

FINAL AGENDA

6-26-2013 Version # 2



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION

8625 SW 124 Avenue, Miami

Tuesday, July 23, 2013 at 7:00 p.m.

PREVIOUSLY DEFERRED

- | | | | | |
|----|--------------|----------------------------------|-------|----------|
| A. | 13-6-CZ11-1 | <u>TAMIAMI PLAZA CENTER, INC</u> | 13-5 | 22-55-39 |
| B. | 13-6-CZ-11-2 | <u>RED BERRY ESTATES, LLC</u> | 13-14 | 36-54-39 |

CURRENT

- | | | | | | |
|----|-------------|-----------------------------------|--------|----------|---|
| 1. | 13-7-CZ11-1 | <u>WYNNE BUILDING CORPORATION</u> | 12-149 | 22-55-39 | N |
|----|-------------|-----------------------------------|--------|----------|---|



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, JULY 23, 2013

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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 MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM 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 WITNESSES

- (1) MODIFICATION of Paragraphs 1 & 2 of Declaration of Restrictions, recorded in Official Record Book 26099 Pages 3925-3931, reading as follows:

FROM: "(1) Controlling Site Plan. The Property shall be developed substantially in accordance with the site plans entitled "Empire Villas" as prepared by FELIX PARDO & ASSOCIATES, dated Sept. 5, 2007. Said plans being on file with the Miami-Dade county Department of Planning and Zoning, and by reference made a part of this agreement (the "Plans")."

TO: "(1) Controlling Site Plan. The property shall be developed substantially in accordance with site the plan entitled "Green Turtle Club", as prepared by Pascual Perez Kiliddjian & Associates, consisting of thirty-five (35) sheets and dated 5/13/13. Said plans being on file with the Miami-Dade County Regulatory and Economic Resources Department, and by reference made a part of agreement."

FROM: "(2) Residential Density Restriction. The maximum number of dwelling units on the Property shall be a total of 195 town home residential units."

TO: "(2) Residential Density Restriction Severable/Use Rights. The maximum number of dwelling units on the Property shall be a total of 256 units. The purchase of up to thirty-six (36) severable use rights (SURs) shall be required."

- (2) DELETION of Declaration of Restrictions recorded in Official Records Book 18842, pages 4265-4279, only as it applies to subject property.

The purpose of requests #1 & #2 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development.

- (3) NON-USE VARIANCE of spacing requirements to permit certain residential buildings to be spaced 16.66' (20' required) from each other.
- (4) NON-USE VARIANCE to permit drives within 25' of an official right-of-way (none permitted).

LOCATION: Lying West of SW 137 Avenue & South of SW 143 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 17.10 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions, subject to the
Board's acceptance of the proffered
covenant.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), within 14 days after RER has posted a short, concise statement (such as that, furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z13-005 (13-06-CZ11-1)

July 23, 2013

Item No. A

| Recommendation Summary | |
|--|--|
| Commission District | 11 |
| Applicant | Tamiami Plaza Center, Inc. |
| Summary of Requests | The applicant is requesting a district boundary change from IU-C to BU-1A. |
| Location | Southwest corner of SW 136 Street & SW 139 Court, Miami-Dade County, Florida. |
| Property Size | 1.82 acres |
| Existing Zoning | IU-C |
| Existing Land Use | Vacant |
| 2015-2025 CDMP Land Use Designation | Industrial and Office (see attached Zoning Recommendation Addendum) |
| Comprehensive Plan Consistency | Consistent with interpretative text, goals, objectives and policies of the CDMP |
| Applicable Zoning Code Section(s) | Section 33-311 District Boundary Change (see attached Zoning Recommendation Addendum) |
| Recommendation | Approval, subject to the acceptance of the proffered covenant. |

This item was deferred from the June 11, 2013 meeting of the Community Zoning Appeals Board (CZAB) 11 due to a lack of quorum.

REQUEST:

DISTRICT BOUNDARY CHANGE from IU-C to BU-1A zone.

PROJECT HISTORY & DESCRIPTION:

In 1976, pursuant to Resolution No. Z-313-76 the subject property was part of a larger tract of land that was rezoned from GU, Interim District to IU-C, Unlimited Industrial Manufacturing District. The current application seeks to change the zoning on the subject property from IU-C, Unlimited Industrial Manufacturing District, to BU-1A, Limited Business District.

| NEIGHBORHOOD CHARACTERISTICS | | |
|-------------------------------------|--------------------------------|-----------------------------|
| | Zoning and Existing Use | Land Use Designation |
| Subject Property | IU-C; vacant land | Industrial and Office |
| North | GP; airport | Terminals |
| South | IU-C; vacant land | Industrial and Office |
| East | IU-C; office building | Industrial and Office |
| West | IU-C; hospital | Industrial and Office |

NEIGHBORHOOD COMPATIBILITY:

The subject property is a corner lot located on the southwest corner of SW 136 Street and SW 139 Court and within an Industrial Zoning District. The surrounding area is primarily characterized by industrial uses such as warehouses, offices, a hospital, some retail uses, vacant land, and Tamiami Airport to the north.

SUMMARY OF THE IMPACTS:

The approval of the rezoning from IU-C (Conditional Industrial District) to BU-1A (Limited Business District) will reduce the availability of Industrial designated properties on this area. However, the proposed BU-1A zoning will provide accessible commercial uses to the workers in the surrounding industrial districts.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Industrial and Office*** on the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map. The CDMP Land Use Element interpretative text under the Industrial and Office land use category allows manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Additionally, *very limited commercial uses to serve the firms and workers in the Industrial and Office area are allowed, dispersed as small business districts and centers throughout the industrial areas.*

The subject parcel is approximately 1.82 acres in size and is located at the intersection of SW 136 Street and SW 139 Court. The applicant has proffered a covenant which restricts the types of commercial uses that would be allowed on the proposed shopping center site to uses that in staff's opinion which would be supportive of the firms and workers within the surrounding industrial area (see proffered covenant). Some of the types of uses included in said covenant include bakeries; banks, including drive-in teller service; beauty parlors/barber shops; computer sales; day nurseries, kindergarten and after school care centers; dry cleaning establishments, using nonflammable solvents; hardware stores (maximum 4,000 sq. ft.); printing, copying and postal packing services; and restaurants.

As such, staff is of the opinion that the proposed rezoning of the property to BU-1A, Limited Business District, to permit a retail and service convenience facility, with the proffered covenant, is compatible with the surrounding area. Further, approval of the proposed retail and service use with the proffered covenant would be **consistent** with the CDMP LUP map Industrial and Office designation of the subject property and with the uses described in the interpretative text of the Industrial and Office category description.

ZONING ANALYSIS:

When the applicant's request to rezone the 1.82 acre parcel to BU-1A, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of this request, with the proffered covenant previously discussed, would be **compatible** with the surrounding industrial uses. The applicant seeks to develop the site with a retail and service convenience facility, which would provide the previously stated uses in addition to offices, including medical offices, and medical clinics in closer proximity to serve the needs of the firms and workers of the surrounding industrial developments. Staff opines that the requested medical clinics and office uses, including medical offices, are uses that would be **compatible** with the uses allowed in the industrial and business zoning districts and are generally allowed in those districts. Additionally, staff opines that the medical clinic use would serve an essential medical need for the surrounding industrial developments and is also a use generally permitted in both the business and industrial districts.

Staff notes that the subject property is located south of SW 136 Street, a section line road, and is surrounded by Tamiami Airport to the north, a hospital to the west, office building to the east and vacant land to the south. Further, staff notes that the parcels located to the east, west and south are also zoned IU-C. The airport is zoned Government Property (GP).

Staff opines that the proposed retail and service convenience facility will not result in excessive traffic as evidenced by the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) which states that the application will generate 145 PM daily peak hour vehicle trips, does not exceed the acceptable level of service (LOS) of the surrounding roadways and meets the traffic concurrency criteria for an initial development order. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed facility will have a negative impact on fire rescue services in the area.

Based on the aforementioned department memoranda, staff opines that approval of the subject request will serve a public benefit, will 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, based on memoranda from the Departments concerned with reviewing this application.

Consequently, staff is of the opinion that approval of the district boundary change from IU-C to BU-1A will be **compatible** with the surrounding industrial developments given that it will provide essential goods and services for the area firms and workers with the proffered covenant, and would be **consistent** with the Industrial and Office designation of the site on the LUP map of the CDMP. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Approval, subject to the Board's acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:JC



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

NDN

ZONING RECOMMENDATION ADDENDUM

Tamiami Plaza Center, Inc.
Z13-005

| NEIGHBORHOOD SERVICES PROVIDER COMMENTS* | |
|--|--------------|
| Regulatory and Economic Resources (Environmental Resources Management Division) | No objection |
| Public Works and Waste Management | No objection |
| Parks, Recreation and Open Space | No objection |
| Fire Rescue | No objection |
| Police | No objection |
| Schools | No comment |
| *Subject to conditions in their memorandum. | |

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

| | |
|--|--|
| <p>Industrial and Office (Pg. I-39)</p> | <p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings.</i></p> <p><i>If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.</i></p> |
|--|--|

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> |
|---|---|

ZONING RECOMMENDATION ADDENDUM

Tamiami Plaza Center, Inc.
Z13-005

(F) **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (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.

A. TAMIAMI PLAZA CENTER, INC
(Applicant)

13-6-CZ11-1 (13-005)
Area 11/District 11
Hearing Date: 07/23/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-----------------------------|-----------------------------------|---------------------|------------------------|
| 1976 | City National Bank Miami | - Zone change from GU to IU-C. | BCC | Approved |

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP**

#1

APPLICANT'S NAME: **TAMIAMI PLAZA CENTER, INC.**

REPRESENTATIVE: **Juan Mayol**

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|---------------------|---------------|-------------------|----|
| 13-6-CZ11-1(13-005) | June 11, 2013 | CZAB11 | 13 |

REC: Approval, subject to the acceptance of the proffered covenant.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: July 23, 2013 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: Deferred due to a lack of quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|--------------|-----|-------------------|-----|----|--------|
| COUNCILWOMAN | | Carolina BLANCO | | | |
| COUNCILMAN | | Socrates De Jesus | | | X |
| VICE CHAIR | | Miguel DIAZ | | | X |
| COUNCILMAN | | Jay REICHBAUM | | | X |
| COUNCILWOMAN | | Beatriz SUAREZ | | | X |
| CHAIR WOMAN | | Patricia DAVIS | | | |

VOTE:

| | |
|--|--|
| | |
|--|--|

EXHIBITS: YES NO

COUNTY ATTORNEY: **DARON FITCH**

Memorandum

Date: February 5, 2013

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

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

Subject: C-11 #Z2013000005
Tamiami Plaza Center, Inc.
Southwest Corner of SW 136th Street and SW 139th Court, Miami,
Florida
Zone Change from IU-C to BU-1A
(IU-C) (1.82 Acres)
22-55-39

The subject application has been reviewed 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

Based on the Survey submitted DERM has no objection to this application. Any modification to the existing survey will require a new review by the Water Control Section of DERM.

Wetlands

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

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

Tree Preservation

The subject properties contain prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from the sites prior to development. Notwithstanding the foregoing, the applicant is advised that Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of additional trees on the subject properties that are not a prohibited species. The applicant is advised to contact the Tree Program for permitting procedures and requirements prior to development of site and landscaping plans.

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: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: February 27, 2013

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

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

Subject: Z2013000005
Name: Tamiami Plaza Center
Location: Southwest Corner of SW 136 Street & SW 139 Court
Section 22 Township 55 South Range 39 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 1 & 2, Block 2 of Plat Book 109, Page 18.

Additional improvements may be required at time of permitting.

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.# | | LOS present | LOS w/project |
|-------|-----------------------------|-------------|---------------|
| 9814 | SW 137 Ave. s/o SW 120 St. | C | C |
| 9816 | SW 137 Ave. s/o SW 136 St. | C | C |
| 9859 | SW 157 Ave. s/o SW 152 St. | C | C |
| 9854 | SW 152 St. w/o SW 137 Ave. | D | D |
| 9857 | SW 157 Ave. s/o Kendall Dr. | C | C |

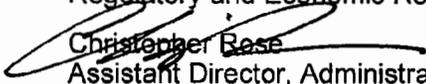
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Memorandum



Date: February 21, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: 
Assistant Director, Administration
Public Works and Waste Management Department

Subject: # 13-005
Tamiami Plaza Center

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

#13-005 Tamiami Plaza Center

Application: *Tamiami Plaza Center* is requesting a district boundary change from Industrial District, Conditional (IU-C) to Limited Business District (BU-1A) to allow for the development of a small retail and service convenience facility on the property.

Size: The subject property is approximately 1.82 acres.

Location: The subject property is generally located on the southwest corner of SW 136 Street and SW 139 Court in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The district boundary change of the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** 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
- 2) Mixed paper
- 6) Steel (cans, scrap)
- 7) other metals/scrap production materials

- | | |
|----------------------------------|--|
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 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:

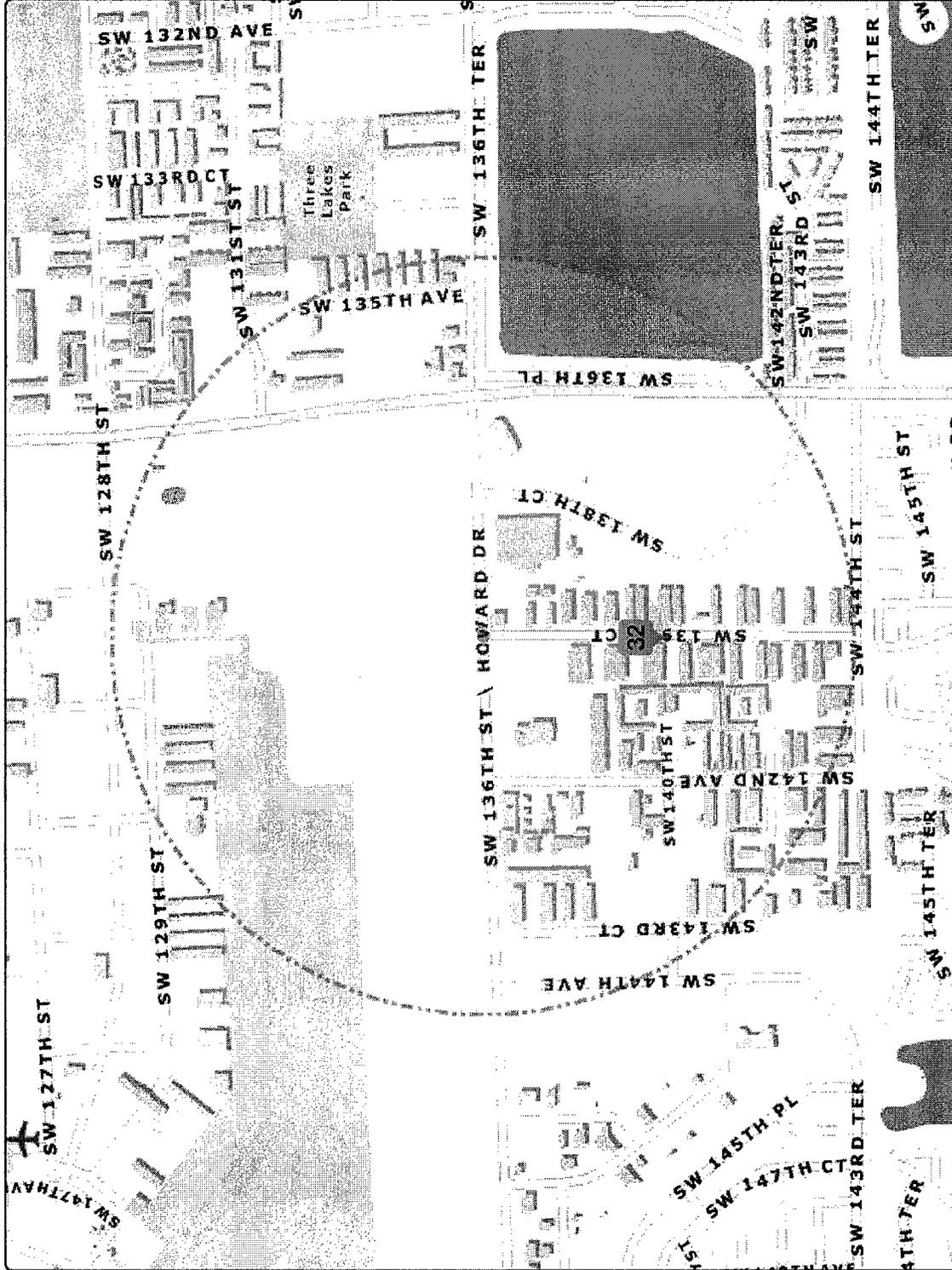
- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

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. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc..) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

TAMIAMI PLAZA CENTER, INC

Miami-Dade Police Department

Z2013000005 2012 SELECTED CRIMES (JAN 1 - JAN 21) 0.5 MI



This map was prepared using Miami-Dade County's (MDC) Geographic Information System (GIS). As is the case with all public records information, the nature of the data and the collection processes limit the ability of any aggregator to independently validate data and content. Every effort has been made to ensure that the information represented is accurate, however, the results cannot be guaranteed. In order to ensure the accuracy of the information supplied by MDC, the requestor should consult the official government record. Based on these limitations, MDC is unable to guarantee the accuracy of the information represented. Employees or agents disclaim all warranties, expressed or implied, as to any matter whatsoever and shall not be responsible for any loss or damage that may directly or indirectly arise as the result of use of information contained in the County's GIS.

Memorandum



Date: January 29, 2013

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

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

Subject: Z2013000005: TAMIAMI PLAZA CENTER, INC

Application Name: TAMIAMI PLAZA CENTER, INC

Project Location: The site is located at Southwest corner of SW 136 ST & SW 139 CT, Miami-Dade County.

Proposed Development: The applicant is requesting a zone change from IU-C to BU-1A for a retail and service use.

Impact and demand: This application does not generate any residential population applicable to CDMO Open Space Spatial Standards. We have 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. The Department has no objection to this application.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 29-JAN-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2013000005

Fire Prevention Unit:

No objection to proposed Zoning change. Development plans pending Fire review for site access.

Service Impact/Demand

Development for the above Z2013000005
 located at Southwest CORNER of SW 136 ST & SW139 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2018 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 43 - Richmond - 13390 SW 152 Street
 Rescue, ALS 65' Aerial, (TRT)

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

Not applicable to service impact analysis at this stage.

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

DATE: 31-MAY-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

TAMIAMI PLAZA CENTER, INC

Southwest CORNER of SW 136 ST &
SW139 CT, MIAMI-DADE COUNTY,
FLORIDA.

APPLICANT

ADDRESS

Z2013000005

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD COMPLIANCE CASE
FOR FOLIO NUMBERS: 30-5922-001-0210 OR 30-5922-001-0220.

BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT CASES FOR
FOLIO NUMBERS: 30-5922-001-0210 OR 30-5900-001-0220.

TAMIAMI PLAZA CENTER, INC

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

REPORTER NAME:

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: *[Signature]*
(Applicant) Ernesto R. Greco, as President of Tamiami Plaza Center, Inc.

Sworn to and subscribed before me this 7 day of Jan, 2013. Affiant is personally know to me or has produced n/a as identification.

[Signature]
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Carmen M. Nunez
Commission # DD977874
Expires: APR. 24, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires: 4-24-14

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.

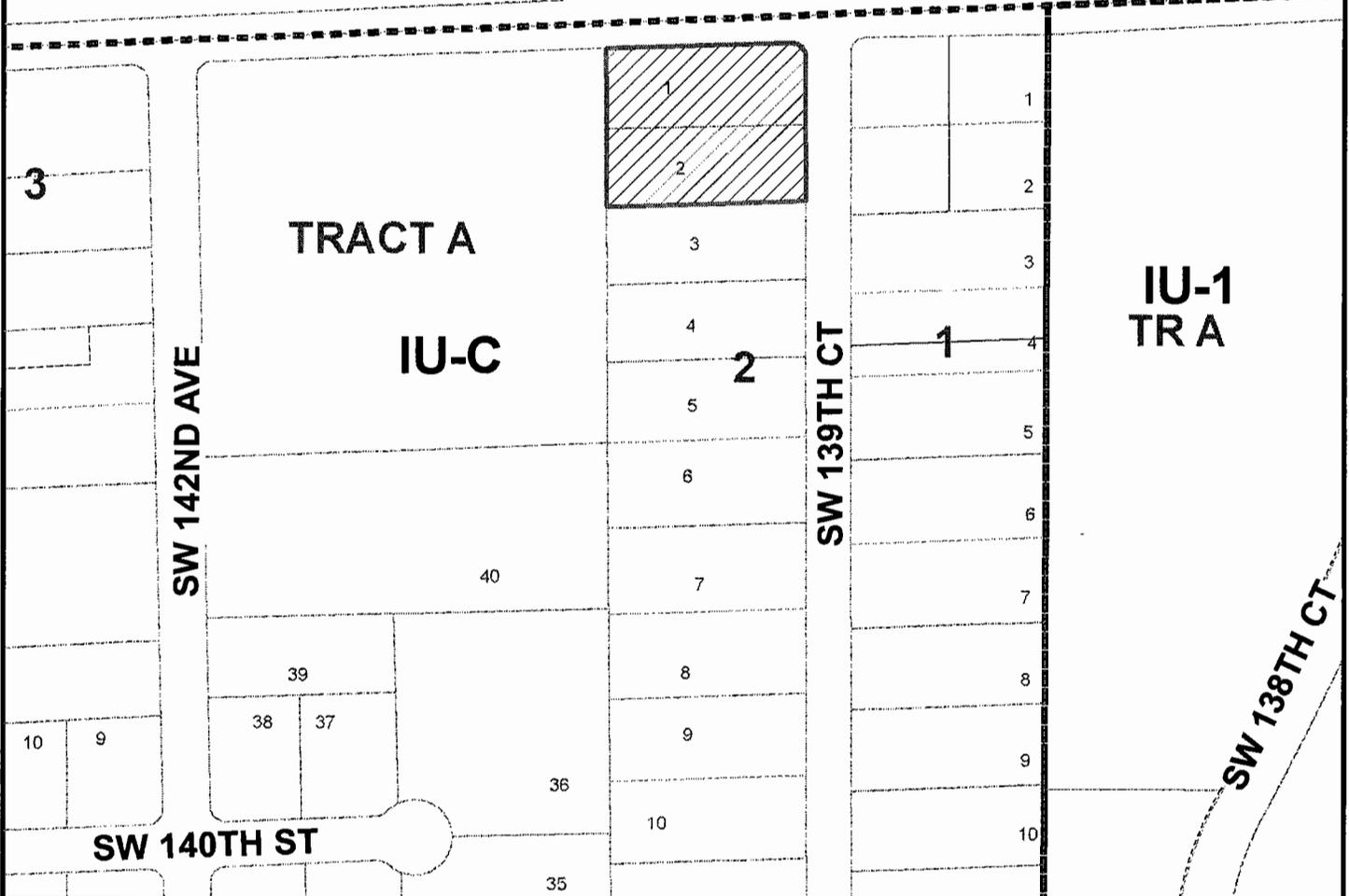
RECEIVED
213-005
JAN 09 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

20

GP

SW 136TH ST



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000005



Section: 22 Township: 55 Range: 39
 Applicant: TAMIAMI PLAZA CENTER, INC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

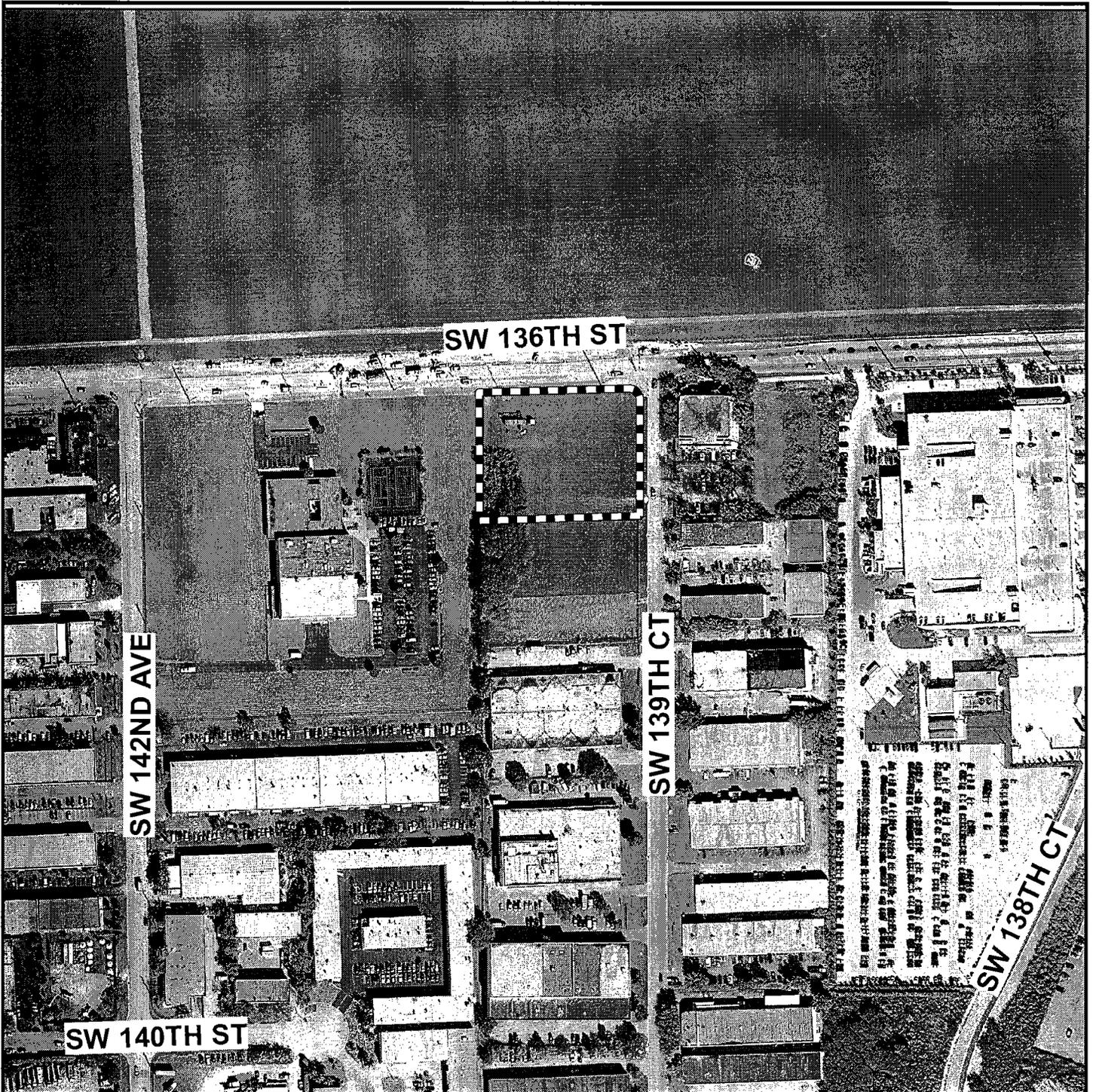
Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, January 31, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 21 |



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000005



Section: 22 Township: 55 Range: 39
 Applicant: TAMIAMI PLAZA CENTER, INC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

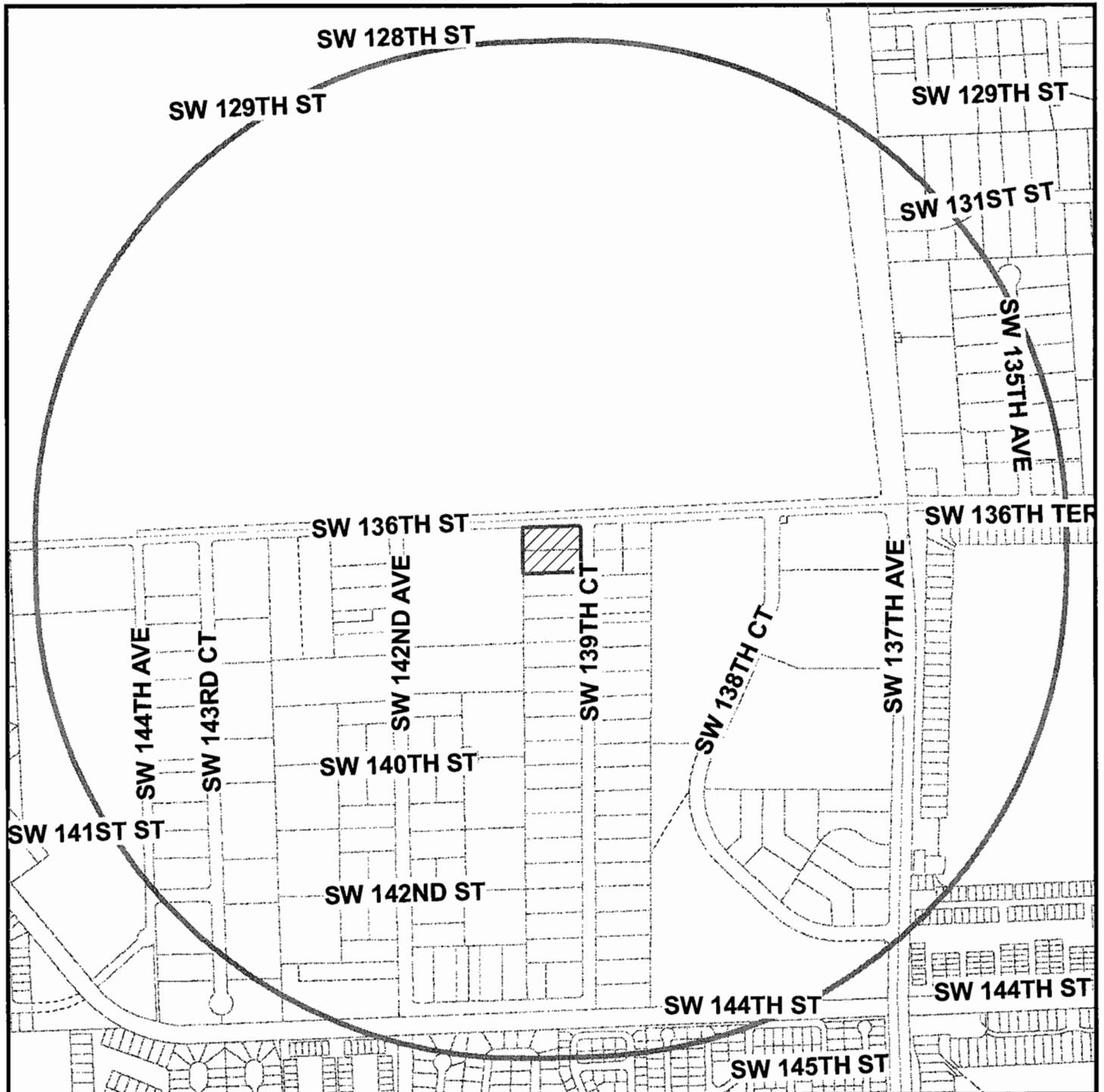
Legend

 Subject Property



SKETCH CREATED ON: Thursday, January 31, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 27 |



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2013000005

RADIUS: 2640

Section: 22 Township: 55 Range: 39
 Applicant: TAMIAMI PLAZA CENTER, INC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property

 Buffer

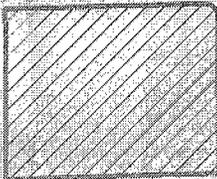


SKETCH CREATED ON: Thursday, January 31, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 23 |

TERMINALS

SW 136TH ST



INDUSTRIAL AND OFFICE

SW 142ND AVE

SW 139TH CT

SW 138TH CT

SW 140TH ST

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000005



Section: 22 Township: 55 Range: 39
Applicant: TAMIAMI PLAZA CENTER, INC
Zoning Board: C11
Commission District: 11
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, January 31, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | |

This instrument was prepared by:
Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131

TAMIAMI PLAZA CENTER, INC

Item: A

13-005

Received by
Zoning Agenda Coordinator

JUN 25 2013

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner, TAMIAMI PLAZA CENTER, INC., a Florida corporation (the "Owner"), holds the fee simple title to that certain 1.82± acre parcel of land in Miami-Dade County, Florida (the "County"), located at the southwest corner of SW 136 Street and SW 139 Court (the "Property"), which is legally described in Exhibit "A" to this Declaration;

WHEREAS, the Owner has submitted to the County Public Hearing No. Z2013000005 (the "Application") seeking a district boundary change from IU-C to BU-1A.

