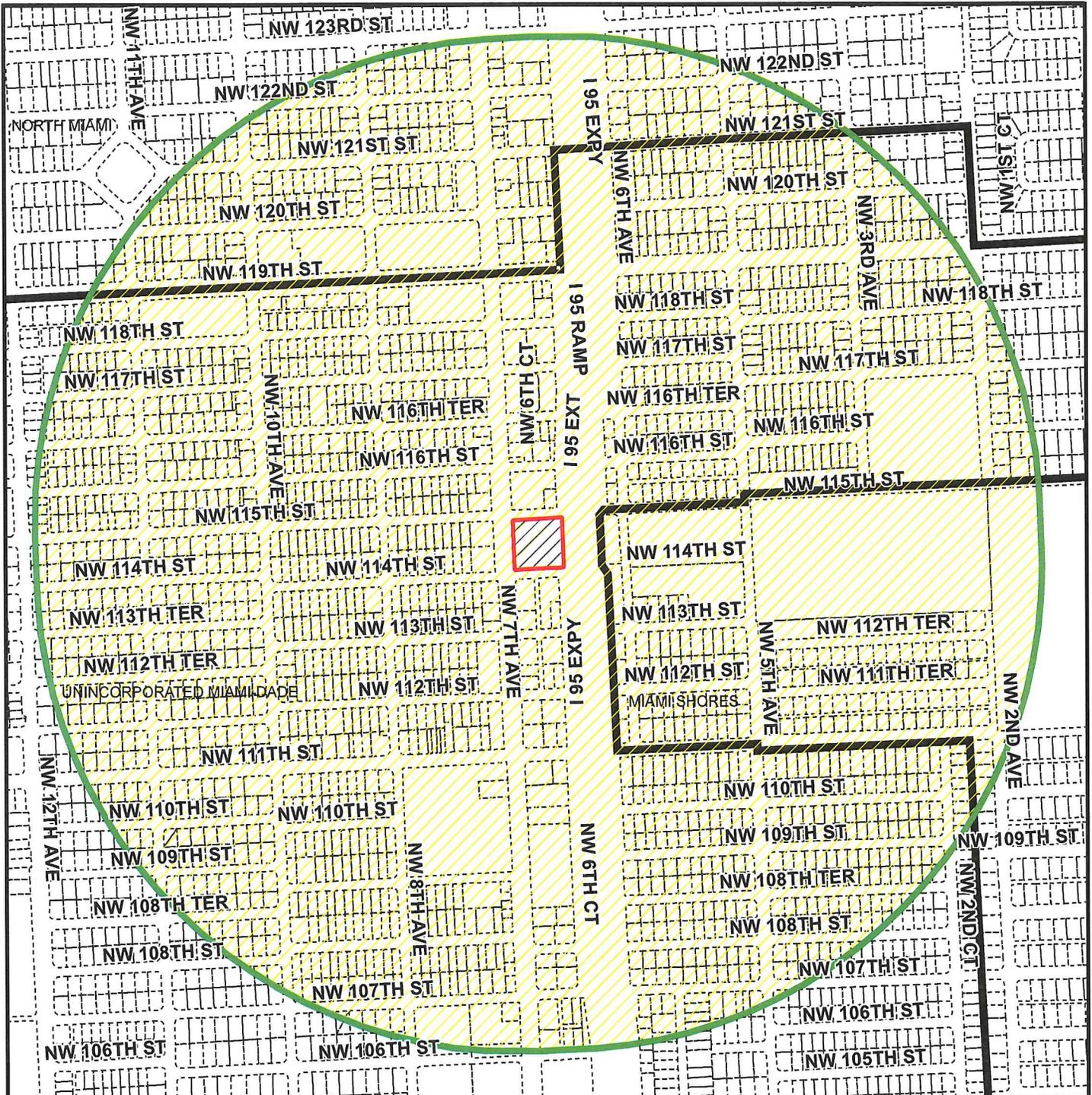


Section: 36 Township: 52 Range: 41
 Applicant: DEPARTMENT OF REGULATORY
 AND ECONOMIC RESOURCES
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: GGARCIA
 Scale: NTS



SKETCH CREATED ON: Tuesday, December 16, 2014

REVISION	DATE	BY
		19



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 36 Township: 52 Range: 41
 Applicant: DEPARTMENT OF
 REGULATORY AND ECONOMIC RESOURCES
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: GGARCIA
 Scale: NTS

Process Number
Z2014000110
 RADIUS: 2640

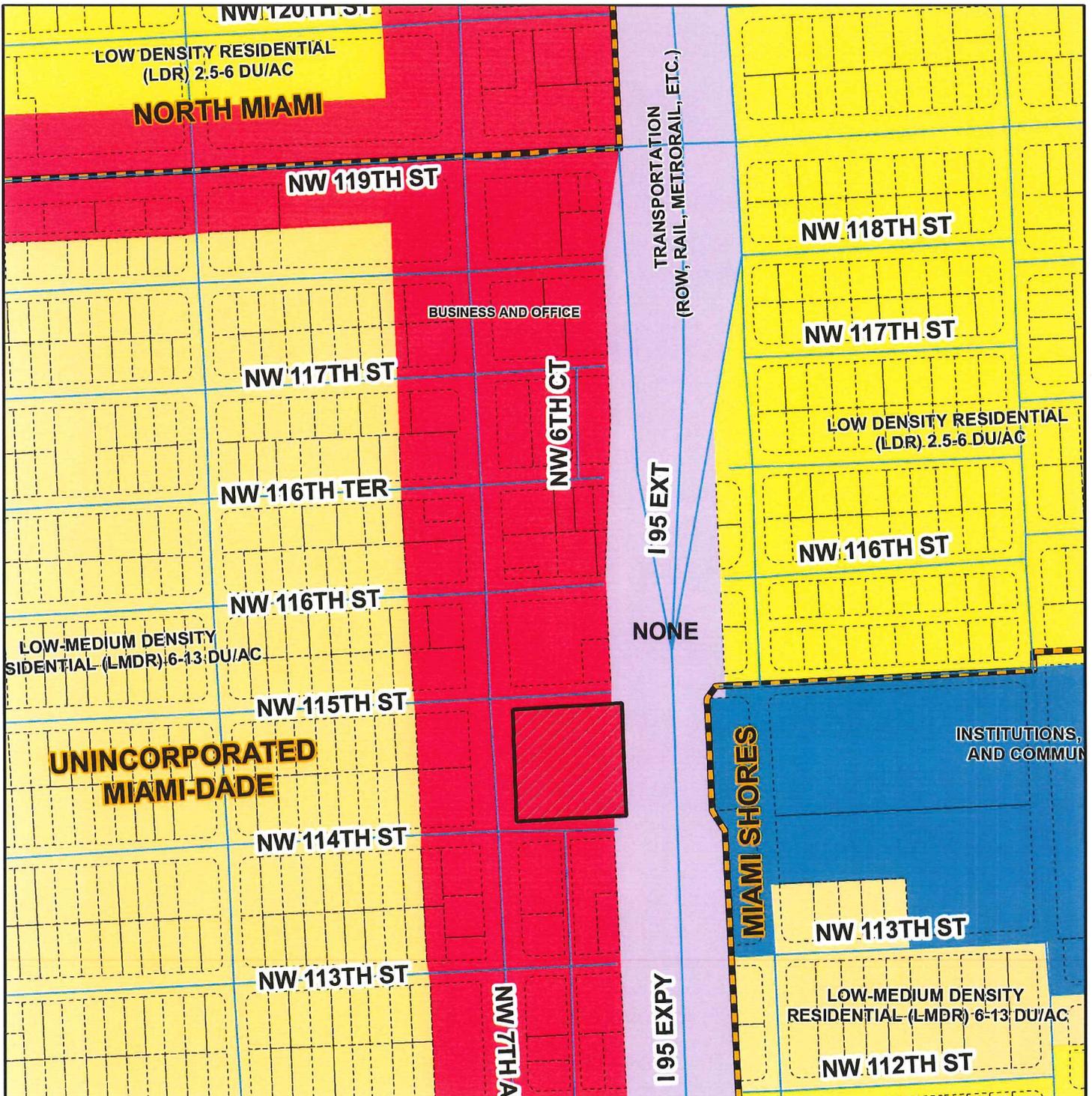
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Tuesday, December 16, 2014

