



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
THURSDAY, OCTOBER 6, 2011**

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

TIME OF MEETING 9:30 A.M.

<u>TIE VOTE</u>		<u>HEARING #</u>	<u>DISTRICT</u>
A.	<u>SANTA FE HACIENDAS, LLC</u>	09-176	11
Request(s):	- This application seeks to allow a lake excavation.		
Location:	Lying west of SW 177 Avenue (Krome Avenue) and south of theoretical SW 90 Street, Miami-Dade County, Florida. Outside the Urban Development Boundary (UDB).		

<u>APPEAL</u>			
1.	<u>DOWNTOWN DADELAND RETAIL, LLC</u>	10-44	7
Request(s):	- Appeal of CZAB 12 denial of signage variances in the Downtown Kendall Urban Center District		
Location:	Lying South of SW 88 Street, between SW 72 Court and SW 72 Place, Miami-Dade County, Florida, Within the Urban Development Boundary (UDB)		

<u>CURRENT</u>			
2.	<u>THE DEPARTMENT OF PLANNING & ZONING</u>	10-26	2 & 3
Request(s):	- District Boundary Change from multiple zoning districts to Model City Urban Center District (MCUCD)		DIC
Location:	Lying generally between NW 38 Street and NW 64 Street, from NW 19 Avenue to NW 31 Avenue, Miami-Dade County, Florida. Within the Urban Development Boundary (UDB)		



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
THURSDAY, OCTOBER 6, 2011**

CURRENT

HEARING # DISTRICT

3. KIMCO AUTOFUND, LP

11-72 9

Request(s): - Deletion of a covenant to delete a previously approved site plan for a car agency.

Location: 21151 S. Dixie Highway, Miami-Dade County, Florida.
 Within the Urban Development Boundary (UDB)



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 6, 2011

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

**A. SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION
MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)**

**01-55-38
BCC/District 11**

(1) UNUSUAL USE to permit a Lake Excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 412 Acres

Department of Planning and Zoning
Recommendation:

Denial without prejudice.

Protests: _____ 191 _____

Waivers: _____ 518 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

Deferred from 7-21-11

1. DOWNTOWN DADELAND RETAIL, LLC (10-11-C12-3/10-044)

**02-55-40
BCC/District 07**

Applicant is appealing the decision of CZAB12 which denied without prejudice the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage, per tenant; to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.67 square feet (8 square feet maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland" as prepared by Architecture Design, consisting of 10 sheets dated stamped received 7/9/10. Plans may be modified at public hearing.

LOCATION: Lying South of S.W. 88 Street, between S.W. 72 Court & S.W. 72 Place,
Miami-Dade County, Florida.

SIZE OF PROPERTY: 7.42 Acres

Department of Planning and Zoning
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

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

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

DEFERRED: _____

**2. THE DEPARTMENT OF PLANNING & ZONING (11-10-CC-1/10-026) 16/15/21/22-53-41
BCC/District 02 & 03**

GU, RU-1, RU-1Z, RU-2, RU-3, RU-3B, RU-3M, RU-4, RU-4A, RU-4L, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-2 to Model City Urban Center District (MCUCD).

LOCATION: Lying generally between N.W. 38 Street and N.W. 64 Street, from N.W. 19 Avenue to N.W. 31 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 386.3 Acres

Developmental Impact Committee
Recommendation:

Approval.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. KIMCO AUTOFUND, LP (11-10-CC-2/11-072)

**07-56-40
BCC/District 09**

DELETION of Declaration of Restrictive Covenants recorded in Official Record Book 10113
Pages 1077–1084.

The purpose of the above request is to allow the applicant to delete a previously approved site plan for a car agency.

LOCATION: 21151 S. Dixie Hwy, Miami-Dade County, Florida

SIZE OF PROPERTY: 6.58 Acres
Department of Planning and Zoning
Recommendation:

Approval.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

T H E E N D

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 Zoning Hearings Section for the Department of Planning and Zoning 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.

**A. SANTA FE HACIENDAS LLC &
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**
(Applicant)

11-3-CC-2 (09-176)
BCC/District 11
Hearing Date: 10/06/11

Property Owner (if different from applicant) **Santa Fe Haciendas LLC.**

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>
1978	Directors, Building, & Zoning & Planning Depts.	- Zone change from IU-1 & IU-2 to AU.	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.

ZONING ACTION

MEMORANDUM

Harvey Ruvin

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

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: July 21, 2011 #Z-

ITEM: A.

APPLICANT: SANTA FE HACIENDAS, LLC & CEMEX
CONSTRUCTION MATERIALS FLORIDA, LLC
(11-3-CC-2/09-176)

MOTION: To accept into the record: (1) the Revised Covenant and (2) the Letter from the U.S. Department of the Interior National Park Service.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro	M	X		
Bell	S	X		
Bovo		X		
Diaz		X		
Heyman				X
Jordan		X		
Monestime		X		
Moss		X		
Sosa				X
Souto		X		
Suarez		X		
Vice Chairwoman Edmonson		X		
Chairman Martinez		X		
TOTAL		11	0	2

ZONING ACTION

MEMORANDUM

Harvey Ruvin

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

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: July 21, 2011

#Z-

ITEM: A.

APPLICANT: SANTA FE HACIENDAS, LLC & CEMEX
CONSTRUCTION MATERIALS FLORIDA, LLC
(11-3-CC-2/09-176)

MOTION: To Defer to 10/6/2011.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro	S	X		
Bell		X		
Bovo		X		
Diaz		X		
Heyman				X
Jordan		X		
Monestime		X		
Moss		X		
Sosa				X
Souto		X		
Suarez		X		
Vice Chairwoman Edmonson	M	X		
Chairman Martinez		X		
TOTAL		11	0	2

ZONING ACTION

MEMORANDUM

Harvey Ruvlin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com



DATE: June 23, 2011

#Z-

ITEM: B.

APPLICANT: SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC (11-3-CC-2/09-176)

MOTION: MOTION TO APPROVE THE APPLICATION TO PERMIT LAKE EXCAVATION ON THE EASTERN ONE HALF PORTION OF THE SUBJECT PROPERTY; TO LIMIT PHASE 1 OF THE EXCAVATION TO 12 YEARS, TO PROHIBIT EXCAVATION WITHIN 25 FEET OF THE EVERGLADES; AND TO REQUIRE COUNTY COMMISSION APPROVAL ON BALANCE OF THE EXCAVATION FAILED. THIS APPLICATION WAS CARRIED OVER TO THE JULY 21, 2011 ZONING MEETING. A VERBATIM TRANSCRIPT IS TO BE PROVIDED TO VICE CHAIRWOMAN EDMONSON, WHO WAS ABSENT.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz	S	X		
Heyman			X	
Jordan			X	
Monestime		X		
Moss			X	
Sosa			X	
Souto			X	
Suarez			X	
Vice Chairwoman Edmonson				X
Chairman Martinez	M	X		
TOTAL		6	6	1

ZONING ACTION

MEMORANDUM

Harvey Ruvin

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

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 04/28/2011

#Z- 09-176

ITEM: C

APPLICANT: SANTA FE HACIENDAS, LLC

MOTION: DEFERRED-6/23/11 W/O NOTICE

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Diaz				E
Heyman	S	X		
Jordan				E
Monestime		X		
Moss	M	X		
Sosa				E
Souto		X		
Vice Chairwoman Edmonson				E
Chairman Martinez		X		
TOTAL		7	0	

ZONING ACTION

MEMORANDUM

Harvey Ruvin

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

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 3/17/2011 #Z-

ITEM: 2

APPLICANT: SANTA FE HACIENDAS, LLC &
CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
(11-3-CC-2/09-176)

MOTION: Deferred to April 28, 2011 due to lack of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Diaz				
Gimenez				
Heyman				
Jordan				
Monestime				
Moss				
Seijas				
Sosa				
Souto				
Vice Chairwoman Edmonson				
Chairman Martinez				
TOTAL				

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

APPLICANTS: Santa Fe Haciendas, L.L.C., Et Al

PH: Z09-176 (11-3-CC-2)

SECTION: 1-55-38

DATE: October 6, 2011

COMMISSION DISTRICT: 11

ITEM NO.: A

=====

A. INTRODUCTION

o **SUMMARY OF REQUEST:**

This application seeks to allow a lake excavation.

o **REQUEST:**

(1) UNUSUAL USE to permit a lake excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets. Plans may be modified at public hearing.

o **LOCATION:**

Lying west of SW 177 Avenue (Krome Avenue), and south of theoretical SW 90 Street Street, Miami-Dade County, Florida.

o **SIZE:** 412 Gross Acres

B. ZONING HEARINGS HISTORY:

In January 1957, the subject property was a part of a parcel of land that was rezoned from GU, Interim District, to IU-1, Light Manufacturing District and IU-2, Heavy Manufacturing District, pursuant to Resolution #10967. Subsequently, in October 1978, the subject property was rezoned to AU, Agricultural District, pursuant to Resolution #Z-226-78.

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

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **approximately 0.47 miles** west of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in*

Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. **Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.***

Policy LU-3F. Super-Majority Vote: *Any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of Krome Avenue designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board and two-thirds of the total membership of the Board of County Commissioners then in office, where such Community Zoning Appeals Board or Board of County Commissioners issues a decision. The term "direct agricultural production" includes crops, livestock, nurseries, groves, packing houses, and barns but not uses such as houses of worship, schools, sale of produce and other items, and outdoor storage vehicles. This policy is not intended to permit any use not otherwise permitted by the CDMP. Any modification to this section to allow additional uses within the one mile distance from Krome Avenue shall require an affirmative vote of not less than two-thirds of the Board of County Commissioners then in office.*

Other Land Uses Not Addressed. *Certain uses are not authorized under any LUP map category, including many of the uses listed as "unusual uses" in the zoning code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or*

signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

Uses and Zoning Not Specifically Depicted on the LUP Map. *Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Miami-Dade County, Florida.*

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; vacant land

Agriculture

Surrounding Properties:

NORTH: AU; lake excavation

Agriculture

SOUTH: AU; farm residences,
vacant land

Agriculture

EAST: AU; row crops, vacant land

Agriculture

WEST: GU; park

Environmentally Protected Parks

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. *The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which*

have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

Section 33-314(C)(11.1) Direct Applications and Appeals to the County Commission. *Notwithstanding the provisions of Section 33-13(e) of this code, applications for unusual uses for lake excavations to expand bona fide rock mining operations, as defined in Section 33-422(3) of the code, onto property contiguous and immediately adjacent to existing bona fide rock mining operations; associated Class I and Class IV permit applications as defined in Section 24-48.1; and all applications for uses ancillary to bona fide rock mining pursuant to Section 33-422(c) of this article.*

Section 33-422(3) Uses Permitted by this Article. *For the purposes of this article, "bona fide rock mining" means the commercial extraction of limestone and sand suitable for production of construction aggregates, sand, cement and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	Not applicable
FDOT	No objection

*Subject to conditions indicated in their memoranda.

G. PLANNING AND ZONING ANALYSIS:

The application was deferred from the July 21, 2011 meeting of the Board of County Commissioners (BCC) as it did not receive the supermajority vote of the Board that is necessary for approval. Prior to this, the application was deferred from the June 23, 2011 meeting of the BCC due to a tie vote. This application was deferred from the March 17, 2011 meeting of the BCC due to an inadvertent error in the advertisement and from the April 28, 2011 meeting, due a lack of quorum for a supermajority vote. Prior to this, the application was indefinitely deferred from the January 13, 2011 meeting by the Community Zoning Appeals Board (CZAB) 11 and subsequently.

The applicant has amended the application and provided the Department with additional information in a revised letter of intent indicating that the operator overseeing the proposed lake excavation is the same operator on the Krome Quarry located on the abutting property to the north along with other documentation. As such, this application meets the criteria for

direct application to the Board of County Commissioners (BCC), under Section 33-314(C)(11.1), Direct Applications and Appeals to the County Commission, of the Code and as such should be scheduled before the BCC.

The subject property is located approximately 0.47 miles west of and outside the UDB in an area designated **Agriculture** and abuts Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. The subject property has been and is being used for active agricultural purposes. This application would allow the applicant an Unusual Use to permit a 306.82 acre lake excavation/rock mining use on this 412-acre AU, Agricultural District parcel. However, the CDMP indicates that *uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding area.*

The applicants' letter of intent indicates that the proposed lake excavation is similar to the uses allowed in the Rock Mining Overlay District (ROZA). Staff notes that although the subject property is located approximately 1.5 miles south of and outside the ROZA district, the property abuts a property to the north that has an ongoing rock mining operation. Said property and the property located further north contain rock mining operations that were approved approximately 50 years ago. Both of these rock mining operations extend northward into the ROZA District which ends at approximately SW 56 Street. The ROZA ordinance which was enacted in 2004, allows for the creation of an area in the northwest section of the County where rock mining and uses that are ancillary to rock mining are permitted without a public hearing.

However, the interpretative text of the *CDMP allows for the consideration of the expansion of existing quarrying uses in the Agriculture area.* The applicants are seeking an unusual use to permit a lake excavation on a parcel of land that does not have an ongoing lake excavation use. However, the abutting property located to the north contains an ongoing lake excavation and ancillary uses which were initially approved approximately fifty (50) years prior to the applicants' request for a lake excavation on the subject property. The applicants' revised letter of intent indicates that CEMEX Construction Materials Florida, LLC (CEMEX), currently conducts rock mining and ancillary activities on the abutting property to the north of the subject property, along with another property located north of that property. Said letter indicates that CEMEX operates on both of these properties pursuant to existing Short-Form Limestone Purchase and Option agreements that CEMEX entered into with each of the respective property owners which is the same type of agreement they have with the owners of the subject property. Staff notes that these lake excavations/rock mining operations extend as far north as the southernmost boundary of the ROZA District. Although the subject property is separate from the two (2) aforementioned properties, staff opines that the extension of the rock mining operations onto the subject property could constitute an expansion of the lake excavation operations being conducted by CEMEX and would be compatible with same. Staff notes that the applicant has proffered a covenant (attached) which imposes conditions and restrictions on the subject property for the proposed rock mining operation. Said conditions and restrictions among other things include, a continuous 15' high landscaped berm along the interior side (south) property line as well as restrictions on the hours of operation, on mining operations within 200' of the southern property line and on blasting within 500' of existing residences. Therefore, staff opines that these agreements along with the applicants' proffered covenant constitute an expansion of the existing rock mining operations on these properties

located to the north. **As such, staff concludes that based on the above, the proposed lake excavation on the subject property is an expansion of an existing quarrying use and is consistent with the CDMP.**

However, Policy **LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than two-thirds of the total membership of the Board of County Commissioners then in office, where such Board of County Commissioners (BCC) issues a decision.* Staff notes that the subject property is located outside the UDB and within a mile of the right-of-way of Krome Avenue. As such, the approval of this application would require a super-majority vote since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses states that *the Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.* Staff notes that the subject property abuts properties to the north that are currently engaged in rock mining operations. The applicant's letter of intent indicates that the current operator of the rock mining activities on the abutting properties would be the same operator of the proposed rock mining operations on the subject property. Staff opines that as a result, there will not be a negative impact on the rock mining industry in this section of the County and therefore, not have a negative impact on the economy of the County.

Staff notes that the Public Works Department, MDFRD, Florida Department of Transportation (FDOT) and DERM do not object to the application. DERM indicates in their memorandum that the proposed excavation is located within 700 feet of the Everglades National Park (ENP) and the L-31N levee and has recommended approval based on certain conditions. As such, based on memoranda from these departments, approval of this application would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction or tend to create a fire or other equally or greater dangerous hazards.

Notwithstanding, *when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development*, staff opines that approval of the requested unusual use to permit the rock mining operation would be **incompatible** with the surrounding area. Staff notes that the subject property provided a significant separation between the previously approved rock mining uses on the properties located to the north and the farm residences located to the south of the subject property. Staff recognizes that the applicants have proffered a covenant which, in addition to combining the rock mining operations on the abutting parcel to the north, also helps to mitigate negative visual or aural impacts that the proposed use would have on the farm residences located to the south and to the east. Said covenant would among other things, require the applicant to install a 15' high berm along the south property line as well as limit the use of explosives within 500' of existing residences. However, notwithstanding the memoranda from the Public Works and Miami-Dade Fire Rescue Departments, staff opines that approval of the expansion of the mining activities onto the subject property could result in an increase in traffic, dust and noise from the rock mining operations that would have a negative impact on the surrounding agricultural properties. Therefore, notwithstanding the applicants' proffered covenant, staff opines that approval of this application will result in the removal of this parcel which acts as a buffer and would result in a southward expansion of the mining operations. Said expansion in staff's opinion would have a negative visual and aural impact on the farm residences and other agricultural parcels located to the south and east of the subject property as well as the environmentally protected national park located to the west.

As such, staff opines that the applicants' request to permit the expansion of an existing rock mining operation onto additional property to the south is **consistent** with the adopted interpretative text of the CDMP. However, it would be **incompatible** with the majority of the properties in the surrounding area and as such should be denied. **Based on the aforementioned, staff recommends that the applicants' request for an Unusual Use to permit a lake excavation be denied without prejudice under Section 33-311(A)(3), Standards for Special Exceptions, Unusual Uses and New Uses.**

H. **RECOMMENDATION: Denial without prejudice.**

I. **CONDITIONS: None.**

DATE INSPECTED: 03/16/11
DATE TYPED: 12/03/10
DATE REVISED: 02/06/10, 12/8/10, 01/28/11, 02/02/11, 02/07/11, 02/08/11, 02/09/11,
03/02/11, 04/12/11, 04/19/11, 04/29/11, 06/24/11, 08/19/11
DATE FINALIZED: 08/19/11
MCL:GR:NN:AA:CH


Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning
*NEW
6/19/11*



Memorandum

Date: March 10, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: BCC #Z2009000176 -5th Revision
Santa Fe Haciendas, LLC
North of S.W. 100th Street between S.W. 177th Avenue and S.W. 188th
Avenue
Unusual Use to Permit a Lake Excavation and portable rock crushing and
screening equipment
(AU) (412 Acres)
01-55-38

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, the application may be scheduled for public hearing.

Wetlands

The Wetland Resources Section has reviewed the revised site plan submitted on August 20, 2010 by Santa Fe Haciendas, LLC requesting an unusual use to permit a lake excavation and the use of mobile ancillary rock crushing and screening equipment for a property located west of Krome Avenue and south of theoretical S.W. 91st Street. On May 26, 2009, a Class IV Permit application was submitted to DERM requesting to excavate 5.18 acres of wetlands within the 412-acre project area. To date, the Class IV Wetland Permit has not been issued.

DERM notes that the edge of the proposed excavation is located within 700 feet of Everglades National Park (ENP) and the L-31N levee, however, the excavation is proposed to be phased, with the first phase having a minimum of 2500 feet of set-back from the levee. It is anticipated that the full excavation will increase the seepage from the higher groundwater stages to the west to the lower stages to the east. This will be detrimental to the wetlands within the ENP. The phased approach is acceptable provided the use be conditioned to specifically prohibit mining within the 2500 foot set-back area until a seepage management plan is provided and approved by DERM.

The revised site plan depicts a lake excavation within the agricultural designation of the Comprehensive Development Master Plan (CDMP). This appears to be a new commercial use within the Agricultural area. DERM recommends that Planning carefully evaluate appropriateness of this use under the CDMP.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development, and regulate land uses within the wellfield protection area.

Section 24-43(7) of the Code regulates excavations within wellfield protection areas. Section 24-43(7)(a) requires that no excavation may be permitted within a wellfield protection area unless the property owner has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County that shall provide for security measures during the excavation. The property owner has submitted a properly executed covenant, in accordance with Section 24-43(7) of the Code. T

Section 24-43(5) of the Code regulates to a prohibition of hazardous materials within the wellfield protection areas. Therefore, a (5)(a) covenant must be proffered for the use of fuel and lubricants required for rockmining operations. As stated in this section of the Code, "... no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy...or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning actions.....without obtaining the prior written approval of the Director or Director's designee." The property owner has submitted a properly executed covenant, in accordance with Section 24-43(5) of the Code

Stormwater Management

An existing covenant running with the land, executed by the owner of the property in favor of Miami-Dade County in accordance with Section 24-43(7) of the Code of Miami-Dade County, Florida (the Code), has been reviewed and approved by DERM's Water Control Section. In addition, DERM has no objection to this application if the following conditions are also satisfied:

An Environmental Resources Permit from the South Florida Water Management District shall be required for the construction and operation of the required water management system. This permit shall be obtained prior to platting and site development, or Public Works approval of paving and drainage plans.

Any proposed development must comply with the Water Quality Level of Service (WQLOS) and the minimum acceptable Flood Protection Level of Service (FPLOS) set forth by the CDMP.

The development criteria and the level of on-site flood protection may be influenced if the ground water stages are increased as a consequence of the implementation of the Comprehensive Everglades Restoration Plan.

Pollution Remediation

There are no records of current contamination assessment/remediation issues on the property or abutting the property. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

Tree Preservation

The subject property contains tree resources and contains jurisdictional wetlands. Wetland Resources will be regulated through a DERM Class IV Wetland Permit. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

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 Christine Velazquez at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: SANTA FE HACIENDAS LLC

This Department has no objections to this application.

Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

This land may require 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.

Additional improvements may be required at time of permitting/platting.

Since this development abuts a State maintained road (SW 177 Avenue), the applicant must contact the district office at 305-470-5367, certain restrictions may apply.

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



Raul A Pino, P.L.S.

22-APR-10



BCC 3-17-11
09-176
FOR FILE
W/PROCEED
Mark W

PLANNING AND ZONING
AGENDA OFFICE

REBECK SCOTT
GOVERNOR
PLANNING AND ZONING
AGENDA OFFICE
2011 MAR 10 P 12:09

2011 MAR 10 P 12:09 Florida Department of Transportation

605 Suwannee Street
Tallahassee, FL 32399-0450

February 28, 2011

2011 MAR -9 P 3:57
OFFICE OF THE
SECRETARY
PLANNING AND ZONING
METROPOLITAN PLANNING SECT

RECEIVED
209-176
MAR 04 2011

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING
201103237

Mr. Mark LaFerrier
Department of Planning and Zoning, Miami-Dade County
Zoning Hearing Section
111 North West First Street, 11th Floor
Miami, Florida 33128

Re: Santa Fe Haciendas Zoning Application, P.H. No. 09-176
(Process Number Z2009000176)

Dear Mr. Mark LaFerrier:

It has come to my attention Santa Fe Haciendas and Cemex, Inc. has a pending application for an unusual use approval for a limestone mining expansion to supply material to their Florida Department of Transportation (FDOT) approved Source 87089 on Krome Avenue, Miami, Florida.

Because of its strategic location along the CSX rail corridor, Cemex's Krome mine has historically been a valuable supply source of construction aggregates to rail redistribution terminals in the following areas: Orlando, Jacksonville, Tampa, Daytona, Gainesville, Ocala, Mulberry, and Largo. This successful network is essential to the continuance of FDOT's road and bridge construction work program commitments across a large portion of the state.

This property is the only remaining significant upland (non-jurisdictional by US Army Corps of Engineers) tract, which is also outside of the Lake Belt. Krome is the only mine that was able to operate fully during the Lake Belt shutdown period. It has always been a critical supply link and that is even more so if something were to interrupt the Lake Belt mining again.

In order for Florida to maintain its economic growth and quality of life, the state must continue to improve its transportation infrastructure. A stable supply of all types of aggregate, including Miami limestone, is important to that effort and to ensure that road projects as well as private developments may move forward without delay.

Mr. Mark LaFerrier
February 28, 2011
Page two

Without locally available sources, the only viable alternative is to acquire this material from other states or countries. These sources are often more costly and delivery is sometimes not reliable. This project will fulfill a critical need for aggregate material and is located for convenient transport of the material north to where it is needed.

I hope you find this information useful in your deliberations. If you have any questions, please contact me at 850-414-5240.

Sincerely,

A handwritten signature in black ink that reads "Brian Blanchard". The signature is written in a cursive style with a large, sweeping initial "B".

Brian Blanchard, P.E.
Chief Engineer

BB/jsi

cc: The Honorable Joe Martinez, Chair

Memorandum



Date: 12-OCT-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000176

Fire Prevention Unit:

This memo supersedes MDRF memorandum dated September 10, 2010.
 APPROVAL
 - No objection to site plan date stamped September 27, 2010.

Service Impact/Demand:

Development for the above Z2009000176
 located at LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 91
 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1813 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 8:10 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 56 - West Sunset - 16250 SW 72 Street
 Rescue, ALS Engine Haz Mat Support.

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.

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

DATE: 09-FEB-11
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

SANTA FE HACIENDAS, LLC &
CEMEX CONSTRUCTION
MATERIALS FLORIDA, LLC

LYING WEST OF S.W. 177 AVENUE
(KROME AVENUE) AND SOUTH OF
THEORETICAL S.W. 90 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000176

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT
BUILDING & NEIGHBORHOOD COMPLIANCE
DIVISION

ENFORCEMENT HISTORY

NAME: ADDRESS:
SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC
LYING WEST OF SW 177 AVE(KROME AVE) AND SOUTH OF THEORETICAL SW 90 ST,
MIAMI-DADE COUNTY

Folio: 30-5801-000-0010

DATE:
2/8/11

CURRENT ENFORCEMENT HISTORY:

Open Cases:
No open cases.

Closed Cases:
No previous cases.

Ronald Szep,
Building Enforcement and Legal Services Division Director

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

REPORTER NAME:

ZONING INSPECTION REPORT

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: N/A

03/16/11

Process #: Z2009000176 **Applicant's Name** SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

Locations: LYING WEST OF S.W. 177 AVENUE (KROME AVENUE) AND SOUTH OF THEORETICAL S.W. 90 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 412 ACRES **Folio #:** 3058010000010

Request:

1 THE APPLICANT IS REQUESTING A ZONE CHANGE FROM AGRICULTURAL-RESIDENTIAL DISTRICT TO HEAVY INDUSTRIAL MANUFACTURING DISTRICT AND AN UNUSUAL USE FOR A LAKE EXCAVATION AND ROCK CRUSHING AND SCREENING PLANT ANCILLARY TO THE PROPOSED LAKE EXCAVATION.

EXISTING ZONING

Subject Property AU,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

NONE

USE(S) OF PROPERTY:

ROW CROPS

FENCES/WALLS:

NONE

LANDSCAPING:

NONE

BUFFERING:

OVERGROWN GRASS.

VIOLATIONS OBSERVED:

BNC MEMO DATED 02/09/2011 REV#2 ON FILE. NO OTHER VIOLATION CASES FOUND. JUNK & TRASH OBSERVES ON THE EAST PROPERTY LINE APPROXIMATELY SW 93 ST.

OTHER:

NONE

Process # Applicant's Name

ZONING INSPECTION REPORT

Z2009000176 SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC

SURROUNDING PROPERTY

NORTH:

AU: CEMEX KROME QUARRY:LAKE EXCAVATION

SOUTH:

AU: 5 ACRES LOTS WITH SINGLE FAMILY RESIDENCE

EAST:

AU: PLANT NURSERY & CROPS

WEST:

GU: CANAL(CENT & SO FLA FLOOD CONTROL DIST) & PROPERTY OWNED BY USA EVERGLADES NATIONAL PARK

SURROUNDING AREA

AGRICULTURAL USES WITH EXISTING LAKE EXCAVATION TO THE NORTH OF SUBJECT PROPERTY.

NEIGHBORHOOD CHARACTERISTICS:

AGRICULTURAL USES AND 5 ACRES LOTS TO THE SOUTH WITH RESIDENCES.

COMMENTS:

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



Date: 17-MAY-11

Comments: S SIDE OF SUBJECT PROPERTY.



Date: 17-MAY-11

Comments: SUBJECT PROPERTY E VIEW ON SW 100 ST.



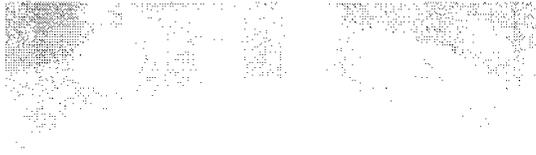
Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST PROPERTY LINE APPROX. SW 93 ST JUNK & TRASH - BOAT HULL.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST SIDE SW VIEW.



Date: 17-MAY-11

Comments: SUBJECT PROPERTY EAST SIDE NW VIEW.



Date: 17-MAY-11

Comments: SUBJECT PROPERTY SOUTH PROPERTY LINE.



Inspector **HASSUN, PEDRO**

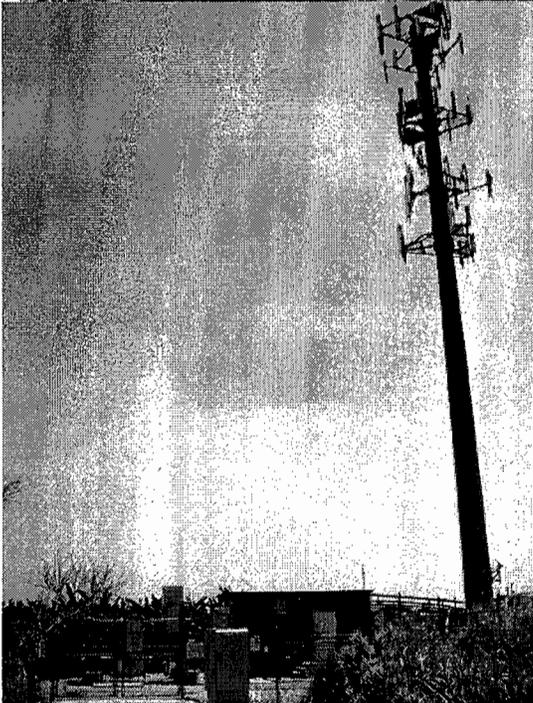
Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



Date: 17-MAY-11

Comments: EAST OF SUBJECT PROPERTY AKA 9300 SW 177 AVE VILLA NURSERY 30-5906-000-0029.



Date: 17-MAY-11

Comments: NORTHEAST OF SUBJECT PROPERTY AKA 8801 SW 177 AVE CROWN CASTLE INTERNATIONAL 30-5906-000-0024.



Date: 17-MAY-11

Comments: SOUTH OF SE CORNER OF SUBJECT PROPERTY AKA 17805 SW 100 ST DAISY'S NURSERY 30-5801-000-1030.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



Date: 17-MAY-11

Comments: SOUTH OF SE CORNER OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.



Date: 17-MAY-11

Comments: WEST VIEW ON SW 100 ST SOUTH OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.



Date: 17-MAY-11

Comments: EAST VIEW ON 100 ST SOUTH OF SUBJECT PROPERTY AKA 17821 SW 100 ST & 17849 SW 100 ST WEST KENDALL FARMS 30-5801-000-1010 & 1020.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



Date: 17-MAY-11

Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177 AVE CEMEX KROME QUARRY 30-4851-000-0010.



Date: 17-MAY-11

Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177 AVE CEMEX KROME QUARRY 30-4851-000-0010.



Date: 17-MAY-11

Comments: CANAL WEST OF SUBJECT PROPERTY AKA 30-5802-000-0020.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z2009000176** Applicant Name **SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC**



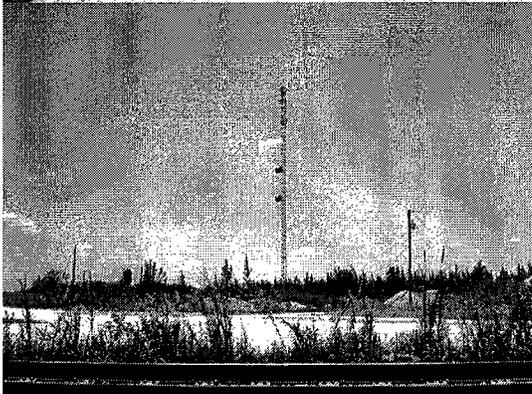
Date: 17-MAY-11

Comments: SOUTH OF SW CORNER OF SUBJECT PROPERTY
AKA 18695 SW 100 ST 30-5801-000-0770.



Date: 17-MAY-11

Comments: SOUTH OF SW OF SUBJECT PROPERTY AKA 18575
SW 100 ST 30-5801-000-0780.



Date: 17-MAY-11

Comments: NORTH OF SUBJECT PROPERTY AKA 8800 SW 177
AVE CEMEX KROME QUARRY 30-4851-000-0010.

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: CEMEX Construction Materials Florida, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>CEMEX S.A.B. de C.V., Traded in NYSE</u>	<u>100 %</u>
_____	_____
_____	_____
_____	_____

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

_____	_____
_____	_____
_____	_____
_____	_____

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

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

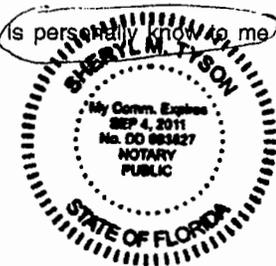
Signature: _____
(Applicant)

Sworn to and subscribed before me this 10th day of January, 2011. Affiant is personally known to me or has produced _____ as identification.

Sheryl M. Tyson
(Notary Public)

My commission expires: 9/4/11

Seal



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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Sante Fe Haciendas, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Mr. Masoud Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126</u>	<u>50%</u>
<u>Mrs. Maria Lamas-Shojaee, 5835 Blue Lagoon Drive Suite #400 Miami, Fl 33126</u>	<u>50%</u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

RECEIVED
209170
 DEC 23 2009

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

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

NAME OF PURCHASER: _____

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

Date of contract: _____

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

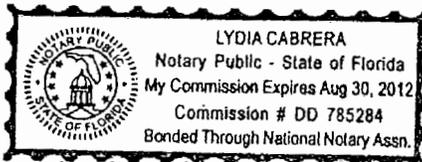
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 18 day of December 2009. Affiant is personally known to me or has produced _____ as identification.

Lydia Cabrera
(Notary Public)



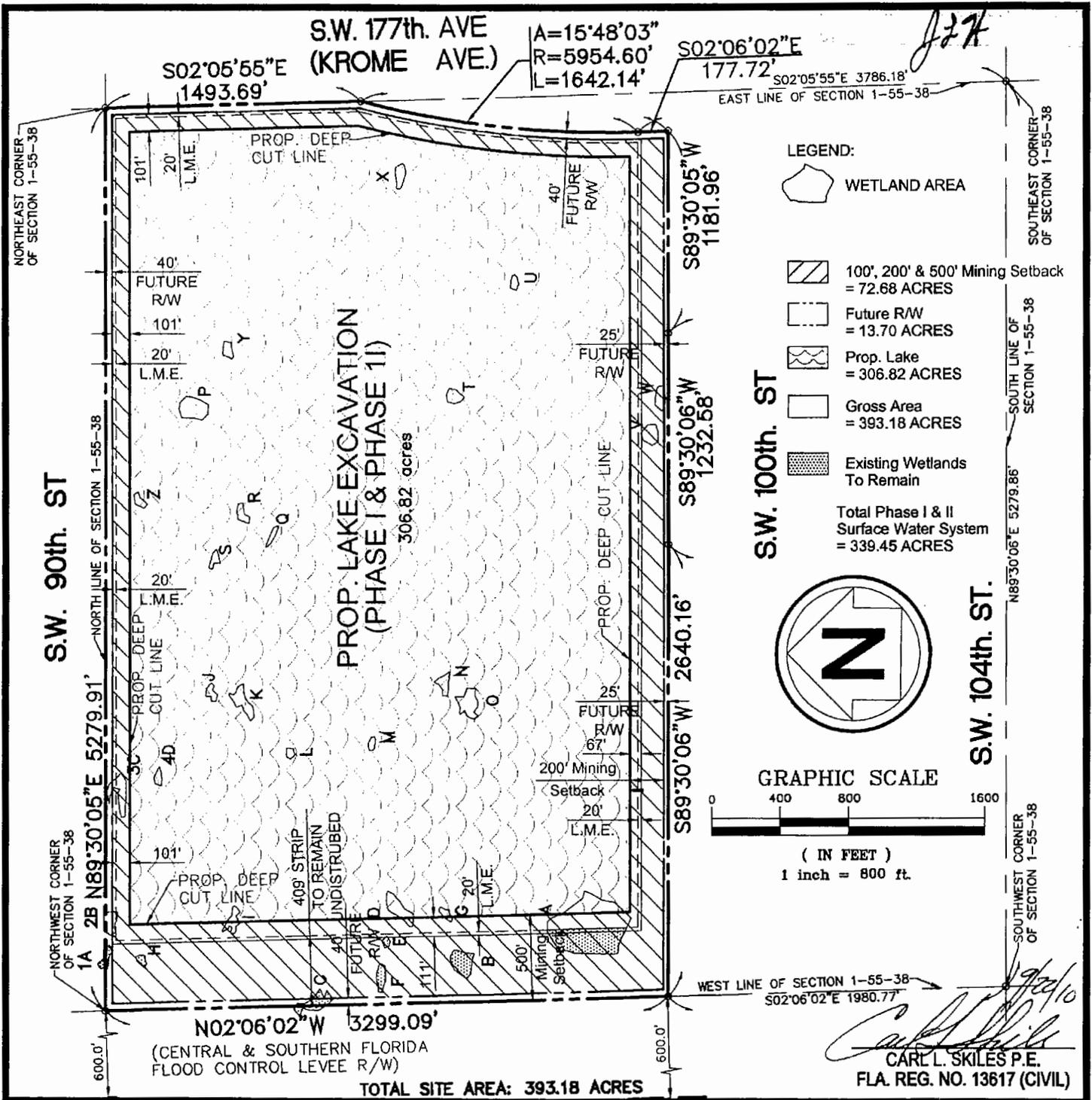
My commission expires 8/30/12

*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
20976
DEC 23 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

Rev#2 209-176
SEP 27 2010



Drawn By	REP
Cad. No.	061816-EX
Ref. Dwg.	3006-075
Plotted:	9/22/10 9:35a

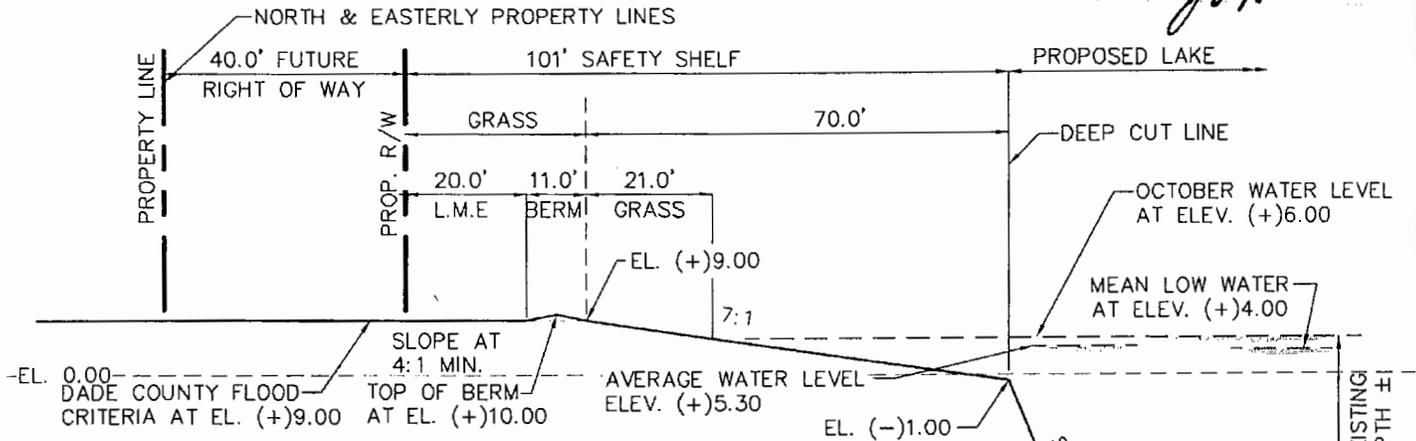
Lake Excavation Plan (Phase I & Phase II) - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	09/22/10
Scale	1"=800'
Job. No.	067027
Dwg. No.	1006-192-Ex
Sheet	2A of 6

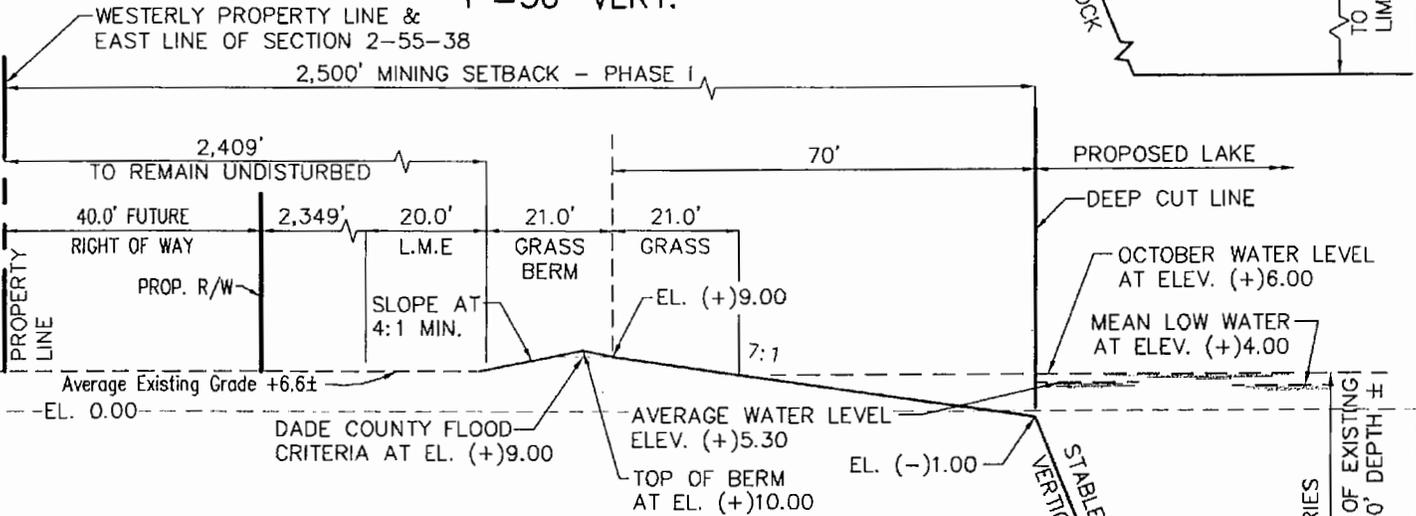
Revised 209-176
AG 7

JST



**TYPICAL SECTION A-A
LAKE ADJACENT TO ARTERIAL ROADWAYS**

SCALE: 1"=30' HORIZ.
1"=30' VERT.



**TYPICAL SECTION C-C (PHASE I)
LAKE ADJACENT TO ARTERIAL ROADWAYS**

SCALE: 1"=30' HORIZ.
1"=30' VERT.

- Revised: 05/28/10
- Revised: 05/05/09
- Revised: 09/29/08
- Revised: 07/09/08
- Revised: 01/09/08

NOTE: ELEV. REFERS TO NATIONAL
GEODETIC VERTICAL DATUM

Carl Skiles
8/9/10
CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

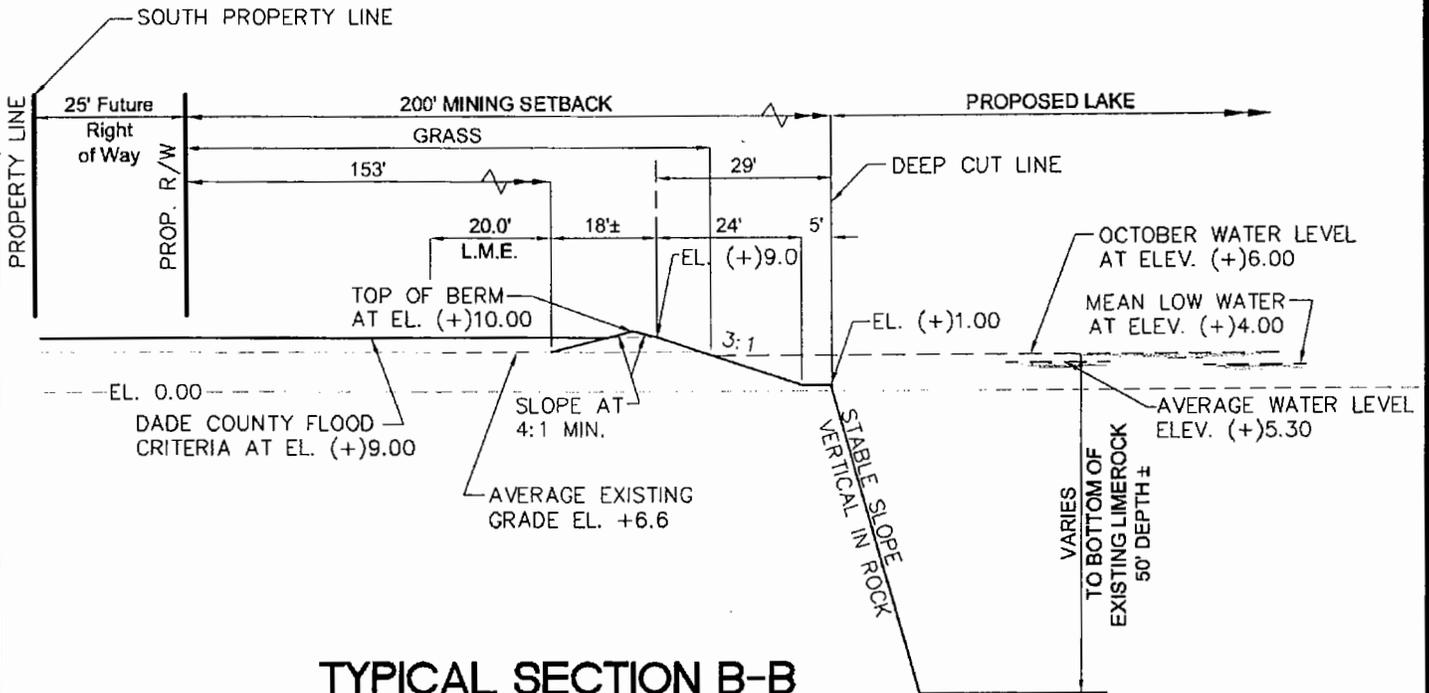
Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	5 of 6

Rev#1 209-176
167
JSA



**TYPICAL SECTION B-B
LAKE WITH COMMON ACCESS,
NOT ADJACENT TO ROADWAYS**

SCALE: 1"=30' HORIZ.
1"=30' VERT.

NOTE: ELEV. REFERS TO NATIONAL
GEODETIC VERTICAL DATUM

Revised: 09/29/08
Revised: 01/09/08

Carl L. Skiles
3/9/10
CARL L. SKILES P.E.
FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

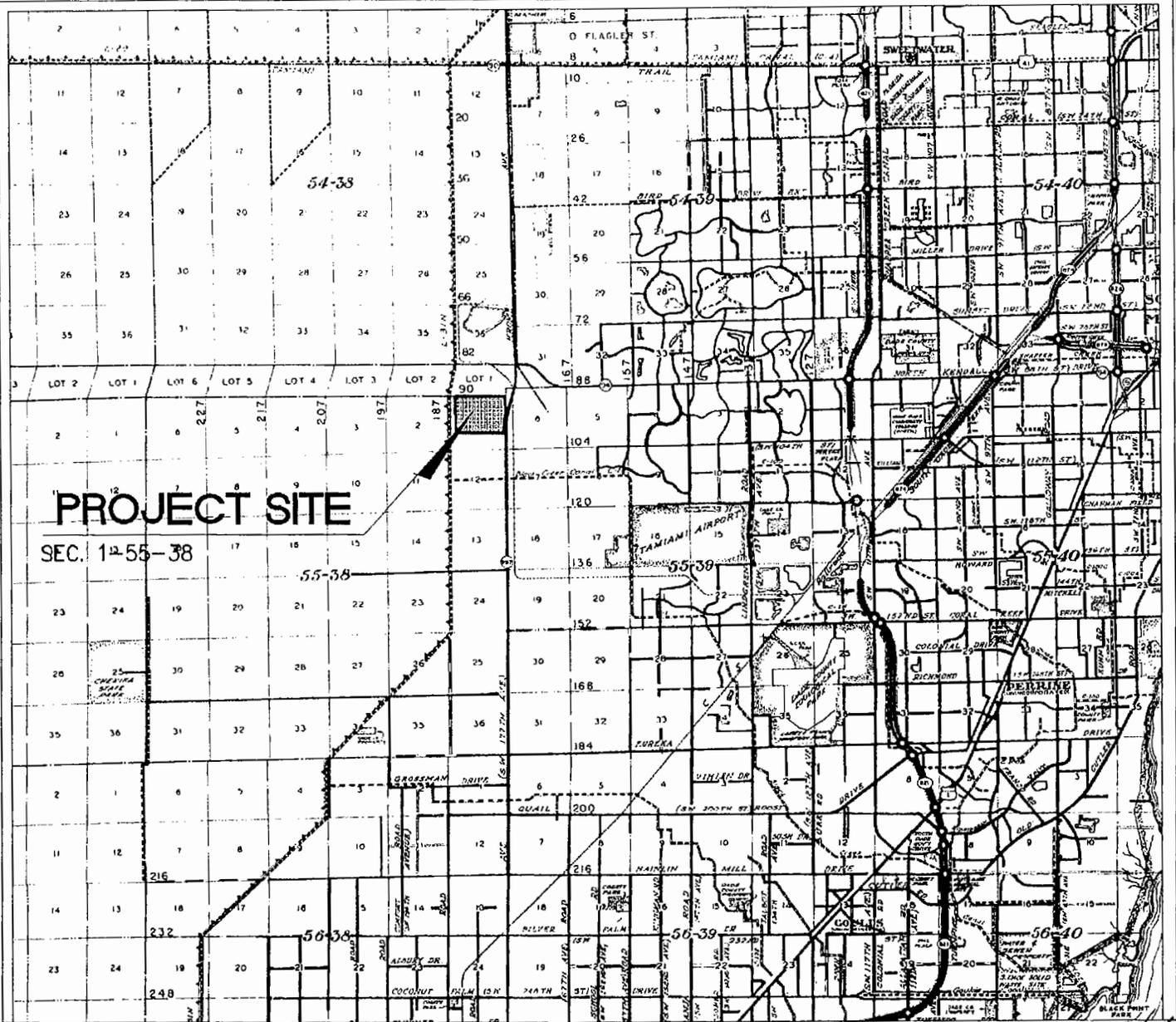
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	6 of 6

209-176

REV#1

JSA



LOCATION SKETCH

Revised: 09/29/08
 Revised: 07/09/08
 Revised: 01/09/08

SECT 1, TWP. 55s, RNG. 38e.
 N.T.S.



