7-29-2009 Version # 1

BOARD OF COUNTY COMMISSIONERS

ZONING HEARINGS

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

111 NW 1 Street, Miami

Thursday, September 3, 2009 at 9:30 a.m.

APPEALS

						DISTRICT
1.	08-1-CZ14-3	EUREKA BUILDERS 184, LLC	06-309	31-55-40	N	9

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, SEPTEMBER 3, 2009

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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1. EUREKA BUILDERS 184 L. L. C. (08-1-CZ14-3/06-309) **31-55-40**
Area 14/District 9

The applicant is appealing the decision of Community Zoning Appeals Board #14 which denied with prejudice the following:

AU to RU-TH

LOCATION: 18201 S.W. 112 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.13 Acres

Department of Planning and
Zoning Recommendation: Approval of the appeal and approval, of the request to change the zoning on the property from AU to RU-TH.

Protests: 0 Waivers: 0

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

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

DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

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

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

1. **EUREKA BUILDERS 184, LLC** (Applicant)

08-1-CZ14-3 (06-309)
Area BCC/District 9
Hearing Date: 09/03/09

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

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
	No History			

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANTS: Eureka Builders 184 LLC **PH:** Z06-309 (08-1-CZ14-3)

SECTION: 31-55-40 **DATE:** September 3, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 1

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A. INTRODUCTION:

- **REQUEST:**

  Eureka Builders 184 LLC is appealing the decision of the Community Zoning Appeals Board #14 which denied with prejudice the following:

  AU to RU-TH

- **SUMMARY OF REQUEST:** The applicant is appealing the decision of Community Zoning Appeals Board #14 which denied a zone change from AU, Agricultural District, to RU-TH, Townhouse District, in order to develop the property with townhouses.

- **LOCATION:** 18201 SW 112 Avenue, Miami-Dade County, Florida.

- **SIZE:** 1.13 Acres

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. This site is located approximately **five (5) miles east of and within the Urban Development Boundary** (UDB.) The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
AU; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
SURROUNDING PROPERTY:	
NORTH: AU; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
SOUTH: AU; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
EAST: AU; Single-family residence	Low-Medium Density Residential, 6 to 13 dua
WEST: RU-1; Commercial parking lot	Low Density Residential, 2.5 to 6 dua

E. SITE AND BUILDINGS:

Site Plan Review:	(No site plan submitted.)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**N/A**
Compatibility:	**Acceptable**
Landscape Treatment:	**N/A**
Open Space:	**N/A**
Buffering:	**N/A**
Access:	**Acceptable**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change,** 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.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection**
Parks	**No objection**
MDTA	**No objection**
Fire Rescue	**No objection**
Police	**No objection**
Schools	**No objection/9 students**

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The applicant, Eureka Builders 184 LLC, is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on January 30, 2008, denied with prejudice their application for a district boundary change from AU, Agricultural District, to RU-TH, Townhouse District, pursuant to Resolution No. CZAB14-4-08. On February 15, 2008, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the request to rezone the property was not based on substantial competent evidence introduced on the record to support a denial of the application. Staff notes, however, that all existing uses and zoning are consistent with the CDMP and, as such, the CZAB-14's decision to deny this application and retain the existing AU zoning on the property is consistent with the CDMP.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low-Medium Density Residential** use, which permits a minimum of 6 to a maximum of 13 dwelling units per acre. This would produce an allowable numerical density threshold of a minimum of 6 to a maximum of 14 on the 1.13-acre site. Although no plans have been submitted with this application, if the requested zone change to RU-TH is approved, the applicant will be required to apply go through the Administrative Site Plan Review (ASPR) process for departmental review and approval for a townhouse development on this site in accordance with the zoning regulations. The requested RU-TH zoning district would allow the applicant to develop the site at a density of a maximum of 8.5 units per gross acre, or up to 10 units per acre when utilizing Severable Use Rights (SUR's), both of which are within the density range permitted for the site and thus **consistent** with the LUP map Low-Medium Residential designation of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicants will have to comply with all conditions set forth in their memorandum. The Public Works Department **(PWD)** has **no objections** to this application. Their memorandum indicates that this application will generate **6** additional PM daily peak hour **vehicle**

