MIAMI-DADE COUNTY

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

DATE APRIL 23, 2015
TIME OF MEETING 9:30 AM

PREVIOUSLY DEFERRED:		**HEARING #**	**DISTRICT(S)**
A.	**HELEN MICHAEL AND PREFERED ENTERPRISES, NIC.**	**14-003**	**8**
Request(s):	- Appeal of decision of CZAB 14 which denied without prejudice the Zone Change from AU to EU-M.		
Location:	- Lying North of SW 278 Street, between SW 159 avenue & SW 162 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		
B.	**MANUEL J. MENENDEZ TRUST**	**13-077**	**7**
Request(s):	- Appeal of decision of CZAB 12 which denied without prejudice the following: The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks a zone change to RU-4M, to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.		
Location:	- 6950 SW 40 Street, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		
C.	**NORTHSTAR GRACELAND, LLC**	**14-032**	**8 & 9**
Request(s):	- The applicant is seeking to modify a Resolution in order to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery. Additionally, the applicant is seeking approval of said mausoleum with a height greater than permitted.		
Location:	- 13900 SW 117 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, APRIL 23, 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 (Overrule 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 (OVERRULE C.Z.A.B.): _____

DEFERRED: _____
Deferred from February 19, 2015

B. MANUEL J. MENENDEZ TRUST **14-7-C12-1 (13-077)** **23-54-40**
BCC/District 07

The applicant is appealing the decision of the COMMUNITY ZONING APPEALS BOARD #12, which denied without prejudice the following:

REQUESTS #1 THROUGH #3 ON TRACT "B"

(1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

The purpose of Requests #2 & #3 is to delete two covenants that restrict the property to a previously approved plan for a townhome development and permit the applicant to submit new plans for a proposed multi-family residential development.

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit a multi-family residential development in the BU-2 zoning district.

REQUESTS #5 THROUGH #9 ON TRACTS "A" AND "B"

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line.

(7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15 feet (20 feet required) from the interior side (west) property line.

(8) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines.

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.92 +/- Acres

Department of Regulatory and Economic Resources Recommendation: **Approval (Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).**

Protests: 26 Waivers: 0

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

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

DEFERRED: _____

Deferred from March 19, 2015

C. NORTHSTAR GRACELAND, LLC 15-3-CC-1 (14-032) **24-55-39**
BCC/District 08 & 09

(1) MODIFICATION of plans approved pursuant to Resolution 7696, last modified by Condition #2 of Resolution Z-5-11, both passed and adopted by the Board of Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A., consisting of sixteen (16) sheets dated stamped received December 13, 2011."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, Sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, Sheets A-100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped received 4/7/14 for a total of 17 sheets.

The purpose of request #1 is to allow the applicant to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery.

(2) NON-USE VARIANCE to permit a 8 stories building (2 stories maximum permitted) with a building height of 90' (35' maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

LOCATION: 13900 SW 117 Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 36.02 Acres

Department of Regulatory and Economic Resources Recommendation: **Modified approval with conditions for a 4-story / 44' high mausoleum.**

Protests: 104 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from March 19, 2015

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) **April 23, 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, *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change *(see attached Zoning Recommendation Addendum)*

CZAB Action

CZAB 14 October 1, 2014	**Denial without prejudice**

Staff Recommendation

Recommendation of the Appeal	**Approval (Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present)**
Previous Recommendation to the CZAB	**Approval (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.

4. On February 19, 2015, the application was deferred by the Board of County Commissioners (BCC) to allow the applicant to further meet with the neighbors and to submit a site plan to staff showing a reduced number of residential units on the subject site.

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) **April 23, 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.

NEIGHBORHOOD CHARACTERISTICS		
	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

NDN

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)	*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.*
Land Use Objective 4 (Pg. I-11)	*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.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *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.* *(F)* ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) 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;* *(2) 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;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;*

ZONING RECOMMENDATION ADDENDUM

Preferred Enterprises Inc/Helen Michael
PH: Z14-003

	(4) 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; *(5) 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.*

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: 2/19/2015 **#Z**
ITEM: A.

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

MOTION: Deferred to April 23, 2015, with leave to amend to a less intense plan, and to be re-advertised at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Levine Cava	M	X		
Diaz		X		
Edmonson	S	X		
Heyman				X
Jordan				X
Moss		X		
Sosa		X		
Souto		X		
Suarez		X		
Zapata				X
Vice Chairman Bovo		X		
Chairman Monestime		X		
TOTAL		9	0	4

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

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

11

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

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

RECEIVED
14-003
OCT 02 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
BY DATE RECEIVED STAMP

****

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

RE: Hearing No. **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.

RECEIVED
14-003
OCT 02 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
BY

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

Juan Esma
Notary Public

(Stamp/Seal)

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

Commission expires:

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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

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

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

(Check all that apply)

____ 1. Participation at the hearing
_X_ 2. Original Applicant
____ 3. Written objection, waiver or consent

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

Further Appellant says not.

Witnesses:

Melissa Scruggs
Signature

Melissa Scruggs
Print Name

Lynn Hartman
Signature

Lynn Hartman
Print Name

Helen Michael
Appellant's signature

Helen Michael

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

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

Susan Eisenman
Notary
(Stamp/Seal)
Commission Expires:

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

APPELLANT MUST SIGN THIS PAGE

Date: 2nd day of October, 2014

Signed _____

Paul Michael, President
Print Name

Preferred Enterprises, Inc.
1849 Watermill Road, Monticello, Florida 32344
Mailing Address

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

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

Preferred Enterprises, Inc.
Representing

_____
Signature

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

701 Brickell Avenue, Suite 3300
Address

Miami (City) | Florida (State) | 33131 (Zip)

305-789-7787
Telephone Number

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

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Notary Public

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(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

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

(Check all that apply)

____ 1. Participation at the hearing
_X_ 2. Original Applicant
____ 3. Written objection, waiver or consent

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Further Appellant says not.

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Melissa Scruggs
Signature

Melissa Scruggs
Print Name

Lynn Hartman
Signature

Lynn Hartman
Print Name

Paul Michael
Appellant's signature

Paul Michael
Preferred Enterprises, Inc.

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

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

Susan Eisenman
Notary
(Stamp/Seal)
Commission Expires:

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

RESOLUTION NO. CZAB14-6-14

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

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

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

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

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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

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

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

Wilbur B. Bell aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-M be and the same is hereby denied without prejudice.

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

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

Hearing No. 14-7-CZ14-1
rd

STATE OF FLORIDA

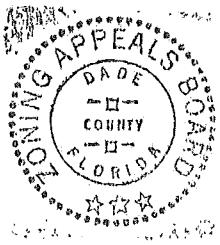
COUNTY OF MIAMI-DADE

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)

14-7-CZ14-1 (14-003)
BCC/District 08
Hearing Date: 04/23/15

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:

Year	Applicant	Request	Board	Decision
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. Cnsequently, 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

MIAMI-DADE COUNTY

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

MIAMI-DADE COUNTY

Date: January 27, 2014

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

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

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

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

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

Size: The subject property is approximately 20 acres.

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

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

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

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: May 16, 2014

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

From: Maria I. Nardi, Chief M.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

REVISION 2

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 MDFR memorandum dated June 4, 2013.
APPROVAL
No objection to the site plan with a May 18, Zoning Department received date.

Service Impact/Demand

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

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

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

Existing services

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

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

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Current service impact calculated based on site plan.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

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:

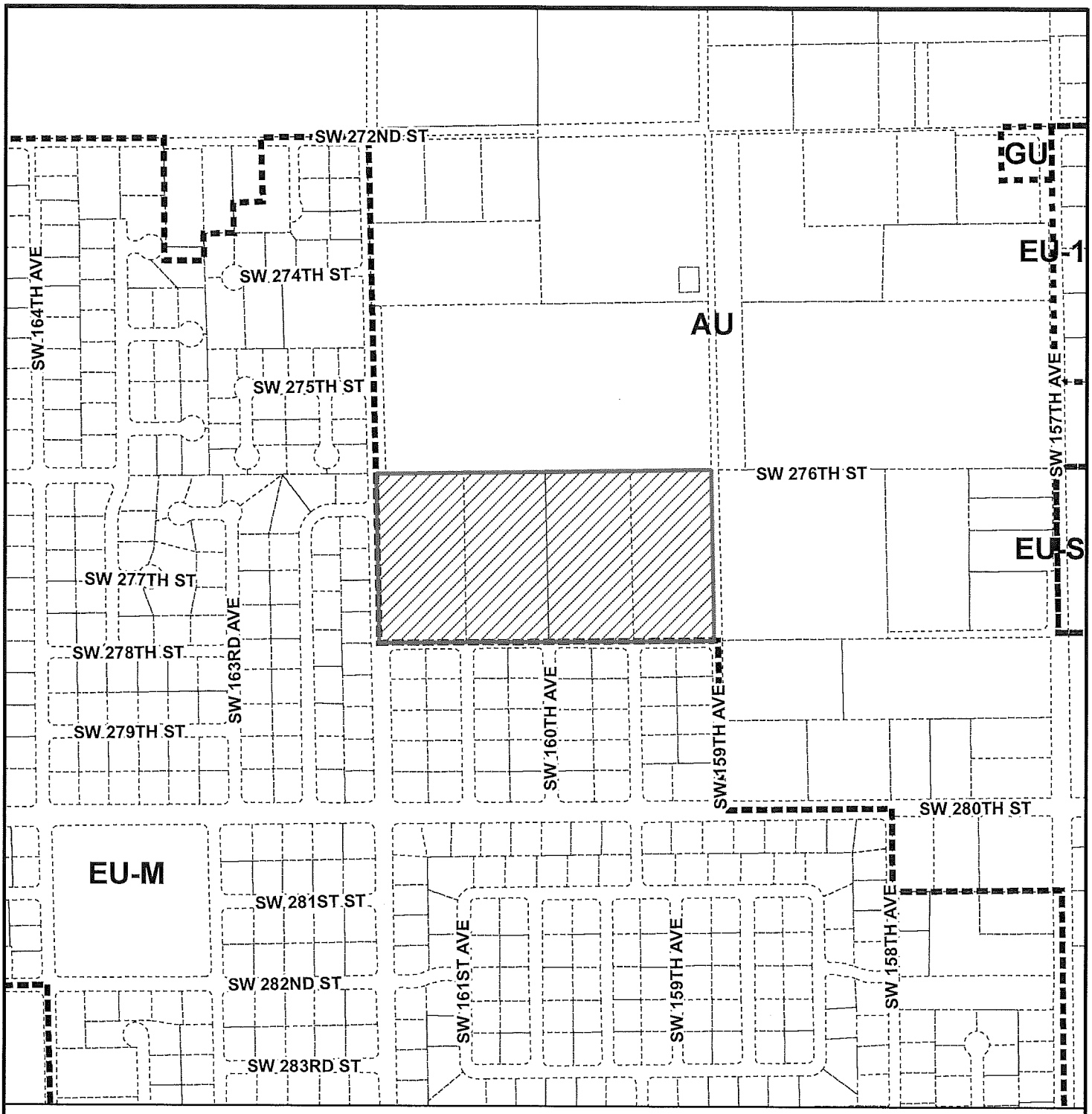
FOLIO: 3069320000350, 3069320000351, 3069320000352, AND 3069320000353

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 PREFERERRED ENTERPRISES, INC.
Zoning Board: C14
Commission District: 8
Drafter ID: F. Arencibia
Scale: NTS

Legend

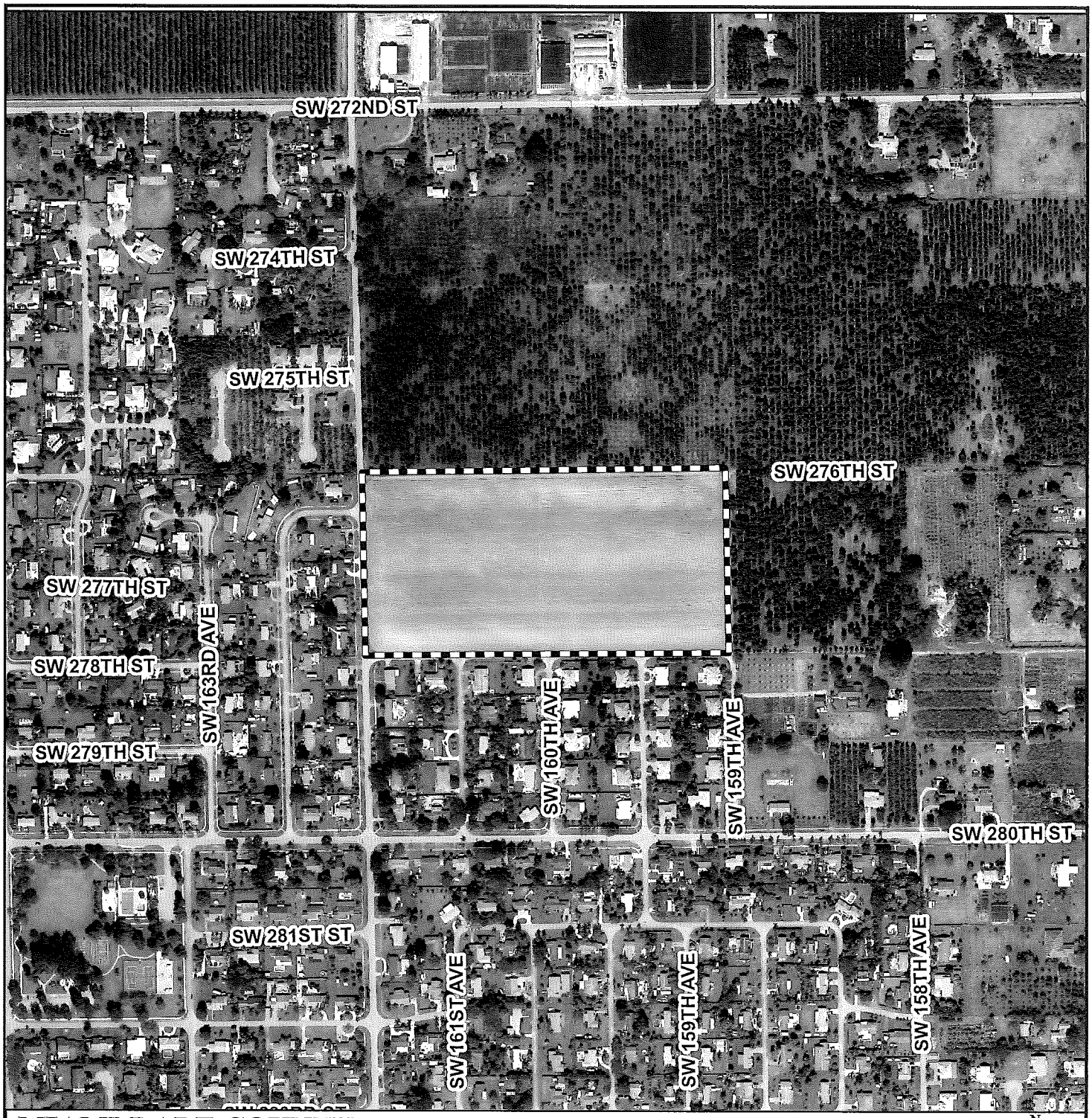
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2014

Process Number

Z2014000003

Legend

Subject Property

Street (Centerline)

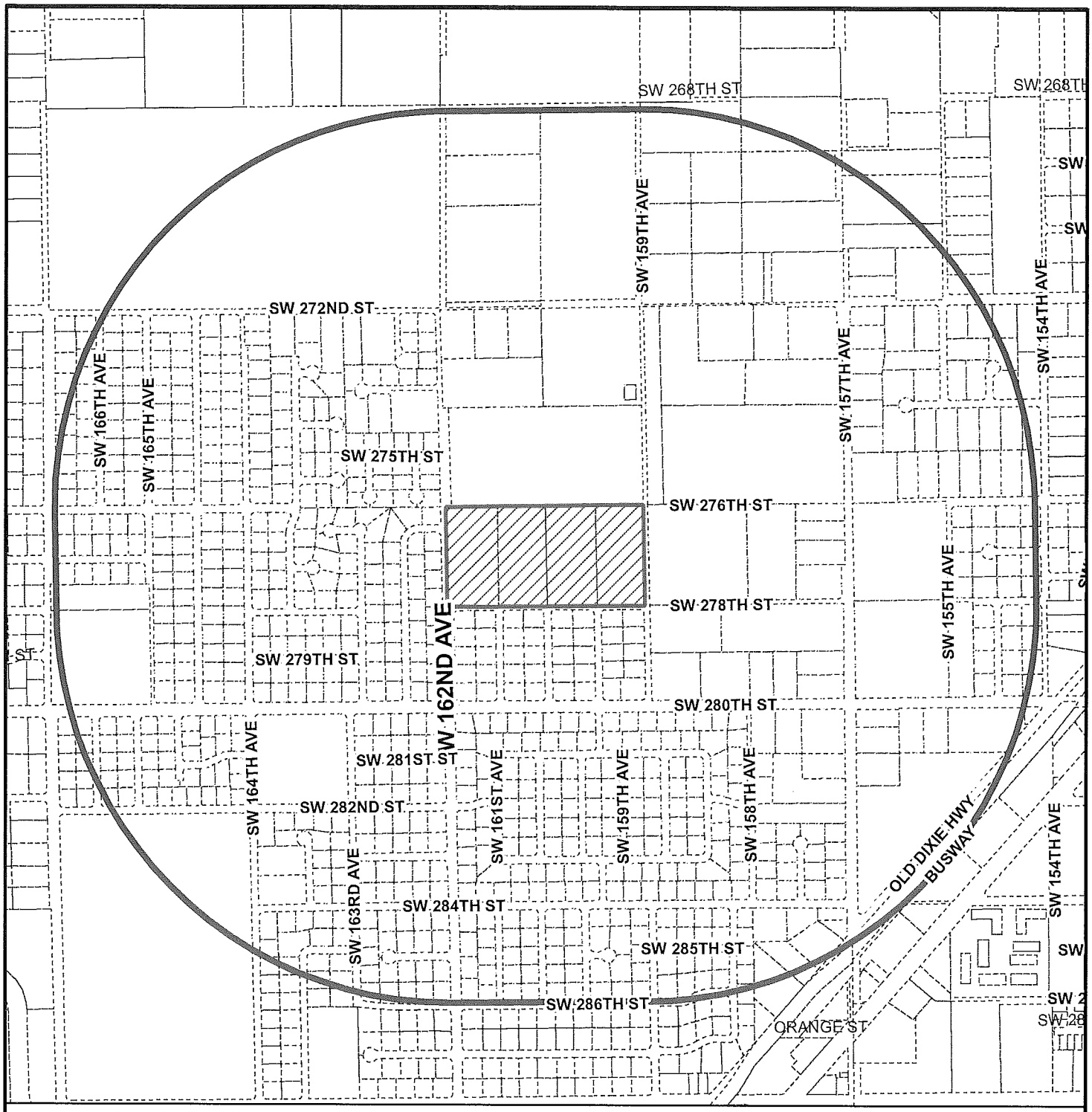
N W E S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY
		32



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2014000003

RADIUS: 2640

Section: 32 Township: 56 Range: 39

Applicant: HELEN MICHAEL AND PREFERERRED ENTERPRISES, INC

Zoning Board: C14

Commission District: 8

Drafter ID: F. Arencibia

Scale: NTS

Legend

N W E S

Subject Property

Buffer

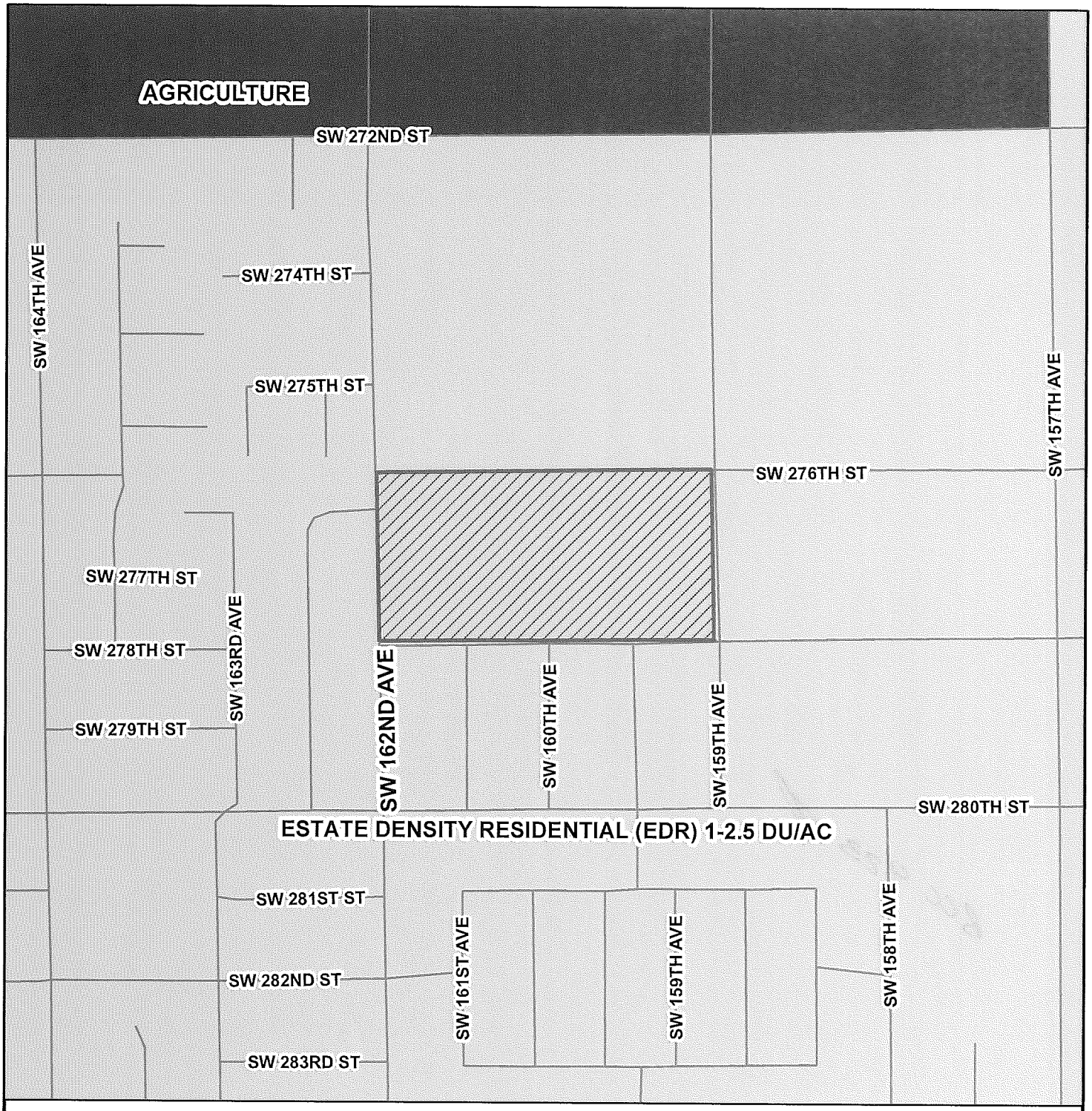
Street (Centerline)

Property Boundaries

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2014000003

N
W E
S

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

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, August 5, 2014

REVISION	DATE	BY

STEPHEN CLARK CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, February 19, 2015, 9:30 a.m.

ITEM

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

Board of County Commissioners
(Present)

Jean Monestime, Chairman
Esteban Bovo, Jr., Vice Chairman
Jose "Pepe" Diaz
Javier D. Souto
Xavier L. Suarez
Daniella Levine Cava
Rebeca Sosa
Dennis Moss
Audrey Edmonson

County Attorney's Office

Dennis Kerbel
Assistant County Attorney

I N D E X

CHAIRMAN MONESTIME: 3, 5-11, 13-20, 22, 24-30.

VICE CHAIRMAN BOVO: 22, 28.

COMMISSIONER EDMONSON: 6, 8-9, 16, 23, 27-28.

COMMISSIONER DIAZ: 8-9, 11-12, 14, 19-21, 24, 26-28.

COMMISSIONER LEVINE CAVA: 9-10, 13-14, 22-25, 27-28.

COMMISSIONER MOSS: 16, 18-19, 26.

COMMISSIONER SUAREZ: 12, 20-22, 27-28.

COMMISSIONER SOSA: 14, 25, 28.

S T A F F

MR. SILVA: 3-7, 18-19, 21, 24.

MR. KERBEL: 5-6, 8-9, 11-13, 15-17, 23-27.

On behalf of the Applicant

MR. MICHAEL: 7-9, 15, 17-18, 23, 26-28.

SUPPORTERS

OBJECTORS

THE CLERK: Chairman Monestime, seven members present, you have a quorum.

CHAIRMAN MONESTIME: I think Commissioner Suarez will be walking back in in a minute.

As we wait for him to come in, we're going to ask -- right before we start the meeting, we're going to ask Bobby Garland to lead us in a prayer.

(Prayer).

(Pledge of Allegiance).

CHAIRMAN MONESTIME: Mr. Clerk, it appears that we have a quorum.

Our meeting is now in session.

Mr. Silva, would you please lead us through the first item. Thank you.

MR. SILVA: Good morning, Mr. Chairman and Commissioners.

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

will be called up to be heard by agenda number and name of applicant.

The record in the file for the hearing on each application will include documents from the public agencies, the Department of Regulatory and Economic Resources. And where there's an appeal from the Community Zoning Appeals Board, we also have the transcripts from those hearings.

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

This statement, along with the fact that all witnesses have been sworn in, should be included in any transcript in the proceedings. In addition, there's an official translator present in the chambers for those individuals requiring such assistance.

I believe now you need to swear in

the witnesses.

THE CLERK: Will you stand and raise your right hand, witnesses.

Do you solemnly swear that the testimony you're about to give will be the truth, the whole truth and nothing but the truth, so help you God?

COLLECTIVELY: I do.

THE CLERK: Do you swear or affirm that you will make a true interpretation of the questions asked and the testimony given?

THE INTERPRETER: I do.

THE CLERK: Thank you.

MR. SILVA: Mr. Chairman, Commissioners, on today's agenda, you have three items on the agenda.

The first item is Helen Michael --

CHAIRMAN MONESTIME: Give me a second, Mr. Silva.

To the attorney, there are other individuals here, who didn't stand up and be sworn in, so these individuals will not be asked to speak.

MR. KERBEL: If they get up to speak

and they have not been sworn, then they can be sworn at that time.

CHAIRMAN MONESTIME: But we have no way of knowing who did not get sworn in.

COMMISSIONER EDMONSON: I do.

CHAIRMAN MONESTIME: You do? So you'll --

MR. KERBEL: Mr. Chair, you can advise, anyone who wishes to speak should get up now and we can swear them in.

CHAIRMAN MONESTIME: Can we do this again. Anyone who wishes to speak needs to stand up and be sworn in.

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

COLLECTIVELY: I do.

THE CLERK: Okay. Thank you.

CHAIRMAN MONESTIME: Very good. Thank you so very much.

Go ahead and read our first item.

MR. SILVA: Thank you.

The first item on the agenda is Helen Michael and Preferred Enterprises

Incorporated, Application No. 14-003. We've received 206 protests on this application and zero waivers of support.

Mr. Chairman, I'd like to mention, yesterday morning we received an email notifying us that this application was going to be withdrawn. That email and that information was also sent to neighbors, that was included in our message. Early this morning, the applicant came in and has indicated something different.

CHAIRMAN MONESTIME: Okay. So something different in the sense that they want the item be heard, or deferred or what?

MR. SILVA: They notified us, when they came in the room, that they wanted it deferred.

CHAIRMAN MONESTIME: Okay. Please state your name and address, sir.

MR. MICHAEL: Good morning, Mr. Chairman, Commissioners, my name is Paul Michael. I'm the owner of the parcels in question here, at 29055 Southwest 182

Avenue.

CHAIRMAN MONESTIME: To the attorney, so how do we proceed with this? He wants his item deferred. Yesterday was asked that it be withdrawn. So do we enter a motion to get it deferred?

COMMISSIONER EDMONSON: Motion.

COMMISSIONER DIAZ: Second.

MR. KERBEL: I'm sorry, I just want to confirm that the applicant is requesting a deferral. I realize Mr. Silva had said it from the beginning.

CHAIRMAN MONESTIME: I was going to ask to be heard from the district commissioner, because that's in her district.

MR. KERBEL: And I didn't hear the applicant actually request for the deferral. I just heard him mention his name. So if he could confirm that's what he wants.

CHAIRMAN MONESTIME: Okay.

MR. MICHAEL: Mr. Chairman, Commissioners, yes, there's been a change in our team, significant change. And I

was not aware, as a land owner, that there was actually an email asking for withdrawal.

So my intent was to ask for a deferral this morning. So that was a surprise to me, that you got that email, so...

CHAIRMAN MONESTIME: Commissioner Cava, this is in your district. I'd like to recognize you for a motion.

MR. KERBEL: Mr. Chairman, there is a motion and a second.

COMMISSIONER EDMONSON: I'll withdraw mine.

MR. KERBEL: I didn't realize.

COMMISSIONER DIAZ: We withdraw.

COMMISSIONER LEVINE CAVA: This obviously is an unusual situation.

MR. MICHAEL: Yes, ma'am.

COMMISSIONER LEVINE CAVA: And it's a challenge for me, because the first hearing was -- we heard substantial testimony from the neighbors. The result of that hearing was a request to go back and meet with the neighbors and come up

with a mutually agreeable solution. And time -- it was debated how much time was needed and it was determined that to this date was adequate time to do that.

I understand you're here in a different relationship to the project. There is no project proposed at this time and you're seeking a zoning change without a particular developer in hand.

My inclination is to recommend to uphold the decision of the CZAB, to deny the rezoning, because we haven't followed through with what was agreed to follow through. We've brought down the neighbors. They're here to speak again to the process. I don't know what, if any progress has been made.

CHAIRMAN MONESTIME: Let me see if I can help with some direction here.

Mr. Attorney, I feel that the Commissioner of the district is probably heading in a different direction.

So what if I recommend that the applicant meet with the Commissioner and see if they can -- they can't do that,

because this is a zoning application.

MR. KERBEL: Correct, that would be a Jennings violation.

COMMISSIONER DIAZ: Commissioner.

CHAIRMAN MONESTIME: Okay. All right. Very good.

Yes, Commissioner Diaz.

COMMISSIONER DIAZ: Thank you. And to the District Commissioner, I don't know, Mr. Attorney, if an applicant is requesting to be deferred due to what he explained, that he did not know certain things are taking place, I'm not in favor or against, I'm supportive of what the District Commissioner is saying, but an order of wisdom, isn't it wise that in the past there was some of these requests that we've gone on to vote, whether to defer or not defer first before hearing anything else?

MR. KERBEL: Commissioner, wisdom I will defer to you.

In terms of what this Board has typically done in the past --

COMMISSIONER DIAZ: I was trying to

get the wisdom from you.

MR. KERBEL: I don't purport to have any.

COMMISSIONER DIAZ: To help my fellow colleague. That's what I'm trying to do, because...

COMMISSIONER SUAREZ: Nice beard.

MR. KERBEL: This Board does typically grant deferrals with some regularity. I would say this situation is unusual in that I understand that the applicant said he was unaware that a withdrawal was requested, but he was aware of the application. He's obviously here. It's an application that he is in part a signatory to.

And so what he was or was not aware of, I don't know that that would be something that would require this Board to defer an item. It's not a situation where someone says, "I never got notice, and I just happen to show up this morning".

But this Board does typically, with some regularity, grant deferrals when applicants wanted to make some changes or

speak with neighbors.

On the other hand, the person who would be most affected, if you were to go forward with a denial, is here and bears some responsibility for keeping tabs with his own application.

So while in an unusual situation like this, there's a risk related to due process, I think the only -- the only thing I would be certain in advising this Board, is if you were going forward and inclined to grant the appeal, then I think we would have some significant due process issues, because the withdrawal had been somewhat disseminated, but if you're looking at a deferral or a denial, I think you have more options before you.

COMMISSIONER LEVINE CAVA: I'd like to --

CHAIRMAN MONESTIME: Commissioner Cava.

COMMISSIONER LEVINE CAVA: I'd like to move to uphold the CZAB decision to uphold at this time.

CHAIRMAN MONESTIME: There's a motion

by Commissioner Cava to uphold the --

COMMISSIONER SOSA: Question.

CHAIRMAN MONESTIME: -- decision by the CZAB, seconded by Commissioner Moss.

Commissioner Sosa, you have the floor.

COMMISSIONER SOSA: If we do that, then we are not going to allow a presentation and to hear from the public? Because my biggest concern is, that even when this was discussed before, we advertised our zoning meetings to allow presentations, due process and hear from the public.

I don't want to -- and I support whatever the Commissioner says, but in overabundance of caution of any legal request later on that we didn't allow presentations of the item and for the people to speak, that is my only concern.

COMMISSIONER DIAZ: That's the wisdom I was trying to say earlier.

CHAIRMAN MONESTIME: Well, I want everybody to understand, it's already 10:13, and I've been advised that at least

one Commissioner will be leaving by 11 o'clock.

So we have a motion on the floor. I understand the concern of the applicant. There was information communicated to the administration that this was supposed to be withdrawn. And the Commissioner of the district had made a motion to uphold the application -- the CZAB recommendation, so that's the motion on the floor.

Anybody else have any comments or question for the applicant?

MR. MICHAEL: Mr. Chairman.

CHAIRMAN MONESTIME: Hold on, hold on, sir.

Mr. County attorney.

MR. KERBEL: I understand the applicant wants to speak, and I would certainly advise letting him.

I just want to clarify one thing from the record, since there is a motion pending as to the merits of the application. I think based on the transcript, not every Commissioner that heard the item last time -- not everybody

that's here was on the Board the last time.

So if the Commissioners who were not -- and I'll give you the list: Last time it was Chairwoman -- then Chairwoman Sosa, Commissioner Diaz, Commission Suarez, Commissioner Levine Cava, Commissioner Zapata, Commissioner Souto, Commissioner Jordan.

So the other Commissioners, if you could certify that you had read the transcript of the hearing before going forward on a decision on the merits, then that will be helpful for the record.

COMMISSIONER EDMONSON: I read the transcript.

MR. KERBEL: And it was in the packet.

COMMISSIONER EDMONSON: As well as being briefed my staff.

CHAIRMAN MONESTIME: I have been briefed by my staff on the item, and I'm aware of the implication, so...

COMMISSIONER MOSS: And on the record, I've reviewed the transcripts.

MR. KERBEL: Thank you.

CHAIRMAN MONESTIME: Mr. --

MR. KERBEL: Mr. Chair, the applicant had wanted to speak.

CHAIRMAN MONESTIME: Yes, I'm going to ask him to speak.

MR. MICHAEL: I'm unclear on the motion. Could you please explain?

CHAIRMAN MONESTIME: Mr. Attorney, can you explain the motion to him.

MR. KERBEL: The motion is to uphold the CZAB decision below, which is to deny without prejudice.

MR. MICHAEL: Thank you.

Commissioners, thank you for giving me a moment.

I just wanted to point out, as -- I've owned this property for over 10 years. Our family has been here since 1908. We're stakeholders here. You know, I feel like it would -- it be a significant impact to us for this to have to start completely over.

I understand that deferrals are routine, I've been told. I've never

spoken before this Commission, but we are -- would like to work with the neighbors.

I apologize that we've kind of come in at the eleventh hour here. And, you know, there's been changes, a complete change in the team, in attorneys. I just met the development attorney this morning here.

So if you would please bear with us, give us 30 days to meet with the neighbors and reboot. We'd be very appreciative. Thank you.

COMMISSIONER MOSS: Mr. Chairman.

CHAIRMAN MONESTIME: Commissioner Moss, you're recognized.

COMMISSIONER MOSS: Thank you, Mr. Chair.

To staff, who did you receive this email from?

MR. SILVA: The email was from the law firm of Holland & Knight.

COMMISSIONER MOSS: And upon receiving the email, it was disseminated to the neighbors? I mean, what happened with the email?

MR. SILVA: That was included in the email. The attorney from Holland & Knight indicated that he had contacted the neighbors and told them the application would be withdrawn.

COMMISSIONER MOSS: So you have probably a number of neighbors who probably aren't here, because if they were contacted and they were told that, then they would be relying on that information?

MR. SILVA: Correct.

COMMISSIONER MOSS: Thank you.

COMMISSIONER DIAZ: Mr. Chairman.

CHAIRMAN MONESTIME: Yes, Commissioner Diaz.

COMMISSIONER DIAZ: And I don't want to keep this going.

CHAIRMAN MONESTIME: Yes, exactly.

COMMISSIONER DIAZ: I'm very uncomfortable at this point. We have a person that's stated basically due process has not been properly in his understanding, because of the change of legalities, team and stuff like that.

I'm very uncomfortable with this, Mr.

Attorney. This is the first time -- I've been here for 13 years. This is the first time I've been through something like this at this point.

If we've always given due process, and due process is important one way or another -- and we've gone way out of our way to do due process for people, sometimes way, way out of our way.

So Mr. Chairman, I want to tell the district Commissioner that this is a very unusual thing. That's why I asked for wisdom before. And I feel very uncomfortable at this point on this issue.

CHAIRMAN MONESTIME: I'll recognize Commissioner Suarez and then we'll go ahead and vote on the item after that.

COMMISSIONER SUAREZ: Along the same lines, Commissioner Cava, if you were to -- if this was the only motion that I had to vote on, I would have to go with you and vote to deny, but a withdrawal doesn't have much of a different effect, because I think that they can't bring back the item until when, if they withdraw? For one

thing, they lose all their fee application; is that correct?

COMMISSIONER DIAZ: He wants to defer.

MR. SILVA: Yes, they would have to reapply and pay the fees, correct.

COMMISSIONER SUAREZ: If they withdrew?

MR. SILVA: Right.

COMMISSIONER SUAREZ: And a deferral?

MR. SILVA: Deferral, there would be no additional fees.

COMMISSIONER SUAREZ: But either way, they -- you know, it almost has the same effect as denying, except that they're still potentially at bat. And if they were to consult the neighbors and maybe reach an agreement, as you had insisted that they do before, that would still be a possibility. So it seems like a more reasonable thing to do.

I'm not sure that we're denying due process, because they've had the benefit of due process, but they've kind of got caught into, you know, a situation here

where apparently their attorneys are not representing. I don't know exactly what's going on there, but it might be a milder form of punishment to allow a deferral or withdrawal.

CHAIRMAN MONESTIME: Commissioner, before you close, we all heard the attorney. And I think myself and other Commissioners that was not there have affirmed that we've read the transcript and briefed by our staff, so you need to --

VICE CHAIRMAN BOVO: I need to do it for the record also.

CHAIRMAN MONESTIME: Okay, very good. Go ahead, Vice Chair Bovo.

VICE CHAIRMAN BOVO: I've been briefed and have reviewed the minutes.

CHAIRMAN MONESTIME: Closing, Commissioner Cava.

COMMISSIONER LEVINE CAVA: Yes, so my intent here is to go forward with what came out of the last hearing, which was not to deny the rights to the landowner of ability to move forward with the property,

but to make sure that the interest of the neighbors were reflected, which would lead to a less dense application. So, essentially, that was what we discussed, the importance --

MR. MICHAEL: Thank you.