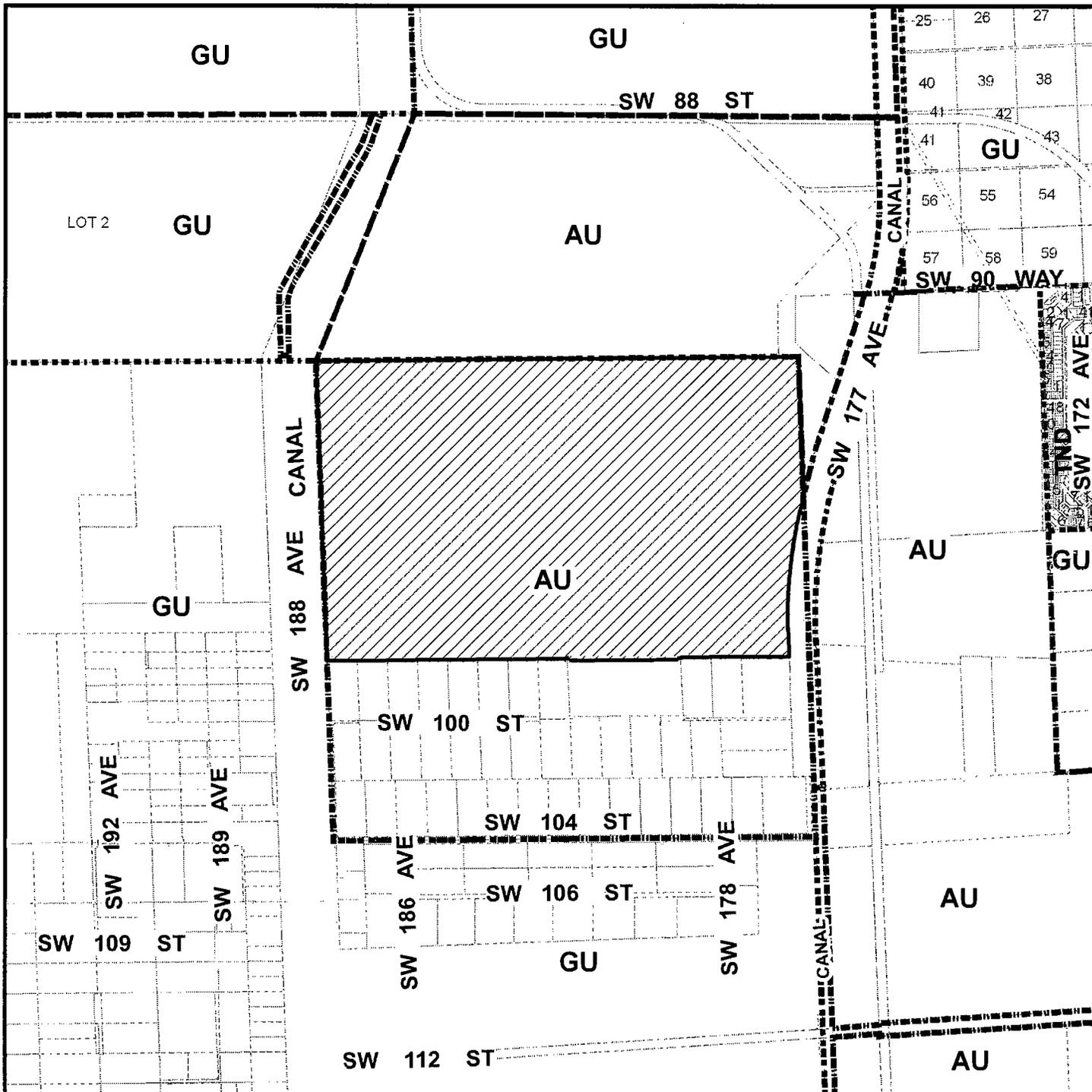
Carl L. Skiles
 CARL L. SKILES P.E.
 FLA. REG. NO. 13617 (CIVIL)

Drawn By	REP
Cad. No.	061816-2
Ref. Dwg.	3006-075
Plotted:	5/27/10 12:23a

PROP. LAKE EXCAVATION - Section 1-55-38

FORTIN, LEAVY, SKILES, INC.
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
 180 Northeast 168th Street / North Miami Beach, Florida 33162
 Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	09/18/06
Scale	AS SHOWN
Job. No.	067027
Dwg. No.	1006-192
Sheet	1 of 6



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-176



Section: 01 Township: 55 Range: 38
 Applicant: SANTA FE HACIENDAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS



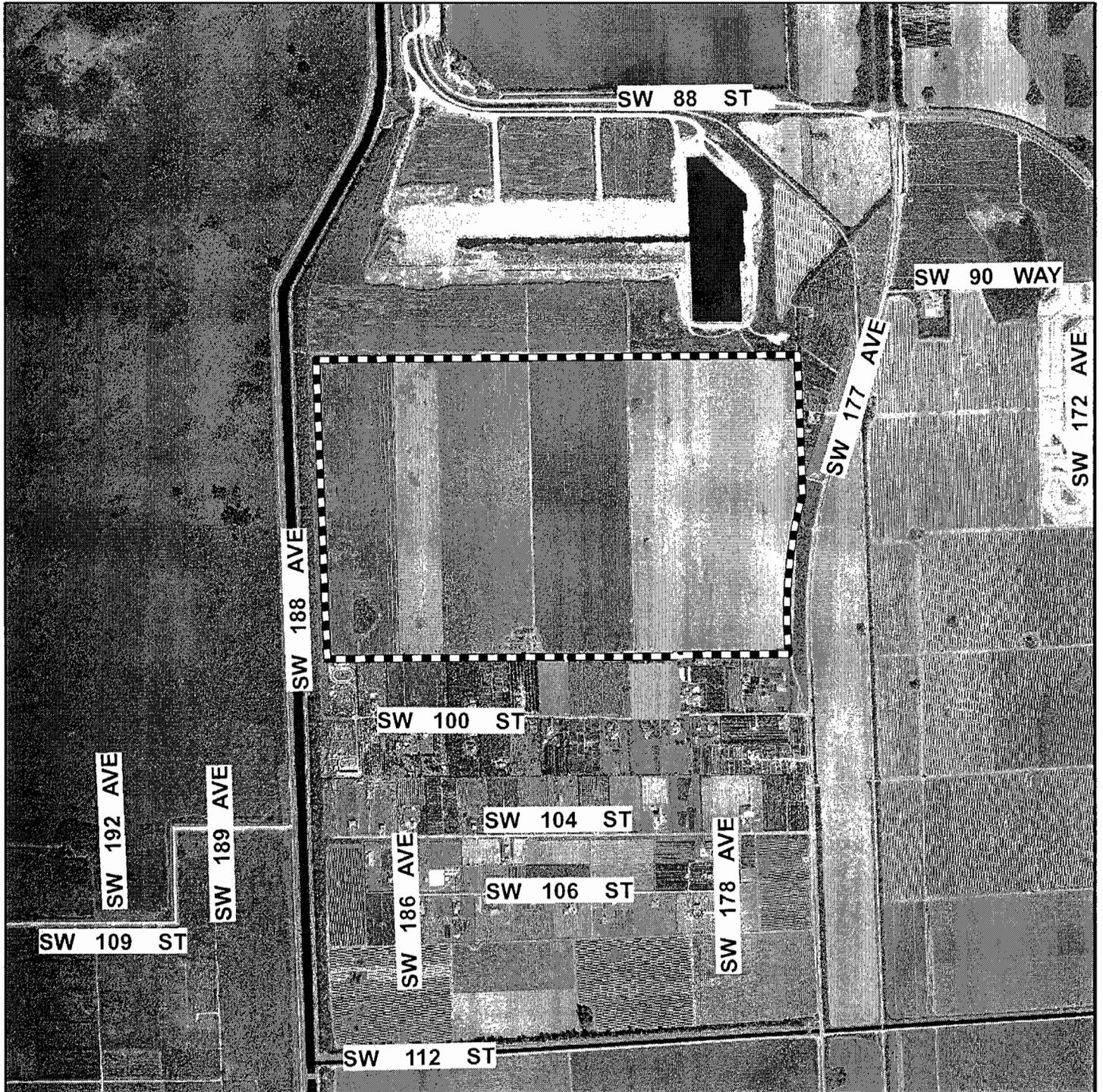
SUBJECT PROPERTY



SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

4/0



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
09-176



Section: 01 Township: 55 Range: 38
 Applicant: SANTA FE HACIENDAS LLC
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER
 Scale: NTS



SUBJECT PROPERTY



SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd

This instrument was prepared by:
Name: Kerri L. Barsh, Esq.
Address: Greenberg Traurig
333 Ave. of the Americas
40th Floor
Miami, FL 33131

Received by
Zoning Agenda Coordinator
JUL 20 2011

BCC ——— October 6, 2011
Item #A ——— Z09-176
Santa Fe Haciendas &
Cemex Construction

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the Owner and its co-applicant, CEMEX Construction Materials Florida, LLC (the "Operator"), during consideration of Public Hearing No. 09-176 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. **Compliance with Approved Plan.** The approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.
2. **Applicable Lake Excavation Plans.** The complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Planning and Zoning (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. **Progressive Sloping of Perimeter Banks.** The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM).
4. **Restoration.** Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of the DERM.

[L:\forms\181837302_7

Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010
MIA 181,837,302v7 7-18-11

(Public Hearing)
09-176

Declaration of Restrictions

5. **Continuous Operations**. If the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.
6. **Ten-Year Duration**. The time for the completion of Phase I of the project, including the lake excavation and grading, shall be 10 years from commencement, and the work shall be carried on expeditiously so that the work will be completed within the allocated time.
7. **Fencing**. If, in the opinion of the Miami-Dade County Board of County Commissioners, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.
8. **Hours of Operation**. The hours of the lake excavation operation shall be controlled by the Director, except that the Operator shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Saturday and Sunday operation and/or hours of operation other than 7:00 A.M. to 5:00 P.M. on weekdays, may be allowed by the Director only if the same does not become a nuisance to the surrounding area.
9. **Financial Assurance**. To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
10. **Signage**. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
11. **Department of Environmental Resources Management Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Department of Environmental Resources Management.
12. **Public Works Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works Department.
13. **Fire-Rescue Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.
14. **Compliance with All Applicable Permits**. All applicable federal, state and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.
15. **Landscaped Berm**. The Operator shall, prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and

Declaration of Restrictions

shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.

16. **Operational Setbacks.** The Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10 (the "Skiles Plan"), for a total of 5 sheets.
17. **Blasting Setbacks.** The Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.
18. **Assurance of Expansion of Contiguous Mining.** Operator shall obtain and renew on an annual basis, an Excavation Use Permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.
19. **Dust and Noise Abatement and Vibration Minimization Protocols.** The Operator shall comply with the dust and noise abatement practices and vibration minimization protocols set forth in the Good Neighbor Program dated June 13, 2011, and attached to this Declaration as Exhibit "B."
20. **Significant Reduction of Area to be Excavated.** The Operator shall not excavate, blast, or conduct mining outside the area designated on the Skiles Plan as Phase I, which is an approximate 172- acre area located more than a half-mile east of the Everglades National Park. Further excavation, blasting or mining on the Property outside the Phase I area shall require public hearing approval by the County Commission.
21. **Creation of Homeowners' Task Force.** Within thirty days of final approval of the unusual use, the Owner and Operator shall establish a Homeowners' Task Force whose responsibility is to meet with the neighboring residents on no less than a quarterly basis until mining is concluded, to discuss issues of concern and potential solutions, as well as educate and update the neighboring residents on mining activities. County staff will be invited to serve on the Task Force and venue for the meetings will be at a location and time convenient for the neighboring residents.
22. **Funding of County's Inspection and Enforcement Expenses.** Commencing within thirty days of final approval of the unusual use and annually thereafter until mining activities are concluded, the Owner and Operator shall deposit in an escrow with the Miami-Dade Department of Planning and Zoning, the sum of \$ 12, 000 to fund the

Declaration of Restrictions

County's inspection and enforcement costs so as to ensure compliance with the conditions of approval, including this Declaration.

23. **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.
24. **Covenant Running with the Land.** This Declaration 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 its heirs, successors, and assigns until such time as the covenant 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 its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
25. **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.
26. **Modification, Amendment, Release.** This Declaration 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.
27. **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.
28. **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.
29. **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

Declaration of Restrictions

to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

30. **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.
31. **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
32. **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 for Public Hearing No. 09-176. 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 for Public Hearing No. 09-176, in its entirety, and upon written request, the Director t or the executive officer of the successor of the Department of Planning and Zoning, 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.
33. **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.
34. **Owner.** The term, "Owner," shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Declaration of Restrictions

(Space reserved for Clerk)

Signed, witnessed, executed and acknowledged on this 17th day of July, 2011.

IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

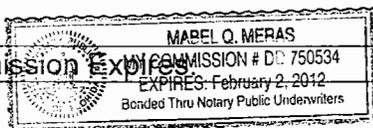
Witnesses:

Signature <i>Raquel P. Chong</i>	Santa Fe Haciendas, LLC, a Florida limited liability company
Print Name <i>RAQUEL P. CHONG</i>	<i>[Signature]</i>
Signature <i>Chantel Melendez</i>	
Print Name <i>Chantel Melendez</i>	
STATE OF FLORIDA	COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Managing Member of Santa Fe Haciendas, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 17th day of July, 2011, in the County and State aforesaid.

	<i>[Signature]</i>
	Signature
	Notary Public-State of Florida
	Print Name
My Commission Expires	



Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010

(Public Hearing)
09-176

Declaration of Restrictions

Exhibit "A"

Legal Description:

A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NO2'06'03"W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NO2'06'03"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89'30'05"E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02'06'00"E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76'17'57"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177TH AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15'48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02'06'00"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02'06'00"E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE NO2'06'03"W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.

STEPHEN CLARK BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, July 21, 2011

ITEM

SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION
(09-176)

Board of County Commissioners
(Present)

Joe A. Martinez, Chairman
Bruno A. Barreiro
Barbara Jordan
Dennis C. Moss
Senator Javier Souto
Jose "Pepe" Diaz
Esteban Bovo, Jr.
Lynda Bell
Xavier L. Suarez
Jean Monestime

County Attorney's Office

Craig Collier and Dennis Kerbel
Assistant County Attorneys

Staff

Marc C. LaFerrier
Director of Planning & Zoning

Grisel Rodriguez
Assistant Director of Zoning

On behalf of the Applicant

Stanley Price, Esq.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X
COMMISSIONERS

CHAIRMAN MARTINEZ: 3-5, 7-21.
VICE CHAIRWOMAN EDMONSON: 8, 10, 20.
COMMISSIONER BARREIRO: 9, 11-12, 15, 17.
COMMISSIONER BELL: 9, 17, 20-21.
COMMISSIONER BOVO: 9.
COMMISSIONER DIAZ: 9, 15, 17, 20.
COMMISSIONER JORDAN: 9.
COMMISSIONER MONESTIME: 10.
COMMISSIONER MOSS: 10, 12, 18-19.
COMMISSIONER SOUTO: 10.
COMMISSIONER SUAREZ: 10.

S T A F F

THE CLERK: 4-5, 9-10.
MR. LaFERRIER: 3-7, 11, 20.
MR. COLLER: 4, 8, 10-20.

ON BEHALF OF THE APPLICANT

MR. PRICE: 12-13, 19.

1 CHAIRMAN MARTINEZ: Good morning. If
2 you'd all please stand for a moment of
3 silence, and remain standing for the
4 Pledge of Allegiance.

5 (Moment of Silence).

6 (Pledge of Allegiance).

7 CHAIRMAN MARTINEZ: All right,
8 Mr. Attorney, Mr. Director.

9 MR. LaFERRIER: Mr. Chairman,
10 Commissioners, this morning we have a
11 zoning hearing and we also have a CDMP
12 hearing. I understand that the Chairman
13 would like to hear the zoning items first
14 and then combine the hearings for the
15 zoning and CDMP amendment for South
16 Florida Stadium, LLC.

17 CHAIRMAN MARTINEZ: Correct.

18 MR. LaFERRIER: So I'll read in the
19 record both statements.

20 But, initially, we need to swear in
21 the witnesses for the zoning hearing,
22 please.

23 CHAIRMAN MARTINEZ: Correct. And
24 also the statement that the public
25 hearings for two of the items had been

1 closed. And I know while we're taking
2 zoning first, the CDMP, this is for both,
3 correct, as you just stated? I just want
4 to know, because I have received a lot of
5 speaker cards. We stated last time, I did
6 and everybody agreed here, that the public
7 hearing had been closed. And I know I may
8 open it up for one, because they have
9 reached an agreement, but I need the
10 statement made by the attorney.

11 MR. COLLER: Yes, at the previous
12 hearing, Mr. Chairman, there was -- the
13 public hearings were closed and there were
14 tie votes on both items.

15 CHAIRMAN MARTINEZ: So we're just
16 here to vote on those?

17 MR. COLLER: Unless the Chairman
18 chooses to open the hearing.

19 CHAIRMAN MARTINEZ: Correct.

20 MR. COLLER: Correct.

21 CHAIRMAN MARTINEZ: Now, go ahead and
22 do everything else you have to say.

23 THE CLERK: Please stand and raise
24 your right hand.

25 Do you solemnly swear that the

1 testimony you're about to give is the
2 truth, the whole truth and nothing but the
3 truth, so help you God?

4 ALL: I do.

5 CHAIRMAN MARTINEZ: Interpreters.

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

10 THE INTERPRETERS: I swear.

11 CHAIRMAN MARTINEZ: Thank you very
12 much, Madam Clerk.

13 MR. LaFERRIER: I'll read the
14 statement of notice and records on the
15 zoning items first.

16 CHAIRMAN MARTINEZ: Sure.

17 MR. LaFERRIER: In accordance with
18 the Code of Miami-Dade County, all items
19 to be heard today have been legally
20 advertised in the newspaper, notices have
21 been mailed and properties have been
22 posted.

23 Additional copies of the agenda are
24 available here in the chambers. Items
25 will be called up and heard by the agenda

1 number and name of applicant.

2 The record and file of the hearing
3 for each application will include
4 documents from the public, governmental
5 agencies and the Department of Planning &
6 Zoning. Where there's an appeal from the
7 Community Zoning Appeals board, we also
8 have the transcripts from those hearings
9 here today in the chambers.

10 All documents are physically present
11 today, available to all interested parties
12 and available to all members of the Board
13 of County Commissioners, who may examine
14 these items from the record during the
15 hearing. Parties have the right to
16 cross-examination.

17 This statement, along with the fact
18 that all the witnesses have been sworn in,
19 should be included in any and all
20 transcripts of these proceedings. In
21 addition, there's an official translator
22 present in the chambers for those
23 individuals that require such assistance.

24 * * * * *

25 MR. LaFERRIER: Mr. Chairman,

1 Commissioners, the first item on your
2 zoning agenda is Santa Fe Haciendas, LLC.
3 This item was heard at your last zoning
4 hearing and resulted in a tie vote. It
5 was deferred to this meeting. It's
6 Hearing No. 09-176. On this agenda item,
7 we've had 190 protests and 518 waivers.
8 It's a request to -- for an unusual use
9 for a lake excavation.

10 CHAIRMAN MARTINEZ: Have you received
11 any additional information regarding this
12 application?

13 MR. LaFERRIER: Commissioners, I
14 received two days ago a revised proffered
15 covenant from the applicant, that is,
16 modifications to the covenant that was
17 previously provided to the Board at their
18 last hearing.

19 CHAIRMAN MARTINEZ: And have you
20 received anything else, like from the
21 United States Department of the Interior,
22 National Park Service?

23 MR. LaFERRIER: I also received a
24 letter from the Everglades National Park,
25 a comment on the proposed lake excavation.

1 CHAIRMAN MARTINEZ: And can you
2 summarize their recommendation?

3 MR. COLLER: Mr. Chairman, on those
4 two issues, if we are going to -- if the
5 Board is going to consider those items and
6 accept them, since they were done
7 subsequent to the close of the public
8 hearing, then the appropriate thing would
9 be to open the public hearing for purposes
10 of acceptance of the revised covenant and
11 the letter from the Department. You would
12 need to give the opportunity to objectors
13 to respond to that, since they would not
14 have had an opportunity to respond to it
15 at the time of the public hearing.

16 CHAIRMAN MARTINEZ: Okay. Then we'll
17 just take a vote.

18 Commissioner, Madam Vice Chair.

19 VICE CHAIRWOMAN EDMONSON: Thank you,
20 Mr. Chairman. And just, for the record, I
21 would like to put a statement in, that I
22 have been briefed and reviewed the last
23 minutes -- transcripts of the last
24 meeting.

25 CHAIRMAN MARTINEZ: On that.

1 application, is there a motion?

2 COMMISSIONER BELL: So moved.

3 CHAIRMAN MARTINEZ: It's been moved
4 by Commissioner Bell.

5 COMMISSIONER BARREIRO: Second.

6 CHAIRMAN MARTINEZ: Seconded by
7 Commissioner Barreiro.

8 Roll call.

9 THE CLERK: Commissioner Barreiro?

10 COMMISSIONER BARREIRO: Yes.

11 THE CLERK: Commissioner Bell?

12 COMMISSIONER BELL: Yes.

13 THE CLERK: Commissioner Bovo?

14 COMMISSIONER BOVO: Yes.

15 THE CLERK: Commissioner Diaz?

16 COMMISSIONER DIAZ: Yes.

17 THE CLERK: Commissioner Jordan?

18 COMMISSIONER JORDAN: I need to ask a
19 question. This is the same item that was
20 on before, that we took the vote on it and
21 it was tied or something like that?

22 CHAIRMAN MARTINEZ: (Nods his head in
23 the affirmative.)

24 COMMISSIONER JORDAN: I think I voted
25 no on that one. My vote is the same: No.

1 THE CLERK: Commissioner Monestime?
2 COMMISSIONER MONESTIME: Yes.
3 THE CLERK: Commissioner Moss?
4 COMMISSIONER MOSS: No.
5 THE CLERK: Commissioner Souto?
6 COMMISSIONER SOUTO: No.
7 THE CLERK: Commissioner Suarez?
8 COMMISSIONER SUAREZ: No.
9 THE CLERK: Vice Chairwoman Edmonson?
10 VICE CHAIRWOMAN EDMONSON: No.
11 THE CLERK: Chairman Martinez?
12 CHAIRMAN MARTINEZ: Yes.
13 THE CLERK: Motion passes six to
14 five.
15 CHAIRMAN MARTINEZ: It does not. You
16 need --
17 MR. COLLER: No, this item
18 requires --
19 CHAIRMAN MARTINEZ: Nine.
20 MR. COLLER: Requires nine votes.
21 Having not achieved it, it's deemed, under
22 our code, as a tie vote and it will be
23 heard at the next zoning meeting.
24 CHAIRMAN MARTINEZ: All right.
25 MR. COLLER: Do we have -- can we

1 announce at this time when the date of the
2 next zoning meeting is, so that we no
3 longer have --

4 CHAIRMAN MARTINEZ: No further
5 advertisement.

6 MR. COLLER: No further
7 advertisement.

8 MR. LaFERRIER: Commissioners, the
9 next date for your zoning hearing would be
10 October the 6, 2011.

11 CHAIRMAN MARTINEZ: So be it.
12 Commissioner Barreiro, point of
13 order on that?

14 COMMISSIONER BARREIRO: Yes, to the
15 attorney. All the items that were -- that
16 were sent in after the public hearing, can
17 those now be put on the record, so that we
18 can take those into consideration and so
19 forth for the next hearing?

20 MR. COLLER: If the Board chooses --
21 the evidence that was presented at the
22 hearing is what the Board has to consider.
23 If you want to hear additional evidence or
24 consider additional items, then what you
25 can do is, at the next meeting, you can

1 open the public hearing for purposes of
2 just those items and both sides can
3 address -- limit their comments to just
4 those items. You could do that at the
5 next meeting, if you so choose.

6 COMMISSIONER BARREIRO: Mr. Chairman.

7 CHAIRMAN MARTINEZ: All right.

8 COMMISSIONER BARREIRO: Take that
9 into consideration.

10 CHAIRMAN MARTINEZ: Absolutely,
11 absolutely.

12 MR. PRICE: Mr. Chairman.

13 CHAIRMAN MARTINEZ: No public
14 hearing, Mr. Price.

15 COMMISSIONER MOSS: Mr. Chairman.

16 MR. PRICE: I have a point of
17 procedure, sir.

18 CHAIRMAN MARTINEZ: Point of
19 procedure?

20 MR. PRICE: Yes.

21 CHAIRMAN MARTINEZ: I'd like to hear
22 it.

23 MR. PRICE: I'd like to ask the
24 Commission to permit the entry of these
25 documents now so they can be disseminated

1 to the community, rather than have to wait
2 to October 6th and then they have no
3 information of what possibly you would
4 open the hearing to deal with.

5 CHAIRMAN MARTINEZ: Can that be done?

6 MR. PRICE: And I think it's fair to
7 do it now.

8 MR. COLLER: Well, the item has been
9 deferred. I don't think any other motion
10 -- any other motion at this point is in
11 order, since you've deferred it to the
12 next meeting. You can, at that meeting,
13 take -- take them up and discuss them at
14 that time.

15 MR. PRICE: Under Mason's rules,
16 since you have not called another matter,
17 you have the right, in my opinion, to make
18 additional motions. No one has left the
19 room. No one has left the room in regard
20 to that. Make additional motions
21 pertaining to a process. You're not
22 making a ruling on the merits.

23 CHAIRMAN MARTINEZ: Mr. Coller.

24 MR. COLLER: If the Board wants to
25 reconsider the deferral to the next

1 meeting and open -- open up the public
2 hearing for consideration of the items,
3 you can choose to do so. The problem that
4 you have is that -- you have to reconsider
5 the vote.

6 CHAIRMAN MARTINEZ: Okay. My
7 question will the vote -- it would be six
8 to five, I'm sure, to reconsider. That
9 won't be an issue.

10 My thing is to admit these into the
11 record. I'm not taking public testimony
12 today, period, not on this item. It's
13 been done already and we may have to do it
14 again to consider these later, but I'm not
15 going to do it today and then again for
16 three times hearing the same exact things
17 from both sides.

18 So is there a way that this can be
19 opened just so this letter and the
20 covenant that you have received can be
21 just admitted to the record so they can be
22 disseminated to the public, he makes a
23 good point, without having to take public
24 hearing?

25 MR. COLLER: Well, the Board will be

1 -- if the Board chooses to do that, then
2 you will be in a position where you'll
3 need to open up the public hearing to
4 allow both sides to address those items.

5 CHAIRMAN MARTINEZ: Today?

6 COMMISSIONER BARREIRO: Mr. Chairman.

7 MR. COLLER: Well --

8 CHAIRMAN MARTINEZ: Let me hear from
9 him. One second, please.

10 COMMISSIONER DIAZ: I don't think so.

11 CHAIRMAN MARTINEZ: I mean, I
12 disagree with you, but you're my attorney,
13 so we'll take your advice.

14 I just wanted to introduce these two
15 things as evidence under Mason's.

16 Well, if he tells me no, it's no.

17 COMMISSIONER BARREIRO: If -- but --

18 MR. COLLER: Hold on for just one
19 second. Let me confer.

20 COMMISSIONER BARREIRO: While he --

21 CHAIRMAN MARTINEZ: One second,
22 Commissioner Barreiro, just one second,
23 please.

24 MR. COLLER: Since that motion
25 failed, because you didn't have a

1 supermajority vote, there's no motion on
2 the floor currently. So, therefore, we
3 haven't officially deferred the item to
4 the next meeting. So if you want to make
5 a motion at this time to open up the
6 hearing for purposes of receiving these
7 items and deferring it to the next
8 meeting, then you can do it that way.

9 CHAIRMAN MARTINEZ: Commissioner
10 Barreiro.

11 COMMISSIONER BARREIRO: That's
12 exactly where I was going.

13 CHAIRMAN MARTINEZ: But they had to
14 talk. They had to talk.

15 COMMISSIONER BARREIRO: Just the
16 motion will be --

17 CHAIRMAN MARTINEZ: Commissioner.

18 COMMISSIONER BARREIRO: A vote
19 against has to reconsider the item.

20 CHAIRMAN MARTINEZ: We don't even
21 have to do that.

22 MR. COLLER: No, there's no --

23 COMMISSIONER BARREIRO: Even better.

24 COMMISSIONER MARTINEZ: No.

25 MR. COLLER: There's no motion. The

1 motion failed.

2 CHAIRMAN MARTINEZ: Right.

3 MR. COLLER: So there's no motion
4 pending. You will have to open the public
5 hearing for addressing those items.

6 COMMISSIONER BARREIRO: Right. And a
7 motion to open -- to hear the item.

8 CHAIRMAN MARTINEZ: No, to accept.

9 COMMISSIONER BELL: Just to accept.

10 COMMISSIONER DIAZ: To accept those
11 two pieces of evidence.

12 CHAIRMAN MARTINEZ: Void the motion
13 of Commissioner Barreiro.

14 To accept those two items.

15 MR. COLLER: The motion to accept the
16 revised covenant and the letter from the
17 National Parks.

18 COMMISSIONER BELL: Second.

19 COMMISSIONER BARREIRO: I make the
20 motion.

21 CHAIRMAN MARTINEZ: Okay. And it's
22 been seconded by Commissioner Bell.

23 Commissioner Moss, I believe you
24 wanted to speak on it. It's just
25 information.

1 COMMISSIONER MOSS: How long does
2 this go on?

3 CHAIRMAN MARTINEZ: One more I
4 believe. Is it one more?

5 MR. COLLER: The way your -- the way
6 your code is drafted currently -- it
7 doesn't mean that the Board can't consider
8 legislative changes, but the way your code
9 is drafted currently is that if you don't
10 achieve the supermajority vote, then it's
11 deemed a tie, unless, of course, there's a
12 motion to deny which passes. So this will
13 keep going on until you either receive a
14 supermajority vote or you have a vote to
15 deny the application.

16 COMMISSIONER MOSS: And the second
17 question is that accepting these two items
18 will be appropriately before us, but with
19 the understanding that at the next
20 meeting, there would have to be a -- the
21 public testimony would have to be opened
22 up to allow folks to put their either
23 support or opposition on the record. Is
24 that correct?

25 MR. COLLER: That would be correct.

1 COMMISSIONER MOSS: Okay. Thank you.

2 CHAIRMAN MARTINEZ: And it can be

3 limited to just these two new items?

4 MR. COLLER: You could limit it to

5 just those two items.

6 CHAIRMAN MARTINEZ: Because

7 everything else is on the record already,

8 Commissioner. Everybody has spoken. I've

9 looked at the cards. It's pretty much the

10 same people on both sides and -- unless

11 the testimony changes. So we can open the

12 public hearing next time to address both

13 that and this issue.

14 So there's been a motion, there's

15 been a second. It's just to accept

16 information.

17 All those in favor, say aye.

18 COMMISSIONERS COLLECTIVELY: Aye.

19 CHAIRMAN MARTINEZ: Opposed?

20 MR. PRICE: Thank you.

21 CHAIRMAN MARTINEZ: Thank you.

22 MR. COLLER: Just so everyone is

23 clear --

24 CHAIRMAN MARTINEZ: And it is October

25 6th.

1 MR. COLLER: I think then you need a
2 motion to defer the item to the next
3 hearing date.

4 VICE CHAIRWOMAN EDMONSON: Move
5 deferral.

6 COMMISSIONER DIAZ: Second.

7 MR. COLLER: And what's that date
8 again? Would you please announce.

9 MR. LaFERRIER: October 6th.

10 VICE CHAIRWOMAN EDMONSON: Move
11 deferral until October 6th.

12 CHAIRMAN MARTINEZ: There's been a
13 motion. There's been a second.

14 Does anybody wish to be recorded no?
15 Thank you, that item passes.

16 COMMISSIONER BELL: Mr. Chairman, I
17 have a question.

18 CHAIRMAN MARTINEZ: Commissioner
19 Bell.

20 COMMISSIONER BELL: When you receive
21 a document, no matter where it comes from,
22 isn't that now a public record? So any
23 one of us, could we have done a public
24 records' request and simply gotten that
25 document?

1 CHAIRMAN MARTINEZ: It is.

2 COMMISSIONER BELL: So I'm a little
3 baffled by the inability to just simply
4 read that in the public, without opening
5 the public hearing, because it's a public
6 record.

7 CHAIRMAN MARTINEZ: Commissioner,
8 there's been some problems with these
9 records that have been received. And I'd
10 like to address them, because actually the
11 information was there. Were we not told
12 by somebody else, I believe my department
13 director, said that unless I asked, he
14 didn't have to disclose that we had
15 received the letter.

16 COMMISSIONER BELL: That's
17 inappropriate.

18 CHAIRMAN MARTINEZ: And I found that
19 out today, but we'll deal with that at a
20 later time.

21 COMMISSIONER BELL: Thank you, Mr.
22 Chair.

23 COMMISSIONER BELL: I'm just baffled
24 by how this transpired.
25 (Thereupon, the hearing was concluded).

1. DOWNTOWN DADELAND RETAIL, LLC.
(Applicant)

10-11-C12-3 (10-044)
BCC/District 07
Hearing Date: 10/06/11

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>
1961	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	BCC	Approved
1961	Federated & Kenara Center, Inc.	- Zone change from GU, RU-1 to BU-2 & BU-3.	ACC	Recommended for Approval
1968	George Williamson Cadillac Company	- Variance of sign regulation.	BCC	Appeal Approved, Application Approved
1968	George Williamson Cadillac Company	- Variance of sign regulation.	ZAB	Denied
1970	Larry Costley Chevrolet	- Variance of sign regulation.	ZAB	Approved
1971	Larry Costley Chevrolet	- Variance of sign regulation.	BCC	Appeal Denied, Application Approved
1984	George E. Williamson	- Non-Use Variance of open space requirements.	ZAB	Approved w/conds.
1986	Southeast Banking Corp.	- Non-Use Variance of setback requirement & Floor Area Ratio.	ZAB	Approved w/conds.
1999	George E. Williamson, II ET AL	- Special Exception to permit a mixed-use development. - Non-Use Variance of the fixed guide way rapid transit. - Unusual Use to permit outdoor dining. - Non-Use Variance of zoning regulations. - Special Exception of alcoholic spacing. - Non-Use Variance of landscaping requirements.	BCC	Approved w/conds.

2002	George E. Williamson II & Thomas W. Williamson	- Deletion of a Declaration of Restrictions.	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 12
MOTION SLIP**

A

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC**

REPRESENTATIVE: **Ben Fernandez**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
10-11-CZ12-3 (10-44)	March 30, 2011	CZAB12	5	11

REC: Approval with conditions.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

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

WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCILMAN		Alberto SANTANA			X
VICE CHAIRMAN		Jose I. VALDES	X		
COUNCIL WOMAN	S	Angela VAZQUEZ	X		
COUCILMAN		Elliot N. ZACK	X		
CHAIRMAN		Jorge Luis GARCIGA			X
VOTE:			4	1	

EXHIBITS: YES NO

COUNTY ATTORNEY: THOMAS ROBERTSON

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

A

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC**

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
10-11-CZ12-3 (10-44)	December 16, 2010	CZAB12	10

REC: Approval with conditions.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>March 30, 2011</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	To revise site plan and work with the neighbors.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA	X		
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ	X		
CHAIRMAN		Elliot N. ZACK	X		
VOTE:			6	0	

EXHIBITS: YES NO

COUNTY ATTORNEYS: **THOMAS ROBERTSON**
MERCEDES HOLSTON

4

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP**

#3

APPLICANT'S NAME: **DOWNTOWN DADELAND RETAIL, LLC.**

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
10-11-CZ12-3 (10-044)	November 18, 2010	CZAB12 10

REC: Approval with conditions.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Dec 16, 2010</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> OTHER:	Deferred due to a lack of time.	

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy BRODEUR	X		
COUNCIL MAN	S	Jorge Luis GARCIGA	X		
VICE-CHAIRMAN		Alberto SANTANA			X
COUNCIL MAN		Jose I. VALDES	X		
COUNCIL WOMAN		Angela VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		
VOTE:			4	0	

EXHIBITS: YES NO

COUNTY ATTORNEY: **JOHN MCINNIS**

5

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

APPLICANT: Downtown Dadeland Retail, LLC.

PH: Z10-044 (10-11-CZ12-3)

SECTION: 2-55-40

DATE: October 6, 2011

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

The applicant is appealing the decision of Community Zoning Appeals Board (CZAB) #12 which denied without prejudice the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 14 sheets, dated stamped received 9/26/11. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to appeal the CZAB's denial of the application to permit more signage per tenant and cantilever signs on a street frontage than allowed by the Downtown Kendall Urban Center (DKUC) zoning regulations; to allow larger cantilever projecting signs to encroach into the right-of-way; and to permit directional signage with logos to be taller than allowed by the zoning regulations

o **LOCATION:** Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida.

o **SIZE:** 7.42 acre.

ZONING HEARINGS HISTORY:

From 1961, portions of the subject property were approved through the zoning hearings process for district boundary changes, special exceptions and variances from the zoning regulations. Significantly, in November 1968, the subject property was approved to allow a 2nd detached Class B Point of Sale sign, pursuant to Resolution #Z-314-68. Similarly, in 1971, pursuant to resolution #Z-29-71, the subject property was approved to allow more signage on a street frontage and on the subject property than allowed by the zoning regulations. Subsequently, in 1999, the subject property was part of an area wide district boundary change that rezoned multiple properties to the Downtown Kendall Urban Center District (DKUCD), pursuant to Ordinance No. 99-166.

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Downtown Kendall Urban Center**.

Urban Centers

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

designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned Urban Centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall be, at a minimum, developed in accordance with the Community Center policies established below. Following are policies for Development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform with the guidelines provided below.

Streets and Public Spaces

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

Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking

structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Buildings

Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Uses and Zoning Not Specifically Depicted on the LUP Map.

Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. All existing lawful uses and zoning are deemed to be consistent with this Plan.

Policy 9B vii of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate **signage**.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
DKUCD; mixed use residential and retail uses	Community Urban Center
<u>Surrounding Properties:</u>	
NORTH: DKUCD; shopping mall	Community Urban Center
SOUTH: DKUCD: Metro-Rail Station facility	Community Urban Center
EAST: DKUCD: retail stores	Community Urban Center
WEST: DKUCD; offices, hotels	Community Urban Center

E. PERTINENT ZONING REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.
*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.

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

*Subject to the conditions indicated in their memorandum.

G. PLANNING AND ZONING ANALYSIS:

On March 31, 2011, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the entire application by a vote of 4 to 1, pursuant to Resolution #CZAB12-5-11. Subsequently, on April 18, 2011, the applicant appealed the CZAB-12's decision to the Board of County Commissioners (BCC) citing that the Board's decision to deny the application was, void of substantial competent evidence, and contrary to the recommendation of the Department of Planning and Zoning.

The applicant submitted revised plans within the scope of the advertisement on September 26, 2011. Said plans indicate the replacement of the six (6) the cantilever signs from the two (2) southernmost buildings along Dadeland Boulevard, Buildings "F" and "G". The applicant replaced them with only two (2) signs that project at a 90 degree angle from Building "F". Additionally, the revised plans indicate the reduction in the size of the cantilever signs that are internal to the site and fronting on SW 72 Court and SW 72 Place, from 51 sq. ft. to 28 sq. ft. in area. Additionally, the applicant has proffered an additional condition that all the illumination directed towards the signage be turned off at 11:00 PM daily. Staff is supportive of these changes and of the additional condition which in staff's opinion indicates some sensitivity on the part of the applicant to the residents in the buildings.

The subject property is located south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, approximately **9 miles east of and within the Urban Development Boundary (UDB) Line**, in an area which is currently being developed as a compact, mixed-use community. The subject property, which was previously zoned BU-3, Liberal Business District, was a part of a section of land that was rezoned from multiple zones to DKUC (Downtown Kendall Urban Center) District.

The approval of this appeal will permit the existing retail center with more signage per tenant and cantilever signs on a street frontage than allowed; allow banner type cantilever projecting signs consisting of canvas material to encroach into the right-of-way; and permit directional signage with logos to be taller than allowed by the zoning regulations of the DKUC District. The subject property lies within the **Downtown Kendall Urban Center**

(DKUC) District as designated in the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). All of the parcels within the boundaries of the approved Downtown Kendall Urban Center District Ordinance, are regulated by plans and descriptive standards described in Ordinance #99-166. Among other things, said Ordinance contains varied restrictions on signage types, size, numbers and locations within the Urban Center.

The subject property lies within the Core Sub-District of the DKUCD and is comprised of a mixed use retail and residential development. The existing retail and residential development was built in accordance with the Core Sub-District regulations of the DKUCD, which among other things require a minimum two (2) story high colonnade frontage at the build-to line and a front- 0' build-to line for structures located along an "A" street, along with a minimum frontage length of 80% for buildings. The applicant seeks to waive the zoning regulations permitting only one of each sign type, up to a total of three (3 signs per street frontage, per tenant: to permit additional cantilever projecting signs (1 permitted) per street frontage, per tenant and to permit the cantilever projecting signs with an area of 55.75 sq. ft., where only 8 sq. ft. is permitted (request #1); to permit cantilever projecting signs to encroach into the right-of-way, which is not permitted (request #2); to permit directional signs with a height varying from 10'2" to 13', where a maximum height of 4' is permitted (request #3) and finally, to permit directional signs with logos (request #4), which is also not permitted in the DKUCD.

The applicant has indicated in their letter of intent that the increased signage, signage size and locations being requested is to allow for the success of the retail stores and restaurants located on the ground floors of the seven (7) buildings located within the subject property. Staff opines that the proposed signage will attract both vehicular and pedestrian traffic into the complex. Staff also opines that the proposed signs will help to identify the various types of facilities located inside the complex from the main vehicular access streets abutting the property, SW 88 Street (North Kendall Drive) and Dadeland Boulevard. Staff concurs with this and further opines that approval of the requests for additional signage, signage projecting into the right-of-way and signage that will be elevated above the height allowed by the district regulations, will allow passersby to locate and arrive at their destination within this retail and residential district faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Staff notes that **Policy 9B vii** of the Land Use Element of the CDMP indicates *that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP, which govern the use and development of land and which, as a minimum, regulate signage.* Staff opines that this development is unique and that approval of this application would not have a negative impact on the future development of the area and would maintain the basic intent and purpose of the DKUC Master Plan, which is the citizens' vision for the future growth and the re-development of the unincorporated area of Kendall in Miami-Dade County. Therefore, staff opines that the proposed development of the site is **compatible** with the future development of the area and is **consistent** with the DKUC designation on the LUP map of the CDMP.

When requests #1 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area and would not be detrimental or have a negative effect on the appearance of the community. The subject parcel consists of seven (7) buildings, all of which are seven (7) stories high, surrounding a central plaza area where the majority of the retail and restaurant businesses front. As such, the applicant opines, and

staff concurs, that the visibility of these establishments is minimal from the abutting streets, North Kendall Drive and Dadeland Boulevard. Staff has consistently recommended denial of applications seeking deviations from the Zoning Code signage regulations and is of the opinion that the Zoning Code provides adequate signage allowances.

However, staff opines, that given the unique circumstances of this tight-nit mixed use development consisting of multiple high-story buildings and retail establishments within this urban center, the approval of the requests for additional signage, larger than permitted cantilever signage and cantilever signage projecting into the right-of-way and directional signage above the height that is allowed, will provide the public with better access to the businesses located within the parcel and facilitate a smoother flow of traffic in the area. In addition, staff opines that the proposed signage will allow passersby to locate and arrive at their destination within this shopping center faster, will cut down on driver distractions and will provide a more pleasing aesthetic for the subject property. Further, staff notes that the subject site was previously approved for variances to the signage regulations on more than one occasion and as such, approval of this request would not be precedent setting. Staff opines that the proposed signage is not excessive given the location of the subject property, which abuts the elevated Metrorail platform and lines to the south, and multiple commercial and retail facilities to the north, east and west. Further, staff opines that the placement of the signs internally on the site would be compatible with the surrounding area and in keeping with the large retail and office component of the DKUCD. As such, staff recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

Based on the aforementioned, staff recommends approval of the appeal and approval with conditions of requests #1 through #4, under Section 33-311(A)(4)(b) (NUV).

H. RECOMMENDATION: Approval with conditions.

I. CONDITIONS

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Downtown Dadeland," as prepared by Architecture + Design, consisting of 14 sheets, dated stamped received 9/26/11.
3. That all the lights with signage be turned off at 11:00 PM daily.
4. That the use be established and maintained in accordance with the approved plan.

Downtown Dadeland Retail, LLC.

Z10-044

Page 8

DATE TYPED: 09/20/10

DATE REVISED: 09/22/10, 10/06/10, 11/22/10, 01/21/11, 02/09/11, 03/17/11, 09/09/11

DATE FINALIZED: 09/09/11

MCL:GR:NN:AA:CH



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

*NON-
GMR*

Memorandum

Date: May 7, 2010

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-12 #Z2010000044
Downtown Dadeland Retail, LLC
7270 N. Kendall Drive
To Permit Point of Sale and Directional Signs Throughout the
Development (Not Permitted)
(DKUC) (7.42 Acres)
02-55-40

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 Wasterwater 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.

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

According to the site plan submitted with this zoning application, the proposal of the point of sale and directional signs will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that 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.

Enforcement History

DERM has found no open or closed enforcement records 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 Christine Velazquez at (305) 372-6764.

PH# Z2010000044
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: DOWNTOWN DADELAND RETAIL, LLC.

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

25-MAY-10

Memorandum



Date: 26-MAY-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000044

Fire Prevention Unit:

No objection to resubmission.

Service Impact/Demand

Development for the above Z2010000044
 located at LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-DADE COUNTY,
 FLORIDA.

in Police Grid 1832 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: 5:20 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 23 - Suniland - 7825 SW 104 Street
 Rescue, BLS 75' Ladder.

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.

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

Memorandum



Date: June 13, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.N.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2010000044: Downtown Dadeland Retail, LLC

Application Name: Downtown Dadeland Retail, LLC

Project Location: The site is located south of 88th Street, between SW 72nd Court and SW 72nd Place, Miami-Dade County.

Proposed Development: The applicant is requesting a variance for banner signs and directional signs for an existing use.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

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

CHECKED BY _____ AMOUNT OF FEE 1833.51

RECEIPT # _____

DATE HEARD 3/30/11

BY CZAB # 12

RECEIVED
210-044
APR 18 2011

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

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. Z-2010-044

Filed in the name of (Applicant) Downtown Dadeland Retail, LLC

Name of Appellant, if other than applicant Ben Fernandez, Esq.

Address/location of APPELLANT'S property: 7270 North Kendall Drive, Miami, FL 33156

Application, or part of Application being Appealed (Explanation): The entire application.

Appellant (name): Ben Fernandez, Esq.

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language)

APPELLANT MUST SIGN THIS PAGE

Date _____ day of April, year: 2011

Signed *Ben Fernandez*

Ben Fernandez, Esq.
Print Name

200 South Biscayne Boulevard, Suite 850
Mailing Address

Miami FL 33131

305-377-6235 305-377-6222
Phone Fax

Signed _____

Print Name

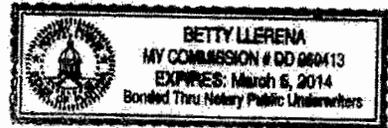
Mailing Address

Phone Fax

Subscribed and Sworn to before me on the 18th day of April, year 2011

Betty Llerena
Notary Public

(stamp/seal)



Commission Expires: 3/5/14

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 Ben Fernandez
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

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

(Check all that apply)

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

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

Further Appellant says not.

Witnesses:

[Signature]
Signature

Ben Fernandez
Print Name

Cristina D. Gonzalez
Signature

CRISTINA D. GONZALEZ
Print Name

[Signature]
Appellant's Signature

Ben Fernandez, Esq.
Print Name

[Signature]
Appellant's Signature

[Signature]
Print Name

Sworn to and subscribed before me on the 18th day of April year 2011.

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

[Signature]
Notary Public

(stamp/seal)



Commission Expires: 3/5/14

RESOLUTION NO. CZAB12-5-11

WHEREAS **DOWNTOWN DADELAND RETAIL L. L. C.**, applied for the following:

- (1) Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted).
- (2) Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted).
- (3) Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum height permitted).
- (4) Applicant is requesting to permit directional signs with logos (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Downtown Dadeland," as prepared by Architecture + Design, consisting of 10 sheets, dated stamped received 7/9/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A," **DOWNTOWN DADELAND**, Plat book 161, Page 76.

LOCATION: Lying south of S.W. 88 Street, between S.W. 72 Court and S.W. 72 Place, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requests to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage per tenant; to permit additional cantilever projecting signs per street frontage and to permit the cantilever projecting signs with an area of 55.75 sq. ft. (Item #1), to permit cantilever projecting signs to encroach into the right-of-way (Item #2), to permit directional signs with a height varying from 10'2" to 13' (Item #3), and to permit directional signs with logos (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to deny Items #1, 2, 3, and 4 without prejudice was offered by Peggy Brodeur, seconded by Angela Vazquez, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Alberto Santana	absent	Angela Vazquez	aye
		Elliot N. Zack	aye
	Jorge Luis Garciga	nay	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that Items #1, 2, 3, and 4 be and the same are hereby denied without prejudice

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

PASSED AND ADOPTED this 31st day of March, 2011.

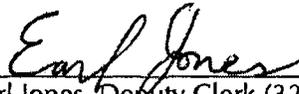
Hearing No. 10-11-CZ12-3
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, 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 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-5-11 adopted by said Community Zoning Appeals Board at its meeting held on the 30th day of March, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of April, 2011.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL



BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

DOWNTOWN DADELAND RETAIL,
LLC.

LYING SOUTH OF SW 88 STREET,
BETWEEN SW 72 CT & SW 72 PL,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000044

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-044

ADDRESS: LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-
DADE COUNTY

FOLIO: Folios 30-5002-097-0001, 096-0001, 095-0001, 093-0001, 092-0001, 091-0001, 087-
0001, and 081-0010

DATE: 8-17-11

NAME: DOWNTOWN DADELAND RETAIL, LLC.

OPEN CASES:

Neighborhood Regulations:
No open cases.

Building Code:
No open cases.

CLOSED CASES:

Neighborhood Regulations:
Folio 30-5002-081-0010 various cases for sign violations that are all closed.

Building Code:
No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: CARL HARRISON

08/18/11

Process #: Z2010000044
Applicant's Name: DOWNTOWN DADELAND RETAIL, LLC.

Locations: LYING SOUTH OF SW 88 STREET, BETWEEN SW 72 CT & SW 72 PL, MIAMI-DADE COUNTY, FLORIDA.

Size: 7.42 ACRES

Folio #: 3050020970001

Request:

- 1 Applicant is requesting to waive the zoning regulations permitting only one of each sign type, up to a total of three signs per street frontage; to permit an additional cantilever sign (1 permitted) per street frontage. 33-284.63(B)2(b)ii.
- 2 Applicant is requesting to permit cantilever projecting signs to encroach into the right-of-way (not permitted) 33-284.63(8)(B)
- 3 Applicant is requesting to permit the cantilever projecting signs with an area of 55.75 sq. ft. (8 sq. ft. maximum permitted) 33-284.63(8)(B)
- 4 Applicant is requesting to permit directional signs with a height varying from 10'2" to 13' (4' maximum permitted) 33-284.63(8)(B)
- 5 Applicant is requesting to permit directional signs with logos (not permitted). 33-284.63(8)(B)
CZAB 1ST RECOMMENDED FOR APPROVAL TO BCC

EXISTING ZONING

Subject Property DKUC,

EXISTING USE RES/ COMM/

SITE CHARACTERISTICS

STRUCTURES ON SITE:

SIX 7 STORY BUILDINGS AND ONE 6 STORY BUILDING.

USE(S) OF PROPERTY:

MIXED USES TO INCLUDE RETAIL/OFFICES/RESTAURANTS AND RESIDENTIAL HIGH DENSITY.

FENCES/WALLS:

NONE

LANDSCAPING:

STREET TREES IN THE INTERIOR ROADS SOME IN PLANTERS WITH SHURBS. NO LAWN AREA.

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO DATED 10/13/2010 & 10/07/2010 ON FILE REQUIRES UPDATING. NO OPEN PERMITS FOUND.

OTHER:

NONE

Process # Applicant's Name

Z201000044 DOWNTOWN DADELAND RETAIL, LLC.

SURROUNDING PROPERTY

NORTH:

DKUC - DADELAND MALL 7535 SW 88 ST

SOUTH:

DKUC - S DADELAND METRORAIL

EAST:

DKUC - COMMERCIAL RETAIL SALES 7200-7260 SW 88 ST

WEST:

DKUC - BANK/OFFICE BLDG & HOTEL/OFFICES 7300 & 9090 S DADELAND BLVD

SURROUNDING AREA

MIX USES COMMERCIAL / RETAIL / OFFICE / RESTAURANTS WITH OUTDOOR DINING ON THE GROUND FLOORS AND CONDOS UNITS IN THE FLOORS ABOVE.

NEIGHBORHOOD CHARACTERISTICS:

THIS AREA IS PART OF THE NEW DOWNTOWN KENDALL WHICH IS MIXED USES TO INCLUDE COMMERCIAL / RETAIL / OFFICES /CONDOS AND RESTAURANTS WITH OUTDOOR DINING.