trips, however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways which are currently operating at LOS "A", "B", "C", and "D". Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County and road dedications and improvements will be accomplished through the recording of a plat. The Miami-Dade Fire Rescue Department **(MDFR)** has **no objections** to this application. Miami-Dade County Public Schools **(MDCPS)** also has **no objections** to this application and indicates that the proposed zoning will bring **9 additional students** into the area's public schools. Additionally, MDCPS indicates that the applicant and the School Board have held the required dialogue.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed rezoning to RU-TH is **consistent** with the Low-Medium Density Residential LUP Map designation of the CDMP. This project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the proposed development does not unduly burden or affect public transportation facilities as indicated in the PWD's memorandum submitted for this application, as the proposed residential development will be readily accessible by SW 112 Avenue, a half-section-line roadway, which leads to SW 184 Street which is a section-line roadway, and has direct, proximate access to the Florida Turnpike (SR #821) and is less than 1 mile to the west of South Dixie Highway (US #1). Although there is no contiguous RU-TH zoning to the subject property, as previously mentioned, the subject property abuts RU-1 zoned land to the west across SW 112 Avenue. This RU-1 zoned land was approved in 1989 for an unusual use to permit parking in a more restrictive zone than the use it serves, pursuant to Resolution No. Z-220-89. As such, although zoned for residential use, the site currently serves as a parking lot for a two-story office building located on SW 184 Street (Eureka Drive), and as such, the approval of the townhouses on the subject property would not negatively impact the RU-1 zoned land to the west. Further, although the subject property is neighbored to the north, south and west by AU-zoned properties, the subject property is part of a remnant 19-acre AU zoned parcel of land that extends from SW 180 Street to SW 184 Street and from SW 112 Avenue to SW 110 Avenue. Of this 19-acre, AU zoned parcel of land, 4 acres have been utilized for an educational and religious facility along SW 184 Street, an additional 1.25 acres have been utilized for another religious institution and residential zoning has already been introduced on a 1.25 acre parcel to the north along SW 180 Street for RU-1M(b) zoning. Thus the 1.13-acre subject property is a part of the remaining 12.5-acre swath of AU zoned land, which in staff's opinion has become less common in this area which is no longer agricultural in nature.

The requested RU-TH zoning would permit the residential development of townhouses, which, as evidenced by recent zoning actions, appear to be the development trend in the area. Once rezoned to RU-TH, if the applicant chooses to utilize SUR's, the site would achieve a density bonus from 8.5 units per net acre to a maximum of 10 units per net acre. Currently under construction on a 10 acre property located approximately 371 feet to the east of the subject property is a 94-unit townhouse development which was approved in 2004 for a zone change from AU to RU-TH, pursuant to Resolution No. CZAB14-29-04 that will be developed utilizing SUR's at a density of 9.74 units per net acre. Further to the east of the subject property, and abutting the abovementioned townhouse development, a 4 gross acre property was approved for a zone change from AU to RU-TH in lieu of the initially sought RU-3M, Minimum Apartment House District, pursuant to Resolution No. Z-20-04. Additionally, located 0.1 mile (525 feet) to the southeast of the subject property, a 2 net acre parcel of land fronting on SW 184 Street was approved for a district boundary change from AU to RU-3M,

pursuant to Resolution No. CZAB14-40-05. This property utilized the RU-3M permitted density of 12.9 units per acre for a townhouse development and was approved with a plan depicting 21 townhouses at a density of 10.3 units per net acre. Therefore, the development of the subject property for townhouses under the proposed RU-TH zoning regulations would be compatible with these previous approvals. As previously mentioned, the proposed development is within the density threshold of the LUP map of the CDMP. Based on all of the aforementioned, staff is of the opinion that the request for a zone change to RU-TH is **compatible** with the area. Accordingly, staff recommends approval of the district boundary change from AU to RU-TH.

