



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS
THURSDAY, OCTOBER 20, 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>PREVIOUSLY DEFERRED</u>		<u>HEARING #</u>	<u>DISTRICT</u>
A.	<u>SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, 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).		
B.	<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)		
C.	<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)		



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, OCTOBER 20, 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 10-06-11

B. 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: _____ 1 _____

Waivers: _____ 0 _____

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

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

DEFERRED: _____

Deferred from 10-06-11

C. 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: _____

Deferred from 10-06-11

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 Permitting Environment & Regulatory Affairs 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 Permitting Environment & Regulatory Affairs 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: 10/20/11

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:10-06-2011

#Z-

ITEM: A.

**APPLICANT: Santa Fe Haciendas, LLC & Cemex
Construction Florida, LLC
(11-3-CC-2/09-176)**

MOTION: Deferred to October 20, 2011.

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

ZONING ACTION



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

DATE: 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
ITEM: A.

#Z-

**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 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: 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 20, 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 October 6, 2011, meeting at the request of the Commissioner within whose District the subject property is located. 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: 10/06/11
MCL:GR:NN:AA:CH


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

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

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

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 CDM 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.

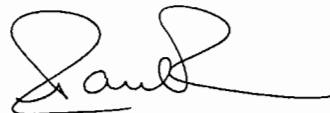
Lake slopes are to comply with Miami-Dade County Code requirements and the Public Works Manual of Miami-Dade County.

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

PLANNING AND ZONING
AGENDA OFFICE



BCC 3-17-11
09-176
FOR FILE
WAPLETON
Mark W

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

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

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

RECEIVED
209-176
MAR 04 2011

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

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, appearing to read "Brian Blanchard". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

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

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**

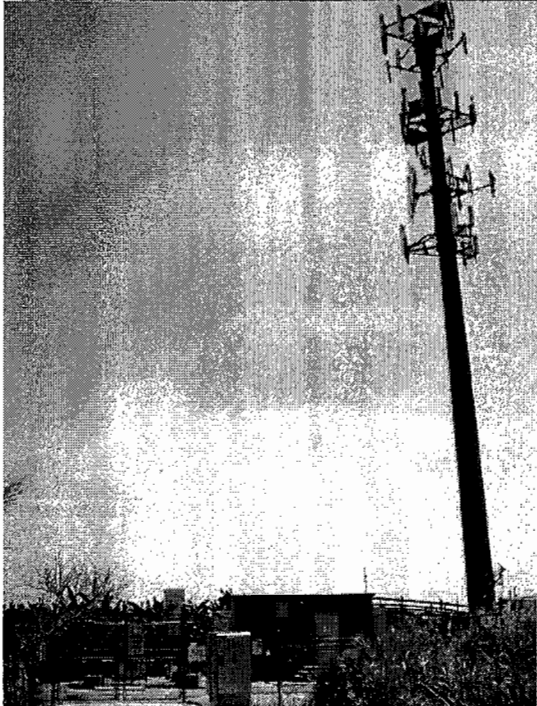
Evaluator **N/A**

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

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

Comments:



Date: 17-MAY-11

Comments: SOUTH OF SE CORNER OF SUBJECT PROPERTY AKA 17805 SW 100 ST DAISY'S NURSURY 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**



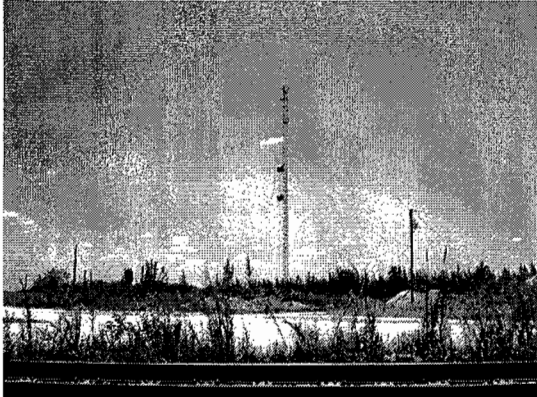
Date: 17-MAY-11

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>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

TRUST/ESTATE NAME:

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

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

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

32

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.

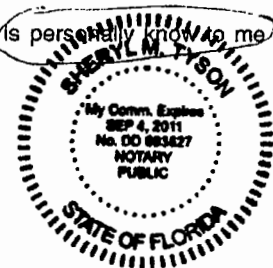
Signature: _____
(Applicant)

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

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

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

TRUST/ESTATE NAME: _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
67

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.

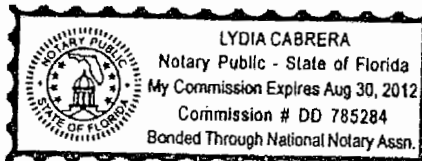
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

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)

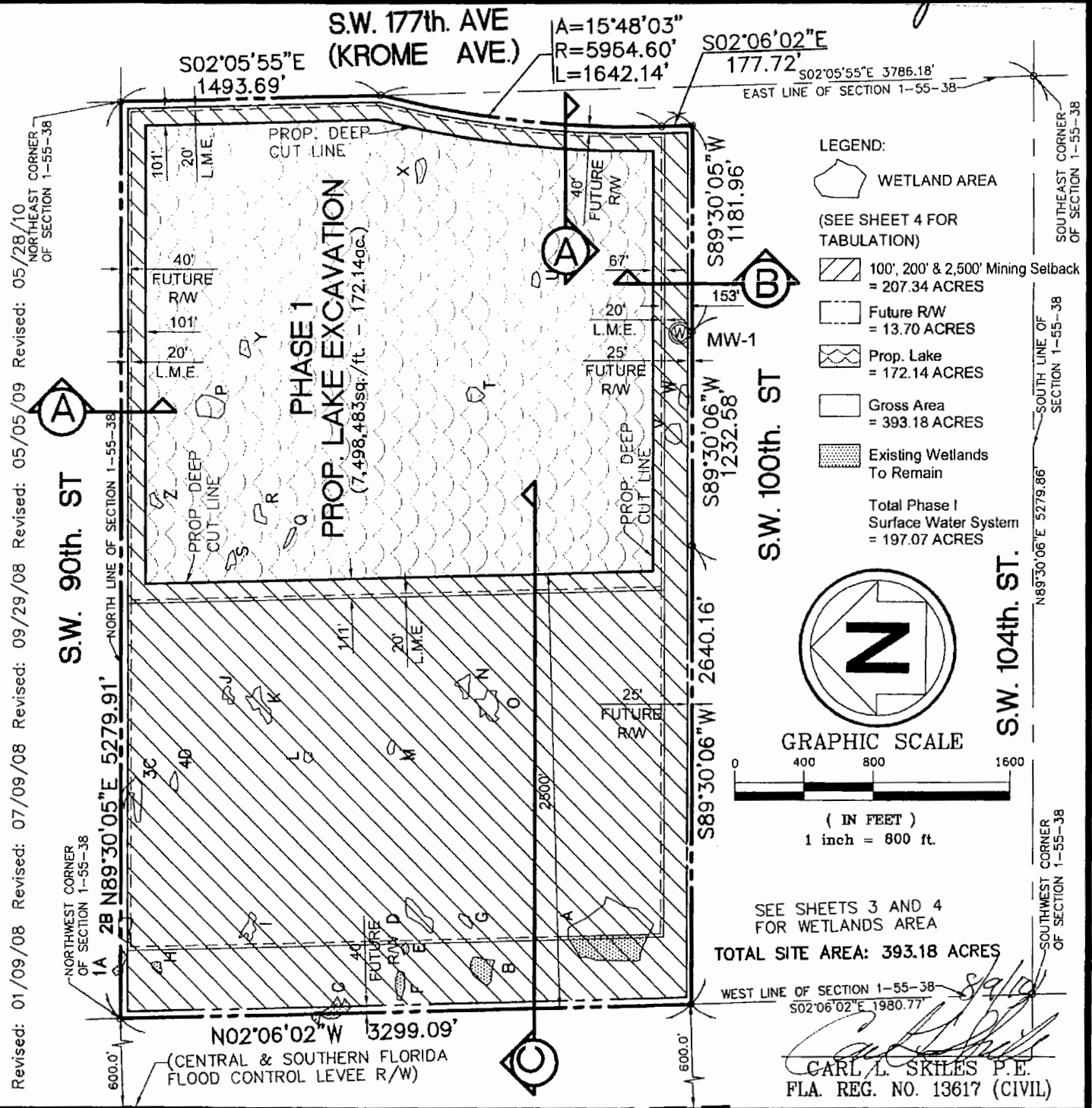
My commission expires 8/30/12



*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.

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35
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

Rev#1 209-176
AG 7
JST



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

LAKE MINING PLAN - 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	09/18/06
Scale	1"=800'
Job. No.	067027
Dwg. No.	1006-192
Sheet	2 of 6

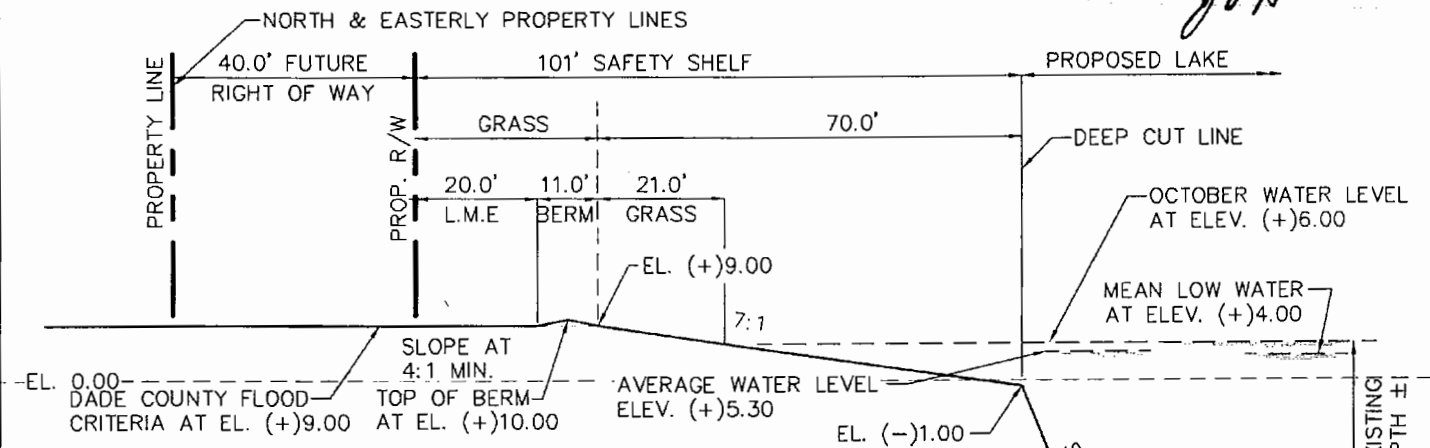
36

99 27 26



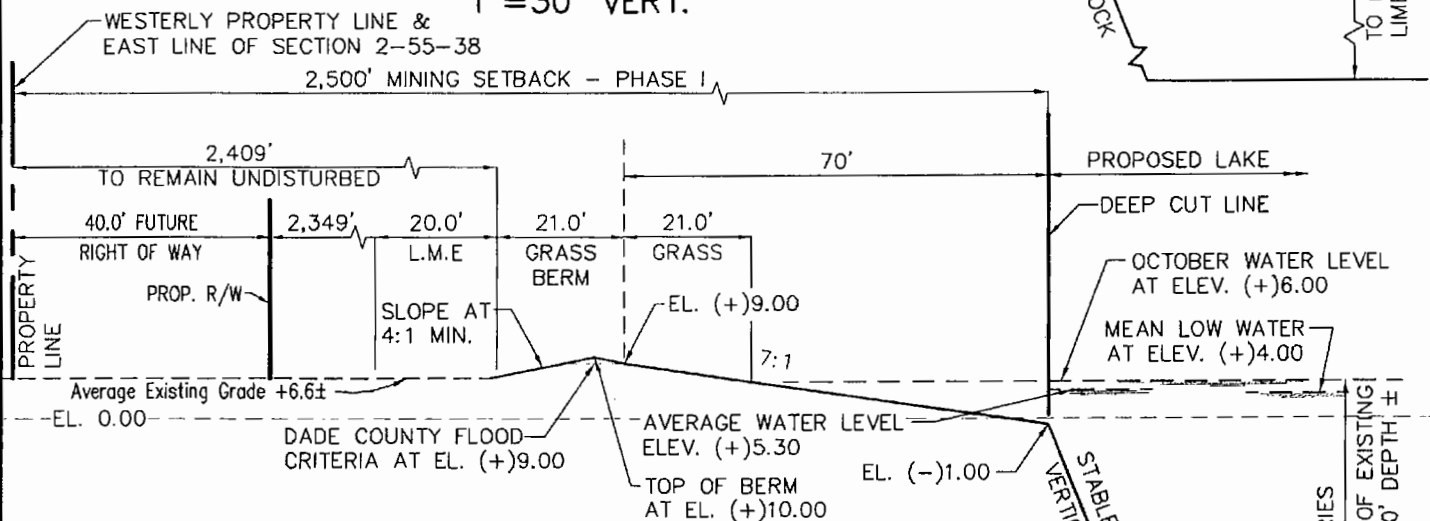
Rev#1 209-176
AG 7

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

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

PROP. LAKE EXCAVATION - Section 1-55-38

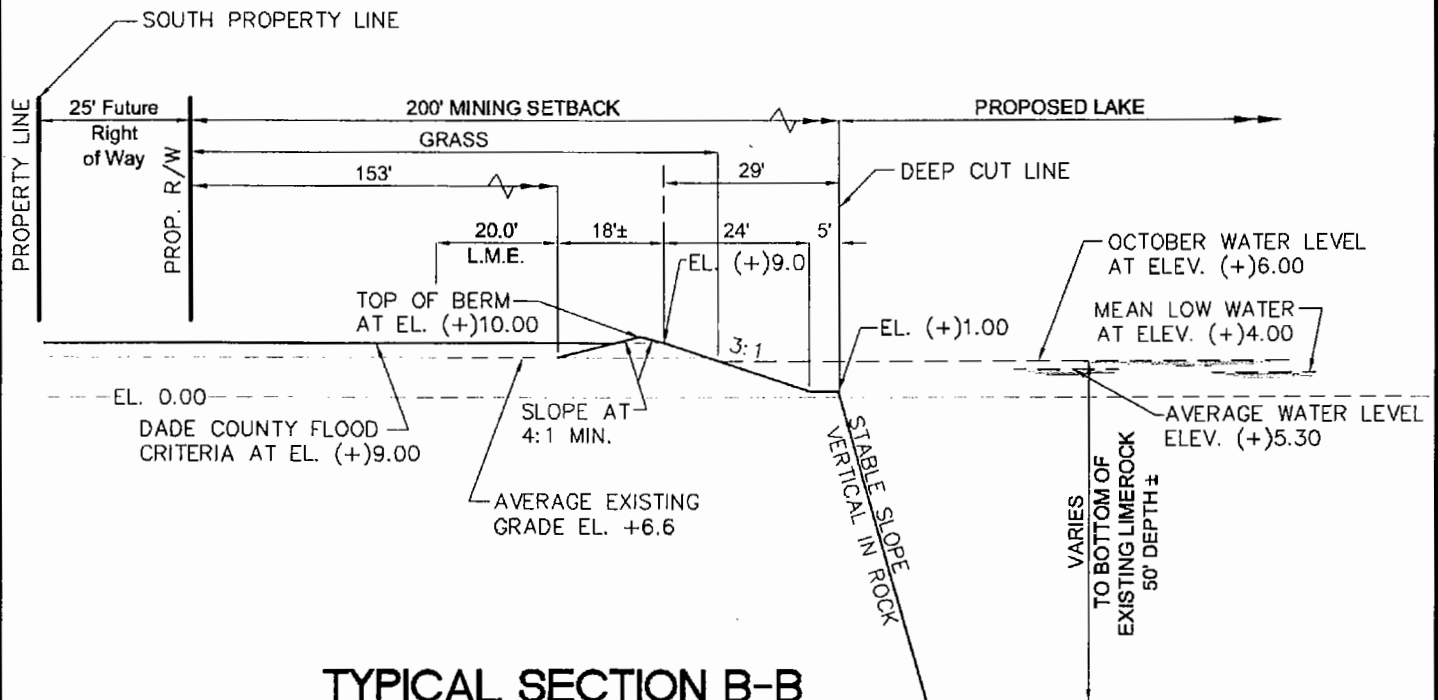
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

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

38

Rev#1 209-176
167

JST



**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
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

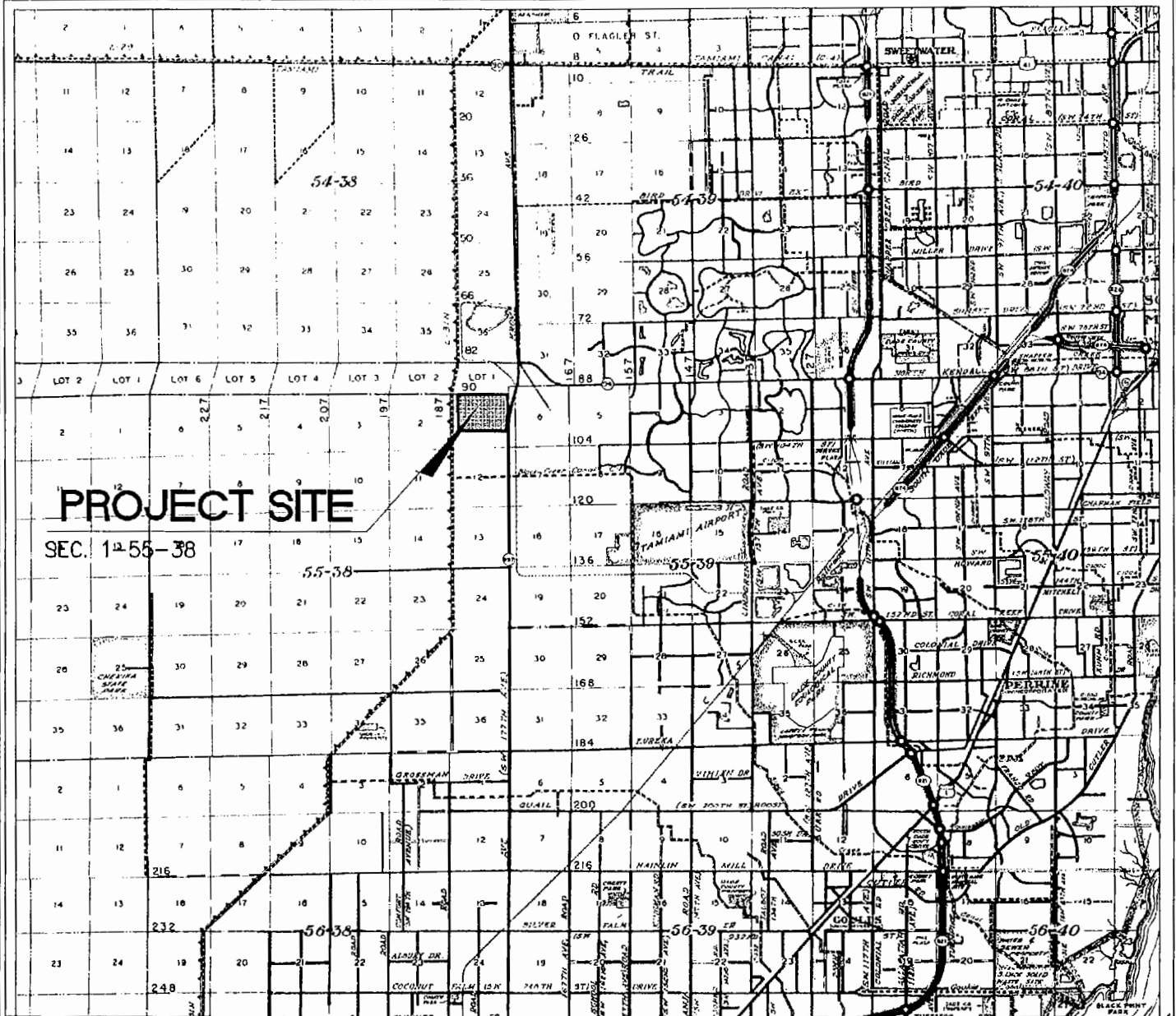
FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

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

209-176

REV#1

JST



LOCATION SKETCH

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



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

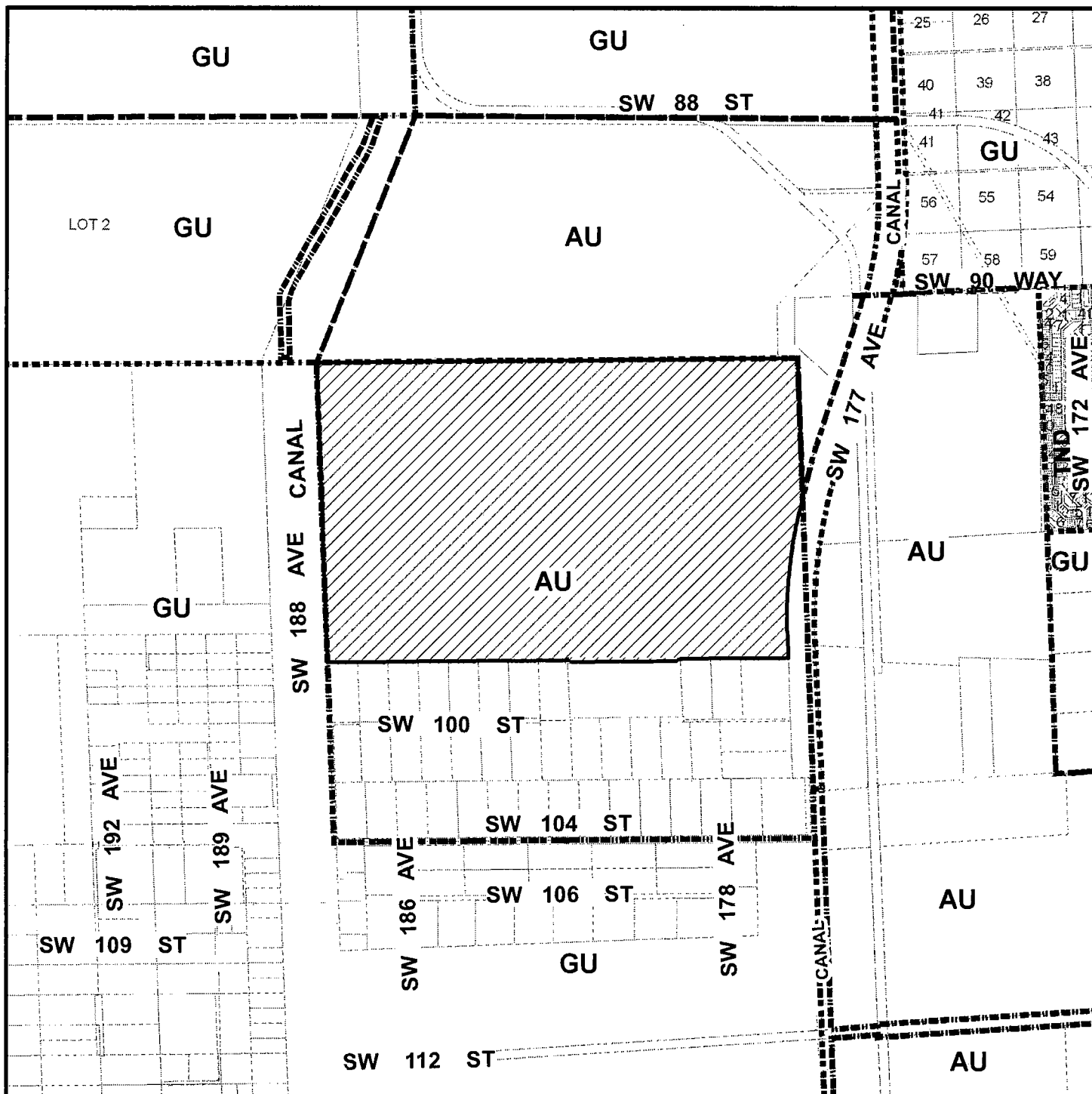
Revised: 09/29/08
Revised: 07/09/08
Revised: 01/09/08

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

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@flssurvey.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

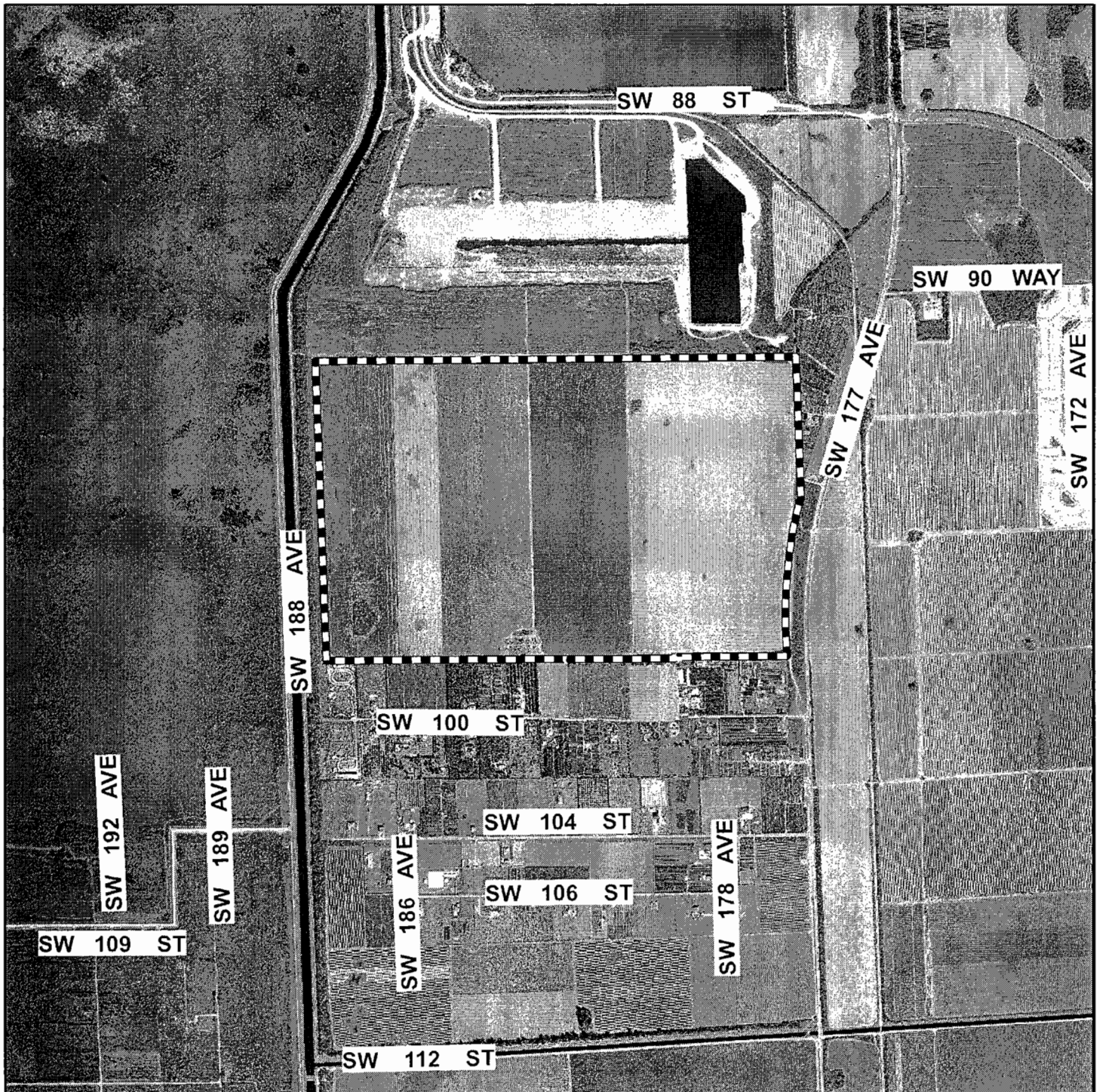


SUBJECT PROPERTY



SKETCH CREATED ON: 01/25/10

REVISION	DATE	BY
Revised Legal	10/09/10	Jgurd
		41



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 20, 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

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 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]

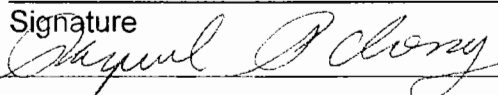
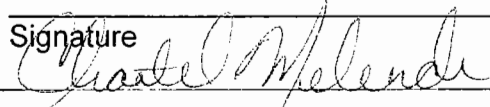
Declaration of Restrictions

(Space reserved for Clerk)

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

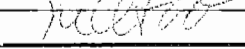
IN WITNESS WHEREOF, Santa Fe Hacienda, LLC, (the "Owner"), has caused this Declaration of Restrictions to be signed in its name by its proper officials.