COMMENTS:

PICTURES OF THE PROPERTY WERE PROVIDED BY THE APPLICANT FOR VIEWING. THIS INSPECTOR SUPPLIED PICTURES OF THE SURROUNDING PROPERTIES.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 1. NE CORNER OF PROPERTY AT SW 88 ST & S. DADELAND BLVD.



Date: 18-AUG-11

Comments: 1. NW CORNER OF PROPERTY AT SW 88 ST & SW 72 CT.



Date: 18-AUG-11

Comments: 1. SW EXPOSURE - SW CORNER OF PROPERTY ST S. DADELAND BLVD & SW 90 WAY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 1. SE EXPOSURE - N VIEW SW 72 CT & SW 90 WAY.



Date: 18-AUG-11

Comments: 1. NW EXPOSURE - S VIEW OF S. DADELAND BLVD.



Date: 18-AUG-11

Comments: 2. DADELAND MALL 7535 SW 88 ST - N OF PROPERTY - N VIEW FROM S.DADELAND BLVD.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 2.0 DADELAND MALL 7535 SW 88 ST - N OF
PROPERTY - NE VIEW FROM SW 88 ST & SW 72 CT.



Date: 18-AUG-11

Comments: 3.0 7300 N KENDALL DR - LOT W OF PROPERTY



Date: 18-AUG-11

Comments: 3.2 7360 N KENDALL DR - LOT W OF W OF
PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



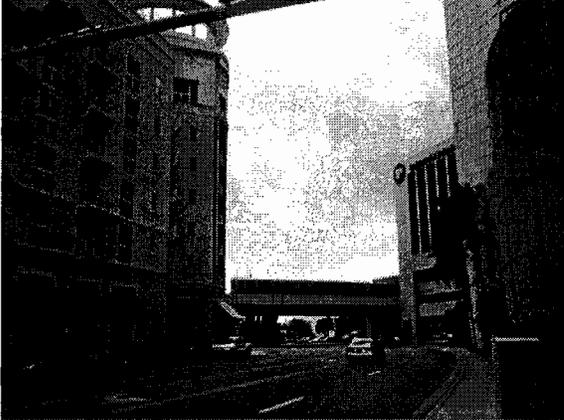
Date: 18-AUG-11

Comments: 3.1 7360 N KENDALL DR - LOT W OF W OF PROPERTY.



Date: 18-AUG-11

Comments: 4. 9090 S DADELAND BLVD MARRIOTT - LOT SW OF PROPERTY.



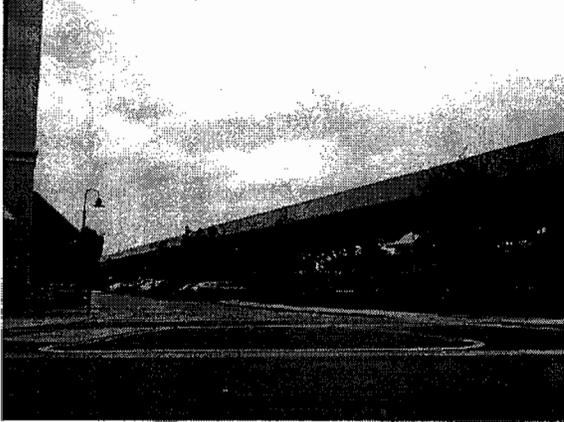
Date: 18-AUG-11

Comments: 5. S. DADELAND METRORAIL STATION - S OF PROPERTY.

Inspector **HASSUN, PEDRO**

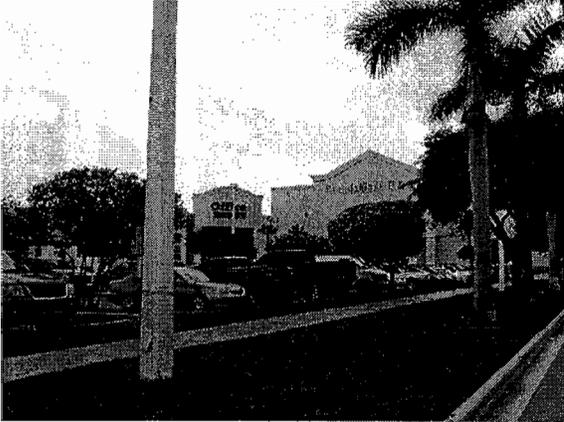
Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 5.0 S. DADELAND METRORAIL- S OF PROPERTY
ALONG SW 90 WAY.



Date: 18-AUG-11

Comments: 6. 7200-7260 SW 88 ST - E OF PROPERTY - FROM
SW 72 CT. STORES: CONTAINER STORE, OLD
NAVY, OFFICE DEPOT & BRANDSMART USA.



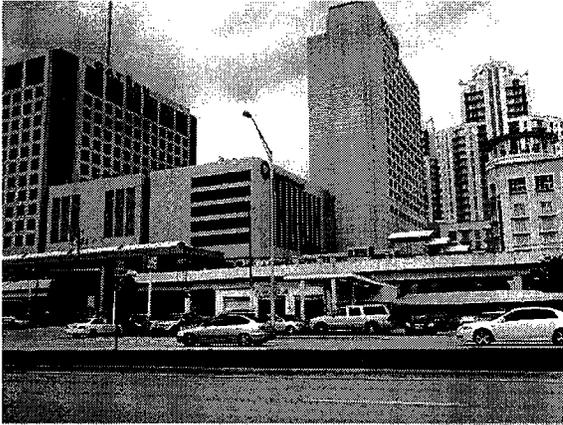
Date: 18-AUG-11

Comments: 7. SHORT'S 9200 S DIXIE HWY - SW OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 8. AUTO PERFECTION WINDOW TINTING 9180 S DIXIE HWY - SW OF PROPERTY.



Date: 18-AUG-11

Comments: 9.0 BARE NECESSITY - ROLLO'S LOUNGE 9100 S DIXIE HWY.



Date: 18-AUG-11

Comments: 10. SUBWAY 9060 S DIXIE HWY - S OF PROPERTY.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z201000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

Comments: 11. HAVANA SPICE CAFE 9050 S DIXIE HWY - SE OF PROPERTY.

Project Information

Site Information
 353,000 sq. ft. (8.4 acres)
 Downtown Northside Urban Center District
 Residential / Mercantile / Assembly
 Main Use & Occupancy Classification
 Sign Requirements

Development Parameters
 Section 33-304.02 (B)(1)(b)
 Section 33-304.03 (B)(1)(b)

Permanent Point of Sale Signs
 In Core and Center Sub-Districts
 Section 33-304.03 (B)(1)(b)

(i) Size
 24 square feet maximum

(ii) Number
 One (1) of each sign type up to a total of three (3) per street frontage for each street

(iii) Building Identification Wall Sign
 Permitted above right floor. One (1) sign per building. The sign shall be no larger than 24 square feet maximum. The outer edge of the sign shall be no closer than zero (0) feet from the right-of-way and five (5) feet minimum from the rear property line.

(iv) Semiblocks and Spacing
 Section 33-304.03 (B)(1)(b)

(v) Illumination
 Section 33-304.03 (B)(1)(b)

(vi) Maximum Height
 Four (4) feet maximum height above grade to top of sign for attached sign

(vii) Special Conditions
 No permit required for postings following these regulations. Letters attached or painted to fabric signs shall be no larger than 1/2 inch in height and bottom letters are not allowed. Signs shall be attached to the building facade or window. Signs shall be attached to the building facade or window. Signs shall be attached to the building facade or window.

(viii) Prohibited
 No sign that exhibits obscenity,淫秽 or indecent matter.

Directional Signs
 To direct traffic flow and locate entrances and exits
 Section 33-304.02 (B)(3)

(i) Size
 2.85 & 2.30 square feet
 14.88 square feet

(ii) Height
 Do not exceed four (4) feet in height above grade

(iii) Approval
 Providing they are shown and approved on site plans which indicate size, location, copy, etc.

(iv) Prohibited
 Signs, names, and advertising are not permitted on such signs

Proposed Construction and Sign Details

4'-0" encroachment into curb and 4'-0" from curb face

1'-0" encroachment into curb and 6'-10" from curb face

1'-0" from sidewalk to bottom of sign

Encroachment to lower than building

51.20 and 28.33 sq. ft. each

51.20 and 28.33 sq. ft. each

ADDITIONAL additional signage allowed for each sign

N/A

North Kendall Drive - 5.65 sq. ft. maximum for each sign

Downtown Boulevard - 2.86 sq. ft. maximum for each sign

30'-0" setback from rear property line

N/A

N/A

N/A

N/A

2.85 & 2.30 square feet

14.88 square feet

10'-0" above grade to top

10'-0" above grade to top

10'-0" above grade to top

Provided

As per sign approved. 14.88 square feet, 10'-0" above grade to top

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 210-04
 DATE: SEP 27 2011
 BY: SDK

ZONING DATA

Board of County Commissioners Hearing
 09.26.11

ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: DWJ
 ON: 9/26/11
 ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: WJ 9/26/11

RECEIVED
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE COUNTY PLANNING AND ZONING DEPT.
 BY: WJ

DOWNTOWN DADELAND
 7720 NORKENAL DRIVE
 MIAMI, FL 33155

One Ocean Drive
 Suite 100
 Miami, FL 33139
 Phone: 305.441.1111
 Fax: 305.441.1111
 www.addinc.com

ARCHITECTURE + DESIGN
 ADD INC

RECEIVED
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *HH*

ENLARGED SITE PLAN

A5	B1	C1	D1	E1	F1
A6	B2	C2	D2	E2	F2
	B3	C3	D3		
	B4	C4	D4		
	B5				
	B6				
					<i>24</i>

GARAGE ENTRY CANOPY DIRECTIONAL SIGNS

PARKING DIRECTIONAL SIGN P1

PARKING DIRECTIONAL SIGN P1

SW 72nd COURT

SW 89th STREET

SW 88th STREET / NORTH KENDALL DRIVE

SW 72nd PLACE

DADELAND BOULEVARD

SW 90th WAY

SOUTH DADELAND BOULEVARD

ZONING HEARINGS PLANS REVIEW

PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: *Parvul*

ON: *9/26/11*

ZONING EVALUATOR

PLANS ACCEPTABLE

NOT ACCEPTABLE

By: *[Signature]*

TYPE LEARNER SIGN ON STREETS

PARKING DIRECTIONAL SIGNS P2 & P3

PARKING DIRECTIONAL SIGNS P2 & P3

-28.23 # signs

37

RECEIVED
 MIAMI-DADE COUNTY
 PLANNING DEPARTMENT
 DATE: SEP 27 2011
 BY: SOB

Sign Schedule

Building Name	Banner Designation	Type	Location
Building A	A1	1	NE Corner
	A2	1	NE Corner
	A3	1	NW Corner
	A4	1	NW Corner
Building B	B1	2	SE Corner
	B2	2	SE Corner
Building C	C1	2	NE Corner
	C2	2	NE Corner
	C3	2	SW Corner
	C4	2	SW Corner
Building D	D1	1	NW Corner
	D2	1	NW Corner
	D3	1	SW Corner
	D4	1	SW Corner
Building E	E1	2	NW Corner
	E2	2	NW Corner
Building F	F1	1	West
	F2	1	West

PROPOSED SITE MODIFICATIONS

Board of County Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 2220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

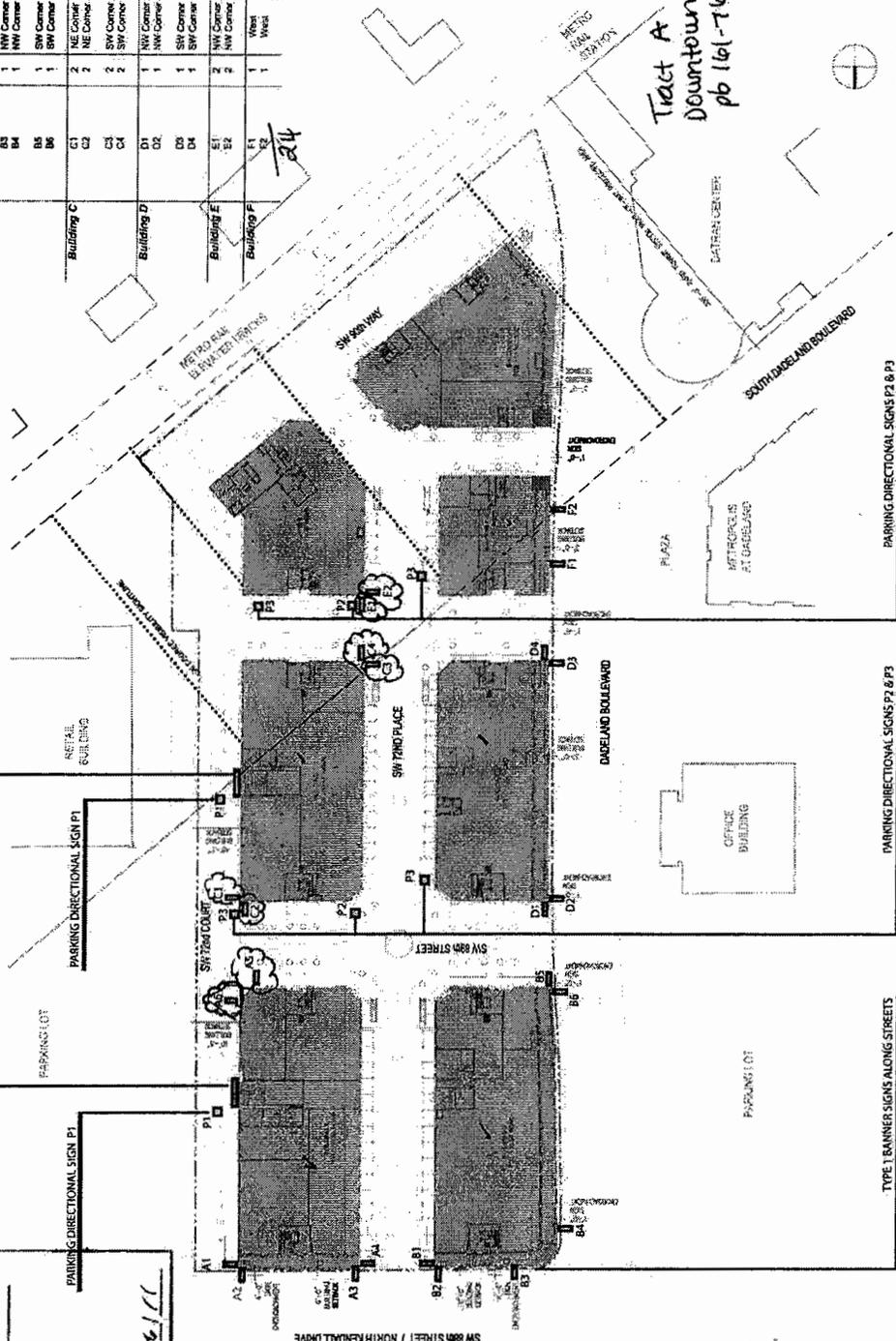
Tract A Downtown Kendall
 pb 161-76

ADD Inc
 ARCHITECTURE + DESIGN

A-8

Sign Schedule

Building Name	Banner Designation	Type	Location
Building A	A1	1	NE Corner
	A2	1	NE Corner
	A3	1	NW Corner
	A4	1	NW Corner
Building B	B1	2	SE Corner
	B2	2	SE Corner
Building C	C1	2	NE Corner
	C2	2	NE Corner
	C3	2	SW Corner
	C4	2	SW Corner
Building D	D1	1	NW Corner
	D2	1	NW Corner
	D3	1	SW Corner
	D4	1	SW Corner
Building E	E1	2	NW Corner
	E2	2	NW Corner
Building F	F1	1	West
	F2	1	West



ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: DANIEL
 ON: 9/26/11
 ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: [Signature] 9/26/11

RECEIVED
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: [Signature]

PROJECT #09163.00

38

PROPOSED SITE PLAN
 1"=50'

0-28.23 # signs

ADD Inc

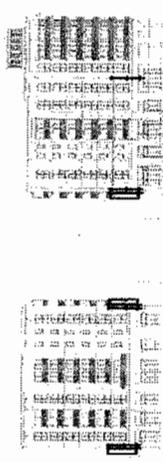
PARKING DIRECTIONAL SIGNS P2 & P3

PARKING DIRECTIONAL SIGNS P2 & P3

TYPE 1 BANNER SIGNS ALONG STREETS



RECEIVED
 MIAMI-DADE COUNTY
 PROCESS & ZONINGS
 DATE: SEP 26 2011
 BY: SDA
 ZONING HEARING PLANS REVIEW
 WITHIN THE SCOPE OF AD
 WITHIN THE SCOPE OF AD
 REVIEWED BY: DAVID
 ON: 09/26/11
 ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 BY: Me 9/26/11



NORTH ELEVATION ALONG KENDALL DRIVE
 NO SCALE



EAST ELEVATION ALONG SW 72ND COURT
 NO SCALE



WEST ELEVATION ALONG DADELAND BOULEVARD
 NO SCALE

BANNER SIGN OVERALL
 ELEVATIONS

Board of County
 Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 7220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

ADD Inc
 10000 SW 10th St
 Suite 100
 Miami, FL 33156
 Tel: 305.447.7777
 Fax: 305.447.7778
 www.addinc.com

ARCHITECTURE + DESIGN

ADD Inc

PROJECT #09163.00

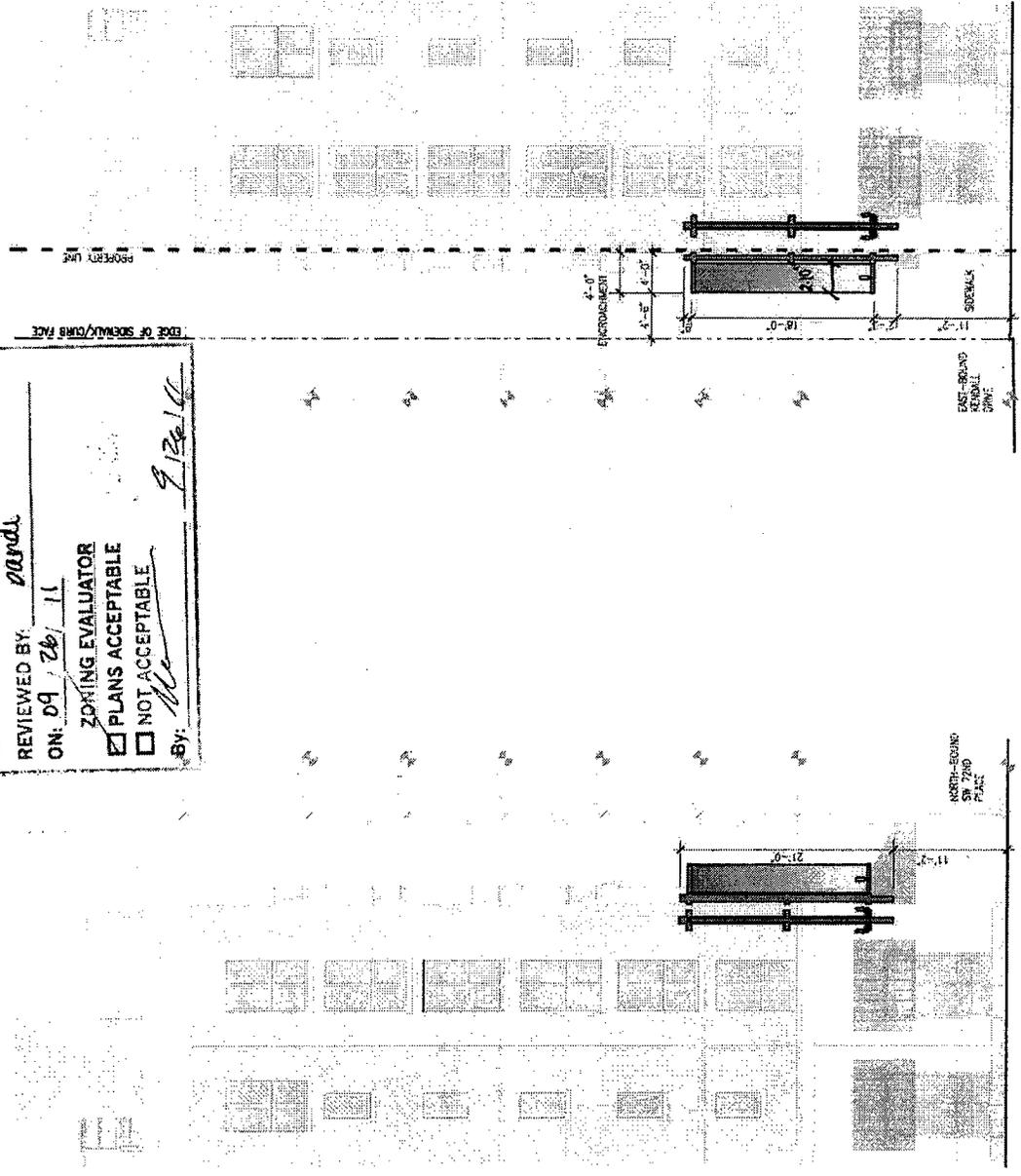
A-11

41

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # Z10-044
 DATE: SEP 26 2011
 BY: SDB

RECEIVED
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: *AD*

ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: *AD*
 ON: 09/26/11
ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: *Mc* 9/26/11



PROPOSED PARTIAL ELEVATION
 ALONG NORTH KENDALL DRIVE
 1/8"=1'-0"

PROPOSED PARTIAL ELEVATION
 ALONG SW 72ND PLACE
 1/8"=1'-0"

MIAMI-DADE COUNTY
 DOWNTOWN DADELAND

**BANNER SIGN BUILDING
 ELEVATIONS**

Board of County
 Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33155

ADD Inc
 Architecture + Design
 1101 NE 13th Ave
 Suite 100
 Miami, FL 33132
 305.551.1111
 www.addinc.com

ARCHITECTURE + DESIGN
ADD Inc

A-12

PROJECT #09163.00

28

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 2104-04
 DATE: SEP 26 2011
 BY: SDB

ZONING HEARING PLANS REVIEW

- PLANS WITHIN THE SCOPE OF AD
- PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: DAVAL

ON: 09/26/11

ZONING EVALUATOR

- PLANS ACCEPTABLE
- NOT ACCEPTABLE

By: Alk 9/26/11

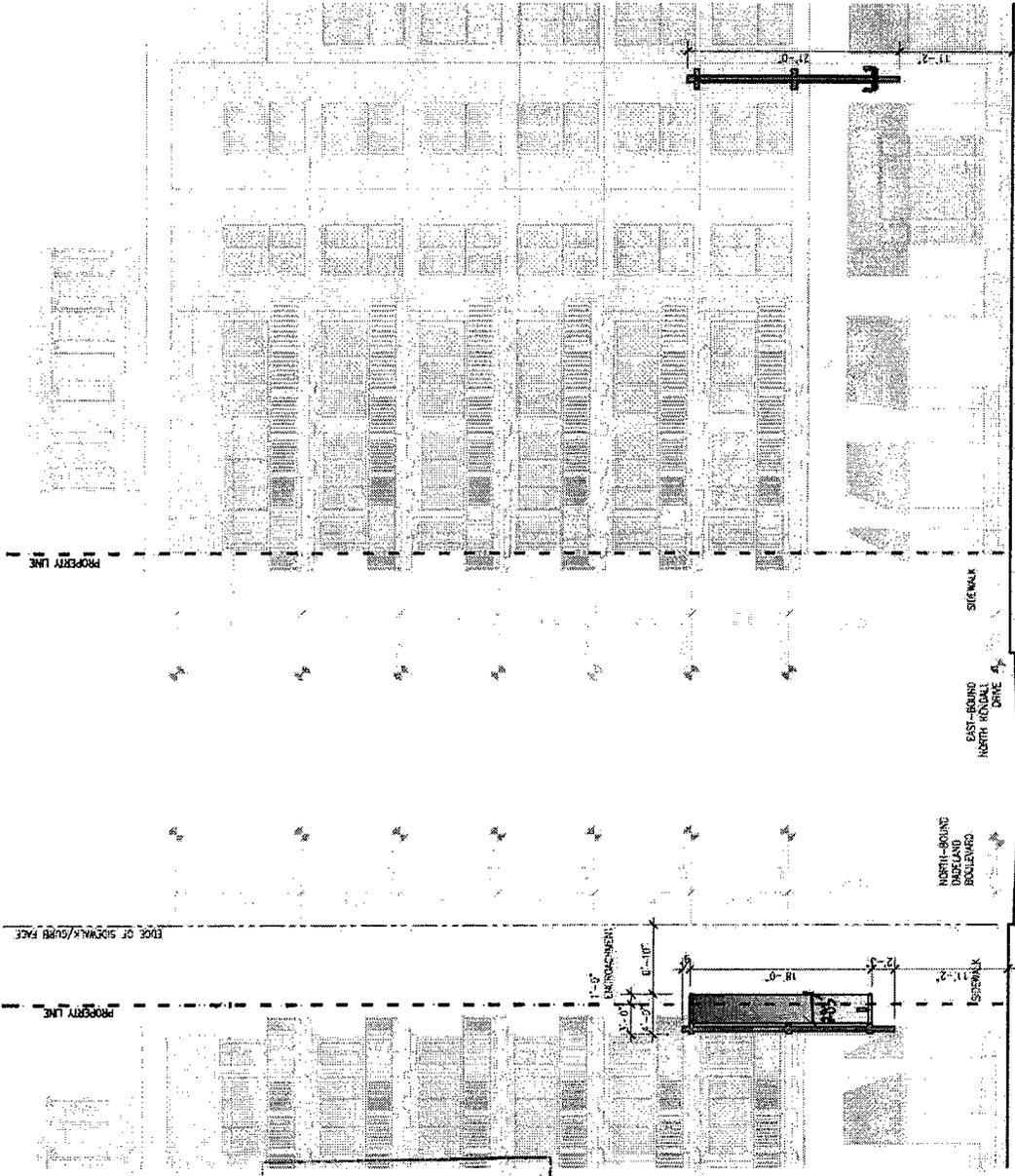
RECEIVED
 20-044
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: Alk

PROJECT #09163.00

93



PROPOSED PARTIAL ELEVATION
 ALONG DADELAND BOULEVARD
 1/8"=1'-0"

PROPOSED PARTIAL ELEVATION
 ALONG NORTH KENDALL DRIVE
 1/8"=1'-0"

DOWNTOWN DADELAND
 2220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

**BANNER SIGN BUILDING
 ELEVATIONS**

Board of County
 Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 2220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

ADD Inc
 1101 N.W. 11th St.
 Suite 100
 Miami, FL 33136
 Phone: 305.371.1111
 Fax: 305.371.1112
 www.addinc.com

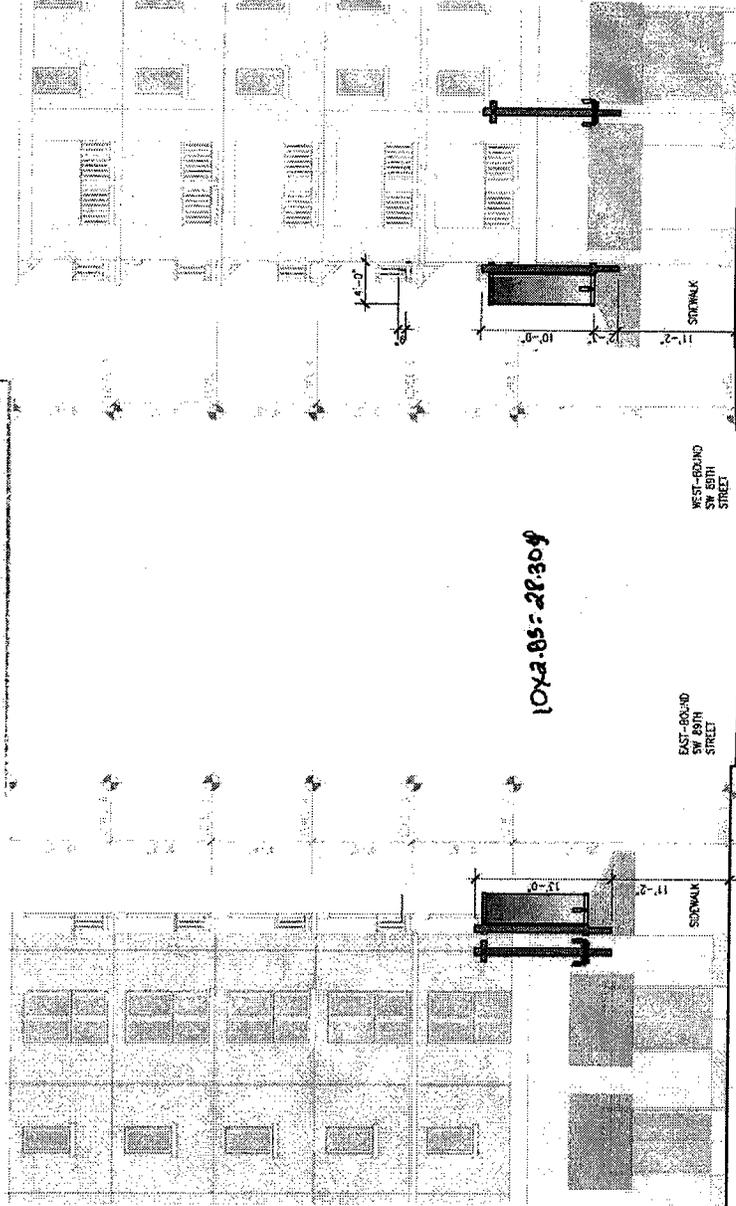
ARCHITECTURE + DESIGN

ADD Inc

A-13

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # Z10-044
 DATE SEP 26 2011
 BY: SDB

ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: pandj
 ON: 09/26/11
 ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: [Signature] 9/26/11



1012.85 - 28.309

DOWNTOWN DADELAND
 7228 NORTH MIAMI AVE
 MIAMI, FL 33154

Board of County
 Commissioners Hearing
 09.26.11

**BANNER SIGN BUILDING
 ELEVATIONS**

DOWNTOWN DADELAND

One Morgan Lane
 Suite 102
 Miami, FL 33131
 Phone: 305.372.2222
 Fax: 305.372.2222
 www.addinc.com

ARCHITECTURE + DESIGN

ADD inc

**PROPOSED PARTIAL ELEVATION
 ALONG SW 72ND COURT**
 1/8"=1'-0"

**PROPOSED PARTIAL ELEVATION
 ALONG SW 72ND COURT**
 1/8"=1'-0"

A-14

PROJECT #091.63.00

RECEIVED
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: [Signature]

44

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS #: Z10-044
 DATE: SEP 26 2011
 BY: SDE
 916300

ZONING HEARING PLANS REVIEW

PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: David

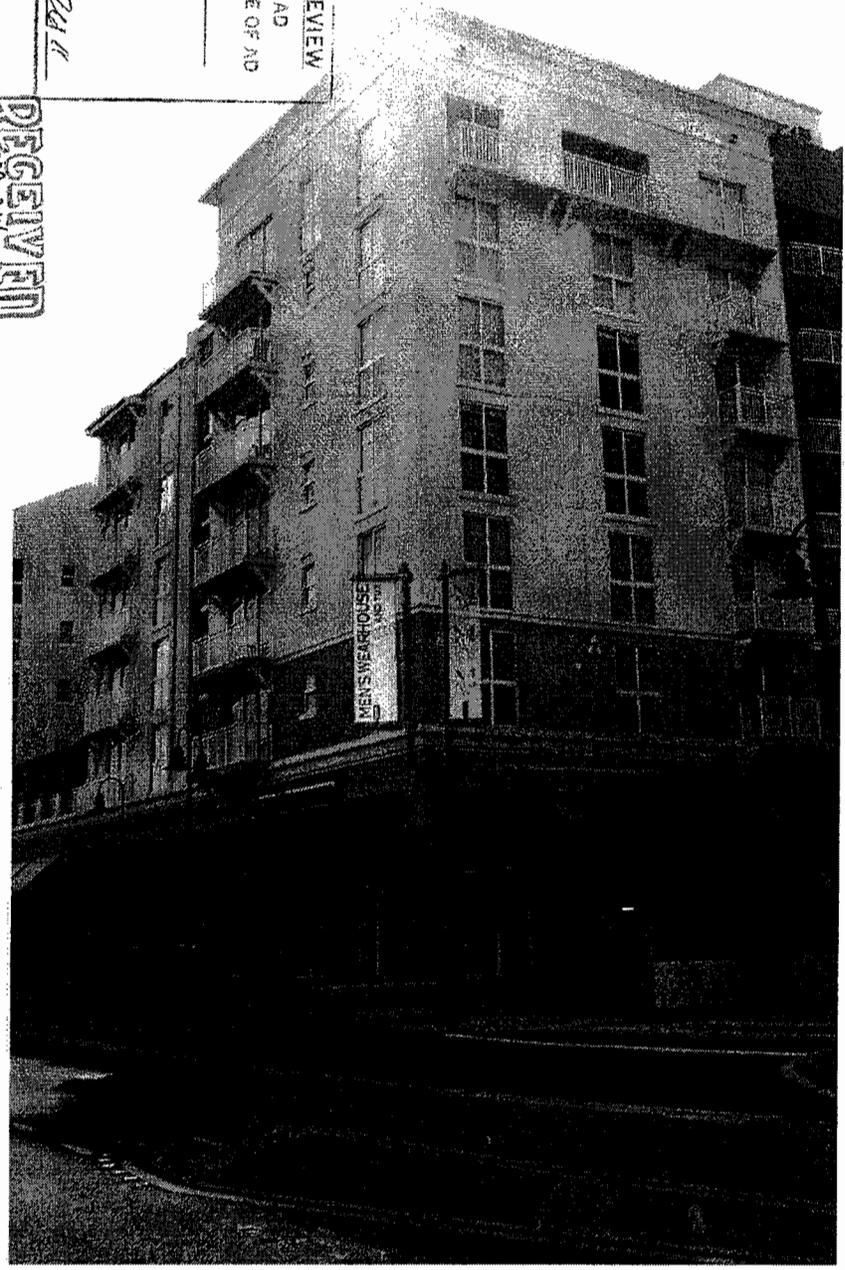
ON: 09/20/11

ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE

BY: [Signature] 1/24/11

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

RECEIVED
 Z10-044
 SEP 28 2011



AT SW 72nd COURT
 NO SCALE

ADD INC

A-15

ARCHITECTURE + DESIGN

2500 N.W. 107th Ave.
 Suite 1000
 Miami, FL 33177
 Tel: 305.444.1111
 Fax: 305.444.1112
 www.addinc.com

1101 N.W. 107th Ave.
 Suite 1000
 Miami, FL 33177
 Tel: 305.444.1111
 Fax: 305.444.1112
 www.addinc.com

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

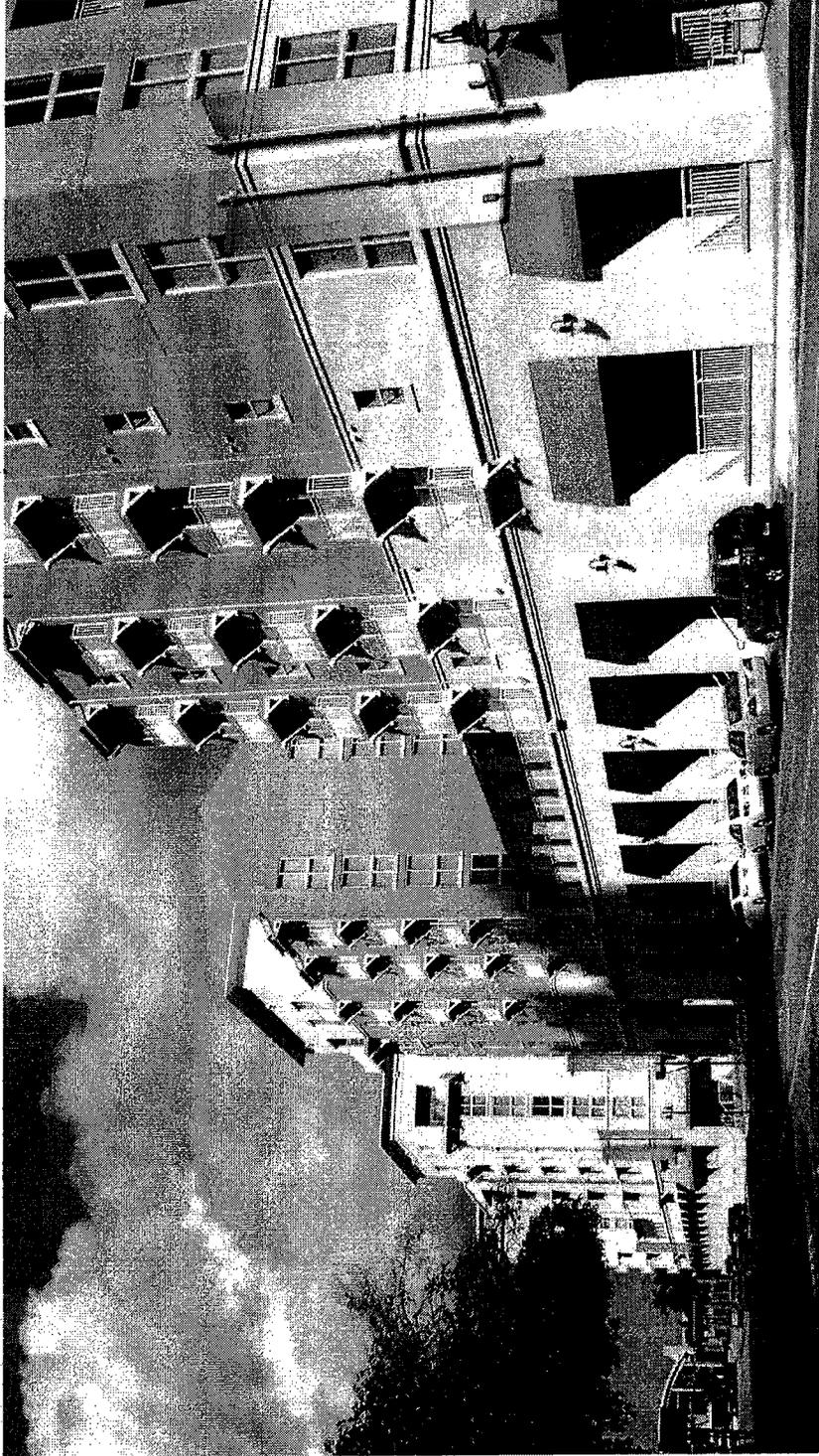
Board of County
 Commissioners Hearing
 09.26.11

BANNER SIGN PHOTO-
 MONTAGES

DOWNTOWN DADELAND

45

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 210-044
DATE: SEP 26 2011
BY: SDK



BANNER SIGN PHOTO-
MONTAGES

Board of County
Commissioners Hearing
09.26.11

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

10000 SW 15th Ave
Miami, FL 33185
Tel: 305.224.1100
Fax: 305.224.1101
www.addinc.com

ARCHITECTURE + DESIGN

A-17

ZONING HEARING PLANS REVIEW

- PLANS WITHIN THE SCOPE OF AD
- PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: Mandel

ON: 09 / 26 / 11

ZONING EVALUATOR

- PLANS ACCEPTABLE
- NOT ACCEPTABLE

BY: [Signature]

ADD INC

ALONG DADELAND BOULEVARD
LOOKING NORTH

NO SCALE

RECEIVED
SEP 26 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

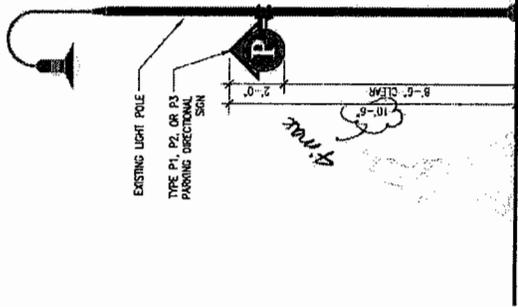
BY: [Signature]

PROJECT #09163.00

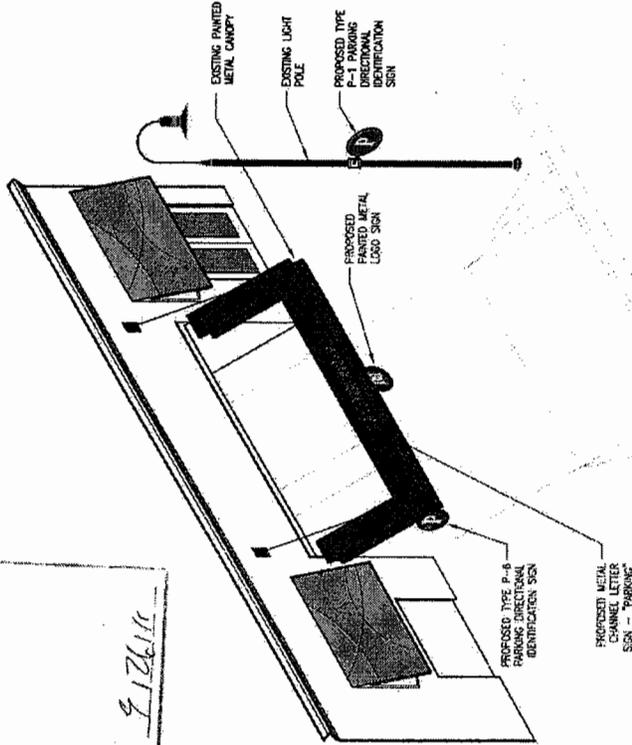
47

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # Z10-044
 DATE: SEP 26 2011
 BY: SD8

ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: Pandit
 ON: 09/26/11
ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: [Signature] 9/26/11



PROPOSED SIGN ELEVATION
 1/2" = 1'-0"



PROPOSED AERIAL VIEW
 OF GARAGE ENTRANCE
 AND EXIT
 NO SCALE

RECEIVED
 210-044
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: [Signature]

PROJECT #09163.00

88

101
 DOWNTOWN DADELAND

PARKING
 DIRECTIONAL SIGNS -
 AXONOMETRIC

Board of County
 Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 2220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

One World Center
 1000 Brickell Avenue
 Suite 1000
 Miami, FL 33131
 Tel: 305.375.1100
 Fax: 305.375.1101
 www.addidc.com

ARCHITECTURE + DESIGN

ADDIDC

A-18

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # Z10-044
 DATE: SEP 26 2011
 BY: SDB

ZONING HEARING PLANS REVIEW
 PLANS WITHIN THE SCOPE OF AD
 PLANS NOT WITHIN THE SCOPE OF AD
 REVIEWED BY: PAVAL
 ON: 09/26/11
 ZONING EVALUATOR
 PLANS ACCEPTABLE
 NOT ACCEPTABLE
 By: [Signature]

DOWNTOWN DADELAND

PARKING
 GARAGE ENTRY/EXIT
 SIGN ELEVATION

Board of County
 Commissioners' Hearing
 09.26.11

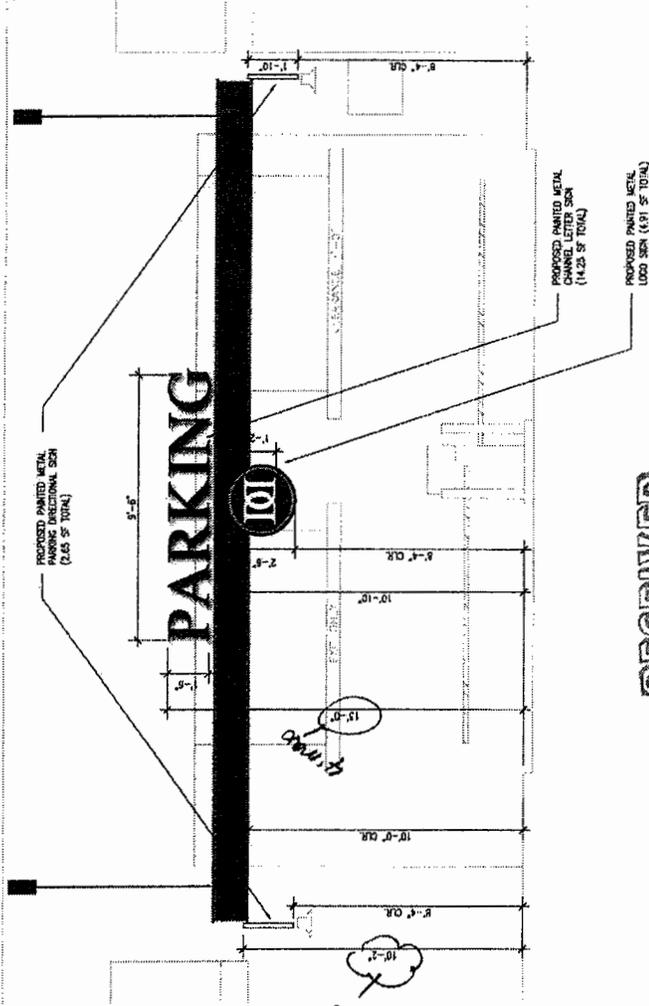
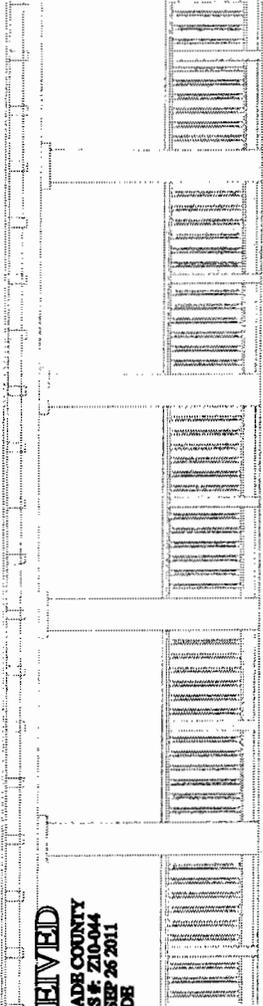
DOWNTOWN DADELAND
 2270 NORTH KENDALL DRIVE
 MIAMI, FL 33155

ADD Inc
 1001 N.W. 107th Ave
 Suite 100
 Miami, FL 33157
 Phone: 305.444.1111
 Fax: 305.444.1112
 www.addinc.com

ARCHITECTURE + DESIGN

ADD Inc

A-19



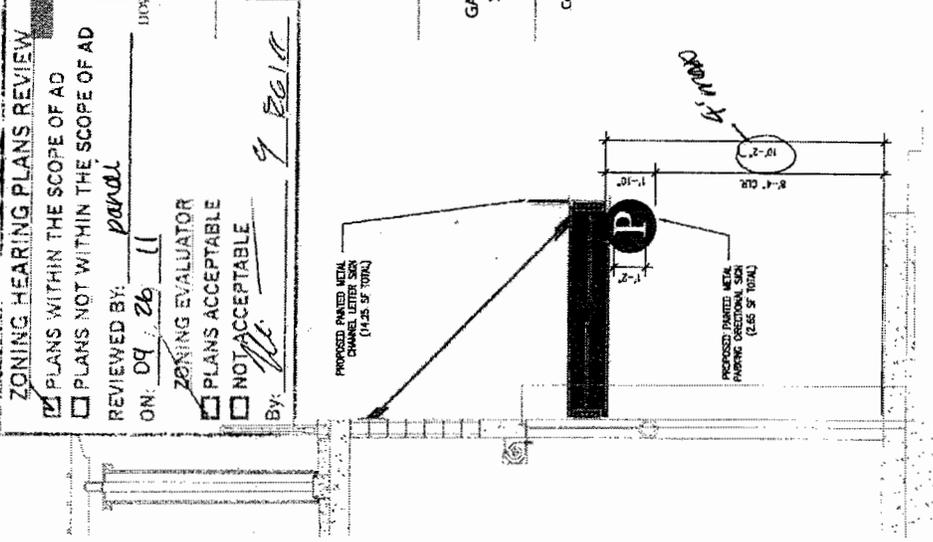
PROPOSED FRONT ELEVATION
 1/2"=1'-0"

RECEIVED
 Z10-044
 SEP 26 2011

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

PROJECT #09163.00

49



PROPOSED SIDE ELEVATION
 1/2"=1'-0"

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS #: Z10-044
 DATE: SEP 26 2011
 BY: SDH

ZONING HEARING PLANS REVIEW

- PLANS WITHIN THE SCOPE OF AD
- PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: parody

ON: 09/26/11

ZONING EVALUATOR

- PLANS ACCEPTABLE
- NOT ACCEPTABLE

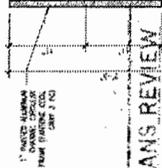
By: MC

9/26/11

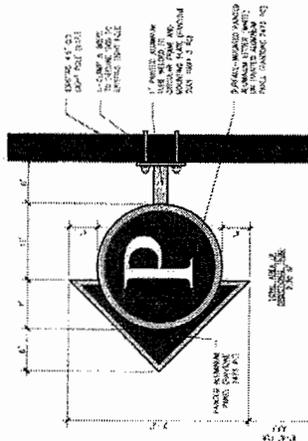
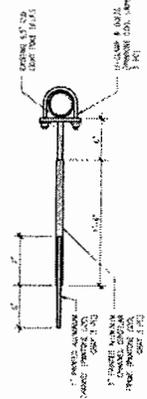
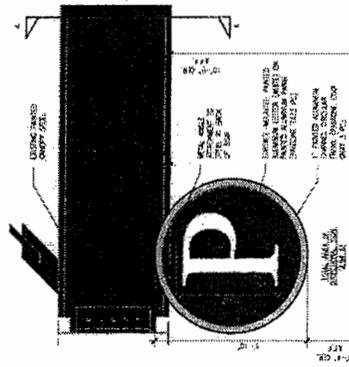
RECEIVED
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

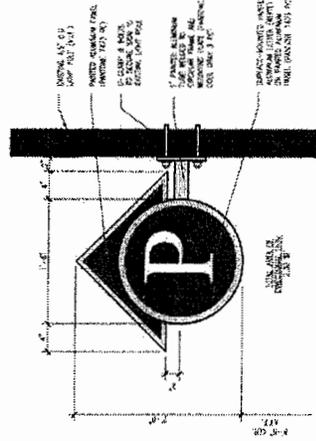
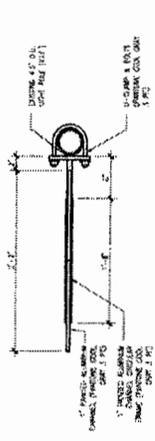
BY: SDH



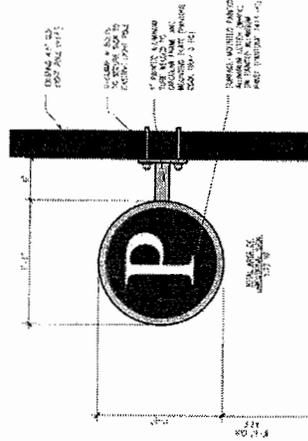
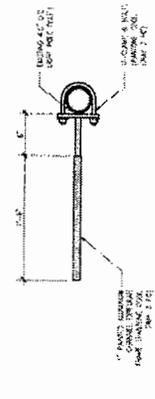
GARAGE ENTRY / EXIT SIGN
 1-1/2"=1'-0"



DIRECTIONAL SIGN TYPE P3
 1-1/2"=1'-0"



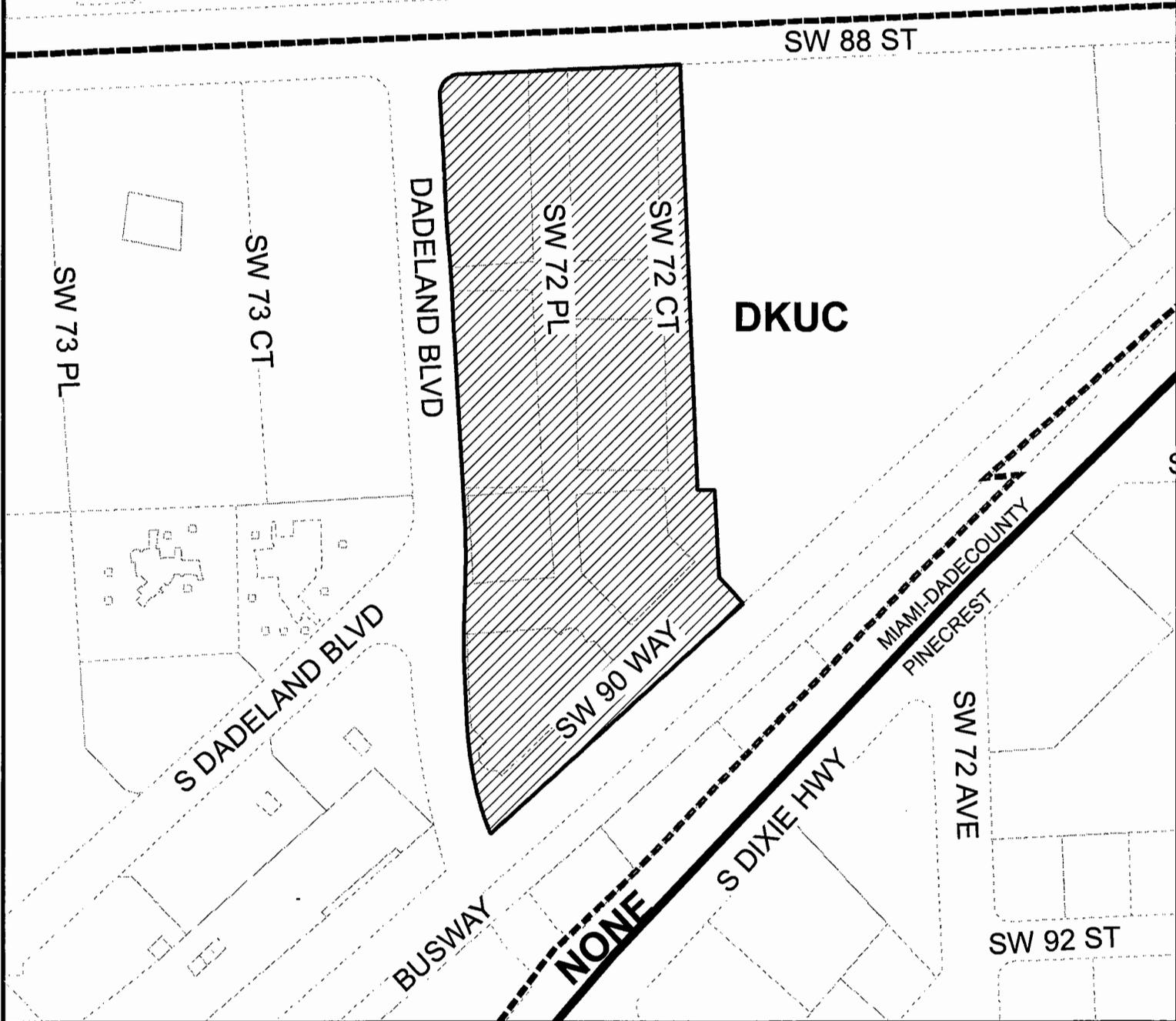
DIRECTIONAL SIGN TYPE P2
 1-1/2"=1'-0"



DIRECTIONAL SIGN TYPE P1
 1-1/2"=1'-0"

50

DADELAND MALL
DKUC



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000044

Legend

-  Subject Property Case
-  Zoning



Section: 02 Township: 55 Range: 40
 Applicant: DOWNTOWN DADELAND RETAIL, LLC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY
		51



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000044

Legend



Subject Property



Section: 02 Township: 55 Range: 40
 Applicant: DOWNTOWN DADELAND RETAIL, LLC.
 Zoning Board: C12
 Commission District: 7
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, May 4, 2010

REVISION	DATE	BY

1 COMMUNITY ZONING APPEALS BOARD - AREA 12

2 KENDALL VILLAGE CENTER - CIVIC PAVILION

3 8625 SW 124 AVENUE - MIAMI

4 Thursday, December 16, 2010

5 6:30 p.m.

