

# KITS

4-15-2011 Version # 1



COMMUNITY ZONING APPEALS BOARD 11  
KENDALL VILLAGE CENTER - CIVIC PAVILION  
8625 SW 124 Avenue, Miami  
Tuesday, May 17, 2011 at 7:00 p.m.

**PREVIOUSLY DEFERRED**

A. 11-4-CZ11-1 KROME AGRONOMICS, LLC

10-51

24-55-38



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, MAY 17, 2011

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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**A. KROME AGRONOMICS, LLC (11-4-CZ11-1/10-051)**

**24-55-38  
Area 11/District 09**

- (1) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (2) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (3) UNUSUAL USE to permit an entrance feature.
- (4) Applicant is requesting to permit one mausoleum building setback 25' from the front (north) property line and to permit one mausoleum building setback 25' from the side street (east) property line (50' required for each).
- (5) Applicant is requesting to permit three (3) mausoleum buildings setback 20' (25' required) from the rear (south) property line.
- (6) Applicant is requesting to permit burial sites within 25' (50' minimum required) of the right-of-way of S.W. 136 Street and S. W. 177 Avenue.
- (7) Applicant is requesting to permit burial sites within 20' (25' minimum required) from the rear (south) property line.
- (8) Applicant is requesting to permit a proposed maintenance building setback 25' (50' minimum required) from the front (north) property line.
- (9) Applicant is requesting to permit two detached signs with an area of 36 sq. ft. each (one 32 sq. ft. and one 24 sq. ft. sign maximum permitted).
- (10) Applicant is requesting to permit two 36 sq. ft. detached signs setback 7' (15' required) from the (north) front property line.
- (11) Applicant is requesting to permit two additional detached signs, one sign with an area of 81 sq. ft. and the second sign with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line.
- (12) Applicant is requesting to permit the proposed 81 sq. feet detached sign setback 1' (15' minimum required) from the side street (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.

LOCATION: The southwest corner of S.W. 136 Street & S.W. 177 Avenue,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 48.6 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of Requests #1 through 3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

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

Deferred from April 14, 2011

### NOTICE

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

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

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

**A. KROME AGRONOMICS, LLC**  
**(Applicant)**

**11-4-CZ11-1 (10-051)**  
**Area 11/District 09**  
**Hearing Date: 05/17/11**

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

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

If so, who are the interested parties? Stormy Sky, 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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No History

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

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

#1

APPLICANT'S NAME: **KROME AGRONOMICS, LLC**

REPRESENTATIVE: Tony Recio

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER	
11-4-CZ11-1 (10-51)	April 14, 2011	CZAB11	11

**REC: Approval with conditions of Requests #1 through 3, subject to the Board's acceptance of the proffered covenant; Denial without prejudice of Requests #4 through 12.**

WITHDRAW:  APPLICATION       ITEM(S): \_\_\_\_\_

DEFER:       INDEFINITELY       TO: May 17, 2011       W/LEAVE TO AMEND

DENY:       WITH PREJUDICE       WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT       ACCEPT REVISED PLANS

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

OTHER: Deferral due to a tied vote.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN	<b>M</b>	Patricia G. DAVIS	X		
COUNCILMAN		Joseph E. DELANEY	X		
COUNCILMAN		Miguel A. DIAZ		X	
COUNCILWOMAN		Beatrice SUAREZ		X	
VICE CHAIR		Ileana R. VAZQUEZ		X	
CHAIRMAN	<b>S</b>	Jeffrey WANDER	X		
VOTE:			3	3	

EXHIBITS:  YES       NO

COUNTY ATTORNEY: THOMAS ROBERTSON

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

**APPLICANT:** Krome Agronomics, LLC

**PH:** Z10-51 (11-4-CZ11-1)

**SECTION:** 24-55-38

**DATE:** May 17, 2011

**COMMISSION DISTRICT:** 9

**ITEM NO.:** A

**A. INTRODUCTION**

o **SUMMARY OF REQUESTS:**

The applicant is requesting a special exception to permit a proposed cemetery and associated mausoleums, an Unusual Use to permit a lake excavation and Lake Fill as well as a proposed entrance feature. Additional requests are being sought to permit 4 signs and the proposed mausoleum buildings setback closer to the property lines than permitted by the Zoning Code; to permit burials setback closer to the south property line and the zoned right-of-way than permitted by the Zoning Code and to permit a proposed maintenance building setback closer to the north property line than permitted by the Zoning Code.

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- (2) UNUSUAL USE to permit a Lake Excavation and Lake Filling.
- (3) UNUSUAL USE to permit an entrance feature.
- (4) Applicant is requesting to permit one mausoleum building setback 25' from the front (north) property line and to permit one mausoleum building setback 25' from the side street (east) property line (50' required for each).
- (5) Applicant is requesting to permit three (3) mausoleum buildings setback 20' (25' required).
- (6) Applicant is requesting to permit burial sites within 25' (50' minimum required) of the zoned right-of-way of S.W. 136 Street and S.W. 177 Avenue.
- (7) Applicant is requesting to permit burial sites within 20' (25' minimum required) from the rear (south) property line.
- (8) Applicant is requesting to permit a proposed maintenance building setback 25' (50' minimum required) from the front (north) property line.
- (9) Applicant is requesting to permit two detached signs with an area of 36 sq. ft. each (one 32 sq. ft. and one 24 sq. ft. sign maximum permitted).

- (10) Applicant is requesting to permit two 36 sq. ft. detached signs setback 7' (15' minimum required) from the (north) front property line S.W. 136 Street.
- (11) Applicant is requesting to permit two additional detached signs, one with an area of 81 sq. ft. and one with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line.
- (12) Applicant is requesting to permit the proposed 81 sq. ft. detached sign setback 1' (15' minimum required) from the side street (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.

o **LOCATION:**

The southwest corner of S.W. 136 Street & S.W. 177 Avenue, Miami-Dade County, Florida.

o **SIZE:** 48.6 Acres

B. **ZONING HEARINGS HISTORY:** None.

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

1. *The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **1.4 miles** west of and **outside the Urban Development Boundary (UDB)** for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.*
2. *In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with*

Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an arterial roadway. **Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.** Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

3. **Water.** This category includes all natural waters such as coastal waters and navigable rivers or waters. Water-dependent uses and water-related uses along coastal shorelines as discussed under Objective CM-5 as well as ancillary structures or uses may be permitted for flood control or recreational purposes. **Man-made water bodies are permitted in any land use category subject to applicable environmental regulations.**
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.
5. **Policy LU-10.** Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.
6. **Policy LU-1R.** Miami-Dade County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.
7. **Other Land Uses Not Addressed.** Certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of this Plan, and provided that the use would be compatible and would not have an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. However, this provision does not authorize such uses in Environmental Protection Areas designated in this Element.

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

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

GU (with an agricultural trend); row crops

Agriculture

**Surrounding Properties:**

**NORTH:** GU (with an agricultural trend); row crops

Agriculture

**SOUTH:** GU (with an agricultural trend);  
row crops and Single-family residence

Agriculture

**EAST:** GU (with an agricultural trend); row crops

Agriculture

**WEST:** GU (with an agricultural trend); row crops  
and Single-family residence

Agriculture

**F. PERTINENT ZONING REQUIREMENTS/STANDARDS:**

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

*hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**G. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No comment</b>
Fire Rescue	<b>Objects</b>
Police	<b>No objection</b>
Schools	<b>No objection</b>

\*Subject to conditions indicated in their memoranda.

**H. PLANNING AND ZONING ANALYSIS:**

This application was deferred from the April 14, 2011 meeting due to a tie vote. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Agriculture** use. The CDMP indicates *that uses compatible with agriculture and with the rural residential character may be approved in the Agricultural designated areas only if deemed to be a **public necessity**, or if deemed to be **"in the public interest"** and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.*

Furthermore, **Policy LU-10** of the CDMP states that the *County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agriculture Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.* In addition staff notes that **Policy LU-1R** of the CDMP states that the *County shall take steps to reserve the amount of available land necessary to maintain an economically viable agricultural industry.* Staff notes that if approved, this application would eliminate approximately 48.6 acres of viable agricultural land.

The applicant has identified 194,512 burial and cremation uncommitted spaces available in Miami-Dade County and states in their need study that the supply of cemetery spaces will be depleted by 2021 and the supply of cremation spaces will be depleted by 2017. As such, staff opines that although there currently is a significant capacity of cemetery and cremation spaces available, according to state licensing regulations for cemeteries, it typically takes approximately

5-7 years to establish and develop a cemetery use from the time of zoning approval, which shows that there would be a public necessity for this particular use in the near future.

In addition, the CDMP states that other uses compatible with agriculture may be approved if the use is deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Staff agrees that while the creation of burial sites is in the public interest, there are 7 vacant parcels of 30 acres or more in the unincorporated area and inside the UDB which are zoned GU and AU where this use is permitted after approval at a public hearing. Staff acknowledges however that due to the location and configuration of these parcels they may not be suitable for this particular use and may pose an incompatibility issue with the surrounding land uses.

**Based on the aforementioned staff opines that the proposed cemetery use is a public necessity due to the finite number of years left of burial and cremation spaces and because there are not enough suitable alternative parcels of land inside the UDB where this use is allowed as a special exception. In addition, outside the UDB within the unincorporated area there are no suitable sites in land that is designated Open Land on the Land Use Plan map and there are no sites in land designated Environmental Protection, where such a use is prohibited. As such the proposed use is consistent with the agriculture designation on the property and would be compatible with the surrounding agricultural uses in the area.**

Additionally, **Policy LU-3F** of the interpretative text of the CDMP *requires that any zoning action or amendment to the CDMP that would approve any use other than direct production and permitted residential uses of property, in an area designated as Agriculture, whether as a primary use or as an accessory or subordinated use to an agricultural use, or action that would liberalize standards or allowances governing such other uses on land that is, a) outside the Urban Development Boundary (UDB), and b) within one mile of the right-of-way line of any portions of **Krome Avenue** designated in this Plan for improvement to 4-lanes, shall require an affirmative vote of not less than five members of the affected Community Zoning Appeals Board then in office, where such Community Zoning Appeals Board (CZAB) issues a decision.* The subject property is located approximately 1.4 miles west of and outside the UDB in an area designated **Agriculture** and abuts a portion of Krome Avenue that is designated in the Master Plan for improvement to 4-lanes. Staff is of the opinion that approval of requests #1 and #2, a Special Exception to permit a proposed cemetery with associated mausoleums and an Unusual Use to permit a lake excavation and lake filling, will require an affirmative vote by five (5) members of the CZAB 11 since said uses do not involve the direct production of agriculture, are not permitted residential uses in an agriculturally designated land, and approval of said requests would liberalize the standards or allowances governing such uses.

The applicant is also seeking a special exception to permit a proposed cemetery and associated mausoleums, an unusual use to permit a lake excavation and subsequent lake fill on the subject property, and an unusual use to permit a proposed entrance feature (requests #1 through #3). The Master Plan specifies that *certain uses are not authorized under any LUP map category, including many of the uses listed as "**unusual uses**" in the Zoning Code. Uses not authorized in any LUP map category may be requested and approved in any LUP category that authorizes uses substantially similar to the requested use. Such approval may be granted only if the requested use is consistent with the objectives and policies of the Master Plan, and provided that the use would be compatible with and would not have an unfavorable effect on the surrounding*

*area by any of the following: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area.*

Staff acknowledges that the interpretative text of the CDMP states that *Man-made water bodies are permitted in any land use category subject to applicable environmental regulations* and that the applicant has proffered a covenant restricting the development of the site to the submitted plans; requiring that the fill excavated from the temporary lake will only be used to raise the elevation of the Property for interment and site improvements; providing that no such fill will be sold or distributed to any other property; and providing that in the event the property is not developed in accordance with the approved site plan, the property owner will not remove any fill from the property. Staff notes that the requested lake excavation and fill requests as well as the requested entrance feature are an integral part of the applicant's request for the proposed cemetery which, as previously mentioned, is consistent with the CDMP. **Therefore, staff opines that, along with the proffered covenant, approval of the proposed cemetery use, lake excavation, lake fill, and ancillary entrance feature are consistent with the interpretative text of the CDMP and with Policies LU-10 and LU-1R of the CDMP.**

When requests #1 through #3 are analyzed under Section 33-311(A)(3), Standards For **Special Exceptions, Unusual Uses** and New Uses, staff is of the opinion that the proposed cemetery with associated mausoleums, lake excavation and fill, and proposed entrance feature would not have an unfavorable effect on the agricultural economy of Miami-Dade County. In addition, staff notes that the proposed facility is surrounded by predominately vacant parcels used for agriculture and therefore, in staff's opinion, the proposed cemetery will not have a negative aural or visual impact on the surrounding agriculture properties and is compatible with same. Further, staff notes that DERM and the Public Works Department do not object to this application.