Based on all of the aforementioned, staff is of the opinion that the proposed zone change to RU-TH will be in keeping with the development trend of the area, will be **compatible** with the surrounding community and **consistent** with the Land Use Plan map of the CDMP. Accordingly, staff recommends approval of the appeal and recommends approval of the district boundary change from AU to RU-TH.

I. **RECOMMENDATION:** Approval of the appeal and approval, of the request to change the zoning on the property from AU to RU-TH.

J. **CONDITIONS**: None.

DATE INSPECTED: 11/28/07
DATE TYPED: 12/10/07
DATE REVISED: 12/18/07; 03/12/08; 03/31/08, 07/20/09, 08/20/09
DATE FINALIZED: 08/04/09, 08/20/09
MCL:NN:AA:CH

Marc C. La Ferrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

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

CHECKED BY GAL AMOUNT OF FEE $1,574.09 Z06-309

RECEIPT # I 2008 24793

DATE HEARD: **01/30/08**

BY CZAB # **CZAB14**

RECEIVED
FEB 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
DATE RECEIVED STAMP

****

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

RE: Hearing No. **Z06-309**

Filed in the name of (Applicant) **Eureka Builders 184, LLC**

Name of Appellant, if other than applicant **same**

Address/Location of APPELLANT'S property: **18201 Southwest 112th Avenue**

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

Appellant (name): **Eureka Builders 184, LLC**
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reverse) of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

Lack of substantial competent evidence to support a denial of the application.

RECEIVED
Z06-309
FEB 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING
BY

MIA 179595882v2 4/23/2007

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

STATE OF **Florida**

COUNTY OF **Miami-Dade**

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

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

Signature

PATRICIA TEDESCHI
Print Name

Signature

JOSE FERNANDEZ
Print Name

Appellant's signature
By: Manuel Mario Guevara
Eureka Builders 184, LLC
Print Name

Sworn to and subscribed before me on the 15 day of February year 2008.

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

RECEIVED
206-309
FEB 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Notary (Stamp/Seal)

Commission Expires:

EDUARDO A. MANZANARES
Notary Public - State of Florida
My Commission Expires Feb 17, 2008
Commission # DD291829
Bonded By National Notary Assn.

MIA 179595882v2 4/23/2007

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APPELLANT MUST SIGN THIS PAGE

Date _____ day of February, year: 2008

Signed _____

By: Manuel Mario Guevara
Eureka Builders 184, LLC
1290 Weston Road, Suite 214
Weston, Florida 33326

REPRESENTATIVE'S AFFIDAVIT

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

_____
Representing

_____
Signature

Simon Ferro
Print Name

1221 Brickell Avenue
Address

Miami | Fl | 33131
City | State | Zip

(305)579-0644
Telephone Number

Subscribed and Sworn to before me on the 15 day of February, year 2008.

_____
Notary Public

(stamp/seal)

Commission Expires

EDUARDO A. MANZANARES
Notary Public - State of Florida
My Commission Expires Feb 17, 2008
Commission # DD291829
Bonded By National Notary Assn.

RECEIVED
206-309
FEB 15 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

MIA 179595882v2 4/23/2007

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RESOLUTION NO. CZAB14-4-08

WHEREAS, **EUREKA BUILDERS 184 L. L. C.** applied for the following:

AU to RU-TH

SUBJECT PROPERTY: The north 163.16′ of the NW ¼ of the SW ¼ of the SW ¼ of the SE ¼ of Section 31, Township 55 South, Range 40 East, less the west 35′ for right-of-way and less the south 75′ of the west 155′ excluding the west 35′ for right-of-way thereof. AND: The south 75′ of the west 155′ of the north 163.16′ of the NW ¼ of the SW ¼ of the SW ¼ of the SE ¼ of Section 31, Township 55 South, Range 40 East, less the west 35′ for right-of-way.