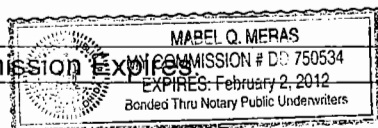
Witnesses:

Signature 	Santa Fe Haciendas, LLC, a Florida limited liability company
Print Name RAQUEL P. CHONG	
Signature 	By Masoud Shojaee, Managing Member
Print Name Chantel Melendez	
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.

	
	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, October 6, 2011

ITEM

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

Board of County Commissioners
(Present)

Audrey Edmonson, Vice Chairwoman
Bruno A. Barreiro
Barbara Jordan
Dennis C. Moss
Senator Javier Souto
Esteban Bovo, Jr.
Lynda Bell
Xavier L. Suarez
Jean Monestime

County Attorney's Office

Craig Collier and John McInnis
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.

I N D E X

VICE CHAIRWOMAN EDMONSON: 3-12.

COMMISSIONER BOVO: 6.

COMMISSIONER HEYMAN: 6, 9.

COMMISSIONER SUAREZ: 9.

COMMISSIONER MOSS: 10.

COMMISSIONER BELL: 10.

COMMISSIONER BARREIRO: 11.

S T A F F

MR. LaFERRIER: 3-5, 11.

MR. COLLIER: 5-11.

ON BEHALF OF THE APPLICANT

MR. PRICE: 9-10.

SPEAKER

MS. REYNOLDS: 6, 7, 9, 10.

1 VICE CHAIRWOMAN EDMONSON: Good
2 morning, everyone, and welcome to the
3 zoning meeting for October 6, 2011.

4 Would everyone please stand for a
5 moment of silence, followed by the Pledge
6 of Allegiance.

7 (Moment of Silence).

8 (Pledge of Allegiance).

9 VICE CHAIRWOMAN EDMONSON: Good
10 morning.

11 Mr. Director, could you please --

12 MR. LaFERRIER: Good morning, Madam
13 Chair; good morning, Commissioners. This
14 morning's zoning agenda includes five
15 agenda items.

16 I'll read now the Statement of Notice
17 of Records.

18 In accordance with Miami-Dade County,
19 all items will be heard today have been
20 legally advertised in the newspaper,
21 notices have been mailed and the
22 properties have been posted. Additional
23 copies of the agenda are available here in
24 the chambers.

25 Items will be called up to be heard

1 by agenda number and name of applicant.

2 The record and the file of the
3 hearing for each application will include
4 documents from the public, agencies, and
5 the Department of Environment and
6 Regulatory Affairs. And where there's an
7 appeal from the Community Zoning Appeal
8 Boards, we also have the transcripts from
9 those hearings.

10 All documents today are physically
11 present, available to all interested
12 parties and available to Members of the
13 Board of County Commissioners, who may
14 examine these items from the record during
15 the hearing.

16 Parties have the right to
17 cross-examination.

18 This statement, along with the fact
19 that all witnesses have been sworn, should
20 be included in any -- in any and all
21 transcripts of these proceedings.

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

1 Madam Clerk, can you please swear in
2 the witnesses.

3 THE CLERK: Please stand and raise
4 your right hand.

5 Do you solemnly swear that the
6 testimony you're about to give is the
7 truth, the whole truth and nothing but the
8 truth, so help you God.

9 (All swear).

10 THE CLERK: Thank you.

11 VICE CHAIRWOMAN EDMONSON: Mr.
12 Attorney, I have a note here from the
13 Chair. Is it the appropriate time to read
14 that in reference to Santa Fe?

15 MR. COLLER: We can. Typically at
16 this point, you would ask if there are any
17 request for deferrals.

18 VICE CHAIRWOMAN EDMONSON: Well,
19 that's what I'm --

20 MR. COLLER: So this would be the
21 perfect time for that.

22 VICE CHAIRWOMAN EDMONSON: Okay. And
23 since the Chairman will not be present,
24 and Item A regarding Santa Fe is in his
25 district, I would like to move for

1 deferral of this item until October 20th.

2 COMMISSIONER BOVO: Second.

3 COMMISSIONER HEYMAN: Second.

4 MR. COLLER: We need to get --

5 VICE CHAIRWOMAN EDMONSON: See if
6 there's any objectors?

7 MR. COLLER: Ask if there's any
8 objections to the deferral.

9 VICE CHAIRWOMAN EDMONSON: Okay. Are
10 there any objections on the deferral?

11 MS. REYNOLDS: I would like to just
12 say something on the record.

13 VICE CHAIRWOMAN EDMONSON: Could you
14 please come forward, ma'am, and state your
15 name and address. This is in referral to
16 this deferral, correct?

17 MS. REYNOLDS: Yes.

18 VICE CHAIRWOMAN EDMONSON: It's in
19 reference, rather.

20 MS. REYNOLDS: Yes. I'm not sure
21 I'll be able to be here on the 20th, but I
22 wanted to make sure that a letter from an
23 expert, Tom Van Lent from the Everglades
24 Foundation will be submitted into the
25 record today. I found out that it wasn't

1 on the record, so --

2 VICE CHAIRWOMAN EDMONSON: Okay. You
3 can give that to the clerk.

4 MS. REYNOLDS: Sorry. Laura
5 Reynolds, Tropical Audubon Society, 5530
6 Sunset Drive, Miami, Florida.

7 MR. COLLIER: Madam Chairwoman.

8 VICE CHAIRWOMAN EDMONSON: Yes.

9 MR. COLLIER: On that issue, we, at
10 the last hearing, deferred the matter, but
11 two items were admitted for purposes of
12 the record. And I had explained at that
13 time, although we had closed the public
14 hearing, that the hearing would need to be
15 opened to address those two items. One
16 was, I believe, a letter from the
17 Everglades National Park. The other was
18 the applicant's revised covenant. If this
19 item is admitted, which is certainly okay,
20 the Board just needs to understand that
21 when this item comes back before you, you
22 will need to open the hearing for at least
23 these three items, so that both sides can
24 address this letter.

25 VICE CHAIRWOMAN EDMONSON: Okay.

1 That's fine. And I think we already did
2 establish that in the last meeting.

3 MR. COLLIER: Right, for those two
4 items. So this would be an additional
5 item that the hearing would be opened for.

6 VICE CHAIRWOMAN EDMONSON: Okay. So
7 you're recommending that we allow today
8 those items to be included.

9 MR. COLLIER: Right. Well, two of
10 those items --

11 VICE CHAIRWOMAN EDMONSON: And we'll
12 defer it before we have any --

13 MR. COLLIER: Yeah, two of those items
14 were included.

15 VICE CHAIRWOMAN EDMONSON: Correct.

16 MR. COLLIER: This item had previously
17 not been included.

18 VICE CHAIRWOMAN EDMONSON: So what
19 she needs to do is submit it to the clerk,
20 and then we vote up here.

21 MR. COLLIER: You vote to -- you would
22 vote to accept -- to accept it and then
23 there will be a motion to defer the item.

24 VICE CHAIRWOMAN EDMONSON: Okay. Can
25 I get a motion to accept the documents

1 that she's referring to.

2 COMMISSIONER SUAREZ: So moved.

3 COMMISSIONER HEYMAN: Second.

4 VICE CHAIRWOMAN EDMONSON: Okay.

5 It's been moved and second to accept.

6 Anyone wish to be recorded no on

7 that?

8 Okay, your documents will be

9 accepted.

10 MS. REYNOLDS: Thank you.

11 VICE CHAIRWOMAN EDMONSON: Is this on
12 the deferral?

13 MR. PRICE: No, it's -- the document
14 that was just proffered, we'd like to --
15 my name is Stanley Price with Bilzin
16 Sumberg representing the applicant. We'd
17 just like to get a copy of the letter
18 before we come back here in two weeks.

19 VICE CHAIRWOMAN EDMONSON: Okay.
20 Once it's been submitted to the clerk,
21 it's public record, and you will be able
22 to get it, Mr. Price.

23 MR. PRICE: But when will it be
24 submitted to the clerk?

25 MR. COLLIER: It's going to be done

1 right now, I believe, isn't it?

2 MS. REYNOLDS: May I say something?
3 This was -- this was submitted on July 14,
4 2011 to the clerk. And for some reason,
5 it wasn't put on the record, so just --
6 I'm not sure.

7 VICE CHAIRWOMAN EDMONSON: Just
8 submit it. We already voted on it, so it
9 can be submitted.

10 MS. REYNOLDS: Thank you.

11 VICE CHAIRWOMAN EDMONSON: But I
12 would like for it to be submitted to the
13 clerk first to be made public record
14 before you start handing out -- okay.
15 Thank you.

16 Now we'll take up the deferral.
17 That's been moved and second. Anyone
18 wish to --

19 COMMISSIONER MOSS: I think --

20 VICE CHAIRWOMAN EDMONSON: It was
21 moved, wasn't it?

22 COMMISSIONER MOSS: You moved it.

23 VICE CHAIRWOMAN EDMONSON: Oh, okay.
24 Can someone move it?

25 COMMISSIONER BELL: I'll move.

1 CHAIRMAN BARREIRO: Second.

2 VICE CHAIRWOMAN EDMONSON: Moved,
3 second. Anyone wish to be recorded no on
4 the deferral?

5 Okay, that item has been deferred
6 until the 20th.

7 MR. COLLIER: So there's no further
8 notice. So that anyone here who is for
9 that item, just mark it in your calendar
10 as far as the date goes.

11 VICE CHAIRWOMAN EDMONSON: Okay.

12 MR. LaFERRIER: Madam Chair, before
13 the next item, I'd like to take a moment
14 for the Clerk to also swear in the
15 translators.

16 VICE CHAIRWOMAN EDMONSON: The
17 translators, come on down.

18 THE CLERK: Raise your right hand.
19 Do you swear or affirm that you will make
20 a true interpretation of the questions
21 asked and the testimony given?

22 THE INTERPRETER: I swear.

23 THE INTERPRETER: I do.

24 THE CLERK: Thank you.

25 VICE CHAIRWOMAN EDMONSON: Thank you,

1 Madam Clerk.

2 (Thereupon, the hearing on Santa Fe
3 Haciendas and CEMEX Construction was
4 concluded).

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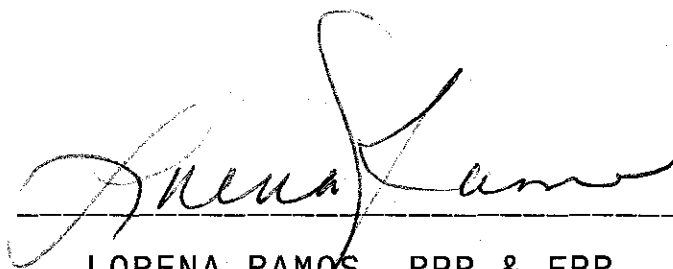
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CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the hearing of SANTA FE HACIENDAS and CEMEX CONSTRUCTION held before the Board of County Commissioners on the 6th day of October 2011, and that the transcript, pages 1 through 12, is a true and correct record of my stenographic notes.

DATED this 10th day of October 2011 at Miami-Dade County, Florida.

A handwritten signature in cursive script, appearing to read 'Lorena Ramos', is written over a horizontal line.

LORENA RAMOS, RPR & FPR

COURT REPORTER

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
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On behalf of the Applicant

Stanley Price, Esq.

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. COLLIER: 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. COLLIER: 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. COLLIER: Unless the Chairman
18 chooses to open the hearing.

19 CHAIRMAN MARTINEZ: Correct.

20 MR. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. Collier.

24 MR. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: No, there's no --

23 COMMISSIONER BARREIRO: Even better.

24 COMMISSIONER MARTINEZ: No.

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

1 motion failed.

2 CHAIRMAN MARTINEZ: Right.

3 MR. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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. COLLIER: 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.

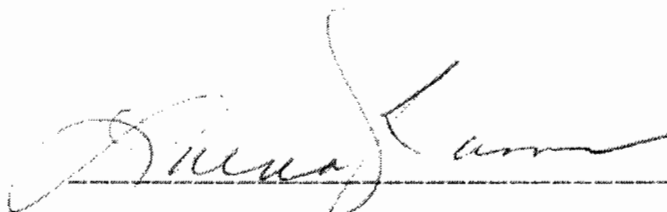
21 COMMISSIONER BELL: Thank you, Mr.
22 Chair.

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

CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the hearing of Santa Fe Haciendas, LLC & Cemex Construction Materials Florida, LLC, #09-176, before the Board of County Commissioners of Miami-Dade County on the 21st day of July 2011, and that the transcript, pages 1 through 21, is a true and correct record of my stenographic notes.

DATED this 9th day of August 2011 at Miami-Dade County, Florida.

A handwritten signature in cursive script, appearing to read 'Lorena Ramos', is written over a horizontal dashed line.

LORENA RAMOS, RPR & FPR

COURT REPORTER

B. DOWNTOWN DADELAND RETAIL, LLC.
(Applicant)

10-11-C12-3 (10-044)
BCC/District 07
Hearing Date: 10/20/11

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 dinning. - 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.

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:** 10-06-2011**#Z-****ITEM: 1.****APPLICANT: Downtown Dadeland Retail, LLC
(10-11-\C12-3/10-044)****MOTION:** Deferred to October, 20, 2011

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro		X		
Bell		X		
Bovo		X		
Diaz				X
Heyman	S	X		
Jordan	M	X		
Monestime		X		
Moss		X		
Sosa				X
Souto		X		
Suarez		X		
Vice Chairwoman Edmonson		X		
Chairman Martinez				X
TOTAL		10	0	3

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

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

A

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.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input type="checkbox"/> TO: _____ <input type="checkbox"/> W/LEAVE TO AMEND
<input checked="" type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input checked="" 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 type="checkbox"/>		

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

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

A

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

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

#3

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

REPRESENTATIVE: Ben Fernandez

HEARING NUMBER

10-11-CZ12-3 (10-044)

HEARING DATE

November 18, 2010

RESOLUTION NUMBER

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**

6

**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 20, 2011

COMMISSION DISTRICT: 7

ITEM NO.: B

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 10 sheets, dated stamped received 7/9/10. 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:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

DKUCD; mixed use residential and retail uses

Community Urban Center

Surrounding Properties:

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 item was deferred from the October 6, 2011, meeting of the BCC to allow the applicant to meet with the community.

The applicant submitted revised plans within the scope of the advertisement on September 26, 2011. Said plans indicate the removal of four (4) of the cantilever signs from the two (2) southernmost buildings along Dadeland Boulevard and replace them with two (2) cantilever signs that extend diagonally from the building. 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 lights on 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 cantilever projecting signs 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.

Staff notes that the proposed cantilever signs rise approximately 10' above the height of the first floor businesses. This results in a visual intrusion on the residential units above the businesses. 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 10 sheets, dated stamped received 1/14/11 and last amended 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:

10/06/11

MCL:GR:NN:AA:CH


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

NDN
GR

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name.

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.

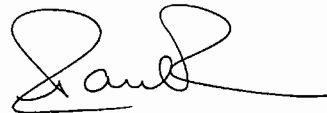
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

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.

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.

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.Y.* 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, Esq.

Print Name

200 South Biscayne Boulevard, Suite 850

Mailing Address

Miami

FL 33131

305-377-6235

Phone

305-377-6222

Fax

Signed _____

Print Name

Mailing Address

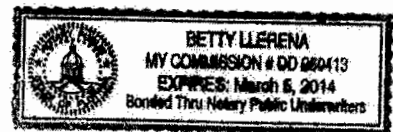
Phone

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

Print Name

Signature

Print Name

Appellant's Signature

Ben Fernandez, Esq.
Print Name

Appellant's 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.

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

Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL



DATE: 18-AUG-11
REVISION 3

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

Z2010000044 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 FLLOORS 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 SURROUDING PROPERTIES.

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z2010000044** 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: **Z2010000044** 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: **Z2010000044** 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: **Z2010000044** 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: **Z2010000044** 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.



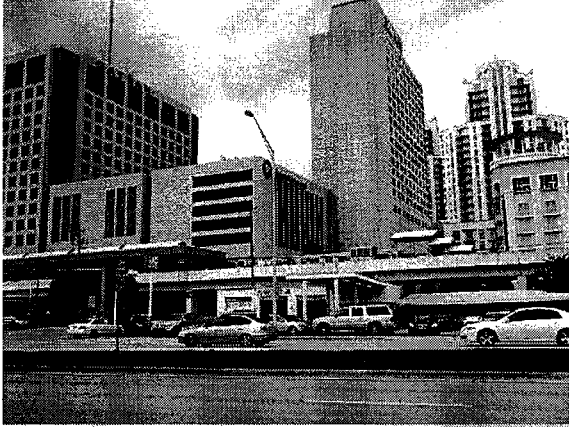
Date: 18-AUG-11

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

Inspector **HASSUN, PEDRO**

Evaluator **CARL HARRISON**

Process Number: **Z2010000044** 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: **Z2010000044** Applicant Name **DOWNTOWN DADELAND RETAIL, LLC.**



Date: 18-AUG-11

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

RECEIVED
 2010-09-26
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *SH*

ENLARGED SITE PLAN

GARAGE ENTRY CANOPY DIRECTIONAL SIGNS

AD GARAGE ENTRY CANOPY DIRECTIONAL SIGNS

PARKING DIRECTIONAL SIGN P1

PARKING DIRECTIONAL SIGN P1

A5	B1
A6	B2
	B3
	B4
	B5
	B6
Building B	
Building C	C1
	C2
	C3
	C4
Building D	D1
	D2
	D3
	D4
Building E	E1
	E2
Building F	F1
	F2

SW 88th STREET / NORTH KENDALL DRIVE

SW 89th STREET

SW 72ND PLACE

SW 89th WAY

SOUTH DADELAND BOULEVARD

ZONING HEARINGS PLANS REVIEW

☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: *Parade*

ON: *9/26/11*

ZONING EVALUATOR

☒ PLANS ACCEPTABLE

☐ NOT ACCEPTABLE

By: *[Signature]*

9/26/11

TYPE 1 BANNER SIGNS ALONG STREETS

PARKING DIRECTIONAL SIGNS P2 & P3

PARKING DIRECTIONAL SIGNS P2 & P3

38

28.23 4 sign

ZONING HEARING PLANS REVIEW

☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: DANAL

ON: 9/26/11

ZONING EVALUATOR

☒ PLANS ACCEPTABLE

☐ NOT ACCEPTABLE

By: [Signature] 9/26/11

Barrier Sign Schedule

Building Name	Barrier 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
	B3	1	NE Corner
	B4	1	NW Corner
Building C	C1	1	SW Corner
	C2	1	SW Corner
	C3	2	NE Corner
	C4	2	NE 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
	E3	1	SW Corner
	E4	1	SW Corner
Building F	F1	1	West
	F2	1	West
	F3	1	West
	F4	1	West

PROPOSED SITE MODIFICATIONS

Board of County Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

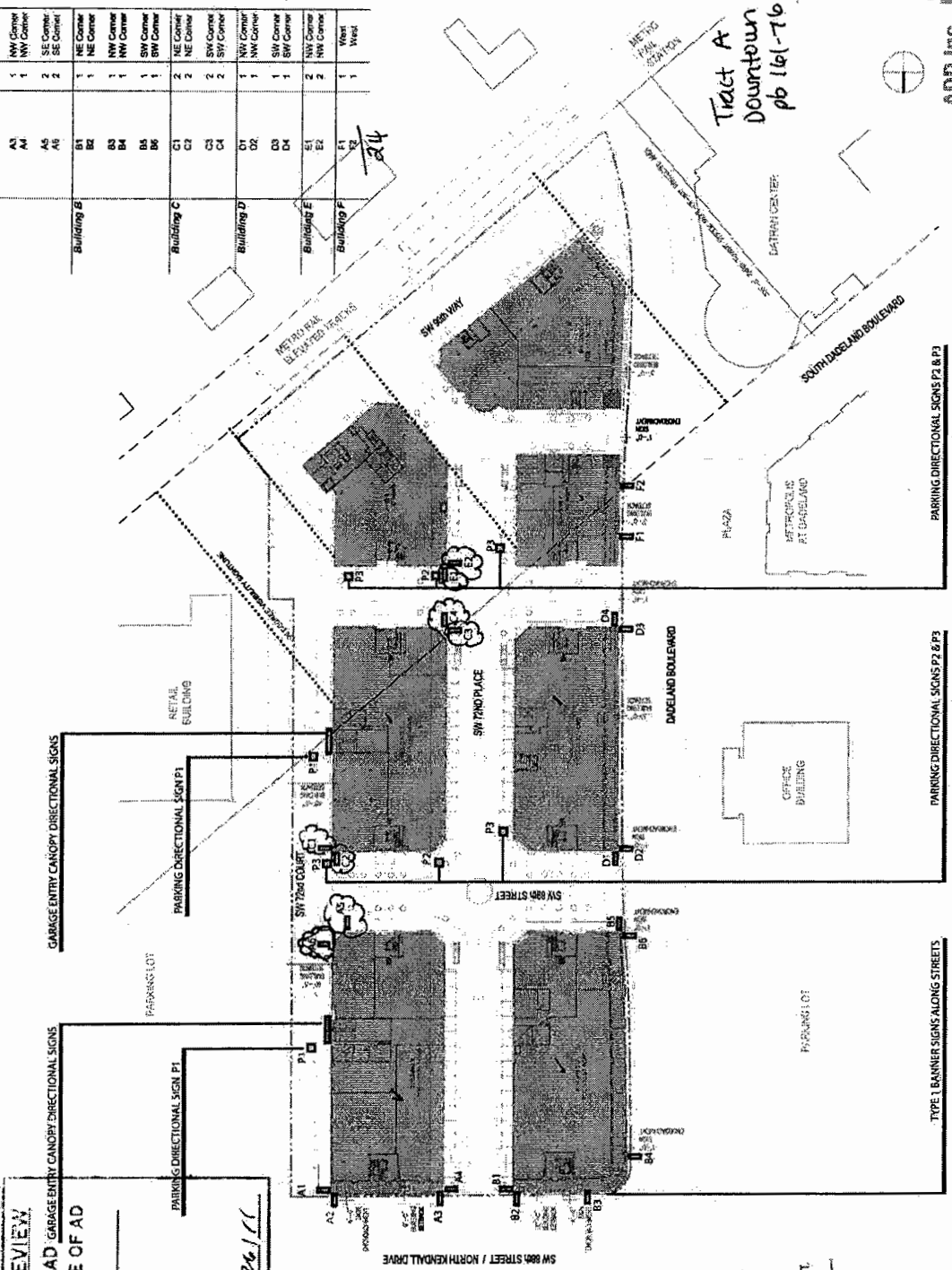
Tract A
 Downtown
 pb 161-76

ARCHITECTURE + DESIGN
 ADD Inc
 10000 SW 12th St
 Suite 100
 Miami, FL 33186
 Tel: 305.555.1234
 Fax: 305.555.1235
 Email: info@addinc.com

A-8

PROPOSED SITE PLAN
 1"=50'

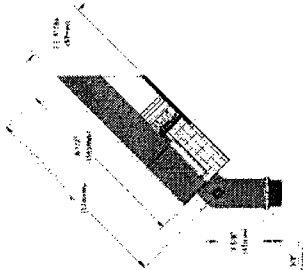
-28.23 # signs



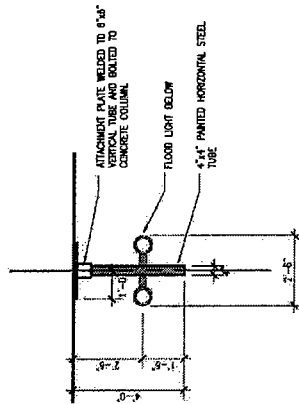
RECEIVED
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 SEP 26 2011
 BY: [Signature]

PROJECT #09163.00

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 210-04
 DATE SEP 26 2011
 BY: SDB



BANNER SIGN LIGHT FIXTURE - CUTAWAY VIEW
 NO SCALE



BANNER SIGN PLAN
 1/2"=1'-0"

RECEIVED
 SEP 26 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

PROJECT #09163.00

ZONING HEARING PLANS REVIEW

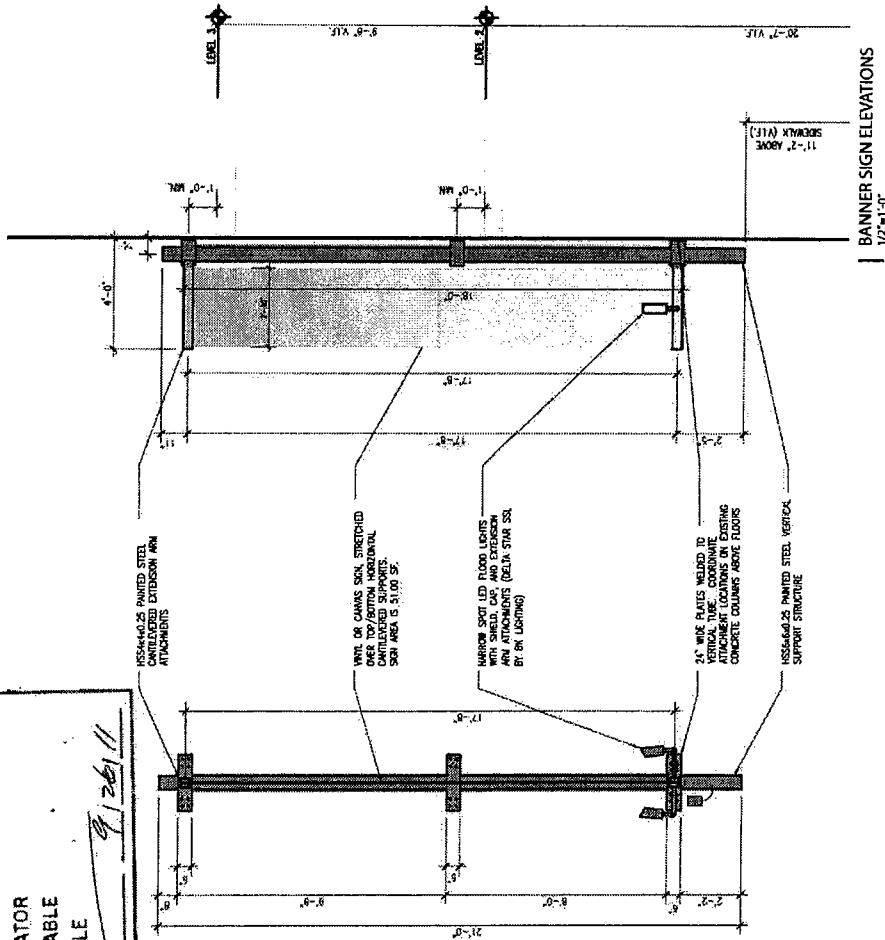
☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: David
 ON: 09/26/11

ZONING EVALUATOR

☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

By: [Signature] 9/26/11



BANNER SIGN ELEVATIONS
 1/2"=1'-0"

TYPE I BANNER SIGNS LOCATED ALONG NORTH
 KENDALL DRIVE AND DADELAND BOULEVARD:
 A1, A2, A3, A4, B1, B2, B3, B4, B5, B6, D1, D2, D3, D4, F1, F2