In addition, based on the applicant's Letter of Intent, the proposed lake excavation and subsequent lake fill is necessary to raise the elevation of the site for the proposed cemetery use and provides a cost effective means of raising said elevation. *When considering the necessity for and reasonableness of such applied for exception and use in relation to the present and future development of the area concerned and the compatibility of the applied for exception and use with the area and its development,* staff opines that the requested cemetery, lake excavation and fill, along with the proposed entrance feature are compatible with same and would not have an unfavorable effect on the surrounding area in relation to the present and future development of the area. **Therefore, staff recommends approval with conditions of requests #1 through #3 under Section 33-311(A)(3).**

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #4 through #8 would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff notes that the proposed layout for the build out of the cemetery as illustrated on the submitted plans places all of the building mass (mausoleums, maintenance building and office building) along the periphery of the site and is therefore visually intrusive and represents an over intensive development of the site that is out of character with the rural aesthetic of the area. **Therefore, staff recommends denial without prejudice of**

**requests #4 through #8 under Section 33-311(A)(4)(b).**

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #9 through #12 would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff opines that the applicant's requests to permit four (4) proposed signs larger in size than permitted by the Zoning Code and to permit three (3) of the proposed signs setback closer to the property lines than permitted by the Zoning Code are excessive and will be visually intrusive. For example, approval of requests #11 and #12 will allow the applicant to erect two (2) detached signs one with an area of 81 sq. ft. and the other with an area of 164 sq. ft. (one 24 sq. ft. sign permitted) along the side street (east) property line and will allow the 81 sq. ft. sign setback 1' from the side street (east) property line. It should be noted that staff's research reveals that no similar approvals of sign variances have been sought in the surrounding area. **Therefore, staff recommends denial without prejudice of requests #9 through #12 under Section 33-311(A)(4)(b).**

**Based on the aforementioned, staff opines that approval of the proposed cemetery use, lake excavation, lake fill, and ancillary entrance feature are consistent with the CDMP and would be compatible with the surrounding agriculture uses in the area. However, staff is of the opinion that requests #4 through #12 would be incompatible with the surrounding agriculture area and therefore would be inconsistent with the CDMP. As such, staff recommends approval with conditions, subject to the Boards acceptance of the proffered covenant, of requests #1 through #3 under Section 33-311(A)(3) and denial without prejudice of requests #4 through #12 under Section 33-311(A)(4)(b).**

I. **RECOMMENDATION:** Approval with conditions of Requests # 1 through 3, subject to the Boards acceptance of the proffered covenant; Denial without prejudice of Requests #4 through #12.

J. **CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not 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 "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets 'LP-1' through 'LP-9' and 'FP-1' dated stamped received October 12, 2010, Sheets 'MP-1' and 'SP-1' through 'SP-11' dated stamped received January 14, 2011. Plans may be modified at public hearing.
3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That all fill excavated from the temporary lake on the southern portion of the property will only be used to raise the elevation of the property for interment and site improvements, and no portion of such fill will be sold or otherwise distributed to any other property.

**DATE TYPED:** 03/08/11  
**DATE REVISED:** 03/09/11; 03/10/11  
**DATE FINALIZED:** 03/14/11  
MCL:GR:MW:NN:CH:NC



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

*NDN  
GMR*

# Memorandum



**Date:** November 15, 2010  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-11 #Z2010000051-3<sup>rd</sup> Revision  
Krome Agronomics, LLC  
Southwest corner of S.W. 136<sup>th</sup> Street and S.W. 177<sup>th</sup> Avenue  
Special Exception to Permit a Cemetery  
(AU) (48.6 Acres)  
24-55-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

#### Potable Water and Wastewater Disposal

Public water and public sanitary sewer systems are not available in the general area; furthermore, since the site is located outside the Urban Development Boundary, neither public water nor public sanitary sewers can be extended to serve the site. Consequently, any proposed development would have to be served by an on-site drinking water supply well as a source of potable water and by a septic tank and drainfield system as a means for the disposal of domestic liquid waste.

In accordance with Section 24-43.2 of the Miami-Dade County Environmental Code, you are required to demonstrate that the groundwater at the site does not require treatment in order to meet the primary drinking water quality standards specified in Chapter 62-55, Florida Administrative Code, as same may be amended from time to time, and that the groundwater at the site does not contain more than two hundred fifty (250) milligrams per liter (mg/l) of chlorides at a depth of thirty (30) feet from ground elevation.

Additionally, DERM has received a properly executed covenants running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4) (a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Section 24-43.1 (6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code

Section also provides that nonresidential land uses served by a septic tank and on-site potable water supply may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

The available information indicates that the proposed facility entails the operation of a maintenance facility as part of the proposed cemetery. Therefore the facility will be in violation of the above-mentioned Code Section.

Additionally, the proposed development shall not exceed the maximum sewage loading allowed by Section 24-43.1(4) (b) of the Code. The available information indicates that the subject property contains a gross area of approximately 2,085,208 square feet. The maximum sewage loading rate allowed by the Code is 750 gallons per day per acre (GPD/Ac). Based upon said gross area, the maximum wastewater flow that can be permitted is 35902 gallons per day; and the proposed wastewater flow would result in 827.5 gallons per day, which translates into 17.28 GPD/Ac, which would not exceed the above-mentioned Code Section.

Inasmuch as the above-noted request does not comply with any of the noted Code Sections, DERM was not able to administratively approve this application. Accordingly, the applicant applied for variances from the aforesaid Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information the Board approved the applicant's petition.

#### Stormwater Management

The subject property is located outside of the Urban Development Boundary where the primary canal system has been found to have insufficient storage capacity to provide flood protection for land use other than agriculture.

A Surface Water Management individual Permit from the 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 site development, final plat or public works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3 day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development plans shall comply with the requirements of Section 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 by DERM for this proposed development order.

#### Wetlands

An on site inspection performed by DERM staff on May 19, 2010 revealed that 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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

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

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

This memorandum shall constitute DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: KROME AGRONOMICS, LLC

This Department has no objections to this application.

Driveway to SW 177 Avenue must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

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

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and 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 20 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-682	SW 177 Ave. s/o SW 88 St.	C	C
9208	SW 177 Ave. s/o SW 184 St.	C	C
9880	SW 184 St. e/o SW 177 Ave.	B	B

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



Raul A Pino, P.L.S.

10-NOV-10



# Memorandum

**Date:** 10-MAR-11  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2010000051

**Fire Prevention Unit:**

This memo supersedes MDFR memorandum date June 1, 2010.

**OBJECTIONS:**

- Instead of a lock box applicant must provide a Knox pad lock or Knox key switch for gates within Fire Department access roads.

**Service Impact/Demand:**

Development for the above Z2010000051  
 located at THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2010 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
<b>residential</b>		<b>industrial</b>	
<u>N/A</u>	square feet	<u>8,475</u>	square feet
<b>Office</b>		<b>institutional</b>	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
<b>Retail</b>		<b>nursing home/hospitals</b>	

Based on this development information, estimated service impact is: 12.5 alarms-annually.  
 The estimated average travel time is: 6:40 minutes

**Existing services**

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

Station 43 - Richmond - 13390 152 Street  
 Rescue, ALS 50' Squirt (TRT)

**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.

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

DATE: 27-APR-11  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

KROME AGRONOMICS, LLC

THE SOUTHWEST CORNER OF  
S.W. 136 STREET & S.W. 177  
AVENUE, MIAMI-DADE COUNTY,  
FLORIDA.

---

APPLICANT

---

ADDRESS

Z2010000051

---

HEARING NUMBER

**HISTORY:**

BUILDING & NEIGHBORHOOD COMPLIANCE DEPARTMENT

NEIGHBORHOOD REGULATIONS AND LEGAL SERVICES DIVISION

ENFORCEMENT HISTORY

10-051

ADDRESS: THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE

FOLIO: 305824000012

DATE: 4/27/11

NAME: KROME AGRONOMICS, LLC

OPEN CASES:

Neighborhood Regulations:

No open cases.

Building Code:  
No open cases.

CLOSED CASES:  
Neighborhood Regulations:  
No closed cases.

Building Code:  
No closed cases.

---

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

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

**REPORTER NAME:**

# ZONING INSPECTION REPORT

**Inspector:** HASSUN, PEDRO

**Inspection Dat**

**Evaluator:** N/A

04/22/11

**Process #:** Z2010000051  
**Applicant's Name:** KROME AGRONOMICS, LLC

**Locations:** THE SOUTHWEST CORNER OF S.W. 136 STREET & S.W. 177 AVENUE, MIAMI-DADE COUNTY, FLORIDA.

**Size:** 48.6 ACRES

**Folio #:** 3058240000012

**Request:**

THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION TO PERMIT A CEMETERY.

**EXISTING ZONING**

**Subject Property** AU,

**EXISTING USE**

**SITE CHARACTERISTICS**

**STRUCTURES ON SITE:**

NO STRUCTURES ON PROPERTY

**USE(S) OF PROPERTY:**

VACANT LAND - CORPS

**FENCES/WALLS:**

6FT CHAINLINK FENCE ON WEST PROPERTY LINE WHICH BELONGS TO THE NEIGHBOR.

**LANDSCAPING:**

NONE

**BUFFERING:**

NONE

**VIOLATIONS OBSERVED:**

BNC MEMO ON FILE DATED 10/14/2010. NO OTHER VIOLATIONS FOUND.

**OTHER:**

**Process #** Z2010000051  
**Applicant's Name** KROME AGRONOMICS, LLC

# ZONING INSPECTION REPORT

## **SURROUNDING PROPERTY**

### **NORTH:**

GU - CORPS

### **SOUTH:**

GU - FARM WITH SINGLE FAMILY RESIDENCE

### **EAST:**

GU- CORPS

### **WEST:**

GU - FARMS WITH SINGLE FAMILY RESIDENCE

## **SURROUNDING AREA**

AREA IS ZONED GU WITH MAINLY AGRICULTURAL USES.

## **NEIGHBORHOOD CHARACTERISTICS:**

MAINLY FARMS AND CORPS.

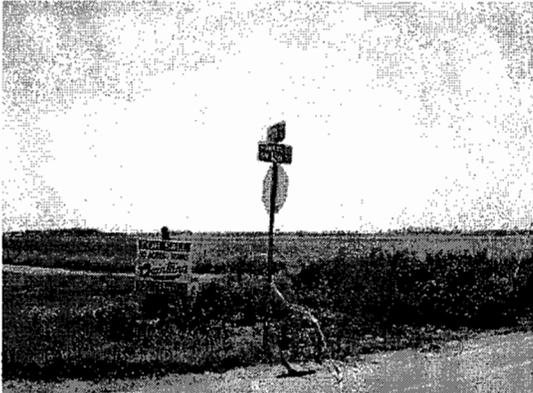
## **COMMENTS:**

THIS PROPERTY IS ZONE GU AND TRENDED AU.

Inspector **HASSUN, PEDRO**

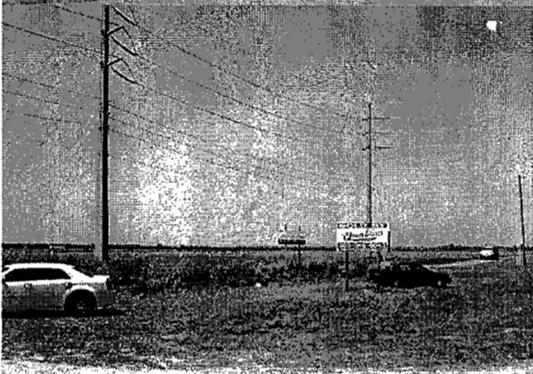
Evaluator **N/A**

Process Number: **Z2010000051** Applicant Name **KROME AGRONOMICS, LLC**



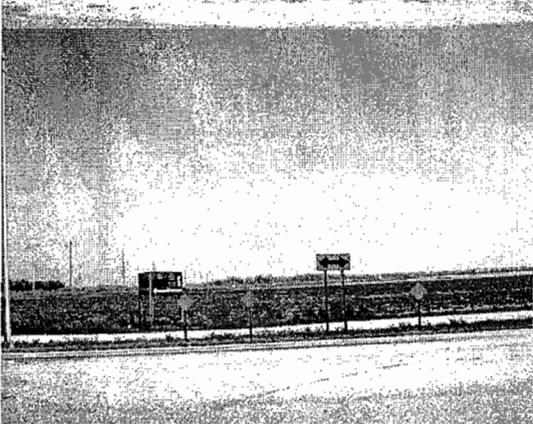
Date: 31-MAR-11

Comments: NORTHEAST CORNER OF SUBJECT PROPERTY ON SW 177 AVE & 136 ST.



