

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

**TIME OF MEETING** 9:30 AM

**APPEAL:**

**HEARING #    DISTRICT(S)**

**1.                    CARLOS J. & OLGA BENGOCHEA TRUST ET AL**

**13-055                    11**

Request(s): - The applicant is seeking to allow a district boundary change from AU to RU-1M(a).

Location:        Lying south of theoretical SW 31 Street, between theoretical SW 145 Avenue and theoretical SW 145 Court, Miami-Dade County, Florida.  
Within the Urban Development Boundary (UDB)

**CURRENT:**

**HEARING #    DISTRICT(S)**

**2.                    LUCKY START AT THE HAMMOCKS, LLC**

**12-096                    11**

Request(s): - The applicant is seeking to modify a previously approved Development Order (DO) as it applies to the subject property only, to allow a change of land use on the westerly approximately 53.47-acres of a larger tract of land. This will allow the applicant to increase the number of dwelling units and business/retail uses and concurrently, to reduce the potential for industrial uses approved under the DO. Pursuant to Section 380.06(19)(e)5, Florida Statutes, said changes constitute a substantial deviation from the DO which may be overcome by clear and convincing evidence to the contrary.

Concurrent with a CDMP amendment of the Land Use designation of the subject property from Industrial and Office to Business and Office and Low-Medium Density Residential use, the applicant also seeks to subdivide the tract into four (4) separate parcels and to rezone the said parcels from the current IU-C zoning district to BU-1A, RU-1M(a) and RU-4L. Additionally, the applicant also seeks

**CURRENT:**

**HEARING #    DISTRICT(S)**

variances pertaining to lot frontages, setbacks, the Landscape requirements and the Kendall-Tamiami Executive Airport zoning district requirements pertaining to the Inner District (ILZ).

Location:    Lying between SW 120 St. and Hammocks Blvd. and lying east of theoretical SW 152 Ave., Miami-Dade County, Florida.  
Within the Urban Development Boundary (UDB)

**3.                    MIAMI-DADE COUNTY INTERNAL SERVICES**  
**DEPARTMENT**

**13-100**

**09**

Request(s):   - The applicant is seeking to rezone the subject property from RU-1 and RU-3M to IU-3, in order to establish a rail car and ground transportation assembly and outdoor test track facility spaced less required from residentially zoned properties. Additionally, the applicant is seeking to permit drives on compact rock, chain link fences and walls taller than permitted and less lot trees and shrubs than required.

Location:      Lying south of SW 272 Street, north of SW 278 Street, east of SW 132 Avenue & west of SW 127 Avenue,  
Miami-Dade County, Florida.  
Within the Urban Development Boundary (UDB)



# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

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COUNTY COMMISSION MEETING OF THURSDAY, JANUARY 23, 2014

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.

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SWEARING IN OF WITNESS

1. **CARLOS J. & OLGA BENGOCHEA TRUST, ET AL 13-10-CZ10-5 (13-55)**

**15-54-39  
BCC/Dist. 11**

CONCERNED CITIZENS OF WEST DADE INC., SUBDIVISION #1 is appealing the decision of COMMUNITY ZONING APPEALS BOARD #10 on CARLOS J. & OLGA BENGOCHEA TRUST, ET AL, which approved the following:

DISTRICT BOUNDARY CHANGE from AU to RU-1M(a).

LOCATION: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue & theoretical SW 145 Court.

SIZE OF PROPERTY: 1.98 Acres

Department of Regulatory and  
Economic Resources  
Recommendation:

Denial without prejudice of the appeal and  
approval of the application, subject to the  
acceptance of the proffered covenant.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

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

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

DEFERRED: \_\_\_\_\_

2. **LUCKY START AT THE HAMMOCKS, LLC 13-12-CZ11-1 (12-96)**

**9-55-39  
BCC/Dist. 11**

REQUESTS #1 - #4 ON PARCELS "A" THROUGH "D"

1. TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19), Florida Statutes, with respect to the below requests:

2. MODIFICATION of Paragraphs #6 & #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89, reading as follows:

FROM:

6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.8%
RU-3M	267.2	24.4%	2,925	35.2%
RU-4L	69.6	6.3%	1,545	18.6%
RU-4M	117.5	10.7%	3,356	40.4%
RU-4A	10.4	1.0%	248	3.0%
	504.1	46.0%	8,303	100.0%

TO:

6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.6%
RU-1M(a)	30.3	2.8%	137	1.6%
RU-3M	267.2	24.4%	2,925	33.6%
RU-4L	90.7	8.3%	1,806	20.8%
RU-4M	117.5	10.7%	3,356	38.6%
RU-4A	10.4	1.0%	248	2.8%
	555.5	50.8%	8,701	100.0%

FROM: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on 'THE HAMMOCKS Parcel Schedule' prepared by Post, Buckley, Schuh & Jernigan, Inc., dated July, 1989. A ceiling on the number of permissible Residential dwellings has been fixed at 8,303 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."

TO: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole.

3. MODIFICATION of Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, reading as follows:

FROM:

"15. INDUSTRIAL PARK

A 111.87 gross acre parcel of land on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See Exhibit C)

This piece of land is just north of the new Tamiami Airport, which was a factor in the decision to keep it industrial. It forms a buffer between the residential areas of The Hammocks and the airport.

A buffer will also be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

TO: "15. INDUSTRIAL PARK

A +/-49.46 net acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013)

A buffer will be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

FROM:

"23. Neighborhood Convenience Centers.

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable county procedures."

TO:

"23. Neighborhood Convenience Centers.

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 42d may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013, and may be amended in accordance with applicable County procedures."

4. MODIFICATION of the legal description for Parcel 42 as provided in Exhibit "B" of that certain Covenant Governing Land Development recorded in Official Record Book 8625, at Page 336-370, reading as follows:

FROM:

"PARCEL 42.

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning."

TO:

"PARCEL 42.

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

LESS: A Portion Of Tract "A" Of "Amerifirst Park" Plat Book 127, Page 65, Being More Particularly Described As Follows: Begin At The Southwest Corner Of Said Tract "A"; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast ¼ Of Said Section 9, For A Distance Of 2660.44 Feet To The Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 129.21 Feet Along The Arc Of A Curve To The Left, Said Curve Having Radius Of 1326.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse Curve; Thence 720.86 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°08'03" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.97 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1090.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S37°46'00"E For A Distance Of 50.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast ¼ Of Said Section 9; Thence S02°20'50"E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 40.00 Feet North Of And Parallel To The South Line Of The Southeast ¼ Of Said Section 9; Thence S87°26'00"W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning."

"LEGAL DESCRIPTION FOR PARCEL 42a: A Portion Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet; Thence N17°02'49"W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 125.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1283.26 Feet And A Central Angle Of 05°34'55" To A Point Of Tangency; Thence N67°22'16"E For A Distance Of 83.03 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S67°17'05"W; Thence 675.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 33°37'52" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°39'13"W; Thence S30°09'08"W For A Distance Of 104.12 Feet To A Point Of Curvature; Thence 397.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'34" To A Point Of Intersection With A Compound Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Reverse Curve; Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Tangency; Thence S02°20'50"E Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1348.47 Feet; Thence S87°26'00"W For A Distance Of 527.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9; Thence N02°20'50"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42b: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°52'53"E; Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1326.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse CURVE; Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 30°39'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°28'47"W; Thence N30°09'08"E For A Distance Of 60.10 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W; Thence 73.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 03°39'14" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 413.06 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 20°34'47" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears N50°34'47"E; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.08 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet; Thence N02°20'50"W For A Distance Of 130.84 Feet To A Point Of Tangency;

Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Intersection With A Reverse Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Compound Curve; Thence 397.34 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'35" To A Point Of Tangency; Thence N30°09'08"E For A Distance Of 44.02 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42c: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E, As A Basis Of Bearing Along The West Line Of The Se Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter of said Section 9; Thence N87°26'00"E Along The South Line Of The Se Quarter Of Said Section 9 For A Distance Of 527.00 Feet; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet To The Point Of Beginning Of The Following Described Parcel Of Land: Thence Continue N02°20'50"W For A Distance Of 793.67 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 793.67 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet To The Point Of Beginning.

Legal Description For Parcel 42d: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9; Thence N87°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following Described Parcel Of Land; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 422.00 Feet; Thence S87°26'00"W For A Distance Of 513.00 Feet To The Point Of Beginning."

The purpose of requests #2 through #4 is to allow the applicant to amend the existing Covenant Governing Land Development for the Development of Regional impact on the property to reduce the industrial park acreage and simultaneously to increase the number of residential units from 8,303 units to 8,701 units for the total community and to include a 40,000 sq. ft. general business site.

#### REQUESTS #5 - #10 ON PARCEL "A"

5. DISTRICT BOUNDARY CHANGE from IU-C to RU-1M(a).
6. NON-USE VARIANCE of zoning regulations requiring a half-section line right-of-way to be 70 feet in width; to waive same to permit 0' (35' feet required) of dedication on the east side of theoretical SW 152<sup>nd</sup> Avenue.

7. NON-USE VARIANCE to permit certain lots with less than the required 50 feet of frontage at the curvilinear setback line.
8. NON-USE VARIANCE to permit certain lots with lot areas varying from 4750 sq. ft. to 4,959 sq. ft. (5,000 sq. ft. required).
9. NON-USE VARIANCE to permit certain lots with a rear setback of 10' for 50% of the lineal footage of the width of the residence and 20' for the balance of the residence (15' for 50% of the lineal footage of the width of the residence and 25' for the balance of the residence required).
10. NON-USE VARIANCE to permit certain lots with a lot coverage of 47.36% (45% permitted).

REQUESTS #11 - #14 ON PARCEL "B"

11. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L
12. NON-USE VARIANCE of setback requirements requiring a minimum side yard of 15' between the end of a group of townhouses and a public or private street; to waive same.
13. NON-USE VARIANCE of patio and service private open space area requirements requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
14. NON-USE VARIANCE requiring parking spaces to be located within 150' of the townhouse it serves; to waive same.

REQUESTS #15 - #18 ON PARCEL "C"

15. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L
16. NON-USE VARIANCE requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
17. NON-USE VARIANCE to permit townhouses to setback 23' (25' required) from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building.
18. NON-USE VARIANCE to permit certain model "A" garages to setback 19' (20' required) from the front property line.

REQUESTS #19 - #21 ON PARCEL "D"

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

20. NON-USE VARIANCE requiring a 5' high masonry wall between the common property line where a business lot abuts an RU zoned lot, to waive same along the rear (north) property line.
21. NON-USE VARIANCE requiring a 5' wide dissimilar land use including a 6' high wall, fence or hedge and buffer trees along the rear (north) property line; to waive same.

#### REQUEST #22 ON PARCELS "A" THROUGH "D"

22. VARIANCE of the Kendall-Tamiami Executive Airport zoning regulations pertaining to the Inner District (ILZ) which prohibits residential uses within the ILZ zone; to permit residential development within the ILZ zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Mixed Use Development Garden Estate East" as prepared by Corwil Architects, consisting of 19 pages and plans entitled "General Estates II" as prepared by Witkin Hults Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013. Plans may be modified at public hearing.

LOCATION: Lying between SW 120 Street and Hammocks Boulevard and lying east of theoretical SW 152 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 53.47 +/- acres

Developmental Impact Committee  
Recommendation:

Approval with conditions, as set forth in the Department of Regulatory and Economic Resources' recommendation as follows:  
Development of Regional Impact requests: Approval of request #1, with a finding that this application does not result in a substantial deviation and approval with conditions of requests #2 through #4.  
Zoning Requests: Approval of requests #5, #11, #15 and #19; approval with conditions of requests #6 through #10, requests #12 through #14, requests #16 through #18, #20 through #22.

Protests: 0 Waivers: 0  
APPROVED: \_\_\_\_\_ DENIED WITH PREJUDICE: \_\_\_\_\_  
DENIED WITHOUT PREJUDICE: \_\_\_\_\_ DEFERRED: \_\_\_\_\_  
DEFERRED: \_\_\_\_\_

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**MIAMI-DADE COUNTY INTERNAL SERVICES DEPARTMENT**  
**14-1-CZ-1 (13-100)**

**35-56-39**  
**BCC/Dist. 9**

**REQUEST #1 ON PARCELS "A" & "B"**

- (1) DISTRICT BOUNDARY CHANGE from RU-1 and RU-3M to IU-3.

**REQUEST #2 THROUGH #9 ON PARCEL "A"**

- (2) SPECIAL EXCEPTION to permit rail cars and ground transportation vehicles, assembly buildings spaced less than the required 250' from RU zone districts and to permit the outdoor test tracks spaced less than the required 500' from RU-zone districts.
- (3) UNUSUAL USE to permit a lift station.
- (4) NON-USE VARIANCE to waive the zoning regulations requiring all uses to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least 6' in height; to permit the rail cars test track operation and vehicle storage to be done outside.
- (5) NON-USE VARIANCE to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock.
- (6) NON-USE VARIANCE to permit a chain link fences with barbed wire with a height of 10' (8' maximum permitted).
- (7) NON USE VARIANCE to permit sound enclosure walls with a height of 10' (8' maximum permitted).
- (8) NON-USE VARIANCE to permit 662 lot trees (1,020 lot trees required).
- (9) NON-USE VARIANCE to permit 7,718 shrubs (12,290 shrubs required).



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

**PH: Z13-055 (13-10-CZ10-5)**

**January 23, 2014**

**Item No. 1**

<b>Recommendation Summary</b>	
<b>Commission District</b>	11
<b>Applicants</b>	Carlos J. and Olga Bengochea Trust, Et Al.
<b>Summary of Requests</b>	The applicant is seeking to allow a district boundary change from AU to RU-1M(a).
<b>Location</b>	Lying south of theoretical SW 31 Street, between theoretical SW 145 Avenue and theoretical SW 145 Court, Miami-Dade County, Florida.
<b>Property Size</b>	1.98 acres
<b>Existing Zoning</b>	AU, Agricultural District
<b>Existing Land Use</b>	vacant
<b>2015-2025 CDMP Land Use Designation</b>	Low-Density Residential, 2.5 to 6, dua, (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311, District Boundary Change (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Denial without prejudice of the appeal and approval of the application, subject to the acceptance of the proffered covenant</b>

**On October 15, 2013, the Community Zoning Appeals Board (CZAB) #10, approved the application as per staff's recommendation.**

On November 4, 2013, the appellant, Concerned Citizens of West Dade, Inc. Subdivision #1, appealed the CZAB-10 decision to the Board of County Commissioners (BCC).

For the reasons outlined below in the CDMP and Zoning analysis of the requests and staff's recommendation, staff opines that the appellants' request for a reversal of the CZAB 10 decision should be denied.

**REQUEST:**

DISTRICT BOUNDARY CHANGE from AU to RU-1M(a).

**PROJECT DESCRIPTION:**

The applicant seeks to rezone the 1.98-acre parcel from AU, Agricultural District to RU-1M(a), Single Family Modified Residential District, 5,000 sq. ft. net.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU; vacant	Low-Density Residential (2.5 to 6 dua)
<b>North</b>	AU; vacant	Low-Density Residential (2.5 to 6 dua)
<b>South</b>	AU; vacant	Low-Density Residential

		(2.5 to 6 dua)
<b>East</b>	RU-1M(a);single-family residences	Low-Density Residential (2.5 to 6 dua)
<b>West</b>	RU-1M(a);single-family residences and vacant lands	Low-Density Residential (2.5 to 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The properties to the north and south are zoned AU, Agricultural District and remain vacant. The properties to the east and west are zoned RU-1M(a), Single-Family Modified Residential District, 5,000 sq. ft. net and are currently developed with single-family residences and some vacant lands.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicants to provide additional housing in this section of the County. However, the proposed rezoning could have an impact on traffic on the abutting roadways and schools.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is located within the Urban Development Boundary (UDB) and is designated as **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in the application will allow the applicant to develop the 1.98-acre parcel with 11 residential units which is the maximum density allowed under the CDMP Low-Density designation on the LUP map. Staff notes that the RU-1M(a) zoning district allows residences at 5,000 sq. ft. net. This would allow the applicant to develop the 1.98-gross acre parcel with a maximum of 17 residential units. The applicant has proffered a covenant restricting the development to of the property to eleven (11) residential units which is within the maximum allowed under the density threshold of the CDMP Low-Density Density designation on the LUP map.

The CDMP Land Use Element **Objective LU-4**, states that *Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.* The subject property abuts properties to the east and west that are zoned RU-1M(a). As such, subject to the Board's acceptance of the proffered covenant, staff opines that the rezoning of the subject property to RU-1M(a) would be **compatible** with the surrounding area and **consistent** with the density threshold of the Low-Density Residential designation of the parcel on the CDMP Land Use Plan map and the CDMP's Land Use Element the interpretative text, **Objective LU-4**.

**ZONING ANALYSIS:**

When the applicant's request to rezone the 1.98-acre parcel to RU-1M(a), Single-Family Modified Residential District, is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment, the natural resources, or the economy of the County. Staff notes that subject to

the Board's acceptance of the proffered covenant, the approval of the applicant's request to rezone the property will be **consistent** with the Low-Density Residential designation of the parcel on the CDMP Land Use Plan map. The Miami-Dade Fire and Rescue Department does not object to this application. Its memorandum indicates that the estimated average travel time to the subject property is 5:15 minutes. Based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), the approval of the application does meet the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will generate **16 PM** daily peak hour trips. Therefore, staff opines that approval of this request will not have a negative impact on the surrounding roadways or transportation facilities based on the recommendations and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources. Additionally, staff notes that the memorandum from the Division of Environmental and Regulatory Management of said Department indicates that the proposed rezoning meets the Level of Service (LOS) standards for an initial development order and therefore will not have an unfavorable impact on the natural resources of Miami-Dade County. The subject parcel is located between two RU-1M(a) zoned residential developments situated to the east and west. Vacant AU zoned parcels are located to the north and south. Therefore, staff opines that approval of the applicant's request for district boundary change to RU-1M(a) will be **compatible** with the surrounding area. **Staff therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

**ACCESS, CIRCULATION AND PARKING:** N/A

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.


**OTHER:** Not applicable.

**RECOMMENDATION:**

**Denial without prejudice of the appeal and approval of the application, subject to the acceptance of the proffered covenant.**

**CONDITIONS FOR APPROVAL:** None.

ES:MW:NN:JC:JV



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

## ZONING RECOMMENDATION ADDENDUM

Carlos J. and Olga Bengochea Trust, Et Al.  
Z13-055

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental and Regulatory Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<b>Low-Density Residential</b> (Pg. I-31)	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
<b>Objective LU-4</b> (Pg. I-11)	<i>Miami-Dade County shall, by the year 2015, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Carlos J. and Olga Bengochea Trust, Et Al.  
Z13-055

	<p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
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**2. CARLOS J. & OLGA BENGOCHEA TRUST ET AL 13-10-CZ10-5 (13-055)**  
**(Applicant)**

**Area BCC/District 11**  
**Hearing Date: 01/23/14**

Property Owner (if different from applicant) **CARLOS J. & OLGA BENGOCHEA TRUST,**  
**PABLO & ALMA LEON.**

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

If so, who are the interested parties? **JOSEN NAFSHI LLC**

Disclosure of interest form attached? Yes ☒ No ☐

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
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None

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

# Memorandum



**Date:** July 18, 2013

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

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

**Subject:** C-10 #Z2013000055  
Carlos J & Olga Bengochea, Trustees & Pablo & Alba Leon  
NW Corner of SW 32<sup>nd</sup> Street and 145<sup>th</sup> Avenue  
District Boundary Changes to RU-1-MA  
(AU) (1.98 Acres)  
15-54-39

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

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

## Wellfield Protection

The subject property is located within the 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.

Since the subject request is for a residential zoning district a covenant prohibiting hazardous materials is not required. However, all development shall comply with the requirements of Section 24-43 of the Code.

## Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Permitting Section, prior to approval of final development orders.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

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

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

#### Wetlands

The subject property is located within the East Bird Drive Wetlands Basin and is a wetland as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject property. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources.

The Coastal and Wetlands Resources Section (305) 372-6585 may be contacted for further information concerning the wetland permitting requirements.

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

#### Tree Preservation

The subject property contains tree resources and contains wetlands. Wetland Resources will be regulated through a Class IV Wetland Permit. Section 24-48 of the Code requires the preservation of all

tree islands. Any non wetland tree resources on the site will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** October 8, 2013

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

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

**Subject:** Z2013000055  
Name: Carlos J. & Olga Bengochea Trust  
Location: Lying South of Theoretical SW 31 Street, between Theoretical SW 145 Avenue and Theoretical SW 145 Court  
Section 15 Township 54 South Range 39 East

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

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

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **16 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9110	Bird Dr. Ext. w/o SW 137 Ave.	D	D
9112	Bird Dr. Ext. w/o SW 147 Ave.	B	B
9826	SW 147 Ave. s/o Bird Dr. Ext.	C	C
9134	Coral Way w/o SW 137 Ave.	E	E

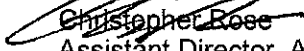
The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

# Memorandum



**Date:** June 27, 2013

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

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

**Subject:** 13\_055  
Carlos J and Olga Bengochea Trust

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

**Application:** *Carlos J and Olga Bengochea Trust* is requesting a district boundary change from Agricultural (AU) to Modified Single Family Residential (RU-1Ma) use.

**Size:** The subject property is approximately 1.98 acres.

**Location:** The subject property is located at the NW corner of SW 32<sup>nd</sup> Street and 145<sup>th</sup> Avenue in Miami-Dade County, Florida.

## **Analysis:**

### 1. Solid Waste Disposal

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

### 2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The single family residences meet the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential units on the property will receive PWWM waste collection service, once developed on the vacant lot. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of

the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

### 3. Recycling

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

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

### 4. Waste Storage/Setout Considerations

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

### 5. Site Circulation Considerations

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

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

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

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

CHECKED BY \_\_\_\_\_ AMOUNT OF FEE 1,188.87

RECEIPT # 1201333 835

DATE HEARD: 10/15/13

BY CZAB # 10-25-13

213-055  
**RECEIVED**  
NOV 04 2013

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

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. 13-055

Filed in the name of (Applicant) Carlos J. & Olga Bengochea Trust  
concerned citizens of West Dade,  
Name of Appellant, if other than applicant Inc. Subdivision #1

Address/Location of APPELLANT'S property: properties West of SW 137th Ave  
East of 157th Ave between SW 8th & Bird Road

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

Appellant (name): Concerned Citizens of West Dade, Inc. Subdivision #1  
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)

Properties to the Northwest are zoned RU2 MB,  
North AU. RU2 Zoning exist in close proximity  
RU2MA is the most intense and should not be approved

APPELLANT MUST SIGN THIS PAGE

Date: 4 day of November, year: 2013

Signed *Antonio Rouco*  
Antonio Rouco  
Print Name

15626 5th 23<sup>rd</sup> Mia Fl 33185  
Mailing Address

786-683-2889  
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

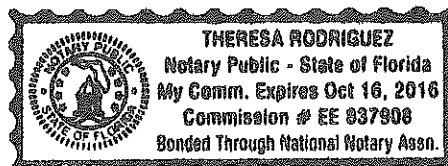
~~Representing~~  
~~Signature~~  
~~Print Name~~  
~~Address~~  
~~City State Zip~~  
~~Telephone Number~~

Subscribed and Sworn to before me on the 4 day of November, year 2013

*Theresa Rodriguez*  
Notary Public

(stamp/seal)

Commission expires:



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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Antonio Rouco  
(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 objections, waivers or consent

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

Further Appellant says not.

Witnesses:

Theresa Rodriguez  
Signature

Theresa Rodriguez  
Print Name

[Signature]  
Signature

Torget L. Reyes  
Print Name

x Antonio A. Rouco  
Appellant's signature

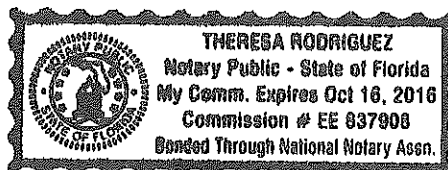
Antonio A. Rouco  
Print Name

Sworn to and subscribed before me on the 4 day of November, year 2013

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

Theresa Rodriguez  
Notary  
(Stamp/Seal)

Commission Expires:



RESOLUTION NO. CZAB10-25-13

*WHEREAS*, CARLOS J. & OLGA BENGOCHEA TRUST, ET AL applied for the following:

DISTRICT BOUNDARY CHANGE from AU to RU-1M(a).

SUBJECT PROPERTY: Tract 6 less the West 357.4 feet of J.G. HEAD'S FARMS SUBDIVISION PB 46-44.

LOCATION: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue & theoretical SW 145 Court, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Jose E. Fuxa P.L.S. entitled Sketch of Site dated 6/2/13 and stamped dated received June 27, 2013 in the Zoning Hearing Section, said plans being on file with the Department of Regulatory and Economic Resources, and by reference made a part of this agreement.
2. That the development of the subject property be limited to a maximum of 6 units per gross acre for a total of 11 lots.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-1M(a) would be consistent with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions and approve the application was offered by Manuel Valdes, seconded by Robert Suarez, and upon a poll of the members present the vote was as follows:

Julio R. Cáceres	aye	Gerardo Rodriguez	absent
Miriam Planas	absent	Toufic Zakharia	absent
Robert Suarez	aye	Manuel Valdes	aye
Richard M. Gomez	aye		

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU-1M(a) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 15<sup>th</sup> day of October, 2013.

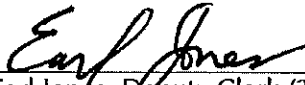
Hearing No. 13-10-CZ10-5  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

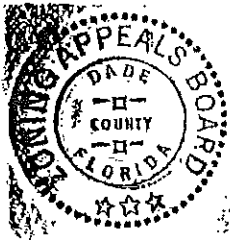
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-25-13 adopted by said Community Zoning Appeals Board at its meeting held on the 15<sup>th</sup> day of October, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25<sup>th</sup> day of October, 2013.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade Department of Department of Regulatory  
and Economic Resources

SEAL



# Memorandum



**Date:** July 8, 2013

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

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

**Subject:** Z2013000055: CARLOS J. & OLGA BENGOCHEA TRUST

**Application Name:** CARLOS J. & OLGA BENGOCHEA TRUST

**Project Location:** The site is located in that area LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN THEORETICAL SW 145 AVENUE & THEORETICAL SW 145 COURT., Miami-Dade County.

**Proposed Development:** The applicant is seeking approval for a district boundary change from AU to RU-1MA for a development of 11 new single family homes on the site.

**Current Park Benefit District Area Conditions:** County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Bird Lakes Park is the nearest park to the application site located about 1± mile to the south.

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

Park Facility	Classification	Acreage
Bent Tree Park	NEIGHBORHOOD PARK	5.88
Bird Basin Park	NEIGHBORHOOD PARK	10.00
Bird Lakes Park	COMMUNITY PARK	9.07
Eden Lakes Park	NEIGHBORHOOD PARK	10.00
International Gardens Park	NEIGHBORHOOD PARK	5.38
Kendale Lakes Sp Tax Dist Lot 38	MINI-PARK	0.38
Kendall Green Park	NEIGHBORHOOD PARK	26.62
McMillan Park	SINGLE PURPOSE PARK	13.40
Millers Pond Park	COMMUNITY PARK	13.07
Royale Green Park	NEIGHBORHOOD PARK	3.33
Southern Estates Park	NEIGHBORHOOD PARK	13.21
Tamiami Canal Park	NEIGHBORHOOD PARK	1.80
Tamiami Lakes Park	NEIGHBORHOOD PARK	5.00
Tamiami Trail Park (North)	NEIGHBORHOOD PARK	1.73
Tree Island Park & Preserve	COMMUNITY PARK	120.00
West Kendale Lakes Park	NEIGHBORHOOD PARK	5.02
Westwind Lakes Park	COMMUNITY PARK	20.74

**Impact Analysis:** Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. This application is in Park Benefit District 2 (PBD2) which has

a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMMA.

**Impact and demand:** This application will generate 11 single family units resulting in an impact to Level of Service of .10 acres. The site is located in Park Benefit District 2 which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District. The Department has no objection to this application.

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** 24-JUN-13  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2013000055

---

## Fire Prevention Unit:

- No objection via Case #Z2013000055

## Service Impact/Demand

Development for the above Z2013000055  
located at LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN THEORETICAL SW 145 AVENUE &  
THEORETICAL SW 145 COURT.  
in Police Grid 1515 is proposed as the following:

12	dwelling units	N/A	square feet
residential		Industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 3.36 alarms-annually.  
The estimated average travel time is: 5:15 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 37 - West Bird - 4200 SW 142 Avenue  
Rescue, ALS Engine

## Planned Service Expansions:

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

## Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped received June 4, 2013. Substantial changes to the plan will require additional service impact analysis.

DATE: 08-OCT-13

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

CARLOS J. & OLGA BENGOCHEA  
TRUST ET AL

LYING SOUTH OF THEORETICAL  
SW 31 ST, BETWEEN  
THEORETICAL SW 145 AVENUE &  
THEORETICAL SW 145 COURT.

---

APPLICANT

---

ADDRESS

Z2013000055

---

HEARING NUMBER

**HISTORY:**

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed

Carlos J & Olga Bengochea

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

**REPORTER NAME:**

### DISCLOSURE OF INTEREST\*

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

CORPORATION NAME: \_\_\_\_\_

NAME AND ADDRESS

Percentage of Stock

213-055  
**RECEIVED**  
JUN 27 2013

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

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 OLGA AND CARLOS BENGOCHEA JOINT REVOCABLE TRUST  
dated October 19, 2004

NAME AND ADDRESS

Percentage of Interest

Olga Bengochea

50%

Carlos Bengochea

50%

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS

Percentage of Ownership

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

NAME OF PURCHASER: Josen Nafshi LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Ana Maria Contin Lopez, Manager  
12060 SW 129 CT # 208 Miami, FL 33186

50%

Elizabeth D Medina Cabrera, Manager  
12060 SW 129 CT # 208 Miami, FL 33186

50%

Date of contract: 3/27/13

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

**RECEIVED**  
**JUN 27 2013**

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY FO

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

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

Signature: [Signature]

(Applicant)

Olga Bengochea, as Trustee

Sworn to and subscribed before me this 15th day of May, 2013. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Irene C Mederos  
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA  
Irene C. Mederos  
Commission #DD900856  
Expires: JULY 30, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires: 7/30/13

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.

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**RECEIVED**

JUN 27 2013

213-055

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY

FB

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Signature: \_\_\_\_\_

(Applicant)

Carlos Bengochea, as Trustee

Sworn to and subscribed before me this 15th day of May 2013 Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

Irene C Mederos  
(Notary Public)

My commission expires: 7/30/13

NOTARY PUBLIC-STATE OF FLORIDA  
Irene C. Mederos  
Commission # DD900856  
Expires: JULY 30, 2013  
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NAME OF PURCHASER: Josen Nafshi LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

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12060 SW 129 CT # 208 Miami, FL 33186

Elizabeth D Medina Cabrera, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

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JUN 27 2013

213-055

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY FLS

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

Signature: Pablo Leon

Pablo Leon (Applicant)

Sworn to and subscribed before me this 15<sup>th</sup> day of May, 2013. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Irene C Mederos  
(Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA  
Irene C. Mederos  
Commission # DD900856  
Expires: JULY 30, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires: 7/30/13

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JUN 27 2013

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY FE

213-055

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

Signature: Alba Leon

Alba Leon (Applicant)

Sworn to and subscribed before me this 15<sup>th</sup> day of May 20 13. Affiant is personally known to me or has produced as identification.

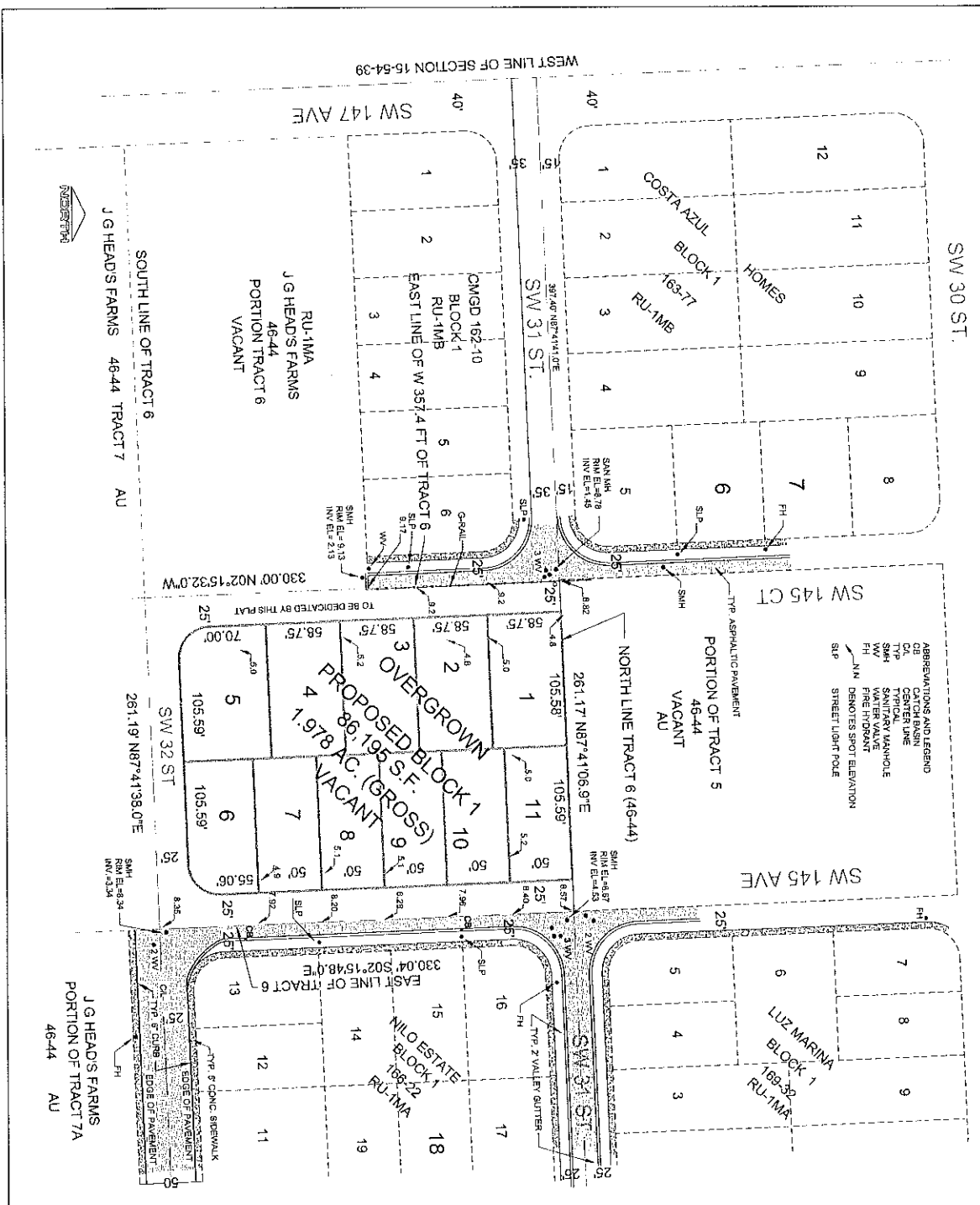
Irene C. Mederos  
(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA  
Irene C. Mederos  
Commission # DD900856  
Expires JULY 30, 2013  
BONDED THROUGH FIDELITY & SECURITY CO., INC.

My commission expires: 7/30/13

Seal

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LEGAL DESCRIPTION:  
TRACT 6 LESS THE WEST 357.4 FEET OF  
J G HEAD'S FARMS SUBDIVISION ACCORDING  
TO THE PLAT THEREOF AS RECORDED IN PLAT  
BOOK 46 AT PAGE 44 OF THE PUBLIC RECORDS  
OF MIAMI-DADE COUNTY, FLORIDA.

## SKETCH OF SITE

A PROPOSED SUBDIVISION IN  
SW 1/4, NW 1/4 OF  
SEC. 15, TWP. 54S, RGE 39E  
MIAMI-DADE COUNTY, FLORIDA  
(FOLIO NO. 30-4915-001-0170)

RECEIVED  
JUN 27 2013

STUDYING IN ENGINEER'S SECTION  
DRAWN BY: J. E. FUXA AND ZONING DEPT.  
BY: J.E.

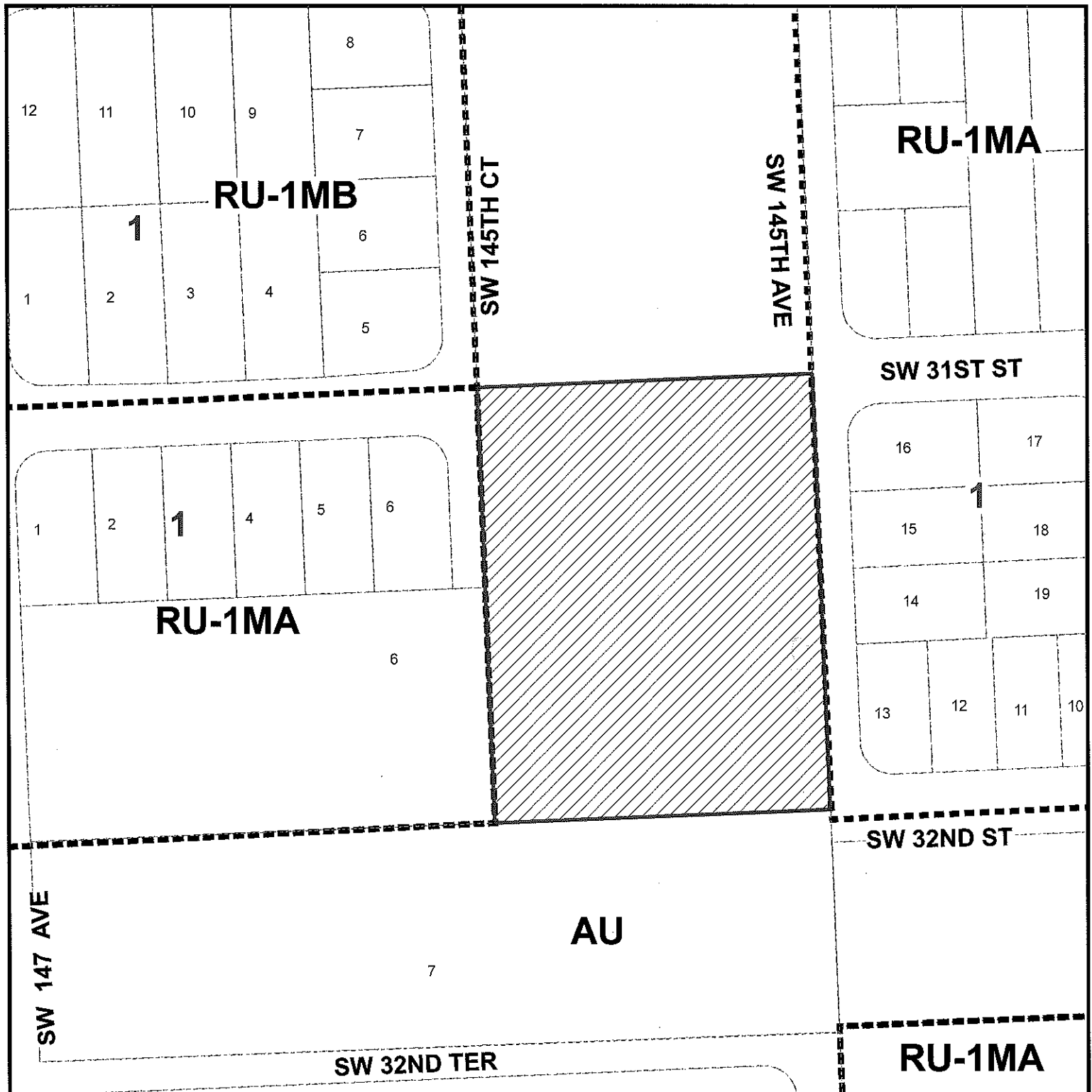
PREPARED BY  
**JOSE E. FUXA, P.L.S.**

CONSULTING LAND SURVEYOR  
7555 SW 30TH STREET  
MIAMI, FLORIDA 33155  
OFF. 305-261-7240 FAX 305-261-2841  
EMAIL: JEFUXA@AOL.COM

CAD FILE: 09ALEXSUB  
PAGE 1 OF 1  
SCALE 1" = 60'  
APRIL 25, 2013

6-3-13

REVISIONS	
6-3-13	STREET LIGHTS ADDED



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2013000055**

Section: 15 Township: 54 Range: 39  
 Applicant: CARLOS J. & OLGA BENGOCHEA TRUST  
 Zoning Board: C10  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

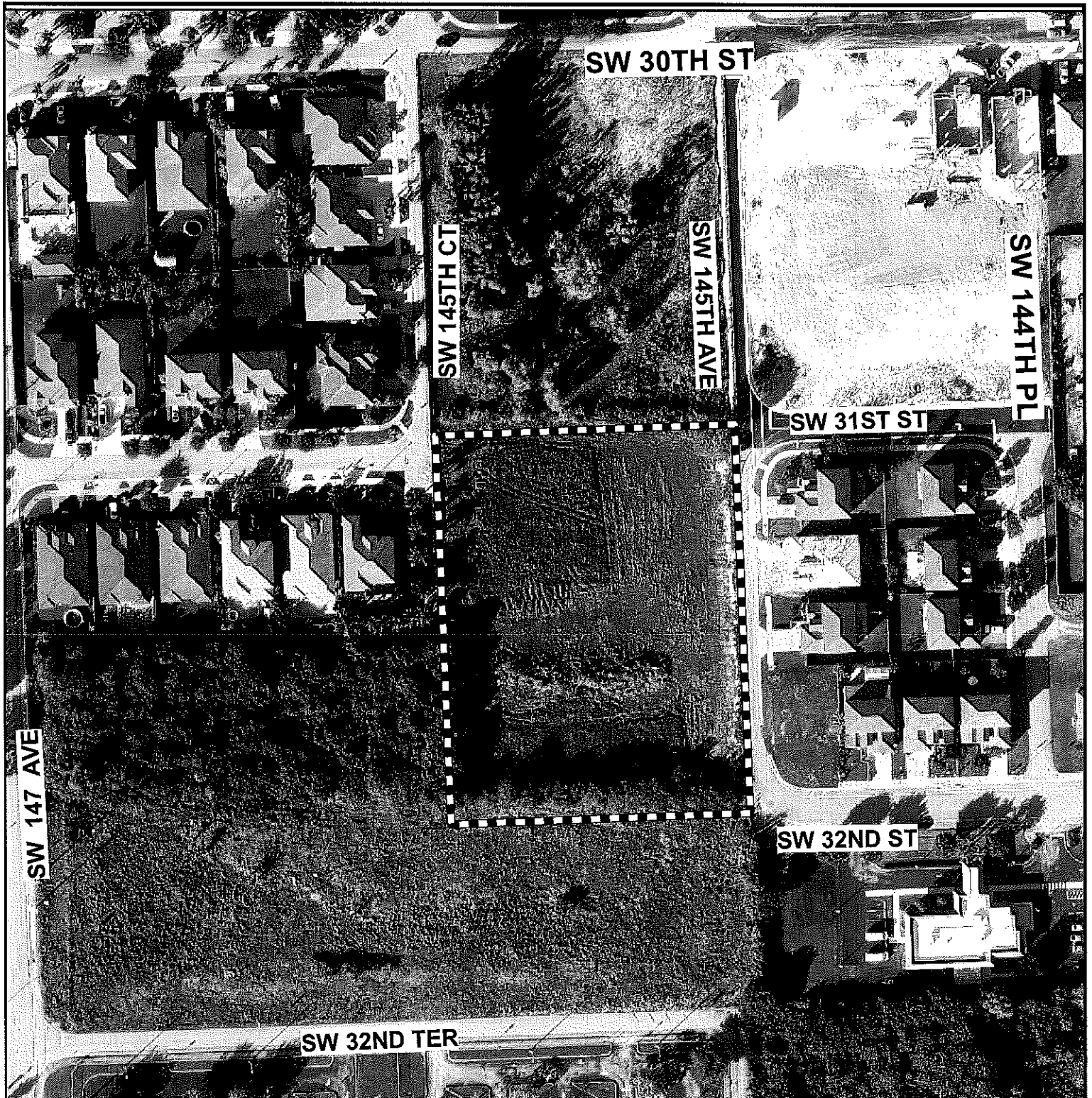
**Legend**

 Subject Property Case



SKETCH CREATED ON: Thursday, June 27, 2013

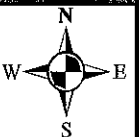
REVISION	DATE	BY
		29



**MIAMI-DADE COUNTY**  
AERIAL YEAR 2012

Process Number

**Z2013000055**



Section: 15 Township: 54 Range: 39  
Applicant: CARLOS J. & OLGA BENGOCHEA TRUST  
Zoning Board: C10  
Commission District: 11  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

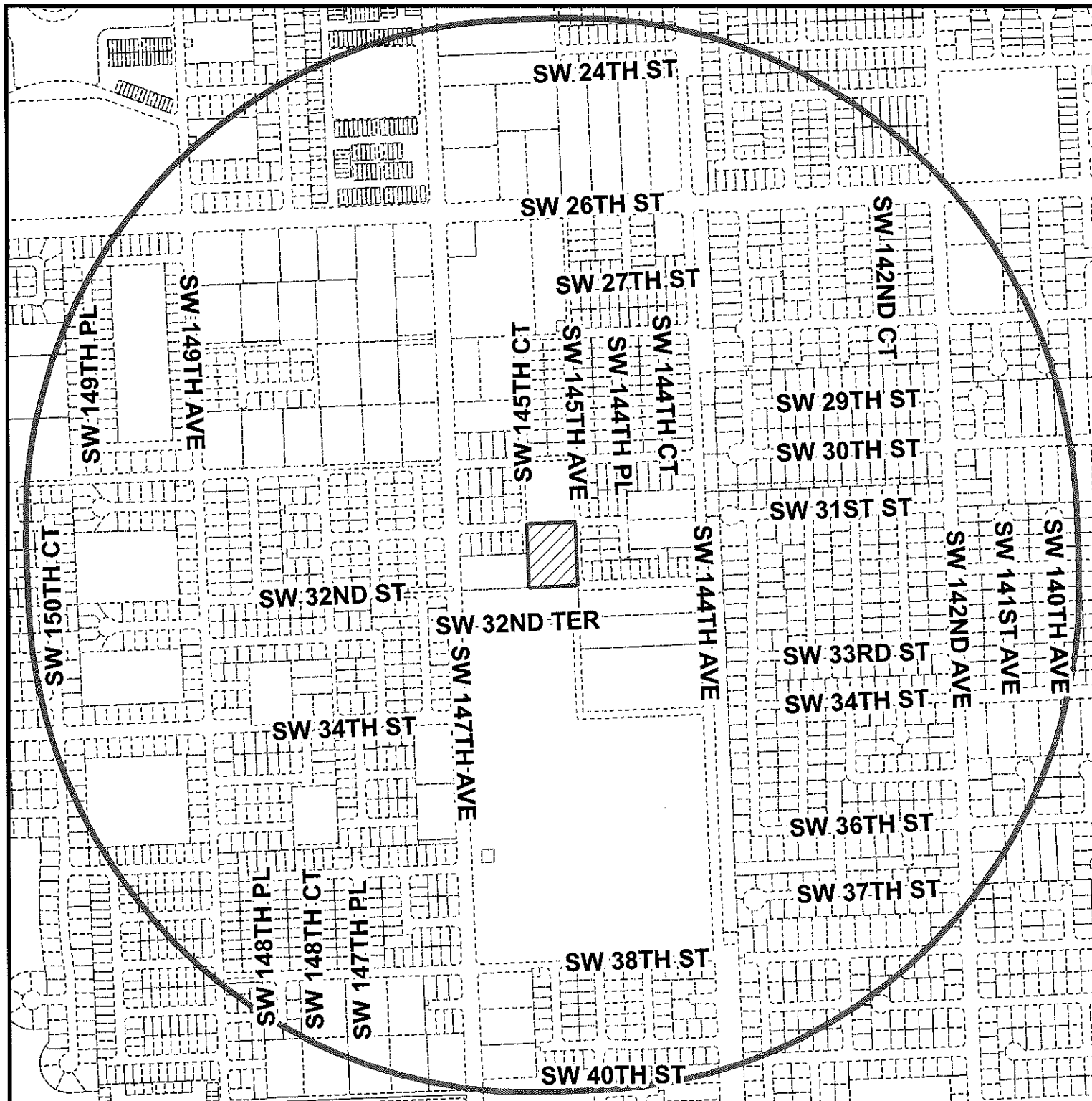
**Legend**

 Subject Property



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY
		30



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number  
**Z2013000055**

Section: 15 Township: 54 Range: 39

RADIUS: 2640

Applicant: CARLOS J. & OLGA BENGOCHEA TRUST



Zoning Board: C10

Commission District: 11

Drafter ID: JEFFER GURDIAN

Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY
		31





**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2013000055**



Section: 15 Township: 54 Range: 39  
Applicant: CARLOS J. & OLGA BENGOCHEA TRUST  
Zoning Board: C10  
Commission District: 11  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

**Legend**

-  Subject Property Case  
 Zoning



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY

PLANNING AND ZONING  
AGENDA OFFICE

2014 JAN 16 P 3:53

This Instrument prepared by:

Samuel B. Reiner, II, Esq.  
Reiner & Reiner, P.A.  
9100 So. Dadeland Blvd., #901  
Miami, Florida 33156-7815

Property Appraisers Parcel  
Folio Number: 30-4915-001-0170

BCC - January 23, 2014

Item 1 - Z13-055

Carlos J. & Olga Bengochea, ETAL

---

**DECLARATION OF RESTRICTIONS**

Public Hearing No. Z2013000055

WHEREAS, the undersigned Owner, Carlos J. & Olga Bengochea Trust, et al., holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the County that the representations made by the owner during consideration of Public Hearing No. Z2013000055 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by JOSÉ E. FUXA P.L.S. entitled Sketch Of Site dated 6/2/13 and stamped dated received June 27, 2013 in the Zoning Hearing Section, said plans being on file with the Department of Regulatory and Economic Resources, and by reference made a part of this agreement.
- (2) That the development of the subject property be limited to a maximum of 6 units per gross acre for a total of 11 lots.

2014 JAN 16 P 3:53  
PLANNING AND ZONING  
AGENDA OFFICE

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

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

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

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

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

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

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

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

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

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

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

**Declaration of Restrictions**

**Page 4**

PLANNING AND ZONING  
AGENDA OFFICE

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

2011 JAN 16 P 3:53

[Execution Pages Follow]

This instrument prepared by:

Samuel B. Reiner, II, Esq.  
Reiner & Reiner, P.A.  
9100 So. Dadeland Blvd., #901  
Miami, Florida 33156-7815

Property Appraisers Parcel  
Folio Number: 30-4915-001-0170

---

**ACKNOWLEDGMENT  
HUSBAND AND WIFE**

Signed, witnessed, executed and acknowledged on this 21<sup>ST</sup> day of August, 2013.

**Witnesses as to Husband:**

Irene C. Mederos  
Signature

Irene C. Mederos

Print Name

Jennifer Hernandez  
Signature

Jennifer Hernandez

Print Name

Pablo Leon  
Signature (Husband)

**PABLO LEON**

Address:

1631 N.W. 36<sup>th</sup> Avenue  
Miami, Florida 33125

**Witnesses as to Wife:**

Irene C. Mederos  
Signature

Irene C. Mederos

Print Name

Jennifer Hernandez  
Signature

Jennifer Hernandez

Print Name

Alba Leon  
Signature (Wife)

**ALBA LEON**

Address:

1631 N.W. 36<sup>th</sup> Avenue  
Miami, Florida 33125

ACKNOWLEDGMENT  
HUSBAND AND WIFE  
Page 2

NOTARY AS TO HUSBAND:

STATE OF FLORIDA            )  
  ) ss.  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me by PABLO LEON, who is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this 21<sup>ST</sup> day of August, 2013, in the  
County and State aforesaid.

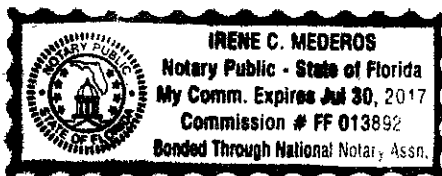
Irene C. Mederos

Notary Public - State of Florida

Irene C. Mederos

Printed Notary Name

My Commission Expires:



ACKNOWLEDGMENT  
HUSBAND AND WIFE  
Page 3

NOTARY AS TO WIFE:

STATE OF FLORIDA            )  
  ) ss.  
COUNTY OF MIAMI-DADE    )

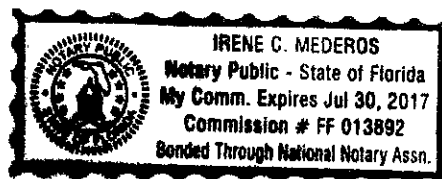
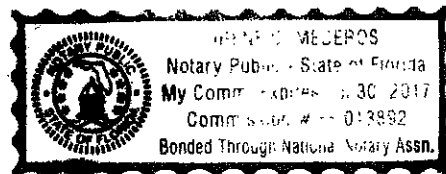
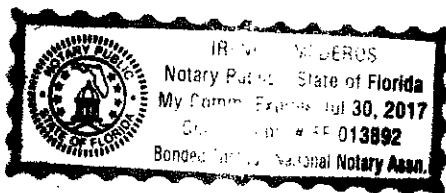
The foregoing instrument was acknowledged before me by ALBA LEON, who is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this 21<sup>st</sup> day of August, 2013, in the County and State aforesaid.

Irene C. Mederos  
Notary Public - State of Florida

Irene C. Mederos  
Printed Notary Name

My Commission Expires:



This Instrument prepared by:

Samuel B. Reiner, II, Esq.  
Reiner & Reiner, P.A.  
9100 So. Dadeland Blvd., #901  
Miami, Florida 33156-7815

Property Appraisers Parcel  
Folio Number: 30-4915-001-0170

### ACKNOWLEDGMENT TRUSTEE

Signed, witnessed, executed and acknowledged on this 21<sup>st</sup> day of August, 2013.

#### WITNESSES:

Irene C Mederos  
Signature

Irene C Mederos  
Print Name

Jennifer Hernandez  
Signature

Jennifer Hernandez  
Print Name

Carlos Bengochea  
Trustee Signature

CARLOS BENGOCHEA, as Trustee

Address:

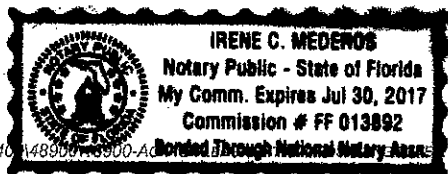
2220 S.W. 123<sup>rd</sup> Court  
Miami, Florida 33175

STATE OF FLORIDA            )  
  ) ss.  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me by **CARLOS BENGOCHEA**, Trustee, to me personally known to me or produced \_\_\_\_\_ as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 21<sup>st</sup> day of August, 2013, in the County and State aforesaid.

My Commission Expires:



Irene C Mederos  
Notary Public - State of Florida

Irene C. Mederos  
Printed Notary Name



## **EXHIBIT "A"**

TRACT 6 LESS THE WEST 357.4 FEET OF J.G.HEAD'S FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 44 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LYING AND BEING IN SECTION 15, TOWNSHIP 54 SOUTH, RANGE 39 EAST MIAMI-DADE COUNTY, FLORIDA.

COMMUNITY ZONING APPEALS BOARD - AREA 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI

Tuesday, October 15, 2013

6:30 p.m.

ITEM NO:

CARLOS J. & OLGA BENGOCHEA TRUST ET AL  
13-55

BOARD MEMBERS

Present:

Richard M. Gomez, Chairman  
Julio Caceres  
Robert J. Suarez  
Manuel Valdes

STAFF PRESENT:

Jorge Vital  
Earl Jones  
Jorge Ubieta  
David Hope, Assistant County Attorney

## I N D E X

BOARD MEMBERSPAGE NO.

Chairman Gomez	7,9,11,16,18,20,21,22,24
Councilman Caceres	6,11,12,13,14,15,21,23,24
Councilman Suarez	15,16,17,18,24
Councilman Valdes	18,19,22,23,24

STAFF

Mr. Jones	3,4,5,24
Mr. Hope	15,16,17,18,20,21,24
Mr. Vital	7,15,20

APPLICANT

Mr. Toledo	5,6,10,11,18,19,20,23
------------	-----------------------

OPPOSERS

Ms. Lugo-Morales	7,8,9,10,13,14
Mr. Rodriguez	9,11,12,13,17,18

\* \* \* \* \*

THE COURT REPORTER: Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you, God?

ALL WITNESSES: I do.

\* \* \* \* \*

MR. JONES: In accordance with the Code of Miami-Dade County, all items to be heard this evening have been legally advertised in the newspaper, notices have been mailed and the properties have been posted. Additional copies of the agenda are available here at the meeting. Items will be called up to be heard by agenda number and name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources. All these items are physically present this evening available to all interested parties and available to the members of the Board who examine items from the record during the hearing. The parties have the right of Cross-Examination.

This statement, along with the fact that all witnesses have been sworn, should be included in

1 any transcript of all or any part of these  
2 proceedings.

3 In addition, the following departments have  
4 representatives present here at the meeting to  
5 address any questions: Zoning Evaluation and  
6 Planning and Traffic Review Sections of the  
7 Department of Regulatory and Economic Resources,  
8 the Department of Public Works and Waste  
9 Management, and the County Attorney's Office.

10 All exhibits used in presentation before the  
11 Board will become part of the public record and  
12 will not be returned unless an identical letter  
13 size copy is submitted for the file.

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

22 The number of filed protests and waivers on  
23 each application will be read into the record at  
24 the time of hearing as application is read. Those  
25 items not heard prior to the ending time for this

1 meeting will be deferred to the next available  
2 zoning hearing meeting date for this Board.

3 \* \* \* \* \*

4 MR. JONES: Item No. 5. 13-10CZ10-5. Carlos  
5 J. and Olga Bengochea Trust, et al, 13-55. Zero  
6 objectors, zero waivers.

7 MR. TOLEDO: Good evening Chair, Council  
8 Members, County Staff. Antonio Toledo, 7565 West  
9 15th Avenue, Hialeah, Florida 33014. I'm here on  
10 behalf of Mr. and Mrs. Carlos Bengochea and Mr.  
11 and Mrs. Pablo Leon, who own, jointly, the  
12 property that is being -- we are asking for  
13 rezoning, and we are asking for AU, since this  
14 area can no longer sustain, really, an AU zoning.  
15 We already expanded all the way out beyond 157th  
16 Avenue. And I think we comply with, basically,  
17 everything that we can require for our request.

18 We hope that in reading the report from the  
19 staff's recommendation, you would find our  
20 petition meets the merits and support our request  
21 for the change from AU to RU-1M(a).

22 After listening to some of the comments from  
23 the prior, I respect the homeowners. Our proposal  
24 is the lots will be facing 134th Court, which is  
25 the west boundary of the property. Frontage-wise

1 will be slightly short of the 60, we'll have  
2 58.75, but each lot will have 6,198, which will  
3 comply, technically, with 6,000 -- over 6,000.

4 The majority of the smaller 50-footer, which  
5 are Southwest 145th Avenue, will be adjacent to  
6 existing zoning that is already being platted and  
7 lots built under RU-1M(a).

8 COUNCILMAN CACERES: I'm sorry, Mr. Toledo.  
9 I'm sorry, Mr. Chair. If you can repeat the lot  
10 sizes again and tell us if there are any  
11 exceptions. I just want to be clear on that.

12 MR. TOLEDO: Under the zoning, we are  
13 requesting RU-1M(a). We can have 50-foot lots.  
14 The ones on the western extreme, which is adjacent  
15 to 145th Avenue, which is the west portion of the  
16 property, we are putting 58-foot lots by 105,  
17 which would give you the 6,198. It comes out  
18 58.75 by 105.58. Those are the lots that would,  
19 basically, be facing 145th Court. And they are,  
20 basically, the other one exceeds RU-1M(b). Almost  
21 60-foot. They are short by 1.65. We are not  
22 asking for that zoning. We are asking for -- and  
23 we have a covenant on file limiting our use to 11  
24 lots. So, we can't go any higher density than  
25 that.

1           CHAIRMAN GOMEZ: I have a question for Staff.  
2           On the other application, we had a little lot  
3           survey. You don't have one for this application?

4           MR. VITAL: Through the Chair, we do have one  
5           on file. It was not included in your kit, but we  
6           have one on file.

7           MR. TOLEDO: I have 11 copies of the  
8           proposal, if that would help, 8 1/2 by 11.

9           CHAIRMAN GOMEZ: Okay. If there is anyone  
10          here that wishes to speak against this  
11          application, please come forward. Name and  
12          address for the record, please.

13          MS. LUGO-MORALES: Moraima Lugo-Morales.  
14          4240 Southwest 153rd Place, speaker for Concerned  
15          Citizens of West Dade.

16          I didn't realize that this was the one next.  
17          I forgot that you moved the fourth to the last, so  
18          I'm kind of lost there.

