



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

DATE: APRIL 26, 2018
TIME OF MEETING: 9:30 AM

<u>DEFERRED:</u>	<u>HEARING #</u>	<u>DISTRICT(S)</u>
<p>A. <u>WRC PROPERTIES, LLC, ET AL.</u></p> <p>Request(s): - The applicants seek to modify a previously approved Development Order (DO) for the Development of Regional Impact (DRI) to reduce the acreage and to allow for a simultaneous decrease and addition of new uses for the DRI development program, and to extend the build-out date of the project. In addition, the applicants also seek to rezone a 62-acre parcel within the DRI property from IU-2 to BU-2.</p> <p>Location: - Lying south of Miami International Airport and SR 836, on both sides of NW 57 Avenue and north of NW 7 Street , Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)</p>	<p>16-197</p>	<p>06</p>
<p>B. <u>SOMERSET ACADEMY, INC. AND SCHOOL PROPERTY DEVELOPMENT QUAIL ROOST, LLC.</u></p> <p>Request(s): - The applicants seek a district boundary change from EU-1 and EU-M to EU-M, to permit a proposed kindergarten through 12th grade charter school for 1,600 students on the subject property, which will be spaced less than required from the Urban Development Boundary (UDB). Additionally, the applicants seek to modify the previously approved plans for the existing church and school, and to permit the proposed charter school with variance for location of parking and drives.</p> <p>Location: - 19701 SW 127 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)</p>	<p>16-241</p>	<p>09</p>

DEFERRED :

HEARING # DISTRICT(S)

**C. JOCKEY CLUB CONDOMINIUM APTS, INC. AND
JOCKEY CLUB CONDOMINIUM APTS UNIT II, INC.**

17-192 04

Request(s): - Application #Z15-088: The applicants below, Apeiron Miami, LLC with the consent of Jockey Club III Association, Inc., sought approval of a Use Variance, a modification of a previously approved resolution, deletion of a previously approved covenant, and an Unusual Use request in order to allow for the submittal of revised plans showing the addition of a 90 room hotel, 120 apartment units, and a parking garage structure. Additionally, the applicants below sought to permit said proposed development with increased heights, reduced setbacks, reduced drives, and reduced parking spaces back-out aisles. Further, the applicants sought to permit 2 detached signs on the subject property with more area than allowed. Community Zoning Appeals Board #7 approved the requests. **Appellants appeal the approval of Application #Z15-088, which is germane to the DIC Vested Rights application below.**

Application #Z17-111: DIC Vested Rights. Appellants assert that approval of Public Hearing Application #Z15-088 would impair or limit the Appellants' rights to use their property, and would result in an abrogation of vested rights. Community Zoning Appeals Board #7 denied the vested rights claim. **Appellants appeal the denial of Application #Z17-111.**

Application #Z17-192: Administrative Decision appeal. Appellants also allege that the administrative decision to allow the reduced setback and increased height for the 45-story tower proposed as part of Application #Z15-088 was an error. Appellants also allege that the setback and height were measured without regard for certain interior lots that are not owned by the applicants below, and that this administrative decision was also an error.

Location: - 11111, 11119, 11121 Biscayne Boulevard and 1580 NE 111 Street, Miami-Dade County, Florida.
 Within the Urban Development Boundary (UDB)



APPEAL:

HEARING # DISTRICT(S)

1. **SOUTH RIVIERA INVESTMENTS NO. 2, INC.** **16-106** **08**

Request(s): - The applicant is seeking a district boundary change or in the alternative setback variances to permit a private school on the subject property for 850 students in grades K-8. Additionally, the applicant is requesting to permit driveways and parking within 25' of the right-of-way, and to permit outdoor recreation space less than permitted by code.

Location: - Northwest corner of SW 248th Street and SW 120th Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

2. **PERSEA, LLC, ET AL.** **17-040** **08**

Request(s): - The applicants are seeking approval to permit a district boundary change from AU, Agriculture District to EU-M, Single-Family Modified Estate District. In addition, the applicants are also seeking approval to permit an existing single-family residence setback less than required from property line and to also waive the subdivision regulations requiring sidewalks and street lights.

Location: - Lying north of SW 296 Street, between SW 177 Avenue (Krome Avenue) and SW 179 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

3. **SFI PALM TREE FARMS, LLC.** **17-139** **08**

Request(s): - The applicant is seeking to change the zoning from AU to BU-1A in order to allow a commercial development with accompanying non-use variances on a 7.12 acre portion of the subject property and to permit a zone change from AU to RU-3M in order to permit a townhouse development for 283 units on the remaining 24.20 acre parcel with accompanying non-use variances.

Location: - Lying in the southwest corner of SW 248th Street and SW 112th Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)



APPEAL:

HEARING # DISTRICT(S)

4. PZB 4, LLC.

17-170

10

Request(s): - The applicant is seeking a district boundary change from EU-S, Single-Family Suburban Estate District to BU-1A, Limited Business District along with the requests to permit a proposed office building with more floor area ratio than required by Code and setback less than required by the property line. In addition, the applicant is seeking approval to permit less landscape open space than permitted by the Code.

Location: - Lying south of SW 56 Street, approximately 470' west of SW 99 Avenue, AKA 9990 SW 56 Street, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)

CURRENT:

HEARING # DISTRICT(S)

5. JLK FOUR, LLC.

17-315

09

Request(s): - The applicant is requesting to establish a charter school on the subject property for 2,500 students in grades K-12. Additionally, the applicant is requesting to permit said charter school to be spaced less than required from the Urban Development Boundary (UDB).

Location: - Lying at the northeast corner of the intersection of SW 157 Avenue and SW 160 Street, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, APRIL 26, 2018

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. WRC PROPERTIES LLC, ET AL. (16-197)

**31-53-41/36-56-40/51-53-40
BCC/District 06**

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION to Development of Regional Impact pursuant to Section 380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) DELETION of 10± acres of the DRI ("Sofitel Parcel") legally described as follows:

"LOT 5, BLOCK 2, BLUE LAGOON WEST SECTION TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 122 AT PAGE 74 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,"

and acceptance of the amended legal description for the DRI-

(3) MODIFICATION of Condition #29 of Resolution Z-32-90, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners and reading as follows:

FROM: "29. Limit the development of those land uses authorized by Miami-Dade County for the 388.54 acres of IU-2 land, which includes approximately 221± acres of lakes and 2.43 acres of preservation area. This mixed-use development consists of 4.43 million square feet of offices, 30,000 sq. ft. of support retail uses, restaurants with a combined total of 500 seats, a health club consisting of 10,000 sq. ft. and five hotels with a combined total of 1,400 rooms. Any subsequent site plan approval will require parking with applicable open space, and floor area ratio, all in accordance with applicable Miami-Dade County Ordinances as may be amended at the public hearing.

TO: "29. Limit the development of those land uses authorized by Miami-Dade County for the 378± acres of IU-2 land, which includes approximately 221± acres of lakes and 2.43 acres of preservation area. This mixed-use development consists of 4,317,500 square feet of offices, 30,000 sq. ft. of support retail uses, restaurants with a combined total of 500 seats, a health club consisting of 10,000 sq. ft., a combined total of 1,119 hotel rooms, and 800 residential dwelling units, or equivalent combination of said uses as set forth in the equivalency matrix ~~attached as Exhibit 2,~~ on 378± acres of land. Any subsequent site plan approval will require parking with applicable open space, and floor area ratio, all in accordance with applicable Miami-Dade County Ordinances as may be amended at the public hearing.

The uses shall be located on the parcels as shown on the DRI Master Development Plan, "Map H," dated July 26, 2016.

- (4) MODIFICATION of Condition #47 of Resolution Z-32-90, as last modified by Resolution Z-7-12, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (November 2, 2021) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (February 29, 2028) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development

Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the requests #2 through #4 is to allow the applicant to modify the previously approved conditions of the development order for the Development of Regional Impact (DRI) on the property to reduce the acreage by 10 acres, and simultaneously to allow for a simultaneous decrease and addition of new uses for the DRI development program, and to extend the build-out date of the project.

REQUEST FOR PARCEL 1 ONLY

(5) DISTRICT BOUNDARY CHANGE from IU-2 to BU-2.

LOCATION: Lying south of Miami International Airport and SR 836, on both sides of NW 57 Avenue and north of NW 7 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: +/- 388 Acres

Department of Regulatory and
Economic Resources
Development of Regional Impact
Recommendation:

Withdrawal without prejudice of request #1, and approval with conditions of requests #2 through #4.

Department of Regulatory and
Economic Resources
Zoning
Recommendation:

Approval of request #5, subject to the acceptance of the proffered Declaration of Restrictions.

Protests: _____ 1 _____

Waivers: _____ 2 _____

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred by BCC at regular March meeting

**B. SOMERSET ACADEMY, INC. & SCHOOL PROPERTY (16-241)
DEVELOPMENT QUAIL ROOST, LLC.**

**01-56-39
BCC/District 09**

- (1) DISTRICT BOUNDARY CHANGE EU-1 and EU-M to EU-M.
- (2) SPECIAL EXCEPTION to permit a charter school.
- (3) SPECIAL EXCEPTION to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) to permit:
 - A senior high school within 1 mile of the UDB.
- (4) SPECIAL EXCEPTION to permit the expansion of an existing education and religious facility on to additional property to the north and south.
- (5) MODIFICATION of Condition #2 of Resolution #4ZAB-96-85, passed and adopted by the Zoning Appeals Board, last modified by Resolution #CZAB14-33-03, passed and adopted by Community Zoning Appeals Board 14, 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 " Upper Room Assembly Addition to the Existing Church," as prepared by LPD Architects and dated 7/03/013 and consisting of 5 pages."

To: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Somerset Academy Charter School" as prepared by CIVICA Architecture and Urban Design, with sheets SP-1 – SP-3 dated stamped received 10/16/17, and the remaining 9 sheets dated stamped received 8/28/2017, for a total of 12 sheets.

The purpose of request #5, is to allow the applicants to submit revised plans for the previously approved religious facility and private school, to show a proposed charter school in conjunction with the existing religious facility.

- (6) NON-USE VARIANCE to permit off-street parking and driveways to be located within 25' of an official right-of-way line (not permitted).

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

LOCATION: 19701 SW 127 Ave, Miami-Dade County, Florida.

SIZE OF PROPERTY: 9.87 Acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

Approval of request #1, approval with conditions of request #2, and requests #4 through #6, and deferral of request #3, with leave to amend.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred by BCC at regular March meeting

**C. JOCKEY CLUB CONDOMINIUM APTS, INC. (17-192)
& JOCKEY CLUB CONDOMINIUM APTS UNIT II, INC.**

**32-52-42
BCC/District 04**

- (1) Appeal of Administrative Decision that the Director erred in his determination of setback and height calculations for a proposed building within application #Z15-088 (Apeiron Miami, LLC, Et Al), which the appellant alleges were measured without regard to interior lots within the subject property that are not owned by the applicant of application #Z15-088 (Apeiron Miami, LLC, Et Al).
- (2) Appeal of the Vested Rights/Takings application #Z17-111, which was denied by Community Zoning Appeals Board #7 on November 8, 2017, and which is germane to Public Hearing Application #Z15-088, an application filed by Apeiron Miami, LLC, Et Al.

LOCATION: 11111, 11119, 11121 Biscayne Boulevard, 11055 N. Bayshore Drive, 11050 N. Bayshore Drive, 1685 NE 110 Terrace, 1687 NE 110 Terrace, and 1580 NE 111 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 22.67 Acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

Deferral of the appeal.

Previous Recommendation
to the CZAB:

Approval with conditions of zoning application #Z15-088 and denial of Vested Rights application #Z17-111.

Protests: _____ 204 _____ Waivers: _____ 112 _____

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

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

DEFERRED: _____

Deferred from February 22, 2018

1. SOUTH RIVIERA INVESTMENTS NO. 2, INC. (16-106)

**24-56-39
BCC/District 08**

THE APPLICANT IS APPEALING THE DECISION OF THE COMMUNITY ZONING APPEALS BOARD #15:

- (1) DISTRICT BOUNDARY CHANGE from AU (Agricultural District) to EU-M (Estates Modified District)
- (2) NON-USE VARIANCE to permit to a proposed private school building setback 59' (75' required) from the interior side (west) property line.

OR IN THE ALTERNATIVE TO REQUESTS #1 and #2, THE FOLLOWING:

- (3) SPECIAL EXCEPTION and UNUSUAL USE to permit a private school with grades Kindergarten through 8th.
- (4) NON-USE VARIANCE to permit to a proposed private school building and playground area setback a minimum of 33' from the rear (north) property line, setback a minimum of 28' from the interior side (west) property line, setback a minimum of 39' from the side street (east) property line and setback a minimum of 105.8' from the front (south) property line (250' required for all).
- (5) NON-USE VARIANCE to permit a private driveway and parking areas within 25' of an official right-of-way (not permitted).
- (6) NON-USE VARIANCE to permit 86,204 sq. ft. of outdoor recreation space (251,580 sq. ft. required).
- (7) Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "South Riviera 2 School" as prepared by Villa & Associates Inc., dated stamped received 09/12/16 and consisting of 6 sheets. Plans may be modified at public hearing.

LOCATION: Northwest corner of SW 248th Street and SW 120th Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.43 Acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

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

Previous Recommendation
to the CZAB:

**Denial without prejudice of request #1,
withdrawal of requests #2 and #3, denial
without prejudice of requests #4, #5 and #6.**

Protests: _____ 10 _____ Waivers: _____ 386 _____

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

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

DEFERRED: _____

2. PERSEA, LLC, ET AL. (17-040)

**01-57-38
BCC/District 08**

THE APPLICANTS ARE APPEALING THE DECISION OF THE COMMUNITY ZONING
APPEALS BOARD #14, WHICH DENIED WITHOUT PREJUDICE THE FOLLOWING:

- (1) DISTRICT BOUNDARY CHANGE from AU to EU-M.
- (2) NON-USE VARIANCE to permit an existing single-family residence setback 15.2' (25' required) from the side street (west) property line.
- (3) NON-USE VARIANCE OF ZONING AND SUBDIVISION regulations to permit a residential development without sidewalks and street lighting (sidewalks and street lights required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Site Plan, Krome Grove Estates" as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received 10/4/17, consisting of 1 sheet. Plans may be modified at public hearing.

LOCATION: Lying north of SW 296 Street, between SW 177 Avenue (Krome Avenue) and SW 179 Avenue, Miami-Dade County, Florida

SIZE OF PROPERTY: 26.93 Gross Acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

Approval
(Overrule CZAB decision – requires a 2/3 vote
of the BCC members present)

Previous Recommendation
to the CZAB:

**Approval of request #1, subject to the Board's
acceptance of the proffered covenant,
approval with conditions of requests #2, and
modified approval with conditions of #3.**

Protests: 341 Waivers: 0

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

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

DEFERRED: _____

3. SFI PALM TREE FARMS, LLC. (17-139)

**30-56-40
BCC/District 08**

THE APPLICANT IS APPEALING THE DECISION OF THE COMMUNITY ZONING APPEALS
BOARD #15, WHICH DENIED WITHOUT PREJUDICE THE FOLLOWING:

"REQUESTS 1 - 7 ON THE COMMERCIAL PARCEL"

- (1) DISTRICT BOUNDARY CHANGE from AU to BU-1A.
- (2) NON-USE VARIANCE of zoning regulations requiring a continuous 5-foot high masonry wall along the common property line where a business lot abuts an RU zoned lot; to waive the same along portions of the property lines that adjoin the proposed RU zoning district.
- (3) NON-USE VARIANCE of the zoning regulations requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to permit openings along portions of the property lines.
- (4) NON-USE VARIANCE to waive the zoning regulations requiring parking spaces with wheel stops; to permit certain parking spaces with bollards.
- (5) NON-USE VARIANCE to permit certain off-street parking spaces with a depth of 16' (18' required).
- (6) NON-USE VARIANCE to permit four (4), 200 sq. ft. detached point-of-sale signs and a 40 sq. ft. detached point-of-sale sign for a total of five (5) detached signs (2-200 sq. ft. detached signs or a 300 sq. ft. detached sign, plus an additional 40 sq. ft. detached sign permitted).
- (7) NON-USE VARIANCE to permit four (4) 200 sq. ft. detached signs to setback 10' (20' required for all) from the rights-of-way.

REQUESTS 8 - 10 ON THE RESIDENTIAL PARCEL

- (8) DISTRICT BOUNDARY CHANGE from AU to RU-3M.
- (9) NON-USE VARIANCE of zoning regulations to permit townhouses with a minimum of 336 sq. ft. of patio and service private open space (400 sq. ft. required).
- (10) NON-USE VARIANCE of the landscape regulations requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to waive same along portions of the property lines that adjoin the proposed BU zoning district.

Plans are on file and may be examined in the Miami-Dade County Department of Regulatory and Economic Resources, Zoning Hearing Section, entitled "Artesa Phase II Site Plan," as prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, consisting of 32 sheets, and "Artesa Pahse II" as prepared by Corwil Architects, consisting of 35 sheets, site plans entitled, "Orion – DNK" prepared by Consulting Engineering and Science, Inc., consisting of 4 sheets, landscape plans entitled "Commercial Site" consisting of 2 sheets, and landscape plans entitled "Artesa Phase II" consisting of 18 sheets, as prepared by Witkin Hults Design Group, all dated stamped received, 12/19/17, and sign plans entitled, "Commercial Shopping Center" as prepared by Thomas Sign & Awning Co., consisting of a total of 6 sheets, dated stamped receive 5/18/17, for a combined total of 97 sheets. Plans may be modified at Public Hearing.

LOCATION: The southwest corner of SW 248th Street and SW 112th Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: ±31.32 gross acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

Approval
(Overrule CZAB decision – requires a 2/3 vote of the BCC members present)
Approve the application as recommended by staff.

Previous Recommendation to the CZAB:

Approval.

Protests: _____ 0 _____

Waivers: _____ 0 _____

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

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

DEFERRED: _____

4. PZB 4, LLC. (17-170)

29-54-40
BCC/District 10

THE APPLICANT IS APPEALING THE DECISION OF THE COMMUNITY ZONING APPEALS BOARD #12, WHICH DENIED WITHOUT PREJUDICE THE FOLLOWING:

- (1) DISTRICT BOUNDARY CHANGE FROM EU-S TO BU-1A.
- (2) NON-USE VARIANCE to permit an office building setback 13' (15' required) from the interior side (east) property line.
- (3) NON-USE VARIANCE to permit a Floor Area Ratio of 0.68 (maximum 0.62 permitted).
- (4) NON-USE VARIANCE to permit 19.1% of landscape open space (minimum 20.7% required).

Plans on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Office Building" as prepared by The Architects Group, site plan and floor plan dated stamped received 9/28/17 and elevation plans dated stamped received 6/19/17, and landscape plans dated 12/5/17, consisting of 7 sheets. Plans may be modified at public hearing.

LOCATION: Lying south of SW 56 Street, approximately 470' west of SW 99 Avenue, aka 9990 SW 56 Street, MIAMI DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.07 Acres

Department of Regulatory and
Economic Resources
Recommendation of the appeal:

Approval
(Overrule CZAB decision – requires a 2/3 vote of the BCC members present)

Previous Recommendation to the CZAB:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #4.

Protests: 0 Waivers: 0

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

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

DEFERRED: _____

- (1) SPECIAL EXCEPTION to permit a charter school.
- (2) SPECIAL EXCEPTION to waive the spacing requirements for new charter school facilities from the Urban Development Boundary (UDB) to permit:
 - A senior high school within 1 mile of the UDB.
 - A middle school within ½ mile of the UDB.
 - A kindergarten, elementary school within a ¼ mile of the UDB.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Proposed Development: Bridge Prep Academy Charter School at Kendall", prepared by Gustavo J. Carbonell, P.A., dated stamped received 1/24/18, for a total of 12 sheets. Plans may be modified at public hearing.

LOCATION: Lying at the northeast corner of the intersection of SW 157 Avenue and SW 160 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 9.80 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Deferral with leave to amend.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

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

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

PH: Z16-197

April 26, 2018

Item No. A

Recommendation Summary	
Commission District	6
Applicants	WRC Properties, Et Al.
Summary of Requests	<p>The applicants seek to modify a previously approved Development Order (DO) for the Development of Regional Impact (DRI) to reduce the acreage and to allow for a simultaneous decrease and addition of new uses for the DRI development program, and to extend the build-out date of the project.</p> <p>In addition, the applicants also seek to rezone a 62-acre parcel within the DRI property from IU-2 to BU-2.</p>
Location	Lying south of Miami International Airport and SR 836, on both sides of NW 57 Avenue and north of NW 7 Street, Miami-Dade County, Florida.
Property Size	388 +/- acres
Existing Zoning	IU-2, Heavy Industrial Manufacturing District
Existing Land Use	Vacant, warehouse, offices, hotels and retail uses
2020-2030CDMP Land Use Designation	Office Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the requested land use categories on the LUP map and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	<p>Section 33-303.1(E)(2) Developmental Impact Committee</p> <p>Section 33-311(A)(7) Generalized Modification Standards</p> <p>Section 33-311(A)(9) Recommendation of Development of Regional Impact</p> <p>Section 33-311, District Boundary Change, <i>(see attached Zoning Recommendation Addendum)</i></p>
Recommendation	<p><u>Development of Regional Impact Requests: Withdrawal without prejudice of request #1, and approval with conditions of requests #2 through #4.</u></p> <p><u>Zoning Requests: Approval of request #5, subject to the acceptance of the proffered declaration of restrictions.</u></p>

On November 15, 2017, this application was heard by Community Zoning Appeals Board (CZAB) #8, who recommended approval with conditions. On January 25, 2018, the application was deferred from the Board of County Commissioners (BCC) due to a lack of quorum. Subsequently, the item was deferred from the February 22, 2018 meeting date of the BCC at the request of the attorney representing an opponent to the application. The March 22, 2018, meeting date of the BCC was subsequently cancelled and the item was automatically deferred to the next meeting date, April 26, 2018.

DEVELOPMENT OF REGIONAL IMPACT REQUESTS:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION to Development of Regional Impact pursuant to Section 380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) DELETION of 10± acres of the DRI ("Sofitel Parcel") legally described as follows:

"LOT 5, BLOCK 2, BLUE LAGOON WEST SECTION TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 122 AT PAGE 74 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,"

and acceptance of the amended legal description for the DRI.

(3) MODIFICATION of Condition #29 of Resolution Z-32-90, last modified by Resolution Z-24-98, passed and adopted by the Board of County Commissioners and reading as follows:

FROM: "29. Limit the development of those land uses authorized by Miami-Dade County for the 388.54 acres of IU-2 land, which includes approximately 221± acres of lakes and 2.43 acres of preservation area. This mixed-use development consists of 4.43 million square feet of offices, 30,000 sq. ft. of support retail uses, restaurants with a combined total of 500 seats, a health club consisting of 10,000 sq. ft. and five hotels with a combined total of 1,400 rooms. Any subsequent site plan approval will require parking with applicable open space, and floor area ratio, all in accordance with applicable Miami-Dade County Ordinances as may be amended at the public hearing.

TO: "29. Limit the development of those land uses authorized by Miami-Dade County for the 378± acres of IU-2 land, which includes approximately 221± acres of lakes and 2.43 acres of preservation area. This mixed-use development consists of 4,317,500 square feet of offices, 30,000 sq. ft. of support retail uses, restaurants with a combined total of 500 seats, a health club consisting of 10,000 sq. ft., a combined total of 1,119 hotel rooms, and 800 residential dwelling units, or equivalent combination of said uses as set forth in the equivalency matrix, on 378± acres of land. Any subsequent site plan approval will require parking with applicable open space, and floor area ratio, all in accordance with applicable Miami-Dade County Ordinances as may be amended at the public hearing.

The uses shall be located on the parcels as shown on the DRI Master Development Plan, "Map H," dated July 26, 2016.

(4) MODIFICATION of Condition #47 of Resolution Z-32-90, as last modified by Resolution Z-7-12, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-

Dade County, it is hereby found that throughout the build out period (November 2, 2021) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

TO: "47. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the build out period (February 29, 2028) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Amended Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Resolution No. 861-89 and A.O. 4-85 (concurrency regulation) and to be consistent with local development regulation so long as the Applicant is developing in compliance with the terms and conditions of this Amended Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in 33G-32 (2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable on the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of any portion of the Project previously constructed are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or

development pursuant to this amended DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County pursuant to said concurrency regulations. Any modification or changes to this Amended Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time each modification or change occurs."

The purpose of the requests #2 through #4 is to allow the applicants to modify the previously approved conditions of the development order for the Development of Regional Impact (DRI) on the property to reduce the acreage and simultaneously to allow for a simultaneous decrease and addition of new uses for the DRI development program and to extend the build-out date of the project.

ZONING REQUEST

REQUESTS FOR PARCEL 1 ONLY

(5) DISTRICT BOUNDARY CHANGE from IU-2 to BU-2.

PROJECT DESCRIPTION AND PROJECT HISTORY:

Pursuant to Resolution #Z-32-90, the ±388-acre subject property was approved for a Development of Regional Impact (DRI). Said Development Order allowed the development of 3.7 million square feet of offices, 100,000 sq. ft. of retail uses, restaurants, a 10,000-sq. ft. health club and three (3) hotels with a combined total of 1,200 rooms. Pursuant to Resolution #Z-24-98, the Development Order (D.O.) was amended to, among other things, allow five (5) hotels with a combined total of 1,400 rooms, to reduce the office space, and to extend the build out date of the project. Subsequently, pursuant to Resolution #Z-7-12, the build out date was further extended to November 2021.

The applicants now seek to modify the D.O. to allow for a reduction in the total acreage, to allow for a 112,500-sq. ft. reduction in office space, a reduction in the number of hotel rooms, an increase of 800 residential dwelling units, while maintaining the existing mix of retail, restaurants, and health club uses. The reduction in hotel rooms accounts for the removal of the Sofitel Hotel, which is located on the 10-acre parcel being removed from the DRI, while allowing for a mixed-use development within the DRI that could also include hotel rooms. With this the applicants are seeking a Substantial Deviation Determination of the proposed changes to the DRI under Section 380.06(19) of the Florida Statutes. The applicants also seek approval of a district boundary change of a portion of the parcel from IU to BU to accommodate the mixed-use development, which could now include residential and/or hotel uses.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-2; warehouse, hotels, retail, and office uses	Office Residential, Water
North	GU; 836 Expressway	Transportation
South	City of Miami; offices, single-family residences, condominium apartments BU-2 & RU-4A: hotels	Office Residential Low-Density Residential, 2.5 -6 dua Water
East	City of Miami; lake	Water
West	GU; 836 Expressway ramp	Transportation

NEIGHBORHOOD COMPATIBILITY:

The subject property is comprised of several tracts of land comprised of a variety of uses, including offices, hotel, retail, and industrial uses, in addition to several vacant parcels along with several lakes. The subject property is located in an area that is developed under the regulations outlined in the D.O. for the Waterford and Blue Lagoon Development of Regional Impact (DRI), which was approved in 1990. The subject property abuts a major east/west expressway, the 836 Expressway, is near a major airport, the Miami International Airport, which is north of the expressway, and is surrounded by similar industrial and commercial uses, as well as residential uses that are located within the City of Miami to the south and to the east.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants additional flexibility in the development of the DRI, which could allow a future development including residential uses, subject to further approvals for development, hotel and office uses in an area made of a mix of industrial and office uses. This will also allow the applicants to provide additional housing in this area as well as accessibility to more commercial uses within the Blue Lagoon area, which is near to both the Miami International Airport, which provides international and interstate, commercial and personal travel facilities, and the 836 Expressway, which provides access to local and interstate major roadways. Based on staff's analysis below, as well as memoranda from the departments that have reviewed the application, staff opines that the simultaneous increase and decrease of uses within the DRI will not result in any traffic impacts, impacts on the environmental resources, or impacts on the emergency services. Further, staff notes that the proposed modifications to allow flexibility in the development program for the DRI, will provide a welcome enhancement to the structuring elements within this metropolitan area, as outlined in **Policy LU-1B** of the Land Use Element interpretative text of the Miami-Dade Comprehensive Development Master Plan (CDMP).

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The 2018 Florida Legislature has enacted sweeping changes to the State's Development of Regional Impact (DRI) law, Section 380.06 of the Florida Statutes. Among the changes made,

the bill eliminates state and regional review of existing DRI's and deletes the substantial deviation criteria for DO changes, and transfers the responsibility for amendments to DRI DO's to the local government. The CDMP analysis below complies with the amendments to that statute.

The subject property is designated **Office/Residential** on the CDMP Land Use Plan (LUP) map. *Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses.* The CDMP Land Use Element interpretative text for the Office/Residential use also states that *within the Office/Residential Category, business uses ancillary and to serve the on-site use(s) may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential category does not authorize other business or commercial uses.* Said text also states that, *where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site.*

The applicants are seeking to reduce the acreage, and to allow for a simultaneous decrease and addition of new uses for the Waterford and Blue Lagoon DRI development program, and to extend the build-out date of the project. Further, approval of the application will allow for flexibility in future development within this DRI and allow for the addition of residential uses within mixed use developments. Staff opines that, as proposed, the application satisfies the criteria outlined in **Policy LU-1B** of the Land Use Element interpretative text of the Miami-Dade Comprehensive Development Master Plan (CDMP), which states that *major centers of activity, industrial complexes, regional shopping centers, large scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multimodal accessibility.* Additionally, staff opines that based on the comments of the reviewing departments outlined in staff's analysis below, the proposed development also meets the requirements of **Policy LU-1C** of the aforementioned text, which states that *Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.* For the reasons to be expanded upon in staff's analysis below, the proposed changes do not constitute a substantial deviation, and therefore, the uses within the DRI program will be **consistent** with the CDMP Land Use Element interpretative text for properties designated Office/Residential on the Land Use Plan map.

The applicants also seek to permit the rezoning of Parcel 1 from IU-2 to BU-2, in order to accommodate a proposed mixed use development. The CDMP Land Use Element interpretative text for parcels designated Office Residential permits residential uses except that, *where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site. When residential uses are mixed with office uses, the overall scale and intensity, including height and floor area ratio of the mixed-use development shall be no greater than that which would be approved if the parcel was developed in either office use only or residential use only, whichever is higher.* Said text also indicates that *business uses ancillary and to serve on-site uses may be integrated in an amount not to exceed 15 percent of the total floor area.* As such, the applicants have proffered a declaration of restrictions, only as it pertains to Parcel 1 of this application, to restrict the uses on the subject property to be in accordance with the Waterford at Blue Lagoon Development of Regional Impact development program and the Land Use Element interpretative text for properties designated Office Residential on the CDMP Land use Plan map.

Therefore, subject to the acceptance of the proffered declarations of restrictions, staff opines that approval of the application, would be **consistent** with the CDMP LUP map, the text of the Office/Residential land use category and with the Office/Residential designation for the property.

DEVELOPMENT OF REGIONAL IMPACT REQUESTS:

The applicants are seeking a substantial deviation determination to a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes as it pertains to modifying conditions of Resolution #Z-32-90, last modified by Resolution #Z-7-12 (request #1). As previously noted the 2018 Florida Legislature has enacted sweeping changes to the State's Development of Regional Impact (DRI) law, Section 380.06 of the Florida Statutes. As such, staff opines that request #1 is not needed and therefore, recommends that it be withdrawn.

In addition, the applicants are seeking approval of ancillary requests to delete ±10 acres from the legal description of the DRI (request #2), to modify condition #29 of the development order, Resolution #Z-32-90, last modified by Resolution #Z-24-98, to allow the simultaneous increase and decrease of new uses in the DRI development program (request #3); and finally, to modify Condition #47 of said development order, Resolution #Z-32-90, last modified by Resolution #Z-7-12, to extend the build-out-date of the project (request #4).

Staff's analysis of the ancillary requests to delete an approximately 10-acre parcel (The Sofitel Parcel) from the DRI, and to modify conditions of Resolution #Z-32-90, last modified by Resolution #Z-7-12 (the Development Order) (requests #2 through #4), is based on the standards outlined in Section 33-311(A)(7), Generalized Modification Standards.

The Modification standards require the County to determine if the approval of the requested modifications *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.* Memoranda submitted by the various departments and entities reviewing the application, to include the Water and Sewer Department, Miami-Dade Fire Rescue (MDFRD), Miami-Dade Police Department (MDPD), the Department of Transportation and Public Works, the Waste Management Department and the Division of Environmental Resource Management (DERM) of the Department of Regulatory and Economic Resources (RER), the Parks, Recreation and Public Spaces Department and the Miami-Dade Public Schools indicate that approval of the aforementioned requests will not unduly burden the services or facilities provided. Based on said memoranda, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area within the DRI and the surrounding areas, staff opines that approval of the application would be **compatible** with the area concerned.

The applicants have submitted the required documentation describing the proposed changes to the DRI. Documents submitted by the applicant indicate that the proposed change involves a simultaneous increase and decrease of DRI uses. Included in the documentation submitted by the applicants, for incorporation into the development program, is an equivalency matrix, as an exhibit to allow for the flexibility in the development of uses. The documentation submitted by the applicants indicates that while the proposed change seeks to reduce the square footage of office uses and hotel rooms within the DRI, it would simultaneously allow for the introduction of 800 residential units as a part of a mixed-use development, decrease the office space from ±4.4 million

sq. ft. to ±4.3 million sq. ft., and reduce the number of hotel rooms to 1,119 rooms from the previously approved 1,400 rooms. Florida Statute, Section 380.06(19)(e)(2)(k), specifies that changes that do not increase the number of external peak hour trips, and do not reduce the open space and conserved areas within the project, subject to further exceptions not applicable here, do not constitute substantial deviations.

The applicants are proposing to reduce the acreage of the DRI from ±388-acres to ±378-acres. Staff notes that the applicants' request to reduce the acreage within the DRI (request #2) contributes to a reduction in the calculations for traffic and other impacts within the DRI. Notwithstanding, staff notes that any future development of this 10-acre site, will also require a similar concurrency review to determine the impacts on the surrounding community

Ancillary to the changes to the development order, is a request to extend the build-out date for the program. This proposed change reflects a reduction in the daily, AM peak hour, and PM peak hour external vehicle trips. Said documents indicate that while the approved DRI development program results in 6,314 PM trips, the proposed DRI Development Program, inclusive of the 800 additional residential units, results in 6,287 PM Trips, and an overall collective reduction of 27 PM trips between the proposed DRI development program and the lessed-out 10-acre parcel. Staff of the Department of Transportation and Public Works (DTPW) have reviewed the application and indicated in its memorandum that as proposed, the changes to the development program to the DRI do not generate any additional trips. Said memorandum also indicates that the development is located within the urban infill area.

Staff notes that although the DRI is being amended to allow 800 dwelling units in the future, neither the current or proposed zoning districts within the DRI permit residential development as of right. Future residential development will therefore require additional zoning action.

Therefore, staff recommends withdrawal without prejudice of request #1, and approval with conditions of requests #2 through #4 under Section 33-311(A)(7), Modification Standards.

ZONING ANALYSIS:

When the request to rezone approximately 62-gross acres (Parcel 1) of the remaining ±378-gross acre DRI parcel from IU-2 to BU-2, Special Business District (request #5), is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the request would be **compatible** with the industrial, commercial, and hotel uses in the surrounding area. Additionally, the proposed BU-2 zoning district allows office, commercial, retail and hotel uses, similar to those allowed in the current approved Waterford and Blue Lagoon DRI development program, as well as the possibility of mixed uses. Residential uses being proposed for the DRI development program in this application can also be approved in the BU-2 district through future zoning action. Parcel 1 is currently comprised of an approximately 49.75 gross acre lake and ±12 gross acres of vacant land. Parcel 1 is located at the southwestern corner of the DRI and abuts an existing BU-2 parcel to the north.

Staff opines that approval of the requested zone change within the proposed mixed use development 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. As noted previously, the Department of Transportation and Public Works (DTPW) indicated in its memorandum that the approval of the application, inclusive of request #5, to rezone the ±62-gross

acre parcel to BU-2, would efficiently use the roads, streets, and highways, which have been constructed, planned or budgeted for in this area and, further, would not generate any additional trips within the DRI based on the Trip generation standards of the Institute of Traffic Engineers (ITE). The DTPW further states in its memorandum that the subject property is located within Miami-Dade's Urban Infill area. Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER), 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, DERM indicates in its memorandum that approval of the application is contingent on meeting the Tree Permitting requirements, as outlined in its memorandum dated January 12, 2017. The Miami-Dade Fire Rescue Department (MDFRD), the Miami-Dade Aviation Department, and the Transit Division of the DTPW indicate in their memoranda that they do not object to this application.

Staff notes that the Parks, Recreation, and Open Spaces (PROS) Department has indicated in its memorandum that the proposed residential development would generate the need for approximately 4.7 acres of local parks. However, the PROS memorandum indicates that the subject property is located within Park Benefit District 1 (PBD1), which has a surplus of 128.25 acres when measured by the County concurrency level-of-service standard for the unincorporated area of 2.75 acres of local recreation open space for every 1,000 persons. The Miami-Dade Police Department (MDPD) does not object to this application. However, the MDPD indicated in its memorandum that approval of the application could result in a slight increase in the volume of calls for service in this area. Therefore, MDPD recommended that the developers work with police during any future pre- and post-application changes to determine the best possible solutions or security options.

Therefore, staff recommends approval of request #5 for a district boundary change to BU-2, subject to the acceptance of the proffered declaration of restrictions, under Section 33-311, District Boundary Change.

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See Above.

OTHER: N/A.

RECOMMENDATION:

Development of Regional Impact Requests: Withdrawal without prejudice of request #1, and approval with conditions of requests #2 through #4.

Zoning Requests: Approval of request #5, subject to the acceptance of the proffered declaration of restrictions.

CONDITIONS FOR APPROVAL OF DEVELOPMENT OF REGIONAL IMPACT REQUESTS:

1. That all other conditions of Resolutions Number, Z-32-90, Z-24-98 and Z-7-12, remain in full force and effect except as herein modified.

2. That the uses shall be located on the parcels as shown on the DRI Master Development Plan, "Map H," dated July 26, 2016, incorporated herein by reference.
3. That the applicants comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated January 12, 2017.

CONDITIONS FOR APPROVAL OF ZONING REQUEST: None.

NK:JB:NN:JV:CH



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

ZONING RECOMMENDATION ADDENDUM

WRC Properties, Et Al
Z16-197

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (DERM), (RER)</i>	<i>No objection*</i>
<i>Department of Transportation and Public Works</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Water and Sewer</i>	<i>No objection</i>
<i>Miami-Dade Aviation Department</i>	<i>No objection</i>
<i>Police</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Office/Residential (Pg. I-43)	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Office/Residential. Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Office developments may range from small-scale professional office to large-scale office parks. Satellite telecommunication facilities that are ancillary uses to the businesses in a development are also allowed. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent residential uses. The maximum scale and intensity, including height and floor area ratio of office, hotel and motel development in areas designated Office/Residential shall be based on such factors as site size, availability of services, accessibility, and the proximity and scale of adjoining or adjacent residential uses. Where the Office/Residential category is located between residential and business categories, the more intensive activities to occur on the office site, including service locations and the points of ingress and egress, should be oriented toward the business side of the site, and the residential side of the site should be designed with sensitivity to the residential area and, where necessary, well buffered both visually and acoustically.</i></p> <p><i>Residential uses are also allowed in the Office/Residential category. In these locations, residential density may be approved up to one density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site. When residential uses are mixed with office uses, the overall scale and intensity, including height and floor area ratio of the mixed-use development shall be no greater than that which would I-44 be approved if the parcel was developed in either office use only or residential use only, whichever is higher. Where SURs or TDRs are transferred to Office/Residential-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the Density Bonus Programs for Affordable Housing, discussed on the preceding pages, the allowances of the Residential communities section may be used within the limits provided in this paragraph. Within the Office/Residential category, business uses ancillary and to serve</i></p>
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ZONING RECOMMENDATION ADDENDUM

*WRC Properties, Et Al
Z16-197*

	<i>the onsite use(s) may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential category does not authorize other business or commercial uses.</i>
Policy LU-1B (Page I-2)	<i>Major centers of activity, industrial complexes, regional shopping centers, large scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multimodal accessibility.</i>
Policy LU-1C (Page I-2)	<i>Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.</i>
Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets</i>
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ZONING RECOMMENDATION ADDENDUM

WRC Properties, Et Al
Z16-197

	<p>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.</p>
<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p>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.</p>
<p>Section 33-311(A)(9) Recommendation of DRI</p>	<p>The Board shall hear and make recommendations to the Board of County Commissioners on applications for developments of regional impact and related requests, including requests for modifications thereof and substantial deviation determinations pursuant to F.S. § 380.06(19), as amended, as provided by Section <u>33-314</u> except an application for modification or elimination of a condition or restrictive covenant that is not a substantial deviation, or an application to extend a commencement date, build-out date, expiration date, phasing deadline, or applicable mitigation requirements for the maximum period of time declared by state law regardless of any previous extension not to constitute a substantial deviation from development orders for currently valid developments of regional impact development orders, and related applications for zoning actions to accomplish only the requested extension, where such application does not contain a request for any other action under this chapter requiring a public hearing apart from modifying the DRI development order; it is provided, however, that, pursuant to F.S. § 380.06(19)(c)(2), the foregoing exception from CZAB review shall not apply to development orders for which, before December 1, 2011, the County has notified a developer that has commenced any construction within the phase for which mitigation is required that the County has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer.</p>
<p>33-303.1(E)(2) Developmental Impact Committee</p>	<p>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</p> <p>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</p> <ol style="list-style-type: none"> 1. Residential developments involving in excess of two hundred fifty (250) dwelling units. 2. Business uses involving in excess of ten (10) acres or one hundred thousand (100,000) square feet of retail floor area, or one thousand (1,000) vehicle off-street parking space capacity. 3. Recreational, cultural, or entertainment facilities involving in excess of one thousand (1,000) vehicle off-street parking space capacity for single performance or twenty (20) acres.

ZONING RECOMMENDATION ADDENDUM

WRC Properties, Et Al
Z16-197

4. Office buildings or office complexes involving in excess of one hundred twenty-five thousand (125,000) square feet of floor space, or one thousand (1,000) vehicle off-street parking space capacity.
5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.
6. Hotel and/or motel developments involving in excess of two hundred fifty (250) units.
7. All planned area developments.
8. Mixed-use developments with two (2) or more of the land use types specified in 1. through 6. above where none of the individual land uses in the development meet or exceed the thresholds listed in 1. through 6. above and where the sum of the percentages of the appropriate thresholds listed in 1. through 6. above for each applicable land use in the development is greater than one hundred thirty (130) percent. Where a development addresses more than one (1) threshold within a particular land use type listed in 1. through 6. above, then the threshold in that land use type which generates the highest percentage shall be utilized in the calculation of the total mixed-use percentage for the subject development.

(b) Required by the regulations to be taken after public hearing, which zoning action would change in any respect an existing resolution pertaining to an application reviewed by the Developmental Impact Committee, and is presumed to constitute a substantial deviation. All such applications for change shall be presumed to request substantial deviation, unless the requested action neither equals, exceeds, or conflicts with either of the following limitations and standards:

1. An increase in the number of dwelling units of twenty (20) percent or one hundred (100) units, whichever is less.
2. An increase in the floor area for nonresidential uses of twenty (20) percent or thirty thousand (30,000) square feet, whichever is less;

The foregoing presumption of substantial deviation shall not apply whenever the Director determines that the requested modification would not constitute a potential negative impact under the guidelines of Section 33-301.1(D)(1).

The Committee shall recommend to the applicable Board whether, and to the extent to which, the development permitted by the approval of zoning action referred to in (7)(a) and (b) above will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities or public transportation facilities, including roads, streets and highways, which have been constructed or planned and budgeted for construction in the area, and whether the proposed development will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida.

EXHIBIT 2

Waterford DRI

TABLE 1: Trip Generation Equivalency Matrix

Land Use	Net External PM Peak Hour Equivalency Rates ⁽¹⁾	TO: Units	General Office Building ksf	Shopping Center ksf	Quality Restaurant seat	Health/Fitness Club ksf	Hotel room	High-Rise Apartment du
	FROM:		1.132	3.167	0.058	2.200	0.586	0.230
General Office Building	1.132	ksf	1.000	0.357	19.517	0.515	1.832	4.922
Shopping Center	3.167	ksf	2.798	1.000	54.603	1.440	5.404	13.770
Quality Restaurant	0.058	seat	0.051	0.018	1.000	0.028	0.009	0.252
Health/Fitness Club	2.200	ksf	1.943	0.695	37.831	1.000	3.754	9.565
Hotel	0.586	room	0.518	0.195	10.103	0.286	1.000	2.548
High-Rise Apartment	0.230	du	0.203	0.073	3.966	0.105	0.382	1.000

Note: (1) Based on P.M. peak hour trip generation equivalency rate developed in Table 2.

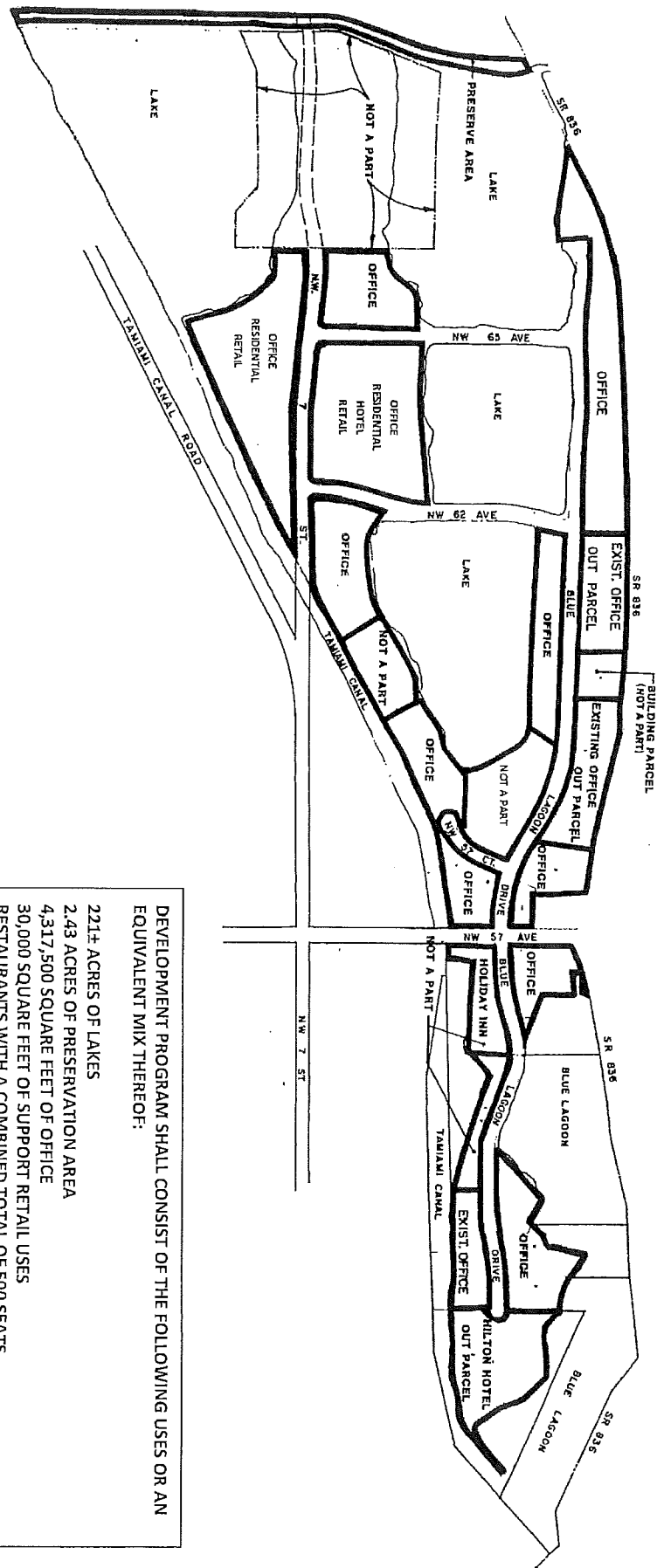
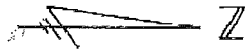
Example Equivalency Calculations

Shopping Center to General Office Building	The exchange rate between retail is 1 ksf of retail for every 2.798 ksf of office, where 1,000 sf of retail is equal to 2,798 sf of office and 10,000 sf of retail is equal to 27,980 sf of office.
Shopping Center to Hotel	The exchange rate between retail is 1 ksf of retail for every 5.404 hotel rooms, where 1,000 sf of retail is equal to 5,404 hotel rooms and 10,000 sf of retail is equal to 54,040 hotel rooms.
General Office to Quality Restaurant	The exchange rate between office is 1 ksf of office for every 19.517 restaurant seats, where 1,000 sf of office is equal to 19,517 restaurant seats and 10,000 sf of retail is equal to 195,17 restaurant seats.
Hotel to High-Rise Apartment	The exchange rate between hotel is 1 hotel room for every 2.548 apartments, where 1,000 hotel rooms is equal to 2,548 apartments and 10,000 hotel rooms is equal to 25,480 apartments.

TABLE 2: P.M. Peak Hour Trip Generation for Proposed Development Program

Land Use	ITE Edition	ITE Code	Scale	ITE Units	Net New Trips ⁽¹⁾	Equivalency Rate
General Office Building	9	710	4317.5	ksf	4887.00	1.132 trips/ksf
Shopping Center	9	820	30	ksf	95.00	3.167 trips/ksf
Quality Restaurant	9	931	500	seat	29.00	0.058 trips/seat
Health/Fitness Club	9	492	10	ksf	22.00	2.200 trips/ksf
Hotel	9	310	1400	room	820.00	0.586 trips/room
High-Rise Apartment	9	222	800	du	184.00	0.230 trips/du

Note: (1) Based on net new P.M. peak hour trip generation contained in the November 4, 2016 Trip Generation Comparison Analysis.



DEVELOPMENT PROGRAM SHALL CONSIST OF THE FOLLOWING USES OR AN EQUIVALENT MIX THEREOF:

- 221± ACRES OF LAKES
- 2.43 ACRES OF PRESERVATION AREA
- 4,317,500 SQUARE FEET OF OFFICE
- 30,000 SQUARE FEET OF SUPPORT RETAIL USES
- RESTAURANTS WITH A COMBINED TOTAL OF 500 SEATS
- 10,000 SQUARE FEET HEALTH CLUB
- 5 HOTELS WITH A COMBINED TOTAL OF 1,400 ROOMS
- 800 DWELLING UNITS

WATERFORD AT BLUE LAGOON
MAP H
CONCEPTUAL DEVELOPMENT PLAN

7-26-2016

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 8
 MOTION SLIP
 HEARING DATE: OCOTBER 25, 2017

A

APPLICANT'S NAME: WRC PROPERTIES, LLC. ET. AT.

REPRESENTATIVE: Joseph Goldstein

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2016000197	16-197	CZAB8	17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 11/15/17 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: Deferral due to a lack of a quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Richard C. BROWN			
COUNCILMAN		Keon Antonio GRAYSON			✓
COUNCILMAN		Arthemon JOHNSON			✓
COUNCILMAN		Fredericke Alan Morley			
VICE CHAIR		VonCarol Yvette KINCHENS			✓
CHAIR		Joy J. DAVIS			✓

VOTE:

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EXHIBITS: YES NO

COUNTY ATTORNEY: Daron Fitch

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 8
 MOTION SLIP
 HEARING DATE: JULY 19, 2017

A

APPLICANT'S NAME: WRC PROPERTIES, LLC. ET AL.
 REPRESENTATIVE: Joseph Goldstein

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2016000197	16-197	CZAB8	17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 9-13-17 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: To meet with neighbors

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	<u>M</u>	Richard C. BROWN	<input checked="" type="checkbox"/>		
COUNCILMAN	<u>S</u>	Keon Antonio GRAYSON	<input checked="" type="checkbox"/>		
COUNCILMAN		Arthemon JOHNSON	<input checked="" type="checkbox"/>		
COUNCILMAN		Fredericke Alan Morley			
VICE CHAIR		VonCarol Yvette KINCHENS	<input checked="" type="checkbox"/>		
CHAIR		Joy J. DAVIS			

VOTE: 4

EXHIBITS: YES NO

COUNTY ATTORNEY: DAVID HOPE 18

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 8
 MOTION SLIP
 HEARING DATE: JUNE 21, 2017

A

APPLICANT'S NAME: WRC PROPERTIES, LLC. ET. AL.

REPRESENTATIVE: Joseph Goldstein

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2016000197	16-197	CZAB8	17

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: July 19, 2017 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER:

To allow the applicant, the objector and their attorneys to meet and work on an agreement.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	Richard C. BROWN	X		
COUNCILMAN		Keon Antonio GRAYSON	X		
COUNCILMAN		Arthemon JOHNSON	X		
COUNCILMAN	M	Fredericke Alan Morley	X		
VICE CHAIR		VonCarol Yvette KINCHENS	X		
CHAIR		Joy J. DAVIS	X		

VOTE:

6	0
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EXHIBITS: YES NO

COUNTY ATTORNEY: DARON FITCH

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 8
 MOTION SLIP
 HEARING DATE: MAY 17, 2017

1

APPLICANT'S NAME: WRC PROPERTIES, LL. ET. AL.

REPRESENTATIVE: Joseph Goldstein

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2016000197	16-197	CZAB8 17

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: June 21, 2017 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER:

No vote taken. The application was automatically deferred due to a lack of quorum.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		Richard C. BROWN			X
COUNCILMAN		Keon Antonio GRAYSON			X
COUNCILMAN		Arthemon JOHNSON			X
COUNCILMAN		Fredericke Alan Morley			
VICE CHAIR		VonCarol Yvette KINCHENS			
CHAIR		Joy J. DAVIS			

VOTE:

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EXHIBITS: YES NO

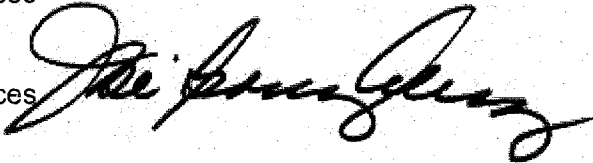
COUNTY ATTORNEY: DARON FITCH

Memorandum



Date: January 12, 2017

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

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

Subject: #Z2016000197
WRC Properties, LLC
NW 57th Avenue and State Road 836
Change for Waterford at Blue Lagoon Development of Regional Impact
(388 Acres)
51-53-40

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

An Environmental Resource Permit from the South Florida Water Management District (1-800-432-2045) 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. It is the applicant's responsibility to contact the above mentioned agency for further information regarding permitting procedures and requirements.

Applicant is advised that the proposed surface water management system must be approved by the DERM Pollution Remediation Section (PRS). It is the applicant's responsibility to contact the PRS at (305) 372-6700 for additional information.

Applicant is advised that a Class VI Permit from DERM Water Control Section will be required for the construction of the proposed surface water management system. It is the applicant responsibility 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 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.

Pollution Remediation

The subject site has multiple records of current solid waste contamination issues under DERM tracking numbers SW-1446, SW-1250, SW-1185, SW-1500, and HWR-831. Any construction, development, drainage, and dewatering at the subject site will also require review and approval from the Environmental Monitoring Restoration Division (EMRD) as it relates to environmental contamination issues.

Coastal Resources

The subject project must comply with goals, objectives, requirements and recommendations of the Code, Miami-Dade County's Comprehensive Development Master Plan (CDMP) and Miami Dade County's Manatee Protection Plan (MPP). Furthermore, Resolution NO Z-32-90, the Development of Regional Impact Order for WRC Properties, Inc., contained conditions regarding natural resources, specifically: Manatee protection (#5), a Wetland Planting Program (#6), and exotic removal requirements (#7), (please see tree comments as well). The applicant must demonstrate compliance with these conditions prior to any development order authorization (zoning, platting, permitting, etc.). In addition, the applicant shall comply with Resolution NO Z-32-90 conditions 10a and 10b.

Please be advised that the Blue Lagoon and associated waterways are identified as Critical Habitat to the endangered and federally listed West Indian Manatee (*Trichechus manatus*). The Miami-Dade County CDMP prohibits destruction of critical habitat, specifically Objective CON-9A which states that "nesting, roosting and feeding habitats used by federal or state designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized." The applicant is not authorized to commence any work or activities until any and all approvals or permits have been obtained, if necessary, from the federal government pursuant to the Endangered Species Act and from the State of Florida pursuant to Florida law on endangered species. Please be advised that, even after work commences, if Miami-Dade County is advised by the federal government, the State of Florida, or a court that an activity on the subject property is in violation of the Endangered Species Act, in violation of Florida law on endangered species, or in violation of a permit or approval granted by the federal

government pursuant to the Endangered Species Act, such violation may result in an immediate stop work order.

The applicant is strongly advised to consult with the United States Fish and Wildlife Service (USFWS) and any other necessary federal or state agencies before conducting any work or activities on the property. The Vero Beach office of the USFWS may be reached at (772) 562-3909. Please be aware that the federal government may require certain actions or protections on the property, or restrict or prohibit certain activities facilitating interaction with endangered or threatened species, and this may result in the need to modify the plans for the property. Therefore, it is recommended that the applicant consult with the USFWS at an early stage in the process. In the event that the USFWS advises that your plans for the subject property may result in a "take" of endangered or threatened species, you are strongly recommended to inform Miami-Dade County in writing at the earliest stage possible.

In addition, the number of powerboat slips that may be proposed in the subject area shall not exceed the number of slips allowable at the site per the MPP guidelines. The MPP limits the docking of powerboats in the subject area to one powerboat per one hundred linear feet of shoreline for residential docking in order to provide dock access for upland owners.

Manatees have been injured or killed by entrapment in existing culverts and roadway/culvert projects under construction within Miami-Dade County. The MPP requires that all new or replacement culverts and outfalls accessible to manatees be designed to prevent entrapment of or injury to manatees. The proposed project is not recommended for approval unless, per proposed plans, outfalls which are greater than 7 inches and less than 60 inches in diameter are covered with grates or screens with spaces less than 7 inches wide in order to prevent entrapment. New culverts installed in areas not previously accessible to manatees shall be covered with flap gates or other devices designed so as not to cause injury to manatees, and to prevent the animals from entering the outfall including during construction. All State of Florida Fish and Wildlife Conservation Commission Standard Manatee Protection Conditions for In-Water Work should be implemented for all aspects of construction.

Please be advised that an Annual Operating Permit shall be required for all facilities reasonably expected to be a source of pollution to air, ground and water, for all commercial boat docking facilities, for all boat storage facilities contiguous to tidal waters with a total of ten or more dry storage spaces, and for all recreational boat docking facilities with a total of ten or more boat slips, moorings, davit spaces or vessel tie-up spaces.

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. The applicant is responsible for contacting these agencies.

Please contact the Coastal and Wetlands Resources Section of DERM at (305) 372-6575 with any questions.

Tree Preservation

No landscape survey was submitted with the application. DERM is unable to determine the compliance with the specimen tree (trees with a DBH of 18 inches or greater) standards as required by Section 24 of the Code and Con-8A of the Comprehensive Development Master Plan (CDMP). However, the request for the modifications to the zoning requested proposal could be approved with a condition that specimen trees are preserved throughout the project area. Therefore a recommendation of approval from DERM is conditioned that no trees are impacted, specifically that specimen trees are preserved.

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standard and CON 8A of the Comprehensive Development Master Plan (CDMP).

Finally, in accordance with Section 24 of the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

Please contact Tree Permitting Program at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

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

Folio 30-3051-093-0230 has two existing records of soil contamination involving groundwater Ammonia (SW-1250, Waterford Project & Waterford East Site) as well as indoor air methane issues. For further information, please contact Jacquelyn Llano DERM EMRD at (305) 372-6700.

Concurrency Review Summary

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

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

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

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: March 21, 2017
To: Nathan Kogon
Assistant Director
Regulatory and Economic Resource Department
From: Darlene M. Fernandez, P.E.
Assistant Director
Department of Transportation and Public Works
Subject: DIC 16-197
Name: WRC Properties, LLC
Section 51 Township 53 South Range 40 East

I. PROJECT LOCATION:

The property is located south of Miami International Airport and SR 836, on both sides of NW 57 Avenue and north of NW 7 Street.

II. APPLICATION REQUEST:

This application is requesting approval of the following DRI requests a decrease of the subject property by $10 \pm$ acres to delete that certain parcel of land and a modification to decrease the subject property's acreage to $378 \pm$ acres and to allow simultaneous decrease and addition of new uses for the DRI development program and to extend the buildout date to February 29, 2028.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

This application is being serviced from the north and south by NW 57 Avenue, NW 62 Avenue and NW 65 Avenue and from the east and the west by NW 7 Street, NW 11 Street/Blue Lagoon Drive and SR 836/Palmetto Expressway.

IV. RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division (TED) has recommended approval of this application.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition)

The reserved number of net external PM peak hour trips assigned to the Waterford at Blue Lagoon DRI Development order is 6,037. The proposed change of the development program to the DRI under this DIC does not generate any additional trips. In addition, this application is located within the urban infill area.

B. Cardinal Distribution

North	6 %	East	53 %
South	26 %	West	15 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9348 located on NW 7 Street west of NW 60 Avenue, has a maximum LOS "E+50" of 4,425 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1,512 vehicles and 276 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9348** with its PHP and assigned vehicles is at LOS "D". The 0 vehicle trips generated by this development when combined with the 1,512 and those previously approved through Development Orders, 276, equal 1,788 and will cause this segment to remain at LOS "D" whose range is 490 to 2,450.

Station 9618 located on Perimeter Road east of NW 57 Avenue, has a maximum LOS "E" of 2,150 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1,483 vehicles and 44 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9618** with its PHP and assigned vehicles is at LOS "B". The 0 vehicle trips generated by this development when combined with the 1,483 and those previously approved through Development Orders, 44, equal 1,527 and will cause this segment to remain at LOS "B" whose range is 430 to 2,110.

Station F-1189 located on NW 57 Avenue north of NW 7 Street, has a maximum LOS "E+50" of 8,085 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2,562 vehicles and 93 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1189** with its PHP and assigned vehicles is at LOS "C". The 0 vehicle trips generated by this development when combined with the 2,562 and those previously approved through Development Orders, 93, equal 2,655 and will cause this segment to remain at LOS "C" whose range is up to 5,250.

Station F-1201 located on NW 72 Avenue/Milam Dairy Rd north of NW 7 Street, has a maximum LOS "E" of 5,390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2,340 vehicles and 289 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1201** with its PHP and assigned vehicles is at LOS "C". The 0 vehicle trips generated by this development when combined with the 2,340 and those previously approved through Development Orders, 289, equal 2,629 and will cause this segment to remain at LOS "C" whose range is up to 5,250.

Station F-1202 located on NW 72 Avenue/Milam Dairy Rd north of NW 12 Street, has a maximum LOS "E" of 5,390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2,456 vehicles and 187 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1202**

26

with its PHP and assigned vehicles is at LOS "C". The 0 vehicle trips generated by this development when combined with the 2,456 and those previously approved through Development Orders, 187, equal 2,643 and will cause this segment to remain at LOS "C" whose range is up to 5,250.

Station F-2193 located on SR 836/ Dolphin Expressway west of NW 57 Avenue/Red Rd, has a maximum LOS "D" of 13,390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 12,509 vehicles and 54 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-2193** with its PHP and assigned vehicles is at LOS "D". The 0 vehicle trips generated by this development when combined with the 12,509 and those previously approved through Development Orders, 54, equal 12,563 and will cause this segment to remain at LOS "D" whose range is 11,100 to 13,390.

Station F-2198 located on SR 836/ Dolphin Expressway east of NW 57 Avenue/Red Rd, has a maximum LOS "D" of 13,390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 11,688 vehicles and 301 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-2198** with its PHP and assigned vehicles is at LOS "D". The 0 vehicle trips generated by this development when combined with the 11,688 and those previously approved through Development Orders, 301, equal 11989 and will cause this segment to remain at LOS "D" whose range is 11,100 to 13,390.

VII. SITE PLAN CRITIQUE:

1. This land **requires** replatting 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.

VIII. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."


c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources

Memorandum



DATE: January 19, 2017

TO: Carl Harrison
Zoning Services Plans Processor Analyst
Department of Regulatory and Economic Resources (RER)

FROM: Matthew Vinke, AICP 
Transit Planner II
Planning & Development Division
Department of Transportation and Public Works (DTPW)

SUBJECT: Review of DIC Application No. Z2016000197
DTPW Project No. OSP173
FSC No. 41.04

Project Description

The subject site consists of approximately 388.54 acres of land located south of Miami International Airport and SR 836, on both sides of NW 57th Avenue and north of NW 7th Street in unincorporated Miami-Dade County. The developer is seeking the approval of the following DRI requests:

- 1- A decrease of the subject property by approximately 10 acres to delete that certain parcel of land identified by folio no. 30-3051-051-0080 (the "Sofitel Parcel") from the DRI subject property;
- 2- A modification of Condition No. 29 of Resolution No. Z-32-90 to decrease the subject property acreage to approximately 378 acres and to allow a simultaneous decrease in office uses and addition of new residential uses for the DRI development program and to incorporate an equivalency matrix to allow for an equivalent combination of development programs;
- 3- A modification of Condition No. 47 of Resolution No. Z-7-12 to extend the buildout date to February 29, 2028;
- 4- A modification of the DRI Map H to provide location information for the proposed residential use; and,
- 5- A determination that the proposed change is not a substantial deviation; and,
- 6- A District Boundary Change for Parcel 1 from IU-2, Industrial Heavy Manufacturing District, to BU-2, Special Business District.

Note that a separate zoning hearing application was filed for the Sofitel Parcel. This request to reduce the DRI subject property from approximately 388 acres to 378 acres includes the option to potentially decrease up to 112,500 sf of office use in exchange for up to 800 residential dwelling units to the development program through the incorporation of an equivalency matrix into the DRI development program.

Current Transit Service

The immediate area of the DRI subject property is served by Metrobus Routes 7, 57 and 238 (East-West Connection). These routes circulate and stop on roads within the DRI, and provide a connection to the Miami International Airport Metrorail Station. The table below details the service headways for these Metrobus routes.

**Metrobus Route Service Summary
 DIC Project No. Z2016000197**

Route(s)	Service Headways (in minutes)						Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday	
7	30	40	60	n/a	40	40	L/F
57	50	60	n/a	n/a	n/a	n/a	L/F
238 (East-West Connection)	40	60	n/a	n/a	n/a	n/a	L/F

*Notes: L means Metrobus local route service
 F means Metrobus feeder service to Metrorail
 December 2015 Line Up*

Recent Transportation/Transit Improvements

As described in the 2016 Transit Development Plan (TDP), the following service changes were implemented for Metrobus Routes 7 and 238 in 2016.

Route	Improvement/Adjustment
7	Adjust running time between SW 1st Street/SW 1st Avenue to Miami-Dade College to match Route 2 (seven days a week)
238	Eliminate service to cargo city; weekday running time adjustments

DTPW Comments/Recommendations

Route 7 serves the DRI subject property and currently provides bus service with a 30-minute or better AM/PM peak-hour headway. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by DTPW for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

DTPW along with its transportation partners, continue to develop premium transit corridors in order to provide convenient mass transit services to major employment centers as a part of the recently adopted SMART Plan. It should be noted that the DRI

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subject property is located within the East-West Corridor which is the subject of major transit planning efforts.

DTPW has **no objections** to this DIC application and in general is supportive of including residential uses within employment areas to maximize the use of existing transit services.

c: Monica D. Cejas, P.E., Chief, Planning & System Development
Nilia Cartaya, Principal Planner, Planning & System Development

Memorandum



Date: January 26, 2017

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

From: Ammad Riaz, P.E. *A.R.*
Chief of Aviation Planning
Aviation Department

Subject: DIC Application No. 16-197
WRC Properties Blue Lagoon
MDAD DN-17-02-2270

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Application Number 16-197. The Waterford at Blue Lagoon Development of Regional Impact (DRI) property consists of approximately 388.54 acres of land located south of Miami International Airport and SR 836, on both sides of NW 57 Avenue and north of NW 7 Street in unincorporated Miami-Dade County. The applicant is seeking the approval of the following DRI requests: 1) a decrease of the subject property by approximately 10 acres to delete that parcel of land identified by folio number 30-3051-051-0080 (the "Sofitel Parcel") from the DRI subject property; 2) a modification of Condition No. 29 of Resolution No. Z-32-90, as last amended by Z-24-98, to decrease the subject property acreage to approximately 378 acres and to allow a simultaneous decrease and addition of new in uses for the DRI development program and to incorporate an equivalency matrix to allow for an equivalent combination of the development program uses; 3) a modification of Condition No. 47 of Resolution No. Z-7-12, to extend the buildout date to February 29, 2028 pursuant to Section 252.363, F.S.; 4) a modification of DRI Map H to provide location information for the proposed residential use; and 5) a determination that the proposed change is not a substantial deviation; and the following zoning request 1) a district boundary change for Parcel 1 from IU-2 and BU-2.

MDAD does not object to the requests provided that all proposed land uses comply with applicable federal, state and local aviation regulations including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning. Because of the proximity to Miami International Airport, MDAD is required to review any proposed permanent and temporary structures and advise if airspace determinations are needed.

C: J. Ramos
Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources

Memorandum



Date: January 25, 2017

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

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Modeling Section

Subject: Zoning Comments - Waterford at Blue Lagoon DRI
Application Z2016000197 – (Pre-app. No.Z15P-166)

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. *The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.*

Application Name: Waterford at Blue Lagoon DRI

Location: The proposed project is to be located on approximately 378 acres, bounded at the east and west sides of NW 57th Avenue (Red Road), between the East-West Expressway (State Road No.836) and the Tamiami Canal, with folios (see attached Exhibit 'A'), in unincorporated Miami-Dade County.

Proposed Development: Includes 4,317,500 S.F. of office, 30,000 S.F. of retail, 500 seats of restaurant, 10,000 S.F. of Health Club, five (5) hotels (1,400 rooms), 800 DU of residential use, and the following DRI requests per Letter of Intent dated November 18, 2016: "1) a decrease of the subject property by 10± acres to delete that certain parcel of land identified by folio no. 30-3051-051-0080 (the "Sofitel Parcel") from the DRI subject property; 2) a modification of Condition No.29 of Resolution No. Z-32-90, as last amended by Z-24-98, to decrease the subject property acreage to 378± acres and to allow a simultaneous decrease and addition of new in uses for the DRI development program and to incorporate an equivalency matrix to allow for an equivalent combination of the development program uses; 3) a modification of Condition No.47 of Resolution No. Z-7-12, to extend the buildout date to February 29, 2028 pursuant to Section 252.363, F.S.; 4) a modification of DRI Map to provide location information for the proposed residential use; and 5) a determination that the proposed change for Parcel 1 from IU-2 to BU-2."

Water: The subject project is located within WASD's service area. The source of water for the project is the Hialeah-Preston Water Treatment Plant. Currently, there is adequate treatment and water supply capacity for the proposed development consistent with Policy WS-2 A (1) of the CDMP.

There are existing water mains within the proposed application area. The required water infrastructure needed for the future projects will be determined at the time of development, on a one-to-one basis. Additionally, there are two WASD Agreements, No. 20346 executed on November 16, 2015 and 22757 executed on September 12, 2016 within the project site for the development of 273,000 sq.ft. and 160,000 sq.ft. of Office space respectively.

A Water Supply Certification (WSC) from WASD will be required for all future development. Agreement No. 20346 was issued a WSC on October 1, 2015 and Agreement No. 22757 was issued a WSC on February 3, 2016. All future Certification will be issued at the time the applicant request connection to the water system. The Certification is required to assure adequate water supply is available to all water users of the WASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

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

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

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

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

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows from the proposed development will be transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection.

There are existing sanitary sewer mains within the proposed application area. The required sewer infrastructure needed for the future projects will be determined at the time of development, on a one-to-one basis.

WASD will be the utility providing sewer services subject to the following conditions:

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

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement. In addition, easements associated with mains to be removed and relocated shall be closed and vacated before starting construction in the easement(s) areas. In case of R/W to be closed and vacated within the property, mains shall be removed and relocated, if needed, before closing/vacating them. Services to existing customers cannot be interrupted.

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

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

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

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

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


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

Memorandum



Date: February 3, 2017

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

From: 
Paul Mauriello, Deputy Director, Waste Operations
Department of Solid Waste Management

Subject: WRC Properties, LLC (#16_197)

The Department of Solid Waste Management (DSWM) review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Intergovernmental and External Affairs, at 305-375-1354. **The DSWM has no objections to the proposed application.**

Application: *WRC Properties, LLC* is requesting a District Boundary Change from IU-2 (Industrial Districts, heavy manufacturing) to BU-2 (Special Business District) for Parcel 1 of the Waterford at Blue Lagoon Development of Regional Impact. A Special Exception would also be requested subsequently, which would ultimately allow for development of a multi-family residential establishment at a density of 59 dwelling units per acre.

Location: The property is located on the northwest corner of NW 11th Street and NW 57th Avenue.

Size: The subject property is approximately 1.37 acres in size.

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 DSWM 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 21, 2016, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department, 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

Should the proposed Zoning District Boundary Change and Special Exception be approved and a multistory residential complex subsequently constructed on the property, it would meet the Miami-Dade County Code definition of a multi-family residential establishment. Pursuant to Chapter 15 of the Code, multi-family residential establishments must meet the following requirements:

"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." Because the DSWM does not generally service multifamily establishments located in the waste collection service area. The landlord or property owner will be required to contact a private hauler to provide waste and recycling collection service.

3. Recycling

Section 15-2.2a of the Code requires that "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 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 that 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 (i.e., somewhere for residents to store and set out their recycling carts or bins or, in the case of centralized waste collection with dumpster containers, a permanent space for recycling carts or larger receptacles).

Requests for approval of modified recycling programs must be made directly to the Department. The application regarding modified recycling programs may be found on the website at <http://www.miamidade.gov/solidwaste/multifamily-recycling.asp>.

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. There should be no "dead-end" alleyways developed. A sufficient waste set-out zone should be preserved between the edge of the pavement and any possible obstructions (such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Memorandum



Date: January 17, 2017

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

From: Alejandro Zizold, PROS Master Plan Manager
Planning & Design Excellence Division
Parks, Recreation and Open Spaces Department

Subject: Z2016000197: WRC Properties, LLC, et. al.

Applicant Name: WRC Properties, LLC, et. al.

Project Location: The proposed +/- 388.54 project site is located south of Miami International Airport and SR 836, on both sides of NW 57th Avenue and north of NW 7 Street in unincorporated Miami-Dade County.

Proposed Development: The request is for a public hearing seeking changes to the Waterford at Blue Lagoon [DRI] Development of Regional Impact development program. The applicant is seeking approval to allow decreasing the property under DRI by 10 acres, decreasing office use by 112,500 square feet, adding 800 multifamily units, and extending the buildout date to February 29, 2028.

Impact and Demand: This application proposes a total of 800 multi-family dwelling units which would generate an impact of 4.7 acres of local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. 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 1 (PBD1) which has a surplus of 128.25 acres of local parkland and therefore the project meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

At the time of site plan submittal, the application should include a description of provision of recreational facilities for the project.

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

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 Zafar Ahmed at (305) 755-7997.

MN:za

Cc: John M. Bowers, Parks Planning Section Supervisor

Attachment:

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


PARK NAME	ADDRESS	CLASS	ACREAGE	TYPE	PBD	CD
A.D. Barnes Park	3401 SW 72ND AVE	COMMUNITY PARK	60.93	Local	2	6
Banyan Park	SW 30TH ST / SW 87TH AVE	NEIGHBORHOOD PARK	3.09	Local	2	10
Brothers To The Rescue Memorial Park	2420 SW 72ND AVE	SINGLE PURPOSE PARK	6.75	Local	2	6
Coral Estates Park	1405 SW 97TH AVE	COMMUNITY PARK	5.26	Local	2	10
Coral Villas Park	6398 SW 35TH ST	MINI PARK	0.36	Local	2	6
Francisco Human Rights Park	9445 SW 24TH ST	MINI-PARK	2.88	Local	2	10
Glenwood Park	6815 NW 31ST AVE	MINI-PARK	0.57	Local	1	3
Humble Mini Park	7850 SW 39TH TER	MINI-PARK	0.48	Local	2	6
Melrose Park	3050 NW 35TH ST	NEIGHBORHOOD PARK	3.39	Local	1	2
Rocky Creek Park	3305 NW 48TH TER	MINI-PARK	0.26	Local	1	3
Ruben Dario Park	9825 W FLAGLER ST	COMMUNITY PARK	14.97	Local	1	10
San Jacinto Park	4430 SW 15TH TER	MINI-PARK	0.90	Local	2	6
Schenley Park	2750 SW 57TH AVE	NEIGHBORHOOD PARK	1.68	Local	2	6
Sunset Heights Park	960 SW 73RD AVE	MINI-PARK	0.37	Local	2	6
Coral Gables Wayside Park	5710 SW 35TH ST	SPECIAL ACTIVITY PARK	1.34	Area-Wide	2	6
Tropical Park	7900 SW 40TH ST	DISTRICT PARK	283.20	Area-Wide	2	10

Memorandum



Date: January 22, 2017

To: Jack Osterholt, Director
Regulatory and Economic Resources

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

Subject: DIC 2016000197 – WRC Properties, LLC

According to the letter of intent dated November 18, 2016, the applicant is seeking to modify certain conditions of the Waterford at Blue Lagoon Development of Regional Impact (the "DRI"). The applicant is seeking to modify the DRI in order to decrease acreage, decrease the square feet of approved office space in exchange for additional residential units, extend the buildout date, along with a district boundary from IU-2 (Industrial) to BU-2 (Business) on a specific parcel of land within the DRI.

The Miami-Dade Fire Rescue Department (MDFR) recognizes that the applicant did not proffer a site plan in connection with the subject zoning hearing application. At time of development, the applicant shall proffer a site plan to the Fire Engineering & Water Supply Bureau assuring compliance with the MDFR Access Road Requirements for DIC/DRI applications.

Please be advised that during the platting and permitting stages of the project, the proffered site plan must be reviewed by the Fire Engineering & Water Supply Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC/DRI review process.

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

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

VWR PROPERTIES, LLC ET AL

THE NORTHEAST CORNER OF NW 11 STREET &
NW 57 AVENUE,
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

MAY 17, 2017

Z2016000197

DATE

HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 18, 2017

NEIGHBORHOOD REGULATIONS:

There are no current Open or Closed Cases

BUILDING SUPPORT REGULATIONS:

There are no current Open or Closed cases

VIOLATOR:

VWR Properties, LLC ET AL

OUTSTANDING LIENS AND FINES:


As of April 18, 2017, There are no Outstanding Liens, Fines, or Fees

Memorandum



Date: December 30, 2016

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

From: Juan J. Perez, Director
Miami-Dade Police Department 

Subject: Review - Zoning Application - Case: No. Z2016000197
WRC Properties, LLC

APPLICATION

The applicant, WRC Properties, LLC, is requesting a public hearing seeking changes to the Waterford at Blue Lagoon [DRI] Development of Regional Impact development program. The changes being sought include but are not limited to, decreasing the property by 10 acres, decreasing office use by 112,500 square feet, adding 800 multifamily dwellings, and extending the buildout date to February 29, 2028. The 388.54 acre property is located south of Miami International Airport and State Road 836, north of NW 7 Street along NW 57 Avenue, in Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The development would be located in unincorporated Miami-Dade County and serviced by our Midwest District, located at 9101 NW 25 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's resources, and the impact that the location could have on the proposed zoning modification changes.

Current data of police staffing, population, and crimes/calls-for-service was examined to project any increase in calls-for-service. Current staffing should accommodate any slight increase in the volume of calls-for-service. Should demand for police services significantly increase beyond current levels, additional sworn personnel, support staff, and equipment will be required. Additionally, it is recommended that WRC Properties, LLC, work closely with Midwest District Command Staff in considering security options for the site.

The Miami-Dade Police Department does not object to any proposed zoning modifications to complete this project at this time.

The applicants are encouraged to work with police during any future pre and post application changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Sergeant Keith Hedrick, of our Strategic Planning and Development Section, may be contacted at 305-471-1990.


JJP/kh
Attachment

Memorandum



Date: December 30, 2016

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

From: Juan J. Perez, Director
Miami-Dade Police Department 

Subject: Review - Zoning Application - Case: No. Z2016000197
WRC Properties, LLC

APPLICATION

The applicant, WRC Properties, LLC, is requesting a public hearing seeking changes to the Waterford at Blue Lagoon [DRI] Development of Regional Impact development program. The changes being sought include but are not limited to, decreasing the property by 10 acres, decreasing office use by 112,500 square feet, adding 800 multifamily dwellings, and extending the buildout date to February 29, 2028. The 388.54 acre property is located south of Miami International Airport and State Road 836, north of NW 7 Street along NW 57 Avenue, in Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The development would be located in unincorporated Miami-Dade County and serviced by our Midwest District, located at 9101 NW 25 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

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A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's resources, and the impact that the location could have on the proposed zoning modification changes.

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The Miami-Dade Police Department does not object to any proposed zoning modifications to complete this project at this time.

The applicants are encouraged to work with police during any future pre and post application changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Sergeant Keith Hedrick, of our Strategic Planning and Development Section, may be contacted at 305-471-1990.

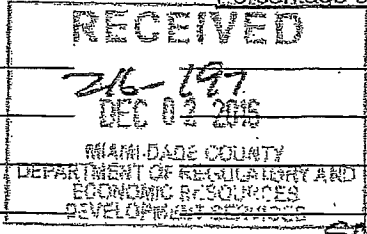
JJP/kh
Attachment

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: _____

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



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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: Westland at Waterford Operating, L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable) _____ Percentage of Interest _____

RECEIVED
 2-16-197
 DEC 07 2016
 MIAMI-DASCC COUNTY
 DEPARTMENT OF REGULATORY AND
 ECONOMIC RESOURCES
 DEVELOPMENT SERVICES

Date of contract: _____


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

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

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

Signature  Brad Simpkins
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally know to me or has produced _____ as identification.


 (Notary Public)

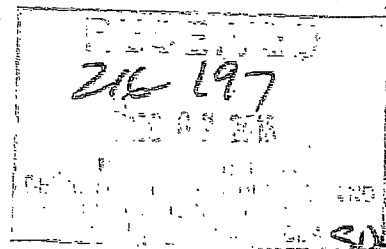
My commission expires: October 12, 2019 Seal

*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.

DISCLOSURE OF INTEREST

Westland at Waterford Operating, LP, is a Delaware limited partnership and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

- Waterford Blue Lagoon, LP, is a Delaware limited partnership with the following ownership interests:
 - 29.89% owned by Allianz US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 4.41% owned by APKV US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 2.94% owned by AZ Vers US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 11.76% owned by SAS Allianz Logistique, a Societe par actions simplifiee, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 1% T-C Waterford Blue Lagoon General Partner LLC, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.
 - 50% T-C Waterford Blue Lagoon, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.



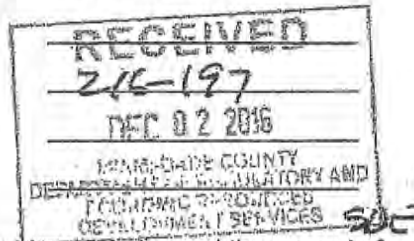
DISCLOSURE OF INTEREST*

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: MCP WATERFORD ATRIUM, LLC, a Delaware LLC

NAME AND ADDRESS
MCP Waterford Atrium, LLC, a Delaware limited liability company,
and a special purpose entity that owns interest is the subject property.
This entity is ultimately controlled by MetLife, Inc., a publicly traded
company (NYSE: MET):

Percentage of Stock



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: _____

NAME AND ADDRESS

Percentage of Interest

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

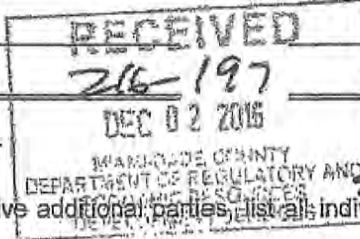
Percentage of Ownership

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].

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.

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.

Witnesses:

Signature

[Signature]

Andrew Kennedy

Print Name

[Signature]

Signature

Anna C. Regateiro

Print Name

MCP WATERFORD ATRIUM, LLC,
a Delaware limited liability company,
on behalf of itself and MetLife CB W/A, LLC

By: METLIFE CORE PROPERTY HOLDINGS, LLC,
a Delaware limited liability company, its sole member

By: METLIFE CORE PROPERTY REIT, LLC,
a Delaware limited liability company, its sole member

By: METLIFE CORE PROPERTY FUND, LP,
a Delaware limited partnership, its managing member

By: METLIFE CORE PROPERTY FUND GP, LLC,
a Delaware limited liability company, its general partner

By: *[Signature]*

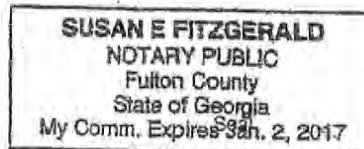
Name: Charles C. Davis, Jr.

Title: Director

Sworn to and subscribed before me this 2nd day of November 2016. Affiant is personally know to me or has produced _____ as identification

[Signature]
(Notary Public)

My commission expires: January 2, 2017



*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.

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: _____

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

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: 1000 Waterford Operating L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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.

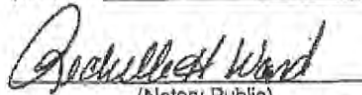
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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  Brad Simokios
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 16 day of July, 2016. Affiant is personally known to me or has produced _____ as identification.


(Notary Public)

RECHELLE H WARD
NOTARY PUBLIC
Iredell County
North Carolina

My Commission Expires October 12, 2019

My commission expires: October 12, 2019

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.

DISCLOSURE OF INTEREST

1000 Waterford Operating, LP, is a Delaware limited partnership and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

- Waterford Blue Lagoon, LP, is a Delaware limited partnership with the following ownership interests:
 - 29.89% owned by Allianz US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 4.41% owned by APKV US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 2.94% owned by AZ Vers US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 11.76% owned by SAS Allianz Logistique, a Societe par actions simplifiee, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 1% T-C Waterford Blue Lagoon General Partner LLC, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.
 - 50% T-C Waterford Blue Lagoon, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.

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: _____

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

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: 5201-5301 Waterford Operating L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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.

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.

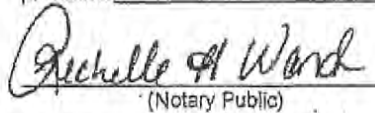
Signature


(Applicant)

Brad Simpson

(Print Applicant name)

Sworn to and subscribed before me this 19 day of July, 2014. Affiant is personally know to me or has produced _____ as identification.


(Notary Public)

RECHELLE H WARD
NOTARY PUBLIC
Iredell County
North Carolina
My Commission Expires October 12, 2019

My commission expires: October 12, 2019

*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.

DISCLOSURE OF INTEREST

5201-5301 Waterford Operating, LP, is a Delaware limited partnership and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

- Waterford Blue Lagoon, LP, is a Delaware limited partnership with the following ownership interests:
 - 29.89% owned by Allianz US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 4.41% owned by APKV US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 2.94% owned by AZ Vers US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 11.76% owned by SAS Allianz Logistique, a Societe par actions simpliffee, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 1% T-C Waterford Blue Lagoon General Partner LLC, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.
 - 50% T-C Waterford Blue Lagoon, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.

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: _____

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

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: 5200 Waterford Operating L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

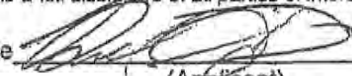
Date of contract: _____

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

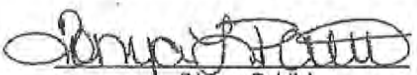
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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  Brad Simpkins
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally known to me or has produced _____ as identification.


 (Notary Public)

TONYA L. PATEL
 NOTARY PUBLIC
 Mecklenburg County
 North Carolina
 My Commission Expires Sept. 4, 2017

My commission expires: 9/4/2017

*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.

DISCLOSURE OF INTEREST

5200 Waterford Operating, LP, is a Delaware limited partnership and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

- Waterford Blue Lagoon, LP, is a Delaware limited partnership with the following ownership interests:
 - 29.89% owned by Allianz US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 4.41% owned by APKV US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 2.94% owned by AZ Vers US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 11.76% owned by SAS Allianz Logistique, a Societe par actions simpliffee, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 1% T-C Waterford Blue Lagoon General Partner LLC, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.
 - 50% T-C Waterford Blue Lagoon, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.

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: _____

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

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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: Waterford Core Operating, L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

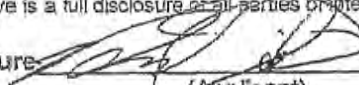
Date of contract: _____

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

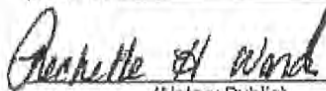
_____	_____
_____	_____
_____	_____
_____	_____

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  Brad Simpkins
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally know to me or has produced _____ as identification.


(Notary Public)

RECHELE H WARD NOTARY PUBLIC Iredell County North Carolina My Commission Expires October 12, 2019

My commission expires: October 12, 2019

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.

DISCLOSURE OF INTEREST

Waterford Core Operating, LP, is a Delaware limited partnership and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

- Waterford Blue Lagoon, LP, is a Delaware limited partnership with the following ownership interests:
 - 29.89% owned by Allianz US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 4.41% owned by APKV US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 2.94% owned by AZ Vers US Private REIT, LP, a Delaware limited partnership, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 11.76% owned by SAS Allianz Logistique, a Societe par actions simpliffee, which is a subsidiary of and ultimately controlled by Allianz SE, a publicly traded company on the Euro Stoxx 50 stock market index (FWB: ALV and OTCQX: AZSEY).
 - 1% T-C Waterford Blue Lagoon General Partner LLC, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.
 - 50% T-C Waterford Blue Lagoon, a Delaware limited liability company, which is 100% owned by Teachers Insurance and Annuity Association of America, a pension trust comprised of five thousand (5,000) separate interests held by various investors, none of which have holdings exceeding five (5%) percent of the ownership interest.

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: WRC Properties, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
See attached.	
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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.

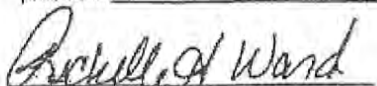
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Signatures:  (Applicant) Brad Simpkins (Print Applicant name)

Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally know to me or has produced _____ as identification.


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RECHELLE H WARD NOTARY PUBLIC Iredell County North Carolina My Commission Expires October 12, 2019
--

My commission expires: Oct 9, 2019 Seal

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DISCLOSURE OF INTEREST

WRC Properties, LLC is a Delaware limited liability company and is ultimately 100% owned by Waterford Blue Lagoon, LP, a Delaware limited partnership.

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_____	_____
_____	_____
_____	_____

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TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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PARTNERSHIP OR LIMITED PARTNERSHIP NAME: 701-703 Waterford Operating, L.P.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
See attached.	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

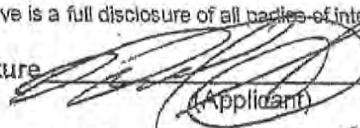
Date of contract: _____

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

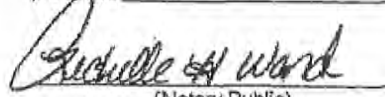
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Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally know to me or has produced _____ as identification.


(Notary Public)

ROCHELLE H WARD
NOTARY PUBLIC
Iredell County
North Carolina
My Commission Expires October 12, 2019

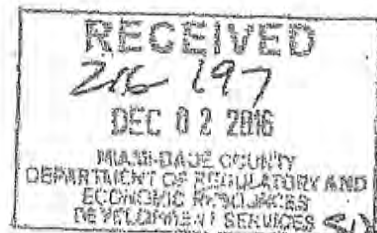
My commission expires: October 12, 2019 Seal

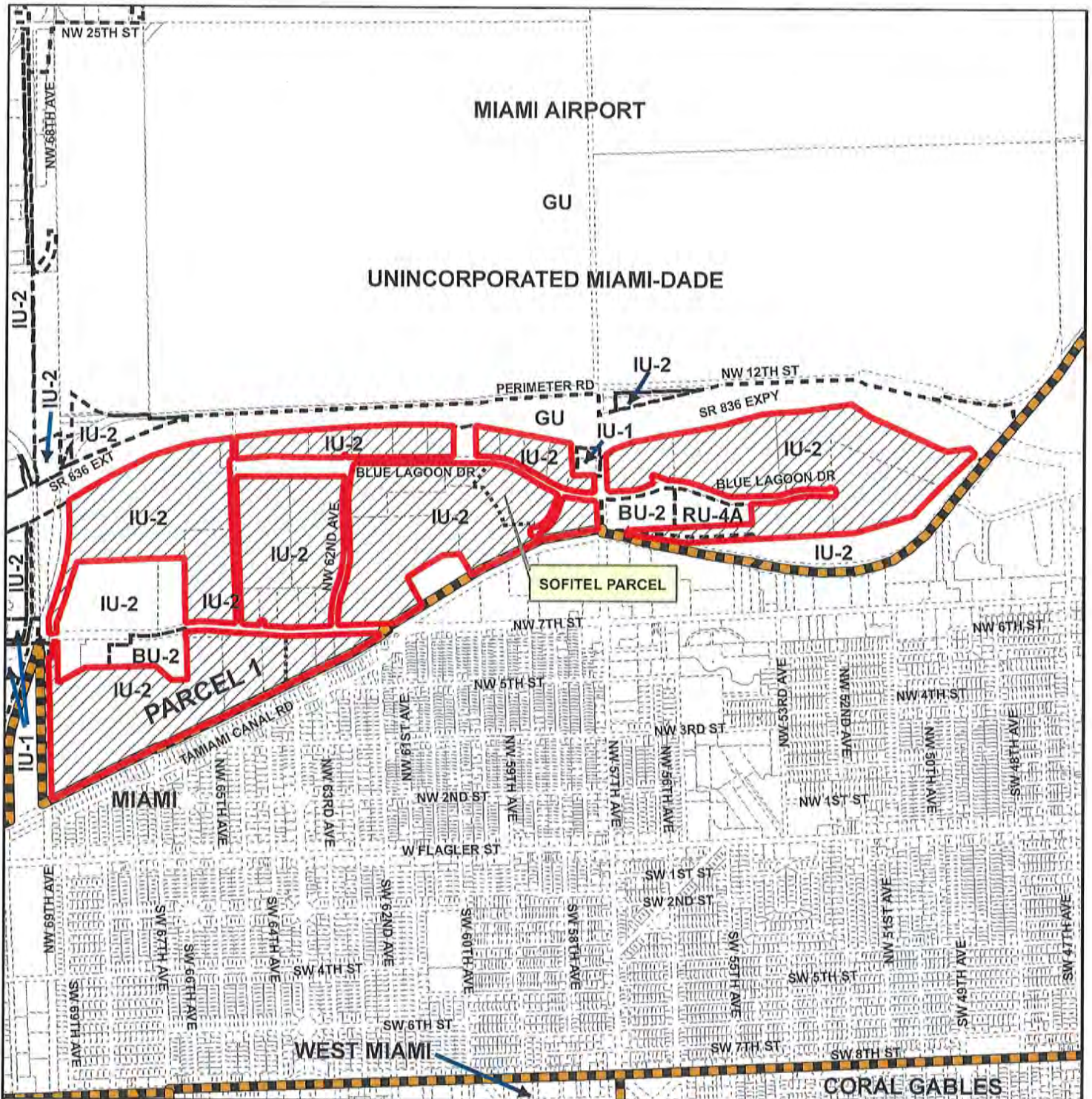
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MIAMI-DADE COUNTY

Process Number

HEARING MAP

Z2016000197

Section: 31 Township: 53 Range: 41

Section: 36/52/51/35 Township: 53 Range: 40

Section: 01/02 Township: 54 Range: 40

Applicant: WRC Properties, LLC Et Al.



Zoning Board: Board of County Commissioners

Commission District: 6

Drafter ID: E.Cespedes

Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, February 7, 2017

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2015

Section: 36/36/52/51 Township: 53 Range: 40

Section: 02/01 Township: 54 Range: 40

Section: 31 Township: 53 Range: 41

Applicant: WRC Properties, LLC Et Al.

Zoning Board: Board of County Commissioners



Commission District: 6

Drafter ID: E.Cespedes

Scale: NTS

Process Number
Z2016000197

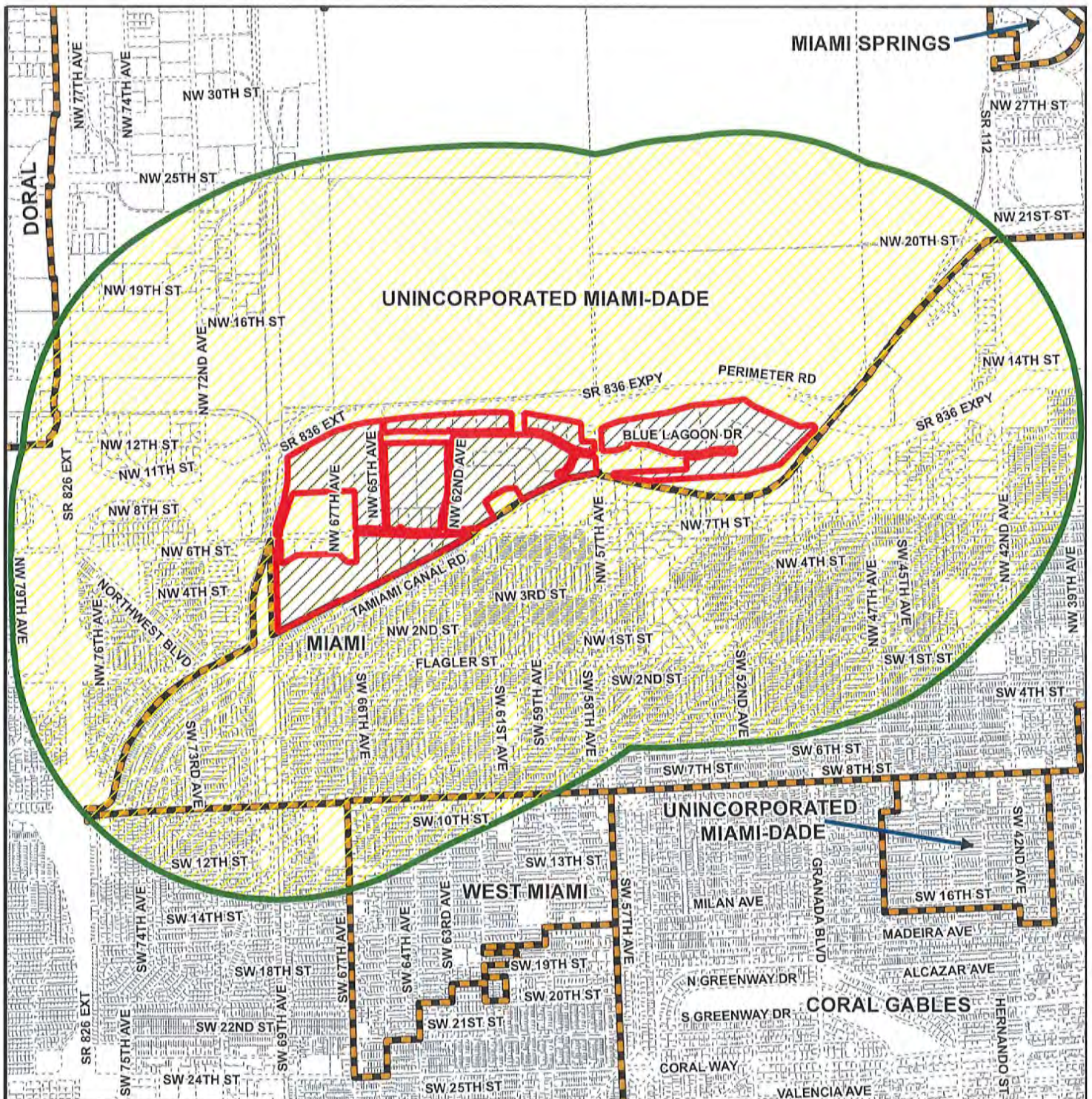
Legend

-  Subject Property
-  Municipalities



SKETCH CREATED ON: Wednesday, December 23, 2015

REVISION	DATE	BY
67		



MIAMI-DADE COUNTY

RADIUS MAP

Section: 35/36/52/51 Township: 53 Range: 40

Section: 02/01 Township: 54 Range: 40

Section: 31 Township: 53 Range: 41

Applicant: WRC Properties, LLC Et Al.

Zoning Board: Board of County Commissioners

Commission District: 6

Drafter ID: E.Cespedes

Scale: NTS

Process Number
Z2016000197

RADIUS: 5300

Legend

Subject Property

Buffer

Municipalities

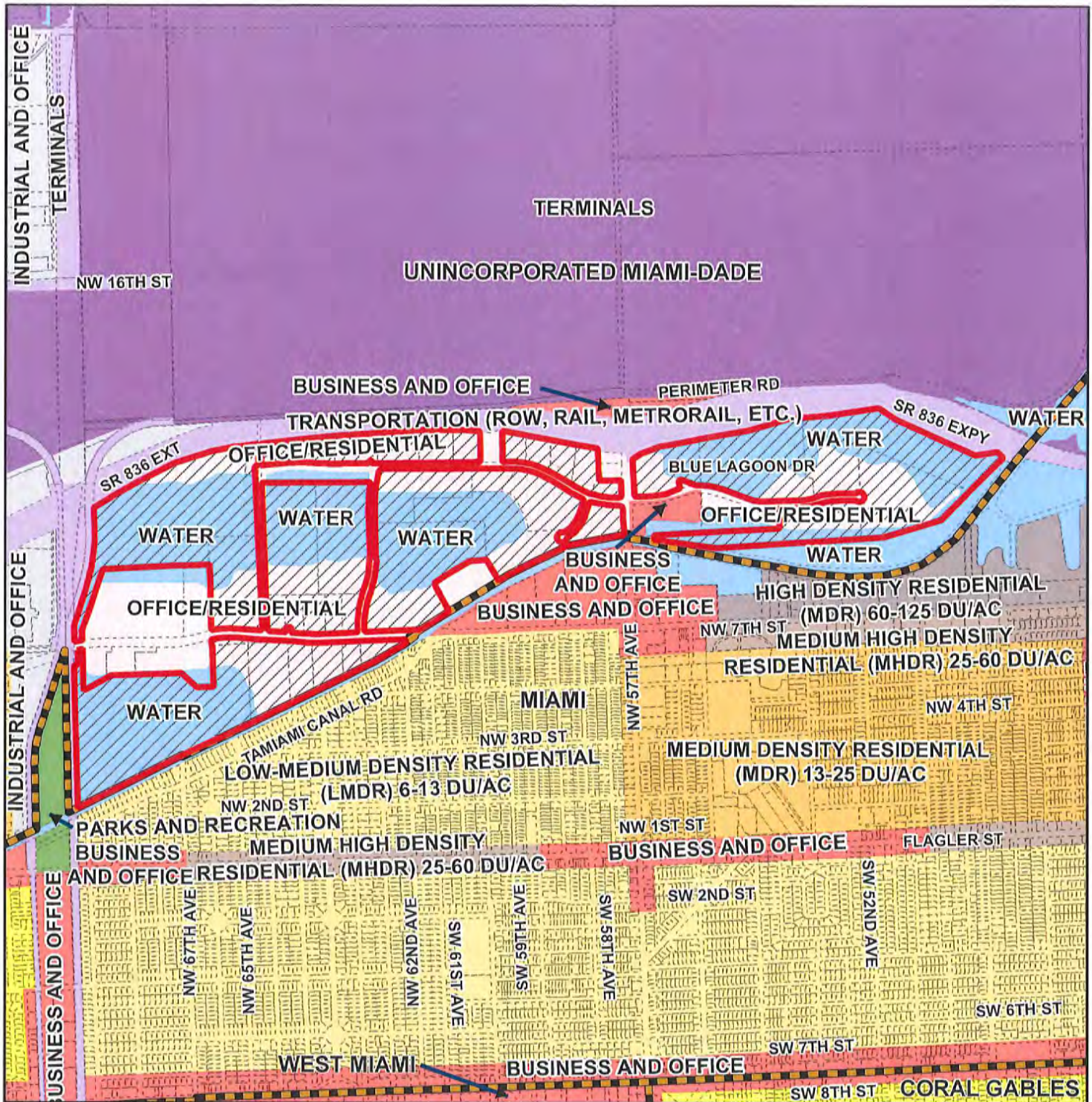
Property Boundaries



SKETCH CREATED ON: Wednesday, December 28, 2016

REVISION	DATE	BY

68



MIAMI-DADE COUNTY

Process Number

Z2016000197

CDMP MAP

Section: 35/36/52/51 Township: 53 Range: 40

Section: 02/01 Township: 54 Range: 40

Section: 31 Township: 53 Range: 41

Applicant: WRC Properties, LLC Et Al.


Zoning Board: Board of County Commissioners

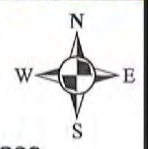
Commission District: 6

Drafter ID: E.Cespedes

Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, December 28, 2016

REVISION	DATE	BY

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COMMUNITY ZONING APPEALS BOARD - AREA 8
MEETING OF WEDNESDAY, NOVEMBER 15, 2017
Henry Reeves Elementary School
2005 N.W. 111 Street, Miami, Florida

ITEM B.
WRC PROPERTIES, ET AL.
(16-197)

Members of the Board
Present

Dr. Joy J. Davis, Chair
VonCarol Y. Kinchens, Vice-Chair
Fredericke Alan Morley
Richard C. Brown

STAFF
Daron Fitch, Assistant County Attorney
Earl Jones, Clerk
Mohammed Mansuri, P&Z Hearing Specialist

1 (Thereupon, the following proceedings
2 were had:)

3 CHAIRWOMAN DAVIS: Ladies and
4 Gentlemen, the meeting of Community
5 Council 8 has come to order on November
6 15, 2017.

7 At this time, please stand for the
8 Pledge of Allegiance.

9 (Thereupon, the Pledge of Allegiance
10 was had, after which the following
11 transpired:)

12 CHAIRWOMAN DAVIS: Please make sure
13 that you silence your telephones.

14 Staff, please call the roll.

15 MR. JONES: Councilman Brown.

16 COUNCILMAN BROWN: Here.

17 MR. JONES: Councilman Grayson.

18 No response.

19 Councilman Johnson has an excused
20 absence.

21 Councilman Morley?

22 COUNCILMAN MORLEY: Here.

23 MR. JONES: Vice-Chairwoman Kinchens?

24 VICE-CHAIR KINCHENS: Here.

25 MR. JONES: Chairwoman Davis?

1 CHAIRWOMAN DAVIS: Present.

2 MR. JONES: We have a quorum.

3 CHAIRWOMAN DAVIS: Thank you very
4 much.

5 Those of you who are present tonight,
6 who wish to speak must stand and the court
7 reporter will swear you in. If you wish to
8 speak tonight, please stand so that the
9 court reporter can swear you in.

10 (Thereupon, all interested parties
11 seeking to give testimony in the case were
12 duly sworn to tell the truth, the whole
13 truth, and nothing but the truth, after
14 which the following transpired:)

15 CHAIRWOMAN DAVIS: Thank you.

16 If you're a lobbyist, you should have
17 already registered with the Clerk of the
18 Board prior to the hearing.

19 Also, if you are going to speak, you
20 need to sign in if you have not already
21 done so.

22 (Thereupon, other matters not related
23 to this case were heard, after which the
24 following transpired:)

25 CHAIRWOMAN DAVIS: Staff, for the

1 record, please read the Department's
2 statement.

3 MR. JONES: In accordance with the
4 Code of Miami-Dade County, all items to be
5 heard this evening have been legally
6 advertised in the newspaper, notices have
7 been mailed, and the properties have been
8 posted. Additional copies of the agenda
9 are available here at the meeting.

10 Items will be called up to be heard
11 by agenda number and name of the
12 applicant. The record of the hearing on
13 each application will include the records
14 of the Department of Regulatory and
15 Economic Resources. All these items are
16 physically present here tonight, available
17 to all interested parties, and available
18 to the members of the Board to examine
19 item for the record, during the hearing.

20 Parties have a right of
21 cross-examination.

22 This statement along with the fact,
23 that all witnesses have been sworn, should
24 be included in any transcript of all or
25 any part of these proceedings.

1 In addition, the following
2 departments have representatives here
3 tonight at the meeting to address any
4 questions. The Department of Regulatory
5 and Economic Resources and the County
6 Attorney's Office.

7 All exhibits used in presentation
8 become the Board will become a part of the
9 public record, and will not be returned
10 unless an identical letter-sized copy is
11 submitted for the file.

12 Any person making impertinent or
13 slandorous remarks or who becomes
14 boisterous while addressing the Community
15 Zoning Appeals Board, shall be barred from
16 further audience with the Community Zoning
17 Appeals Board by the presiding officer
18 unless permission to continue or again
19 address the Board be granted by the
20 majority vote of the Board Members
21 present.

22 The number of filed protests and
23 waivers on each application will be read
24 into the record at the time of each
25 hearing as each application number is

1 read.

2 Those items that are not heard prior
3 to the ending time of this meeting will be
4 deferred to the next available Zoning
5 hearing meeting for this Board.

6 (Thereupon, other matters not related
7 to this case were heard, after which the
8 following transpired:)

9 MR. JONES: Item Number B,
10 Z2016000197 WRC Properties, LLC, Et Al.,
11 16-197. On the record it's one written
12 protest, zero waivers -- written waivers.

13 MR. GOLDSTEIN: For the record,
14 Joseph Goldstein, Attorney at 701 Brickell
15 Avenue on behalf of WRC Properties, the
16 applicant.

17 I'm here today with my colleague
18 Vanessa Madrid as well as our Traffic
19 Engineer, Adrian Dudzicki, and our client
20 representative Steve Oaks.

21 Just to understand the ground rules,
22 we turn into a pumpkin at 8:30? That's
23 it?

24 CHAIRWOMAN DAVIS: For the Gladeview
25 Group, we just want to make sure that

1 you're not disturbing the presentation.
2 Can you all kind of like go towards the
3 back of the room or step outside for a
4 moment?

5 Thank you.

6 MR. GOLDSTEIN: Recognizing that I'm
7 going to have to make a presentation, it's
8 a fairly straightforward presentation.
9 There's still opposition. I'm going to do
10 the best I can. I'm going to abbreviate
11 it. Obviously, I know you guys read the
12 recommendations fairly thoroughly. That's
13 more than obvious.

14 So I'm going to do the best that I
15 can. If you do have questions though, at
16 some point, or if I'm going too fast,
17 please stop me.

18 We're here tonight to talk about some
19 changes to the Waterford of Blue Lagoon
20 Development of Regional Impact. You know
21 the property. It's across from the
22 airport. It's got all those corporate
23 headquarters in it.

24 It's bisected really by 57th Avenue.
25 Half the project is on the east side of

1 57th Avenue between 57th and the Hilton.
2 And on the west side, it sort of expands
3 west. There's those office buildings
4 primarily on the west side north of 7th
5 Street, south of 836.

6 So it's a property that you're
7 probably familiar with, and it's been
8 there for about 30 years. And, in fact,
9 the original approval for this project was
10 granted in 1990, about 27 years ago.

11 The project -- the request that we're
12 making today is for amendment to the DRI
13 development order.

14 A DRI, or a Development of Regional
15 Impact is a State statute that was
16 established in the 1970's, and was
17 intended to address conflicts and impacts
18 between regional groups.

19 In other words, you're very
20 accustomed, just like your last
21 application, to look at the rezoning of a
22 piece of property, and see the property
23 across the street. It was identified in
24 the early 70's that there is sometimes
25 regional issues that don't get addressed.

1 And that's what a DRI is supposed to do.
2 It's supposed to -- and this is a quote
3 from the statute.

4 The term, Development of Regional
5 Impact, as used in this section, the
6 statute governing DRI's, means:

7 "Any development which, because of
8 its character, magnitude or location,
9 would have a substantial effect upon the
10 health, safety or welfare of citizens of
11 more than one county."

12 So this is intended to address big
13 things, not necessarily the local type of
14 issues that are out there. It's intended
15 to address the regional issues.

16 Typically a DRI is something that
17 goes through a fairly lengthy process.
18 It's reviewed by half a dozen to a dozen
19 state agencies through its approval
20 process. And every time you go and amend
21 it, you have to still go through the
22 process of getting both local authorities
23 reviewing it as well as all of the state
24 and regional authorities.

25 When I say regional, it's like FDOT,

1 the South Florida Regional Planning
2 Council, the Department of -- the Water
3 Management District, the Department of
4 Economic Opportunity. All of those
5 agencies also get a voice in looking at
6 the regional impacts for these projects.

7 So we're here today to seek a couple
8 of modifications to the existing
9 development order that's the land
10 development regulation that governs the
11 DRI. The original -- the Waterford DRI,
12 as it currently exists, is approved for
13 4.4 million square feet of office, 30,000
14 square feet of retail, 500 restaurant
15 seats, a 10,000 square foot health club,
16 five hotels with 1,400 rooms. Big.

17 And understand that, that program is
18 actually not an expansive program. That's
19 the limit that they look at. And it sets
20 as cap on it saying, okay, we can measure
21 the regional impacts, as long as you don't
22 go above that, and you stay within this
23 box of the impacts that are there.

24 So this application is seeking -- I
25 talk a lot. So sometimes I think that

1 time passes faster than I think.

2 So we're seeking to modify that DRI
3 development order in a couple of ways.

4 One, most important, we want to -- as
5 I read that list of uses, what's not in
6 there is residential.

7 When the original Waterford DRI was
8 approved, there's something as I was
9 reading it -- by the way, I worked on it
10 in 1990. And, in fact, have worked on it
11 throughout the history. But when it was
12 first approved, it was approved with those
13 land uses. One of the things that it
14 asked for, as a condition of the
15 development, was a daycare center. As a
16 condition, they wanted the daycare center
17 built before there was about a million
18 square feet that was provided.

19 The reason they wanted that was
20 because in 1990, in those days when it was
21 originally conceived, everybody was
22 driving from somewhere and coming to the
23 office park. And the planning authority
24 said, you know what, families -- some
25 people would want to have their kids at a

1 day car center near their office park.
2 Right? That's the way things were in the
3 1990.

4 Today development changes. Now we
5 want a mixed use. We want people who can
6 walk over. And so really, that's what
7 we're here to seek today. That is the
8 ability to build up to 800 residential
9 units within here in exchange for about a
10 112,000 square feet -- sorry. Let me get
11 the number right -- 112,500 square feet of
12 office. In other words, we're reducing
13 the office and allowing residential as a
14 new use.

15 The traffic analysis, which was
16 prepared by our traffic consultant, which
17 is in the record, which staff reviewed,
18 which the Department of Transportation
19 reviewed, said it offsets. We're creating
20 the same traffic impacts that were
21 approved.

22 So we're trying to revise the program
23 to reduce that number of office -- the
24 square footage, and replace it with the
25 option to do residential. We're not

1 getting residential site plan approved
2 today.

3 So this application is merely saying,
4 in the DRI we have this cap on our use.
5 We want to be able to go to potential
6 residential developers and come here so
7 that we can say to them, please take a
8 look at this piece of property. We want
9 to develop residential.

10 If you want to do it, we still have
11 to come back to you for site plan
12 approval. So it's not like we're getting
13 a residential building approved today.
14 This is merely within the umbrella of the
15 uses that are allowed here. We're seeking
16 the ability to be able to do that someday.

17 Obviously, if we went to -- and I'm
18 coming up with a name -- the related group
19 today and said, hey, we'd like to put some
20 residential here, they'd say but the DRI
21 doesn't allow it. And so that's what
22 we're trying to fix to then enable us to
23 go and market this.

24 Now, why do we want to do that?

25 And again, speaking as somebody who

1 has been familiar with this project for a
2 very long time, if you've driven in there,
3 what you'll notice is that there's no
4 restaurants. They've had a difficult time
5 trying to figure out how to keep people
6 within the project. So what their tenants
7 have criticized them for over the years
8 is, we'd like some more services, some
9 more retail, and we'd really love to have
10 some residential here, because that way
11 when we try and recruit people down here,
12 we can bring residential.

13 We're also, as part of this
14 application, pulling a portion of the
15 property out of the DRI, and allowing it
16 to just go through the normal process
17 where they would go through again zoning
18 with you at some point in the future, but
19 we're pulling it out of the DRI. And to
20 do that, we're also taking out of the DRI
21 cap the hotel units that are covered.

22 In other words, right now the Sofitel
23 Pullman parcel, which is the parcel we're
24 talking about, is approved and has been
25 built since before the original approval

1 of the DRI with about 281 units. We're
2 taking that out of the DRI with the 281
3 units so that we're, again, matching up.
4 And we went through a great deal of effort
5 with staff.

6 The way that this is measured for
7 purposes of changes to a DRI -- and again,
8 I'm trying to go fairly quickly -- is
9 whether it's a substantial deviation. And
10 the substantial deviation rules, as with
11 everything with the DRI process is a very
12 long and arduous section of the statute.
13 But to sort of simplify where you look, as
14 to whether you can make the change, the
15 statute gives an exemption for projects
16 that don't increase traffic. And that's
17 really -- that's what we're doing here.

18 The statute -- so that's the
19 exemption. There are other sections of
20 the statute which sound like they conflict
21 with it, but as you go through it and weed
22 through it, that's the bottom line
23 response that we've worked through with
24 both the County staff who has been
25 implementing DRI's throughout the County

1 as well as the Regional Planning Council.

2 In terms of this process, I guess in
3 closing, we've been reviewed by 11 County
4 departments and seven regional agencies.
5 All of them have expressed no objection or
6 support or agreement with our position as
7 it relates to this. It's not our
8 position, it's their position, and we've
9 worked through it.

10 So with that, again, let me just
11 explain that it's a large-scaled project
12 that we're trying to bring into this
13 decade where all the large-scaled projects
14 now try to mix the office and the
15 residential and the commercials so that
16 people don't have to drive as far.

17 This project is within the County's
18 urban infill area. This is the area that
19 the County wants to try and mix these
20 uses. The corporate needs today are very
21 different, and we're trying to respond to
22 those things. We think it's a very good
23 thing.

24 With that, let me just finish with
25 that I had intended to start with, which

1 is staff has recommend approval with
2 conditions. We agree to those conditions.
3 Obviously we have opposition here. I
4 would like to take at least two minutes to
5 rebut, and go from there.

6 So I think I took 10?

7 CHAIRWOMAN DAVIS: You're doing
8 great. Thank you so much.

9 MR. GOLDSTEIN: I could say a lot
10 more.

11 CHAIRWOMAN DAVIS: No, you're doing
12 good. Let's keep it that way.

13 Okay, any supporters at this time?
14 Supporters, please stand.

15 MR. PENN: Thank you, Madam Chair.
16 Graham Penn --

17 CHAIRWOMAN DAVIS: Are you a
18 supporter?

19 MR. PENN: Yes, ma'am.

20 CHAIRWOMAN DAVIS: I didn't call
21 you --

22 MR. PENN: Don't I look like a
23 supporter?

24 CHAIRWOMAN DAVIS: I didn't call you
25 up.

1 MR. PENN: Didn't you? You just
2 called for supporters.

3 CHAIRWOMAN DAVIS: No. I said stand.

4 MR. PENN: Oh, I apologize. I'm here
5 in support. We represent a property owner
6 within the development. I'm going to keep
7 it short. We're in support of these
8 changes.

9 CHAIRWOMAN DAVIS: Okay. Could I
10 have the -- well, give me a minute.

11 MR. PASTORIZA: I'm not a supporter.

12 CHAIRWOMAN DAVIS: You guys are
13 moving fast. Objectors, please stand.
14 Objectors, please stand.

15 MR. PASTORIZA: I'm not a supporter.

16 CHAIRWOMAN DAVIS: Okay, because of
17 our time, let's hear from the objectors.

18 MR. PASTORIZA: Yes, Madam
19 Chairwoman --

20 CHAIRWOMAN DAVIS: Please give us
21 your name and your address.

22 MR. PASTORIZA: Gil Pastoriza, 2525
23 Ponce De Leon.

24 With me today is a lady who has
25 assisted me on this, Ms. Joseph.

1 Look, I don't think that it's fair
2 neither to the applicant nor to the
3 opposition to limit this application that
4 has major consequences because of the
5 impact that it's going to generate for a
6 very short period of time. Okay? Because
7 you have spent on the other application on
8 a rezoning half an hour at least. So I
9 would go along with whatever constraints
10 you want to place on me, but I don't think
11 it's fair, neither for Mr Goldstein in his
12 presentation, nor for me in my
13 presentation to limit it to 8:30.

14 COUNCILMAN MORLEY: Madam Chair?

15 Sir, you're using time right now.

16 MR. PASTORIZA: Okay. Well listen,
17 it's very simple. This is a very simple
18 application. And all you got to do is
19 take a look at the definition of what a
20 Development of Regional Impact is.
21 Mr. Goldstein gave it to you, but he
22 didn't really focus on what it was all
23 about. Which is:

24 "Development which, because of it's
25 character, magnitude or location would

1 have a substantial effect upon the health,
2 safety, or welfare of citizens of more
3 than one county."

4 So, what they're asking you to do
5 here is now to make all these changes on a
6 development that from July 11 of 1985 was
7 approved. And it was approved without any
8 residential component. It was approved
9 with hotels and offices. And listen, this
10 park has worked beautifully since that
11 day, okay, with those two components.

12 So now they're coming to you, and
13 they're going to tell you -- well, they
14 told you, listen, we want to put in 800
15 units. And that's not, by law -- by law,
16 it's not a substantial deviation.

17 I submit to you that they're wrong.
18 And I also submit to you that staff is
19 wrong, because I'll read to you what the
20 law says. It says:

21 "Any development order" -- and what
22 you're going to approve or recommend
23 approval is a development order, okay --
24 "which individually or cumulative with any
25 previous changes is more than the

1 numerical" -- and they have a coefficient.
2 State law has a coefficient that tells
3 you, if you go beyond this many units,
4 you're a substantial deviation, okay.

5 So what I'm trying to say to you is
6 that the fact that Number 1, that use has
7 never been reviewed by the State, never.
8 Because they never had that use. They're
9 introducing that use now, and it's going
10 to be 800 units.

11 Now, if you don't mind, can I just
12 look at my statutes here. The statute
13 says:

14 "An increase in the number of
15 dwelling units by 10 percent or 55
16 dwelling units, whichever is greater, is a
17 substantial deviation." That's what the
18 law says, okay. That's what the law says.

19 First of all, they don't have any
20 units. So therefore, an increase of one
21 unit is a substantial deviation because
22 they don't have any. They're going to put
23 800 units.

24 Look, cutting through all of this,
25 cutting through all of this -- and I think

1 I still got a little bit of more time,
2 right? The fact is that this is not a
3 simple application, okay. That is
4 make-belief by the applicant. This is a
5 substantial change in a DRI on Development
6 of Regional Impact.

7 Not only that, but then they're
8 asking you, they're asking you to take 10
9 acres from that DRI away. And the
10 gentlemen who was here, he represents the
11 property who wants to be taken out of the
12 DRI, okay. And we'll be here again when
13 he presents his item.

14 So what I'm trying to say to you is
15 this. First of all, I want you to deny
16 this application. But if you feel that
17 you don't think that denial is proper, I
18 think that you need to recommend that this
19 application go through the substantial
20 deviation compliance in the statutes.
21 Because this application is in violation
22 of the State law on substantial deviation.

23 Thank you, and I'm sorry that -- and
24 by the way, by the way, I know that I
25 cannot come back after he speaks.

1 CHAIRWOMAN DAVIS: Correct.

2 MR. PASTORIZA: Okay? But I can come
3 back -- I can come back if you have
4 questions, okay. And ask me questions.
5 So I want you to keep that in mind.

6 CHAIRWOMAN DAVIS: Well, does anybody
7 have any questions for him before he
8 leaves?

9 MR. PASTORIZA: No, no, no. I want
10 to know what he says.

11 CHAIRWOMAN DAVIS: Okay.

12 MR. PASTORIZA: Okay?

13 CHAIRWOMAN DAVIS: All right.

14 MR. GOLDSTEIN: I did have one
15 question for him before he sits.

16 MR. PASTORIZA: No, you cannot
17 cross-examine me.

18 MR. GOLDSTEIN: I'm not
19 cross-examining you. I'm asking who your
20 client is -- who you're representing.

21 MR. PASTORIZA: I represent the
22 property owner next -- abutting the area.

23 MR. GOLDSTEIN: The name?

24 MR. PASTORIZA: I represent --

25 COUNCILMAN MORLEY: You have to get

1 on the mic. You have to speak on the mic,
2 sir.

3 MR. PASTORIZA: I represent an
4 authentic property owner, which -- whose
5 property is in the immediate area of the
6 DRI. The immediate area of the DRI.

7 CHAIRWOMAN DAVIS: Thank you.

8 MR. PASTORIZA: And by the way,
9 Mr. Goldstein, you have my letters of
10 objection, okay.

11 CHAIRWOMAN DAVIS: Okay, listen. You
12 have to talk to us, right? Okay.

13 MR. GOLDSTEIN: You didn't say who
14 you represented in those letters either.

15 CHAIRWOMAN DAVIS: All right, thank
16 you.

17 MR. GOLDSTEIN: I just wanted to
18 clarify for the record. The owner of the
19 property I think he's talking about is the
20 Sen Properties. They're the developers of
21 the 300, 272 unit apartment complex that's
22 next door.

23 CHAIRWOMAN DAVIS: It's okay. Let's
24 let him finish. It's his turn to speak
25 now. Go ahead.

1 MR. GOLDSTEIN: The statute is long
2 and complicated, but as I said, it can be
3 simplified fairly well, because every rule
4 has exceptions. And you can fill a
5 room with, you know -- my dad always told
6 me this story. He said there was a town
7 that had one lawyer. They never had any
8 problems. Then when the second lawyer
9 moved into town, suddenly everybody was in
10 court everyday.

11 So two lawyers can always find a way
12 to respectfully disagree. I direct you to
13 the fact that the state agencies, the
14 regional agencies, the County agree with
15 the way that we've interpreted the
16 statute. We know it's right.

17 The -- I'm going to read something to
18 you, and then I'm done.

19 The proposed rezoning, the changes
20 we're seeking are consistent with the Comp
21 Plans office residential designation given
22 that the project is a residential use
23 permitted under the plan's designation.

24 The project is consistent with the
25 County's objectives of utilizing vacant

1 properties within the Urban Development
2 Boundary, and maximizing the densities and
3 intensities in the uses of the urban core.
4 This promotes the new urbanism objective
5 of living and working in close proximity
6 to each other, thus reducing vehicular
7 traffic.

8 The area surrounding the property,
9 known as Blue Lagoon. Is the center for
10 many office and industrial buildings, but
11 lacks a residential component. That is
12 the letter of intent for that project.
13 That's what the applicant said, and that's
14 what Mr. Pastoriza put in his request for
15 approval of that.

16 Now, at some point if you grant the
17 change to the DRI, we will be back here to
18 seek that kind of approval. We agree that
19 that property is appropriate. We think
20 that the more residential we could put
21 around Blue Lagoon, the better. It
22 controls traffic, it starts moving
23 people that drive. They go west in the
24 morning and east at night, instead of east
25 in the morning and west at night.

1 That's why you want to develop this
2 urban infill area. That's why you want to
3 encourage the flexibility within the DRI
4 scope to allow us to do it.

5 We urge you to -- and your role here
6 is to recommend to the County Commission.
7 We urge you to recommend approval subject
8 to the conditions that were provided.

9 We stand ready to answer any
10 questions. We've been doing this DRI and
11 DRI's for a long time.

12 Thank you.

13 CHAIRWOMAN DAVIS: Thank you.

14 Okay. Now, the floor is closed for
15 public discussion.

16 Mr. Brown?

17 COUNCILMAN BROWN: I have a question
18 for you, but it doesn't pertain to
19 tonight, but the future. What cities are
20 doing when they build these residential
21 units. They haven't -- also, they're
22 incorporating low income, middle class,
23 and those persons in the one percent group
24 in the housing. Do you -- have you or
25 will you, when you come back at a later

1 date, take those into consideration?

2 MR. GOLDSTEIN: We always will have
3 to. Particularly when we get to the
4 County Commissioners. As you know, there
5 are some County Commissioners that place a
6 great deal of emphasis on that.

7 I'll tell you that our current plan
8 is to try to address the firms and workers
9 that work within this project, to try and
10 encourage -- right now we don't have a
11 residential developer. So this is to
12 allow the ability to start doing
13 residential. With that said, as you can
14 imagine in an office park like this,
15 there's all ranges of income and people
16 that work in here. That would be the
17 goal, to provide housing.

18 COUNCILMAN BROWN: Not the whole
19 ranges of income. I would like at a later
20 date for you to consider costing the units
21 so that all ranges can afford it.

22 MR. GOLDSTEIN: Yes. We will have
23 to. We'll certainly take that into very
24 serious consideration, and we will be
25 before you again at the time that we

1 choose to go do that.

2 CHAIRWOMAN DAVIS: Okay, thank you.
3 Mr. Brown, is that it for you?

4 COUNCILMAN BROWN: Yes.

5 CHAIRWOMAN DAVIS: Okay. Mr. Morley?

6 COUNCILMAN MORLEY: I really don't
7 have any questions. I was just going
8 through it, and I was looking at what
9 staff was taking about the regional
10 impact, and staff basically agreed. As I
11 looked at all the agencies and I looked at
12 everybody that actually had a chance to
13 either review that or either approved
14 that, or had no objections, normally
15 something of this substantial component,
16 if there was some issue, someone would
17 have found the issue.

18 MR. GOLDSTEIN: And I'll direct your
19 attention particularly to the Regional
20 Planning Council.

21 MR. PASTORIZA: You did not ask him
22 any question.

23 CHAIRWOMAN DAVIS: Excuse me.

24 MR. PASTORIZA: You did not ask --

25 CHAIRWOMAN DAVIS: Excuse me. Your

1 time is up. You cannot speak while he's
2 speaking. You've had your time.

3 MR. PASTORIZA: He cannot either.
4 You did not ask him a question.

5 MR. GOLDSTEIN: The Regional Planning
6 Council is the decision maker -- it's the
7 principal statewide decision maker.

8 MR. PASTORIZA: They did not ask you
9 any questions.

10 CHAIRWOMAN DAVIS: Excuse me. You
11 cannot talk. You're time is up. Please.
12 Thank you.

13 COUNCILMAN MORLEY: Okay. I guess
14 that was more of a statement than anything
15 else.

16 I don't have any other questions.

17 CHAIRWOMAN DAVIS: Okay. Council
18 Member Kinchens?

19 VICE-CHAIR KINCHEMS: Just one
20 question for you. Explain to me what you
21 mean by the removal of the Sofitel Hotel
22 inside of the DRI.

23 MR. GOLDSTEIN: Three years ago the
24 DRI statute was changed significantly
25 to -- three, four years ago -- to

1 eliminate the need to go through DRI's in
2 this County anymore. So if somebody came
3 in with this project now, there would be
4 no requirement to go through a DRI.

5 However, what the statute said was,
6 if you seek to change an existing DRI, you
7 still comply with all the laws. However,
8 if you want to terminate the DRI or leave
9 the DRI, rescind the DRI, you can do that
10 provided, however, that you have already
11 addressed all the mitigation requirements.
12 We've addressed all the mitigation
13 requirements.

14 This one owner wants to just travel
15 under the standard rules of the County,
16 and not be limited by us. So we were --
17 this is a hotel parcel. It has 281 units
18 on it. We were originally approved for
19 1,400 units. If you look at our new
20 program, we're pulling that out of the DRI
21 and we're pulling out the hotel rooms. So
22 instead of it being 1,400, we're asking
23 for 1,119.

24 So they're just going to be subject
25 to the normal rules that they would be

1 subject to, just like the owners of the
2 adjacent property that Mr. Pastoriza
3 represents.

4 So by pulling it out it means that
5 they're go longer subject to our
6 limitations. They can go and seek
7 whatever changes from the County without
8 having to amend the DRI. They can go do
9 that. We're fine with that. We've worked
10 with -- they're still in our project for
11 purposes of association. We can still
12 manage them and the relationship of their
13 property to the adjacent buildings within
14 here, but we don't really care whether
15 they're subject to the DRI or not.

16 So we just try to play Switzerland,
17 and be neutral as it relates to them
18 pulling out of the DRI, and them pulling
19 their uses out of the DRI so we're not
20 taking advantage of that.

21 VICE-CHAIR KINCHENS: Thank you.

22 CHAIRWOMAN DAVIS: All right. Is
23 there anything else?

24 VICE-CHAIR KINCHENS: No.

25 CHAIRWOMAN DAVIS: Okay. Are we

1 ready vote?

2 COUNCILMAN BROWN: Okay. I move that
3 we accept per staff's recommendation with
4 conditions, one, two, and three.

5 MR. JONES: Now, this is a
6 recommendation to the County Commission
7 that you're making. You could recommend
8 whatever your motion is for approval to
9 the Board of County Commissioners.

10 COUNCILMAN BROWN: My motion is for
11 approval.

12 CHAIRWOMAN DAVIS: On the front side
13 of that page, Mr. Brown, did you see that
14 part?

15 COUNCILMAN BROWN: On the
16 recommendation?

17 MR. JONES: Can I read staff's
18 recommendation before he makes the motion?

19 CHAIRWOMAN DAVIS: Yes.

20 MR. JONES: Okay. Approval of
21 request Number 1, with a finding that this
22 application does not result in a
23 substantial deviation, and approval with
24 conditions of request Number 2 through
25 four. And then for the zoning request,

1 it's approval of request Number 5 subject
2 to the acceptance of the proffered
3 declaration of restrictions. That's the
4 covenant.

5 COUNCILMAN BROWN: I move that the
6 recommendations per development of
7 regional impact request -- I'm not going
8 to read it, and zoning request approval of
9 Request Number 5.

10 COUNCILMAN MORLEY: Second.

11 MR. JONES: With acceptance of the
12 proffered covenant.

13 COUNCILMAN MORLEY: With the
14 acceptance of the proffered covenant.

15 MR. FITCH: Approvals of requests one
16 through five

17 COUNCILMAN BROWN: The covenant,
18 okay.

19 COUNCILMAN MORLEY: Second.

20 MR. JONES: So the motion is approval
21 of the application, and that's going to be
22 to the County Commissioner as per staff's
23 recommendation with conditions and also
24 along with the proffered declaration of
25 restrictions.

1 Motion made by Councilman Brown,
2 seconded by Councilman Morley.
3 Councilman Brown?
4 COUNCILMAN BROWN: Yes.
5 MR. JONES: Councilman Morley?
6 COUNCILMAN MORLEY: Yes.
7 MR. JONES: Vice-Chairwoman Kinchens?
8 VICE-CHAIR KINCHEMS: Yes.
9 MR. JONES: Chairwoman Davis?
10 CHAIRWOMAN DAVIS: Yes.
11 Motion passes unanimously.
12 MR. GOLDSTEIN: Thank you for your
13 time.
14 MR. PASTORIZA: Thank you.
15 CHAIRWOMAN DAVIS: Thank you, sir.
16 Mr. Pastoriza, thank you very much.
17 (Thereupon, the proceeding was
18 concluded:)
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CERTIFICATE OF OATH

STATE OF FLORIDA)
)SS)
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, certify that all witnesses personally appeared before me on this 15th day of November, 2017, and were duly sworn.

JANNETT TAYLOR-BROWN
Court Reporter
Notary Public, State of Florida
My Commission #GG 157749
My Commission Expires: 12-27-2021

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 8 on November 15, 2017; and that Item Number 16-197, WRC PROPERTIES, ET AL was heard, and that the foregoing pages, numbered 1 through 37, inclusive, constitute a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Dade, State of Florida, this 6th day of February 2018.



JANNETT TAYLOR-BROWN
COURT REPORTER

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

PH: Z16-241

**Date: April 26, 2018
Item No. B**

Recommendation Summary	
Commission District	9
Applicants	Somerset Academy, Inc. & School Property Development Quail Roost, LLC
Summary of Requests	The applicants seek a district boundary change from EU-1 and EU-M to EU-M, to permit a proposed kindergarten through 12 th grade charter school for 1,600 students on the subject property, which will be spaced less than required from the Urban Development Boundary (UDB). Additionally, the applicants seek to modify the previously approved plans for the existing church and school, and to permit the proposed charter school with a variance for the location of parking and drives.
Location	19701 SW 127 Ave, Miami-Dade County, Florida.
Property Size	9.87 acres
Existing Zoning	EU-1, Single-Family one acre Estate District EU-M, Single-Family Modified Estate District
Existing Land Use	Religious and educational facility
2020-2030 CDMP Land Use Designation	Estate Density <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards, Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of request #1, approval with conditions of request #2, and requests #4 through #6, and deferral of request #3, with leave to amend.

This item was deferred from the March 22, 2018, meeting date of the Board of County Commissioners (BCC) due to the cancellation of the scheduled meeting. However, for reasons that will be expanded upon in the zoning analysis below, staff notes that request #3 needs to be deferred with leave to amend in order for an additional request for a non-use variance to allow less than the majority of the site containing the high school use spaced less than one mile from the UDB.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE EU-1 and EU-M to EU-M.
2. SPECIAL EXCEPTION to permit a charter school.
3. SPECIAL EXCEPTION to waive the spacing requirement for a proposed charter school facilities from the Urban Development Boundary (UDB) to permit:

- A senior high school within 1 mile of the UDB.
4. SPECIAL EXCEPTION to permit the expansion of an existing religious facility on to additional property to the north and south.
 5. MODIFICATION of Condition #2 of Resolution #4ZAB-96-85, passed and adopted by the Zoning Appeals Board, last modified by Resolution #CZAB14-33-03, passed and adopted by Community Zoning Appeals Board 14, 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 " Upper Room Assembly Addition to the Existing Church," as prepared by LPD Architects and dated 7/03/13 and consisting of 5 pages."

To: "2 That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Somerset Academy Charter School" as prepared by CIVICA Architecture and Urban Design, with three (3) sheets SP-1 – SP-3 dated stamped received 10/16/17, and the remaining 9 sheets dated stamped received 8/28/2017, for a total of 12 sheets."

The purpose of request #5, is to allow the applicants to submit revised plans for the previously approved religious facility and private school, to show a proposed charter school in conjunction with the existing religious facility.

6. NON-USE VARIANCE to permit off-street parking and driveways to be located within 25' of an official right-of-way line (not 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 DESCRIPTION AND PROJECT HISTORY:

Pursuant to Resolution #Z-190-81, a portion of the subject property was rezoned from EU-1, Single-Family one-acre Estate District, to EU-M, Single-family Modified Estate District. In 1985, pursuant to Resolution #4-ZAB-96-85, the subject property was approved to permit a church, day nursery and kindergarten, along with variances to allow a building height of 46' (35' permitted), variances of the setback requirements for buildings of public assemblage, and the sign regulations. Additionally, said resolution restricted the school to 100 children up to the age of 7 years old. Subsequently, pursuant to Resolution # 5-ZAB-4-95, the 1985 resolution was modified to allow an expansion of the religious facility along with ancillary non-use variance of the setback, parking and sign requirements. The plans for the religious and educational facility were further modified pursuant to Resolution #CZAB14-33-03.

The applicants now seek a district boundary change to rezone the parcels to EU-M, and with this, to permit a charter school for 1,600 students, including a high school, within 1 mile of the Urban Development Boundary (UDB). The applicants also seek to modify the previously approved school and religious facility to accommodate the buildings for the charter school with variances of the parking regulations.

Plans submitted with this application depict the development of the proposed kindergarten through 12th grade charter school in 2 phases. Phase 1, will include a two-story 67,000 sq. ft. classroom building and Phase 2, a 16,784 sq. ft. gymnasium building. These structures will be added to the existing 15,840 sq. ft. school buildings and will also include recreational playground area and adequate parking on-site.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-M/EU-1; church and school	Low Density Residential (2.5-6 dua)
North	EU-1; single-family residences	Low Density Residential (2.5-6 dua)
South	EU-1; single-family residences BU-1A; shopping center	Low Density Residential (2.5-6 dua) Business and Office
East	EU-1; single-family residence RU-1Z & RU-1; single-family residences	Low Density Residential (2.5-6 dua)
West	EU-1; single-family residences, vacant	Estate Density Residential (1-2.5 dua) & Low Density Residential (2.5-6 dua)

NEIGHBORHOOD COMPATIBILITY:

The 9.87-acre subject property is occupied by an existing religious and educational facility as well as two (2) vacant parcels to the north and south. Residential uses and some vacant parcels surround the subject parcel, along with commercial uses to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to provide the community with additional education services for up to 1,600 students. Approval of the proposed charter school use in conjunction with the existing religious facility will increase the traffic impacts on the surrounding residential uses. However, based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), which is attached with this report, subject to conditions in its memorandum, approval of this application will meet the Levels of Service (LOS) on all the surrounding roadways impacted. Additionally, based on staff's analysis below, any visual or aural impacts from the increase in uses on the subject parcel will be adequately mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Low-Density Residential** use. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The applicants seek to permit a district boundary change from EU-1 and EU-M to EU-M (request #1). The approval of the request could allow the applicant to develop the 9.87-acre parcel with a

maximum of 59 residential units based on the CDMP Low-Density Residential designation on the LUP map. Staff notes that the EU-M zoning district proposed by the applicants allows residences with a minimum lot size of 15,000 sq. ft. Under the EU-M zoning district, the applicant could potentially develop the 9.87 net acre parcel with a maximum of twenty-eight residential units, which would be within the density threshold of the CDMP Low-Density Density designation on the LUP map.

*The Low-Density Residential land use designation falls within the Residential Communities category that also permits neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of the Comprehensive Development Master Plan (CDMP) and compatible with the neighborhood.* Staff notes that the criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable. Additionally, existing uses and zoning classifications are not specifically depicted on the LUP map; however, all existing lawful uses and zoning deemed to be consistent with the CDMP. Staff notes that the subject property was previously approved to permit a church, day nursery and kindergarten, along with variances to allow a building height of 46' (35' permitted), along with variances of the setback requirements for buildings of public assemblage, and the sign regulations. Said resolution restricted the school to 100 children up to the age of 7 years old.

The applicants seek to permit a proposed kindergarten through 12th grade charter school for 1,600 students on the subject property with ancillary requests to permit the modification of the previously approved plans to show the charter school, the rezoning of portions of the property to EU-M, the expansion of the religious and educational facility onto additional property, to permit the educational facility spaced less than required from the UDB and a non-use variance to permit the drive-ways within 25' of the abutting roadway.

Staff notes that based on the zoning hearings records, a religious facility and school has existed at this location since 1985. As noted below in staff's zoning analysis below, apart from the encroachment of the driveways along the east property line, the increased number of buildings on site have been designed in a manner that will not create any visual or aural impacts on the surrounding residential uses. Staff opines that approval with conditions of the application will allow the applicants to maintain the previously educational facility as a charter school with additional variances to the zoning district regulations. Although the applicant has indicated the intent to increase the number of students in the school to 1,600, from the 100 students that were previously approved, based on the Department of Transportation and Public Works (DTPW) memorandum dated October 19, 2017, approval with conditions of the requests will not result in an increase in the Levels Of Service (LOS) on the abutting roadways.

Further, staff notes that the properties on either side of SW 127 Avenue in this area are zoned either EU-1 or EU-M. For the reasons to be expanded upon in the zoning analysis below, the rezoning of the entire parcel to EU-M will bring the parcels closer to conformity with the density threshold allowed under the Low-Density residential designation of the subject property on the CDMP LUP map.

As such, staff opines that the approval with conditions of the applicant's requests to permit a charter school in place of the previously approved private school use with ancillary requests will

be compatible with the surrounding residential uses based on the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

The applicants are also requesting to permit a kindergarten through high school charter school within a 1 mile of the Urban Development Boundary (UDB). The CDMP **Educational Element Policy EDU-3A** states that new elementary schools should be located at least 1/4 mile inside the UDB; middle schools should be located at least 1/2 mile inside the UDB and new senior high schools should be located at least one (1) mile inside the UDB. Further, said Policy states that in substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB.

The proposed charter school comprised of grades K through 12 does not meet the criteria of **Educational Element Policy EDU-3A**, because the charter school will be located less than a 1 from and inside the UDB which runs parallel to SW 134 Ave located to the west of the subject property. However, as is required by Section 33-154 of the Code, and expanded upon in the zoning analysis below, staff notes that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which is located to the north of the subject site. The applicant indicates that the majority of the parcels located within a mile of the subject site are developed or approved for development and that no other site located at least one (1) mile from the UDB that would be suitable for the proposed charter school comprised of elementary, middle and high school use. The site plan submitted in conjunction with this application depicts the proposed two-story school buildings located in close proximity to the east and north portions of the property, with the main entrances to the school located on the east and north elevations away from the UDB. Staff opines that the design of the building and location of the entrances away from the UDB is consistent with **Educational Element Policy EDU-3A** which states that *the principal school buildings and entrances should be placed as far as functionally possible from the UDB*.

Therefore, staff opines, that approval of the application would be **consistent** with the CDMP Land Use Element Interpretative text under *Residential Communities*, the density threshold permitted in areas designated for **Low-Density Residential** uses on the CDMP Land Use Plan (LUP) map, the CDMP **Educational Element Policy EDU-3A** and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The applicants seek to rezone the entire subject parcel from EU-1 and EU-M to EU-M (request #1). In addition, the applicants also seek to permit a charter school (request #2), to permit said charter school with a high school component within 1 mile of the UDB (request #3), to permit the expansion of an existing educational facility onto additional property to the north and south (request #4), and finally, to modify the previously approved plans for the religious facility and private school to show the charter school in conjunction with the religious facility (request #5). Staff notes that Section 33-154 of the Code requires that the majority of the subject site and the ground floor square footage containing the proposed high school use be located at least one mile inside the UDB. The submitted plans and special survey submitted by the applicants indicate that the subject site is located 0.77 miles to the east of the UDB, which in this section of the County, is located approximately along SW 134 Avenue. Since the site does not meet the requirements

of the aforementioned section of the Code an additional non-use variance request will be required. Therefore, request #3, to permit the high school component for the charter school within 1 mile of the UDB must be deferred with leave to amend in order to add the non-use variance request in accordance with the Code. **As such, staff recommends deferral with leave to amend of request #3.**

When the applicants' request to rezone the subject parcel to EU-M, Single-Family Modified Estate District (request #1), 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 and would be **compatible** with the surrounding area. In addition, staff opines that the rezoning of the parcel from EU-1 and EU-M, to EU-M, would allow for the uniform development of the property under one zoning category. 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 Department of Transportation and Public Works (DTPW).

Similarly, when requests #2 and #4 are analyzed under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, as well as the modification of the previously approved plans under Section 33-311(A)(7), General Modification Standards, staff opines that approval of the same would be **compatible** with the surrounding neighborhood.

When analyzing request #2 to permit a charter school, and the request to permit the expansion of the existing religious and educational facility onto additional property to the north and south (request #4), under Section 33-311(A)(3) **Special Exceptions**, Unusual Uses and New Uses, based on the foregoing analysis, staff is of the opinion that the approval of the requests with conditions would be **compatible** with the surrounding area. Further, staff opines that based on the memoranda submitted by the departments reviewing the application, approval of the requests would not have an unfavorable effect on the economy of Miami-Dade County, will not tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not object to the proposed application. Staff notes that the memoranda submitted by the Departments of Park, Recreation and Open Spaces, Water and Sewer, and Transit indicate no objection to the application. Based on the aforementioned department memoranda, staff opines that the requests will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities.

As part of this application, the applicants submitted a Technical Memorandum, Traffic Impact Study, Site plans and a School Traffic Operations Plan for the Traffic Engineering Division (TED) of the DTPW to review. The applicants have indicated that the proposed 1,600 students will be distributed in the following manner: grades Kindergarten – 1st = 180 students, grades 2 – 5 = 470 students, and grades 6 – 8 = 350 students, and grades 9 -12 = 600 students. The submitted Traffic Impact Study indicates that the applicants will utilize a staggered start in order to accommodate the increase in student count. Staff opines that the proposed four (4) staggered arrival and dismissal times separated by approximately thirty (30) minutes will help to alleviate any potential increase in traffic in the surrounding area. The submitted study details how the arrival

and dismissal times will function. The applicant's Trip Generation Study indicates that the proposed charter school will generate 1,163 new AM peak hour trips.