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY

CDMP MAP

Section: 36 Township: 52 Range: 41
 Applicant: DEPARTMENT OF
 REGULATORY AND ECONOMIC RESOURCES
 Zoning Board: BCC
 Commission District: 2
 Drafter ID: GGARCIA
 Scale: NTS

Process Number

Z2014000110

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, December 16, 2014

REVISION	DATE	BY

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

PH: Z14-139 (15-2-CC-1)

February 19, 2015

Item No. 1

Recommendation Summary	
Commission District	1
Applicant	Miami-Dade County Department of Regulatory and Economic Resources
Summary of Requests	The applicant is seeking to rezone the Country Club Town center area to Country Club Urban Area District (CCUAD).
Location	Lying generally north of State Road 826 (Palmetto Expressway), east of theoretical extension of NW 62 nd Avenue, west of NW 57 th Avenue (Red Road) and south of NW 183 rd Street (Miami Gardens Drive).
Property Size	Approximately 278 acres
Existing Zoning	IU-1, IU-2 and IU-3
Existing Land Use	Commercial, Industrial, Residential, Vacant Land
2020-2030 CDMP Land Use Designation	Community Urban Center, Industrial and Office, Business and Office
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-303.1(D)(7) Developmental Impact Committee <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval

REQUEST:

DISTRICT BOUNDARY CHANGE from RU-4L, BU-1, BU-1A, BU-2, BU-3 and IU-C to CCUAD (Country Club Urban Area District)

PROJECT DESCRIPTION: N/A

NEIGHBORHOOD CHARACTERISTICS:

The subject property is generally located north of State Road 826 (Palmetto Expressway), east of theoretical extension of NW 62nd Avenue, west of NW 57th Avenue (Red Road) and south of NW 183rd Street (Miami Gardens Drive). Residential multi-family, Industrial and business uses characterize the area.

	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4L, BU-1, BU-1A, BU-2, BU-3 and IU-C; occupied by various business uses, industrial uses, auto-related uses, residential multi-family uses, and vacant land.	Community Urban Center, Industrial and Office, and Business and Office.
North	IU-C, BU-2; commercial development, office development	Business and Office
East	RU-1, BU-1A, BU-2; single-family	Low Density Residential (2.5

	Zoning and Existing Use	Land Use Designation
	residences, multi-family residences, commercial development, auto-related uses	to 6 du/a Business and Office
South	Within Town of Miami Lakes: BU-1A, BU- and IU-C; auto-related uses, commercial development and vacant land.	Town of Miami Lakes: Business and Office, Industrial and Office
West	RU-1, RU-TH, RU-3M, and IU-1	Low medium density residential, medium density residential, Industrial and Office

SUMMARY OF THE IMPACTS:

The approval of this application will allow for the development of a mixed-use commercial-residential-industrial district that provides additional housing/mixed-use development opportunities and implements the Comprehensive Development Master Plan’s (CDMP) Urban Center development concepts.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as a **Community Urban Center** and portions thereof designated **Industrial and Office and Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The CDMP Land Use Element interpretive text for Community Urban Centers (CUC) states that a variety of uses is allowed, including retail, office, service, restaurant, hotel, institutional, recreational, cultural, entertainment, and residential uses. The Country Club Urban Area (CCUA) district allows retail, office, hotel, residential and industrial uses consistent with these provisions. The CCUA district development standards also implement the CDMP Urban Centers requirements for streets, open spaces, parking, and buildings.

As shown in the table below, anticipated development in the application area is within the limits of the CDMP. In Urban Centers, the CDMP provides for tiered development intensities with an average minimum FAR of 1.5 in the core and 0.5 FAR at the edge; residential development is limited to a maximum of 125 units per acre. The distribution of uses is based on those permitted by the CCUA.

Comprehensive Development Master Plan (CDMP) and Proposed Country Club Zoning Development Density/Intensity

Use	CDMP Permitted Density/Intensity	Proposed Country Club Zoning
Residential	20,557 units	5,202 units
Commercial/Office	6,349,951 sq. ft.	364,559 sq. ft.
Industrial	1,093,914 sq. ft.	-

The CDMP permitted density and intensity in the above table was estimated by allocating 125 residential units/acre to the core and center areas and from 25 to 60 units/acre to the edge area; for non-residential intensity 1.25 FAR was allocated to most of the core and center areas and 0.5 to the balance.

Service Provider Comments

The proposed rezoning has been reviewed by all of the service providers. Review comments provided at this time are primarily for information regarding the long term buildout of the Urban Center as there is no specific development proposal associated with this application. Development approval and impacts will be assessed as plats and site plans are submitted. A description of the development intensities analyzed and a summary of each department’s comments are provided below.

Comparison of Existing Zoning and Proposed Country Club Zoning

Use	Existing Zoning	Proposed Country Club Zoning	Difference (Country Club minus Existing)
Residential	628 Units	5,202 Units	+4,564 Units
Commercial/Office	1,083,639 sq. ft.	364,559 sq. ft.	-719,080 sq. ft.
Industrial	3,854,434 sq. ft.	-	-3,854,434 sq. ft.

It should be noted that the projected buildout estimate would require a significant amount of redevelopment of existing uses and buildings. This is an estimated buildout based on trends in other urban centers and redevelopment of the entire urban center. It is anticipated that most new development in the near term will occur mainly on currently vacant land (approximately 10.9 acres).

Staff opines that approval of this application is **compatible** with the surrounding area and **consistent** with the CDMP LUP Map, Land Use Element interpretative text and relevant CDMP policies.

ZONING ANALYSIS:

When analyzing the request to rezone the Country Club urban area from RU-4L, BU-1, BU-1A, BU-2, BU-3 and IU-C to CCUAD, under Section 33-311 of the Code, staff opines that the approval of this request would be **compatible** with commercial, industrial, and residential uses in the surrounding area and be **consistent** with the CDMP. **The proposed rezoning to CCUAD is necessary to implement the Board of County Commissioners-accepted Country Club/Palm Springs North Charrette Area Plan (Resolution R-870-06), the adopted Country Club Urban Area zoning district regulations (Ordinance No. 14-64) and applicable CDMP policies.** Specifically, the Country Club/Palm Springs North Charrette Area Plan Report designates the subject area as the “Town Center” and recommended the incorporation of mixed-use buildings (commercial, office and residential) for most of the Town Center and the integration of commercial and industrial uses for the balance. The CCUAD implements those recommendations along with a recommendation limiting the number/areas designated for auto-related uses. CCUAD also implements building standards that will require new buildings to be developed in an attractive pedestrian and transit supportive manner; street standards that will require future right-of-way improvements to provide for ample sidewalk areas

and bicycle facilities, as well as encourage on-street parking areas and landscaping; a network of new designated open spaces; and increased pedestrian and vehicular connectivity.