19          The same goes with the same packet I gave  
20          you, it goes with the same. Since you're going to  
21          approve, because I know how it works, no problem.  
22          One thing I want to suggest to you is the  
23          following. To, please, when you do approve these  
24          issues, or these applications that have garages, I  
25          live in Lakes of the Meadow, you should see the

1 mess it is, because people do move there with  
2 their families, I have a family, too. And they go  
3 in as a couple, and finally there is five and six  
4 cars parking all over the place. So, of course,  
5 where do you think they are going to park? On the  
6 grass, on the street, and all that.

7 One thing I do propose to you is -- please  
8 forgive me, my mind is elsewhere tonight. But one  
9 of the things for many years that we fought was,  
10 as concerned citizens, that the garages not be  
11 converted, because many people use the garage as  
12 storage, so the cars do not go in the garage --  
13 the cars do not go into the garage, and they  
14 convert the garages into storage. So, of course,  
15 those two spaces that you were talking about  
16 before, is obsolete because there is no space to  
17 put the cars in.

18 So, one thing please, please. In the future,  
19 do not allow the garages to be converted into an  
20 additional place for someone to live with a little  
21 door to the side. Those are just little things  
22 that I'm just mentioning to you. Please, do not  
23 allow the garage doors to be removed because, by  
24 law, county law, they are not allowed to be  
25 removed. Many people remove them and convert them

1 into efficiencies, and the sort.

2 So, again, I didn't go against this as an  
3 RU-1M(b), but it is your decision, again, and I do  
4 appreciate, again, to allow me to speak, again. I  
5 would not even have gotten up because I'm looking  
6 at petition No. 4, and I forgot that you moved  
7 that to the last.

8 So, I thank you, again, for your time.

9 CHAIRMAN GOMEZ: Thank you.

10 MR. RODRIGUEZ: Again, Jose Rodriguez. 14255  
11 Southwest 38th Terrace. Actually, I think what  
12 Moraima was saying is, I think what we're asking  
13 for is a covenant that runs with these properties  
14 that those garages cannot ever be closed in.  
15 We've done it with other developments. I don't  
16 know if it is running with the land. I don't know  
17 if maybe staff will clear that up, the covenant  
18 that restricts those future owners from ever  
19 closing in those garages. That is what we are  
20 asking for. I don't know, maybe staff can help  
21 you guys word it. I'm not sure. But it has been  
22 done in the past. Thank you.

23 CHAIRMAN GOMEZ: Anybody else that wishes to  
24 speak against? No. Go ahead, you have a chance  
25 for rebuttal.

1 MR. TOLEDO: I believe that the first  
2 speaker, I'm sorry, I didn't get your name.

3 MS. LUGO-MORALES: Moraima.

4 MR. TOLEDO: Her concern is valid, but it is  
5 a concern that is almost impossible to restrict,  
6 as far as not allowing people to use their garages  
7 as storage.

8 The living quarters, I'm with you. I'll be  
9 the first one to call them in.

10 MS. LUGO-MORALES: It has happened.

11 MR. TOLEDO: The second gentleman, Mr.  
12 Gonzalez?

13 MR. RODRIGUEZ: Jose Rodriguez.

14 MR. TOLEDO: I'm sorry. His concern was that  
15 an additional covenant saying that it will be --  
16 that these garages will not be converted to living  
17 residential area.

18 Since there is a zoning restriction for the  
19 unit that says that these units are living units  
20 for single family, there is already a mechanism in  
21 place, if somebody calls it in, for city  
22 inspectors to be able to remove any illegal use of  
23 the property.

24 So, an additional covenant, that would not  
25 add anything to what is already existing by law,

1 and already applicable, by just calling it in, and  
2 making sure that the County knows there is an  
3 issue, and they can, then, correct it. That is  
4 all I have to say.

5 CHAIRMAN GOMEZ: That means that I'm going to  
6 close the public hearing and open it up to the  
7 Council for questions.

8 COUNCILMAN CACERES: Just a quick question  
9 for Ms. Lugo, or Mr. Rodriguez. The reason that  
10 you would like that -- to see that covenant is to  
11 prevent efficiencies?

12 MR. RODRIGUEZ: That, and also we want to --

13 COUNCILMAN CACERES: Come on up, come on up.  
14 Thank you, Mr. Rodriguez.

15 MR. RODRIGUEZ: No problem. That is one of  
16 the reasons. And the second reason is, we want to  
17 maintain the esthetics of the neighborhood. The  
18 builder does them a certain way, then all of a  
19 sudden you start getting one with the garage door  
20 closed, with certain designs. It is happening all  
21 over Dade County. I mean, if you drive through  
22 Westchester, it is a big problem in Westchester.

23 COUNCILMAN CACERES: Right. I do drive -- I  
24 live in Westchester. I appreciate what you are  
25 saying.

1 MR. RODRIGUEZ: Out where I live, we are  
2 having a huge issue with that, as well, huge.

3 COUNCILMAN CACERES: With incorporating  
4 designs?

5 MR. RODRIGUEZ: No, with the efficiencies and  
6 with people illegally enclosing garage doors. And  
7 what has happened in Westchester already is  
8 starting to happen out here in West Dade,  
9 basically. That is kind of what we are saying.

10 COUNCILMAN CACERES: I appreciate that. And  
11 I don't want efficiencies, and I would like for  
12 the houses to have the same design. But I don't  
13 know that it's a good idea for government to start  
14 imposing more rules on people. There is a balance  
15 there, you know what I'm saying? I think we  
16 already have too much government as it is.

17 MR. RODRIGUEZ: I agree with you on that end.  
18 But just to keep the neighborhood nice. That is  
19 our reason for the request.

20 COUNCILMAN CACERES: I understand. And there  
21 are codes for design, for colors, even though I  
22 don't think the color one is ever enforced, and  
23 there are, certainly, codes for multifamily units  
24 in a single family. So, I hear what you're  
25 saying. I have had that issue in my neighborhood,

1 and I know how frustrating it is. But I don't  
2 know that that is something that we should try  
3 to --

4 MR. RODRIGUEZ: It is pretty frustrating to  
5 try to get the County to show up there. It is  
6 pretty hard.

7 COUNCILMAN CACERES: You know what? Bypass  
8 the County and go to your Commissioner. That will  
9 be my suggestion. Yours is Juan Carlos Zapata  
10 now.

11 MR. RODRIGUEZ: Correct.

12 COUNCILMAN CACERES: My experience, so far --  
13 he is my Commissioner, as well. My experience, so  
14 far, has been that he is very responsive. So much  
15 more than what we've ever had in that area. So, I  
16 would encourage you to reach out to him.

17 MR. RODRIGUEZ: Okay.

18 COUNCILMAN CACERES: Directly. Insist.  
19 You are his boss. He should call you back, you  
20 know, he works for you.

21 MR. RODRIGUEZ: Right, right.

22 COUNCILMAN CACERES: So, please. I do have  
23 one more question. Whatever Ms. Lugo wants to  
24 say. I want to know what you have to say.

25 MS. LUGO-MORALES: I'm not used to being

1 allowed to speak again when you have closed. And,  
2 thank you.

3 COUNCILMAN CACERES: That is my question.  
4 what do you have to say?

5 MS. LUGO-MORALES: Precisely, Juan Carlos  
6 Zapata, as a matter of the fact, started with our  
7 group of concerned citizens, a long time ago. And  
8 we do have a rapport with him. When we have an  
9 issue, we bring it to him. As a matter of fact,  
10 we brought him a list of about four pages of the  
11 issue of garage doors being converted, other than  
12 the garage door. That should be uniform. He  
13 said, yes.

14 I'm calling Congress almost on a daily basis  
15 because I don't approve of that either.

16 But one thing is, if you purchase a property  
17 that has a garage door, and all of a sudden that  
18 person removes the door and puts windows, and all  
19 that stuff, that is not what it was intended to  
20 be.

21 So, we are not telling him how to build,  
22 because that is not our position, but we are  
23 trying to enforce what is already on the books.  
24 That is all. Thank you, again.

25 COUNCILMAN CACERES: Thank you, Ms. Lugo.

1 wish your daughter a happy birthday from us.

2 Thank you, Mr. Chair. I'm done.

3 COUNCILMAN SUAREZ: My question is to Staff.  
4 Is it legal to convert a one or two-car garage,  
5 legally, to a bedroom, communicating to the rest  
6 of the house?

7 MR. VITAL: Through the Chair, the answer to  
8 that is, yes, as long as you pull all the correct  
9 permits.

10 COUNCILMAN SUAREZ: Exactly. So, would it be  
11 legal for us to require a covenant, on their part,  
12 that these ten, 11 homes can never do something  
13 that is legally -- that is legal to somebody who  
14 buys a residence? Fifteen years from now, if they  
15 want to convert it to a bedroom with access to  
16 that room, because if you block that door leading  
17 from the garage into your home, that is where the  
18 violation occurs.

19 MR. HOPE: You answered the question in your  
20 question, in that you can't require them to not do  
21 something that they, conceivably, have the right  
22 to do. They could, voluntarily, as part of a  
23 covenant, put in that restriction in terms of --  
24 for those homes that are built, that those garages  
25 would not be converted.

1           Now, why would they do that? I don't know,  
2           because I wouldn't buy a home like that, because  
3           I'm buying a home and, then, as long as I legally  
4           get the permits and do what I want, if I want to  
5           do something later on, I have an explosion and  
6           have 15 kids, you know, and I need another  
7           bedroom, then I'm going to do that.

8           But, legally, we could not require them to  
9           say they will not convert, but they could  
10          volunteer, in a covenant, when they first  
11          approached you, like now, and said, we would not  
12          do that.

13          COUNCILMAN SUAREZ: So, if we would require  
14          them to do a covenant --

15          MR. HOPE: You can't require them.

16          CHAIRMAN GOMEZ: He could only volunteer.

17          COUNCILMAN SUAREZ: All right. Okay. That  
18          goes to your concerns, too, that I understand.  
19          That happens here. But, legally, you are not  
20          supposed to do it, and there is. There's a  
21          process. The County has a process where you call  
22          311, or you report it, and it is not an easy thing  
23          to prove, I'll grant you that. I don't know.

24          MR. HOPE: Well, Mr. Chair, let me clarify  
25          one thing. There's a difference between a

1 homeowner legally converting a garage to a bedroom  
2 that they are using for their family, and  
3 converting a garage to a separate unit, an  
4 efficiency, as was used, so that they can rent it  
5 out to a different entity. That conversion, and  
6 renting out to a different entity, is illegal.  
7 And, as Tony has already said, we already have  
8 codes there that talk about multifamily uses in a  
9 single family residential area. That is already  
10 there. So, that is an enforcement issue.

11 So, if there are situations where people know  
12 that that is happening, then, yes, they need to  
13 call the County, and the County can come in and  
14 inspect, and cite the people, and go through those  
15 procedures, because that is illegal.

16 So, let's not confuse the two in terms of  
17 someone illegally making a conversion for their  
18 family, or their use, whether they want to convert  
19 it to a bedroom, a study, a man cave, whatever,  
20 versus, you know, an efficiency that they can rent  
21 out for money.

22 COUNCILMAN SUAREZ: Is there something that  
23 you would like to say?

24 MR. RODRIGUEZ: Yes. What I just wanted to  
25 say is, in the past we worked with Adrian Homes,

1 who built that big project from Coral Way all the  
2 way to 8th Street, and with Shoma Homes that  
3 built, also from Coral Way to 8th Street, those  
4 hundreds and hundreds of homes that are out there  
5 now. And they, voluntarily, gave us a covenant  
6 saying that those homes will never have illegally  
7 enclosed garages. And you are talking hundreds of  
8 homes out there. And Shoma and Adrian did  
9 voluntarily give us that.

10 CHAIRMAN GOMEZ: As Mr. Hope said, that is  
11 the way that it needs to go. You would need to  
12 approach the developer. We cannot force the  
13 developer. The developer has to volunteer to us.

14 MR. RODRIGUEZ: Are we allowed to ask at this  
15 meeting?

16 MR. HOPE: You can ask them.

17 MR. RODRIGUEZ: Would you mind giving us a  
18 covenant?

19 MR. TOLEDO: I'm the representative of the  
20 owner, and I can't commit to that.

21 MR. RODRIGUEZ: I guess that's settled.

22 CHAIRMAN GOMEZ: You're floor, Council.

23 COUNCILMAN SUAREZ: I'm good. That was my  
24 question.

25 COUNCILMAN VALDES: Now, these homes, you

1       said, will have car garages?

2               MR. TOLEDO: They will have garages, yes,  
3       sir, two-car garages.

4               COUNCILMAN VALDES: And they will face --  
5       these one through five will face east, and six  
6       through 11 will face west? And all of them will  
7       have two-car garages?

8               MR. TOLEDO: Correct.

9               COUNCILMAN VALDES: I see the ones on the  
10       east side are 6,200 feet, and the last one, almost  
11       a mansion, almost 7,400 feet.

12              MR. TOLEDO: I'm sorry, the east side or the  
13       west side?

14              COUNCILMAN VALDES: If this is --

15              MR. TOLEDO: 145th Court is west side. 147th  
16       is to the west. One through five face west.

17              COUNCILMAN VALDES: Okay. So, then, the west  
18       side will have -- and, then, the east, will  
19       have -- and all of them will have a two-car garage  
20       you said, right?

21              MR. TOLEDO: I don't have the architect  
22       present so I can't say for sure. But more than  
23       likely, yes.

24              COUNCILMAN VALDES: I'm looking at the -- I'm  
25       looking at the east side, 50-feet frontage, with

1 the last one 55 feet frontage.

2 CHAIRMAN GOMEZ: If I may, for a second, just  
3 for clarification, maybe this is a question to  
4 you, Councilman. The reality is, what we are  
5 voting on here is the lot sizes. They can,  
6 technically -- he can say whatever he wants, but  
7 they can build a house here without a garage. Am  
8 I correct in stating that?

9 MR. HOPE: Unless there is a code requirement  
10 that requires for this zoning to have a garage,  
11 then, you're correct, but I'm not sure. Staff can  
12 answer that question.

13 MR. VITAL: Through the Chair, you are  
14 correct.

15 CHAIRMAN GOMEZ: So, he can say whatever he  
16 wants right now, but talking about a garage, he  
17 could -- legally, he doesn't need to put a garage  
18 on any of these houses.

19 MR. TOLEDO: I'm only mentioning --

20 CHAIRMAN GOMEZ: This isn't an indictment on  
21 you, I'm just clarifying it for everybody. What  
22 we are voting on here is the size of the lot, not  
23 the design of the houses. That is a code issue.  
24 That is another department. We are, strictly,  
25 dealing with the zoning. So, what they build on

1 this, as far as a house, it could look however  
2 they want it to look. We have no say on that  
3 right now.

4 COUNCILMAN CACERES: It could look like a  
5 mosque. Did I say that out loud?

6 MR. HOPE: Absolutely. But the reality is,  
7 Mr. Chair, like you are talking about it, you are  
8 also talking about, the reason that they are  
9 coming before you is, they want to make sure that  
10 whatever they have is marketable. So, they are  
11 giving you a covenant because, by code, they can  
12 put up to 17 homes on this lot, and they are  
13 restricting it to 11. So, they are also saying,  
14 on one side it is going to be even larger, so they  
15 are trying to, at least, what is coming across, is  
16 trying to attract a certain clientele. I don't  
17 know about you, but would you think about the size  
18 that they are talking about a home, moving into  
19 that kind of home, without a garage?

20 So, you know, you have got to talk about  
21 balance. And, you're absolutely right, he can say  
22 what he wants. Now, he is representing work  
23 for the County, used to do this, used to be on the  
24 other side, now he's turned to the dark side.  
25 But, you know, but still you have to take his

1 representation at his word, you're absolutely  
2 right.

3 You know, somebody could buy them out and  
4 then say, we are going to do whatever, as long as  
5 it fits within the zoning designation.

6 CHAIRMAN GOMEZ: I just wanted to clarify it  
7 because I just saw a lot of the harping on the  
8 garage, I kind of felt that it needed to be  
9 clarified.

10 COUNCILMAN VALDES: I was looking for  
11 parking. I mean, if you've got a regular family,  
12 two vehicles, then you add a third one for the  
13 child, and so forth, where is parking going to  
14 happen?

15 And if there is not enough space for you to  
16 park within your property line, then you start  
17 parking on the street, the neighbor's home, you  
18 start taking up spaces that don't really belong to  
19 you.

20 But, with the garage, that is an option for  
21 two vehicles, plus two vehicles right on the  
22 outside. So, a maximum of four, give or take.

23 Now, I mean, if you guys stick to the plan,  
24 which is with the two-car garage and so forth,  
25 then everything seems viable and potentially

1 correct uses.

2 MR. TOLEDO: I know, in the past, we used  
3 to build homes without carports, then we increased  
4 it and we started building with carports, because  
5 it was a selling point. Then it became a one-car  
6 garage, then it became a two-car garage. In some  
7 neighborhoods you have three-car garages and four  
8 car garages. You go after the market, and the  
9 market demand means that what is marketable is  
10 going to be created. I don't think many people,  
11 as was mentioned, would buy a house without a  
12 garage.

13 But, again, as representative for the owner,  
14 I can't commit to you that I know exactly what is  
15 going to be built. I was told they will have  
16 two-car garages.

17 COUNCILMAN CACERES: without garages, where  
18 are the dentists going to practice dentistry? We  
19 need garages.

20 COUNCILMAN VALDES: And the storage. I don't  
21 have any further questions. And I believe the two  
22 points have been addressed. I mean, there is only  
23 certain things that we can do, or request, or  
24 require, within the guidelines of the law. I'm  
25 done.

1 CHAIRMAN GOMEZ: With that, I would like to  
2 open the floor for a motion.

3 COUNCILMAN VALDES: I motion to approve with  
4 the conditions.

5 MR. HOPE: And the proffered covenant?

6 COUNCILMAN VALDES: And the proffered  
7 covenant.

8 COUNCILMAN SUAREZ: I second.

9 CHAIRMAN GOMEZ: Call the roll.

10 MR. JONES: Motion to approve the application  
11 per staff's recommendation. And that will be with  
12 the acceptance of the proffered covenant.

13 Councilman Caceres?

14 COUNCILMAN CACERES: Yes.

15 MR. JONES: Councilman Suarez?

16 COUNCILMAN SUAREZ: Yes.

17 MR. JONES: Councilman Valdes?

18 COUNCILMAN VALDES: Yes.

19 MR. JONES: Chairman Gomez?

20 CHAIRMAN GOMEZ: Yes.

21 MR. JONES: Motion passes unanimously.

22 MR. TOLEDO: Thank you.

23 (Item adjourned.)  
24  
25

## 1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

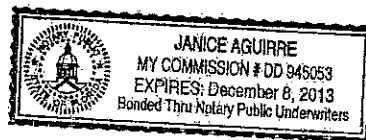
3 COUNTY OF DADE

4  
5 I, Janice Aguirre, Registered Professional  
6 Reporter, Notary Public, State of Florida, certify that  
7 the following witnesses personally appeared before me  
8 on October 15, 2013 and were duly sworn.

9 WITNESS my hand and official seal this 22nd  
10 day of November, 2013.

11  
12  
13  
14   
15 JANICE AGUIRRE

16 Registered Professional Reporter  
17 Notary Public, State of Florida  
18



## 1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF DADE)

4  
5 I, JANICE AGUIRRE, Registered Professional  
6 Reporter, do hereby certify that I was authorized to  
7 and did stenographically report the CZAB BOARD 10  
8 MEETING of October 15, 2013; that a review of the  
9 transcript WAS requested; and that the foregoing  
10 transcript, pages 1 through 24, is a true record of my  
11 stenographic notes.

12 I FURTHER CERTIFY that I am not a relative,  
13 employee, or attorney, or counsel of any of the  
14 parties; nor am I a relative or employee of any of the  
15 parties' attorney or counsel connected with the action,  
16 nor am I financially interested in the action.

17 DATED this 22nd day of November, 2013 at  
18 Miami, Dade County, Florida.

19  
20   
21 JANICE AGUIRRE,  
22 Registered Professional Reporter  
23  
24  
25

# Memorandum



**Date:** January 23, 2013

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

---

**APPLICANT:** Lucky Start at the Hammocks, LLC. (Z12-096)

## **SUMMARY OF REQUESTS:**

The applicant is requesting to amend The Hammocks Development of Regional Impact DRI program as it pertains to the subject property and to rezone portions of the property from IU-C to RU-1M(a), BU-1A, RU-4L and RU-3M. A development plan has been submitted which depicts a vacant commercial parcel and a residential development consisting of detached single-family residences and attached townhouses. Accompanying non-use variance requests for lot frontage and area, setback, landscape, and waiving of right-of-way dedication are also being requested. A Substantial Deviation Determination pursuant to Section 380.06(19) of the Florida Statutes is also requested.

**LOCATION:** Lying between SW 120 St. and Hammocks Blvd. and lying east of SW 152 Avenue, Miami-Dade County, Florida.

## **COMMENTS:**

This application went before the Developmental Impact Committee because the number of units exceeds 250 and the application is modifying a Development of Regional Impact (DRI). 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 November 6, 2013 and the attached Department memoranda were reviewed and considered by said Committee.

## **DIC RECOMMENDATION:**

**Approval with conditions**, as set forth in the Department of Regulatory and Economic Resources' recommendation.

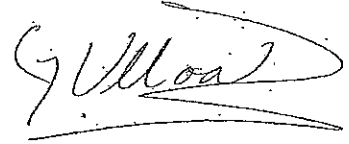
The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions, will not be contrary to the public interest, is in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

APPLICATION NO. Z12-96  
LUCKY START AT THE HAMMOCKS, LLC

Respectfully Submitted,


DIC Executive Council  
November 06, 2013

Giovannie Ulloa, Fire Chief  
Miami-Dade Fire Rescue Department



AYE

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department




AYE

Antonio Cotarelo, Assistant Director  
Public Works Department



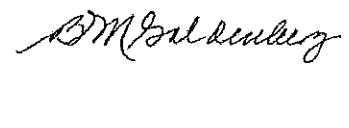
AYE

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



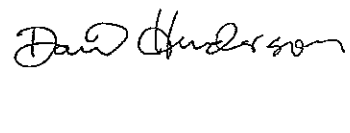
AYE

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



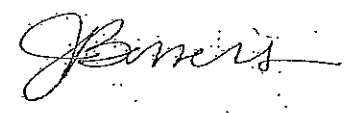
AYE

David Henderson, Bicycle/Pedestrian Specialist  
Metropolitan Planning Organization



AYE

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

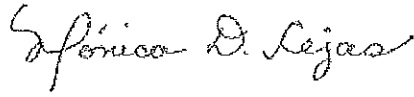


AYE

APPLICATION NO. Z12-96  
LUCKY START AT THE HAMMOCKS, LLC

November 06, 2013

Monica Cejas, Senior Professional Engineer  
Miami-Dade Transit

A handwritten signature in black ink, reading "Monica D. Cejas". The signature is written in a cursive, flowing style.

AYE

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

PH: Z12-096

DIC Date: November 6, 2013

Recommendation Summary	
Commission District	11
Applicant	Lucky Start at the Hammocks, LLC.
Summary of Requests	<p>The applicant is seeking to modify a previously approved Development Order (DO) as it applies to the subject property only, to allow a change of land use on the westerly approximately 53.47-acres of a larger tract of land. This will allow the applicant to increase the number of dwelling units and business/retail uses and concurrently, to reduce the potential for industrial uses approved under the DO. Pursuant to Section 380.06(19)(e)5, Florida Statutes, said changes constitute a substantial deviation from the DO which may be overcome by clear and convincing evidence to the contrary.</p> <p>Concurrent with a CDMP amendment of the Land Use designation of the subject property from Industrial and Office to Business and Office and Low-Medium Density Residential use, the applicant also seeks to subdivide the tract into four (4) separate parcels and to rezone the said parcels from the current IU-C zoning district to BU-1A, RU-1M(a) and RU-4L. Additionally, the applicant also seeks variances pertaining to lot frontages, setbacks, the Landscape requirements and the Kendall-Tamiami Executive Airport zoning district requirements pertaining to the Inner District (ILZ).</p>
Location	Lying between SW 120 St. and Hammocks Blvd. and lying east of SW 152 Ave., Miami-Dade County, Florida.
Property Size	53.47+/- acres
Existing Zoning	IU-C, Conditional Industrial District
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	<p><b>Current:</b> Industrial and Office</p> <p><b>Requested in CDMP Amendment Application:</b> Business and Office, Low-Medium Density Residential, 6 -13,dua. (see attached Zoning Recommendation Addendum)</p>
Comprehensive Plan Consistency	Consistent with the requested land use categories on the LUP map and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	<p>Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(4)(b) Non-Use Variance From Other Than Airport Regulations, Section 33-311(A)(7) Generalized Modification Standards Section 33-311, District Boundary Change, (see attached Zoning Recommendation Addendum)</p>
Recommendation	<p><b>Development of Regional Impact requests:</b> Approval of request #1, with a finding that this application does not result in a substantial deviation and approval with conditions of requests #2 through #4.</p> <p><b>Zoning Requests:</b> Approval of requests #5, #11, #15 and #19; approval with conditions of requests #6 through #10, requests #12 through #14, requests #16 through #18, #20 through #22.</p>

**DEVELOPMENT OF REGIONAL IMPACT REQUESTS:**

1. TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19), Florida Statutes, with respect to the below requests.
2. MODIFICATION of Paragraphs #6, and #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89, reading as follows:

From: "6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.8%
RU-3M	267.2	24.4%	2,925	35.2%
RU-4L	69.6	6.3%	1,545	18.6%
RU-4M	117.5	10.7%	3,356	40.4%
RU-4A	10.4	1.0%	248	3.0%
	504.1	46.0%	8,303	100.0%

To: "6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.6%
RU-1M(a)	30.3	2.8%	137	1.6%
RU-3M	267.2	24.4%	2,925	33.6%
RU-4L	90.7	8.3%	1,806	20.8%
RU-4M	117.5	10.7%	3,356	38.6%
RU-4A	10.4	1.0%	248	2.8%
	555.5	50.8%	8,701	100.0%

From: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "THE HAMMOCKS Parcel Schedule" as prepared by Post, Buckley, Schuh & Jernigan, Inc., dated July 1989. A ceiling on the number of permissible Permanent Residential dwellings has been fixed at 8,303 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."

To: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," plan The Curtis Group and dated revised September 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."

3. MODIFICATION of Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, reading as follows:

From: "15. INDUSTRIAL PARK

A 111.87 gross acre parcel of land on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (see Exhibit C)"

This piece of land is just north of the new Tamiami Airport, which was a factor in the decision to keep it industrial. It forms a buffer between the residential areas of the Hammocks and the airport.

A buffer will also be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage of the industrial use of this piece of land is its direct frontage on the main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

To: "15. INDUSTRIAL PARK

A +/- 49.46 net acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (see "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013)

A buffer will also be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage of the industrial use of this piece of land is its direct frontage on the main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

From: "23. NEIGHBORHOOD CONVENIENCE CENTERS

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable county procedures."

To: "23. NEIGHBORHOOD CONVENIENCE CENTERS

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 42d may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013, and may be amended in accordance with applicable County procedures."

4. MODIFICATION of a legal description for Parcel 42 as provided in Exhibit "B" of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, reading as follows:

From: "PARCEL 42

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, Dade County, Florida; thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

To: "PARCEL 42

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

LESS: A Portion Of Tract "A" Of "Amerifirst Park" Plat Book 127, Page 65, Being More Particularly Described As Follows: Begin At The Southwest Corner Of Said Tract "A"; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast ¼ Of Said Section 9, For A Distance Of 2660.44 Feet To The Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 129.21 Feet Along The Arc Of A Curve To The Left, Said Curve Having Radius Of 1326.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse Curve; Thence 720.86 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°08'03" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.97 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1090.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S37°46'00"E For A Distance Of 50.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast ¼ Of Said Section 9; Thence S02°20'50"E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 40.00 Feet North Of And Parallel To The South Line Of The Southeast ¼ Of Said

Section 9; Thence S87°26'00"W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42a: A Portion Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet; Thence N17°02'49"W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 125.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1283.26 Feet And A Central Angle Of 05°34'55" To A Point Of Tangency; Thence N67°22'16"E For A Distance Of 83.03 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S67°17'05"W; Thence 675.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 33°37'52" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°39'13"W; Thence S30°09'08"W For A Distance Of 104.12 Feet To A Point Of Curvature; Thence 397.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'34" To A Point Of Intersection With A Compound Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Reverse Curve; Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Tangency; Thence S02°20'50"E Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1348.47 Feet; Thence S87°26'00"W For A Distance Of 527.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9; Thence N02°20'50"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42b: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°52'53"E; Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1326.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse CURVE; Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 30°39'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°28'47"W; Thence N30°09'08"E For A Distance Of 60.10 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W; Thence 73.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00

Feet And A Central Angle Of  $03^{\circ}39'14''$  To A Point Of Tangency; Thence  $S60^{\circ}00'00''E$  For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 413.06 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of  $20^{\circ}34'47''$  To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears  $N50^{\circ}34'47''E$ ; Thence  $S02^{\circ}20'50''E$  Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.08 Feet; Thence  $S87^{\circ}39'10''W$  For A Distance Of 513.00 Feet; Thence  $N02^{\circ}20'50''W$  For A Distance Of 130.84 Feet To A Point Of Tangency; Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of  $20^{\circ}13'42''$  To A Point Of Intersection With A Reverse Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of  $13^{\circ}08'05''$  To A Point Of Intersection With A Compound Curve; Thence 397.34 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of  $39^{\circ}35'35''$  To A Point Of Tangency; Thence  $N30^{\circ}09'08''E$  For A Distance Of 44.02 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42c: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence  $S02^{\circ}02'50''E$ , As A Basis Of Bearing Along The West Line Of The Se Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter of said Section 9; Thence  $N87^{\circ}26'00''E$  Along The South Line Of The Se Quarter Of Said Section 9 For A Distance Of 527.00 Feet; Thence  $N02^{\circ}20'50''W$  Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet To The Point Of Beginning Of The Following Described Parcel Of Land: Thence Continue  $N02^{\circ}20'50''W$  For A Distance Of 793.67 Feet; Thence  $N87^{\circ}39'10''E$  For A Distance Of 513.00 Feet; Thence  $S02^{\circ}20'50''E$  Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 793.67 Feet; Thence  $S87^{\circ}39'10''W$  For A Distance Of 513.00 Feet To The Point Of Beginning.

Legal Description For Parcel 42d: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence  $S02^{\circ}02'50''E$  As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9; Thence  $N87^{\circ}26'00''E$  Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following Described Parcel Of Land; Thence  $N02^{\circ}20'50''W$  Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet; Thence  $N87^{\circ}39'10''E$  For A Distance Of 513.00 Feet; Thence  $S02^{\circ}20'50''E$  Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 422.00 Feet; Thence  $S87^{\circ}26'00''W$  For A Distance Of 513.00 Feet To The Point Of Beginning."

The purpose of the requests #2 through #4 is to allow the applicant to amend the existing Covenant Governing Land Development for the Development of Regional Impact on the property to reduce the industrial park acreage and simultaneously to increase the number of residential units from 8,303 units to 8,701 units for the total community and to include a 40,000 sq. ft. general business site.

### **ZONING REQUESTS**

#### **REQUESTS #5 THROUGH #10 ON PARCEL A**

5. DISTRICT BOUNDARY CHANGE from IU-C to RU-1M(a).
6. NON-USE VARIANCE of zoning regulations requiring a half-section line right-of-way to be 70' feet in width; to waive same to permit 0' (35' required) of dedication on the east side of theoretical SW 152 Avenue.
7. NON-USE VARIANCE to permit certain lots with less than the required 50 feet of frontage at the curvilinear setback line).
8. NON-USE VARIANCE to permit certain lots with lot areas varying from 4,750 sq. ft. to 4,959 sq. ft. (5,000 sq. ft. required).
9. NON-USE VARIANCE to permit certain lots with a rear setback of 10' for 50% of the lineal footage of the width of the residence and 20' for the balance of the residence (15' for 50% of the lineal footage of the width of the residence and 25' for the balance of the residence required).
10. NON-USE VARIANCE to permit certain lots with a lot coverage of 47.36% (45% permitted).

#### **REQUESTS #11 THROUGH #14 ON PARCEL B**

11. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L.
12. NON-USE VARIANCE of setback requirements requiring a minimum side yard of 15' between the end of a group of townhouses and a public or private street; to waive same.
13. NON-USE VARIANCE of patio and service private open space area requirements requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
14. NON-USE VARIANCE requiring parking spaces to be located within 150' of the townhouse it serves; to waive same.

#### **REQUESTS #15 THROUGH #18 ON PARCEL C**

15. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L.
16. NON-USE VARIANCE requiring 400 square feet of enclosed area for each townhouse unit; to waive same.

17. NON-USE VARIANCE to permit townhouses setback 23' (25' required) from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building.
18. NON-USE VARIANCE to permit certain model "A" garages to setback 19' (20' required) from the front property line.

REQUESTS #19 THROUGH #21 ON PARCEL D

19. DISTRICT BOUNDARY CHANGE from IU-C to BU-1A.
20. NON-USE VARIANCE requiring a 5' high decorative masonry wall to be placed along the common property line of the business lot when abuts a RU zoned property; to waive same along the rear (north) property line.
21. NON-USE VARIANCE requiring a 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the rear (north) property line of the subject property; to waive same.

REQUEST #22 ON PARCELS A, B & C

22. NON-USE VARIANCE of Kendall-Tamiami Executive Airport zoning regulations pertaining to the Inner District (ILZ) which prohibits residential uses within the ILZ zone; to waive same to permit residential development within the ILZ zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Mixed Use Development Garden Estate East" as prepared by Corwil Architects, consisting of 19 pages and plans entitled "General Estates II" as prepared by Witkin J. Hults Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

Pursuant to Resolution #Z-25-74, and the acceptance of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, the subject property was a part of an approximately 1,096-acre tract of land that was approved for a Development of Regional Impact (DRI), the Hammocks. Between 1974 and now, the aforementioned covenant has been amended on more than one occasion to facilitate the development of different parcels within The Hammocks DRI. Among the amendments to the original covenant, was an amendment recorded in Official Records Book 12432, Pages 633 – 636, which permits the owner of a fee simple title to the land affected by such amendment to request an amendment without requiring that the application be filed by the majority of the then property owners of the entire tract.

The subject property is a portion of Parcel 42 of the Hammocks Development of Regional Impact (DRI) which contains approximately 102.93-net acres, based on the Property Appraiser's records and was set aside for future light industrial/office developments. The eastern approximately 49.46-net acres was subsequently developed with an office park under the IU-C zoning district standards. The remaining approximately 53.47 net acres which is the subject of this application has not been developed and has remained vacant. Concurrent with a DRI

Notice of Proposed Change (NOPC) application, the applicant is also seeking a Comprehensive Development Master Plan (CDMP) amendment to re-designate this approximately 53.47 acre parcel from its current Industrial and Office designation to Low-Medium Density and Business and Office on the CDMP Land Use Plan map. Contingent on the Board's approval of the CDMP amendment and the DRI NOPC, the applicant seeks approval of the request to split this parcel into four (4) separate parcels and rezone two (2) of the parcels to RU-4L, to rezone the largest of the four (4) parcels to RU-1M(a), and the smallest of the parcels located to the south, to BU-1(A).

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	IU-C; vacant land	Industrial and Office
<b>North</b>	RU-3M and PAD; townhomes, single-family residences	Low-Medium Density Residential – 13 dua
<b>South</b>	IU-C/GU; Tamiami Airport	Terminals
<b>East</b>	IU-C; office complex	Industrial and Office
<b>West</b>	RU-1; single-family residences	Low-Density Residential, 2.5 -6 dua
	RU-1M(b); townhomes	Industrial and Office
	RU-1M(a) and RU-3M: townhomes, single-family residences	Business and Office

#### **NEIGHBORHOOD COMPATIBILITY:**

The subject property is a vacant industrially zoned tract of land that is located at the southeast corner of an area that is developed under the regulations outlined in the previously approved Kendall Hammocks Development of Regional Impact (DRI) was approved in 1974. The subject parcel is surrounded by existing townhouse and single-family residential developments located to the north and west, an industrial office development to the east and the Kendall-Tamiami airport located to the south.

#### **SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to develop the parcel in accordance with the proposed RU-1M(a), Single-Family Modified Residential District, RU-4L, Limited Apartment House District and BU-1A, Limited Business District regulations. This will allow the applicant to provide additional housing in this area as well as accessibility to more commercial uses within the Kendall Hammocks area. However, since the site is vacant the proposed development of the residential site will create additional traffic impacts on the entire area from both the additional residential uses as well as the increased commercial activity in proximity to existing residences.

### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The CDMP Land Use Plan (LUP) map designates the approximately 53.47-acre subject property for Industrial and Office uses. *Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunications facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is allowed.* The subject property is a part of a larger tract that was also designated for industrial use within the Hammocks Development of Regional Impact (DRI) pursuant to Resolution #Z-25-74.

The purpose of this application is to allow the applicant to modify paragraphs of the Development Order for the Hammocks DRI only as it applies to the subject property and to seek a determination that said modification does not constitute a Substantial Deviation. Approval of the proposed modification of the Covenant Governing Land Development would allow the applicant to modify the distribution of residential units and densities within the Hammocks DRI and allow for an increase in the total number of residential units; decrease the area designated for Industrial and Office use within the Hammocks DRI and increase the business and retail uses. For this purpose, the applicant also concurrently seeks to rezone the 53.47- acres subject property from IU-C, to RU-1M(a), RU-4L and BU-1A. However, since the proposed zone changes would be inconsistent with the current Industrial and Office designation of the property, approval of the requests are contingent on the Board of County Commission's (BCC) approval of a concurrent Comprehensive Development Master Plan (CDMP) application to amend the CDMP LUP map designation. Staff notes that the subject zoning application is being processed concurrently with an application to amend the Land Use Plan map of the Comprehensive Development Master Plan (CDMP) for Miami-Dade County.

The aforementioned CDMP amendment application seeks to change the CDMP LUP map designation of an approximately 49.02- acre portion of the Industrial and Office subject property to Low-Medium Density. The Low-Medium Density Residential category *allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments.* This would allow the applicant to develop the parcel with a maximum of 669 residential units. The plans submitted by the applicant with the zoning application indicate a proposed development of the proposed Low-Medium Density parcels within the Hammocks DRI with 137 single-family residences to be developed under the RU-1M(a) zoning district standards and 261 townhomes to be developed under the RU-4L zoning district standards for a total of 398 residential units. As such, if the BCC approves the applicant's request for the CDMP amendment, and the applicant's request to amend the Hammocks Development Order (DO), approval of the district boundary change from IU-C to RU-1M(a) and RU-4L, would be **consistent** with the maximum density threshold under the CDMP Low-Medium Density designation on the CDMP LUP map.

The applicant also seeks to amend the CDMP LUP map designation of the approximately 4.45-acres of the industrially designated parcel to Business and Office on the CDMP LUP map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional*

*offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The applicant seeks to rezone this parcel, Parcel D, to BU-1A, Limited Business District. Contingent on the BCC's approval of the CDMP amendment and the approval of the concurrent request to amend the DRI, approval of this request would be **consistent** with the Business and Office designation of this portion of the parcel on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for areas designated Industrial and Office on the LUP map states that *if the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.* Staff's review of the initial recommendation for concurrent application to amend the CDMP, indicates that the subject property is located in Minor Statistical Area (MSA) 6.2. for which the depletion year for industrially designated and industrially zoned land is the year 2021. As such, staff notes that the subject property falls within the 15 year supply threshold for the depletion of industrial land for MSA 6.2. Said report indicates that the approval of the rezoning of the 53.42-acre parcel would result in the depletion of industrial land approximately 2.5-years earlier than projected thereby changing the depletion year to 2018 instead of 2021. The aforementioned report also indicated that the countywide industrial land supply is projected to be depleted beyond the year 2030. As such, staff opines that the approval of the application would not significantly impact the countywide supply of industrial land.

Staff also notes that the applicant has proffered a zoning covenant that maintains the restrictions on the residential development in relation to the Tamiami-Executive Airport Zoning District. Based on the foregoing analysis, staff opines that subject to the approval of the concurrent application to amend the CDMP Land Use Plan map of the respective parcels from Industrial and Office to Low-Medium Density Residential and Business and Office, staff opines that approval of the requests to modify the Covenant Governing Land Development for the Hammocks Development of Regional Impact (DRI) and to rezone portions of the Industrially designated parcel within the DRI to residential and commercial zoning districts would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element, **Policy LU-4A**. Therefore, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Low-Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map.

#### **DEVELOPMENT OF REGIONAL IMPACT REQUESTS:**

The applicant is seeking a substantial deviation determination to a Development of Regional Impact (DRI) pursuant to Section 380.06(19) of the Florida Statutes as it pertains to modifying portions of the Recital of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 (request #1). In addition, the applicant seeks ancillary requests to modify Paragraphs #6 & #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89, (request #2) and , paragraphs #15 & #23 of said Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 (request #3). In addition, the applicant also seeks to modify a legal description for Parcel 42

as provided in Exhibit "B" of the aforementioned Covenant Governing Land Development (request #4).

As previously mentioned, the applicant is also requesting a concurrent CDMP amendment on the subject parcel to change the land use category to Business and Office and Low-Medium Density Residential use from Industrial and Office. In accordance with Section 380.06(19)(e)(4) of the Florida Statutes, any submittal of a proposed change to a previously approved Development Order (D.O.) shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

Staff's analysis of the applicant's request for a substantial deviation determination (request #1), is based on the standards outlined in Miami-Dade County Code, Section 33-303(D)(7), Developmental Impact Committee; and the ancillary requests to modify paragraphs and an exhibit of the Covenant Governing Land Development (requests #2 through #4) is based on the standards outlined in Section 33-311(A)(7), Generalized Modification Standards. The DIC review standards require the County to determine the extent to which the development permitted by the approval of zoning action referred to will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities or public transportation facilities, including roads, streets and highways, which have been constructed or planned and budgeted for construction in the area, and whether the proposed development will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida.

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

The applicant has submitted the required documentation describing the proposed changes to the Hammocks DRI. Documents submitted by the applicant indicate that the proposed change involves a simultaneous increase and decrease of DRI uses. The documentation submitted by the applicant indicates that while the proposed change seeks to increase the residential and general business uses, it also seeks a simultaneous decrease in industrial/office uses as outlined below. The Applicant is proposing to reduce the industrial/office use on Parcel 42 of the Hammocks DRI by +/-53.47 acres (which also eliminates 1,159,600 square feet of industrial and office use approved pursuant to the T-Plat), while increasing the number of dwelling units

and general business use on that same +/-53.47 acres. This proposed change reflects a net increase of 398 dwelling units on +/-49.02 acres and 40,000 square feet of general business uses on +/-4.45 acres in exchange for a net decrease of +/-53.47 acres of industrial/office use. This proposed change reflects a reduction in the daily, AM peak hour, and PM peak hour external vehicle trips. Said documents indicate that while the industrial parcel is approved for a total of 9,995 daily trips, the proposed changes to the DRI would generate 3,988 daily trips which is a 60% reduction in the trip generation. The applicant further indicated that the development would result in 74% and 57% respective reduction in the AM and PM peak hour trips for the development. Based on the above information and other supportive documents provided by the applicant which are attached, the applicant opines that the proposed change is not a substantial deviation in accordance with Subparagraph 380.06(19)(e)2.k., Florida Statutes.

The applicant proposes to increase the number of dwelling units within the Hammocks DRI by 398 units, which is a net increase of 4.8%. This increase is below the 10% criteria outlined in Florida Statute Section 380.06(19)(b)4. Additionally, the applicant proposes an increase of 40,000 square feet Gross Floor Area (GFA). Florida Statute, Section 380.06(19)(b)6 identifies an increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater as a criteria for determining a substantial deviation. Further, although the applicant proposes a decrease in industrial uses of 51.95%, based on acreage, staff notes that in 2011, the criteria for industrial use was eliminated from Section 380.06(19)b, Florida Statutes.

Based on the documents submitted by the applicant and the memoranda submitted by the Departments reviewing the application, staff opines that the approval of the proposed change to the Hammocks DRI do not constitute a substantial deviation from the DO.

However, staff notes that since the BCC is concurrently reviewing an application for an amendment to the CDMP that would change the land use designation of the subject property from industrial to residential and commercial uses; and that unless said amendment is approved, the proposed change would be inconsistent with the CDMP. **Therefore, on the condition that the BCC approves the concurrent request for a CDMP amendment of the land use designation of the subject parcel, staff recommends approval of request #1, with a finding that this application does not result in a substantial deviation requiring further Development of Regional Impact review and approval with conditions of requests #2 through #4 under Section 33-311(A)(7), Modification Standards.**

#### **ZONING ANALYSIS:**

The subject parcel is approximately 56.47-gross acres in size and is located within the Hammocks DRI, between SW 120 St. and Hammocks Blvd. and lying east of SW 152 Ave. The applicant's revised letter of intent and the submitted plans indicate that the subject property will be divided into four (4) parcels, Parcels "A", "B" "C" and "D". Further, the letter indicates that the parcels will be developed as an integrated mixed use development containing commercial and residential uses as outlined below:

When the applicant's requests to rezone approximately 30.29-gross acres (Parcel "A") of the 56.42-gross acre subject parcel from IU-C, Conditional Industrial District to RU-1M(a), Single-Family Modified Residential District (request #5); to rezone approximately 21.15 gross acres of the property (Parcels "B" and "C") from IU-C to RU-4L, Limited Apartment House District (requests #11 and #15); and to rezone approximately 4.98-gross acres (Parcel "D") from IU-C to

BU-1A, Limited Business District (request #20), are analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the requests would be **compatible** with the industrial, single-family and townhouse uses in the surrounding area as well as the Tamiami-Airport facility abutting the property to the south. The submitted plans indicate that the proposed BU-1A parcel, Parcel "D" abuts the existing industrial office uses located to the east and the airport facility located to the south. The applicant has submitted plans for the proposed development of Parcels "A", "B", and "C". Said plans indicate that Parcel "A" will be developed with single-family residences which will abut an existing single-family residential development to the west. Said development will contain 137 single-family residences developed under the RU-1M(a) zoning district regulations.

The letter of intent indicates that the applicant proposes to rezone Parcels "B" and "C" to RU-4L and develop said parcels with townhomes under the RU-4L zoning district regulations with a total of 261 residential units. The main difference between the townhome developments on Parcels "B" and "C" as indicated in the submitted plans is that the residences on Parcel "C" will have garages. The plans indicate that this more intensive RU-4L development will be located to the east of the subject parcel, abutting the industrial office development on the remnant Parcel 42 of the Hammocks DRI and away from the existing single-family residential developments located to the west. As previously mentioned, the plans indicate the location of the proposed BU-1A parcel, Parcel "D", in the southwest corner of the proposed development where it also abuts the industrial office development to the east and the Tamiami Airport located to the south.

As such, staff opines that the proposed integrated residential and commercial development has also been designed so that the uses within the subject site will be mutually compatible and will be compatible with the surrounding residential, industrial and institutional uses. In addition, staff notes that the BU-1A zoning district regulations only allows uses that will serve the surrounding residential zoning districts such as beauty parlors, banks, grocery stores, the applicant has proffered a zoning covenant which will further restrict the types of commercial uses that will be permitted within the proposed BU-1A parcel, Parcel "D". Additionally, the applicant has proffered a restriction that will require the developer of the residential parcel to provide prospective owners or tenants with notice that the residential development lies within a restricted Tamiami Airport zoning district.

Staff opines that approval of the requested zone changes within the proposed mixed use development will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that based on the memorandum from the Public Works and Waste Management (PWWM) Department, the approval of request #1, request #9 and request #12, to respectively rezone portions of the subject property to RU-1M(a), RU-4L and BU-1A, would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic. The PWWM further state in its memorandum that approval of the aforementioned requests for zone changes to RU-1M(a), RU-4L and BU-1A, would generate a total of 684 PM peak Hour trips based on the Trip generation standards of the Institute of Traffic Engineers (ITE); however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. Their memorandum further states that subject to conditions, the application meets the criteria for traffic concurrency for an initial review. Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER), indicates that a review of the application for compliance with the requirements of Chapter 24 of the Code indicated that the Level of Service standards as specified in the CDMP for potable

water supply, wastewater disposal and flood protection are valid for this initial development order. However, DERM indicates in its memorandum that approval of the application is contingent on the meeting to the Tree Permitting requirements as outlined in its memorandum dated September 26, 2013. The Miami-Dade Fire Rescue Department (MDFRD) memorandum stated that the average travel time to the vicinity of the proposed development would be 6:48 minutes. According to its memorandum, this travel time complies with the performance objective of the national industry. As such, staff opines that approval of the aforementioned requests will not unduly burden the MDFRD resources that exists or that are budgeted or planned for in this area.

Staff notes that the Parks, Recreation and Open Spaces (PROS) Department has indicated in its memorandum that the proposed residential development would generate the need for approximately 2.8 acres of local parks. However, the PROS memorandum indicates that the subject property is located within Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres when measured by the County concurrency level-of-service standard for the unincorporated area of 2.75 acres of local recreation open space for every 1,000 persons. The Miami-Dade Police Department (MDPD) does not object to this application. However, the MDPD indicated in its memorandum that approval of the rezoning and the proposed development will generate the need for one (1) additional officer for the Hammocks District Police Station that serves the area. In addition, the MDPD indicated in its memorandum that as the Hammocks DRI is built out it is likely to create a higher demand on police services. Therefore, the MDPD recommended that the developers should work with police during any future application, design or construction changes to determine the best possible solutions or security options.

Additionally, staff notes that although the proposed zone change to RU-1M(a) and RU-4L on Parcels "A", "B" and "C" will result in residential developments within the ILZ, for reasons that will be addressed later, staff notes that the Miami-Dade Aviation Department (MDAD) does not object to this development, subject to the acceptance of a CDMP covenant proffered by the applicant with the concurrent CDMP application. Said covenant further details the restrictions on the development and the sale of the residential properties based on the location within an Airport Zoning district. In addition, the applicant also proffered restrictions of the types of commercial uses that will be permitted on the proposed BU-1A parcel.

**However, staff notes that approval of requests #5, #11 and #15 for zone change to residential zoning districts and request #19 for zone change to a commercial zoning district would be inconsistent with the current Industrial and Office designation of the subject parcel on the CDMP LUP map. Therefore approval of said requests requires the approval of the applicant's concurrent application to the BCC for a CDMP amendment of the CDMP LUP map from Industrial and Office to Low-Medium Density residential on Parcels "A", "B" and "C" and to Business and Office on Parcel "D". As such, pending the approval of the aforementioned CDMP application by the Board, the subject zoning requests for rezoning of the aforementioned parcels would be consistent with the CDMP. Therefore, staff recommends approval of request #5 for a district boundary change to RU-1M(a), requests #11 and #15, district boundary change to RU-4L and request #20, district boundary change to BU-1A under Section 33-311, District Boundary Change.**

Along with the rezoning of the parcels discussed above, the applicant also seeks respective variances to the proposed zoning regulations for the aforementioned parcels. Below an analysis of the requested variances:

### PARCEL "A"/THE PROPOSED RU-1M(A) PARCEL

As previously discussed, the applicant seeks to rezone this approximately 30.29-gross acre parcel from IU-C to RU-1M(a) of which staff is supportive. However, contingent on the approval the rezoning to RU-1M(a), the applicant also seeks non-use variances of the RU-1M(a) zoning district regulations in order to develop the approximately 30.29-gross acre parcel with 137 residential units. When these requests, requests #6 through #10 are analyzed under Section 33-311(A)(4)(b), Non-Use variance From Other Than Airport regulations, staff opines that approval would not be out of character with the surrounding area, would be **compatible** with same and moreover, would be **compatible** with the proposed compact residential and commercial development of which it is a part.

Parcel "A" is the largest of the residential parcels in the proposed residential development and it abuts residential developments to the west that were also developed under the RU-1M(a) standards as well as the RU-1M(b), Single-Family Modified Residential District-6,000 sq. ft. net, standards. The approval of request #6, would allow the applicant to waive the 35' dedication for a half-section line roadway along the east side of theoretical SW 152 Avenue abutting Parcel "A". Staff is supportive of this request since pursuant to Resolution #Z-39-06, the residential developments to the west of theoretical 152 Avenue also sought and obtained approval for a similar request to waive the dedication on the west side of the half-section line roadway. Further, staff notes that subject to the conditions outlined in its memorandum, the PWWM Department does not object to this road closing. Therefore, staff opines that approval of this request would not be out of character with similar approvals in the area.

Similarly, when the applicant's requests to permit some lots with reduced frontage (request #7); to permit the development with smaller lots than the 5,000 sq. ft. required (request #8); to permit certain lots with 10' rear setback for 50% of the lineal frontage and 20' setback for the remainder, where 15' and 25' are respectively permitted (request #9) and to permit certain lots with a lot coverage of 47.36%, where 45% is permitted (request #10) 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 request will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. Staff notes that the proposed RU-1M(a) residential development is a part of a 398 unit residential development that is comprised of single-family units as well as townhouse. Staff opines that the proposed development is similar in scale and height to the surrounding residential and office developments and that the proposed 15' setback for some of the buildings from the rear (south) property line allows for a uniform pattern of development that will not be visually intrusive to the surrounding area and will be **compatible** with same.

Further, staff notes that the submitted plans indicate a well landscaped boulevard that is central to the entire development. The landscaping within this boulevard, SW 151 Court, is a result of the applicant working with staff to provide a continuous row of trees and hedges abutting the residential areas as well as a median strip with trees, hedges and grassed areas. This boulevard will run north/south from Hammocks Boulevard to SW 120 Street. As such, staff that this buffer will mitigate any negative noise and visual impacts on the residences within the residential developments of which the RU-1M(a) parcel is a part. However, staff opines that providing the 80' wide landscaped boulevard, results in a reduction of developable area for the other portions of the site. Therefore, staff opines that the requests for variances on the

residential parcels, such as the lot sizes, lot frontages and setbacks, may partially have resulted from the expansion of the boulevard area to accommodate the extensive landscaping depicted in the plans. Additionally, said plans depict a small passive park area located at the northwest corner of the proposed RU-1M(a) parcel. The applicant has also provided adequate pedestrian connectivity within this parcel that will provide residents with access to the park and the extensive open space areas provided in the development. The submitted plans also indicate that the residents within the RU-1M(a) parcel, will have pedestrian access to the other proposed residential parcels to the east and to the proposed commercial parcel to the south. As such, staff opines that the approval of the requests to permit the development with smaller lots, less lot frontages, setback variances and increased lot coverage, will not have a negative visual impact within the proposed mixed use development. Further, staff notes that approval of these requests would be similar to and not out of character for other residential developments in the area. For example, staff notes that pursuant to Resolution #4-ZAB-279-93 and Resolution #5-ZAB-95-95, the RU-1, Single-family residential district development located to the west of Parcel "A" was approved to allow some residences setback 15' from the rear property lines where 25' is required, as well as to allow some parcels with 40% lot coverage where 35% is required. Therefore, staff opines that approval of requests #6 through #10 would be **compatible** with the proposed single-family and townhome development as well as the other single-family residential developments in the surrounding area. **As such, based on the foregoing analysis, staff recommends approval with conditions of requests #6 through #10 under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations.**

#### **PARCEL "B" and PARCEL "C"/THE PROPOSED RU-4L PARCELS**

The applicant also seeks to develop the east portion of the parcel with proposed townhomes. The townhomes will be developed under the RU-4L zoning district regulations. However, the applicant is proposing two separate RU-4L developments. One development, Parcel "B" will be comprised of 160 two (2) story townhomes without garages, located in the northeast corner of the development on an approximately 11.90-gross acre parcel. The other proposed RU-4L parcel, Parcel "C", will be located immediately south of Parcel "B", and will be comprised of 101 two (2) story townhomes with garages.

On both of the RU-4L parcels, the applicant is seeking approval of the respective developments with variances of the RU-4L zoning district regulations. On Parcel "B", the applicant is seeking approval of non-use variances to allow less than 15' between the end of a group of town houses and the public and private street (request #12), variances of the enclosed area for each townhouse unit to waive the 400 sq. ft. requirement (request #13) and to waive the requirement for parking spaces within 150' of a townhouse it serves (request #14). On Parcel "C", the applicant is also seeking to waive the enclosed area requirement for each townhouse unit (request #16), the setback requirements for the townhouse units from the right-of-way (request #17) and to permit certain garages setback less than required from the front property line (request #18).

As previously mentioned, the proposed townhouse development is a part of a uniform development that is similar in scale to other residential and office developments in the area. Further, staff opines that the restrictions in the physical development of the site and result in the variances are partially due to the 80' wide landscaped boulevard that is central to the entire development and came about from the extensive discussions the applicant had with staff in developing the plans.

Further, staff is supportive of the site plan which has adopted certain urban design features for the parking areas for both Parcel "B" and parcel "C", with the parking areas located central to the site and screened from the abutting roadways, Hammocks Boulevard and SW 151 Court, by the residential buildings. In addition, as noted earlier, the applicant has provided sufficient pedestrian connectivity between the residential and commercial parcels which in staff's opinion, will mitigate some of the vehicular traffic impacts of the proposed development. When the aforementioned requests are analyzed under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations, staff opines that approval would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community, would not be detrimental to the community and would be **compatible** with same. **Based on the aforementioned analysis, staff recommends approval with conditions of requests #12 through #14 and requests #16 through #18, under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations.**

#### **PARCEL "D"/THE PROPOSED BU-1A PARCEL**

The proposed mixed use development also consists of a 4.98-gross acre commercial parcel which is contingent on the applicant's request for a zone change to BU-1A (request #20) of which staff is supportive. However, due to the location of the commercial uses in close proximity to the residentially zoned parcels, Parcels "A", "B" and "C", the BU-1A zoning district regulations require a 5' high masonry wall abutting the residentially zoned parcels, which is the subject of request #20. In addition, the Landscape Code also requires a dissimilar landscape buffer in the form of a 6' high wall, fence or hedge and trees (request #21). As previously noted, the BU-1A parcel is a part of a mixed use commercial and residential development with vehicular and pedestrian connectivity throughout. As previously noted, the applicant has proffered a covenant restricting the types of commercial uses that will be allowed on the BU-1A parcel from more intensive uses, to less intensive uses that would be more compatible with the residential development to the north. As such, staff opines that approval with conditions of requests #20 and #21, would not have a negative visual impact on the proposed residential development to the north and would be **compatible** with same. **Staff therefore recommends approval with conditions of requests #20 and #21 under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations.**

#### **PARCELS "A", "B" AND "C"**

Staff opines that approval of request #22, to vary the Airport Regulations and permit residential developments within the Kendall-Tamiami Executive Airport Inner District Zone (ILZ), would be **compatible** with same. The standards for the analysis of request #23, Section 33-311(A)(5) Variances from Airport Zoning Regulations, requires that consideration of approval for variances be governed by the particular zoning regulations concerned and that the recommendation of the Director of the Miami-Dade Aviation Department (MDAD). The Miami-Dade Aviation Department (MDAD) **does not object** to request #22. Its memorandum states that the proposed development is either partially or fully impacted by the Inner District (ILZ) restrictive zone as defined in the Code of Miami-Dade County, Article XL Kendall Tamiami Executive Airport Zoning, Section 33-395, which states that new residential construction and educational facilities are not permitted. The Department also indicates in its memorandum that the MDAD is working to amend the Code of Miami-Dade County, Article XL Kendall Tamiami Executive Airport Zoning. One of the revisions, according to the memorandum, involves replacing the

existing ILZ and OLZ boundaries with the 75 and 65 db noise contours respectively. Its memorandum indicates that the justification for allowing this recalculation of the ILZ and OLZ is based upon Florida Statute 333.03 (2) (c) which states the following "... Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. Part 150, neither residential construction nor any educational facility as defines in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with the type of construction by 14 C.F.R. Part 150, Appendix A or an equivalent noise level as established by other types of noise studies". The MDAD indicated in its memorandum that in 2007, MDAD conducted an Environmental Assessment (EA) for the runway extension at Kendall-Tamiami Executive Airport. Its memorandum indicates that this EA was approved by the Federal Aviation Administration (FAA). As such, the MDAD indicated in its memorandum that based on the proposed revision to the Kendall Tamiami Executive Airport Zoning District, the subject property will no longer be encumbered by the land use restrictive zone which would prohibit residential development.

Section 33-402.(4) Variances, of the Kendall Tamiami Executive Airport Ordinance, requires the applicant to show how a literal application of the regulations would result in a practical difficulty or unnecessary hardship. However, staff opines that requiring the applicant to adhere to the existing Kendall-Tamiami Executive Airport zoning standards would be contrary to the opinion outlined in the MDAD memorandum and could constitute an unnecessary hardship on the applicant. **Therefore, staff recommends approval with conditions request #22 under Section 33-311(A)(5) Variances from Airport Zoning Regulations and under Section 33-402.(4) Variances.**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate that the site can be accessed from Hammocks Boulevard from the north and SW 120 Street from the south. Within the development there are both roadways and pedestrian pathways connecting the proposed residential and commercial developments with adequate parking.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

***Aviation***

The Miami-Dade County Aviation Department (MDAD) has **no objections** to this application provided the applicants comply with all State and Federal regulations.