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

1. Use Restrictions. Notwithstanding the approval of the Application, and all applicable Code requirements, the Owner agrees to restrict the Property to the following permitted uses:

- Apparel stores
- Automobile new parts and equipment, sales only
- Automobile service stations - (which may include facilities available for sale of other retail products and services related to the servicing of automobiles)

- Automobile self service gas stations
- Automobile storage within a building
- Automobile tires, batteries, and accessories (new) retail only, installation permitted
- Automobile washing
- Bakeries
- Banks, including drive-in tellers
- Beauty parlors / Barber shops
- Computers and accessories sales
- Confectionery, ice cream, and dairy stores
- Day nursery, kindergarten and after school care
- Dog and pet hospitals in air-conditioned buildings
- Dry cleaning establishments, using nonflammable solvents.
- Drugstores / Pharmacies (4,000 sq. ft. maximum floor area)
- Electrical appliance and fixtures stores, including related repair shops
- Employment agencies
- Florist shops
- Grocery stores (4,000 sq. ft. maximum floor area)
- Hardware stores (4,000 sq. ft. maximum floor area)
- Health and exercise clubs and/or gymnasiums
- Medical clinics
- Medical offices
- Offices
- Office supplies and Equipment stores, Furniture stores, new merchandise only (4,000 sq. ft. maximum floor area)
- Pet grooming
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing, copying and postal packing stores
- Restaurants

- Restaurants with an accessory cocktail lounge-bar use, subject to compliance with Article X, Alcoholic Beverages, of the Code of Miami-Dade County, Florida
- Tailor shops

2. Administrative Site Plan Review. Prior to the issuance of a building permit for the construction of any improvements on the Property, the Owner shall submit for approval an application for administrative site plan review (ASPR) to the Zoning Hearings Section.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the 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 their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the 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.

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 Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGE(S) FOLLOW]

Signed, sealed and acknowledged on this 28 day of May, 2013.

WITNESSES

TAMIAMI PLAZA CENTER, INC.
a Florida corporation

[Signature]
Signature
VALERIA GRECO
Printed Name

[Signature]
Ernesto R. Greco, President

[Signature]
Signature
CARMEN M. NUNEZ
Printed Name

ACKNOWLEDGED BEFORE ME, this 28 day of May, 2013, by Ernesto R. Greco, President of Tamiami Plaza Center, Inc., a Florida corporation, who is personally known to me or who has produced N/A as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Carmen M. Nunez
Commission # DD977874
Expires: APR. 24, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

[Signature]
NOTARY PUBLIC
CARMEN M. NUNEZ
Printed Name

My Commission Expires: 4-24-14

#23004321_v4

EXHIBIT "A"

Lots 1 and 2 in Block 2 of "Tamiair Industrial Park Section One" according to the plat thereof as recorded in Plat Book 109 at Page 18 of the Public Records of Miami-Dade County, Florida.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z13-014 (13-6-CZ11-2)

July 23, 2013

Item No. B

| Recommendation Summary | |
|--|--|
| Commission District | 10 |
| Applicant | Red Berry Estates, LLC |
| Summary of Requests | The applicant is seeking to allow a district boundary change from GU to EU-M. |
| Location | 7455 SW 125 Avenue, Miami-Dade County, Florida. |
| Property Size | 5 acres |
| Existing Zoning | GU, Interim District |
| Existing Land Use | Recreational facility |
| 2015-2025 CDMP Land Use Designation | Estate Density, 1 to 2.5 dua, <i>(see attached Zoning Recommendation Addendum)</i> |
| Comprehensive Plan Consistency | Consistent with the LUP map of the CDMP |
| Applicable Zoning Code Section(s) | Section 33-311, District Boundary Change <i>(see attached Zoning Recommendation Addendum)</i> |
| Recommendation | Approval, subject to the acceptance of the proffered covenant |

This item was deferred from the June 11, 2013, Community Zoning Appeals Board (CZAB) #11 meeting due to a lack of quorum.

REQUEST:

DISTRICT BOUNDARY CHANGE from GU to EU-M.

PROJECT DESCRIPTION:

The applicant seeks to rezone the 5-acre parcel from GU, Interim District to EU-M, Single Family Modified Estate District.

| NEIGHBORHOOD CHARACTERISTICS | | |
|-------------------------------------|--|--|
| | Zoning and Existing Use | Land Use Designation |
| Subject Property | GU; recreational facility | Estate Density Residential (1 to 2.5 dua) |
| North | GU: religious facilities, private school | 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 | EU-M; single-family residences | Estate Density Residential (1 to 2.5 dua) |

NEIGHBORHOOD COMPATIBILITY:

Staff notes that the abutting properties to the south, east and west are also zoned EU-M and developed with single-family residences. The properties to the north are zoned GU and are developed with religious and educational institutional uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, the proposed rezoning could have an impact on traffic on the abutting roadways, schools and emergency services 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*** on the Adopted 2015-2025 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This density range is characterized by detached estate residences that typically occupy a small portion of the parcel and can be developed at a maximum of 2.5 dwelling units per acre.* This would allow the applicant to develop the 5 acre parcel with a maximum of 12 residential units which is the maximum allowed under the density threshold of the CDMP Estate Density designation on the LUP map. Staff notes that the EU-M zoning district allows residences at 15,000 sq. ft., which would allow the applicant to develop the 5-gross acre parcel at 2.9 dwelling units per acre for a maximum of 14 residential units. The applicant indicated the intent to purchase Severable Use Rights (SUR's) for the development of the parcel. With the utilization of Severable Use Rights (SUR's), EU-M zoning would permit a minimum lot area 12,500 sq. ft., a minimum frontage of 100' and a minimum depth of 125' thereby allowing the applicant to develop the site with a maximum of 17 residential units. The submitted site plans indicate that the purpose of the rezoning is to allow the applicant to develop the site with 12 single-family residences on lots ranging from a minimum of 13,836 sq. ft. to 14,640 sq. ft. through the purchase of SUR's. In addition, staff notes that the applicant has proffered a covenant to limit the development of the parcel to 12 residential units, the maximum allowed under the density threshold of the CDMP Estate Density designation on the LUP map.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The subject property abuts properties to the south, east and west that are also zoned EU-M, some of which were also approved with the purchase of SUR's. As such, subject to the Board's acceptance of the proffered covenant, staff opines that the rezoning of the subject property to EU-M would be **compatible** with the surrounding area and **consistent** with the density threshold of the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map and the CDMP's Land Use Element the interpretative text, **Objective LU-4**.

ZONING ANALYSIS:

When the applicant's request to rezone the 5-acre parcel to EU-M, Single-Family Modified Estate District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that the approval of the applicant's request to rezone the property will be **consistent** with the Estate Density Residential designation of the parcel on the CDMP Land Use Plan map. Further, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Their memorandum also indicates that the proposed development will generate less traffic than the existing recreational facility. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management of said Department 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.

The subject parcel is located approximately 654' south SW 72 Street an east/west section line road and approximately 694' east of SW 127 Avenue a north/south section line road, both of which provide access to the Florida Turnpike that is approximately 3,000' east of the subject property. Additionally, staff notes that the subject property is surrounded on three (3) sides, the east, south and west, by properties that are developed with single-family residences that are developed under the EU-M zoning district regulations. Staff notes that some of the surrounding properties developed under the EU-M zoning district regulations were also developed with the purchase of SUR's. For example, the property to the east of the subject property was approved pursuant to Resolution #CZAB11-45-99, to approve the rezoning of the property to EU-M and to permit lots varying in size from 13,129 sq. ft. to 14,377 sq. ft. Therefore, staff opines that approval of the applicant's request for district boundary change to EU-M will be **compatible** with the surrounding area. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the covenant.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval, subject to the Boards acceptance of the covenant.

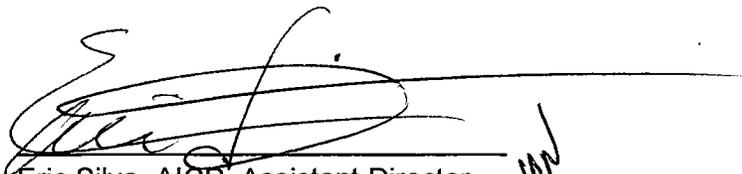
CONDITIONS FOR APPROVAL: None.

ES:MW:NN:JC:CH

Red Berry Estates, LLC

Z13-014

Page | 4

A handwritten signature in black ink, appearing to read "Eric Silva", is written over a horizontal line. To the right of the signature, there are three vertical, slightly slanted lines, possibly initials or a mark.

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

ZONING RECOMMENDATION ADDENDUM

Red Berry Estates, LLC
Z13-014

| NEIGHBORHOOD SERVICES PROVIDER COMMENTS | |
|---|---------------|
| Division of Environmental and Regulatory Management (RER) | No objection* |
| Platting and Traffic Review Section (RER) | No objection* |
| Parks, Recreation and Open Spaces | 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

| | |
|---|--|
| Estate Density Residential (Pg. I-31) | <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> |
| Severable Use Rights (Pg. I-30) | Severable Use Rights (SURs) or Transfer of Development Rights (TDR's) may be transferred to parcels within the Urban Development Boundary. When Severable Use Rights or Transfer of Development Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs or TDR's, would exceed the Plan density limit. |
| Objective LU-4 (Pg. I-11) | Miami-Dade County shall, by the year 2015, 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. |
| Policy LU-9C (Pg. I-19) | Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands, which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary (UDB) as designated on the LUP map. |

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> <p>(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;</p> |
|--|---|

ZONING RECOMMENDATION ADDENDUM

Red Berry Estates, LLC
Z13-014

| | |
|--|---|
| | <p>(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></p> <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> |
|--|---|

B. RED BERRY ESTATES, LLC
(Applicant)

13-6-CZ11-2 (13-014)
Area 11/District 10
Hearing Date: 07/23/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|--------------------|-------------------------------|--|---------------------|----------------------------|
| 1987 | Robert & Elizabeth Goldenberg | - Unusual Use to permit recreational facility. | ZAB | Approved with condition(s) |

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

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 11
MOTION SLIP**

#2

APPLICANT'S NAME: RED BERRY ESTATES, LLC

REPRESENTATIVE:

| HEARING NUMBER | HEARING DATE | RESOLUTION NUMBER | |
|----------------------|---------------|-------------------|----|
| 13-6-CZ11-2 (13-014) | June 11, 2013 | CZAB11 | 13 |

REC: Approval, subject to the acceptance of the proffered covenant.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

OTHER: Deferred due to a lack of quorum.

| TITLE | M/S | NAME | YES | NO | ABSENT |
|--------------|-----|-------------------|-----|----|--------|
| COUNCILWOMAN | | Carolina BLANCO | | | |
| COUNCILMAN | | Socrates De Jesus | | | X |
| VICE CHAIR | | Miguel DIAZ | | | X |
| COUNCILMAN | | Jay REICHBAUM | | | X |
| COUNCILWOMAN | | Beatriz SUAREZ | | | X |
| CHAIR WOMAN | | Patricia DAVIS | | | |

VOTE:

| | |
|--|--|
| | |
|--|--|

EXHIBITS: YES NO

COUNTY ATTORNEY: DARON FITCH

Memorandum 

Date: March 13, 2013
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources
Subject: #Z2013000014
Red Berry's Baseball World, LTD
7455 SW 125th Avenue
District Boundary Changes: EU-M
(GU) (5 Acres)
36-54-39



The subject application has been reviewed 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 Basic Day Pumpage Wellfield Protection Area of the 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 proposed zoning request is for a residential land use, a hazardous wastes prohibition covenant is not required.

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.

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 Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental 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 Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would

generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section 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.

Wetlands

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

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

Tree Preservation

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

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

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Program

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.

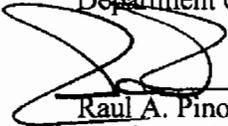
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: April 16, 2013

To: Eric Silva, 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: Z2013000014
Name: Red Berry's Baseball World, Ltd.
Location: 7455 SW 125 Avenue
Section 36 Township 54 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.

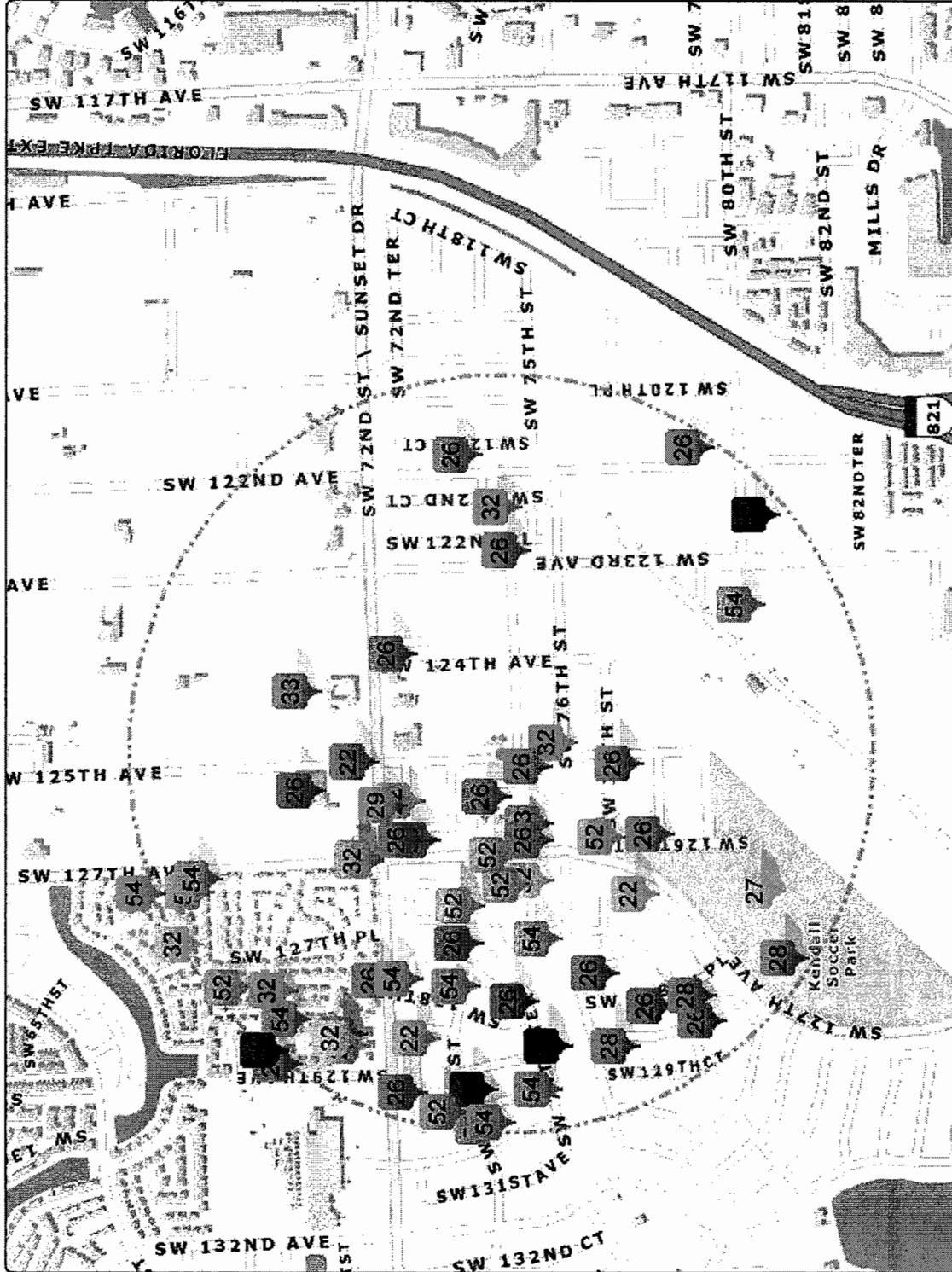
This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

The proposed use for this application will generate less traffic than the existing use; therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

RED BERRY'S BASEBALL WORLD, LTD

Z2013000014 2012 SELECTED CRIMES (JAN 1 - DEC 30) 0.5 MI

Miami-Dade Police Department



| Map Legend | |
|--|--|
| CDW Incidents (71) | |
| 26R - Burglary Residential (18) | |
| 52 - Narcotics Investigation (13) | |
| 54 - Fraud (10) | |
| 28 - Vandalism (5) | |
| 22S - Auto Theft Stolen (5) | |
| 32D - Domestic Assault (4) | |
| 32 - Assault (4) | |
| 14 - Conduct Investigation (3) | |
| 26C - Burglary Commercial (2) | |
| 29 - Robbery (2) | |
| 33LM - Sex Offense L&L Molestation (2) | |
| 33 - Sex Offense (1) | |
| 22A - Auto Theft Attempt (1) | |
| 27U - Larceny Under (1) | |

This map was prepared using Miami-Dade County's (MDC) Geographic Information System (GIS). As is the case with all public records information, the nature of the data and the collection processes limit the ability of any aggregator to independently validate data and content. Every effort has been made to ensure that the information represented is accurate, however, the results cannot be guaranteed. In order to ensure the accuracy of the information supplied by MDC, the requestor should consult the official government record. Based on these limitations, MDC is unable to guarantee the accuracy of the information represented. Employees or agents disclaim all warranties, expressed or implied, as to any matter whatsoever and shall not be responsible for any loss or damage that may directly or indirectly arise as the result of use of information contained in the County's GIS.

Memorandum



Date: 06-MAR-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000014

Fire Prevention Unit:

No objection via Case # Z2013000014

Service Impact/Demand

Development for the above Z2013000014
located at 7455 SW 125 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1746 is proposed as the following:

| | | | |
|-------------------|----------------|-------------------------------|-------------|
| 12 residential | dwelling units | N/A industrial | square feet |
| N/A Office | square feet | N/A institutional | square feet |
| N/A Retail | square feet | N/A nursing home/hospitals | square feet |

Based on this development information, estimated service impact is: 3.20 alarms-annually.
The estimated average travel time is: 6:17 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 57 - West Kendall - 8501 SW 127 Avenue
Rescue, Battalion 13

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received 02/06/13. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 01-MAR-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

RED BERRY'S BASEBALL WORLD,
LTD

7455 SW 125 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000014

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case opened October 15, 2012 for Right-of-way violation and a warning was issued. Violation corrected and case closed October 22, 2012. Another prior case opened October 15, 2012 for junk/trash and a warning was issued. Violation corrected November 8, 2012 and closed. BNC: No bss cases opened/closed.

Red Berrys Baseball World

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: RED BERRY ESTATES LLC

| <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: RED BERRY ESTATES, LLC

| <u>NAME AND ADDRESS</u> | <u>Percentage of Ownership</u> |
|---------------------------|--------------------------------|
| <u>ALBERT MAJURY</u> | <u>50%</u> |
| <u>BENJAMIN LEON, III</u> | <u>50%</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.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

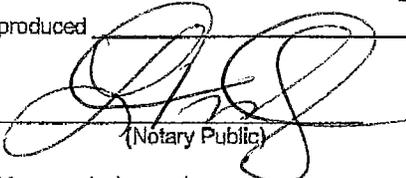
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

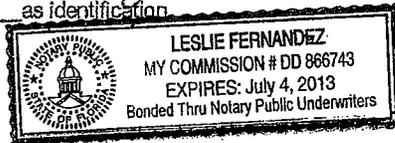
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Red Berry Estates LLC

Signature: By: _____
(Applicant) Rolando Delgado

Sworn to and subscribed before me this 3 day of May, 2013. Affiant is personally know to me or has produced _____ as identification


(Notary Public)

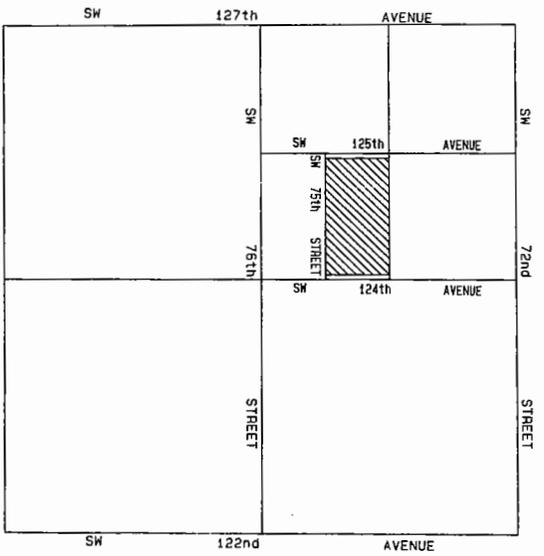
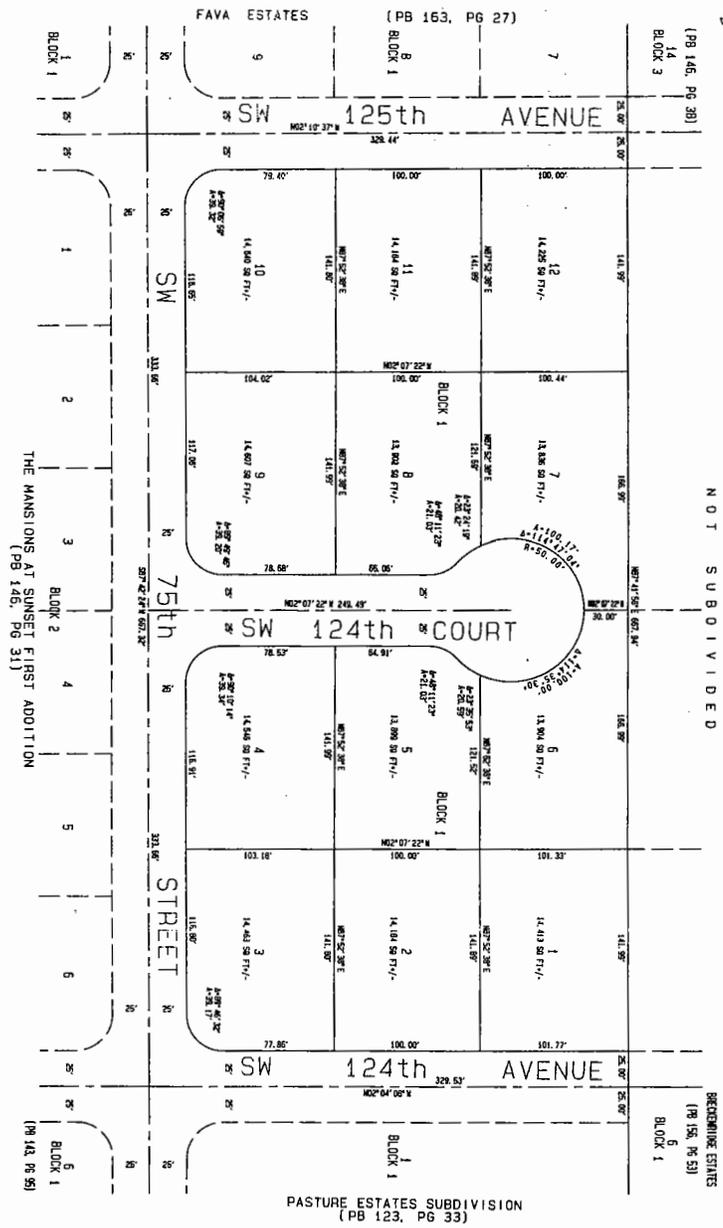
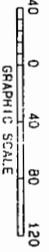


My commission expires: _____

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.

SITE PLAN
 SCALE 1" = 40'
 JANUARY 2013



ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____

RECEIVED
 2/3.014
 FEB 06 2013

LEGAL DESCRIPTION:
 The North 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 52 South, Range 39 East, being in Miami Dade County, Florida.

SURVEYOR'S NOTES:
 This SITE PLAN is not a BOUNDARY SURVEY.
 Bearings are based on an assumed meridian, where the West line of said Section 36, bears S 89° 10' 37" West. All distances as shown are based on the US Survey foot.

PREPARED FOR:
 Red Berry's Baseball World, LTO.
 Folio No.: 30-4938-000-0411
 M/D/S, SW 125th Avenue
 Miami, FL 33183

PREPARED BY:
 E. R. BROWNELL & ASSOCIATES, INC.
 Thomas Broome II, Executive Vice President
 Professional Land Surveyor • 2891
 State of Fla. 198

SITE PLAN
RED BERRY ESTATES

E. R. BROWNELL & ASSOCIATES, INC.
 2434 SW 80th LANE
 PHONE: (305) 860-3866
 WWW.ERBROWNELL.COM
 Miami, Florida, 33193
 FAX: (305) 860-3870

| | | |
|------|----|-------------|
| DATE | BY | DESCRIPTION |
| | | |
| | | |

ENLARGED SITE PLAN

18

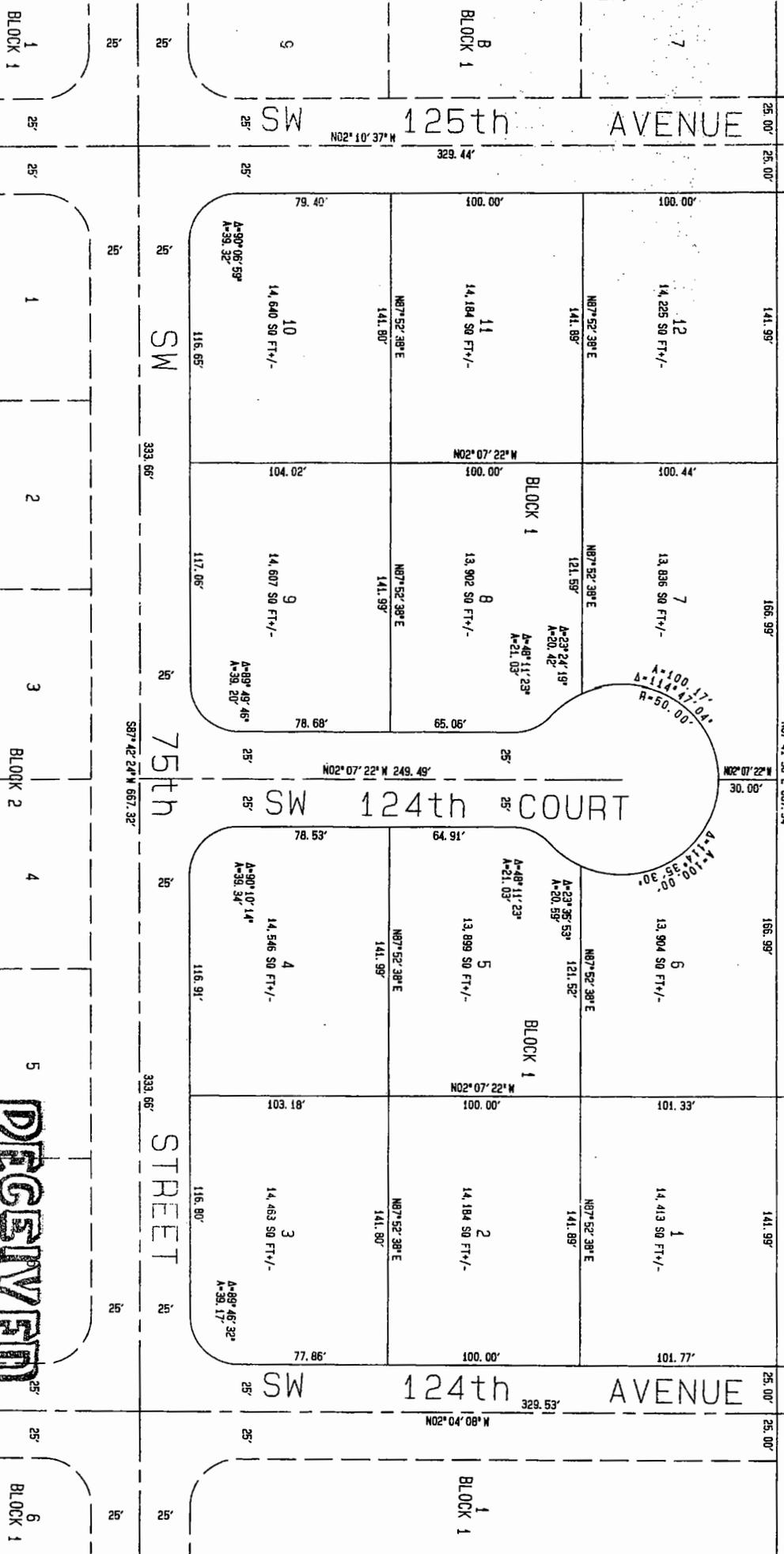
NOT SUBDIVIDED

BRECKENRIDGE ESTATES
(PB 156, PG 53)
BLOCK 1

19

(PB 146, PG 38)
BLOCK 3

BLOCK 6

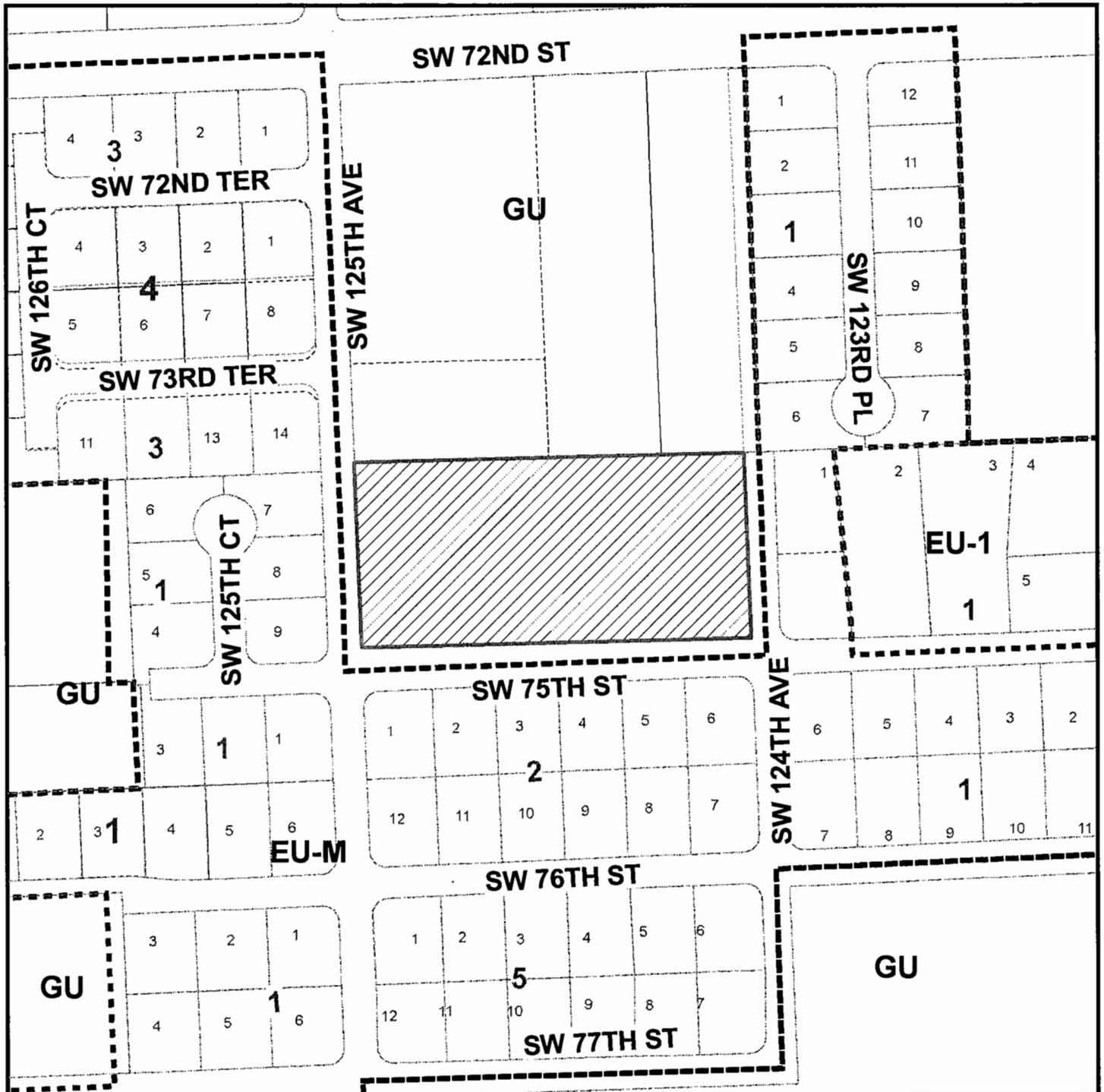


THE MANSIONS AT SUNSET FIRST ADDITION
(PB 146, PG 31)