COMMISSIONER LEVINE CAVA: This is right up again the Urban Development Boundary line. The buffer area I know is very critical. I know you're very familiar with this issue, I'm sure.

And I'm listening to my colleagues, and I feel their discomfort. And the intent is not to prejudice you, but to assure that this moves forward in the proper way.

So I'd like to withdraw my motion, if I may, and substitute a motion to defer.

COMMISSIONER EDMONSON: Second.

MR. KERBEL: Commissioner, in light of your statement, do you want to make that a deferral with leave to amend or just a deferral?

COMMISSIONER LEVINE CAVA: Yes, a deferral with leave to amend. And I don't

know if we need to have a date certain.

MR. KERBEL: If it's -- a date certain would be preferable, because if there's -- if they're intending -- certainly if they're intending on amending it before, it wouldn't be possible to do so before the meeting before the next meeting of this Board, which is when a deferral would normally go.

COMMISSIONER LEVINE CAVA: And that is when?

MR. SILVA: The next meeting is scheduled for March 19th.

COMMISSIONER LEVINE CAVA: I think that's not sufficient.

MR. SILVA: After that, the next meeting is April 23rd.

COMMISSIONER LEVINE CAVA: Okay. So that would be my motion.

CHAIRMAN MONESTIME: Very good. The prior motion had been withdrawn and now we have a new motion to defer by --

COMMISSIONER DIAZ: Second it.

CHAIRMAN MONESTIME: -- Commissioner Levine Cava. And it's been seconded.

Commissioner Sosa, you have the floor.

COMMISSIONER SOSA: Question to the attorneys on the comments of the Commissioner of the district.

Commissioner, is it possible, as part of the motion, to entertain her expressions of desire for them to work with the neighbors and to have into consideration lower density? Is that something if the Commissioner, after her expression --

COMMISSIONER LEVINE CAVA: That would be consistent with my wishes, if that were possible.

MR. KERBEL: It would be possible. You're the maker of the motion, and so you can include that as part of your motion.

COMMISSIONER LEVINE CAVA: You probably need to restate it. And, also, we would like to have any advertising to be sure that all the residents were notified.

MR. KERBEL: Well, if the application does not change, then since we're

deferring to a date certain, this is the advertisement. And additional mailed notice won't go out.

MR. MICHAEL: We will make --

COMMISSIONER MOSS: Mr. Chairman.

CHAIRMAN MONESTIME: Commissioner Moss.

COMMISSIONER MOSS: I would -- because this is such an unusual circumstance, and because allegedly the neighbors were contacted and said that, you know, the item was going to withdrawn, and if this is the only advertising here, I'm not sure how many neighbors are watching, it seems to me that those neighbors need to be re-notified --

COMMISSIONER DIAZ: I agree.

COMMISSIONER MOSS: -- now that the item has been deferred, because of the unusual circumstances.

CHAIRMAN MONESTIME: Would the applicant be amenable to advertise to --

MR. MICHAEL: Absolutely.

CHAIRMAN MONESTIME: -- to advertising again?

MR. MICHAEL: Absolutely, yes. Thank you.

MR. KERBEL: So to Commissioner Levine Cava, as part of your motion, if you would like -- let me see if I can restate it.

It would be to defer with leave to amend to the April 23rd meeting of this Board, and with directions to the applicant to work with the neighbors to come up with a less intense plan and to also re-advertise at the applicant's expense that this item is going to be heard again on April 23rd.

COMMISSIONER LEVINE CAVA: So moved.

COMMISSIONER DIAZ: So seconded.

CHAIRMAN MONESTIME: Mr. Clerk, there's been a motion.

COMMISSIONER DIAZ: Two seconds.

CHAIRMAN MONESTIME: As stated by the attorney. It's been seconded. Is your --

COMMISSIONER SUAREZ: One extra second to take the vote. You have three seconds to take the vote.

COMMISSIONER EDMONSON: Everybody

second.

THE CLERK: Commissioner Levine Cava?

COMMISSIONER LEVINE CAVA: Yes.

THE CLERK: Commissioner Diaz?

COMMISSIONER DIAZ: Yes.

THE CLERK: Commissioner Edmonson?

COMMISSIONER EDMONSON: Yes.

THE CLERK: Commissioner Moss?

COMMISSIONER MOSS: Yes.

THE CLERK: Commissioner Sosa?

COMMISSIONER SOSA: Yes.

THE CLERK: Commissioner Souto?

COMMISSIONER SOUTO: Yes.

THE CLERK: Commissioner Suarez?

COMMISSIONER SUAREZ: Yes.

THE CLERK: Vice Chairman Bovo?

VICE CHAIRMAN BOVO: Yes.

THE CLERK: Chairman Monestime?

CHAIRMAN MONESTIME: Yes.

THE CLERK: The motion passes 9 to 0.

CHAIRMAN MONESTIME: All right. Congratulations, sir.

MR. MICHAEL: Thank you.

(Thereupon, the hearing was concluded).

CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceeding on Item Helen Michael and Preferred Enterprises, Incorporation, No. 14-003, and that the transcript, pages 1 through 30, is a true and correct record of my stenographic notes.

DATED this 2nd day of March 2015, at Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, RPR

COURT REPORTER

STEPHEN CLARK CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, November 20, 2014 @ 9:30 a.m.

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 Coller & Dennis Kerbel
Assistant County Attorneys

On behalf of the Applicant

Alan Krischer, Esq.
Holland & Knight

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.

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

Commissioners.

(Pledge of Allegiance).

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

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

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

CHAIRWOMAN SOSA: Those who are going to speak.

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

COLLECTIVELY: I do.

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

THE INTERPRETERS: I do.

THE CLERK: Thank you.

CHAIRWOMAN SOSA: Thank you, Mr. Clerk.

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

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

MR. KRISCHER: I'm so psyched.

CHAIRWOMAN SOSA: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you, sir.

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

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

CHAIRWOMAN SOSA: Present. Thank you, sir.

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

applicant spends in presenting the application?

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

CHAIRWOMAN SOSA: Okay. We want to --

MR. COLLER: So we can judge that --

CHAIRWOMAN SOSA: We have a lot of neighbors.

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

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

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

With that --

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

CHAIRWOMAN SOSA: Go ahead, sir.

COMMISSIONER DIAZ: Thank you.

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

CHAIRWOMAN SOSA: Oh, my God.

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

CHAIRWOMAN SOSA: Wow.

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

CHAIRWOMAN SOSA: Welcome back home.

MR. LANZA: Thanks. Good to be here.

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

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

CHAIRWOMAN SOSA: Okay, let me give you 15.

MR. KRISCHER: Thank you.

CHAIRWOMAN SOSA: So you don't pass

the time.

MR. KRISCHER: Excellent.

CHAIRWOMAN SOSA: And starts running. Go ahead.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This area right here is the subject

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

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

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

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

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

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

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

This is a quasi-judicial proceeding.

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

This property is inside the Urban Development Boundary. The best way to protect the properties outside the Urban Development Boundary. The properties that your comprehensive plan has identified as critical for agriculture and open space is to make sure that the lands inside the Urban Development Boundary are developed according to your plan.

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

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you, sir.

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

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

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

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

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

Go ahead. And, welcome, everybody.

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

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

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

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

CHAIRWOMAN SOSA: Thank you very much.

Sir, welcome.

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

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

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

And the high school, South Dade High

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

CHAIRWOMAN SOSA: No, thank you.

Arlene and then Bruce Walton.

Welcome.

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

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

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

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

CHAIRWOMAN SOSA: No, thank you.

Sir.

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you.

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

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

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

where we raised our family.

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

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

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

There are other several other

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

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

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

CHAIRWOMAN SOSA: Thank you.

Good morning. Welcome.

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

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

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

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

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

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

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

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

traffic review should bear this out.

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

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

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

MR. GRAY: Madam Chairwoman --

CHAIRWOMAN SOSA: Welcome.

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

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

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

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

CHAIRWOMAN SOSA: No, thank you.

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

MS. LECHOT: Yes.

CHAIRWOMAN SOSA: Okay, you are the last.

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

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

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

COMMISSIONER DIAZ: We need the mike, sir.

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

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

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

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

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

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

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

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

And I heard a good joke this morning

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

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

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

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

CHAIRWOMAN SOSA: Thank you.

MR. DE JESUS: Thank you.

CHAIRWOMAN SOSA: Thank you very much.

Steve and then Sandra.

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you.

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

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

As far as the petitions, we gathered

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

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

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

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

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

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

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

Now rebuttal.

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

MR. COLLER: We will try.

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

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

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

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

capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

neighborhood.

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

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

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

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

I'm available to answer any questions.

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

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

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

MR. KRISCHER: Oh, I'm sorry.

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

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

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

MR. SILVA: Residential, correct.

CHAIRWOMAN SOSA: Residential.

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

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

CHAIRWOMAN SOSA: So two units per

acre.

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

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

CHAIRWOMAN SOSA: Also residential.

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

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

CHAIRWOMAN SOSA: Two per acre. Okay.

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

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

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

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

MR. SILVA: Correct.

CHAIRWOMAN SOSA: So the same as the others?

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

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

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

CHAIRWOMAN SOSA: Okay. Commissioner Suarez.

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

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

CHAIRWOMAN SOSA: Can you translate?

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

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

So it's no longer as compelling as I

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

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

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

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

MR. COLLER: This is what we advise the boards that we talk with.

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

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

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

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

decision.

COMMISSIONER SUAREZ: Thank you, Craig.

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

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

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

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

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

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

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

But we're at least two degrees

separated from condition F, right?

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

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

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

COMMISSIONER SUAREZ: Thank you.

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

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

CHAIRWOMAN SOSA: Thank you, Commissioner.

I'm going to go to Commissioner

Levine Cava followed by Commissioner Diaz.

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

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

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

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

Would this objection be related to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you, Commissioner Levine Cava.

Commissioner Diaz.

COMMISSIONER DIAZ: Thank you, Madam Chair.

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

the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Am I correct, two and two?

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

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

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

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

CHAIRWOMAN SOSA: Thank you.

I have Commissioner Zapata, then Commissioner Souto.

COMMISSIONER ZAPATA: Thank you, Madam Chair.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Welcome, sir.

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

Yes, sir.

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

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

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

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

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

CHAIRWOMAN SOSA: You need to interrupt?

MR. COLLER: I apologize.

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

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

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

CHAIRWOMAN SOSA: Mr. Clerk.

And please address the application itself.

MR. LaPRADD: Okay.

CHAIRWOMAN SOSA: Mr. Clerk.

Thank you, Mr. Attorney.

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

MR. LaPRADD: I do.

CHAIRWOMAN SOSA: Thank you, sir.

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

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

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

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

COMMISSIONER SOUTO: Thank you.

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

COMMISSIONER SUAREZ: Alleged, alleged.

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

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

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

COMMISSIONER DIAZ: Now we have Columbia and Harvard.

COMMISSIONER SOUTO: And I have a granddaughter from Cornell.

CHAIRWOMAN SOSA: Now we are in trouble.

COMMISSIONER SOUTO: And I deal with her a lot.

COMMISSIONER DIAZ: I have a doctorate from Sweetwater U.

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

used to say to somebody.

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

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

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

COMMISSIONER DIAZ: We've been all here.

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

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

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

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

So do I know Homestead? Of course I

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

Because I want you to know, okay, that we have fruits, that the only place that you can grow in the USA, those fruits, like, mamey, like atemoya, like annona is tropical fruits, that I know all of you like those fruits, especially the Latin guys. It's there. It's there. You cannot grow them in California. You cannot grow them in -- that's the only place in the USA where you can grow that, except maybe in the Caribbean, or in Cuba or in all those places. So, yes, we have a subtropical climate, that we have a very unique microclimate, whether you like it or not.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you, Senator.

Commissioner Jordan.

COMMISSIONER JORDAN: Thank you, Madam Chair.

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

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

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

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

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

to building one house per acre.

Is that correct?

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Thank you.

Anyone else wishes to speak?

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

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

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

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

all the time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER JORDAN: Second.

COMMISSIONER DIAZ: That's not the motion.

CHAIRWOMAN SOSA: The motion has to be restated.

MR. COLLER: The motion is to deny

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

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

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

COMMISSIONER LEVINE CAVA: Yes.

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

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

CHAIRWOMAN SOSA: Maybe you could.

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

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

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

COMMISSIONER DIAZ: I'll second.

CHAIRWOMAN SOSA: With instructions.

COMMISSIONER LEVINE CAVA: With instructions.

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

COMMISSIONER LEVINE CAVA: Thank you, Madam Chair.

COMMISSIONER DIAZ: I'll second the motion.

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

MR. COLLER: Well, I want to find

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

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

COMMISSIONER LEVINE CAVA: February.

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

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

CHAIRWOMAN SOSA: Yes.

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

CHAIRWOMAN SOSA: That's what the Commissioner said.

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

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

MR. COLLER: I think we should -- if

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

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

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

But if we could come back in

December, that would be within our contractual timeframes.

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

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

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

AUDIENCE: This thing has been deferred since July.

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

CHAIRWOMAN SOSA: December 18th.

COMMISSIONER LEVINE CAVA: Madam Chair.

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

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

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

substantial conversation.

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

COMMISSIONER DIAZ: I agree with you on that.

CHAIRWOMAN SOSA: When is the January meeting?

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

CHAIRWOMAN SOSA: 22nd, Commissioner.

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

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

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

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

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

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

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

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

CHAIRWOMAN SOSA: Okay. Your motion then, Commissioner?

COMMISSIONER DIAZ: Second.

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

MR. SILVA: Nineteenth.

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

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

COMMISSIONER DIAZ: Second that motion, Madam Chair.

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

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

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

and give them more specifics about the development, yes.

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

So I so move.

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

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

CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceeding, hearing before the Miami-Dade County Commissioners, on Item Helen Michael and Preferred Enterprises, Inc., held on the 20th day of November 2014; and that the transcript, pages 1 through 91, is a true and correct record of my stenographic notes.

DATED this 28th day of January 2015, at Miami-Dade County, Florida.

Lorena Ramos

LORENA RAMOS, RPR & FPR

COURT REPORTER

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COMMUNITY ZONING APPEALS BOARD 14
SOUTH DADE GOVERNMENT CENTER - ROOM 203
10710 SW 211 STREET, MIAMI
October 1, 2014 @ 6:00 p.m.

ITEM

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

Board Members
(Present)

Wilber Bell, Chairman
Curtis Lawrence, Vice Chairman
Gary Dufek
Diane Coats-Davis
Lubby Navarro
Nehemia Davis

County Attorney's Office

Abbie Schwaderer-Raurell
Assistant County Attorney

S t a f f

Carl Harrison, Evaluator

I N D E X

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

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

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

COUNCILMAN DAVIS: 3, 70-71, 75.

COUNCILMAN DUFEK: 3, 64-71, 75.

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

S T A F F

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

ON BEHALF OF THE APPLICANT

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

SUPPORTERS

MR. ALVAREZ: 18-19.

PROTESTERS

MR. DE JESUS: 20-23.
MR. BUCKHALT: 23-25.
MR. LAURIE: 25-27.
MR. WALTON: 27-28.
MR. LECHOT: 28-29.
MR. WHITNEY: 29.
MS. LECHOT: 29-35.
MS. OSBORNE: 35-37.
MS. HINDIN: 37-42.
MR. JONCKHEERE: 43-44.

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

Please stand for the Pledge.

(Pledge of Allegiance).

CHAIRMAN BELL: Roll call.

MR. HARRISON: Councilwoman Coats-Davis?

COUNCILWOMAN COATS-DAVIS: Present.

MR. HARRISON: Councilman Davis?

COUNCILMAN DAVIS: Here.

MR. HARRISON: Councilman Dufek?

COUNCILMAN DUFEK: Here.

MR. HARRISON: Vice Chair Lawrence?

VICE CHAIRMAN LAWRENCE: Here.

MR. HARRISON: Councilwoman Navarro?

COUNCILWOMAN NAVARRO: Present.

MR. HARRISON: Please note Councilman Spencer is absent.

Chairman Bell?

CHAIRMAN BELL: Here.

MR. HARRISON: We have quorum.

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

be sworn in.

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

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

Seeing none --

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

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

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

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

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

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

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

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

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

"The number of filed protests and waivers in 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."

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

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

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

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

MR. KRISCHER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Now, when originally filed, the

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

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

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

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

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

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

So, again, all the recommendations are for approval.

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

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

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

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

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

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

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

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

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

THE AUDIENCE: Yes.

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

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

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

VICE CHAIRMAN LAWRENCE: Turn that to that side.

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

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

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

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

This entire developed neighborhood

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

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

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

So almost every single objector in

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

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

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

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

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

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

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

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

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

Thank you.

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

MR. ALVAREZ: Right here.

CHAIRMAN BELL: Supporter?

MR. ALVAREZ: Yes.

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

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

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

Thank you.

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

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

Are you on the map.

MR. ALVAREZ: Sorry?

CHAIRMAN BELL: Are you on this?

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

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

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

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

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

MS. SCHWADERER-RAURELL: Thank you.

CHAIRMAN BELL: Okay. Anymore supporters of the application?

Okay, objectors.

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

right.

Yes, sir.

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

CHAIRMAN BELL: On the map.

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

CHAIRMAN BELL: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN BELL: Okay.

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

Thanks.

CHAIRMAN BELL: Okay. Next.

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

CHAIRMAN BELL: Where is --

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

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

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

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

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

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

CHAIRMAN BELL: Okay. Next.

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

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

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

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

thoroughfares. Our streets are not equipped with sidewalks.

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

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

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

Neighborhood watch, police services will be stressed.

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

An increase in school enrollees, teacher/student ratios.

Public transit, solid waste services will also be stretched.

I know apparently there's been a Comp

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

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

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

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

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

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

I concur with everything he said.

Thank you.

CHAIRMAN BELL: Yes, sir. Next.

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

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

MR. KRISCHER: Sure.

MR. LECHOT: That you have right there.

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

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

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

CHAIRMAN BELL: Okay. Thank you.

Next.

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

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

CHAIRMAN BELL: Thanks.

Next.

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

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

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

MR. HARRISON: Thank you.

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

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

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

As far as the signatures on the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

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

MS. LECHOT: Sandra LeChot.

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

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

The lady that was mentioned that has horses --

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

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

I was sworn in. I was here early.

CHAIRMAN BELL: Okay. No problem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

CHAIRMAN BELL: Okay. Thank you.

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

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

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

same application?

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

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

MR. HARRISON: Through the Chair.

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

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

CHAIRMAN BELL: Do we have any objectors?

MR. JONCKHEERE: I was not sworn in.

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

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

Another neighbor has one also.

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

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

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

Thank you.

CHAIRMAN BELL: Anymore? Is there anymore objectors?

Seeing none, we'll go to the rebuttal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I don't mean to disparage their

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

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

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

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

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

With respect to wells, I mean,

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

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

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

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

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

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

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

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

With respect to parks, your Parks

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

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

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

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

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

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

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

We withdrew that application for two reasons.

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

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

the smooth function of the transportation network down here.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN BELL: Okay, Board Members.

COUNCILWOMAN COATS-DAVIS: Excuse me.

VICE CHAIRMAN LAWRENCE: You know --

we -- I'm sorry.

COUNCILWOMAN COATS-DAVIS: I'm sorry.

VICE CHAIRMAN LAWRENCE: Ladies first.

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

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

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

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

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

The traffic in the community is just

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

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

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

Thank you.

(Applause).

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

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

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

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

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

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

And to give you what you want this

evening would actually change the whole character of that neighborhood.

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

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

(Applause).

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

Lubby.

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

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

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

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

Again, this area, to me, is an area

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

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

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

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

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

CHAIRMAN BELL: Mr. Dufek.

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

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

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

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

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

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

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

all the public services over those long distances.

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

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

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

appropriate. It's not out of line.

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

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

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

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

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

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

maximum.

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

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

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

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

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

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

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

MR. KRISCHER: Yes.

CHAIRMAN BELL: What is that, well water?

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

COUNCILMAN DUFEK: Public water, septic tank.

Okay, that's all I have.

CHAIRMAN BELL: Mr. Davis.

COUNCILMAN DAVIS: I agree with him, so --

THE AUDIENCE: Can't hear you.

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

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

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

CHAIRMAN BELL: Okay.

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

COUNCILMAN DAVIS: I'll second.

COUNCILMAN DUFEK: All terms and conditions of the County.

CHAIRMAN BELL: We have a motion to approve.

COUNCILMAN DAVIS: And I second.

CHAIRMAN BELL: We have a second.

We'll call for the question.

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

staff's recommendation.

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

Councilman Dufek?

COUNCILMAN DUFEK: Yes.

MR. HARRISON: Councilman Davis?

COUNCILMAN DAVIS: Yes.

MR. HARRISON: Vice Chair Lawrence?

VICE CHAIR LAWRENCE: No.

MR. HARRISON: Councilwoman Coats-Davis?

COUNCILWOMAN COATS-DAVIS: No.

MR. HARRISON: Councilwoman Navarro?

COUNCILMAN NAVARRO: No.

MR. HARRISON: And Chairman Bell?

CHAIRMAN BELL: Yes.

MR. HARRISON: It's a tie vote.

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

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

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

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

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

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

CHAIRMAN BELL: Modify.

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

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

CHAIRMAN BELL: Even three quarter.

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

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

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

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

VICE CHAIRMAN LAWRENCE: That's it.

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

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

COUNCILWOMAN COATS-DAVIS: Second.

CHAIRMAN BELL: Call for the question.

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

Vice Chair Lawrence?

VICE-CHAIR LAWRENCE: Yes.

MR. HARRISON: Councilman Coats-Davis?

COUNCILMAN COATS-DAVIS: Yes.

MR. HARRISON: Councilwoman Navarro?
COUNCILWOMAN NAVARRO: Yes.
MR. HARRISON: Councilman Dufek?
COUNCILMAN DUFEK: No.
MR. HARRISON: Councilman Davis?
COUNCILMAN DAVIS: Yes. Go ahead, yes.
MR. HARRISON: And Chairman Bell?
CHAIRMAN BELL: No.
Your motion carries.
MR. HARRISON: Motion carries 4 to 2, motion to deny with -- is that denied without prejudice?
VICE CHAIRMAN LAWRENCE: That's correct.
CHAIRMAN BELL: Right.
VICE CHAIRMAN LAWRENCE: Yeah.
COUNCILWOMAN COATS-DAVIS: Right.
CHAIRMAN BELL: Denied without prejudice.
MR. KRISCHER: Thank you very much. We will not see you next month.
CHAIRMAN BELL: The public hearing is closed. You did a good job.
MR. KRISCHER: Thank you very much.

CHAIRMAN BELL: Excellent. You're the best.

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

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF DADE)

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

_____

LORENA RAMOS, NOTARY PUBLIC
STATE OF FLORIDA
Commission #FF119086 MAY 4, 2018

CERTIFICATE OF REPORTER

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

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

Lorena Ramos

LORENA RAMOS, RPR & FPR

COURT REPORTER

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

PH: Z13-077(14-7-CZ12-1) **April 23, 2015**
Item No. B

Appeal Application Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust.
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial Buildings
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP

This item was deferred from the March 19, 2015, meeting of the Board of County Commissioners (BCC) due to a lack of quorum.

CZAB Action

CZAB 12 January 6, 2015	**Denial without prejudice**

Staff Recommendation

Recommendation of the Appeal	**Approval** **(Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).**
Previous Recommendation to the CZAB	**Approval** **(Original Staff Recommendation to the CZAB is attached)**

Timeline

1. On January 6, 2015, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application.

2. On January 20, 2015, the appellant, Manuel Menendez Trust, appealed the CZAB #12 decision to the BCC.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB #12 decision should be **approved**.

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

PH: Z13-077(14-7-CZ12-1) **April 23, 2015**
Item No. B

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
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 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

(1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

The purpose of requests #2 and #3 is to delete two covenants that restrict the property to a previously approved plan for a townhome development and to permit the applicant to submit new plans for a proposed multi-family development.

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #9 ON TRACTS "A" AND "B"

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).

(6) NON-USE VARIANCE to permit multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

(7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15' (20' required) from the interior side (west) property line.

(8) NON-USE VARIANCE to waive the 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines.

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site .

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

This application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Staff's research of the Department's zoning maps, indicate that the northern 120' of the subject property has been zoned BU-2 from as far back as 1948. Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing RU-4L zoning district was approved on the on the remaining southern portion of the parcel. The RU-4L zoning district allows development at 23 residential units per acre, which would have allowed the development of the approximately 2.22 acre residential portion of the parcel with 52 residential units. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan showing 26 residential units, along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06, to correct an error in the legal description of the residential parcel. The plan approved pursuant to Resolution #CZAB12-35-05, indicated a three (3) story townhome development with parking on the ground level. Additionally, said plans showed the development with two (2) ingress/egress drives for the residential development. One of the drives was located to the south from SW 44 Street and the other drive to the north, was located approximately in the area of SW 42 Street. No development was shown on the BU-2 portion of the subject site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. **This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.**

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. **Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.**

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. **Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units**.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a

maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards.

As previously noted, Tract "B" of the subject property was rezoned to RU-4L, which permitted the development of the residential portion of the parcel at a maximum of 23 units per acre, which would allow the development of the parcel with a maximum of 47 residential units. However, the applicant, at that time proffered a covenant restricting the development to 26 residential units. The proposed RU-4M zoning district allows development at a maximum of 35.9 residential units per acre, which could allow the applicant to develop the aforementioned 2.057 acre residentially zoned portion of the parcel with a maximum of 73 residential units. In addition, the northern 0.863 acre, BU-2 zoned portion of the site that is designated Business and Office and Medium Density Residential on the CDMP LUP map, could be developed with a maximum of 29 residential units. Therefore, if the proposed RU-4M zoning district is approved, the applicant would be able to develop the entire subject property with a maximum of 102 residential

units. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map.

With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that 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. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street

frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 only):

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things

but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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

5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as contained in their memorandum dated March 14, 2014, that is incorporated herein by reference.

ES:MW::NN:JV:CH

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

B. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 04/23/15

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 ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	United States Postal Service	- Unusual Use to permit Non-Commercial parking.	ZAB	Modified Approval with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, Ru-1, RU-4M and IU-1 to RU-4L, Gu, RU-1 & RU-4m to BU-2.	C-12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C-12	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: 03/19/2015 **#Z-**

ITEM: 14-7-C12-1 (13-077)

APPLICANT: MANUEL J. MENENDEZ TRUST (APPEALS)

MOTION: CANCELLED DUE TO LACK OF QUORUM/ RESCHEDULED TO 4/23/2015 AT 9:30 AM

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

☐ 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

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	**M**	Peggy **BRODEUR**	**X**		
COUNCILMAN		Javier **GONZALEZ-ABREU**	**X**		
COUNCILMAN		Matthew **LARSH**	**X**		
VICE CHAIRMAN		Alberto **SANTANA**			**X**
COUNCILMAN	**S**	Jose I. **VALDES** (C.A.)	**X**		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	**X**		
CHAIRMAN		Elliot N. **ZACK**	**X**		
		VOTE:	**6**	**0**	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#A

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

REPRESENTATIVE: GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1	October 7, 2014	CZAB12		14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Indefinitely ■ 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

■ OTHER: Advertise at applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy **BRODEUR**	X		
COUNCILMAN	S	Jorge Luis **GARCIGA**	X		
COUNCILMAN		Dr.Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	M	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**			X
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	**5**	**0**	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: Dennis Kerbel

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#1

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

REPRESENTATIVE: GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	July 8, 2014	CZAB12	4	14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

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

■ DEFER: ☐ INDEFINITELY ■ TO: Oct. 7, 2014 ■ 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

■ OTHER: Applicant was asked to defer to reconsider the height of the building.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Peggy **BRODEUR**	X		
COUNCILMAN		Jorge Luis **GARCIGA**			X
COUNCILMAN		Dr.Matthew **LARSH**			X
VICE CHAIRMAN		Alberto **SANTANA**	X		
COUNCILMAN	M	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**			X
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	4	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Dennis Kerbel

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

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1/16/15

BY CZAB # CZAB 12

RECEIVED
13-077
JAN 15 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By _____

DATE RECEIVED STAMP

****

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

RE: Hearing No. Z13-077

Filed in the name of (Applicant) Manuel J. Menendez, Trust

Name of Appellant, if other than applicant Ben J. Fernandez, Esq.

Address/Location of APPELLANT'S property: 6950 SW 40th Street
Miami-Dade County, Florida

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

Entire appealable application

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

The decision of CZAB 12 to deny the application was not based on substantial and competent evidence. The aplication was supported by the Department of Regulatory and Econmomic Resources ahd by additional facts and evidence presented by the Applicant at the public hearing. This information is competent and substantial and is the basis for the Appellant's appeal to the Board of County Commissioners.

17

APPELLANT MUST SIGN THIS PAGE

Date: 15 day of January, year: 2015

Signed _____

Manuel J. Menendez
Print Name

7035 S.W. 44th St. Miami, FL 33155
Mailing Address

305-609-6388 305-667-0592
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

_____
Signature

Ben Fernandez, Esq.
Print Name

200 S. Biscayne Blvd., # 850
Address

Miami FL 33131
City State Zip

305-377-6235
Telephone Number

Subscribed and Sworn to before me on the 15 day of January, year 2015

_____
Notary Public

(stamp/seal)

Notary Public State of Florida
Ana Hernandez
My Commission EE075919
Expires 04/29/2015

Commission expires: 4/29/15

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 Manuel J. Menendez (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)

__x__ 1. Participation at the hearing
__x__ 2. Original Applicant
____ 3. Written objection, waiver or consent

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

Further Appellant says not.

Witnesses:

Signature

Jose Menendez
Print Name

Signature

Erick Valle
Print Name

Appellant's signature

Manuel J. Menendez
Print Name

Sworn to and subscribed before me on the 15 day of January, year 2015.

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

Notary
(Stamp/Seal)

Commission Expires: March 17/2018

[b:forms/affidapl.sam(9/08)]

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

RESOLUTION NO. CZAB12-2-15

WHEREAS, MANUEL J. MENENDEZ TRUST applied for the following:

REQUESTS #1 THROUGH #3 ON TRACT "B"

(1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

The purpose of Requests #2 & #3 is to delete two covenants that restrict the property to a previously approved plan for a townhome development and permit the applicant to submit new plans for a proposed multi-family residential development.

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit a multi-family residential development in the BU-2 zoning district.

REQUESTS #5 THROUGH #9 ON TRACTS "A" AND "B"

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line.

(7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15 feet (20 feet required) from the interior side (west) property line.

(8) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines.

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

SUBJECT PROPERTY: TRACTS "A" and "B", MENENDEZ TRACT, PB 167-52.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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, the application was deferred to date certain with no new advertisement and leave to amend, during which time the applicant decided to utilize the revised plans of record, which are within the scope of the advertisement, and are entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14, and

WHEREAS, the applicant proffered a Declaration of Restrictions which among other things provided:

(1) That said property shall be developed substantially in accordance with the plans entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14.

(2) That the proposed mixed-use residential and commercial development shall be restricted to a maximum of 78 residential units.

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

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-4M (Item #1)

on Tract B would not be compatible with the neighborhood and area concerned and should be denied without prejudice, and

WHEREAS, the requested deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772 (Item #2), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919 (Item #3), the non-use variance on Tracts A and B to permit one way drives with a minimum of 10' (Item #5), the non-use variance on Tracts A and B to permit a multi-family building setback a minimum of 2 feet from the interior side (west) property line (Item #6), the non-use variance on Tracts A and B to permit an accessory building (gazebo) setback 15 feet from the interior side (west) property line (Item #7), the non-use variance on Tracts A and B to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines (Item #8) and the non-use variance on Tracts A and B to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site (Item #9) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny the application (Items #1 through #9), without prejudice was offered by Peggy Brodeur, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	absent
Javier Gonzalez-Abreu	aye	Angela Vazquez	aye
Matthew Larsh	aye	Elliot N. Zack	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to RU-4M (Item #1), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772 (Item #2), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919 (Item #3), the special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4), the non-use variance on Tracts A and B to permit one way drives with a minimum of 10' (Item #5), the non-use variance on Tracts A and B to permit a multi-family building setback a minimum of 2 feet from the interior side (west) property line (Item #6), the non-use variance on Tracts A and B to permit an accessory building (gazebo) setback 15 feet from the interior side (west) property line (Item #7), the non-use variance on Tracts A and B to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines (Item #8) and the non-use variance on Tracts A and B to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site (Item #9) 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 Regulatory and Economic Resources.

PASSED AND ADOPTED this 6th day of January, 2015.

Hearing No. 14-7-CZ12-1
rd

STATE OF FLORIDA

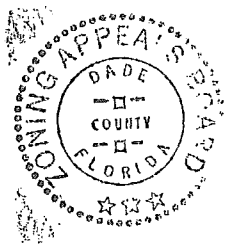
COUNTY OF MIAMI-DADE

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 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-2-15 adopted by said Community Zoning Appeals Board at its meeting held on the 6th day of January 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22nd day of January 2015.

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

SEAL



Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

January 22, 2015

Manuel J. Menendez trust
c/o Ben Fernandez
200 S Biscayne Blvd, Suite 850
Miami, FL 33131

Re: Hearing No. 14-7-CZ12-1 (13-077)
Location: 6950 SW 40 Street, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-2-15, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which denied your application without prejudice.

You are hereby advised that the decision of the Community Zoning Appeals Board may be appealed by an aggrieved party to The Board of County Commissioners within 14 days after the results have been posted on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **January 12, 2015**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

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

Sincerely,

Rosa Davis
Deputy Clerk

Enclosure

Memorandum

Date: June 19, 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-12 #Z2013000077-2nd Revision
Collado & Partners
6950 SW 40th Street AND 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

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

A Surface Water Management General Permit from DERM 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 Water Control Section of DERM 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.

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.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland 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
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized 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 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

MIAMI-DADE COUNTY

Date: May 19, 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: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

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

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

Subject: Manuel J Menendez, Trust (#13_077)

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 of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, 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 28, 2012, 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 residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments 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, once the building is developed.

4. Recycling

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. 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

MIAMI-DADE COUNTY

Date: May 16, 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: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 5/15/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

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. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

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. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

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

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78
Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

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

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

April 28, 2014

VIA ELECTRONIC MAIL

Mr. Guillermo Olmedillo, OlmedilloX5, Inc.
c/o Manuel J. Menendez Trust
3305 Alhambra Circle
Miami, FL 33134
guillermo@olmedilloX5.com

RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
MANUEL J. MENENDEZ TRUST - Z2013000077
LOCATED 6950 SW 40 STREET
PH3014040800800 – FOLIO Nos.: 3040230990010 and 3040230990020

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 78 multifamily units, which generate 9 students; 4 elementary, 2 middle and 3 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-574
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Mike A. Levine
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • Planning, Design & Sustainability
School Board Administration Building • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

Miami-Dade County Public Schools

Concurrency Management System
Preliminary Concurrency Analysis

MDCPS Application Number:	PH3014040800800	Local Government (LG):	Miami-Dade
Date Application Received:	4/8/2014 9:53:55 AM	LG Application Number:	Z2013000077
Type of Application:	Public Hearing	Sub Type:	Zoning

Applicant's Name: Manuel J. Menendez Trust
Address/Location: 3305 Alhambra Circle, Miami, FL 33134
Master Folio Number: 3040230990010
Additional Folio Number(s): *3040230990020, 3040230990020,*

PROPOSED # OF UNITS: 78

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 78

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5241	SOUTH MIAMI K-8 CENTER (ELEM COMP)	26	4	4	YES	Current CSA
5242	SOUTH MIAMI K-8 CENTER (MID COMP)	69	2	2	YES	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
7361	MIAMI KILLIAN SENIOR	714	3	3	YES	Adjacent CSA
*An Impact reduction of 21.13% included for charter and magnet schools (Schools of Choice).						

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
concurrency@dadeschools.net

REVISION 7

Memorandum

Date: 03-JUN-14

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

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

Subject: Z2013000077

Fire Prevention Unit:

This memo supesedes MDFR memorandum dated April 15, 2014.
APPROVAL:
Only for Sheet A:1.00

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

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

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

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

Station 3 - Tropical Park - 3911 SW 82 Avenue

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 10-FEB-15

REVISION 3

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

MANUEL J. MENENDEZ TRUST	6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open case. Prior case 201403002323 was opened March 13, 2014 for Unauthorized Use and warning issued. On April 16, 2014 extension was requested and given until May 17, 2014. Violation corrected and case close on February 6, 2015. BNC: No open cases

Manuel J Menendez Trust

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

REPORTER NAME:

Subj: **(no subject)**
Date: 7/10/2013 3:10:23 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com

Sent from my iPhone

RECEIVED
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

N

REAR ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:57:07 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com

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2/3017

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

SE

SIDE ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:53:23 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
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BY

FRONT ELEVATION

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

Rev. 9/10/12

NAME OF PURCHASER: NONE

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ TRS _____ MANUEL. MENENDEZ TRS.
(Applicant) (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

_____
(Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

My commission expires: March 27/16

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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JUN 14 2014
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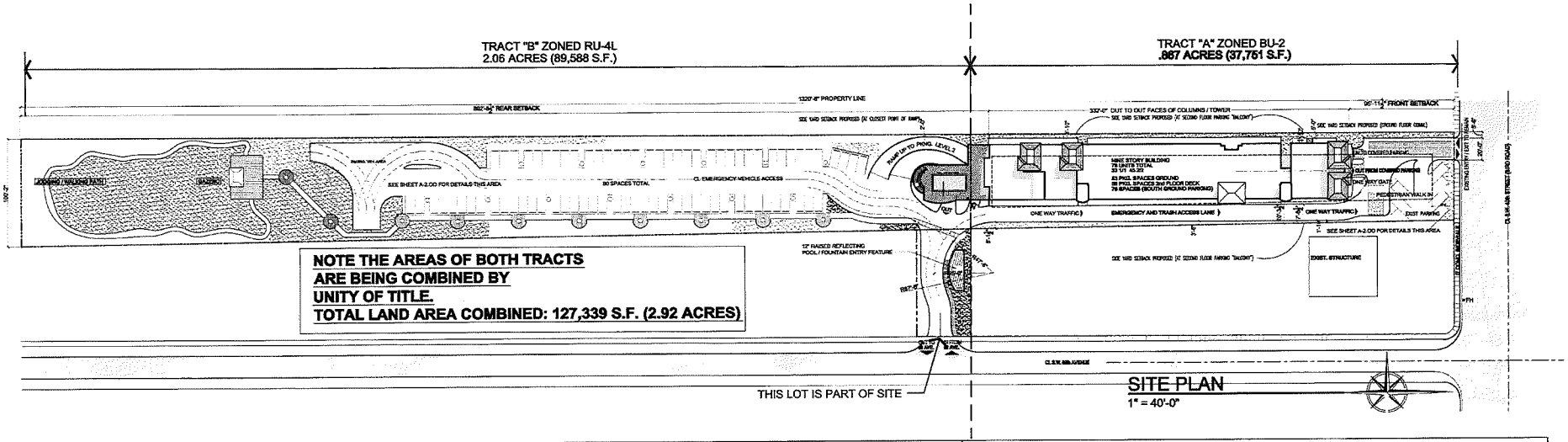
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By For FB

ENLARGED SITE PLAN

44



NOTE THE AREAS OF BOTH TRACTS ARE BEING COMBINED BY UNITY OF TITLE.
TOTAL LAND AREA COMBINED: 127,339 S.F. (2.92 ACRES)

SITE PLAN
1" = 40'-0"

RU-4M ZONING LEGEND

TOTAL NUMBER OF DWELLING UNITS	78
TOTAL NET ACREAGE	2.92
DENSITY PER NET ACRE	26.8

GROSS AREA (acres)	2.90 (127,339 S.F.)		
Less r-o-w	0.00		
Less Water	0.00		
Less Other	0.00		
NET AREA (as is)	2.90 (127,339 S.F.)	100	%
Lot Coverage (30% max)	21,930 S.F.	17	%
Paved Area	60,788 S.F.	53	%
Common Open Space (check one)	46671 S.F.	36.5	%

SETBACK REQUIREMENTS		
MINIMUM SETBACK REQUIRED		PROVIDED
FRONT	25'	95'-0"
REAR	25	892'
SIDE ST	25	N/A
INTERIOR (RU-3M)	20	N/A
INTERIOR (RU-4L&M) up to 2 stories	10	N/A
INTERIOR (RU-4L&M) more than 2 stories	20'	3'-0" WEST 20'-0" EAST

UNIT MODEL DATA			Max. Floor Area Ratio (F.A.R.) per No. of Bldg. Stories								
Model Type	Area (Sq. Ft.)	No. of Bedrooms	1 story	2 story	3 story	4 story	5 story	6 story	7 story	8 story	9 story
			0.75	1.05	1.20	1.35	1.50	1.65	1.80	1.95	2.10
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDGS								106'-0" (INF. RIDGE)
Model: 2-B-2	1,025 S.F.	2	MAX. NUMBER OF STORIES PERMITTED								8
Model: 2-B-2A	1,125 S.F.	2	MAX. NUMBER OF STORES PROPOSED								9
Model:			F.A.R. PERMITTED								1.05
Model:			F.A.R. PROPOSED								SEE NOTE 1

PROVIDE FOOTPRINT SQ. FT. PER BUILDING TYPE				PROVIDE TOTAL GROSS SQ. FT. PER BUILDING TYPE			
BLDG TYPE	FOOTPRINT (gross sq. ft.)	BLDG TYPE	FOOTPRINT (gross sq. ft.)	BLDG TYPE	TOTAL BLDG (gross sq. ft.)	BLDG TYPE	TOTAL BLDG (gross sq. ft.)
RES.	21,930 S.F.						