The CCUA district regulations require that the Department of Regulatory and Economic Resources review plans for compliance with the site plan review criteria provided in Section 33-284.88 of the Zoning Code as part of the Administrative Site Plan Review (ASPR) process. Additionally, as part of the ASPR review process, the following departments of Miami-Dade County and other public entities shall review development plans for potential impacts on infrastructure and other services: the Public Works and Waste Management Department (PWWM); the Miami-Dade Fire Rescue Department (MDFR); the Miami-Dade County Public Schools (MDCPS); the Park and Recreation Department; and any other applicable agency. In the event the ASPR application indicates impacts on services and infrastructure provided by the above mentioned departments, the developer shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence of such discussion to the Department of Regulatory and Economic Resources. **Therefore, staff recommends approval of the request under Section 33-311 Standards for District Boundary Change.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW:

Regulatory and Economic Resources (Division of Environmental Resources Management)

The Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM) **does not object** to this application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County.

Its memorandum indicates that there is currently adequate public water and public sanitary sewers capacity to serve the subject area. It also indicates that capacity would be reviewed on a case by case basis as development is proposed.

Miami-Dade Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) **does not object** to this application. The department states that it provides adequate emergency and fire service to the subject area from Stations No. 1, 11, 44, 51 and 64.

Parks, Recreation and Open Spaces

The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) **has no objections** to this application.

Miami-Dade Police Department

The Miami-Dade Police Department (MDPD) **has no objections** to this application. Additional sworn personnel, support staff, and equipment will be required to maintain current levels of service as future development occurs in the application area.

Public Works and Waste Management Department

The Public Works and Waste Management Department (PWWM) Traffic Engineering Division (TED) **does not object** to this application as the traffic generated by the projected buildout will result in a reduction from that generated by the current zoning.

Water and Sewer Department

The Miami-Dade County Water and Sewer Department (MDWASD) **does not object** to this application. Public water mains and sanitary sewers exist throughout the area. As future development occurs in the application area, existing water and sewer infrastructure may need to be upgraded. All development will be evaluated on a case-by-case basis to determine the water main, fire hydrant, and sewer infrastructure needs for each individual project.

Miami-Dade Transit Department

The Miami-Dade Transit Department (MDT) **has no objections** to this application. Its memorandum indicates that there is transit service in the immediate vicinity of the application area provided by Metrobus routes 75, 95 (Golden Glades), 183 (183rd local), and 286 (North Pointe Circulator). Three of the four routes that serve the area operate with a 30-minute or better AM/PM peak-hour headway. Therefore, this application meets the adopted mass transit level of service standards as prescribed by the CDMP Mass Transit Sub-element Policy MT-1A.

OTHER: Not applicable.

RECOMMENDATION: Approval and exclusion of the following folios, located on the south side of the Golden Glades Canal:

- 30-2013-030-0010
- 30-2013-020-0010
- 30-2013-029-0010
- 30-2013-001-0161
- 30-2013-016-0001
- 30-2013-009-0012
- 30-2013-010-0001
- 30-2013-018-0001
- 30-2013-023-0001
- 30-2013-001-0020

CONDITIONS FOR APPROVAL: None

ES:GL



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

ZONING RECOMMENDATION ADDENDUM

Miami-Dade Department of Regulatory and Economic Resources

14-139

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Neighborhood Compliance (RER)	No objection
Public Works & Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Miami-Dade Transit	No objection
*Subject to conditions in the Department's attached memorandum.	

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

Land Use Element Goal	<i>Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and the man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.</i>
Land Use Element Objective LU-1	<i>The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.</i>
Land Use Element Policy LU-1A	<i>High intensity, well-designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.</i>
Land Use Element Policy LU-1C	<i>Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.</i>
Land Use Element Policy LU-1F	<i>To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.</i>
Land Use Element Policy LU-1G	<i>Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.</i>
Land Use Element Objective LU-5	<i>All public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.</i>
Land Use Element Objective LU-7	<i>Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services.</i>
Land Use Element Policy LU-7D	<i>Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done by establishing blocks of walkable scale that form an interconnected network of streets, maximizing connectivity with existing streets and</i>

ZONING RECOMMENDATION ADDENDUM

Miami-Dade Department of Regulatory and Economic Resources

14-139

	<i>promoting a comfortable and attractive environment for pedestrians.</i>
Land Use Element Policy LU-8A	<i>Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.</i>
Land Use Element Objective LU-9	<i>Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well-designed buildings.</i>
Land Use Element Policy LU-9F	<i>Miami-Dade County shall formulate and adopt zoning or other regulations to implement the policies for development and design of Metropolitan and Community Urban Centers established in the CDMP through individual ordinances for each urban center.</i>
Land Use Element Policy LU-9G	<i>Miami-Dade County shall review and revise its development regulations to promote building designs in multi-family residential zoning districts which are more compatible with, and sensitive to, surrounding neighborhoods, and to establish minimum densities for development in multifamily residential zoning districts.</i>
Land Use Element Policy LU-9H	<i>Miami-Dade County shall continue its special area planning program with emphasis on the preparation of physical land use and urban design plans for strategic and high-growth locations, such as urban centers and certain transportation corridors as defined in the CDMP.</i>
Land Use Element Policy LU-9I	<i>Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well-designed buildings, and shall encourage and assist municipalities to do the same.</i>
Land Use Element Policy LU-9P	<i>Miami-Dade County shall revise land development regulations to allow work-live units in the Business and Office and Industrial and Office land use categories. The term work-live means that the needs of the work component takes precedence over the quiet expectations of residents, in that there may be noise, odors, or other impacts of the business, as well as employees, walk-in trade or sales. The predominant use of a work-live unit is industrial or commercial work activity and residential activity is secondary.</i>
Land Use Element Policy LU-9Q	<i>The County shall coordinate with affected municipalities to prepare plans for areas designated as "urban centers" on the Land Use Plan Map, and other small area and neighborhood plans as needed and appropriate. These plans shall formulate a vision for the development and redevelopment of these areas in order to identify appropriate locations for higher density development, recommend area specific design requirements, and produce working and living environments that reflect community goals.</i>
Land Use Element Policy LU-10	<i>Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multimodal transportation systems.</i>
Land Use Element Policy LU-10A	<i>Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.</i>
Land Use Element Objective LU-12	<i>Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law.</i>
Land Use Element Policy LU-12D	<i>The County shall consider developing strategies that promote infill development in specific areas.</i>
Mass Transit Subelement Goal	<i>Maintain, operate and develop a mass transit system in Miami-Dade County that provides efficient, convenient, accessible, and affordable service to all residents and visitors.</i>
Mass Transit Subelement	<i>Coordinate the provision of efficient transit service and facilities with the location and intensity of designated future land use patterns as identified on the Land Use Plan Map, and the goal,</i>

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Objective MT-2	<i>objectives and policies of the Land Use Element.</i>
Mass Transit Subelement Policy MT-2A	<i>Transit system improvements shall be coordinated with, and support the staging and shaping of development as planned in the Land Use Element, through Miami-Dade County's transportation planning process.</i>
Mass Transit Subelement Policy MT-2B	<i>The area surrounding future rapid transit stations not yet sited or depicted on the Land Use Plan map shall be designed and developed, at a minimum, as community urban centers, containing land use and development designs that promote transit use as defined in the Land Use Element.</i>
Mass Transit Subelement Objective MT-4	<i>Provide convenient, accessible, affordable, and safe mass transit services and facilities.</i>
Mass Transit Subelement Policy MT-4A	<i>Miami-Dade County, with appropriate private sector contributions shall provide a network of regular mass transit and special services to facilitate access to major centers of employment, commercial, medical, educational, governmental, and recreational activity, and planned urban centers identified in the Land Use Element.</i>
Land Use Element Urban Centers	<p>Urban Centers</p> <p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and areawide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.</i></p> <p>Policies for Development of Urban Centers</p> <p><i>Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities</i></p>

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or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