RECEIVED
2/3/04
FEB 06 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

PASTURE ESTATES SUBDIVISION
(PB 123, PG 33)



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000014



Section: 36 Township: 54 Range: 39
 Applicant: RED BERRY'S BASEBALL WORLD, LTD
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, February 22, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 20 |



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000014



Section: 36 Township: 54 Range: 39
 Applicant: RED BERRY'S BASEBALL WORLD, LTD
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

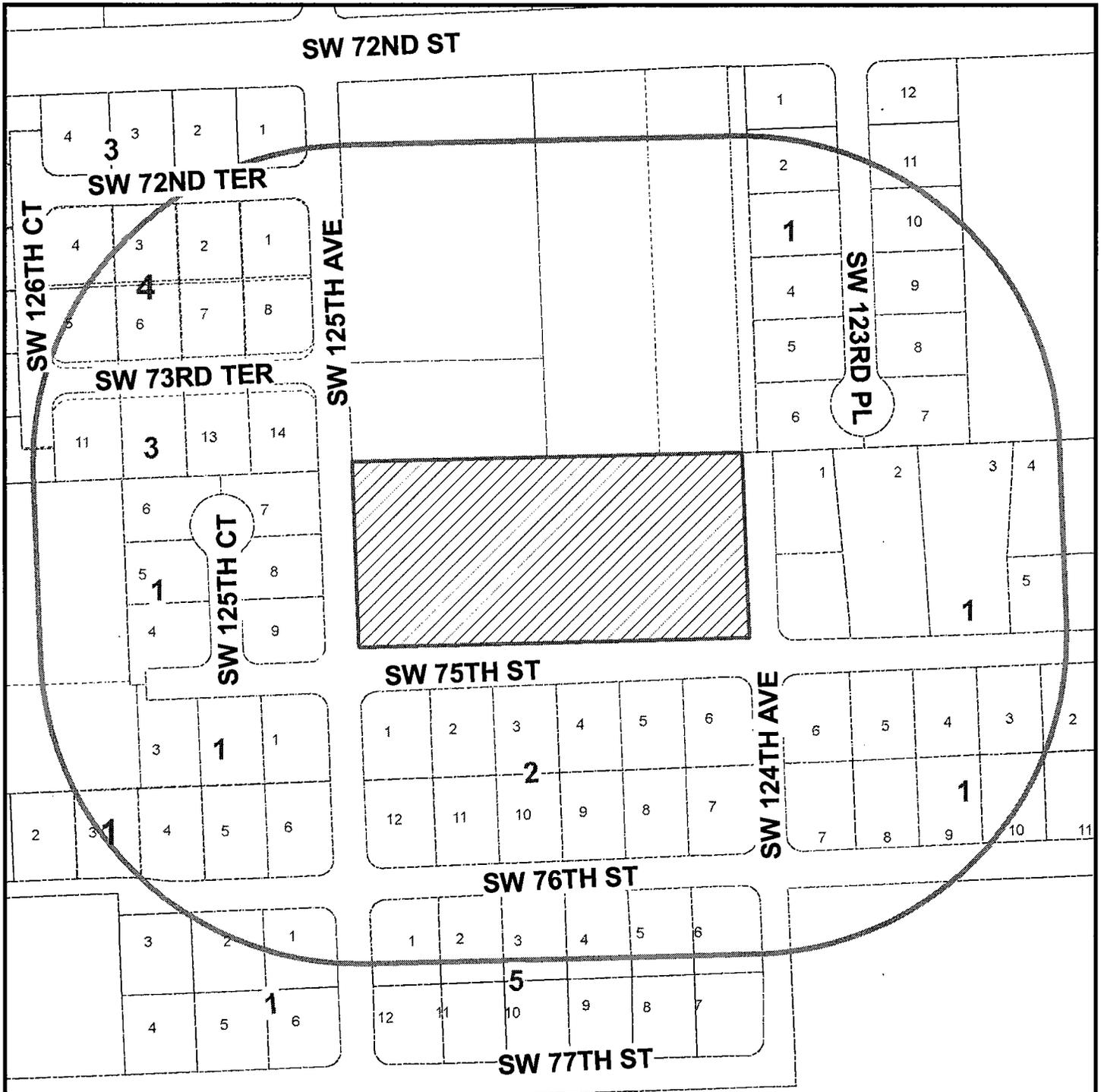
Legend

 Subject Property



SKETCH CREATED ON: Friday, February 22, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 31 |



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2013000014

RADIUS: 2640

Section: 36 Township: 54 Range: 39
 Applicant: RED BERRY'S BASEBALL WORLD, LTD
 Zoning Board: C11
 Commission District: 10
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Friday, February 22, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | 22 |

AGRICULTURE

SW 72ND ST

SW 126TH CT

SW 72ND TER

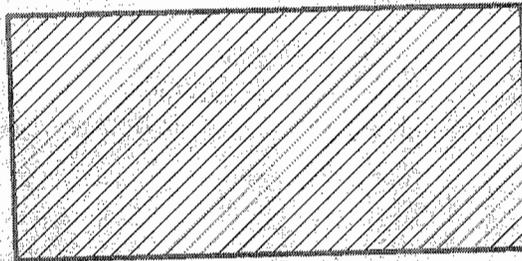
SW 125TH AVE

SW 73RD TER

(EDR) 1-2.5 DU/AC

SW 123RD PL.

SW 125TH CT



SW 75TH ST

SW 124TH AVE

SW 76TH ST

SW 77TH ST

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000014



Section: 36 Township: 54 Range: 39
Applicant: RED BERRY'S BASEBALL WORLD, LTD
Zoning Board: C11
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, February 22, 2013

| REVISION | DATE | BY |
|----------|------|----|
| | | |

Received by
Zoning Agenda Coordinator

JUN 11 2013

Red Berry Estates LLC

13-014

CZAB-11

This instrument was prepared by:

Name: Simon Ferro, Esq.
Address: Gunster Yoakley & Stewart, P.A.
2 South Biscayne Blvd., Suite 3400
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, Red Berry Estates LLC, a Florida limited liability corporation, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. Z2013000014 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) Property shall be developed substantially in accordance with that certain site plan previously submitted entitled "Red Berry Estates" prepared by E.R. Brownell & Associates, Inc., dated 1/30/13, consisting of one page.

(2) The Property shall be developed with the application of Severable Use Rights in accordance with section 33B-45 of the Miami-Dade County Zoning Code and the maximum number of residential lots to be developed thereon, including the use of Severable Use Rights, shall not exceed 12 residential lots.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns,

Section-Township-Range:

Folio number:

MIA_ACTIVE 4083039.2

Declaration of Restrictions

Page 2

acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

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

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

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

Section-Township-Range:

Folio number:

(Public Hearing)

MIA_ACTIVE 4083039.2

Declaration of Restrictions

Page 3

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

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

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Section-Township-Range:

Folio number:

MIA_ACTIVE 4083039.2

(Public Hearing)

Memorandum



Date: July 23, 2013

To: The Community Zoning Appeals Board - 11

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Wynne Building Corporation (Z12-149)

SUMMARY OF REQUESTS:

The applicant seeks to modify and delete previously recorded declaration of restrictions for an approved townhouse development to allow the submittal of revised plans showing a multi-family apartment type development. The applicant also seeks to purchase Severable Use Rights (SUR's) to increase the number of residential units and to permit the development with non-use variances.

LOCATION: Lying west of SW 137 Avenue and south of SW 143 Street, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the number of units exceeds 250. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held on June 25, 2013 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, subject to board's acceptance of the proffered covenant, as set forth in the Department of Regulatory and Economic Resources' recommendation.

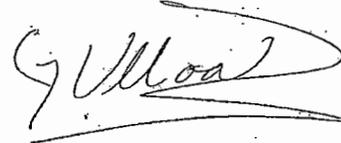
The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that approval of this application will be **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z12-149
WYNNE BUILDING CORPORATION

Respectfully Submitted,

DIC Executive Council
June 25, 2013

Giovannie Ulloa, Fire Chief
Miami-Dade Fire Rescue Department



AYE

Eric Silva, AICP
Sustainability, Planning and Economic Enhancement
Department



AYE

Kathleen Woods-Richardson, Director
Public Works Department

Absent

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt

Absent

Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department



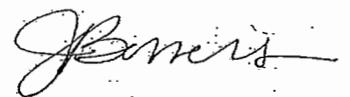
AYE

David Henderson, Bicycle/Pedestrian Specialist
Metropolitan Planning Organization



AYE

John Bowers, Parks Property Management Supervisor
Parks, Recreation and Open Spaces



AYE

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Development Impact Committee**

PH: Z12-149

DIC Date: June 25, 2013

| Recommendation Summary | |
|--|---|
| Commission District | 11 |
| Applicant | Wynne Building Corporation |
| Summary of Requests | The applicant seeks to modify and delete previously recorded declaration of restrictions for an approved townhouse development to allow the submittal of revised plans showing a multi-family apartment type development. The applicant also seeks to purchase Severable Use Rights (SUR) to increase the number of residential units and to permit the development with non-use variances. |
| Location | Lying west of SW 137 Avenue and south of SW 143 Street, Miami-Dade County, Florida. |
| Property Size | 17.10 acres |
| Existing Zoning | RU-3M, Minimum Apartment House District |
| Existing Land Use | Vacant |
| 2015-2025 CDMP Land Use Designation | Industrial and Office (see attached Zoning Recommendation Addendum) |
| Comprehensive Plan Consistency | Consistent with the LUP map, and the interpretative text and policies of the CDMP |
| Applicable Zoning Code Section(s) | Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(4)(b) Non-Use Variance From Other Than Airport Regulations, Section 33-311(A)(7) Generalized Modification Standards, (see attached Zoning Recommendation Addendum) |
| Recommendation | Approval, subject to the acceptance of the proffered covenant. |

REQUESTS:

1. Modification of paragraphs #1 and #2 of a Declaration of Restrictions, recorded in Official Records Book 26099, Pages 3925 – 3931 , reading as follows:

From: "1. Controlling Site Plan. The Property shall be developed substantially in accordance with the site plans entitled "Empire Villas" as prepared by FELIX PARDO & ASSOCIATES, dated Sept. 5, 2007. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement (the "Plans")."

To: "1. The property shall be developed substantially in accordance with the plans entitled "Green Turtle Club", as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 5/13/13 and consisting of 35 sheets."

From: "2. Residential Density Restriction. The maximum number of dwelling units on the Property shall be a total of 195 town home residential units."

To: "2. Residential Density Restriction. The maximum number of dwelling units on the Property shall be a total of 256 multi-family residential units."

2. Deletion of Declaration of Restrictions recorded in Official Records Book 18842, pages 4265-4279, only as it applies to subject property.

The purpose of requests #1 and #2 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development.

3. NON-USE VARIANCE to permit drives within 25' of an official right-of-way (none permitted).
4. NON-USE VARIANCE of spacing requirements to permit certain residential buildings to be spaced 16.66' (20' required) from each other.

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:

The submitted plans depict the proposed 256-unit, multi-family residential development consisting of the thirty (30) two (2)-story apartment buildings, a clubhouse and parking areas on the approximately 17.10-acre parcel.

Pursuant to Resolution #CZAB11-40-99, the subject property was rezoned from GU, Interim District to RU-3M, Minimum Apartment House District in October 1999. In November 2007, pursuant to Resolution #CZAB11-45-07, the reconsideration of a portion of Resolution #CZAB11-40-99 as it applies to the 17.10-acre subject property was approved for the purpose of reaffirming the present RU-3M zoning, at which time the applicant proffered a covenant that among other things restricted the development of the property to a controlling site plan and restricted the number of residential units on the subject parcel to 195 town home residential units.

| <u>NEIGHBORHOOD CHARACTERISTICS</u> | | |
|--|--------------------------------|--|
| | Zoning and Existing Use | Land Use Designation |
| Subject Property | RU-3M; vacant land | Industrial and Office |
| North | BU-1A & IU-1; vacant land | Industrial and Office |
| South | GU; rail lines | Transportation |
| East | RU-TH; townhomes | Low-Medium Density Residential (6-13 du) |
| West | IU-C; warehouses | Industrial and Office |

NEIGHBORHOOD COMPATIBILITY:

The 17.10-acre subject property is a vacant parcel surrounded by industrial uses to the west, residential uses to the east and residential uses abutting an existing rail line to the south. The properties to the north are currently vacant but are zoned for industrial and commercial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to revise the previously approved plans and develop the parcel in accordance with the RU-3M District regulations and provide the community with additional multi-family residences in this area. However, since the site is vacant the proposed development of the residential site could have traffic impacts on the surrounding residential, industrial and commercial developments in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The CDMP Land Use Plan (LUP) map designates the subject 17.10-acre property that is located approximately 2.5 miles east of and within the Urban Development Boundary (UDB) for Industrial and Office use. The Industrial and Office category *accommodates manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunications facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is allowed.* The CDMP Land Use Element interpretative text for the Industrial and Office category indicates that *in general, the typical residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety reasons. Notwithstanding the foregoing applications for residential zoning that were properly filed prior to August 25, 2000, can be considered where adjoining land is residentially zoned, designated or developed (page I-39).* Staff notes that in 1999, pursuant to Resolution #CZAB11-40-99, the subject property was rezoned from GU, Interim District to RU-3M, Minimum Apartment House District. Subsequently, pursuant to Resolution #CZAB11-45-07, the rezoning of the property from GU to RU-3M was reaffirmed. Staff notes that the subject property abuts a residentially zoned and developed RU-TH, Townhouse District property to the east and a PAD, Planned Area Development District property, located to the south, abutting the rail lines that run parallel to the south property line. Therefore, staff opines that the existing RU-3M zoning is **consistent** with the CDMP Land Use Map designation of the subject property for Industrial and Office use.

The applicant seeks to modify and delete paragraphs of declaration of restrictions that were recorded in accordance with a prior approval to rezone the subject parcel to RU-3M in order to submit revised plans for a previously approved residential development. The applicant indicated the intent to purchase Severable Use Rights (SUR) in order to increase the residential density of the parcel. **Policy LU-9C** of the CDMP Land Use Element interpretative text states that the County *shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SUR in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map.* Further, said interpretative text also states that *the entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SUR) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B.* The RU-3M zoning district category allows the development of the parcel at a maximum of 12.9 residential units per acre which would allow the applicant to develop the property with a maximum of 220

residential units. With the utilization of Severable Use Rights (SUR), RU-3M zoning would permit the property to be developed at a maximum of 15 residential units per acre. This would allow the applicant to develop the property with a maximum of 256 residential units. The applicant has proffered a revised covenant which among other things restricts the development of the subject parcel to a maximum of 256 residential units with the purchase of SUR. As such, the applicant's request to increase the number of units from 195 to 256 residential units on the 17.10-acre subject property with the use of SUR would be **consistent** with the density threshold allowed for the RU-3M zoned property in an area that is designated for Industrial and Office on the CDMP LUP map and the CDMP Land Use Element interpretative text **Policy LU-9C**.

Further, CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements and parking among other things. The applicant is proposing to develop the property with a 256 unit residential apartment complex made up of thirty (30) apartment buildings and a club house. The plans indicate that the maximum height of the proposed buildings will be 27.6'. Additionally, the proposed development will have adequate parking and the majority of the parking will be located internal to the site and will be buffered from the abutting roadways, SW 137 Avenue and SW 138 Court/SW 143 Street, by buildings and a continuous row of trees and hedges running parallel to the property lines abutting said roadways. The plans also indicate similar buffering along the south and west property lines that will mitigate any visual impact of the development on the residential properties to the south and the impact of the industrially zoned properties to the east of the proposed residential development. 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 SW 137 Avenue and SW 138 Court/SW 143 Street, and therefore would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Based on the foregoing analysis, staff opines that subject to the acceptance of the proffered covenant, the approval of the application which would allow the development with a maximum of 256 residential units would be **compatible** with the area and therefore **consistent** with the CDMP Land Use Element interpretative text **Policy LU-9C** and the CDMP Land Use Plan map **Industrial and Office** designation for the subject property.

ZONING ANALYSIS:

The applicant seeks approval to modify paragraphs #1 and #2 of a previously recorded declaration of restrictions (request #1) and to delete another declaration of restrictions (request #2) in order to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development. When the requests are analyzed under Section 33-311(A)(7), Generalized Modification Standards staff opines that for the reasons previously stated, approval would be **compatible** with the industrial, commercial, and residential uses in the surrounding area.

Staff notes that the purpose of requests #1 and #2 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development. The applicant also seeks to utilize SUR to develop the property with 256 residential units instead of the 195 units that were previously approved. Apart from the increase in the number of residential units, staff notes that the

submitted plans do not indicate an increase in the intensity of the development that will have visual or traffic impacts on the surrounding area. For example, staff notes that submitted site plans indicates an increase in the amount of landscape open space for the proposed development to 233,917 sq. ft. from the previously approved 191,292 sq. ft. Additionally, said plans also indicate a reduction in the height of the buildings for the multi-family development from 28' to 27.6'. The submitted plans also indicate an additional egress point along the northeast property line for the development which staff opines will reduce the traffic impacts on the abutting roadway, SW 138 Court/SW 143 Street. As such, staff opines that the revised plans and the increase in the number of residential units will not have negative visual or traffic impacts on the surrounding area and will be **compatible** with same.

Based on the memoranda of the various departments reviewing the application, staff opines that approval of requests #1 and #2 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 from the Miami-Dade Fire Rescue and Miami-Dade Police Departments indicate that approval of the application would not create a negative impact on the existing services or stations in the area. Additionally, memoranda from the Division of Environmental Resources Management (DERM) section of the Department of Regulatory and Economic Resources, the Water and Sewer Department and the Miami-Dade Parks, Recreation and Open Spaces Department indicate that the approval of the application will not have a negative impact on the Level of Services provided in the surrounding area. Staff notes that based on the memorandum from the Public Works and Waste Management Department, the approval with conditions of the aforementioned requests #1 through #2 would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic. Their memorandum states that subject to conditions, the application meets the criteria for traffic concurrency for an Initial Development Order. **Based on the aforementioned, staff recommends approval with conditions requests #1 and #2 under Section 33-311(A)(7) Generalized Modification Standards, subject to the acceptance of the covenant.**

When request #3 to permit drives within 25' of an official right-of-way and request #4, to permit certain residential buildings to be spaced 16.66' (20' required) from each other are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff notes that the submitted plans indicate that the drives that run parallel to and abutting the property lines abutting SW 143 Street. However, said plans also indicate a continuous hedge and two (2) staggered rows of trees along said property line which staff opines will visually buffer the drives that are located within 25' of the right-of-way. Staff also notes that the requested 3.44' reduction in the space between two of the 30 residential buildings within the development from the 20' that is required is minimal and is not likely to have a visual impact on the surrounding area. Additionally, the requested variance of the spacing requirements is internal to the site and will be adequately buffered by other buildings on the site and the proposed landscaping from the surrounding area. **Staff therefore recommends approval with conditions of requests #3 and #4 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress point along SW 143 Street and another egress only point onto SW 138

Court/SW 143 Street along the northeast property line abutting said roadway. The applicant has provided 60 more parking spaces than the required 448 parking spaces for the 256 unit residential development with adequate drives that connect to the aforementioned ingress/egress points.

NEIGHBORHOOD SERVICES PROVIDER REVIEW:

Aviation

The Miami-Dade County Aviation Department (MDAD) has no objections to this application. MDAD has determined that the proposed development is fully impacted by the Outer District Zone (OLZ) and the No School Zone (NSZ) as defined by the Code of Miami-Dade County, Article XL, Kendall-Tamiami Executive Airport Zoning, Section 33-395.

The MDAD memorandum states that new residential construction and educational facilities excluding aviation are required to incorporate at least 25 db Noise Level Reduction in the design/construction of the structure. The memorandum also states that a 0.126-acre portion of the subject property, located at the north/northwest is impacted by the Outer Safety Zone (OSZ), in which residential density is limited to two (2) units per acre.

Division of Environmental Resources Management (Department of Regulatory and Economic Resources)

The Division of Environmental Resource Management (DERM) does not object to this application after a review for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County.

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the Miami-Dade Water and Sewer Department's water and sewer franchised service areas. The Surface Water Management General Permit from the Department will be required for the construction and operation of the surface water management system and must be obtained prior to platting and/or site development. Its memorandum further indicates that the applicant is required to comply with the tree permitting requirements and must meet the standards of Section 24.49.9 of the Code that includes the submittal of a tree survey. The subject properties do not contain any jurisdictional wetlands.

Miami-Dade Fire Rescue

The Miami-Dade Fire Rescue Department (MDFRD) does not object to this application.

Its memorandum indicates that the proposed development could generate approximately 71 fire and rescue calls annually. The department states that the estimated number of alarms would result in a moderate impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 5:13 minutes (based on 2012 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

Miami-Dade Police Department

The Miami-Dade Police Department (MDPD) does not object to this application. The memorandum indicates that current data of police staffing, population and calls for service compared to the proposed development of the site with approximately 256 residential units based on current staffing levels at the Hammocks District will result in an average response time of eight (8) minutes or less. However, the MDPD indicates in its memorandum requests that should the demand for services increase as a result of the completion of this project, additional sworn personnel, support staff and equipment be added to the Hammocks District to maintain emergency response times. Its memorandum also encouraged the applicant and developers to work with police during any future application, design or construction changes to determine the best possible solutions or security options.

Miami-Dade Transit

The Miami-Dade Transit Department (MDT) has no objections to this application.

Its memorandum indicates that the proposed development meets the mass transit Level-Of-Service standards established for Miami-Dade County. Further, based on MDT's review of the revised site plan, the memorandum indicates that the applicant has worked closely with staff and has provided a direct pedestrian connection to the existing bus stop along SW 137 Avenue. The MDT indicates in its memorandum that this will provide convenient pedestrian connectivity to the proposed SW 137 Avenue Enhanced Bus Service which will run adjacent to the property along SW 137 Avenue.

Parks, Recreation and Open Spaces

The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) does not object to this application.

The MDPROS indicates in its memorandum that the proposed 256 dwelling unit development will generate the need for approximately 1.8 acres of parkland based on the CDMP Open Spaces Spatial Standards. Its memorandum indicates that this application is in Park benefit District 2 (PBD2) which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services (LOS) standards for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in the Parks Benefits District.

Public Works and Waste Management Department (Traffic Engineering Division)

The Public Works and Waste Management Department, Traffic Division (TED) does not object to this application.

The Public Works and Waste Management's memorandum indicates that the anticipated trip generation based on ITE is 200 PM Peak Hour trips generated by this development. The traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways.

Its memorandum indicates that the application meets the criteria for traffic concurrency for an Initial Development Order. The memorandum further indicates that 109 vehicle trips have been reserved by this application under tentative plat T-20609 and that this project is subject to the payment of Road Impact Fees.

Public Works and Waste Management Department (Fiscal, Planning and Performance Management Division)

The Public Works and Waste Management Department, Fiscal, Planning and Performance Management Division does not object to this application.

Its memorandum indicates that Section 15-4 of the County Code requires that the multi-family residential development shall provide for adequate storage and collection of solid waste before final permit approval. Its memorandum also indicates that the applicant is strongly advised to incorporate adequate space in their building plans to accommodate the recycling program.

Water and Sewer Department

The Miami-Dade County Water and Sewer Department (MDWASD) has no objections to this application. Public water mains and sanitary sewers exist throughout the area.

Miami-Dade County Public Schools

The Miami-Dade County Public Schools does not object to this application.

Its memorandum indicates that the proposed development would generate 91 students; 40 elementary, 23 middle and 28 senior high students and at this time, all three school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency will only be made at the time of final plat approval.

OTHER: Not applicable.

RECOMMENDATION:

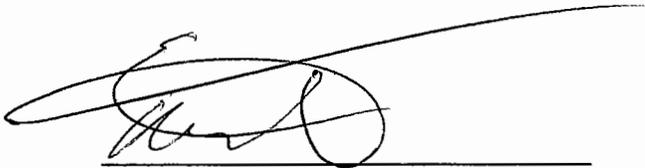
Approval with conditions, subject to the acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL :

1. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 26099, Pages 3925 – 3931 remain in full force and effect except as herein modified.
2. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Green Turtle Club", as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 5/13/13 and consisting of 35 sheets.
4. That the use be established and maintained in accordance with the approved plan.
5. 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 Occupancy.

6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda that are part of the record of the June 25, 2013, DIC recommendation and are incorporated herein by reference.
7. That gates at the entrance must open one at a time in order to avoid vehicular conflict.
8. That building walkways should not meet driveway aisle walkways where the latter slope for pedestrian ramps (e.g. to disabled stall safety zones).
9. That the leftmost intersection crossed by the SP-4 dotted line on sheet SP-3 should be reconfigured to narrow the throat and create more of a 90 degree T-intersection.
10. That crosswalks need to be added on SW 137 Avenue and SW 143 Street.

ES:MW:NN:AN:CH



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

ZONING RECOMMENDATION ADDENDUM

Wynne Building Corporation
Z12-149

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

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

| | |
|---|--|
| <p>Industrial and Office (Page I-39)</p> | <p><i>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunications facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p> <p><i>If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.</i></p> <p><i>In general, the typical residential development is incompatible with major industrial concentrations and shall not occur in areas designated as "Industrial and Office" on the LUP map to avoid use conflicts and for health and safety reasons. Exceptions may be granted for the following: (1) the development of live-work or work-live buildings or the adaptive reuse of existing structures for these purposes in areas of light industrial uses such as office, wholesale, distribution and the assembling of pre-manufactured parts; (2) the development of a TND as provided herein; and (3) the residential development of a portion of an industrially designated area where the portion is, a) 10 acres or smaller and is bounded on two or more sides by existing residential development or zoning, or is b) the perimeter of a Plan-designated industrial area which perimeter does not exceed a depth of 150 feet; and c) the subject portion of the industrially designated site immediately adjoins a currently developed or</i></p> |
|---|--|

ZONING RECOMMENDATION ADDENDUM

Wynne Building Corporation
Z12-149

| | |
|---|--|
| | <p>platted residential area and the Director of the Department of Planning and Zoning determines that the inclusion of a residential component in the Industrially designated area, designed to provide compatible transition along the boundary, is the best means of maintaining the quality of the adjoining residential area. Notwithstanding the foregoing applications for residential zoning that were properly filed prior to August 25, 2000, can be considered where adjoining land is residentially zoned, designated or developed. Residential developments in this land use category may participate in the inclusionary zoning program. The properties utilized for residential development will be eligible within the limits provided in this paragraph for the density allowances of the inclusionary zoning program in the Residential Communities section.</p> <p>TNDs may be permitted in Industrial and Office areas where: 1) compatible with nearby development and with the objectives and policies of this Plan, 2) necessary services exist or will be provided by the developer, and 3) adjacent to land designated Residential Communities on the LUP map (including across an abutting major or minor roadway) along 30 percent or more of the total perimeter of the TND, provided that land designated Residential Communities exists along at least some portion of the two or more sides. (Multiple sides created by an out parcel shall count as one side only). TND located within Industrial and Office areas shall allocated to Workshop Uses a minimum of 15 percent and a maximum of 30 percent of the gross built up area planned for development within a TND, and shall have a residential density no greater than the average of the adjacent Residential Communities designations or ten units per acre, whichever is higher. Workshops Uses shall be oriented to adjacent non-residential areas, while the residential uses shall be oriented to the adjacent Residential Communities designations. All criteria for TNDs enumerated in the Residential Communities section of this Chapter, other than the provisions governing percent of built per area which may be devoted to workshop uses addressed herein and the maximum permitted residential density, shall govern the development of TNDs in areas designated Industrial and Office.</p> |
| <p>Gross residential Density (Page I-30)</p> | <p>The Land Use Plan map includes six residential density categories, each of which is defined in terms of its minimum and maximum allowable gross residential density. Development at a lower than maximum density may be required where conditions warrant. For example, in instances where a large portion of the "gross residential acreage" is not part of the "net" residential building area, the necessity to limit the height and scale of the buildings to that compatible with the surrounding area may limit the gross density. Severable Use Rights (SURs) or Transfer of Development Rights (TDRs) may be transferred to parcels within the designated receiving area. When Severable Use Rights Transfer of Development Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs or TDRs, would exceed the Plan density limit. When an inclusionary zoning program required by Policy HO-3F is adopted to promote work force housing, development will be allowed to exceed, by up to 25%, the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district or zoning approval that, without the use of the inclusionary zoning program, would exceed the plan density limit.</p> |
| <p>Land Use Policy LU-4A (Page I-11)</p> | <p>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.</p> |
| <p>LU-9C (Page I-19)</p> | <p>Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights (SUR) from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map. When revising development regulations such as may be required to comply with Chapter 163, F.S., the County shall seek to create additional incentives for acquisition and use of SURs. As recommended in Miami-Dade County's State Housing Initiatives Partnership (SHIP) Program Housing Incentives Plan, the receiver area density bonuses in Dade's SUR program should be increased to improve the effectiveness of the program and the production of</p> |

ZONING RECOMMENDATION ADDENDUM

Wynne Building Corporation
Z12-149

| | |
|--|--|
| | affordable housing. The County shall consider modifying the SUR program to provide for the transfer of development rights from land acquired by government for uses other than residential or commercial purposes to development sites inside the UDB. |
|--|--|

PERTINENT ZONING REQUIREMENTS/STANDARDS

| | |
|---|---|
| <p>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> |
| <p>Section 33-311(A)(7) Generalized Modification Standards.</p> | <p><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.</i></p> |
| <p>Sec. 33B-45. - Development of severable use rights</p> | <p>(a) <i>The use of severable use rights for development in accordance with the provisions of this section shall be development permitted as of right under the provisions of <u>Chapter 33</u> of the Metropolitan Miami-Dade County Code.</i></p> <p>(b) <i>Severable use rights may only be used to secure a development bonus for the development of lands located in unincorporated portions of Metropolitan Miami-Dade County which are designated in the Comprehensive Development Master Plan metropolitan development pattern map for urban development, that is, within all of the development patterns except agriculture and open land, parks and recreation, and environmental sensitivity.</i></p> <p>(c) <i>Development of severable use rights shall be in accordance with all of the requirements of the Metropolitan Miami-Dade County Code, except as specifically modified by subsection (g) of this section.</i></p> <p>(d) <i>The developer must demonstrate that he or she is the bona fide owner of the severable use right to be entitled to the development bonus.</i></p> <p>(e) <i>The developer must demonstrate that the severable use rights proposed for development allocated to the transferor parcel of land under this division have not previously been used to secure a development bonus.</i></p> <p>(f) <i>The developer must demonstrate that an instrument of conveyance or the use of the severable use right has been recorded in the chain of title of the parcel of land from which the severable use rights is transferred and that such instrument restricts the use of the transferor lands to nonresidential uses.</i></p> <p>(g) <i>Residential use of severable use rights. Except as provided in paragraph (g)(15) below and notwithstanding the provisions of any other code or regulation of Miami-Dade</i></p> |

ZONING RECOMMENDATION ADDENDUM

*Wynne Building Corporation
Z12-149*

| | |
|---|---|
| | <p><i>County, the developer of a parcel of land may develop, in addition to the number of dwelling units authorized in each zoning district, one (1) dwelling unit for each severable use right, provided that the total development proposed does not exceed the following limitations:</i></p> <p><i>(9) In the RU-3M District:</i></p> <ul style="list-style-type: none"> <i>a. Maximum density—Fifteen (15) du/acre;</i> <i>b. Maximum floor area ratio—0.60;</i> <i>c. Maximum height—Three (3) stories;</i> <i>d. Maximum coverage—Thirty-five (35) percent.</i> <p><i>(i) In the event the use of severable use rights involves development above the underlying permitted height or lot coverage or floor area ratio restriction in the district the parcel proposed by development is located, each dwelling unit and every square foot of nonresidential building above the underlying height or lot coverage or floor area ratio restriction shall be derived from severable use rights.</i></p> |
| <p>33-303.1(D)(7) Developmental Impact Committee</p> | <p><i>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:</i></p> <p><i>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <ul style="list-style-type: none"> <i>1. Residential developments involving in excess of two hundred fifty (250) dwelling units.</i> |

Memorandum

Date: February 20, 2013

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

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

Subject: DIC #Z2012000149-R1
Wynne Building Corporation
SW Corner of SW 137th Avenue and SW 142nd Street
Modification of Declaration of Restriction to Permit Townhomes in
Lieu of Townhouses for the Previously Approved Residential
Development.
(RU-3M) (17.10 Acres)
22-55-39

The subject application has been reviewed 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

The subject property is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. There is an existing 12-inch water main that presently abuts the property along SW 138th Court. Said main is owned and operated by the Miami-Dade Water and Sewer Department (MDWASD).