The DTPW has indicated in its memorandum dated October 19, 2017, that the Traffic Impact Study submitted by the applicant has been approved pending the submittal of Off-Site Infrastructure Plans that address school zone signals, signs, and pavement markings, in accordance with current governing standards. Said memorandum indicates that the proposed application will generate 255 PM Peak Hour trips based on the Institute of Transportation Engineers (ITE) Trip Generation manual, and will not exceed the Level of Service (LOS) on the surrounding roadways which currently range between LOS "B" and LOS "D". Among the roadways mentioned in the aforementioned memorandum are, SW 127 Avenue, south of SW 184 Street and south of SW 216 Street, SW 200 Street northwest of US 1 and Quail Roost Drive, west of SW 127 Avenue. Therefore, its memorandum indicated that the application meets the Traffic Concurrency criteria. In addition, said Department indicated in its memorandum that prior to the receipt of any future Certificate of Use, the following off-site conditions must be addressed and coordinated with Florida Department of Transportation (FDOT) requirements: (1) a signal warrant analysis for the intersection of Quail Roost Drive and SW 200 Street, and (2) a left-turn restriction for southbound traffic at the intersection of Quail Roost Drive and SW 125 Avenue. Further, its memorandum states that the applicant will be required to install school speed zones for any existing or future uncontrolled school crossings that provide access to the school's property; and for any remote school crossings serving the school site that has been warranted as per the most recent governing standards.

Staff notes that the applicants have also submitted an AM Peak Hour chart showing the impact on, and distribution of the trips on the surrounding roadways. Although said chart indicates that there will be a total of 1,163 projected new trips on said roadways, which includes SW 127 Avenue, SW 125 Avenue and Quail Roost Drive, staff notes that the LOS standards during the study period of 7:00AM to 8:00 AM will not increase beyond LOS "C" and LOS "D". As such, staff opines that subject to the conditions outlined in the DTPW memorandum, approval of the application will not have a negative impact on the LOS standards for the surrounding roadways. Therefore, based on the aforementioned analysis, staff opines approval with conditions of the application would not have a negative impact on traffic on the abutting roadways and would be **compatible** with the surrounding area.

Staff notes that the request to permit the expansion of the religious and educational facility onto additional property to the north and south (request #4), and with this, the request to modify the previously approved plans for the religious and educational facility (request #5), are inextricably tied to the request to permit the charter school (request #2). Additionally, as previously mentioned, based on the information provided in the AM Peak Hour Traffic chart provided by the applicants, the approval of these requests will not result in an increase in the LOS standards on the surrounding roadways. As such, for the reasons expanded upon in the analyses of the aforementioned requests, staff opines that the approval of request #4, under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, and request #5, under Section 33-311(A)(7), Generalized Modification Standards, would be **compatible** with the surrounding area and would not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. Therefore, when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff opines that the proposed charter school is **compatible** with the same based on the reasons stated above. **As such, staff recommends**

approval with conditions of requests #2 and #4, under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses, approval with conditions of request #5 under Section 33-311(A)(7), Generalized Modification Standards and deferral with leave to amend of request #3.

The applicants also seek approval to permit parking and driveways for the religious facility and school within 25' of abutting rights-of-way (request #6). When this request is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport regulations Standards, staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. The submitted plans indicate parking spaces abutting SW 127 Avenue to the west, as well as a driveway abutting SW 125 Avenue to the east, within the 25' of the rights-of-way. Staff notes that the parking spaces abutting SW 127 Avenue already exist, and as such, no new visual impacts will be created. However, the proposed driveway abutting SW 125 Avenue, which will be used for drop-off and pick-up of students, could have a visual and aural impact on the abutting residences to the east. Nonetheless, the plans indicate a continuous hedge and a row of trees along the east property line, which staff opines could mitigate the aforementioned impacts. As such, as a condition for approval, staff recommends that the aforementioned hedge and trees along the east property line be installed, prior to final permit approval for the proposed two-story classroom buildings and the driveway. Subject to this and other conditions, staff opines that approval of request #6 would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding primarily residential uses. **As such, staff recommends approval with conditions of request #6 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate two (2) ingress/egress drives along the western property line abutting SW 127 Avenue and two (2) drives along SW 125 Avenue to the east. Additionally, the plans indicate 186 parking spaces on-site, which is 28 more spaces than required to accommodate the existing religious facility and school. Additionally, the plans show 84 stacking spaces for the drop off and pick-up of students within the subject property which staff opines is adequate to accommodate the number of students and staff.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: (see attached).

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, approval with conditions of request #2, and requests #4 through #6, and deferral of request #3, with leave to amend.

CONDITIONS FOR APPROVAL: (For requests #2, and #4 through #6 only.)

1. That all conditions of Resolution #4ZAB-96-85, passed and adopted by the Zoning Appeals Board, last modified by Resolution #CZAB14-33-03, remain in full force and effect except as herein modified.
2. That the use be established and maintained in accordance with the approved plan.

3. That the applicants submit 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 Occupancy.
4. That the applicants shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Department of Transportation and Public Works as may be contained in its memorandum dated, October 19, 2017.
5. That the applicants comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated March 20, 2017.
6. That the applicants comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade Police Department as contained in its memorandum dated January 24, 2017.
7. That the landscaping abutting the residential uses located to the east be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.
8. That the charter school use be limited to grades Kindergarten through 8th and be limited to a maximum of 1,600 students.
9. That there will be staggered shifts at arrival/dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

Arrival Times/Departure Times

7:30 a.m. to 2:30 p.m.

8:50 a.m. to 3:50 p.m.

8:30 a.m. to 3:00 p.m.

8:00 a.m. to 2:00 p.m.

10. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
11. That at time of yearly renewal of Certificate of Use, the applicants shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.
12. That the applicants shall provide an annual traffic report to be submitted and reviewed by the Department of Transportation and Public Works and the Department of Regulatory and Economic Resources prior to the issuance of the annual Certificate of Use, that verifies compliance with the approved TOP.

13. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
14. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
15. That night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
16. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
17. That if the charter school fails after establishment, the owner, within thirty-six months of the charter school's closure shall:
 - a) Cause the charter school to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school.
 - b) Transfer the operation of the charter school to another charter school operator or to the Miami-Dade County School Board after securing the necessary approvals from the Miami-Dade School Board; or
 - c) Convert the charter school to a permitted use within the zoning district applicable to the property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or
 - d) Secure necessary public hearing approvals to convert the charter school to a use not otherwise permitted within the zoning district applicable to the property.

NK:JB:NN:CDH:CH



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

NORTH SECTION - COSTCO

SOUTH SECTION - LARIOS

WEST SECTION - HOME DEPOT

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**PROVIDED PARKING: 2,606
REQUIRED PARKING: 2,389
SURPLUS PARKING: 217**

1177

TOTAL NUMBER PARKING AS PER HEARING PLAN Z20120000142 : 2,606
REQUIRED PARKING AS PER HEARING PLAN 2012: 2,770 (-381 parking variance as per Reso. CZAB10-55-01) : 2,389

ZONING RECOMMENDATION ADDENDUM

Somerset Academy, Inc. & School Property
Development Quail Roost, LLC
Z16-241

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

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

Low-Density Residential <i>(Pg. I-31)</i>	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities <i>(Pg. I-26)</i>	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.</i>
Institutions, Utilities and Communications <i>(Pg. I-53)</i>	<i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i>
Educational Element Policy EDU-3A <i>(Pg. X-5)</i>	<i>It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.</i>

ZONING RECOMMENDATION ADDENDUM

Somerset Academy, Inc. & School Property
Development Quail Roost, LLC
Z16-241

Land Use Policy LU-4A (Page I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
Section 33-311(A)(3) Special Exception, Unusual and New Uses	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would 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, are accessible by private or public roads, streets or highways, tend to create a fire or other</i>

ZONING RECOMMENDATION ADDENDUM

Somerset Academy, Inc. & School Property
Development Quail Roost, LLC
Z16-241

	<i>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 concerned and the compatibility of the applied for exception or use with such area and its development.</i>
Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b)	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications 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.</i>
Section 33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
33-153 Public hearing required in all districts	<i>The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.</i>
33-154 Limitations on the siting of public charter school facilities	<p>a) <i>New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.</i></p> <p>(b) <i>Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:</i></p> <p style="margin-left: 40px;">(1) <i>Kindergarten, Elementary school: at least ¼ mile inside the UDB</i> (2) <i>Middle school: at least ½ mile inside the UDB</i> (3) <i>Senior high school: at least one mile inside the UDB.</i></p> <p>(c) <i>A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:</i></p>

ZONING RECOMMENDATION ADDENDUM

Somerset Academy, Inc. & School Property
Development Quail Roost, LLC
Z16-241

	<p>(1) that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and</p> <p>(2) there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.</p> <p>Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.</p> <p>(d) For purposes of establishing the distances provided by this section, the applicant shall furnish a certified survey from a registered surveyor, as well as a proposed site plan, which shall indicate that the distance requirements of this section have been met.</p>
<p>33-314(C)(11) Direct applications to the County Commission</p>	<p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p>(11) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and <u>Section 33-311(A)(3)</u> of this code.</p>
<p>33-314(C)(12) Direct applications to the County Commission</p>	<p>C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p>(12) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.</p>
<p>33-303.1(D)(19) Developmental Impact Committee</p>	<p>Review and make recommendations to the Board of County Commissioners on all applications for public charter school facilities and all applications for expansions or modifications to existing public charter school facilities.</p>

Somerset Dade South K-12 Charter School

1,163 AM Peak Hour Trips
 1,600 Proposed Students (Currently 100 Students)
 Will Operate with Four Buses

7:00 – 8:00 AM

1,500 Students AM Peak Hour		Projected New Trips		1,163		
Site Circulation						
School Campus	In/Out bound Trips	Stacking & Queuing & Parking Spaces Required	Stacking & Queuing & Parking Spaces Provided	Parking Spaces Required	Parking Spaces Provided	
19701 SW 127 Avenue, Miami, Florida	638/525	248	291	158	186	
Adjacent Roadway Impacts						
Adjacent Roadway	Projected New Trips	Existing Traffic	Future (New + Existing)	% Increase in Volume	Existing LOS	Future LOS
SW 127 Avenue n/o Proposed School	168	1,004	1,172	17%	D	D
SW 127 Avenue s/o Proposed School	368	931	1,299	40%	D	D
SW 125 Avenue n/o Proposed School	351	51	402	688%	C	C
SW 125 Avenue s/o Proposed School	276	51	327	541%	C	C
Total	1,163					
Neighborhood Impacts						
Roadways Impacted	Projected New Trips	Existing Traffic	Future (New + Existing)	% Increase in Volume	Existing LOS	Future LOS
Quail Roost Drive w/o SW 127 Avenue	93	1,870	1,963	5%	D	D
Quail Roost Drive e/o SW 127 Avenue	559	1,974	2,533	28%	D	D
SW 196 Street w/o SW 127 Avenue	0	-	-	0%	N/A	N/A
SW 196 Terrace e/o SW 125 Avenue	0	-	-	0%	N/A	N/A

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ENGINEERING & ENVIRONMENTAL SERVICES

ZONING HEARINGS SECTION
 PLANNING AND ZONING DEPT.
 BY: *HA*

15A

Memorandum



Date: March 20, 2017

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

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

Subject: #Z2016000241-2nd Revision
Upper Room Assembly, Inc.
19701 SW 127th Avenue
Somerset Academy Charter School
(9.86 Acres)
01-56-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

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.

Wellfield Protection

The subject property is located within the outer wellfield protection zone of the South Miami Heights Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of 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

Applicant is advised that any development/redevelopment involving 2 acres or more of impervious area shall require a Surface Water Management General Permit from DERM Water Control Section 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.

A Surface Water Management General Permit from DERM Water Control Section 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.

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.

Tree Preservation

A review of the information submitted in support of the application indicates impacts to tree resources, specifically relocation and removal of regular-sized trees. A recommendation of approval from DERM is conditioned that the applicant obtain a tree permit and that no specimen trees (trees with a diameter at breast height of 18 inches or greater) are impacted. Should the applicant require impacts to specimen trees, substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. A recommendation of approval is contingent on the applicant obtaining a tree permit.

It is advised that pursuant to Policy Con-8I of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on the subject property, they shall be removed prior to development or redevelopment and developed property shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

Please contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

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

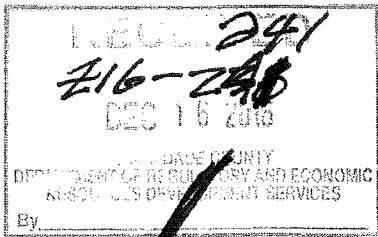
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been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

In summary, this application cannot be approved at this time and therefore should not be scheduled for public hearing.

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



Department of Regulatory and Economic Resources
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECKLIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application
Which matches the location, # of students and grade levels of the proposed application.

School Name: Somerset Academy School Address: 19701 SW 127th Ave, Miami, FL 33177

Tax Folio # 30 -6901-004-0150, 0180, 0190, 0210, 0140 and 0130 Total size of site: 9.86 acres

Is this an expansion to an existing school? Yes No

If yes, indicate the # of students and grade levels previously approved:
100 and the Resolution # CZAB14-33-03

Number of children/students requested: 1,500 Grade Levels: K-12 Ages: 6-18

Number of classrooms: 94 Total square footage of classroom area: 51,128

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.) 42,686

Total square footage of outdoor recreation/play area: 92,115

Number of parking spaces provided for staff and transportation vehicles: 107

Total parking spaces provided: 203 Auto-stacking spaces provided: 65

Days and hours of operation: GENERALLY, MONDAY - FRIDAY 6:00 AM - 8:00 PM (EVENING AND WEEKEND HOURS/USES SUBJECT TO ZONING CONDITIONS).

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 29th day of November 2016 at Miami-Dade County, Florida.

WITNESSES

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 28th day of November, 2016, before me personally appeared Rolando Wanes, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commission Expires: 8/27/16



Memorandum



Date: October 19, 2017
To: Nathan Kogon
Assistant Director
Regulatory and Economic Resource Department
From: Darlene M. Fernández, P.E.
Assistant Director
Department of Transportation and Public Works
Subject: DIC 16-241
Name: Somerset Academy Inc. and School Property Development Quail Roost, LLC
Section 01 Township 56 South Range 39 East

I. PROJECT LOCATION:

The property is located at 19701 SW 127 Avenue.

II. APPLICATION REQUEST:

This application is requesting approval of the rezoning of the property from EU-1 to EU-M, a special exemption to permit a charter school to up to 1,500 students in grades K-12, a special exception to permit the expansion of the religious facility and a modification of approved plans.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

This application is being serviced from the north and south by SW 125 Avenue and SW 125 Avenue and from the east and the west by SW 200 Street.

IV. RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division (TED) has no further objection to the Traffic Impact Study and the Traffic Operating Plan for subject application. The application is now approved pending submittal of Off-Site Infrastructure Plans that address school zone signals, signs, and pavement markings, in accordance with the current governing standards.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition)

255 PM Peak Hour trips are generated by this application

B. Cardinal Distribution

North	47 %	East	29 %
South	16 %	West	8 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9758 located on SW 117 Avenue northwest of US 1, has a maximum LOS "D" of **1370** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **954** vehicles and **6** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9758** with its PHP and assigned vehicles is at LOS "D". The **36** vehicle trips generated by this development when combined with the **954** and those previously approved through Development Orders, **6**, equal **996** and will cause this segment to remain at LOS "D" whose range is 720 to 1370.

Station 9788 located on SW 127 Avenue south of SW 184 Street, has a maximum LOS "D" of **1170** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **650** vehicles and **140** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9788** with its PHP and assigned vehicles is at LOS "B". The **31** vehicle trips generated by this development when combined with the **650** and those previously approved through Development Orders, **140**, equal **821** and will cause this segment to remain at LOS "B" whose range is up to 890.

Station 9790 located on SW 127 Avenue south of SW 216 Street, has a maximum LOS "D" of **750** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **212** vehicles and **106** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9790** with its PHP and assigned vehicles is at LOS "C". The **42** vehicle trips generated by this development when combined with the **212** and those previously approved through Development Orders, **106**, equal **360** and will cause this segment to remain at LOS "C" whose range is up to 380.

Station 9876 located on SW 184 Street west of SW 117 Avenue, has a maximum LOS "D" of **3130** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1480** vehicles and **67** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9876** with its PHP and assigned vehicles is at LOS "C". The **44** vehicle trips generated by this development when combined with the **1480** and those previously approved through Development Orders, **67**, equal **1591** and will cause this segment to remain at LOS "C" whose range is up to 2330.

Station 9890 located on SW 200 Street northwest of US 1 Avenue, has a maximum LOS "D" of **1040** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **876** vehicles and **39** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9890** with its PHP and assigned vehicles is at LOS "D". The **19** vehicle trips generated by this development when combined with the **876** and those previously approved through Development Orders, **39**, equal **934** and will cause this segment to remain at LOS "D" whose range is 190 to 1040.

Station F-54 located on Quail Roost Drive west of SR 821/Florida's Turnpike, has a maximum LOS "SUMMA" of **3580** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3119** vehicles and **110** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-54** with its PHP and assigned vehicles is at LOS "C". The **62** vehicle trips generated by this development when combined with the **3119** and those previously approved through Development Orders, **110**, equal **3291** and will cause this segment to remain at LOS "C" whose range is up to 3420.

Station F-1116 located on Quail Roost Drive west of SW 127 Avenue, has a maximum LOS "SUMMA" of **1600** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1352** vehicles and **173** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-1116** with its PHP and assigned vehicles is at LOS "D". The **21** vehicle trips generated by this development when combined with the **1352** and those previously approved through Development Orders, **173**, equal **1546** and will cause this segment to remain at LOS "D" whose range is 1510 to 1600.

VII. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

In addition, the following specific off-site conditions must be addressed and coordinated with Florida Department of Transportation (FDOT) prior to receipt of any future Certificate of Use:

1. Signal warrant analysis (and new signal design, if warranted) for the intersection of Quail Roost Drive and SW 200 Street.
2. Left-turn restriction for southbound traffic at the intersection of Quail Roost Drive and SW 125 Avenue.

The applicant will be required to install school speed zones, as per the most recent governing standards and upon all required agency approvals, for any existing or future uncontrolled school crossings that provide direct access to the school's property; and for any remote school crossings serving the school site that has been warranted as per the most recent governing standards. Failure to provide school speed zones or other off-site infrastructure plans that meets with County approval will prohibit the school from obtaining a future Certificate of Use. Please contact TED for information relating to recent Florida Department of Transportation (FDOT) Speed Zoning updates as they relate to school zones."

VIII. SITE PLAN CRITIQUE:

1. Northern most portion of the site must remain vacant.
2. 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.

IX. STANDARD CONDITIONS:

1. A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
2. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian ramps that meet American with Disability Act (ADA) specifications where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
3. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 feet within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the Right-of Way Aesthetics and Asset Management (R.A.A.M.) Division of the Parks Recreation and Open Spaces Department. Also, any relocation or removal of trees must be approved by RER. These approvals should be applied for, and received, prior to zoning approval of this project. A "Covenant for Maintenance" agreement, recorded in the public records, must be provided prior to permitting any of these types of installations within the public right-of-way.
4. Plans submitted for Permit shall conform to MUTCD, DTPW and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with zoning resolution conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
5. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.
6. A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

7. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian ramps that meet American with Disability Act (ADA) specifications where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
8. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 feet within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Also, any relocation or removal of trees must be approved by RER. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public records, must be provided prior to permitting any of these types of installations within the public right-of-way.
9. Plans submitted for Permit shall conform to MUTCD, DTPW and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
10. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources

Memorandum



Date: June 21, 2017

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

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

Subject: Zoning Application Comments - Somerset Academy Charter School
Application Z2016000241 - (Pre. App. No. Z16P-440) - Revision No.3

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: Somerset Academy Charter School

Location: The proposed project is located on approximately 9.86 acres at 19701 SW 127th Avenue with Folios No. 30-6901-004-0150, 30-6901004-0180, 306901-004-0190, 30-6901-004-0210, 306901-004-0140 and 30-6901-004-0130, in unincorporated Miami-Dade County.

Proposed Development: Request for Zoning District Boundary change from EU-1 and EU-M to EU-M, and the proposed addition of 84,025 square feet to an existing charter school.

The total estimated water demand for the proposed project will be 10,083 (gpd).

Water: The proposed development is located within WASD's water service area. The water supply will be provided by the Alexander Orr Water Treatment Plant. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the County's Comprehensive Development Master Plan (CDMP).

The existing property is currently being served by WASD. If a new connection to the water infrastructure is required for the new building, then, the developer may connect to any of the following water mains:

1. An existing 8-inch water main in NW 125th Ave. abutting the eastern boundary of the property.
2. An existing 16-inch water main in SW 200th St. abutting the southern boundary of the property.
3. An existing 16-inch water main in SW 127th Ave. abutting the western boundary of the property.

Any public w.m. extension within the property shall be 8-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public w.m. extension, then the water system shall be looped with two (2) P.O.C. Final points of connection and capacity approval to connect to the water system will be provided at the time of the applicant requests connection to the water infrastructure.

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

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

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

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

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

Sewer: The proposed development is located within WASD's sewer service area, and within the South District Wastewater Treatment Plant (SDWWTP) sub-service area. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity for the proposed project consistent with Policy WS-2 A (2) of the CDMP.

The existing property is currently being served by WASD. If a new connection to the sewer system is required, then, there is an existing 8-inch sanitary gravity sewer line abutting the property along NW 125th Avenue to where the developer may connect to provide sewer service to the proposed development. If Unity of Title does not apply, then, any gravity sewer within the property shall be public and 8-inch minimum diameter. Final points of connection and capacity approval for connection to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.

The sewage flow from the proposed development will be transmitted to Pump Stations (P.S.) 551, then, to P.S. 522. The projected sanitary sewer flows from this development will increase the NAPOT operating hours from 5.29 hrs. to 5.85 hrs. for P.S. 551, and from 3.33 hrs. to 3.34 hrs. for P.S. 522. The aforementioned pump stations are both currently under OK Moratorium Code Status and Unconditional Allocation is Allowed.

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

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

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

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

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

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

Memorandum



Date: February 22, 2017

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

From: Ammad Riaz, P.E.
Chief of Aviation Planning *A.R.*
Aviation Department

Subject: DIC Application No. 16-241
Somerset Academy
MDAD DN-17-02-2303

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Application Number 16-241. The applicant is requesting a district boundary change from EU-1 and EU-M to EU-M; a non-use variance to vary the setback requirements; a special exception to permit the expansion of a religious facility on additional property and a charter school; and a modification of previously approved plans. The property consists of approximately 9.86 acres of land and is located at 19701 SW 127 Avenue in Miami, Florida.

MDAD does not object to the request provided that all proposed land uses comply with applicable federal, state and local aviation regulations including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.

C: J. Ramos
Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources

Memorandum



Date: June 21, 2017

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

From: Matilde Reyes, Assistant Director *Matilde Reyes*
Parks, Recreation & Open Spaces Department

Subject: Z2016000241:Somerset Academy Inc. and School Property Development Quail
Roost Drive, LLC
Updated Based On Letter of Intent Dated March 22, 2017

Applicant Name: Somerset Academy Inc. and School Property Development Quail Roost Drive, LLC.

Project Location: The site is located at 19701 SW 127 Avenue, unincorporated Miami-Dade County.

Proposed Development: The request is for rezoning of the property from EU-1 and EU-M to EU-M, a special exception to permit a Charter School for up to 1,500 students, grades K-12, a special exception to permit the expansion of a religious facility onto additional property and a Charter School, and a modification of approved plans.

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 Stephanie Cornejo at (305) 755-7957.

MR: sc

Memorandum



Date: January 24, 2017

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

From: Juan J. Perez, Director
Miami-Dade Police Department

Subject: Review - Zoning Application - Case: No. Z2016000241
Somerset Academy, Inc. and School Property Development Quail Roost, LLC.

APPLICATION

The applicants, Somerset Academy, Inc. and School Property Development Quail Roost, LLC., are requesting a district boundary change special exemption to permit a kindergarten through 12th grade charter school for up to 1,500 students. Additionally, the request also includes a special exemption to expand the current religious facility located on the property. The property is located on 9.86 acres at 19701 SW 127 Avenue in Miami-Dade County, Florida.

CURRENT POLICE SERVICES

The development would be located in unincorporated Miami-Dade County and serviced by our Hammocks District, located at 10000 SW 142 Avenue, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

APPLICATION REVIEW

Current data of police staffing, population, projected developmental growth in the area, and crimes/calls for service was examined to project increased calls for service. Our review of the project uncovered concerns regarding the increase in vehicle traffic that will be generated by the school and related extracurricular activities.

We strongly encourage that the applicants work closely with the Department of Transportation and Public Works to solve traffic related issues. The development of traffic plans that does not include the use of police officers to assist in the flow of traffic is critical. Furthermore, a reduction in the number of students attending the charter school should be reviewed and considered.

The applicants are asked to provide a traffic study for review and are encouraged to work with police during any future pre and post application changes to determine the best possible solutions or security options.

Further recommendations should include, but not be limited to:

- Install additional traffic control devices on the appropriate streets surrounding the school as necessary.

Nathan Kogon, Assistant Director
January 24, 2017
Page 2

- Establish an internal system and protocols to locate and identify the residence of any sexual offenders residing within 1,000 and 2,500 feet of the school as reflected in Florida Statute 775.215 and the Code of Miami-Dade County, Section 21.281(a), respectively.
- Develop and implement a parking and traffic plan that includes, but is not limited to, adequate parking during special events, traffic flow, and safe street crossing for pedestrians in and around the immediate area surrounding the campus.
- Meet regularly with residents and businesses in the surrounding area to discuss and remedy issues of mutual concern.

MDPD does not object or have further comments to the proposed zoning modifications to complete this project at this time.

Should you have any questions or require additional information, Sergeant Keith Hedrick, of our Strategic Planning and Development Section, may be contacted at 305-471-1990.

JJP/kh
Attachment

Memorandum



Date: June 01, 2017

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

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

Subject: Z2016000241

The Miami-Dade Fire Rescue Department has **no objection** to the site plan dated stamp received 05/31/17 Energov upload date.

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SCHOOL PROPERTY DEV. QUAIL ROOST,
LLC/SOMERSET ACADEMY, INC

19701 SW 127 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2016000241

DATE

HEARING NUMBER

FOLIO: 30-6901-004-0180/30-6901-004-0210/30-6901-004-0150/30-6901-004-0190/ 30-6901-004-0130/30-6901-004-0140

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

October 13, 2017

NEIGHBORHOOD REGULATIONS:

Folio No.: 30-6901-004-0180

There are no open/closed cases in CMS.

Folio No.: 30-6901-004-0210

There are no open/closed cases in CMS.

Folio No.: 30-6901-004-0150

There are no open/closed cases in CMS

Folio No.: 30-6901-004-0190

There are no open/closed cases in CMS

Folio No.: 30-6901-004-0130

Case No. 201701002364 was opened on 04/18/2017. Warning Notice No. W239801 was issued on 04/18/2017 for FAILURE TO PERFORM LOT MAINTENANCE AND REMOVE SOLID WASTE, JUNK, TRASH AND/OR DEBRIS IN A RESIDENTIAL DISTRICT AS STATED IN 19-13(A)(2) & (A)(1), TO WIT: OVERGROWN VACANT LOT, OVERGROWTH ENCROACHING WALKWAY AND ROADWAY: NORTHWEST CORNER INTERSECTION OF QUAIL ROOST DR AND SW 125 AVE. CANEGRASS, WEEDS, BUSHES, AND TREES SEVERELY OVERGROWN. LITTER

ACCUMILATION. Case was closed on 05/01/2017 due to "ACTIVE RIGHT OF WAY CONSTRUCTION IN PROGRESS SPONSORED BY THE COUNTY COMMISSION."

Folio No.: 30-6901-004-0140

Case No. 201601002510 was opened on 06/22/2016. Decal D212788 issued on 06/23/2016 for having an "ABANDONED BOAT ON THE RIGHT OF SW 125 AVE BETWEEN SW 199 TER AND SW 198 ST. REGISTERED OUT OF STATE CA". Inspection conducted on 07/20/2016 revealed that the boat was gone on arrival. Case was closed on 10/20/2016.

BUILDING SUPPORT REGULATIONS:

Folio No.: 30-6901-004-0180

There are no open/closed cases in BSS.

Folio No.: 30-6901-004-0210

There are no open/closed cases in BSS.

Folio No.: 30-6901-004-0150

There are no open/closed cases in BSS

Folio No.: 30-6901-004-0190

There are no open/closed cases in BSS

Folio No.: 30-6901-004-0130

There are no open/closed cases in BSS.

Folio No.: 30-6901-004-0140

There are no open/closed cases in BSS.

VIOLATOR:

SCHOOL PROPERTY DEV. QUAIL ROOST, LLC/SOMERSET ACADEMY, INC

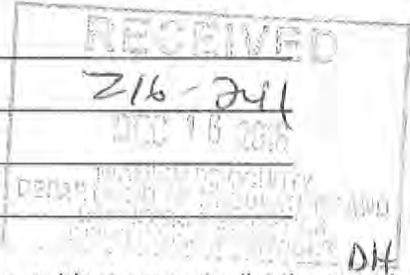
OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

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: See Exhibit A Somerset Academy, Inc.

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

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

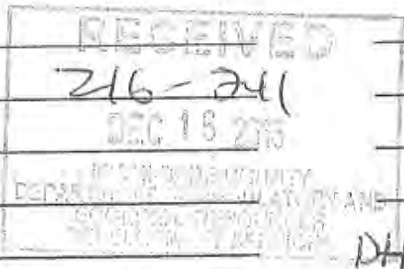
<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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.


_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

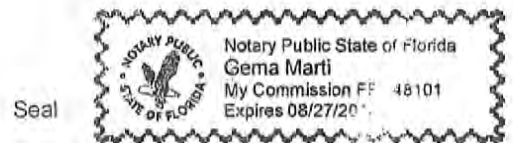
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature  Lourdes Maerero
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 8th day of Dec., 2016. Affiant is personally know to me or has produced _____ as identification.


 (Notary Public)

My commission expires: 8/27/18

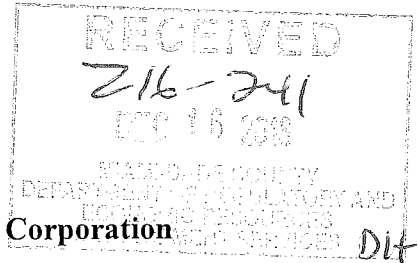


*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

EXHIBIT A

DISCLOSURE OF INTEREST

Somerset Academy, Inc., a Florida Not For Profit Corporation



Name and Address	Percentage of Stock
• Suzette Ruiz, Vice President, 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• Lourdes Isla, Vice-Chairperson/ Secretary/ Director 9010 NW 178 Lane, Miami, FL 33018	0%
• Ana Diaz, Director/Secretary 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• David Concepcion, Director/Chairman 1530 NW 28 Avenue, Miami, FL 33125	0%
• Louis Marin, Vice Chairman/ Director 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• George Ozuna, Director 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• Tony Morales, Director 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• Raul Martinez, Director 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• Bernie Montero, President 20801 Johnson Street, Pembroke Pines, FL, 33029	0%
• Jennifer Esquijarosa, Director 20801 Johnson Street, Pembroke Pines, FL, 33029	0%

ACKNOWLEDGEMENT BY APPLICANT

- 1. RER Platting and Traffic Review Section, RER Division of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for paying the additional radius mailing costs, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

Handwritten signature of Mark Robberg over a line, with '(Applicant's Signature)' printed below. Below that, 'MARK Robberg' is printed over another line, with '(Print Name of Applicant)' printed below.

Sworn to and subscribed before me on the 6 Day of December, 2016.

Affiant is personally known to me or has produced WIA as identification.

Handwritten signature of Kaleigh Hazelton over a line, with '(Notary Public's Signature)' printed below.

My commission expires March 6, 2018

State of: Florida

Handwritten name 'Kaleigh Hazelton' over a line, with 'Print Name' printed below.

Handwritten notes in a box: '216-741' and 'A'



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____ on behalf of School Property Development Quail Roost, LLC, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

Mal Rodney
Signature

Signature

Sworn to and subscribed to before me this 7th day of DECEMBER, 2016.

Notary Public: Kalieg M. Hazelton **KALIEGH M. HAZELTON**
Commission Expires: March 6, 2017 **Notary Public - State of Florida**
My Comm. Expires Mar 6, 2017
Commission # FF 99187

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

(Corp. Seal)

Authorized Signature

Office Held 216-241

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the aforesaid partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me this ____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me this ____ day of _____, _____.

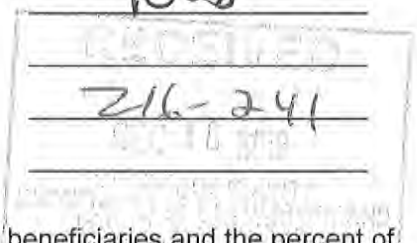
Notary Public: _____
Commission Expires _____

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: School Development Quail Roost, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>MARK Rodberg</u>	<u>100%</u>
<u>4500 PGA Blvd.</u>	
<u>Palm Beach Gardens FLA 33418</u>	



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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest
RECEIVED
216-211
DEC 16 2010
STATE OF FLORIDA
DEPARTMENT OF REVENUE AND
HYDROLOGIC RESOURCES
_____ **DH**

Date of contract: _____

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

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

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

Signature Mark Rodhox (Applicant) MARK Rodhox (Print Applicant name)

Sworn to and subscribed before me this 17th day of December 20 10. Affiant is personally know to me or has produced N/A as identification.

Kalieg M. Hazelton
(Notary Public)



My commission expires: March 6, 2018

*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.

ACKNOWLEDGEMENT BY APPLICANT

1. RER Platting and Traffic Review Section, RER Division of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Platting and Traffic conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

Edward J. Panné
(Applicant's Signature)

Edward J. Panné,
(Print Name of Applicant)
Registered Agent

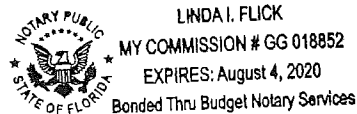
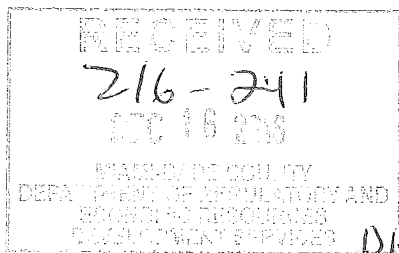
My commission expires August 4, 2020
State of: Florida

Sworn to and subscribed before me on the
2nd Day of December 2016

Affiant is personally known to me or has produced
Driver's License as identification.

Linda I. Flick
(Notary Public's Signature)

LINDA I. FLICK
Print Name



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property described and which is the subject matter of the proposed hearing.

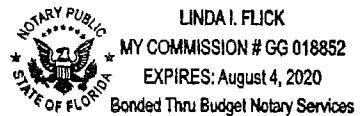
Signature
Sworn to and subscribed to before me this ____ day of _____, _____.
Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I)(WE), _____ as authorized representative Upper Room Assembly, Inc., being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: Driver's License

X Edward I Paine
Authorized Signature
Registered Agent
Office Held

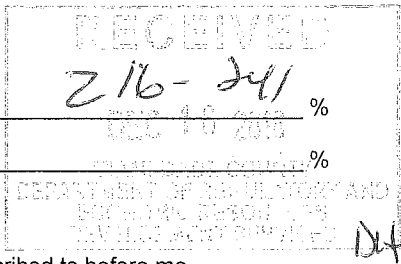
(Corp. Seal)

LINDA I. FLICK
MY COMMISSION # GG 018852
EXPIRES: August 4, 2020
Bonded Thru Budget Notary Services

Sworn to and subscribed to before me this 2nd day of December, 2016
Notary Public: *Linda I. Flick*
Commission Expires: August 4, 2020

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the aforesaid partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %
By _____ %
By _____ %
By _____ %
By _____ %
Sworn to and subscribed to before me this ____ day of _____, _____.
Notary Public: _____
Commission Expires: _____



ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature
Sworn to and subscribed to before me this ____ day of _____, _____.
Notary Public: _____
Commission Expires _____

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

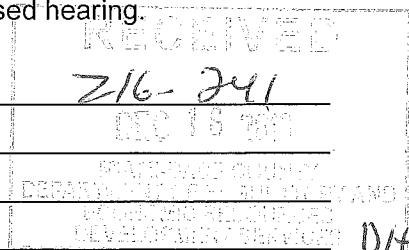
STATE OF FLORIDA Public Hearing No. _____
COUNTY OF MIAMI DADE

Before me, the undersigned authority, personally appeared Edward / Paine
as authorized representative of Upper Room Assembly, Inc., hereinafter the Affiant(s), who being first duly
sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation hereinafter named _____, with the following address: _____

2. The Corporation owns the property which is the subject of the proposed hearing.

3. The subject property is legally described as: _____



4. Affiant is legally authorized to file this application for public hearing.

5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Michael Glaser
Signature

MICHAEL GLASER
Print Name

Edward / Paine
Affiant's Signature

EDWARD J Paine
Print Affiant's Name

Linda I. Flick
Signature

LINDA I. FLICK
Print Name

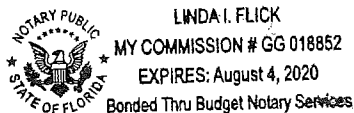
Affiant's Signature

Print Affiant's Name

Sworn to and subscribed before me on the 2ND day of December 20 16.

Affiant is personally known to me or has produced DRIVER'S LICENSE as identification

Notary Linda I. Flick



(Stamp/Seal)

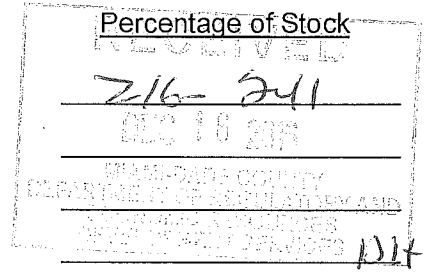
Commission Expires: August 4, 2020

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: See Exhibit A

NAME AND ADDRESS



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 _____

NAME AND ADDRESS

Percentage of Interest

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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

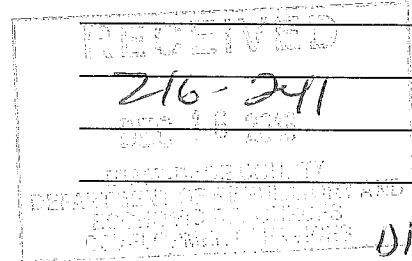
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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.

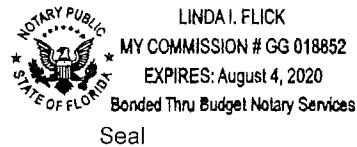
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature *Edward S. Paine* Edward S. Paine
(Applicant) (Print Applicant name)

Sworn to and subscribed before me this 2nd day of December 20 16. Affiant is personally know to me or has produced DRIVER'S LICENSE as identification.

Linda I. Flick
(Notary Public)

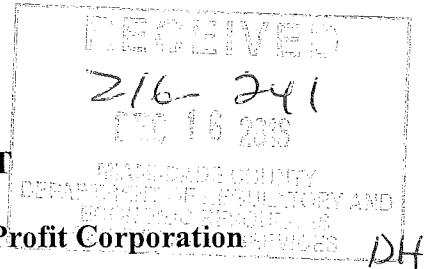


My commission expires: August 4 2020

*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.

EXHIBIT A
DISCLOSURE OF INTEREST

Upper Room Assembly, Inc, a Florida Not For Profit Corporation



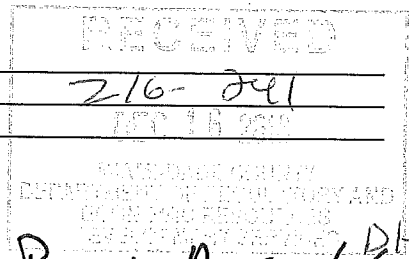
Name and Address	Percentage of Stock
• Bruce O. Klepp, President 15459 SW 143 Terrace, Miami, FL 33196	0%
• Georges Bury, Director 12938 SW 215 Terrace, Miami FL 33177	0%
• Jeffrey Oleson, Treasurer 9740 SW 166 Terrace, Miami, FL 33157	0%
• Paul Herdsman, Director 7880 SW 196 Terrace, Cutler Bay, FL 33189	0%
• Ruben Rodriguez, Director 15371 SW 150 Street, Miami, FL 33196	0%
• Edwin Cruz, Secretary 1602 SW 16 th Avenue, Homestead, FL 33035	0%
• Thomas R. Cowey, Director 15145 SW 172 nd Street, Miami, FL 33187	0%
• Kevin T. Roach, Director 11501 SW 232 Lane, Princeton, FL 33032	0%

P.H. # _____

**Owner's Sworn-to-Consent
Permitting Tenant to File for a Hearing
(Corporation)**

On behalf of Upper Room Assembly, Inc., a Florida Not For Profit
(state) corporation, _____ being first duly sworn, deposes
and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation,
which is the Owner of the property legally described below and which is the subject property of the
proposed hearing, does hereby grant consent to Somerset Academy, Inc. and School Property, as
Tenant to file this application for a public hearing. Development Quail Roost, LLC

Legal Description:



Witnesses:

[Signature]
Signature

Print Name

Signature

Print Name

Upper Room Assembly, Inc.
Name of Corporation
Address:

By [Signature]
President, Vice-President or CEO* (circle one)
Registered Agent

[*Note: All others require attachment of
original corporate resolution of
authorization]

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by
Edward J. Paine, of Upper Room Assembly, Inc. corporation, on
behalf of the corporation. He/She is personally known to me, or has produced
Driver's License, as identification.

Witness my signature and official seal this 2nd day of
December, 2016, in the County and State aforesaid.



LINDA I. FLICK
MY COMMISSION # GG 018852
EXPIRES: August 4, 2020
Bonded Thru Budget Notary Services

[Signature]
Notary Public-State

My Commission Expires:

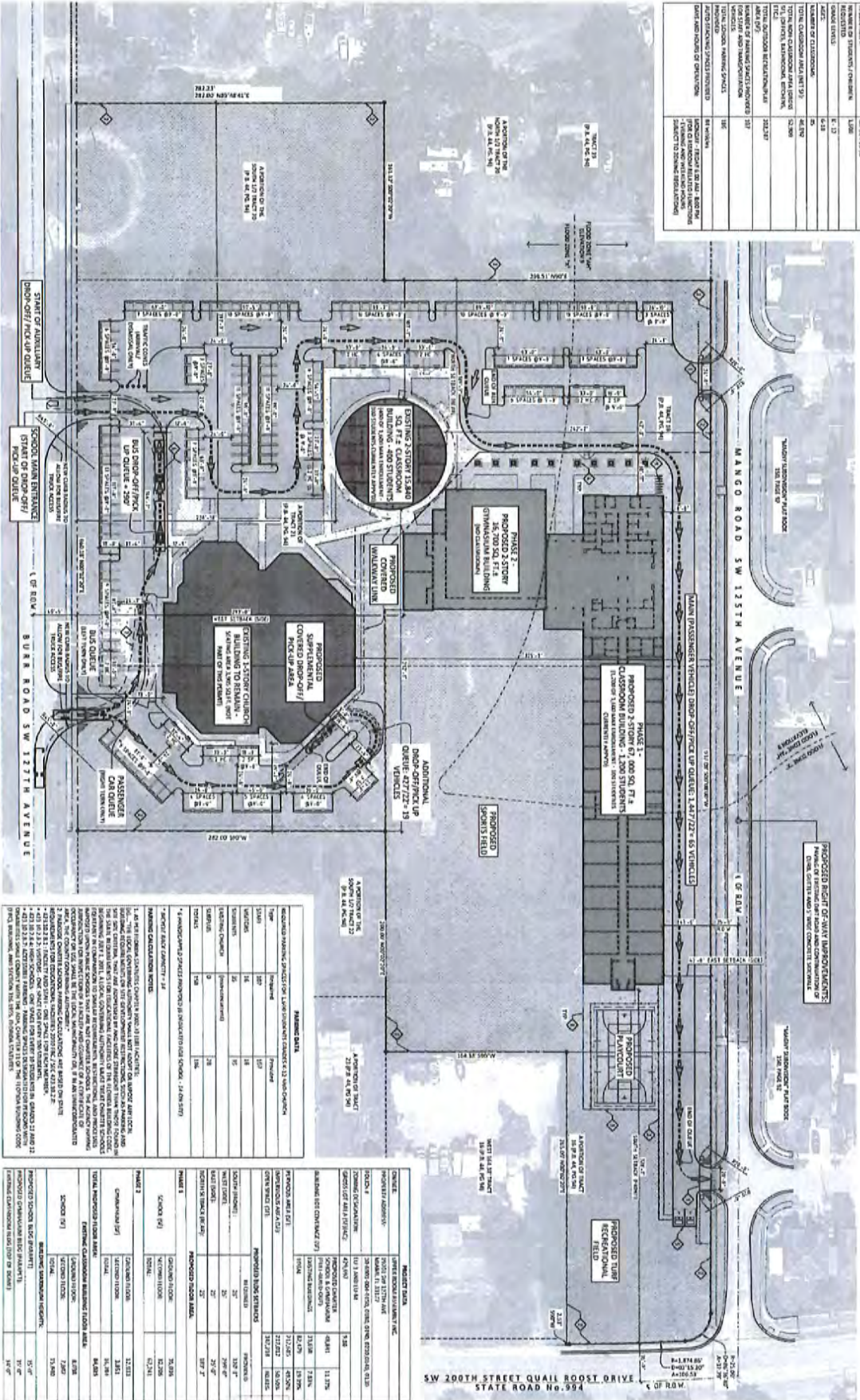
LINDA I. FLICK
Print Name

CHILD CARE CHECK LIST FOR DAYCARE SCHOOLS

1. SCHOOL ADDRESS	1875 SW 12TH AVE, MIAMI, FL 33137
2. CONTACT PERSON	DAVID ROBERTSON, OWNER
3. TYPE OF FACILITY	DAYCARE
4. TOTAL SQUARE FEET	15,000
5. TOTAL NUMBER OF CHILDREN	100
6. TOTAL NUMBER OF TEACHERS	10
7. TOTAL NUMBER OF STAFF	10
8. TOTAL NUMBER OF CLASSROOMS	10
9. TOTAL NUMBER OF RESTROOMS	10
10. TOTAL NUMBER OF KITCHENS	10
11. TOTAL NUMBER OF OFFICES	10
12. TOTAL NUMBER OF STORAGE AREAS	10
13. TOTAL NUMBER OF RECREATION AREAS	10
14. TOTAL NUMBER OF OUTDOOR AREAS	10
15. TOTAL NUMBER OF PARKING SPACES	10
16. TOTAL NUMBER OF VEHICLES	10
17. TOTAL NUMBER OF BICYCLES	10
18. TOTAL NUMBER OF MOTORCYCLES	10
19. TOTAL NUMBER OF TRAILERS	10
20. TOTAL NUMBER OF OTHER VEHICLES	10

- ### NOTES
1. NEW CONSTRUCTION OF A 15,000 SQ. FT. 2-STORY CHILDREN'S SCHOOL AND DAYCARE CENTER FOR THE DEVELOPMENTAL PHASE 1.
 2. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 3. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 4. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 5. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 6. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 7. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 8. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 9. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 10. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.

- ### SCOPE OF WORK
1. NEW CONSTRUCTION OF A 15,000 SQ. FT. 2-STORY CHILDREN'S SCHOOL AND DAYCARE CENTER FOR THE DEVELOPMENTAL PHASE 1.
 2. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 3. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 4. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 5. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 6. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 7. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 8. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 9. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.
 10. THE PROPOSED SCHOOL WILL BE A 2-STORY BUILDING WITH A TOTAL AREA OF 15,000 SQ. FT. AND WILL BE SITED ON THE WEST SIDE OF THE PROPERTY.



OVERALL SITE PLAN
SCALE: 1" = 20'

EXISTING AND PROPOSED DATA

NO.	DESCRIPTION	EXISTING	PROPOSED
1	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
2	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
3	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
4	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
5	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
6	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
7	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
8	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
9	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.
10	EXISTING 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.	15,000 SQ. FT.

PROPOSED DATA

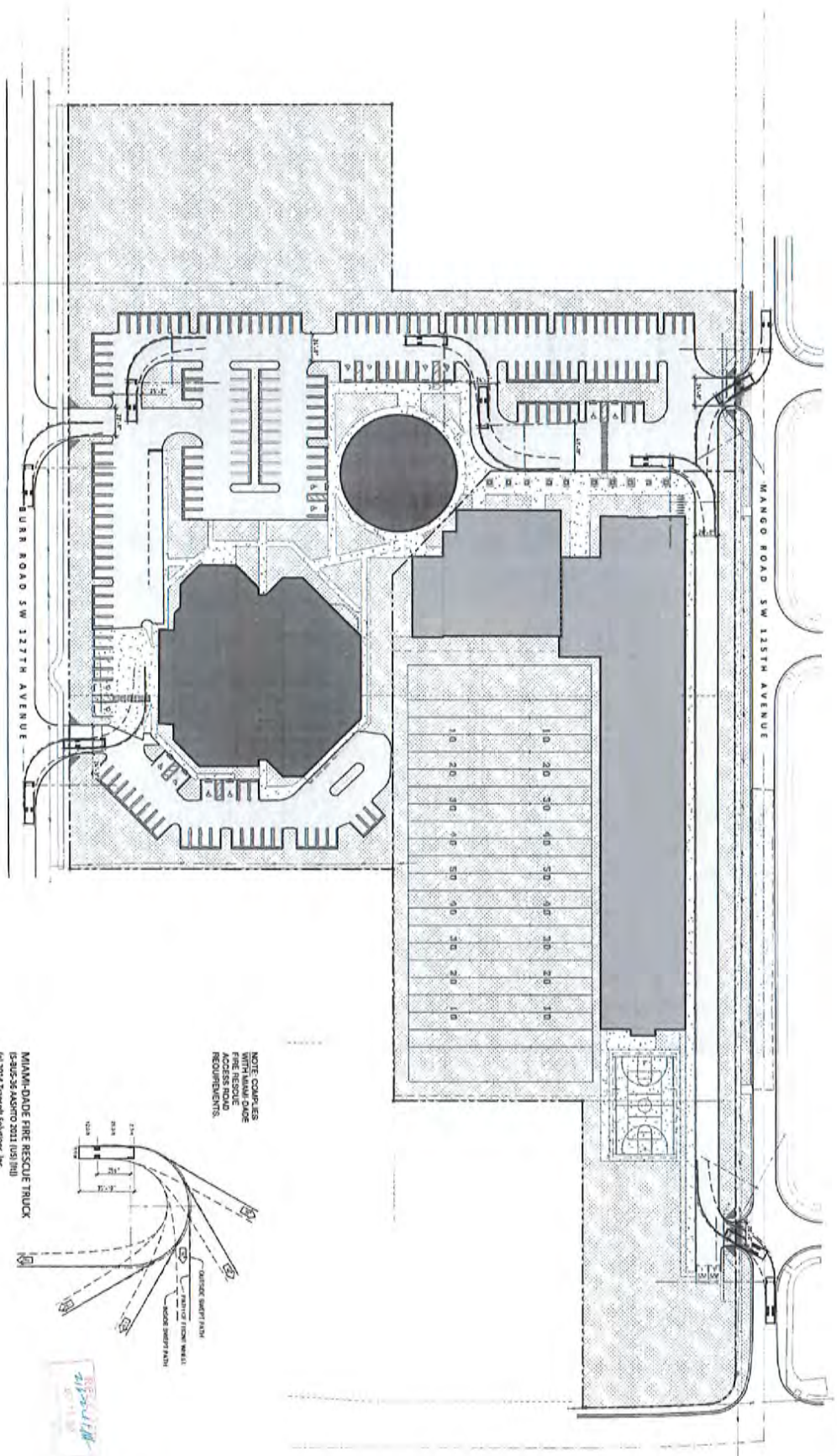
NO.	DESCRIPTION	PROPOSED
1	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
2	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
3	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
4	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
5	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
6	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
7	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
8	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
9	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.
10	PROPOSED 2-STORY CLASSROOM BUILDING	15,000 SQ. FT.

DATE: 11/11/2011
SCALE: AS SHOWN
APPROVED BY: [Signature]
ISSUED FOR: [Signature]
PROJECT NO.: 159001

CIVICA
SOMERSET DADE SOUTH CAMPUS
1875 SW 127TH AVE
MIAMI, FL 33177
DAVID ROBERTSON
305-553-3299
www.civica.com
PROJECT:

48

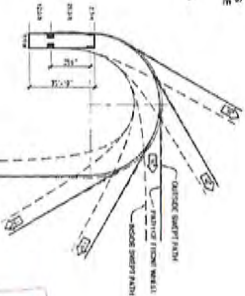
DATE



SITE AUTOTURN ANALYSIS
SCALE: 1/8" = 1'-0"

AUTOTURN TEMPLATE
SCALE: 1/8" = 1'-0"

NOTE: COMPLIES WITH MIAMI-DADE FIRE RESCUE TRUCK REQUIREMENTS.



MIAMI-DADE FIRE RESCUE TRUCK
(© 2014 Transit Solutions, Inc.
15-805-56-ASMT0 2021 (03.101))
All rights reserved.
Shady-side turning radius
31.9 ft. (centerline)
31.9 ft. (centerline)



NO.	DATE	REVISION	BY
1	12/11/21	ISSUE FOR PERMITS	AK
2	02/02/22	REVISED FOR PERMITS	AK
3	02/02/22	REVISED FOR PERMITS	AK

FIRE TRUCK ACCESS PLAN
SHEET NUMBER: SP-2

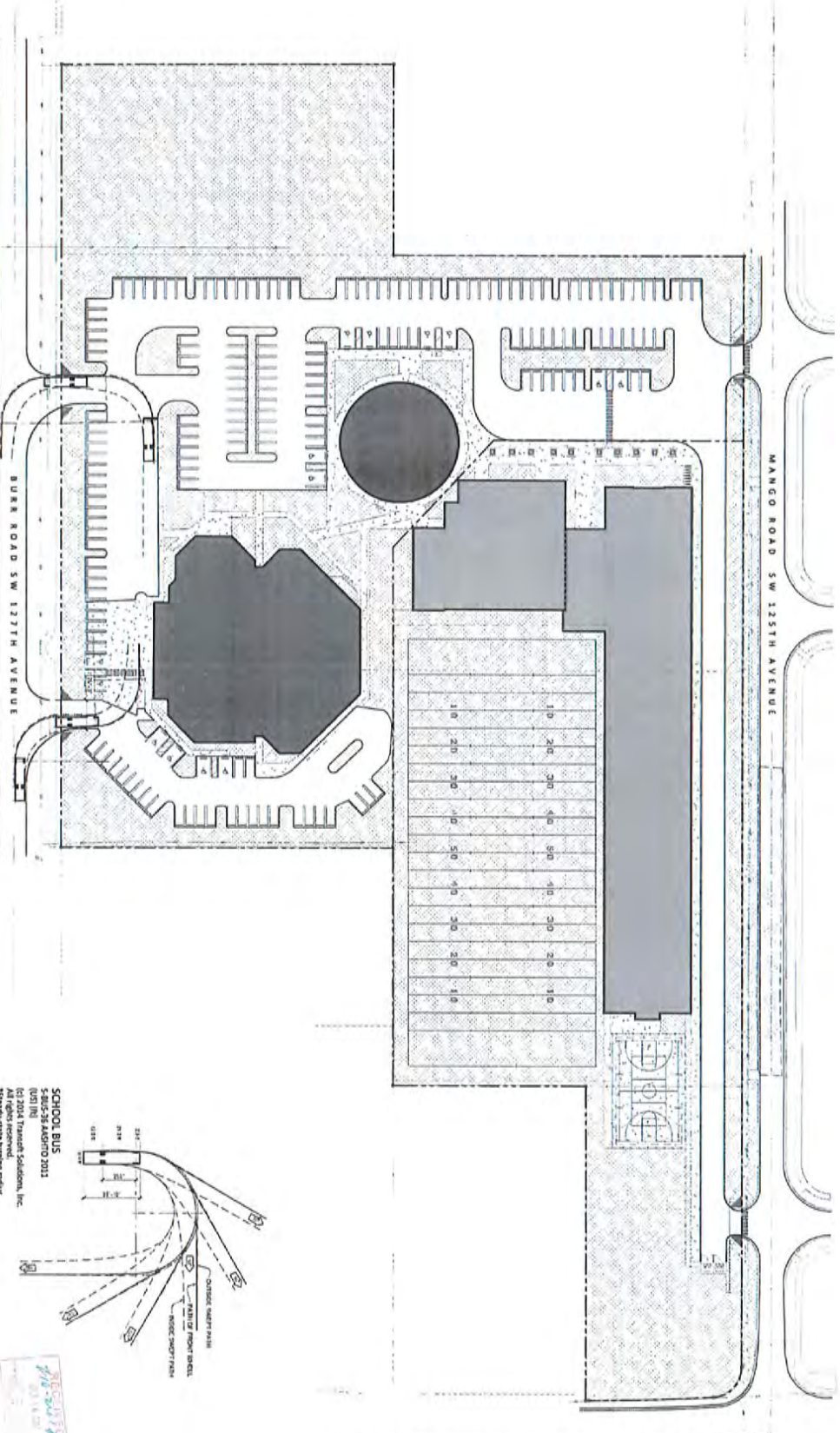
CIVICA
3301 NW 12th St, Suite 102
Doral, FL 33126
Tel: 305.583.9059
www.civica.com

SOMERSET DADE SOUTH CAMPUS

19101 SW 127th Ave
Miami, FL 33177
Phone: 305.891.0044-1192

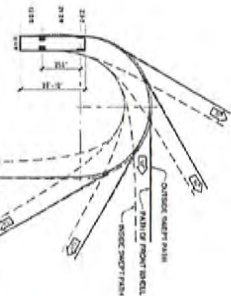
APPLICANT:
SCHOOL PROPERTY
DEVELOPMENT GROUP
19101 SW 127th Ave
Miami, FL 33177
Phone: 305.891.0044-1192

ISSUED FOR
SITE PLAN
APPROVAL
CIVICA PROJECT NO.:
19262



SCHOOL BUS AUTOTURN ANALYSIS
SCALE: 1" = 20'

SCHOOL BUS
5-800-38 AADTMO 2011
(US) (IN)
© 2014 Trautvik Solutions, Inc.
All rights reserved.
Autoturn is a registered trademark of Trautvik Solutions, Inc.
used to define vehicle tracking = 34.9 ft. (centerline)



AUTOTURN TEMPLATES
SCALE: 1" = 20'

SCHOOL BUS ACCESS PLAN
SHEET NUMBER
A SP-3



NO.	DATE	REVISION	BY
1	08/19/14	ISSUE	AS

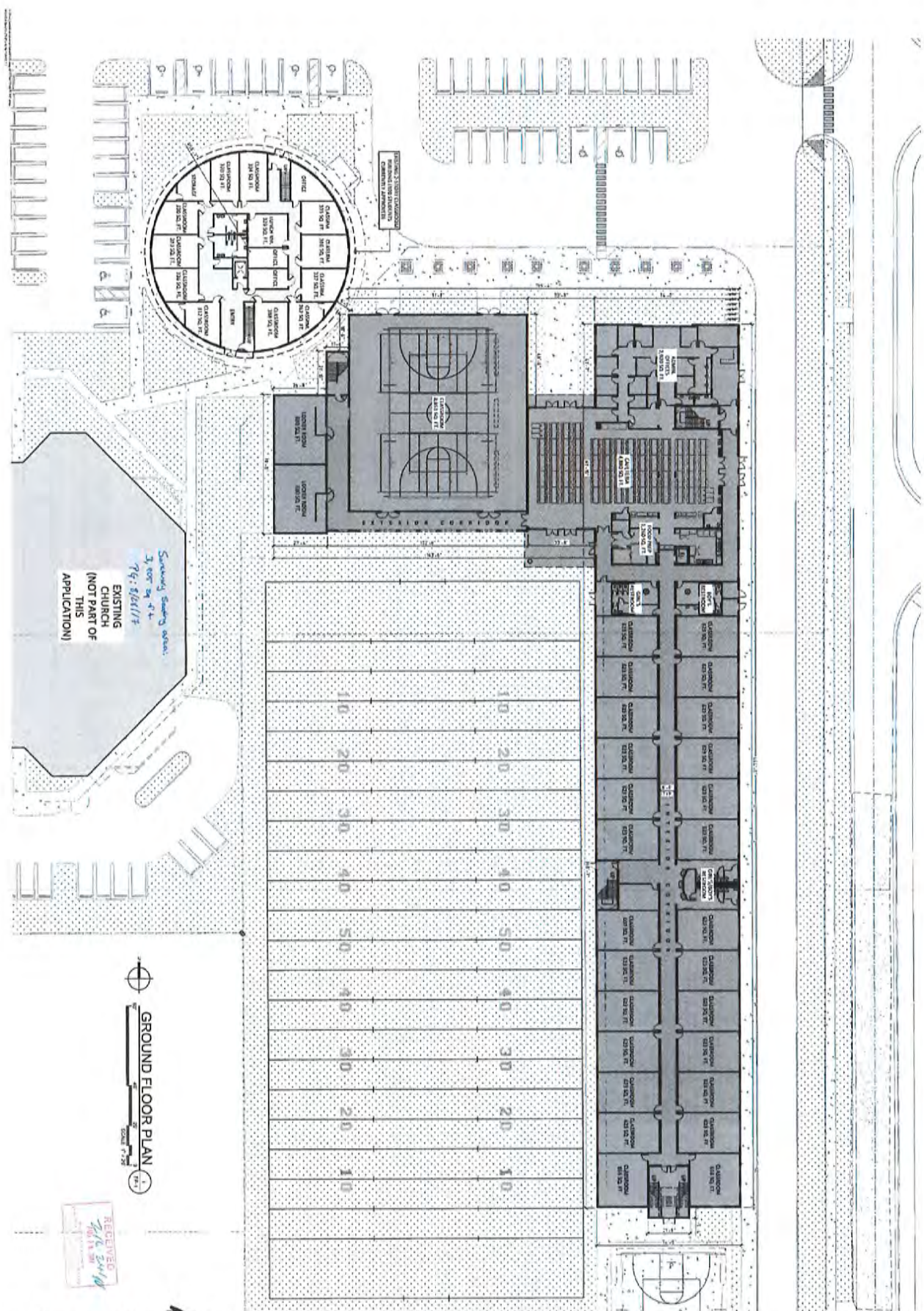
DRAWING BY: APPROVED BY:
DATE: 08/19/14
BY: AS

ISSUED FOR:
SITE PLAN APPROVAL
CIVICA PROJECT No.: 150403

APPLICANT:
SCHOOL BOSSERY, DEVELOPMENT GROUP, ROBERT LLC
1400 NW 125th Ave
Miami, FL 33187
Phone: 305.451.1234

PROJECT:
SOMERSET DADE SOUTH CAMPUS
12501 SW 127th Ave
Miami, FL 33187
Map No. 2014-000103
Map No. 2014-000103
Map No. 2014-000103

CIVICA
CONSULTANTS
8232 NW 12th St, Suite 105
Miami, FL 33187
Phone: 305.451.1234
Fax: 305.661.0641



Existing Somers area:
 3,000 sq ft
 79:06/17
 EXISTING CHURCH
 (NOT PART OF
 THIS
 APPLICATION)

GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



PREPARED BY:

 DATE: 05/11/17

SHEET NUMBER:
 GROUND FLOOR PLAN
 FP-1

NO.	DATE	REVISION	BY

DRAWING BY: APPROVED BY:
 DATE: SCALE:
 SHEET NO. OF SHEETS:
 DATE: 11/15/16

CIVICA PROJECT NO.: 15048D
 ISSUED FOR: SITE PLAN APPROVAL
 SCHOOL DISTRICT: SCHOOL DISTRICT OF DADE
 PROJECT NO.: 15048D
 DATE: 05/11/17

PROJECT:
 SOMERS DADE SOUTH CAMPUS
 19201 SW 127TH AVE
 MIAMI, FL 33177
 PHONE: 305-681-0454-5150
 APPLICANT:
 SCHOOL DISTRICT OF DADE
 PROJECT NO.: 15048D
 DATE: 05/11/17

CIVICA
 51

52

CIVICA
 8322 NW 25th St, Suite 106
 Miami, FL 33147
 Tel: 305.553.9999
 Fax: 305.553.9999
 www.civica.com

PROJECT:
 SOMERSET DADE
 SOUTH CAMPUS

APPLICANT:
 SCHOOL PROPERTY
 DEVELOPMENT
 BOARD
 15701 SW 27TH AVE
 MIAMI, FL 33187
 TEL: 305-553-9999

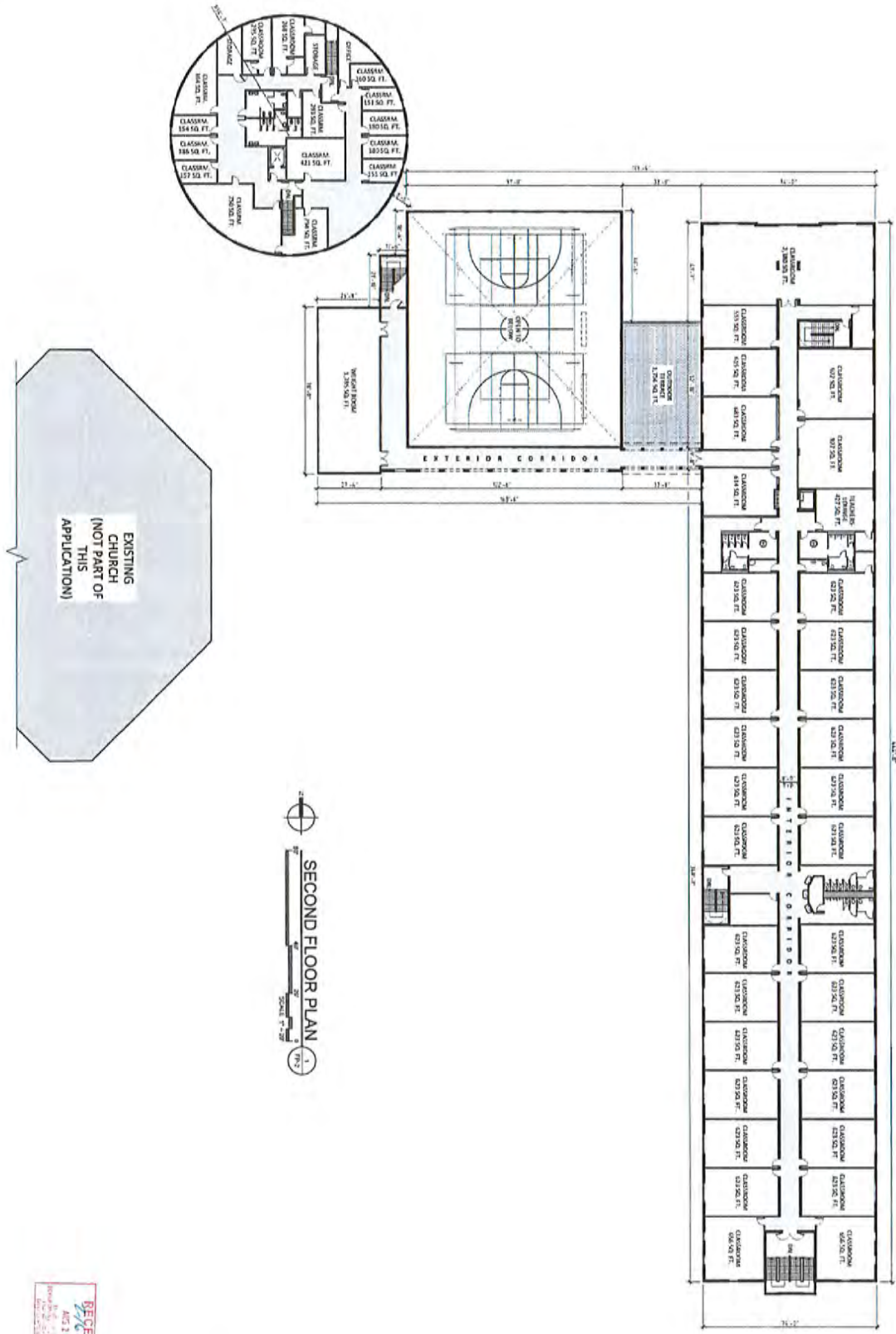
ISSUED FOR:
 SITE PLAN
 APPROVAL

CIVIC PROJECT NO.:
 152003

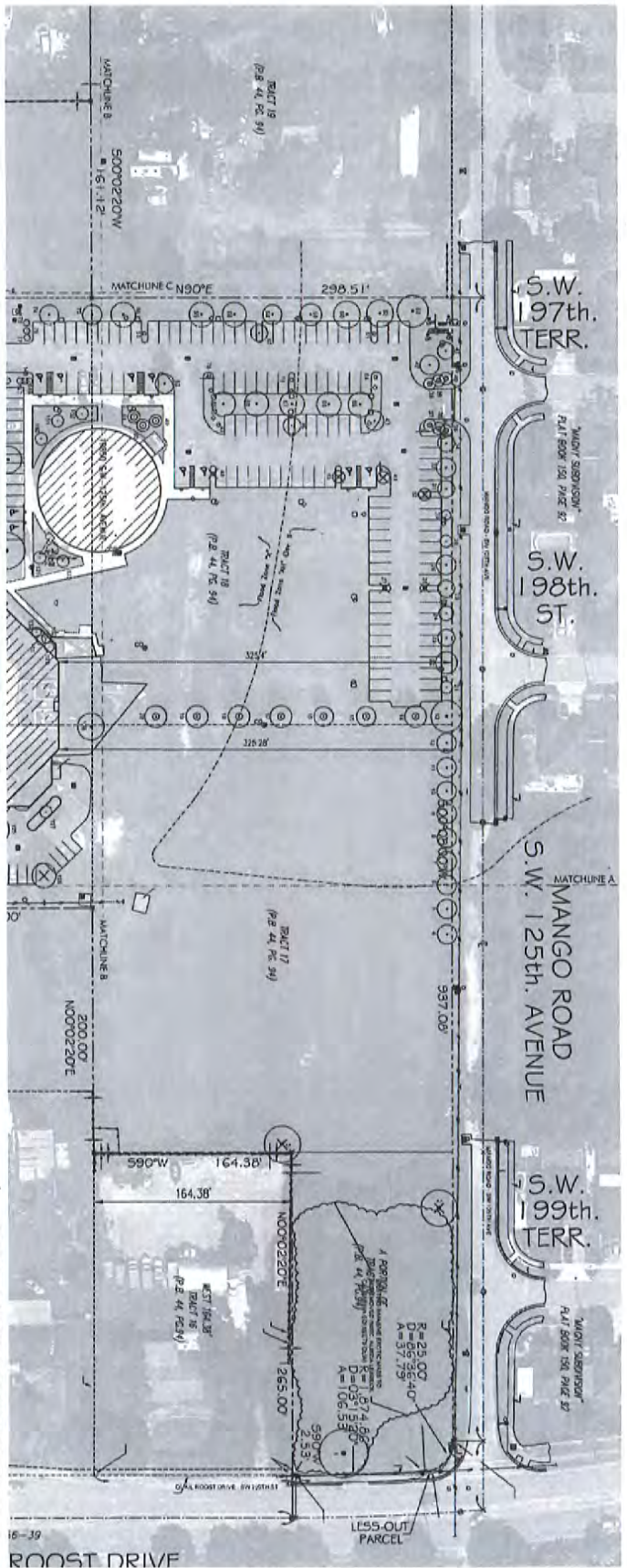
NO.	DATE	REVISION	BY

DESIGNER:
 CIVICA
 15701 SW 27TH AVE
 MIAMI, FL 33187
 TEL: 305-553-9999
 FAX: 305-553-9999
 WWW.CIVICA.COM

PROJECT TITLE:
 SECOND FLOOR PLAN
 SHEET NUMBER:
 FP-2



SECOND FLOOR PLAN
 Scale: 1/8" = 1'-0"



EXISTING TREE DISPOSITION PLAN

EXISTING TREE DISPOSITION LIST

NO.	DATE	REVISION	BY	DESCRIPTION
1	08/11/18			ISSUED FOR PERMIT

EXISTING TREE DISPOSITION LIST

NO.	DATE	REVISION	BY	DESCRIPTION
1	08/11/18			ISSUED FOR PERMIT

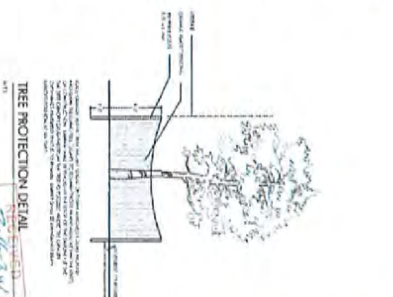
1. The purpose of this plan is to show the location and condition of all trees existing on the site at the time of the proposed development. The plan shall show the location of all trees, including those to be removed, preserved, or planted. The plan shall also show the location of all trees to be protected during construction.

2. The plan shall show the location of all trees, including those to be removed, preserved, or planted. The plan shall also show the location of all trees to be protected during construction.

3. The plan shall show the location of all trees, including those to be removed, preserved, or planted. The plan shall also show the location of all trees to be protected during construction.

4. The plan shall show the location of all trees, including those to be removed, preserved, or planted. The plan shall also show the location of all trees to be protected during construction.

5. The plan shall show the location of all trees, including those to be removed, preserved, or planted. The plan shall also show the location of all trees to be protected during construction.



CIVICA
 3222 NW 12th St, Suite 108
 Doral, FL 33126
 TEL: 305.553.8888
 WWW.CIVICAFL.COM

SOMERSET DADE SOUTH CAMPUS

PROJECT: 18071 SW 12TH AVE
 DATE: 08/11/18
 DRAWING NO.: 18071-001-010

APPlicant: SOMERSET DADE SOUTH CAMPUS
 DESIGNER: CIVICA
 CHECKED: CIVICA
 DATE: 08/11/18

ISSUED FOR: PERMIT
 SITE PLAN APPROVAL
 CIVICA PROJECT NO.: 180683

NO. DATE REVISION BY

1 08/11/18 ISSUED FOR PERMIT

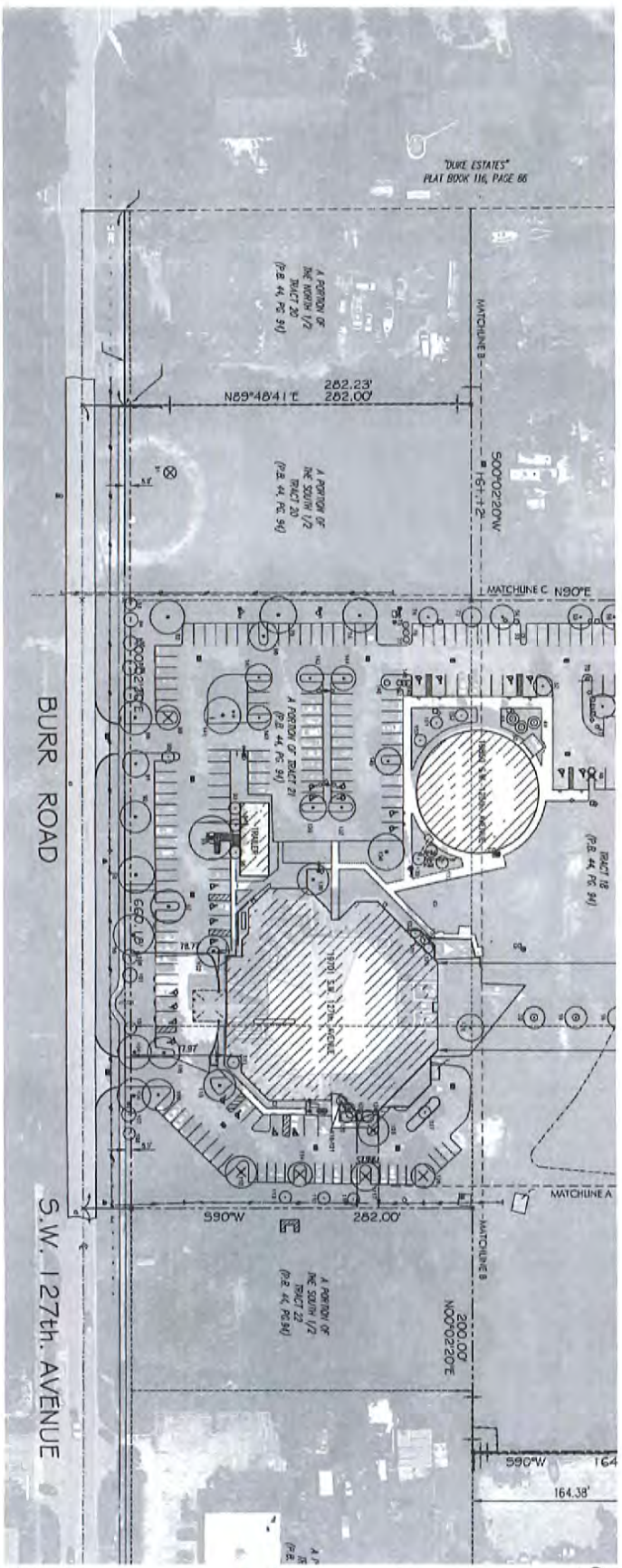
DESIGNER: CIVICA
 DATE: 08/11/18
 SCALE: AS SHOWN

18071 SW 12TH AVE
 DORAL, FL 33126
 TEL: 305.553.8888
 WWW.CIVICAFL.COM

EXISTING TREE DISPOSITION PLAN 1 OF 2

SHEET NUMBER: LA1.0

"PURE ESTATES"
 PLAT BOOK 116, PAGE 86



EXISTING TREE IDENTIFICATION	EXISTING TREE DISPOSITION LIST		REMARKS
	DISPOSITION	REASON	
1	REPLACE	SMALL TREE	
2	REPLACE	SMALL TREE	
3	REPLACE	SMALL TREE	
4	REPLACE	SMALL TREE	
5	REPLACE	SMALL TREE	
6	REPLACE	SMALL TREE	
7	REPLACE	SMALL TREE	
8	REPLACE	SMALL TREE	
9	REPLACE	SMALL TREE	
10	REPLACE	SMALL TREE	
11	REPLACE	SMALL TREE	
12	REPLACE	SMALL TREE	
13	REPLACE	SMALL TREE	
14	REPLACE	SMALL TREE	
15	REPLACE	SMALL TREE	
16	REPLACE	SMALL TREE	
17	REPLACE	SMALL TREE	
18	REPLACE	SMALL TREE	
19	REPLACE	SMALL TREE	
20	REPLACE	SMALL TREE	
21	REPLACE	SMALL TREE	
22	REPLACE	SMALL TREE	
23	REPLACE	SMALL TREE	
24	REPLACE	SMALL TREE	
25	REPLACE	SMALL TREE	
26	REPLACE	SMALL TREE	
27	REPLACE	SMALL TREE	
28	REPLACE	SMALL TREE	
29	REPLACE	SMALL TREE	
30	REPLACE	SMALL TREE	

EXISTING TREE IDENTIFICATION	EXISTING TREE DISPOSITION LIST		REMARKS
	DISPOSITION	REASON	
31	REPLACE	SMALL TREE	
32	REPLACE	SMALL TREE	
33	REPLACE	SMALL TREE	
34	REPLACE	SMALL TREE	
35	REPLACE	SMALL TREE	
36	REPLACE	SMALL TREE	
37	REPLACE	SMALL TREE	
38	REPLACE	SMALL TREE	
39	REPLACE	SMALL TREE	
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59	REPLACE	SMALL TREE	
60	REPLACE	SMALL TREE	

EXISTING TREE DISPOSITION PLAN
 SCALE: 1/8" = 1'-0"



CIVICA
 3000 NW 120th St, Suite 300
 Doral, FL 33126
 Tel: 305.593.9928
 Fax: 305.593.9929
 www.civica.com
 All drawings are subject to change without notice.

PROJECT:
 SOMERSET DADE SOUTH CAMPUS

APPROVED:
 19761 SW 127TH AVE
 DORAL, FL 33177
 FILE: 23070-024-10

ARCHITECT:
 SOMERSET PROPERTY DESIGN LLC
 18000 SW 27TH AVE, SUITE 200
 MIAMI, FL 33195

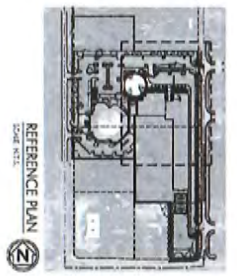
ISSUED FOR:
 SITE PLAN APPROVAL

CIVICA PROJECT NO.:
 50469

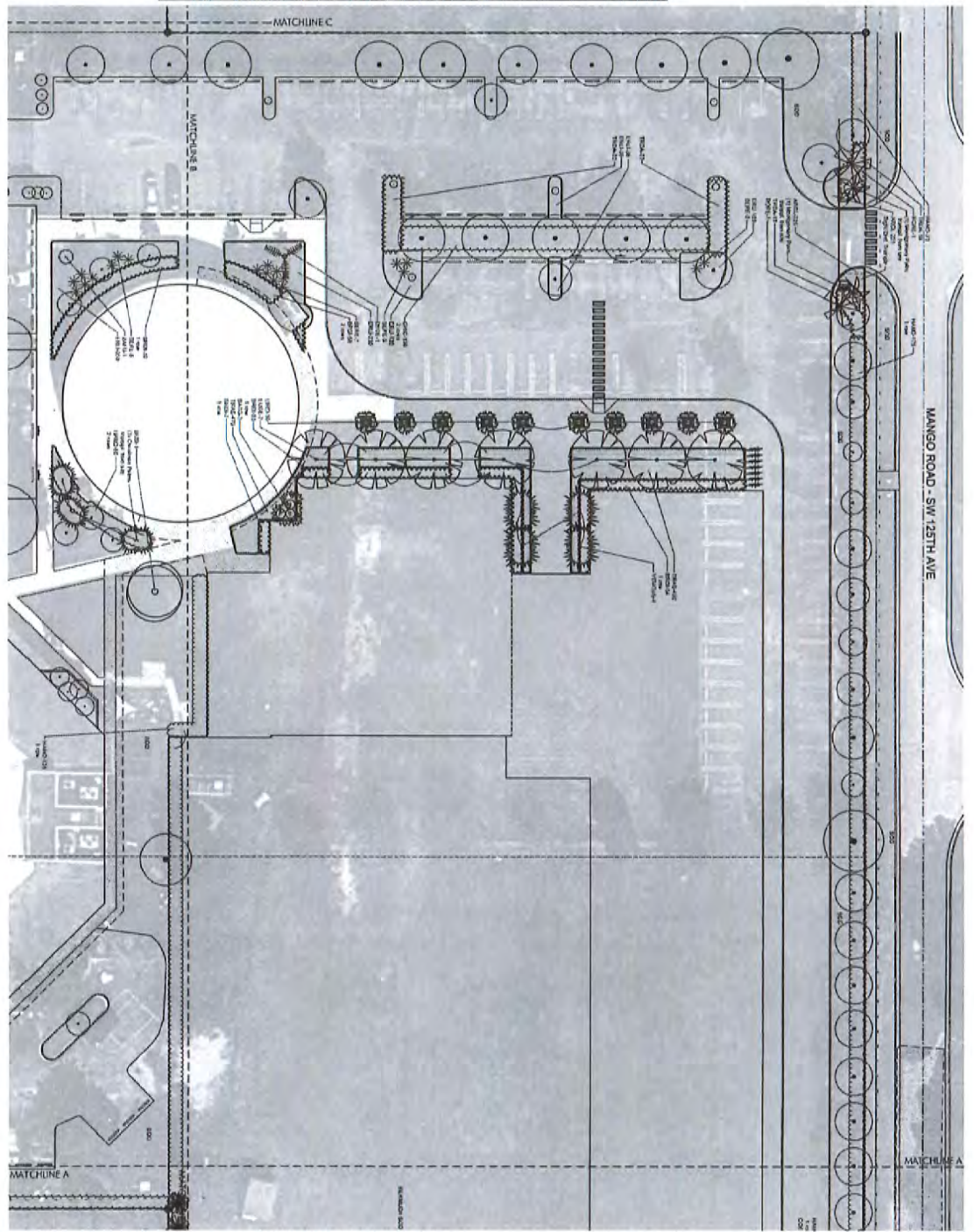
DATE:
 07/14/23

SCALE:
 1/8" = 1'-0"

SHEET NUMBER:
 LA1.1



ITEM #	ITEM NAME	QTY	UNIT	NOTES
1001	Plant List	1	SET	See attached plant list
1002	Plant List	1	SET	See attached plant list
1003	Plant List	1	SET	See attached plant list
1004	Plant List	1	SET	See attached plant list
1005	Plant List	1	SET	See attached plant list
1006	Plant List	1	SET	See attached plant list
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1021	Plant List	1	SET	See attached plant list
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1049	Plant List	1	SET	See attached plant list
1050	Plant List	1	SET	See attached plant list



CIVICA
 8323 NW 125th St, Suite 100
 Miami, FL 33177
 Tel: 305.582.8888

PROJECT:
SOUWSET DADE SOUTH CAMPUS

APPLICANT:
 15915 SW 127th Ave
 Miami, FL 33177
 Phone: 305.681.004-0188

ISSUED FOR:
 SITE PLAN APPROVAL
 CIVICA PROJECT No.: 160002

DESIGNER:
ES&S
 2001 N.W. 11th St., Suite 200
 Ft. Lauderdale, FL 33304
 Phone: 954.542.7500

DATE: 01/20/15

REVISIONS:

NO.	DATE	DESCRIPTION	BY

APPROVED BY:
 [Signature]

DATE: 01/20/15

NOTES:

1. See attached plant list for details.

2. All plants to be installed as shown.

3. All plants to be installed as shown.

4. All plants to be installed as shown.

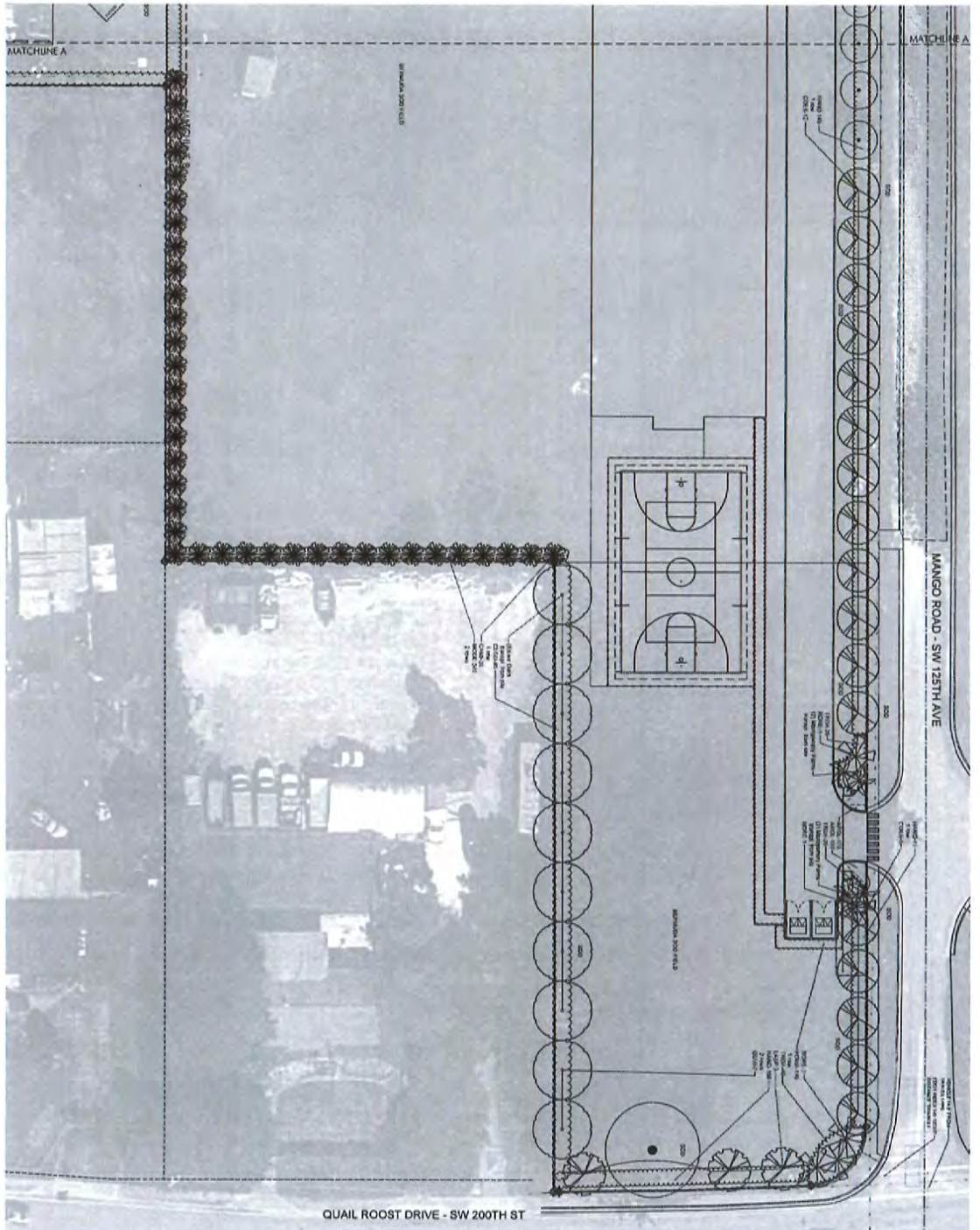
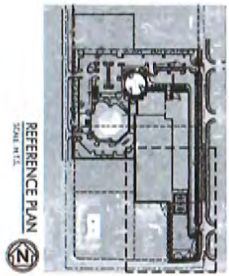
PLANTING PLAN

SCALE: 1" = 10'-0"

RECEIVED
 1/24/15

LA2.0

55



RECEIVED
 2/16/2018
 CIVIL ENGINEERING

PROJECT NUMBER
 LA2-1



GSD DESIGN
 1001 N. W. 10th St., Suite 105
 Fort Lauderdale, FL 33304

No.	Date	Revision	By

PROJECT: SOMERSET DADE SOUTH CAMPUS
 SHEET TITLE: PLANTING PLAN

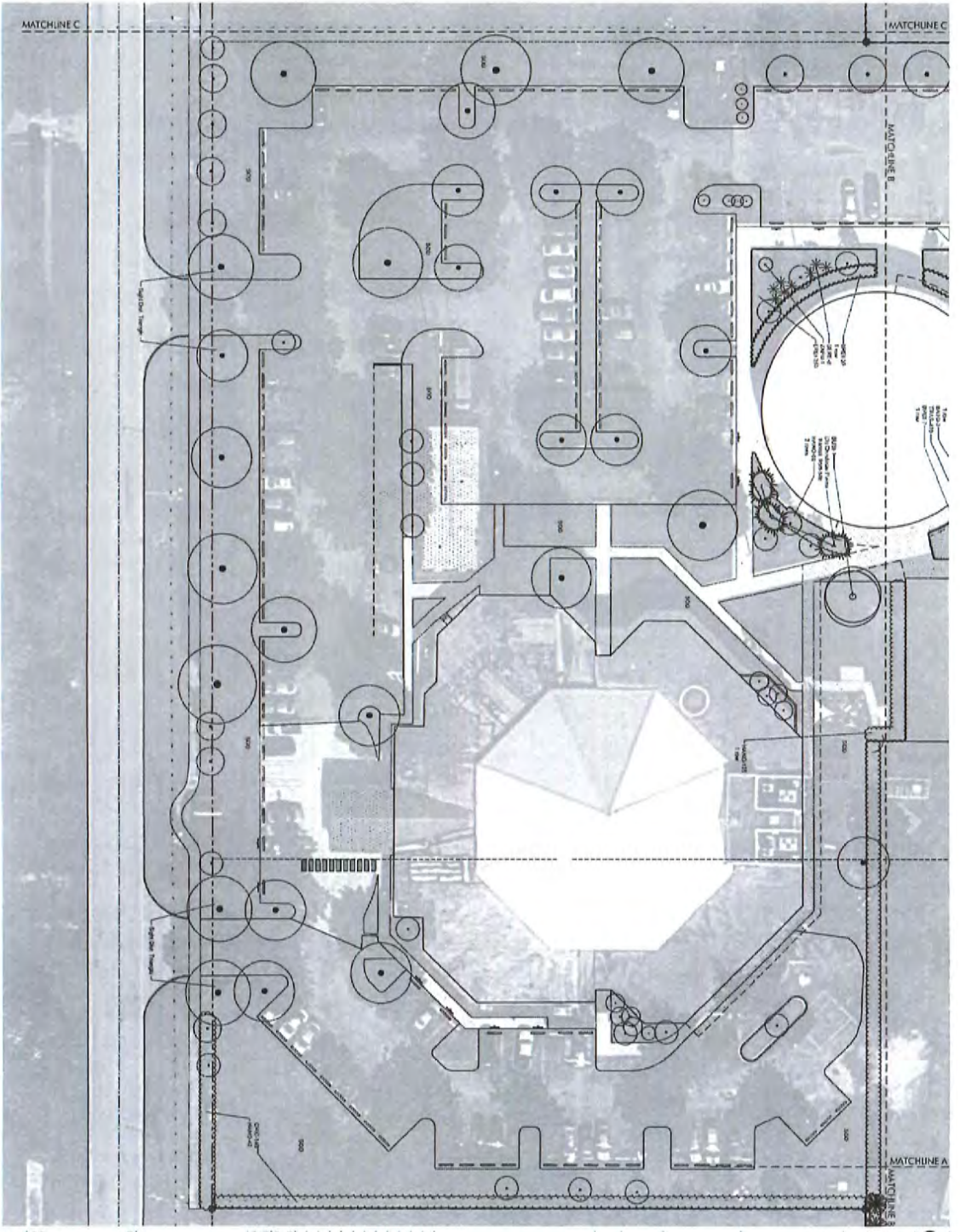
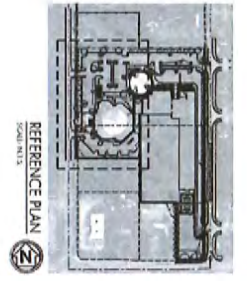
DATE: 02/16/2018
 SCALE: AS SHOWN
 DRAWN BY: J. J. SMITH

APPLICANT: SOMERSET DADE SOUTH CAMPUS
 PROJECT NO.: 150403

19791 SW 17TH AVE
 SUITE 105
 MIAMI, FL 33199
 TEL: 305.593.9928
 FAX: 305.593.9928

CIVICA
 8033 SW 12th St, Suite 105
 Doral, FL 33126
 Tel: 305.593.9928
 Fax: 305.593.9928

56



PLANTING PLAN
LA2.2

DESIGNER:
CIVICA
1820 NW 12th St, Suite 100
Doral, FL 33126
Tel: 305.593.8939
www.civica.com

PROJECT:
SOMERSET DADE
SOUTH CAMPUS

18101 SW 127TH AVE
MIAMI, FL 33177
Phone: 305-890-0644-8129

APPLICANT:
SCHOOL PROPERTY
DEVELOPMENT
UNIVERSITY OF SOUTH FLORIDA
FLORIDA CAMPUS #12288

ISSUED FOR:
SITE PLAN
APPROVAL
CIVICA PROJECT NO:
18060

NO.	DATE	REVISION	BY

DESIGNED BY:
AS

CHECKED BY:
AS

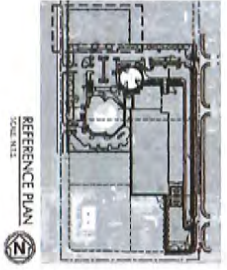
DATE:
12/11/13

SCALE:
AS SHOWN



UNIVERSITY OF SOUTH FLORIDA

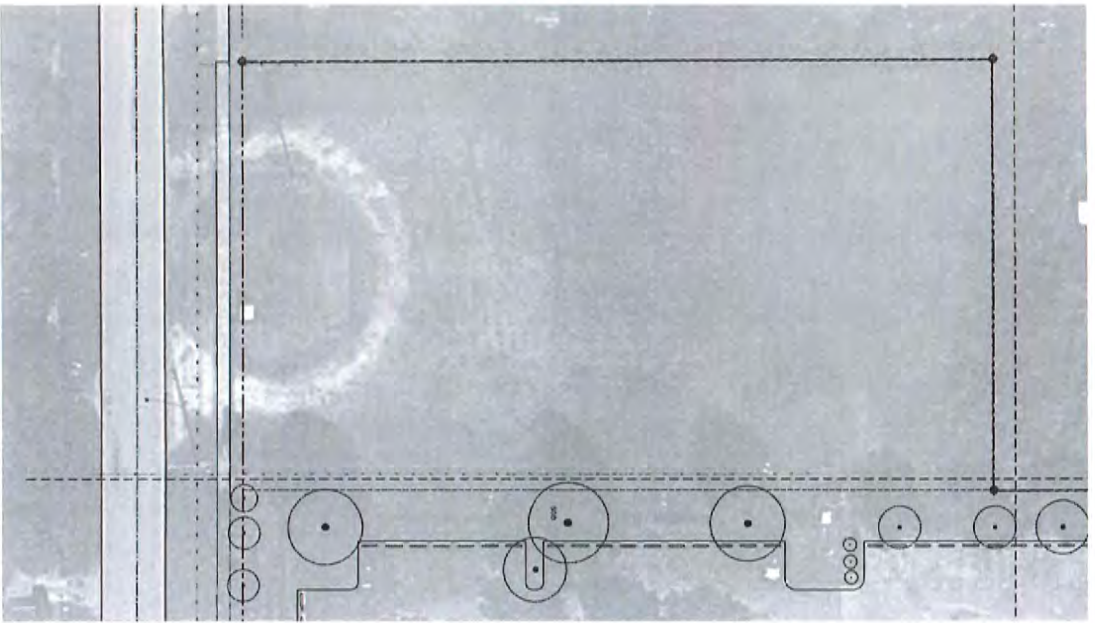
57



LANDSCAPE LEGEND - This information is to be permanently placed on the plan

Planting Symbol	Plant (Lat / Area)	Quantity	Notes
⊙	Palmetto 12" - 12"	10	...
⊙
⊙
⊙

PLANTING NOTES:
 1. All plants shall be installed within the specified tolerance.
 2. All plants shall be installed within the specified tolerance.
 3. All plants shall be installed within the specified tolerance.
 4. All plants shall be installed within the specified tolerance.
 5. All plants shall be installed within the specified tolerance.
 6. All plants shall be installed within the specified tolerance.
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 10. All plants shall be installed within the specified tolerance.
 11. All plants shall be installed within the specified tolerance.
 12. All plants shall be installed within the specified tolerance.
 13. All plants shall be installed within the specified tolerance.
 14. All plants shall be installed within the specified tolerance.
 15. All plants shall be installed within the specified tolerance.




PLANTING PLAN

1/8" = 1'-0"

0" 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'

0" 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'



RECEIVED
16-04-17
10:15 AM
LA23

PLANTING PLAN
LA2.3

CIVICA
 8333 NW 12th St, Suite 105
 Miami, FL 33157
 Phone: 305-595-9949

PROJECT:
 SOMERSET DADE
 SOUTH CAMPUS

APPLICANT:
 SCHOOL PROPERTY
 DEVELOPMENT DADE
 COUNTY

DESIGNED FOR:
 APPROVAL

CIVICA PROJECT No.:
 16020

No.	Date	Description	By

DESIGNER:
 CIVICA
 8333 NW 12th St, Suite 105
 Miami, FL 33157
 Phone: 305-595-9949

58

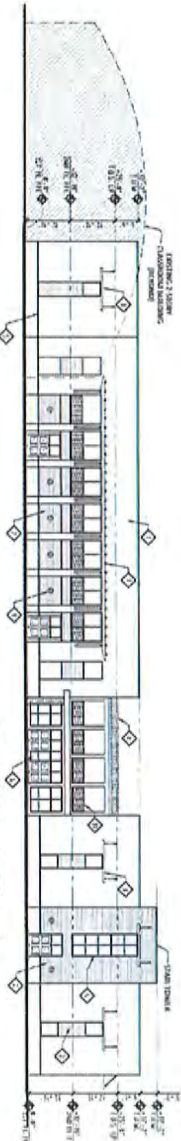
CIVICA
 6201 NW 12th St. Suite 108
 Doral, FL 33126
 Tel: 305 570 9299
 Fax: 305 570 9299

PROJECT:
SOMERSET DADE
SOUTH CAMPUS
 12701 SW 12TH AVE
 MIAMI, FL 33177
 File# 20-0801-00A-0103

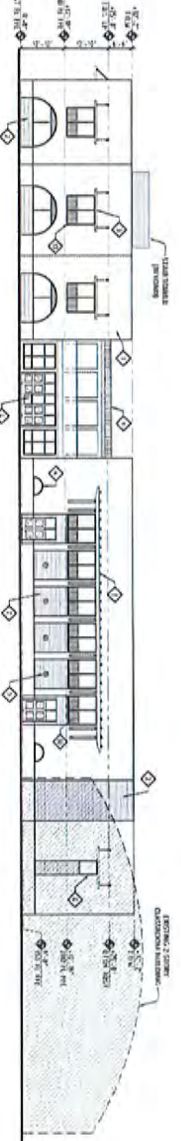
APPLICANT:
SCHOOL PROPERTY
BENEFIT CORP. DALLAS
ROOST LLC
 4400 NW 12TH ST, SUITE 200
 MIAMI, FL 33142

ISSUED FOR:
SITE PLAN
APPROVAL

CIVICA PROJECT NO:
 150463



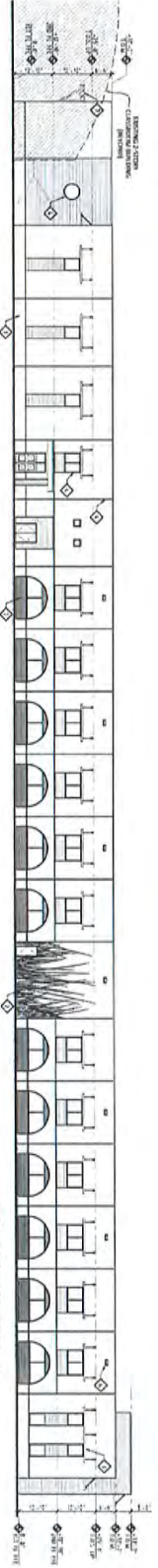
NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



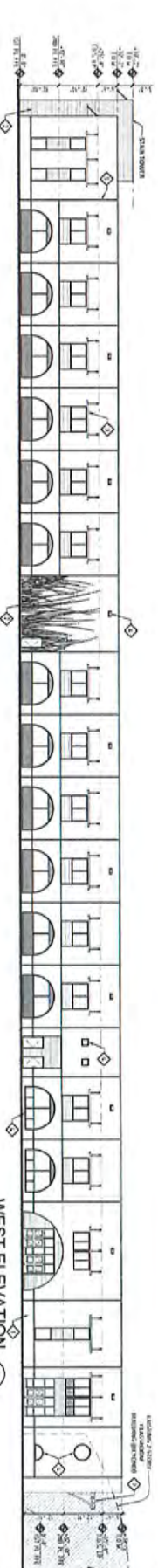
SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

REVISIONS

1	ISSUED FOR FINAL
2	ISSUED FOR PERMITS
3	ISSUED FOR PERMITS
4	ISSUED FOR PERMITS
5	ISSUED FOR PERMITS
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11	ISSUED FOR PERMITS



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



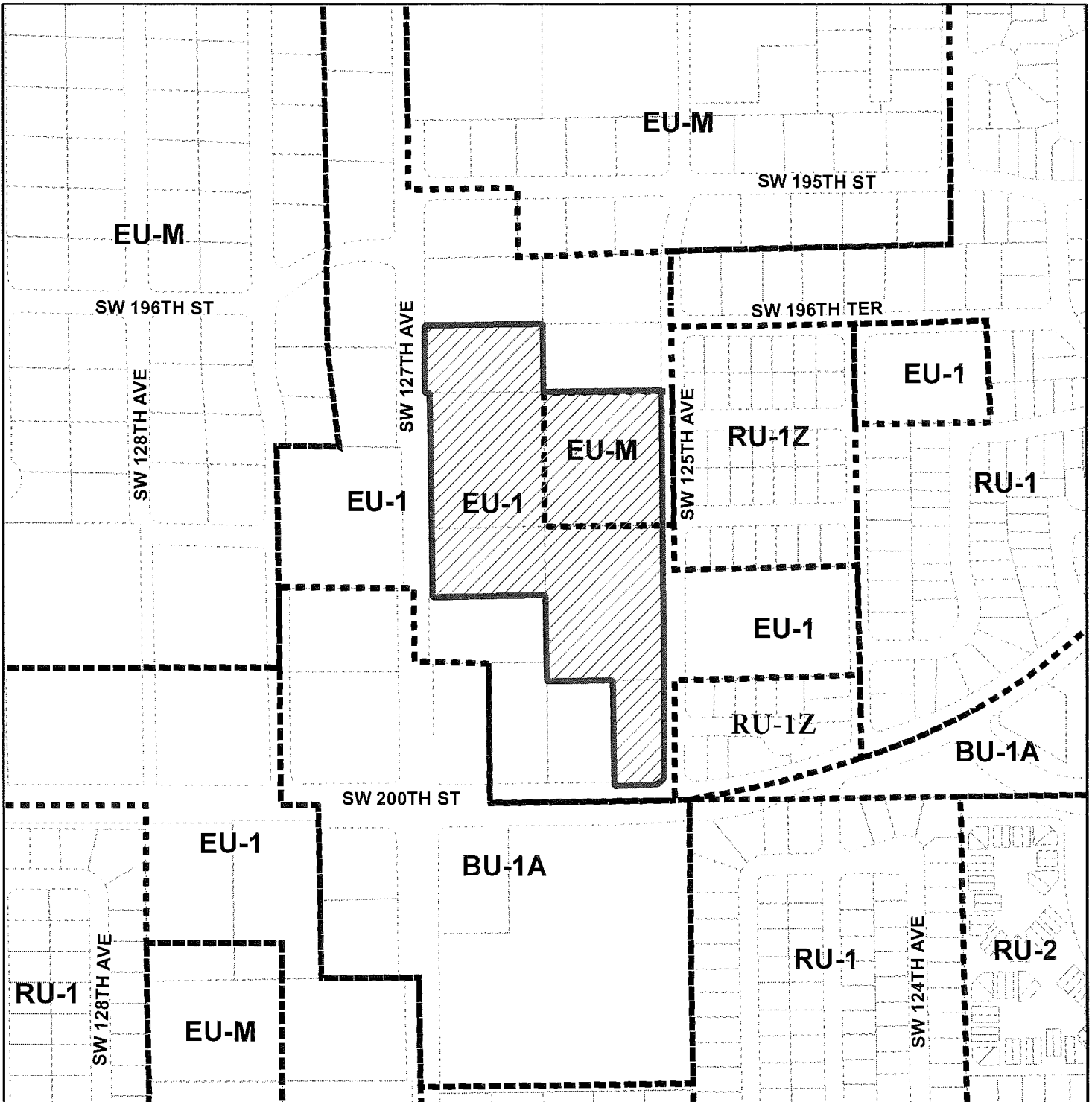
WEST ELEVATION
 SCALE: 1/8" = 1'-0"

No.	DATE	REVISION	BY



SHEET NUMBER
EL-1

ELEVATIONS





MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2016000241

Legend

-  Subject Property Case
-  Zoning



Section: 01 Township: 56 Range: 39
 Applicant: School Property Dev. Quail Roost, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: E.Cespedes
 Scale: NTS



SKETCH CREATED ON: Thursday, January 5, 2017

REVISION	DATE	BY
		60



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2016000241

Legend
 Subject Property

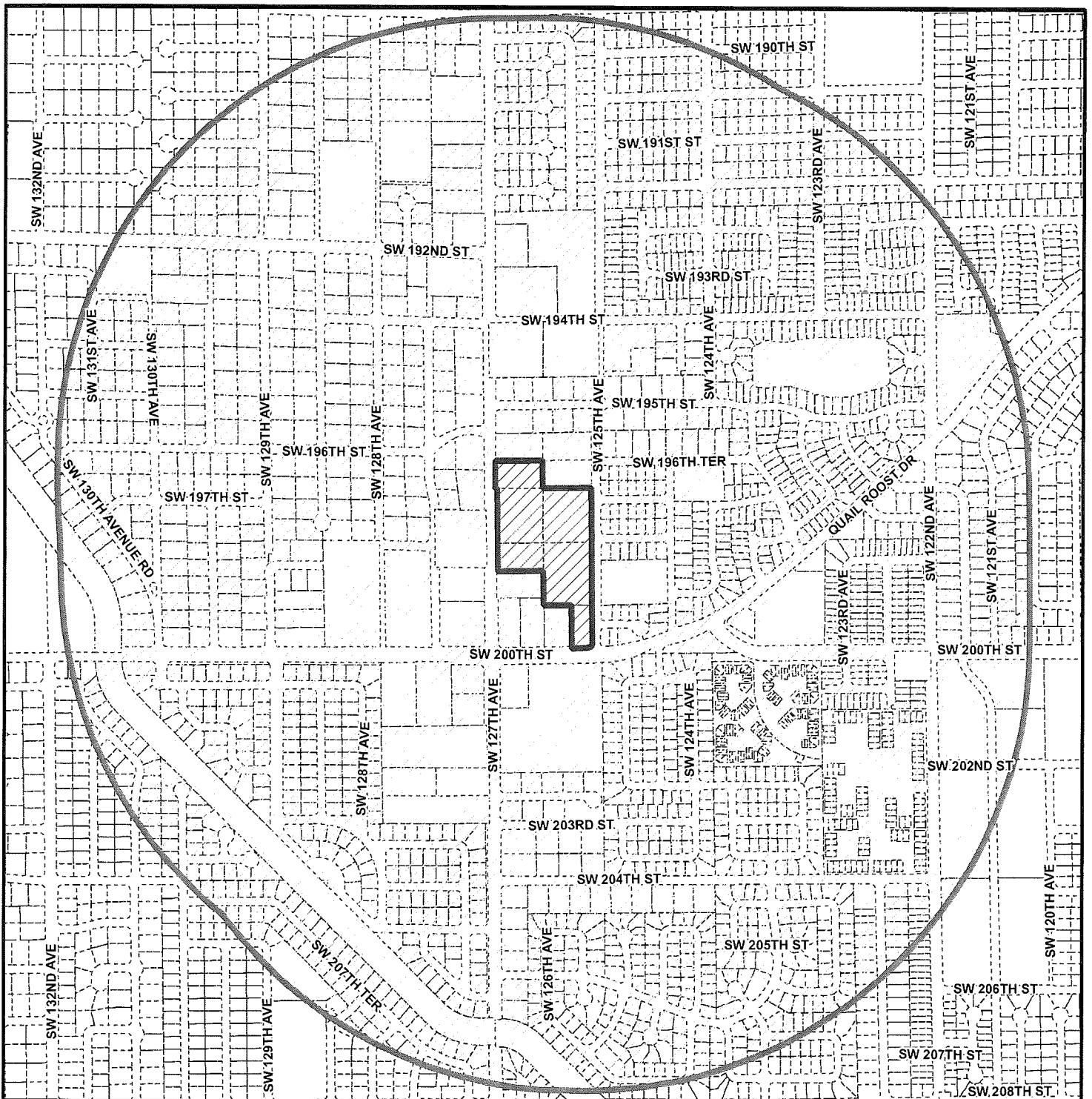


Section: 01 Township: 56 Range: 39
 Applicant: School Property Dev. Quail Roost, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: E.Cespedes
 Scale: NTS



SKETCH CREATED ON: Thursday, January 5, 2017

REVISION	DATE	BY
		61



MIAMI-DADE COUNTY
RADIUS MAP




Process Number

Z2016000241

RADIUS: 2640

Section: 01 Township: 56 Range: 39
 Applicant: School Property Dev. Quail Roost, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: E.Cespedes
 Scale: NTS

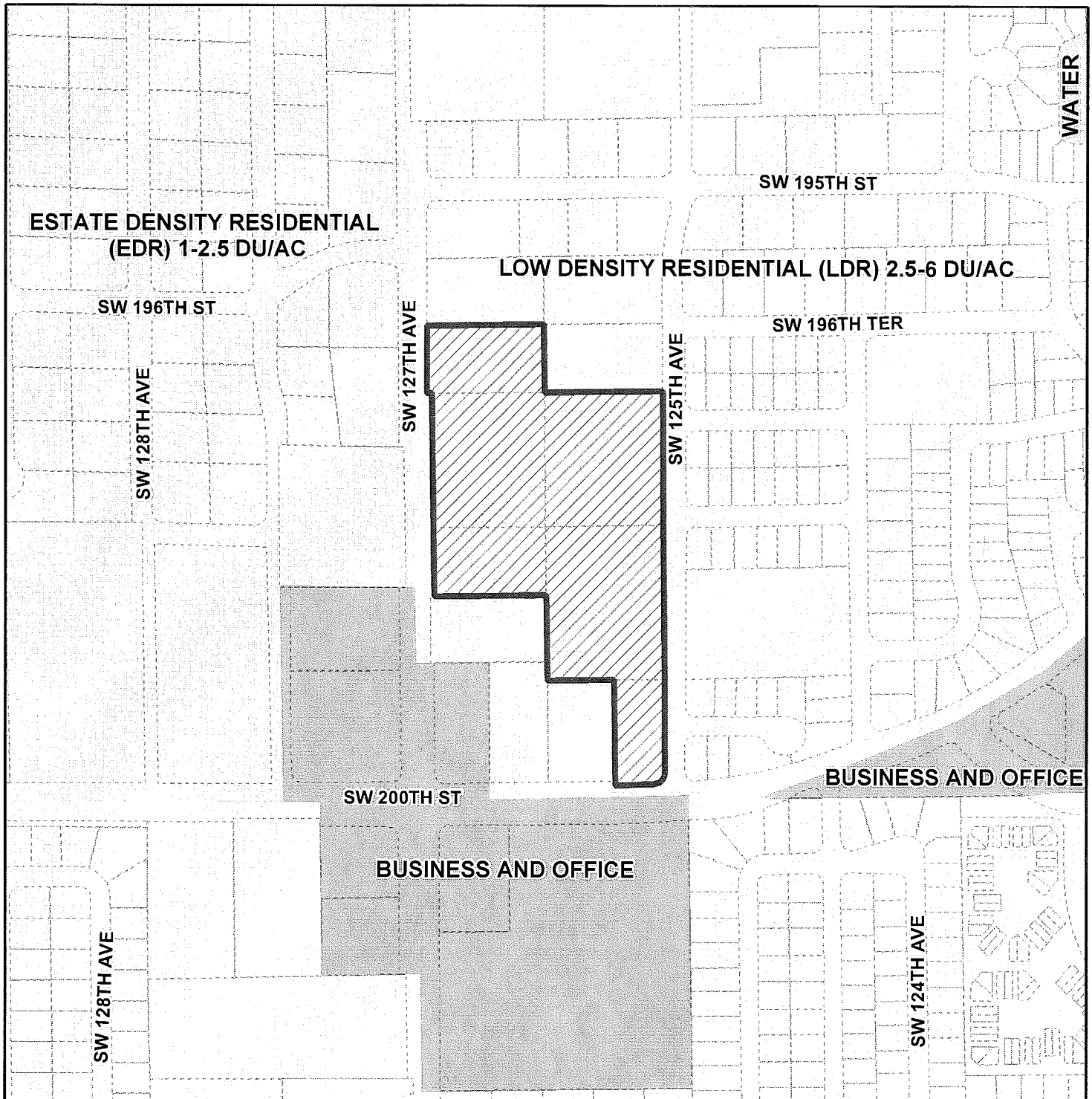
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Thursday, January 5, 2017

REVISION	DATE	BY
		62



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2016000241

Section: 01 Township: 56 Range: 39
 Applicant: School Property Dev. Quail Roost, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, January 5, 2017

REVISION	DATE	BY

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

PH: Z17-192

April 26, 2018

Item No. C

Appeal Application Summary	
Commission District	4
Appellants	Jockey Club Condominium Apts., Inc. & Jockey Club Condominium Apts. Unit II, Inc.
Summary of Requests	<p>Application #Z15-088: The applicants below, Apeiron Miami, LLC with the consent of Jockey Club III Association, Inc., sought approval of a Use Variance, a modification of a previously approved resolution, deletion of a previously approved covenant, and an Unusual Use request in order to allow for the submittal of revised plans showing the addition of a 90 room hotel, 120 apartment units, and a parking garage structure. Additionally, the applicants below sought to permit said proposed development with increased heights, reduced setbacks, reduced drives, and reduced parking spaces back-out aisles. Further, the applicants sought to permit 2 detached signs on the subject property with more area than allowed. Community Zoning Appeals Board #7 approved the requests. Appellants appeal the approval of Application #Z15-088, which is germane to the DIC Vested Rights application below.</p> <p>Application #Z17-111: DIC Vested Rights. Appellants assert that approval of Public Hearing Application #Z15-088 would impair or limit the Appellants' rights to use their property, and would result in an abrogation of vested rights. Community Zoning Appeals Board #7 denied the vested rights claim. Appellants appeal the denial of Application #Z17-111.</p> <p>Application #Z17-192: Administrative Decision appeal. Appellants also allege that the administrative decision to allow the reduced setback and increased height for the 45-story tower proposed as part of Application #Z15-088 was an error. Appellants also allege that the setback and height were measured without regard for certain interior lots that are not owned by the applicants below, and that this administrative decision was also an error.</p>
Location	11111, 11119, 11121 Biscayne Boulevard and 1580 NE 111 Street, Miami-Dade County, Florida.
Property Size	22.67 Acres
Existing Zoning	BU-2 (Business – Special District) RU-4 (Apartment 50 units / net acre) RU-4A (Apartment House 50 units / net acre, Hotel 7 units / net acre)
Existing Land Use	Condos
2020 - 2030 CDMP Land Use Designation	Business and Office Medium Density Residential Water <i>(see attached Zoning Recommendation Addendum)</i>

Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
---------------------------------------	---

CZAB Action

CZAB 7 November 8, 2017	Approval with conditions of zoning application, and denial of Vested Rights application (Resolution #CZAB7-1-17)
------------------------------------	---

Staff Recommendation

Recommendation of the Appeal	<u>Deferral of the Appeal</u>
Previous Recommendation to the CZAB	Approval with conditions of zoning application #Z15-088 and denial of Vested Rights application #Z17-111. (Original Staff Recommendations to the CZAB are attached)

The subject appeal was deferred from the February 22, 2018 to allow the appellant to meet with neighbors.

Timeline

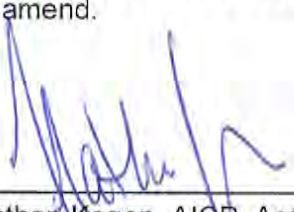
1. On June 7, 2017, the DIC Executive Council met regarding Vested Rights application #VR-01-17 (#Z17-111) and recommended to the Community Zoning Appeals Board (CZAB) #7 that approval of Apeiron Miami, LLC’s zoning application would not result in an abrogation of Appellants’ vested rights.
2. On July 6, 2017, Appellants, Jockey Club Condominium Apts., Inc. & Jockey Club Condominium Apts. Unit II, Inc., submitted Application #Z17-192, appealing the administrative decision regarding the size of property, height, and setback calculations.
3. On November 8, 2017, prior to the hearing before Community Zoning Appeals Board (CZAB) #7, Appellants submitted a letter amending their appeal (Application #Z17-192) to request that the Board of County Commissioners hear their appeal and also take direct jurisdiction over zoning application #Z15-088 and vested rights application #Z17-111.
4. On November 8, 2017, the Community Zoning Appeals Board (CZAB) #7 approved with conditions zoning application #Z15-088 and denied Vested Rights application #Z17-111 (Resolution # CZAB7-1-17).
5. On November 21, 2017, Appellants submitted a letter further amending their appeal (Application #Z17-192), to appeal CZAB #7’s decision.
6. On December 19, 2017, Appellants submitted an email reiterating their various requests to challenge zoning application #15-088 and the DIC Vested Rights application #Z17-111.
7. On February 21, 2018, Apeiron Miami, LLC filed a Vested Rights application #Z18-041.

Requests

1. Appeal of Administrative Decision that the Director erred in his determination of setback and height calculations for a proposed building within application #Z15-088 (Apeiron Miami, LLC, Et Al), which the appellant alleges were measured without regard to interior lots within the subject property that are not owned by the applicant of application #Z15-088 (Apeiron Miami, LLC, Et Al).
2. Appeal of the Vested Rights/Takings application #Z17-111, which was denied by Community Zoning Appeals Board #7 on November 8, 2017, and which is germane to Public Hearing Application #Z15-088, an application filed by Apeiron Miami, LLC, Et Al.

ANALYSIS:

This item needs to be deferred to the June 21, 2018 Board of County Commissioners with leave to amend.



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

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COMMUNITY ZONING APPEALS BOARD - AREA 7
MEETING OF WEDNESDAY, NOVEMBER 8, 2017
Phyllis Ruth Miller Elementary School
840 NE 87 Street, Miami, Florida

APEIRON MIAMI, LLC, ET AL
(15-088)

Members of the Board

Present

- Alexander M. Gonzalez, Chair
- Louis Imburgia, Vice-Chair
- Dominick Curtes
- Ravi Persaud
- Jana M. Rutherford

Staff

- Dennis Kerbel, Assistant County Attorney
- Jorge Vital, RER
- Mohammed Mansuri, RER

On Behalf of the Applicant

Augusto Maxwell, Esq.

I N D E X
SPEAKERS & PAGE NUMBERS

BOARD MEMBERS

Chairman Gonzalez: 4-8, 23-25, 29, 31, 33-40, 49-52, 64-68, 80-82, 85-86, 90-96, 100-109, 111-135.

Vice-Chair Imburgia: 5, 31, 50-51, 55-57, 132-135.

Board Member Curtes: 5, 31-32, 125, 132, 134.

Board Member Persaud: 5, 134.

Board Member Rutherford: 5, 25, 31-32, 68-69, 98, 120 135.

STAFF

Mr. Kerbel: 4, 31-36, 39, 63-65, 81, 85, 93, 101, 104-105, 111, 115, 117, 119, 123-125, 133-134.

Mr. Vital: 5-7, 34, 119-120, 134-135.

Ms. Mansuri: --

ON BEHALF OF THE APPLICANT

MR. MAXWELL: 8, 23-33, 50-51, 68, 92-93, 112
Rebuttal, 117, 120-123, 125-132.

SUPPORTERS:

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Mr. Dudley:	36

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OBJECTORS

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Mr. Schulman, Esq.	40
Mr. Gibbs, Esq.	52
Mr. Whitehill	64
Mr. Hernandez	69
Mr. Garcia	81
Mr. Roth	82
Mr. Snyder	86
Mr. Rosenberg	89
Mr. Rosenhaus	90
Mr. Hauser	91
Mr. Cohen	93
Ms. Metz, Esq.	95, 101
Mr. Miranda	101
Mr. Arantes	105
Ms. Noel	108

1 (Thereupon, the following proceedings
2 were had:)

3 CHAIRMAN GONZALEZ: We're about to
4 start. Excuse me, we're about to start,
5 everyone. May we have silence, please?

6 Thank you.

7 First off, I want to thank everyone
8 for coming. Just to advise everyone that
9 we are going to be shutting this meeting
10 down at 9:30 p.m. So we have about three
11 hours or so for deliberations and to
12 speak.

13 First, are the court reporter and the
14 County Attorney present?

15 THE COURT REPORTER: Present.

16 MR. KERBEL: Present.

17 CHAIRMAN GONZALEZ: Ladies and
18 gentlemen, this meeting of Community
19 Council 7 has come to order on November
20 8th, 2017. At this time, please stand
21 for the Pledge of Allegiance.

22 (Thereupon, the Pledge of Allegiance
23 was had, after which the following
24 transpired:)

25 CHAIRMAN GONZALEZ: You may be

1 seated.

2 Staff, please call roll.

3 MR. VITAL: Councilman Curtes?

4 COUNCILMAN CURTES: Here.

5 MR. VITAL: Councilman Persaud?

6 COUNCILMAN PERSAUD: Here.

7 MR. VITAL: Councilwoman Rutherford?

8 COUNCILWOMAN RUTHERFORD: Here.

9 MR. VITAL: Vice Chairman Imburgia?

10 VICE CHAIR IMBURGIA: Here.

11 MR. VITAL: Chairman Gonzalez?

12 CHAIRMAN GONZALEZ: Present.

13 MR. VITAL: We have a quorum.

14 CHAIRMAN GONZALEZ: Thank you.

15 For those present and wish to speak
16 today, please stand, and the court
17 reporter will swear you in.

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

24 CHAIRMAN GONZALEZ: For any of you
25 who are lobbyists, you should have

1 registered with Miami-Dade County's Clerk
2 of Board Office prior to this hearing.

3 At this time, is there anyone present
4 this evening that wishes to defer or
5 withdraw an application? Please come
6 forward at this time and state your name
7 and address for the record.

8 No deferrals and no withdrawals.

9 Okay. So we're going to start off.

10 When I call your item, please step up
11 to the podium, state your name and address
12 clearly for the record. I will then
13 proceed to call those of you in support of
14 the application and then I will call for
15 the objectors.

16 Those of you who wish to speak will
17 state your name and address.

18 For those of you speaking, I would
19 ask that you make the presentation short
20 and nonrepetitive, as we're limited on
21 time, as I said, until 9:30 p.m.

22 First item is Apeiron Miami.

23 MR. VITAL: If I may, if I can read
24 the statement into the record.

25 CHAIRMAN GONZALEZ: Oh, yes.

1 MR. VITAL: In accordance with the
2 Code of Miami-Dade County, all items to
3 be heard today have been legally
4 advertised in the newspaper. Notices
5 have been mailed and the properties have
6 been posted. Additional copies of the
7 agenda are available here at the meeting.

8 Items will be called up to be heard
9 by agenda number and name of applicant.
10 The record of the hearing on each
11 application will include the records of
12 the Department of Regulatory and Economic
13 Resources.

14 All these items are physically
15 present today, available to all, and
16 available to the members of the Board who
17 may examine these items during the
18 hearing.

19 Parties have the right of
20 cross-examination.

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

25 In addition, the following

1 departments have staff present here to
2 address any questions, the zoning
3 evaluation and the County Attorney's
4 Office.

5 So Item A, Apeiron Miami, LLC, et
6 al., Application Number 15-88, 204
7 objectors, 112 waivers.

8 CHAIRMAN GONZALEZ: Thank you.

9 MR. MAXWELL: Finally.

10 My name is Augusto Maxwell. I'm
11 with the law firm of Akerman at 98
12 Southeast 7th Street, Miami, Florida
13 33131.

14 I am very excited to be presenting
15 this application to you. It calls for
16 the redevelopment of the Jockey Club, a
17 very well-known, famous property that
18 once had national prominence, and it's
19 being redeveloped with the vision of
20 Rafael Moneo.

21 Rafael Moneo won a Pritzker Award
22 for architecture. In the world of
23 architects, that's like winning the Nobel
24 Prize.

25 What he is proposing, and it is in

1 the model before you, is a 120-room
2 condominium and a 90-room hotel that
3 respects, develops, and enhances the
4 Jockey Club to what it once was, and
5 perhaps even much more.

6 We have been pleased to get the
7 unanimous recommendation of approval from
8 every County department that has reviewed
9 this.

10 We have been in this process for
11 close to two years. Our initial plan, if
12 you'll recall, had a second building. The
13 County did not support that, so that was
14 withdrawn. So what you have here before
15 you is a project that has full County
16 support.

17 So what I'd like to do is step back
18 for a moment, introduce you to our team.
19 Then I need to introduce you to the
20 property itself.

21 This is a very unique property.
22 There are things that happened here
23 historically that are not common anymore,
24 and these problems, I think, are endemic
25 and have caused the Jockey Club -- the

1 original Jockey Club to fail, and for this
2 community to be in such substantial
3 distress.

4 We believe we've identified the
5 problems and have found a way forward
6 that is going to be to everyone's benefit.

7 I'm going to introduce to you the
8 team, the property, and how we believe
9 that this is the best solution to move
10 forward.

11 In front of you, you should have
12 three things. You should have the site
13 plan itself, which is what we're asking
14 for approval. You have our letter of
15 intent, which is with the tabs that
16 explains our vision. And they're -- you
17 know, technically I have to make sure
18 that the record contains every board I'm
19 going to refer to. So some of those
20 exhibits are in our letter of intent.

21 And then we have another packet
22 there that -- that has some boards that
23 may or may not come up.

24 We have submitted all these materials
25 already into the record.

1 So let me start with the team. I
2 have a board here. I don't know about
3 the folks in the back. Perhaps we can
4 show them a little bit later.

5 Marcel? Marcel is going to help me
6 show the folks who are behind some of the
7 boards.

8 So the first board introduces our
9 team. And I'm very excited to be
10 representing Apeiron.

11 The Principal, Muayad Abbas, is here
12 tonight. When Muayad is not developing
13 property, he's a volunteer professor at
14 the University of Miami School of
15 Architecture.

16 And I can't tell you how excited he
17 is to be working with the other three
18 gentlemen that are part of Apeiron. It's
19 a dream come true for anyone who's a true
20 believe in development and in
21 architecture.

22 He is working with Horst Schulze,
23 who ran the Ritz-Carlton.

24 He is working with Michael Bedner,
25 who owned and developed one of the

1 largest design firms in this country.

2 And these men are at the pinnacle
3 of their career. They don't need to
4 respond to investors and short-term
5 considerations the way they did all their
6 lives. And they're dedicated to really
7 doing a signature building, something that
8 they're going to be proud of that has
9 their names.

10 And to do that, they went and hired
11 one of world's greatest architects, Rafael
12 Moneo, from Spain.

13 If we're privileged enough tonight
14 to get your approval, you know, it's a
15 part of history. This will be the first
16 Moneo building in Miami.

17 We believe that this will not only
18 help redevelop this particular property,
19 but the surrounding area, and it will be
20 something you will be proud of for many
21 years to come.

22 We also have Ryce Stallings, who's
23 here, that gentleman (indicating). He
24 is a local architect who has helped Moneo
25 navigate the peculiarities of the local

1 building code and the process. He's
2 available here if we have any questions.

3 We also have two engineers from
4 Kimley-Horn who are present in case you
5 have any questions about traffic or civil
6 engineering. And of course I have with
7 me the president of Jockey Club III and
8 others.

9 In order to move this project
10 forward -- and we'll get into it in a
11 little detail -- we're not the only
12 applicant. The other applicant is Jockey
13 Club III. And so about half the room here
14 are residents in Jockey Club III, and they
15 literally are our co-applicant. They're
16 moving with us to try to redevelop this
17 property.

18 I'd like to then draw your attention
19 to the property. As you know, the
20 property is large. It's about 23 acres.
21 It's on Biscayne Boulevard, 111th Street.
22 It fronts Bayfront Park.

23 It's already developed with three
24 buildings that were built when the
25 original Jockey Club was in its heyday,

1 from the late 1960s to the 1970s.

2 And at that time, you had Jockeys I,
3 which is the one most -- closest to the
4 bay, and then the second building Jockey
5 II, which is closer to Biscayne Boulevard,
6 and then Jockey III, again, to complete
7 like a horseshoe, and they were the third
8 development.

9 At its height, this property had the
10 Jockey Club itself, which had a
11 restaurant, it had bars, and it operated a
12 hotel out of the Jockey I building.

13 I don't know how many of you are
14 local, but if you're -- got a few years on
15 you like I do, you certainly remember what
16 the Jockey Club was about in its heyday.

17 As you know, unfortunately, that
18 vision failed. Jockey Club went bankrupt.
19 We'll get into the details a little bit.
20 And the property is frankly struggling.

21 The Jockey Clubs themselves, for
22 legal reasons beyond their control, are
23 not able just to step in and take this
24 over. Other developers who have thought
25 that they might be able to do something

1 have not had the vision and the fortitude
2 to present something that is this
3 compelling, and for that reason we need to
4 get a little bit into the details.

5 Technically, what we're doing is
6 we're asking you to allow us to revise the
7 1979 site plan for the original
8 Jockey Club. And sadly, that site plan
9 has failed.

10 The Jockey Club is gone, the marina
11 is gone, the dock is gone, the
12 infrastructure is falling apart, and we're
13 willing to invest millions of dollars into
14 making this not just what Jockey Club was,
15 but something truly spectacular.

16 So what's the problem with the
17 Jockey Club? And it's -- it really is a
18 problem of ownership. And as this next
19 board will demonstrate to you, the problem
20 with Jockey Club property that's been
21 there from the beginning is that you
22 can't -- the laws don't allow someone to
23 build a condominium development and keep
24 the common area. And that's what the old
25 Jockey Club did, right?

1 So when I come to you as the owner of
2 Apeiron, the property, they kind of say,
3 "Oh, it's the common area." But it really
4 wasn't. Common area belongs to the
5 Jockey Club condominiums. That never
6 happened, right?

7 So the condominium laws have been
8 changed since then. But that's the legacy
9 of frustration and failure that these
10 folks have had to deal with.

11 So I represent what I call a slice of
12 Swiss cheese, right? I represent 13 acres
13 that have holes in them, and the holes
14 belong to the different Jockey Clubs.

15 So the folks from Jockey Club I own a
16 little box that surrounds their building
17 and surrounds their parking lot. It's the
18 same for Jockey II and Jockey III. They
19 don't own the common area.

20 And so one of the things that you may
21 encounter tonight -- and I'm just kind of
22 giving you the heads-up -- you don't need
23 to a adjudicate what their rights are or
24 aren't. There's been a lawsuit with our
25 friends who have a different idea in the

1 complex division of the circuit court, and
2 that lawsuit's been going on for like 18
3 months.

4 We believe we've prevailed on
5 everything, they want to appeal that. But
6 that's not for you to decide today what
7 are those rights. A lot of energy is
8 focused on what those rights are or are
9 not.

10 And so, again, what I represent is
11 the common area, this open space, and I
12 represent Jockey III, which has joined us
13 in this application.

14 Now, the problem with this split
15 ownership is also compounded by different
16 zoning districts. So if you look at the
17 Jockey Club property, it was zoned into
18 four different zoning districts. RU-4,
19 RU-4M, RU-4A, GU, BU-2. And it doesn't
20 really match up with any folio or any
21 line. It just was an attempt to make this
22 project work at the time to make the
23 Jockey Club work.

24 So you'll see the BU-2 where the old
25 Jockey Club used to be, and the restaurant

1 and all those kinds of things. Now it's
2 just an empty space.

3 So another part of the problem with
4 understanding how to move this project
5 forward that leads to a lot of, you know,
6 brain damage, is how to coordinate this
7 very unusual-shaped property, with these
8 unusual boxes, with these unusual zoning
9 categories that are all kind of mixed up
10 with one another. And so that's going to
11 be a challenge to understand the
12 application.

13 So when we first got involved with
14 the project, one of the first things we
15 did is we went to the County, and
16 Mr. Abbas bought the project about --
17 property about three years ago, two and a
18 half in 2014. And we went to the County.
19 And we're like, "Hey, this is your mess,
20 what can we do," you know.

21 So, you know, it's an important part
22 of the process where a property owner goes
23 to the County and says, "County, please
24 tell me in writing what I can do. Please
25 confirm the zoning that I'm allowed to

1 do."

2 And so we went to the County planning
3 department and asked them for a
4 confirmation of what this zoning, all
5 these different boxes, would let us do.

6 They said, "We'll get back to you."

7 And they took their time, they took
8 their time. I think it took them about
9 six or eight months to finally answer,
10 "You can build up to a total of
11 1,234 units on that property, okay? Took
12 them a lot of time, a lot of energy, a lot
13 of research, a lot of math.

14 But not us, but the professional
15 department on their own calculated that
16 this property, the 23 acres totality, can
17 handle and is legally entitled to 1,234
18 units.

19 There are only 411 units that already
20 exist on Jockeys I, II, and III. So if
21 you do the math, my developer friend here
22 is thinking, "Whoa, I get to do 800 units.
23 Let's go." That's what the law allows.

24 But that's not the developer that you
25 have here before you. The developer, I

1 think if he's greedy, it's because he has
2 a much higher vision of a much higher
3 owner and a much higher product that he
4 thinks will recoup much greater value than
5 if he was to try to maximize the
6 entitlement that he has.

7 So he initially proposed 240 units in
8 the two towers. As we discussed before.
9 The County would not support our second
10 tower. And so after a lot of
11 consternation, we abandoned it. And we
12 came back with a project that you see
13 before you tonight that is only a 120
14 condominiums and 90 hotel rooms.

15 It would create a parking structure
16 to handle the necessary parking. It would
17 refurbish the old marina and dock, repair
18 the seawall.

19 And Rafael Moneo deserves the very
20 best, and so they went and got OLIN, which
21 is a landscape open space architect, to
22 design the entirety of the open space. So
23 that is essential to tonight's
24 application.

25 You're going to see on the variance

1 it says, wow, these guys are asking for
2 variance for a 500-story building, the
3 allowance is 298. Wow, that's a big ask,
4 right?

5 And it's important that you
6 understand why we didn't go by the book,
7 okay. And so for that, I'm going to have
8 Mo manipulate the model for you a little
9 bit.

10 Now, in our letter of intent -- and I
11 think it's Tab C -- you have an analysis
12 of what the zoning code setbacks are for
13 the property. And I'm not telling you
14 anything shocking, that the further away
15 you are from properly lines, the higher
16 you can go and the more density you can
17 have.

18 So we sent the County zoning code to
19 Moneo and his folks, and asked them, all
20 right, if we were to try to maximize our
21 units and not ask for a height variance,
22 and not ask for a setback variance, what
23 could we do.

24 And that's the analysis that you're
25 seeing in those diagrams and that we're

1 presenting to you in this model.

2 We could maximize the density where
3 the code tells you to maximize it, away
4 from the property lines. Have a nice
5 setback. You can go big.

6 And so if we were doing it by the
7 book and deciding to do a typical,
8 standard development, we believe we would
9 destroy the Jockey Club property, right.

10 We would certainly block the views of
11 Jockey II, we would certainly block the
12 views of Jockey III, and no one is going
13 to be proud that they were involved with a
14 project like that, right? But that is
15 what a typical, standard developer could
16 do, and not come to you, and asking for a
17 variance of height or setback.

18 There's a different configuration
19 that, again, we could explore that would
20 allow us to build maximized density
21 without asking for a setback or a height
22 variance.

23 And again, you know, that's kind of
24 what you see on Brickell -- on Brickell,
25 right? Some guy said, "Hey, I'm going to

1 maximize the views of the bay, and I'm
2 going to get top dollar, you know, tough
3 luck for Jockey II and these other folks,
4 I can go for it, and I don't need a
5 variance."

6 So that is clearly not what this
7 project is about. And for that reason,
8 instead we have decided to move --

9 CHAIRMAN GONZALEZ: Excuse me.
10 Should we allow people to see that?
11 Because people are --

12 MR. MAXWELL: Oh, I'm so sorry.

13 CHAIRMAN GONZALEZ: -- people are
14 looking. Maybe -- people have been
15 standing up and trying to see what we're
16 looking at.

17 MR. MAXWELL: I apologize.

18 AN AUDIENCE MEMBER: What is that?

19 CHAIRMAN GONZALEZ: Thank you.

20 MR. MAXWELL: I'll explain it one
21 more time.

22 AN AUDIENCE MEMBER: Also, which is
23 the Cricket Club?

24 MR. MAXWELL: Right here
25 (indicating).

1 So what this model does is what an
2 architect -- how an architect analyzed the
3 County zoning code. So if we were not to
4 ask for a setback or a height variance,
5 what would the code tell the developer to
6 do.

7 So whether it's Apeiron or the next
8 guy, whoever is a developer, if you tell
9 an architect, "Hey, how can I maximize the
10 use of the property without asking for
11 variances," this is where they would look
12 to do that.

13 AN AUDIENCE MEMBER: I don't
14 understand where Jockey I is.

15 MR. MAXWELL: Okay. I'll do it real
16 quick.

17 So this is Biscayne Bay here
18 (indicating).

19 AN AUDIENCE MEMBER: Right.

20 MR. MAXWELL: This is Jockey I here
21 (indicating).

22 AN AUDIENCE MEMBER: Where?

23 MR. MAXWELL: This is Jockey Club
24 here, II (indicating), and this Jockey
25 Club III over here (indicating), and this

1 is the Cricket property (indicating). And
2 this is Biscayne Boulevard (indicating).

3 CHAIRMAN GONZALEZ: Thank you. You
4 can go on now.

5 There's no questions. Excuse me.
6 There's no questions now.

7 Thank you for that.

8 MR. MAXWELL: So I want to walk you
9 through a little bit of the site plan.

10 COUNCILWOMAN RUTHERFORD: Excuse me.
11 Can I make a suggestion? Because I think
12 what most people saw was the maximization
13 if you chose to do it. I don't know if
14 everybody saw the first one, the one that
15 you said you were --

16 MR. MAXWELL: It's now -- it's on
17 there now. Oh, the other --

18 COUNCILWOMAN RUTHERFORD: The other
19 gray.

20 MR. MAXWELL: Okay, great.

21 COUNCILWOMAN RUTHERFORD: The other
22 one. So they can see that too.

23 MR. MAXWELL: It's pretty ugly as
24 well.

25 AN AUDIENCE MEMBER: Can you explain

1 what are those two?

2 MR. MAXWELL: Yeah. So just to
3 explain again. When the property owner
4 acquires property, they have an idea of
5 how they can develop it. And they might
6 have a good idea that maybe I can do this,
7 maybe I can do that. But until the
8 architects really do the math and
9 understand what the code requires, you're
10 not quite sure.

11 And so when we got this property and
12 had Moneo's team and Ryce here and others
13 analyze the County zoning code, these are
14 where the code says you can do things
15 without asking for a variance. You don't
16 need a height variance.

17 It's very simple, it's not really
18 controversial. The code is designed that
19 you should put buildings and heights away
20 from the property lines.

21 And so if we were to develop this
22 property without a variance for height or
23 for setback, we would likely be looking to
24 do a building like this.

25 There's just nowhere else on the

1 Jockey Club property that you can do a
2 building that is consistent with the
3 zoning code that would not do, I believe,
4 damage to that community.

5 AN AUDIENCE MEMBER: But that's not
6 what you're doing?

7 MR. MAXWELL: No. So what we're not
8 doing -- this is what the -- because we're
9 not doing this, we have to come and ask
10 for a variance.

11 AN AUDIENCE MEMBER: Gotcha.

12 MR. MAXWELL: So what Moneo did --
13 and, you know, you have to imagine Moneo
14 is in Madrid, and he's looking at this as
15 how can we really make something that is
16 spectacular that respects the property.
17 He's working for icons in the industry
18 that are not trying to maximize the
19 dollars here.

20 It's something that he at his age, he
21 can choose the project. He doesn't --
22 he's not looking for work.

23 And so this is what he came up with,
24 right? He came up with a beautiful tower
25 that is not the standard tower that we're

1 all used to, which is the typical tower
2 that the industry says is the least
3 expensive.

4 It's got different levels at
5 different heights, and our variance is
6 governed by the tallest portion, which is
7 over here (indicating).

8 There's a lower portion that is
9 adjacent to the Jockey Club I. The reason
10 we put it here is obvious. The Jockey II
11 Club views are respected, Jockey III Club
12 views are respected, and the Jockey I
13 views are respected.

14 AN AUDIENCE MEMBER: What about the
15 Cricket Club?

16 MR. MAXWELL: What this allows us to
17 do is really develop this open space as a
18 beautiful thing. I don't how many of you
19 are boaters, but imagine that you're going
20 up or down Brickell and you see beautiful
21 open green space and a beautiful signature
22 building that invites you to look at this
23 area as opposed to just simply walling you
24 off.

25 So I think that that was the critical

1 decision that Moneo made to have this type
2 of building. It's not a block, it isn't,
3 you know, the least expensive building to
4 put up. And he aligned it, we think, just
5 beautifully in a way that will be a
6 signature landmark in world architecture.
7 So we're very -- very excited about that.

8 AN AUDIENCE MEMBER: All this space,
9 what does he do --

10 CHAIRMAN GONZALEZ: Excuse me. We'll
11 have time for questions after.

12 AN AUDIENCE MEMBER: Okay.

13 CHAIRMAN GONZALEZ: Thank you.

14 MR. MAXWELL: Among the things that
15 you should be aware of is that the packet
16 with the County's support, this qualified
17 as DIC, a development of impact -- thank
18 you -- Developmental Impact Committee.

19 It's a big project. And so when it's
20 a big project, the County, you know,
21 double triple makes sure that they're
22 getting it right. So instead of you
23 running around to each department, the
24 departments meet at once and look at all
25 the data to make sure that the project

1 works.

2 And we spent a lot of time with the
3 departments, and we're very proud and
4 we're very honored that every single
5 department has recommended approval of
6 this. Think about that. DERM, fire,
7 police, traffic, the planning department,
8 the zoning department.

9 We've been through this project.
10 It's been worth the effort, but we have
11 gotten unanimous staff approval for the
12 project, and we respectfully ask that you
13 listen to the staff. They've been working
14 on this for quite a while. We believe
15 that this will be a tremendous benefit to
16 the community.

17 There'll be, of course, construction,
18 which will also provide work for different
19 folks in the area. The hotel will provide
20 jobs, and we believe that the Jockey Club
21 idea will be reborn in a much more
22 spectacular and significant way.

23 I am available to answer any of your
24 questions, and so is the team. But that
25 basically summarizes my presentation. I'm

1 happy to clarify any questions on the site
2 plan.

3 VICE CHAIR IMBURGIA: What is your
4 schedule for this, roughly?

5 MR. MAXWELL: If -- assuming -- you
6 know, the market has to be there as well.
7 But assuming we get a go, we believe we
8 could complete construction in about two
9 years.

10 AN AUDIENCE MEMBER: Question over
11 here, sir.

12 MR. KERBEL: Not yet.

13 CHAIRMAN GONZALEZ: Do you have
14 site -- or photos of what it looks like
15 currently now in this package, current
16 pictures?

17 MR. MAXWELL: Yeah, there are some
18 current photos in the site plan packet. I
19 think it's on the third or fourth page,
20 and there are pictures of each --

21 COUNCILWOMAN RUTHERFORD: Which
22 section.

23 MR. MAXWELL: A6 and A5 and A3 as
24 well.

25 COUNCILMAN CURTES: And all of this

1 is only 22 percent of the property
2 density?

3 MR. MAXWELL: Right.

4 COUNCILMAN CURTES: It is?

5 MR. MAXWELL: Yes.

6 MR. KERBEL: Please speak into the
7 mike.

8 COUNCILMAN CURTES: Do you need me to
9 repeat?

10 THE COURT REPORTER: Yes.

11 COUNCILMAN CURTES: Is all this only
12 22 percent of the property density
13 entitlement? The different scales of
14 buildings also?

15 MR. MAXWELL: Right. So the Planning
16 Department said we could have about 800
17 some-odd buildings -- I'm sorry, 800
18 some-odd units, and we're only doing about
19 180 units. So we're only doing a small
20 fraction of what the County says we're
21 entitled to have.

22 COUNCILWOMAN RUTHERFORD: That 180 is
23 the units plus the hotel?

24 MR. MAXWELL: Yes. Now just so that
25 you know, the way that density is

1 calculated, hotel units count as
2 two-thirds of a unit. So the hotel is 90
3 units and the condo is 120. And then they
4 add up to 180.

5 CHAIRMAN GONZALEZ: Are you aware of
6 the conditions that the County has set on
7 the recommendation?

8 MR. MAXWELL: Yes. We are
9 comfortable with them. We think they're
10 reasonable.

11 I think condition Number 4 is no
12 longer required. If you recall, we had to
13 defer our hearing last -- to go to
14 Shoreline.

15 We've gone to Shoreline, and they
16 determined that Shoreline did not apply to
17 our project.

18 CHAIRMAN GONZALEZ: Okay.

19 MR. KERBEL: Yes. I'll confirm that
20 condition is unnecessary.

21 CHAIRMAN GONZALEZ: Okay.

22 MR. KERBEL: So at the appropriate
23 time, if the motion is to approve, it
24 would be to approve --

25 CHAIRMAN GONZALEZ: Okay.

1 MR. KERBEL: -- if you want it, with
2 staff's recommendation without -- of
3 conditions -- with conditions 1 through 3.