BANNER SIGN TYPE 1
 DETAILS

Board of County
 Commissioners Hearing
 09/26/11

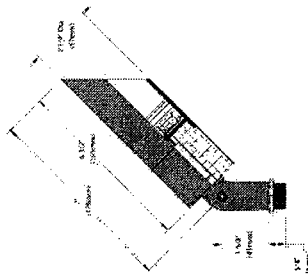
DOWNTOWN DADELAND
 7220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

ADD Inc
 155446-25 PAINTED STEEL
 CANTILEVERED EXTENSION ARM
 ATTACHMENTS
 155446-25 PAINTED STEEL
 VERTICAL SUPPORT STRUCTURE
 ARCHITECTURE + DESIGN

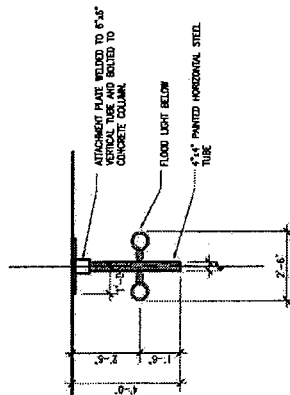
ADD Inc

A-9

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



BANNER SIGN LIGHT FIXTURE - CUTAWAY VIEW
 NO SCALE



BANNER SIGN PLAN
 1/2" = 1'-0"

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

PROJECT #09163.00

ZONING HEARING PLANS REVIEW

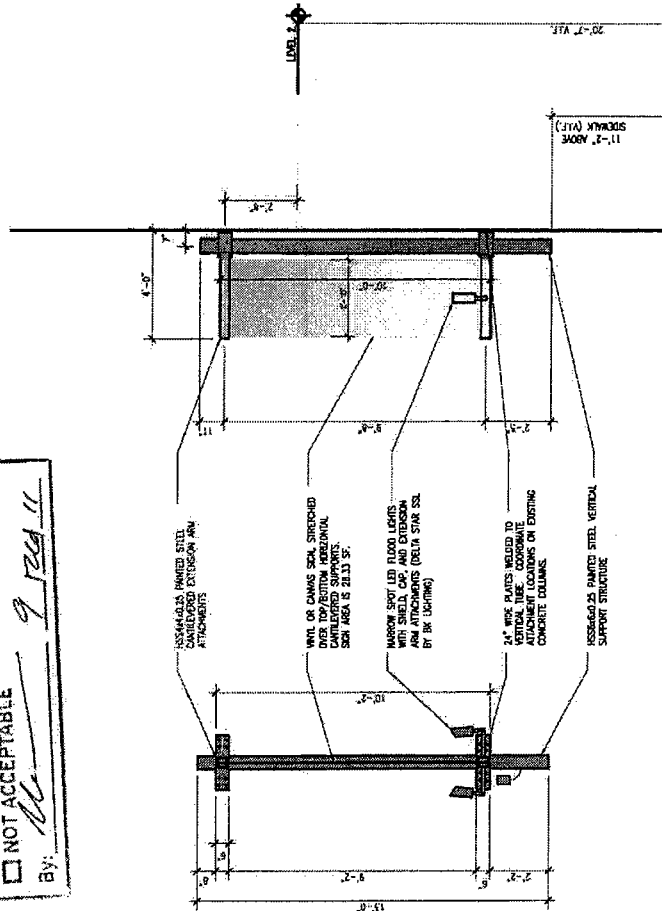
☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: DANALL
 ON: 09 / 26 / 11

ZONING EVALUATOR

☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

By: [Signature] 9/26/11



BANNER SIGN ELEVATIONS
 1/2" = 1'-0"

TYPE 2 BANNER SIGNS LOCATED ALONG
 SW 72ND COURT AND SW 72ND PLACE;
 A5, A6, C1, C2, C3, C4, E1, E2

ADD Inc

A-10

**BANNER SIGN TYPE 2
 DETAILS**

Board of County
 Commissioners Meeting
 09.26.11

DOWNTOWN DADELAND
 2220 NORTH KENDALL DRIVE
 MIAMI, FL 33156

ADD Inc
 1111 NW 11th St
 Suite 100
 Miami, FL 33136
 Phone: 305.375.1111
 Fax: 305.375.1111
 Email: info@addinc.com
 Website: www.addinc.com

ARCHITECTURE • DESIGN

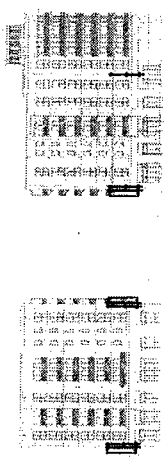
RECEIVED HEARING PLANS REVIEW
 MIAMI-DADE COUNTY
 PROCESS # 72011
 DATE: SEP 26 2011
 BY: SPJ

WITHIN THE SCOPE OF AD
 NOT WITHIN THE SCOPE OF AD

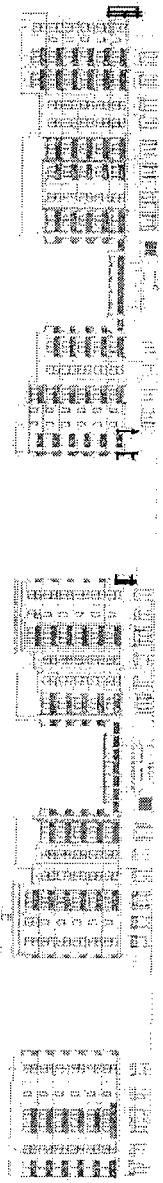
REVIEWED BY: David
 ON: 09/26/11

ZONING EVALUATOR
☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

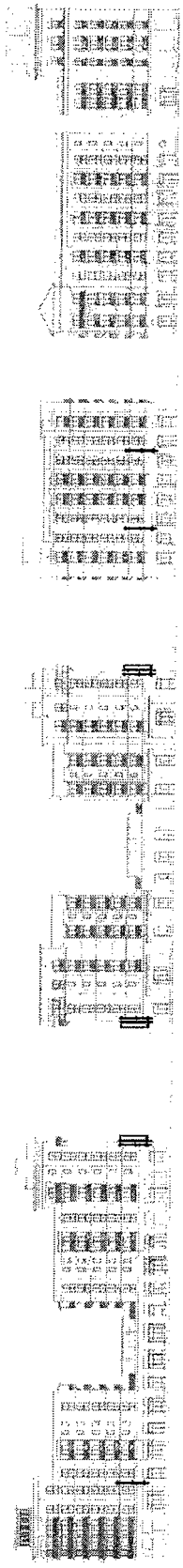
By: Me 9/26/11



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

7220 NORTH KENDALL DRIVE
 MIAMI, FL 33156
 DOWNTOWN DADELAND

ADD Inc
 1101 N. W. 10th Ave.
 Suite 100
 Miami, FL 33136
 Tel: 305.571.1111
 Fax: 305.571.1111
 www.addinc.com

ARCHITECTURE + DESIGN

ADD Inc

A-11

PROJECT #09163.00

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

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

ZONING HEARING PLANS REVIEW

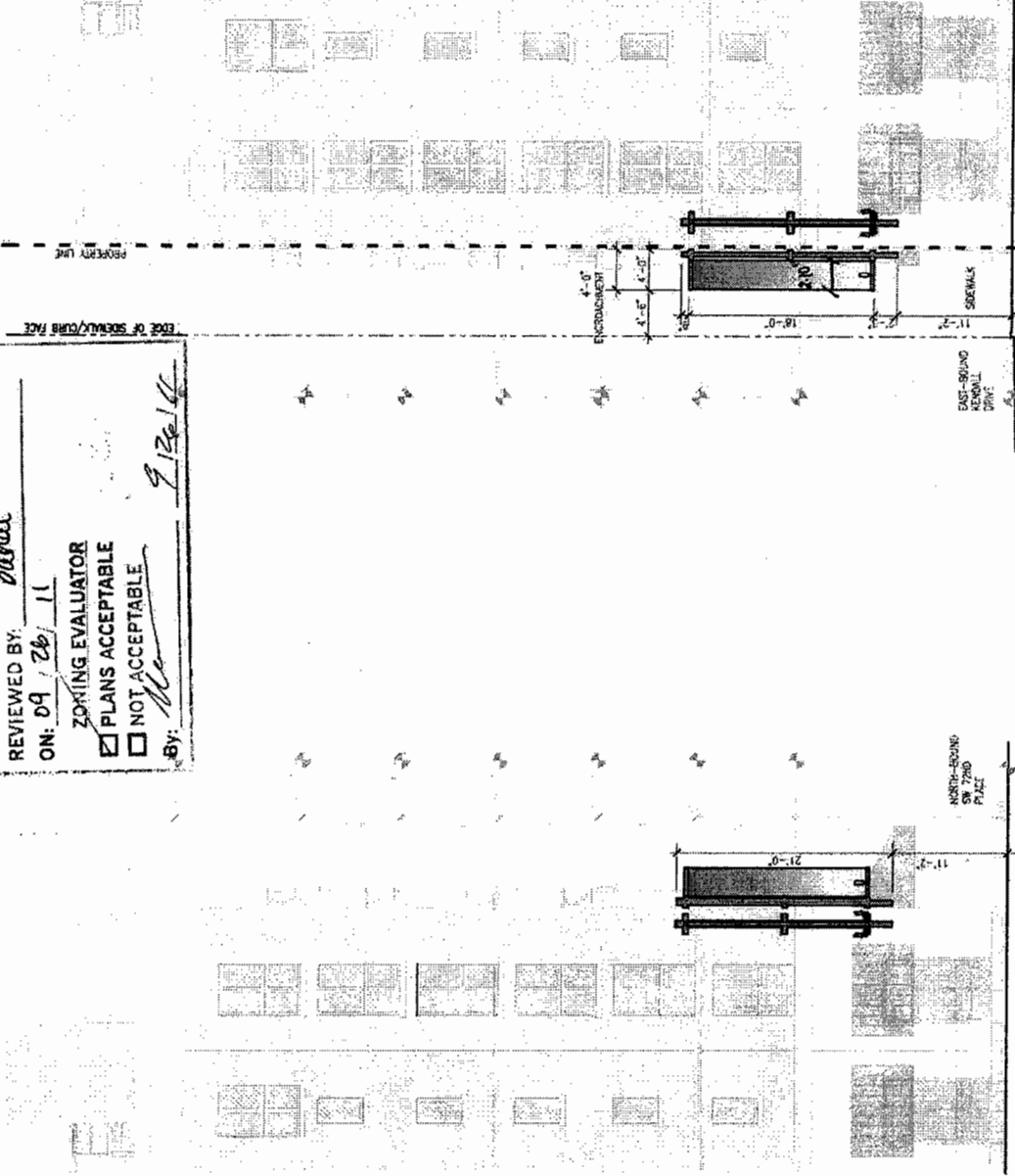
☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: *SDH*
 ON: 09/26/11

ZONING EVALUATOR

☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

BY: *He* 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"

PROJECT #09163.00

A-12

ADD Inc

ARCHITECTURE + DESIGN

ADD Inc
 12000 SW 72nd Ave
 Suite 100
 Miami, FL 33156
 Phone: 305.444.1111
 Fax: 305.444.1112
 Email: info@addinc.com
 Website: www.addinc.com

DOWNTOWN DADELAND
 2270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Board of County
 Commissioners Hearing
 09.26.11

**BANNER SIGN BUILDING
 ELEVATIONS**

DOWNTOWN DADELAND

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 210-044
 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: Dandi

ON: 09/26/11

ZONING EVALUATOR

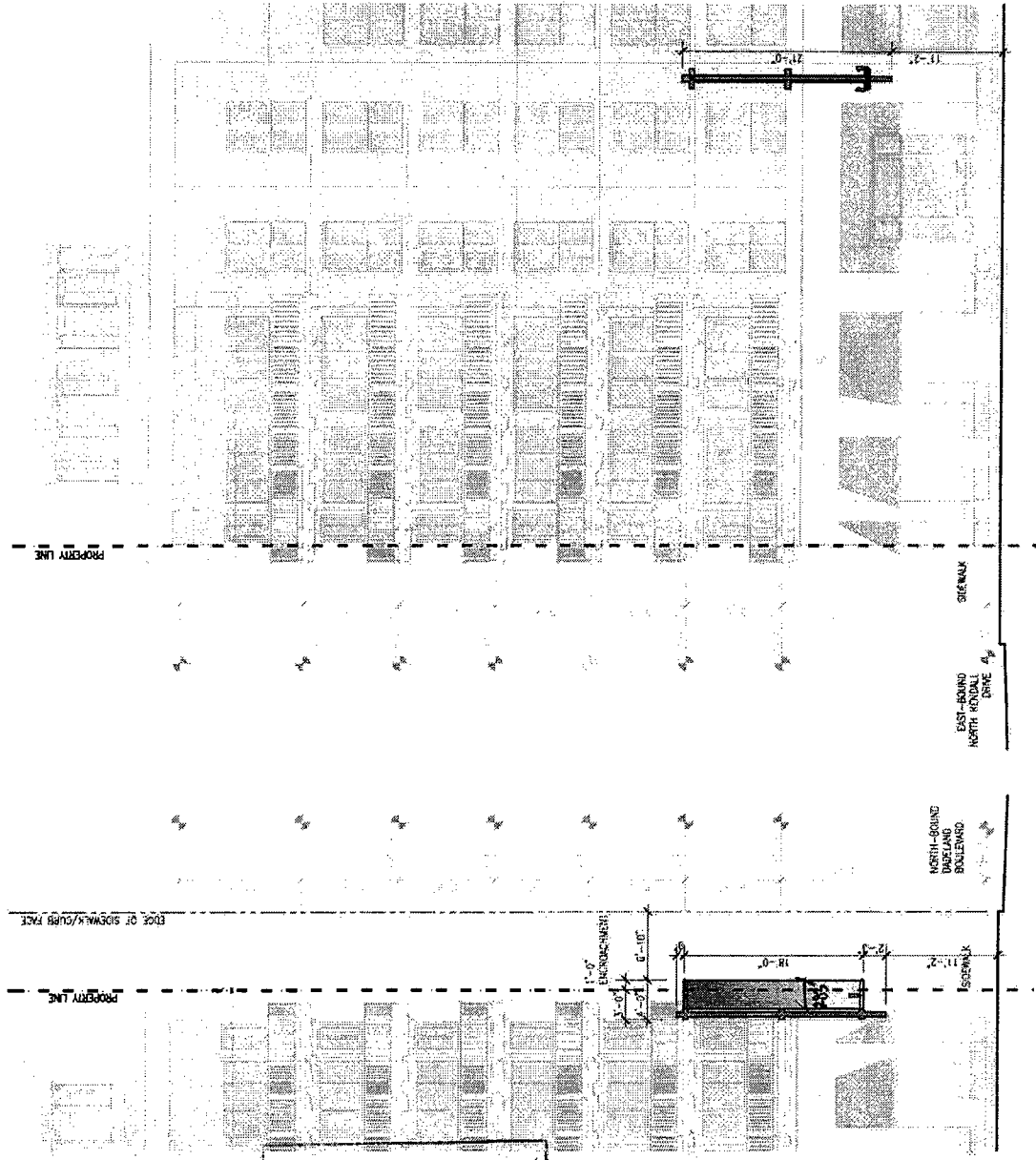
- ☒ PLANS ACCEPTABLE
- ☐ NOT ACCEPTABLE

BY: Mc 9/26/11

RECEIVED
 SEP 26 2011

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

PROJECT #09163.00



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

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

ADD Inc

ARCHITECTURE • DESIGN

One Stop Design - Miami
 1101 N. Kendall Ave.
 Suite 100
 Miami, FL 33137
 Tel: 305.441.1111
 Fax: 305.441.1112
 www.addinc.com

A-13

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Board of County
 Commissioners Hearing
 09.26.11

**BANNER SIGN BUILDING
 ELEVATIONS**

DOWNTOWN DADELAND

RECEIVED
 MIAMI-DADE COUNTY
 PROCESS # 210-044
 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: pandi
 ON: 09/26/11

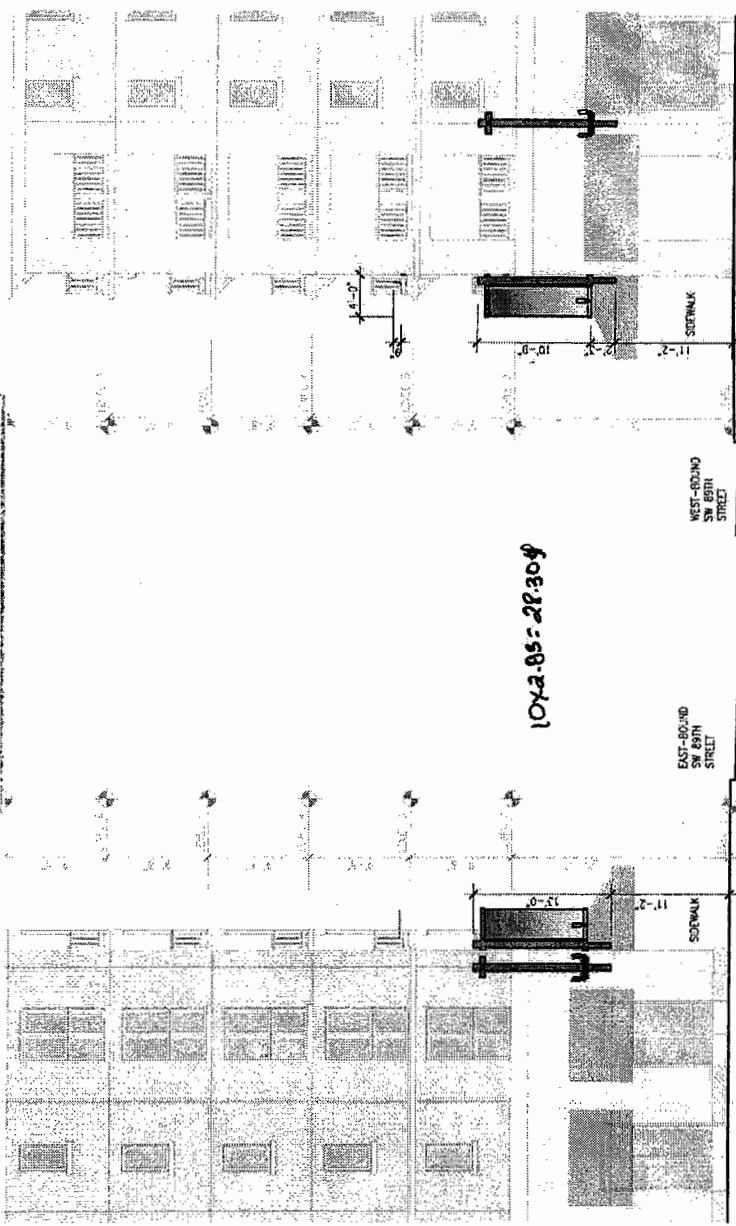
ZONING EVALUATOR

- ☒ PLANS ACCEPTABLE
- ☐ NOT ACCEPTABLE

By: HC 9/26/11

RECEIVED
 SEP 26 2011

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



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

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

ADD INC

ARCHITECTURE • DESIGN

A-14

One-Stop Design Inc.
 1301 NW 10th Ave.
 Suite 100
 Miami, FL 33136
 Tel: 305.575.1111
 Fax: 305.575.1112
 www.one-stopdesign.com

DOWNTOWN DADELAND
 7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156

Board of County
 Commissioners Meeting
 09.26.11

**BANNER SIGN BUILDING
 ELEVATIONS**

DOWNTOWN DADELAND

101

RECEIVED
MIAMI-DADE COUNTY
PROCESS # Z10-044
DATE: SEP 26 2011
BY: SDB
 09/16/11

ZONING HEARING PLANS REVIEW

☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: David

ON: 09/26/11

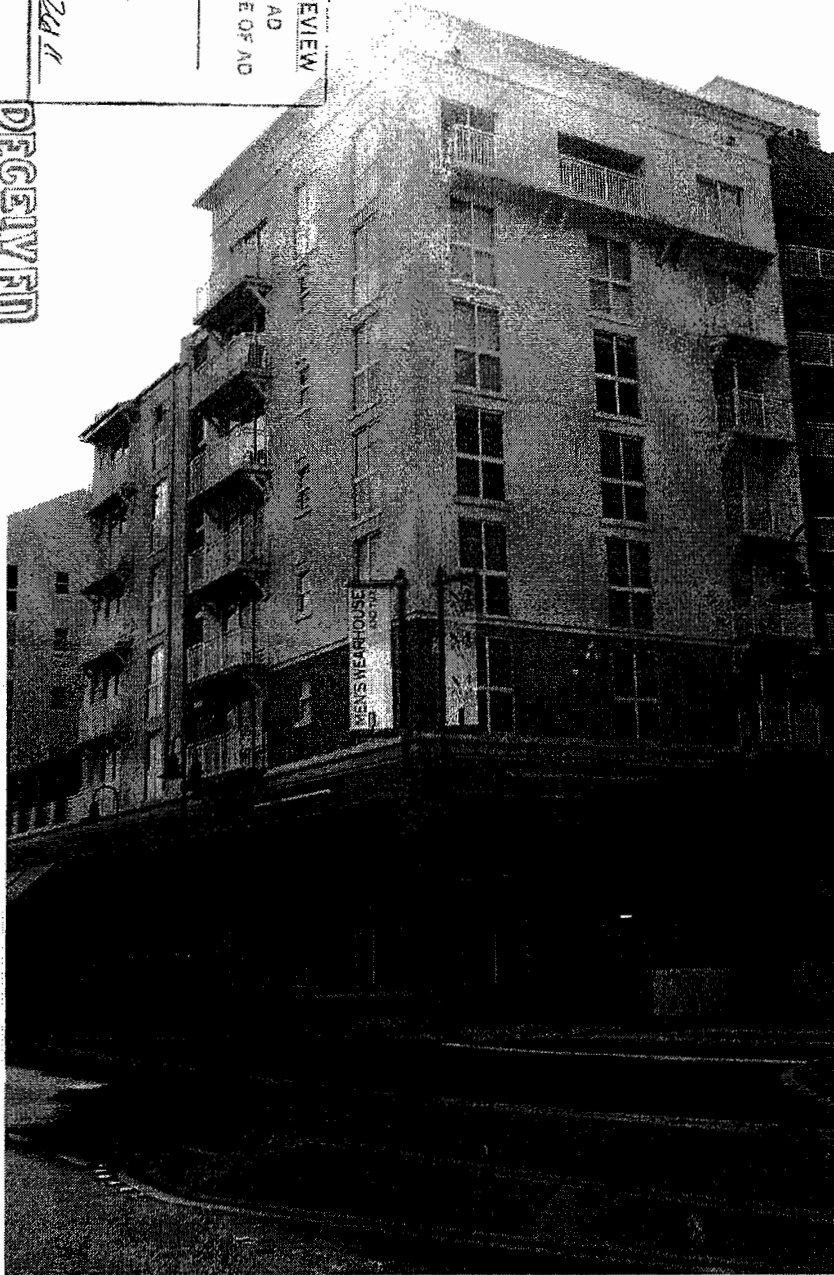
ZONING EVALUATOR

☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

BY: [Signature] 9/26/11

ZONING HEARING: LISC 11/11
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: XAF

RECEIVED
Z10-044
SEP 26 2011



AT SW 72nd COURT
 NO SCALE

ADD INC

A-15

ARCHITECTURE + DESIGN

2000 SW 12th Avenue
 Suite 100
 Miami, FL 33135
 Tel: 305.372.1111
 Fax: 305.372.1112
 Email: info@addinc.com
 Website: www.addinc.com

ADD INC
 2000 SW 12th Avenue
 Suite 100
 Miami, FL 33135
 Tel: 305.372.1111
 Fax: 305.372.1112
 Email: info@addinc.com
 Website: 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 MIAMI LAND



(5)

Board of County
Commissioners Hearing
09.26.11

[illegible]

A-16

AT NORTH KENDALL DRIVE
NO SCALE

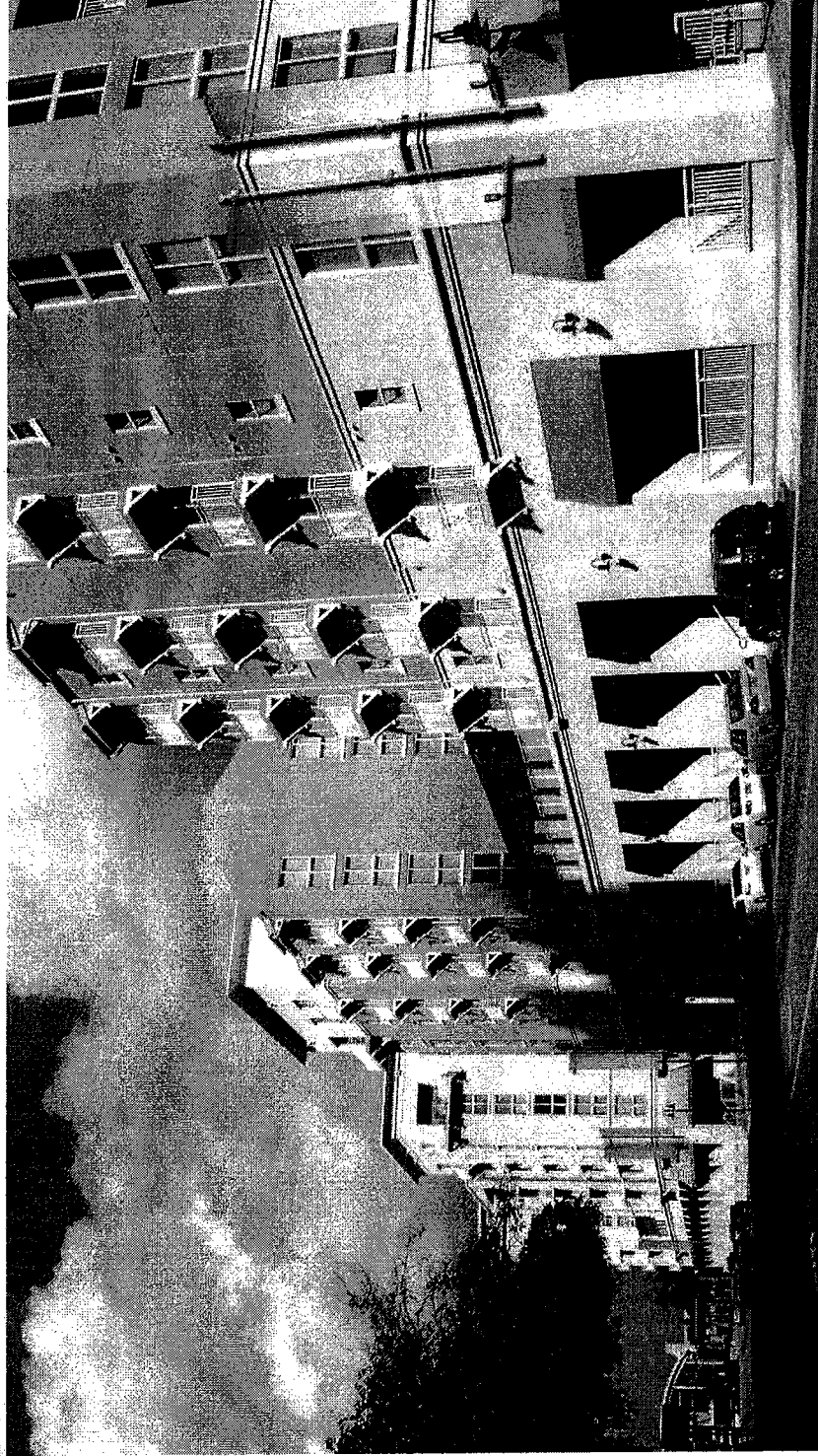
1192

1. ☒ PLANS HEARING AND REVIEW
 2. ☒ HAS SWORN
 3. ☐ PLANS NOT TO FILE THE SCORING
 REVIEWED BY pond
 ON 04 Dec 11
 2011 12:00 PM
 2011 12:00 PM
 NOT ACCEPTED
 4 12610