The source for this water supply is MDWASD's Alexander Orr Water Treatment Plant. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets Federal, State, and County drinking water standards.

Wastewater Disposal

The subject property is located within MDWASD sanitary sewer franchised service area. There is a 10-inch gravity main that currently abuts a portion of the northeast side of the property along SW 138th Court. There is also a 20-inch force main abutting the property along SW 137th Avenue.

The 10-inch gravity main directs the wastewater flow into pump station 30-0573, then to the South District Wastewater Treatment Plant. The 20-inch force main directs the wastewater flow into pump station 30-0536, then to Tandem and finally to the South District Wastewater Treatment Plant.

The aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department. The aforesaid pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Stormwater Management

A Surface Water Management General Permit from the Water Control Section of DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section 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.

Wetlands

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

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

Tree Preservation

An on-site inspection performed by staff on October 25, 2007 revealed that the site contains tree resources along the right of way of S.W 137th Avenue. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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

The site also contains prohibited trees as defined in Section 24-49.9 of the Code. Pursuant to Section 24-49.9 of the Code, all prohibited trees are exempt from permitting and must be removed from the site prior to development.

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

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

17

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.

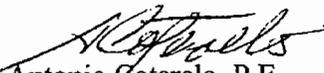
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: June 19, 2013

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

From: 
Antonio Cotarelo, P.E.
Interim County Engineer
Public Works and Waste Management Department

Subject: DIC 12-149
Name: Wynne Building Corporation
Section 22 Township 55 South Range 39 East

I. PROJECT LOCATION:

Southwest Corner of SW 137 Avenue & SW 142 Street

II. APPLICATION REQUEST:

This application requests a modification of the Declaration of Restriction to permit townhomes in lieu of townhouses for the previously approved residential development.

III. RECOMMENDATION:

This project is located within the jurisdiction of Miami-Dade County. It meets Traffic Concurrence for an initial review. No vehicle trips have been reserved by this application. This project is subject to the payment of Road Impact Fees. Additional improvements may be required at time of permitting/platting. **Public Works and Waste Management Department (PWWM) approves this application.**

IV. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

This project will be served by SW 138 Avenue and SW 137 Avenue from the north, by SW 137 Avenue from the south and SW 142 Street from the east.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers)

200 PM Peak Hour trips are generated by this development in which 109 are reserved under Tentative Plat T-20609.

B. Cardinal Distribution

| | | | |
|-------|------|------|-----|
| North | 37 % | East | 31% |
| South | 26% | West | 6% |

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station 9814 located on SW 137 Avenue south of SW 120 Street, has a maximum LOS **"E"** of **7000** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3690** vehicles and an additional **60** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9814** with its PHP and assigned vehicles is at LOS **"C"**. The **33** vehicle trips generated by this development when combined with the **3690** and those previously approved through Development Orders, **60**, equal **3783** and will cause this segment to remain at LOS **"C"**.

Station 9816 located on SW 137 Avenue south of SW 136 Street, has a maximum LOS **"E"** of **5780** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3393** vehicles and an additional **413** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9816** with its PHP and assigned vehicles is at LOS **"C"**. The **13** vehicle trips generated by this development when combined with the **3393** and those previously approved through Development Orders, **413**, equal **3819** and will cause this segment to operate at LOS **"C"**.

Station 9818 located on SW 137 Avenue south of SW 152 Street, has a maximum LOS **"D"** of **4560** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **2927** vehicles and an additional **281** 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 **24** vehicle trips generated by this development when combined with the **2927** and those previously approved through Development Orders, **281**, equal **3232** and will cause this segment to operate at LOS **"C"**.

Station 9852 located on SW 152 Street west of SW 127 Avenue, has a maximum LOS **"EE"** of **6024** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **3774** vehicles and an additional **72** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9852** with its PHP and assigned vehicles is at LOS **"D"**. The **16** vehicle trips generated by this development when combined with the **3774** and those previously approved through Development Orders, **72**, equal **3862** and will cause this segment to operate at LOS **"D"**.

Station 9854 located on SW 152 Street west of SW 137 Avenue, has a maximum LOS **"EE"** of **3924** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **2668** vehicles and an additional **242** 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 **"E"**. The **5** vehicle trips generated by this development when combined with the **2668** and those previously approved through Development Orders, **242**, equal **2915** and will cause this segment to operate at LOS **"E"**.

VII. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

PWWM has no additional traffic operational comments for this application.

VIII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

PWWM has no additional traffic operational comments for this application.

IX. SITE PLAN CRITIQUE:

- 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 through the recording of a plat.
- Gates at the entrance must open one at a time in order to avoid vehicular conflict.
- Disabled parking signs can be addressed at the paving and drainage approval stage.
- Building walkways should not meet driveway aisle walkways where the latter slope for pedestrian ramps (e.g. to disabled stall safety zones).
- The leftmost intersection crossed by the SP-4 dotted line on sheet SP-3 should be reconfigured to narrow the throat and create more of a 90 degree T-intersection.
- Crosswalks need to be added on SW 137 Avenue and SW 143 Street.

X. 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
Joan Shen, Ph. D., P.E., PTOE, Acting Chief, Traffic Engineering Division, PWWM
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division PWWM
Orlando Grandal, Special Administrator for Concurrency, Department of Regulatory and Economic Resources

Memorandum



Date: February 19, 2013
To: Jack Osterholt, Director
Permitting, Environment and Regulatory Affairs
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: DIC 2012000149 – Wynne Building Corporation

According to the letter of intent dated December 5, 2012, the applicant is seeking to amend a Declaration of Restrictions in order to amend a previously approved site plan and increase the residential density on an approximate 17 acre parcel of land located at the southwest corner of SW 137 Avenue and SW 142 Street, Miami-Dade County, Florida.

SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **71** fire and rescue alarms annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, existing fire and rescue stations will be able to absorb the additional number of alarms.
- (B) Based on data retrieved during calendar year 2012, the average travel time to the vicinity of the proposed development was **5:13 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 proposed development 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 |
|---------|-------------------------|---------------------------|-------|
| 43 | 13390 SW 152 Street | Rescue, Aerial | 7 |
| 53 | 11600 SW Turnpike Hwy | Rescue | 3 |
| 52 | 12105 Quail Roost Drive | Rescue, Tanker, Battalion | 8 |
| 36 | 10001 Hammocks Blvd | Rescue, Aerial | 7 |
| 57 | 8501 SW 127 Avenue | Rescue, Battalion | 4 |

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau reviewed and approved the site plan entitled 'Green Turtle Club' as prepared by Pascual Perez Kiliddjian & Associates Architects, dated stamp received January 18, 2013.
- (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 Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

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

/ch

Memorandum



Date: February 22, 2013

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

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

Subject: Z2012000149: WYNNE BUILDING CORPORATION
Review includes plans dated stamped received through 1/18/2013.

Application Name: WYNNE BUILDING CORPORATION

Project Location: The site is located at NORTHWEST CORNER OF SW 137 AVENUE & SW 144 ST, Miami-Dade County.

Proposed Development: The request is approval of a modification to previously approved declaration of restrictions which permitted 195 townhouses for an updated site plan consisting of 256 townhomes. The site plan includes a private pool and clubhouse to serve the proposed townhome development. Review includes plans dated stamped received through 1/18/2013.

Impact Analysis: Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 2 (PBD2) which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Impact and demand: This application will generate an additional 61 units over what is currently approved generating the need for approximately an additional .34 acres of parkland based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population. The site is located in Park Benefit District 2 which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District. The Department has no objection to this application.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hanlman, Chair
Dr. Martin Karp, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Lawrence S. Feldman
Dr. Wilbert "Tee" Holloway
Dr. Marta Pérez
Raquel A. Regalado

January 14, 2013

VIA ELECTRONIC MAIL

Mr. Graham Penn, Esquire
200 S. Biscayne Boulevard
Miami, Florida 33132

GPENN@BRZONINGLAW.COM

**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
WYNNE BUILDING CORPORATION - Z2012-0149
LOCATED AT THE NW CORNER OF SW 144 STREET AND SW 136 PLACE
PH3013011200047 - FOLIO Nos. 3059220000014**

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 256 single-family attached units, which generate 91 students; 40 elementary, 23 middle and 28 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-290

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Facilities Planning, Design and Sustainability
Ana Rijo-Conde, AICP, Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3013011200047 Local Government (LG): Miami-Dade
 Date Application Received: 1/12/2013 4:15:48 AM LG Application Number: Z2012000149
 Type of Application: Public Hearing Sub Type: Zoning

Applicant's Name: WYNNE BUILDING CORPORATION
 Address/Location: 200 S BISCAYNE
 Master Folio Number: 3059220000014
 Additional Folio Number(s):

PROPOSED # OF UNITS 256

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 256

MULTIFAMILY UNITS: 0

| CONCURRENCY SERVICE AREA SCHOOLS | | | | | | |
|---|--|------------------------|----------------|-------------|---------|----------------------------|
| CSA Id | Facility Name | Net Available Capacity | Seats Required | Seats Taken | LOS Met | Source Type |
| 2151 | JACK DAVID GORDON COMMUNITY ELEMENTARY | 100 | 40 | 40 | YES | Current CSA |
| 6771 | JORGE MAS CANOSA MIDDLE | -13 | 23 | 0 | NO | Current CSA |
| 6771 | JORGE MAS CANOSA MIDDLE | 0 | 23 | 0 | NO | Current CSA Five Year Plan |
| 7531 | MIAMI SUNSET SENIOR | 299 | 28 | 28 | YES | Current CSA |
| ADJACENT SERVICE AREA SCHOOLS | | | | | | |
| 6761 | REDLAND MIDDLE | 463 | 23 | 23 | YES | Adjacent CSA |
| *An Impact reduction of <u>19.5%</u> 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.**

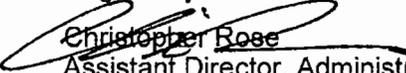
1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax / concurrency@dadeschools.net

Memorandum



Date: January 14, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: 
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC #Z12-149
Wynne Building Corporation

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #Z12-149
Wynne Building Corporation

Application: *Wynne Building Corporation* is requesting a modification of the Declaration of Restrictions recorded at Official Record Book 26099, Pages 3925-3931 of the public records of Miami-Dade County to develop approximately 256 townhouses. The property is currently undeveloped, zoned for Minimum Apartment House Use, 12.9 units per acre (RU-3M).

Size: The subject property is 17.10 acres.

Location: The subject property is located at the southwest corner of SW 137th Avenue and SW 142nd Street in Miami-Dade County Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The plans provide for the development of approximately 256 townhouses, which appear to meet the County Code definition of "residential unit." Per the Code, residential units located within the project shall, therefore, receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum



Date: March 15, 2013

To: Jack Osterholt, Deputy Mayor/Director
Sustainability, Planning and Economic Enhancement (SPEE)

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

Subject: Wynne Building Corporation, DIC Application # Z2012000149
(Green Turtle Club Apartments)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Wynne Building Corporation (Green Turtle Club Apartments).

Proposed Development: The applicant is seeking to revise their Development Plan from approved townhouses to townhomes (apartments). The applicant is proposing to develop 256 Townhomes (apartments). The total water demand for this development will be 38,400 gpd.

Project Location: The subject property is located on the SW corner of SW 137th Avenue and SW 142 Street, in unincorporated Miami-Dade County with folio number 30-5922-000-0014.

Water: The subject project is located within MDWASD's service area. The source of water for the project is the Alexander Orr Water Treatment Plant. MDWASD offered an Agreement No. 21393 for the proposed development on February 6, 2013. Per said Agreement, there is a 12-inch water main abutting the property in SW 138th Court, which transitions into SW 143rd Street, to which the developer may connect and install an 8-inch water main into and within the property in a looped system, avoiding dead-end water mains whenever possible, interconnecting back to the same aforementioned 12-inch water main in SW 143rd Street. Any public water main extension within the property shall be 8-inch minimum in diameter. If two or more fire hydrants are to be connected to a public water main within the property then the water system shall be looped with two points of connection.

A Water Supply Certification (WSC) was issued January 25, 2013 with Agreement Number 21293. The WSC letter shall remain active in accordance with the terms and conditions specified in said certification. Said Certification is issued to assure adequate water supply is available to all water users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

MDWASD will be the utility providing water services subject to the following conditions:

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

Sewer: The subject project is located within MDWASD's service area. As specified in offered Agreement No. 21393, there is an existing 10-inch gravity sewer main located in SW 138th Court near the northeastern boundary of the property, to which the developer may connect and install, at full depth, a minimum 8-inch gravity sewer southerly and southeasterly in SW 138th Court, which transitions into SW 143rd Street, as required to provide service to the property on the northwest corner of SW 137th Avenue at SW 143rd Street. Any gravity sewer within the property shall be public and 8-inch minimum in diameter, provided that there is sufficient depth and that there are no obstacles that would preclude construction of the sewer facilities.

Pump Station: 0573
Yearly NAPOT: 3.64 Hrs
Projected NAPOT: 4.36 Hrs
Projected NAPOT including this project flows: 5.27 Hrs

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

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

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

In addition, please note that Section 8A-381 (c) of the Miami-Dade County Code estates that, ***"Effective January 1, 2009, all permit applications for new multifamily residential developments shall be required to include a submeter for each individual dwelling unit."***

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

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

Memorandum



Date: May 23, 2013

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

From: José A. Ramos, R.A., Division Director
Aviation Planning, Land-Use and Grants Division
Aviation Department

Subject: DIC Application #12-149
Wynne Building Corporation
MDAD DN-13-05-1159

A handwritten signature in black ink, appearing to read "J. Ramos", with a long horizontal stroke extending to the right.

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Hearing Application #12-149, Wynne Building Corporation. The applicant is requesting a Declaration of Restriction to permit townhomes in lieu of townhouses for the previously approved residential development. The site is located on the Northwest corner SW 137 Avenue and SW 144 Street in Miami-Dade County, Florida. The size of the property is approximately 17.10 acres.

Based on the available information, MDAD has determined that the referenced property is fully impacted by the following land use restrictive zones as defined in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395:

- Outer District (OLZ) - New residential construction and educational facilities excluding aviation, are required to incorporate at least a 25 db Noise Level Reduction into the design/construction of the structure.
- NSZ No School Zone (NSZ) - New educational facilities, excluding aviation schools, are not permitted within this land use classification.

In addition, .126 acre on the north/northwest side of the referenced property is impacted by the following land use restrictive zone as defined in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395:

- Outer Safety Zone (OSZ) - Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.

As best as we can determine in reviewing the site plan (SP-1) titled "Green Turtle Club" by Wynne Building Corporation dated November 30, 2013 and received by the Department of Regulatory and Economic Resources on January 18, 2013, the townhomes are outside of the OSZ.

Please be advised that the applicant is required to comply with all applicable local, state and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning. Any proposed construction 28' AMSL or greater at this location is required to be filed with the FAA using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes 28' AMSL or greater for this project at this location must be filed by the construction contractor using the same form. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the applicant may "e-file" online at <https://oeaaa.faa.gov>.

Jack Osterholt
May 23, 2013
Page 2

This determination is based, in part, on the description provided to us, which includes specific building locations and heights. Any changes in building locations, layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the MDAD.

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

Memorandum



Date: May 30, 2013

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources

From: 
J.D. Patterson, Director
Miami-Dade Police Department

Subject: Review – Zoning Application
Case: No. Z2012000149 – Wynne Building Corporation

APPLICATION

The applicant, Wynne Building Corporation, is requesting a public hearing to amend a previously approved residential development plan, modifying the density limitation contained in the "Declaration of Restrictions" from 195 to 256 townhome units. The development is located on approximately 17.10 acres, on the southwest corner of SW 142 Street and SW 137 Avenue, Miami, Florida.

CURRENT POLICE SERVICES

The development is 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.

REVIEW

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. A calculation of crimes/calls for service of the location and area was completed and has been provided in the attached documents for your Department.

Current data of police staffing, population, and crimes/calls for service was examined to project any increase in calls for service. While we cannot accurately predict the number of the projected increase in calls for service, experience lends itself to anticipate that calls for police service will rise upon the completion of the project due to an increase in citizens being present in the area.

Current staffing should accommodate any slight increase in the volume of calls for service. However, should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment will be required to maintain current levels of service. Additionally, it is recommended that Wynne Building Corporation work closely with the local police district command staff in considering security options for the site.

The MDPD does not object to any proposed zoning modifications to complete this project.

Eric Silva, AICP, Assistant Director
May 30, 2013
Page 2

The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

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

JDP/kh
Attachment

Memorandum



DATE: May 14, 2013

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

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

SUBJECT: Review of DIC Project No. 12-149 Wynne Building Corporation
Revision No. 1
MDT Project No. OSP006
FSC No. 41.04

Project Description

12-149 – Wynne Building Corporation is requesting a modification of a previously recorded Declaration of Restrictions in order to amend the hearing-approved site plan for the subject site and the limitation on the density of the development. The submitted site plans illustrate a proposed townhome development with 256 units. The subject property is approximately 17 acres and is located on the southwest corner of SW 137 Avenue and SW 142 Street in Miami-Dade County, Florida.

Current Transit Service

Existing transit service is located adjacent to the site and is provided by Route 137 (West Dade Connection) along SW 137 Avenue. In addition, Route 252 (Coral Reef MAX) is located approximately 0.13 miles to the south of the subject site and provides limited-stop transit service along SW 152 Street. The alignments for these routes are illustrated on the attached maps. The service headways for these routes (in minutes) are as follows:

**Metrobus Route Service Summary
Cantonville Investments and Esridge Company Application Site**

| Route(s) | Service Headways (in minutes) | | | | | | Proximity to Bus Route (miles) | Type of Service |
|----------------------------|-------------------------------|--------------------|----------------------|-----------|----------|--------|--------------------------------|-----------------|
| | Peak (AM/PM) | Off-Peak (middays) | Evenings (after 8pm) | Overnight | Saturday | Sunday | | |
| 137 (West Dade Connection) | 30 | 45 | 60 | n/a | 40 | 45 | 0.4 | L |
| 252 (Coral Reef MAX) | 20 | 60 | 50 | n/a | 60 | 60 | 0.4 | F/E |

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

November 2012 Line Up

Future Transportation/Transit Improvements

The 2014 Transportation Improvement Program (TIP) proposes the following improvements on the roadways within the immediate vicinity of the site.

| Facility/Project Limits | Type of Work |
|---|---------------------------|
| SW 137 Avenue and Country Walk Drive | Intersection improvements |
| SW 137 Avenue at CSX Railroad Crossing #631097R | Rail Safety Project |

The 2035 Long Range Transportation Plan (LRTP) lists the following improvements within the vicinity of this project.

| Facility/Project Limits | Type of Work | Priority/Funding Phase |
|----------------------------------|---|------------------------|
| Freight Rail Safety and Security | Safety and security enhancements of freight transportation system, including grade crossing improvements and signal upgrades. | Priority IV |

The 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

| Route | Improvement/Adjustment |
|----------------------------|--------------------------|
| 137 (West Dade Connection) | No planned improvements. |

In addition, the 2013 ten-year TDP identifies in its 2023 Recommended Service Plan the following new route that will serve the vicinity of the project:

| Route | Description |
|----------------------------|--|
| SW 137 Avenue Enhanced Bus | This route will provide premium limited-stop transit service along SW 137 Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8 Street and SW 147 Avenue) to SW 304 Street and US-1. |

MDT Comments/Recommendations

The subject site is currently vacant and is located on the southwest corner of SW 137 Avenue and SW 142 Street. Route 137 (West Dade Connection) is located adjacent to the site and Route 252 (Coral Reef MAX) is located approximately 0.13 mile to the south of the subject site.

Both of these routes currently provide 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 MDT for mass transit concurrency and was found to be concurrent with the mass transit level-of-service standards established for Miami-Dade County.

As previously mentioned, the 2013 ten-year Transit Development Plan (TDP) identifies in its 2023 Recommended Service Plan a proposed new Metrobus Route, SW 137 Avenue Enhanced Bus, that will operate adjacent to the subject site along SW 137 Avenue.

This route will provide premium limited-stop transit service along SW 137th Avenue from MDT's proposed park-and-ride/bus terminal station (SW 8th Street and SW 147th Avenue) to SW 304 Street and US-1. This enhanced bus project will feature strategic park-and-ride locations as well as enhanced bus stations. In addition, this route provides a premium north-south transit connection for the West Kendall area connecting several residential areas with large shopping centers, which include Kendale Lakes Mall, Miller Square and London Square. In 2007, the Miami-Dade Metropolitan Planning Organization conducted a study of potential transit service improvements in the Kendall area. Bus rapid transit (BRT) service on SW 137th Avenue was one of the recommendations made in that study. Service headways will be 20 minutes during the AM/PM peak-hour and 40 minutes during the mid-day. Revenue service is anticipated to begin in 2020 using nine (9) new standard 40-foot buses.

It should be noted that there is an existing bus stop along the eastern property line which is served by Route 137. The applicant has worked closely with MDT and has provided a direct pedestrian connection to the existing bus stop along SW 137 Avenue. Although the proposed residential development is surrounded by a 6' high aluminum picket fence the applicant has provided a pedestrian gate which provides convenient access for residents attempting to access the exiting bus stop along SW 137 Avenue.

MDT notes the Policy LU7-C of the Comprehensive Development Master Plan (CDMP) indicates that on all streets served by Metrobus and all arterial or collector streets designated in the Mass Transit Subelement as year 2015 or 2025 potential service areas new residential developments, subdivisions and replats shall provide for buildings that front the transit street, or provide streets or pedestrian connections that intersect with the transit street in close proximity to bus stops not more than 700 feet apart and, as appropriate, shall provide for new bus stops and/or pullouts. MDT further notes that Policy LU-7D of the CDMP states that redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done in a manner that reduces walking distances and is comfortable and attractive to pedestrians.

Based on MDT's review of the revised site plan and applicable CDMP policies, MDT opines that the proposed development is consistent with Policies LU-7C and LU7-D of the CDMP. As such, MDT has no objections to this application.

DATE: 06-JUN-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

WYNNE BUILDING CORPORATION

LYING WEST OF SW 137 AVENUE
& SOUTH OF SW 143 ST., MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000149

HEARING NUMBER

HISTORY:

NC: Case number 201302001076, was opened on January 26, 2013, for Failure to Perform Lot Maintenance in a Residential District as stated in 19-13(A) (2). A Warning Letter was issued the same day. Citation number T035243, was issued on February 15, 2013, for non-compliance. The Citation was appealed and a Special Master Association hearing was conducted on May 29, 2013. The appeal was withdrawn at the time of the hearing. The case is pending the 30 days compliance time given by the Hearing Officer. Compliance due date is June 30, 2013.

NC: There are no current closed Neighborhood Compliance cases.

BLDG SUPPORT: There are no current open or closed Building support closed cases.

WYNNE BUILDING CORPORATION

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

REPORTER NAME:

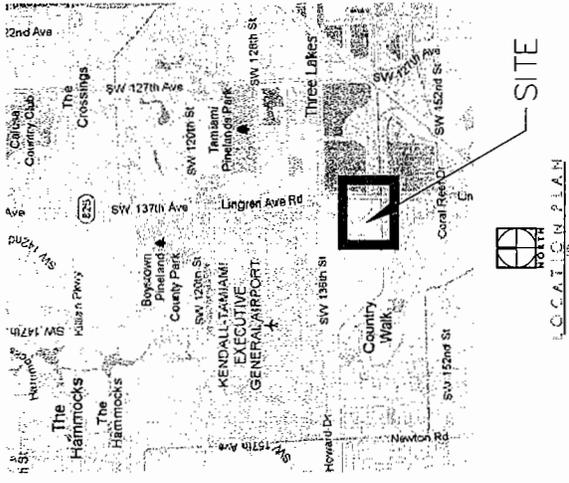
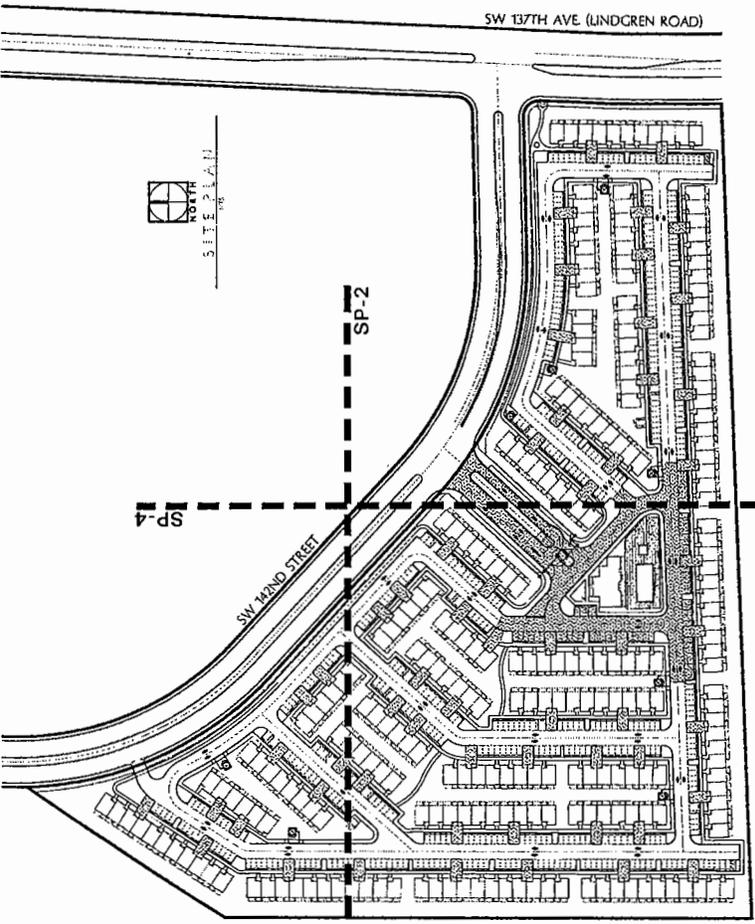
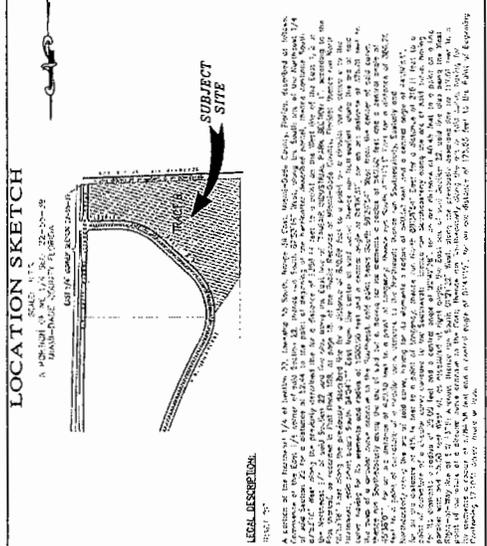
PASCUAL PEREZ & ASSOCIATES ARCHITECTS, P.A.
 1000 NW 10th Avenue
 Suite 1000
 Miami, FL 33136
 Phone: (305) 371-1111
 Fax: (305) 371-1112
 www.pascualperez.com

GREEN TURTLE CLUB
 BY WYNE BUILDING CORPORATION
 MIAMI-DADES FLORIDA

SITE PLAN
 DATE: 11/11/10
 SCALE: AS SHOWN
 DRAWN: J. PEREZ
 CHECKED: J. PEREZ
 PROJECT NO.: 10-000000

SP-1
 SHEET NO. 1

| SITE DATA | |
|---------------------|---|
| GROSS AREA | 744,876 |
| NET AREA | 744,876 |
| PLAZA AREAS | 232,678 |
| SCREENING WALLS | 67,253 |
| BUILDING AREA | 221,810 |
| GREEN AREA | 232,727 |
| UNITS | 398 |
| DENSITY | 14.97 UNITS / ACRE |
| MINIMUM LOT AREA | 16,884 SF |
| BUILDING COVERAGE | MAX. 280,706 SF |
| REQUIRED | 0.38 ACRES |
| PROVIDED | 744,876 |
| SETBACKS | FRONT: 25' REAR: 25' SIDE: 25' CORNER: 25' |
| BETWEEN BUILDINGS | 20' |
| BUILDING HEIGHT | 3-STORIES |
| FLOOR AREA RATIO | MAX. 146,219 SF |
| OPEN SPACE | MIN. 186,219 SF |
| PARKING | 256 UNITS X 1.19 SPACES/UNIT = 498 |
| HANDICAPPED PARKING | 11 |
| BICYCLE SPACES | 18 |