4 CHAIRMAN GONZALEZ: I'd like to --

5 MR. KERBEL: But we're a long way
6 from the motion.

7 CHAIRMAN GONZALEZ: Okay. I'd like
8 to go through the conditions that have
9 been recommended. Is that okay?

10 MR. KERBEL: Sure.

11 CHAIRMAN GONZALEZ: I just want to
12 make sure that I'm aligned with what that
13 those conditions are and how they --

14 MR. KERBEL: Sure.

15 CHAIRMAN GONZALEZ: Would staff want
16 to start -- do you want to go through
17 that?

18 MR. VITAL: Okay. So condition
19 Number 1 talk about that they complied
20 with all the other conditions from
21 resolution Z2101979.

22 They have to comply with whatever
23 other conditions they had under that
24 resolution, and they agreed to comply with
25 those conditions.

1 Condition Number 2, it says that they
2 comply with the conditions from the public
3 works memorandum. That's actually in your
4 package, and there's several conditions.

5 Handwritten Page 26 of your package
6 has the public works memorandum. And
7 handwritten Page 28 has some specific
8 standard conditions from public works.

9 Condition Number 3 has to do with
10 conditions from DERM. And that is
11 actually -- that memorandum is on page --
12 handwritten Page 22 of your package.

13 And again, DERM has some specific
14 conditions regarding water and other
15 things.

16 And then we agreed that condition
17 Number 4 is no longer needed, as this
18 application already went through the
19 Shoreline Review.

20 CHAIRMAN GONZALEZ: Let me have the
21 height variances.

22 MR. KERBEL: Mr. Chairman, in the
23 interest of moving the meeting along, I
24 might --

25 CHAIRMAN GONZALEZ: Yes.

1 MR. KERBEL: -- suggest now if
2 there's anyone --

3 CHAIRMAN GONZALEZ: Do you guys have
4 any more questions, or no? No? Okay.

5 Okay. Let's hear from anyone in
6 favor of the item. Thank you.

7 MR. DUDLEY: My name is Spottswood
8 Dudley. I live at 111113 Biscayne
9 Boulevard, and I am President of Jockey
10 III.

11 First I want to try to save you a lot
12 of time, and I want to turn around to my
13 residents -- who we are co-applicants --
14 to all raise your hands, those in support.

15 AUDIENCE MEMBERS: (Complies).

16 MR. DUDLEY: I appreciate the
17 opportunity to speak before you.

18 The existing Jockey Club property has
19 not seen significant upgrades in decades.
20 Our grounds and internal roadways have not
21 been properly maintained, and some of the
22 residential buildings are in need of
23 repairs and upgrades.

24 Our marina, once a source of pride,
25 has been derelict and unusable for years

1 after Hurricane Wilma.

2 So it's not surprising that the
3 values of the Jockey Club apartments and
4 the Jockey Club property itself are
5 declining at a time when they should be
6 going up. That's bad for our unit owners,
7 that's bad for the surrounding
8 neighborhood, and that's bad for
9 Miami-Dade County, which sees diminishing
10 tax contributions.

11 It's gotten so bad, apparently, that
12 Jockey Club I is now requiring prepayment
13 of five years of maintenance costs in
14 order to approve new purchases in that
15 building. That's unheard of in a heavy --
16 healthy condo community, and it's a clear
17 sign that things in the Jockey Club are
18 not going well. And that change and new
19 investment is badly needed.

20 It is important that members of this
21 Council understand that not all the
22 residents of Jockey I and Jockey II are
23 opposed to the Apeiron project. Many of
24 them support it.

25 Apeiron will need -- provide a needed

1 boost to the Jockey Club property and the
2 surroundings communities with new
3 community amenities and property upgrades
4 that all current Jockey Club residents and
5 our guests can enjoy, like when it was the
6 Jockey Club before it collapsed.

7 A new five-star boutique hotel, a new
8 restaurant and bar, a bayfront promenade,
9 a new yacht marina, a professional
10 property management company that will
11 actually manage the property and maintain
12 it.

13 For years we have not been able to
14 maintain the property correctly, because
15 we couldn't get permits, because we
16 weren't the property owner.

17 We hope to have improved security.
18 Our fencing is down all around the
19 buildings.

20 And a major financial investment in
21 Jockey Club will also benefit the
22 surrounding communities. As you can see
23 coming down from 125, the new Whole Food
24 Stores, the new restaurants, and the fact
25 that the University of Miami Medical is

1 going to have a new clinic just around
2 the corner.

3 So as Jockey Club President, and the
4 vast majority of the building as a
5 co-applicant, I ask you to help us bring
6 new life and vigor to our community.

7 Thank you.

8 CHAIRMAN GONZALEZ: Thank you.

9 Is there anyone else in favor that
10 wants to speak?

11 Are there any objectors to the
12 application?

13 MR. KERBEL: Mr. Chair, I understand
14 that there are attorneys that represent
15 the larger groups, and so my suggestion
16 would be to let the attorneys who
17 represent the larger groups go first.

18 That would be -- I understand it's
19 Clifford Schulman and Tucker Gibbs.

20 CHAIRMAN GONZALEZ: Yes.

21 MR. KERBEL: And then after the
22 organized presentations go, then you can
23 allow members of the public to speak who
24 haven't been encompassed by those
25 presentations.

1 CHAIRMAN GONZALEZ: Okay. Thank you.
2 So the attorneys, please.

3 MR. SCHULMAN: Mr. Chairman and
4 members of the Council, my name is Cliff
5 Schulman. I'm an attorney with the law
6 offices of Weiss, Serota, Helfman at 2525
7 Ponce de Leon Boulevard, Suite 700, Coral
8 Gables.

9 And my associate and I, Alex Uribe --
10 or should I say my card-carrying person --
11 will be assisting me today.

12 This is a very momentous hearing date
13 for me. I've been doing this for 45
14 years. It's hard to believe. And this
15 the first time I've ever been on the same
16 side with Attorney Tucker Gibbs, who is
17 representing the Cricket Club. Because I
18 normally represent developers.

19 We want to put certain matters into
20 record. We have a letter of objection
21 which we have with exhibits that we would
22 put in and give to the clerk. We also
23 have small scale exhibits that the Board
24 will be using tonight.

25 We also have a request for deferral

1 that we sent to Assistant Director Kogon
2 yesterday, and which was denied.

3 We want to preserve all of these
4 objections, and I don't want to bore you
5 with the legalistics, because we're not
6 here to debate the legal issues, at least
7 not the minute legal issues.

8 Contrary to what Mr. Maxwell said,
9 let me tell you what this project is not
10 about. It's not about how world-famous
11 their architect is. It's not about how
12 pretty this building is. And it not about
13 how lousy -- lousier site plan that they
14 could make if they wanted to.

15 It's about whether or not this plan
16 meets the Dade County Comprehensive Plan
17 and meets the Dade County Code. And it
18 doesn't. No matter how pretty the
19 building may be.

20 So put that issue aside, if you will,
21 Mr. Maxwell could put all the other black
22 buildings that he wants on this beautiful
23 model, and it doesn't change the fact that
24 that's not the issue tonight.

25 Whenever you deal with zoning, the

1 first place you go is the Comprehensive
2 Plan. Since 1985, Florida enacted the
3 Growth Management Act, which made the
4 County's Growth Management Comprehensive
5 Plan the constitution of land use in every
6 city and county in the state of Florida.
7 The constitution of land use.

8 And so it's the first thing you have
9 to do when you look at any project, and
10 any zoning lawyer, is look at the
11 Comprehensive Plan. Because under Florida
12 law -- again, not to get too technical --
13 any zoning application has to be
14 consistent with the Comprehensive Plan,
15 virtually every word of it, because the
16 courts gives strict scrutiny to any action
17 and whether it's consistent or
18 inconsistent with the Comprehensive Plan.

19 So what does the Comprehensive Plan
20 say about this site?

21 It is a medium-density site which
22 includes certain dwelling units, including
23 townhouses, low-rise, and medium-rise
24 buildings.

25 It also says you have to reduce uses

1 which are inconsistent, and you have to
2 determine compatibility, is this project
3 compatible with the area, taking into
4 account, height, scale, and other
5 architectural elements. That's your
6 constitution, and that's what must be
7 followed.

8 How does this project match up?

9 Well, what is compatibility?

10 Compatibility according to Webster's is
11 "Capable of existing together in harmony."
12 That's simplistic. But the Dade County
13 Code -- plan, rather, adds additional
14 things to consider: Scale and height, as
15 well as density.

16 Well, when you take a project like
17 this and you reduce it to a one-quarter
18 inch equals 25 feet, or whatever the scale
19 of this is, you really don't get an idea
20 of compatibility. But sometimes
21 compatibility and words are best described
22 by pictures. Because a picture, as you
23 well know, is worth a thousand words.

24 So let me show you the project in a
25 little bit different form. We have --

1 Alex, if you'd point out -- Cricket Club
2 on the north, 225 feet -- 234 feet, excuse
3 me.

4 Jockey I, 225. Jockey II, 123, 210,
5 and 548 feet.

6 Is this is a townhouse, a low-rise or
7 a mid-rise?

8 AN AUDIENCE MEMBER: It's a
9 townhouse.

10 MR. SCHULMAN: Let me tell you what a
11 high-rise is. Drive down Collins Avenue
12 in Sunny Isles Beach on the east side.
13 That's where this project would be
14 compatible. Not here.

15 Check out from the north boundary
16 line of the City of Miami to Aventura,
17 where I live, and this would be the
18 highest building from the north boundary
19 of Brickell to Aventura.

20 SoLeMia, one of my clients, Biscayne
21 Landing, is only 450 feet high, okay?

22 The North Miami Beach projects going
23 up are only 35 stories high. Aventura,
24 the tallest building -- I live in it -- is
25 35 stories high in Aventura.

1 So this project is clearly
2 compatible, but not here. It's compatible
3 in another city.

4 Now, also dealing with the issue of
5 height, Dade County is a little bit
6 unusual in how you measure height. Some
7 cities say -- for example, Sunny Hills
8 Beach. Their height limit is whatever the
9 Federal Aviation Administration would
10 allow, which is about 600 feet. That's
11 why you have those high-rises, not
12 mid-rises, in Sunny Hills Beach.

13 Dade County Code, however, says you
14 can only have a building that's a hundred
15 feet in this district unless the shadow of
16 your building -- Dade County has what we
17 call a Shadow Pollution Ordinance, that
18 the shadow of your building on
19 December 21st at two o'clock in the
20 afternoon, which is the winter solstice,
21 the longest shadow of the year, does not
22 pass your property line and reach the
23 property of other people, and therefore
24 interfere with their enjoyment.

25 Let me show you where this -- and I'm

1 going to -- I'm going to call it a
2 mid-rise, laughably -- where the mid-rise
3 of this shadow reaches.

4 The mid-rise of this shadow crosses
5 three properties that are not owned by
6 this applicant. As you can see, it
7 crosses the property of Jockey I, it
8 crosses property otherwise not owned by
9 the applicant at the north, and it even
10 crosses into the Cricket Club property.

11 So because the shadow exceeds the
12 property line of this owner, the maximum
13 height that they can have for this
14 property is 100 feet. And that is
15 improperly being interpreted by the city
16 staff.

17 Even if it was true, the height being
18 suggested here, where the County is saying
19 284 feet would be permitted, at 248 feet,
20 that's still twice -- twice the amount of
21 height permitted for the site.

22 If you use the hundred-foot
23 measurement, then this tower is six times
24 what the County Code provides.

25 This shadow impact and shadow

1 pollution is an adverse impact, which
2 again, makes this project incompatible
3 with the area due to its height.

4 Let's talk about setbacks. This
5 project, the County has interpreted, can
6 measure their setbacks from their
7 northernmost boundary line to their tower
8 and their pedestal. We believe that is
9 in error.

10 If you would look here (indicating),
11 you will see that at its closest point,
12 their parking garage, which has to be a
13 minimum of 25 feet setback from an
14 adjacent property, is six foot three
15 inches setback from our parking garage.

16 The tower itself, which again, has to
17 be a minimum of 25 feet setback, is set
18 back less than 18 feet from the Jockey I
19 property. And those variances have not
20 been sought.

21 We have appealed an interpretation of
22 the zoning director -- or the assistant
23 director to the Board of County
24 Commissioners over his interpretation to
25 ignore the boundary lines of the Jockey I

1 property and go to the north boundary line
2 of their property, and that appeal is
3 presently pending.

4 Lastly, the use variance.

5 Mr. Gibbs is going to get into that
6 in more depth, which I'll adopt. Let me
7 share with you, I used to be with another
8 firm called Greenberg Traurig, a small
9 boutique law firm of 1800 lawyers, where I
10 was there for 30 years.

11 I had at least five clients come to
12 me during the course of my career wanting
13 to buy this piece of property and
14 redevelop it. And all five of the
15 developers had excellent architects. And
16 all five of those clients walked away
17 from this property for the reasons we've
18 just stated. And that is, in and of
19 itself, it is a tight site, and you need
20 variances that you can't and shouldn't
21 legally be able to get.

22 You cannot buy a piece of property
23 legally and claim a hardship if the
24 property was like that when you bought
25 it. You cannot buy hardship. It has to

1 fall upon you.

2 This gentleman hired a great law
3 firm, and he knew what he was buying when
4 he got it. And as a result, he cannot
5 claim or prove hardship, which is
6 necessary for his variance.

7 Lastly, there's another word that's
8 very, very hard to define. It's called
9 chutzpah. Chutzpah you can only really
10 define by example.

11 The two children charged with the
12 murder of their parents that asked for
13 mercy from the judge because they're --
14 they're now parentless. That's chutzpah.

15 Chutzpah is a developer who walked
16 into a project and a property where the
17 common areas have been maintained for 21
18 years by these associations for their
19 club facilities at a cost of over
20 15 million dollars, and then claims the
21 right to just knock it down after 15
22 million dollars of expense spent by these
23 associations.

24 Mr. Chairman and members of the
25 council, that's chutzpah. It may not be a

1 zoning criteria, I admit that. But it's
2 unreasonable and unfair to the residents
3 of Jockey Club I and II and III to
4 basically knock down their club facilities
5 after they spent 15 millions dollars
6 maintaining them after 21 years.

7 That is chutzpah.

8 For all the reasons and many more
9 enumerated in our papers, we respectfully
10 request you deny the request.

11 CHAIRMAN GONZALEZ: Excuse me. We
12 have a question.

13 VICE CHAIR IMBURGIA: What is the
14 budget, approximately, for this project?
15 With the marina, everything included?

16 MR. MAXWELL: Augusto Maxwell.
17 Approximately 180 million.

18 MR. SCHULMAN: May I ask a question
19 of counsel on that issue?

20 CHAIRMAN GONZALEZ: Sure. Go ahead.

21 MR. SCHULMAN: Gus, does that include
22 any payments that were made to Jockey Club
23 III --

24 MR. MAXWELL: Yes.

25 MR. SCHULMAN: -- for their support?

1 MR. MAXWELL: Yes.

2 MR. SCHULMAN: Okay.

3 VICE CHAIR IMBURGIA: I'd like to
4 remind everybody, this is a zoning
5 council, okay? Zoning. We do not get
6 involved with all of your legalese, okay?

7 AUDIENCE MEMBERS: We can't hear you.

8 VICE CHAIR IMBURGIA: They couldn't
9 hear me? Well, let me try it again.

10 This is District 7 Zoning Council.
11 All this other ancillary stuff about condo
12 I and II and III and payments and all of
13 that, we don't deal with that. We deal
14 with the zoning of the property. Am I
15 correct?

16 CHAIRMAN GONZALEZ: Correct.

17 VICE CHAIR IMBURGIA: Okay. I want
18 everybody to understand that.

19 AN AUDIENCE MEMBER: It should still
20 be on the record.

21 VICE CHAIR IMBURGIA: The record
22 should be the zoning. That's what this
23 is, Zoning District 7 Council. Not this
24 other stuff.

25 CHAIRMAN GONZALEZ: Go ahead.

1 MR. GIBBS: Mr. Chairman and the
2 Members of the Board, my name is Tucker
3 Gibbs, law offices at 3835 Utopia Court in
4 Coconut Grove.

5 I'm here tonight representing the
6 Cricket Club Condominium Association at
7 1800 Northeast 114th Street and individual
8 residents of the Cricket Club: Kenneth
9 Roth, Ricardo Rosenberg, Barry Sizmere,
10 and Allen Lieber -- Arnold Lieber, excuse
11 me.

12 My clients wish to adopt the
13 arguments and objections made by the
14 representatives of the Jockey Club,
15 Mr. Schulman.

16 I'd also like to -- my clients also
17 received mail notice from Miami-Dade
18 County regarding this development
19 application and the hearing tonight, and
20 the hearings that had been heard
21 ultimately resulting in this hearing
22 tonight.

23 The application will permit a massive
24 project that will degrade the health,
25 safety, tranquility, character, and

1 overall welfare of the neighborhood and
2 negatively impact my clients by increasing
3 the existing density and thereby creating
4 excessive noise, light, glare, odor,
5 vibration, dust and traffic.

6 Their application, Apeiron's
7 application says it all. It shoehorns
8 into this space a 90-unit hotel and
9 120-unit condominium building. And to do
10 this, the applicant seeks 10, 10 separate
11 development approvals.

12 This large project will also add to
13 traffic on Biscayne Boulevard and visually
14 impact my clients as nearby property
15 owners. These negative impacts that they
16 have are not shared by the public at
17 large.

18 Our focus in this request for this
19 land use for this is the use variance.
20 That's the key issue for us in the failure
21 of applicant to meet those requirements.

22 The applicant is requesting to allow
23 parking in the RU zoned for the uses in
24 the BU-2 zone. And I want to show this to
25 you on a map so -- on a drawing so you can

1 see and understand this. And this is in
2 the applicant's package. Let's see if I
3 can get it up here. Yes. Here we go.

4 All right. This is the development
5 (indicating), and this the boundary
6 between the BU-2 and the RU-4. And you
7 heard Mr. Maxwell talk about this is where
8 the Jockey Club was (indicating). The bay
9 is over here (indicating), and Biscayne
10 Boulevard is over in this direction
11 (indicating).

12 On this side, BU-2, is the hotel and
13 the condominium (indicating). And down
14 here -- let me just show this to you
15 rather quickly -- this is a side view of
16 the entire project (indicating). The
17 orange is the residential condominium, the
18 purple is the hotel, and the blue is the
19 lobby. And I'll show this to you when I'm
20 finished with the presentation.

21 The condominium and hotel, this first
22 area here (indicating), is toward the bay
23 in the BU-2 area, and it's allowed.

24 Now, the hotel also extends a bit
25 into the RU-4 area. The RU-4 area doesn't

1 allow a hotel, by the way, and that's the
2 reason for the use variance.

3 The code says you can't have a garage
4 serving another zoning district without a
5 use variance on RU-4 land. It's not
6 allowed. And so it's right next door.
7 The parking is on this side (indicating),
8 and I can show you better here
9 (indicating). You can see it right here
10 (indicating).

11 Again, the condominium and hotel, the
12 bay is over here (indicating), Biscayne
13 Boulevard over here (indicating), and here
14 is the parking garage (indicating). Three
15 levels, 410 units, I believe, and it is in
16 the RU-4 area completely.

17 VICE CHAIR IMBURGIA: Question.

18 MR. GIBBS: Yes.

19 VICE CHAIR IMBURGIA: What has that
20 area been for the last 40 years?

21 MR. GIBBS: My understanding, this
22 has been tennis courts above this --

23 VICE CHAIR IMBURGIA: No, no, no, no.

24 MR. GIBBS: I don't think -- I don't
25 know what this has been already.

1 VICE CHAIR IMBURGIA: It's been
2 parking.

3 MR. GIBBS: It's been parking, but
4 parking that did not serve a use over here
5 (indicating).

6 VICE CHAIR IMBURGIA: It's been
7 parking.

8 MR. GIBBS: Right, and there's no
9 problem with the fact that it's parking.
10 The law says --

11 VICE CHAIR IMBURGIA: Tucker, it's
12 been parking.

13 MR. GIBBS: Wait a minute.

14 VICE CHAIR IMBURGIA: It's been
15 parking.

16 MR. GIBBS: The law -- the law says
17 that --

18 VICE CHAIR IMBURGIA: It's been
19 parking since I was in college.

20 MR. GIBBS: And it's been parking
21 since I was in college, too.

22 VICE CHAIR IMBURGIA: Okay. So don't
23 say --

24 MR. GIBBS: But I'm telling you --

25 VICE CHAIR IMBURGIA: -- that it

1 hasn't been parking.

2 MR. GIBBS: I didn't say -- I said --
3 I understand. It's ground level parking,
4 it's three levels, which haven't been
5 there.

6 But more importantly -- more
7 importantly, the law, the law says you
8 can't have parking here that serves --

9 VICE CHAIR IMBURGIA: That's what
10 it's been for --

11 MR. GIBBS: -- a BU-2.

12 VICE CHAIR IMBURGIA: -- 40 years.

13 So they're not in compliance, is what
14 you're saying?

15 MR. GIBBS: I'm saying right now it
16 serves --

17 VICE CHAIR IMBURGIA: No, I'm asking
18 you a very specific question.

19 MR. GIBBS: -- it serves Jockey -- it
20 serves Jockey III, does it not?

21 VICE CHAIR IMBURGIA: And the
22 restaurant. It serves the restaurant and
23 whatever was in there.

24 MR. GIBBS: I'm talking about today's
25 application. I'm not talking about what

1 happened in the past, because, again, two
2 wrongs don't make a right. If it was
3 wrong then, it's wrong now.

4 Now -- and I don't want any applause
5 for this. I'm just trying to explain the
6 reason why -- if you're correct and
7 they've always had it and it's okay, then
8 why is this applicant asking for the use
9 variance?

10 He's asking for the use variance
11 because the law says he needs it. And
12 what I'm trying to explain is he doesn't
13 meet the requirements of the law.

14 Now, I'll explain that, but I wanted
15 to show you the posture of this. And I
16 understand, surface parking has been here.
17 Not 411 spaces, and not for -- expressly
18 for the use of a commercial use, for the
19 use of a residential use which is
20 permitted.

21 So as I said the, focus is on the use
22 variance. The applicant is requesting to
23 allow parking in the RU-4 zone for uses in
24 the BU-2 zone.

25 This is only permitted -- the law

1 says it's only permitted by a use
2 variance. And to grant a use variance,
3 for you all to approve a use variance, you
4 must find that the requested use -- that
5 is, the parking in the RU-2 zone, is not
6 contrary to the public interest where
7 owing to special circumstances, a literal
8 enforcement of the code will result in an
9 unusual hardship, that the requested use
10 -- again, the parking in the RU-4 zone --
11 is the minimum use variance that will
12 permit the reasonable use of the premises.

13 And that's very important to
14 understand. Because the premises is the
15 RU-4 area. It's that parking area, and
16 nothing -- it's not the BU-2.

17 Remember, this request is to allow
18 parking in RU-4 to support the uses in the
19 adjoining BU-2 zoning district, the hotel,
20 and portions of the condo.

21 To do this, the applicant needs to
22 show a hardship and show -- and show that
23 the variance is the minimum that will
24 allow the reasonable use of land.

25 "Hardship" is a legal term. It's

1 what they call a legal term of art. And
2 Florida case -- and it's as defined in
3 Florida case law, and Florida cases say
4 that a variance, a non-use variance is
5 allowed -- I mean a use variance is
6 allowed where the alleged hardship renders
7 it virtually impossible to use the land
8 for the purpose for which it is zoned.

9 This land is zoned for RU-4. That's
10 RU-4. To get a use variance, you have to
11 prove that that use is the only use that
12 can go on that property, and that it's
13 consistent with the zoning code.

14 Regarding a determination of
15 reasonable use, the critical finding is
16 that it's virtually impossible to be used
17 as -- to use the land as presently zoned
18 without the variance.

19 So if you look at every single use
20 in RU-4 and you can't do any of them, you
21 can't do any of them, guess what? You
22 get to say they get to have a use
23 variance.

24 That is the law.

25 Put it another way, the applicant

1 must show and this Board must find that it
2 cannot use the property consistent with
3 the zoning destination unless the
4 requested variance is granted, which means
5 you can't put a high-rise on there, a
6 mid-rise, a low-rise, anything from RU-1
7 to RU-4, because RU-4 uses include
8 everything from RU-1 all the way into
9 RU-4.

10 The applicant here does not meet the
11 basic -- this basic requirement as it has
12 the ability to utilize the RU-4 property
13 for RU-4 uses. This RU-4 property is not
14 virtually unusable. There's no evidence
15 in the record that shows that it's
16 virtually unusable, and the RU-4 property
17 can be used for RU-4 uses.

18 Furthermore, as Mr. Schulman said,
19 this alleged hardship is self-created.
20 And also, beyond what Mr. Schulman said,
21 because the owner can build the zoning --
22 zoning code compliant project without the
23 necessity of the use variance, and the
24 owner chose not to.

25 This was a choice the owner made to

1 design that building that I'm pointing to
2 in that model, the owner chose to do that.
3 He was not force to do that, he was not
4 forced to build across that zoning line.
5 He was not forced to build this project.
6 He could have built a smaller project with
7 all the parking on site. He had that
8 ability. Nothing stopped him except -- I
9 understand, you buy a piece of property
10 for a certain amount of money, he wants to
11 make money. So I get that. But that's
12 not a reason. That is not a reason.

13 The staff report is also not
14 competent substantial evidence showing a
15 hardship, because it addresses only the
16 BU-2 site. That's not the variance site.

17 Note the use variance is to allow
18 parking on the RU-4 property that serves
19 the BU-2 property. Even if the variance
20 is interpreted to apply for the BU-2 site,
21 the applicant shows that parking can fit
22 on the BU -- the application shows the
23 parking can fit on that BU-2 site, along
24 with the hotel and residential
25 condominium.

1 Put it another way, the owner can
2 build a hotel and condominium plus all the
3 required parking for the units and the
4 hotel rooms on the BU-2 property. It may
5 have to be smaller, but the code allows
6 it. And if the code allows it, then he
7 doesn't have a hardship.

8 The applicant wants this variance,
9 but not because it cannot build anything
10 that is permitted by the zoning code, but
11 because it wants to build this project the
12 way it wants to build it.

13 This is not a legal hardship. It
14 fails to meet the requirement of the --
15 that without the variance, the property
16 cannot be used as permitted by the zoning
17 category.

18 For these reasons, the use variance
19 that would allow parking in the RU-4
20 parcel to serve the hotel and residential
21 condominium on the BU-2 parcel should be
22 denied.

23 Thank you.

24 MR. KERBEL: Mr. Chair, I think now
25 that concludes the organized objector

1 presentations. So now would be an
2 appropriate time to call up --

3 MR. WHITEHILL: I believe I have a
4 constitutional right to speak here,
5 Dennis.

6 MR. KERBEL: Excuse me. I'm not -- I
7 haven't finished yet. I believe that
8 concludes the organized portion. So now
9 would be an appropriate time to call up --
10 oh, is there another -- I'm sorry, I've
11 only been told about the other two
12 attorneys.

13 I just meant an attorney who's
14 representing a group of people. So now
15 would be an appropriate time to call up --

16 MR. WHITEHILL: I'm here, ready to
17 speak, Dennis.

18 MR. KERBEL: Can I please finish my
19 statement?

20 Now would be an appropriate time to
21 call up individual objectors who were not
22 covered by the presentations of the
23 attorneys.

24 CHAIRMAN GONZALEZ: Yes.

25 MR. WHITEHILL: And that's exactly

1 what I am. I do believe I fit that
2 category, sir.

3 CHAIRMAN GONZALEZ: Excuse me. Sir,
4 in order to respect everyone here --

5 MR. KERBEL: I did not say --

6 CHAIRMAN GONZALEZ: We don't talk
7 over each other.

8 MR. KERBEL: -- you could not speak.
9 I was trying to guide the chair in the
10 order of presentations.

11 CHAIRMAN GONZALEZ: Objectors?

12 MR. WHITEHILL: Good evening.

13 CHAIRMAN GONZALEZ: State your name
14 and address for the record, please.

15 MR. WHITEHILL: My name is Stephen
16 Whitehill. My address is 11111 Biscayne
17 Boulevard, Apartment 2100.

18 Good evening, bonsoir. This is not a
19 question of zoning for a development
20 project. It's a demolition of a
21 lifestyle.

22 At the Jockey Club, we have and enjoy
23 access to the common properties. It is
24 for the wellbeing and enjoyment of the
25 residents. Whether it's walking the dog,

1 playing a set of tennis, swimming in the
2 pools, or just relaxing on a balcony, we
3 have a good standard of living here.

4 This is now under serious jeopardy.
5 Apeiron, the developer, proposes dropping
6 in a 50-story tower in the middle of our
7 paradise.

8 How can the zoning board even
9 consider granting any variances? What is
10 a variance, anyway? And I hope you don't
11 mind I call you deviants, because the
12 definition of a variance is a request to
13 deviate from a current zoning requirement,
14 if granted.

15 So generally speaking, a variance
16 bends the law. Usually this is for like a
17 one-item thing, but Apeiron would require
18 several.

19 Why don't we just change the zoning
20 code instead of granting the variances?
21 If the Board thinks it can grant a
22 variance or several variances without
23 opposition by the community, they can just
24 rename themselves a politburo.

25 Granting several variances goes

1 against the spirit and restraint of giving
2 a variance. If several are -- if several
3 variances are given, I would suggest that
4 the Board is incompetent to serve the
5 wellbeing of the community. Clear
6 violation of ethical and moral standards.

7 In addition, Apeiron has ignored its
8 responsibility in repairing and rebuilding
9 the existing seawall. Clearly Apeiron has
10 ignored or negated its responsibilities in
11 the maintenance of the property it now
12 owns.

13 How could the Board in its right mind
14 seriously consider granting any kind of
15 development rights to a negligent property
16 owner?

17 Any attempt to rezone or grant any
18 rights -- development rights will have
19 severe consequences, beginning with a
20 series of lawsuits to be filed against
21 Apeiron and the Board.

22 I say no, and I say in French, too.
23 No.

24 CHAIRMAN GONZALEZ: Anyone else want
25 to speak on the objection?

1 COUNCILWOMAN RUTHERFORD: Well, can I
2 ask a question to the attorney for
3 Apeiron?

4 CHAIRMAN GONZALEZ: Sure.

5 COUNCILWOMAN RUTHERFORD: If I was
6 reading -- I didn't hear you mention, what
7 amenities are going to be incorporated
8 into the development if --

9 MR. MAXWELL: If you look at the site
10 plan --

11 COUNCILWOMAN RUTHERFORD: I remember
12 the restaurant, but is there anything
13 else? The marina.

14 MR. MAXWELL: There's going to be the
15 marina, the restaurant. So it's going to
16 be refurbished -- my name is Augusto
17 Maxwell, again for the record.

18 COUNCILWOMAN RUTHERFORD: Right.

19 MR. MAXWELL: On the site plan, it
20 lays it out in detail. There'll be a
21 refurbished marina, there'll be a
22 refurbished open space, tennis courts.
23 Some folks were kind of keen on a dog
24 walking area, so we have that.

25 There's a lot of different

1 programming that can take place on the
2 open space. There's going to be a hotel,
3 a spa, a bar.

4 So those facilities will be open to
5 the public and to the members of the
6 community.

7 COUNCILWOMAN RUTHERFORD: Thank you.

8 MR. HERNANDEZ: Good evening.
9 Mauricio Hernandez. 11111 Biscayne
10 Boulevard, known as Jockey Club I.

11 Good evening. I've submitted 221
12 letters and petitions, the majority from
13 Jockey Club I and II.

14 I am the president of the Jockey Club
15 Condominium Apartments, Inc., known as
16 Jockey Club I. And so I want that to be
17 part of the record.

18 Here's a courtesy copy.

19 Also, there is a folder that you've
20 seen that is just the photos of what's
21 displayed here, and I'll just try to be
22 brief in terms of my illustration.

23 So I represent 169 residential units
24 in Jockey Club I. You will hear from
25 Jockey Club II president, who also

1 represents 90 units.

2 And as representatives of 259 units
3 of the 411 units, we have been in
4 opposition to this proposal, this
5 application, and I don't think the
6 majority rule is applied here in
7 Miami-Dade County. Maybe yesterday at
8 the elections, but not today. So we can't
9 go home.

10 This Board to hear from us, and you
11 all know that we've been coming here. We
12 were here last November, 2016, and we have
13 come here every month or the months that
14 it's been noticed. So now it's the
15 opportunity to be heard.

16 So you've heard from the attorneys.
17 I'll try not to be repetitious of some of
18 the issues, and I'll be brief.

19 This is not about an issue of whether
20 or not they can build. You've heard that.
21 It's just, in my understanding, what can
22 they build and where.

23 So clearly -- by way of history, and
24 a lot of people on this Board probably
25 knows more than me about the history, but

1 the three Jockey Club condos for the last
2 over 20 years have been maintaining these
3 common areas. Why? Because there hasn't
4 been any owners.

5 They've been agreements by prior
6 owners that are binding on these owners,
7 because of foreclosures, because of
8 bankruptcies. Not blaming it on the
9 bubble or Wilma, but they were
10 contemporaneous during those years.

11 And the Jockey Club I was affected,
12 but I could tell you that whatever
13 happened in the '60s and '70s has not been
14 the norm for the last 25 years.

15 Since the last owner left, there
16 hasn't been a hotel, there hasn't been a
17 club. And in fact, like you've heard from
18 the attorney, we have been maintaining
19 these properties collectively.

20 And right now, on behalf of all these
21 residents, there is no interest in any
22 hotel. The marina is something possibly.
23 We're not anti development, but obviously
24 we have not come to a meeting of the
25 minds. We could all agree to disagree.

1 What I could say is for example --
2 and getting to the zoning issues, that
3 building, if you look at it, the proposal
4 is six feet from our west entrance, which
5 is our handicapped entrance.

6 The request on one of the variances
7 is not your typical five, 10 percent, it's
8 almost 98 percent.

9 Why does that building have to be so
10 close to our apartment, or our building?
11 I heard someone say, "Oh, because the
12 Jockey Club used to be there. In fact,
13 there used to be a walkway from the club
14 to the hotel." But that no longer has
15 been the case.

16 And so we oppose this, because
17 imagine my 22 owners that have a building
18 that's twice their size within six feet
19 that will never have a view west of the
20 sunset once this thing is built.

21 And also the depth and the density of
22 the height will also provide access to a
23 lot of the common areas, walkways that
24 we've enjoyed for the last 25 years.

25 That doesn't mean it can't change,

1 but again, this project as proposed,
2 concerning that setback, is totally
3 unreasonable and unnecessary, and we
4 oppose it.

5 The issue of -- I brought up that
6 poster because it doesn't show Quayside.
7 Quayside is on 107th Street. There's
8 three towers, 22, with three villas, which
9 are much smaller townhouses.

10 And the reason why there's three
11 villas instead of six towers is probably
12 another discussion. But I think that when
13 you look at the landscape of this
14 corridor, the attorney made very good
15 references of the heights within the
16 Jockey Club, and with the Cricket Club.
17 But even if you look on either side,
18 they're only single-family homes. And as
19 far south you go to Quayside, you also
20 have that balance of 22 stories or 21
21 stories.

22 So we believe that this monster of a
23 building belongs somewhere else, and we're
24 not in support of it.

25 Another illustration by showing you

1 this picture, it's in your folder. It's
2 the top picture. Obviously there was an
3 act of God by Hurricane Irma on September
4 9th. Maybe we should be hearing to what
5 the natural forces are saying.

6 But if you look at it, basically it
7 shows the seawall collapse, 275 feet that
8 went into the bay. This is a photo
9 recently shown that all the debris went
10 into the bay. It's been like that for two
11 months, and there's been continuous soil
12 erosion.

13 But this doesn't go into whether or
14 not you can approve the budget -- the
15 application, but it goes to show what they
16 have not been doing, but also the
17 setbacks. Some of these setbacks they
18 bring very close to the seawalls.

19 And if you look at that seawall,
20 which is, like, no longer there, some of
21 the proposed applications of taking our
22 pool -- I'm going to say its our pool
23 because we have it -- is to put in an area
24 that they own, but with setbacks that
25 pushes it very far to the seawall. And I

1 think that is illustrative of why some of
2 these setbacks should not be granted.

3 Understanding that there have been
4 some arguments about what are people --
5 the law, I don't think the law gives them
6 a thousand -- 1,100 available units, it's
7 the just the site plan that allows them
8 certain opportunities.

9 But I think what's helpful -- and a
10 lot of you know this community, you live
11 in this community, you know the Jockey
12 Club, and you know for the last 20 years
13 it hasn't been to what it was, and there's
14 no interest to go backwards. It's to move
15 forward. Everybody wants better quality.

16 But these high-end condos next to the
17 three other condos are not going to do
18 anything in terms of property values, and
19 it falls right smack in the middle of a
20 lot of the common areas. There's other
21 places they can do with -- place those --
22 that property.

23 Easements. Maybe it doesn't go into
24 zoning, but the history is that that --
25 this facility, these 31 -- 22 acres, 23

1 acres, have easements, they're public
2 easements, public utilities, private
3 utilities, and there's also easements
4 created by the prior owners.

5 I'm not going to go into the court of
6 law, because this is not a court of law,
7 but the reality is, it's not that we've
8 been using it for 20 years and paying
9 millions of dollars, it's because those
10 were the agreements. That was the
11 agreements that the owners, that binds
12 these owners, agreed that there were going
13 to be certain limitations.

14 That Jockey Club -- what was known as
15 the Jockey Club was a restaurant. It had
16 contemplated a 50-room hotel at some
17 point. Never happened.

18 But other than that, those
19 agreements -- which are really vested
20 rights for the last 25 years -- doesn't
21 allow them to build that project where
22 it's located.

23 And why? Well, because we have these
24 recorded easements in our registry of
25 deeds. We have a county courthouse that's

1 decided that they have to live with that,
2 that they can build subject to those
3 easements.

4 Why hasn't he changed? That would be
5 my question to the developer. Why has he
6 not changed his plans? He changed it
7 three times, right? Why didn't he change
8 it another time after the decision?

9 And for all honesty and all fairness,
10 the decision came down July 19th. So it
11 was recently during this long process.
12 And clearly when he applied in January, he
13 had a hope that can build the way he wants
14 to build.

15 Right now, not that you have to
16 determine anything what the law says, but
17 the reality is that he can't build it
18 here. He can build somewhere else, but
19 not with my pool -- with our pool, which
20 after a 70-year easement we will obtain in
21 fee simple for \$1.

22 Likewise with the parking. And the
23 parking is a non-issue, because it's not
24 included in the development.

25 What I would say is that the vested

1 rights that we have are important for you
2 to understand why the residents -- the
3 majority of the residents are opposed to
4 this project as developed and as planned.
5 Not any project, this project.

6 And it really encroaches on a lot of
7 the free space that we have. Obviously
8 the other pictures just reflect -- the
9 picture on the right is that there has
10 been no lights in the common areas since
11 the hurricane.

12 And that's a picture, if you go there
13 now, that's what you will see in this area
14 where they're going to -- this is the pool
15 (indicating), right in front of that
16 building. And so all it just shows is
17 we've been kept in the dark.

18 The other two pictures just
19 illustrate what a hurricane can do to any
20 seawall, and what it's done to other
21 properties.

22 But this is what we face. So again,
23 it's a non-issue except for the setbacks.
24 And what we have to live in a very
25 emergent situation that there has been no

1 mitigation for soil erosion and other
2 debris that have gone into the bay.

3 What I would conclude by saying is
4 that you have to look at the residents
5 today. Cricket Cub -- Cricket Club
6 finally came out. And we all have common
7 concerns, but we believe that whatever
8 has happened in the past is not what the
9 residents today want.

10 Now, this may not have to do with
11 whether or not you approve the county's
12 processes through committees. This is our
13 opportunity to give our opposition, so
14 you'll get a lot of different responses
15 after the lawyers go. But at the same
16 time, you have in front of you the
17 majority of the residents that want this
18 application denied.

19 Now, the setbacks and the height of
20 it does belong in Brickell, Sunny Isles
21 and other places where it would cast those
22 shadows, the density.

23 And bringing -- and this is a point
24 that I didn't make in the future -- in the
25 beginning.

1 You know this is a gated community
2 this from 50 years ago. The gated
3 community concept is something that came
4 much later. And although it had
5 aspirations of having -- and it was in the
6 early days, it is not in terms of allowing
7 non-residential owners to come onto the
8 property.

9 So this owner can build maybe in
10 another spot where he has no obstructions,
11 where there is no obstructions of the
12 views, where he complies with the code and
13 the law.

14 And so with all those reasons, we
15 would ask that you uphold your oath,
16 right, the oath of allegiance for justice,
17 for social and economic justice.

18 You're not our last resort, but we
19 believe that hearing the arguments today,
20 you would do the right thing and deny this
21 application.

22 I submit the documents.

23 Thank you for your time.

24 CHAIRMAN GONZALEZ: Thank you.

25 Does anyone else want to speak

1 against the application?

2 MR. KERBEL: Can we get a sense of
3 how many more people want to speak so that
4 we can budget the time accordingly?
5 Because we only have the room -- we have
6 to be out of here by 9:30 at the absolute
7 latest.

8 AN AUDIENCE MEMBERS: (Indicating).

9 MR. GARCIA: This is not against.
10 This is an administrative --

11 CHAIRMAN GONZALEZ: Your name and
12 address.

13 MR. GARCIA: Jose Garcia,
14 unincorporated Miami-Dade County.

15 MR. KERBEL: We need the address.

16 CHAIRMAN GONZALEZ: Your address,
17 your full address.

18 MR. GARCIA: 1800 Northeast 114
19 Street, Miami, Florida 33181.

20 CHAIRMAN GONZALEZ: Thank you.

21 MR. GARCIA: The -- my question is, I
22 believe that you're asking for input from
23 the public.

24 I as a member of public, sitting
25 right over there, could not really see

1 what was in front of you, and there are no
2 agenda item copies for the public;
3 therefore, I cannot give you my informed
4 consent.

5 I don't know that I speak for anyone
6 else in the room; however, it's -- it's
7 all abstract when you're sitting over
8 there, and they're moving little boxes of
9 buildings, it's not real. And so I urge
10 you to have agenda items, whether today
11 or in the future, for things of this
12 nature.

13 Thank you.

14 CHAIRMAN GONZALEZ: Thank you.

15 AN AUDIENCE MEMBER: I've counted six
16 individuals that want to speak in
17 opposition.

18 CHAIRMAN GONZALEZ: Six.

19 AN AUDIENCE MEMBER: Yes. That's
20 kind of a lot that wants to speak in
21 opposition.

22 CHAIRMAN GONZALEZ: Okay. Perfect.

23 MR. ROTH: Good evening.

24 CHAIRMAN GONZALEZ: Name and address.

25 MR. ROTH: Yes. Kenneth Roth. I'm a

1 President of the Cricket Club, 1800
2 Northeast 114th Street.

3 I think what we're doing here, by
4 allowing a project of this dimension, is
5 setting precedent for future projects like
6 that. Because once you allow this and you
7 change the variance, or break the law or
8 bend the laws that govern the zoning on
9 these -- on this property, you'll do it on
10 others.

11 It's exactly what's happened. If you
12 look at Brickell, if you look at downtown
13 Miami, Biscayne Boulevard on both sides,
14 we've got huge monstrosity buildings
15 coming out of single-family home property,
16 and there had to be zoning changes and
17 variances made on those.

18 So when -- what -- I realize that the
19 County wants to take this whole area that
20 belongs to them and turn it into high-rise
21 because the revenue's going to be greater.
22 So I understand everything's driven by
23 money.

24 But these roads out here on Biscayne
25 Boulevard are the same roads -- and I was

1 born here -- are the same roads that I
2 rode on when I as a little boy, when it
3 was a tiny fraction of the population that
4 was in Dade County. We have the same
5 roads, except for I-95. We have the same
6 roads.

7 When you start putting these size
8 projects in here that you're doing and
9 you're bending the law to make it happen,
10 then you're causing -- you're setting --
11 this is strictly a catalyst. Because
12 what's happening? They'll come in,
13 they'll put another tower in on this
14 property.

15 If -- and then -- and looking at the
16 people that are involved here, you've got
17 the A Team, okay? They're excellent,
18 okay. There's obviously a lot of money
19 behind the project, so I expect it to be
20 very successful. It's a very attractive
21 thing they're putting up here.

22 So it will be a catalyst. And you
23 will have copies. And have you have the
24 whole Lear property sitting next to it
25 empty that's for sale. That's -- that

1 will come -- if it's not immediately, but
2 once it starts going and it's successful,
3 somebody's going to -- if they don't
4 gobble it up, somebody else it gonna
5 gobble it up.

6 And there'll be changes, and all of
7 a sudden we've got a 450, 500-foot tower
8 here, why not put two or three there.
9 You got 10 acres. You can do it, you
10 know.

11 So all you're doing is opening up a
12 hornet's nest to a huge development that
13 really doesn't belong up here.

14 Thank you.

15 CHAIRMAN GONZALEZ: Thank you.

16 It will be three minutes each.

17 (Thereupon, an announcement was made
18 regarding the removal of a silver Jeep
19 vehicle blocking another individual; after
20 which the following transpired:)

21 AN AUDIENCE MEMBER: Excuse me.

22 What's the rush now? We have a hour and a
23 half.

24 MR. KERBEL: Hold on. We need --
25 hold on. We need time. First of all, the

1 applicant is entitled to a rebuttal.
2 Second of all, the Board needs time to
3 deliberate.

4 We would like to conclude this item
5 tonight, and it is very common to limit --
6 especially when there are many speakers --
7 to two to three minutes. So three
8 minutes. You said there were six
9 speakers, 20 more minutes for speaking
10 time. I think it's a reasonable amount of
11 time, and the applicant did not spend that
12 long on the primary presentation. So I
13 think it is appropriate.

14 We really do want to conclude this
15 and not bring everybody back for a
16 continuation next month.

17 Thank you.

18 MR. SNYDER: Mr. Chairman --

19 CHAIRMAN GONZALEZ: Name and address,
20 please.

21 MR. SNYDER: David Snyder. I live at
22 11111 Biscayne Boulevard, Building Number
23 1. I'm a Director at Jockey Phase I.

24 I arrived there in 1967 when it was a
25 gravel lot with my father, Uncle Joe, who

1 was the super -- ended up being the
2 superintendent on the construction job,
3 Walter Troutman, Harper Sibley, and Jack
4 Herman, the investors and builders. And
5 they said, "We're going to build the
6 Jockey Club here," and I couldn't believe
7 it.

8 Well, we sure did. The rest, as they
9 say, is history, but history teaches us a
10 lot. That building, the club was
11 successful.

12 In '71 or so, just a few years later,
13 Jockey Club II was built. But an
14 architect took the time to give us a
15 detailed structure that was available
16 for viewing and comment in the lobby of
17 Jockey I back in '70 for construction in
18 '71. That became a reality and bordered
19 on the west.

20 Jockey III Marty Margolies built that
21 lastly.

22 So Building I to the north, II to the
23 west, III to the south. A perfect
24 horseshoe with this wonderful quadrangle,
25 if you will. It's a campus with

1 recreation in the middle.

2 And I tell -- I ask all of you
3 distinguished zoning folk that you've
4 heard the lawyers argue, but I want to try
5 to give you -- help you understand from a
6 personal standpoint that it is the most
7 absolutely wonderful location. We've got
8 the people. We've got enough -- we've got
9 enough residents.

10 What we need to do is restore the
11 recreational aspects of it. The tennis
12 courts we've been maintaining. You've
13 heard \$15 million over this past years.
14 A conservative figure. The marina is
15 gone. I lived in the marina half of my
16 time and in the building the other half.

17 I want to tell you, I would love to
18 see a responsible marina back. Meanwhile,
19 without all the diesel and fuel, we've --
20 the marine life has come back incredibly.

21 I love to see people start and
22 finish a project. I would love to see
23 responsible development. But what we've
24 seen happen is a derelict building that's
25 obstructing the Phase I pool view of the

1 bay not removed, as promised casually,
2 and as pointed out, 275 feet of seawall
3 has been laying there and not been
4 repaired.

5 If we can't do the small stuff, how
6 can we count on Apeiron to do the big
7 stuff and actually complete a building in
8 two years? I think it's -- I think it's a
9 stretch. The lawyers have given you the
10 rest. But from a historical standpoint,
11 drive up and down Biscayne. It's not
12 working now. Additional people aren't
13 going to help.

14 And I beg you to decline the
15 application.

16 Thank you.

17 MR. ROSENBERG: Good evening. My
18 name is Ricardo Rosenberg. I am a Board
19 Director of the Cricket Club, where I
20 live. 1800 Northeast 114th Street.

21 I also am a retired architect. I
22 worked for more than 40 years in France,
23 actually, and I am -- I can say I'm pretty
24 good with the zoning everywhere, anywhere.

25 I've been studying the zoning, but as

1 an architect, I can tell you that this
2 project -- and it was very well explained
3 by the lawyers, especially -- is going to
4 destroy the existing fabric, this urban
5 fabric, which is composed of medium and
6 low-density construction.

7 Thank you.

8 MR. ROSENHAUS: My name is Howard
9 Rosenhaus. I'm the President of Building
10 II. I think --

11 CHAIRMAN GONZALEZ: Your address,
12 please. Address.

13 MR. ROSENHAUS: 11111 Biscayne
14 Boulevard.

15 As many of you, I'm sure you have
16 traveled up and down Biscayne Boulevard
17 since the hurricane. I know of three
18 areas in the United States that don't have
19 electricity: Puerto Rico, Houston, and
20 the Jockey Club.

21 I think it's unbelievable that with
22 lights, 40-foot towers still lying on the
23 property, and no electricity, and a front
24 gate that doesn't work, and where you can
25 walk on the sidewalk and walk right into

1 Biscayne Bay, that this group is trying
2 to tell us how they can build a big
3 project. I think it's disgusting.

4 Thank you.

5 MR. HAUSER: My name is Helmut
6 Hauser. I live in the Cricket Club, 1800
7 Northeast 114th Street.

8 I think we have all noticed how
9 carefully the presenter of Apeiron avoided
10 to refer to any inch outside that
11 development that some attorney here called
12 a shoe-in, because that is what it is, in
13 a residential area of a certain type of
14 height, of a certain type of composition.

15 And I want to refer to this chart
16 here (indicating).

17 CHAIRMAN GONZALEZ: We can't --
18 excuse me. Can you speak to the
19 microphone.

20 MR. HAUSER: Apeiron doesn't own
21 just this part that they've marked here
22 (indicating) for this particular shoe-in.
23 They also own this part here (indicating),
24 and this is totally neglected. It's a
25 broken-down seawall.

1 This (indicating) is a wild territory
2 with non-native vegetation on there with
3 feral cats running around.

4 And I have not heard any word of
5 goodwill from the presenter for Apeiron
6 for the residents of Checker Club, or for
7 any of the neighboring properties, and I'm
8 very disappointed about that, because I
9 think that would be a very valuable
10 consideration that we could hear and then
11 make our judgement on these kind of
12 developments.

13 Again, all the other points have been
14 made, I just -- I wanted to refer to it.
15 No reference to anything of the outside.
16 Because you give variance approvals here,
17 the next thing is that this is all going
18 to be subject to variance approvals as
19 well, and that's a big hunk of property
20 here.

21 Thank you.

22 CHAIRMAN GONZALEZ: You had a comment
23 on what he said?

24 MR. MAXWELL: Yeah, just very
25 briefly.

1 MR. KERBEL: Well, I don't know what
2 he's about to say, so --

3 MR. MAXWELL: I just want to clarify
4 one objection.

5 AUDIENCE MEMBERS: No, no, no.

6 MR. KERBEL: Can you wait until
7 rebuttal?

8 MR. MAXWELL: No.

9 MR. KERBEL: Hold on.

10 It's up to you, Mr. Chair. If it's
11 short, it's okay.

12 MR. MAXWELL: I just want to clarify
13 for the record. We do not own this
14 property.

15 CHAIRMAN GONZALEZ: Okay. Thank you.

16 MR. COHEN: My name is Jerome Cohen.
17 I live at the Jockey Club, Miami, Florida
18 33181. That was our address for many,
19 many, many years. I've been there since
20 1970, five years as a snowbird, and the
21 rest of 40-some-odd years as a resident --
22 permanent resident.

23 I address you tonight as an
24 individual owner of units in Building II,
25 not in any other capacity. I tell you

1 that because in the past I have been the
2 representative of the board of directors
3 in litigation with respect to this
4 development.

5 I favor development, just not what is
6 proposed. What is proposed is totally
7 incompatible with the immediate
8 neighborhood, being the three buildings it
9 would share on the property -- with the
10 property, not to mention the general
11 surrounding area described so eloquently
12 by Cliff Schulman.

13 There are over 400 residences on the
14 Jockey Club property now occupied by folks
15 who bought into a lifestyle that would be
16 sacrificed to what I would term as
17 overdevelopment.

18 I was personally involved in the
19 negotiations to preserve the swimming
20 pools used by the three buildings of the
21 club and the rest of the common areas to a
22 point that the associations could step in,
23 in the absence of an owner/operator and
24 maintain them to the tune of seven figures
25 you've heard tonight.

1 Those easements -- the easements of
2 the swimming pools were recently found
3 binding in a circuit court action. Under
4 no circumstances do I want to see those
5 rights trampled on.

6 Mr. Abbas, please come up with a plan
7 that preserves those easements. This is a
8 neighborhood commission. Please listen to
9 your neighbors, and say no to this
10 development. Say go back to the drawing
11 board, Mr. Abbas, and come up with
12 something that complements the property,
13 not something that destroys it.

14 And with that in mind, I'll ask you
15 to deny this application.

16 CHAIRMAN GONZALEZ: No clapping,
17 please. Thank you.

18 Go ahead.

19 MS. METZ: Good evening. My name is
20 Hilary Metz. I'm a lawyer, and I'm also
21 the Vice President of the Board of
22 Building II.

23 I don't have --

24 CHAIRMAN GONZALEZ: Your address,
25 please.

1 MS. METZ: Sorry?

2 CHAIRMAN GONZALEZ: Address for the
3 record. Address.

4 MS. METZ: 11111 Biscayne Boulevard,
5 North Miami, Florida, Number 1018,
6 Building II.

7 I've lived in the Jockey Club for
8 almost seven years, going on eight years
9 now, and I don't have a lot to speak about
10 the specifics of the zoning, that's why we
11 have lawyers. Lawyers have lawyers for
12 their issues. And this issue with our
13 lawyer's presentation on the zoning I
14 think speaks pretty clearly for itself.

15 What I would like to point out to the
16 Zoning Board are some other things that --
17 first addressing my friend and my neighbor
18 Howard Rosenhouse's comments.

19 The reason he got up here and so
20 passionately started speaking about no
21 electricity and no working gates on our
22 property is because in a court proceeding,
23 Apeiron fought to take back over the
24 maintenance of the common area -- what we
25 call the common area, what is now their

1 property.

2 So they fought in order to be able
3 to control that, pay for it, and maintain
4 it. But since doing that, they have not
5 maintained it. So all of the residents
6 are pretty upset about that. There is
7 no maintenance. There's trash everywhere.

8 My father, who's 75, picked up a
9 trash bag full of trash off Apeiron's
10 property.

11 The playground is a mess, and we're
12 told we're not allowed to fix it. The
13 gate we have been told needs a quote for
14 two months. The lights going down a
15 walkway to the bay are not working, and
16 they haven't been since the hurricane.
17 There are a lot of elderly people between
18 the three buildings that walked their
19 dogs there every night that could easily
20 trip and fall and hurt themselves.

21 And I know this isn't about zoning,
22 but, you know, when the character and
23 reputation of the developer and those
24 parties is brought up, then I'd like to
25 show things that counter that, and I think

1 it deserves time to be put on the record.

2 So you asked about the amenities,
3 Ms. Rutherford. We used to have some, and
4 now we don't. And the responsible party
5 for those, to take care of them, is
6 Apeiron. We used to take care of them
7 ourselves. We never had an issue taking
8 care of those amenities ourselves.

9 I've lived -- Building III has its
10 own gym, and Building I and II used to
11 share the one gym and take care of that
12 gym. We also used to have multiple tennis
13 courts to play on, which have been closed
14 since the hurricane.

15 I've never seen the tennis courts
16 closed for even half this long. If we
17 were in charge of maintaining these areas,
18 they would have been up and operating
19 within a week, maybe two, tops. So the
20 argument that they're maintaining this
21 property now is kind of ridiculous.

22 The -- Apeiron's employees show up
23 at our management office threatening to
24 actually not provide common services like
25 taking care trash, sewage, and things

1 like that as a threat to get access to
2 our common areas.

3 The president of Phase I pointed out
4 the issues with the setbacks on this
5 model, so I'm just going to point out
6 others.

7 And to counter what Mr. Maxwell said
8 at the beginning, there were court
9 proceedings, and we actually won our
10 rights. So it's not up to you to decide
11 or determine, but we won the rights to
12 our pool and cabana, which in this model
13 is covered by a garage.

14 So our pool, in real life, is right
15 here (indicating), and our cabana is
16 right here (indicating), where these
17 trees are where there's a road going
18 through it. So this model, for all the
19 other reasons you've also heard, in
20 addition doesn't work because of those
21 issues.

22 Now, I know that Mr. Abbas has made
23 deals with Building III, and they're a
24 co-applicant, and obviously they have a
25 stake in this because they serve to gain a

1 lot if he gets all of this completed.
2 However, the people of Building II under
3 no circumstances, as of today, are willing
4 or ready to give up their pool or cabana,
5 which we fought in court and won.

6 Now, another thing Mr. Maxwell
7 mentioned was a hearing that took -- the
8 court proceedings that took place in which
9 he mentioned that Apeiron won most of
10 their rights. That is not true.

11 CHAIRMAN GONZALEZ: You have thirty
12 seconds, ma'am.

13 MS. METZ: That's not true. And what
14 they did win was the right to what is --
15 what they call their common areas, which
16 is mostly the tennis courts. So that they
17 won, and we're appealing that.

18 Apeiron is not appealing the fact
19 that we won our pool and cabana. That is
20 ours. It's not changing. The only way
21 this model works is if we make a deal with
22 the developer to allow them to build on
23 that.

24 Now, I know that might not matter for
25 your specific zoning purposes, but I want

1 you to know this model doesn't work. So
2 this is not going to happen as far as if
3 you approve a zoning ordinance.

4 CHAIRMAN GONZALEZ: Thank you. Thank
5 you for your time.

6 MR. MIRANDA: My name is Carlos
7 Miranda, and I had put myself in for three
8 minutes to talk. If -- I'm not feeling
9 very well. If I could give Ms. Metz my
10 time?

11 AN AUDIENCE MEMBER: He's not a
12 resident.

13 MR. MIRANDA: I'm an employee, and I
14 live in the area, and I still can be
15 voiced as -- for the Jockey Club.

16 MR. KERBEL: It's up to you.

17 MR. MIRANDA: May I cede my time to
18 Ms. Metz?

19 CHAIRMAN GONZALEZ: For 30 -- for
20 three minutes.

21 MS. METZ: Thank you.

22 MR. KERBEL: Actually, can we get his
23 name and address for the record?

24 MS. METZ: Carlos Miranda.

25 MR. MIRANDA: Home address is 3809

1 Northeast 167th Street, and place of
2 employment is Jockey Club Phase II,
3 11111 Biscayne Boulevard.

4 MS. METZ: Mr. Maxwell also mentioned
5 how beautiful the new Moneo building was
6 going to be. I can speak for all the
7 residents of Building I and II, that that
8 building will not be as beautiful as our
9 current view of Biscayne Bay. I want to
10 show you where I live and where all my
11 neighbors live. In this building I live
12 right here (indicating). One of my good
13 friends lives right next to me in this
14 corner unit (indicating).

15 We currently have a whole view of
16 Biscayne Bay, which when we purchased our
17 units and moved in here, we purchased it
18 with the knowledge of that was our view.
19 We didn't purchase it thinking, you know
20 what, I bet someone is going to come and
21 put a garage on top of our pool, and we're
22 going to have a big tall, you know,
23 building twice the height of this building
24 right in front of us.

25 I think it's very clear -- multiple

1 people have mentioned the height
2 restrictions and what goes along and what
3 is consistent with the community.

4 Anyone seven years ago in their right
5 mind moving into any one of these
6 buildings would never imagine a building
7 of this height being built right in front
8 of them. If you look around up and down
9 the street, yes, you might imagine a
10 building of 20 stories being built
11 somewhere in your vicinity. That is not
12 what we have here.

13 CHAIRMAN GONZALEZ: She's got one
14 minute left.

15 Are you done?

16 MS. METZ: To the residents of
17 Building III who've just bothered to show
18 up tonight because you guys have been
19 paid, we appreciate that you want to be
20 vocal tonight, but we've been doing this
21 for a year --

22 CHAIRMAN GONZALEZ: There's no
23 comments necessary like that.

24 MS. METZ: -- so you can calm down.

25 CHAIRMAN GONZALEZ: Thank you, ma'am.

1 MS. METZ: So regardless of your
2 decision today, I just want everyone to
3 know that we're going to be using all of
4 our resources to fight this project. It's
5 not what our community wants, it's not
6 what any of our neighbors want, and it's
7 not good for the Jockey Club.

8 Thank you.

9 CHAIRMAN GONZALEZ: Anyone else for
10 the objection?

11 MR. KERBEL: Mr. Chair, hold on.
12 We -- I think when we were trying to take
13 a head count before --

14 CHAIRMAN GONZALEZ: There's six.

15 MR. KERBEL: -- we had six. Are we
16 still within that?

17 AN AUDIENCE MEMBER: I'm waiting.

18 MR. KERBEL: Okay.

19 CHAIRMAN GONZALEZ: So we have two
20 more. One and one. Okay.

21 MR. KERBEL: Okay. I am concerned
22 about finishing the hearing and giving an
23 appropriate amount of time for --

24 CHAIRMAN GONZALEZ: Okay.

25 MR. KERBEL: -- rebuttal.

1 CHAIRMAN GONZALEZ: Name and address.
2 Three minutes.

3 MR. ARANTES: Sure. My name is
4 Wellington Arantes. I live at Jockey Club
5 Phase II, 11111 Biscayne Boulevard.

6 MR. KERBEL: Wait. Hold on a minute.
7 We have lost one of our board members, and
8 if he doesn't hear the whole presentation,
9 he can't vote.

10 If anybody needs a bathroom break.
11 Let's take a break, because otherwise he
12 can't vote if he misses it.

13 CHAIRMAN GONZALEZ: Let's take a
14 three-minute break.

15 MR. KERBEL: Or less.

16 (Thereupon, a short break was had,
17 after which the following transpired:)

18 CHAIRMAN GONZALEZ: We're about to
19 start. Everyone, we're about to start.
20 Please have a seat.

21 Okay. I just want to set one rule
22 regarding clapping. So if you are in
23 favor of something they're saying, you can
24 clap by doing this to your hand
25 (indicating). If you're not, you can do

1 this (indicating). But there's no
2 clapping, no booing. Let's get this
3 moving, okay? Thank you.

4 Yes. Name and address for the
5 record. You have three minutes.

6 MR. ARANTES: My name is Wellington
7 Arantes. I live at Jockey Club Phase II,
8 11111 Biscayne Boulevard.

9 I would like to discuss and go back
10 to the purpose why we're here. It's
11 zoning. And aside from zoning, you guys
12 have the responsibility of planning for
13 the future and growth. That is what the
14 purpose of this is.

15 Part of growth is to change zoning.
16 That's part of it. We get it. But now
17 let's really investigate what is being
18 proposed. How does it actually look?
19 Yes, this is a nice model, but it's
20 actually not showing all of the
21 components. It is not at full mass. It
22 doesn't show all of the parking and the
23 cars.

24 Now, let's think of those cars
25 leaving at seven o'clock in the morning,

1 being on a two-lane road. Plus we know
2 that there's going to be growth, plus
3 development coming up. That's what we
4 want.

5 Now think of all the surrounding area
6 within a mile -- not even, 700 feet -- and
7 all of these cars. Where are they going
8 to go? Light pollution, sound.

9 This is beautiful, but now let's
10 think about having all of these unit
11 owners -- if it gets built this way, how
12 would they interact in here? Is it even
13 feasible? Yes, there's green space. Does
14 anybody play tennis on a rooftop and have
15 an issue with balls -- with air?

16 Let's take a study and please
17 evaluate actually all the component, which
18 are not all shown. Green space, parking
19 space, bare minimum of turning radiuses.
20 People's cars are changing all the time.
21 And when we're seeing 25-foot turns and
22 10-foot ceilings for parking, three-foot
23 parking, I mean, we really need to look at
24 it from a grand scheme of things, and
25 these things don't actually add up even

1 for the future.

2 So please look at our surrounding
3 neighborhood, our infrastructure, and its
4 growth. Make your decision based on that.
5 Because the growth of this, it doesn't
6 look like it would work, or at least it
7 wouldn't be a nice place to live.

8 Thank you.

9 CHAIRMAN GONZALEZ: No clapping,
10 please. No clapping.

11 MS. NOEL: My name is Beatrice Noel.
12 I live at 11111 Biscayne Boulevard, Tower
13 II. I have been an owner of the apartment
14 since 1980. That is 37 years.

15 When it was -- it existed as a club
16 for the next 15 years. In '95, the club
17 went under, and the complex became a
18 private residential multi-family complex.
19 And for 22 years to date, it has been
20 managed that way.

21 Regarding their -- in other words,
22 there is no public access. We're not
23 talking about a hotel, a restaurant, a
24 spa, or any other type of amenity. It is
25 private.

1 Regarding the project, this is the
2 first time, members of this Board, that I
3 have seen this particular model. And that
4 means all of us in Building I and Building
5 II have never seen this. It seems to me
6 that that should have been an M.O. to
7 start with so that we understand how it's
8 positioned. Because seeing a flat thing
9 like that, you have no idea what covers
10 us.

11 And in my case --

12 CHAIRMAN GONZALEZ: Speak to the mic.

13 MS. BEATRICE: -- since I live in
14 Building II, to tell me that we're not
15 going to be blocked, I think we have to be
16 blind.

17 The second thing here is regarding --
18 the first model that we ever saw was in
19 February 2015, which was a piece of
20 Styrofoam on a piece of flat paper that
21 was traveling around, and we had no idea
22 what was being developed.

23 When it comes to the Apeiron or the
24 developer, to the best of our knowledge,
25 the -- this particular developer has never

1 developed, constructed, or completed any
2 residential or commercial project in
3 Miami, in Miami-Dade, in South Florida, in
4 Florida, or the United States.

5 When our board met with them, they
6 requested specifics about what the person
7 had built, and a lot of other conditions.
8 Not one piece of paper was ever presented
9 to our board in Building II or Building I.

10 When it comes to people who buy at
11 the Jockey Club, why they bought or why
12 they buy is because it is an ample place,
13 peaceful. It has green areas and has bay
14 views. Because it's a private location,
15 and it is secure. Because it's pro
16 children, because we have places where the
17 children can play, and not be run over by
18 cars. Because there is no risk, because
19 it's not public.

20 We didn't have a hotel, and we know
21 very well that hotel garages and places
22 like that increase the level of risk and
23 crime.

24 When it comes to the issue of
25 traffic, with what we have already, we

1 have a hard time getting out of our
2 residences because Biscayne Boulevard is
3 an absolute mess when it comes to traffic.
4 And we're lining up halfway down the
5 property to get out of the place.

6 When it comes to the project as
7 presented --

8 CHAIRMAN GONZALEZ: You have five
9 seconds left.

10 MS. NOEL: Right. It will impact
11 security, it will be unbearable traffic,
12 it will be a concrete jungle of parking
13 garages, obstruct the bay views, and the
14 project will be built over easement
15 rights that we have.

16 CHAIRMAN GONZALEZ: Ma'am, your time
17 is up.

18 MS. NOEL: So at this point, I
19 recommend that this not be accepted.

20 Thank you.

21 CHAIRMAN GONZALEZ: No clapping.
22 Guys. We're done.

23 Rebuttal?

24 MR. KERBEL: At this point I
25 recommend closing the public hearing and

1 giving the applicant time for rebuttal.

2 CHAIRMAN GONZALEZ: Okay. Is there
3 any more speakers on the pro side, or no?
4 Done? Okay.

5 Close the public hearing. Rebuttal.

6 MR. MAXWELL: Very briefly, you know,
7 I don't envy your decision. You have a
8 lot of folks on both sides of the issue,
9 so it's not easy. But you're not here
10 really to take a poll or to take a vote,
11 you're here to consider what's called
12 competent and substantial evidence to
13 support or not an application.

14 And what we've done is we did not
15 have any number of residents who could
16 have complained or supported us in any
17 other way. But our focus was on the
18 evidence that is before you today. No one
19 came here to provide you any evidence on
20 traffic, any evidence on the seawall.
21 They all provided their viewpoints, which
22 are legitimate in their own way, but it's
23 not evidence of the type that supports a
24 zoning decision.

25 And I respectfully submit that this

1 site plan has been reviewed, and the legal
2 issues that have been raised have been
3 analyzed not just by us, but by the only
4 impartial entity here tonight, which is
5 the County staff and the County Attorney's
6 Office.

7 As you can see from the zoning map,
8 this is a bedeviled property. On the
9 north you have a nice RU-4M, RU-4, RU-4L.
10 They all make their own sense. They have
11 their own logic. The code was designed
12 for those kinds of spaces.

13 The code was not designed for this
14 type of situation where you have these
15 five different zoning codes, and you have
16 a master plan.

17 And so for all those very unique
18 reasons, the County staff has looked hard
19 at how to apply this code to this project
20 and to this property, and we're very
21 gratified that they have unanimously
22 recommended approval. And we rely on
23 their judgement and not, you know,
24 bringing all this other attention to
25 our -- to our application.

1 A couple things I wanted to clarify.

2 We don't own the -- we do not own the
3 property to the north of us. That is not
4 part of this application.

5 With respect to the traffic issues,
6 we were with the traffic department for
7 over seven months going through the
8 traffic analysis, and they approved our
9 larger project when we had the two towers.
10 They thought, and their professional
11 judgment was that that project would work.
12 Certainly now that we've scaled it back,
13 the traffic issues are consistent with
14 what the code requires.

15 There is no such thing as shadow
16 pollution. Of course Jockey I, II and III
17 don't maintain their shadows on their own
18 property.

19 The staff has looked very hard at a
20 very difficult and very complicated
21 project that has, as Mr. Schulman pointed
22 out, bedeviled a lot of folks. But you
23 have someone here who's determined to do a
24 very good project that you're going to be
25 very proud of.

1 And we thank the County staff for
2 their hard work in getting it right and
3 getting it before you.

4 I would respectfully ask for your
5 approval. Thank you.

6 CHAIRMAN GONZALEZ: Can we talk about
7 the -- the comments on the Comprehensive
8 Plan? I mean, that's been reviewed and
9 that's been --

10 MR. KERBEL: Yeah, let me address --
11 the Comprehensive Plan, Ms. Schulman was
12 generally correct. It is your
13 constitution.

14 What's important about this project
15 is the zoning -- the different zoning
16 districts predate the Comprehensive Plan,
17 and in the urbanized area -- so everything
18 inside the urban development boundary --
19 the Comp Plan says that existing unit --
20 existing zoning is deemed to be compatible
21 and consistent with the Comp Plan.

22 So there is a disconnect between the
23 low/medium category and the zoning on the
24 site. But it's not illegal, and it's not
25 inconsistent with the Comp Plan because

1 the Comp Plan itself tells you that you
2 can continue to rely and act on and under
3 those zoning categories.

4 And so for example, one of the
5 category is RU-4, which is high-density
6 apartment. Another one is BU-2, which is
7 business and office. Neither of those
8 zoning districts could be granted today
9 under the Comp Plan, but they are entitled
10 to use them in their development
11 proposals.

12 And as for the variances, what the
13 Comp Plan tells you is you have to examine
14 compatibility. That's the hardest
15 standard before you. That's the one that
16 says in a colloquial way, does this fit in
17 this area, does it look like or will it --
18 is it appropriately buffered from other
19 parts of the area that are different from
20 it.

21 And the use variance standard is of
22 course the hardest one of all.
23 Mr. Tucker -- Mr. Gibbs did appropriately
24 present the standard. As to that, you
25 have the County staff report that is

1 fact-specific as to the unique
2 configuration of this parcel.

3 I don't know if Mr. Maxwell wants to
4 supplement that in any way to make a
5 hardship proffer, but that is the standard
6 that guides the use variance, and it is a
7 hard standard to meet.

8 So I think those are the -- but
9 that's under the compatibility analysis.

10 CHAIRMAN GONZALEZ: And staff has
11 reviewed that and is comfortable with
12 that.

13 MR. KERBEL: Staff recommended
14 approval. We believe it is legally
15 defensible.

16 CHAIRMAN GONZALEZ: Thank you.
17 Do you want to add something else to
18 it?

19 MR. MAXWELL: No, I --

20 MR. KERBEL: As the Board begins its
21 deliberation, the one thing I want to -- I
22 want to point out, this application is
23 unusual not only on its own merits, but
24 because it is also accompanied by what
25 Mr. Hernandez had alluded to about vested

1 rights.

2 The Jockey I and II filed a
3 determination as to vested rights.
4 Normally this is made by the applicant
5 when they see a denial coming. In this
6 case it's the objectors who see an
7 approval coming, and their contention is
8 that by approving the project, their
9 vested rights would be violated.

10 The County has a process to review
11 that application. It went through the
12 developmental impact committee. The
13 developmental impact committee
14 recommendation is in your packet.

15 The recommendation of the committee
16 is that approval of the application would
17 not be an abrogation of vested rights.
18 And so, accordingly, when you -- as you're
19 making your deliberations, and as you're
20 deciding on a motion, if the motion is to
21 approve, it should also include a motion
22 to deny the vested rights application so
23 that then they have a final decision that
24 they can take whatever is the next step
25 for them, Jockey I and II, under that

1 application.

2 So with that stage set, we're here
3 for questions.

4 CHAIRMAN GONZALEZ: One of the points
5 that were brought up was that the -- in
6 the County there's a 600-foot-high
7 building max, right.

8 MR. KERBEL: I'm sorry?

9 CHAIRMAN GONZALEZ: We said that --
10 one of the -- one of the comments that
11 were made was that there was a 600 feet
12 max for the County. Is that a fact?

13 MR. KERBEL: There's -- let me have
14 Mr. Vital from zoning services -- from
15 development services address that.

16 MR. VITAL: That is correct.
17 Actually, if you look at Request Number 6,
18 it's requesting to permit a proposed
19 condominium and hotel building with a
20 building height of 548 feet where 284 feet
21 and 10 inches is permitted.

22 CHAIRMAN GONZALEZ: Right.

23 MR. VITAL: So it's not 600.

24 CHAIRMAN GONZALEZ: Right. But
25 it's -- but the max in the County is not

1 600. There's buildings that are higher
2 than that.

3 MR. VITAL: Correct.

4 CHAIRMAN GONZALEZ: I mean --
5 correct. It's not -- I understood --

6 MR. VITAL: What they're proposing --

7 CHAIRMAN GONZALEZ: Is 548.

8 MR. VITAL: -- is 548.

9 CHAIRMAN GONZALEZ: Okay.

10 MR. VITAL: Correct.

11 CHAIRMAN GONZALEZ: Got it. Okay.

12 Do you have any questions, you guys?

13 COUNCILWOMAN RUTHERFORD: I was asked
14 if I had any questions, but my -- the
15 questions that I wrote down were answered
16 as we went through the presentation.

17 CHAIRMAN GONZALEZ: Can you talk to
18 the six foot three separation between the
19 new building and the existing building
20 that was mentioned?

21 MR. MAXWELL: Right. So one of the
22 that issues --

23 CHAIRMAN GONZALEZ: It seems so -- I
24 mean, so tight. It doesn't even seem
25 real.

1 MR. MAXWELL: I'll have to look at
2 the site plan for a minute.

3 CHAIRMAN GONZALEZ: Is that correct?
4 I think it was stated it was from building
5 to building.

6 MR. MAXWELL: Yeah, I think -- I
7 think friends -- our friends have confused
8 two different things.

9 I don't believe that there is a
10 six-foot distance between the Jockey I
11 building and our building. That distance
12 I believe is 50 feet or 76 feet.

13 What they're speaking to is the fact
14 that part of our parking garage comes
15 close to their property line, which is
16 their parking lot. So what we are --

17 CHAIRMAN GONZALEZ: So it's not
18 between building and building?

19 MR. MAXWELL: No. No, no.

20 CHAIRMAN GONZALEZ: Okay.

21 MR. MAXWELL: It's between our
22 parking garage and their property line.
23 Remember the Swiss cheese kind of thing.

24 CHAIRMAN GONZALEZ: Right.

25 MR. MAXWELL: So part of our

1 structure is close to one of the holes.

2 CHAIRMAN GONZALEZ: So between
3 building and building there's
4 approximately 75 feet?

5 MR. MAXWELL: Yeah, there's -- I
6 mean, the fire department reviewed all
7 this.

8 CHAIRMAN GONZALEZ: Right. I mean,
9 because I see approvals from every
10 single --

11 MR. MAXWELL: Yeah, the fire
12 department, we spent a lot of time with
13 fire, and we are -- we're like -- we spent
14 a lot of time with the fire department,
15 and --

16 CHAIRMAN GONZALEZ: Right. I see
17 fire, police, public works, recreation,
18 traffic, everything is no objection. So
19 that has to be, you know, on code.

20 MR. MAXWELL: That's already
21 accounted for.

22 CHAIRMAN GONZALEZ: The parking
23 garage, with the -- it's the parking
24 that's on the existing space, you said
25 that's going to be a garage now? A

1 three-story garage; is that correct.

2 MR. MAXWELL: There will be a
3 three-story garage in the middle of the
4 property that will service the two
5 buildings.

6 CHAIRMAN GONZALEZ: Which buildings?
7 The new buildings.

8 MR. MAXWELL: The two new buildings,
9 that's right.

10 CHAIRMAN GONZALEZ: Okay. So it's
11 actually two separate buildings, right?

12 MR. MAXWELL: Well, it's connected.

13 CHAIRMAN GONZALEZ: Connected, yeah.
14 Okay.

15 MR. KERBEL: On the microphone,
16 please. No sidebars.

17 CHAIRMAN GONZALEZ: He's pointing out
18 the parking spot to me.

19 Is the -- is the marina part of --
20 that's being developed part of the entire
21 Jockey Club?

22 MR. MAXWELL: Yeah, so --

23 CHAIRMAN GONZALEZ: All buildings?

24 MR. MAXWELL: So as we -- as I noted
25 before, the 19 -- and as staff pointed

1 out, the 1979 site plan still governs, and
2 we're asking to amend it.

3 We would be rebuilding the marina to
4 the 1979 site plan. And we're in
5 permitting for that now, and if this
6 project is approved, we would be moving
7 very quickly on that.

8 CHAIRMAN GONZALEZ: Okay. Counsel,
9 just a question regarding the -- you know,
10 all the comments regarding these other
11 legal issues. There are all outside of
12 this approval. Those will continue on
13 their own separate.

14 MR. KERBEL: You mean in terms of the
15 easement rights and whether they have the
16 right to build?

17 CHAIRMAN GONZALEZ: Exactly.

18 MR. KERBEL: Yes. I will say it's
19 outside the scope of this proceeding.
20 Obviously if they don't have the right to
21 build on that site, they may have to come
22 back with an amended plan, and so you may
23 see this again if they don't get those
24 rights, but you don't have to decide that.

25 CHAIRMAN GONZALEZ: Correct.

1 MR. KERBEL: It's something that a
2 court of competent jurisdiction would
3 determine --

4 CHAIRMAN GONZALEZ: Right.

5 MR. KERBEL: -- and is currently
6 hearing.

7 CHAIRMAN GONZALEZ: Which it's
8 currently in the process.

9 MR. KERBEL: Yes.

10 CHAIRMAN GONZALEZ: Okay. You guys
11 want to -- do you have any questions?

12 COUNCILMAN CURTES: How big of a deal
13 is the seawall?

14 MR. MAXWELL: It's a big deal. It
15 protects the upland from the ocean. Part
16 of the challenge for Apeiron is that we
17 don't have an agreement on how certain
18 costs are going to be shared.

19 There are permitting issues involved
20 with that as well, but obviously the
21 seawall is going to be an issue that has
22 to be immediately addressed.

23 COUNCILMAN CURTES: I see here where
24 the Army Corps of Engineers and DERM, are
25 these people in the conversations?

1 MR. MAXWELL: Yes. So we went to
2 DERM. They've approved our project. Part
3 of our proposal would call for enhanced
4 elevation to deal with high sea level -- a
5 higher sea level. So our civil engineer
6 is here as well, and he can address those
7 in greater detail.

8 CHAIRMAN GONZALEZ: Has a developer
9 sat down with the other -- the other
10 associations to come up with, you know, an
11 agreement?

12 MR. MAXWELL: Yeah, it's unfortunate.
13 You know, our recollection of events is a
14 little different than our opponents. And
15 we've met with different board members
16 over the -- over this period of time.

17 I personally met with the president
18 of Jockey I back in the day, and we -- at
19 different points it seemed like the
20 parties were close to an agreement, but
21 they haven't been able to reach an
22 agreement.

23 There is conflicts between the Jockey
24 Clubs themselves, and there's a conflict
25 with them and us. They've been sent to

1 court-ordered mediation I believe three
2 times. And in our view we're -- we've
3 tried to be reasonable, and we're open to
4 working out something that makes sense,
5 but we just haven't been able to get
6 there.

7 CHAIRMAN GONZALEZ: Because if this
8 does move forward, you are going to kind
9 of be together and live in this community,
10 right?

11 MR. MAXWELL: We'll have to get
12 along.

13 CHAIRMAN GONZALEZ: So it's about
14 getting along and --

15 MR. MAXWELL: Yeah.

16 CHAIRMAN GONZALEZ: -- working things
17 out.

18 Is the vision the developer has of
19 this area, you know, these high-rise -- I
20 mean the high-rise condos, I mean, is this
21 something that -- where maybe the -- where
22 the area is moving towards?

23 MR. MAXWELL: I don't think so. I
24 think this is what's really remarkable
25 about this property. It's 23 acres. It's

1 big. And it has this grandfathering that
2 the County Attorney talked about that
3 allows for this density. And then you
4 have the challenges with the zoning map
5 the way it is.

6 This is not, in my judgment, going to
7 set a trend up and down the street,
8 because it's -- you don't have the same
9 type of entitlements, you don't have the
10 same type of depth.

11 And again, we could do smaller
12 buildings, but we'd have to really in our
13 judgement destroy something that has been
14 described as, you know, a central park, an
15 open space.

16 And we believe that all we've done is
17 taken a sliver of what is allowed, done it
18 in an intelligent way to create as much
19 open space as possible.

20 CHAIRMAN GONZALEZ: You know what the
21 percentage of green space is to building
22 in the entire -- in the property.

23 MR. MAXWELL: I don't know that off
24 the top of my head, but we --

25 CHAIRMAN GONZALEZ: I mean, it seems

1 like a lot.

2 MR. MAXWELL: It is a lot. We by far
3 exceed --

4 CHAIRMAN GONZALEZ: What is --
5 obviously what is required.

6 MR. MAXWELL: -- what is required.

7 CHAIRMAN GONZALEZ: Yeah.

8 MR. MAXWELL: That's what -- that's
9 why we're doing this. I mean, you really
10 just nailed it. This is green space, it's
11 open, it's beautiful, and that's why we've
12 designed it -- well, I didn't, but someone
13 a lot smarter than me. That's why they
14 designed it this way, to really preserve a
15 very unique property.

16 CHAIRMAN GONZALEZ: The original
17 designs that you guys had for the
18 buildings, were they different heights,
19 or?

20 MR. MAXWELL: No, I think the
21 Jockey -- sorry, the Apeiron I was
22 basically always this high. We had a
23 second building that would have been to
24 the south near Jockey II. That was in our
25 initial application.

1 We felt, again, that we were only
2 taking up a very small amount of our
3 entitlement. But County staff felt that
4 that building would probably have much of
5 an impact on the single-family homes, and
6 they were not comfortable recommending
7 approval of the second building. So, you
8 know, we had our considerations, and we
9 decided to drop the second building.

10 And you'll notice that Jockey III
11 already blocks the single-family view that
12 would be impacted by this building. So I
13 think staff was much more comfortable
14 recommending this building at that
15 location than they were with the second
16 building.

17 So that's why -- you know, we wanted
18 staff's recommendation of approval, and
19 so we dropped it.

20 CHAIRMAN GONZALEZ: It seems like
21 the -- I mean, a couple of the comments
22 have come about saying that they weren't
23 -- that they had never seen this before,
24 and this was the first time. That's kind
25 of surprising me.

1 We've been at this for a year now,
2 and there hasn't been communication to the
3 residents in the area showing -- kind of
4 trying to sell them on it? I mean,
5 explain to them what -- how this will
6 beautify their community or not, or have
7 some community input meetings on the
8 property?

9 MR. MAXWELL: Our -- we certainly
10 don't believe that is the case. We had
11 several events where we invited everyone
12 from the community. Our first customers
13 are the residents of Jockeys I, II, and
14 III.

15 CHAIRMAN GONZALEZ: Uh-huh.

16 MR. MAXWELL: Those are the first
17 folks that we hope would be interested in
18 purchasing a unit --

19 CHAIRMAN GONZALEZ: Of course.

20 MR. MAXWELL: -- in this development.
21 So we've done -- believe me, we have been
22 reaching out to these folks.
23 Unfortunately, they kind of went to the
24 lawyers, and most of the communication now
25 is between attorneys, and we have not had

1 the type of conversations that you would
2 normally have without a -- without a legal
3 process.

4 But we met with the boards repeatedly
5 throughout this process. This has been
6 made available. We've tried to
7 communicate to the residents directly with
8 mailings, and the site plan of course is
9 online for a year. And it's been
10 available for review.

11 And so we've unfortunately talked a
12 lot through the court case --

13 CHAIRMAN GONZALEZ: Okay.

14 MR. MAXWELL: -- and so that's where
15 we're at.

16 CHAIRMAN GONZALEZ: Any more
17 questions.

18 VICE CHAIR IMBURGIA: I'm good.

19 CHAIRMAN GONZALEZ: No more
20 questions? Do you have any more
21 questions?

22 MR. CURTES: No, I'm good.

23 CHAIRMAN GONZALEZ: At all?

24 MR. CURTES: They've pretty much
25 answered everything. I was just telling

1 him, they rerouted some roads, so some of
2 the accesses doesn't work, like 11 --
3 111th Street and 112th Street, you can't
4 really access them to get to the
5 Jockey Club. But not many people use them
6 anyway so I'm not worried too much about
7 it.

8 CHAIRMAN GONZALEZ: So, I mean, if
9 there's no more questions, then are the
10 members ready for a motion?

11 VICE CHAIR IMBURGIA: Yes, we are.

12 CHAIRMAN GONZALEZ: You guys are
13 ready for a motion? Okay.

14 Is there a motion to approve or deny
15 the application that is on the Board --

16 VICE CHAIR IMBURGIA: I'll make a
17 motion to approve along with the --

18 MR. KERBEL: So it's -- okay. So
19 it's a motion to approve per staff's
20 recommendation with conditions one, two
21 and three, because Condition Number 4
22 is --

23 VICE CHAIR IMBURGIA: Okay. Staff's
24 recommendations with conditions one, two
25 and three.

1 MR. KERBEL: Because, as we
2 discussed, four is no longer necessary.

3 VICE CHAIR IMBURGIA: Four is no
4 longer necessary.

5 MR. KERBEL: And to deny the
6 application for vested rights.

7 VICE CHAIR IMBURGIA: Okay. Deny the
8 application for vested rights.

9 CHAIRMAN GONZALEZ: Is there a second
10 to the motion?

11 COUNCILMAN CURTES: Yes, I second it.

12 CHAIRMAN GONZALEZ: Does everyone --
13 just one question, staff and legal.

14 Does everyone have to agree or deny
15 it? Does it have to be unanimous?

16 MR. KERBEL: No. No it just has to
17 be a majority vote.

18 CHAIRMAN GONZALEZ: Got it. I just
19 want to make sure, because we never had
20 that.

21 MR. VITAL: Councilman Curtes?

22 COUNCILMAN CURTES: Yes, I agree with
23 the proposal.

24 MR. VITAL: Councilman Persaud?

25 COUNCILMAN PERSAUD: Yes.

1 MR. VITAL: Councilwoman Rutherford?

2 COUNCILWOMAN RUTHERFORD: Yes.

3 MR. VITAL: Vice Chair -- Vice
4 Chairman Imburgia?

5 VICE CHAIR IMBURGIA: Yes.

6 MR. VITAL: Chairman Gonzales?

7 CHAIRMAN GONZALEZ: Approve per
8 staff's recommendation.

9 MR. VITAL: Motion passes five to
10 zero.

11 (Thereupon, the proceeding was
12 concluded at 9:10 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
)SS)
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, certify that all witnesses personally appeared before me on this 8th day of November 2017, and were duly sworn.

JANNETT TAYLOR-BROWN,
Court Reporter.
Notary Public, State of Florida.
My Commission #GG 157749
My Commission Expires:
12-27-2021

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 7 on November 8, 2017; and that Item Number 15-088, APEIRON MIAMI, LLC. ET AL, was heard; and that the foregoing pages, numbered 1 to 137, inclusive, constitute a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 2nd day of January 2018.

JANNETT TAYLOR-BROWN
COURT REPORTER

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

PH: Z16-106

April 26, 2018

Item No. 1

Appeal Application Summary	
Commission District	8
Applicant	South Riviera Investments No. 2, Inc.
Summary of Requests	The applicant is seeking a district boundary change or in the alternative setback variances to permit a private school on the subject property for 850 students in grades K-8. Additionally, the applicant is requesting to permit driveways and parking within 25' of the right-of-way, and to permit outdoor recreation space less than permitted by code.
Location	Northwest corner of SW 248 th Street and SW 120 th Avenue, Miami-Dade County, Florida.
Property Size	4.43-Acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant
2020 - 2030 CDMP Land Use Designation	Estate-Density Residential, 1 - 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with interpretative text, goals, objectives and policies of the CDMP

CZAB Action

CZAB 15 November 14, 2017	Denied With Prejudice (Resolution #CZAB15-11-17)
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Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC members present)
Previous Recommendation to the CZAB	Denial without prejudice of request #1, withdrawal of requests #2 and #3, denial without prejudice of requests #4, #5 and #6. (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On November 14, 2017, the Community Zoning Appeals Board (CZAB) #15, denied with prejudice the subject application (Resolution #CZAB15-11-17).
2. On November 22, 2017, the applicant, South Riviera Investments No. 2, Inc., appealed the CZAB #15 decision to the BCC.
3. On February 21, 2018, the Appellant submitted revised plans with lesser impacts generated from the proposed private school by effectively lowering the student count to 750 students and increasing the provided outdoor recreation play area to 109,349 sq. ft. (209,925 sq. ft. required), in order to appeal CZAB #15's decision.

Analysis

Based on the Appellant's letter of intent the number of students requested for the proposed private school has now been reduced from 850 to 750. Moreover, an additional 20,000 sq. ft. of rooftop outdoor recreational space has been also added to bring up the total number of organized sports/play area to 109,349 sq. ft. where 86,204 sq. ft. was previously provided. The proposed reduction by 100 students results in a 209,925 sq. ft. of playground area now required; whereas the 109,349 sq. ft. of outdoor play area being provided by the applicant represents approximately 52% of that minimum required by Code where 41% was previously provided. Therefore, in the opinion of staff, the 109,349 sq. ft., combined with a staggered shift in recess and physical education time, would be acceptable level of outdoor recreational space to adequately serve the students. Furthermore, staff's traffic area analysis for the proposed total of 750 students now show 779 projected new AM peak hour vehicular trips (104 less external trips during the AM peak hours from the 883 external new trips during AM peak hours as was projected before). Specifically, there will now be a projected 18% increase in volume of AM peak hour trips along SW 248 Street based on the revised plans (lower compared to the 42% projected before based on the initial proposal), with the projected Level of Service (LOS) remaining at "B". For these aforementioned reasons, staff is supportive of the application and opines that the Appellants' request for a reversal of the CZAB #15 decision should be **approved with conditions.**

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor 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 " South Riviera 2 School" as prepared by Villa & Associates Inc., dated stamped received February 21, 2018, consisting of 9 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type, size of plant material, and compliance with DERM conditions prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.
5. That the applicant shall 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 may be contained in its memorandum dated June 22, 2017.
6. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated October 18, 2016.

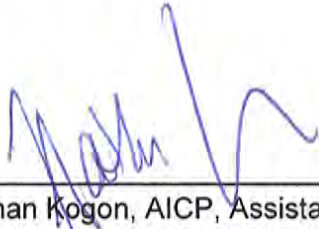
7. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
9. That at the time of each annual Certificate of Use renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.
10. That the private school use be limited to grades K – 8th and be limited to a maximum of 750 students.
11. That there will be three (3) arrival and dismissal staggered shifts for students at the private school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

Arrival Times/Departure Times

7:30 a.m. to 2:00 p.m. Grades K-1
8:00 a.m. to 2:30 p.m. Grades 2-5
8:30 a.m. to 3:00 p.m. Grades 6-8

12. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
13. That at the time of each annual Certificate of Use renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter or approved form from the Department of Transportation and Public Works showing that the school facility is in compliance with the traffic impact study and the TOP that was submitted as part of the hearing application.
14. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
15. That the waste pick-up for the private school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
16. That Private School related night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
17. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.

NK:JB:NN:JV:SS

A handwritten signature in blue ink, appearing to read 'Nathan Kogon', written over a horizontal line.

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 15**

PH: Z16-106

November 14, 2017

Item No. A

Recommendation Summary	
Commission District	8
Applicant	South Riviera Investments No. 2, Inc.
Summary of Requests	The applicant is seeking a district boundary change or in the alternative setback variances to permit a private school on the subject property for 850 students in grades K-8. Additionally, the applicant is requesting to permit driveways and parking within 25' of the right-of-way, and to permit outdoor recreation space less than permitted by code.
Location	Northwest corner of SW 248 th Street and SW 120 th Avenue, Miami-Dade County, Florida.
Property Size	4.43-Acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Estate-Density Residential, 1 - 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with interpretative text, goals, objectives 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 Variances from other than airport regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice of request #1, withdrawal of requests #2 and #3, denial without prejudice of requests #4, #5 and #6.

This item was deferred from the September 27, 2017 meeting of Community Zoning Appeals Board (CZAB #15) to allow the applicant to meet with opponents from the surrounding neighborhood. Subsequently, this application was deferred again from the October 24, 2017 meeting on applicant's request to work with the neighbors and in order for staff to address a revised plan that was submitted by the applicant on 10/16/2017.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE from AU, Agricultural District to EU-M, Estates Modified District.
2. NON-USE VARIANCE to permit a proposed private school building setback 59' (75' required) from the interior side (west) property line. [**Withdrawn per new plan.**]

OR IN THE ALTERNATIVE TO REQUESTS #1 and #2, THE FOLLOWING:

3. NON-USE VARIANCE to permit a proposed private school building and playground area setback a minimum of 33' from the rear (north) property line, setback a minimum of 28' from the interior side (west) property line, setback a minimum of 39' from the side street (east)

property line and setback a minimum of 105.8' from the front (south) property line (250' required for all). **[Withdrawn per the applicant's request.]**

4. SPECIAL EXCEPTION and UNUSUAL USE to permit a private school with grades Kindergarten through 8th.
5. NON-USE VARIANCE to permit a private driveway and parking areas within 25' of an official right-of-way (not permitted).
6. NON-USE VARIANCE to permit 86,204 sq. ft. of outdoor recreation space (251,580 sq. ft. required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "South Riviera 2 School" as prepared by Villa & Associates Inc., consisting of sheets A-1, A-2, L-1, L-2 dated stamped received 10/16/17, and sheets A-4, A-5, A-6 dated stamped received 9/12/16, for a total of 7 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The first submitted plans from 9/12/16 depict the proposed K-8th grades private school on the 4.43-acre subject property abutting SW 248 Street located to the south. Said plans indicate the proposed school comprised of a two (2) story building with 63,120 sq. ft. of area located on the south portion of the subject property. Parking and driveways internal to the site are shown in front of the proposed building towards the south and to its sides, with ingress and egress areas along SW 120 Avenue. An 86,204 sq. ft. outdoor playground area is provided in the northern portion of the subject property.

However, a revised plan was submitted by the applicant on 10/16/2017, which is within the scope of the ad, and now shows the proposed two (2) story school building shifted slightly eastward in order to provide the required setback from the interior side (west) property line. The applicant intends to withdraw request #2 based on these revised plans which eliminate the need for a setback variance.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant	Estate Density Residential (1 to 2.5 dua)
North	AU; vacant	Estate Density Residential (1 to 2.5 dua)
South	RU-1Z; single-family residences RU-1M(a): single-family residences	Low Density Residential (2.5 to 6 dua)
East	AU: single-family residences, vacant	Estate Density Residential (1 to 2.5 dua)
West	AU; single-family residences	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in the northwest corner of SW 248 Street and SW 120 Avenue. The area surrounding the subject property to the north, east and west is primarily characterized by estate density single family residences and some vacant parcels. Additionally, there are RU zoned existing single-family residences to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with educational services. Staff notes that the Platting and Traffic Review section of the Department of Regulation and Economic Resources (RER) indicates in their memorandum that the application does not exceed the acceptable Level of Service (LOS) in the area. However, the requested variances could have a negative visual impact and bring additional noise and traffic to the surrounding residential area. Additionally, the lack of adequate playground area could have a negative impact on the proposed educational facility.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated **Estate Density** Use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). *The Master Plan indicates that other uses permitted in residential communities are neighborhood and community services including **schools** only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Additionally, existing uses and zoning classifications are not specifically depicted on the LUP map; however, all existing lawful uses and zoning deemed to be consistent with the CDMP.* As such, staff opines that the proposed EU-M zoning district boundary change, including the proposed private school would both be **consistent** with the uses allowed under the Estate Density Residential Land use category text and the density threshold of CDMP Estate Density Residential Communities LUP map designation.

Furthermore, another section of the CDMP Land Use Element interpretative text for Institutions, Utilities and Communications indicates that *neighborhood or community-serving institutional uses, including **schools**, in particular, may be approved where compatible **in all urban land use categories**, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A.* Further, the **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, **access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety**, as applicable.* Additionally, **Policy LU-4C** of the CDMP's interpretative text states that *residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.*

Staff is of the opinion that due to the location of the site, the proposed private school for 850 students could have a negative visual and aural effect on the surrounding properties. Staff opines that an efficient and functional traffic circulation pattern is an essential component of a private school use in order to avoid traffic conflicts within the site during arrival and dismissal times and traffic spilling onto the area roadways. Staff analysis of the traffic data (see attached exhibit 'A') for adjacent area roadways, provided in the Traffic Engineering Division (TED) of the

DTPW memorandum, shows traffic being created by the proposed private school. Staff's traffic area analysis for the proposed total of 850 students show 883 projected new AM peak hour vehicular trips. Specifically, SW 248 Street will have a 42% increase in volume of AM peak hour trips (494 more trips). Although the attached traffic chart (exhibit 'A') shows substantial increase in trips along SW 248 Street due to the proposed private school, the projected Level of Service (LOS) remains at "B". Further, staff opines that by adding the additional 883 new trips to this residential neighborhood, which is comprised of existing estate residences and low density residential, the traffic in the area local roads and along SW 248 Street would be intensified. Notwithstanding, staff opines that the applicants have addressed the internal vehicular circulation to the satisfaction of the Traffic Engineering Division.

Furthermore, staff notes that although there are increased traffic impacts, the LOS continues to remain the same at "B". Based on the aforementioned analysis, staff opines that the request for a new private school use would be **compatible** as it will satisfy the criteria for compatibility outlined in **Policy LU-4A**. Moreover, staff opines that approval of same would also be **consistent** with the criteria of the CDMP provided that schools may only be approved in residential communities when compatible with the surrounding neighborhood based on the criteria set forth in **Policies LU-4A and LU-4C**.

Notwithstanding, **Policy LU-4D** states that uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts **only where proper design solutions** can and will be used to integrate the compatible and complimentary elements and *buffer any incompatible elements*. Staff opines that if the property is not rezoned to EU-M, setback variances for an AU zoned district would be required based on the submitted plans which depict a facility encroaching into all four property lines. These intensive setbacks, combined with the request for a proposed outdoor recreation space less than half of what is required, are **incompatible** with the neighborhood and therefore **inconsistent** with **Policy LU-4D** of the Land Use Element of the CDMP. Therefore, based on the provided information, staff opines that the applicant is unable to provide sufficient buffering or design elements to mitigate the negative impacts of the proposed development on the abutting estate and low density residential developments as required under **Policy LU-4A** and **Policy LU-4D** of the Land Use Element of the CDMP. As such, staff opines that with these and other conditions that will be further outlined in the zoning analysis, the application for a proposed private school of 850 students for grades K-8 would set a negative precedent for over intensive development in the surrounding properties, is **incompatible** with same and, therefore, is **inconsistent** with the goals and objectives under the interpretative text of the CDMP.

ZONING ANALYSIS:

When the request for a District Boundary Change from AU, Agricultural District to EU-M, Estates Modified District (request #1) is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **inconsistent** with the interpretative text of the CDMP and should be denied. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, 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. As such, staff opines that the applicants' request for a zone change may have a negative impact on the existing neighborhood, services and traffic flow. Currently, the subject site is located within an area characterized by vacant or agricultural land and residential uses. Staff opines that approval of the request would be out of character with and **incompatible** with the surrounding neighborhood when considering the necessity and

reasonableness in relation to the present and future development of the area concerned. Request #2 is germane to request #1 and was originally needed at the time of the first submitted plans which showed the building setback less than required from the said property line. However, staff notes that revised plans within the scope of ad were submitted by the applicant on 10/16/2017, which depict the required setbacks for an EU-M zoning district. Therefore, applicant is requesting to withdraw request #2 due to the revised site plan. **As such, staff recommends denial without prejudice of request #1 under Section 33-311 Standards for District Boundary Change, and withdrawal of request #2 under Section 33-311(A)(4)(b), Non-Use Variances Standards From Other Than Airport Regulations.**

The applicant has asked to withdraw request #3 for the indicated setback variances, notwithstanding, staff notes that if the property is not rezoned to EU-M, the alternative request #3 for setback variances is germane to the AU zoning district and would be required in order to establish the school. **As such, staff recommends withdrawal of request #3 per the applicant's request, under Section 33-311(A)(4)(b), Non-Use Variances Standards From Other Than Airport Regulations.**

Staff notes that as part of this application, the applicant submitted a Traffic Impact Study, Site plans and a School Traffic Operations Plan (TOP) to the Traffic Engineering Division (TED) of the Department of Transportation and Public Works (DTPW) for review. The DTPW has indicated in its memorandum dated June 22, 2017, that the application will generate 145 PM new Peak Hour trips based on the Institute of Traffic Engineering (ITE) standards, does not exceed the Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or storm water management. Additionally, the other departments reviewing the application including the Departments of Solid Waste Management, Water and Sewer and Miami-Dade Fire Rescue Department, do not object to the application subject to the conditions outlined in their respective memorandums.

When analyzing request #4 under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that the proposed private school is overly intensive and will set a negative precedent for over intensive development in the surrounding residential properties. The subject property is located in close proximity to SW 248 Street, a well-traveled and easily accessible section-line roadway. However, when taking into account the request to permit an outdoor recreation area of 86,204 sq. ft. (251,580 sq. ft. required) and the other requests, the proposal is too intensive and will be intrusive and out of character with the existing estate density residential community located to the north, east, west and low-density residential to the south. Staff's analysis of the adjacent area roadways shows that this application could impact traffic in the area and is **incompatible** with the surrounding neighborhood for reasons indicated above and below.

As previously mentioned, staff notes that the currently vacant 4.43-acre subject property is surrounded by single-family residential or vacant agricultural parcels. Furthermore, the standards for review under this section of the Code require that staff consider the applied for exception and use in relation to the present and future development of the area and their compatibility with same. Staff notes that based on the current designation of the surrounding properties on the LUP map of the CDMP, the future development of the area is not likely to deviate from the mix of residential and agricultural uses. As such, staff opines that the approval of the private school use, along with the greatly reduced outdoor playground area, would be overly intensive, would have negative noise and visual impacts created by the intensity of the

use onto the surrounding residential communities and would be **incompatible** with same. **As such, Therefore, staff recommends denial without prejudice of requests #4, under Section 33-311(A)(3) Special Exceptions, Unusual and New Uses.**

Similarly, when requests #5 and #6 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would negatively affect the appearance of the community. The applicant has submitted a school schedule showing how students' outdoor recreation time would be staggered throughout the school day. However, staff opines that although a staggered shift for the outdoor playground can be scheduled, but is difficult to enforce even if the applicant were to proffer a covenant for the same. Moreover, as previously mentioned, when taking into account the severity of the request, to permit the proposed school with an outdoor recreational area of 86,204 sq. ft. (251,580 sq. ft. required), the amount of outdoor play area only represents approximately 34% of the minimum required by Code, which in the opinion of staff, does not meet the intent of the Code, which is to provide for adequate outdoor play area. In staff's opinion, the request is excessive, overly intensive as it represents an over utilization of the subject property and would provoke excessive overcrowding or concentration of students in a small playground area. As such, when considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that this request will have an unfavorable effect on same, will not be in keeping with the intent of the zoning regulations and will be contrary to the public interest. Based on all of the aforementioned, staff is of the opinion that approval of request #6 would be incompatible with the surrounding area. Therefore, staff recommends denial without prejudice of request #6 under Section 33-311(A)(4)(b), Non-Use Variances Standards. Additionally, although the requested private driveway and parking areas within 25' of an official right-of-way (requests #5) are internal to the site and only affect SW 120 Avenue, this request too is germane to request #4. Staff opines that requests #5 and #6 are both contingent on the approval of request #4, which staff does not support. **As such, staff recommends denial without prejudice of requests #5 and #6, under Section 33-311(A)(4)(b), Non-Use Variances Standards From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate two (2) ingress/egress drives along the east property line abutting SW 120 Avenue. The applicant has provided 27 more parking spaces than the required 65 parking spaces for the 850 students and staff of the proposed private school.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

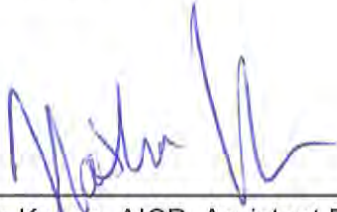
OTHER: N/A

RECOMMENDATION:

Denial without prejudice of request #1, withdrawal of requests #2 and #3, denial without prejudice of requests #4, #5 and #6.

CONDITIONS FOR APPROVAL: None.

NK:JB:NN:JV:SS



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

ZONING RECOMMENDATION ADDENDUM

South Riviera Investments No. 2, Inc.
PH: Z16-106

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Water and Sewer Department (WASD)	No objection
Department of Solid Waste Management (DSWM)	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to conditions in their memorandum.

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

<p>Agriculture (Pg. I-62)</p>	<p><i>The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida, and farm supplies, as well as sales and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship. However, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-3A.</i></p> <p><i>In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominantly and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, agricultural processing facilities for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.</i></p>
<p>Estate Density Residential (Pg. I-29)</p>	<p><i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i></p>
<p>Objective LU-4 (Page I-11)</p>	<p><i>Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i></p>
<p>Land Use Element LU-4A (Pg. I-11)</p>	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i></p>

ZONING RECOMMENDATION ADDENDUM

South Riviera Investments No. 2, Inc.

PH: Z16-106

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i> (5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
<p>Section 33-311(A)(3)(a) Special Exception, Unusual and New Uses.</p>	<p>Special exceptions (for all applications other than public charter schools), unusual and new uses. <i>Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would 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, are accessible by private or public roads, streets or highways, 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 concerned and the compatibility of</i></p>

ZONING RECOMMENDATION ADDENDUM

South Riviera Investments No. 2, Inc.

PH: Z16-106

	<i>the applied for exception or use with such area and its development.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications 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.</i>

EXHIBIT 'A'

South Riviera
Private School

Miami-Dade County

Impact Chart

Level of Service (LOS) Worksheets

850 Students

July 5th, 2017

South Riviera School

Project Generated AM Peak Hour Net New Vehicular Trips

Proposed Number of Students: 850

7:30 AM – 8:30 AM PEAK HOUR (With 3 Arrival & 3 Dismissal Shifts)

850 Students	Projected New Trips				
AM Peak Hour	883				
Site Circulation					
School Campus	In & Out bound Trips	Stacking & Queuing Spaces Required	Stacking & Queuing Spaces Provided	Parking Spaces Required	Parking Spaces Provided
North Driveway	765	84	92	85	92
South Driveway	118				
Adjacent Roadway / Neighborhood Impacts					
Adjacent Roadway	Projected New Trips	Existing Background Traffic	Total (New + Existing)	% Increase in Volume	Future LOS (Arterial Speed)
SW 248 Street between SW 112 Avenue & SW 127 Avenue	863	1,165 (631 EB/ 534 WB)	1,659 (874 EB/ 785 WB)	42% (39% EB/ 47% WB)	B 31.20

Notes:

1 LOS & Arterial Speed Based on HCM 6 Arterial Analysis from Synchro 10 (see attached).

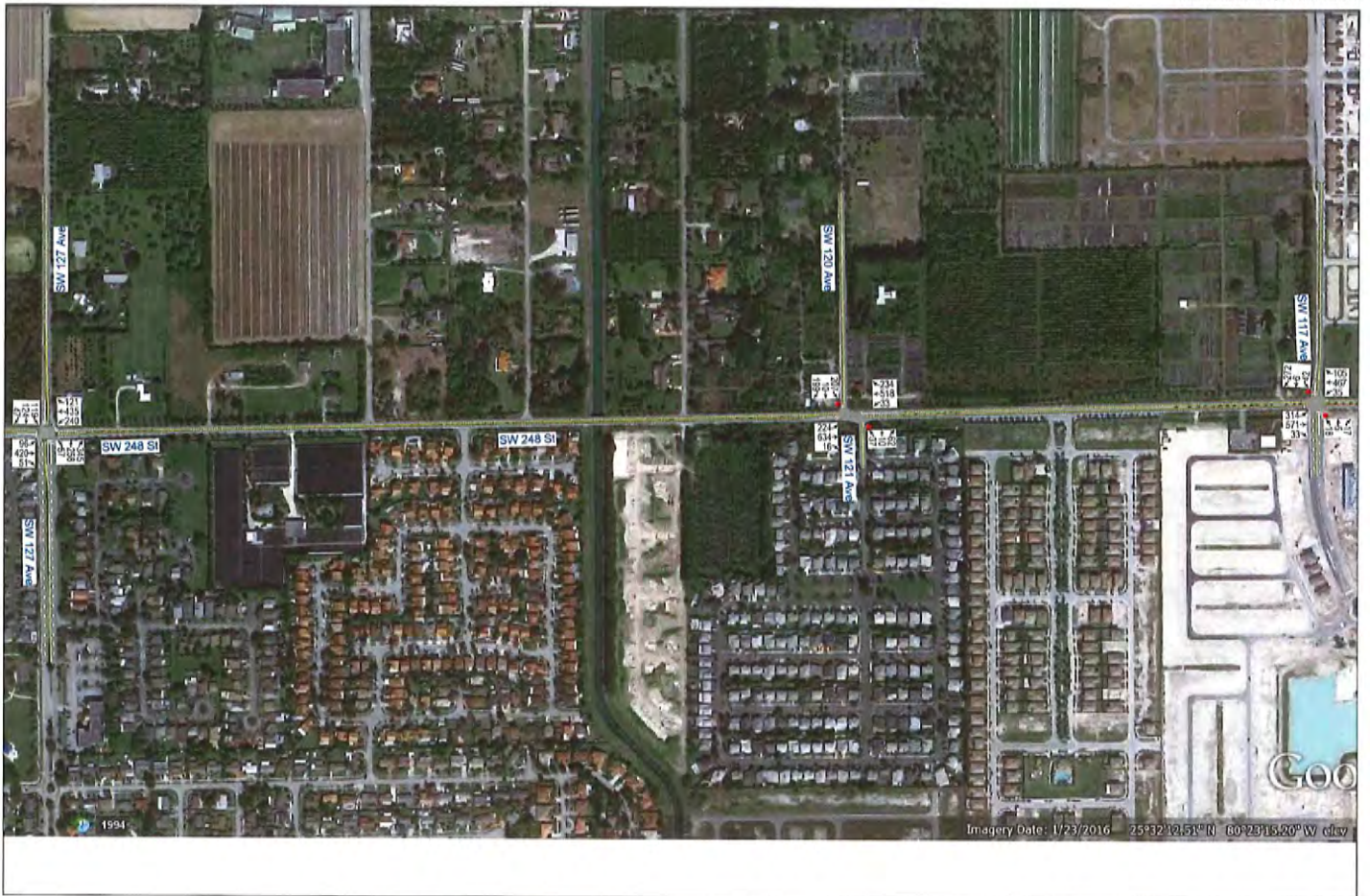
Arterial Level of Service: EB SW 248 St

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
SW 112 Ave	II	40	136.7	13.8	150.5	1.52	36.3	A
Total	II		136.7	13.8	150.5	1.52	36.3	A

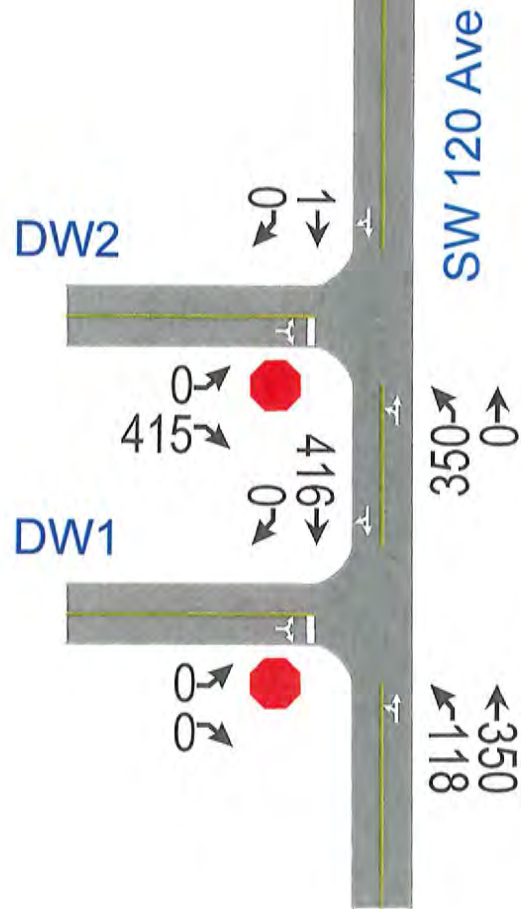
Arterial Level of Service: WB SW 248 St

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
SW 127 Ave	II	40	136.7	38.6	175.3	1.52	31.2	B
Total	II		136.7	38.6	175.3	1.52	31.2	B









MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 15
MOTION SLIP
HEARING DATE: October 24, 2017

B

APPLICANT'S NAME: SOUTH RIVIERA INVESTMENTS NO. 2 INC.
REPRESENTATIVE: Gloria Velazquez

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2016000106	16-106	CZAB15 17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 11-14-17 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: True tie vote for deferral to Dec. 2017 meeting date.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	<u>M</u>	John FARIAS ✓	✓		
COUNCILMAN	M	Larry E. JACKSON ✓	✓		
COUNCILMAN		Paul J. MORROW			
COUNCIL WOMAN	<u>S</u>	Marjorie MURILLO ✓	✓		
COUNCIL WOMAN		Marva WILLIAMS ✓		✓	
VICE CHAIR		Enid Washington DEMPS ✓		✓	
CHAIR		Marvin D. WILSON, SR ✓		✓	
AIR FORCE BASE REP		Larry VENTURA			

VOTE: 3 3 0

EXHIBITS: YES NO COUNTY ATTORNEY: RICHARD CHAVIS

21A

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 15
 MOTION SLIP
 HEARING DATE: SEPTEMBER 27, 2017

2

APPLICANT'S NAME: SOUTH RIVIERA INVESTMENTS NO. 2 INC.

REPRESENTATIVE: Jean Mayol

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2016000106	16-106	CZAB15 17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 10/24/17 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: To meet with the neighbors

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN		John FARIAS	✓		
COUNCILMAN		Larry E. JACKSON			✓
COUNCILMAN	S	Paul J. MORROW	✓		
COUNCIL WOMAN	w	Marjorie MURILLO	✓		
COUNCIL WOMAN		Marva WILLIAMS	✓		
VICE CHAIR		Enid Washington DEMPS			✓
CHAIR		Marvin D. WILSON, SR			✓
AIR FORCE BASE REP		Larry VENTURA			✓

VOTE: 6 0 0

EXHIBITS: YES NO


COUNTY ATTORNEY: Lauren Morse

Memorandum



Date: October 18, 2016

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

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

Subject: #Z2016000106
South Riviera Investments #2, Inc.
SW 248th Street and SW 120th Avenue
DBC from AU to EU-M and Unusual Use to permit a kindergarten
(5.00 Acres)
24-56-39

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 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.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

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 Water Control Section 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 RER 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 plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

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

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

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV 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 application has been reviewed and is recommended for approval with conditions. A review of the information submitted in support of the application indicates impacts to tree resources. A recommendation of approval from DERM is conditioned that no specimen trees are impacted. Should the applicant require impacts to specimen trees, substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. A recommendation of approval is contingent on the applicant obtaining a tree permit.

It is advised that pursuant to Policy Con-8I of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on the subject property, they shall be removed prior to development or redevelopment and developed property shall be maintained to prevent the growth or accumulation of prohibited species.

Please contact Tree Permitting Program at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

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

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

DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

2017 DEC -1 AM 9:56

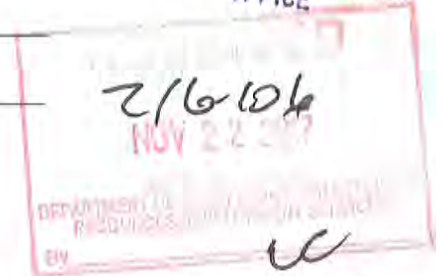
AGENDA COORDINATORS
OFFICE

CHECKED BY u AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: / /

BY CZAB # _____



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 and must be made to the Department on or before the Deadline Date prescribed

RE: Hearing No. Z2016000106

Filed in the name of (Applicant) South Riviera Investments No. 2, Inc.

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: NW corner of SW 248th Street and SW 120th Avenue, in Miami-Dade County.

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

Appellant (name): South Riviera Investments #2, 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 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 Community Council's decision to deny the application was arbitrary and capricious and not based on substantial competent evidence.

25A



APPELLANT MUST SIGN THIS PAGE

Date: 22nd day of NOVEMBER, year 2017

Signed [Signature]

Ruben Diaz
Print Name
660 SW 123rd Avenue, Miami, FL 33184
Mailing Address

(305) 789-7787 (305) 679-6302
Phone Fax

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

South Riviera Investments #2, Inc.
Representing

[Signature]
Signature

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

Holland & Knight LLP

701 Brickell Avenue, Suite 3300
Address

Miami FL 33131
City State Zip

(305) 789-7787
Telephone Number

Subscribed and Sworn to before me on the 22nd day of November, year 2017.

[Signature]
Notary Public

(stamp/seal)

Commission expires:



DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
2017 DEC -1 AM 9:56
AGENDA COORDINATORS OFFICE



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 Ruben Diaz, Director of South Riviera Investments #2, Inc. (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

[Signature]
Signature

JUAN J. MAYOL, JR.
Print Name

[Signature]
Signature

Gloria Velazquez
Print Name

[Signature]
Appellant's signature

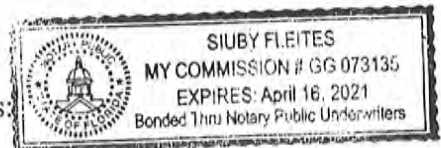
Ruben Diaz
Print Name

Sworn to and subscribed before me on the 22nd day of November, year 2017.

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

[Signature]
Notary
(Stamp/Seal)

Commission Expires:



Memorandum



Date: June 22, 2017

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

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

Subject: Z2016000106
Name: South Riviera Investments #2, Inc.
Location: Northwest Corner of SW 148 Street and SW 120 Avenue
Section 24 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 **145 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9103	SW 232 St E/O US 1 to SW 117 Ave	C	C
9736	SW 112 Ave N/O SW 232 ST to US 1	C	C
9914	SW 248 ST E/O SW 127 Ave to SW 112 Ave	B	B
F-50	SW 112 Ave N/O FLA TPK/SR 821	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.

Department of Transportation and Public Works, Traffic Engineering Division Comments below

The Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division (TED) has no further objection to the Traffic Impact Study, the Traffic Operating Plan and Site Plan for the subject application. The application is now approved for on-site conditions, pending submittal of Off-Site Infrastructure Plans that address school zone signals, signs, and pavement markings, in accordance with the current governing standards.

The applicant will be required to install school speed zones, as per the most recent governing standards and upon all required agency approvals, for any existing or future uncontrolled school crossings that provide direct access to the school's property; and for any remote school crossings serving the school site that has been warranted as per the most recent governing standards. Failure to provide school speed zones or other off-site infrastructure plans that meets with County approval will prohibit the school from obtaining a future Certificate of Use. Please contact TED for information relating to recent Florida Department of Transportation (FDOT) Speed Zoning updates as they relate to school zones.

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: South Riviera 2 / K-8 School Building

School Address: Vacant Land SW 120th Avenue & 248th St Tax Folio # 30-6924-000-2011

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____.
 2. Total size of site: _____ x _____ = 193,024 sq. ft. / 43,560 sq. ft. = 4.43 acres
 3. Number of children or students requested: 750 Ages: 3 to 14 years old (PK to 8th Grade)
 4. Number of teachers: 50 Number of administrative & clerical personnel: 10
 5. Number of classrooms: 38 Total square footage of classroom area: 28,351 sq. ft.
 6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
35,433 sq. ft.
 7. Amount of outdoor recreation/play area in square footage: 109,349 sq. ft. plus a 5,122 sq. ft. Gym
- NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)
8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: 0
 9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided = 92 spaces parking spaces required by §33-124(L) = 65 spaces
 10. Indicate the number of auto stacking spaces: 85 provided 5 required.
 11. Proposed height for the structure(s): 35'-0" See §33-151.18(g).
 12. Size of identification sign: n/a x n/a = n/a sq. ft. See §33-151.18(c).
Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
 13. Days and hours of operation: Monday to Friday 7 am to 6 pm.
 14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
 15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans). No Residential Uses



PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 130 (number of children) = 4,550 sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x 450 (number of children) = 13,500 sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x 170 (number of children) = 4,250 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 22,300 sq. ft.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 28,351 sq. ft.

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 65 (½ of children) = 2,925 sq. ft.

- b. Grades 1-6

500 sq. ft. x 30 (first 30 children) = 15,000 sq. ft.

300 sq. ft. x 420 (remaining children) = 126,000 sq. ft.

- c. Grades 7-12

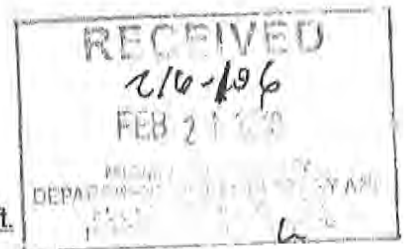
800 sq. ft. x 30 (first 30 children) = 24,000 sq. ft.

300 sq. ft. x 140 (next 300 children) = 42,000 sq. ft.

150 sq. ft. x _____ (remaining children) = _____

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 209,925 sq. ft.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 109,349 sq. ft. 52%



TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 155 Trees provided: 155

- b. Ten shrubs are required for each tree required. Shrubs required: 1,550 Shrubs provided: 1,605

- c. Grass area for organized sports/play area in square feet: 58,614 sq. ft.

- d. Lawn area in square feet (exclusive of organized sports/play area): 47,140 sq. ft.

School Address: Vacant Land SW 120th Avenue & 248th St - Miami, Florida

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 8th day of February 2018 at Miami-Dade County, Florida.

Jorge L. Villavicencio, R.A.

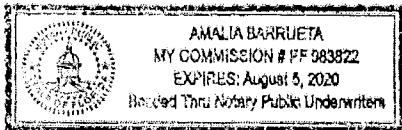

Signature

WITNESSES:

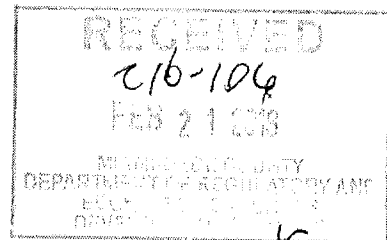
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 8th day of February, 2018, before me personally appeared Jorge Villavicencio, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:







Memorandum



Date: October 19, 2016

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

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Modeling Section

Subject: Zoning Application Comments - South Riviera Investments # 2, Inc.
Application No Z2016000106 - (Pre-App. Z2016P00318)

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: South Riviera Investments # 2, Inc.

Location: The proposed project is located on approximately 5.0 acres on the west side of S.W. 120th Avenue and north of S.W. 248th Street with Folios No. 30-6924-000-1980, 30-6924-000-2010, 30-6924-000-2011, in unincorporated Miami-Dade County.

Proposed Development: Rezoning from AU to EU-M, to permit a private school (grades K-8).

The estimate total water demands for the proposed project will be 6,178 (gpd).

Water: The proposed development is located within the WASD water service area. The water supply will be provided by the Alexander-Orr Water Treatment Plant. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the County's Comprehensive Development Master Plan (CDMP).

The existing property is not connected to water. There is an existing 16-inch water main located along S.W. 248th Street abutting the property to where the developer may connect to provide water service. Per WASD's Rules and Regulations, a water main extension may be required along S.W. 120th Avenue to the north east corner of the property. Any public water main extensions within the property shall be 8-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two (2) points of connection. Final points of connections and capacity approval to connect to the water system will be provided at the time of the applicant requests connection to the water infrastructure.

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

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

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County.

Also, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code.

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

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

Sewer: The proposed development is located within WASD sewer service area, and within the South District Wastewater Treatment Plant (SDWWTP) sub-service area. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity for the proposed project consistent with Policy WS-2 A (2) of the CDMP.

The existing property is not connected to sewer. There is an existing 24-inch force main system located along S.W. 248th Street, abutting the property, to where the developer may connect. A private pump station will be required to provide sewer service to the proposed development. Any proposed sewer extension inside the developer's property shall be eight (8)-inch minimum. Final points of connections and capacity approval for connection to the sewer system will be provided at the time the applicant request connection to the sewer infrastructure.

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

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

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

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

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

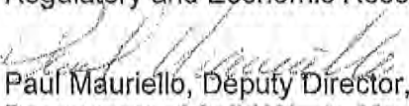
Should you have any questions, please call me at (786) 552-8198 or Alfredo Sanchez at (786) 552-8237.

Memorandum



Date: November 4, 2016

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

From: 
Paul Mauriello, Deputy Director, Waste Operations
Department of Solid Waste Management

Subject: South Riviera Investments #2, Inc. (#16_106)

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

Application: *South Riviera Investments #2, Inc.* is requesting the following zoning changes in order to develop a private school on the subject property:

- Zoning district boundary change from AU (Agricultural/Residential 5 Acres Gross) to EU-M (Estates Modified, 15,000 square feet net)
- Special exception and unusual use to permit a private school for up to 850 students (grades K – 8)
- Non-use variance of setback requirements

Location: The subject property is located on the northwest corner of SW 248 Street and SW 120 Avenue.

Size: The property is approximately 5 acres in size.

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 Department of Solid Waste Management (DSWM) 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 21, 2016, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department 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

Should the zoning change requests be approved and a school subsequently constructed on the property, it would meet the definition of a "commercial establishment" pursuant to Chapter 15 of the Code of Miami-Dade County. Per the Code, the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." The DSWM does not generally service commercial establishments located in unincorporated Miami-Dade County. Therefore, the property owner is required to contact a private hauler to provide waste and recycling collection service.

3. Recycling

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

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

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.

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

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. There should be no "dead-end" alleyways developed. A sufficient waste set-out zone should be preserved between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc., that would interrupt or preclude waste collection.

Memorandum



Date: June 27, 2017
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2016000106

The Miami-Dade Fire Rescue Department has **no objection** to the site plan dated stamp received 06/21/17 Energov upload date.

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SOUTH RIVIERA INVESTMENTS NO. 2, INC.

N/A
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2016000106

DATE

HEARING NUMBER

FOLIO: 30-6924-000-1980

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

August 11, 2017

NEIGHBORHOOD REGULATIONS:

There are no open/closed CMS cases.

BUILDING SUPPORT REGULATIONS:

There are no open/closed BSS cases.

VIOLATOR:

SOUTH RIVIERA INVESTMENTS NO. 2, INC.

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

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: South Riviera Investments #2, Inc., 660 SW 123rd Avenue, Miami, Florida 33184

NAME AND ADDRESS	Percentage of Stock
<u>Rubén Díaz 660 SW 123 AVE</u>	50%
<u>Amparo Díaz 660 SW 123 AVE</u>	50%

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
<div style="border: 2px solid red; padding: 5px; display: inline-block;"> <p align="center">RECEIVED 216-106 FEB 12 2016</p> <p align="center">MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES</p> </div>	

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	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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (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:

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 this application to the best of my knowledge and belief.

Signature: *Rubén Díaz*
Ruben Diaz, Director,

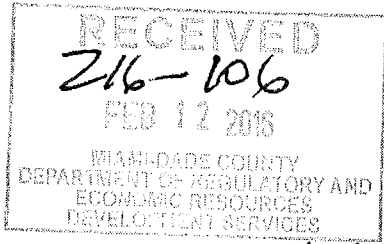
Sworn to and subscribed before me this 30 day of August, 2016. Affiant is personally known to me or has produced FL Drivers License as identification.

[Signature]
(Notary Public)

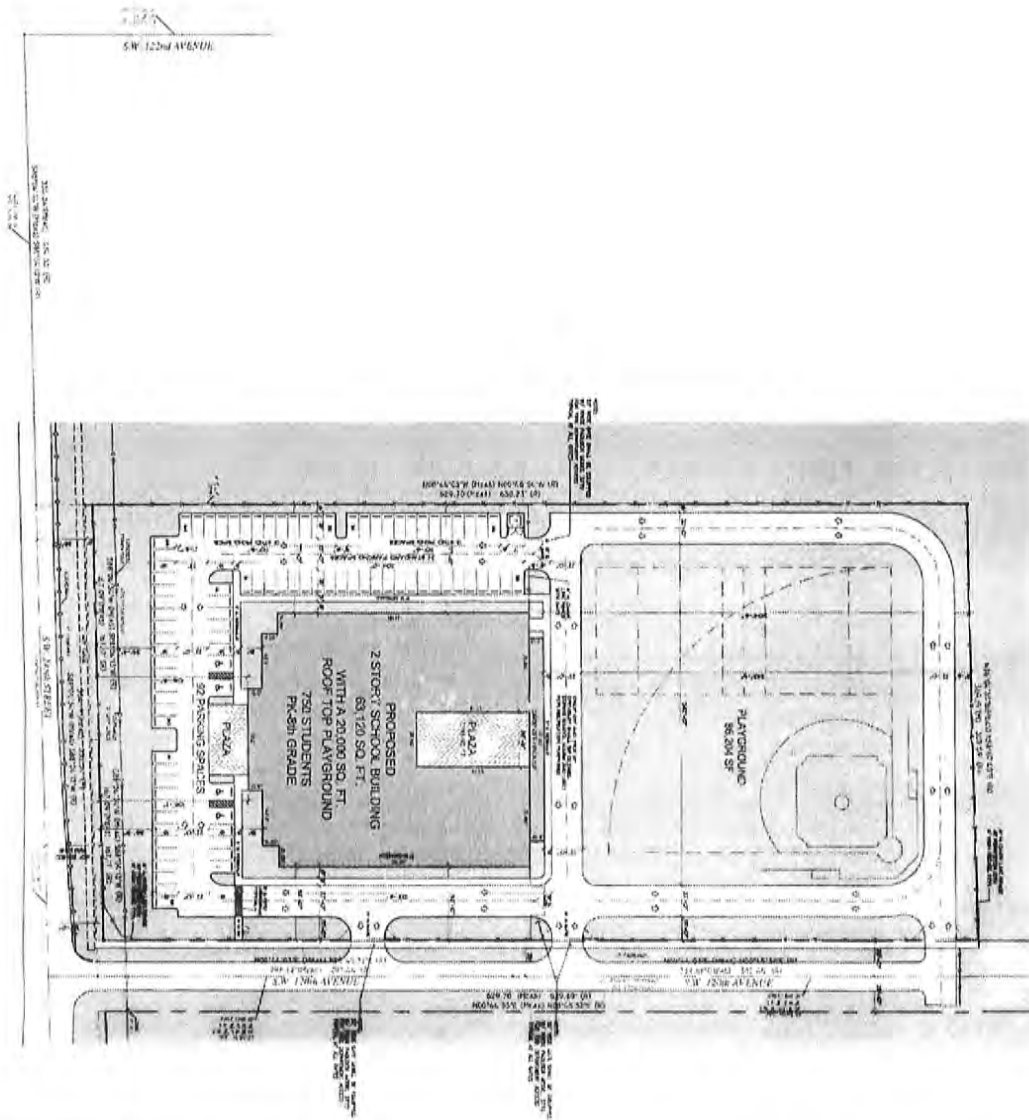


My commission expires Sep 18, 2020

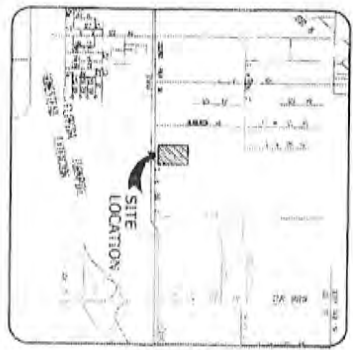
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.



DH



MASTER SITE PLAN
 PLEASE REFER TO SHEET A-2 FOR RLOWUP A-1 - 37'-0"
 1"-40'-0"



MASTER SITE SUMMARY

LOCATION: 4600 SW 122nd STREET AND 75th AVENUE
PARCEL ID: 06-0824-000-2012
FILE NUMBER: 06-0824-000-2012 (06-0824-000-2011) & 06-0824-000-2012
OWNER: VILLA & ASSOCIATES, INC.

ZONE: RESIDENTIAL - SINGLE-FAMILY
PERMITTED: RESIDENTIAL ATTACHMENT
BUILDING HEIGHT: MAXIMUM 32'-0"

LOT AREA: 62,220 SQ. FT. (222.12 AC.)
AV. FRONT SETBACK: 25'-0" (14'-0" MIN.)
AV. SIDE SETBACK: 10'-0" (5'-0" MIN.)
AV. REAR SETBACK: 10'-0" (5'-0" MIN.)

EXISTING BUILDINGS: NO EXISTING BUILDINGS ON PROPOSED PROJECT

PROPOSED BUILDINGS: REFER TO SHEETS A-3 & A-4

TWO STORY PROPOSED 600-800 STUDENT SCHOOL BUILDING
 TOTAL FLOOR AREA (TFFA) = 120,000 SQ. FT.
 FLOOR 1: 60,000 SQ. FT.
 FLOOR 2: 60,000 SQ. FT.

SECOND FLOOR AREA (SFFA) = 60,000 SQ. FT.
ROOF-TOP PLAYGROUND AREA = 20,000 SQ. FT.
SECOND FLOOR AREA (SFFA) = 60,000 SQ. FT.
ROOF-TOP PLAYGROUND AREA = 20,000 SQ. FT.

TOTAL PROPOSED BUILDING LOT COVERAGE = 51,600 SQ. FT. (83.1%)
ADDITIONAL BUILDINGS = 22,000 SQ. FT.

SUMMARY OF GENERAL LOT COVERAGE:

PROPOSED 2-STORY SCHOOL BUILDING LOT COVERAGE	51,600 SQ. FT. (83.1%)
ADDITIONAL BUILDINGS LOT COVERAGE	22,000 SQ. FT. (35.2%)
TOTAL PROPOSED BUILDING LOT COVERAGE	73,600 SQ. FT. (118.3%)
ADDITIONAL BUILDINGS LOT COVERAGE	22,000 SQ. FT. (35.2%)
TOTAL PROPOSED BUILDING LOT COVERAGE	95,600 SQ. FT. (153.5%)

STRUCTURES REQUIRED:

PROPOSED 2-STORY SCHOOL BUILDING	120,000 SQ. FT.
PROPOSED ROOF-TOP PLAYGROUND	20,000 SQ. FT.
PROPOSED PLAYGROUND	8,000 SQ. FT.
PROPOSED PARKING	10,000 SQ. FT.
PROPOSED FENCE	1,000 SQ. FT.
PROPOSED SIGNAGE	1,000 SQ. FT.
PROPOSED LANDSCAPING	1,000 SQ. FT.
PROPOSED UTILITY	1,000 SQ. FT.
PROPOSED TOTAL	142,000 SQ. FT.

PARKING REQUIREMENTS: AS PER 2012-13-14 UNIFORM CODE

PROPOSED PARKING: 10,000 SPACES (5,000 PER SIDE) - 20 SPACES PER 100 STUDENTS

PROPOSED SIGNAGE: 10,000 SQ. FT. (5,000 PER SIDE) - 20 SPACES PER 100 STUDENTS

PROPOSED LANDSCAPING: 10,000 SQ. FT. (5,000 PER SIDE) - 20 SPACES PER 100 STUDENTS

PROPOSED UTILITY: 10,000 SQ. FT. (5,000 PER SIDE) - 20 SPACES PER 100 STUDENTS

PROPOSED FENCE: 10,000 SQ. FT. (5,000 PER SIDE) - 20 SPACES PER 100 STUDENTS

PROPOSED TOTAL: 142,000 SQ. FT. (142,000 SQ. FT.)

SPACING PROVIDED:

- STANDARD - 10' x 10'
- HANDICAP - 12' x 18'
- MINIMUM - 8' x 12'

SPACING PROVIDED:

- STANDARD - 10' x 10'
- HANDICAP - 12' x 18'
- MINIMUM - 8' x 12'

VILLA & ASSOCIATES INC.
 ARCHITECTS
 7564 SW 63rd STREET
 MIAMI, FL 33156
 (305) 651-8501

PROPOSED PK-8th GRADE SCHOOL FOR SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - SW 120th AVENUE & 248th STREET
 MIAMI DADE COUNTY, FLORIDA 33032
 FOLIO #s 30-0824-000-1890, 30-0824-000-2010 & 30-0824-000-2011

REVISIONS:

NO.	DATE	DESCRIPTION
1	06-25-2012	ISSUE FOR PERMIT
2	08-24-2012	ISSUE FOR PERMIT
3	09-06-2012	ISSUE FOR PERMIT

40

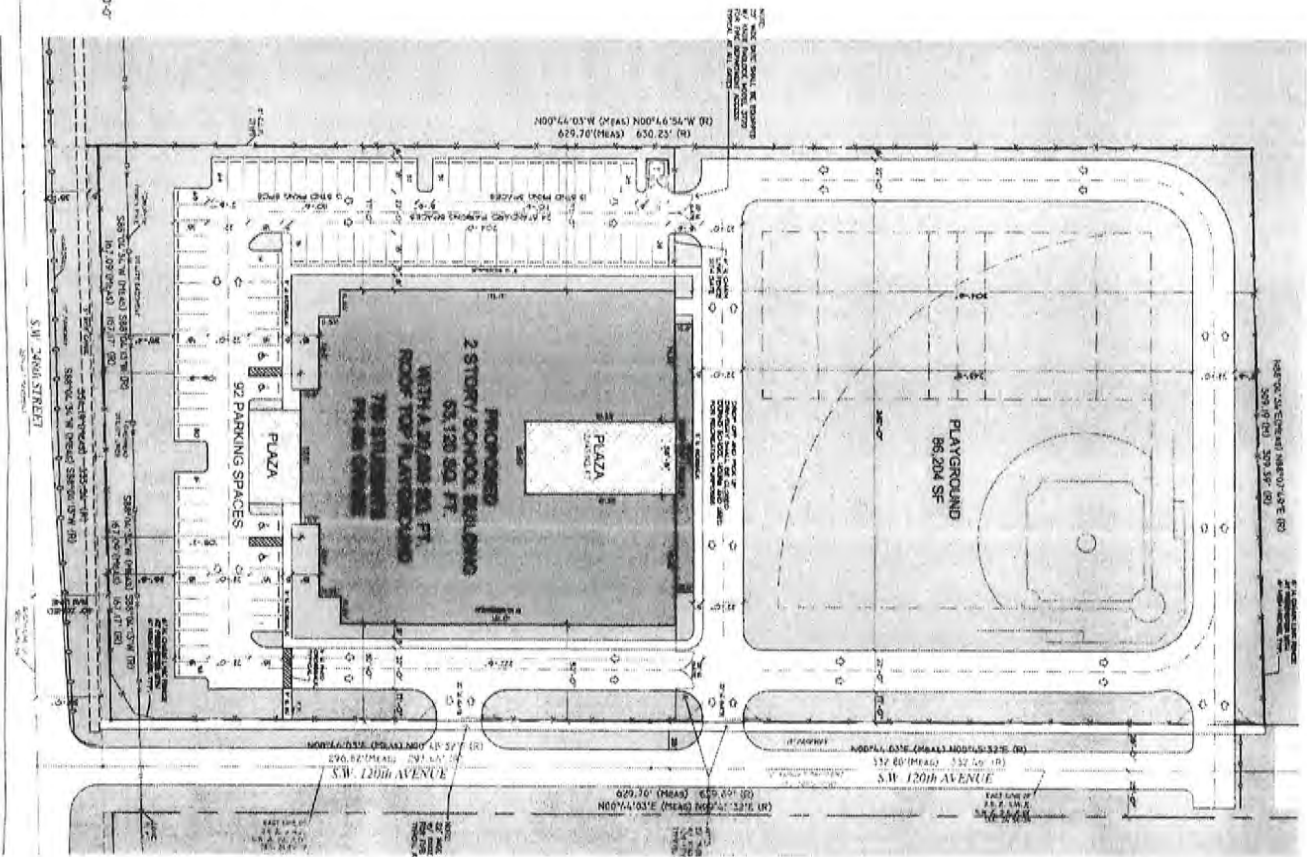
S.W. 122nd AVENUE



PROPOSED SITE PLAN

1"=50'-0"

DATE: 03/14/2017
DRAWN BY: J. VILLARREAL
CHECKED BY: J. VILLARREAL



DATE: 03/14/2017
DRAWN BY: J. VILLARREAL
CHECKED BY: J. VILLARREAL

A-2 OF 7



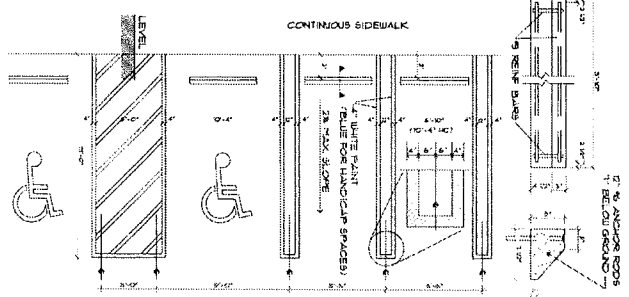
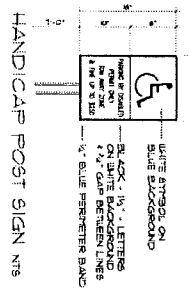
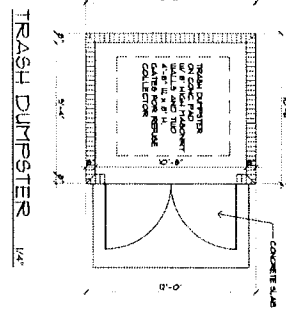
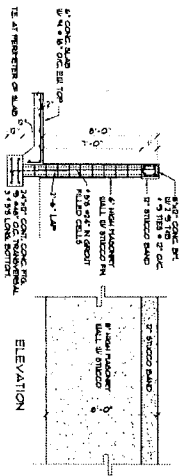
VILLA & ASSOCIATES INC.
 ARCHITECTS & PLANNERS
 7344 SW 40 STREET - MIAMI, FL 33156 - (305) 861-1811
 CONSULTANT 1

DESIGNED BY: J. VILLARREAL
 DRAWN BY: J. VILLARREAL
 CHECKED BY: J. VILLARREAL
 DATE: 03/14/2017

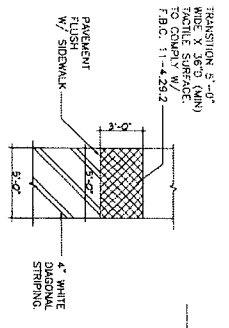
PROPOSED PK-8th GRADE SCHOOL
 FOR
SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - SW 120th AVENUE & 24th STREET
 MIAMI DADE COUNTY, FLORIDA 33022
 FOLC #s 30-0924-000-1060, 30-0924-000-2010 & 30-0924-000-2011

REVISIONS
 # DATE DESCRIPTION
 1 03/14/2017
 2 03/14/2017
 3 03/14/2017

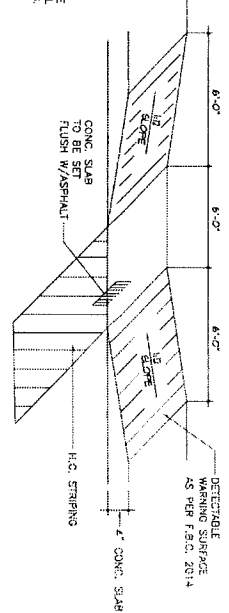
41



PARKING SPACE & CAR STOP DETAIL N.T.S.



DETECTABLE WARNING DET. N.T.S.



H.C. ACCESS RAMP DETAIL N.T.S.

PHYSICAL STANDARDS OUTDOOR RECREATION SPACE AND OUTDOOR SWIMMING POOL

1. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
2. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
3. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
4. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
5. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
6. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
7. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
8. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
9. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
10. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
11. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
12. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
13. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
14. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.
15. Outdoor swimming pool shall be constructed in accordance with the Florida Building Code, Chapter 6, Part 1, Section 601.1.

PROPOSED SCHOOL CHILD CARE CHECKLIST

2/16/2016

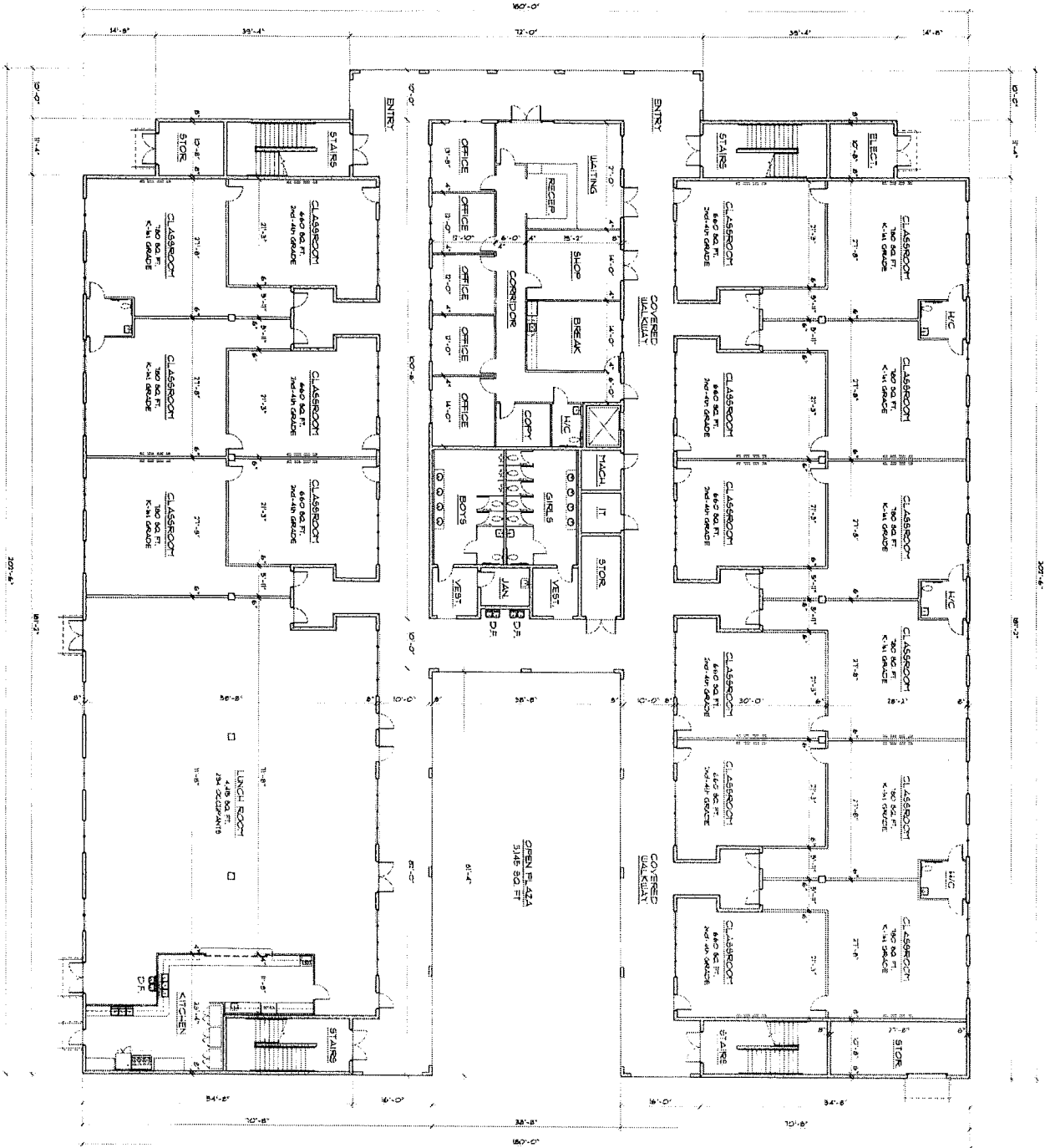
VILLA & ASSOCIATES INC.
ARCHITECTURE PLANNING INTERIOR DESIGN
7344 SW 48 STREET - MIAMI FL 33150 - (305) 699-2904
CONSULTANT:

PROPOSED PK-Bth GRADE SCHOOL FOR SOUTH RIVIERA 2 SCHOOL
VACANT LAND - SW 120th AVENUE & 248th STREET
MIAMI DADE COUNTY, FLORIDA 33032
FOLD #s 30-6924-000-680, 30-6924-000-200 & 30-6924-000-201

Professional License
Architectural Seal
Jorge Villalobos
No. AR2001210

REVISIONS:
DATE: 02-06-2016

42



PROPOSED SCHOOL BUILDING
GROUND FLOOR PLAN
Ground Floor total area = 31,892 Sq. Ft.