PARKING REQUIREMENTS				
Total number of dwelling units with less than 2 bedrooms =	33	X 1.50 =	49.5 (50)	
Total number of dwelling units with 2 bedrooms =	45	X 1.75 =	78.8 (79)	
Total number of dwelling units with more than 2 bedrooms =	0	X 2.00 =		
		TOTAL PARKING SPACES REQUIRED =	SEE NOTE 2	
		TOTAL PARKING SPACES PROVIDED =	189 SPACES	

NOTE: RU-3M bldgs limited to 2 stories & 30' in height. RU-4L bldgs limited to 6 stories & 75' in height. RU-4M bldgs limited to 9 stories & 106' in height. Height measured from F.F. (finished floor) to top of plam (roof ridge). See Zoning Code Article XVIA for RU-3M, Article XVIIA for RU-4L & Article XVIIB for RU-4M requirements.

Rev. 03-09-02

ZONING CALCULATIONS, AND SETBACK MATRIX

	PERMITTED / REQUIRED	PROPOSED
F.A.R.	1.05 (133,706 S.F.)	103,938 (0.79)
LOT COVERAGE	30% MAX.(38,201 S.F.)	21,930 S.F. (17%)
GREEN AREAS	30% MIN. (38,201 S.F.)	45,298 S.F. (36%)
PAVED AREAS	N-A	60,171 S.F. (48%)
SETBACKS	REQUIRED	PROVIDED
FRONT	25'	96'
SIDES (INTERIOR)	20'	20' EAST LINE 3'-10" WEST LINE
REAR	25'	892'
BUILDING HT.	100' TO ROOF DECK	83'-4" TO ROOF DECK

UNIT TYPE MATRIX

FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR-ELEV	GROSS AREAS
2nd FLOOR		2		2,767 S.F.
3rd FLOOR	6	6	1,478 S.F.	13,868 + 1,998 = 15,866 S.F.
4th FLOOR	6	6	1,364S.F.	13,868 S.F.
5th FLOOR	6	6	1,364S.F.	13,868 S.F.
6th FLOOR	6	6	1,364S.F.	13,868 S.F.
7th FLOOR	3	7	1,223 S.F.	12,025 S.F.
8th FLOOR	3	7	1,223 S.F.	12,025 S.F.
9th FLOOR	3	5	1,223 S.F.	9,370 S.F.
TOTAL UNITS	33	45	9,239 S.F.	93,649 S.F.
COMMEC. AREA				1,050 S.F.
AREA TOTALS (UNITS, CIRCULATION, RECREATION, AND COMMERCIAL AREAS, TOTAL GROSS BUILDING AREA:				103,938 S.F.

NOTE: PARKING TOTAL IS: 129 REQ'D FOR UNITS,
10% GUEST (129 X .10) 13 SPACES,
COMMERCIAL AT 1 SPACE PER 250 S.F.
1,050 S.F. / 250 = 5 SPACES

TOTAL REQUIRED: 147 SPACES / PROVIDED 189 SPACES

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JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
By: for FE

NOTE: PER MIAMI DADE-COUNTY FIRE DEPARTMENT THE FINAL PERMIT DOCUMENTS SHALL SHOW COMPLIANCE WITH THE FOLLOWING ALTERNATIVE METHOD:EQUIVALENCY CORE "A" FOR BUILDINGS TO 75' HT. PROPOSED BUILDING IS LESS THAN 75' HEIGHT.

A1. Stair width increased to 48" per flight and 36" doors

A2. Enclosed one hour fire rated lobbies and doors, (for fire crews staging).

A3. Increased unit to unit fire separation to 1 hour, and unit to common areas to 2 hours. (Stair enclosure wall rating reduction normally allowed under sec. 7.1.3.2.1 .F.F.P.C. for apartments and hotels is not allowed).

A4. Increased sprinkler density from .10 to 15 gals/sf. throughout.

A5. Increase elevator size to 7'-8" wide x5'-3" deep minimum with a 48" center opening door with a minimum of 4000lbs capacity.

A6. Strengthen structural integrity of elevator hoistway and exit enclosure wall impact resistance. by using concrete block or poured concrete, no drywall allowed.

13-077
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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897

NO.	DATE	REVISION TYPE

JOB NO. –
DRAWN BY: RJC
DATE: 8-4-14
SCALE: AS NOTED
CHECKED: RJC

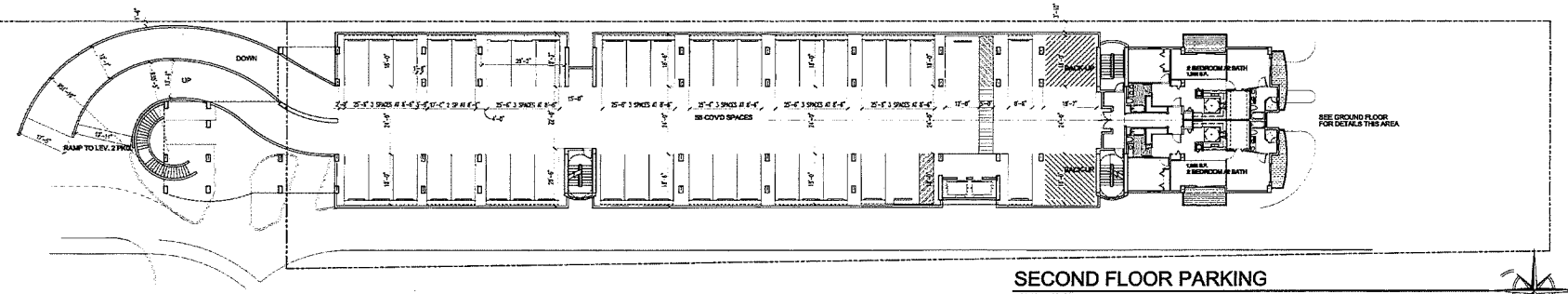
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida. 33155

TITLE: SITE PLAN AT 1"=40'-0"

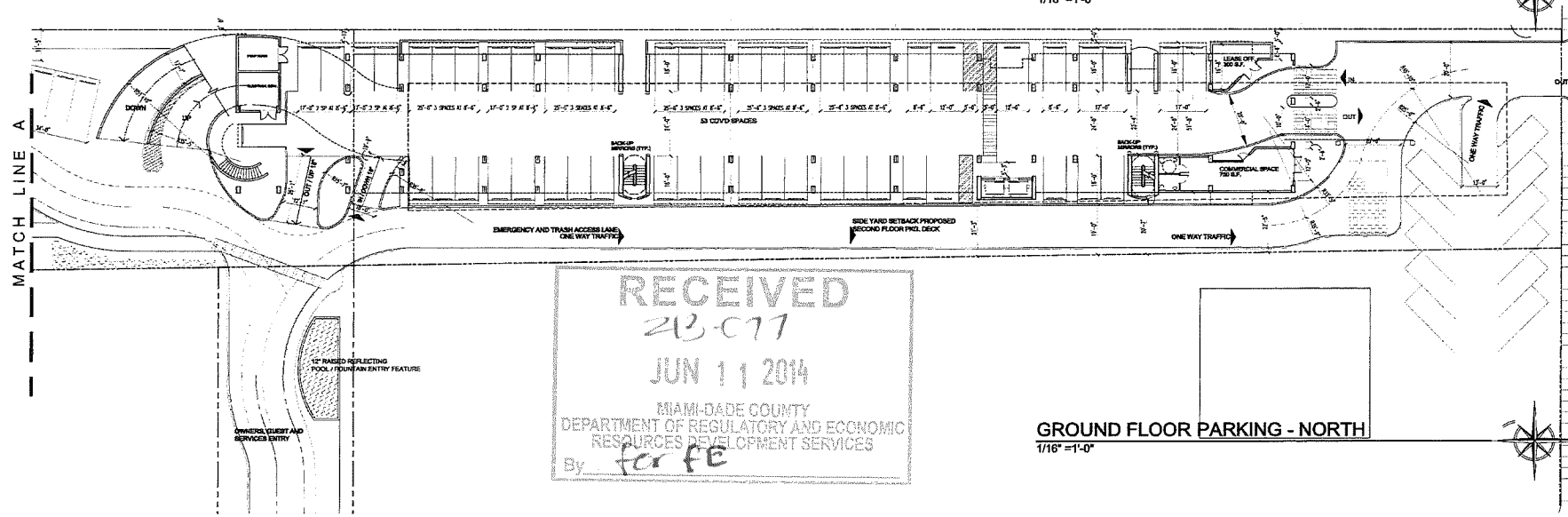
SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013254

SHEET NO.:
A–1.00



SECOND FLOOR PARKING
1/16" =1'-0"



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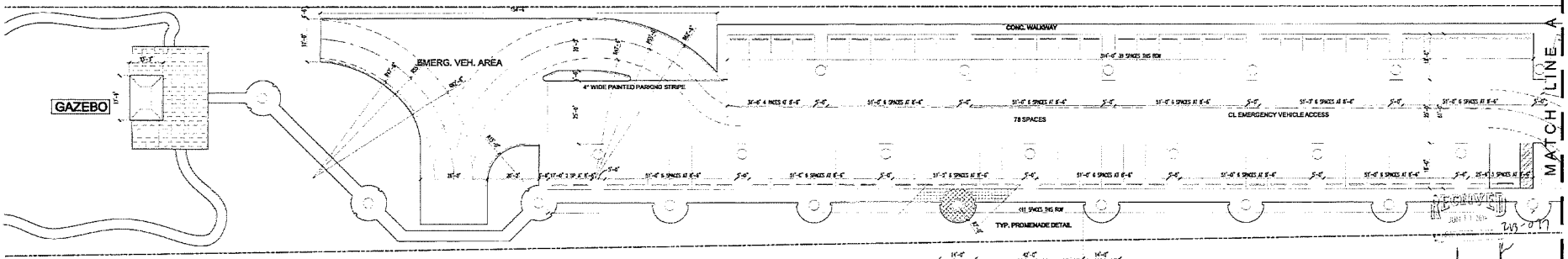
2014-077
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

GROUND FLOOR PARKING - NORTH
1/16" =1'-0"



GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" =1'-0"

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NO.	DATE	REVISION TYPE

JOB NO.: -
DRAWN BY: RJC
DATE: 6-4-14
SCALE: AS NOTED
CHECKED: RJC

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000907

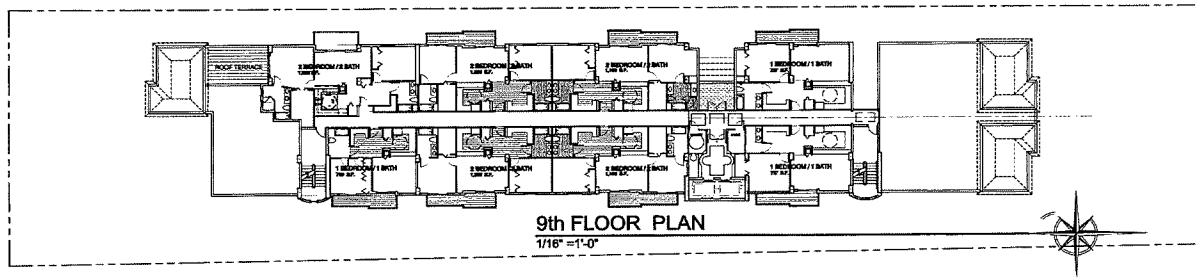
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6900 S.W. 40TH St. Miami, Florida 33165

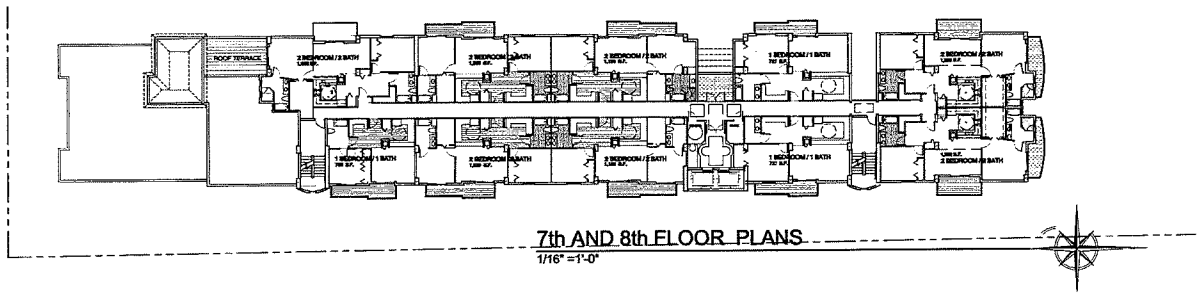
TITLE: GROUND AND SECOND FLOOR

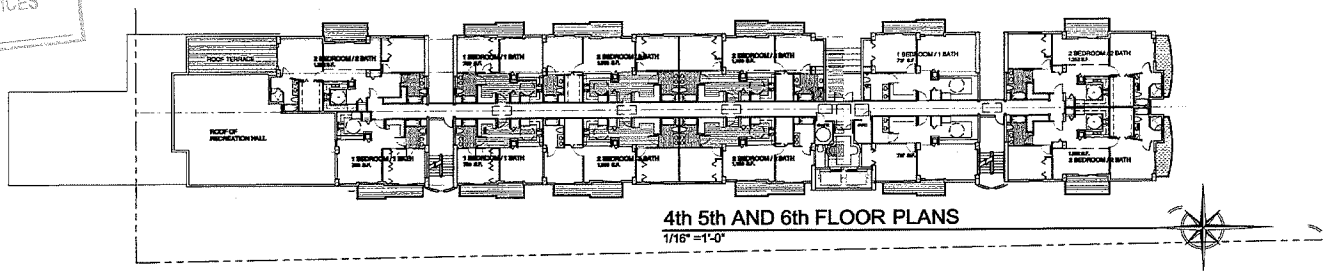
SEAL

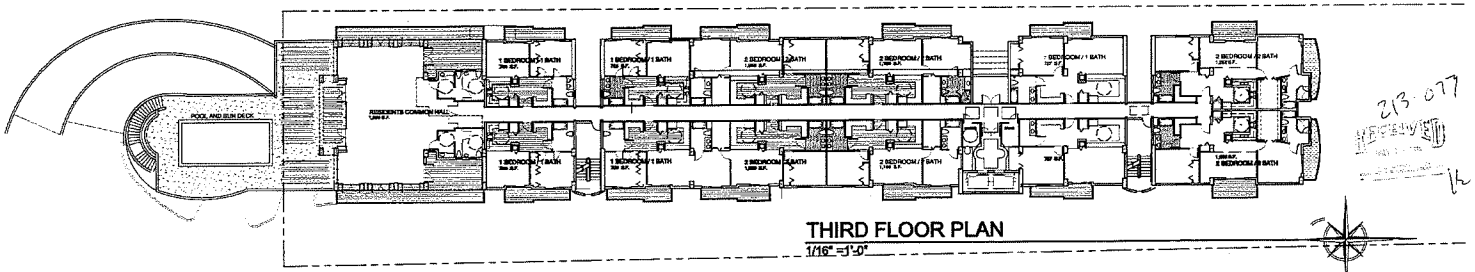
RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013254

SHEET NO.:
A-2.00









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MAY 14 2014
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By for FE

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000597

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
FLOORS 3 TO 9

RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-2.01

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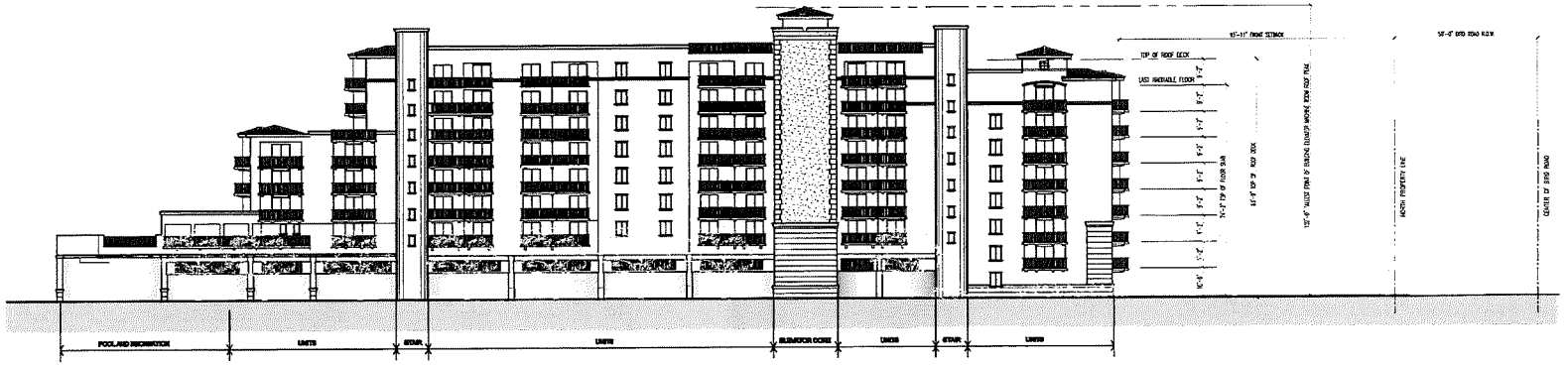
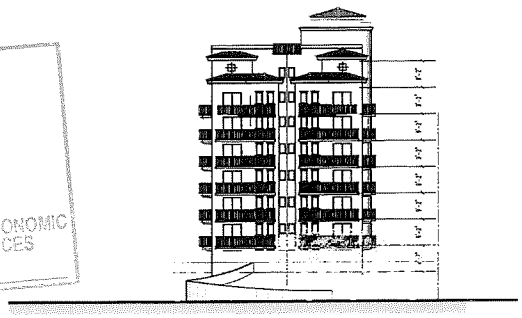
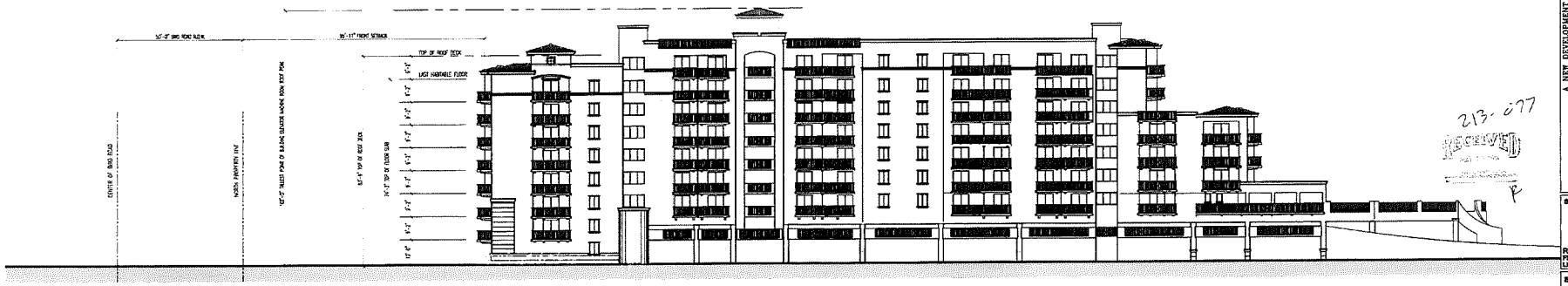


EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"



REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"



WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

RECEIVED
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
DEVELOPMENT SERVICES
By for FE

213-077
RECEIVED

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000887

NO.	DATE	REVISION TYPE

JOB NO. -
DRAWN BY: RJC
DATE: 2-28-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITLE: ELEVATIONS

SEAL
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-4.00

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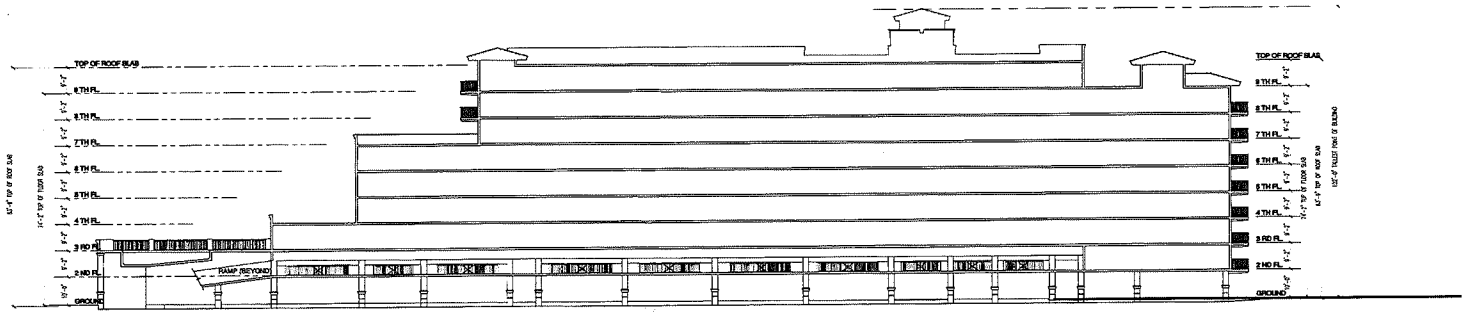
RECEIVED
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION
1/16" =1'-0"

213-077
RECEIVED

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000997

NO. | DATE | REVISION TYPE

JOB NO. -
DRAWN BY: DJC
DATE: 2-18-14
SCALE: AS NOTED
CHECKED: DJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: BUILDING SECTION

SEAL
RAMON J. COLLADO
P.A. REG. ARCHITECT
LIC. AR0013254

SHEET NO.:
A-5.00

Landscape Legend

ZONING DISTRICT: RU-4M
NET LOT AREA: 2.92 AC (127,225 sf)

	Required	Provided
OPEN SPACE		
A. Square feet of open space required by Chapter 33, as indicated on site plan. Net lot area = 127,225 sf x .30	38,701.7 sf	44,490 sf
B. Square feet of parking or open space required by Chap. 33A, as indicated on site plan. Number of parking spaces 80 x 10 sf per parking space =	800 sf	800 sf
C. Total square feet of landscaped open space required by Chapter 33 A+B=	39,502 sf	45,290 sf
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33=	39,502 sf	45,290 sf
B. Maximum lawn area (St Augustine sod) permitted = 40 x 39,502	15,800.8 sf	5000 sf
LOT TREES		
A. Number of trees required per net lot acre less existing number of trees meeting minimum requirements = 28 x 2.92 AC =	82	82
B. Percentage palm trees allowed (3 palms = 1 tree) 82 x .30 =	25	11
C. Percentage of native trees required 82 x .25 =	25	53
D. Percentage drought tolerant and low maintenance 82 x .50	41	53
STREET TREES		
E. Street trees (maximum average spacing of 25' OC) 82 linear feet along street 25=	3	3
Palms to count towards street trees at 25' O.C. on 1:1 basis 30%	NA	NA
F. Street trees located directly beneath power lines (maximum average spacing of 25' O.C.) 0 / 25	NA	NA
G. Total number of trees	85	101
SHRUBS		
A. Number of shrubs required. Number of trees required x 10 = 85 x 10	850	850
B. Percentage of native shrubs required 850 x .30	255	278
C. Percentage drought tolerant and low maintenance required 850 x .50 =	425	530

IRRIGATION: Automatic

NOTE
1. REFER TO SHEET L-2 FOR THE PLANT LIST.
2. ALL SOD ON THIS SHEET SHALL BE BAHIA SOD.

RECEIVED
Z13-077
FEB 26 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.

NOTE
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

NOTE
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 9 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT

SHRUB PLANTING DETAIL

TREE STAKING DETAIL

PALM PLANTING DETAIL

General Notes:

1. All plant materials shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bark inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specification.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, tight knit and so trained in appearance as to be superior to form, branching and symmetry.
5. Contractor shall notify S.U.N.S.H.I.N.E. (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and disruption or damage to utilities shall be repaired immediately at no expense to the Owner.
6. Grade B+, Arsenic Free, shredded Melaleuca or Eucalyptus minimum 3" deep, shall be used in all mass planting beds and for individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 3'-4' around their base. All mulch shall be kept 2" from the base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be Bahia solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
8. All tree excavation pits shall be a minimum of 2 times the size of the rootball and planting soil must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. (Note: Field observation and soil analysis may require a different soil composition to be provided.) All plant materials shall be planted with a minimum of six to twelve inches of this planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from road, pea, egg, or colored rock, building materials, debris, weeds, noxious pests and disease.
9. All sodded areas to have a minimum of 2" of planting soil as described in note #8.
10. All trees shall be warranted by the Contractor and will be healthy and in flourishing condition of active growth one year from date of final acceptance.
11. All shrubs, groundcovers, vines and sod shall be fully warranted for 1 year under same condition as above.
12. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or tucked into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by washing in.
13. All trees, palms and other plants shall be planted with the top of their root balls no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
14. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
15. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
16. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to present a neat and well kept appearance at all times.
17. All landscape and sod area shall have an automatic irrigation system installed. Coverage should be 100% overlap to all landscape and sod areas and spray onto hardscape is not permitted. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rain shut-off device.
18. All landscape shall be installed in compliance with all local codes.
19. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
20. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

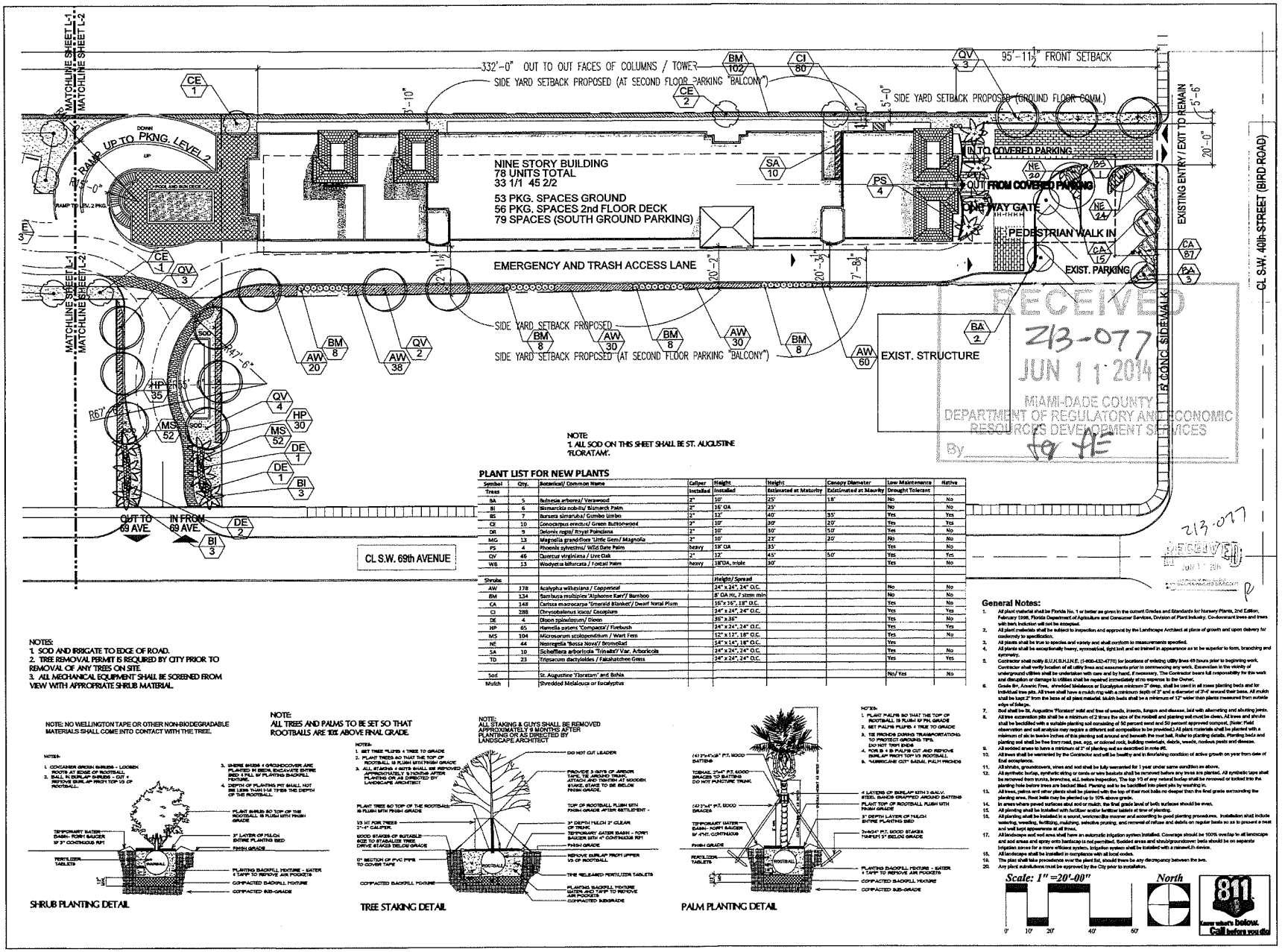
DATE	MAY 21, 2013
PROJECT NUMBER	1316
DRAWN BY	J.B.E.
CHECKED BY	K.M.
SCALE	1"=20'-00"

REVISION	DATE	BY
1 Planting Rev	1-30-2014	K.M.
2		
3		
4		
5		

SHEET NUMBER:

L-1

50



RECEIVED
Z13-077
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

NOTE:
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical/ Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	2"	10'	25'	18'	No	No
BI	6	Bismarckia nobilis/ Bismarck Palm	2"	16' OA	25'		No	No
BS	7	Bursera simaruba/ Gumbo Limbo	2"	12'	40'	35'	Yes	Yes
CE	10	Conocarpus erectus/ Green Buttonwood	2"	10'	30'	20'	Yes	Yes
DR	9	Delonix regia/ Royal Poinciana	2"	10'	30'	50'	Yes	No
MG	13	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	25'	20'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	16' OA	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	2"	12'	45'	50'	Yes	Yes
WB	13	Wodyetia bifurcata / Foxtail Palm	heavy	18'OA, triple	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	134	Bambusa multiplex 'Alphonse Karr'/ Bamboo		8' OA Ht, 7 stem min			No	No
CA	148	Carissa macrocarpa 'Emerald Blanket'/ Dwarf Natal Plum		16" x 16", 18" O.C.			Yes	No
CI	288	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	Yes
DE	4	Dioon spinulosum/ Dioon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	Yes
MS	104	Microsorum scolopendrium / Wart Fern		12" x 12", 18" O.C.			Yes	No
NE	44	Neoregelia 'Bossa Nova'/ Bromeliad		24" x 24", 18" O.C.			Yes	
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	No
TD	23	Tripsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.			Yes	Yes
Sod		St. Augustine 'Floratam' and Bahia					No/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

NOTES:
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SHRUB PLANTING DETAIL

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PALM PLANTING DETAIL

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20. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

North

811 Know what's Below. Call before you dig.

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

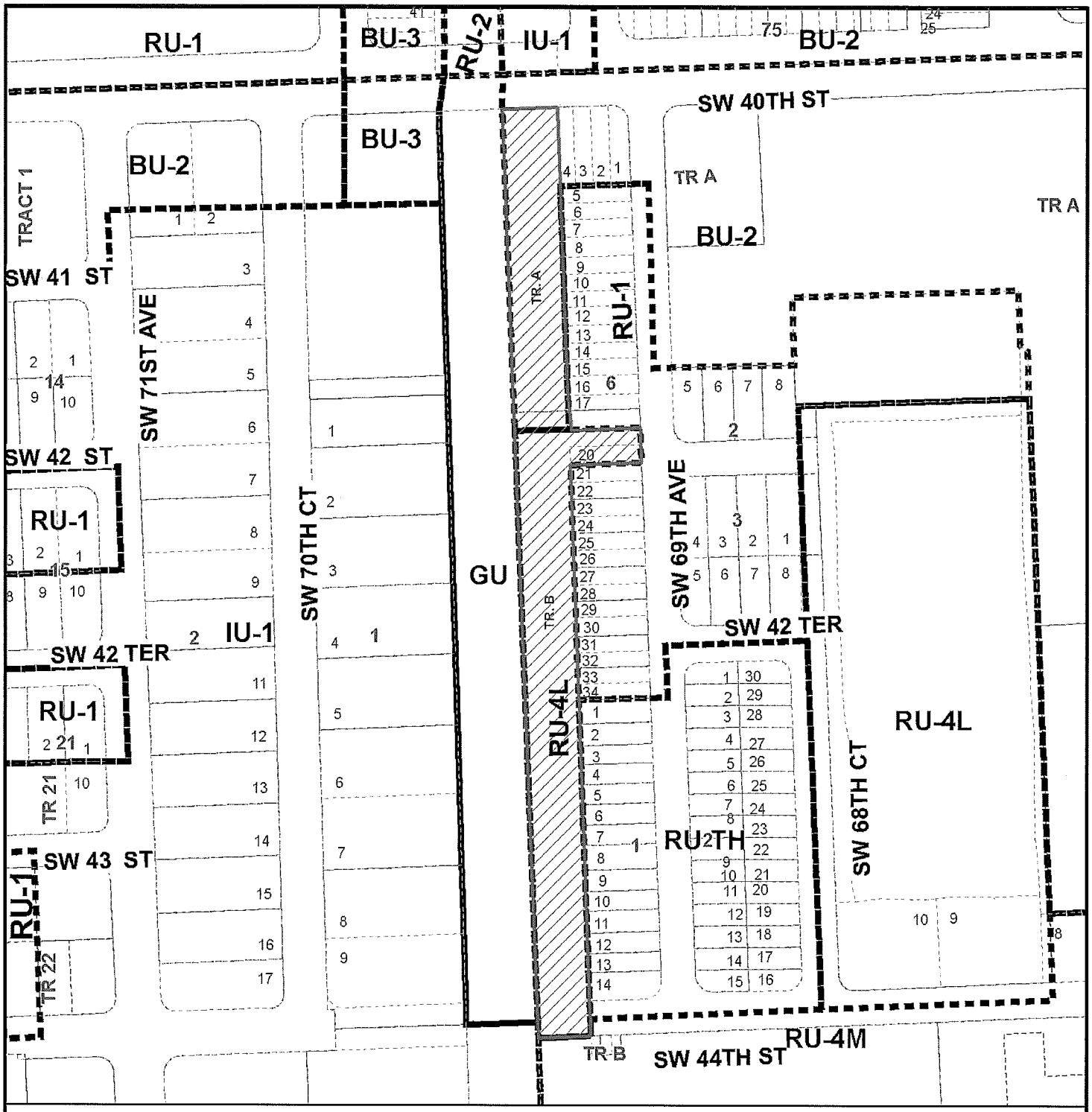
LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER:	1315
DRAWN BY:	J.B.E.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"

REVISION:	DATE:	BY:
1 Planting Rev.	1-30-2014	K.M.
2	6/9/14	
3		
4		
5		

SHEET NUMBER:

L-2



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2013000077

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J. MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