Date: 31-MAR-10

Comments: PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.



Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z201000051** Applicant Name **KROME AGRONOMICS, LLC**



Date: 31-MAR-11

Comments: PROPERTY EAST OF SUBJECT PROPERTY WITH FOLIO NO. 3059190000012 & 3059190000011 PHOTO TAKE FROM THE SOUTHWEST CORNER OF SW 177 AVE & 136 ST.



Date: 31-MAR-11

Comments: PROPERTY TO THE WEST OF SUBJECT PROPERTY AKA 18000 SW 136 ST.



Date: 31-MAR-11

Comments: NORTHEAST VIEW OF PROPERTY NORTH OF SUBJECT PROPERTY, VACANT LOT FARMED WITH CROPS AND FOLIO NO. 3058130000020.

Inspector **HASSUN, PEDRO**

Evaluator **N/A**

Process Number: **Z201000051** Applicant Name **KROME AGRONOMICS, LLC**



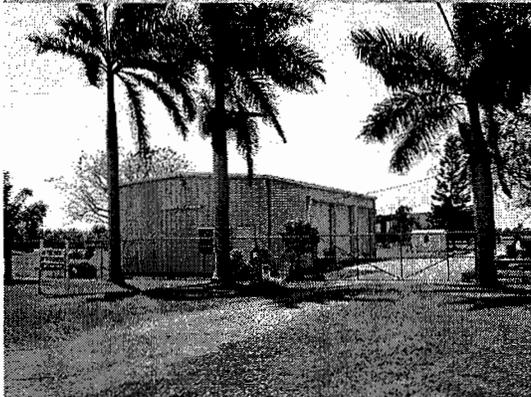
Date: 31-MAR-11

Comments: SUBJECT PROPERTY SOUTH VIEW OF WEST PROPERTY LINE.



Date: 31-MAR-11

Comments: EAST VIEW OF SW 136 ST TOWARDS SW 17 AVE.



Date: 31-MAR-11

Comments: PROPERTY TO THE SOUTH OF SUBJECT PROPERTY AKA 14300 SW 177 AVE.

RECEIVED

DISCLOSURE OF INTEREST\*

MIAMI-DADE COUNTY  
PROCESS # 210-051  
DATE OCT 12 2010  
BY: DAE

IF A CORPORATION owns or leases the subject property, list principal stockholders and percent of stock [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].

COMPANY NAME: Krome Agronomics, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>TITLE</u>
<u>Hugo Perera</u>	<u>Mgr.</u>
<u>c/o Gilbert A. Contreras Esq.</u>	
<u>141 Almeria Avenue</u>	
<u>Coral Gables Fl. 33134</u>	

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

TRUST/ESTATE NAME \_\_\_\_\_

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

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

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

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

RECEIVED  
210-051  
MAY 15 2018

ZONING HEARINGS SECTION  
MIAMI-DADE COUNTY PLANNING AND ZONING DEPT

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

**RECEIVED**

NAME OF PURCHASER: Stormy Sky, LLC, a Delaware limited liability company

**MIAMI-DADE COUNTY**

**PROCESS #: Z10-051**

**DATE: OCT 12 2010**

**BY: DAH**

ADDRESS AND OFFICE (if applicable)

Percentage of Interest

EDWARD A. FOWLER

SOLE MANAGER 100%

SCI CAPITAL CORPORATION

SOLE MEMBER 100%

C/O WEISS SECOTA HELFMAN PASTORIZA

ATTN: TONY RACIO

2525 PONCE DE LEON BLVD, SUITE 700

CORAL GABLES, FL 33134

Date of contract: MARCH 11, 2010

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

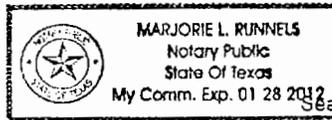
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: [Signature]  
EDWARD A. FOWLER (Applicant), SOLE MANAGER

Sworn to and subscribed before me this 3rd day of MAY, 2009. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Public)



My commission expires: 01-28-2012

**RECEIVED**  
210-051  
MAY 13 2009  
BUSINESS HEARING SECTION  
MEMBERSHIP PLANNING AND ZONING DEPT.  
BY: [Signature]

\*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

Exhibit B

MIAMI-DADE COUNTY  
PROCESS # Z10-051  
DATE: OCT 12 2010  
BY: DAH

CORPORATION INTERNATIONAL

Parent, Publicly  
Held Company on  
NYSE (Ticker  
Symbol "SCI")

SCI SPECIAL, INC.

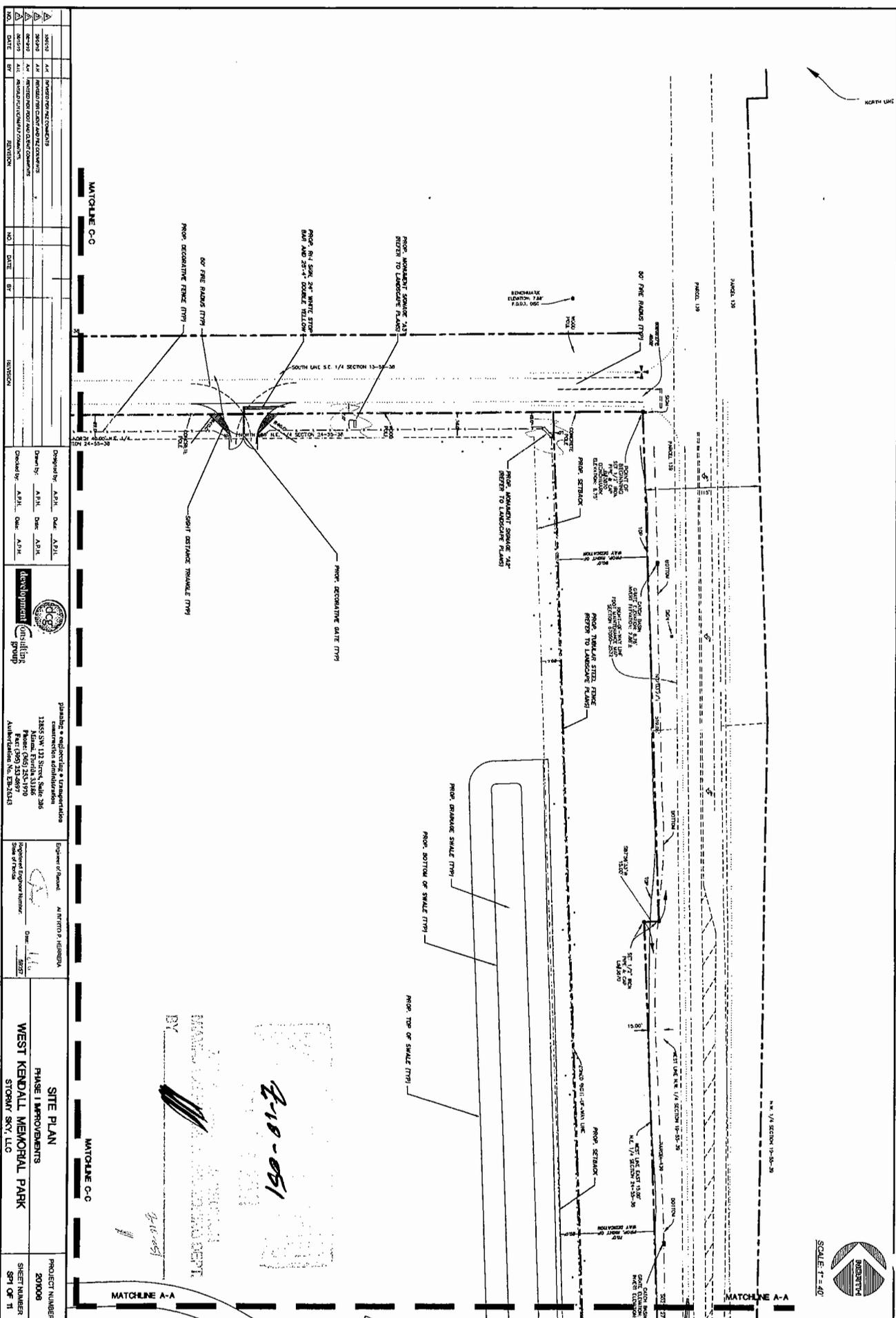
Wholly Owned  
Subsidiary

SCI CAPITAL CORPORATION

Wholly Owned  
Subsidiary

RECEIVED  
Z10051  
MAY 21 2010  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY: *JH*

NORTH LINE



SCALE: 1" = 40'

27

NO.	DATE	BY	REVISION
1	10/10/11	ALH	ISSUE FOR PERMIT
2	11/15/11	ALH	REVISION
3	12/15/11	ALH	REVISION
4	01/10/12	ALH	REVISION
5	02/10/12	ALH	REVISION
6	03/10/12	ALH	REVISION
7	04/10/12	ALH	REVISION
8	05/10/12	ALH	REVISION
9	06/10/12	ALH	REVISION
10	07/10/12	ALH	REVISION
11	08/10/12	ALH	REVISION
12	09/10/12	ALH	REVISION
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110	11/10/20	ALH	REVISION
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197	02/10/28	ALH	REVISION
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199	04/10/28	ALH	REVISION
200	05/10/28	ALH	REVISION

**SITE PLAN**  
 PHASE I IMPROVEMENTS  
**WEST KENDALL MEMORIAL PARK**  
 STORMWATER, LLC

Prepared by: ALH Date: A.P.H.  
 Checked by: ALH Date: A.P.H.  
 Developed by: ALH Date: A.P.H.



Planning, engineering, and transportation  
 construction administration  
 13855 SW 121 Street, Suite 306  
 Miami, Florida 33186  
 Fax: (305) 252-8879  
 AutoCAD/Revit, No. EB-24543

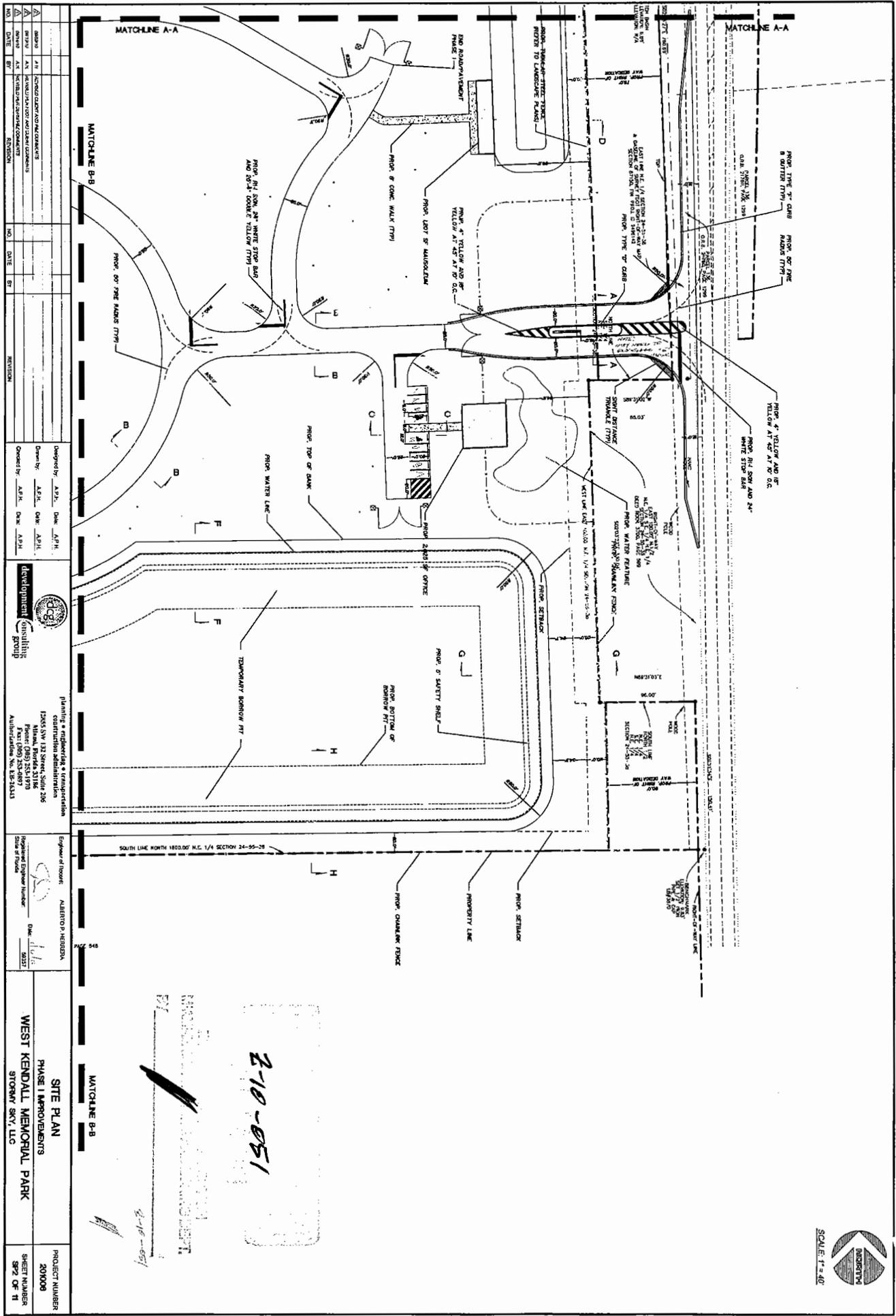
Engineer of Record: ALH  
 Registered Engineer Number: 12527  
 Date: 11/10/11