210-012

47

RECEIVED
MIAMI-DADE COUNTY
PROCESS # 710-044
DATE: SEP 26 2011
BY: SDX



ZONING HEARING PLANS REVIEW

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

REVIEWED BY: manu

ON: 09 / 26 / 11

ZONING EVALUATOR

- ☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

By: [Signature]

RECEIVED
SEP 26 2011

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

PROJECT #09163.00

ADD INC

ALONG DADELAND BOULEVARD
LOOKING NORTH
NO SCALE

A-17

Architecture + Design
1000 Brickell Avenue, Suite 1000
Miami, FL 33131
Tel: 305.441.1000
Fax: 305.441.1001
www.addinc.com

ARCHITECTURE + DESIGN

DOWNTOWN DADELAND
7270 NORTH KENDALL DRIVE
MIAMI, FL 33156

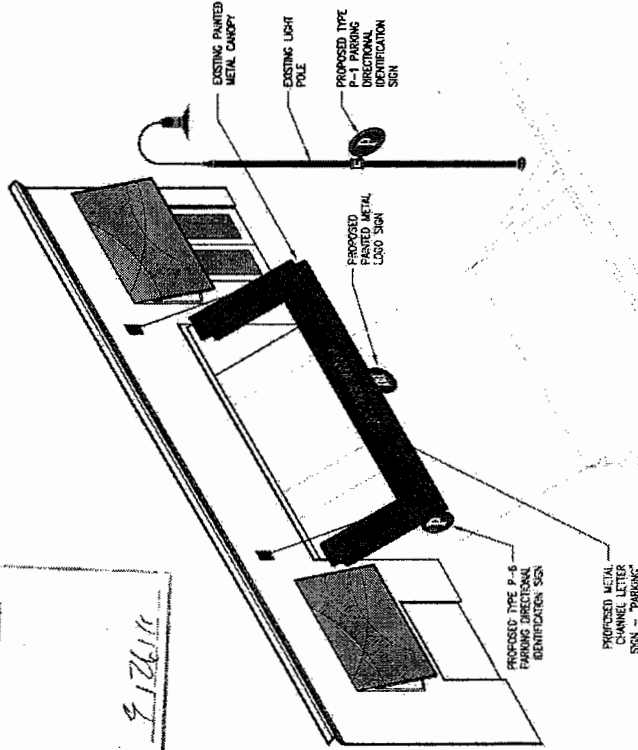
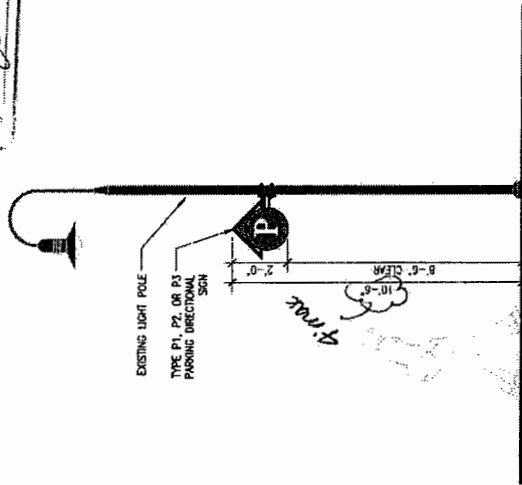
Board of County
Commissioners Hearing
09/26/11

BANNER SIGN PHOTO-
MONTAGES

DOWNTOWN DADELAND

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: Dandi
 ON: 09/26/11
ZONING EVALUATOR
☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE
 BY: [Signature] 912611



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

RECEIVED
 SEP 26 2011

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

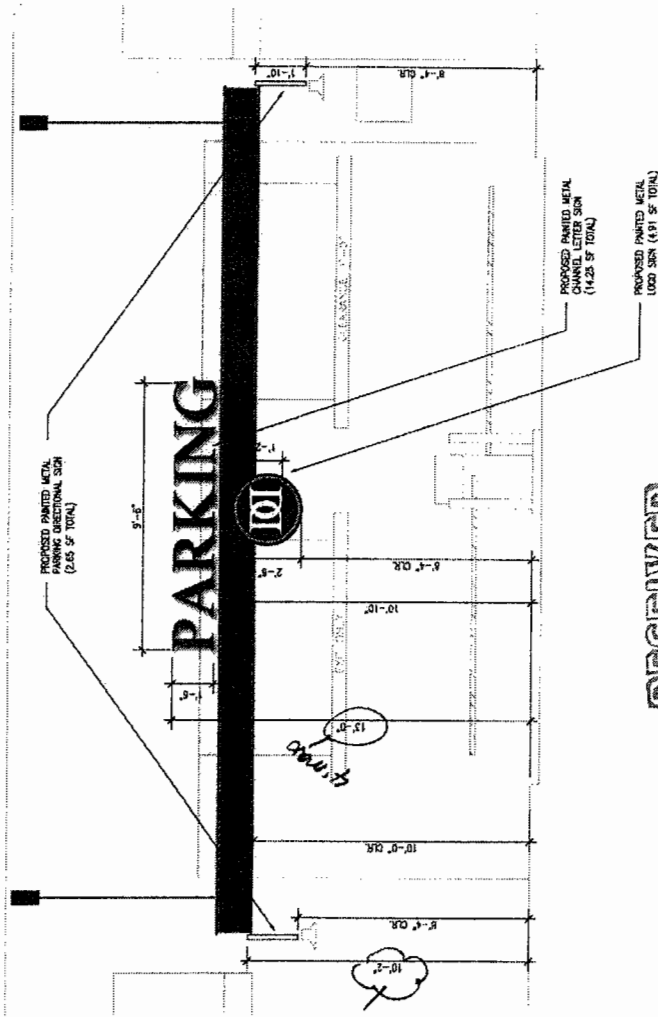
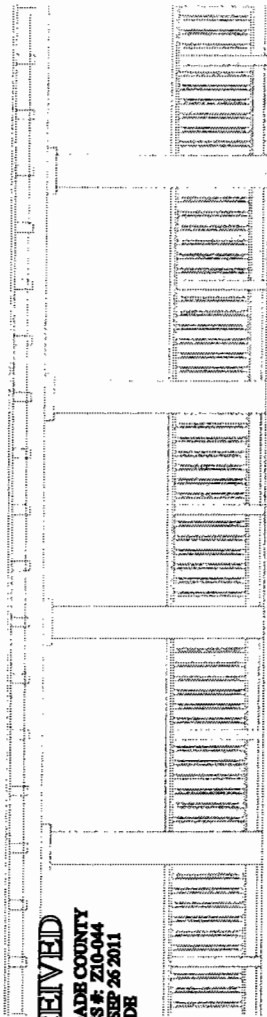
PROPOSED AERIAL VIEW
 OF GARAGE ENTRANCE
 AND EXIT
 NO SCALE

City of Miami
 Office of the Mayor
 3333 North Kendall Drive
 Miami, FL 33156
 Tel: 305-361-2000
 Fax: 305-361-2001
 www.miamigov.com

ARCHITECTURE • DESIGN
 ADD INC

PROJECT #09163.00

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



RECEIVED
 Z10-044
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY: *SAI*

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

ZONING HEARING PLANS REVIEW

☒ PLANS WITHIN THE SCOPE OF AD
☐ PLANS NOT WITHIN THE SCOPE OF AD

REVIEWED BY: *parad*
 ON: 09/26/11

ZONING EVALUATOR
☒ PLANS ACCEPTABLE
☐ NOT ACCEPTABLE

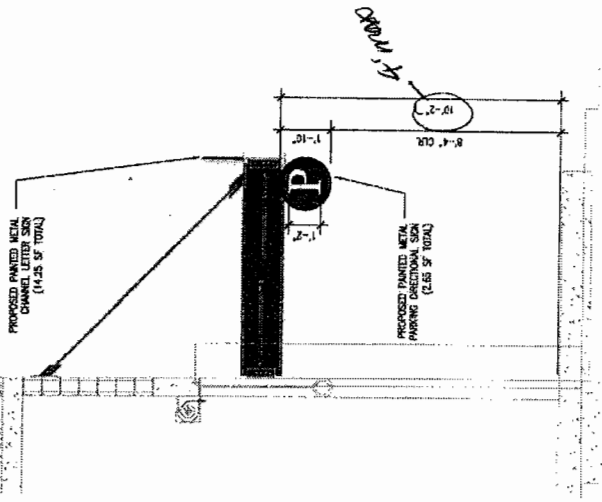
By: *Me* 4/8/11

DOWNTOWN DADELAND

PARKING
 GARAGE ENTRY/EXIT
 SIGN ELEVATION

Board of County
 Commissioners Hearing
 09.26.11

DOWNTOWN DADELAND
 7720 NORTH KENDALL DRIVE
 MIAMI, FL 33156



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

Architectural Firm
 ADD Inc
 1000 N. W. 10th Ave
 Suite 1000
 Miami, FL 33136
 Tel: 305.371.1111
 Fax: 305.371.1112

ARCHITECTURE + DESIGN

ADD Inc

A-19

PROJECT #09163.00

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: paradi

ON: 09/26/11

ZONING EVALUATOR

☒ PLANS ACCEPTABLE

☐ NOT ACCEPTABLE

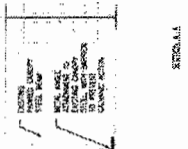
By: AL

9/26/11

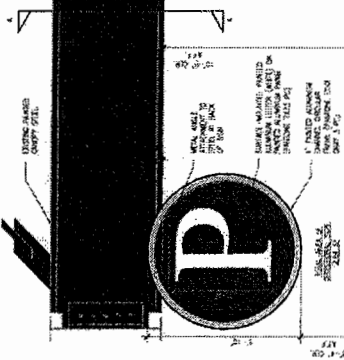
RECEIVED
 SEP 26 2011

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

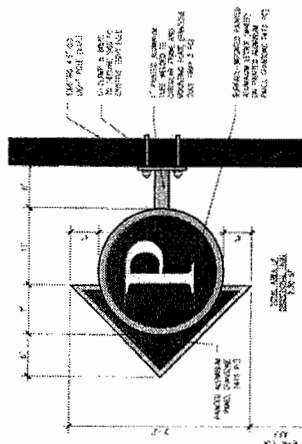
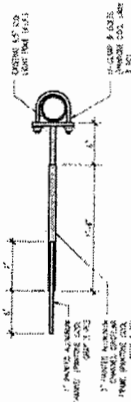
BY: SDH



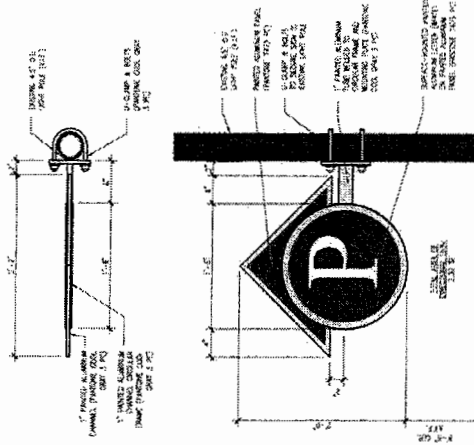
SECTION



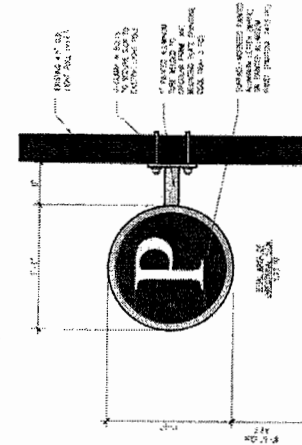
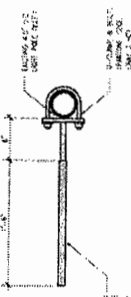
GARAGE ENTRY / EXIT SIGN
 1-1/2"=1'-0"



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"

10
 TOWN & DADE

**PARKING
 GARAGE DIRECTIONAL
 SIGN DETAILS**

Board of County
 Commissioners Meeting
 09.26.11

7270 NORTH KENDALL DRIVE
 MIAMI, FL 33156
 DOWNTOWN DADELAND

ADD Inc
 100 ADD Inc
 100 ADD Inc
 100 ADD Inc

ARCHITECTURE + DESIGN

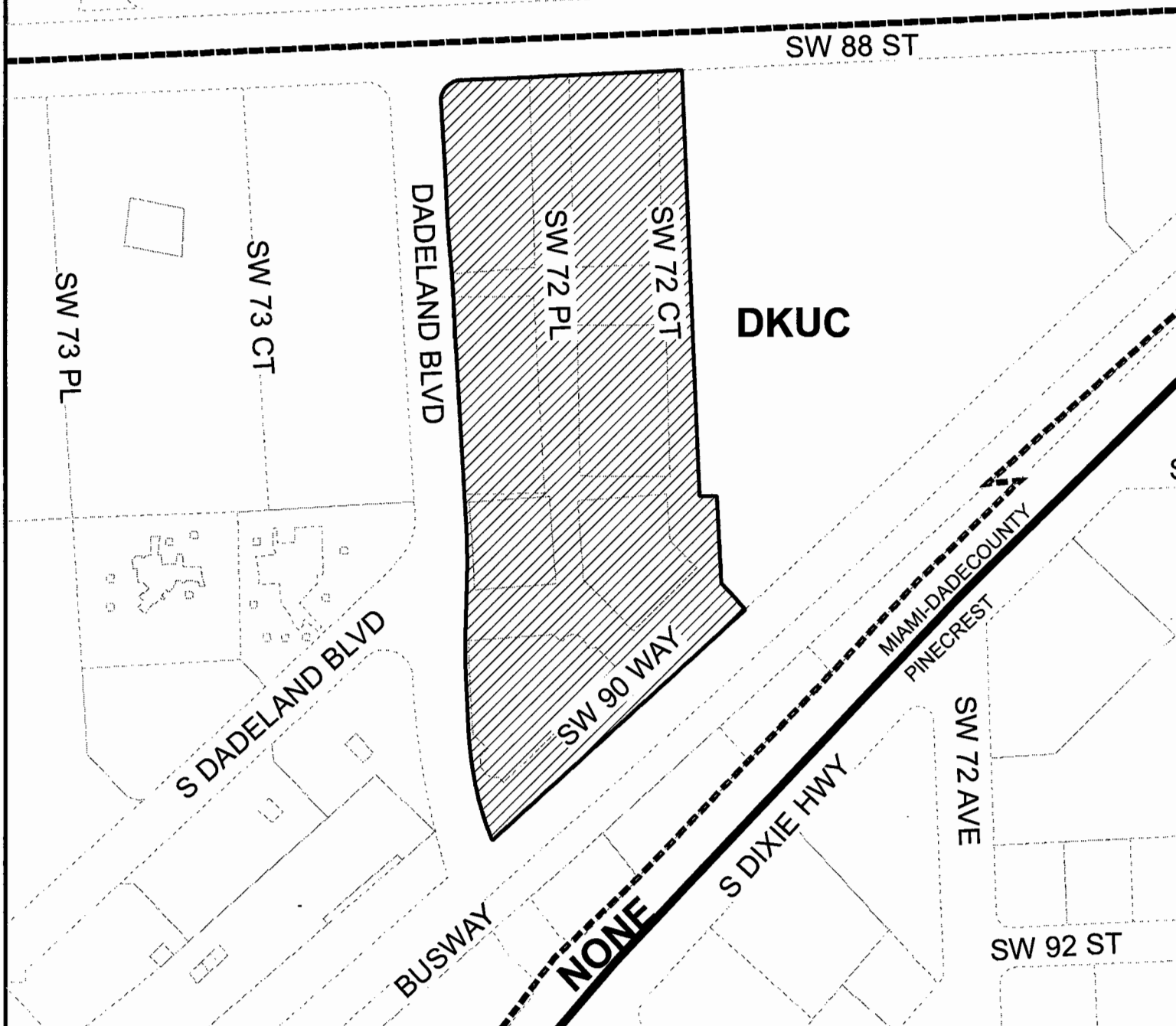
ADD Inc

A-20

PROJECT #09163.00

51



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
	5/2	



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 STEPHEN CLARK BUILDING GOVERNMENT CENTER
2 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
3 111 NW FIRST STREET, COMMISSION CHAMBERS
4 Thursday, October 6, 2011

5 ITEM

6 **DOWNTOWN DADELAND RETAIL, LLC**
7 (10-044)

8 Board of County Commissioners
9 (Present)

10 Audrey Edmonson, Vice Chairwoman
11 Bruno A. Barreiro
12 Barbara Jordan
13 Dennis C. Moss
14 Senator Javier Souto
15 Esteban Bovo, Jr.
16 Lynda Bell
17 Xavier L. Suarez
18 Jean Monestime

19 County Attorney's Office

20 Craig Collier and John McInnis
21 Assistant County Attorneys

22 Staff

23 Marc C. LaFerrier
24 Director of Planning & Zoning

25 Grisel Rodriguez
 Assistant Director of Zoning

On behalf of the Applicant

 Ben Fernandez, Esq.

I N D E X

VICE CHAIRWOMAN EDMONSON: 3-6, 17-19, 21,
23-24, 27, 32-33, 35-38, 43-47, 50-55, 64,
72-73, 75, 77, 80-82, 84-88, 91-99.

COMMISSIONER MOSS: 32, 43, 64-65, 67-71, 86,
93.

COMMISSIONER SUAREZ: 47-51, 88-94.

COMMISSIONER BELL: 51-55, 88, 98.

COMMISSIONER HEYMAN: 55-64, 85-86, 91, 98.

COMMISSIONER BARREIRO: 72-73.

COMMISSIONER SOUTO: 73-77.

COMMISSIONER JORDAN: 77-79, 98.

S T A F F

MR. LaFERRIER: 3-6, 47-50, 53, 65-72, 78-79,
82-85, 92-94.

MR. COLLIER: 84-85, 91-93, 97, 99.

ON BEHALF OF THE APPLICANT

MR. FERNANDEZ: 6-17, 27, 37-44, 46, 57-58,
60-61, 63, 72-73, 77-78, 80, 84-86, 93-99.

MR. ALDECOA: 19-21.

MR. SHIMIZU: 80-82.

SUPPORTERS

OBJECTORS

MR. ARANA: 17-19.

MR. GUZMAN: 21-23.

MR. MOLDER: 23-32, 45-46, 95-96.

MR. DONELAN: 32-36.

MR. REKER: 36-37.

1 VICE CHAIRWOMAN EDMONSON: Good
2 morning, everyone, and welcome to the
3 zoning meeting for October 6, 2011.

4 Would everyone please stand for a
5 moment of silence, followed by the Pledge
6 of Allegiance.

7 (Moment of Silence).

8 (Pledge of Allegiance).

9 VICE CHAIRWOMAN EDMONSON: Good
10 morning.

11 Mr. Director, could you please --

12 MR. LaFERRIER: Good morning, Madam
13 Chair; good morning, Commissioners. This
14 morning's zoning agenda includes five
15 agenda items.

16 I'll read now the Statement of Notice
17 of Records.

18 In accordance with Miami-Dade County,
19 all items will be heard today have been
20 legally advertised in the newspaper,
21 notices have been mailed and the
22 properties have been posted. Additional
23 copies of the agenda are available here in
24 the chambers.

25 Items will be called up to be heard

1 by agenda number and name of applicant.

2 The record and the file of the
3 hearing for each application will include
4 documents from the public, agencies, and
5 the Department of Environment and
6 Regulatory Affairs. And where there's an
7 appeal from the Community Zoning Appeal
8 Boards, we also have the transcripts from
9 those hearings.

10 All documents today are physically
11 present, available to all interested
12 parties and available to Members of the
13 Board of County Commissioners, who may
14 examine these items from the record during
15 the hearing.

16 Parties have the right to
17 cross-examination.

18 This statement, along with the fact
19 that all witnesses have been sworn, should
20 be included in any -- in any and all
21 transcripts of these proceedings.

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

1 Madam Clerk, can you please swear in
2 the witnesses.

3 THE CLERK: Please stand and raise
4 your right hand.

5 Do you solemnly swear that the
6 testimony you're about to give is the
7 truth, the whole truth and nothing but the
8 truth, so help you God.

9 (All swear).

10 THE CLERK: Thank you.

11 * * * * *

12 MR. LaFERRIER: Madam Chair, before
13 the next item, I'd like to take a moment
14 for the Clerk to also swear in the
15 translators.

16 VICE CHAIRWOMAN EDMONSON: The
17 translators, come on down.

18 THE CLERK: Raise your right hand.
19 Do you swear or affirm that you will make
20 a true interpretation of the questions
21 asked and the testimony given?

22 THE INTERPRETER: I swear.

23 THE INTERPRETER: I do.

24 THE CLERK: Thank you.

25 VICE CHAIRWOMAN EDMONSON: Thank you,

1 Madam Clerk.

2 * * * * *

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 Now, I think we move on to the agenda.

5 MR. LaFERRIER: Yes. Your first
6 public hearing this morning,
7 Commissioners, is an application from
8 Downtown Dadeland Retail, LLC. It's an
9 appeal to a CZAB decision denying sign
10 variances in the Downtown Kendall Urban
11 Center District. The Hearing Number is
12 1044. And on this application, we've had
13 one protest and zero waivers.

14 VICE CHAIRWOMAN EDMONSON: Okay.
15 Thank you. And I'll open the public
16 hearing. Public hearing is open, and I do
17 have some cards on this.

18 You want to make a statement, sir?

19 MR. FERNANDEZ: Yes.

20 THE CLERK: Before --

21 VICE CHAIRWOMAN EDMONSON: Okay, go
22 ahead.

23 MR. FERNANDEZ: Good morning, Madam
24 Chair, Members of the Board, my name is
25 Ben Fernandez. I'm an attorney with law

1 offices of Bercow Radell and Fernandez,
2 200 South Biscayne Boulevard. I'm here
3 this morning on behalf of Downtown
4 Dadeland Retail, LLC, which is the owner
5 of the commercial units within the
6 Downtown Dadeland Development. It's the
7 subject of this underlying application and
8 this appeal.

9 With me this morning is Ms.
10 Jacqueline Bulay (phonetic), the property
11 manager for Downtown Dadeland commercial
12 areas. Mr. Jorge Aldecoa, the Retail
13 Director from the Continental Group
14 Realty, as well as our private architect,
15 Mr. Tadao Shimuzu from Ad, Inc.,
16 architects.

17 Downtown Dadeland is a large
18 commercial mixed-use project. It has over
19 127,000 square feet of commercial areas in
20 seven different buildings that are
21 approximately seven stories tall each.
22 It's pretty easy to remember. And they're
23 located on approximately seven acres.
24 This is right in the middle of Downtown
25 Dadeland. It is across the street from

1 the mall, between 72nd Court and Dadeland
2 Boulevard. It's across from the
3 BrandsMart shopping center, that some of
4 you may be familiar with, and it is also
5 directly abutting the Metrorail station to
6 the south.

7 The location is the heart of the
8 Downtown Kendall Urban Center District.
9 And as the regulations refer to that
10 district, it is the core area of the
11 district. And that's important for you to
12 consider as you hear our appeal this
13 morning, because the core district is a
14 zoning district that is specifically
15 intended to create a Metropolitan urban
16 center. Unlike other zoning districts,
17 this one encourages you to foster urban
18 development and to create pedestrian
19 connectivity between transit and mass
20 transit corridors.

21 Downtown Dadeland's application, it's
22 our position, that our application
23 furthers the intent of the Downtown
24 Kendall Urban Center District regulations,
25 because we're proposing banner signage

1 that will improve pedestrian connectivity
2 and vehicular connectivity between the
3 commercial areas of the project and the
4 Metrorail station and the perimeter
5 streets.

6 In addition to this, our -- in
7 addition to this, our application is also
8 going to help fill up the large amount of
9 vacant commercial space at Dadeland
10 retail, at Downtown Dadeland.

11 I regret to inform you that since
12 2006, since the project's inception, the
13 commercial vacancy rate has been over 50%.
14 It's currently at 58.33%. And this isn't
15 simply attributable to the downturn in the
16 economy that we're all facing. This is
17 the result of a physical problem with the
18 center. And, that is, that a majority of
19 the commercial space is internalized and
20 has no exposure to the perimeter streets,
21 to the Metrorail station, to Dadeland
22 Boulevard, et cetera.

23 You can see from some of these
24 photographs on your monitors that this,
25 for instance, is the center street that

1 has absolutely no guidance for vehicular
2 traffic or pedestrian traffic. This is
3 Dadeland Boulevard. If you get off of the
4 train, where do you go? Every building
5 looks the same. It's a flat facade. It's
6 sort of a nondescript series of buildings.
7 This is another shot. You can see the
8 Metrorail station in the back.

9 Here is a shot of Dadeland Boulevard
10 looking towards Dadeland Mall. That is a
11 very long stretch of roadway, and there's
12 nothing there. There's absolutely no
13 cantilever signage that's there or large
14 enough to provide any kind of notice to
15 someone driving, looking for a retail
16 center, much less looking for a retail
17 shop that's within the shopping center.

18 So this is Kendall Drive, same
19 situation. This isn't an urban condition.
20 This is an urban -- supposed to be an
21 urban center. This is supposed to be a
22 Metropolitan urban center. If we're an
23 urban city, we're supposed to guide people
24 that are driving, people that are walking
25 off of trains. They're supposed to know

1 where they're going. Someone gets off of
2 this train, they're lost.

3 So to resolve that problem, we're
4 requesting a non-use variance that will
5 allow tenants to have banner signage that
6 ranges from 28 square feet in size to 51
7 square feet in size, depending on the
8 location within the project. The banners
9 are essentially aesthetic point of sale
10 signs designed to identify the commercial
11 tenants and to reflect the Downtown
12 Dadeland's urban character. They consist
13 of translucent perforated material that's
14 durable and it's employed in many similar
15 centers throughout the country. The
16 banners will further articulate the
17 facades of the building, which you'll hear
18 from our architect, that's really
19 something that would help the project, to
20 provide a little bit more articulation on
21 some of those very flat facades that you
22 saw.

23 Your professional staff agrees --
24 here's another shot. It shows you how
25 translucent the signs will be. Your

1 professional staff agrees that the
2 proposed banners are consistent with the
3 scale and the character of these large
4 buildings and that the signage will also
5 be consistent with the Downtown Kendall
6 Urban Center code.

7 In addition, they agree that the
8 banners will direct people from the
9 Metrorail station and from the surrounding
10 streets.

11 Numerous tenants have also expressed
12 to the property managers that they would
13 consider leasing space at this location,
14 but for the lack of signage and exposure
15 to the surrounding area. We have letters
16 from two of the tenants, Lime Grill, and
17 these are in your package as well that
18 Melissa is going to be distributing to you
19 in a moment, and we have also a letter
20 from the World of Beer, which is a tenant
21 in the building as well, indicating that,
22 you know, their sales could certainly
23 improve if they had additional signage.

24 Now, you're going to hear from a
25 representative of one of the associations.

1 There are several associations within the
2 development. They're going to tell you
3 that they oppose this concept. I would
4 submit to you that this is a limited group
5 of people within the development. These
6 are seven buildings with multiple
7 associations. All of the commercial
8 tenants are in favor of this.

9 We have met with the association in
10 the past, and reduced the banner sizes and
11 the height of the banners in response to
12 our meetings with them and in response to
13 our meetings with the Community Council.

14 The first time we lowered the
15 mounting height of the banners by one
16 floor. Instead of them spanning to the
17 second and third floor, they only reached
18 the second floor.

19 We also reduced the size of the
20 banners themselves from 46 feet (sic) to
21 42 feet (sic).

22 Then last month, we met with your
23 Director, Director LaFerrier, and in
24 response to that meeting, we further
25 reduced the signs -- the size of the

1 signs.