Uses and Activities. Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in Urban Centers may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. Residential uses may be required in areas of the County and along rapid transit lines where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Radius. The area developed as an urban center shall extend to a one-mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops along major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Streets and Public Spaces. Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian accessways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

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	<p>Parking. Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominantly in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.</p> <p>Buildings. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</p> <p>Density and Intensity. The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.</p> <p style="text-align: center;">Average Floor Area Ratios (FAR)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 40%;">Average Floor Area Ratios (FAR)</th> <th style="width: 30%;">Max. Densities Dwellings per Gross Acre</th> </tr> </thead> <tbody> <tr> <td>Regional Activity Centers</td> <td>greater than 4.0 in the core not less than 2.0 in the edge</td> <td style="text-align: center;">500</td> </tr> <tr> <td>Metropolitan Activity Centers</td> <td>greater than 3.0 in the core not less than 0.75 in the edge</td> <td style="text-align: center;">250</td> </tr> <tr> <td>Community Urban Centers</td> <td>greater than 1.5 in the core not less than 0.5 in the edge</td> <td style="text-align: center;">125</td> </tr> </tbody> </table> <p>In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.</p> <p>As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Policy LU-7F.</p>			Average Floor Area Ratios (FAR)	Max. Densities Dwellings per Gross Acre	Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500	Metropolitan Activity Centers	greater than 3.0 in the core not less than 0.75 in the edge	250	Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-303.1(E)(2) Developmental Impact Committee</p>	<p>Developmental Impact Committee (DIC) Duties.</p> <p>(2) Except for applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), review County zoning actions which are:</p>
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	<p>(A) <i>Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <ol style="list-style-type: none"> (1) <i>Residential developments involving in excess of two hundred fifty (250) dwelling units.</i> (2) <i>Business uses involving in excess of ten (10) acres or one hundred thousand (100,000) square feet of retail floor area, or one thousand (1,000) vehicle off-street parking space capacity.</i> (3) <i>Recreational, cultural, or entertainment facilities involving in excess of one thousand (1,000) vehicle off-street parking space capacity for single performance or twenty (20) acres.</i> (4) <i>Office buildings or office complexes involving in excess of one hundred twenty-five thousand (125,000) square feet of floor space, or one thousand (1,000) vehicle off-street parking space capacity.</i> (5) <i>Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.</i> (6) <i>Hotel and/or motel developments involving in excess of two hundred fifty (250) units.</i> (7) <i>All planned area developments.</i> (8) <i>Mixed-use developments with two (2) or more of the land use types specified in Subsections (E)(2)(a) 1 through 6 above where none of the individual land uses in the development meet or exceed the thresholds listed in Subsections (E)(2)(a) 1 through 6 above and where the sum of the percentages of the appropriate thresholds listed in Subsections (E)(2)(a) 1 through 6 above for each applicable land use in the development is greater than one hundred thirty (130) percent. Where a development addresses more than one (1) threshold within a particular land use type listed in 1 through 6 above, then the threshold in that land use type which generates the highest percentage shall be utilized in the calculation of the total mixed-use percentage for the subject development.</i>
<p>Section 33-311 District Boundary Change</p>	<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 <i>provides that the Board shall take into consideration, among other factors the extent to which:</i></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> (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</i>

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	<p><i>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. DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES**
(Applicant)

15-2-CC-1 (14-139)
BCC/District 01
Hearing Date: 02/19/15

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>
	Multiple Zoning Actions			

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.

Memorandum



Date: December 18, 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-05 #Z2014000139
Country Club Urban Area District
Lying generally north of State Road 826 (Palmetto Expressway),
east of a theoretical extension of NW 62nd Avenue, west of NW 57th
Avenue (Red Road) and south of NW 183rd Street (Miami Gardens
Drive)
DBC from RU-4L, BU-1, BU-2, BU-3 & IU-C to CCUAD
(BU-1) (278 Acres)
12-52-40

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 and Wastewater Disposal

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

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

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

Stormwater Management

Section 12-52-40 is located within the Western C-9 Basin, where the jurisdiction belongs to the South Florida Water Management District (SFWMD) therefore, a Cut and Fill (fill encroachment criteria) and an Individual Environmental Resources Permit from the South Florida Water Management District is

required for any proposed development. The applicant is advised to contact the SFWMD at (1-800-432-2045).

The applicant is advised that any redevelopment involving more than 2 acres impervious will require a DERM Surface Water Management General Permit for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval.

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

The applicant is advised that a Class II Permit will be required if future proposed surface water management systems are connected to any existing drainage system with an overflow outfall to any water body in Miami-Dade County, including, but not limited to, canals, rivers, lakes and/or tidal water bodies.

The applicant is advised that if for future development is located within or near a possibly contaminated area a Class VI Permit from DERM maybe required for the construction of the surface water management system.

For Section 12-52-40:

Be advised that a 65-foot canal right of way and 20-foot canal maintenance easement are located on the West side of Red Road Canal. And 60-foot canal right of way and 25-foot canal maintenance easement are located on the North side of the Golden Glades Canal.

For Section 13-52-40:

Be advised that a 30-foot canal right of way and 20-foot canal maintenance easement are located on the West side of Red Road Canal. And 35-foot canal right of way and 20-foot canal maintenance easement are located on the South side of the Golden Glades Canal.

The applicant is advised that any work in the canal right of way / canal maintenance easement will require a Class III Permit from DERM.

The applicant is advised to contact the DERM Water Control Section at (305) 372-6681 for further information regarding permitting procedures and requirements.

Pollution Remediation

The subject area has records of one current contaminated site under Unicorn Cleaners (DERM file IW5-10585) located at 5830 NW 183rd Street. The site is a dry cleaner contaminated site currently in a state administered cleanup program.

Tree Preservation

The subject properties may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at (305) 372-6574 for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

The subject properties have two (2) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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: February 9, 2015

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: Z2014000139
Name: Department of Regulatory and Economic Resources
Location: N. of SR 826, E. of Theoretical Extension of NW 62 Ave., W. of NW 57 Ave.
& S. of NW 183 St.
Section 12 Township 52 South Range 40 East

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

This application is projected to generate fewer peak hour vehicle trips than the existing zoning. This application meets the traffic concurrency criteria set for an Initial Development Order. Below is a comparison of the anticipated traffic generated existing and proposed zoning districts.

Country Club Urban Center

Land Use	Existing Zoning	Trip Generation for Existing Zoning	Country Club Proposed Zoning	Country Club Trip Generation for Proposed Zoning	Urban Center Total Trip Difference
Residential LUC (223)	628 units	290	5,502 units.	2,630	2,340
Retail LUC (820)	541,820 sq. ft.	1,502	182,280 sq. ft.	639	-863
Office LUC (710)	541,819 sq. ft.	686	182,279 sq. ft.	272	-414
Industrial LUC (150)	3,854,434 sq. ft.	1,233	0	0	-1,233
Total	N/A	3,711	N/A	3,541	-170

This land may require 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.

Memorandum



Date: January 14, 2015

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

From: Maria A. Valdes, CSM, LEED[®] Green Associate *Maria Valdes*
Chief, Comprehensive Planning & Water Supply Certification Section

Subject: DIC # 14-139 Department of Planning & Zoning Director

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project. The comments provided below are general for the subject area and as individual parcels are developed, they will be addressed on a case by case basis.

Recommendation: Approval based on conditions noted below.

Application Name: DP&Z Director

Proposed Development: Rezone area to Country Club Urban Area District (CCUAD)

Project Location: The subject property is north of State Road 826 (Palmetto Expressway), east of theoretical extension of NW 62 Avenue, west of NW 57th Avenue (Red Road), and south of NW 183rd Street (Miami Gardens Drive).