PROJECT NUMBER: 201008  
 SHEET NUMBER: SP1 OF 11

MATCHLINE C-C  
 MATCHLINE C-C  
 MATCHLINE C-C

MATCHLINE A-A  
 MATCHLINE A-A  
 MATCHLINE A-A

2-10-051  
 11/10/11



NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Prepared by: A.P.H. Date: A.P.H.  
 Drawn by: A.P.H. Date: A.P.H.  
 Checked by: A.P.H. Date: A.P.H.

**Development Consultants**  
 Planning & engineering & transportation  
 construction administration  
 12465 SW 132 Street, Suite 206  
 Miami, FL 33186  
 Phone: (305) 251-1979  
 Fax: (305) 251-4897  
 Authorization No. ER-18343

Engineer of Record: ALBERTO P. HERRERA  
 License No. 10000  
 Date: 10/16/01  
 9537

**SITE PLAN**  
 PHASE I IMPROVEMENTS  
**WEST KENDALL MEMORIAL PARK**  
 STORMY SKY, LLC

PROJECT NUMBER: 201008  
 SHEET NUMBER: SP2 OF 11

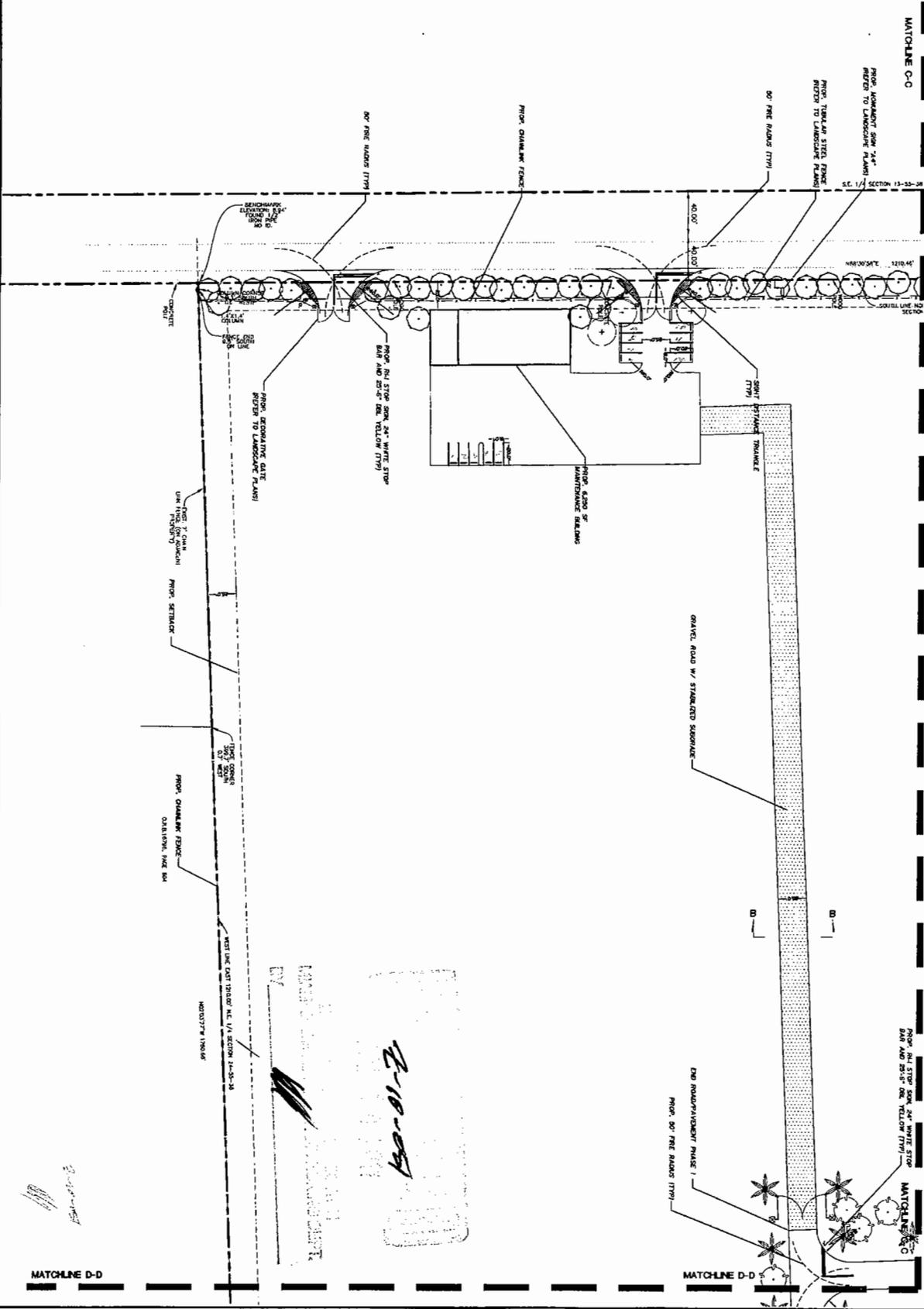
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 2-16-05/1





SCALE: 1" = 40'

MATCHLINE C-C



NO.	DATE	BY	REVISION
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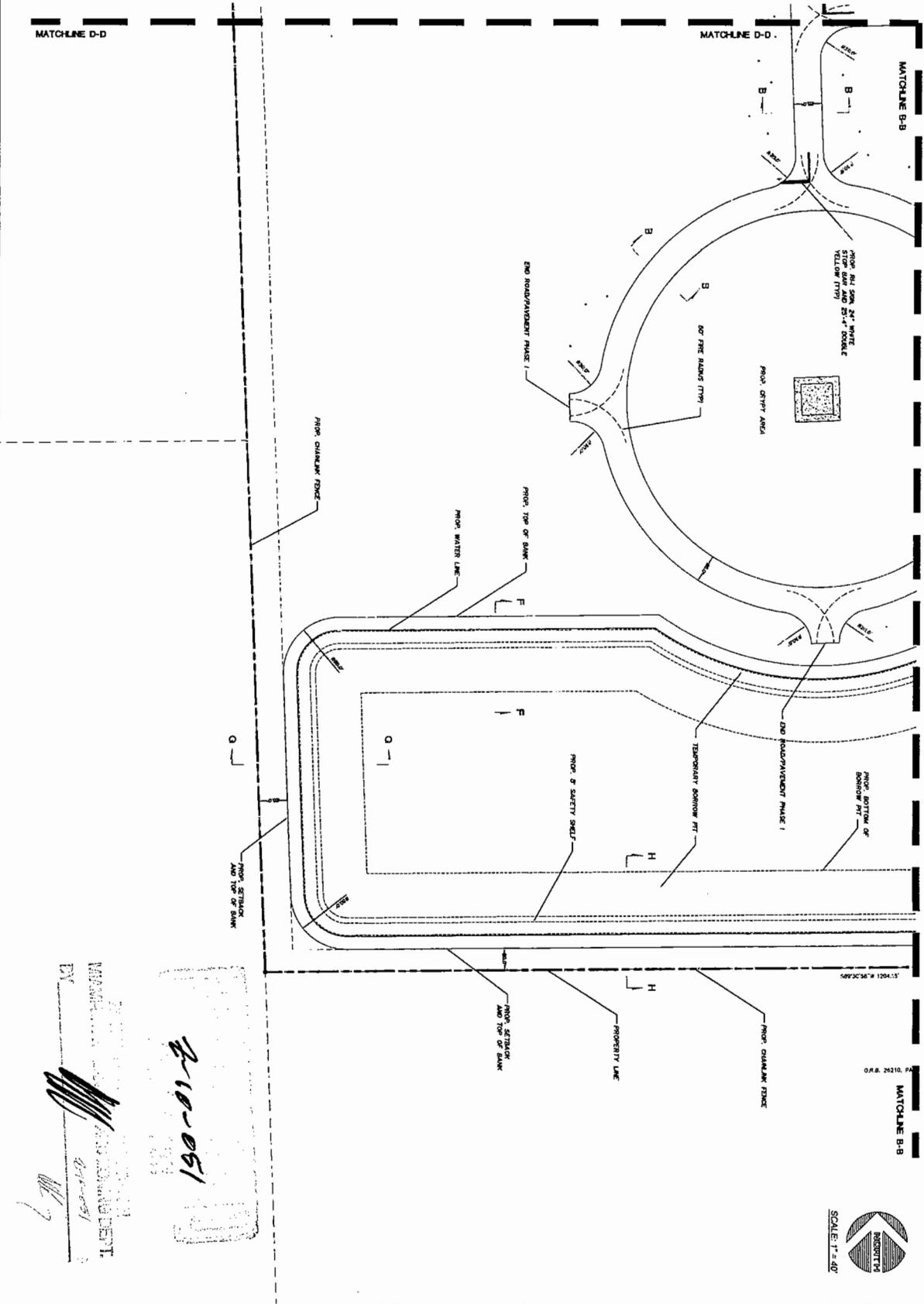
  

DESIGNED BY: A.P.H.	CHECKED BY: A.P.H.	DATE: 12/14/11
DRAWN BY: A.P.H.	DATE: 12/14/11	
PROJECT: WEST KENDALL MEMORIAL PARK		
PHASE: PHASE I IMPROVEMENTS		
CLIENT: STORWAY SKY, LLC		

PROJECT NUMBER: 201008	SHEET NUMBER: SP8 OF 11
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100	08/10/05	ALP	REVISION



Planning & Engineering & Transportation  
 Transportation Administration  
 13855 SW 132 Street, Suite 206  
 Miami, Florida 33186  
 Tel: (305) 252-8877  
 Authorization No. BR-25043

Engineer of Record: ALBERTO R. HERRERA  
 Registered Engineer Number: 11111  
 Date: 08/10/05

**SITE PLAN**  
**PHASE I IMPROVEMENTS**  
**WEST KENDALL MEMORIAL PARK**  
 STONEY SKY, LLC

PROJECT NUMBER: 201008  
 SHEET NUMBER: SP4 OF 11

2-10-05/1  
 BY: [Signature]  
 [Signature]