RECEIVED
 12-149
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IN-PACT COMMITTEE

BY: *[Signature]*

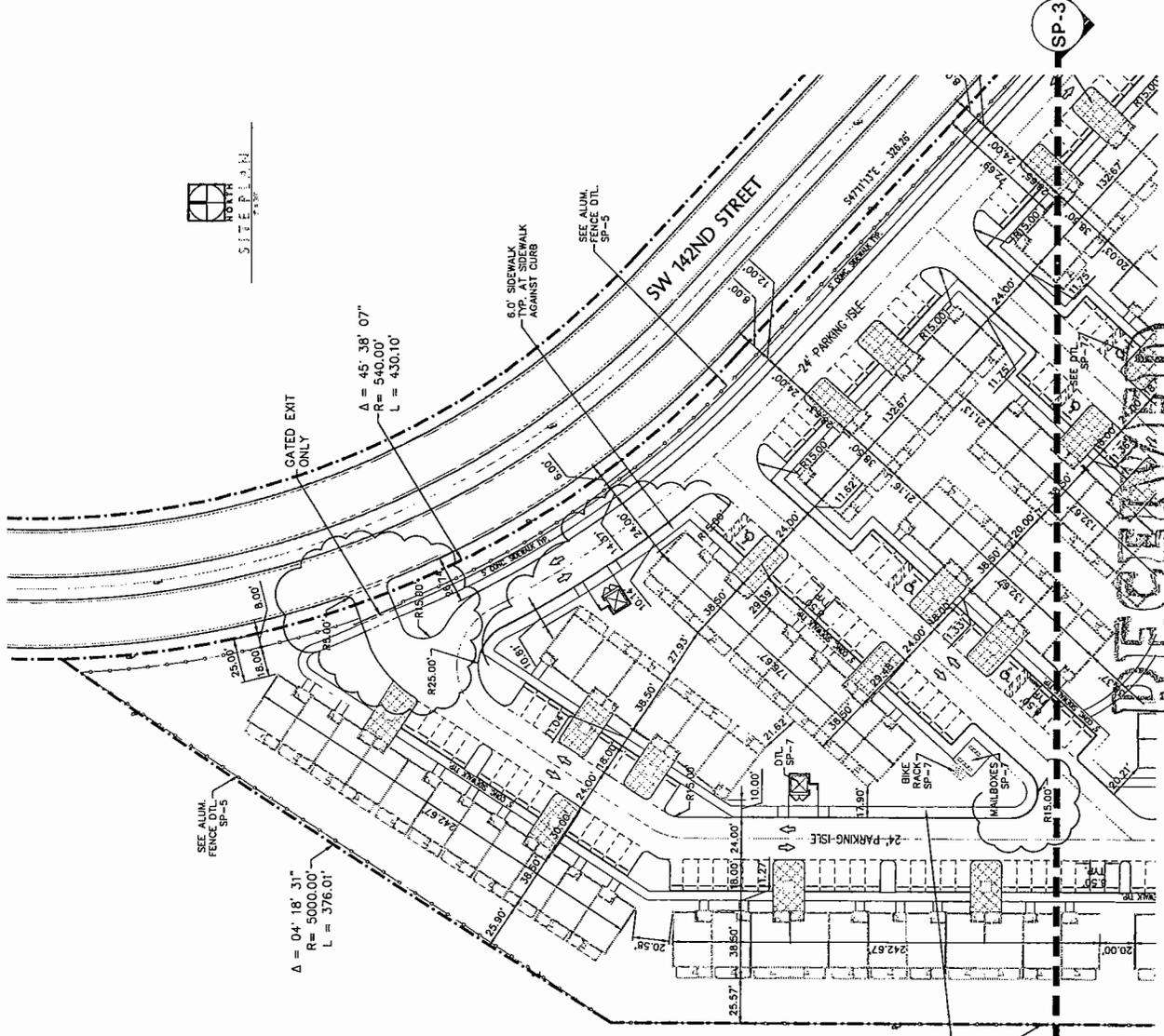
PASCUAL PEREZ KILDIJJIAN & ASSOCIATES ARCHITECTS, P.A.
 1000 NW 84th Avenue, Suite 1000
 Miami, Florida 33150
 Phone: (305) 871-8888
 Fax: (305) 871-8889
 Email: info@pkarch.com
 Website: www.pkarch.com

GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

SITE PLAN

| | | | | | |
|-----------|------|-------|----------|------------|-----------|
| SITE PLAN | DATE | SCALE | DRAWN BY | CHECKED BY | IN CHARGE |
| | | | | | |

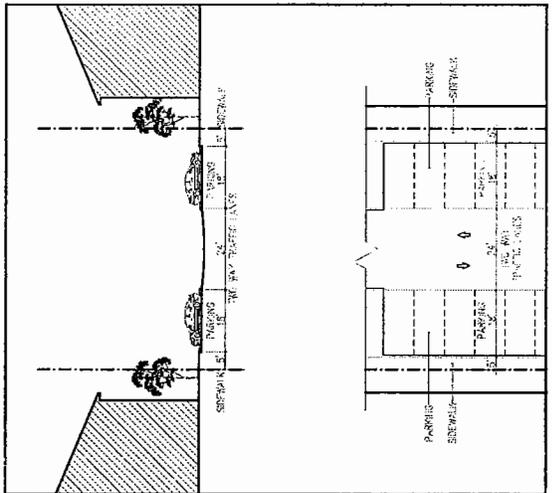
SP-4



RECEIVED

MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE



PARKING ISLE SECTION
 SCALE: 1/8"

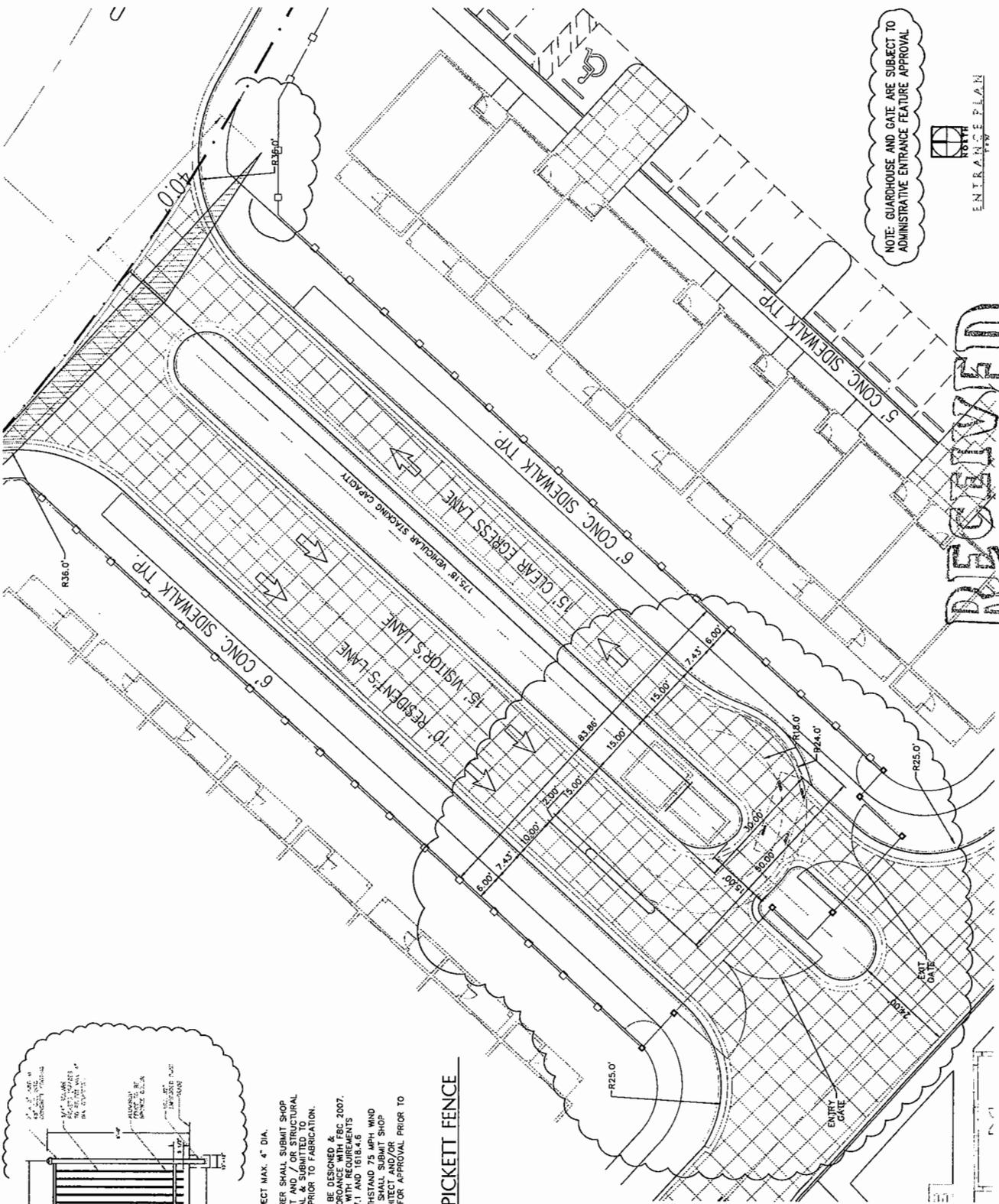
PASCUAL PEREZ KILIDDIJIAN & ASSOCIATES ARCHITECTS, P.A.
 1000 NW 88th AVENUE
 SUITE 1000
 MIAMI, FL 33176
 TEL: 305.575.1100
 FAX: 305.575.1101
 WWW.PKARCHITECTS.COM

WYNNE BUILDING CORP.
 1000 NW 88th AVENUE
 SUITE 1000
 MIAMI, FL 33176
 TEL: 305.575.1100
 FAX: 305.575.1101
 WWW.WYNNEBUILDING.COM

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

| | |
|----------|----------|
| DATE: | 10/11/12 |
| SCALE: | AS SHOWN |
| DRAWN: | AS |
| CHECKED: | PK |
| DATE: | 10/11/12 |

SP-5
 SHEET NO. 1

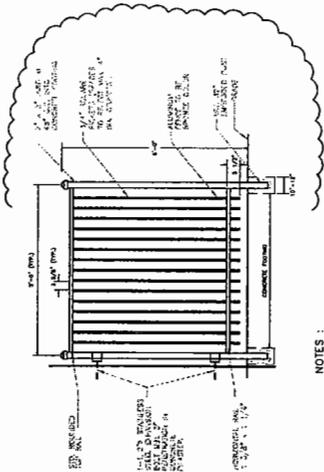


NOTE: GUARDHOUSE AND GATE ARE SUBJECT TO ADMINISTRATIVE ENTRANCE FEATURE APPROVAL



RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE



- NOTES:
1. ALL RAILINGS TO REFLECT MAX. 4" DIA.
 2. RAILING MANUFACTURER SHALL SUBMIT SHOP DRAWINGS TO ARCHITECT AND / OR STRUCTURAL ENGINEER FOR APPROVAL & SUBMITTED TO CONSTRUCTION PERMIT PRIOR TO FABRICATION.
 3. ALL RAILINGS SHALL BE DESIGNED & MANUFACTURED IN ACCORDANCE WITH FBC 2007. RAILING SHALL COMPLY WITH REQUIREMENTS UNDER SECTIONS 1307.7.1 AND 1618.4.6
- ALL FENCES WILL WITHSTAND 75 MPH WIND (FENCE SHALL BE DESIGNED AND SHOP DRAWINGS TO THE ARCHITECT AND/OR STRUCTURAL ENGINEER FOR APPROVAL PRIOR TO FABRICATION).

ALUMINUM PICKETT FENCE
 SCALE NTS

44

PASCUAL PEREZ & ASSOCIATES & ASSOCIATES KILIDDJIAN
 ARCHITECTS
 11000 N.W. 11th Avenue, Suite 100
 Miami, Florida 33150
 Telephone: (305) 551-1100
 Fax: (305) 551-1101
 Website: www.pascalperez.com

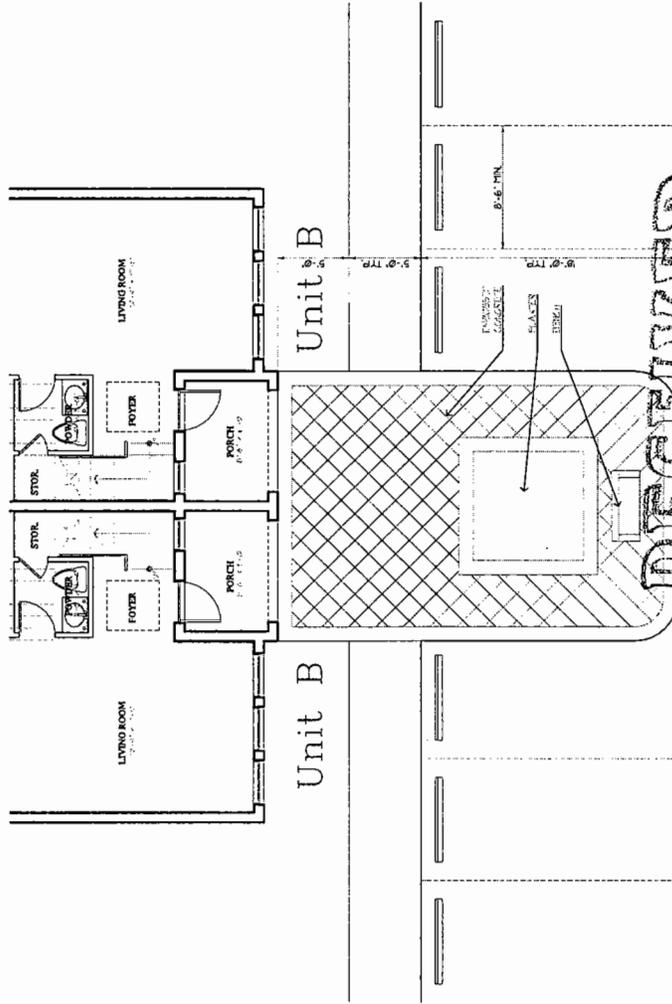
BY WYNNE BUILDING CORPORATION
 11000 N.W. 11th Avenue, Suite 100
 Miami, Florida 33150
 Telephone: (305) 551-1100
 Fax: (305) 551-1101
 Website: www.wynnebuilding.com

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

| | |
|--------------|----------|
| DATE: | 10/20/07 |
| SCALE: | AS SHOWN |
| DRAWN: | AS |
| CHECKED: | PK |
| PROJECT NO.: | 302 |

SP-6

SHEET NO. -



RECEIVED

MAY 10 2013

PLAZA DETAIL
 SCALE: 1/4" = 1'-0"

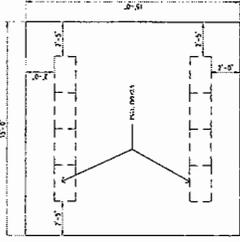
MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY

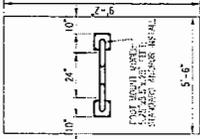
| | |
|-----------|----------|
| DATE: | 10/11/13 |
| SCALE: | AS SHOWN |
| DRAWN BY: | AS |
| CHECK BY: | PK |
| FOR NO.: | 000 |

SP-7

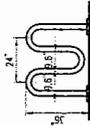
SIZE: 11x17



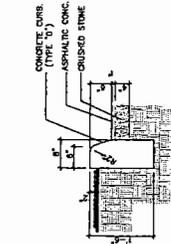
MAILBOX PLAN
 SCALE 1/4" = 1'-0"



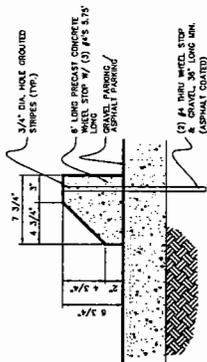
BICYCLE RACK PLAN
 SCALE 1/4" = 1'-0"



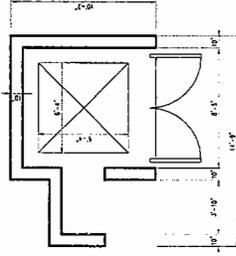
BICYCLE RACK ELEVATION
 SCALE 1/4" = 1'-0"



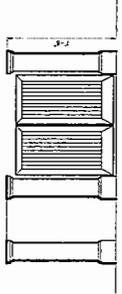
CONCRETE WHEEL STOP DETAIL
 SCALE: NTS



TYPE D CURB DETAIL
 SCALE: NTS



DUMPSTER PLAN
 SCALE 1/4" = 1'-0"



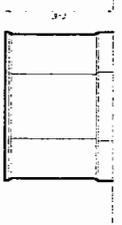
DUMPSTER FRONT ELEVATION
 SCALE 1/4" = 1'-0"



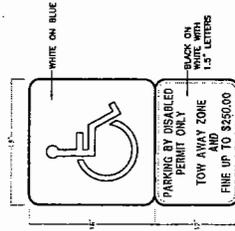
DUMPSTER REAR ELEVATION
 SCALE 1/4" = 1'-0"



DUMPSTER LEFT ELEVATION
 SCALE 1/4" = 1'-0"



DUMPSTER RIGHT ELEVATION
 SCALE 1/4" = 1'-0"



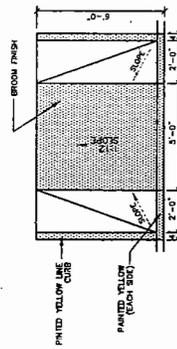
1. TOP PORTION OF SIGN SHALL HAVE WHITE REFLECTIVE BACKGROUND WITH BLACK ON WHITE WITH 1.5" LETTERS
2. BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK ON WHITE WITH 1.5" LETTERS
3. SIGN SHALL BE MOUNTED ON ONE PANEL OR TWO (IF MOUNTED AT A HEIGHT OF 7'-0" FROM PAVEMENT TO TOP OF SIGN)

HANDICAPPED SPACE SIGN DETAIL
 SCALE: NTS

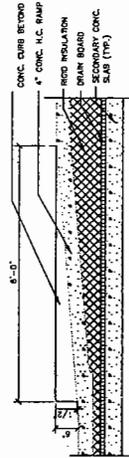


1. USE OF PAVEMENT SYMBOL IN PARKING SPACES IS REQUIRED. THE SYMBOL SHALL BE 5' FT. HIGH AND BLUE IN COLOR.

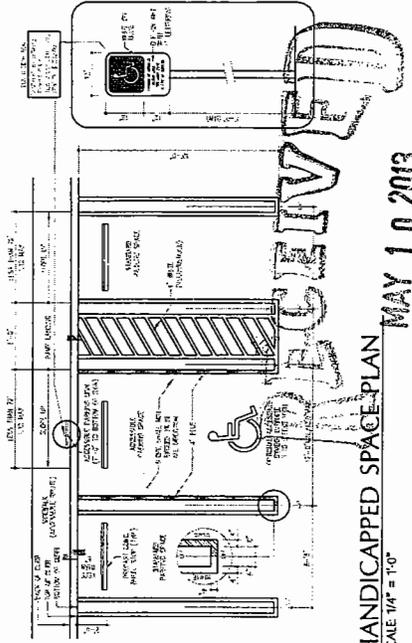
HANDICAPPED SPACE PAVEMENT DETAIL
 SCALE: NTS



HANDICAPPED RAMP PLAN DETAIL
 SCALE: NTS



HANDICAPPED RAMP SECTION DETAIL
 SCALE: NTS



HANDICAPPED SPACE PLAN
 SCALE 1/4" = 1'-0"

RECEIVED
 MAY 10 2013
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE
 E.V.

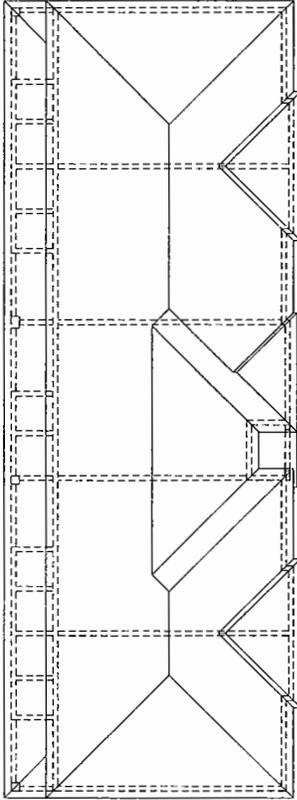
PASCUAL PEREZ KILIDDIAN & ASSOCIATES ARCHITECTS, P.A.
 1000 NW 68th Avenue, Suite 100
 Fort Lauderdale, FL 33309
 Phone: (954) 591-6666
 Fax: (954) 591-6667
 www.ppkid.com

BY WYNN BUILDING CORP.
 1000 NW 68th Avenue, Suite 100
 Fort Lauderdale, FL 33309
 Phone: (954) 591-6666
 Fax: (954) 591-6667
 www.wynnbldg.com

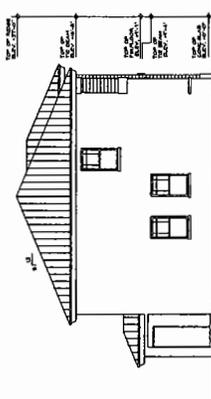
GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES
 UNIT: RESIDENTIAL
 DRAWN: AS SHOWN
 CHECKED: AS / JBP
 DATE: 05/10/2013
 SHEET NO.: A-6

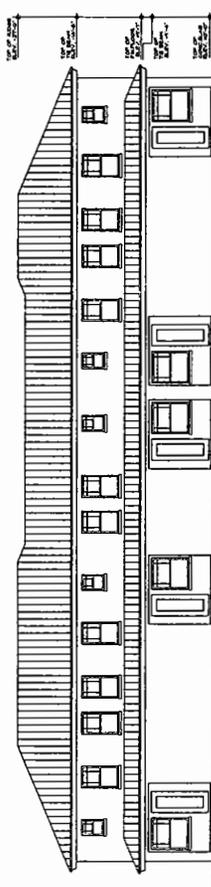
BY



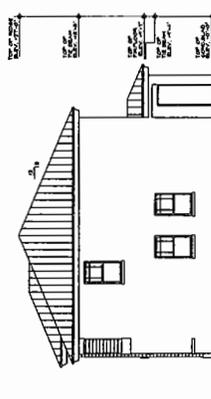
ROOF PLAN
 SCALE: 1/8" = 1'-0"



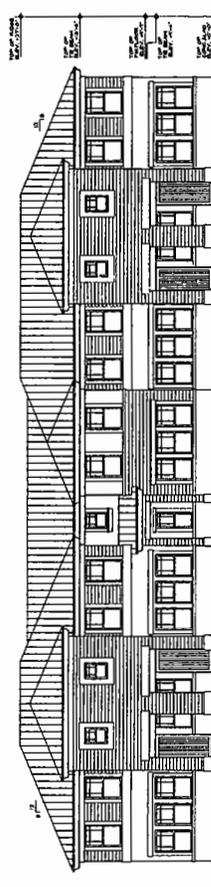
LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



REAR ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2013



MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

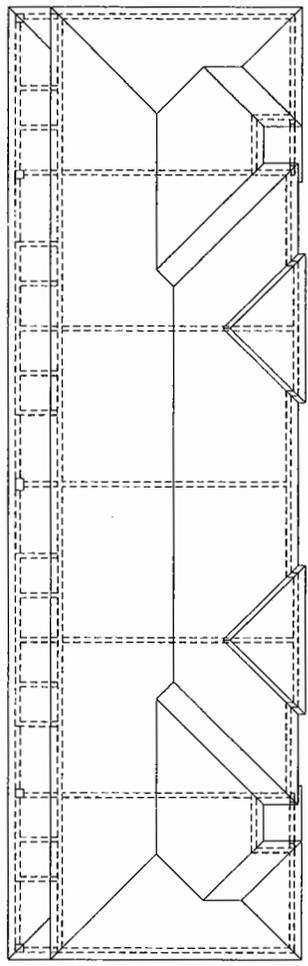
PASCUAL PEREZ & ASSOCIATES ARCHITECTS, P.A.
KILIDDJIAN & ASSOCIATES ARCHITECTS, P.A.
 EDUARDO PEREZ, AIA
 LICENSE NO. 16,462 (FLORIDA)
 LICENSE NO. 17,616 (IDAHO)
 LICENSE NO. 74,000 (ARIZONA)
 LICENSE NO. 74,000 (ARIZONA)
 LICENSE NO. 74,000 (ARIZONA)
 LICENSE NO. 74,000 (ARIZONA)
 AT THE BEACON CENTER
 300 NW 84th AVENUE
 SUITE 200
 MIAMI, FL 33150
 TELEPHONE : (305) 591-6666
 FACSIMILE : (305) 591-6666
 http://www.ppparchitect.com

WYNNE BUILDING CORP.
 1000 NW 10th Ave
 MIAMI, FL 33136
 PHONE : (305) 575-1100
 ADDRESS : 1000 NW 10th Ave
 MIAMI, FL 33136
 LICENSE NO. 17,616 (IDAHO)
 LICENSE NO. 74,000 (ARIZONA)
 LICENSE NO. 74,000 (ARIZONA)
 LICENSE NO. 74,000 (ARIZONA)

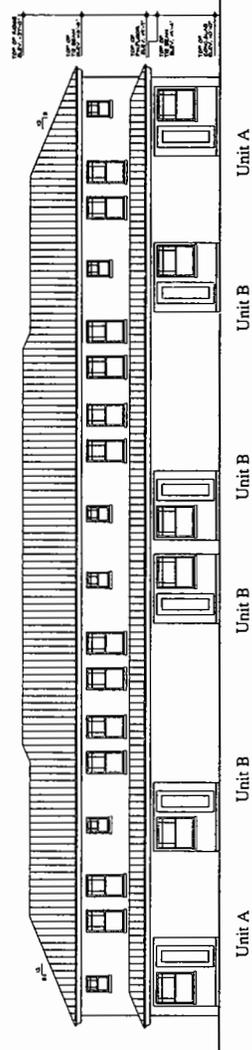
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES
 LIGHT BUILDING
 ROOF PLAN & ELEVATIONS
 DATE: 11/20/12
 TISSOT
 SCALE: AS SHOWN
 DRAWN: AS / JFP
 CHECK BY: PFC
 JOB NO.: 102

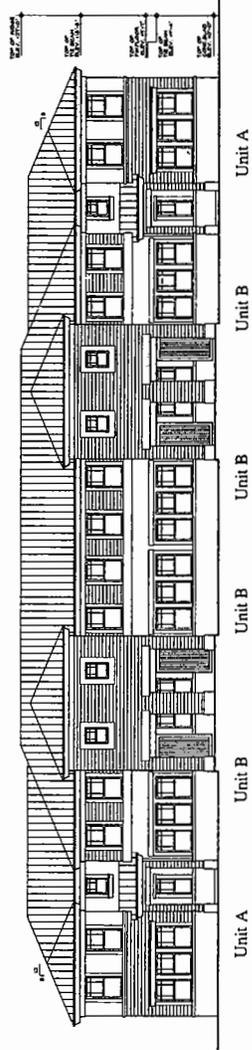
A-8
 SHEET NO.:



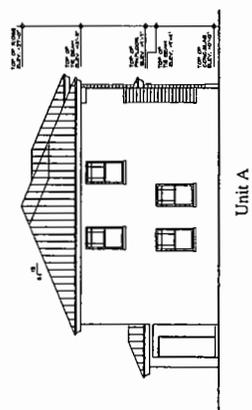
ROOF PLAN
 SCALE: 1/8" = 1'-0"



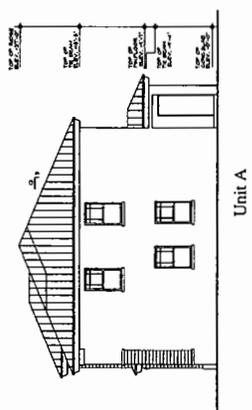
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

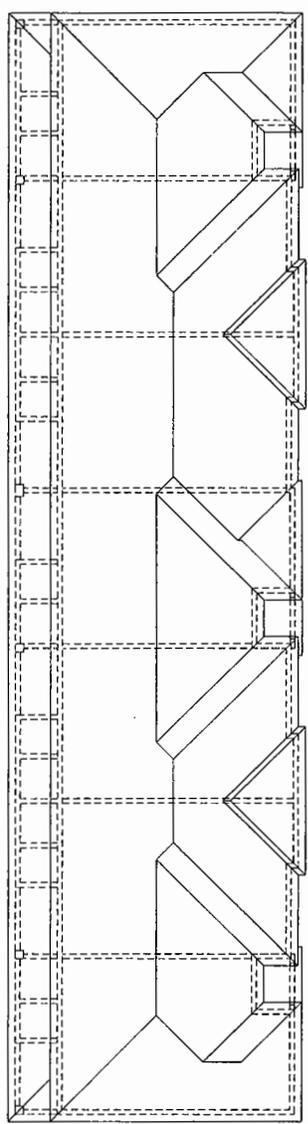
PASCUAL PEREZ KILIDDIAN & ASSOCIATES ARCHITECTS, P.A.
 1000 NW 85th AVENUE
 SUITE 1000
 MIAMI, FL 33150
 PHONE: (305) 571-6666
 FAX: (305) 571-6667
 WWW.PPKA.COM

WYNNE BUILDING CORP.
 1000 NW 85th AVENUE
 SUITE 1000
 MIAMI, FL 33150
 PHONE: (305) 571-6666
 FAX: (305) 571-6667
 WWW.WYNNEBUILDING.COM

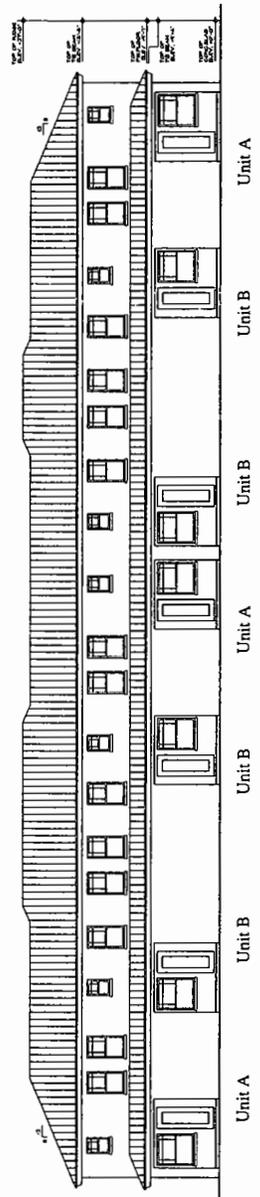
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES
 UNIT BUILDING
 ROOF TYPE: FLAT
 DATE: 12/12/12
 SCALE: AS SHOWN
 DRAWN: AS / J/P
 CHECKED: PPK
 JOB NO.: 1212