2 Tadao, will you bring up that
3 exhibit.

4 This image on your screen indicates
5 the reductions moving from the left of the
6 screen to the right of the screen. You
7 see the initial iteration of the plan. In
8 the middle, you see the subsequent
9 reduction in size that we proffered to the
10 Community Council, the first reduction.
11 And then the third image is the final
12 reduction where we agree to reduce the
13 size of the signage from 46 square feet in
14 size to 28 square feet in size along
15 Southwest 72nd Court and along Southwest
16 72nd Place. And those are the locations.
17 Tadao, you can help on the site plan, show
18 where that's located. That's the street
19 that runs right down the middle of the
20 project. That will have smaller signs.
21 And 72nd Court will also have smaller
22 signs.

23 We also agree to entirely remove the
24 banner signs from Building G, which abuts
25 the Metrorail station.

1 Therefore, we believe that at this
2 point our application is very reasonable,
3 and it's really the minimum amount of
4 banner signage that's necessary in order
5 to be effective.

6 If I can give you a perspective of
7 what the size of the sign is in relation
8 to the building that it will be affixed
9 to. The buildings along Kendall Drive,
10 one of them has a facade of 7,357 square
11 feet. That's the size of the facade. The
12 proposed sign, at 46 square feet, would be
13 less than 1% of the total facade area.

14 The other building, Building B on
15 Kendall Drive, has a wall area of 8,895
16 square feet. A banner size of 46 square
17 feet would similarly have a -- would
18 similarly be less than 1%, .62% of the
19 total wall area.

20 So we believe that, again, the
21 application is extremely reasonable. It's
22 going to make the building more attractive
23 than it is by articulating the facades,
24 and it's going to further the intent of
25 the Downtown Kendall Urban Center District

1 by fostering the connectivity and
2 promoting the urban character of the
3 district, that the district calls for.

4 Your professional staff
5 recommendation recognizes that the sign
6 regulations, as applicable to this
7 particular property, are inadequate, and
8 that's due to the fact that the
9 development is so internalized. So staff
10 has looked at this and recognized that the
11 variance is justified, because this is a
12 unique situation. It is not applicable to
13 every other property within Downtown
14 Dadeland. It is something that should
15 have been addressed originally through the
16 design approval, but of course this was a
17 charrette. It's a relatively new type of
18 zoning district and this is the first
19 major project within the downtown -- the
20 new Downtown Kendall Urban Center, so it
21 needs to be tweaked.

22 Putting everything else aside, the
23 bottom line here is, the Downtown Dadeland
24 needs a presence. The commercial area
25 needs a presence on the perimeter streets.

1 And our banner proposal is extremely
2 reasonable. It is attractive. It is
3 exactly the type of urban character that's
4 found in other major cities throughout the
5 United States.

6 And we believe that for all those
7 reasons, you should grant our appeal,
8 support our application. We'd like to
9 reserve some time for rebuttal, if
10 necessary.

11 Thank you very much for your time.

12 VICE CHAIRWOMAN EDMONSON: Okay. And
13 thank you.

14 Okay. And now I have some cards
15 here. And we'll start out with Philip
16 Arana, I think.

17 MR. ARANA: Yes.

18 VICE CHAIRWOMAN EDMONSON: Please
19 come forward. Nanette Arana, you can take
20 the other lectern.

21 MS. ARANA: I'll allow him to take my
22 time for me.

23 VICE CHAIRWOMAN EDMONSON: That's
24 fine.

25 Jorge Aldecoa.

1 MR. ALDECOA: Yes.

2 VICE CHAIRWOMAN EDMONSON: Please
3 come forward and take the other lectern.
4 And he will be followed by David Carcache
5 Guzman and then Jason L. Molder.

6 Sir.

7 MR. ARANA: May I speak?

8 VICE CHAIRWOMAN EDMONSON: Yes.

9 MR. ARANA: My name is Philip Arana.
10 I'm a unit owner in Building A of the
11 development. And I'm really totally
12 opposed to this. Our unit is on the
13 second floor. And we bought the original
14 concept of this project, because it
15 offered privacy in the middle of a very
16 developed area. It's got access to the
17 Metrorail. I mean, for myself and my
18 Miss, my wife, it's very convenient, but
19 we don't -- we did not want to get into
20 something that is extremely commercial,
21 that has noise, that's got banners outside
22 our windows. We definitely don't want
23 that. We made an investment, which for us
24 was substantial. And we like the original
25 concept and we don't want it changed. We

1 don't want these banners outside our
2 windows. I mean, it just destroys our
3 privacy. Thank you very much.

4 VICE CHAIRWOMAN EDMONSON: Okay. And
5 thank you.

6 Mr. Al --

7 MR. ALDECOA: Yes, Hi, I'm the --

8 VICE CHAIRWOMAN EDMONSON: How do you
9 pronounce your name?

10 MR. ALDECOA: Aldecoa. And I'm part
11 of the management team. And I just wanted
12 to --

13 VICE CHAIRWOMAN EDMONSON: Okay, but
14 state your full name.

15 MR. ALDECOA: Jorge Aldecoa, 4951
16 Southwest 152nd Terrace, Miramar, Florida.

17 VICE CHAIRWOMAN EDMONSON: Thank you.

18 MR. ALDECOA: I'm part of the
19 management team over at Downtown Dadeland.

20 And I wanted to reiterate that the
21 design of this community was that
22 mixed-use urban development, where there's
23 that retail on the bottom; there's the
24 residential above. And it's a buzzing
25 community, where people are interacting,

1 things are going on, people are shopping,
2 walking around, restaurants, the whole
3 nine yards. To date, that really can't
4 take place without this signage. This
5 signage is a necessity to the success of
6 this community.

7 As it stands, you drive down the
8 middle of the center, which is 72nd Court,
9 I believe, it's a ghost town and nobody
10 wants to open a business in that area,
11 because they're afraid that nobody is
12 going to be able to see them, that nobody
13 is going to be able to get to them.
14 There's no directional sign. There's
15 nothing to guide prospective clients,
16 prospective customers to these businesses.
17 And as a result, the center continues to
18 be over 50% vacant, despite our best
19 efforts.

20 The only real solution we have to
21 make this a success is to put these signs
22 in place, something to really help this
23 center. We've -- as the architects
24 explained, we've reduced the signage size
25 quite a bit as to try to accommodate the

1 residents as best possible. And they are
2 not blocking the windows as they were.
3 We've reduced them dramatically.

4 And this is a mixed-use center. They
5 have to expect there to be retail on the
6 bottom. They have to expect there to be
7 -- it's that type of community, it's mixed
8 use. And the only way for this work is
9 with the sign package of this nature.
10 That's all I have to say.

11 VICE CHAIRWOMAN EDMONSON: Okay,
12 thank you.

13 Mr. Guzman.

14 MR. GUZMAN: Good morning,
15 Chairwoman. Good morning, Commissioners.

16 VICE CHAIRWOMAN EDMONSON: Mr.
17 Molder, could you take the other lectern.

18 MR. GUZMAN: Good morning,
19 Commissioner Suarez, David Carcache
20 Guzman, 8910 Southwest 95th Avenue, Miami,
21 Florida 33176.

22 This item came before Community
23 Council 12 the first time on Thursday,
24 November 18th. Then they came before
25 Community Council 12 again on Thursday,

1 December 16th. And it finally came for
2 Community Council, for the last time, and
3 it was denied by our elected officials,
4 our Council members, on Wednesday, March
5 30th. Each time, we, the taxpayers, we
6 the voters, expressed our concerns to the
7 applicant, to Mr. Fernandez, that the
8 signs were way too big and too many signs
9 at the same time. I stand before you as a
10 citizen, as a taxpayer of Miami-Dade
11 County for the past 32 years and I'm
12 respectfully requesting that you deny this
13 application. Very simple, because we need
14 to respect the people that live in that --
15 in those buildings. And, you know, they
16 were the ones that made the investment. A
17 lot of these people are retired. That
18 they made the investment. They want
19 peace.

20 The gentleman that spoke before me,
21 he mentioned something that companies,
22 corporations, or business are afraid of
23 coming into this mixed-use area. That is
24 not true. You know, World Beer, which is
25 an applicant -- is someone that gave a

1 letter of support to the applicant was
2 just approved two months ago before
3 Community Council 12 and they're going to
4 start their business there. So, you know,
5 World Beer is making a good investment,
6 helping the economy, hopefully bringing
7 jobs to the area and they made an
8 investment. So I don't think businesses
9 are afraid of coming. The thing is that
10 the signs are way too big and there's too
11 many signs.

12 Commissioner Suarez, I respectfully
13 request that you deny this application.
14 Thank you.

15 VICE CHAIRWOMAN EDMONSON: Thank you.
16 Mr. Molder.

17 MR. MOLDER: Good morning. Two brief
18 matters of housekeeping matters. I'm
19 general counsel, outside general counsel
20 for four of the associations. I was not
21 sworn. Do you need me to do that?

22 VICE CHAIRWOMAN EDMONSON: Yes, you
23 need to be sworn.

24 THE CLERK: Raise your right hand.
25 Do you solemnly swear that the testimony

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

4 MR. MOLDER: I do.

5 And the second matter of housekeeping
6 is, there are some people that apparently
7 weren't aware that they had to fill out
8 the card, but they do desire to speak. I
9 don't know how -- the procedure.

10 VICE CHAIRWOMAN EDMONSON: No, they
11 can come after you.

12 MR. MOLDER: I told them I'd clarify
13 that.

14 Good morning, my name is Jason
15 Molder, Molder Legal Group, P.A., 8201
16 Peters Road, Suite 1000, Plantation,
17 Florida 33324. We are outside general
18 counsel to four of the residential
19 condominium associations, Downtown
20 Dadeland Condominium Number 1 Association,
21 Inc., two, three, and four. Condominium
22 Number 1, interchangeably referred to as
23 A, B, C & D. A has 67 units; B has 73
24 units; C has 61 units and D has 61 units,
25 for a total of 262 units that the four

1 boards collectively represent.

2 I'm going to try and be as brief as I
3 can. I'm going to just respond to some of
4 the comments made earlier by counsel for
5 the appellant.

6 But let me say a few things to start
7 out with. We did have two prior hearings
8 on this in front of the CZAB. And my
9 understanding, after the first hearing,
10 was they said to the Petitioner come back
11 with a smaller sign. And they may have
12 come back with a smaller sign, a slightly
13 smaller sign, but the gist of what I'm
14 going to argue to you today is, this is
15 not, by any means, in my clients' opinion,
16 the least intrusive method to see if what
17 the Petitioner is saying will work. The
18 signs are simply too intrusive. Forget
19 about the number of signs, the sheer size
20 of the signs are simply too intrusive.

21 The 8-square foot maximum that's
22 referenced in subparagraph 1 of the appeal
23 is being asked to go up to 55.67. That's
24 almost, I believe, seven times the size.
25 In subparagraph 3, the 4-foot maximum is

1 being asked to go as high as 13, which I
2 believe is about three times the size.

3 Now, what I mentioned at the other
4 hearings was there are other ways to do
5 this. There are other methods of
6 advertising that could be tried before the
7 residential unit owners are burdened with
8 large banner signs, which are the
9 equivalent of billboards placed on their
10 buildings.

11 The picture that was up on the
12 screen, which showed the transparency of
13 the sign also, interestingly enough,
14 showed that it's right outside somebody's
15 balcony. It's right outside a catwalk, I
16 believe. So if that's your unit, and
17 that's your balcony or that's your window,
18 imagine how you would feel when you have
19 that sign, whether it's transparent or
20 not.

21 There are many ways we could say we
22 could attract more business to the
23 buildings. I mean, the interesting thing
24 is that the 8-foot maximum that's
25 permitted without a variance was never

1 tried, to my knowledge.

2 VICE CHAIRWOMAN EDMONSON: Mr. Guzman
3 (sic), one second.

4 MR. MOLDER: Molder.

5 VICE CHAIRWOMAN EDMONSON: You are
6 representing four of the condo
7 associations?

8 MR. MOLDER: Yes, yes.

9 VICE CHAIRWOMAN EDMONSON: Okay,
10 we'll give you as much time as you need.

11 MR. MOLDER: Okay, okay. Thank you.

12 MR. FERNANDEZ: Sorry, if I may.

13 Do you have a resolution from any of
14 those condominium associations indicating
15 their position with respect to this
16 application?

17 VICE CHAIRWOMAN EDMONSON: Wait,
18 wait, wait, wait one second. I think I'm
19 going to facilitate this meeting.

20 MR. FERNANDEZ: Thank you.

21 VICE CHAIRWOMAN EDMONSON: Thank you.
22 Go ahead, sir.

23 MR. MOLDER: Thank you. Let's see
24 where I was. I believe -- sorry.

25 I believe the vote at the CZAB was

1 five to one against this measure. That's
2 my recollection. He can correct me if I'm
3 wrong.

4 But let me go through the points that
5 were raised on behalf of the applicant,
6 the appellant.

7 The tenants -- he apparently has two
8 letters from tenants. Well, one of the
9 questions raised at the CZAB was where are
10 the tenants? The tenants are not here, to
11 my knowledge, proffering anything to you
12 that this would help, okay? And this was
13 out -- this was highlighted at the CZAB
14 meeting, where are those tenants?

15 Now, these signs are -- you're being
16 -- you're being asked to buy into the fact
17 that these signs will foster urban
18 development. How? How are these size
19 signs going to foster urban development?
20 We haven't heard that. All we've heard is
21 a conclusion. We've heard a summary
22 argument from counsel. We have not heard
23 how that's going to happen. How will the
24 signs improve pedestrian or vehicular
25 traffic? How are signs that are up to

1 55.67 square feet or 51 square feet, how
2 are those signs going to improve vehicular
3 traffic anymore than signs that are eight
4 feet? I mean, think about it. When
5 you're driving in your car, you're not
6 really looking all the way up 55 feet.
7 You know, an eight foot -- 8 square foot
8 sign might just do it, but it was never
9 tried. It was never tried.

10 There are awnings on each of these
11 retail storefronts, and I don't know if
12 some of the tenants have signage on the
13 awnings, but we are not here today to
14 object to any signage being placed on the
15 awnings.

16 My clients' objection is squarely the
17 banner signs, the signs that you see at
18 car dealerships, the signs that you see at
19 used car lots, the signs that you do not
20 expect to see on residential buildings.

21 How will this attract new tenants?
22 How will this signage attract new tenants
23 that an 8-square-foot sign wouldn't?
24 Where are those potential tenants?

25 Now, there's a very important thing

1 I'd like to mention, and that is that a
2 comment was made that similar centers
3 throughout the country have this. At the
4 CZAB hearing, a poster was shown of a
5 building, which had these signs. And it
6 was clarified by me, after looking it up
7 on the Internet, that I believe that
8 building was a medical center, with a gym
9 in it and a day care facility. I don't
10 think there was any residential component
11 of that building at all is my memory.
12 There's nothing in front of you here today
13 that tells you what other centers
14 throughout the country have this.

15 And I think it's very important for
16 the Commission to ask, have you -- has the
17 applicant -- have you tried a less
18 intrusive measure? Have you tried the
19 8-square-foot signs? Have you tried other
20 advertising? There are light poles on the
21 streets. And frequently, over the years,
22 I've seen cities advertise on light poles
23 for special events. I don't know if
24 that's permitted. I'm just saying nothing
25 less intrusive, it appears, has been

1 tried.

2 Now, we are a limited group, maybe,
3 but we are four -- my firm represents four
4 of the seven residential associations.
5 And I believe -- and I can't promise this,
6 but I believe those are the four buildings
7 with the largest amount of units in them.

8 Incidentally, I think Building G may
9 have the smallest number of units, the
10 building that they said the signs were
11 being removed from.

12 The gist of it is this, and I'll sum
13 up by saying this. A less intrusive
14 measure should be tried. These are
15 residential units. This is somebody's
16 home. These are 262 homes. And just
17 because it's an urban center, just because
18 it's supposed to facilitate pedestrian
19 traffic doesn't mean that we have to block
20 windows and balconies in the process.
21 There are other less intrusive measures
22 that should be tried.

23 And here today, you'll hear from the
24 president of Building A and B and I
25 believe the president of Building D as

1 well.

2 Thank you for your time.

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 Thank you.

5 Okay, we'll have rebuttals later.

6 MR. DONELAN: Madam Chair, I didn't

7 --

8 VICE CHAIRWOMAN EDMONSON: Who else
9 is coming up? Because I think you said
10 three people. Can they all move up and
11 someone else take the other lectern?

12 Okay, sir, you can begin. Please
13 start with your name and address.

14 MR. DONELAN: I will. Allen Donelan,
15 7266 Southwest 88 Street, apartment 723,
16 Miami, Florida 33156.

17 And I don't believe that I was sworn
18 in. I know I did not sign the card. I
19 apologize to you for that. Didn't know I
20 was supposed to.

21 VICE CHAIRWOMAN EDMONSON: Madam
22 Clerk.

23 COMMISSIONER MOSS: Why don't you ask
24 if anybody else --

25 VICE CHAIRWOMAN EDMONSON: Yes. Is

1 there anyone else in here who will be
2 speaking who did not get sworn in? Okay.

3 THE CLERK: Do you solemnly swear
4 that the testimony you're about to give is
5 the truth, the whole truth and nothing but
6 the truth, so help you God?

7 MR. DONELAN: I do.

8 THE CLERK: Thank you.

9 MR. DONELAN: May I?

10 VICE CHAIRWOMAN EDMONSON: Yes, sir.

11 MR. DONELAN: Thank you, ma'am.

12 VICE CHAIRWOMAN EDMONSON: Two
13 minutes.

14 MR. DONELAN: Madam Chair, and
15 Commissioners, and I want you to know
16 right upfront that I'm just a country boy
17 from South Carolina, went to Clemson. So
18 whatever I say today, I hope you enjoy it.
19 I hope you take it to heart. But I did
20 not buy from Ed Williamson, who used to
21 own that land, my units, two penthouses,
22 and I'm president of A and B, where those
23 two penthouses reside, in order to have
24 Goldman Sachs come tell me they're going
25 to hang a banner on one of my porches in

1 that building.

2 I don't mean to seem really -- this
3 is funny to me. If these gentlemen and
4 ladies, who are presenting this on behalf
5 of Goldman Sachs -- that's the retail end
6 of this. That's who owns the retail at
7 Downtown Dadeland. If they want a banner
8 or sign, I have no objection but put it on
9 a house, on their home. They don't live
10 there.

11 The residents there have been through
12 this a third time now. We don't need a
13 sign. We don't want a sign. What we've
14 got is fine.

15 I hear -- when the transit system --
16 my gosh, I want to thank you, too. I turn
17 76 not too long -- 75, excuse me. I love
18 my card to ride the transit. Thought I'd
19 never do that. You can't get me off it.
20 But at any rate, if people want to come
21 from the transit over to Downtown
22 Dadeland, I got a test for you, deal or no
23 deal here in a minute, put the signs over
24 in the transit place. You all can do
25 that. You're powerful. You can raise

1 signs, put banners, paint the place
2 chartreuse so it shines in the dark. So
3 everybody knows where Chili's is, or Pan
4 Bread, or West Elm or Lime. And if you
5 don't know where they are, shame on you.
6 I believe you do. You didn't read a sign.
7 People tell you. You probably been there
8 to eat.

9 But the point is, this is not why we
10 bought at Downtown Dadeland. It wasn't
11 said it was going to help us. The
12 esteemed colleague here that said it's
13 going to increase business, hey, this
14 gentleman is going to tell you how many
15 times we've had to bring Miami-Dade
16 County Police --

17 VICE CHAIRWOMAN EDMONSON: Fifteen
18 more minutes, sir.

19 MR. DONELAN: All right. How many?

20 VICE CHAIRWOMAN EDMONSON: Fifteen
21 more seconds.

22 MR. DONELAN: Okay. Thank you. All
23 right. You don't want 15 more minutes
24 from me. It's okay. Feelings aren't
25 hurt. But I really implore you don't do

1 this. This is the third time we've been
2 through this. If you want a sign, put it
3 up in their yard.

4 Thank you very much. It's really
5 nice to come down here. I've never been
6 here before, but I see you on T.V. all the
7 time. Thank you very much.

8 VICE CHAIRWOMAN EDMONSON: Thank you.

9 Sir, please state your name and
10 address.

11 MR. REKER: Yes, ma'am.

12 Tim Reeker. I'm a residential owner
13 and president of Building D for Downtown
14 Dadeland. My esteemed board member there,
15 as you can tell, when we have our
16 meetings, it's quite a meeting.

17 But he pretty much hit the nail on
18 the head. We've gone through this many
19 times. We're not against signage, but
20 we're against the signage that they're
21 proposing. As he said before, BrandsMart,
22 Container Store, the Lime store, Panera
23 Bread, I'm sure many of you been here.
24 Commissioner Bell I know is the
25 Commissioner of that area. I'm sure she

1 knows the Dadeland Mall, which is the
2 Number 1 retailer in the United States of
3 America, doesn't have banner signs
4 standing out from the building. And this
5 goes directly against that whole area
6 represents, what we bought for.

7 We're trying to hold on, as everybody
8 else is. We have foreclosures, and
9 maintenance fees that aren't being paid.
10 And we're trying to keep people happy and
11 we're trying to get people to come in.
12 And they are coming in. And we just hope
13 that you see that these signs are not
14 going to change what's going on in the
15 retail side on the first floor.

16 Thank you very much.

17 VICE CHAIRWOMAN EDMONSON: Okay.
18 Thank you.

19 Public hearing is still open. Anyone
20 else?

21 Okay, sir, you will be closing out.

22 MR. FERNANDEZ: Thank you, Madam
23 Chair.

24 VICE CHAIRWOMAN EDMONSON: And I
25 can't remember his name, Mr. Molder, if

1 you would like to rebut, you do have that.

2 Go ahead, sir.

3 MR. FERNANDEZ: Thank you, Madam
4 Chair. I don't know if I can get the
5 Power Point images back on the screen.
6 Yes, thank you.

7 First of all, I'd like to say with
8 respect to Mr. Molder's comments, we did
9 meet with the association. We had a
10 meeting with them and three people
11 attended that meeting. Three people out
12 of a project that has over 700 units in
13 it, with seven separate buildings, seven
14 stories high, on seven acres of land, in
15 the most urban area outside in
16 unincorporated Dade County, that I'm aware
17 of. Maybe Aventura is as urban. We had
18 three people show up.

19 Despite that fact, we agreed to
20 reduce the extent of our banner proposal.
21 We reduced it, as you saw in your images,
22 considerably. Keep in mind these
23 buildings are seven stories tall. They
24 have facades that are massive, 7,000 to
25 8,000 square feet in size. And the

1 banners that we're proposing are less than
2 1% of that facade size.

3 Our project architect from Ad, Inc.,
4 that is a major architectural national
5 firm working for Goldman Sachs, that is
6 the ultimate owner of that building,
7 commissioned them to come up with a
8 signage package that would not only be
9 effective, but that would be attractive,
10 that would look reasonable on this
11 building. How does it make sense to put
12 an eight foot size -- an 8-square foot
13 size, that's four feet by two feet, on a
14 building that's seven stories tall? It's
15 simply not effective. We are submitting
16 the least intrusive signage package
17 possible.

18 The Downtown Kendall Urban Center
19 regulations will not allow us to bring the
20 signage any lower than it is now. Because
21 the buildings are built at the property
22 line, there is zero setback. We're
23 already encroaching with our signage into
24 the right-of-way. That's part of our
25 application. The Public Works Department

1 is approving that, recommending approval
2 of it, but we can't bring the signage down
3 any lower, because it would interfere with
4 the pedestrian realm and the public
5 right-of-way. We need to keep it, at a
6 minimum, at the height of the commercial
7 tenants, and that's where they are.

8 They're between the commercial tenants --
9 you see them here. They're right above
10 the canopies on the commercial tenants.

11 Mr. Molder says why not let them just
12 have signs on the awning? Can you see
13 lettering on the awning? The awning is
14 about six inches wide. The signage is not
15 visible from a pedestrian -- to a
16 pedestrian or to a car that's traveling
17 perpendicular to an awning. They don't
18 see it. They wouldn't see it. The
19 lettering would be four inches tall.
20 That's not reasonable. Every urban center
21 has signage that looks like this banner.
22 What is so objectionable about the banner
23 that you have on your screen now? I just
24 don't see the argument, and I think it's
25 coming from a very limited group of

1 people.

2 Mr. Donelan that you've heard from,
3 very nice man, I don't like Clemson, went
4 to the University of Florida, but I'll
5 tell you that he lives in a penthouse
6 unit. He is far above the crowd here, and
7 he has a different interest here. He has
8 complained multiple times to the new
9 owners of the building, who have simply
10 come into this trying to improve the
11 project. They didn't develop it. They
12 bought it and they're coming in with
13 improvements. As Mr. Donelan's view will
14 not be impacted whatsoever. In fact, none
15 of the residential units are going to be
16 impacted, because the signs are only two
17 feet from the wall. They're mostly tall
18 signs and narrow signs. So that if you're
19 looking out of a window or looking out of
20 a balcony, what you're going to be seeing
21 is perhaps a sign through your peripheral
22 vision if you lean out of the balcony. I
23 don't believe that that's intrusive and
24 it's certainly not happening to the
25 majority of the buildings.

1 Now, you heard from Mr. Guzman as
2 well. Mr. Guzman -- I don't really
3 understand where Mr. Guzman is coming
4 from. He did make a couple of comments at
5 the hearing, but I also know that he has
6 testified before Community Council 12 and
7 indicated that his address is 8910
8 Southwest 95th Avenue. Then before
9 Community Council 11 with a different
10 address, 12010 Southwest 96 Street. I
11 think he attends many Community Council
12 meetings, and I'm not sure where he lives.
13 I would love to ask him the question, and
14 whether or not he's a registered voter in
15 Miami-Dade County. If you'd like, we can
16 bring him up and ask him that question,
17 but I would just submit that to the Board.

18 With respect to -- I think that you
19 see our point. I don't want to belabor
20 the position. This is the least intrusive
21 signage package possible. We are
22 spreading the signage around the perimeter
23 of the project. There are seven
24 buildings. We're here to answer any
25 questions that you have.

1 Oh, one thing that I'd like to point
2 out, for the record, is that clearly the
3 association has the right to request this
4 signage without the consent of the
5 association, even though we have met with
6 the association and I'd just like to show
7 you an excerpt from the condominium
8 documents.

9 VICE CHAIRWOMAN EDMONSON: Okay.
10 Make it quick.

11 MR. FERNANDEZ: Yes. Here you have
12 two excerpts from the condominium
13 documents.

14 COMMISSIONER MOSS: You have a mike
15 right there.

16 MR. FERNANDEZ: Thank you. Thank
17 you, Commissioner Moss.

18 VICE CHAIRWOMAN EDMONSON: Do we have
19 any sergeant-at-arms -- is it on?

20 MR. FERNANDEZ: Yes, it is.

21 Thank you, Madam Chair. Thank you
22 Commissioner Moss.

23 You have excerpts from the condo
24 documents here. I won't bore you with all
25 the language. This is Section 1712 of the

1 documents. It indicates that the owners
2 of the commercial lots may affix or attach
3 signs on the exterior walls, doors,
4 adjacent balconies, terraces, patios
5 and/or lanais, and/or windows of any
6 improvements constructed upon the
7 properties, whether the same are part of
8 the commercial lot, the limited common
9 areas or the common elements, adjacent to
10 the owner's commercial lot or to the
11 windows of a commercial lot without
12 receiving the consent of the association.
13 That's clear as a bell. We don't need the
14 consent of the association. Nevertheless,
15 we have talked to them. We've reduced our
16 signage package twice in response to their
17 concerns.

18 And this is a very important
19 application to Downtown Kendall. It can
20 really serve as a catalyst to bring
21 additional people into the core area of
22 Downtown Kendall.

23 And we'd ask that you approve our
24 appeal. Thank you very much.

25 VICE CHAIRWOMAN EDMONSON: Okay. And

1 thank you.