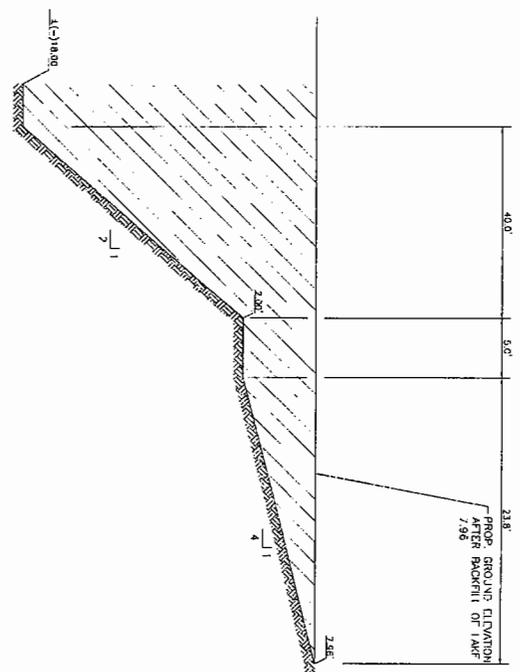




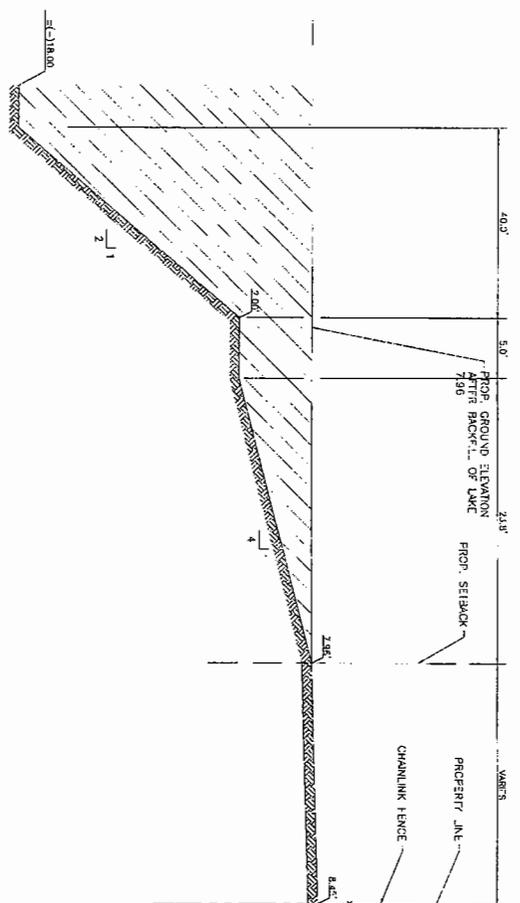




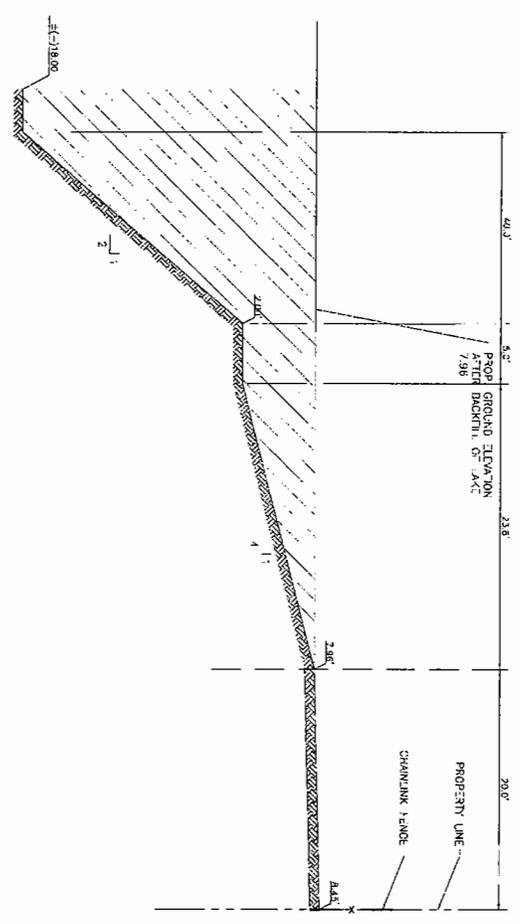




SECTION F-F  
SCALE: V.T.S.



SECTION G-G  
SCALE: V.T.S.



SECTION H-H  
SCALE: H.T.S.

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DESIGNED BY	DATE																																
<p>development consulting group</p>		<p>planning &amp; engineering &amp; transportation</p>		<p>ENGINEER OF RECORD</p>																													
<p>12845 SW 113 Street, Suite 200 Miami, Florida 33186 Phone: (305) 253-1870 www.developmentgroup.com</p>		<p>12845 SW 113 Street, Suite 200 Miami, Florida 33186 Phone: (305) 253-1870 www.developmentgroup.com</p>		<p>ALBERTO R. HERRERA Professional Engineer Number State of Florida</p>																													
<p>WEST KENDALL MEMORIAL PARK</p>			<p>PROJECT NUMBER 201006</p>																														
<p>STORMWATER SERV. LLC</p>			<p>SHEET NUMBER FPI OF 1</p>																														

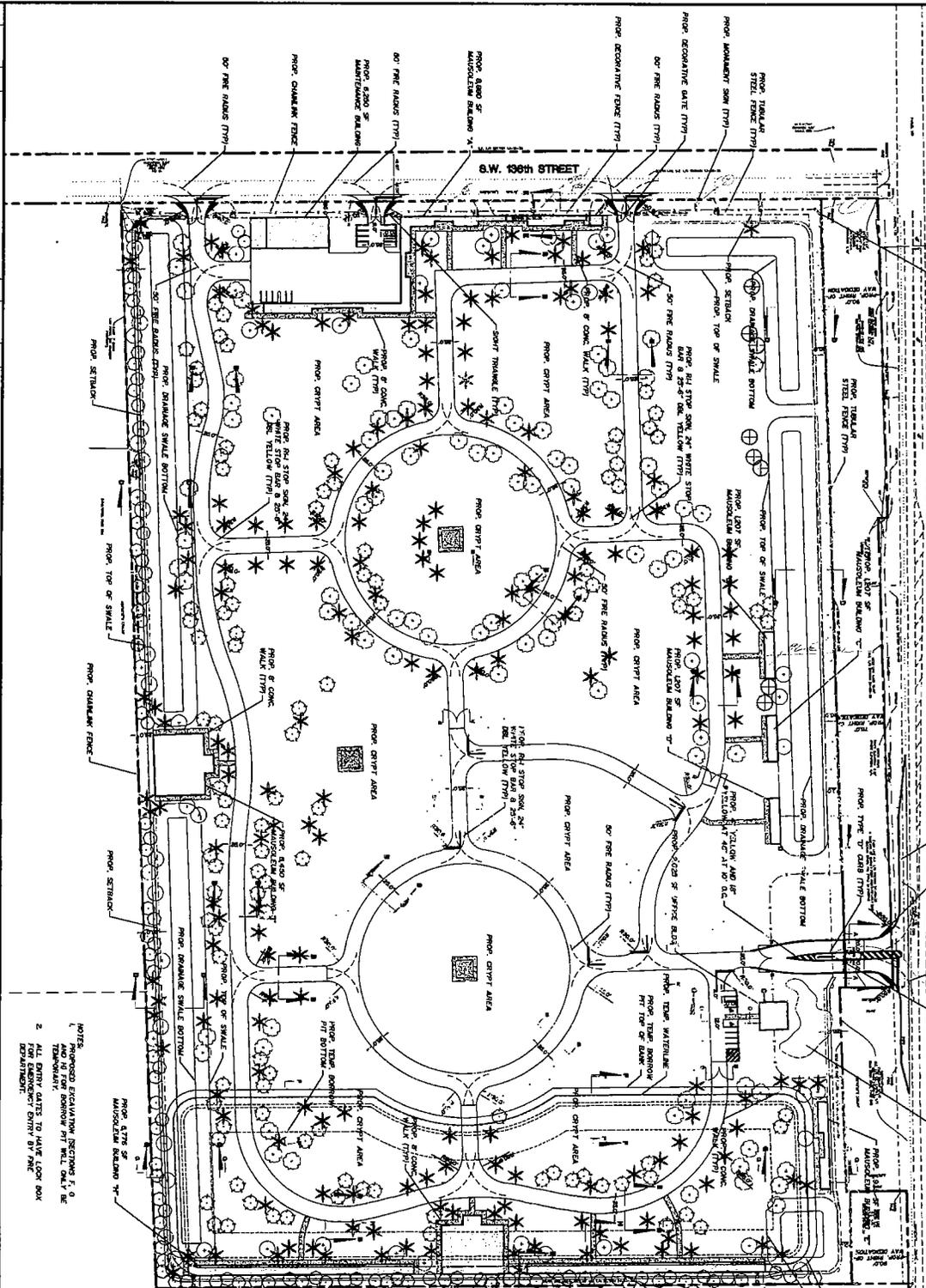
2-10-05

APPROVED

DATE

BY

NO.	DATE	BY	REVISION
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2	APRIL 2007	APL	REVISION
3	APRIL 2007	APL	REVISION
4	APRIL 2007	APL	REVISION
5	APRIL 2007	APL	REVISION



SCALE 1" = 80'

WEST KENDALL MEMORIAL PARK  
STORYAN SKY, LLC

PROJECT NUMBER  
200006  
SHEET NUMBER  
MAP OF 1

DESIGNED BY: APL  
CHECKED BY: APL  
DATE: APRIL 2007

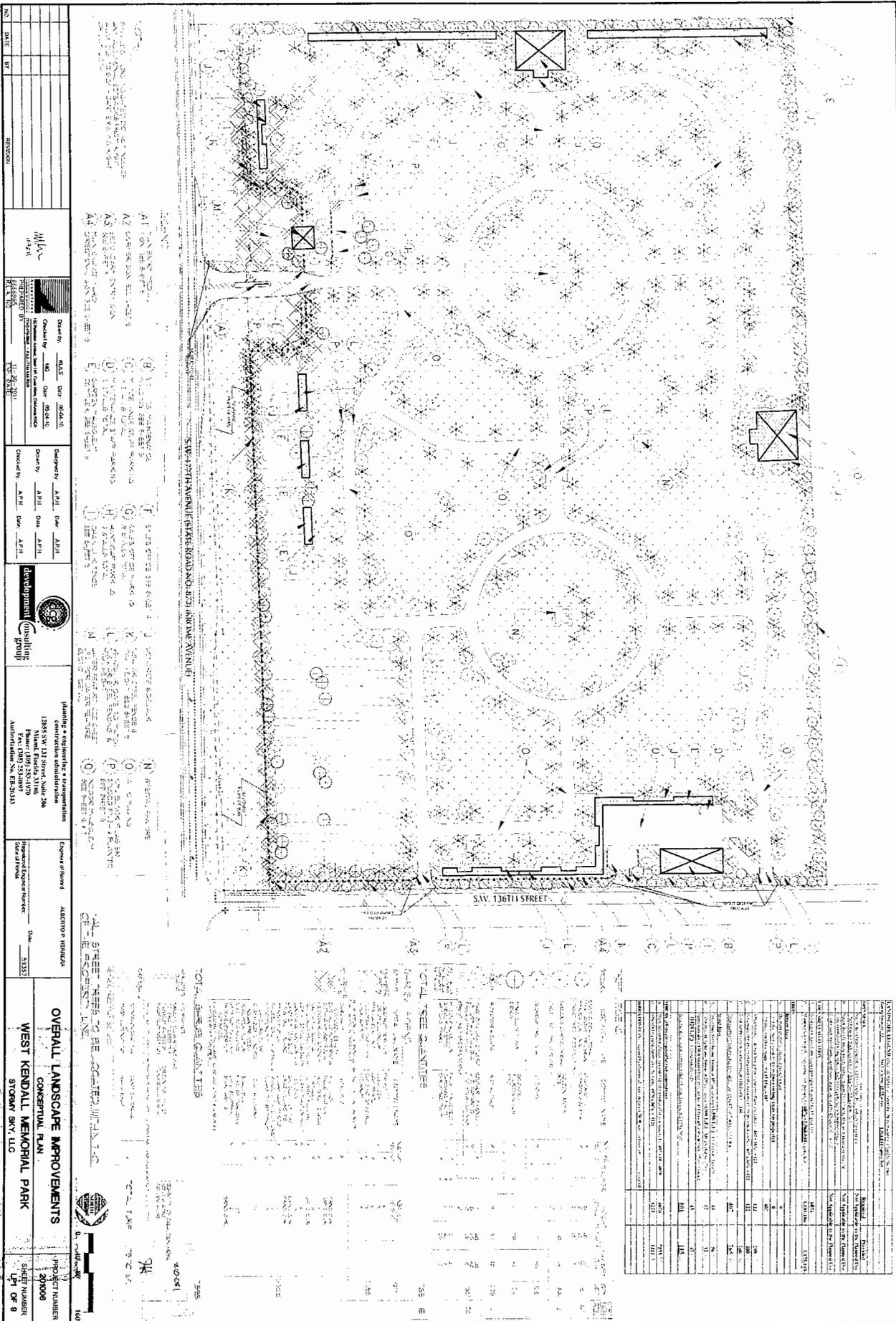
ISSUED FOR PERMITTING  
REVISION

PLANNING & ENGINEERING & TRANSPORTATION CONSULTING ADMINISTRATION  
12635 SW 133 Street, Suite 206  
Miami, Florida 33186  
Phone: (305) 253-5970  
Fax: (305) 253-5971  
Subdivision No. 23-25343