Water: The subject project is located within MDWASD's service area. Public water mains (mainly 12-inch) exist throughout the area, and the existing developed parcels are currently being served by MDWASD. There is an active MDWASD Agreement for the vacant land located on the northwest area of the application site, south of NW 183rd Street, and west of NW 59th Avenue. The infrastructure required for the future development included in said Agreement No. 19842, is currently in the process of being conveyed to MDWASD.

The source of water for this project is the Hialeah Preston Water Treatment Plant. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

All new developments will require a Water Supply Certification (WSC) from Miami-Dade Water and Sewer Department. Said Certification will be issued at the time connection to the water infrastructure is requested. The Certification is required to assure adequate water supply is available to all water users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

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

Sewer: The subject project is located within MDWASD's service area. Public sanitary sewer exist throughout the area, and the existing developed parcels are currently being served by MDWASD. The sanitary sewer infrastructure required under MDWASD Agreement No. 19842 is currently in the process of being conveyed.

The application site is within three pump station basins. Pump station basin No. 483 located south of NW 183rd St. and north of NW 176th St., pump station basin No. 401 located south of NW 176th St. and north of the canal, and pump station basin No. 462-pvt located south of the canal serving the remainder southern portion of the application.

Below is the current status of the Nominal Average Pump Operating Time (NAPOT) for the pump stations serving the pump station basins noted above. Basin No. 462-pvt is served by private pump stations. Note that pump station No. 483 is under conditional moratorium, and any future development in the area is subject to said status.

Pump Station: 0483
Yearly NAPOT: 9.46 Hrs
Projected NAPOT: 10.43 Hrs
Pump Station Status: Conditional Moratorium

Pump Station: 0401
Yearly NAPOT: 0.43 Hrs
Projected NAPOT: 1.61 Hrs
Pump Station Status: OK

The North District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

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

For information concerning the Water-Use Efficiency Standards Manual please go to
http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf

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

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

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

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

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

Memorandum



DATE: January 16, 2015

TO: Jorge Vital
DIC Coordinator
Department of Regulatory and Economic Resources

FROM: Nilia Cartaya *Nilia Cartaya*
Principal Planner
Miami-Dade Transit - Engineering, Planning & Development Division

SUBJECT: Review of DIC Project No. 14-139 Department of Regulatory and
Economic Resources – Country Club Urban Area District (CCUAD)
MDT Project No. OSP006
FSC No. 41.04

MDT Comments/Recommendations

The subject property is approximately 278 acres and is located generally north of SR 826, east of theoretical extension of NW 62nd Avenue, west of NW 57th Avenue and south of NW 183rd Street. Routes 75, 95 (Golden Glades), 183 (183rd Local), and 286 (North Pointe Circulator) provide bus service throughout the Country Club Urban Area District. Three of the four routes that serve the Country Club Urban Area District operate with a 30 minute or better AM/PM peak-hour headway. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County. **As such, MDT has no objections to this application.**

Project Description

14-139 –The applicant is requesting a district boundary change from multiple zoning classifications to Country Club Urban Area District (CCUAD). The subject property is approximately 278 acres and is located generally north of SR 826, east of theoretical extension of NW 62nd Avenue, west of NW 57th Avenue and south of NW 183rd Street, in Miami-Dade County, Florida.

Current Transit Service

The subject area to be rezoned to the Country Club Urban Area District (CCUAD) is served by Routes 75, 95 (Golden Glades), 183 (183rd Local), and 286 (North Pointe Circulator). The alignment for these routes is illustrated on the attached maps. The service headways for these routes (in minutes) are as follows:

Metrobus Route Service Summary

Department of Regulatory and Economic Resources - Country Club Urban Area District (CCUAD)

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
75	30	30	60	n/a	45	60	0	L
95 (Golden Glades)	5	n/a	n/a	n/a	n/a	n/a	0	E
183 (183rd Local)	(12/24) / (12/24)	20/40	20/24	n/a	20/40	24/48	0	L
286 (North Pointe Circulator)	48	48	n/a	n/a	48	n/a	0	L

Notes: L means Metrobus local route service
 F means Metrobus feeder service to Metrorail
 E means Express or Limited-Stop Metrobus service
 November 2014 Line Up

Future Transportation/Transit Improvements

The 2015 Transportation Improvement Program (TIP) lists the following improvements on the roadways and facilities within the immediate vicinity of the site:

Facility/Project Limits	Type of Work
SR 826 from NW 154 th Street to East of NW 57 th Avenue	Resurfacing
SR 826 at NW 57 th Avenue	Intersection Improvement
SR 826 from NW 154 th Street to NW 62 nd Avenue	Landscaping
SR 826 from SR 93/I-75 to Golden Glades Interchange	PD&E/EMO Study
SR 826 from NW 67 th Avenue to NW 47 th Avenue	Add Auxiliary Lanes
SR 826 from NW 154 th Street to NW 17 th Avenue	Add Special Use Lane
SR 826 from NW 57 th Avenue to West of NW 27 th Avenue	Resurfacing
SR 826 at SR 823/NW 57 th Avenue	New Road Construction
SR 823/NW 57 th Avenue from NW 183 rd Street to Miami-Dade/Broward Co. Line	Landscaping

The 2040 Long Range Transportation Plan (LRTP) lists the following improvements within the vicinity of this project.

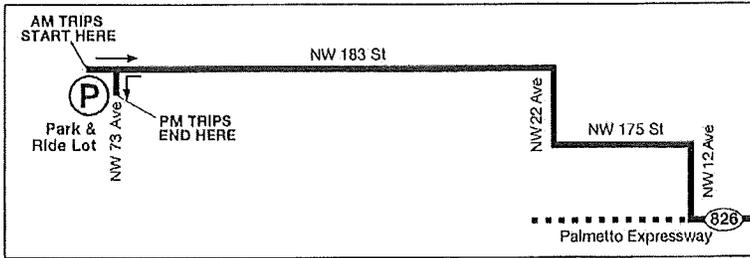
Facility/Project Limits	Type of Work	Priority/Funding Phase
SR 826 from NW 154 th Street to NW 17 th Avenue	Managed Lanes	Priority III
SR 826 from East of NW 67 th Avenue to East of NW 57 th Avenue	Capacity and Operational Improvements	Partially Funded
NW 167 th Street from NW 57 th Avenue to NW 42 nd Avenue	Pedestrian Facility Improvements	Bicycle/Pedestrian – Priority III
NW 57 th Avenue from NW 135 th Street to SR 826	Signal Timing Optimization and Access Improvements	Congestion Management Set-Aside Projects

- c: Monica D. Cejas, P.E., Senior Professional Engineer
- Gerald Bryan, Section Chief Service Planning and Scheduling
- Eric Zahn, Transit Planning Section Supervisor
- Jacqueline Carranza, Transit Planner 2