Its memorandum states that the proposed development is either partially or fully impacted by the Inner District (ILZ) restrictive zone as defined in the Code of Miami-Dade County, Article XL Kendall Tamiami Executive Airport Zoning, Section 33-395, which states that new residential construction and educational facilities are not permitted. The Department also indicates in the memorandum that the NSZ is based upon Florida Statute 333.03 (2) which states the following "... Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. Part 150, neither residential construction nor any educational facility as defines in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with the type of construction by 14 C.F.R. Part 150, Appendix A or an equivalent noise level as established by other types of noise studies". The MDAD indicated in its memorandum that in 2007, MDAD conducted an Environmental Assessment (EA) for the runway extension at Kendall-Tamiami Executive

Airport. Its memorandum indicates that this EA was approved by the Federal Aviation Administration (FAA). As such, the MDAD indicated in its memorandum that based on the proposed revision to the Kendall Tamiami Executive Airport Zoning District, the subject property will no longer be encumbered by the land use restrictive zone which would prohibit residential development.

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

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

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the Miami-Dade Water and Sewer Department's water and sewer franchised service areas. The Surface Water Management General Permit from the Department will be required for the construction and operation of the surface water management system and must be obtained prior to platting and/or site development. Its memorandum further indicates that the applicant is required to comply with the tree permitting requirements and must meet the standards of Section 24.49.2 and 24.49.4 of the Code that includes the submittal of a tree survey. The subject properties do not contain any jurisdictional wetlands.

***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFRD) has no objections to this application.

Its memorandum indicates that the proposed development could generate approximately 123 fire and rescue calls annually. The department states that the estimated number of alarms would result in a moderate impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 6:48 minutes (based on 2012 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) does not object to this application. The memorandum indicates that current data of police staffing, population and calls for service compared to the proposed development of the site with approximately 600 residential units based on current staffing levels at the Hammocks District will result in an average response time of eight (8) minutes or less. However, the MDPD indicates in its memorandum that a minimum of one (1) additional sworn police officer would need to be added to the Hammocks District staffing in order to maintain current staffing levels to population and projected volume of calls for service. The MDPD further indicates in its memorandum that should the demand for services increase as a result of the completion of this project, additional sworn personnel, support staff and equipment be added to the Hammocks District to maintain emergency response times. Its memorandum also encouraged the applicants and developers to work with police during any future application, design or construction changes to determine the best possible solutions or security options.

***Miami-Dade Transit***

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

Its memorandum indicates that the proposed development meets the mass transit level-of-service standards established for Miami-Dade County.

***Parks, Recreation and Open Spaces***

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

The MDPROS indicates in its memorandum that the proposed 398 dwelling unit development will generate the need for approximately 2.8 acres of parkland based on the CDMP Open Spaces Spatial Standards. Its memorandum indicates that this application is in Park benefit District 2 (PBD2) which has a surplus capacity of 494.95 acres when measured by the County concurrency level-of-services (LOS) standards for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in the Parks Benefits District.

***Public Works and Waste Management Department (Traffic Engineering Division)***

The Public Works and Waste Management Department, does not object to this application subject to the condition outlined in its memorandum.

Its memorandum indicates that the anticipated trip generation based on Institute of Transportation Engineers (ITE) is 684 PM Peak Hour trips generated by this development; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways.

- SW 104 Street, west of SW 147 Avenue will remain at LOS "C".
- SW 147 Avenue south of SW 104 Street will remain at LOS "D".
- SW 152 Avenue south of SW 88 Street will remain at LOS "D".
- SW 137 Avenue south of SW 184 Street will remain at LOS "D".
- SW 120 Street west of SW 137 Avenue will remain at LOS "C".

Its memorandum indicates that concurrency for this application has already been reserved under tentative plat #T-22873 for the previous boundary of IU-C (Industrial District, Conditional) with 1,256 trips generated. The PWWM indicated in its memorandum that this application meets the criteria for traffic concurrency for an initial review. The memorandum further indicates that no vehicle trips have been reserved by this application and that this project is subject to the payment of Road Impact Fees.

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

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

Its memorandum indicates that Section 15-2.2a of the County Code requires that the multi-family residential development shall provide for a recycling program and that the applicants are advised that adequate space and facilities should be incorporated in the building plans to accommodate the required recycling program.

***Water and Sewer Department***

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

***Miami-Dade County Public Schools***

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

Its memorandum indicates that the proposed development would generate 190 students; 89 elementary, 44 middle and 57 senior high students and at this time, all three school levels have sufficient capacity available to serve the application. The memorandum indicates that the applicable Level of Service (LOS) standards of 100% Florida Inventory of School Housing (FISH) has been met at the three school levels and as such, capacity has been reserved for a one year period.

**OTHER:** The State of Florida's Department of Economic Opportunity (DEO) and the South Florida regional Planning Council concur with staff's determination that the proposed DRI changes do not constitute a substantial deviation.

**RECOMMENDATION:**

**Development of Regional Impact Requests:** Approval of request #1, and a determination that the application does not result in a substantial deviation requiring further Development of Regional Impact review and approval of requests #2 through #4 subject to the acceptance of the modified Covenant Governing Land Development.

**Zoning Requests:** Approval of requests #5, #11, #15 and #19, approval with conditions of requests #6 through #10, requests #12 through #14, requests #16 through #18 and #20 through #22.

**CONDITIONS FOR APPROVAL OF DEVELOPMENT OF REGIONAL IMPACT REQUESTS:**

1. That all other paragraphs of the Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 remain in full force and effect except as herein modified.

**CONDITIONS FOR APPROVAL OF ZONING REQUESTS:**

2. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Mixed Use Development Garden Estate East" as prepared by Corwil Architects, consisting of 19 pages and plans entitled "General Estates II" as prepared by Witkin J. Hulst Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013.

4. **Density Restriction.** The number of dwelling units on the Property shall not exceed three hundred ninety-eight (398) units.
5. That the height of any single-family dwelling unit to be located on a lot along the western boundary of the Property, which abuts an existing one (1) story home, shall not exceed one (1) story in height. Residential buildings within the Property shall not exceed thirty-five (35) feet in height.
6. **Noise Level Reduction.** The Owner shall incorporate at least 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of any dwelling unit on the Property.
7. **Aviation Easement.** The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, and hereby grants and conveys to Miami-Dade County an easement and right-of-way for the free and unobstructed flight, and passage, operations and effects thereof of all types of aircraft ("aircraft" being defined for the purpose of this Aviation Easement as any contrivance now known or hereafter invented, used, or designated for navigation of, or flight in or through the air) by whomsoever owned or operated, in and through the airspace above and over the surface of the Property, including, but not limited to, the right to cause in such airspace above or in the vicinity of the surface of the Property such noise, vibration, odors, vapors, fumes, fuel particles (which are incident to normal operations of said aircraft), smoke, dust, fear, interference with sleep and communications and any and all other effects as may be alleged to be incident to or caused by the aircraft engines and the operation of aircraft for navigation of or flight or passage in and through said airspace, and for the use of said airspace by aircraft for approaching, landing upon, taking off from, maneuvering about or operating (which are incident to normal operations of said aircraft) on Kendall Tamiami Executive Airport ("TMB") and for all other uses allowed or authorized at TMB.
8. **Buffering to Adjacent Single-Family Development and Adjacent Roadways.** The Owner shall install a six foot (6') high wall, constructed of pre-cast concrete, concrete block, or other similar materials, along that certain portion of the western Property line that abuts detached single-family dwelling units. The Owner shall install landscape buffers along Hammocks Boulevard and along SW 120 Street west of SW 151 Court, which shall include a fifteen foot (15') landscape area and a berm.
9. **Construction Hours and Activities.** The Owner shall limit construction activities to the hours of 7:00 AM - 7:00 PM, Monday – Friday, and 10:00 AM – 5:00 PM on Saturday. No construction activities shall take place on Sundays. The use of explosives shall be strictly prohibited. In the event a hurricane warning is issued for Miami-Dade County, the Owner shall promptly secure all construction materials to minimize the potential for damage from flying objects to adjacent properties.
10. **Prohibited Uses.** Notwithstanding the approval of the Application, the establishment and maintenance of the following uses on the Property shall be prohibited:
  - a) private clubs, as defined in Section 33-247(35) of the Code;
  - b) nightclubs, as defined in Section 33-253(6) of the Code;
  - c) adult entertainment uses as defined in Section 33-259.1 of the Miami-Dade County Code;
  - d) the use of any portion of the premises within any building to be constructed on the Property (regardless of the percentage of the total floor area), even if screened to keep

such area from the clear view of minors, for the display, sale or rental of videotapes, printed matter, pictures, films, graphic or any materials, which activities require the exclusion of minors pursuant to Chapter 847, Florida Statutes;

- e) donated goods center;
- f) automobile light truck sales;
- g) billiard and pool rooms;
- h) motorcycle sales and repairs;
- i) open air theatre;
- j) skating rinks;
- k) rental trucks.

11. **Restrictions for Commercial Parcel.** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of that certain parcel of land depicted on the Plan as the "Commercial Out Parcel" to those uses listed below:

- Apparel stores
- Automobile washing
- Bakeries, retail only
- Banks, including drive-in teller service
- Barber shops
- Beauty parlors
- Cellular phones and accessories sales
- Computers and accessories sales
- Confectionery, ice cream, and dairy stores
- Dairy stores
- Day Care
- Drugstores with photo and retail sales
- Employment agencies
- Florist shops
- Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets, and other similar food stores, provided such establishment shall not exceed one thousand (1000) square feet of floor area
- Hardware stores
- Health and exercise club
- Interior design shops
- Jewelry stores, but excluding incidental sales and purchases of used jewelry or pawn shops
- Mail order offices, without storage or products sold
- Newsstands
- Offices
- Office supplies and equipment sales
- Optical stores
- Outdoor sitting area for restaurants
- Outside walk-up window service in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing and copy services and supplies

- Restaurants and coffee housing dining rooms with outdoor seating where kitchen is located within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke, or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passerby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within. Seating shall be limited to no more than 100 people.
  - Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
  - Shoe stores and shoe repair shops
  - Tailor shops
12. That the use be established and maintained in accordance with the approved plan.
  13. That any building that may be developed on the Commercial Out Parcel shall be designed and maintained in a manner that is compatible with the surrounding residential community. At a minimum, any such building shall have a barrel tile roof and shall be painted in a color or colors that are in harmony with the prevailing colors in the area at the time of the construction of the building.
  14. That the site plan for the Commercial Out Parcel shall be submitted to the Department of Planning and Zoning for administrative site plan review approval, and the development of the parcel shall be in substantial accordance with said approved plan.
  15. That once developed, the Owner shall maintain adequate lighting equipped with deflectors or such other similar equipment to prevent the spillage of light onto adjacent residential properties.
  16. That no business shall be allowed to operate within the Commercial Out Parcel any earlier than 7:00 AM, Monday – Friday, 9:00 AM on Saturday or 11:00 AM on Sunday or any later than 10:00 PM (Monday – Saturday) or 6:00 PM on Sunday.
  17. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in its memorandum dated October 28, 2013.
  18. That Deliveries and trash pick-up shall take place between the hours of 7:00 AM and 7:00 PM, Monday - Friday.
  19. That the Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of TMB, or otherwise constitute an airport hazard.
  20. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Aviation Department as contained in its memorandum dated October 28, 2013.

21. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management (DERM) of the Department of Regulatory and Economic Resources (RER) as contained in its memorandum dated September 26, 2013.

ES:MW:NN:JV:CH

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line.

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

## ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
Z12-096

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

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

<b>Industrial and Office</b> (Page I-39)	<p>Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunications facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</p> <p>If the land is the subject of an application for rezoning, zoning approval or a plan amendment and is located in an MSA with less than a 15-year supply of industrial land, in order to receive approval for a non-industrial use, the applicant must demonstrate that such use will not have a significant adverse impact on future industrial development.</p>
<b>Business and Office</b> (Page I-41)	<p>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These</p>

# ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
Z12-096

	uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.
<b>Medium Density Residential</b> (Pg. I-31)	The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Medium Density Residential</b> use. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.
<b>Low-Medium Density Residential</b> (Pg. I-31)	The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low-Medium Density Residential</b> . This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
<b>Policy LU-4A</b> (Page I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
<b>Florida Statutes §380.06(19)</b> <b>Developments of Regional Impact-Substantial Deviation</b>	<p>The term "development of regional impact," as used in this section, means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.</p> <p>(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.</p> <p>(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:</p> <ol style="list-style-type: none"> <li>1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.</li> <li>2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.</li> <li>3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square</li> </ol>

## ZONING RECOMMENDATION ADDENDUM

Lucky Start at the Hammocks, LLC  
Z12-096

feet, whichever is greater.

4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.
5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.
6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.
7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.
8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.
9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.
10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.
11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.

The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

- (c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

## ZONING RECOMMENDATION ADDENDUM

Lucky Start at the Hammocks, LLC  
Z12-096

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.
2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.

- (d) A change in the plan of development of an approved development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.
- (e)
  1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.
  2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:
    - a. Changes in the name of the project, developer, owner, or monitoring official.

## ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
*Z12-096*

- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.*
- c. Changes to minimum lot sizes.*
- d. Changes in the configuration of internal roads that do not affect external access points.*
- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.*
- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.*
- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.*
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.*
- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.*
- j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.*
- k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-subparagraph j.*
- l. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-K and that does not create the likelihood of any additional regional impact.*

*This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph l. and if the*

## ZONING RECOMMENDATION ADDENDUM

Lucky Start at the Hammocks, LLC  
Z12-096

	<p>agency believes that the change creates a reasonable likelihood of new or additional regional impacts.</p> <ol style="list-style-type: none"><li>3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.</li><li>4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.</li><li>5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.<ol style="list-style-type: none"><li>a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.</li><li>b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. <u>380.0651(3)(c), (d), (e), and (f)</u> and residential use.</li></ol></li><li>6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. <u>163.3180(5)(h)</u> in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.</li></ol>
(f)	<ol style="list-style-type: none"><li>1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.</li><li>2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.</li><li>3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.</li><li>4. The appropriate regional planning agency or the state land planning agency</li></ol>

# ZONING RECOMMENDATION ADDENDUM

Lucky Start at the Hammocks, LLC  
Z12-096

shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.
6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.
- (g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:
  1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.
  2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.
  3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.
  4. Development within the previously approved development of regional impact

## ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
Z12-096

	<p>may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.</p> <p>(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.</p> <p>(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.</p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311</b> <b>District</b> <b>Boundary</b> <b>Change</b></p>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(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;</li> <li>(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</li> </ol>
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## ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
Z12-096

	<p><i>whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i></p> <p>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i></p> <p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<b>Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b)</b>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<b>Section 33-311(A)(5) Variances from airport zoning regulations</b>	<p><i>Hear applications for and grant or deny variances from any airport zoning regulations, but in considering, granting or denying any such variance the Community Zoning Appeals Boards shall be governed and shall abide by the guides and standards, general purpose and intent of the particular airport zoning regulation concerned. No such application shall be heard until the recommendation of the Director of the Aviation Department is first obtained, which recommendation shall be considered, together with that of the Director's. The granting of a variance under this subsection does not authorize or permit violation of other zoning regulations or the zoning regulations of any municipality concerned unless authorized by the appropriate County or municipal board, body or commission concerned, as the case may be.</i></p>
<b>33-394 Establishment of land use zoning criteria for airports</b>	<p><i>For the purpose of this article all of the land use zoning criteria for Kendall-Tamiami Executive Airport and the surrounding area, as the same is created, established and described hereinbefore, is hereby divided into classifications as follows:</i></p> <p><i>(1) Inner District (ILZ). An ILZ covers an area measured as one-half the length of the longest runway at the airport on either side and at the end of each runway centerline at the airport.</i></p>
<b>33-395 Land use zoning classifications for airports</b>	<p><i>A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:</i></p> <p><i>(1) Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.</i></p>
<b>Sec. 33-402.(4) Variances.</b>	<p><i>Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall Tamiami Executive Airport and of occupants of land in its vicinity</i></p>

# ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC*  
Z12-096

	and preventing destruction or impairment of the utility of the airport and the public investment therein.
<b>Section 33-311(A)(7) Generalized Modification Standards.</b>	The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.
<b>33-303.1(D)(7) Developmental Impact Committee</b>	<p>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</p> <p>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</p> <ol style="list-style-type: none"> <li>1. Residential developments involving in excess of two hundred fifty (250) dwelling units.</li> <li>2. Business uses involving in excess of ten (10) acres or one hundred thousand (100,000) square feet of retail floor area, or one thousand (1,000) vehicle off-street parking space capacity.</li> <li>3. Recreational, cultural, or entertainment facilities involving in excess of one thousand (1,000) vehicle off-street parking space capacity for single performance or twenty (20) acres.</li> <li>4. Office buildings or office complexes involving in excess of one hundred twenty-five thousand (125,000) square feet of floor space, or one thousand (1,000) vehicle off-street parking space capacity.</li> <li>5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.</li> <li>6. Hotel and/or motel developments involving in excess of two hundred fifty (250) units.</li> <li>7. All planned area developments.</li> <li>8. Mixed-use developments with two (2) or more of the land use types specified in 1. through 6. above where none of the individual land uses in the development meet or exceed the thresholds listed in 1. through 6. above and where the sum of the percentages of the appropriate thresholds listed in 1. through 6. above for each applicable land use in the development is greater than one hundred thirty (130) percent. Where a development addresses more than one (1) threshold within a particular land use type listed in 1. through 6. above, then the threshold in that land use type which generates the highest percentage shall be utilized in the calculation of the total mixed-use percentage for the subject development.</li> </ol> <p>(b) Required by the regulations to be taken after public hearing, which zoning action would change in any respect an existing resolution pertaining to an application reviewed by the</p>

## ZONING RECOMMENDATION ADDENDUM

*Lucky Start at the Hammocks, LLC  
Z12-096*

*Developmental Impact Committee, and is presumed to constitute a substantial deviation. All such applications for change shall be presumed to request substantial deviation, unless the requested action neither equals, exceeds, or conflicts with either of the following limitations and standards:*

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

*The foregoing presumption of substantial deviation shall not apply whenever the Executive Council determines that the requested modification would not constitute a potential negative impact under the guidelines of Section 33-301.1(D)(1). The determination by the Executive Council shall be final and not subject to administrative appeal. There shall be no right of judicial review until after final action on the application by the Board of County Commissioners.*

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

**2. LUCKY START AT THE HAMMOCKS, LLC**  
**(Applicant)**

**13-12-CZ11-1 (12-096)**  
**Area BCC/District 11**  
**Hearing Date: 01/23/14**

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>
1975	D.L.M. Corporation 7 G.N.C. Properties	- Unusual Use to permit sewage treatment plant.	BCC	Approved
1984	Genstar Development Inc.	- Amend Amendment to Covenant Governing Land Development approved by Resolution 1825.	BCC	Approved with condition(s)
1986	Genstar Dev. Inc & Hammocks Community Assoc. Inc.	- Special Exception townhouse development on private drives. - Variance for 26.77% common open spaces.	BCC	Approved with condition(s)
1986	Genstar Development	- Amendment to Covenant Governing Land Development in O.R.B. 12432.	BCC	Approved with condition(s)
1987	Amerifirst Federal Savings	- Non-Use Variance for sign regulation.	ZAB	Approved with condition(s)
1994	Coulter Corporation	- Use Variance to permit a residential use in the IU-C District.	BCC	Approved with condition(s)
2007	Beckman Coulter, Inc.	- Rescission and Revocation of Resolution Z-163-94.	C11	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.

# Memorandum



**Date:** September 26, 2013

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

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

**Subject:** BCC #Z2012000096-3<sup>rd</sup> Revision  
Holland & Knight LLP  
SW 152<sup>nd</sup> Avenue and SW 120<sup>th</sup> Street  
Zone Change From IU-C to BU-1A, RU-1M(a), RU-TH, and RU-4L  
(IU-C) (53.47 Acres)  
09-55-39

Enclosed, please find the Department of Regulatory and Economic Resources - Division of Environmental Resources Management (DERM) review of the above referenced zoning application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). As noted in the attached comments, your application has been reviewed and approved for compliance with the requirements of Chapter 24 of the Code and may be scheduled for hearing.

## Potable Water

The subject property is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. There are several 12-inch water mains within the subject property.

The subject property is also associated with 2008-WAT-EXT-00205 which was certified on February 13, 2009.

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

## Wastewater Disposal

The subject property is located within MDWASD sanitary sewer franchised service area. Public sanitary sewers abut the site along Hammocks Boulevard in the form of 8-inch gravity main.

The subject property is also associated with 2008-SEW-EXT-00124 which was certified on March 11, 2010.

According to the 2008-SEW-EXT-00124, the wastewater flow is directed into pump station 30-00565, then to pump station 30-0536 or 30-0559, then to pump station TANDEM and finally to the South District Wastewater Treatment Plant. The aforementioned sanitary sewer pump stations as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department. The aforesaid pump stations, are currently working within the mandated criteria set forth in the First and Second Partial Consent Decree. At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

### Stormwater Management

A Modification of the existing Surface Water Management permit No. 13-00048-S-02, issued by the South Florida Water Management District is required. It is the applicant responsibility to contact this agency for further information regarding said modification.

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

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMF subject to compliance with the conditions required for this proposed development order.

### Wetlands

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

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

### Tree Preservation

The subject property contains tree resources along the right of way. A Tree Removal Permit 2009-TREE-PER-00307 was issued to Lucky Start at the Hammocks, on October 6, 2009 and expired on October 6, 2010.

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

Be advised that an aerial review of the sites revealed that trees currently exist within the right of ways of SW 112<sup>th</sup> Street and Hammocks Boulevard Drive. Please be advised that a Tree Removal/Relocation Permit is required for the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said 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 the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

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

Concurrency Review Summary

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

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

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

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

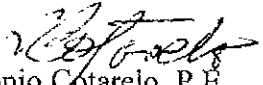
cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



Date: October 28, 2013

To: Eric Silva  
Assistant Director  
Regulatory and Economic Resources Department

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

Subject: DIC 12-96  
Name: Lucky Start at the Hammocks, LLC  
Section 09 thru 32 Township 55 Range 39

## I. PROJECT LOCATION:

Eastside of theoretical SW 152 Avenue between Hammocks Boulevard and SW 120 Street

## II. APPLICATION REQUEST:

This application is concerning a 53.47 acre (approximately) and seeks a boundary change from IU-C (Industrial District, Conditional) to BU-1A (Business District, limited), RU-1M (a) (Modified Single Family Residential District, 5,000 ft net), RU-TH (Townhouse District, 8.5 unit/net acre) and RU-4L (Limited Apartment House District, 23 units/net acre).

## III. RECOMMENDATION:

This project is located within the jurisdiction of Miami-Dade County. It meets Traffic Concurrency for an initial review. This project may be subject to the payment of Road Impact Fees. The PWWM recommends approval of the application as submitted.

## IV. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

The project will be served by SW 120 Street from the east and the west, Hammocks Boulevard from the southeast and the northwest, and SW 151 Court from the north and the south.

## V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

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

684 PM Peak Hour trips are generated by this development.

### B. Cardinal Distribution

North	48%	East	28%
South	15%	West	9%

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Concurrency for this application has already been reserved under tentative plat T-22873 for the previous land use of IU-C (Industrial District, Conditional) with 1,256 trips generated.

The newly proposed Development Program for BU-1A (Business District, limited), RU-1M (a) (Modified Single Family Residential District, 5,000 ft. net), RU-TH (Townhouse District, 8.5 unit/net acre) and RU-4L (Limited Apartment House District, 23 units/net acre) generate a total of 684 trips.

**Station 9724** located on SW 104 Street west of SW 147 Avenue, has a maximum LOS "EE" of 4248 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2299 vehicles and an additional 300 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9724** with its PHP and assigned vehicles is at LOS "C". The 143 vehicle trips generated by this development when combined with the 2299 and those previously approved through Development Orders, 300, equal 2742 and will cause this segment to remain at LOS "C".

**Station 9832** located on SW 147 Avenue south of SW 104 Street, has a maximum LOS "D" of 1910 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1407 vehicles and an additional 70 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9832** with its PHP and assigned vehicles is at LOS "D". The 61 vehicle trips generated by this development when combined with the 1407 and those previously approved through Development Orders, 70, equal 1538 and will cause this segment to remain at LOS "D".

**Station 9178** located on Hammocks Boulevard south of SW 88 Street, has a maximum LOS "D" of 2250 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1690 vehicles and an additional 325 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9178** with its PHP and assigned vehicles is at LOS "D". The 152 vehicle trips generated by this development when combined with the 1690 and those previously approved through Development Orders, 325, equal 2167 and will cause this segment to remain at LOS "D".

**Station 9844** located on SW 152 Avenue south of SW 88 Street, has a maximum LOS "D" of 1670 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 809 vehicles and an additional 766 vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9844** with its PHP and assigned vehicles is at LOS "D". The 71 vehicle trips generated by this development when combined with the 809 and those previously approved through Development Orders, 766, equal 1646 and will cause this segment to remain at LOS "D".

**Station 9762** located on SW 120 Street west of SW 137 Avenue, has a maximum LOS "D" of **3340** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1989** vehicles and an additional **695** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9762** with its PHP and assigned vehicles is at LOS "C". The **257** vehicle trips generated by this development when combined with the **1989** and those previously approved through Development Orders, **695**, equal **2941** and will cause this segment to remain at LOS "C".

VII. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

Please see item VIII below.

VIII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

The applicant shall improve project access at the major driveway along SW 120 Street by providing an exclusive westbound right-turn lane.

IX. SITE PLAN CRITIQUE – Site Plan is acceptable.

No Comments, all pending issues have been addressed.

X. STANDARD CONDITIONS:

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

c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources  
Joan Shen, Ph. D., P.E., PTOE, Acting Chief, Traffic Engineering Division, PWWM  
Jeff Cohen, P.E., Assistant Chief, Traffic Engineer Division, PWWM  
Orlando Grandal, Special Administrator for Concurrency, Department of Regulatory and Economic Resources

# Memorandum



Date: September 26, 2013

To: Jack Osterholt, Director  
Regulatory and Economic Resources

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

Subject: DIC 2012000096 – Lucky Start at the Hammocks, LLC. (Revision No. 2)

The applicant is seeking to amend a previously approved Development of Regional Impact (DRI), along with modifications to approved and recorded documents, district boundary changes from industrial to residential and retail, including variances of zoning regulation on an approximate 53 acre parcel of land lying east of theoretical SW 152<sup>nd</sup> Avenue, between Hammocks Boulevard and SW 120<sup>th</sup> Street, Miami-Dade County, Florida.

## SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **123** fire and rescue alarms annually. The estimated number of alarms results in a moderate impact to existing fire and rescue service. However, existing stations serving this area will be able to absorb the additional number of alarms.
- (B) Based on data retrieved during calendar year 2012, the average travel time to the vicinity of the proposed rezoning was **6:48** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.
- (C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires four (4) suppression units; one of which must be an aerial, and the other three may be a combination of engines, tankers, ladders or aerials. Additionally, the assignment will require one (1) rescue and a battalion commander. This assignment requires twenty (20) firefighters and officers.

## EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
36	10001 Hammocks Boulevard	Rescue, Aerial	7
56	16250 SW 72 Street	Rescue, Engine	7
57	8501 SW 127 Avenue	Rescue, Battalion	4
53	11600 Turnpike Highway	Rescue	3
9	7777 SW 117 Avenue	Rescue, Aerial	7

SITE PLAN REVIEW

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised site plan entitled "Garden Estates II," as prepared by Corwil Architects dated stamp received September 11, 2013.
- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

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



November 1, 2013

Mr. Mark R. Woerner, AICP  
Assistant Director for Planning  
Regulatory and Economic Resources Department  
Miami-Dade County  
Stephen P. Clark Center  
111 NW 1st Street - 12th Floor  
Miami, FL 33128

**RE: The Hammocks Notification of Proposed Change (NOPC)**

Dear Mr. Woerner:

The South Florida Regional Planning Council has reviewed the Notice of Proposed Change (NOPC) for the Development of Regional Impact listed above. Council staff's review is based on §380.06(19), Florida Statutes (Fla. Stat.), Rule 73C-40, Florida Administrative Code, and the *Strategic Regional Policy Plan for South Florida*.

Section 380.06(19)(b), Fla. Stat., states "[a]ny proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government."

The substantial deviation threshold for residential is "an increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater."<sup>1</sup> The NOPC, if approved, would increase dwelling units by 398; therefore, it is not a substantial deviation.

The substantial deviation threshold for commercial is "an increase...by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater."<sup>2</sup> The NOPC, if approved, would add 40,000 square feet, and, therefore, is not a substantial deviation.

The proposed distribution among types of residential of units is not a criterion for consideration under Section 380.06, Fla. Stat., nor Rule 73C-40, Florida Administrative Code, its implementing rule.

Council staff also noted that proposed changes would not create any new or additional adverse impacts to regional resources or facilities identified by the *SRPP*. The South Florida Regional Planning Council has no objections to adoption of the changes proposed in this application.

Please feel free to contact me at [bcambric@sfrpc.com](mailto:bcambric@sfrpc.com) or 954.985.4416 if you have any questions or require additional assistance.

Sincerely,

Bob Cambric  
Director of Policy and Planning

cc: Terry Manning, South Florida Water Management District (via email)  
Bill Pable, Florida Department of Economic Opportunity (via email)  
Phil Steinmiller, Florida Department of Transportation, District VI (via email)  
Ken Jeffries, Florida Department of Transportation, District VI (via email)  
Joseph G. Goldstein, Holland & Knight (via email)  
Tracy R. Slavens, Holland & Knight (via email)

<sup>1</sup> See §380.06(19)(b)4, Fla. Stat.

<sup>2</sup> See §380.06(19)(b)6, Fla. Stat.

DATE: 19-JUL-13

REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

LUCKY START AT THE  
HAMMOCKS, LLC

Lying BET SW 120 ST, & Hammocks  
Blvd. & lying east of the SW 152  
Ave. MIAMI-DADE COUNTY,  
FLORIDA.

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APPLICANT

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ADDRESS

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Z2012000096

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HEARING NUMBER

**HISTORY:**

FOLIO: 3059090140012

NC OPEN: CASE #201202007084, WAS OPENED ON AUGUST 8, 2012, FOR FAILURE TO PERFORM LOT MAINTENANCE. CITATION #T029818, WAS ISSUED THE SAME DAY [A WARNING LETTER WAS ISSUED UNDER A PREVIOUS CASE]. THE VIOLATION WAS CORRECTED, THE CITATION HAS BEEN PAID, AND THE CASE HAS BEEN CLOSED.  
BLDG OPEN: THERE ARE CURRENTLY NO OPEN BUILDING SUPPORT REGULATION CASES.

NC CLOSED: CASE #201202001669, WAS OPENED ON MARCH 12, 201, FOR FAILURE TO MAINTAIN THE RIGHT OF WAY/SWALE AREA ABUTTING PRIVATE PROPERTY. A WARNING LETTER WAS ISSUED THE SAME DAY. COMPLIANCE WAS MET AND THE CASE HAS BEEN CLOSED.

CASE #201102007437, WAS OPENED ON AUGUST 11, 2011, FOR FAILURE TO MAINTAIN LOT MAINTENANCE. CITATION #T020841, WAS ISSUED ON September 1, 2011, FOR NON-COMPLIANCE. COMPLIANCE WAS MET AND THE CASE HAS BEEN CLOSED.  
BLDG CLOSED: THERE ARE CURRENTLY NO OPEN BUILDING SUPPORT REGULATION CASES.

FOLIO: 3059090140011

NC OPEN: THERE ARE CURRENTLY NO OPEN NEIGHBORHOOD COMPLIANCE REGULATION CASES

BLDG: THERE ARE CURRENTLY NO OPEN BUILDING SUPPORT REGULATION CASES

NC CLOSED:

CASE #201202010241, WAS OPENED ON OCTOBER 19, 2012, FOR FAILURE TO PERFORM LOT MAINTENANCE IN A NON-RESIDENTIAL DISTRICT AS STATED IN 19-14 (A)(1);

OVERGROWN GRASS. CITATION #T032698, WAS ISSUED ON NOVEMBER 29, 2012, FOR THE NON-COMPLIANCE OF THE VIOLATION. THE VIOLATION HAS BEEN CORRECTED, THE CITATION HAS BEEN PAID, AND THE CASE HAS BEEN CLOSED.

BLDG: THERE ARE CURENTLY NO CLOSED BUILDING SUPPORT REGULATION CASES

LUCKY START AT THE HAMMOCKS, LLC

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

**REPORTER NAME:**

# Memorandum



**DATE:** July 16, 2013

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

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

**SUBJECT:** Review of DIC Project No. 12-96 (Lucky Start at the Hammocks) –  
Revision No. 1  
MDT Project No. OSP006  
FSC No. 41.04

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## Project Description

12-96 – Lucky Start at the Hammocks is requesting to amend The Hammocks Development of Regional Impact (DRI) program as it pertains to the subject property and to rezone portions of the property from IU-C to RU-1M(a), BU-1A, RU-4L. The submitted plans depict a 4-acre commercial parcel as well as residential development consisting of detached single-family residences, villas, and attached townhouses for a total of 399 dwelling units. Accompanying non-use variance request for lot frontage and requests to waive the required right-of-way dedication, 5' high masonry wall and dissimilar land use buffer are also being requested. Additional variance requests include a usual use to permit an entrance feature and requests to permit residential development within the Inner District Zone of the Kendall-Tamiami Executive Airport. A Substantial Deviation Determination pursuant to Section 380.06(19) of the Florida Statutes is also requested. The subject property is approximately 53.47 acres and is located between SW 149 Court and SW 152 Avenue and between SW 112 Street and SW 120 Street, Miami-Dade County, Florida.

## Current Transit Service

There is transit service in the surrounding area is provided by Route 136. The alignment for this route is illustrated on the attached map. The service headways for this route (in minutes) are as follows:

**Metrobus Route Service Summary**  
**Lucky Start at the Hammocks, LLC Application Site**

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
136	(50) / (45)	n/a	n/a	n/a	n/a	n/a	0.3	L

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

June 2013 Line-Up

**Future Transportation/Transit Improvements**

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

Facility/Project Limits	Type of Work
SW 120 Street (from SW 152 Avenue to SW 157 Avenue)	Construct 2 lanes

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

Facility/Project Limits	Type of Work	Priority/Funding Phase
SW 120 Street (from SW 152 Avenue to SW 157 Avenue)	Construct 2 lanes	Private Sector Project
SW 120 Street (from SW 147 Avenue to SW 157 Avenue)	Add 2 lanes	Unfunded

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

Route	Improvement/Adjustment
136	No planned improvements.

**MDT Comments/Recommendations**

Transit service in the surrounding area is provided by Route 136 which has an AM peak-hour headway of 50 minutes and a PM peak-hour headway of 45 minutes with no mid-day or weekend service. Policy MT 1A, Mass Transit Subelement of the Comprehensive Development Master Plan states that the minimum peak-hour mass transit level-of-service shall be that all areas within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) which have a

combined resident and workforce population of more than 10,000 persons per square mile shall be provided with public transit service having a 30-minute headways and an average route spacing of one mile provided that:

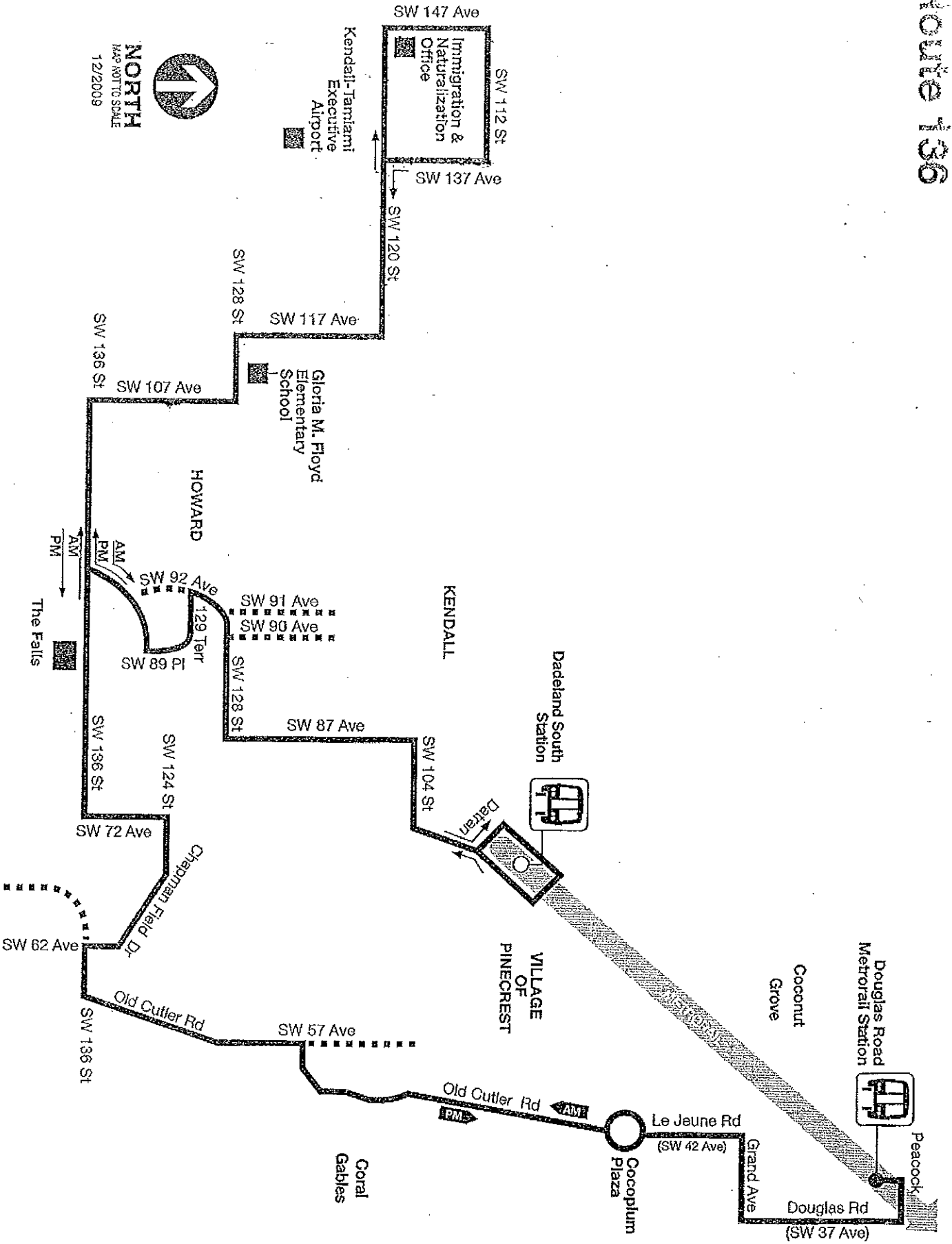
- 1) The average combined population and employment density along the corridor between the existing transit network and the area of expansion exceeds 4,000 per square mile, and the corridor is 0.5 miles on either side of any necessary new routes or route extensions to the area of expansion;
- 2) It is estimated that there is sufficient demand to warrant the service;
- 3) The service is economically feasible; and
- 4) The expansion of transit service into new areas is not provided at the detriment of existing or planned services in higher density areas with greater need.

Based on the latest socio-economic information provided by your department's Research Division, and a review of the June 2013 Metrobus/Metrorail service area, the combined resident and workforce population in the area does not exceed more than 10,000 persons per square mile. Therefore, this application meets the adopted mass transit level of service standards as prescribed by Policy MT-1A of the Mass Transit Sub-element of the Comprehensive Development Master Plan (CDMP).

**Based on the information presented, MDT has no objections to this application.**

c: Monica D. Cejas, P.E., Senior Professional Engineer  
Douglas K. Robinson, Principal Planner  
Gerald E. Bryan, Section Chief, Service Planning and Scheduling  
Eric Zahn, Section Supervisor, Service Planning and Scheduling

# Route 136



# Memorandum



**Date:** September 18, 2013

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

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

**Subject:** Z2012000096: LUCKY START AT THE HAMMOCKS, LLC  
Review includes plans stamped received 9-11-2013

**Application Name:** LUCKY START AT THE HAMMOCKS, LLC

**Project Location:** The site is located between SW 120 ST, & Hammocks Blvd. & lying east of theoretical SW 52 Ave, Miami-Dade County.

**Proposed Development:** The applicant is requesting a change in zoning to allow for the development of a mix of housing types which will add 398 dwelling units and a small retail center to the Hammocks DRI. The site plan submitted includes a 1.14 acre amenities center. Review includes plans stamped received 9-11-2013.

**Impact and demand:** When measured by the County concurrency level-of-services standard for the unincorporated area of 2.75 acres of local recreation open space for the additional 398 dwelling units would generate the need for approximately 2.96 acres of local parks.

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

**Current Park Benefit District Area Conditions:** County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. The nearest local park to the application is Wild Lime Park, which is located approximately .5 miles from the site along Hammocks Blvd. Wild Lime Park is a community park and includes soccer fields.

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

Park Facility	Classification	Acreage
Chuck Pezoldt Park	COMMUNITY PARK	39.88
Kendale Lakes SP Tax Dist Lot 1	MINI-PARK	0.57
Lago Mar Park	NEIGHBORHOOD PARK	11.07
Kendall Green Park	NEIGHBORHOOD PARK	25.89
Devon Aire Park	COMMUNITY PARK	12.43
Westwind Lakes Park	COMMUNITY PARK	20.75
Wild Lime Park	COMMUNITY PARK	11.81
Calusa Club Estates Park	NEIGHBORHOOD PARK	6.99
Water Oaks Park	NEIGHBORHOOD PARK	5.05

Oak Creek Park	NEIGHBORHOOD PARK	5.03
Kendale Lakes Park	COMMUNITY PARK	15.53
Sandpiper Park	NEIGHBORHOOD PARK	4.74
Arvida Park	NEIGHBORHOOD PARK	7.55
Three Lakes Park	SINGLE PURPOSE PARK	15.72
Kendale Lakes SP Tax Dist Tract A3a	MINI-PARK	0.46
Forest Lakes Park	NEIGHBORHOOD PARK	5.67
Sugarwood Park	NEIGHBORHOOD PARK	7.82
Hammocks Community Park	COMMUNITY PARK	21.51
Kendale Lakes SP Tax Dist Lot 38	MINI-PARK	0.44
Sun Lakes Park	NEIGHBORHOOD PARK	7.14
Kendall Soccer Park	SINGLE PURPOSE PARK	43.14
Kings Grant Park	NEIGHBORHOOD PARK	6.42
Olympic Park	NEIGHBORHOOD PARK	7.08
Kings Meadow Park	NEIGHBORHOOD PARK	5.44
Westwind Lakes SP TX Dist TR A	NEIGHBORHOOD PARK	9.20

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

**Recommendation:** Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

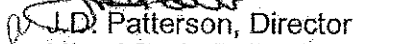
Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



Date: August 16, 2013

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

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

Subject: Review – Amended Zoning Application  
Case: No. Z2012000096 – Lucky Start at the Hammocks, LLC

## APPLICATION

The Applicant, the Lucky Start at the Hammocks, LLC, is requesting approval to amend their zoning application to update the proposed parcel configuration, zoning requests, and modifications to the pending Comprehensive Development Master Plan application and the Notification of Proposed Change for the Hammocks Development of Regional Impact (DRI) program. The subject property is approximately 53 acres and is located on the east side of theoretical SW 152 Avenue, between Hammocks Boulevard and SW 120 Street in Miami-Dade County. Based on the proposed increase in residential units, the population is estimated to increase by 1,408 permanent residents within the police district currently servicing the area.

## CURRENT POLICE SERVICES

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

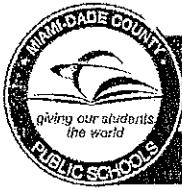
## REVIEW

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 and population was examined and compared to expected population growth and projected increases in calls for service. Based on this data, a minimum of one additional sworn police officer would need to be added to the Hammocks District staffing in order to maintain current staffing levels to population and projected volume of calls for service. 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.

While the MDPD does not object to any proposed zoning modifications to complete this project, it is anticipated that as the Hammocks Development of the DRI is fully realized, the increase in population both permanent (residents) and daily commuters, may eventually place a higher demand on police services. The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

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

JDP/kh



# Miami-Dade County Public Schools

*giving our students the world*

Superintendent of Schools  
Alberto M. Carvalho

August 12, 2013

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

**VIA ELECTRONIC MAIL**

Ms. Tracy Slavens, Esquire  
Holland & Knight  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

[tracy.slavens@hklaw.com](mailto:tracy.slavens@hklaw.com)

RE: PUBLIC SCHOOL CONCURRENCY - PRELIMINARY ANALYSIS  
LUCKY START @ THE HAMMOCKS - DIC Z12-096  
LOCATED AT HAMMOCKS BOULEVARD AND SW 112 STREET  
PH3013071800724 - FOLIO Nos.: 3059090140011 and 3059090140012

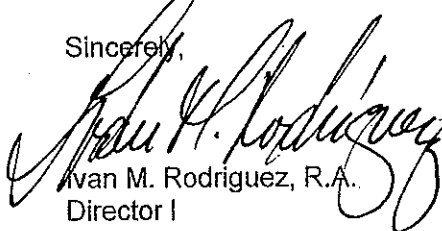
Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 137 single-family detached units and 292 single-family attached units, which generate 167 students; 74 elementary, 43 middle and 50 senior high students. **At this time, all school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

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

Sincerely,



Ivan M. Rodriguez, R.A.  
Director I

IMR:ir  
L-077  
Enclosure

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

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



## Concurrency Management System (CMS)

Miami Dade County Public Schools

### Miami-Dade County Public Schools

#### Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number: PH3013071800724 Local Government (LG): Miami-Dade  
Date Application Received: 7/18/2013 9:29:33 AM LG Application Number: DIC Z12-096 Lucky Start @ the Hammocks  
Type of Application: Public Hearing Sub Type: Zoning  
Applicant's Name: Tracy R. Slavens, Holland and Knight  
Address/Location: 701 Brickell Av., Ste 3000, Miami FL 33131  
Master Folio Number: 3059090140011  
Additional Folio Number(s): 3059090140012,  
PROPOSED # OF UNITS 429  
SINGLE-FAMILY DETACHED UNITS: 137  
SINGLE-FAMILY ATTACHED UNITS: 292  
MULTIFAMILY UNITS: 0

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4511	DR GILBERT L PORTER ELEMENTARY	46	74	46	NO	Current CSA
4511	DR GILBERT L PORTER ELEMENTARY	0	28	0	NO	Current CSA Five Year Plan
6221	HAMMOCKS MIDDLE	137	43	43	YES	Current CSA
7781	FELIX VARELA SENIOR	-336	50	0	NO	Current CSA
7781	FELIX VARELA SENIOR	0	50	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
831	CLAUDE PEPPER ELEMENTARY	168	28	28	YES	Adjacent CSA
7531	MIAMI SUNSET SENIOR	271	50	50	YES	Adjacent CSA

\*An Impact reduction of 19.5% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

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

# Memorandum



**Date:** October 28, 2013

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

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

**Subject:** DIC Application No. 12-096  
Garden Estates East F/K/A Lucky Start at the Hammocks, LLC  
MDAD DN-13-10-1211

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As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for various district boundary changes and variances on the property which will allow residential dwellings for Parcels A – C (as identified on the current set of plans titled "Garden Estates East" as prepared by Corwil Architects and Witkin Hults Design Group, date stamped received September 11, 2013). This application proposes an amendment of the DRI program as it pertains to the subject property which contains  $\pm$  53.47 acres of vacant land area and is located on the east side of theoretical SW 152nd Avenue, between Hammocks Boulevard and SW 120th Street.

Based upon our review of the plans as they pertain only to Parcels A – C of the subject property, MDAD has determined that the referenced property is either partially or fully impacted by the following land use restrictive zones as defined in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395:

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

As part of its zoning hearing application, the applicant is requesting a variance to permit residential uses within the ILZ. As you are aware, we are working together to amend the Kendall-Tamiami Executive Airport (TMB) Zoning. As we discussed, one of the revisions involves replacing the ILZ and OLZ with the 75 and 65 db noise contours. The justification for allowing the ILZ and OLZ to be recalculated is based upon State Statute 333.03 (2) (c) as follows: "Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. Part 150, neither residential construction nor any educational facility as defined in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. Part 150, Appendix A or an equivalent noise level as established by other types of noise studies".

*While it will always be MDAD's preference to support land uses which are considered more compatible with airport operations in close proximity to our airport system, it should be understood that this proposed revision would mean that the subject property will no longer be (encumbered) impacted by a land use restrictive zone which would prohibit residential development. Should the community zoning appeals board approve a residential use, MDAD respectfully requests a conditional approval with proffered covenant running with the land. The terms of the covenant should include, but not be limited to the following: an avigation easement; noise mitigation to include a 25 decibel noise level reduction into the design and construction of the homes; mandatory disclosure of noise impacts and the frequency of operations to prospective buyers and lessees; and restricting the maximum building elevations for the residential units to 35' AGL (Above Ground Level). The proffered covenant will be subject to the review and approval of both MDAD and the County Attorney, allowing for further revisions if necessary.*

The applicant has agreed that the proposed residential building elevations on this site will not exceed a maximum height of 35 feet AGL (Above Ground Level) which conforms to the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning. The maximum height includes the tallest element on the roof, such as the top of any elevator shafts, architectural features, lightning rods, flag poles, etc. This height determination is an estimate issued on a preliminary or advisory basis. Please note that as a preliminary height determination it does not constitute approval by MDAD for construction until coordination and a "No-Hazard" determination from the Federal Aviation Administration (FAA) is obtained. Please note, any proposed construction at this location is required to be filed with the FAA using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project at this must be filed by the construction contractor using the same form. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the applicant may "e-file" online at <https://oeaaa.faa.gov>.

Based on the above, MDAD would not object to the proposed structure heights that conform to the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning as long as:

- 1) The FAA determines that the construction of the buildings at the above mentioned heights will not diminish or affect the safety, efficiency or capacity of the Kendall-Tamiami Executive Airport Zoning in any way; and
- 2) The FAA issues a "Determination of No Hazard" for this project and location; and
- 3) An interested party does not file a "petition for review" to the FAA's aeronautical study that has yet to be completed for this project and location.

Please note that the airspace review process is governed by two different regulations: the Code of Miami-Dade County, Chapter 33, Kendall-Tamiami Executive Airport Zoning and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. MDAD or the applicable municipal building official determines whether the County's height limitations

Jack Osterholt  
October 28, 2013  
Page 3

are met, and the FAA determines whether FAA building, marking and height requirements are met. It is MDAD's responsibility to administer and enforce the regulations prescribed in the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning.

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

Please be advised that MDAD will need to review and approve the plans for the yet to be determined development for Parcel D of the subject property.

C: A. Riaz  
T. Abbot  
Jorge Vital, Department of Regulatory and Economic Resources

# Memorandum



**Date:** September 23, 2013

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources (RER)

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

**Subject:** Lucky Start at the Hammocks, LLC - DIC Application # Z2012000096 (REVISION # 3)

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

**Recommendation:** Approval based on conditions noted below.

**Application Name:** Lucky Start at the Hammocks, LLC

**Project Location:** The subject property is located on the east side of theoretical S.W. 152<sup>nd</sup> avenue, between Hammocks Blvd, and S.W. 120<sup>th</sup> Street, in unincorporated Miami-Dade County.

**Proposed Development:** The applicant is requesting a district boundary change from IU-C (Industrial District Conditional to BU-1A, RU-1M(A), RU-TH, and RU-4L. The site plan for this project consists of the following developments:

Projected Water/Sewage Loading			
Proposed Uses	Total # units	Flow Rate	Water/Sewage Loading (GPD)
137 Detached single family residences (assumed all under 3,001 sq.ft.)	137	220gpd/unit	30,140
101 Traditional Townhomes with garage	101	180gpd/unit	18,180
160 Townhome Villas without garages	160	180gpd/unit	28,800
Retail	40,000 sq.ft.	10 gpd/100 sq. ft.	4,000
Overall Development Total GPD			81,120

The total water demand for this development will be 81,120 gpd.

**Water:**

The subject project is located within MDWASD's service area. The source of water for the overall development is the Alexander-Orr Water treatment Plant. There are existing 12-inch water mains within the subject site from where the developer can connect and extend water mains to serve the proposed use. At the time of development, a Water Supply Certification will be required for the proposed development. Said Certification is issued to assure adequate water supply is available to all water users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

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

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

**Sewer:**

The subject project is located within MDWASD's service area. There is an existing 8-inch gravity sanitary sewer within the subject site from which the developer can connect to serve the proposed development provided there is sufficient depth and that there are no obstacles which would preclude construction of the sewer.

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

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

The downstream pump station for the subject project is Pump Station 565. Please note that the projected NAPOT for said pump station will increase to 9.06 hours per day as noted below. If at the time of development, the projected NAPOT of the pump station exceeds the ten-hour NAPOT criteria as stipulated in the USEPA First Partial Consent Decree, the pump station will be required to be upgraded according to the remedial plan submitted to the USEPA by MDWASD.

Pump Station: 0565

Yearly NAPOT: 5.00 Hrs

Projected NAPOT: 5.20 Hrs

Projected NAPOT including this project flows: 9.06 Hrs per day

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code. In addition, all developments must comply with the Miami-Dade County's permanent landscape irrigation restrictions in Section 32-8.2 of the Miami-Dade County Code.

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

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

For information concerning the Water-Use Efficiency Standards Manual please go to  
[http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

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

# Memorandum



**Date:** August 12, 2013

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

**From:** Kathleen Woods-Richardson, Director  
Public Works and Waste Management Department

**Subject:** Lucky Start at the Hammocks, LLC update (DIC # 12-096)

The Department's review of the above-referenced item is provided below. This is an update to a previous response dated August 17, 2012. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

**Application:** *Lucky Start at the Hammocks, LLC*, seeks a district boundary change to divide a property, presently zoned Industrial / Office (IU-C), into three separate parcels providing for Modified Single Family Residential (RU-1M(a)) on Parcel A, Limited Apartment House District (RU-4L) on Parcel B; and Limited Business District (BU-1A) on Parcel C. The applicant maintains a request for a variance, an unusual use, a series of non use variances and a series of modifications to the Covenant Governing Land Development regarding the construction of a residential development community.

**Size:** The subject property is approximately 53.47 acres.

**Location:** The subject property is located on the east side of theoretical S.W. 152<sup>nd</sup> Avenue, between Hammocks Boulevard and SW 120<sup>th</sup> Street, in Miami-Dade County, Florida.

## **Analysis:**

### 1. Solid Waste Disposal

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

### 2. Garbage and Trash Collection Services: Residential Units

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the re-designation to Modified Single Family Residential (RU-1M (a)) on Parcel A meets the County Code

definition of "Residential Unit." Per the Code, residential units located within the project shall, therefore, receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

### 3. Garbage and Trash Collection Services: Multi-family Units and Commercial Establishments:

Pursuant to Chapter 15 of the Miami-Dade County Code, entitled Solid Waste Management, the re-designation to Limited Apartment House District (RU-4L) on Parcel B; and Limited Business District (BU-1A) on Parcel C meet the County Code definition of "Multi-family Residential Establishment" and "Commercial Establishment" respectively and are therefore subject to the following requirements:

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

### 4. Recycling: Residential Units

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

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

### 5. Recycling: Multi-family Units

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

**Section 15-2.2b** of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

## 6. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3** of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

## 7. 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."

## 8. Site Circulation Considerations

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

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

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

**LENNAR**

PROPOSED MIXED USE DEVELOPMENT  
GARDEN ESTATES EAST  
S.W. 151 ST COURTH & SW. 120TH STREET  
MIAMI - DADE, FLORIDA

PREPARED BY:

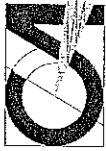


CORWIL ARCHITECTS  
4210 LAGUNA ST. CORAL GABLES FL 33146  
LIC. NO. AA-C0001511305-4887383

RECEIVED  
Z12-096  
SEP 11 2013

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

BY



CORWILL ARCHITECTS  
10000 CORWILL DRIVE, SUITE 100  
MIAMI, FLORIDA 33156-1000

PROJECT:  
GARDEN ESTATES II  
MIAMI, FLORIDA

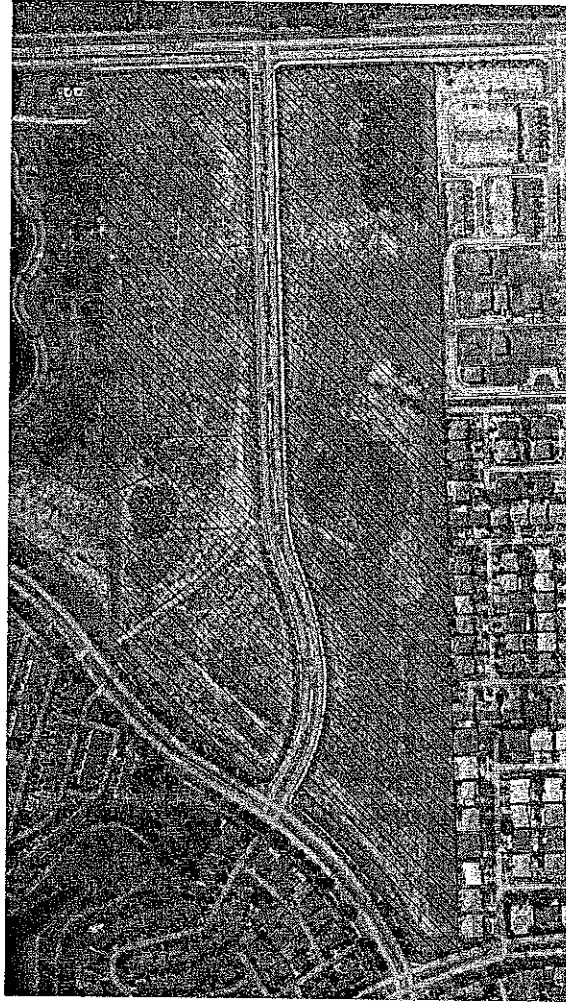
OWNER:  
HAMMOCKS  
LENNAR LLC.

AERIAL/CONTEXT PLAN

PHASE

REVISION

SCALE



AERIAL VIEW  
SCALE: N.T.S.

CONTEXT VIEW  
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SEP 11 1993

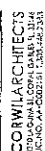
MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

BY

DRAWING NUMBER:  
A-0.0

DATE	4/1/93	BY	WJ	DATE	4/1/93
DESIGNED BY	WJ	CHECKED BY	WJ	DATE	4/1/93
APPROVED BY	WJ	DATE	4/1/93		

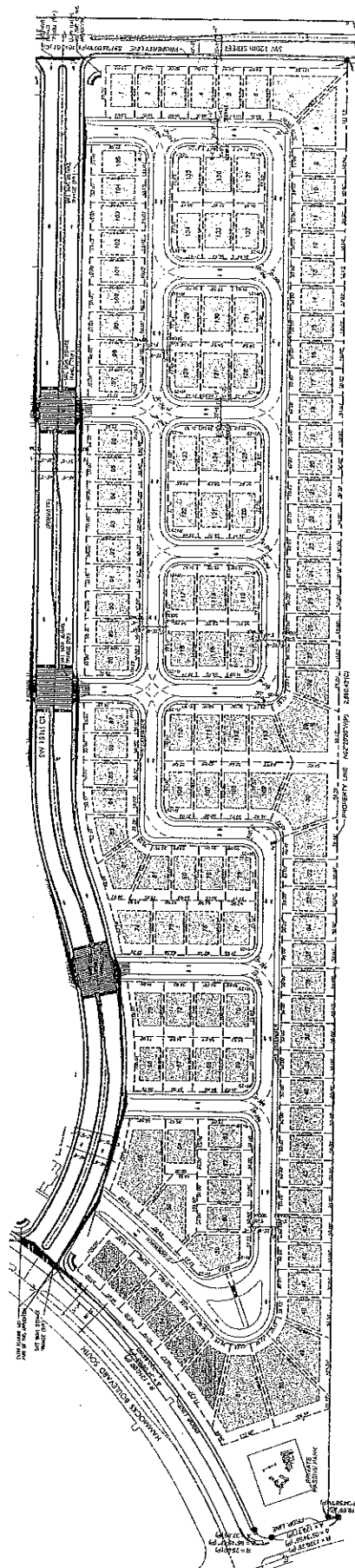




PROJECT:  
GARDEN ESTATES II  
MIAMI DADE FLORIDA

WINNER.  
HAMMOCKS  
LENNAR LLC.