REGISTERED PROFESSIONAL ENGINEER  
STATE OF FLORIDA  
EXPIRES 12/31/2007

2-10-051

NO.	DATE	BY	REVISION
1	APRIL 2007	APL	ISSUED FOR PERMITTING
2	APRIL 2007	APL	REVISION
3	APRIL 2007	APL	REVISION
4	APRIL 2007	APL	REVISION
5	APRIL 2007	APL	REVISION



NO.	DATE	BY	REVISION

Drawn by: **MVA**  
 Checked by: **MVA**  
 Date: **11-26-2011**

Supervised by: **A.P.H.**  
 Checked by: **A.P.H.**  
 Date: **11-26-2011**

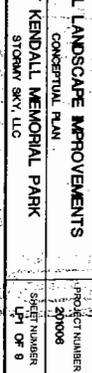


planning & engineering & transportation  
 development consulting group, inc.  
 1385 West 11th Avenue, Suite 200  
 Phone: (303) 254-1170  
 Fax: (303) 254-1170  
 www.dcginc.com

Engineer of Record: **ALECIO P. HERRERA**  
 Registered Engineer Number: **03337**  
 Date of Issue: **11/26/2011**

**OVERALL LANDSCAPE IMPROVEMENTS  
 CONCEPTUAL PLAN  
 WEST KENDALL MEMORIAL PARK  
 STORMY SKY, LLC**

Project Number: **29006**  
 Sheet Number: **UP 1 OF 8**



DATE: **11-26-2011**  
 TIME: **10:00 AM**



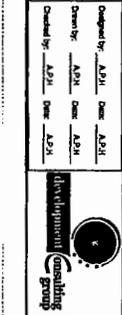






NO.	DATE	BY	REVISION

DESIGNED BY: A.P.H. DATE: A.P.H.  
 CHECKED BY: A.P.H. DATE: A.P.H.  
 DRAWN BY: A.P.H. DATE: A.P.H.

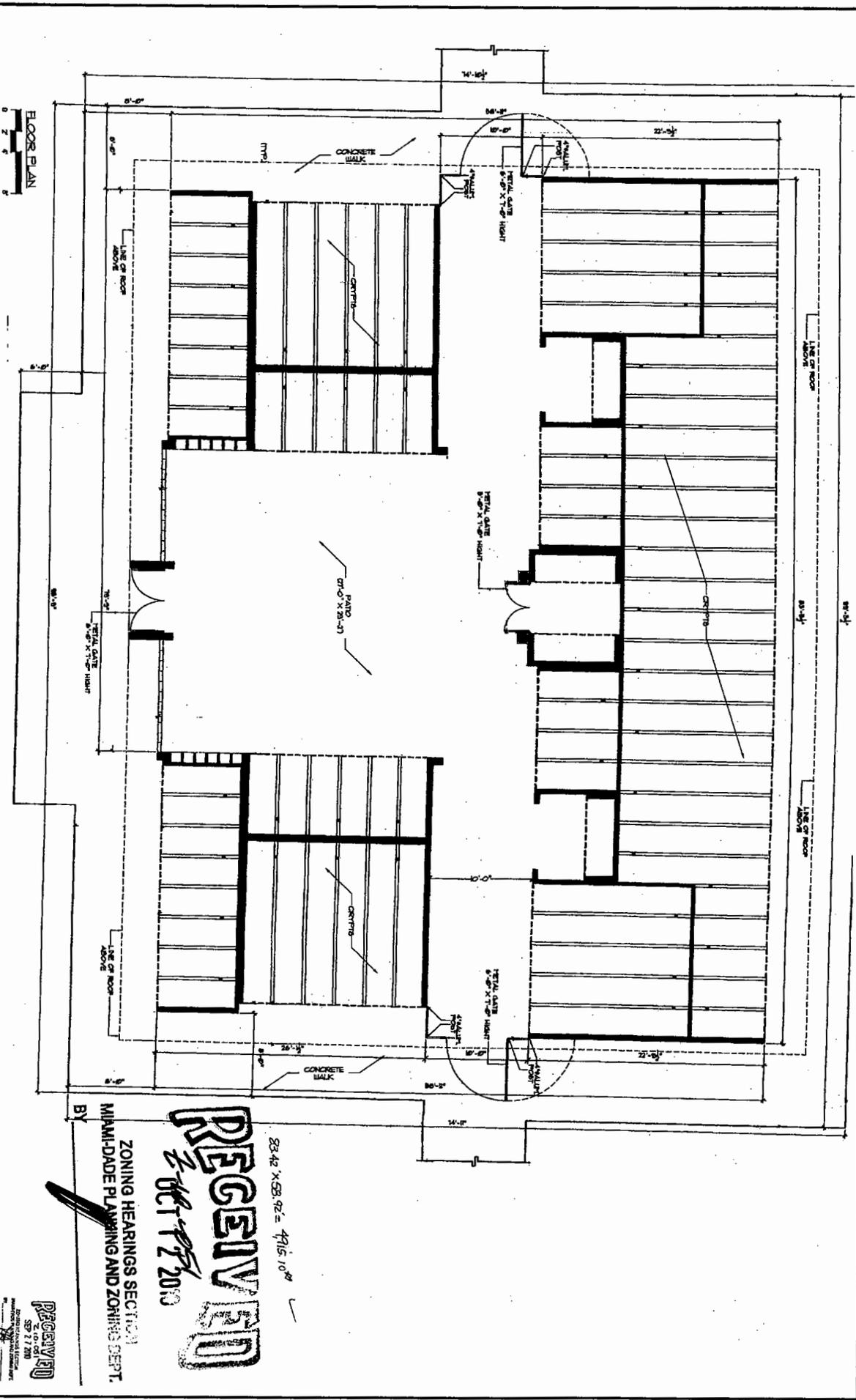


Planning & engineering & transportation consulting and infrastructure  
 12845 SW 123 Street, Suite 206  
 Miami, Florida 33186  
 Phone: (305) 253-2779  
 Fax: (305) 253-2778  
 Website: www.dcg.com  
 Accreditation No. 22-34483

Engineer of Record: ALBERTO J. HERRERA  
 Registered Engineer Number: 58357  
 Date: 08/25/10

PATO MUSEUM FLOOR PLAN  
 CONCEPTUAL PLAN  
 WEST KENDALL MEMORIAL PARK  
 STORMW. SERV. LLC

PROJECT NUMBER: 201008  
 SHEET NUMBER: LP9 OF 9

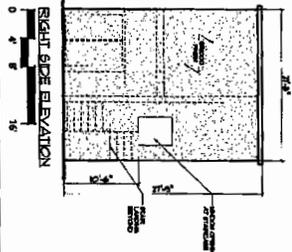
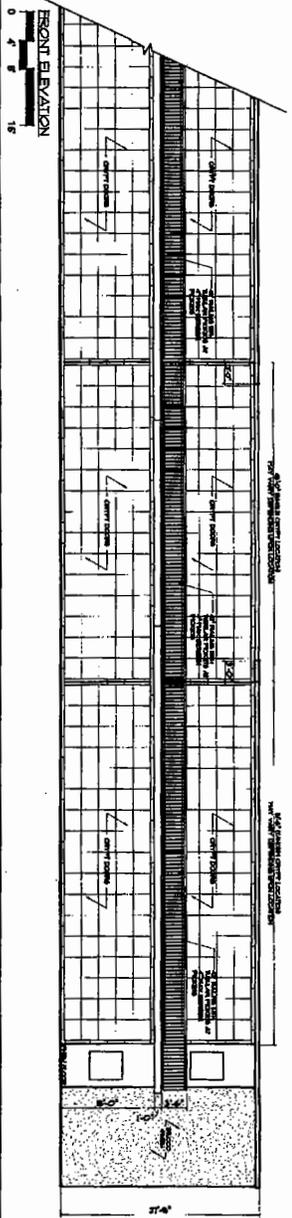
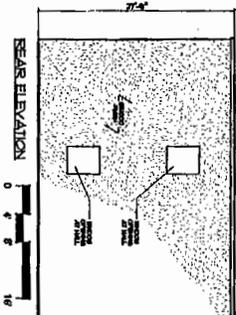
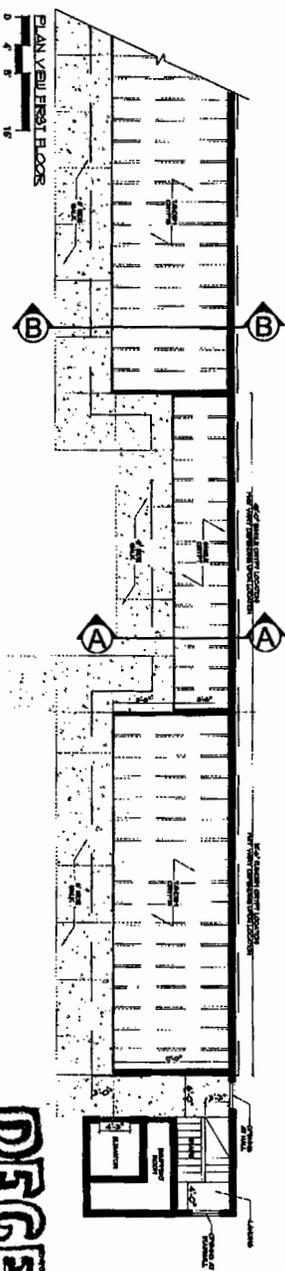
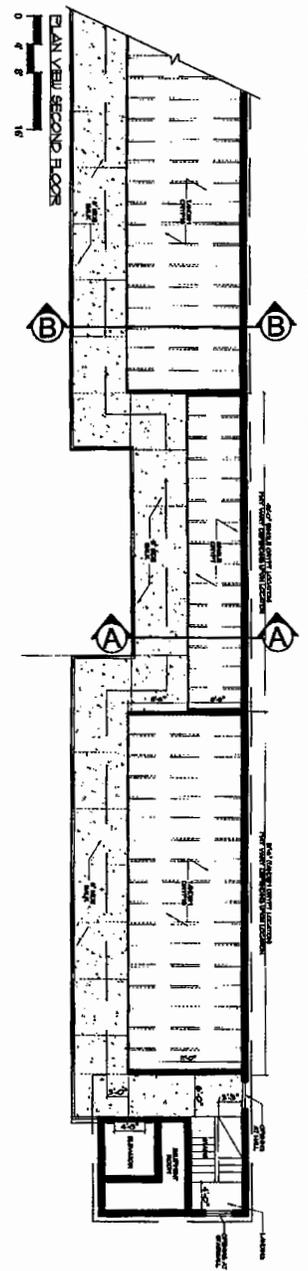
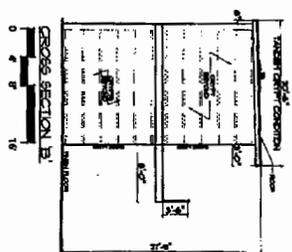
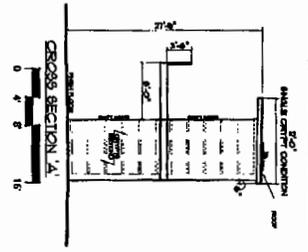


83-42 X-53, 92 = 415, 10' ✓  
**RECEIVED**  
 Z-081-02-2010  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY

**RECEIVED**  
 SEP 27 2010  
 MIAMI-DADE PLANNING AND ZONING DEPT.

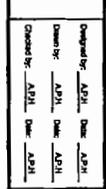
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NO.	DATE	BY	REVISION

Designed by: A.P.H.	Date: A.P.H.
Drawn by: A.P.H.	Date: A.P.H.
Checked by: A.V.H.	Date: A.P.H.