LOCATION: 18201 S.W. 112 Avenue, Miami-Dade County, Florida, and

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

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

WHEREAS, a motion to deny the application with prejudice was offered by Dawn Lee Blakeslee, seconded by Wilbur B. Bell, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	aye	Gary J. Dufek	aye
Dawn Lee Blakeslee	aye	Dr. Pat Wade	aye

Curtis Lawrence aye

NOW THEREFORE BE IT RESOLVED, by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to RU-TH be and the same is hereby denied with prejudice.

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

PASSED AND ADOPTED this 30th day of January, 2008.

Hearing No. 08-1-CZ14-3
ls

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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-4-08 adopted by said Community Zoning Appeals Board at its meeting held on the 30th day of January 2008.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 5th day of February 2008.

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

SEAL

Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2007

To: Subrata Basu, AIA, AICP, Interim Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

Subject: C-14 #Z2006000309-2nd Revision
Eureka Builders 184, LLC
18201 and 18251 S.W. 112th Avenue
District Boundary Change from AU to RU-3M
(AU) (1.25 Acres)
31-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same 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 alternative means of sewage disposal. Use of an alternative 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

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

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 by DERM for this proposed development order.

Pollution Remediation
The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in 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 Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary
DERM has conducted a concurrency review 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 DERM's written approval, as required by the Code.

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

cc: Lynne Talleda, Zoning Evaluation - P&Z
Ron Connally, Zoning Hearings - P&Z
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

REVISION 2
PH# Z2006000309
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:EUREKA BUILDERS 184, LLC

This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 6 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal 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
9728	SW 107 Ave. s/o SW 160 St.	D	D
9732	Marlin Rd. n/o US-1	C	C
9882	SW 186 St. e/o SW 107 Ave.	B	B
9876	SW 184 St. w/o SW 117 Ave.	A	A

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.

Raul A Pino, P.L.S.
27-NOV-07

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

January 25, 2008

Received by
Zoning Agenda Coordinator
MAR 31 2008

Ms. Maria Teresa Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Received by
Zoning Agenda Coordinator
MAR 31 2008

Re: No. 06-309, Eureka Builders 184, LLC
Southwest Corner of SW 112 Avenue and SW 170 Terrace

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities, Homestead Middle School and South Dade Senior High School, meet the referenced review threshold (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.

At the time of dialogue, the applicant expressed a willingness to proffer a Covenant to provide a monetary donation, over and above impact fees, to the School Board. However, the applicant has since withdrawn the proffer to the School Board. As such, in accordance with the Review Criteria established by the Board, the School District is requesting that the application be denied or deferred until such time as the applicant is able to address the impact of the proposed residential development on public schools in the area.

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

> New residential unit square footage X .90 (Square Footage Fee) + $600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 10-unit development is estimated to generate approximately $19,500 ($1,950 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development and meet the referenced threshold.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Corina S. Esquijarosa
Coordinator III

CSE:rr
L-362
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION:	No. 06-309, Eureka Builders 184 LLC (CC14)
REQUEST:	Zone change from AU to RU-3M
ACRES:	1.13 acres
LOCATIONS:	18201 SW 112 Avenue
MSA/ MULTIPLIER:	5.8/.73
NUMBER OF UNITS:	10 units
ESTIMATED STUDENT POPULATION:	7 students*
ELEMENTARY:	3
MIDDLE:	2
SENIOR:	2

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY:	Pine Lake Elementary - 16700 SW 109 Ave.
MIDDLE:	Richmond Heights Middle – 15015 SW 103 Ave.
SENIOR HIGH:	Miami Southridge Senior -19355 SW 114 Avenue

All schools are located in Regional Center VI

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of September 2006:

	STUDENT POPULATION		FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE
Pine Lake Elementary	567		638	89%	18	86%
	570	*		89%		87%
Richmond Heights Middle	1,318		1,145	115%	158	101%
	1,320	*		115%		101%
Miami Southridge Senior	3,682		2,662	138%	190	**129%**
	3,684	*		138%		**129%**

* increased student population as a result of the proposed development.