N
W E
S

Legend

Subject Property Case

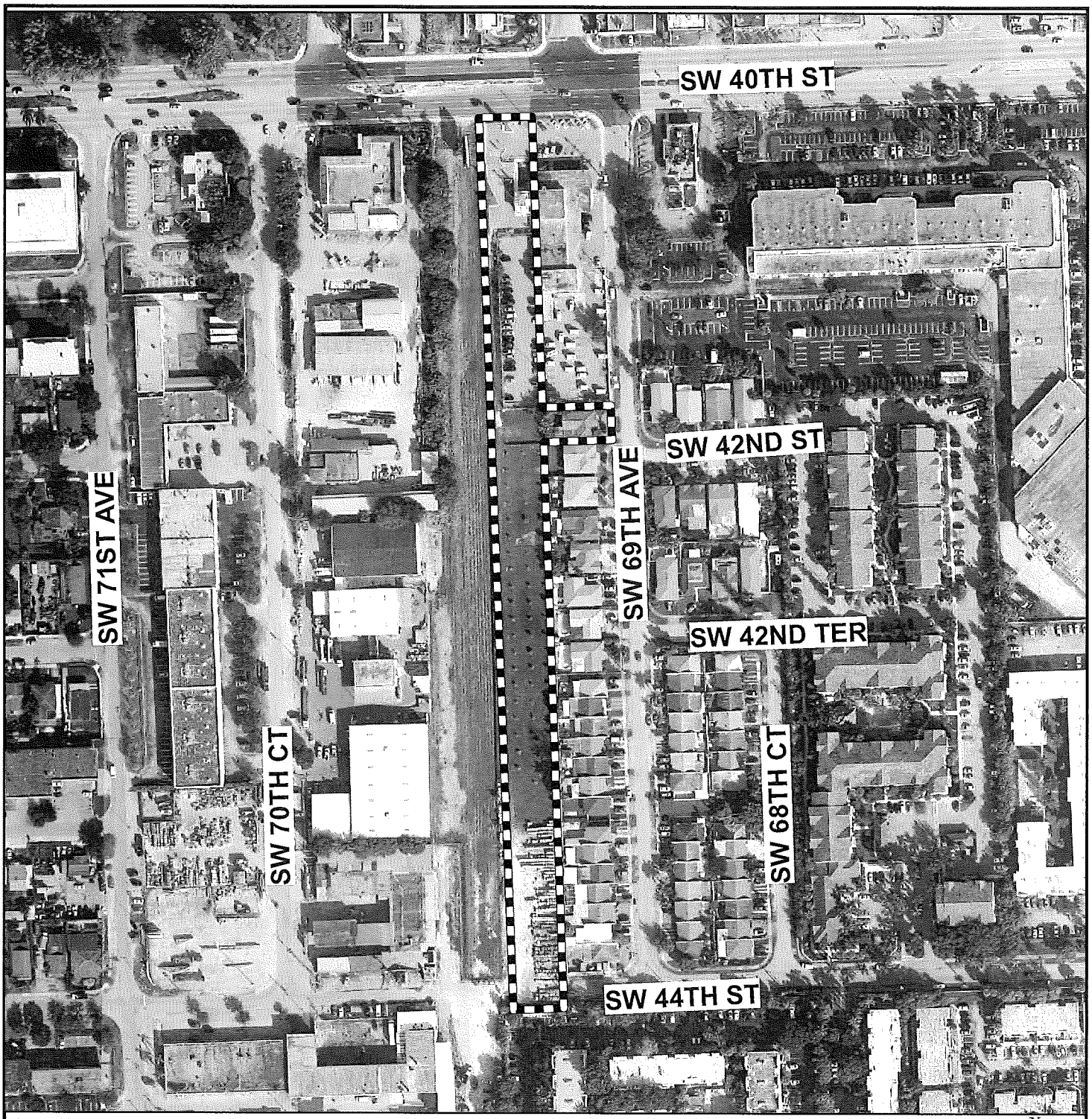
Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY

52



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000077

N
W E
S

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

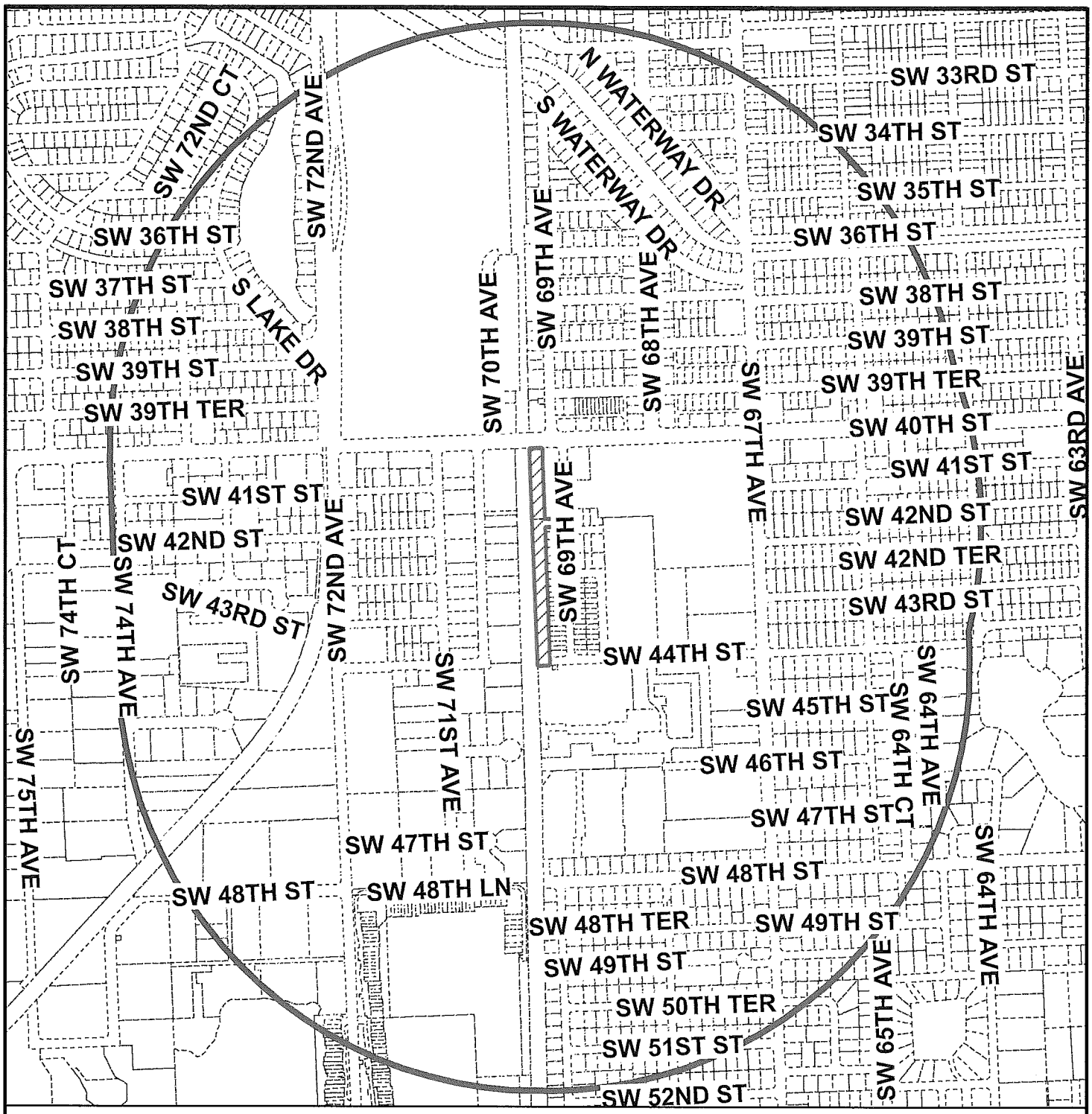
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

N
W E
S

Legend

Subject Property

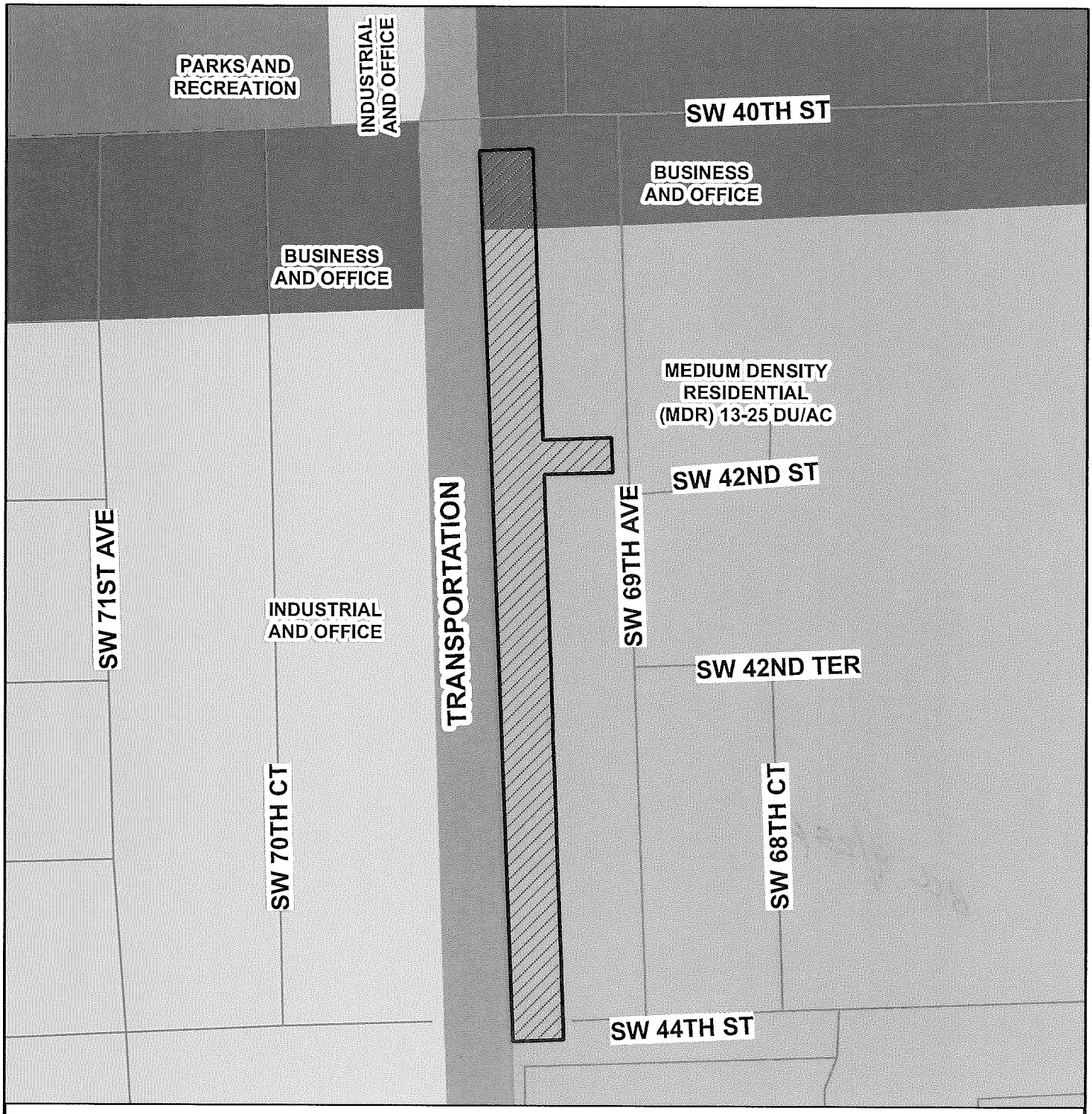
Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

54



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000077

N
W E
S

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

Manuel Menendez Trust
3/19/15

PLANNING AND ZONING
APPEALS SECTION
2015 MAR 12 A 8:10

Z13-077

This instrument was prepared by:

Ben Fernandez, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard
Suite 850
Miami, Florida 33131

PLANNING AND ZONING
APPEALS SECTION
2015 MAR 12 A 8:10

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, MANUEL J. MENENDEZ TRUST, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. 22013000077 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) That said property shall be developed substantially in accordance with the plans entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5t14114, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14.

(2) That the proposed mixed-use residential and commercial development shall be restricted to a maximum of 78 residential units.

(3) That a continuous six (6') foot high masonry wall shall be provided along the Property's east side where the parking area abuts the RU-1 District uses and RU-TH District uses and along the south side of the driveway to SW 69th Avenue, subject to Miami- Dade County Code regulations.

OK

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, , or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for

the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners

and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

TRUSTEE

Signed, witnessed, executed and acknowledged one this 6th day of FEB., 2015.

WITNESSES:

Signature

PATRICIA REYES
Print Name

Signature

Print Name

Trustee Signature

M.A. MENENDEZ
Print Name

Address:
3305 ALHAMBRA CIR.
CORAL GABLES, FL. 33134

STATE OF FLORIDA

COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by M.A. MENENDEZ, Trustee, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 6 day of February, 2015 in the County and State aforesaid.

Signature
Notary Public-State of Florida.

Isabel D. Gonzalez
Print Name

My Commission Expires:

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

[f:\forms\Acknowledgment Trustee (2/6/15)]

RD

(4 of 4)

CFN 2008R0097522
OR Bk 26198 Pgs 4915 - 4919; (5pgs)
RECORDED 02/05/2008 15:28:36
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
James F. Comander, Esq.
Two Datran Center, PH 1-A
9130 S. Dadeland Blvd.
Miami, FL 33156

A|18

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, a Declaration of Restrictions was recorded (CFN 2006R0023579) encumbering certain property ; and

WHEREAS, a hearing was held to delete a portion of the legal description in said Declaration and reflected in the Resolution (No. CZAB12-37-06). The revised legal description is described in Exhibit A attached hereto and made a part hereof. This revised legal description deletes the north 5 feet of Lot 21 in Block 6 of the BYRWOOD, according to the Plat thereof as recorded in Plat Book 27 at Page26 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, this Declaration is being recorded to correct the legal description in accordance with Resolution No. CZAB12-37-06.

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z04-374 will be abided by the Owners freely, voluntarily and without duress make the following Declaration of Restrictions covering and running with the Property:

1 That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled, "The Train Station," dated the 17th day of November, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. The applicant shall install along the east and west property lines and on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' hig h at the time of planting and spaced 20' on center.

3. The applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' h igh at time of planting.

4. The parking areas and the driveways between the buildings and the walkway shall be paved.

5. The applicant shall install a 5' high CBS or pre cast wall along the north and west property lines.

6. Except as modified herein, all conditions, limitations and restrictions of the original Declaration shall remain in full force and effect.

(Space reserved for Clerk)

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies

available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owners. The term Owners shall include the Owners, and their heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT TRUSTREE

Signed, witnessed, executed and acknowledged on this 29th day of January, 2008.

WITNESSES:

Signature

JAMES F. COMANDOR
Print Name

Signature

VICTOR VAZQUEZ
Print Name

Trustee Signature, As TRUSTEE

M.J. MENENDEZ
Print Name

Address:

STATE OF Florida

COUNTY OF: Miami-Dade

The foregoing instrument was acknowledged before me by M. J. Menendez Trustee, to me personally known or has produced _____, as identification and who acknowledged the foregoing instrument for purposes therein contained, and acknowledged that he was authorized under the tryst to execute said document on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 28 day of JANUARY, 2008, in the County and State aforesaid,

FERNANDO CHI
Notary Public - State of Florida
My Commission Expires Jan 16, 2009
Commission # DD 355905
Bonded By National Notary Assn.

Notary Signature

My Commission Expires

Exhibit A

Legal Description:

A portion of Florida East Coast Railway's Right-of- Way in Section 23, Township 54 South, Range 40 East, lying and being in Miami Dade County, Florida. Lying 19480 feet south of the centerline of S.W. 40th Street (Bird Road), said centerline of S.W. 40th Street (Bird Road) also being the North line of said section 23 bounded on the west by a line parallel to and 50 feet east of the centerline of the Florida East Coast Railway main line track as now established and bounded on the south of the south line of the North 1/2, of the Northeast ¼, of said section 23 and North line of tract D of Ludlum Point addition, according to the plat thereof as recorded in Plat Book 129, at page 84, of the public records of Miami Dade County, Florida, and bounded on the east by the West line of Lots 1 through 34, in Block 6, of Brywood, according to the plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida; also being bounded on the East by the West line of Lots 1 through 14 and the Southerly extension thereof of Escotial, according to the Plat thereof as recorded in Plat Book 92, at page 11, of the public records of Miami Dade County, Florida, said boundary being the West line of the East ½, ofthe Northeast 1/4 of said section 23.

Also know as:

That portion of the Northwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of the Florida East Coast Railway main track as now established, less the north 19480 feet thereof, having an area of 115, 804.0 square feet or 2, 653 acres net more or less

And

The North 25 feet of the Southwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of Florida East Coast Railway main track as now established

And

Lots 19 and 20 and the North 5 Feet of Lot 21, in Block 6, of the Brywood, According to the Plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on FEB 5 2008 day of
WITNESS my hand and Official Seal
HARVEY RUVIN, CLERK, of Circuit and County Courts
By D.C.

COMMUNITY ZONING APPEALS BOARD - AREA 12

KENDALL VILLAGE CENTER - CIVIC PAVILION

8620 SW 124 AVENUE, MIAMI

Tuesday, January 6, 2015

6:30 p.m.

ITEM NO:

MANUEL J. MENENDEZ TRUST
13-77

BOARD MEMBERS

Present:

Elliott N. Zack, Chairman
Peggy Brodeur
Javier Gonzalez-Abreu
Matthew Larsh
Jose I. Valdes
Angela Vazquez

STAFF PRESENT:

Rosa Davis
Carl Harrison
Abbie Schwaderer-Raurell, Assistant County Attorney

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I N D E X

BOARD MEMBERS	PAGE NO.
Chairman Zack	6,11,25,27,29,31,32,33, 40,41,46,47,48,51,54,55,62,68,72,80,81,82
Councilwoman Brodeur	21,22,23,24,25,51,72,75 76,77,78,81,82
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Councilwoman Vazquez	50,82

STAFF

Ms. Davis	3,39,81,82
Mr. Harrison	26,27,28,29,39,40,69,73,74
Ms. Schwaderer-Raudell	25,48,61,62,75

APPLICANT

Mr. Fernandez	6-14,18-20,21,22,23,24,25 26,27,28,29,30,39,48,49,50,59,60,61,65,66,67,70,71,82
Mr. Olmedillo	14-18,31,32,34,35,36,37, 38,40,77
Mr. Collado	33,34
Mr. Menendez	51,67,68,69

OBJECTORS/SUPPORTERS

Ms. Quigley	41-46,47,48,49,50
Ms. Santana	51-54,55
Ms. Bavarian	53-60,61
Mr. Shershin	62,63
Mr. Formoso	63-65,66,67,68,69

* * * * *

(All witnesses were sworn in by the Court Reporter.)

* * * * *

MS. DAVIS: In accordance with the Code of Miami-Dade County, all items to be heard this evening have been legally advertised in the newspaper, notices have been mailed and the properties have been posted. Additional copies of the agenda are available here at the meeting. Items will be called up to be heard by agenda number and name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources. All these items are physically present this evening available to all interested parties and available to the Members of the Board who examine items from the record during the hearing. Parties have the right of Cross-Examination.

This statement, along with the fact that all witnesses have been sworn, shall be included in any transcript of all or any part of these proceedings.

In addition, the following departments have representatives present here at the meeting

to address any questions: The Zoning Evaluation, Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, and the County Attorney's Office.

All exhibits used in presentation before the Board become part of the public record and will not be returned unless an identical letter-size copy is submitted for the file.

Any person making impertinent or slanderous remarks, or who become boisterous while addressing the Community Zoning Appeals Board shall be barred from further audience before the Community Zoning Appeals Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board Members present.

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 of this meeting will be deferred to the next available zoning hearing meeting date for this Board.

* * * * *

CHAIRMAN ZACK: Call the first item.

MS. DAVIS: Item A, 14-7-CZ12-1, Manuel J. Menendez Trust, 26 protests, zero waivers.

COUNCILMAN LARSH: Mr. Chairman, before we begin, I just want to make known that I have a passing acquaintance with one of the Menendez family. It is not a conflict of interest. I just want to puts it on the record.

MR. FERNANDEZ: Good evening, Mr. Chair, Members of the Board. Ben Fernandez, 200 South Biscayne Boulevard, here on behalf of the applicant, Manuel J. Menendez Trust.

And this application is one that was before you previously on October 7th. It was deferred. We're coming back to you this evening after having studied the issue closely, having conducted a market analysis of the area, and having consulted with some of our internal team, including Mr. Guillermo Olmedillo, the former Planning Director for Miami-Dade County who is with us this evening, our project architect, Ramon Collado, and, of course, Mr. Menendez and Mr. Menendez, Jr., who are here this evening, as well.

We also had a neighborhood meeting that

was held on December 1st with several neighbors attending. I'm happy to report to you that irrespective of the protest that may have been filed, we do have six supporters that have signed in support of the application. I believe that you may hear from some supporters, as well.

We strongly believe that this is a project that will bring a new building to the Bird Road corridor that will make an attractive architectural statement. I think that that is really something that is sorely needed along this segment of Bird Road, personally having grown up in the area and having driven this corridor for 40 years.

I can tell you, one thing that is interesting about Bird Road is that it's got a lot more traffic than it has ever had, it's a lot larger than it has ever been, and yet you look at it and it looks the same as it looked -- practically the same, you know, 30 years ago.

And the problem with that is that the scale of the road has changed, the intensity of the road has changed, and, typically, when you have a road with a larger scale and more intensity, you want to somewhat increase, or at

least vary the height of buildings on either side of the roadway. That is, typically, the scale that most professional planners will tell is appropriate. The more intense the road, the more important it is to have at least some variation in terms of the height of the structures that meet the roadway. That makes the pedestrian on the street feel a little bit more comfortable, a little more protected than simply having, potentially, a one-way strip with one and two-story development all the way through Coral Gables to the 836.

So, we believe that this property is the most appropriate for this type of varied type of development, not only because of its location on Bird Road, not only because of its location near a major public park, near a railway corridor, but also because of the property's unique lot configuration. It is, essentially, a very long and narrow -- only one hundred foot wide lot -- that is zoned for relatively high intensity development. You have BU-2 zoning up against Bird Road, which would allow us, essentially, to build a building practically this height today without having to come before the Board for approval. And

then you have the segment behind the building, you can see the long narrow configuration on this board. The portion behind the sort of T-shape is the portion that is residential in character, R4-L, from here down. And then you have a series of existing townhomes here, you have a mixture of apartment and townhome development to the east, and you have an industrial area -- an entirely industrial area, really, to the west. And then you have the U.S. Post Office which is on property that is owned by our client that is up against Bird Road next to the entrance to the building.

So, we believe that this plan is a much better plan than the 2005 plan for the property that was approved by this Council back then, and it is the subject of the covenants that we are requesting that you release this evening. That plan, you see here in this exhibit, and it features two access ways into the residential area. So, if you're looking at this project, it would really be -- it would really look like this, where you would have a series of townhomes and roadways going through. This would be the existing townhomes. This plan featured ingress and egress that was entirely through the

residential neighborhood. It did not include the commercial component on Bird Road as part of its plan.

So, what we are doing with this application is requesting a rezoning from RU-4L to RU-4M in order to accommodate this new building entirely within the commercial component of the property.

So, what you would have is, essentially, a building that would be sloping from Bird Road, at its highest point, which is approximately 100 feet, down towards the south, down to 50 feet. So, you would have a separation of approximately 80 feet between the nearest home and the lowest point of the project, which would be approximately five stories.

So, in terms of compatibility, the difference is that the 2005 plan approved a three-story townhome project about 30-feet away from existing townhomes, and this building is going to bring approximately a five-story product, but about 80 feet away from the nearest townhome.

So, if I'm sitting in a townhome over here, what I'm looking at is, essentially, five stories, if I could see it. Of course, you

wouldn't see it because we have a liner of oak trees that will be planted, which you can see -- you can see on the landscape plan here. As the project continues behind the townhomes, we have a series of trees, oaks and palms, that line the proposed parking lot that would be behind the building.

And forgive me if I'm repeating some of the things that may have been said in October, when you heard this application, but I'm new to the representation, so let me know if I'm being a bit too repetitive.

But the point is that the existing homes are going to have no structures behind them. They are going to have a surface parking garage with a landscaped buffer and a gazebo area in the back.

CHAIRMAN ZACK: Can you identify on one of the maps where the proposed building is in relation to the existing townhomes on 69th Avenue?

MR. FERNANDEZ: Yes, I think this does it best, Mr. Zack. This exhibit shows you the proposed building. These are the townhomes that are existing, and then you see -- this would be the ingress and egress point, secondary ingress and egress point, principal ingress and egress

being on to Bird Road. So, everything that is south of this street would be a surface parking area and landscape. There would be absolutely zero connection, so to speak, between the proposed building, multi-family building, which ends here, with a pool. So, you have a recreational area and a pool, which will be closest to the townhomes. And, still, that separation would be well over 80 feet. You wouldn't begin to appreciate anything over five stories until you get to the middle of the project, which is already in the commercial area behind the United States Post Office.

Again, in terms of the difference in the product type, 2005 product was a townhome product with approximately 2000-plus square feet. The new product is a smaller product, more geared towards this particular market, and it would introduce 78 new apartments to the corridor with 1,000 feet of commercial area next to the post office.

Again, the existing 2005 plan we think provides little privacy to the existing homes. It, also, has townhomes that face the existing townhomes. And the reason for that is that we have a railroad right-of-way, and FEC corridor, behind the townhomes, so it was necessary, in

2005, to orient these townhomes towards the existing homes. So, these homes, if they were to be developed, would be at three stories and wouldn't necessarily be looking down into all of these existing homes to the east. That is not going to happen with this plan because there will be townhomes behind these existing townhomes. We think that is something that we would really like you to focus on. That, and the fact that there is nothing wrong with having a taller building, and a building variation, on Bird Road. And this building is to be located entirely within the segment of the property that is already zoned BU-2 and anticipates the higher intensity development.

The project is consistent with the Comprehensive Plan designation that exists today which is medium density residential that allows up to 25 dwelling units per acre. The plan also allows us to density average between the parcels. And what we're doing here is, essentially, moving all of the density that we are proposing on to the Bird Road corridor so that the remainder of the project can remain undeveloped and serve as a better transition into the existing neighborhood then the 2005 plan.

And, what I would like to do is ask Mr. Guillermo Olmedillo to come up and tell you a little bit more about how the project is consistent with the goals and objectives and policies of the Comprehensive Master Plan. Guillermo?

MR. OLMEDILLO: Thank you, Mr. Fernandez.

Good evening, Chair, Members of the Board, Happy New Year and a healthy one. My name is Guillermo Olmedillo, for the record, 6840 Southwest 130 Terrace, Miami, Florida 33156. And I was asked to assist the property owner in the proceedings and going through the entitlement process so that we can bring this project to a realization.

Obviously, you have read the recommendation from the Department. You have sufficient substantial competent evidence already in the record. When the Department tells you it is consistent with the Master Plan, it is compatible with the area. This is the type of development that we would like to see in this corridor.

I passed out to Rosa, she's kind enough

to pass it around, a couple of sheets from the CDMP, the Comprehensive Development Master Plan, which, if you ask your attorney, it will tell you that that is the Constitution for land use. That is what guides growth and development in Miami-Dade County.

When you look at the preface, which is one of the sheets that I handed out, and you have in the second paragraph, the CDMP is very clear. It says, "Establishes a growth policy that encourages development at a rate commensurate with projected population and economic growth." This community is growing by leaps and bounds. The market for land in Miami-Dade County is out of sight. You read in the paper how somebody bought -- those who are long-term residents remember the Dupont Plaza. Half of the site in the Dupont Plaza was purchased for 125 million dollars, a piece of dirt. And that's half of the site that was occupied by the Dupont Plaza in Downtown Miami.

Up in Bal Harbor, five and a half acres sold for 258 million dollars, the dirt only, to do 280 units. So, that gives you an idea of the expectation of growth in this community is large,

it is great. The population projects that you can see that are contained in the Comprehensive Development Master Plan shows you that this is a population that keeps on growing.

And it also says, "In a contiguous pattern center around a network of high intensity urban centers well connected by multi model inter-development urban transportation facilities."

Remember, you are close to 67th Avenue, which is a section-line road. You are close to the Palmetto, which is an expressway, and you are on Bird Road, which is a section-line road. That is the network that the CDMP is speaking about. You have a network of services, you have an infrastructure which is located in place, and that is where growth is encouraged by the Comprehensive Plan.

Then it says, "Locations which optimize efficiency in public service delivery," and reinforcing the concept that that is where growth should occur.

Then, if you turn to the statement of Legislative Intent, and when you write these documents you think, you know, this is like the

preamble of the Constitution for Land Use. It tells you what the CDMP means. If you look at Item No. 1 it says, "Nothing in the CDMP should be construed or applied to constitute a temporary or permanent taking of private property, or the abrogation of vested rights as determined to exist by the Code of Miami-Dade County."

Obviously, you have a certain zoning designation for the front portion of the building, so that is something that is already inherent in the property.

Then you look at No. 3, it says, "The CDMP is intended to set general guidelines and principals concerning its purpose and content. The CDMP is not a substitute for land development regulations."

Again, that reinforces the fact that there is a land development regulation, there is a zoning category which has to be applied on the front of the property. And the attorney has indicated to you which is the line that divides the lesser intensity to the more -- the higher intensity portion of the property.

And, then, it tells you on number six, how these boards are supposed to balance all these

things so that when you -- when you think about -- when you debate this issue, you have a comprehensive look at that.

When you look back and you refer back to the recommendation written by the Department to you all, they are indicating to you, this is the right place to bring this growth, this is the right shape of building that we would like to see in that corridor, and this is the right kind of application that we support.

So, all the substantial competent evidence that you need to make an educated and a substantiated decision is in your hands.

If you have any questions, obviously, we are available. But that's -- I think I rest my case. I don't want to make it any longer than it needs to be. But we welcome any questions that you may have. Thank you very much.

CHAIRMAN ZACK: Thank you.

MR. FERNANDEZ: Thank you, Guillermo.

One thing that Guillermo said that I think is very important is that this is an urban infill site, and as such, it is very different from many of the other sites that this Board, Council 12, typically considers that are not

within an urban infill area.

So, I think you need to try to look at it a little bit differently from the types of projects that are, perhaps, more appropriate west of the Palmetto Expressway, which is the urban infill boundary. And I know that may be difficult to do, but I think it is something that the Comprehensive Plan really requires you to do.

The building is appropriate based on its proximity to the commercial node. As you heard staff say, this is on a section-line roadway. It is at the intersection, practically, of two section-line roadways, which is the commercial node of Bird Road and Southwest 67th Avenue. You can see from this image here the very large Winn Dixie Shopping Center, which I'm sure all of you have seen, which sort of faces northeast. It is just about a block away from this site, which would be at the periphery -- puts this site in the periphery of the commercial node which is, of course, an area where the Comprehensive Plan calls for the highest or higher intensity uses.

So, this is -- if you're going to approve a building, such as this, that is consistent with the higher intensity of the

existing zoning, this is the place to put it.

It's also important for you to consider that this would be a project, a new project, that would really begin to change the face of development on Bird Road. It's something that, you know, we just haven't seen. We've been through two development booms and nothing has really changed significantly. This would bring a true quality architecture to this site. I don't think you have seen this sort of project before in this particular area.

And with respect to the Staff's recommendation, well, you have substantial and competent evidence, clearly, to support the application. You have no objection from your Division of Environmental Resource Management. You have no objection from the Platting and Traffic Review Section of the County, no objection from Parks and Recreation and Open Space, no objection from Fire Rescue, no objection from the Police Department, and no objection from the schools.

COUNCILWOMAN BRODEUR: Can I ask a question?

Are you --

MR. FERNANDEZ: I'm wrapping up, yes.

COUNCILWOMAN BRODEUR: We've heard this. You are not the first -- this is the second time and we've got a lot of cases.

MR. FERNANDEZ: Right.

COUNCILWOMAN BRODEUR: Now, you made a statement that nothing has changed. Do you understand why certain areas don't change? Is that a mystery to you?

MR. FERNANDEZ: Well, some areas deserve protection, but other areas call for greater intensity. And this is one of the areas where the Comprehensive Plan calls for greater intensity.

COUNCILWOMAN BRODEUR: Well, sitting on the Board for 15 years, I would suggest to you to consider the fact that certain areas do not change because they don't want it to change, they want it to keep it small, cozy, and intimate. And this is something that a lot of the developers do not understand. They have a lot of ambition, and then they end up with a lot of vacancies for certain neighborhoods.

MR. FERNANDEZ: Well, Ms. Brodeur, and your point is very well taken. And what I would say to that is that I would agree with you. And I

will tell you that there has also been a lot of criticism of the cookie-cutter type of development that pervades Kendall, for instance, many parts of Kendall where you have a monotony of two and three-story townhomes that are just repetitive. And, so, what this developer has tried to do is to discontinue that trend of development, which is what you have in this pocket behind the Winn Dixie, primarily, and leave an open space immediately abutting the existing townhomes by locating the parking area and the gazebo, and the parking space, all up against those existing homes, and putting all of the new development within the commercially zoned property.

So, essentially what we are saying here is, allow us to develop this property as if it were a commercial development, replace it with residential units, and allow us to provide the parking for it in a long surface parking area behind the building that would have a lushly landscaped space on the other side of it leading to a gazebo and a green area. I think that that barely interferes with the existing residential development next to it, it maintains the quality of life that the people in the area are accustomed

to, and it also makes and architectural statement and begins to vary the form of architecture along Bird Road. I think that is what we are trying to say here.

COUNCILWOMAN BRODEUR: We have a couple of highrises and they are not doing well at all, on Bird Road, further down that property.

One of the things that I would like to call to your attention is the fact that working-class people do not have available to them good locations. Now, this is a perfect location for working-class rental. Is this a rental, or condo, or what is the concept here?

MR. FERNANDEZ: The idea is to sell the condos fee simple. That's the concept.

COUNCILWOMAN BRODEUR: So it's a condominium sale?

MR. FERNANDEZ: Yes, but it would be --

COUNCILWOMAN BRODEUR: Two bedroom and one bedroom, mostly?

MR. FERNANDEZ: Yes, yes.

COUNCILWOMAN BRODEUR: Well, I just want to -- Ben, I've read a great deal of the lack of housing for working-class people, and it seems to me this is a very good location for housing for

working-class people who need better prices because this is a modest, simple, everyone knows everyone in the neighborhood. And the reason it hasn't changed a lot is because they're happy. You know, there are people that are happy in these neighborhoods, that like it the way it is. And it isn't our -- it isn't our right to go and tell them how to run their neighborhood. I just thought I would mention that to you.

MR. FERNANDEZ: Absolutely.

COUNCILWOMAN BRODEUR: We haven't got a right to tell them, well, you have this kind of a store and it doesn't blend in with the modern bla-bla-bla, and we think someone should come in a remodel. Same thing with the B-2 zoning. They have a right to their kind of construction, they have a right to their businesses, and we shouldn't incur into their business and try to change their business zoning because there aren't a lot of areas that have B-2 zoning, so we need that particular zoning for those people. It is something to throw out to you to understand where I'm coming from.

MR. FERNANDEZ: And I can certainly respect that, Ms. Brodeur. We do try to balance

some of it. We do have a commercial component. We have a commercial component to this project.

COUNCILWOMAN BRODEUR: Then you have to have a place where people can afford to live.

MR. FERNANDEZ: Sure. But, also, keep in mind, if I may just remind the Board, that there is an industrial area immediately to the west. So, developing the southern reaches of the property with residential units would only bring those residential units immediately up against the industrial development which also isn't the best situation.

COUNCILWOMAN BRODEUR: It is not the best location. That is what I'm saying.

MR. FERNANDEZ: That's right.

COUNCILWOMAN BRODEUR: We don't have the best location. We have people who need modest kind of housing, and I just would like Mr. Menendez to think of that in his thoughts, that we need housing in the city for people who don't need the best location.

MS. SCHWADERER RAURELL: I just have a minor housekeeping matter.

CHAIRMAN ZACK: The County Attorney has a procedural statement. You can go forward.

MR. FERNANDEZ: Yes, sir. Yes, Mr. Chairman.

MS. SCHWADERER RAURELL: Just a minor housekeeping matter. Now that we've had elections for a new chair, I just wanted to confirm that Chair Valdes does wish to pass the gavel to Councilman Zack to continue on with the meeting.

COUNCILMAN VALDES: Yes. For the benefit of the record, for the balance of this meeting I will pass the gavel to Councilman Zack.

CHAIRMAN ZACK: Thank you.

COUNCILMAN VALDES: I have a question. Under the BU-2 zoning that is on Parcel A, the northern parcel, how high could they go right now, as a matter of right?

MR. FERNANDEZ: I know that on the RU-4L you can go to sixty feet. I believe the BU-2 will allow you to go to 100 feet, as well. But I would defer to Ms. Davis.

MR. HARRISON: Through the Chair, I will try to get the exact height for you. I would rather not shoot from the hip on that one.

MR. FERNANDEZ: But certainly I can tell you that the RU-4L, existing RU-4L component, which begins right --

COUNCILMAN VALDES: Parcel B.

MR. FERNANDEZ: -- that allows you to go to 60 feet, by right, which, of course, we are leaving at zero.

CHAIRMAN ZACK: While he is looking for that, I understand that the highest point in your proposed is 100 feet; is that correct?

MR. FERNANDEZ: The highest point is 100 feet, according to Staff. My plan shows that the highest point is, approximately, 86 feet. But I don't know how Staff is interpreting that.

CHAIRMAN ZACK: They came up with that 100 feet number.

MR. FERNANDEZ: My plans show, approximately, 86 feet. We can look at that height.

MR. HARRISON: Through the Chair, just for clarification, in the BU-2 zoning district there is no height restriction except, what it actually states that the maximum height of the building is not limited except in all of the provisions of this Article and must be complied with -- I'm sorry, "And all of the provisions of this Article must be complied with, especially the floor area ratio and lot coverage and landscape

open space."

So, what the Code is saying there is that depending on the size of the parcel, the height of this building will only be restricted by the floor area ratio. And so it basically depends on the size of the property and how and what ratio they would have for height for that particular building. So, there's no restriction based on what I see here.

COUNCILMAN VALDES: If I could, it's a peculiar lot, it's 100 feet wide, and it's very deep. Based on the floor area ratio, what would be the limitations, if any, to the existing BU-2?

MR. HARRISON: Through the Chair, at this moment, I wouldn't want to go and give you a calculation without being able to sit and look at the specifications of the BU-2 portion of the parcel. I would have to sit down and look at that property before I could give you a specific answer to what the maximum height that would be allowed.

MR. FERNANDEZ: But the floor area, if I may, Mr. Harrison, the floor area does increase as the number of stories increases. So, you actually are able to develop more building as you add stories. So, we think we could probably reach a

comparable height under a commercial project here.

CHAIRMAN ZACK: And your actual height that you calculated is --

MR. FERNANDEZ: 86. I think Staff gets to 100 because they are counting the elevator shaft that exceeds the top of the slab. But the top of slab is about 86 feet.

MR. HARRISON: Through the Chair, and just for clarification, the height that the building is at, that they're proposing for this building is actually within -- they have not gone to the maximum, they're within the height limitation of the BU-2 parcel.

MR. FERNANDEZ: So, while Carl is taking a better look at that -- thank you, Carl. Your Staff recommendation, also, indicates that we meet all of the relevant legal standards for approval.

With respect to the rezoning, the compatibility of the project with the existing zoning and the surrounding commercial area means that we comply with Section 33.311.

With respect to the non-use variances that we are requesting, they involve a waiver of the typical wall that is required between dissimilar land uses because we have one project

that spans two different zoning districts. We are asking for a waiver of that requirement. And Staff finds that we meet Section 33.311(a)4(b), non-use variance standards there.

And with respect to the modification or deletion of the prior covenants and replacement with the new covenant that you have in your package, Staff has also indicated that we meet Section 33.311(a)7 standards for modification because the new covenant presents a project that is, essentially, compatible and doesn't generate any type of obnoxious uses or things that would be incompatible with the surrounding area.

And, finally, Staff recommendation points out that we meet the exception criteria for a residential use within the commercial zoning, BU-2, which is required by your Code. And that is Section 33.311(a)3. We meet the exception criteria. Essentially, without boring you with every prong of those tests, but it's basically a compatibility standard.

I think Staff recognizes that what we tried to do is not exceed the permitted intensity of development on this parcel. We've tried to aggregate it all as close to the commercial

corridor as possible, create an attractive transition for the existing homes that are to the south. And, that is what we've done. And we'll ask you to support it. And we are here to answer any questions that you may have.

CHAIRMAN ZACK: Thank you very much.