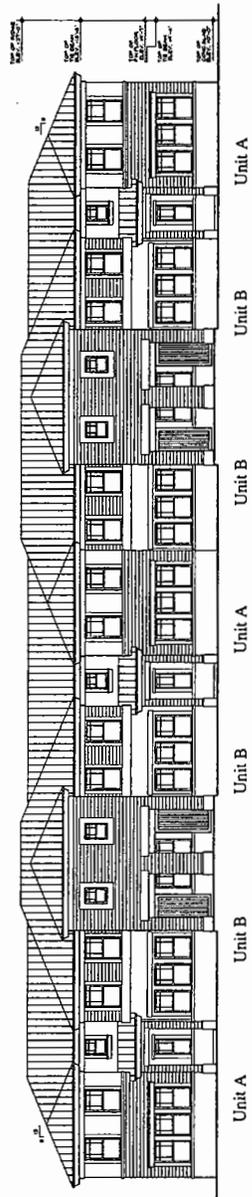
A-10
 SHEET NO. 1



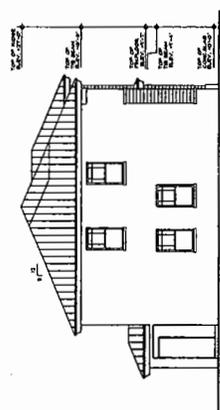
ROOF PLAN
 SCALE 1/8" = 1'-0"



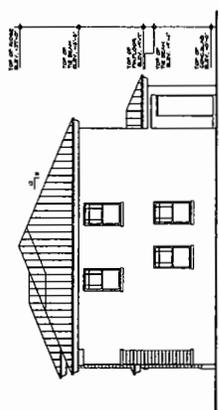
REAR ELEVATION
 SCALE 1/8" = 1'-0"



FRONT ELEVATION
 SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RECEIVED
 MAY 10 2013



MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

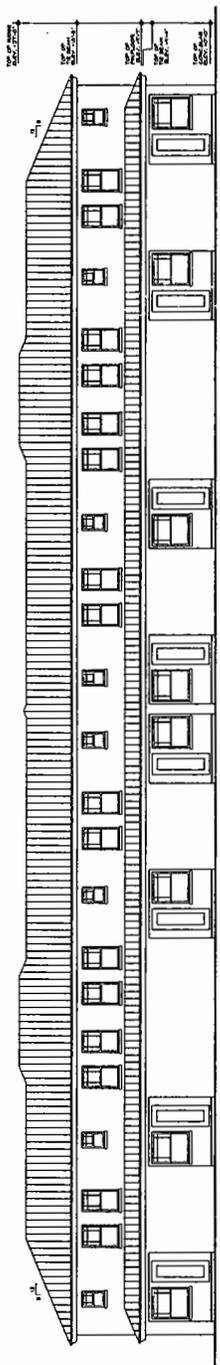
PASCUAL PEREZ KILIDJIAN & ASSOCIATES ARCHITECTS, PLANNERS & INTERIORS
 1000 NW 84th AVENUE, SUITE 1000
 MIAMI, FLORIDA 33150
 PHONE: (305) 576-6666
 FAX: (305) 576-6667
 WWW.PPKA.COM

BY WYNN BUILDING CORPORATION
 1000 NW 84th AVENUE, SUITE 1000
 MIAMI, FLORIDA 33150
 PHONE: (305) 576-6666
 FAX: (305) 576-6667
 WWW.WYNNBUILD.COM

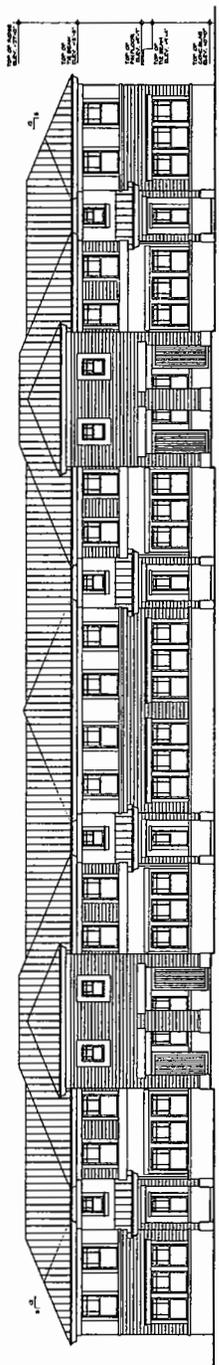
GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

DATE: 11/20/12
SCALE: AS SHOWN
DRAWN: AS / JFP
CHECK: JFP
JOB NO.: 1202

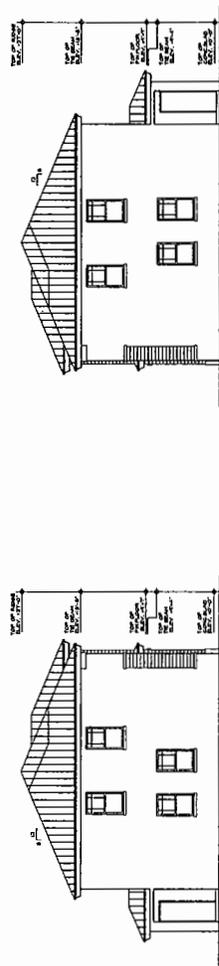
A-13
 SHEET NO.:



REAR ELEVATION
 SCALE 1/8" = 1'-0"



FRONT ELEVATION
 SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RIGHT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

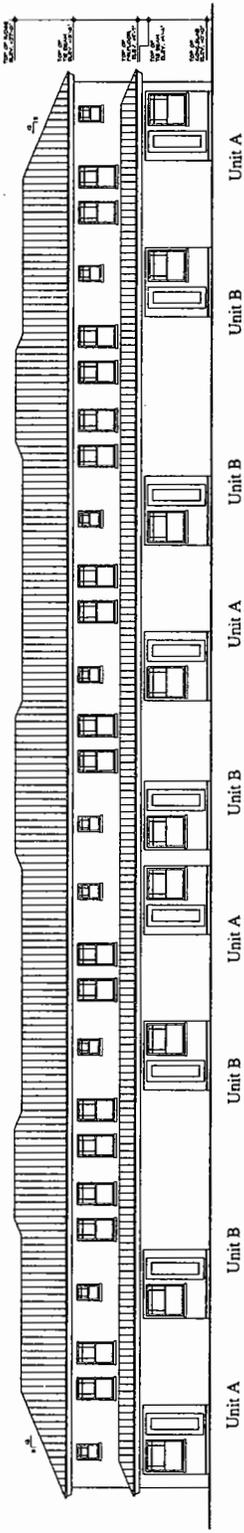
PASCUAL PEREZ & ASSOCIATES ARCHITECTS
KILIDDJIAN & ASSOCIATES ARCHITECTS
 1000 NW 94th AVENUE
 SUITE 100
 MIAMI, FL 33150
 PHONE: (305) 594-6885
 FAX: (305) 594-6886
 WWW.PP&K.COM

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

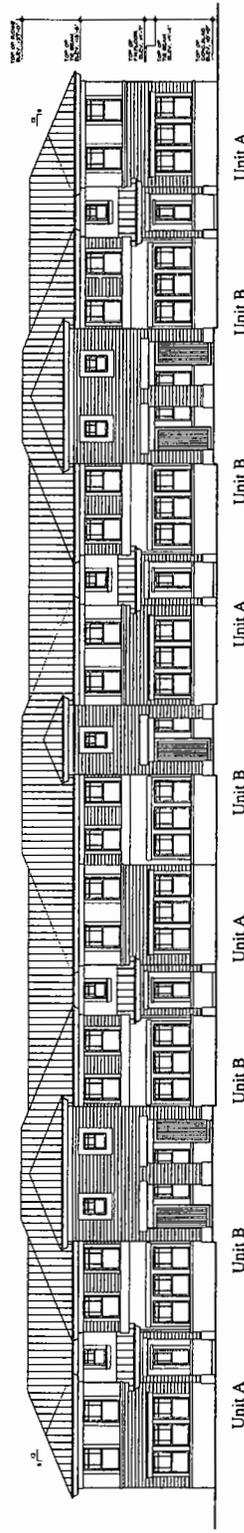
OWNER:
 WYNNE BUILDING CORP.
 1000 NW 94th AVENUE
 SUITE 100
 MIAMI, FL 33150
 PHONE: (305) 594-6885
 FAX: (305) 594-6886
 WWW.WYNNEBUILDING.COM

DATE: 05/07/13
SCALE: AS SHOWN
DRAWN BY: AD/TP
CHECKED BY: PFC
JOB NO.: 1301

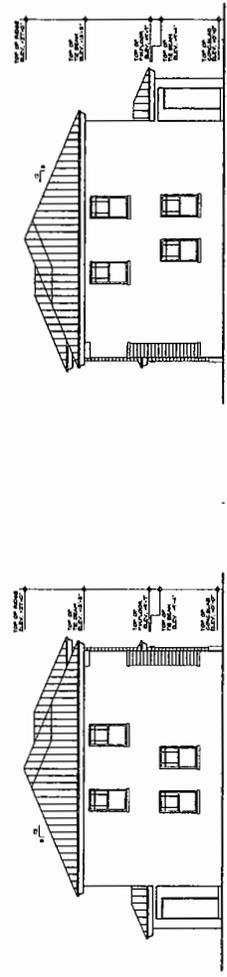
A-16
 SHEET NO.:



REAR ELEVATION
 SCALE 1/8" = 1'-0"



FRONT ELEVATION
 SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RIGHT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RECEIVED

MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____



PASCUAL PEREZ KILODDIAN & ASSOCIATES ARCHITECTS, PLANNERS LICENSE # AA 34002127
 EDUARDO PEREZ, AIA
 PASCUAL KILODDIAN, AIA
 LUIS MORALES, AIA
 PETER KILODIAN, AIA
 LICENSE NO. AT 00000000
 AT THE BACK CENTER
 3106 SW 31ST AVE
 MIAMI, FL 33135
 TEL: 305.375.1111
 FAX: 305.375.1112
 WWW.PPPK.COM

OWNER: WYNNE BLDG. CORP.
 2500 SW 12 AVE
 MIAMI, FL 33135
 TEL: 305.375.1111
 WWW.WYB.COM

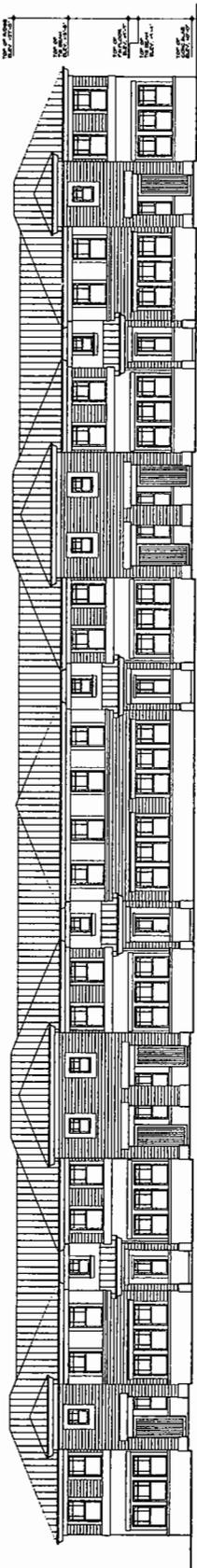
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES:
 MULTIFAMILY BUILDINGS
 DATE: 11/20/12
 SCALE: AS SHOWN
 DRAWN: AD / JFP
 CHECK: PP
 PPK
 JOB NO.: 000

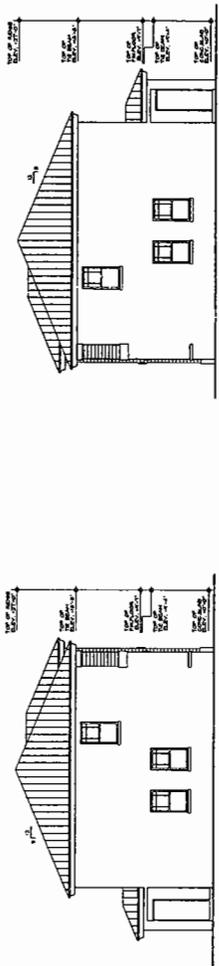
A-19
 SHEET NO. 1



REAR ELEVATION
 SCALE 1/8" = 1'-0"



FRONT ELEVATION
 SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RIGHT SIDE ELEVATION
 SCALE 1/8" = 1'-0"

RECEIVED
 MAY 10 2013



MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

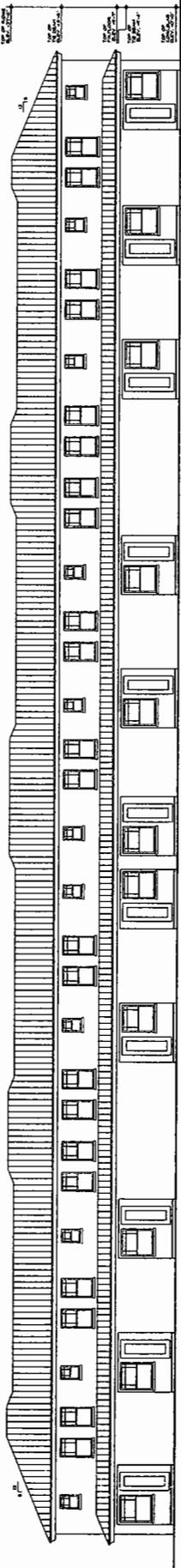
PASCUAL PEREZ KILODJIAN & ASSOCIATES ARCHITECTS - PLANNERS LICENSE # A-13002107
 10000 SW 15th Ave, Suite 100
 Miami, FL 33185
 Phone: (305) 551-1111
 Fax: (305) 551-1112
 Email: info@ppk.com
 Website: http://www.ppk.com

GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

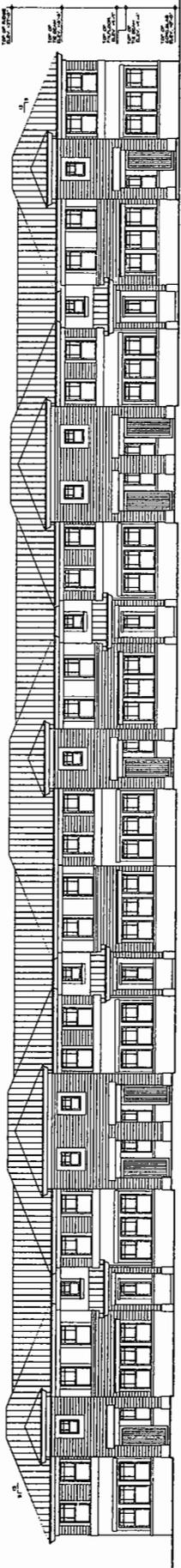
OWNER: WYNN BUILDING CORP.
DESIGNER: PASCUAL PEREZ KILODJIAN & ASSOCIATES ARCHITECTS - PLANNERS
DATE: 05/10/2013

BUILDING TYPES:
 UNIT BUILDING
 DATE: 05/10/2013
 SCALE: AS SHOWN
 DRAWN: AD / JPP
 CHECK: PR
 JOB NO.: 000

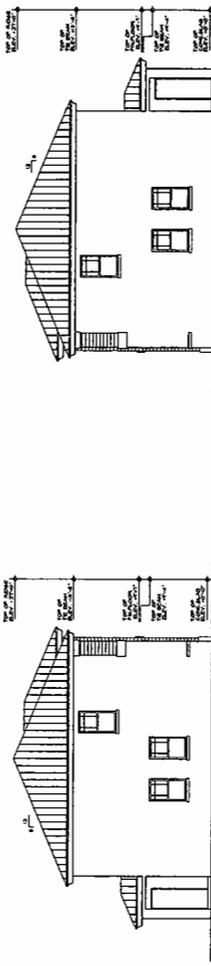
A-22
 SHEET NO.:



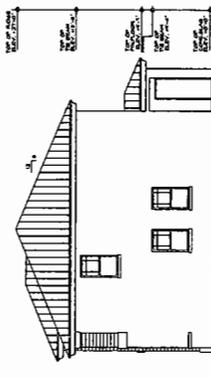
REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2013



MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

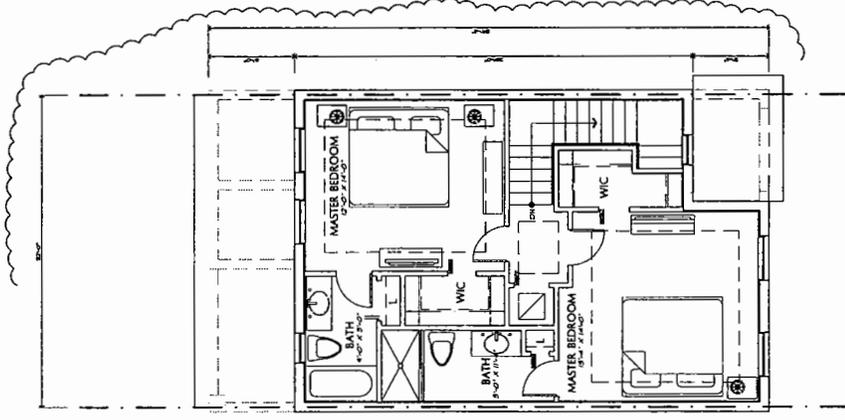
PASCUAL PEREZ KILDIJIAN & ASSOCIATES ARCHITECTS, PLANNERS & ENGINEERS
 1000 NW 83RD AVENUE
 SUITE 1000
 MIAMI, FLORIDA 33150
 TEL: (305) 591-8888
 FAX: (305) 591-8889
 WWW.PPKA.COM

WYNN BUILDING CORP.
 1000 NW 83RD AVENUE
 SUITE 1000
 MIAMI, FLORIDA 33150
 TEL: (305) 591-8888
 FAX: (305) 591-8889
 WWW.WYNNBUILDING.COM

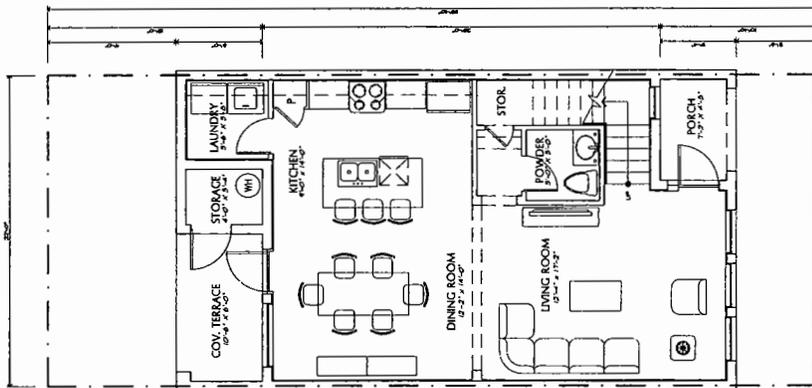
GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

UNIT PLANS

A-1



2ND FLOOR PLAN
 SCALE 1/4" = 1'-0"



1ST FLOOR PLAN
 SCALE 1/4" = 1'-0"

UNIT A AREA CALCULATIONS:

| | |
|------------------|----------------|
| 1ST FLOOR A/C | 665 SF |
| 2ND FLOOR A/C | 515 SF |
| TOTAL A/C | 1240 SF |
| STORAGE | 31 SF |
| REAR TERRACE | 45 SF |
| FRONT TERRACE | 25 SF |
| TOTAL SF | 1342 SF |

RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

PASCUAL PEREZ & ASSOCIATES ARCHITECTS, P.A.
 EDUARDO PEREZ, AIA
 LICENSE NO. 148,083,374
 PASCUAL PEREZ, AIA
 LICENSE NO. 148,083,374
 AT THE BEACON CENTER
 1300 NW 84th AVENUE
 MIAMI, FL 33150
 TEL: (305) 574-8865
 FAX: (305) 574-8865
 http://www.pplarch.com

WYNNE BUILDING CORP.
 1300 NW 84th AVENUE
 MIAMI, FL 33150
 TEL: (305) 574-8865
 FAX: (305) 574-8865

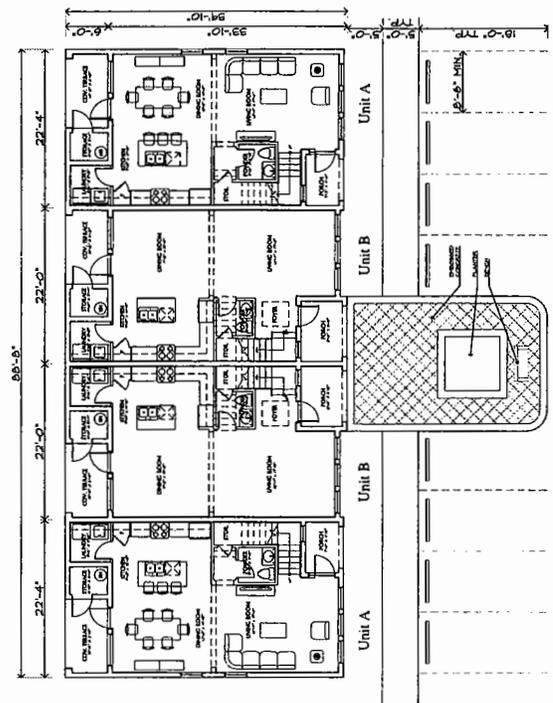
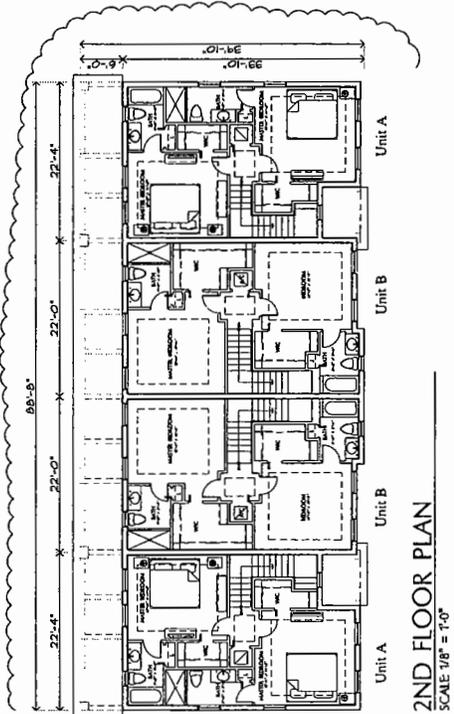
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES

4 UNIT BUILDING
 FLOOR PLANS

DATE: 12/2012
 SCALE: AS SHOWN
 DRAWN: AS / JSP
 CHECKED: JPC
 PROJECT NO.: 1202

A-3
 SHEET NO. 1



RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

PASCUAL PEREZ KILODDIAN & ASSOCIATES ARCHITECTS & PLANNERS
 EDUARDO PEREZ, AIA
 LICENSURE NO. 14007834
 PASCUAL PEREZ, AIA
 LICENSURE NO. 14007834
 AT THE BEACON CENTER
 1000 NW 84th AVENUE
 SUITE 100
 MIAMI, FL 33150
 TELEPHONE: (305) 274-8888
 FAX: (305) 274-8889
 http://www.pki.com

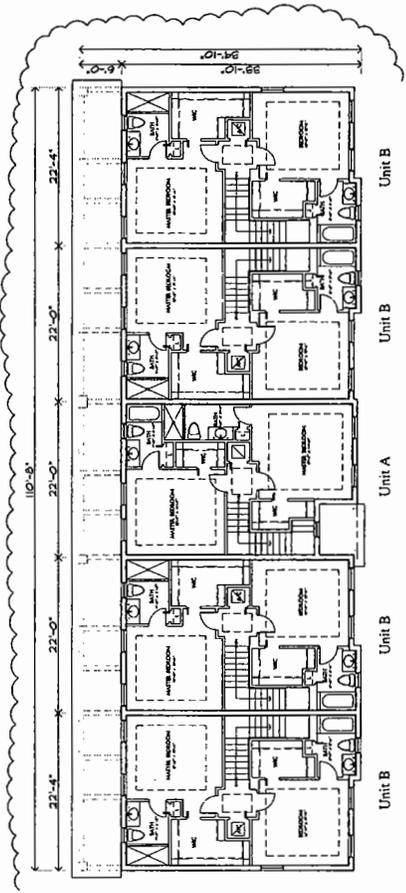
ONLINE:
 WWW.PKI.COM
 MIAMI, FL 33150
 AUSTIN, TEXAS
 AUSTIN, TEXAS
 CORP/RESIDENT

THOMAS CONSULTANTS BUILDING

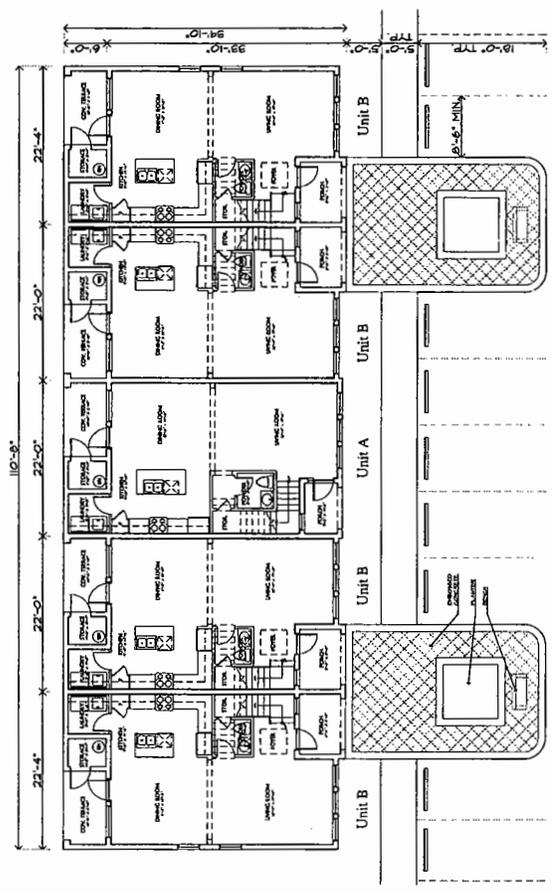
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE FLORIDA

3 UNIT BUILDING FLOOR PLAN
 DATE: 05/10/2013
 SCALE: AS SHOWN
 DRAWN: JAS/TP
 CHECKED: JAS/TP
 PROJECT NO. 13010001

A-5
 SHEET NO.



2ND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1ST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2013



MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

EV

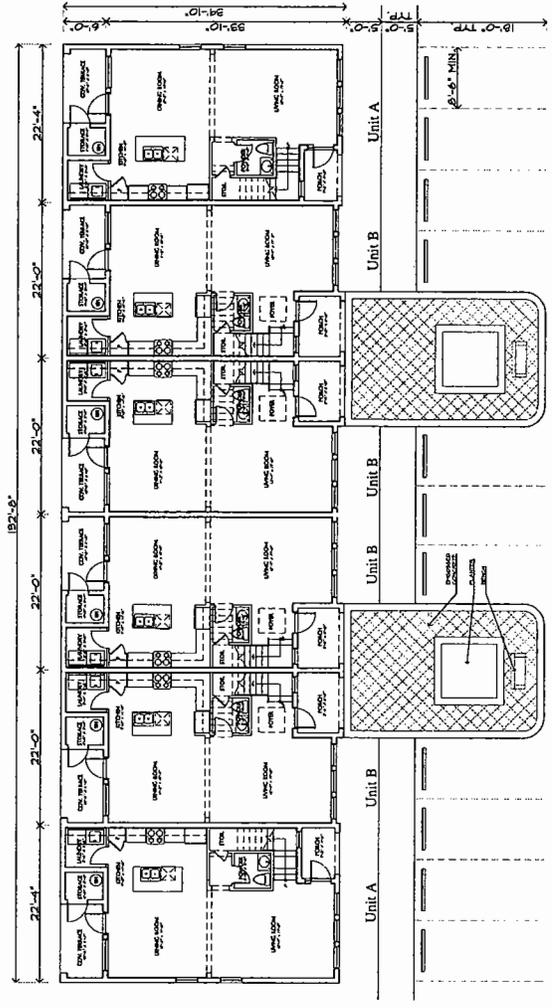
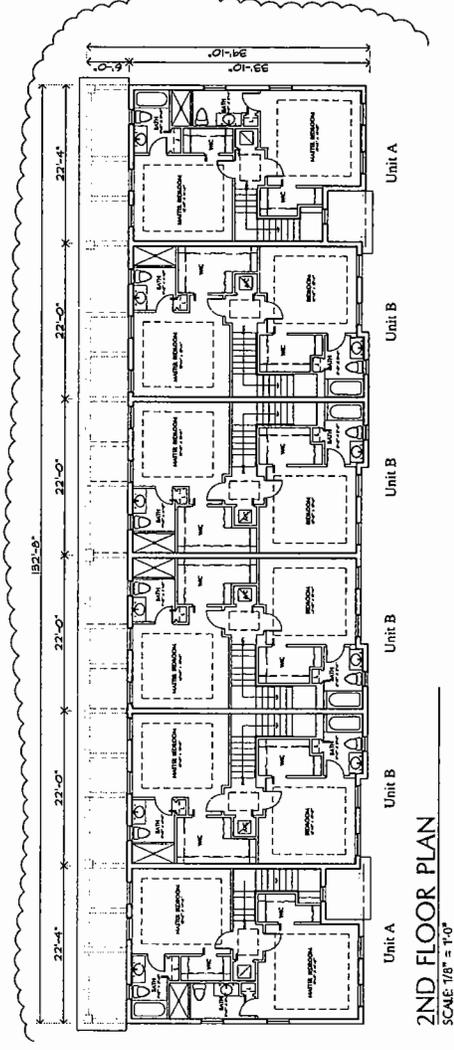
PASCUAL PEREZ KIUDDIAN & ASSOCIATES ARCHITECTS - PLANNERS LICENSE # A-13419
 UGO RUIZ PEREZ, AIA
 MARCO T. MAGUIA, AIA
 PETE RUDOLPH, AIA
 JACQUELINE J. JACOBSON
 100 W. BEACON GROVE
 SUITE 200, MIAMI, FL 33135
 PHONE: (305) 371-1333
 FAX: (305) 371-1334
 http://www.pkiarch.com

OWNER: WYNNE BLDG CORP.
 1000 N. W. 10TH AVE.
 SUITE 1000
 MIAMI, FL 33136
 PHONE: (305) 371-1333
 FAX: (305) 371-1334

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

DATE: 05/10/03
 SCALE: AS SHOWN
 DRAWN: AS / JF
 CHECKED: JF
 JOB NO.: 002

A-7
 SHEET NO.:



RECEIVED
 MAY 10 2003

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

PASCUAL PEREZ KIUIDDIJIAN & ASSOCIATES ARCHITECTS - PLANNERS ENGINEERS - P.A.
 DONALDO PEREZ, P.A.
 MARIO P. PASCUAL, P.A.
 PETER ALLOTTI, P.A.
 LUCY H. HARRIS, P.A.
 1000 N.W. 10TH AVENUE
 SUITE 1000
 MIAMI, FLORIDA 33136
 PHONE: (305) 576-3333
 FAX: (305) 576-3334
 WWW.PPPK.COM

GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

BUILDING TYPES

| | |
|-------------------|--------------|
| DATE: 05/10/2013 | REVISION: |
| DRAWN BY: ASH/MPH | SCALE: |
| CHECK BY: PPK | DATE / TIME: |
| JOB NO.: 3002 | |