ENLARGED SITE PLAN - SECTOR A



PROPOSED SITE PLAN - SECTOR A

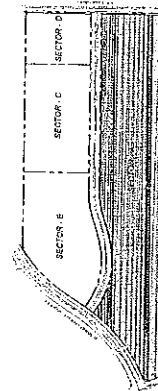
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MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

25

ITEM NAME	INCLUDED	PROVIDED
FRONT TRIM	12" FOR SIDE WALL, THE MOUSE AND 20" FOR THE MOUSE, EXCEPT FOR ATTACHMENT SERVICES	15-0" MIN, 20" AT GARAGE
WALL TRIM	12" FOR SIDE WALL, THE MOUSE AND 20" FOR THE MOUSE, EXCEPT FOR ATTACHMENT SERVICES	15-0" FOR SIDE WALL, 20" FOR MOUSE
CEILING TRIM	5'-0"	5'-0"
DOOR TRIM	10'-0"	10'-0"
LANDING	2 REQUIRED FRAMES	PROVIDED
BUILDING HEIGHTS AND HEIGHTS	ALLOWED	PROVIDED
REQUIREMENTS	1 STORY, 15'	1 STORY, 20'-6"

[illegible]

KEY PLAN

645001

A-1,0

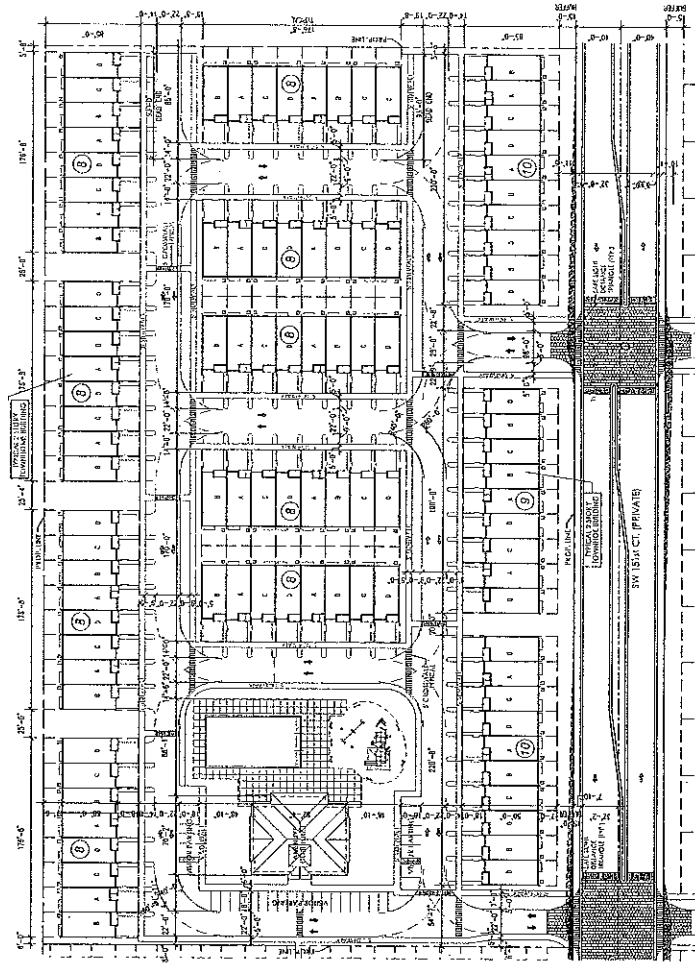


CORWILL ARCHITECTS  
LLC, 401 N. W. 12th St., Suite 100  
MIAMI, FL 33136

PROJECT:  
GARDEN ESTATES II  
MIAMI, FL 33136

OWNER:  
HAMMOCKS  
LENNAR LLC.

ENLARGED SITE PLAN - SECTOR C



PLATE

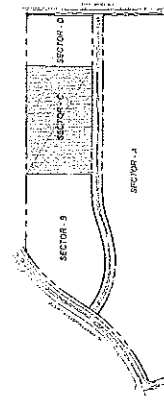
PROPOSED SITE PLAN - SECTOR C  
SCALE 1" = 50'-0"



RECEIVED  
SEP 11 2003

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

BY



KEY PLAN  
SCALE: N.T.S.



SHEET NUMBER

A-30

ZONING INFORMATION			
PROJECT NAME	GARDEN ESTATES EAST (PROPOSED TOWNHOMES)		
PROPERTY ADDRESS	SW 15th Court - SW 120th Street		
ZONING:	RU-4L		
NET LOT AREA (NLA):	325,944 S.F. (7.47 NET ACRES)		
DENSITY:	ALLOWED/REQUIRED	PROVIDED	
UNITS PER ACRE:	23 UNITS/ACRE	13.52 UNITS/ACRE	
TOTAL UNITS:	171 UNITS	101 UNITS	

AS PER: RU-TH (TOWNHOUSE DISTRICT)		
ALLOWED/REQUIRED	PROVIDED	
COMMON OPEN SPACE	30% OF NLA (325,944 S.F.) = 97,783 S.F. (MIN.)	
GROUPING LENGTH MAX.	240'-0"	
MIN. UNIT SIZE:	MIN. 600 S.F. - 900 S.F. (AVERAGE)	
HEIGHT MAX.	40 FEET	
LOT AREA/UNIT:	MIN. 1,250 S.F. - 1,500 S.F. (AVERAGE)	
SETBACKS:	25' FROM THE NEAREST EDGE OF ROADWAY PAVEMENT TO THE FRONT BUILDING LINE	
FRONT YARD	32'-0" FROM NEAREST EDGE OF ROADWAY PAVEMENT TO THE FRONT BUILDING LINE	
REAR YARD	10 FEET	
PRINCIPAL BUILDING, TERRACES/CANTILEVER SCREEN ENCLOSURES	14'-0" 5 FEET 0 FEET	

AMENITY SITE PLAN INFORMATION		
NET LOT AREA:	325,944 S.F. (7.47 ACRES)	
GROSS AREA:	4,440 S.F.	
TERRACE AREA:	136 S.F.	
POOL DECK AREA:	11,314 S.F. (INCLUDING POOL)	
COVERED ENTRY AREA:	157 S.F.	
TOTAL AREA:	16,417 S.F.	

AMENITY SITE PLAN INFORMATION		
NET LOT AREA:	325,944 S.F. (7.47 ACRES)	
GROSS AREA:	4,440 S.F.	
TERRACE AREA:	136 S.F.	
POOL DECK AREA:	11,314 S.F. (INCLUDING POOL)	
COVERED ENTRY AREA:	157 S.F.	
TOTAL AREA:	16,417 S.F.	

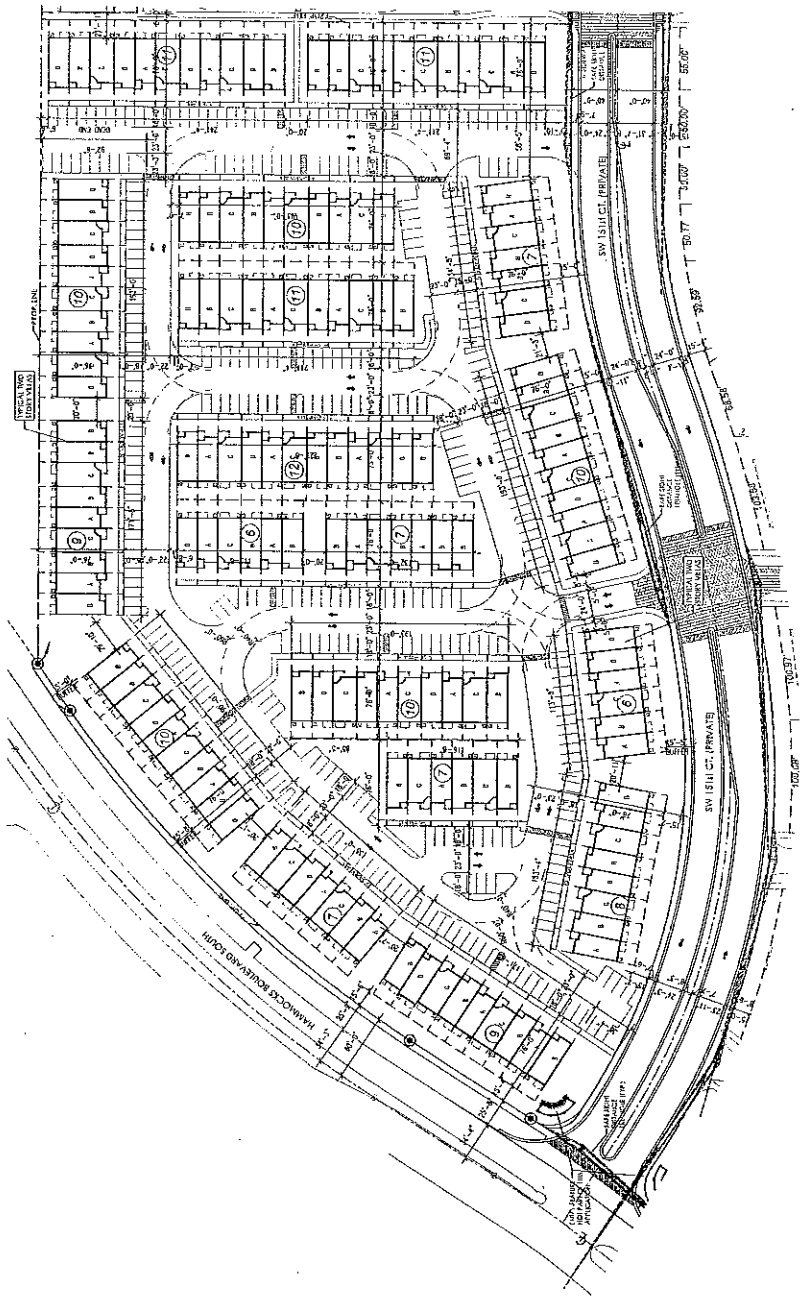


CORVILARCHITECTS  
4510 CORAL GABLES BLVD, SUITE 200  
CORAL GABLES, FL 33134  
TEL: 305.442.1234 FAX: 305.442.1235

PROJECT:  
GARDEN ESTATES II  
MIAMI GARDEN, FLORIDA

OWNER:  
HAMMOCKS  
LENNAR LLC.

ENLARGED SITE PLAN - SECTOR B

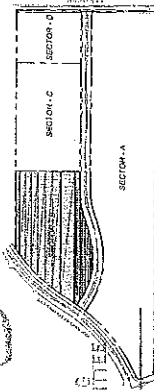


PROPOSED SITE PLAN - SECTOR B  
SCALE 1" = 80'-0"

RECEIVED  
SEP 11 2013

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

BY



KEY PLAN  
SCALE 1" = 80'-0"

SHEET NUMBER  
A-20

ZONING INFORMATION			
PROJECT NAME	GARDEN ESTATES EAST (PROPOSED TOWNHOMES 153)		
PROPERTY ADDRESS	SW 15th Court - HAMMOCKS BOULEVARD SOUTH		
ZONING	RM-4L		
NET LOT AREA (NLA):	433,864 S.F. (9.95 NET ACRES)		
DENSITY:	ALLOWED/REQUIRED	PROVIDED	
UNITS PER ACRE:	23 UNITS / ACRE	16.06 UNITS/ACRE	
TOTAL UNITS	228 UNITS	180 UNITS	

AS PER: RU-TH (TOWNHOUSE DISTRICT)			
ALLOWED/REQUIRED	PROVIDED		
COMMON OPEN SPACE	30% OF NLA (433,864 S.F.) = 130,144 S.F. (MIN.)	133,275 S.F. (300.7%)	
GROUPING LENGTH MAX.	240'-0"	225'-0"	
MIN. UNIT SIZE:	MIN. 600 S.F. - 800 S.F. (AVERAGE)	1,391 S.F.	
HEIGHT MAX.	40 FEET	35'-11"	
LOT AREA UNITS:	MIN. 1,250 S.F. - 1,500 S.F. (AVERAGE)	1,483 S.F. - 1,779 S.F.	
SETBACKS:			
FRONT YARD	35' FROM THE EDGE OF ROADWAY AND ADJACENT TO THE FRONT BUILDING LINE	35' FROM THE EDGE OF ROADWAY AND ADJACENT TO THE FRONT BUILDING LINE	
REAR YARD	10 FEET	15'-11"	
PRINCIPAL BUILDING TERRACES/CANTILEVER SCREEN ENCLOSURES	5 FEET 0 FEET	N/A N/A	

PARKING:	REQUIRED	PROVIDED	
180 UNITS x 2 SPACES	360 SPACES	321 SPACES	
ADD. PARKING (16' x 25')	40 SPACES	40 SPACES	
TOTAL PARKING	360 SPACES	361 SPACES	

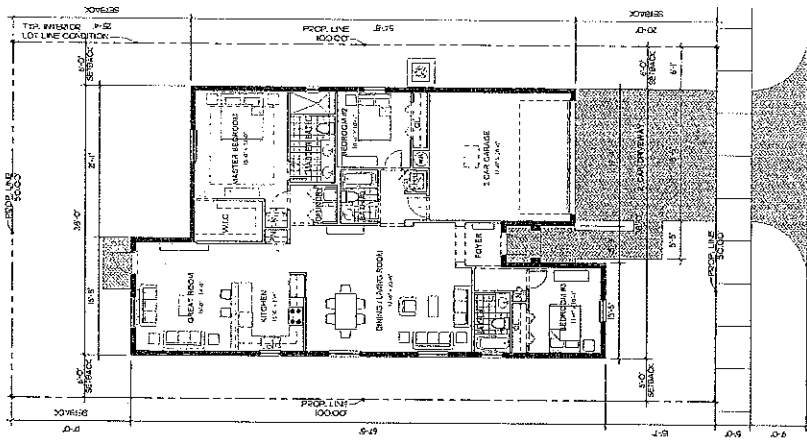


CORWILL ARCHITECTS, INC.  
2000 S.W. 10TH AVE.  
MIAMI, FL 33135

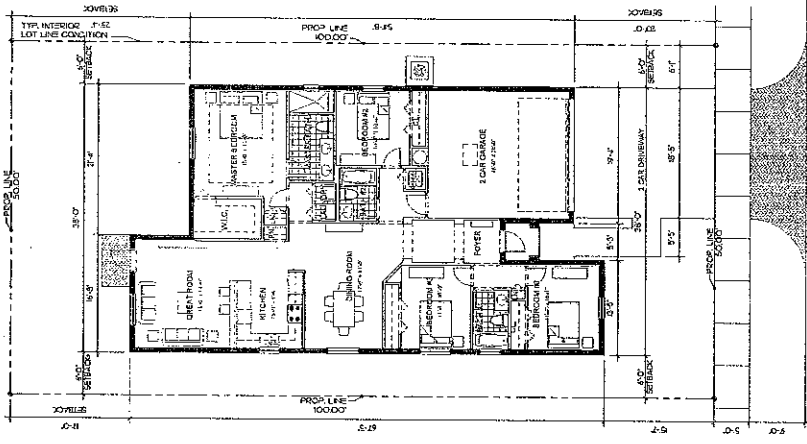
PROJECT:  
GARDEN ESTATES II  
MIAMI, FL 33135

OWNER:  
HAMMOCKS  
LENNAR LLC.

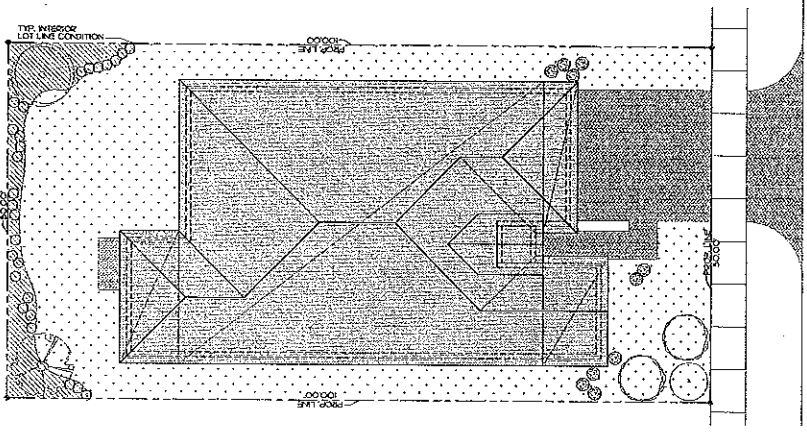
FLOOR PLANS AND FRONT ELEVATION  
50'S - MODEL 1821



GROUND FLOOR PLAN - 3 BED. OPTION  
SCALE: 1/8" = 1'-0"



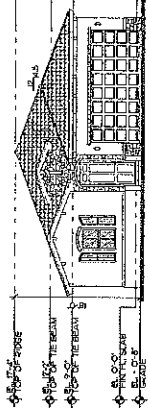
GROUND FLOOR PLAN - 4 BED. OPTION  
SCALE: 1/8" = 1'-0"



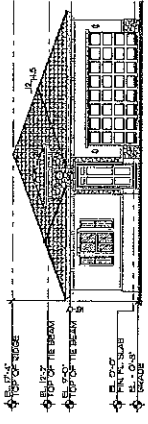
LANDSCAPING PLAN  
SCALE: 1/8" = 1'-0"

AREA CALCULATIONS

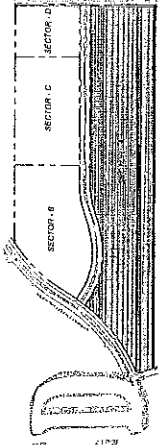
LOT AREA	1473 SF.
GALE	404 SF.
COVERED ENTRY	25 SF.
TOTAL	2102 SF.
LOT COVERAGE	2250 SF. (153%)



FRONT ELEVATION - OPTION - 2  
SCALE: 1/8" = 1'-0"



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



KEY PLAN  
SCALE: N.T.S.

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SEP 11 1993

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

EV

SHEET NUMBER:  
A-1.1

DATE: 09/11/93

BY: [Signature]

FOR: [Signature]

PROJECT: GARDEN ESTATES II

OWNER: HAMMOCKS LENNAR LLC.

ARCHITECT: CORWILL ARCHITECTS, INC.

2000 S.W. 10TH AVE.  
MIAMI, FL 33135

TELEPHONE: (305) 555-1111

FAX: (305) 555-1112

EMAIL: CORWILL@CORWILL-ARCH.COM

WWW.CORWILL-ARCH.COM

1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

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MIAMI, FL 33136

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1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

1001 N.W. 10TH AVE., SUITE 100  
MIAMI, FL 33136

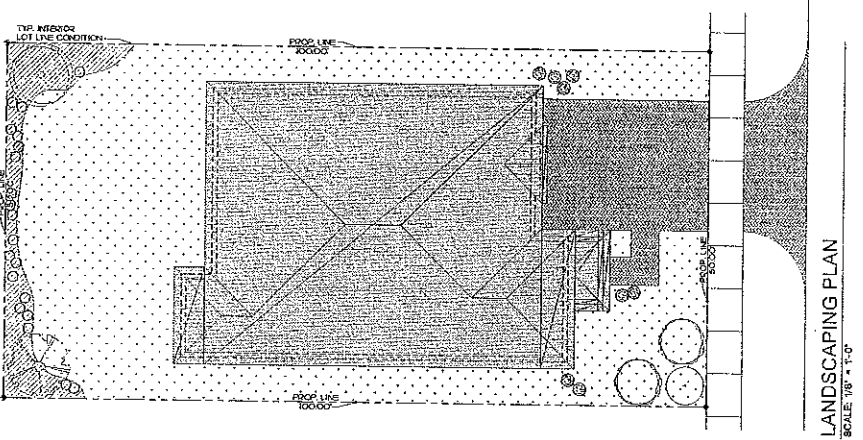
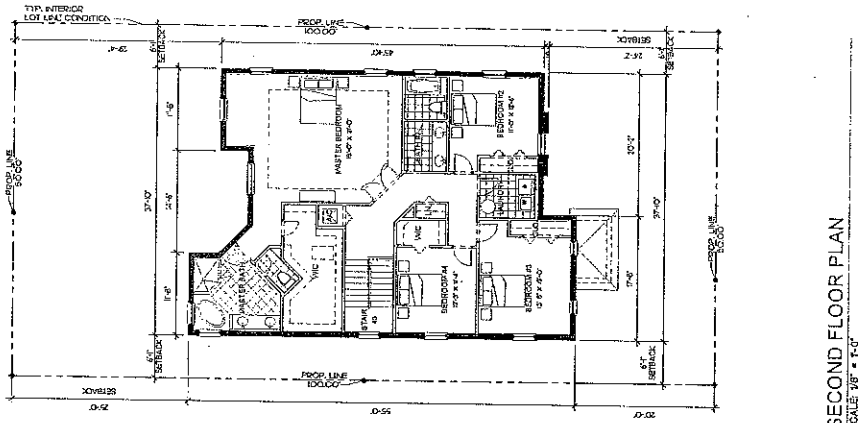
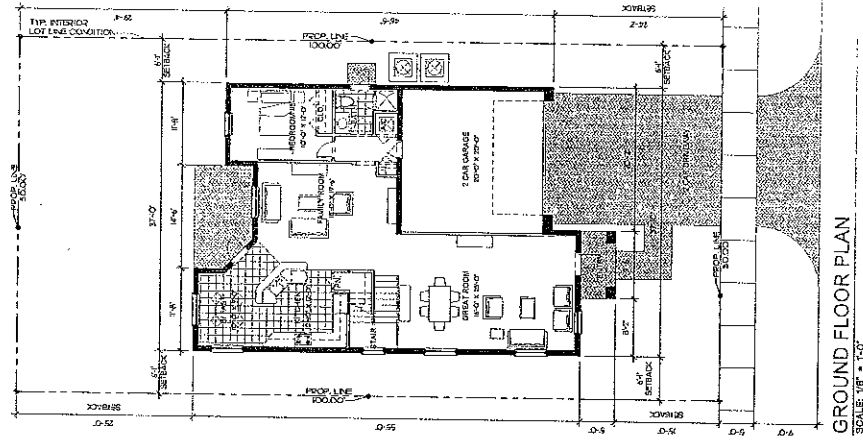


**CORWILARCHITECTS**  
 10000 N.W. 11th Avenue, Suite 100  
 Fort Lauderdale, FL 33304  
 (954) 571-1234

**PROJECT:**  
 GARDEN ESTATES II  
 MIAMI GARDEN, FLORIDA

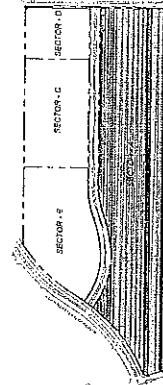
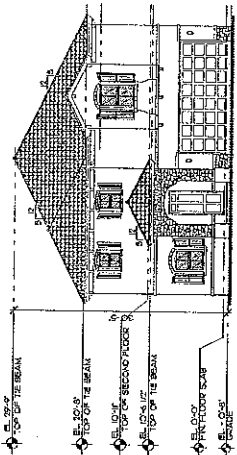
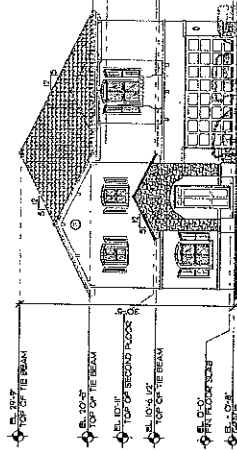
**OWNER:**  
 HAMMOCKS  
 LENNAR L.L.C.

**FLOOR PLANS AND FRONT ELEVATION**  
 505 - MODEL 3120



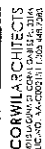
**AREA CALCULATIONS**

ARE AREA	3,066 S.F.
CARPORT	404 S.F.
COVERED ENTRY	48 S.F.
TOTAL	3,518 S.F.
LOT COVERAGES	1,893 S.F. (53.4%)



**SHEET NUMBER:**  
 A-15

**MIAMI GARDEN COUNTY**  
 DEPT. OF PLANNING & ZONING  
 DEVELOPMENTAL IMPACT COMMITTEE  
 BY \_\_\_\_\_



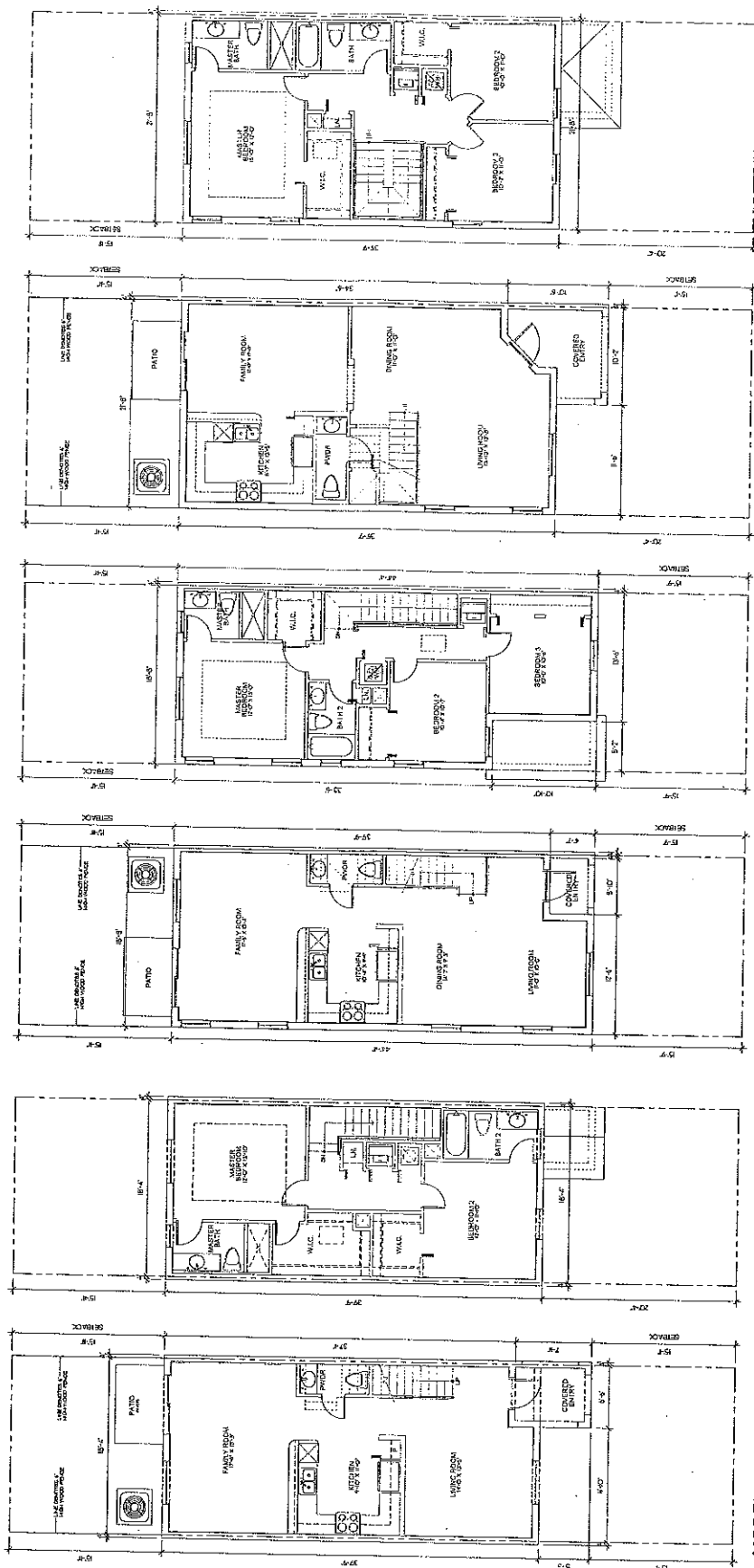
PROJECT  
GARDEN ESTATES II  
MIAMI DADE FLORIDA

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HAMMOCKS  
LENNAR LLC.

TYPICAL VILLAS FLOOR PLANS  
MODEL A, B & C

## Discussion

## REFERENCES



MODEL - C  
SECOND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

MODEL - C  
GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

MODEL - B  
SECOND FLOOR PLAN  
SCALE 3/8" = 1'-0"

MODEL - B  
GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

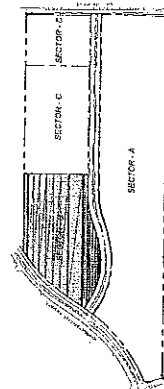
MODEL - A  
SECOND FLOOR PLAN  
SCALE 3/16" = 1'-0"

MODEL - A  
GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

AREA CALCULATION UNIT-C	
GROUND FLOOR GROSS AREA	870 SF
SECOND FLOOR GROSS AREA	790 SF
TOTAL GROSS LIVING SPACE	1,660 SF
COV. ENTRY	89 SF
PATIO AREA	41 SF
TOTAL	1780 SF
PRIVATE OUTDOOR PATIO LIVING AREA <sup>2A</sup>	754 SF

AREA CALCULATION UNIT-B	
GROUND FLOOR GROSS AREA	779 SF
SECOND FLOOR GROSS AREA	724 SF
TOTAL FLOOR GROSS AREA	1503 SF
CON. ENTRY	20 SF
PATIO AREA	44 SF
TOTAL	1567 SF
PRIVATE OUTDOOR PATIO/LAND AREA	990 SF

AREA CALCULATION UNIT-A	
GROUND FLOOR GROSS AREA	715 S.F.
SECOND FLOOR GROSS AREA	676 S.F.
TOTAL GROSS LIVING SPACE	1391 S.F.
CON. ENTRY	50 S.F.
PATIO AREA	41 S.F.
TOTAL	1481 S.F.
PRIVATE OUTDOOR PATIO LIVING AREA	630 S.F.



KEY PLAN

KIM-DALIS COUNTY  
DEPT. OF PLANNING & ZONING  
RES/DEVELOPMENTAL IMPACT COMMITTEE

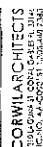
人因

A-2.1

Sheet number:

1	0.1	4/9/2013	
2	0.1	2013-08	MC
3	0.1		AKC





PROJECT:  
GARDEN ESTATES II  
MIAMI GOLF & FLORIDA

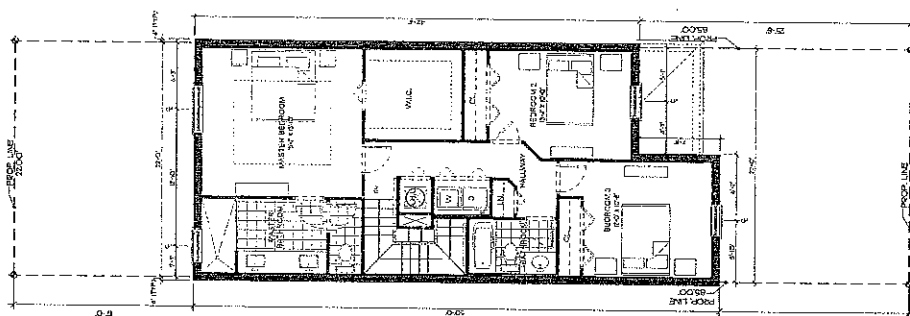
HAMMOCKS  
LENNAR LLC

MODEL A & B  
TYPICAL TOWNHOUSE FLOOR PLAN

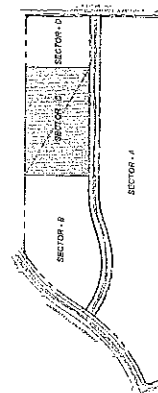
CASE

visio.us

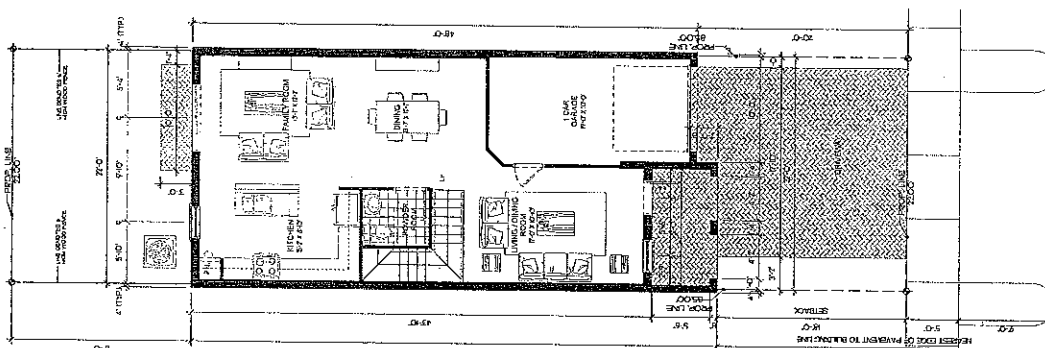
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MODEL - B  
SECOND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

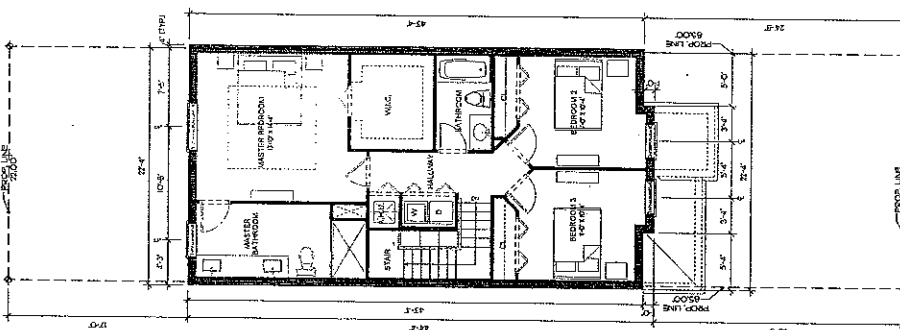


KEY PLAN  
SCALE: N.T.S.

A-  
SHEET NUMBER:

MODEL - B  
GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

AREA CALCULATION UNIT-B	
GOV. AD. MCDON. GROSS AREA	609 S.F.
SECOND FLOOR DRINKS AREA	NONE
TOTAL SECOND FLOOR SPACE	609 S.F.
BAR/CLUB GROSS AREA	488 S.F.
CLUB ENTRY	7 S.F.
PATIO AREA	50 S.F.
TOTAL	1,154 S.F.

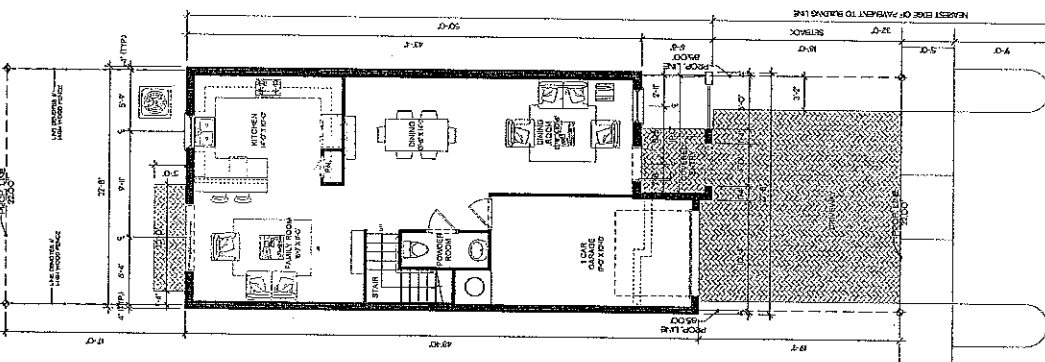


MODEL - A  
SECOND FLOOR PLAN



100

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



MODEL - A - END UNIT  
GROUND FLOOR PLAN

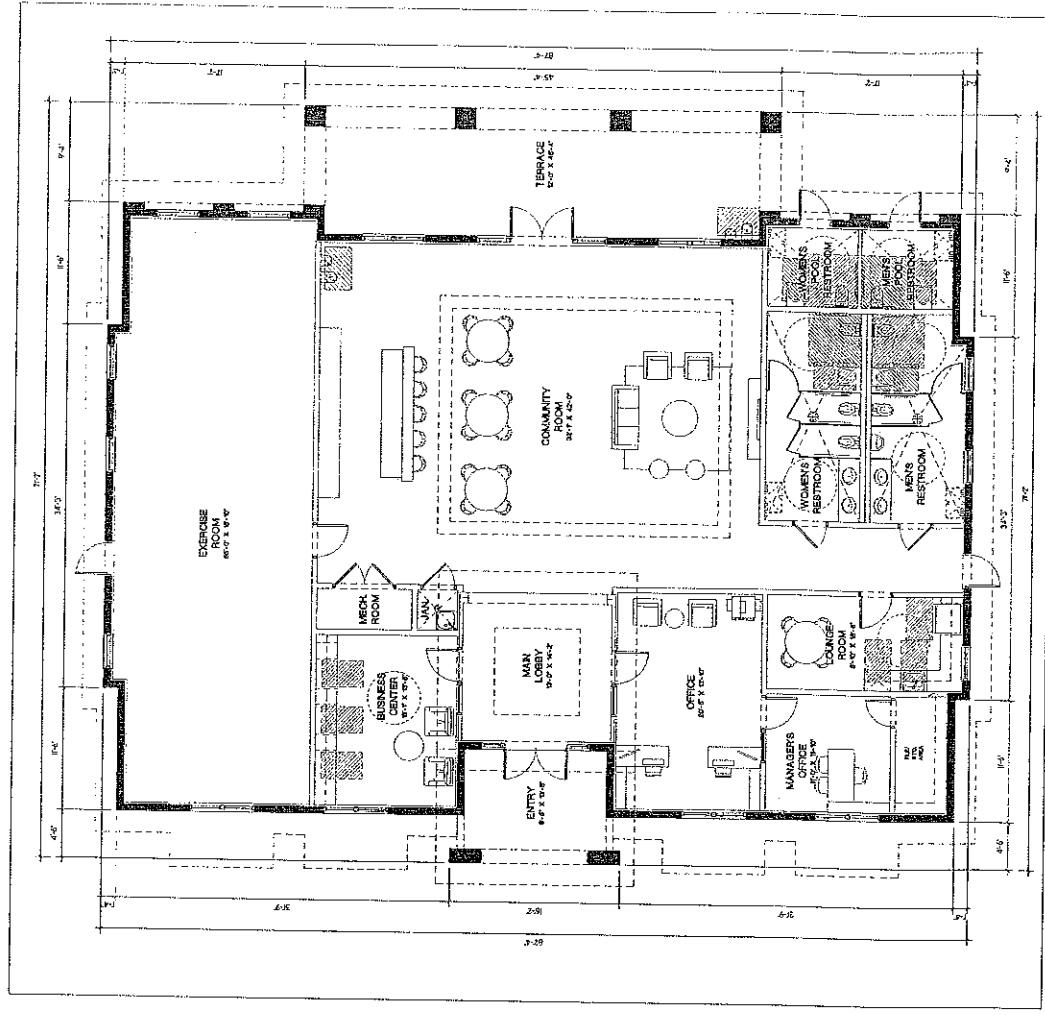
AREA CALCULATION UNIT-A	
GRAND TOTAL GROSS AREA	112.54
DESIGN IN GROSS INTERIOR AREA	100.25
TOTAL GROSS INTERIOR SPACE	112.54
GROSS GROSS AREA	73.54
CON. OVER	41.50
PAID AREA	32.04
TOTAL	390.58



PROJECT:  
GARDEN ESTATES II  
MIAMI GARDEN, FLORIDA

OWNER:  
HAMMOCK  
LENNAR LLC.

CLUBHOUSE GROUND FLOOR PLAN



CLUBHOUSE GROUND FLOOR PLAN  
SCALE: 3/16" = 1'-0"  
GROSS AREA = 4,440 S.F.

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

REVISIONS:

NO.	DATE	DESCRIPTION
1	08/10/89	ISSUED FOR PERMIT
2	08/10/89	ISSUED FOR PERMIT
3	08/10/89	ISSUED FOR PERMIT
4	08/10/89	ISSUED FOR PERMIT
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CHECKED BY: JAC  
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SHEET NUMBER: A-40

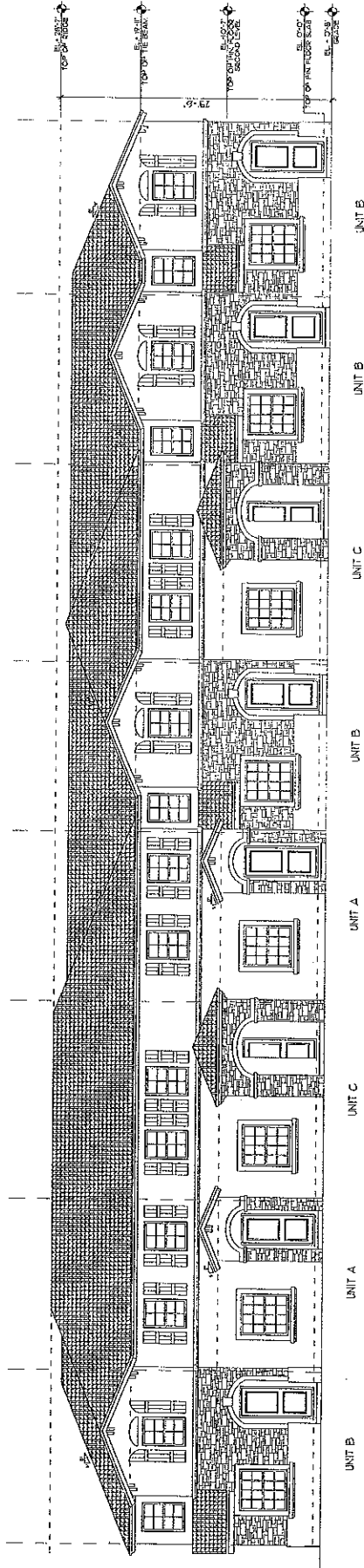


CORWILARCHITECTS  
1001 GARDEN ESTATES II, SUITE 100  
MIAMI GARDEN, FL 33143

PROJECT  
GARDEN ESTATES II  
MIAMI GARDEN, FL 33143

OWNER  
HAMMOCKS  
LENNAR LLC.

TYPICAL VILLAS FRONT ELEVATION



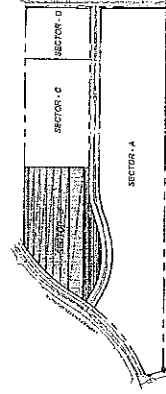
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SCALE: 3/16\"/>

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SEP 11 2013

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

BY

REVISIONS  
DATE  
BY  
DESCRIPTION



KEY PLAN  
SCALE: N.T.S.

SHEET NUMBER

A-2.2

84

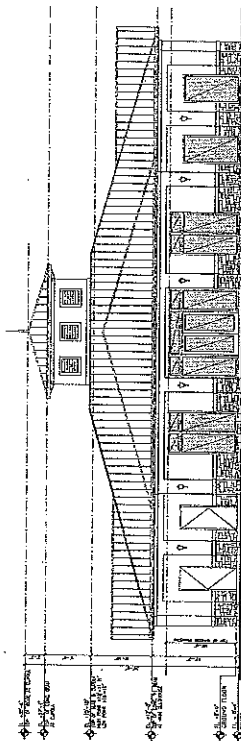
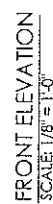
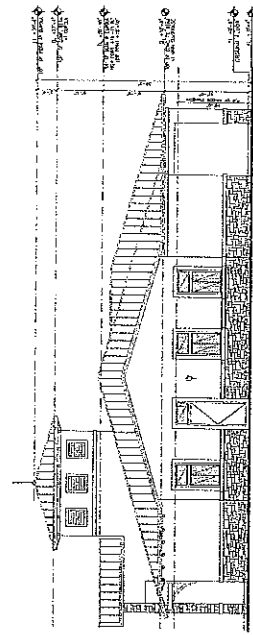
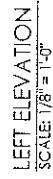


PROJECT:  
GARDEN ESTATES II  
MIAMI OADE, FLORIDA

OWNER:  
HAMMOCKS  
LENNAR LLC.

NAME \_\_\_\_\_

EXIDN \_\_\_\_\_



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

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

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0000 1 4 003  
MADAGASCAR COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

SHEET NUMBER:  
A-4.1

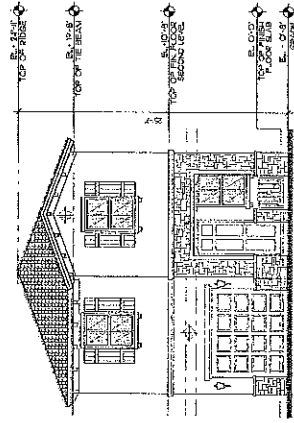


CORWILARCHITECTS  
CORWIL ARCHITECTS, INC.  
1000 N.W. 107th Ave., Suite 100  
Miami, FL 33157  
(305) 44-0001 FAX (305) 44-0002

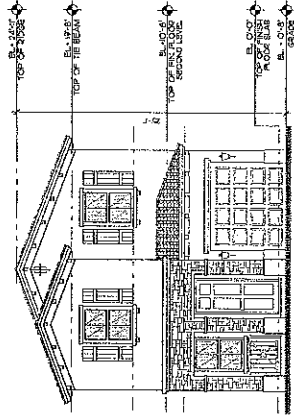
PROJECT:  
GARDEN STATES II  
MIAMI GARDEN STATES

OWNER:  
HAMMOCKS  
LENNAR LLC.

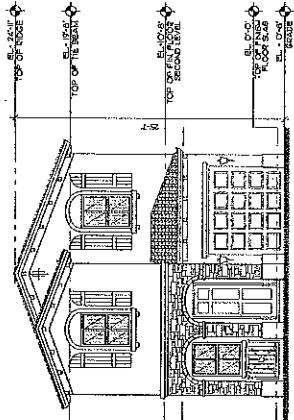
TYPICAL TOWNHOUSE FRONT ELEVATIONS



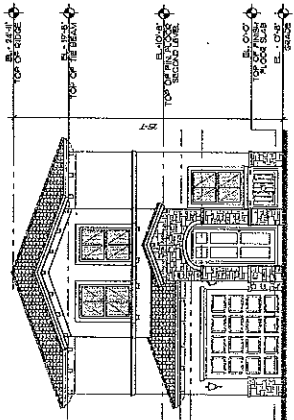
MODEL - D  
FRONT ELEVATION  
SCALE 3/8" = 1'-0"



MODEL - C  
FRONT ELEVATION  
SCALE 3/8" = 1'-0"



MODEL - B  
FRONT ELEVATION  
SCALE 3/8" = 1'-0"



MODEL - A  
FRONT ELEVATION  
SCALE 3/8" = 1'-0"

PHASE

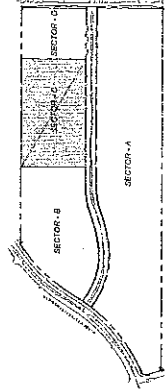
REVISIONS

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SEP 11 2003

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

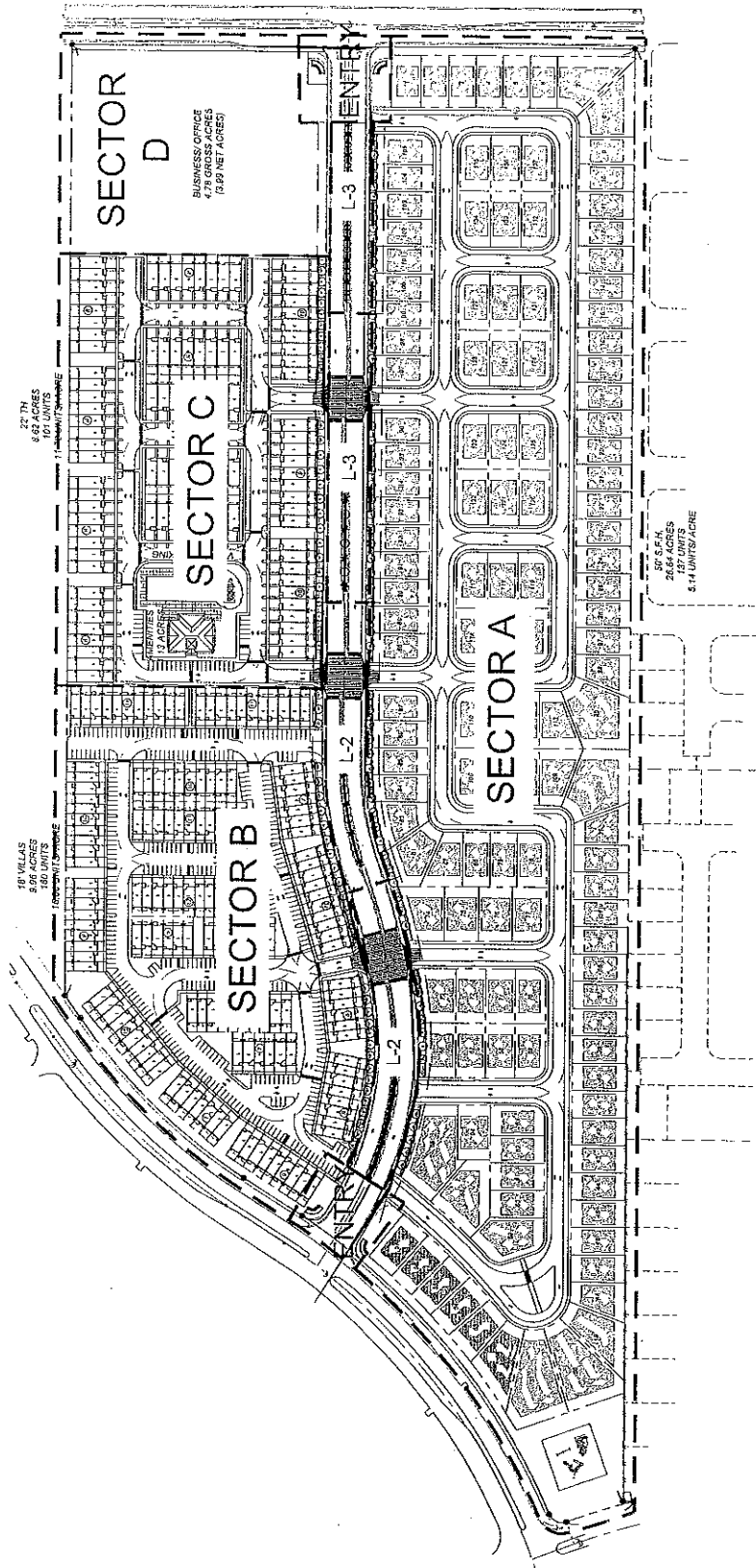
BY



KEY PLAN  
SCALE N.T.S.

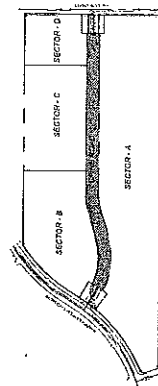
SHEET NUMBER  
A-3.3

86



KEY PLAN

Scale: 1"=100'-0"



LOCATION MAP

Scale: NTS

SHEET INDEX:

- L-1 SPINE ROAD INDEX
- L-2 SPINE ROAD LANDSCAPE PLAN
- L-3 SPINE ROAD LANDSCAPE PLAN
- L-4 SPINE ROAD LANDSCAPE DETAILS

LANDSCAPE LIST SECTOR A

NO.	PLANT NAME	QUANTITY	REMARKS
1	SPINE ROAD INDEX	1	
2	SPINE ROAD LANDSCAPE PLAN	1	
3	SPINE ROAD LANDSCAPE PLAN	1	
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**Garden Estates II**  
Miami-Dade County, Florida  
SPINE ROAD KEYPLAN


11.26.13 NEW SITE PLAN

**WITKIN HULTS**  
DESIGN GROUP  
www.witkinhults.com

DATE: 11/15/13  
DRAWN BY: JCC  
CHECKED BY: JCC  
SHEET NO.: L-1

DATE: 11/15/13  
DRAWN BY: JCC  
CHECKED BY: JCC  
SHEET NO.: L-1

DATE: 11/15/13  
DRAWN BY: JCC  
CHECKED BY: JCC  
SHEET NO.: L-1

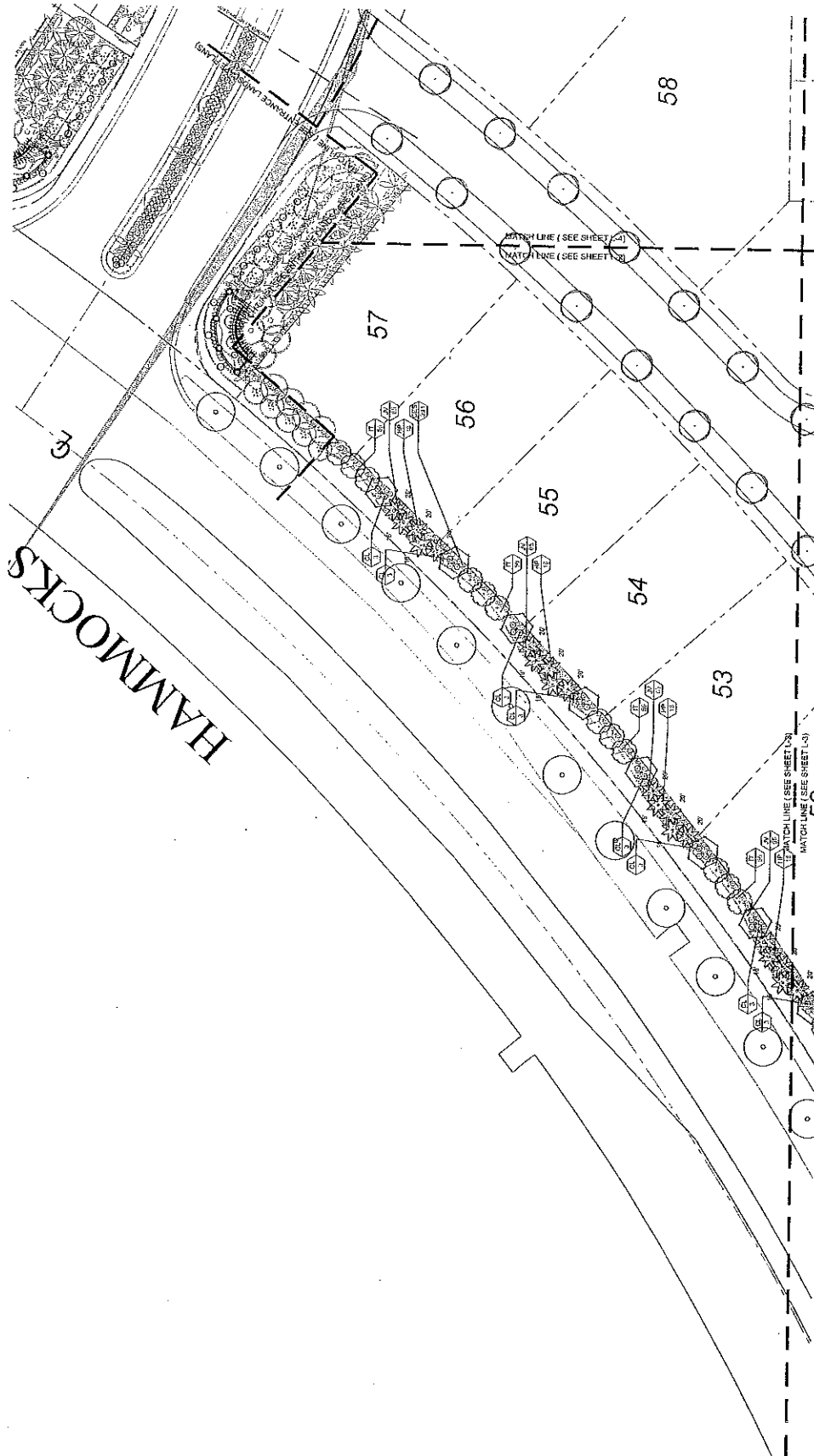

  
 WITKIN HUITS DESIGN GROUP
   
 10000 SW 15th Ave, Suite 100
   
 Miami, FL 33155
   
 Tel: 305.555.1111
   
 Fax: 305.555.1112
   
 www.witkinhuitts.com

Garden Estates II  
 Miami-Dade County, Florida  
 SECTOR A LANDSCAPE PLAN

PROJECT:  
 11/15/12 NEW SITE PLAN


SHEET:  
 L-2

Drawing: Richard A. Landman, Inc.  
 Date: 04/08/12  
 Scale: One inch = 20 feet  
 Drawing No.: 001  
 Sheet No.: L-2



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 MAY 1 1998  
 MIAMI-DADE COUNTY  
 DEPT. OF PLANNING & COMMUNITY  
 DEVELOPMENTAL IMPACT COMMITTEE

LANDSCAPE PLAN NORTH  
 Scale: 1"=20'-0"

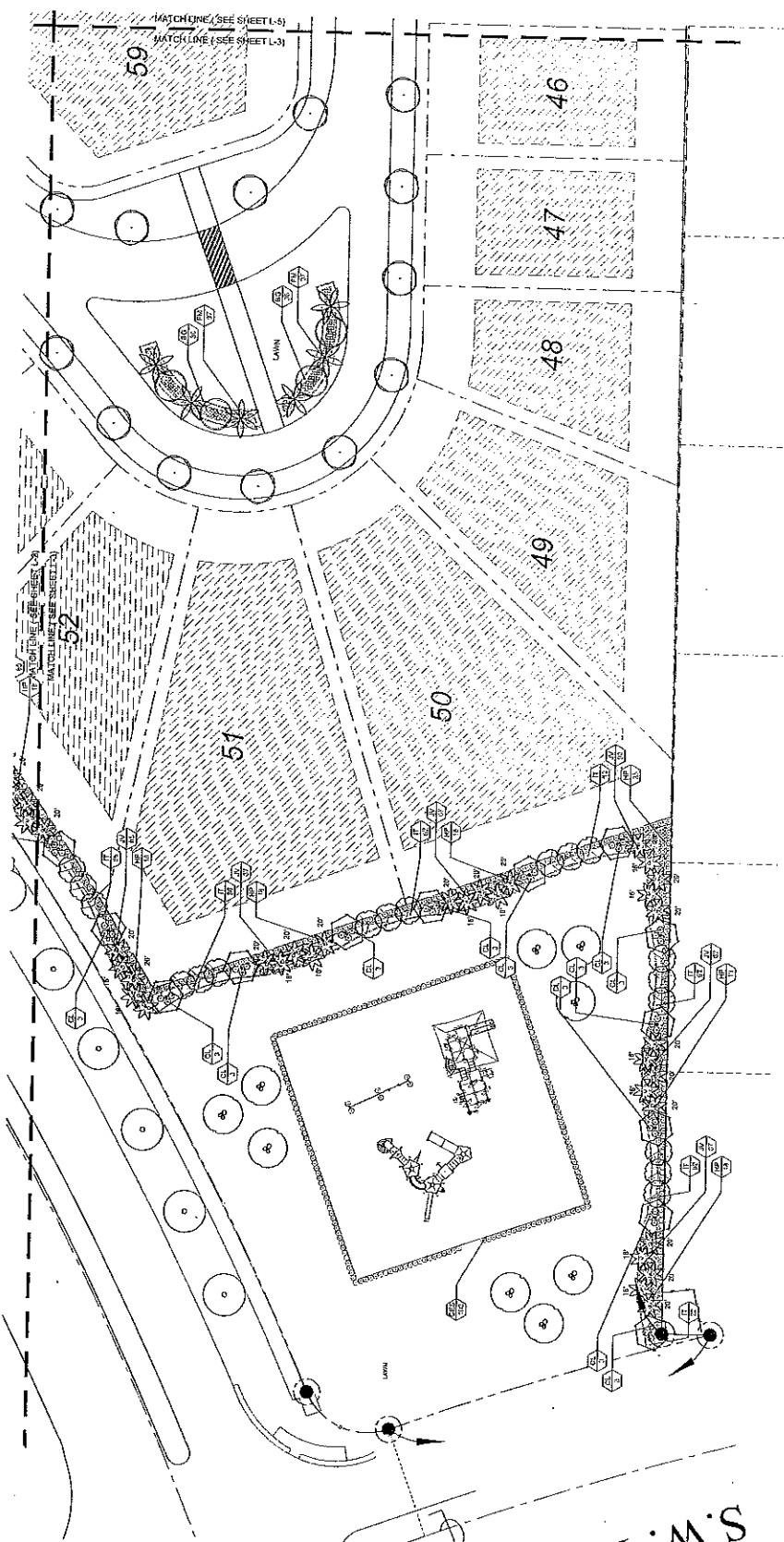

  
 WITKIN HULTS
   
 DESIGN GROUP
   
 200 West 10th Avenue, Suite 100
   
 Fort Lauderdale, Florida 33304
   
 Phone: (954) 561-1111
   
 Fax: (954) 561-1112
   
 Email: info@witkinhults.com

GARDEN ESTATES II  
 MIAMI-DADE COUNTY, FLORIDA  
 SECTOR A LANDSCAPE PLAN

Project:  
 Date: 06/05/03  
 1186-01 NEW SITE PLAN

Scale:  
 1" = 20'-0"

Drawing: Sector A Landscape Plan  
 Date: 06/05/03  
 Design: Bob Loh  
 Drawn: E.J. DC  
 Sheet No.:  
 L-3  
 Date: 06/20/03

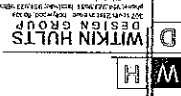


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MIAMI-DADE COUNTY  
 DEPT. OF PLANNING & ZONING  
 DEVELOPMENTAL IMPACT COMMITTEE

LANDSCAPE PLAN NORTH  
 Scale: 1"=20'-0"





WITKIN HUITTS  
DESIGN GROUP  
www.witkinhuitts.com  
10075 W. 11th Avenue, Suite 100  
Miami, FL 33156

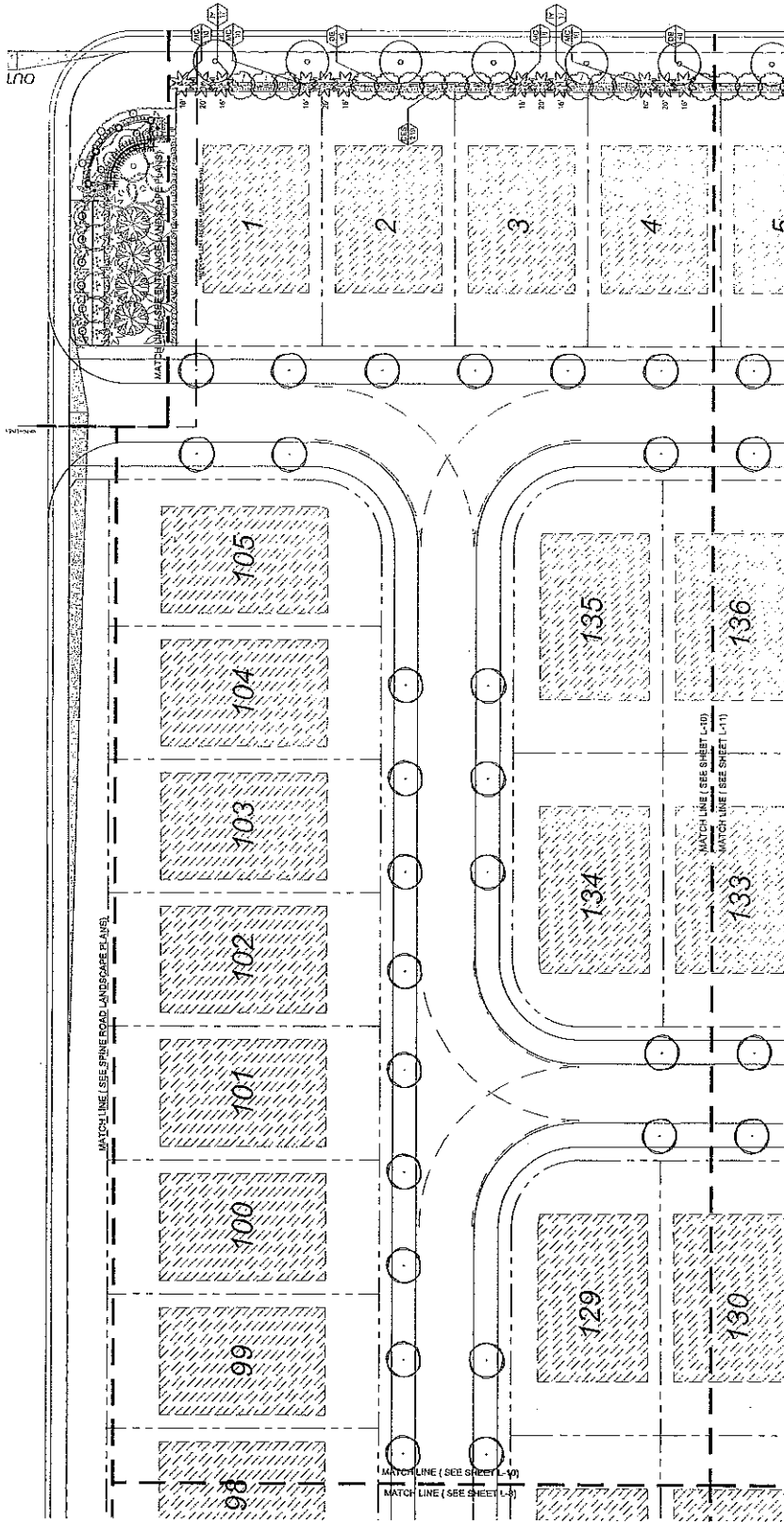
Garden Estates II  
Miami-Dade County, Florida  
SECTOR A LANDSCAPE PLAN

PROPOSED  
1/5 S. 17th AVE. SITE PLAN

DATE: 8/20/01  
SCALE: 1/8" = 1'-0"  
DRAWN BY: DC  
CHECKED BY: JH

DATE: 8/20/01  
SCALE: 1/8" = 1'-0"  
DRAWN BY: DC  
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L-10  
SHEET 10 OF 10



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MIAMI-DADE COUNTY  
DEVELOPMENTAL SERVICES DIVISION

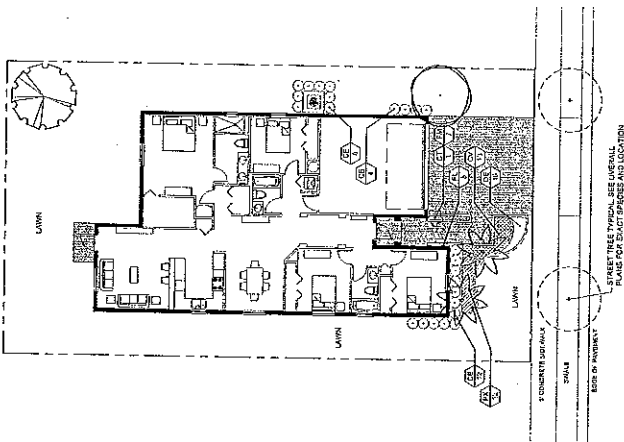
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LANDSCAPE PLAN NORTH

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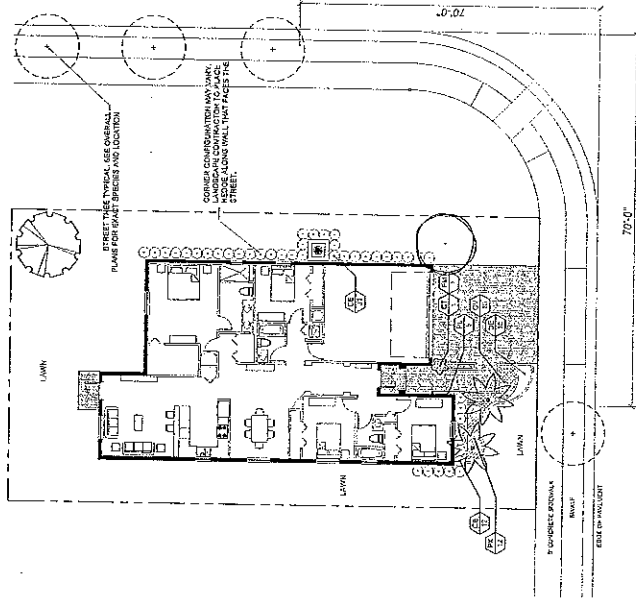
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## INTERIOR LANDSCAPE PLAN

Scale: 3/32"=1'-0"

LANDSCAPE LEGEND		SOUTH DUTCHES BAY, NEW JERSEY	
HOSPITAL GROUND		SOUTH DUTCHES BAY, NEW JERSEY	
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[illegible]

CORNER LANDSCAPE PLAN

Scale: 3/32"=1'-0"

[illegible][illegible]

L-12

Received: 2013-04-25

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name: MCOQ, 2017
date: 2017-01-20
author: JH
url: https://...