WALL LEGEND	
	WALL TYPE 1
	WALL TYPE 2
	WALL TYPE 3
	WALL TYPE 4
	WALL TYPE 5
	WALL TYPE 6
	WALL TYPE 7
	WALL TYPE 8
	WALL TYPE 9
	WALL TYPE 10

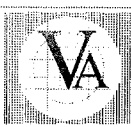
BUILDING AREA BREAKDOWN	
PROPOSED 2 STORY SCHOOL BUILDING	75,742 SQ. FT.
FIRST FLOOR (INDOOR AREA)	6,150 SQ. FT.
FIRST FLOOR COVERED WALKWAYS	25,342 SQ. FT.
SECOND FLOOR (INDOOR AREA)	6,150 SQ. FT.
SECOND FLOOR COVERED WALKWAYS	43,784 SQ. FT.
TOTAL PROPOSED BUILDING AREA	20,896 SQ. FT.
ROOFTOP PLAYGROUND	

Scale: 1/8" = 1'-0"

DATE: 10/15/15

PROJECT: PK-8TH GRADE SCHOOL

NO. 7



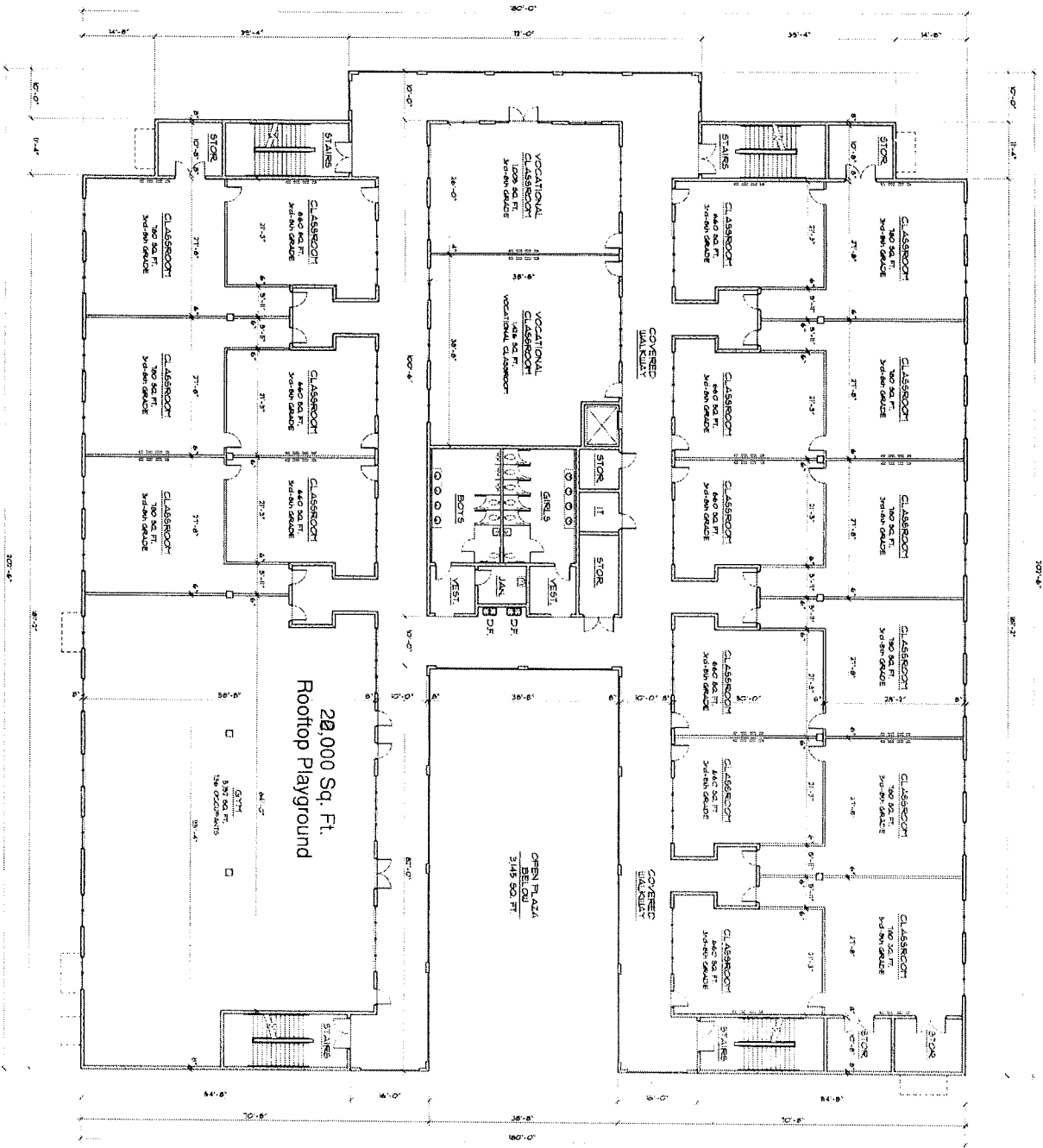
VILLA & ASSOCIATES INC.
 ARCHITECTURE INTERIOR DESIGN
 7344 BW 40 STREET MIAMI FL 33155 (305) 661-8181
 CONSULTANT:

CONTRACT LICENSE
 944-03531
 Architectural Spcl.
 JORGE VILLALBA
 No. 8851115

PROPOSED PK-8TH GRADE SCHOOL
 FOR:
SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - 5W 120TH AVENUE & 248TH STREET
 MIAMI DADE COUNTY FLORIDA 33182
 FOLIO #'s 30-8924-000-1880, 30-8924-000-2070 & 30-8924-000-2071

REVISION	DATE

43



PROPOSED SCHOOL BUILDING
 SECOND FLOOR PLAN
 Second Floor total area = 31,892 Sq. Ft.

WALL LEGEND

- ◆ CONCRETE BLOCK WITH 2" INSULATION
- ◆ CONCRETE BLOCK WITH 4" INSULATION
- ◆ CONCRETE BLOCK WITH 6" INSULATION
- ◆ CONCRETE BLOCK WITH 8" INSULATION
- ◆ CONCRETE BLOCK WITH 10" INSULATION
- ◆ CONCRETE BLOCK WITH 12" INSULATION
- ◆ CONCRETE BLOCK WITH 14" INSULATION
- ◆ CONCRETE BLOCK WITH 16" INSULATION
- ◆ CONCRETE BLOCK WITH 18" INSULATION
- ◆ CONCRETE BLOCK WITH 20" INSULATION
- ◆ CONCRETE BLOCK WITH 22" INSULATION
- ◆ CONCRETE BLOCK WITH 24" INSULATION
- ◆ CONCRETE BLOCK WITH 26" INSULATION
- ◆ CONCRETE BLOCK WITH 28" INSULATION
- ◆ CONCRETE BLOCK WITH 30" INSULATION
- ◆ CONCRETE BLOCK WITH 32" INSULATION
- ◆ CONCRETE BLOCK WITH 34" INSULATION
- ◆ CONCRETE BLOCK WITH 36" INSULATION
- ◆ CONCRETE BLOCK WITH 38" INSULATION
- ◆ CONCRETE BLOCK WITH 40" INSULATION
- ◆ CONCRETE BLOCK WITH 42" INSULATION
- ◆ CONCRETE BLOCK WITH 44" INSULATION
- ◆ CONCRETE BLOCK WITH 46" INSULATION
- ◆ CONCRETE BLOCK WITH 48" INSULATION
- ◆ CONCRETE BLOCK WITH 50" INSULATION
- ◆ CONCRETE BLOCK WITH 52" INSULATION
- ◆ CONCRETE BLOCK WITH 54" INSULATION
- ◆ CONCRETE BLOCK WITH 56" INSULATION
- ◆ CONCRETE BLOCK WITH 58" INSULATION
- ◆ CONCRETE BLOCK WITH 60" INSULATION
- ◆ CONCRETE BLOCK WITH 62" INSULATION
- ◆ CONCRETE BLOCK WITH 64" INSULATION
- ◆ CONCRETE BLOCK WITH 66" INSULATION
- ◆ CONCRETE BLOCK WITH 68" INSULATION
- ◆ CONCRETE BLOCK WITH 70" INSULATION
- ◆ CONCRETE BLOCK WITH 72" INSULATION
- ◆ CONCRETE BLOCK WITH 74" INSULATION
- ◆ CONCRETE BLOCK WITH 76" INSULATION
- ◆ CONCRETE BLOCK WITH 78" INSULATION
- ◆ CONCRETE BLOCK WITH 80" INSULATION
- ◆ CONCRETE BLOCK WITH 82" INSULATION
- ◆ CONCRETE BLOCK WITH 84" INSULATION
- ◆ CONCRETE BLOCK WITH 86" INSULATION
- ◆ CONCRETE BLOCK WITH 88" INSULATION
- ◆ CONCRETE BLOCK WITH 90" INSULATION
- ◆ CONCRETE BLOCK WITH 92" INSULATION
- ◆ CONCRETE BLOCK WITH 94" INSULATION
- ◆ CONCRETE BLOCK WITH 96" INSULATION
- ◆ CONCRETE BLOCK WITH 98" INSULATION
- ◆ CONCRETE BLOCK WITH 100" INSULATION

BUILDING AREA BREAKDOWN:

PROPOSED 2 STORY SCHOOL BUILDING

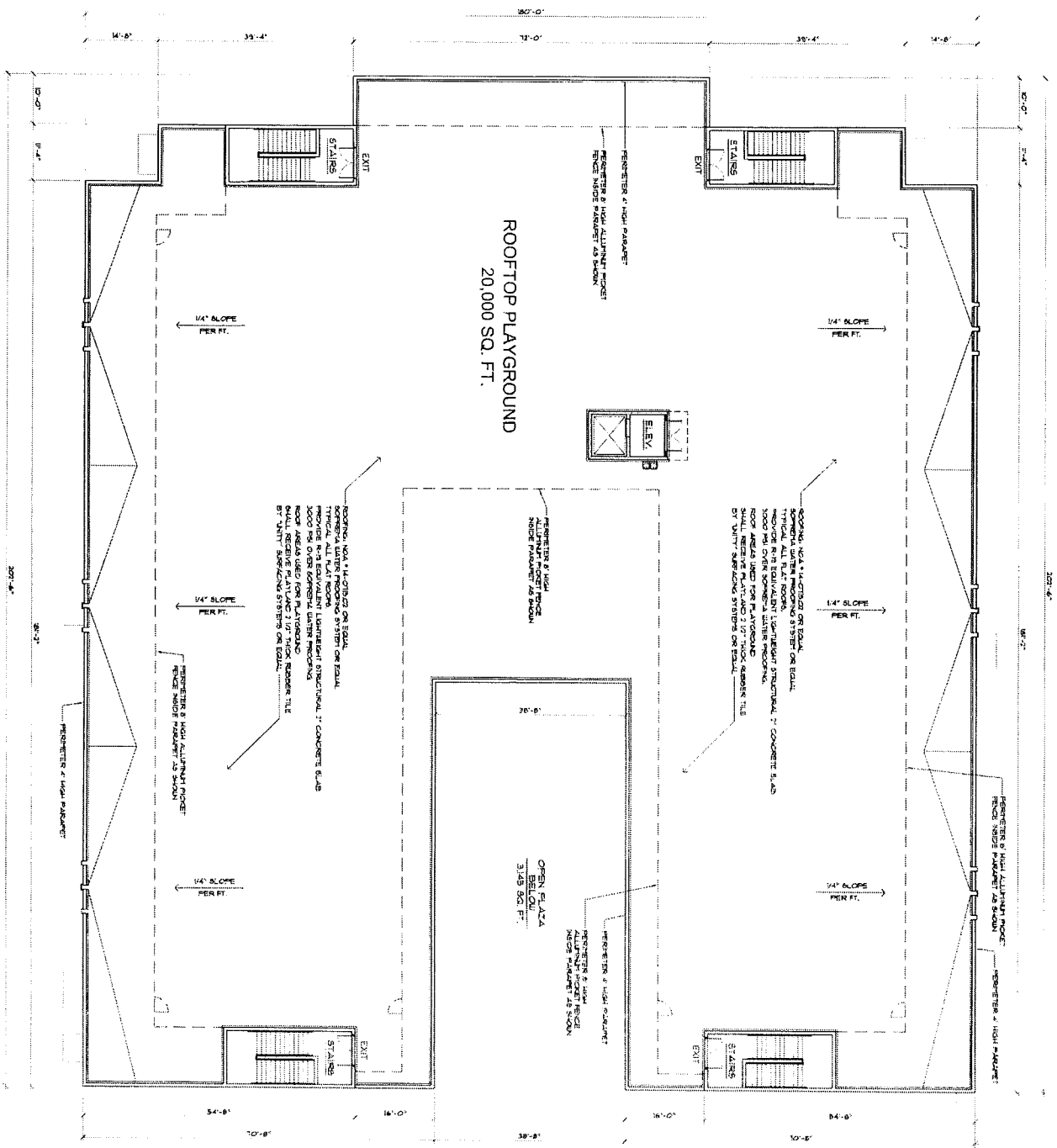
FIRST FLOOR (ENCLOSURE AREA)	23,342 SQ. FT.
FIRST FLOOR COVERED WALKWAYS	5,136 SQ. FT.
SECOND FLOOR (ENCLOSURE AREA)	21,742 SQ. FT.
SECOND FLOOR COVERED WALKWAYS	4,156 SQ. FT.
TOTAL PROPOSED BUILDING AREA	53,376 SQ. FT.
ROOFTOP PLAYGROUND	20,000 SQ. FT.

VILLA & ASSOCIATES INC.
 ARCHITECTURE PLANNING INTERIOR DESIGN
 7344 SW 40 STREET - MIAMI FL 33156 - (305) 661-8181

VILLA & ASSOCIATES INC.
 CONSULTANT

PROPOSED PK-8th GRADE SCHOOL FOR SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - 8W 120th AVENUE & 248th STREET
 MIAMI DADE COUNTY, FLORIDA 33032
 FOLIO 81-30-8924-000-980, 30-8924-000-2010 & 30-8924-000-2011

REVISIONS:
 44



**PROPOSED SCHOOL BUILDING
ROOF PLAN**

BUILDING AREA BREAKDOWN:

PROPOSED 2 STORY SCHOOL BUILDING	
FIRST FLOOR (INDOOR AREA)	25,742 SQ. FT.
FIRST FLOOR COVERED WALKWAYS	5,150 SQ. FT.
SECOND FLOOR (INDOOR AREA)	25,742 SQ. FT.
SECOND FLOOR COVERED WALKWAYS	5,150 SQ. FT.
TOTAL PROPOSED BUILDING AREA	61,784 SQ. FT.
ROOFTOP PLAYGROUND	20,000 SQ. FT.

4/01/2012

A-6 OF 7



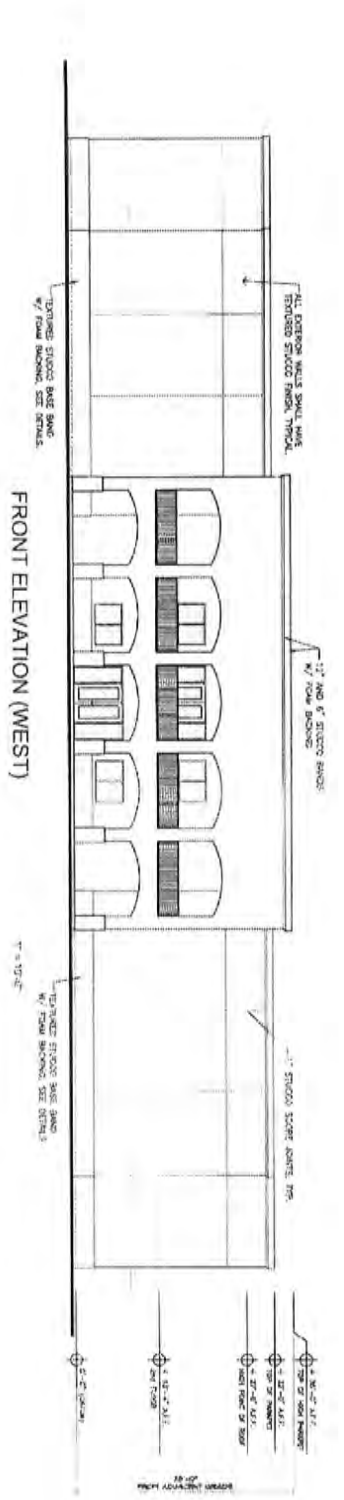
VILLA & ASSOCIATES INC.
 ARCHITECTURAL PLANNING INTERIOR DESIGN
 7344 SW 42 STREET MIAMI FL 33152 (305) 971-0201
 CONSULTANT:

Prepared by: JORGE C. VILLAVIENDO
 No. AR2212110

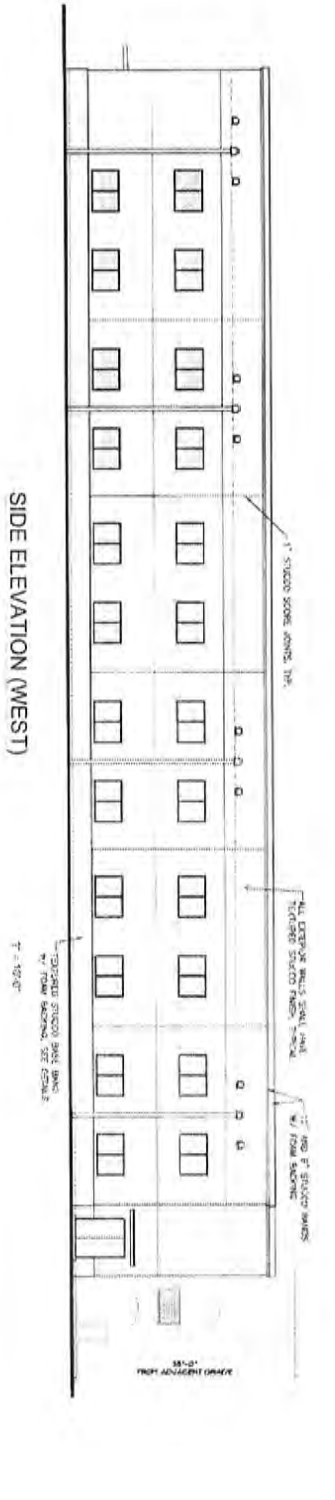
PROPOSED PK-8TH GRADE SCHOOL
 FOR:
SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - SW 120th AVENUE & 248th STREET
 MIAMI DADE COUNTY, FLORIDA 33032
 FOLIO #'s 30-6924-000-1980, 30-6924-000-2070 & 30-6924-000-2011

PREVIOUSLY ZONING: 02-08-2018

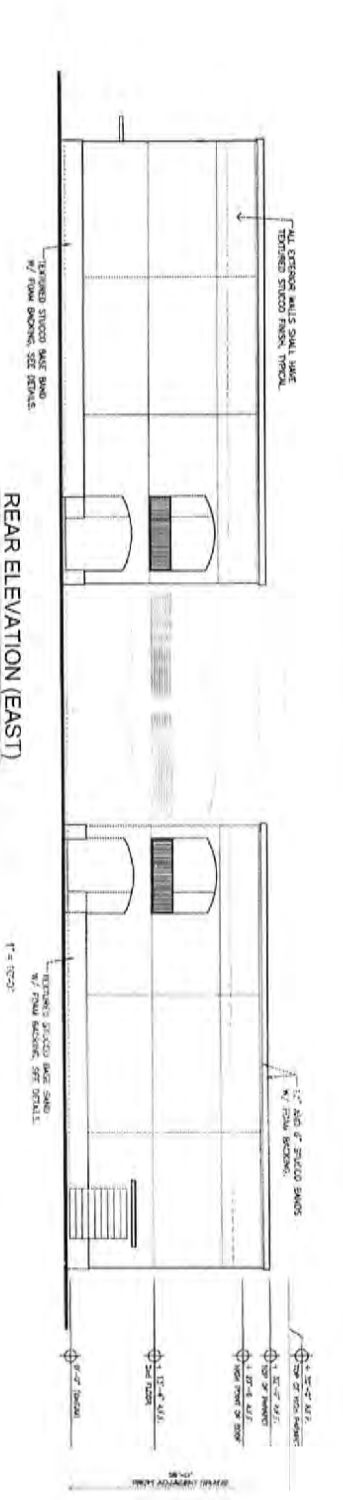
45



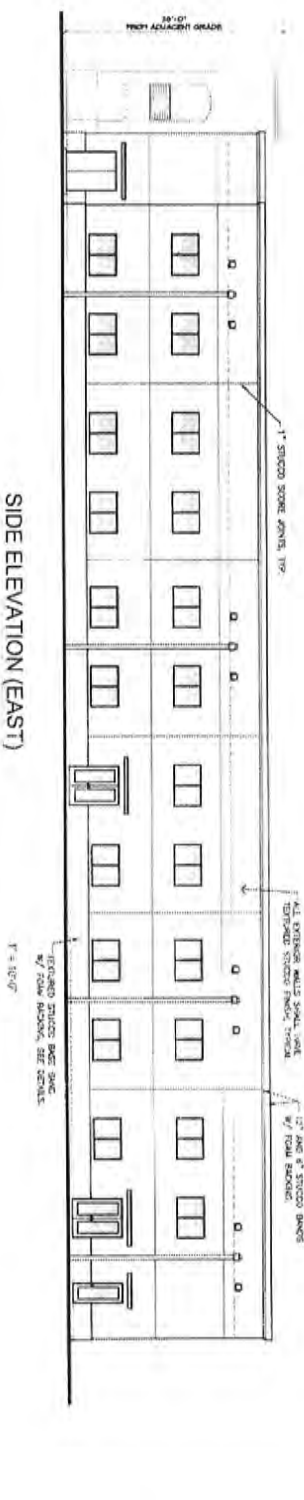
FRONT ELEVATION (WEST)



SIDE ELEVATION (WEST)



REAR ELEVATION (EAST)



SIDE ELEVATION (EAST)

1/2" AND 6" STUDIOS BANDS
1" STUDIOS SCORE JOINTS, TYP.

DATE: 12-18-13
DRAWN BY: J. VA
CHECKED BY: J. VA
PROJECT NO.: 13-0001



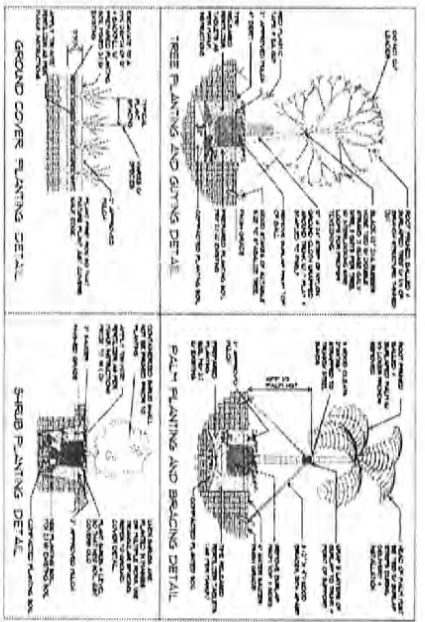
VILLA & ASSOCIATES INC.
ARCHITECTURE PLANNING INTERIOR DESIGN
2044 SW 48 STREET - MIAMI FL 33156 - (305) 951-8181
CONSULTANT:

Professional Seal
Architectural Seal
JOHN L. VALENZUELA
NO. 00012119

PROPOSED PK-8th GRADE SCHOOL
FOR
SOUTH RIVIERA 2 SCHOOL
VACANT LAND - SW 120th AVENUE & 248th STREET
MIAMI DADE COUNTY, FLORIDA 33032
FOLIO #s 30-0924-000-1880, 30-0924-000-2010 & 30-0924-000-2011

REVISION NO.	1
ZONING	OS 03-20-18

46



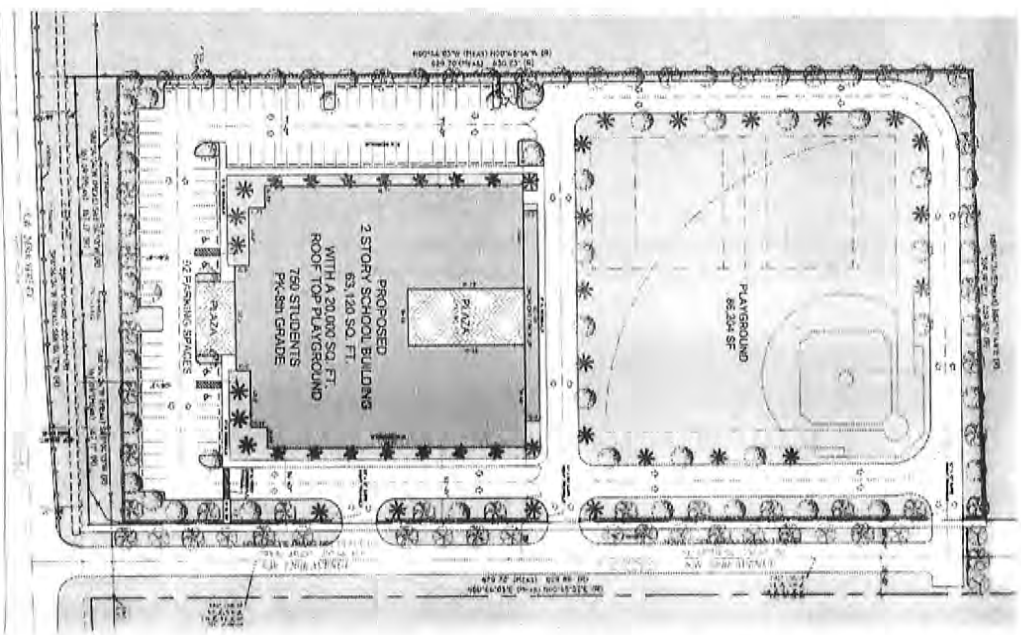
LANDSCAPE SCHEDULE

KEY	COMMON NAME	SCIENTIFIC NAME	HEIGHT AT PLANTING	HEIGHT AT MATURE	PLANTING QUANTITY
A	YUKI OAK	QUERCUS GRONOVII	12" DB PLANTING	40' TO 30'	152
B	SLASH BUTTERNUT	CONOCARPUS STRICTUS	12" DB PLANTING	10' TO 15'	44
C	SEIKO PALM	CHOROLA OBESOLEVATA	12" DB PLANTING	20' TO 25'	11
D	SPICE PALM	SPERMATOPHYTES	12" DB PLANTING	40' TO 50'	28
E	ALBODORADO PALM	PROCARPUS GLENNII	12" DB PLANTING	20' TO 25'	14
F	RED-TIP CACTUS	CHRYSEMOALLUM	12" DB PLANTING	5'	155

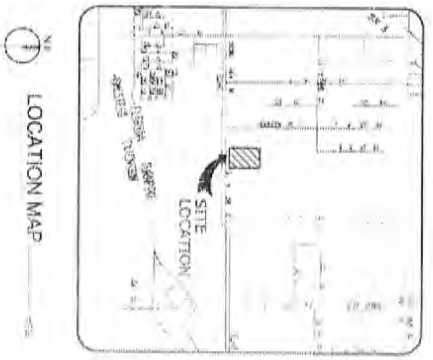
* Landscape contractor shall provide irrigation system for all landscape areas.
* Provide Slope Drawing Plans for approval.
* PERIMETER HEDGE SHALL BE KEPT AT A MINIMUM 6" IN HEIGHT ONCE MATURE.

LANDSCAPE LEGEND

- Zone 1: 100% Shade, 400' x 100' x 100' x 100'
- Zone 2: 75% Shade, 400' x 100' x 100' x 100'
- Zone 3: 50% Shade, 400' x 100' x 100' x 100'
- Zone 4: 25% Shade, 400' x 100' x 100' x 100'
- Zone 5: 0% Shade, 400' x 100' x 100' x 100'
- Zone 6: 100% Sun, 400' x 100' x 100' x 100'
- Zone 7: 75% Sun, 400' x 100' x 100' x 100'
- Zone 8: 50% Sun, 400' x 100' x 100' x 100'
- Zone 9: 25% Sun, 400' x 100' x 100' x 100'
- Zone 10: 0% Sun, 400' x 100' x 100' x 100'



MASTER SITE PLAN
PLEASE REFER TO SHEET 1.2 FOR DIMENSIONS
1" = 40'-0"

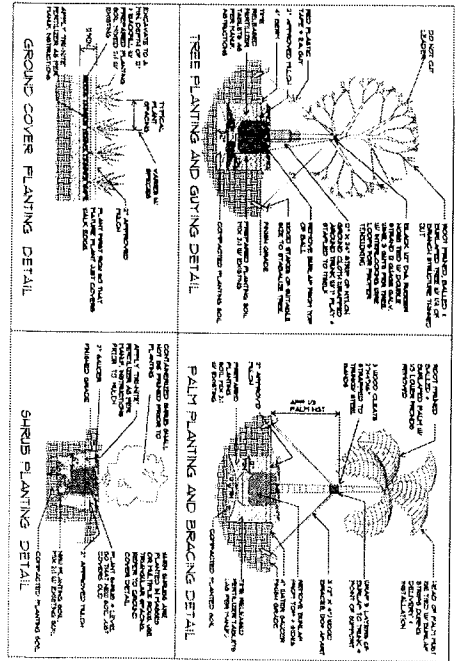


MASTER SITE SUMMARY

LOCATION	400' x 100' x 100' x 100'
OWNER	MAM DADE COUNTY
DESIGNER	VILLA & ASSOCIATES INC.
DATE	10/15/10
SCALE	1" = 40'-0"
PROJECT NO.	1000-1000-1000
DATE	10/15/10

	VILLA & ASSOCIATES INC. ARCHITECTURE PLANNING INTERIOR DESIGN 7344 SW 64 STREET MIAMI FL 33155 (305) 444-1111	PROPOSED PK-8TH GRADE SCHOOL FOR SOUTH RIVIERA 2 SCHOOL VACANT LAND - SW 120th AVENUE & 240th STREET MIAMI DADE COUNTY, FLORIDA 33032 PUDO #s 30-0924-000-1600, 30-0924-000-2000 & 30-0924-000-2001	REVISIONS NO. DATE BY 1 10/15/10 JLM
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LANDSCAPE SCHEDULE

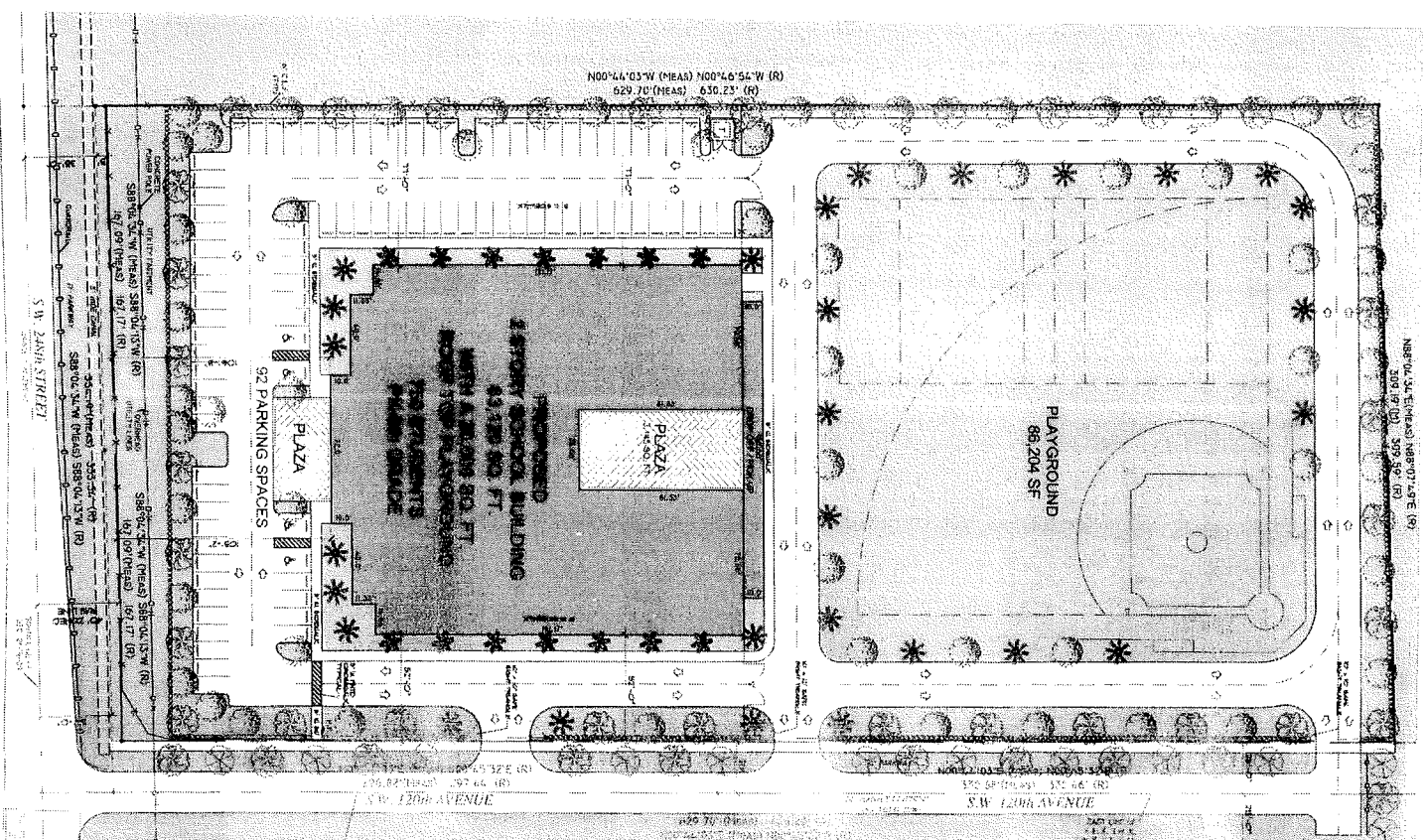
KEY	COMMON NAME	BOTANICAL NAME	HEIGHT AT PLANTING	NATURAL HEIGHT RANGE	WIDE QUANTITY
A	LIFE OAK	QUERCUS VIRGINICA	12' (2' CALIPERS) AT PLANTING	40' TO 95'	96
B	SILVER BURNINGWOOD	CONOCARPUS ERIGINUS	12' (2' CALIPERS) AT PLANTING	10' TO 15'	44
C	PISTON PALM	COCCOONIA WERNERIANA	12' (2' CALIPERS) AT PLANTING	20' TO 25'	11
D	ROYAL PALM	ROSTKONIA ELATA	15' AT PLANTING	40' TO 60'	28
E	ALEXANDER PALM	PHOENIXSPERMA ELIZANS	12' AT PLANTING	20' TO 25'	14
F	RED-TIP DOGWOOD	DOGWOOD VARIETY 'RED TIPS'	36" H. & 2" C/D AT PLANTING	5'	2,496

LANDSCAPE CONTRACTOR SHALL PROVIDE IRRIGATION SYSTEM FOR ALL LANDSCAPE CRENS.
 PROVIDE SHOP DRAWING PLANS FOR APPROVAL.
 PERIMETER HEDGE SHALL BE KEPT AT A MAXIMUM 6' IN HEIGHT ONCE MATURE.

LANDSCAPE LEGEND

- Zoning District: **M1** Net Lot Area: **4.43 acres** 192,024 sq. ft.
- OPEN SPACE:**
- A. Square feet of open space required by Chapter 33, as indicated on site plan: **9,321 sq. ft.**
 - B. Square feet of open space provided: **9,321 sq. ft.**
 - C. Total number of trees required & provided: **115**
 - D. Total number of native trees required & provided: **115**
 - E. Percentage of native trees required & provided: **100%**
- LAND AREA CALCULATION:**
- A. Total square feet of landscaped open space required by Chapter 33: **9,321 square feet**
 - B. Total square feet of landscaped open space provided: **9,321 square feet**
 - C. Total square feet of landscaped open space provided: **9,321 square feet**
 - D. Total square feet of landscaped open space provided: **9,321 square feet**
 - E. Total square feet of landscaped open space provided: **9,321 square feet**
- REQUIREMENTS:**
- 1. Total number of trees required & provided: **115**
 - 2. Total number of native trees required & provided: **115**
 - 3. Percentage of native trees required & provided: **100%**
 - 4. Total number of trees required: **115**
 - 5. Total number of native trees required: **115**
 - 6. Percentage of native trees required: **100%**

PROPOSED LANDSCAPE PLAN



VILLA & ASSOCIATES INC.
 ARCHITECTURE PLANNING ATTORNEY DESIGN
 7544 SW 49 STREET MIAMI FL 33166 (305) 581-8181
 CONSULTANTS

DESIGNED BY
 ARCHITECTURE
 ATTORNEY DESIGN
 VILLA & ASSOCIATES INC.
 7544 SW 49 STREET
 MIAMI FL 33166
 (305) 581-8181

PROPOSED PK-8th GRADE SCHOOL
 FOR
SOUTH RIVIERA 2 SCHOOL
 VACANT LAND - SW 120th AVENUE & 24th STREET
 MIAMI DADE COUNTY, FLORIDA 33032
 FOLIO #s 30-6924-000-1980, 30-6924-000-2010 & 30-6924-000-2011

REVISIONS:
 ZONING: 05-22-0317
 ZONING: 02-09-0518

48

South Rivera Private School
 Arterial Level of Service

Build Conditions
 AM Peak Hour

Arterial Level of Service: EB SW 248 St

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
Sw 112 Ave	II	40	135.0	13.7	148.7	1.50	36.3	A
Total	II		135.0	13.7	148.7	1.50	36.3	A

Arterial Level of Service: WB SW 248 St

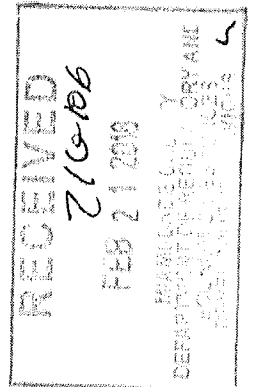
Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
SW 127 Ave	II	40	135.0	41.4	176.4	1.50	30.6	B
Total	II		135.0	41.4	176.4	1.50	30.6	B

RECEIVED
 Synchro 10 Report
 2/6-10/6
 Feb 21 2018
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATION AND
 ECONOMIC DEVELOPMENT
 DEVELOPMENT SERVICES

South Riviera School						
Project Generated AM Peak Hour New Vehicle Trips						
Proposed Number of Students: 750						
7:30 - 8:30 AM PEAK HOUR (with 3 Arrival and Dismissal Shifts)						
750 Students	Projected New Trips					
AM Peak Hour	779					
Site Circulation						
South Campus	In & Out bound Trips	Stacking and Queuing Spaces Required	Stacking and Queuing Spaces Provided	Parking Spaces Required	Parking Spaces Provided	
North Driveway	675	74	92	65	93	
South Driveway	104					
Adjacent Roadway / Neighborhood Impacts						
Adjacent Roadway	Projected New Trips	Existing Background Traffic	Total (New + Existing)	% Increase in Volume	Fure LOS (Arterial Speed)	
SW 248 Street between SW 112 Avenue & SW 127 Avenue	779	1165 (632 EB/ 534 WB)	1379 734 EB/ 645 WB)	18% (16% EB/ 20% WB)	B	30.6

Notes:

- 1 LOS & Arterial Speed Based on HCM 6 Arterial Analysis from Synchro 10 (see attached)



South Rivera Private School
 Arterial Level of Service

Build Conditions
 AM Peak Hour

Arterial Level of Service: EB SW 248 St

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
Sw 112 Ave	II	40	135.0	13.7	148.7	1.50	36.3	A
Total	II		135.0	13.7	148.7	1.50	36.3	A

Arterial Level of Service: WB SW 248 St

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
SW 127 Ave	II	40	135.0	41.4	176.4	1.50	30.6	B
Total	II		135.0	41.4	176.4	1.50	30.6	B

RECORDED
 Synchro 10 Report
 216-106
 Feb 21 2018
 DEPARTMENT OF REGULATION AND
 DEVELOPMENT SERVICES





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2016000106

Section: 24 Township: 56 Range: 39
 Applicant: SOUTH RIVIERA INVESTMENTS NO. 2, INC.
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Wednesday, October 5, 2016

REVISION	DATE	BY
		52



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2016000106

Legend
 Subject Property

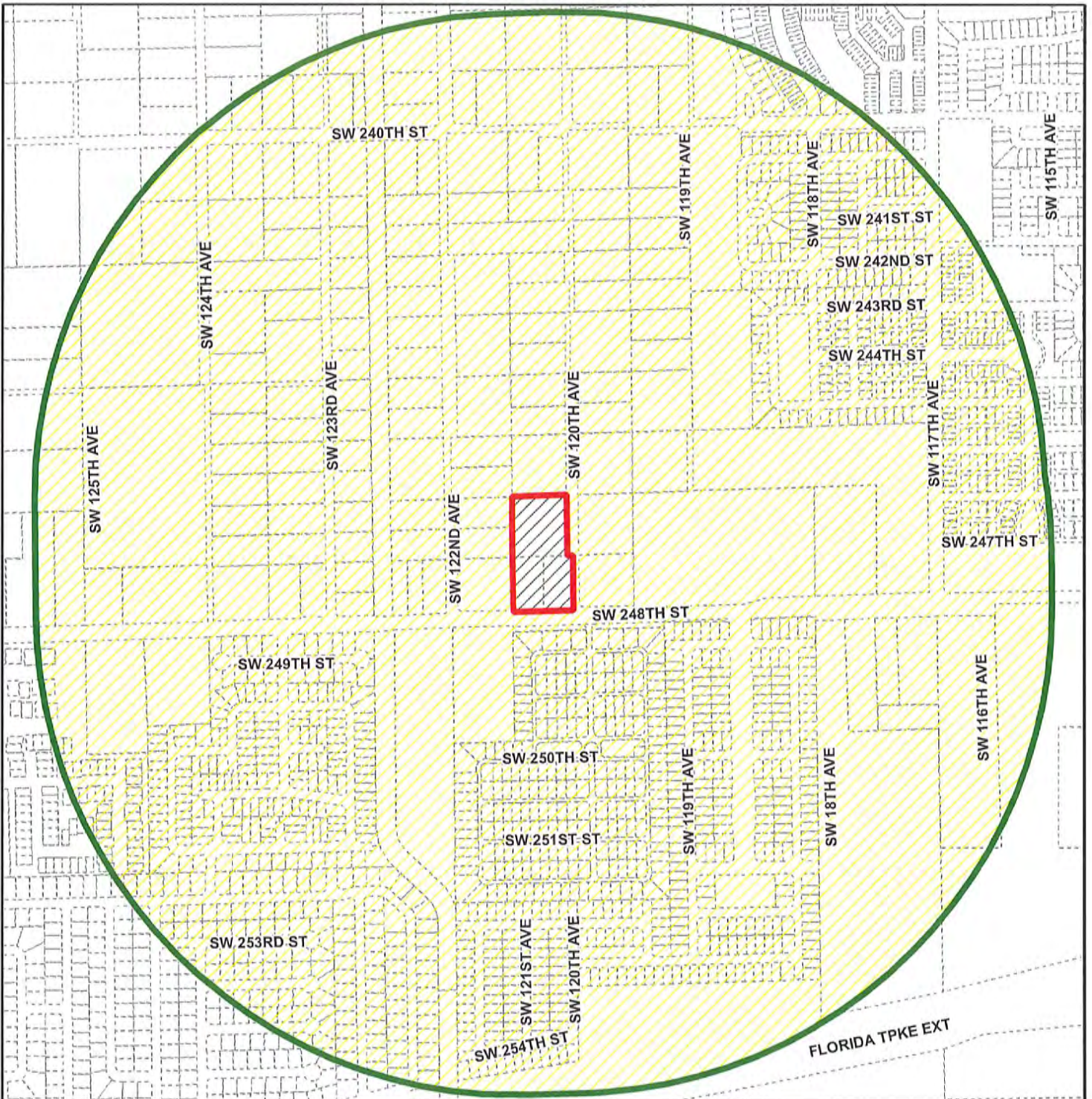


Section: 24 Township: 56 Range: 39
 Applicant: SOUTH RIVIERA INVESTMENTS NO. 2, INC.
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Wednesday, October 5, 2016

REVISION	DATE	BY
		53






**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2016000106
RADIUS: 2640

Section: 24 Township: 56 Range: 39
Applicant: SOUTH RIVIERA INVESTMENTS NO. 2, INC
Zoning Board: C15
Commission District: 8
Drafter ID: E.CESPEDES
Scale: NTS

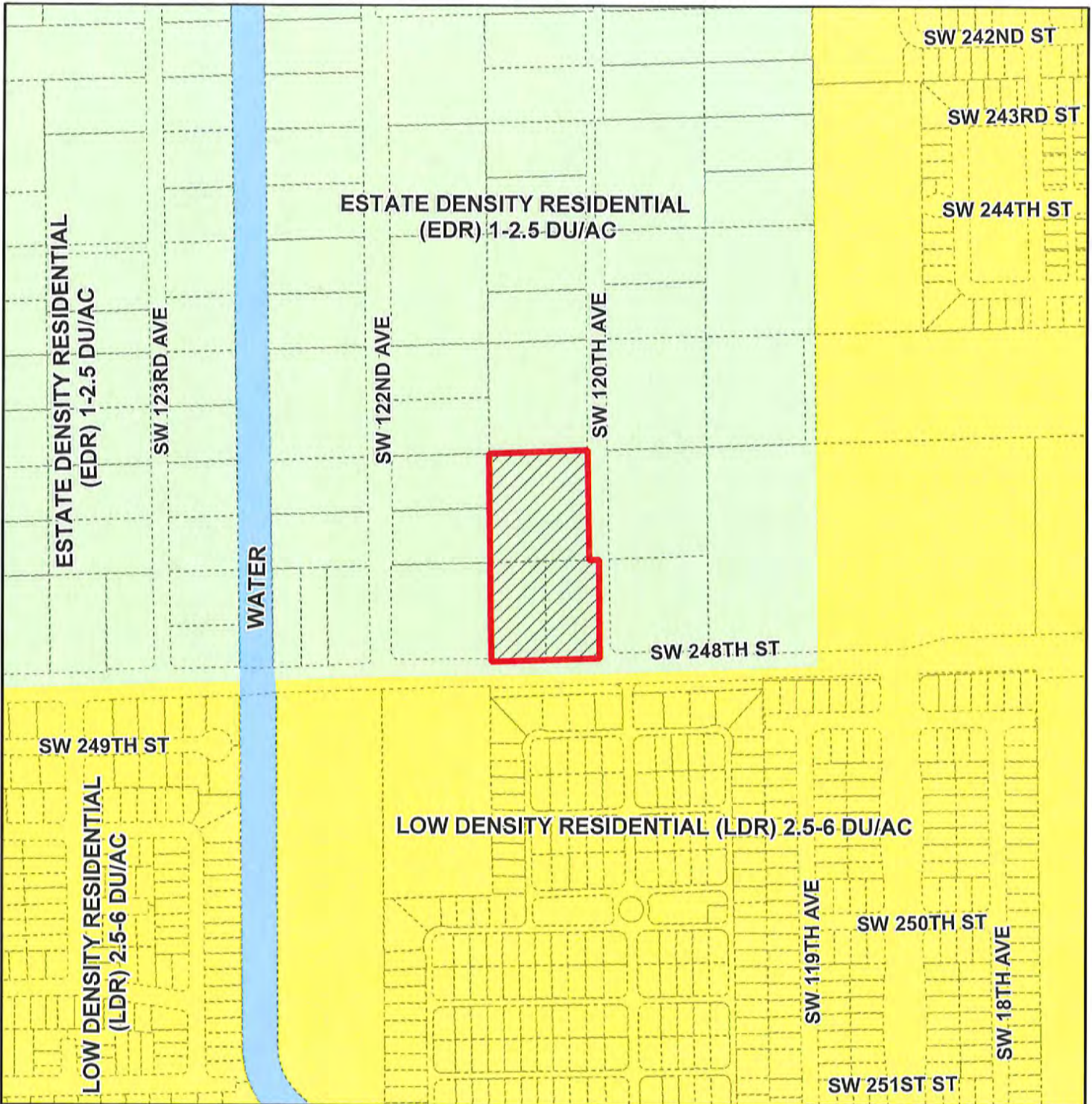
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, October 5, 2016

REVISION	DATE	BY
		54




MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2016000106

Legend

 Subject Property Case



Section: 24 Township: 56 Range: 39
 Applicant: SOUTH RIVIERA INVESTMENTS NO. 2, INC.
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Wednesday, October 5, 2016

REVISION	DATE	BY

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, NOVEMBER 14, 2017

SOUTH DADE REGIONAL LIBRARY-2nd FLOOR ROOM #205

10750 S.W. 211 STREET, MIAMI, FLORIDA

SOUTH RIVIERA INVESTMENTS NO.2, INC.

(16-106)

Members of the Board

Present

Marvin Wilson, Chair
Enid W. Demps, Vice-Chair
Johnny G. Farias
Larry E. Jackson
Marva Williams

STAFF

Carl Harrison, Clerk
Lauren Morse, County Attorney
Leo Rodriguez, Platting & Traffic Review

I N D E X
SPEAKERS & PAGE NUMBERS
COUNCIL MEMBERS

1
2
3
4
5 Chairman Wilson: 3, 4, 6, 7, 21-24, 26, 28, 30, 36, 38,
6 39, 44, 47, 49-51,
7 Vice-Chair Demps: 3, 46-50
8 Councilman Farias: 3, 40-42, 44, 50
9 Councilman Jackson: 3, 44, 46, 50
10 Councilwoman Williams: 3, 39, 40, 49, 50
11

STAFF

12 Mr. Harrison: 3-7, 34, 45-47, 50, 51
13 Ms. Morse: 3, 41, 42, 44, 50
14

SUPPORTERS:

15
16
17 Ms. Velazquez: 8-12, 27-31, 36
18 Ms. Cabrera: 22, 23
19 Ms. Soler: 24-26
20 Ms. Diaz: 23, 24
21 Mr. Dominguez: 26-28
22 Mr. Forbs: 28-30
23 Mr. Diaz: 46-48
24 Mr. Valentin: 44
25 Mr. Huembes: 48, 49

OBJECTORS:

23 Ms. Rolfs: 30-34
24 Mr. Homyk: 34, 35
25 Ms. Homyk: 36-38

1 (Thereupon, the following proceedings were had).

2 CHAIRMAN WILSON: Are the court reporter and
3 the county attorney present?

4 THE COURT REPORTER: Yes.

5 THE COUNTY ATTORNEY: Yes.

6 CHAIRMAN WILSON: Ladies and gentlemen, this
7 meeting of the Community Council 15 has come to
8 order on this November the 14th, 2017 meeting.

9 Please rise for the Pledge of
10 Allegiance.

11 (Thereupon, the Pledge of Allegiance was had,
12 after which the following transpired.)

13 CHAIRMAN WILSON: Please be seated.
14 Staff please call the roll.

15 MR. HARRISON: Councilman Farias?

16 COUNCILMAN FARIAS: Present.

17 MR. HARRISON: Councilman Jackson?

18 COUNCILMAN JACKSON: Present.

19 MR. HARRISON: Councilman Morrow?

20 Councilwoman Murillo?

21 Councilwoman Williams?

22 COUNCILWOMAN WILLIAMS: Present.

23 MR. HARRISON: Vice-Chair Demps?

24 VICE-CHAIR DEMPS: Present.

25 MR. HARRISON: Chair Wilson?

1 CHAIRMAN WILSON: Present.

2 MR. HARRISON: And please note here two
3 results were absent. We have a quorum.

4 CHAIRMAN WILSON: Those of you who are present
5 who wish to speak today must stand and please be
6 sworn in by the court reporter.

7 (Thereupon, all interested individuals seeking
8 to give testimony in the case were duly sworn to
9 tell the truth, the whole truth, and nothing but
10 the truth, after which the following transpired.)

11 CHAIRMAN WILSON: Anyone present this evening
12 who wishes to defer or withdraw an application
13 please come forward at this time. State your name
14 for the record.

15 There are no referrals at this time?

16 Staff please read the disclaimer for the
17 record.

18 MR. HARRISON: In accordance with the Code of
19 Miami-Dade County, all items to be heard this
20 evening have been legally advertised in the
21 Newspaper, notices have been mailed, and the
22 properties have been posted.

23 Additional copies of the agenda are available
24 here at the meeting. Items will be called upon to
25 be heard by agenda number and name of applicant.

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

4 All these items are physically present this
5 evening, available to all interested parties, and
6 available to the members of the Board who examines
7 items from the record during the hearing.

8 Parties have the right of cross-examination.

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

13 In addition, the following departments have
14 representatives present here at the meeting to
15 address any questions: Zoning Evaluation and
16 Platting and Traffic Review Sections of the
17 Department of Regulatory and Economic Resources,
18 and the County Attorney's Office.

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

23 Any person making impertinent or slanderous
24 remarks or who becomes boisterous while addressing
25 the Community Zoning Appeals Board, shall be barred

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

6 The number of filed protests and waivers on
7 each application will be read into the record at
8 the time of hearing as each application is read.

9 Those items not heard prior to the ending time
10 of this meeting will be deferred to the next
11 available zoning hearing meeting date for this
12 Board.

13 CHAIRMAN WILSON: When I call your item please
14 step up to the podium, state your name and address
15 clearly for the record.

16 I will then proceed to call those of you who
17 are in support of the application and I will call
18 objectors.

19 Those of you here who wish to speak will state
20 your name and address, but those of you speaking I
21 would ask that you make your presentation short and
22 none repetitive as we are limited on time.

23 Staff, please call the first item.

24 MR. HARRISON: First item on the agenda, Item
25 Number Z2016-000106 South Riviera Investments No.

1 2. We have zero protests and 386 waivers on
2 record.

3 MS. VELAZQUEZ: Good evening, Mr. Chair,
4 Members of the Board. My name is Gloria Velazquez.
5 We have something special for you this evening.

6 I've prepared -- we've prepared a PowerPoint
7 presentation.

8 CHAIRMAN WILSON: Excuse me. Please state
9 your name and address for the record, please.

10 MS. VELAZQUEZ: Yes. My name is Gloria
11 Velazquez, law offices at 701 Brickell Avenue,
12 joined by my colleagues Pedro Gassant and Amanda
13 Naldjieff, as well as Al Torres, joined also by Mr.
14 Carlos Huembes, the school's architect who has vast
15 experience in design of schools in South Florida,
16 including dozen for the Archdiocese, and Carl
17 Valentin the traffic engineer.

18 We're also joined by Mr. Diaz, representative
19 of South Riviera, who already owns and operates two
20 other daycare schools in the county, including one
21 right in the neighborhood known as KPLC, Kids
22 Paradise Learning Center, at 24555 Southwest 112th
23 Avenue, just north of CVS at 112th Avenue.

24 Lastly, joined by my many supporters, our many
25 supporters, including many who live in the

1 community, and who send their kids and children to
2 KPLC.

3 In many ways this is their application because
4 many of them have encouraged and pleaded Mr. Diaz
5 to expand grade levels and facilities because of
6 their positive educational experiences their
7 children have already had in their current schools,
8 and they would like to continue with this positive
9 overall environment beyond the fourth grade level.

10 South Riviera, the applicant, is seeking
11 approval for a new K-8 school.

12 And I've prepared the booklets for you to
13 follow, but I've also prepared a PowerPoint
14 presentation so you can also follow. If you'd like
15 you can turn around sideways so the public can also
16 follow.

17 The application site is located at Southwest
18 248th Street and Southwest 120th Avenue.

19 As you may know, there's a documented need for
20 additional schools in the area. Most elementary
21 schools in the area are over capacity or will be
22 very soon.

23 No other elementary school in this area will
24 have the extent or quality of the facility that
25 South Riviera will have with two acres of outdoor

1 recreational facilities, which would include a
2 baseball field, an outdoor track among other
3 outdoor facilities.

4 We will be another educational choice for
5 about thousands of families both present and future
6 who reside and will reside in the area for all
7 considering that the Step Up Scholarship program
8 will be excepted at the school so any child who
9 qualifies can attend.

10 Since the school will serve K-8th grades
11 parents will not need to support elementary
12 siblings to one school and middle school siblings
13 to another. They won't need to transport them.
14 They will all be in one school thereby reducing
15 cars traveling on the roadway.

16 The school will emphasize math, sports program
17 and will follow the Abeka curriculum. It will
18 focus on teaching biblical values and a
19 comprehensive christian curriculum used by
20 christian schools worldwide.

21 It will not -- and it's not an overstatement
22 to say that no other school in this area will have
23 the extent or quality of a proposed sports and
24 recreational area.

25 The owners recognize a need for an educational

1 program with plenty of opportunities for
2 recreational pursuits. No other elementary school
3 in this area will have the extent or quality of the
4 facilities.

5 Your approval today will result in the
6 construction of a state of the art school in an
7 area of the county that has experienced rapid
8 growth in the last 10 years and is expected to
9 continue to grow. You're approval will also result
10 in expanding educational choices in a much needed
11 capacity.

12 Let me take you to the application site. The
13 property size is about 4.43 acres, 5.1 gross acres
14 and is designated on your next slide with a star.
15 The subject property is surrounded to the north by
16 vacant site, to the south single family residences,
17 to the east with single family residences and to
18 west with more single family residences.

19 The CD&P Land Use is a state density
20 residential. This depicts a close up of the zoning
21 categories of the immediate area as I just
22 described.

23 And this slides shows a colorful zoning map of
24 the area depicting the agricultural area but also
25 shows that this area is also in transition.

1 As you will note this area is the agriculture
2 and this is the site location. However, all this
3 has been rezoned residential and has been in
4 transition and currently been developed for the
5 last 10 years.

6 What once was considered as Ag land, now the
7 need for housing and community drives what is built
8 within the urban development boundary line.

9 The CD&P map shows the underline land use a
10 residential. Our zoning request is to EU-M and is
11 consistent and compatible to this underlining land
12 use designation. Schools are permitted.

13 Our application was made last year. We have
14 worked with staff. Staff has made a thorough
15 evaluation of our application. And with that we
16 received no objects from all these departments:
17 From DERM, no objection; Platting Traffic Review
18 Section, no objection; water and sewer department,
19 no objection; Department of Solid Waste Management,
20 no objection; fire rescue, no objection; police, no
21 objection; schools, no objection.

22 Although every department issued a no
23 objection report, zoning staff still issued a
24 recommendation of denial.

25 However, the main discrepancy is the

1 interpretation of a simple code requirement, and
2 that is the outdoor recreational space requirement,
3 and that is our variance today which is Number 6.
4 It is the outdoor recreational space requirement.

5 While we strongly believe that the calculation
6 should be based on the number of children outside
7 at any one time and not the total number of
8 children in the school, staff is still inclined to
9 adopt and formulate their analysis based on a 1977
10 outdoor recreational space study which is outdated.
11 Again, it is based on 1977 recreational space study
12 which is outdated.

13 We will focus on -- our comments on this a
14 little bit later. However, I do want to clarify
15 what it is that we're here today for. Our requests
16 are: One, a district boundary change from AU,
17 Agricultural District, to an EU-M, Estates Modified
18 District. Number 4 in your packet, special
19 exception and unusual use to permit a private
20 school with grades kindergarten through 8th grade,
21 a non-use variance to permit a private driveway and
22 parking areas within 25 feet of an official
23 right-of-way, and then the famous non-use variance
24 to permit 86,204 square feet of outdoor
25 recreational space. That's almost two acres of

1 outdoor recreational space where 251,580 square
2 feet is required. Those are our requests today.

3 Let me jump into the site plan here. I will
4 go through it quickly, and Mr. Carlos Huembes, the
5 architect, will be available to answer any specific
6 questions at the close of our presentation.

7 Again, we have a 5.1 gross acres site, the
8 state of the art designed by a top school designer.
9 We have access to and from the site from 120th
10 Avenue. There will be two drives. Halfway up
11 there will be drop off and pick up areas and it
12 will be built in phases.

13 How do we provide the built design in a manner
14 that's compatible and respectable to the neighbors
15 in the neighborhood?

16 Well, this design just does that. It's a
17 building that is two stories, the same as any
18 single family two-story home in Dade County. The
19 total building size is about 63,784 square feet.
20 The modest lot coverage for about 63,784 square
21 feet. The building mass is on 248th Street which
22 is a section line roadway. There are huge
23 setbacks. There's 105 feet on the south, 304 to
24 the north, 52 on the east and 77 feet on the west.
25 It is well buffered. Nicely landscaped and

1 buffered. You will see the playground to the back
2 which consists of about 86,204 square feet, as I
3 mentioned earlier, almost two acres, of a multi
4 purpose field. It will be a baseball field, an
5 outdoor field for football and soccer as well. You
6 will have an outdoor gym -- an indoor gym for
7 basketball and volleyball, which will be about 5152
8 square feet, which is not counted in the
9 recreational space. It will also have an
10 auditorium for a dance and theater. It has a track
11 around the entire campus which also is not counted
12 for in the recreational space. It has an
13 additional 4415 square feet of lunchroom, cafeteria
14 and vocational classrooms.

15 At some point this outdoor recreational space
16 becomes an enormous buffer in addition to its
17 fencing, hedges and trees and landscaping as noted
18 in the landscaping plans in your booklet.

19 I'd like to go on to the next slide which talks
20 about -- talk a little bit about the traffic,
21 operation plan, circulation plan presented to the
22 County which was reviewed by the County, County
23 staff. It was vetted and approved by the County.

24 Again, I stated that we submitted our
25 application over a year ago. We worked with County

1 traffic staff and we eventually received approval.

2 The application final site plan has plenty of
3 parking for staff, visitors and parents who wish to
4 walk the kids in. Plenty of stacking, traffic
5 control, officers and segregated parking for vans.
6 There are more parking and stacking than required
7 as well.

8 I'd like to get to a little bit about the
9 shifts with regards to scheduling of when children
10 arrive to school because that is a concern that
11 most folks have when you have a school in your
12 area.

13 And one of the things that we worked with the
14 County was providing the shifts in three shifts --
15 providing three shifts.

16 So here we have school starting at 7:00 a.m.,
17 at 7:30 and 8:00 a.m.. So we have three shifts in
18 the morning and three shifts in the afternoon.

19 Of particular importance is the accumulation
20 assessment summary which basically shows the
21 accumulation of cars, and the maximum accumulation
22 of cars at any point is about 84 cars, which is in
23 the afternoon, and we have stacking available
24 onsite side internally for 92 car. So there's
25 plenty of internal.

1 And I'll go back to the site plan and you'll
2 see there's plenty of internal when you come in
3 through 120th and there's plenty of stacking for 92
4 cars internal to the plan. We have capacity to
5 retain over a hundred percent of the vehicles on
6 site.

7 This is the accumulation assessment summary
8 where I stated that the maximum accumulation at any
9 point in the afternoon will be 84 and we have
10 stacking providing. We have maximum 92.

11 Just to show you in the morning the projected
12 accumulation of cars would be 35 in the morning,
13 early morning 72, 55, 41, 84, 64, and we would have
14 92 available on site.

15 Let me go over quickly a little bit about
16 staff review. I had already gone over how staff
17 reviewed and had no objection. DERM said there was
18 no adverse impacts. Traffic had no objections.
19 Police recommended off-duty police. Other
20 departments had no objections.

21 We all want to have good schools in our
22 neighborhood, essential services being good schools
23 and good values, good property values, but we must
24 deal with traffic, school traffic. And thankfully
25 we optimize internal circulation and stacking to

1 avoid spillage onto the street causing any issues
2 and that's why we design the school the way we do.

3 We spent over a year, again I've stated this,
4 working with traffic -- the traffic section to
5 receive staff request.

6 Now let me get to the outdoor recreational
7 space issue. While zoning staff recommends denial,
8 there have been numerous and other similar
9 applications approved with the same variance.

10 All have understood that today's land
11 environment is not what it was back in 1977. We
12 should also not penalize a private school in having
13 this standard while a public and charter school do
14 no have the same outdoor recreational space
15 requirement.

16 The chart before you shows several other
17 applications that have been approved. Let me take
18 you through a few applications.

19 The reality is that not all schools have PE at
20 the same time or even everyday. So what these
21 applications show is that the boards would approve.
22 They review it based on when the children will be
23 out in the field, and based on that that's how they
24 recommend approval.

25 For example, in Camejo (phonetic) at 59th

1 Street, an example, it's an 800 student school.
2 The recreational area is 37,400 square feet and
3 their ratio of square feet for their outdoor area
4 is 47 square feet per child. And this was
5 approved. They provided a shift based on the kids
6 that will be out in the outdoor recreational space
7 at a certain times. Not all children will be out
8 at the same time.

9 Another example will be Somerset Academy
10 Charter School. Eight hundred students, similar to
11 this application. They had 34,400 recreational
12 square feet area. Their square feet of their ratio
13 is 43 square feet per child. Our ration is 101
14 square feet per child.

15 When you look at all these approvals you will
16 notice that we are on the top tier of ratio of the
17 square footage per child.

18 In addition, staff has even recommended
19 approval of further reducing the outdoor
20 recreational outdoor space of an application on
21 54th and Southwest 107th Avenue this summer siding
22 that since they had already received approval --
23 previous approval a further reduction would not be
24 harmful; that it would be not create a negative
25 visual or traffic impact on the surrounding area.

1 And further in support of a modified request
2 of a similar application, staff also made three
3 observations on this same issue. They stated that
4 code analyzes amount of play area based on the
5 assumption that all students will play in the area
6 at the same time and staff observes that this is
7 not likely to be the case. Schools do not operate
8 that way.

9 They also stated that variance is internal and
10 only affects operations and that the proposed play
11 area is well buffered for adjacent properties.
12 Staff understands the reality but did not apply it
13 in this case.

14 To understand the requirement we must look at
15 the history of the regulation. The requirement
16 comes from a 1977 study that was updated later in
17 1986. The study was based on a review of 34
18 schools in the county built before 1971. The rule
19 of thumb, 50 children per acres. The world was a
20 different place back then. Miami-Dade County was a
21 very different place.

22 In 1977 the population was 1.5 million. Today
23 our population is 2.5, more than one million more
24 people. By 2030 or population is expected to
25 increase by 2.8 million.

1 Because of limited supply of land, we have
2 learned to be more efficient in the use of land.
3 In the context of schools in our car dependent
4 society, we must accommodate large parking fields
5 and circulation and we will by necessity cut into
6 green areas. However, we can do it efficiently and
7 we can do it the right way.

8 I'd like to again, and I've stated, but I'd
9 like to reiterate an important point which is
10 public schools have no requirement in size of play
11 areas and they're not tied to a number of students.
12 Charter schools has also no requirement, but
13 private schools have a 1977 requirement which
14 continues to apply. However, the Boards, just like
15 you, have recognized that one size does not fit
16 all.

17 In complying with the code today would be
18 impossible to attain. At this rate if no further
19 approvals are made under these conditions we will
20 no longer have private schools. I do not believe
21 that this is the intention here.

22 Let me quickly point to the need of the area.
23 The next slide is a concurrency -- school
24 concurrency review of an application for a
25 residential community showing the capacity of

1 schools in the area.

2 You will note that Coconut Palm K-8 has a net
3 available capacity of negative 152. That is in
4 this concurrency service area.

5 Then the school board looks into its adjacent
6 concurrency area to look for if there's any
7 availability. So it will look to the Redland
8 Elementary which only has 11 seats available. Then
9 it goes into William Chapman which only has three
10 and this has no availability. Mandarin Lakes,
11 zero. It goes to Carribbean K-8 Center which has a
12 negative 240 net available capacity. This chart
13 shows you the need.

14 Charter schools have a huge waiting list.

15 CHAIRMAN WILSON: Excuse me. I'm going to ask
16 you to wrap it up now.

17 MS. VELAZQUEZ: I'm going to wrap it up right
18 now.

19 And a final note, we've met with the neighbors
20 and have come to an agreement. I have a motion
21 which includes conditions of approval and Number
22 13, 14 and 15 address the neighbors concerns. We
23 are happy that we have been able to work together
24 to achieve a mutual agreement.

25 I will submit the proposed conditions that

1 deal with site plan design, traffic mitigation,
2 which we'll use to impact on the neighborhood. We
3 have the conditions here and there's a note --
4 there's a handwritten note with one word that has
5 to be amended and we will submit it formally
6 tomorrow.

7 And I would like to close and request five
8 minutes for rebuttal if necessary. I thank you for
9 your time. I respectfully request your approval
10 for Items 1, 4, 5 and 6.

11 CHAIRMAN WILSON: Are there any persons
12 present that wish to -- that are in support of this
13 item who wish to speak on it? If so please come
14 forward and please limit your comments.

15 MS. CABRERA: Good evening. My name is Patsy
16 Cabrera. I live at 11452 Southwest 243 Terrace,
17 Homestead, Florida, 33032.

18 I have a four-year-old which next year is
19 going to kindergarten and I have been seeking, you
20 know, throughout the schools in the neighborhood,
21 which most of them are full, all the charters, and
22 the ones that are public schools they have a lot of
23 kids per classes.

24 And I really think it's important for private
25 schools to be made in the area in the neighborhood

1 because of the ratio, smaller class sizes per
2 teachers.

3 Also this school is going to be having the
4 outside area which gives the after school program,
5 and that means I can put my child in baseball or
6 extra curriculum activities, which none of the
7 schools really have.

8 I tried looking into one of the schools and
9 they have to transport kids to other sites, other
10 local playgrounds, because they don't have enough
11 space in their location.

12 I just think for my child it's a good
13 opportunity and I hope you guys take it into
14 consideration.

15 CHAIRMAN WILSON: Thank you.

16 Are there any others present that wish to come
17 forward and speak on this particular item?

18 MS. DIAZ: Hello. Good evening. My name is
19 Kim Diaz, address 24287 Southwest 114th Court,
20 33032.

21 My name is Kim. I am a nurse at Baptist
22 Hospital. I work hours that are in later times.
23 So it's difficult for me to find a school that can
24 take care of my kids with after school hours. This
25 school will be able to help me and others like me

1 to find an after care program and help me utilize
2 those hours and still work.

3 With the sports auditorium and the sports
4 program and the focus on mathematics, as a parent
5 they're encouraging for me. As a nurse educator, I
6 hold education in very high regards.

7 So as a parent of two, as a professional and
8 as a member of this community, I see this school as
9 only a positive addition to the community.

10 So I ask the Board to approve the school and
11 hopefully soon so that the future of my kids could
12 be part of the school. Thank you.

13 CHAIRMAN WILSON: Anyone else who wants to
14 come forward and speak on this item?

15 MS. SOLER: Hi. Good evening. My name is
16 Darlen Soler and I'm here tonight with my two sons.

17 CHAIRMAN WILSON: Please state your residence,
18 please.

19 MS. SOLER: Yes. 29795 Southwest 143 Court,
20 Homestead, Florida, 33033.

21 I'm here with my two sons. We're residents of
22 Homestead for the past 15 years and I've been
23 traveling daily for more than 30 miles to and from
24 to get to a good school for my 12-year-old.

25 My son is attending Somerset Silver Palms.

1 He's in 7th grade and his classes -- in his class
2 he has 32 students for one teacher, which the ratio
3 is overcrowded. My son is not getting the right
4 education with so many students in the overcrowded
5 class.

6 In the area I've looked and there are no other
7 schools that have a smaller ratio, good sports or
8 education. These qualities are very important for
9 me.

10 The charter school that my son attends also
11 gave me an invoice of \$200 for not doing volunteer
12 hours. I don't have the time to do the hours. So
13 I'm employed full time and cannot miss any work.

14 Due to this debt my son cannot participate in
15 any activities or go to a field trip until the debt
16 is paid.

17 My son has a scholarship, Step Up, to attend
18 at a private school of his choice and he can't use
19 it again because there is no good schools in the
20 area.

21 We're not asking to build a liquor store, a
22 shopping center, gas station or a nightclub. We're
23 asking for the approval of a private school for
24 children to have a good education.

25 I have a younger son who also attends at KPLC.

1 He's in first grade, has 10 students in his class,
2 and he's at a reading level of second grade. He's
3 only six years old and he has a great education in
4 that school.

5 We need a great school like this in a growing
6 city. Those schools that will be constructed will
7 have a great opportunity for children to join
8 sports with great learning education.

9 I can keep talking tonight but I would like
10 for other parents to also express their opinion,
11 and as a voter I ask you to approve the school
12 tonight. Not many months down the road due to the
13 reason that the longer it gets to approve my kids
14 have no other, you know, advantages in a school
15 that -- especially this one that's offering.

16 And at this time I would like for all the
17 parents to please stand up and approve for the
18 approval of the school.

19 CHAIRMAN WILSON: No, ma'am. No, ma'am.

20 Next. We have anyone else that wants to speak
21 on the issue?

22 MS. SOLER: Thank you.

23 CHAIRMAN WILSON: You're welcome.

24 MR. DOMINGUEZ: Hi. My name is Victor
25 Dominguez. I live at 11786 Southwest 238 Street

1 Homestead, Florida, 33032. I'll keep my comments
2 brief.

3 The young lady had excellent information
4 regarding the school size, students per
5 student/teacher ratio. And as I'm sure you're guys
6 are aware that's common in Miami-Dade, Florida
7 schools, 34, 36, 40, 50 students per teacher.

8 What this school provides is much more than
9 individualized attention. It's also something
10 that's very important to -- my wife and I have
11 something that we comment a lot. It's something as
12 simple as proper nutrition. Many Miami-Dade
13 schools they give hot dogs and hamburgers, stuff
14 that I'd honestly only feed my kids when it's like
15 a party.

16 At this school they currently offer them
17 actual nutrition. Rice, beans, like actual meat.
18 Not something that's questionable. And that's
19 something that I appreciate.

20 I've got -- we've got several teachers there
21 that they actually take personal the lives of the
22 children. I have one teacher that lets me know
23 everyday if my daughter went to the bathroom, and I
24 think that's amazing. How many teachers in
25 Miami-Dade County Public Schools or perhaps even

1 charter schools can tell you if your child went to
2 the bathroom. It's a little detail but I find that
3 important.

4 And I would love for my daughters and my older
5 daughter to transfer to this possibly new school
6 where they can go together still get that
7 individual personal attention. That's the most
8 important thing to me, that attention for
9 teacher/student and communication to parents as
10 well as the nutrition.

11 I value that more than anything else. My kids
12 are everything to me. I work and I live for them.
13 And if I got a teacher that puts that same
14 attention to my kids they've got my full support.

15 I personally fully support this. Thank you.

16 CHAIRMAN WILSON: Are there any others who
17 wish to come forward and speak on this particular
18 item in support of this item?

19 MR. FORBS: Good evening. Ken Forbs, 1085
20 Northeast 42nd Avenue, Homestead, Florida, 33033.

21 I came here to give my support to this
22 applicant. I was here in 2008 when they came and
23 they were one of the partners of the Allapattah
24 Partners. You have the CVS Pharmacy. You have the
25 Hess Gas Station. You have the McDonald's and you

1 have the little strip mall there and you had Kid
2 Paradise.

3 And what they have demonstrated to this
4 community is that they have been the good corporate
5 partner that the community was looking for. They
6 offered a level of service to the area that was
7 much needed at the time. And what they have
8 demonstrated, and I think because you're looking at
9 your neighbors, people that have children that
10 attend that school, is that they have demonstrated
11 that they can provide quality education for the
12 children in the area and all they're asking is that
13 this community will allow them to continue to
14 nurture those children that they -- that they went
15 out and basically got to come to this school from
16 this community.

17 Because see they're not the CVS. CVS is a
18 national corporation. McDonald's is global. Hess
19 is global. This is a local applicant who basically
20 have demonstrated that they provided a service that
21 was needed and that have the proof in the people
22 that are here tonight saying that they would like
23 to see it expanded so that their kids can continue
24 to enjoy the quality education that they have been
25 receiving.

1 So I hope you will take that into
2 consideration and you will approve this
3 application. Thank you.

4 CHAIRMAN WILSON: Are there any other persons
5 that wish to speak on this particular item?

6 Are there any persons present who have
7 objections to this particular item?

8 Please come forward and state your name for the
9 record.

10 MS. ROLFS: Hi. My name is Marilyn Rolfs. I
11 live a 24371 Southwest 123rd Avenue, Princeton,
12 Florida, 33032.

13 I'm here tonight. I made a little chart here
14 for you guys. As you can see it's all rolled up.

15 I don't know if you're aware of it but we have
16 nine schools in this vicinity within a two mile
17 radius of this particular site.

18 Matter of fact, Number 9 is being built as we
19 speak right now on 124th Avenue and 248th Street.
20 So we've gotten plenty of schools here. So I don't
21 know that we're really in need of another one.

22 They talked about a private christian school
23 that this is going to be. Princeton Christian
24 School is right down the street. It's less than
25 two miles, 1.7 miles down the road. Their under

1 enrolled right now at half of what they're normally
2 enrolled at. So that would be a good option. It
3 is a very good school.

4 My concern too is that they want to change the
5 zoning. Everything zoned north of 248th Street
6 between 127th Avenue and 119th Avenue is zoned
7 agriculture, even though there's a lot of
8 residences on it, and the use is primarily
9 residential. There are some nurseries. There are
10 some areas that are classified as non-home sites
11 and they're vacant residence.

12 But I really see no reason to change the
13 zoning from agriculture to EU to MU or to EU-M, to
14 change that because I live out there. My house is
15 still -- I live in a house on an acres of land and
16 my property is still zoned agriculture if you look
17 under Dade County property taxes right now, and so
18 this is too.

19 And as far as the exceptions that they want to
20 make for building this -- approved this to build
21 this school, I don't think there should be any
22 exceptions. I think it should be whatever the
23 State or the County has set forth with the
24 guidelines, that we should stick to them. We keep
25 making all these exceptions and we're becoming so

1 over crowded, so many cars on the road, so many
2 houses so close to the street that it's really not
3 safe for our kids.

4 Matter of fact, there's a drainage ditch on
5 248th Street. They really didn't say how they were
6 going to address that.

7 I'm worried about the flow of traffic and I've
8 talked to Gloria about it and she talks about the
9 stacking, but I have a grandchild that goes to
10 Southwood, and even though they have a stacking and
11 it will hold approximately 100 cars, on the outside
12 on the street there are another 100 cars waiting to
13 get into that stacking area to pick up the kids.

14 My granddaughter goes to Gulfstream. Same
15 thing. They're on the street. There is no
16 stacking. They're on the street waiting. Parents
17 come 30 minutes early and start sitting and waiting
18 for school to be released to get their children
19 out. So that becomes a real problem. And like I
20 said the drop off is the biggest thing.

21 The other thing Gloria didn't talked about it
22 but I heard some of the parents talk about it,
23 after school care. Is this school going to supply
24 after school care for the kids? So the kids aren't
25 going to be getting out of there at 3:00 o'clock.

1 We're going to have kids that are going to maybe be
2 there until 5:00 or 6:00 or 7:00, I don't know
3 what, after their after care school.

4 Most public schools have after care until 6:00
5 and the kids have to be picked up by then. And I
6 understand that most parents work in this area in
7 two family.

8 And we're talking about being able to support
9 this school. I looked online at the mean income
10 for the Princeton area in 2015 was \$49,000. For
11 the Goulds community it was \$29,000.

12 So now I'm concerned are the neighbors going
13 to be able to support this school if you approve it
14 to be able to afford to pay tuition, because again
15 it's a private school, and I'm sure not everybody
16 is going to be able to apply for Step Up and be
17 approved for it.

18 So there's some people that are going to have
19 to be paying for it out of their own pocket. And
20 are they going to be able to afford to because at
21 this day and age everything is quite expensive.

22 So I would really prefer that you if you
23 approve it no exceptions. I would prefer you not
24 approve it. I think agriculture should stay where
25 it's at. There should be no exceptions to the

1 setbacks or anything else. It should be on what it
2 should be on.

3 And from the research that I did they talked
4 about the amount of land that an elementary school
5 should have. It should be at least five acres and
6 then more for the more kids that you put on it.
7 But that's was a little hard to find out because
8 it's not real clear. They kind of keep it kind of
9 hidden.

10 But I would wish that you deny this with
11 prejudice if at all possibly. Thank you for your
12 time.

13 MR. HARRISON: Ma'am, I got to take that.

14 MS. ROLFS: Oh, you got to take this. Okay.

15 MR. HOMYK: Hi. My name is Randy Homyk and I
16 live at 23970 Southwest 122nd Avenue, Homestead.
17 Personally the idea of the school I think it's
18 great. I have a problem with whoever did the
19 traffic study. Obviously whoever this is has not
20 been on 248th Street in the last six months or so.

21 Starting at 6:00 o'clock in the morning you
22 cannot go down 248th Street. I can't imagine when
23 the other school opens and this school opens that
24 there's no -- there's nothing being done with the
25 road infrastructure.

1 The big problem we're having now is because
2 248th is backed up, all the side streets, 122nd
3 Avenue where I live, it's a race track. Starting
4 at 7:00, 6:00 o'clock in the morning there's cars
5 going 70 miles an hour down the road. It's crazy.

6 So if we're going to build the school it's
7 fine but we need to do something with the
8 infrastructure.

9 The way 248th Street is right now you can't
10 make -- there's only one left turn lane and it's
11 backs all the way up to 248th Street because they
12 got everything blocked that I don't see how the
13 road is going to be widen.

14 But something with the infrastructure has got
15 to be done and the side streets because everybody
16 is using the side streets now. They can't go down.
17 That's my biggest problem that I have.

18 It's dangerous for the kids that it's going to
19 be going 24 hours a day now with the street racing
20 down the side streets to avoid the turn on 248 and
21 112th Avenue.

22 So take that into consideration, but I do
23 support the idea of the school. But we need to do
24 something with infrastructure. You can't be doing
25 all this expanding. I mean, house after house

1 after house is being built and it's nice we're
2 having schools for the kids, but we ain't got no
3 where to get there to get them there in the
4 morning. So take that under advisement, I guess.
5 Thanks.

6 CHAIRMAN WILSON: Are there any others who
7 wish to object to this particular item?

8 Please come forward. State your name and
9 address for the record.

10 MS. HOMYK: Hello. I'm Susan Homyk. I also
11 live at 23970 Southwest 122nd Avenue, Homestead,
12 Florida, 33032.

13 I agree with everything my husband said. Our
14 street is a racetrack currently with another school
15 already in -- another school that's already being
16 built. It is going to be even worse. We need
17 speed bumps on my street. I have requested it more
18 than once. I have not gotten it. How do we get
19 that done? How do we avoid people cutting through
20 our street and going 60, 70, 80 miles an hour in a
21 30 miles an hour zone?

22 The school sounds great. I applaud most of
23 what they've said. I encourage the builders and
24 the planners to keep as much land for kids to run
25 and play to get out of their seats and do all of

1 that moving that they don't do anymore. So I hope
2 you keep all that land for the kids if it gets
3 approved, but we can't get down 248th Street.

4 The road on 248th Street will never ever be a
5 two-lane -- a four-lane road because up the street
6 the other direction there's an apartment building
7 on the road and there's transfer station for
8 electricity on the road. There's no way to widen
9 it in certain parts of that road.

10 Currently it is not being updated for the
11 amount of traffic that has been happening already.
12 And this school claims that it might have up to a
13 thousand families. That is potentially a thousand
14 cars added to what's already out there.

15 How is anybody going to get out of the
16 neighborhood? How is anybody going to get in and
17 out of school?

18 My son goes to school that has five hundred
19 students. Luckily it is a four-lane road already.
20 But at arrival time and dismissal time that
21 right-hand lane coming out before you get into the
22 property is backed up for quite a ways. And that
23 is half of what they're talking about because a
24 thousand families does not mean a thousand
25 students. It means probably up to 2000 students.

1 That's a lot of traffic on a street that's not
2 being updated. On the side streets that are not
3 being considered as people use them to cut through
4 and so on.

5 So I ask you how do we do this? How does this
6 Board go to the County and say, you have to fix the
7 roads first? Who does that? Who does that work to
8 say get out there and make it work?

9 Make it so that people can get down the
10 street. People can't get to work on time because
11 they can't get to the highway. They can't get
12 their kids to their own schools because you can't
13 get out of the neighborhood. There's school zones
14 after school zones after school zones after school
15 zones, and now we're going to get one more on 248th
16 Street and now this is going to be another one.
17 How do you get where you're going? Thank you.

18 CHAIRMAN WILSON: Are there any other
19 objectors?

20 Ma'am, would you like to have your rebuttal at
21 this time? I'm going to limit you to five minutes.

22 MS. VELAZQUEZ: This is going to be very
23 quick.

24 I just wanted to clarify that it's a school of
25 a hundred -- 850 students. The traffic situation,

1 we worked with the traffic section for a year and
2 we were approved by the department. Once we go in
3 with the plans there will be improvements made.
4 Staff will review. There will be improvements --
5 roadway improvements. We don't know at this point
6 what those roadway improvements will be, but those
7 will come once the plans will be submitted to the
8 County for review, and at that time we'll -- that
9 will be determined at that time as to what specific
10 roadway permits will be required. And those will
11 be my two points at this time. Thank you.

12 CHAIRMAN WILSON: Okay. It's closed right
13 now.

14 Board, have any questions?

15 COUNCILWOMAN WILLIAMS: Yes. I just have a
16 couple of statements. I'm curious where you got
17 your numbers from. I did some research myself.

18 Okay. First of all, Redland Middle, you left
19 one off. They're under enrolled by 1300 students.
20 Not 336. So I'm not sure --

21 MS. VELAZQUEZ: That's a public schools. That
22 the public schools -- that's a concurrent review
23 from the public school.

24 COUNCILWOMAN WILLIAMS: I'm not sure where
25 they got the numbers from then, okay.

1 In the area within a five mile radius, I'm
2 letting you know in less than five miles, we're
3 under enrolled with the public school system by
4 over 3000 students, okay. Three thousand three
5 hundred and three students to be exact. They are
6 under enrolled. You have Goulds Elementary and
7 they're under enrolled. They're only at a 57
8 percent capacity. You have Pines Villa Elementary
9 School. They're at 46 percent capacity. And when
10 it comes to the middle school, K-8 centers, Madarin
11 Lakes is actually at 65 percent capacity. They're
12 not over; they're under. Caribbean, 93 percent
13 capacity. Middle schools you got Cutler Bay;
14 they're at 60 percent capacity. Redland Middle is
15 actually at 38 percent capacity.

16 So I just want to make sure that the --

17 MS. VELAZQUEZ: Those numbers just out of
18 curiosity, these are the numbers that we got from
19 the public schools.

20 COUNCILWOMAN WILLIAMS: You know what, it's so
21 available. It's right on the Miami-Dade County
22 Public Schools website. It's right there. All the
23 numbers are right there for you. I'm not sure
24 where you got yours from. They're right there for
25 everyone to see.

1 I just want to make that point to the counsel.
2 We are truly under enrolled in the area.

3 COUNCILMAN FARIAS: Through the chair. I have
4 a couple of statements and questions also.

5 Do you know -- you said that you got this from
6 Miami-Dade Public Schools?

7 MS. VELAZQUEZ: Yes.

8 COUNCILMAN FARIAS: Do you know what date
9 these numbers are from?

10 MS. VELAZQUEZ: Let me see if I have that. I
11 don't have the exact date but it was within the
12 last six months.

13 COUNCILMAN FARIAS: Well, I mean, I kind of
14 agree with the Councilwoman. I'm also very
15 involved in my schools and they are under the
16 limit. They need to be filled up and, in fact,
17 even Redland Middle they closed a wing down because
18 they don't have enough students.

19 Okay. To go on -- to move on, you said that
20 you spoke to traffic and they said they approved
21 it, but I have here that they're saying that it
22 would be intensified and that it's going to have a
23 lot of increase traffic impact on the roads.

24 MS. VELAZQUEZ: That's the zoning analysis.
25 The zoning analysis. That's what zoning said, but

1 traffic had no objection.

2 COUNCILMAN FARIAS: This is for our attorney.
3 Is it appropriate for me to ask by a show of hands
4 how many people live in the area?

5 COUNTY ATTORNEY: You can ask the question.
6 The presence of people at the meeting who live or
7 do not live in area is not necessarily an
8 appropriate zoning criteria but you are free ask.

9 COUNCILMAN FARIAS: Okay. I'm going to ask.
10 Can I please see a show of hands of the people that
11 actually live in this area. The ones that got
12 notices, okay

13 And the last thing that I have is are you
14 still having -- Number 3, the non-use variance, is
15 that still in?

16 MS. VELAZQUEZ: That has been withdrawn.

17 COUNCILMAN FARIAS: Oh, that has been
18 withdrawn?

19 MS VELAZQUEZ: Yes.

20 COUNCILMAN FARIAS: Okay. I mean, other than
21 that the traffic situation, like some people
22 already mentioned, I've drove through 248 several
23 times. I mean, I don't know when the traffic study
24 was done but I can tell you even within the last
25 six months traffic is horrible, and I don't see how

1 you're going to have another school and more cars
2 and not have an impact on that.

3 MS. VELAZQUEZ: There will be an impact.
4 There's no doubt that there will be an impact, but
5 when you balance the need of the community, there's
6 a need, and balance the necessity, and there will
7 be mitigation, certain mitigations. For example,
8 there will be a policeman that will be placed in
9 the corner at dismissal for the flow of traffic and
10 that's something that staff recommended. And that
11 police officer will alleviate and will assist in
12 the flow of traffic.

13 And as the situation, you know, as the school
14 grows, there will be other mitigation efforts to
15 alleviate the traffic.

16 Also, I know that to the west there, 248 is
17 set to be widen down on the west side, and I don't
18 know what impact that will have on this corridor on
19 this side. But hopefully you'll have some
20 improvement to the west, then it'll alleviate.

21 But at the end of the day our population is
22 growing and traffic situation is not getting any
23 easier. So what I do in my part of town, you know,
24 when I have to take my girls to school at this
25 point I put my alarm twenty minutes earlier and my

1 girls now we have to get up earlier than before and
2 we just know we have to because we have to wait in
3 traffic to get to school and we have to wait.
4 Before we used to get to school in 10 minutes, now
5 we get to school in 25 minutes.

6 So it's a reality. We are growing. We are a
7 community that's growing. And we have to
8 understand also that there's needs that we have to
9 serve. We have to serve everyone. And having
10 schools for everyone is one of the services that we
11 should consider and when you're balancing it out.

12 We have Carlos who would like to address the
13 board for a minute, our architect.

14 CHAIRMAN WILSON: Not right now. We're
15 closed.

16 MR. VALENTIN: I want to respond to the
17 question he's got about traffic.

18 MS. VELAZQUEZ: Just real quick. I'm not a
19 traffic expert and he's better equipped to answer.

20 THE COUNTY ATTORNEY: You'd only have to allow
21 him to speak if the Board Member wants an answer to
22 a specific question.

23 MR. VALENTIN: Would you like me to answer
24 that question?

25 COUNCILMAN FARIAS: No. I'm fine.

1 MR. VALENTIN: You're fine? Okay.

2 CHAIRMAN WILSON: Any other questions?

3 COUNCILMAN JACKSON: I have some questions for
4 the staff. Mainly it's in reference to the request
5 for boundary change.

6 In your analysis here you're saying that it's
7 designated estate density which would mean that it
8 then qualifies for being able to put a school here
9 based upon what I see here if we approve it.

10 Now what would be the significance in the
11 boundary change from AU to estate? Is the estate
12 density part of the AU boundary or associated with
13 the EU-M?

14 MR. HARRISON: The requested zone change was
15 to EU-M and as you noted in the first two requests
16 the zone change to EU-M. Both the EU-M and the AU
17 zoning districts allow a school after approval at a
18 public hearing, both districts. Estate density is
19 the land use designation. That's the CD&P
20 designation for the property.

21 So a zone change to EU-M would be consistent
22 with the land use, and that's one of the main
23 things -- one of the primary things that the staff
24 would look at when we're analyzing an application.

25 However, I think it was pointed out that the

1 school could be in the AU, agricultural zoning
2 district, or in the EU-M, in the modified estate
3 district -- zoning district.

4 The difference here is that if you notice for
5 Request Number 1 and Number 2 -- Request Number 2
6 and Request Number 3, the setback requirements in
7 both districts would be different for the school.

8 In the AU district there's a specific
9 requirement for schools to be setback. I think
10 it's a minimum of 250 feet from the property line.
11 Whereas in the EU-M setback requirements are
12 slightly less.

13 But as noted in staff's recommendation the
14 applicant has asked to withdraw both requests for
15 the setback variances.

16 COUNCILMAN JACKSON: Number 2 and 3?

17 MR. HARRISON: Number 2 and Number 3.

18 VICE-CHAIR DEMPS: I have two questions. You
19 said there's a track all around the entire school?

20 MS. VELAZQUEZ: Yes.

21 VICE-CHAIR DEMPS: Are you going to use that
22 track for track meets or what's the purpose of the
23 track?

24 MS. VELAZQUEZ: Yes. My understanding talking
25 to Mr. Diaz is that they will host different

1 recreational sports on site, including baseball.

2 VICE-CHAIR DEMPS: I'm specifically talking
3 about the track.

4 MS. VELAZQUEZ: Track?

5 MR. DIAZ: What was your question again?

6 VICE-CHAIR MS. DEMPS: You stated that the
7 track --

8 MR. HARRISON: Through the chair. One second.
9 You have to state your name and address, please.

10 MR. DIAZ: Ruben Diaz.

11 MR. HARRISON: And your address.

12 MR. DIAZ: 660 Southwest 123rd Avenue.

13 CHAIRMAN WILSON: Question: Were you sworn
14 in, sir?

15 MR. DIAZ: Yes.

16 VICE-CHAIR DEMPS: Is the track going to be
17 around the entire property surrounding the school?

18 MR. DIAZ: No. The track is going to be around
19 -- I'll show you. This is 248th and the 120th
20 Avenue. The track is going to be around the
21 baseball field only during recreational area -- I
22 mean recreational time.

23 VICE-CHAIR DEMPS: Okay. Because she made a
24 point to say that it was not included as part of
25 the square footage, but it's just going to be

1 around that area.

2 MR. DIAZ: Yes, around this area here.

3 VICE-CHAIR DEMPS: All right. Thank you.

4 And my second question, down Southwest 120th
5 Avenue without a recommendation from the County,
6 would you on your own -- are you going to pave that
7 street? It has a lot of potholes and it is not
8 paved.

9 MR. DIAZ: Yes, yes.

10 VICE-CHAIR DEMPS: Are you going to go from
11 one end or the other, where it's starts at 248th to
12 where it stops? 248th Street on down going north
13 is not paved.

14 MR. HUEMBES: If I may, Carlos Huembes,
15 architect from Villa and Associates, with offices
16 at 7344 Southwest 48th Street, Suite 201.

17 We've designed the plan. As you know, this is
18 the zoning hearing and the next step would be a
19 planning process. The property would go through
20 the Planning Department in Public Works and all of
21 the requirements would be met. One of them will be
22 to pave the street along the entire property line.
23 So any improvements along 248th Street and any
24 improvements along 120th would be -- that would
25 arise during the planning process would have to be

1 done.

2 In this plan that was submitted to zoning we
3 have already incorporated that design zoning wise
4 architecturally.

5 Civil engineers would have to be involved
6 through that process before we can even build.

7 VICE-CHAIR DEMPS: I understand. So will it
8 be widen? Because right now it's --

9 MR. HUEMBES: Yes, ma'am. Public Works would
10 require -- I don't know if there's somebody from
11 Public Works here today, but Public Works would
12 require the widening of the road to have vehicular
13 traffic one way each way, and I believe part of the
14 covenant is to have a T turnaround at the end of
15 the street.

16 VICE-CHAIR DEMPS: All right. Thank you.

17 MS. VELAZQUEZ: My colleague reminded me that
18 after -- part of our conditions is that after three
19 years of the school functioning we have agreed to
20 traffic signalization warrant study on 122nd and
21 then if it's warranted that -- when a traffic
22 signal would be warranted the applicant will pay
23 for a traffic signal on 122nd and 248th Street.

24 He also reminded me to reiterate that the
25 stacking is a hundred percent within internally of

1 the site that would alleviate the traffic
2 congestion on 248.

3 CHAIRMAN WILSON: Okay. Are we ready for a
4 motion?

5 COUNCILWOMAN WILLIAMS: I make a motion that
6 we deny this application.

7 COUNCILMAN FARIAS: I second.

8 COUNTY ATTORNEY: Is that motion with or
9 without prejudice? The only difference between the
10 two is six months of when they can reapply.

11 COUNCILWOMAN WILLIAMS: Okay. So we'll say
12 with prejudice.

13 MR. HARRISON: There's a motion on the floor
14 to deny the entire application, are we correct?

15 CHAIRWOMAN WILLIAMS: Yes, the entire
16 application.

17 MR. HARRISON: This motion is moved by
18 Councilwoman Williams and it was seconded by
19 Councilman Farias.

20 COUNCILMAN FARIAS: Yes.

21 MR. HARRISON: Councilwoman Williams?

22 COUNCILWOMAN: I would, yes.

23 MR. HARRISON: Councilman Farias?

24 COUNCILMAN FARIAS: Yes.

25 MR. HARRISON: Councilman Jackson?

1 COUNCILMAN JACKSON: Yes.

2 MR. HARRISON: Vice-Chair Demps?

3 VICE-CHAIR DEMPS: Yes.

4 MR. HARRISON: Chair Wilson?

5 CHAIRMAN WILSON: Yes.

6 MR. HARRISON: Motion to deny the application
7 with prejudice passes unanimously.

8 MS. VELAZQUEZ: Thank you.

9 CHAIRMAN WILSON: Ladies and gentlemen, this
10 concludes the Community Council Board Meeting of
11 November 17th -- I'm sorry -- of November 14th,
12 2017. The meeting is now closed.

13 (Thereupon, the proceedings were concluded).
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CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS:

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, certify that all witnesses personally appeared before me on the 14th Day of November, 2017, and were duly sworn

Doris Newbold

DORIS NEWBOLD,
Court Reporter
Notary Public, State of Florida
My Commission # FF 944616
My Commission Expires 12-16-2019

CERTIFICATE OF REPORTER

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STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

SS:

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 15 on November 14, 2017; and that the Item of SOUTH RIVIERA INVESTMENTS NO. 2, INC. (16-106) was heard, and that the foregoing pages, Numbered 1 through 53, inclusive, constitutes a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 8th day of December 2017.

Doris Newbold

DORIS NEWBOLD,
COURT REPORTER

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

PH: Z17-040

April 26, 2018
Item No. 2

Appeal Recommendation Summary	
Commission District	8
Applicants	Persea, LLC, Et Al
Summary of Requests	The applicants are seeking approval to permit a district boundary change from AU, Agriculture District to EU-M, Single-Family Modified Estate District. In addition, the applicants are also seeking approval to permit an existing single-family residence setback less than required from the property line and to also waive the subdivision regulations requiring sidewalks and street lights.
Location	Lying north of SW 296 Street between SW 177 Avenue (Krome Avenue) and SW 179 Avenue, Miami-Dade County, Florida
Property Size	26.93 gross acres
Existing Zoning	AU, Agriculture District
Existing Land Use	Single-family residence and vacant land
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>

CZAB Action

CZAB 14 January 18, 2018	Denial without prejudice
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Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC members present)
Previous Recommendation to the CZAB	Approval of Request #1, subject to the Board’s acceptance of the proffered covenant, approval with conditions of requests #2, and modified approval with conditions of #3. (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On January 18, 2018 the Community Zoning Appeals Board (CZAB) #14, denied the application.
2. On January 29, 2018, the applicant, Persea, LLC, Et Al, appealed the CZAB 14 decision to the Board of County Commissioners (BCC).

Analysis

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

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

PH: Z17-040

April 26, 2018

Item No.2

Recommendation Summary	
Commission District	8
Applicants	Persea, LLC, Et Al
Summary of Requests	The applicants are seeking approval to permit a district boundary change from AU, Agriculture District to EU-M, Single-Family Modified Estate District. In addition, the applicants are also seeking approval to permit an existing single-family residence setback less than required from the property line and to also waive the subdivision regulations requiring sidewalks and street lights.
Location	Lying north of SW 296 Street between SW 177 Avenue (Krome Avenue) and SW 179 Avenue, Miami-Dade County, Florida
Property Size	26.93 gross acres
Existing Zoning	AU, Agriculture District
Existing Land Use	Single-family residence and vacant land
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of Request #1, subject to the Board's acceptance of the proffered covenant, approval with conditions of requests #2, and modified approval with conditions of #3.

REQUESTS:

1. District Boundary Change from AU to EU-M.
2. NON-USE VARIANCE to permit an existing single-family residence setback 15.2' (25' required) from the side street (west) property line.
3. NON-USE VARIANCE OF ZONING AND SUBDIVISION regulations to permit a residential development without sidewalks and street lighting (sidewalks and street lights required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Site Plan, Krome Grove Estates" as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received 10/4/17, consisting of 1 sheet. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

In June 1989, pursuant to Resolution #8808, a portion of the subject property containing a single-family residence built circa 1920 was designated as a historic preservation site by the County's Historic Preservation Board.

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As previously mentioned in staff's recommendation, the application was deferred from a prior hearing to allow the applicants to meet with the neighbors to address their concerns regarding the proposed zone change. After meeting with the neighbors, the applicants submitted a revised letter of intent with the requested zone change to EU-M, along with the addition of two new requests to permit a setback to the historic preservation residence and to waive the subdivision regulations requiring sidewalks and street lighting.

The applicants have also submitted a site plan that shows fifty-three (53) residential lots, which includes the historic preservation site along with a second existing residential lot on the 26.93-acre subject parcel. The site plan also shows the lots varying in size from 15,956 sq. ft. to 19,788 sq. ft, which are larger than the required 15,000 sq. ft. lots that are required by the EU-M zoning district. In addition, the applicants have also proffered a Declaration of Restrictions which limits the development of the subject property to the fifty three (53) residential units as indicated on the site plan.

As for the designated historic preservation residence, the applicants intend to preserve the physical structure of the existing residence on the historic preservation site, which is located at 17845 SW 296 Street.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; single-family residence and vacant land	Estate Density Residential (1 to 2.5 dua)
North	AU; Homestead Women's Club building	Estate Density Residential (1 to 2.5 dua)
South	EU-M; single-family residences/ City of Homestead; single family residence	Estate Density Residential (1 to 2.5 dua)
East	AU; vacant land	Estate Density Residential (1 to 2.5 dua)
West	EU-1; single-family residence/AU; single-family residence, green house and trailer and vacant land	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in an area surrounded by AU zoned parcels to the north and east, EU-M parcels and a single-family residence located in the City of Homestead to the south, and AU zoned parcels and an EU-1 zoned parcel to the west.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the entire property under the EU-M zoning regulations, which may bring additional traffic into the area. However, staff notes from the Platting and Traffic Review section of the Department of Regulation and Economic Resources (RER) in their memorandum that the application meets the Level of Service (LOS) in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Estate Density Residential**. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* Staff notes that under the gross acreage of 26.93 acres, the applicant can develop the parcel with up to 67 residential units, which is the maximum allowed under the density threshold of the CDMP Estate-Density Residential designation on the LUP map. However, as indicated in staff's recommendation, the applicants have proffered a Declaration of Restrictions which limits the development of the subject property to fifty-three (53) residential units, which is within the maximum allowed under the density threshold of the CDMP LUP map.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2030, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The subject property is surrounded by AU zoned parcels to the north and east, EU-M parcels and a single-family residence located in the City of Homestead to the south, and AU zoned parcels and an EU-1 zoned parcel to the west. Therefore, staff opines that the rezoning of the subject property to the proposed EU-M zoning district would be compatible with the surrounding area, and that approval of the request would be **consistent** with the density threshold of the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map and CDMP's Land Use Element, **Objective LU-4**.

ZONING ANALYSIS:

The applicants are seeking to permit a district boundary change from AU to EU-M (request #1). The applicants are also seeking approval to permit an existing single-family residence to setback less than required from the side street area (request #2). In addition, the applicants are also seeking approval to waive the zoning and subdivision regulations requiring sidewalks and street lighting (request #3).

When request #1, to rezone the subject property from AU to EU-M is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the request 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 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 significant impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER). Their memorandum also indicates that the proposed development will meet the traffic concurrency criteria for an Initial Development Order. Said memorandum indicates that the proposed development will generate 73 PM daily peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways as specified in the memorandum, dated October 31, 2017. Additionally, staff notes that the memorandum from the RER's Division of Environmental and Resource Management (DERM), dated October 16, 2017, indicates that the proposed rezoning meets the LOS standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. In regards to the historic preservation site, which is part of the subject tract and located at 17845 SW 296 Street, the

Department's Office of Historic Preservation has no objections to the requested zone change. In a memorandum dated September 22, 2017, the Office of Historic Preservation has opined that the requested zone change from AU to EU-M is only a reclassification of the land and that the rezoning of the property would not constitute an alteration of the physical structure of the existing residence on the historic preservation site.

Staff's research of the area found a similar approval for a zone change from AU to EU-M. Two parcels located at 18001 and 18145 SW 296 Street were approved pursuant to Resolution #Z-116-87 to permit a district boundary change from AU to EU-M. In addition, as previously mentioned in staff's recommendation, the application has proffered a Declaration of Restrictions restricting the development of the subject property to 53 residential units on the subject parcel. As such, staff opines that the approval of the EU-M zoning would be in keeping with the character of the surrounding residential uses in the area, would be **compatible** with same and consistent with the Estate Density Residential land use designation of the CDMP. **Therefore, staff recommends approval of request #1, subject to the proffered covenant under Section 33-311, District Boundary Change.**

When request #2, to permit an existing residence setback 15.2' (25' required) from the side street (west) property line is analyzed under Section 33-311(a)(4)(b), staff opines that approval of the request would be **compatible** with the surrounding area. The subject residence, also known in the area as the "Krome Residence," is a designated Historic Preservation site that was built in 1920, and is one of the oldest homes in the area. The applicants seek approval of this request in order to comply with the side street setback requirement of the proposed EU-M zoning (request #1), which staff has recommended for approval.

Staff's research of the area did find not any similar approvals for variances of side street setbacks in the neighborhood. However, staff notes from the County's Geographic Information System (GIS) that shows the subject residence, which has been in the area for 97 years, is spaced 62.2' from the neighboring lot to the west. Staff opines that the aforementioned spacing distance would mitigate any significant visual impacts generated from the 9.8' encroachment into the side street (west) setback area of the subject property on the neighboring property located to the west. Therefore, staff opines that approval of the request would maintain the basic intent and purpose of zoning and other land use regulations, and that approval of the request would be **compatible** with the surrounding land uses, and that the requested setback would not be detrimental to the surrounding area. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

When request #3, to permit a residential development without sidewalks and street lighting (sidewalks and street lights required) is analyzed under Section 33-311(a)(4)(b)(3), staff opines that approval of the request would be **compatible** with the surrounding area.

Staff's research of the area found did not find any similar approvals to waive the requirement for sidewalks and street lighting. However, staff does not object to the request to waive the regulations for sidewalks and street lighting. Staff notes from the Public Works Manual, Section, 28-15(b) that sidewalks in the EU-M zoning are not required except along section and quarter line roadways. As such, the Department's Platting and Traffic Review Section in their memorandum, dated October 31, 2017 has recommended a modified approval of the request with a condition that sidewalks and street lighting shall be required only along SW 177 Avenue

(Krome Avenue) and SW 296 Street (Avocado Drive), which are the major roadways outside of the subject property.

Therefore, staff opines that modified approval of the request would maintain the basic intent and purpose of zoning and other land use regulations, and that approval of the request would be **compatible** with the surrounding land uses, and that the request would not be detrimental to the surrounding area. **As such, staff recommends a modified approval of request #3 with conditions under Section 33-311(A)(4)(b), Non-Use Variance Standard.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of Request #1, subject to the Board's acceptance of the proffered covenant, approval with conditions of requests #2, and modified approval with conditions of #3.

CONDITIONS FOR APPROVAL: Requests #2 and #3 only

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Site Plan, Krome Grove Estates" as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received 10/4/17, consisting of 1 sheet. Except as here in modified to provide sidewalks and street lighting on SW 177 Avenue (Krome Avenue) and SW 296 Street (Avocado Drive).
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant shall install sidewalks and street lighting on SW 177 Avenue (Krome Avenue) and SW 296 Street (Avocado Drive).
5. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section of the Miami-Dade County Department of Regulatory and Economic Resources in their memorandum dated October 31, 2017.
6. That the applicant comply with all applicable conditions and requirements of the Division of Environmental Resources Management (DERM) of the Miami-Dade County Department of Regulatory and Economic Resources in their memorandum dated October 16, 2017.
7. That the applicant comply with all applicable conditions and requirements of the Office of Historic Preservation of the Miami-Dade County Department of Regulatory and Economic Resources in their memorandum dated September 22, 2017.

NKJB:NN:JV:EJ



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

ZONING RECOMMENDATION ADDENDUM

Persea, LLC, Et Al (17-040)

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Historic Preservation</i>	<i>No objection</i>
<i>Office of Historic Preservation</i>	<i>No objection*</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection*</i>
<i>Police</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>Water and Sewer</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

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

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i>
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ZONING RECOMMENDATION ADDENDUM

Persea, LLC, Et Al (17-040)

	<p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications 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.</i></p>

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: JANUARY 10, 2018

B

APPLICANT'S NAME: PERSEA, LLC, ET AL
REPRESENTATIVE: Pedro Gassant

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000040	Z17-040	CZAB14 18

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS AS MODIFIED _____

OTHER: _____

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

VOTE: 0 0 0

5 1

EXHIBITS: YES NO

COUNTY ATTORNEY: Sara Paris

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 14
 MOTION SLIP
 HEARING DATE: DECEMBER 20, 2017

A

APPLICANT'S NAME: PERSEA, LLC. ET AL

REPRESENTATIVE: _____

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2017000040	17-040	CZAB14	17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 1/18/18 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: Lack of quorum
 no re-advert.

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

VOTE:

0	0	0
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EXHIBITS: YES NO

COUNTY ATTORNEY: Sara Davis

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 14
 MOTION SLIP
 HEARING DATE: JULY 27, 2017

A

APPLICANT'S NAME: PERSEA, LLC, ET. AL.

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2017000040	17-040	CZAB14	17

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

OTHER:

Deferred in order for the applicant to submit a site plan and add addition requests.

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

VOTE: 6 0 0

EXHIBITS: YES NO

COUNTY ATTORNEY: SARAH DAVIS

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP
HEARING DATE: JUNE 29, 2017

1

APPLICANT'S NAME: PERSEA, LLC. ET.AL.

REPRESENTATIVE: JUAN MAYOL

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2017000040	17-040	CZAB14	17

WITHDRAW: APPLICATION ITEM(S): _____
 DEFER: INDEFINITELY TO: 7-27-17 W/LEAVE TO AMEND
 DENY: WITH PREJUDICE WITHOUT PREJUDICE
 ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS
 APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.
 WITH CONDITIONS AS MODIFIED _____
 OTHER: TO ALLOW APPLICANT TO MEET WITH NEIGHBORS
NO RE-AD

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

VOTE: 3 0 0

EXHIBITS: YES NO

COUNTY ATTORNEY: SARAH DAVIS

Memorandum



Date: October 16, 2017

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

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

Subject: Z2017000040-1st Revision
Holland & Knight, LLP.
SW 178th Avenue and SW 296th Street
DBC from AU to EU-M
(AU) (27 Acres)
01-57-38

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written in a cursive style. The signature is positioned to the right of the "From:" field in the memorandum header.

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).

Potable Water Service

The property is located within the Miami-Dade Water and Sewer Department (MDWASD) franchised water service area. However, as per MDWASD Agreement 23691, the developer will connect to an existing 16-inches water main owned and operated by the City of Homestead. Connection of the proposed development to the public water supply system shall be required in accordance with Code requirements.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the City of Homestead Water and Sewer Department and the RER Environmental Plan Review Section.

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

The property is located within the MDWASD franchised sewer service area. However, as per MDWASD Agreement 23691, currently there are no public sewer mains available to serve the proposed development.

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

Stormwater Management

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the DERM Water Control Section 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 plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

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

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

Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. Please contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

In accordance with Section 24-49.9 of the Code and CON8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included as a condition of any zoning approval.

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


16.

Memorandum



Date: October 31, 2017

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

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

Subject: Z2017000040
Name: Persea, LLC
Location: Northeast Corner of SW 178 Avenue and SW 296 Street
Section 01 Township 57 South Range 38 East

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

1. Sidewalks and street lighting shall be required on SW 177 Avenue (Krome Avenue) and SW 296 Street (Avocado Drive).
2. 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 **73 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

STA.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9212	Krome Ave N/O SW 288 St	C	C
9886	SW 187 Ave S/O SW 280 St	C	C
9936	SW 296 St W/O US 1	B	B
9938	SW 296 St E/O SW 197 Ave	C	C
9948	SW 312 ST W/O US 1	E	E

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

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for

Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

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: 01/18/2018

BY CZAB # 14



DATE RECEIVED STAMP

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

RE: Hearing No. Z2017000040

Filed in the name of (Applicant): Persea, LLC, a Virginia limited liability company, and Jeffrey Alleman and Medora Krome Alleman

Name of Appellant, if other than applicant: Same

Address/Location of APPELLANT'S property: The northeast corner of SW 178th Avenue and SW 296th Street, in unincorporated Miami-Dade County, Florida.

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

Appellant (name): Persea, LLC, a Virginia limited liability company, and Jeffrey Alleman and Medora Krome Alleman hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board 14 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 Community Zoning Appeals Board 14 (CZAB 14) was not supported by substantial competent evidence on the record. Instead, the decision by the CZAB 14 was arbitrary and capricious.

APPELLANT MUST SIGN THIS PAGE

Date: 23 day of January, 2018

Signed Alan B Krome

Alan B. Krome, Manager
Print Name

1374 S. Brook Street, Louisville, Kentucky 40208
Mailing Address

c/o 305-789-7787 Phone c/o 305-679-6302 Fax

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

Persea, LLC, a Virginia limited liability company
Representing

[Signature]
Signature

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

701 Brickell Avenue, Suite 3300
Address

Miami City Florida State 33131 Zip

305-789-7787
Telephone Number

Subscribed and Sworn to before me on the 23 day of January, year 2018

Sharon L. Slaughter, Notary Public Alan B. Krome

(stamp/seal)

Commission expires: 11-29-2018

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 Alan B. Krome, Manager of Persea, LLC, a Virginia limited liability company, (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

Jared Anderson
Signature

Jared Anderson
Print Name

Cornelius Cotton Jr.
Signature

Cornelius Cotton Jr.
Print Name

Alan B. Krome
Appellant's signature

Alan B. Krome, Manager
Persea, LLC, a Virginia limited liability company

Sworn to and subscribed before me on the 23 day of January, 2018.

Appellant is personally know to me or has produced Anthony J. Dumas as identification.

Shawn D. Slaughter
Notary
(Stamp/Seal)
Commission Expires: 11 29 2018

APPELLANT MUST SIGN THIS PAGE

Date: 23 day of January, 2018

Signed Jeffrey Alleman X

Jeffrey Alleman
Print Name

PO BOX 900423, Homestead, Florida 33090
Mailing Address

c/o 305-789-7787 Phone c/o 305-679-6302 Fax

REPRESENTATIVE'S AFFIDAVIT

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

Jeffrey Alleman
Representing

Jeffrey Alleman X
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 23 day of January, year 2018

John Michael Lynn
Notary Public

(stamp/seal)

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 Jeffrey Alleman, (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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


(Check all that apply)

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

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

Further Appellant says not.


Witnesses:


Signature

Crystal Torrente
Print Name


Signature

John Michael Lynn
Print Name


x 
Appellant's signature

Jeffrey Alleman

Sworn to and subscribed before me on the 2nd day of January, 2018.

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




Notary
(Stamp/Seal)
Commission Expires:

APPELLANT MUST SIGN THIS PAGE

Date: 23 day of January, 2018

Signed X *Medora Krome*

Medora Krome Alleman a/k/a Medora Krome
Print Name

PO BOX 900423, Homestead, Florida 33090
Mailing Address

c/o 305-789-7787 c/o 305-679-6302
Phone Fax

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

Medora Krome Alleman a/k/a Medora Krome
Representing

X *Medora Krome*
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 23 day of January, year 2018



Juan J. Mayol, Jr.
Notary Public

(stamp/seal)

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 Medora Krome Alleman a/k/a Medora Krome, (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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


(Check all that apply)

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

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

Further Appellant says not.

Witnesses:


Signature

Crystal Torrente
Print Name


Signature

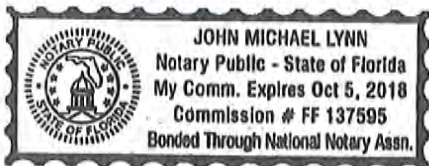
John Michael Lynn
Print Name



Appellant's signature

Medora Krome Alleman a/k/a Medora Krome

Sworn to and subscribed before me on the 23 day of January, 2018.

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




Notary
(Stamp/Seal)
Commission Expires:

RESOLUTION NO. CZAB14-1-18

WHEREAS, **PERSEA, LLC, Et Al** applied for the following:

1. District Boundary Change from AU to EU-M.
2. NON-USE VARIANCE to permit an existing single-family residence setback 15.2' (25' required) from the side street (west) property line.
3. NON-USE VARIANCE OF ZONING AND SUBDIVISION regulations to permit a residential development without sidewalks and street lighting (sidewalks and street lights required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Site Plan, Krome Grove Estates" as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received 10/4/17, consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: The NW ¼ of the SE ¼ of the SE ¼ of Section 1, Township 57 South, Range 38 East. AND The SW ¼ of the SE ¼ of the SE ¼ of Section 1, Township 57 South, Range 38 East. AND The SE ¼ of the SE ¼ of the SE ¼ of Section 1, Township 57 South, Range 38 East, less and except that portion thereof described as the East 330 feet of the South 280 feet of said Section 1, Township 57 South, Range 38 East.

LOCATION: Lying north of SW 296 Street, between SW 177 Avenue (Krome Avenue) and SW 179 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

1. Residential Density Restriction. The maximum number of residential dwelling units on the Property shall not exceed fifty-three (53) dwelling units.
2. Minimum Residential Lot Size. The minimum residential lot size shall be 19,266 gross sq. ft.
3. Minimum Home Size. The minimum square footage of the building actual area of a residential home on the Property will be 2,800 square feet.

4. Controlling Site Plan. The Property shall be developed substantially in accordance with the site plan submitted in connection with the Application, entitled "Site Plan - Krome Grove Estates," as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received October 4, 2017, and consisting of one sheet (the "Plan"); provided, however, that no structure shall be built within the eastern 20 feet of Lots 2 and 3, Block 5, or the southern 20 feet of Lot 3, Block 4, as depicted in the Plan (the "Buffer"), which Buffer shall be reflected in the plat of the Property and shall be planted with native trees and shrubs. No Severable Use Rights (SURs) or Workforce Housing Unit Bonuses shall be utilized in the development of the Property.
5. Waiver of sidewalks and street lighting. Subject to the approval of the County, public sidewalks and street lighting shall not be provided in connection with the proposed subdivision of the Property, except as required by the County.
6. Improvements to SW 292nd Street. Subject to the receipt of all governmental approvals, the Owners shall build an eastbound right turn lane at the intersection of SW 292nd Street and SW 177th Avenue (Krome Avenue). The Owner's obligations under this Paragraph shall be subject to: (1) the availability of the right-of-way necessary to accommodate the required roadway improvements; (2) the approval by the Director of the Department of Transportation and Public Works ("DTPW"), or successor department, of a credit in lieu of payment against the roadway impact fees that will be assessed by the County in connection with the development of the Property; and (3) the Director's right to waive, modify or extend the timing for the improvements for good cause shown.

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, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested NON-USE VARIANCE to permit an existing single-family residence setback 15.2' (25' required) from the side street (west) property line (Request #2), and the NON-USE VARIANCE OF ZONING AND SUBDIVISION

regulations to permit a residential development without sidewalks and street lighting (sidewalks and street lights required) (Request #3) 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, a motion to deny the application (Requests #1 through #3) without prejudice was offered by Salvatore Rocco Devito, seconded by Mary K. Waters, and upon a poll of the members present, the vote was as follows:

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

BE IT FURTHER RESOLVED that the requested NON-USE VARIANCE to permit an existing single-family residence setback 15.2' (25' required) from the side street (west) property line (Request #1), and the NON-USE VARIANCE OF ZONING AND SUBDIVISION regulations to permit a residential development without sidewalks and street lighting (sidewalks and street lights required) (Request #3) be and the same are 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 in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 18th day of January, 2018.

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. CZAB14-1-18 adopted by said Community Zoning Appeals Board at its meeting held on the 18th day of January, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 10th day of February, 2018.



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 111C
Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

February 10, 2018

PERSEA, LLC, Et Al
c/o Alberto Torres
701 Brickell Avenue, Suite 3300
Miami, FL 33131

Re: Hearing No. Z17-040
Location: Lying north of SW 296 Street, between SW 177 Avenue (Krome Avenue) and SW 179 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB14-1-18**, adopted by the by the Community Zoning Appeals Board 14, which denied your application without prejudice.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is January 18, 2018. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosa Davis".

Rosa Davis
Deputy Clerk

Enclosure



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Dr. Lawrence S. Feldman, Chair
Dr. Marta Pérez, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Dr. Steve Gallon III
Perta Tabares Hantman
Dr. Martin Karp
Lubby Navarro
Mari Tere Rojas

July 11, 2017

VIA ELECTRONIC MAIL

Mr. Alberto J. Torres
Holland & Knight
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

alberto.torres@hklaw.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
PERSEA, LLC, ET AL, C/O JUAN J. MAYOL, HOLLAND & K (Z2017000040)
LOCATED AT 17845 SW 296 STREET
PH3017070300381 – FOLIO Nos.: 3078010000580, 3078010000581, 3078010000582**

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).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 67 single-family detached units, which generate 36 students: 16 elementary, 9 middle and 11 senior high students. At this time, all 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 305-995-7287.

Best regards,

Nathaly Simon
Supervisor

NS:ns

L-13

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Miami-Dade County
School Concurrency Master File

Planning, Design & Sustainability

Ms. Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arioo@dadeschools.net

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Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3017070300381 Local Government (LG): Miami-Dade
 Date Application Received: 7/3/2017 3:13:51 PM LG Application Number: Z2017000040
 Type of Application: Public Hearing Sub Type: Zoning

Applicant's Name: Persea, LLC, et al, c/o Juan J. Mayol, Holland & K
 Address/Location: 701 Brickell Avenue, Suite 3300, Miami FL 33131-2847
 Master Folio Number: 3078010000580
 Additional Folio Number(s): 3078010000581, 3078010000582,

PROPOSED # OF UNITS 67
 SINGLE-FAMILY DETACHED UNITS: 67
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 0

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
161	AVOCADO EL - SOUTH DADE MID (ELEM COMP)	286	16	16	YES	Current CSA
5003	SOUTH DADE MIDDLE(MID COMP)	269	9	9	YES	Current CSA
7701	SOUTH DADE SENIOR	1	11	1	NO	Current CSA
7701	SOUTH DADE SENIOR	0	10	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
7151	HOMESTEAD SENIOR	293	10	10	YES	Adjacent CSA

*An Impact reduction of 24.18% 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

Date: September 22, 2017

To: Nathan Kogon, AICP
Assistant Director
Developmental Services

From: Sarah Cody
Historic Preservation Chief
Office of Historic Preservation

Subject: Zoning Hearing Application No. Z2017000040

The Office of Historic Preservation is aware of amended Zoning Hearing Application No. Z2017000040, to request the approval of a district boundary change from AU, Agricultural District, to EU-M, Estate Modified District. The subject parcels encompass the Krome Residence, a Miami-Dade County Historic Site, designated by the Miami-Dade County Historic Preservation Board in 1983. The designated area is bounded by the following legal description:

- The North 180 feet of the South 220 feet of the West 100 feet of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, Miami-Dade County, Florida.

Proposed physical alterations and modifications to the designated property require prior review and approval by the Office of Historic Preservation. However, the requested district boundary change from AU, Agricultural District, to EU-M, Estate Modified District and related subdivision does not alter any features within the designated area, nor does it seek to alter the historic site boundary itself. Therefore, review and approval by the Office of Historic Preservation is not required for the purposes of this application.

If in the future, the property owner wishes to alter the legally described boundary of the designated site, or wishes to make physical improvements within the boundary, prior approval will be required in the form of a Certificate of Appropriateness.

Memorandum



Date: October 10, 2017

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

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

Subject: Zoning Application Comments - Persea, LLC
Application Z2017000040 - Revision # 2

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject project.

Application Name: Persea, LLC.

Location: The proposed project is located on approximately 27 acres of vacant land at the northeast corner of SW 179th Avenue and SW 296th Street with Folios No. 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582, in unincorporated Miami-Dade County.

Proposed Development: District boundary change from AU (Agricultural District) to EU-M (Estate Modified District). According to the site plan, the 53 lots include two lots which contains two existing single family residences.

Recommendation: WASD has no objection to this application.

Water: The subject vacant land property is located within the WASD's water service area. The water supply for the future projects within said property will be provided by the South Dade System.

On August 24, 2017, a WASD Agreement No. 23691 was requested for the proposed development. As per WASD's Points of Connection dated September 28, 2017, the developer shall connect to an existing 16-inch water main (property of City of Homestead) in SW 296th Street at SW 179th Avenue, and extend an 8-inch water main northerly in SW 179 Avenue to Folio No. 30-7801-000-0581, then, northerly in theoretical SW 179th Avenue and to theoretical SW 292nd Street, then, easterly in theoretical SW 292nd Street to the northeastern corner of the property, and then, southerly in dedicated R/W within the property to theoretical SW 292nd Street, interconnecting to an existing 16-inch water main (property of the City of Homestead) at that location. The developer shall also connect to the aforementioned proposed 8-inch water main within the property, and extend the same 8-inch water main in dedicated R/W within the property, as required to provide service to all lots of the proposed development. Any public water main extension within the property shall be 8-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with (2) points of connection. Note: The developer shall install new wholesale water meters in the aforementioned proposed 8-inch water main in SW 296th Street at SW 179th Avenue, and in theoretical SW 296th Street east of SW 179th Avenue.

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

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

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

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

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

Sewer: The subject vacant land property is located within the WASD's sewer service area. As per WASD's Points of Connection dated September 28, 2017, connection to the WASD gravity sewer system is not available at the present time. The customer is responsible for obtaining septic tank and drain-field connection approval from the Miami-Dade County R.E.R. Department.

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

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

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

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

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

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

Memorandum



Date: October 12, 2017

To: Nathan Kogon, Assistant Director
Development Services Division
Director, Regulatory and Economic Resources Department

From: Alejandro Zizold, PROS Master Plan Manager *AZ*
Planning and Design Excellence Division
Parks, Recreation and Open Spaces Department

Subject: Z2017000040: Persea LLC, and Jeffery and Medora Alleman (Krome Grove Estates)

Applicant Name: Persea LLC, and Jeffery and Medora Alleman (Krome Grove Estates)

Project Location: The property contains approximately 26.93 acres and is located on the northeast corner of SW 296 Street (Avacado Drive) and SW 179th Avenue in unincorporated Miami-Dade County.

Proposed Development: The purpose of the Application is to request the approval of a district boundary change from AU, Agricultural District to EU-M, Estate Modified District.

Impact and Demand: This proposed boundary change will allow development of 53 single family dwelling units. This would generate a residential population of 168 resulting in an impact of 0.43 acres of local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. 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 3(PBD3) which has a surplus of 160.91 acres of local parkland and therefore the project 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 the attached Table A which lists the name, type and acreage for each park and shown in the attached map of the area.

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 Zafar Ahmed at (305) 755-7997.

AZ:za

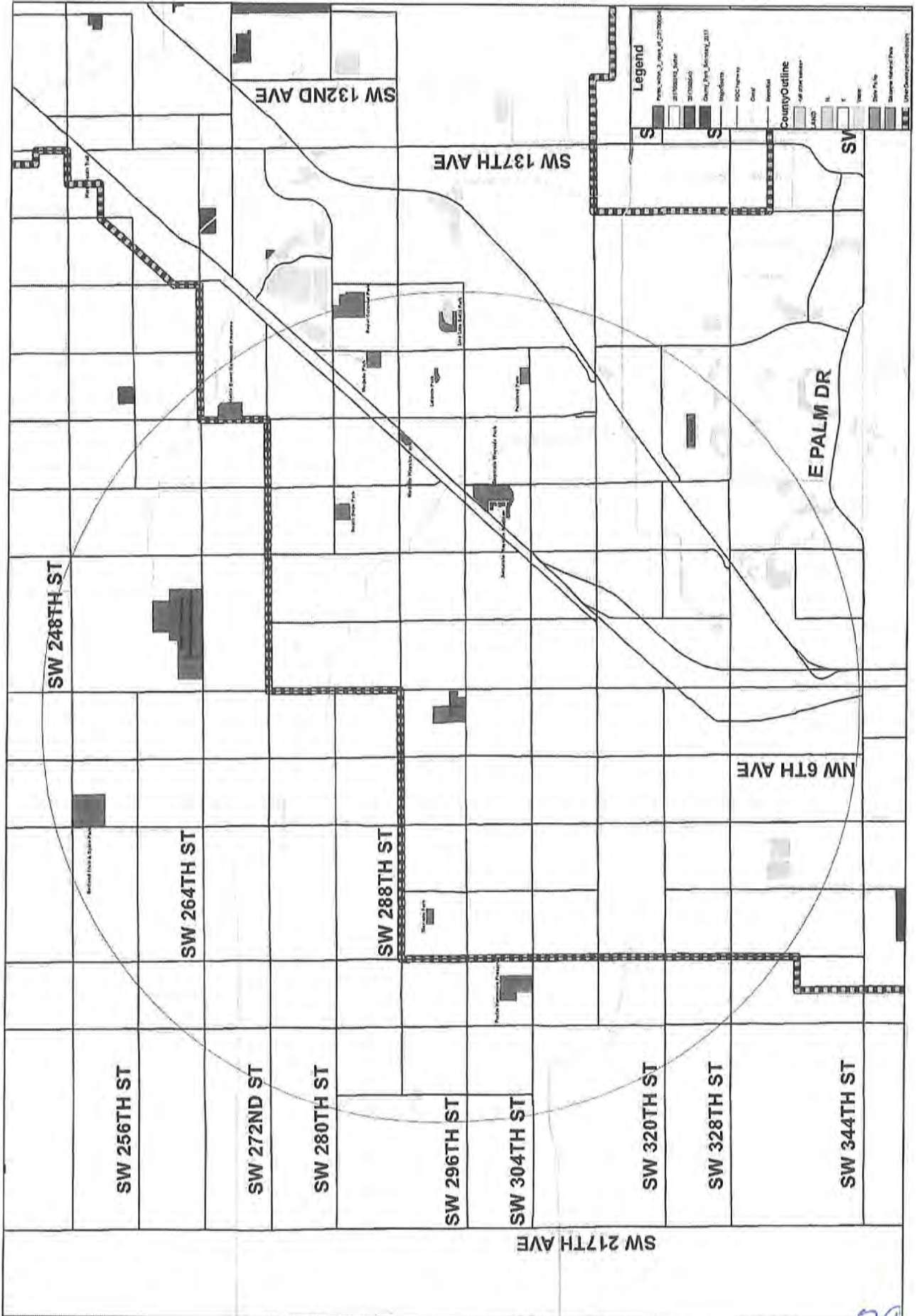
Attachment: Table A and map

TABLE A

PARK NAME	CLASS	ACRES	TYPE	PBD	CD
Biscado Park	NEIGHBORHOOD PARK	4.18	Local	3	8
Leisure Park	NEIGHBORHOOD PARK	1.86	Local	3	8
Live Like Bella Park	COMMUNITY PARK	8.30	Local	3	8
Modello Park	COMMUNITY PARK	8.23	Local	3	9
Modello Wayside Park	NEIGHBORHOOD PARK	2.50	Local	3	8
Palmland Park	NEIGHBORHOOD PARK	5.09	Local	3	8
Royal Colonial Park	COMMUNITY PARK	26.27	Local	3	9
South Dade Park	COMMUNITY PARK	8.61	Local	3	8



**MIAMI-DADE COUNTY
PARKS RECREATION AND OPEN SPACES DEPARTMENT
ZONING APPLICATION Z2017000040
LOCAL AND AREA-WIDE PARKS WITHIN 3 MILES RADIUS**



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Memorandum



Date: September 26, 2017
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z201700040

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "Energov" on 09/20/2017 with the condition that the proposed public right of ways will have the required public works roadway dimensions.

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

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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

PERSEA LLC/ JEFFERY AND MEDORA ALLEMAN 17845 SW 296 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2017000040

DATE

HEARING NUMBER

FOLIO: 30-7801-000-0580/30-7801-000-0582/30-7801-000-0581

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

September 25, 2017

NEIGHBORHOOD REGULATIONS:

Folio No.: 30-7801-000-0580

There are no open/closed cases in CMS.

Folio No.: 30-7801-000-0582

There are no open/closed cases in CMS.

Folio No.: 30-7801-000-0581

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

Folio No.: 30-7801-000-0580

There are no open/closed cases in BSS.

Folio No.: 30-7801-000-0582

There are no open/closed cases in BSS.

Folio No.: 30-7801-000-0581

There are no open/closed cases in BSS.

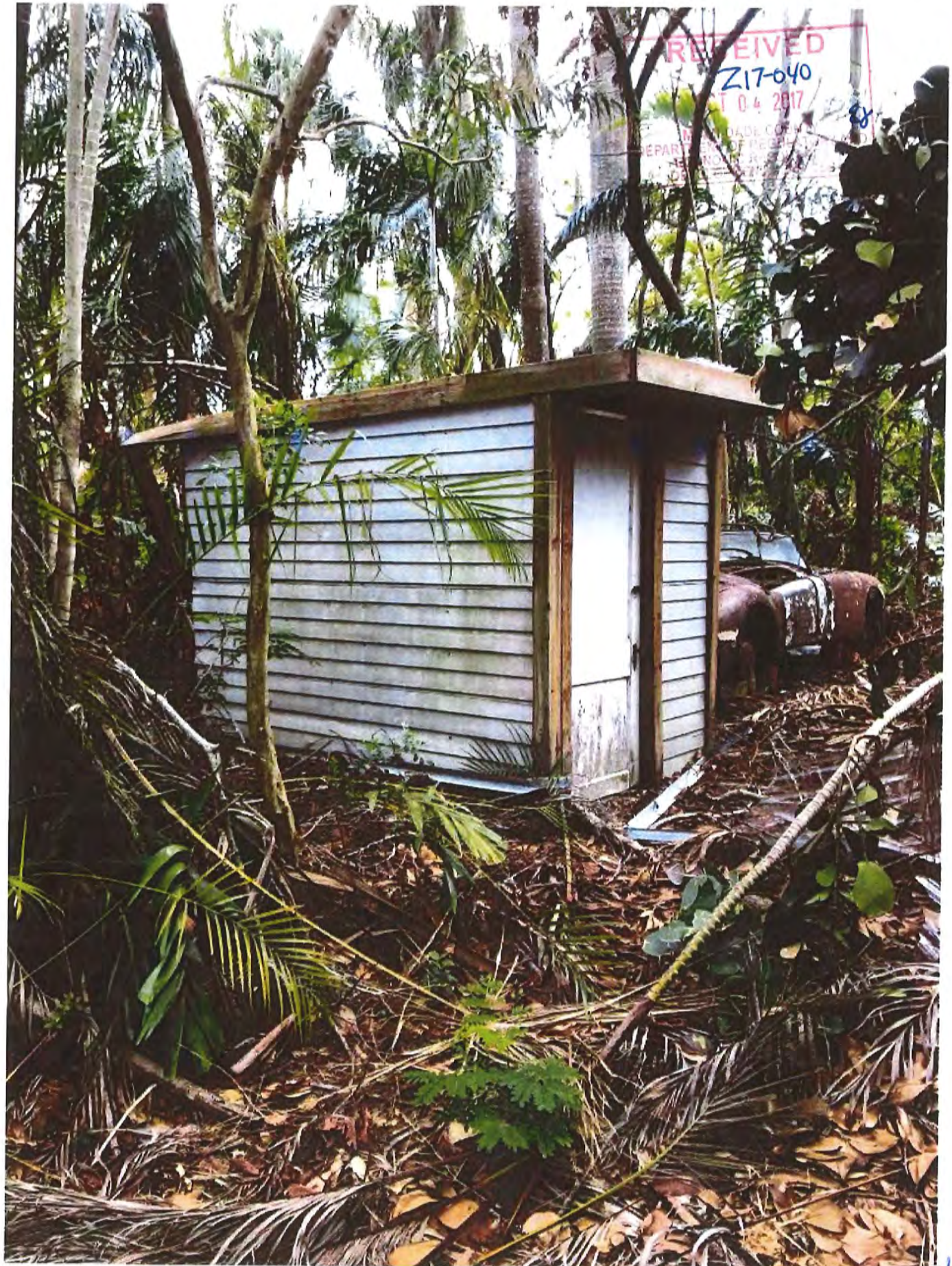
VIOLATOR:

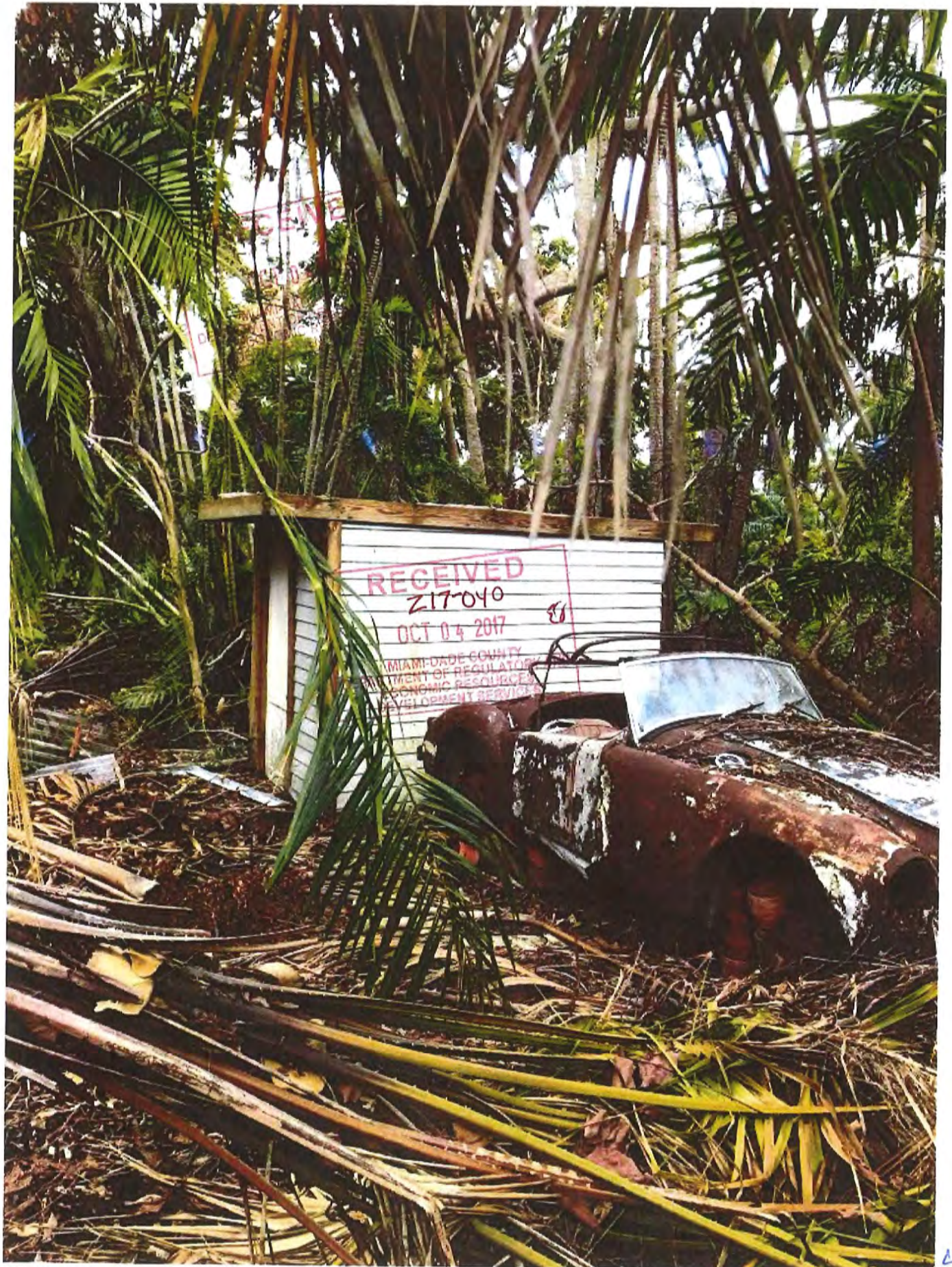
PERSEA LLC/ JEFFERY AND MEDORA ALLEMAN

41

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.







RECEIVED

217-040

OCT 04 2007

28

MIAMI-DADE COUNTY
DEPARTMENT OF PUBLIC WORKS



46











Z17-040
OCT 04 2017

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY
AFFAIRS









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Z-17-040
OCT 04 2017
MIAMI-DADE COUNTY
DEPARTMENT OF PERMITS AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES



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217-040
OCT 04 2012
MARTIN LUTHER KING, JR. CENTER FOR COMMUNITY DEVELOPMENT





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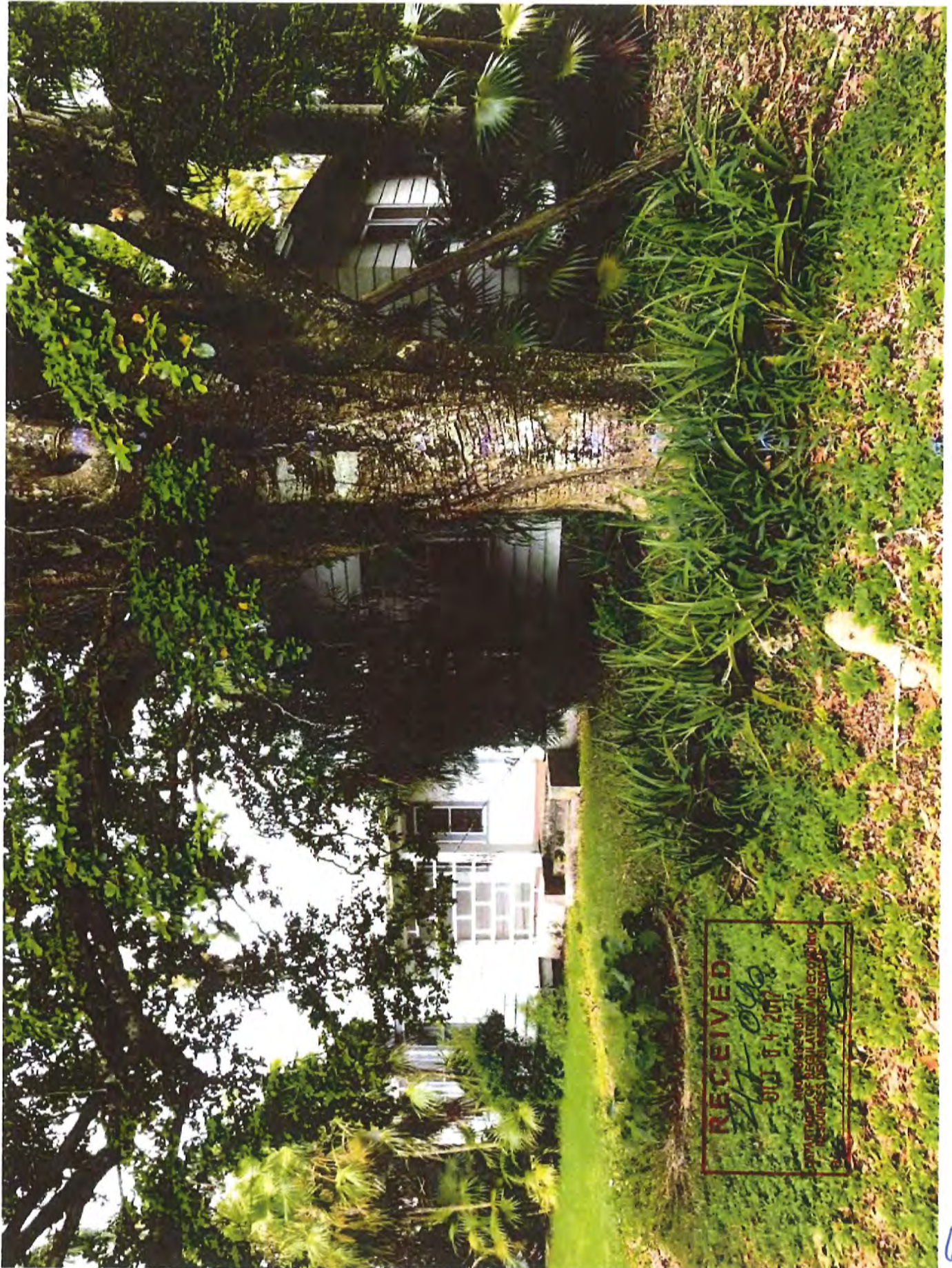
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT



59



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217-040
OCT 04 2017
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By: [Signature]





62

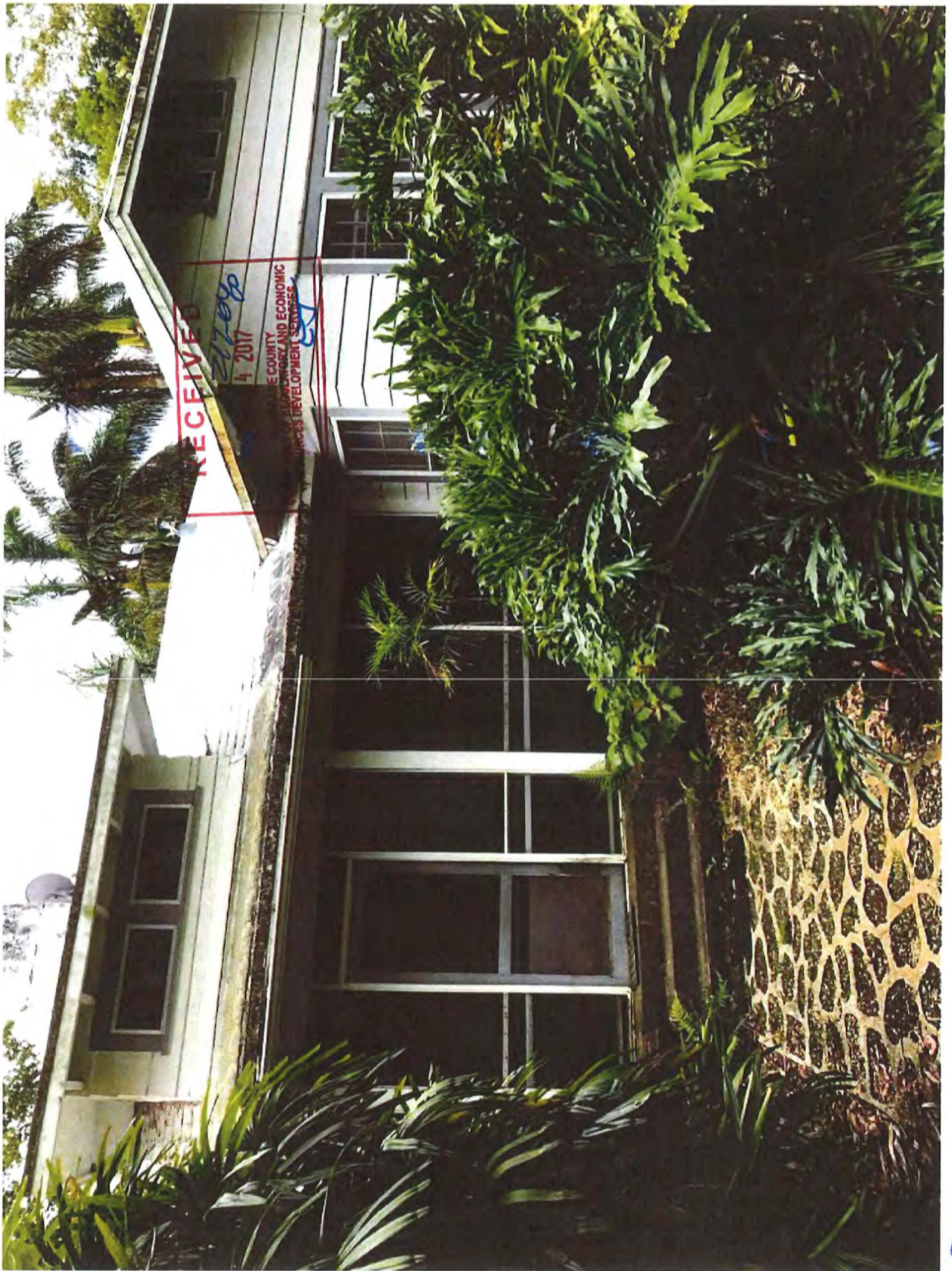


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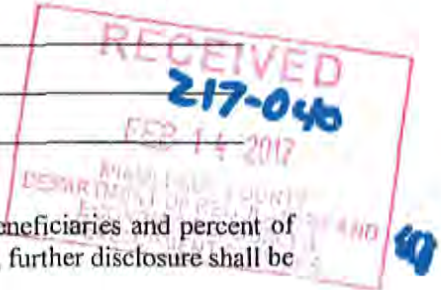
DISCLOSURE OF INTEREST*

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: Persea, LLC, a Virginia limited liability company.