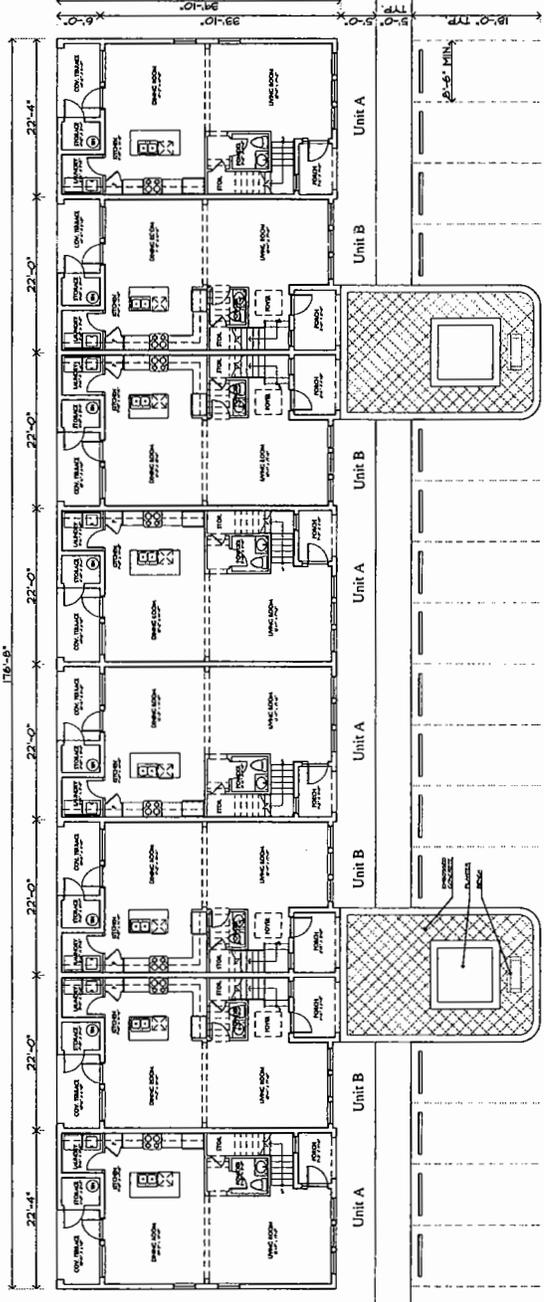
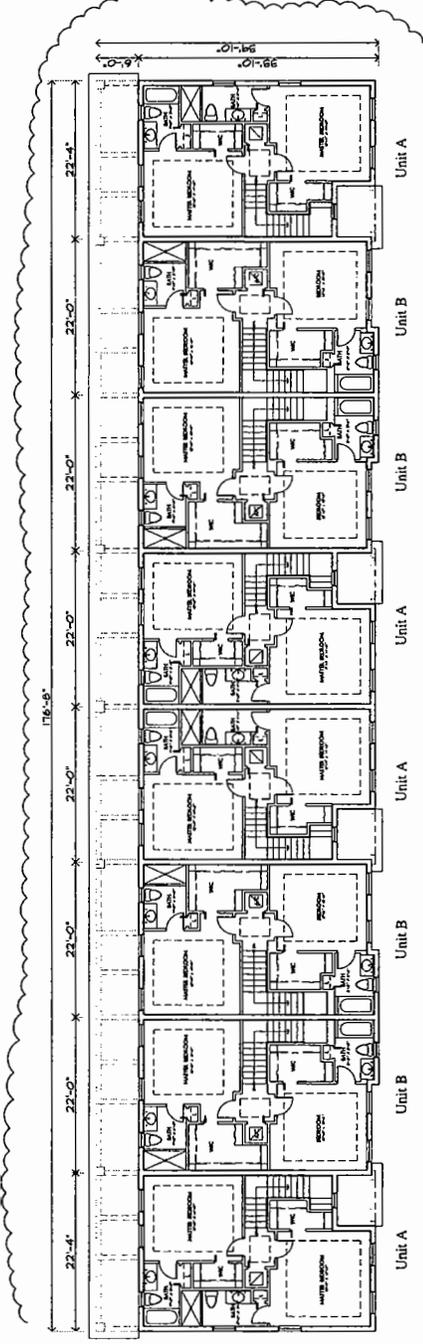
A-11
 SHEET NO. 1



RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____



PASCUAL PEREZ KIIDDIAN & ASSOCIATES ARCHITECTS - PLANNERS ENGINEERS - A.A. LICENSE NO. 148 001014 LICENSE NO. 148 001014 LICENSE NO. 148 001014
 11 THE BAYVIEW CENTER, SUITE 200, MIAMI BEACH, FLORIDA 33139
 TEL: (305) 531-1111 FAX: (305) 531-1111
 WWW.PKIAA.COM

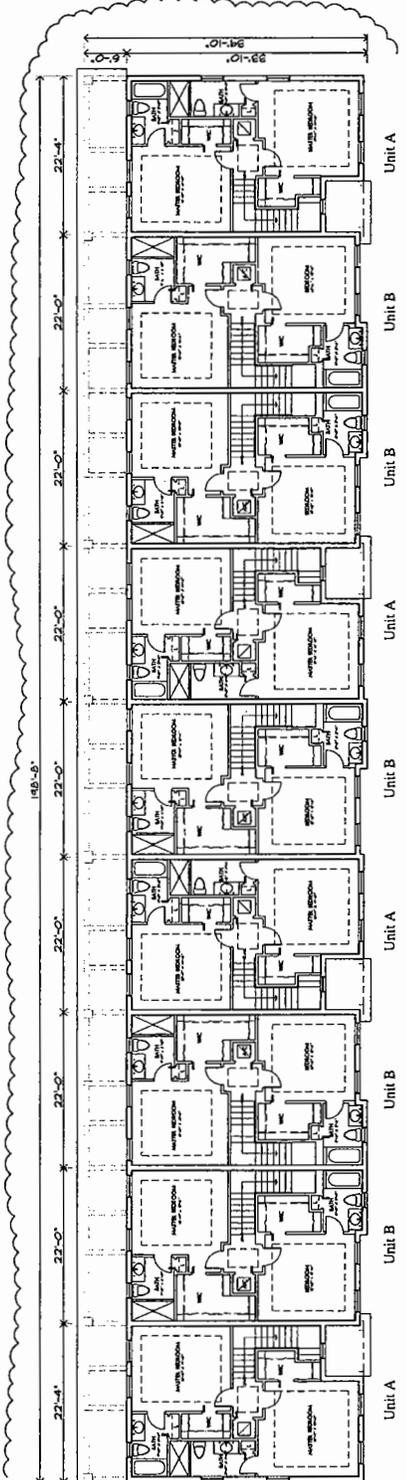
WYNNE BUILDING CORP.
 1000 W. 127 AVENUE, SUITE 100, MIAMI, FLORIDA 33136
 PHONE: (305) 441-1111 FAX: (305) 441-1111
 WWW.WYNNEBUILDING.COM

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

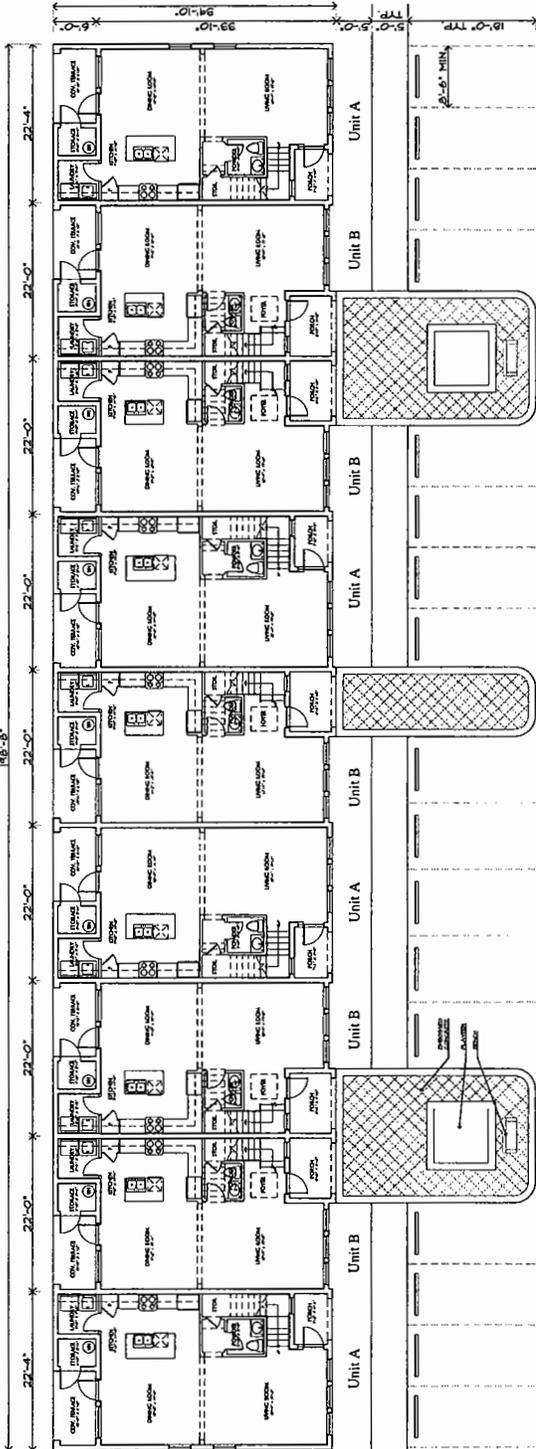
BUILDING TYPES

| | |
|--------------|----------|
| DATE: | 10/11/11 |
| SCALE: | AS SHOWN |
| DRAWN BY: | AS / JSP |
| CHECK BY: | PK |
| DATE: | 10/11/11 |
| PROJECT NO.: | 100 |

A-14
 SHEET NO.:



2ND FLOOR PLAN
 SCALE 1/8" = 1'-0"



1ST FLOOR PLAN
 SCALE 1/8" = 1'-0"

RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY:

PASCUAL PEREZ KIINDJIAN & ASSOCIATES ARCHITECT - PLANNERS
 LICENSE # A-35000137
 10000 N.W. 11TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33150
 PETER N. MAGUIA, AIA
 PETER KIINDJIAN, AIA
 10000 N.W. 11TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33150
 TEL: (305) 551-1111
 FAX: (305) 551-1112
 WWW.PPKIINDJIAN.COM

OWNER: BUILDING CODE:
 GREEN TURTLE CLUB
 10000 N.W. 11TH AVENUE
 MIAMI, FLORIDA 33150
 CONTACT: PASCUAL PEREZ
 CPASCUAL@PPKIINDJIAN.COM

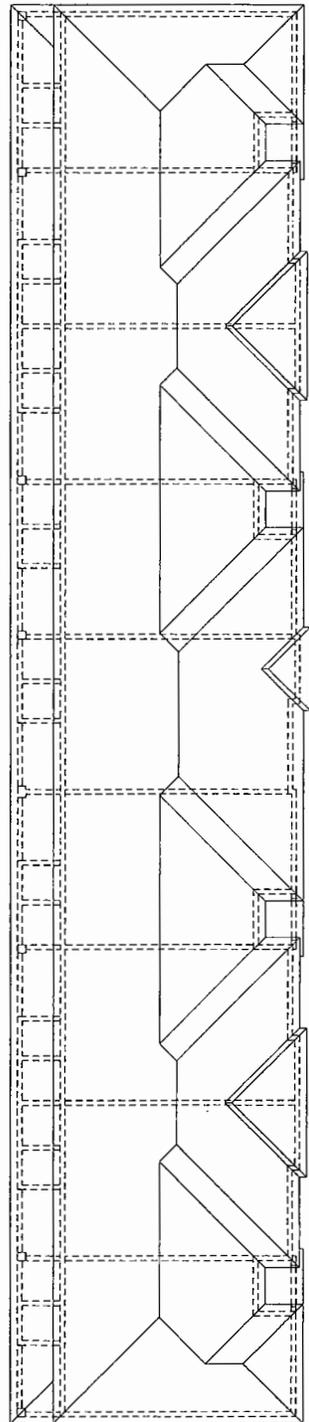
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

SIN

BUILDING TYPES

CLIENT BUILDING ROOF PLAN
 DATE: 10/2008
 SCALE: AS SHOWN
 DRAWN: AS / SP
 CHECK: PC
 JOB NO.: 300

A-15
 SHEET NO.:

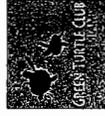


ROOF PLAN
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____



**PASCUAL
PREZ
KILIDDJIAN
& ASSOCIATES
ARCHITECTS - PLANNERS
& ENGINEERS**
 1000 NW 84th AVENUE
 SUITE 100, MIAMI, FLORIDA 33150
 TEL: (305) 551-1111
 FAX: (305) 551-1112
 WWW.PPKA.COM

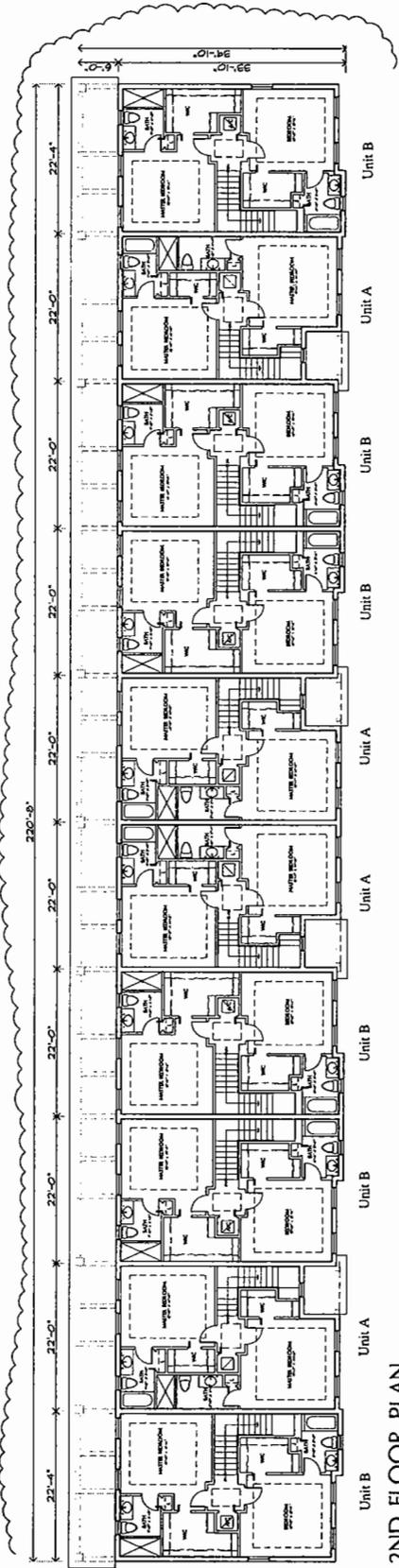
WYNN BUILDING CORP.
 1000 NW 84th AVENUE
 SUITE 100, MIAMI, FLORIDA 33150
 TEL: (305) 551-1111
 FAX: (305) 551-1112
 WWW.WYNNBUILDINGCORP.COM

GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

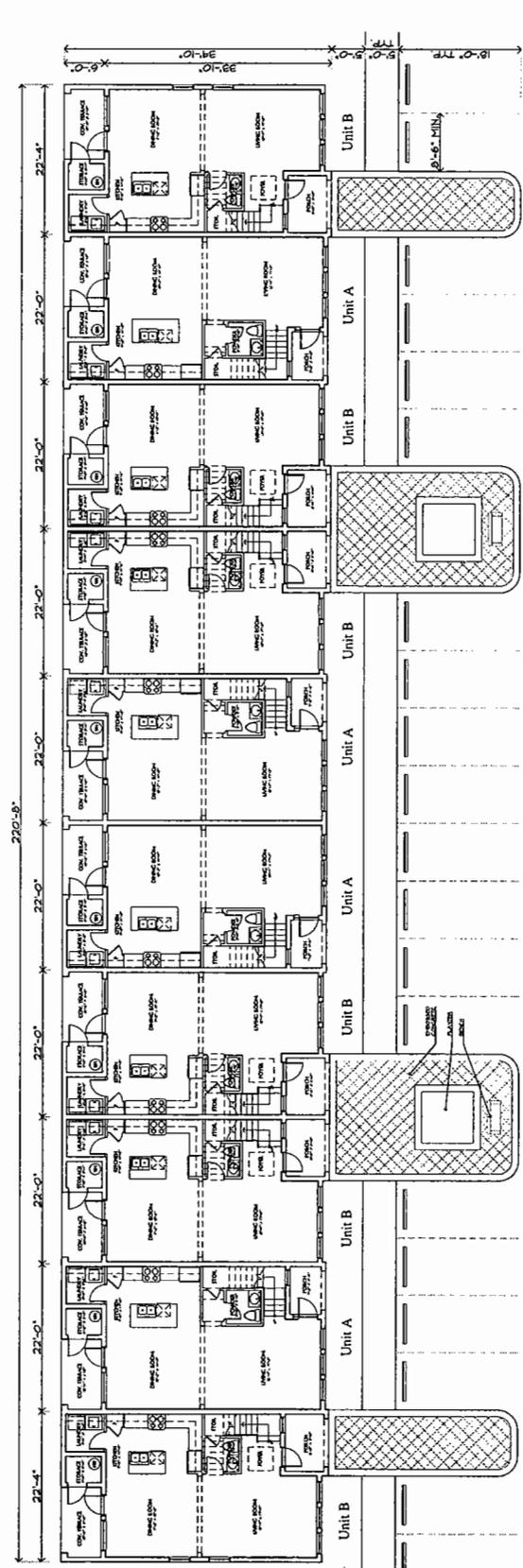
BUILDING TYPES

DATE: 10/11/08
 SCALE: AS SHOWN
 DRAWN: AS / SP
 CHECK: PPK
 JOB NO.: 000

A-17
 SHEET NO. 1



2ND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1ST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2009

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY



PASCUAL PEREZ KIJJIDIAN & ASSOCIATES ARCHITECTS - PLANNERS
 LICENSE # A-1 30003327
 1000 NW 10TH AVENUE
 SUITE 1000
 MIAMI, FLORIDA 33136
 TEL: (305) 576-1100
 FAX: (305) 576-1101
 WWW: www.pki.com
 PASCUAL PEREZ KIJJIDIAN & ASSOCIATES ARCHITECTS - PLANNERS
 1000 NW 10TH AVENUE
 SUITE 1000
 MIAMI, FLORIDA 33136
 TEL: (305) 576-1100
 FAX: (305) 576-1101
 WWW: www.pki.com

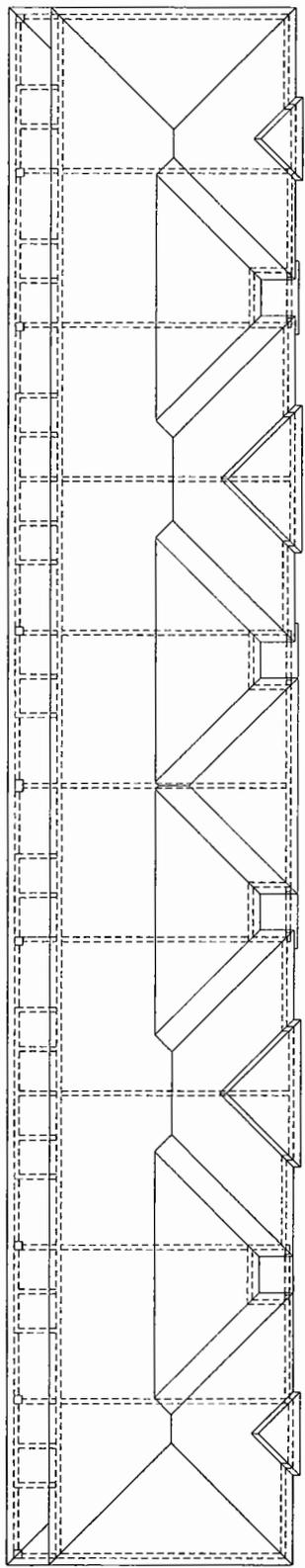
OWNER: BUILDING CORP.
 1000 NW 10TH AVE.
 SUITE 1000
 MIAMI, FLORIDA 33136
 TEL: (305) 576-1100
 FAX: (305) 576-1101
 WWW: www.pki.com

GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

SHEET NO. 1

BUILDING TYPES
 20 UNIT BUILDING
 ROOF PLAN
 DATE: 11/20/03
 SCALE: AS SHOWN
 DRAWN: AS / J/P
 CHECKED: PFC
 DESIGNED: PFC

A-18
 SHEET NO. 1



ROOF PLAN
 SCALE 1/8" = 1'-0"

RECEIVED
 MAY 10 2003

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

PASCUAL PEREZ KIUIDDIJIAN & ASSOCIATES ARCHITECTS • FURNERS UCHIRIE • P.A. 2002127
 LICENSE NO. PEREZ: 1414
 LICENSE NO. KIUIDDIJIAN: 1414
 AMALIO P. PASCUAL, P.A.
 PETER KIUIDDIJIAN, P.A.
 FREDERICK UCHIRIE, P.A.
 LICENSE NO.: 1414
 1715 S. PALM BEACH CENTER
 DRIVE, BOCA RATON, FLORIDA 33433
 TELEPHONE: (561) 365-3333
 FAX: (561) 365-3333
<http://www.ppkia.com>
 PASCUAL PEREZ KIUIDDIJIAN & ASSOCIATES ARCHITECTS • FURNERS UCHIRIE • P.A. 2002127
 LICENSE NO. PEREZ: 1414
 LICENSE NO. KIUIDDIJIAN: 1414
 AMALIO P. PASCUAL, P.A.
 PETER KIUIDDIJIAN, P.A.
 FREDERICK UCHIRIE, P.A.
 LICENSE NO.: 1414
 1715 S. PALM BEACH CENTER
 DRIVE, BOCA RATON, FLORIDA 33433
 TELEPHONE: (561) 365-3333
 FAX: (561) 365-3333
<http://www.ppkia.com>
 MIAMI, FLORIDA

OWNER: GREEN TURTLE CLUB
 1715 S. PALM BEACH CENTER
 DRIVE, BOCA RATON, FLORIDA 33433
 PROJECT NO.: 2002127
 CONTRACT NO.: 2002127-01

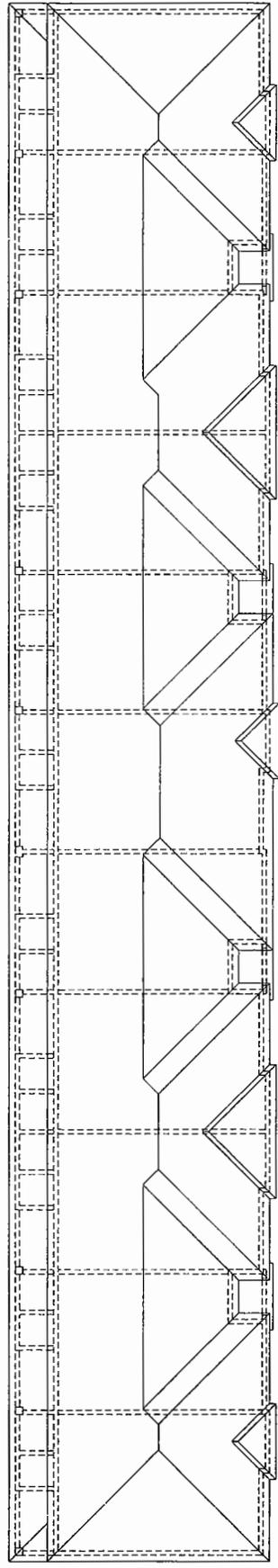
GREEN TURTLE CLUB
 BY WYNN BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

DATE: _____
 SCALE: _____
 DRAWN BY: _____
 CHECK BY: _____
 JOB NO.: _____

BUILDING TYPES

TITLE: GREEN TURTLE CLUB
 DATE: 10/20/07
 SCALE: AS SHOWN
 DRAWN BY: JSP
 CHECK BY: PPK
 JOB NO.: 2002127

A-21
 SHEET NO.:



ROOF PLAN
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 10 2009

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

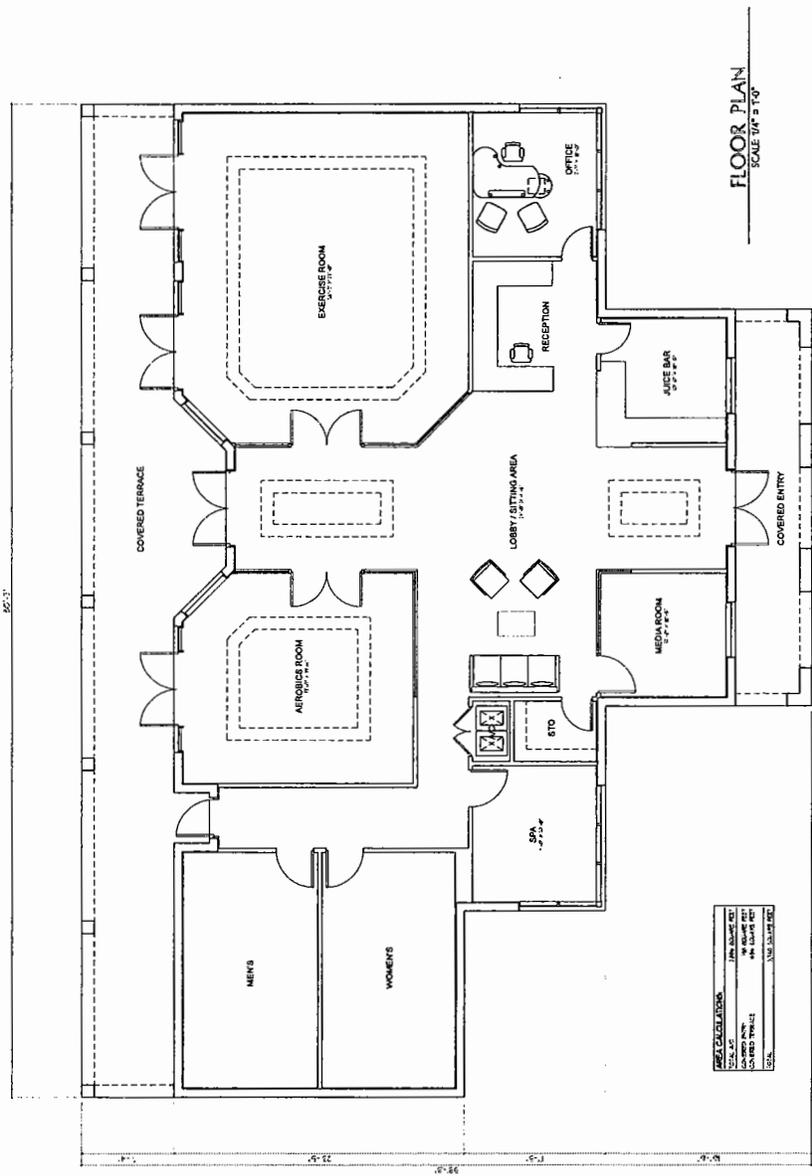
PASCUAL PEREZ KILUDDIAN ASSOCIATES
 ARCHITECTS PLANNERS
 10000 SW 15th Ave, Suite 100
 Miami, FL 33185
 (305) 551-1100
 www.ppk.com

BY WYNNE BUILDING CORP
 10000 SW 15th Ave, Suite 100
 Miami, FL 33185
 (305) 551-1100
 www.wynnebuilding.com

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

DATE: 05/10/2013
 SCALE: AS SHOWN
 DRAWN: JAC
 CHECKED: JAC
 DATE: 05/10/2013

SA-1
 SHEET NO.



FLOOR PLAN
 SCALE: 1/4" = 1'-0"

| | |
|----------------------|----------------------|
| COVERED TERRACE | 100.00 SQ FT |
| EMERGENCY ROOM | 100.00 SQ FT |
| AEROBICS ROOM | 100.00 SQ FT |
| LOBBY / WAITING AREA | 100.00 SQ FT |
| RECEPTION | 100.00 SQ FT |
| OFFICE | 100.00 SQ FT |
| JUICE BAR | 100.00 SQ FT |
| MEDIA ROOM | 100.00 SQ FT |
| STO | 100.00 SQ FT |
| SA | 100.00 SQ FT |
| MEN'S | 100.00 SQ FT |
| WOMEN'S | 100.00 SQ FT |
| TOTAL | 1000.00 SQ FT |

RECEIVED
 MAY 10 2013

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY

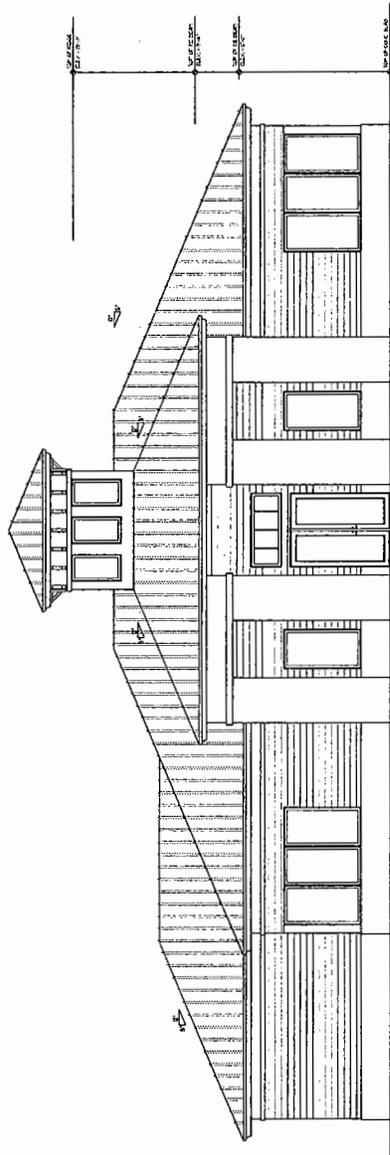
PASCUAL PEREZ KILODJIAN & ASSOCIATES ARCHITECTS, P.A.
 BOGARD PEREZ, AIA
 PASCUAL PEREZ, AIA
 JAMES P. PEREZ, AIA
 PETER KILODJIAN, AIA
 1100 NW 74th Avenue
 Coral Gables, FL 33156
 Phone: (305) 441-1100
 Fax: (305) 441-1101
 http://www.pki.com

DATE: 05/10/2009
 DRAWN BY: J. PEREZ
 CHECKED BY: P. PEREZ
 PROJECT: GREEN TURTLE CLUB

GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

| SITE AMENITIES | |
|----------------|------------|
| DATE: | 05/10/2009 |
| SCALE: | AS SHOWN |
| PROJECT NO.: | 09-0000 |
| DRAWING NO.: | SA-2 |

SA-2
 SHEET NO.