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С. А. ЛАВРОВ

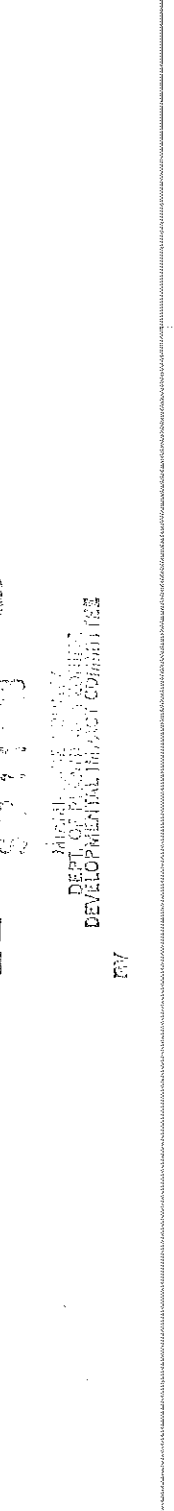
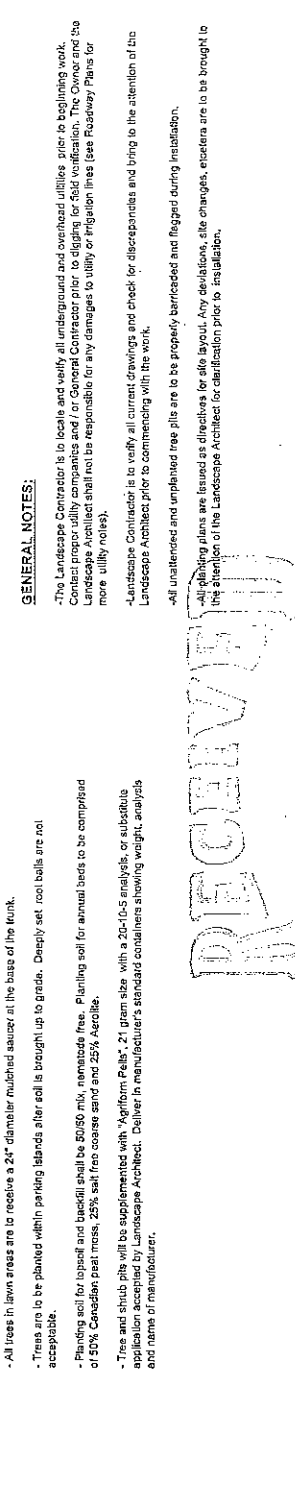
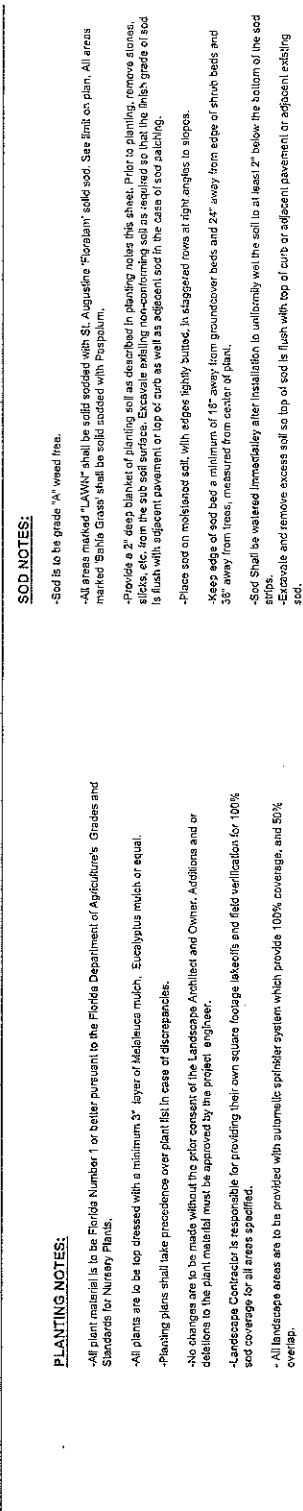
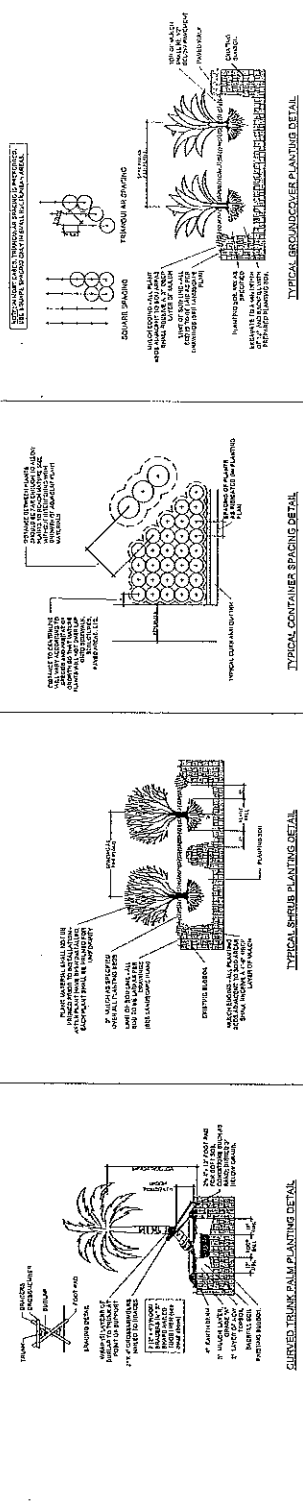
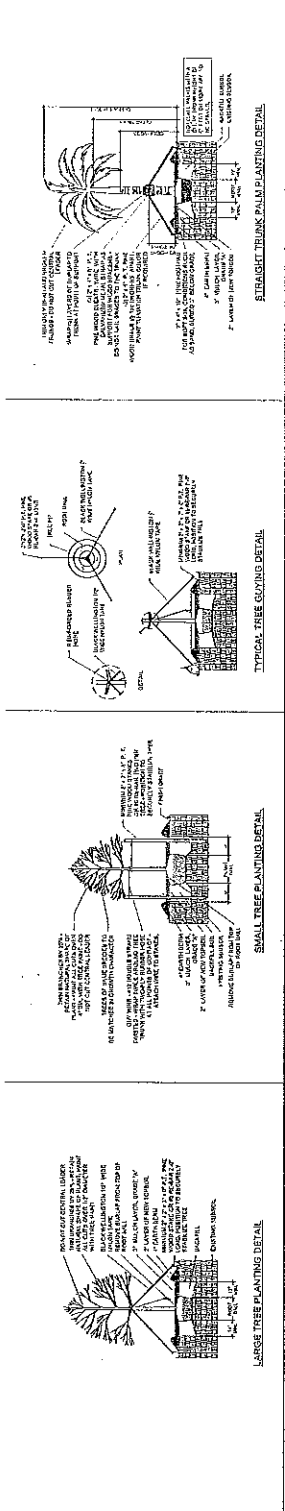
**with**

### Recitation

Garden Estates II  
Miami-Dade County, Florida  
TYPICAL LANDSCAPE PLAN

WITKIN HULST  
DESIGN GROUP





**PLANTING NOTES:**

- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- All plants are to be top dressed with a minimum 3" layer of Maleleuca mulch, Eucalyptus mulch or equal.
- Planting plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and or deletions to the plant material must be approved by the project engineer.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verification for 100% seed coverage for all trees specified.
- All landscape areas are to be provided with automatic sprinkler system which provides 100% coverage, and 50% overlap.
- All trees in lawn areas are to receive a 24" diameter mulched saucer at the base of the trunk.
- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable.
- Planting soil for topsoil and backfill shall be 50/50 mix, non-acidic free. Planting soil for annual beds to be comprised of 50% Canadian Peat moss, 25% soil free coarse sand and 25% Aerolite.
- Tree and shrub pits will be supplemented with "Apiform Pellets", 21 gram size with a 20-10-5 analysis, or substitute application accepted by Landscape Architect. Deliver in manufacturer's standard containers showing weight, analysis and name of manufacturer.

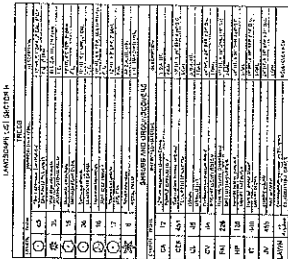
**SOD NOTES:**

- Sod is to be grade "A" weed free.
- All areas marked "LAWY" shall be sodded with St. Augustine (Floridan) sod sod. See limit on plan. All areas marked "BIRCH GRASS" shall be sodded with Zoysia.
- Provide a 2" deep blanket of planting soil as described in planting notes this sheet. Prior to planting, remove stones, sticks, etc. from the sub sod surface. Excavate existing non-conforming soil as required so that the finish grade of sod is flush with adjacent pavement or top of curb as well as adjacent sod in the case of sod sodding.
- Place sod on mobilized soil, with edges tightly butted. In staggered rows at right angles to slopes.
- Keep edge of sod bed a minimum of 15" away from groundcover beds and 24" away from edge of shrub beds and 36" away from trees, measured from outer of plant.
- Sod shall be watered immediately after installation to uniformly wet the soil to at least 2" below the bottom of the sod strips.
- Excavate and remove excess soil so top of sod is flush with top of curb or adjacent pavement or adjacent existing sod.

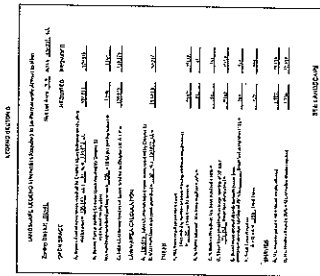
**GENERAL NOTES:**

- The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and/or General Contractor prior to digging for field location. The Owner and the Landscape Architect shall not be responsible for any damages to utility or irrigation lines (see Roadway Plans for more utility notes).
- Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.
- All unattended and unplanted tree pits are to be properly barricaded and flagged during installation.
- All planting plans are based on directions for site layout. Any deviations, site changes, etc. are to be brought to the attention of the Landscape Architect for clarification prior to installation.

**RECEIVED**  
JAN 11 2004  
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DEVELOPMENTAL IMPACT COMMITTEE



L-1 SECTOR B INDEX  
 L-2 LANDSCAPE PLAN SECTOR B  
 L-3 LANDSCAPE PLAN SECTOR B  
 L-4 LANDSCAPE PLAN SECTOR B  
 L-5 LANDSCAPE PLAN SECTOR B  
 L-6 TYPICAL '18' VILLA MODELS A, B, C, D LANDSCAPE PLAN  
 L-7 LANDSCAPE DETAILS




LOCATION MAP

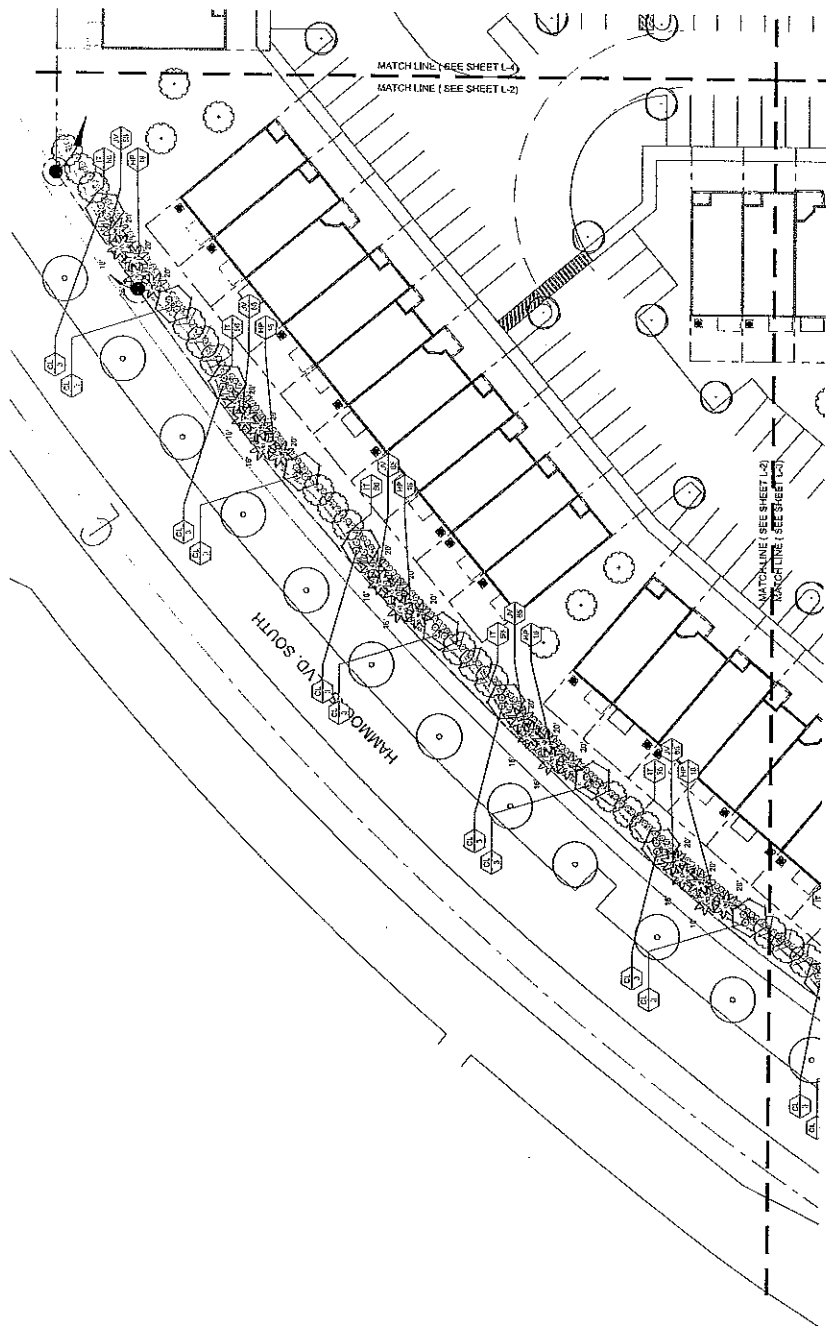
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# REVIEWS

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Fig.

 <b>WITKIN HULTS</b> DESIGN GROUP 1000 N.W. 10th Avenue, Suite 100 Fort Lauderdale, FL 33304 Phone: (954) 561-1111 Fax: (954) 561-1112 www.witkinhults.com	<b>Garden Estates II</b> Miami-Dade County, Florida SECTOR B LANDSCAPE PLAN		Project: 1158-11 NEW DETE PLAN	Date: 11/11/03	Drawing: 1158-11 NEW DETE PLAN	L-2 On-Site Drawing: 1158-11 NEW DETE PLAN Date: 11/11/03 Author: JCH Designer: JCH Checker: JCH Project Manager: JCH
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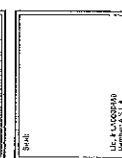
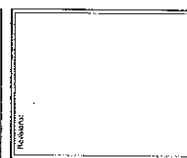
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 DEPARTMENT OF PLANNING  
 DEVELOPMENTAL IMPACT COMMITTEE

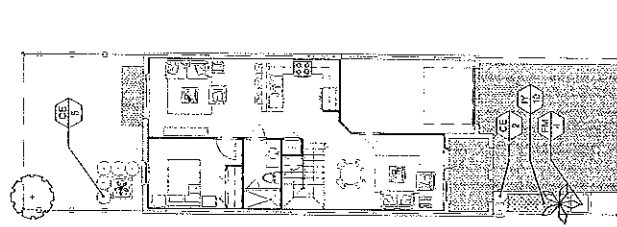
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 Scale: 1"=20'-0"  




Garden Estates II  
Miami-Dade County, Florida  
TYPICAL LANDSCAPE PLAN



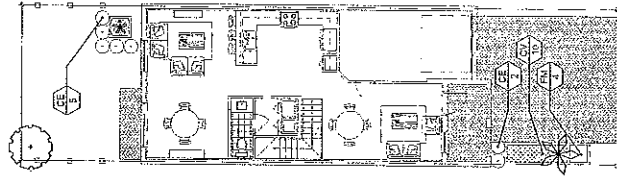
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Date: 8/8/2013  
Sheet No.: L-6  
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22' TOWNHOME - UNIT D  
Scale: 1/8"=1'-0"

LANDSCAPE LEGEND	
1	Planting Area
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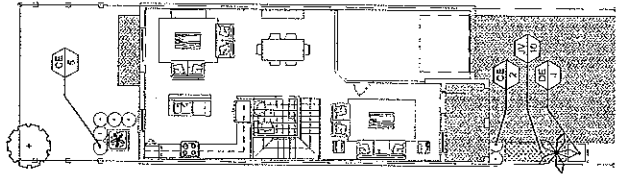
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22' TOWNHOME - UNIT C  
Scale: 1/8"=1'-0"

LANDSCAPE LEGEND	
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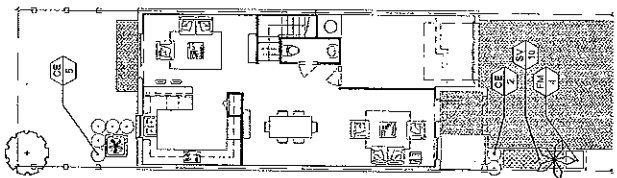
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10	Planting Area



22' TOWNHOME - UNIT B  
Scale: 1/8"=1'-0"

LANDSCAPE LEGEND	
1	Planting Area
2	Planting Area
3	Planting Area
4	Planting Area
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UNIT LANDSCAPE LIFT	
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22' TOWNHOME - UNIT A  
Scale: 1/8"=1'-0"

LANDSCAPE LEGEND	
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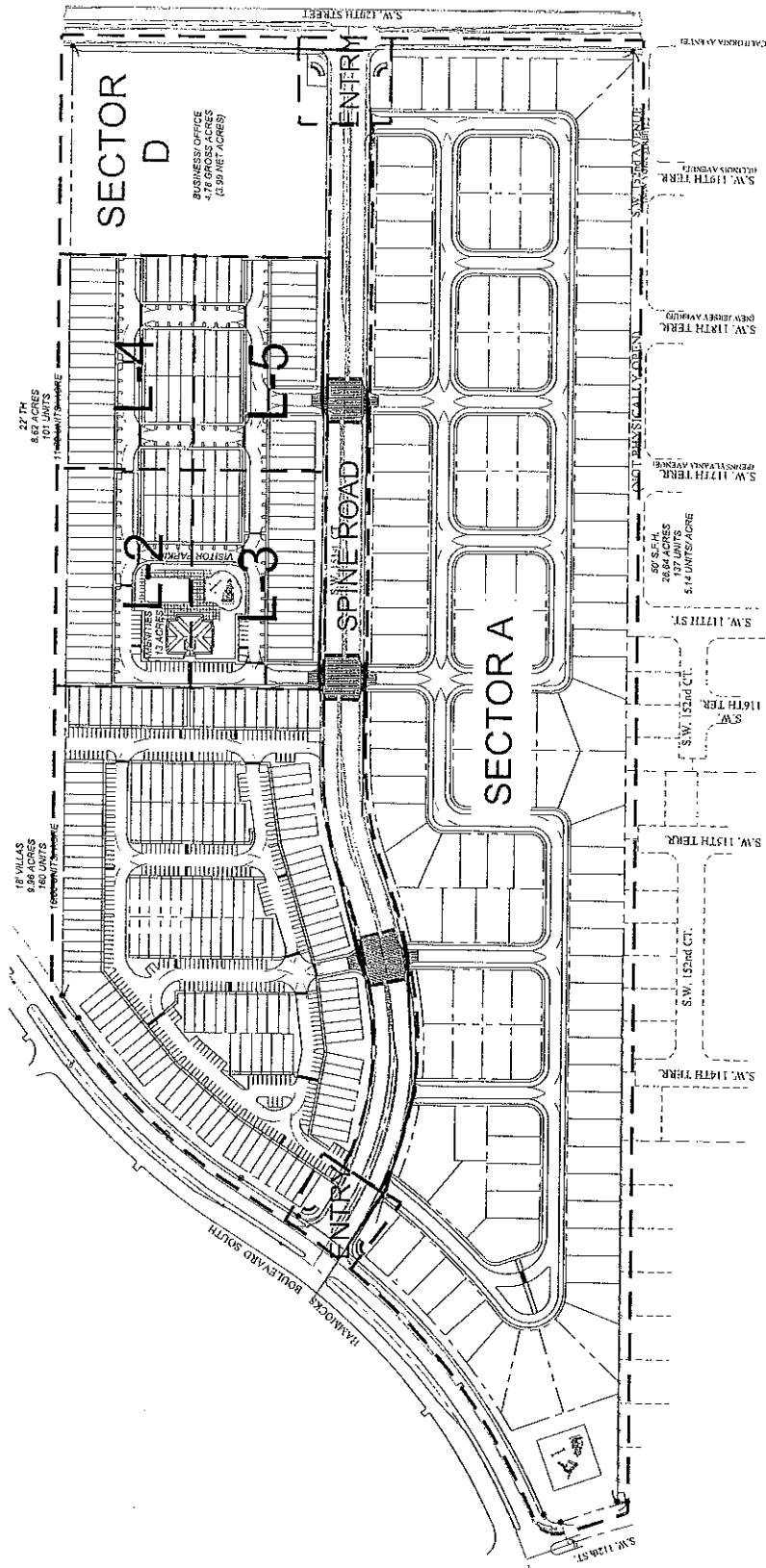
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DEVELOPMENTAL IMPACT COMMITTEE

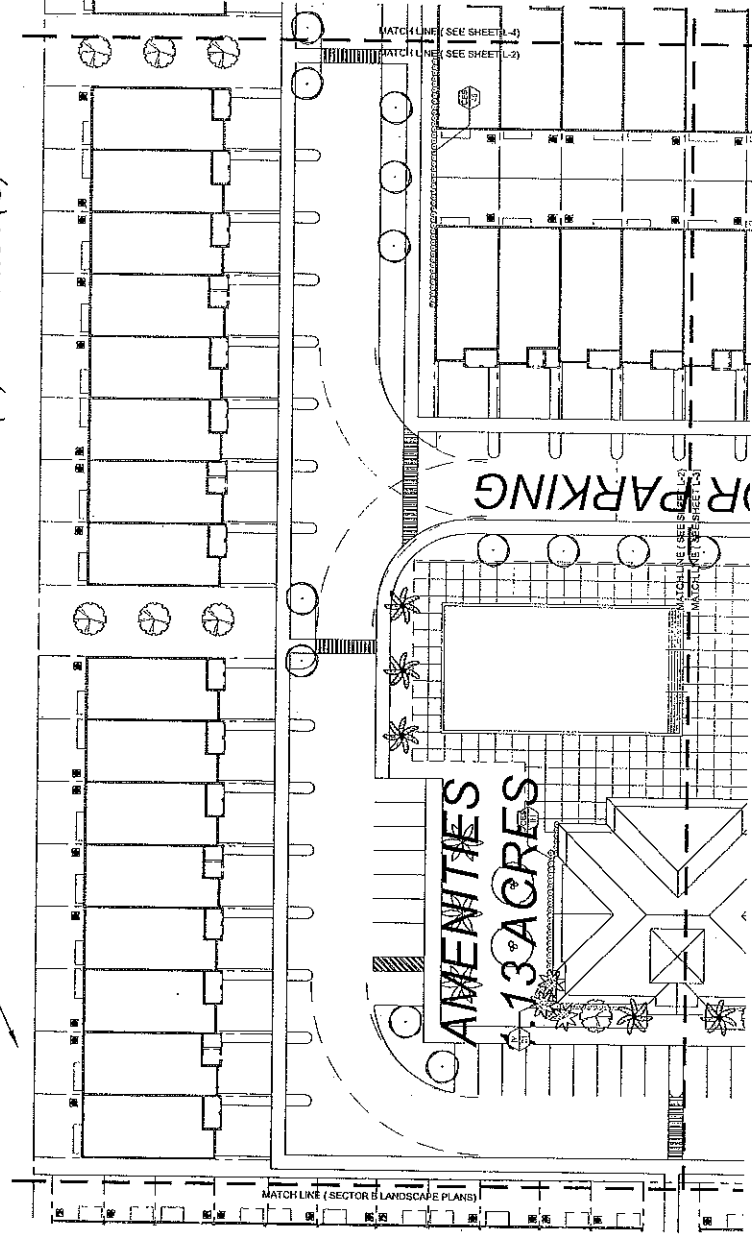
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PROPERTY LINE S02°20'50"E(C) 1744.04'(C)



LANDSCAPE LIST - SECTION A

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100	(Symbol)	2" DBL. CROWN PALM	20	ALONG PROPERTY LINE

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10700 SW 15th Ave, Suite 100  
Miami, FL 33199  
Tel: 305.444.1111  
Fax: 305.444.1112  
www.witkinhults.com

**Garden Estates II**  
Miami-Dade County, Florida  
SECTOR C LANDSCAPE PLAN


Project:  
19 JUL 13 MEY SITE PLAN

Scale:  
1" = 20'-0"

Drawn by: JG  
Checked by: JG  
Sheet No.:  
L-2

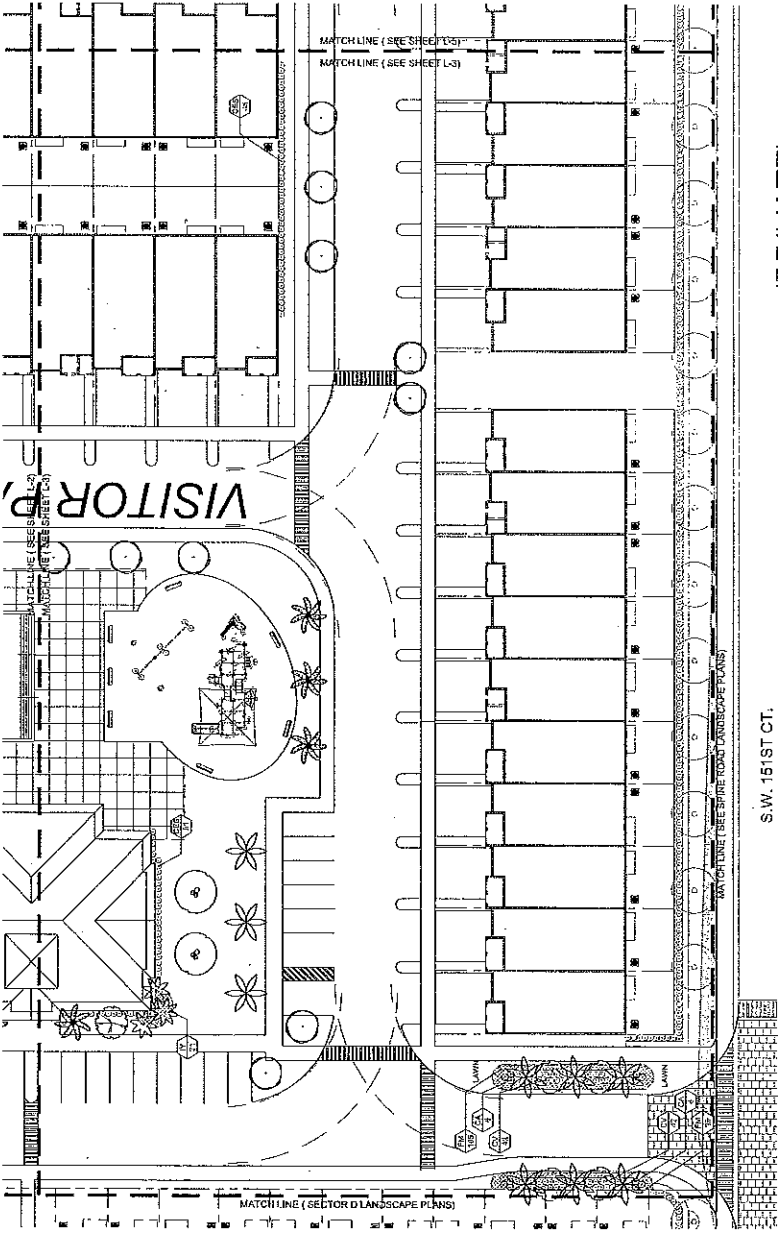
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LANDSCAPE PLAN NORTH  
Scale: 1"=20'-0"

 <p>WITKIN HULLS DESIGN GROUP 300 SOUTH 32nd Avenue, Suite 200 Miami, FL 33133 www.witkinhulls.com</p>	<p>Garden Estates II Miami-Dade County, Florida SECTOR C LANDSCAPE PLAN</p>	<p>Project: 11.8.13 MSJ SITE PLAN</p>	<p>Scale: 1/8" = 1'-0"</p>	<p>Site: A Landscape 11.8.13 MSJ SITE PLAN</p>	<p>Sheet: L-3</p>
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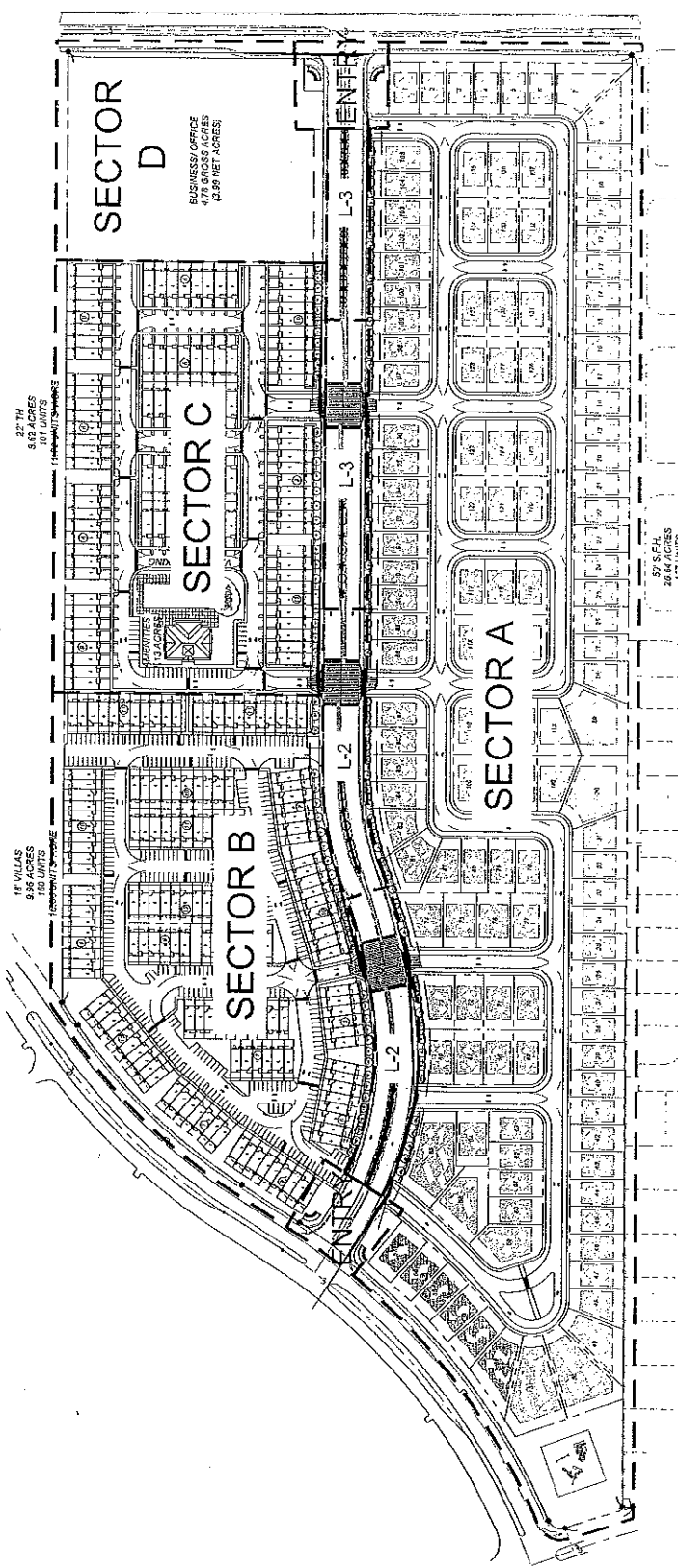
LANDSCAPE LIST - SECTOR A

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	1" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
2	2" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
3	3" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
4	4" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
5	5" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
6	6" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
7	7" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
8	8" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
9	9" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
10	10" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
11	11" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
12	12" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
13	13" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
14	14" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
15	15" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
16	16" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
17	17" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
18	18" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
19	19" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
20	20" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
21	21" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
22	22" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
23	23" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
24	24" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
25	25" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
26	26" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
27	27" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
28	28" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
29	29" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
30	30" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
31	31" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
32	32" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
33	33" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
34	34" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
35	35" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
36	36" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
37	37" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
38	38" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
39	39" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
40	40" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
41	41" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
42	42" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
43	43" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
44	44" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
45	45" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
46	46" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
47	47" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
48	48" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
49	49" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
50	50" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
51	51" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
52	52" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
53	53" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
54	54" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
55	55" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
56	56" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
57	57" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
58	58" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
59	59" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
60	60" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
61	61" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
62	62" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
63	63" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
64	64" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
65	65" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
66	66" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
67	67" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
68	68" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
69	69" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
70	70" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
71	71" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
72	72" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
73	73" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
74	74" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
75	75" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
76	76" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
77	77" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
78	78" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
79	79" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
80	80" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
81	81" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
82	82" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
83	83" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
84	84" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
85	85" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
86	86" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
87	87" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
88	88" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
89	89" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
90	90" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
91	91" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
92	92" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
93	93" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
94	94" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
95	95" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
96	96" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
97	97" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
98	98" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
99	99" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'
100	100" DIA. WHITE PINE	10	PLANT	10' x 10' x 10'



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 SEP 11 2013  
 MIAMI-DADE COUNTY  
 DEPT. OF PLANNING & ZONING  
 DEVELOPMENTAL IMPACT COMMITTEE  
 DV

LANDSCAPE PLAN NORTH  
 Scale: 1"=20'-0"



18 VILLAS  
360 CARPORTS  
360 UNITS

22 TH  
343 ACRES

BUSINESS/OFFICE  
4.78 GROSS ACRES  
12.89 NET ACRES

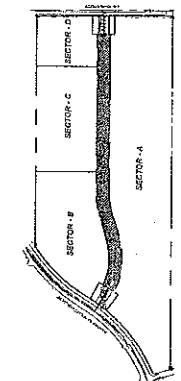
50 S.F.A.  
28.64 ACRES  
360 CARPORTS  
360 UNITS

KEY PLAN  
Scale: 1"=100'-0"



SHEET INDEX:

- L-1 SPINE ROAD INDEX
- L-2 SPINE ROAD LANDSCAPE PLAN
- L-3 SPINE ROAD LANDSCAPE PLAN
- L-4 SPINE ROAD LANDSCAPE DETAILS



LOCATION MAP  
Scale: NTS

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DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

EY

**Garden Estates II**  
Miami-Dade County, Florida  
SPINE ROAD KEY PLAN

Project No:  
118-01-0100-01 SITE PLAN

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

**WITKIN HULTS**  
DESIGN GROUP  
307 South Dixie Avenue, Suite 100  
Miami, Florida 33134  
www.witkinhults.com

Project No:  
118-01-0100-01 SITE PLAN

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

Scale:  
1/8" = 1' (SEE KEY PLAN)

**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: LUCKY START AT THE HAMMOCKS, LLC, a Florida limited liability company.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>FERBEN INVESTMENTS, INC., 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>33.33</u>
<u>ABAL INVESTMENTS CORPORATION, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>33.34</u>
<u>VEN-AMERICA TRADERS, INC, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>33.33</u>

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

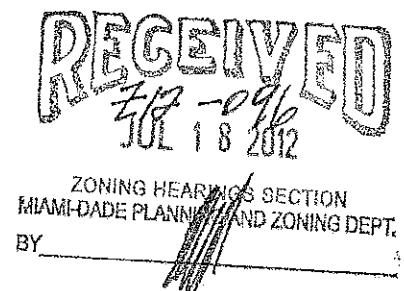
TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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



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.

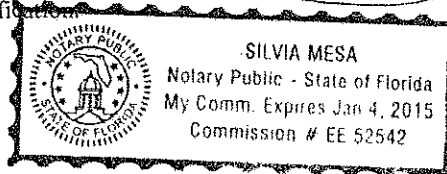
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: \_\_\_\_\_

(Applicant)

Sworn to and subscribed before me this 12 day of July, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)



My commission expires 1/4/2015

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

**RECEIVED**  
7-17-096  
JUL 18 2012

#10717240\_v1

ZONING HEARING SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

102

**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: FERBEN INVESTMENTS, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jorge Fernandez, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>100%</u>
<u>Fernandez L. Alvarez, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>-N/A-</u>
<u>Maritza Fernandez, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>-N/A-</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 percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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JUL 18 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

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

NAME OF PURCHASER: \_\_\_\_\_

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

Date of contract: \_\_\_\_\_

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

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

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

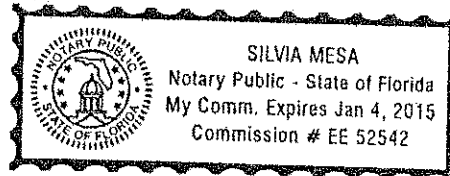
Signature: \_\_\_\_\_

(Applicant)

Sworn to and subscribed before me this 17 day of July, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public)

My commission expires 11/4/2015



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

**RECEIVED**  
7-12-09  
JUL 18 2012

**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: ABAL INVESTMENTS CORPORATION

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Antonio Balestena, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>48.5%</u>
<u>Loordes Balestena, 8785 SW 165<sup>th</sup> Avenue #301, Miami, Florida 33193</u>	<u>48.5%</u>
<u>SILVIA MESA</u>	<u>3%</u>

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

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

**RECEIVED**  
JUL 18 2012

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders,

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

NAME OF PURCHASER: \_\_\_\_\_

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

Date of contract: \_\_\_\_\_

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

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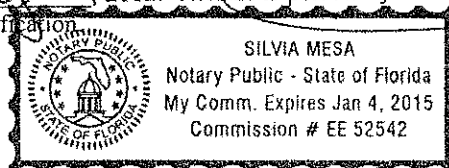
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: \_\_\_\_\_

(Applicant)

Sworn to and subscribed before me this 17 day of July, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public)



My commission expires 1/4/2015

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

**RECEIVED**  
JUL 18 2012

**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: VEN-AMERICA TRADERS, INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jorge L. Fernandez, 832 Coral Way, Coral Gables, Florida</u>	<u>33.34%</u>
<u>Luis F. Alvarez, 832 Coral Way, Coral Gables, Florida</u>	<u>33.33%</u>
<u>Jose L. Fernandez, 832 Coral Way, Coral Gables, Florida</u>	<u>33.33%</u>

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

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

**RECEIVED**  
JUL 18 2012  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

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

NAME OF PURCHASER: \_\_\_\_\_

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

Date of contract: \_\_\_\_\_

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

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

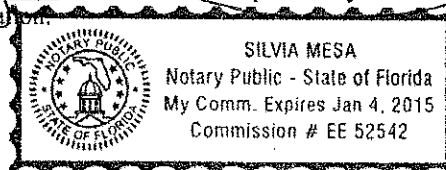
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: \_\_\_\_\_  
(Applicant)

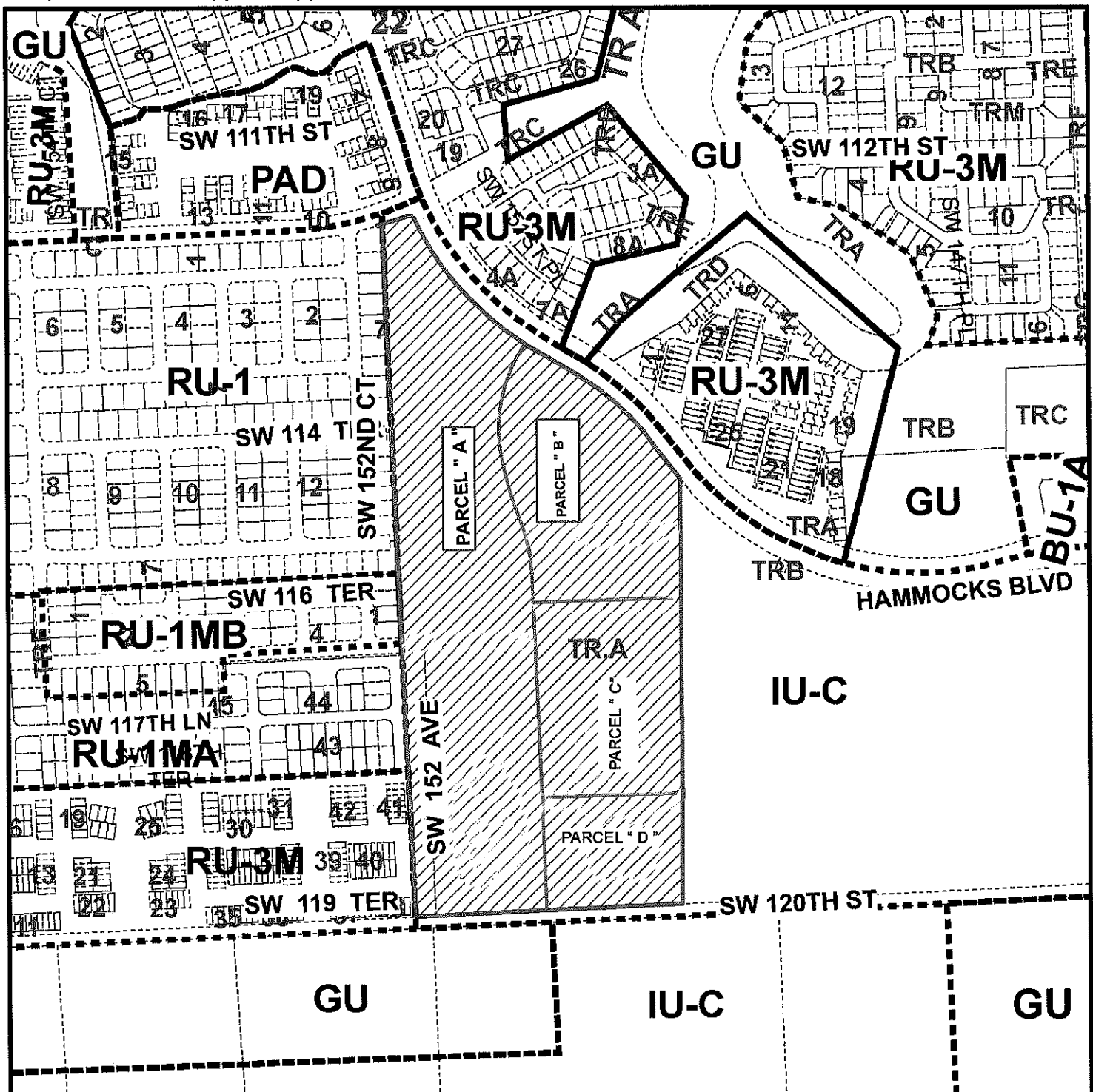
Sworn to and subscribed before me this 17 day of July, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public)

My commission expires 1/4/2015



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



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2012000096**



Section: 09 Township: 55 Range: 39  
 Applicant: LUCKY START AT THE HAMMOCKS, LLC  
 Zoning Board: C11  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Wednesday, August 8, 2012

REVISION	DATE	BY
		109



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2012**

Process Number

**Z2012000096**



Section: 09 Township: 55 Range: 39  
 Applicant: LUCKY START AT THE HAMMOCKS, LLC  
 Zoning Board: C11  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

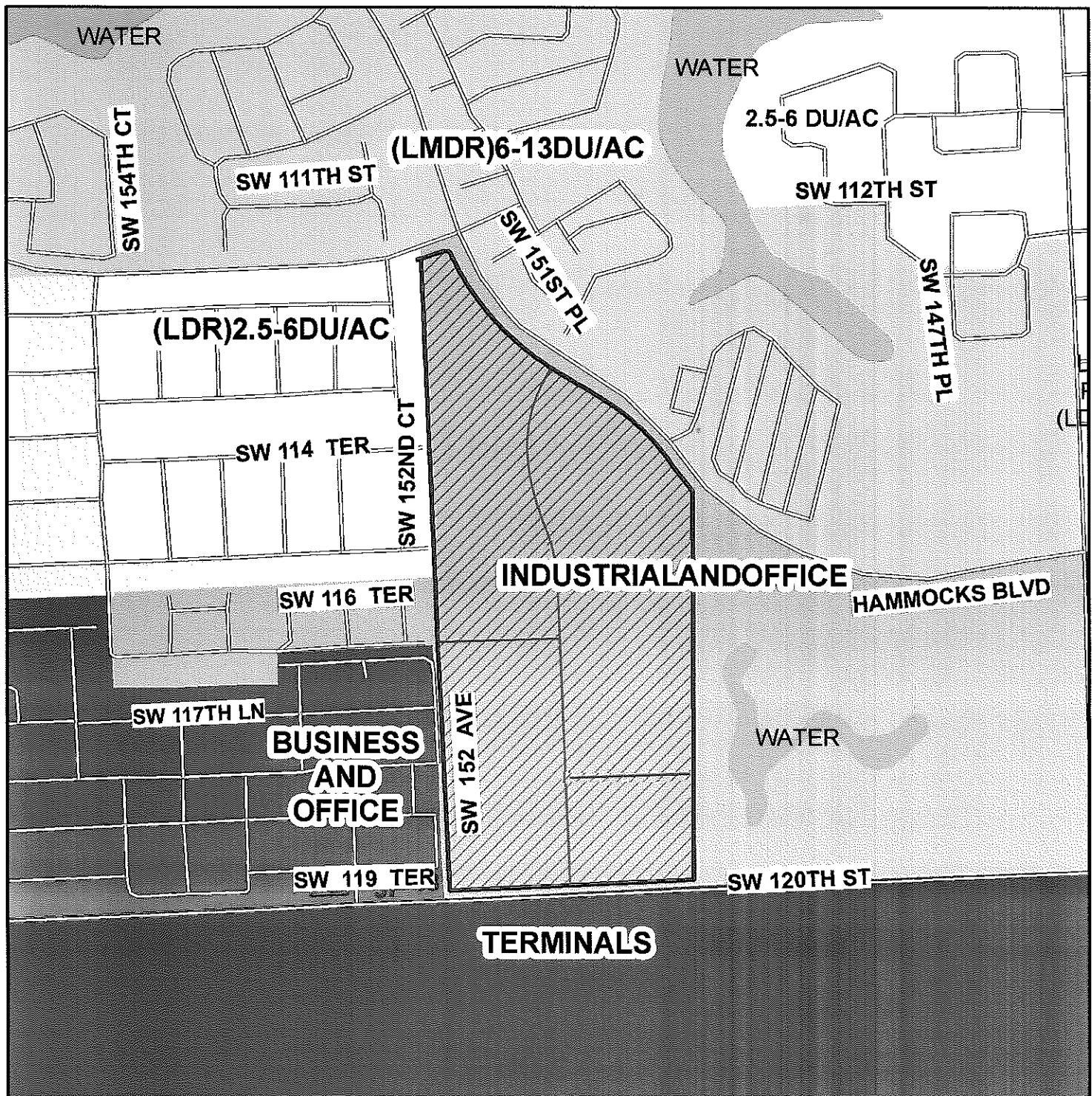
 Subject Property



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**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2012000096**

Section: 09 Township: 55 Range: 39  
 Applicant: LUCKY START AT THE HAMMOCKS, LLC  
 Zoning Board: C11  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Wednesday, August 8, 2012

REVISION	DATE	BY

# Memorandum



**Date:** December 18, 2013

**To:** Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

---

**APPLICANT:** Miami-Dade County Internal Services Department (Z13-100)

## **SUMMARY OF REQUESTS:**

The applicant is requesting to rezone the subject property from RU-1 and RU-3M to IU-3. A development plan has been submitted which depicts railcar assembly and testing facilities and offices. The applicant is also requesting several variances regarding outdoor uses, landscaping and private drives, among others.

**LOCATION:** Lying south of SW 272 Street, between SW 127 Avenue and SW 132 Avenue, Miami-Dade County, Florida.

## **COMMENTS:**

This application went before the Developmental Impact Committee due to the size of the rezoning which exceeds 50 acres. 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 December 18, 2013 and the attached Department memoranda were reviewed and considered by said Committee.

## **DIC RECOMMENDATION:**

**Approval with conditions, including the approval to execute and record the proffered declaration of restrictions,** as set forth in the Department of Regulatory and Economic Resources' recommendation.


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

APPLICATION NO. Z13-100  
MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT

Respectfully Submitted,

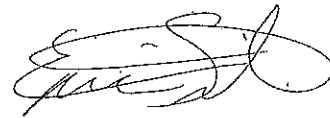
DIC Executive Council  
December 18, 2013

Giovannie Ulloa, Fire Chief  
Miami-Dade Fire Rescue Department




AYE

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department



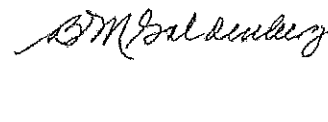
AYE

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



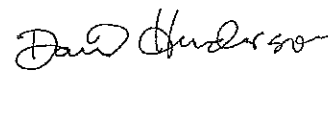
AYE

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



AYE

David Henderson, Bicycle/Pedestrian Specialist  
Metropolitan Planning Organization



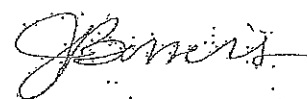
AYE

Albert A. Hernandez, Deputy Director, Engineering  
Miami-Dade Transit



AYE

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



AYE

**Miami-Dade County Department of Regulatory and Economic Resources  
Developmental Impact Committee (DIC)  
Recommendation to the Board of County Commissioners**

PH: Z13-100

DIC Date: December 18, 2013

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	Miami-Dade County Internal Services Department
<b>Summary of Requests</b>	The applicant is seeking to rezone the subject property from RU-1 and RU-3M to IU-3, in order to establish a rail car and ground transportation assembly and outdoor test track facility spaced less required from residentially zoned properties. Additionally, the applicant is seeking to permit drives on compact rock, chain link fences and walls taller than permitted and less lot trees and shrubs than required.
<b>Location</b>	Lying south of SW 272 Street, north of SW 278 Street, east of SW 132 Avenue & west of SW 127 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	128-acres
<b>Existing Zoning</b>	RU-1, Single-Family Residential and RU-3M, Minimum Apartment House District
<b>Existing Land Use</b>	Vacant land
<b>2020 - 2030 CDMP Land Use Designation</b>	Institutions, Utilities and Communications (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-303.1(D)(7) Developmental Impact Committee Section 33-311 District Boundary Change Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval of request #1, including the approval to execute and to record the proffered declaration of restrictions and approval with conditions of requests #2 through #9</b>

**REQUESTS:**

Request #1 Parcels 'A' & 'B'

1. DISTRICT BOUNDARY CHANGE from RU-1 and RU-3M to IU-3.

Requests #2 - #9 on Parcel 'A'

2. SPECIAL EXCEPTION to permit a rail car and ground transportation assembly and testing buildings, with ground transportation vehicle facility spaced less than the required 250' from RU zone district and to permit the outdoor test tracks spaced less than the required 500' from RU-zone district.
3. UNUSUAL USE to permit a lift station.
4. NON-USE VARIANCE to waive the zoning regulations requiring all uses to be carried on entirely within an enclosed building or confined and completely enclosed within masonry

walls, at least 6' in height; to permit the rail car test track operation and vehicle storage to be done outside.

5. NON-USE VARIANCE to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock.
6. NON-USE VARIANCE to permit chain link fences with barbed wire with a height of 10' (8' maximum permitted).
7. NON-USE VARIANCE to permit sound enclosure walls with a height of 10' (8' maximum permitted).
8. NON-USE VARIANCE to permit 662 lot trees (1,020 lot trees required).
9. NON-USE VARIANCE to permit 7,718 shrubs (12,290 shrubs required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Ansaldobreda Vehicle Assembly Facility" as prepared by Gili-McGraw Architects, LLP, consisting of 12 sheets and plans entitled "Vehicular Circulation Plan" as prepared by Langan, consisting of 5 sheets, for a total of 17 sheets, and all dated stamped received 12/09/13. Plans may be modified at public hearing.

#### **PROJECT HISTORY & DESCRIPTION:**

In August 2004, pursuant to the Economic Development Conveyance Agreement with the United States Air Force Real Property Agency the subject property was part of 601-acres conveyed to Miami-Dade County. The approximately 128-acres subject property is vacant and is comprised of RU-1, Single-Family Residential and RU-3M, Minimum Apartment House zoning districts. The applicant is requesting a district boundary change from RU-1 and RU-3 to IU-3, Heavy Industrial, special exception to permit railcar, ground transportation, testing buildings and outdoor test track spaced less than required from residentially zoned properties, unusual use to permit a lift station and associated non-use variances for outdoor uses, drives on compacted rock, chain link fences and walls taller than permitted and less lot trees and shrubs than required. Staff notes that the railcar and associated uses will be located on the northern 67-acres (Parcel 'A') of the subject property. The remaining 61-acres (Parcel 'B') will be developed at a later time with office or industrial uses subject to compliance with the proffered Declaration of Restrictions. The site plan submitted in conjunction with this application depicts the northern approximately 67 acres of the site with an approximately 2,414.4 ft. outdoor test track, three (3) proposed buildings ranging in size from 187,426 sq. ft. to 172,250 sq. ft., a 1,240 sq. ft. security building and a 2,565 sq. ft. water test station building.

Staff notes that the memorandum submitted by the Miami-Dade County Transit Department (MDT) states that the procurement of Metrorail vehicles is identified in the 2013 ten-year Transit Development Plan. Additionally, in March 2008, the Board of County Commissioners and the Citizen's Independent Transportation Trust approved the procurement of 136 new Metrorail vehicles to replace the existing fleet. The MDT memorandum indicates that approval of the application would put the facility in close proximity to MDT and allow for easy access. The location of the proposed facility places the specialized workers from Ansaldobreda close to support MDT during the delivery, acceptance and 5-year warranty of the new Metrorail cars.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1 & RU-3M; vacant land	Institutions, Utilities and Communications
<b>North</b>	RU-1 & RU-3M; Air Base Elementary School & multi-family residential	Low Density Residential (2.5 – 6 dua)
<b>South</b>	RU-1, BU-1A & BU-2; single-family residences, commercial & vacant land	Business & Office Low Density Residential (2.5 – 6 dua)
<b>East</b>	RU-1; Homestead Air Reserve Park	Parks and Recreation
<b>West</b>	RU-1 & RU-1z; single-family residences and vacant land	Low Density Residential (2.5 – 6 dua)

#### **NEIGHBORHOOD COMPATIBILITY:**

The subject property is located south of SW 272 Street, between SW 127 Avenue and SW 132 Avenue. Residential, institutional, commercial, and vacant land characterizes the surrounding area.

#### **SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to rezone the 128-acre subject property to IU-3 in order to establish a railcar and ground transportation vehicle assembly facility with an outdoor test railcar test track, drives on compacted rock, fences and walls taller than permitted and less lot trees and shrubs than required. However, the proposed use could visually and aurally impact the surrounding area.

#### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Institutions, Utilities and Communications** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. Internally integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. The Homestead Air Reserve Base is also included in this category on the Land Use Plan map. The range of uses that may occur on the Base as it is redeveloped shall emphasize military aviation and related uses, national security, recreation uses, educational and other institutional uses. All future uses on the former Base will be consistent with the Record of Decision issued by the Secretary of the Air Force as it pertains to County use of the Base property.* Staff notes that the subject property is part of approximately 601 acres that was conveyed to Miami-Dade County in August 2004, pursuant to the Economic Development Conveyance (EDC) Agreement with the United States Air Force Real Property Agency. This agreement requires that the property be used for economic development purposes. Staff notes that the proposed use on the property is expected to generate at least 300 permanent manufacturing and office related jobs, making it consistent with the EDC Agreement.

Further, staff notes that the approximately 128-acre property will be developed in at least two phases, the northern approximately 67-acres (Parcel 'A') will be developed in accordance with

the site plan submitted in conjunction with this application, the remaining 61-acres (Parcel 'B') will be developed in the future with uses consistent with the Declaration of Restrictions proffered in conjunction with this application. The approval of the requests sought in this application will permit the applicant to rezone the subject property from RU-1, Single-Family Residential District and RU-3M, Minimum Apartment House District to IU-3, Industrial Unlimited Manufacturing District, develop the existing vacant property with a railcar and ground transportation facility with an outdoor test railcar test track, drives on compacted rock, chain link fences and walls taller than permitted and less lot trees and shrubs than required. Staff opines that the requested IU-3 zoning district, proposed use which is ancillary to a railroad utility and associated requests are **consistent** with the Institutions, Utilities and Communications designation of the subject property on the CDMP Land Use Plan map.

Staff notes that the CDMP Land Use Element interpretative text for the Institutions, Communications and Utilities states that *compatibility shall be determined in accordance with Policy LU-4A*. Staff opines that the submitted site plan is **compatible** with the surrounding area based on compatibility criteria set forth in the **Land Use Element Policy LU-4A** which states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable*. Staff notes that memoranda submitted by the Departments of Public Works and Waste Management, the Division of Environmental Resources Management (DERM) of Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the requested district boundary change. Further, staff notes that the site plan submitted in conjunction with this application depicts the northern approximately 67 acres of the site with an approximately 2,414.4 ft. outdoor test track, three (3) proposed buildings ranging in size from 187,426 sq. ft. to 172,250 sq. ft., a 1,240 sq. ft. security building and a 2,565 sq. ft. water test station building. Staff opines that the proposed development meets the compatibility criteria as described above because the development on the north portion of the subject property is designed in a manner that buffers the proposed outdoor test track, buildings and parking areas from the surrounding area with the placement of 12' – 14' high trees at the time at planting, shrubs and a 3' berm along the perimeter of the site, where the proposed development is to be located. Staff notes that the proposed highest part of Building No. 1 is 44', which is at the center of the building, the portion of the building located closest to SW 127 Avenue will be 35'. The proposed height of Building Nos. 2 and 3 will be a maximum of 35' which is similar to the existing school and multi-family residential buildings located across SW 272 Street and the maximum height of the single-family residences permitted on the vacant RU-1 property located across SW 132 Avenue. Although the submitted site plan only address the northern 67 acres of the subject site, staff notes that any future development will be reviewed through the Administrative Site Plan Review (ASPR) process to ensure compatibility with the surrounding area. In staff's opinion the submitted site plan, requested special exception and unusual use, along with the associated non-use variances are **consistent** with the Institutions, Communications, and Utilities CDMP LUP map designation and **compatible** with the surrounding area based on the criteria set forth in **Land Use Element Policy LU-4A**.

#### ZONING ANALYSIS:

When analyzing request #1, district boundary change from RU-1, Single Family Residential and RU-3M, Minimum Apartment House to IU-3, Heavy Industrial under Section 33-311 of the Code, staff opines that the approval of the request would be **consistent** with the CDMP's LUP map

Institutions, Utilities and Communications designation for the reasons stated above. Staff notes that this request is for the entire 128-acre parcel. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the Level of Service (LOS) standards for potable water service, wastewater disposal, or stormwater management. Further, staff opines that said request would not have an unfavorable impact on the environmental and natural resources, or economy nor burden water, sewer, solid waste disposal, recreation, education or public transportation facilities as evidenced by memoranda submitted by the Departments of Public Works and Waste Management; Parks, Recreation and Open Spaces; the Division of Environmental Resources Management of Regulatory and Economic Resources; and Miami-Dade Fire Rescue. Additionally, said departments indicate in their memoranda that they do not object to this application. Staff opines that the applicant's request for a zone change to IU-3, subject to the proffered covenant limiting the industrial uses will not have a negative impact on the surrounding area and would be compatible with the same. **Therefore, staff recommends approval of request #1, under Section 33-311 Standards for District Boundary Change.**

When requests #2, #3 and #4, special exception to permit rail car and ground transportation assembly and testing buildings and outdoor test tracks closer to residentially zoned properties, unusual use to permit a lift station and non-use variance to permit outdoor uses are analyzed under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, and Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the requests would be **compatible** with the surrounding area based on the reasons stated below. The surrounding area is comprised of single-family residences, multi-family residences, commercial, institutional uses and vacant land. Additionally, staff opines that the proposed establishment of a rail car and ground transportation assembly facility and outdoor test track, although located closer to the residential zoned properties than permitted, are well buffered from the surrounding uses by landscaping along the northern, eastern and western property lines that includes two rows of trees, shrubs and 3' high berm. Staff notes, that the only use that will not be enclosed within a building, is the outdoor test track, of which staff recommends limiting the hours and days of braking operations to Monday through Friday from 9:00 AM to 8:00 PM. Staff further notes that the applicant submitted a line of sight study in conjunction with this application which depicts the proposed test tracks and buildings adequately screened from the view of the homes located to the west of SW 132 Avenue. Staff notes that all vehicles will enter the site through SW 127 Avenue. Staff opines any noise associated with the other proposed uses will be buffered by the walls of the buildings and by the extensive landscaping that is being planted around the perimeter of the site.

The Public Works and Waste Management (PWWM) Department memorandum submitted for this application, states that the project meets traffic concurrency for an initial review and 370 PM peak hour trips are generated by the proposed development on Parcel 'A'. The review of four count stations, located in close proximity to the subject property indicates that the surrounding roadways will continue to operate at their existing Level of Service (LOS) when the Parcel 'A' is developed with the proposed three (3) buildings. Staff notes that the proposed development will occur in at least two phases. The first phase consists of an 187,426 sq. ft. assembly building (Building No. 1), a 1,240 sq. ft. security building, a 2,565 sq. ft. water test station building and outdoor test track; the future phases include two assembly buildings that are 172,250 sq. ft. each. The PWWM memorandum states that the applicant should include all three (3) proposed buildings in its traffic analysis. The applicant has complied with this request, staff notes that the "Traffic Impact Analysis" dated December 6, 2013 submitted in conjunction with this application does include all three (3) proposed buildings in its analysis. The "Traffic Impact Analysis"

indicates that 312 PM peak hour trips will result from the proposed development of these buildings. Staff notes that there is a difference of 58 PM peak hour trips from PWWM memorandum and the "Traffic Impact Analysis", which is due to the applicant using Land Use Code 140 for manufacturing, instead of Land Use Code 120 for general heavy industrial. Based on the PWWM peak hour trips or the peak hour trips generated by the applicant's analysis, the number of PM peak hour trips has an insignificant impact the surrounding roadways and they will continue to operate at their existing LOS. According to the "Traffic Impact Analysis" submitted by the applicant, Building No. 1 and the test tracks which are required to assemble the Metrorail cars would produce 138 PM peak hour trips based on the Land Use Code 140 for manufacturing.

The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum, indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed facility will have a negative impact on fire rescue services in the area. Based on the aforementioned department memoranda, staff opines that the requests will not result in, among other things, excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. **As such, staff recommends approval with conditions of requests #2, #3 and #4 under Section 33-311(A)(3), Special Exception, Unusual and New Uses and Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When analyzing request #5 to permit drives on compacted rock, under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines approval of the request is **compatible** with the surrounding area. Staff notes that the drives are internal to the site and access will be limited to fire-rescue vehicles and trucks that may need to turn around to exit the facility. In staff's opinion the use of the drives will be limited and will not impact the right-of-ways that are adjacent to the subject property. Further, the applicant has indicated that the drives will be used until such time as either building #2 and/or #3 are developed. As such, staff recommends approval subject to the drives being paved at the time of final permit approval for either building #2 or #3 under **Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When requests #6 and #7 to permit 10' high walls and fences are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of these requests is **compatible** with the surrounding area and would not be detrimental to the neighborhood or negatively affect the appearance of the community. Staff notes that the proposed 10' walls are internal to the site and act as a sound barrier on the east and west ends of the outdoor test track. In staff's opinion the walls will buffer sound from the railcars as they go across the tracks. Staff notes that there is an existing 10' fence located on the north, east and west property lines and the applicant is proposing to install 10' high fences along the south portion of Parcel 'A' and along the main parking area located on the east side of the property. Staff opines that the requested 10' high fences will provide the site with a security feature to ensure the security and safety of employees and visitors to the proposed facility as well as passersby. Further, the fences will comply with requirements for safe sight distance triangles, therefore not posing any negative impacts on the adjacent rights-of-ways. Staff opines that the location of the fences and walls if approved will not have a negative visual impact on the

surrounding area. **As such, staff recommends approval with conditions of requests #6 and #7 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

When analyzing requests #8 and #9 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of these requests is **compatible** with the surrounding area and would not be detrimental to the neighborhood or negatively affect the appearance of the community. Staff notes that the request to permit less lot trees and shrubs than required is a result of the proposed use and safety concerns of leaves and branches interfering with the operation of the outdoor tracks. The submitted site plan depicts approximately 100 lot trees located within the site and the remaining lot trees and shrubs planted along the north, east and west perimeter of Parcel 'A' to act as a buffer of the proposed use. Staff opines that the design of the perimeter landscape buffer provides a visual buffer to surrounding area and the lack of lot trees and shrubs located internal to the site will not have a negative visual impact on said area. As previously stated, the extensive landscape buffer as shown on the submitted site plan will limit any visual or aural impacts on the surrounding area by the proposed use. Staff notes that the applicant has proffered a covenant to provide funding for landscaping in order to mitigate the reduced number of lot trees and shrubs. **As such, staff recommends approval with conditions of requests #8 and #9 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

As previously mentioned, staff opines that the approval of requests #1 through #9 would not be out of character with the surrounding area and is **compatible** based on the above analysis. **As such, staff recommends approval of request #1, including the approval to execute and to record the proffered declaration of restrictions under Section 33-311 Standards for District Boundary Change, and approval with conditions of requests #2 through #9, under Section 33-311(A)(3) Special Exception, Unusual and New Uses, and Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

#### **ACCESS, CIRCULATION AND PARKING:**

The submitted site plan depicts three points of ingress/egress; two (2) along SW 127 Avenue, one for employees and one for visitors and truck delivery; one (1) along SW 132 Avenue, for fire rescue access. The site also has a two-way internal drive.

The applicant is providing the required number of parking spaces which has been designed in a manner as not to impact the adjacent right-of-ways.

#### **NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

##### ***Aviation***

The Miami-Dade County Aviation Department (MDAD) has no objections to this application.

##### ***Regulatory and Economic Resources (Division of Environmental Resources Management)***

The Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management 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.

***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application. The average travel time to the vicinity of the proposed development is 6:28 minutes (based on 2012 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

***Parks, Recreation and Open Spaces***

The Miami-Dade Park, Recreation and Open Spaces Department (MDPROS) has no objections to this application. Further, its memorandum indicates that since the application is not expected to generate any residential population, the CDMP Open Space Spatial Standards do not apply.

***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) has no objections to this application. Its memorandum indicates that the current staffing allows for an average emergency response time of eight minutes or less and could accommodate a slight increase in volume of calls for service. The developers are encouraged to work with police during in considering security options for the site.

***Public Works and Waste Management Department (Traffic Division)***

The Public Works and Waste Management Department, does not object to this application. Its memorandum indicates that the proposed project will generate 370 peak hour trips and that the existing LOS of the surrounding roadways will remain the same.

***Public Works and Waste Management Department (Waste Management)***

The Miami-Dade County Department of Public Works and Waste Management - Waste Management Division does not object to this application. The memorandum submitted for this hearing application indicates that the latest concurrency status determination issued in September 2013, 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 Regulatory and Economic Resources, is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits as needed from the Florida Department of Environmental Protection.

***Water and Sewer Department***

The Miami-Dade County Water and Sewer Department (MDWASD) has no objections to this application. The subject property is located within the MDWASD water and sewer service areas.

***Miami-Dade Transit Department***

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

***Miami-Dade County Public Schools – Not applicable, (no residential development proposed)***

**OTHER:** Not applicable.

**RECOMMENDATION:**

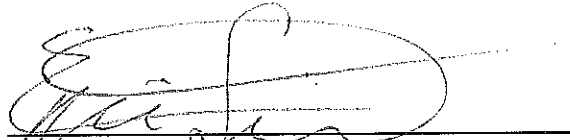
**Approval of request #1, including the approval to execute and to record the proffered declaration of restrictions and approval with conditions of requests #2 through #9**

**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "AnsaldoBreda Vehicle Assembly Facility" as prepared by Gili-McGraw Architects, LLP, consisting of 12 sheets and plans entitled "Vehicular Circulation Plan" as prepared by Langan, consisting of 5 sheets, for a total of 17 sheets, and all dated stamped received 12/09/13.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan that indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.
5. That the proposed trees along SW 132 Avenue closest to the single-family residences be 14' in height at time of planting.
6. That the proposed trees, shrubs and berm located on the perimeter remain and be maintained by the applicant.
7. That the applicant will provide \$35,800 in funding for landscaping prior to the issuance of the Certificate of Occupancy for Building No.1.
8. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Regulatory and Economic Resources or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
9. That the use of outdoor speakers in connection with the railcar and ground transportation vehicles assembly and test car track facilities be prohibited.
10. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that the outdoor lighting installation shall not be used until a compliance letter from a registered engineer or architect is provided.
11. Braking on the test railcar track shall be limited between the hours of 9:00 A.M. and 8:00 P.M., Monday through Friday.
12. That the internal drives be paved at time of final permit approval for either building #2 and/or #3.

13. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Aviation Department as contained in its memorandum dated November 15, 2013.
14. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Fire Rescue Department as contained in its memorandum dated November 19, 2013.
15. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Water and Sewer Department as contained in its memorandum dated November 27, 2013.
16. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Department of Regulatory and Economic Resources – Division of Environmental Resources Management as contained in its memorandum dated December 4, 2013.
17. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Department of Public Works and Waste Management as contained in its memorandum dated December 18, 2013.

ES:MW:NN:JV:AN

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line.

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

# ZONING RECOMMENDATION ADDENDUM

Miami-Dade County Internal Services Department

13-100

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works & Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
Miami-Dade Transit	No objection
*Subject to conditions in the Department's attached memorandum.	

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

<p><b>Institution, Utilities and Communications (Pg. I-52.4)</b></p>	<p>The Adopted 2015 and 2025 Land Use Plan designates the subject property for <b>Institution, Utilities and Communications</b> use. The Plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. Internally integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. If the owner of land designated as Institutions, Utilities and Communications chooses to develop the land for a different use and no public agency intends to use the site for a public facility, the land may be developed for a use or a density comparable to and compatible with surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP especially Policies LU-4A and LU-4B.</p> <p><b>The Homestead Air Reserve Base is also included in this category on the Land Use Plan map. The range of uses that may occur on the Base as it is redeveloped shall emphasize military aviation and related uses, national security, recreation uses, educational and other institutional uses. All future uses on the former Base will be consistent with the Record of Decision issued by the Secretary of the Air Force as it pertains to County use of the Base property.</b></p> <p>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</p> <p>Electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for</p>
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# ZONING RECOMMENDATION ADDENDUM

## Miami-Dade County Internal Services Department

### 13-100

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

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>33-303.1(D)(7) Developmental Impact Committee</b>	<p>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</p> <p>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</p> <p>5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.</p>
<b>Section 33-311 District Boundary Change</b>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <p>(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</p> <p>(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;</p> <p>(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</p> <p>(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;</p> <p>(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</p>

## ZONING RECOMMENDATION ADDENDUM

Miami-Dade County Internal Services Department

13-100

	highways.
<b>33-311(A)(3) Special Exceptions, Unusual Uses and New Uses</b>	<p>The Board shall hear an application for and grant or deny <b>special exceptions</b>; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and <b>unusual uses</b> 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.</p>
<b>33-311(A)(4)(b) Non-Use Variances from other than airport regulations</b>	<p>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.</p>

This instrument was prepared by and  
when recorded return to:  
Name: Brian S. Adler, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
1450 Brickell Avenue, Suite 2300  
Miami, FL 33131

(Space reserved for Clerk)

### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner, Miami-Dade County (the "Owner"), holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", and

*IN ORDER TO ASSURE* the **County** that the representations made by Owner during consideration of Public Hearing No. Z13-100 will be abided by Owner freely, voluntarily and without duress makes the following Declaration of Restrictions ("Declaration") covering and running with the Property, which consists in its entirety of Parcel A and Parcel B:

1. **Uses**. Notwithstanding the IU-3 zoning on the Property, the following represent the only permitted uses on the Property:

- (a) Railcar and ground transportation assembly and testing facilities and Miami-Dade transit bus maintenance and repair facilities. No other IU-3 uses shall be permitted on the Property, except the uses identified in Paragraph (b) below.
- (b) The IU-1 and IU-2 uses pursuant to Miami-Dade County Code, Sections 33-259 and 33-262, as may be amended from time to time, with the exception of the following uses:

#### **33-259, IU-1 Uses**

- (2) Adult entertainment uses as defined in Section 33-259.1, subject to all the restrictions and spacing requirements contained in said Section 33-259.1
- (5) Armories, arsenals
- (22) Clubs, private
- (24) Commercial chicken hatcheries

- (29.1) Electric substation
- (31) Fertilizer storage
- (32) Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises)
- (38) Grinding shops
- (41) Insecticide, mixing, packaging and storage
- (44) Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District
- (46) Lumberyards
- (57) Oxygen storage and filling of cylinders
- (74) Steel fabrication
- (85) Vulcanizing
- (90) Wood and coal yards

33-262, IU-2 Uses

- (2) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- (3) Rock and sand yards
- (4) Cement and clay products, such as concrete blocks, pipe, etc.
- (5) Soap manufacturing, vegetable byproducts, only
- (7) Sawmills
- (8) (as amended for this Declaration) Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons with the exception for refueling of vehicles related to the manufacturing, maintenance or assembly use which shall be permitted on the Property.
- (9) Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.
- (10) Dynamite storage

2. **Additional Requirements Related to Parcel B.** The following additional restrictions or requirements shall govern Parcel B:

- (a) Prior to the issuance of a building permit for any construction on Parcel "B", the Owner of Parcel B shall submit an application for Administrative Site Plan Review ("ASPR") to the Zoning Hearings Section of Miami-Dade County;
- (b) Future development plans for Parcel B shall include a minimum of a 100 foot wide buffer from the residential and commercial uses abutting the South property line of Parcel B;

- (c) A minimum 21 foot wide landscape area shall be provided along the east, west and south property lines of Parcel B. The landscape area shall include a berm and landscaping at a combined minimum height of 17 feet.
  - (d) All proposed uses shall be subject to the requirements of Chapter 33 of the Miami-Dade County Code.
3. **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.
4. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.
5. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
6. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, 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. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.
7. **Enforcement.** Enforcement shall be by action against any parties or persons 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.
8. **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.

9. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
10. **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.
11. **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
12. **Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.
13. **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.
14. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

**Witnesses:**

**MIAMI-DADE COUNTY**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Lester Sola, Director  
Internal Services Department  
Miami-Dade County

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by Lester Sola, as Director of the Internal Services Department of Miami-Dade County. Affiant  
is personally known to me or has produced \_\_\_\_\_ as  
identification.

Notary  
(Stamp/Seal)

My Commission Expires: \_\_\_\_\_

Approved as to form and legal sufficiency  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
ASSISTANT COUNTY ATTORNEY  
Print Name: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL A**

A PORTION OF THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI/DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 35 AND RUN N00°45'40"W ALONG THE EAST LINE OF SAID SECTION 35 A DISTANCE OF 1344.58 FEET; THENCE S89°14'40"W 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 127th AVENUE ;  
THENCE N00° 45'40"W ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 9.76 FEET TO THE POINT OF BEGINNING; THENCE N83°35'33"W A DISTANCE OF 2627.42 FEET TO THE EAST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 132nd AVENUE; THENCE N00°50'28"W ALONG SAID RIGHT OF WAY BOUNDARY A DISTANCE OF 1307.77 FEET TO THE SOUTH RIGHT OF WAY BOUNDARY FOR SOUTHWEST 272nd STREET; THENCE N89°11'34"E ALONG SAID RIGHT OF WAY BOUNDARY A DISTANCE OF 2608.23 FEET TO THE SAID WEST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 127th AVENUE; THENCE S00°45'40"E A DISTANCE OF 1299.91 FEET TO THE SAID POINT OF BEGINNING.

CONTAINING 67.94 ACRES, MORE OR LESS.

AND

**PARCEL B**

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION N00°45'40"W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 FOR 575.06 FEET; THENCE S89°14'20"W FOR 50.08 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, THENCE S89°14'06"W FOR 2640.03 FEET; THENCE N00°50'22"W FOR 2097.14 FEET; THENCE N89°11'29"E FOR 2642.98 FEET; THENCE S00°45'40"E FOR 657.30 FEET; THENCE N89°12'12"E FOR 50.00 FEET; THENCE S00°45'40"E FOR 672.13 FEET; THENCE S89°12'55"W FOR 50.00 FEET; THENCE S00°45'18"E FOR 769.54 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PORTION OF THE NORTH HALF OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI/DADE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 35 AND RUN N00°45'40"W ALONG THE EAST LINE OF SAID SECTION 35 A DISTANCE OF 1344.58 FEET; THENCE S89°14'40"W 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 127th AVENUE ;  
THENCE N00° 45'40"W ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 9.76 FEET TO THE POINT OF BEGINNING; THENCE N83°35'33"W A DISTANCE OF 2627.42 FEET TO THE EAST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 132nd AVENUE; THENCE N00°50'28"W ALONG SAID RIGHT OF WAY BOUNDARY A DISTANCE OF 1307.77 FEET TO THE SOUTH RIGHT OF WAY BOUNDARY FOR SOUTHWEST 272nd STREET; THENCE N89°11'34"E ALONG SAID RIGHT OF WAY BOUNDARY A DISTANCE OF 2608.23 FEET TO THE SAID WEST RIGHT OF WAY BOUNDARY FOR SOUTHWEST 127th AVENUE; THENCE S00°45'40"E A DISTANCE OF 1299.91 FEET TO THE SAID POINT OF BEGINNING.

**The following is Parcels A and B combined:**

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION N00°45'40"W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 FOR 575.06 FEET; THENCE S89°14'20"W FOR 50.08 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, THENCE S89°14'06"W FOR 2640.03 FEET; THENCE N00°50'22"W FOR 2097.14 FEET; THENCE N89°11'29"E FOR 2642.98 FEET; THENCE S00°45'40"E FOR 657.30 FEET; THENCE N89°12'12"E FOR 50.00 FEET; THENCE S00°45'40"E FOR 672.13 FEET; THENCE S89°12'55"W FOR 50.00 FEET; THENCE S00°45'18"E FOR 769.54 FEET TO THE POINT OF BEGINNING.

# Memorandum



**Date:** November 15, 2013

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

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

**Subject:** DIC Application #13-100  
Internal Services Division  
MDAD DN-13-11-1218

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As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #13-100, Miami-Dade County Internal Services Department. The applicant is requesting a district boundary change from RU-1 and RU-3M to IU-3; a special exception to permit a rail cars assembly building and testing facility spaced less than required from residential zoned property; an unusual use for an entrance feature to wit: a security building; an unusual use for a lift station; a non-use variance to permit the rail cars test track operation to be done outside and not within an enclosed building; a non-use variance to permit less lot trees than required. The site is located south of SW 272 Street, between SW 127 Avenue and 132 Avenue in Miami-Dade County, Florida. The size of the property is 128 acres.

MDAD does not object to the requests provided that the applicant complies with all applicable federal, state and local aviation regulations including the Code of Miami-Dade County, Chapter 33, as it pertains to Airport Zoning. The applicant is required to coordinate with Mr. Larry Ventura, the contact at Homestead Air Reserve Base. He may be reached at 305-224-7163 or at [Lawrence.ventura@homestead.af.mil](mailto:Lawrence.ventura@homestead.af.mil).

C: Jorge Vital, DIC Coordinator, Department of Regulatory and Economic Resources  
Brian Adler, Bilzin, Sumberg Baena Price & Axelrod LLP

# Memorandum



**Date:** December 4, 2013

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

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

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

**Subject:** BCC #Z2013000100  
Miami-Dade County Internal Services Dept.  
13200 SW 272<sup>nd</sup> Street, Miami, Florida  
DBC from RU-1 & RU-3M to IU-3; Special Exception to permit a  
railcar assembly and testing facility spaced less than required from  
residential zoned property; Non-Use Variance to permit outdoor  
uses for the railcar assembly and testing facility; and Non-Use  
Variance to permit less lot trees than required.  
(RU-1) (128.01 Acres)  
35-56-39

The subject application has been reviewed by Department of Regulatory and Economic Resources - Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County (the Code) and has determined that the application may be scheduled for public hearing subject to the following conditions:

1. The plant list shall be revised to exclude Bahama firebush (*Hamelia cuprea*)
2. All landscape plans for the site shall require DERM approval.
3. A Miami-Dade County Tree Removal/Relocation Permit shall be required prior to the removal and/or relocation of trees which are subject to the Tree Preservation and Protection provisions of Section 24-49 of the Code. The in-situ preservation of specimen trees # 150, 196, 281 and 290, identified on the tree disposition plan titled "ANSALDOBREDA" prepared by Gill-McGraw Architects, LLP and dated as received by Miami-Dade County, December 2, 2013 shall be required. The applicant is advised that pursuant to Chapter 24 of the Code, the approval by DERM of development orders for the subject property; may be contingent upon the submittal of a properly executed covenant running with the land in favor of Miami-Dade County for the preservation of the above-referenced specimen tree resources. Additionally, any construction activity including but not limited to subsurface excavation, grading, clearing, staging of equipment or materials, placement of fill, or the installation of permanent or non-permanent structures within 10-ft of any specimen tree required to be preserved shall require written approval from the Tree Permitting Program.
4. The planting or relocation of any controlled species as well as any mahogany (*Swietenia mahagoni*) within 500 feet of the nearby Natural Forest Community (NFC) pine rockland (folio 30-6935-008-0010) is prohibited. Additionally, per Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject properties prior to development, and their sale, propagation, planting, importation or transportation is prohibited.

5. All landscape plans for the subject site shall require DERM approval and no landscaping shall be installed that has not been approved by DERM.
6. Pursuant to sections 24-49, 19-13 and 19-14 of the Code, the subject site shall be maintained to prevent the overgrowth or accumulation of all prohibited species including non-native grasses, weeds and undergrowth.

#### Natural Forest Communities

The above referenced properties are located directly south of a County-designated Natural Forest Community (NFC) pine rockland. NFCs are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic plant species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. As such, the native tree and understory plant resources contained in these communities are accorded heightened protection by Section 24-49 of the Code.

Development on parcels adjacent to NFCs must avoid adverse impacts to the NFC property. Adverse impacts include, but are not limited to, those associated with the placement of structures, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. Roads are preferable to buildable lots abutting NFC property lines to help ensure that NFC sites are compatible with adjacent property uses. A protective barrier, approved by DERM, shall be required between the NFC and the subject parcel prior to the commencement of any work and during all phases of development in order to protect the NFC from potential impacts and shall remain in place until DERM authorizes its removal.

This pine rockland may be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject properties lie within the potential smoke dispersion corridor of this pine rockland. Consequently, the subject properties may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

According to the landscape code for Miami-Dade County, controlled species shall not be planted or relocated within 500 feet of a native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

DERM notes that per previous disapproval comments page SP-2 of the preliminary zoning plan has been revised to omit the 334 Mahogany trees (*Swietenia mahagoni*) and replace them with Gumbo limbo trees (*Bursera simaruba*). DERM has no objection to this change. However, 7503 Bahama firebush (*Hamelia cuprea*) plants, which were not included in the previously submittal, have been added to the revised plant list in place of the 7503 Cocoplum (*Chrysolabanus icaco*) plants shown on the previous submitted list.

Be advised that Bahama firebush (*Hamelia cuprea*) is not native and is likely to cross pollinate with the native *Hamelia patens* to create a non-native hybrid that may invade and negatively impact the pine rockland. Therefore, Bahama firebush (*Hamelia cuprea*) must be removed and replaced on the list with plant material that does not have the potential to invade the pine rockland. DERM has no objection to replacing the Bahama firebush (*Hamelia cuprea*) with Cocoplum (*Chrysolabanus icaco*) which was on the previously submitted plant list.

Additionally, per Section 24-49.9 of the Code, all prohibited plant species shall be removed from the subject properties prior to development, and their sale, propagation, planting, importation or transportation is prohibited.

The applicant is advised to contact Tim Joyner of the DERM Natural Resources Planning Section at (305) 372-6548 for more information about NFCs, protective barrier requirements, landscaping issues and plans and removal of prohibited plant species prior to the development of site.

#### Tree Preservation

A site inspection was performed by the DERM representative on November 25, 2013, in connection with the initial submittal of the zoning application. The site inspection revealed that specimen sized (trunk diameter 18 inches or greater) trees exist on these sites which appear to be in conflict with the proposed development. On December 2, 2013, a revised site and landscape plans and ancillary documentation was received by DERM. Based on this additional information, DERM has determined that the project, as proposed, appears to be consistent with the permitting requirements pursuant to Section 24-49.2(11) of the Code.

#### Potable Water Services

The subject property is located within the Miami-Dade Water and Sewer Department (MDWASD) water franchised service area. There is an existing 12-inch distribution water main abutting the property along SW 272<sup>th</sup> Street. Said main is owned and operated by MDWASD.

The source for this water supply is the Rex Water Treatment Plant, which is owned and operated by MDWASD. This plant has sufficient capacity to provide current water demand. The plant is presently producing water that meets federal, state, and county drinking water standards.

#### Wastewater Disposal

The subject property is located within MDWASD sanitary sewer franchised service area. There are an existing 10-inch and 24-inch force mains that currently abut the property along SW 272<sup>th</sup> Street.

The abutting 10-inch and the 24-inch force main direct the wastewater flow to the South District Wastewater Treatment Plant. The South District Wastewater Treatment Plant is owned and operated by MDWASD. At this time the South District Wastewater Treatment Plant has sufficient capacity to treat current discharge.

Civil drawing for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the Environmental Wastewater Permitting Section of DERM prior to approval of final development orders.

#### Stormwater Management

A Surface Water Management General Permit from South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM at (305) 372-6681 for further information regarding permitting procedures and requirements.

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

#### Pollution Remediation

There are no records of environmental contamination for the area of the proposed rail car facility. There are records of potential arsenic, herbicide, and/or pesticide contamination in groundwater and soil at the former golf course area. Phase 2 Environmental Site Assessment shall be required if environmental condition is needed prior to site development. For more information please contact Tom Kux from the Pollution Remediation Section of DERM, at (305)372-6520.

#### Wetlands

An on site inspection performed by staff on November 25, 2013 (the southern portion of the parcel with folio 30-6935-000-0400 and the parcel with folio 30-6935-000-0061) revealed that the sites do not contain wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetlands 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.

#### Enforcement History

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

#### Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** November 19, 2013

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources

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

**Subject:** DIC 2013000100 – Miami-Dade County Internal Services Department

According to the letter of intent dated November 6, 2013, the applicant is seeking a district boundary change from RU-1 and RU-3M to IU-3, a special exception of spacing requirements, an unusual use to permit an entrance feature, along with non-use variance requests of zoning and landscape regulations in connection with a proposed rail car manufacturing and testing facility to be located on a portion of the former Homestead Air Reserve Base.

## SERVICE IMPACT/DEMAND

- (A) Based on development information, this project is expected to generate approximately **28** fire and rescue calls annually. The estimated number of alarms results in a minimal impact to existing fire and rescue service.
- (B) Based on data retrieved during calendar year 2012, the average travel time to the vicinity of the proposed development was **6:28** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.
- (C) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires four (4) suppression units; one of which must be an aerial, and the other three may be a combination of engines, tankers, ladders or aerials. Additionally, the assignment will require one (1) rescue and a battalion commander. This assignment requires twenty (20) firefighters and officers.

## EXISTING SERVICES

STATION	ADDRESS	EQUIPMENT	STAFF
5	13150 SW 238 Street	Rescue, Engine	7
6	15890 SW 288 Street	Rescue, Tanker	7
16	325 NW 2 Street	Rescue (2), Engine, Battalion	11
34	10850 SW 211 Street	Rescue (2), Aerial	10
65	1350 SE 24 Street	Rescue, Ladder	7
66	3100 SE 8 Street	Engine	4

## PLANNED SERVICE

STATION	ADDRESS	ESTIMATED TIME OF COMPLETION
70	11455 SW 248 Street	December 2014

SITE PLAN REVIEW:

- (A) Fire Engineering & Water Supply Bureau has reviewed and approved the site plan entitled 'Ansaldobreda Vehicle Assembly Facility' as prepared by Gili-McGraw Architects, LLP, dated stamp received November 12, 2013, with the following condition:
1. At time of permitting the site plan shall be revised to reflect the installation of Knox Key Switch Model 3502 or Knox Padlock Model 3770 at all emergency vehicle access drives.
- (B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC review process.

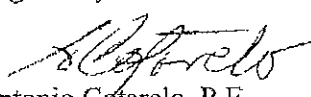
For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor at 786-331-4544.

# Memorandum



**Date:** December 18, 2013

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

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

**Subject:** DIC 13-100  
Name: Miami-Dade County Internal Services Department  
Section 35 thru 56 Township 55 Range 39

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## I. PROJECT LOCATION:

The property is located south of SW 272 Street between SW 127 Avenue and SW 132 Avenue and it extends southward to theoretical SW 278 Terrace.

## II. APPLICATION REQUEST:

This application is concerning a 128.01± acre parcel and seeks a boundary change from RU-1 (Single Family Residential District, 7,500 ft net) and RU-3M (Minimum Apartment House, 12.9 units/net acre) to IU-3 (Industrial Districts, unlimited manufacturing).

## III. RECOMMENDATION:

This project is located within the jurisdiction of Miami-Dade County. It meets Traffic Concurrency for an initial review. This project may be subject to the payment of Road Impact Fees. The Public Works and Waste Management Department (PWWM) recommends approval of the application subject to the conditions in Sections VII and VIII.

## IV. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

This application is served by SW 272 Street from the west and by SW 127 Avenue and SW 132 Avenue from the north and the south.

## V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

### A. Trip Generation (Based on Institute of Transportation Engineers) Code, General Heavy Industrial (K, sf<sup>2</sup>)

370 PM Peak Hour trips are generated by this development.

### B. Cardinal Distribution

North	54%	East	7%
South	8%	West	31%

- Land use code, 120 (General Heavy Industrial) should be used instead of 140.
- The traffic operations of oversized trucks and carriers are not evaluated in the study, as mentioned on page 7 of the report. Therefore, it is recommended that this analysis be included in the traffic study. Furthermore, all traffic control devices in the travel path should accommodate such large vehicles. In particular, the signal mast arm and overhead structures should be evaluated for vertical clearances. If vertical clearances are not available, modifications should be funded by the applicant.

VIII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

- Pavement evaluation testing is required on the road accessing the highway to determine improvements required based on proposed development.
- Access and mitigation improvements will be required based on an updated traffic impact study.

IX. SITE PLAN CRITIQUE – Site Plan is acceptable.

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

X. STANDARD CONDITIONS:

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

- c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources  
Joan Shen, Ph. D., P.E., PTOE, Acting Chief, Traffic Engineering Division, PWWM  
Jeff Cohen, P.E., Assistant Chief, Traffic Engineer Division, PWWM  
Orlando Grandal, Special Administrator for Concurrency, Department of Regulatory and Economic Resources

# Memorandum



**DATE:** December 4, 2013

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

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

**SUBJECT:** DIC Project No. 13-100 Miami-Dade County Internal Services Department  
MDT Project No. OSP006  
FSC No. 41.04

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## MDT Comments/Recommendations

As stated in the applicant's Letter of Intent, the submitted site plan illustrates a proposed rail car assembly area, testing facility, and offices on the northern tract. Procurement of new Metrorail vehicles is identified in the 2013 ten-year Transit Development Plan (TDP). In March 2008, the Miami-Dade Board of County Commissioners (BCC) and the Citizen's Independent Transportation Trust (CITT) approved the \$401 million procurement of 136 new vehicles for replacing the existing fleet of vehicles. Miami-Dade Transit (MDT) is supportive of this application and opines that approval of the application is critical in order to meet the project schedule deadlines. Approval of this application would give MDT close proximity and easy access to the facility where AnsaldoBreda will be manufacturing MDT's new transit vehicles. In addition, approval of this application would allow for a larger pool of AnsaldoBreda workers to be readily available to support MDT during the delivery, acceptance, and 5-year warranty of the new MDT vehicles.

In addition, the rezoning of the entire 128.01-acre site to IU-3 would allow for compatible uses to be developed on lands adjacent to the proposed rail car assembly facility. MDT is currently exploring the feasibility of establishing a bus maintenance facility near the vicinity of the subject site and opines that the proposed IU-3 zoning would establish a development pattern that is compatible with a proposed bus maintenance facility, should construction of such facility be deemed feasible. **As such, MDT has no objections to this application.**

## Project Description

13-100 – Miami-Dade County Internal Services Department is requesting to rezone the subject property from RU-1 and RU-3M to IU-3. A development plan has been submitted which depicts railcar assembly and testing facilities and offices. The applicant is also requesting several variances regarding outdoor uses, landscaping and private drives, among others. The subject property is approximately 128 acres in size and is located south of SW 272 Street, between SW 127 Avenue and SW 132 Avenue, Miami-Dade County, Florida.

## Current Transit Service

The subject site is served by Route 70. The alignment for this route is illustrated on the attached map. The service headways for this route (in minutes) are as follows:

Metrobus Route Service Summary Miami-Dade County Internal Services Department Application Site								
Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
70	30	60	60	n/a	60	60	0	L

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

November 2013 Line Up

## Future Transportation/Transit Improvements

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

Facility/Project Limits	Type of Work
SW 268 Street from US 1 to SW 112 Avenue	Continuous left turn lane along SW 268 Street
SW 137 Avenue from HEFT to US 1	Widening from 2 to 4 lanes

The 2035 Long Range Transportation Plan (LRTP) lists the following improvements to the roadways within the vicinity of the subject site:

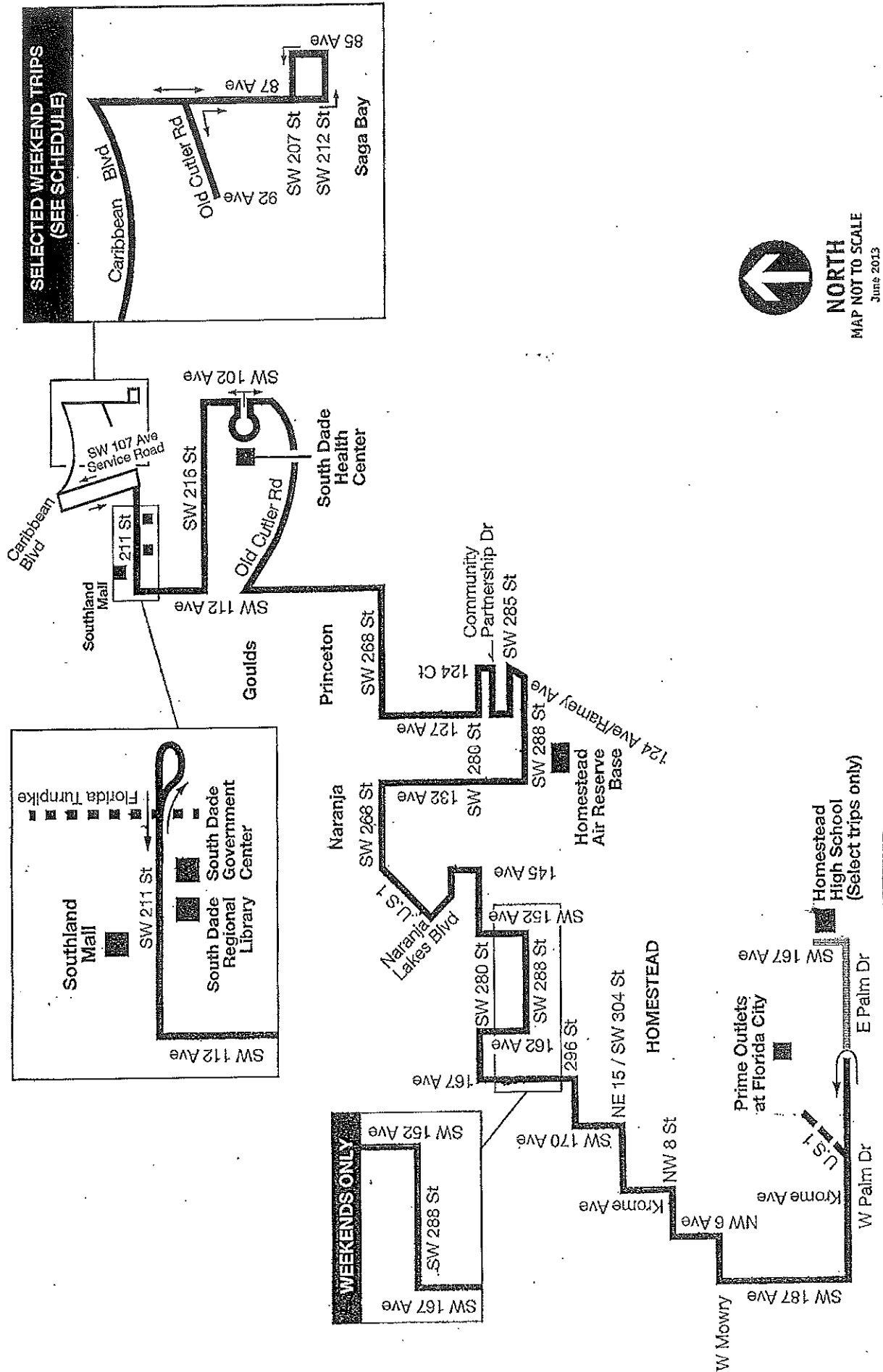
Facility/Project Limits	Type of Work	Priority/Funding Phase
SW 137 Avenue from HEFT to US 1	Widen to 4 lanes	Priority I
SW 264/268 Street from SW 147 Avenue to SW 112 Avenue	Roadway improvements	Priority II
SR 821/HEFT from Biscayne Drive (SW 288 Street) to SW 216 Street	Widen to 8 lanes	Priority IV

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

DIC Project No. 13-100  
Miami-Dade County Internal Services Department  
MDT Project No. OSP006  
FSC No. 41.04

Route	Improvement/Adjustment
70	Truncate Route at Southland Mall when Cutler Bay Circulator begins service.

c: Monica D. Cejas, P.E., Senior Professional Engineer  
Gerald E. Bryan, Chief, Service Planning and Scheduling  
Eric Zahn, Transit Planning Section Supervisor  
Adien Toledo, P.E., Field and Systems Engineering  
Nilia Cartaya, Principal Planner  
Douglas K. Robinson, Principal Planner  
Jacqueline Carranza, Transit Planner 2



# Memorandum



**Date:** November 20, 2013

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

**From:** *[Signature]*  
J.D. Patterson, Director  
Miami-Dade Police Department

**Subject:** Review – Zoning Application  
Case: No. Z2013000100 – Miami-Dade County Internal Services Department

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## APPLICATION

The Miami-Dade County Internal Services Department (ISD) is requesting a district boundary change from RU-1 and RU-3M (residential) districts to an IU-3 (industrial) district in order to permit the property, previously part of the Homestead Air Reserve Base, to be developed as a railcar assembly/testing facility and corporate offices of prospective developer, AnsaldoBreda. The subject property is approximately 128.01 acres and is located south of SW 272 Street between SW 127 Avenue and SW 132 Avenue, extending south to theoretical SW 278 Terrace, Miami-Dade County, Florida.

## CURRENT POLICE SERVICES

The subject property is located in unincorporated Miami-Dade County and serviced by our South District, located at 10800 SW 211 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. A calculation of crimes/calls for service of the location was completed and has been provided in the attached documents for your Department.

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

Present staffing should accommodate any slight increase in the volume of calls for service. However, as the area is developed, it is anticipated that additional sworn personnel, support staff, and equipment will be required to maintain current levels of service. Additionally, it is recommended that developers work closely with the local police district command staff in considering security options for the site.

Eric Silva, AICP, Assistant Director  
November 20, 2013  
Page 2

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

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

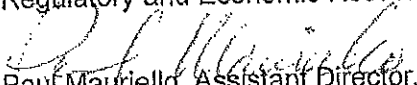
JDP/kh  
Attachment

# Memorandum



**Date:** December 6, 2013

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

**From:**   
Paul Mauriello, Assistant Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Miami-Dade County Internal Services Department (DIC #13\_100)

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The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division, at 305-514-6661. **The PWWM has no objections to the proposed application.**

**Application:** *The Miami-Dade County Internal Services Department* is requesting an unusual use, a series of non-use variances, a special exception, and district boundary change from Single Family Residential (RU-1) and Four-unit Apartment (RU-3M) to Industrial, unlimited manufacturing (IU-3) for the proposed use of a railcar facility and corporate offices on the property.

**Size:** The subject property is 128 acres.

**Location:** The subject property is located at 13200 S.W. 272<sup>nd</sup> Street in Miami-Dade County, Florida.

## **Analysis:**

### 1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

## 2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the designation from on the property from Single Family Residential (RU-1) and Four-unit Apartment (RU-3M) to Industrial, unlimited manufacturing (IU-3) will meet the County Code definition of development for commercial establishments. Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the buildings are developed.

## 3. Recycling

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3** of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

## 4. Waste Storage/Setout Considerations

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

## 5. Site Circulation Considerations

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

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

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

"dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

# Memorandum



**Date:** December 10, 2013

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources (RER)

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

**Subject:** Miami-Dade County Public Hearing Application for District Boundary Change and Related Requests – A Portion of the Former Homestead Airforce Reserve Base (HARB) - DIC Application # 13-100, Revision No.1

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project. Please note that final points of connection for this project will be issued at the time the applicant request connection to the water and sewer system infrastructure. Therefore, all points of connections provided below might change at the time of development and a capacity modeling evaluation may be required.

**Recommendation:** Approval based on conditions noted below.

**Application Name:** Miami-Dade County Public Hearing Application for District Boundary Change and Related Requests – A Portion of the Former Homestead Airforce Reserve Base (HARB).

**Project Location:** 13200 SW 272 St. and Adjacent Vacant Property, in unincorporated Miami-Dade County. The property was previously part of the HARB and remains subject to development restrictions imposed by the US Air Force. The property consists of two separate sections with a total of approximately 128 acres. The northern 67.94 acres (the "Northern Tract"), labeled as 'Parcel A', and the remainder of the property is referred to as the "Southern Tract", Labeled as "Parcel B" on the site plan.

**Proposed Development:** The Applicant seeks a boundary change from RU-1 and RU-3M to IU-3 district, in order to permit the property to be developed in accordance with the development restrictions. The proposed development for the Northern Tract consists of railcar assembly and testing facility and offices, and the Southern Tract is proposed for office/industrial use. The Northern Tract is comprised of three building facilities for industrial use with a total of 540,539 square feet. The Southern Tract proposed development is office/industrial. However, a site plan for the South Parcel is not part of this application, and the total square footages for the buildings are not available at this time. The total water demand for the North parcel only is noted below:

Projected Water/Sewage Loading for North Parcel Only			
Proposed Uses	Total Sq.Ft.	Flow Rate	Water/Sewage Loading (GPD)
Building No.1 (Northern Tract) – Wet Industrial Use*	187,426	20gpd/100sq.ft.	37,485
Building No. 2 (Northern Tract) – Dry Industrial Use	172,250	2.5gpd/100sq.ft.	4,306
Building No. 3 (Northern Tract) – Dry Industrial Use	172,250	2.5gpd/100sq.ft.	4,306
Security Building	1,200	5gpd/100sq.ft.	60
Total North Parcel GPD			46,157

**Note:** \* Please note that Building No. 1 will include washing of rail cars facilities. As such, a wet industrial classification was utilized to estimate the total water demand. However, additional information will be

required at the time the applicant request connection to the water and sewer infrastructure to determine the actual proposed consumption for the rail car washing facility.

**Water:**

**North Parcel:** The subject project is located within MDWASD's service area. The source of water for this project is the Alexander Orr Water Treatment Plant. The County owns and operates an existing 12-inch water main located in SW 272<sup>nd</sup> Street, abutting the northern boundary of the project, and a 10-inch water main in SW 132<sup>nd</sup> Avenue, from where the developer may connect to extend water service to the project. Please note that a water main extension may be required along SW 272<sup>nd</sup> Street to close a water main gain gap west of SW 127<sup>th</sup> Avenue.

**South Parcel:** The subject project is located within MDWASD's service area. The source of water for this project is the Alexander Orr Water Treatment Plant. A site plan for the South parcel is not part of this application. As such, points of connection for water are not available and will be provided at the time of development.

A Water Supply Certification (WSC) from MDWASD will be required for all future development within the subject area. The WSC letter shall remain active in accordance with the terms and conditions specified in said Certification. The Water Supply Certification is issued to assure adequate water supply is available to all water users of the MDWASD as required by Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the MDWASD's 20-year Water Use Permit.

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

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

**Sewer:**

**North Parcel:**

The subject project is located within MDWASD's service area. The County owns and operates an existing 24-inch sanitary sewer force main in SW 272<sup>nd</sup> St. east of SW. 132<sup>nd</sup> Ave. to where the developer may connect and extend an 8-inch sanitary sewer force main as necessary to provide service to a new private pump station.

**South Parcel:** The subject project is located within MDWASD's service area. A site plan for the South parcel is not part of this application. As such, points of connection for sewer are not available and will be provided at the time of development.

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

- Adequate transmission and plant capacity exist at the time of the owner's request. 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, which may change in the future when the County enters into a new Consent Decree
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

The downstream pump station for the subject project is Pump Station 1027. The Nominal Average Pump Operating Time (NAPOT) for this pump station is as follows:

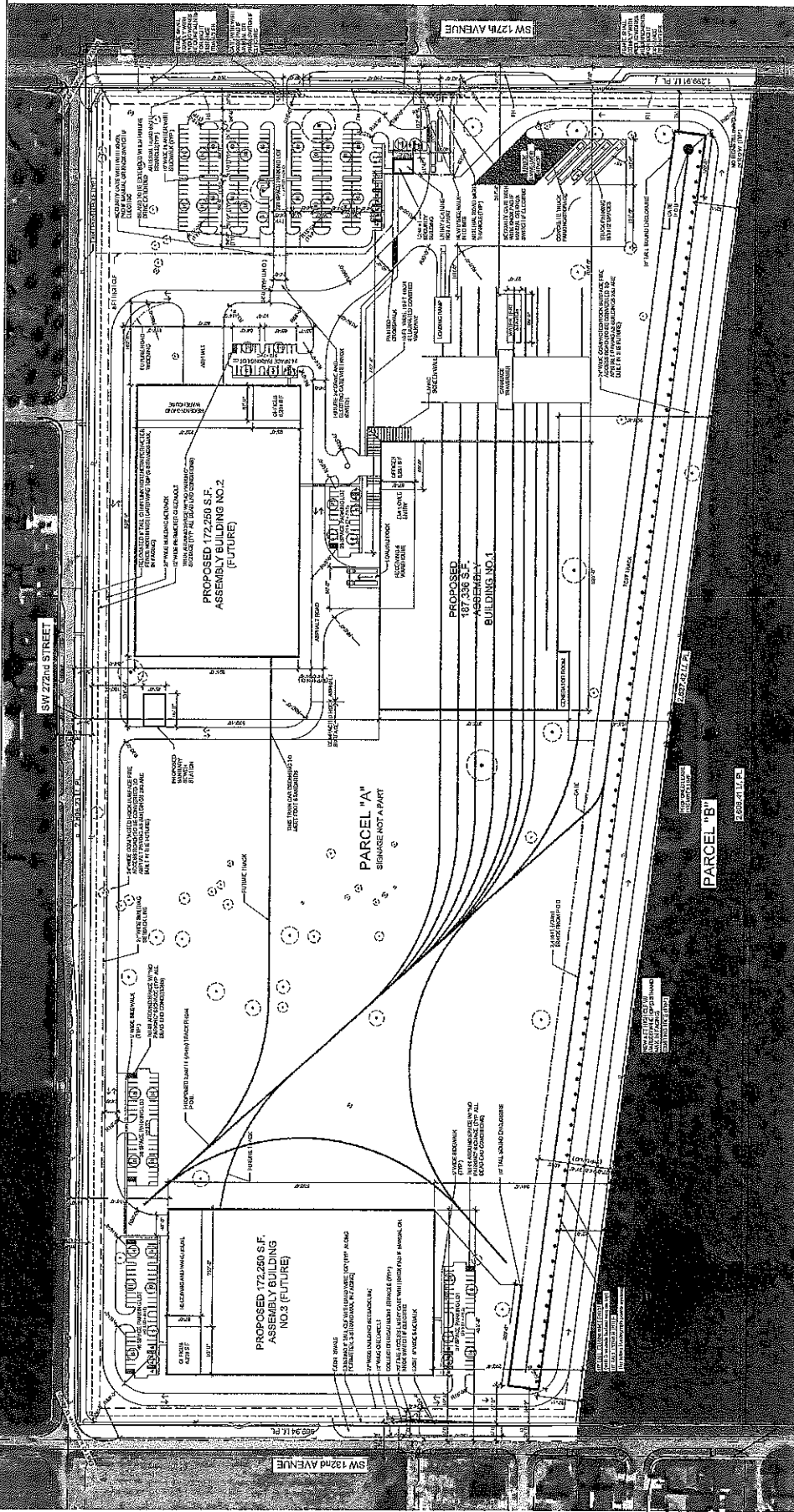
Pump Station: 1027  
Yearly NAPOT: 1.54 Hrs  
Projected NAPOT: 1.54 Hrs  
Projected NAPOT including this project flows: 4.62 Hrs per day

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in sections 18-A and 18-B of Miami-Dade County Code. In addition, all developments must comply with the Miami-Dade County's permanent landscape irrigation restrictions in Section 32-8.2 of the Miami-Dade County Code.

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

For information concerning the Water-Use Efficiency Standards Manual please go to  
[http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

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

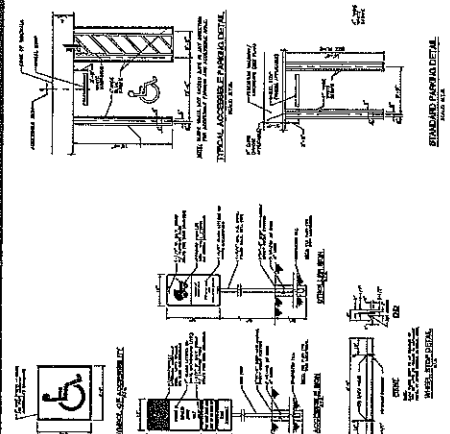
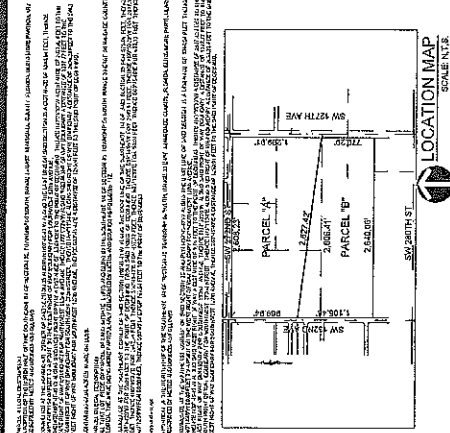


**AnsaldoBreda**  
PROPOSED SITE PLAN

SCALE: 1"=50'

100' 200' 300' 400' 500'

NO.	DATE	DESCRIPTION
1	12/09/2013	ISSUED FOR PERMITTING



**TABLE OF CALCULATIONS**

1. TOTAL LOT AREA: 1,100,000 S.F.

2. TOTAL LOT AREA: 1,100,000 S.F.

3. TOTAL LOT AREA: 1,100,000 S.F.

4. TOTAL LOT AREA: 1,100,000 S.F.

5. TOTAL LOT AREA: 1,100,000 S.F.

6. TOTAL LOT AREA: 1,100,000 S.F.

7. TOTAL LOT AREA: 1,100,000 S.F.

8. TOTAL LOT AREA: 1,100,000 S.F.

9. TOTAL LOT AREA: 1,100,000 S.F.

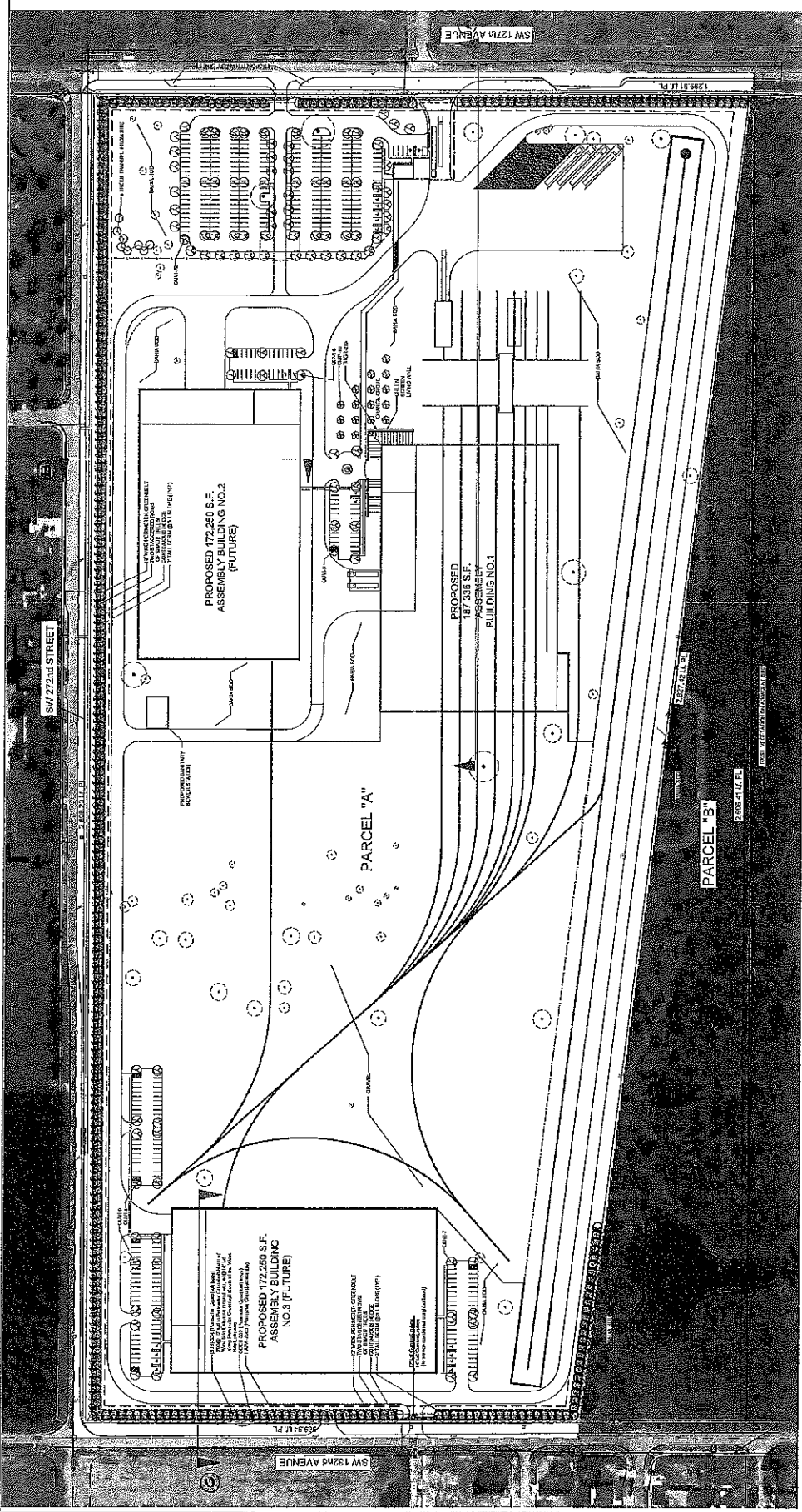
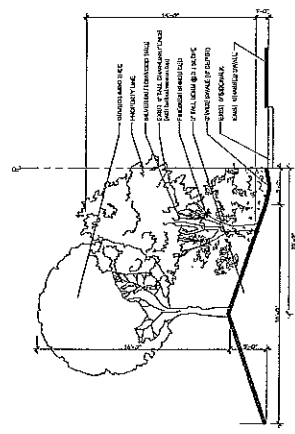
10. TOTAL LOT AREA: 1,100,000 S.F.