6
7
8 ITEM NO:

9 DOWNTOWN DADELAND RETAIL, LLC.

10 10-44

11
12
13 BOARD MEMBERS

14 Present:

15 Elliott Zack, Chairman

16 Peggy Brodeur

17 Jorge Luis Garciga

18 Alberto Santana

19 Jose I. Valdes

20 Angela Vazquez

21 STAFF PRESENT:

22 Earl Jones

23 Jorge Vital

24 Thomas Robertson, Assistant County Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

BOARD MEMBERS

PAGE NO.

Chairman Mr. Zack	3,19,21,57,58,59,60,64,65,66, 67,73,74
Council Member Mr. Valdes	47,48,49,50,52,53,59,60,61,62, 64,66,69,70,71,72,73,74
Council Member Ms. Brodeur	16,17,31,32,34,41,42,43,56,57, 58,59,64,65,66,70,71,73
Council Member Mr. Garciga	22,32,33,34,43,52,53,64,65,66, 67,68,70,73,74
Council Member Mr. Santana	71,74
Council Member Ms. Vazquez	55,56,67,68,71

STAFF

Mr. Jones	73,74
Mr. Vital	3,34,71,72,73
Mr. Robertson	19,27,28,72,73

APPLICANT

Mr. Fernandez	3-11,17-19,43-47,48,49,51,52, 53,54,55,56,60,61,62,63,64,65,70,71,72,73
Mr. Mizue	11-16,17,49,50,51,52,53,66
Mr. Percival	19-21

OPPOSERS

Mr. Molder	21-31,32,33,34,59,60,61
Mr. Donaldland	34-41,42,43

* * * * *

1
2 MR. VITAL: Item A, Downtown Dadeland Retail, LLC.
3 10-44. Zero objectors, zero waivers.

4 CHAIRMAN ZACK: Before the presentation begins,
5 let me ask if there is anyone present who wishes to
6 object to this application? There are objectors, okay.

7 MR. FERNANDEZ: Thank you, Mr. Chair, Members of
8 the Board. Ben Fernandez, 200 South Biscayne
9 Boulevard, here today on behalf of the applicant,
10 Downtown Dadeland Retail, LLC, the owner of the
11 commercial units within the Downtown Dadeland
12 development that's the subject of this application.

13 with me this evening is our project architect,
14 Mr. Tadal Mizue of Add Inc. And also with us, or soon
15 to be with us, is Ms. Jacqueline Brusolea, the
16 Assistant Commercial Portfolio Manager for First
17 Service Realty that manages this property.

18 Downtown Dadeland, as you all know, is a large
19 project comprised of seven separate mixed-use
20 buildings. It is on seven acres of land, and it is
21 located on Kendall Drive, between 72nd Court, Dadeland
22 Boulevard, and is directly across the street from
23 Dadeland Mall, and adjacent to the Dadeland South
24 Metrorail station.

25 Downtown Dadeland is within Miami-Dade County's

1 Downtown Kendall Urban Center Zoning District, which is
2 a district that is specifically intended to foster
3 urban development with meaningful pedestrian
4 connectivity to transit corridors and mass transit.

5 And with a project of 127,413 square feet of
6 leasable area, such as this, it is clearly a very urban
7 project.

8 Now, the reason that we are here before you this
9 evening is, first and foremost, to request a non-use
10 variance of the applicable DKUC signage regulations to
11 accommodate approximately four banner signs per
12 building. So, that is, four per every one of the seven
13 buildings on the seven acres of land on the property.

14 The banners are cantilever signs, and those are
15 signs that, under the Downtown Kendall Urban Center
16 regulations, have a very strict maximum size, only
17 eight square feet. And I believe that the reason for
18 that is that the Code never anticipated banner signs,
19 they anticipated other types of signs, but they didn't
20 anticipate the type of signage that would be
21 appropriate for a project of this scale.

22 The banners are, essentially, esthetic
23 point-of-sale signs, and they are designed to identify
24 the commercial tenants, as well as to reflect Downtown
25 Dadeland's unique urban character.

1 we are also requesting a non-use variance this
2 evening to improve directional signage at the garage
3 entrances, and to install attractive Dadeland logos,
4 which our architect, Tadal Mizue, will describe to you
5 a little bit later.

6 The logos are to be placed at the entrance to the
7 garages. There's a restriction in the DKUC regulations
8 that prohibits logos altogether. We think that they
9 are a very attractive compliment to the building.

10 And, by the way, this matter was on the agenda at
11 your last hearing, where, as you may recall, we asked
12 for additional time to meet with the residential
13 association leaders, and they are here this evening, so
14 I won't speak on their behalf, but we were able to meet
15 with them, and hear their concerns. I'm sure they will
16 express them to you here tonight. And we did make an
17 offer to them, which I can explain after they make
18 their comments. But both the applicant and your
19 professional staff agree that the proposed banners,
20 that are the subject of this application, are
21 improvements that are more consistent with the scale of
22 these large buildings, than what the DKUC regulation
23 allows.

24 In addition, both parties agree that the banners
25 will further articulate the facades of these particular

1 buildings, and will allow many commercial tenants,
2 within the building, to have a presence along the
3 perimeter streets, which is something that they lack
4 today. And that's really what this application is
5 about for the commercial tenants, is discovering a
6 presence for them on the commercial street.

7 Although this is a major player in the Downtown
8 Kendall Urban Center, I'm sad to report to you that the
9 retail occupancy is only 45 percent today. That means
10 that 55 percent of the total commercial area is vacant.

11 And the principal reason for that is because no
12 one knows what's there in the Center. Maybe the people
13 that are living there know, but no one that drives down
14 Kendall knows. I, myself, didn't realize that there
15 was a Mexican grill, for instance, which is a great
16 restaurant, that is expanding throughout the County. I
17 didn't know that it was there. I would have stopped
18 there, had I known that. I discovered that when I
19 began to represent the applicant, and actually visited
20 the interior areas of the site.

21 So, numerous tenants, and prospective tenants,
22 have inquired about the possibility of establishing a
23 presence along the perimeter, and they have told us
24 that without having some kind of presence, they are
25 just not interested in signing a lease, or moving in.

1 And many have not made it, because they just can't draw
2 the patronage because of the lack of exposure.

3 This proposed signage, the banner, it's not just
4 going to serve as a point-of-sale sign, it is also
5 going to serve as a directional sign that will guide
6 people that are coming off of the Metrorail, and people
7 that are driving, not just on Kendall, but on Dadeland
8 Boulevard and other perimeter streets. They will have
9 more notice that a shop is at the center, and they'll
10 have more time to react, rather than passing the
11 center, making a U-turn on Kendall, coming back, et
12 cetera.

13 About the details of the proposed banner signage.
14 The signs are rectangular in shape. They are
15 approximately two feet by ten inches wide, and 16 feet
16 long. They consist of a perforated material that is
17 durable and employed in similar developments. You have
18 some examples on the pictures that are over to your
19 right, of what these banners look like.

20 The lighting for the banners is provided by small,
21 directional low wattage LED lamps. The lamps have a
22 very low spillage, and Tadal can answer a few questions
23 about that later, if you would like. They are
24 extremely directional signs that won't have any
25 spillage to the outside.

1 If I can give you a better perspective as to how
2 the overall size of the banner relates to the size of
3 the building. Building A, along Kendall Drive, which
4 is this building here, that building has a front facade
5 of 7,357 square feet. That's the square footage. So,
6 as to that building, a 46-square foot banner is less
7 than .75 percent of the total overall of the facade.
8 As to Building B, which is right next to it on Kendall
9 Drive, it's even bigger. That building has a frontage
10 of 8,895 square feet, so the size of the banner, in
11 relation to that overall facade, is only .62 percent of
12 the wall area. So, I think that the banners are
13 clearly appropriate, four banners per building, and
14 there are seven buildings, and that is how you get
15 to the total number of banners. The location of the
16 banners are at the corners of the building, and in some
17 areas they are in the middle of the building. But in
18 every instance, they have been set back from windows,
19 or placed at the very extreme corner, so as to impact
20 views to a very minimum. The only views that are
21 impacted are peripheral views, and only for the very
22 lower units.

23 Now, as I mentioned earlier, our application also
24 includes a non-use variance to improve directional
25 signage at the entrance of the parking garage. This is

1 a non-use variance that is required because the Code
2 doesn't allow you to place directional signs above
3 four feet. And we think it makes more sense to put
4 them over the canopy of the garage, and that is what
5 we're doing.

6 We have a resounding recommendation for approval
7 from your Planning Director. And, in fact, I think
8 that that recommendation is more of an acknowledgment
9 that the Downtown Kendall Urban Center regulations are
10 wholly inadequate as applied to this particular site.

11 In addition to being a recommendation for approval
12 of our non-use variance, I think the recommendation
13 states that they acknowledge the fact that, as it
14 pertains to this particular location, the signage
15 regulations are just inadequate. And, in fact, the
16 recommendation states that, typically, the Department
17 doesn't recommend approval of non-use variances as
18 related to signage. But in this particular case, where
19 you have a special district like the Downtown Kendall
20 Urban Center, that has regulations, that are being
21 applied for the first time, it's understandable that
22 the regulations may be inadequate to particular
23 projects. And this is a project that has a street down
24 the middle of it that divides it, but that street is
25 really not accessed by the public, generally, because

1 the project dies at the Metrorail station, and you
2 don't have traffic down the center of this project.

3 So, the only way that these tenants, commercial
4 tenants, can have exposure, is if they have some kind
5 of signage along the perimeter streets, and that is why
6 we are here before you.

7 The staff recommendation indicates that the signs
8 will allow passersby to locate and arrive at their
9 destination faster, and that it will cut down on driver
10 distractions. They indicate that the signs will
11 provide a more pleasing esthetic for the property.

12 Again, banner signs, unlike flat wall signs, or
13 electronic LED, or pylon signs that are used many times
14 in commercial settings, are not artistic in nature.
15 Banner signs are somewhat sort of the quasi sign. They
16 have a very artistic quality to them. And in this
17 particular case, as Tadal will describe to you, you
18 have a very long frontage along the side streets, and a
19 very monolithic appearance that these buildings create.
20 The projecting sign actually helps to articulate the
21 facade of the building, and make it a little bit more
22 pedestrian friendly, and just user friendly. It's less
23 monolithic with these signs than otherwise would be.

24 The third reason that Staff mentions that they are
25 supporting our application is that they recognize that

1 these are seven buildings surrounding a central plaza
2 where the majority of the retail and restaurants are
3 located, and that this justifies the non-use variance
4 to increase visibility of these establishments from the
5 abutting streets.

6 And the fourth reason, the final reason, that they
7 recommend approval, is that they recognize that this
8 development is unique, and that this approval would not
9 have a negative impact on the future development of the
10 area, and would further the basic purposes of the DKUC
11 Master Plan, which is to create good public open space
12 and enhance pedestrian connectivity to transit.

13 So, with that, I want to introduce Tadal to just
14 tell you a little bit more about how he came to
15 designing these banners for this particular project.
16 Then I would like to just say some closing words to
17 you, and I'll hand it over to public comment.

18 Tadal?

19 MR. MIZUE: Good evening, Tadal Mizue, with office
20 at Add Inc., located at Two South Biscayne Boulevard,
21 suite 1670, Miami, Florida 33131.

22 We started this project when our client came to
23 us, in early 2009, and they came to us asking us to
24 solve a particular problem, and the problem was that
25 the existing Downtown Dadeland project was not

1 performing, and it wasn't attracting the retail tenants
2 that they were anticipating. And we were asked to come
3 up with solutions to try and alleviate this problem.

4 And when we looked at the existing project, and we
5 looked at the Code, we realized that the only way to
6 resolve this issue, of bringing in new retail tenants,
7 was to create a sense of place, first of all, and also
8 to create directional opportunities in order to bring
9 in the desired activity, both pedestrian and vehicular.
10 I think, you know, we have to -- when we were
11 approached with this project, we were very aware of the
12 idea of trying to come up with a balance between
13 pedestrian activity and also vehicular activity. And
14 that's really the reason behind our strategy of using
15 banners to indicate that there is retail activity.

16 As has been pointed out earlier, I was in the same
17 situation where, when I first visited the site, I had
18 no idea that there were any retail activities, or any
19 tenants in there, except for the Chili's, which is just
20 on a very prominent corner. And to be able to bring in
21 pedestrian activity, which is in conjunction -- which
22 is in conjunction with the vision, and the general
23 intent of the DKUC, we realized that the banner signs
24 was an appropriate device to bring in vehicular
25 traffic.

1 And once we bring in vehicular traffic, it would,
2 in turn, bring in pedestrian activity and to create new
3 retail tenants that our clients are desiring.

4 In addition to the banner signs, we do have the
5 directional signs, because those are key elements in
6 bringing in the traffic, the cars that are coming in
7 here, and bringing in customers, because, again, there
8 is no sense of where the parking garage is in the
9 project.

10 Just to give you an idea, I'll point out to you on
11 the site plan, those are the two parking garage
12 entrances on Building A and Building C. And, again,
13 there is no direction, there is no indication
14 whatsoever, there is no sign that says, parking, nor is
15 there any signage in the property that tells us where
16 to go to get to the garage. So, that's a critical
17 component of our variance request.

18 And, lastly, the logos. We wanted to create a
19 sense of place, and the logos that you see here, that's
20 full integration of the branding of the property, and
21 also identifying -- using it to identify, you know,
22 directional signs, and to kind of create a cohesive
23 design with regards to how we brand the property, and
24 also to showcase the tenant sign -- the retail tenants
25 that are currently in there, and to provide an

1 apparatus for future tenants to come in.

2 I just -- I do want to point out that, you know,
3 this area is neighbored by the Dadeland Mall, just
4 to the north. There is also another retail complex
5 just to the east that has the Container Store, an Old
6 Navy, and this is really the competition that we are
7 faced with. And just in the last several months or so,
8 I believe BrandsMart USA has opened to the east of us.

9 So, again, you know, we are -- we are trying to
10 come up with ideas and to bring in that type of tenant
11 mix. And this is the reason why we feel that the
12 banners, and the directional signs, are critical
13 components to fulfilling the idea of a mixed-use
14 project.

15 with regards to the visual, and the esthetic
16 improvements, as Ben was saying, we believe that the
17 banner signs are very important because they establish
18 a rhythm. And I guess what's very important about this
19 project, again, we weren't the original architects for
20 it, but the architects, according to the DKUC, pushed
21 the building envelope almost to the setback. And,
22 really, there is no surface articulation on the facade.
23 And, really, the sidewalk is really pushed to the
24 sidewalk, and there is no sense of a nice pedestrian
25 walkway along Kendall Drive, nor on Dadeland Boulevard.

1 And, again, you know, I think it relies on the
2 vehicular activities surrounding it. And that's really
3 one of the critical components as to the proposition
4 for a banner sign, and also for the scale as well. You
5 can sort of see it, the exhibit for the Landmark Center
6 in Boston. Those banners are very similar in size to
7 what we are proposing. You can see that.

8 Our banners are roughly -- it spans almost three
9 floors, so does the Landmark Center banners. And,
10 again, we feel that, given the number of buildings, and
11 the seven acre property size, and the frontage that we
12 have, I think it's something that needs to be able to
13 be seen from both pedestrian -- not only pedestrian
14 viewpoint, but also from a vehicular viewpoint.
15 Because, again, you live in a community that -- and in
16 that particular area is a very heavily congested area
17 with regard to traffic, vehicular traffic. And we
18 feel, again, that it is a critical component to have
19 that -- to be able to notice and to have that
20 visibility.

21 In closing, I just want to, really, emphasize
22 that, you know, what we are trying, again, to do is to
23 realize the vision of the DKUC. As architects, we
24 are -- we have boundaries and parameters that we work
25 with. And, you know, the codes, whether they are the

1 Building Codes, or whether they are the Zoning Codes,
2 really determines, you know, what we can do, and what
3 we cannot do.

4 And the DKUC is very clear in its guidelines. And
5 we are trying to fulfill that vision, and to create an
6 exciting activity within this mixed-use residential and
7 retail complex, and to continue to see the improvement
8 and growth in this particular area. Thank you.

9 CHAIRMAN ZACK: Thank you.

10 COUNCILWOMAN MS. BRODEUR: Can I say something
11 to the gentleman?

12 Just to answer a few of your things, or to fill
13 you in on a little bit of background here. Our Board
14 was never -- our Board -- I'm Mrs. Brodeur, I've been
15 on this Board now for ten years.

16 when this was built and developed, we were never
17 consulted. We were part of an overview, maybe, and a
18 few of us could go there and discuss it when the people
19 were doing it. This was designed, built and conceived
20 by developers, by your Goldman Sachs, is that who you
21 represent? Goldman Sachs? I just found out. That was
22 never brought to our attention, or anything like that.
23 we had no say. This is the first time someone is
24 coming to us to ask us for an evaluation, or
25 permission, or something like that.

1 You say there is no sidewalks for this, there is
2 nothing for that, we were never consulted with anything
3 in the Dadeland area. So, just to fill you in a little
4 bit of our background and where we are coming from.
5 This is the first time someone has ever asked us our
6 opinion. Just to let you know.

7 MR. MIZUE: Understood. Okay.

8 MR. FERNANDEZ: Thank you, Tadal.

9 And, again, we are not representing the original
10 developers, we are representing the owners of the
11 building today, and we agree with you that there are
12 issues with the way that the building addresses the
13 street. And one of those problems is the fact that
14 there is a zero setback, and that there is no upper
15 level setback the way other Codes, more recent Codes,
16 require. For instance, the City of Miami has adopted
17 Miami 21, where they tried to apply the same type of
18 urban architecture, New Urbanism it's called, but they
19 require upper level setbacks after a certain number of
20 stories. That doesn't happen here. And, you know, it
21 was one of the first of its kind where you had a
22 metropolitan urban center with specific regulations
23 designed to create an urban downtown setting. So, that
24 was the goal. And I think that they certainly
25 accomplished the density. They certainly accomplished

1 the size of the retail. what they didn't anticipate is
2 the fact that you would have so little traffic along
3 the center street, and that that would create sort of a
4 vacuum, and a cave, sort of like a cave area where it's
5 all right as a residential experience, and it's all
6 right as a small grocery store to serve, or a
7 restaurant to serve the residential tenants, but it
8 certainly doesn't provide sufficient exposure to
9 support a large retailer, or multiple restaurants, and
10 that is what you have at this center.

11 So, the only way to bring life to the center, we
12 believe, is to create this presence along the
13 perimeter. And, again, I don't think that it's a
14 negative thing. You have examples of urban centers,
15 like Midtown Miami, that are successful, and you have
16 examples of the Landmark Center in Boston.

17 This is a Denver project with the banner signage
18 on it, at the bottom. So, I think that Staff is
19 correct. I think that the main reasons that you should
20 support this application is that the banners will
21 articulate the facade and actually create a nicer
22 presence along the street frontage. They are going to
23 increase awareness as to the goods and services
24 available to the site, and it is going to be signage
25 that is appropriate to the scale of the building.

1 And for all these reasons, I think that we
2 demonstrate that we meet the criteria under Section
3 33.311(a)(4)(b) for non-use variance. And I want to
4 close with that, and reserve some time for rebuttal, if
5 necessary. Thank you.

6 CHAIRMAN ZACK: Thank you. Is there anyone else
7 present who wishes to speak in favor of the
8 application? Non appearing?

9 MR. PERCIVAL: Mr. Chair, if you wouldn't mind, it
10 would be beneficial to hear what the opposition's views
11 are, if I could sit down and hear them first before I
12 make my comments?

13 CHAIRMAN ZACK: There's going to be rebuttal by
14 the attorney, not by the public. If you have comments
15 to make, you need to make them now.

16 MR. PERCIVAL: May I ask a question of the County
17 Attorney? Does it really make a difference if we have
18 people going first for it, or against it, if we choose?

19 MR. ROBERTSON: Yes, it's the process which has
20 been set up for appropriate due process. The order has
21 been set.

22 MR. PERCIVAL: I'll be happy to follow that due
23 process.

24 My comments are that on the occasions, as often as
25 they are, when the Zoning Department gets it right, and

1 they bring before you something that they support, it
2 makes the whole process a lot easier for everybody to
3 wrap themselves around. And tonight your Zoning
4 Department has said they are giving their approval to
5 this.

6 The economic viability of this project dictates a
7 couple of important things. When you have 45 percent
8 vacant -- 45 percent occupancy, and 55 percent vacancy,
9 part of it is due to the fact, as you have heard them
10 say, people aren't aware of what's there, and how to
11 get there. This is an economic engine for that area
12 that needs a boost, and signage that helps people and
13 eliminates the potential for them having accidents
14 while they are trying to figure out which way to go,
15 and how to get where they are going, is a positive
16 thing.

17 So, these are positive reasons to support this
18 application, and allow them to have banners and signs.
19 And, quite frankly, if we were to have a hurricane, or
20 a storm, banners can be taken down, folded up and put
21 away. These aren't permanent structures that are going
22 to be eyesores, and they are being presented in a way
23 that are esthetically okay. So, that being said, I
24 don't -- I have no idea what the opposition point of
25 view is as to why they would oppose this, but you have

1 heard my comments. I hope, for whatever it's worth,
2 you would give it weight and approve this application.

3 CHAIRMAN ZACK: Thank you very much.

4 MR. PERCIVAL: Thank you.

5 CHAIRMAN ZACK: Is there anyone else present who
6 wishes to speak in favor of the application? None
7 appearing? We're going to have the objectors to the
8 application.

9 MR. MOLDER: Jason Molder, Molder Legal Group,
10 P.A., 8201 Peters Road, Suite 1000, Plantation, Florida
11 33324.

12 Good evening, and happy holidays, Mr. Chairman,
13 Vice Chairman, Counsel Members, Staff. I have a lot of
14 notes here, and I want to go over them. I'm going to
15 be as brief as I can, but the one theme I would like
16 you to keep in mind, while I'm speaking, is this. The
17 word, improvement, by Mr. Fernandez and by the
18 architect, was used a lot during their presentation.
19 And I want you to think of one question as I go through
20 everything.

21 If your balcony was here, or here, or here, would
22 you consider it an improvement? And that's what I
23 think you need to consider as we go through the items
24 here.

25 First of all, I would like to point out what

1 Ms. Brodeur brought up, and it's very important to have
2 full disclosure here, and I don't know that it matters
3 to the Council, but Arcon Group, which Mr. Fernandez
4 said that he is not representing the original
5 developer, he's representing the owners of the building
6 today. Our information and our belief is that Arcon
7 Group owns the retail. And Arcon Group, according to
8 their website, and I quote, "Arcon Group, LP was
9 founded by the Goldman Sachs group in 1996, when it
10 acquired and consolidated the investment, asset,
11 management and development function previously
12 performed by third parties for a variety of private and
13 institutional clients. So, I believe Ms. Brodeur is
14 correct, and I thank her for pointing that out.

15 COUNCILMAN MR. GARCIGA: Through the Chair, if I
16 may.

17 CHAIRMAN ZACK: Mr. Garciga.

18 COUNCILMAN MR. GARCIGA: Can we stick to the
19 actual application, which is the banners that we are
20 looking at? You know, I'm not sure --

21 CHAIRMAN ZACK: Mr. Garciga's point is well-taken.
22 Let's restrict our comments to the merits, or the lack
23 of merits to the application, not to extraneous
24 matters.

25 MR. MOLDER: Yes, sir.

1 You have heard how this application will benefit
2 the retail business, and how it will bring in traffic.
3 But what's not been brought to your attention is how
4 this will function to the detriment of the homeowners.
5 I am general counsel for Downtown Dadeland Association,
6 I, II, III and IV, also known as Buildings A, B, C and
7 D. I'm not here for E, F and G.

8 My clients, the Boards of those four buildings,
9 have authorized me to speak on their behalf, and
10 collectively there are hundreds of unit owners that are
11 going to be affected by these banner signs. There are
12 a smaller number, granted, of units owners that are
13 going to be directly affected where their balconies and
14 their windows will be obstructed.

15 So, how will this affect the homeowners? And I
16 think that is what needs to be looked at. This project
17 was marketed as a luxury village within a village, a
18 luxury apartment complex. And Mr. Donaldland, who is
19 President of Buildings A and B will speak to you later.
20 He is one of the first homeowners of both of those
21 buildings, and he will talk to you about how it's been
22 marketed.

23 Now, the banners, as proposed, I think it's
24 important to note that Mr. Fernandez said, let's look
25 at it from a square footage perspective. And I think

1 exactly what he said was, the square footage of the
2 banner needs to be compared to the square footage of
3 the building. And I think that's incorrect. I think
4 what you need to compare is how many balconies will be
5 obstructed compared to how many balconies there are.
6 And from looking at that picture, I think three or
7 four -- you've got, one, two, three -- you've got three
8 balconies obstructed, out of, I think there are seven
9 total, or maybe six. So, you've got almost 50 percent
10 of the balconies, where these are placed, being
11 obstructed. So, you can have however many thousand
12 square feet, and you compare the square foot of the
13 banners, but what you need to look at is how many
14 balconies are going to be obstructed here.

15 Now, I think it's important to look at what the
16 homeowners' expectations were when they bought here.
17 And what I would like to do, if it's okay, is introduce
18 something into the record. Now, what this is, these
19 are two pages from the recorded Declaration of the
20 Master Association. I didn't print out the whole thing
21 because it's 109 pages. These are two pages, page 11
22 and 12 of 109. And these are recorded in the
23 Miami-Dade County records. There are copies for the
24 Council Members.

25 Now, I'm not introducing this for you to interpret

1 necessarily the Declaration, or asking you to analyze
2 it. I'm asking you to look at it from the perspective
3 of what was sold to the homeowners. And I want to go
4 ahead and go through that. And I'm going to mainly be
5 focusing on Article 7.4 and 7.8. "7.4 Nuisances." The
6 first sentence really says it all. "Nothing shall be
7 done, or maintained, on any lot, which may be, or
8 become, an annoyance or nuisance, to the occupants of
9 other lots." That's just neighboring living. You are
10 not going to do anything on your lot that is going to
11 affect the neighboring lot.

12 Now if we go further down, it tells these
13 purchasers, it tells the owner that there is going to
14 be restaurants, cafes, bakeries, food service areas.
15 There may be odors. It clearly says that. Okay, there
16 is going to be odors. You know that you are buying
17 into that. That is called-out, it's disclaimed, you
18 know about it.

19 They go further down and talk about traffic. You
20 know that there is going to be traffic. This is
21 retail, this is part retail area.

22 Then we get down to 7.8. "No sign, poster,
23 display, billboard, or other advertising device of any
24 kind shall be displayed to the public view on any
25 portion of the common areas, without the prior written

1 consent of the architectural control committee, except
2 signs, regardless of size, used by declarant, its
3 successors or assigns."

4 Now, this provision continues. I'm not going to
5 go ahead and read the whole thing, but are we really
6 talking about a sign here? I understand this is not a
7 billboard in the tradition of what you would see on the
8 side of I-95. This isn't a big 40-foot billboard.
9 That's basically what we have here. We have a
10 billboard just in a different format. And I think you
11 can't overlook that. The definition in Merriam
12 Webster's definition of billboard is, "a flat surface,
13 as of an open panel, wall or fence, on which bills are
14 posted. Specifically, a large panel designed to carry
15 outdoor advertising." That is their definition for
16 Merriam Webster.

17 Now, there is no question this is a large panel.
18 The Code allows eight square feet, and they are asking
19 for about seven times that. And they are asking this
20 to be posted in a permanently affixed manner right
21 outside balconies of unit owners that did not sign up
22 for this.

23 Now, the developer could have easily made
24 arrangements for this at the very beginning, they could
25 have planned a little differently. But this is what

1 they built, and this is what they sold. And now they
2 are asking, after the fact, to make these changes and
3 they are asking to do this at the detriment of the
4 homeowners. And, certainly, we're not just talking
5 about banners, we are talking about protruding banners
6 that are coming out and obstructing balconies, and
7 obstructing window views, as well.

8 Now, imagine you're a homeowner. You go out to
9 enjoy your balcony, and you look to the right or your
10 left, and you've got this big piece of vinyl. That is
11 not enjoyment of your balcony. And these are
12 apartments -- and it shouldn't matter how much they are
13 worth, but these were marketed as luxury apartments.
14 These were sold for several hundred thousand dollars.
15 Mr. Donaldland can testify more about the specific
16 details of that, but this is a taking. This is not a
17 variance, this is a taking. They are taking property
18 rights away. If this was an oceanfront property, and
19 somebody said, we are going to put up a big obstruction
20 to your view, granted, Kendall Drive is not the ocean.

21 MR. ROBERTSON: Council, if you think this is a
22 taking, this is not the proper forum.

23 MR. MOLDER: I'm using it for --

24 MR. ROBERTSON: I understand what you're saying,
25 but to the extent you say to this Board that there is

1 legal taking, this is not the forum, and you may not go
2 forward with your argument.

3 MR. MOLDER: I was just using it as an analogy. I
4 did not mean it in a legal sense, I'm analogizing.

5 The view of those homeowners --

6 MR. ROBERTSON: The action of this Board will not
7 be a taking, and there has been no allegation of that
8 nature.

9 MR. MOLDER: I understand that. And I was not
10 meaning to imply it as a legal taking in that sense.

11 Now, I think you need to look at where do we find
12 banner signs usually? We find them at flea markets, we
13 find them at car dealerships. We don't find them on
14 luxury buildings.

15 Now, I'm going to let Mr. Donaldland speak more
16 about the increase in retail traffic, because I think
17 that's very important, so I'm not going to go into
18 that. But what I would like to go into, very briefly,
19 is rebuttal of some of Mr. Fernandez's remarks.

20 The first thing he said is, the Code doesn't
21 anticipate banner signs. That is one of his arguments.
22 Well, neither did the homeowners. The homeowners, by
23 looking at that Declaration, they were being told,
24 there is no billboards here.

25 Okay, you can go to the Architectural Control

1 Committee, who would reasonably approve that. That is
2 the thought when you look at that is, is my balcony
3 view going to be obstructed after I purchase this. Am
4 I purchasing this view as part of the unit? And I'm
5 not going to be able to use my balcony the way I
6 thought I was.

7 Now, there's a big argument made about vacant
8 retail space. We are in a poor market right now, and I
9 don't know why there's a vacant retail space issue.

10 But how about traditional advertising? What
11 happened to traditional advertising? This is going to
12 be done at the detriment of the homeowners. I want to
13 comment on a couple more items, and then I'll finish.
14 The artistic quality of the sign that was mentioned by
15 the architect. I would agree with that if this was a
16 museum or performing arts center. This is not. This
17 is a home. It is a mid-rise, high-rise building. It's
18 a home. So, I think the artistic quality argument
19 fails.

20 Now, the Landmark Center I think it's very
21 important, because it's actually on the boards, and it
22 is relied on. I think the word precedence is on there,
23 for the Landmark Center. I want to read you what the
24 description of the Landmark Center is from the
25 internet. This is from wikipedia. "Landmark Center,"

1 this is a portion of the page. "Landmark Center now
2 houses retail stores, including Best Buy, REI, and
3 Staples, 13-screen movie theater, 1,700 space parking
4 garage, sports complex, and a daycare center. Much of
5 the rest is premium office space. A good deal of it
6 occupied by tenants related to the medical field and
7 the nearby Longwood Medical academic area." And if you
8 look at that building, you don't see any balcony, and
9 it's certainly not a residential structure. The
10 closest thing that I know of to Downtown Dadeland is, I
11 believe it's called City Place, that is up in West
12 Palm, and I don't see any pictures here of what City
13 Place uses for their advertising, and to generate their
14 foot traffic. But I don't understand the comment. If
15 you are trying to attract pedestrians, you don't need
16 signs that big, unless you are hoping to have somebody
17 drive there, park and become a pedestrian. But just to
18 attract pedestrian retail traffic from the Metrorail,
19 you do not need a sign that large, and you certainly
20 don't need a sign that would obstruct someone's
21 balcony.

22 My clients are sub associations. They do not get
23 a say under the master covenants. They can be
24 overridden by the retail owner. The retail owner's
25 single vote is more powerful than all seven of the

1 other associations combined, although I only represent
2 four, as I said.

3 Thankfully, this has come before you. They get a
4 say through making an argument to you. And, hopefully,
5 you will take that and help them have that say, because
6 otherwise they don't get a say. Thank you.

7 COUNCILWOMAN MS. BRODEUR: Just one question,
8 through the Chair. You say you represent four
9 associations. Now, how many people are in those four
10 associations?

11 MR. MOLDER: I believe A and B, and Mr. Donaldland
12 can correct me if I'm wrong, have roughly about 70
13 each.

14 COUNCILWOMAN MS. BRODEUR: 70 homeowners?

15 MR. MOLDER: Roughly 70 units.

16 COUNCILWOMAN MS. BRODEUR: Units.

17 MR. MOLDER: Units in A and B. C and D have a
18 little less. I can give you the exact numbers. I
19 believe A and B are in the range of 70.

20 COUNCILWOMAN MS. BRODEUR: Are these fully
21 occupied units now?

22 MR. MOLDER: Some of them are sold, some of them
23 are rented. I don't know the exact residential
24 occupancy. Mr. Donaldland is much more able to speak
25 on that.

1 COUNCILWOMAN MS. BRODEUR: Thank you.

2 COUNCILMAN MR. GARCIGA: Through the chair, I have
3 a couple of comments to Mr. Molder.

4 Mr. Molder, I do see what you're saying about that
5 balcony issue, and it would be a nuisance if somebody
6 lived there. But we, also, you know, looking here at
7 the second sentence, on the second page, it clearly
8 states, "The owner of the commercial lots may affix or
9 attach signs and/or awnings on the exterior walls,
10 doors, adjacent balconies, terraces, patios, any
11 improvements." I mean, it is here, you know. And
12 another question, you know, it says, "The Architectural
13 Control Committee," written consent by them -- who is
14 the Architectural Control Committee?

15 MR. MOLDER: I don't know, Mr. Council Member. I
16 don't know if there is an Architectural Control
17 Committee. That is something that is done at the
18 master level. I have not been aware of any approval
19 that has gone through them. Again, I think if there
20 was, the makeup of the documents would give retail
21 owners overriding vote. What I would say about that
22 sentence, and I have it circled here, it says, signs
23 and awnings. I don't think these banners are in the
24 nature of a sign. They are signs.

25 COUNCILMAN MR. GARCIGA: They are signs.

1 MR. MOLDER: I think we are talking -- there comes
2 a point where a sign is so big that I think it becomes
3 on the level of a billboard. A billboard is,
4 technically, a sign. But I think there's a point where
5 a sign becomes so big, I mean, what is next, I mean,
6 they can come to you and say, we want to drape the
7 entire building, from the roof down, and block
8 everybody's windows, that's a sign. But, I mean, there
9 has got to be a balance. This is being done for
10 commercial purposes.

11 COUNCILMAN MR. GARCIGA: I understand one thing
12 would be draping the whole building, you know. I don't
13 think that is, to this extent, what is going on here.
14 But I would like to know who that Architectural Control
15 Committee is, and are you representing an association?

16 MR. MOLDER: I am here representing Downtown
17 Dadeland Condominium No. I Association, Inc. and then
18 II, III and IV.

19 COUNCILMAN MR. GARCIGA: Shouldn't they know who
20 the Architectural Committee is?

21 MR. MOLDER: To be honest with you, to my
22 knowledge, this was never brought to my clients'
23 attention. We learned of this because Mr. Donaldland
24 happened to be walking down the street and saw a Notice
25 of Public Hearing. We were contacted. He, I believe,

1 has spoken to a lot of the homeowners. He can speak to
2 you about that. I don't know how this was communicated
3 to them. I have not seen any Architectural Control
4 Committee convened, or a meeting notice. I wish I
5 knew, but I don't. Maybe Mr. Fernandez knows, but I
6 really don't know.

7 COUNCILMAN MR. GARCIGA: All right. Thank you.

8 MR. MOLDER: Thank you.

9 COUNCILWOMAN MS. BRODEUR: Excuse me. Through the
10 Chair. Did this notification go to residents of the
11 area in those seven buildings?

12 MR. MOLDER: It's a total of seven buildings, yes,
13 ma'am.

14 COUNCILWOMAN MS. BRODEUR: Was that sent to the
15 occupant, or the owner, or the lessee, or whoever it is
16 that is on the ownership thing of those seven
17 buildings? Did the County send that out?

18 MR. VITAL: Through the Chair. Yes, that is
19 correct, it was sent to the property owners.

20 COUNCILWOMAN MS. BRODEUR: Okay, thank you.

21 MR. DONALDLAND: Good evening. My name is Allan
22 Donaldland, and I live at 7266 Southwest 88 Street, No.
23 723, Miami, Florida, 33156.

24 I have to thank you, Ms. -- I think it's
25 Brodeur -- for your comment tonight. I look at it like

1 sitting at the front of the church. I was the first
2 one here tonight, I chose seat one in the first pew.
3 And sitting here all night enjoying this. You all have
4 a tough job, but I thank you.

5 I was the very first owner, purchaser, at Downtown
6 Dadeland. I knew the architects, Spillis, Candela.
7 Met the original developer, had no idea that at one
8 point in time the original developer would go broke,
9 but Goldman Sachs was the lender, and by goodness, I
10 could kiss them on both cheeks because of the fact they
11 got deep pockets and they now own Downtown Dadeland.
12 Every single one of those units out there are sold.
13 The last sale was 158 units to a great outfit in Nova
14 Scotia known as Southwest Properties. It came out in
15 the newspaper. All of their units in E, F and G, are
16 going to be rental units. A, B, C and D are sale
17 units. It's my understanding there are only five units
18 left that they own, Southwest Properties, that are for
19 sale. Now, individual homeowners may want to sell
20 them, but that's okay. I bought with the specific
21 reason, I'm going to live, and I think I'm going to die
22 there. They are going to take me out in a pine box. I
23 like the place. I bought it for the view, I bought it
24 for the esthetics, I bought it because it's a village
25 within a city and it has all of the beauty that I

1 wanted.

2 Now, Goldman Sachs doesn't actually confer with
3 us. In fact, since they control the place, I guess
4 this is a David versus Goliath situation.

5 Little-by-little, we've become more recognized. I am
6 the President of A and B. That's not necessarily a
7 good thing, but nobody else wanted to do this. And
8 since I've got a substantial investment in this place,
9 along with several others who are on the Board, I
10 agreed to do this. If I had to do it over, I'm not so
11 sure I would, but probably I would, simply to make all
12 of these changes and get all of this squared away
13 before something bad happens. And, fortunately, we've
14 been in a good position. We have a good retail group
15 there. We have Banco Popular, we have Chili's, we have
16 Lime, we have Panera Bread, everybody recognizes those,
17 and they flourish. It's unfortunate that Bombay went
18 bankrupt across the country, they were there. So, they
19 closed their store. I don't think anybody could have
20 saved them. Mattress company of some kind, Mattress
21 Giant, maybe, moved out because that didn't appear to
22 me to be -- people don't usually have to buy
23 mattresses, they bring them when they move into places
24 like that. So, maybe that did affect their business.
25 And, thirdly, Star Moon, nice guy that owns that

1 franchise, really enjoyable fellow, but I think
2 probably he realizes that that was not an area that was
3 really going to be supportive by the village of
4 Downtown Dadeland.

5 Now, this tonight, when I listened to this, and
6 when I heard about this, and, you are right, the notice
7 came to my home, almost choked to death when I was
8 eating, when I realized what this is. I don't want a
9 banner hanging at any angle, any stories, and it was
10 three or four stories, and I don't want any -- forgive
11 me, little old lady, or little old man, because I
12 sometimes consider myself an old man, knocking on my
13 door saying, "why did you hang this banner out here?"
14 well, I didn't. And it has never been proposed. Had I
15 known, or even had an idea of doing such a thing, it
16 might have influenced me on where I bought. But I love
17 this place. The view is spectacular. I don't want
18 anything hung up anywhere that blocks somebody's view,
19 and neither do the homeowners.

20 I haven't heard one homeowner, and there are none
21 of them here tonight, that came here to --

22 COUNCILMAN MR. GARCIGA: why? why aren't they
23 here? That is my question.

24 MR. DONALDLAND: well, because they leave it up to
25 me. They leave it up to me. A lot of them are

1 absentee owners, they live in South America, and they
2 get their mail, but they e-mail stuff. But I've done
3 this for two years now, since I moved in there. And
4 it's okay with me.

5 Now, the other two Presidents, one of them for C
6 building, and one of them for D building, couldn't be
7 here, but they asked me to convey to you, they don't
8 want the banners either.

9 Now, let me give you a little bit more
10 information. The gentlemen here tonight don't own any
11 property in Downtown Dadeland, nobody that has spoken
12 for this thing does. And I'm wondering why they don't
13 own any property here. would they like a banner? If
14 they did, on their balcony, so when you get up in the
15 morning, you look out for the sunrise, or a sunset, and
16 you don't see it, you see this banner hanging that is
17 three stories tall. And I equate this, I think
18 Mr. Molder said it was kind of like a used car parking
19 lot. Yes, it is, it's flags and the banners flying.
20 But that's not what we are. In fact, I don't want you
21 all to take this the wrong way, but I thought, perhaps,
22 the analogy here was to spray Downtown Dadeland with
23 some florescent paint so it glows in the dark and
24 everybody would know what was there. well, that is not
25 the answer either. People do know what is there.

1 There's a parking system that is there. And the
2 parking system needs to be worked on, too. But I made
3 a couple of suggestions when we met with the attorney
4 that presented this tonight, that perhaps they could
5 find a street billboard to put up on the lot next door.
6 But, you have got to talk to the people that own it.
7 But putting it on that building is obtrusive, it's not
8 what we bought for. And, my goodness, I can't imagine
9 anybody forcing us to do that.

10 A couple of other quick things, and I'll leave you
11 alone. These are big banners. There's little banners,
12 big banners. This is a big banner. Somebody, I think
13 it was this gentleman that said, when the hurricanes
14 come, we can take the banners down. I'm not going to
15 take any banners down. It may come down all on its
16 own, and that's not good. I don't think any of this
17 stuff attached to a building is good. We've got signs
18 on canopies, which are wonderful, which shows what we
19 have in Downtown Dadeland. It's a detraction. It is,
20 to me, it is -- it relegates us to less than what we
21 really thought we were going to buy. We purchased with
22 the full knowledge that the zoning laws protected
23 things like this from happening. There are changes
24 that come about, but this is a bad change for the
25 homeowners, it really is. It does not benefit us at

1 all as homeowners. It may, or may not, benefit the
2 retail. Just hanging a banner doesn't mean you get
3 Ruth's Steakhouse at Downtown Dadeland. It takes
4 somebody going out and selling this idea.

5 This economy is driving the retail. And I don't
6 want us to be brought down by the devaluation of any of
7 our units because of the fact that the retail may be
8 having a problem, and the retail is Goldman Sachs.
9 And, Ms. Brodeur, you're absolutely right. When I came
10 into this, they would hardly talk to us as homeowners
11 because they own and control the place. I don't think
12 that there's a marriage in my future with Goldman Sachs
13 because of the fact that I do say my piece to them, but
14 they are listening more, and they've recently changed
15 the direction of their Master Association Board, and
16 they have new Board Members now, which I think is going
17 to help us.

18 Now, the current zoning restrictions really are
19 fine with us. You don't need to trouble yourselves and
20 go home tonight and figure out a way to change it. I'm
21 being a little facetious. We really do not want these
22 banners. The rest of what they've offered to do, we
23 don't have a problem with, but the banners are just not
24 the thing we need at Downtown Dadeland.

25 I do want to thank all of you. I want to say

1 tonight, too, that the presentation on that school,
2 what is it, Pine Acres, my goodness I feel I missed a
3 part of my life. That was really good. And what you
4 all did was really sharp, got nothing to do with mine,
5 but the thing is, that was fun to listen to, and I have
6 no idea how you get on this Board, and I'm not looking
7 for a job, believe me. I'm going to get out of my job
8 at the end of this year. But the thing is, I want to
9 thank you for your time. I want to thank you for the
10 thought you put into this stuff, and I want to thank
11 you for helping us and protecting us and what we've
12 invested in.

13 By the way, I bought a unit for my mother-in-law,
14 who never made it, and so we rent it, and she never got
15 to see it. If she had, she probably would have lived
16 20 years longer.

17 But at any rate, it's a great place. Come and
18 visit us. And I'm sure the retail is going to grow, in
19 spite of the banner. Thank you very much.

20 COUNCILWOMAN MS. BRODEUR: One question, through
21 the chair.

22 CHAIRMAN ZACK: Yes, Ms. Brodeur.

23 COUNCILWOMAN MS. BRODEUR: what did you pay for
24 your unit?

25 MR. DONALDLAND: \$750,000 for the first one.

1 \$500,000 for the second. Do you want to know about
2 the --

3 COUNCILWOMAN MS. BRODEUR: What a minute, you paid
4 \$750,000? What's the size of your unit?

5 MR. DONALDLAND: 2,500 square feet, two
6 penthouses, A and B. One for my mother-in-law, because
7 my wife made me.

8 COUNCILWOMAN MS. BRODEUR: What year?

9 MR. DONALDLAND: Bought them in 2002 and moved in
10 in 2006.

11 COUNCILWOMAN MS. BRODEUR: What are they worth
12 now?

13 MR. DONALDLAND: Half price.

14 COUNCILWOMAN MS. BRODEUR: They have come down to
15 half?

16 MR. DONALDLAND: Yes, ma'am. And I don't really
17 want a banner to bring them down to half of that price.
18 Thank you very much. Okay.

19 COUNCILWOMAN MS. BRODEUR: Since I have never had
20 anyone from that area, I'm dying to know, just because
21 we always get the other side, we always get Dadeland,
22 we don't get your area, so we don't know very much on
23 this Board what goes on there.

24 what is the percentage of occupancy?

25 MR. DONALDLAND: 100 percent owned, or rented.

1 There is not a unit there that is not owned by
2 somebody.

3 COUNCILWOMAN MS. BRODEUR: Is that your building
4 or the seven buildings?

5 MR. DONALDLAND: That's the seven buildings. The
6 E, F and G buildings are owned by Southwest Properties
7 from an outfit out of Nova Scotia, really fine people.
8 A, B, C and D were turned over to the homeowners on
9 April 23, 2009. And that was kind of a handoff in the
10 middle of the night because we didn't have a lot of
11 facts at our fingertips, and the developer knew that he
12 was not in good standing, so he was delighted to turn
13 that thing over to us. And I've spent some sleepless
14 nights on this. But, it's okay, I'm going to live, and
15 there's a light at the end of the tunnel, I've just got
16 to live long enough to get there.

17 CHAIRMAN ZACK: Thank you very much.

18 Mr. Fernandez, rebuttal.

19 COUNCILMAN MR. GARCIGA: Through the Chair, Ms.
20 Brodeur, you see, they are all sold. And I think we
21 did a good job with the nine-story building that we
22 approved.

23 MR. FERNANDEZ: Thank you. The second time that I
24 met Mr. Donaldland, and I really enjoy his witticism
25 and sharing time with him. We met at the property, and

1 he expressed some of the same concerns to us then, and
2 I can appreciate some of the things that he is saying.

3 However, I don't agree, you know, with the very
4 basic premise of his argument, which is that somebody
5 is bringing down a curtain in front of these balconies.

6 First of all, these balconies are practically full
7 balconies. They are about 4 feet wide. They are meant
8 to be open, get a breath of fresh air. No one is
9 barbecuing on these balconies, no one is having a party
10 out on them, they are practically decorative elements.
11 That is not to say they are not entitled to a view,
12 they absolutely are, and I understand Mr. Molder's
13 argument about nuisance. Those are common-law rights
14 that these owners have.

15 However, Mr. Molder isn't giving you the full
16 story. I'm going to give you the entire documents,
17 for the record. I'm not going to recite them all to
18 you, I'm just going to point you to the highlighted
19 provisions that clearly provide that commercial lot
20 owners have a right to install commercial signage
21 within the common elements of the building, which
22 include the exterior walls of the building. And that's
23 further down in the documents, section 1712, and
24 section 3.4 I. In the first couple of pages they talk
25 about general nuisance concepts.

1 So, there is no question that we have a right to
2 install this signage. There is no question that anyone
3 that would have read the documents when they purchased
4 the unit would have understood that the commercial
5 property owners had every right to install this type of
6 sign. It is understood that when you have an
7 investment of over 127,000 square feet of retail space
8 in a property, you are going to try to promote that
9 space any way that is reasonable to you, and that is
10 what the documents say, that the signage needs to be
11 reasonable.