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

_____	_____
_____	_____
_____	_____



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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>Margery L. Krome, 1 Colley Place, Norfolk, VA 23500</u>	<u>48%</u>
<u>Alan Krome, Elizabeth Krome, Margaret L. Krome, Sara Krome,</u>	
<u>c/o Alan Krome, 1374 S. Brook St Louisville, KY 40208</u>	<u>52%</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Michael S. Nevel, Trustee

<u>NAME AND ADDRESS (if applicable)</u>	<u>Percentage of Interest</u>
---	-------------------------------

Date of contract: 12/6/16

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

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 this application to the best of my knowledge and belief.

Persea LLC, a Virginia limited liability company

By: 

Print Name: Alan Blume

Title:

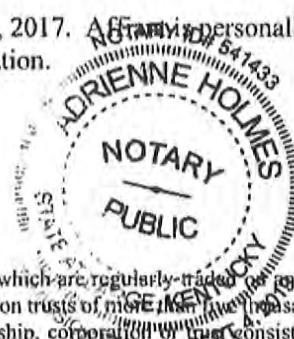
Manager

Sworn to and subscribed before me this 27 day of January, 2017. Affiant is personally known to me or has produced Kentucky driver's license as identification.



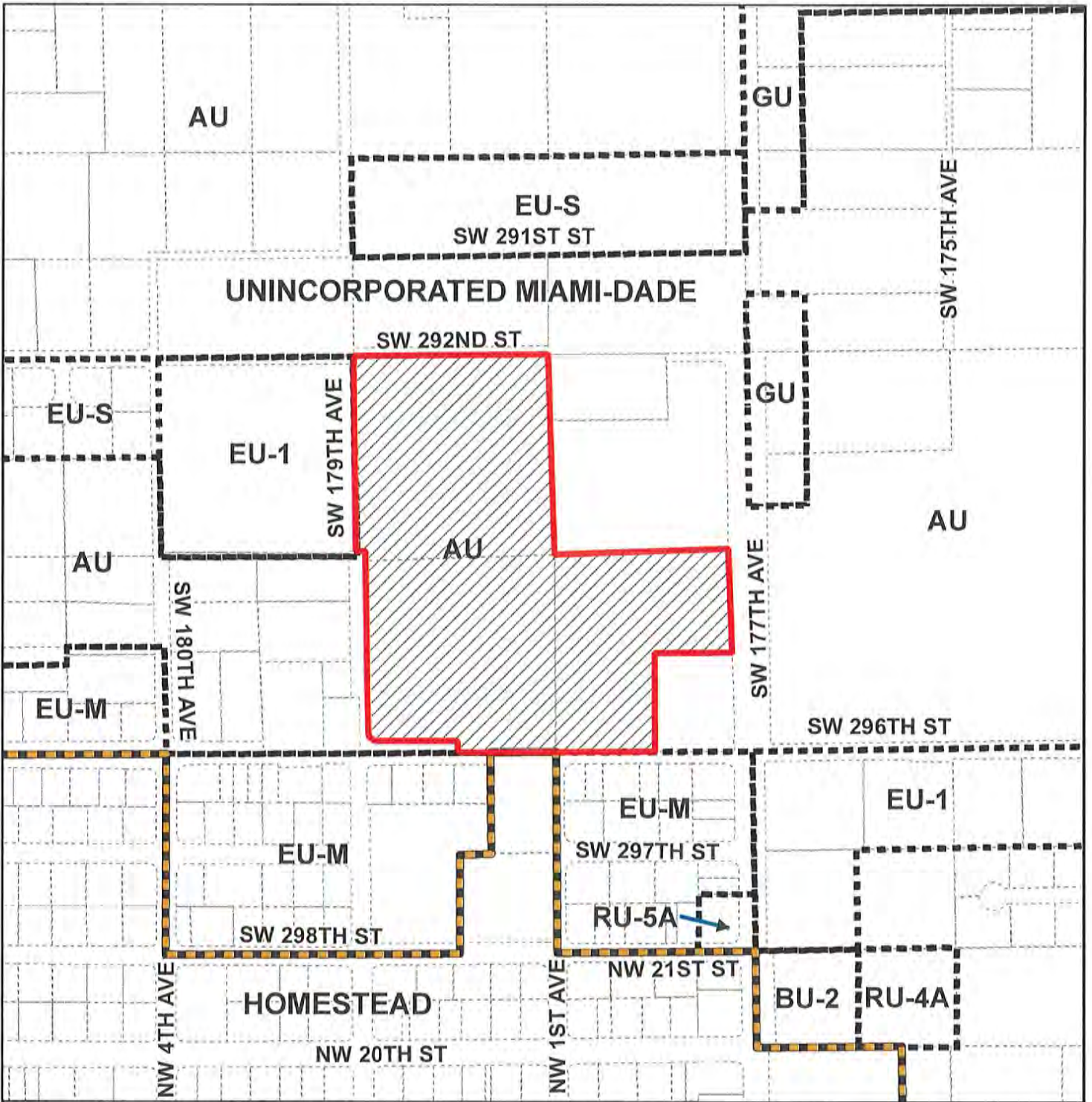
(Notary Public)

My commission expires 09/04/2019



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







MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2017000040

Legend

-  Subject Property Case
-  Zoning



Section: 01 Township: 57 Range: 38
 Applicant: Persea LLC, and Jeffery and Medora Alleman
 Zoning Board: C14
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS





SKETCH CREATED ON: Thursday, February 16, 2017

REVISION	DATE	BY
		570



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2017000040

Legend
 Subject Property
 Municipalities

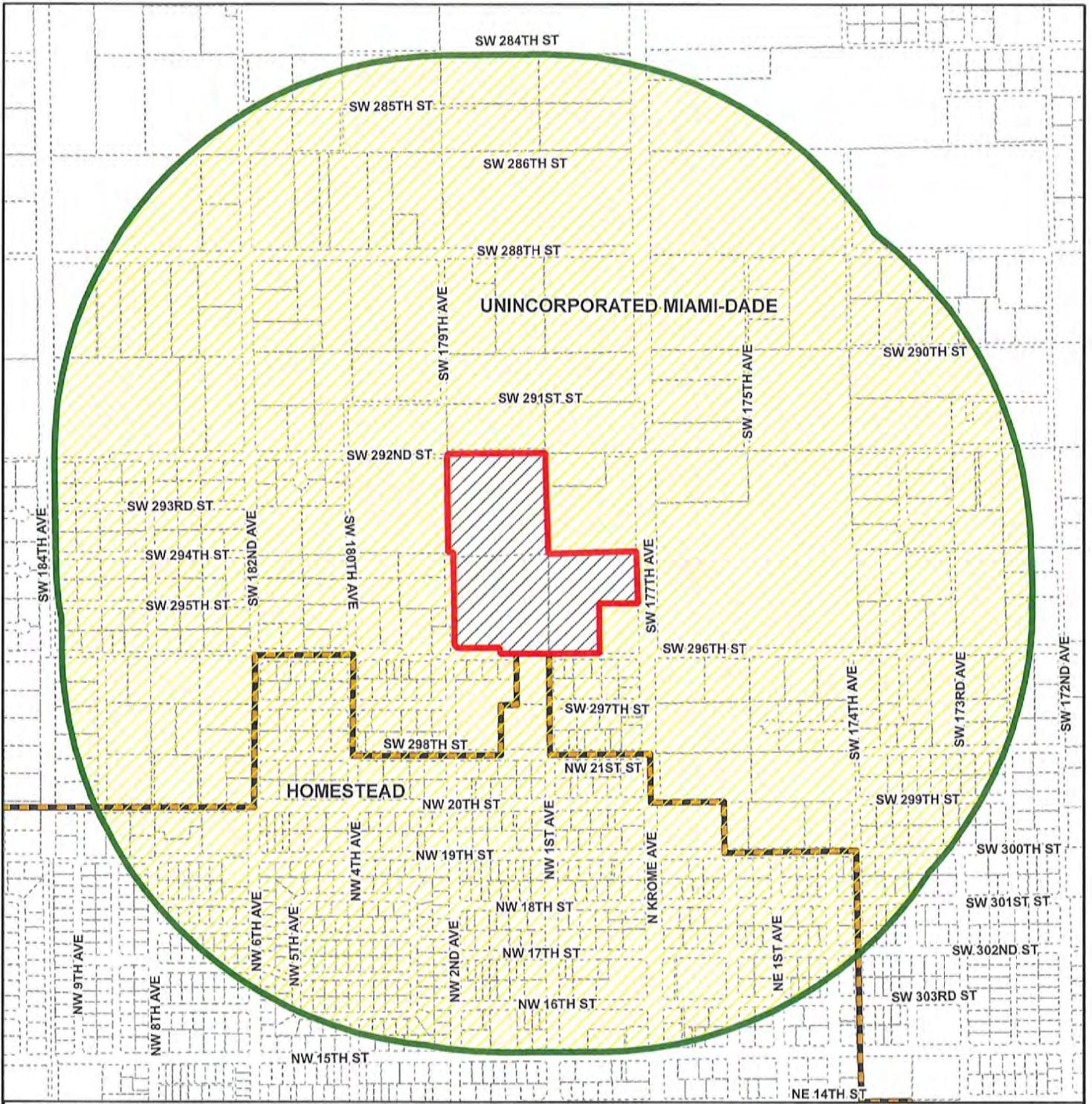


Section: 01 Township: 57 Range: 38
 Applicant: Persea LLC, and Jeffery and Medora Alleman
 Zoning Board: C14
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS



SKETCH CREATED ON: Thursday, February 16, 2017

REVISION	DATE	BY
		91



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 01 Township: 57 Range: 38
 Applicant: Persea LLC, and Jeffery and Medora Alleman
 Zoning Board: C14
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS

Process Number
Z2017000040
 RADIUS: 2640

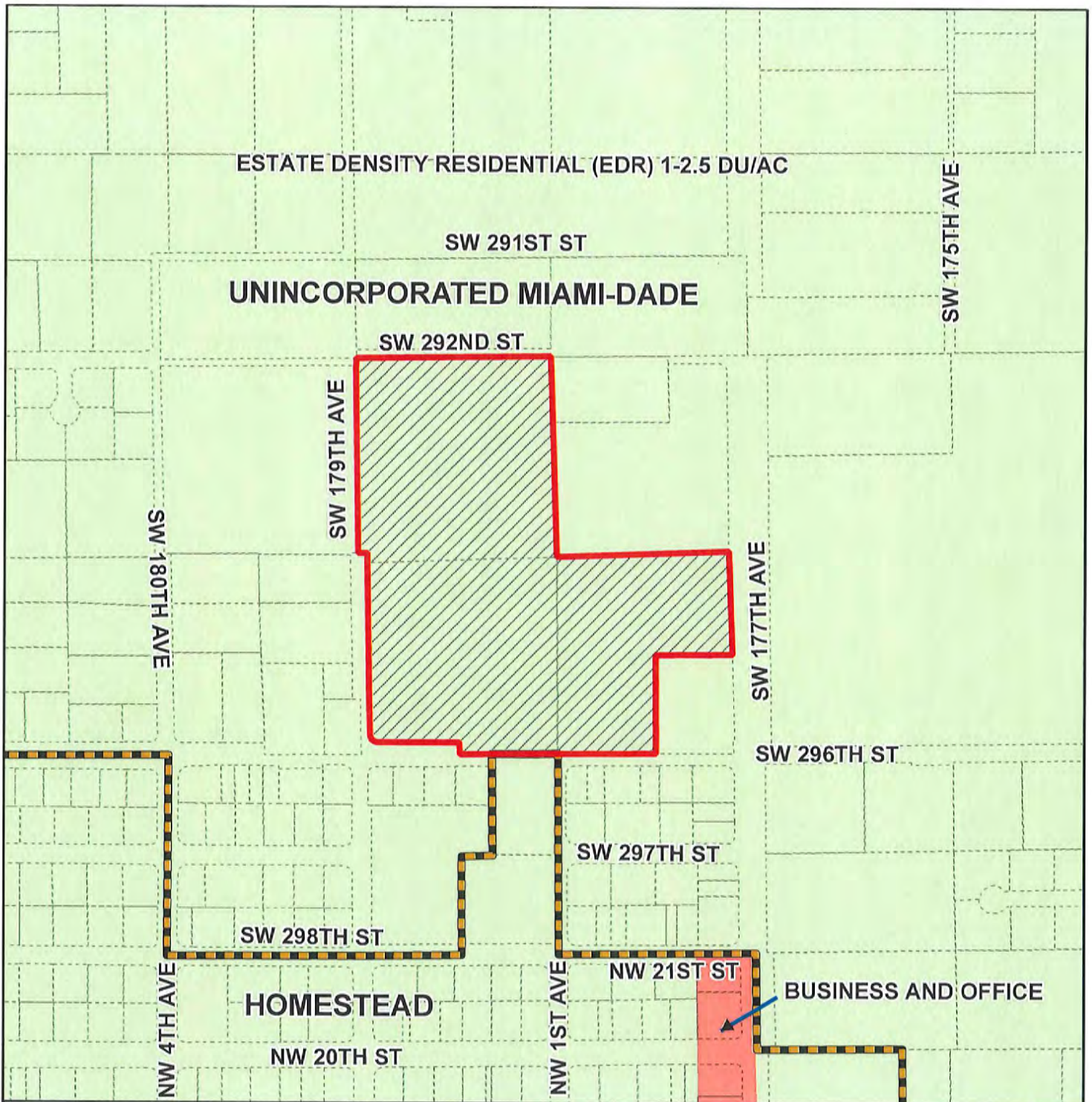
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Thursday, February 16, 2017

REVISION	DATE	BY
		72



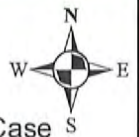
MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2017000040

Legend

 Subject Property Case



Section: 01 Township: 57 Range: 38
 Applicant: Persea LLC, and Jeffery and Medora Alleman
 Zoning Board: C14
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS



SKETCH CREATED ON: Thursday, February 16, 2017

REVISION	DATE	BY

Persea, LLC ET AL
(217-040)
BCC

This instrument was prepared by:

Name: Juan J. Mayol, Jr.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owners, PERSEA, LLC, a Virginia limited liability company, JEFFERY ALLEMAN and MEDORA KROME ALLEMAN n/k/a MEDORA KROME, and PHOEBE von P. KROME TRUST DATED NOVEMBER 26, 2002 (the "Owners"), hold the fee simple title to that certain parcel of land in unincorporated Miami-Dade County (the "County"), which is legally described in Exhibit "A" to this Declaration (the "Property"); and

WHEREAS, the Owners have filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2017000040 (the "Application") for the purpose of seeking the rezoning of the Property to facilitate the future development of the Property;

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

1. **Residential Density Restriction**. The maximum number of residential dwelling units on the Property shall not exceed fifty-three (53) dwelling units.

LM
OK

Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

2. **Minimum Residential Lot Size.** The minimum residential lot size shall be 19,266 gross sq. ft.
3. **Minimum Home Size.** The minimum square footage of the building actual area of a residential home on the Property will be 2,800 square feet.
4. **Controlling Site Plan.** The Property shall be developed substantially in accordance with the site plan submitted in connection with the Application, entitled "Site Plan - Krome Grove Estates," as prepared by Ludovici & Orange, Consulting Engineers, Inc., dated stamped received October 4, 2017, and consisting of one sheet (the "Plan"); provided, however, that no structure shall be built within the eastern 20 feet of Lots 2 and 3, Block 5, or the southern 20 feet of Lot 3, Block 4, as depicted in the Plan (the "Buffer"), which Buffer shall be reflected in the plat of the Property and shall be planted with native trees and shrubs. No Severable Use Rights (SURs) or Workforce Housing Unit Bonuses shall be utilized in the development of the Property.
5. **Waiver of sidewalks and street lighting.** Subject to the approval of the County, public sidewalks and street lighting shall not be provided in connection with the proposed subdivision of the Property, except as required by the County.
6. **Improvements to SW 292nd Street.** Subject to the receipt of all governmental approvals, the Owners shall build an eastbound right turn lane at the intersection of SW 292nd Street and SW 177th Avenue (Krome Avenue). The Owner's obligations under this Paragraph shall be subject to (1) the availability of the right-of-way necessary to accommodate the required roadway improvements; (2) the approval by the Director of the Department of Transportation and Public Works ("DTPW"), or successor department, of a credit in lieu of payment against the roadway impact fees that will be assessed by the County in connection with the development of the

Property; and (3) the Director's right to waive, modify or extend the timing for the improvements for good cause shown.

Miscellaneous.

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

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

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

Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

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 covered by the modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances; provided, however, that any such modification, amendment or release of this Declaration, which would result in an increase in density beyond the 53 units contemplated in Paragraph 1 of this Declaration, would require the consent of 75% of the owners of property within a 500 foot radius of the Property. It is provided, however, that in the event the Property is annexed to an existing municipality or if the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with the applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the particular Parcel

Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

which is in default, any further permits, and refuse to make any inspections or grant any approvals with respect to the particular Parcel which is in default, 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 provision is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated provision.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner 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

Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

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

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County 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 "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGES FOLLOW]

Signed, witnessed, executed and acknowledged on this 8 day of December, 2017.

IN WITNESS WHEREOF, PERSEA, LLC, a Virginia limited liability company, has caused these presents to be signed in its name by its proper officials.

WITNESSES:

Jared Anderson

Signature

Jared Anderson

Print

Name

Zoe England

Signature

Zoe England

Print Name

PERSEA, LLC, a Virginia limited liability company

1374 Brook Street, Louisville, KY 40208

By: Alan B. Krome

Alan B. Krome, Manager

STATE OF Kentucky)
) SS:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me by Alan B. Krome, Manager of PERSEA, LLC, a Virginia limited liability company, on behalf of said company, who is personally known to me or has produced KY Drivers License as identification.

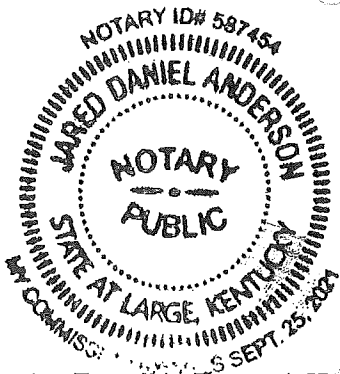
My Commission Expires: Sept 25, 2021

Jared Anderson

Notary Public – State of Florida

Printed Name

Kentucky



Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

Signed, witnessed, executed and acknowledged on this 8th day of Dec, 2017.

WITNESSES:

Signature

John Michael Lynn

Print

Name

Signature

Betty Fernandez

Print Name

By:

Medora Krome
Phoebe vonP. Krome Trust Dated
November 26, 2002.
Medora Krome, Trustee

STATE OF FLORIDA

)

) SS:

COUNTY OF MIAMI-DADE

)

The foregoing instrument was acknowledged before me by Medora Krome, Trustee of Phoebe vonP. Krome Trust Dated November 26, 2002, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Betty Fernandez
Notary Public - State of Florida
Printed Name



Signed, witnessed, executed and acknowledged on this 8th day of Dec., 2017.

WITNESSES:

Medora Krome
Signature
John Michael Cruz
Medora Krome
Print
Name

By: Medora Krome
Medora Alleman ~~Krome~~ n/k/a Medora
Krome mk
P.O. Box 900423
Homestead, Florida 33090

Betty Fernandez
Signature
Betty Fernandez
Print Name

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by Medora Alleman Krome n/k/a Medora Krome, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Betty Fernandez
Notary Public – State of Florida
Printed Name



EXHIBIT "A"

Parcel 1

The Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

LESS

The South 40 feet and the West 25 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

AND LESS

The area bounded by the North line of the South 40 feet of the Southeast $\frac{1}{4}$ of said Section 1 and bounded by the East line of the West 25 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 1 and bounded by a 25 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

Parcel 2

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

Parcel 3

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

LESS

The East 330 feet of the South 280 feet of said Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

AND LESS

The East 62.5 feet, less the South 280 feet thereof, of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

AND LESS AND EXCEPT

FDOT PARCEL NO.: 185 as described in that WARRANTY DEED, as recorded in Official Record Book 30563, Page 65, of the Public Records of Miami-Dade County, Florida, described as follows:

A parcel of land lying in the SE $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the SW corner of the SE $\frac{1}{4}$ of said Section 1, being a brass disk; thence N89°39'23"E, along the South line of the SE $\frac{1}{4}$ of said Section 1, for a distance of 1,980.40 feet to the POINT OF BEGINNING of the hereinafter described parcel of land:

Thence departing said South line of the SE $\frac{1}{4}$ and the existing North Right-of-Way line of S.W. 296th Street (Avocado Drive), N00°59'23"W for a distance of 35.00 feet; thence N89°39'23"E for a distance of 330.16 feet; thence S00°54'00"E for a distance of 35.00 feet to a point on the aforementioned South line of the SE $\frac{1}{4}$ and the existing North Right-of-Way line of S.W. 296th Street (Avocado Drive); thence S89°39'23"W, along said South line of the SE $\frac{1}{4}$ and North Right-of-Way line, for a distance of 330.11 feet; thence to the POINT OF BEGINNING.

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Section-Township-Range: 1-57-38

Folio Number: 30-7801-000-0580, 30-7801-000-0581, and 30-7801-000-0582

OPINION OF TITLE

To: MIAMI-DADE COUNTY, a political subdivision of the State of Florida

With the understanding that this Opinion of Title is furnished to the Department of Regulatory and Economic Resources as inducement for acceptance of a Declaration of Restrictions ("Declaration") to be recorded in the Public Records of Miami-Dade County, Florida, covering the real property hereinafter described, it is hereby certified that I have examined the Old Republic National Title Insurance Company Commitment Number 3813-42 covering the period from the beginning to December 7, 2016 at 11:00 p.m., and an Attorneys' Title certified title update from the said date through November 30, 2017 at 11:00 p.m., inclusive of the following described real property, located and situated in Miami-Dade County, Florida: I know of no reason that this Title Commitment is inaccurate.

SEE EXHIBIT "A" ATTACHED HERETO

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Jeffrey Alleman and Medora Krome Alleman, n/k/a Medora Krome, as to Parcel 1;

Persea, LLC, a Virginia limited liability company, as to Parcel 2; and

Persea, LLC, a Virginia limited liability company, and Medora Krome as Successor Trustee of the Phoebe Von P. Krome Revocable Trust dated November 26, 2002, as amended, as to Parcel 3

Subject to the following liens, encumbrances, and other exceptions:

1. RECORDED MORTGAGES:

None.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

None

3. GENERAL EXCEPTIONS:

- a. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
- b. Rights of persons other than the above owners who are in possession.
- c. Facts that would be disclosed upon accurate survey.
- d. Any unrecorded labor, mechanics' or materialmen's liens.
- e. Zoning and other restrictions imposed by governmental authority.
- f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

4. SPECIAL EXCEPTIONS:

- a. Right of Way Deed to Dade County recorded in O.R. Book 13643, Page 3064, Public Records of Miami-Dade County, Florida.
- b. Dedication and Improvement Agreement recorded in O.R. Book 13615, Page 996, Public Records of Miami-Dade County, Florida. (Parcel 1)
- c. Metro-Dade Historic Preservation Board Resolution No. 8808 recorded in O.R. Book 14144, Page 1893, Public Records of Miami-Dade County, Florida. (Parcel 1).

All recording information refers to the Public Records of Miami-Dade County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

It is my opinion that the following parties must join in the Declaration in order to make the Declaration a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
Jeffrey Alleman and Medora Krome Alleman, n/k/a Medora Krome, as to Parcel 1, Persea, LLC, a Virginia limited liability company, as to Parcels 2 and 3, and Medora Krome as Successor Trustee of the Phoebe Von P. Krome Revocable Trust dated November 26, 2002, as amended, as to Parcel 3	FEE SIMPLE

Further, I am of the opinion that Alan B. Krome, as Manager, is an authorized signatory for Persea, LLC, a Virginia limited liability company and is authorized to execute all documents on behalf of Persea LLC.

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Declaration.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and I am a member in good standing of The Florida Bar.

Respectfully submitted this 12th day of December, 2017.

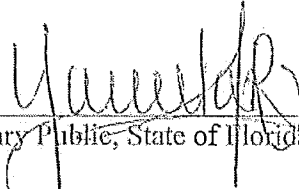


Alberto J. Parlade, Esq.
Florida Bar Number: 313823
PARLADE LAW FIRM, P.A.
7050 S.W. 86 Avenue
Miami, Florida 33143
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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 12th day of December, 2017, by Alberto J. Parlade, who is personally known to me or has produced N/A as identification.



Notary Public, State of Florida

Print Name: _____

My Commission Expires:

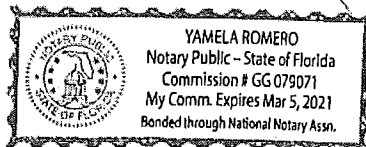


EXHIBIT "A"

Parcel 1

The Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

LESS

The South 40 feet and the West 25 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

AND LESS

The area bounded by the North line of the South 40 feet of the Southeast $\frac{1}{4}$ of said Section 1 and bounded by the East line of the West 25 feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 1 and bounded by a 25 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

Parcel 2

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

Parcel 3

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

LESS

The East 330 feet of the South 280 feet of said Section 1, Township 57 South, Range 38; East, lying and being in Miami-Dade County, Florida.

AND LESS

The East 62.5 feet, less the South 280 feet thereof, of Section 1, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

AND LESS AND EXCEPT

FDOT PARCEL NO.: 185 as described in that WARRANTY DEED, as recorded in Official Record Book 30563, Page 65, of the Public Records of Miami-Dade County, Florida, described as follows:

A parcel of land lying in the SE $\frac{1}{4}$ of Section 1, Township 57 South, Range 38 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the SW corner of the SE $\frac{1}{4}$ of said Section 1, being a brass disk; thence N89°39'23"E, along the South line of the SE $\frac{1}{4}$ of said Section 1, for a distance of 1,980.40 feet to the POINT OF BEGINNING of the hereinafter described parcel of land:

Thence departing said South line of the SE $\frac{1}{4}$ and the existing North Right-of-Way line of S.W. 296th Street (Avocado Drive), N00°59'23"W for a distance of 35.00 feet; thence N89°39'23"E for a distance of 330.16 feet; thence S00°54'00"E for a distance of 35.00 feet to a point on the aforementioned South line of the SE $\frac{1}{4}$ and the existing North Right-of-Way line of S.W. 296th Street (Avocado Drive); thence S89°39'23"W, along said South line of the SE $\frac{1}{4}$ and North Right-of-Way line, for a distance of 330.11 feet; thence to the POINT OF BEGINNING.

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COMMUNITY ZONING APPEALS BOARD - AREA 14
MEETING OF THURSDAY, JANUARY 18, 2018
PALMETTO GOLF COURSE, COMMUNITY ROOM
9300 SW 152 STREET, MIAMI, FLORIDA

PERSEA, LLC, ET AL.
(17-040)

Members of the Board
Present

CURTIS LAWRENCE, Chair
WILBUR B. BELL, Vice-Chair
SALVATORE ROCCO DEVITO
GARY J. DUFEK
MARY K. WATERS

STAFF

Carl Harrison, Clerk
Cassandra Henderson, Clerk
Sarah Davis, County Attorney
Leo Rodriguez, Platting & Traffic Review Section

I N D E X
SPEAKERS & PAGE NUMBERS
COUNCIL MEMBERS

1
2
3
4
5 Chairman Lawrence: 3, 4, 6, 7, 21-24, 26, 27, 29, 30,
6 35, 36, 39, 40, 45, 46, 60, 61
7 Vice-Chair Bell: 3, 6, 61
8 Councilman Devito: 3, 46, 60
9 Councilman Dufek: 3, 46-51, 60
10 Councilwoman Waters: 3, 51-58, 60, 61

STAFF

11 Mr. Harrison: 6
12 Ms. Henderson: 3-5, 7, 35, 60, 61
13 Mr. Rodriguez: 47, 48

SUPPORTERS:

14 Mr. Gassant: 7-21, 40-45, 48-53, 56-61
15 Mr. Arza: 49
16 Mr. Forbes: 21, 23
17 Ms. Thomas: 23, 24

OBJECTORS:

18 Mr. Blakley: 24-26
19 Ms. Milone: 26, 27
20 Mr. Green: 27-29
21 Mr. Robinson: 29, 30
22 Mr. Torcise: 30-33
23 Mr. Steele: 34, 35
24 Mr. Wang: 35, 36
25 Mr. Hood: 37-39
Dr. Bourgoïn: 39, 40

OTHER SPEAKER:

Mr. Bass: 36

1 (Thereupon, the following proceeding were
2 had.)

3 VICE-CHAIR BELL: Good afternoon. Welcome to
4 the Redland Community Council 14 the 18th of
5 January, 2018.

6 Will you please stand for the pledge.

7 (Thereupon, the Pledge of Allegiance was had,
8 after which the following transpired.)

9 VICE-CHAIR BELL: Okay, staff, roll call.

10 MS. HENDERSON: Councilman DeVito?

11 COUNCILMAN DEVITO: Present.

12 MS. HENDERSON: Councilman Dufek?

13 COUNCILMAN DUFEK: Here.

14 MS. HENDERSON: Councilwoman Lara?
15 Councilwoman Waters?

16 COUNCILWOMAN WATERS: Here.

17 MS. HENDERSON: Vice-Chair Bell?

18 VICE-CHAIR BELL: Here.

19 MS. HENDERSON: Chair Lawrence?

20 CHAIRMAN LAWRENCE: Right here.

21 MS. HENDERSON: We have a quorum.

22 CHAIR LAWRENCE: Good evening. I apologize
23 for being a little late this evening. We just had
24 the roll. Have anyone read the statement?

25 Are there any withdrawals or deferrals this

1 evening?

2 (Thereupon, a matter not related to this case
3 was heard, after which the following transpired.)

4 *****

5 CHAIR LAWRENCE: Introductory statement,
6 please.

7 MS. HENDERSON: In accordance with the Code of
8 Miami-Dade County, all items to be heard this
9 evening have been legally advertised in the
10 newspaper, notices have been mailed, and the
11 properties have been posted. Additional copies of
12 the agenda are available here at the meeting.

13 Items will be called upon -- up to be heard by
14 agenda number and name of applicant. The record of
15 the hearing on each application will include the
16 records of the Department of Regulatory and
17 Economic Resources.

18 All these items are physically present this
19 evening, available to all interested parties, and
20 available to all the members of the Board who may
21 examine items from the record during the hearing.

22 Parties have the right of cross-examination.

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

1 In addition, the following departments have
2 representatives present here at the meeting to
3 address any questions: The Zoning Evaluation and
4 Platting and Traffic Review Section of the
5 Department of Regulatory and Economic Resources,
6 the County Attorney's Office.

7 All items used in representations before the
8 Board will become part of the public record and
9 will not be returned unless an identical
10 letter-sized copy is submitted for the file.

11 Any person making impertinent or slanderous
12 remarks or who becomes boisterous while addressing
13 the Community Zoning Appeals Board, shall be barred
14 from further audience before the Community Zoning
15 Appeals Board by the presiding officer unless
16 permission to continue or again address the Board
17 be granted by the majority vote of the Board
18 Members present.

19 The number of filed protests and waivers on
20 each application will be read into the record at
21 the time of the hearing as each application is
22 read.

23 Those items now heard prior to the ending time
24 of this meeting will be deferred to the next
25 available zoning hearing meeting date for this

1 Board.

2 MR. HARRISON: Through the Chair. One second,
3 Mr. Chair. I think I may have lead you estray. We
4 need to have everybody sworn in because we realized
5 that we kind of skipped that.

6 VICE-CHAIR BELL: We didn't swear nobody in
7 yet.

8 CHAIRMAN LAWRENCE: Oh, you didn't swear them
9 in.

10 VICE CHAIR: We didn't have them sworn in.

11 CHAIR LAWRENCE: Those of you who plan to
12 speak this evening, would you stand and be sworn in
13 by the court reporter. If you think you might
14 speak please be sworn in.

15 (Thereupon, all interested individuals seeking
16 to give testimony in the case were duly sworn to
17 tell the truth, the whole truth, and nothing but
18 the truth, after which the following transpired.)

19 CHAIRMAN LAWRENCE: After the item is called,
20 the applicant will present the item. After he
21 finishes, we will ask for those people who are in
22 support of the item, after which we will ask for
23 objectors to the application.

24 When you step to the mike please state your
25 name and address clearly for the record, and we

1 would ask that you keep your comments brief as we
2 have a full house this evening. Thank you.

3 (Thereupon, other matters not related to this
4 case were heard, after which the following
5 transpired.)

6 *****

7 CHAIRMAN LAWRENCE: Okay.

8 MS. HENDERSON: Item 17-40, Persea. Two
9 hundred and fifteen filed protestors, zero waivers.

10 MR. GASSANT: Good evening Chairman, Members
11 of the Board. Once again, Pedro Gassant of Holland
12 and Knight with offices at 701 Brickell Avenue.

13 And I'm here this evening with my colleagues
14 Hugo Arza, Al Torres and Amanda Naldjieff on behalf
15 of our client Michael J. Navals, the trustee and
16 contract purchaser of land that is controlled by
17 the heirs of William Julius Krome, an early South
18 Dade pioneer and in whose name and honor Krome
19 Avenue is provided.

20 This item that's before you this evening is an
21 item that was before you a couple months back. And
22 at that meeting and hearing there were some
23 protestors and objections of neighbors that came
24 before you.

25 What we have done in the interim in the

1 handouts that are being provided to you is that we
2 have taken substantial, significant steps to
3 address every concern and issue that the neighbors
4 have raised.

5 The boards that are facing the audience on
6 this side and the boards that are facing you on the
7 far right hand detail and delineate every step that
8 we have taken to address every issue and every
9 comment that the neighbors have provided us with.

10 Now, I'm going to address all of the issues
11 that were raised. I will provide you with our
12 request. I will talk about the location of the
13 property, its location with respect to the UDB, the
14 Comprehensive Development Master Plan, the zoning
15 and why our application should be approved.

16 Our requests tonight are three. It's a
17 request to rezone the property from AU,
18 agriculture, to EU-M, estate modified.

19 That was the same request that we had before
20 you a couple months ago, but a couple months ago
21 that was the only request we had before you. And
22 with that request we could have built 67 lots with
23 15,000 lots -- with 15,000 square foot lots or even
24 less if we applied for SUR, and we could have even
25 built more than 67 lots if we applied the Workforce

1 Housing Density Bonus.

2 The second and the third request that are
3 before you, the second request is a 15.2 variance
4 of the side setback of the side street based off of
5 our meeting with the neighbors who wanted to ensure
6 that there were no additional drives provided on
7 Krome and to mitigate the number of drives that
8 were provided on Avocado Drive.

9 The third request is to permit a development
10 that substantially limits the number of sidewalks
11 and street lights within the development.

12 This too was a request that was initiated at
13 the request of the neighbors. The neighbors
14 provided us with information stating that the
15 character of this community, in order to preserve
16 it and in order to ensure that we are paying homage
17 to the aesthetic characteristic of this area that
18 we eliminate the sidewalks and the street lights
19 within our development. We have done that. The
20 only street lights that will be within our
21 development are the street lights and sidewalks
22 along Krome and Avocado Drive, which are the two
23 section line roadways and that's required by code.

24 I want to address very quickly and briefly,
25 your staff's recommendation of approval.

1 Miami-Dade County has a staff that is comprised of
2 experts. Experts in Public Works, experts in
3 Planning and Zoning, experts in fire, police who
4 have looked at this application and have determined
5 that it is consistent with your Comprehensive
6 Development Master Plan, it is compatible with the
7 area, and that it will have no adverse impacts on
8 the community.

9 Now, I want to take a minute to just talk
10 about the property. The property is located at the
11 intersection of two section line roadways,
12 southwest 177th Avenue, which is Krome Avenue, and
13 southwest 296th Street, which is Avocado Drive.
14 The
15 property is approximately 27 acres and it is
16 entirely vacant except for two existing homes.

17 You have the Krome residence which was built
18 by Mr. Krome in the 1920s and which was preserved
19 by the Historic Preservation Board in 1983, and you
20 have an existing home that is just west of that.

21 What we're doing as a part of our application
22 and paying homage to Mr. Krome is that -- when the
23 Historic Preservation Board preserved this property
24 they only preserved 18,000 square feet of it. What
25 we're going to do is we're going to expand that and

1 we're going to preserve 40,000 square feet of Mr.
2 Krome's original property.

3 Now, as you can see, I'll just stick with
4 this, I'll be walking a bit around so forgive me,
5 this property is located approximately two miles
6 east of the Urban Development Boundary. Now the
7 Urban Development Boundary is very important
8 because the Urban Development Boundary is what our
9 County Commission has decided sets the demarcating
10 line between urban uses and rural uses.

11 Our County Commission and the County in its
12 planning function has determined that urban uses
13 such as residential, office and retail should occur
14 within the urban development boundary in order to
15 preserve the more agricultural uses that are
16 outside of the Urban Development Boundary.

17 Now, one of the things about the Urban
18 Development Boundary that's very important is that
19 it preserves the location of urban uses.

20 The County is sandwiched between two national
21 parks. You have the Everglades on the west and you
22 have Biscayne National Park on the east.

23 And in addition to that, what you end up
24 having is a situation where we have a limited land
25 supply with a rapidly growing population.

1 The number one goal of your Comprehensive
2 Development Master Plan and your future land use
3 element is to preserve and protect the needs of the
4 present and future population of this County.

5 Now, my colleague Al Torres is passing out a
6 survey that was conducted by staff who analyzed the
7 population growth within the County between 2010
8 and 2015.

9 And I'll wait for you guys to receive it so we
10 can discuss it together.

11 Now, I would invite you to turn to Page 19
12 which is the tab page of that study. And what you
13 will see as a detailed analysis is the population
14 growth in this County between 2010, 2011, 2012,
15 2013, 2014 and 2015.

16 And if you do the analysis and you calculate
17 the averages of the population growth, what you
18 will see is that 34,000 people are moving into this
19 County every single year.

20 Now, if you take that practically and if you
21 understand what that means on an everyday basis,
22 that means that 93 people are moving into this
23 County every single day. That means every single
24 month we are having 2604 people who move into this
25 County.

1 Every single one of those individuals are
2 going to have to be able to be provided residences.
3 They're going to have to have a place to live.
4 They're going to have to have a place where they
5 can work. They're going to have to have a place
6 where they can be entertained.

7 And all of those uses have to occur within the
8 Urban Development Boundary. Those uses cannot
9 occur outside of the UDB because outside of the UDB
10 we have a policy of preserving our agriculture
11 uses.

12 Now, I want to speak a little bit about the
13 land use designation on this property. And the
14 land use designation within the County and all
15 throughout the State of Florida is very, very
16 important because the land use designation
17 essentially serves as the Constitution for
18 development in this County.

19 You cannot have a development that is
20 inconsistent with your land use designation. You
21 cannot have a zoning that is inconsistent with your
22 land use designation.

23 Everything that you do within this County,
24 every plan that we have taken, every step that we
25 have moved forward with requires us to be in

1 compliance with your land use designation.

2 So, what is the land use designation of this
3 property? This property is designated EU for
4 estate density which allows one unit, a minimum of
5 one unit per acre and a maximum of 2.5 units per
6 acre.

7 The zoning of this property, however, is AU
8 and AU allows one unit per every five acre and that
9 is inconsistent with your Comprehensive Development
10 Master Plan.

11 Objective LU-4 that I'm passing out of your
12 Comprehensive Development Mater Plan essentially
13 states that we have a requirement to eliminate
14 inconsistent uses within the County. This is our
15 opportunity to do that. We can eliminate the
16 inconsistent use of the agriculture zoning on the
17 property and allow it to be rezoned to something
18 that implements the Constitution of this County,
19 which is the estate density.

20 Now, I'm going to speak very briefly on some
21 of the due diligence that was done on the
22 agriculture on this property.

23 Our clients, when they looked into the avocado
24 development that's there, the avocado trees, what
25 we found was that Laurel Wilt, which is a disease

1 that comes in based off of beetles who come into
2 the property, those beetles end up killing all of
3 the Avocado trees. As a result all development has
4 to occur in order to prevent the passage and the
5 transfer of these beetles onto other Avocado
6 grooves in order to ensure that the Laurel Wilt
7 does not destroy the development.

8 Now, I do want to talk about the estate
9 density zoning classification because there's an
10 implementation -- they're implementing zoning
11 classifications that must be applied.

12 There are three zoning categories that
13 implement estate density. They're EU-1, which are
14 one acre lots; they're EU-S, 25,000 acre -- I mean,
15 25,000 square feet gross, and EU-M, 15,000 square
16 feet net.

17 The question that arises based off of this is
18 which one is the most appropriate? Which zoning
19 classification should we apply to a piece of
20 property that is designated estate density?

21 Now, I'm going to wait for this handout to be
22 passed out because I think it's pretty important
23 with respect to what we're talking about here as to
24 what's the most appropriate zoning classification
25 for this site.

1 And what you see on this document essentially
2 states that intersection of section line roads,
3 which is where we are, shall serve as focal points
4 of activity hereafter referred to as activity load.
5 Of the various residential densities which may be
6 approved in a section through density averaging or
7 on an individual site basis, the higher density
8 residential uses should be located at or near the
9 activity load.

10 So, based off of your Constitution, based off
11 of the Constitution that the County has
12 implemented, the most appropriate zoning category
13 that apply to this property should be EU-M because
14 it allows 15,000 square feet lots.

15 Now, although we would be entitled to build
16 15,000 square foot lots, we wanted to be able to
17 provide a development that will be responsible,
18 that would be in keeping with the character of the
19 community. So what we did was after meeting with
20 the neighbors we changed substantially our plans
21 and limited the number of lots and increased the
22 size of the square footage.

23 So first, when we first came before you --
24 when we first came before you about a couple of
25 months ago we had no site plan. It was just a

1 straight rezoning. Today we have a site plan that
2 limits our development to 53 lots. Mind you, there
3 are already two existing homes on the property. So
4 what we're really doing is only adding 51 lots,
5 even though based off the EU-1 classification we
6 would be entitled to build 67 or more lots if we
7 applied for the Workforce Housing Density Bonus.

8 In addition, even though we're rezoning to
9 EU-M, which allows 15,000 square foot lots, the
10 minimal lot size on our property is going to be
11 19,266 square feet. The average lot size is going
12 to be 23,179 square feet, over half an acre. And
13 the largest lot is going to be 40,044 square feet.
14 So the largest lot is going to be approximately one
15 acre.

16 In addition, what we have done is that we've
17 taken, as I've noted earlier, we've taken out the
18 sidewalks and the street lights all throughout the
19 development, and we're going to ensure that that
20 streetlight and sidewalk elimination -- that that
21 street and sidewalk elimination is preserved by or
22 Declaration of Restrictions.

23 In addition, when we first came before you
24 there was no buffer between our property and the
25 Tropical Audubon's property, which is here on the

1 southeast corner of the property. We've added a
2 buffer and we've provided Declaration of
3 Restrictions that's going to tie the development to
4 that buffer.

5 In addition, when we came before you the last
6 time there was no covenant restricting our ability
7 to use Workforce Housing Density Bonuses. There
8 was no restriction preventing us from using
9 Severable Use Rights which would allow us to reduce
10 the lot size of our properties.

11 Today we come before you with a covenant that
12 provides for the elimination of using SURs on this
13 property and the elimination of using Workforce
14 Housing Density Bonuses.

15 In addition, the last time we came before you
16 we were not going to preserve more than 18,000
17 square foot -- we were not going to provide more
18 than the 18,000 square foot lots for the Krome
19 residence. We didn't have that obligation to do
20 so. But today what we're going to do is preserve
21 the historic residence on a 40,000 square foot lot.

22 In addition, the last time we came before you,
23 we were not providing any direct offsite roadway
24 improvements. Today what we're going to do is
25 we're going to provide an offsite roadway

1 improvement between the intersection of southwest
2 292nd Street and Krome Avenue to provide a right
3 turning lane.

4 And then finally, the last time we came before
5 you there was no minimum household size. In the
6 Declaration that's before you we are now going to
7 set a minimum size of 2800 square feet and we
8 anticipate that the household size range is going
9 to be between 2800 square feet and 3600 square
10 feet.

11 But if that was not enough, in addition, what
12 we've said is that in order for us to modify this
13 plan, we would have to obtain the signatures of 75
14 percent of the neighbors within a 500 foot radius
15 of this property in order to change it.

16 I have never, quite frankly, seen a developer
17 do this much to deal with all of the objections
18 that have been raised, to take a real conscientious
19 effort and take a look at what they can do to amend
20 their plans to address the community's concerns.

21 Now, what we also did -- I'll just keep it
22 with me. And what we also did was an analysis
23 because on our team we like doing analysis. And
24 what we determined was that if you look at our lot
25 sizes and you do an analysis of a quarter mile,

1 what you will see is that the lot sizes that we are
2 providing are equal to or greater than 41 percent
3 of the lot sizes within a quarter mile radius of
4 our site.

5 We think that this type of compromise, this
6 type of revision, these types of steps by a
7 developer represents the best of what the County
8 has to offer.

9 Because what we're doing is that we're working
10 with community. We're providing a development
11 that's consistent with your Comprehensive
12 Development Master Plan. We're providing for
13 something that's compatible with the community and
14 it's going to have no adverse impacts.

15 What we're showing you here are just some
16 conceptuals of the homes that we anticipate
17 developing on these properties. We anticipate that
18 these types of homes are going to pay homage to the
19 aesthetic tradition to the area and will
20 demonstrate the type of rural character that is
21 exhibited within the community.

22 Finally, with respect to environmental and
23 traffic, your experts at the County took a hard
24 look at this and they determined that no adverse
25 impacts would occur. DERM took a look and

1 determined that there are no adverse environmental
2 impacts of our development, and Public Works took a
3 look at our development and determined that at a
4 maximum the most traffic that we would develop
5 would be 73 trips during the peak hour. And those
6 73 trips were actually when we were developing 67
7 lots. Not while we're developing the 53 lots. So,
8 it's actually substantially less today.

9 So, in conclusion, I think given the location
10 of the property within the Urban Development
11 Boundary, given the continued population growth
12 within the County, the substantial and significant
13 revisions that we have made, we strongly believe
14 that our requests are compatible with the
15 surrounding areas, consistent with your
16 Comprehension Development Master Plan and will
17 provide no adverse impacts.

18 I thank you for your time and I would like to
19 reserve time for rebuttal. And we're all, of
20 course, here to answer any questions.

21 Thank you so much.

22 CHAIRMAN LAWRENCE: Thank you.

23 Is anyone here to speak in support of this
24 item? Anyone who would like to speak in support of
25 this item?

1 MR. FORBES: Good evening. Ken Forbes, 1085
2 Northeast 42nd Avenue, Homestead, Florida.

3 CHAIRMAN LAWRENCE: Could you get the
4 microphone, please, or bring it down.

5 MR. FORBES: I rise to support this
6 application. Let me just start out by saying that
7 I represented this County on various Boards and
8 committees, some being Miami-Dade Annex and
9 Incorporation Task Force. I'm the Chair of the
10 Naranja Lakes CRA. I am a member of the South
11 Corridor Rapid Transit Project and I'm a member of
12 the More to Explore of South Dade.

13 And in serving on these Boards I've been
14 pretty much all around the County. I've heard
15 input from a lot of County residents. And, of
16 course, you know when the Naranja Lakes was making
17 its efforts to expand its boundaries this was an
18 area that was close to what we was trying to do.
19 Because, again, our efforts are to basically
20 address some of the blightiness that is in the area.
21 We're making a strong campaign to have people to
22 come into the community both to work, live and
23 play. So, therefore, we know that there has to be
24 improvements made in the area in order to make the
25 area inviting.

1 So, when we see applications such as these,
2 these are the types of applications that support
3 what efforts we already have going on in the
4 community. And, so, it's important that we do come
5 out, that we do support these.

6 And this particular property on the Naranja
7 Lakes Community Redevelopment Agency, we have a
8 responsibility to eliminate the slight -- I mean
9 the slum and the black just a little east of this
10 area here, but this is a blighted area. This is no
11 more agricultural viable. This development is a
12 tremendous improvement to this piece of property.
13 So, I implore y'all tonight to basically approve
14 this application for this area.

15 Thank you.

16 CHAIRMAN LAWRENCE: Thank you.

17 Anyone else to speak in support of this item?

18 MS. THOMAS: Good evening, Council. My name
19 is Katrina Thomas. My address is 16810 Southwest
20 301 Street, Homestead, Florida, 33030.

21 I am here today to support this applicant. I
22 am a long-term resident of the area. I was born
23 and raised in this community. I attended Homestead
24 and South Dade High School. I have actually left
25 to go to college. I came back to this community.

1 I became a substitute teacher in the area and I am
2 now a full time teacher at Avocado Elementary.

3 I came here today because I feel like the
4 community will benefit from the applicant. I feel
5 that the area is -- the design of the area is a
6 doable area. So I'm asking today that you would
7 please consider this applicant.

8 Thank you.

9 CHAIRMAN LAWRENCE: Thank you.

10 Anyone else to speak in support of this item?

11 Anyone to support?

12 Any objectors?

13 Would you please come to the mike and state
14 your name and address.

15 MR. BLAKLEY: My name is Jeff Blakley. My
16 address 28590 Southwest 170 Avenue.

17 First I would like to state that I'm a master
18 gardener and the way to get rid of Laurel Wilt is
19 not to develop property.

20 The University of Florida is working very hard
21 on a cure for avocados and its huge industry in
22 Dade County, as you probably know.

23 And, yes, you can get rid of Avocado Wilt by
24 cutting them all down, but I will also tell you
25 that there is no Avocado Wilt on this property.

1 Avocado Wilt strikes and more than two weeks the
2 tree is dead. There are no dead trees on this
3 property.

4 Now, as to my objections, I appreciate what
5 the developer has done. That's a really big
6 improvement from what they started out with, and I
7 commend them for all their efforts.

8 However, the minimum lot size is 19,226 square
9 feet and the maximum I think is 40,000. I feel
10 that this falls into an EU-S category. I do not --
11 I know that the neighbors would like to have EU-1.
12 I don't think that's feasible but I think EU-S is a
13 very acceptable compromise.

14 And here is the reasoning behind my EU-S
15 request. To the east of this property -- and I
16 don't have a map and I don't know if that's a map
17 in front of you or not. But the northeast corner
18 of 296 Street and 177 Avenue is an open vacant 40
19 acre parcel. It is owned by Luis Swezey
20 (phonetic). There are plans to develop that. And
21 I feel that even though this property here they
22 have a covenant to have larger than minimum lot
23 size, which is a good idea, but it's going to be
24 the proverbial camel's nose under the tent, and Mr.
25 Swezey is going to use this as a basis -- as a

1 precedent for asking for EU-M zoning on the 40 acre
2 parcel to the north and east. And I do not think
3 that that's a good thing. I think that that's
4 going to be a fight.

5 So, what I would like to see, and I understand
6 this is expensive, but I would like to see the
7 applicant come back with a request for EU-S zoning.

8 Thank you.

9 CHAIRMAN LAWRENCE: Thank you.

10 Next.

11 MS. MILONE: Hi. My name is Pat Milone, 29325
12 Southwest 202 Avenue, Redland. I've come before
13 you guys before. I'll be brief.

14 My idea of a buffer is different from the
15 applicants. I appreciate their efforts to make it
16 a little bit more amenable but I'm one of those
17 hard core ones where I feel like we need a buffer
18 called Redland's Edge and I have a statement.

19 I've watched acre after acre of agricultural
20 land rezoned and chopped up as it falls into
21 developers hands. The Dade County Master Plan
22 acknowledges the need to maintain a buffer area
23 between ag and high density. Approval of this
24 hatchet job will cause a domino effect as other
25 properties along Krome would be on the chopping

1 block next. So, let's all work together to protect
2 the buffer zone. Please deny this overdevelopment
3 by requiring EU-1, one acre per each home.

4 I come before this Community Council today to
5 oppose the applicant's request for our shrinking
6 farm community. This plan is not the best.

7 Thank you.

8 CHAIRMAN LAWRENCE: Thank you.

9 MR. GREEN: My name is Steven Green. I'm here
10 wearing three hats today.

11 The first is as a neighborhood resident, 25920
12 Southwest 193rd Avenue. And in that capacity, even
13 though I'm not right next to this property, I would
14 be affected by the increased traffic along the
15 major routes. I don't know who did the traffic
16 assessment but I can tell you for sure they have
17 not driven on the major north/south avenues like
18 Krome Avenue or the major east/west streets like
19 Avocado Drive in recent times. There is no way
20 that significant additional residents will not
21 affect that traffic.

22 The second capacity in which I'm here is
23 President of the Tropical Fruit Growers of South
24 Florida, a non-profit association of over a hundred
25 small farmers in the area. Our business address is

1 at the County Extension Office, 18710 Southwest 288
2 Street. And in that capacity I'd like to say that
3 we are very concerned about any loss of
4 agricultural lands and we're particularly concerned
5 about a transition from agricultural lands to
6 urbanized residential housing that does not
7 recognize and accommodate strict buffer zones of
8 large properties intervening between the normal
9 urban environment and the agriculture environment.

10 And third, I'm a professor at the University
11 of Miami, a biologist with a specialty in
12 conservation and land use planning.

13 First as a biologist, the statement made by
14 the proponents about Laurel Wilt disease are
15 nonsensical, very creative nonsensical but
16 nonsensical. They're akin to saying we can protect
17 this area of old wooden houses from fire by burning
18 them all down. It just doesn't make sense.

19 Secondly, as a planner, a conservation
20 planner, the most important thing you can do to
21 preserve the character of neighboring area is to
22 not have abrupt transitions from one to another.
23 You need a buffer zone that accommodates an
24 intermediate design plan. My estimate in this case
25 is that that 27 acres should have five to ten total

1 housing units on it to be effective as a buffer
2 zone.

3 Thank you.

4 CHAIRMAN LAWRENCE: Thank you.

5 Next speaker.

6 MR. ROBINSON: Sidney Robinson, 23515

7 Southwest 162nd Avenue.

8 I wrote a story -- letters to the editor about
9 this particular property and it was logical that as
10 being a buffer to the agriculture area the one acre
11 slot would be advantageous, but I do agree with Mr.
12 Blakley and his point of view that the EU-S zoning
13 would be the most practical. The question we have
14 in the future that northeast corner at some time or
15 other is going to be probably into the same EU-M
16 type of operation.

17 A question I would like to ask the attorney
18 and also the planning department is this: How many
19 applications have already been approved for EU-M
20 zoning that have not been built yet and they're on
21 the books? How many? Do you happen to know that
22 by chance? Maybe we can get an answer shortly.

23 There really is no need to add more land
24 available for development if we already have
25 property development already on the line.

1 Transitional zoning is very important because
2 it's a buffer between the agricultural area and
3 residential. So I would suggest that the EU-S
4 would be the most practical at this time for this
5 application.

6 Thank you.

7 CHAIRMAN LAWRENCE: Thank you.

8 MR. TORCISE: David Torcise, 18001 Southwest
9 291 Street, Homestead, Florida, 33030.

10 Good evening and for the record I'd like to
11 submit 123 signatures in opposition to the EU-M
12 zoning. I would like to state my opposition to
13 this application to be rezoned from AU to EU-M.

14 I live just steps away from the northern
15 border of the subject property. The Redland
16 district is an area I've grown up and now choose to
17 live in.

18 In fact, my family has chosen to live in the
19 area dating back to 1906 when my great grandfather
20 Virgil Granell (phonetic) came from Philadelphia to
21 the Redland and proved up 160 acres just west of
22 Southwest 187th Avenue between Southwest 296th
23 Street and Southwest 288th Street.

24 And I can tell you as someone who's lived here
25 all my life that zoning the property EU-M is not

1 consistent with the Redland district surrounding
2 area.

3 This property is located in the southeast
4 corridor section of 157 east 38 south of
5 unincorporated Miami-Dade County. And I did some
6 research in the past on the size of the parcels
7 located in the section not including the southeast
8 corridor of the 157 38 which this property takes up
9 the majority acreage on, their combined total of
10 111.33 acres from 52 different parcels. The
11 average size of each of these parcels is 2.14
12 acres. Of those 52 parcels only eight are under
13 half an acre, which represents 15 percent. I
14 wouldn't say that 15 percent is consistent with the
15 area.

16 As you can see in the zoning map I have before
17 you, and this was taken from Miami-Dade County's
18 website, the vast majority surrounding the Redland
19 district area is zoned AU or EU-1.

20 To further confirm this I believe in a kit
21 that you were given, it lists neighborhood
22 characteristics, describes the surrounding area in
23 the same manner. In every direction except south
24 where the City of Homestead border begins the vast
25 majority of the land is zoned AU or EU-1.

1 Also, please keep in mind that this property
2 is located in unincorporated Miami-Dade County
3 Redland district and should only be compared to
4 properties within this border, not the south border
5 of City of Homestead.

6 The identity of the Redland district is
7 historically and presently characterized as an
8 agriculture area with large residential lots.
9 Anyone driving through this area can see this.

10 Miami-Dade County recognizes the area as
11 agricultural by displaying signs around the Redland
12 area saying "Entering Redland Agricultural Area",
13 which is the other sign I provided for you.

14 This sign down here, this specific sign that I
15 have a picture of, is located at the interaction of
16 Krome Avenue and Southwest 288th Street which is
17 the intersection just north of the subject
18 property.

19 If EU-M zoning is allowed to become the trend,
20 the County may have to change the sign to "Entering
21 Redland Residential Area or Formally Redland
22 Agricultural Area".

23 I'm convinced that EU zoning is a disease for
24 the Redland area. It is the Laurel Wilt to our
25 avocado trees. It has the potential to kill the

1 area's identity and spread it to other parts of the
2 section.

3 Just last month neighbors protested 10 acres
4 in close proximity to the Krome property from being
5 rezoned to EU-M. Some people might not be aware of
6 but from people coming in before me there are also
7 additional properties trying to get zoned to EU-M
8 in the area. And we need to stop this before it
9 gets out of control because this property here is
10 just the tip of the iceberg.

11 We are at a crucial point regarding the
12 development of this area. Please help us local
13 residents combat the potential spread of the EU-M
14 disease in this area.

15 One last note about my great grandfather
16 Virgil Granell who moved from Philadelphia to the
17 Redland area. In a November 18th, 1923 Miami
18 Herald wrote an article about his life up to that
19 point. He states that the reason he moved from
20 Philadelphia to this area was to escape the bustle
21 and noise of the city for a place of its own in the
22 pinewoods where it could have a log house and
23 quiet. That same reason minus the log house is why
24 many of us moved to area and why we still choose to
25 live here today.

1 Thank you Council Members for your time.

2 MR. STEELE: Good evening. My name is Dewey
3 Steele, 22320 Southwest 256 Street in Redland.

4 First I want to thank you all for your
5 service. It's an important job that you do here on
6 the Community Council and we thank you for that.

7 The CDMP sets standards and minimums and
8 zoning rules, but as it says you are the Community
9 Council and you are here to serve the community.
10 The will of the community should always be
11 considered. Because the CDMP may allow for many
12 buildings on a certain property the community
13 should always have the say in what happens in their
14 neighborhood.

15 As development gets ever closer to the ag
16 area, it becomes more difficult for the farmers to
17 operate with increased traffic and housing to deal
18 with.

19 A buffer zone between the ag area and urban
20 zoning should help reduce the impact on farming.
21 This would mean limiting a number of homes close to
22 these areas. I would suggest limiting density to
23 one house per acre. This will be a good
24 compromise.

25 Please consider that urban growth doesn't pay

1 for itself. Some have said that an owner should be
2 allowed to make the highest and best use of his or
3 her land. This old adage does not pass the test
4 when it comes to damage to the rest of the
5 community. Please consider allowing no more than
6 one house per acre on this application.

7 Thank you.

8 CHAIRMAN LAWRENCE: For those of you who are
9 applauding, Council rules, not mine, but Council
10 rules state that you're not supposed to do that.
11 So I would ask that you not do it.

12 Thank you.

13 MR. WANG: My name is Qingren Wang, address
14 1800 Southwest 292nd Street.

15 What I want to say is that the agriculture is
16 very important to Miami-Dade County. Miami-Dade
17 County is referred to as the winter bread basket
18 and also salad bowl because of the agriculture.

19 Our agriculture in the Redland area, that
20 property is right at the border of Redland. So we
21 need to protect that. That's our history. That's
22 our legend. We don't want to lose our land
23 everyday. So that's big issue. Not only just
24 behind my property but also agriculture is a bigger
25 concern.

1 So, I'm strongly against but want to decrease
2 the number of houses but increase the lot size.

3 So, just like Dewey mentioned about the one
4 acre per house, that will be fine, because if
5 somebody have that large property like myself still
6 you grow some trees, you grow some vegetables, you
7 know, garden. That's still kind of agriculture.
8 So, we try to protect that.

9 So, thank you very much for your attention.

10 CHAIRMAN LAWRENCE: Thank you.

11 Anyone else wishing to speak?

12 MR. BASS: Good evening. I'm not here in
13 support of or opposing the project tonight. I'm
14 actually just a neutral onlooker. But to set the
15 record straight, there was a comment made at the
16 beginning when you opened this up for public
17 comment by Mr. Blakley, I think that Mr. Swezey had
18 plans to develop the 40 acre parcel to the east of
19 his property, and that is not at all true. There's
20 no plans at all right now to develop that property.
21 So please take that into consideration.

22 MS. HENDERSON: Could you state your name and
23 address.

24 MR. BASS: Oh, Jason Bass, 7735 Northwest
25 146th Street, Miami Lakes, Florida.

1 CHAIRMAN LAWRENCE: Thank you.

2 Anyone else wishing to speak?

3 MR. HOOD: Hello. My name is Gregg Hood. My
4 address is 1770 Southwest 292nd Street. I live
5 adjacent to the property that is in question.

6 I, of course, support all of my friends on
7 most counts and neighbors who object to this zoning
8 change and land use change.

9 I don't believe that we need to negotiate
10 quite yet. There are over 120 buildable lots that
11 are for sale within a mile square radius of this
12 property and there are over 320,000 units that are
13 going to come online in Miami-Dade in the next 10
14 years.

15 I believe that no one has been able to prove
16 that we need this property to be converted into
17 residential zoning.

18 I would also like to point out some
19 inconsistencies in the initial Staff Report
20 regarding tree preservation. There was no
21 landscape survey that was included in the
22 disposition, and, therefore, the recommendation was
23 on the condition that there were no trees impacted,
24 which my understanding from the development plans
25 would impact significantly well over 29 acres of

1 trees, living producing Avocado trees. That's from
2 Ms. Christine Velasquez.

3 I would also like to point out that
4 neighborhood compatibility from staff never in any
5 way addresses impact on the Audubon Bird Refuge
6 that's adjacent to this property that was also
7 initially part of the William and Mary Krome
8 Preserve.

9 I would also like to point out that the whole
10 site, I believe, was presented as a historic
11 preservation site. It is very specific in the
12 recommendation that the site is historic and not
13 just the residence. This is all from Staff Report.
14 I've highlighted these. I can pass these on to you
15 if you'd like.

16 I'd also like to go to Zoning Recommendation
17 Addendum from Persea Section 33.311 which states
18 that the development permitted by application, if
19 granted, must conform, must imply, implies that it
20 will serve the public benefit warranting the
21 granting of the application at the time it is
22 considered.

23 I'd also like to go to Item Number 2 which
24 says that it will have to have a favorable impact
25 on the environmental and natural resources of

1 Miami-Dade at that time.

2 And I would also like to skip ahead to Number
3 2 that there should really be a strong
4 consideration to whether you're making the decision
5 as a Council whether there is irreversible or
6 irretrievable commitment of natural resources that
7 will occur as a result of this change in
8 development.

9 Thank you for your time and your
10 consideration. This is an important matter and
11 shouldn't be rushed.

12 CHAIRMAN LAWRENCE: Thank you.

13 Is there anyone else who would like to speak?
14 Anyone else wishing to object to this application?

15 MR. BOURGOIN: My name is Dr. Donald Bourgoin.
16 My wife and I live at 358 Northwest 22nd Street,
17 which is one street south of Avocado.

18 One of the big reasons why we bought our
19 property is because of the quiet neighborhood and
20 the fact that traffic is limited in the area.

21 Now, the proposal will change the whole fabric
22 of our community. There is no question of that.
23 It eliminates agriculture land which I'm not in
24 favor of and it also offers no benefit to the
25 community except for the land owners and the

1 developers, and they will all be gone after this
2 property is developed.

3 Thank you.

4 CHAIRMAN LAWRENCE: Anyone else wishing to
5 speak?

6 Seeing no one else the public hearing is
7 closed.

8 I would first of all like to thank -- I'm
9 sorry. Go ahead.

10 MR. GASSANT: My apologies. I wanted to
11 reserve time for rebuttal.

12 CHAIRMAN LAWRENCE: I'm sorry. Go ahead.

13 MR. GASSANT: So, thank you. I think that
14 there were a couple of comments that were made by
15 the individuals who came up in opposition to this
16 application that I think I need to address.

17 The first one has to do with the Laurel Wilt,
18 that there is no Laurel Wilt on this property. We
19 have a document, and this is simply being put into
20 the record as a rebuttal, from Jonathan H. Crane
21 demonstrating and stating that our recommendation
22 to homeowners is to remove and destroy the Laurel
23 Wilt infected trees as they may act as a source of
24 more pathogen contaminated, I can't even say this
25 word, Ambrosia Beetles and spread the disease to

1 additional trees. I'm going to provide that to
2 staff so staff may have it.

3 Now, there have been some statements with
4 respect to the fact or the idea that designating
5 this property as EU-M is going to have some sort of
6 domino effect, that the moment that you change this
7 property everything else is going to have a domino
8 effect and become EU-M.

9 But what's apparent within this area is that
10 you already have properties zoned EU-M within this
11 area. In fact, you have properties within close
12 proximity. And it's not in the City of Homestead.
13 It's in Miami-Dade County.

14 So, as a matter of fact, if you look just west
15 of the property, this portion right here is zoned
16 EU-M. South of 296th Street this property EU-M.
17 This is all Miami-Dade County. This over here is
18 Homestead. These properties are zoned EU-M.

19 So, the concept that by rezoning this property
20 to EU-M is going to have a domino effect on the
21 rest of the properties in the area is not supported
22 by the facts of this area because you already have
23 properties that are zoned EU-M.

24 Now, while people came up here and discussed
25 the issue of overdevelopment, I want us to really

1 consider the implications of what we have. There
2 are going to be unintended consequences if we do
3 not maximize the development.

4 Yes. That's perfect.

5 So, one of the things that we did particularly
6 to address some of the concerns, and I'll turn this
7 around so that the audience can see after, is that
8 we specifically noted on this plan here the
9 properties that are zoned EU-M within the area and
10 the properties that are equal to or lesser than our
11 lot sizes.

12 So the idea that there is going to be a domino
13 effect upon the property or upon the adjacent
14 properties by rezoning this property to EU-M is
15 just not supported by the facts.

16 But in addition to that, I want to talk a
17 little bit about unintended consequences.
18 Everybody here I think wants to preserve
19 agriculture land. Agriculture is important. I
20 don't think that anybody would argue against that.
21 But what the County has stated is that agriculture
22 should be preserved and protected outside of the
23 UDB line.

24 If we continue to say what we're going to do
25 is we're going to provide lower density at this

1 area in the UDB, lower density at this area in the
2 UDB, what's going to end up happening is the
3 unintended consequences of pushing the UDB and
4 further endangering the agricultural lands that are
5 outside of the UDB.

6 There is no EU-M disease. EU-M is a method by
7 which we are going to meet the needs of the present
8 and future population of this County. It's not a
9 disease to have a lot that's 15,000 square feet.
10 Even if we're not developing that that's not a
11 disease.

12 So anybody who would want to look to our
13 property as a basis as precedent to say that they
14 should be entitled to rezone to EU-M, they're also
15 going to have to look at what we've done. And what
16 have we done? We have provided significant and
17 substantial revisions to our plan. We have
18 provided a Declaration of Restrictions that is
19 providing a buffer between our property and the
20 Tropical Audubon Society. We're providing for a
21 roadway improvement. We've reduced the number of
22 lots on our property.

23 Even though the law will be behind us by just
24 going before 67 lots, we decided that to respect
25 the community, the fact that we met, that people

1 took the time to come out and meet with us, that we
2 were going to address their concerns as best as we
3 could.

4 Now, there was a comment towards the very end
5 that the entire property is protected by the
6 historic preservation. Again, my obligation is to
7 remedy some of the misstatements. That document
8 that I'm providing you demonstrates that the north
9 portion, only 18,000 square feet of the property is
10 historically designated. The entire site is not.
11 There is no historic designation for the entire 27
12 acres of this property.

13 And, in fact, the Historic Preservation Board,
14 the Board that understands the implications, the
15 Board that is the expert in the implication of
16 Historic Preservation, they do not have any
17 objection. Any object to our application here
18 tonight.

19 So, when we think about the comments that have
20 been made, when we think about the issues that have
21 been brought up, we have to remember that we are
22 all operating within the shadow of the law. And
23 what the law says is that you must have substantial
24 competent evidence for whatever decision that you
25 choose.

1 No one who came up here today presented
2 themselves as an expert in either traffic, in
3 Laurel Wilt. No one came here today and provided
4 you with any substantial competent evidence that
5 would support the denial of this application of
6 what we presented.

7 Today we should be entitled to the rezoning,
8 to the side setback request and for the variance of
9 the street lights and the sidewalks that we've all
10 provided at the request of the neighbors.

11 I thank you Council Members for your time and
12 I appreciate the time that you have given us.

13 Thank you.

14 CHAIRMAN LAWRENCE: Thank you.

15 Public hearing is closed.

16 I first of all would like to thank the
17 residents as well as the applicant for doing what
18 we requested several months ago by coming together
19 and trying to resolve some of these issues
20 yourselves.

21 These applications are not easy to decide.
22 And it always helps if the community tries to
23 resolve it themselves between themselves and the
24 applicant.

25 Having said that, it is also -- you have to --

1 and this is personal with me. I always look at the
2 owners rights also. Everybody has a right to do
3 what they like with their property as long as it
4 does not harm the larger community around them.

5 So, you have to give some respect to that and
6 I believe this property is still owned by someone
7 related to the Krome family who has given a lot to
8 this community, and that also I believe should be
9 taken into consideration.

10 I will now defer to my fellow Board Members.

11 Comments?

12 COUNCILMAN DEVITO: I'd like to piggyback off
13 of Mr. Lawrence's comments.

14 Both sides of the parties made very good
15 arguments. These decisions are not easy. I would
16 like to thank both sides of the parties. Both
17 sides made very compelling arguments.

18 It is very nice to see when two parties --
19 some of the consignments that have been presented
20 from the original revision that makes for a nice
21 community niche.

22 Anybody else has any comment?

23 COUNCILMAN DUFEK: Yes. First of all I got
24 one question. With regards to your site plan, the
25 three lots that are fronting on Krome Avenue, the

1 three lots that are fronting on Krome Avenue,
2 according to your site plan here you're showing a
3 right-of-way for Krome Avenue of 62 and a half feet
4 on your side. Is that correct or haven't you been
5 contacted by the DOT yet with regards to purchasing
6 additional property to put in a four-lane road
7 which they're in the process of doing right now?

8 I know for a fact that the road that they are
9 proposing will not fit within the 62 and a half or
10 actually 125 feet on both sides. So they're going
11 to have to take additional property from one side
12 or the other or maybe both sides. And I was
13 wondering if that's going to impact those three
14 lots and as a result cause smaller lots to be
15 built.

16 And I cannot understand why the County would
17 not have already looked into that issue because
18 that is something of concern. You have not been
19 contacted by the DOT on that issue?

20 MR. RODRIGUEZ: Good evening, Chair, Members
21 of the Board, Leo Rodriguez of the Platting and
22 Traffic Review Section of RER.

23 We have no knowledge of any of the
24 right-of-way takings that DOT is doing along Krome
25 Avenue.

1 COUNCILMAN DUFEK: The DOT has not contacted
2 you on anything on that?

3 MR. RODRIGUEZ: No.

4 MR. GASSANT: So, I want to address the back
5 end of your question first. Your question actually
6 asks about the implication of what DOT is doing and
7 you want to see and you want to know what the
8 implication is going to be if they do take more.

9 COUNCILMAN DUFEK: That's right.

10 MR. GASSANT: We're going to be providing --
11 we have already provided you with a Declaration of
12 Restrictions that ties the lots to the site plan.
13 So the lots that we're showing are the lot sizes
14 that we're going to have to provide.

15 COUNCILMAN DUFEK: So, in other words, then if
16 the DOT comes in and say we want another 50 feet on
17 Krome Avenue on your side then you're going to lose
18 those three lots?

19 MR. GASSANT: Look, the implication of that is
20 going to be something that is tied to the
21 Declaration of Restrictions. We are tied to that
22 document. At the end of the day we are going to
23 respond to the community. We're going to address
24 the concerns that the community has made and we
25 have made certain promises. We have signed a

1 document that has addressed those promises. And as
2 result we have to develop to that Declaration of
3 Restrictions.

4 COUNCILMAN DUFEK: My second question --

5 MR. ARZA: Council Member, Hugo Arza, 701
6 Brickell Avenue. I'm Mr. Gassant's colleague
7 representative. The owner has informed me that
8 FDOT has contacted the owner, has purchased the
9 land they need on 296 Street, but has told them
10 that they do not need any of their land along Krome
11 whether it's their intention to secure it from the
12 eastside of the street or somewhere else, but the
13 property owners have -- representatives have been
14 contacted by FDOT, and, in fact, FDOT has purchased
15 already what they need on 296. So, to answer your
16 question about whether -- that will not impact our
17 site plan. That's why we're showing it that way.

18 COUNCILMAN DUFEK: The second question I have
19 or the second concern I have is a lot what the
20 neighbors have is the property to the west of yours
21 which is zoned EU-1 which is currently undeveloped.
22 My concern is is that on your application with this
23 EU-1 being undeveloped, once yours is developed at
24 a higher density they're going to come in for the
25 same thing. So, that's what my concern is.

1 Because you can see right here this is EU-1 but
2 it's totally undeveloped and it could impact that
3 piece of property by a higher density on yours.

4 MR. GASSANT: So, I'm going to address that
5 concern. I think there are several issues and they
6 are very distinct. The first is that we are at the
7 intersection of two section line roads. The
8 property to our west is not. The second is that
9 for them to rezone their property they would have
10 to come before this Board. So it's not as if they
11 can just change that zoning in order to do what
12 they want. They can't just say -- wake up one day
13 and say hey, we like EU-M and we're going to build
14 to EU-M. They would be in violation. The County
15 Attorney's Office will file an injunction and they
16 would have to stop. So that is not something that
17 I think is going to be impacted by our development
18 directly because of the type of Declaration of
19 Restrictions that we've impacted, that we provided,
20 the fact that we're providing covenants that can
21 provide much larger lots than EU-M, and the fact
22 that we have gone through substantial and
23 significant conversations and revisions on our
24 plan.

25 Anybody who's going to do the EU-M within this

1 area is going to have to adjust to what we're doing
2 here tonight. They're going to have to come before
3 this Board. They're going to have to demonstrate
4 to this Board that they have met with the
5 neighbors. They're going to have to demonstrate to
6 this Board that they have done the extensive work
7 that we have done in order to remedy some of the
8 issues and some of the concerns the neighbors have
9 had.

10 COUNCILMAN DUFEK: Thank you.

11 MR. GASSANT: My pleasure.

12 COUNCILWOMAN WATERS: Now, I've got a few
13 questions and comments. The term you just used
14 where people have to adjust, that's like saying
15 well, it's kind of like, you know, get over it.
16 This is what we're going to come in here and we're
17 going to do and everything just has to kind of, you
18 know, basically in bland terms just suck it up and
19 live with it.

20 There's one item that no one mentioned in
21 conversation here, and since this application has
22 been around since this past June it was at that
23 time found that the City of Homestead is where the
24 water and the sewage was originally to have come
25 from. Now the application has been changed and

1 these properties will have their own individual
2 private septic systems.

3 However, the portable water will be coming
4 from the City of Homestead, which as of this past
5 June was at capacity and could not provide for this
6 subdivision. How come six months later now all of
7 a sudden they seem to have found some water? So
8 that would concern me as to I don't understand how
9 this is possible.

10 And as Mr. Dufek is saying, if any of these
11 other areas in there change their zoning, I don't
12 care to what the zone is, and they decide they want
13 to build, how is it possible that they will be able
14 to get water from the City of Homestead when they
15 still are supposed to be at capacity? That's one
16 point. And I don't think you can answer that.
17 That's something to do with the City.

18 MR. GASSANT: So, I actually can answer.

19 COUNCILWOMAN WATERS: Okay.

20 MR. GASSANT: We have a water allocation
21 that's coming from the City of Homestead. A water
22 allocation that essentially provides and states
23 that we have the ability to serve your water needs.
24 So the City of Homestead has already told us that
25 they have the water capacity to serve our needs.

1 COUNCILWOMAN WATERS: I'd like to know why
2 they said they didn't have it this past June?

3 MR. GASSANT: I can't answer that.

4 COUNCILWOMAN WATERS: Did they offer to
5 produce more water all of a sudden?

6 MR. GASSANT: All I can do is say that they
7 have provided us with the allocation.

8 COUNCILWOMAN WATERS: I find that kind of
9 convenient.

10 Couple of other things that I'd like to say.
11 When the County goes in and the planners decide
12 that parcels of land are turned from what they had
13 been to estate density, it doesn't necessarily mean
14 that that is the smart plan for property.

15 In fact, many of the planners sit downtown,
16 the work that they do, and I applaud them for what
17 they do, I'm not taking anything away from them,
18 but it's far different to look at aerial maps, to
19 look at Google maps, to look at anything you might
20 want to, I don't care if you're riding over the
21 property in a helicopter and you're looking at it,
22 it's never the same as if you've got boots on the
23 ground and you actually see what's there.

24 Redland is what Redland is. And as far as
25 applauding, I applaud Mr. Torcise for the fact that

1 he wants things to stay that way. His family has
2 been in the Redland area for decades. They're one
3 of the large farmers in that area. They, in fact,
4 also have a parcel of land not too far from this
5 one that's for sale and it is set up in such a way
6 to where it's being advertised as a five acre plot
7 for one home. That's what Redland is all about.
8 People don't want these subdivisions. And the fact
9 that you have gone from 67 homes down to 53 that
10 makes you sound like the nice guy.

11 But, in fact, what's going to end up
12 happening, you are putting 53 homes in an area
13 where I would bet you the minimum price on any of
14 those homes is probably going to be in the 600,000
15 plus price range. I'd like to know people that are
16 actually going to be willing to spend over half a
17 million dollars for a home that is going to have a
18 major expressway just on the eastside of them and
19 from what this other gentleman who was in favor of
20 this application is calling a blight area. Please.

21 If you want to call something blight go to the
22 northern parts of Dade County. You can find plenty
23 there. Homestead is not blighted. It does have
24 some more negative areas but I don't see how that's
25 consider blight. There are plenty of agricultural

1 uses around there. There is still income to be
2 made from the farming and agricultural profession.

3 I do understand the issue with Avocado tress.
4 I'm in agriculture myself. I understand it very
5 well. And by the same token I understand the land
6 owner and their right to be able to sell something.
7 We should not be able to dictate to them what they
8 can do with it.

9 However, turning an almost hundred year old
10 property that has been well known by the Krome
11 family, and I respect everything that they have
12 ever done in this area of Homestead, it's just sad
13 to see that developers want to build out everything
14 that they can get their hands on. And I don't
15 agree with the idea of what they choose to do with
16 these by putting in these expensive homes.

17 If the other fellow says that this is a
18 blighted area, are you going to want to move in
19 there and spend 600,000 plus and live in a blighted
20 area? Obviously somebody's got an idea as to who
21 they think they're going to be able to sell these
22 expensive homes to. Because there is nothing in
23 that area that's \$600,000 unless you get on a five
24 acre estate home that's been there and they have
25 turned it into a magnificent estate. I don't think

1 homes in that area fits.

2 MR. GASSANT: So, I want to address a variety
3 of the questions that you've raised. The first is
4 on the price. We anticipate that the pricing for
5 these units are going to be between 425,000 and
6 \$475,000.

7 The second has to do with the fact that the
8 Court issued that we have to deal with, everybody
9 in Miami-Dade County has to deal with, is that
10 we're rapidly growing and we have an obligation
11 within this County to provide everyone with a
12 residential place where they can live.

13 COUNCILWOMAN WATERS: Let me interject
14 something there for a second. There is this rule,
15 written rule, in fact, that says that we have to
16 provide a supply of homes for those that are
17 coming.

18 I only recently learned that. I thought that
19 that had come from the politicians in Dade-County.
20 That came from the State of Florida. The State of
21 Florida doesn't know Dade County anymore than we
22 know downtown Tallahassee where the politicians are
23 making all of these laws and rules for us, and the
24 philosophy is, is people think that oh, well, we
25 have to build, people are coming so we have to

1 build. No, we don't. We are so overbuilt and so
2 overrun with traffic that all we're doing is is
3 we're creating a bad problem and making it that
4 much worse everyday.

5 And if you have -- the first range that you're
6 just talking -- you're still talking in and about
7 \$500,000. And from what I have heard since June on
8 this application, those homes are going to be more
9 expensive than that because now you've even got a
10 lot size that's larger so you're going to have to
11 recoup more of your money.

12 But people that have the capacity to spend
13 that amount of money for a home typically finance
14 it and they are no jobs that I'm aware of in the
15 Homestead area that can provide enough income to
16 pay a mortgage on a \$500,000 house.

17 So, those very people are going to be the ones
18 in their cars that are going to be driving all over
19 everywhere else to get to where they're going. And
20 there is no transit system that can pick them up at
21 their doorstep. See you can't say that they're
22 going to take the train.

23 MR. GASSANT: So, there's a lot packed in
24 there. I want to do it as much justice as I'm
25 capable of.

1 The first is with respect to the State sort of
2 direction and directive. This is actually a
3 directive of Miami-Dade County. Miami-Dade County
4 is the number one goal of your Comprehensive
5 Development Master Plan and your future land use
6 element is to meet the needs of the present and
7 future population.

8 COUNCILWOMAN WATERS: True.

9 MR. GASSANT: And as a result Miami-Dade
10 County, under its Constitution for land development
11 requires the County to address the residential
12 needs of the population as it continues to grow.

13 With respect to who's going to be able to
14 purchase these homes, any developer, any and every
15 single developer who is in the business of
16 developing communities has an obligation to provide
17 a proforma, to do an analysis of being able to
18 think about who they think is going to be able to
19 purchase these homes and at what price range they
20 anticipate that these homes would be sold.

21 Our clients are brokers and they have
22 extensive, extensive experience in selling homes.
23 They have extensive experience in understanding the
24 market. I actually don't know if anybody
25 understands the South Dade market as well as our

1 clients who are here today.

2 In addition, when we're talking about
3 providing for homes for the growing population, we
4 have to be able to take into account what is left
5 within the Urban Development Boundary. You talked
6 about a home that's going to be for sale. It's one
7 home on five acres. That's agricultural. And that
8 agricultural home can exist outside of the UDB and
9 that's the purpose of the UDB line. The very
10 purpose that we -- the main reason why we have the
11 UDB.

12 The reason why we're constantly at odds, let
13 me not say at odds, the reason why we're constantly
14 having robust conversations about holding the line,
15 expanding the UDB, is to ensure that we are able to
16 preserve the important agriculture uses that we
17 have outside of Urban Development Boundary.

18 But when we're talking about development in
19 the Urban Development Boundary, we have to be able
20 to utilize those resources to meet the population
21 needs. And because we're rapidly growing we all
22 have an obligation whether it's North Miami-Dade,
23 whether it's central Miami-Dade, whether it's South
24 Miami-Dade, we all have an obligation to provide
25 for those residential units. And I think that this

1 balance development does that.

2 CHAIRMAN LAWRENCE: Anyone else?

3 COUNCILMAN DEVITO: I have to applaud you on
4 this, to come up with these consignments and do all
5 the legwork for that. That's quite remarkable.

6 MR. GASSANT: That's really a testament to out
7 clients.

8 COUNCILMAN DEVITO: The community has made
9 their voice and as a representative of the
10 community I'm prepared to make a motion. I'm going
11 to motion that we deny this request without
12 prejudice and I urge you and your client to go back
13 to the drawing board.

14 I urge my colleagues to hear everyone that
15 came out and made their voices heard on this item
16 and my motion is set to deny.

17 CHAIRMAN LAWRENCE: There's a motion on the
18 floor. Is there a second to it?

19 COUNCILWOMAN WATERS: I second it.

20 CHAIRMAN LAWRENCE: Okay. There's a motion to
21 second on the floor.

22 MS. HENDERSON: Councilman DeVito?

23 COUNCILMAN DEVITO: Yes, I deny.

24 MS. HENDERSON: Councilman Dufek?

25 COUNCILMAN DUFEK: Yes.

1 MS. HENDERSON: Councilman Waters?

2 COUNCILWOMAN WATERS: No.

3 Wait a minute. Pardon me. I did it
4 backwards. I did it backwards. Pardon me. I take
5 that back. Yes.

6 MS. HENDERSON: Vice-Chair Bell?

7 VICE-CHAIR BELL: Yes.

8 MS. HENDERSON: Chair Lawrence?

9 CHAIRMAN LAWRENCE: Yes.

10 MR. GASSANT: Thank you Chairman and Members
11 of the Board.

12 MS. HENDERSON: Motion denied without
13 prejudice.

14 (Thereupon, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 14 on January 18th, 2018; and that the Item of PERSEA, LLC, ET AL., (17-040) was heard, and that the foregoing pages, Numbered 1 through 63, inclusive, constitutes a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 30th day of March 2018.

Doris Newbold
DORIS NEWBOLD,
COURT REPORTER

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

PH: Z17-139

April 26, 2018

Item No. 3

Appeal Recommendation Summary	
Commission District	8
Applicants	SFI Palm Tree Farms, LLC
Summary of Requests	The applicant is seeking to change the zoning from AU to BU-1A in order to allow a commercial development with accompanying non-use variances on a 7.12 acre portion of the subject property and to permit a zone change from AU to RU-3M in order to permit a townhouse development for 283 units on the remaining 24.20 acre parcel with accompanying non-use variances.
Location	Lying in the Southwest corner of SW 248 Street and SW 112 Avenue, Miami-Dade County, Florida.
Property Size	31.32 gross acres
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant parcel
2020-2030 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>

CZAB Action

CZAB 15 March 8, 2018	Denial without prejudice
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Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> Overrule the decision of the CZAB – requires a 2/3 vote of the BCC members present. Approve the application as recommended by staff.
Previous Recommendation to the CZAB	<u>Approval</u> (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On March 8, 2018 the Community Zoning Appeals Board (CZAB) #15, denied the application.
2. On March 13, 2018, the applicant, SFI Palm Tree Farms, LLC, appealed the CZAB 15 decision to the Board of County Commissioners (BCC).

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB 12 decision should be **approved**.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 15**

PH: Z17-139

April 26, 2018

Item No. 1

Recommendation Summary	
Commission District	8
Applicant	SFI Palm Tree Farms, LLC
Summary of Requests	The applicant is seeking to change the zoning from AU to BU-1A in order to allow a commercial development with accompanying non-use variances on a 7.12 acre portion of the subject property and to permit a zone change from AU to RU-3M in order to permit a townhouse development for 283 units on the remaining 24.20 acre parcel with accompanying non-use variances.
Location	Lying in the Southwest corner of SW 248 Street and SW 112 Avenue, Miami-Dade County, Florida.
Property Size	31.32 gross acres.
Existing Zoning	AU, Agricultural District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of requests #1 and #8, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5, #9 and #10; and modified approval with conditions of requests #6 and #7.

REQUESTS:

Requests #1 - 7 on the Commercial Parcel

1. DISTRICT BOUNDARY CHANGE from AU to BU-1A.
2. NON-USE VARIANCE of zoning regulations requiring a continuous 5-foot high masonry wall along the common property line where a business lot abuts an RU zoned lot; to waive the same along portions of the property lines that adjoin the proposed RU zoning district.
3. NON-USE VARIANCE of the zoning regulations requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to permit openings along portions of the property lines.
4. NON-USE VARIANCE to waive the zoning regulations requiring parking spaces with wheel stops; to permit certain parking spaces with bollards.

5. NON-USE VARIANCE to permit certain off-street parking spaces with a depth of 16' (18' required).
6. NON-USE VARIANCE to permit four (4), 200 sq. ft. detached point-of-sale signs and a 40 sq. ft. detached point-of-sale sign for a total of five (5) detached signs (2-200 sq. ft. detached signs or a 300 sq. ft. detached sign, plus an additional 40 sq. ft. detached sign permitted).
7. NON-USE VARIANCE to permit four (4) 200 sq. ft. detached signs to setback 10' (20' required for all) from the rights-of-way.

Requests #8 - 10 on the Residential Parcel

8. DISTRICT BOUNDARY CHANGE from AU to RU-3M.
9. NON-USE VARIANCE of zoning regulations to permit townhouses with a minimum of 336 sq. ft. of patio open space (400 sq. ft. required).
10. NON-USE VARIANCE of the landscape regulations requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to waive same along portions of the property lines that adjoin the proposed BU zoning district.

Plans are on file and may be examined in the Miami-Dade County Department of Regulatory and Economic Resources, Zoning Hearing Section, entitled "Artesa Phase II Site Plan," as prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, consisting of 32 sheets, and "Artesa Pahse II" as prepared by Corwil Architects, consisting of 35 sheets, site plans entitled, "Orion - DNK" prepared by Consulting Engineering and Science, Inc., consisting of 4 sheets, landscape plans entitled "Commercial Site" consisting of 2 sheets, and landscape plans entitled "Artesa Phase II" consisting of 18 sheets, as prepared by Witkin Hults Design Group, with sheets SP-1, SA-1 and SP-2 dated stamped received 3/8/17, and remaining sheets dated stamped received, 12/19/17, and sign plans entitled, "Commercial Shopping Center" as prepared by Thomas Sign & Awning Co., consisting of a total of 6 sheets, dated stamped receive 5/18/17, for a combined total of 97 sheets. Plans may be modified at Public Hearing.

PROJECT HISTORY AND DESCRIPTION:

The subject property was designated to "Business and Office" through the April 2008 CDMP amendment Application No. 10 adopted by the Board of County Commissioners in May 2009 with the acceptance of a proffered Declaration of Restrictions that was recorded on May 21, 2009 at Official Record Book 26875, pages 3080 through 3093. The covenant includes a "Multiple Uses" provision that requires the property, subject to receiving zoning and other approvals, to be developed with a mix of uses that will include retail, office and community/institutional uses. The Covenant also explicitly provides that additional uses beyond retail, offices and community/institutional uses are not prohibited on the subject property. Therefore, residential development could be included among the mix of uses on the property as provided for in the Covenant. In addition, said covenant includes an exhibit with design guidelines for the development of the project.

The applicant has submitted a site plan showing a 7.12 acre commercial parcel on a portion of the subject property consisting of a 22,731 sq. ft. grocery store, a fast food restaurant and a gas/convenience store located in the northwest corner of the subject parcel. There are multiple access points to enter the commercial parcel from SW 248th Street and from SW 112th Avenue. In addition, the applicant is proposing a 283 unit fee-simple townhouse development on the remaining 24.20 acre parcel. The main access to the residential parcel is off of SW 248th Street culminating at a gated entry which contains 225' of vehicular stacking. As part of this application, the applicant has proffered a Declaration of Restrictions which, among other things, will require the development of the property to be in substantial compliance with the submitted plans, require the commercial parcel to be subject to the submittal of an Administrative Site Plan Review (ASPR), restrict the residential density to 283 units, and require the installation of certain off-site roadway improvements.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; vacant	Business and Office
North	RU-1; single family residences	Low Density Residential, 2.5-6 dua
South	AU; Agriculture	Transportation
East	BU-3; vacant	Business and Office
West	RU-3M; single family residences and townhouses (under construction)	Low Density Residential, 2.5-6 dua

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at the southwest corner of the intersection of SW 248th street and SW 112th avenue. The surrounding area is characterized by single family residences to the north and west, vacant BU-3 property to the east and the Florida Turnpike Extension to the south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional commercial and residential uses to the community. Based on memoranda from the departments reviewing this application, staff opines that approval of same will not create any significant traffic or environmental impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated Business and Office on the CDMP 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.* The CDMP Land Use Element interpretative text for the Business and Office use also 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. Where these conditions are met, residential development may be authorized to occur*

in the business and office category at a density up to one density category higher than the LUP map's 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 BU-1A zoning district allows service stations and mini-marts, which is similar to retail, sales and service uses.

The submitted site plan consists of a 7.12 acre commercial parcel consisting of a 22,731 sq. ft. grocery store, a fast food restaurant and a gas/convenience store located in the northwest corner of the subject parcel. Staff opines that approval of the applicant's request to permit the proposed uses is compatible with the surrounding commercial and residential uses and will be **consistent** with the CDMP Land Use Element interpretative text for the **Business and Office** use.

In addition, the applicant is proposing a 283 unit fee-simple townhouse development on the remaining 24.20 acre parcel. Staff notes that the adjoining residential property to the west is designated for Low Density Residential use, 2.5 to 6 units per gross acre on the CDMP Land use plan map. For the reasons stated below, based on the CDMP Land Use Element interpretative text for the Business and Office category, this portion of the subject property would be allowed to develop one category higher, at the Low-Medium Density Residential category which allows residential development at 6 to 13 units per gross acre. Based on the CDMP this would allow the applicants to develop this portion of the property with a maximum of 314 residential units. Staff notes that the proposed RU-3M zoning would permit a maximum of 12.9 units per acre which would allow 312 units on this portion of the subject property which is slightly below what the CDMP designation would permit. Therefore staff notes that the proposed density of 283 townhouse units is **consistent** with the CDMP interpretive text noted above.

Further, staff is of the opinion that the submitted site plan conforms with the CDMP Land Use Element's interpretative text for the Business and Office land use category that states that *any residential proposal in Business and Office designated parcels not be out of character with the surrounding community, not detrimentally impact adjacent development and zoning and provide a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.*

Based on the foregoing analysis, staff opines that the proposed development will be adequately buffered and will not have a negative visual impact on the surrounding properties or on passersby along the adjacent roadways and would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element, **Policy LU-4A**. Therefore, subject to the acceptance of the proffered covenant, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text, the CDMP covenant and the density threshold permitted for **Business and Office** on the CDMP Land Use Plan (LUP) map.

ZONING ANALYSIS:

When the request for a District Boundary Change to BU-1A (request #1) on the 7.12 acre portion of the subject property, is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **consistent** with the interpretative text of the CDMP and should be approved. This district boundary change would allow the applicant to establish a business and office use on a portion of the subject property; such use is not allowed under the current zoning designation, AU. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, 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. Staff notes that there is also BU-3 zoned property to the east of the subject property adjacent to the proposed BU-1A zoning. As such, staff opines that approval of the request would not be out of character with and is **compatible** with the surroundings when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Further, staff opines that approval of this request will not have a significant 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. **Therefore, staff recommends approval of request #1 under Section 33-311, Standards for District Boundary Change.**

The applicant also seeks approval of Non-Use Variance requests to waive the zoning regulations requiring a 5 foot masonry wall along the common property line where a business lot abuts an RU-zoned lot (request #2), to permit a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties (request #3), to permit the facility with bollards in lieu of wheel stops (request #4), to permit certain parking spaces to have a depth of 16' where 18' is required (request #5).

When the aforementioned requests (requests #2 through #5) 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 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 residential uses along SW 248th Street and with the commercially zoned BU-3 parcel adjacent to SW 112th Ave.

Staff opines that approval of the applicant's request to permit certain parking spaces with bollards in lieu of wheel stops (request #4) and to permit certain off-street parking spaces with a depth of 16' where 18' is required (request #5), will not create any negative impacts on parking within the site. Staff notes that the 2' difference on certain spaces is because the vehicle overhangs over a grassed area and because the area is not hard-surfaced it therefore cannot be counted towards the depth of the stall but the spaces do meet the overall size. Further staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic resources does not object to these requests and their memorandum does not indicate that approval of this request, or the overall application will have a negative impact on traffic circulation within the site, or on traffic on the surrounding roadways. Additionally the applicant seeks to waive a portion of a continuous 5 foot high masonry wall along the common property line where a business lot abuts an RU zoned lot (request #2) and to waive a portion of a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties exist (request #3). This applies to the area between the rear of the commercial portion of the subject property and a portion of the residential property to the south. Staff notes that these 2 requests are mostly being met except for a small portion where there is a walkway and opening between the 2 parcels. Staff notes that one of the Design Guidelines in the CDMP covenant that was proffered in conjunction with the 2008 CDMP amendment required that the portion of the site devoted to retail uses be designed to include at least one open area or plaza capable of being used as a gathering place, farmer's market or similar open-air venue. At the rear of the commercial

parcel adjacent to the residential parcel is a large open area to be used as a plaza as required by the CDMP covenant. As such, staff notes that the provided walkway and opening in the wall between these 2 parcels provides the residents of this community with the ability to enjoy and utilize this open plaza on the commercial parcel. Therefore, staff opines that the approval of these requests (requests #3 and #4) will not have a negative visual impact on the area as it is located internal to the site and it will also provide a benefit to the community by allowing the connectivity between the parcels. Staff therefore, recommends approval with conditions of **requests #2 through #5, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.**

The applicant is also seeking to permit two (2) additional signs on the property than allowed by Code (request #6) and to permit four (4) detached signs setback 10' from the rights-of-way where 20' is required (request #7). When these requests are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that a modified approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and not affect the stability and appearance of the community. Staff notes that the applicant is seeking approval to permit four (4) 200 sq. ft. signs for the commercial parcel where two (2) 200 sq. ft. signs are permitted. Staff is of the opinion that four (4) detached signs of 200 sq. ft. each is excessive and unwarranted based on the 3 commercial uses that are proposed for the commercial parcel. Therefore staff recommends a modified approval for only three (3) 200 sq. ft. signs along with the 40 sq. ft. sign that is also allowed per Code. Staff notes that the modified approval of the requests which are the point of sale signs, will not create any new visual impacts along this section of SW 248th Street that will be detrimental to the area. Staff notes that the property will be occupied by 3 entities and because of the extensive street frontage along a major roadway, the additional signage, and the location of the signs closer to the front property line, will better allow patrons travelling along SW 248th Street to locate the uses within this parcel. As such, staff opines that modified approval with conditions of requests #6 and #7 would not affect the appearance and stability of the surrounding community and would be **compatible** with same. Staff therefore recommends **modified approval with conditions of requests #6 and #7 to permit three (3) 200 sq. ft. signs and to permit said three (3) signs closer to rights-of-way, under Section 33-311(A)(4)(b), and a 40 sq. ft. sign.**

When request #8, a district boundary change to RU-3M on the 24.20 acre portion of the subject property is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **consistent** with the interpretative text of the CDMP and should be approved. This district boundary change would allow the applicant to establish a residential use on a portion of the subject property. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, 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. As such, staff opines that approval of the request would not be out of character with and is **compatible** with the surroundings when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Staff notes that north of the subject property is zoned RU-1 and developed with single family homes and west of the subject property is zoned RU-3M and under construction for a townhouse and single family home development. The applicant is proposing to develop the subject property with 283 fee simple townhouses which is similar to the other developments in the surrounding area. Further, as stated above, staff opines that approval of this request will not have a significant 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. Staff also opines that based on the Comprehensive Development Master Plan land use designation of Business and Office, and for the reasons explained in the Comprehensive Development Master Plan Analysis section, the request for a zone change on the 24.20 acre portion of the subject property to a RU-3M is consistent with the CDMP designation and **compatible** with the trend of development in the surrounding area. **Therefore, staff recommends approval of request #8 under Section 33-311, Standards for District Boundary Change.**

The applicant also seeks approval of Non-Use Variance requests to permit the proposed townhouses with 336 sq. ft. of patio open space where 400 sq. ft. is required (request #9) and to waive the zoning regulations requiring a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties (request #10).

When the aforementioned requests (requests #9 and #10) 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 not affect the stability and appearance of the community. Staff supports request #9, to permit a townhouse with a minimum patio area of 336 sq. ft. (400 sq. ft. required). Staff notes that this request is internal to the site, and opines that it is minimal when taking into consideration the grand scale of the proposed development. Staff opines that this development has many open space landscaped areas and a 32,874 sq. ft. park which would be sufficient to mitigate any impacts generated by this request as residents will be able to have more recreational options within this development. Staff further opines that approval of same will have minimal impact on the surrounding area, and would be **compatible** with same. Staff also supports request #10 and notes that this is the same request as #3 above except that it is being requested from the residential side of the development. Based on the same reasons outlined above, this request will not have a negative visual impact on the area as it is located internal to the site and it will also provide a benefit to the community by allowing the connectivity between the parcels. **As such, staff recommends approval with conditions of requests #9 and #10 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING:

The submitted plans indicate the main entrance to the residential parcel will be off of SW 248th Street aligned with SW 113th Court. This entrance will share vehicular and pedestrian traffic associated with the townhouse development and will also have an entrance into the commercial parcel. There are also 2 other entrances to the commercial property off of SW 248th Street and another entrance off of SW 112th Ave.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

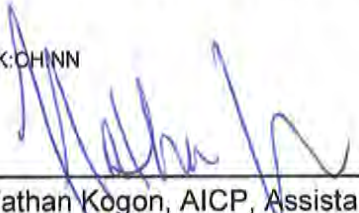
RECOMMENDATION:

Approval of requests #1 and #8, subject to the Board's acceptance of the proffered covenant; approval with conditions of requests #2 through #5, #9 and #10; and modified approval with conditions of requests #6 and #7.

CONDITIONS FOR APPROVAL:

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, and other requirements
2. Plans are on file and may be examined in the Miami-Dade County Department of Regulatory and Economic Resources, Zoning Hearing Section, entitled "Artesa Phase II Site Plan," as prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, consisting of 32 sheets, and "Artesa Phase II" as prepared by Corwil Architects, consisting of 35 sheets, site plans entitled, "Orion - DNK" prepared by Consulting Engineering and Science, Inc., consisting of 4 sheets, landscape plans entitled "Commercial Site" consisting of 2 sheets, and landscape plans entitled "Artesa Phase II" consisting of 18 sheets, as prepared by Witkin Hults Design Group, all dated stamped received, 12/19/17, and sign plans entitled, "Commercial Shopping Center" as prepared by Thomas Sign & Awning Co., consisting of a total of 6 sheets, dated stamped receive 5/18/17, for a combined total of 97 sheets. Plans may be modified at Public Hearing.
3. That the use be established and maintained in accordance with the approved plan.
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 applicable conditions and requirements of the Department of Environmental Resources Management (DERM) of the Department of Regulatory and Economics in their memoranda dated January 16, 2018.
6. That the applicants comply with all applicable conditions and requirements from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as indicated in the memorandum dated January 26, 2018.

NK:CH/NN



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

ZONING RECOMMENDATION ADDENDUM

SFI Palm Tree Farms, LLC
Z17-139

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection*</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p>Agriculture (Pg. I-58)</p>	<p>The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to and directly supportive of agriculture are defined as those uses related to preserving, processing, packaging or selling of agricultural products from Florida, and farm supplies, as well as sale and service of farm machinery and implements, subject to the requirements of Chapter 24 of the County Code. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship. However, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.</p> <p>In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominantly and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, agricultural processing facilities for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.</p> <p>Also included in the Agriculture area are enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade Zoning Code shall continue to apply in this area except that lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning deemed to be consistent with this Plan unless such use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the approval or expansion of any use inconsistent with this plan. To the contrary, it is the intent of this Plan to contain and prevent the expansion of inconsistent development in the Agriculture area.</p>
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ZONING RECOMMENDATION ADDENDUM

SFI Palm Tree Farms, LLC
Z17-139

Policy LU-4A (Page I-9)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
Business and Office (Pg. I-40)	The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office . This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(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.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) 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; (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.
Section 33-311(A)(4)(b) Non-Use	Upon appeal or direct application in specific cases, the Board shall hear and grant applications 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

ZONING RECOMMENDATION ADDENDUM

SFI Palm Tree Farms, LLC
Z17-139

Variances From Other Than Airport Regulations.	<i>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</i>
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MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 15
 MOTION SLIP
 HEARING DATE: MARCH 8, 2018

1

APPLICANT'S NAME: SFI PALM TREE FARMS, LLC.

REPRESENTATIVE: Juan Mayo

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER
Z2017000139	17-139	CZAB15 18

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

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILMAN	S	John FARIAS	✓		
COUNCILMAN		Larry E. JACKSON		✓	
COUNCILMAN		Paul J. MORROW			✓
COUNCIL WOMAN		Marjorie MURILLO			✓
COUNCIL WOMAN	M	Marva WILLIAMS	✓		
VICE CHAIR		Enid Washington DEMPS		✓	
CHAIR		Marvin D. WILSON, SR	✓		
AIR FORCE BASE REP		Larry VENTURA			

VOTE: 3 2 0

EXHIBITS: YES NO

COUNTY ATTORNEY: Richard Schepis

Memorandum



Date: January 16, 2018

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

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

Subject: Z2017000139-2nd Revision
SFI Palm Tree Farms, LLC
SW 248th Street and SW 112th Avenue
District Boundary Change from AU to BU-1A and from AU to RU-3M
(AU) (31.32 Acres)
30-56-40

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

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). DERM has no objections provided that all the conditions contained herein are complied with.

Condition for Approval

- 1. Approval of this district boundary change and associated site plan is contingent upon the proposed development connecting to the public water and public sanitary sewer system. To the extent that connection to the public sanitary sewer system is not approved due to a sanitary sewer moratorium, this memorandum shall not be interpreted as written approval from DERM to allow an alternative means of domestic wastewater disposal.**

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.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Permitting Section of RER.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Environmental Wastewater Permitting Section of DERM prior to approval of final development orders.

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

Stormwater 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.

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.

Applicant is advised that a DERM Class III Permit shall be required for any work within the Goulds Canal 6-foot Wide Slab Covered Trench. Also, a DERM Class VI Permit may be required for the construction of the surface water management system.

The proposed surface water management system may require approval from DERM Pollution Remediation Section (PRS). It is the applicant's responsibility to contact the PRS at (305)372-6700 for additional information.

Wetlands

A review of the USDA Soil Survey maps and a photographic aerial review of the property indicate that the subject property may contain wetlands as defined by Section 24-5 of the Code. A Binding Letter of Interpretation by the Coastal and Wetland Resources Section is required to determine whether the site contains wetlands. Therefore, a Class IV permit may be required before any work can take place on the property. The Coastal and Wetland Resources Section (305-372-6585) may be contacted for further information concerning the wetland permitting requirements.

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

A review of the information submitted in support of the application indicates impacts to tree resources. DERM has no objection to this application provided that the applicant obtains a Tree Permit and that no specimen trees (trees with a diameter at breast height of 18 inches or greater) are impacted. Should the

applicant require impacts to specimen trees, substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(II)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. A recommendation of approval is contingent on the applicant obtaining a Tree Permit.

It is advised that pursuant to Policy Con-8I of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on the subject property, they shall be removed prior to development or redevelopment and developed property shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included in any zoning approval.

Please contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Environmental Monitoring and Restoration

There are records of current contamination issues at the site under DERM file HWR-888 (IStar). Any construction, development, drainage, and dewatering at the subject site will also require DERM review and approval as it relates to environmental contamination issues.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: January 26, 2018
To: Nathan Kogon
Assistant Director
Regulatory and Economic Resource Department
From: Darlene M. Fernandez, P.E.
Assistant Director
Department of Transportation and Public Works
Subject: DIC 17-139
Name: SFI Palm Tree Farms, LLC
Section 30 Township 56-South Range 40 East

I. PROJECT LOCATION:

The property is located at the southwest corner of SW 248 Street and SW 112 Avenue.

II. APPLICATION REQUEST:

This application is requesting approval district boundary change from AU to BU-1 within the commercial parcel and AU to RU-3M within the residential parcel.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available from the north and south by SW 112 Avenue and from the east and the west by SW 248 Street.

IV. RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division (TED) has recommended conditional approval subject to the comments within Section VII which need to be addressed prior to certificate of occupancy or certificate of use whichever comes first.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition)

279 PM Peak Hour trips are generated by this application. This application meets the traffic concurrency criteria set for an Initial Development Order.

B. Cardinal Distribution

North	70 %	East	6 %
South	4 %	West	20 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9103 located on SW 232 Street east of US 1, has a maximum LOS "D" of 2780 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 126 vehicles and 19 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9103** with its PHP and assigned vehicles is at LOS "C". The 39 vehicle trips generated by this development when combined with the 126 and those previously approved through Development Orders, 19, equal 184 and will cause this segment to remain at LOS "C" whose range is up to 2330.

Station 9736 located on SW 112 Avenue north of SW 232 Street, has a maximum LOS "D" of 3580 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2881 vehicles and 380 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9736** with its PHP and assigned vehicles is at LOS "C". The 60 vehicle trips generated by this development when combined with the 2881 and those previously approved through Development Orders, 380, equal 3321 and will cause this segment to remain at LOS "C" whose range is up to 3420.

Station 9914 located on SW 248 Street east of SW 127 Avenue, has a maximum LOS "D" of 1670 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 537 vehicles and 7 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9914** with its PHP and assigned vehicles is at LOS "B". The 55 vehicle trips generated by this development when combined with the 537 and those previously approved through Development Orders, 7, equal 599 and will cause this segment to remain at LOS "B" whose range is up to 1330.

Station F-0008 located on US 1 south of SW 232 Street, has a maximum LOS "EE" of 4296 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2435 vehicles and 219 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-0008** with its PHP and assigned vehicles is at LOS "C". The 38 vehicle trips generated by this development when combined with the 2435 and those previously approved through Development Orders, 219, equal 2692 and will cause this segment to remain at LOS "C" whose range is up to 3420.

Station F-0050 located on SW 112 Avenue north of HEFT/SR 821, has a maximum LOS "SUMA" of 3580 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1675 vehicles and 350 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F-0050** with its PHP and assigned vehicles is at LOS "C". The 87 vehicle trips generated by this development when combined with the 1675 and those previously approved through Development Orders, 350, equal 2112 and will cause this segment to remain at LOS "C" whose range is up to 3420.

VII. TRAFFIC STUDY COMMENTS:

1. The findings from the study show that SW 248 Street and SW 117 Avenue will operate at LOS B with the installation of a traffic signal under the 2020 build conditions. There is a contribution for the construction of a traffic signal at this intersection. Verification of the contribution for this intersection has been confirmed, therefore, it is required that this intersection be signalized as part of our approval.
2. Within the traffic study the LOS and Delay values were missing in Appendix F for some of the tables for the intersection of SW 248 Street and SW 117 Avenue:
 - a. Table 2.1-SB approach during PM
 - b. Table 5.1-SB approach during both AM and PM
 - c. Table 5.2-SB approach during both AM and PM
3. The developer will construct eastbound right-turn lanes on SW 248 Street at SW 112 Avenue, SW 113 Court (project driveway) and the project's driveway connection east of SW 113 Court and will construct SW 248 Street a four-lane divided road along its frontage.
4. The developer will also construct a southbound right-turn deceleration lane on SW 112 Avenue for the development's driveway.
5. The traffic signal warrant analysis at the intersection of SW 248 Street and SW 113 Court, determined that the traffic signal is warranted, and therefore, will be installed by the developer.

VIII. SITE PLAN CRITIQUE:

1. 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.

IX. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Alberto M. Carvalho

Miami-Dade County School Board

Dr. Lawrence S. Feldman, Chair

Dr. Marta Pérez, Vice Chair

Dr. Dorothy Bendross-Mindingall

Susie V. Castillo

Dr. Steve Gallon III

Perla Tabares Hantman

Dr. Martin Karp

Lubby Navarro

Mari Tere Rojas

June 12, 2017

VIA ELECTRONIC MAIL

Mr. Alberto J. Torres
Holland & Knight
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

Alberto.Torres@hklaw.com

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
SFI PALM TREE FARMS, LLC Z2017000139
LOCATED AT SOUTHWEST CORNER OF SW 112 AVENUE AND SW 248 STREET
PH3017060100338 – FOLIO Nos.: 3060300000051, 3060300000070, 3060300000051**

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).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 283 single-family attached units, which generate 84 students: 43 elementary, 22 middle and 19 senior high students. At this time, the elementary school level does not have sufficient capacity to serve the application, whereas the middle and senior school levels do. 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 305-995-7287.

Best regards,

Nathaly Simon
Supervisor

NS:ns

L-319

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Miami-Dade County
School Concurrency Master File

Planning, Design & Sustainability

*Ms. Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • ariio@dadeschools.net*

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Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3017060100338 Local Government (LG): Miami-Dade
 Date Application Received: 6/1/2017 4:16:04 PM LG Application Number: Z2017000139
 Type of Application: Public Hearing Sub Type: Zoning
 Applicant's Name: SFI Palm Tree Farms, LLC
 Address/Location: NONE
 Master Folio Number: 3060300000051
 Additional Folio Number(s): 3060300000070, 3060300000051,

PROPOSED # OF UNITS 283
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 283
 MULTIFAMILY UNITS: 0

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
3621	COCONUT PALM K-8 ACADEMY (ELEM COMP)	-152	43	0	NO	Current CSA
3621	COCONUT PALM K-8 ACADEMY (ELEM COMP)	0	43	0	NO	Current CSA Five Year Plan
3622	COCONUT PALM K-8 ACADEMY (MID COMP)	-95	22	0	NO	Current CSA
3622	COCONUT PALM K-8 ACADEMY (MID COMP)	0	22	0	NO	Current CSA Five Year Plan
6761	REDLAND MIDDLE	336	22	22	YES	Current CSA
7151	HOMESTEAD SENIOR	286	19	19	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

4581	REDLAND ELEMENTARY	11	43	11	NO	Adjacent CSA
771	WILLIAM A CHAPMAN ELEMENTARY	3	32	3	NO	Adjacent CSA
73	MANDARIN LAKES K-8 ACADEMY (ELEM COMP)	0	29	0	NO	Adjacent CSA
661	CARIBBEAN K-8 CENTER (ELEM COMP)	-240	29	0	NO	Adjacent CSA
4581	REDLAND ELEMENTARY	0	29	0	NO	Adjacent CSA Five Year Plan
771	WILLIAM A CHAPMAN ELEMENTARY	0	29	0	NO	Adjacent CSA Five Year Plan
73	MANDARIN LAKES K-8 ACADEMY (ELEM COMP)	0	29	0	NO	Adjacent CSA Five Year Plan
661	CARIBBEAN K-8 CENTER (ELEM COMP)	0	29	0	NO	Adjacent CSA Five Year Plan

*An Impact reduction of 24.18% 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.**

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Memorandum



Date: January 16, 2018

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

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

Subject: Zoning Application Comments - Artesa Phase II
Application No. Z2017000139 - (Pre-app. No. Z2017P00040) - Revision No.2

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: Artesa Phase II

Location: The proposed project is located on approximately 31.32 acres at the southwest corner of SW 248th Street and SW 112th Avenue with Folios No. 30-6030-000-0051, 30-6030-0000070 and 30-6030-000-0091, in unincorporated Miami-Dade County.

Proposed Development: Mixed-use residential/ commercial development consisting of 283 townhouses, 11,200 S.F. retail, 6,068 S.F. fast food restaurant, and a gas station. According to the land use consultant Mr. Alberto Torres, the proposed gas station will be a Wawa. The following breakdown of areas was used for the proposed 6,119 S.F. Wawa Gas Station: (3,354 sq.ft. for the gas station / convenience store and 3,668 sq.ft. of fast food restaurant). (**Note:** Currently, there is a WASD Agreement No. 23660 only for the residential portion of the proposed development consisting of 283 townhouses, which was offered to the developer on October 20, 2017. Per e-mail response received on December 28, 2017 from owner's representative Mr. Alberto Torres, the commercial portion of the proposed development will have a separate WASD Agreement.)

The total estimated water demand for the proposed project will be 57,378 (gpd).

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

There is an existing 16-inch water main that abuts the property along SW 248th Street to where the developer may connect and extend 12-inch water mains within the designated commercial portions of the property and 8-inch water mains within the designated residential townhouse areas of the property in a looped water distribution system within proposed public right-of-way and/or acceptable easements within the developer's property, extending to SW 112th Avenue and interconnecting to the existing 12-inch water main as a minimum second point of connection in order to provide service to the proposed development.

Any public water main extension within the property shall be sized as designated above. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped

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with (2) points of connection. Final points of connection and capacity approval to connect to the water system will be provided at the time of the applicant requests connection to the water infrastructure.

A Water Supply Certification (WSC) letter was issued on October 20, 2017, **only** for the residential portion of the proposed development consistent with the scope of work (283 townhouses) provided under WASD Agreement No.23660. Another WSC letter will be issued for the commercial portion of the proposed development at the time the applicant requests a WASD Agreement. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The required WSC is consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

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

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

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

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

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity for the proposed project consistent with Policy WS-2 A (2) of the CDMP.

There are existing 8-inch gravity sewers that abut the property at the western boundary, at SW 248th Terrace and at SW 250th Terrace to where the developer may connect in order to provide service to the proposed development, provided that there is sufficient depth and no obstacles that would preclude construction of the sewer system. If Unity of Title does not apply, then, any gravity sewer within the property shall be public and 8-inch minimum diameter. Final points of connection and capacity approval to connect to the sewer system will be provided at the time of the applicant requests connection to the sewer infrastructure.

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) 1139. The projected sanitary sewer flows from this development will increase the NAPOT operating hours from 1.26 hrs. to 2.85 hrs. The Moratorium Code Status for said pump station is OK.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to

the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

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

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

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

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

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

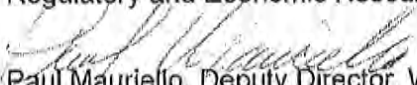
Should you have any questions, please call me at (786) 552-8198 or Alfredo Sanchez at (786) 552-8237.

Memorandum



Date: August 3, 2017

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

From: 
Paul Mauriello, Deputy Director, Waste Operations
Department of Solid Waste Management

Subject: Palm Tree Farms, LLC (#Z17_139)

The Department of Solid Waste Management, Waste Operations, review of the above-referenced item is provided below. Additional comments will be provided as needed. **The DSWM has no objections to the proposed application.**

Application: *Palm Tree Farms, LLC* is requesting a Zoning District Boundary change from AU (Agricultural/Residential 5 Acres gross) to BU-1A (Limited Business district) for a portion of the property, in order to construct a commercial shopping center. For the remainder of the property, the applicant is requesting a Zoning District Boundary change from AU to RU-3M (Limited Apartment House District), in order to construct an adjoining residential development consisting of 238 townhomes.

Size: The subject property is approximately 31.3 acres in size.

Location: The property is located on the southwest corner of SW 248th Street and SW 112th Avenue.

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 Department of Solid Waste Management (DSWM) 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 21, 2016, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Commercial Shopping Center

Should the Zoning District Boundary Change from AU to BU-1A be approved and a shopping center subsequently constructed on the property, it would meet the definition of a "commercial establishment" as described in Chapter 15 of the Code of Miami-Dade County. Per the Code, the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." The DSWM does not generally service commercial establishments located in the Department's waste collection service area. The landlord or property owner, therefore, is required to contact a private hauler to provide waste and collection service.

Residential Development

Should the Zoning District Boundary Change from AU to RU-3M be approved and a townhouse development constructed on the property, it would meet the definition of a "residential unit," (single family, townhome, etc.). According to Chapter 15 of the Code entitled Solid Waste Management, the residential units on the property will receive DSWM waste collection service. Twice weekly curbside or centralized 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 DSWM solid waste collection service area.

3. Recycling

Commercial Shopping Center

Pursuant to **Section 15-2.3a** of the Code, commercial establishments are required to provide for a recycling program, which shall be serviced by a permitted hauler. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

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

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.

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

Residential Development

The DSWM 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 on the Department's website at <http://www.miamidade.gov/solidwaste/recycling.asp>. 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 or, in the case of centralized waste collection with dumpster containers, a permanent space for recycling carts or larger receptacles).

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. There should be no "dead-end" alleyways developed. A sufficient waste set-out zone should be preserved between the edge of the pavement and any possible obstructions (such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum



DATE: July 19, 2017

TO: Carl Harrison
Zoning Services Plans Processor Analyst
Department of Regulatory and Economic Resources

FROM: Matthew Vinke, AICP 
Transit Planner II
Department of Transportation and Public Work –
Engineering, Planning & Development Division

SUBJECT: Review of Pre-Application No. 2017000139
SFI Palm Tree Farms, LLC
DTPW Project No. OSP006
FSC No. 41.04

Project Description

The applicant, SFI Palm Tree Farms, LLC, is seeking to rezone the subject property to permit commercial and residential development in substantial accordance with their proposed plan of development. The property is approximately 31.3 gross acres and is located on the southwest corner of SW 248th Street and SW 112th Avenue in unincorporated Miami-Dade County.

The proposed development plan includes approximately a 6.8 acre commercial component with the remainder of the property consisting of 283 fee-simple townhouses. As such, the applicant is seeking approval of a district boundary change from AU (Agricultural District) to BU-1A (Limited Business District) on 6.8 acres and a district boundary change from AU to RU-3M (Minimum Apartment House District) on the remaining 24.5 acres. In addition to these district boundary changes, the applicant is seeking approval of certain non-use variances of the zoning and subdivision regulations that include, but are not limited to, variances to permit individual townhouse lots to contain less than 400 sq.ft. of required private open space.

Current Transit Service

The nearest transit service to the subject property is provided by Metrobus Route 70, which operates along SW 112th Avenue. The nearest bus stop location relative to the subject property is located on the north side of the intersection of SW 112th Avenue and SW 248th Street. The service headways for Metrobus Route 70 are listed in the table below.

Metrobus Route Service Summary
DIC Project No. Z2017000139

Route(s)	Service Headways (in minutes)						Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday	
70	30	60	60	n/a	60	60	L

Notes: L means Metrobus local route service
F means Metrobus feeder service to Metrorail
E means Metrobus express/limited stop bus service
 December 2016 Line Up

Recent and Future Transportation/Transit Improvements

The draft 2017 Transit Development Plan (TDP) does not list any recently implemented or future planned improvements for Metrobus Route 70.

DTPW Pre-Application Comments

Metrobus Route 70 serves the subject site and currently provides bus service with a 30-minute or better AM/PM peak-hour headway. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP). This project has been reviewed by DTPW for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

Therefore, DTPW has **no objections** to this application.

- c: Monica D. Cejas, P.E., Chief, Planning and System Development, DTPW
- Gerald Bryan, Section Chief, Service Planning and Scheduling, DTPW
- Eric Zahn, Transit Planning Section Supervisor, DTPW
- Nilia Cartaya, Principal Planner, DTPW

Memorandum



Date: August 10, 2017

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

From: Ammad Riaz, P.E.
Chief of Aviation Planning *A.R.*
Aviation Department

Subject: DIC Application 17-139
SFI Palm Tree Farms
MDAD DN-17-08-2471

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application Number 17-139, SFI Palm Tree Farms, LLC. The applicant is requesting a district boundary change from AU to BU-1A and RU-3M; and a Non-Use Variance as reflected on the site plan. The site is located on the Southwest corner of Southwest 248 Street and SW 112 Avenue in Miami-Dade County, Florida. The size of the property is approximately 31.32 gross acres.


MDAD does not object to the requests provided that the applicant complies with all federal, state and local aviation regulations including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.

C: Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources
Mercy Arce, Holland & Knight LLP

AR/rb

Memorandum



Date: December 28, 2017
To: Jack Osterholt, Director
Regulatory and Economic Resources
From: Dave Downey, Fire Chief 
Miami-Dade Fire Rescue Department
Subject: DIC 2017000139 – SFI Palm Tree Farms, LLC (Revision No. 1)

According to the revised letter of intent dated December 4, 2017, the applicant is seeking a district boundary change from AU (Agriculture) to BU-1A (Limited Business District), AU to RU-3M (Minimum Apartment House District), and non-use variance requests on an approximate 31-acre parcel of land located on the southwest corner of SW 248 Street and SW 112 Avenue in Miami-Dade County, Florida.

SERVICE IMPACT/DEMAND

- (A) Based on development information, the overall development is expected to generate approximately 88 fire and rescue alarms annually. Although the estimated number of alarms results in a moderate impact to existing fire and rescue service, current stations serving this area will be able to absorb the additional number of alarms.
- (B) Based on data retrieved during calendar year 2017, the average travel time to the vicinity of the property was 6:27 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the property complies with the performance objective of national industry.
- (C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires four (4) suppression units; one of which must be an aerial, and the other three may be a combination of engines, tankers, ladders or aerials. Additionally, the assignment will require one (1) rescue and a battalion commander. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
70	11451 SW 248 Street	Rescue, Battalion	4
5	13150 SW 238 Street	Rescue, Engine	7
34	10850 SW 211 Street	Rescue, Aerial	7
55	21501 SW 87 Avenue	Engine	4

SITE PLAN REVIEW

- (A) Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan entitled 'Artesa Phase II Site Plan' as prepared by Pascual Perez Kiliddjian & Associates, dated stamp received December 22, 2017 and uploaded to EnerGov on December 27, 2017.

- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Engineering & Water Supply Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC review process.

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SFI PALM TREE FARMS, LLC

N/A
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2017000139

DATE

HEARING NUMBER

FOLIO: 30-6030-000-0091/30-6030-000-0070/30-6030-000-0051

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

December 28, 2017

NEIGHBORHOOD REGULATIONS:

Folio No.s: 30-6030-000-0091/30-6030-000-0070/30-6030-000-0051

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

Folio No.s: 30-6030-000-0091/30-6030-000-0070/30-6030-000-0051

There are no open/closed cases in BSS.

VIOLATOR:

SFI Palm Tree Farms, LLC

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

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: SFI Palm Tree Farms, LLC, a Florida limited liability company*

NAME AND ADDRESS	Percentage of Stock
iStar, Inc., a Maryland corporation (*iStar, Inc. is the sole member of the LLC)	A public company listed on the New York Stock Exchange (NYSE:STAR). <i>SIXE</i>



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
_____	_____
_____	_____
_____	_____

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	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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Orion Buying Corp.

NAME AND ADDRESS (if applicable)	Percentage of Interest
See attached,	_____
_____	_____

Date of contract: 11/28/2016

EXHIBIT TO DISCLOSURE OF INTEREST



Orion Buying Corp., 200 So. Biscayne Blvd, Sixth Floor, Miami, FL. 33131

Beneficiaries:

- Joseph Sanz - 16 2/3 %
- Kevin Sanz - 16 2/3 %
- Barry Brant - 16 2/3 %
- Lee Katsikos - 16 2/3 %
- Larry Detty - 16 2/3%
- Michael Nadel - 16 2/3 %

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: <u>Lennar Homes, LLC</u>	<div style="text-align: center;"> RECEIVED 217-139 MAY 18 2017 MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES </div>	Percentage of Interest
NAME AND ADDRESS (if applicable) <u>see attached.</u>		

SDE

Date of contract: 03/13/2016

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

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.

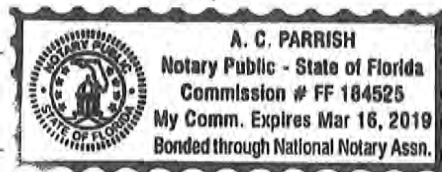
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

SFI Palm Tree Farms, LLC, a Florida limited liability company

By: [Signature]
 Print Name: Donald MEARS
 Title: V.P.

Sworn to and subscribed before me this 2 day of May, 2017. Affiant is personally known to me or has produced X X X as identification.

A. C. Parrish
 (Notary Public)



My commission expires 3/16/19

*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.

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: Lennar Homes, LLC*

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Lennar Homes, LLC 701 NW 107 th Avenue Miami, Florida 33172	<div style="border: 1px solid black; padding: 5px;"> <p align="center">RECEIVED</p> <p align="center">217-139 99% 18 2017</p> <p align="center">MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC DEVELOPMENT REVENUE ADMINISTRATION</p> </div>
US Home Corporation (A Wholly owned subsidiary of Lennar Corporation)	1%

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [

Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

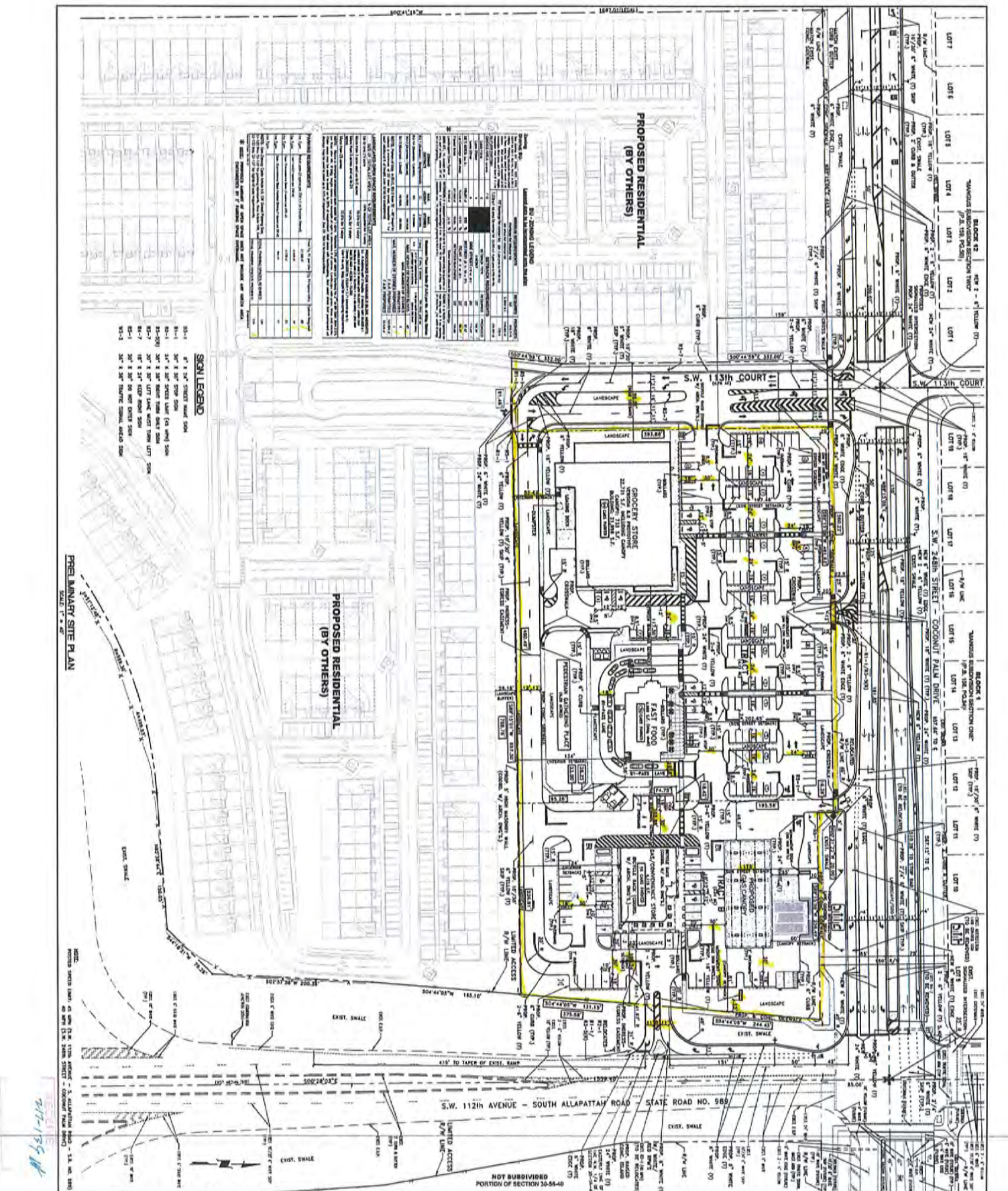
TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____

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 interests].

PARTNERSHIP OF LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____



Legend

1. Proposed Residential (By Others)

2. Proposed Residential (By Others)

3. Proposed Residential (By Others)

4. Proposed Residential (By Others)

5. Proposed Residential (By Others)

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34. Proposed Residential (By Others)

35. Proposed Residential (By Others)

36. Proposed Residential (By Others)

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100. Proposed Residential (By Others)

Scale Legend

SP-1 1" = 30'

SP-2 1" = 30'

SP-3 1" = 30'

SP-4 1" = 30'

SP-5 1" = 30'

SP-6 1" = 30'

SP-7 1" = 30'

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SP-97 1" = 30'

SP-98 1" = 30'

SP-99 1" = 30'

SP-100 1" = 30'

PRELIMINARY SITE PLAN
SCALE: 1" = 30'



PRELIMINARY SITE PLAN

DATE: 10/15/2011

PROJECT: 112th Avenue - South Allapattah Road

SCALE: 1" = 30'

DESIGNED BY: J.H.B.

CHECKED BY: J.H.B.

DATE: 10/15/2011

PROJECT NO.: 112th

REVISIONS:

ORION - DMK COMMERCIAL

DMK CORNER

SW CORNER

SW 24th STREET

SW 112th AVENUE

MIAMI, FLORIDA

PHONE NO.: 305-400-0001

FAX NO.: 305-400-0002

ORION REAL ESTATE GROUP

200 S. BISCAYNE BOULEVARD

SUITE 1000

MIAMI, FLORIDA 33133

PHONE: 305-375-9899

SP-1

1" = 30'

DATE: 10/15/2011

PROJECT: 112th Avenue - South Allapattah Road

SCALE: 1" = 30'

DESIGNED BY: J.H.B.

CHECKED BY: J.H.B.

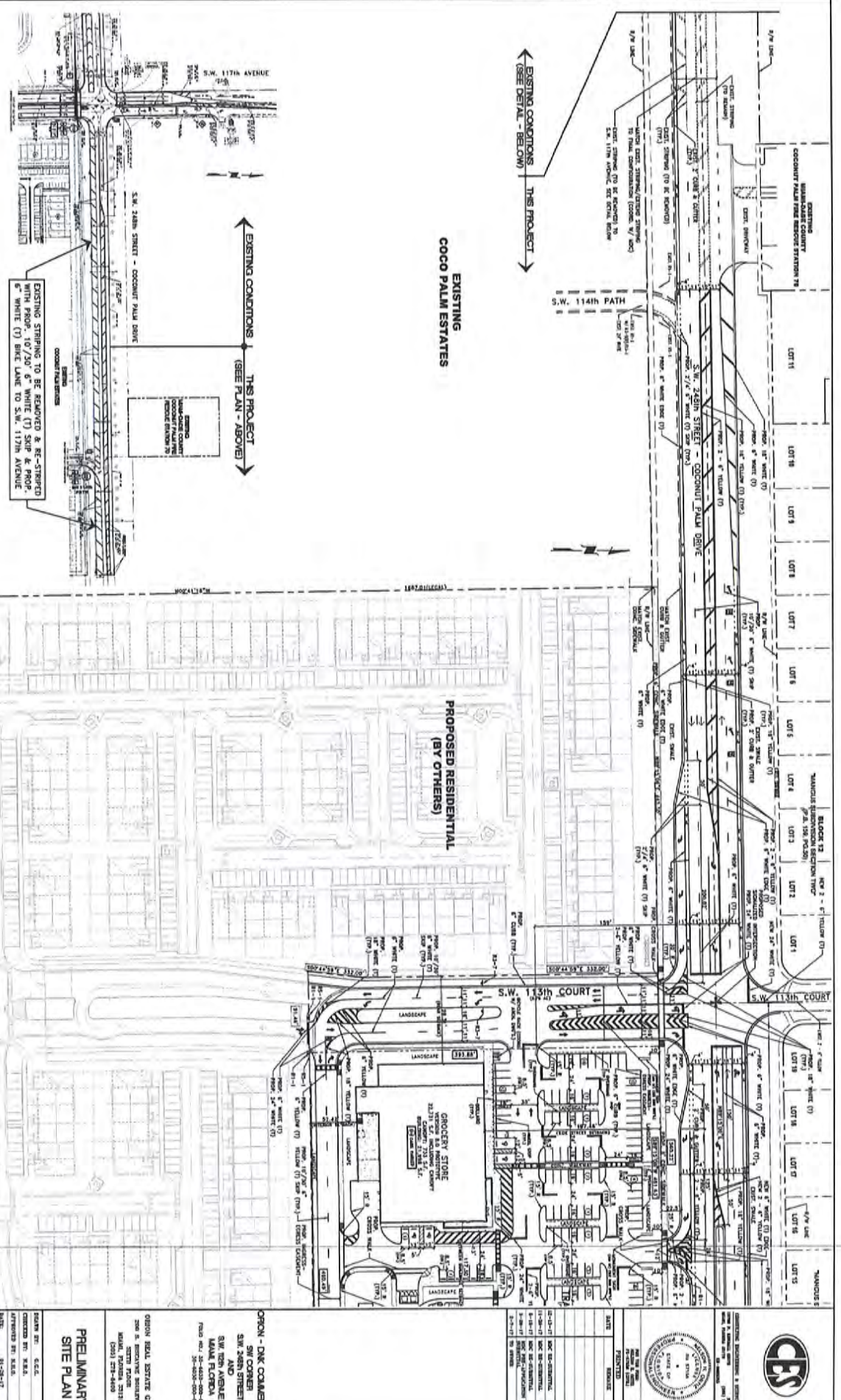
DATE: 10/15/2011

PROJECT NO.: 112th

REVISIONS:

2/17-1/15

38



EXISTING STRIPING DETAIL
SCALE: 1" = 10'

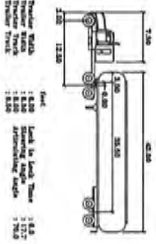
PRELIMINARY SITE PLAN
SCALE: 1" = 40'

NOTES: SEE SPEC. URBAN, § 9.01 (S.W. 113th AVENUE - S. AVENUE ROAD - S.W. NO. 999)
 § 9.01 (S.W. 24th STREET - COCONUT PALM DRIVE)

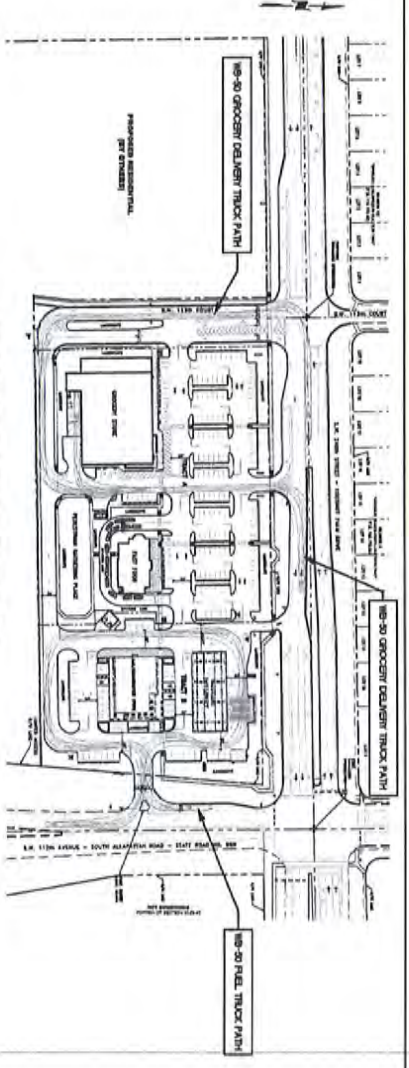
<p>DAVID L. SMITH ENGINEER 12345 MAIN STREET MIAMI, FL 33101 TEL: 305-123-4567 FAX: 305-987-6543</p>		
<p>ORION - DINK COMMERCIAL SW CORNER SW 24th STREET SW 10th AVENUE MIAMI, FLORIDA PHONE NO. 305-400-0000 FAX NO. 305-400-0000</p>		
<p>ORION REAL SERVICE GROUP 200 S. BISCAYNE AVENUE SUITE 1000 MIAMI, FLORIDA 33131 (305) 575-9400</p>		
<p>PRELIMINARY SITE PLAN</p>		
<p>DATE: 01-24-17 DRAWN BY: J. SMITH CHECKED BY: M. SMITH APPROVED BY: M. SMITH TITLE: 01-24-17 PROJECT NO.: 17000</p>	<p>SCALE: AS SHOWN</p>	
<p>SP-11 2 OF 4</p>		



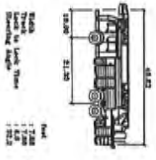
39



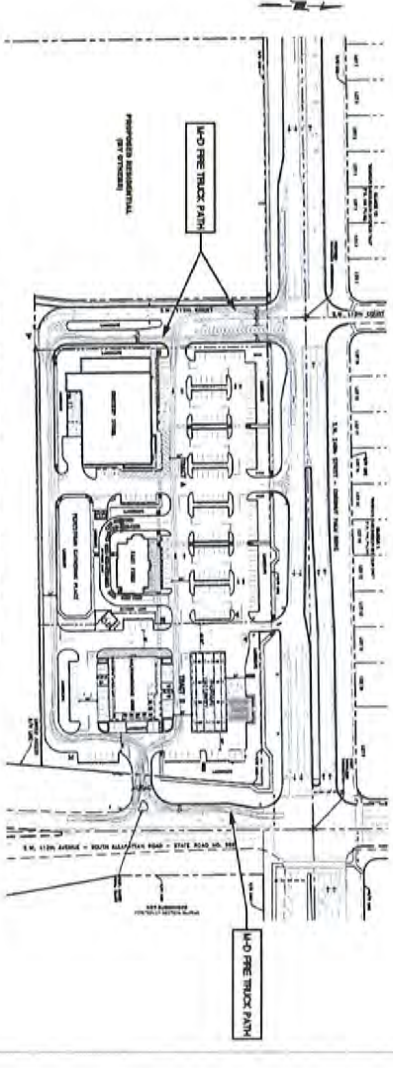
WB-50 FUEL TRUCK / GROCERY DELIVERY TRUCK
SCALE: 1" = 8'



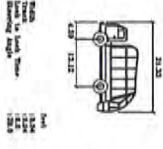
PRELIMINARY SITE PLAN: WB-50 TRUCK PATH
SCALE: 1" = 8'



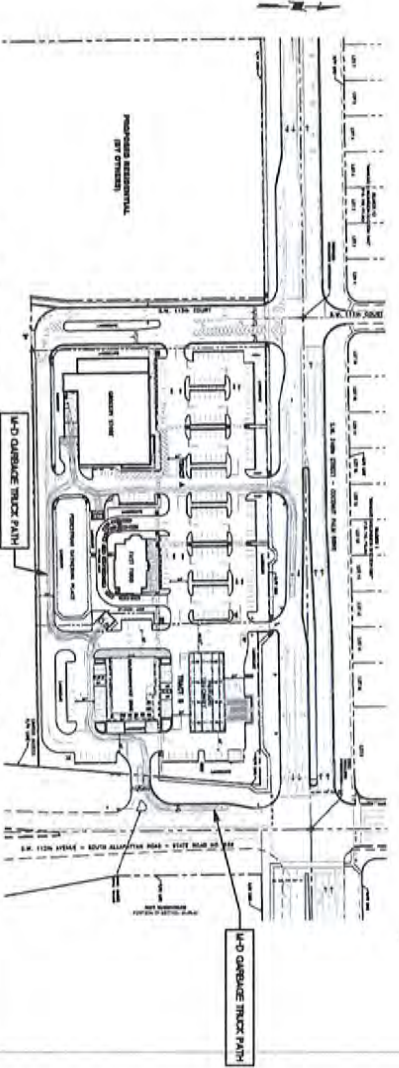
MAM-DADE COUNTY FIRE TRUCK
SCALE: 1" = 8'



PRELIMINARY SITE PLAN: M-D FIRE TRUCK PATH
SCALE: 1" = 8'



MAM-DADE COUNTY GARBAGE TRUCK
SCALE: 1" = 8'



PRELIMINARY SITE PLAN: M-D GARBAGE COLLECTION TRUCK PATH
SCALE: 1" = 8'



40

CONSULTING ENGINEER & ARCHITECT, INC.
1000 S.W. 12TH AVENUE, SUITE 200
MIAMI, FLORIDA 33135
(305) 371-1111
WWW.CBS-ENGINEERS.COM

NO.	DATE	DESCRIPTION
1	12-12-17	ISSUE FOR PERMIT
2	12-12-17	ISSUE FOR PERMIT
3	12-12-17	ISSUE FOR PERMIT
4	12-12-17	ISSUE FOR PERMIT
5	12-12-17	ISSUE FOR PERMIT
6	12-12-17	ISSUE FOR PERMIT
7	12-12-17	ISSUE FOR PERMIT
8	12-12-17	ISSUE FOR PERMIT
9	12-12-17	ISSUE FOR PERMIT
10	12-12-17	ISSUE FOR PERMIT

OPION - DMC COMMERCIAL
S.W. CORNER
S.W. 20TH STREET
S.W. 10TH AVENUE
MIAMI FLORIDA
TEL: 305-400-0000
FAX: 305-400-0001
WWW.OPION.COM

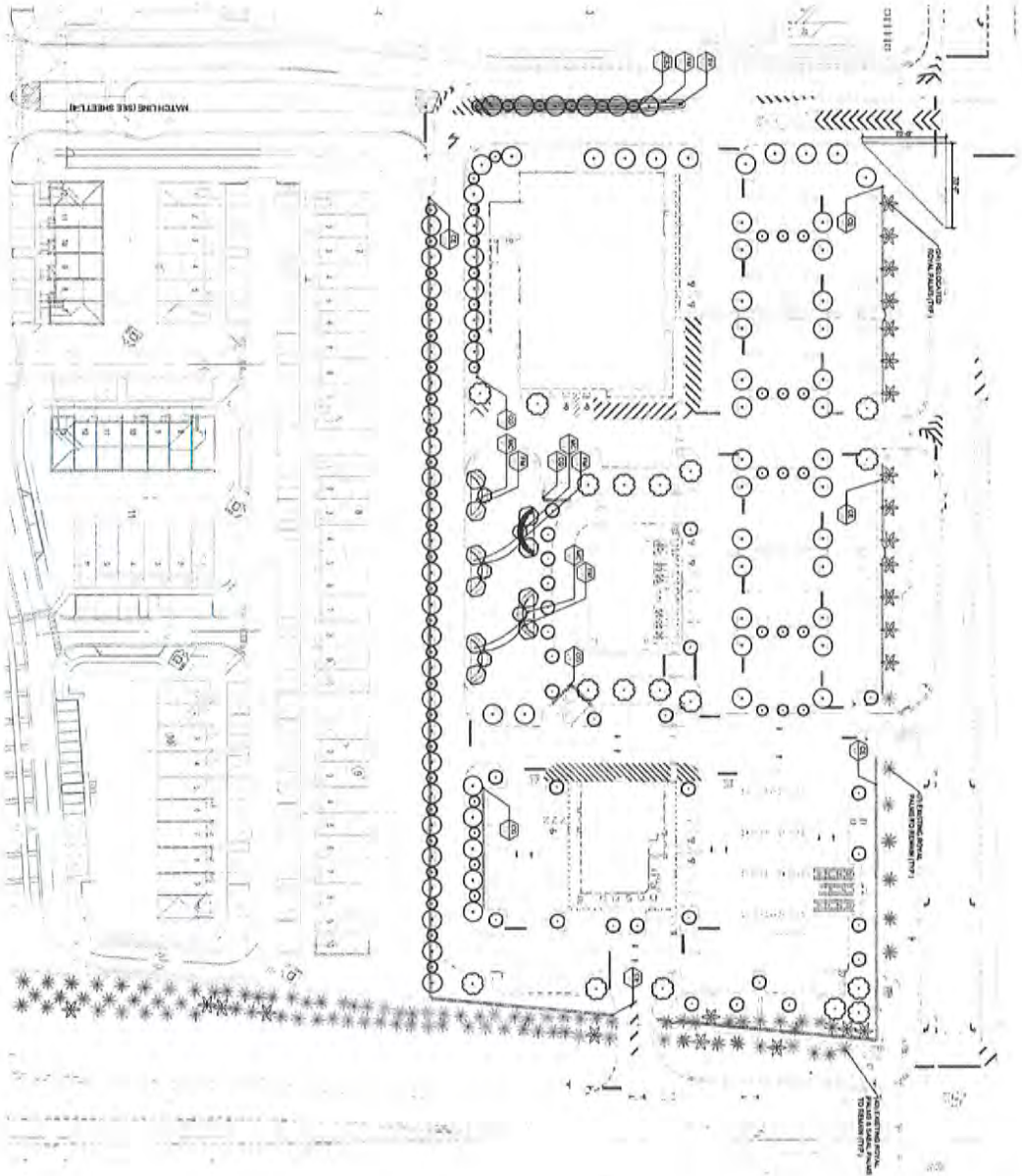
OPION REAL ESTATE GROUP
200 S. BISCAYNE BLVD.
MIAMI, FLORIDA 33133
TEL: 305-400-0000
FAX: 305-400-0001
WWW.OPION.COM

ACCESS PLAN

NO.	DATE	DESCRIPTION
1	12-12-17	ISSUE FOR PERMIT
2	12-12-17	ISSUE FOR PERMIT
3	12-12-17	ISSUE FOR PERMIT
4	12-12-17	ISSUE FOR PERMIT
5	12-12-17	ISSUE FOR PERMIT
6	12-12-17	ISSUE FOR PERMIT
7	12-12-17	ISSUE FOR PERMIT
8	12-12-17	ISSUE FOR PERMIT
9	12-12-17	ISSUE FOR PERMIT
10	12-12-17	ISSUE FOR PERMIT

SP-2
1 OF 1

277-134
CH



LANDSCAPE PLAN
Scale: 1"=40'-0"



LANDSCAPE NOTES:

- NO TREES SHALL BE PLANTED ON TOP OR ADJACENT TO PROPOSED FRENCH DRAINS OR INLETS.
- ALL LANDSCAPE INSIDE THE PROPERTY ADJACENT TO DRIVEWAYS SHALL COMPLY WITH THE 10' X 10' SAFE SIGHT TRIANGLE, PER SEC. 33-11 OF MIAMI-DADE COUNTY CODE.
- SEE PUBLIC R.O.W. PLANTING SETBACK DETAILS FOR TREES WITHIN R.O.W.
- LANDSCAPE FOR ALL CORNER LOTS SHALL SHOW COMPLIANCE WITH PWD STANDARD GS.1
- DRIVEWAYS AND APPROACHES MUST ADHERE TO MDC DETAILS. MUST BE FLARED OR MIN. 5'-0" RADIUS, AND SHALL NOT BE WIDER THAN 20'-0".