2 Mr. Guzman.

3 MR. MOLDER: Molder.

4 VICE CHAIRWOMAN EDMONSON: Come on.
5 You can come to the other one.

6 MR. MOLDER: Jason Molder again. I'm
7 going to be very brief.

8 VICE CHAIRWOMAN EDMONSON: Molder.

9 MR. MOLDER: Thank you for the
10 opportunity for the rebuttal. Our -- I
11 don't know if you can put that Power Point
12 slide back up that showed the truck
13 underneath the West Elm sign, but if you
14 -- our position is not that the signs need
15 to move lower. It's that they need to be
16 made smaller. Why couldn't they put a
17 permissible size that ended, let's say,
18 where the S in west is. Why does it have
19 to go all the way up? If you're that
20 green car up there, I don't even think you
21 can even read the word Elm. That's how
22 high it is. What we're saying, make it
23 smaller. Not necessarily move it lower,
24 but make it lower.

25 And, again, I'm not going to

1 reiterate the whole thing about every
2 urban center, because we haven't been
3 presented with any examples of that right
4 now, but I do want to say one more thing,
5 this declaration section is implicit in
6 this, that, okay, you can put signs up
7 that comply with the law. If the
8 declaration said you could have a
9 discotheque or something that's not zoned
10 or permissible by law, what governs? So,
11 okay, let's say the declaration says you
12 can put a sign up, but if that sign has to
13 come here for a variance, that's why we're
14 here. So I don't necessarily think that
15 that's controlling at this point.

16 Thank you.

17 VICE CHAIRWOMAN EDMONSON: Okay.
18 That's it. That's it.

19 MR. FERNANDEZ: I could respond to
20 that, but I won't.

21 VICE CHAIRWOMAN EDMONSON: We'll go
22 back and forth all day long. You've had
23 your time.

24 Okay, the public hearing is now
25 closed.

1 Commissioner Suarez.

2 COMMISSIONER SUAREZ: Madam Chair, I
3 want to ask a couple of questions. I
4 think they would be better directed to
5 staff, although I'm sure the applicant or
6 appellant would love to answer some of
7 these.

8 But are we -- in terms of the size of
9 the signs, are we basically discussing the
10 square footage, or height or width or -- I
11 could swear in one of the resolutions, I
12 saw that they're talking about going to 13
13 or 12 feet as opposed to 10.6 or
14 something. I mean, that seems like --
15 okay, you're nodding, but I --

16 MR. LaFERRIER: Yeah. Commissioner,
17 there's a couple of variances that are
18 being requested here. One of them
19 actually relates to -- but you haven't
20 heard testimony about today, but it's a
21 part of the request and that's to put some
22 of the logos on the directional signs.
23 The testimony today has really been about
24 these banner signs and the request
25 relative to the --

1 COMMISSIONER SUAREZ: Yeah, the logos
2 and the directional signs, whatever all of
3 that means, has not been a big factor here
4 today.

5 MR. LaFERRIER: That's right. The
6 request --

7 COMMISSIONER SUAREZ: So as to the
8 size --

9 MR. LaFERRIER: The request --

10 COMMISSIONER SUAREZ: -- of the signs
11 and --

12 MR. LaFERRIER: The request --

13 COMMISSIONER SUAREZ: -- what they
14 obstruct or not obstruct the view of the
15 residents is what I think concerns us.

16 MR. LaFERRIER: That's correct.

17 The request is that you can have a
18 cantilever sign. These are regarded as
19 cantilever signs, but they're only allowed
20 to be eight feet -- eight square feet in
21 size. These are larger than that. Some
22 of them are as large as 55 square feet.
23 Others are as large as 28 square feet.

24 COMMISSIONER SUAREZ: Eight square
25 feet. For example, the ones at Sunset

1 Place, which, of course, doesn't have any
2 residential, I don't think, but are they
3 like one foot by eight or something. Is
4 that why they stick to the eight foot --

5 MR. LaFERRIER: What? The ones at
6 Sunset Place, I think, are larger than
7 that, but, you know, it would be a two by
8 four or --

9 COMMISSIONER SUAREZ: Or one by eight
10 if they do this sort of configuration.

11 MR. LaFERRIER: Or one by eight, that
12 sort of thing. A much smaller size than
13 this.

14 The other thing that they're
15 requesting a variance from is that the
16 cantilever signs aren't usually allowed to
17 extend out into the right-of-way. In this
18 case, they need a variance to allow those
19 signs to go out into the right-of-way.

20 COMMISSIONER SUAREZ: We're talking
21 about the aerial right-of-way?

22 MR. LaFERRIER: That's correct.

23 COMMISSIONER SUAREZ: At what height
24 do they extend into the right-of-way?

25 MR. LaFERRIER: I think it's at 17

1 feet.

2 COMMISSIONER SUAREZ: So,
3 conceivably, if you had an 18-foot truck,
4 you would --

5 MR. LaFERRIER: Well, except in this
6 case, there's --

7 COMMISSIONER SUAREZ: They don't seem
8 to go past -- oh.

9 MR. LaFERRIER: Yeah.

10 COMMISSIONER SUAREZ: Oh, on the
11 sidewalk.

12 MR. LaFERRIER: Yeah. These
13 buildings are built right up to the edge
14 of the right-of-way. And then there's a
15 sidewalk between the curb and the
16 building. So actually these signs would
17 hang out over the sidewalk.

18 COMMISSIONER SUAREZ: You would have
19 thought that the applicant would have
20 negotiated down to a size that would be
21 acceptable to the owners, but that's not
22 what we have before us, so --

23 VICE CHAIRWOMAN EDMONSON: Yes, we're
24 following your direction. This is your
25 district. You're done? You want to hear

1 everybody else?

2 COMMISSIONER SUAREZ: Yes.

3 VICE CHAIRWOMAN EDMONSON: Okay,
4 we're going to start with Commissioner
5 Bell, Heyman. Anyone else? Okay,
6 Commissioner Bell, then Heyman.

7 COMMISSIONER BELL: Thank you.

8 First, let me say that it's really
9 good to hear from the residents, the
10 people that live there. I love hearing
11 you. You guys did a great job
12 articulating your cause, if you will.

13 My issue is, as I'm looking at this,
14 and I'm probably gonna defer to the
15 Commissioner of the district, for the most
16 part, but when one moves into a Downtown
17 Kendall Urban Center District that's mixed
18 use, commercial, I don't imagine that you
19 don't think that there's gonna be signage.
20 So I'm very kind of caught off guard by
21 that.

22 And we're having -- we're really
23 having an issue with an economic downturn.
24 And to not allow signage -- and the thing
25 that gets me is that you have an applicant

1 -- and I always like to see how does the
2 applicant work with the community. Is the
3 applicant going back and forth and
4 working? And I see that the applicant has
5 reduced the sign, reduced the sign,
6 reduced the sign in order to please. And
7 sometimes it gets to the point where no
8 matter how much you do and how much you
9 reduce, it's still not going to please
10 everybody or anybody.

11 But I'm conflicted about it, because
12 I'm reading the covenants, the declaration
13 of covenants under Number 5. I'm reading
14 another covenant here. And where it says
15 the commercial lot owners and its
16 designees shall have the right to use
17 these easements and have the right to
18 erect on the condominium property.

19 I find that the banners are not
20 egregious. They're skinny. I find that
21 they're complimentary of the building.

22 I also took a look at all of the
23 objections. And I see that between DERM,
24 Public Works, Parks, everybody, nobody had
25 any objections.

1 Am I correct, that it is recommended
2 by staff?

3 MR. LaFERRIER: That's correct.

4 COMMISSIONER BELL: Yes. And it's
5 like in this day and age -- and I drive
6 this everyday by -- well, not everyday. I
7 drive this every time I come down town,
8 because I take the Metrorail here. And
9 there is no signage there. There is no
10 way for me to know, unless somebody puts
11 an A frame sign out on the sidewalk, which
12 they're doing now, that there's a place
13 that does manicures and pedicures. I only
14 know that because somebody stuck an A
15 frame out there, so I do have a bit of a
16 vantage point, because I drive by there
17 all the time, even this morning.

18 So I'm a little bit conflicted,
19 because I always try to weigh the rights
20 of the property owners, but the commercial
21 element is also a property owner. So
22 you're having property owner versus
23 property owner. And I think that there's
24 always a balancing act, and I think that
25 there's always a way to please both

1 parties and it can be done. And that test
2 is the test of is the applicant working
3 with the property owners. Is the
4 applicant -- and I see that they are. And
5 I see again and again, and everything that
6 I've been reading on this item, that they
7 kept reducing, and reducing and reducing
8 the size of the banner, which is almost
9 like a transparent banner. And I looked
10 at the pictures and saw that it wouldn't
11 be interfering with anybody's view,
12 because that would -- that would matter to
13 me, but I see it's not obstructing
14 anybody's view. So if you walk out to
15 your balcony and there's a sign right
16 there, I would totally say, oh,
17 absolutely, but the fact that they're off
18 on the corner of the building and it's not
19 obstructing anybody's view.

20 So, you know, I have to say the
21 application makes sense to me. The appeal
22 makes sense to me. The fact that you're
23 in the heart of a downtown commercial
24 district. You know, I don't know what you
25 expect when you move in the downtown --

1 right in the heart of a downtown
2 commercial district. It's a Metro urban
3 center. You have to know when you move
4 into an urban center that there's going to
5 be some signage.

6 So the fact that the developer, as I
7 said, keeps working with the applicant --
8 I mean, keeps working with the property
9 owners, you know -- I don't know, I think
10 sometimes -- but you guys did a great job,
11 by the way, a great, great case. I'm just
12 looking at the facts and the facts weigh
13 out that there is justification for
14 signage.

15 Thank you, Madam Chair.

16 VICE CHAIRWOMAN EDMONSON: Thank you.
17 Commissioner Heyman.

18 COMMISSIONER HEYMAN: Well, I'll be
19 the first one to agree with my colleague,
20 Commissioner Bell.

21 COMMISSIONER BELL: You're very wise.

22 COMMISSIONER HEYMAN: You know, it
23 could use signage. I think it's in the
24 details, though, okay? It is a mixed use.
25 And, you know, in due respect, whether

1 you're in South Carolina or anything else,
2 mixed use, you knew what you're coming
3 into. I got to tell you most of us don't
4 read covenants or usually warranties or
5 anything else. You look at it and you say
6 this works for me and you sign where
7 someone tells you to sign without the
8 minute details. But it is mixed-use, and
9 I'm looking at residential as tenants as
10 well as a business.

11 I do have a concern on a couple of
12 things. Working with your own package
13 here, for instance, I don't believe even
14 -- this is on appeal. This is a
15 go-around, and a go-around, that even with
16 the staff's recommendation -- and Mr.
17 Director, when the question is posed, do
18 you support this or you're approving this,
19 and your position is yes, you also need to
20 say, but these are our recommendations
21 specific to our support, such as the
22 lights on the signage, such as the
23 maintenance, such as the size and stuff
24 like that. So, you know, it's with
25 additional conditions, Commissioner Bell.

1 I'm not sure if you saw that.

2 Here's my concern to what was
3 addressed. And, yes, there's signage,
4 should be signage. Some of your very own
5 pictures show that even with the staff's
6 recommendation, I don't think you've
7 exercised, let alone exhausted what is
8 less intrusive marketing, labeling for
9 this property. And in due respect to your
10 extra go-around and saying we can lower
11 the signs a little, whether it's the
12 pictures that haven't depicted what your
13 intent is, I think that's workable. I
14 think you all are a cooperative
15 neighborhood, and you want the local
16 business to succeed, the tax base to
17 succeed, to the residents to be
18 accommodated. And I don't think you're
19 there with this application, in due
20 respect. Rather than having an absolute
21 no vote, if you have -- do you have the
22 authority to speak on behalf of your
23 client?

24 MR. FERNANDEZ: We would have to go
25 back and talk to them and come back to

1 you.

2 COMMISSIONER HEYMAN: All right.

3 Well, let me -- if I might, Madam
4 Chair, let me -- I'll express some of my
5 concerns. I don't think they're
6 unreasonable. I know the area, and it's
7 great if you had some signage to capture
8 people on through streets when it's slow
9 or stopped to know what's there. I like
10 that.

11 But I've got to tell you there's some
12 things that I feel before you -- even
13 though it's screened, as far as I'm
14 concerned, it's not dead in the face of
15 the front of the balcony, but it does
16 affect the view of the balcony and you can
17 see it from your own pictures, starting
18 with the transparent material, okay?

19 I'm going to ask anybody here,
20 starting with you, sir, if that's what you
21 want to look through. I don't care if
22 it's there or I-95 looking through a hotel
23 that I've just paid for or over on the
24 beach. When someone wants to put
25 something transparent up, I'm hoping it's

1 in front of someone else's view. And this
2 is something they didn't buy into. And
3 maybe attorneys want to get into who owns
4 the air space, but I have to feel, if you
5 have the ability to lower their sign
6 legally, and make the font a little bit
7 lower, you can take care of the only
8 complaint that the guy that said, I'm fine
9 with it, but if you reduce the length of
10 the signage so maybe his blockage --
11 because I doubt he's going to be on his
12 face on --from his balcony versus his feet
13 or his seat, then maybe that just works
14 out. And wouldn't you think somebody in
15 marketing would have done that, to take
16 care of your promotion and integrity of
17 what these people bought into? They're
18 not anti-signage. They're saying don't
19 encroach so much. So that would be a
20 condition that I would ask for. And you
21 clearly have the room under our signage
22 law for banners to bring it down some and
23 maybe reduce it a little. And this
24 proposed banner I think perfectly
25 illustrates it. I don't think someone has

1 to worry about a height restriction, 20
2 something feet, or 10, whatever it is,
3 because ironically you can go below that.

4 And to the second suggestion on less
5 intrusive and also maximizing what you're
6 able to do. When you have to talk about
7 how limited four inches on an awning could
8 be, if you look at this view, this is four
9 inches on the front and that's nice. And
10 you haven't even done that to help your
11 own businesses. And I have passed that on
12 facades in county roads and municipal
13 roads, even in the CRA areas, to help the
14 businesses. You haven't done anything.
15 So if my colleagues could see all their
16 awnings, they are absolutely blank. So
17 whether you want to start with four
18 inches, you also have aboveground people
19 all around that they didn't do anything.
20 It's not interactive.

21 MR. FERNANDEZ: All right.

22 COMMISSIONER HEYMAN: It's just to
23 listen to my suggestion.

24 MR. FERNANDEZ: I understand.

25 COMMISSIONER HEYMAN: I did listen to

1 you.

2 MR. FERNANDEZ: I figured that out.

3 COMMISSIONER HEYMAN: But I got to
4 tell you something, I drive local. I hate
5 being stuck in traffic, but it's a
6 captured audience. And you haven't even
7 tried before you're shooting up your
8 banner signs.

9 So I'm going -- if I don't get a
10 supportive response on that -- because,
11 one, I think it's incredibly reasonable.
12 Two, you're willing to market yourself
13 now, so why not start with a property that
14 won't compromise anyone's view and would
15 benefit you. And, three, tailor it down a
16 little within the limits of our law and
17 you won't block anybody, because the first
18 floor balcony on one of your other
19 illustrations shows it. So I'm going to
20 ask for that, because I do believe
21 conceptually, sir, that whether it's the
22 windows or the balconies that you can have
23 a positive impact on a trying time down at
24 Kendall. Help all these businesses. I've
25 patronized some of them. Once you find

1 the parking, you want to stay there. The
2 thing is -- so I would also suggest for
3 another area that's absolutely void, by
4 your own admission, since I got my
5 colleagues here -- and I'm not even sure
6 -- well, it's actually Suarez's district,
7 so I do know whose it is.

8 You have a picture here that you
9 talked about your limited pedestrian
10 options, and shame on you, because you got
11 a sidewalk. That's one thing that's nice
12 about this whole area, they put in
13 sidewalks everywhere and you absolutely
14 have not used any means to communicate
15 anything, starting with your pictures off
16 on the Dadeland Boulevard and it says no
17 vehicle orientation to the next one.
18 Unless you cleaned up everything, there's
19 absolutely -- and Kendall Drive. And you
20 know something, everything from the facial
21 and the facade out front that's down below
22 that you have the right to put up a
23 pedestrian sign way above someone's head,
24 and I've seen it in places, including
25 Coral Gables that's really restrictive,

1 you've done nothing, but then you say
2 these are the problems we face. I
3 apologize, you have done something, but,
4 in my opinion, within your means, not to
5 impact residential at all, I think what
6 you've done is minimum to the benefit of a
7 commercial area that needs help.

8 You know, sir, I'm not even going to
9 invite you to talk. I listened and heard
10 your examples. I saw it. I read your
11 package, because I think the argument is
12 compelling for the businesses to get some
13 help. I'm not listening to him either, so
14 -- okay.

15 MR. FERNANDEZ: No, I know.

16 COMMISSIONER HEYMAN: I would suggest
17 you use other means, allowable by rule,
18 covenant, our zoning rules for awnings,
19 pedestrian signs, directional signs and go
20 to the no block where you can -- and I
21 believe you can. And I think that would
22 appease it, because I didn't hear them say
23 no signs. They said please don't block
24 our views and stuff. And if you could do
25 that, I'll support it, otherwise my vote

1 is no.

2 I'm not sure where Commissioner
3 Suarez is as a person from the district.
4 That's usually why you have the first shot
5 to voice, not just question, but I think
6 we can do better. And if we could get an
7 agreement on it and move ahead with that
8 intent, I'll support it.

9 VICE CHAIRWOMAN EDMONSON: Anyone
10 else besides the District Commissioner?

11 COMMISSIONER MOSS: Just a quick
12 question.

13 VICE CHAIRWOMAN EDMONSON:
14 Commissioner Moss.

15 COMMISSIONER MOSS: Thank you, Madam
16 Chair.

17 Mr. Director, in reference to the
18 charrette and the Downtown Kendall rules
19 and regs that were put in place. And in
20 view of your recommendation, have we
21 learned something in this process? And if
22 so, what would that be in the future in
23 looking at, you know, these kinds of
24 circumstances? What direction do you
25 think the Department would basically be

1 leaning towards in terms of
2 recommendations?

3 MR. LaFERRIER: Thank you,
4 Commissioner, that's a very good question.

5 As you know, this is one of our most
6 dense developments in the unincorporated
7 area of Miami-Dade County. It's planned
8 to be an urban area, mixed-use area. So
9 the idea is to have a vibrant sort of
10 downtown center here. These buildings
11 were all planned and developed in a
12 uniform manner and within an interior
13 roadway, retail spaces on the ground floor
14 of each one of these buildings and
15 residential above. A good design for
16 urban development.

17 But what we did learn is that when
18 you have that type of development pattern,
19 in sort of a suburban area, that is
20 dependent upon automobile traffic for
21 retail business, that what we've learned
22 is that the way the building is designed
23 needs to take into consideration the
24 storefronts and visibility of the
25 storefronts. If you look at the pictures,

1 the colonnades limit any kind of real
2 visibility that these stores have, these
3 retailers would have from traffic that's
4 at all off-site. It's fine for pedestrian
5 traffic, but not for incoming traffic.

6 The other thing that we learned is
7 that the signage regulations that we have
8 are pretty limited. And in urban areas
9 often they are very limited. They came to
10 us with what we thought was a reasonable
11 and appropriate approach of dealing with
12 the signage that's so limited and in such
13 an urban area like this.

14 The one concern that we did have,
15 too, was that there might be some examples
16 of where there's some incompatibility with
17 the residential properties above. They
18 modified what they did to make some
19 smaller signs, just as, I think,
20 Commissioner Heyman had mentioned, to just
21 lower it. So that when you're standing in
22 your unit, or sitting in your unit, you
23 can look out the window and you wouldn't
24 see the sign at all. Probably the biggest
25 problem here is the ones that are near the

1 balconies. I think the ones that area
2 near the windows aren't going to really
3 cause a problem, because you have to stick
4 your head out the window to see the sign.

5 But I think that they brought forward
6 to us a problem that we weren't fully
7 aware of, and that is that we need to
8 probably go back and amend our code to
9 allow for some additional types of signs
10 and carefully regulated signs, but more
11 liberal and available signage for those
12 retailers.

13 COMMISSIONER MOSS: So right now the
14 signage code, as it currently exist, would
15 not be sufficient to advertise those
16 businesses that are in the -- you know,
17 the interior of, you know, this type of a
18 development or is there a need for a
19 larger sign? I guess that's the question,
20 I mean, because right now they can use
21 signs. And I guess the other question
22 would be, those signs that currently exist
23 there now, they do have some signage.

24 MR. LaFERRIER: Yes.

25 COMMISSIONER MOSS: How do those

1 signs operate? Are they within code? I
2 mean, what's the situation there?

3 MR. LaFERRIER: This is the first
4 variance that we've had for a request on
5 signage on Downtown Kendall. They are
6 allowed to have signage, as you would
7 think, usually just the marquee signage
8 that's above the -- you know, above the
9 business or on the awnings. In this case,
10 they didn't chose to put on the awnings
11 yet, and they may decide to do that to
12 help them out.

13 But I think in this case, it's a
14 little bit different. As I mentioned
15 earlier, this is really an urban mixed-use
16 area, but it's in a suburban part of the
17 County. So it really needs to attract
18 people. And it's a small urban area, too.
19 It's just a series of eight buildings, so
20 they need to be able to attract people
21 from off-site. And the site is
22 internalized a little bit. So these
23 banners were going to be able to help
24 bring people off of Kendall Drive and
25 Dadeland Boulevard and also begin to show

1 sort of -- you know, the type of signage
2 that was being used, shows that it's more
3 of an urban area and kind of celebrates
4 that design a little bit.

5 COMMISSIONER MOSS: And so the
6 charrette, and the resulting, you know,
7 development that occurred there, those
8 retail spaces on the interior weren't
9 necessarily targeted toward creating
10 localized businesses that would pretty
11 much serve the development? The idea was
12 to pull in people from the outside as
13 well?

14 MR. LaFERRIER: Yeah, I think that
15 internal street, and types of businesses
16 that were expected to be in those internal
17 streets, were expected to be people that
18 live in and around the Downtown Kendall
19 development, but that isn't sufficient
20 enough in order to sustain businesses.
21 They need more traffic and more customers,
22 and these signage would help to attract
23 those.

24 COMMISSIONER MOSS: What would you
25 say would be the difference between the

1 current state of the economy and just the
2 lack of, you know, this ability to market,
3 you know, market the interior spaces, I
4 mean?

5 MR. LaFERRIER: Well, I mean, the
6 current state of the economy has an effect
7 on all businesses and the overall
8 availability and competition amongst
9 businesses and the overall availability of
10 customers, but I think even if the economy
11 was going well, just due to the sign
12 constraints, that there would be a need
13 for additional signage in order to help
14 facilitate the economy for these business
15 owners.

16 COMMISSIONER MOSS: So I hear you
17 saying that going forward, that in the
18 future, you know, any kind of development
19 like this, we need to take a different
20 approach, if you will, to the marketing in
21 order to help those areas be successful.

22 MR. LaFERRIER: Yeah.

23 COMMISSIONER MOSS: One last thing,
24 in reference to the -- I guess, the
25 covenants, the restrictions, is there any

1 restriction on the signage being relevant
2 to the businesses that are on the property
3 as opposed to you create signage now and
4 all of a sudden you're advertising
5 something else like we see these signs all
6 over the County now advertising, you know,
7 Nike, or whatever they advertise, that
8 sort of a thing. Is it restrictive to
9 those -- the businesses onsite as opposed
10 to now becoming an advertising opportunity
11 for the owners of the property?

12 MR. LaFERRIER: Right. The covenants
13 that were mentioned in the testimony
14 aren't covenants between the property
15 owner and the County. What would apply in
16 this case would be the County's
17 regulations. These are Class B signs.
18 These are signs that are only to advertise
19 for onsite sales and services.

20 What you're referring to, if it
21 wasn't a shoe store, and it was just Nike
22 in general, then that would be a Class C
23 signage, that's off-site advertising.
24 Those are not allowed by our code. So if
25 they were to put up some signs for a

1 product that wasn't sold onsite, then that
2 would be a violation of the County code.

3 VICE CHAIRWOMAN EDMONSON:

4 Commissioner Barreiro.

5 CHAIRMAN BARREIRO: Thank you, Madam
6 Chair.

7 On the signage, have you looked at
8 the issue of putting -- first of all, are
9 most of these signs in the corners?

10 MR. FERNANDEZ: They are not. They
11 are throughout the facade of the building.
12 There are some at the corners and some in
13 the middle of the building.

14 CHAIRMAN BARREIRO: The ones in the
15 corner, though, I was thinking instead of
16 putting two signs, you put one right at
17 the very --

18 MR. FERNANDEZ: We have done that.

19 CHAIRMAN BARREIRO: The very edge.

20 MR. FERNANDEZ: Commissioner --

21 COMMISSIONER BARREIRO: Looking out.
22 Basically, it would be very difficult to
23 block anybody's view.

24 MR. FERNANDEZ: We have done that.
25 Wherever there's a corner, we've reduced

1 it from two signs to one sign in
2 response to --

3 CHAIRMAN BARREIRO: It's not what
4 your pictures show, though.

5 MR. FERNANDEZ: -- the Director's
6 comments.

7 CHAIRMAN BARREIRO: That's not what
8 your pictures show.

9 VICE CHAIRWOMAN EDMONSON: I think
10 that's in their amendment.

11 I think that's in the amendment that
12 you presented earlier at the beginning of
13 the meeting, correct?

14 MR. FERNANDEZ: We reduced -- we also
15 reduced the size of the sign on 72nd Court
16 and on 72nd Place. So those signs are
17 smaller, considerably smaller than the
18 other signs.

19 CHAIRMAN BARREIRO: All right.
20 That's just my question. Thank you.

21 VICE CHAIRWOMAN EDMONSON:
22 Commissioner Souto.

23 COMMISSIONER SOUTO: This -- my dear
24 colleagues, this thing of the charrette in
25 Kendall, this used to be part of my

1 district many years ago. And it was me
2 who started with the -- it was the days of
3 O'Quinn was the name of that lady, who was
4 the Director? The first, the charrette
5 that was done there, but then it changed
6 districts and it became Commissioner
7 Sorenson. Commissioner Sorenson became
8 then the great champion of the --
9 according to her, of the charrette, so on
10 and so forth. And there was a -- no doubt
11 that there was a need for all of that, and
12 that's why we started with the charrette.

13 I can see -- I can see the problem of
14 the people who live there. I can see the
15 problem of the business. I've been a
16 business owner, a business developer also,
17 and I can take that side, too. And I know
18 that both have reasons. And they both
19 have -- they're right in some ways and
20 they're not right in some other ways. So
21 I guess the truth is in the middle
22 probably.

23 There's no doubt that that's a
24 beautiful area designed by that charrette
25 to be one of the best in Miami-Dade

1 County. No doubt about that. It was by
2 design, so we created that. Now it's very
3 active, very attractive. I go by once in
4 a while to get somebody at the hotel
5 there, or see somebody, and so on and so
6 forth. As you know, Dadeland is a great
7 shopping center, very popular with the
8 Latin Americans and others and so on and
9 so forth.

10 So there must be a way, there must be
11 a way to arrive at some sort of an
12 agreement between those who live there and
13 also those who have shops around there,
14 owners, shop owners, businesses, others.

15 It is a very difficult time in
16 America and in the world. It's going to
17 be -- it's going to be difficult for a
18 while. It's not going to disappear
19 overnight. All the indexes and all the
20 data that exist indicate that this thing
21 is going to take years to be resolved.
22 And a business can go out of whack in a
23 couple, several months, you know.

24 VICE CHAIRWOMAN EDMONSON: That's
25 right.

1 COMMISSIONER SOUTO: Somebody said
2 that the business of America is business,
3 right? We have to protect business.
4 There's no doubt about that. We have to
5 take care of the people also, but -- so I
6 guess that the truth is in the middle
7 somewhere, and there must be a way to
8 advertise in the proper fashion, and the
9 proper way and the proper dimensions.