12 we believe that it is reasonable. First of all,
13 banners are the least intrusive type of signage that we
14 can place there. They are the most artistic type of
15 sign. They are used at museums, at festivals, in
16 mixed-use developments, like the Landmark, like Midtown
17 Miami, like the one in Denver, which is a residential
18 development, and we think that they are appropriate
19 here. They are perforated vinyl fabric that does allow
20 some light to pass through it. But the most important
21 thing is that these things are only two feet and ten
22 inches wide, and they are four feet away, at the
23 closest point, from any balcony.

24 So, the view that is being impacted is a very
25 minimal peripheral view of, I would say, you know, the

1 sidewalk down Kendall Drive, or a small portion of
2 Dadeland Mall. And the strict interpretation of the
3 law really is, and I would defer to Mr. Robertson on
4 this, the Fontainebleau Hotel versus Eden Roc case
5 provides there is no right to light, or to a view.
6 That is just general case law on these types of
7 matters.

8 with respect to the longevity of the signs and a
9 hurricane coming through, and the potential for these
10 signs to be dangling in the wind, Tab C of the
11 documents that I distributed to you are the Downtown
12 Kendall Corridor signage regulations. And in those
13 regulations, at the very bottom of the page, you will
14 see that it says, "Removal of dilapidated signs. The
15 Director may cause to be removed any sign which shows
16 neglect or becomes delapidated, or where the area
17 around such sign is not maintained as provided herein,
18 after due notice has been given. The owner and/or
19 agent of the sign, or the property, shall be
20 financially responsible for the removal of the sign."

21 So, there is every authority within the Code for
22 these owners to express their concerns about the
23 maintenance of these signs, and any sign that has been
24 destroyed will need to be removed, or replaced,
25 pursuant to these provisions.

1 The last thing I want to say is that we did take
2 the time to meet with Mr. Molder and his client, and
3 it's the third time I see Mr. Molder, second time
4 Mr. Donaldland. But all of these hundreds of unit
5 owners that he represents, they are the only two people
6 that I have ever met in relation to this application.
7 None of the owners have shown up to this meeting, none
8 of the owners showed up to the meeting that we had on
9 the property to discuss this issue, except for one that
10 showed up a little bit later, Mr. Donaldland's friend.

11 So, I think that we have a reasonable application.
12 I think that the Staff's recommendation speaks for
13 itself. I think that the Director's strong words in
14 that recommendation reveal that an accommodation needs
15 to be made to help these commercial property owners,
16 and I think that the fact that you don't have much
17 objection here today is reason for you to support this
18 application.

19 And with that, I'll close my comments.

20 COUNCILMAN MR. VALDES: Through the Chair, I have
21 a quick question. Two quick questions. Am I ready the
22 DKUC Core Signage Regulation, specifically 33-284.63
23 Subsection B, Roman Numeral I, as allowing for
24 cantilevered signs, as a matter of right?

25 MR. FERNANDEZ: Yes, it does allow for

1 cantilevered signs.

2 COUNCILMAN MR. VALDES: So, the only issue really
3 is --

4 MR. FERNANDEZ: The size.

5 COUNCILMAN MR. VALDES: -- the size, whereas,
6 right now, under the existing regulation is limited to
7 eight square feet, which would be a two by four-foot
8 sign. You want to go two by sixteen, right?

9 MR. FERNANDEZ: That's exactly right.

10 COUNCILMAN MR. VALDES: My question along that
11 vein is, what is the thought process behind why you
12 felt you needed to go by two by sixteen, as opposed to
13 some other size?

14 MR. FERNANDEZ: The signage just simply isn't
15 visible. And when you look at the size of that sign in
16 proportion, or in relation to the overall facade of
17 these buildings, it just -- it doesn't look right, it
18 looks like a tiny sign.

19 COUNCILMAN MR. VALDES: I don't mean the two by
20 four-foot sign. I understand, two by four-foot sign on
21 that size building, you are probably not going to see
22 it. But my question is, what was the thought process
23 behind why you felt you needed a sixteen by two-foot
24 sign, as opposed to something less than that, but more
25 than four-by-two? I'm trying to get an idea, what was

1 the rationale of why they needed it to be
2 sixteen-by-two, as opposed to do some other dimension?

3 MR. FERNANDEZ: The exact number, I don't know.

4 COUNCILMAN MR. VALDES: I'm sure there's a reason.

5 MR. FERNANDEZ: I think it's a question of scale.

6 MR. MIZUE: It is, yes, absolutely. I think, you
7 know, everything, you know, when we do these studies,
8 we look at massing and scale, let me bring this.

9 And, you know, we have the technology, nowadays,
10 where we can do photomontages, where we can sort of
11 superimpose, and we did a study of various sizes in
12 relation to -- this is a view looking northward on
13 Dadeland Boulevard. what we were able to determine
14 from this is, we did a whole bunch of different
15 proportions, and different sizes, and we finally came
16 to a size that we felt comfortable. And I think this
17 view is pretty telling, because I don't know if you can
18 see, further towards the left of the shot, that you can
19 start to see that, obviously, the size of the signs
20 diminish in the distance. And, of course, it's much
21 bigger towards the corner. But from a design and
22 architectural standpoint, we wanted to emphasize the
23 corners. That is really one of the reasons why we
24 place all of the banners in the corners. As to the
25 scale of it, we felt that, especially in a long stretch

1 of road where we have, I guess we have four buildings
2 on Dadeland Boulevard, we felt that that particular
3 proportion was appropriate, especially with regards to
4 this particular view. And I just want to say that we
5 did a couple of studies. I didn't bring -- I wasn't
6 able to bring some of the other sizes and massing
7 studies that we had done, but that was looked at.

8 COUNCILMAN MR. VALDES: what were the other sizes
9 that you looked at?

10 MR. MIZUE: we looked at, you know, something that
11 was much larger, that projected out much more,
12 five feet by -- let's say it was like eight-by-five.

13 COUNCILMAN MR. VALDES: I mean, the height, not
14 the width, because I don't think the issue is so much
15 the width as it is the height.

16 MR. MIZUE: The height, again, we were looking at
17 it in terms of the seven stories, and I think, you
18 know, we wanted to be able to kind of come to a
19 proportion that was, kind of, somewhere in between,
20 kind of half of the height of the entire building.

21 COUNCILMAN MR. VALDES: I understand the
22 proportion of the building concept, but if the idea
23 for the sign is to draw attention to the fact that,
24 hey, A, B, C business is back here, does it have to be
25 that size, if that's the purpose of the sign?

1 MR. FERNANDEZ: And it's a good question, and it's
2 a question that I had. And I think that the answer is,
3 that if it's smaller, it begins to not look like it is
4 a design element of the building. It starts to look
5 like an afterthought, which is the reason why the
6 Landmark building in Boston has a size sign you can see
7 in relation to the height of the building, that the
8 size of the sign is fairly large. And I just think
9 that it begins to look more like an afterthought when
10 you reduce the length of the banner. It also loses
11 some elegance. The more rectangular and less square,
12 in shape, the more elegant and the more it looks like a
13 streamer, or a long scrolling sign.

14 MR. MIZUE: Just one more thing. I think one of
15 the things that I keep in mind whenever -- that I was
16 thinking about when we started the massing studies, you
17 know, was, this is a vehicular route, and we were
18 thinking about, if you are driving by at 35 miles per
19 hour, or even a little bit more than that, you only
20 have a second and a half or so to notice these signs.
21 And our original thought was to make them much bigger
22 than this because, really, the visibility is a big
23 issue. We want, you know, to capture people's
24 attention as you are driving by, and within that split
25 second it needs to be, you know, substantial enough so

1 that you do notice it. And, really, our process
2 actually was started much bigger, and we actually
3 started to scale it down to our current size.

4 COUNCILMAN MR. VALDES: I realize the bigger you
5 make it, it's like, yo, I'm here. The person is not
6 going to miss it unless they are blind. I understand
7 that concept. But I was trying to get an idea as
8 to the realization of that particular dimension, other
9 than the scale relative to the size of the building.

10 MR. FERNANDEZ: I think it really is the scale,
11 and the notice that it provides to an oncoming driver.

12 COUNCILMAN MR. GARCIGA: If I may, through the
13 Chair. I have a question to the architect. And as a
14 graduate architect myself, these are the kind of issues
15 that we deal with every day.

16 were there other solutions that you guys looked
17 at? were there other -- maybe it wasn't a sign, maybe
18 it was wrapping the columns in something, or, you know,
19 creating that Chili's is more of, you know, the red is
20 what pops up there. You know, I know it is not that
21 architecturally pleasing but, you know, it is an issue.
22 And I do look at what Mr. Donaldland is saying, where
23 that sign is pretty big, you know, and I wouldn't -- if
24 I would live in one of those units, I would have an
25 issue with that sign in my view, and I'm sure you would

1 have the same problem. were there other solutions that
2 you did look at?

3 MR. MIZUE: well, you know, the Code really tells
4 us what kind of signs are allowed, and sort of -- let
5 me just grab this.

6 COUNCILMAN MR. GARCIGA: It also says that these
7 kinds are not allowed. But that is what we are trying
8 to accomplish.

9 MR. MIZUE: Right. And, you know, the Code is
10 very specific as to what types of signs. And, you
11 know, obviously these are point-of-sales signs.

12 But with regards to, specifically, I believe that
13 projecting signs, also wall signs, and awning signs,
14 pylons and marquee. That's it. That's what the Code
15 says. It's really those five signs.

16 COUNCILMAN MR. VALDES: Through the Chair.

17 what other size, and I know Midtown has the banner
18 signs, because I've seen them, but I've only seen them
19 from the expressway. Do you know what the size of
20 those signs are, the cantilevered signs.

21 MR. MIZUE: No tell you the truth, no, I don't.

22 COUNCILMAN MR. GARCIGA: Have you thought about
23 bringing them down more into that pedestrian level even
24 where the vehicles driving down Kendall Drive, and
25 maybe you block one of the units, instead of two other

1 ones, you know? We are trying to give-and-take here
2 with you guys. We are trying to work with you.

3 MR. FERNANDEZ: Absolutely, and it's a fair point.
4 And, actually, as a result of our meetings, we did
5 offer to bring them down a little bit. There is a
6 limit as to how far we can bring the banners down,
7 because the DKUC regulations require that there be a
8 minimum of 132 inches, or 11 feet, between the sidewalk
9 and the first aerial encroachment into the
10 right-of-way. And we are talking about an encroachment
11 into the right-of-way because this building is at the
12 zero-foot setback. So, what we did is, we offered to
13 reduce the height of the sign from 18-feet above the
14 sidewalk to the very, very bottom far, as far as we can
15 go, 132 inches above the sidewalk. It's difficult to
16 appreciate here, but it is considerable. If you look
17 at how it changes in relation to the height of the
18 building.

19 And we can still do that. We didn't bring it up,
20 because they didn't want to agree with us, but that is
21 something that we are prepared to concede to, and it's
22 actually a condition that I've drafted. It's in Tab E
23 of the materials that you have. And the condition
24 reads -- and this would be in relation to our request,
25 number one, which is the variance of the size of the

1 projecting cantilevered sign, "That the location of
2 each banner sign, as indicated on the plans, shall be
3 lowered in height and installed so that the bottom of
4 the sign is directly above the minimum 132-inch,
5 11-foot height, of encroachment described in section
6 33.284.62(B)(3)(H)." And that's the provision. I've
7 already talked to Staff about this condition. They've
8 determined that it's acceptable.

9 COUNCILWOMAN MS. VAZQUEZ: Through the Chair.

10 Going back to what Jorge was asking about, like,
11 you know, using color on the thing, and I'm sure what
12 I'm about to say may give the gentleman a heart attack,
13 but did you even think of something flat against the
14 building? I happen to go down South Dadeland Boulevard
15 all the time, Kendall all the time. I can tell you,
16 your 28 signs, I go down the middle of that thing, I go
17 down the other side, I'm not going to see it in my car,
18 unless I'm driving like that. It's a canyon. There is
19 no way to look up that way. And I agree that you need
20 the retail, the retail needs to go, and you need to do
21 stuff. But, I mean, the side of the building, the
22 bottom of the building. I just don't know that those
23 things --

24 MR. FERNANDEZ: And that is part of the
25 justification, you know, to Mr. Valdes' comment as

1 to the height, and the narrowness of the sign. If it's
2 taller, it will be visible from a longer distance, so
3 that you are not -- you don't need to be right below it
4 to notice it. You'll notice it from a greater
5 distance.

6 COUNCILWOMAN MS. BRODEUR: People don't look up.

7 MR. FERNANDEZ: You know, if you put it on the
8 wall, no one will ever see it. You would have to be in
9 Dadeland to see it. No one from the street would see
10 it. It has to project in order to get it in front of
11 the driver.

12 COUNCILWOMAN MS. VAZQUEZ: May I get up if I take
13 my microphone and take their microphone?

14 This is Kendall, okay. If you had something on
15 this side, everybody coming out of Dadeland would see
16 it. This is one of the canyon roads I'm talking about,
17 this down the middle, plus there is that rotunda thing.
18 I've been down that street. You are not going to see
19 anything. There is a backstreet there that is blocked
20 by buildings. I can't tell where I am.

21 So, to have 84 units affected by every single
22 square -- and I'm just trying to help you, I understand
23 you need more business -- cannot possibly -- I mean,
24 these people here, no one is going to see it. And
25 these people here, I drive a big truck, I don't think

1 they are going to see it. But I do think, if you use
2 these walls, and even these walls, where Kendall is the
3 most used street, and wherever it is that the Marriott,
4 I think, is here somewhere, Marriott and Datran are
5 very well used, you would get a lot of people there.
6 I'm not sure that putting, you know, all these squares
7 in here, that they are going to help your client, and
8 they are going to upset -- they are not going to help
9 your client, I think, and they are going to upset
10 your residents. I'm just curious. He's the architect,
11 but I'm just curious if something different was done.

12 COUNCILWOMAN MS. BRODEUR: Through the Chair. I
13 would like to add something to the discussion.

14 CHAIRMAN ZACK: Ms. Brodeur.

15 COUNCILWOMAN MS. BRODEUR: You are talking about
16 signage.

17 CHAIRMAN ZACK: Do we have any more questions for
18 the applicant, or we can close the public hearing?

19 COUNCILWOMAN MS. BRODEUR: I just want to ask what
20 kind of marketing. They are only talking about
21 signage. You represent a client who wants to -- what
22 other marketing tool have you used, besides you
23 proposing signage? There is other marketing tools that
24 say -- you're talking about this Lime restaurant, for
25 instance. Michelle Bernstein on Channel 2 runs this

1 people going to all these restaurants, and they
2 recommend, and it appears to me that restaurants and
3 things like that are person-to-person, or advertising,
4 where the Herald has gone in, and people have gone in,
5 and they have done a marketing thing on it, "This
6 business is here. Have you been there? Have you seen
7 it? We've eaten here, we like it, we recommend it."

8 I seem to think that your approach is really not
9 as effective as Joanna's Market. Now, I don't know any
10 of you who read the Neighbors, for instance. Well,
11 Joanna's Market, I was in there the other day, they had
12 a big article, right before Thanksgiving, on how to
13 slice your turkey. And I was there, and one of the men
14 there, and they got a turkey --

15 CHAIRMAN ZACK: Ms. Brodeur, and the remaining
16 Council Members --

17 COUNCILWOMAN MS. BRODEUR: I'm just saying, they
18 got more business because they had -- they didn't need
19 to put -- they are not on the main street, and they are
20 in the back of 67th Avenue.

21 CHAIRMAN ZACK: Ms. Brodeur, our job is not to
22 evaluate the quality, or the efficacy of their
23 advertising. It is to determine the appropriate legal
24 basis, or lack of it, for their zoning application.

25 COUNCILWOMAN MS. BRODEUR: I think this is

1 ineffective for them.

2 CHAIRMAN ZACK: Let's, please, restrict our
3 questions to those issues.

4 COUNCILMAN MR. VALDES: And if I could, through
5 the Chair.

6 CHAIRMAN ZACK: Mr. Valdes.

7 COUNCILMAN MR. VALDES: As a matter of law they
8 are entitled to install cantilevered signs. The only
9 question is, do we limit them to the existing
10 regulations, which is eight square feet, or do you give
11 them more?

12 CHAIRMAN ZACK: Are there any other questions, or
13 can we close the public hearing?

14 COUNCILWOMAN MS. BRODEUR: Close the public
15 hearing.

16 MR. MOLDER: Mr. Zack, may I please say one thing?

17 CHAIRMAN ZACK: Yes, but it's not rebuttal.

18 MR. MOLDER: I just want to make a comment that
19 was already raised, which showed something on the
20 picture.

21 CHAIRMAN ZACK: One brief comment.

22 MR. MOLDER: Okay. I think there is a less
23 intrusive method which --

24 CHAIRMAN ZACK: Again, that's in the nature of
25 rebuttal. We are not going to have rebuttal. We are

1 not going to discuss their advertising methods.

2 MR. MOLDER: I'm just saying for placement of the
3 sign.

4 MR. FERNANDEZ: If it's in the nature of this
5 application?

6 MR. MOLDER: Of course.

7 CHAIRMAN ZACK: If it's the placement --

8 MR. MOLDER: Placement of where the sign is that
9 would not obstruct the balcony.

10 CHAIRMAN ZACK: We already talked about the
11 placement.

12 MR. MOLDER: That is what I was going to say.

13 CHAIRMAN ZACK: Very brief. You're really out of
14 order.

15 COUNCILMAN MR. VALDES: Through the Chair, I have
16 a quick question for Mr. Fernandez.

17 MR. MOLDER: What I was going to add, it was sort
18 of in response to what Councilman Valdes said, is there
19 a less intrusive way of a smaller sign? There is
20 plenty of space, if you look between this beam area
21 here, what looks like a beam, and the lower slat
22 elevation of the first balcony. There's a fairly
23 decent amount of size there to place a smaller sign,
24 and see if that works, before coming in with this
25 enormous sign. There is room there. And my clients

1 that I've spoke to have no objection to that. It is
2 really the objection to blocking the balcony. Thank
3 you.

4 COUNCILMAN MR. VALDES: Mr. Fernandez, is the
5 16-feet a drop-dead number for the applicant?

6 And where I'm getting at, would it be beneficial
7 to the applicant to maybe defer this and see if they
8 can rework it moving it down to the 132, and then
9 seeing what is the minimum size you guys can feel
10 comfortable with. And I understand, first of all,
11 you're entitled to have it, as a matter of right. It
12 is only a question of size. And I understand what the
13 concerns are. You know, my only issue is, does it have
14 to be 16-feet --

15 MR. FERNANDEZ: I think that --

16 COUNCILMAN MR. VALDES: -- to achieve what you
17 want to achieve?

18 MR. FERNANDEZ: -- I think that if there were a
19 compromise here, I would agree more with Ms. Vazquez.
20 And the reason that the signage was placed in some of
21 the interior roadways is because for consistency sake,
22 we wanted to follow the same sort of logic. But those
23 signs are not as important as the ones on the outside.
24 And I think that the height, something less than
25 16-feet is going to be something that -- you know, Add

1 Inc. is a national architectural firm headquartered in
2 Boston. They are not just -- and Tadal is part of a
3 team of architects that came up with this design. And,
4 although, I may not be able to express exactly how
5 important the dimensions are to you, from an artistic
6 standpoint, I think that they are important to my
7 client, and I think they do provide the look that they
8 want to accomplish from a distance on Kendall Drive,
9 and I think that they will actually make the building
10 more attractive. I've driven the building myself.
11 I've worked on a lot of high-rise projects. This
12 building lacks articulation. It is a flat --
13 particularly on the canyon streets that you're
14 describing, Ms. Vazquez, it is just a monolithic face.
15 And if you -- the signs are going to provide something
16 to look at that is going to be interesting and artistic
17 at the same time, and serve a function.

18 So, Mr. Valdes, I would say to you that if you are
19 looking for a compromise, we are prepared to lower the
20 height pursuant --

21 COUNCILMAN MR. VALDES: It is not so much a
22 compromise, it's from a human factor, or standpoint.
23 Does it really have to be 16-feet? I mean, I
24 understand the bigger you make it, the more attention
25 you attract, I understand that. But does it have to be

1 16-feet to accomplish what you want? That's what I'm
2 not entirely convinced of. And I have no problem with
3 bigger signs than what is required. I understand that
4 four-by-two doesn't work. But, you know, I just don't
5 think you need 16-by-two, that's all.

6 MR. FERNANDEZ: I think when the Code was
7 describing the cantilevered signage, the DKUC regs, it
8 didn't specify banners. Cantilevered signs can be any
9 sort of projecting sign, like a marquee, or something
10 similar, and I don't think that they really anticipated
11 this. And I think that the reason that we had the
12 support of the Director is because he recognized that
13 this wasn't anticipated, and that this is a preferable
14 form of signage than something permanent, like a
15 marquee, or a flat wall sign, that wouldn't be as
16 attractive.

17 And, believe me, we have -- the Director is -- the
18 new Director is much more strict when it comes to
19 variances, in my experience, than other Directors have
20 been. So, I think he really understood that this was
21 appropriate for this particular location, given the
22 specifics of this property, and the seven stories that
23 we are talking about, you know, the seven acres that we
24 are talking about. I mean, it is a very large project
25 and it merits the signs of this size.

1 CHAIRMAN ZACK: Mr. Garciga?

2 COUNCILMAN MR. GARCIGA: Through the Chair. I
3 mean, you don't really experience this building through
4 an elevation. You experience this building with
5 pedestrians as you are driving by. Bringing down the
6 signs will bring it down to that pedestrian level, to
7 that vehicular level, and I think it will even work
8 better to your -- to help you out in selling those
9 units. And it also won't be an issue for those
10 residents that already bought those units. We're
11 trying to work with you, give-and-take. Again, I would
12 like to have a resolution where we can, today, go home
13 and everybody is happy, you know. So, hopefully,
14 you'll be able to work with us, and we can bring those
15 down to possibly the 11-foot-two that you're required.

16 COUNCILMAN MR. VALDES: He doesn't have a problem
17 with bringing it down to the 132-inches. He is willing
18 to do that. I don't want to do something arbitrary.
19 That is why I'm looking for some guidance.

20 CHAIRMAN ZACK: Ms. Brodeur, get a microphone.

21 COUNCILWOMAN MS. BRODEUR: How many feet -- let's
22 talk about that. I agree with you, Mr. Garciga. From
23 the architectural standpoint. Is it the pedestrian you
24 want, or the driving traffic?

25 MR. FERNANDEZ: Both.

1 COUNCILWOMAN MS. BRODEUR: Because there are two
2 different criteria.

3 MR. FERNANDEZ: Both.

4 COUNCILWOMAN MS. BRODEUR: well, a pedestrian is
5 going to look at it at one level, and someone down in a
6 car --

7 CHAIRMAN ZACK: Ms. Brodeur, let me interrupt you.
8 Do you want to ask a question, or are you --

9 COUNCILWOMAN MS. BRODEUR: I just want to get
10 dimensions.

11 CHAIRMAN ZACK: We are talking amongst ourselves.
12 I'm going to close the public hearing.

13 COUNCILWOMAN MS. BRODEUR: Okay. Let's talk about
14 the dimensions amongst ourselves.

15 CHAIRMAN ZACK: We are going to close the public
16 hearing and open it up for discussion amongst Council
17 Members. Go ahead.

18 COUNCILMAN MR. GARCIGA: Through the Chair. I
19 mean that we should -- we'll bring it down to 11-feet.

20 COUNCILWOMAN MS. BRODEUR: Show us what you would
21 do.

22 COUNCILMAN MR. GARCIGA: Bring it down to
23 11-feet-two. And if you want to take a look right
24 where -- is that three-feet-three really necessary for
25 that -- for these panels?

1 MR. MIZUE: The question was whether this little
2 extension was necessary or not?

3 Our feeling is that, if you don't have that, it
4 just looks like a piece of paper is sticking out. It
5 lacks the elegance of an attachment to the building.

6 COUNCILMAN MR. GARCIGA: I understand.

7 COUNCILWOMAN MS. BRODEUR: Do you want business or
8 elegance?

9 COUNCILMAN MR. GARCIGA: I'm sure we can redesign
10 it to a point where that is not part of the design, and
11 you can make it look architecturally sound, bringing it
12 down to 11-feet-two, and then having the dimension,
13 maybe from 11-feet-two to whatever point that is, where
14 we only cover maybe one unit, and you still have their
15 dimension, instead of covering the three units, or the
16 two units. That is something that I would recommend,
17 and I think it's a give-and-take on both of our parts.

18 CHAIRMAN ZACK: Mr. Garciga, direct it to us
19 because we closed the public portion.

20 COUNCILWOMAN MS. BRODEUR: Is that under the first
21 balcony, Jorge?

22 COUNCILMAN MR. VALDES: Under the second.

23 COUNCILMAN MR. GARCIGA: Under the second balcony,
24 Ms. Brodeur.

25 COUNCILWOMAN MS. BRODEUR: Under the second

1 balcony?

2 COUNCILMAN MR. GARCIGA: That is what I would be
3 comfortable --

4 COUNCILWOMAN MS. BRODEUR: The edge under the
5 second balcony?

6 CHAIRMAN ZACK: One at a time.

7 COUNCILWOMAN MS. VAZQUEZ: Through the Chair. I
8 just want to go over some little notes, and with all
9 due respect to my fellow Councilwoman and men, I'm not
10 an architect, I know you are. I feel very, very, very
11 uncomfortable trying to tell these gentlemen what size
12 would be okay for their signs. I mean, I really -- I
13 don't have that expertise. I'm just going to go
14 through my notes and tell you what I think. I feel for
15 both of them, because I use to be a realtor, I'm still
16 licensed, and mixed-use products are hard, they are
17 hard.

18 Personally, yes, we should do something for you.
19 Nobody has ever asked us about your building, but it's
20 not a little thing that is -- I mean, 55-feet -- they
21 are not small variances, where eight-feet is required.
22 Right-of-way, where nothing is allowed. Four-feet, you
23 know, where ten-feet is supposed to be. Logos where
24 they are not permitted. I don't think it's necessary
25 to do four banners per building. I understand the

1 idea, what you are doing. The way it is set up, if we
2 gave that to you, it is 84 homeowners, that even during
3 the discussion from the opposing side, it was -- the
4 exact words were, "some light makes it through." So
5 now it's not only whether we have a right to what kind
6 of view when we purchase, you also now have whether you
7 have a right of light coming into the unit, personally
8 makes me nervous.

9 I think the economic impact of this, either way,
10 is big. Because if the property values start to go
11 down, it will be very difficult for you to sell the
12 units. And if you can't sell the units, I assure you
13 that the retailers that are there like the idea that
14 somebody has paid three quarters of a million dollars
15 and lives a little bit up, and that's your
16 boutique-kind-of-person. I don't think BrandsMart is
17 your competition. You want small boutique-things,
18 small restaurants, small things. I can't really see
19 this particular plan, and this many variances helping
20 the retail side, or helping the resident side. I think
21 there is probably a solution of some sort.

22 Unfortunately, right this second, I don't know what
23 that is. But I don't think this is the right thing. I
24 think it does no service to either side.

25 COUNCILMAN MR. GARCIGA: Through the Chair. I

1 just want to be clear. This is not a recommendation
2 that I'm giving to -- that is not my job here. My job
3 is to approve what we are looking at. And that's
4 what -- what I was showing is what I would approve, not
5 a recommendation of what should be done.

6 COUNCILMAN MR. VALDES: Through the chair.

7 And I want to echo something both Mr. Garciga and
8 Ms. Vasquez have said. I feel uncomfortable doing
9 something arbitrary tonight, as far as the size of
10 those signs that has no rhyme or reason, other than
11 compromise.

12 I would prefer to give the applicant the
13 opportunity to come back, rework the signs, and move
14 them down to the 11-feet, which they are willing to do,
15 anyway, so it's less obtrusive. They need something
16 bigger. You can't have an eight-square-foot size sign.
17 It doesn't do anything for them. I understand they
18 need something bigger. It is just a question of what
19 is the biggest -- what is, from their standpoint is,
20 how small can you make it and still achieve what they
21 want to achieve. And I don't want to do something that
22 is going to be arbitrary, because it is an important
23 issue for them. This is a landmark project. And what
24 we do here can create a precedence to similar projects
25 in the future. I want to make sure we get it right,

1 and not just get it done quickly, or expeditiously.

2 MR. FERNANDEZ: And, Mr. Valdes, I would need to
3 take that back to my client.

4 But, Mr. Garciga, if I can understand -- I
5 understand the dropping it to the 11-feet. And then
6 with respect to the top, you're suggestion is to reduce
7 the height there?

8 COUNCILMAN MR. GARCIGA: Bring it down to the same
9 band that the building already has. Follow the
10 architectural style that is already there, and you are
11 only blocking one of the views, and I think it is a
12 give-and-take on both sides. That's my recommendation.

13 COUNCILMAN MR. VALDES: I mean, if it works,
14 architecturally, from a human factor standpoint.

15 COUNCILMAN MR. GARCIGA: I would urge you to go
16 back and work it.

17 MR. FERNANDEZ: we'll take it back.

18 COUNCILWOMAN MS. BRODEUR: Through the Chair. We
19 haven't discussed Item 3, about the directional signs.
20 We haven't even touched on that at all.

21 COUNCILMAN MR. VALDES: Because nobody has an
22 issue with it, I guess.

23 MR. FERNANDEZ: No one has an issue. Everyone
24 agrees with the logos and the directional signs. They
25 are needed.

1 COUNCILWOMAN MS. BRODEUR: Okay.

2 COUNCILMAN MR. SANTANA: We believe that it is
3 pretty much needed.

4 COUNCILMAN MR. VALDES: Through the Chair and to
5 the County Attorney. With the applicant's consent, of
6 course, could we approve three and four and defer one
7 and two?

8 MR. ROBERTSON: We don't bifurcate.

9 COUNCILMAN MR. VALDES: Okay.

10 COUNCILWOMAN MS. BRODEUR: He said, no.

11 COUNCILWOMAN MS. VAZQUEZ: Can we vote to defer?

12 COUNCILWOMAN MS. BRODEUR: We can always defer it.

13 COUNCILMAN MR. VALDES: If the applicant would
14 accept the deferral, more than one meeting, I would
15 make a motion to defer it. But I would like their
16 input as to how much time they would need on the
17 deferral before doing the motion.

18 MR. FERNANDEZ: When is your next meeting, if I
19 could ask staff?

20 MR. VITAL: Through the Chair. Next meeting will
21 be January 18th.

22 COUNCILMAN MR. VALDES: But you've already
23 advertised that, right?

24 MR. VITAL: That is correct. If the applicant is
25 going to submit revised plans, we need at least two

1 months, and to give you the deadline to submit those
2 plans will be January 6, 2011.

3 MR. FERNANDEZ: We can get you the plans by
4 January 6th, that is not a problem. But would that
5 February?

6 MR. VITAL: If I may, through the Chair. We
7 actually need it prior to that, because we need to
8 review the plans. That is the ad -- the advertising
9 deadline.

10 MR. ROBERTSON: You have to have them in by next
11 week.

12 COUNCILMAN MR. VALDES: Mr. Vital, the reality is
13 that after this week, a lot of people are going to be
14 on vacation and don't come back until January 3rd.
15 That is the reality of life. So, I don't want to bust
16 their chops, and make them run around and submit
17 things, and then there is nobody there to review them.

18 Next meeting of that would be March 30th, just so
19 you know.

20 MR. FERNANDEZ: March 30th.

21 COUNCILMAN MR. VALDES: I don't want to bust his
22 chops, make him work through Christmas and everything
23 else, and then there is nobody there.

24 MR. VITAL: Through the Chair. March 30th would
25 allow the applicant to work with the neighbors, with

1 regards to the new plans, and things like that.

2 CHAIRMAN ZACK: would that date work well for you,
3 Mr. Fernandez?

4 MR. FERNANDEZ: March 30th? Yes. Is
5 February 23rd available? Apparently that's the date
6 that is --

7 COUNCILWOMAN MS. VAZQUEZ: You don't have enough
8 time.

9 MR. ROBERTSON: In order to publish, he has to
10 have his plans reviewed by January 6th for the
11 February 23rd.

12 CHAIRMAN ZACK: So, realistically, you would have
13 to go to March 30th.

14 MR. FERNANDEZ: Yes, we need March.

15 COUNCILMAN MR. VALDES: If the applicant would
16 agree to that, I make a motion to defer to March 30th.

17 COUNCILMAN MR. GARCIGA: I second.

18 COUNCILMAN MR. VALDES: If the applicant agrees.

19 MR. FERNANDEZ: We agree.

20 CHAIRMAN ZACK: He already agreed.

21 Seconded by Mr. Garciga. Please call the roll.

22 MR. JONES: Motion to defer the application to
23 March 30th. Councilwoman Brodeur?

24 COUNCILWOMAN MS. BRODEUR: Yes.

25 MR. JONES: Councilman Garciga?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCILMAN MR. GARCIGA: Yes.

MR. JONES: Vice Chairman Santana?

COUNCILMAN MR. SANTANA: Yes.

MR. JONES: Councilman Valdes?

COUNCILMAN MR. VALDES: Yes.

MR. JONES: Councilwoman Vazquez?

COUNCILWOMAN MS. VAZQUEZ: Yes.

MR. JONES: Chairman Zack?

CHAIRMAN ZACK: Yes.

MR. JONES: Motion passes unanimously for the
deferral.

MR. FERNANDEZ: Thank you. Thank you for your
time and for your suggestions.

(This item was concluded at 10:00 p.m.)

* * * * *

1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF DADE
4

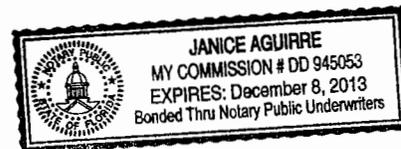
5 I, Janice Aguirre, Registered Professional
6 Reporter, Notary Public, State of Florida, certify that the
7 following witnesses personally appeared before me on
8 December 16, 2010 at the Community Zoning Appeals Board, and
9 were duly sworn.

10 WITNESS my hand and official seal this 30th
11 day of April, 2011.

12
13
14
15 

16 JANICE AGUIRRE

17 Registered Professional Reporter
18 Notary Public, State of Florida



1 COMMUNITY ZONING APPEALS BOARD 12
2 KENDALL VILLAGE CENTER - CIVIC PAVILION
3 8625 SW 124 Avenue, Miami
4 Wednesday, March 30, 2011 at 6:30 p.m.

5
6 ITEM

7 DOWNTOWN DADELAND RETAIL, LLC

8
9
10 Members of Council
11 (Present)

12 Jorge Luis Garciga, Chairman
13 Jose I. Valdes, Vice Chairman
14 Peggy Brodeur
15 Angela M. Vazquez
16 Elliott N. Zack

17 County Attorney's Office

18 Tom Robertson
19 Assistant County Attorney

20 Staff

21 Jorge Vital, Zoning Specialist
22 Earl Jones, Clerk
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

COUNCIL MEMBERS

CHAIRMAN GARCIGA: 3-4, 6-7, 10-12, 15, 19-21, 27, 31, 37, 40, 43-44, 48-49, 51, 53, 59-60, 62-66.

VICE CHAIRMAN VALDES: 3, 7-10, 29-31, 42, 44-46, 50, 55, 57-59, 65-66.

COUNCILWOMAN VAZQUEZ: 3, 11, 29, 42-43, 50-57, 59-62, 65-66.

COUNCILWOMAN BRODEUR: 3, 9-11, 15, 19-21, 25, 30, 32, 36-37, 43, 45, 48-49, 57, 59, 62, 65-66.

COUNCILMAN ZACK: 3, 9-10, 25, 27-28, 51-52, 62-63, 66.

S T A F F

MR. JONES: 3-6, 65-66.

MR. VITAL: 7, 12, 29-30, 44-45, 55-57.

MR. ROBERTSON: 3, 11, 25, 61-62, 65.

ON BEHALF OF THE APPLICANT

MR. FERNANDEZ: 12-20, 26-27, 30-32, 37, 40-43, 46-48, 50-52, 54-56, 58-59, 61-62, 66.

MR. SHIMIZU: 53-54, 59.

SUPPORTERS

- -

OBJECTORS

MR. MOLDER: 21-29.

MR. DUNN: 31-37.

MR. HARRETT: 37-39.

MS. PINTO: 39.

1 CHAIRMAN GARCIGA: All right, good
2 afternoon.

3 Are the County reporter, County
4 attorney present?

5 MR. ROBERTSON: Yes.

6 CHAIRMAN GARCIGA: Ladies and
7 Gentlemen, this meeting of Community
8 Council 12 has come to order, March 30,
9 2011.

10 At this time, please stand for the
11 Pledge of Allegiance.

12 (Pledge of Allegiance).

13 CHAIRMAN GARCIGA: Staff, please call
14 the roll.

15 MR. JONES: Councilwoman Brodeur?

16 COUNCILWOMAN BRODEUR: Present.

17 MR. JONES: Councilman Santana?
18 Vice Chairman Valdes?

19 VICE CHAIRMAN VALDES: Present.

20 MR. JONES: Councilwoman Vazquez?

21 COUNCILWOMAN VAZQUEZ: Present.

22 MR. JONES: Councilman Zack?

23 COUNCILMAN ZACK: Present.

24 MR. JONES: Chairman Garciga?

25 CHAIRMAN GARCIGA: Present.

1 MR. JONES: We have a quorum.

2 CHAIRMAN GARCIGA: Those of you
3 present today, who wish to speak today,
4 must stand and the court reporter will
5 swear you in.

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

12 CHAIRMAN GARCIGA: Those of you who
13 are lobbyists should have registered with
14 the Miami-Dade County Clerk of Board
15 Office prior to this meeting.

16 Once all witnesses have been sworn
17 in, the Introductory Statement must be
18 read into the record.

19 Staff, please read into the record
20 the Introductory Statement.

21 MR. JONES: "In accordance with the
22 Code of Miami-Dade County, all items to be
23 heard this evening have been legally
24 advertised in the newspaper, notices have
25 been mailed and the properties have been

1 posted. Additional copies of the agenda
2 are available here at the meeting. Items
3 will be called up to be heard by agenda
4 number and name of applicant.

5 "The record of the hearing on each
6 application will include the records of
7 the Department of Planning & Zoning. All
8 these items are physically present this
9 evening, available to all interested
10 parties and available to the Members of
11 the Board, who examine items from the
12 record during the hearing. Parties have
13 the right of cross-examination.

14 "This statement, along with the fact
15 that all witnesses have been sworn, should
16 be included in any transcript of all or
17 any part of these proceedings. In
18 addition, the following departments have
19 representatives present here at the
20 meeting to address any questions: The
21 Department of Public Works, the Department
22 of Planning & Zoning, the County
23 Attorney's Office.

24 "All exhibits used in presentation
25 before the Board become part of the public

1 record and will not be returned unless an
2 identical letter-size copy is submitted
3 for the file.

4 "Any person making impertinent or
5 slanderous remarks or who becomes
6 boisterous while addressing the Community
7 Zoning Appeals Board shall be barred from
8 further audience before the Community
9 Zoning Appeals Board by the presiding
10 officer unless permission to continue or
11 again address the Board be granted by the
12 majority vote of the Board members
13 present.

14 "The number of filed protests and
15 waivers on each application will be read
16 into the record at the time of hearing as
17 each application is read. Those items not
18 heard prior to the ending time for this
19 meeting will be deferred to the next
20 available zoning hearing meeting date for
21 this Board."

22 CHAIRMAN GARCIGA: Anyone present
23 this evening who wishes to defer, withdraw
24 an application, please come forward at
25 this time. State your name and address

1 for the record.

2 None appearing.

3 When I call your item, please stand
4 up to the podium and state your name and
5 address clearly for the record. I will
6 then proceed to call those of you in
7 support of the application and then I will
8 call for objectors. Those of you here who
9 wish to speak will state your name and
10 address. For those of you speaking, I
11 would ask that you make your presentation
12 short and nonrepetitive since we're
13 limited on time.

14 Staff, call the first item.

15 MR. VITAL: Item A, Downtown Dadeland
16 Retail, LLC, application Number 1044, zero
17 objectors, zero waivers.

18 VICE CHAIRMAN VALDES: Through the
19 Chair, if I could, one second.

20 CHAIRMAN GARCIGA: Yes.

21 VICE CHAIRMAN VALDES: I want to
22 disclose that earlier today I received two
23 e-mails, which I will hand them to the
24 Chair for filing, to be made part of the
25 record and I also want to read them into

1 the record.

2 At 12:56 p.m. today, I received an
3 e-mail from an Alberto Amador stating as
4 follows, subject, Downtown Dadeland
5 Retail, LLC, importance high: "As a
6 Kendall resident for 32 years, my
7 neighbors, family and friends not support
8 this application, because we believe that
9 the safety and security on Kendall Drive
10 is more important and do not want it to
11 look like a circus, Alberto Amador."

12 About the same time, actually at
13 12:40 p.m., I also received an e-mail from
14 an organization called Taxpayers Voters,
15 again on the subject of Downtown Dadeland
16 Retail, LLC, and it reads as follows: "We
17 are respectfully requesting that you do
18 not approve this application," unsigned.
19 Simply says Taxpayers and Voters,
20 Miami-Dade County, Florida.

21 I am disclosing this. And, for the
22 record, I want the record to reflect that
23 I did not solicit this e-mail, I did not
24 initiate the conversation. I did not
25 respond to the communications. Upon

1 receiving both communications, I forwarded
2 them to staff. While I do not believe
3 that it is a basis for a recusal,
4 nonetheless, I want to go on the record as
5 having disclosed it.

6 And I also, through the Chair, would
7 like to ask anybody who is here, whether
8 they feel that my receipt of these e-mails
9 constitute basis for a recusal and have
10 them heard on that issue and give an
11 opportunity to voice their concerns, if
12 they have any such concerns.

13 COUNCILMAN ZACK: Through the Chair,
14 before that takes place, some of us,
15 others of us have also received those
16 e-mails.

17 COUNCILWOMAN BRODEUR: Yeah, we've
18 all received it. I don't think any of us
19 are disqualified because we've equally --
20 I wish to also enter into the record that
21 I received the same communications as my
22 colleague, Mr. Valdes.

23 And you got it, Mr. Zack?

24 COUNCILMAN ZACK: And I received one
25 of the two e-mails, the one that said

1 taxpayers voters.

2 CHAIRMAN GARCIGA: I received both of
3 them also and I did not open them, but I
4 did received both of them.

5 COUNCILWOMAN BRODEUR: Yeah. I don't
6 think, through the Chair, Mr. Chair, that
7 any of us ought to be disqualified because
8 someone sent us something.

9 VICE CHAIRMAN VALDES: And I don't
10 think we should. I simply want to give
11 the audience -- the folks that are here
12 the opportunity to express their concerns,
13 if they have any concerns, because what I
14 don't want is that we forestall anybody
15 who feels it is an issue from speaking
16 here today and then it becomes an issue
17 later on.

18 COUNCILWOMAN BRODEUR: Yeah. I
19 feel -- as I said to the County Attorney,
20 Mr. Chair, I feel that the people acted
21 inappropriately, but I feel that they
22 don't know that they can't contact us, so
23 we should just --

24 CHAIRMAN GARCIGA: Well, Mr.
25 Robertson --

1 COUNCILWOMAN VAZQUEZ: Just to the --
2 No, I just wanted, for the record, unless
3 it's in my junk mail, which it might be, I
4 did not receive either one.

5 COUNCILWOMAN BRODEUR: Okay.

6 CHAIRMAN GARCIGA: Mr. Robertson, is
7 this going to be an issue? Would this be
8 an issue for appeal or whatnot?

9 MR. ROBERTSON: This is not an issue
10 with respect to this Board, a Jennings
11 type violation, which is what this would
12 be considered. If it's disclosed by the
13 appropriate Board member and is not acted
14 upon does not constitute reason for
15 disqualification.

16 In this situation, where you don't
17 control the incoming e-mails, there's
18 nothing you can do, but which is
19 appropriate, disclose it immediately and
20 provide it to the department, so that they
21 can have it as part of the record.

22 CHAIRMAN GARCIGA: All right. Then
23 let's go on with the item.

24 I would just like to say that if we
25 keep it, you know, brief, we've gone over

1 this item before, and I think we spoke
2 about it quite a bit last time we went
3 over it and I think we can keep this one
4 brief.

5 MR. VITAL: If I may, through the
6 Chair, a minor correction. We have two
7 objections on file.

8 CHAIRMAN GARCIGA: We will call the
9 objectors also.

10 MR. FERNANDEZ: Thank you.

11 Mr. Chair, Members of the Board, my
12 name is Ben Fernandez, 200 South Biscayne
13 Boulevard, here on behalf of Downtown
14 Dadeland Retail, LLC. With me is our
15 project architect, Mr. Tadao Shimizu. And
16 we are here, as you noted, Mr. Garciga,
17 again before you, it's been some time,
18 because we needed to make sure that we had
19 the ability to request a modification to
20 the advertisement, if necessary.

21 Fortunately, that wasn't necessary.

22 What we have done is essentially
23 follow, I believe, what was Ms. Vazquez's
24 suggestion, but I think that there was
25 fair amount of concurrence between the

1 Board members, which was to do two things:
2 One is to, more importantly, reduce the
3 height of the sign or the banner and,
4 secondly, to reduce the size of the
5 banner, if that was at all possible to do.
6 And so Tadao went back to the drawing
7 board and revised the plan in order to
8 lower the mounting height of the banners
9 by one floor.

10 So, as you recall, previously you had
11 the banner on top or encroaching upon the
12 retail component of the center and then
13 above into two additional stories. And
14 what you have now is essentially a banner
15 that only encroaches into one story. It
16 is a reduction in height as well as a
17 reduction in size. The way that the
18 County estimates or calculates the copy
19 area of a sign is not really based on the
20 size of the descriptive material that you
21 and I would consider to be the sign.
22 Rather, they look at the entire mechanism
23 that is used to support the sign and all
24 of the mechanical instruments that are
25 required to attach the sign to the wall

1 and then they sort of draw a line parallel
2 from the most extreme attachment apparatus
3 to the extent of that apparatus outward
4 from the building and then back down again
5 to the lower most extreme of the
6 mechanical apparatus.

7 And so what you have, in your
8 analysis, from the Department of Planning
9 & Zoning, is a description of the
10 reduction being from approximately 55.67
11 square feet to 51 square feet of copy
12 area. And that is correct. However, I
13 will add that that also reduces the height
14 from 19 feet eight inches to 17 feet 8
15 inches. And, more importantly, it reduces
16 the size of the signage, which previously
17 was approximately 46 square feet.

18 I think the best way that I can show
19 you this is by going straight to the
20 boards. This was the -- this was the
21 prior plan. This banner area that you see
22 in gray on this plan was approximately 46
23 square feet. The copy area went to the
24 extremes of the mechanism that holds the
25 sign and out to here and to here. So what

1 staff calculates as being the copy area is
2 a larger area than the actual sign. And
3 what -- and that's the 56 square feet that
4 we had before. Now we have 51 square feet
5 in that area. However, the signage, the
6 banner area, which is in gray, which
7 previously was approximately 46 square
8 feet, that is now reduced to 42 square
9 feet. So we have a sign that is
10 approximately 42 square feet and we have a
11 reduction in height from that to this.
12 You can see the difference perhaps better
13 if I hold them this way.

14 COUNCILWOMAN BRODEUR: What is the
15 sign going to say on it?

16 MR. FERNANDEZ: Well, it will depend
17 on the retailer that uses the sign.

18 COUNCILWOMAN BRODEUR: On the
19 retailer. And that's just on the corner?

20 MR. FERNANDEZ: On the corner and
21 along the sides of the building. There
22 are seven buildings.

23 COUNCILWOMAN BRODEUR: There are
24 seven.

25 CHAIRMAN GARCIGA: Ms. Brodeur, let's

1 try to keep the questions to the end.

2 MR. FERNANDEZ: Right, there's seven
3 buildings in the project. There are over
4 28 retail center spots or spaces within
5 the center and only approximately 45% of
6 those are presently leased or occupied.

7 So we hope that, as your Planning
8 Department recommendation indicates, that
9 this will increase the visibility of some
10 of these retail and neighborhood serving
11 spaces to the outside of the building.
12 This is a design that was very insular and
13 it really isn't -- the stores are really
14 not available to the naked eye from the
15 street. And it's also going to help guide
16 Metrorail patrons that are exiting at the
17 Dadeland south station that are looking
18 for some of these retailers that will help
19 guide them in a more efficient way.

20 So I think the public service that
21 this is going to provide is that it's
22 going to increase sufficiency. The
23 benefit to the local economy is that
24 hopefully it's going to bring more people
25 from the neighborhood to this area and

1 that it's going to also guide cars on
2 Kendall Drive and Dadeland Boulevard to
3 the site in a more efficient manner.

4 That is really the gist of my
5 presentation. I will reiterate something
6 that I reiterated the last time or
7 iterated the first time. And, that is, if
8 you look at the size of this signage, in
9 relation to the total size of the facade
10 of the buildings on Kendall Drive, at 46
11 square feet, this is approximately .75% of
12 the wall area for the sign. Now, we're at
13 42 square feet, so we're even less than
14 that. And that is with respect to
15 building A.

16 With respect to building B, the wall
17 area is 8,895 square feet, so each banner
18 on that property would be only .62% of the
19 total facade area. So we think that
20 that's a relatively de minimis impact. We
21 recognize the fact that there are
22 residential units that are on the ground
23 or on the first floor that may see part of
24 this sign. And we would submit to you
25 that it will only be visible in a very

1 peripheral way.

2 And we would also submit to you that
3 this is essentially a private matter
4 between the owners of the various
5 condominium units within Downtown
6 Dadeland.

7 I have enclosed in your materials
8 under number F, letter F, the excerpts
9 from the declaration of Downtown Dadeland
10 Condominium that describe two different
11 areas in those condominium documents that
12 describe the relative rights of the
13 commercial lot owners in relation to
14 signage and those provisions clearly
15 provide that the commercial lot owners
16 have the right to place signage on the
17 building, have unilateral right to do so.
18 And so we submit to you that our signage
19 package is the most sensitive to the
20 residential owners within the
21 condominiums, while still maintaining a
22 reasonable height that will provide
23 advance notice to traffic moving westbound
24 and eastbound on Kendall Drive and north
25 and south on Dadeland Boulevard.

1 And with that, I'll close my comments
2 and turn it over to the Board for any
3 questions that you have. I would like to
4 reserve some time for rebuttal, if
5 necessary.

6 Thank you very much.

7 CHAIRMAN GARCIGA: Thank you.

8 COUNCILWOMAN BRODEUR: Just one
9 question, sir.

10 Can I ask now, through the Chair?

11 CHAIRMAN GARCIGA: Yes, Ms. Brodeur.

12 COUNCILWOMAN BRODEUR: What is your
13 percentage of occupancy that they're now
14 ownership?

15 MR. FERNANDEZ: Presently, my
16 understanding, it's between 45 and 50% --

17 COUNCILWOMAN BRODEUR: Okay. You
18 have between --

19 MR. FERNANDEZ: -- of the retail.

20 COUNCILWOMAN BRODEUR: Is that retail
21 or commercial?

22 MR. FERNANDEZ: That's commercial
23 generally.

24 COUNCILWOMAN BRODEUR: Commercial is
25 45 to 50%?

1 MR. FERNANDEZ: Yes.

2 COUNCILWOMAN BRODEUR: Of the seven
3 buildings, right? We're doing seven
4 buildings, right?

5 MR. FERNANDEZ: That's correct, as a
6 total.

7 COUNCILWOMAN BRODEUR: And what is
8 your percentage of occupancy of ownership
9 of the seven buildings?

10 MR. FERNANDEZ: You know, I can't
11 answer that question. Perhaps -- I know
12 that the attorney for the residential
13 condo is here.

14 COUNCILWOMAN BRODEUR: If any of you
15 came in late and want to speak, you have
16 to be sworn in, if you want to speak, just
17 to remind you guys.