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

BY

[illegible][illegible]

GREEN BELT WITH 8RM SECTION DETAIL AFTER 2 YEARS  
SCALE: 1/4" = 1'-0"

BY-



1

100

100

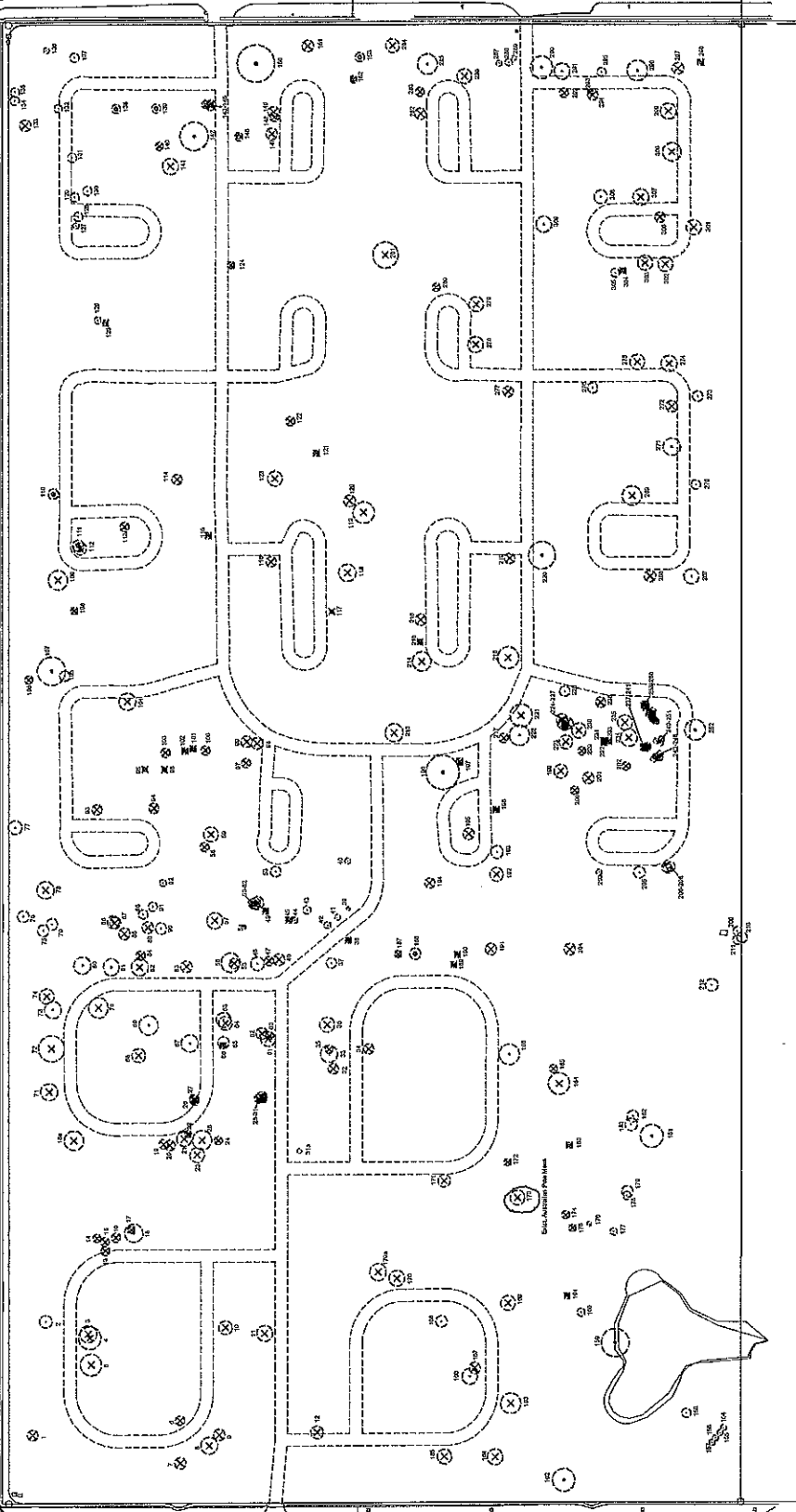
---

100

S.W. 272nd STREET

S.W. 127th AVENUE

S.W. 132nd AVENUE



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BY



AnsaldoBreda

EXISTING TREE  
DISPOSITION PLAN

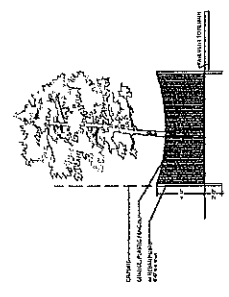
ETDP-1

SCALE: 1"=20'



LEGEND

(X)	EXISTING TREE TO REMAIN
(O)	EXISTING TREE TO BE REMOVED
(O)	PROPOSED TREE TO BE PLANTED



TREE PROTECTION DETAIL

CONSULTANT:  
ROSENBERG  
GARDNER  
DESIGN

CLIENT:  
GILL-McGRAW ARCHITECTS, L.L.P.  
4500 SOUTHWEST 70th AVENUE, SUITE 400, MIAMI, FLORIDA 33155  
TEL: 305.434.1100  
FAX: 305.434.1101

PROJECT:  
ANASALDO BREDA  
ASSEMBLY FACILITY  
Miami-Dade County, FL

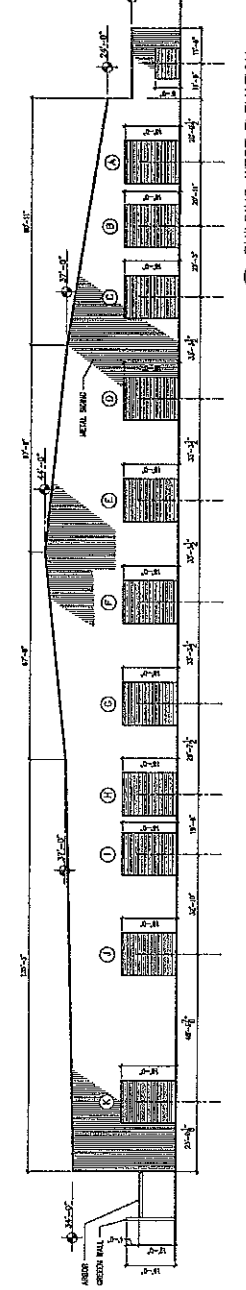
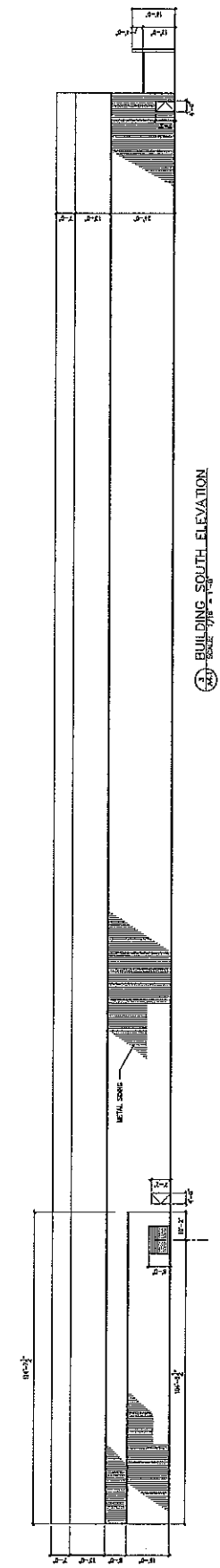
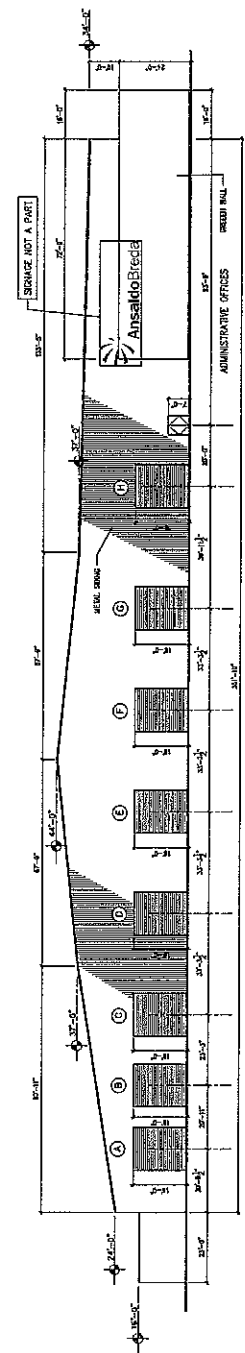
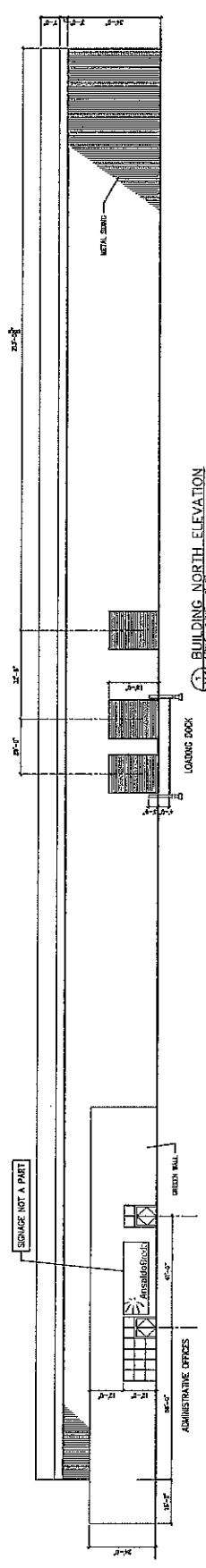
DATE: 11.14.13  
BY: A.T.S.  
REVISIONS: A.T.S.  
A.T.S.

SCALE: 1"=20'

ETDP-1  
OF 1, 2



BY



RECEIVED

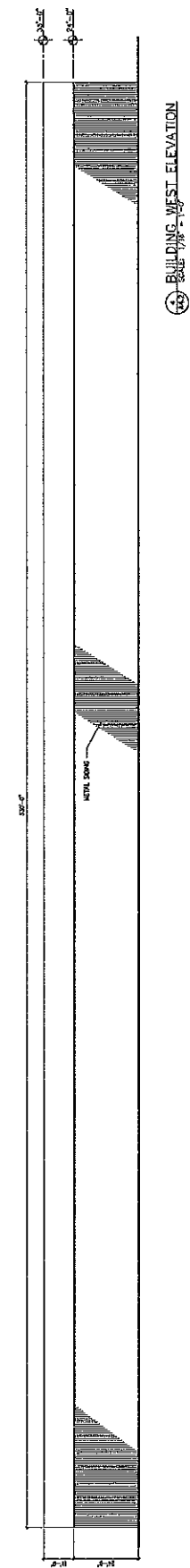
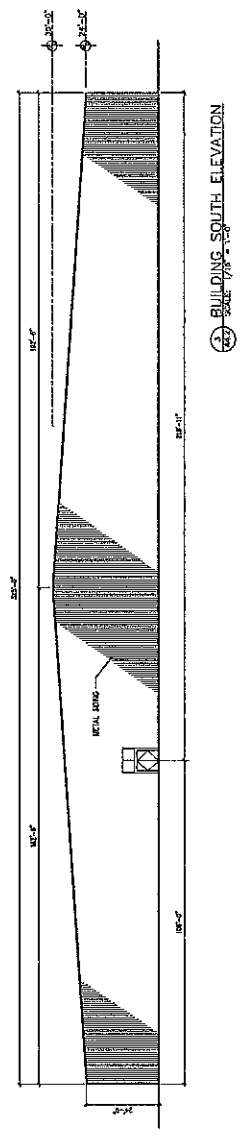
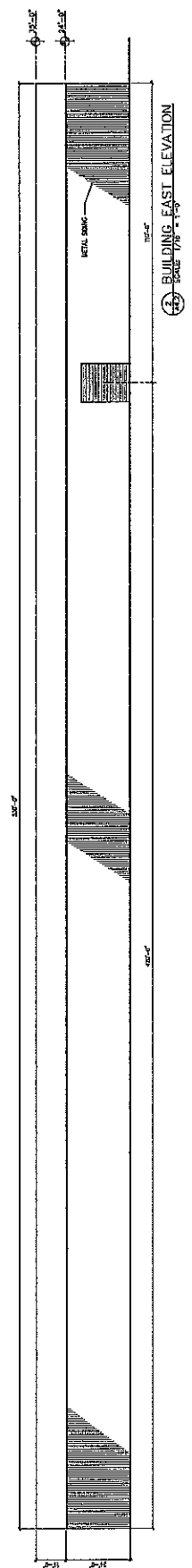
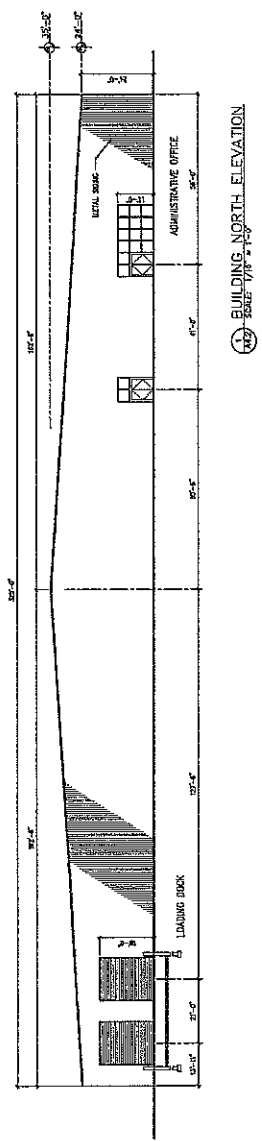
DEC 09 2013

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

BY \_\_\_\_\_

BUILDING NO.1  
EXTERIOR ELEVATIONS





BUILDING NO.3  
EXTERIOR ELEVATIONS

**RECEIVED**

**DEC 09 2013**

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DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

BY \_\_\_\_\_

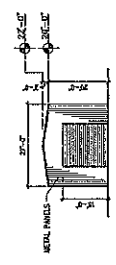
**RECEIVED**  
 DEC 09 2013

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

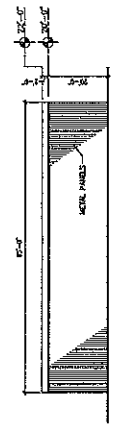
BY

WATER TEST STATION  
 EXTERIOR ELEVATIONS

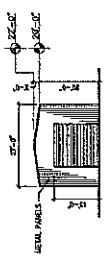
1. BUILDING WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



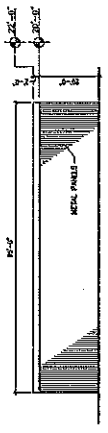
2. BUILDING SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



3. BUILDING EAST ELEVATION  
 SCALE: 1/8" = 1'-0"

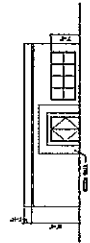


4. BUILDING NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"

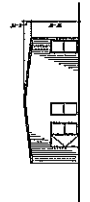


SECURITY BUILDING  
 EXTERIOR ELEVATIONS

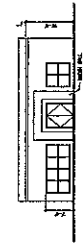
5. BUILDING WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



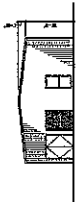
6. BUILDING SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



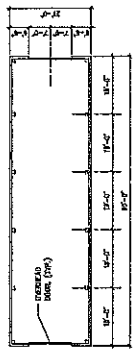
7. BUILDING EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



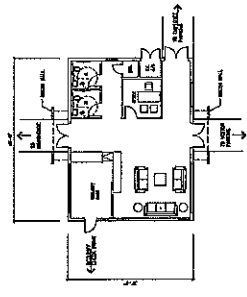
8. BUILDING NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



1. FLOOR PLAN  
 WATER TEST STATION  
 SCALE: 1/8" = 1'-0"

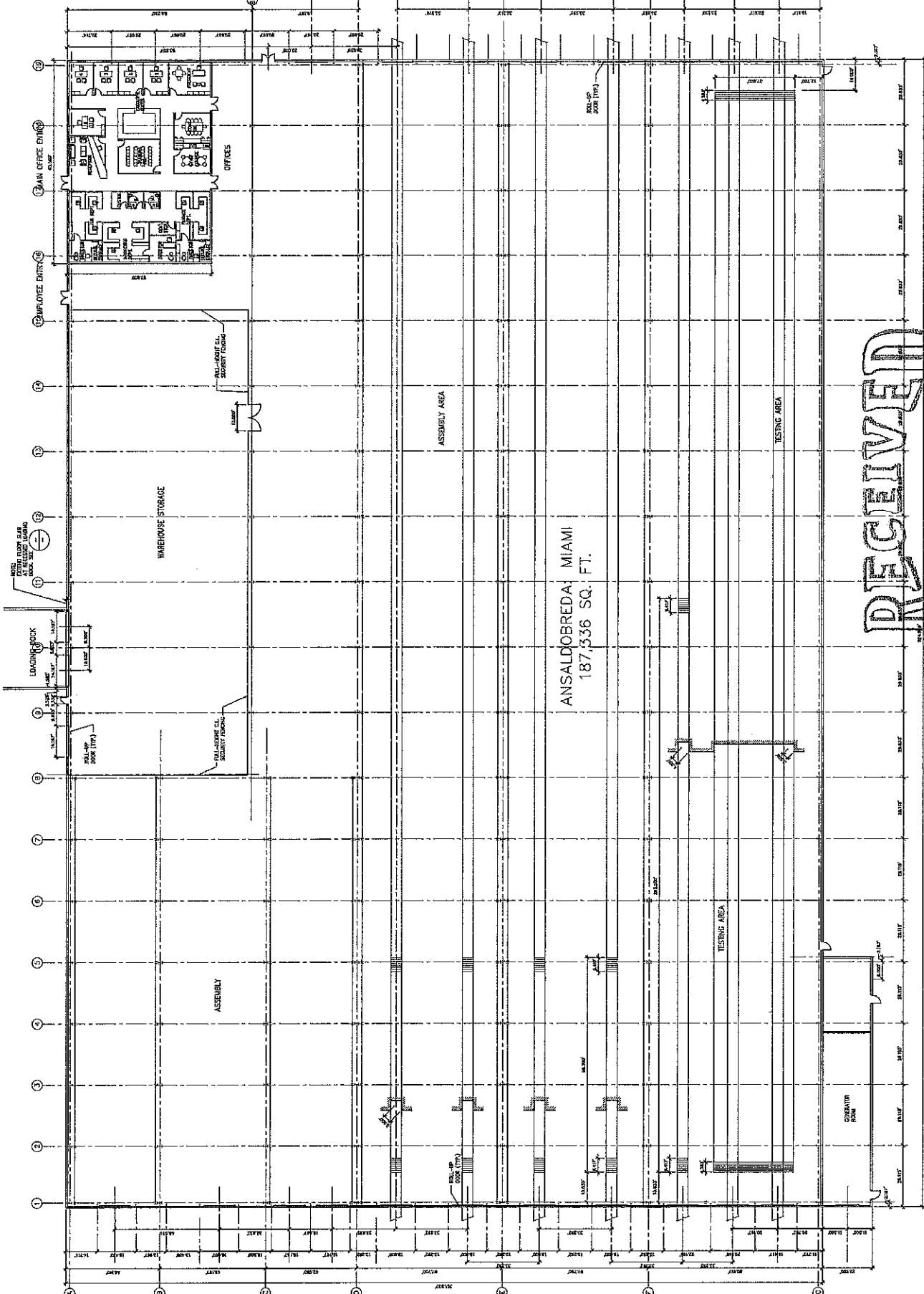


2. SECURITY BUILDING  
 SCALE: 1/8" = 1'-0"



ANSALDO BORRERA  
 VEHICLE ASSEMBLY FACILITY  
 Miami-Dade County, FL  
 8751 SW 12th Avenue and S.W. 27th Street  
 4000 SOUTHWEST 79TH AVENUE, SUITE 400, MIAMI, FL 33155  
 TEL: 305.441.1111 FAX: 305.441.1111  
 GIL-McGRAW ARCHITECTS, L.L.P.  
 CONSULTANT

A4.4  
 OF 1

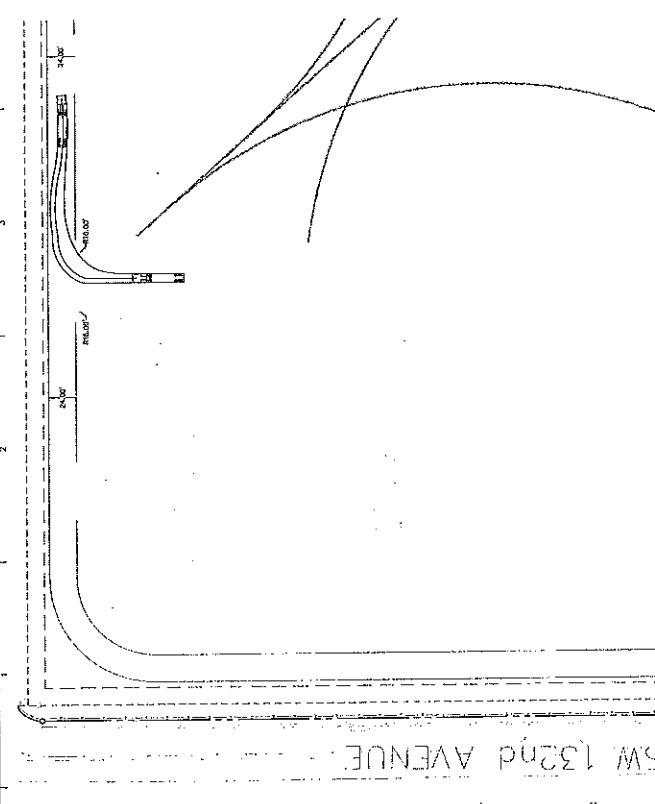


BUILDING NO. 1  
WAREHOUSE FLOOR PLAN

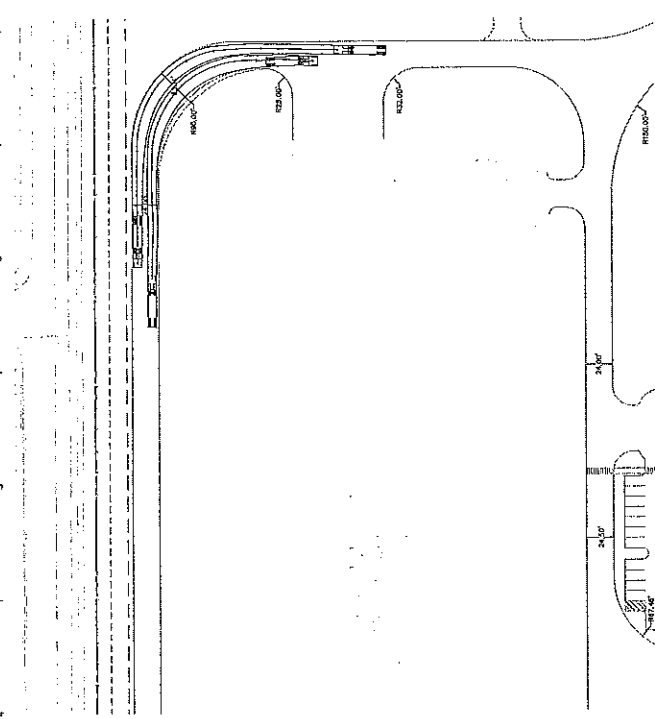
DEC 09 2013

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DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

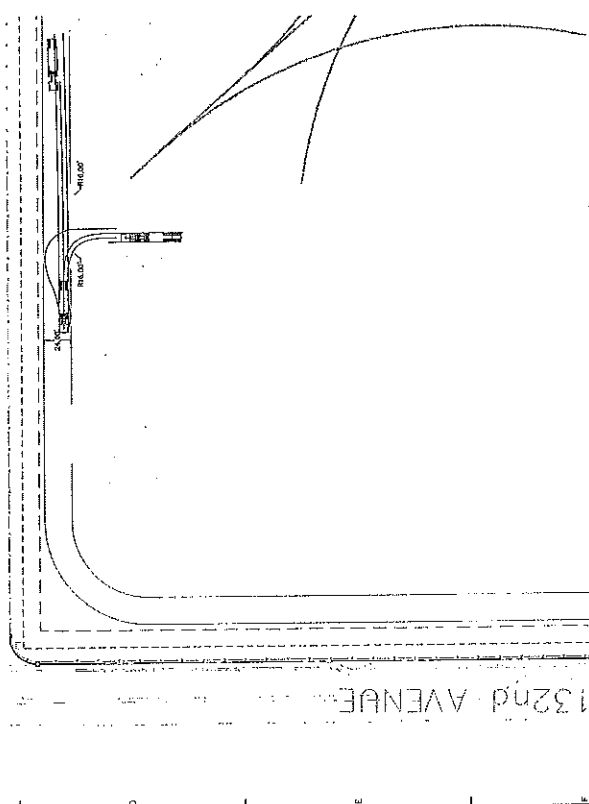
BY \_\_\_\_\_



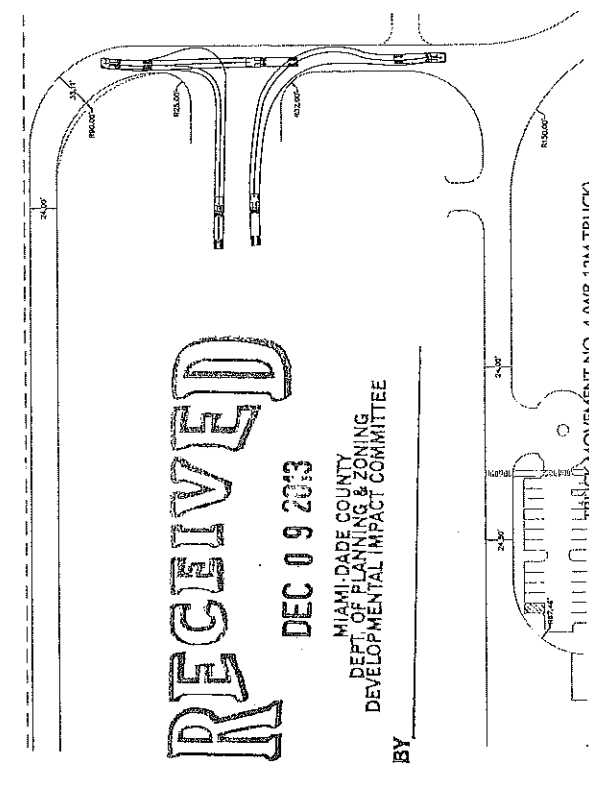
TRUCK MOVEMENT NO. 1 (WB-12M TRUCK)



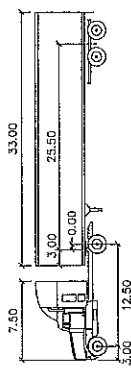
TRUCK MOVEMENT NO. 2 (WB-12M TRUCK)



TRUCK MOVEMENT NO. 3 (WB-12M TRUCK)



TRUCK MOVEMENT NO. 4 (WB-12M TRUCK)



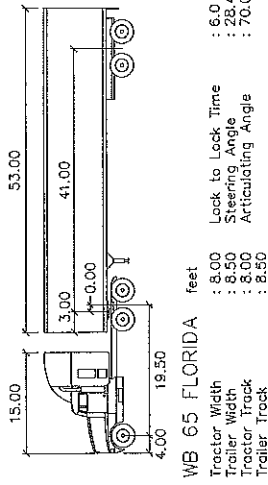
WB-12M  
Tractor Width : 8.00  
Trailer Width : 8.00  
Trailer Track : 8.00  
Lock to Lock Time : 6.00  
Steering Angle : 20.0  
Pitching Angle : 20.0

Date	Description	No.
REVISIONS		

LANGAN	
EDUARDO RODRIGUEZ NOVEMBER 27, 2013	
PROFESSIONAL ENGINEER P.E. NO. 14685	
PROJECT: ANSALDO OBREDA VEHICLE ASSEMBLY FACILITY	
DRAWING: VEHICULAR CIRCULATION PLAN	
SHEET: C-11.0	
PROJECT NO. 390127401	
DATE: 08/06/2013	
SCALE: 1"=40'	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
APPROVED BY: [Name]	

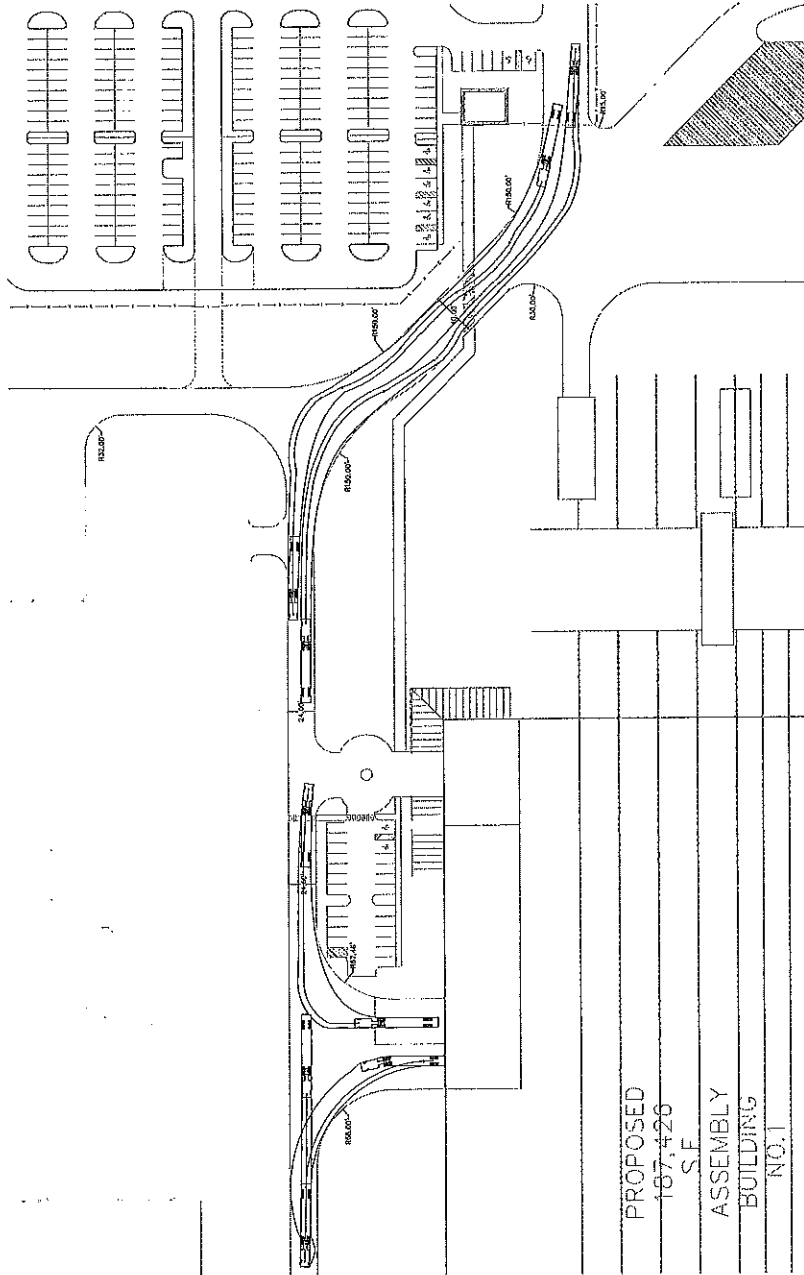
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DEVELOPMENTAL IMPACT COMMITTEE

BY



WB 65 FLORIDA feet

Tractor Width : 8.00  
Trailer Width : 8.50  
Tractor Track : 8.00  
Trailer Track : 8.50



TRUCK MOVEMENT NO. 5, 6 AND 7 (WB-65 TRUCK)

PROPOSED  
187,420  
S.F.  
ASSEMBLY  
BUILDING  
NO. 1

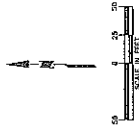
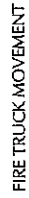
Date	Description	No.
REVISIONS		
EDUARDO RODRIGUEZ NOVEMBER 27, 2013 PROFESSIONAL ENGINEER P.E. NO. 94685 <b>LANGAN</b> 10000 W. 11th Avenue, Suite 100, Fort Lauderdale, FL 33324 Phone: (954) 576-1111 Fax: (954) 576-1112 Email: info@langan.com Website: www.langan.com PROJECT: ANSALDO OBREDA VEHICLE ASSEMBLY FACILITY		
PROJECT: ANSALDO OBREDA VEHICLE ASSEMBLY FACILITY ANSALDO OBREDA VEHICLE ASSEMBLY FACILITY FACILITY		
DRAWING NO.: 300122401 DATE: 11/27/13 SCALE: 1"=40' DRAWN BY: J. RODRIGUEZ CHECKED BY: J. RODRIGUEZ SUBMITTED DATE: 11/27/13		
PROJECT NO.: 300122401 SHEET NO.: C-11.1		

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DEVELOPMENTAL IMPACT COMMITTEE

BY



Date	Description	No.
REVISIONS		

LEONARDO RODRIGUEZ NOVEMBER 27, 2013  
PROFESSIONAL ENGINEER FL. LIC. NO. 54858

# LANGA

[illegible]

Project  
ANSALDO BREDA  
VEHICLE ASSEMBLY  
FACILITY

MIAMI DADE COUNTY ..... FLORIDA

## VEHICULAR CIRCULATION PLAN

Project No.	Drawing No.
-------------	-------------

C-11.2

Date: DECEMBER 06, 2013  
Scale: 1:500

Drawn By	Checked By
MAC	LA

Submission Date
-

THE UNIVERSITY OF CHICAGO

155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

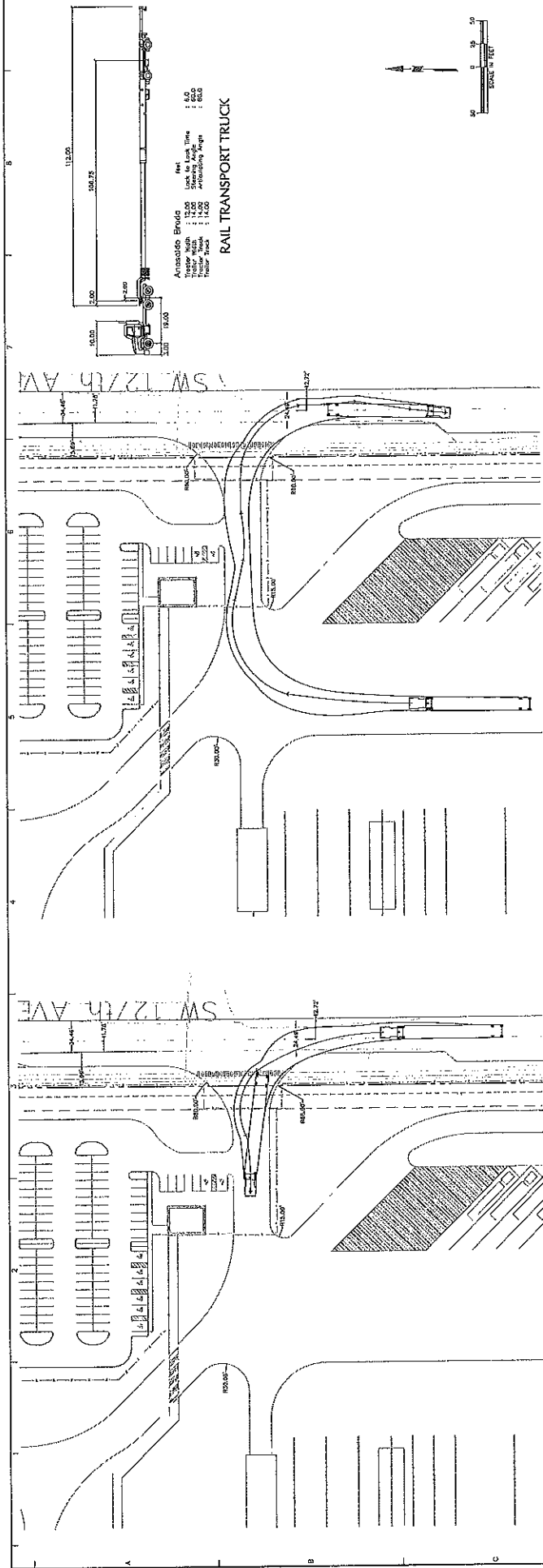
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DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

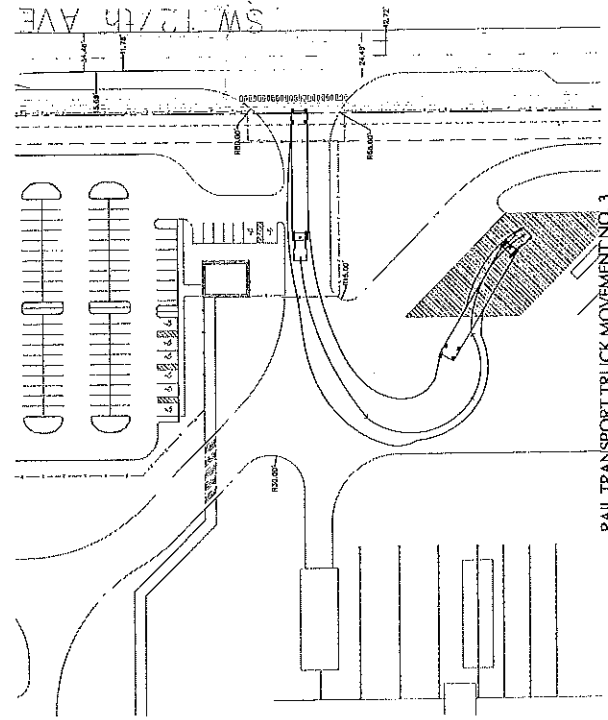


57



RAIL TRANSPORT TRUCK MOVEMENT NO. 2

RAIL TRANSPORT TRUCK MOVEMENT NO. 1



RAIL TRANSPORT TRUCK MOVEMENT NO. 3

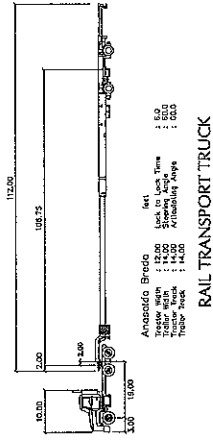
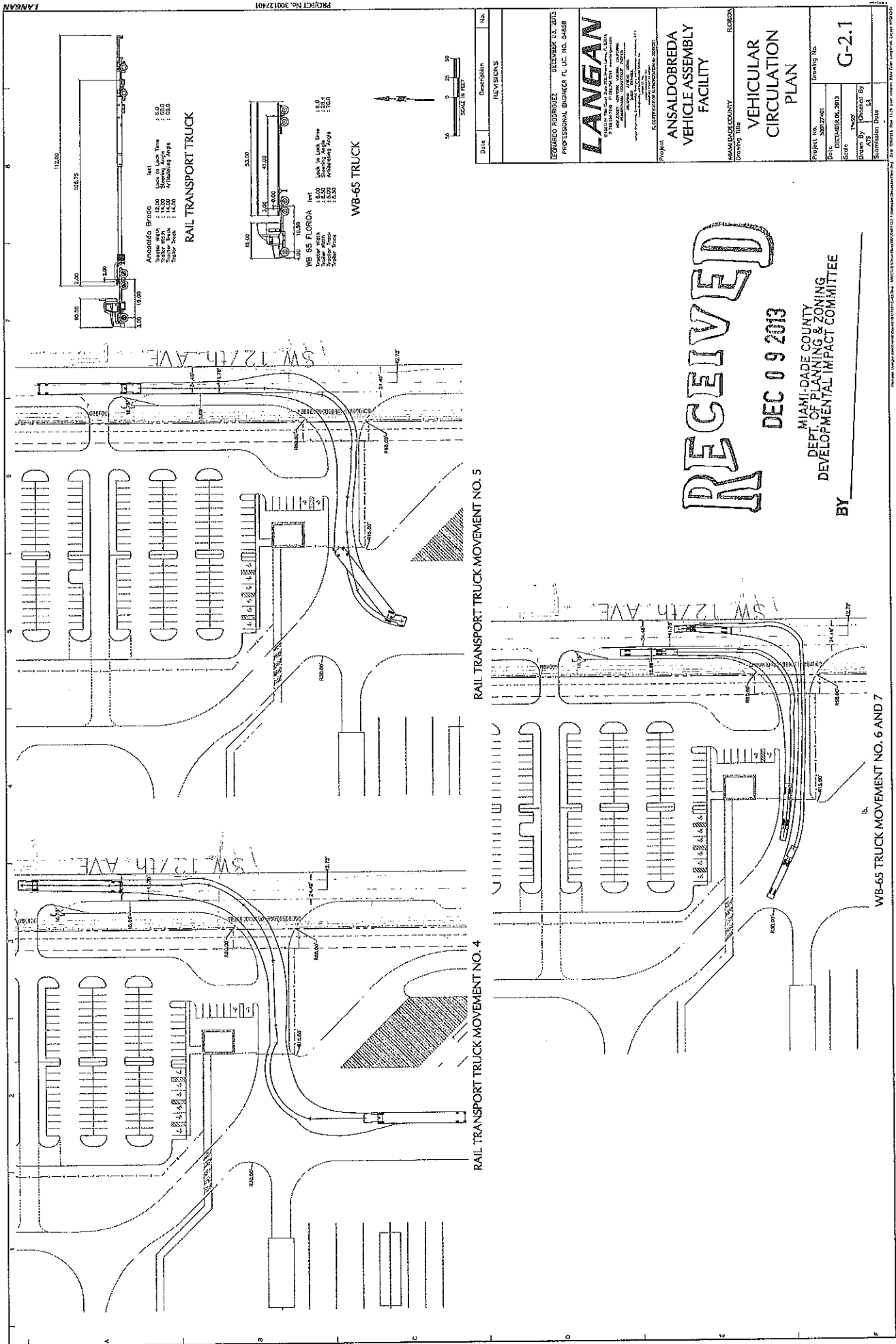
RECEIVED  
DEC 6 1965

DEC 6 1963

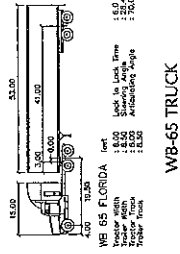
MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

AB

[illegible]



RAIL TRANSPORT TRUCK

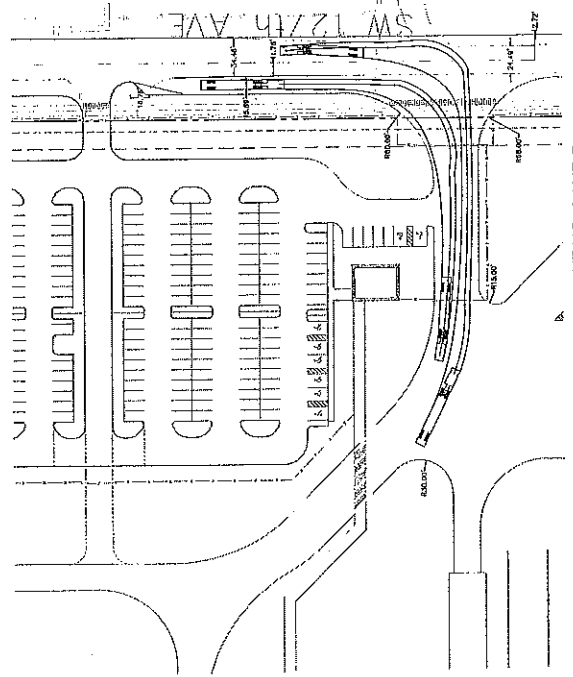


WB-65 TRUCK



RAIL TRANSPORT TRUCK MOVEMENT NO. 5

RAIL TRANSPORT TRUCK MOVEMENT NO. 4



WB-65 TRUCK MOVEMENT NO. 6 AND 7

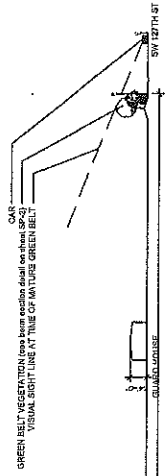
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DEC 09 2013

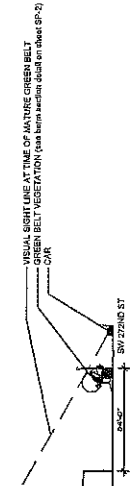
MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

BY

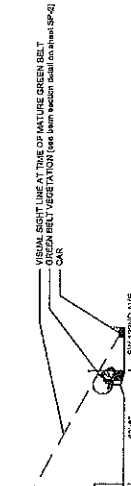
<b>LANGAN</b> CONSULTING ENGINEERS 10000 SW 127th Ave, Suite 100 Miami, FL 33176 Phone: (305) 555-1100 Fax: (305) 555-1101 Email: info@langan.com		PROJECT NO. 300127401 DATE 06/06/2013 SCALE 1"=100' DRAWN BY J. GARCIA CHECKED BY J. GARCIA SUBMITTED DATE 06/06/2013
PROJECT ANSALDOBREDA VEHICLE ASSEMBLY FACILITY		DRAWING NO. G-2.1
LOCATION MIAMI-DADE COUNTY FLORIDA		PROJECT NO. 300127401 DATE 06/06/2013 SCALE 1"=100' DRAWN BY J. GARCIA CHECKED BY J. GARCIA SUBMITTED DATE 06/06/2013



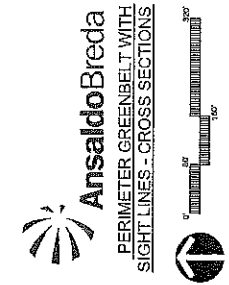
**NORTH CROSS SECTION DETAIL A FROM SW 127TH AVE**  
SCALE: 1" = 40'-0"



**WEST CROSS SECTION VIEW DETAIL B FROM SW 272ND ST**  
SCALE: 1" = 40'-0"



**SOUTH CROSS SECTION VIEW DETAIL C FROM SW 132ND AVE**  
SCALE: 1" = 40'-0"



**RECEIVED**  
DEC 09 2013  
MIAMI-DADE COUNTY  
DEPT. OF PLANNING & ZONING  
DEVELOPMENTAL IMPACT COMMITTEE

BY \_\_\_\_\_

**DISCLOSURE OF INTEREST\***

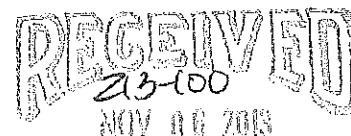
If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural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

CORPORATION NAME: Miami-Dade County

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

Governmental entity not subject to disclosure

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

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

TRUST/ESTATE NAME: \_\_\_\_\_

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_



Date of contract: \_\_\_\_\_

COMMUNITY HEARINGS SECTION  
MIAMI DADE PLANNING AND ZONING DEPT.  
BY: *XB*

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

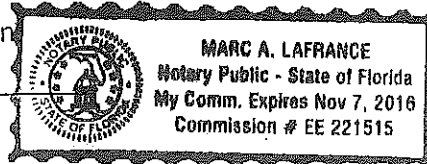
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *Lester Sola*  
Lester Sola, Director, Internal Services Department

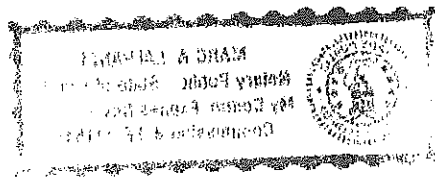
Sworn to and subscribed before me this 5<sup>th</sup> day of NOV, 2013. Affiant is personally known to me or has produced as identification

*Marc A. LaFrance*  
(Notary Public)



My commission expires \_\_\_\_\_

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



**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: AnsaldoBreda, Inc. \*

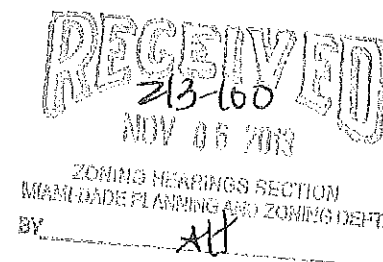
NAME AND ADDRESS

Percentage of Stock

AnsaldoBreda, Inc. is owned 100% by AnsaldoBreda S.p.A.

AnsaldoBreda S.p.A. is 100% owned by Finmeccanica S.p.A., an Italian company.

Finmeccanica S.p.A. is 30.204%+/- owned by the Minister for the Economy and Finance of the Government of Italy and is regularly traded as symbol FNC on the Borsa Italiana (BIT) stock exchange which is part of the London Stock Exchange Group.



\* AnsaldoBreda, Inc. is not under a current lease. However, because Ansaldo Breda intends on leasing the property subject to the application, this disclosure is being filed for full disclosure purposes.

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 Stock

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

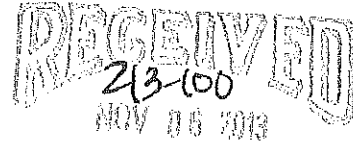
Percentage of Stock

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where 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, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

Date of contract: \_\_\_\_\_



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

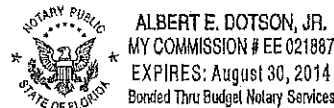
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]  
(Applicant)

Sworn to and subscribed before me this 28 day of OCTOBER, 2013. Affiant is personally known to me or has produced as identification \_\_\_\_\_

[Signature]  
(Notary Public)



My commission expires \_\_\_\_\_

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

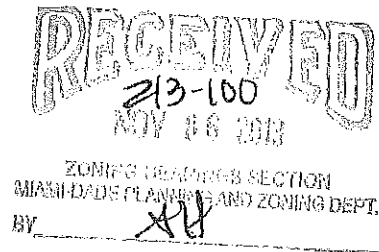
EXHIBIT "A"

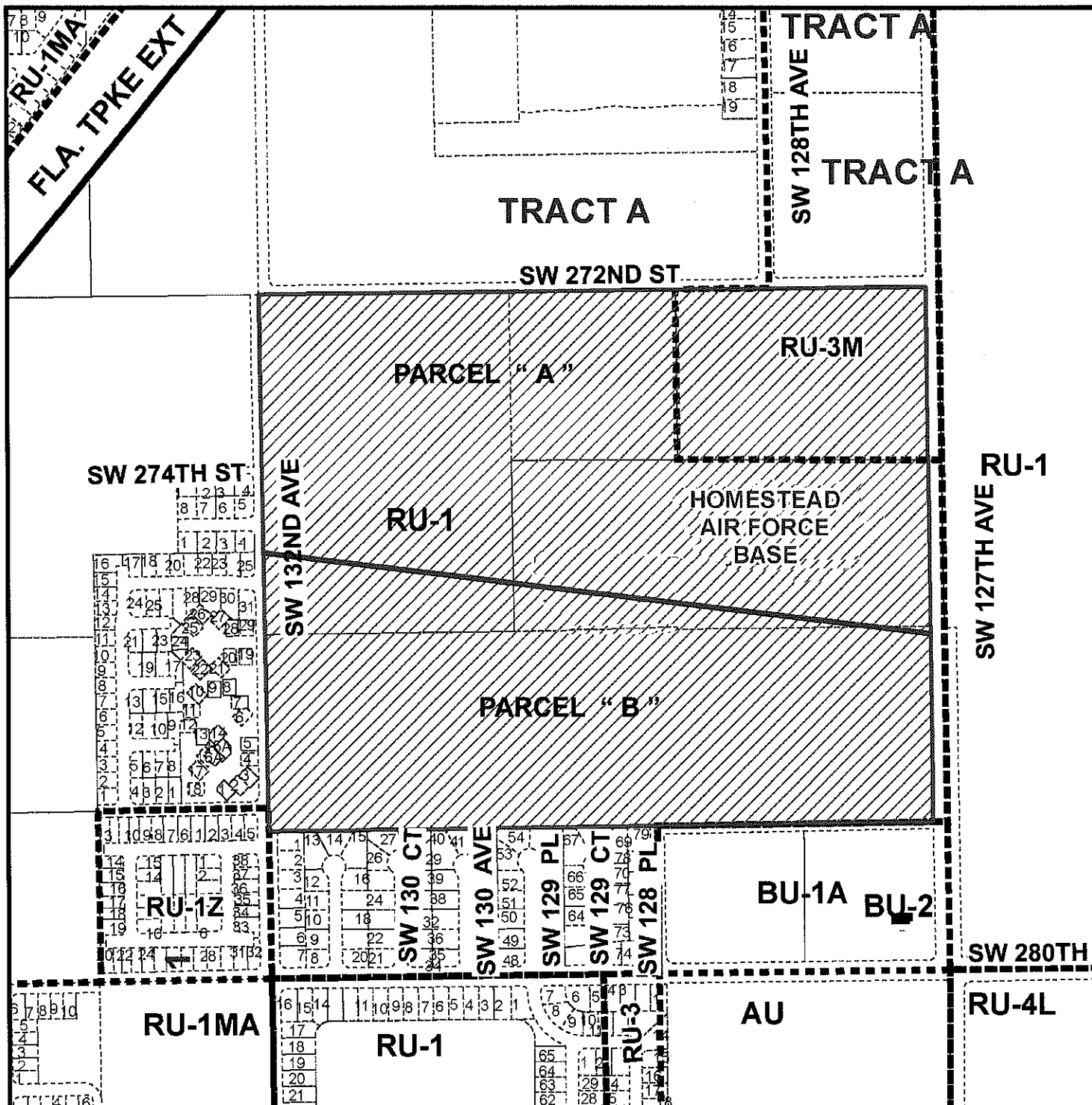
PARCEL "B"

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION N00°45'40"W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 FOR 575.06 FEET; THENCE S89°14'20"W FOR 50.08 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, THENCE S89°14'06"W FOR 2640.03 FEET; THENCE N00°50'22"W FOR 2097.14 FEET; THENCE N89°11'29"E FOR 2642.98 FEET; THENCE S00°45'40"E FOR 657.30 FEET; THENCE N89°12'12"E FOR 50.00 FEET; THENCE S00°45'40"E FOR 672.13 FEET; THENCE S89°12'55"W FOR 50.00 FEET; THENCE S00°45'18"E FOR 769.54 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "B" CONTAINS 128.01 ACRES, MORE OR LESS, BY CALCULATION.





**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2013000100**



Section: 35 Township: 56 Range: 39  
 Applicant: MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

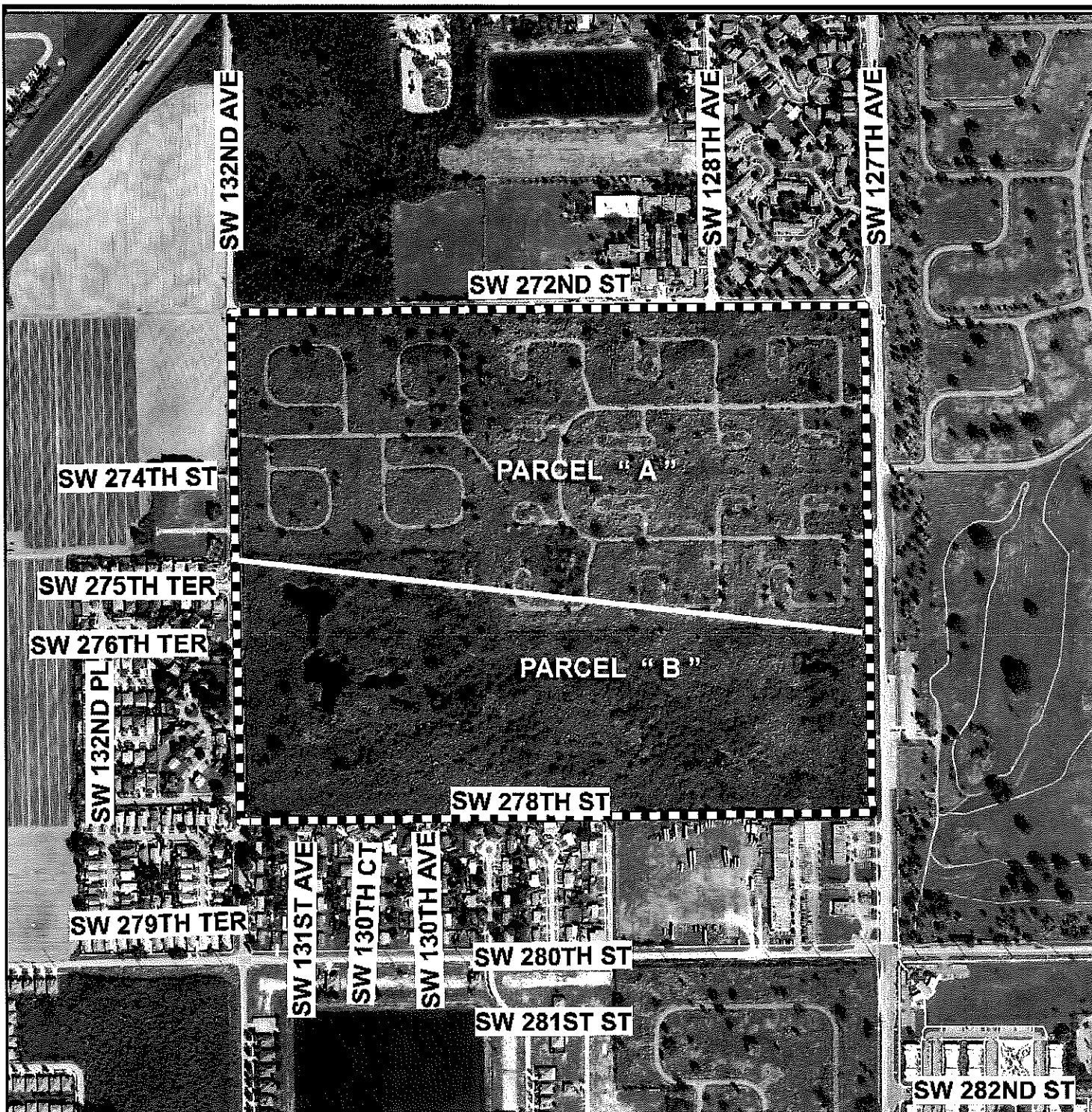
**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, November 22, 2013

REVISION	DATE	BY
		67



**MIAMI-DADE COUNTY**  
AERIAL YEAR 2012

Process Number

**Z2013000100**



Section: 35 Township: 56 Range: 39

Applicant: MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT

Zoning Board: BCC

Commission District: 9

Drafter ID: JEFFER GURDIAN

Scale: NTS

Legend

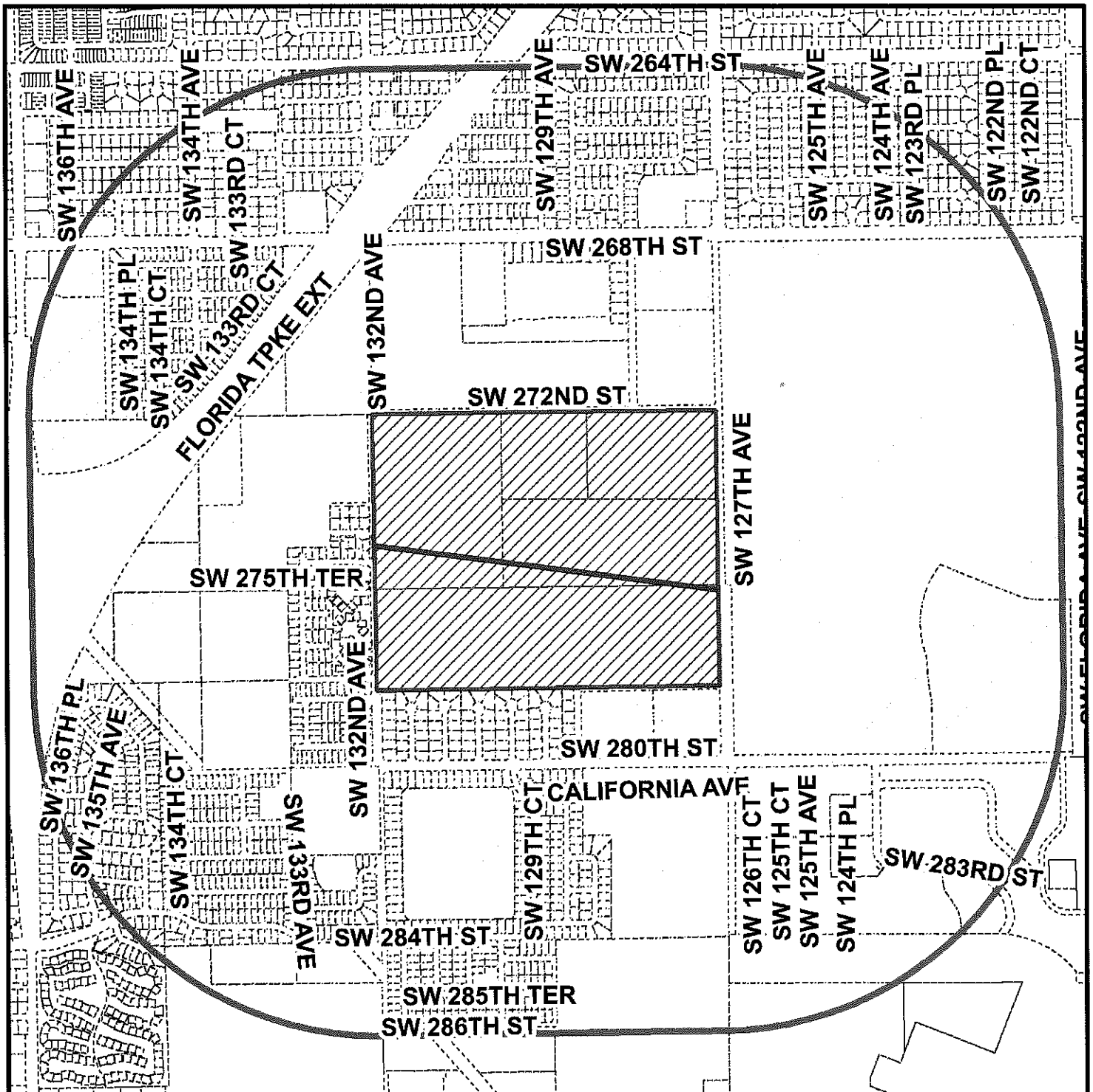


Subject Property



SKETCH CREATED ON: Friday, November 22, 2013

REVISION	DATE	BY
		68



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number

**Z2013000100**

RADIUS: 2640

Section: 35 Township: 56 Range: 39

Applicant: MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT



Zoning Board: BCC

Commission District: 9

Drafter ID: JEFFER GURDIAN

Scale: NTS

**Legend**

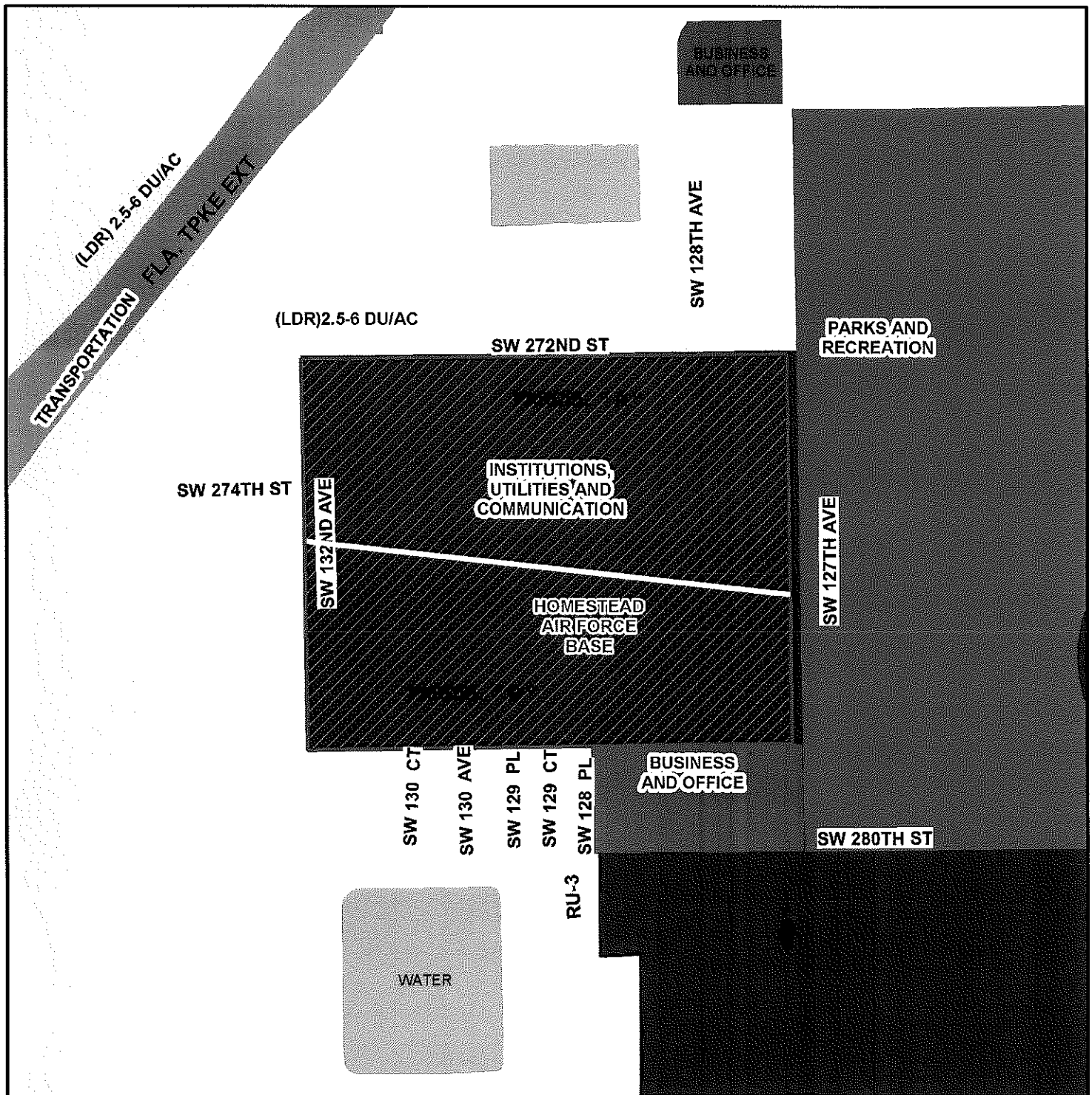
-  Subject Property
-  Buffer

**MIAMI-DADE**  
**COUNTY**



SKETCH CREATED ON: Friday, November 22, 2013

REVISION	DATE	BY
		69



**MIAMI-DADE COUNTY**  
CDMP MAP

Process Number  
**Z2013000100**

Section: 35 Township: 56 Range: 39  
Applicant: MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT  
Zoning Board: BCC  
Commission District: 9  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, November 22, 2013

REVISION	DATE	BY

# RESOLUTION NO. CZAB11-8-13

WHEREAS, LUCKY START AT THE HAMMOCKS, LLC applied for the following:

REQUESTS #1 - #4 ON PARCELS "A" THROUGH "D"

1. TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 380.06(19), Florida Statutes, with respect to the below requests:
2. MODIFICATION of Paragraphs #6 & #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89, reading as follows:

FROM:

## 6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.8%
RU-3M	267.2	24.4%	2,925	35.2%
RU-4L	69.6	6.3%	1,545	18.6%
RU-4M	117.5	10.7%	3,356	40.4%
RU-4A	10.4	1.0%	248	3.0%
	504.1	46.0%	8,303	100.0%

TO:

## 6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.6%
RU-1M(a)	30.3	2.8%	137	1.6%
RU-3M	267.2	24.4%	2,925	33.6%
RU-4L	90.7	8.3%	1,806	20.8%
RU-4M	117.5	10.7%	3,356	38.6%
RU-4A	10.4	1.0%	248	2.8%
	555.5	50.8%	8,701	100.00%

## FROM: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on 'THE HAMMOCKS Parcel Schedule' prepared by Post, Buckley, Schuh & Jernigan, Inc., dated July, 1989. A ceiling on the number of permissible Residential dwellings has been fixed at 8,303 units for the total

community, each neighborhood to be kept to a reasonable percentage of the whole."