COUNCILMAN VALDES: Through the Chair, I have a quick question.

CHAIRMAN ZACK: I assume you want to retain time for rebuttal?

MR. FERNANDEZ: I would, yes, Mr. Zack. Thank you.

COUNCILMAN VALDES: Just a very quick question. In our package, on the first paragraph it says that the applicant has since informed Staff that they have been unable to revise the plans and have asked to move forward with the existing plans. When they use the term, has been unable to revise the plan, what exactly does that mean?

That's what it says.

MR. FERNANDEZ: I don't know what --

MR. OLMEDILLO: If I may, Mr. Chairman. For the record, Guillermo Olmedillo. We attempted to amend the plans, and we were going,

again, back and forth, the architect, the representative for the property owner, went back and forth to see if we could find some compromise because we heard your message last time. And there was just too many -- too many variables that we're going to, and one of the things that Ms. Brodeur said, if I may, Chairman, through you, is that remember the old plan that was approved, there were larger units, over 28,000 square feet, that were very unaffordable for this area. The type of residences that are offered in this project are much smaller which can be sold at a lower piece, obviously.

And, remember, the County has certain rules about when you create a multifamily building, or a project where you have many residences, there has to be a portion dedicated for working class folks, as a matter of price for the County, obviously.

CHAIRMAN ZACK: Do you have some idea what the proposed sales price of these units would be?

MR. OLMEDILLO: I don't because, you know, markets vary, like I said, you know, there are some prices that are going crazy and the

market right now is very unstable. You know, we hear gasoline going under two dollars a gallon.

CHAIRMAN ZACK: What about the square footage size of the units? What is the range?

MR. OLMEDILLO: If I may ask the architect to give us that range -- not to give you a guess, but to give you the exact figure.

CHAIRMAN ZACK: You have to state your name and address for the record.

COUNCILMAN LARSH: Please step up to the podium.

CHAIRMAN ZACK: Did you come in late? Did you get sworn in?

MR. COLLADO: I did not get sworn in.

(Mr. Collado was sworn in.)

MR. COLLADO: Ramon Collado, Collado and Partners Architects, 300 Aragon Avenue, Suite 380.

Anyway, to answer your question, they range between 725 to 1250 square feet. And all the units have a built-in home office area.

COUNCILMAN VALDES: Mr. Collado, through the Chair, if I could. If you don't feel comfortable answering this question, Mr. Olmedillo can do it. When he said there are too many variables to rework the plans to keep the 78 units

and everything and just lower the height, what were those variables?

MR. COLLADO: The variable is, when we lower it, we go back, and one of the main things that we, and the County, and all of us wanted to do is not go behind the houses and step the building up so that you're almost bowing to those houses. We stepped it one floor down on Bird Road and we are away 100 feet from Bird Road. So, we are kind of like floating there. And it is, like, you take the bulk and you put it away from the houses. And that was kind of the point that we all wanted -- from day one we started working on that with the County Staff and all that, that was a big deal, you know, keep it away from the houses as much as possible, and we did. That was the reason.

COUNCILMAN VALDES: No, no, I understand the trade off that was made to move the buildings to the north to keep it away from the existing townhouses. But, again, we are talking about variables, other than preference, I mean, was there anything -- in concrete terms, what were the variables, other than the preference, which I understand it is a trade off.

MR. OLMEDILLO: If I may, Mr. Chairman.

Again, Guillermo Olmedillo, for the record.

The geometry of the building changes, and the circulation around changes. One of the most difficult challenges for the design of this building was to get the fire lanes for the Fire Department in the correct places.

The movement of the ramp that feeds into the parking spaces that are under the building, it distorts the whole thing. So, suddenly you have created -- not you, but by changing that location, then you create, you know, unexpected things that you need to change throughout the design of the building.

So, that is why we found some challenges, physical challenges, because of the narrowness of the site itself, which is not even 100 feet in frontage.

So, obviously, when you want to put a fire truck through there, and, remember, the fire department wants to put the biggest truck that they can fit in there. So, those were some of the challenges.

And, then, the exits and entrances would

be affected. We had gotten to the point that Public Works agreed, that Planning and Zoning agreed, that Fire agreed, and we it was challenging.

COUNCILMAN LARSH: Through the Chair, I have a question. In revising these plans, are you trying to retain the same number of units, and that is what is causing the spread, as opposed to going up? Or have you considered possibly reducing the number of units to accommodate some of the revisions that would need to take place?

MR. OLMEDILLO: If I may, again, Mr. Chairman. Remember, the footprint of the building doesn't change, whether we make it 10 stories, six stories or eight stories, the footprint remains the same. So, you are cutting vertically, but you're not cutting horizontally.

So, obviously, you know, you can always provide an architectural solution which may work. But, obviously, when you're changing a number of units, you're not changing the floor plan, or the plate of the building. What you're changing is just cutting stories. So, the impact of the ground floor, which is the one that I'm referring to, is a little challenging, remains the same .

COUNCILMAN LARSH: Through the Chair, I have another question. Pertaining to the documents, the exhibits that were passed out, there is a document here that mentions something about the railroad section behind the property that is in question, and I'm not quite sure, how does this fit into what you guys are trying to do?

Are you guys going to take some sort of ownership of a portion of this? Can you explain that to me?

MR. OLMEDILLO: If I may generally speak to it. Perhaps you're familiar with what people are planning to do, perceptually, in the FEC corridor, to this property. That is next to this property.

COUNCILMAN LARSH: That's correct.

MR. OLMEDILLO: That is owned by the company, the corporation, that owns that right-of-way. That is a different person. That is a different entity altogether, and they have plans to develop the entire corridor.

So, obviously, we don't intrude into their ownership, their property, because that is a separate piece of property.

COUNCILMAN LARSH: I believe that

Mr. Welsh is referring to the section behind this part that abuts Bird Road, pushed back from adjoining neighbors because there are no adjoining neighbors. "If density happens on railroad property, it should also happen on Mr. Menendez's property, 6950 Bird Road, neighbors of townhomes, from the Post Office to Southwest 41st Street need to be protected from traffic intrusion."

So, I'm just trying to -- and I'm going to go back up to the first paragraph. I'm sorry for jumping around a little bit. I propose that -- and I think he wrote this poorly, but I propose that those tall and dense buildings, as part of a development agreement, have to reserve a 20-foot wide path in their second story that would connect to a pedestrian bridge that will connect to a similarly designed building on the other side of the street. So, I'm not sure what he is alluding to here, but you submitted it. So, I'm trying to understand, what is the purpose of this particular document?

I mean, I get the signatures supporting, but I don't understand what this is for.

MR. OLMEDILLO: If I may, Mr. Chairman, that was not introduced into the record by the

development team.

COUNCILMAN LARSH: It said to Maria Menendez from Bob Welsh.

MR. FERNANDEZ: That is inadvertent. That is an e-mail that was sent to us from a Commissioner in South Miami, but it wasn't meant to be in your possession.

COUNCILMAN LARSH: So, this wasn't supposed to be submitted?

MR. FERNANDEZ: It is harmless, but we couldn't understand it either.

MS. DAVIS: Through the Chair, that item was submitted by somebody that was here earlier that wanted it to be part of the record. They just weren't able to be part of the hearing.

COUNCILMAN LARSH: I'm sorry, could you repeat that?

MS. DAVIS: Sure. That item was presented by somebody that was here earlier, Mr. Welsh. He wasn't able to stay here, but he wanted that to be part of the record.

COUNCILMAN LARSH: That's it for just a moment.

MR. HARRISON: Through the Chair, if I may, before you go on, to clarify. There was a

statement made by the Work Force Housing. It is not that there is no specific requirement from the County for Work Force Housing. However, any developer is allowed to develop the property at a greater intensity with the use of a provision in the Master Plan based on Work Force Housing. So, if the proffer, which they would have to proffer, covenants for you to say that, that they are going to include an element of Work Force Housing within this development, then they might have been able to ask for a greater amount of units. But there is no specific requirements, it's just a clarification.

MR. OLMEDILLO: Mr. Chairman, again, I stand corrected. What Carl is referring to, and what I was referring to, and that is why I stated at the end of my statement is that the policy of the Commission is to support Work Force Housing, by creating legislation that will make that possible through the use of enhancements to the property when you dedicate certain parts to it.

CHAIRMAN ZACK: Is there anyone else present who wishes to speak in favor of this application?

If so, please come forward at this time.

None appearing.

Is there anyone who wishes to speak in opposition to this application? Please come forward one at a time. Raise your hands, how many of you are there who wish to speak? Three or four? You can create your own order.

Before you begin, were you sworn in?

MS. QUIGLEY: Yes.

CHAIRMAN ZACK: Okay, great. Please state your name and address before you begin.

MS. QUIGLEY: Hi. Thank you for listening to us. My name is Eleanor Quigley. I live at 3470 Southwest 75th Avenue. With regard to this CDMP, this property has already been up-zoned from GU --

COUNCILWOMAN BRODEUR: Speak slower.

MS. QUIGLEY: Okay. With regard to the CDMP, this property has already been up-zoned from GU to RU-L and BU-2. You can refer to the zoning hearing on 047374 and the map is on page seven of the handout that I gave you.

We feel that a three-story townhouse is the best fit for compatibility to the neighborhood and will be the best sensitive transition from a one-story single family home and the 14 townhomes

that abut this property.

The Land Use Plan -- there is a Land Use Plan that was done, the Bird Road Development Master Plan, which actually starts and goes from 826 to the Turnpike, sets forth guidelines allowing for one-story, then transition to three-story to four to six stories, to unlimited height with required setbacks of 50 feet.

Anything more than three stories next to these homes will be out of character for the adjacent properties.

This application will introduce a new street and traffic patterns for 189 cars, in the center of the block where there once was a house. This is the proposed nine-story -- this area here is the area for the nine-story building, and this is the post office area here. The post office is quite small. It's a building, I believe, and then they have a parking area in the back. This is the single family home that they want to remove to build their driveway entrance, and it will very negatively affect the people that live here.

And, then, here is the original GU map when they came for their application in 2004. The bulk of the property was zoned GU. The only part

that was zoned BU-2 was the parking lot that is at the post office.

Just as you're no longer able to fill in a lake to build apartments, as was the case that is already happened in this neighborhood, right over here, right here they filled in a lake to do that, you should not be able to remove a house to create an entrance driveway or new traffic patterns. This negatively impacts the homeowner's property values on that black with more traffic, noise, lights, and accidents or safety issues for pedestrians.

I do not know how it is possible for Zoning to permit an approved use of easements on the Florida East Coast right-of-way and easements of two residential properties with this application.

I believe the property is 100 foot wide, as indicated on those plans, on page 7, or I don't know if that includes the easement from the FEC property. The greater the density, the more it negatively impacts the traffic and will increase the rate of accidents on Bird Road.

In 2013 there were eight accidents. And in 2012 there were ten accidents right there. It

is a really bad intersection.

Both of the closest north/south roads are only two lanes. Ludlum is two lanes, north of Bird Road, and Southwest 72nd Avenue is two lanes, north of Bird Road. And Bird Road is already congested. This Bird Road area is not well-suited for another Downtown Dadeland where they have major roads available, like 826, the Turnpike extension, US 1, Kendall Drive surrounding the area.

A nine-story building is out of character for this area. It will not transition well from one story to nine stories at the BU-2 commercial site. There are no buildings more than four stories in our business district area, and a nine-story building will create a negative visual impact.

The post office that abuts the property is a one-story building. Residential uses are not permitted on a BU-2 commercial site. This application will set a precedent for surrounding properties and the Florida East Coast Ludlum Trail corridor, and it is not compatible with the neighborhood.

We oppose the following variance items.

Number one, any additional up-zoning from RU-4L to RU-4M. We oppose deletion of the two covenants that restrict the property to a three-story townhouse development as a condition for being up-zoned to RU-4L. We oppose combining tracts A and B by Unity of Title after they separated them to rezone them from GU to 4U-L and BU-2 at a hearing No. 04-374, unless the properties are combined to RU-4L, and the RU-1 property, at the entrance, is taken out of the equation. This would allow for the building height of six stories next to the post office and three stories next to the residential properties.

Traffic can enter and exit at Bird Road and Southwest 44th Street, where there already exits a street. Maybe this could be a compromise. They can come in here -- they could come in and out here, they could make a two way lane, instead of having a one way exit, and they could come out here on 44th Street.

I don't see why that would be a problem.

We oppose special exception to permit a multifamily residential development BU-2 zoning. We also oppose nonuse variances to permit a one way driveway with a minimum of ten feet where 15

is required. We oppose to permit a building setback with a minimum of two feet where -- two feet to five feet where 20 is required. Please see page four for the setbacks on the site plan.

We have no objections to Item 7, and we oppose waiving the requirements of a five-foot wide land use buffering, including a six-foot high wall, fence or hedge and buffering trees along the west property lines. We also oppose waiving the requirements for a five foot decorative --

COUNCILWOMAN BRODEUR: Slower, slower.

MS. QUIGLEY: Sorry. We also oppose waiving the requirements for the five-foot decorative masonry wall between the commercial properties and the residential properties. The homeowners should not be subjected to any commercial traffic.

I'm used to speaking faster because usually we have two-minute time limit. Usually they cut me off.

Thank you.

COUNCILWOMAN BRODEUR: You have all the time you want.

MS. QUIGLEY: Thank you.

CHAIRMAN ZACK: Thank you very much.

Next speaker?

COUNCILWOMAN VAZQUEZ: I have a question.

Very thoroughly done. During your presentation, you keep saying, "We, we, we, we." Who are we?

MS. QUIGLEY: The neighbors, the people that live here.

COUNCILWOMAN VAZQUEZ: The people behind the property?

MS. QUIGLEY: The one that lives right here, where they are going to put the entrance, she's here, and another neighbor is here.

COUNCILMAN LARSH: Do you have any signed documents -- sorry, through the Chair. Do you have any signed documents?

MS. QUIGLEY: Yes, I have a copy of the petition that we submitted. You can see on here that there is 26 opposing, and here is a copy --

COUNCILMAN LARSH: Submit it down there to Ms. Rosa Davis.

MS. QUIGLEY: Signed by all the neighbors here on this street. You can have it.

CHAIRMAN ZACK: Any other question for the speaker?

All right. Let's have the next speaker speaking in objection.

MS. SCHWADERER RAURELL: Through the Chair, just for the record, it may be helpful to have the individuals who are here who wish to be represented by the woman who just spoke. If they want to be represented by the woman who just speak for them, to come up, give their name and address and put it on the record.

CHAIRMAN ZACK: Any of those 26 people here? You're one of them? So, please stay and put your name and address for the record.

MR. FERNANDEZ: Mr. Chair, I would like to ask Ms. Quigley a couple of questions. I don't know if she wants to leave.

CHAIRMAN ZACK: Ms. Quigley, will you come forward. He's entitled to Cross-Examination.

MR. FERNANDEZ: Just a couple of questions.

COUNCILWOMAN VAZQUEZ: Not now, at the end, right?

CHAIRMAN ZACK: No, now he's entitled to Cross-Examination when she speaks.

MR. FERNANDEZ: Ms. Quigley, I just wanted to ask you. You indicated that you

live at 3470 Southwest 75th Avenue.

MS. QUIGLEY: Correct.

MR. FERNANDEZ: That is not in this neighborhood, correct?

MS. QUIGLEY: That is correct.

MR. FERNANDEZ: So, have you been hired by the neighbors?

MS. QUIGLEY: No, I have not. What happens on Bird Roads affects my neighborhood.

MR. FERNANDEZ: Do you understand that -- do you understand that the nonuse variance that you indicate that you're objecting to, to waive the setback requirement to allow two feet where 20 feet is required, is actually a variance that we are requesting in order to be able to push the parking lot and the building closer to the FEC right-of-way, it has nothing to do with bringing it closer to the residents, it is the opposite. We are actually increasing the setback by asking for that variance.

MS. QUIGLEY: Yes, I'm aware of that.

MR. FERNANDEZ: Why would you object to that?

MS. QUIGLEY: Because it is ridiculous to cram something in the space that you -- they

have this map also. You have five feet setback here, you have three feet setback here, you have two feet setback here, you have one foot setback here. There is no green space.

MR. FERNANDEZ: Fair enough.

Do you understand that we are actually preserving the post office and providing parking for the post office, within the project, in order to improve the situation with the post office?

MS. QUIGLEY: No, I'm not aware of that. You're telling me that the post office parking lot belongs to you?

MR. FERNANDEZ: Yes, it does. The entire post office belongs to my client.

COUNCILMAN LARSH: You need to pass the microphone back and forth as you answer and ask questions, please.

MS. QUIGLEY: I don't think that the post office is going to change.

MR. FERNANDEZ: Thank you.

COUNCILWOMAN VAZQUEZ: Through the Chair. So, the federal government sold you their -- they have a lease? It is a lease and you own the land?

MR. FERNANDEZ: Yes, ma'am.

COUNCILWOMAN VAZQUEZ: Okay. Thank you.

COUNCILWOMAN BRODEUR: How long is the lease?

COUNCILMAN LARSH: Can you please ask your question with the mic. Thank you.

MR. FERNANDEZ: Mr. Menendez?

MR. MENENDEZ: My name is Manuel Menendez.

The post office has another four and a half years to go, but they have extended the lease over the last ten years. And we are going to keep them there. They are using our land as a parking space, the front, which we are going to keep if this building is allowed, and we are going to have one story, one floor, for parking spaces for the workers at the post office. It is in the plans here. So we can keep -- this post office has been there for over 50 years. Thank you.

CHAIRMAN ZACK: The next objector.

MS. SANTANA: Thank you.

My name is Deborah Santana, no relation to our absent -- my name is Deborah Santana. I live at 4257 Southwest 69 Avenue. I'm in full agreement with Eleanor Quigley. I would like to raise a few additional concerns that I have as a

resident right there.

I understand that there is a claim that there is no objection with fire rescue, the schools, law enforcement, but I have concerns. I see what happens there. I live there. Those people don't necessarily do that. I see how crowded the school is. I hear from my neighbors how crowded the schools are. I see how long it takes for fire rescue to respond, and I wonder what it's going to be like with one-way roads and traffic in that area, as it already is, and how difficult it is for fire rescue to come into that area when you're going to add that significant of an amount of additional individuals living there.

I understand that the number of units is only 78, but the potential is for 123 adults to be living there, with their own vehicles parking there and driving through my neighborhood.

We already have significant problems. I don't understand how they can say there is not a traffic problem because it is a danger right now to cross 69th, certain times of the day, because we have traffic cutting from 40th over to 67th Avenue. They cut through there to avoid the light because it is so congested.

This is just going to add to the additional congestion, and it is not acceptable now. It is decreasing our quality of life. And to think that you're going to add this many extra, I just don't understand how they can say that it's not going to be a problem.

I worry about, in addition, paved parking lots in the area there. They have already filled in the lake back there. We have a serious flooding problem in that area that has already been caused by the amount of ground that is covered with asphalt and buildings. My home nearly gets flooded at least once, if not several times more, every year. It has been on the local news that that area is a high area for that. It is not appropriate to add more difficulty to that, and to cause those problems to me and my neighbors by doing this.

I do believe that adding this to the neighborhood is going to decrease the value of our home. I understand they are saying they are going to sell these as condominiums, but nothing says that someone who owns a condominium and buys it for someone can then rent it out. So, we could have a lot of rentals in that area. It has

happened before, and it is in that area. And that is not good for our neighborhood.

It doesn't match with the neighborhood. It doesn't at all match with the neighborhood. The three-story is already a step up. To go at this higher level is just way out of character, and it's -- it is not going to look good. It is not going to feel good and it is not going to look good. It is inappropriate.

I understand the need for infill. I understand the need for housing, but this is too much, this is too high of density.

I ask that you take a look, on page three of the handout that Eleanor gave you. If you take a look at that small area where they are wanting to put the -- where they are wanting to put the building, if you look at that and then look at the townhomes next to it, further down, if you count the number of townhomes there and then think about those 78 homes, 78 separate individual units that are going to be put in that little itty-bitty spot, it is not right. Please, do not allow this. Thank you.

CHAIRMAN ZACK: Ms. Santana, one more thing before you leave. Could you identify which

house is yours, maybe identify it on page three that we are all looking at, on the exhibit that is already in evidence?

MS. SANTANA: This may not be one hundred percent accurate, but I would say it is probably right there, right here.

CHAIRMAN ZACK: You're on the east side of 69th Avenue?

MS. SANTANA: Yes, I am. So, I have to look that way. And if they later decide to develop down here, I lose my sunsets. And that is one of the best things in Miami.

CHAIRMAN ZACK: Thank you very much.

MS. SANTANA: Thank you.

CHAIRMAN ZACK: Next speaker? I think there were one or two more.

MS. BAVARIAN: Hello. My name is Karina Bavarian and I live at 4100 Southwest 69th Avenue. I haven't been sworn in.

(Ms. Bavarian was sworn in.)

So, I believe we have a unique situation where our house is located, and I would like to address it for the Board tonight -- to have a chance to address it to the Board because I believe we have a unique situation.

Our house is located next to the proposed access driveway to the new development of 78 units. We are at 4100 Southwest 69th Avenue.

This raises many concerns that we have as a household. First of all, our bedrooms are located alongside this driveway, and we have concerns of traffic, noise pollution, privacy issues that are going to be created by allowing access to all 78 unit residents which is around 180 -- over 180 cars, not to mention emergency vehicles, or whatever, that is going to be accessing from this driveway.

Another concern of ours is the parking lot located behind our properties. We don't know what kind of quality of life that is going to incur on our properties. We are not sure what kind of lighting is going to be provided on the parking lots that might be intrusive into our backyards. We don't know what kind of landscaping is going to occur there to create privacy buffer zones between our backyards and the parking lot. We do not know what kind of quality of life it is to have a parking lot behind the property, and that would maybe affect the property values of a house that is located next to an access driveway

and has a parking lot behind their backyard. So, we are concerned about that.

So, I would like to mention, also, that the covenant design of 2005, which we looked upon the drawings, has two access driveways, one is occurring next to our house, but it includes -- the design includes a concrete wall, five foot high, it is stating within the covenant, on our north and west property lines, which will act as a privacy wall, I'm assuming, between our property line and the access driveway.

Another thing that I would like to mention regarding the covenant is that it is also utilizing 44th Street at the south, and the covenant has 26 units, so which is 13 units per floor. That is comparably much less than 78 unit. And if you look at the access roads which is going to be happening next to our property and the one from 44th Street, we are looking into less cars accessing the property from our side of the house, then it is going to occur with this new design.

COUNCILMAN LARSH: Pardon me, excuse me for this interruption. Through the Chair, you mentioned a covenant with 26. Is that this covenant?

MS. BAVARIAN: I mean, that is what we found. In 2005, there was a covenant -- it is a condominium design.

COUNCILMAN LARSH: Previously proffered covenant?

MS. BAVARIAN: Yes.

COUNCILMAN LARSH: I wasn't here at that moment, so when you're referencing it, I'm just trying to catch up, that's all.

MS. BAVARIAN: Yes, it is the condominium -- three-story condominium design, that is my understanding is the covenant -- it's part of the covenant; isn't that correct?

MS. QUIGLEY: Page 10.

COUNCILMAN LARSH: Thank you.

MS. BAVARIAN: We are just here merely raising concerns, as homeowners. We are not trying to negatively impact any developer, or any other Board decision, we just have some concerns that we would like to address.

And, as you can see, our property is uniquely located regarding this project, and we would like to have a chance to address this issue. And that is all I have to say for now. And thank you very much for this opportunity.

COUNCILMAN LARSH: Please don't go.

Through the Chair, could you please point out your house on that map there so we know? Yours is the one right next to the dotted square in the middle?

MS. BAVARIAN: Yes, sir.

CHAIRMAN ZACK: Take the microphone.

COUNCILMAN LARSH: Use this one.

You said the one right next to the proposed driveway?

MS. BAVARIAN: I believe this is the condominium, so this is --

COUNCILMAN LARSH: Follow your finger down to 69th Avenue. You're holding the driveway.

MS. BAVARIAN: So, yes, the house is located right next to the driveway, 4100 Southwest 69th Avenue, lots 21 and 20.

COUNCILMAN LARSH: Thank you.

MR. FERNANDEZ: May I ask Ms. Bavarian a question, please?

CHAIRMAN ZACK: Yes.

MR. FERNANDEZ: How are you, Ms. Bavarian? Good to see you again. I know that you attended our meeting.

COUNCILMAN LARSH: Please pass the mic

back and forth. Thank you.

MS. BAVARIAN: Yes, I did.

MR. FERNANDEZ: Can I ask you, the wall that you're describing behind your home, was there ever a wall there in the past that was developed behind your home?

MS. BAVARIAN: No.

MR. FERNANDEZ: And I just want to reiterate to you that we will be prepared to improve that boundary with a wall to your liking, this evening, the developer will make that commitment to provide that to you in recognition of the fact that this is a unique situation, and that her home is within the entrance to the project. We have had a dialogue, we haven't been able to reach an agreement, but I want to put that on the record this evening that we are prepared to do that for Ms. Bavarian and her husband.

COUNCILMAN LARSH: Through the Chair, Counselor is that something that could be amended through the proffered covenants if you were to come to an agreement?

MR. FERNANDEZ: Absolutely, Mr. Larsh, we can do it that way.

COUNCILMAN LARSH: I'm not saying she's

going to or not, I'm just saying --

MR. FERNANDEZ: We can do it that way. You also have an exception that is part of your application, so I will defer to your Counsel, that the exception could be conditioned, I suppose, on particular improvement.

MS. SCHWADERER RAURELL: Mr. Fernandez, could you please repeat what the proffer was again?

MR. FERNANDEZ: The proffer would be to provide a five or six-foot masonry wall on the property line between Ms. Bavarian's home and the project, because her home is at the entrance to -- the side entrance to the project.

MS. SCHWADERER RAURELL: Would that be on two sides, them?

MR. FERNANDEZ: Yes, it would.

MS. SCHWADERER RAURELL: I think, depending on what the Board wants to do, I think that would be most appropriate as an additional condition, and we can note that it was proffered and consented to by the applicant.

Since this is a rezoning, we really should accept the covenant here today. If this was a different type of application, and didn't

involve a rezoning, they could submit something later, but since it is a rezoning, I think that is the best way to do it.

COUNCILMAN LARSH: Thank you.

CHAIRMAN ZACK: Just for clarification, you are talking about creating the wall on the north and west side?

MR. FERNANDEZ: Yes, Mr. Zack.

CHAIRMAN ZACK: Thank you, of her specific property.

Where was the other gentleman who wanted to speak? Please come forward.

MR. SHERSHIN: My name is Tony Shershin, I live at 5601 Southwest 94th Place. I'm not here to speak primarily on this item, mine comes up later in the program. However, since I'm here and I've carefully read whatever is on the program, I --

CHAIRMAN ZACK: Wait a minute, you're not here to speak on this item?

MR. SHERSHIN: I was not until I read it.

CHAIRMAN ZACK: But you wish to speak on it now?

MR. SHERSHIN: Yes, I do.

CHAIRMAN ZACK: All right.

MR. SHERSHIN: Is that alright, Mr. Zack?

CHAIRMAN ZACK: Yes, that's fine, I just wanted to make sure that your comments were on this item.

MR. SHERSHIN: It certainly is.

CHAIRMAN ZACK: Thank you.

MR. SHERSHIN: I initially planned to mention my objections to Items 8 and 9, which I feel are inappropriate boundary conditions, the waiver is not appropriate, that they should have these boundary conditions. So, that was my initial comment.

Having listened to the residents, I do feel strongly that as a resident it is inappropriate to put in a nine-story building on less than three acres with the associated parking in the middle of a neighborhood where there are -- where there are a lot of homes.

So that is all I wish to say. I support the residents of the neighborhood.

CHAIRMAN ZACK: Thank you very much. I believe that was the last -- there is one more. Okay, please come forward.

MR. FORMOSO: Hi. My name is Richard Formoso. I live at 50 --

CHAIRMAN ZACK: I'm sorry, what's your last name?

MR. FORMOSO: Formoso, F-O-R-M-O-S-O.

MR. HARRISON: Were you sworn in?

MR. FORMOSO: I was not. That was my next statement.

(Mr. Formoso was sworn in.)

Again, Richard Formoso, 5030 Southwest 69th Avenue. I live a half mile -- a little bit south of the subject property.

I'm really concerned about a couple of items on this plan. And, after hearing my neighbor that lives -- is going to now have a driveway access point where she's going to have commercial traffic going in and out of her house, what really concerns me, for everyone living along that road, and I wonder why the owner of this new property would proffer a five-foot fence, or masonry wall just on her house, but wants to exclude it along the rest on the east and west side of the property which, you know, those are required by our codes, and the owner is asking to delete those walls. So, that would be a question

that I have, through the Chair, for the applicant.

And I also have a question on an earlier statement the applicant or the applicant's representative made regarding the parking lot and use of the existing parking lot.

I wanted to know which part of the parking lot you guys were referring to.

MR. FERNANDEZ: Mr. Formoso, with respect to your first question, I don't know if you are aware of the fact that many of the homes along that street do have a wall behind them, but the wall has apparently either been taken down, or was destroyed, on some homes. So, it is not a consistent wall, and it just so happens that Ms. Bavarian doesn't have a wall, that is why I asked her if she ever had a wall, but I don't know if you're aware of that.

MR. FORMOSO: Yeah, I've noticed that there are some wood fences, and it is kind of a patchwork. There is damage to some walls. Why wouldn't that fence, then, be rebuilt and comply with our current code, to say you take down what is there and rebuild and refurbish that wall?

MR. FERNANDEZ: Well, because in respect to the neighbors, you know, wishes, some of the

neighbors may have taken down that wall because they didn't want it there, maybe they were trying to benefit from the open views. Our project is all about trying to preserve an open space behind those homes, and not introduce a new structure right behind them.

But, of course, we would be willing to talk to any neighbor that is here that would prefer something like that. We would enter into a dialogue with them.

MR. FORMOSO: So, what you're saying is that you feel that maybe some of these homeowners here would prefer to have the cars pulling into these spots?

What I understand is you have a five-foot setback?

MR. FERNANDEZ: I don't know that I can speak for them, and I don't know that you can speak for them either. I can only say that we are prepared to do it for Ms. Bavarian because she's clearly impacted, and I guess she's a friend of yours.

MR. FORMOSO: No, not personal friends, but a neighbor, and definitely has a concern there, and I would like to support her in her

concern. She's definitely impacted on two sides, as are the rest of the neighbors here for the parking lot area.

So, you know, I'm definitely against waiving putting up those two walls, and rebuilding them.

CHAIRMAN ZACK: Are you finished with your questions? Are you completing the comment?

MR. FORMOSO: I'm completing that comment.

My second question was, regarding this parking lot area, let's see if we can see it. There was a reference made earlier, I don't know if it was by you or by the owner regarding the parking lot for the post office. Which area was he referring to, specifically, because I understand that this whole area here is not part of his tract, it is only this area here. So, are we talking about this 100 by 100 square foot?

Earlier you made a comment about the parking area -- my understanding is all of this belongs to someone that leases to the post office.

MR. MENENDEZ: Yes. This belongs to us and we rent it to the post office, and this area here, too. They use it for parking space for the

employees. We are putting up one-story building for the post office employees so they don't have to move out of there.

MR. FORMOSO: So, what you're saying is that on the ground floor you're going to have some post office parking here?

MR. MENENDEZ: Yes.

MR. FORMOSO: So, this front section here --

MR. MENENDEZ: It is going to stay like that.

MR. FORMOSO: There will be a connection out, so you'll have the commercial traffic will come through here, these parking spots will remain, as well?

MR. MENENDEZ: Right, yes.

MR. FORMOSO: And that is just on this little section, which is something that remains there now and you would need --

CHAIRMAN ZACK: Let's not have a dialogue. If you have a question, go ahead and ask the question.

Also, when you're making reference to the map, please identify in words where you're looking at so when the words are picked up by the

Reporter, they can identify what you're talking about.

MR. FORMOSO: We are referring to the area between the Florida East Coast and the post office parking lot, and it's along Bird Road, south back about three feet; would you say?

And, then, under the building you're saying, as well. Okay, you've answered my questions.

MR. HARRISON: Through the Chair, just for the record, I would like to have Mr. Menendez, Sr., I think he was not sworn in, initially.

MR. FERNANDEZ: State your name again.

MR. MENENDEZ: Manuel J. Menendez.

(Mr. Menendez was sworn in.)

CHAIRMAN ZACK: Do you have any further questions or comments?

MR. FORMOSO: No further questions. Thank you for your time.

CHAIRMAN ZACK: Thank you very much.

I believe that is the last speaker. We are going to allow Mr. Fernandez to, hopefully, have a very brief rebuttal, and then we'll go forward with our deliberations, unless there are any other questions.

MR. FERNANDEZ: I will be very brief, because I think most of the points have been covered.

I think that the overriding concern is, I listened to some of the neighbors talk about transition and so forth. I really agreed with many of the things that they were saying, as to the appropriateness and inappropriateness of transitions. What I think that they failed to understand is that this project is all about creating a better transition into the existing residential homes that are south of the commercial area.

By putting the units near the Bird Road corridor, within the existing commercial zoning, we are, essentially, leaving the existing transition that exists today an open lot that will become a parking area with landscaping, but it will -- the transition is, essentially, unchanged.

We think that that is the best solution for the neighbors, and I think that some of the neighbors here that live in an entirely different area on the west side of the industrial area to our west may not fully appreciate the fact that this parking garage -- this is a very long

unusual, irregularly-shaped lot that is only 100 feet wide, and that, you know, building homes behind the homes is going to create a larger impact.

That, and the fact that the reference to some of the nonuse variances that we are requesting are actually designed so that we can preserve the transition that exists today and push the existing building up against the FEC corridor, which is not going to hurt anyone, and is going to maximize the distance to the nearest homes.

And I'll just finish by repeating what I said at the beginning, which is, it is very important for you to consider the fact that this building slopes down to, essentially, a five-story building as you approach these townhomes. And a five-story building that is more than 80 feet removed from the nearest townhome is not dissimilar to a three-story townhome that is 25 feet next to an existing townhome.

So, please consider that in your deliberations. We thank you for your time and we are here to answer any questions that you have. Thank you.

CHAIRMAN ZACK: Are there any other

questions for the applicant before we close the public portion of the hearing?

COUNCILWOMAN BRODEUR: I have a question for Staff.

CHAIRMAN ZACK: The public portion is now closed. We are going to have discussion.

COUNCILWOMAN BRODEUR: Staff, I just want to clarify in my mind about BU-2 zoning, that in that area we have no residential BU-2, that is what they are requiring us to change it to, that this is incompatible, or this is not -- would this set a precedent?

MR. HARRISON: Through the Chair, in Staff's analysis, we did not try to determine that it would or would not set a precedent. They are allowed to ask for a residential development in a BU-2 zoning district, through the process that has been used here, which is a special exception. So, they are allowed to ask for that use, and that is being asked for here. So, we did not make a determination whether it sets a precedence or not. They are allowed to do it. Residential uses are allowed in the BU-2 district, if you follow this process, if it is approved through this process.

CHAIRMAN ZACK: Discussion by the Board?

COUNCILMAN VALDES: I think Mr. Larsh had a question.

COUNCILMAN LARSH: I have a question for Staff. Regarding No. 8, is it my understanding that they are looking to completely exclude putting any kind of a fence, or hedge, or buffer, trees along the east/west property lines; is that correct?

MR. HARRISON: Through the Chair, no. Why this request is phrased this way is that there is a requirement in the landscape section of the code for dissimilar land use buffer where there are more intensive type development on something that is less intensive. In this particular case, they are doing what is an RU-4M, more intensive residential development, all right, abutting townhomes.

The dissimilar land use buffer asks for these three things in it; six-foot high wall, fence or hedge and buffer trees. They are providing the buffer trees, they are providing the six-foot wide landscape buffer, but they are not, necessarily, providing the fence, or the wall, in all of the areas there is a fence, or wall, abutting the residential portions where they are

abutting the townhomes, but there is no fence or wall -- that is why it says along portions of the property line. Where it abuts the railroad lines, or vacant FEC property, there is no fence or hedge on that side. There are trees and there is a buffer, but it doesn't have all the components of the dissimilar land use buffer that is required here. That is why they asked to waive it, because they don't meet all the requirements. Did I confuse it more?

COUNCILMAN LARSH: No, I got it. I was absorbing.

COUNCILWOMAN BRODEUR: There's a lot to know.

CHAIRMAN ZACK: Discussion?

COUNCILMAN VALDES: Through the Chair, to Staff, either one of you can answer the question. Am I correct that the standard we have to apply is, number one, is it compatible -- excuse me, is it consistent with the CDMP?

Assuming that the answer to that is, yes, then the second question, is it compatible with the surrounding areas? And is that the standard that we have to apply? And is it and or is it or?

MR. HARRISON: Through the Chair, Staff's determination, as outlined in the recommendation, is that this development, the type of development and the number of units is consistent with the Master Plan.

We are also, based on our review of the plans, because in determining both the consistency and the compatibility with residential units around, we have also made a determination of compatibility. And based on the review of the plans, as outlined in the recommendations, Staff has also determined that the applicant has provided enough buffering, in the form of landscaping and how the project has been developed, that we have deemed, in our recommendation, that it is compatible with the surrounding residential and -- residential, commercial and industrial uses that actually surround this property.

MS. SCHWADERER RAURELL: Just to clarify, it is both.

COUNCILMAN VALDES: Okay.

COUNCILWOMAN BRODEUR: I don't think it is compatible if you go across the street and have to stare at a seven-story. I don't think it is

compatible. In fact, I think that the Planning Department has poor vision. And just from a practical standpoint, from the practical standpoint, I went over to my former pool company, which was on 40th Street, and I was amazed at some of the construction going on on the other side, on the north side of 40th Street, where they only allow one-story.

And I can't understand how a code is so formulated that on 40th Street, that new green building next to -- it used to be the pool company, OK Pool, right down from OK Pool, a little bit to the left -- to the west, to be exactly -- how that can be only one-story, and then across the street they can say that.

I think that there is a vision problem in the Zoning Department, a big vision problem, as what compatibility is.

I think the Master Plan, it may fall within the range of high density, and you want this, you want that. But you don't live there, and you don't live there, and you don't live there, and I don't live there. But I drive up there enough times. This is our area of -- we know the areas that we are supposed to vote on,

because we drive on it all the time. So, we are kind of aware. We don't know everything about the language of the CDMP, which takes a lawyer to understand what the CDMP is all about, but we do understand what we see with our two eyes.

Now, if anybody says that this is compatible, forget about it, they need an eye test. This is not visually. Visually this is not compatible. It may be perfectly well-oriented to the Master Plan, and I do not, Guillermo, you're clever, Guillermo, and you have got lots of experience with the Master Plan, more than I have --

MR. OLMEDILLO: I love you, Peggy.

COUNCILWOMAN BRODEUR: I love you too, Guillermo. You're my favorite opponent, we spar all the time. But I'm not going to vote for this because I feel that Mr. Menendez has had perfect opportunity to build his three-story, it has been tried and tested, it's gotten approval from the neighborhood, and I think we have to ease into it.