18 CHAIRMAN GARCIGA: All right, thank
19 you for being brief.

20 Is there anyone in favor of the
21 application here present today that would
22 like to speak?

23 Are there any objectors to the
24 application, please come up, state your
25 name and your address, for the record.

1 COUNCILWOMAN BRODEUR: Madam, swear
2 in a couple more. They came in --

3 CHAIRMAN GARCIGA: Yes, I think
4 there's a gentleman that --

5 (Thereupon, the witness was duly
6 sworn).

7 MR. MOLDER: Good evening, Council
8 Members, my name is Jason Molder, Molder
9 Leal Group, P.A, 8201 Peters Road, Suite
10 1000, Plantation, Florida 33324.

11 I am counsel for Downtown Dadeland
12 Condominium Associations 1, 2, 3 and 4.
13 And here today we have some Board members
14 from buildings A, B. -- I'm sorry, 1, 2
15 and 4.

16 I'm going to try and be very brief,
17 because I know we've been through this
18 before and just touch upon some of the
19 points that Mr. Fernandez said, but I'd
20 like to reiterate something that I said
21 before, and that this is a home. I
22 understand there's commercial property at
23 the ground level, but this is a home. And
24 imagine yourself living in this home.

25 Now, my recollection of the last

1 hearing is that the Board suggested to the
2 applicant, hey, come back with something
3 less intrusive, come back with something
4 that's not as big, for lack of a better
5 word.

6 What I'm hearing tonight is roughly
7 10% of the difference. We've gone from
8 19.8 feet to 17.8 feet.

9 I want to go through, just in
10 response to some of the comments. What I
11 heard last time was a comment that these
12 signs wouldn't be effective if they were
13 lowered, but now that's what we have. We
14 don't have a drastic reduction in size, we
15 have a lowering.

16 The comment that the stores are not
17 there to the naked eye. If you're driving
18 on Kendall Drive, the stores that are
19 along Kendall or right at the corner, you
20 can see them. Obviously you're not going
21 to see something all the way in the back,
22 but much like you wouldn't see a store in
23 a complex much like this, if you're not
24 with inside the community. And there are
25 other communities -- you know, you've got

1 similar situations, I think, in Coconut
2 Grove, Sunset Place. So the stores are
3 visible, if you're driving down those
4 streets, at least I believe so.

5 Now, one of the comments that I want
6 to address, which I'm just very confused
7 by, is how do these banner signs bring
8 people to the area. TV commercial; you've
9 got me convinced. A big banner on a bus;
10 you've got me convinced. But you can't
11 see the banner until you're there. So how
12 does a banner sign bring people to the
13 area?

14 The total size of the sign I think
15 the term de minimis was use, .75 of the
16 total wall space. How about calculating
17 the sign to the resident or the residents
18 that live here?

19 That first level, where you've bought
20 a home and you want to look out your
21 window or you want to sell your home and
22 you have to contend with that? I don't
23 think that that would be considered de
24 minimis. I wouldn't consider it de
25 minimis, if that was my unit, or if I was

1 looking to buy that unit or sell it. I
2 think it's somewhat -- I think saying that
3 you concede part of it is a little
4 incorrect. I think if you're on that
5 level, you're going to see all of it.

6 And I just want to address one more
7 item, and that is that the declaration
8 permits this, that this is I believe it
9 was said it's a private matter. This is
10 not a private matter. We would not be
11 here today if this was a private matter.
12 We are in a public forum right now. This
13 is a public matter. And the unit owners
14 who purchased had the right, not only to
15 know what was in the declaration, but
16 you've got to read the declaration in
17 light of the current law. The declaration
18 can't overrule what a code says or what a
19 statute says or an ordinance? Can it? I
20 don't believe it can.

21 So it's easy to say it's a private
22 matter, because the declaration permits
23 it, but if the declaration permitted
24 something that was otherwise not legally
25 permissible by Zoning Code or ordinance or

1 state statute, I don't think you could
2 easily say, well, it's a private matter.

3 COUNCILWOMAN BRODEUR: All right,
4 let's -- you brought up a good point,
5 let's ask our attorney.

6 Sir, pay attention. Ask the attorney
7 what you're saying, because I think it's
8 very --

9 COUNCILMAN ZACK: What are you asking
10 him?

11 COUNCILWOMAN BRODEUR: Well, he says
12 it's not a private matter and you're
13 asking questions about the code.

14 MR. ROBERTSON: Regardless of whether
15 or not they have a private right, they
16 also have a public right to come to this
17 Board. Whether or not there is a private
18 right contained in this document, they
19 still have the public right to be here,
20 and address this Board and present their
21 concerns.

22 MR. MOLDER: Yeah, I'm not saying
23 they don't have a private right under the
24 documents. I'm not really passing that
25 one way or another. We addressed that

1 last time, I think, and I don't want to go
2 over that again, unless the Board wants me
3 to, but I'm going to conclude right now.

4 What I want to say, let me clarify.
5 Even if there is a private right, there is
6 a governing code or ordinance and that's
7 why we're here today. So it can't be done
8 unilaterally, as it's suggested. We're
9 not being given the courtesy of being
10 heard. We're here, because, at least my
11 understanding is, I don't think they can
12 do it without your permission.

13 And just to reiterate again, I don't
14 want to be repetitive, but just keep this
15 in mind, this is a home. It's a home.
16 It's above a commercial space, but it's
17 still a home. And I think the Board
18 members would probably be able to help you
19 on answering the question about
20 residential occupancy, ownership. And I
21 don't know the answer to that. I don't,
22 and I don't want to speculate, because I
23 may be wrong.

24 Thank you very much. Good evening.

25 MR. FERNANDEZ: Mr. Chair.

1 CHAIRMAN GARCIGA: We'll leave time
2 at the end for rebuttal.

3 MR. FERNANDEZ: I was just going to
4 say, if the Board would like to hear on
5 some of the legal issues rebuttal at this
6 point, I'd be happy to address that. If
7 not, I can wait until the end.

8 CHAIRMAN GARCIGA: No, we'll leave it
9 till the end of the meeting, till the end
10 of --

11 COUNCILMAN ZACK: Through the Chair,
12 a question to Mr. Molder.

13 MR. MOLDER: Yes, sir.

14 COUNCILMAN ZACK: This discussion
15 about private, what I took the comments to
16 mean, were simply that when people
17 purchased these units and the condominium
18 documents provided that the owner of the
19 building could do this with the commercial
20 space, what I took it to mean is that he
21 was saying that people bought knowing,
22 with the understanding that they had these
23 rights, aside from obviously legally they
24 can't do it on their own, because it
25 requires a zoning change, but as between

1 the motivation and the position between
2 the parties, the condominium seller and
3 the condominium purchaser, they purchased
4 knowing that this is something that could
5 happen.

6 MR. MOLDER: Right. And I don't
7 think I would dispute that, because if
8 it's in the declaration and the
9 declaration allows that, then, you know,
10 they take subject to what the rules are,
11 but I would also say that -- and, you
12 know, I can't speak for any of the
13 purchases, because I'm not them, but if
14 you're buying a unit in a building and you
15 don't see these signs and then you've
16 purchased and you're in economy, such as
17 the one we're in now and you may be trying
18 to sell, and now you're having these, for
19 lack of a better word, just thrust upon
20 you, I mean, you know, they're going to
21 drill these holders into the wall and have
22 this big banner sign up, I think that's
23 why we're here today, because it's not
24 allowed or at least the size of it is not
25 allowed, so they have to come to you for

1 that kind of a variance. That's my
2 understanding.

3 COUNCILWOMAN VAZQUEZ: Through the
4 Chair, I have one question.

5 One of the times it was deferred, it
6 was that so all of you could talk to each
7 other, work with each other, to see if
8 there was any sort of resolution. Was
9 there any sort of meeting between the two
10 sides? There was? Okay.

11 And there was disagreement, I take
12 it? Okay.

13 VICE CHAIRMAN VALDES: I have a
14 question of staff. As I understand it,
15 correct me if I'm wrong, the DKU core
16 signage regulations allow the projected
17 signs. The issue is, under the existing
18 regulations, they're limited to eight
19 square feet. So the issue is the increase
20 in the sign -- excuse me, the increase in
21 the size of the banner signs, not whether
22 they have the right to put them. Am I
23 correct on that?

24 MR. VITAL: Through the Chair, that
25 is correct.

1 COUNCILWOMAN BRODEUR: Would you
2 repeat that again, Mr. Valdes?

3 VICE CHAIRMAN VALDES: In other
4 words, as I read the existing DKU core
5 signage regulations, they are allowed as a
6 matter of right to have the banner signs.
7 The question becomes the size. The
8 existing regulations limit the size of the
9 banner signs to eight square feet. And
10 now they're requesting reduced actual size
11 of 42 square feet, so that's the issue.
12 But as I understand it, they're entitled
13 to those signs as a matter of right.

14 MR. VITAL: If I may, through the
15 Chair, if you look at handwritten page
16 Page 5, which are the four requests.
17 Aside from the size of the sign, you also
18 have the encroachment into the
19 right-of-way. So there's certain
20 restrictions, and that's what they're here
21 for.

22 MR. FERNANDEZ: Point of
23 clarification, if I may.

24 VICE CHAIRMAN VALDES: The
25 cantilevered signs encroaching the

1 residence.

2 MR. FERNANDEZ: That is something
3 that Public Works and Zoning, just there
4 was no meetings of the minds are. How can
5 you have a cantilevered sign and at the
6 same time require a zero foot setback? So
7 that's why you have no objection from
8 Public Works or Planning.

9 CHAIRMAN GARCIGA: All right, let's
10 continue.

11 MR. DUNN: Good evening, I'm Alan
12 Dunn, 7266 Southwest 88 Street, Number
13 723, Miami, Florida 33156. I'm -- I own
14 in two buildings, A and B, and we did
15 discuss this last time.

16 I'm going to just take the points
17 that are listed in the presentation
18 tonight. And what you said, sir, is
19 absolutely right: Eight square feet is
20 not a problem. We have signs out there
21 now of 8 square feet. That gives them the
22 right to put eight square feet signs --
23 eight square foot signs, excuse me. And,
24 good, we don't have a problem with that.
25 This is 42. It's listed in the

1 presentation now as 55. That is five
2 times the size that's permitted here. We
3 didn't buy there with a five-time increase
4 in the sign. None of us did.

5 By the way, to answer your question,
6 ma'am, all the units are owned. It's 100%
7 owned.

8 COUNCILWOMAN BRODEUR: Right. And
9 they're around 750, as I recall last time
10 you told me the value.

11 MR. DUNN: Yes, sir, they go up to
12 that level. The latest one I've seen is
13 in the 300's.

14 COUNCILWOMAN BRODEUR: Yes, 350 to
15 750.

16 MR. DUNN: Yes, ma'am, they go to
17 750. They used to. They don't right now.
18 And we don't want that as an issue either,
19 to devalue that property. That's not why
20 we bought there. We don't have a problem
21 with an eight foot square sign, but we do
22 have a problem with a 42 square foot sign.
23 That's not something you'd like on the
24 side of your house. We don't really want
25 it there.

1 Now, the commercial properties there,
2 is Chili's, Lime, all have signs out that
3 look really nice. For some reason, people
4 find those places. If they want to
5 advertise, they can do it. I heard Mr.
6 Molder mention on a bus, but at the
7 Metrorail. They're on poles advertising
8 the units. They could put the signs there
9 and people would find them. Some reason
10 people find them. Word of mouth travels
11 quickly. If you like a movie, people will
12 tell you. If you don't, they tell you
13 also. You find this in a eating
14 restaurant. That's what we have.
15 Chili's, Lime and now Rocco's are
16 excellent representations of what we
17 should have there. And I just feel the
18 others that are not there anymore:
19 Bombay, the brothers that opened the
20 smoothy place, and God love them, they're
21 really nice guys, they just didn't make
22 it, and Start Moon, that didn't make it,
23 but it wasn't for the same reason. It
24 wasn't because of signs. These are big
25 outfits that come in and do a beautiful

1 job. But 42 square feet is enormous.
2 That's a big, big sign.

3 Secondly, somebody on this Board
4 mentioned that the cantilever projecting
5 signs is an encroachment into the
6 right-of-way. It's not permitted. We
7 have traffic there on Friday, Saturday and
8 Sunday night that makes you want to go
9 down there and hose them down from the
10 noise and the walking in the street.
11 Somebody is going to get hurt. That is a
12 dangerous and unsafe thing to do. It
13 really is. And the first time that
14 happens, there's going to be litigation on
15 it. And I don't want to be involved in
16 that. I really don't. And I thought
17 about that thoroughly. I don't mind
18 people being in the streets, but I don't
19 want to put anything that is an
20 encroachment to any right-of-way. And
21 that's just totally not admitted.

22 Again, when people leave for work, I
23 think this lady mentioned, on Mondays and
24 comes home on Monday night, you don't
25 stick your neck around the corner to see a

1 sign running down the street. If you do,
2 you're going to hit the person in front of
3 you on Kendall Drive and that's going to
4 cause a problem. So I just think that
5 should not be permitted at all. Eight
6 foot signs should be; not a problem.

7 Directional signs, with the height up
8 to 17 feet, now, it used to be 19, that's
9 four times greater than what this council,
10 commission has allowed. And they have
11 that. They can do that. And it's not --
12 they can put multiple ones.

13 And the last thing I'd like to
14 address is the logos -- actually, they
15 could put the signs on the commercial
16 properties. Why do they take the four or
17 seven buildings and do it? The commercial
18 properties are all down below. Put those
19 on down. And that way you won't have the
20 residents involved. And I don't think
21 anybody would object to that, but I hear
22 they want to put it on the residential,
23 'cause it's close to the street. That is
24 not why we bought.

25 And the reason I use the word "we,"

1 is I'm president of A and B buildings,
2 there were three -- the other two
3 presidents couldn't be here tonight.
4 They're both out of town. One lives in
5 Nova Scotia and the other one is a medical
6 doctor, who's going to be gone for a
7 while, but I called every board member.

8 You had asked me last time why was it
9 me and Mr. Molder, and I thought about
10 that, so I canvassed everybody and there
11 was supposed to be a really good real
12 estate lady here who's on the board. And
13 she's probably looking for this place,
14 although I shouldn't say that, because
15 that makes her maybe not so good, but I'm
16 going to tease her a little bit, but
17 that's Joanne Roberts.

18 COUNCILWOMAN BRODEUR: Ah, yes, I've
19 heard of her.

20 MR. DUNN: And my hope -- I don't see
21 her here, but at any rate, I called her a
22 couple of times and she thought she could
23 make it, but sometimes she's a little
24 late.

25 At any rate, folks, let them

1 advertise at the Metrorail. Let them
2 advertise on a bus bench. We've got bus
3 benches everywhere in that place. That's
4 a great place to advertise, too. I read
5 the bus benches.

6 Other than that, I hope you do not
7 hurt us. That's the only thing. I'm not
8 trying to hurt Goldman Sachs either, but
9 Goldman Sachs isn't here tonight. We are
10 the residents. And I really hope you
11 listen to us and don't do this to us,
12 okay?

13 Thank you very much.

14 CHAIRMAN GARCIGA: Thank you.

15 Are there any questions from the
16 members of the Board?

17 Would you like to -- a rebuttal?

18 MR. FERNANDEZ: Very briefly.

19 To Mr. Molder's comments --

20 COUNCILWOMAN BRODEUR: We had another
21 gentleman here.

22 CHAIRMAN GARCIGA: Oh, I apologize.
23 I heard there was two objectors.

24 MR. HARRETT: Hi, good morning,
25 Anthony Harrett (phonetic), 7720 Southwest

1 88 Street, B304, Building 2. I, again,
2 I'm an owner. I'm also a board member.
3 And I agree, I grew up in Coral Gables,
4 and if you all know Coral Gables, the
5 zoning laws in Coral Gables, you can't put
6 a sign bigger than this.

7 And I purposely, I wanted to buy
8 something in the Kendall area, and I like
9 Kendall Drive. And I -- like myself, I
10 didn't expect to buy a condominium, and
11 then all of a sudden retail space wants to
12 put a huge sign.

13 I don't have a problem putting a
14 sign. The sign is a regulation, the eight
15 foot -- eight square feet. And I don't
16 have a problem with them putting it inside
17 the window of the store.

18 If you all know the place, there's a
19 huge BrandsMart next door and the
20 BrandsMart brings a lot of business to the
21 area. So I think just the excuse that
22 they're giving us, it's going to give them
23 more visibility, I think you have the
24 visibility. And, like I said, we spent a
25 lot of money on these apartments. And

1 it's our home, like they mentioned
2 earlier. And I just hope that you will
3 agree with the homeowners.

4 I appreciate your time. Thank you.

5 MS. PINTO: Good evening. My name is
6 Ada Pinto, Unit D, on behalf of the --
7 yes, 7285 Southwest 90 Street, on behalf
8 of the owners of Unit 4.

9 I disagree with the proposing signage
10 that the master is trying to install. And
11 I really suggest that they explore other
12 commercial areas or successful resident
13 and commercial areas, that they don't have
14 the type of signage that they are
15 proposing.

16 So I agree with my other members from
17 building B -- A and B, and I really hope
18 that they don't really install those
19 signage in the properties. They can do it
20 somewhere else. Like, you know, in Coral
21 Gables or Coconut Grove, they have banners
22 that they are installing in the electrical
23 poles, something like that, but not what
24 they are proposing.

25 Thank you.

1 CHAIRMAN GARCIGA: Thank you.

2 MR. FERNANDEZ: Thank you.

3 Once again, to -- briefly to Mr.
4 Molder's comments, he mentioned that --
5 first of all, I just want to sort of step
6 back and remind the Board that this is a
7 condominium. And when you talk about the
8 exterior shell of a condominium, the
9 concept is or the law will tell you that
10 that is a shared ownership situation.
11 That is not either the residential owners
12 or the commercial owners that have
13 exclusive rights to the shell of the
14 condominium. Ownership rights, the
15 individual ownership rights, come once you
16 enter into the walls of the condominium.
17 So the fact that the signage happens to
18 encroach partially into what is above a
19 retail space doesn't necessarily mean that
20 it is inappropriate. What controls should
21 be the relative condominium documents, and
22 those documents that you have before you
23 clearly provide that in that area, that is
24 a shared ownership area, that the
25 commercial lot owners have a right to

1 request and apply this type of signage.

2 To Mr. Molder's comments with respect
3 to the 10% reduction is insignificant, I
4 would ask you to also consider the fact
5 that we were previously encroaching into
6 three levels. Now we're encroaching into
7 two. That is a much greater percentage of
8 reduction in overall impact.

9 He also mentioned that there are
10 other shopping centers, such as this one,
11 that don't have this type of signage.
12 Well, I beg to differ. A large shopping
13 center in Miami-Dade County is entitled to
14 two 250 square foot pylon signs and a 40
15 square foot corner sign. This shopping
16 center has such a pylon sign that tells
17 you what is within it. The Dadeland
18 retail center does not have that type of
19 benefit.

20 And with respect to Mr. Dunn's
21 comments, as to the cantilevered signage
22 already being permitted under the downtown
23 regulations, I would submit to you that,
24 yes, a cantilevered sign is permitted.
25 However, the banner type of cantilevered

1 sign was not anticipated by the Code. And
2 part of the reason that the Planning
3 Department is recommending so strongly in
4 favor of this application is, in part,
5 because they recognize that the banner
6 type of cantilevered sign was not
7 anticipated and it was simply an
8 oversight. Any banner sign, particularly
9 for a building of this size, which is over
10 seven stories high, is going to require a
11 larger type of banner sign.

12 So with those comments, I would ask
13 you to support our application. We thank
14 you for allowing us the opportunity to
15 revisit our plan and revisit with staff.
16 We think we have an even stronger
17 application. And we would urge you to
18 approve it.

19 Thank you very much.

20 COUNCILWOMAN VAZQUEZ: Through the
21 Chair, I have one --

22 VICE CHAIRMAN VALDES: I will defer
23 to Ms. Vazquez.

24 COUNCILWOMAN VAZQUEZ: Thank you.

25 You said earlier that the occupancy

1 is 45% for the commercial area. Is that
2 -- are one and two completely occupied and
3 three, four, five, six and seven empty or
4 do you know the percentage? How that's
5 going?

6 MR. FERNANDEZ: I do. I can give you
7 the actual map that may help you. I can
8 pass this around. Pictures paint a
9 thousand words, a large map. It shows
10 what is occupied and what's not, which
11 building is occupied. Chili's is
12 occupied. The new restaurant is occupied.

13 I apologize. I don't have
14 additional copies of that.

15 COUNCILWOMAN BRODEUR: Well, we can
16 pass it around. It's all right.

17 MR. FERNANDEZ: But you can pass it
18 around. And you can see -- actually, I
19 do. I do have it.

20 CHAIRMAN GARCIGA: It's got to go
21 through staff.

22 MR. FERNANDEZ: Sure. It's a little
23 more difficult to read, but you can see
24 them all.

25 COUNCILWOMAN BRODEUR: Thank you.

1 CHAIRMAN GARCIGA: All right, do we
2 have anymore -- anymore questions?

3 VICE CHAIRMAN VALDES: I have a
4 question of staff and maybe Mr. Fernandez.

5 On the one hand, staff is saying it
6 has consistently recommended denial -- I'm
7 sorry. In their recommendation, staff
8 indicates that although they have
9 consistently recommended denials of any
10 applications seeking deviations from the
11 Code signage regulations, on the other
12 hand, it notes that the subject site was
13 previously approved for variation --
14 variances, excuse me, to the signage
15 regulations on more than one occasion and,
16 as such, such approval will not create a
17 precedence.

18 What were the prior applications that
19 were granted with regard to the signage,
20 so that we would not be creating a
21 precedent in granting this application, if
22 that's the will of the Board?

23 MR. VITAL: Through the Chair, if you
24 look at the first page of your kit, you
25 have the history of the property. And in

1 1968, you have a variance of sign
2 regulations.

3 VICE CHAIRMAN VALDES: Yeah, but it
4 doesn't tell me what --

5 COUNCILWOMAN BRODEUR: That wasn't
6 built, though. It was the Cadillac place.

7 MR. VITAL: Correct. We're talking
8 about property --

9 COUNCILWOMAN BRODEUR: No, we're
10 talking about since it's been built, what
11 are the variations. Let's be consistent,
12 apples with apples.

13 MR. VITAL: Once again, through the
14 Chair, I mean, staff recommends approval
15 of this application, because we think it's
16 a unique property. The type of signs that
17 they're proposing, we don't think there's
18 an intrusion to the area. Actually, we
19 agree with the applicant's representative,
20 that it's going to probably bring more
21 business into the area.

22 And, once again, I understand your
23 point, that the previous approvals for
24 signage was back in the 60's and 70's,
25 however, it was still the same.

1 VICE CHAIRMAN VALDES: What I'm
2 trying to get at -- I mean, 'cause staff
3 is saying two things: Number 1, the
4 property is unique, therefore, because it
5 is unique, you should make an exception,
6 approve it as a non-use variance. I
7 understand that argument. It also says
8 that we wouldn't be creating a precedent,
9 because there were similar applications.
10 Assuming those were the two bases upon
11 which staff is recommending approval, what
12 I'm trying to get at, and it really
13 dovetails my prior question and Ms.
14 Brodeur's question is, I don't see that
15 any applications for signage variances
16 have been granted since the project was
17 built.

18 MR. FERNANDEZ: Mr. Valdes, if I may
19 help to --

20 VICE CHAIRMAN VALDES: And, again,
21 the question -- I threw out the question
22 to both Mr. Fernandez and staff.

23 MR. FERNANDEZ: Thank you. If I may
24 try to bring some additional light to the
25 application. We did also represent Mr.

1 Williamson, when he was the owner of this
2 property, before he moved his dealership
3 over to U.S.1.

4 I think that the prior approvals,
5 what staff is alluding to, is the fact
6 that approvals run with the land. And so
7 whether it's this project or another
8 project, the fact that a signage variance
9 has been approved for this property is
10 significant. And the reason that, in
11 part, these types of variances have been
12 approved historically is because of the
13 fact that these are very deep parcels off
14 of Kendall Drive into the U.S.1, Metrorail
15 and transportation corridor. And there is
16 an inherent inability to announce your
17 project to the major amount of traffic,
18 which has historically been on Kendall
19 Drive. That's changing a little bit with
20 Dadeland Boulevard, we hope, but I think
21 that that has been the challenge to both
22 this site, as well as the container store
23 site, which is now the Walmart site to the
24 east.

25 THE AUDIENCE: BrandsMart.

1 MR. FERNANDEZ: BrandsMart. I'm
2 sorry, BrandsMart.

3 CHAIRMAN GARCIGA: Any other
4 questions?

5 THE AUDIENCE: Can I --

6 CHAIRMAN GARCIGA: We've already gone
7 through the public portion. We're going
8 to close the public portion and we're
9 going to discuss it amongst ourselves.

10 Does anybody have any comments?

11 COUNCILWOMAN BRODEUR: Well, the only
12 observation I have is that, if we look at
13 it from the Williamson point of view,
14 you're looking at it totally commercial
15 one-story building that was done or
16 two-story building in '68. So one time it
17 was denied. Another time it was approved.
18 So it can go either way. Same thing with
19 the Chevy place: One time approved, one
20 time denied, but they're 100% commercial
21 and they're on the highway or Southwest
22 88, whichever the issue.

23 You have a more complicated situation
24 here, where you have the involvement of
25 homeownership, even though it's interior

1 homeownership and not exterior
2 homeownership. And I feel, from my point
3 of view, that if I were living in that
4 place, I wouldn't like anything that was
5 much larger than -- I just look at it
6 from, well, my point of view. You know,
7 I'm in there, and how would I feel about
8 if somebody wanted to do it?

9 And another thing I observed, Mr.
10 Pies, Pies restaurant, who we throw around
11 all the time, is never here.

12 And another point I wish to
13 reiterate, I think I brought it up before,
14 is that people who have commercial
15 businesses do advertising, do bus benches,
16 do things. They don't do signage of
17 cantilever on residential buildings. It's
18 just not done, because those people up
19 there are going to be their customers,
20 too. So that's an irritant.

21 In my opinion, I feel that we should
22 deny the application.

23 CHAIRMAN GARCIGA: Thank you, Ms.
24 Brodeur.

25 Any other comments?

1 VICE CHAIRMAN VALDES: I have a
2 question, Ms. Brodeur. Are you talking
3 about all four items or one of the four
4 items? Because there's four separate
5 requests.

6 COUNCILWOMAN VAZQUEZ: Just from
7 staff, the gentleman, Mr. Hernandez (sic),
8 and I probably asked this before, it's the
9 first thing that goes is the memory. The
10 reason it can't come from the center up
11 over Kendall Drive is because that's not
12 allowed either? Is that harder or --
13 these are all on corners of the building
14 blocking balconies. Kendall runs parallel
15 to the end of the building. It would seem
16 to me that something coming perpendicular
17 like maybe the middle, just as high, would
18 be more visible there from Kendall than
19 something that is caddy corner towards the
20 middle.

21 MR. FERNANDEZ: Well --

22 COUNCILWOMAN VAZQUEZ: And it would
23 affect no one's balcony. And, you know, I
24 mean, everybody's side window, but only
25 the first floor. I'm just wondering what

1 the legal or zoning issues would be with
2 putting them there instead.

3 MR. FERNANDEZ: Well, they've tried
4 -- we've tried to space them as much as
5 possible from the windows. So that my
6 understanding is that if you place them
7 closer to the center, you will have a
8 greater impact on the windows. Here,
9 you're really not impacting -- you know,
10 the balcony is spaced from the corner.
11 It's not right at the corner. So we're
12 actually keeping it away from the balcony
13 and increasing the amount of peripheral
14 vision.

15 CHAIRMAN GARCIGA: But that's not
16 even the right one. It's this one that
17 you're describing.

18 COUNCILWOMAN VAZQUEZ: Right. It's
19 the one on the left.

20 MR. FERNANDEZ: Well, the location
21 doesn't change, only the height and the
22 size. Yes, you're correct, it's this one.

23 COUNCILMAN ZACK: Through the Chair,
24 question for Mr. Fernandez.

25 Can you tell us how many units -- the

1 views of how many units are affected by
2 these signs? I know it's two floors
3 instead of three floors, but my question
4 is how many units?

5 COUNCILWOMAN VAZQUEZ: It would be
6 four times seven: 28, right?

7 MR. FERNANDEZ: It's about 14.

8 COUNCILWOMAN VAZQUEZ: What?

9 MR. FERNANDEZ: Because there's two
10 signs at the corners and there are seven
11 buildings. So there would be one unit in
12 that corner. Back again to the correct --
13 let's show the right -- let's show this
14 one. Let's not show that one anymore,
15 because it's only the one unit at the
16 corner. Both sides are there. There are
17 seven buildings, so -- and we have 14
18 corners. So there would be 7 units -- 14
19 units.

20 COUNCILMAN ZACK: As a follow-up, as
21 to those 14 units, can we tell how much
22 their view will be blocked? Do we know
23 that?

24 MR. FERNANDEZ: Well, Tadao, do you
25 want to take a stab at that.

1 MR. SHIMIZU: It depends, because,
2 you know, some units have balconies in the
3 corner, some don't.

4 CHAIRMAN GARCIGA: Please state your
5 name and your address.

6 MR. SHIMIZU: Oh, sorry. Tadao
7 Shimizu. I'm from Ad, Inc. I'm the
8 project manager for this particular
9 project. 2 South Biscayne Boulevard,
10 Suite 1768, Miami, Florida 33131.

11 It depends on which building and
12 which corner location. Some of the units
13 do have balconies, and that's really the
14 point of contention, but some don't.
15 Along Dadeland Boulevard, most of those
16 corner units don't have balconies and
17 they're really just windows. And, you
18 know, again, the only way those residents
19 would be able to see the banners is if
20 they actually opened the windows and stuck
21 their head out. So it varies. It depends
22 on which building and which unit.

23 COUNCILWOMAN VAZQUEZ: Through the
24 Chair, on our Page 29, the enlarged site
25 plan, and maybe I misunderstood, it seems

1 like building A has six of them, building
2 B has six of them. Or am I reading this
3 wrong? Building C has three, Building D
4 has four, Building E two, Building F four,
5 Building G two.

6 MR. FERNANDEZ: That's correct.

7 COUNCILWOMAN VAZQUEZ: So that's more
8 than 14.

9 MR. SHIMIZU: But those are one unit,
10 one unit per corner. That's one unit.

11 MR. FERNANDEZ: Right.

12 COUNCILWOMAN VAZQUEZ: So the units
13 are the complete corner, not half. Not
14 half and half.

15 MR. FERNANDEZ: That's correct.

16 COUNCILWOMAN VAZQUEZ: Through the
17 Chair, I'm just curious, looking at Page
18 29, why are there absolutely none of them
19 on 90th Way, if we're trying to attract
20 people, and that's where Metrorail runs
21 through and there's a street sitting
22 there, just out of curiosity, if that's
23 the logic for putting them up.

24 MR. FERNANDEZ: I can explain that.
25 Because there is a provision in the County

1 Code that is outside of the zoning
2 ordinance. It's in the Miami-Dade County
3 Code. And it prohibits certain types of
4 signage within a certain proximity of the
5 Metrorail right-of-way, as well as the
6 major highway rights-of-ways. There are
7 exceptions. And one of those exceptions
8 is if the signage is not visible from the
9 right-of-way. So those signs had to be
10 moved, because they would have been
11 visible from the actual train as you're
12 riding on it. The other signage is going
13 to be visible once you're off the train,
14 off at the platform, you can see the sign
15 on the building, but you're not supposed
16 to put in new signs that are visible from
17 the train.

18 VICE CHAIRMAN VALDES: Through the
19 Chair, I have two -- I'm sorry.

20 COUNCILWOMAN VAZQUEZ: One last one.
21 Through the Chair, I guess for Planning,
22 when we notice these meetings, everyone
23 who are in these buildings are noticed.
24 Yes? Is that correct?

25 MR. VITAL: Through the Chair, the

1 property owners are noticed. So if you
2 have renters, it will be the
3 responsibility of the property owner to
4 let the renters know.

5 THE AUDIENCE: We were not noticed.
6 I'm an owner.

7 COUNCILWOMAN VAZQUEZ: Through the
8 Chair, so basically Chili's and Men's
9 Warehouse and all the rest of them own, so
10 it would be the responsibility of Goldman
11 Sachs to let them know that we're being
12 heard here?

13 MR. FERNANDEZ: Well, it's actually
14 we pay a fee to the County and the
15 Planning Department takes it upon itself
16 to notify all of the owners. So that
17 notice was sent by your own department.

18 COUNCILWOMAN VAZQUEZ: So Chili's,
19 Men's Warehouse, Rocco's, Panera --

20 THE AUDIENCE: Panera Bread.

21 COUNCILWOMAN VAZQUEZ: All these
22 businesses were also noticed that they
23 were -- this was going on here?

24 MR. VITAL: Through the Chair, 1,024
25 notices went out to the property owners

1 within that --

2 COUNCILWOMAN VAZQUEZ: Including
3 commercial? Everybody?

4 COUNCILWOMAN BRODEUR: Yeah. That's
5 a tenant, right? The tenant is not a
6 property owner. He's a lessee, right?

7 MR. VITAL: Property owners.

8 VICE CHAIRMAN VALDES: Through the
9 Chair, I have a question of Mr. Fernandez
10 and Mr. Hernandez.

11 From the standpoint of your
12 department, they don't have any issue with
13 the cantilevered signs encroaching into
14 the right-a-way.

15 I'm directing my question to Armando
16 Hernandez.

17 MR. HERNANDEZ: As far as we're
18 concerned, no, we don't have any
19 objections to those signs.

20 VICE CHAIRMAN VALDES: And then my
21 question to Mr. Fernandez. If we were to
22 grant two, three and four, 'cause I think
23 Item 1 is what refers to the banner signs,
24 that wouldn't preclude you from coming
25 back later on if you felt that the other

1 signage didn't do the job, of coming back
2 and asking us for the banner signs down
3 the road, would it?

4 MR. FERNANDEZ: Well, the other two,
5 three and four requests really only deal
6 with very minor directional signage and
7 logos. So they really would not address
8 the economic plight of the current tenants
9 and to be tenants at all. So it really --
10 I would submit to you that if we only had
11 two, three and four approved, we wouldn't
12 do it.

13 VICE CHAIRMAN VALDES: No, the reason
14 I'm asking is, because, for example, the
15 cantilever projecting signs have the names
16 of the businesses on it. The Request
17 Number 4 is directional signs, but also
18 with logos indicating the businesses,
19 right?

20 MR. FERNANDEZ: No, it's not the
21 businesses. It's a very attractive --
22 Tadao, can you show the downtown logo?
23 It's the name of the actual project, DK --
24 like the big Dadeland letter that is on
25 the monolith.

1 VICE CHAIRMAN VALDES: I've seen it
2 at some point of example of those signs.

3 MR. SHIMIZU: It's this logo.

4 MR. FERNANDEZ: We did have it prior
5 meeting. It is very similar to Dadeland.

6 VICE CHAIRMAN VALDES: Okay. So it's
7 just the logo. (Indicating).

8 MR. FERNANDEZ: Yes.

9 VICE CHAIRMAN VALDES: So that
10 doesn't -- yeah, that doesn't -- that
11 doesn't do anything.

12 CHAIRMAN GARCIGA: Do we have any
13 other questions?

14 COUNCILWOMAN BRODEUR: One thing I
15 just wanted to -- I didn't say this would
16 be precedent setting, so let's mention
17 that word. We're setting a precedent. So
18 that wasn't brought out. That's
19 important.

20 CHAIRMAN GARCIGA: Before we vote,
21 you know, I have a couple of comments.

22 COUNCILWOMAN VAZQUEZ: No, I have
23 comments. I thought we weren't closed
24 yet. You want comments now?

25 CHAIRMAN GARCIGA: Well, yeah, we'll

1 close the meeting now and have the
2 comments.

3 COUNCILWOMAN VAZQUEZ: I agree with
4 my co-councilwoman. I spent 11 years in
5 retail and I'm also a realtor. And I
6 don't -- I don't -- I don't think this is
7 going to help. I think the residents have
8 a point, that there's a huge difference
9 between eight feet and 50 some odd feet.
10 I note that the street, Dadeland
11 Boulevard, which I go on pretty often, no
12 one has rented. And that's very visible.
13 I mean, that's right on a street. It
14 seems to me that the place that has -- the
15 side that has the most rent is the
16 BrandsMart site, where you have at least
17 all of A and part of C there.

18 I also think it's a bad precedent. I
19 believe having been a manager in retail,
20 if anybody told me I'd get a bigger sign
21 out, I'd come. I mean, I would think, at
22 least, if not the owners, the managers of
23 Chili's, (inaudible), Children's Place,
24 Men's Warehouse, someone, someone
25 somewhere would have come to support them.

1 I think, you know, the residents have
2 100% occupancy.

3 MR. FERNANDEZ: Ms. Vazquez.

4 COUNCILWOMAN VAZQUEZ: The commercial
5 is 45.

6 MR. FERNANDEZ: We do have those
7 letters of support.

8 MR. ROBERTSON: Excuse me, Mr.
9 Fernandez, the Board has closed. There
10 was not a question made to you.

11 MR. FERNANDEZ: Okay. Sorry, I was
12 just pointing out.

13 MR. ROBERTSON: I understand. They
14 are comments and they are not rebuttable
15 comments.

16 MR. FERNANDEZ: Thank you.

17 COUNCILWOMAN VAZQUEZ: That's why I
18 was asking, can you come out this way,
19 because I really think that perpendicular
20 is where you can see it from Dadeland. I
21 drive up and down Kendall all the way.
22 And I still do not believe that a sign all
23 the way down at the end of a street is
24 going to be visible, even if it's 53 feet,
25 because they're all parallel at the same

1 time. And I think we would be setting a
2 precedent, punishing the residents and not
3 establishing what the owner would like to
4 do, which is to increase business.

5 MR. FERNANDEZ: But it is
6 perpendicular.

7 MR. ROBERTSON: Mr. Fernandez,
8 perhaps you should have a seat.

9 COUNCILWOMAN BRODEUR: Sit down.

10 MR. ROBERTSON: Mr. Fernandez,
11 perhaps you should have a seat, unless
12 there's a question asked.

13 MR. FERNANDEZ: Sure.

14 COUNCILWOMAN VAZQUEZ: That's all.
15 That's my point, my point for now. And,
16 actually, we could get a variance, it
17 would be for Metrorail, if anything.
18 Hopefully help that way.

19 CHAIRMAN GARCIGA: Mr. Zack.

20 COUNCILMAN ZACK: Thank you, Mr.
21 Chair.

22 Just for clarification, I know I'm
23 usually very concerned with precedent, but
24 the more I think about this, in this
25 particular case, I'm not so concerned

1 about it and I'll tell you why and I think
2 this entered into the department's
3 recommendation as well.

4 This is kind of a unique property in
5 a unique situation. And, remember, for it
6 to be precedent, it has to be comparable.
7 If it's differentiated, it's not really
8 precedent. And I think that because this
9 is unique, that's probably not going to be
10 a real issue for us.

11 On the other side of the coin, I do
12 agree with some of the concerns that have
13 been expressed by a number of people.
14 And, that is, Number 1, the imposition
15 upon the homeowners, and, Number 2, the
16 effectiveness of these signs if they were
17 permitted. And I have some real
18 reservations about that as well.

19 CHAIRMAN GARCIGA: Any other
20 comments?

21 Well, I'm going to comment on this.
22 And, you know, this is a public forum that
23 we come together here and we really try to
24 work with both sides. And as last time,
25 we tried to work with, you know, those

1 comments that you brought up and we tried
2 to work with the architect and the
3 applicant. And I think that they came
4 back and they worked with both of us with
5 what they asked us. What we asked of
6 them; they did, you know. I think that
7 it's beneficial to Downtown Dadeland, you
8 know, having more retail and having this
9 place grow.

10 We know that right now it's been a
11 failure, and it's kind of sad, but I would
12 like to see this become Coral Gables, like
13 you talked about, you know, Miracle Mile,
14 that strip down there and it would be
15 beautiful to live there. What would
16 happen to your property value if that
17 happens, you know?

18 So I think that this is an attempt by
19 the applicant to try to, you know, create
20 that atmosphere. Obviously this has gone
21 through the architects and through
22 professionals that have looked at various
23 ways to bring in people. And this was
24 their best solution. Whether or not it
25 works, I don't know. I'm not a

1 professional in that field of advertising.

2 But I think that we have worked with
3 both sides of this application to come to
4 an agreement and I think that they have
5 come to that agreement. So I will be
6 supporting this application today.

7 Thank you.

8 Anybody else want to speak?

9 Call the roll.

10 MR. ROBERTSON: There is no motion on
11 the floor.

12 COUNCILWOMAN BRODEUR: I make a
13 motion that we deny the applicant.

14 VICE CHAIRMAN VALDES: Through the
15 Chair, with or without prejudice.

16 COUNCILWOMAN VAZQUEZ: I second.

17 VICE CHAIRMAN VALDES: With or
18 without prejudice?

19 COUNCILWOMAN BRODEUR: Without
20 prejudice.

21 COUNCILWOMAN VAZQUEZ: Without
22 prejudice, second.

23 MR. JONES: Motion to deny the
24 application without prejudice.

25 Councilwoman Brodeur?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCILWOMAN BRODEUR: Yes.

MR. JONES: Vice Chairman Valdes?

VICE CHAIRMAN VALDES: Yes.

MR. JONES: Councilwoman Vazquez?

COUNCILWOMAN VAZQUEZ: Yes.

MR. JONES: Councilman Zack?

COUNCILMAN ZACK: Yes.

MR. JONES: Chairman Garciga?

CHAIRMAN GARCIGA: No.

MR. JONES: The application has been denied by a four to one vote.

MR. FERNANDEZ: Thank you.

(Thereupon, at 7:34 p.m., the hearing was concluded).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF DADE)

I, Lorena Ramos, Notary Public, State of Florida, certify that the witnesses personally appeared before me on this 30th day of March 2011 and were duly sworn.

Lorena Ramos

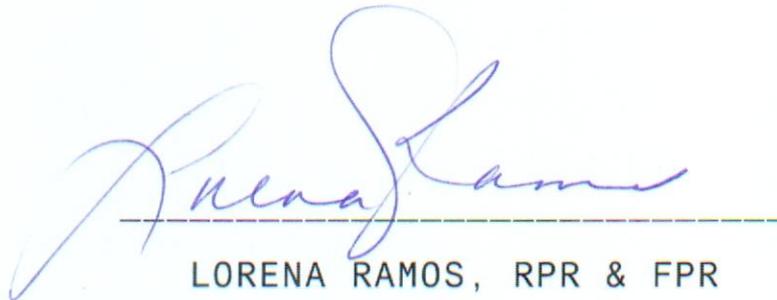
LORENA RAMOS, NOTARY PUBLIC
STATE OF FLORIDA



1
2 CERTIFICATE OF REPORTER
3
4

5 I, Lorena Ramos, National Registered
6 Professional Reporter and Florida Professional
7 Reporter, do hereby certify that I was
8 authorized to and did report the foregoing
9 proceeding, DOWNTOWN DADELAND RETAIL, LLC,
10 #10-44, and that the transcript, pages 1
11 through 67, is a true and correct record of my
12 stenographic notes.
13

14 DATED this 11th day of August 2011 at
15 Miami-Dade County, Florida.
16

17
18
19
20 A handwritten signature in blue ink, appearing to read 'Lorena Ramos', is written over a horizontal dashed line.

21 LORENA RAMOS, RPR & FPR
22 COURT REPORTER
23
24
25

2. THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

11-10-CC-1 (10-026)
BCC/District 02 & 03
Hearing Date: 10/06/11

Property Owner (if different from applicant)

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

- Multiple Zoning Hearing
Actions.

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

Memorandum



Date: October 6, 2011
To: The Board of County Commissioners
From: Developmental Impact Committee
Executive Council
Subject: Developmental Impact Committee Recommendation

APPLICANT: The Department of Planning and Zoning (Model City)(Z10-026)

SUMMARY OF REQUEST:

The Director of the Department of Planning and Zoning is requesting a district boundary change from GU, Interim District; RU-1, Single-Family Residential District; RU-1Z, Single Family Zero Lot Line District, RU-2, Two-Family Residential District; RU-3, Four Unit Apartment District; RU-3B, Bungalow Court District; RU-3M, Minimum Apartment District (12.9 units per acre); RU-4, Apartment District (50 units per acre); RU-4A, Apartment House District; RU-4L, Limited Apartment House District (23 units per acre); BU-1, Neighborhood Business District; BU-1A, Limited Business District; BU-2, Special Business District; BU-3, Liberal (Wholesale) Business District; IU-1, Industrial District; and IU-2, Heavy Industrial District, to MCUCD, Model City Community Urban Center District.

LOCATION: The subject property is generally located south of NW 65th Street, east of NW 31st Avenue, west of NW 19th Avenue and north of NW 38th Street, Miami-Dade County, FL.

COMMENTS:

This application went before the Developmental Impact Committee due to the size of the property and the number of residential units. 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 July 6, 2011 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval.

The Executive Council is of the opinion that this application is consistent with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application 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 this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z10-26
THE DEPARTMENT OF PLANNING & ZONING

Respectfully Submitted,

DIC Executive Council
July 06, 2011

Susanne M. Torriente
Assistant County Manager

Absent

Giovannie Ulloa, Fire Chief
Miami-Dade Fire Rescue Department



AYE

Irma San Roman, Interim Director
Metropolitan Planning Organization Secretariat



AYE

Grisel M. Rodriguez, Assistant Director for Zoning
Department of Planning and Zoning



AYE

Esther Calas, P.E., Director
Public Works Department

Absent

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



AYE

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



AYE

**DEVELOPMENTAL IMPACT COMMITTEE
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Director of the Department of Planning and Zoning **PH:** Z10-026

SECTION: 16-53-41, 15-53-41, 21-53-41, 22-53-41 **DIC DATE:** July 6, 2011

COMMISSION DISTRICT: 3
=====

A. INTRODUCTION:

o **SUMMARY OF REQUEST:**

The Director of the Department of Planning and Zoning is requesting a district boundary change from GU, Interim District; RU-1, Single-Family Residential District; RU-1Z, Single Family Zero Lot Line District, RU-2, Two-Family Residential District; RU-3, Four Unit Apartment District; RU-3B, Bungalow Court District; RU-3M, Minimum Apartment District (12.9 units per acre); RU-4, Apartment District (50 units per acre); RU-4A, Apartment House District; RU-4L, Limited Apartment House District (23 units per acre); BU-1, Neighborhood Business District; BU-1A, Limited Business District; BU-2, Special Business District; BU-3, Liberal (Wholesale) Business District; IU-1, Industrial District; and IU-2, Heavy Industrial District, to MCUCD, Model City Community Urban Center District. **On February 2, 2010, the Board of County Commissioners adopted Ordinance #10-13 establishing the MCUCD zoning regulations codified at Sections 33-284.99.40 through 33-284.99.46 of the Miami-Dade County Code of Ordinances.**

o **REQUEST:**

GU, RU-1, RU-1Z, RU-2, RU-3, RU-3B, RU-3M, RU-4, RU-4L, RU-4A, BU-1, BU-1A, BU-2, BU-3, IU-1, and IU-2 to Model City Community Urban Center District (MCUCD).

o **LOCATION:** The subject property is generally located south of NW 65th Street, east of NW 31st Avenue, west of NW 19th Avenue and north of NW 38th Street., Miami-Dade County

o **SIZE:** 386 acres

o **IMPACT:**

The proposed district boundary change to the Model City Community Urban Center District (MCUCD) will support the County's transit investment, provide additional housing/mixed-use development opportunities, facilitate development within a Neighborhood Revitalization Strategy Area (NRSA), Community Development Block Grant (CDBG) Eligible Area, Enterprise Zone and Target Urban Area, and implement the Comprehensive Development Master Plan's (CDMP) urban center development concepts. The MCUCD also contains five major roadways, which are corridors identified for higher densities and mixed use development on the CDMP Land Use Plan map. The subject properties are located within the County's Urban Infill Area and Transportation Concurrency Exception Area.

Community Urban Centers (CUCs) are compact, mixed-use, and pedestrian-friendly districts that serve localized areas. Approval of the district boundary change to the requested MCUCD will accomplish the following: facilitate safe and orderly growth, ensure that all approved growth forms are an integral part of a community of functional neighborhood and town centers, increase collective security and community identity to promote civic awareness and responsibility, and enhance the quality of life for the unincorporated community of Model City to ensure the greatest possible economic and social benefits for all residents. The MCUCD will be a place where people can live, work, and shop, within a convenient walking distance, while having access to other parts of the County via the transit system.

In addition, the MCUCD will provide additional roads and connectivity throughout the area and will capture internal trips by providing mixed use development. The direct connection to Metrorail and the future bus rapid transit service on NW 27th Avenue will support the use of mass transit by increasing the allowed density immediately around Metrorail stations and bus stops. The proposed additional density within the MCUCD is provided in a manner that promotes various housing types which is supported by the CDMP and population projections for Minor Statistical Areas (MSA). None of the reviewing departments have objected to the proposed rezoning.

B. ZONING HEARINGS HISTORY: Multiple and varied zoning hearing actions.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

Adoption of the proposed rezoning will further the implementation of the following CDMP goals, objectives, policies and interpretative text:

1. Land Use Element Goal

Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.

2. Objective LU-1

The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

3. Policy LU-1A

High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multi-modal accessibility.

4. Policy LU-1C

Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

5. Policy LU-1D

In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

6. Policy LU-1F

To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

7. Policy LU-1G

Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

8. Policy LU-2A

All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE).

9. Objective LU-5

Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

10. Objective LU-7

Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian-friendly environment that promotes the use of rapid transit services.

11. Policy LU-7D

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.

12. Policy LU-7E

Land uses that are not conducive to public transit ridership such as car dealerships, car oriented food franchises, and uses that require transporting large objects should not be permitted to locate or expand within 1/4 mile of rail rapid transit stations.

13. Policy LU-7I

Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

14. Policy LU-8A

Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

15. Policy LU-8B

Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

16. Objective LU-9

Miami-Dade County shall continue to maintain, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well designed buildings.

17. Policy LU-9D

Miami-Dade County shall continue to investigate, maintain, and enhance methods, standards and regulatory approaches, which facilitate sound, compatible mixing of uses in projects and communities.

18. Policy LU-9F

Miami-Dade County shall formulate and adopt zoning or other regulations to implement the policies for development and design of Metropolitan and Community Urban Centers established in the CDMP through individual ordinances for each urban center.

19. Policy LU-9G

Miami-Dade County shall review and revise its development regulations to promote building designs in multi-family residential zoning districts which are more compatible with, and sensitive to, surrounding neighborhoods, and to establish minimum densities for development in multifamily residential zoning districts.

20. Policy LU-9I

Miami-Dade County shall continue to update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

21. Policy LU-9P

Miami-Dade County shall revise land development regulations to allow live-work units and structures in urban centers and all land use categories that permit the mixture of residential and non-residential uses. Live-work refers to one or more individuals living in the same building where they earn their livelihood usually in professional, artisanal or light industrial activities. The quiet enjoyment expectations of the residential neighbors take precedence over the work needs in a live-work unit or building. Toward this end, the occupational use of the unit shall not include nonresident employees or walk-in trade. No outdoor activity; noise, vibration, odor, electric interference or other effect of the occupation shall be detectable outside the work-live unit. The regulations should provide for disclosure of neighboring industrial and commercial activities to prospective residential tenants and purchasers.

22. Policy LU-9Q

Miami-Dade County shall revise land development regulations to allow work-live units in the Business and Office and Industrial and Office land use categories. The term work-live means that the needs of the work component takes precedence over the quiet expectations of residents, in that there may be noise, odors, or other impacts of the business, as well as employees, walk-in trade or sales. The predominant use of a work-live unit is industrial or commercial work activity and residential activity is secondary.

23. Objective LU-10

Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multimodal transportation systems.

24. Policy LU-10A

Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation.