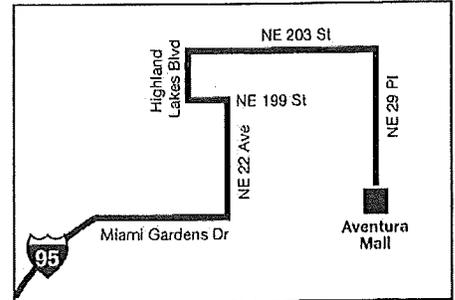


Route 95 Express Golden Glades

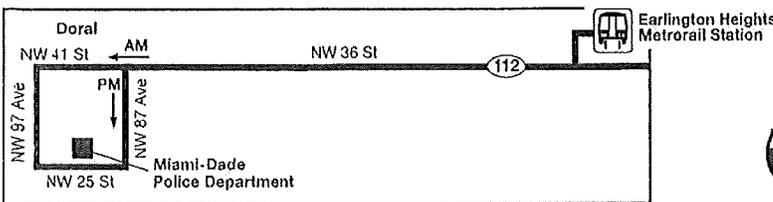
SELECT A.M. SOUTHBOUND AND P.M. NORTHBOUND TRIPS



SELECT A.M. SOUTHBOUND AND P.M. NORTHBOUND TRIPS



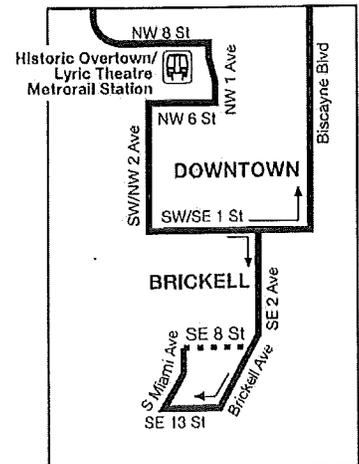
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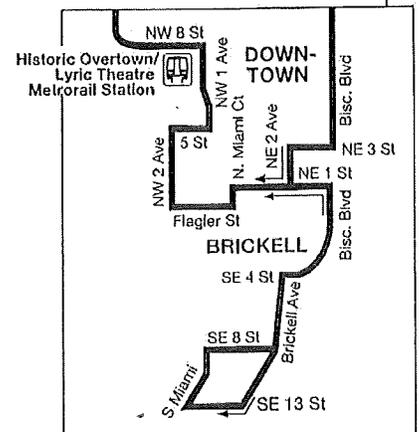
Golden Glades Park & Ride East Lot
AM SERVED FIRST
PM SERVED LAST

Golden Glades Park & Ride West Lot

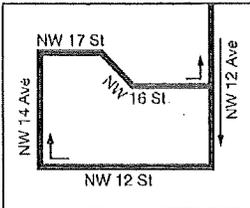
DOWNTOWN OR BRICKELL A.M.



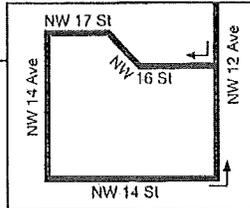
DOWNTOWN OR BRICKELL P.M.



CIVIC CENTER A.M.



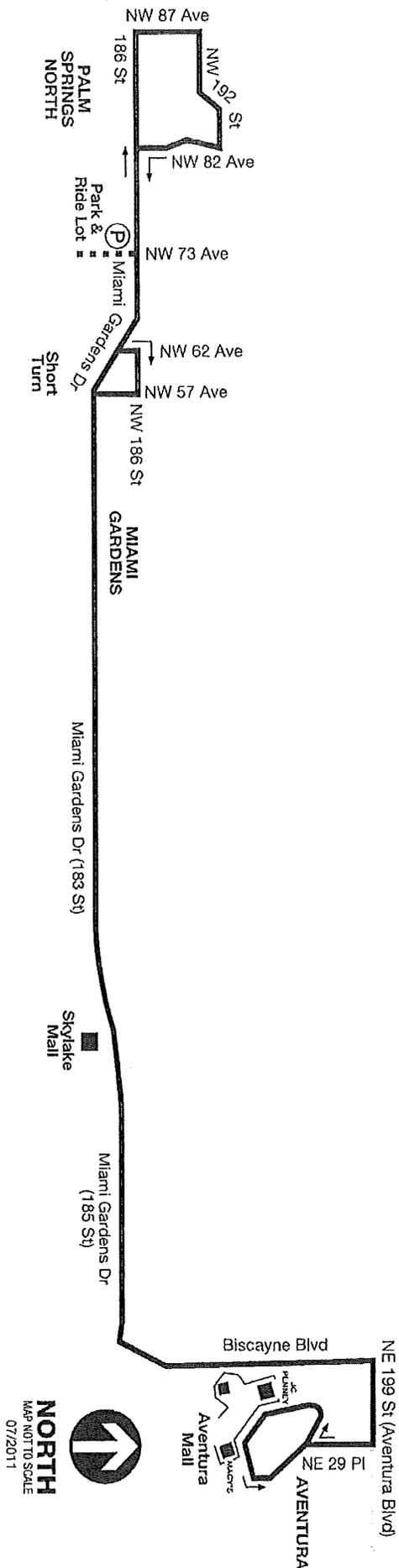
CIVIC CENTER P.M.



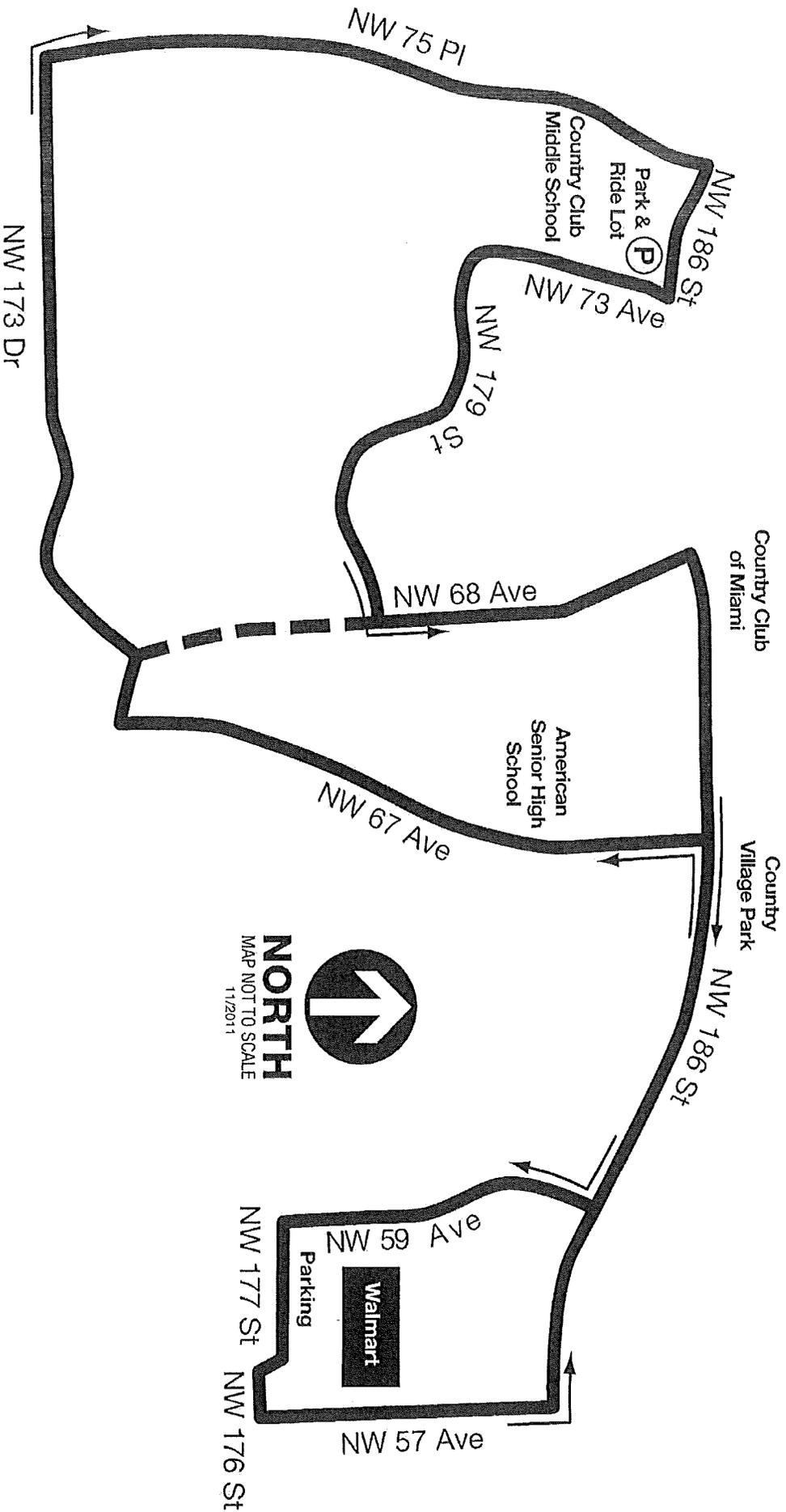
SERVES ALL LOCAL STOPS SOUTH OF NW 20 ST



Route 183 Local



Route 286 North Pointe Circulator



Memorandum



Date: January 22, 2015
To: Jack Osterholt, Director
Regulatory and Economic Resources
From: Dave Downey, Fire Chief 
Miami-Dade Fire Rescue Department
Subject: DIC 2014000139 – Department of Regulatory and Economic Resources

The Department of Regulatory and Economic Resources (RER) is requesting a district boundary change from various zoning districts to the Country Club Urban Area District (CCUAD).