LANDSCAPE LIST

SYMBOL	DESCRIPTION	PLANT SPECIES	PLANT SIZE	PLANTING RATE
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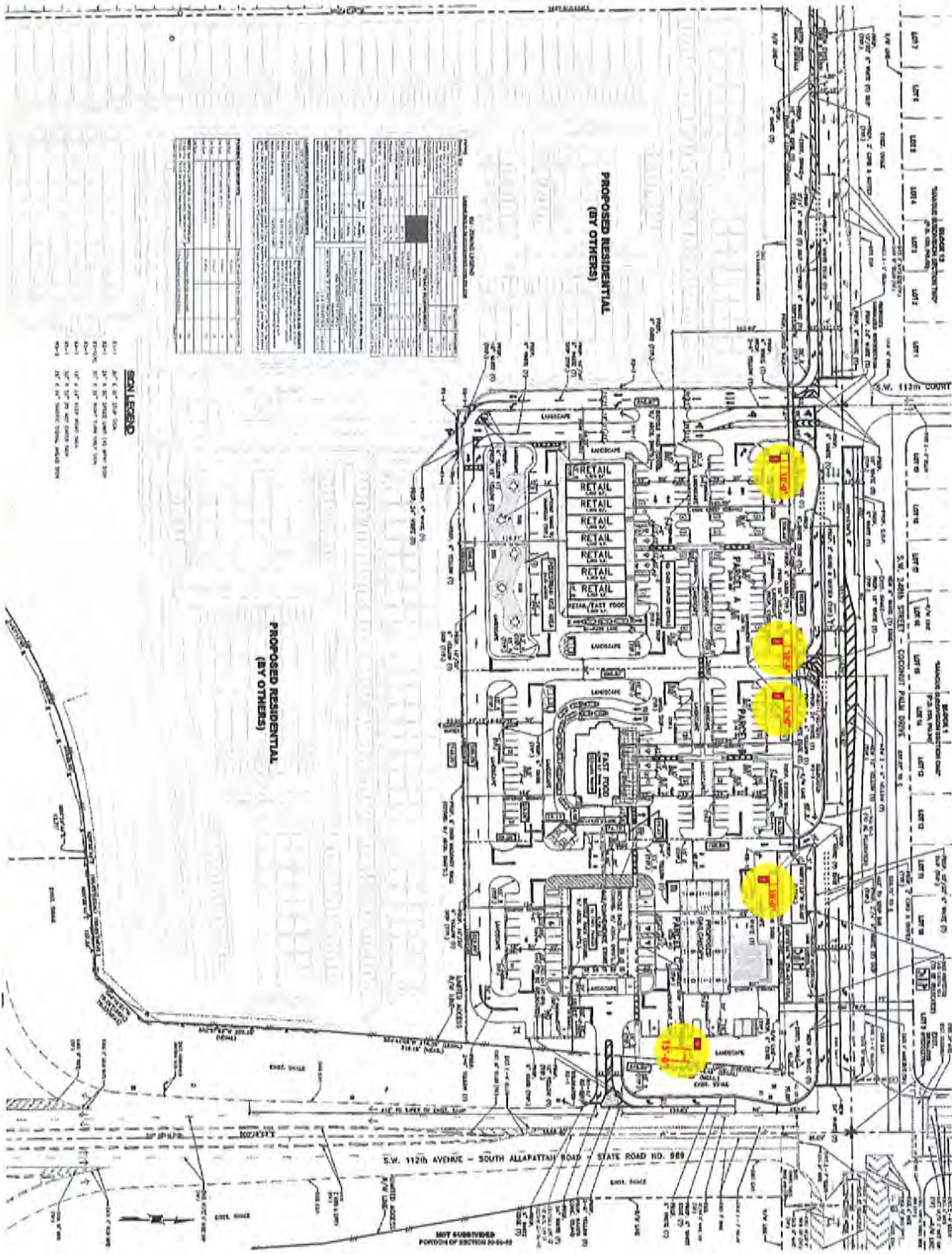
LANDSCAPE LIST

TREES

SYMBOL	DESCRIPTION	PLANT SPECIES	PLANT SIZE	PLANTING RATE
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SHRUBS AND ORNAMENTALS

SYMBOL	DESCRIPTION	PLANT SPECIES	PLANT SIZE	PLANTING RATE
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PROPOSED RESIDENTIAL (BY OTHERS)

UNIT NO.	APPROX. AREA (SQ. FT.)	APPROX. VOLUME (CU. YD.)	APPROX. WEIGHT (TONS)	APPROX. COST (\$)
1	1,000	10	10	100,000
2	1,000	10	10	100,000
3	1,000	10	10	100,000
4	1,000	10	10	100,000
5	1,000	10	10	100,000
6	1,000	10	10	100,000
7	1,000	10	10	100,000
8	1,000	10	10	100,000
9	1,000	10	10	100,000
10	1,000	10	10	100,000

SCALE LEGEND

1" = 10'	1" = 20'	1" = 30'	1" = 40'	1" = 50'
1" = 60'	1" = 70'	1" = 80'	1" = 90'	1" = 100'

Site Map

Scale: 1/128"=1'-0"



42



THOMAS
SIGN & AWNING CO INC
4590 118th Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
Commercial Shopping Center
Design Number:
68845 SITE MAP
Installation Address:
248th St
Miami, FL

Project Identity Number:
77178
Site Address:
292 Project Team
KT
Designer:
MSV
Project Updates:
05/12/17



3M™ MCSM™ Warranty

Underwriters Laboratories Inc. LISTING CERTIFICATE E-CLASSIFICATION 3M™ MCSM™ WARRANTY

THIS WARRANTY IS VALID FOR THE ORIGINAL MANUFACTURER'S USE ONLY. IT DOES NOT COVER REPAIRS OR REWORKS PERFORMED BY OTHERS. IT DOES NOT COVER DAMAGE TO THE PRODUCT CAUSED BY MISUSE, ABUSE, OR NEGLIGENCE.

Approval

Approved

Approved as noted

DATE: _____

Revised & Re-Submits

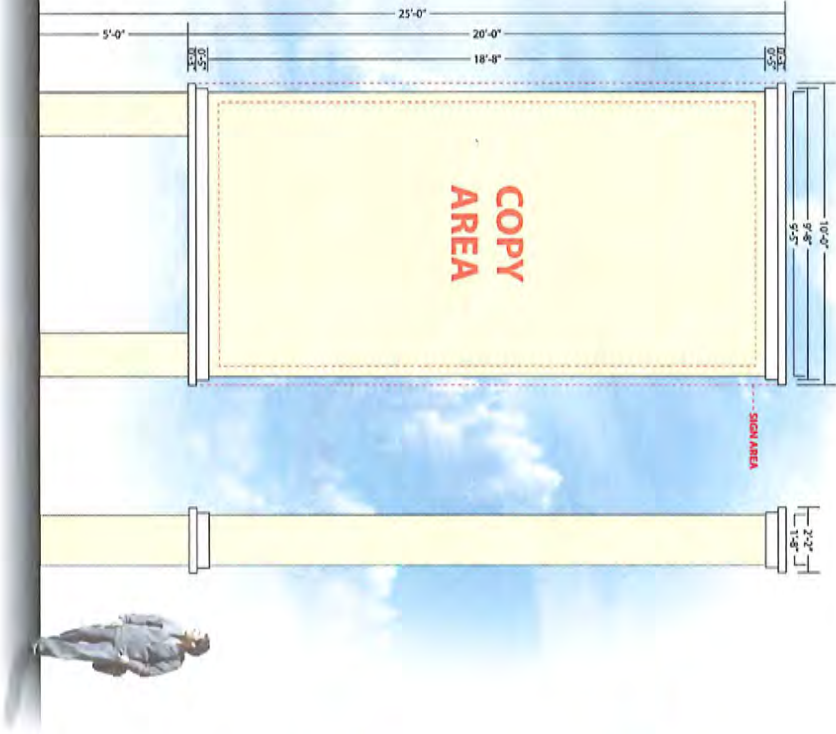
DATE: _____

REVISIONS:

NO.	DESCRIPTION	DATE
1	1 OF 6	

Page: 1 of 6
Sheet: _____

Local: 727-573-7757
Fax: 727-573-0328



1 Custom Monument Sign- @25' OAH

Square Feet **Sign Area: 200**
Scale: 1/4" = 1'-0"

- Monument sign to be aluminum constructed and painted
- Copy area to contain multiple tenant spaces (number of tenants and size TBD)
- Set Back to be 10'

Color Reference



THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33782
800-526-3325
www.thomassign.com

CLIENT
Commercial Shopping Center

Designer Number:
68846 A ELEV MS
Installation Address:
248th St
Miami, FL

Project Identity Number:
77178
SHEK Associates | Project Team
KT | KT
Designer | DSS
MAB | 051217
Project Updates:
3



3M™ MCS™ Warranty

Underwriters Laboratories[®]
ELECTRIC SIGN
COMPLIES TO UL 48

THIS SAMPLE IS INTENDED TO DEMONSTRATE THE APPEARANCE OF THE SIGN. THE ACTUAL SIGN WILL VARY SLIGHTLY FROM THIS SAMPLE. THE ACTUAL SIGN WILL BE MANUFACTURED BY THE SIGN MANUFACTURER. THE ACTUAL SIGN WILL BE MANUFACTURED BY THE SIGN MANUFACTURER. THE ACTUAL SIGN WILL BE MANUFACTURED BY THE SIGN MANUFACTURER.

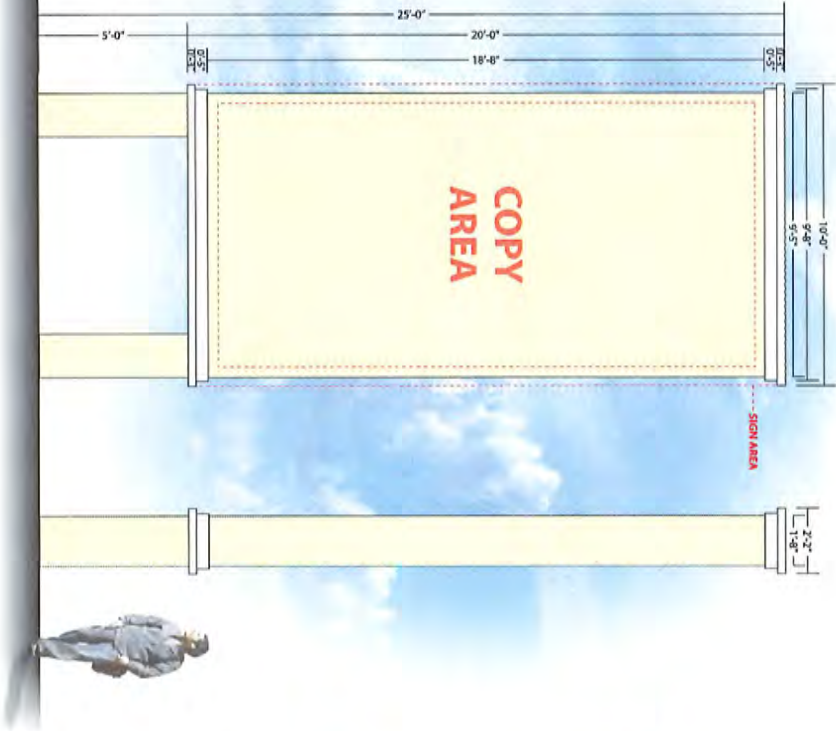
Approval
DATE: _____
DATE: _____

Approved as noted
DATE: _____

Revised & Re-Signed
DATE: _____

Page _____ Sheet _____

43



2 Custom Monument Sign- @25' OAH

Square Feet **Sign Area: 200**
Scale: 1/4"=1'-0"

- Monument sign to be aluminum constructed and painted
- Copy area to contain multiple tenant spaces (number of tenants and size TBD)
- Set Back to be 10'

Color Reference



THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
Commercial Shopping Center

Design Number:
68848 B LEV MS

Installation Address:
248th St
Miami, FL

Project Identity Number:
77178

Site Associate: KT
Project Team: KT

Designer: MSB
Date: 05/12/17

MSB
Project Updates:

3M™ MCS™ Warranty

Underwriters Laboratories Inc
ELECTRIC SIGN
COMPLIES TO UL 48

THIS WARRANTY IS LIMITED TO DEFECTS IN MANUFACTURING AND/OR MATERIALS. IT DOES NOT COVER DAMAGE TO THE SIGN OR STRUCTURE CAUSED BY IMPROPER INSTALLATION, MAINTENANCE, OR USE.

Approval: Approved
DATE: _____

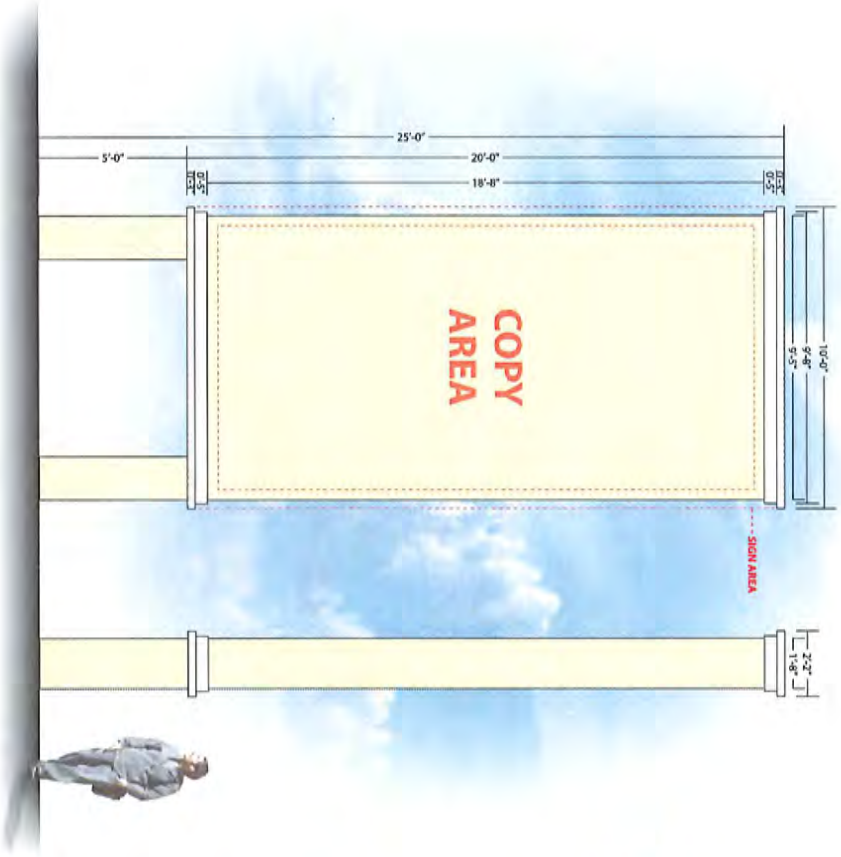
Approved as noted
DATE: _____

Revise & Re-Submit
DATE: _____

THOMAS SIGN & AWNING CO INC warrants that the materials provided are the exclusive property of Thomas Sign & Awning Co. Inc. and are to be used only for the project and location stated on the original contract. Any other use of the materials without the written consent of Thomas Sign & Awning Co. Inc. is prohibited.

Page: **3** Sheet

44



3 Custom Monument Sign- @25' OAH Square Feet Sign Area: 200

- Monument sign to be aluminum constructed and painted
- Copy area to contain multiple tenant spaces (number of tenants and size TBD)
- Set Back to be 10'

Scale: 1/4" = 1'-0"

Color Reference



45



THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT: Commercial Shopping Center
Design Number: 68846 C ELEV MS
Installation Address: 248th St Miami, FL

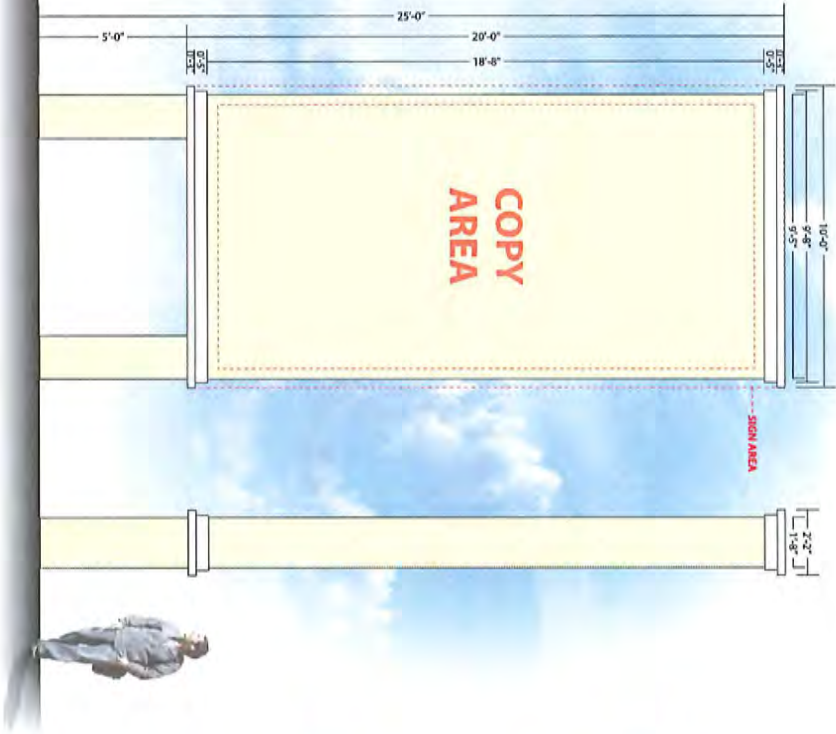
Project Identity Number: 77178
SME: [Name] Project Team: [Name]
Designer: [Name] Date: [Date]
MWR: [Name] 08.12.17
Project Updates:



3MTTM MCSTM Warranty
Underwriters Laboratories Inc
ELECTRICAL SYSTEMS
COMPLETES TO UL 48
THESE MATERIALS REQUIRE TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B PRACTICE PROCEDURE FOR INSULATION.

Approval: Approved DATE: _____
 Approved as noted DATE: _____
 Revise & Re-Submit DATE: _____
DATE: _____
DATE: _____

Page 4 of 6
Sheet _____
Local 727-573-7757
Fax: 727-573-0928



4 Custom Monument Sign- @25' OAH

Square Feet **Sign Area: 200**
Scale: 1/4"=1'-0"

- Monument sign to be aluminum constructed and painted
- Copy area to contain multiple tenants spaces (number of tenants and size TBD)
- Set Back to be 10'

Color Reference



46



THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 34625
800-526-3325

www.thomassign.com

CLIENT
Commercial Shopping Center

Design Number:
68846 D ELEV.MS

Installation Address:
248th St
Miami, FL

Project Identity Number:
77178

Sales Associate: Project Team:
KT KT

Designer: Date:
MBV 05.12.17

Project Updates:
5



3M™ MCS™ Warranty



Underwriters
Laboratories Inc.
ELECTRICAL
COMPLIES TO UL 48

THIS APPLICABLE WARRANTY IS LIMITED TO THE ORIGINAL MANUFACTURER'S WARRANTY. IT DOES NOT COVER THE PRODUCT OR THE WORKMANSHIP.

Approval
DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

Page 5 OF 6
Local 727-573-7757
Fax: 727-573-0928



4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325

www.thomassign.com

CLIENT

Commercial Shopping Center

Design Number:
68946 ELEM MS

Installation Address:
248th St
Miami, FL

Project Identity Number:
77178

Sites Address: Project Team:
KT
KT

Designer: Date:
MSW 05/12/17

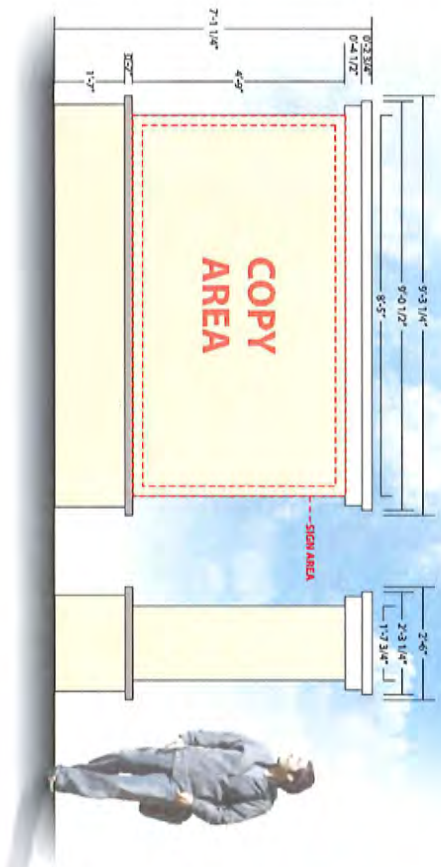
Project Updates:
x

5 Custom Monument Sign- @7-1 1/4' OAH

- Monument sign to be aluminum constructed and painted
- Copy area to contain multiple tenant spaces (number of tenants and size TBD)
- Set Back to be 15'

Square Feet Sign Area: 40

Scale: 3/8"=1'-0"



Color Reference



GROUND LEVEL



3M™ MCS™ Warranty

Underwriters
Laboratories Inc.
ELECTRICAL
COMPONENTS
DIVISION

UL LISTING EXISTS
FOR THIS PRODUCT
AND IS AVAILABLE AT
www.ul.com

Approval

Approved

Approved as noted

Revise & Re-Submit

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

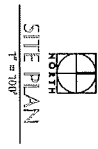
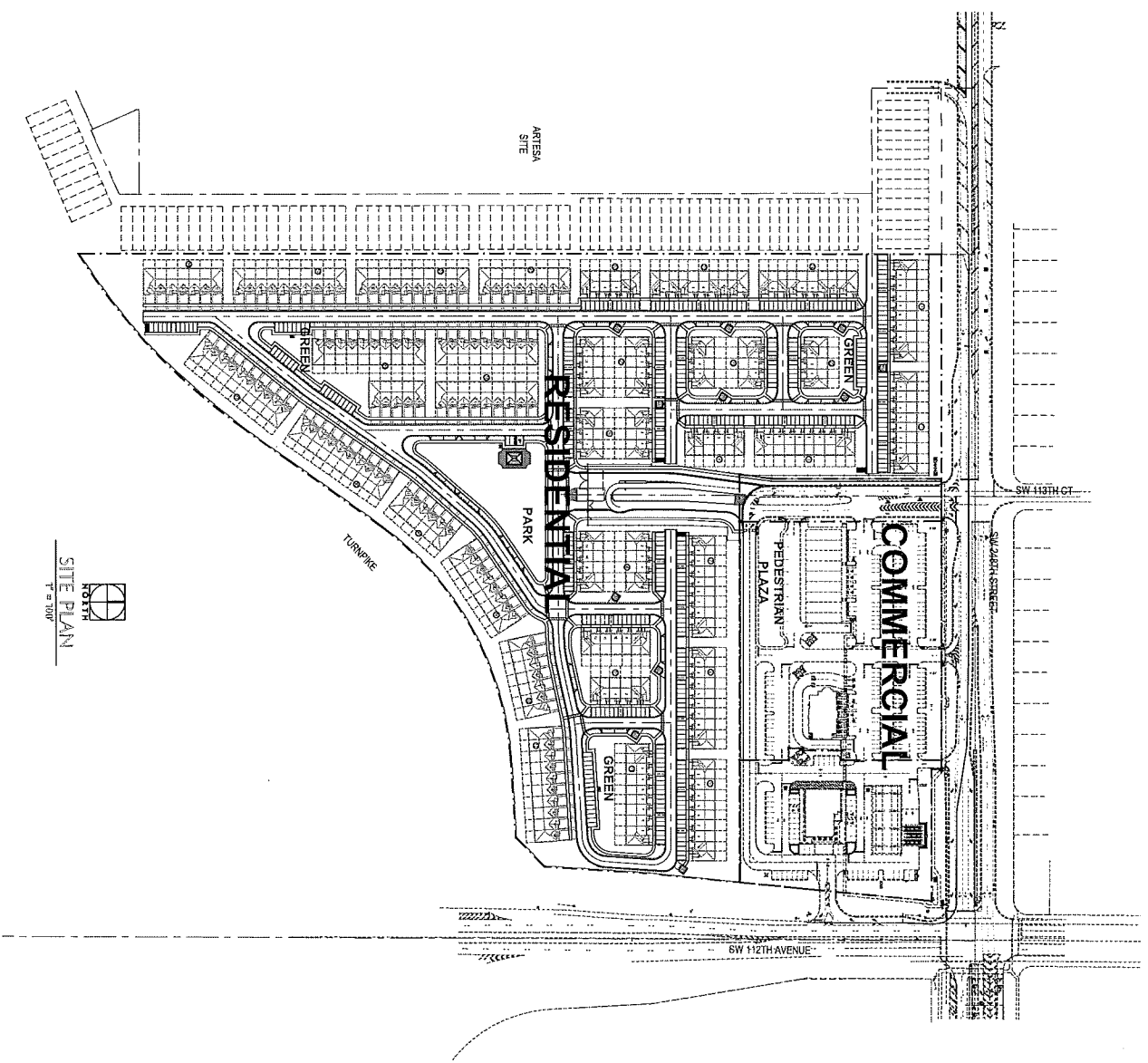
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Page 6 of 6

Sheet

Local: 727-573-7757

Fax: 727-573-0328



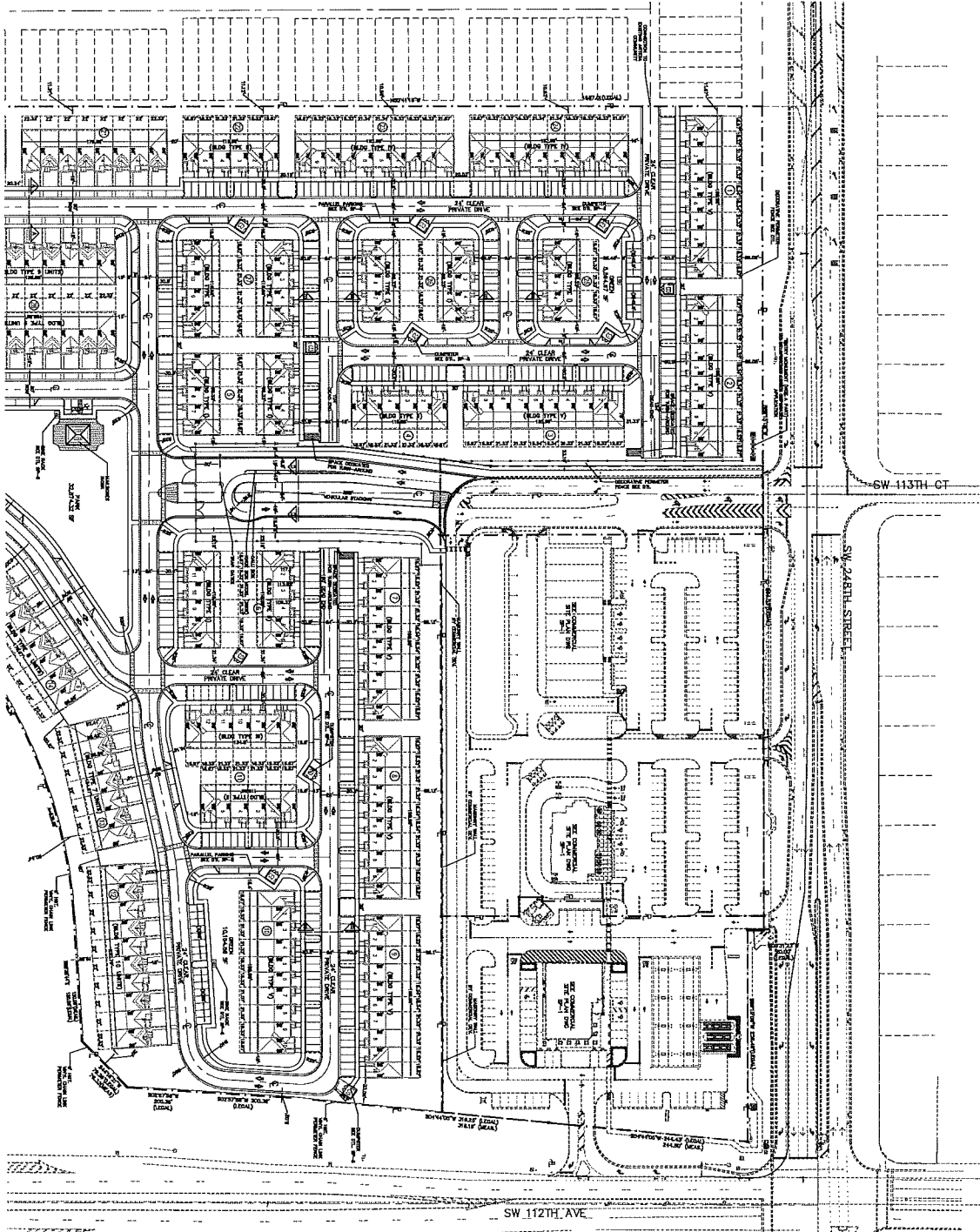
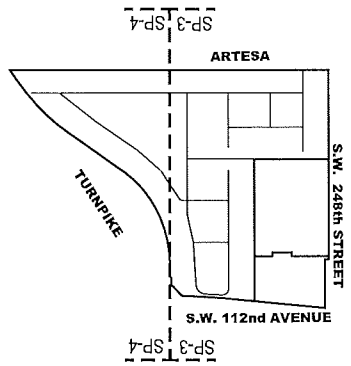
ARTESA PHASE II
 SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

PASQUAL PEREZ & ASSOCIATES
 ARCHITECTS, PLANNERS
 AND ASSOCIATES
 1000 NW 86th AVENUE
 SUITE 200, MIAMI, FL 33150
 PHONE: (305) 571-1100
 FAX: (305) 571-1101
 WWW.PP&A.COM

DATE: 3/20/09
 SCALE: AS SHOWN
 DRAWN: AS
 CHECK: PK
 SHEET NO. 1

SP-1

817



SITE PLAN
 T = 50'

ARTESA PHASE II
 SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

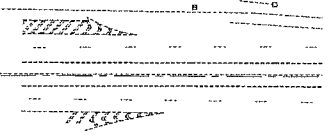
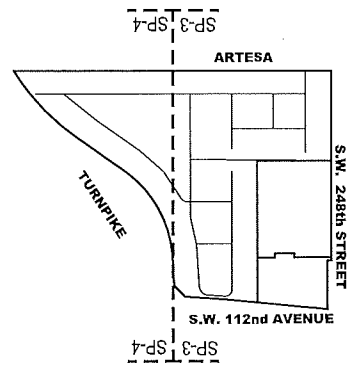
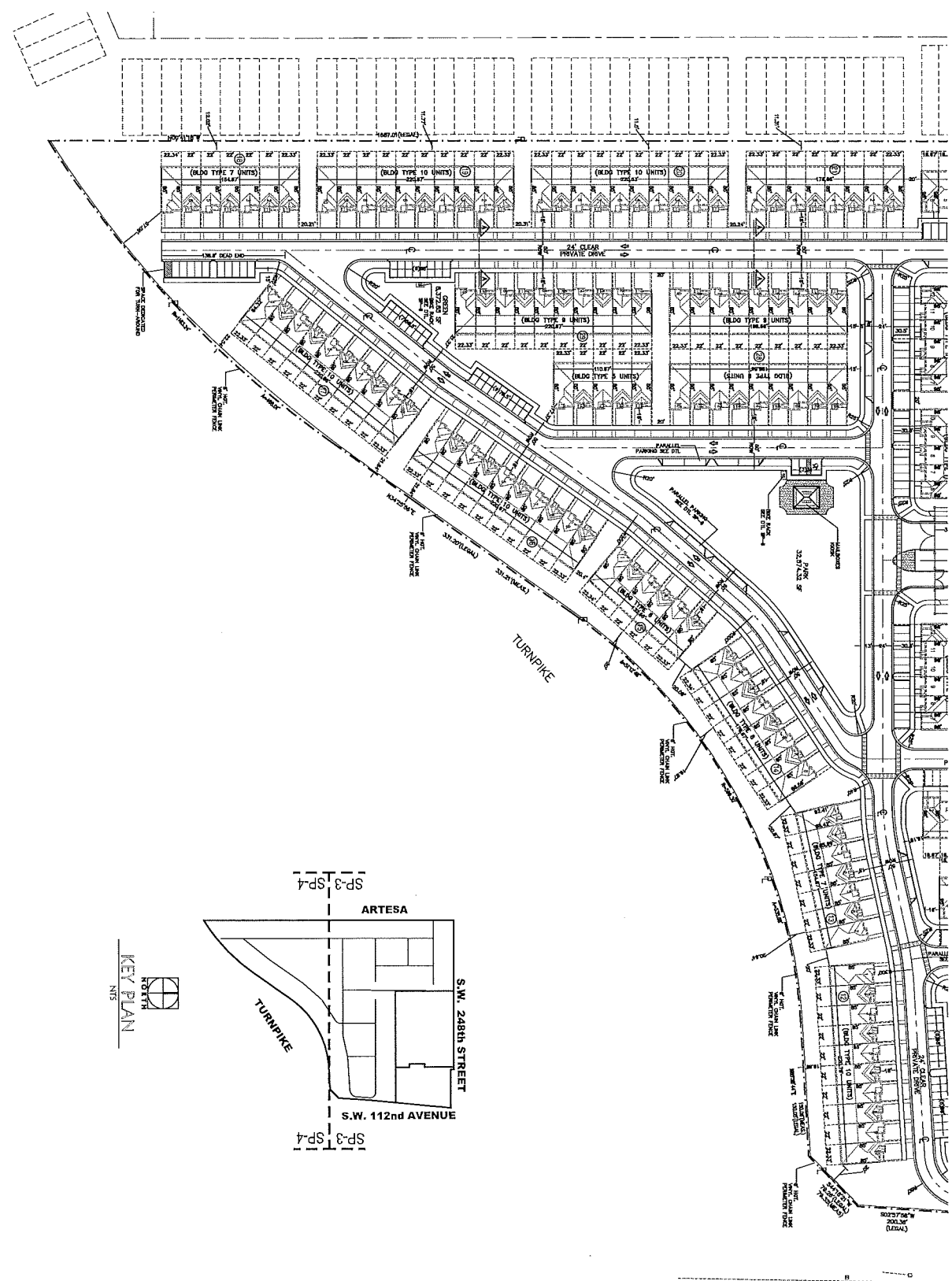
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 CHECK: PK
 JOB NO.: 09-001

SP-3

SHEET NO. 1

PASCUAL
 PEREZ
 KILODJIAN
 & ASSOCIATES
 ARCHITECTS - PLANNERS
 1000 NW 84th AVENUE
 SUITE 200
 MIAMI, FL 33150
 PHONE: 305.575.8888
 FAX: 305.575.8889
 WWW.PKAD.COM

50



KEY PLAN
 NORTH
 SITE PLAN
 1" = 50'

ARTESA PHASE II
 SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

PASCUAL PEREZ & ASSOCIATES ARCHITECTS, PLLC
 700 NW 84th AVENUE
 MIAMI, FL 33150
 TEL: 305.555.1111
 WWW.PASCUALPEREZ.COM

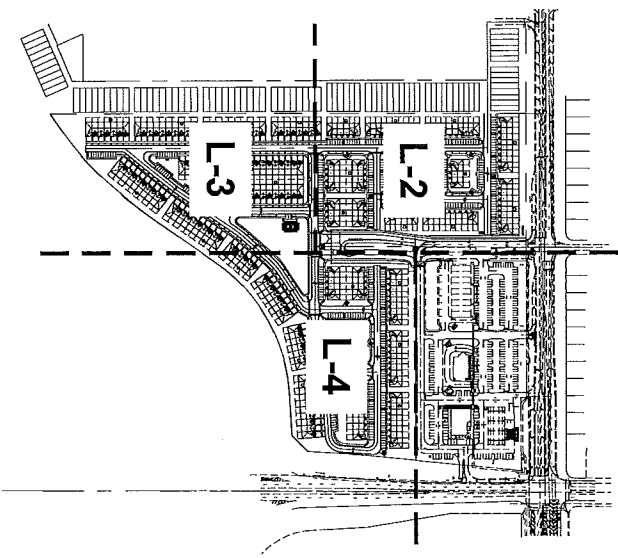
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 CHECK: JK
 JOB NO.: 17-138

SHEET NO. 1

15

SHEET INDEX:

L-1	INDEX
L-2	LANDSCAPE PLAN
L-3	LANDSCAPE PLAN
L-4	LANDSCAPE PLAN
L-5	BUILDING TYPE I LANDSCAPE
L-6	BUILDING TYPE II LANDSCAPE
L-7	BUILDING TYPE III LANDSCAPE
L-8	BUILDING TYPE IV LANDSCAPE
L-9	BUILDING TYPE V LANDSCAPE
L-10	BUILDING TYPE VI LANDSCAPE
L-11	BUILDING TYPE VII LANDSCAPE
L-12	BUILDING TYPE VIII LANDSCAPE
L-13	BUILDING TYPE IX LANDSCAPE
L-14	BUILDING TYPE X LANDSCAPE
L-15	BUILDING TYPE XI LANDSCAPE
L-16	BUILDING TYPE XII LANDSCAPE
L-17	BUILDING TYPE XIII LANDSCAPE
L-18	LANDSCAPE DETAILS



KEY PLAN
 Scale: NTS

LANDSCAPE LIST

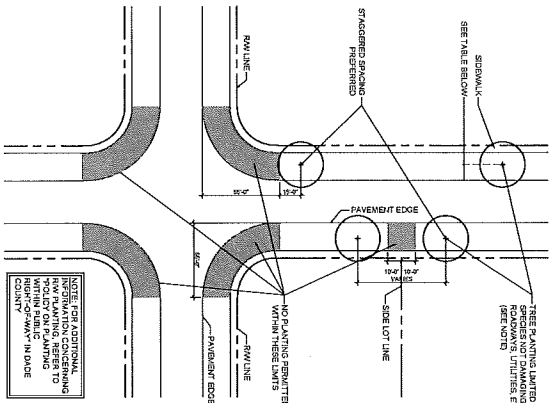
SYMBOL	COMMON NAME	PROPOSED QUANTITY	RECOMMENDATION
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2	ORANGE BLOSSOM	10	10' x 10' @ 20'
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LANDSCAPE LIST

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LANDSCAPE NOTES:

- NO TREES SHALL BE PLANTED ON TOP OR ADJACENT TO PROPOSED FRENCH DRAINS OR INLETS.
- ALL LANDSCAPE INSIDE THE PROPERTY ADJACENT TO DRIVEWAYS SHALL COMPLY WITH THE 10' x 10' SAFE SIGHT-TRIANGLE PER SE 33-11 OF MIAMI-DADE COUNTY CODE.
- SEE PUBLIC R.O.W. PLANTING SETBACK DETAILS FOR TREES WITHIN R.O.W.
- LANDSCAPE FOR ALL CORNER LOTS SHALL SHOW COMPLIANCE WITH PWD STANDARD GS.1
- DRIVEWAYS AND APPROACHES MUST ADHERE TO MDC DETAILS. MUST BE FLARED OR MIN. 5'-0" RADIUS, AND SHALL NOT BE WIDER THAN 20'-0".



Public R.O.W. Planting Setback

SCALE: 1" = 40'-0"

ROW/TYPE	BELOW/IN	MIN.	MAX.	MIN.	MAX.
ROADWAYS	BELOW/IN	5'	6'	5'	6'
DRIVEWAYS	BELOW/IN	5'	6'	5'	6'
ALLEYS	BELOW/IN	5'	6'	5'	6'
BIWAYS	BELOW/IN	5'	6'	5'	6'

Project: **ARTESA PHASE II**
 MIAMI-DADE COUNTY, FLORIDA

Index: **INDEX**

Scale: 1" = 40'-0"

Client: **WILKIN HULTS DESIGN GROUP**

Project: **ARTESA PHASE II**

Location: **MIAMI-DADE COUNTY, FLORIDA**

Scale: 1" = 40'-0"

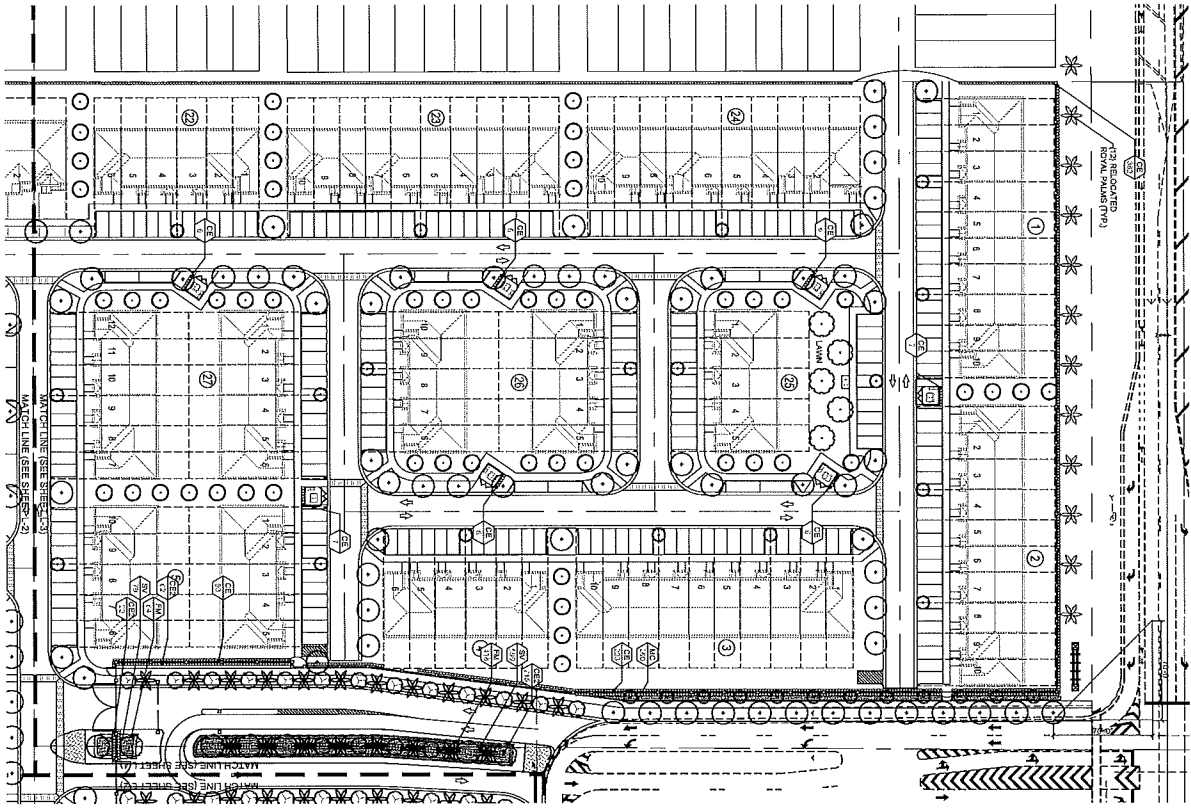
Project: **ARTESA PHASE II**
 MIAMI-DADE COUNTY, FLORIDA

Index: **INDEX**

Scale: 1" = 40'-0"

WILKIN HULTS DESIGN GROUP

307 South 21st Avenue, Fort Lauderdale, FL 33316
 Phone: 561-520-9444
 Fax: 561-520-9445
 Email: info@whdgroup.com

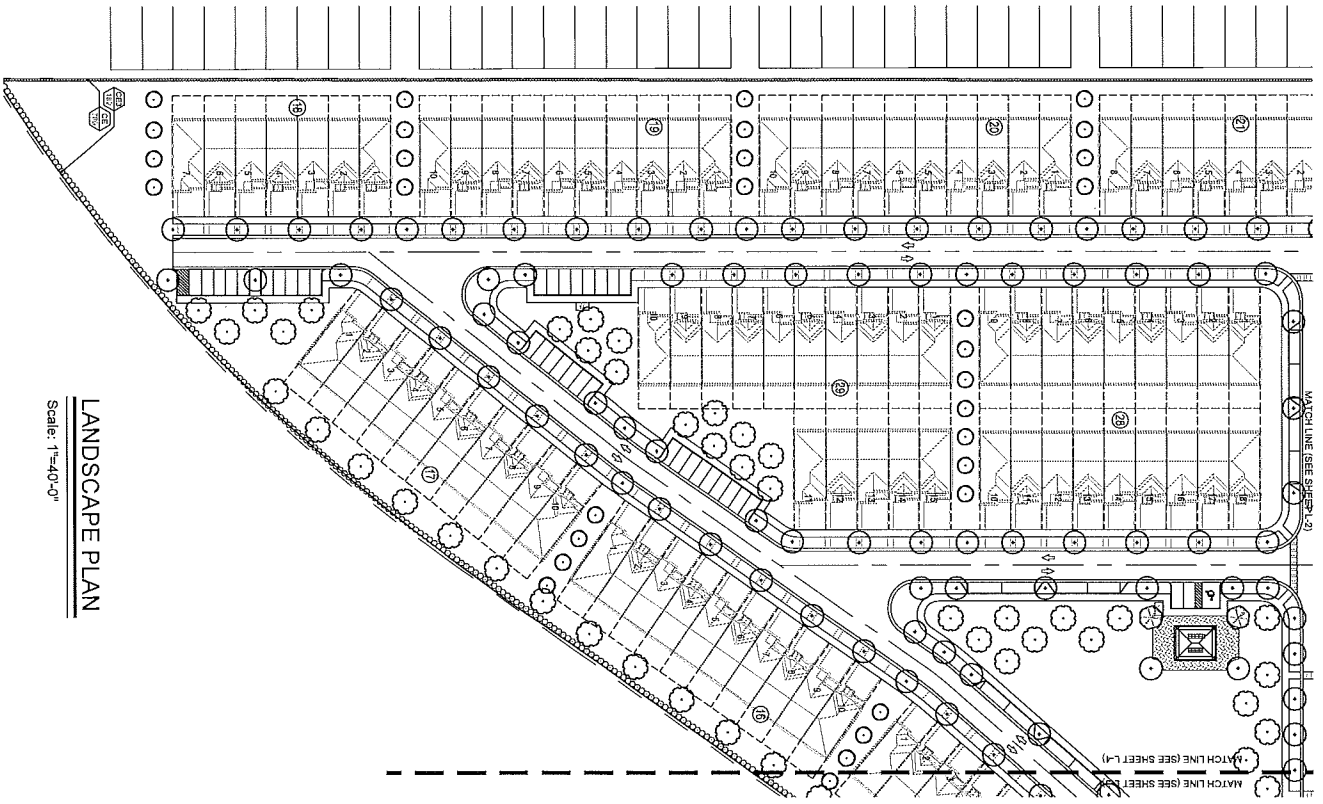


LANDSCAPE PLAN

Scale: 1"=40'-0"



<p>Drawing: Landscape Plan Date: 01/20/2017 Scale: See List Drawn By: JMK Sheet No.: Cell No.: 2017-119</p> <p style="text-align: center; font-size: 24pt;">L-2</p>	<p>Scale: Lic. # LA0000089 Matthew A. S.A., A.</p>	<p>Author: Project:</p>	<p style="text-align: center;">ARTESA PHASE II MIAMI-DADE COUNTY, FLORIDA LANDSCAPE PLAN</p>	<p style="text-align: center;">W H WITKIN HULTS DESIGN GROUP 307 South 21st Avenue, Tallahassee, Florida Phone: 904.323.5551, Fax: 904.323.5629 www.witkinhults.com</p>
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LANDSCAPE PLAN
 Scale: 1"=40'-0"



<p>DATE: 03/20/17 DRAWN BY: WAK SHEET NO.: DRAWING: Landscape Plan L-3</p>	<p>DATE: 03/20/17 DRAWN BY: WAK SHEET NO.: DRAWING: Landscape Plan L-3</p>	<p>PROJECT: ARTESA PHASE II MIAMI-DADE COUNTY, FLORIDA LANDSCAPE PLAN</p>	<p>W H WITKIN HULTS DESIGN GROUP 207 south 21st avenue, 10th floor, Fort Lauderdale, FL 33301 phone: 954-332-3561 fax: 954-332-3565 www.witkindesign.com</p>
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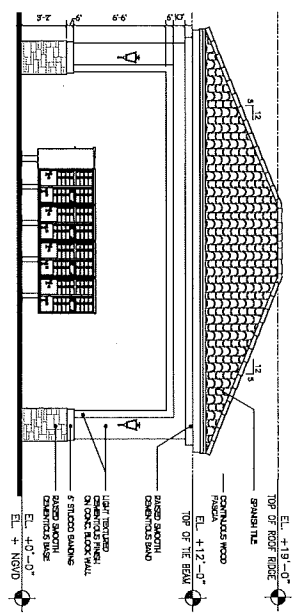
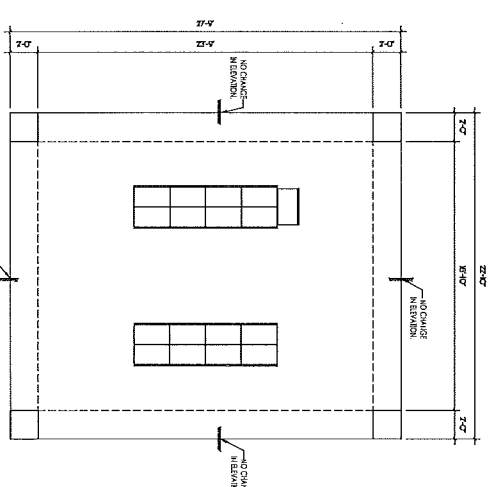
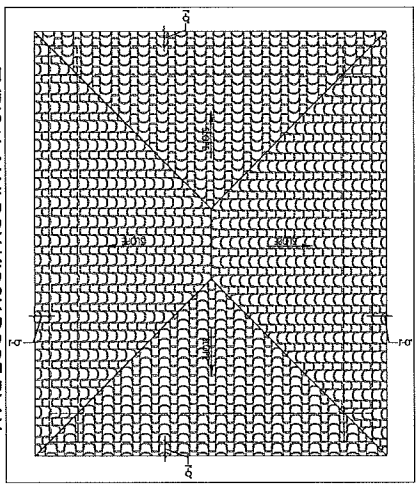
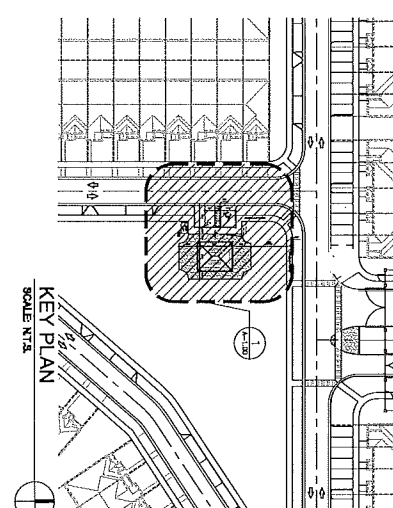
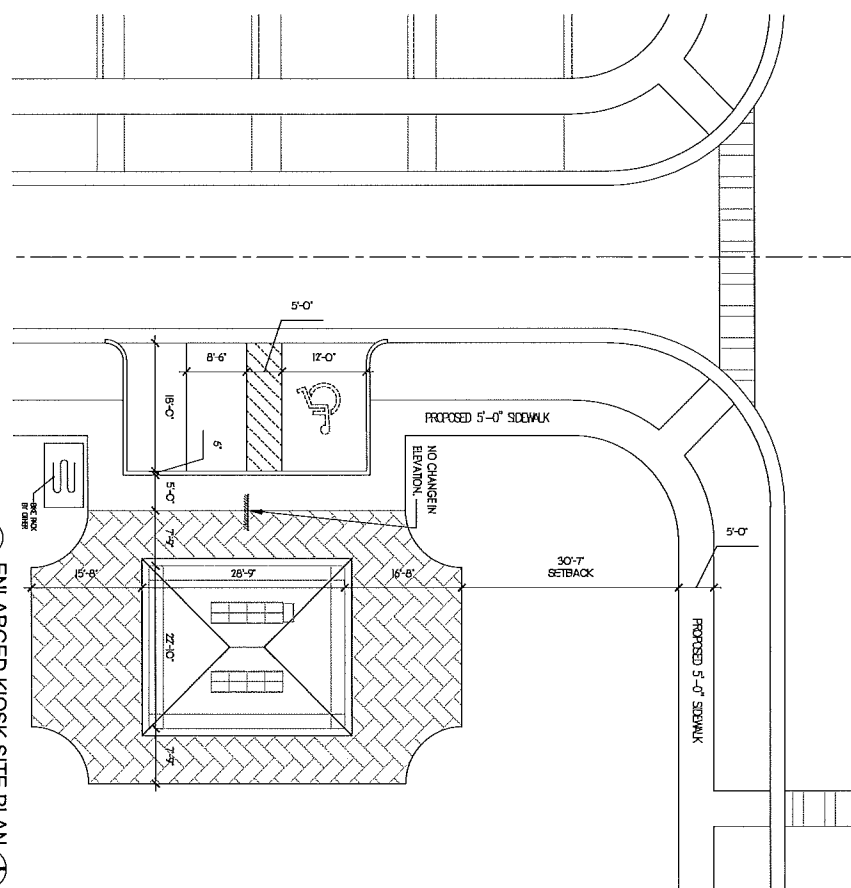


LANDSCAPE PLAN
 Scale: 1"=40'-0"

55

<p>DATE: _____ PROJECT: _____ DRAWING: Landscape Plan DATE: 02/20/2017 SCALE: 1"=40'-0" DRAWN BY: MJK CHECKED BY: _____ DATE: 02/20/2017</p>	<p>PROJECT: _____</p>	<p>ARTESA PHASE II MIAMI-DADE COUNTY, FLORIDA LANDSCAPE PLAN</p>	<p>W H WITKIN HULTS DESIGN GROUP 307 WOOD 21st AVENUE, MIAMI, FL 33136 PHONE: 305.523.3641 FAX: 305.523.3649 WWW.WITHULTS.COM</p>
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CORNILLA ARCHITECTS
 4070 LAKELAND ST., CORAL GABLES FL, 33146
 TEL: 305.444.0071 FAX: 305.444.2858

PROJECT:
ARTESA PHASE II
 MIAMI DADE, FLORIDA

OWNER:
LENNAR HOMES

ENLARGED MAIL KIOSKS SITE PLAN
 FLOOR PLANS AND ELEVATIONS

PHASE:
 SITE PLAN
 SUBMITTAL

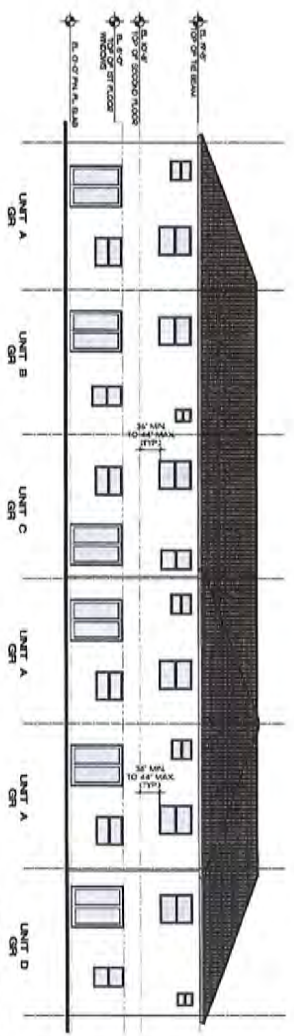
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DATE: 03/10/17
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 SHEET NUMBER: A-1.00

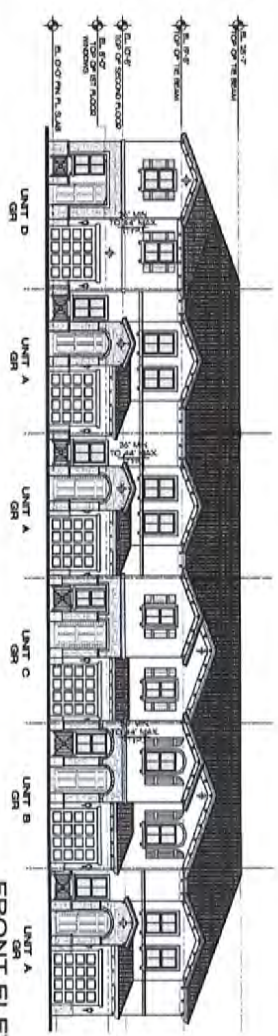
57

NOTE:
 ALL CONSTRUCTION OF BUILDING AND UNIT TYPES SHOWN FOR UNIT OF THIS PLAN
 SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES BUILDING DEPARTMENT
 AND THE CITY OF LOS ANGELES COUNTY WITH THE STANDARD BUILDING
 SPECIFICATIONS AND ORDINANCE 18.50.001 FOR THE BUILDING TYPE SHOWN.

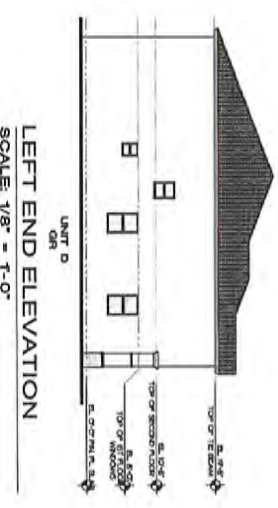
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 FOR EXPLANATIONS AND
 DIMENSIONS, REFER TO
 ARCHITECTURAL DRAWING
 100-100.



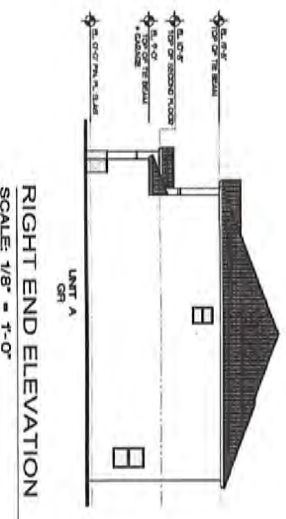
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"



CORNELIA ARCHITECTS
 100-100
 100-100

PROJECT
 ARTESA PHASE II
 ARTESA HOMES

OWNER
 LENNAR HOMES

TYPICAL 6 UNIT BUILDING
 ELEVATIONS

TITLE
 SITE PLAN
 SUBMITTAL

SCALE

REVISIONS
 NO. DATE DESCRIPTION
 1 10/17/13
 2 11/13/13
 3 1/14/14
 4 2/17/14

UNIT NUMBER
 A-36

09

NOTE: DIMENSIONS OF BUILDING ARE IN FEET AND INCHES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS OF BUILDING ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS OF BUILDING ARE TO FACE UNLESS OTHERWISE NOTED.

NOTE: FOR BALCONY DETAILS AND RAILINGS, REFER TO ARCHITECTURAL SPECIFICATIONS AND RAILING DETAIL DRAWING.

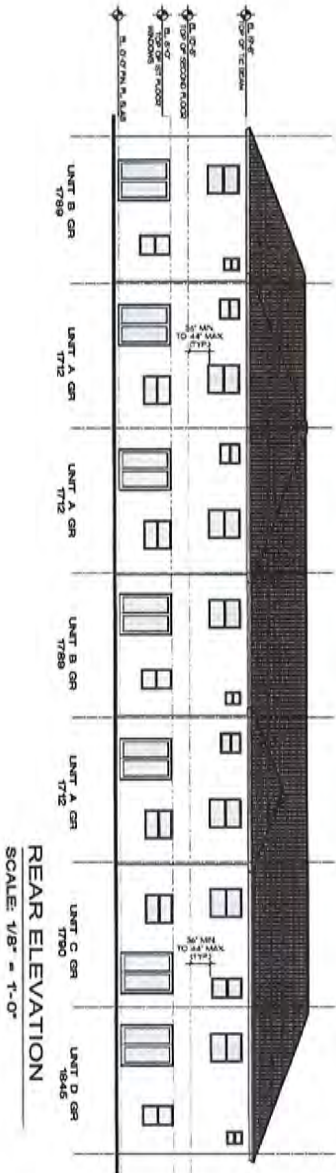
SEE ELEVATION SHEET 001



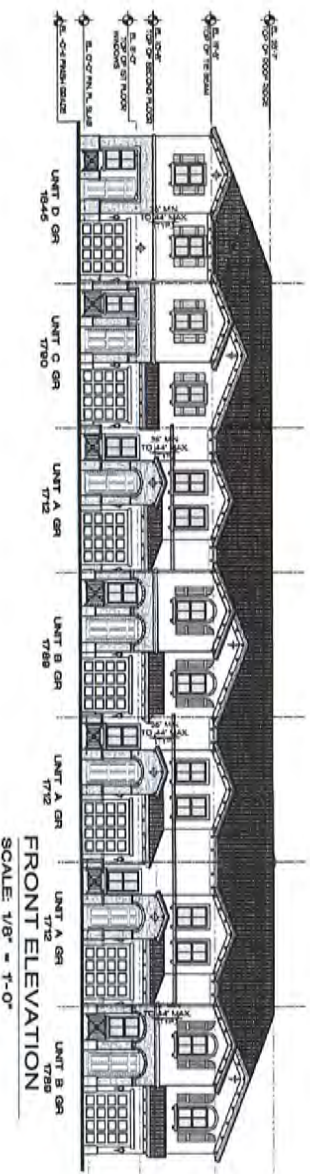
CORNELL ARCHITECTS
INC. 100 W. WASHINGTON ST. SUITE 200
ANN ARBOR, MI 48106

PROJECT:
ARTESA PHASE II
ANN ARBOR, MI

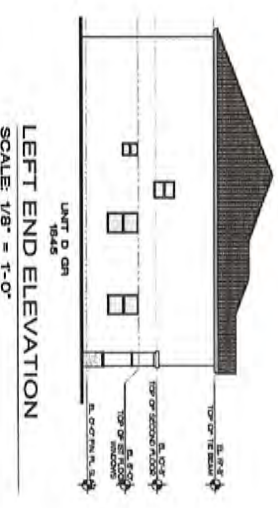
DESIGNED BY:
LENNAR HOMES



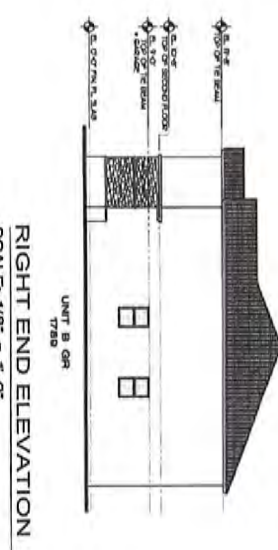
REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT END ELEVATION
SCALE: 1/8" = 1'-0"

TYPICAL 7 UNIT BUILDING ELEVATIONS

TITLE:
SITE PLAN
SUBMITTAL

SHEET NUMBER:
A-3.8

REVISIONS:
NO. DATE BY
1 01/11/11 JAC
2 01/11/11 JAC
3 01/11/11 JAC
4 01/11/11 JAC

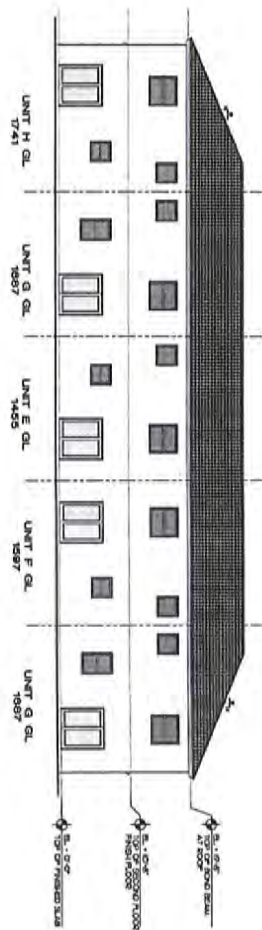
NOTES:
 1. CONSTRUCTION OF BALCONY AND UP-TURN APPROXIMATE TO THAT OF THE MAIN FLOOR.
 2. ALL ROOFING SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 3. ALL ROOFING SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 4. ALL ROOFING SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 5. ALL ROOFING SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.



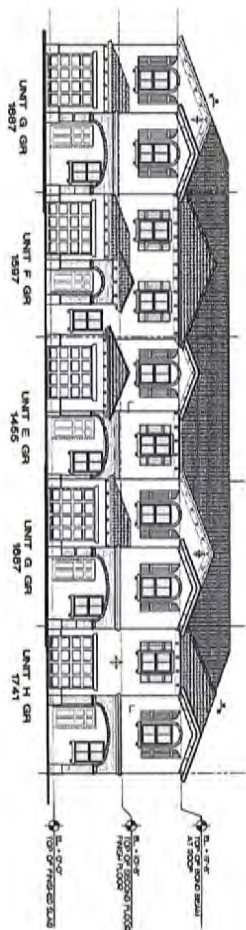
CORWILL ARCHITECTS
 1000 W. UNIVERSITY BLVD., SUITE 100
 AUSTIN, TEXAS 78705

PROJECT

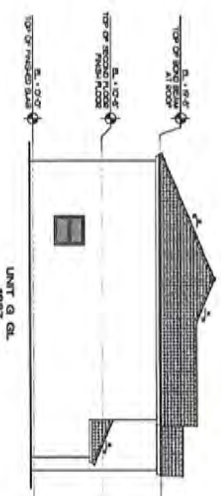
ARTESA II
 HIGHLAND COUNTY
 FLORIDA



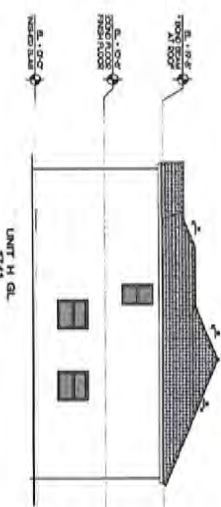
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"

TYPICAL 5 UNIT BUILDING
 ELEVATIONS

OWNER
 LENNAR
 HOMES

PHASE
 PRELIMINARY

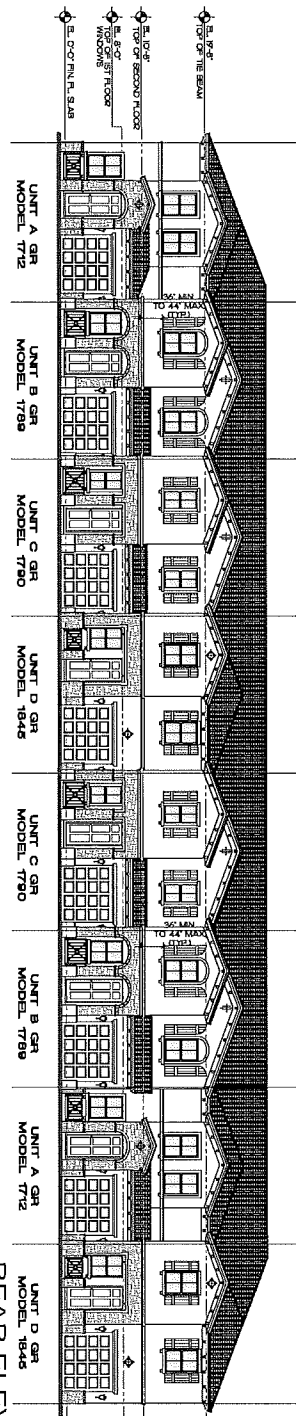
REVISIONS

DATE

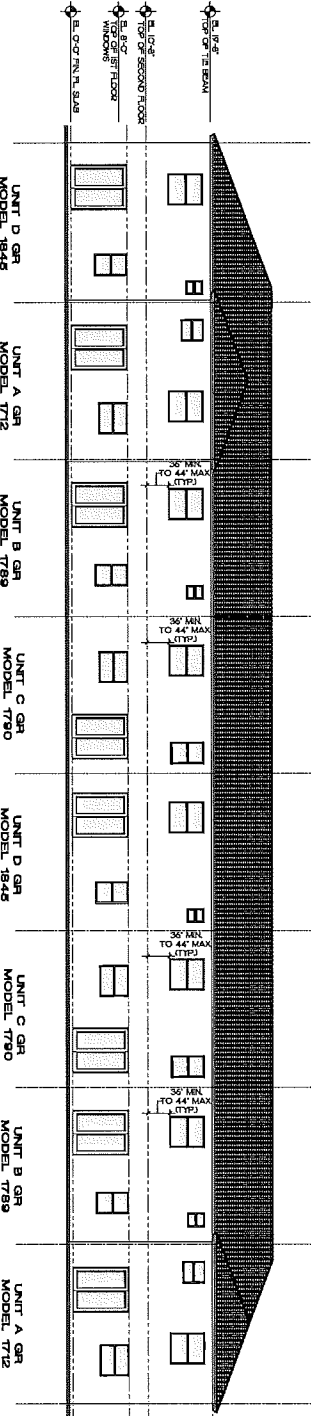
THIS DRAWING IS THE PROPERTY OF CORWILL ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CORWILL ARCHITECTS.

SCALE: 1/8" = 1'-0"

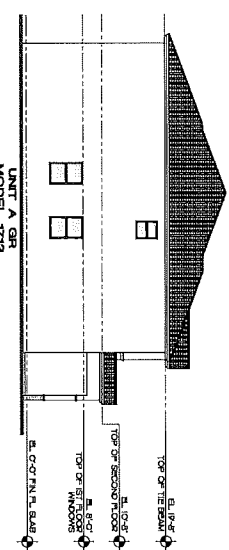
DATE: 08/21/17
 DRAWN BY: 2017 BC
 CHECKED BY: M7
 APPROVED BY: AME
 PROJECT NUMBER: 062117
 SHEET NUMBER: A-4.0



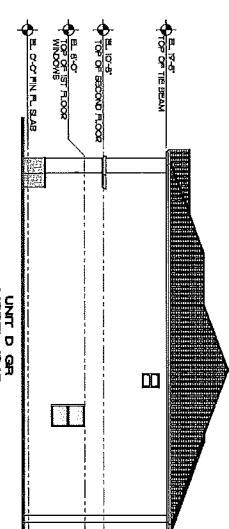
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"

NOTE
 FOR ELEVATION DETAILS, AND
 WINDOW SCHEDULES, SEE
 ELEVATIONS

BUILDING USE CATEGORY



CORNILLAR CHIECTS
 4281 U.S. HIGHWAY 101, SUITE 100
 SAN ANTONIO, TEXAS 78248-2933

PROJECT:
 ARTESA PHASE II
 3400 DAVIS, FORTSON

OWNER:
 LENNAR HOMES

TYPICAL 8 UNIT BUILDING
 ELEVATIONS

PHASE
 SITE PLAN
 SUBMITTAL

REVISIONS

DATE: 08/19/17
 JOB NO.: 2017-24
 DRAWN BY: AO
 APPR BY: AM/C
 SHEET NUMBER: 2017-24
 A-4.0

63

NOTE
 FOR ELEVATION DETAILS AND
 WINDOWS SPECIFIED REFER TO
 ELEVATIONS

BUILDING UNIT UNITARY



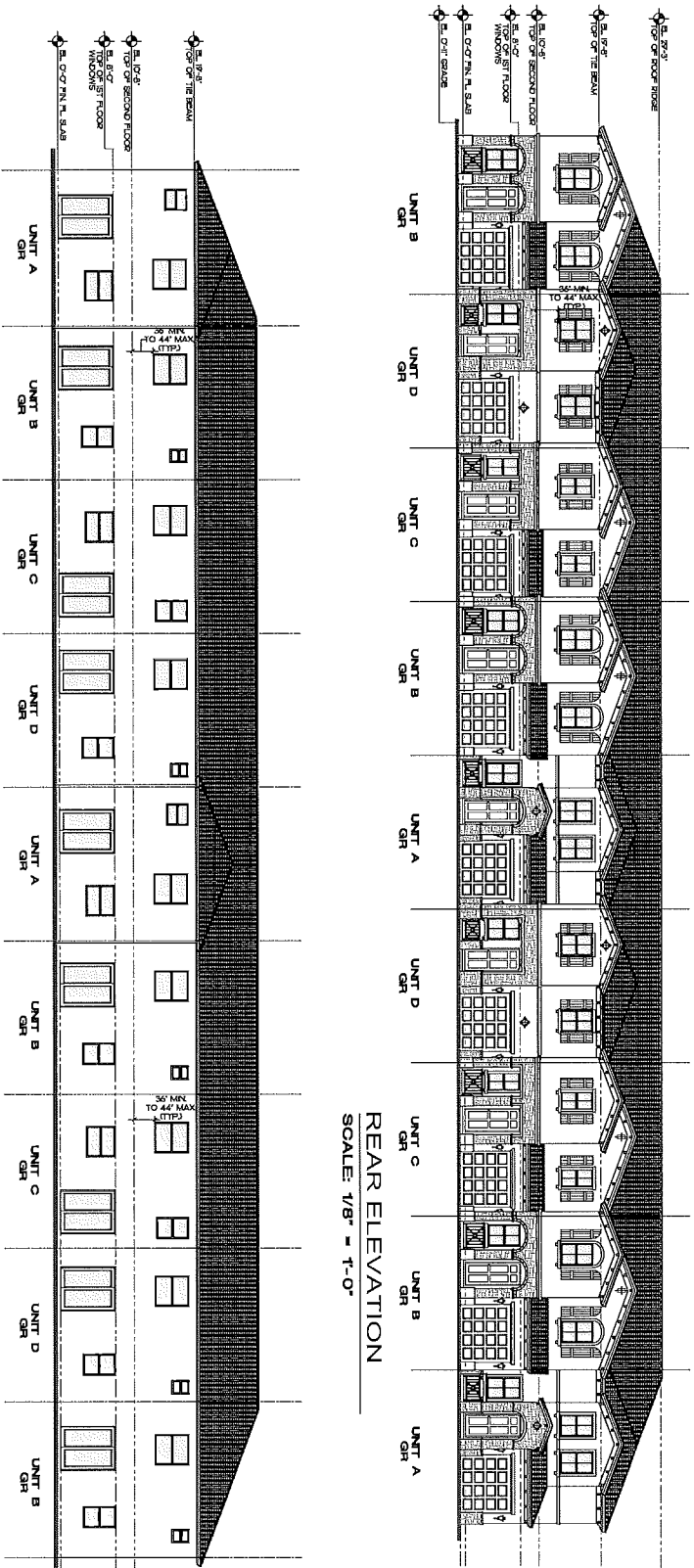
CORNILLAR ARCHITECTS
 4014 LINDA STREET
 DC NO. AA-C00713 | 202-448-7248

PROJECT:

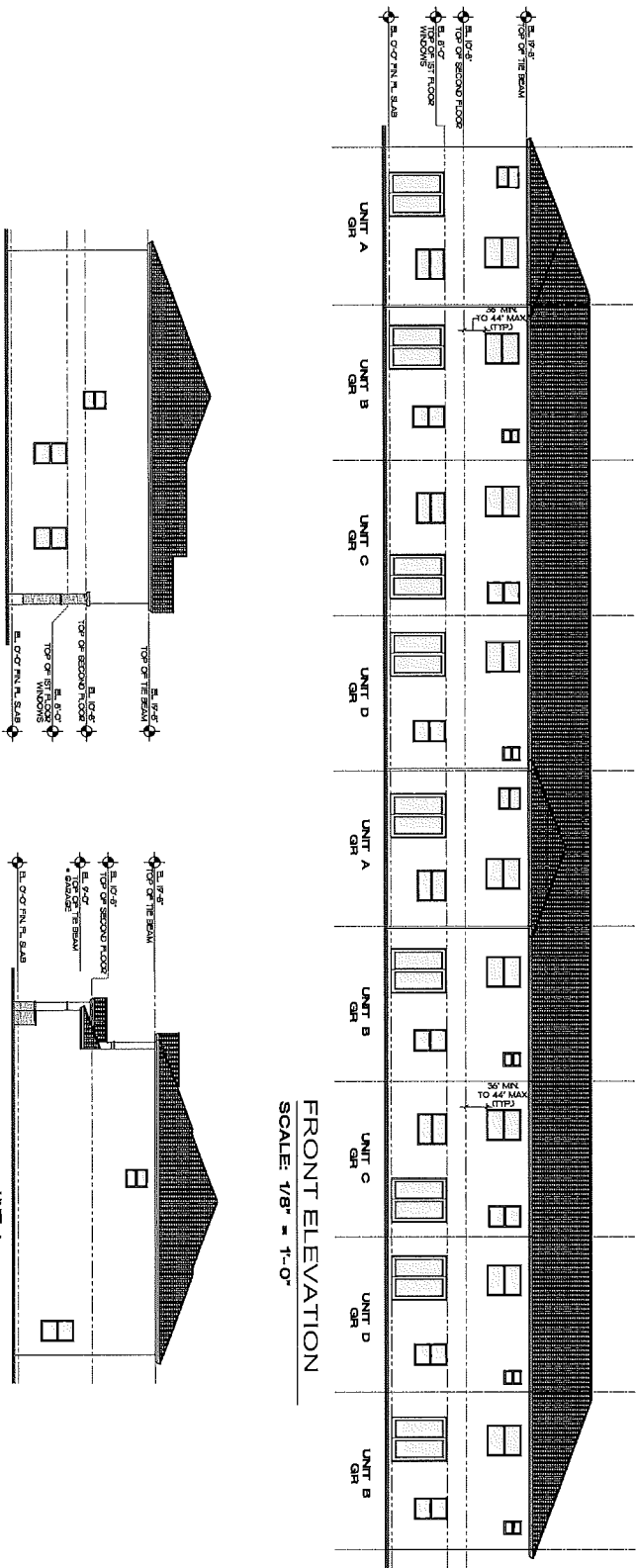
COCO PALMS
 HISTORIC RESTORATION OF
 ANTIQUE STORE
 MARKET PLACE

OWNER:
 COCO PALMS
 LENNAR LLC.

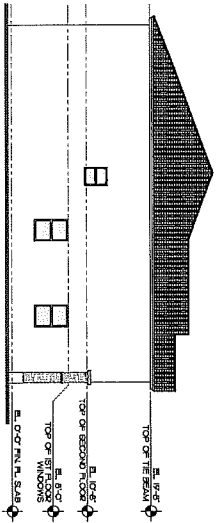
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



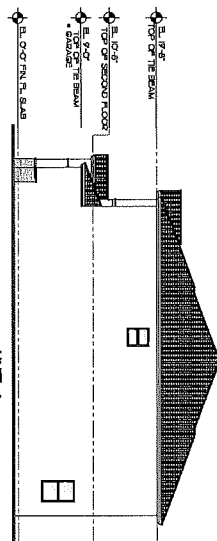
FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"



TYPICAL 9 UNIT BUILDING
 ELEVATIONS

PHASE

PERMIT SET

REVISIONS

SHEET

SHEET NUMBER:

A-4.2

ANGEL FIGUEROA
 ARCHITECT
 4014 LINDA STREET
 CORAL GABLES, FL 33146
 305-444-1111
 DATE: 1/21/2014
 JOB NO.: 2013-29
 DRAWING: MCM/MAJ
 APPR BY: AM/C
 R/E: 2013-29

64

NOTICE
 FOR BIDDING/PERMITS AND
 WORKING PERMITS REFER TO
 REVISIONS

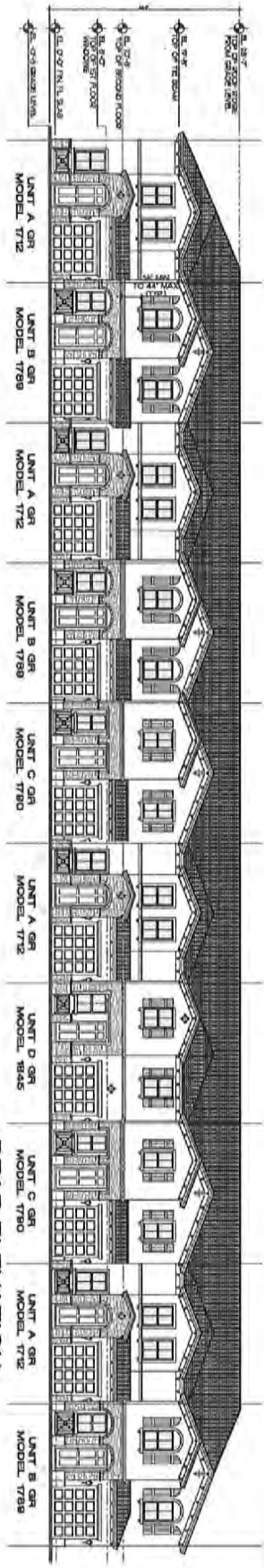
REVISIONS



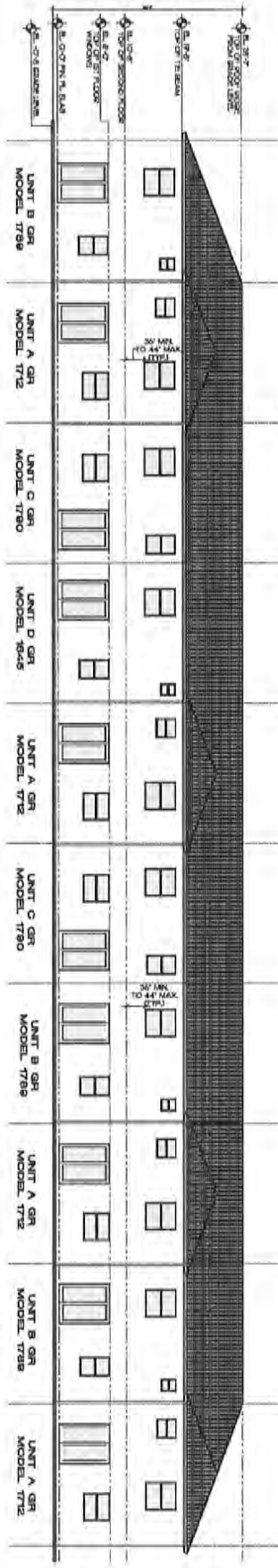
CORNELL ARCHITECTS
 1000 N. GULF BLVD., SUITE 1000
 TAMPA, FL 33602

OWNER:

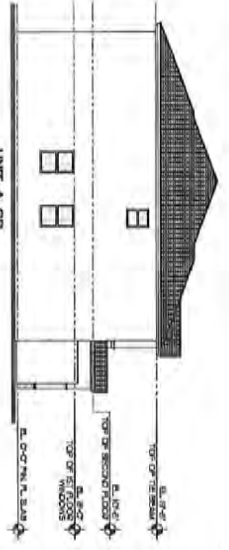
COCCO PALMS
 1000 N. GULF BLVD., SUITE 1000
 TAMPA, FL 33602
COCCO PALMS
LENNAR LLC.



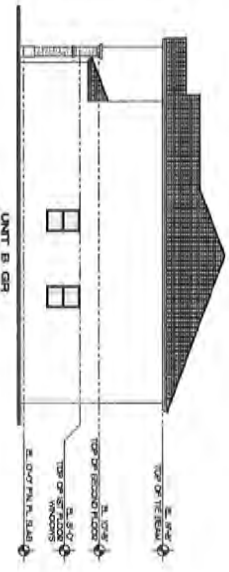
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



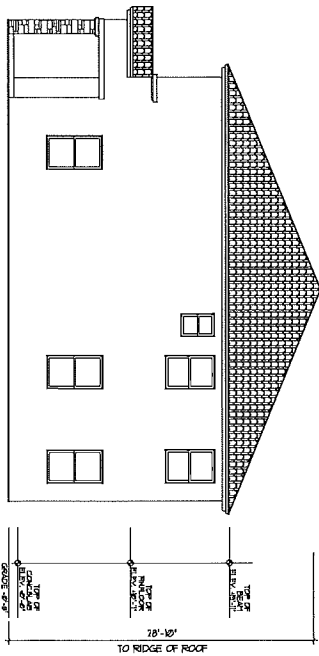
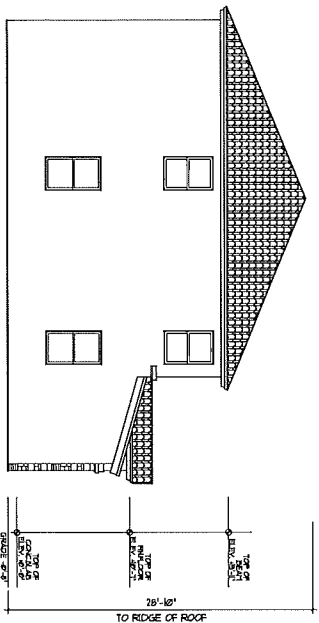
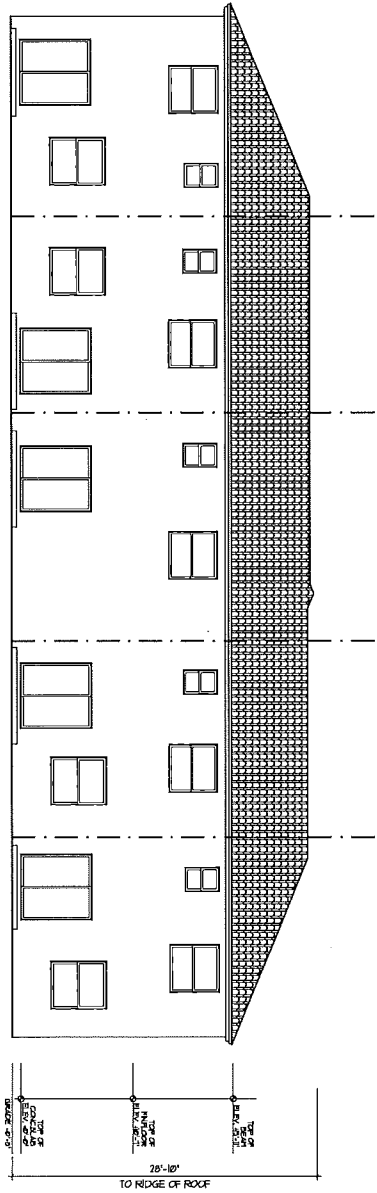
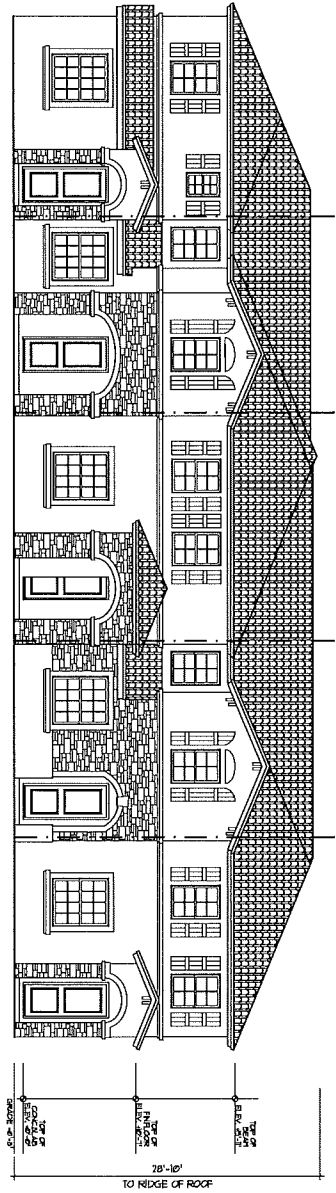
RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"

TYPICAL 10 UNIT BUILDING
 ELEVATIONS

DATE: _____
 PERMIT SET
 DESIGNER: _____
 ARCHITECT: _____
 DATE: _____
 SHEET NO.: _____

APPROVED FOR PERMITS
 AND BIDDING
 ARCHITECT
 CORNELL ARCHITECTS
 1000 N. GULF BLVD., SUITE 1000
 TAMPA, FL 33602
 DATE: 11/27/24
 SHEET NO.: 2012-24
 PROJECT NO.: 2012-24
 PERMITS NUMBER: _____

NOTE: COMBINATION OF BUILDING AND UNIT TYPES APPROVED AS PART OF THIS PLAN MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT TYPES. ALL BUILDING AND UNIT TYPES USED WILL COMPLY WITH THE MAXIMUM PERMITTED HEIGHT, NUMBER OF STORIES, PRIVATE OPEN SPACE AND MINIMUM SETBACK OF THE APPLICABLE ZONING DISTRICT.

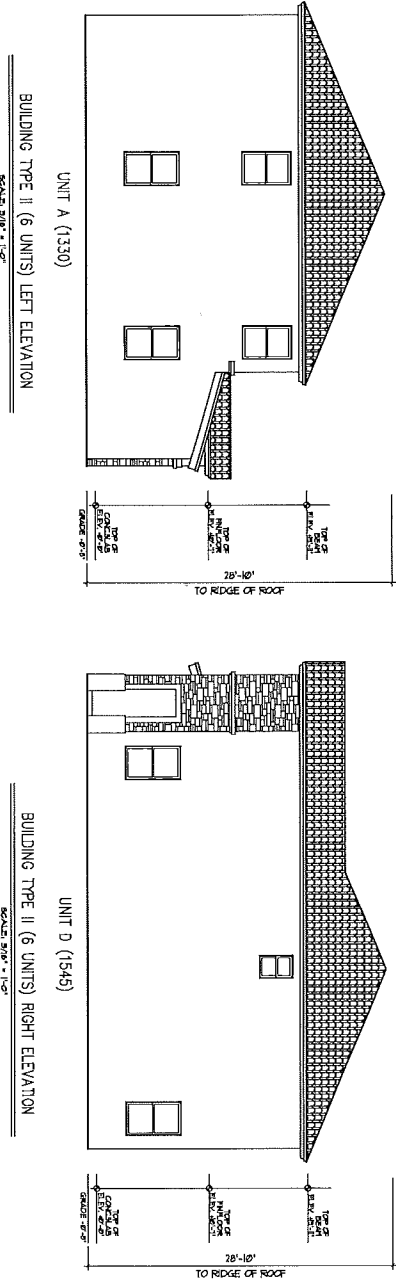
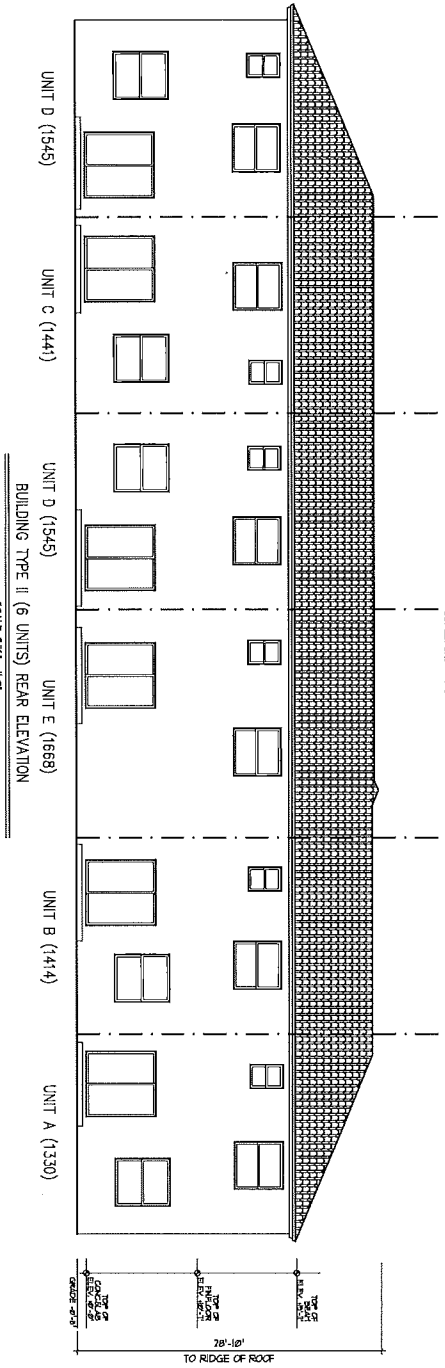
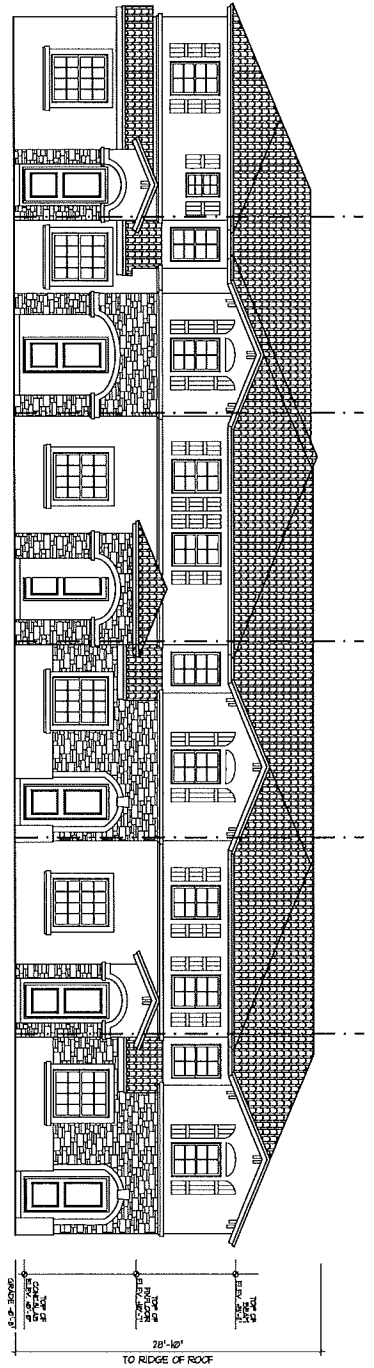


ARTESA PHASE II
 SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

PASCUAL PEREZ KILODJIAN & ASSOCIATES ARCHITECTS, PLANNERS AND ASSOCIATES
 1000 NW 84th AVENUE
 SUITE 1000
 MIAMI, FL 33150
 PHONE: (305) 555-8885
 FAX: (305) 555-8886
 WWW.PASCUALPEREZKILODJIAN.COM

DATE:	2015.03.05
SCALE:	AS SHOWN
DRAWN BY:	MD
CHECK BY:	PK
DATE:	7/09

66



NOTE:
 ANY COMBINATION OF BUILDING AND UNIT TYPES APPROVED AS PART OF THIS PLAN
 MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT
 TYPES. ALL BUILDING AND UNIT TYPES USED WILL COMPLY WITH THE MAXIMUM
 PERMITTED UNIT TYPES, PERMITTED OVER SPACE AND MINIMUM SETBACK OF
 THE APPLICABLE ZONING DISTRICT.

67

**PASCUAL
 PEREZ KLIDDJIAN
 & ASSOCIATES**
 ARCHITECTS
 10000 SW 15th Avenue
 Suite 100
 Miami, FL 33185
 Phone: (305) 555-1111
 Fax: (305) 555-1112
 www.pascualperezkliddjian.com

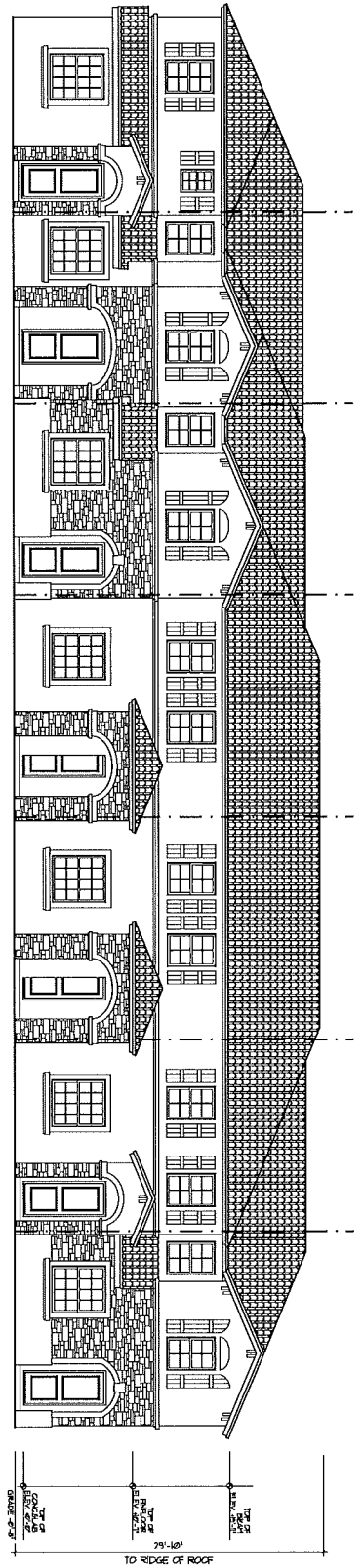
**ARTESA PHASE II
 SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA**

VILLAS
 5000
 BUILDING IDENTIFICATIONS
 BUILDING TYPE II (6 UNITS)

DATE: 2/17/18
 SCALE: AS SHOWN
 DRAWN: D
 CHECK: MK
 JOB NO.: 5000

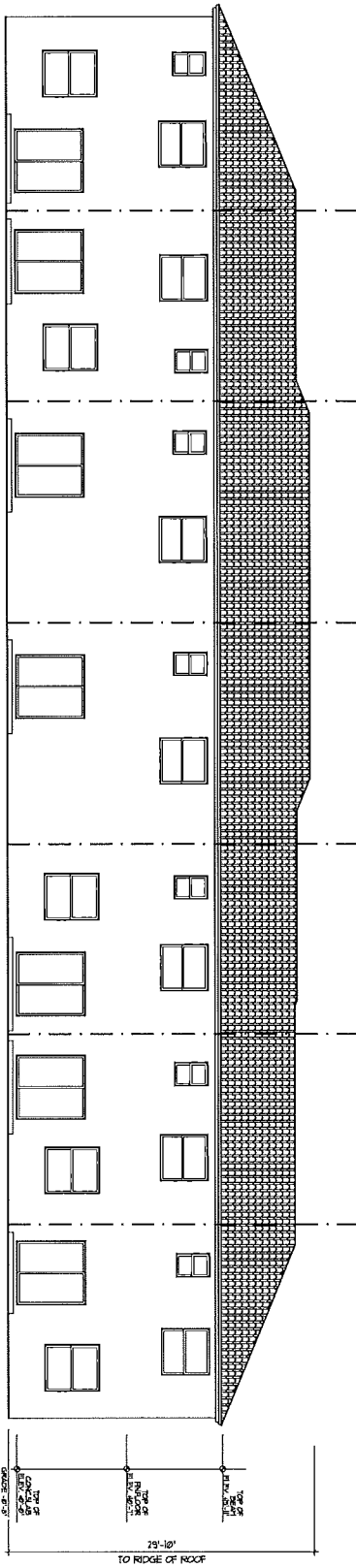
A-11

SHEET NO. 1



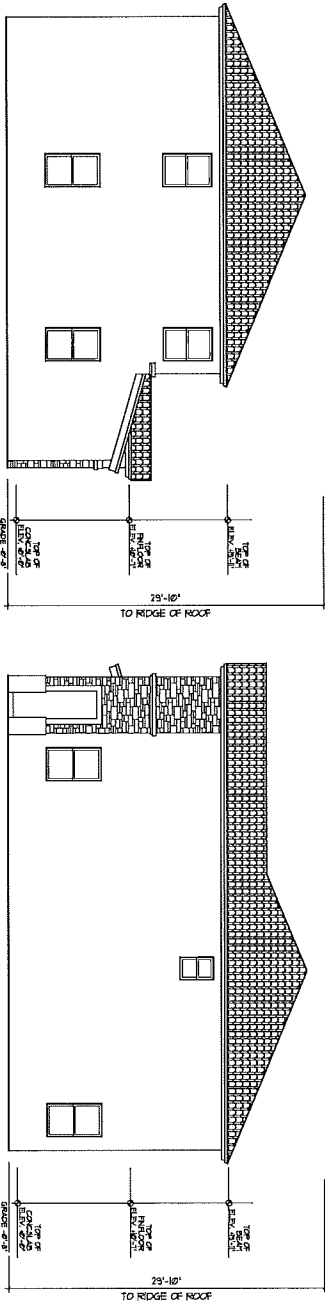
BUILDING TYPE III (7 UNITS) FRONT ELEVATION

SCALE: 3/8" = 1'-0"



BUILDING TYPE III (7 UNITS) REAR ELEVATION

SCALE: 3/8" = 1'-0"



BUILDING TYPE III (7 UNITS) LEFT ELEVATION

SCALE: 3/8" = 1'-0"

BUILDING TYPE III (7 UNITS) RIGHT ELEVATION

SCALE: 3/8" = 1'-0"

NOTE:
 EXAMINATION OF BUILDING AND UNIT TYPES APPROVED AS PART OF THIS PLAN
 MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT
 TYPES, ALL BUILDING AND UNIT TYPES USED WILL COMPLY WITH THE MAXIMUM OF
 THE APPLICABLE ZONING DISTRICT.

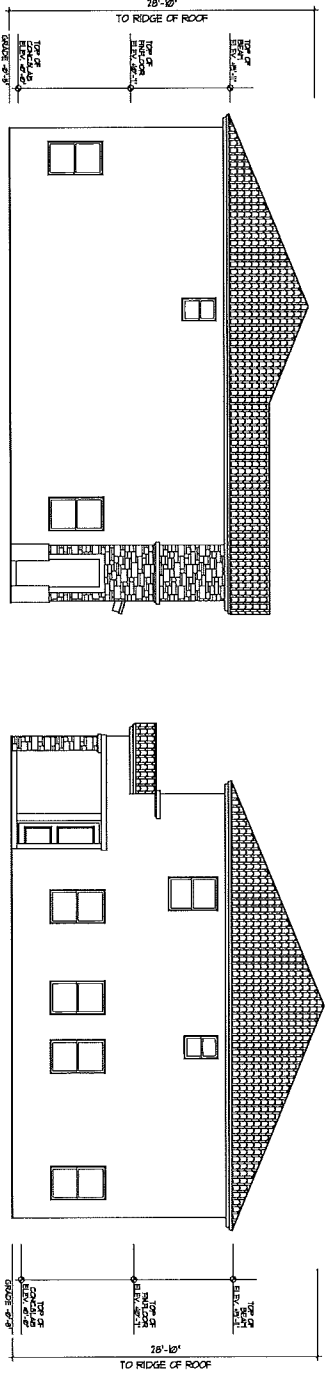
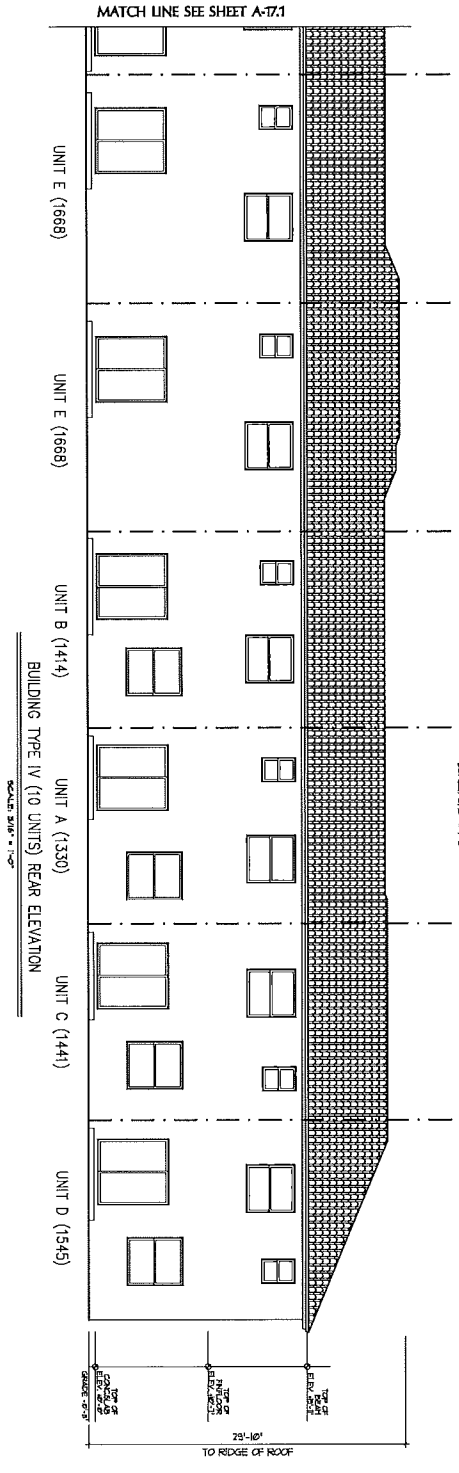
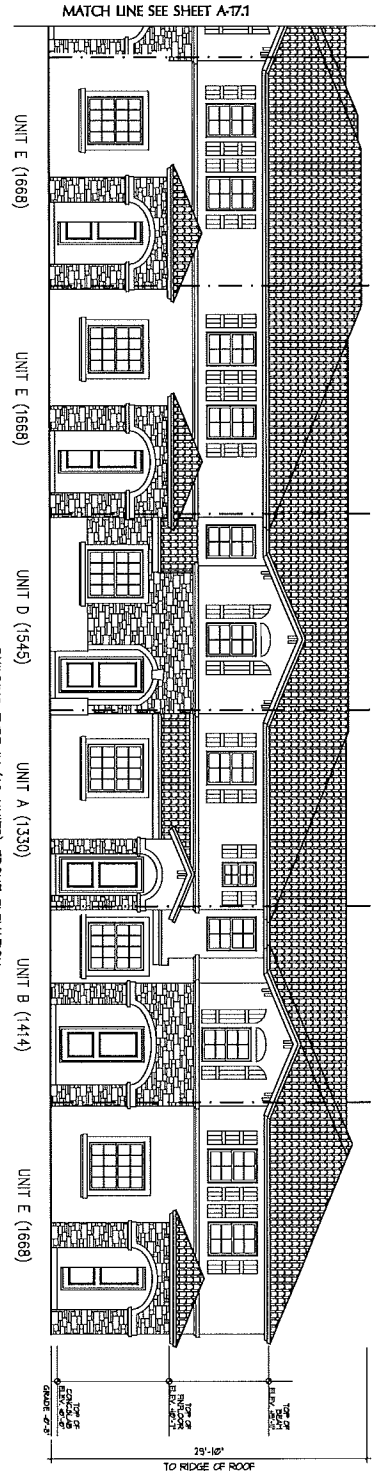
88
PASCUAL PEREZ KIUDJILIAN & ASSOCIATES ARCHITECTS
 1001 NW 84th Avenue, Suite 100
 Miami, FL 33150
 Phone: (305) 551-1111
 Fax: (305) 551-1112
 www.pascualperezkiudjilian.com

ARTESA PHASE II
SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

VILLAS

DATE: 2017-03-08
 SCALE: AS SHOWN
 DRAWN: D
 CHECK: MK
 JOB NO.: 17-09

SHEET NO.: A-14



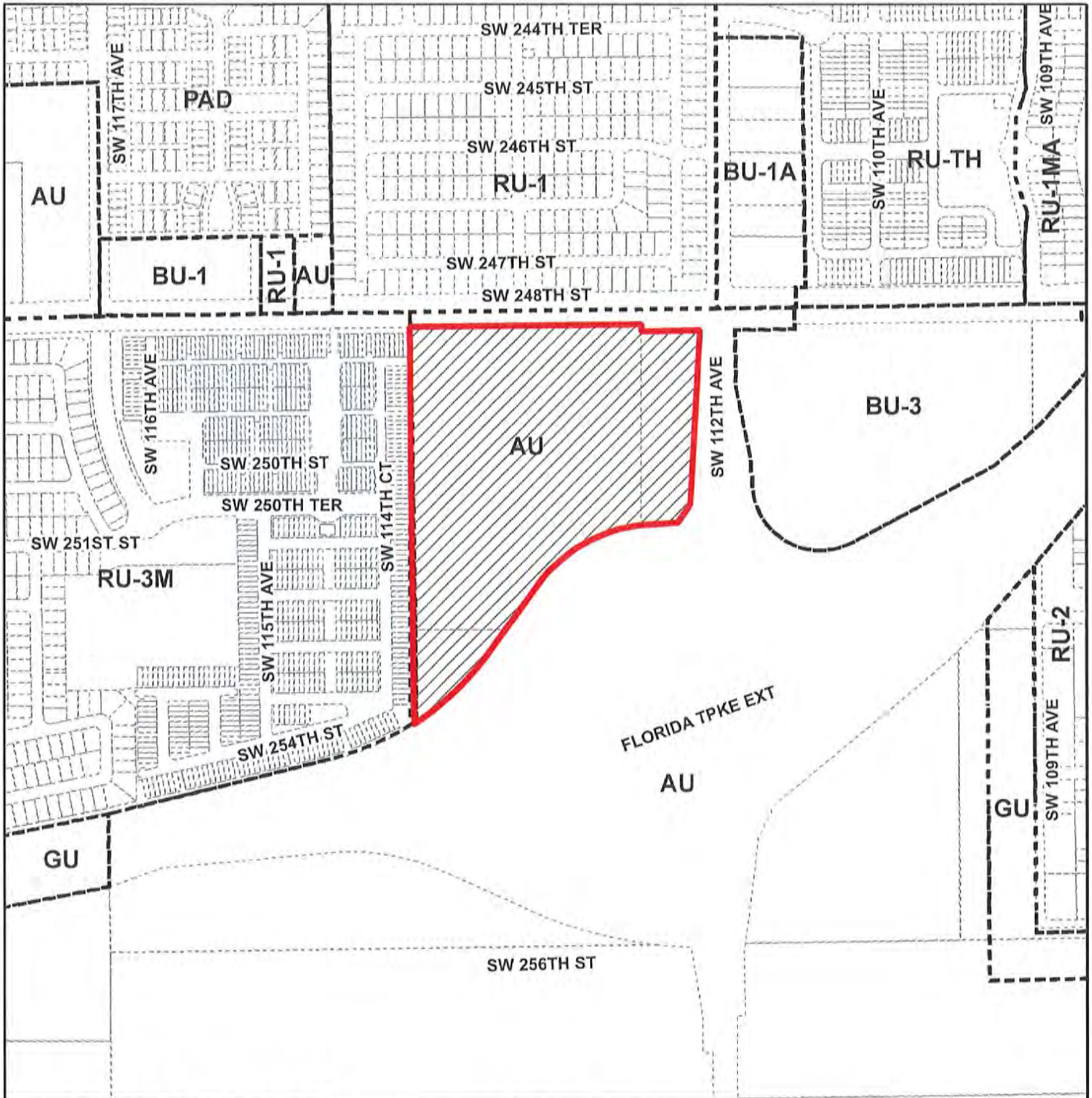
NOTE:
 THE COMBINATION OF BUILDING AND UNIT TYPES APPROVED AS PART OF THIS PLAN
 MAY BE SUBSTITUTED WITH ANY OTHER COMBINATION OF BUILDING AND UNIT
 TYPES, ALL BUILDING AND UNIT TYPES USED WILL COMPLY WITH THE MAXIMUM
 HEIGHT, SETBACK, AND MINIMUM SETBACK OF THE APPLICABLE ZONING DISTRICT.

69

PASCUAL PEREZ KUIDDIJIAN & ASSOCIATES
 ARCHITECTS
 1001 NW 8th Avenue
 10th Floor
 Miami, FL 33136
 Phone: 305.556.1111
 Fax: 305.556.1112
 www.perez-kuidjian.com

ARTESA PHASE II
SITE PLAN
 MIAMI-DADE COUNTY, FLORIDA

DATE: 03/27/2018
 SCALE: AS SHOWN
 DRAWN: MK
 CHECK: MK
 JOB NO.: 1509





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2017000139

Section: 30 Township: 56 Range: 40
 Applicant: SFI Palm Tree Farms, LLC
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Wednesday, June 28, 2017

REVISION	DATE	BY
		70



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2017000139

Legend
 Subject Property

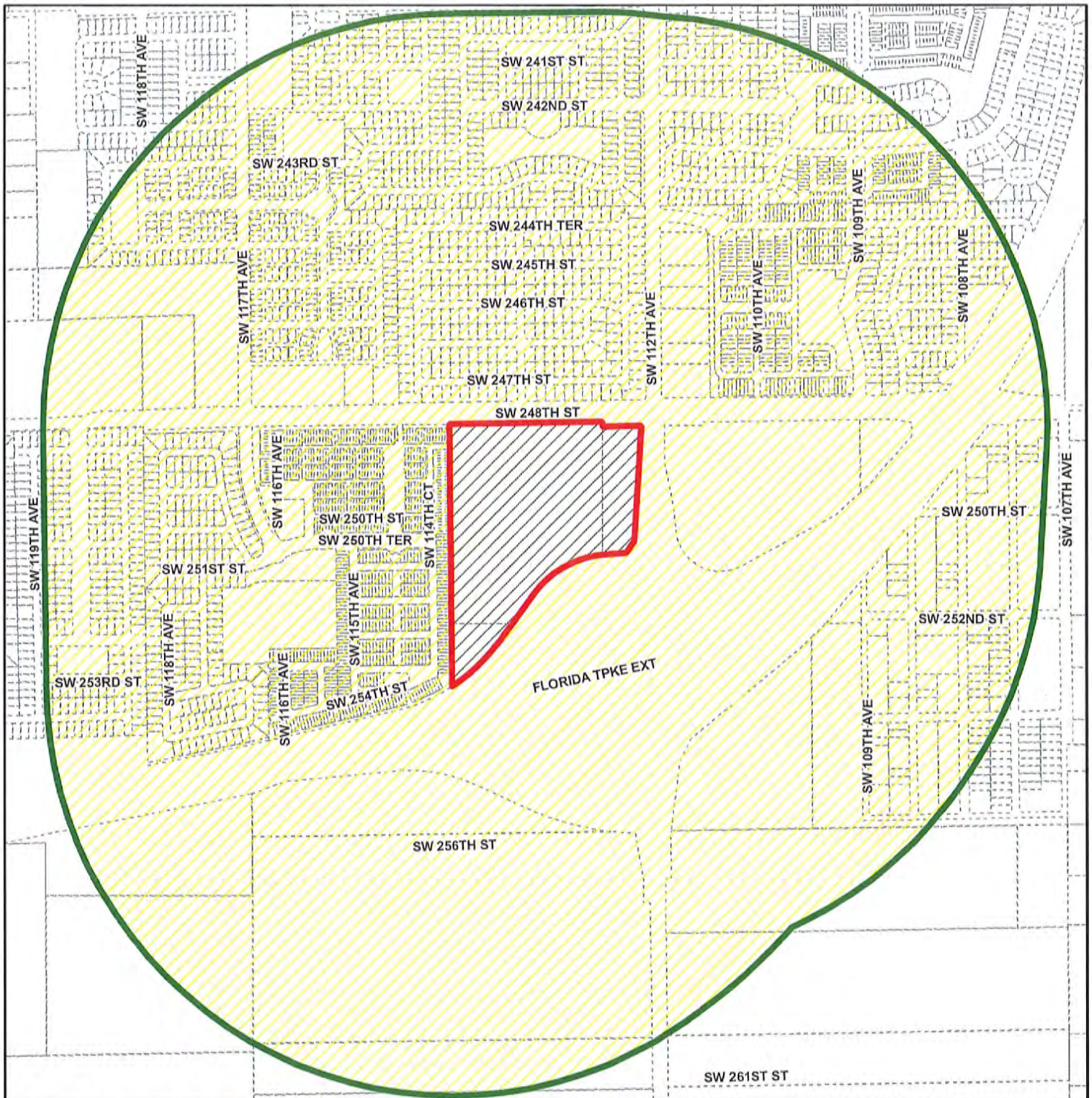


Section: 30 Township: 56 Range: 40
 Applicant: SFI Palm Tree Farms, LLC
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS



SKETCH CREATED ON: Wednesday, June 28, 2017

REVISION	DATE	BY
		071






**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 30 Township: 56 Range: 40
 Applicant: SFI Palm Tree Farms, LLC
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.Céspedes
 Scale: NTS

Process Number
Z2017000139
 RADIUS: 2640

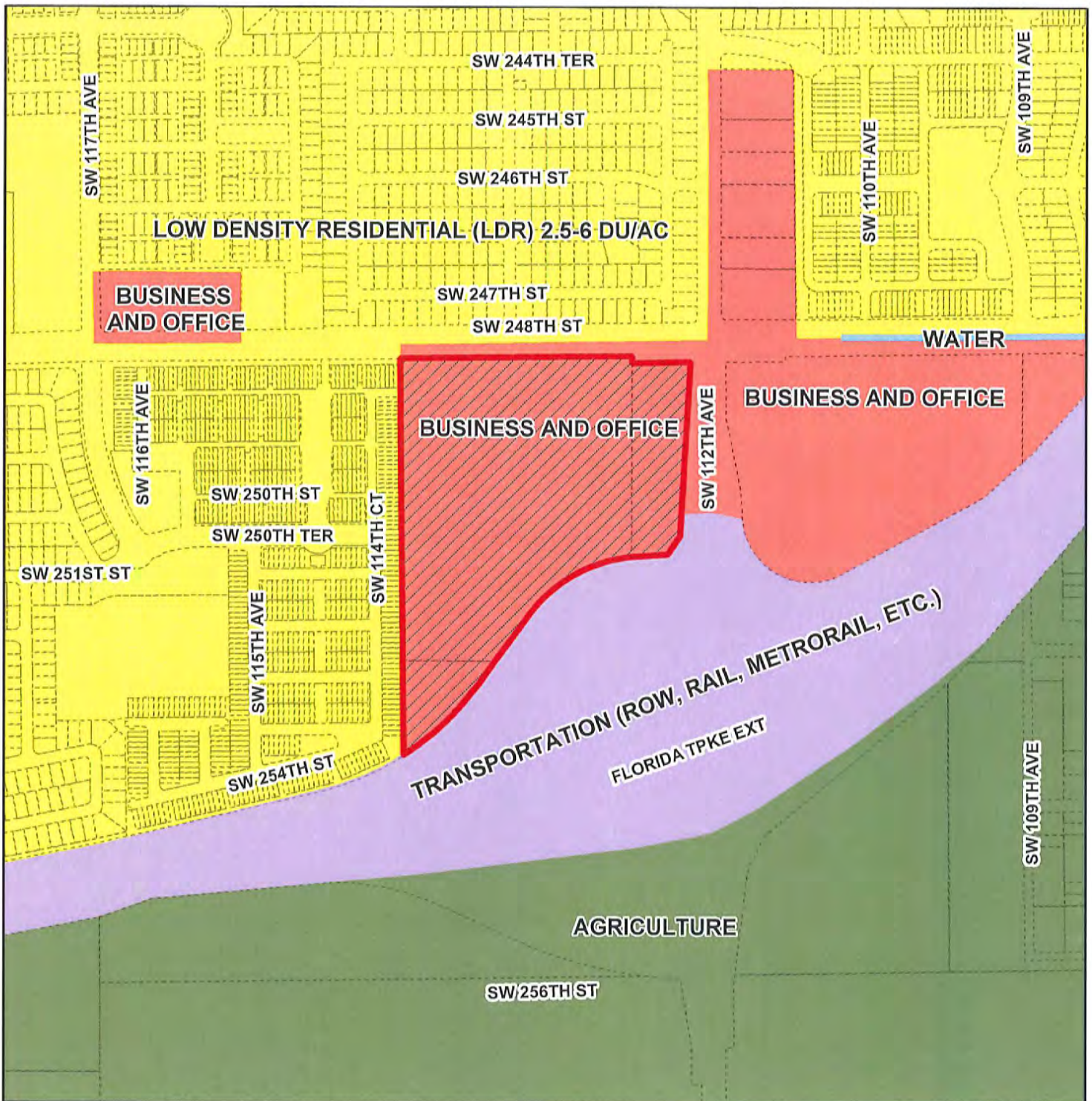
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, June 28, 2017

REVISION	DATE	BY
		72




MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2017000139

Section: 30 Township: 56 Range: 40
 Applicant: SFI Palm Tree Farms, LLC
 Zoning Board: C15
 Commission District: 8
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, June 28, 2017

REVISION	DATE	BY

(Handwritten: original)

This instrument was prepared by:

Name: Juan J. Mayol, Jr.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

*SFI Palm Tree Farms, LLC
Z17-139 Item #3
BCC
April 26, 2018*

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner, SFI PALM TREE FARMS, LLC, a Delaware limited liability company (the "Owner"), holds the fee simple title to that certain parcel of land in unincorporated Miami-Dade County (the "County"), which is legally described in Exhibit "A" to this Declaration (the "Property");

WHEREAS, the Property is to be developed with a residential component, which is legally described in Exhibit "B" to this Declaration (the "Residential Parcel"), and a commercial component, which is legally described as Exhibit "C" to this Declaration (the "Commercial Parcel");

WHEREAS, the Property is currently designated Business and Office on the Land Use Plan (LUP) map of the Adopted Components of the Miami-Dade County Comprehensive Development Master Plan (CDMP), which designation was approved pursuant to CDMP Application No. 10 of the April 2008 CDMP Amendment Cycle;

WHEREAS, the approval of CDMP Application No. 10 included the proffer of a Declaration of Restrictions (the "CDMP Declaration"), which is recorded in Official Records

Book 26875, Pages 3080 – 3093, a copy of which is attached to this Declaration as Exhibit “D.

WHEREAS, the CDMP Declaration requires, in part, the development of the Property with mixed-uses, *including* retail, office and community/institutional uses (community or government offices; community center; library; public, charter or private elementary and secondary schools; park/recreational uses; or similar uses) as may be approved by the County in accordance with certain Design Guidelines, which are referenced in Paragraph 2 of the CDMP Declaration;

WHEREAS, the Owner has filed an application with the County's Department of Regulatory and Economic Resources (the "Department"), which application is currently pending under Public Hearing Application No. Z2017000139 (the "Application"), for the purpose of seeking the rezoning of the Property and other zoning approvals to facilitate the future development of the Property as a mixed use project;

WHEREAS, the Owner has submitted detailed plans for the future development of the Property.

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

1. **Controlling Site Plan for Residential Parcel.** The Residential Parcel shall be developed substantially in accordance with the plans entitled “Artesa Phase II Site Plan,” as prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, Consulting Engineering and Science, Inc., Corwil Architects, and Witkin Hults Design Group, with sheets SP-1, SA-1 and SP-2 dated stamped received 3/08/17, and remaining

sheets dated stamped received December 19, 2017, consisting of a total of eighty-five (85) sheets (the "Residential Plans"), as may be modified at the public hearing on the Application.

2. **Site Plan for the Commercial Parcel.** The Commercial Parcel shall be developed substantially in accordance with the plans entitled "Orion - DNK Commercial – SW Corner of SW 248th Street and SW 112th Avenue, Miami, Florida," as prepared by Consulting Engineering and Science, Inc. ("CES"), Witkin Hults Design Group, and Thomas Sign & Awning Co., dated stamped received December 19, 2017, consisting of a total of twelve (12) sheets (the "Commercial Plans"), as may be modified at the public hearing on the Application. Subject to the limitations set forth herein, prior to the issuance of a building permit for any building within the Commercial Parcel, the Owner shall obtain approval of an application for administrative site plan review (ASPR) from the Department in accordance with Section 33-251.5 of the Code of Miami-Dade County, whether or not such approval would otherwise be required by Section 33-251.5 or any other provision of the Code.

A. The Site Plan shall depict the proposed improvements, but may show out parcels for future development in accordance with the Code. Future development of such out parcels will not be subject to any additional site plan review under this Paragraph, but will be subject to all applicable Code provisions in effect at the time of the development of the out parcels.

B. The plans submitted for the ASPR shall conform to the CDMP Declaration, including the Design Guidelines which are referenced in Paragraph 2 of the CDMP Declaration.

C. Nothing in this Declaration shall require the Owner to obtain site plan approval for the development of the Commercial Parcel prior to the approval of a tentative plat or final plat for the Commercial Parcel, which tentative plat and final plat may include any required

lake/retention area tracts or utility tracts.

3. **Residential Density.** Notwithstanding the approval of the Application, no more than 283 dwelling units may be constructed on the Property.

4. **Ownership and Maintenance of Roadways Common Areas.** In the event of multiple ownership, a homeowners' association, a special taxing district, a community development district or similar entity shall be established in accordance with applicable regulations to assure that all common areas and facilities for the use of all residents within the Residential Parcel shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County.

5. **Pedestrian and Vehicular Access.** The Owner agrees to provide permanent and safe access for pedestrian and vehicular traffic within the Property at all times. Access shall also be provided at all times to fire, police, health, sanitation, and other public service personnel and vehicles. Furthermore, all streets or access ways within the Property shall be installed by the Owner, including, but not limited to, sidewalks, drainage facilities, water, sewers, and fire hydrants, subject to the approval of the appropriate departments of Miami-Dade County.

6. **Roadway Improvements.** Prior to the issuance of a certificate of use and occupancy for any building on the Commercial Parcel, the Owner shall cause the construction of an additional lane of pavement on the north one-half of SW 248th Street to enhance the existing westbound flow of traffic on said roadway. The Owner's obligations under this Paragraph shall be subject to (1) the availability of the right-of-way necessary to accommodate the required roadway improvements; (2) the approval by the Director of the Department of Transportation

and Public Works ("DTPW"), or successor department, of a credit in lieu of payment against the roadway impact fees that will be assessed by the County in connection with the development of the Property; and (3) the Director's right to waive, modify or extend the timing for the improvements for good cause shown.

7. **Installation of Traffic Signal.** Prior to the approval of a final plat for the Property, the Owner shall submit to DTPW a traffic signal warrant study to evaluate the feasibility of the installation of a traffic signal at SW 248th Street and SW 113th Court (the "SW 113th Court Traffic Signal"). If DTPW concurs that a traffic signal is warranted, the Owner shall be responsible for the installation of the traffic signal at the Owner's expense. A bond for the estimated cost of signal installation must be posted prior to final plat approval. The signal must be installed within twelve (12) months following the approval of the traffic signal plans by DTPW. The Owner's obligations under this Paragraph shall be subject to (1) the availability of the right-of-way necessary to accommodate the required signal installation; (2) the approval by the Director of the DTPW, or successor department, of a credit in lieu of payment against the roadway impact fees that will be assessed by the County in connection with the development of the Property; and (3) the Director's right to waive, modify or extend the timing for the improvements for good cause shown.

8. **Miscellaneous.**

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

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

C. Term. This Declaration shall 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 the Declaration has been modified or released as provided in Paragraph 8 (D) below.

D. 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, or such portion as may covered by the proposed modification, amendment or release, 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 a public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances. Notwithstanding anything in this Declaration to the contrary, any modification, amendment or release that affects solely the Residential Parcel shall not require the joinder or consent of the

owner(s) of the Commercial Parcel. Similarly, notwithstanding anything in this Declaration to the contrary, any modification, amendment or release that affects solely the Commercial Parcel shall not require the joinder or consent of the owner(s) of the Residential Parcel.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release. 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.

E. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

G. 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.

H. 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.

I. 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 provision is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated provision.

J. Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith

execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County 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.

L. Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

IN WITNESS WHEREOF, SFI PALM TREE FARMS, LLC, has caused these present to be signed in its name on this 2nd day of March, 2018.

WITNESSES:

[Signature]

Signature

Fernando Sanchez

Print Name

[Signature]

Signature

Kathleen McCoy

Print Name

SFI PALM TREE FARMS, LLC, a Delaware limited liability company

By: [Signature]

Geoffrey M. Dugan, General Counsel
Corporate & Secretary

STATE OF FLORIDA)

) SS:

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by Geoffrey M. Dugan, General Counsel, Corporate & Secretary of SFI PALM TREE FARMS, LLC, a Delaware limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public – State of Florida
Printed Name

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco

On March 2, 2018 before me, Irina Shurinova, notary public
(insert name and title of the officer)

personally appeared Geoffrey M. Dugan
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature  (Seal)

EXHIBIT "A"

Subject property:

The land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

PARCEL NO. 2:

That certain real property located in the County of Miami-Dade, State of Florida, more particularly described as follows:

PARCEL 99 (F2):

The West $\frac{3}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ lying in Section 30, Township 56 South, Range 40 East, Miami-Dade County, Florida, less the North 65.00 feet thereof, and less the property lying within the following described boundaries:

Commence at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 30; thence run South $00^{\circ}28'03''$ East along the easterly boundary of the Northwest $\frac{1}{4}$ of said Section 30 for a distance of 1339.40 feet to a point; thence run South $88^{\circ}56'29''$ West, for a distance of 330.29 feet to the Point of Beginning of the herein described parcel; thence continue South $88^{\circ}56'29''$ West, for a distance of 592.17 feet to a point; thence North $34^{\circ}25'56''$ East, for a distance of 223.98 feet to the beginning of a curve concave to the Southeasterly, having a radius of 599.30 feet; thence run Northeasterly along said curve for 535.68 feet, through a central angle of $51^{\circ}12'48''$ to the end of said curve; thence run North $85^{\circ}38'44''$ East for a distance of 12.71 feet to a point; thence South $00^{\circ}31'23''$ East for a distance of 433.48 feet to the Point of Beginning.

PARCEL 100 (F2):

That part of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 30, Township 56 South, range 40 East, Miami-Dade County, Florida, lying Northwesterly of State Road no. 821, as shown on Florida Department of Transportation Section 87005-2304, sheet 10 of 15.

PARCEL NO. 6:

That certain real property located in the County of Miami-Dade, State of Florida, more particularly described as follows:

PARCEL 118 (F6):

A portion of the East $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 56 South, range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 30; thence run South $00^{\circ}28'03''$ East along the east boundary of the Northwest $\frac{1}{4}$ of said Section 30 a distance of 85.00 feet to a point; thence run South $89^{\circ}15'06''$ West along the existing Southerly Right-Of-Way boundary of Coconut Palm Drive a distance of 75.00 feet to the point of intersection with the West Right-Of-Way boundary of State Road no. 821, Section 87005-2304, said point being the Point of Beginning of the parcel of land hereinafter to be described; thence run South $04^{\circ}44'05''$ West along the last described line a distance of 244.43 feet to a point, said point being the

beginning of limited access right of way boundary of said State Road no. 821; thence continue on the last described course and along last described boundary a distance of 316.25 feet to a point of deflection; thence run South 02°57'58" West along said limited access right-of-way boundary a distance of 200.36 feet to a point of deflection; thence continuing along said limited access right of way boundary on a course of South 44°18'21" West a distance of 79.26 feet to a point of deflection; thence run South 85°38'44" West along said limited access right of way boundary a distance of 137.34 feet to a point of intersection with the West boundary of the East ¼ of the Northeast ¼ of the Northwest ¼ of said Section 30; thence run North 00°31'23" West along the last described line a distance of 822.70 feet to the point of intersection with a line that parallel to and 85.00 feet south of, as measured at right angles to, the north boundary of the Northeast ¼ of the Northwest ¼ of said section 30, said line being the existing Southerly Right-Of-Way boundary of Coconut Palm Drive; thence run North 89°15'06" East along the last described line a distance of 256.49 feet to the Point of Beginning.

EXHIBIT "B"

Residential Parcel:

A portion of the East 1/2 of the Northwest 1/4 of Section 30, Township 56 South, range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 30; thence S00°28'03"E, along the East line of the Northwest 1/4 of said Section 30 for a distance of 85.00 feet; thence S89°15'06"W, along the existing Southerly Right-Of-Way boundary of Coconut Palm Drive (S.W. 248TH STREET) for a distance of 75.00 feet to the point of intersection with the West Right-Of-Way boundary of State Road no. 821, Section 87005-2304; the next Nine (9) courses and distance being along the boundary lines of said State Road no. 821; 1) thence S04°44'05"W for a distance of 244.43 feet to a point, said point being the beginning of limited access Right-of-Way boundary of said State Road no. 821; 2) thence continue S04°44'05"W for a distance of 131.15 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; 3) thence continue S04°44'05"W for a distance of 185.10 feet; 4) thence S02°57'58"W for a distance of 200.36 feet; 5) thence S44°18'21"W for a distance of 79.26 feet; 6) thence S85°38'44"W for a distance of 150.05 feet to a point of curvature of a circular curve to the left, concave to the Southeast; 7) thence Southwesterly, along the arc of said curve, having for its elements a radius of 599.30 feet, through a central angle of 51°12'48" for an arc distance of 535.68 feet to a point of tangency; 8) thence S34°25'56"W for a distance of 331.20 feet to a point of curvature of a circular curve to the right, concave to the Northwest; 9) thence Southwesterly, along the arc of said curve, having for its elements a radius of 1183.24 feet, through a central angle of 22°39'45" for an arc distance of 468.01 feet to a point of non-tangency, said point also being the intersection with the West line of the East 1/2 of the Northwest 1/4 of said Section 30 and the Westerly boundary line of "COCO PALM ESTATES", according to the Plat thereof as recorded in Plat Book 171 , Page 32 of the Public Records of Miami-Dade County Florida; thence N00°41'17"W, along the last describe line for a distance of 1687.03 feet to its intersection with a line 65.00 feet South and parallel with the North line of the Northeast 1/4 of the Northwest 1/4 of said section 30, said line also being the existing Southerly Right-Of-Way boundary of Coconut Palm Drive (S.W. 248TH STREET); thence N89°15'06"E along the last described line for a distance of 434.30 feet; thence S00°44'59"E for a distance of 332.00 feet; thence S06°37'56"W for a distance of 62.40 feet; thence N89°15'01"E for a distance of 788.76 feet to the POINT OF BEGINNING.

The above described parcel contains 1,054,273.10 Square Feet or 24.20 Acres more or less.

EXHIBIT "C"

Commercial Parcel:

A portion of the East 1/2 of the Northwest 1/4 of Section 30, Township 56 South, range 40 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 30; thence S00°28'03"E, along the East boundary of the Northwest 1/4 of said Section 30 for a distance of 85.00 feet; thence S89°15'06"W, along the existing Southerly Right-Of-Way boundary of Coconut Palm Drive (S.W. 248TH STREET) for a distance of 75.00 feet to the point of intersection with the West Right-Of-Way boundary of State Road no. 821, Section 87005-2304 and the POINT OF BEGINNING of the hereinafter described parcel of land; the next two (2) courses and distance being along the boundary lines of said State Road no. 821; 1) thence S04°44'05"W for a distance of 244.43 feet to a point, said point being the beginning of limited access right of way boundary of said State Road no. 821; 2) thence continue S04°44'05"W for a distance of 131.15 feet; thence S89°15'01"W for a distance of 788.76 feet; thence N06°37'56"E for a distance of 62.40 feet; thence N00°44'59"W for a distance of 332.00 feet to its intersection with a line 65.00 feet South and parallel with the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 30, said line also being the existing Southerly Right-Of-Way boundary of Coconut Palm Drive (S.W. 248TH STREET), the next three (3) courses and distances being along the last described Right-Of-Way line; 1) thence N89°15'06"E for a distance of 560.23 feet; 2) thence S00°31'23"E for a distance of 20.00 feet to its intersection with a line 85.00 feet South and parallel with the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 30, 3) thence N89°15'06"E for a distance of 256.49 feet to the POINT OF BEGINNING.

The above described parcel contains 310,061.40 Square Feet or 7.12 Acres more or less.

EXHIBIT "D"

Declaration of Restrictions recorded in Official Records Book 26875, Pages 3080 – 3093.

OPINION OF TITLE

To: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami Dade County, and as an inducement and in compliance with Chapter 28, Subdivision Code, and as an inducement for acceptance of an Amendment to Declaration of Restrictions covering the real property, hereinafter described, it is hereby certified that I have examined Fidelity National Title Insurance Company Commitment under Order No. 6586955 covering the period from the beginning to February 22, 2018 at 11:00 p.m., inclusive of the following described real property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Lennar Homes, LLC, a Florida limited liability company ("Lennar")

Further, I am of the opinion that either Carlos Gonzalez or Greg McPherson, each as Vice President of Lennar Homes, LLC., a Florida limited liability company, is authorized to execute all documents on behalf of Lennar and that based solely on the letter dated November 21, 2017, from Solomon Furshman & Cooperman, LLP, Carlos Gonzales or Greg McPherson, each as Attorney-in-Fact is authorized to execute all documents on behalf of the Silver Palm By Lennar Community Association, Inc.

Subject to the following encumbrances, liens, and other exceptions:

1. RECORDED MORTGAGES:

None.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

3. **GENERAL EXCEPTIONS:**

1. All taxes for the year in which this opinion is rendered.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the property that would be disclosed upon accurate survey.
4. Any labor, mechanics' or materialmen's liens not shown by the public records.
5. Zoning and other restrictions imposed by governmental authority.
6. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
7. Any claim that any portion of the property is sovereign lands by the State of Florida, including submerged, filled or artificially exposed lands accreted to such property.

4. **SPECIAL EXCEPTIONS:**

1. Easement granted to Florida Power and Light Company, dated September 1, 1988, filed September 28, 1988 in Official Records Book 13838, Page 2737.
2. Covenants, conditions, restrictions, limitations contained in that Declaration of Restrictions filed September 17, 2004 in Official Records Book 22662, Page 3984; as amended by Modification of Declaration of Restrictions filed August 2, 2006 in Official Records Book 24780, Page 2321; Homeowner's Consent to Modification of Declaration filed March 23, 2007 in Official Records Book 25474, Page 4175; and by that Second Modification and Restatement of that Certain Declaration of Restrictions filed September 21, 2010 in Official Records Book 27428, Page 3308, and Partial Release filed July 23, 2013 in Official Records Book 28736, Page 1943, and Partial Release filed July 23, 2013 in Official Records Book 28736, Page 1932, as may be further amended, all of the Public Records of Miami-Dade County, Florida.
3. Covenants, conditions, restrictions, limitations, and assessments contained in Declaration of Restrictive Covenants filed November 28, 2005 in Official Records Book 23992, Page 3234; Joinder by Mortgagee filed in Official Records Book

23992, Page 3260; and by that Amendment to Declaration filed October 28, 2008 in Official Records Book 26627, Page 2115, of the Public Records of Miami-Dade County, Florida.

4. Terms, conditions and assessments in Silver Palm East and Silver Palm West Multipurpose Maintenance and Street Lighting Special Taxing District, evidenced by Resolution No, R-604-05 filed August 17, 2005 in Official Records Book 23687, Page 206; Ordinance No. 05-104 filed August 17, 2005 in Official Records Book 23687, Page 706; and by that Declaration of Covenant filed November 3, 2006 in Official Records Book 25070, Page 3143, all of the Public Records of Miami-Dade County, Florida.
5. Terms and conditions as contained in that Agreement for Water and Sanitary Sewage Facilities between Miami-Dade County and Silver Palm Holdings of Homestead, LLC, filed June 16, 2005 in Official Records Book 23479, Page 4050, of the Public Records of Miami-Dade County, Florida.
6. All of the terms, restrictions, easements, covenants, conditions and other provisions including private charges and/or assessments, and liens for amounts of money or charges or assessments for various purposes, as contained in the Amended and Restated Declaration for Silver Palms, filed August 7, 2006 in Official Records Book 24796, Page 3415, and any Exhibits annexed thereto, as amended and/or affected by Reaffirmation Declarations for Silver Palms filed December 22, 2006 in Official Records Book 25216, Page 268; First Amendment to Amended and Restated Declaration filed January 5, 2007 in Official Records Book 25255, Page 933; Reaffirmation Amended and Restated Declaration for Silver Palms filed August 15, 2007 in Official Records Book 25857, Page 2935; First Amendment to Amended and Restated Declaration filed May 6, 2008 in Official Records Book 26363, Page 4956; Second Amendment to Amended and Restated Declaration filed May 29, 2008 in Official Records Book 26403, Page 1370; Third Amendment to Amended and Restated Declaration filed May 7, 2009 in Official Records Book 26858, Page 123; Fourth Amendment to Amended and Restated Declaration filed May 18, 2010 in Official Records Book 27288, Page 1624; Reaffirmation of Amended and Restated Declaration for Silver Palms filed October 21, 2010 in Official Records Book 27463, Page 3751; Fifth Amendment to Amended and Restated Declaration filed September 19, 2012 in Official Records Book 28278, Page 4374; and by that Sixth Amendment to Amended and Restated Declaration filed May 6, 2013 in Official Records Book 28615, Page 939; and by that Seventh Amendment to Amended and Restated Declaration filed March 6, 2014 in Official Records Book 29057, Page 2656; and Eighth Amendment to Amended and Restated Declaration for Silver Palms filed May 1, 2017 in Official Records Book 30515, Page 4437, as may be further amended, and which additionally provides for option to purchase, right of First Refusal or prior approval of a future purchaser or occupant.
7. Terms, provisions, liens and assessments of the Palm Glades Community Development District, as evidenced by that Notice of Establishment of the Palm

Glades Community Development District filed November 29, 2005 in Official Records Book 23995, Page 2598; as amended and/or affected by Declaration of Consent to Imposition of Special Assessments filed February 21, 2006 in Official Records Book 24255, Page 2777; Partial Release of Property from Declaration of Consent filed December 4, 2007 in Official Records Book 26083, Page 2210; Amended Notice of Establishment of the Palm Glades Community Development District filed December 5, 2007 in Official Records Book 26089, Page 1609; Partial Release of Property from Declaration of Consent filed January 15, 2008 in Official Records Book 26161, Page 21; Declaration of Consent to Imposition of Special Assessments filed March 14, 2008 in Official Records Book 26270, Page 764; and by that Notice of Financing Plan and Maintenance of Improvements - Palm Glades Community Development District filed June 20, 2012 in Official Records Book 28155, Page 4596, and Final Judgment for Validation of Special Assessment Bonds filed September 18, 2017 in Official Records Book 30682, Page 3975, all of the Public Records of Miami-Dade County, Florida.

8. Terms, provisions, restrictions, limitations, reservations, easements, and liens for amounts of money or charges or assessments for various purposes, and contained in Club Silver Palms Club Plan, filed August 7, 2006 in Official Records Book 24796, Page 3350; and as amended by First Amendment to Club Silver Palms Club Plan filed March 6, 2014 in Official Records Book 29057, Page 2653, Second Amendment to Club Silver Palms Club Plan filed May 2, 2017 in Official Records Book 30517, Page 616, as may be further amended.
9. Terms & provisions, restrictions & limitations contained in Master Deed Restrictions filed by Lennar Homes, Inc. and U.S. Home Corporation filed April 29, 2004 in Official Records Book 22254, Page 607, which document shall be an exception on all policies on the sale of all homes (as defined therein) sold and conveyed by Lennar Homes, Inc.
10. Dedications, restrictions, limitations, easements and other matters contained on the Plat of SILVER PALM EAST SECTION TWO, according to the Plat thereof recorded in Plat Book 164, Page 87, of the Public Records of Miami-Dade County, Florida.
11. True Up Agreement with Palm Glades Community Development District filed February 22, 2008 in Official Records Book 26229, Page 4199.
12. Entrance Feature Maintenance Agreement filed May 25, 2007 in Official Records Book 25651, Page 3117.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the Amendment to Declaration in order to make the Amended Declaration a valid and binding covenant on the lands described herein:

<u>Name</u>	<u>Interest</u>
Lennar Homes, LLC, a Florida limited liability company	Owner

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable Amendment to Declaration.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and I am a member in good standing of The Florida Bar.

Respectfully submitted this 6th day of March, 2018.

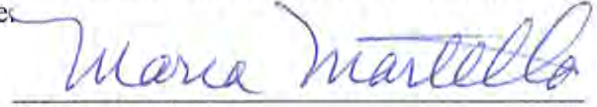


Jonathan S. Marcus
Florida Bar No. 333591
Holland & Knight LLP
P.O. Box 14070 (Zip Code 33302-4070)
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 468-7924

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 6th day of March, 2018, by Jonathan S. Marcus, who is personally known to me:



Notary Public



EXHIBIT "A"

Tract E, in **SILVER PALM EAST SECTION TWO**, according to the Plat thereof, recorded in Plat Book 164, Page 87, of the Public Records of Miami-Dade County, Florida.

#55709888_v1

COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF THURSDAY, MARCH 8 2018

SOUTH DADE GOVERNMENT CENTER-1ST FLOOR ROOM #104

10710 S.W. 211 STREET, MIAMI, FLORIDA

SFI PALM TREE FARMS, LLC

(17-139)

Members of the Board

Present

Marvin Wilson, Chair
Enid W. Demps, Vice-Chair
Johnny G. Farias
Larry E. Jackson
Marva Williams

STAFF

Cassandra Henderson, Clerk
Richard Schevis, County Attorney
Leo Rodriguez, Platting & Traffic Review

1 (Thereupon, the following proceedings were had.)