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"
RECEIVED
 MAY 10 2009

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE
 BY _____

PASCUAL PEREZ KILIDDJIAN
 ARCHITECTS, P.A.
 11111 N.W. 11th St., Suite 100
 Miami, FL 33157
 (305) 555-1111
 www.ppkiliddjian.com

GREEN TURTLE CLUB
 BY WYNNÉ BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

SITE PLAN

DATE: 05/10/2009

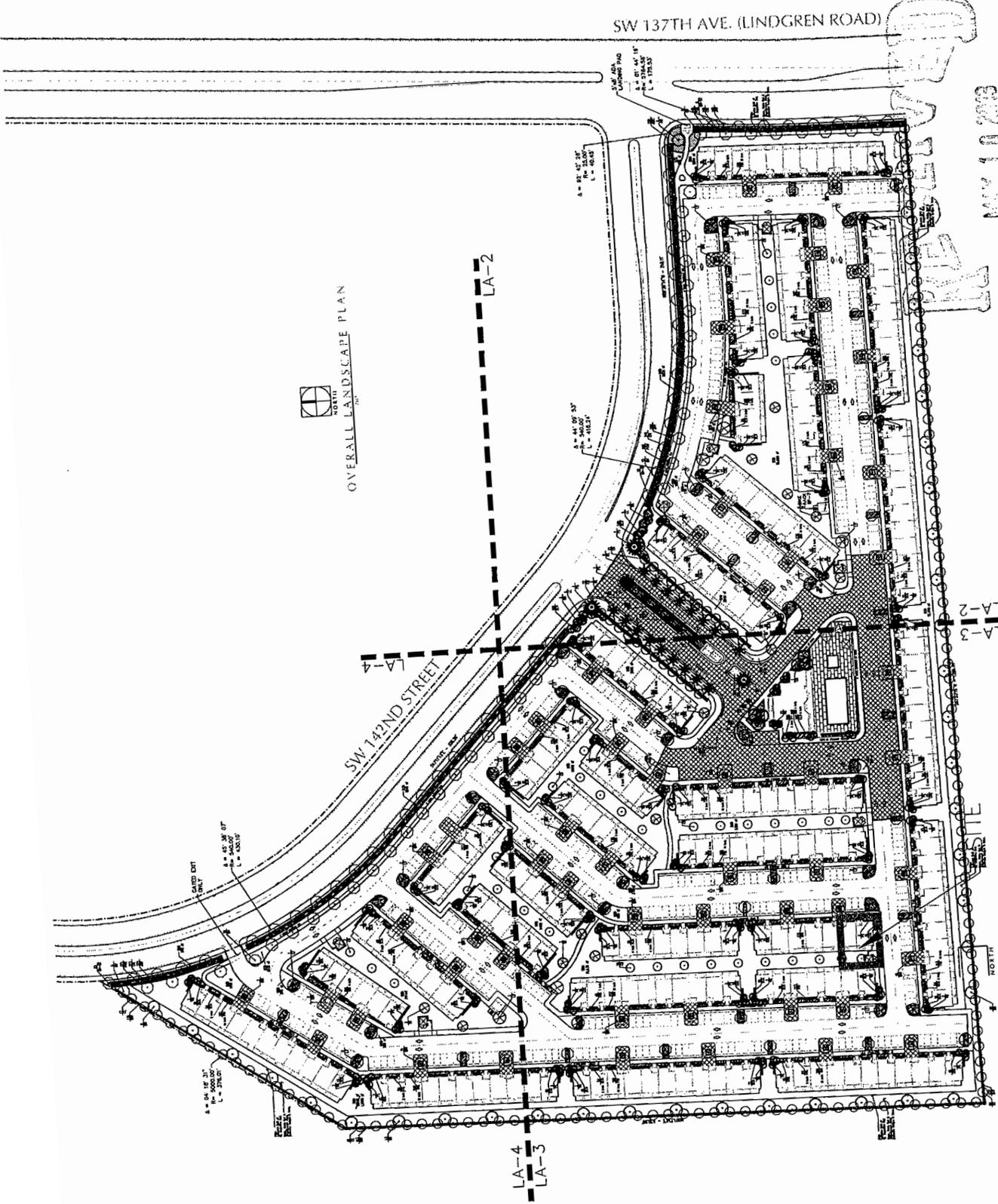
SCALE: AS SHOWN

PROJECT: GREEN TURTLE CLUB

LOCATION: SW 137th Ave. (Lindgren Road)

LA-1

SHEET 01



MAY 10 2009

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

BY _____

PASCUAL PEREZ KILIDDJIAN
 ARCHITECTS
 1401 S.W. 15TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33135
 TEL: 305.375.1111
 FAX: 305.375.1112
 WWW.PPKA.COM

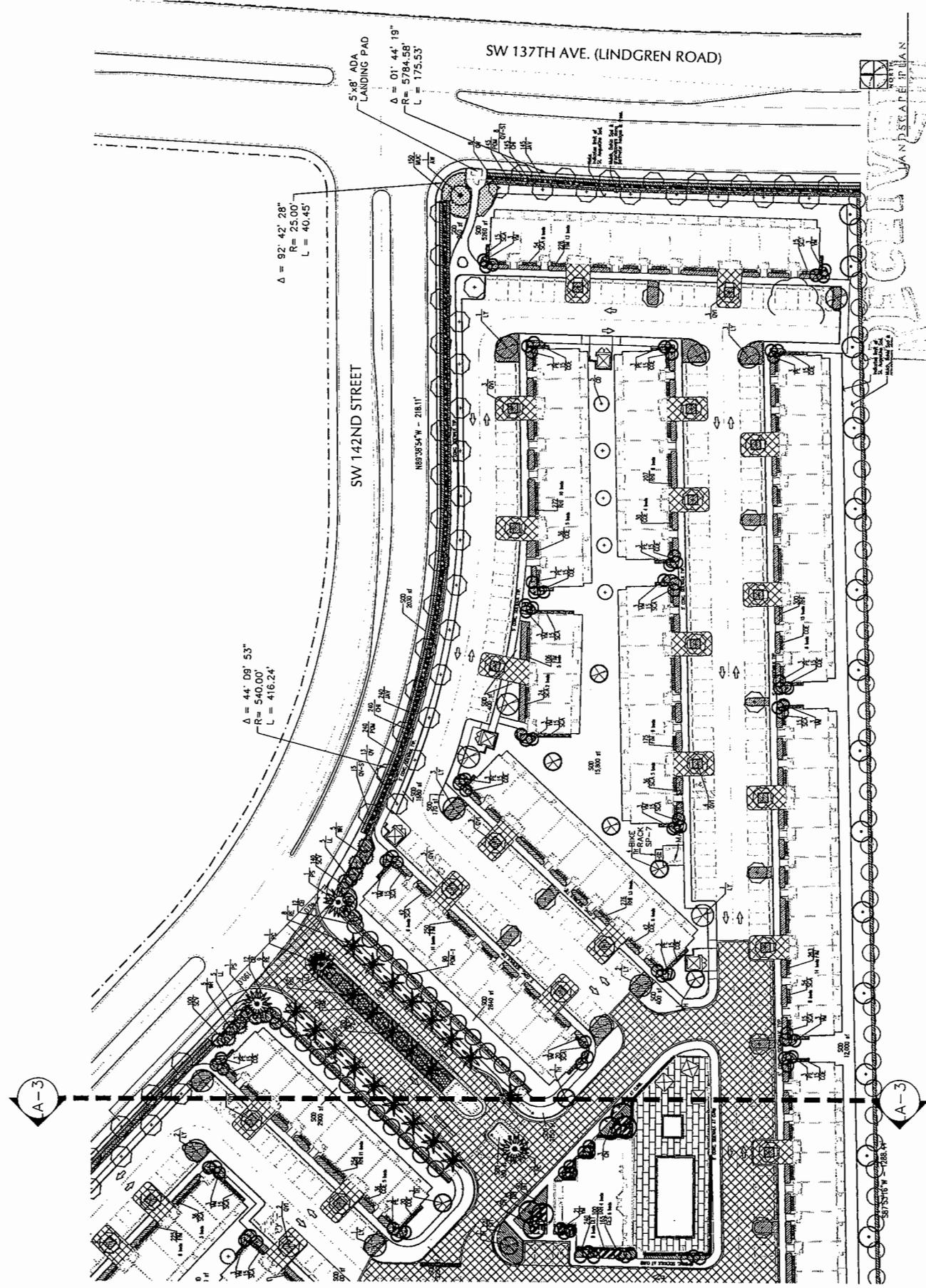
GREEN TURTLE CLUB
 BY WYNNE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA



SITE PLAN

| | | |
|----------|----------|----------|
| DATE | SCALE | AS SHOWN |
| 10/10/10 | AS SHOWN | AS SHOWN |
| 10/10/10 | AS SHOWN | AS SHOWN |
| 10/10/10 | AS SHOWN | AS SHOWN |

LA-2
 SHEET 101



LANDSCAPE PLAN
 MAY 10 2010

MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

73

PASCUAL PEREZ KLIDDJIAN
 ARCHITECTS
 1101 N.W. 11th St., Suite 100
 Fort Lauderdale, FL 33304
 Phone: (954) 561-1101
 Fax: (954) 561-1102
 Website: www.pascalperezkliddjian.com

GREEN TURTLE CLUB
 BY WYNNIE BUILDING CORPORATION
 MIAMI-DADE, FLORIDA

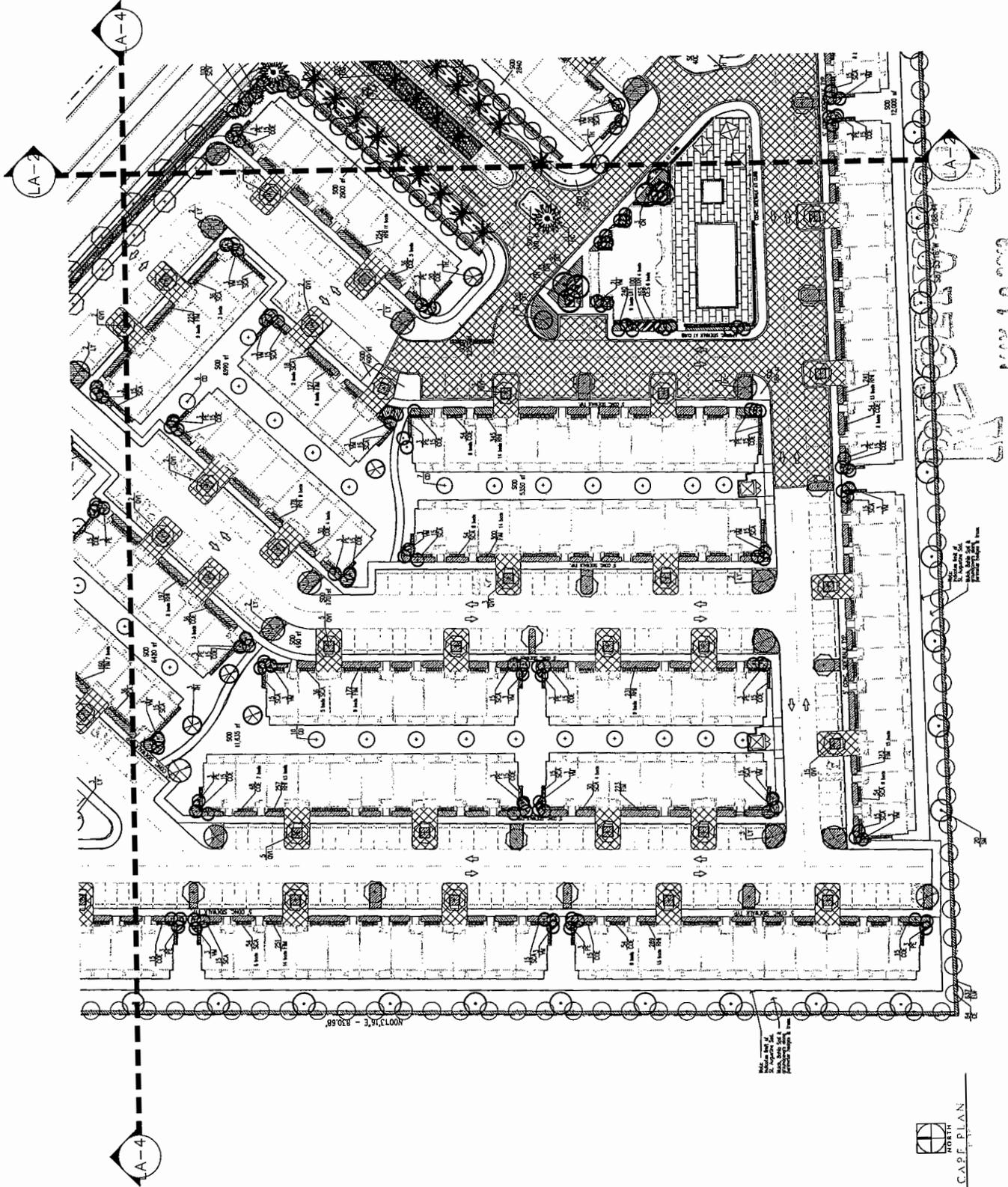


SITE PLAN

| | |
|----------|----------|
| PROJECT | LA-3 |
| DATE | AS SHOWN |
| SCALE | AS SHOWN |
| DESIGNER | PK |
| DATE | PK |

LA-3

SHEET NO.



LANDSCAPE PLAN

MAY 10 2009
 MIAMI-DADE COUNTY
 DEPT. OF PLANNING & ZONING
 DEVELOPMENTAL IMPACT COMMITTEE

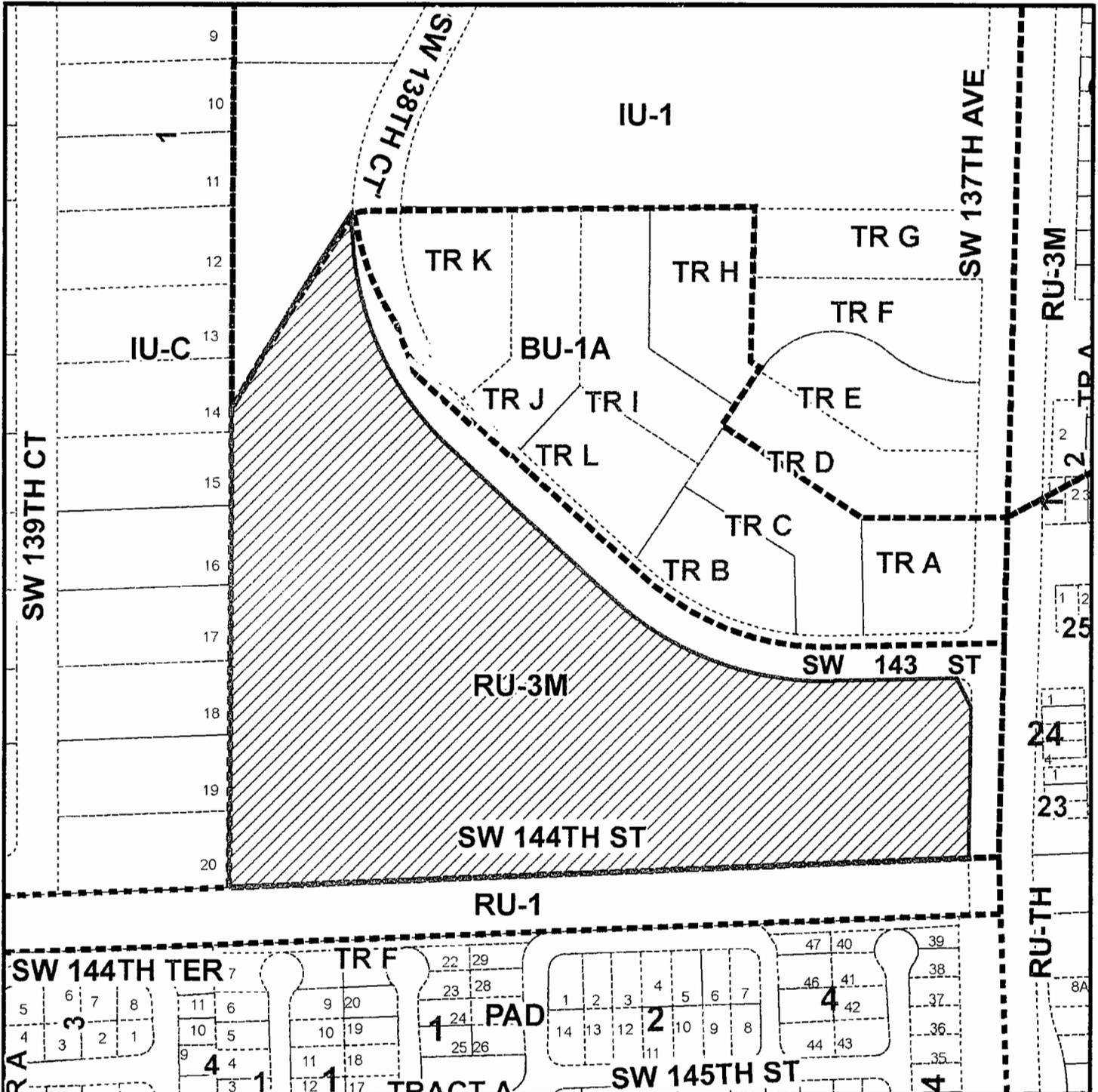
RECEIVED
212-149
DEC 05 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AA

Interests in Wynne Building Corporation

Percentage of Interest

| | |
|--|-----|
| Joel F. Wynne 8000 South US 1, Suite 402 Port St. Lucie, FL 34952 | 50% |
| Matthew L. Wynne 8000 South US 1, Suite 402 Port St. Lucie, FL 34952 | 20% |
| Eric P. Wynne 8000 South US 1, Suite 402 Port St. Lucie, FL 34952 | 20% |
| Harvey A. Newman 8000 South US 1, Suite 402 Port St. Lucie, FL 34952 | 10% |

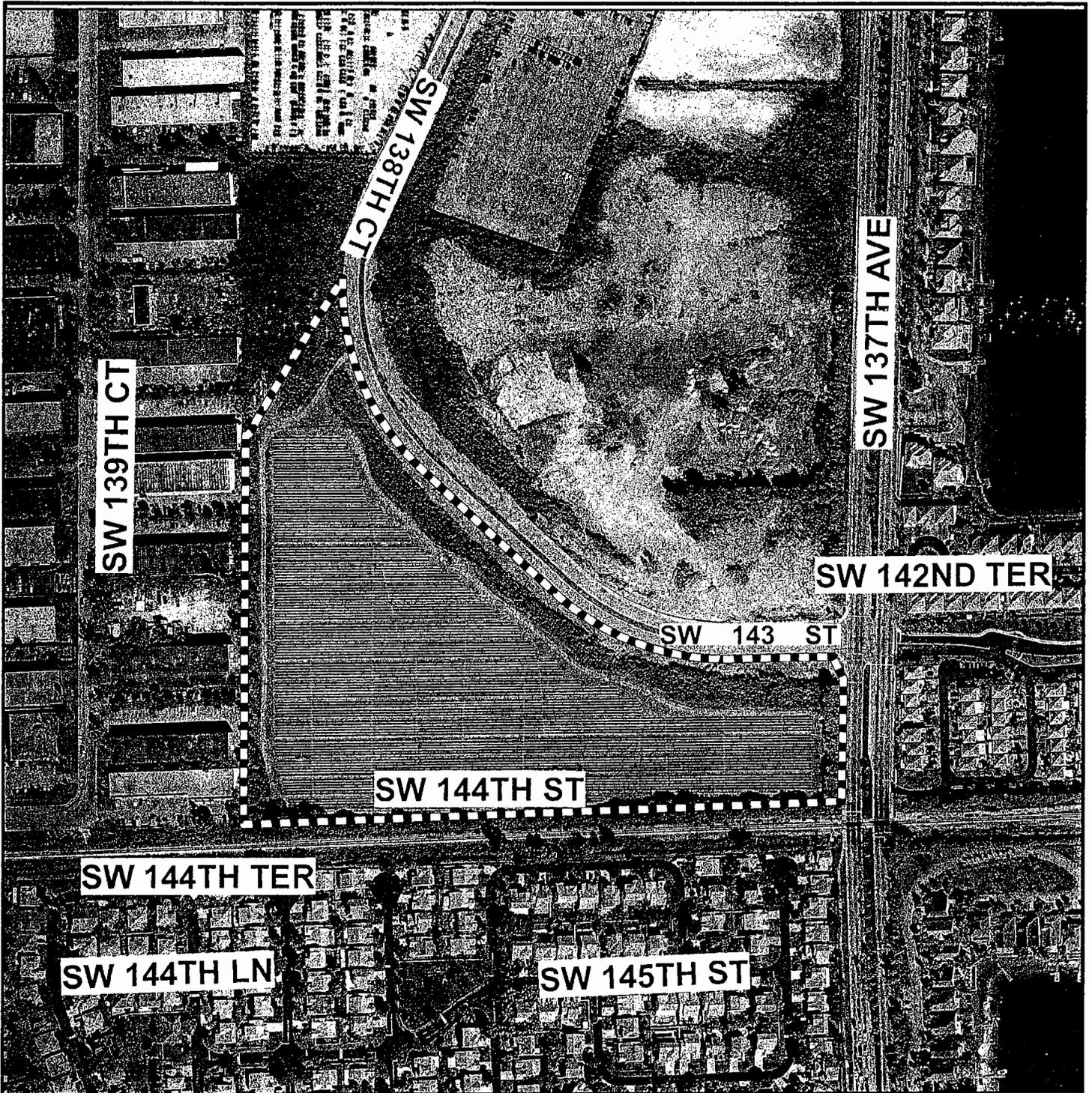


MIAMI-DADE COUNTY Process Number
HEARING MAP **Z2012000149**

Section: 22 Township: 55 Range: 39
 Applicant: WYNNE BUILDING CORPORATION
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case

MIAMI-DADE COUNTY



MIAMI-DADE COUNTY
 AERIAL YEAR 2012

Process Number

Z2012000149



Section: 22 Township: 55 Range: 39
 Applicant: WYNNE BUILDING CORPORATION
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

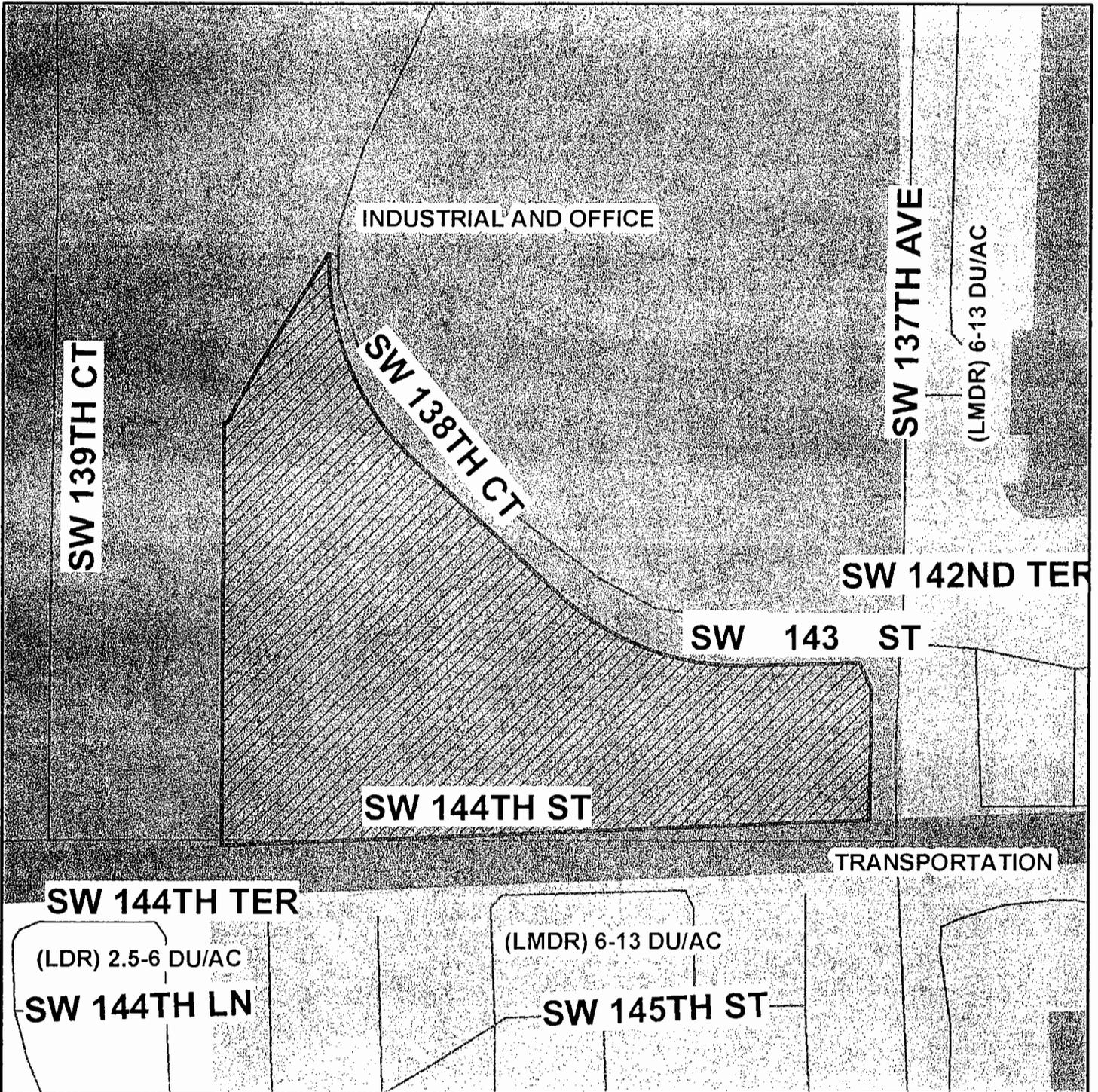
Legend

 Subject Property



SKETCH CREATED ON: Tuesday, December 18, 2012

| REVISION | DATE | BY |
|----------|------|----|
| | | 80 |



MIAMI-DADE COUNTY

Process Number

CDMP MAP

Z2012000149



Section: 22 Township: 55 Range: 39
 Applicant: WYNNE BUILDING CORPORATION
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, December 18, 2012

| REVISION | DATE | BY |
|----------|------|----|
| | | |

Received by
Zoning Agenda Coordinator

JUL 12 2013

Revised covenant
Wynne Building Corp (12-149)
CM 7/23/13

This instrument was prepared by:

Name: Graham Penn, Esq.

Address: Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, FL 33131

(Space reserved for Clerk)

MODIFIED DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Wynne Building Corporation (the "Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto, and hereinafter called the "Property," which is supported by the submitted attorney's opinion, and

WHEREAS, the Owner's predecessor in interest recorded a "Declaration of Restrictions" recorded at Official Record Book 26099, Pages 3925 through 3931 of the public records of Miami-Dade County, Florida (the "Existing Covenant");

WHEREAS, the Owner filed Zoning Application No. 12-149 (the "Application"), in part seeking to modify the Existing Covenant;

WHEREAS, Community Zoning Appeals Board 11, through Resolution CZAB11-xx-13 approved the modification of the Existing Covenant;

WHEREAS, the Existing Covenant is hereby modified to read as follows:

IN ORDER TO ASSURE the **County** that the representations made by the Owner during consideration of Public Hearing No. 12-149 will be abided by the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. Controlling Site Plan. The Property shall be developed substantially in accordance with the site plan entitled "Green Turtle Club" as prepared by Pascual Perez Kiliddjian Associates consisting of thirty-five (35) sheets and dated May 13, 2013. Said plans being

(Public Hearing)

(Space reserved for Clerk)

on file with the Miami-Dade County Regulatory and Economic Resources Department, and by reference made a part of the agreement.

2. Residential Density Restriction / Severable Use Rights. The maximum number of dwelling units on the Property shall be a total of 256 units. The purchase of up to thirty-six (36) severable use rights (SURs) shall be required.

3. Compliance with Miami-Dade Aviation Department's No School Zone ("NSZ"), Outer District ("OLZ"), and Outer Safety Zone ("OSZ") Regulations. The Owner will comply with Miami-Dade County's "Kendall Tamiami Executive Airport Zoning Ordinance" (Article XL, Section 33-388 through 33-405 of the Miami-Dade County Code). Any residential buildings on the Property within the OLZ zone shall incorporate at least a 25 db noise level reduction into the design and construction of the structure. No residential units or places of public assembly shall be developed on any portion of the Property within the OSZ. No educational facilities shall be developed on the Property.

4. Compliance with Developmental Impact Committee Requirements. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Miami-Dade County Departments as contained in the Departmental memoranda that are part of the record of the June 25, 2013 Developmental Impact Committee meeting and incorporated herein by reference.

5. County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

(Space reserved for Clerk)

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

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

8. Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

9. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the

(Space reserved for Clerk)

services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

11. 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.

12. 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.

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

14. 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

(Space reserved for Clerk)

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 Environment Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

15. Acceptance of Declaration. The Owner acknowledges that 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 Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

16. Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT CORPORATION

Signed, witnessed, executed and acknowledged on this 3 day of July, 2013.

IN WITNESS WHEREOF, **Wynne Building Corporation** has caused these presents to be signed in its name by its proper officials.

Witnesses:

[Signature]
 Signature
Arturo Conacho
 Print Name

[Signature]
 Signature
Arturo Conacho
 Print Name

Wynne Building Corporation

Address:
8000 South US 1, Suite 402
Port Saint Lucie, FL 34952

By *[Signature]*

Print Name: Joel Wynne
President

STATE OF FLORIDA

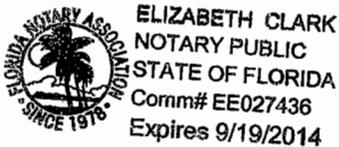
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Joel Wynne on behalf of Wynne Building Corporation. He/she is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 3rd day of JULY, 2013, in the County and State aforesaid.

[Signature]
 Signature
 Notary Public-State of FLORIDA
ELIZABETH CLARK
 Print Name

My Commission Expires:



**EXHIBIT A
GREEN TURTLE CLUB
LEGAL DESCRIPTION**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 22, THENCE RUN SOUTH 87° 53' 16" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22 FOR A DISTANCE OF 52.44 TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE SOUTH 87° 53' 16" WEST ALONG THE PREVIOUSLY DESCRIBED LINE FOR A DISTANCE OF 1288.44 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 22 SAID LINE ALSO BEING THE EAST LINE OF TAMIAR INDUSTRIAL PARK SECTION 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, AT PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN NORTH 00° 13' 16" EAST ALONG THE PREVIOUSLY DESCRIBED LINE FOR A DISTANCE OF 830.68 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARS SOUTH 54° 04' 17" EAST FROM THE CENTER OF SAID CURVE; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS AND A RADIUS OF 5000.00 FEET AND A CENTRAL ANGLE OF 04° 18' 31" FOR AN ARC DISTANCE OF 376.01 FEET TO THE CUSP OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, SAID POINT BEARS SOUTH 88° 26' 54" WEST FROM THE CENTER OF SAID CURVE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 45° 38' 07", FOR AN ARC DISTANCE OF 430.10 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 47° 11' 13" EAST FOR A DISTANCE OF 386.26 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE RUN SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 44° 09' 53" FOR AN ARC DISTANCE OF 416.24 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 88° 38' 54" EAST FOR A DISTANCE OF 218.11 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 92° 42' 28" FOR AN ARC DISTANCE OF 40.45 FEET TO A POINT ON A LINE PARALLEL WITH AND 55.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLE, THE EAST LINE OF SAID SECTION 22, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF S.W. 137TH AVENUE; THENCE SOUTH 01° 21' 22" WEST ALONG THE PREVIOUSLY DESCRIBED LINE FOR 112.01 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 5784.58 FEET AND A CENTRAL ANGLE OF 01° 44' 19", FOR AN ARC DISTANCE OF 175.53 FEET TO THE POINT OF BEGINNING.