The area is comprised of approximately 278 acres lying west of NW 57 Avenue between NW 167 Street and NW 183 Street in Miami-Dade County.

Presently, the Miami-Dade Fire Rescue Department (MDFR) provides adequate emergency and fire service to the subject area. In addition to Station No. 1, the following MDFR stations are within close proximity and capable of rendering additional emergency and fire service.

STATION	ADDRESS	EQUIPMENT	STAFF
1	16699 NW 67 Avenue	Rescue, Aerial, Battalion	8
11	18705 NW 27 Avenue	Rescue, Aerial, Battalion	8
44	7700 NW 186 Street	Rescue, Engine	7
51	4775 NW 199 Street	Rescue, Engine	7
64	8205 Commerce Way*	Rescue	4

*Station 64 is operating from a temporary facility. A new facility is being constructed for Station 64 located at 15325 NW 77 Court. It is anticipated that the new facility will be operational during the second quarter of CY 2015.

The Miami-Dade Fire Rescue Department has **no objection** to the application.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

/ch

DATE: 14 - JAN - 15

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DEPARTMENT OF REGULATORY
AND ECONOMICS RESOURCES

LYING GENERALLY NORTH OF
STATE ROAD 826, EAST OF
THEORETICAL EXTENSION OF
NW 62 AVENUE, WEST OF NW 57
AVENUE & SOUTH OF NW 183
STREET, MIAMI, FL

APPLICANT

ADDRESS

Z2014000139

HEARING NUMBER

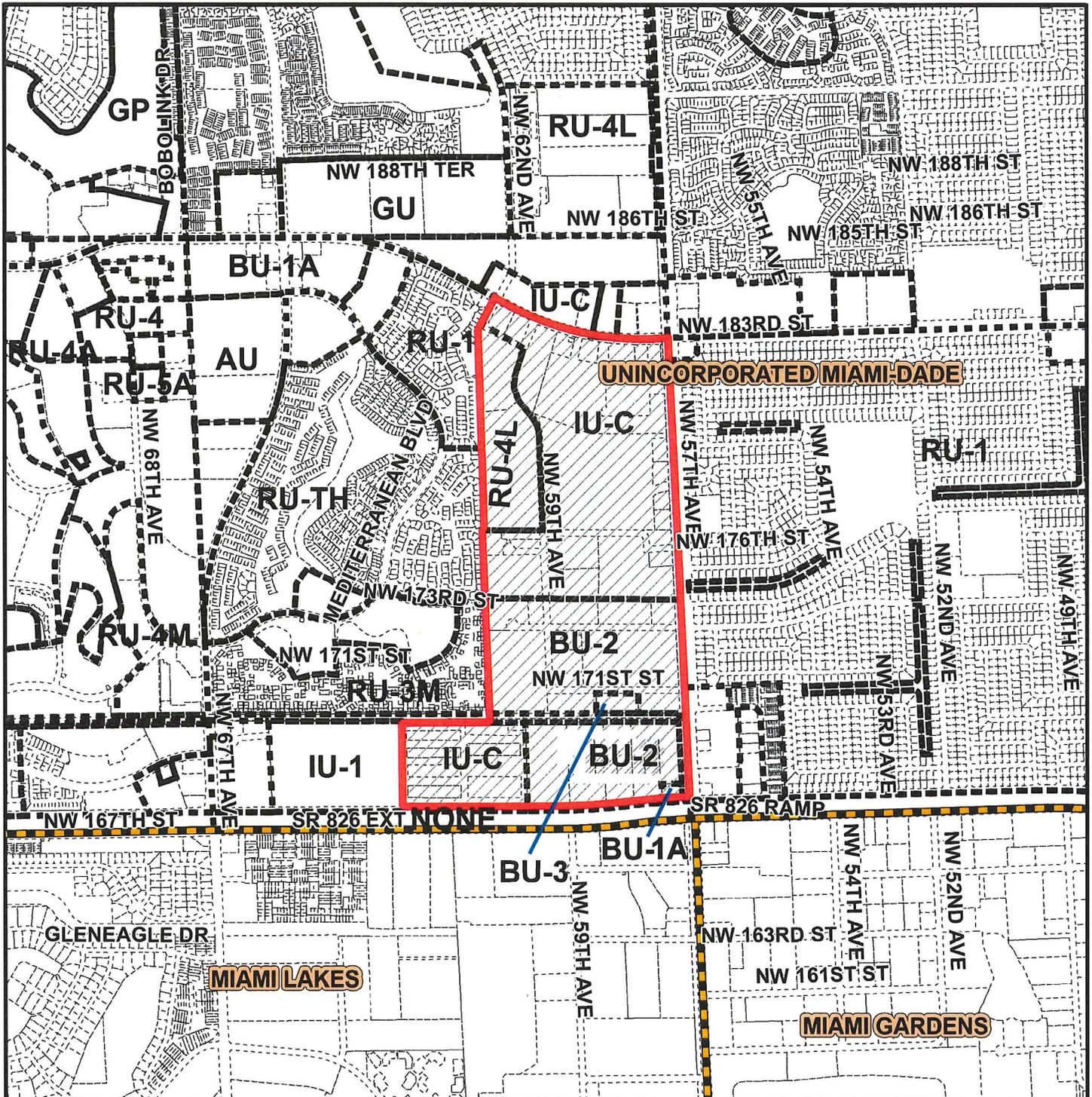
HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases

Department of Regulatory and Economics Resources

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

REPORTER NAME:



MIAMI-DADE COUNTY

HEARING MAP

Section: 12/13 Township: 52 Range: 40

Applicant: DEPARTMENT OF REGULATORY AND ECONOMICS RESOURCES (COUNTRY CLUB URBAN AREA DISTRICT)