After I said it earlier, we have to ease into transition. This is too extreme. I think three-story -- I remember when we voted on the four-story -- the storage project. You know what,

that still sticks out like a sore thumb. That storage thing with those ugly colors they made it. It looks awful.

So, I'm saying, if you don't live there, you don't live there, and I don't live there, and they live over there, and we are elected officials representing the people, I'm going to vote to make a transition less extreme. So, I will personally vote no for this.

COUNCILMAN VALDES: Through the Chair, I said it before, last meeting, and I'll say it again. I'll take my hat off to Mr. Menendez, not only his business acumen in investing his time, his effort, his resources in developing a property that could and should be a catalyst for development in that area. The area, for the most part, is blighted. And nothing that has come out of this thing, candidly, should discourage Mr. Menendez but should encourage him, because I think there is a lot to be done.

But I was concerned back then, and I'm concerned now, with the height. I know you can, but the fact that you can doesn't mean you should. My concern, in that regard, is the precedent that we are going to be setting. Remember, the FEC

property is next door, that's 100 feet wide. You're approved with nine-stories here, you know what's going to come down there, which it is.

When the BF Marina application came in front of us, maybe ten years ago, they wanted I think six or seven stories, and we denied that on the basis that it was not compatible with the surrounding neighborhood.

Clearly, based upon the evidence that has been presented, there is no doubt that it is consistent with the CDMP. The philosophical question, based upon the evidence that has been submitted, is it compatible with the surrounding area? It is a two-prong test. It is both, not just one.

So, the nine stories is just out of character and not compatible with the surrounding area. I, honest to God, wish the plans could have been redone, but my concern is the precedent we are setting.

And, if you look at Bird Road between Ponce de Leon and Douglas where you are seeing these six, seven, eight-story buildings stacked next to each other up against the roadway, is that what you want in this area of Bird Road? That is

the philosophical question all of us have to ask ourselves, including the neighbors, by the way.

It's going to get developed. I mean, people have the right to develop. It is his property. Right now Mr. Menendez can develop it to whatever the building and zoning codes allow him to do. You know, right now you have a blighted, ugly property. He is willing to do something with it. He should be commended for that, but I really think it is too much on this particular property.

That is all I have to say.

CHAIRMAN ZACK: Any further discussion?

COUNCILMAN LARSH: I just wanted to agree with my previous colleagues. I think what they are proposing here is really nice. I think it is out of character for the area. I think what they are trying to do is bring something nice to the area. And, again, like Chairman Valdes said, it is to be commended.

My concern is, that is not in character. And, again, the precedence that is going to be setting. And there is tremendous objection, more so from the surrounding residents. And I think that has to be counted for something. You have

people who are going to be right along the driveway, you have other people who live in the area, you have the signed -- we have the signed appeals from the residents saying that they don't want it there. And given all of those things, I will have to say no to this, as well.

CHAIRMAN ZACK: Any further discussion?

Does anyone wish it offer a motion at this time?

COUNCILWOMAN BRODEUR: I make a motion we deny.

COUNCILMAN VALDES: With or without prejudice?

COUNCILWOMAN BRODEUR: Without prejudice. I want to commend Mr. Menendez. I mean, I think you've done a wonderful job and I appreciate Mr. Menendez, but I think you've gone a little over the top.

CHAIRMAN ZACK: Is there a second to the motion?

COUNCILMAN VALDES: I'll second the motion.

CHAIRMAN ZACK: Any discussion on the motion?

None appearing, please call the role.

MS. DAVIS: There is a motion on the floor to deny the application without prejudice. The motion was made by Councilwoman Brodeur and seconded by Councilman Valdes.

Councilwoman Brodeur?

COUNCILWOMAN BRODEUR: Yes.

MS. DAVIS: Councilman Gonzalez-Abreu?

COUNCILMAN GONZALEZ-ABREU: Yes.

MS. DAVIS: Councilman Larsh?

COUNCILMAN LARSH: Yes.

MS. DAVIS: Councilman Valdes?

COUNCILMAN VALDES: Yes.

MS. DAVIS: Councilwoman Vazquez?

COUNCILWOMAN VAZQUEZ: Yes.

MS. DAVIS: Chairman Zack?

CHAIRMAN ZACK: Yes.

MS. DAVIS: Motion passes unanimously.

MR. FERNANDEZ: Thank you, thank you for your time.

(Item was concluded.)

* * * * *

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Registered Professional Reporter, Notary Public, State of Florida, certify that the following witnesses personally appeared before me on January 6, 2015 and were duly sworn.

WITNESS my hand and official seal this 6th day of February, 2015.

JANICE AGUIRRE

Registered Professional Reporter
Notary Public, State of Florida
Commission #DD 945053
My Commission Expires: December 8, 2016

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF DADE)

I, JANICE AGUIRRE, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the CZAB BOARD 12 MEETING of January 6, 2015; that a review of the transcript WAS requested; and that the foregoing transcript, pages 1 through 82, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 6th day of February, 2015 at Miami, Dade County, Florida.

JANICE AGUIRRE,
Florida Professional Reporter
Notary Public, State of Florida
Commission #DD 945053
My Commission Expires: December 8, 2016

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Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z14-032 (15-3-CC-1) **April 23, 2015**
Item No. C

Recommendation Summary	
Commission District	8 and 9
Applicant	Northstar Graceland, LLC
Summary of Requests	The applicant is seeking to modify a Resolution in order to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery. Additionally, the applicant is seeking approval of said mausoleum with a height greater than permitted.
Location	13900 SW 117 Avenue, Miami-Dade County, Florida.
Property Size	36.02 Acres
Existing Zoning	AU (Agricultural-Residential 5 Acres Gross) GU (Interim-Uses depend on character of neighborhood, otherwise EU-2 standards apply)
Existing Land Use	Cemetery
2020-2030 CDMP Land Use Designation	Low Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards, Section 33-311(A)(4)(b) Non-Use Variance *(see attached Zoning Recommendation Addendum)*
Recommendation	**Modified approval with conditions for a 4-story / 44' high mausoleum.**

This item was deferred from the March 19, 2015 Board of County Commissioners (BCC) meeting due to a lack of quorum.

The BCC shall have jurisdiction to directly hear applications encompassing property located in more than one Community Zoning Appeals Board (CZAB) pursuant to Section 33-314(A)(2). The subject property is located within two (2) separate CZAB Districts. A portion of the subject property is located within the CZAB 12 District and the remainder is located within CZAB 14 District.

REQUESTS:

(1) MODIFICATION of plans approved pursuant to Resolution No. 7696, last modified by Condition #2 of Resolution No. Z-5-11, both passed and adopted by the Board of Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A., consisting of sixteen (16) sheets dated stamped received December 13, 2011."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, sheets A-

100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped received 4/7/14 for a total of 17 sheets.

The purpose of request #1 is to permit the applicant to submit revised site plans showing a new 8 story mausoleum addition, to a previously approved cemetery.

(2) NON-USE VARIANCE to permit a building height of 8 stories (2 stories maximum permitted) and a building height of 90' (35' maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT HISTORY & DESCRIPTION:

In 1954, a portion of the subject site was granted approval of a special permit for a cemetery use, pursuant to Resolution No. 7696. Between 1954 and 2011, the subject property was approved on several occasions for setback variances, to waive the right-of-way dedication along SW 117 Avenue and district boundary changes, all pertaining to the approved cemetery use.

The subject 36.02-acre property is located at 13900 SW 117 Avenue and is currently used as a cemetery. The applicant now seeks to modify the plans to erect an 8 story mausoleum. The proposed 8-story mausoleum will be located on the northwest portion of the site (Parcel 3), adjacent to the Florida Turnpike to the west and a plant nursery to the north. Vehicular access to the mausoleum will be through SW 117 Avenue, as shown in the submitted plans.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	AU; GU; cemetery, vacant land	Low Medium Density Residential, 6-13 dua
North	AU; plant nursery	Low Medium Density Residential, 6-13 dua
South	GU; cemetery	Low Medium Density Residential, 6-13 dua
East	RU-1; single-family residences	Low Density Residential, 2.5-6 dua
West	GU; Florida Turnpike	Transportation

NEIGHBORHOOD CHARACTER:

The subject property is located at 13900 SW 117 Avenue on the west side of SW 117 Avenue. The Florida Turnpike lies to the west of the subject property, while a plant nursery exists to the north. A single-family residential neighborhood lies across SW 117 Avenue to the east of the subject property.

SUMMARY OF IMPACT:

The approval of this application will provide additional burial options to the community. However, the requested 8 stories / 90' height could have a negative visual impact on the surrounding area.

2

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The 36.02 acre subject property is located within the Urban Development Boundary (UDB) and is designated as **Low-Medium Density Residential** on the LUP map of the CDMP. The CDMP interpretative text states that, ***Cemeteries*** *may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.* Further, the subject property was granted approval for a cemetery and ancillary uses which included mausoleums and offices in conjunction with the cemetery. The applicant now seeks to permit a proposed 8-story mausoleum that will be located on the northwest portion of the site (Parcel 3), adjacent to the Florida Turnpike. Staff notes that the approval of this application will not change the existing cemetery use on the subject property. As such, staff opines that approval of same will be **consistent** with the CDMP Land Use Element interpretative text for the ***Residential Communities***, and the CDMP Land Use Plan map designation for the subject property.

ZONING ANALYSIS:

When request #1, to modify a condition of a prior resolution in order to allow the applicant to submit revised site plans showing a new 8-story / 90' high mausoleum building to a previously approved cemetery, is analyzed under Section 33-311(A)(7), **General Modification Standards**, staff opines that approval of the same would be **incompatible** with the surrounding area. Staff notes that the submitted plans show the 36.02 acre subject property comprised of three (3) parcels; Parcel I showing existing ground burials; Parcel II showing existing two 2-story / 31.10' high mausoleum buildings and ground burials; and Parcel III illustrating the requested 8-story mausoleum building located at the northwesternmost corner of the subject site along with ground burials. Said mausoleum will house 35,028 urns within 96,528 sq. ft. of building area. Although the submitted plans show that said mausoleum will be spaced 523' from the residential neighborhood located to the east across SW 117 Avenue, and will be spaced 471' from the residential neighborhood located to the west across the Florida Turnpike, staff is of the opinion that the proposed mausoleum building height of 8-story / 90' will be out of character with the area and will generate negative visual impacts on same. Additionally, staff opines that drivers along the Florida Turnpike will also be visually impacted by said 8-story / 90' high mausoleum, which will viewed by said drivers as a massive rectangular building measuring approximately 218' in width by 90' in height. Staff notes that there are no similar approvals of height requirements in the immediate vicinity. Staff further notes that the surrounding residential communities to the east and west have residences with a maximum height of 2-stories / 35'.

However, staff opines that a proposed mausoleum building with a height of 4-story / 44' would be more **compatible** with said residential communities. Additionally, the proposed landscaping in the form of trees and hedges would be sufficient to buffer adjacent residential land uses from a four story building. Therefore, staff opines that a proposed mausoleum building with a height of 4-stories / 44' would be more compatible with the approved and maximum allowed heights in the area.

The memoranda submitted by the Departments concerned with reviewing this application do not object to the proposed application. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application will not generate any new additional daily peak hour trips, will not exceed the acceptable level of service of the surrounding roadways and meets the traffic concurrency criteria for an Initial Development Order. The Division of Environmental Resources Management (DERM) of the RER indicates that the approval with conditions of the aforementioned request will not have an

unfavorable impact on the environmental resources of the County. Specifically, its memorandum indicates that a review of the application for compliance with the requirements of Chapter 24 of the Code indicated that the Level of Service standards as specified in the CDMP for potable water supply, wastewater disposal and flood protection are valid for this initial development order. However, the memorandum from the Miami-Dade Fire Rescue Department objects to the proposal because required information regarding apparatus set-up sites has not been submitted to the Department for review. Nevertheless, based on the aforementioned, staff opines that the proposed mausoleum as recommended by staff to be modified to a maximum height of 4-stories / 44' will not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the surrounding residential area. **Therefore, staff recommends modified approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards with the reduction of the mausoleum height to 4-story / 44'.**

When request #2, to permit a building height of 8 stories (2 stories maximum permitted) and a building height of 90' (35' maximum permitted), is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of this request would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and would be **incompatible** with the area. As previously mentioned, staff is of the opinion that the proposed mausoleum building's height of 8-stories / 90' will be out of character with the area, will generate negative visual impacts on same and will visually impact drivers along the Florida Turnpike. Staff notes that there are not any similar approvals of height requirements in the immediate vicinity. However, staff opines that a proposed mausoleum building with a height of 4-stories / 44' would be more **compatible** with the residential communities to the east and west, which have approved heights of 2-stories / 35'. Additionally, abundant landscaping in the form of trees and hedges shown in the submitted plans, in staff's opinion, would be sufficient to buffer adjacent residential land uses and will not create any negative visual impact to the surrounding area with reduced height of 4-stories / 44' for the proposed mausoleum. **As such, staff recommends modified approval with conditions of request #2 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations to permit the mausoleum with a height of 4-stories / 44'.**

ACCESS, CIRCULATION AND PARKING: N/A.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Modified approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #7696, last modified by Condition #2 of Resolution #Z-5-11 remain in full force and effect, except as herein modified.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, sheets A-100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped

received 4/7/14 for a total of 17 sheets, except as herein modified to show the mausoleum with a maximum height of 4-stories / 44'.

3. That the height of the proposed mausoleum be limited to a maximum height of 4 stories / 44'.

4. That the proposed landscaping be installed prior to obtaining the final permit approval or the issuance of a Certificate of Use (CU) for the mausoleum.

5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:MW:NN:CH:JV

Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Regulatory and Economic Resources Department

ZONING RECOMMENDATION ADDENDUM

Northstar Graceland, LLC
Z14-032

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	Objects
Police	No objection
Schools	No comment

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Low Medium Density Residential (Pg. I-29)	*The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for* ***Low Medium Density Residential****. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.*
Public Facilities (Pg. I-34)	*Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, cell antenna, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or Business and Office areas. Cemeteries may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards.	*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 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.*
33-311(A)(4)(b)	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications*

ZONING RECOMMENDATION ADDENDUM

Northstar Graceland, LLC
Z14-032

Non-Use Variances From Other Than Airport Regulations	*for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*

C. NORTHSTAR GRACELAND, LLC
(Applicant)

15-3-CC-1 (14-032)
BCC/District 08
Hearing Date: 04/23/15

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:

Year	Applicant	Request	Board	Decision
1954	William Dyer, Trustee	- Special Permit for Cemetery.	BCC	Approved
1978	Graceland Cemeteries Inc.	- Special Exception to permit a Cemetery. - Non-Use Variance of zoning regulations.	ZAB	Approved with Condition(s)
1979	Paradise Memorial Gardens, Inc.	- Special Exception to modify plans & Re-Subdivision. - Non-Use Variance of setback and zoning regulations.	ZAB	Approved with Condition(s)
1988	Pinelawn Memorial, Inc.	- Modification of Resolution. - Non-Use Variance's of setback. - Unusual Use for Entrance Feature.	ZAB	Approved with Condition(s)
1992	Osiris Holdings of Florida D/B/A Graceland Cemeteries, Inc. and Pinelawn Memorial, Inc.	- Special Exception to Re-Subdivision. - Non-Use Varianec's of zoning regulations. - Unusual Use for Entrance Feature. - Modification of Plans.	ZAB	Approved with Condition(s)
1994	Osiris Holdings	- Modification of Plans. - Non-Use Varianec's of zoning regulations & setback.	ZAB	Approved with Condition(s)

1997	Osiris Holdings of Fla	- Modification of condition of Resolution. - Zone change from Au to BU-1A. - Special Exception to expand a cemetery & funeral home. - Non-Use Varianec's of zoning regulations.	BCC	Approved with Condition(s)
2011	Northstar Graceland, LLC	- Zone change from BU-1A to GU. - Special Exception for cemetery. - Deletion of Agreement. - Modification of condition of Resolution.	BCC	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: 03/19/2015 **#Z-**

ITEM: 15-3-CC-1 (14-032)

APPLICANT: NORTHSTAR GRACELAND, LLC

MOTION: CANCELLED DUE TO LACK OF QUORUM/ RESCHEDULED TO 4/23/2015 AT 9:30 AM

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Levine Cava				
Diaz				
Edmonson				
Heyman				
Jordan				
Moss				
Sosa				
Souto				
Suarez				
Zapata				
Vice Chairman Bovo				
Chairman Monestime				
TOTAL				

Memorandum

MIAMI-DADE COUNTY

Date: October 23, 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: BCC #Z2014000032-2nd Revision
Northstar Graceland, LLC
13900 SW 117th Avenue, Miami, FL 33186
Modification of a previous resolution to add a mausoleum building to an existing cemetery.
(AU) (36.02 Acres)
13-55-39

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 would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management
Any redevelopment involving more than two (2) acres of impervious area 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. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

Site grading and development 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.

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
The proposed mausoleum building will not impact tree resources. Therefore, DERM has no objection to this zoning application, however please be advised that 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.

Enforcement History
The subject property has no open and three (3) 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

MIAMI-DADE COUNTY

Date: December 19, 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: Z2014000032
Name: Northstar Graceland, LLC
Location: 13900 SW 117 Avenue
Section 13 Township 55 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 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

MIAMI-DADE COUNTY

Date: May 7 , 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: Northstar Graceland, LLC (#14_032)

The Public Works and Waste Management Department, Waste Operations (PWWM) has no objections to the proposed application.

The applicant requests a modification of a previous resolution to add a mausoleum building to an existing cemetery located at 13900 SW 117 Avenue in Miami-Dade County, Florida. The application will have no PWWM impact or any associated costs.

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.

Memorandum

MIAMI-DADE COUNTY

Date: October 20, 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: Z2014000032: NORTHSTAR GRACELAND, LLC
Revised Plans Submitted Dated Stamped Received 9/26/2014

Application Name: NORTHSTAR GRACELAND, LLC

Project Location: The site is located at 13900 SW 117 AVE, Miami-Dade County.

Proposed Development: The request is for modification of plans to include an administrative office as an accessory use to a cemetery.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

REVISION 3

Memorandum

Date: 03-OCT-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2014000032

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 30, 2014.
OBJECTIONS:
The previous comment has still not been addressed.
Since the mausoleum is 90 feet in height, applicant must provide at least two Fire Department apparatus set-up sites, one on a short side of the structure and one on the long side of the structure.

Service Impact/Demand

Development for the above Z2014000032
located at 13900 SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1988 is proposed as the following:

N/A **residential**	dwelling units	N/A **industrial**	square feet
N/A **Office**	square feet	N/A **institutional**	square feet
N/A **Retail**	square feet	N/A **nursing home/hospitals**	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: ___ minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 43 - Richmond - 13390 SW 152 Street
Rescue, ALS 65 feet Aerial, TRT

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 27-JAN-15

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

NORTHSTAR GRACELAND, LLC	13900 SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2014000032

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NIEGHBORHOOD REGULATIONS CASES, FOR FOLIO NUMBERS 30-5924-000-0051, 30-5913-000-0033, AND 30-5913-000-0032.
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REGULATIONS CASES FOR FOLIO NUMBERS 30-5924-000-0051, 30-5913-000-0033, AND 30-5913-000-0032

NORTHSTAR GRACELAND, LLC

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

NONE

REPORTER NAME:

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Northstar Graceland, LLC

NAME AND ADDRESS	Percentage of Stock
William Hamilton	20%
Brian Sullivan	20%
Deborah Gilmore	20%
Alan Teal	20%
Detlef Taylor	20%

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

RECEIVED
214-032
FEB 07 2014
CURRENT PLANNING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percent of Ownership

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER:_____

NAME ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract:_____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

_____

_____

_____

_____

_____

RECEIVED
214-032
APR 07 2014
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: XH

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in his application to the best of my knowledge and belief.

Signature:_____
(Applicant)

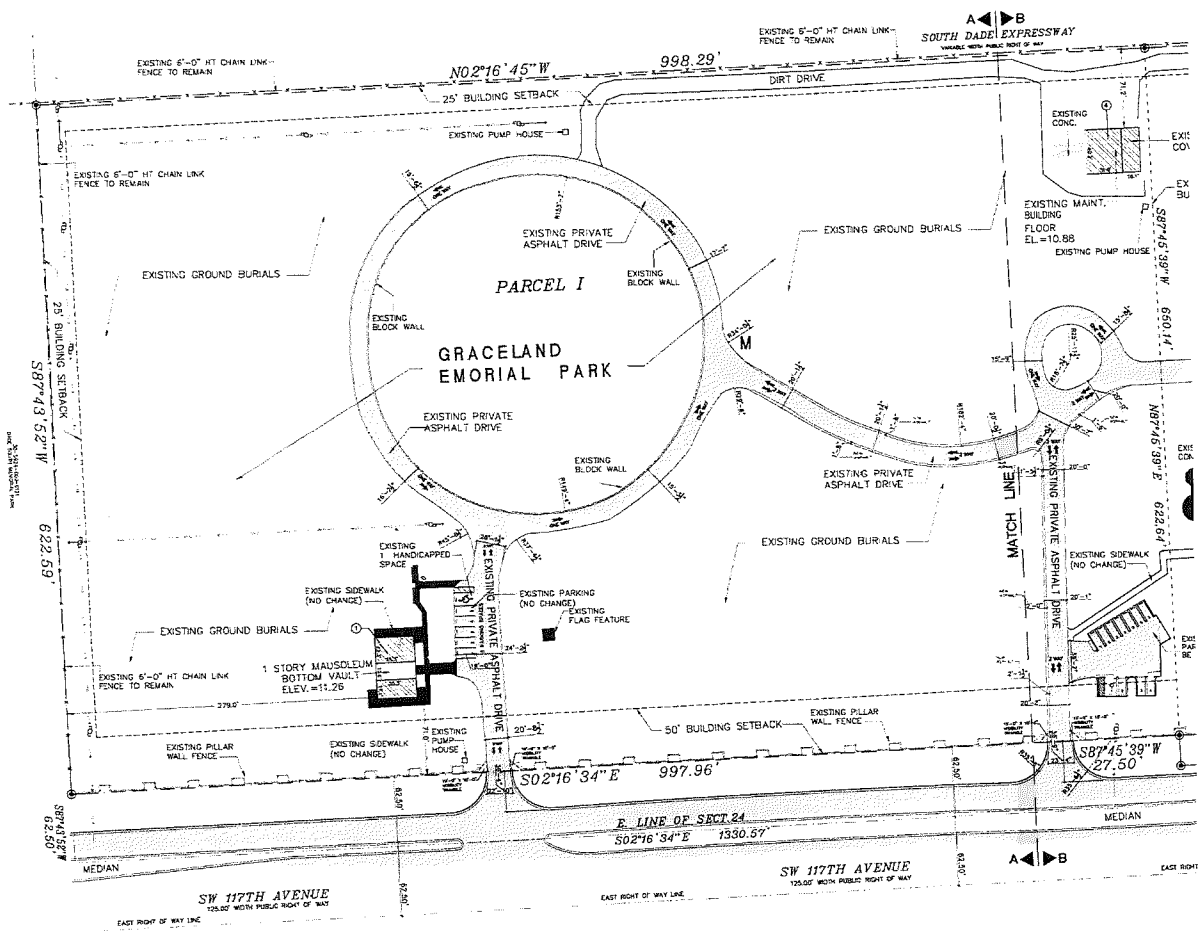
Sworn to and subscribed before me this 6 day of MARCH 2014. Affiant is personally known to me or has produced PERSONALLY KNOWN as identification.

_____
(Notary Public)

NESTOR SEIJO
Notary Public - State of Florida
My Comm. Expires Jul 21, 2016
Commission # EE 183727
Bonded Through National Notary Assn.

My commission expires_____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.



SITE PLAN 'A-A' (SOUTH AREA)

SCALE: 1"=50'

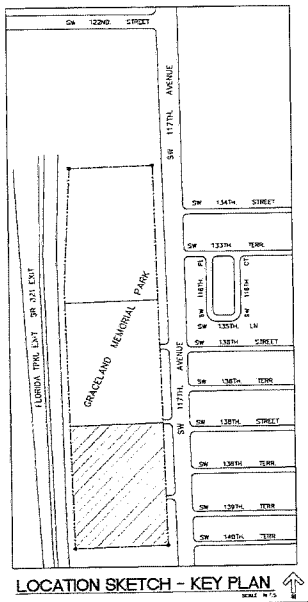
SIGNS AND GATES RESOLUTION APPROVAL No. 4-248-265-92

LEGAL DESCRIPTION:

PARCEL I:
PARCEL A
ALL OF "RICHMOND CEMETERY OF PARADISE MEMORIAL GARDENS" ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO DESCRIBED AS A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1330.57 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN SOUTH 87° 43' 52" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 622.50 FEET TO A POINT 622.50 FEET MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTH 87° 43' 52" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 622.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST DADE EXPRESSWAY (STATE ROAD #826); THENCE RUN NORTH 02° 16' 45" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST DADE EXPRESSWAY FOR A DISTANCE OF 998.29 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN NORTH 87° 46' 59" EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 660.14 FEET; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 622.61 FEET TO A POINT 622.50 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST ¼ OF THE SAID SECTION 24; THENCE RUN SOUTH 87° 46' 59" WEST PARALLEL TO THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 660.14 FEET TO THE POINT OF BEGINNING.

PARCEL II
PARCEL A
A PORTION OF THE SOUTHEAST ¼ OF SECTION 13 AND A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, ALL IN TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SECTION 24; THENCE SOUTH 87° 46' 15" WEST ALONG THE NORTH LINE OF SAID SECTION 24, FOR 35.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE FOR THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED;
THENCE SOUTH 02° 16' 34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE FOR 332.45 FEET; THENCE SOUTH 87° 43' 39" WEST FOR 610.13 FEET ALONG THE SOUTH LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, TO THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 826, ALSO KNOWN AS HOMESTEAD EXTENSION TO THE FLORIDA TURNPIKE; THENCE NORTH 02° 16' 34" WEST FOR 330.76 FEET; THENCE NORTH 02° 16' 45" WEST FOR 330.80 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE LAST TWO MENTIONED COURSES BEING COINCIDENT WITH THE SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 826; THENCE NORTH 87° 46' 59" EAST FOR 649.95 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE; THENCE SOUTH 02° 16' 34" EAST FOR 330.99 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL III:
A PORTION OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 55 SOUTH, RANGE 39 EAST; THENCE SOUTH 87 DEGREES 46 MINUTES 53 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 13, 35.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 117TH AVENUE; THENCE NORTH 02 DEGREES 16 MINUTES 34 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF SOUTHWEST 117TH AVENUE FOR 332.76 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE SOUTH 87 DEGREES 46 MINUTES 53 SECONDS WEST FOR 649.85 FEET TO THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 826, ALSO KNOWN AS HOMESTEAD EXTENSION TO FL TURNPIKE; THENCE NORTH 02 DEGREES 16 MINUTES 45 SECONDS WEST 332.84 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 52 SECONDS EAST FOR 649.59 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1342.39 FEET, DELTA 3 DEGREES 23 MINUTES 17 SECONDS FOR AN ARC DISTANCE OF 80.16 FEET TO A POINT OF SAID CURVE, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A FLORIDA POWER AND LIGHT COMPANY RIGHT-OF-WAY (160 FEET WIDE); THENCE LAST THREE MENTIONED COURSES BEING COINCIDENT WITH SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 826; THENCE NORTH 87 DEGREES 46 MINUTES 53 SECONDS EAST ALONG THE SOUTHERLY LINE OF A FLORIDA POWER AND LIGHT COMPANY RIGHT-OF-WAY FOR 605.36 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 117TH AVENUE; THENCE SOUTH 2 DEGREES 16 MINUTES 34 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF SOUTHWEST 117TH AVENUE FOR 837.82 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



LOCATION SKETCH - KEY PLAN

RECEIVED
214-032
APR 07 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

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W www.axioma3.com

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MIAMI FL 33126

PROJECT
MEMORIAL NECROPOLI MAUSOLEUM AT GRACELAND MEMORIAL PARK
12986 SW 117th Ave
Miami, FL 33186

CONSULTANTS
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MIAMI FLORIDA 33155
TEL 305 661 1855
FAX 305 661 1885
LC 26000479

REVISIONS

DATE: 03.10.14

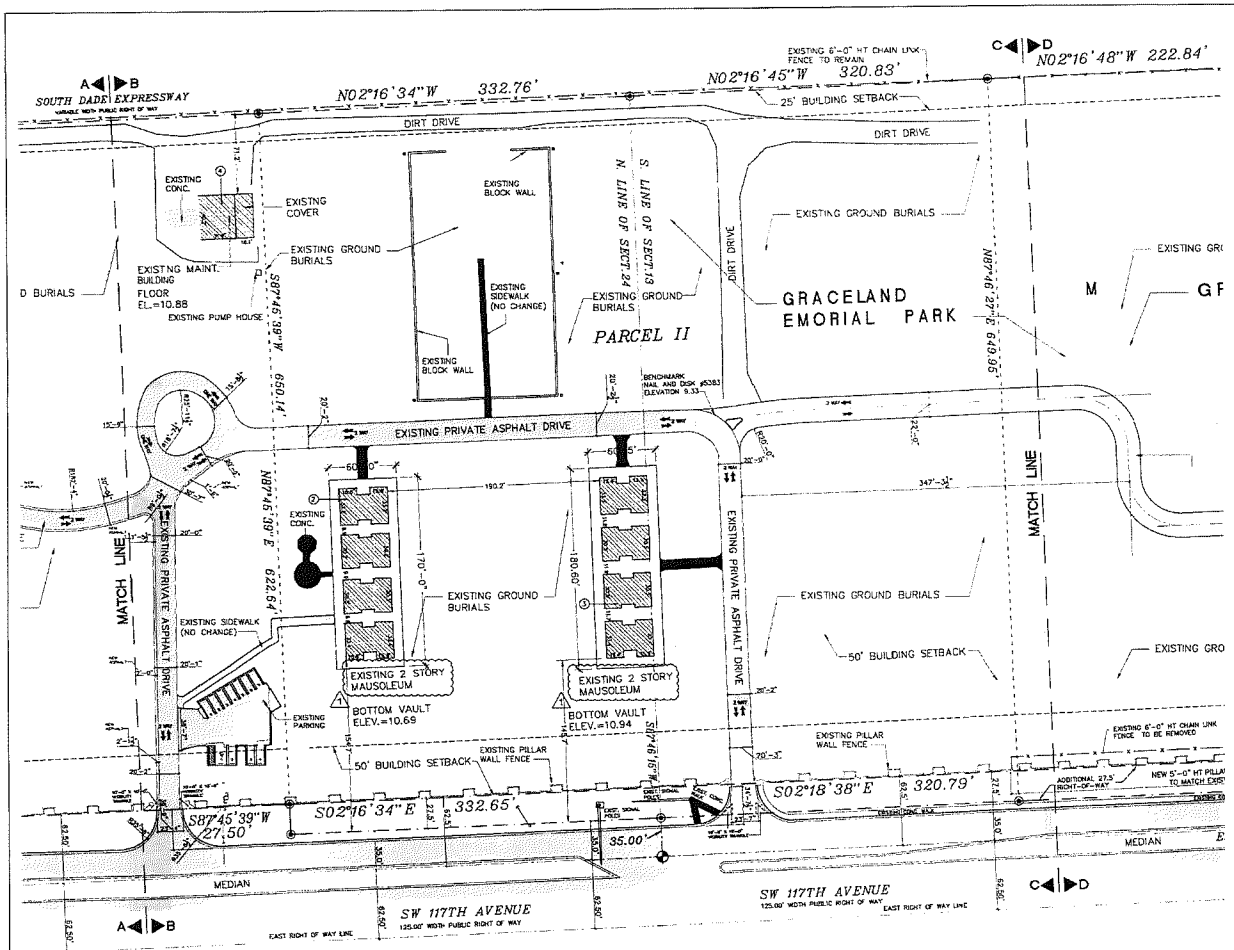
Corporate No: AA8002272
Eduardo Castineira, AIA AR14049

ORIGINAL SHEET SIZE

PARTIAL SITE PLAN

SCALE AS SHOWN

SHEET NO. A-100



SITE PLAN 'B-C' (MID- AREA)

SCALE: 1"=50'

SIGNS AND GATES RESOLUTION APPROVAL No. 4-ZAB-265-92

RECEIVED 214-032 MAY 23 2014 MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES By:

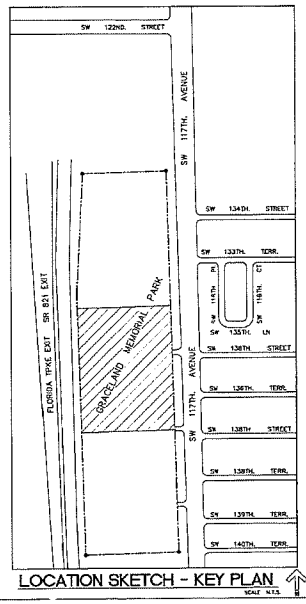
RECEIVED 214-032 MAY 23 2014

LEGAL DESCRIPTION:

PARCEL I:
PARCEL "A" TWO-FOUND CEMETERY OF PARADISE MEMORIAL GARDENS" ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, PAGE 36, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO DESCRIBED AS:
A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 02° 16' 34" EAST ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1330.57 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN SOUTH 87° 42' 57" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 62.50 FEET TO A POINT 62.50 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24, AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE SOUTH 87° 42' 57" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1263.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE WEST SPADE EXPRESSWAY (STATE ROAD #821); THENCE, RUN NORTH 02° 16' 34" EAST ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF THE WEST DADE EXPRESSWAY FOR A DISTANCE OF 1346.29 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE NORTH 1/2 OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24; THENCE RUN NORTH 87° 45' 39" EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF THE NORTH 1/2 OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 1262.84 FEET TO A POINT 62.50 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE NORTHEAST ¼ OF THE SAID SECTION 24; THENCE RUN SOUTH 02° 16' 34" EAST ALONG A LINE PARALLEL TO THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 24 FOR A DISTANCE OF 997.55 FEET TO THE POINT OF BEGINNING.

PARCEL II:
PARCEL "B"
A PORTION OF THE SOUTH-EAST ¼ OF SECTION 13 AND A PORTION OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, ALL IN TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SECTION 24; THENCE SOUTH 89° 46' 12" WEST ALONG THE NORTH LINE OF SAID SECTION 24 FOR 33.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE FOR THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED;
THENCE SOUTH 02° 16' 34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE FOR 332.65 FEET; THENCE SOUTH 87° 45' 39" WEST FOR 850.13 FEET ALONG THE SOUTH LINE OF THE NORTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24, TOWNSHIP 55, SOUTH, RANGE 39 EAST, TO THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 821, ALSO KNOWN AS HOMESTEAD EXTENSION TO THE FLORIDA TURNPIKE; THENCE NORTH 02° 16' 34" WEST FOR 332.76 FEET; THENCE NORTH 02° 16' 45" WEST FOR 320.83 FEET (SAID LAST TWO MENTIONED COURSES BEING CONCURRENT WITH THE SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 821); THENCE NORTH 87° 46' 27" EAST FOR 849.99 FEET TO THE SAID WEST RIGHT LINE OF S.W. 117TH AVENUE; THENCE SOUTH 02° 18' 38" EAST FOR 320.79 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF S.W. 117TH AVENUE, TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL III:
A PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 55 SOUTH, RANGE 39 EAST; THENCE SOUTH 87 DEGREES 46 MINUTES 15 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 13, 35.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 117TH AVENUE; THENCE NORTH 02 DEGREES 16 MINUTES 34 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 1330.57 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN AFTER DESCRIBED; THENCE SOUTH 87 DEGREES 48 MINUTES 27 SECONDS WEST FOR 849.85 FEET TO THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821, ALSO KNOWN AS HOMESTEAD EXTENSION TO FL. TURNPIKE; THENCE NORTH 02 DEGREES 16 MINUTES 34 SECONDS WEST 2222.84 FEET; THENCE NORTH 01 DEGREES 43 MINUTES 15 SECONDS EAST FOR 215.86 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1342.39 FEET; DELTA 13 DEGREES 23 MINUTES 15 SECONDS FOR A DISTANCE OF 313.79 FEET TO A POINT OF TANGENCY; THENCE NORTH 15 DEGREES 06 MINUTES 49 SECONDS EAST FOR 1478.96 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1382.39 FEET; DELTA 13 DEGREES 23 MINUTES 15 SECONDS FOR A DISTANCE OF 323.19 FEET TO A POINT OF TANGENCY; THENCE NORTH 02 DEGREES 16 MINUTES 34 SECONDS EAST FROM THE CENTER OF SAID CURVE (SAID LAST THREE MENTIONED COURSES BEING CONCURRENT WITH SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 821); THENCE NORTH 87 DEGREES 03 MINUTES 53 SECONDS EAST ALONG THE SOUTHERLY LINE OF A FLORIDA POWER AND LIGHT COMPANY RIGHT-OF-WAY FOR 662.36 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 117TH AVENUE; THENCE SOUTH 3 DEGREES 18 MINUTES 38 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF SOUTHWEST 117TH AVENUE FOR 827.82 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



LOCATION SKETCH - KEY PLAN

SCALE: N.T.S.

axioma3 | architects

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7418 S.W. 48th St.
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MIAMI, FL 33126

PROJECT

MEMORIAL NECROPOLI MAUSOLEUM
AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave
Miami, FL 33186

CONSULTANTS

LANDSCAPE ARCHITECT
LEWIS ADLER LANDSCAPE & ARCHITECTURAL DESIGN, INC
7408 SW 48th STREET
MIAMI, FLORIDA 33155
TEL: 305.661.1855
FAX: 305 661 1865
LC 26000419

REVISIONS

1 B.D.C. 05.01.14

DATE: 03.10.14

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MAY 01 2014

Corporate No: AA8002273
Eduardo Castineira, AIA AR14049

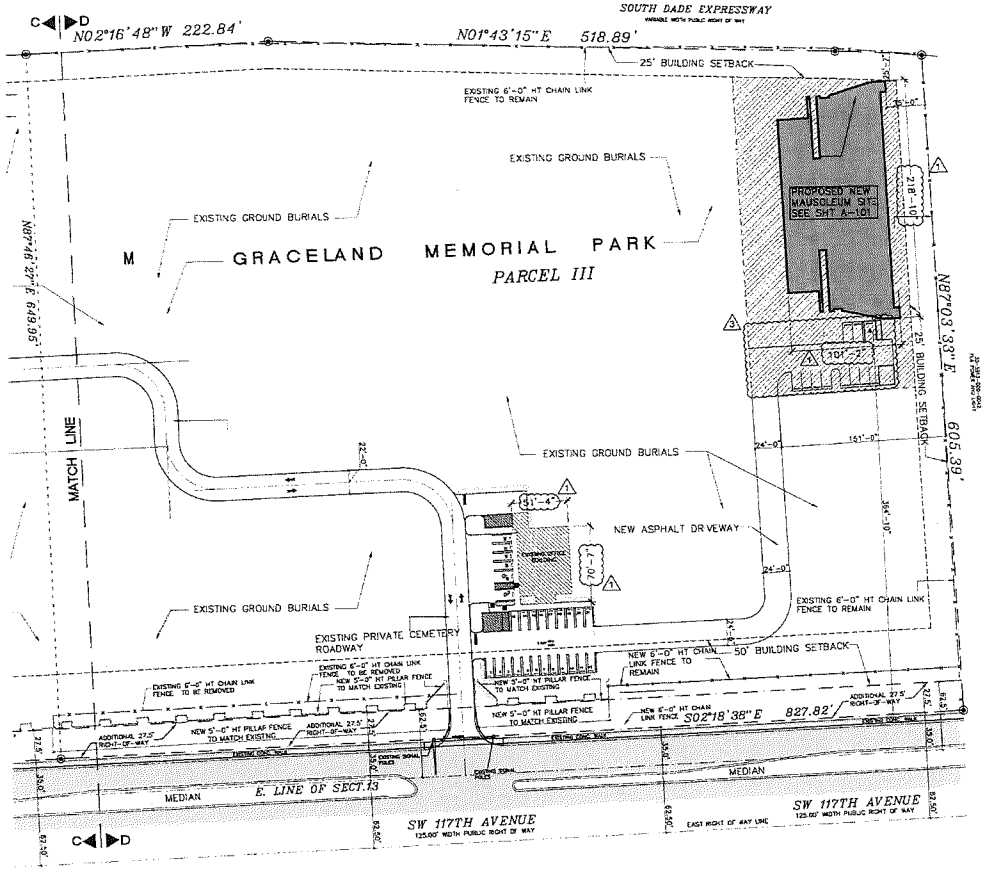
DISCIPLINE: SHEET TITLE

PARTIAL SITE PLAN

SCALE: AS SHOWN

SHEET NO.