TO: "18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole.

3. MODIFICATION of Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, reading as follows:

FROM:

"15. INDUSTRIAL PARK

A 111.87 gross acre parcel of land on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See Exhibit C). This piece of land is just north of the new Tamiami Airport, which was a factor in the decision to keep it industrial. It forms a buffer between the residential areas of The Hammocks and the airport.

A buffer will also be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

TO: "15. INDUSTRIAL PARK

A +/-49.46 net acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013).

A buffer will be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

FROM:

"23. Neighborhood Convenience Centers.

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable county procedures."

TO:

"23. Neighborhood Convenience Centers.

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 42d may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013, and may be amended in accordance with applicable County procedures."

4. MODIFICATION of the legal description for Parcel 42 as provided in Exhibit "B" of that certain Covenant Governing Land Development recorded in Official Record Book 8625, at Page 336-370, reading as follows:

FROM:

"PARCEL 42.

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51

feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning."

TO:

"PARCEL 42.

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning. LESS: A Portion Of Tract "A" Of "Amerifirst Park" Plat Book 127, Page 65, Being More Particularly Described As Follows: Begin At The Southwest Corner Of Said Tract "A"; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast ¼ Of Said Section 9, For A Distance Of 2660.44 Feet To The Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 129.21 Feet Along The Arc Of A Curve To The Left, Said Curve Having Radius Of 1326.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse Curve; Thence 720.86 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°08'03" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.97 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1090.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S37°46'00"E For A Distance Of 50.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast ¼ Of Said Section 9; Thence S02°20'50"E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 40.00 Feet North Of And Parallel To The South Line Of

The Southeast ¼ Of Said Section 9; Thence S87°26'00"W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning."

"LEGAL DESCRIPTION FOR PARCEL 42a: A Portion Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet; Thence N17°02'49"W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 125.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1283.26 Feet And A Central Angle Of 05°34'55" To A Point Of Tangency; Thence N67°22'16"E For A Distance Of 83.03 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S67°17'05"W; Thence 675.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 33°37'52" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°39'13"W; Thence S30°09'08"W For A Distance Of 104.12 Feet To A Point Of Curvature; Thence 397.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'34" To A Point Of Intersection With A Compound Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Reverse Curve; Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Tangency; Thence S02°20'50"E Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1348.47 Feet; Thence S87°26'00"W For A Distance Of 527.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9; Thence N02°20'50"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42b: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°52'53"E; Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1326.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse CURVE; Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 30°39'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°28'47"W; Thence N30°09'08"E For A Distance Of 60.10 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W; Thence 73.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 03°39'14" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 413.06 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 20°34'47" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears N50°34'47"E; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.08 Feet; Thence S87°39'10"W For A

Distance Of 513.00 Feet; Thence N02°20'50"W For A Distance Of 130.84 Feet To A Point Of Tangency; Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Intersection With A Reverse Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Compound Curve; Thence 397.34 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'35" To A Point Of Tangency; Thence N30°09'08"E For A Distance Of 44.02 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42c: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E, As A Basis Of Bearing Along The West Line Of The Se Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter of said Section 9; Thence N87°26'00"E Along The South Line Of The Se Quarter Of Said Section 9 For A Distance Of 527.00 Feet; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet To The Point Of Beginning Of The Following Described Parcel Of Land: Thence Continue N02°20'50"W For A Distance Of 793.67 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 793.67 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet To The Point Of Beginning.

Legal Description For Parcel 42d: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9; Thence N87°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following Described Parcel Of Land; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 422.00 Feet; Thence S87°26'00"W For A Distance Of 513.00 Feet To The Point Of Beginning."

The purpose of requests #2 through #4 is to allow the applicant to amend the existing Covenant Governing Land Development for the Development of Regional impact on the property to reduce the industrial park acreage and simultaneously to increase the number of residential units from 8,303 units to 8,701 units for the total community and to include a 40,000 sq. ft. general business site.

#### REQUESTS #5 - #10 ON PARCEL "A"

5. DISTRICT BOUNDARY CHANGE from IU-C to RU-1M(a).

6. NON-USE VARIANCE of zoning regulations requiring a half-section line right-of-way to be 70 feet in width; to waive same to permit 0' (35' feet required) of dedication on the east side of theoretical SW 152<sup>nd</sup> Avenue.
7. NON-USE VARIANCE to permit certain lots with less than the required 50 feet of frontage at the curvilinear setback line.
8. NON-USE VARIANCE to permit certain lots with lot areas varying minimal 4750 sq. ft. to 4,959 sq. ft. (5,000 sq. ft. required).
9. NON-USE VARIANCE to permit certain lots with a rear setback of 10' for 50% of the lineal footage of the width of the residence and 20' for the balance of the residence (15' for 50% of the lineal footage of the width of the residence and 25' for the balance of the residence required).
10. NON-USE VARIANCE to permit certain lots with a lot coverage of 47.36% (45% permitted).

REQUESTS #11 - #14 ON PARCEL "B"

11. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L
12. NON-USE VARIANCE of setback requirements requiring a minimum side yard of 15' between the end of a group of townhouses and a public or private street; to waive same.
13. NON-USE VARIANCE of patio and service private open space area requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
14. NON-USE VARIANCE requiring parking spaces to be located within 150' of the townhouse it serves; to waive same.

REQUESTS #15 - #18 ON PARCEL "C"

15. DISTRICT BOUNDARY CHANGE from IU-C to RU-4L
16. NON-USE VARIANCE requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
17. NON-USE VARIANCE to permit townhouses to setback 23' (25' required) from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building.
18. NON-USE VARIANCE to permit certain model "A" garages to setback 19' (20' required) from the front property line.

REQUESTS #19 - #21 ON PARCEL "D"

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

20. NON-USE VARIANCE requiring a 5' high decorative masonry wall to be placed along the common property line of the business lot abuts an RU zoned property, to waive same along the rear (north) property line.
21. NON-USE VARIANCE requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to waive same along the rear (north) property line.

REQUEST #22 ON PARCELS "A" THROUGH "D"

22. VARIANCE of the Kendall-Tamiami Executive Airport zoning regulations pertaining to the Inner District (ILZ) which prohibits residential uses within the ILZ zone; to permit residential development within the ILZ zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Mixed Use Development Garden Estate East" as prepared by Corwil Architects, consisting of 19 pages and plans entitled "General Estates II" as prepared by Witkin Hults Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL "A" (LEGAL DESCRIPTION FOR PARCEL 42a): A Portion Of Section 9, Township 55 South, Range 39 East In Miami-Dade County, Florida, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet; Thence N17°02'49"W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 125.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1283.26 Feet And A Central Angle Of 05°34'55" To A Point Of Tangency; Thence N67°22'16"E For A Distance Of 83.03 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S67°17'05"W; Thence 675.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 33°37'52" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°39'13"W; Thence S30°09'08"W For A Distance Of 104.12 Feet To A Point Of Curvature; Thence 397.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'34" To A Point Of Intersection With A Compound Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Reverse Curve; Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Tangency; Thence S02°20'50"E Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1348.47 Feet; Thence S87°26'00"W For A Distance Of 527.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9; Thence N02°20'50"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

PARCEL "B" (LEGAL DESCRIPTION FOR PARCEL 42b): A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East In Miami-Dade County, Florida, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-

Tangent Curve, A Radial Line To Said Point Bears S17°52'53"E; Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1326.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse CURVE; Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 30°39'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°28'47"W; Thence N30°09'08"E For A Distance Of 60.10 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W; Thence 73.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 03°39'14" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 413.06 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 20°34'47" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears N50°34'47"E; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.08 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet; Thence N02°20'50"W For A Distance Of 130.84 Feet To A Point Of Tangency; Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Intersection With A Reverse Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Compound Curve; Thence 397.34 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'35" To A Point Of Tangency; Thence N30°09'08"E For A Distance Of 44.02 Feet To The Point Of Beginning.

PARCEL "C" (LEGAL DESCRIPTION FOR PARCEL 42c): A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East In Miami-Dade County, Florida, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E, As A Basis Of Bearing Along The West Line Of The Se Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter of said Section 9; Thence N87°26'00"E Along The South Line Of The Se Quarter Of Said Section 9 For A Distance Of 527.00 Feet; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet To The Point Of Beginning Of The Following Described Parcel Of Land: Thence Continue N02°20'50"W For A Distance Of 793.67 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 793.67 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet To The Point Of Beginning.

PARCEL "D" (LEGAL DESCRIPTION FOR PARCEL 42d): A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9; Thence N87°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following

Described Parcel Of Land; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 422.00 Feet; Thence S87°26'00"W For A Distance Of 513.00 Feet To The Point Of Beginning.

LOCATION: Lying between SW 120 Street and Hammocks Boulevard and lying east of theoretical SW 152 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 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*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the amendment to the existing Covenant Governing Land Development, (i.e. recorded in Official Records Book 8625, Pages 336 -- 370) noted herein as requested Item #1 on Parcels "A" through "D", does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and

*WHEREAS*, the requested district boundary change to RU-1M(a) on Parcel "A" (Item #5), the requested district boundary change to RU-4L on Parcel "B" (Item #11), the requested district boundary change to RU-4L on Parcel "C" (Item #15) and the requested district boundary change to BU-1A on Parcel "D" (Item #19) would be consistent with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and

intent of the plan for the development of Miami-Dade County, Florida, and should be recommended for approval, and

*WHEREAS*, the requested modification of Paragraphs #6 & #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89 on Parcels "A" through "D" (Item #2), the requested modification of Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 on Parcels "A" through "D" (Item #3) and the requested modification of the legal description for Parcel 42 as provided in Exhibit "B" of that certain Covenant Governing Land Development recorded in Official Record Book 8625, at Page 336-370 on Parcels "A" through "D" (Item #4), would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, the requested non-use variance of zoning regulations requiring a half-section line right-of-way to be 70 feet in width; to waive same to permit 0' of dedication on the east side of theoretical SW 152<sup>nd</sup> Avenue on Parcel "A" (Item #6), the requested non-use variance to permit certain lots with less than the required 50 feet of frontage at the curvilinear setback line on Parcel "A" (Item #7), the requested non-use variance to permit certain lots with lot areas varying from 4750 sq. ft. minimum in lieu of lots varying from 4750 to 4,959 sq. ft. on Parcel "A" (Item #8), the requested non-use variance to permit certain lots with a rear setback of 10' for 50% of the lineal footage of the width of the residence and 20' for the balance of the residence on Parcel "A" (Item #9), the requested non-use variance to permit certain lots with a lot coverage of 47.36% on Parcel "A" (Item #10), the requested non-use variance requiring a minimum side yard of 15' between the

end of a group of townhouses and a public or private street; to waive same on Parcel "B" (Item #12), the requested non-use variance requiring 400 square feet of enclosed area for each townhouse unit; to waive same on Parcel "B" (Item #13), the requested non-use variance requiring parking spaces to be located within 150' of the townhouse it serves; to waive same on Parcel "B" (Item #14), the requested non-use variance requiring 400 square feet of enclosed area for each townhouse unit; to waive same on Parcel "C" (Item #16), the requested non-use variance to permit townhouses to setback 23' from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building on Parcel "C" (Item #17), the requested non-use variance to permit certain model "A" garages to setback 19' from the front property line on Parcel "C" (Item #18), the requested non-use variance requiring a 5' high masonry wall between the common property line where a business lot abuts an RU zoned lot, to waive same along the rear (north) property line on Parcel "D" (Item #20), the requested non-use variance requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to waive same along the rear (north) property line on Parcel "D" (Item #21), and the requested VARIANCE of the Kendall-Tamiami Executive Airport zoning regulations pertaining to the Inner District (ILZ) which prohibits residential uses within the ILZ zone; to permit residential development within the ILZ zone on Parcels "A" through "D" (Item #22) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to recommend a finding of no substantial deviation and to recommend Items #1 through #22 for approval was offered by Carolina Blanco, seconded by Socrates De Jesus, and upon a poll of the members present, the vote was as follows:

Carolina Blanco  
Socrates De Jesus

aye  
aye

Miguel A. Diaz  
Jay Reichbaum  
Beatrice Suarez

absent  
absent  
aye

Patricia G. Davis

aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11 that the Board recommends that the Board of County Commissioners finds that the amendment to the existing Covenant Governing Land Development, (i.e. recorded in Official Records Book 8625, Pages 336 – 370) noted herein as requested Item #1 on Parcels "A" through "D", does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development or regional impact review.

*BE IT FURTHER RESOLVED* that the requested district boundary change to RU-1M(a) on Parcel "A" (Item #5), the requested district boundary change to RU-4L on Parcel "B" (Item #11), the requested district boundary change to RU-4L on Parcel "C" (Item #15) and the requested district boundary change to BU-1A on Parcel "D" (Item #19) be and the same are hereby recommended for approval.

*BE IT FURTHER RESOLVED*, that the requested modification of Paragraphs #6 and #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89 on Parcels "A" through "D" (Item #2), the requested modification of Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 on Parcels "A" through "D" (Item #3), the requested modification of the legal description for Parcel 42 as provided in Exhibit "B" of that certain Covenant Governing Land Development recorded in Official Record Book 8625, at Page 336-370 on Parcels "A" through "D" (Item #4), the requested non-use variance of zoning regulations requiring a half-section line right-of-way to be 70 feet in width; to waive same to permit 0'

of dedication on the east side of theoretical SW 152<sup>nd</sup> Avenue on Parcel "A" (Item #6), the requested non-use variance to permit certain lots with less than the required 50 feet of frontage at the curvilinear setback line on Parcel "A" (Item #7), the requested non-use variance to permit certain lots with lot areas varying from 4750 sq. ft. minimum in lieu of lots varying from 4750 to 4,959 sq. ft. on Parcel "A" (Item #8), the requested non-use variance to permit certain lots with a rear setback of 10' for 50% of the lineal footage of the width of the residence and 20' for the balance of the residence on Parcel "A" (Item #9), the requested non-use variance to permit certain lots with a lot coverage of 47.36% on Parcel "A" (Item #10), the requested non-use variance requiring a minimum side yard of 15' between the end of a group of townhouses and a public or private street; to waive same on Parcel "B" (Item #12), the requested non-use variance requiring 400 square feet of enclosed area for each townhouse unit; to waive same on Parcel "B" (Item #13), the requested non-use variance requiring parking spaces to be located within 150' of the townhouse it serves; to waive same on Parcel "B" (Item #14), the requested non-use variance requiring 400 square feet of enclosed area for each townhouse unit; to waive same on Parcel "C" (Item #16), the requested non-use variance to permit townhouses to setback 23' from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building on Parcel "C" (Item #17), the requested non-use variance to permit certain model "A" garages to setback 19' from the front property line on Parcel "C" (Item #18), the requested non-use variance requiring a 5' high masonry wall between the common property line where a business lot abuts an RU zoned lot, to waive same along the rear (north) property line on Parcel "D" (Item #20), the requested non-use variance requiring a continuous buffer consisting of a 6' high wall, fence or hedge and trees where dissimilar land uses exist on adjacent properties; to waive same along the rear (north) property line on Parcel "D" (Item #21), and the requested VARIANCE of the Kendall-Tamiami Executive

Airport zoning regulations pertaining to the Inner District (ILZ) which prohibits residential uses within the ILZ zone; to permit residential development within the ILZ zone on Parcels "A" through "D" (Item #22) be and the same are hereby recommended for approval, subject to the following conditions:

**CONDITIONS FOR APPROVAL OF DEVELOPMENT OF REGIONAL IMPACT REQUESTS (ITEMS #1 through #4):**

1. That all other paragraphs of the Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 remain in full force and effect except as herein modified.

**CONDITIONS FOR APPROVAL OF ZONING REQUESTS #6 through #10, requests #12 through #14, requests #16 through #18 and #20 through #22:**

2. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Mixed Use Development Garden Estate East" as prepared by Corwil Architects, consisting of 19 pages and plans entitled "General Estates II" as prepared by Witkin J. Hults Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013.
4. Density Restriction. The number of dwelling units on the Property shall not exceed three hundred ninety-eight (398) units.
5. Condition amended by Community Council 11: That the height of any single-family dwelling unit to be located on a lot along the western boundary of the Property, which abuts more than 50% of the lot width of an existing one (1) story home, shall not exceed one (1) story in height. Residential buildings within the Property shall not exceed thirty-five (35) feet in height.
6. Noise Level Reduction. The Owner shall incorporate at least 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of any dwelling unit on the Property.
7. Aviation Easement. The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, and hereby grants and conveys to Miami-Dade County an easement and right-of-way for the free and unobstructed flight, and passage, operations and effects thereof of all types of aircraft ("aircraft" being defined for the purpose of this Aviation Easement as any contrivance now known or hereafter invented, used, or designated for navigation of, or flight in or through the air) by whomsoever owned or operated, in and through the airspace above and over the surface of the Property, including, but not limited to, the right to cause in such airspace

above or in the vicinity of the surface of the Property such noise, vibration, odors, vapors, fumes, fuel particles (which are incident to normal operations of said aircraft), smoke, dust, fear, interference with sleep and communications and any and all other effects as may be alleged to be incident to or caused by the aircraft engines and the operation of aircraft for navigation of or flight or passage in and through said airspace, and for the use of said airspace by aircraft for approaching, landing upon, taking off from, maneuvering about or operating (which are incident to normal operations of said aircraft) on Kendall Tamiami Executive Airport ("TMB") and for all other uses allowed or authorized at TMB.

8. Buffering to Adjacent Single-Family Development and Adjacent Roadways. The Owner shall install a six foot (6') high wall, constructed of pre-cast concrete, concrete block, or other similar materials, along that certain portion of the western Property line that abuts detached single-family dwelling units. The Owner shall install landscape buffers along Hammocks Boulevard and along SW 120 Street west of SW 151 Court, which shall include a fifteen foot (15') landscape area and a berm.
9. Construction Hours and Activities. The Owner shall limit construction activities to the hours of 7:00 AM - 7:00 PM, Monday – Friday, and 10:00 AM – 5:00 PM on Saturday. No construction activities shall take place on Sundays. The use of explosives shall be strictly prohibited. In the event a hurricane warning is issued for Miami-Dade County, the Owner shall promptly secure all construction materials to minimize the potential for damage from flying objects to adjacent properties.
10. Prohibited Uses. Notwithstanding the approval of the Application, the establishment and maintenance of the following uses on the Property shall be prohibited:
  - a) private clubs, as defined in Section 33-247(35) of the Code;
  - b) nightclubs, as defined in Section 33-253(6) of the Code;
  - c) adult entertainment uses as defined in Section 33-259.1 of the Miami-Dade County Code;
  - d) the use of any portion of the premises within any building to be constructed on the Property (regardless of the percentage of the total floor area), even if screened to keep such area from the clear view of minors, for the display, sale or rental of videotapes, printed matter, pictures, films, graphic or any materials, which activities require the exclusion of minors pursuant to Chapter 847, Florida Statutes;
  - e) donated goods center;
  - f) automobile light truck sales;
  - g) billiard and pool rooms;
  - h) motorcycle sales and repairs;
  - i) open air theatre;
  - j) skating rinks;
  - k) rental trucks.
11. Restrictions for Commercial Parcel. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of that certain parcel of land depicted on the Plan as the "Commercial Out Parcel" to those uses listed below:

- Apparel stores
- Automobile washing
- Bakeries, retail only
- Banks, including drive-in teller service
- Barber shops
- Beauty parlors
- Cellular phones and accessories sales
- Computers and accessories sales
- Confectionery, ice cream, and dairy stores
- Dairy stores
- Day Care
- Drugstores with photo and retail sales
- Employment agencies
- Florist shops
- Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets, and other similar food stores, provided such establishment shall not exceed one thousand (1000) square feet of floor area
- Hardware stores
- Health and exercise club
- Interior design shops
- Jewelry stores, but excluding incidental sales and purchases of used jewelry or pawn shops
- Mail order offices, without storage or products sold
- Newsstands
- Offices
- Office supplies and equipment sales
- Optical stores
- Outdoor sitting area for restaurants
- Outside walk-up window service in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing and copy services and supplies
- Restaurants and coffee housing dining rooms with outdoor seating where kitchen is located within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke, or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passerby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within. Seating shall be limited to no more than 100 people.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe stores and shoe repair shops

- Tailor shops

12. That the use be established and maintained in accordance with the approved plan.
13. That any building that may be developed on the Commercial Out Parcel shall be designed and maintained in a manner that is compatible with the surrounding residential community. At a minimum, any such building shall have a barrel tile roof and shall be painted in a color or colors that are in harmony with the prevailing colors in the area at the time of the construction of the building.
14. That the site plan for the Commercial Out Parcel shall be submitted to the Department of Planning and Zoning for administrative site plan review approval, and the development of the parcel shall be in substantial accordance with said approved plan.
15. That once developed, the Owner shall maintain adequate lighting equipped with deflectors or such other similar equipment to prevent the spillage of light onto adjacent residential properties.
16. Condition amended by Community Council 11: That no business shall be allowed to operate within the Commercial Out Parcel any earlier than 7:00 AM, Monday – Friday, 8:00 AM on Saturday and on Sunday or any later than 10:00 PM (Monday – Saturday) or 6:00 PM on Sunday.
17. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in its memorandum dated October 28, 2013.
18. Condition amended by Community Council 11: That Deliveries and trash pick-up for the commercial parcel / BU-1A Parcel / Parcel D shall take place between the hours of 7:00 AM and 7:00 PM, Monday – Friday
19. That the Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of TMB, or otherwise constitute an airport hazard.
20. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Aviation Department as contained in its memorandum dated October 28, 2013.
21. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management (DERM) of the Department of Regulatory and Economic Resources (RER) as contained in its memorandum dated September 26, 2013.

*BE IT FURTHER RESOLVED* that the requested modification of Paragraphs #6 and #18 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370, as last modified by a covenant proviso contained in Resolution #Z-226-89 on Parcels "A" through "D" (Item #2), shall read as follows:

6. DISTRIBUTION OF UNITS

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	39.4	3.6%	229	2.6%
RU-1M(a)	30.3	2.8%	137	1.6%
RU-3M	267.2	24.4%	2,925	33.6%
RU-4L	90.7	8.3%	1,806	20.8%
RU-4M	117.5	10.7%	3,356	38.6%
RU-4A	10.4	1.0%	248	2.8%
	555.5	50.8%	8,701	100.00%

18. CONTROLLED DENSITIES

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole.

*BE IT FURTHER RESOLVED* that the requested modification Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in Official Records Book 8625, Pages 336 – 370 on Parcels "A" through "D" (Item #3), shall read as follows:

15. INDUSTRIAL PARK

A +/-49.46 net acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013).

A buffer will be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street.

23. Neighborhood Convenience Centers.

Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 42d may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013, and may be amended in accordance with applicable County procedures.

*BE IT FURTHER RESOLVED* that the requested modification of the legal description for Parcel 42 as provided in Exhibit "B" of that certain Covenant Governing Land Development recorded in Official Record Book 8625, at Page 336-370 on Parcels "A" through "D" (Item #4), shall read as follows:

"PARCEL 42.

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, thence run S 87°26'25.5" W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E. ¼ of said Section 9; thence run N 02°21'42" W along the West line of the S.E. ¼ of said Section 9 to the N.W. corner of the S.E. ¼ of said Section 9; thence run S 87°34'31" W along the South line of the N.W. ¼ of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeasterly along the arc of said curve through a central angle of 20°17'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67°17'26" W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37°17'26" for 748.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°46'00" E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.54 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning. LESS: A Portion Of Tract "A" Of "Amerifirst Park" Plat Book 127, Page 65, Being More Particularly Described As Follows: Begin At The Southwest Corner Of Said Tract "A"; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast ¼ Of Said Section 9, For A Distance Of 2660.44 Feet To The Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 129.21 Feet Along The Arc Of A Curve To The Left, Said Curve Having Radius Of 1326.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A

Point Of Intersection With A Reverse Curve; Thence 720.86 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°08'03" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.97 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1090.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S37°46'00"E For A Distance Of 50.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast ¼ Of Said Section 9; Thence S02°20'50"E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 40.00 Feet North Of And Parallel To The South Line Of The Southeast ¼ Of Said Section 9; Thence S87°26'00"W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning."

"LEGAL DESCRIPTION FOR PARCEL 42a: A Portion Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°34'58"W For A Distance Of 18.65 Feet; Thence N17°02'49"W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'49"E; Thence 125.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1283.26 Feet And A Central Angle Of 05°34'55" To A Point Of Tangency; Thence N67°22'16"E For A Distance Of 83.03 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S67°17'05"W; Thence 675.02 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 33°37'52" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°39'13"W; Thence S30°09'08"W For A Distance Of 104.12 Feet To A Point Of Curvature; Thence 397.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'34" To A Point Of Intersection With A Compound Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Reverse Curve; Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Tangency; Thence S02°20'50"E Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1348.47 Feet; Thence S87°26'00"W For A Distance Of 527.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9; Thence N02°20'50"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42b: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence N02°20'50"W, As Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°52'53"E; Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1326.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve; Thence 37.86 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 86°45'47" To A Point Of Intersection With A Reverse CURVE; Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 30°39'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non- Tangent Line, A Radial Line To Said Point Bears S33°28'47"W; Thence N30°09'08"E For A Distance Of 60.10 Feet To A Point

Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W; Thence 73.34 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 03°39'14" To A Point Of Tangency; Thence S60°00'00"E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 413.06 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1150.00 Feet And A Central Angle Of 20°34'47" To A Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears N50°34'47"E; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.08 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet; Thence N02°20'50"W For A Distance Of 130.84 Feet To A Point Of Tangency; Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 20°13'42" To A Point Of Intersection With A Reverse Curve; Thence 269.36 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 13°08'05" To A Point Of Intersection With A Compound Curve; Thence 397.34 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 39°35'35" To A Point Of Tangency; Thence N30°09'08"E For A Distance Of 44.02 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42c: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E, As A Basis Of Bearing Along The West Line Of The Se Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter of said Section 9; Thence N87°26'00"E Along The South Line Of The Se Quarter Of Said Section 9 For A Distance Of 527.00 Feet; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet To The Point Of Beginning Of The Following Described Parcel Of Land: Thence Continue N02°20'50"W For A Distance Of 793.67 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 793.67 Feet; Thence S87°39'10"W For A Distance Of 513.00 Feet To The Point Of Beginning.

Legal Description For Parcel 42d: A Portion Of The Southeast Quarter Of Section 9, Township 55 South, Range 39 East, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9; Thence S02°02'50"E As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9, For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9; Thence N87°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following Described Parcel Of Land; Thence N02°20'50"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.97 Feet; Thence N87°39'10"E For A Distance Of 513.00 Feet; Thence S02°20'50"E Along A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 422.00 Feet; Thence S87°26'00"W For A Distance Of 513.00 Feet To The Point Of Beginning.

*PASSED AND ADOPTED* this 10<sup>th</sup> day of December, 2013.

Hearing No. 13-12-CZ11-1  
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS ON THE 10<sup>TH</sup> DAY OF JANUARY, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-8-13 adopted by said Community Zoning Appeals Board at its meeting held on the 10<sup>th</sup> day of December, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 10<sup>th</sup> day of January, 2013.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade Department of Department of Regulatory  
and Economic Resources

SEAL



BCC — January 23, 2014  
Item 3 — Z12-096  
Lucky Start at the Hammocks, LLC

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space reserved for Clerk of Court)

### **MODIFICATION OF COVENANT GOVERNING LAND DEVELOPMENT**

THIS MODIFICATION OF COVENANT GOVERNING LAND DEVELOPMENT is made this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by **Hammocks Lennar, LLC**, a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "City").

#### **W I T N E S S E T H:**

**WHEREAS**, the Owner holds fee simple title to that certain parcel of land located in unincorporated Miami-Dade County, Florida, which is more particularly described in the attached Exhibit "A" (the "Property"); and

**WHEREAS**, a Covenant Governing Land Development (hereinafter referred to as the "Covenant") in favor of Miami-Dade County, was recorded in the Public Records of Miami-Dade County in Official Records Book 8625 at Page 336, which placed certain restrictions and conditions on the development of the Property in connection with the approval of The Hammocks Development of Regional Impact (the "DRI");

**WHEREAS**, the Covenant has been modified and amended from time to time to reflect the approval of modifications and amendments to the DRI;

**WHEREAS**, the Owner has filed a Notification of Proposed Change to the DRI with the Florida Department of Economic Opportunity, South Florida Regional Planning Council, and Miami-Dade County pursuant to process number Z12-096 (the "NOPC") for the purpose of modifying the DRI development order and, as such, the Covenant, as amended;

**WHEREAS**, the Miami-Dade County Board of County Commissioners held a public hearing on \_\_\_\_\_ wherein it adopted Resolution No. \_\_\_\_\_ (the "Resolution") to approve the NOPC and the modification to the Covenant, as amended;

**WHEREAS**, the Resolution approved the modification of Condition No. 6 of the Covenant, as previously modified by that certain Amendment to Covenant Governing Land Development, dated October 17, 1975, and recorded in Official Record Book 9254, at Page 1117, of the Public Records of Miami-Dade County, Florida, as follows:

**FROM:**

**6. DISTRIBUTION OF UNITS**

<b>ZONE</b>	<b>ACRES</b>	<b>% OF TOTAL GROSS AREA</b>	<b>TOTAL UNITS</b>	<b>% OF TOTAL UNITS</b>
RU-1	39.4	3.6%	229	2.8%
RU-3M	267.2	24.4%	2,925	35.2%
RU-4L	69.6	6.3%	1,545	18.6%
RU-4M	117.5	10.7%	3,356	40.42%
RU-4A	10.4	1.0%	248	3.0%
<b>TO:</b>	<b>504.1</b>	<b>46.0%</b>	<b>8,303</b>	<b>100.0%</b>

**6. DISTRIBUTION OF UNITS**

<b>ZONE</b>	<b>ACRES</b>	<b>% OF TOTAL GROSS AREA (based on 1,096.76 acres)</b>	<b>TOTAL UNITS</b>	<b>% OF TOTAL UNITS</b>
RU-1	39.4	3.59%	229	2.63%
RU-1M(a)	28.7	2.62%	137	1.57%
RU-3M	267.2	24.4%	2,925	33.62%
RU-4L	87.2	7.95%	1,806	20.76%
RU-4M	117.5	10.71%	3,356	38.57%
RU-4A	10.4	0.95%	248	2.85%

---

550.4

50.22%

8,701

100.00%

WHEREAS, the Resolution approved a modification of Condition 15 of the Covenant as follows:

**FROM:**

**"15. INDUSTRIAL PARK**

A 111.87 gross acre parcel of land on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See Exhibit C)

This piece of land is just north of the new Tamiami Airport, which was a factor in the decision to keep it industrial. It forms a buffer between the residential areas of The Hammocks and the airport.

A buffer will also be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

**TO:**

**"15. INDUSTRIAL PARK**

A 49.46 gross acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013)

A buffer will be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

WHEREAS, the Resolution approved a modification of Condition 18 of the Covenant, as previously modified by that certain Amendment To Covenant Governing Land

Development dated the 20<sup>th</sup> day of December, 1984, approved by the Board of County Commissioners pursuant to Resolution No. Z-281-84, and recorded in Official Record Book 12432, at Page 632, of the Public Records of Miami-Dade County, Florida; such covenant was an amendment to an Amendment to Covenant Governing Land Development the 1<sup>st</sup> day of December, 1981, and approved by the Board of County Commissioners by Resolution No. R-1825-81; such covenant was an amendment to that certain amendment to the Covenant, as amended by that Amendment to Covenant Governing Land Development, dated October 17, 1975, and recorded in Official Record Book 9254, at Page 1117, of the Public Records of Miami-Dade County, Florida, as follows:

**FROM:**

**"18. CONTROLLED DENSITIES**

**In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on 'THE HAMMOCKS Parcel Schedule' prepared by Post, Buckley, Schuh & Jernigan, Inc., dated July, 1989. A ceiling on the number of permissible Residential dwellings has been fixed at 8,303 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."**

**TO:**

**"18. CONTROLLED DENSITIES**

**In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."**

**WHEREAS,** the Resolution approved a modification of Condition 23 of the Covenant as follows:

**FROM:**

**"23. Neighborhood Convenience Centers.**

**Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable county procedures."**

**TO:**

**"23. Neighborhood Convenience Centers.**

**Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 52 may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013, and may be amended in accordance with applicable County procedures."**

**WHEREAS,** the Resolution approved a modification of the legal description provided for Parcel 42 and added the legal descriptions for Parcel 50, Parcel 51, and Parcel 52 as provided in Exhibit B of the Covenant as follows:

FROM:

PARCEL 42

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, Dade County, Florida; thence run S 87-26-25.5 W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run N 02-21-42 W along the West line of the S.E.  $\frac{1}{4}$  of said Section 9 to the N.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run S 87-34-31 W along the South line of the N.W.  $\frac{1}{4}$  of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeastly along the arc of said curve through a central angle of 20-17-05 for 454.32 feet to a Point of Tangency; thence run N 67-17-26 E for 83.13 feet to a point on a circular curve, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67-17-26 W from the center of said curve; thence run Southeastly along the arc of said curve through a central angle of 37-17-26 for 748.47 feet to a Point of Tangency; thence run S 60-00-00 E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeastly along the arc of said curve, through a central angle of 22-14-00 for 446.25 feet to a Point of Tangency; thence run S 37-46-00 E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66-30-00 for 1334.74 feet to a Point of Tangency; thence run N 75-44-00 E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11-59-03 for 240.54 feet to a Point of Tangency; thence run N 87-43-03 E for 109.40 feet to a point on the East line of said Section 9; thence run S 02-16-57 E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

TO:

PARCEL 42:

PARCEL 42

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, Dade County, Florida; thence run S 87-26-25.5 W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run N 02-21-42 W along the West line of the S.E.  $\frac{1}{4}$  of said Section 9 to the N.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run S 87-34-31 W along the South line of the N.W.  $\frac{1}{4}$  of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeastly along the arc of said curve through a central angle of 20-17-05 for 454.32 feet to a Point of Tangency; thence run N 67-17-26 E for 83.13 feet to a point on a circular curve, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67-17-26 W from the center of said curve; thence run Southeastly along the arc of said curve through a central angle of 37-17-26 for 748.47 feet to a Point of Tangency; thence run S 60-00-00 E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeastly along the arc of said curve, through a central angle of 22-14-00 for 446.25 feet to a Point of Tangency; thence run S 37-46-00 E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66-30-00 for 1334.74 feet to a Point of Tangency; thence run N 75-44-00 E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11-59-03 for 240.54 feet to a Point of Tangency; thence run N 87-43-03 E for 109.40 feet to a point on the East line of said Section 9; thence run S 02-16-57 E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

LESS

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE N02°20'50"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF SAID SECTION 9, FOR A DISTANCE OF 2660.44 FEET TO THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 720.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID

CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 34°08'03" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET TO A POINT OF INTERSECTION WITH A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S02°20'50"E ALONG SAID LINE FOR A DISTANCE OF 1744.04 FEET TO A POINT OF INTERSECTION WITH A LINE 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S87°26'00"W ALONG SAID LINE FOR A DISTANCE OF 1040.01 FEET TO THE POINT OF BEGINNING.

PARCEL 50:

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16" TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE, A RADIAL LINE TO SAID POINT BEARS S33°28'47"W; THENCE S30°09'08"W FOR A DISTANCE OF 44.02 FEET TO A POINT OF CURVATURE; THENCE 397.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 39°35'34" TO A POINT OF INTERSECTION WITH A COMPOUND CURVE; THENCE 269.36 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1175.00 FEET AND A CENTRAL ANGLE OF 13°08'05" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 203.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 20°13'42" TO A POINT OF TANGENCY; THENCE S02°20'50"E ALONG A LINE 527.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1308.48 FEET; THENCE S87°26'00"W

ALONG THE NORTH RIGHT-OF-WAY LINE OF S.W. 120TH STREET FOR A DISTANCE OF 527.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE N02°20'50"W ALONG SAID WEST LINE FOR A DISTANCE OF 2660.43 FEET TO THE POINT OF BEGINNING. CONTAINING 1,250,118 SQUARE FEET OR 28.70 ACRES, MORE OR LESS.

**PARCEL 51:**

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THENCE CONTINUE 73.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 03°28'47" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET; THENCE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1366.17 FEET; THENCE S87°26'00"W ALONG A LINE 417.87 FEET NORTH OF AND PARALLEL TO THE S.W. 120TH STREET CENTER LINE FOR A DISTANCE OF 513.00 FEET; THENCE N02°20'50"W FOR A DISTANCE OF 930.61 FEET TO A POINT OF TANGENCY; THENCE 203.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 20°13'42" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 269.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A

RADIUS OF 1175.00 FEET AND A CENTRAL ANGLE OF 13°08'05" TO A POINT OF INTERSECTION WITH A COMPOUND CURVE; THENCE 397.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 39°35'34" TO A POINT OF TANGENCY; THENCE N30°09'08"E FOR A DISTANCE OF 44.02 FEET TO THE POINT OF BEGINNING. CONTAINING 885,023 SQUARE FEET OR 20.32 ACRES, MORE OR LESS.

**PARCEL 52:**

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16"; THENCE CONTINUE 73.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 03°28'47" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET; THENCE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1366.17 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THENCE CONTINUE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 377.87 FEET; THENCE S87°26'00"W ALONG THE NORTH RIGHT-OF-WAY LINE OF S.W. 120TH STREET FOR A DISTANCE OF 513.00 FEET; THENCE N02°20'50"W ALONG A LINE 527.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 377.87 FEET; THENCE N87°26'00"E FOR A

**DISTANCE OF 513.00 FEET TO THE POINT OF BEGINNING. CONTAINING 193,849 SQUARE FEET OR 4.45 ACRES, MORE OR LESS.**

**NOW, THEREFORE,** IN ORDER TO ASSURE Miami-Dade County that the representations made by the Owner during its consideration of the NOPC will be abided by, the Owner freely, voluntarily, and without duress, hereby agrees as follows:

1. Condition 6 of the Covenant shall now read as follows:

**6. DISTRIBUTION OF UNITS**

<b>ZONE</b>	<b>ACRES</b>	<b>% OF TOTAL GROSS AREA (based on 1,096.76 acres)</b>	<b>TOTAL UNITS</b>	<b>% OF TOTAL UNITS</b>
RU-1	39.4	3.59%	229	2.63%
RU-1M(a)	28.7	2.62%	137	1.57%
RU-3M	267.2	24.4%	2,925	33.62%
RU-4L	87.2	7.95%	1,806	20.76%
RU-4M	117.5	10.71%	3,356	38.57%
RU-4A	10.4	0.95%	248	2.85%
	550.4	50.22%	8,701	100.00%

2. Condition 15 of the Covenant shall now read as follows:

**"15. INDUSTRIAL PARK**

A 49.46 gross acre parcel of land (pursuant to the folio information provided by the Miami-Dade County Property Appraiser for folio no. 30-5909-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park. (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013)

A buffer will be created between the industrial park and the residential areas by the placement of land use in each residential district, as well as providing a special landscaped zone in the industrial area.

Another advantage for the industrial use of this piece of land is its direct frontage on main arterial alignments at SW 147<sup>th</sup> Avenue and SW 120<sup>th</sup> Street."

3. Condition 18 of the Covenant shall now read as follows:

**"18. CONTROLLED DENSITIES**

**In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013. A ceiling on the number of permissible Residential dwellings has been fixed at 8,701 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole."**

4. Condition 23 of the Covenant shall now read as follows:

**"23. Neighborhood Convenience Centers.**

**Neighborhood convenience centers may be provided in the detailed site use plan for each of the three villages, substantially in accordance with the "Illustrative Land Use Plan" hereinabove described and as may be approved under applicable County procedures. In addition, Parcel 52 may be developed with up to 40,000 square feet of general business use in accordance with "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised April 2013, and may be amended in accordance with applicable County procedures."**

5. The legal descriptions for Parcel 42, Parcel 50, Parcel 51, and Parcel 52 as described in Exhibit B of the Covenant shall now read as follows:

PARCEL 42:

PARCEL 42

Begin at the S.E. corner of Section 9, Township 55 South, Range 39 East, Dade County, Florida; thence run S 87-26-25.5 W along the South line of said Section 9 for 2760.70 feet to the S.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run N 02-21-42 W along the West line of the S.E.  $\frac{1}{4}$  of said Section 9 to the N.W. corner of the S.E.  $\frac{1}{4}$  of said Section 9; thence run S 87-34-31 W along the South line of the N.W.  $\frac{1}{4}$  of said Section 9 for 353.58 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeastorly along the arc of said curve through a central angle of 20-17-05 for 454.32 feet to a Point of Tangency; thence run N 67-17-26 E for 83.13 feet to a point on a circular curve, concave to the Northeast, having a radius of 1150.00 feet, said point bearing S 67-17-26 W from the center of said curve; thence run Southeasterly along the arc of said curve through a central angle of 37-17-26 for 748.47 feet to a Point of Tangency; thence run S 60-00-00 E for 127.20 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeasterly along the arc of said curve, through a central angle of 22-14-00 for 446.25 feet to a Point of Tangency; thence run S 37-46-00 E for 120.06 feet to a Point of Curvature of a circular curve, concave to the Northeast and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 66-30-00 for 1314.74 feet to a Point of Tangency; thence run N 75-44-00 E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11-59-03 for 240.54 feet to a Point of Tangency; thence run N 87-43-03 E for 109.40 feet to a point on the East line of said Section 9; thence run S 02-16-57 E along the East line of said Section 9 for 1344.61 feet to the Point of Beginning.

**LESS**

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE N02°20'50"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF SAID SECTION 9, FOR A DISTANCE OF 2660.44 FEET TO THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 720.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF

34°08'03" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET TO A POINT OF INTERSECTION WITH A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S02°20'50"E ALONG SAID LINE FOR A DISTANCE OF 1744.04 FEET TO A POINT OF INTERSECTION WITH A LINE 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S87°26'00"W ALONG SAID LINE FOR A DISTANCE OF 1040.01 FEET TO THE POINT OF BEGINNING.

**PARCEL 50:**

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16" TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE, A RADIAL LINE TO SAID POINT BEARS S33°28'47"W; THENCE S30°09'08"W FOR A DISTANCE OF 44.02 FEET TO A POINT OF CURVATURE; THENCE 397.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 39°35'34" TO A POINT OF INTERSECTION WITH A COMPOUND CURVE; THENCE 269.36 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1175.00 FEET AND A CENTRAL ANGLE OF 13°08'05" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 203.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 20°13'42" TO A POINT OF TANGENCY; THENCE S02°20'50"E ALONG A LINE 527.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1308.48 FEET; THENCE S87°26'00"W

ALONG THE NORTH RIGHT-OF-WAY LINE OF S.W. 120TH STREET FOR A DISTANCE OF 527.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE N02°20'50"W ALONG SAID WEST LINE FOR A DISTANCE OF 2660.43 FEET TO THE POINT OF BEGINNING. CONTAINING 1,250,118 SQUARE FEET OR 28.70 ACRES, MORE OR LESS.

**PARCEL 51:**

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16" TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THENCE CONTINUE 73.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 03°28'47" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET; THENCE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1366.17 FEET; THENCE S87°26'00"W ALONG A LINE 417.87 FEET NORTH OF AND PARALLEL TO THE S.W. 120TH STREET CENTER LINE FOR A DISTANCE OF 513.00 FEET; THENCE N02°20'50"W FOR A DISTANCE OF 930.61 FEET TO A POINT OF TANGENCY; THENCE 203.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 20°13'42" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 269.36 FEET

ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1175.00 FEET AND A CENTRAL ANGLE OF 13°08'05" TO A POINT OF INTERSECTION WITH A COMPOUND CURVE; THENCE 397.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 39°35'34" TO A POINT OF TANGENCY; THENCE N30°09'08"E FOR A DISTANCE OF 44.02 FEET TO THE POINT OF BEGINNING. CONTAINING 885,023 SQUARE FEET OR 20.32 ACRES, MORE OR LESS.

**PARCEL 52:**

A PORTION OF TRACT "A" OF THE AMERIFIRST PARK PLAT AS SHOWN IN P.B. 127, PG. 65 OF THE MIAMI-DADE COUNTY PUBLIC RECORDS LYING WITHIN SECTION 9, TOWNSHIP 55 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 647.38 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 30°39'16"; THENCE CONTINUE 73.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 03°28'47" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET; THENCE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 1366.17 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THENCE CONTINUE S02°20'50"E ALONG A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 377.87 FEET; THENCE S87°26'00"W ALONG THE NORTH RIGHT-OF-WAY LINE OF S.W. 120TH STREET FOR A DISTANCE OF 513.00 FEET; THENCE N02°20'50"W ALONG A LINE 527.00 FEET EAST OF

**AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9 FOR A DISTANCE OF 377.87 FEET; THENCE N87°26'00"E FOR A DISTANCE OF 513.00 FEET TO THE POINT OF BEGINNING. CONTAINING 193,849 SQUARE FEET OR 4.45 ACRES, MORE OR LESS.**

6. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect.

**[Signature Pages Follow]**

DRAFT

IN WITNESS WHEREOF, Hammocks Lennar, LLC, has caused these present to be signed in its name on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**WITNESSES:**

**HAMMOCKS LENNAR, LLC**  
a Florida limited liability company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name / Title

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA )

) SS:

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Hammocks Lennar, LLC, a Florida limited liability company, on behalf of said partnership, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public – State of Florida

\_\_\_\_\_  
Printed Name

## **EXHIBIT "A"**

### **Legal Description of the subject property:**

A PORTION OF TRACT "A" OF "AMERIFIRST PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127 AT PAGE 65 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE N02°20'50"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9, FOR A DISTANCE OF 2660.44 FEET TO THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 720.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 34°08'03" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET TO A POINT OF INTERSECTION WITH A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S02°20'50"E ALONG SAID LINE FOR A DISTANCE OF 1744.04 FEET TO A POINT OF INTERSECTION WITH A LINE 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S87°26'00"W ALONG SAID LINE FOR A DISTANCE OF 1040.01 FEET TO THE POINT OF BEGINNING. CONTAINING 2,328,995 SQUARE FEET OR 53.47 ACRES, MORE OR LESS.

BCC — January 23, 2014  
Item 3 — Z12-096  
Lucky Start at the Hammock, LLC

This Instrument was Prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

CDMP Covenant Draft.

(Space Reserved for Clerk of the Court)

### DECLARATION OF RESTRICTIONS

*WHEREAS, Hammocks Lennar, LLC*, a Florida limited liability company (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

*WHEREAS*, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as a special application to amend the CDMP (the "Application"), which is being processed concurrently with a Notification of Proposed Change for The Hammocks Development of Regional Impact (the "DRI"); and

*WHEREAS*, the Application seeks to re-designate the Property from "Industrial and Office" to "Low-Medium Density Residential" (51.49 gross acres) and "Business and Office" (4.92 gross acres) on the CDMP Land Use Plan Map as part of the proposed modification of the DRI.

*IN ORDER TO ASSURE* Miami-Dade County, Florida (the "County") that the representations made by the Owner during the consideration of the Application will be abided

by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Noise Level Reduction.** The Owner shall incorporate at least 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of any dwelling unit on the Property.

2. **Avigation Easement.** The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, and hereby grants and conveys to Miami-Dade County an easement and right-of-way for the free and unobstructed flight, and passage, operations and effects thereof of all types of aircraft ("aircraft" being defined for the purpose of this Avigation Easement as any contrivance now known or hereafter invented, used, or designated for navigation of, or flight in or through the air) by whomsoever owned or operated, in and through the airspace above and over the surface of the Property, including, but not limited to, the right to cause in such airspace above or in the vicinity of the surface of the Property such noise, vibration, odors, vapors, fumes, fuel particles (which are incident to normal operations of said aircraft), smoke, dust, fear, interference with sleep and communications and any and all other effects as may be alleged to be incident to or caused by the aircraft engines and the operation of aircraft for navigation of or flight or passage in and through said airspace, and for the use of said airspace by aircraft for approaching, landing upon, taking off from, maneuvering about or operating (which are incident to normal operations of said aircraft) on Kendall Tamiami Executive Airport ("TMB") and for all other uses allowed or authorized at TMB.

In furtherance of the easement and rights herein granted, the Owner expressly agrees for itself, its successors, and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Property to such a height so as to comply with Miami Dade Code Chapter 33, Article XL and Federal Aviation Regulations, Part 77 as currently in effect.

Additionally, the Owner, for itself, its successors, and assigns, covenants at all times hereafter, that it will not take any action, cause or allow any electronic, electromagnetic, smoke, vapor, fume, or light emissions, allow any obstruction to exist, or construct any structure on the Property which would conflict or interfere with or infringe the rights granted hereunder, including the full use and enjoyment of this Avigation Easement.

The Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of TMB, or otherwise constitute an airport hazard.

**3. Notice Requirements.**

A. The Owner shall include the following notice (the "Notice") in every contract for the initial sale of any dwelling unit within the Property:

THIS PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("TMB"). SPECIFICALLY, PORTIONS OF THE PROPERTY ARE LOCATED WITHIN THE OUTER DISTRICT, INNER DISTRICT AND NO SCHOOL ZONE OF THE TMB. AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE FREQUENT AND DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF TMB OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND TAXIWAYS, HOWEVER MANY AND IN WHATEVER CONFIGURATION THEY MAY BE, AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, ALL EXISTING AND FUTURE RUNWAYS AND TAXIWAYS ON THE AIRPORT THE FUTURE EXPANSION OF TMB'S THE RUNWAYS AT TMB KNOWN

AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT -AND-(9R/27L) RUNWAY 13/31 (13/31) AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS.

THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, ARE PROHIBITED FROM REQUESTING, SUPPORTING OR PARTICIPATING IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT TMB.

THIS COVENANT IS BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

B. The Owner shall cause every prospective, initial purchaser to acknowledge in writing receipt of the Notice, which acknowledgement may be included in the contract for sale and purchase for each dwelling unit or may be provided by separate instrument prior to or simultaneously with the execution of any such contract. The Notice shall also be prominently displayed in the sales office for the subdivision.

C. In addition to the restrictions and commitments contained in this Declaration, prior to the approval of a final plat for the Property, the Owner shall record a separate instrument in the Public Records of Miami-Dade County, which instrument shall run with title to the Property and be binding on the Owner's successors and assigns and shall provide the following restrictions:

THE PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("TMB"). SPECIFICALLY, PORTIONS OF THE PROPERTY ARE LOCATED WITHIN THE OUTER DISTRICT, INNER DISTRICT AND NO SCHOOL ZONE OF THE TMB. AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE FREQUENT AND DIRECT

OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS. FURTHER, THE OWNER, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES ANY OBJECTIONS TO ANY FUTURE EXPANSION OF TMB'S THE RUNWAYS AT TMB KNOWN AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT (9R/27L), RUNWAY 13/31 (13/31), AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS. -9L/27R- AND 9R/27L-RUNWAYS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF TMB OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, THE FUTURE EXPANSION OF THE RUNWAYS AT TMB KNOWN AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT (9R/27L), RUNWAY 13/31 (13/31), AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS. TMB'S 9L/27R- AND 9R/27L-RUNWAYS.

IT IS FURTHER AGREED THAT THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, WILL NEVER REQUEST, SUPPORT OR PARTICIPATE IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT TMB.

PURCHASER AGREES THAT THIS COVENANT IS ALSO BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

4. Compliance with Aviation Department Memorandum. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other

provisions of the Miami-Dade County Aviation Department as contained in its memorandum dated October 28, 2013.

5. **Contribution to Parks Foundation of Miami-Dade.** In order to address the impacts of the proposed development of the Property on the parks and recreation facilities in Miami-Dade County Commission District 11, the Owner has agreed to contribute the sum of four hundred thousand dollars (\$400,000.00) to the Parks Foundation of Miami-Dade (the "Parks Contribution"), to be used by the Parks Foundations as follows: (a) one hundred thousand dollars (\$100,000.00) to pay for improvements at Camp Matecumbe; and (b) three hundred thousand dollars (\$300,000.00) for the beautification and landscaping projects within Commission District 11 and for recreational, educational, and cultural community programs and initiatives and the endowment of parks related capital projects within Community District 11. The Parks Contribution shall be considered a payment over and above the applicable Miami-Dade County Park Impact Fees due in connection with the development of the Property. The Parks Contribution shall be paid as follows: (a) fifty percent (50%) of the Parks Contribution shall be paid prior to the approval of a final plat for the Property; and (b) fifty percent (50%) of the Parks Contribution shall be paid prior to the issuance of a certificate of occupancy for the first dwelling unit within the Property.

6. **Contribution to the Miami Foundation.** In order to address the impacts of the proposed development on the cultural, educational, and social resources and institutions in Miami-Dade County Commission District 11, the Owner has agreed to contribute the sum of one hundred thousand dollars (\$100,000.00) to the "Making a Difference Community Fund" (the "Fund") of the Miami Foundation (the "Foundation Contribution"), to be used by the Fund for cultural, educational, and recreational community programs and initiatives within Commission

District 11. The Foundation Contribution shall be paid in one installment prior to the approval of the final plat of the Property.

7. **Miscellaneous.**

A. **County Inspection.** As further part of this Declaration of Restrictions, 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.

B. **Term.** This Declaration of Restrictions 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 of Restrictions 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 in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the fee simple owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment, or release shall be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II, Florida Statutes

or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment, or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the CDMP. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions 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 its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

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

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

G. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), 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 of Restrictions.

H. **Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their

lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the Property and for the public welfare.

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

**J. Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions 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 of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by 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 of Restrictions is null and void and of no further effect.

**K. Acceptance of Declaration.** Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each

such application in whole or in part and to decline to accept any conveyance.

**L.     Owner.**   The term "Owner" shall include the Owner and its successors and assigns.

**[Signature Page Follow]**

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

**WITNESSES:**

**Hammocks Lennar, LLC**  
a Florida limited liability company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as  
\_\_\_\_\_ of Hammocks Lennar, LLC, a Florida limited liability company, and  
for the purposes stated herein on behalf of the corporation. He is personally known to me or has  
produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013, in  
the County and State aforesaid.

**My Commission Expires:**

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

## EXHIBIT "A"

### LEGAL DESCRIPTION

A PORTION OF TRACT "A" OF "AMERIFIRST PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127 AT PAGE 65 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE N02°20'50"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9, FOR A DISTANCE OF 2660.44 FEET TO THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 720.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 34°08'03" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET TO A POINT OF INTERSECTION WITH A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S02°20'50"E ALONG SAID LINE FOR A DISTANCE OF 1744.04 FEET TO A POINT OF INTERSECTION WITH A LINE 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S87°26'00"W ALONG SAID LINE FOR A DISTANCE OF 1040.01 FEET TO THE POINT OF BEGINNING. CONTAINING 2,328,995 SQUARE FEET OR 53.47 NET ACRES, MORE OR LESS.