Zoning Board: BCC

Commission District: 1

Drafter ID: E.CESPEDES

Scale: NTS

Process Number

Z2014000139

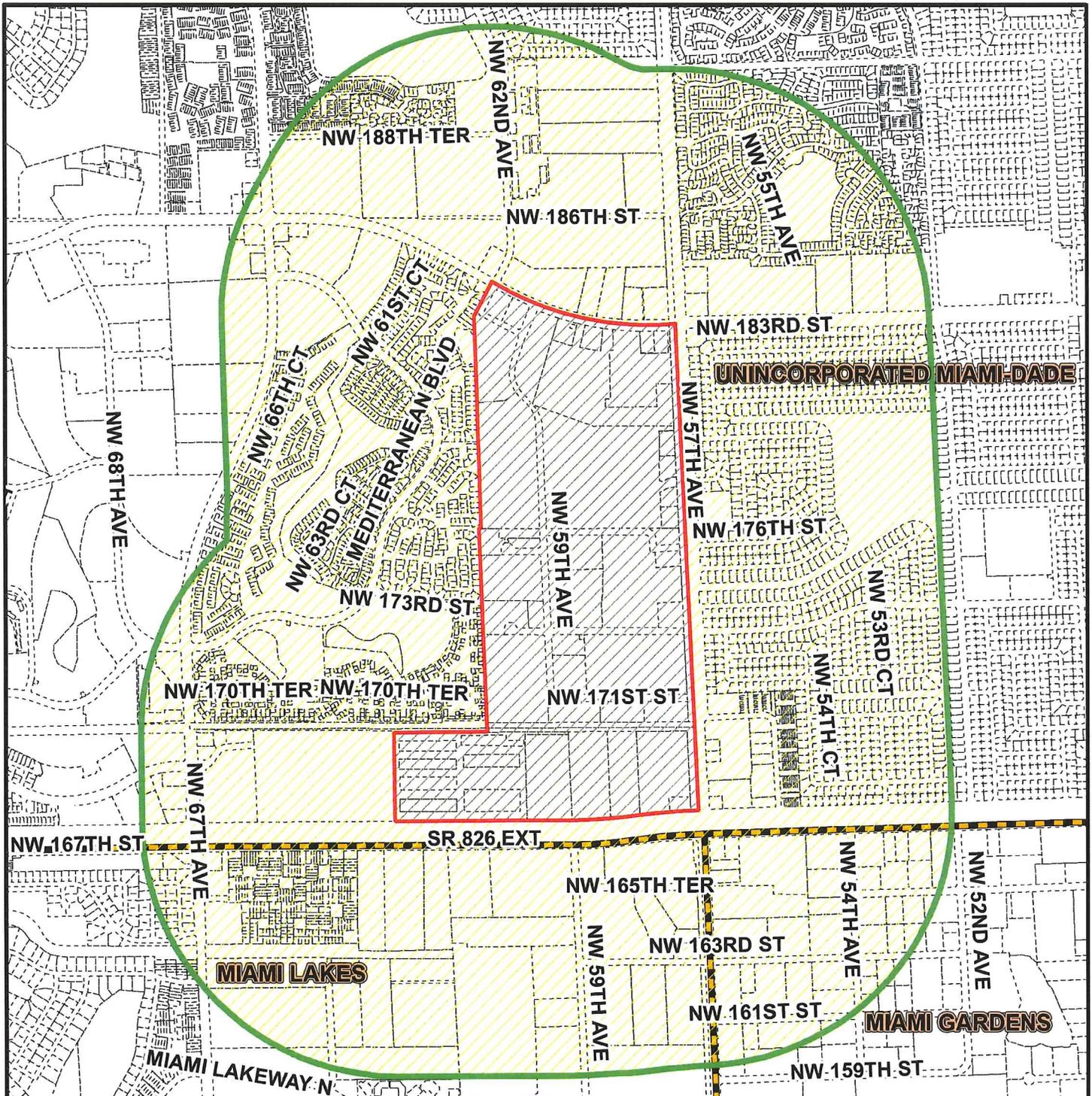
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, January 14, 2015

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY

RADIUS MAP

Section: 12/13 Township: 52 Range: 40

Applicant: DEPARTMENT OF REGULATORY AND ECONOMICS RESOURCES

Zoning Board: BCC

Commission District: 1

Drafter ID: E.CESPEDES

Scale: NTS

Process Number

Z2014000139

RADIUS: 2640

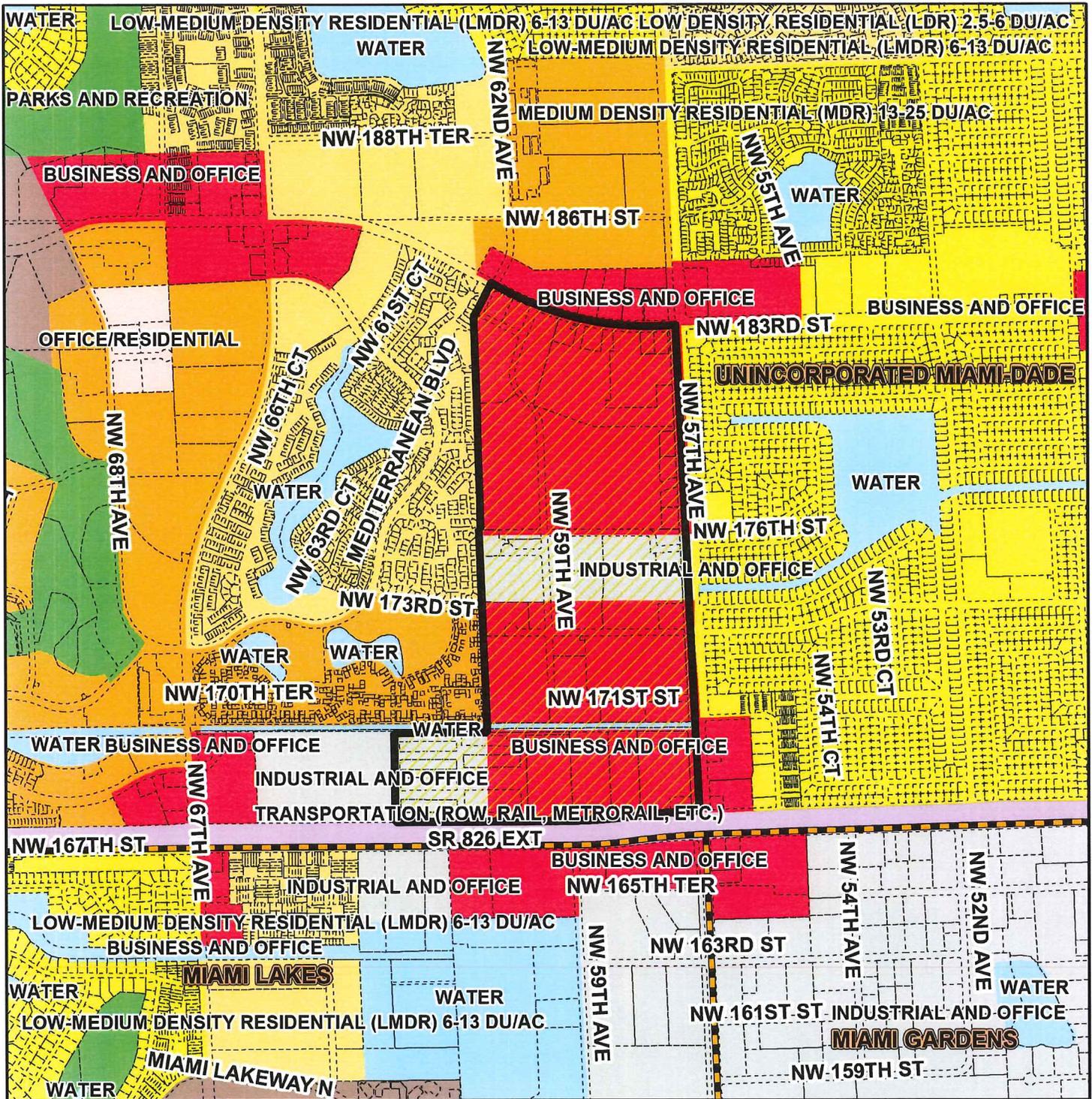
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Wednesday, December 17, 2014

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY

CDMP MAP

Section: 12/13 Township: 52 Range: 40

Applicant: DEPARTMENT OF REGULATORY AND ECONOMICS RESOURCES

Zoning Board: BCC

Commission District: 1

Drafter ID: E.CESPEDES

Scale: NTS

Process Number

Z2014000139



Legend

 Subject Property Case

 Zoning



SKETCH CREATED ON: Wednesday, December 17, 2014

REVISION	DATE	BY