A-100.1



SITE PLAN 'D-D' (NORTH AREA)

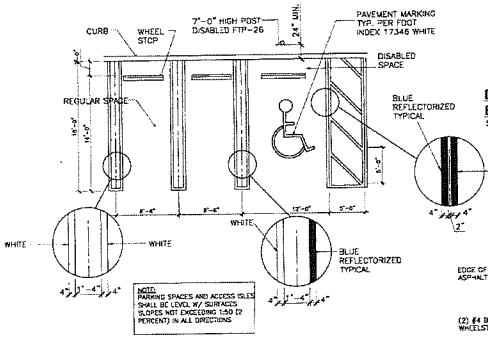
SCALE: 1"=50'

NOTES:

THE TOP PORTION OF FTP-26 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOLS AND BORDER

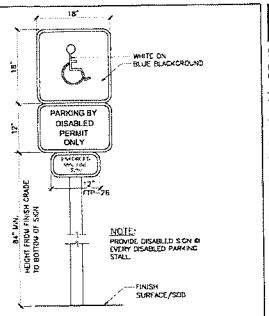
NOTES:

1.- DISABLED SIGN WILL BE OF F.D.O.T. (BLUE) COLOR
2.- PAVEMENT BORDER LINES (ONE ON EACH SIDE) OF THE DISABLE SPACE WILL BE OF A BLUE COLOR OF A QUALITY EQUIVALENT TO SUPER STRIPE TRAFFIC PAINT SOLD BY FOX VALLY SYSTEMS, INC. OF CARY, ILLINOIS. (PHONE 1.800.323.4770) SHALL BE STRIPED ON THE WEARING SURFACE OF EACH SPACE DESIGNED FOR THE DISABLE PARKING SPACE, ORDINANCE No. 1550
3.- ALL LETTERS IN MIDDLE PORTION OF SIGN ARE 1.5" SERIES AT 1.5" SPACING
4.- ALL LETTERS IN BOTTOM PORTION OF SIGN ARE 1" SERIES AT 1" SPACING
5.- MINIMUM FINE SHALL BE $250.00 PER ORDINANCE 2149



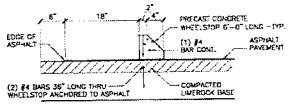
PARKING SPACES DETAILS

NOT TO SCALE



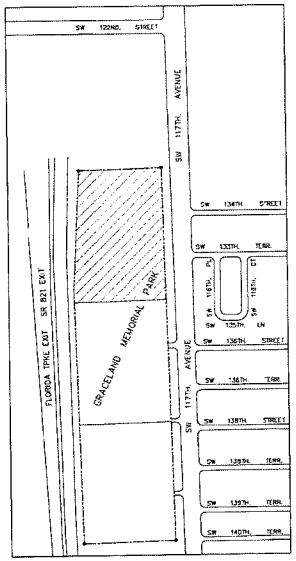
DISABLED SIGN DETAIL ELEVATION VIEW

SCALE 1"=1'-0"



CONCRETE WHEELSTOP

SCALE 1"=1'-0"



LOCATION SKETCH - KEY PLAN

SCALE N.T.S.

RECEIVED
214-032
SEP 26 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By AU

RECEIVED
214-032
SEP 26 2014

axioma3 | architects

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7416 S.W. 48th St.
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CLIENT / OWNER:

MEMORIAL INTERNATIONAL, LLC
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MIAMI, FL 33126

PROJECT:

MEMORIAL NECROPOLI MAUSOLEUM AT GRACELAND MEMORIAL PARK
12900 SW 117th Ave
Miami, FL 33186

CONSULTANTS:

LANDSCAPE ARCHITECT
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FAX 305 661 1865
LIC 26000479

REVISIONS:

1	B.D.C.	05.01.14
2	B.D.C.	05.28.14
3	B.D.C.	09.24.14

DATE: 03.10.14

9/24/14

Corporate No: AA0003273
Eduardo Castineira, AIA AR14040

PARTIAL SITE PLAN

SCALE: AS SHOWN

SHEET NO.

A-100.2

BUILDING AREA / URN CALCULATIONS:

	AREA (SF.)	URNS
GROUND LEVEL =	15,500	3,080
SECOND LEVEL =	10,468	4,564
THIRD LEVEL =	11,760	4,564
FOURTH LEVEL =	11,760	4,564
FIFTH LEVEL =	11,760	4,564
SIXTH LEVEL =	11,760	4,564
SEVENTH LEVEL =	11,760	4,564
EIGTH LEVEL =	11,760	4,564
TOTAL =	96,528	35,028

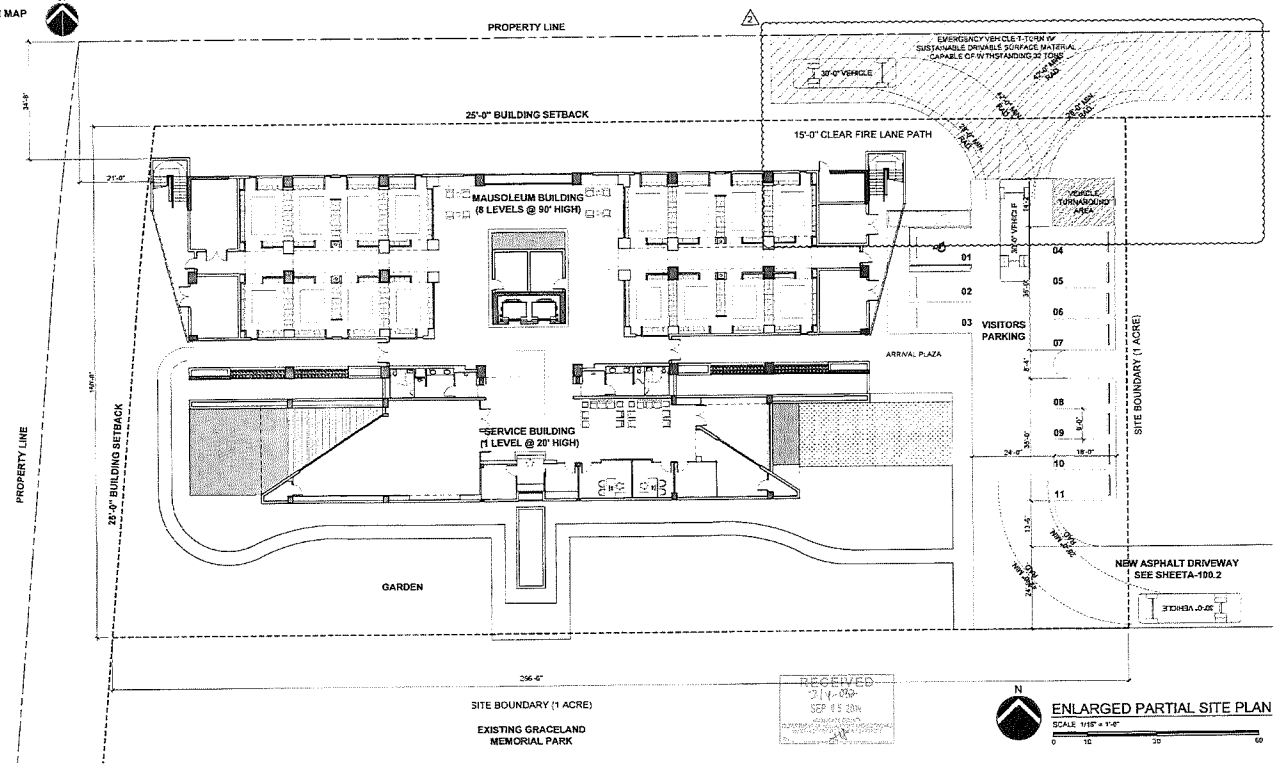
AERIAL LOCATION MAP
N.T.S.

PROJECT DATA

DESCRIPTION	AREA	% OF LOT COVERAGE (NET)	REMARKS
ZONING DISTRICT (GU (INTERIM DISTRICT))			
GROSS AREA	N/A		
ACRES	35.57 AC		
NET AREA	1,549,009 SF	100 %	
BUILDING AREAS DESCRIPTION			
BUILDING No. 1(EXISTING MAUSOLEUM)	1,577 SF		
BUILDING No. 2(EXISTING FIRST FLOOR MAUSOLEUM)	10,750 SF		
BUILDING No. 3 (EXISTING FIRST FLOOR MAUSOLEUM)	11,564 SF		
BUILDING No. 4 (EXISTING MAINTENANCE BUILDING)	1,280 SF		
BUILDING No. 5 (EXISTING OFFICES)	3,345 SF		
BUILDING No. 6 (NEW MAUSOLEUM)	66,528 SF		
SUBTOTAL BUILDINGS COVERAGE AREA (EXISTING)	28,504 SF	1.84%	
SUBTOTAL BUILDINGS COVERAGE AREA (PROPOSED)	66,528 SF	4.29%	
TOTAL BUILDINGS COVERAGE AREA (EXISTING & NEW)	95,032 SF	6.13% (OK)	
LOT COVERAGE REQUIRED		15%	
IMPERVIOUS AREA (EXISTING)	126,422 SF	8.16%	INCLUDING ROADS, SIDEWALKS & BUILDINGS
IMPERVIOUS AREA (NEW)	151,850 SF	9.68%	INCLUDING ROADS, SIDEWALKS & BUILDINGS
PERVIOUS AREA (EXISTING)	1,440,584 SF	91.62 %	
PERVIOUS AREA (NEW)	1,417,120 SF	90.32 %	
MAXIMUM BUILDING HEIGHT	35'-0" (MAX.)	88'-0" (PROP.)	REQUEST FOR 53'-0" ADDITIONAL HEIGHT VARIANCE

INDEX OF DRAWINGS

A-000	COVER
A-100	PARTIAL OVERALL SITE PLAN
A-100.1	PARTIAL OVERALL SITE PLAN
A-100.2	PARTIAL OVERALL SITE PLAN
A-101	ENLARGED PARTIAL SITE PLAN / PROJECT DATA
A-200	GROUND LEVEL
A-201	SECOND LEVEL
A-202	TYPICAL LEVEL 3-8
A-300	BUILDING ELEVATIONS
A-301	BUILDING ELEVATIONS
A-302	BUILDING ELEVATIONS
A-303	SITE ELEVATION (NORTH)
A-400	SCHEMATIC BUILDING SECTION
L-0.1	EXISTING PARTIAL OVERALL LANDSCAPE PLAN
L-0.2	EXISTING PARTIAL OVERALL LANDSCAPE PLAN
L-0.3	EXISTING PARTIAL OVERALL LANDSCAPE PLAN
L-1	PLANTING PLAN
L-2	PLANTING SCHEDULE / DETAILS
L-3	PLANTING SPECIFICATIONS



ENLARGED PARTIAL SITE PLAN
SCALE: 1/16" = 1'-0"
0 10 30 60

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PROJECT
MEMORIAL NECROPOLI MAUSOLEUM AT GRACELAND MEMORIAL PARK
23900 SW 117th Ave
Miami, FL 33186

CONSULTANTS
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LC 26000479

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1 B.D.C. 05.01.14
2 B.D.C. 05.28.14

DATE: 03.10.14

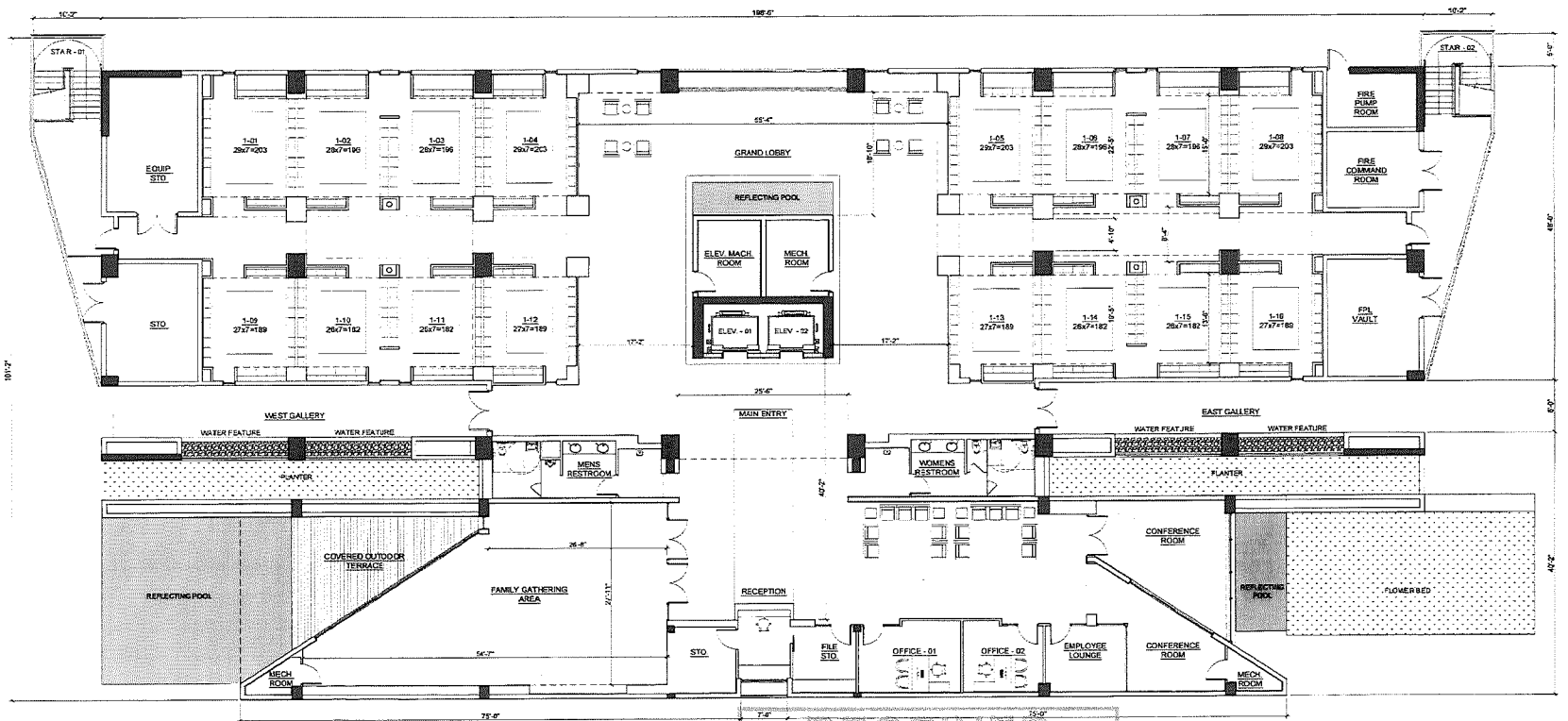
7/10/14

Corporate No: AA000227
Eduardo Castineira, AIA AR1404

ENLARGED PARTIAL SITE PLAN

SCALE: AS SHOWN

A-101



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GROUND LEVEL FLOOR PLAN
SCALE 1/8" = 1'-0"

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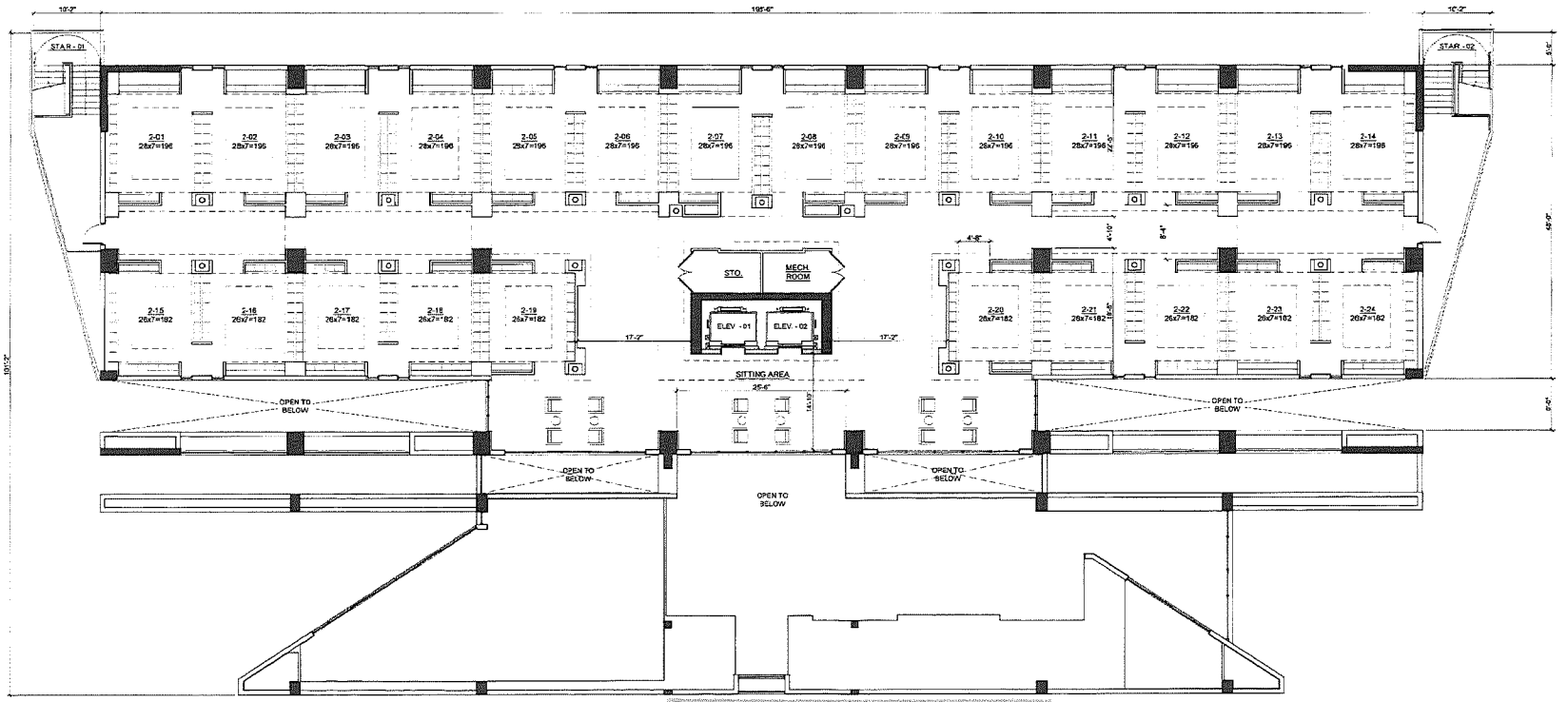
DATE: 03.10.14

Corporate No: AA0002273
Eduardo Castiñeira, AIA AR14049

SHEET TITLE:
OVERALL GROUND LEVEL FLOOR PLAN

SCALE: AS SHOWN

SHEET NO.
A-200



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SECOND LEVEL FLOOR PLAN
SCALE: 1/16" = 1'-0"
0 5 10 20

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MEMORIAL NECROPOLI MAUSOLEUM
AT GRACELAND MEMORIAL PARK
12530 SW 117th Ave.
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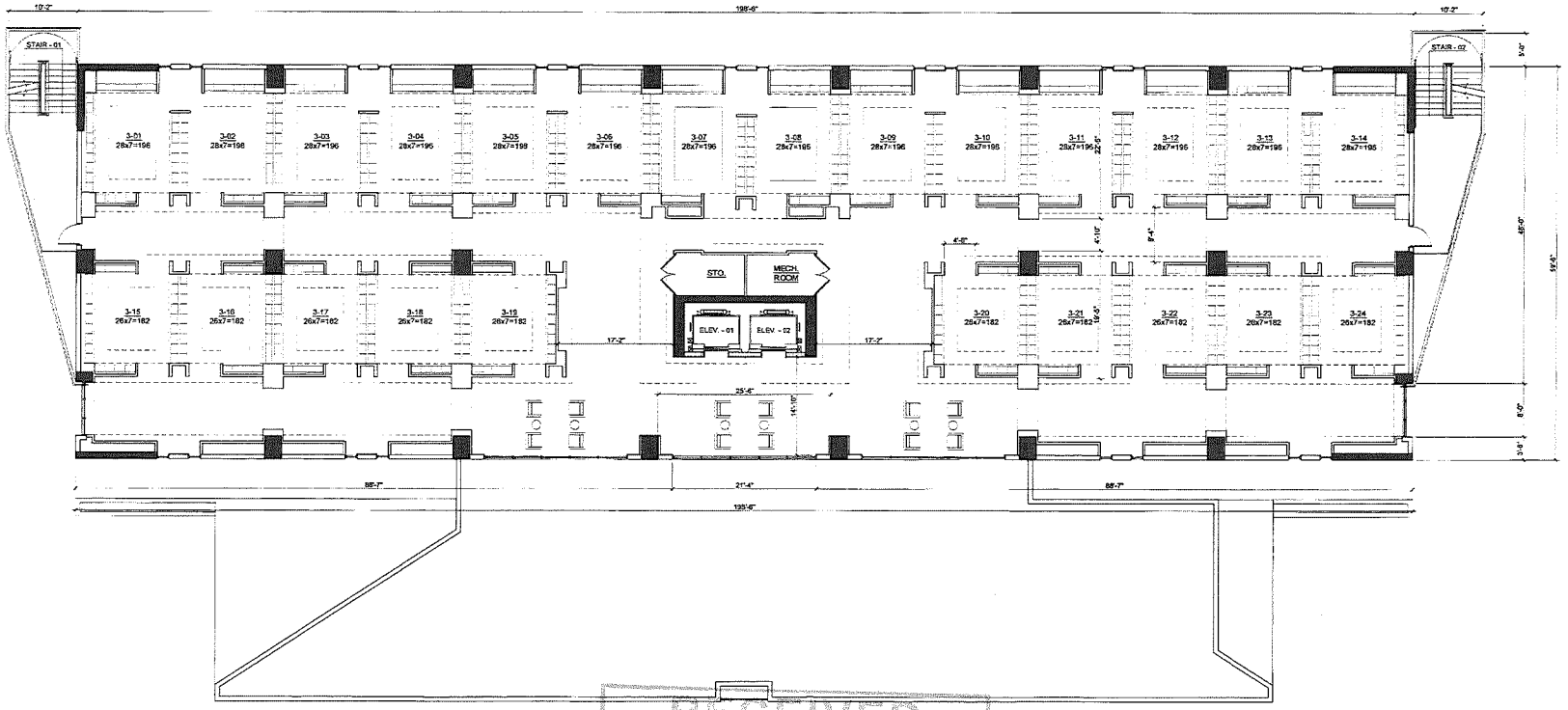
Eduardo Cestnieks, AIA AR14049

OVERALL SECOND LEVEL FLOOR PLAN

SCALE AS SHOWN

SHEET NO
A-201



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TYPICAL LEVEL (3-8)
FLOOR PLAN
SCALE: 1/8" = 1'-0"

0 5 10 20'

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PROJECT

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AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave
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Corporate No: AA0002273
Eduardo Castineira, AIA AR14043

DISCIPLINE / SHEET TITLE

OVERALL TYPICAL LEVEL
FLOOR PLAN

SCALE: AS SHOWN

SHEET NO.

A-202

28

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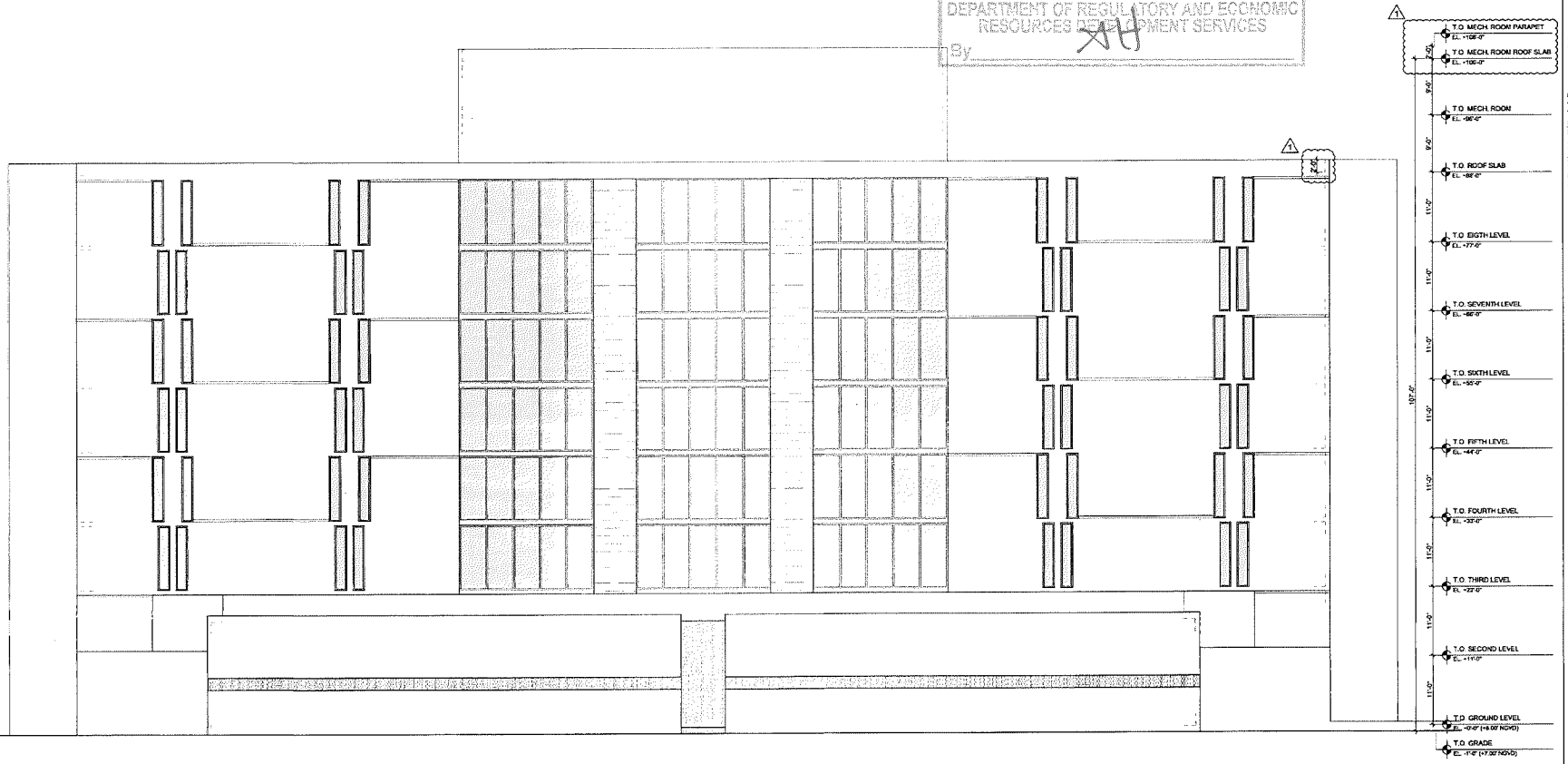

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SIDE ELEVATION (SOUTH)

SCALE: 3/16" = 1'-0"

0 5 10 20'

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PROJECT

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13300 SW 117th Ave.
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SCHEMATIC BUILDING SECTION

SCALE: AS SHOWN

DRAWING

A-301

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MAIN ENTRY ELEVATION (EAST)

SCALE: 3/16" = 1'-0"

0 5 10 20

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PROJECT

MEMORIAL NECROPOLI MAUSOLEUM
AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave.
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Corporate No: AA0002273
Eduardo Castiñeira, AIA AR14049

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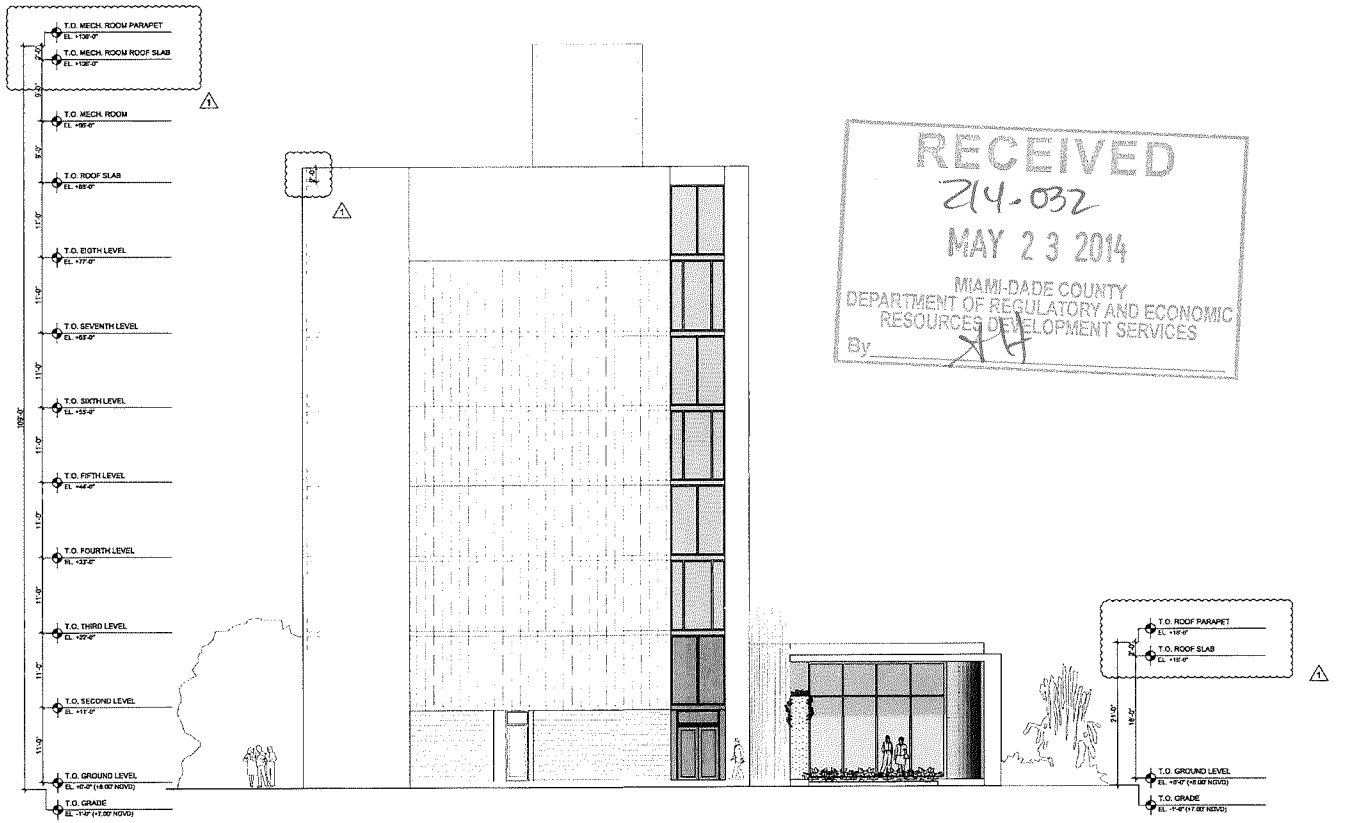
SCHEMATIC BUILDING SECTION

SCALE: AS SHOWN

SHEET NO.

A-300

30



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REAR ELEVATION (WEST)
SCALE: 3/16" = 1'-0"
0 5 10 20'

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13900 SW 117th Ave
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Eduardo Castineira, AIA AR14049

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SCHEMATIC BUILDING SECTION

SCALE: AS SHOWN

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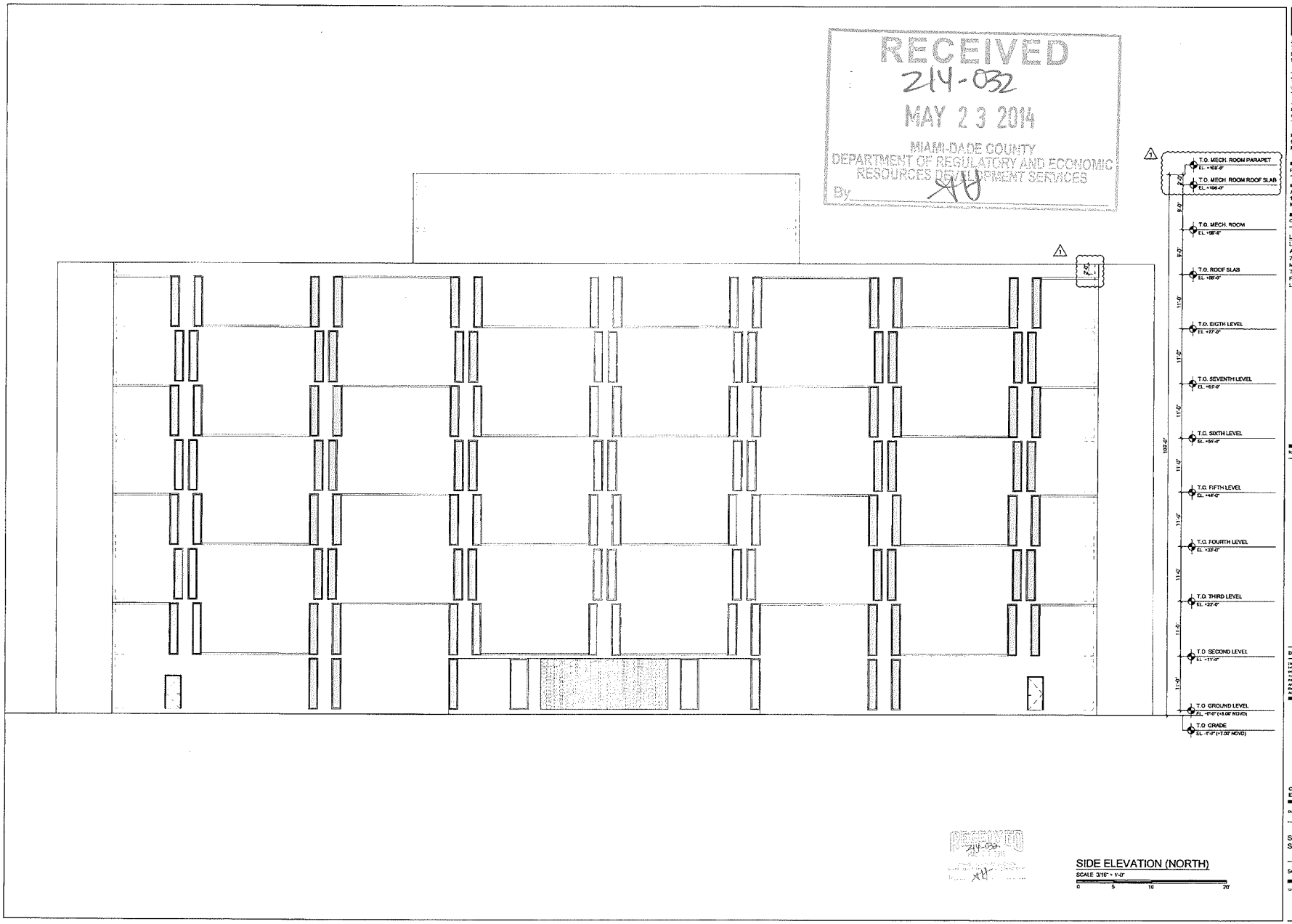
A-302



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SIDE ELEVATION (NORTH)
SCALE 3/16" = 1'-0"
0 5 10 20'

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MEMORIAL NECROPOLI MAUSOLEUM
AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave
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SCHEMATIC BUILDING SECTION

SCALE AS SHOWN

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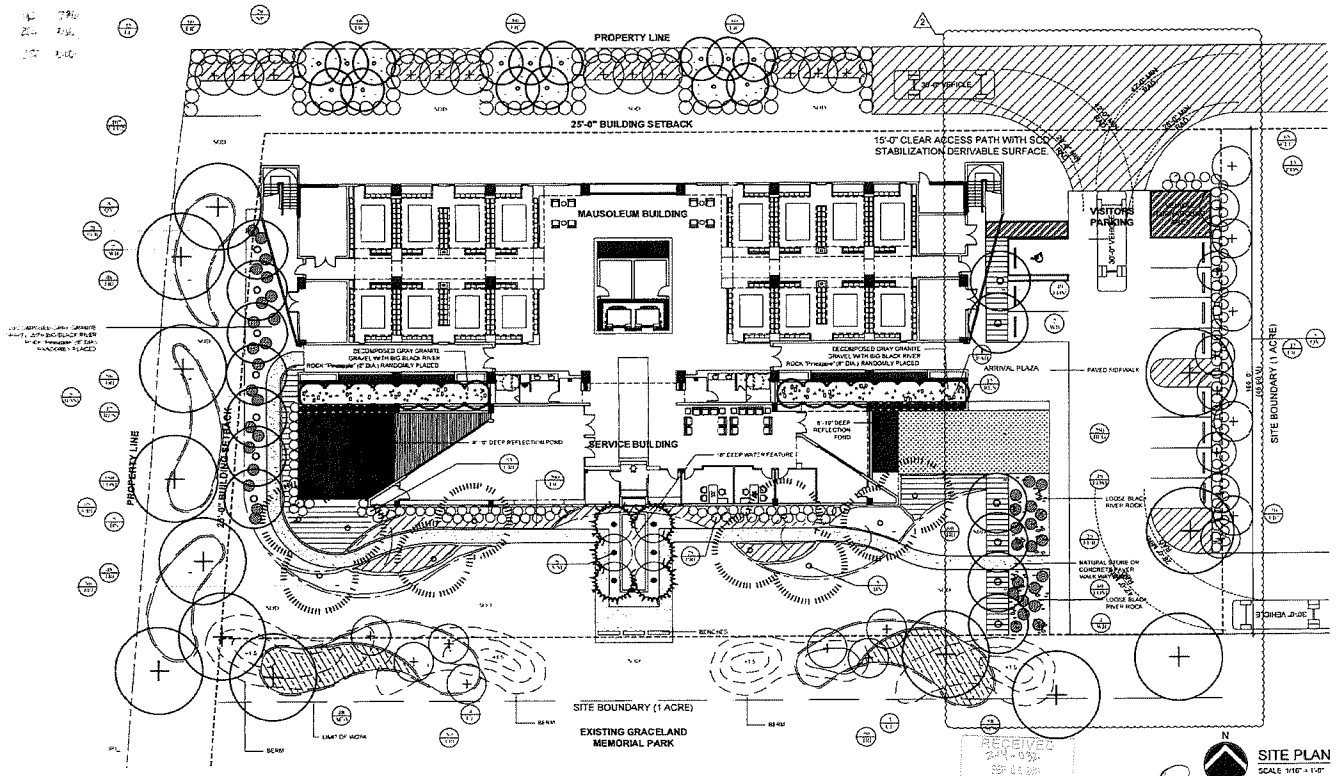
NOTE: This project encompasses 1 acre only of the existing 36 Acres Memorial Park. The landscape calculations are based on 1 acre.