25. Objective LU-12

Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in PolicyTC-1B or in an built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

26. Policy LU-12D

The County shall consider developing strategies that promote infill development in specific areas.

27. Mass Transit Sub element Goal

Maintain, operate and develop a mass transit system in Miami-Dade County that provides efficient, convenient, accessible, and affordable service to all residents and tourists.

28. Objective MT-2

Coordinate the provision of efficient transit service and facilities with the location and intensity of designated future land use patterns as identified on the Land Use Plan Map, and the goal, objectives and policies of the Land Use Element.

29. Policy MT-2A

Transit system improvements shall be coordinated with, and support the staging and shaping of development as planned in the Land Use Element, through Miami-Dade County's transportation planning process.

30. Policy MT-2B

The area surrounding future rapid transit stations not yet sited and depicted on the Land Use Plan map shall be designed and developed, at a minimum, as community urban centers, containing land use and development designs that promote transit use as defined in the Land Use Element.

31. Objective MT-4

Provide convenient, accessible and affordable mass transit services and facilities.

32. Policy MT-4A

Miami-Dade County, with private sector assistance, shall provide mass transit service appropriate for the mix and intensity of development of urban centers identified in the Land Use Element.

33. Policy MT-4B

Miami-Dade County, with appropriate private sector contributions shall provide a network of regular and/or special services to facilitate access to major centers of employment, commercial, medical, educational, governmental, and recreational activity.

34. CDMP Interpretative Text of Land Use Plan Map Urban Centers

Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate to high intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically.

Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to nearby expressway or major roadways to ensure a high level of countywide accessibility.

The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

The core of the centers should contain business, employment, civic, and/or high or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses that serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of both jobs,

personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning and evening commute or lunch hour.

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development of these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

Urban Centers - Uses and Activities

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

Urban Centers - Radius

The area developed as an urban center shall extend to one mile radius around the core or central transit station of a Regional Urban Center designated on the LUP map. Designated Metropolitan Urban Centers shall extend not less than one-quarter mile walking distance from the core of the center or central transit stop(s) and may extend up to one-half mile from such core or transit stops major roads and pedestrian linkages. Community Centers shall have a radius of 700 to 1800 feet but may be extended to a radius of one-half mile where recommended in a professional area plan for the center, consistent with the guidelines herein, which plan is approved by the Board of County

11

Commissioners after an advertised public hearing. Urban Center development shall not extend beyond the UDB.

Urban Centers - Streets and Public Spaces

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

Urban Centers - Parking

Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Urban Centers - Buildings

Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Urban Centers - Density and Intensity

The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.

	Average Floor Area Ratios (FAR)	Max. Densities Dwellings per Gross Acre
<i>Regional Activity Centers</i>	<i>greater than 4.0 in the core not less than 2.0 in the edge</i>	500
<i>Metropolitan Urban Centers</i>	<i>greater than 3.0 in the core</i>	250
Community Urban Centers (Model City)	greater than 1.5 in the core not less than 0.5 in the edge	125

In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F (see above). Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.

As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Land Use Policy LU-7F.

Mixed Use Development

Mixed-use development allows a mix of compatible uses in a high quality pedestrian-oriented street environment. This form of development includes permitted uses mixed within the same building (vertical) or in separate buildings on the same site or in the same block (horizontal). As stated in Policy LU-9U, the County will consider at a later time provisions for allowing horizontal mixed-use development in various land use categories. The section of this element, entitled "Urban Centers," addresses mixed-use development occurring within designated urban centers. The purpose of this section is to address the mixed-use projects that are to be located outside of the designated urban centers.

Vertical mixed-use development is hereby defined as the vertical integration of primary uses, with business and office uses located on the ground floor and residential and/or office uses on the upper floors. These mixed-use projects shall contain both residential and non-residential components, such as live-work spaces, neighborhood and specialty retail, convenience services, entertainment, other businesses providing for day-to-day living needs, institutional and civic uses, and professional offices. The residential component must be at least 20 percent of the total floor area but no more than 75 percent

of the total floor area. Hotels and apartment hotels, governmental offices, civic uses, and schools may be exempt from these mix requirements.

Vertical mixed-use development may be allowed within the Urban Development Boundary (UDB) in areas designated Residential Communities, with the exception of Estate Density and Low Density; Business and Office; and Office/Residential, provided that these areas are located in:

1. *"Neighborhood activity nodes" of 40 gross acres which, as shown in Figure 2 of the Land Use Element, Generalized Neighborhood Development Pattern, are located at the intersections of section line roads; or*
2. *Corridors with a maximum depth of 660 feet that are located along "Major Roadways" as identified on the adopted Land Use Plan map; or*
3. *Corridors designated as mixed-use corridors in an area plan that has been accepted by the Board of County Commissioners.*

Appropriate design standards are essential to ensure that the uses permitted in mixed-use developments are compatible with each other and adjacent properties and contribute to the character of the street and the surrounding community. A specific objective in designing mixed-use developments is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent uses. The exact residential density that can be achieved on a particular property will depend upon the intensity permitted, the average size of the residential units, the residential percentage of the project and land development regulations concerning building envelopes, parking and open space. Intensities are generally measured as floor area ratios (FARs), which for a particular property is the square footage of the buildings (not counting parking structures or covered pedestrian walkways that are open to the street), divided by the net land area of the parcel. The maximum intensities and densities shall be the greater of those provided in the table below or the maximum intensities and densities of the underlying land use designation. However, the entire development must fit within the building envelope established by the floor area ratio.

Mixed-Use Developments Located within:	Floor Area Ratio Range	Maximum Residential Density (dwelling units)
Major Corridors (Model City)	from 1.0 to 1.5	36
<i>Neighborhood Activity Nodes</i>	<i>from 0.75 to 1.0</i>	<i>18</i>

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1, BU-1A, BU-2, BU-3, GU, RU-1, RU-1, RU-2, RU-3, RU-3B, RU-3M, RU-4, RU-4A, RU-4L, IU-1; and IU-2; occupied by single-family residences, multi-family

Community Urban Center; Low Density Residential (2.5 to 6 dua), Low-Medium Density Residential (6 to 13 dua); Medium Density Residential (13 to 25 dua);

residences, commercial strips, public schools, public facilities, industrial uses, parks, religious facilities, vacant land

Business and Office; Industrial and Office; Transportation

Surrounding Properties:

ZONING

LAND USE PLAN DESIGNATION

NORTH: RU-1, RU-2, RU-4, BU-2; commercial strips apartments, single-family residences, vacant land

Business and Office; Low Density Residential (2.5 to 6 dua), Low-Medium Density Residential (6 to 13 dua)

SOUTH: City of Miami, Miami 21 zoning; commercial strips, single-family residences, apartments, vacant land

Business and Office, Medium Density Residential (6 to 13 dua), Transportation

EAST: RU-1, RU-2, RU-4, BU-3, City of Miami; commercial strips, apartments, single-family residences, vacant land

Business and Office, Low-Medium Density Residential (6 to 13 dua), Transportation

WEST: RU-1, RU-1Z, RU-2, GU, BU-1A, BU-3; commercial strips, apartments, single-family residences, cemetery

Business and Office, Industrial and Office, Low Density Residential (2.5 to 6 dua), Low-Medium Density Residential (6 to 13 dua)

The 386-acre subject property is generally located south of NW 65th Street, east of NW 31st Avenue, west of NW 19th Avenue and north of NW 38th Street, Miami-Dade County. The subject property is located in the Model City area of Miami-Dade County. Residential, commercial businesses, institutional uses, offices and vacant properties characterize the area where the subject community center lies.

E. SITE AND BUILDINGS:

Site Plan Review:

Adopted MCUCD regulating plans and adopted Standard Urban Centers Regulations

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board 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 PROVIDER COMMENTS:

Aviation	No objection
DERM	No objection
Fire Rescue	No objection
Parks	No objection
Police	No objection
Public Works	No objection
Schools	No objection
Solid Waste	No objection
Transit	No objection
WASD	No objection

H. PLANNING AND ZONING ANALYSIS:

Description of the District Boundary Change

The Director of the Department of Planning and Zoning is requesting a district boundary change from GU, Interim District; RU-1, Single-Family Residential District; RU-1Z, Single Family Zero Lot Line District, RU-2, Two-Family Residential District; RU-3, Four Unit Apartment District; RU-3B, Bungalow Court District; RU-3M, Minimum Apartment District (12.9 units per acre); RU-4, Apartment District (50 units per acre); RU-4A, Apartment House District; RU-4L, Limited Apartment House District (23 units per acre); BU-1, Neighborhood Business District; BU-1A, Limited Business District; BU-2, Special Business District; BU-3, Liberal (Wholesale) Business District; IU-1, Industrial District; and IU-2, Heavy Industrial District, to Model City Community Urban Center District (MCUCD). **On February 2, 2010, the Board of County Commissioners adopted Ordinance #10-13 establishing the MCUCD zoning regulations.** The 386-acre subject property is generally located south of NW 65th Street, east of NW 31st Avenue, west of NW 19th Avenue and north of NW 38th Street, Miami-Dade County, inside the Urban Infill Area (UIA).

The area within the boundaries of the approved Model City Urban Center District Ordinance are regulated by plans and descriptive standards described in Ordinance #10-13. The Ordinance provides for the allocation of development intensities within Core, Center and Edge Sub-districts. It requires new development to be organized according to an interconnected network of tree-lined streets and sidewalks to improve pedestrian access to transit, jobs and shopping; allocates open space in the form of squares, greens and/or plazas; and includes criteria for reorienting buildings to face onto open spaces and streets as indicated in the Urban Center interpretative text of the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP).

The adopted MCUCD regulating plans establish the most intensive uses in the Core or Center and the least intensive uses, such as apartment buildings and rowhouses, in the Edge.

- The Core, primarily located around the Earlington Heights, Martin Luther King Jr. and Brownsville Metrorail stations, is where mixed uses are allowed and have land use designations permitting businesses, professional offices, education and government offices, high density residential uses, and the vertical and horizontal mixing of said uses.
- The Center, extends beyond the Core in the vicinity of the Metrorail stations, can be developed with businesses, professional offices, educational and government offices, multi-family residences and the vertical and horizontal mixing of said uses.
- The Edge, primarily located along major transportation corridors outside of the station areas, is the portion of the MCUCD where residential development, including apartment buildings and rowhouses, are allowed to occur.

Residential densities and development intensities are higher in parcels inside the designated Core portion of the CUC district to allow for the development of highly compact urbanized areas. The tapering and placement of intensities ensure **compatibility** between land use designations and development proposed along the edges of the MCUCD with those outside of the MCUCD currently consisting of lower density residential development. The maximum heights range from fifteen stories in the core to four stories in the edge district.

The MCUCD establishes four zoning land use categories: MCS, Mixed-Use Corridor Special; MC, Mixed-Use Corridor; RM, Residential Modified; and ID, Industrial.

The proposed rezoning to MCUCD is necessary to implement the BCC accepted Model City/Brownsville Charrette Report, the adopted Model City Urban Center District Regulations (Ordinance #10-13) and Standard Urban Centers Regulations. The MCUCD ordinance and Standard Urban Centers regulations requires that the Department of Planning and Zoning review plans for compliance with the site plan review criteria provided in Section 33-284.88 of the Zoning Code as part of the Administrative Site Plan Review (ASPR) process. Additionally, as part of the ASPR review process, the following departments of Miami-Dade County and other public entities shall review development plans for potential impacts on infrastructure and other services: the Public Works Department (PWD); the Department of Environmental Resources Management (DERM); the Miami-Dade Fire Rescue Department (MDFR); the Miami-Dade County Public Schools (MDCPS); the Park and Recreation Department; and any other applicable agency. In the event the ASPR

application indicates impacts on services and infrastructure provided by the above mentioned departments, the developer shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department of Planning and Zoning of such discussion.

Implementation of the Model City/Brownsville Charrette Report

This application would implement the intent and purpose of the Model City/Brownsville Charrette Charrette Report, the citizens' vision for future growth and development of Model City/Brownsville. **The Charrette Report, and its recommendations, including authorization to prepare Code amendments for implementation were accepted by the BCC on May 11, 2004.** The proposed rezoning would further the implementation of the following main concepts of the Citizens' Charrette Report Vision:

- Establish transit-oriented development around Brownsville Station.
- Establish an entertainment-cultural business district.
- Provide affordable quality housing types for low income families.
- Promote employment zones, job training and manufacturing units.
- Complement major streets with infill housing and mixed-use development.
- Improve the general infrastructure, parks, and schools.
- Establish main street-type design guidelines for NW 54th St.
- Transform Dr. Martin Luther King, Jr. Blvd. into a signature boulevard.
- Improve commercial corridors, vehicular circulation, and transit in a manner that is functional and supportive of a pedestrian environment.

Consistency with the Comprehensive Development Master Plan

As shown in the table below, the anticipated MCUCD uses are well within the limits of the CDMP. The adopted CDMP Community Urban Center residential densities are based on a maximum density of 125 dwelling units per acre and the appropriate CDMP mixed-use development text densities assigned outside the urban center. In urban centers, the CDMP requires a tiered approach for development intensities with a minimum FAR of 1.5 in the Core and .5 on the Edge. The MCUCD mix of uses is based on development approvals in other urban centers.

Comprehensive Development Master Plan (CDMP) and Proposed Model City Zoning

Use	CDMP Urban Center	Proposed Model City Zoning
Residential	34,933 units	8,403 units
Commercial/Office	10,700,200 sq. ft.	1,345,830 sq. ft.
Industrial	239,500 sq. ft.	212,572 sq. ft.

Service Provider Comments

The proposed rezoning has been reviewed by all of the service providers. Review comments at this stage in the process are primarily for information regarding the long term buildout of the urban center. Development approval and impacts will be assessed as plats and site plans are submitted. A description of the development intensities analyzed and a summary of each department's comments are provided below.

Comparison of Existing Zoning and Proposed Model City Zoning

Use	Existing Zoning	Proposed Model City Zoning	Difference (Model City minus Existing)
Residential	3,671 units	8,403 units	+4,732 units
Commercial/Office	3,328,507 sq. ft.	1,345,830 sq. ft.	-1,982,677 sq. ft.
Industrial	743,569 sq. ft.	212,572 sq. ft.	-530,997 sq. ft.

Aviation

The Miami-Dade Aviation Department (MDAD) offers no objections to this application. There are no conflicts with operations at Miami International Airport.

Department of Environmental Resources Management

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

Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application. It is anticipated that upon final build-out, 715 more calls than the existing development will be generated in the area. During the platting and permitting stages for individual development projects site plans will be reviewed by the Fire Water and Engineering Bureau to assure compliance with the Florida Fire Prevention Code and the National Fire Protection Association standards. Their memorandum indicates that the average response time to the vicinity of the proposed development is 6.05 minutes.

Park and Recreation

The Miami-Dade Park and Recreation Department (MDPR) has no objection to this application. Their memorandum indicates that the rezoning to MCUCD would generate a demand for 48.76 acres of local parks. Existing park acreage (46.83 acres) combined with 7.4 acres required by the MCUCD would provide for adequate park space within the district. In addition to park space within the immediate area, there is a surplus of 400.64 acres of local park space within Park Benefit District 1. **Further, the MCUCD is consistent with the principles of the Miami-Dade County Parks and Open Space System Master Plan by promoting walkable, interconnected street hierarchy which links existing and planned parks and open spaces with residential units and transit.**

Metropolitan Planning Organization

The Miami-Dade Metropolitan Planning Organization has no objections to this application. The Department has indicated that Bicycle Boulevards consistent with the bicycle boulevard planning study for the area should be incorporated in the development plans.

Police Department

The Miami-Dade Police Department (MDPD) has no objections to this application. Their memorandum indicates that the average response time to the vicinity of the proposed development is less than eight minutes. It is anticipated that upon final build-out 58 additional officers, a sub-station, equipment and support staff will be needed in the area. As individual development projects are submitted for approval, impact fee collections should be monitored and supplemented as needed to ensure the safety of all residents in the area. MDPD encourages developers to work with police during any future design and construction changes to determine the best possible solutions or security options.

Public Schools

Miami-Dade County Public Schools (MDCPS) does not object to this application. The schools in this area have sufficient capacity to service this application. A final determination of Public School Concurrency and capacity reservation will be made as individual sites are submitted for final plat, site plan or functional equivalent.

Public Works Department

The Public Works Department does not object to this application. According to the Public Works Department, the proposed MCUCD would generate 1,557 fewer vehicle trips than the current zoning. The subject site is located within the County's Urban Infill Area, a designated

Transportation Concurrency Exception Area. No vehicle trips have been reserved by this application and subsequent developments will be subject to the payment of road impact fees.

Solid Waste Department

The Department of Solid Waste (SWD) does not object to this project. The SWD memorandum submitted for this hearing application indicates that the latest Concurrency Status Determination issued on September 30, 2010, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with 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.

Transit

The Miami-Dade Transit Department (MDT) supports this application. **The zoning changes requested would promote new development with different types of uses and better connectivity, which more likely would result in increased ridership.** MDT has no objections to this project. The Model City Community area is served very well by both Metrobus and Metrorail service. Transit service is provided both north-south bound and east-west bound. Metrobus routes that service the area include routes: 17, 22, 27, 46, 54, 62, 97, 246 (Night Owl), and 254 (Brownsville Cir). Metrorail also serves the area with three Metrorail Stations: Earlington Heights, Brownsville and Dr. Martin Luther King Jr. Stations. The 2011 Transportation Improvement Plan (TIP) includes funding over the next five years for the replacement of Metrorail vehicles. Delivery of new vehicles is scheduled to begin in November 2013. The extension of Metrorail from the Earlington Heights Metrorail Station to the Miami Intermodal Center (MIC) is scheduled to be completed by April 2012. The TIP also shows the improvements to be made along NW 27th Avenue with the NW 27th Avenue Enhanced Bus Service Project. This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Water and Sewer Department

The Miami-Dade Water and Sewer Department (MDWASD) has no objections to this application and indicates that as individual parcels are developed they will be addressed on a case-by-case basis. Infrastructure improvements will be required to meet the LOS for fire flow for proposed development. The proposed rezoning will not impact the County's consumptive use permit because it does not change the countywide population projections.

Summary of Analysis

The requested district boundary change to the Model City Urban Center (MCUC) district is **consistent** with the Comprehensive Development Master Plan. **Approval of the proposed district boundary change will implement the CDMP goals, objectives and policies listed in Section C of this report.** More specifically, as highlighted in the following policies, the CDMP requires transit oriented development and mixed use zoning in urban centers.

- Objective LU-1 - requires that the County intensifies development around centers of well designed communities

- Objective LU-7 - requires transit oriented development in urban centers
- Policy LU-9F - requires that the County adopt zoning to implement the development and design policies of the CDMP

The district will create an urban environment that provides a continuous street and sidewalk network connected to transit facilities, and elements that facilitate pedestrian trips and an enhanced public realm will be incorporated in the form of small blocks and closely intersecting streets. Buildings will be oriented to the street, parking lots will be predominately relegated to the rear or sides of buildings, primary building entrances will be placed close to the street, and shade trees and weather protection will be incorporated into streets and buildings, respectively. The MCUCD urban pattern regulations will create a pedestrian friendly neighborhood with a well-integrated mixture of uses regulated by specific design criteria that ensures compatibility between neighborhoods.

In addition to implementing the community urban center standards of the CDMP, it will support the County's transit investment, provide additional housing/mixed-use development opportunities for the community and facilitate development within a Neighborhood Revitalization Strategy Area (NRSA), a Community Development Block Grant (CDBG) Eligible Area, an Enterprise Zone and a Target Urban Area.

Accordingly, staff recommends approval of the subject application.

I. RECOMMENDATION:

Approval of the district boundary change to Model City Urban Center District (MCUCD) excluding the property (approximately 2.68 acres) located at 2505-2655 N.W. 54 Street and identified by Miami-Dade County Folio No. 30-3115-052-0010.

J. CONDITIONS:

DATE TYPED: 6/28/11
DATE FINALIZED: 6/30/11
MCL:GR:NN:JV:ES



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

NON

Memorandum



Date: February 28, 2011

To: Jorge Vital
DIC Coordinator
Miami-Dade Planning and Zoning

From: Maria Batista
Principal Planner
Miami-Dade Transit - Planning & Development Division

Subject: Review of DIC Project No.10-26 -- Department of Planing and Zoning - Model City Community, UCD

Project Description

10-26 –Department of Planning and Zoning – is requesting a district boundary change from multiple zoning classifications to MCCUC, Model City Community Urban Center District. The Board of County Commissioners has requested that the Planning and Zoning Department file said rezoning application for all properties within the Model City Community Urban Center. The property is 386.3 acres and, in general, is located between NW 38 Street to NW 64 Street on the north and from NW 19 Avenue to NW 31 Avenue on the west in Miami-Dade County, Florida.

Current Transit Service

The Model City Community area is served very well by both Metrobus and Metrorail service. Transit service is provided both north-south bound and east-west bound. Metrobus routes that service the area include routes: 17, 22, 27, 46, 54, 62, 97, 246 (Night Owl), and 254 (Brownsville Cir). Metrorail also serves the area with three Metrorail Stations: Earlington Heights, Brownsville and Dr. Martin Luther King Jr. Stations. The service headways (in minutes) for these routes and rail are as follows:

<u>Route</u>	<u>Peak</u>	<u>Off-Peak</u>	<u>Night</u>	<u>Sat</u>	<u>Sun</u>
17	15/20/30	30	60	30	30
22	15/30	30/60	60	30/60	30/60
27	15/30	15/30	24/30	20/40	30/60
46	40	n/a	n/a	n/a	n/a
54	24/50	24/60	30	30	40
62	10/30	15/30	30	20	30
97	20	45	n/a	n/a	n/a
246	n/a	n/a	60	n/a	n/a
254	n/a	30	n/a	n/a	n/a

Metrorail is currently under a temporary schedule due to the construction of the Airport Link. The current headways are as follows: every 10 minutes in the peak; every 15 minutes at mid-day and every 30 minutes at night and weekends.

Future Transportation/Transit Improvements

The 2011 Transportation Improvement Plan (TIP) includes funding over the next five years for the replacement of Metrorail vehicles. Delivery of new vehicles is scheduled to begin in November 2013. The extension of Metrorail from the Earlington Heights Metrorail Station to the Miami Intermodal Center (MIC) is scheduled to be completed by April 2012. The TIP also shows the improvements to be made along NW 27th Avenue with the NW 27th Avenue Enhanced Bus Service Project. The TIP does not include any other transit improvement to the area.

The 2010 Transit Development Plan (TDP) identifies in its 2020 Recommended Service Plan the following improvements/Adjustments:

- Route 97- This Route will be converted into the NW 27th Avenue Rapid Bus providing limited-stop service along NW 27th Avenue between the Broward/Miami-Dade county line and the MLK Jr. Metrorail Station. Headway services would be 10 minutes in the peak and 20 minutes midday, with no service on the weekend.
- Metrorail - Within the next five years, Metrorail vehicles will be replaced. With the opening of the Airport Link, headways will improve as follows: South of Earlington Heights, 3.5-minute service in the peak and 7.5-minute headways in the off-peak; north of Earlington Heights, 7.5-minute headways in the peak, with 15-minute headways in the off-peak, The Airport Link will have a headway service of 6.5 minutes in the peak and 15-minute service off peak.

No other service improvements are presented for this area.

MDT Comments/Recommendations

Based on the information presented for transit purposes, MDT supports this application. The zoning changes requested would promote new development with different types of uses and better connectivity, which more likely would result in increased ridership. MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum



Date: February 28, 2011

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

Through: *M.N.* Maria I. Nardi, Chief
Planning and Research Division

From: *J.B.* John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division
Park and Recreation Department

Subject: DIC 10-026
Model City Urban Center District

The applicant is requesting a district boundary change from multiple zoning classifications to the Model City Urban Center District (MCUCD) for the portion of the master plan referred to as the Designated Urban Center. The subject property is approximately 386 acres and is located generally between N.W. 38th Street to N.W. 64th Street from N.W. 19th Avenue to N.W. 31st Avenue, Miami-Dade County, Florida. The MCUCD, adopted by the BCC on 02/02/2010, was guided by the Model City/Brownsville Charrette Plan, as accepted by the BCC on 5/11/ 2004.

Existing Conditions:

Existing zoning allows for 143 single-family detached units, 806 single-family attached units, and 2,722 multi-family units, generating a population of 8,562. The local park space need, based on 2.75 acres per 1,000 population, would be 23.55 acres.

There are four County parks within the boundaries of the Designated Urban Center of the proposed MCUCD: the African Heritage Cultural Arts Center and Joseph Caleb Community Center, special activity parks with 4 acres and 9.60 acres, respectively; Olinda Park, a community park with 6.40 acres; and Partners Park, a neighborhood park with 5.80 acres. All four are currently developed and currently serve the existing population in the area. In addition, within the boundaries of the illustrative master plan for the MCUCD, outside of the Designated Urban Center boundaries, there are numerous other community parks, mini-parks, neighborhood parks, another special activity park and the Model Cities Trail. Including the four parks specifically mentioned above (located within the Designated Urban Center) the park acreage within the MCUCD totals 46.83 acres.

Also, a bicycle boulevard planning study for Model City/Brownsville includes bicycle boulevard corridors along NW 21st Avenue, NW 58th Street, NW 50th Street and NW 43rd Street.

Proposed:

The population generated by the 8,403 multi-family dwelling units by the proposed rezoning would be 17,730. The local park space need, based on 2.75 acres per 1,000 population, would be 48.76 acres or an increase of 25.21 acres over that generated by existing zoning.

The proposed MCUCD district is consistent with the principles of the Miami-Dade County Parks and Open Space System Master Plan by promoting a walkable, interconnected street hierarchy which links existing and planned parks and open spaces with residential uses and transit. The focus on the major roadway corridors recognizes the significant role of the public realm and its relationship to the adjacent land uses. The proposed district plan proposes 2.3 acres of new green spaces, 1.4 acres of new

plazas and 3.7 acres of new squares. The exact location of the designated open space can be revised during the site plan review process provided the location of the open space anchor remains the same.

As development is proposed within this District, the Department would expect to receive additional land dedications, impact fees or some combination of them, to help to offset new recreational demands to meet the requirements of County Code, Chapter 33H Park Impact Fee. Bicycle Boulevards, consistent with the bicycle boulevard planning study for the area should be incorporated in development plans. In addition, MDPR would expect to be included in the development review process.

Concurrency/Capacity Status:

This application is located in Park Benefit District 1, which has a surplus of 400.64 acres of local parkland. Therefore, there is an adequate level of service for this application in terms of acres per 1,000 unincorporated area residents within the entire Park Benefit District.

Memorandum



Date: March 28, 2011

To: Marc C. LaFerrier, AICP
 Director
 Planning and Zoning Department

From: Esther L. Galas, P.E.
 Director
 Public Works Department

Subject: DIC 10-26
 Name: Model City Urban Area District
 Location: Between NW 64 Street and NW 38 Street and from NW 31 Avenue to
 NW 19 Avenue
 Sec. 15 Twp. 53 Rge. 41 and
 Sec. 22 Twp. 53 Rge. 41

I. EXISTING AND ANTICIPATED TRAFFIC GENERATION

	EXISTING ZONING	TRIP GENERATION FOR EXISTING ZONING	PROPOSED ZONING	TRIP GENERATION FOR PROPOSED ZONING	TOTAL TRIPS DIFFERENCE
RESIDENTIAL	3,671 Units	1,996	8,403 Units	4,441	2,445
BUSINESS	3,328,507 SF	5,441	1,345,830 SF	2,846	-2,595
INDUSTRIAL	743,569 SF	349	212,572 SF	118	-231
TOTAL	N/A	7,786	N/A	7,405	-381
MODAL SPLIT (2.3%)	N/A	-179	N/A	-170	N/A
INTERNAL CAPTURE (9%)	N/A	N/A	N/A	-1185	N/A
PM PEAK HOURS TRIPS	N/A	7,607	N/A	6,050	-1,557

II. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

- SW 62 and SW 54 Streets.
- SW 27 and 22 Avenues.
- SR 112/ Airport Expressway.

III IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT

- Streets, Avenues in existing or new dedicated right-of-way shall conform to the Miami-Dade County Public Works Department and the Florida Department of Transportation Standards in regards to right-of-way width, setbacks, sight distance triangles, minimum radii for major streets and avenues, etc.
- Dedicated right or left turn lanes may be required at certain intersections. New or modified traffic signalization may also be required.

IV SITE PLAN CRITIQUE

- All or some parcels of land may require to be platted or replatted.
- A Public Works Department permit is required for construction in the public right-of-way.
- A State Road permit is required for construction in the State Road right-of-way.
- Traffic Study is required for projects within the development to determine traffic impacts such as driveway locations and signalization requirements.
- Site Plans submitted for approval shall have the following information in the plans or in a letter attached to the plans:

"When the Site Plan approval, T-Plat or building permit is submitted, a letter or a plan signed and sealed by a State of Florida registered engineer shall be provided denoting compliance with requirements of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Green Book)".

Application is located within the County's Urban Infill Area, a designated Transportation Concurrency Exception Area. No vehicle trips have been reserved by this application. However, projects within this area will be subject to payment of road impact fees.

cc: Jorge Vital, Development Impact Coordinator, Planning and Zoning Department
Joan Shen, Ph.D., P.E., Assistant Chief, Traffic Engineering Division
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Armando E. Hernandez, Special Administrator for Concurrency, Traffic Engineering Division

Memorandum



Date: March 1, 2011

To: Jorge Vital
DIC Coordinator
Department of Planning and Zoning

From:  Christopher Rose
Deputy Director, Administration
Department of Solid Waste Management

Subject: DIC # 10-026
Director of the Department of Planning and Zoning
Model City Community Urban Center District

Attached please find a copy of this Department's review of the above-referenced item. Based on additional information sent via email on February 28, 2011, the review was created as requested to update a previous response sent on April 23, 2010. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Division Director, Planning and Intergovernmental Affairs at 305-514-6661.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #10-026

Director of the Department of Planning and Zoning

Application: Director of the Department of Planning and Zoning is requesting a district boundary change from multiple zoning classifications to Model City CUC, Model City Community Urban Center District. The Board of County Commissioners has requested the Director to file said rezoning application for all properties within the Leisure City Community Urban Center.

Size: The subject property is 386.3 acres.

Location: The subject property is generally located between NW 38th Street to NW 64th Street from NW 19 Avenue to NW 31st Avenue Miami, Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The County's Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department 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 30, 2010, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with 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.

The current application proposes to allow the number of residential units permitted in the area to remain the same 8,403, but changes the configuration of housing types to develop 8,403 multi-family units and zero single-family units; an increase of 5,681 multi-family, and a decrease of 949 single-family units (143 detached and 806 attached). The application also proposes to develop 1,345,830 business and 212,572 industrial units; a decrease of 1,982,677 and 530,997 units respectively from the previous application. As stated in the April 23, 2010 response, would fall under the classification of commercial developments located in unincorporated Miami-Dade County, in accordance to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, and requires the following:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department."

The code continues to state "[e]ach residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors."

As a result, the landlord or property owner is required to contact a commercial waste hauler and recycler for recycling services which is permitted to provide collection services and subsequent containers within the DSWM service area. The collected material will subsequently be disposed of at DSWM 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 | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 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 associated with this project ensure that either of the following criteria be present in project design plans and circulation operations 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 accord 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 setout 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 DSWM has no objections to the proposed application.**

Memorandum



Date: November 23, 2010

To: Jorge Vital, DIC Coordinator
Department of Planning and Zoning

From: Maria A. Valdes *Maria A. Valdes*
Planning & Water Use Unit Supervisor

Subject: DP&Z Director, Model City - Multiple Zones Community Urban Center (CUC)
DIC Application # Z2010000026

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

Application Name: DP&Z Director

Proposed Development: Community Urban Center District with land uses consisting of mixed use.

Project Location: The property is located between NW 62 St to NW 64 St from NW 21 Ave to NW 29 Ave, between NW 51 St to NW 57 St from NW 19 Ave to NW 31 Ave, between NW 44 St to NW 47 St, from the east side of NW 22 Ave to NW 29 Ave, between NW 38 St to NW 43 Terr from NW 30 Pl, lying on both sides of NW 22 Ave from NW 38 St to NW 62 Terr and on both sides of NW 27 Ave from NW 38 St to NW 64 St, Miami-Dade County, Florida.

Water: The subject project is located within MDWASD's service area. Public water mains exist throughout the area. In certain areas of the project the proposed land use does not meet the Level of Service (LOS) for fire flow as required in the Comprehensive Development Master Plan (CDMP). A total of 6 fire hydrants would need to be connected to a minimum eight (8) inch water main in order to meet the required LOS for fire flow for the proposed development. The source of water for this area is the Hialeah-Preston Water Treatment Plants (WTP). The plants are currently operating under a 20-year water use permit issued by the South Florida Water Management District on November 1, 2010. MDWASD will be the utility providing water services subject to the following conditions:

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

Sewer: The subject project is located within MDWASD's service area. Public sanitary sewer exist throughout the area. The Central 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. 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.

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

Jorge V. Cortez

Memorandum



Date: March 28, 2011

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: José A. Ramos, R.A., Chief, Aviation Planning Division
Aviation Department

Subject: DIC Application No. 10-026
DP & Z - Model City
MDAD #DN-11-03-527

JAR

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed your department's request for a multiple zone change to Model City Urban Center District for approximately 386 acres lying generally between NW 62 St to NW 64 St from NW 21 Ave to NW 29 Ave, between NW 51 St to NW 57 St from NW 19 Ave to NW 31 Ave, between NW 44 St to NW 47 St, from the east side of NW 22 Ave to NW 29 Ave, between NW 38 St to NW 43 Terr from NW 30 Pl, lying on both sides of NW 22 Ave from NW 38 St to NW 62 Terr and on both sides of NW 27 Ave from NW 38 St to NW 64 St, Miami-Dade County, Florida.

Based on our review of the project information provided to us, it was determined that the proposed zone change at this location is compatible with operations from Miami International Airport, provided there are no conflicts with the Code of Miami-Dade County, Article XXXVII Miami International Airport (Wilcox Field) Zoning.

Should you have any questions, please feel free to contact me at 305-876-8080.

JR/rb

C: S. Harman

RECEIVED

MAR 31 2011

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

201103352

Memorandum



Date: March 1, 2011

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

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

Subject: DIC# 201000026 – Department of Planning & Zoning
Model City Urban Center District

The Director of the Department of Planning & Zoning is seeking a district boundary change from multiple zoning districts to Model City Urban Center District (MCUCD) on an approximate 386-acre parcel of land located in Sections 15, 16, 21 and 22 of Township 53 South, Range 41 East, in unincorporated Miami-Dade County (the "Property").

The goal of the MCUCD is to create a framework that will encourage new development to occur with high quality urban design and a variety of uses while retaining the character of the area. Every building and every decision made affecting the Property should preserve its historically residential and business integrity while achieving the vision expressed by the citizens.

The Miami-Dade Fire Rescue Department (MDFR) believes that the MCUCD provides the framework for all future development in the Model City area. It provides the interconnected neighborhood structure the area needs to develop into a complete town with a network of streets and neighborhood centers that provide the community with places where people can live, work, shop and relax, within a reasonable walking distance.

As part of the review process, the Department of Planning and Zoning transmitted an excerpt illustrating the number of residential units, business area, and industrial area allowed under the existing zoning and allowed under the proposed Model City zoning. The excerpt illustrates a proposed development program consisting of the following: 8,403 dwelling units, 1,345,830 sq. ft. of business, and 212,572 sq. ft. of industrial space.

Presently, the existing zoning allows a total of 3,671 residential units, 3,328,507 sq. ft. of business, and 743,569 sq. ft. of industrial space. MDFR recognizes that the residential component will increase by 4,732 dwelling units, resulting in 1,328 additional annual alarms. However, MDFR further recognizes that the business component along with the industrial component will be reduced, resulting in a decrease of 613 fire and rescue calls annually. Overall, the proposed development will generate an additional 715 fire and rescue calls annually.

SERVICE IMPACT/DEMAND

- (A) Based on development information, it is anticipated that upon final build-out the project will generate an additional **715** fire and rescue calls annually. However, MDFR recognizes that the proposed rezoning will have a long term build-out that will minimize immediate impact to existing fire and rescue service.

- (B) A suspected fire within this project would be designated as a building and/or house dispatch assignment. A building assignment requires three (3) suppressions or engines, telesqurt or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires 20 firefighters and officers. A house assignment requires two (2) suppressions or engines, telesqurts or tankers, one (1) rescue and an accompanying command vehicle. This assignment requires 12 firefighters and officers.
- (C) Based on data retrieved during calendar year 2010, the average travel time to the vicinity of the proposed development was **6:05 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.

EXISTING SERVICES

The stations responding to a fire alarm to the subject area are as follows:

STATION	ADDRESS	EQUIPMENT	STAFF
2	6460 NW 27 Avenue	Rescue, Aerial, Battalion	8
7	9350 NW 22 Avenue	Rescue, Engine, Squad	9
27	7903 East Drive	Rescue, Engine	7
35	201 Westward Drive	Rescue, Engine	7

PLANNED SERVICES

Planned stations within the vicinity of the subject area are as follows:

STATION	VICINITY	ESTIMATED COMPLETION DATE
18	13810 NE 5 Avenue	2016
67	1275 NW 79 Street	2014

SITE PLAN REVIEW

Although the applicant is not proffering a site plan in connection with this application, MDFR has **no objection** to the rezoning of the Property.

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.

DIC# 201000026 – Department of Planning & Zoning
Model City Urban Center District
March 1, 2011
Page 3 of 3

CONCLUSION

The Miami-Dade Fire Rescue Department supports the development policies and implementation strategies for areas throughout the County in order to ensure proper urban growth patterns and to provide for well-planned supportive communities containing a variety of uses, housing types and public services.

In an effort to monitor development and determine the need for additional service, MDFR is requesting that each phase of development be transmitted accordingly for assessment and to determine compliance with the standards of the National Fire Protection Association (NFPA).

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

HL:ch

MODEL CITY REZONING					
EXISTING DEVELOPMENT					
Residential	0.28	Unit	3671	1030	
Industrial	0.000044	Sq.Ft.	743569	33	
Retail	0.000297	Sq.Ft.	3328507	989	
TOTAL ANNUAL ALARMS				2052	
PROPOSED DEVELOPMENT					
Residential	0.28	Unit	8403	2358	Increase alarms by 1,328
Industrial	0.000044	Sq.Ft.	212572	9	Decrease alarms by 24
Retail	0.000297	Sq.Ft.	1345830	400	Decrease alarms by 589
TOTAL ANNUAL ALARMS				2767	
TOTAL ADDITIONAL ALARMS				715	

Memorandum



Date: May 25, 2011

To: Jorge Vital, Developmental Impact Committee Coordinator
Department of Planning and Zoning

From: James K. Loftus, Director 
Miami-Dade Police Department

Subject:  Review (Revision 1) - Developmental Impact Committee Zoning Application
Case: No. Z201000026 – Model City (Department of Planning and Zoning)

APPLICATION

The Applicant, the Miami-Dade Department of Planning and Zoning requesting a district boundary change from multiple zoning classifications to Model City Urban Center District. The subject property consists of 386 acres and is located generally between NW 62 Street to NW 64 Street from NW 21 Avenue to NW 29 Avenue, between NW 51 Street to NW 57 Street from NW 19 Avenue to NW 31 Avenue, between NW 44 Street to NW 47 Street, from the east side of NW 22 Avenue to NW 29 Avenue, between NW 38 Street to NW 43 Terrace from NW 19 Avenue to NW 30 Place, lying on both sides of NW 22 Avenue from NW 38 Street to NW 62 Terrace and on both sides of NW 27 Avenue from NW 38 Street to NW 64 Street, in Miami-Dade County, Florida.

The revised proposed development program increases the total number of zoned residential units to 8,403 multi-family units while decreasing the square footage of business/retail, and industrial space to 1,345,830 and 212,572 respectively.

CURRENT POLICE SERVICES

The proposed development will be located in unincorporated Miami-Dade County and serviced by our Northside District, located at 2950 NW 83 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

REVIEW

A review of the application, and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources and the impact that the location could have on the proposed zoning modification changes. Current data of police staffing, population, and calls for service was examined and compared to expected population growth and projected increases in calls for service. Based on this data, 58 additional sworn officers would need to be added to the Northside District staffing in order to maintain current staffing levels to population and projected volume of calls for service. Furthermore, an additional police sub-station, non-sworn support staff, and related equipment to include but not limited to vehicles, computers, and police radios, would be needed to sustain current levels of police services.

The amount of business and industrial space of this project indicates the need for additional sworn personnel above the amount noted above. However, since the nature and type of businesses and industry that will be occupying this space is unknown, an assessment of needed police staffing could not be calculated. Should demand for police services increase beyond these calculations, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

Jorge Vital, Developmental Impact Committee Coordinator
May 25, 2011
Page 2 of 2

The MDPD does not object to the proposed zoning modifications, but encourages developers to work with police during any future design and construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez of the Departmental Coordination Section may be contacted at (305) 471-1775.

JKL/kh
Attachment

MODEL CITY REZONING

Use	Existing Zoning	Proposed Model City Zoning	Difference (Model City minus Existing)
<i>Residential</i>			
Single Family Residential – Detached	143	0	-143
Single Family Residential – Attached	806	0	-806
Multi-Family	2,722	8,403	5,681
<i>Non-Residential</i>			
Business	3,328,507	1,345,830	-1,982,677
Industrial	743,569	212,572	-530,997

TOTAL RESIDENTIAL UNITS PERMITTED BY EXISTING ZONING – 3,671 (above is a description of the change by unit type)

TOTAL RESIDENTIAL UNITS PERMITTED BY PROPOSED ZONING - 8,403 - (above is a description of the change by unit type)

Gross Acreage - 386

Memorandum

Date: June 10, 2010
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: DIC#Z2010000026
The Department of Planning and Zoning
Between N.W. 38th Street to N.W. 64th Street from N.W. 19th Avenue to
N.W. 31st Avenue
Multiple Zone Change to Model City Urban District (MCUCD)
(NA) (386.3 Acres)
15-53-41

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

The subject area is located within the franchised water service area of the Miami-Dade County Water and Sewer Department (MDWASD). Connection of proposed development to the public water supply system shall be required in accordance with Code requirements. Due to the request for multiple zoning changes for the proposed Model City Urban Center District the estimated water demand for this project is not possible at this time. The properties that are not currently connected to public water may require connection due to their underlying zoning classification.

The source of water for this area is MDWASD's Hialeah-Preston Orr Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

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

Notwithstanding that adequate system capacity is available for this project, DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the Florida Building Code in order to more efficiently use the Southeast Florida water resources.

Sanitary Sewer Service

The subject area is located within the franchised sewer service area of the Miami-Dade County Water and Sewer Department (MDWASD). All the pump stations are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. Sanitary sewer collection and

transmission systems and the Central/South Wastewater Treatment Plant are owned and operated by MDWASD, which has adequate capacity to treat current discharge. The properties that are not currently connected to public sewer may require connection due to their underlying zoning classification. Connection of proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, 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

The Water Control Section has no objection to this approval.

Pollution Remediation

The Pollution Control Division (PCD) has reviewed the relevant information regarding the above referenced site bounded between N.W. 38th Street to N.W. 64th Street from N.W. 17th Avenue to N.W. 31st Avenue. There are records of current contamination assessment/remediation issues within this area as follows:

1. These facilities have records associated with petroleum contamination and are in a state funded program awaiting allocation of funds for cleanup:
 - a. Family Food Store, 3045 NW 62 St. (UT-1637/F-8004).
 - b. Dade County Public Schools Northeast Trans. Center, 5901 NW 27th Ave. (UT-277/F-2871).
 - c. Union 76, 2400 NW 62 St. (UT-203/F-6996).
 - d. Eagle #3 Corp. Gas Station (Amoco #7043), 2201 NW 62 St. (UT-565/F-7275).
 - e. Tire Repair Shop, 6001 NW 22 Ave. (UT-4312/F-9999).
 - f. G.F. Car Center, Inc., 3080 NW 54 St. (UT-253/F-7038).
 - g. 21st Century Petroleum Inc., 4700 NW 27 Ave. (UT-1084/F-7633).
 - h. Buckeye Park Restaurant, 4596 NW 22 Ave. (UT-4311/F-9998).
 - i. Specialist Parts, Inc., 4101 NW 27 Ave. (UT-1691/F-5857).
 - j. Sam's Auto Service, 4600 NW 22 Ave. (BAY A) (UT-2842/F-3000).
 - k. Carbonic Industries Corp., 2501 NW 38 St. (UT-2678/F-8732).
 - l. DCPS-Charles R. Drew Middle, 1801 NW 60 St. (UT-2934/F-8929) also has records associated with arsenic contamination.
 - m. Ben's Auto Repair, 5600 NW 17 Ave. (UT-1064/F-7620).
 - n. Porter Oil Inc., 1875 NW 54 St. (UT-2117/F-8332).
 - o. Citgo Station (Former Amoco # 1957) (Banks Amoco Mini Mart #4), 4770 NW 17 Ave.

(UT-976/F-7565).

2. Union 76 Service, 6200 NW 17 Ave. (UT-1854/F-8173) has records associated with petroleum. This site is currently undergoing assessment.
3. HUD-ELMA Ward Towers, 2200 NW 54 St. (HWR-508/F-15394), has records of current contamination assessment/remediation issues regarding arsenic and lead. This site is currently undergoing assessment.
4. Ann's Cleaners and Laundry, 2774 NW 46 St. (IW5-2856/F-2641) has records associated with dry cleaning solvents and is in a state funded program awaiting allocation of funds for cleanup.
5. School Board of Dade County, Central Maintenance, 2925 NW 41 St. (IW5-3106/F-2870) has records associated with petroleum and solvent contamination and is currently undergoing assessment.
6. United Rentals (North America), Inc. (Penske Truck Leasing, CO., L.P.), 4301 NW 27 Ave. (UT-2090/F-8314) has records associated with petroleum contamination due to two separate incidents. The most recent incident is currently undergoing assessment and a previous incident is in a state funded program awaiting allocation of funds for cleanup.

Please be advised that there are historical records of contamination assessment/remediation issues regarding non-permitted sites associated within the referenced site boundary as follows:

1. DCPS-Earlington Heights Elementary, 4750 NW 22 Ave. (UT-3063/F-9045) has historical records associated with petroleum contamination.
2. Superior Manor Homes, 2349 NW 51 St. (HWR-48/F-15404) has historical records associated with arsenic and lead contamination.

Wetlands

The subject project areas 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 project areas may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of Chapter 24, 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 Chapter 24. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

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

Enforcement History

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system and has found 85 closed enforcement cases and 15 open enforcement cases for the subject properties located within the Miami-Dade County Department of Planning and Zoning, GIS Aerial Boundary Map. Please see summary of open enforcement cases below and Excel spreadsheet for list of closed enforcement cases.

Below is a summary of the open enforcement cases.

1. PENSKE TRUCKING LEASING CORP- Folio 30-3122-062-0010

DERM has an open enforcement case under file UT-2090/File #8314 for Penske Trucking Leasing Corp. located at 4301 NW 27 AVE. Demand Letters were issued on October 18, 2007, March 09, 2009 and April 10, 2009 for failure to submit oil and water separator plans and contamination assessment reports. A contamination assessment report addendum was received and reviewed by DERM on February 26, 2010.

2. DCPS-Central Maintenance- Folio 30-3121-051-0010

DERM has an open enforcement case under file IW5-3106/File #2870 for Dade County Public Schools Central Maintenance located at 2925 NW 41 ST. A Notice of Violation was issued August 15, 1994 for petroleum contamination in the ground and ground water and a Demand Letter was issued on February 19, 2009. A contamination assessment report addendum is due on May 01, 2010.

3. JC TRANSMISSION- Folio 30-3116-009-6370

DERM has an open enforcement case under file IW5-2236/File #2069 for JC Transmission located at 5560 NW 27 AVE. A Notice of Required Connection and Notice of Violation for contamination in the septic tank were issued on June 05, 2000 and January 03, 2002 and the case was referred to the County Attorney's Office on September 28, 2004. On January 01, 2005, the case was filed in civil court and an Agreed Order between DERM and the facility was entered into on June 08, 2008. On September 11, 2009, a No Further Action Plan was approved and the Department is awaiting receipt of the settlement cost to close the case.

4. ABILITY TIRE COMPANY- Folio 30-3116-009-7430

DERM has an open enforcement case under file UT-4301/File #9989 for Ability Tire Company located at 6050 NW 27 AVE. A Notice of Violation was issued on October 12, 1994 for discharges to ground water and the facility entered into a Consent Agreement with DERM on June 09, 2006 to resolve the violation. A No Further Action Plan was submitted and approved on November 01, 2006. The facility remains open under collection for an outstanding penalty balance per the Consent Agreement.

5. GUTIERREZ PROPERTY- Folio 30-3122-012-0010

DERM has an open enforcement case under file ASB-66 for Gutierrez Property located at 4902 NW 22 AVE. A Notice of Violation was issued on April 06, 2006 for improper disposal of regulated asbestos containing material and the facility entered into a Consent Agreement with DERM on May 30, 2006 to resolve the violation. Although the violation has been corrected, this case remains open pending collection of outstanding penalties.

6. ELLIS MILLEDGE- Folio 30-3115-028-0130

DERM has an open enforcement case under file COM-47706 for property owned by Ellis Milledge located at 2422 NW 57 ST. A Uniform Civil Violation Notice (UCVN) was issued on March 28, 2008 for maintaining a sanitary nuisance. A Notice of Intent to Lien was issued on July 14, 2008. Sanitary nuisance condition abated; case closure pending.

7. DK&M INVESTMENT LLC/JENNY THOMAS- Folio 30-3122-032-0170

DERM has an open enforcement case under file TREE-388 for property owned by DK& M Investments, LLC located at 4201 NW 24 AVE. A Uniform Civil Violation Notice (UCVN) was issued on August 13, 2007 for violation of the orders of the Director specifically, compliance with canopy mitigation requirements. A Notice of Intent to Lien and Court Action and Demand Letter were issued on February 19, 2008 and July 23, 2008. Verification of mitigation requirements pending.

In addition to the above, the following are open cases in which clean up activities and enforcement action held in abeyance at these sites as a result of Florida Department of Environmental Protection (FDEP) Petroleum Clean-up Programs and preemption pursuant to Chapter 376 of the Florida Statutes.

CASE NAME	DERM FILE	FOLIO	ADDRESS	CASE DESCRIPTION
Penske Truck Leasing (2)	UT-2090	30-3122-062-0010	4301 NW 27 AVE	Petroleum Contamination
Ann's Cleaners and Laundry	IW5-2856	30-3121-026-0120	2774 NW 46 ST	Drycleaning Solvents
MacMillian Oil Co. Of FLA	UT-1084	30-3121-023-0580	4700 NW 27 AVE	Floating Product in Ground Water
Republic Centurion	UT-1691	30-3122-000-0721	4175 NW 27 AVE	Hydrocarbon Contamination
Barkett Oil Company	UT-203	30-3115-033-0020	2400 NW 62 ST	Discharges to Ground Water
Carbonic Ind	UT-2678	30-3122-034-0090	2501 NW 38 ST	Hydrocarbon Contamination
G.F. Car Center, Inc	UT-253	30-3121-031-0010	3080 NW 54 ST	Discharges to Ground Water
Buckeye Resturant	UT-4311	30-3122-029-0010	4596 NW 22 AVE	Discharges to Ground Water



Closed_enfcase__nw
 19_31av_nw38_64sti

Additionally, the following comments are offered in light of the nature of some land uses that are permitted due to the underlying zoning district:

Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. For further information please contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning management practices as related to the handling of hazardous materials.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under

the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. For further information please contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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 Christine Velazquez at (305) 372-6764.