2 CHAIRMAN WILSON: Are the County Reporter and
3 the County Attorney present?

4 THE COUNTY ATTORNEY: Yes.

5 THE COURT REPORTER: Yes.

6 CHAIRMAN WILSON: I'm sorry. The court
7 reporter.

8 Ladies and gentlemen, this meeting at the
9 Community Council 15 has come to order on this
10 March 8th, 2018.

11 Please stand for the Pledge of Allegiance.

12 (Thereupon, the Pledge of Allegiance was had,
13 after which the following transpired.)

14 CHAIRMAN WILSON: Please be seated.

15 Staff, will you please call the roll.

16 MS. HENDERSON: Councilman Farias?

17 COUNCILMAN FARIAS: Present.

18 MS. HENDERSON: Councilman Jackson?

19 COUNCILMAN JACKSON: Here.

20 MS. HENDERSON: Councilman Murrow?

21 Councilwoman Murillo?

22 Councilwoman Williams?

23 COUNCILWOMAN WILLIAMS: Present.

24 MS. HENDERSON: Vice-Chair Demps?

25 VICE-CHAIR DEMPS: Present.

1 MS. HENDERSON: Chair Wilson?

2 CHAIRMAN WILSON: Present.

3 MS. HENDERSON: We have a quorum.

4 CHAIRMAN WILSON: Those of you who are present
5 who wish to speak must stand and allow the court
6 reporter to swear you in.

7 (Thereupon, all interested individuals seeking
8 to give testimony in the case were duly sworn to
9 tell the truth, the whole truth, and nothing but
10 the truth, after which the following transpired.)

11 CHAIRMAN WILSON: Are there any deferrals?
12 Anyone wishing to defer their item today? At this
13 time there is no deferrals.

14 Give the Explanation.

15 MS. HENDERSON: The open statement?

16 In accordance with the Code of Miami-Dade
17 County, all items to be heard this evening have
18 been legally advertised in the newspaper, notices
19 have been mailed, and the properties have been
20 posted. Additional copies of the agenda are
21 available here at the meeting.

22 Items will be called up to be heard by agenda
23 number and name of applicant. The record of the
24 hearing on each application will include the
25 records of the Department of Regulatory and

1 Economic Resources.

2 All these items are physically present this
3 evening, available to all interested parties, and
4 available to the members of the Board who may
5 examine items for the record during the hearing.

6 Parties have the right of cross-examination.

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

10 In addition, the following departments have
11 representatives present here at the meeting to
12 address any questions: The Zoning Evaluation and
13 Platting and Traffic Review Section of the
14 Department of Regulatory and Economic Resources,
15 the County Attorney's Office.

16 All items used in representations before the
17 Board will become part of the public record and
18 will not be returned unless an identical
19 letter-sized copy is submitted for the file.

20 Any person making impertinent or slanderous
21 remarks or who becomes boisterous while addressing
22 the Community Zoning Appeals Board, shall be barred
23 from further audience before the Community Zoning
24 Appeals Board by the presiding officer unless
25 permission to continue or again address the Board

1 be granted by the majority vote of the Board
2 Members present.

3 The number of filed protests and waivers on
4 each application will be read into the record at
5 the time of the hearing as each application is
6 read.

7 Those items now heard prior to the ending time
8 of this meeting will be deferred to the next
9 available zoning hearing meeting date for this
10 Board.

11 CHAIRMAN WILSON: When I call your item,
12 please step up to the podium and state your name
13 and address clearly for the record.

14 MR. ACOSTA: I need five minutes, okay. I'm
15 going to pull that speaker out. I need everybody
16 quiet so that you can hear them. The recording is
17 not going to be affected because I have my machine
18 hooked up to the microphone. I have people outside
19 that can't hear the meeting. If they have problems
20 I have to cancel the meeting because they're
21 already complaining because they're not inside the
22 meeting, okay. For security reasons I cannot bring
23 them in.

24 CHAIRMAN WILSON: Ladies and gentlemen, we're
25 going to call a recess for five minutes.

1 (Thereupon, there was a recess taken, after
2 which the following proceedings were had.)

3 MR. CENTENO: Mr. Chair, I understand that
4 we're trying to accommodate the people outside but
5 how are they going to be able to see any of the
6 visual diagrams to be able to see what it is that
7 they are proposing. I think this is lopsided. I
8 think this is a lack of accommodation and I don't
9 think it's fair to the residents.

10 CHAIRMAN WILSON: County Attorney, do you want
11 to address that?

12 COUNTY ATTORNEY: I think as long as they're
13 able to hear it. I'm checking but as long as they
14 are able to speak and be heard the minimum
15 standards matter.

16 CHAIRMAN WILSON: As long as the minimum
17 standards are being met, we are going to continue
18 to proceed with the meeting. If you have any
19 objections you can raise it at a later time.

20 When I call your item please step up to the
21 podium and state your name and address clearly for
22 the record. I will then proceed to call those of
23 you who support the application and then I will
24 call for objectors. Those of you here who wish to
25 speak will state your name and address again for

1 the record. For those of you speaking, I would ask
2 that you make your presentation short and
3 nonrepetitive as we're very limited on time.

4 Staff, will you please call the first item.

5 MS. HENDERSON: Item Number 1, 17-139 SFI Palm
6 Tree Farms, LLC, zero filed protesters, zero filed
7 waivers.

8 CHAIRMAN WILSON: Please proceed.

9 MR. MAYORAL: Good evening, Chairman Wilson,
10 Members of the Council. My name is Juan Mayoral.
11 I'm with the law firm of Holland and Knight, and
12 I'm joined by my colleagues Pedro Gassant and Al
13 Torres on behalf of the applicant SFI Palm Tree
14 Farms.

15 I'm also joined by our design professionals
16 and the Traffic Engineer Mr. John Kim. He's
17 probably outside waiting to get in.

18 I'm also joined by principals of Orion Group
19 who are the developers of the proposed commercial
20 parcel that's the subject of this application, as
21 well as the members of the Lennar Homes staff,
22 Carolina Herrera who's the Director of Land
23 Operations, Teresa Baluja who's the Director of
24 Property Management; Val Snider, Director of
25 Customer Care; Angel Rodriguez, Senior Land

1 Acquisition Manager; Alexi Haas, Land Acquisition
2 Analyst.

3 I will handle most of the representation and
4 will only call them in case that there are
5 questions that need to be addressed by them, but in
6 the interest of time I will be the one handling the
7 presentation.

8 As an initial matter, I'd like to tell you
9 that our plan is to use the exhibit here and then
10 we're going to send it outside so that people can
11 actually see it. If we need to bring it back we
12 will bring it back.

13 Also, earlier today we filled a Revised
14 Disclosure of Interest Form indicating that Wawa, a
15 Florida LLC, has executed a lease agreement with
16 the owners of the property and we wanted to
17 supplement the record by introducing that into the
18 record this evening. The original was delivered to
19 staff earlier today.

20 I also would like to introduce into the record
21 a Resolution of Support of this project by the
22 Board of Supervisors of the Palm Glades Community
23 Development District.

24 And I'm sorry, I should have apologized for my
25 outfit. I usually wouldn't be wearing jeans and a

1 boot, but I had surgery a couple months ago and I'm
2 still dealing with it.

3 As you know the Silver Palms Community is
4 located generally northeast up here on the north
5 side of 248th Street and west of 112th. The Palm
6 Glades CDD covers that area. The Board of
7 Supervisors, for your information, is made up of
8 the residents of Silver Palms Community.

9 We have been working on this application for
10 the better part of a year now, and I am pleased to
11 be before you with our Recommendation of Approval
12 from your professional staff. We have worked with
13 them very closely, as I said, for the better part
14 of last year, and we're very grateful for their
15 time, their guidance and support.

16 Since staff is supporting the application and
17 suggesting that this Board approve the application,
18 I'm going to be very brief.

19 And while I want to address the Board Members,
20 I also welcome the opportunity to address those in
21 the audience. I apologize for the mechanics and
22 dynamics logistics of this room, but we are given
23 circumstances that won't allow me to address you
24 personally.

25 I know many of you are outside. I hope that

1 you will hear and are able to hear, and whether
2 you're here in favor, against or neutral of this
3 application, I hope to address many of the
4 questions and comments that we have heard as we
5 have conducted our outreach in the neighborhood.

6 We started the outreach on this project with
7 our neighbors many months ago. In fact, we held
8 three separate meetings in December with the
9 closest homeowners, and I'm going to go back to the
10 board and show you who those are.

11 The closest homeowners association is a
12 community of Artesa, which is a community under
13 development by Lennar homes. That community came
14 before this Board back in 2014. We were blessed
15 with your approval. That community was hugely
16 successful for Lennar and it's a beautiful
17 community. It consists of single-family homes
18 which are located closest to the west, villas and
19 townhomes further to the east.

20 Our application today proposes villas and
21 townhomes which are the same unit with the same
22 features and options and quality as the villas and
23 townhomes that are being built by Lennar or have
24 been built by Lennar over the last three years.

25 So since our closest homeowners association,

1 we had three separate meetings. We met with the
2 villa owners, we met with the townhome owners, and
3 we met with the single-family owners, and as a
4 result became aware of some of their concerns and
5 questions that they had.

6 Let me show you the site plan for -- we're
7 sending it out.

8 Just to go back over this point, this is the
9 plan that this council approved back in the 2014
10 for the development of Artesa villas, townhomes,
11 single-family homes here.

12 We had separate meetings with each one of
13 them. There were a couple of concerns that they
14 raised, and I'm going to address those concerns and
15 comments as part of my presentation.

16 Since we sent the aerial out, let me just put
17 the zoning map here and give you a sense of where
18 we are and then I'll go right into the
19 presentation.

20 So, this property is 31.32 acres located on
21 the southwest corner of 112 and 248th Street and
22 some of the landmarks, of course the community of
23 Artesa, which I've been discussing, Islandia to the
24 north, the CVS at the corner, the northeast corner
25 of 248th and 112th, this large BU-3 parcel here

1 which remains vacant today is the parcel that was
2 approved by this Board for the office distribution
3 center for Baptist Hospital. We are located on a
4 privilege location 248th Street intersection of
5 112th with direct connection to the Florida
6 Turnpike.

7 As we will show you in more detail shortly our
8 site plan -- it's upside down. Here we go. As we
9 will show you in more detail, our site plan
10 proposes a mixed-use community. And I'm sorry for
11 the back and forth, but the best we can do. We're
12 proposing a mixed-use community where we would
13 have -- we're proposing a retail center at the very
14 corner of the intersection of 248 and 112th. The
15 balance will be developed by Lennar Homes as Phase
16 II of the existing Artesa Community.

17 MR. ACOSTA: Juan.

18 (Thereupon, there was an interruption in the
19 proceedings, after which the following transpired.)

20 MR. ACOSTA: I got a situation. A lot of
21 people outside they want to speak and they want to
22 see the presentation because if they don't see it,
23 the way they're moving they break the building up.
24 They want to see the person who's doing the
25 presentation and the people who are talking. And

1 they're right. Unfortunately, this room is too
2 small. I'm going now to the library to talk to the
3 lady. If I can get that date, the next month, then
4 we move the meeting to the next month without a
5 problem. There will not be an advertising but I'm
6 going to put signs sending the people to the
7 library.

8 MR. MAYORAL: Are you going to be able to hear
9 Items 2 and 3?

10 MR. ACOSTA: They're all for all three and
11 people against.

12 COUNCILWOMAN WILLIAMS: Let me make sure I
13 understand you. So, you're saying if you can get
14 the library on the 19th of April.

15 MR. ACOSTA: As soon as they see these people,
16 the crowd, and they complain because they can't be
17 here inside, the meeting is over. No matter what.
18 And we're going to get in trouble. We're all are
19 going to get in trouble.

20 COUNTY ATTORNEY: What time do we have this
21 room until?

22 MR. ACOSTA: Until 11:00 o'clock.

23 VICE-CHAIR DEMPS: You know, when the Board of
24 County Commissioners have meetings and you can't
25 get inside they don't cancel.

1 MR. ACOSTA: They have a screen.

2 VICE-CHAIR DEMP: Oh, okay. That's the
3 difference. I've been down there and I couldn't
4 get in.

5 MR. ACOSTA: If you had a video screen I can
6 do that. But right now, these people are in their
7 rights.

8 UNIDENTIFIED AUDIENCE MEMBER: Let me ask you
9 something. Even if we go to the library, will they
10 be able to see the presentation and see the Board?

11 MR. ACOSTA: No. They can see the
12 presentation because at least I can sit about 250
13 people there. I can bring 200. He's been there
14 before. We can bring 250 people.

15 But, unfortunately, these people are against
16 your application and they have the right to be
17 here. They want to see the presentation.

18 MR. MAYORAL: I think that they deserve the
19 right to be heard. And, so, as long as they are
20 provided an opportunity to come and speak.

21 UNIDENTIFIED AUDIENCE MEMBER: So, we can step
22 out.

23 MR. MAYORAL: You want the people who are not
24 here on Item 1 to leave and then you allow people
25 to come in?

1 MR. ACOSTA: You want to do that? We can work
2 it out. Maybe bring five at a time.

3 (Thereupon, there was an interruption in the
4 proceedings, after which the following transpired.)

5 MR. MAYORAL: Mr. Chairman, if I may. I have
6 a proposal, an idea. We're going to ask everyone
7 here who is on Item 1 in support of Item 1, we're
8 going to ask them to stand up and leave. Let the
9 objectors come in, take the seats and then when the
10 objectors are done, done speaking, if you would
11 allow our supporters to then come one by one and
12 say whatever they have to say to your Council, I
13 think that may work because we can accommodate all
14 the objectors if we send everyone out now.

15 So we'll send all the Lennar folks, engineers,
16 everyone out so that we can create more room.

17 Or if you're here for Items 2 or 3 if you can
18 wait outside and then come back in when 1 is done.

19 (Thereupon, the supporters exited the
20 proceedings and the objectors entered the
21 proceedings, after which the following transpired.)

22 MR. MAYORAL: Mr. Chair, I just want to make
23 sure we have the rules of the night clear. So when
24 I'm done with my presentation and the objectors
25 speak, at that point can we ask the objectors to

1 leave and have the supporters come in?

2 COUNCILMAN FARIAS: Yes.

3 COUNCILWOMAN WILLIAMS: No. Well, remember,
4 though, there's a speaker out there so they can
5 hear us. That's right.

6 MR. MAYORAL: They wanted to see the
7 presentation. They'll see the presentation.

8 (Thereupon, there was an interruption in the
9 proceedings, after which the following transpired.)

10 MR. FARIAS: Through the Chair, can I get a
11 number of how many people are still outside that
12 are opposed to Number 1?

13 MR. MAYORAL: I think we can get that number,
14 but now you have supporters on the outside.

15 COUNCILMAN FARIAS: I understand that. Right
16 now I just want to know how many more people are
17 opposed that are outside.

18 MR. ACOSTA: The speaker is outside. You guys
19 will have to speak a little louder, even the
20 recording is going to be good, but like that they
21 can hear the meeting, okay. You have to be quiet.
22 Like that you can hear it.

23 MR. MAYORAL: Felix, the Councilman wants to
24 know of the people outside how many of them are in
25 support and how many of them are against.

1 COUNCILMAN FARIAS: How many more opposers are
2 there?

3 CHAIRMAN WILSON: Please, we're going to have
4 to have order or we're going to have to have you
5 dismissed.

6 MR. CENTENO: It would be a much simpler
7 solution if you guys reschedule. We've been like
8 this for about 20 minutes and it's not the
9 residents fault for your lack of accommodation.
10 I'm not appointing that to anyone on the Council.
11 But if you sent residents notices, we sent it back,
12 you should prepare for a large audience to present.
13 Not 40 seats when there's probably more than 75
14 people in here present.

15 COUNCILWOMAN WILLIAMS: Sir, sir, with all due
16 respect, we have a hearing practically every single
17 month and approximately three, four, 500 notices
18 might go out. We'd be lucky to have 20 people that
19 show up. There's no way for us to anticipate who
20 was going to be here tonight. There were no
21 objectors and no people in support that came on the
22 list that was given to the County. So there was no
23 way for any of us to know. So, those of you that
24 are here that knew you were going to be objecting,
25 that was the time to at least give us some sort of

1 idea how many people might come. I think we're
2 trying to do a job here to accommodate everyone. I
3 think it's going to work and so -- I'm sorry. And
4 so I say we might as well proceed. I mean, these
5 people in here are in objection and we're going to
6 hear you.

7 MR. CENTENO: It's not far to the folks
8 outside that need to follow the presentation when
9 the presentation of the visuals are provided after
10 the fact. So it's hard to keep up. That's not a
11 fair due process.

12 CHAIRMAN WILSON: First of all, let met stop
13 this right now. In order to speak you need to
14 stand up and give your name and your address and
15 you have permission to speak. You just don't blurt
16 things out. We don't do that here.

17 MR. CENTENO: I apologize.

18 CHAIRMAN WILSON: We have to maintain order.
19 What we're going to do is we're going to proceed.
20 Everyone with an objection will have an opportunity
21 to speak or let your objection be heard, but it
22 will be done tonight. With that being said let's
23 proceed.

24 MR. MAYORAL: Mr. Chair, I know it's a little
25 bit out of order, but perhaps it will help since we

1 are on Item 3 as well, we can certainly agree to
2 defer item 3 to the April 19th hearing date and get
3 that item out of the way, get people who are here
4 on Item 3 out and make more room for the people who
5 are here on Item 1 and 2.

6 So if the Board would consider to defer on
7 Item 3 to April 19th, we will consider that.

8 COUNCILMAN JACKSON: In that case I will go
9 ahead and make a motion.

10 COUNCILWOMAN WILLIAMS: Before we do, did you
11 check with the library to see if April -- that's
12 what I'm saying. We have to first find out if it's
13 available.

14 VICE-CHAIR DEMPS: Why can't we still proceed
15 with Number 1 like he said. Wait and see what the
16 library says. We can still proceed with Number 1.

17 CHAIRMAN WILSON: Is that the item where we
18 got all these objectors on?

19 CHAIRWOMAN WILLIAMS: Yes.

20 MR. MAYORAL: The law requires that they be
21 afforded due process, but I think due process
22 requires you to give them an opportunity to be
23 heard, which you're doing that tonight.

24 I would love to be able to accommodate a
25 deferral so that we have a bigger room, but we do

1 have contractual limitations on our ability to
2 defer.

3 COUNCILMAN JACKSON: When speaking of that are
4 you referring to Item 1 or all three items? I mean
5 Item 1 and 3 or Item 1?

6 MR. MAYORAL: I'm actually here on Item 1. We
7 represent Lennar Homes. They have Item 2 on the
8 agenda. We'll be willing to defer -- not Item 2,
9 Item 3 to the April 19th date, but then we'd like
10 to proceed with Item 1 tonight if at all possible.

11 VICE-CHAIR DEMPS: Mr. Chair, like I said I
12 suggest we proceed with Item Number 1, wait on Item
13 Number 3 until Felix return, like he said, with an
14 answer from the library and if necessary we'll take
15 a vote and defer Item Number 3 as Mr. Mayoral
16 request. So I don't see any reason why can't
17 proceed with Number 1.

18 CHAIRMAN WILSON: Go ahead.

19 MR. MAYORAL: We'll give it a go. Thank you.

20 I'm just going to go back a bit but not much.

21 I'm just going to go back to the aerial.

22 Many of the residents were outside when I
23 started and the point that I wanted to make is that
24 tonight I wanted to address the Council Members but
25 I also wanted to address the residents, and I hope

1 through my presentation I can address some of
2 common questions and concerns that you have raised
3 or that you may be thinking of.

4 So, the plan has been to present to you a
5 Unified Plan of Development for a mixed-use
6 project. The site plan provides for a 7.12 acre
7 retail parcel at the at corner of southwest 248th
8 Street and Southwest 12th Avenue.

9 I will talk to you about a couple of the
10 tenant that we have been able to confirm.

11 The rest of the property would be developed by
12 Lennar homes as Phase II of the Artesa Community,
13 the ongoing Artesa Community, and it will be
14 developed under the same zoning classification,
15 under the same guidelines, same type of designs,
16 same options and features that have been part of
17 the Artesa Phase 1 project as approved by this
18 Board back in 2014.

19 When we met with the community, we had three
20 community meetings back in December, we meet with
21 the single-family homeowners, the townhome owners,
22 as well as the villa owners. I'll use those terms
23 as I proceed through my presentation.

24 There were concerns and questions, but the
25 first and foremost concern was the fact that by

1 proposing to join Phase I with Phase II or join
2 Phase II to Phase I that our residents, the new
3 residents, will be sharing some of the -- will be
4 sharing the existing facilities.

5 Artesa I, as approved by this Council back in
6 2014, had a central lake, 7 acres of lake, over 6
7 acres of park. It has a central clubhouse facility
8 with all sorts of features, fitness center and the
9 like.

10 So, there number one concern, and probably
11 rightly so, was the fact that we would be adding
12 additional units in Phase II which would then have
13 the ability to connect to Phase I and share the
14 recreational facilities of Artesa I.

15 Through the process of Community Outreach and
16 conversations, we were able to make a commitment,
17 and that commitment was communicated to many of the
18 homeowners over the last couple of days in a letter
19 from Carlos Gonzalez who's the Lennar Homes
20 Division President. It was a letter that was
21 actually -- here, let me give you the folder. It
22 was a letter that was sent in English and Spanish
23 and which committed to the Community of Artesa I to
24 add additional recreational facilities both to
25 Phase I and Phase II.

1 The first commitment is that existing
2 clubhouse facilities will be expanded, within the
3 existing phase, will be expanded to create
4 additional fitness facility. That would happen
5 within Phase I. We also committed to adding
6 additional recreational facilities to the plan of
7 Phase II and those facilities will consist of a
8 gazebo, a swimming pool and a basketball court.

9 If I can call your attention to the site plan
10 that's before you, this is the initial site plan
11 that was part of your packet until this morning.
12 And what we have proposed at that point was a
13 location where we would have the mailboxes, parking
14 spaces on a large green. That large green -- can I
15 get the revised site plan. It's in black and
16 white.

17 The large green will now be replaced with a
18 gazebo, swimming pool and basketball court. Those
19 are some of the facilities that we were told would
20 complete the proposal for Phases I and Phases II.

21 That revised plan was submitted to the County
22 staff this morning. It is part of the record. And
23 our commitment is to add the recreational
24 facilities in Phase I as well as Phase II.

25 I'm going to introduce a drawing of what the

1 expanded Phase I facility will look like. I want
2 to make sure that that's all part of the record.

3 In addition, we were proposed to revise
4 Condition Number 2 on staff's proposed condition of
5 approval to reflect the new facilities, and we have
6 prepared and submitted to staff a revised Condition
7 Number 2, which would provide for revised sheets
8 SP1, SA1 and SP2 and again would call for the
9 additional recreational facilities.

10 Since we are replacing recreational space with
11 recreational facilities, the code allows us to do
12 that and will allow this application to move
13 forward without having to be re-advertised. What
14 that will do is it will complete the set of
15 recreational facilities by combining Phases I and
16 II. Each phase will contribute to the hole and
17 will create a more balance set of recreational
18 facilities. Phase II will be served by
19 recreational facilities. Phase I will be served by
20 recreational facilities and they would all share
21 those facilities.

22 The second main concern that we heard was that
23 as a result of the additional unit or additional
24 facilities their CDD fees or HOA dues will go up.
25 The answer to that question is unequivocal no. The

1 HOA fees will not go up as a result of the
2 additional Phase II. Because of the CDD operation
3 and maintenance will actually go down and that is
4 simply because you have cost sharing among
5 additional families. So there is an economy of
6 scale.

7 In fact, the HOA could decide, for instance,
8 to provide additional security and spread that cost
9 among the additional families.

10 As a result of the Unified Plan of
11 Development, actually, I wish I had a plan that
12 showed both Phases but let me just have the
13 approved plan here. As a result of the combined
14 proposal, Artesa I will also receive additional
15 benefits.

16 It would be easy enough to show it off from
17 Phase I to Phase II. Phase I can exist as its own
18 community and Phase II as its own community. By
19 combining the two, Artesa I, Artesa I families, will
20 be served not by the single point of access that it
21 realize on today as a single point of access to and
22 from 248th street from Artesa I, by combining the
23 two the families will gain a second point of access
24 through Southwest 113th Court and a third point of
25 access out to Southwest 112th Avenue. From one we

1 go to three including on point of access that will
2 lead directly to the connection to the turnpike.

3 Both of those intersections, 113th court and
4 248th Street as well as 117th Avenue and 248th
5 Street will be signalized for ease of access. If
6 you're coming out of Artesa I to make a left turn
7 on 248th Street, I venture to say that's a
8 difficult maneuver to make without the
9 signalization of that intersection.

10 Lennar homes has already paid for that
11 signalization and the applicant will be paying for
12 the second signalization at 113th Court and 248th
13 Street.

14 The other benefit is that as a result of being
15 part of a mixed-use project, if you live in Artesa
16 I or if you live in Artesa II, you can actually
17 walk or ride your bicycle to the retail facility.
18 You can drive certainly. But you have the
19 opportunity to walk or take your bicycle to the
20 retail community where we have at least two tenants
21 that have been identified.

22 I show you the Disclosure of Interest for the
23 Wawa market. If you're familiar with Wawa you're
24 familiar with their great coffee, their great made
25 to order sandwich and salads and they also happen

1 to have the most inexpensive gas in town. Every
2 time they enter a market gas prices go down.

3 Second tenant has not signed a lease yet.
4 That's why we have not provided a disclosure. It's
5 the Aldi's grocery store, which will provide a full
6 range of grocery items just like any other
7 supermarket in the area.

8 So if you live in this area you will have the
9 opportunity to grab a cup of coffee, buy a quart of
10 milk, whatever you need, at the grocery with out
11 actually leaving your community.

12 The retail center will also be providing a
13 plaza or a pedestrian gathering place right here
14 which will be integrated into the community, and
15 that will provide an opportunity for people to
16 spend time outside with their neighbors and
17 friends.

18 As part of the development of the property,
19 there are several roadway improvements that will be
20 very beneficial to the community. Along 248th
21 Street, the south side of 248th Street will be
22 improved with turn lanes at each of the driveways.
23 The way this will operate, again 113th Court and
24 248th Street will be a fully signalized
25 intersection. You'll be able to make a right turn

1 into the community. You'll be able to make a left
2 turn out of the community. Actually, all movements
3 will be allowed from that intersection. This
4 community will also have, just like Artesa I, will
5 be gated. So access will be controlled. But you
6 can access the retail center directly from 113th
7 Court as well as along 248th Street. You'll be
8 allowed to make a right turn in, right turn out.
9 That will be a right turn in and 112 will provide
10 access to right turn in and right turn out.

11 I think the biggest roadway improvement that
12 we'll be making is one that will benefit not just
13 the residents of Artesa I or residents of Artesa
14 II, we're proposing to widen 248th Street along the
15 frontage of the property. So on the north side of
16 248th Street providing an additional lane for
17 westbound traffic. That improvement has been
18 recognized by both the County and our traffic
19 Consultant as one that will substantially improve
20 the level of service at the intersection of 112 and
21 248th Street.

22 In addition to those improvements, we have
23 calculated the impact fees that will be generated
24 through the construction of the community and the
25 retail center. Again, they are depicted in the

1 this board. The residential community will
2 generate close to 3.5 million in impact fees for
3 schools, roadways, parks, fire. The commercial
4 will generate just over a million dollars in impact
5 fees. And, of course, is in addition to the close
6 to nine million dollars that were paid.

7 UNIDENTIFIED AUDIENCE MEMBER: We're chatting
8 with each other and they are complaining they are
9 not seeing the visuals.

10 UNIDENTIFIED AUDIENCE MEMBER: Man, this got
11 to stop.

12 CHAIRMAN WILSON: Listen, we have to have some
13 order. If you will, we can see it now. I think we
14 have the document here. So if you can make it
15 possible so they can see it. Send it outside so
16 they can view it. I think that will be good.

17 MR MAYORAL: Okay. We'll be sending them
18 outside.

19 Al, can you take the boards outside, please.

20 So, again, that will be in access of the close
21 to nine million dollars that was paid.

22 Actually, I would ask you while I'm talking
23 please let me speak, and then you'll have an
24 opportunity to speak. I can't even --

25 COUNCILMAN JACKSON: No hands. No hands,

1 please. No hands, please.

2 UNIDENTIFIED AUDIENCE MEMBER: Will I get a
3 chance to speak up there?

4 MR. MAYORAL: That's up to the chair.

5 CHAIRMAN WILSON: Listen, listen, listen. Let
6 me say it one more time. Everybody is going to be
7 given an opportunity to speak. First you have to
8 allow him to complete his presentation. Once he is
9 completed his presentation I'll give you the
10 opportunity to come forward and make whatever
11 objects you want on this item, but we have to
12 proceed, and we have to proceed orderly. So no
13 more interruption from audience. If you interrupt
14 again I'm going to have to ask you to leave.

15 MR. MAYORAL: I'm really trying to conclude my
16 presentation. It's just that it's hard to even
17 hear myself with all the talking behind.

18 The next aerial tells you why this property is
19 quite unique. I don't know to what extent the
20 residents are aware of it, but this entire property
21 of 31 and change acres was redesignated by the
22 County Commission for business and office
23 development back in 2010.

24 What that means is that this entire 31 acre
25 parcel could be developed for large-scale

1 commercial uses, distribution uses and the like.
2 There's nothing inherently wrong with that, of
3 course, but that type of designation generates a
4 lot more traffic than our proposal.

5 This parcel here is the parcel owned by
6 Baptist and that property has been approved for a
7 large four-story, six-story office distribution
8 center for Baptist Hospital. This is the same type
9 of designation that will allow that type of use.

10 Our traffic engineer calculated -- given the
11 land use designation on this property our traffic
12 engineer calculated that if you were to take the
13 entire property and use it for retail office uses
14 in accordance with the existing business and office
15 designation, the amount of trips or traffic that
16 will be generated will be almost twice as much as
17 the combined traffic impact of our proposed retail
18 center and residential development. The numbers
19 are actually here. I've run out of people to hand
20 these things. So I will give it to you.

21 The total traffic will be almost doubled the
22 impact of the project before you, and some of the
23 numbers that I'd like to share with you is that the
24 proposal will have a reduction of over 7000 trips
25 during the p.m. peak hour over the development of

1 the property as a large-scale community -- as a
2 large retail facility.

3 As your staff has recognized the introduction
4 of a residential component will result in a more
5 balance proposal. Really a true mixed-use
6 community, Members of the Board, that rarely comes
7 before. You see a lot of residential applications,
8 you see a lot of retail applications, but you
9 rarely see the combined or the combination of the
10 two.

11 This mixed-use community, Artesa II being
12 connected with the Artesa I and the retail center,
13 will provide an ideal location for people to live,
14 for people to play with all the expanded
15 recreational facilities and possibly even to work
16 at one of the retailers in the retail center.

17 You know, people always wonder when we make
18 the presentation and we show drawings, and we show
19 visuals, and we've been accused of showing pretty
20 pictures to try to convince the Board. We have
21 provided a Declaration of Restrictions that allows
22 us to turn words into deeds. The Declaration of
23 Restrictions which is part of the record, we
24 certainly have copies that we could introduce into
25 the record tonight, but the Declaration of

1 Restrictions would do a few things and I briefly
2 would like to mention those.

3 Very quickly, we have gone through the site
4 plan for the residential community. We have gone
5 through the site plan for the commercial parcel.
6 Under the Declaration the development of both
7 commercial facility with the Aldi's and the Wawa as
8 well as the development of the residential
9 community will be tied to the site plan that's
10 before you. Any changes to that site plan would
11 have to come back to this Board for review and
12 approval.

13 We have written into this Declaration all of
14 the roadway improvements that I've mentioned,
15 particularly the one which requires the applicant
16 to widen 248th Street which will have a significant
17 impact on -- positive impact on 248th Street, and
18 we have also provided for the installation of the
19 traffic signal at the entrance to the retail and
20 residential community.

21 I can speak probably for another 10 minutes
22 about the consistency of the proposal before you
23 with the County's Comprehensive Development Master
24 Plan. As you know you've seen the map with all the
25 colors and it tells how much density can be built

1 here and what uses are allowed there. This
2 proposal goes beyond the numbers. We're developing
3 less residential density than allowed. We're
4 developing much less commercial development than
5 will be allowed and the proposal will be totally
6 consistent with the goals, policies and objectives
7 of the Master Plan. It will certainly expand the
8 housing supplies inside the Urban Development
9 Boundary and this is housing supply that is in
10 serious demand throughout the County.

11 This location is idea and that you are at the
12 intersection of two major roads with direct
13 connection to the turnpike. If you lived here you
14 can actually work just about anywhere in Dade
15 County.

16 In terms of compatibility, I have been doing
17 this for a long, long time as you probably know
18 from my many appearances before you. I have been
19 approached over the years about this property on
20 many, many times. It is vacant today. It's not
21 going to be vacant for much longer. I have been
22 approached by developers of large commercial
23 centers. I have been approached by developers of
24 apartment buildings and everything in between.

25 The proposal that's before you is proposing

1 the same type residential of homes that are located
2 in the adjacent community of Artesa I, the same
3 villas, the same size, the same options of features
4 and quality of the existing homes to the east. It
5 is the same. They have the same height. The
6 setbacks are more than required. The landscaping
7 is an excess. The park is in excess.

8 So the definition of compatibility we meet on
9 all corners and that actually it goes beyond
10 compatibility. It is exactly the same thing that
11 we have -- that this Board approved in 2014 for the
12 Artesa I Community.

13 I talked about the significant reduction in
14 impacts that this application presents over an
15 application for all commercial on the 31 acres, and
16 I've also talked to you about the significant
17 improvement to the roadway facilities in the area.

18 We would urge your approval to this
19 application in accordance with staff
20 recommendation. Your professional staff, every
21 single department, has recommended this application
22 be approved. The only modification that we would
23 suggest is modification to Condition Number 2 to
24 reflect the additional recreational facilities that
25 I have described.

1 We would, of course, be available for any
2 questions that you have and we reserve sometime for
3 rebuttal at the end, if we may.

4 CHAIRMAN WILSON: What is it that you're
5 asking us for?

6 MR. MAYORAL: So, the application seeks the
7 rezoning of the property to BU-1A for the
8 commercial parcel and RU-3M for the residential
9 parcel. The RU-3M -- I'll show you on the zoning
10 map.

11 If you look at the zoning map, which is
12 actually part of your package, this property is
13 zoned RU-3M. That's the Artesa I Community. We
14 are suggesting RU-3M for the residential portions
15 of the property and then at the corner we are
16 requesting the approval of BU-1A, which is the same
17 zoning classification that sits here across from
18 the BU-3, which is a more intense commercial zoning
19 classification as well as in close proximity to
20 this BU-1.

21 There are other minor variances. The minor
22 variances that we're seeking and most of those
23 variances refer to the connection between the
24 residential and the commercial.

25 The way the zoning code is whenever you have a

1 commercial use next to a residential use, you have
2 to put up a wall, put up landscaping, and not allow
3 any connection. We are requesting a vehicular and
4 pedestrian connection. So, we're seeking a
5 variance to allow that.

6 We then have one minor variances for some of
7 the townhomes. The code requires a backyard 400
8 square feet. It's the same variance that was
9 approved for Artesa I. In this case we actually
10 exceed for the most part of the requirement, but
11 some of the units have less than 400. We're asking
12 for that variance.

13 And the last variance that we're asking is for
14 the commercial property and that is under the code
15 we'll be allowed to have three -- two signs on
16 248th Street, one sign along 112th because of the
17 width of the road, the length of the frontage on
18 248th and 112th. We're requesting five instead of
19 the three. Your staff is recommending four instead
20 of the request of five and we accept the
21 recommendation of four instead of the five we're
22 requesting and instead of the three that the code
23 allows.

24 In a nutshell, that is the application before
25 you.

1 CHAIRMAN WILSON: All right. Have you
2 completed you're presentation?

3 MR. MAYORAL: Yes, only to remind you if I may
4 I'd like some rebuttal time at the end.

5 CHAIRMAN WILSON: At this time anyone wishing
6 to object please state your name for the record and
7 your address and you have tow minutes to speak.

8 COUNCILMAN JACKSON: It's too many people.

9 MR. CENTENO: My name is Juan Carlos Centeno.
10 I'm a resident at 25333 Southwest 116 Avenue,
11 Princeton, Florida, 33032. I'm also a Board Member
12 on the HOA for the Artesa property that's
13 mentioned.

14 And I apologize, Juan, I didn't hear your last
15 name. Juan mentioned that an outreach was made in
16 December. And it was, indeed, so, but since
17 December we haven't had any communication from the
18 Land Acquisition Team or whatever team presented
19 themselves. They just came in to collect
20 information to see what they could do for us as a
21 community.

22 Juan did mention that a letter was sent a
23 couple days ago to the homeowners. That isn't the
24 case. I, myself, have not received that letter. I
25 was privy to a sample of the initial letter being

1 on the Board, but I've also confirmed with other
2 residents that they have not received that letter.

3 I'd also like to point out that the letter
4 that I received was dated yesterday. So I'd like
5 to inquire, if at all possible, what date that
6 letter was dated.

7 He did mention that fees are to go up. Fees
8 are not going to go up. Excuse me. But we have
9 haven't any proof provided to us yet how that will
10 or will not affect us.

11 Being on the board I can tell you that yes,
12 there could be a potential offset but increases --
13 the cost of the maintenance would increase as time
14 goes by which would have an impact to residents who
15 were originally sold one gated community at 743
16 homes, not at nearly over a thousand.

17 We have security issues as it stands. An
18 unmanned gate will increase the susceptibility and
19 vulnerability that we would have on an unmanned
20 gate as we're currently suffering severe tailgating
21 issues and break-ins or thefts in our community.

22 The intersection at 248 and 117 is very
23 dangerous. Hundreds of residents have called 311
24 to complain. We've been told by 311 and Lennar
25 that a contribution was made to install a traffic

1 light and improve the roadway. I've now been
2 living there for two years in July and nothing has
3 happened.

4 So, therefore, with whatever expansion or
5 whatever addition or improvement of roadway, there
6 should probably be another expected delay that
7 could cause fatality on that road as it's
8 dangerously transited at high speeds and people
9 have no regards for people coming out of our
10 community.

11 We are currently at 86 percent completion,
12 meaning closed homes in our community. At 90
13 percent which I've been told is the statutory limit
14 for Lennar the developer to turn over this board to
15 us, okay. With this addition it would further
16 delay the turn over. Right now the board is
17 comprised of two Lennar representatives and the guy
18 that's standing right here at this podium. We need
19 more representations so we can take control of our
20 community.

21 I am completely against the change of the
22 agriculture AU to residential. I'm all pro
23 changing AU to business use. I'd rather have
24 business there and keep out community closed.

25 CHAIRMAN WILSON: Is there anyone else that

1 wish to come forward and make their objection?

2 Please approach the podium.

3 MR. BROWN: Good afternoon. First and
4 foremost I would like to apologize for my
5 community.

6 CHAIRMAN WILSON: Give me your name.

7 MR. BROWN: Randolph Brown, address 11620
8 Southwest 254th Street.

9 I'd like to say that I'm probably one of the
10 first ones to move into this development. Those
11 nice pictures you put up there, that's what sold me
12 to move in this community. Those pictures are not
13 what I'm living and where I'm living at.

14 That clubhouse that you put up there is what
15 sold me. The pool only holds 183 people and you
16 build 754 homes and we can only put 183 people in
17 there. And now you're going to tell me you're
18 going to add some more people, you're going to
19 build 288 more homes, and you're going to
20 accommodate us by building another pool. No. Or
21 you're going to build a basketball court. No.

22 You sold us and we were sold on this was going
23 to be a gated community and that was it. That was
24 it.

25 And I can understand while Lennar pays this

1 guy the big bucks because he has a well of a
2 representation, but he's not living there. He's
3 not dealing with crime. I have to walk my
4 community 5:00, 4:00 in the morning because the
5 gates are not secured. And now you're going to
6 tell me oh, you're going to accommodate me by
7 giving me another entrance.

8 You sold me when I moved in there that I was
9 going to have two entrances when I moved in there.
10 And I've been there over two years and been going
11 in and out of the same gate. So I don't believe
12 nothing this guy is saying.

13 And I'm telling you I'm hot and I can
14 understand why these people are hot. And I
15 apologize too. I apologize to all of you for them.

16 But, ma'am, I'm telling you, we've had home
17 invasions. We've had people walk inside of people
18 homes. These people don't care about us. They
19 don't care about us. This is just another dollar
20 they're trying to make. And I'm angry from it
21 because not only do you not care about us, it's the
22 type of buildings that you've built. Some of us
23 work hard, work hard, saved our money to move in
24 these nice communities, gated communities. And
25 then we have to put up with people who don't care.

1 And, ma'am, you said something. You said
2 well, we only have 40 people coming here. Ma'am,
3 you haven't met the Artesa community. We're going
4 to come strong and we're going to keep coming and
5 we're not going to stop. We're going to fight and
6 we're not going to let these bigwigs keep pushing
7 us around.

8 And once again, I apologize to you, but
9 there's a lot of tension. There's a lot of anger
10 of people saying something and not doing what they
11 say.

12 And I'm kind of old fashion. I do contracts
13 by shaking of a hand, and I know that's usual now.
14 But when you say something a man's word should be
15 his bond. Lennar has no bond at all. Thank you.

16 CHAIRMAN WILSON: Next.

17 Please state your name and address for the
18 record.

19 MS. PADILLA: Mireille Padilla, and it's 11788
20 Southwest 254th Street.

21 I'm going to read because -- when purchasing
22 our home we were sold on a small quaint gated
23 community, 750 homes today. The homes averaged
24 about four bedrooms, that's an average of about
25 3000 people when our community is going to be

1 finished.

2 In our current recreational facility we have
3 two treadmills and two spinning bikes. It's not
4 all about the fitness but that is what we've been
5 accommodated and we pay \$100 a month for this. I
6 have yet been able to use the gym in two years and
7 I have lived there -- in the two years I've lived
8 there because it's always full.

9 I have yet to be able to use the pool to Mr.
10 Brown's point, not only because of the capacity but
11 because its access was created with fault and
12 allows access to anyone without having to prove
13 that they are from our community.

14 Since the day we moved in we have had security
15 issues within our gated community that we have
16 still yet not been able to get a handle on within
17 Artesa.

18 And please notice that I'm referring to my
19 community as Artesa and not Artesa Phase I because
20 Artesa Phase I and Phase II was never presented to
21 us as at the point of sale. Essentially, at that
22 point -- at this point we all have been deceived.

23 The site plan that is active on the Lennar
24 website still shows this wonderful space allocated
25 as future development by other.

1 Lennar charges premium site fees for homes
2 that show advantages for purchasing their homes
3 versus other homes in the community.

4 All of the townhomes in the east side of our
5 neighborhood were charged an additional fee because
6 of the advantage of not have any residential
7 neighbors in the back. Is Lennar going to give
8 them their money back.

9 The homeowners on the villas where Lennar is
10 planning to connect the two neighborhoods were also
11 sold on low traffic area where there children can
12 play, and this is now proposed as becoming the only
13 connection of both neighborhoods and going to be a
14 major traffic zone.

15 Why can't this community be a separate entity?
16 Also, why can't this community be estate homes if
17 Lennar is so concerned about zoning being an
18 industrial zone.

19 If it becomes estate homes and not townhomes
20 villas that will decrease the number of residents
21 as well as decrease the number of traffic in our
22 community.

23 In essence, this is simply not what we were
24 sold and it's completely deceitful. They have yet
25 to fix issues within our own community and are

1 already planning on all these new amenities within
2 a community that hasn't even been constructed yet.
3 That's all.

4 CHAIRMAN WILSON: Come forward, please.

5 MR. RUSSIAN: Good evening gentlemen and
6 ladies. My name is Larry Russian. I live in the
7 11419 Southwest 248th Terrace, Homestead, Florida
8 33032.

9 I wanted to talk about here what's going on.
10 I have some picture evidence of what some
11 individuals are talking about. Sometimes it's best
12 to look at it as opposed to what people say about
13 it.

14 I have three pictures here. One specifically,
15 Artesa pool rules. We have, according to Artesa,
16 our bathing load is 111 people. The plan they have
17 in Artesa I and Artesa II, everyone join in
18 together and create a community based on, you know,
19 just so many people. I just feel like this is like
20 a money grab for Lennar.

21 There's kids that play in the streets, and
22 particularly the street that I live in, the one
23 where the villas are. If you put another -- if you
24 put that as one of the entrance to connect Artesa I
25 or Artesa II, there is going to be major issues

1 when it comes to traffic when it comes to kids
2 playing around in that area.

3 Also, I'm concerned with the gym facility. We
4 only have 13 gym training machines and the space is
5 very limited. The clubhouse, 193 maximum capacity.
6 If you can go ahead and look at it right there.

7 The biggest concern that I have also is the
8 safety. There's been so many incidents where
9 people that don't belong to Artesa come in. They
10 burglarize. They commit robberies. People are
11 concerned about their safety.

12 Artesa has, unfortunately, not been able to
13 provide security. We see the gates unmanned,
14 people coming in unidentified vehicles breaking in
15 through our gates and those gates are left open.

16 If they're going to think about doing Artesa
17 II they should focus on structuring and satisfying
18 the community for Artesa I.

19 Another thing is like a couple of people said
20 before, you come, you buy. I paid \$250,000 for a
21 nice little villa that I just wanted to have my
22 community, small community. That's what sold me.
23 If I want to go live where there is a big community
24 I will go somewhere else. I will go to either
25 Silver Palms. I'll go to either down to Miami, but

1 I chose this because of that reason.

2 Now they're telling me that no, this is not it
3 and you're going to be forced to have Artesa II
4 project come in. I'm against it and I wanted to go
5 ahead and said that, express my feelings towards
6 you guys cause at the end of the day I'm just one
7 person. But if, you know, one person can make a
8 difference, I'm all about it.

9 CHAIRMAN WILSON: Is there anyone else that
10 wish to object that wish to be heard, please come
11 forward.

12 Please state your name and address for the
13 record.

14 MS. GOMEZ: Nilka Gomez, 25361 Southwest 117th
15 Avenue.

16 First I want to say thank you to Lennar and
17 Council for giving us the opportunity to present
18 given the numerous amount of people that are
19 outside.

20 I was here before Artesa was build because I'm
21 a resident of Islandia as well on the corner.

22 Lennar promised us as residents of Islandia
23 when we came to object to Artesa I being built,
24 they promised us as part of the project that we
25 were going to have a traffic light on 117th and

1 248th. Where is that promise? That to me is
2 critical. Why? Because it's a promise broken to a
3 resident that got together a petition against
4 Artesa period to get built. But we bought into the
5 beautiful gardens and the beautiful community, and
6 I bought into the fact that I can bring my parents,
7 which are disabled, and my father can't even cross
8 the street because he's afraid. He can't even do
9 it in the car because when he drives out of the
10 gate he's got to go around and go through Islandia
11 and go back around because the cars are speeding
12 and it's ridiculous. Where's the promise?

13 So all this knew stuff, I don't buy it. I
14 back up Mr. Brown, Mr. Centeno and all the other
15 residents.

16 I don't want to have you guys here all night.
17 There's many residents that want to say the same as
18 I, but I do want to show a picture of Artesa in
19 reality of what we're living with the construction
20 garbage, the construction garbage, and the debris
21 everywhere. That's just one picture. There's many
22 but I work very, very late and I can't go take
23 pictures of the rest. That's the garbage
24 everywhere in the villas and the townhouse area.
25 This is daily. This is not one day. This is

1 daily.

2 So if Lennar can't pick up garbage or can't
3 have -- because they have control of the community.
4 It hasn't been turned over. So if it's Phase II,
5 when will it be turned over? In three or four
6 years. Who's going to control this? Who's going
7 to put our traffic light that was supposed to be
8 put in back before Artesa was built? Not Lennar.

9 CHAIRMAN WILSON: Are there any other persons
10 wishing to object that wish to speak on this item?
11 Please come forward.

12 MS. PEREZ: Good evening. Thank you all for
13 taking time to listen to us.

14 I'm Karysa Perez and I live at 11781 Southwest
15 254th Street. I apologize beforehand because I
16 don't like to speak in public and I get very
17 nervous. But I'm just going to reiterate what some
18 of my neighbors have said.

19 We moved into this community because of the
20 small homey feeling because we wanted to have our
21 neighbors feel like family and we wanted to feel
22 safe in a small gated community where we all knew
23 each other.

24 Everybody who bought into there bought into
25 that idea. By adding a second phase that is not

1 properly prepared, because Lennar is currently
2 building five townhouses in the main intersection
3 of our community, you're now proposing that
4 visitors come in through our main gate. Because we
5 all know that they're not going to come in through
6 the call box entrance that they are proposing to
7 install because visitors are not going to know
8 either how to use the code or how to punch it in.
9 They're going to want to come in through a main
10 gate.

11 Now they're going to have to cross through
12 these villas and disrupt the homes of all the
13 people that live on that street.

14 I'm also against this project because I feel
15 that for the same reason that Nickie stated that
16 there's a lot of debris, there's a lot of
17 construction, there's a lot of strangers.

18 The construction site was supposed to have
19 been closed off for our safety months ago. Yet, I
20 still have people coming to my home unannounced,
21 and when I ask how they got in they laugh and they
22 say through the construction entrance. Everybody
23 knows that trick.

24 So we have random people coming into our
25 community through a gate that was supposed to have

1 been closed by Lennar months ago.

2 I just feel like they lied to us. They
3 promised something that they haven't lived up to
4 for hard-working people who have worked and saved
5 tons of money to move into a nice community.

6 I'm not opposed to this being a separate
7 project if they want to build something else. More
8 restaurants, I agree. We don't even have a Papa
9 John's that will deliver to our community. We
10 don't have anywhere to go in our area to take our
11 kids, a movie theater. Nothing decent close by.
12 We don't have a nail salon in the area that can
13 accommodate all the residents who want a nice
14 salon, who want a gas station, who want better
15 things in our area. Not just more houses and more
16 people and more traffic.

17 If they want to build something else, by all
18 means, build something else that's going to benefit
19 the community, but not more townhouses and Villas.
20 More estates maybe for less traffic, less people,
21 sure. That's all I have to say. Thank you for
22 your time.

23 CHAIRMAN WILSON: Is there anyone in
24 opposition that wish to speak? Please approach.

25 State you name and address for the record,

1 please.

2 MR. SIMELTON: Good evening. My name is Eric
3 Simelton. I'm also a resident of Artesa. I live
4 at 25216 Southwest 118th Avenue. And forgive me.
5 Maybe you all introduced yourselves beforehand
6 before all of us got in, but since we introduced
7 ourselves it would be also nice for us to know who
8 you all are as well because I don't know -- I'm not
9 familiar with any of y'all. Maybe you all can do
10 that at some point in time again.

11 But, as you can hear a common theme is the
12 quality of life. I've lived in Artesa now for
13 about a year. I moved down because of the traffic.
14 It's less traffic down south. Quality of living
15 was nicer. More value for your home as well. When
16 I purchased my home I did not hear anything about
17 Artesa II or Phase II that was planned.

18 As you've heard, along 248 Street there's a
19 lot of traffic in the morning and in the evening
20 coming home, and there are no streetlights or
21 there's no traffic lights as well.

22 I've seen several accidents, unfortunately.
23 Thankfully there's a fire station nearby. But I
24 think before Lennar tries to build a Phase II and
25 have additional properties, what's wrong with

1 securing the property in the Phase I that you have
2 and making sure that it's safe and a fair place to
3 live for individuals that live there. I think that
4 that's really what you all need to take into
5 consideration.

6 The fact that so many residents here are
7 opposing this, you all are our voice, you know. We
8 don't have a vote in this. So, hopefully, you all
9 will listen to what the residents have to say
10 because there's been a number of incidents where
11 people have broken into homes. There's not
12 adequate street lighting. We've had to argue and
13 fight and fight for them to put up a freaking
14 streetlight.

15 So, we don't have any confidence right now
16 that Lennar, their Phase II will be added and this
17 Phase will also be safe for the community.

18 So, my main two concerns, though, is just
19 traffic. As I mentioned on 248 Street, I think you
20 mentioned that -- I think Juan mentioned that they
21 were going to add one additional lane headed
22 westbound. Is that correct?

23 MR. MAYORAL: Westbound.

24 MR. SIMELTON: Okay. But people also have to
25 go east. They return east as well. What happens

1 when people have to return? If you're only just
2 going to just expand one lane then people returning
3 home are going to have the same issue coming back
4 with traffic.

5 Baptist owns the land, I believe, across 112th
6 Avenue. Eventually, I'm sure, they'll plan to put
7 up a building or more offices to accommodate the
8 residents. That's just going to add additional
9 traffic, which right now we don't have enough lanes
10 to accommodate that.

11 So, again, in conclusion, I think that instead
12 of focusing on Phase II, let's do Phase I right and
13 make sure it's complete and make sure it's safe for
14 our community before we move on to the next phase.
15 Thank you.

16 MR. LOPEZ: Good evening. I'm Carlos Lopez.
17 I live in 11535 Southwest 248th Lane, Homestead,
18 Florida, 33032 in Artesa I.

19 I just -- I don't want to repeat. I agree
20 with everything that has been said by all the
21 homeowners.

22 And I just want to add I know two Lennars.
23 This is just my experience. My personal
24 experience. The Lennar that tries to sell you a
25 beautiful home that tells you everything is going

1 to be okay, we're going to take care of you, and at
2 the moment they hand you the keys and they give you
3 the house --

4 CHAIRMAN WILSON: Sir, address the Board,
5 please.

6 MR. LOPEZ: Sorry. At the moment that happens
7 you receive your house you get to know the other
8 face of Lennar.

9 I have a kid five years old. He's there in
10 the audience. And things like nails facing up from
11 the carpet on the second floor he has to get hurt
12 with that. I called Lennar. They say you flat
13 them by yourself with a hammer. That's the second
14 Lennar. The Lennar that changes everything at the
15 last minute, that hasn't taken any care, hasn't
16 been -- hasn't fulfilled what's promised to the
17 people that bought houses in there. The Lennar
18 that's changed things, the Lennar that doesn't care
19 about people that has to deal with security issues,
20 the Lennar that only cares about making money and
21 selling houses, that's what I have experienced in
22 one year and a half.

23 Lennar is caring more delivering the new
24 houses and people that come to live to those new
25 houses having the same issues as me, having the

1 same complaint. And Lennar doesn't have any time
2 for that. They only have time for selling more
3 houses.

4 So you guys have let us down so badly so many
5 times I don't believe your presentation. I'm
6 against having an expansion of the community. I
7 think it will be more harmful for us, for our
8 families, for our community. So I'm against.

9 CHAIRMAN WILSON: Come forward.

10 MS. OLIVERA: Good evening. My name is Kary
11 Olivera. I'm on -- I live on 24819 Southwest 114th
12 Court.

13 I live right in the intersection where they're
14 proposing the connection is made to Phase II. I
15 will tell you by living right there on that corner
16 that lane does not -- I'm sorry. I'm nervous. I
17 don't have fancy words or presentations. I'm a
18 nurse. I clean poop and vomit.

19 That intersection does not fit two cars going
20 back and forth. And I wish I would have come more
21 prepared because I would have been able to show you
22 the actual interaction that they're proposing that
23 from Phase I will be connected to Phase II, that
24 one part in the complex that will head that way.
25 That's first.

1 Second, that same area has not one light pole
2 outside. It's pitch dark at nighttime. They've
3 come into my car twice. I'm a single mom. Thank
4 God for alarms.

5 The reason I'm opposed to Phase II, and I'm
6 sorry, it's just I wasn't sold on that. I was sold
7 on a small community. I wasn't sold on a Phase II
8 and Phase III. And that's what I was looking for
9 especially for safety.

10 Also, I want to mention that we have an online
11 petition that has hundreds and hundreds of
12 signatures from members that couldn't be here
13 today. And it is addressed to you guys. Not by
14 name but by board room and such.

15 And that's it. I feel like you guys bought
16 the land. Do what you want to do with it. Stay
17 out of our community. Like, you know, build
18 something else. Call it something else, but not
19 Artesa II, you know. And thank you so much. I
20 won't take up anymore of your time.

21 MR. CAMACHO: Michael Camacho. I live at
22 25249 Southwest 118th Avenue. We purchased our
23 home about a year and half ago, again, with the
24 same promise. And since the moment that we moved
25 in, I mean, we've had issues. The biggest concern

1 that we had were break-ins. The amount of thefts
2 that we had, I never experienced so much in one
3 community. Being that it was promised to be a safe
4 gated community that's why we didn't move into
5 Silver Palms. We preferred going to Artesa.

6 One of the biggest problems that I think that
7 we have is our security. That's everyone's
8 concern. We've slowly progressed but it's still
9 not there. They cannot manage one single
10 neighborhood let alone having a second addition to
11 our current one.

12 Right now if you go to the front entrance of
13 the neighborhood, as of right now, the line of cars
14 goes to the very front of the gate. It is
15 extensive. They do not call us as a resident.
16 They don't call us to go into the gate. They
17 simply tell them, you know, the house number, the
18 resident, and you get a phone call on your phone
19 sometimes from a random phone number. You don't
20 now who it is. They should have a system that is
21 set up where it's a phone that you know it's a gate
22 phone that's calling you, they can verify you and
23 let the guess go in.

24 Now, I image there's about 750 current homes
25 which on average is about two cars per home. Let's

1 call it 1500 vehicles coming in and out of that
2 neighborhood. Now, we're going to add another 300,
3 300 homes. That's another 600 vehicles that are
4 going to be coming in and out and let alone that's
5 not accounting for the houses that have three or
6 four cars.

7 The amount of visitor parking spots that we
8 have just in the entire estates, we only have 10
9 parking -- like 10 or 12 parking spots for the
10 visitors and that's it.

11 Now, he mentioned that they were going to be
12 expanding our current clubhouse. To expand it
13 possibly -- I don't know. I wasn't really sure of
14 what he said.

15 UNIDENTIFIED AUDIENCE MEMBER: A thousand
16 square feet.

17 MR. CAMACHO: So you're going to expand the
18 current one that we have.

19 CHAIRMAN WILSON: Through the microphone.

20 MR. CAMACHO: So they're going to expand.
21 There's now space to do that. I don't believe
22 they're going to do it. They can say they are,
23 but, again, we've had a lot of promises that have
24 not been fulfilled.

25 If they add an extension to Artesa Number II

1 to our current Artesa, if they add an extension to
2 it that main road that leads to the exit, to the
3 main exit and entrance, think about the amount of
4 vehicles that are going to be driving in and out of
5 there. All those townhouses and villas that live
6 on the corner streets, the amount of traffic
7 they're going to hear coming in and out. That's
8 significantly. And that's not even counting the
9 visitors that are going to be coming into the
10 neighborhood.

11 My suggestion and what I think is best to have
12 is keep the Artesa that we currently have. If you
13 guys want to build a separate neighborhood, that's
14 awesome. Build a different neighborhood. Do not
15 called it Artesa II because that's not what we were
16 promised.

17 And I'm sorry. I'm extremely -- I'm
18 infuriated. My suggestion or what I think would be
19 best -- and I know a lot of people in the
20 neighborhood have trouble getting their kids into
21 certain schools because they are booked. They are
22 over booked. We don't have -- I don't have any
23 kids yet but eventually when I do I would want to
24 get them into a good school. Why not build a
25 school on that corner? Why not do something where

1 it's not just of interest for the big company, the
2 big corporate America. Do something for us, for
3 the residents that are going to be living here for
4 many, many years. Build a school. Build something
5 that benefits the community. Not Lennar. And
6 that's all. Thank you.

7 MR. FAJARDO: Good evening. Johnathan
8 Fajardo. I live at 25025 Southwest 114th Court. I
9 know a lot of the residents here, as stated, that
10 have been here for a year or two years, whatnot.
11 The gentleman just before me said he just recently
12 moved in as I did. I've been living in the
13 community for three months right next to where the
14 final phase of the construction in Artesa is being
15 made.

16 I don't know the people that sit behind me. I
17 don't know a lot of my neighbors in my community.
18 But I was sold on the idea that we're going to be a
19 small community. And I for one like that because
20 of my fiancée because I know there's many women
21 here that's single moms and the closer knit of a
22 community you have the more important it is. The
23 more neighbors you have the more people look out
24 for each other.

25 In the area that I'm at there is not one

1 streetlight all the way down my street. At night I
2 can look both ways and I see nothing around me.
3 Not including the construction that's going on next
4 to me, which I don't know if there's someone right
5 next to my house when I step outside or when my
6 fiancée goes to walk or dog she has to ask me to go
7 walk with her.

8 There is visitor parking spacing right in
9 front of my home, and I can't see if there's
10 someone inside of that vehicle waiting to do any
11 harm to me, to my fiancée, to a neighbor, to
12 anyone.

13 It's insulting that you say that there's
14 construction going on but cannot keep it organized.
15 I've had a crane parked in front of my home for the
16 past two days where I have to drive around my
17 entire neighborhood just to get to park in my spot.

18 There's no courtesy. There's no looking out
19 for the residents that live there now. And I feel
20 that if we do that on what's next to us I think
21 things are going to get worse.

22 And as many people have said already, if
23 you're going to care about making a second
24 residence for people next to us, focus on making
25 what you have first, something that others will be

1 proud of and they will back you up and support you
2 on. And I feel that's the biggest thing that's
3 going on here. If you can't prove to us right now
4 what you're giving us is what you said in the
5 beginning, we're not going to back you guys up at
6 all.

7 And I know that we're just here, like everyone
8 said, to speak or minds and to let you all know and
9 you all vote. But for being there for three months
10 I've seen construction. I haven't seen any lights
11 being put in our neighborhood.

12 I've seen kids running out in the street, golf
13 carts. I've seen cars flying through there. You
14 don't have an opportunity to look both ways and
15 make sure you're safe. And that's what I want. I
16 want to be safe where I live.

17 If I step outside my home, my neighborhood,
18 and I know that's dangerous and that's whatever it
19 is, but we all paid to have a safe environment for
20 our families and for our kids and for our future.

21 So I'm completely against it. Thank you.

22 MR. ROWE: Good evening. My name is Tim Rowe.
23 I live at 11725 Southwest 253rd Street. I live in
24 Artesa. Thank you for your time tonight.

25 We've talked about the traffic. People have

1 lost their lives at that intersection. And I don't
2 care how much money anyone is going to make off of
3 a Phase II or anything like that. No one's life is
4 worth how much money is going to be made.

5 We've talked about security. There's
6 definitely security issues. Everyone pretty much
7 in our neighborhood has a camera. It's a big
8 issue. We've talked about it.

9 We were all sold on the small gated community.
10 We've talked about that.

11 The premiums for the people that were told
12 that they weren't going to have a house behind
13 them. They paid that. We talked about that. You
14 guys are aware of that.

15 All the amenities, we know you guys can't fix
16 that problem but you can certainly help from it
17 getting worse.

18 We're going to have a higher occupancy in the
19 neighborhood. Things are going to break down
20 sooner, you know. Eventually those costs are going
21 to come to fruition. We're going to see those
22 costs.

23 We talked about parking. Mike already talked
24 about parking. Right now if you have a friend over
25 or anything like that you're looking at their car

1 possibly getting towed just because there's not
2 enough parking in the neighborhood.

3 They talked about the petition. It was
4 started about four hours ago and there's already
5 over 200 signatures on the petition. I think that
6 just shows you how strongly our neighborhood feels
7 about what we're dealing with and it really is an
8 issue.

9 You said earlier that normally you only get 40
10 people here. I think it shows, the amount of
11 people that are here, the issues that we're having.
12 They're not just people complaining. They're real
13 issues. They're safety issues. They're security
14 issues. And we just want a better place to live.

15 Like they're talking about the construction,
16 they don't police the area that well as far as --
17 sorry -- they don't clean up the area that well.
18 If they can't even do that they're not meeting the
19 promises that they are already making to us.

20 When we first started, when we first moved in
21 there was probably only 30 pages on the -- forgive
22 me -- the HOA Rules. Now there's over a hundred.
23 I can't even tell you how many pages now. Looks
24 like we're the ones that are being held to a
25 standard. Lennar is not being held to a standard.

1 They are not meeting the standard. They are not
2 meeting our standard.

3 So, like I said, we know you can't fix all of
4 our problems but you can definitely keep them from
5 becoming worse. Thank you for your time.

6 MS. LAMBULEY: Hi. My name is Laura Lambuley.
7 I live at 11530 Southwest 248th lane. I agree with
8 all that have been said.

9 I just want to tell you I'm counting the hours
10 to be apart from Lennar to be a community that
11 doesn't depend on Lennar because it's a nightmare.
12 Whatever you want to do in the community has to go
13 through Lennar and Lennar doesn't care about
14 anything. So it takes forever. Small things like
15 we need a recycle bin on the villas. They told us
16 that -- the association told us that it has to go
17 through Lennar. I've been there like one and a
18 half years and there is no recycle bin. And that's
19 a small issue compared to all the issues they have
20 addressed. But everything has to go through Lennar
21 and they don't care. So I'm counting the hours to
22 get rid of that relation with Lennar.

23 Building another community will keep us more
24 time depending from Lennar. Right now they have
25 their offices to sell more houses and people can

1 come into the community through their offices,
2 through their sales offices right now.

3 So we have a gate. We have security. But
4 people can come into their offices. So that tells
5 a lot from how they are treating us right now.

6 So, the other issue is that they have model
7 homes. They are continue showing their homes
8 through their model homes. I don't know. They're
9 actually into our community. So it's going to be
10 more years or more time with a community that's not
11 done. It's going to take more time for our
12 community to be done and to not stay more with
13 Lennar.

14 So, I'm against it and agree with what all of
15 my neighbors have said. Thank you.

16 MR. ROQUE: Hello guys. My name is Pedro
17 Roque. I live at 11465 Southwest 248th Terrace.

18 I live on that street that's going to connect
19 both communities. And unlike everybody who lives
20 with me I came here today, you know, I didn't
21 really care if they built it or didn't build it
22 because I didn't see it affecting me.

23 But I listened to everybody and I started
24 doing the math. My wife's pregnant. So I figured
25 three years from now the second community will

1 probably be done.

2 I have a three-year-old. I live right by the
3 exit. That's an additional 300 units, give or take
4 at two cars, 600 units that's 12,000 cars a day
5 that I got to watch out to make sure my future
6 three-year-old doesn't get impacted by.

7 So my kid -- I mean, imagine, just to walk my
8 dog I have an additional 1200 cars passing in front
9 of my house on a daily in a small gated community.

10 So the only thing I ask, if anybody else feels
11 comfortable with having their kid on the street,
12 that not only 1200 because of the rest of the
13 community, I'll say 1500, 2000 cars drive by
14 everybody house everyday, go for it.

15 But I don't think there will be a single
16 person that will say hey, I'm okay with my kid
17 playing here in this community when I have 1500,
18 2000 car driving by my house on a daily basis. And
19 that's pretty much it. Thank you.

20 MR. MORALES: Hello. Good evening. My name
21 is Brian Morales and I live on 11730 Southwest
22 248th Terrace.

23 I'd like to tell you about the day when I
24 first came into Lennar's sales office. I'm a
25 father of two young kids and I lived close by for

1 10 years. I lived in the Villas Ocampo (phonetic)
2 neighborhood.

3 So, I was like, you know, Lennar's putting up
4 all these signs and stuff. Let me go check this
5 out.

6 So I walked into the sale office and I see
7 this model. This beautiful home site. Gated
8 community. Small community. I'm like man, this is
9 exactly what I wanted. You don't get this in Miami,
10 you know. You don't see it too often.

11 So, I give Lennar 400,000 of my hard earned
12 dollars and just to get slapped in the face in
13 December by this man, you know, Lennar, not him
14 personally, but calls a meeting to the home owners.
15 It didn't go good. I don't know what they were
16 expecting, but they called this meeting and nobody
17 was happy. Not one person.

18 So, you know, at the end of the day big
19 business always wins. So we all know that. But
20 let's let the little guys win one time, you know.
21 They can have their community but separate it.
22 Close it off. It doesn't need to be Artesa II
23 because you drive down my neighborhood and you see
24 this beautiful sign. It says Artesa. It doesn't
25 say Artesa I. It says Artesa. I bought into that

1 idea. So I want to keep it. That's all I got.

2 MR. DIXON: Good evening, ladies and
3 gentlemen. Ainsley Dixon and I live at 11702
4 Southwest 253rd Street in Artesa and I'm a second
5 time owner in Lennar, and I know that Lennar can do
6 better than what has been displayed in our
7 community right now.

8 My main concern, you're into zoning. Some I'm
9 not going to tell you about all the things that my
10 colleagues have said before, which I agree with.
11 But you're into zoning. How much more things can
12 hold on 248 Street. Let's think about that.

13 We just put a new school. We don't know how
14 the kids are going to get there, a high school that
15 can hold 3000 kids. How are we going to monitor
16 traffic going on that corridor if we add townhomes.

17 We can add business because we need gas
18 station. We need fast food. We need law offices.
19 We need all the other things that come with a
20 commercial development.

21 If Lennar should look at their development
22 currently, they already sold out of estate homes.
23 So they may can consider adding another maybe a
24 hundred estate homes. Because the ratio of estate
25 homes to the homes, villas and townhouses is way

1 off. Small number of estate homes, 700 villas and
2 condos.

3 If you look at the demographic of the people
4 who work in that area, where are they going to get
5 people to rent all these homes that they are going
6 to put there? So we're going to end up with
7 Section 8, a different sort of arrangement that
8 does not fit that area.

9 My proposal is that we do commercial but small
10 number of estate homes so that it could have a mix
11 for the investor to return a profit on his
12 investment.

13 When you look at 248 Street, there is no way
14 the zoning committee here can add something else of
15 so much major traffic impact to 248 Street.

16 If you continue on that street you already
17 added another development named -- on the left side
18 of the other developer -- Arden and there's another
19 one left of it that's already approved. We have
20 not seen the impact of that traffic as yet.

21 You go further down you have another
22 development that's going on with condos and
23 townhomes. So, from a zoning prospective, which
24 you are in zoning; you're not in the garbage
25 collection and all those other things, zoning,

1 there is no way when you look at the current
2 capacity, right.

3 You should also be concerned about how close
4 this is to the landfill. It's right at the
5 landfill. There's no way you can put something
6 right next more to the landfill and to the highway.

7 If you want to expand 212th Avenue going all
8 the way down, what are you going to do if you put
9 all these houses so close by?

10 We got to consider when you look at how that
11 land reacts to rainfall, the last flood we had,
12 it's way too much water on that land for us to now
13 say let's go put townhomes on that land. So we
14 have to look at the return on investment. I
15 understand that they own the land. But what can we
16 put there to add value to the community.

17 We bought into luxury. And this development
18 will take the luxury out of Lennar. Let's keep
19 Lennar what it is as Luxury. They still have some
20 facilities that need to have and to make it better.
21 But adding another 300 townhomes, et cetera, et
22 cetera, is not the way to go. And I hope that you
23 consider and look at the carrying capacity. You're
24 in zoning. So look at that part, the impact that
25 it's going to have on the existing facility that is

1 there and what can we do to even expand the road.

2 As it is right now, 248 Street, is no way we
3 can control the traffic flow that's coming on that
4 area and that's what I have to say. Thank you.

5 MR. GARIBAY: Joseph Garibay (phonetic), 11803
6 Southwest 225th Street. I've been coming here
7 periodically.

8 Can you hear me guys?

9 Good evening. Thank you for actually coming
10 out here. It was kind of intimidating. Other
11 people were like wow.

12 I've been coming here since August bringing up
13 one point and I want to bring it up again. There
14 are pockets in there. We don't have water lines.
15 We don't have sewer lines, okay. We're on well
16 septic.

17 And something occurred to me because I keep
18 hearing and it's funny, I keep hearing a lot of the
19 tenants, I mean residents of Lennar who paid 350,
20 400 having middle class problems.

21 Please, you guys. They paid impact fees or
22 someone paid impact fees. Right down on 188th
23 there's a big parcel of land owned by Dade Schools.
24 There is no school going up. There's no waterline
25 going up. I'm trying to see if I can get the

1 neighbors that we can somehow come up, you know,
2 with a petition get enough people to see if they
3 can pay it because if not I have to pay my
4 connection to water. I have less than a hundred
5 feet between the well and the drain field. And I'm
6 not the only one.

7 I keep hearing -- I heard one of the neighbors
8 on 117th and 248 or something with a traffic light
9 that's going on.

10 At one point Lennar paid impact fees or D.R.
11 Horn (phonetic) or someone paid impact fees. What
12 happened to that money? Because everybody is
13 chewing out the developer and I don't want to chew
14 you guys out, but you guys right now are the face
15 of county government. Where is the impact fees
16 going.

17 Let's be honest. Drive by the neighborhood.
18 It went somewhere but it didn't go to the community
19 to the impact. The waterlines aren't going up.
20 The sewer lines aren't going. So the what, the
21 neighbors? Not everybody is living in Lennar.
22 Again, they all say, oh, my God, Lennar doesn't
23 hear us, oh, Lennar. What's happening to the
24 impact fees. What about our utilities?

25 You go on your website. You start doing some

1 research. There is money that have to go to
2 schools. Is the County siphoning that money?
3 Because then we're going to definitely have a
4 problem with schools. What is the County doing
5 with the impact fees. How come we don't have --
6 how come we still have pockets.

7 When you do the math, I did the math, that's a
8 lot of money. How come there's still pockets there
9 with not even waterlines. Forget the sewer.
10 Waterlines? That's just public health issues.

11 Truth is, why don't you be honest with them.
12 You guys ate up all the freaking impact fees and
13 you're probably going to -- it's like a ponzi
14 scheme. You got to keep going up to keep getting
15 new money because you ate it up to reinvest it.
16 Because then ain't nothing going to get done with
17 what the County has to do. Because government
18 works in our society. This is not a third world
19 country. This is not Cuba.

20 I know what Cuba looks like. My grandmother
21 made sure damn well I knew what communism was. She
22 told me we came here so you wouldn't be hungry so
23 you wouldn't pass out (Spanish term used).

24 Our government is a government for the
25 people -- by the people for the people. So what

1 happened to the impact fees. It's not being spent
2 on the community.

3 I think we have more than just one villain
4 here. So look at our affordability rents. So then
5 if I rent out -- if I do an illegal efficiency, by
6 code, because we have an affordability problem
7 because certain people --- we're not making enough
8 homes. We're not making enough affordable -- I
9 mean affordable houses. Everything is just big
10 two-story houses.

11 So if I rent it out to pay then for me to
12 connect to the water and I get a violation, I come
13 out here with a ticket, am I going to get
14 reimbursed. It seems very, I don't know, naive
15 just to say no development. But at the same time
16 we do need a certain amount of development.

17 However, what is the County doing with the
18 County fees -- with the impact fees. We need to
19 invest that.

20 We have to keep growing. We have a major
21 affordability problem. We were talking about it.
22 We were looking up at rents and everything. I'll
23 be honest with you. I was talking to a neighbor
24 and said hey, let's do like we do in Little Havana,
25 start renting it out, efficiency or something,

1 because the County -- how much is it going to cost
2 to connect? How much is it going to cost to do
3 certain things when the County is not doing their
4 part.

5 Denying development is not just a problem.
6 Allowing it to go, okay, great, but are we going to
7 use that money then wisely? Because the whole
8 purpose of allowing, which I've been analyzing it,
9 reach critical mass, sooner or later these pockets
10 will get build up. You would think -- no one's
11 brought that up, impact fees. You know -- oh, but
12 taxes -- property taxes keep going up. Thank you
13 guys. Good luck. God bless. May God give you
14 some wisdom because this seems like a different
15 situation. Good night.

16 MR. PARDO: Thank you. Good night.

17 I'm Ramiro Pardo, 25371 Southwest 117th
18 Avenue. Thank you for all of you for listening to
19 us. Why? Because Lennar not listen to us. It's
20 been two years.

21 CHAIRMAN WILSON: We're going to take a five
22 minute recess to allow one of our Board Members to
23 use the restroom.

24 MR. PARDO: Okay.

25 CHAIRMAN WILSON: Come back. As soon as she

1 comes back in you can come forward and continue.

2 (Thereupon, there was a recess, after which
3 the following transpired.)

4 CHAIRMAN WILSON: Okay. We're going to
5 continue the meeting. Please come forward and
6 state your name for the record again and your
7 address.

8 MR. PARDO: 25371 117th Avenue, Ramiro Pardo.
9 I'm more nervous now.

10 Thank you for your time. You listened to us
11 because Lennar not listen to us in two years. The
12 people in our community is angry because it's not a
13 small community. It's 740 houses. It's not a
14 small one but with huge, huge problems, okay. And
15 Lennar increase 300 more houses to connect with us.
16 Right now it's too big is Lennar. For Lennar it's
17 excellent business but not listen to us. Many
18 times in here he laughing with us. One more time,
19 one more time, the same blah, blah, blah.

20 It's the same because 740 houses and families
21 is hungry with many problems, with traffic, with
22 burglary, with many problems.

23 The problem will probably decrease if Lennar
24 listen to us. The scenery for Lennar is a good
25 business. For us it's our families, our kids, our

1 life. What is more heavy, the business or our
2 family. Just decide. Thank you.

3 MR. CRUZ: Good evening. My name is Danilo
4 Cruz. I live at 25265 West 118th Avenue in Artesa.

5 I must say that I have my good moments with
6 Lennar. My family bought five properties in Artesa
7 and I have good moments with Lennar.

8 I did interview some of my neighbors to see
9 how they feel about Phase II and nobody basically
10 likes the idea. They want to keep us separate.

11 Like I said, I have my moments with Lennar. I
12 did speak to Lennar and I expressed myself about
13 the health club, swimming pool and a little bit
14 late they want to address those issues. Now that
15 these people aren't going to agree with that it's
16 different because they don't want to be linked to a
17 new community.

18 Now, I'm going to leave that aside and I'm
19 going to talk to something that really concerns me
20 as a father with children. Not myself but my
21 family that come to see me.

22 I was involved in an accident right there just
23 at the phase of the community. That intersection
24 is deadly. Deadly. We need a traffic light there.
25 Yesterday, the day before yesterday my car was

1 almost totalled. I have five people in my car.
2 They were visiting me from New York and I didn't
3 know where the car came from. It just hit me as I
4 was almost completing the cross from 117th Street
5 to cross to 248th Street.

6 And then I was told that an accident was
7 taking place at least once or twice a week there.
8 Every two weeks there was an accident. And that is
9 a major, major concern, that intersection.

10 Every time I'm going to cross the intersection
11 my wife gets shaken. She's traumatized.
12 Completely traumatized. That is my main concern
13 right now, a traffic light there.

14 And, also, I do really have to back up my
15 neighbors because we all came with the idea that it
16 was going to be a very safe community and small.

17 Another thing, I come from New York State. I
18 bought here and I know about real estate. Real
19 estate is location, location, location. I don't
20 know if this is the right moment but when I was in
21 New York looking for a place, somehow, please
22 forgive me if I offend anybody, but I understood
23 that real estate was more expensive in Miami than
24 in Homestead. So, my deed says Miami, Florida,
25 33032.

1 You cannot find my home if you put it on a GPS
2 with an address. It will take you somewhere else.

3 So right now we have three names: Homestead,
4 Princeton and Miami. If I want to sell my house to
5 somebody in New York, for me to get the money that
6 I want, my same house in Homestead cost less than
7 in Miami according to the real estate market. And
8 how much the footage cost.

9 So, those basically are my concerns right now
10 and also that I back up my neighbors in this phase.
11 Thank you.

12 MS. JULIA: Hi. My name is Julia. I live in
13 11712, the street number 253.

14 I have two things to say. For this 32 acres
15 my suggestion is two things. One is commercial
16 site, the either one is for a community center and
17 park.

18 Commercial site, Lennar should not put a cheap
19 grocery store, fast food restaurant and gas
20 station. Lennar should not help elevate the area,
21 and good store, not the ones Lennar proposed.
22 Lennar should put a stop box. Stop box add value
23 to the neighborhood, and about the green community
24 I propose we should have a community center like a
25 gym. We have a basketball court. We can play

1 volleyball, badminton indoor and also have outdoor.
2 We could have barbecue in outdoor for kids and in
3 green area play soccer and we have lots of things
4 we can do because this area is so close to the
5 turnpike, freeway and it's very, very noisy.

6 If you build a lot of residential area it's
7 going to affect the value because it's so close to
8 the freeway. Make so much noises there. And
9 that's why my thought is, that 32 acres so close to
10 112 Avenue and 248 Street. We should have a good
11 design and benefit our community. Thank you.

12 MR. PEREZ: Good evening. My name is Daniel
13 Perez. My home address is 11791 Southwest 248th
14 Terrace. I'm a resident of Lennar.

15 I think my previous homeowners have made
16 amazing points and amazing arguments, but at the
17 end of the day to put everything in summary and put
18 everything in a nutshell, us as homeowners, what
19 are we really gaining by this?

20 So put yourselves in our shoes. We just
21 purchased, you know, a beautiful home with some
22 amenities and we're happy, but what are we really
23 gaining by this. We're going to gain an extra pool
24 which it's going to be for other tenants. We're
25 not gaining anything from this.

1 So, at the end of the day we have zero
2 benefits for anything that Lennar is about to do.
3 We're going to gain three treadmills, if that, and
4 we're going to gain another pool which we can't
5 swim in two pools at the same time.

6 So why are we here? Why not make a separate
7 community. Our voices are heard. We don't want to
8 be part of Artesa II.

9 The reason they don't want to make another
10 community, it's going to cost them more money
11 point-blank. They're going to take the easy way
12 out and just add to this community. They're going
13 to add a road.

14 A lot of people paid home site premiums
15 because I paid a home site premium. I don't see
16 the benefit here. It's just a joke. And I feel
17 like everything is getting lost in the shuffle.

18 But at the end of the day we have nothing to
19 gain. We have more to lose than to gain. The
20 benefits definitely do not outweigh the risks.

21 Artesa I management has been a disaster. For
22 instance, I still don't know where I pay my
23 association. I've been living there for three
24 months and I haven't gotten a coupon book in the
25 mail. I have to go in person to the association to

1 pay the association like it were 1985.

2 The way they run things -- I'm a pharmacy
3 director and manage multiple employees and multiple
4 pharmacies. And the way Lennar run things and for
5 them to be a publicly trading company and
6 everything else is a joke.

7 So Lennar doesn't do one job right and they
8 want to increase. You know, they want to add more
9 things to their list. It's a joke to me. It's
10 like running a business 50 percent and then
11 expanding your business. It's going to lead to a
12 disaster. We have nothing to gain.

13 The issue we're having with security is
14 severe. And not only is it severe, there is an
15 issue we're having that people who have purchased
16 homes in Lennar are renting to other tenants and
17 those tenants are the ones that are robbing us. So
18 we have people in there that aren't being screened.

19 So, we have investors buying properties from
20 other states from other cities, buying properties
21 and Homestead because they're affordable and
22 whatnot and they have the potential for growth, but
23 those tenants that those investors are putting in
24 our community are not being screened and those
25 people are committing most of the robberies in

1 Lennar.

2 So, by increasing 300 more homes and not even
3 taking care of the homes you have already, it's
4 going to lead for a disaster.

5 So, our gaining is a pool and our potential
6 losses could be huge. So, this doesn't make any
7 sense. We're gaining a pool and a basketball court
8 and three treadmills.

9 This isn't going to appreciate our property
10 value. This isn't going to do nothing for us. So
11 that's my opinion.

12 COUNCILMAN FARIAS: Through the Chair. I'm
13 sorry. What's your name again?

14 MR. PEREZ: Daniel Perez.

15 Councilman Farias: Daniel. Okay.

16 CHAIRMAN WILSON: Are there any other
17 objectors that wish to approach?

18 MR. CHIANG: My name is Frank Chiang,
19 C-h-i-a-n-g. I'm a visitor from San Diego,
20 California. I just wanted to make a general -- I'm
21 a visitor. I'm visiting my daughter who's a
22 resident.

23 Just general observation. Today we have a
24 large group of residents who cared enough to come
25 to the hearing and the facility could not

1 accommodate all of them. And I recognize your
2 genuine effort to accommodate everybody, but I'm
3 afraid that the validity of this hearing could be
4 easily charged in court because we have
5 segregation. One group gets the benefit of seeing
6 the presenter pointing the chart. And, yes, you
7 did take the chart and put it outside, but they did
8 not have the benefit of seeing the dynamic
9 presentation.

10 And, so, with that that leads me to believe
11 that if you render any decision today based on this
12 hearing, the residents outside can easily challenge
13 it in court. So that's my two cents. Thank you.

14 CHAIRMAN WILSON: Are there any other persons
15 wishing to object or raise objections? Please come
16 forward.

17 MS. HASSUN: Good evening. My name is Annette
18 Hassun. I am an owner and resident of 11791
19 Southwest 250th Street.

20 I am here today not to repeat what my fellow
21 residents from Lennar Artesa has said, but to also
22 address one concern that really -- I mean it's kind
23 of crazy. With all the security issues that we are
24 currently having they want to have a pedestrian
25 walkway from the commercial portion to the Artesa

1 II Phase. And to me that would just open up the
2 door to even more security issues.

3 Now, I'm a mother as you can see. I have my
4 baby over there. And I fear, I fear currently in
5 my house when I take care of my baby, I fear. I
6 should not have to fear. Because of how the
7 community is set up, there is no security. I
8 should not have to fear. I'm alone with my baby
9 taking care of her and I should not have to fear.

10 Now, add in that pedestrian walkway or the
11 auto portion of it that people can come in and out
12 of the commercial area into the residential area.
13 I oppose it completely. I think it will be very
14 unsafe, although great and beneficial to the
15 residents to be able to go from the residence to
16 the commercial property in a kind of back alleyway.
17 I feel that it raises the security issue. Thank
18 you very much for your time.

19 CHAIRMAN WILSON: Are there any other persons
20 wishing to speak on this item.

21 MR. SIMELTON: Ten seconds. Real quick. And,
22 actually, I had to look on the website just to
23 verify this because one of my neighbors made a very
24 good point.

25 Eric Simelton, address 25216 Southwest 118th

1 Avenue.

2 He brought up a good point and this shows the
3 deception or deceptive practices of Lennar. If you
4 look at their website for Lennar Artesa it lists
5 the Welcome Center, the City is Miami, Florida, Zip
6 code 33032. That's what I was told my address
7 would be, Miami.

8 I know people have a stigmatism when you say
9 you live in Homestead in terms of coming down
10 there, and that's what they told me my address
11 would be.

12 But when I moved into my house and asked the
13 post office worker what Zip code does this city
14 correspond to, they said Homestead or Princeton.

15 So tell me why does their address on the
16 website say Miami, Florida? That's just something
17 that's very deceptive when you're trying to sell to
18 customers. They know that Miami sells more than
19 Homestead and they can raise the prices more
20 because of that. That's a question I hope, you
21 know, this gentleman can answer as well.

22 CHAIRMAN WILSON: Are there any other
23 objectors? Are there any other persons outside
24 that wish to come forward and raise objections to
25 this item?

1 MR. ROQUE: I just have one question.

2 COUNCILMAN JACKSON: You have to come up.

3 MR. ROQUE: Pedro Roque, 11465 Southwest 248th
4 Terrace. The question is actually for Juan.

5 MR. MAYORAL: Can you ask them and I will
6 answer.

7 MR. ROQUE: They say they're going to expand
8 our current clubhouse. While expanding the current
9 clubhouse will we still have access to the
10 amenities, as using the clubhouse and the pool,
11 because I can imagine you put a construction site,
12 I don't know what's going to be unavailable, you
13 know, through the year or however long it takes to
14 expand that one space. Thank you.

15 CHAIRMAN WILSON: Are there any other persons
16 wishing to object or raise an objection.

17 At this time we want anyone that wish to speak
18 in favor of this item to come forward.

19 At this time we'll take a last five minute
20 recess.

21 (Thereupon, there was a recess taken, after
22 which the following transpired.)

23 CHAIRMAN WILSON: Anyone wishing to speak in
24 support of this item please come forward. As you
25 come forward, please state your name and address

1 for the record.

2 MR. CRUZ: Hello. How are you doing. My name
3 is Alan Cruz. I live at 21412 Southwest 89th
4 Avenue, Manatee Cove.

5 At first I was against the project because I
6 travel to Homestead on 248 and nobody likes
7 traffic, but after hearing the gentleman's
8 presentation I am for the project. I feel that it
9 really benefits to have an Aldi's Supermarket close
10 to a place where you live and I've heard great
11 things about Wawa. I have relatives in Orlando and
12 they tell me nothing but great things about it. I
13 look forward in the future to be able to purchase a
14 house in the complex. Thank you.

15 CHAIRMAN WILSON: Anyone else wish to speak on
16 this item in support of this item? Come forward,
17 state your name and address for the record, please.

18 MR. FORBES: Good evening, everyone. My name
19 is Timothy Forbes. My address is 25208 Southwest
20 117th Place. I'm a pastor in the north end of
21 town. I work a lot with youth, I work a lot with,
22 you know, people, as most pastors do.

23 I decided to move here in this community
24 because as a lot of the people that spoke earlier
25 said they moved in because it was going to be a

1 community that's gated and that it's small.

2 And I must admit I was sold on that and I was
3 very happy with that when I moved in and I'm still
4 very happy where I live.

5 A lot of the people that came here before me
6 are my friends, are my neighbors. Some of them
7 said to me as they were walking out, man, how much
8 are they paying you? I said the same amount
9 they're paying you, nothing.

10 I'm in here because I have a vested interest
11 just like they do. I'm a homeowner in that
12 community. I spent a lot of money there since I've
13 been there and I plan on spending more because I
14 love where I live.

15 So, getting right to the point about what
16 Lennar is doing or will do and how it's affecting
17 our community as you have heard in great detail
18 very passionately, I'm more for a residential
19 developer taking over that piece of land over there
20 versus a commercial or industrial developer.

21 I see the difference between the two and I
22 have seen them personally myself. I witnessed it.
23 This is not my first, rodeo as they say, living in
24 a gated community. It's not my first Lennar
25 community living in from scratch. I've lived in a

1 GL home or GL property from scratch in Pembroke
2 Pines and in Cooper City, Florida.

3 So, I know what it's like when you first move
4 in and go through all of these different changes
5 from security issues to, you know, community
6 amenities not being enough or not being adequate
7 enough.

8 But I must say that over time, and I've lived
9 in all those places for at least more than seven
10 years in each place, it does get better.

11 Being that Lennar is who Lennar is, I see it
12 getting better and I see it getting better and not
13 worse if they should develop and be allowed to
14 develop that property over there as they have
15 displayed or as they have shown us today.

16 I've had a chance to speak with the Lennar
17 people that are in here now personally, up front,
18 one-on-one, and I didn't pull no punches, you know,
19 because the same thing that they're hearing from a
20 multitude of people tonight I had a chance on
21 one-on-one to say with them.

22 And in doing so they asked me a very important
23 question. They said well, you know, what could we
24 do? Not what we're willing to do. What can we do?
25 To me that's saying a lot. To me that says I'm not

1 coming in here trying to tell y'all what to do and
2 how to do it, where to do it and that's it. Shut
3 up and sit down. To me that's saying listen, we
4 want to try and work with you, but we're getting
5 more of a fight than we are getting cooperation. I
6 understand that we can agree to disagree, but at
7 some point we got to find a common ground and try
8 and work it out. Anybody in here that's been
9 married more than one year know what I'm talking
10 about.

11 So, after sitting down with them and sharing
12 with them a lot of the concerns, because I've
13 talked with people in my community, some of the
14 same people that came in here tonight, passionately
15 expressing themselves about not having it there for
16 many different reasons. I have spoken with them.
17 They shared that with me and I shared with them
18 what Lennar has shared with me about increasing
19 amenities.

20 Let me just say it like this, I asked them to
21 approach this with a common sense inclusive type
22 approach, you know. You can't do what is being
23 proposed without doing some type of give back, and
24 I believe that they are trying to do that.

25 You now, I heard somebody say in their

1 comments that the pool is only designed to hold 183
2 people. I've been there for over -- well, close
3 going into a year now. May will be a year. I
4 haven't seen no where near that many people in that
5 pool, and I don't think you're going to see that
6 many people in that pool at one time.

7 That being said, I think that the pool that
8 they have there now is just about adequate.
9 Meaning that could it be bigger? Yeah. But I
10 believe that it's good enough for what it is for
11 the 750 plus homes there.

12 Now, if you're going to add another 280 plus
13 homes, I think that there should be some more
14 amenities concerns taken into consideration. They
15 have done that. They are going to add a pool with
16 a cabana. I know you already heard it already so
17 I'm not even going to go into the details of it.
18 You know what they're adding and you know what
19 they're willing to do.

20 And I believe that if both sides could come to
21 an understanding that hey, listen, we got something
22 on the table we can work with, I don't believe it
23 probably can end there.

24 They're putting a basketball goal. It's only
25 two goals. Maybe we can twist their arms enough to

1 give us four. Maybe we can twist their arms to do
2 something else. And I use that term twisting their
3 arms in a colorful way. Nobody is going to twist
4 anybody's arm.

5 But I believe that we should come together to
6 reason together and come to some type of resolve
7 that we all can live with. Because that piece of
8 land over there is going to be developed period.
9 It will be developed and I prefer it to be
10 developed by a builder that has us in mind and I
11 believe Lennar has that.

12 It may have not started off right in the way
13 that everybody would be probably more for it or
14 kind of like down the middle, but, hey, listen,
15 everybody deserves another chance, everybody
16 deserves another opportunity. We all have had them
17 and I don't think Lennar is any different.

18 Now, I got to go back and face these neighbors
19 that are looking at me saying man, how can you?
20 Well, my justification is that I want to see what's
21 best for our community and I think it's best that
22 if we go with the residential development versus a
23 industrial or commercial. And I believe I've
24 summed up everything I wanted to say about that.
25 Thank you for your time. Thank you.

1 CHAIRMAN WILSON: Are there any other persons
2 wishing to come forward and speak on this
3 particular item -- in support of this item? I'm
4 sorry.

5 MS. GUERTILL: Hi. My name is Elizabeth
6 Guertill (phonetic). My address is 23942 Southwest
7 107th Court. I agree with the gentleman that just
8 spoke. The land is going to be developed. What I
9 heard tonight was a lot of growing pains which all,
10 you know, areas have and I think it makes sense to
11 have the same builder come together and work
12 together with the residents needs. And, you know,
13 it's a matter of just sitting down and
14 communicating and that's the important part.
15 Because I think the land will be developed and it
16 make sense to have the same builder there. Thank
17 you.

18 CHAIRMAN WILSON: Come forward if you wish to
19 speak on this item -- in support of this item.
20 Sorry.

21 MS. Mozellus: Hi. Good evening. My name is
22 Pat Mozellus (phonetic). I live at 23938 Southwest
23 17th Court in Spicewood. I was one of the original
24 buyers there. And when I bought there we had the
25 huge upset with the market, the housing market, and

1 it was a real struggle. We bought there with the
2 intention of seeing growth residentially. We
3 wanted to see a neighborhood. We wanted to see
4 things like that come to together. So the thought
5 of industrial or commercial versus residential with
6 a nice little piece of commercial on the property
7 to me is amazing. And I also agree with this
8 gentleman, the Wawa. In Orlando I love the Wawa.
9 So that also was like a big plus for me. But I
10 personally think residential would be the best
11 benefit for the area. Thank you.

12 CHAIRMAN WILSON: Anyone else wish to speak on
13 this item -- in support of this item come forward,
14 please.

15 MS. EDGECOMB: Good evening, Mr. Chair and
16 Committee Members. My name is Carolyn Edgecomb. I
17 live at 13795 Southwest 268 Street. My neighbors
18 and I are here tonight. We do support, we continue
19 to support this project. That's what I wanted to
20 say.

21 CHAIRMAN WILSON: Anyone else wish to come
22 forward and speak on this item -- in support of
23 this item?

24 MR. FORBES: Good evening, Council Members.
25 My name is Ken Forbes. 25121 Southwest 128th

1 Place.

2 I heard the ones before that was against. An
3 understanding, that's just a subdivision in our
4 community, okay. We've been for a long time coming
5 to this Council and talking about the development
6 that we would love to see in our community.

7 And our community is not just one subdivision.
8 Artesa is just one subdivision. We was here to
9 support it when Artesa was put in. We was here for
10 Spicewood. We was here for Islandia. We was here
11 for Biscayne Point. We was here for all of it.
12 But we talked about it as our community.

13 And, so, that's what everybody has to
14 understand. This is one big community. We do
15 have -- we do have problems along all of the lines
16 that they discussed here tonight, but that those
17 are not zoning issues.

18 Lennar did not get their reputation, you know,
19 you can have issues with them, but they didn't get
20 their reputation as one of the nation's builders of
21 homes, right, and do what they do because they have
22 been disappointing. Trust me, they would have been
23 out the business a long time, but they have been a
24 good partner in this neighbor. They have come in
25 and they given us the mixed-use development that we

1 all wanted to see happen in this community.

2 So, when we stand up here we're walk talking
3 about our entire community as a whole, and you
4 know, one little big little pocket, you know. You
5 got like three neighborhoods. You got Goulds. You
6 got Princeton. You got Naranja.

7 And we have been here. We have been here
8 since the inception of Community Council 1996.

9 We have seen Palmetto Bay become a city.
10 we have seen Cutler Bay become a city. And we were
11 promised and we're working at it right now that
12 this was going to become a city also.

13 So, understanding, when we come here we are
14 coming here because we're looking at the big
15 picture. This is our community. We want the
16 mixed-use. We want to see people being able to
17 live, play and work in their community, and that's
18 what we're hoping for and we hope that this Council
19 will continue to approve applications that meet
20 that.

21 CHAIRMAN WILSON: Anyone else that wish to
22 come forward in support of this item? Please do so
23 now.

24 MS. THOMAS: Good evening, Council. My name
25 is Katrina Thomas. My address is 14301 Southwest

1 268th Street. I am the Executive Director of Zion
2 Community Development. I'm here tonight to support
3 this application. I live in the adjoining
4 neighborhood, and I feel like knowing that this is
5 a mixed-use development it will enhance our
6 community. It will bring out more of those that
7 wish to come to this community and have lived in
8 this community. So I'm here tonight to support
9 this community development and ask that you please
10 listen to us. We are voicing our opinion. We are
11 voicing the opinions of neighbors who were not
12 here -- able to make it here tonight.

13 And, again, I ask that you please support this
14 application. Thank you.

15 CHAIRMAN WILSON: Are there any other
16 supporters that wish to come forward at this time?
17 Do so.

18 MR. HERNANDEZ: Good evening. My name is Luis
19 Hernandez. I'm the district manager for Palm
20 Glades Community Development District. I'm coming
21 here on behalf of the Board of Palm Glades
22 Development District. The issue that is on hand
23 was presented and disclosed to the Board
24 supervisors. They represent 1712 units that will
25 be affected by the traffic whether this project was

1 to be done or not. They are in favor of the
2 project and I'm just here to state that and to let
3 the commission know that the Board has approved the
4 resolution in favor and in support of this project.
5 Thank you very much.

6 CHAIRMAN WILSON: Are there any other persons
7 wishing to come forward to speak on this item in
8 support of this item?

9 At this time we're going to close it for
10 public -- we're going to close the public comment
11 portion of it and the Board will start to
12 deliberate.

13 Okay. We'll give you two minutes to rebut.

14 MR. MAYORAL: With all due respect.

15 CHAIRMAN WILSON: Make it ten.

16 MR. MAYORAL: I need more than two minutes to
17 go over all the items that were raised.

18 I promise to be very brief but I will need
19 more than two minutes.

20 CHAIRMAN WILSON: Make it ten.

21 MR. MAYORAL: Ten will be perfect. Thank you
22 so much.

23 So let me start by saying there are many other
24 people outside who did not come in because they did
25 not wish to speak but they were here to express

1 their support of this application through their
2 presence.

3 As far as the neighbors, mostly residents of
4 Artesa, actually all residents of Artesa I, it
5 sounds like they speak from their heart and that
6 they have some serious questions and concerns. I
7 think that we did a good job of answering those
8 questions and concerns and will continue to work
9 with them as we move through this process.

10 There are a couple of common themes in their
11 statements. They refer to their beautiful homes
12 and their beautiful community. The proposal for
13 the new Artesa will be beautiful homes and
14 beautiful community.

15 They complained and many, many of their
16 complaints are complaints that are more properly
17 vetted and aired before a homeowners association
18 meeting or a security committee meeting, their
19 complaints about the security and construction
20 traffic and construction debris. And really what
21 they reflect is the fact that they're suffering
22 growing pains.

23 Eighty-six percent of the community has been
24 completed. They talked about the lack of street
25 lighting. Seventy percent of the streetlights have

1 been installed. That's because Lennar doesn't
2 install streetlights. They are installed by FP&L.
3 Lennar simply pays for the installation of the
4 streetlights.

5 I know that because of the last hurricane
6 season which we were unfortunately very active.
7 FP&L has been very behind in the installation of
8 those streetlights, and that's exactly what's going
9 on here. Seventy percent of the streetlights have
10 been connected.

11 There are some very specific good questions
12 and points that I would like to address, and as I
13 remembered names I wrote them down so I will refer
14 to specific people.

15 Juan Carlos Centeno participated in one of the
16 meetings that Lennar had back in December. He says
17 that there was no communication between December
18 and more recently, and he questioned whether the
19 letter that I introduced into the record had
20 actually been provided.

21 The letter is dated March 6th which was
22 disseminated, transmitted door to door in some
23 instances and through the management company, and
24 in that letter Lennar has made a real commitment to
25 expand the recreational facilities for both Phase I

1 and Phase II.

2 The clubhouse, a gentleman ask if the existing
3 facility will remain functional during the
4 expansion of the clubhouse in Phase I. The
5 proposal as shown in that sketch is we should have
6 a separate structure that will be connected to the
7 existing clubhouse.

8 So, if you were doing an expansion of your
9 own, you know, you can expand and then you finish
10 that construction and you make that connection. So
11 that's exactly how it would happen.

12 People talked about the fact that they were
13 sold the fact that that land would not be part of
14 Artesa. What is clear in the record and by their
15 own statement is that the land was shown for future
16 development by others. That's what Lennar knew at
17 the time. The land was not on the contract. They
18 don't own the land. They didn't have it on the
19 contract. So they disclosed that that land was not
20 to remain vacant forever. There will be
21 development at some point in the future and
22 probably by others because they did not have it on
23 the contract.

24 However, it is also clear that the HOA
25 documents, the disclosures that were made

1 allowed -- provided very clearly that Lennar
2 reserves the right to expand the community to
3 include additional land.

4 Regarding the vehicular connection between
5 Phase I and Phase II, if you're simply going on
6 that road to go to work or to come home and you
7 live in Phase II, there's really no reason for you
8 to take that connection because 113th Avenue will
9 be signalized as well as 117th. So why would you
10 want to travel west to then go through the main
11 town access point in Artesa Phase I to then make a
12 left turn when you can simply make a left turn,
13 right turn out of the community at 113th.

14 The commitment for the traffic light on 117th
15 Avenue has gone beyond a commitment. Lennar has
16 already paid the funds as reflected in Public
17 Records Recommendation that specifically states
18 that they have received the contribution for the
19 installation of the traffic signal on 117th Avenue.
20 That's not a promise. That's a reality. That
21 money was actually paid to the County a couple
22 years ago for the installation of that traffic
23 signal.

24 The issue with construction traffic and the
25 gates not being closed and the issues with crime,

1 there was a time when the gates were staying open
2 because there was a lot of construction traffic
3 going back and forth.

4 Again, growing pains. This is community that
5 is still under development and you will experience
6 construction traffic, construction delays and the
7 like.

8 Lennar has made a commitment to the
9 association that the construction for the new
10 phase, that construction traffic will simply enter
11 and exit through 113th Court and not through 117th
12 Avenue.

13 There were many issues that are probably not
14 proper questions or comments for a zoning hearing
15 and that has to do with warrant issues and, you
16 know, workmanship and the like.

17 Val Snider who's the customer care manager for
18 Lennar homes is here tonight. He brought his
19 computer. So if anyone has a customer care warrant
20 issue they should see Val Snider at the end of the
21 meeting.

22 Someone mentioned the fact that there are not
23 enough guest spaces within Phase I. Phase II
24 actually brings forth 90 guest spaces, much more
25 than required by code, and those is connected and

1 will be available for both Phase I and Phase II.

2 The traffic impact as we looked at that Master
3 Plan with the big red area, traffic impact of this
4 combined retail/residential are half of the impact
5 of the project if we were to develop a one hundred
6 percent retail and office use.

7 A couple of people mentioned that Lennar with
8 this Phase II was taking the luxury out of Lennar.
9 These residences that we're proposing, the homes
10 that we're proposing are the exact same homes that
11 are built in Artesa I. If you go on the website
12 for Artesa I, Lennar's website, if you saw the
13 renderings for the community, that community was
14 built and today exist exactly as shown upon the
15 plans that were approved by this County and all of
16 the marketing materials.

17 Joe, and I forgot his last name, mentioned
18 impact fees. This project will pay \$4.5 million in
19 impact fees. Phase I paid \$9 million in impact
20 fees. The only way to designate those impact fees
21 revenues to be spent in the area is through the
22 commitments that have been made by Lennar, and
23 we'll go through the improvements in a minute.

24 I think the lady with the baby on this corner
25 mentioned the fact that the gated -- pedestrian

1 access would increase crime. That is a gated
2 pedestrian access that would only be available to
3 residents of the community, of course residents can
4 bring guests, but that would be the only access.

5 In terms of roadway improvements, and I'm
6 concluding in one minute Mr. Chair, if I could ask
7 you to go to Page 17 of your agenda packets, that
8 is where part of the Board recommendations and all
9 of the improvements, all of the improvements that
10 have been discussed tonight are listed in that
11 recommendation. They are also listed elsewhere in
12 the packet. But this is a good listing. It's
13 confirmation that the contribution for the signal
14 on 117th Avenue has been made. It calls for the
15 installation of the signal at 113th Avenue. It
16 talks about the requirement to improve not just
17 westbound 248th Street but also eastbound 248th
18 Street.

19 I think somebody mentioned or misunderstood my
20 statement. We're actually improving both, the
21 south side of 248 and the north side of 248.

22 In addition to the language in the
23 Recommendation per staff, we have proffered the
24 Declaration of Restrictions and those Declarations
25 include very specific requirements, including a

1 timing for the installation of that signal.

2 At the end of the day, I believe that Mr.
3 Forbes, Ken Forbes said it best, we're discussing a
4 subdivision tonight. We're discussing problems
5 that homeowners might have had with Lennar at some
6 point as they commenced and continue their home
7 ownership experience. And I've heard those
8 complaints in just about any type of construction.
9 It happens in new homes. It happens in all homes.
10 But he said it best. This maybe an application
11 about a subdivision, but we're talking about a
12 community.

13 Someone else asked is this Miami or Homestead.
14 This is neither Miami or Homestead. It's actually
15 Princeton. And if the communities of Goulds,
16 Princeton and Naranja had shut the door and said we
17 do not want any development in an area, of the
18 family who resides in Artesa of Phase I today would
19 not be here today to talk about their beautiful
20 homes and their beautiful community.

21 This application in the community of
22 Princeton, Goulds to the north, brings forth an
23 additional opportunity for another set of families
24 to also enjoy the privilege and the benefits of
25 home ownership in the community of Princeton.

1 And your professional staff, you can disregard
2 everything I said, but your professional staff had
3 a year to review this application, to review the
4 impacts, and they have concluded that the approval
5 of this application will be consistent with the
6 Master Plan, and the proposal will be compatible
7 with the area, and that the impacts of the project
8 can be accommodated by the public services and
9 facilities.

10 I can go into the school capacity. I have all
11 the numbers here. Someone mentioned that the
12 schools were overcrowded. Goulds Elementary up the
13 road is at 56 percent of capacity and many others
14 are showing up great capacity.

15 The probably 248th Street and the problem with
16 schools is not lack of capacity. 248th is lack of
17 control. That's why we need the two signals. The
18 problem with the schools is that the new students
19 are being targeted to new schools when you have
20 schools like Goulds Elementary and others at half
21 capacity to accommodate additional students and
22 students are not being sent there.

23 In this case Goulds with this community
24 actually is not within the attendance boundary for
25 Goulds. When I found that out I was flabbergasted.

1 It's just up the road and it's at 56 percent of
2 capacity today. I have the numbers if you'd like
3 to see them.

4 I would urge your approval of this application
5 again in accordance with the recommendation from
6 staff. Thank you.

7 CHAIRMAN WILSON: We're going to close the
8 floor right? We're going to close the floor.
9 There will be no more public comment. The Board
10 will deliberate.

11 VICE-CHAIR DEMPS: I have a question for Mr.
12 Mayoral.

13 The traffic -- not the traffic light, but the
14 entrance that you have on Southwest 112th Avenue
15 turning into the development, now you said they're
16 going to make a right turn coming in from 112 if
17 they are headed south?

18 MR. MAYORAL: Right, in here.

19 VICE-CHAIR DEMPS: Now, when they come out
20 headed south, how will you make sure that they're
21 not going to try to cross the traffic and go back
22 north?

23 MR. MAYORAL: So we're going to actual make it
24 physically impossible to do that by building up
25 a -- I think they call it a landchop (phonetic) so

1 that the curbing is raised and you're channeled and
2 forced to make a right. You can't make a left turn
3 onto northbound 112.

4 VICE-CHAIR DEMPS: Okay. Then on the north
5 side of 248th, I'd like to say there's no sidewalk,
6 I'd like to say children walk to school in the
7 grass, and like people are saying they almost
8 getting hit by cars. I travel that road myself
9 because my son lives on the other end of the street
10 and it is very, very dark.

11 MR. MAYORAL: Right.

12 VICE-CHAIR DEMPS: So do you have any idea
13 when they're going to put streetlights along that
14 road?

15 MR. MAYORAL: Well, the streetlights along
16 248th Street will be installed in connection with
17 the development of the commercial parcel and the
18 residential parcel. Sidewalks will be added, the
19 road will be widen. So after all is said and done,
20 the improvements to 248th Street, the streetlights
21 and the traffic signal installed, it will be a lot
22 more pedestrian friendly than it is today. And,
23 quite frankly, there is a lack of traffic control
24 on 248th Street.

25 VICE-CHAIR DEMPS: So, how far will it go from

1 112th Avenue to what other avenue?

2 MR. MAYORAL: So this is 113th Court, the
3 entrance for Artesa I is at 117th Avenue. So I'm
4 going to guesstimate that it will be about 114th,
5 115th Avenue, those are the improvements that will
6 be made. The westbound 248th Street actually will
7 go west to the Fire Station to this point.

8 VICE-CHAIR DEMPS: I'm quite sure it's not
9 your development. My concern is I don't know if
10 you can get the other developers to do sidewalks on
11 the north side of the street. But, again, from
12 114th to where the school goes, I believe to
13 southwest 124 to 127th Avenue, will you have
14 sidewalks for those children to walk on to get to
15 Coconut Palm and to Summerset to that they're
16 building because they do have to cross the road.

17 MR. MAYORAL: So we are actually making a
18 commitment to install or to expand 248th Street.
19 Those plans would have to be approved by the
20 County, but the County could require that the
21 sidewalk be included as part of those improvement
22 plans. It would not go through -- I think you
23 mentioned 122nd.

24 VICE-CHAIR DEMPS: Right, 124th to 127th.

25 MR. MAYORAL: Right. We would go at least to

1 the fire station site. This property is vacant
2 here. It's actually approved for commercial
3 development. It was approved by this Council some
4 years ago. So when they come in they will be
5 required to not only improve 248th Street but they
6 will actually have to add their sidewalk, and as
7 this area come to you for development they too will
8 be required to make improvements to 248th Street
9 and the sidewalk.

10 Unfortunately, Councilwoman Demps, the way
11 that County subdivision code works, the County
12 really doesn't make a lot of street improvements in
13 neighborhoods. They are very good at expanding big
14 roads, right.

15 The neighborhood streets are mostly funded
16 through the development process both by projects
17 that make improvements and by projects that pay
18 impact fees. So what that leads to is basically
19 the haphazard improvements of streets and
20 sidewalks.

21 We come in now. We improve up to here and
22 then subsequently parcels come in for development
23 and they make more improvements.

24 VICE-CHAIR DEMPS: Okay, my final question, I
25 don't know if this is for you or County Attorney,

1 since he's paid his impact fees for the light at
2 248th and 117th, is there any way we can get an
3 answer as to when that light will be installed?
4 Because I use that myself and it's very difficult
5 to get across the road.

6 MR. MAYORAL: I will get you an answer.
7 Unfortunately, I don't have the answer tonight, but
8 I will find out. I actually was involved in making
9 that payment because I got the check from Lennar
10 and I delivered to the County. So I will find out
11 from the County staff when they anticipate the
12 installation of that signal to take place.

13 VICE-CHAIR DEMPS: All right. Thank you very
14 much.

15 COUNCILWOMAN WILLIAMS: I'd like to say
16 something to the Council.

17 Several years ago, with all due respect Mr.
18 Mayoral, you came here before the Council and I was
19 the only person on this Council to vote no. I
20 don't know if you remember that.

21 MR. MAYORAL: I remember that.

22 COUNCILWOMAN WILLIAMS: I was the only one to
23 vote no.

24 And every time you came here I was the only
25 person to vote no. And I knew this was going to

1 happen. I didn't fall for the smoking mirrors then
2 and I'm not falling for it now. I knew it was
3 going to happen.

4 MR. MAYORAL: What was going to happen?

5 COUNCILWOMAN WILLIAMS: It was overcrowded and
6 you all came back to us before. You wanted to add
7 more homes, you wanted to shrink the backyards.
8 Look at the traffic that these people are having to
9 suffer with right now.

10 I have heard from so many people that have
11 seen me out there on the street and they are all
12 very upset about the traffic. You can add a lane
13 heading west, but that's not going to help these
14 residents.

15 And, also, I'm really concerned about things
16 that I had no idea about which is not a zoning
17 factor, but I am still concerned about what's
18 happening for these residents in that area.

19 Me, myself, I'm going to ask this Council to
20 please this time do the right thing by these
21 people. They came to us before once and now I'm
22 asking you guys now to please do the right thing.
23 Don't let me be the only no vote out there. Let's
24 think about these people now and I think about the
25 area.

1 Residential, I would say do the commercial if
2 we can. I mean, I don't see nothing wrong with the
3 commercial property and then adding there for these
4 people restaurants, salons, you know, you name it,
5 office space. Give us that. But more homes. We
6 have over built this area and it is time to stop.
7 It really is time to stop and give us a break from.

8 Yeah, Lennar is a big place. You're a big
9 company. You guys have the -- I mean, you guys can
10 do this for us. You can stop it.

11 I don't know if you remember when you came
12 before us Manual Diaz he had a representative here
13 and he came up to me afterwards and thanked me.
14 Thanked me. He said you get it. He said Manual
15 Diaz, when he sold this land to Lennar did not
16 expect this to happen. Absolutely not. So I'm
17 asking this Council to please do the right thing
18 this time by these residents.

19 MR. MAYORAL: If I may address Councilwoman's
20 points at this time.

21 COUNCILWOMAN WILLIAMS: Sure.

22 MR. MAYORAL: Number one, as to the density
23 both for Phase I and Phase II, I now you objected
24 and voted no and I fully expect that you will vote
25 no today. I expected that from the beginning.

1 COUNCILWOMAN WILLIAMS: No, no, please. I'm
2 voting no because of what I did not want last time
3 and it happened. And now we have people who have
4 now moved into these homes and it happened.

5 MR. MAYORAL: Right. But to be fair, and the
6 record would show this, what they expressed
7 concerns with was not about traffic volume per se
8 but a lack of traffic control, which can easily be
9 addressed through the installation of the traffic
10 signal. And so you say --

11 COUNCILWOMAN WILLIAMS: Wait a minute. I'm
12 sorry. So you're telling me now, you're saying
13 that they have no concern about traffic volume?

14 MR. MAYORAL: No, I didn't say that.

15 COUNCILWOMAN WILLIAMS: Okay. Well, what did
16 you say.

17 MR. MAYORAL: I said their main concern with
18 safety, the ability to make a turn on 248th Street.

19 COUNCILWOMAN WILLIAMS: Well, wouldn't that be
20 the main issue?

21 MR. MAYORAL: I'm agreeing with you on that.

22 COUNCILWOMAN WILLIAMS: Okay.

23 MR. MAYORAL: And that would be remedied by
24 the installation of the traffic signal.

25 COUNCILWOMAN WILLIAMS: Oh, it's going to take

1 more than that. First of all, it's just a lot of
2 cars. One of the residents came forward and
3 mentioned with your new phase here you'll looking
4 at 1200 more cars. So you think one lane going one
5 direction westbound is going to help eliminate that
6 problem?

7 MR. MAYORAL: That's not even a requirement
8 that would be applicable in this case. Lennar has
9 agreed to expand 248th Street. Usually we would
10 just improve our side. Not the other side of the
11 road. We're agreeing to do that because it
12 provides a benefit to working of that interaction
13 on 112th and 248th Street.

14 I certainly don't want to argue with you. I
15 want to be very respectful, but if we're talking
16 about traffic, simply shear traffic volume,
17 residential development of that parcel will
18 generate a lot less traffic --

19 COUNCILWOMAN WILLIAMS: And you said that the
20 last time and guess what happened. Before you guys
21 built this that's exactly what you said the last
22 time. And then looked what happened. People are
23 now coming out there now and they can't even make
24 it to 112.

25 MR. MAYORAL: Actually, I couldn't have said

1 that the last time because this property, that
2 Phase I was not designated business, never been
3 designated business, but Phase II is designated
4 business.

5 COUNCILWOMAN WILLIAMS: I'm talking about the
6 land, the residential section. I've said my peace.
7 I'm asking the Council to do right by these
8 residents this time.

9 COUNCILMAN FARIAS: I have a couple of
10 questions. My first one's to staff. Just so I'm
11 clear because I heard this already three times
12 today. Right now this property is zoned AU,
13 correct?

14 MS. HENDERSON: Yes.

15 COUNCILMAN FARIAS: Even though the language
16 description is business and office, it doesn't mean
17 that someone is going to come up and pop up with
18 industrial or big office without coming to us
19 first, right?

20 MS. HENDERSON: Well, it's zoned AU but the
21 land use is business or office. So if it remains
22 AU then they can only do agriculture use.

23 COUNCILMAN FARIAS: The statement that they're
24 saying that, you know, this is going to bring less
25 traffic in residential compared to big business

1 coming in there is exactly false?

2 MS. HENDERSON: I'm not understanding your
3 question.

4 COUNCILMAN FARIAS: The way it is right now,
5 and it was just now when Councilwoman Marva
6 Williams had said that, he said that right now
7 because of this being residential mixed-use, the
8 way it is they're proposing, it's going to bring
9 less traffic than if the way it is with businesses
10 and offices come in.

11 MS. HENDERSON: You mean if they do the zone
12 change to BU?

13 COUNCILMAN FARIAS: Right.

14 MS. HENDERSON: Uh-huh. It will be less
15 traffic?

16 COUNCILMAN FARIAS: That will be less traffic,
17 yes, that's what I'm asking, will it?

18 MS. HENDERSON: That, I couldn't answer that.

19 MR. MAYORAL: I'm sorry. You said my
20 statement was false. As I must correct the record.
21 I didn't say that. Our traffic expert calculated
22 the impacts. I introduced that into the record.
23 We have a board that shows plainly that the
24 proposal before you will generate 7631 daily trips
25 and that a general retail office development on

1 that property will generate 14,783, almost double
2 the trips. So I did not make that up.

3 But I did not mean to say that we just do it
4 as a right. We do have to go through the process.
5 We're going to have to come before this Board and
6 show you how we intended to develop the retail
7 office complex.

8 COUNCILMAN FARIAS: The next is I have a
9 question for Daniel Perez. Is that possible to ask
10 him a question?

11 MR. MAYORAL: He may be outside.

12 CHAIRMAN WILSON: Go ahead.

13 COUNCILMAN FARIAS: Daniel Perez, are you
14 still out there.

15 MR. PEREZ: Yes.

16 COUNCILMAN FARIAS: Good evening. Thank you
17 for coming out here. My question was when you had
18 said that you paid more premium because -- can you
19 explain that a little bit.

20 MR. PEREZ: Depending on where your house is
21 located and the direction, if it's a corner lot,
22 you pay a little bit more.

23 COUNCILMAN FARIAS: Were you one of the ones I
24 had heard that you paid more or an extra premium
25 because you weren't going to have no --

1 MR. PEREZ: Yeah. If you don't have neighbors
2 in the back you pay more and they sell you on that.
3 That's an upscale. So they tell you, you can buy
4 that unit over there, you know, for X amount of
5 money, but if you give us a little bit more money
6 you can have that unit, and guess what, you'll have
7 no back door neighbors, and you pay more for that,
8 definitely. It's an added value, so I felt as if,
9 yes, it's an added value.

10 COUNCILMAN FARIAS: So now you're thinking
11 that they're going to add these to people on the
12 back so they paid for nothing.

13 MR. PEREZ: So it's a decrease value. You
14 paid more than you should have at that point, in my
15 opinion.

16 COUNCILMAN FARIAS: All right. Thank you.

17 MR. PEREZ: One more thing I forgot to mention
18 also about the traffic. If you add a major grocery
19 store --

20 VICE-CHAIR DEMPS: You can't speak.

21 COUNCILMAN FARIAS: That was the question that
22 I asked. I'm sorry. Thank you.

23 MR. DIAZ: No problem.

24 COUNCILMAN FARIAS: Can you elaborate on that.

25 MR. MAYORAL: Sure, sure. Even if that were

1 true, and I don't know if it's true or not, even if
2 that were true, it has nothing to do with the
3 zoning application that's before you. It has
4 nothing do with whether this property should be
5 rezoned to BU-1A and RU-3M.

6 However, the same people who made those
7 statements also told you that the marketing
8 material that they looked at showed that property
9 for future development by others.

10 So why would you pay a premium to live next to
11 vacant land when you've already been told that that
12 land will be developed in the future by others. So
13 I don't understand the inconsistencies with those
14 statements.

15 COUNCILMAN FARIAS: I'm asking this to the
16 Board also. You know, I understand these traffic
17 experts, but I wish they would be up with me at
18 5:30 in the morning when I got to driving down
19 those roads.

20 And I have something else I have to say to
21 them. I do this everyday. I got to get up also
22 because there is so much traffic. I get calls
23 constantly because of those lights being on 248.
24 I'm a very active Council person. I get all these
25 calls all the time and I've even reached out to the

1 commissioner about that street -- about that
2 streetlight because they have called me up.

3 You know, I wasn't here unfortunately in 2014.
4 If you were you would probably get another no also
5 on that day. And I'm with Marva, you know. We
6 need to do the right thing. We got elected by the
7 people. We represent those people, and we had a
8 lot of them come out here today. With that I
9 close.

10 COUNCILMAN JACKSON: I would like to say
11 something about traffic. Traffic is something that
12 South Florida you have to contend with. No matter
13 where you go nowadays traffic is going to be rough,
14 you know.

15 I'm not here in support of or denying of. I
16 just know that we cannot get away from traffic. No
17 matter what you do traffic is going to always be an
18 issue in South Florida because every road you go
19 down it's just going to be that way because
20 everybody loves to come to South Florida.

21 As far as the -- I had a question about there
22 was a lane that you were talking about that's going
23 to go through from one property to the next.

24 MR. MAYORAL: Sure.

25 COUNCILMAN JACKSON: Is that going to be a

1 one-way or two-lane or what?

2 MR. MAYORAL: It will be a two-lane road which
3 allow access. I think it's east west. And, again,
4 that's a secondary access. In my mind the only
5 people who will be going to the clubhouse and back
6 would use that access. Again, they will have their
7 own independent access to 113th Court and then why
8 travel west to then come out to 248th Street.

9 CHAIRMAN WILSON: Are there anymore questions
10 from the Board?

11 I need someone to make a motion.

12 COUNCILWOMAN WILLIAMS: Well, I want to make a
13 motion but the problem is I want to make sure we
14 fully understand this.

15 I personally want to make a motion to deny
16 this application in its entirety; however, I don't
17 know how we can word this. I would like -- what
18 the residents are recommending I do think is a
19 wonderful idea, and that is to take that property
20 for commercial purposes as opposed to -- so how
21 would I -- how would we go about that? Set up a
22 new application? We amend this one?

23 COUNTY ATTORNEY: I think the only thing you
24 can consider is the application that's before you.

25 COUNCILWOMAN WILLIAMS: Before us? Okay.

1 Then I recommend that the application be
2 denied.

3 COUNCILMAN FARIAS: I second it.

4 MS. HENDERSON: Councilman Jackson?

5 COUNCILMAN JACKSON: I'm going to say no on
6 the denial.

7 MS. HENDERSON: He's saying he wants it to be
8 denied.

9 MR. MAYORAL: Not for denial.

10 MS. HENDERSON: Councilman Morrow -- oh, he's
11 not here.

12 Vice-Chair Demps?

13 VICE-CHAIR DEMPS: No.

14 MS. HENDERSON: Chair Wilson?

15 CHAIRMAN WILSON: I'm going to say no?

16 MS. HENDERSON: Councilman Farias?

17 COUNCILMAN FARIAS: I denied it, yes.

18 MS. HENDERSON: And then Councilwoman
19 Williams?

20 COUNCILWOMAN WILLIAMS: I'm voting to deny the
21 application.

22 MS. HENDERSON: So the motion failed.

23 COUNCILWOMAN WILLIAMS: Oh, ma'am, you're
24 going to have to do that again. I think there's
25 some misunderstanding going on. So, I'm going to

1 say this --

2 MR. MAYORAL: The motion failed.

3 COUNCILWOMAN WILLIAMS: Excuse me.

4 MR. MAYORAL: The motion failed.

5 COUNCILWOMAN WILLIAMS: Oh, it did fail.

6 Okay. Well, no, the motion failed. The motion
7 failed. That's not what we're saying. There is
8 some confusion as to the motion itself. I'm voting
9 that the application be denied.

10 MR. MAYORAL: And they have that. It was
11 three two against one.

12 MS. HENDERSON: Right.

13 COUNCILWOMAN WILLIAMS: Against the motion.
14 So that means they approved the application.

15 COUNCILMAN FARIAS: No.

16 COUNCILWOMAN WILLIAMS: Well, then we got it
17 backwards. We're making sure. I voted that the
18 application be denied. Farias voted that it be
19 denied.

20 CHAIRMAN WILSON: I voted that it be denied as
21 well.

22 COUNCILWOMAN WILLIAMS: Okay. Councilman
23 Wilson.

24 COUNTY ATTORNEY: Just so that it's clear for
25 the record. The motion was to deny the

1 application. That motion failed. So the
2 application, that is not denied.

3 COUNCILWOMAN WILLIAMS: Exactly. That's what
4 I'm saying. That's what I thought. That's not
5 what they understand. But one person didn't.

6 COUNCILMAN JACKSON: Oh, okay.

7 COUNTY ATTORNEY: That was the motion passed.
8 If anyone has a new motion.

9 VICE-CHAIR DEMPS: I have a motion. I move
10 that the application be approved as recommended by
11 the County.

12 COUNCILMAN JACKSON: I second the motion.

13 MS. HENDERSON: That was Jackson that seconded
14 the motion?

15 COUNCILMAN JACKSON: Yes.

16 MS. HENDERSON: Councilman Farias?

17 COUNCILMAN FARIAS: No.

18 MS. HENDERSON: Councilman Jackson said yes.
19 Councilwoman Williams?

20 COUNCILWOMAN WILLIAMS: No.

21 MS. HENDERSON: Vice-Chair Demps?
22 She said yes.

23 MS. HENDERSON: Chair Wilson?

24 CHAIRMAN WILSON: No.

25 COUNCILWOMAN WILLIAMS: So, basically it's

1 denied. That was the whole point.

2 MR. MAYORAL: That was the motion to approved
3 which failed.

4 COUNCILWOMAN WILLIAMS: Now, I make a
5 motion --

6 COUNCILMAN FARIAS: I make a motion to deny
7 the application.

8 COUNCILWOMAN WILLIAMS: I second.

9 CHAIRMAN WILSON: For clarity, it's in its
10 entirety or part?

11 COUNCILWOMAN WILLIAMS: In its entirety, yes.

12 COUNCILMAN FARIAS: In its entirety, yes.

13 MS. HENDERSON: Councilwoman Williams?

14 COUNCILWOMAN WILLIAMS: Deny it. That's a
15 yes. Deny it.

16 MS. HENDERSON: Vice-Chair Demps?

17 VICE-CHAIR DEMPS: No.

18 MS. HENDERSON: Chair Wilson?

19 CHAIRMAN WILSON: Yes.

20 MS. HENDERSON: Jackson?

21 COUNCILMAN JACKSON: No.

22 COUNCILWOMAN WILLIAMS: Over here. There's
23 one more person you forgot.

24 MS. HENDERSON: FARIAS?

25 COUNCILMAN FARIAS: Yes.

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MS. HENDERSON: So the motion pass;
application denied.

MR. MAYORAL: Thank you for your time and
consideration.

(Thereupon, the proceedings were concluded.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
SS:
COUNTY OF MIAMI-DADE)

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, certify that all witnesses personally appeared before me on the 16thth Day of March, 2018, and were duly sworn.

Doris Newbold

DORIS NEWBOLD,
Court Reporter
Notary Public, State of Florida
My Commission # FF 944616
My Commission Expires 12-16-2019

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
 SS:
COUNTY OF MIAMI-DADE)

I, Doris Newbold, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 15 on March 8, 2018; and that the Item of SFI PALM TREE FARMS, LLC, (17-139) was heard, and that the foregoing pages, Numbered 1 through 135, inclusive, constitutes a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 16th day of March 2018.

Doris Newbold _____

DORIS NEWBOLD,
COURT REPORTER

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

PH: Z17-170

April 26, 2018

Item No. 4

Appeal Recommendation Summary	
Commission District	10
Applicants	PZB 4, LLC.
Summary of Requests	The applicant is seeking a district boundary change from EU-S, Single-Family Suburban Estate District to BU-1A, Limited Business District along with the requests to permit a proposed office building with more floor area ratio than required by Code and setback less than required by the property line. In addition, the applicant is seeking approval to permit less landscape open space than permitted by the Code.
Location	Lying south of SW 56 Street, approximately 470' west of SW 99 Avenue, aka 9990 SW 56 Street, Miami-Dade County, Florida.
Property Size	1.07 acre
Existing Zoning	EU-S, Single-Family Suburban Estate District
Existing Land Use	Vacant parcel
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 – 2.5 dua, <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>

CZAB Action

CZAB 14 January 16, 2018	Denial without prejudice
-------------------------------------	---------------------------------

Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC members present)
Previous Recommendation to the CZAB	Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #4. (Original Staff Recommendation to the CZAB is attached)

Timeline

1. On January 16, 2018 the Community Zoning Appeals Board (CZAB) #12, denied the application without prejudice.
2. On January 24, 2018, the applicant, PZB4, LLC appealed the CZAB 12 decision to the Board of County Commissioners (BCC).

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB 12 decision should be **approved.**

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

PH: Z17-170

April 26, 2018

Item No. 4

Recommendation Summary	
Commission District	10
Applicant	PZB 4, LLC.
Summary of Requests	The applicant is seeking a district boundary change from EU-S, Single-Family Suburban Estate District to BU-1A, Limited Business District along with the requests to permit a proposed office building with more floor area ratio than required by Code and setback less than required by the property line. In addition, the applicant is seeking approval to permit less landscape open space than permitted by the Code.
Location	Lying south of SW 56 Street, approximately 470' west of SW 99 Avenue, aka 9990 SW 56 Street, Miami-Dade County, Florida.
Property Size	1.07 acre
Existing Zoning	EU-S, Single-Family Suburban Estate District
Existing Land Use	Vacant parcel
2020-2030 CDMP Land Use Designation	Estate Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(4)(b), Non-Use Variance standards, <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #4.

REQUESTS:

1. DISTRICT BOUNDARY CHANGE FROM EU-S TO BU-1A.
2. NON-USE VARIANCE to permit an office building setback 13' (15' required) from the interior side (east) property line.
3. NON-USE VARIANCE to permit a Floor Area Ratio of 0.68 (maximum 0.62 permitted).
4. NON-USE VARIANCE to permit 19.1% of landscape open space (minimum 20.7% required).

Plans on file entitled "New Office Building" as prepared by The Architects Group, floor plan dated stamped received 9/28/17, elevation plans dated stamped received 6/19/17, and site plan and landscape plans dated 12/7/17, consisting of 7 sheets.

PROJECT HISTORY AND PROJECT DESCRIPTION:

In March 1994, the subject property was approved pursuant to Resolution #5-ZAB-99-94, for a use variance to permit an existing plant nursery in the EU-S zoning district as would be permitted in the AU zoning district. The application was also approved for Non-Use Variances for lot frontage and lot area, parking, setback, and signage.

In this present application, the applicant seeks a district boundary change from EU-S, Single-Family Suburban Estate District to BU-1, Limited Business District along with other ancillary Non-Use Variances. The applicant has submitted a proffered Declaration of Restrictions restricting the subject property to office uses only and all accessory uses for the office building.

The applicant has also submitted a site plan that shows a proposed three (3) story building office building encroaching 2' into the interior side (east) setback area. The site plan also shows a row of trees and hedges surrounding the subject property to the south, east and west, and a staggered row of trees to the north. In addition, the site plan also shows a proposed 6' high cbs wall surrounding the subject parcel to the south, east, and west.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-S; vacant land	Estate Density Residential (1 to 2.5 dua)
North	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
South	EU-1; single-family residence	Estate Density Residential
East	EU-S; nursery and nursery building	Estate Density Residential (1 to 2.5 dua)
West	BU-1A; shopping center	Estate Density Residential (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The 1.07 acre subject property is in an area surrounded by commercial to the east and west and residential to the north and south.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the property with a three (3) story office building. Based on the zoning analysis below, staff opines that approval of the application would not be out of character with the area and would not create a significant impact on traffic and County services in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that the southern 1.07 acre portion of the subject parcel is designated Estate Density on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The applicant seeks a district boundary change to BU-1A along with ancillary Non-Use Variances in order to develop the property with an office building. The CDMP states that *Office Uses smaller than five acres in size may be approved in areas designated as Residential Communities where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. However, where such an office, business, or industrial use exists only on a corner lot of a subject block face or block end, approval of office use elsewhere on the block is limited to the one block face or block end which is the more heavily trafficked side of the referenced corner lot.*

Staff notes from an interpretation letter issued by the Department's Planning Section that states that the property to the west of the subject property is a shopping center that is zoned BU-1A and designated Estate Density Residential. As such, the Planning Section has opined in their letter, dated May 2, 2017, that the proposed office use would be an allowable use on the subject property. As previously mentioned in staff's recommendation, office uses are allowed in residential designated districts under the CDMP where other office, business or industrial use(s) which are not inconsistent with this plan already lawfully exist on the same block face. Staff notes that the applicant has proffered a Declaration of Restrictions which restricts the use of the subject property to office uses only along with all accessory uses for the office building. Therefore, staff opines, that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning office uses in residential districts in areas designated for **Estate Density Residential** on the CDMP Land Use Plan (LUP) map.

ZONING ANALYSIS:

When the applicant's request to rezone the 1.07-acre parcel from EU-S, Single-Family Suburban Estate District to BU-1A, Limited Business District (request #1), is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the request 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 request to rezone the property along with the proffered Declaration of Restrictions restricting the use of the property to office uses only and all accessory uses for the office building 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 exceed the acceptable level of service on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memoranda from the Department's Platting and Traffic Review Section, dated October 19, 2017, which states that the proposed office building will generate 47 PM daily peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Additionally, staff notes that the memorandum from the Department's Division of Environmental and Regulatory Management (DERM) which indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County.

Staff notes from the Department's Geographic Information System (GIS) that shows a BU-1A zoned parcel located at 10000 SW 56 Street, which is adjacent to the subject property to the west and a second BU-1A parcel located at 10140 SW 56 Street, which is located further west of the subject property. Therefore, staff opines that the proposed zone change to BU-1A is **compatible** with the surrounding area. **Therefore, staff recommends approval of the application, subject to the Board's acceptance of the proffered covenant under Section 33-311, District Boundary Change.**

When analyzing request #2, to permit a proposed office building setback 13' (15' required) from the interior side (east) property line and request #3, to permit a Floor Area Ratio of 0.68 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance standards, staff opinions that approval of the requests would be compatible with the surrounding area.

Staff's research of the area did not find any similar approvals in the area for interior side setbacks. However, staff notes from plans submitted by the applicant that show a 6' high cbs wall along the interior side (east) property along with a row of trees and a long hedge adjacent

to the wall, which staff opines will mitigate the 2' encroachment (request #2) into the interior side (east) setback area of the subject property on the neighboring nursery business to the east.

As for the requested floor area ratio (request #3), there were no similar approvals found in the surrounding area. However, staff has no objections to the request. Staff notes the site plan indicates that the proposed three (3) story building with landscaping will be located on the north portion of the subject property between a shopping center to the west and a plant nursery to the east, and staff opines that the proposed office building would not create a significant visual impact on the two commercial properties to the east and west.

The site plan also shows that the proposed building, which is located south of a single-family residence will setback 129.58' from the rear property line. In addition, the County's Geographic Information System (GIS) shows that the property line of the subject property is spaced approximately 138' from the neighboring property to the north. As such, staff opines that the distance from the neighboring properties to the north and south along with the provided landscaping will mitigate any significant visual impacts on those neighboring properties to the north and south.

Therefore, staff opines that approval of requests #2 and #3 would maintain 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. **As such, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

When request #4, to permit 19.1% of landscape open space (minimum 20.7% required) is analyzed under Section 33-311(A)(4)(b), Non-Use Variance standards, staff opines that approval of the request would be compatible with the surrounding area.

Staff research of the area also did not find any similar approvals for landscape open space requirements. However, staff opines that the 1.6% is minor and that the landscaping provided by the applicant will be sufficient to mitigate any significant visual impacts generated by the proposed office building on the neighboring properties in the area. As such, staff opines that approval of request #4 would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, as it affects the stability and appearance of the community, and that the request would be otherwise **compatible** with the surrounding area. **Therefore, staff recommends approval with conditions of request #4 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate one ingress and one egress point along SW 56 Street (Miller Drive). Additionally, the plans indicate that there will be adequate parking within the proposed office development.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

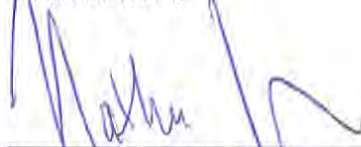
RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 through #4.

CONDITIONS FOR APPROVAL (For requests #2 through #8 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, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "New Office Building" as prepared by The Architects Group, floor plan dated stamped received 9/28/17, elevation plans dated stamped received 6/19/17, and site plan and landscape plans dated 12/7/17, consisting of 7 sheets.
3. That the use be established and maintained in accordance with the approved plan
4. That the applicant comply with all applicable conditions and requirements from the Department's Division of Environmental Resources Management (DERM) as indicated in the memorandum dated October 19, 2017.
5. That the applicant comply with all applicable conditions and requirements from the Department's Platting and Traffic Review Section as indicated in the memorandum dated October 18, 2017.
6. That the applicant comply with all applicable conditions and requirements from the Water and Sewer Department (WASD) as indicated in the memorandum dated October 13, 2017.

NK:JB:NN:JV:EJ



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

ZONING RECOMMENDATION ADDENDUM

PZB 4, LLC. (Z17-170)

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

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

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

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i> (2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>
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ZONING RECOMMENDATION ADDENDUM

PZB 4, LLC. (Z17-170)

	<p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications 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</i></p>

MIAMI-DADE COUNTY
 COMMUNITY ZONING APPEALS BOARD - AREA 12
 MOTION SLIP

3

HEARING DATE: JANUARY 16, 2018

APPLICANT'S NAME: PZB 4, LLC.

REPRESENTATIVE: HUGO ARSA

HEARING NUMBER	PROCESS #	RESOLUTION NUMBER	
Z2017000170	17-170	CZAB12	18

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

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	<u>S</u>	Peggy BRODEUR	✓		
COUNCILMAN		Javier GONZALEZ-ABREU			
COUNCILMAN		Matthew LARSH	✓		
COUNCILMAN		Anthony PETISCO		✓	
COUNCILMAN		Eliot N. ZACK		✓	
VICE CHAIR	<u>M</u>	Jose I. VALDES	✓		
CHAIR		ANGELA M. VAZQUEZ	✓		

VOTE: 4 2 0

EXHIBITS: YES NO

COUNTY ATTORNEY: MS. MORSE

Memorandum



Date: October 19, 2017

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

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

Subject: #Z2017000170-2nd Revision
PZB 4 LLC
9990 SW 56th Street Miami, FL
DBC from EU-S to BU-1A; NUV for Setbacks Requirements and
Site Plan Approval of Office Building
(EU-S) (1.07 Acres)
29-54-40

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

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code). Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-43(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

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.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be

permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the 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.

Tree Preservation

The subject property contains specimen trees (trunk diameter 18 inches or greater). Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit shall be required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM at (305)372-6574 for permitting procedures and requirements prior to development of site and landscaping plans.

in accordance with Section 24-49.9 of the Code and CON81 of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

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.

Z2017000170
PZE 4 LLC
Page 3

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: October 18, 2017

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

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

Subject: Z2017000170
Name: PZB 4, LLC
Location: 9990 SW 56 Street
Section 29 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 **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.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9266	SW 56 St W/O SW 97 Ave	C	C
9268	SW 56 St W/O SW 107 Ave	B	B
9700	SW 97 Ave S/O SW 40 St	C	C
R-47	SW 107 Ave S/O SW 40 St	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.

Standard Conditions:

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

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: 01/16/2018

BY CZAB # 12



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. Z2017000170

Filed in the name of (Applicant): PZB 4, LLC

Name of Appellant, if other than applicant: Same

Address/Location of APPELLANT'S property: Lying south of SW 56th Street, approximately 470' west of SW 99th Avenue, a/k/a 9990 SW 56th Street, in unincorporated Miami-Dade County, Florida.

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

Appellant (name): PZB 4, LLC hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board 12 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 Community Zoning Appeals Board 12 (CZAB 12) was not supported by substantial competent evidence on the record. Instead, the decision by the CZAB 12 was arbitrary and capricious.

APPELLANT MUST SIGN THIS PAGE

Date: 23 day of January, 2018

Signed 

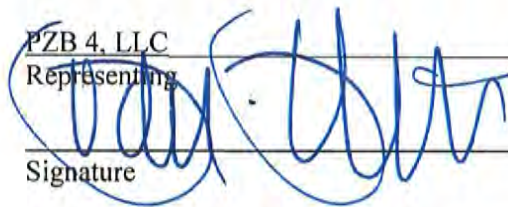
Martiniano Perez, Managing Member
Print Name

4775 Collins Avenue, #3302, Miami Beach, Florida
33140
Mailing Address

c/o 305-789-7783 Phone c/o 305-679-6302 Fax

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

PZB 4, LLC
Representing


Signature

Juan J Mayol, Jr., Esq.
Print Name

701 Brickell Avenue, Suite 3300
Address

Miami City Florida State 33131 Zip

305-789-7783
Telephone Number

Subscribed and Sworn to before me on the 23 day of January, year 2018


Notary Public

(stamp/seal)

Commission expires: FEB. 12, 2018



Elba Reyes
Commission # FF092261
Expires: FEB. 12, 2018
WWW.AARONNOTARY.com

16

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 Martiniano Perez, Managing Member, PZB 4, LLC, (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

[Signature]
Signature

JONATHAN PEREZ
Print Name

[Signature]
Signature

Jaymi Vega
Print Name

[Signature]
Appellant's signature

Martiniano Perez, Managing Member
PZB 4, LLC

Sworn to and subscribed before me on the 23 day of January, 2018.

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

[Signature]
Notary

(Stamp/Seal)

Commission Expires: Feb 12, 2018



Elba Reyes
Commission #FF092261
Expires: FEB. 12, 2018
WWW.AARONNOTARY.com

RESOLUTION NO. CZAB12-2-18

WHEREAS, PZB 4, LLC applied for the following:

- (1) DISTRICT BOUNDARY CHANGE FROM EU-S TO BU-1A.
- (2) NON-USE VARIANCE to permit an office building setback 13' (15' required) from the interior side (east) property line.
- (3) NON-USE VARIANCE to permit a Floor Area Ratio of 0.68 (maximum 0.62 permitted).
- (4) NON-USE VARIANCE to permit 8,946 sq. ft. of landscape open space (minimum 9,680 sq. ft. required).

Plans on file entitled "New Office Building" as prepared by The Architects Group, site plan and floor plan dated stamped received 9/28/17 and elevation plans dated stamped received 6/19/17, and landscape plans dated 11/6/17, consisting of 7 sheets.

SUBJECT PROPERTY: The North ½ of the West ½ of Tract 6, Miller Drive Estates First Addition, PB 48-16, less the north 15 feet for right-of-way.

LOCATION: Lying South of SW 56 Street, approximately 470' West of SW 99 Avenue A/K/A 9990 SW 56 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 at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- 1 Controlling Site Plan.** The Property shall be developed substantially in accordance with the plans entitled "New Office Building", as prepared by The Architects Group, floor plan dated stamped received 9/28/17, elevation plans dated stamped received 6/19/17, and site plan and landscape plans dated stamped received 12/7/17, consisting of seven (7) sheets.
- 2 Use Restriction.** The use of the Property shall be limited to office uses and all accessory uses associated therewith.

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 BU-1A (Request #1) 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, the requested NON-USE VARIANCE to permit an office building setback 13' (15' required) from the interior side (east) property line (Request #2), the NON-USE VARIANCE to permit a Floor Area Ratio of 0.68 (maximum 0.62 permitted) (Request #3) and the requested NON-USE VARIANCE to permit 8,946 sq. ft. of landscape open space (minimum 9,680 sq. ft. required) (Request #4) 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 would be inconsistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to deny the application (Request #1 through #4) without prejudice was offered by Jose Valdes, seconded by Peggy Brodeur, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Anthony Petisco	nay
Angela Vazquez	aye	Elliot N. Zack	nay
Matthew Larsh	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 BU-1A (Request #1) be and the same hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested NON-USE VARIANCE to permit an office building setback 13' (15' required) from the interior side (east) property line (Request #2), the NON-USE VARIANCE to permit a Floor Area Ratio of 0.68 (maximum 0.62 permitted) (Request #3) and the request NON-USE VARIANCE to permit 8,946 sq. ft. of landscape open space (minimum 9,680 sq. ft. required) (Request #4) 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 in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 16th day of January, 2018.

rd.

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 25ND DAY OF JANUARY, 2018.

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. CZAB12-2-18 adopted by said Community Zoning Appeals Board at its meeting held on the 16th day of January, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25th day of January, 2018.



Rosa Davis, Deputy Clerk
Miami-Dade 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 25, 2018

Holland & Knight
c/o Alejandro J. Arias
701 Brickell Avenue, Suite 300
Miami, FL 33131

Re: Hearing No. Z17-170
Location: 10281 SW 132 Street, MIAMI-DADE COUNTY, FLORIDA 33176

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-2-18, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which denied your application without prejudice.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **January 25, 2018**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosa Davis".

Rosa Davis
Deputy Clerk

Enclosure

Memorandum

MIAMI-DADE
COUNTY

Date: October 13, 2017

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

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

Subject: Zoning Application Comments - Columbus Capital New Office Building
Application No. Z2017000170 - (Pre-App. Z17P-037) - Revision No. 1

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: Columbus Capital New Office Building

Location: The proposed project is located on approximately 1.07 acres at 9990 SW 56th Street with Folio No. 30-4029-003-0120, in unincorporated Miami-Dade County.

Proposed Development: To build a new 31,500 square feet 3 story office building. In addition, the applicant is requesting the following: 1) Rezoning from EU-S (Single-Family Estate Use – Suburban) to BU-1A (Limited Business Use District); 2) Site Plan Approval of a proposed office building; 3) A Non-Use Variance to allow for a Floor Area Ratio (FAR) of 0.67, where a maximum of 0.62 FAR is allowed; 4) A Non-Use Variance to allow a building side interior setback of 13 feet adjacent to EU-S zoned properties, where 15 feet are required; and 5) A minor Non Use Variance to allow for a landscape open space of 8,946 square feet, where a minimum of 9,680 square feet is required.