10 It is also true that we have a heck
11 of a problem in Miami-Dade County as it
12 relates to signs. I have a nightmare on
13 Bird Road, as you know, and other places,
14 in Coral Way and so on and so forth. So I
15 think we need to be very, very, very, very
16 tough on signs and on the patrolling of
17 the signs, and so on and so forth. Right
18 now we have all these -- yesterday, by the
19 way, I got one here, on my phone, on my
20 County phone, one of those buy a car for
21 \$450, you know, in my cell phone.

22 Unbelievable. I don't know how these guys
23 get my number, but they sent me one. You
24 can take a look at my phone here.

25 So, anyway, no doubt that we need to

1 be tough on the enforcement and all of
2 that, but on the other hand, we just can't
3 eliminate all sorts of signage. I think
4 that would be throwing the baby out with
5 the bath water, so to speak. So there
6 must be -- there must be a way.

7 And I know that you're all smart
8 people, and you'll propose some changes
9 and some amendments on things and get to
10 the nitty gritty. Somebody said that the
11 devil is in the details. Now we're into
12 the details. And this is where the rubber
13 meets the road.

14 Thank you.

15 VICE CHAIRWOMAN EDMONSON:

16 Commissioner Jordan.

17 COMMISSIONER JORDAN: Thank you,
18 Madam Chair.

19 Let me ask staff. When I look at the
20 pictures, when I look at the pictures, it
21 appears as if the signs -- these are signs
22 that are -- these are just samples.
23 They're not there now, right?

24 MR. FERNANDEZ: That's correct.

25 VICE CHAIRWOMAN JORDAN: Okay. But

1 in looking at it, it seems -- what is the
2 -- because you were proposing to go out in
3 the air space two feet up to four feet,
4 correct?

5 MR. FERNANDEZ: No, two feet, two
6 feet 10 inches, to be exact.

7 COMMISSIONER JORDAN: Two feet 10
8 inches, but to get to a maximum of 13
9 four?

10 MR. FERNANDEZ: Length wise, up, in
11 height.

12 MR. LaFERRIER: In height.

13 COMMISSIONER JORDAN: But it would
14 never exceed two feet, two feet going out?

15 MR. LaFERRIER: Well, there are some
16 different size banners that are being
17 proposed. Because the building sits right
18 on the right-of-way line, and then there's
19 the sidewalk and the curb, they need the
20 variance to have the cantilever sign go
21 out over the sidewalk. It's 17 feet above
22 the sidewalk. And the width of that
23 banner sign is almost three feet, as the
24 attorney just mentioned, two feet 10
25 inches. And then they go as tall as 17

1 feet. The other ones I think come down to
2 about six feet. So in some cases they've
3 got some signs that are 17 feet tall and
4 in other locations about half that.

5 COMMISSIONER JORDAN: Okay, but none
6 of them go out further than two feet 10
7 inches?

8 MR. LaFERRIER: That's correct.

9 COMMISSIONER JORDAN: Okay.
10 You know, I'm usually -- and I guess
11 I'm torn on this, because I understand the
12 issue of the commercial value, but I
13 consistently vote no on signs, because I
14 feel that it's opened a door. And once
15 you open a door, you're going to kick it
16 wide open even further, which is what I've
17 seen happen.

18 But I understand that -- you know,
19 the need for the commercial aspect in
20 order to advertise, but I am concerned
21 about the fact that it is blocking the
22 residents. And that, to me, I would not
23 want to happen, you know, but I'll just
24 have to hear from the District
25 Commissioner.

1 VICE CHAIRWOMAN EDMONSON: Okay.

2 Thank you, Commissioner.

3 I, too, I'm still torn, but I'm going
4 to follow the District Commissioner, but I
5 do need to have something clarified.

6 At the very beginning, Mr. Fernandez,
7 you did state that you have lowered the
8 signs that we have in the pictures?

9 MR. FERNANDEZ: That is correct.

10 VICE CHAIRWOMAN EDMONSON: Lowered
11 them to what? And can you show us on the
12 sign, because the sign is pretty -- or
13 this banner is pretty high.

14 MR. FERNANDEZ: I think that --
15 Tadao, if you could help me with this.

16 MR. SHIMIZU: Tadao Shimizu. I'm
17 with the architectural firm Ad, Inc., 2
18 South Biscayne Boulevard, Miami, Florida.
19 I'm the project architect and manager for
20 this project.

21 I guess to answer your question, what
22 we have done is, we've lowered all banner
23 signs to 11'2 above the sidewalk.

24 VICE CHAIRWOMAN EDMONSON: Okay, and
25 that's the way it would appear?

1 MR. SHIMIZU: Yes.

2 VICE CHAIRWOMAN EDMONSON: Or look?

3 MR. SHIMIZU: I'm sorry?

4 VICE CHAIRWOMAN EDMONSON: From the
5 amendment, that's the way it would look
6 now?

7 MR. SHIMIZU: Yes, that's correct,
8 that's the what we're proposing. That's
9 the current proposal. And that's the
10 bear -- the minimum height that we need to
11 maintain for Public Works.

12 VICE CHAIRWOMAN EDMONSON: And where
13 is the balconies? Where is the balconies?
14 I'm trying to --

15 MR. SHIMIZU: Balconies, they vary
16 according to the location of the
17 buildings.

18 VICE CHAIRWOMAN EDMONSON: The
19 balconies on the first floor.

20 MR. SHIMIZU: Right here, right. So
21 what we've done is, we've actually lowered
22 it, so that -- in this particular sign
23 type, so that the top of the sign is flush
24 with the top of the balcony railing.

25 VICE CHAIRWOMAN EDMONSON: So it

1 would not prevent anyone from being able
2 to see out?

3 MR. SHIMIZU: For this smaller 28
4 square foot sign, that's correct.

5 VICE CHAIRWOMAN EDMONSON: Okay,
6 because that's what stayed in my mind
7 every time someone spoke about it blocking
8 someone's view, and I knew at the
9 beginning, I was told that they had
10 lowered.

11 Mr. Director.

12 MR. LaFERRIER: Madam Chair, if I can
13 clarify a little bit.

14 Some of the signs were lowered, both
15 in how high they were off from the
16 sidewalk and some others were also lowered
17 as to how tall the sign is. Some of them
18 are 17 feet tall and some of them go down
19 to eight feet.

20 If I can just sort of elaborate a
21 little bit more on the situation. In my
22 view, the signs that become or could
23 become an impediment to a view corridor
24 are the ones that are near the balconies.
25 There are situations where the signs are

1 next to balconies and then there are
2 situations where there are signs that are
3 being put up between windows and the blank
4 wall space between the windows. Those I
5 don't think that the Department would have
6 an issue with, and we don't, because you
7 literally would have to open up the window
8 and stick your head out the window to see
9 the sign. When you look out the window,
10 you're okay. But if you're on your
11 balcony, some of these ones that are near
12 the balcony, you could see, even though
13 they're translucent material.

14 One of the things that they had
15 talked about doing, they had done
16 surgically in the proposal, is on some of
17 the balconies do what Commissioner Heyman
18 had asked, and that is, instead of a
19 17-foot tall sign, lower the whole sign
20 and then lower the height of the sign, so
21 it's about eight feet. And what you wind
22 up with there is, it still comes up above
23 the floor of the balcony, but as you're
24 standing and sitting in your unit, you
25 wouldn't see it, unless you were looking

1 down at it.

2 VICE CHAIRWOMAN EDMONSON: Okay. So
3 will that be possible for the ones that
4 are at the balconies for them to be
5 lowered? Is that --

6 MR. FERNANDEZ: Absolutely.

7 VICE CHAIRWOMAN EDMONSON: --
8 included in the amendment?

9 MR. FERNANDEZ: We would do that
10 throughout for all of them.

11 VICE CHAIRWOMAN EDMONSON: Okay.
12 Then can that be placed on the -- how can
13 we get that in writing?

14 MR. FERNANDEZ: Well, it's a
15 variance.

16 VICE CHAIRWOMAN EDMONSON: Because I
17 would like to --

18 MR. FERNANDEZ: I supposed that the
19 variance can contain a condition that
20 provides that no banner sign may be
21 located above the rail level of any
22 residential balcony.

23 VICE CHAIRWOMAN EDMONSON: Mr.
24 Attorney, can that be done?

25 MR. COLLIER: We can add that as a

1 condition. I just want to make sure that
2 that satisfies the Department as far as
3 the variances and what's been -- what's in
4 the site plans.

5 MR. LaFERRIER: Well, that would be
6 an amendment to the site plan, but as I
7 just described what I thought was the most
8 aggravating condition, that would help
9 alleviate that concern.

10 MR. COLLER: So as an additional
11 condition, that no sign will exceed the
12 height of the --

13 MR. LaFERRIER: Rail.

14 MR. COLLER: The rail of the balcony.

15 MR. FERNANDEZ: When adjacent -- when
16 adjacent to the residential balcony.

17 VICE CHAIRWOMAN EDMONSON: No, I
18 understand. And that's going to be --
19 because I'm not going to make any motions
20 for amendments. That's going to be a
21 recommendation to the District
22 Commissioner when he takes the floor.

23 COMMISSIONER HEYMAN: Madam Chair, if
24 I might.

25 VICE CHAIRWOMAN EDMONSON: May I

1 finish, please? If it's a point of order,
2 I hope it's a point of order.

3 COMMISSIONER HEYMAN: Yes.

4 VICE CHAIRWOMAN EDMONSON: And not --

5 COMMISSIONER HEYMAN: Yes. If you
6 look at what was just presented and what
7 you suggested, it's the same thing, at the
8 top of the rail. That's what they
9 proposed, so that's not a change. So I
10 just want to bring it to your attention.
11 If you're talking about changing, they
12 already agreed to that.

13 MR. FERNANDEZ: Not throughout the
14 whole project, if I may.

15 VICE CHAIRWOMAN EDMONSON: Wait,
16 wait, wait, one second.

17 COMMISSIONER HEYMAN: Okay. Sorry.

18 MR. FERNANDEZ: It's just not
19 correct.

20 VICE CHAIRWOMAN EDMONSON: I have the
21 floor, sir, and you -- thank you.

22 Okay, that's a recommendation. And
23 if that's already in there, I just wanted
24 the District Commissioner --

25 COMMISSIONER MOSS: Madam Chair --

1 VICE CHAIRWOMAN EDMONSON: You know,
2 I might have to, to be aware of that.

3 Because I, for one, I'm finding those
4 signs to be complimentary to what this is
5 all about. I'm hearing people saying that
6 they don't want to hear the noise. They
7 want their privacy. However, this is an
8 urban center district and anyone that
9 moves into an urban center district
10 expects this. This was built to be this
11 way. It was built to be it appears work
12 and play as well as live. And when you
13 decide or make that decision to move into
14 one of these types of communities, this is
15 what you expect.

16 We have -- and you know that
17 businesses are there. And with the
18 economy as it is, I would hate to see
19 these businesses go out of business,
20 because then, all of a sudden -- and I
21 don't think people are beginning to
22 realize, these businesses go out of
23 business, their property value will go
24 down, and, therefore, they will not be
25 able to get what they actually put into

1 these units.

2 COMMISSIONER BELL: Right.

3 VICE CHAIRWOMAN EDMONSON: And I
4 don't think they're looking at it this way
5 in reference to their current units. And
6 if they decide to move, they're not going
7 to be able to get their money back out of
8 it. So you have to look at it that way as
9 well, not just the residential units, but
10 you look at the successful businesses
11 that's below, because they're going to
12 also help raise your property values.

13 I think I'm going to -- I think what
14 the businesses are asking for are
15 reasonable and appropriate, but that's
16 just my opinion. I'm still going to
17 follow and I will follow the District
18 Commissioner on what he thinks.

19 So now I'll turn it over to
20 Commissioner Suarez for closing.

21 COMMISSIONER SUAREZ: Well, all of
22 the input of my colleagues has shaped my
23 views on all of this. As an engineer,
24 too, I've been working with these
25 dimensions that you have thrown at us.

1 And as the Council has voted on, they were
2 very much objecting to 55 square feet,
3 55.75. That being seven times the
4 allotted size. That's way out of balance.
5 And I was inclined to go with them on
6 that. Then I thought these signs don't
7 look like they go anywhere close to 55.75
8 square feet. So somewhere along the line
9 somebody must have gotten some signage you
10 might have had early on in the process,
11 because even at two feet 10 inches and 13
12 feet in height, that would still be well
13 short of 55.75. So unless you counted
14 both sides and added them up, that would
15 make no sense.

16 So hearing the Chair, hearing the
17 Commissioners conflicted as I am, by -- as
18 Commissioner Bell stated, by the fact that
19 you've got 58.33% vacancies, I initially
20 was going to throw out the figure -- and
21 I'm glad that, Madam Chair, it seems like
22 we can do it sort of by compromising here,
23 a very low figure. Counselor, you
24 wouldn't have been happy with my initial
25 figure, but it's been kind of changed by

1 my colleagues as they spoke about the
2 unemployment rate. They spoke about the
3 fact that this is an urban center. I
4 initially thought one and a half by six,
5 that would have been nine feet -- square
6 feet, which is a heck of a lot closer to
7 the requirement.

8 But I'm impressed with the argument
9 that -- Madam Chair and colleagues, that
10 if you start from a height of 17 feet
11 projecting out onto the sidewalk and you
12 limit it to eight feet, I think, Mr.
13 LaFerrier, that we are at a maximum of 25
14 feet, if it's eight by two. 25 feet would
15 still -- would not project over the single
16 balcony, even the lowest balcony, so that
17 they could look out and -- unless they
18 look down, they're not going to see the
19 sign.

20 And so I would be inclined to propose
21 that two by eight be the maximum and never
22 to exceed 25 feet in height. And
23 beginning at 17 feet, that gets you an
24 extra eight feet and two in width.

25 And with that, I'll make that into a

1 motion, with that proviso.

2 COMMISSIONER HEYMAN: Second.

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 It's been moved and second.

5 Mr. Attorney?

6 MR. COLLER: I'm a little bit

7 concerned about the numbers.

8 VICE CHAIRWOMAN EDMONSON: Would you
9 help me with this as well. I need your
10 help on this.

11 MR. COLLER: I'm a little concerned
12 about the numbers, and I want to make sure
13 that the Department understands the
14 numbers, because they're ultimately going
15 to be the ones that approve this.

16 COMMISSIONER SUAREZ: Very simply 16
17 square feet, two by eight, maximum two
18 feet projection out, because even though
19 they're translucent, if they stick out too
20 much, you're not going to be able to see
21 through them particularly well. And never
22 to reach any higher than 25 feet, which is
23 eight feet above 17, which is the lowest
24 level I think any of them project out from
25 -- in cantilever fashion.

1 MR. COLLER: I just want to check
2 with the Director on -- is that consistent
3 with -- is that within the advertisement
4 as far as that maximum height of 25 feet
5 high? Is that the appropriate calculation
6 based upon what we advertised?

7 MR. LaFERRIER: It's within the
8 limitations of the variances that were
9 requested. Basically, what's being
10 proposed is the signs would be smaller in
11 all cases.

12 MR. COLLER: So it's two feet by
13 eight -- eight feet, two feet projection
14 and a maximum height of 25 feet.

15 COMMISSIONER SUAREZ: Correct.

16 MR. COLLER: That's --

17 COMMISSIONER SUAREZ: That would be
18 the lowest that they are is 17 feet, Madam
19 Chair, so eight feet higher than that
20 would be 25, which I gather would not
21 exceed any of the balconies.

22 VICE CHAIRWOMAN EDMONSON:
23 Commissioner, would you yield to
24 Commissioner Moss? He has a point of
25 order.

1 COMMISSIONER SUAREZ: Yes, yes.

2 COMMISSIONER MOSS: Just a quick
3 question: Does that also take into
4 consideration the limitation on the signs
5 not being higher than the balcony or the
6 railing?

7 COMMISSIONER SUAREZ: That was the
8 intention, Commissioner, Madam Chair.

9 MR. FERNANDEZ: Commissioner Suarez.

10 COMMISSIONER SUAREZ: That it would
11 not exceed 25 feet, because if you go from
12 17, plus 8, it would never reach a point
13 higher than any of the balconies.

14 MR. FERNANDEZ: Madam Chair.

15 VICE CHAIRWOMAN EDMONSON: One
16 second, please.

17 MR. FERNANDEZ: Thank you.

18 VICE CHAIRWOMAN EDMONSON: Okay. Mr.
19 LaFerrier.

20 MR. LaFERRIER: I just wanted --
21 excuse me, I just wanted to clarify the
22 Commissioner's statement.

23 The signs would begin at 17 feet,
24 which is within the requested variance.
25 And then the actual banner itself would be

1 no greater than two feet wide and eight
2 feet tall.

3 COMMISSIONER SUAREZ: Correct.

4 MR. LaFERRIER: Okay. That's within
5 the restrictions of the variance.

6 VICE CHAIRWOMAN EDMONSON: So that's
7 in the restrictions of the variance?

8 MR. LaFERRIER: That's right. So
9 that motion -- that motion would be within
10 the advertised variances. It's less than,
11 more restrictive than the variance that
12 was requested and advertised.

13 VICE CHAIRWOMAN EDMONSON: Okay.

14 COMMISSIONER SUAREZ: Madam Chair, it
15 looks like they want to sort of negotiate
16 among them. If that's --

17 VICE CHAIRWOMAN EDMONSON: That's
18 what I was asking of you.

19 MR. FERNANDEZ: Madam Chair, if I
20 may, I think everyone has been listening
21 to the comments. And, Mr. Molder, if he
22 can approach the stand, I think that there
23 may be a compromise and the neighbors --

24 VICE CHAIRWOMAN EDMONSON: Mr.
25 Molder, would you take the other lectern,

1 please.

2 MR. MOLDER: Thank you, Madam Chair.

3 I think -- I think I lost my
4 president for Building D. He's not here
5 anymore, but Mr. Donelan just advised me,
6 on behalf of A and B -- and of course, you
7 know, because we're governed by Chapter
8 718, and, you know, they have to act as a
9 board for this, but I don't believe there
10 would be an objection from A and B at
11 least, that's all I can tell you right
12 now --

13 VICE CHAIRMAN EDMONSON: I
14 understand.

15 MR. MOLDER: And I don't know what
16 the numbers come out. I'm not very good
17 at the math. I don't know where the
18 building starts. But if there was
19 something, limiting or some kind of
20 condition that said the top of the banner,
21 of any banner, would not exceed the
22 railing height of the first level, I don't
23 believe that would be objectionable to A
24 and B.

25 MR. FERNANDEZ: May I just add a

1 friendly amendment to that? When
2 immediately abutting a balcony. Obviously
3 if it's --

4 VICE CHAIRWOMAN EDMONSON: Need to go
5 through the Chair.

6 MR. FERNANDEZ: If it's next to a
7 balcony.

8 VICE CHAIRWOMAN EDMONSON: Okay, wait
9 a minute. Have you all come to an
10 agreement? Because what we can do is that
11 you all can go outside, come to some sort
12 of agreement and I will not close this
13 out. We'll move on to the next one. And
14 after we're done with the next item, we'll
15 bring you back and then you come back with
16 an agreement.

17 MR. FERNANDEZ: Excellent.

18 VICE CHAIRWOMAN EDMONSON: How's
19 that?

20 MR. FERNANDEZ: That's very good.
21 Thank you, Madam Chair.

22 MR. MOLDER: Perfect.

23 VICE CHAIRWOMAN EDMONSON: Why don't
24 you all -- I don't think we have to defer
25 it. Mr. Attorney, how do you handle this?

1 MR. COLLER: Well, we're not going to
2 defer it. We're just going to allow them
3 to meet and then take up another item.

4 VICE CHAIRWOMAN EDMONSON: Right, and
5 then come back. So go ahead, we'll go on
6 to the next item and then I'll call you
7 back in.

8 Is there any place where they can
9 meet, Mr. Director? The media room?
10 Everybody is calling the media room.
11 Okay, the media room. Can the
12 sergeant-at-arms direct them to the media
13 room, so they can have some privacy.

14 * * * * *

15 VICE CHAIRWOMAN EDMONSON: Okay, I
16 think they're ready, too.

17 MR. FERNANDEZ: Thank you --

18 VICE CHAIRWOMAN EDMONSON: Yes.

19 MR. FERNANDEZ: -- Madam Chair.
20 We're very close. We're down to
21 discussing just a couple of -- there's
22 four signs at issue, four locations, and I
23 think we've reached an agreement on two of
24 those. There's two that we're still
25 talking about.

1 And what we'd like to ask for is that
2 you defer this to the next available
3 agenda, so that we can come back to you
4 with a revised plan and a specific
5 proposal instead of just creating a
6 condition.

7 VICE CHAIRWOMAN EDMONSON: Okay. The
8 District Commissioner is not here. Anyone
9 want to move --

10 COMMISSIONER JORDAN: Move to defer.

11 VICE CHAIRWOMAN EDMONSON: Thank you,
12 Commissioner Jordan.

13 COMMISSIONER HEYMAN: Second.

14 VICE CHAIRWOMAN EDMONSON: Second.
15 It's been moved and second for a deferment
16 until the 20th.

17 Anyone wish to record no on that
18 deferment? Thank you. The item is
19 deferred until the 20th, sir.

20 MR. FERNANDEZ: Thank you.

21 COMMISSIONER BELL: Madam Chairman, I
22 want to thank you very much for being so
23 willing and available to communicate with
24 the community. That says a lot for you.

25 MR. FERNANDEZ: Thank you,

1 Commissioner Bell.

2 VICE CHAIRWOMAN EDMONSON: Yes, it
3 do.

4 MR. FERNANDEZ: Thank you.

5 VICE CHAIRWOMAN EDMONSON: Okay, any
6 other business?

7 MR. COLLER: Motion to adjourn is
8 always --

9 COMMISSIONER BELL: Second.

10 VICE CHAIRWOMAN EDMONSON: Motion to
11 adjourn. Meeting adjourned.

12 (Thereupon, the hearing on Downtown
13 Dadeland Retail, LLC, Item #Z10-044, was
14 concluded).

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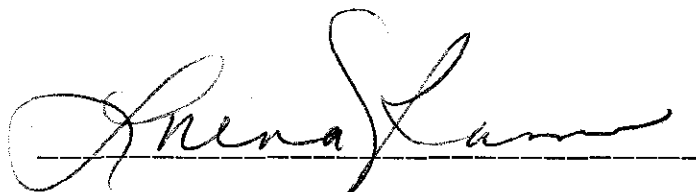
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CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the hearing of DOWNTOWN DADELAND RETAIL, Item #Z10-044, before the Board of County Commissioners, on the 6th day of October 2011, and that the transcript, pages 1 through 99, is a true and correct record of my stenographic notes.

DATED this 10th day of October 2011 at Miami-Dade County, Florida.

A handwritten signature in cursive script, appearing to read 'Lorena Ramos', is written over a horizontal line.

LORENA RAMOS, RPR & FPR

COURT REPORTER

C. THE DEPARTMENT OF PLANNING & ZONING
(Applicant)

11-10-CC-1 (10-026)
BCC/District 02 & 03
Hearing Date: 10/20/11

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>
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- 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.

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**

**ITEM: 2.****APPLICANT: The Department of Planning & Zoning
(11-10-CC-1/10-026)****MOTION:** Deferred to October 20, 2011

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

Memorandum



Date: October 20, 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

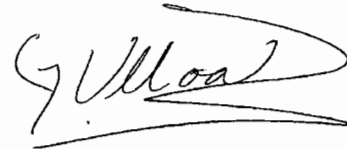
Respectfully Submitted,

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 Concurrence 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

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.

<i>Mixed-Use Developments Located within:</i>	<i>Floor Area Ratio Range</i>	<i>Maximum Residential Density (dwelling units)</i>
<i>Major Corridors (Model City)</i>	<i>from 1.0 to 1.5</i>	<i>36</i>
<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

<u>NORTH:</u>	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)
<u>SOUTH:</u>	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
<u>EAST:</u>	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
<u>WEST:</u>	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).

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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:

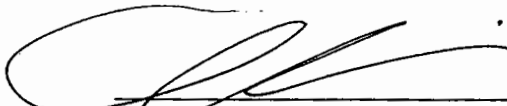
Approval of the district boundary change to Model City Urban Center District (MCUCD) excluding the property (approximately 2.68 acres) located at 2505-2655 N.W. 54 Street and identified by Miami-Dade County Folio No. 30-3115-052-0010.

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 Planning 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).

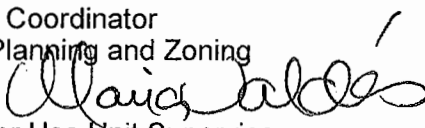
In addition any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accord with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally there should be no "dead-end" 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 
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. Cortes

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

[Handwritten signature]

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# 2010000026 – 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# 2010000026 – 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. Z2010000026 – 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)
Residential			
Single Family Residential – Detached	143	0	-143
Single Family Residential – Attached	806	0	-806
Multi-Family	2,722	8,403	5,681
Non-Residential			
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

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

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 entered 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_64st

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

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Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
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Dr. Lawrence S. Feldman, Vice Chair
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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**

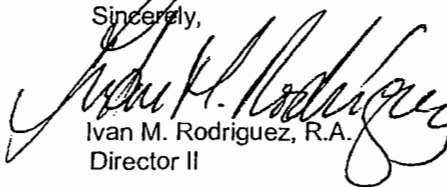
Dear Applicant:

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

305.335.7005 • 305.335.4700 (FAX) • info@facilitiesplanning.com



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

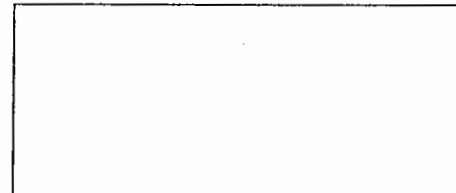
MDCPS Application Number: PH3010120700379 Local Government (LG): Miami-Dade
Date Application Received: 12/7/2010 3:10:15 PM LG Application Number: Model City #1
Type of Application: Public Hearing Sub Type: Zoning
Applicant's Name: Model City #1
Address/Location: NW 29 Av & 43 Terrace
Master Folio Number: 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

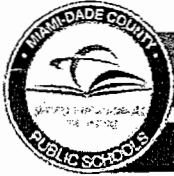
ADJACENT SERVICE AREA SCHOOLS

4501	POINCIANA PARK ELEMENTARY	269	190	190	YES	Adjacent CSA
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*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.**

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concurrency@dadeschools.net



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Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
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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

305.335.7005 • 305.335.4700 (FAX) • arijo@schools.k12.fl.us

51.