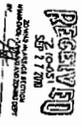


planning & engineering & construction  
 construction administration  
 1385 SW 15th Street, Suite 205  
 Miami, FL 33135  
 Phone: (305) 251-1979  
 Fax: (305) 251-0877  
 Administration: Mr. Ben-Avram

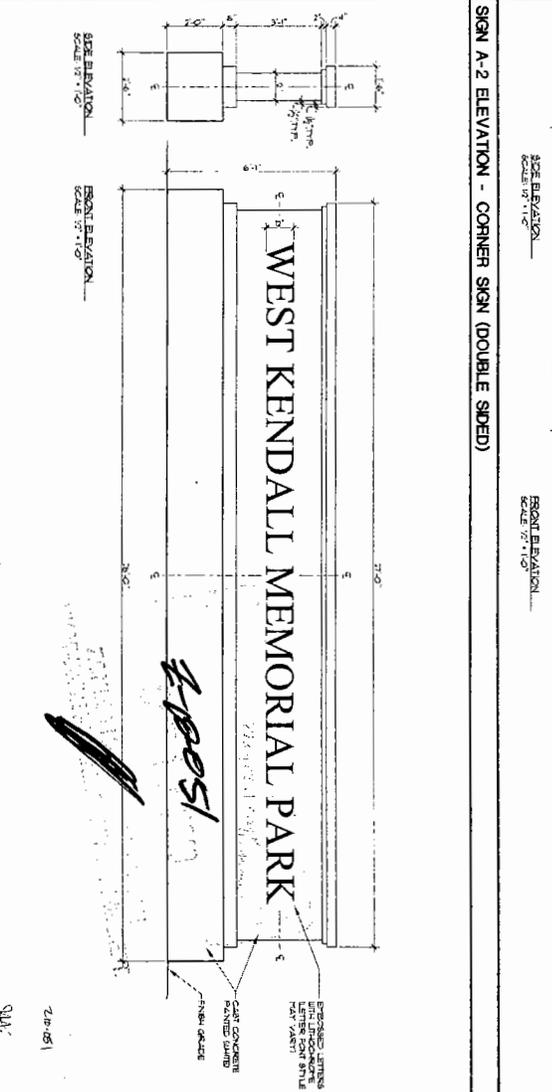
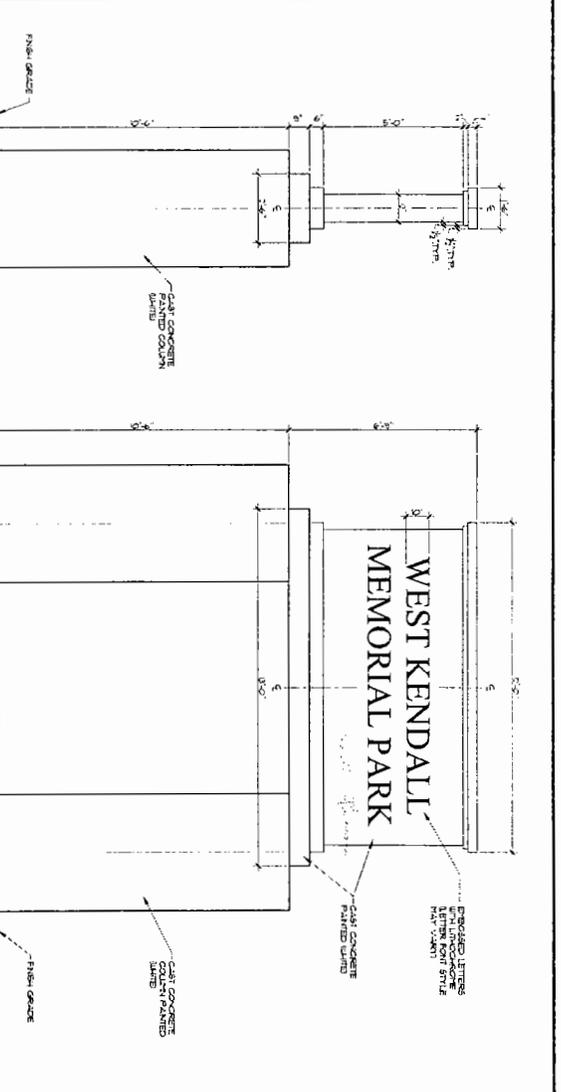
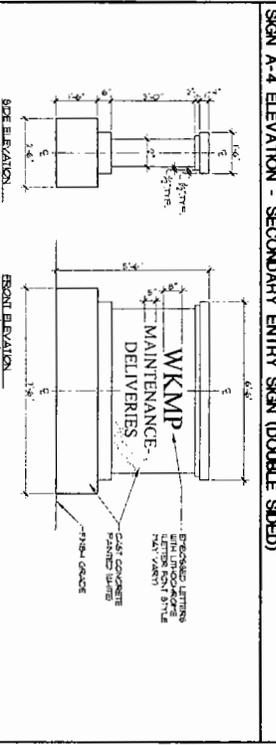
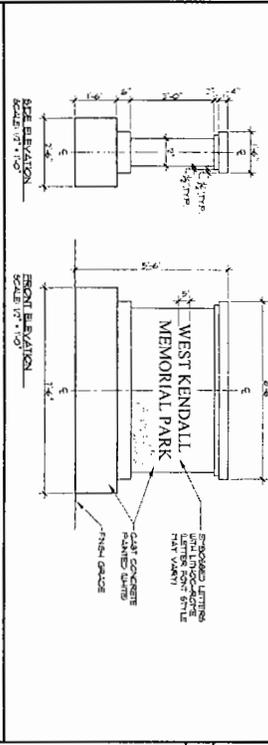
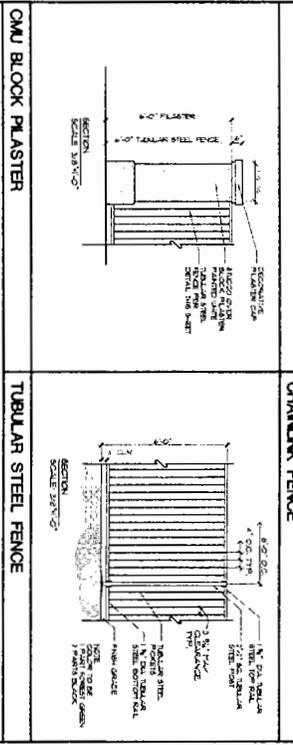
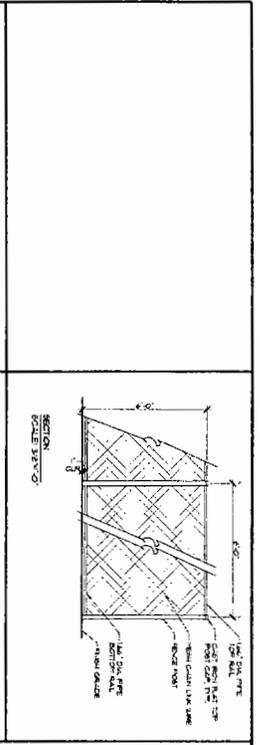
Engineer of Record: ALBERTO P. HEREDIA  
 Professional Engineer Number: 05337  
 Date of Issue: 05/31/20

**GARDEN MAUSOLEUM PLAN & ELEVATIONS**  
 CONCEPTUAL PLAN  
**WEST KENDALL MEMORIAL PARK**  
 STONEY CRY, LLC

PROJECT NUMBER: 80700  
 SHEET NUMBER: 1/18 OF 8

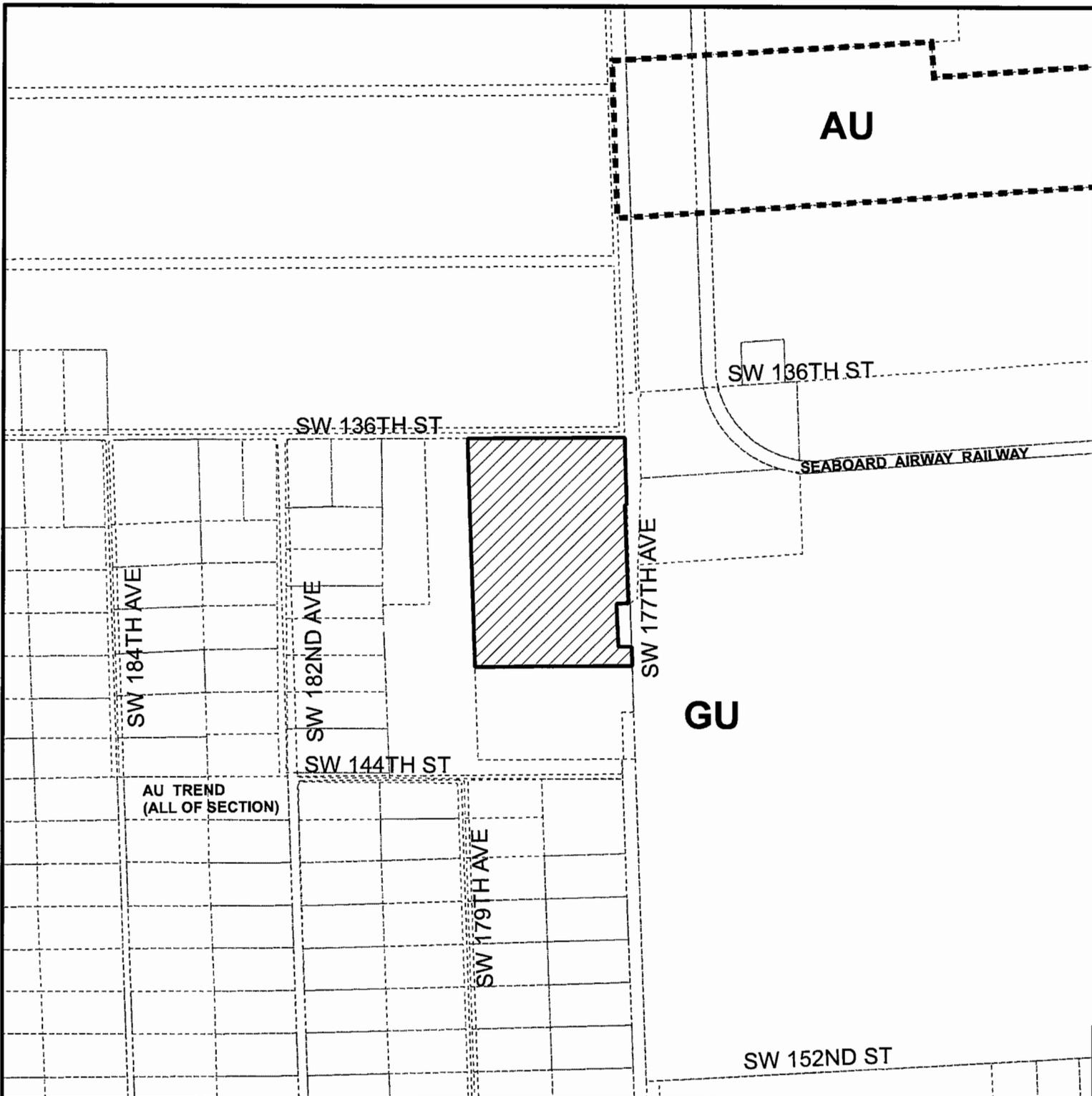


**RECEIVED**  
 OCT 12 2010  
 ZONING HEARINGS SECTION  
 MANA-ODE PLANS AND ZONING DEV.  
 BY



<b>SIGN A-3 ELEVATION - MAINTENANCE YARD DIRECTIONAL SIGN (DOUBLE SIDED)</b>		<b>SIGN A-1 ELEVATION - ENTRY MEDIAN SIGN (DOUBLE SIDED)</b>	
Date: 11/20/2011 Drawn by: [Name] Checked by: [Name]	Date: 11/20/2011 Drawn by: [Name] Checked by: [Name]	Date: 11/20/2011 Drawn by: [Name] Checked by: [Name]	Date: 11/20/2011 Drawn by: [Name] Checked by: [Name]
<b>PROJECT INFORMATION</b> Project Name: WEST KENDALL MEMORIAL PARK Project Number: 201008 Sheet Number: LP9 OF 9		<b>CLIENT INFORMATION</b> Client Name: WEST KENDALL MEMORIAL PARK Client Address: STORMB SKY, LLC	

85



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

Process Number  
**Z2010000051**



Section: 19 Township: 55 Range: 39  
 Section: 24 Township: 55 Range: 38  
 Applicant: KROME AGRONOMICS, LLC  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: KEELING  
 Scale: NTS