Notes:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the senior high school meets the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA
(information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006:
Projects in Planning, Design or Construction

School	Status	Projected Occupancy Date
Jorge Mas Canosa Middle/ State School "YY1" (Redland, Hammocks, Ammons and Richmond Heights Middle School Relief) (2232 student stations)	Construction	School Opening 2007
K-8 Conversion at F. C. Martin Elementary School (Richmond Heights Middle School Relief) (675 student stations)	Construction	School Opening 2007

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	638
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	4052
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	2662

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to $6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total $45,843.

CAPITAL COSTS: Based on the State's March-2007 student station cost factors*, capital

costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	does not meet review threshold				
MIDDLE	does not meet review threshold				
SENIOR HIGH	2	x	$25,803	=	$51,606
Total Potential Capital Cost					$51,606

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

REVISION 2

Memorandum

Date: 10-DEC-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2006000309

Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated May 22, 2007.
APPROVAL
Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped November 14, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.
This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2006000309
located at 18201 S.W. 112 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2144 is proposed as the following:

10 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: 2.7 alarms-annually.
The estimated average travel time is: 7:30 minutes

Existing services:

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

Station 50 - Perrine - 9798 Hibiscus Street
Rescue.

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 plans date stamped November 14, 2007. Substantial changes to the plans will require additional service impact analysis.

OFFICE of NEIGHBORHOOD COMPLIANCE

KENDALL OFFICE
ENFORCEMENT HISTORY

APPLICANT EUREKA BUILDERS 184, LLC	**ADDRESS** 18201 SW 112 AVENUE MIAMI-DADE COUNTY, FLORIDA
07-22-09 **INSPECTION DATE**	Z2006000309 **HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:
200902009287 CLOSED (PROPERTY APPEARS CLEAR OF VIOLATIONS FROM FRONT OF PROPERTY. NO ACCESS TO REAR. DEBRIS PILE ON ROW IN FRONT OF PROPERTY WAS REFER TO SOLID WASTE DEPT).

200702014318 CLOSED ENF HISTORY.

200702013205 CLOSED ENF HISTORY.

200602011292 CLOSED ENF HISTORY.

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DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: Eureka Builders 184, LLC

NAME, ADDRESS AND OFFICE	Percentage of Stock
Manuel Mario Guevara	50%
Luis Ayala	50%
1290 Weston Road, Suite 214	
Weston, FL 33326	

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME: _____

NAME AND ADDRESS	Percentage of Stock

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

NAME OF PURCHASER: _____

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

_____ _____

_____ _____

Date of contract: _____

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

_____

_____

NOTICE: For changes of ownership or changes in purchase contracts after the date of 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: _____