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



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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

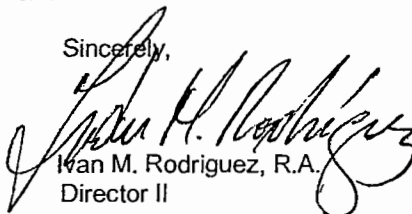
Dear Applicant:

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

53



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number:
Date Application Received:
Type of Application:

PH3010120700381
12/7/2010 3:21:24 PM
Public Hearing

Local Government (LG): Miami-Dade
LG Application Number: Model City #3
Sub Type: Zoning

Applicant's Name:
Address/Location:
Master Folio Number:
Additional Folio Number(s):

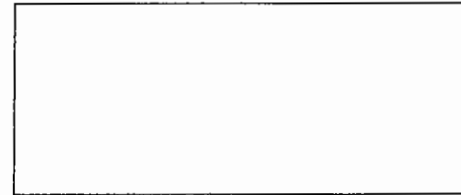
Model City #3
NW 27 Av & 61 St
3031160097520

PROPOSED # OF UNITS 1689

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 1689

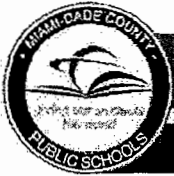


CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5201	SOUTH HIALEAH COMMUNITY ELEMENTARY	63	300	63	NO	Current CSA
5201	SOUTH HIALEAH COMMUNITY ELEMENTARY	0	237	0	NO	Current CSA Five Year Plan
6521	MIAMI SPRINGS MIDDLE	-64	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.**

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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

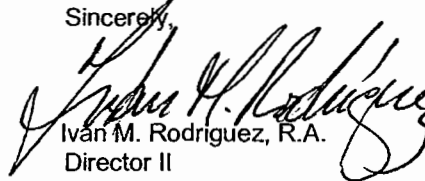
Dear Applicant:

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



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number:
Date Application Received:
Type of Application:

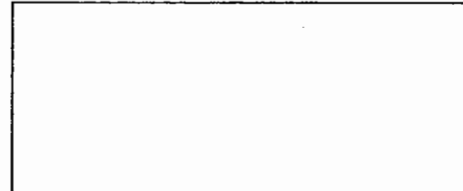
PH3010120700382
12/7/2010 3:23:21 PM
Public Hearing

Local Government (LG): Miami-Dade
LG Application Number: Model City #4
Sub Type: Zoning

Applicant's Name:
Address/Location:
Master Folio Number:
Additional Folio Number(s):

Model City #4
NW 22 Av & 61 St
3031150270400

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
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*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

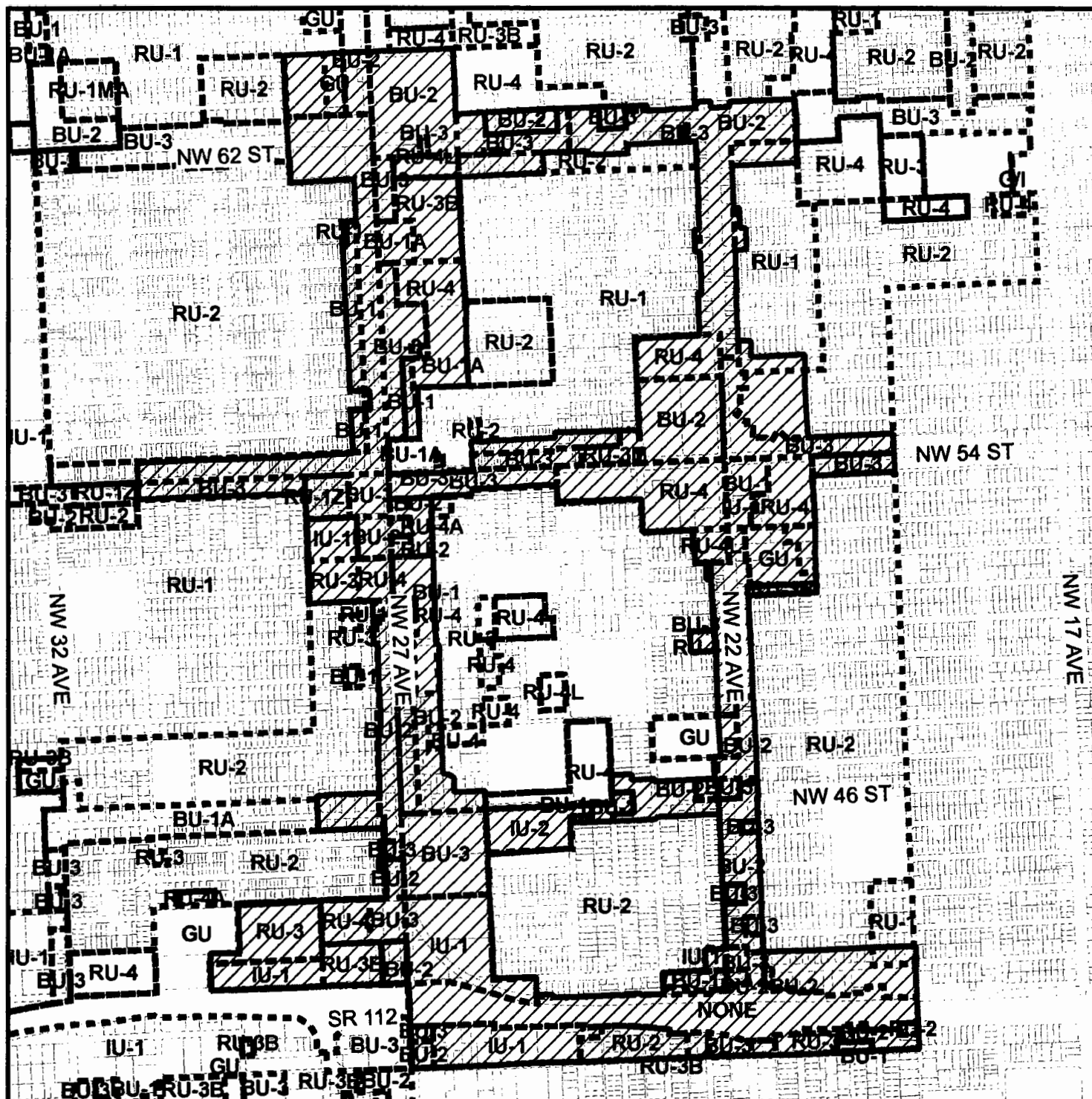
HISTORY:

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

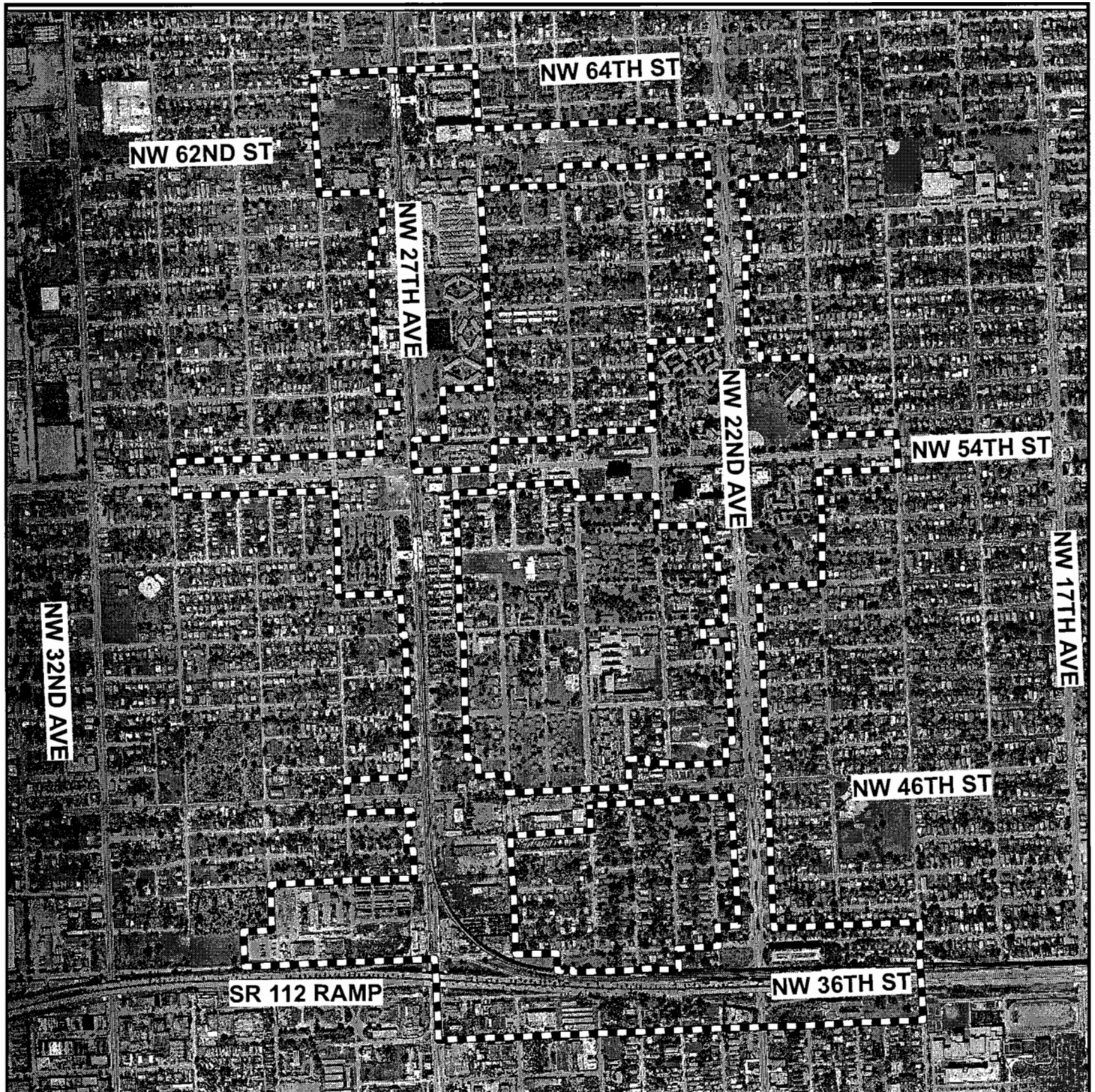


Section: 16/15/21/22 Township: 53 Range: 41
 Applicant: THE DEPARTMENT OF PLANNING & ZONING
 Zoning Board: BCC
 Commission District: 2/3
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Thursday, April 16, 2010

REVISION	DATE	BY
Removed parcel 30-3115-052-0010	07/07/11	KWS
		58



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000026



Section: 16/15/21/22 Township: 53 Range: 41
 Applicant: THE DEPARTMENT OF PLANNING & ZONING
 Zoning Board: BCC
 Commission District: 2/3
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, October 5, 2011

REVISION	DATE	BY

STEPHEN CLARK BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, October 6, 2011

ITEM

THE DEPARTMENT OF PLANNING & ZONING
(10-026)

Board of County Commissioners
(Present)

Audrey Edmonson, Vice Chairwoman
Bruno A. Barreiro
Barbara Jordan
Dennis C. Moss
Senator Javier Souto
Esteban Bovo, Jr.
Lynda Bell
Xavier L. Suarez
Jean Monestime

County Attorney's Office

Craig Collier and John McInnis
Assistant County Attorneys

Staff

Marc C. LaFerrier
Director of Planning & Zoning

Grisel Rodriguez
Assistant Director of Zoning

I N D E X

VICE CHAIRWOMAN EDMONSON: 3, 5-15, 18-20.

COMMISSIONER MOSS: 7.

COMMISSIONER JORDAN: 8, 11.

COMMISSIONER BELL: 11.

COMMISSIONER MONESTIME: 15-20.

S T A F F

MR. LaFERRIER: 3-8, 10-12, 14-15, 17-19.

MR. COLLIER: 13, 16.

S P E A K E R S

MS. CARSON: 9, 13-14.

MS. FELTON: 9.

MR. HAUGHTON: 9-12.

1 VICE CHAIRWOMAN EDMONSON: Good
2 morning, everyone, and welcome to the
3 zoning meeting for October 6, 2011.

4 Would everyone please stand for a
5 moment of silence, followed by the Pledge
6 of Allegiance.

7 (Moment of Silence).

8 (Pledge of Allegiance).

9 VICE CHAIRWOMAN EDMONSON: Good
10 morning.

11 Mr. Director, could you please --

12 MR. LaFERRIER: Good morning, Madam
13 Chair; good morning, Commissioners. This
14 morning's zoning agenda includes five
15 agenda items.

16 I'll read now the Statement of Notice
17 of Records.

18 In accordance with Miami-Dade County,
19 all items will be heard today have been
20 legally advertised in the newspaper,
21 notices have been mailed and the
22 properties have been posted. Additional
23 copies of the agenda are available here in
24 the chambers.

25 Items will be called up to be heard

1 by agenda number and name of applicant.

2 The record and the file of the
3 hearing for each application will include
4 documents from the public, agencies, and
5 the Department of Environment and
6 Regulatory Affairs. And where there's an
7 appeal from the Community Zoning Appeal
8 Boards, we also have the transcripts from
9 those hearings.

10 All documents today are physically
11 present, available to all interested
12 parties and available to Members of the
13 Board of County Commissioners, who may
14 examine these items from the record during
15 the hearing.

16 Parties have the right to
17 cross-examination.

18 This statement, along with the fact
19 that all witnesses have been sworn, should
20 be included in any -- in any and all
21 transcripts of these proceedings.

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

1 Madam Clerk, can you please swear in
2 the witnesses.

3 THE CLERK: Please stand and raise
4 your right hand.

5 Do you solemnly swear that the
6 testimony you're about to give is the
7 truth, the whole truth and nothing but the
8 truth, so help you God.

9 (All swear).

10 THE CLERK: Thank you.

11 * * * * *

12 MR. LaFERRIER: Madam Chair, before
13 the next item, I'd like to take a moment
14 for the Clerk to also swear in the
15 translator.

16 VICE CHAIRWOMAN EDMONSON:
17 Translator, come on down.

18 THE CLERK: Raise your right hand.
19 Do you swear or affirm that you will make
20 a true interpretation of the questions
21 asked and the testimony given.

22 THE INTERPRETER: I swear. I do.

23 THE CLERK: Thank you.

24 VICE CHAIRWOMAN EDMONSON: Thank you,
25 Madam Clerk.

* * * * *

VICE CHAIRWOMAN EDMONSON: Okay.

We'll move on to the district boundary change from multiple zoning districts to the Model City, the Model City Urban Center District.

MR. LaFERRIER: Madam Chair and Commissioners, your next item is a request by the Department of Planning & Zoning. It's for a district boundary change from multiple zoning districts to the Model City Urban Center. With that application, we'd had zero protests and no waivers. It's an application by the Department.

The Board will remember that the County prepared a charrette report back in 2002 and 2003. It was approved by this Board in 2004. It was for an urban center that was identified on the Comprehensive Development Master Plan.

The Board had previously approved the rezoning regulations on February the 2nd, 2010. This application is to actually rezone the properties into the urban center development regulations. Within

1 these regulations, there's a subdistrict
2 map, a land use map, residential density
3 map, building height maps, open space map
4 and a map for any new streets. Included
5 with the urban center regulations is our
6 standard urban center code that provides
7 the details for development as it is
8 proposed in the urban centers.

9 There's also a provision for
10 affordable housing at 12.5% of the total
11 number of housing units. It should be
12 workforce, or 10% of the units proposed
13 would be affordable housing.

14 This item has been reviewed and
15 approved previously by the PAB, has a
16 charrette report and for the regulations
17 and we're recommending approval of it
18 today.

19 VICE CHAIRWOMAN EDMONSON: Okay.
20 Now, this is not to approve the district.
21 That has already been approved. This is
22 to approve some rezoning applications.

23 MR. LaFERRIER: That's correct, to
24 rezone the properties. I should have
25 mentioned it. It basically follows along

1 the highway corridors in the south at the
2 112, and then on the streets 46 Street, 54
3 Street and then 67 -- or 62nd Street.

4 What it encompasses are those commercial
5 properties that front on each one of those
6 streets. And then on the avenues, it's
7 27th Avenue and 22nd Avenue, and, again,
8 those commercial properties. The
9 residential properties that are internal
10 to the rest of the area would not be
11 affected by the rezoning. They would not
12 be a request for rezoning. They were a
13 part of the charrette. The
14 recommendations of the charrette report
15 was to not change the zoning regulations
16 for those areas. What this does is it
17 allows for mixed use urban development
18 along those corridors.

19 VICE CHAIRWOMAN EDMONSON: Okay.
20 Thank you.

21 The public hearing is open. And
22 we'll start out with an Anthony Greenwood.
23 Is he here? Yes. William Halton or
24 Haughton? Sir, please come forward.
25 Jerome Kass? Is Mr. Kass here? Ardessa

1 Carson? Is Ardessa Carson here?

2 MS. CARSON: I'm here, but I'm not
3 speaking. I just signed the paper.

4 VICE CHAIRWOMAN EDMONSON: Oh, okay.
5 Aranetta and Booker Todd.

6 MR. TODD: Here.

7 UNIDENTIFIED SPEAKER: We just object
8 to the rezoning, that's all. We're not
9 speaking.

10 VICE CHAIRWOMAN EDMONSON: And Pearl
11 M. Felton?

12 MS. FELTON: Same.

13 VICE CHAIRWOMAN EDMONSON: You're not
14 coming up to speak either? Okay.

15 Mr. Haughton.

16 MR. HAUGHTON: Yes, ma'am. I would
17 just like for you to not change my zoning.
18 This is all I have. And if you change my
19 zoning, I won't be able to do the kind of
20 work that I'm doing there now.

21 VICE CHAIRWOMAN EDMONSON: Okay.
22 We're rezoning his property?

23 MR. HAUGHTON: My property is 2235
24 Northwest 41 Street.

25 VICE CHAIRWOMAN EDMONSON: Okay. Is

1 that one of the properties that's being
2 rezoned?

3 MR. LaFERRIER: Madam Chair, we would
4 have to double-check to see if that's one
5 of the properties that are being rezoned.
6 Of course, in any rezoning, we notify the
7 property owners in the area within half a
8 mile. I'm sure that he received a notice.

9 VICE CHAIRWOMAN EDMONSON: Because
10 he's saying he doesn't want his property
11 rezoned.

12 MR. LaFERRIER: We're going to check
13 to see if he's on a property that's being
14 proposed for rezoning, and we'll have to
15 get back. We'll get back during the
16 hearing, of course.

17 MR. HAUGHTON: So you're not going to
18 do anything now?

19 VICE CHAIRWOMAN EDMONSON: He's going
20 to get back to see if it's one of your
21 properties that's being rezoned. Because
22 that's your objection, correct?

23 MR. HAUGHTON: Yes, ma'am. The
24 notice says --

25 VICE CHAIRWOMAN EDMONSON: Okay. But

1 that doesn't mean it's your property. You
2 want to show -- do you want to see what
3 he's --

4 MR. LaFERRIER: Yeah.

5 VICE CHAIRWOMAN EDMONSON: Because I
6 want to make -- ensure that he's
7 satisfied.

8 MR. LaFERRIER: If he has a notice,
9 I'll give that to the staff.

10 MR. HAUGHTON: It says your property
11 is being rezoned. It's right here it
12 says.

13 VICE CHAIRWOMAN EDMONSON:
14 Commissioner Moss. Go ahead.

15 COMMISSIONER MOSS: Another thing you
16 may want to look at, sir, and to the
17 Department, is whether or not the rezoning
18 actually harms his property and wouldn't
19 allow him to continue to do whatever
20 business he's doing in there.

21 MR. LaFERRIER: That's a good
22 comment. We would need a few minutes at
23 sidebar with the gentleman so that we
24 understand what he's using the property
25 for and just match up whether or not those

1 uses would still allow him to proceed or
2 what his planned use of the property would
3 be. But if the gentleman wants to give me
4 his -- the notice that he received, I can
5 hand that to staff and they can talk to
6 him about it and then get back during the
7 hearing.

8 VICE CHAIRWOMAN EDMONSON: Okay.
9 Commissioner Moss.

10 COMMISSIONER MOSS: Can you all get
11 with the gentleman right now and --

12 MR. HAUGHTON: Who's that?

13 COMMISSIONER MOSS: Sir, could go to
14 the side right there and staff will get
15 with you right now to take a look at your
16 situation.

17 VICE CHAIRWOMAN EDMONSON: Because I
18 think we need to see -- we know which
19 properties are being rezoned. And I think
20 what some of the residents are thinking is
21 that they're against the whole entire
22 charrette, when that's already been
23 approved. It's just about three or four
24 properties that is being rezoned within
25 the whole entire -- yes, only about -- so

1 I want to put on record, because I know
2 the ladies in the back stated that they
3 were against it.

4 So just to put on record, Ms. Ardessa
5 Carson, Ms. Aranetta and Booker Todd, and
6 Pearl M. Felton are against the rezoning
7 of these properties.

8 UNIDENTIFIED SPEAKER: We're not now.
9 We thought the rezoning was the whole
10 area.

11 VICE CHAIRWOMAN EDMONSON: Oh, okay.

12 UNIDENTIFIED SPEAKER: If they're
13 commercial.

14 MR. COLLIER: Madam Chair, if they're
15 speaking from the audience, it's really
16 difficult for the --

17 VICE CHAIRWOMAN EDMONSON: Okay. Can
18 one of you come up, please. Since I see
19 that you're all together, one of you come
20 up and put your name on the record,
21 because I want to just make it clear, so
22 if this pass or not pass, that your
23 opinion is on record.

24 MS. CARSON: My name is Ardessa
25 Carson, and my residence is in that area.

1 And we thought that it was the residence
2 that was affected, not just the
3 commercial. So we're -- if it's just the
4 commercial, it's okay with us. We just
5 didn't want the residents to be disturbed.

6 VICE CHAIRWOMAN EDMONSON: Okay,
7 okay, because it's only about three or
8 four properties.

9 COMMISSIONER JORDAN: Her address.

10 VICE CHAIRWOMAN EDMONSON: And the
11 whole -- put your address on, please.

12 MS. CARSON: 5221 Northwest 24 Court.

13 VICE CHAIRWOMAN EDMONSON: Okay,
14 thank you.

15 MS. CARSON: Thank you.

16 VICE CHAIRWOMAN EDMONSON: Staff,
17 have we figured that out yet? Looks like
18 we're pushing everything back.

19 MR. LaFERRIER: Madam Chair.

20 VICE CHAIRWOMAN EDMONSON: Now that
21 means we're here --

22 MR. LaFERRIER: Madam Chair, as the
23 applicant, I would ask that if the
24 District Commissioners would have any
25 concern if we deferred this item for two

1 weeks. I don't want to ask the Board to
2 rezone property if we have some property
3 owners that have some questions that
4 haven't been answered yet. We're going to
5 meet again on October 20th for one item
6 already. We could simply add this to that
7 agenda, if it's deferred.

8 VICE CHAIRWOMAN EDMONSON: Okay. I
9 somewhat agree with you, because I have
10 most of that property, but we do have some
11 of this in District 2, so I would like to
12 hear from the District 2 Commissioner.

13 COMMISSIONER MONESTIME: Thank you,
14 Madam Chair. Mr. LaFerrier --

15 VICE CHAIRWOMAN EDMONSON: One
16 second. The public hearing is closed.
17 Go ahead.

18 COMMISSIONER MONESTIME: Thank you,
19 Madam Chair.

20 I believe this is a very, very wise
21 move, but if you would share the address
22 of the few residential properties within
23 the district being rezoned with our
24 offices, so that, you know, maybe the
25 people in our staff that attend the

1 homeowners association or that works these
2 areas could probably, you know, ask
3 questions to you and try to help in
4 satisfying these residents, you know, with
5 issues, if they have questions with the --

6 MR. COLLER: Mr. -- Commissioner, I
7 know that you're well meaning in your
8 request. And, unfortunately, because of
9 Jennings, there really can't be a
10 communication between the Commission, but
11 what I would suggest --

12 COMMISSIONER MONESTIME: You're
13 right.

14 MR. COLLER: What I would suggest --
15 what I would suggest they can do is have
16 that dialogue with the Department.

17 COMMISSIONER MONESTIME: Directly
18 with the Department, you're right, you're
19 right.

20 MR. COLLER: So the Department will
21 be prepared when the item comes back
22 before you.

23 COMMISSIONER MONESTIME: Very good.
24 Just being, you know, a little overzealous
25 for a moment, especially when, you know,

1 residential properties in question. Yeah,
2 but you're right, I get it.

3 But let me ask you a question, Mr.
4 LaFerrier. Is there any grace period
5 provided to the current commercial
6 businesses being run in these areas after
7 the approval of the new zoning? Is there
8 any?

9 MR. LaFERRIER: I'm sorry,
10 Commissioner, I was interrupted. Can you
11 repeat your question, please.

12 COMMISSIONER MONESTIME: I'm asking
13 whether there is any grace period provided
14 for the operation of the current
15 businesses in these areas that are being
16 rezoned?

17 MR. LaFERRIER: Well, in most cases
18 we try to match up the existing allowed
19 uses with the proposed new uses. In some
20 cases, there may be a conflict. Most of
21 the time -- most of the times, what we'll
22 do is we expand the amount of uses that
23 are allowed. For example, if it's a BU-1,
24 you may not be allowed to have -- well,
25 you wouldn't be allowed to have any

1 residential. You may not be allowed to
2 have certain type of businesses. A lot of
3 times in these urban center regulations,
4 we expand the number of uses that are
5 allowed.

6 Some uses that may not be appropriate
7 for an urban area or an urban corridor,
8 such as junkyards or automobile repair,
9 might become prohibitive. However, they
10 would become a nonconforming legal use,
11 which means they could continue, but they
12 couldn't be expanded.

13 VICE CHAIRWOMAN EDMONSON: They could
14 continue. Because I know my office has
15 contacted your office in regards to a
16 couple of complaints regard some of these
17 issues in my district after part of the
18 area was rezoned. So maybe I'll have them
19 follow-up with you to, you know,
20 refresh -- you know, for refreshment on
21 the information of this specific
22 businesses that are in question.

23 MR. LaFERRIER: Of course. We'll be
24 happy to help.

25 COMMISSIONER MONESTIME: Thank you.

1 VICE CHAIRWOMAN EDMONSON: Okay. And
2 just to be clear, because, you know, once
3 something occurs in my district, I'm going
4 to read the whole entire thing. Some of
5 these are business owners who wanted to
6 opt out of the charrette and others just
7 wanted to change their zoning.

8 MR. LaFERRIER: Well, I think the
9 people that are speaking with staff in the
10 back are not people that have contacted us
11 previously about opting out.

12 VICE CHAIRWOMAN EDMONSON: Correct.
13 I'm aware of the, but the ones being
14 rezoned.

15 MR. LaFERRIER: We do have a property
16 owner here today that's asking to be opted
17 out. That property is not included in the
18 legal description that's in your packet
19 and that was advertised, so it's already
20 opted out.

21 VICE CHAIRWOMAN EDMONSON: Okay,
22 okay.

23 So are you going to move to defer?

24 COMMISSIONER MONESTIME: Yes.

25 VICE CHAIRWOMAN EDMONSON: To the

1 20th.

2 COMMISSIONER MONESTIME: Move to
3 defer.

4 COMMISSIONER BELL: Second.

5 VICE CHAIRWOMAN EDMONSON: Okay.
6 It's been moved to defer till the 20th.
7 Thank you all for your assistance.

8 Anyone wish to record no?

9 VICE CHAIRWOMAN JORDAN: No. I just
10 wanted to say I didn't know who Jennings
11 was, but I want to find him and beat the
12 heck out of him.

13 COMMISSIONER BELL: I'm with you.

14 VICE CHAIRWOMAN EDMONSON: Okay, it
15 will be deferred until the 20th of the
16 month.

17 (Thereupon, the hearing on the
18 Department of Planning & Zoning Item No.
19 Z10-026, was concluded).

20

21

22

23

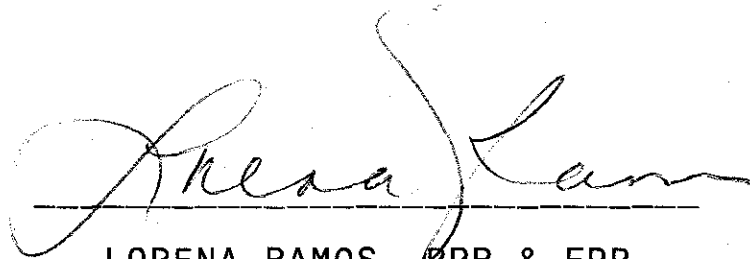
24

25

CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the hearing of THE DEPARTMENT OF PLANNING & ZONING, ITEM NO. 10-026, before the Board of County Commissioners, on the 6th day of October 2011, and that the transcript, pages 1 through 20, is a true and correct record of my stenographic notes.

DATED this 10th day of October 2011 at Miami-Dade County, Florida.

A handwritten signature in cursive script, appearing to read 'Lorena Ramos', is written over a horizontal line.

LORENA RAMOS, RPR & FPR

COURT REPORTER