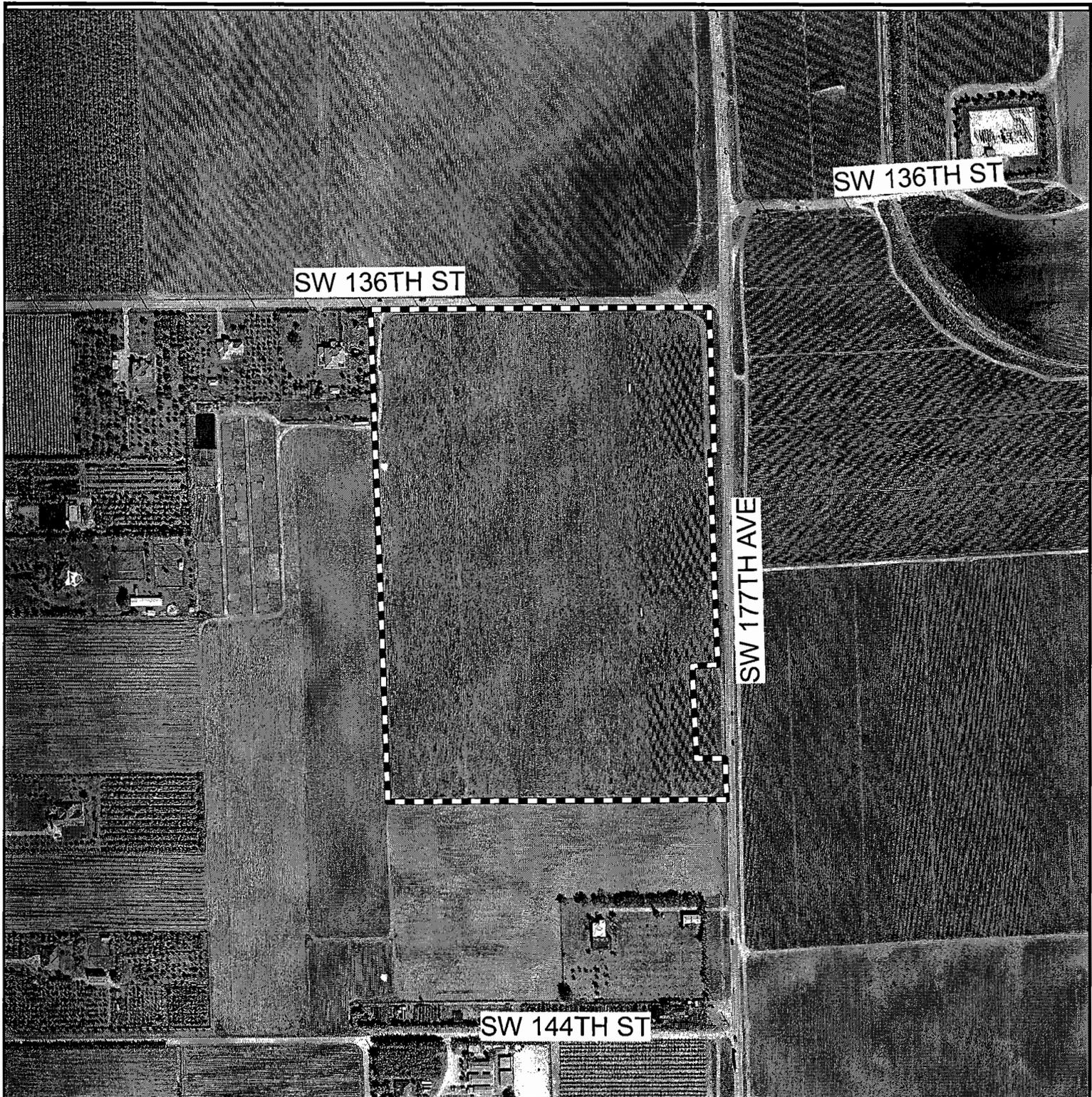
**Legend**

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY
		49



**MIAMI-DADE COUNTY**

**AERIAL YEAR 2009**

Section: 19 Township: 55 Range: 39  
 Section: 24 Township: 55 Range: 38  
 Applicant: KROME AGRONOMICS, LLC  
 Zoning Board: C11  
 Commission District: 9  
 Drafter ID: KEELING  
 Scale: NTS

Process Number  
**Z2010000051**



**Legend**

 Subject Property



SKETCH CREATED ON: Tuesday, May 11, 2010

REVISION	DATE	BY

This instrument was prepared by:  
Tony Recio, Esq.  
Weiss Serota Helfman  
Pastoriza Cole & Boniske  
2525 Ponce de Leon Blvd  
Suite 700  
Coral Gables, FL 33134

PLANNING AND ZONING  
AGENDA OFFICE

2011 APR 14 A 9 29

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, 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. 10-051 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 Development Consulting Group entitled, West Kendall Memorial Park, consisting of sheets MP1 dated stamped received January 14, 2011, SP1-SP11, dated stamped received January 14, 2011, FP1 dated stamped received October 12, 2010, and LP1-LP9, dated stamped received October 12, 2010, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) In the event that the Property is developed in accordance with (1) above, all fill excavated from the temporary lake on the southern portion of the property will only be used to raise the elevation of the Property for interment and site improvements, and no portion of such fill will be sold or otherwise distributed to any other property.

2011 APR 14 A 9 29  
PLANNING AND ZONING  
AGENDA OFFICE

(Space reserved for Clerk)

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**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 jointers of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**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

(Space reserved for Clerk)

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**Declaration of Restrictions**

**Page 3**

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

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

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

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

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

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

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

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

[Execution Pages Follow]

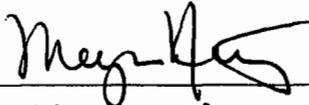
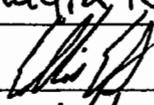
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**Declaration of Restrictions**  
**Page 4**

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this 12<sup>th</sup>  
day of April, 2011

KROME AGRONOMICS, LLC,  
a Florida limited liability  
company

WITNESSES:

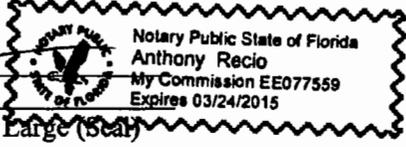
Sign   
Print Maura Nutez  
Sign   
Print Ed Lopez

Sign   
Hugo Pereira  
as President/Member/Manager  
c/o Gilbert Contreras, Esq.  
141 Almeria  
Coral Gables, Florida

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of April, 2011, by  
Hugo Pereira as President/Member/Manager and on behalf of KROME AGRONOMICS,  
LLC, a Florida limited liability company, who is personally known to me or who has  
produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC:  
Sign   
Print \_\_\_\_\_  
State of Florida at Large (Seal)  
My Commission Expires:



**Declaration of Restrictions**  
**Page 5**

**Exhibit A**

A PORTION OF EAST 1,210.00 FEET OF THE NORTH 1,800.00 FEET OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON THE EAST LINE OF SAID NORTHEAST 1/4 FOR 40.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°03'27" EAST ON SAID EAST LINE 519.06 FEET; THENCE SOUTH 87°56'33" WEST 15.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 15.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 760.69 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE SOUTH 89°31'02" WEST ON SAID NORTH LINE 85.03 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 100.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 02°03'27" EAST ON SAID WEST LINE 330.04 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID NORTHEAST 1/4; THENCE NORTH 89°31'03" EAST ON SAID SOUTH LINE 96.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 177TH AVENUE; THENCE SOUTH 01°11'34" EAST ON SAID RIGHT-OF-WAY LINE 150.41 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1,800.00 FEET OF SAID NORTHEAST 1/4; THENCE SOUTH 89°30'58" WEST ON SAID SOUTH LINE 1,204.15 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1,210.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 02°03'27" WEST ON SAID WEST LINE 1,760.66 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 40.00 FEET OF SAID NORTHEAST 1/4; THENCE NORTH 89°30'58" EAST ON SAID SOUTH LINE 1,210.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,085,208 SQUARE FEET, 47.8698 ACRES

**OPINION OF TITLE**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Restrictions in connection with public hearing application No. Z10-051 covering the real property, hereinafter described, it is hereby certified that I have examined a complete Title Search Report (Fund File # 01-2011-004121) prepared by Attorneys' Title Fund Services, LLC, covering the period from the beginning to the 24<sup>th</sup> day of March, 2011, at the hour of 11:00 P.M., inclusive, of the following described property:

[See Attached Exhibit "A"]

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

KROME AGRONOMICS, LLC, a Florida limited liability company

Hugo Pereira, president, member and manager is authorized to execute instruments on behalf of KROME AGRONOMICS, LLC

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

Mortgage to General Lending Corporation, mortgagee(s), recorded under O.R. Book 26694, Page 83, as modified in O.R. Book 27526, Page 3485, O.R. Book 27526, Page 3505 Public Records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

N/A

3. **GENERAL EXCEPTIONS:**

1. All taxes for the year in which this opinion is rendered and subsequent years.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easement or claims of easements not shown by the public records.
5. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

**Opinion of Title**  
**Page 3**

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the Declaration of Restrictions a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Krome Agronomics, LLC	Owner	
General Lending Corporation	Mortgagee	

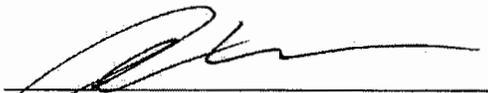
The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
Title Search Report No. 01-2011-004121	Attorneys' Title Fund Services, LLC	19	Beginning to March 24, 2011 At the hour of 11:00 p.m.

*I HEREBY CERTIFY* that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 7 day of April, 2011.

  
\_\_\_\_\_  
Tony Recio, Esq.  
Print Name  
Florida Bar No. 0520152  
Address: 2525 Ponce de Leon Blvd., #700  
Coral Gables, Florida 33134

**STATE OF FLORIDA**  
**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this 7 day of April, 2011, by Tony Recio, who is personally known to me or has produced \_\_\_\_\_, as identification.

  
\_\_\_\_\_  
Notary Public  
Print Name: MARILYN SOMODEVILLA  
Commission Expires: MY COMMISSION # DD 704906  
EXPIRES: September 13, 2011  
Banded Thru Budget Notary Services

1298010

## Opinion of Title

### Page 2

6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filed and artificially exposed lands and lands accreted to such lands.
7. Any lien provided by County Ordinance or by Ch. 159, F.S., in favour of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favour of any county or municipality.
8. Open permits, if any, are neither insured or guaranteed under this commitment or any subsequent mortgage and/or owner's title policy.

#### 4. SPECIAL EXCEPTIONS:

1. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded in Deed Book 50, Page 407, Public Records of Miami-Dade County, Florida.
2. Reservations in favor of the Board of Commissioners of Everglades Drainage District of the State of Florida recorded in Deed Book 199, Page 148, Public Records of Miami-Dade County, Florida.
3. Right of Way Deed to Dade County recorded in Deed Book 3700, Page 599, Public Records of Miami-Dade County, Florida.
4. Warranty Deed from Redactores Epsilon, S.A. a Costa Rican Corporation to State of Florida Department of Transportation, recorded August 27, 2003, in O.R. Book 21582, Page 4795, Public Records of Miami-Dade County, Florida.
5. Ordinance No. 83-24 recorded in O.R. Book 11781, Page 1422, re-recorded in O.R. Book 12046, Page 481, Public Records of Miami-Dade County, Florida.
6. Right of Way for Krome Avenue Map recorded in Plat Book 124, Page 82, Public Records of Miami-Dade County, Florida.
7. Board Order No. 11-02 recorded in O.R. Book 27565, Page 773, Public Records of Miami-Dade County, Florida.
8. Certificate of Resolutions recorded in Official Records Book 26694, Page 73, Public Records of Miami-Dade County, Florida.
9. Assignment of Leases, Rents and Profits filed December 22, 2008, in O.R. Book 26694, Page 100, Public Records of Miami-Dade County, Florida.
10. Assignment of Leases, Rents and Profits filed December 20, 2010, in O.R. Book 27526, Page 3497, Public Records of Miami-Dade County, Florida.
11. UCC Financing Statement recorded in O.R. Book 26694, Page 106, O.R. Book 27526, Page 3509 Public Records of Miami-Dade County, Florida.

*I HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the Declaration of Restrictions.

Exhibit A

A PORTION OF EAST 1,210.00 FEET OF THE NORTH 1,800.00 FEET OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 55 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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