Manuel Mario Guevara

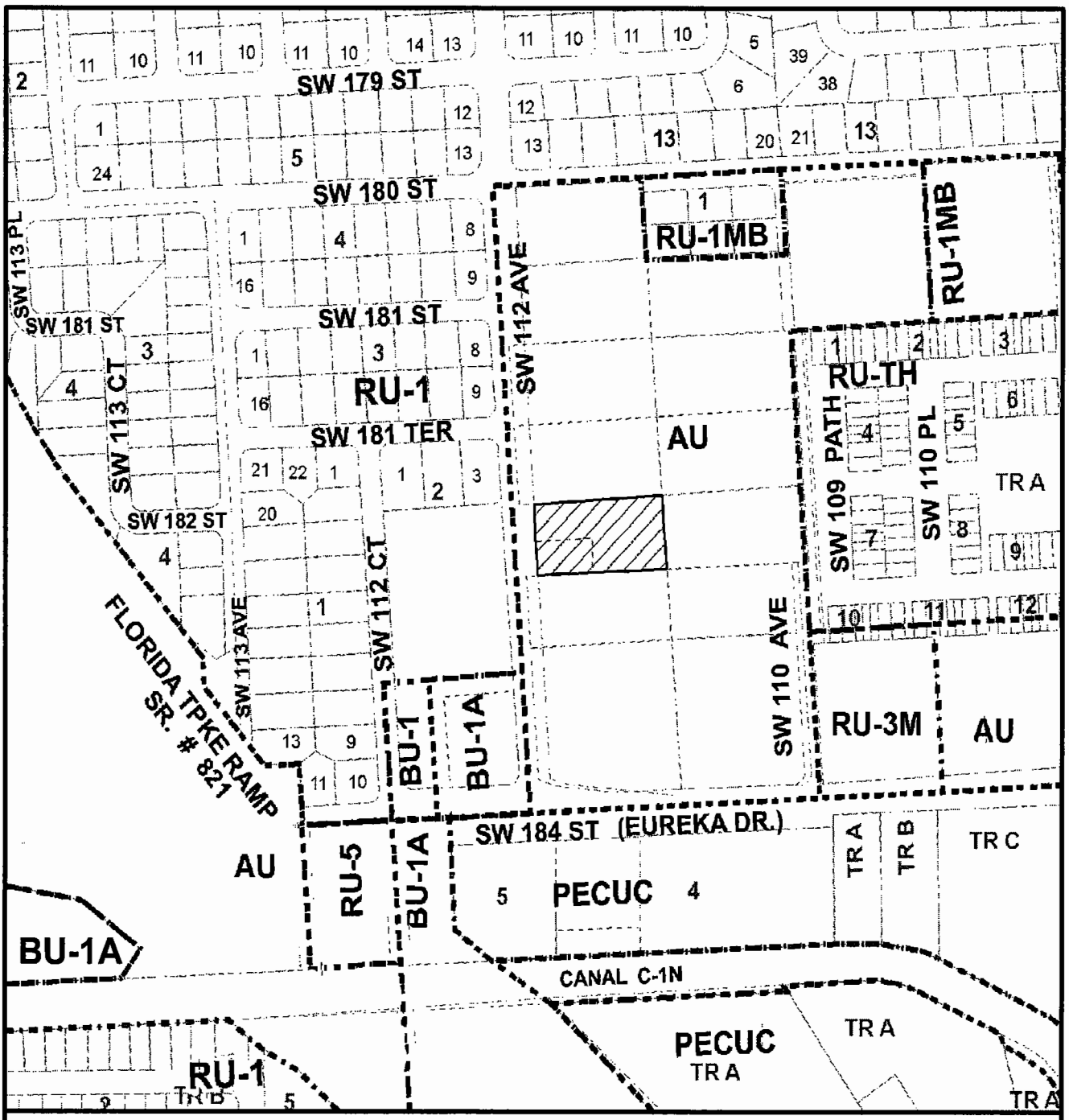
Sworn to and subscribed before me this 16 day of OCTOBER, 2006. Affiant is personally known to me or has produced _____ as identification.

_____ Notary Public

MANUEL ALMEDO
MY COMMISSION # DD 582358
EXPIRES: August 27, 2010
Bonded Thru Notary Public Underwriters

My commission expires: _____

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



MIAMI-DADE COUNTY
HEARING MAP

Process Number
06-309

N

SUBJECT PROPERTY

Section: 31 Township: 55 Range: 40
Applicant: EUREKA BUILDERS 184, LLC
Zoning Board: C14
District Number: 09
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

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CREATED ON: 11/20/06

REVISION	DATE	BY
Remove Zone 09-34	11/24/07	KS
Redrawn on new template	12/19/07	KS

MIAMI-DADE COUNTY
AERIAL

Process Number
06-309

N

SUBJECT PROPERTY

Section: 31 Township: 55 Range: 40
Applicant: EUREKA BUILDERS 184, LLC
Zoning Board: C14
District Number: 09
Drafter ID: KEELING
Scale: NTS

MIAMI-DADE COUNTY

CREATED ON: 11/20/06

REVISION	DATE	BY
Remove Zone 90-3M	11/26/07	KS
Redrawn on new template	12/19/07	KS