The total estimated water demand for this project will be 1,675 gpd.

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander Orr Water Treatment Plant. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the CDMP.

The subject property is connected to the water system. If a new service connection is required for the proposed office building, there is an existing 12-inch water main in SW 56th Street abutting the northern boundary of the property to where the developer may connect and extend a new 12-inch water main southerly across SW 56th Street to the right-of-way line (northern boundary of the property) in order to provide service to the proposed development. A water main extension is required since the offset distance from the existing 12-inch water main to the right-of-way line is greater than 50 feet.

Any public w.m. extension within the property shall be twelve (12)-in. minimum diameter. If two (2) or more fire hydrants are to be connected to a public w.m. extension, then, the water system shall be looped with two (2) points of connection. Final points of connection and capacity approval to connect to the water system will be provided at the time of the applicant requests connection to the water infrastructure.

A Water Supply Certification (WSC) letter will be required for all future development to ensure that adequate water supply is available. The WSC will be issued at the time the applicant requests connection to the water system. The WSC required is consistent with Policy CIE-5D and WS-2C in the County's

CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

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

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

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

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

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. The subject property will be connecting to WASD's sewer system for the first time.

Per correspondence received from DERM, the subject property will be required to connect to the sewer system. Therefore, there is an existing 8-inch force main in SW 56th Street east of SW 102nd Avenue to where the developer may connect and extend the same (8-inch force main) easterly in SW 56th Street to a point as required to provide service to the proposed development, in which the installation of a private pump station will be required for as long as all legal requirements are met. If Unity of Title does not apply, then any gravity sewer within the property shall be public and eight (8)-in. minimum diameter. Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.

WASD will be the utility providing sewer services subject to the following conditions:

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

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

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

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

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

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

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

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

Memorandum



Date: October 02, 2017
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2017000170

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "Energov" on 09/29/17.

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

PZB4, LLC

9990 SW 56 Street

APPLICANT

ADDRESS

Pending

Z2017000170

DATE

HEARING NUMBER

FOLIO: 30-4029-003-0120

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

October 3, 2017

NEIGHBORHOOD REGULATIONS:

There are no open or closed cases

BUILDING SUPPORT REGULATIONS:

There are no open or closed cases

VIOLATOR:

PZB4, LLC

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines

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: PZB 4, LLC, a Florida limited liability company.

NAME AND ADDRESS	Percentage of Stock
<u>4775 Collins Ave., Unit 3302</u>	<u>Miami Beach, FL 33140</u>
<u>Martin Perez, Manager</u>	<u>50%</u>
<u>Ralph Perez</u>	<u>50%</u>

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

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: _____

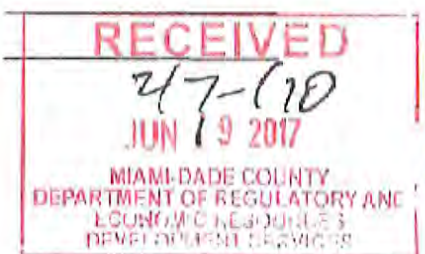
NAME AND ADDRESS	Percentage of Ownership

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 similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME AND ADDRESS (if applicable)	Percentage of Interest

Date of contract: _____



28

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

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 this application to the best of my knowledge and belief.

PZB 4, LLC, a Florida Limited liability company

By: *M. Perez*
Print Name: Martin Perez
Title: Manager

Sworn to and subscribed before me this 20 day of December, 2016. Affiant is personally known to me or has produced _____ as identification.

Elba Reyes
(Notary Public)

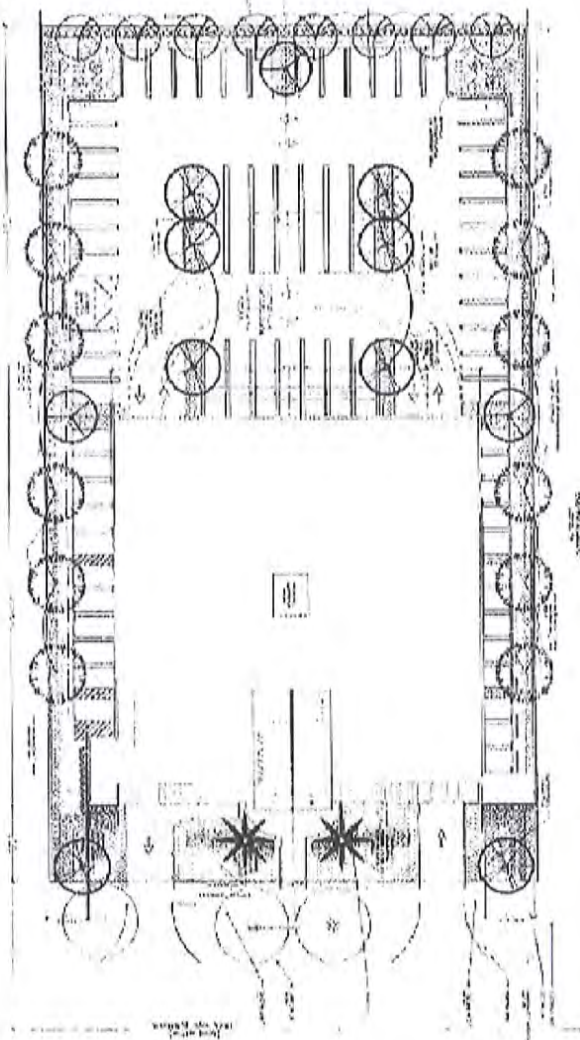


My commission expires Feb. 12, 2018

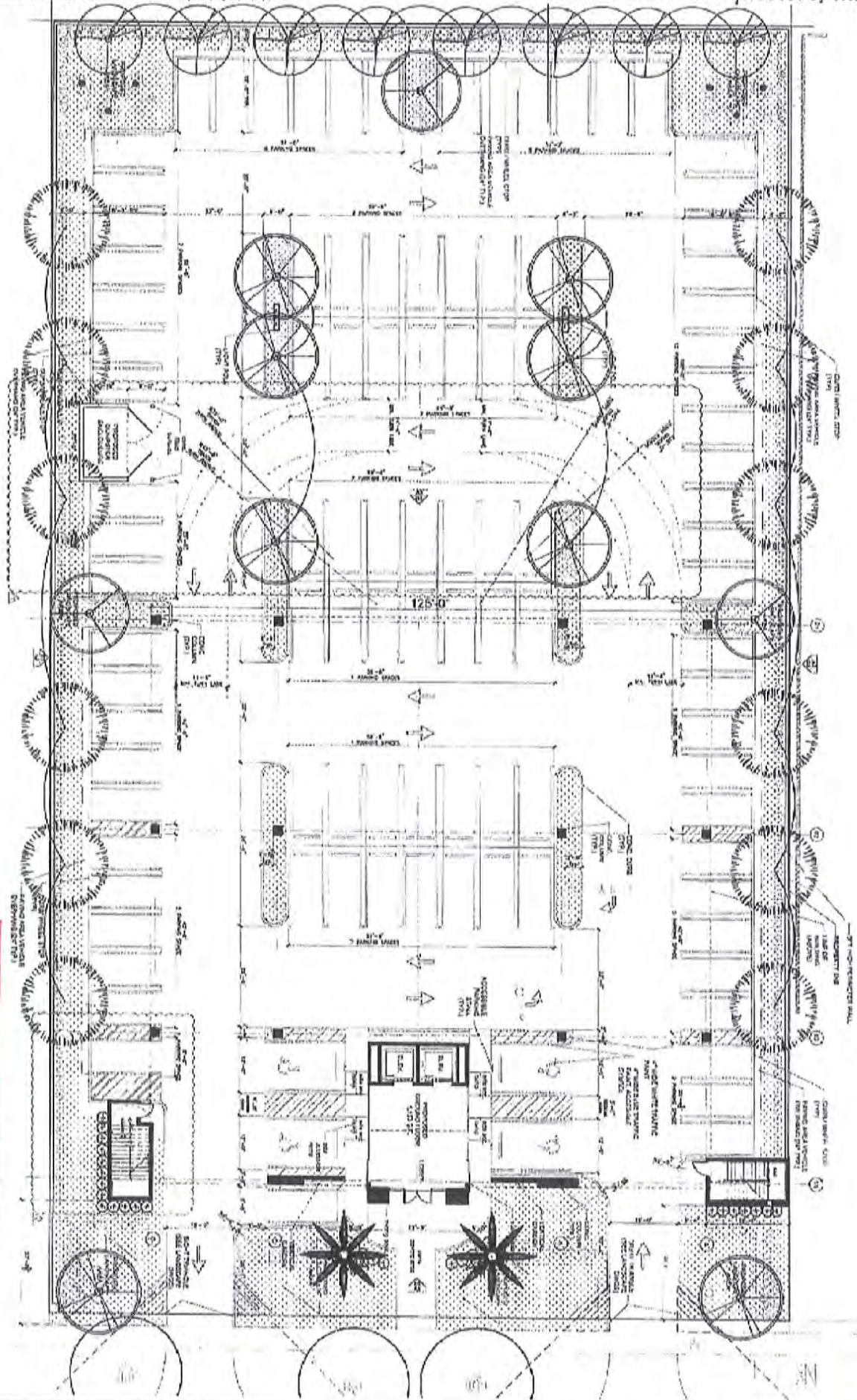
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.

RECEIVED
267-170
JUN 19 2017
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
DEVELOPMENT SERVICES
29

RECEIVED
 17-170
 DEC 05 2017



GENERAL NOTES	
1.	THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED.
2.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3.	THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4.	ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH GRADE.
5.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
6.	ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
7.	THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
8.	ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND LOCAL ORDINANCES.
9.	THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
10.	ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH GRADE.
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20.	ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND LOCAL ORDINANCES.



RECEIVED

SEP 28 2017

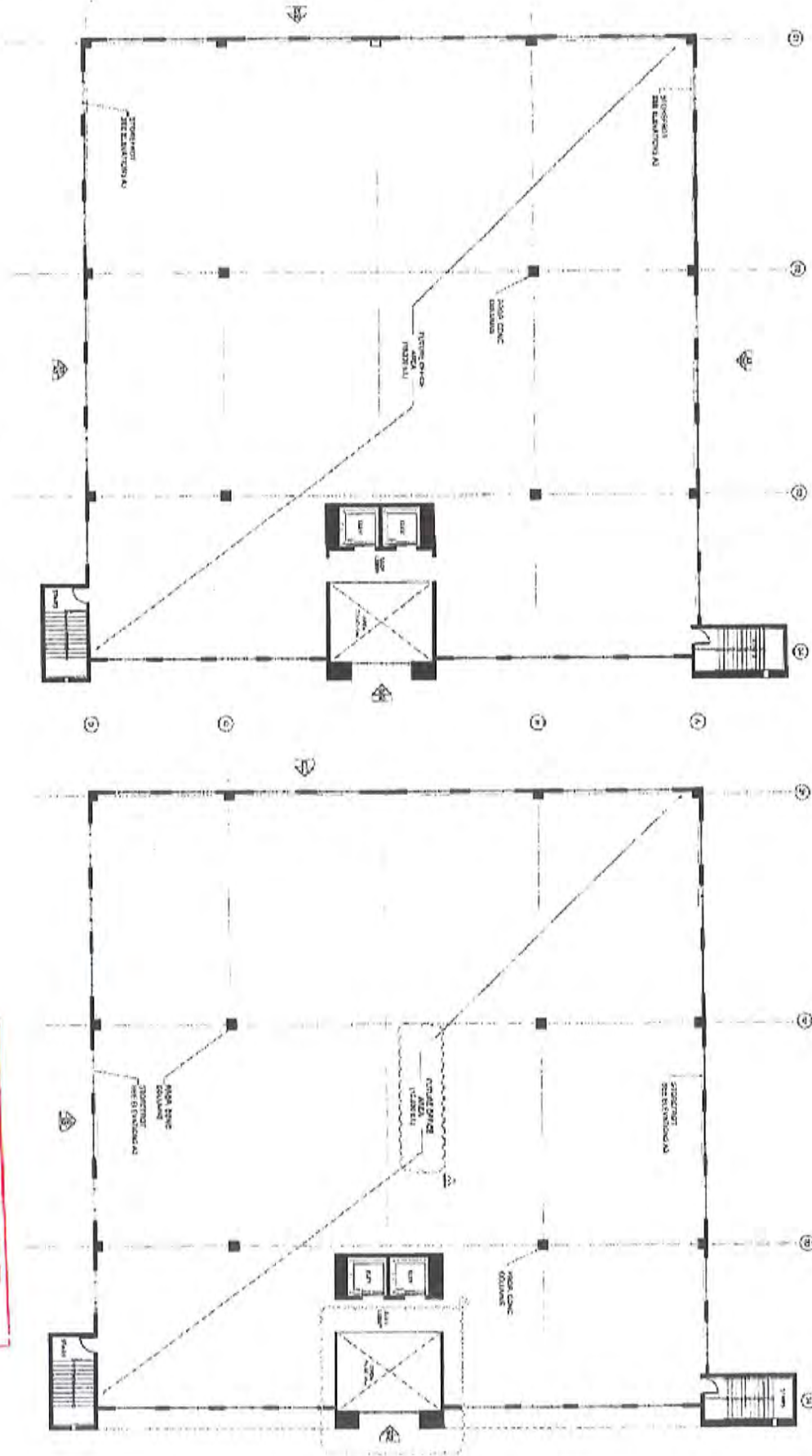
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND
ECONOMIC RESOURCES
PROPERTY DIVISION

217-1170

AT THE OFFICE OF THE COUNTY CLERK

31

01 PROPOSED SECOND FLOOR PLAN



RECEIVED
 217-170
 SEP 28 2017
 MIAMI-DADE COUNTY
 DEPARTMENT OF PERMITTING AND
 ECONOMIC SERVICES
 NEW PLANS

32



ARCHITECT
 REGISTERED PROFESSIONAL ARCHITECT
 STATE OF FLORIDA
 NO. 12345
 12345
 12345

PROJECT
NEW OFFICE BUILDING
 12345
 12345
 12345

OWNER
COLUMBUS CAPITAL LENDING
 12345
 12345
 12345

DATE: 09/28/17
 SCALE: 1/8" = 1'-0"
 SHEET: 01 OF 02
 PROJECT: NEW OFFICE BUILDING
 OWNER: COLUMBUS CAPITAL LENDING
 ARCHITECT: [Firm Name]

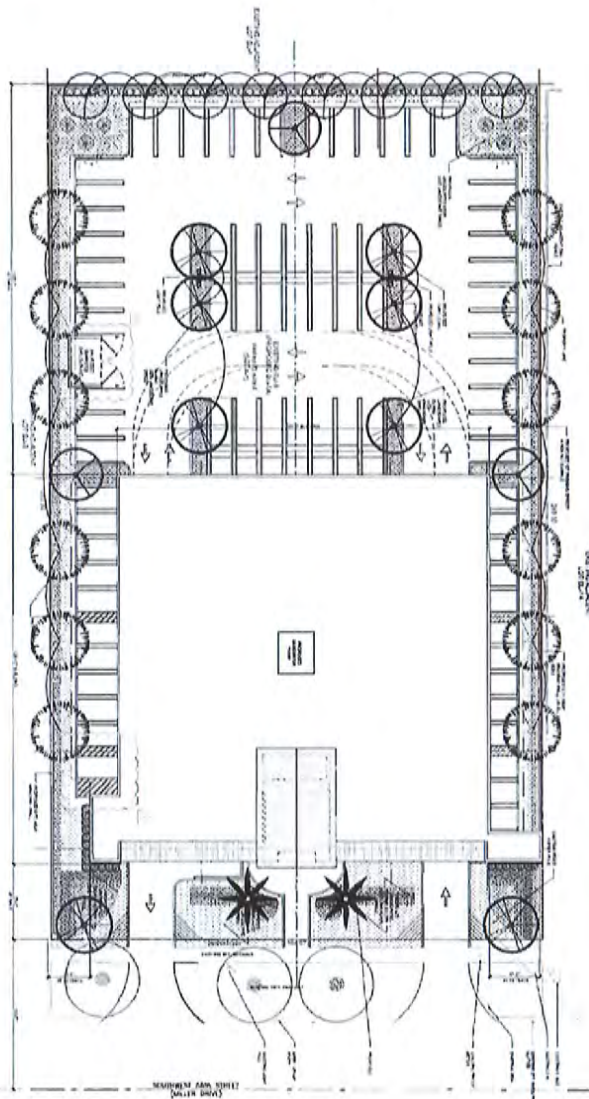
Columbus Headquarters, Miller



01 LOCATION MAP



02 ZONING MAP



03 PROPOSED SITE PLAN

ZONING LEGEND	
COMMERCIAL DISTRICT	COMMERCIAL DISTRICT
RESIDENTIAL DISTRICT	RESIDENTIAL DISTRICT
INDUSTRIAL DISTRICT	INDUSTRIAL DISTRICT
OFFICE DISTRICT	OFFICE DISTRICT
...	...

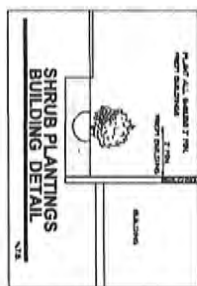
33



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 2-17-170
 05 2017

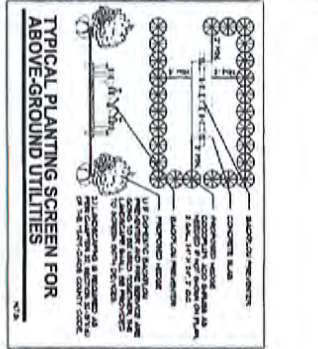
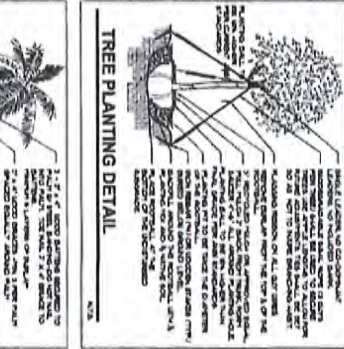
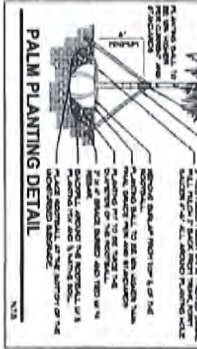
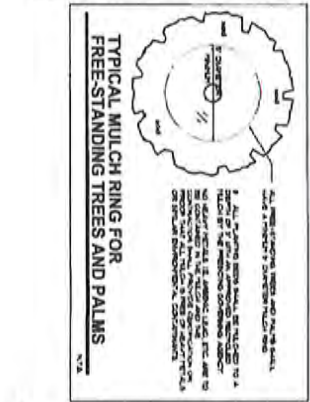
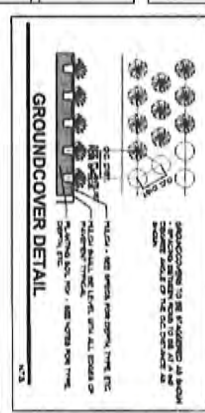
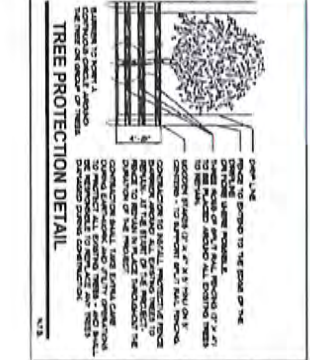
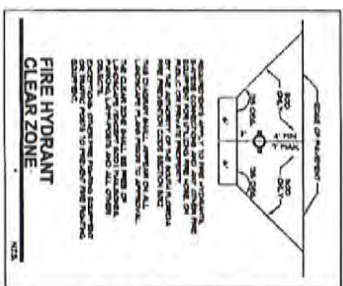
NOTES:

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TAMPA LANDSCAPE MAINTENANCE MANUAL AND THE CITY OF TAMPA LANDSCAPE MAINTENANCE MANUAL.
2. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY MATERIALS AND LABOR FOR THE PLANTING AND MAINTENANCE OF THE LANDSCAPE.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND STRUCTURES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROVIDE A DETAILED PLANTING PLAN AND MAINTENANCE SCHEDULE TO THE OWNER.



FERTILIZATION:

PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TAMPA LANDSCAPE MAINTENANCE MANUAL AND THE CITY OF TAMPA LANDSCAPE MAINTENANCE MANUAL.



LANDSCAPE NOTES

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LANDSCAPE NOTES

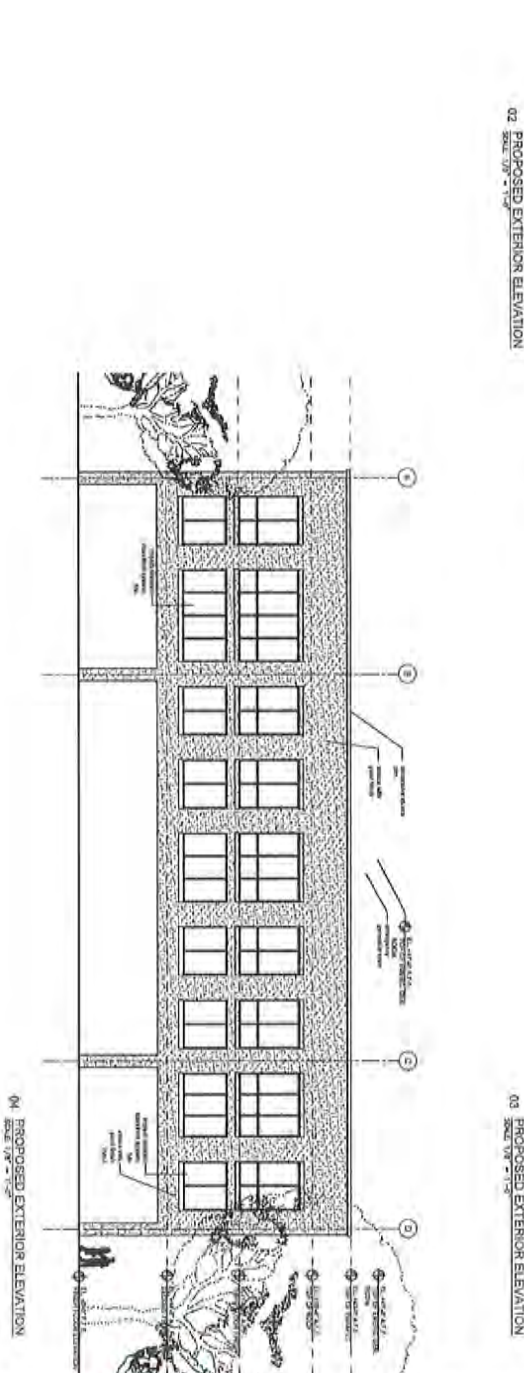
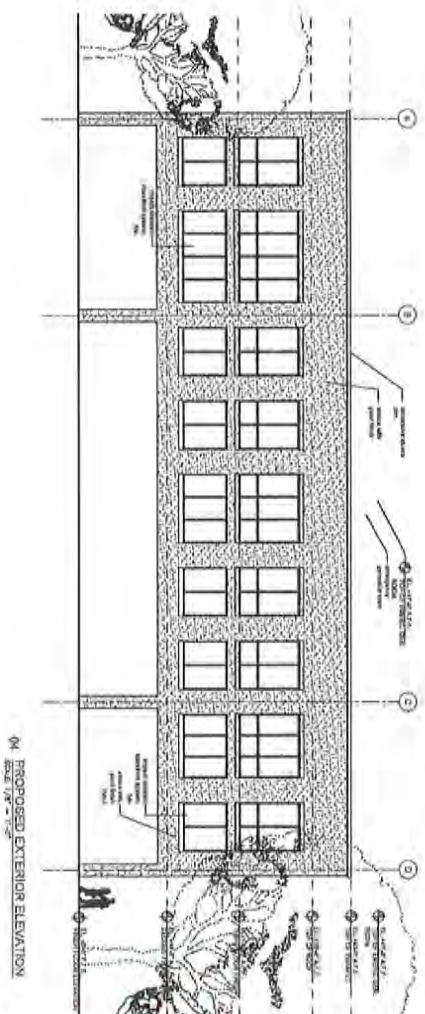
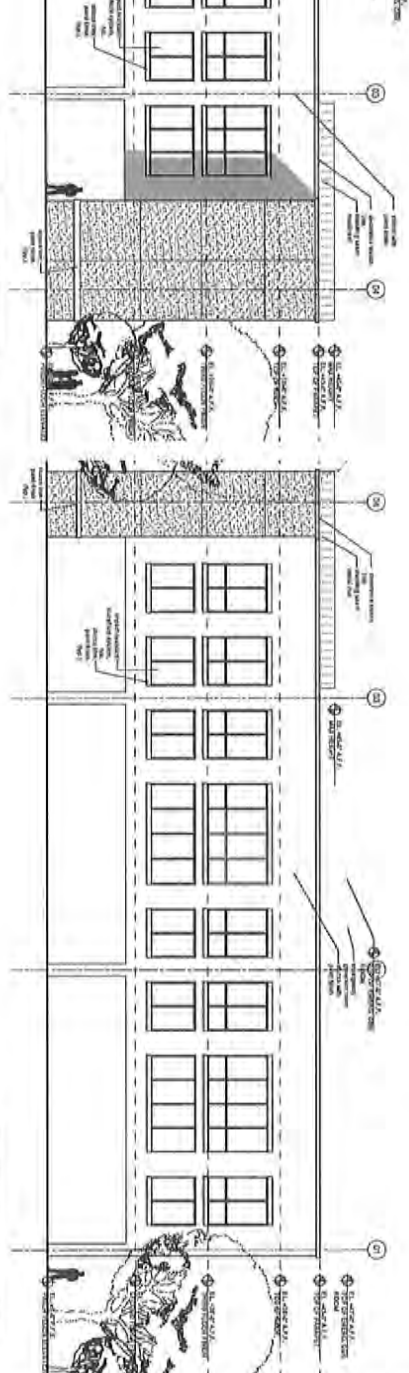
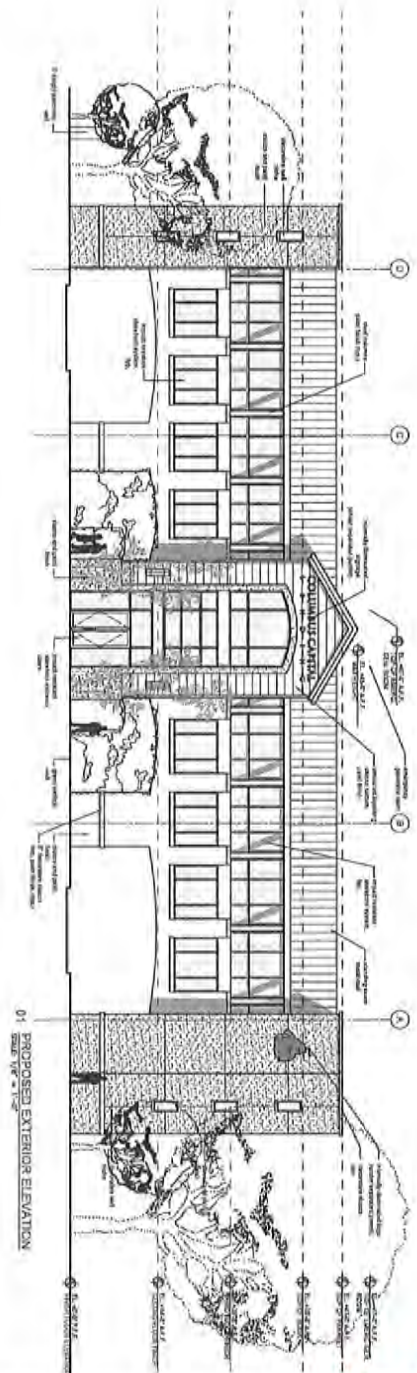
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LANDSCAPE DETAILS, SPECIFICATIONS, ETC.
 L-2

NEW OFFICE BUILDING

COLUMBUS CAPITAL LENDING
 848 BURNETT DRIVE
 SUITE 400
 TAMPA, FLORIDA 33615

TAC
 TAMPA AREA CONSTRUCTION







MIAMI-DADE COUNTY
HEARING MAP

Process Number

Z2017000170

Section: 29 Township: 54 Range: 40
 Applicant: PZB 4, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
		37



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2017000170

Legend
 Subject Property

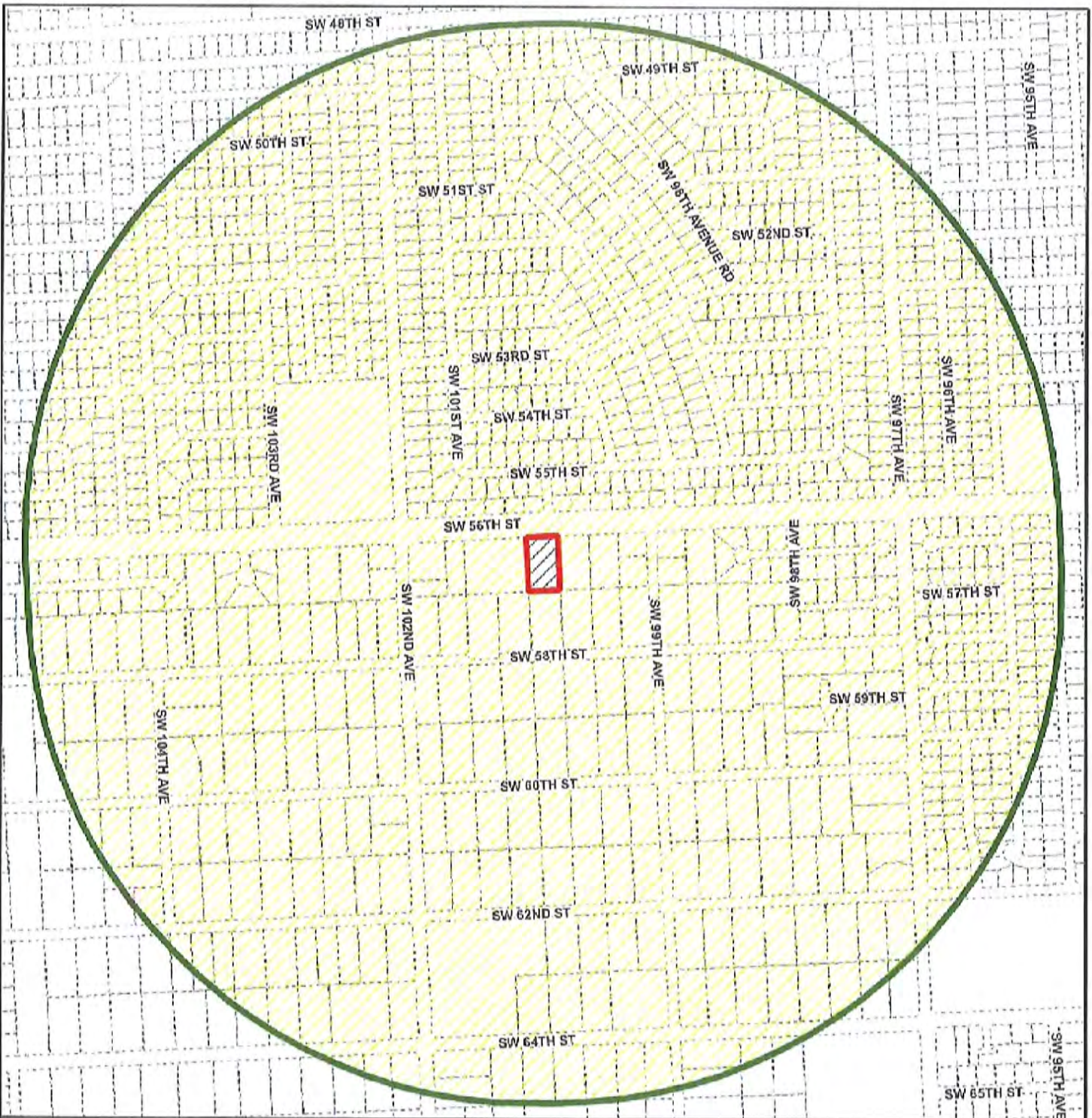


Section: 29 Township: 54 Range: 40
Applicant: PZB 4, LLC
Zoning Board: C12
Commission District: 10
Drafter ID: E.Cespedes
Scale: NTS



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
		38



MIAMI-DADE COUNTY
RADIUS MAP

Section: 29 Township: 54 Range: 40
 Applicant: PZB 4, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: E.Céspedes
 Scale: NTS

Process Number
Z2017000170
 RADIUS: 2640

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY
		39




MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2017000170

Section: 29 Township: 54 Range: 40
 Applicant: PZB 4, LLC
 Zoning Board: C12
 Commission District: 10
 Drafter ID: E.Cespedes
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, June 27, 2017

REVISION	DATE	BY

This instrument was prepared by:

Name: Alejandro J. Arias, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3300
Miami, Florida 33131

PZB4, LLC
(217-170)

BCC

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner, PZB 4, LLC, a Florida limited liability company (the "Owner"), holds the fee simple title to that certain parcel of land in unincorporated Miami-Dade County (the "County"), which is legally described in Exhibit "A" to this Declaration (the "Property"); and

WHEREAS, the Owner has filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2017000170 (the "Application") for the purpose of seeking a rezoning of the Property, site plan approval, and minor non-use variances, to facilitate the future development of the Property;

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

1. **Controlling Site Plan.** The Property shall be developed substantially in accordance with the plans entitled "New Office Building", as prepared by The Architects Group, floor plan dated stamped received 9/28/17, elevation plans dated stamped received 6/19/17, and

Section-Township-Range: 29-54-40
Folio Number: 30-4029-003-0120

KMM

site plan and landscape plans dated stamped received 12/7/17, consisting of seven (7) sheets.

2. **Use Restriction.** The use of the Property shall be limited to office uses and all accessory uses associated therewith.

3. **Miscellaneous.**

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

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

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

been modified or released by the County as provided in Paragraph 2 (D) below.

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

E. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

F. Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the particular Parcel which is in default, any further permits, and refuse to make any inspections or

grant any approvals with respect to the particular Parcel which is in default, until such time as this Declaration is complied with.

G. 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.

H. 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.

I. 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 provision is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated provision.

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

Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County 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.

L. Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGES FOLLOW]

EXHIBIT "A"

THE NORTH 1/2 OF THE WEST 1/2 OF TRACT 6, MILLER DRIVE ESTATES FIRST ADDITION, AS RECORDED IN PLAT BOOK 48 IN PAGE 16, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 15 FEET FOR RIGHT-OF-WAY.

Parcel Identification Number: 30-4029-003-0120

**Section-Township-Range: 29-54-40
Folio Number: 30-4029-003-0120**

#54510142_v2

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COMMUNITY ZONING APPEALS BOARD - AREA 12

KENDALL VILLAGE CENTER - CIVIC PAVILION

8620 SW 124 AVENUE - MIAMI

Tuesday, January 16, 2018

6:30 p.m.

E X C E R P T

ITEM NO:

PZB 4, LLC.
17-170

BOARD MEMBERS

PRESENT:

Angela M. Vazquez, Chairwoman
Jose I. Valdes, Vice-Chairman
Javier Gonzalez-Abreu
Peggy Brodeur
Matthew Larsh
Anthony F. Petisco
Elliott N. Zack

STAFF PRESENT:

Jorge Vital
Lauren Morse, Assistant County Attorney

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I N D E X

BOARD MEMBERS

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Vice-Chairman Valdes 21, 22, 23, 46, 47, 50, 51, 52

Councilwoman Brodeur 29, 30, 46, 47, 48, 49, 52

Councilman Petisco 32, 33, 49, 50, 52

Councilman Zack 52

Councilman Larsh 52

STAFF

Mr. Vital 3, 4, 32, 33, 45, 46, 50, 52, 53

APPLICANT/SUPPORTERS

Mr. Arza 4-20, 33-40, 41, 42, 43-45, 50, 51, 52

Mr. Ramos 21, 23

Mr. Percival 23-26

Mr. Benitez 41-42

OPPOSERS

Mr. Quintana 26-30

Mrs. Quintana 31-32

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

* * * * *

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

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

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

1 departments have staff present here to
2 address any questions; the Zoning
3 Evaluation and Platting and Traffic Review
4 sections of the Department of Regulatory
5 and Economic Resources, and the County
6 Attorney's Office.

7 * * * * *

8 CHAIRWOMAN VAZQUEZ: Please call the
9 next item.

10 MR. VITAL: Item 3, PZB 4, LLC,
11 Application No. 17-170. Zero objectors,
12 zero waivers.

13 MR. ARZA: Good evening. Hugo Arza,
14 offices at 701 Brickell Avenue. A
15 pleasure to be here before you this
16 evening representing PZB4, LLC in their
17 request before you tonight, which I'll get
18 into shortly.

19 I'm joined by a couple of folks here
20 today who may have to come up and speak
21 later if they're asked any questions,
22 although I will be doing the bulk of the
23 presentation.

24 Rolando Benitez, one of the owners of
25 the property, and we'll get into a little

1 bit about the proposed use and that it's
2 not just them being the owners of the
3 property, but also that it's for their
4 business, a business that they own that
5 will be housed here in these offices, as
6 well as Pedro Ramos, the architect of the
7 project, obviously here to address any
8 questions or concerns that any of you or
9 anyone in the audience may have with
10 respect to the actual building, the
11 project, or the layout.

12 And, finally, and certainly not
13 least --

14 CHAIRWOMAN VAZQUEZ: Excuse me, can
15 you turn it up a second? He's not heard
16 in the back?

17 MR. ARZA: It's rare that I'm not
18 being heard. I'll try and lean in. I
19 think you can hear me a little better.
20 Sorry.

21 CHAIRWOMAN VAZQUEZ: Thank you.

22 MR. ARZA: As I was saying, last but
23 certainly not least, Al Torres, my
24 colleague at Holland and Knight.

25 We are before you here today with a

1 one acre -- 1.07-acre parcel located
2 basically at the mid point between 102nd
3 Avenue and 99th Avenue on Miller,
4 Southwest 56th Street. And this is
5 currently a relatively under-improved
6 former nursery, as there are and have been
7 historically in this area nursery use,
8 approved back in 1994, so it has been
9 around for roughly 20-some-odd years, 23
10 years.

11 To the west of the property you will
12 see a different kind of development in
13 this area. In the aerial that we have up
14 here you'll see a lot of red, so to speak.
15 You'll see two shopping centers, also have
16 been there for both in excess of 25 or 30
17 years, historically neighborhood shopping
18 centers that serve the surrounding
19 communities and this part of town.

20 This parcel became available to
21 Mr. Benitez and his group. They were
22 looking for a single tenant, single use
23 office building. They own Columbus
24 Capital. You'll see -- you'll see in the
25 rendering of the building, and I'm going

1 to put this here, and I know there are
2 some folks in the audience that are
3 concerned, I'll turn it around if they
4 have any questions and I'll move around
5 the boards.

6 But as you can see, this is intended
7 to be a single use office building for a
8 financial services mortgage company that
9 has outgrown its current space elsewhere
10 in the neighborhood. They were over on
11 Sunset now, so they are nearby.

12 Obviously, a lot of their employees, and
13 the folks that will work at this facility,
14 or at this building, are going to be folks
15 who already live in this neighborhood, as
16 the current offices are just up the road,
17 so to speak, but they have outgrown that
18 space thanks to, you know, the successes
19 of this company, and they were able to
20 acquire this parcel, and they wish to
21 erect a 31,000 square foot office
22 building.

23 And the layout of that building, it
24 is easy to just talk about 31,000 square
25 feet, and the layout of that building

1 impacts both the surroundings, but also is
2 dictated by the surroundings in many
3 respects.

4 You can place this building in a lot
5 of different places on 1.07 acres, but
6 what we've chosen to do, and we'll get
7 into some of the reasons for that, and
8 what that means, is that we've chosen to
9 move the building up towards Miller as
10 much as possible. So, our front
11 setback -- and we meet it, we are not
12 exceeding or asking to be any closer to
13 Miller than we are allowed to be, our
14 front setback is at 25 feet, which is
15 still the required setback, and we are
16 pushing the building all the way there.
17 And you'll see, in a lot of suburban
18 markets, so to speak, typically when you
19 have a parcel, the building is pushed
20 to the back, right, I mean, and then
21 parking is all in the front.

22 what we've done here is a little bit
23 different. We've actually pushed the
24 building to the front and allowed some of
25 the parking to be in the back. And that

1 was specifically because we recognized
2 that to the south of our parcel, and to
3 the east -- I didn't mention -- to the
4 east is another nursery, so to situate,
5 along the corridor itself, the Miller
6 corridor, you've got shopping center,
7 shopping center, the parcel in question
8 today and then another nursery. We would
9 continue to be surrounded in any case by
10 non-residential uses. I mean, very active
11 uses, in the case of a shopping center,
12 and commercial -- the retail in nursery
13 environment.

14 But, it is fair to say that from here
15 south, obviously, these are single family
16 residences. And, so, a property like this
17 is actually advantageous from, let's say,
18 a traffic standpoint because everything
19 has to come in and out. It's a mid-block
20 piece. Everything is going to come in and
21 out through Miller. So, we really can
22 stay completely away from any kind of
23 neighborhood.

24 You'll have me stand up here from
25 time to time, and the concerns will be

1 more traffic driven because a building is
2 close to a residential neighborhood. We
3 don't have those concerns today because of
4 where this location is.

5 The concerns we had were, let's call
6 them, compatibility or the closeness that
7 we have to some of our neighbors to the
8 south.

9 So, what we did is we moved this
10 building as far as we could north to
11 provide for the distance from the edge of
12 the building.

13 Al, if you can have the site plan.

14 And what Al is holding up, Miller is
15 on the right side, right here, the back of
16 the parcel.

17 So, the building stops right where Al
18 is holding up. And that's 129 feet from
19 the rear. And so I ask you to sort of
20 keep that in mind because, again, where
21 you layout a building is critical for the
22 impacts that you are going to have on your
23 surrounding neighbors. And, so, that was
24 the choice that we made. We said, let's
25 push the building up to the front so that

1 we can be as far away as we can from those
2 neighbors. And at 129 feet, when the
3 typical BU-1A setback in the rear would be
4 20 feet, let's say we are obviously, you
5 know, 109 feet further away than the Code
6 would otherwise allows us to. That was
7 certainly a nod.

8 The second one was the design of the
9 building. And if you take a look at the
10 rendering at the bottom, you'll notice
11 that this is, you know, what some people
12 call building on stilts, so to speak.
13 Obviously it's done in a way where if you
14 look really quickly you can't even tell.
15 But the -- Ah, just point where the cars
16 are coming in and out. So, sort of the
17 ingress and egress points are there. The
18 entire ground floor is parking.

19 And, so, we did that because, again,
20 our experience tells us that offices uses
21 traditionally have, or can have, parking
22 issues. And we didn't want to seek any
23 kind of parking variance. We meet the
24 parking requirements, we have all of the
25 parking that we need for the square

1 footage that we have, and we don't require
2 a parking variance.

3 But, of course, if you put the
4 building on the ground floor, you know, if
5 you do a two-story building and you put it
6 on the ground floor, you can't really very
7 well park where the building is.

8 And, so, if we did that, then we have
9 to push it back, leave parking in the
10 front, and probably be here before you
11 with some sort of variance for parking and
12 telling you that we are going to control
13 the parking.

14 I would always rather be in a
15 situation where I'm talking to you about
16 the efforts we are making to try and be
17 good neighbors than to ask you for parking
18 variances, because I know that those can
19 get quite ugly.

20 So, that's the layout that is here
21 before you today. And, again, if you have
22 specific questions about the building
23 itself, our architect is here today.

24 Let me just run quickly through --
25 there are four requests that we are --

1 that are before you today. The first is a
2 rezoning. So, the property is currently
3 sort of historical, zoning is EUS. It is
4 not obviously very ideal residential, it
5 would be a very difficult sell for someone
6 to want to put up a house here today with
7 a shopping center adjacent to them. And,
8 so, with no other residences really in
9 that corridor of Miller. So, it is, like
10 I said, it's kind of a use that has gone
11 by the wayside.

12 So, the request would be to BU-1A,
13 which is the most limited of the business
14 use district. And I'll get into a second
15 how we further limit that beyond that.

16 And then we've got three fairly
17 modest variances just to accommodate the
18 building, the building setback on the east
19 side, which is nearest the nursery of two
20 feet, so where 15 feet are required, our
21 building comes out to 13 feet, again in
22 keeping with the fact that there is a
23 problematic need. This is being designed
24 to meet the needs of an existing business,
25 and they kind of know what they need, and

1 we were trying to accommodate, making sure
2 they had all the parking, but making sure
3 that they had the square footage they need
4 for this business which, again, employees,
5 and I'll let Mr. Benitez tell you the
6 number of employees, and sort of their
7 impact on the economy.

8 Again, a modest non-use variance for
9 floor area ratio of .68, where .62 is
10 allowed, which equals to a couple thousand
11 square feet at the end of the day, and
12 then a minor non-use variance to allow
13 landscape open space of 19.1 percent where
14 20.7 percent. And principally, you know,
15 the landscape variances go hand-in-hand
16 with parking, right? The easiest way for
17 me to get rid of a landscape variance is
18 tell you, I'm going to get rid of four or
19 six parking spaces. I'm going to meet
20 that, but I'm going to ask you for
21 four-parking spaces. It's a trade off.

22 we think that when you are, you know,
23 less than two percent, and where we are
24 situating the landscaping, and I'm going
25 to get into that in a second, it merits

1 consideration, so much so that I think all
2 of you are familiar with, you know, your
3 staff and how they will, you know, look
4 quite eschew on variances, and will not
5 routinely support variances. But in this
6 case today, we do have a recommendation of
7 approval from Staff for all four requests,
8 not just for the rezoning, but for all
9 three variances.

10 And all three variances, if you look
11 at the recommendation, talk about, you
12 know, the sort of the very slight nature
13 of those requests. Again, we are not
14 asking for huge variances of setbacks, or
15 huge variances of floor area ratio, or ten
16 percent landscaping variance. We are
17 asking for very modest ones.

18 And, so, as a result, I think we
19 enjoy Staff's recommendation.

20 So, the landscaping that we have is
21 important. I just want to point out a
22 little bit about them.

23 So, again, where you're situated and
24 what you do with it is important. And,
25 so, what we tried to do is really to try

1 and minimize as much as possible any
2 visual impacts that you may have.

3 Of course, we set the building as far
4 forward as we could so that we would be
5 never closer than 130 feet, and obviously
6 if the neighbors to the south have their
7 own setbacks, the closest their building
8 can be is -- EU-1 rear setback, Al, do you
9 recall off the top of your head? 25 feet.

10 So, if you add the 25 feet of their
11 setback to those homes, those structures
12 can be no closer roughly than 150 feet
13 from our building. There is a great
14 distance.

15 But we also chose to plant or to
16 design, and Mr. Ramos chose to design, a
17 landscaping that included some of these,
18 what is called a little corner landscaping
19 pocket. And I think that's important
20 because if you are the neighbor, and
21 certainly neighbors that are, let's say,
22 touching the property but not directly
23 behind it necessarily, not only are you
24 setback, are you 150 feet away, but the
25 closest thing that you have in our parcel,

1 let's call it the subject parcel, is going
2 to be a corner that is basically going to
3 be lushly landscaped. It is going to have
4 height.

5 And, so, even if you're sitting in
6 your backyard, obviously we can look
7 forward and what you're going to see is
8 going to be trees. And you would have to
9 look, you know, 100-some-odd feet further
10 to be able to see anything else in terms
11 of a building, or anything like that.

12 I talked a little bit about the
13 BU-1A, and what that means, and obviously
14 you've had many applications before you
15 for BU-1A, and you know there is a litany
16 of uses that can be done.

17 So, in recognition of traffic
18 considerations, and, again, you've got
19 traffic support, recommendation of
20 approval, no objections from the Traffic
21 Division, none of those issues.

22 But in recognition of the fact that
23 BU-1A could lend itself and someone could
24 come in and try other uses, we are
25 actually proffering a covenant. We are

1 rezoning to BU-1A because we need it for
2 the office use that we are proposing, but
3 we have circulated a covenant, which staff
4 includes in their recommendation, this
5 wasn't done at the 11th hour or anything
6 like that, we worked with staff, and we
7 are circulating a covenant that does two
8 things:

9 One, it ties us to this project and
10 this site plan, and you're all familiar
11 with that. Basically it means that we
12 will build what you see here today.

13 And, secondly, perhaps much more
14 importantly for your purposes here today,
15 it limits it to office and ancillary uses.
16 So, we are not going to be able to operate
17 a restaurant that is open to the public,
18 we are not going to be able to have
19 storefront, we are not going to be able to
20 do retail, we are not going to be able to
21 do any of the other uses that you would
22 otherwise be able to have in BU-1A
23 because, while we are making the request
24 for the rezoning, we are then, ourselves,
25 agreeing to limit the uses to just the one

1 use, just office uses.

2 And, again, the office use would take
3 a step further in this case with the fact
4 that that is a single-tenant office use.

5 And, so, the nice thing about it is,
6 you are going to have one point of
7 control, one entity that owns it for its
8 employees and its business purposes, and
9 it will be able to control. It is a
10 business that operates principally Monday
11 through Friday, off on holidays, off on
12 weekends. And certainly if you have any
13 additional questions with respect to the
14 operation of the business, I know
15 Mr. Benitez could answer those questions
16 in more detail.

17 Again, we had an opportunity to speak
18 with a couple of the neighbors, a couple
19 of the folks that are here today that have
20 identified themselves as neighbors, and I
21 have tried to hit on a couple of the
22 concerns that they mentioned to us. They
23 were part of my presentation anyway
24 because we kind of know -- we know the
25 project how it's situated, and I think

1 we've gotten to the point where we can
2 anticipate some of the questions.

3 But certainly, you know, we've tried
4 to explain to them some of the rationale
5 behind why we designed the building the
6 way we have, and why we think that the
7 building is compatible with the
8 surroundings.

9 But I would respectfully ask, Madam
10 Chair, if there is an opportunity to
11 rebut, that word is strong, it's simply to
12 answer or address any concerns or
13 questions.

14 In closing, I appreciate your time
15 here this evening. Madam Chairwoman,
16 before I forget, Madam Chair,
17 congratulations on your tenure as Chair.

18 So, I know I was before you plenty of
19 times during that tenure.

20 But we would ask for your vote this
21 evening in favor of this project, in
22 accordance with the stipulated conditions,
23 in accordance with Staff's recommendation
24 of approval.

25 Again, I remain ready to answer any

1 questions that you may have.

2 BOARD MEMBER MR. VALDES: Through the
3 Chair, I have a question of the architect.

4 while you are coming up, because
5 understand, we get these tiny plans that
6 you can't read. What is the maximum
7 height of the building at the top of the
8 parapet on the north and south?

9 MR. RAMOS: My name is Pedro Ramos
10 with the Architect Group. At the very
11 tip --

12 CHAIRWOMAN VAZQUEZ: I need your
13 address -- excuse me, sir, your address.

14 MR. RAMOS: The address is 8000
15 Northwest 7th Street, Suite 101, Miami,
16 Florida.

17 CHAIRWOMAN VAZQUEZ: Thank you.

18 MR. RAMOS: The highest point to the
19 building at the very peak at the front is
20 45 feet. But the predominant parapet,
21 which is around the building, which is
22 flat, is 43 feet.

23 BOARD MEMBER MR. VALDES: That is why
24 I was asking at the parapet, because I
25 know that the triangle at this center is

1 peculiar.

2 Now, 44 feet, is there -- and I've
3 lived in that area for 26 years. Other
4 than Publix, is there anything on Miller
5 Road, from 87th Avenue and 117th Avenue,
6 that approximate that height?

7 And I'm concerned. So you understand
8 where I'm going with, I'm concerned about
9 the precedence. And just so you further
10 know and so it is clear to everybody who
11 is here, we didn't approve Publix, and
12 Publix didn't come in front of us, okay?
13 I want that to be clear.

14 But I am concerned about the height
15 and the precedence we would be setting,
16 because, you know, I think -- I don't want
17 to speak for anybody else, this is from my
18 standpoint, the Publix building went way
19 out of scale with everything around it,
20 way too tall. And if it ever came in
21 front of us, we wouldn't have approved it.
22 I'm not in favor of setting a precedence
23 for what is basically a four-story
24 building on Miller Road.

25 That was my concern. And my question

1 was as to the height.

2 CHAIRWOMAN VAZQUEZ: It's 43 feet,
3 basically.

4 MR. RAMOS: It is 43 feet.

5 BOARD MEMBER MR. VALDES: At the
6 parapet.

7 MR. RAMOS: At the parapet.

8 BOARD MEMBER MR. VALDES: I'm not
9 concerned about the triangle, because that
10 is just a peculiar architectural feature.
11 I'm concerned with the parapet.

12 MR. RAMOS: Right.

13 CHAIRWOMAN VAZQUEZ: Thank you.

14 Anyone here who is in favor of the
15 application? Please come up.

16 Mr. Percival.

17 MR. PERCIVAL: Good evening, again,
18 Madam Chair, Council Members. Lawrence
19 Percival, President, Greater Kendall
20 Community Activist, 11945 Southwest 127th
21 Court.

22 In 1957, '58 I lived between Miller
23 and Sunset on Southwest 97th Avenue. I
24 used to play in the homes that were being
25 built at the time, right at Miller and

1 97th Avenue. So, I became very familiar,
2 as a kid, in that neighborhood. It had a
3 lot of properties that weren't developed,
4 but it was basically still a developing
5 neighborhood, if you will, of new
6 communities. And I went to Blue Lakes
7 Elementary.

8 And over the years, from then until
9 now, for the longest time, it remained
10 more or less larger properties with modern
11 size homes, and now even bigger homes.
12 You have a lot of McMansions in that area,
13 throughout the area, and you still have
14 interesting properties that have been used
15 as nurseries, are shopping centers, and
16 other things.

17 In my estimation, even if you're
18 concerned about this potentially
19 presenting a dangerous precedence, because
20 of the uniqueness of the areas, and how
21 built-out Miller Road already is with a
22 lot of residential areas, with pieces of
23 properties that are used as nurseries, the
24 paradise has changed over time, gives this
25 a certainty that, in my estimation,

1 improves the area in a very positive and
2 professional way, going forward for
3 generations to come, maybe longer.

4 And if for some reason they decided
5 not to keep this as an office building, 30
6 years from now, 40 years from now, it can
7 be retrofitted in such a way that it would
8 blend into whatever might happen in the
9 future, and still be compatible to a
10 surrounding neighborhood of residences,
11 that at some point those old homes are
12 going to wind up getting torn down and
13 retrofitted in some new way, who knows
14 how.

15 But these kind of urban fill project,
16 if you will, professional buildings, as
17 opposed to more homes, are a good thing
18 going forward, as opposed to more shopping
19 centers.

20 And when you have professional
21 buildings with people, you're providing
22 them the wherewithal to go to the local
23 restaurants and local places to do
24 business with the patrons that desperately
25 need those patrons. And I suspect this

1 will do just that, to give service to some
2 of the local restaurants to help keep
3 those Mom and Pops alive.

4 So, in the bigger picture of
5 everything with your concern relative
6 to the height, when you look at what is
7 already there along the corner, it is
8 going to be a long time coming before
9 you are going to see something that is
10 going to come back to create concern for
11 the precedence. And this is just my
12 personal opinion, for whatever that's
13 worth. And I hope that you would give
14 approval to this application. Thank you.
15 Luke votes for it, too.

16 CHAIRWOMAN VAZQUEZ: Thank you.
17 Anyone else here speaking in favor of the
18 application please step up to the podium.

19 Seeing none.

20 Those of you who may be here to speak
21 against the application, please step up to
22 the podium. And if you have not been
23 sworn in, I need you to be sworn in by the
24 Court Reporter before you speak.

25 MR. QUINTANA: I am Salvador

1 Quintana, 9965 Southwest 58th Street.

2 CHAIRWOMAN VAZQUEZ: Were you sworn
3 in?

4 MR. QUINTANA: No. I can swear now.

5 THE COURT REPORTER: Do you swear the
6 testimony you're about to give will be the
7 truth, the whole truth, and nothing but
8 the truth, so help you God?

9 MR. QUINTANA: I do.

10 I have some questions. I'm not
11 objecting to the part where it says Part 1
12 District Boundary Change from EUS. I have
13 some questions about the Part No. 2 where
14 it is trying to set the setback from 13 to
15 the required 15, and the .62 permitted to
16 .68, taking out some landscaping. I'm
17 concerned to the privacy that it's going
18 to kind of get in the way with.

19 what is there that is going to kind
20 of guarantee that the, I guess, vegetation
21 that they would add to it won't -- I guess
22 it is a condition here. with have
23 hurricanes and that will tear it down
24 eventually and will get in the way of
25 privacy.

1 CHAIRWOMAN VAZQUEZ: As far as
2 privacy, I believe Mr. Arza can speak to
3 that. Unlike the previous, it is 43 feet.

4 MR. QUINTANA: So, that height given
5 to where the other houses are, you would
6 be able to see from your backyard in
7 there. So, that's getting the privacy
8 from certain backyards and various
9 properties, yes or no?

10 CHAIRWOMAN VAZQUEZ: I assume that
11 from the second floor, Mr. Arza, or the
12 architect can speak to that, but I believe
13 from the second floor you could see it,
14 and they could see you.

15 MR. QUINTANA: So, given the third
16 floor on there, and the fact that some
17 properties out there have pools and all
18 that, I'm pretty sure I wouldn't be the
19 only one to be affected by the fact that
20 there is not only from my behalf, but
21 women also like to tan in their backyard
22 and what not, and I'm pretty sure they
23 might have a problem with that, you know.
24 If you would be able to see from the
25 second floor, you would be able to see

1 from the third floor. I don't know if
2 there would be any way to adjust the
3 height on that.

4 CHAIRWOMAN VAZQUEZ: I'm not sure.
5 If you would like to address that in your
6 rebuttal? They'll address that in their
7 rebuttal.

8 MR. QUINTANA: And as far as -- the
9 landscaping, that's the whole part where
10 it covers up the --

11 CHAIRWOMAN VAZQUEZ: I believe Code
12 limits it to 14 feet. I don't know. As
13 far as landscaping, I'm not even sure it
14 can go up that high. Shrubs but not for
15 trees. I'm sure Mr. Arza will talk to
16 visibility for you when he rebuttals.

17 Do you have any other points?

18 MR. QUINTANA: As far as noise is
19 concerned, I don't know what type of
20 systems, or generators on there, or
21 anything on the rooftops, or any a/c
22 systems would be located, as to where the
23 sound would bounce off.

24 BOARD MEMBER MS. BRODEUR: Talk a
25 little slower.

1 MR. QUINTANA: I'm sorry?

2 BOARD MEMBER MS. BRODEUR: Would you
3 mind speaking a little slower?

4 MR. QUINTANA: Okay.

5 BOARD MEMBER MS. BRODEUR: You're
6 kind of running --

7 MR. QUINTANA: I apologize.

8 BOARD MEMBER MS. BRODEUR: I'm only
9 getting every other word.

10 MR. QUINTANA: Okay. So, what I'm
11 saying is, I don't know what kind of
12 equipment would be outside of the property
13 that might obscure some noise, or bounce
14 off noise on to the other side of the
15 properties and disturb anybody, too late
16 or too early in the morning, or throughout
17 the night.

18 CHAIRWOMAN VAZQUEZ: He's chosen to
19 wait until everyone else speaks. If he
20 does not answer your question --

21 MR. QUINTANA: That's fine.

22 CHAIRWOMAN VAZQUEZ: So, noise and
23 visibility, privacy I mean. Okay.

24 MR. QUINTANA: Thank you.

25 CHAIRWOMAN VAZQUEZ: Okay. Anyone

1 else who would like to come speak against
2 the application? Were you sworn in?

3 MS. QUINTANA: Lizzy Quintana, 9965
4 Southwest 58th Street. He was referring
5 to the noise. I know that they are going
6 to be working Monday through Friday. I'm
7 not going to be working supposedly like
8 they said on the weekends. But what is
9 going to happen on Monday through Friday?
10 I will have the noise.

11 And like he says, why did they have
12 to go three floors high when they could
13 have one building. They also are trying
14 to reduce the landscaping in the area,
15 which is the area. That's the beauty of
16 the area, of the landscaping and all that.

17 So, basically the noise and the high
18 of the building. Why did they have to go
19 three floors, when they go one floor. And
20 the setback -- excuse me.

21 No. 1, objection to that.

22 No. 2, the variance to stay under 15
23 requirement right now, and the 62 permit
24 right now that they -- I mean, there is no
25 way, and to reduce the landscaping also.

1 So, that's going to be the noise, the
2 privacy, like the other people from the
3 FPL, they don't want to see the
4 structures, I'm going to wake up in the
5 middle of the day and look at the huge
6 construction concrete instead of the trees
7 or less landscaping. That's what we have
8 now. Thank you.

9 CHAIRWOMAN VAZQUEZ: Thank you. Is
10 anyone here --

11 BOARD MEMBER MR. PETISCO: Through
12 the Chair, I have a question for Staff.

13 For the current district boundary,
14 EUS, do you know what the current height
15 max is, that they can go up, as it stands
16 today?

17 MR. VITAL: I'm sorry, could you
18 repeat the question?

19 BOARD MEMBER MR. PETISCO: As it
20 stands today, they are under EUS. What is
21 the current height?

22 CHAIRWOMAN VAZQUEZ: What is the
23 limit?

24 BOARD MEMBER MR. PETISCO: What's the
25 limit?

1 MR. VITAL: EUS it's 35 feet in
2 height.

3 BOARD MEMBER MR. PETISCO: And under
4 BU-1A, what is the height?

5 MR. VITAL: BU-1A is four stories, or
6 I believe it is the width of the
7 right-of-way, which in this case it's
8 100 feet.

9 BOARD MEMBER MR. PETISCO: 100 feet.

10 MR. VITAL: 100. That's the section
11 line road which is 100 feet wide. But
12 it's four stories. To my knowledge, it's
13 four stories.

14 CHAIRWOMAN VAZQUEZ: If you want to
15 take notes and hit everybody, it is my
16 impression.

17 MR. ARZA: Okay.

18 CHAIRWOMAN VAZQUEZ: Anyone else here
19 to speak against the application?

20 No? Sir, go ahead.

21 MR. ARZA: I got ahead of myself.

22 So, yes, the height is two stories.

23 BU-1A max height is four stories or

24 45 feet. The current zoning maximum

25 height is two stories or 35 feet. So, in

1 fact, you could build a 35-foot tall
2 structure on this property and set it back
3 much further back, and then have, you
4 know, a neighbor, so to speak, or somebody
5 peering back into the neighborhood. And
6 that is why I chose my words and my
7 presentation carefully. That is why we
8 set it as far forward as possible.
9 Distance is the greatest mitigation that
10 you can have for any visual impacts.

11 The second one that you have is
12 landscaping. While we are asking for,
13 again, 1.6 percent reduction in
14 landscaping, that pertains to the open
15 space requirement for landscaping. We are
16 not seeking a variance on the number of
17 trees or shrubs. So, we will actually
18 provide for the number of trees that the
19 code requires. We are just not spreading
20 it out over 21 percent, roughly, of the
21 land, we are putting it on 19.6 percent.
22 Same number of trees. We can actually
23 pack it a little bit more densely in the
24 areas where it will help to provide the
25 mitigating factor.

1 Let me run through a couple of other
2 comments. And, I guess, if it's okay, may
3 I address also the Vice Chair's concerns.

4 You know, obviously we all worry and
5 are concerned with precedence. But the
6 beauty of our Code, and applications such
7 as this, is that they are tied to site
8 plans. And so the value of your decision
9 this evening is entirely couched on what
10 this site plan looks like, the
11 presentation and the testimony. No one
12 can come in next week, or call me next
13 week, and say, "Hey, you got this building
14 approved, I want the same exact building
15 next door. We still need to go through
16 all of you, and it would be a whole new
17 series of considerations.

18 while I recognize that obviously the
19 trend in a particular neighborhood might
20 be such as that an approval pushes it in
21 one direction or another, there is no
22 direct precedential value that means that
23 anyone can come in now and do projects as
24 of right because of your decision this
25 evening.

1 Again, it is what I typically say
2 with the concern of precedence is, every
3 application that comes before you will
4 have to stand on its own merits, the
5 future ones and this one.

6 So, a couple of the reasons why we
7 have to be at the height we are at, and
8 why, even if we tweaked it, you know, we
9 don't think it is helpful.

10 For instance, there was a concern
11 from one of the neighbors about some of
12 the noise. Mr. Ramos just told me that he
13 can drop the back five feet. And, you
14 know, make that building at 38 feet, or
15 so, in the back.

16 The reason it's 43 feet is because it
17 is actually covering all of the HVAC and
18 all of the equipment back there. So we
19 can reduce in some respects a little bit
20 of scalability and drop it five feet, and
21 at 130 feet, you'll see a building that's
22 five feet shorter. But you're going to
23 then see, and one would be reasonable to
24 assume here then, some of the equipment
25 and the concerns that the neighbors had.

1 So, we think, and we would
2 respectfully offer, that rather than
3 dropping it five feet to say we dropped it
4 and the back of the building is only
5 38 feet, that we keep it at 43 because it
6 is actually going to be the barrier and,
7 again, the less barriers that you can have
8 for sound is to have a building such as
9 that.

10 So, the answer is such as that.

11 Again, there were questions regarding
12 the landscaping code, and I've addressed
13 how, you know, we meet all the tree
14 requirements and the shrub requirements.
15 And we are just putting in into a slightly
16 smaller amount of space.

17 with respect to what happens if
18 there's a hurricane. Unlike the regular
19 single family home that you may have that
20 when a hurricane hits you are not
21 obligated, we have site plan that we are
22 governed by. So, if after a storm of some
23 type, or some incident, trees get knocked
24 down, our approved plan no longer looks
25 the way it does, because the trees fell

1 down, we are under an obligation, and
2 they'll have to get a Certificate of Use
3 every year, to replant or do whatever it
4 takes to bring it back to this.

5 So, in fact, by having an approved
6 site plan you're protected in the
7 instances of natural disasters knocking
8 trees down and the like.

9 Again, if it happens in one of our
10 single family homes, you are generally not
11 going to be asked to replant. Maybe you
12 do because you choose to. Here the County
13 can always every year take a look and make
14 sure that the property is being maintained
15 in accordance with the approved site plan.

16 So, if there is a hurricane one year,
17 we live in South Florida, they would have
18 to, you know, after a storm of that
19 nature, replant and bring it back to
20 grade.

21 So, there is actually greater
22 protection then if there is a storm of
23 that nature.

24 The privacy concern, again, and we
25 talked a lot about the distance and all of

1 that. One other thing that I've discussed
2 with my client and that we are willing
3 to do is, to reduce the number of windows
4 on the third floor. I will tell you
5 candidly that I don't think the second
6 floor is an issue. You can stand on the
7 second floor 130 feet away, there are
8 going to be trees on your property and
9 there is already going to be trees on
10 other properties that are going to grow
11 easily to 15, 18, 20 feet, so you are
12 going to be at height level. You are
13 going to see other trees and you're going
14 to see parking lot. If you are on the
15 second floor of our building and you look
16 out of the back, you know, you're 14,
17 15 feet high, you are just going to see --
18 I mean, the trees are going to be higher
19 than that. I don't see how there is any
20 privacy concerns.

21 Third story, I can understand, you're
22 up closer into the 20's or so.

23 And so one of the suggestions we had,
24 I don't want to remove the entire window
25 because then there is no natural light,

1 but, you know, obviously the fewer windows
2 there are, the fewer opportunities there
3 are for there to sort of be a congregation
4 of folks, people are going there to work,
5 they are not going to be staring out the
6 window, but we respect.

7 And so one suggestion that we could
8 make is to reduce the number of windows on
9 the third story in an effort to try and
10 mitigate additionally not only the
11 distance and the landscaping, but mitigate
12 the concerns with the landscaping -- with
13 the privacy concerns that there are.

14 So, again, I don't know, and I
15 suspect that there may be other Board
16 Members who have questions, but hopefully,
17 you know, in terms of privacy, noise, the
18 comments that I heard from the audience
19 today, as well as the Vice Chair's
20 comments regarding precedence, you know,
21 we would answer the questions in that way.

22 And, like I said, I will suspect that
23 there may be a couple of other questions.

24 CHAIRWOMAN VAZQUEZ: I have several
25 questions for you. How many offices are

1 in that building?

2 MR. ARZA: So, I don't think it is
3 scaled out.

4 Rolando, do you want to come up and
5 talk about the number of employees you
6 expect to have? Give your name and
7 address.

8 MR. BENITEZ: Rolando Benitez, 2615
9 Granada Boulevard.

10 CHAIRWOMAN VAZQUEZ: So, from
11 counting more or less, I would think there
12 is over 30 offices, maybe as many 48
13 offices. Do you know how many offices
14 will be in that building?

15 MR. BENITEZ: We are the end user.
16 It's an open form within individual
17 offices. It's going to be 30-something
18 people.

19 CHAIRWOMAN VAZQUEZ: 30-some-odd
20 people? How many parking spaces?

21 MR. BENITEZ: There's 106.

22 MR. ARZA: 106 parking spaces.

23 CHAIRWOMAN VAZQUEZ: So,
24 approximately 30 employees and
25 approximately 106 --

1 MR. BENITEZ: Well, you have
2 employees and you have loan officers, or
3 independent contractors. So, there is,
4 like, maybe 50 of them, 60 of them, they
5 come and go, and then clients.

6 CHAIRWOMAN VAZQUEZ: Okay. And one
7 last question. Why BU-1A instead of BU-1?

8 MR. BENITEZ: It's more restrictive.

9 MR. ARZA: I mean, it allows us to --
10 it allows us to get the height that we
11 need, and there is one other point that I
12 wanted to mention on that.

13 But, again, the BU-1A, the covenant,
14 is going to limit it to office uses. So,
15 either one of those will allow office
16 uses.

17 CHAIRWOMAN VAZQUEZ: Including
18 medical offices in the future?

19 MR. ARZA: Right now it's worded that
20 it wouldn't allow for any office use.

21 MR. BENITEZ: We're a lending
22 institution.

23 CHAIRWOMAN VAZQUEZ: I understand
24 that currently you're a lending
25 institution, but the covenant just says

1 the word "office".

2 MR. ARZA: It does. Let me -- one
3 other point that I want to mention and
4 then I'll break for a second and talk to
5 my client whether that's something -- I
6 don't think it's going to matter, but I
7 want to ask him.

8 One other point that I forgot to
9 mention, that I do want to bring up is the
10 height consideration. And we talked a
11 little bit about this. It is still two
12 stories worth of office space. It's just
13 that we raised it in order to provide for
14 that ingress and egress in that ground
15 floor parking.

16 And, Madam Chair, you just asked the
17 question, and so we are probably, by the
18 numbers that you just heard, we are going
19 to have ample parking, realistically, and
20 maybe we could have asked for, you know, a
21 ten-parking space variance and provided
22 for that a little bit more.

23 Again, I've been before this Board
24 and many other many times and parking
25 variances are, you know, don't show up

1 with those because then people are going
2 to park in our neighborhood and all of
3 that. So, it's a balancing act.
4 Realistically we recognize that there is
5 probably, you know, for once, you know,
6 I'm going to stand before you and say this
7 probably has more parking on its face than
8 is needed, but we would much rather there
9 be ten or 15 empty spaces on a regular
10 basis and just have the free flow of
11 traffic then to worry about that.

12 So, obviously the fact that we have
13 to go higher is because we come in through
14 the bottom, we are not at ground level.

15 Also, the building could have been a
16 little shorter. But when you do something
17 like this, you have to provide clearance
18 for EMT and fire. All of that has been
19 reviewed, they have noted no objections.
20 But if those entrances aren't at least
21 13 feet high, you can't build them.

22 So, again, I mean, no cars are going
23 to be 13 feet high, not even SUV's, but
24 you can't -- so we have to give it a
25 little bit more height.

1 So, you know, three feet here and
2 four feet there do add up.

3 And as someone asked, I mean, the EUS
4 limit is 35 feet and we are at 43. So, in
5 reality, the difference between what could
6 be done there today, in a height level,
7 and what we are proposing is eight feet.
8 When you set 129 feet, we think -- I
9 wanted to just again reiterate that we are
10 on stilts, so to speak. It is only two
11 stories of office space.

12 CHAIRWOMAN VAZQUEZ: Any questions --
13 other questions at this time?

14 Thank you.

15 MR. ARZA: Thank you.

16 CHAIRWOMAN VAZQUEZ: To the County,
17 what is the main difference between BU-1
18 and BU-1A?

19 MR. VITAL: Mainly the uses that they
20 could put there. With regards to
21 setbacks, with regards to lot coverage,
22 and any other requirement, it is basically
23 the same. It's mainly about the uses.

24 CHAIRWOMAN VAZQUEZ: What uses are
25 included in A that are not included in 1,

1 more or less? I mean, I don't expect you
2 to read off every single one.

3 MR. VITAL: It is a long list. I
4 would have to refer to the Code.

5 CHAIRWOMAN VAZQUEZ: Okay. Thank
6 you. Questions? Discussion?

7 BOARD MEMBER MR. VALDES: If it is
8 closed, I would open the matter up for
9 discussion, through the Chair.

10 CHAIRWOMAN VAZQUEZ: Sure. Okay,
11 open for discussion.

12 MR. VITAL: If I may, also keep in
13 mind that BU-1A allows BU-1 uses.

14 CHAIRWOMAN VAZQUEZ: I understand
15 that part. But BU-1 is more restrictive
16 than BU-1A.

17 BOARD MEMBER MS. BRODEUR: She asked
18 you if BU-1A was more restrictive than
19 BU-1.

20 CHAIRWOMAN VAZQUEZ: No, just the
21 opposite. BU-1 is more restrictive than
22 BU-1A.

23 BOARD MEMBER MR. VALDES: Through the
24 Chair, I really don't want anything I'm
25 about to say to discourage the applicant

1 from coming back in front of us, because I
2 can tell from the presentation that a lot
3 of effort has been put into building a
4 quality product. It would, as
5 Mr. Percival said, enhance the
6 neighborhood.

7 But there is the issue of
8 compatibility, it isn't just the
9 precedence. Miller Road, specifically
10 from Tropical Park all the way to 117th,
11 is not Bird Road, it's not Sunset, it's
12 not Kendall Drive. It's predominantly
13 residential, okay, with the exception of
14 the Publix, which, again, we never
15 approved, never came in front of us.
16 There is nothing on Miller Road that goes
17 44 feet tall. And, in my opinion, what is
18 being proposed is out of character, and my
19 recommendation, and I would make a motion,
20 if nobody else does, is to deny without
21 prejudice on that basis.

22 CHAIRWOMAN VAZQUEZ: Okay. Is there
23 a discussion?

24 BOARD MEMBER MS. BRODEUR: You want
25 us to discuss it?

1 CHAIRWOMAN VAZQUEZ: Yes. The public
2 portion is closed.

3 BOARD MEMBER MS. BRODEUR: All right.
4 I concur with my colleague about the
5 height problem. You see, we've got
6 massive traffic problems on Bird Road. We
7 have massive traffic on Sunset. And
8 coming -- we were late almost coming over
9 here. This business of compatibility is
10 one of the most important issues that we
11 have to face. And we have worked with
12 Miller Road on several issues now. We are
13 not novices on Miller Road. We've
14 worked -- we were not allowed the
15 privileges to have any say with the height
16 of the Publix. It was put in without our
17 knowledge. We were only allowed to say
18 something about the liquor store going in
19 there. That was the only thing Dade
20 County would allow us to say.

21 If we don't hold the line in some
22 areas that are designed for parks, two
23 schools, and nice middle-class
24 neighborhoods, if we don't hold the line
25 here and creeping commercialism, we just

1 will not be doing our duty to the
2 residents of Dade County. It isn't a
3 matter -- I agree with my colleague
4 entirely. It's a lovely rendering. Your
5 ideas are very good. I like your company.
6 I have nothing against Holland and Knight,
7 and Al, former Co-Director of the Zoning
8 Department many years ago. It's just --
9 gentlemen, it's just a matter of, in my
10 personal belief, height. We've got to
11 hold the line in some areas so that we can
12 keep traffic.

13 Here we have a C and D traffic flow.
14 Everywhere else we have E plus 125 coming
15 down Southwest 88th Street. We have too
16 much traffic.

17 So, I just would ask the rest of my
18 colleagues to consider those few words.

19 BOARD MEMBER MR. PETISCO: Through
20 the Chair, I just have a couple of
21 questions.

22 west of 102nd on Miller, I know that
23 there is a commercial building, an office
24 space building. Do we know the height?
25 If it was BU-1, I'm assuming they would be

1 able to go up to 45-foot.

2 CHAIRWOMAN VAZQUEZ: I think he's
3 asking the County.

4 BOARD MEMBER MR. PETISCO: Is it
5 2-story?

6 CHAIRWOMAN VAZQUEZ: He is asking the
7 County. Give him a second. If Mr. Vital
8 doesn't know then we'll be happy to
9 consult you.

10 MR. VITAL: If you look at
11 handwritten Page 26 of your package, are
12 you referring to the property --

13 BOARD MEMBER MR. PETISCO: I'm
14 referring to the second parcel west of
15 102nd on Miller, which is the BU-1.

16 My question is, I know that that
17 parcel is an office space. By Code, as it
18 stands right now, it can go up to 45. But
19 we don't know at what height it is right
20 now.

21 MR. VITAL: Correct.

22 BOARD MEMBER MR. VALDES: It's two
23 stories right now.

24 CHAIRWOMAN VAZQUEZ: Any other
25 discussion?

1 MR. ARZA: Madam Chair, I had an
2 answer for you on the medical uses. I
3 didn't have an opportunity to answer. If
4 you wish to open it back up.

5 CHAIRWOMAN VAZQUEZ: Sure.

6 MR. ARZA: You had a question.

7 BOARD MEMBER MS. BRODEUR: It's
8 closed.

9 CHAIRWOMAN VAZQUEZ: I'll be happy
10 to --

11 MR. ARZA: The applicant was asked a
12 question, Madam Brodeur --

13 CHAIRWOMAN VAZQUEZ: About medical
14 offices.

15 MR. ARZA: We obviously would want
16 the record to reflect, we have no
17 objection to the prohibiting patients and
18 medical office uses or, you know -- what I
19 think your concern is with traffic.

20 CHAIRWOMAN VAZQUEZ: Yeah, with 106
21 spaces.

22 MR. ARZA: This is intended to be for
23 this end user, which is a financial
24 services company. We have no issue and we
25 can work on the words with you, as you

1 would normally do, to say, you know,
2 office uses only but excluding any medical
3 offices that receive patients, or anything
4 like that. That's the question.

5 CHAIRWOMAN VAZQUEZ: Thank you.

6 MR. ARZA: I wanted to make sure --

7 CHAIRWOMAN VAZQUEZ: Thank you.

8 Further discussion? Seeing none, would
9 somebody like to make a motion?

10 BOARD MEMBER MR. VALDES: I'll make
11 a motion to deny the application without
12 prejudice.

13 BOARD MEMBER MS. BRODEUR: I second.

14 CHAIRWOMAN VAZQUEZ: Mr. Vital, take
15 the roll.

16 MR. VITAL: Councilwoman Brodeur?

17 BOARD MEMBER MS. BRODEUR: Yes.

18 MR. VITAL: Councilman Larsh?

19 BOARD MEMBER MR. LARSH: Yes.

20 MR. VITAL: Councilman Petisco?

21 BOARD MEMBER MR. PETISCO: No.

22 MR. VITAL: Councilman Zack?

23 BOARD MEMBER MR. ZACK: No.

24 MR. VITAL: Was that a yes or a no?

25 BOARD MEMBER MR. ZACK: No.

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MR. VITAL: Vice Chair Valdes?

BOARD MEMBER MR. VALDES: Yes.

MR. VITAL: Chairwoman Vazquez?

CHAIRWOMAN VAZQUEZ: Yes.

MR. VITAL: Motion passes four to
two.

CHAIRWOMAN VAZQUEZ: Thank you.

MR. ARZA: Thank you all. Good
evening.

(Item was adjourned.)

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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 16, 2018 and were duly sworn.

Witness my hand and official seal this 26th day of March, 2018.



JANICE AGUIRRE

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

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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 16, 2018; that a review of the transcript was requested; and that the foregoing transcript, pages 1 through 53, 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 26th day of March, 2018 at Miami, Dade County, Florida.



JANICE AGUIRRE

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

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

PH: Z17-315

April 26, 2018

Item No. 5

Recommendation Summary	
Commission District	9
Applicant	JLK Four, LLC
Summary of Requests	The applicant is requesting to establish a charter school on the subject property for 2,500 students in grades K-12. Additionally, the applicant is requesting to permit said charter school to be spaced less than required from the Urban Development Boundary (UDB).
Location	Lying at the northeast corner of the intersection of SW 157 Avenue and SW 160 Street, Miami-Dade County, Florida.
Property Size	9.80-Acres
Existing Zoning	EU-M, Single-Family Modified Estate District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Estate Density Residential, 1 - 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Inconsistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-153 Public hearing required in all districts, Section 33-314(C)(11) & (12) Direct applications and appeals to the County Commission, Section 33-154 Limitations on the siting of public charter school facilities <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Deferral with leave to amend.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a charter school.
- (2) SPECIAL EXCEPTION to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) to permit:
 - A senior high school within 1 mile of the UDB.
 - A middle school within ½ mile of the UDB.
 - A kindergarten, elementary school within a ¼ mile of the UDB.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Proposed Development: Bridge Prep Academy Charter School at Kendall", prepared by Gustavo J. Carbonell, P.A., dated stamped received 1/24/18, for a total of 12 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted plans depict the proposed kindergarten through 12th grade charter school for 2,500 students on the 9.80-acre subject property, abutting the Urban Development Boundary (UDB), which runs parallel to SW 157 Avenue located immediately to its west. Said plans

indicate the proposed school comprised of a two (2) story building with 122,179 sq. ft. of area located centrally on the subject property. Parking and driveways internal to the site are shown around the proposed building, on the north, east and west sides, with ingress and egress areas from SW 157 Avenue and SW 160 Street.

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

COMPREHENSIVE DEVELOPMENT MASTER PLAN and ZONING ANALYSIS:

This application has to be deferred with leave to amend in order to advertise additional requests.

RECOMMENDATION: Deferral with leave to amend.

CONDITIONS FOR APPROVAL: None.

NK:JB:NN:JV:SS



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

ZONING RECOMMENDATION ADDENDUM

JLK Four, LLC
Z17-315

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection*
Department of Transportation & Public Works (Traffic Engineering Division)	No objection*
Water and Sewer Department (WASD)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Aviation	No objection
Building and Neighborhood Compliance	No objection
*Subject to conditions in their memorandum.	

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

Estate Density Residential (Pg. I-29)	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.</i>
Institutions, Utilities and Communications (Pg. I-53)	<i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i>
Educational Element Policy EDU-3A (Pg. X-5)	<i>It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.</i>

ZONING RECOMMENDATION ADDENDUM

JLK Four, LLC
Z17-315

Land Use Policy LU-4A (Page I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would 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, are accessible by private or public roads, streets or highways, 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 concerned and the compatibility of the applied for exception or use with such area and its development.</i>
33-153 Public hearing required in all districts	<i>The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.</i>
33-154 Limitations on the siting of public charter school facilities	<p>a) <i>New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.</i></p> <p>b) <i>Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:</i></p> <p style="margin-left: 40px;">(1) <i>Kindergarten, Elementary school: at least ¼ mile inside the UDB</i></p> <p style="margin-left: 40px;">(2) <i>Middle school: at least ½ mile inside the UDB</i></p> <p style="margin-left: 40px;">(3) <i>Senior high school: at least one mile inside the UDB.</i></p> <p>c) <i>A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:</i></p> <p style="margin-left: 40px;">(1) <i>that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and</i></p> <p style="margin-left: 40px;">(2) <i>there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the</i></p>

ZONING RECOMMENDATION ADDENDUM

JLK Four, LLC
Z17-315

	<p style="text-align: center;"><i>requirements of this article.</i></p> <p><i>Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.</i></p> <p><i>(d) For purposes of establishing the distances provided by this section, the applicant shall furnish a certified survey from a registered surveyor, as well as a proposed site plan, which shall indicate that the distance requirements of this section have been met.</i></p>
<p>33-314(C)(11) Direct applications to the County Commission</p>	<p><i>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</i></p> <p><i>(11) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and <u>Section 33-311(A)(3)</u> of this code.</i></p>
<p>33-314(C)(12) Direct applications to the County Commission</p>	<p><i>C) The County Commission shall have jurisdiction to directly hear other applications as follows:</i></p> <p><i>(12) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.</i></p>
<p>33-303.1(D)(19) Developmental Impact Committee</p>	<p><i>Review and make recommendations to the Board of County Commissioners on all applications for public charter school facilities and all applications for expansions or modifications to existing public charter school facilities.</i></p>

Memorandum



Date: February 14, 2018

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

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

Subject: Z2017000315-1st Revision
Bridge Prep Academy Charter School at Kendall
SW 157th Avenue and SW 160th Street
Special Exception to Permit a Charter School (k through 12)
(EU-M) (9.73 Acres)
55-39-28

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

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). Accordingly, DERM offers the following comments:

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.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Environmental Wastewater Permitting Section of DERM prior to approval of final development orders.

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 DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any

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

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

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

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

Tree Preservation

A review of the information submitted in support of the application indicates that the proposed development will impact tree resources; however these impacts do not require a site modification as proposed. DERM has no objection provided that the applicant obtains a tree permit and that no specimen trees (trees with a diameter at breast height of 18 inches or greater) are impacted. Should the applicant require impacts to specimen trees, substantive changes to the site plan pursuant to the specimen tree standards outlined in Section 24-49.2(11)(2) of the Code shall be made.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. A recommendation of approval is contingent on the applicant obtaining a tree permit.

It is advised that pursuant to Policy Con-81 of the CDMP and Section 24-49.9 of the Code, should there be exotic pest plant and nuisance species as listed in Section 24-49.9 of the Code present on the subject property, they shall be removed prior to development or redevelopment and developed property shall be maintained to prevent the growth or accumulation of prohibited species. DERM also recommends that this requirement be included in any zoning approval.

Please contact Tree Permitting Program at (305)372-6574 for additional information regarding tree permitting procedures and requirements.

Enforcement History

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

Concurrency Review Summary

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

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

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

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

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: February 15, 2018

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

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

Subject: Zoning Application Comments - Kendall Strawberry School
Application No. Z2017000315 - (Pre-App. No. Z17P-039) - Revision No.1

The Water and Sewer Department (WASD) has reviewed the zoning application for the proposed development. Below, please find the comments for the subject application. The information provided below is preliminary and it does not affect the Zoning Process. The applicant is advised to consult with their engineer and the WASD Plans Review staff to finalize points of connection and capacity approval.

Application Name: Kendall Strawberry School

Location: The proposed project is located at the northeast corner of SW 157th Avenue and SW 160th Street with Folios No. 30-5928-000-0070 and No.30-5928-000-0072, in unincorporated Miami-Dade County. The UDB (Urban Development Boundary) line abuts the subject property along SW 157th Avenue (Section Line).

Proposed Development: Special exception request to permit the construction of a charter school (K through 12th grade) of approximately 122,179 S.F. (Phases I & II).

The total estimated water demand for this project will be 14,662 gpd.

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander Orr Water Treatment Plant. Currently, there is adequate treatment and water supply capacity for the proposed project consistent with Policy WS-2 A (1) of the CDMP.

Per WASD Rules and Regulations for water services, a 16-inch water main extension is required along SW 157th Avenue. Said extension is subject to review and approval by a WASD committee, as stated in CDMP Policy WS-2E. For this water main extension, the developer may connect to an existing 16-inch water main in SW 157th Avenue close to the northwestern corner of the property and extend the same (16-inch water main) southerly in SW 157th Avenue to SW 160th Street, then, extend a 12-inch water main easterly in SW 160th Street connecting/interconnecting to an existing 12-inch water main immediately east of SW 157th Avenue. Also, the developer may connect to an existing 12-inch water main in SW 160th Street abutting the southern boundary of the property in order to provide service to the proposed development.

Any public water main extension within the property shall be eight (8)-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then, the water system shall be looped with two (2) points of connection.

Final points of connection and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.

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

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

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

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

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

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the development will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection.

There is an existing 16-inch force main in SW 152nd Street and SW 157th Avenue, approximately 2,000 feet north of the subject project, to where the developer may connect and extend a minimum 8-inch force main southerly in SW 157th Avenue to a point as required to provide service to the proposed development, in which the installation of a private pump station will be required for as long as all legal requirements are met. If Unity of Title does not apply, then any gravity sewer within the property shall be public and eight (8)-inch minimum diameter.

Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure.

WASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A (2) of the CDMP. Capacity evaluations of the plant for

average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

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

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

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

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

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

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

Memorandum



Date: MAR 22 2018
To: Nathan Kogon
Assistant Director
Regulatory and Economic Resource Department
From: Darlene M. Fernandez, P.E.
Assistant Director
Department of Transportation and Public Works
Subject: DIC 17-315
Name: JLK Four, LLC
Section 28 Township 55 South Range 39 East

I. PROJECT LOCATION:

The property is located at SW 157 Avenue and SW 160 Street.

II. APPLICATION REQUEST:

This application is requesting the approval for a special exemption to permit a charter school, grades K-12 for a maximum proposed student enrollment of 2,500 students.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available from the north and south by SW 157 Avenue and from the east and the west by SW 160 Street.

IV. RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division (TED) has no further objection to this application provided the comments and conditions, as indicated in Section VII, are adequately addressed at the time of plat.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition)

425 PM Peak Hour trips are generated by this application.

B. Cardinal Distribution

North	45 %	East	41 %
South	13 %	West	1 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9818 located on SW 137 Avenue south of SW 152 Street, has a maximum LOS "D" of 5390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 3505 vehicles and 98 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9818** with its PHP and assigned vehicles is at LOS "C". The 77 vehicle trips generated by this development when combined with the 3505 and those previously approved through Development Orders, 98, equal 3680 and will cause this segment to remain at LOS "C" whose range is up to 5250.

Station 9834 located on SW 147 Avenue south of SW 152 Street, has a maximum LOS "D" of 1470 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1495 vehicles and 146 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9834** with its PHP and assigned vehicles is at LOS "F". The 56 vehicle trips generated by this development when combined with the 1495 and those previously approved through Development Orders, 146, equal 1697 and will cause this segment to remain at LOS "F" whose range is greater than 1470.

Station 9854 located on SW 152 Street west of SW 137 Avenue, has a maximum LOS "EE" of 3866 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2144 vehicles and 21 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9854** with its PHP and assigned vehicles is at LOS "C". The 39 vehicle trips generated by this development when combined with the 2144 and those previously approved through Development Orders, 21, equal 2204 and will cause this segment to remain at LOS "C" whose range is up to 3078.

Station 9859 located on SW 157 Avenue south of SW 152 Street, has a maximum LOS "D" of 3222 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1918 vehicles and 13 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9859** with its PHP and assigned vehicles is at LOS "C". The 253 vehicle trips generated by this development when combined with the 1918 and those previously approved through Development Orders, 13, equal 2184 and will cause this segment to remain at LOS "C" whose range is up to 3078

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 approval for the Initial Development Order of this application is pursuant to Section 33G-5(6)(a), Code of Miami Dade County. Please be advised, this application must comply with Section 33G-5(6)(b), Code of Miami Dade County, in order to receive Intermediate Development Order (Tentative Plat) approval.

VII. TRAFFIC COMMENTS:

- a) The applicant will be committed to construct a new Traffic signal (including pedestrian signal) at SW 157 Avenue & SW 160 Street intersection once the warrant analysis is completed at the time of the plat.
- b) Off-duty police traffic control during the school's arrival and dismissal period is required at the School's driveway located on the north eastside of SW 160 Street.
- c) The school will be required to operate as per the approved TOP and site plan. In addition, School must construct all offsite improvements prior to obtaining a Certificate of Occupancy.

All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of plat with the final traffic study.

VIII. SITE PLAN CRITIQUE:

1. 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.

IX. STANDARD CONDITIONS:

1. A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
2. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian ramps that meet American with Disability Act (ADA) specifications where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
3. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 feet within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the Right-of Way Aesthetics and Asset Management (R.A.A.M.) Division of the Parks Recreation and Open Spaces Department. Also, any relocation or removal of trees must be approved by RER. These approvals should be applied for, and received, prior to zoning approval of this project. A "Covenant for Maintenance" agreement,

recorded in the public records, must be provided prior to permitting any of these types of installations within the public right-of-way.

4. Plans submitted for Permit shall conform to MUTCD, DTPW and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with zoning resolution conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
5. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources

Memorandum



Date: February 28, 2017

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

From: Alejandro Zizold, PROS Master Plan Manager *AZ*
Planning & Design Excellence Division
Parks, Recreation and Open Spaces Department

Subject: **Z2017000315: JLK Four, LLC (Revised)**

Application Name: JLK Four, LLC

Project Location: The property is located inside the Urban Development Boundary at the intersection of SW 157th Avenue and SW 160th Street, in unincorporated Miami-Dade County.

Proposed Development: The request is for a Special Exception to permit a public charter school that will serve 2,500 students.

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 Zafar Ahmed at (305) 755-7997.

AZ:za

Memorandum



Date: January 30, 2018
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2017000315

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "Energygov" on 01/24/18.

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

JLK FOUR, LLC C/O ELINETTE RUIZ-DIAZ DE LA PORTILLA	N/A MIAMI-DADE COUNTY, FLORIDA.
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APPLICANT

ADDRESS

Pending

Z2017000315

DATE

HEARING NUMBER

FOLIO: 30-5928-000-0072

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

January 30, 2018

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

JLK FOUR, LLC C/O ELINETTE RUIZ-DIAZ DE LA PORTILLA

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-315
DATE: OCT 16 2017
BY: FURNEY

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: JLK Four, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Gary L. Chaffin 7380 SW 113th Street; Miami, Florida 33156</u>	<u>33.33%</u>
<u>Karl O. Wiegandt 6900 SW 142nd Terrace; Miami, Florida 33158</u>	<u>33.33%</u>
<u>Jack Chaffin 7380 SW 113th Street; Miami, Florida 33156</u>	<u>33.33%</u>

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

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>n/a</u>	_____
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>n/a</u>	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

19

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-315

DATE: OCT 16 2017 NAME OF PURCHASER: MG3 Fund, LLC

BY: FURNEYS

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>1915 Harrison Street; 2nd floor; Hollywood, Florida 33020</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

Date of contract: October 28, 2016

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

<u>n/a</u>	_____
_____	_____
_____	_____
_____	_____

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 [Handwritten Signature] (Applicant) Karl Wiegandt (Print Applicant name)

Sworn to and subscribed before me this 27th day of JULY 2017. Affiant is personally know to me or has produced FL Driver's License as identification.

[Handwritten Signature]
(Notary Public)

My commission expires: 9/30/20



*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.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-315
DATE: OCT 16 2017
BY: FURNEYS

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: MG3 Fund, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>MG3 Investments, LLC 1915 Harrison Street 2nd Floor; Hollywood, Fl. 33020</u>	<u>66.66%</u>
<u>American BH Investments, LLC 21035 NE 32 Ave; Aventura, Florida 33180</u>	<u>33.33%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

21

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO. 717-315

DATE: OCT 16 2017

BY: FURNEYS

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

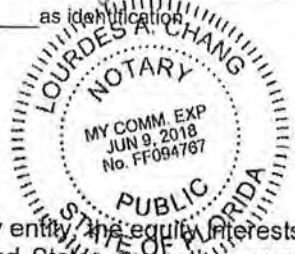
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____
(Applicant)

Herman Leonoff
(Print Applicant name)

Sworn to and subscribed before me this 2 day of August, 20 17 Affiant is personally know to me or has produced _____ as identification

(Notary Public)
My commission expires: _____



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.

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: Z17-315
DATE: OCT 16 2017
BY: FURNEYS

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: MG3 Investments, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Marcelo Saiegh 1915 Harrison Street Hollywood, Fl. 33020</u>	<u>50%</u>
<u>Gustavo Bogomolni 1915 Harrison Street Hollywood, Fl. 33020</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

RECEIVED

MIAMI-DADE COUNTY

PROCESSING FEE: \$17.00

DATE: OCT 16 2017

BY: FURNEYS

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

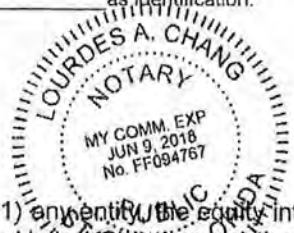
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature _____ (Applicant) Marcelo Saiegh (Print Applicant name)

Sworn to and subscribed before me this 2 day of August, 20 17. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)
My commission expires: _____



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.

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO. 17-315

NAME OF PURCHASER: _____

DATE: OCT 16 2017

BY: FURNEYS

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.

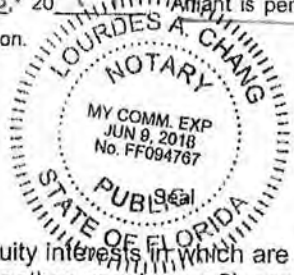
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ (Applicant) Hernan Leonoff _____ (Print Applicant name)

Sworn to and subscribed before me this 2 day of August, 2017 Affiant is personally know to me or has produced _____ as identification.

[Signature]

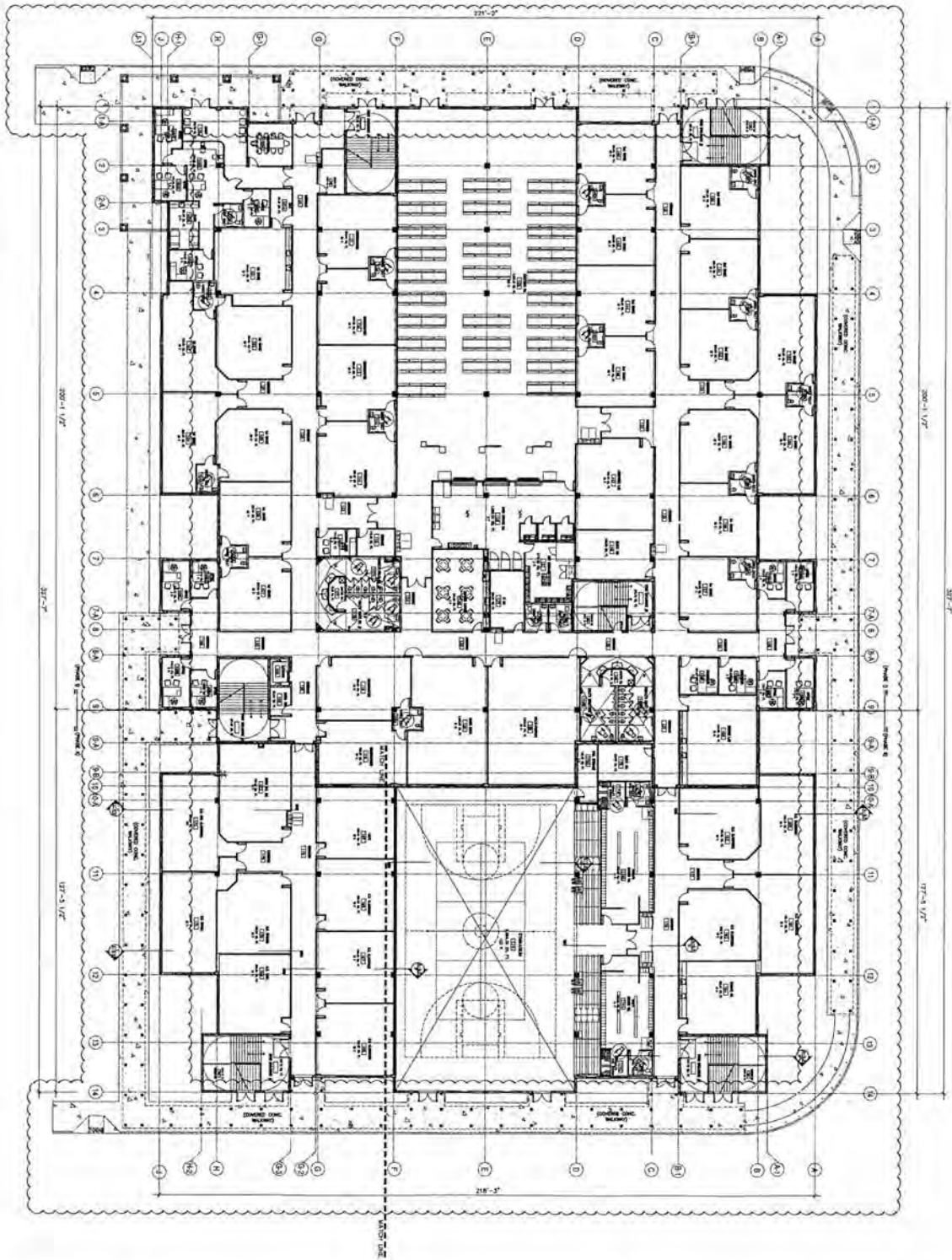
 (Notary Public)



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 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.

1 GROUND FLOOR PLAN / PHASE I & PHASE II



A-1.0
SHEETS

GUSTAVO J. CARBONELL, P.A.
ARCHITECT AND PLANNER
1457 N.E. 4th Ave.
Ft. Lauderdale, Florida, 33304
(954) 462-8565
Member American Institute of Architects

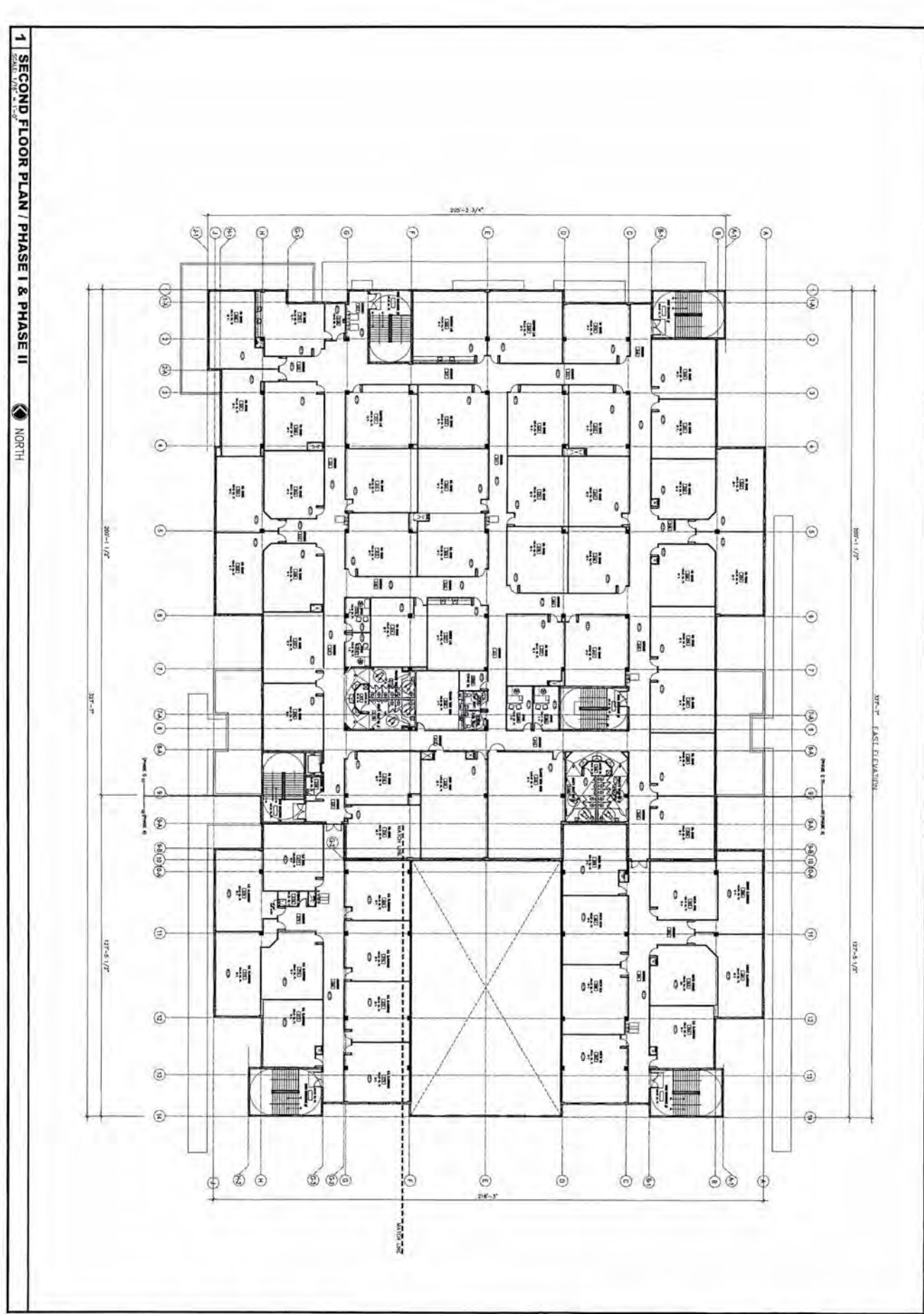
PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
SW 157 AVENUE (NEWTON ROAD) AT
159 IN ST (COLONIAL DRIVE) MIAMI, FL

GUSTAVO J. CARBONELL, P.A.
Architect and Planner
1457 N.E. 4th Ave.
Ft. Lauderdale, Florida, 33304
(954) 462-8565
Member American Institute of Architects

REVISION	DATE
1	12-2-2017
2	M.A.C.

Handwritten mark resembling the number '2' or a signature.

BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 PHASE I & PHASE II
 SECOND FLOOR PLAN
 NORTH
 1



A-2.0
 SHEET
 OF SHEETS

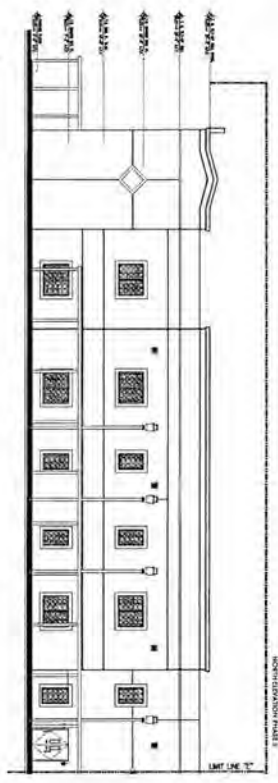
GUSTAVO J. CARBONELL, P.A.
 ARCHITECT AND PLANNER
 1457 N.E. 4th AVE.
 FT. LAUDERDALE, FLORIDA, 33304
 (954) 462-6565
 MEMBER AMERICAN INSTITUTE OF ARCHITECTS

PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 5W 157 AVENUE (NEWTON ROAD) AT
 160th ST (COLONIAL DRIVE) MIAMI, FL

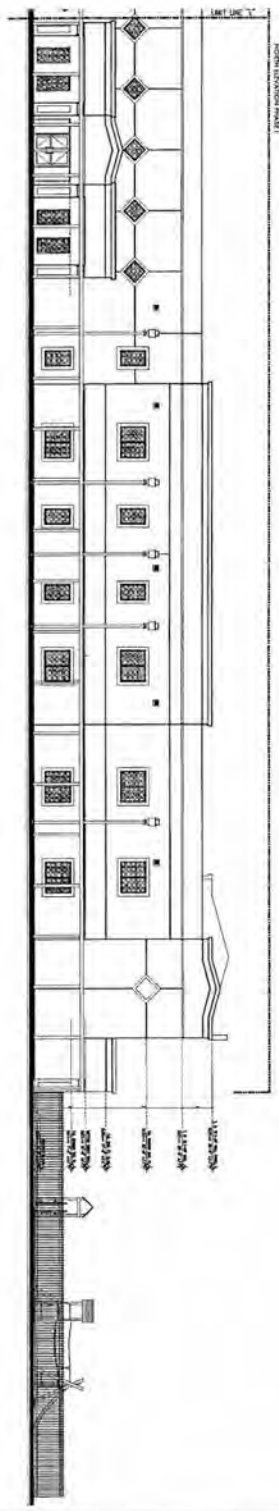
GUSTAVO J. CARBONELL, P.A.
 Architect and Planner
 1457 N.E. 4th AVE.
 Ft. Lauderdale, Florida, 33304
 (954) 462-6565
 Member American Institute of Architects

DATE	BY

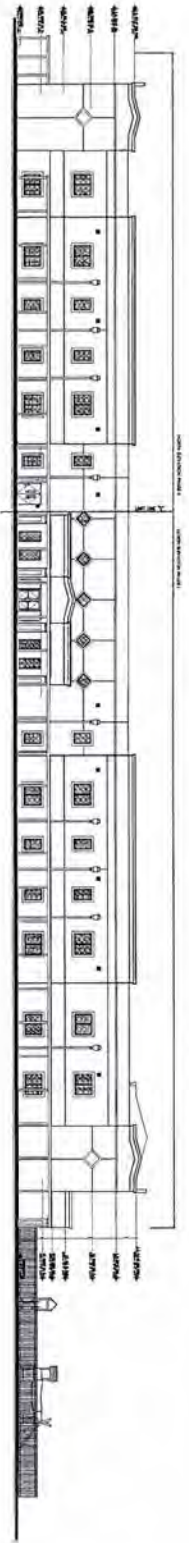
30



3 PARTIAL NORTH ELEVATION / PHASE II
SCALE: 3/8" = 1'-0"



2 PARTIAL NORTH ELEVATION / PHASE I
SCALE: 3/8" = 1'-0"



1 NORTH ELEVATION / PHASE I & PHASE II

F:\2017\17-002 KENDALL STRAWBERRY SCHOOL\003-site plan approval\002-architectural-photometrics\17-002_A-3.0_9/21/2017_12:26:43 PM.dwg DWG TO PDF.DWG

DATE	BY

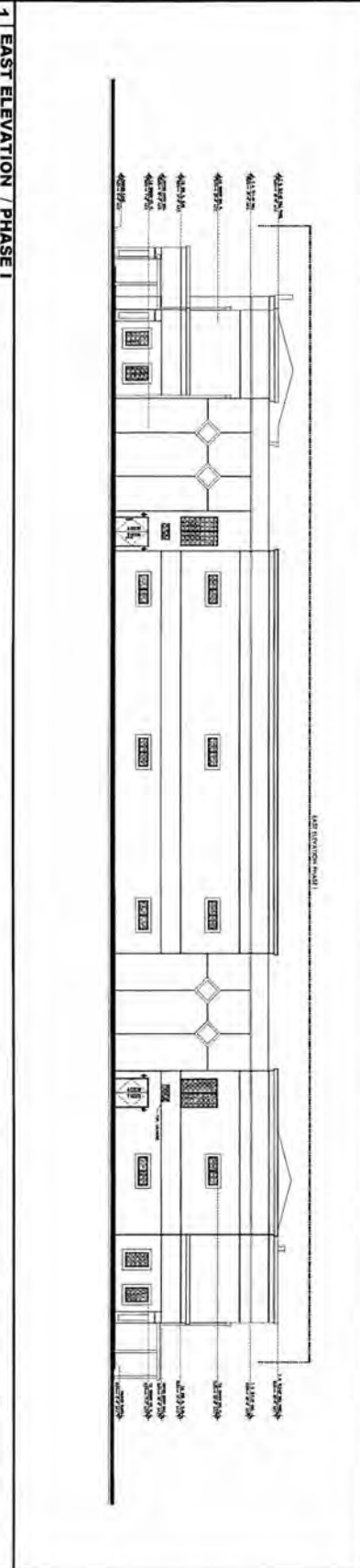
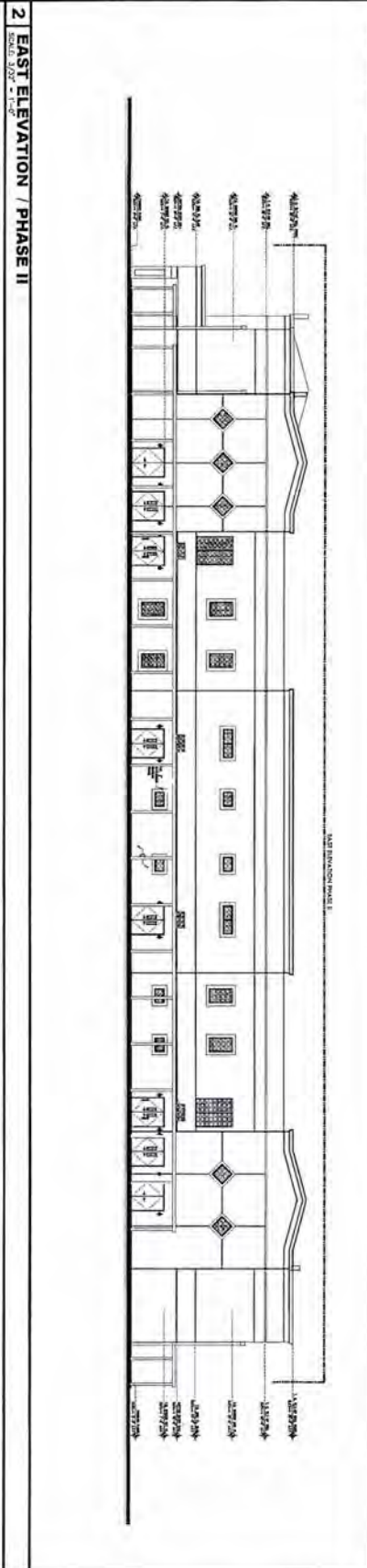
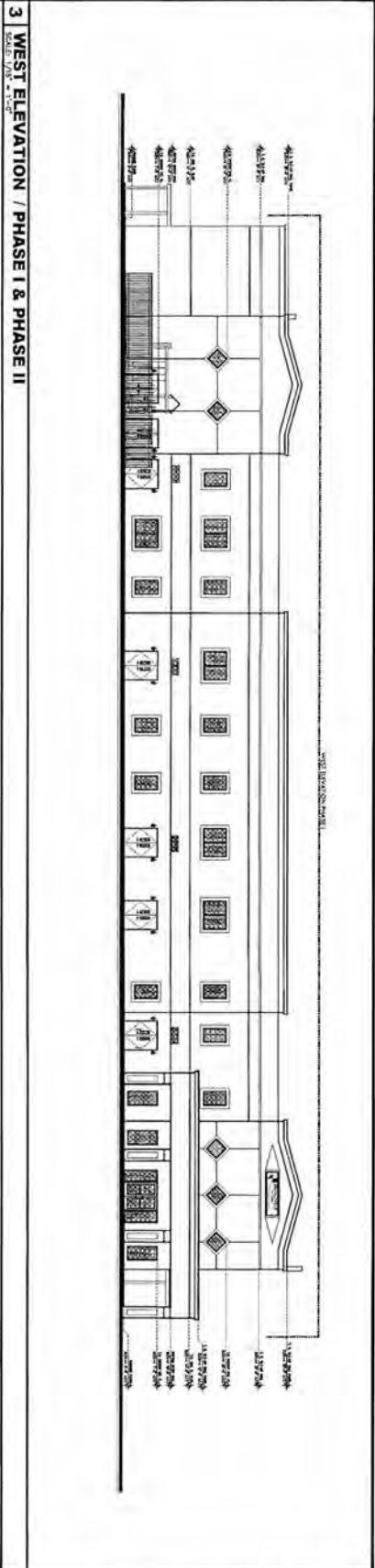
GUSTAVO J. CARBONELL, P.A.
 Architect and Planner
 1457 N.E. 4th AVE.
 FL Lauderdale, Florida, 33304
 (854) 462-6565
 Member American Institute of Architects

PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 SW 157 AVENUE (NEWTON ROAD) AT
 160 TH ST (COLONIAL DRIVE) MIAMI, FL

DATE: 9/21/2017
 TIME: 12:26:43 PM
 PROJECT: BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 DRAWN BY: M.J.C.
 CHECKED BY: G.J.C.
 SCALE: AS NOTED
 SHEET NO.: 17-002-A-3.0
A-3.0

31

F:\2017\17-002 KENDALL STRAWBERRY SCHOOL\003-site plan approval\002-Architectural-Photometrics\17-002_A-3-2_ELEVATIONS.dwg, 17-002_A-3-2_07/21/2017 12:26:53 PM, mgi, DWG TO PDF.pc3, At



DATE	BY

GUSTAVO J. CARBONELL, P.A.
 Architect and Planner
 1457 N.E. 4th AVE.
 Ft. Lauderdale, Florida, 33304
 (954) 462-8565
 Member American Institute of Architects

PROPOSED DEVELOPMENT:
 BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 SW 157 AVENUE (NEWTON ROAD) AT
 160th ST (COLONIAL DRIVE) MIAMI, FL

DESIGNED BY
 GUSTAVO J. CARBONELL
 ARCHITECT, P.A.
 1457 N.E. 4th AVE.
 FT. LAUDERDALE, FL 33304
 TEL: 954-462-8565
 FAX: 954-462-8565
 WWW: GJCA.COM

DATE
 7-20-2017

SCALE
 AS NOTED

PROJECT
 BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL

SHEET
 A-3.2

33

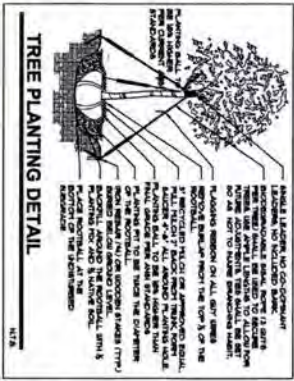


FIRE HYDRANT CLEAR ZONE

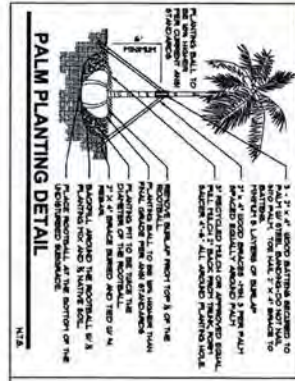
REQUIREMENTS TO FIRE HYDRANTS:
 1. ALL FIRE HYDRANTS SHALL BE LOCATED ON THE SIDE OF THE BUILDING.
 2. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE BUILDING.
 3. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE CURB.
 4. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE SIDEWALK.
 5. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE DRIVEWAY.
 6. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE STREET.
 7. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE PROPERTY LINE.
 8. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT PROPERTY.
 9. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT DRIVEWAY.
 10. ALL FIRE HYDRANTS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT SIDEWALK.



SHRUB PLANTINGS BUILDING DETAIL



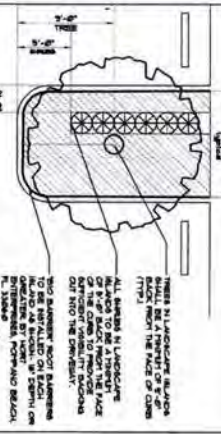
TREE PLANTING DETAIL



PALM PLANTING DETAIL

FERTILIZATION:

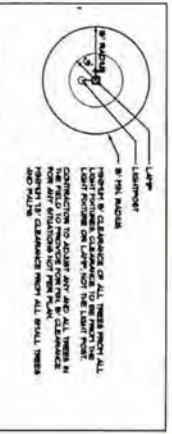
1. ALL PLANTINGS SHALL BE FERTILIZED AT THE TIME OF PLANTING.
 2. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 30 DAYS AFTER PLANTING.
 3. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 60 DAYS AFTER PLANTING.
 4. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 90 DAYS AFTER PLANTING.
 5. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 120 DAYS AFTER PLANTING.
 6. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 150 DAYS AFTER PLANTING.
 7. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 180 DAYS AFTER PLANTING.
 8. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 210 DAYS AFTER PLANTING.
 9. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 240 DAYS AFTER PLANTING.
 10. ALL PLANTINGS SHALL BE FERTILIZED AT LEAST 270 DAYS AFTER PLANTING.



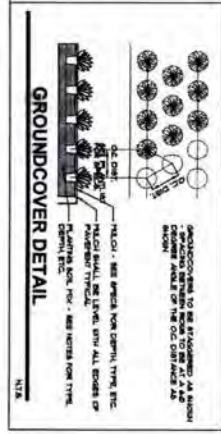
TYPICAL LANDSCAPE ISLAND PLANTING STANDARDS



TYPICAL PLANTINGS FOR GROUND-MOUNTED EQUIPMENT



MINIMUM TREE CLEARANCE FROM LIGHT FIXTURES



GROUNDCOVER DETAIL

LANDSCAPE NOTES:

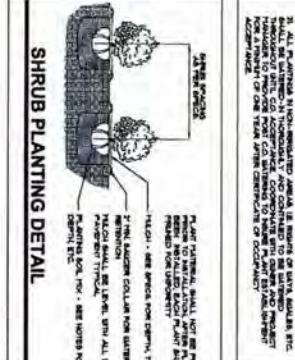
1. ALL PLANTINGS SHALL BE LOCATED ON THE SIDE OF THE BUILDING.
 2. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE BUILDING.
 3. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE CURB.
 4. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE SIDEWALK.
 5. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE DRIVEWAY.
 6. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE STREET.
 7. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE PROPERTY LINE.
 8. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT PROPERTY.
 9. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT DRIVEWAY.
 10. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT SIDEWALK.



SHRUB PLANTING DETAIL



TREE PLANTING DETAIL



PALM PLANTING DETAIL

PLANTLIST

ATTENTION OF PLANTER FOR ALL PLANTINGS:

PLANT NUMBER	PLANT NAME	PLANT SPECIES	PLANT SIZE
001	SHRUB	SHRUB	2 FT. DIA.
002	TREE	TREE	4 FT. DIA.
003	PALM	PALM	2 FT. DIA.
004	GROUND COVER	GROUND COVER	4 FT. DIA.
005	SHRUB	SHRUB	2 FT. DIA.
006	TREE	TREE	4 FT. DIA.
007	PALM	PALM	2 FT. DIA.
008	GROUND COVER	GROUND COVER	4 FT. DIA.
009	SHRUB	SHRUB	2 FT. DIA.
010	TREE	TREE	4 FT. DIA.
011	PALM	PALM	2 FT. DIA.
012	GROUND COVER	GROUND COVER	4 FT. DIA.

PLANTLIST

ATTENTION OF PLANTER FOR ALL PLANTINGS:

PLANT NUMBER	PLANT NAME	PLANT SPECIES	PLANT SIZE
001	SHRUB	SHRUB	2 FT. DIA.
002	TREE	TREE	4 FT. DIA.
003	PALM	PALM	2 FT. DIA.
004	GROUND COVER	GROUND COVER	4 FT. DIA.
005	SHRUB	SHRUB	2 FT. DIA.
006	TREE	TREE	4 FT. DIA.
007	PALM	PALM	2 FT. DIA.
008	GROUND COVER	GROUND COVER	4 FT. DIA.
009	SHRUB	SHRUB	2 FT. DIA.
010	TREE	TREE	4 FT. DIA.
011	PALM	PALM	2 FT. DIA.
012	GROUND COVER	GROUND COVER	4 FT. DIA.

PLANTLIST, LANDSCAPE DETAILS, NOTES, ETC.

1. ALL PLANTINGS SHALL BE LOCATED ON THE SIDE OF THE BUILDING.
 2. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE BUILDING.
 3. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE CURB.
 4. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE SIDEWALK.
 5. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE DRIVEWAY.
 6. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE STREET.
 7. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE PROPERTY LINE.
 8. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT PROPERTY.
 9. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT DRIVEWAY.
 10. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT SIDEWALK.

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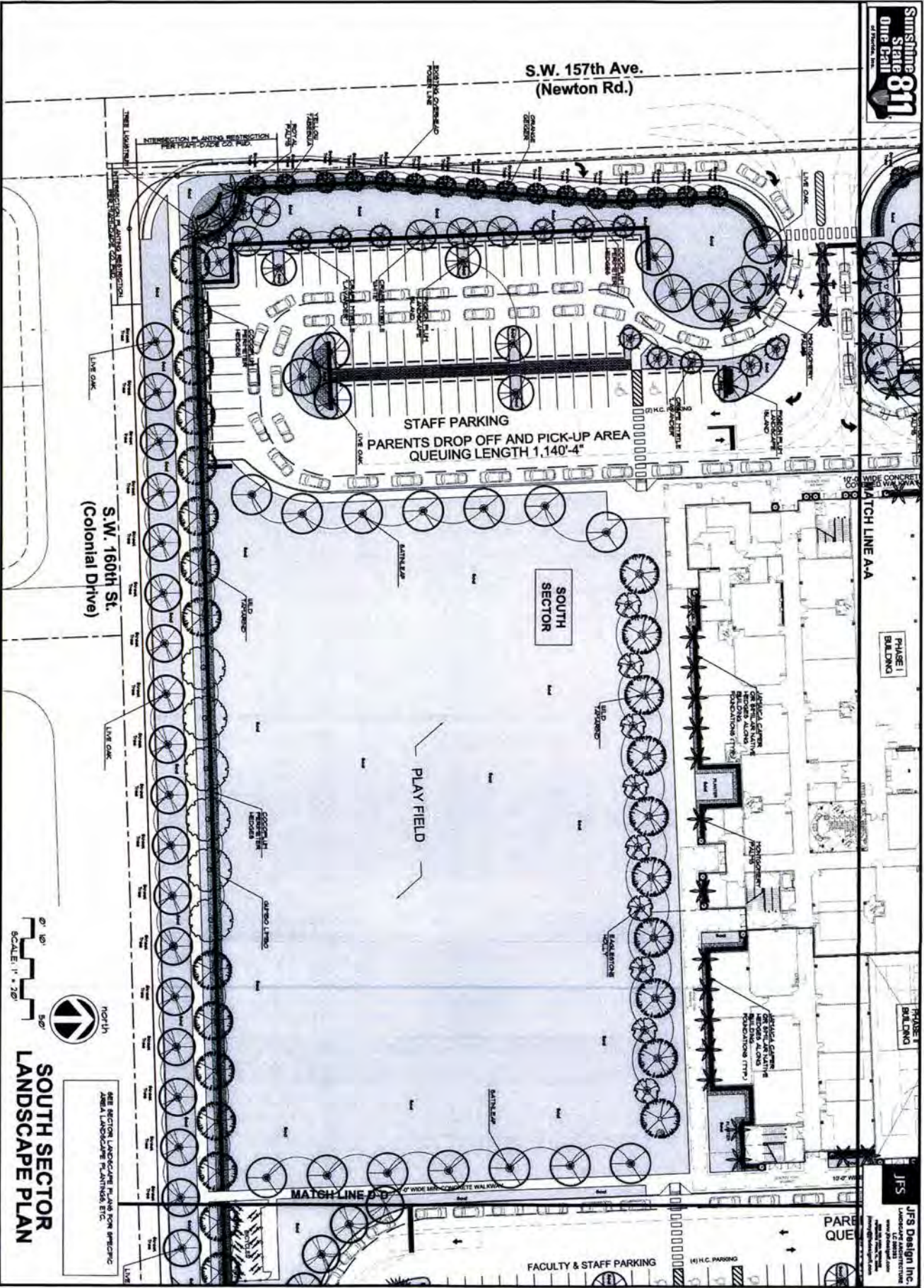
PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
 895 157 AVENUE (BRITTON ROAD) AT
 166th ST (COLONIAL BLVD) MIAMI, FL

PLANTLIST, LANDSCAPE DETAILS, NOTES, ETC.

1. ALL PLANTINGS SHALL BE LOCATED ON THE SIDE OF THE BUILDING.
 2. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE BUILDING.
 3. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE CURB.
 4. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE SIDEWALK.
 5. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE DRIVEWAY.
 6. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE STREET.
 7. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE PROPERTY LINE.
 8. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT PROPERTY.
 9. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT DRIVEWAY.
 10. ALL PLANTINGS SHALL BE LOCATED AT LEAST 10 FEET FROM THE ADJACENT SIDEWALK.

35

Sunshine
State
One Call
811



**SOUTH SECTOR
LANDSCAPE PLAN**

SEE SECTION LANDSCAPE PLAN FOR SPECIFIC
AREA LANDSCAPE PLANNING ETC.

PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL

800 SW 157 AVENUE (NEWTON ROAD) AT
160th ST (COLONIAL DRIVE) MIAMI, FL



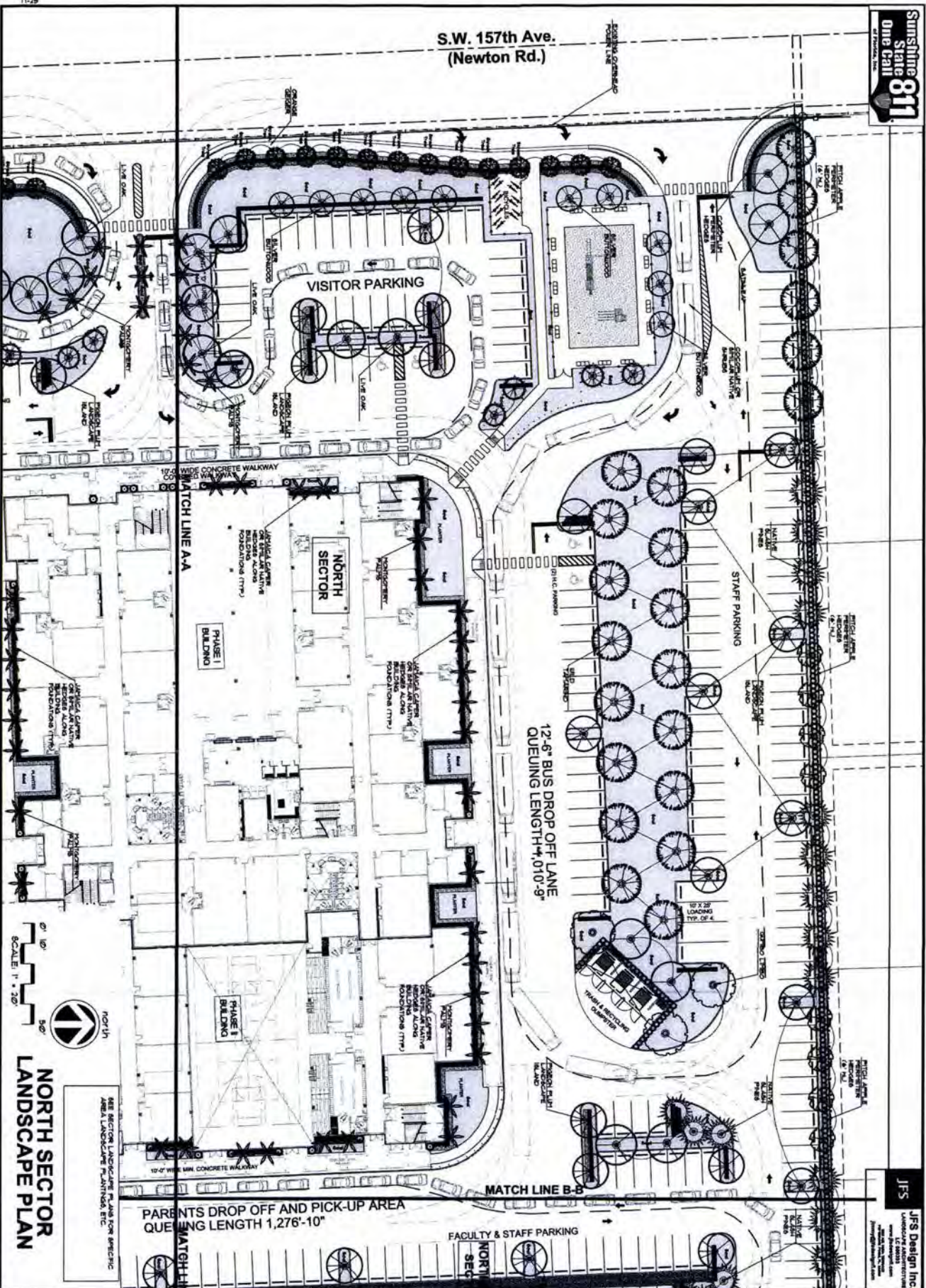
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36

S.W. 157th Ave.
(Newton Rd.)



**NORTH SECTOR
LANDSCAPE PLAN**

SCALE: 1" = 20'



SEE SECTION LANDSCAPE PLAN FOR SPECIFIC AREA LANDSCAPE PLANNING, ETC.

PARENTS DROP OFF AND PICK-UP AREA
QUEUING LENGTH 1,276'-10"

12'-6" BUS DROP OFF LANE
QUEUING LENGTH 4,010'-9"

FACULTY & STAFF PARKING

JFS
JFS Design Inc.
Landscape Architecture
1457 N.E. 4th Ave.
P.O. Box 1000
P.O. Box 1000
P.O. Box 1000
P.O. Box 1000

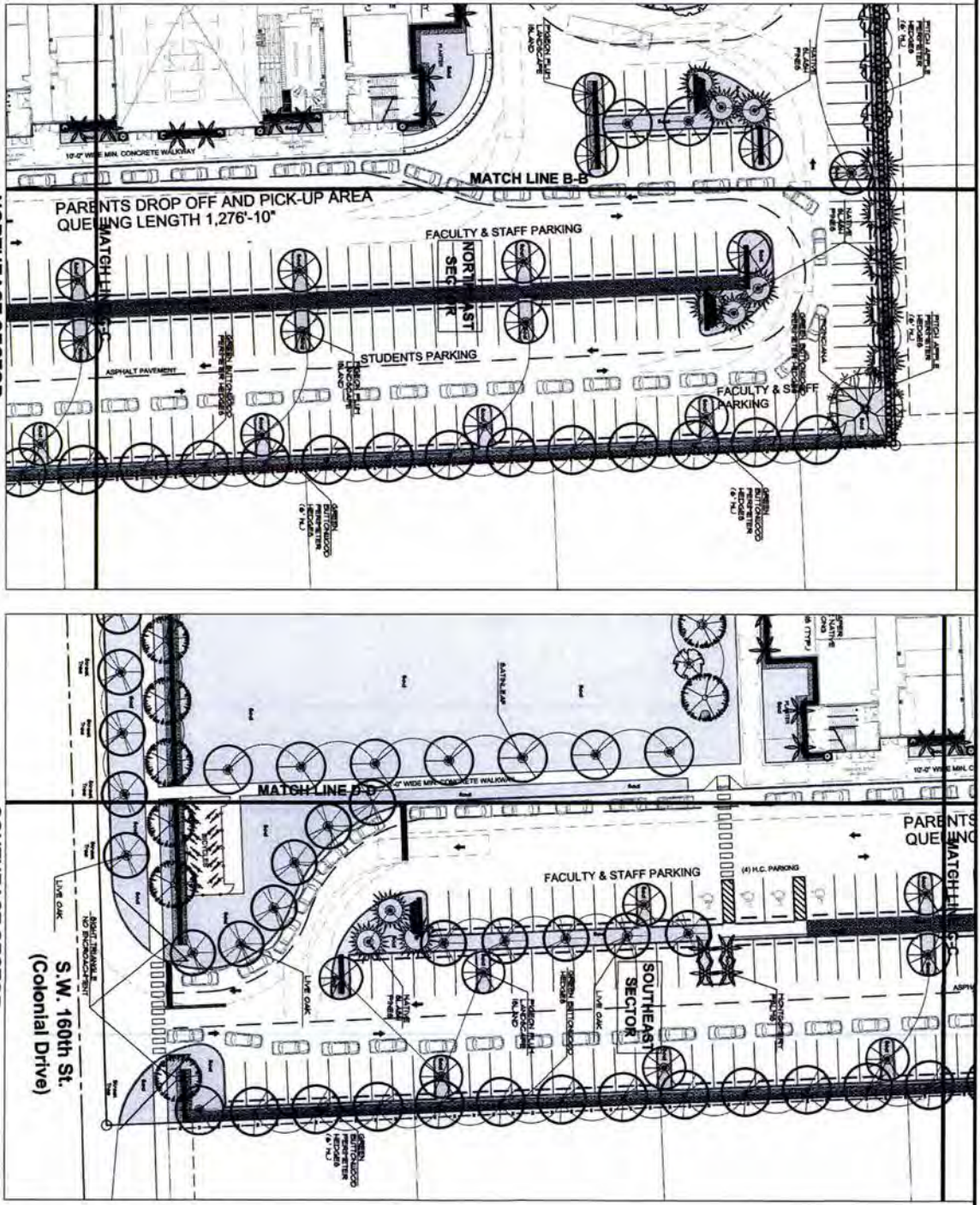
PROJECT	L-4
DATE	FEB. 2017
SCALE	1" = 20'
DESIGNER	G.J.C.
DATE	FEB. 2017
SCALE	1" = 20'
DESIGNER	G.J.C.



PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
8W 157 AVENUE (NEWTON ROAD) AT
168 56 ST (COLONIAL DRIVE) MIAMI, FL

GUSTAVO J. CARBONELL, P.A.
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(954) 462-6565
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REVISION	
NO.	
DATE	
DESCRIPTION	



**NORTHEAST SECTOR
SOUTHEAST SECTOR
LANDSCAPE PLAN**



JFS
JFS Design Inc
Landscape Architecture
1457 N.E. 4th Ave.
Lauderdale, Florida, 33304
(954) 462-0585

PROJECT	L-5
DATE	FEB. 2017
SCALE	1" = 20'
DESIGNER	G.J.C.
DATE	FEB. 2017
PROJECT	17-008

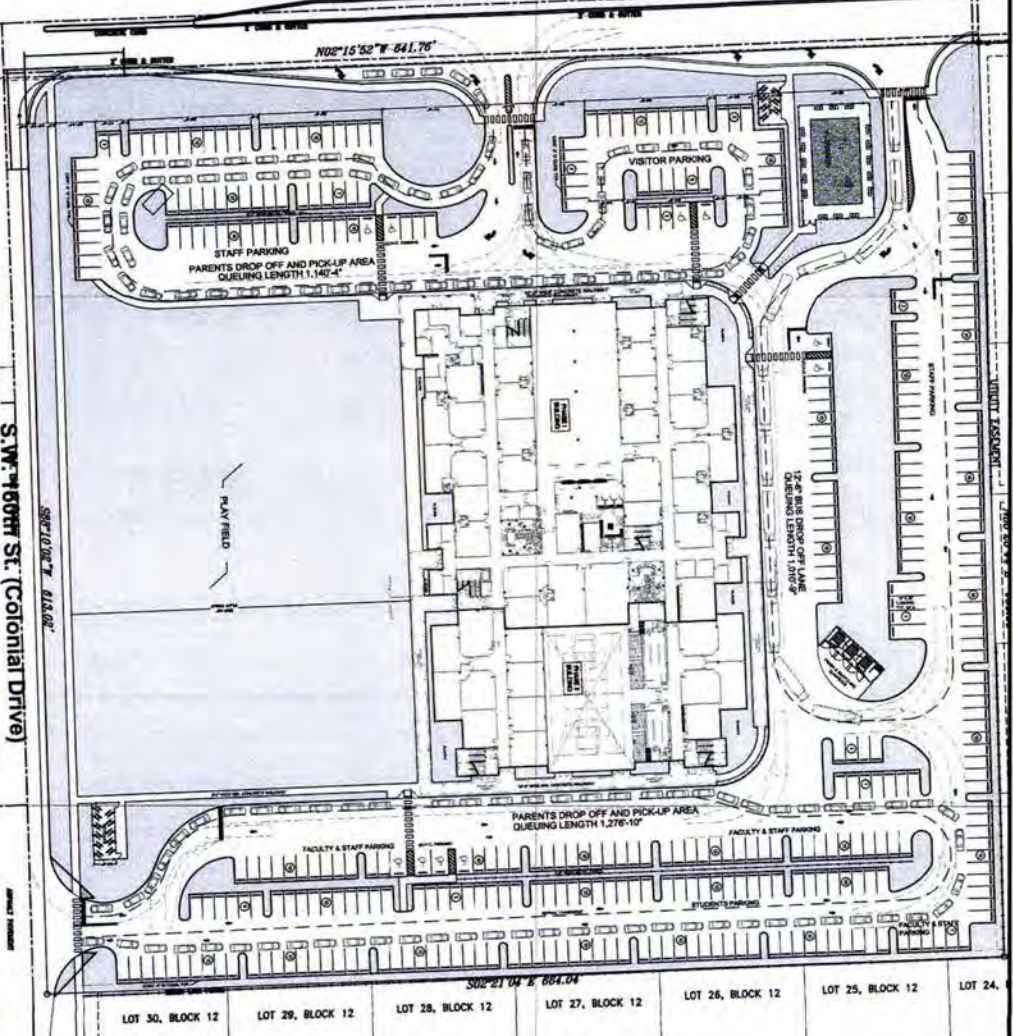
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
100 IN ST (COLONIAL DRIVE) MIAMI, FL

PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL
100 IN ST (COLONIAL DRIVE) MIAMI, FL

GUSTAVO J. CARBONELL, P.A.
Architect and Planner
1457 N.E. 4th Ave.
Fl. Lauderdale, Florida, 33304
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S.W. 157th Ave.
(Newton Rd.) 75' PUBLIC RIGHT-OF-WAY



EXISTING PROPERTY
EXISTING AERIAL, TYPICAL USE



SOUTHWEST CORNER
EXISTING AERIAL, TYPICAL USE



NORTH PROPERTY
AERIAL PHOTOGRAPH PER MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE



SOUTH PROPERTY
AERIAL PHOTOGRAPH PER MIAMI-DADE COUNTY PROPERTY APPRAISER'S OFFICE

LOT 30, BLOCK 12 LOT 29, BLOCK 12 LOT 28, BLOCK 12 LOT 27, BLOCK 12 LOT 26, BLOCK 12 LOT 25, BLOCK 12 LOT 24

TREE DISPOSITION PLAN



A BATTLE TREE REMOVAL PERMIT IS REQUIRED FOR ALL BATTLE TREES TO BE REMOVED FROM THIS PROJECT. SEE LANDSCAPE LAYOUT FOR REMOVAL AND REPLACEMENT DETAILS.

- NOTES:**
1. BATTLE TREE REMOVAL PERMIT IS REQUIRED FROM THE LOCAL GOVERNMENT AGENCY FOR REMOVAL OF ANY TREES ON THE PROJECT. SEE LANDSCAPE LAYOUT FOR REMOVAL AND REPLACEMENT DETAILS, ETC.
 2. THE CONSTRUCTION SHALL REMOVE ALL TREES AND RECORD AS REMOVED FROM THE PROJECT. THE PERMIT AND RECORD ALL REMOVALS SHALL BE REMOVED FROM THE SITE AND ALL REMOVALS SHALL BE RECORDED WITH THE COUNTY RECORDS. SEE LANDSCAPE LAYOUT FOR REMOVAL AND REPLACEMENT DETAILS.
 3. LOCATIONS MARKED FOR THE BATTLE TREES AND PALMS ARE APPROXIMATE. EXACT LOCATIONS ARE TO BE FIELD VERIFIED BY THE CONTRACTOR. ALL OTHER TREES SHALL BE REMOVED BY THE CONTRACTOR. SEE LANDSCAPE LAYOUT FOR REMOVAL AND REPLACEMENT DETAILS.
 4. ALL REMOVED TREES SHALL BE RECYCLED OR CHIPPED ON SITE. SEE LANDSCAPE LAYOUT FOR REMOVAL AND REPLACEMENT DETAILS.



EAST PERIMETER
EXISTING REMOVED TREES TO REMOVE

PROJECT	TD-1
DATE	FEB. 2017
SCALE	1" = 40'
DESIGNER	G.J.C.
CHECKED	G.J.C.

PROPOSED DEVELOPMENT:
BRIDGE PREP ACADEMY CHARTER SCHOOL AT KENDALL

157 AVENUE (NEWTON ROAD) AT
100 ST. (COLONIAL DRIVE) MIAMI, FL

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DATE	
BY	
REVISION	

39





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2017000315

Section: 28 Township: 55 Range: 39
 Applicant: JLK Four, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, October 25, 2017

REVISION	DATE	BY
		40



MIAMI-DADE COUNTY

AERIAL YEAR 2015

Process Number

Z2017000315

Legend



Subject Property



Section: 28 Township: 55 Range: 39

Applicant: JLK Four, LLC

Zoning Board: Board of County Commissioners

Commission District: 9

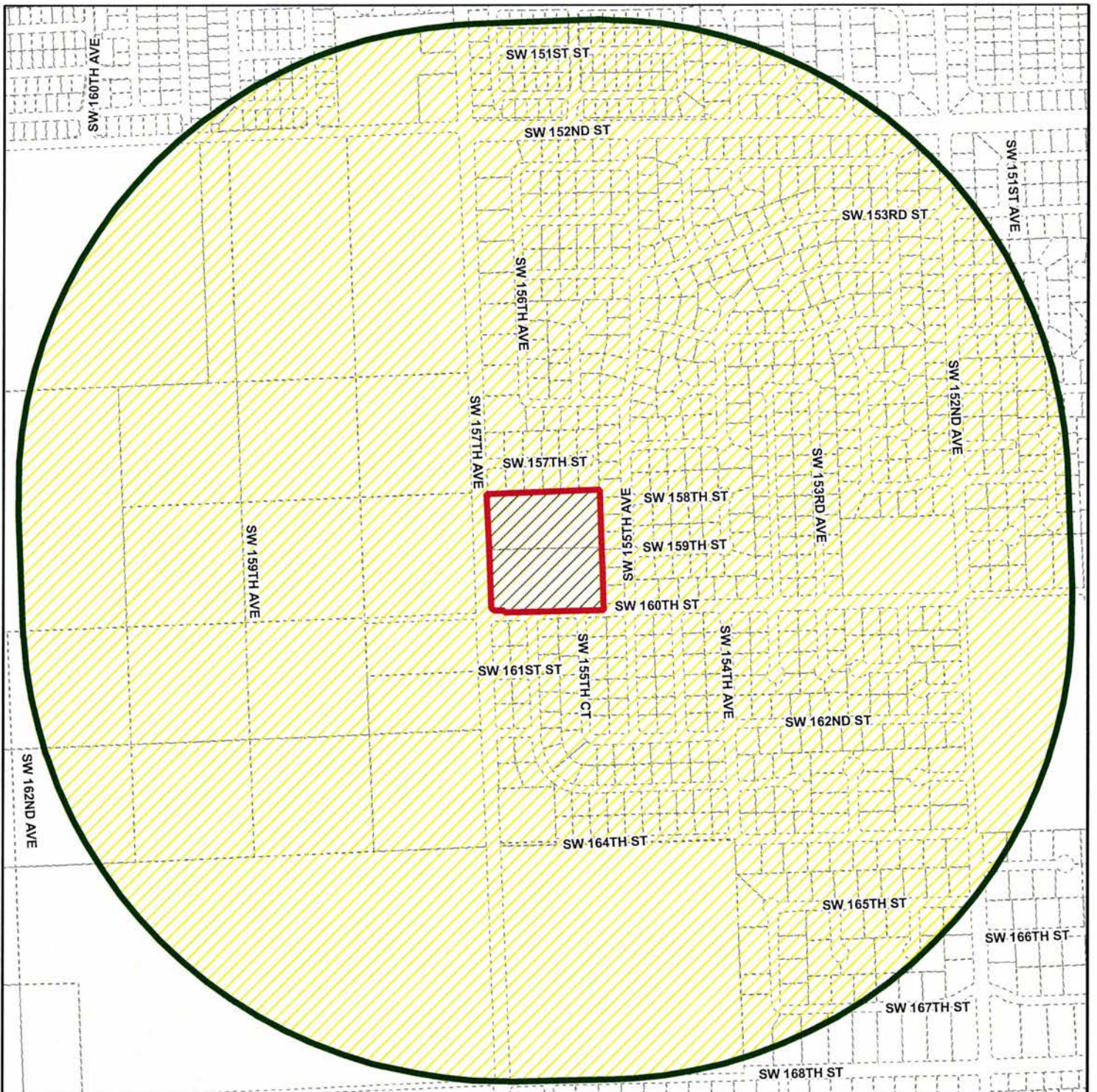
Drafter ID: EDUARDO CESPEDES

Scale: NTS



SKETCH CREATED ON: Wednesday, October 25, 2017

REVISION	DATE	BY
		41






MIAMI-DADE COUNTY
RADIUS MAP

Section: 28 Township: 55 Range: 39
 Applicant: JLK Four, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2017000315
 RADIUS: 2640

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, October 25, 2017

REVISION	DATE	BY
		42




MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2017000315

Legend

 Subject Property Case



Section: 28 Township: 55 Range: 39
 Applicant: JLK Four, LLC
 Zoning Board: Board of County Commissioners
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Wednesday, October 25, 2017

REVISION	DATE	BY