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

December 17, 2010

VIA ELECTRONIC MAIL

Ms. Helen A. Brown
Concurrency Coordinator
Miami-Dade County
111 NW 1 Street, 12 Fl
Miami FL 33128

RE: PRELIMINARY SCHOOL CONCURRENCY ANALYSIS
(SCHOOLS PLANNING LEVEL REVIEW)
MODEL CITY # 1 – WAIVER OF FEE – NW 29 AVE. & 43 TERRACE
PH3010120700379 –Folio No. 3031210001310

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, attached 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 requested rezoning would yield a maximum residential density of 1,688 multifamily dwelling units, which generates 624 students; 300 elementary, 137 middle, and 187 senior high students. **At this time, the schools serving the area have sufficient capacity available to service 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 II

IMR:ir
L232

Attachment

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Ms. Vivian G. Villamil
Ms. Paula Church
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



Concurrency Management System (CMS)

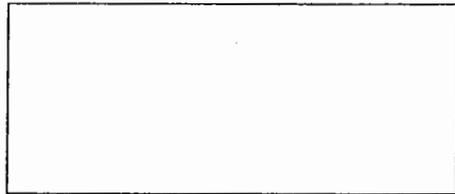
Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3010120700379 Local Government (LG): Miami-Dade
 Date Application Received: 12/7/2010 3:10:15 PM LG Application Number: Model City #1
 Type of Application: Public Hearing Sub Type: Zoning
 Applicant's Name: Model City #1
 Address/Location: NW 29 Av & 43 Terrace
 Master Folio Number: 3031210001310
 Additional Folio Number(s):

PROPOSED # OF UNITS 1688
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 1688



CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
3181	MELROSE EL - EARLINGTON HEIGHTS EL	110	300	110	NO	Current CSA
3181	MELROSE EL - EARLINGTON HEIGHTS EL	0	190	0	NO	Current CSA Five Year Plan
6031	BROWNSVILLE MIDDLE	602	137	137	YES	Current CSA
7411	MIAMI NORTHWESTERN SENIOR HIGH	456	187	187	YES	Current CSA
ADJACENT SERVICE AREA SCHOOLS						
4501	POINCIANA PARK ELEMENTARY	269	190	190	YES	Adjacent CSA

*An Impact reduction of 14.01% 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



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

December 17, 2010

VIA ELECTRONIC MAIL

Ms. Helen A. Brown
Concurrency Coordinator
Miami-Dade County
111 NW 1 Street, 12 Fl
Miami FL 33128

RE: PRELIMINARY SCHOOL CONCURRENCY ANALYSIS
(SCHOOLS PLANNING LEVEL REVIEW)
MODEL CITY # 2 REVISED – WAIVER OF FEE – NW 43 ST. & 22 AVE.
PH3010120700384 –Folio No. 3031220230010

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, attached 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 requested rezoning would yield a maximum residential density of 1,689 multifamily dwelling units, which generates 624 students; 300 elementary, 137 middle, and 187 senior high students. **At this time, the schools serving the area have sufficient capacity available to service 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 II

IMR:ir
L233

Attachment

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Ms. Vivian G. Villamil
Ms. Paula Church
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



Concurrency Management System (CMS)

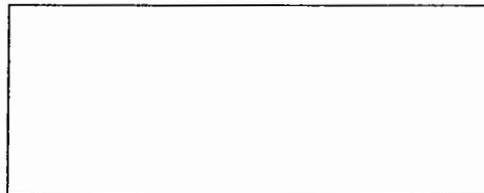
Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3010121500384 Local Government (LG): Miami-Dade
 Date Application Received: 12/15/2010 10:27:24 AM LG Application Number: Model City #2
 Type of Application: Public Hearing Sub Type: Revised
 Applicant's Name: Model City #2 Revised
 Address/Location: NW 43 St & 22 Av
 Master Folio Number: 3031220230010
 Additional Folio Number(s):

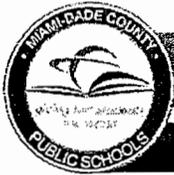
PROPOSED # OF UNITS 1689
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 1689



CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
3181	MELROSE EL - EARLINGTON HEIGHTS EL	110	300	110	NO	Current CSA
3181	MELROSE EL - EARLINGTON HEIGHTS EL	0	190	0	NO	Current CSA Five Year Plan
6031	BROWNSVILLE MIDDLE	602	137	137	YES	Current CSA
7411	MIAMI NORTHWESTERN SENIOR HIGH	456	187	187	YES	Current CSA
ADJACENT SERVICE AREA SCHOOLS						
4501	POINCIANA PARK ELEMENTARY	269	190	190	YES	Adjacent CSA
*An Impact reduction of <u>14.01%</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



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

December 17, 2010

VIA ELECTRONIC MAIL

Ms. Helen A. Brown
Concurrency Coordinator
Miami-Dade County
111 NW 1 Street, 12 Fl
Miami FL 33128

**RE: PRELIMINARY SCHOOL CONCURRENCY ANALYSIS
(SCHOOLS PLANNING LEVEL REVIEW)
MODEL CITY # 3 – WAIVER OF FEE – NW 27 AVE. & 61 ST
PH3010120700381 –Folio No. 3031160097520**

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, attached 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 requested rezoning would yield a maximum residential density of 1,689 multifamily dwelling units, which generates 624 students; 300 elementary, 137 middle, and 187 senior high students. **At this time, the schools serving the area have sufficient capacity available to service 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 II

IMR:ir
L234

Attachment

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Ms. Vivian G. Villamil
Ms. Paula Church
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



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3010120700381 Local Government (LG): Miami-Dade
 Date Application Received: 12/7/2010 3:21:24 PM LG Application Number: Model City #3
 Type of Application: Public Hearing Sub Type: Zoning

Applicant's Name: Model City #3
 Address/Location: NW 27 Av & 61 St
 Master Folio Number: 3031160097520
 Additional Folio Number(s):

PROPOSED # OF UNITS 1689

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 1689



CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5201	SOUTH HIALEAH COMMUNITY ELEMENTARY	63	300	63	NO	Current CSA
5201	SOUTH HIALEAH COMMUNITY ELEMENTARY	0	237	0	NO	Current CSA Five Year Plan
6521	MIAMI SPRINGS MIDDLE	-64	137	0	NO	Current CSA
6521	MIAMI SPRINGS MIDDLE	0	137	0	NO	Current CSA Five Year Plan
7511	MIAMI SPRINGS SENIOR HIGH	62	187	62	NO	Current CSA
7511	MIAMI SPRINGS SENIOR HIGH	0	125	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
521	BROADMOOR ELEMENTARY	457	237	237	YES	Adjacent CSA
6031	BROWNSVILLE MIDDLE	602	137	137	YES	Adjacent CSA
7251	MIAMI CENTRAL SENIOR HIGH	1894	125	125	YES	Adjacent CSA

*An Impact reduction of 14.01% 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



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Carlos L. Curbelo
Renier Diaz de la Portilla
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

December 17, 2010

VIA ELECTRONIC MAIL

Ms. Helen A. Brown
Concurrency Coordinator
Miami-Dade County
111 NW 1 Street, 12 Fl
Miami FL 33128

**RE: PRELIMINARY SCHOOL CONCURRENCY ANALYSIS
(SCHOOLS PLANNING LEVEL REVIEW)
MODEL CITY # 4 – WAIVER OF FEE – NW 22 AVE. & 61 ST.
PH3010120700382 –Folio No. 3031150270400**

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, attached 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 requested rezoning would yield a maximum residential density of 1,689 multifamily dwelling units, which generates 624 students; 300 elementary, 137 middle, and 187 senior high students. **At this time, the schools serving the area have sufficient capacity available to service 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 II

IMR:ir
L235

Attachment

cc: Ms. Ana Rijo-Conde, AICP
Mr. Fernando Albuerne
Ms. Vivian G. Villamil
Ms. Paula Church
Miami-Dade County
School Concurrency Master File

54



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number: PH3010120700382 Local Government (LG): Miami-Dade
 Date Application Received: 12/7/2010 3:23:21 PM LG Application Number: Model City #4
 Type of Application: Public Hearing Sub Type: Zoning
 Applicant's Name: Model City #4
 Address/Location: NW 22 Av & 61 St
 Master Folio Number: 3031150270400
 Additional Folio Number(s):

PROPOSED # OF UNITS 1689

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 1689

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4071	OLINDA ELEMENTARY	71	300	71	NO	Current CSA
4071	OLINDA ELEMENTARY	0	229	0	NO	Current CSA Five Year Plan
6031	BROWNSVILLE MIDDLE	602	137	137	YES	Current CSA
7411	MIAMI NORTHWESTERN SENIOR HIGH	456	187	187	YES	Current CSA
ADJACENT SERVICE AREA SCHOOLS						
1401	CHARLES R DREW ELEMENTARY	319	229	229	YES	Adjacent CSA

*An Impact reduction of 14.01% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

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

DATE: 10-AUG-11

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

THE DEPARTMENT OF PLANNING
& ZONING

LYING GENERALLY BETWEEN
N.W. 38 STREET TO N.W. 64
STREET FROM N.W. 19 AVENUE
TO N.W. 31 AVENUE, MIAMI, DADE
COUNTY.

APPLICANT

ADDRESS

Z2010000026

HEARING NUMBER

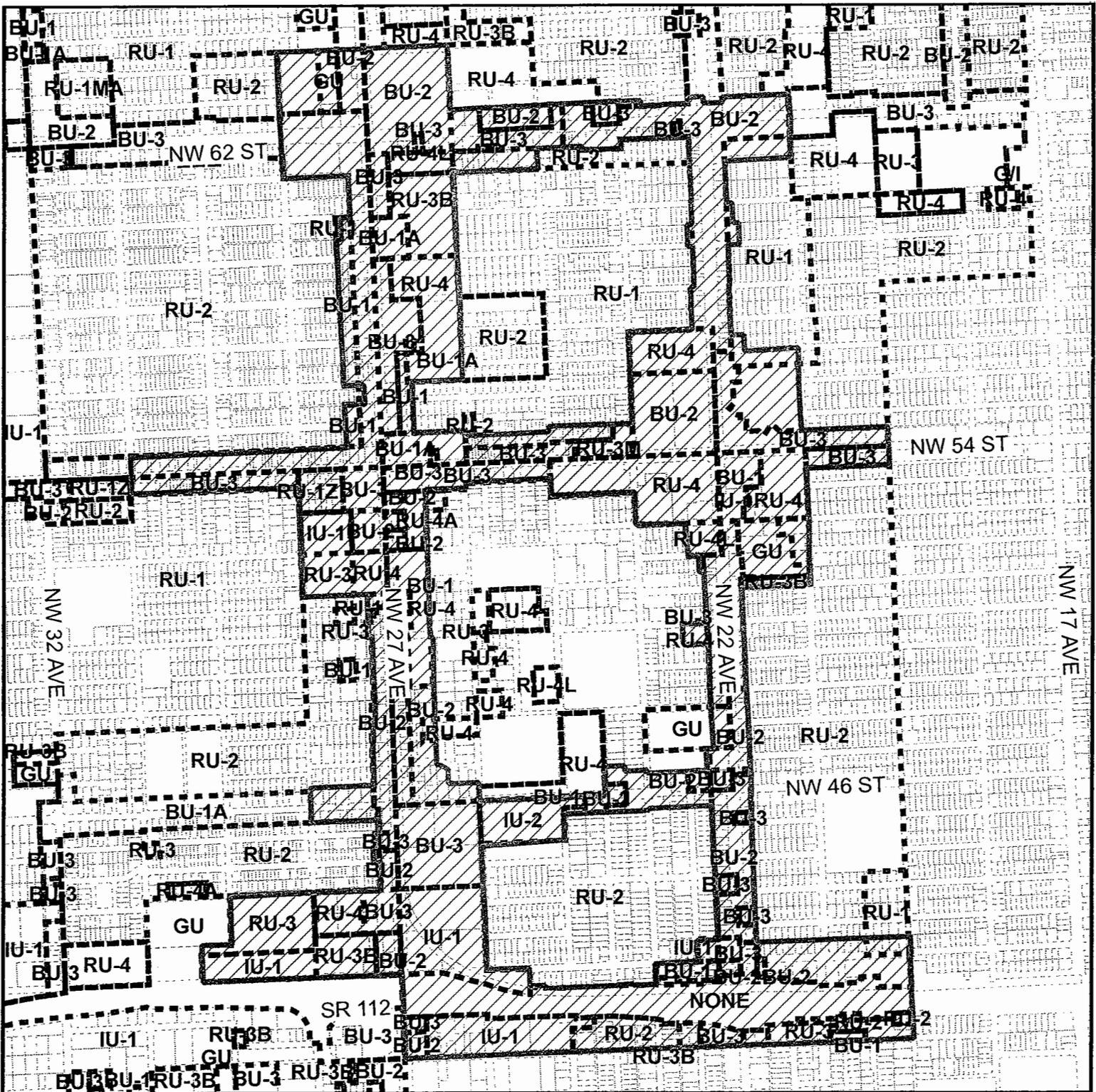
HISTORY:

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

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

REPORTER NAME:

NCS Albury



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000026

Legend

-  Zoning
-  Subject Property Case

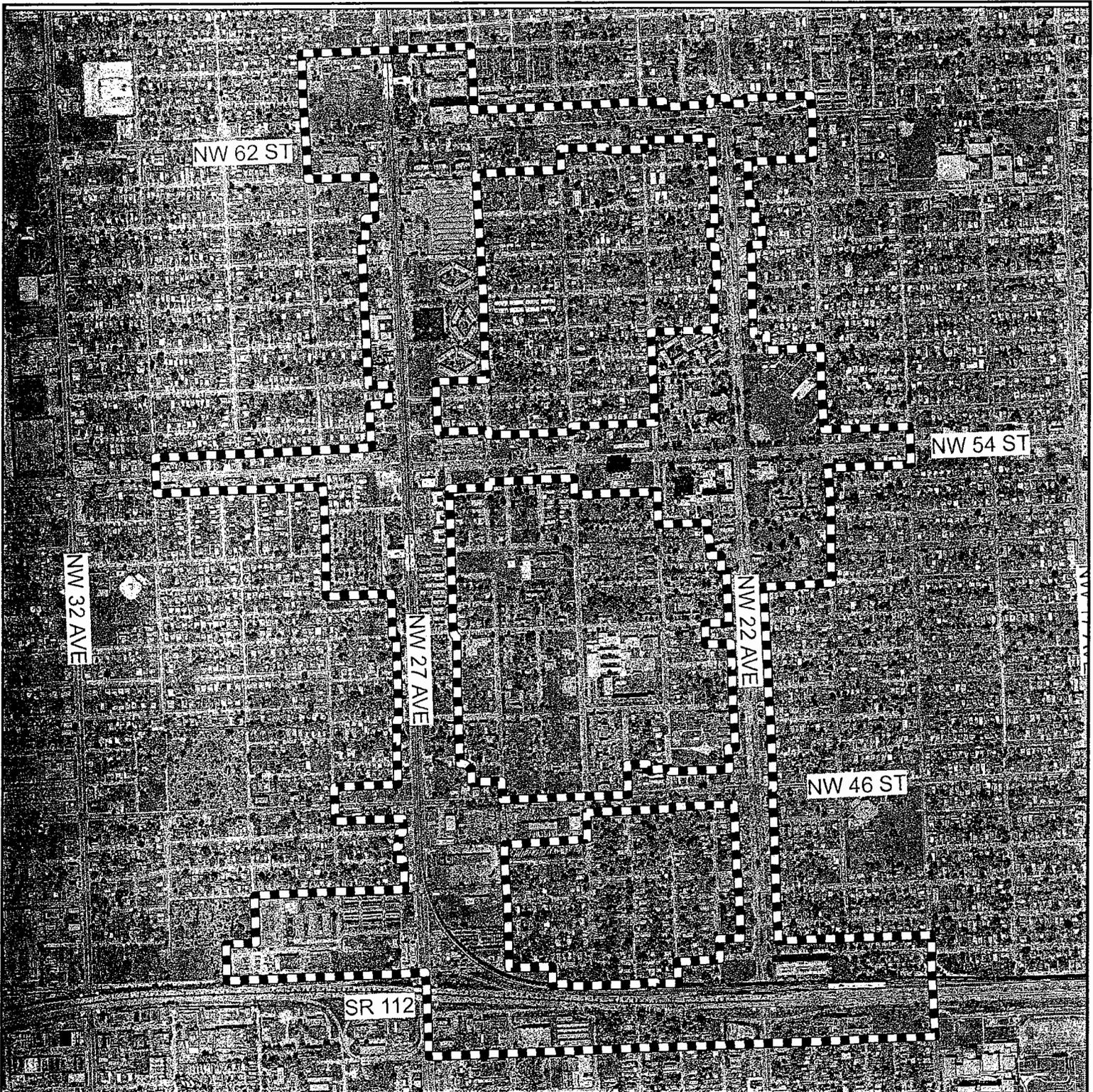


Section: 16/15/21/22 Township: 53 Range: 41
 Applicant: THE DEPARTMENT OF PLANNING & ZONING
 Zoning Board: BCC
 Commission District: 2/3
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY
		57



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000026

Legend

 Subject Property



Section: 16/15/21/22 Township: 53 Range: 41
 Applicant: THE DEPARTMENT OF PLANNING & ZONING
 Zoning Board: BCC
 Commission District: 2/3
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, April 15, 2010

REVISION	DATE	BY

3. KIMCO AUTOFUND, LP
(Applicant)

11-10-CC-2 (11-072)
BCC/District 09
Hearing Date: 10/06/11

Property Owner (if different from applicant) **KIMCO AUTOFUND LP, Delaware LP.**

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

If so, who are the interested parties? WAL-MART CORP

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>
1956	Nona Kammerer	- Special Exception to permit outside display.	BCC	Approved in Part
1959	Wilbur Masters Sr.	- Special Exception to permit barbeque restaurant.	BCC	Approved in Part
1963	Betty Lou Corp.	- Variance of setback.	ZAB	Approved w/conds.
1967	Betty Lou Co.	- Special Exception expansion of existing non-conforming bar.	ZAB	Approved
1967	Betty Lou Co.	- Modification of resolution.	BCC	Approved
1967	Betty Lou Co.	- Special Exception expansion of existing non-conforming bar.	ZAB	Denied without prejudice
1967	Betty Lou Co.	- Use Variance to permit a package store.	ZAB	Denied
1967	Betty Lou Co.	- Spacing of alcohol beverage.	ZAB	Denied
1967	Betty Lou Co.	- Special Exception to permit expansion of non-conforming use.	ZAB	Denied
1967	Betty Lou Co.	- Variance of parking.	ZAB	Denied without prejudice
1976	Director of Building, Zoning and Planning	- Zone change from (BU-1A) to BU-1.	BCC	Approved
1976	Director of Building, Zoning and Planning	- Zone change from (RU-2) to BU-1.	BCC	Approved

1978	Florida Keys Boys Club, Inc ET AL	- Use Variance new car agency (BU-1A use) in BU-1.	BCC	Approved in Part
1979	Ford Leas Devel Corp.	- Modification of condition of resolution. - Non-Use Variance of zoning regulations.	ZAB	Approved w/conds.
1983	Alan & Robert Potankin	- Modification of resolution.	ZAB	Approved w/conds.
1997	Potamkin Chevrolet Inc.	- Non-Use Variance of sign.	ZAB	Approved w/conds.
2007	Director of Planning & Zoning.	- Zone change from multiple zones to Cutler Ridge Metropolitan Urban Center District.	BCC	Approved
2011	KIMCO AUTOFUND LP	- Non-Use Variance's of zoning regulations.	C15	Approved w/conds.

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**

APPLICANT: Kimco Autofund L.P.

PH: Z11-072 (11-10-CZ15-3)

SECTION: 7-56-40

DATE: October 6, 2011

COMMISSION DISTRICT: 9

ITEM NO.: 3

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The approval of this application will allow the applicant to:

- Delete a Declaration of Restrictive Covenants.

o **REQUESTS:**

(1) Applicant is requesting to delete the Declaration of Restrictive Covenants recorded in Official Record Book 10113 Pages 1077 thru 1084.

The purpose of the above request is to allow the applicant to delete a previously approved site plan for a car agency.

o **LOCATION:**

21151 South Dixie Highway, Miami-Dade County, Florida.

o **SIZE:** 6.58 Acres

B. ZONING HEARINGS HISTORY:

The subject site was included in various zoning hearings between 1963 and 2011. On March 22, 2007, the subject property was part of a larger parcel of land (81 acres) that was rezoned to Cutler Ridge Metropolitan Urban Center District (CRMUC), pursuant to Resolution #Z-5-07. On March 2011, pursuant to Resolution #CZAB15-3-11, the subject property was approved for various Non-Use Variances of zoning regulations to approve a Walmart store.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

CRMUCD – Three commercial buildings

Metropolitan Urban Center

Surrounding Properties:

NORTH:

CRMUCD - Office building and shopping center

Metropolitan Urban Center

SOUTH: AU; Black Creek Canal Water

EAST:
CRMUCD - Multi-family apartments Metropolitan Urban Center

WEST:
CRMUCD – Gas station Metropolitan Urban Center

D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No comment
Fire Rescue	No objection
Police	No comment
Schools	No comment

*Subject to the conditions indicated in their memoranda.

E. PLANNING AND ZONING ANALYSIS:

The subject property is located at 21151 South Dixie Highway in the Cutler Ridge area of Miami-Dade County. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as an **Urban Center** (see attached Zoning Recommendation Addendum). A mixture of uses including commercial and office buildings along with multi-family residential developments characterize the surrounding area. The subject site lies approximately 690' to the west of the Town of Cutler Bay and approximately 250' to the east of the South Dade Bus Way.

The applicant is seeking to delete a declaration of restrictive covenant that requires the site to be developed in accordance with a site plan that was approved pursuant to Resolution Z-141-78. In 1978, Resolution Z-141-78 was adopted to permit a new car agency at the subject property. In addition, a restrictive covenant, recorded in the Public Records Book 1011 Page 1077, was also approved restricting the development of the site to the 1978 site plan. Subsequently, there have been several public hearing approvals that are directly inconsistent with the 1978 covenant. Consequently, the subsequent hearings have rendered the 1978 covenant moot. Therefore, the subject request is to release said covenant. Most recently, pursuant to CZAB15-3-11, the subject property was approved to establish a 99,824 sq. ft. Walmart with 421 parking spaces.

When the request is analyzed under the Generalized Modification Standards Section 33-311(A)(7) (see attached Zoning Recommendation Addendum), the proposed deletion will not, in staff's opinion, generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance, be incompatible with the area, nor be contrary to the public interest.

Consequently, staff opines that the approval of the applicants' request for a deletion of a previously approved Declaration of Restrictions to delete a previously approved site plan is **consistent** with the LUP Map of the CDMP and **compatible** with the surrounding area and thereby **consistent** with the interpretative text of the CDMP.

Based on all of the aforementioned, staff recommends approval of this application.

F. RECOMMENDATION: Approval.

G. CONDITIONS: None.

DATE TYPED: 08/09/11
DATE REVISED:
DATE FINALIZED:08/09/11
MCL:GR:ES:NN:CH:JC

ADDENDUM



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

NDN
GMR

ZONING RECOMMENDATION ADDENDUM

Kimco Autofund L.P.
Z11-072

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

Urban Centers (Pg. I-46)

Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.

The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.

The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and areawide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.

Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

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

ZONING RECOMMENDATION ADDENDUM

Kimco Autofund L.P.
Z11-072

within the center.

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

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

Parking. Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominantly in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.

Buildings. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.

Density and Intensity. The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.

	Average Floor Area Ratios (FAR)	Maximum Densities Dwelling Units per Gross Acre
Metropolitan Urban Centers	Greater than 3.0 in the core Not less than 0.75 in the edge	250

ZONING RECOMMENDATION ADDENDUM

Kimco Autofund L.P.
Z11-072

	<p><i>In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies. As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use and design requirements of this section and Policy LU-7F.</i></p>
<p>Policy LU-7A <i>(Pg. I-14)</i></p>	<p><i>Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human services in varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.</i></p>
<p>Policy LU-7F <i>(Pg. I-15)</i></p>	<p><i>Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(7)(a)</p>	<p>Generalized Modification Standards. <i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Board of County Commissioners, 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>
-------------------------------	---



Date: July 11, 2011
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-15 #Z2011000072
Kimco Autofund, LP
21151 S. Dixie Highway
Deletion of a Previous Agreement to Permit a Retail Development
(NA) (6.58 Acres)
07-56-40

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 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

The Environmental Resources Permit application No. 100305-2 and a Class II Permit application No. 2010-CLII-PER-00009 must be completed prior to the Building permit approval.

Pollution Remediation

There are records of current petroleum contamination assessment/remediation issues on the property, (Cutler Ridge Automotive, LLC, DBA Potamkin South, AKA Potamkin Lincoln Mercury Service Area, 21111 South Dixie Highway, Miami, Florida, IW5-715/File-666). This site is currently under assessment. There are no records of current contamination assessment/remediation issues on the abutting the properties.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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.

Natural Forest Communities

The subject property is located near a county designated Natural Forest Community. Natural Forest Communities (NFC's) are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Tree Preservation

Tree Removal Permit #00002860 was issued for this property to Kimco Autofund, LP, on May 9, 2011 and is scheduled to expire on May 9, 2012. All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit to avoid violation of permit conditions. Please be advised that a new Miami-Dade County Tree Removal Permit or an amendment to this permit is required prior to the removal or relocation of any other tree on the subject property. Please contact this Program at (305) 372-6600 for information regarding tree permits.

Enforcement History

DERM has found one open enforcement case for the subject property.

Cutler Ridge Automotive LLC, DBA Potamkin South - DERM file IW5-715

On July 12, 2010, a DERM Notice of Violation (NOV) was issued for petroleum discharges to ground water. A Final Notice Prior to Court Action was issued on November 3, 2010 for failing to submit a Contamination Assessment Report (CAR) as required by the NOV. On February 8, 2011, a CAR was submitted and on June 17, 2011, a Contamination Assessment Report Addendum was submitted to DERM and is currently under review by the Pollution Control Division.

DERM has found two closed enforcement case for the subject property.

Cutler Ridge Automotive LLC, DBA Potamkin South - DERM file PSO-97, for failure to submit elapsed time meter readings associated with the onsite private sanitary pump station. The case was closed on September 22, 2008.

Gold Coast Lincoln Mercury - DERM file IW5-715, for petroleum discharges to the on-site septic tank. The case was closed on July 25, 1991.

Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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 Christine Velazquez at (305) 372-6764.

PH# Z2011000072
CZAB - BCC

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: KIMCO AUTOFUND, LP

This Department has no objections to this application.

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

A handwritten signature in black ink, appearing to read "Raul", with a long horizontal flourish extending to the right.

Raul A Pino, P.L.S.

27-JUL-11

Memorandum



Date: 15-JUL-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
 Miami-Dade Fire Rescue Department
Subject: Z2011000072

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2011000072
 located at 21151 S DIXIE HWY, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2293 is proposed as the following:

N/A <u>residential</u>	dwelling units	N/A <u>industrial</u>	square feet
N/A <u>Office</u>	square feet	N/A <u>institutional</u>	square feet
99,824 <u>Retail</u>	square feet	N/A <u>nursing home/hospitals</u>	square feet

Based on this development information, estimated service impact is: 29.70 alarms-annually.
 The estimated average travel time is: 5:08 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 34 - Cutler Ridge - 10850 SW 211 Street
 Rescue, BLS 50' Squrt, 100' Platform, Squad

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 Letter of Intent. Substantial changes to the project 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.

Memorandum



Date: June 30, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *MN* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000072: Deletion of Covenant.

Application Name: KIMCO AUTOFUND, LP.

Project Location: The site is located at the 21151 S DIXIE HWY, Miami-Dade County.

Proposed Development: The applicant is requesting the deletion of a covenant recorded in 1978 requiring the site to be developed according to a site plan entitled "Kendall Lincoln-Mercury".

Impact and demand: Because this application does not generate any new residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application. The applicant has worked cooperatively with the Department during site planning to provide for a trail connection from the Black Creek Trail to SW 211 Street.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

KIMCO AUTOFUND, LP

21151 S DIXIE HWY, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000072

HEARING NUMBER

HISTORY:

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

11-072

ADDRESS: 21151 S DIXIE HWY

FOLIO: 3060070000080

DATE: 7-6-11

NAME: KIMCO AUTOFUND, LP

OPEN CASES:

Neighborhood Regulations:

Case 201101006368 was opened based on a complaint of graffiti. A warning notice was issued and a re-inspection will be conducted after 7-11-11.

Building Code:
No open cases.

CLOSED CASES:
Neighborhood Regulations:
No closed cases.

Building Code:
No closed cases.

Ronald Szep, Neighborhood Regulations and Legal Services Division Director
Miami-Dade County Building and Neighborhood Compliance Department

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

REPORTER NAME:

Inspector: HASSUN, PEDRO

Inspection Dat

Evaluator: JACQUELINE CARRANZA

08/22/11

Process #: Z2011000072
Applicant's Name: KIMCO AUTOFUND, LP

Locations: 21151 S DIXIE HWY, MIAMI-DADE COUNTY, FLORIDA.

Size: 6.58 ACRES

Folio #: 3060070000080

Request:

1 Deletion of Declaration of Restrictive Covenants recorded in Official Record Book 10113 pages 1077 - 1084.

The purpose of the above request is to allow the applicant to delete a previously approved site plan for a car agency.

EXISTING ZONING

Subject Property CRMUC,

EXISTING USE

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THREE BUILDINGS ON SITE.

USE(S) OF PROPERTY:

PREVIOUSLY A NEW/USED CAR DEALERSHIP, CURRENTLY VACANTED & REAT-A CAR SERVICE.

FENCES/WALLS:

SIX FEET CHAINLINK FENCES ON EAST AND SOUTH PROPERTY LINES. BOELLARDS ALONG THE WEST AND NORTH PROPERTY LINES.

LANDSCAPING:

POORLY LANDSCAPED. DOES NOT MEET MINIMUM REQUIREMENTS.

BUFFERING:

NONE

VIOLATIONS OBSERVED:

BNC MEMO ON FILE DATED 07/06/2011 REQUIRES UPDATING. CVN# 2001-863094 ISSUED ON 10/30/2011 AND LIEN PLACED ON 06/28/2002 FOR \$11,795.00 STILL OPEN. ALSO CVN# 2011-T016312 ISSUED ON 07/11/2011 WITH AFFIDAVIT OF COMPLIANCE ON 08/04/2011 IS STILL OPEN.

OTHER:

NONE

Process # Z2011000072
Applicant's Name KIMCO AUTOFUND, LP

SURROUNDING PROPERTY

NORTH:

BU-1A/CRMUC: SHOPPING STRIP

SOUTH:

RU-4L/GCUC: RENTAL APARTMENTS ACROSS CANAL.

EAST:

RU-4M/CRMUC: RENTAL APARTMENTS

WEST:

BU-1A/CRMUC: GAS STATION WITH GROCERY STORE.

SURROUNDING AREA

THIS AREA IS A BUSINESS AREA WITH POOR LANDSCAPING.

NEIGHBORHOOD CHARACTERISTICS:

THIS AREA IS A BUSINESS DISTRICT SURROUNDING BY HIGH DENSITY RESIDENCIAL TO THE EAST AND SOUTH.

COMMENTS:

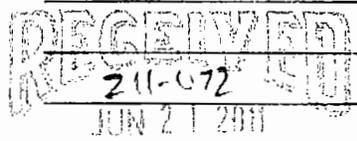
NONE

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

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



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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: Kimco Autofund, LP, a Delaware limited partnership

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
Kimco Realty Corp. through Kimco Auto Venture General, Inc. 3333 New Hyde Park Road, Suite 100, New Hyde Park, NY 10042 Publically traded corporation	50%
Robert M. Potamkin through Pot/Kim Autoventure General, Inc. and Pot/Kim, Ltd., 130 Spruce Street, Ste 30-B, Philadelphia, PA 19106	25%
Alan H. Potamkin through Pot/Kim Autoventure General, Inc. and Pot/Kim, Ltd., 1 Casuarina Concourse, Coral Gables, FL 33143	25%

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

AT

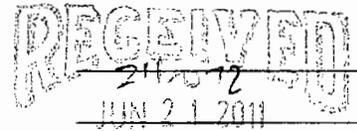
entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: WALMART STORES EAST, LP

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>WAL-MART STORES, INC</u>	<u>100%</u>
<u>2001 SE 10 STREET</u>	
<u>Benningville AR 72716-0550</u>	
<u>Publicly traded corporation</u>	

Date of contract: 10/23/05

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



ZONING HEARINGS SECTION
 PLANNING AND ZONING DEPT.
 BY AP

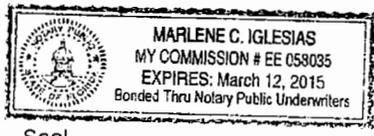
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief. Kimco Air Fund LP, by its General Partner, Park Air Venture General Partner

Signature: [Signature]
Andrew P. Ferret (Applicant)
vice President

Sworn to and subscribed before me this 16 day of June, 2011. Affiant is personally known to me or has produced _____ as identification.

[Signature]
 (Notary Public)



My commission expires: March 12, 2015

*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.

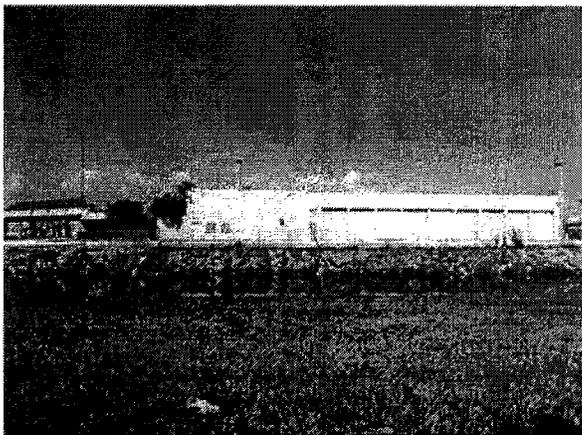
Photographs
Front Elevation

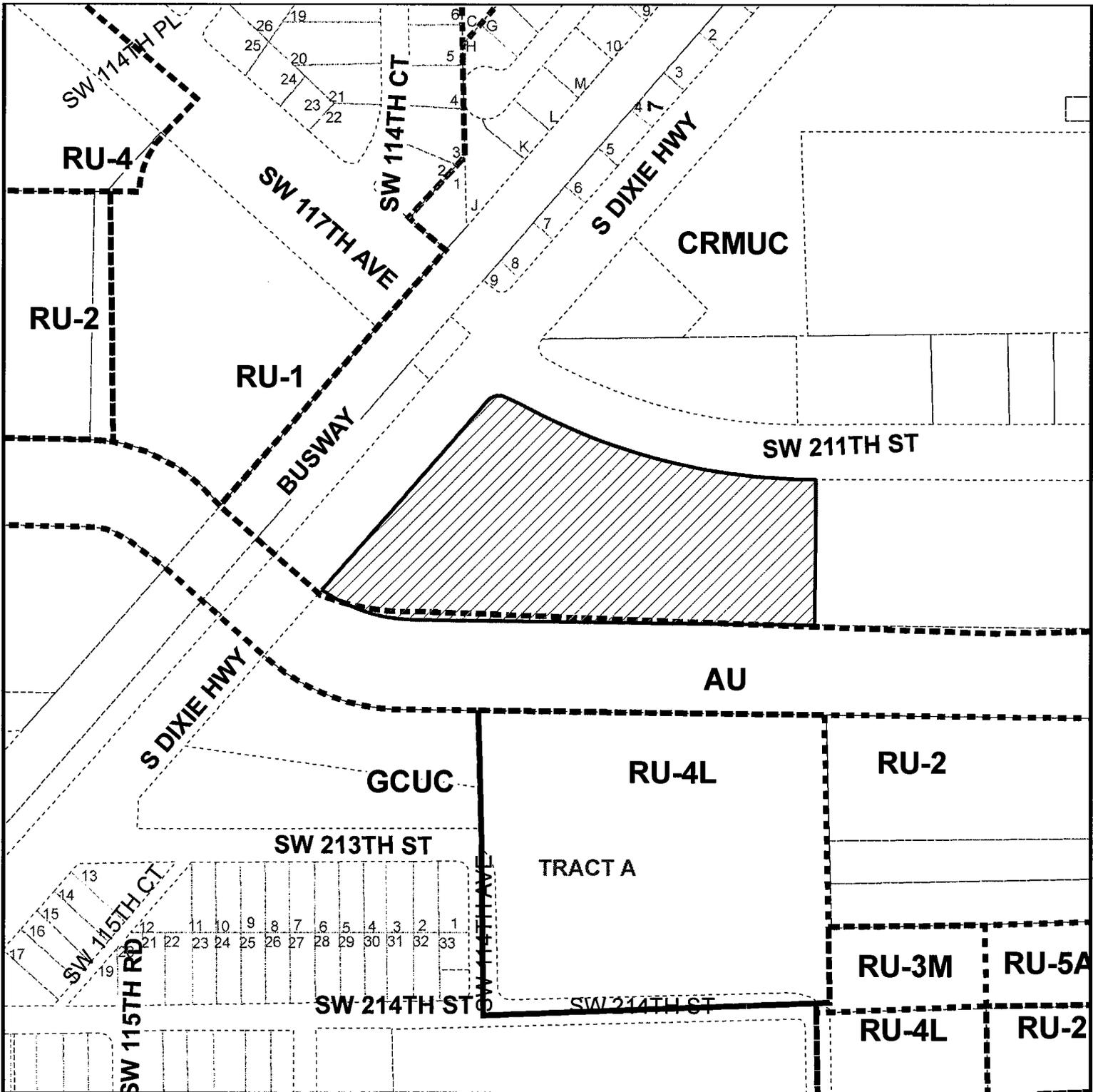


Side Elevation



Rear Elevation





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000072



Section: 07 Township: 56 Range: 40
 Applicant: KIMCO AUTOFUND, LP
 Zoning Board: BCC
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, July 1, 2011

REVISION	DATE	BY
	22	



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2011000072

Legend



Subject Property



Section: 07 Township: 56 Range: 40
 Applicant: KIMCO AUTOFUND, LP
 Zoning Board: BCC
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



SKETCH CREATED ON: Friday, July 1, 2011

REVISION	DATE	BY



**United States Department of the Interior
NATIONAL PARK SERVICE**

**Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034**

In Reply Refer to:

L30

July 18, 2011

Clerk of the Board, Suite 17-202
Stephen P. Clark Center
111 NW First Street
Miami, Florida 33128

Re: Process Number Z2009000176
Santa Fe Haciendas, LLC & CEMEX Construction Materials Florida, LLC

Dear Board of County Commissioners:

Santa Fe Haciendas, LLC has submitted an application to Miami-Dade County requesting an unusual use to permit a lake excavation on a site that is currently zoned for agriculture. The boundary of Everglades National Park is located approximately 2700 feet from the western edge of the excavation proposed in Phase 1 of the operation and approximately 700 feet from the western edge of the excavation proposed in Phase 2 of the operation. Given the proximity of this proposed excavation to Everglades National Park, we are concerned that the proposed excavation may have adverse impacts on the natural resources of the Park. It is our understanding that the current hearing process will only address Phase 1 of the operation; however, we have analyzed both phases of the proposal and have focused our assessment on potential impacts to Everglades National Park.

With respect to lake excavations east of Everglades National Park, technical analyses produced by the South Florida Water Management District (1998) and mining industry consultants (MacVicar, Frederico, & Lamb, 1997) indicate that the amount of seepage increases as lakes are located closer to the boundary of the Park. This seepage increase impacts hydrologic conditions in the adjacent wetlands/marshes of the Park and also impacts the ability to provide water downstream to protect eastern watersheds of the Park (e.g., supplying water to the downstream C-111 Detention Areas and the C-111 Spreader Canal Phase 1 Project). Based on these technical analyses and our assessment of potential impacts to the Park associated with the subject application, we support Phase 1 lake excavation that is no closer than 2,700 feet from the boundary of the Park.

The Park is also supportive of a condition, recommended by Miami-Dade County Department of Environmental Resources Management (DERM) (March 10, 2011), that a seepage management plan must be submitted to, and approved by, DERM prior to any excavation closer than 2,700 feet from the Park boundary. However, we recommend that the following three conditions should also be included in the permit:

1. The submitted seepage management plan must demonstrate that Phase 2 excavation will have no detrimental impacts on wetlands/marshes in Everglades National Park;
2. Prior to any excavation closer than 2,700 feet from the Park boundary, the seepage management plan must be implemented and fully operational; and

CLERK, CIRCUIT & COUNTY CT'S
MIAMI-DADE COUNTY, FLA.
#1



2011 JUL 21 PM 3:08

3. While Phase 1 excavation is underway, groundwater monitoring on adjacent lands shall be carried out to identify and characterize off-site impacts, if any, and to evaluate the results of groundwater modeling that has been conducted in advance of Phase 1 excavation.

We recommend that the above conditions be included in the Phase 1 permit to make it very clear to the applicant that Phase 2 excavation, closer to the Park, will not occur until a seepage management plan is submitted and approved by DERM; that there will be no detrimental impacts to wetlands/marshes in the Park associated with Phase 2 excavation; and that the seepage management plan is implemented and fully operational prior to Phase 2 excavation. The groundwater monitoring condition should provide valuable information in terms of subsequent consideration of Phase 2 excavation.

Please contact Roy Sonenshein (305-224-4250) or me (305-242-7712) if you have any questions in regard to the Park's position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan B. Kimball", with a stylized flourish at the end.

Dan B. Kimball
Superintendent

This instrument was prepared by:
Name: Kerri L. Barsh, Esq.
Address: Greenberg Traurig
333 Ave. of the Americas
40th Floor
Miami, FL 33131

Received by
Zoning Agenda Coordinator
JUL 20 2011

BCC ——— October 6, 2011
Item #A ——— 209-176
Santa Fe Haciendas &
Cemex Construction

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the Owner and its co-applicant, CEMEX Construction Materials Florida, LLC (the "Operator"), during consideration of Public Hearing No. 09-176 will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. **Compliance with Approved Plan.** The approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.
2. **Applicable Lake Excavation Plans.** The complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Planning and Zoning (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. **Progressive Sloping of Perimeter Banks.** The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM).
4. **Restoration.** Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of the DERM.

[L:\Forms\181837302_7

Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010
MIA 181,837,302v7 7-18-11

(Public Hearing)
09-176

Declaration of Restrictions

5. **Continuous Operations.** If the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.
6. **Ten-Year Duration.** The time for the completion of Phase I of the project, including the lake excavation and grading, shall be 10 years from commencement, and the work shall be carried on expeditiously so that the work will be completed within the allocated time.
7. **Fencing.** If, in the opinion of the Miami-Dade County Board of County Commissioners, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.
8. **Hours of Operation.** The hours of the lake excavation operation shall be controlled by the Director, except that the Operator shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Saturday and Sunday operation and/or hours of operation other than 7:00 A.M. to 5:00 P.M. on weekdays, may be allowed by the Director only if the same does not become a nuisance to the surrounding area.
9. **Financial Assurance.** To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Planning and Zoning, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees. The bond amount shall be based on the volume of cut required to create the approved slope configuration.
10. **Signage.** All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
11. **Department of Environmental Resources Management Requirements.** The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Department of Environmental Resources Management.
12. **Public Works Requirements.** The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works Department.
13. **Fire-Rescue Requirements.** The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.
14. **Compliance with All Applicable Permits.** All applicable federal, state and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.
15. **Landscaped Berm.** The Operator shall, prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and

Declaration of Restrictions

shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.

16. **Operational Setbacks.** The Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10 (the "Skiles Plan"), for a total of 5 sheets.
17. **Blasting Setbacks.** The Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.
18. **Assurance of Expansion of Contiguous Mining.** Operator shall obtain and renew on an annual basis, an Excavation Use Permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.
19. **Dust and Noise Abatement and Vibration Minimization Protocols.** The Operator shall comply with the dust and noise abatement practices and vibration minimization protocols set forth in the Good Neighbor Program dated June 13, 2011, and attached to this Declaration as Exhibit "B."
20. **Significant Reduction of Area to be Excavated.** The Operator shall not excavate, blast, or conduct mining outside the area designated on the Skiles Plan as Phase I, which is an approximate 172- acre area located more than a half-mile east of the Everglades National Park. Further excavation, blasting or mining on the Property outside the Phase I area shall require public hearing approval by the County Commission.
21. **Creation of Homeowners' Task Force.** Within thirty days of final approval of the unusual use, the Owner and Operator shall establish a Homeowners' Task Force whose responsibility is to meet with the neighboring residents on no less than a quarterly basis until mining is concluded, to discuss issues of concern and potential solutions, as well as educate and update the neighboring residents on mining activities. County staff will be invited to serve on the Task Force and venue for the meetings will be at a location and time convenient for the neighboring residents.
22. **Funding of County's Inspection and Enforcement Expenses.** Commencing within thirty days of final approval of the unusual use and annually thereafter until mining activities are concluded, the Owner and Operator shall deposit in an escrow with the Miami-Dade Department of Planning and Zoning, the sum of \$ 12, 000 to fund the

(Public Hearing)
09-176

Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010

Declaration of Restrictions

County's inspection and enforcement costs so as to ensure compliance with the conditions of approval, including this Declaration.

23. **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.
24. **Covenant Running with the Land.** This Declaration 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 its heirs, successors, and assigns until such time as the covenant 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 its heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
25. **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.
26. **Modification, Amendment, Release.** This Declaration 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 jointers 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.
27. **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.
28. **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.
29. **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

Declaration of Restrictions

to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

30. **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.
31. **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
32. **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 for Public Hearing No. 09-176. 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 for Public Hearing No. 09-176, in its entirety, and upon written request, the Director t or the executive officer of the successor of the Department of Planning and Zoning, 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.
33. **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.
34. **Owner.** The term, "Owner," shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

Declaration of Restrictions

(Space reserved for Clerk)

Signed, witnessed, executed and acknowledged on this 17th day of July, 2011.

IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

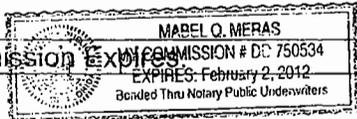
Witnesses:

Signature <i>Raquel P. Chong</i>	Santa Fe Haciendas, LLC, a Florida limited liability company
Print Name RAQUEL P. CHONG	By <i>[Signature]</i> Masoud Shojaee, Managing Member
Signature <i>Chantel Melendi</i>	
Print Name Chantel Melendi	
STATE OF FLORIDA	COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Masoud Shojaee, the Managing Member of Santa Fe Haciendas, LLC, on behalf of the LLC. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 17th day of July, 2011, in the County and State aforesaid.

	<i>[Signature]</i>
	Signature
	Notary Public-State of Florida
	Print Name



Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010

(Public Hearing)
09-176

Declaration of Restrictions

Exhibit "A"

Legal Description:

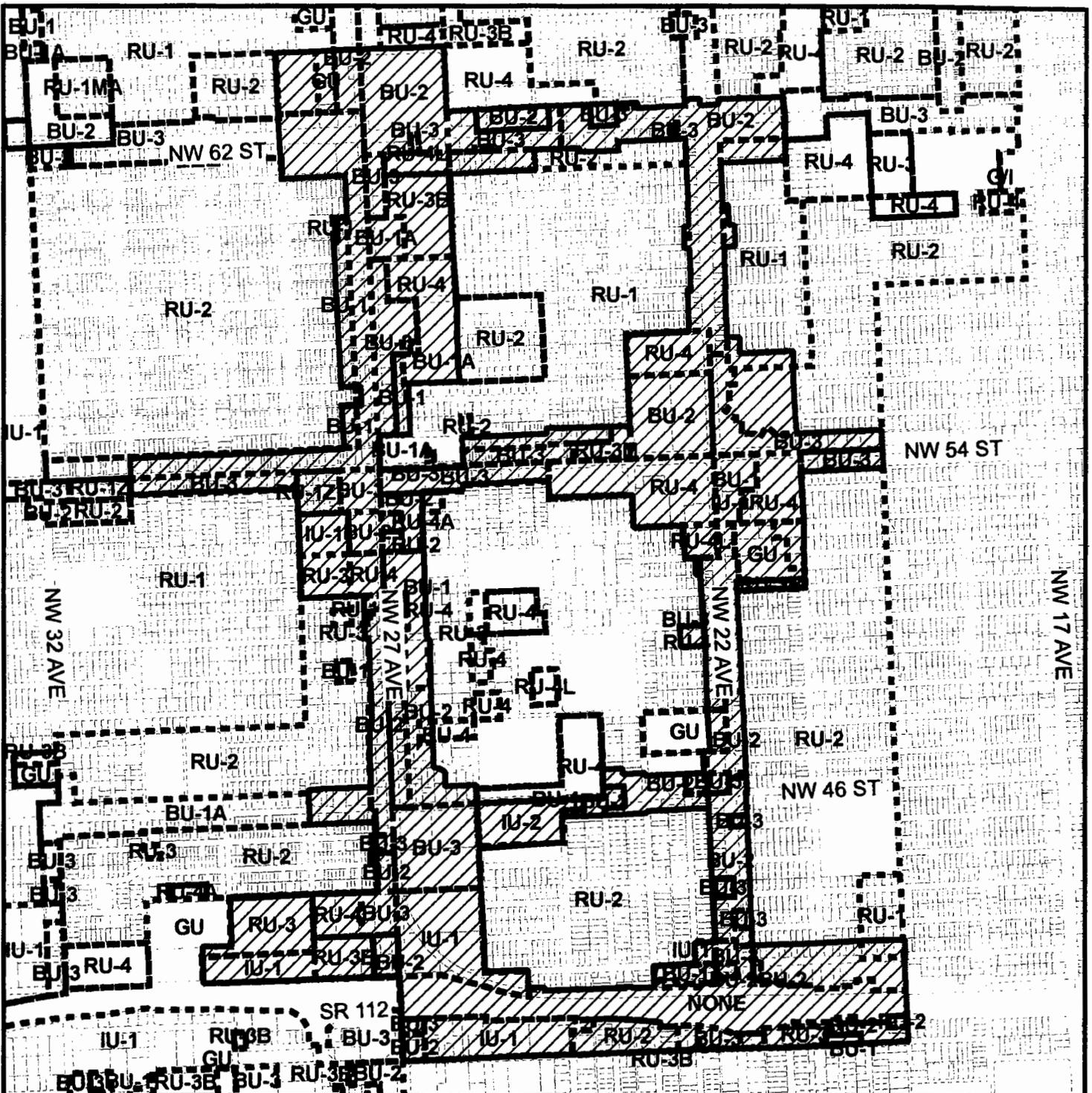
A PORTION OF SECTION 1, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NO2'06'03"W, ALONG THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1980.77 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE NO2'06'03"W, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 3299.09 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE N89'30'05"E, ALONG THE NORTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 5279.86 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S02'06'00"E, ALONG THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 1493.52 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE TO SAID POINT BEARS N76'17'57"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, SAID ARC BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 177TH AVENUE (KROME AVENUE), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87150, SHEET 25 OF 29, SAID ARC HAVING A RADIUS OF 5954.58 FEET, THROUGH A CENTRAL ANGLE OF 15'48'03" FOR AN ARC DISTANCE OF 1642.14 FEET TO A POINT OF TANGENCY; THENCE S02'06'00"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE BEING 225.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 177.88 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1181.98 FEET; THENCE S02'06'00"E, ALONG A LINE 1406.52 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1320.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 1232.57 FEET; THENCE NO2'06'03"W, ALONG A LINE 2639.13 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, FOR A DISTANCE OF 660.26 FEET; THENCE S89'30'05"W, ALONG A LINE 1980.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, FOR A DISTANCE OF 2640.16 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED LAND SITUATED, BEING AND LYING IN MIAMI-DADE COUNTY, FLORIDA.

Section-Township-Range: Section 1- Township 55 South - Range 38 East
Folio number: 30-5801-000-0010

(Public Hearing)
09-176



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z201000026

Legend

-  Zoning
-  Subject Property Case



Section: 16/15/21/22 Township: 53 Range: 41
 Applicant: THE DEPARTMENT OF PLANNING & ZONING
 Zoning Board: BCC
 Commission District: 2/3
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, April 16, 2010

REVISION	DATE	BY
Removed parcel 30-3115-052-0010	07/07/11	KWS