SITE PLAN
SCALE 1/16" = 1'-0"

LEWIS AQÜÍ
LANDSCAPE · ARCHITECTURAL DESIGN, LLC

#666-7140
7-16-14

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PROJECT

MEMORIAL NECROPOLI MAUSOLEUM AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave
Miami FL 33186

CONSULTANTS

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Corporate No:
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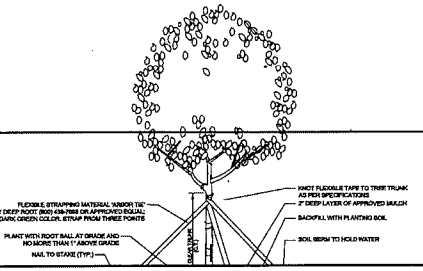
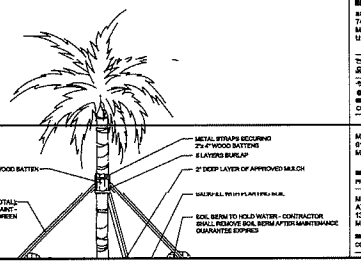
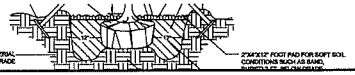
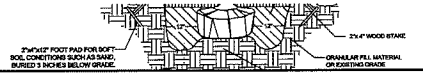
Planting plan

L-1 3









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TREE PLANTING & GUYING DETAIL

PALMS AND TREES

				INSTALLED HT. / CALIPER	HEIGHT AT	CANOPY	
WB	14	Wodyetia bifurcata	Fox Tail Palm	6"	30'	15'	No
BM	10	Bismarckia nobilis	Silver Bismarckia Palm	8-10'	40'	15'	No
VM	8	Veitchia montgomeriana	Montgomery Palm	4"	25'	15'	No

SHRUBS AND GROUNDCOVERS

FIC	612	Ficus microcarpa "Green Island"	Ficus Green Island	3 gal. 18" O.C.	N/A	Keep at 18" Hgt.	N/A	No
CLU2	107	Clusia guttifera	Small Leaf Clusia	15 gal. Full to base, Shrub Form	N/A	Keep at 6' Hgt.	N/A	Yes
CLU	65	Clusia guttifera	Small Leaf Clusia	7 gal. Full to base, Shrub Form	N/A	Kep at 30" Hgt.	N/A	Yes
FUR	43	Furcrea foetida	Giant False Agave	15 gal.	N/A	4'	N/A	No
BEG	430	Begonia spp.	Begonia "Joe Hayden"	3 gal 18" O.C.	N/A	18"-24"	N/A	No
TRI	342	Tripsacum dactyloides	Fakakatchee Grass	3 gal. 36" O.C.	N/A	36"	N/A	Yes
BAM	18	Bambusa textilis	Same	F.G. 20' OA Hgt	1" Canes	40'	10'	No
RUS	24	Ruellia aquasitiensis	Red Firecracker	7 gal.	N/A	24"	N/A	No
LOM	199	Lomandra spp.	Lomaera	3gal. 18" O.C.	N/A	18"	N/A	No
CRI	73	Crinum asiaticum	Crinum "Queen Emma"	7 gal. 5' x 3'	N/A	4'	N/A	No
ACA	106	Acalypha spp.	Louisiana Red	7 gal.	N/A	Keep at 4'	N/A	No

Landscape contractor to perform his own quantity take off. Any descrepancy in quantities/specifications should be called to the attention of LA

A new irrigation system plan will be prepared to rpovide 110% coverage to all planted areas.
The irrigation system will be designed to minimize the use of potable water and will be designed with separate hydrozones which will apply irrigation water to different plant types according to specific water requirements.
The system will meet the minimum requirements of local codes and regulations.

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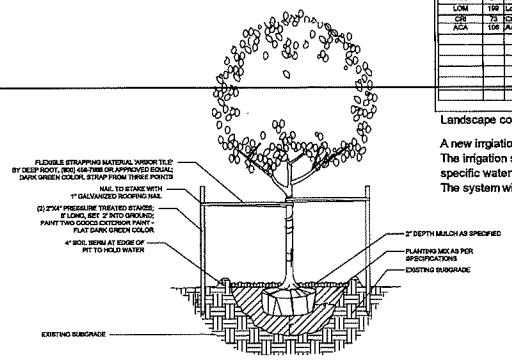
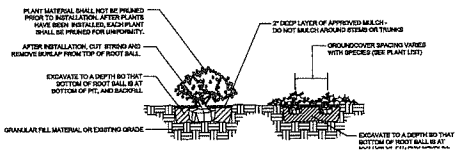


SPECIMEN TREE GUYING DETAIL



SHRUB & GROUNDCOVER PLANTING DETAIL

LEWIS AQUÍ
LANDSCAPE + ARCHITECTURAL DESIGN, INC.

LA06-7140 4.4.14

REVISIONS

DATE: 02.27.14

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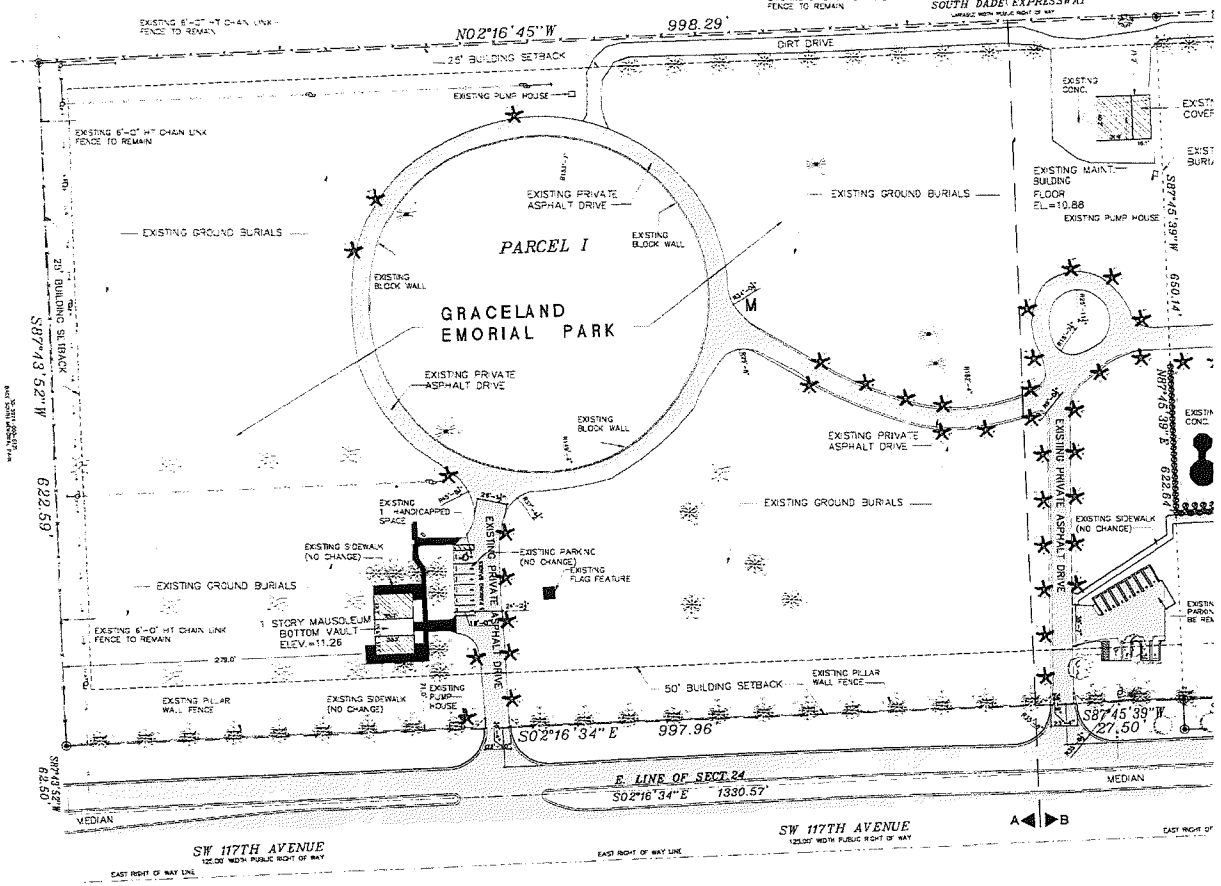
DRAWING / SHEET TITLE:

Planting details

SCALE: AS SHOWN

SHEET NO: L-2 OF: 3



LANDSCAPE PLAN 'A-A' (SOUTH AREA)

SCALE: 1"=50'

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST

SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE	SPECIFICATIONS
	TREES AND PALMS			
	SABAL PALMS	CABBAGE PALM	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	4" CALIP. - 15" HT
	SHRUBS AND EXOTICS			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GAL., 24" O.A.
STREET TREES	EXISTING TREES: 43 TOTAL: 75 TREES	LIVE OAK	YES	4" CALIP. - 12" HIGH AT TIME OF PLANTING STREET TREES AT 35'-0" O.C. MAX
	NEW TREES: 32			

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST

SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINNA BERRY TREE	
	HEDGE	

EXISTING TO REMAIN LANDSCAPE DATA

DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS	
STREET TREES				
2,480 LF / 35 O.C. = 71 TREES	71	75	PROVIDED	EXISTING 43 TREES
				NEW 32 TREES
STREET TREES SPECIFICATIONS				
4" CALIP. - 12" HIGH AT TIME OF PLANTING				
STREET TREES AT 35'-0" O.C. MAX				

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AH

LEWIS AQUÍ LANDSCAPE · ARCHITECTURAL DESIGN, LLC

666-7140
4-4-14

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mail@axioma3.com
www.axioma3.com
CLIENT: OWNER
MEMORIAL INTERNATIONAL USA, LLC
6131 BLUE LAGOON DR. SUITE 130
MIAMI, FL 33126

PROJECT:
MEMORIAL NECROPOLIS MAUSOLEUM AT GRACELAND MEMORIAL PARK
13390 SW 117th Ave
Miami, FL 33186

CONSULTANTS:
LANDSCAPE ARCHITECT
LEWIS AQUI LANDSCAPE & ARCHITECTURAL DESIGN, INC
7408 SW 48th STREET
MIAMI, FLORIDA 33155
TEL 305 661 1855
FAX 305 661 1855
LC 26000478

REVISIONS:

DATE: 03.10.14

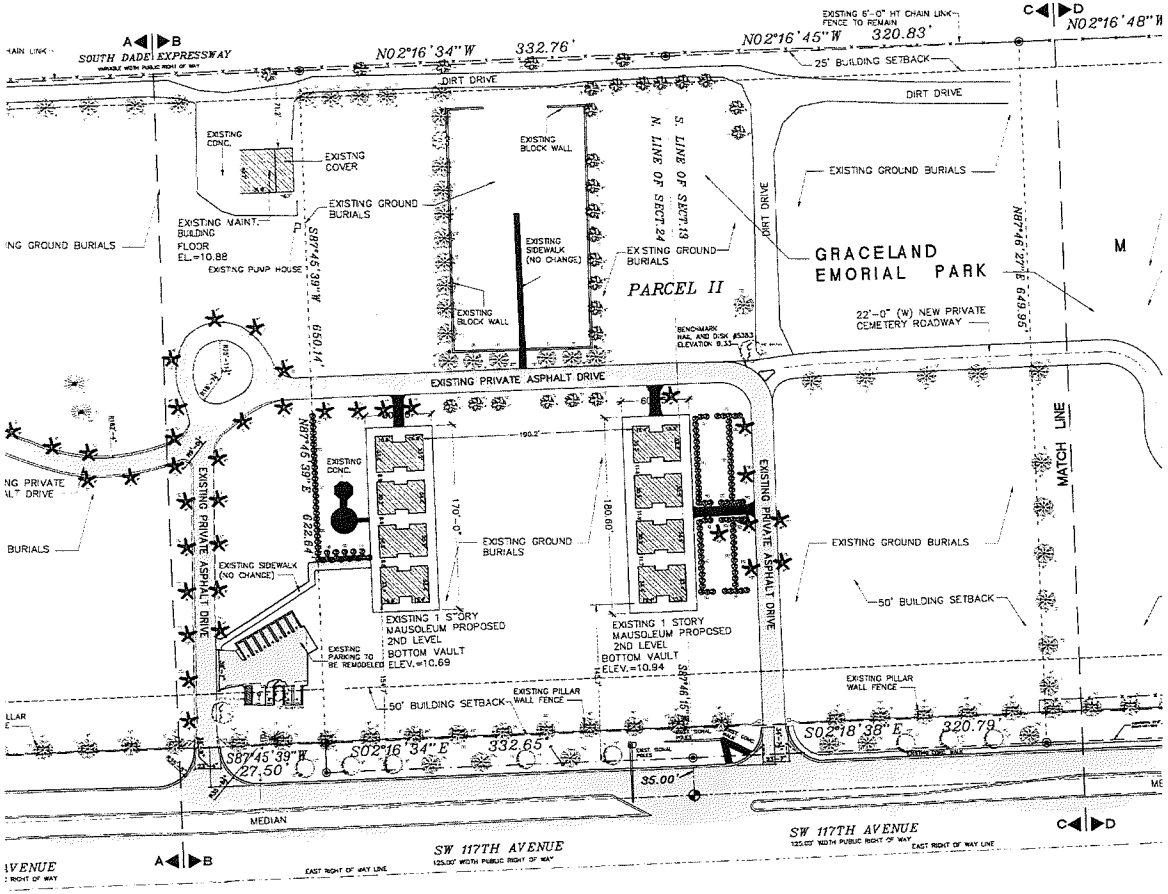
Corporate No: AA0002273
Eduardo Castineira, AIA AR14849

DRAWING TITLE:
Existing Planting Plan

SCALE: AS SHOWN

SHEET NO:
L-0.1

35



LANDSCAPE PLAN 'B-C' (MID- AREA)

SCALE: 1"=50'

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST				
SYMBOL	SCIENTIFIC NAME	COMMON NAME	NATIVE	SPECIFICATIONS
	TREES AND PALMS			
	SABAL PALMS	CABBAGE PALM	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	4" CALIP. - 15' HT
	SHRUBS AND EXOTICS			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GAL., 24" O.A.
STREET TREES	EXISTING TREES: 43 / NEW TREES: 32 — TOTAL: 75 TREES	LIVE OAK	YES	4" CALIP. - 12' HIGH AT TIME OF PLANTING STREET TREES AT 35'-0" O.C. MAX

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST		
SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINNA BERRY TREE	
	HEDGE	

EXISTING TO REMAIN LANDSCAPE DATA				
DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS	
STREET TREES				
2,480 LF / 35 O.C. - 71 TREES	71	75	PROVIDED	EXISTING 43 TREES
				NEW 32 TREES
STREET TREES SPECIFICATIONS				
4" CALIP. - 12' HIGH AT TIME OF PLANTING				
STREET TREES AT 35'-0" O.C. MAX				

RECEIVED
214-032
APR 07 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By

LEWIS AQÜÍ
LANDSCAPE - ARCHITECTURAL DESIGN, LLC

4.4.14
Cab 7140

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edo@axioma3.com
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CLIENT OWNER

MEMORIAL INTERNATIONAL LLC
6101 BLUE LAGOON DR SUITE 150
MIAMI FL 33126

PROJECT

MEMORIAL NECROPOLI MAUSOLEUM AT GRACELAND MEMORIAL PARK
13900 SW 117th Ave
Miami FL 33186

CONSULTANTS

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7408 SW 48th STREET
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TEL 305 661 1855
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LC 26000479

REVISIONS

214-032
AH

DATE: 03.10.14

Corporate No: AA0002273
Eduardo Castiñeira, AIA AR14049

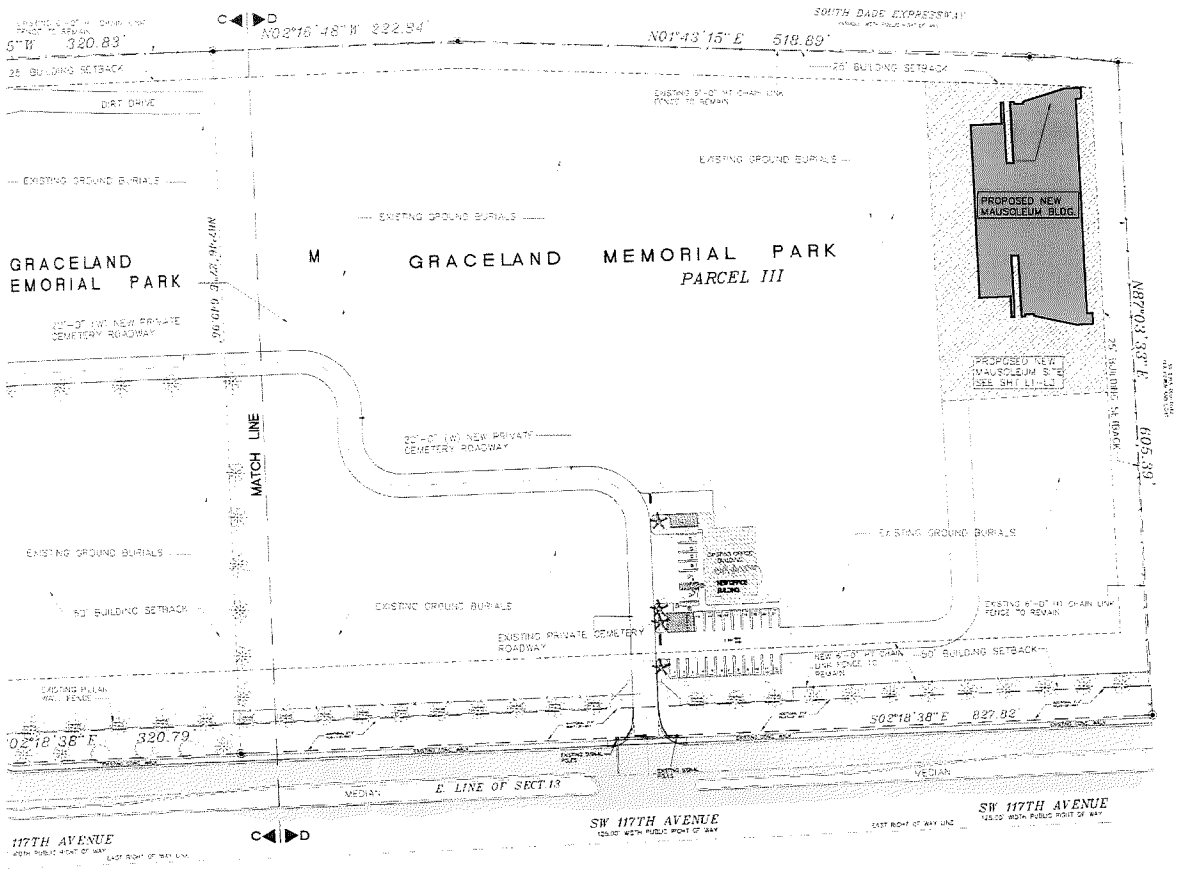
DISCIPLINE / SHEET TITLE

Existing Planting Plan

SCALE AS SHOWN

SHEET NO

L-0.2



LANDSCAPE PLAN 'D-D' (NORTH AREA)

SCALE: 1"=50'

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST

SYMBOL	IDENTIFYING NAME	BOTANICAL NAME	NATIVE	SPECIFICATION
	TREES AND PALMS			
	ROYAL PALMS	CARIBAEA ROYAL	YES	
	QUERCUS VIRGINIANA	LIVE OAK	YES	65 GALLON - 12'-14'
	SHRUBS AND HEDGES			
	CHRYSOBALANUS ICACO	COCOPLUM	YES	3 GALLON 24" O.A.
	EXISTING TREES AS STREET TREES NEW TREES AT	TOTAL 76 TREES	LIVE OAK	YES	65 GALLON - 12' HIGH AT TIME OF PLANTING STREET TREES AT 35'-0" O.C. MAX

N NEW ITEM
E EXISTING ITEM TO REMAIN
R EXISTING ITEM TO BE REMOVED
EL EXISTING ITEM TO BE RELOCATED
NOTE: STREET TREES SHALL BE PLANTED 35'-0" O.C. MAX

EXISTING TO REMAIN LANDSCAPE MATERIALS LIST

SYMBOL	COMMON NAME	REMARKS
	PALM TREE	
	PINE TREE	
	OAK TREE	
	BAY TREE	
	OLIVE TREE	
	CHINESE BERRY TREE	
	HEDGE	

EXISTING TO REMAIN LANDSCAPE DATA

DESCRIPTIONS	REQUIRED	PROVIDED	REMARKS
STREET TREES			
5,480 LF / 35 O.C. = 71 TREES	71	76	PROVIDED (EXISTING AS TREES)
STREET TREES SPECIFICATIONS			(NEW AS TREES)
65 GALLON - 12' (MIN) AT TIME OF PLANTING			
STREET TREES AT 35'-0" O.C. MAX			

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VENDOR: LANDSCAPE ARCHITECT
7418 BLUE LAGOON DR 10TH FLR
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PROJECT

GENERAL CONTRACTOR: MANOLO LEVY
27 CAMINO LAND DEVELOPMENT, INC.
10445 SW 69TH AVE
Miami, FL 33156

CONSULTANT

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LEWIS + AQÜÍ LANDSCAPE & ARCHITECTURAL DESIGN, INC.
7434 SW 48th STREET
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TEL 305 661 1360
FAX 305 661 1370
ID 0000401

ADDENDA

214-032

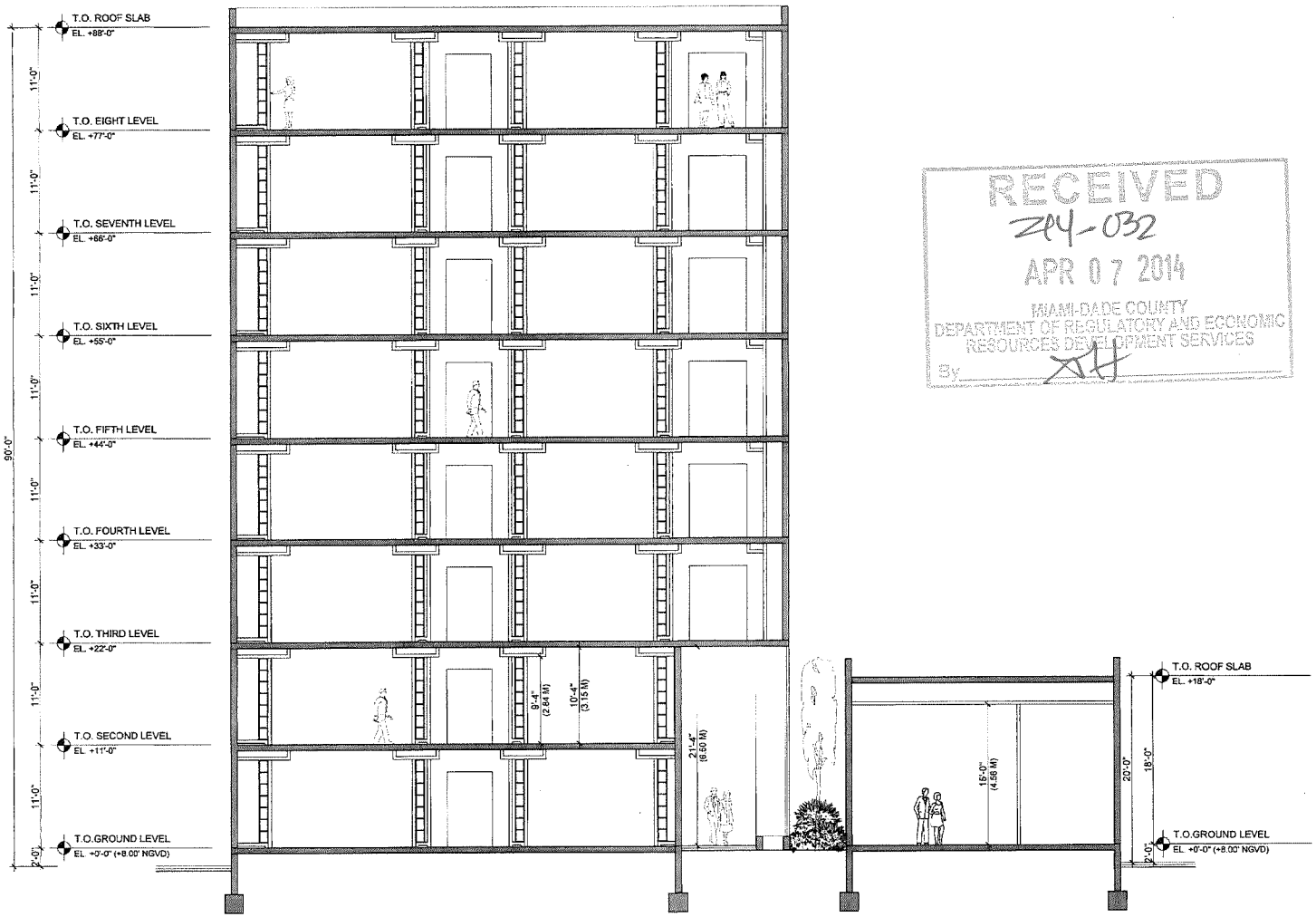
DATE: 02.19.14

Corporate No Eduardo Castineira, AIA AA0002273 AR14045

Existing Planting Plan

SCALE: AS SHOWN

L-0.3



SCHEMATIC BUILDING SECTION

SCALE 3/16" = 1'-0"

0 5 10 20'

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PROJECT

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LC 26000476

REVISIONS

14-032

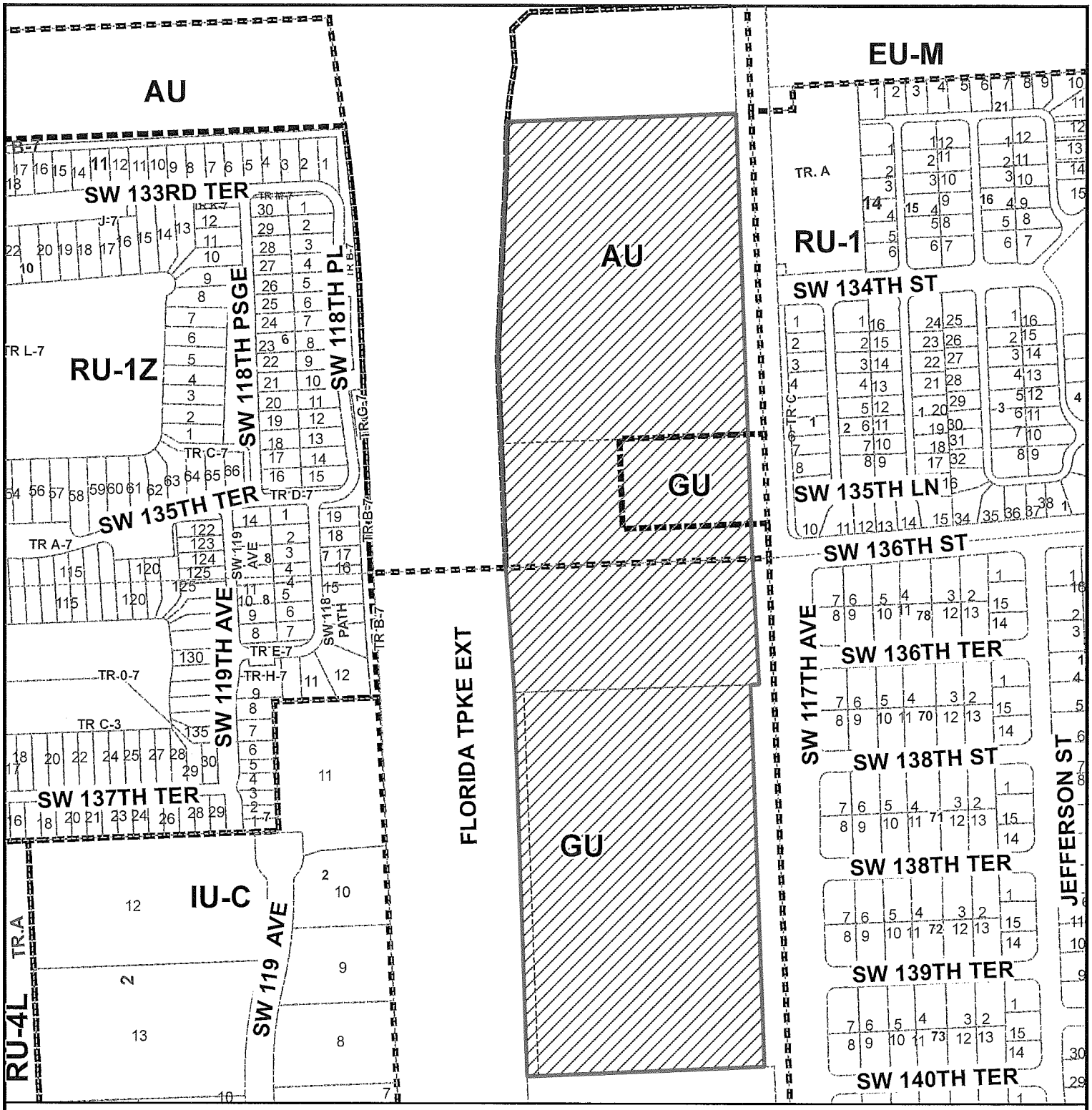
DATE: 03.10.14

Corporate No: AA0002273
Eduardo Castineira, AIA AR14049

SCHEMATIC BUILDING SECTION

SCALE AS SHOWN

A-400



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2014000032

Section: 13/24 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 8/9
Drafter ID: JEFFER GURDIAN
Scale: NTS

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, May 1, 2014

REVISION	DATE	BY

MIAMI-DADE COUNTY

AERIAL YEAR 2013

Process Number

Z2014000032

N
W E
S

Section: 13/24 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 8/9
Drafter ID: JEFFER GURDIAN
Scale: NTS

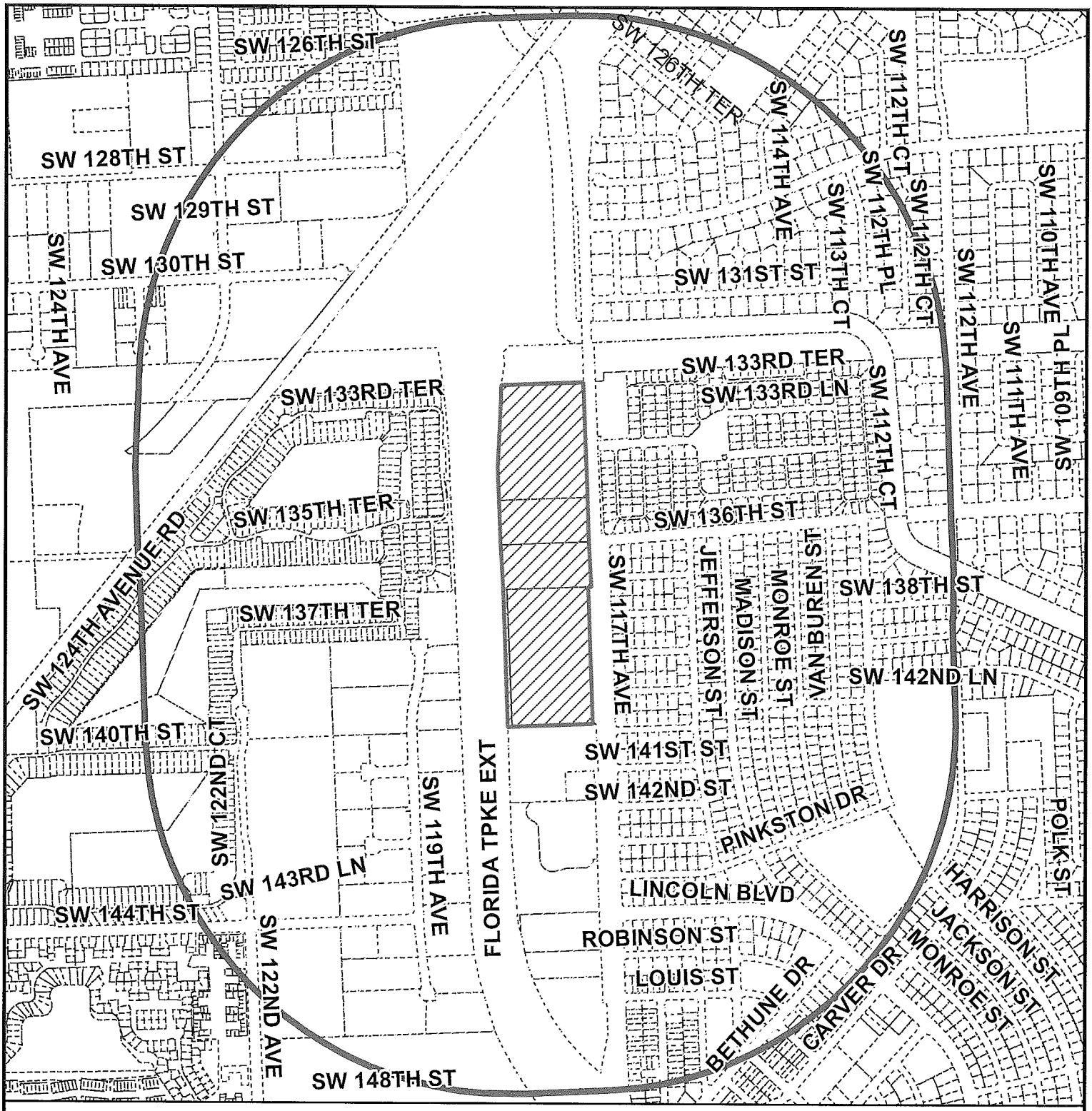
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, May 1, 2014

REVISION	DATE	BY
		39



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2014000032

RADIUS: 2640

Section: 13/24 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 8/9
Drafter ID: JEFFER GURDIAN
Scale: NTS

N
W E
S

Legend

Subject Property

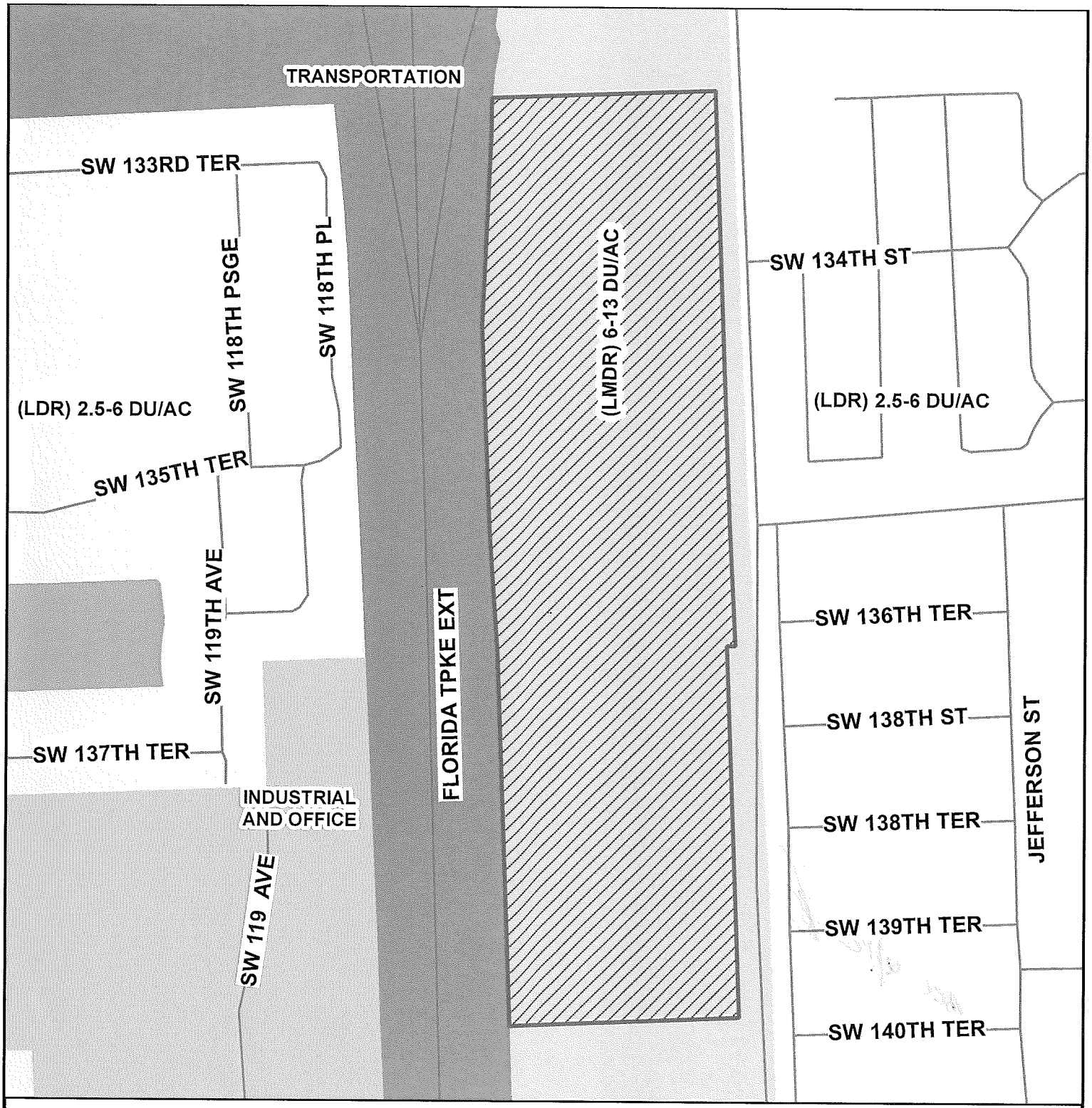
Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, April 30, 2014

REVISION	DATE	BY

40



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2014000032

N
W E
S

Section: 13/24 Township: 55 Range: 39
Applicant: NORTHSTAR GRACELAND, LLC
Zoning Board: BCC
Commission District: 8/9
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, May 1, 2014

REVISION	DATE	BY
		41