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December 20, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Jack Osterholt
Interim Director
Department of Sustainability, Planning & Economic Enhancement
Miami-Dade County
c/o Ronald Connally
111 NW 1 Street, 11th Floor
Miami, FL 33128

Re: **Notice of Withdrawal as Counsel for Applicant/Appellant of Public Hearing
Application No. Z10-051**

Dear Mr. Osterholt:

I hereby withdraw as counsel of record for the captioned application and appeal. Please direct all future correspondence, notices, and inquiries to Lori Spilde, Esq., 1929 Allen Parkway, Houston, Texas 77019 (Tel. No. 713-525-9786).

Thank you for your attention to this matter.

Very truly yours,


Tony Recio

TR/ms
1298010

cc: Lori Spilde, Esq.
Steve Webster
Rene Iglesias
Jeff Bass, Esq.
Craig Coller, Esq.
Earl Jones

2011 DEC 20 P 4:10
PLANNING AND ZONING
AGENDA OFFICE

December 11, 2011

Via Email, Fax and FedEx

Charles Danger, P.E.
Interim Director
Miami-Dade County Planning and Zoning
11805 SW 26th Street
Miami, FL 33175

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

Re: Our client: Suburban Acres Preservation Society and Joe Petisco
Applicant: Krome Agronomics, LLC
Application No: Z10-051

Dear Mr. Danger:

The above application was denied by CZAB-11 on October 4, 2011. On October 21, 2011, the applicant appealed the denial to the Board of County Commissioners. The undersigned served as counsel for the objectors in opposition to the application.

The applicant recognized that it must establish "need" or "public necessity" in order for its application to ever be approved. As a result, the Applicant prepared a "needs analysis" where it chose numbers derived from the internal workings of the ultimate beneficiary of the proposed development order (Service Corp. International). Those numbers created artificial demand and could not be supported by government statistics.

The data set forth below, as testified to by Richard Weisskoff, Ph.D., a University of Miami-tenured professor of economics, clearly establish the following and utterly refute the manufactured data provided the applicant:

- The number of Miami-Dade County deaths through 2025 (and beyond) is decreasing even as population will increase within the County. In other words, fewer people will die each year.
- The number of burials through 2025 (and beyond) is decreasing.
- The number of cremations through 2025 (and beyond) is increasing.
- By 2025, the percentage of burials will be 38%.
- By 2025, the percentage of cremations will be 56.7%.
- The number of burial spaces available is approximately 2200-2400/acre as opposed to SCI's *constant* 1124/ per acre. This would mean that there could be as much as approximately 750,000 available spaces through 2025 as opposed to SCI's contention that there are only 144,738 spaces.

- SCI's numbers *omitted* the existence of other cemeteries. For example, the SCI analysis fails to include David Vega's cemetery that has an availability of 150,000 spaces. SCI's analysis also fails to identify any of the Jewish cemeteries in Miami-Dade County.
- The above numbers are supported by (a) Department of Vital Statistics, State of Florida), (b) U.S. Census data; and (c) Bureau of Economic and Business Research, Warrington College of Business Administration, University of Florida.

In contrast to actual government data, the internal numbers provided by SCI showed a *constant* rate of cremation to be 37% each year through 2025, the number of burials to be a *constant* rate of 46% through 2025 *and* SCI calculated that the number of deaths per year was actually *increasing*. None of these numbers are supported anywhere by any government statistic.

All of the above data is contained within the record and was developed through the testimony and cross-examination of Dr. Weisskoff.

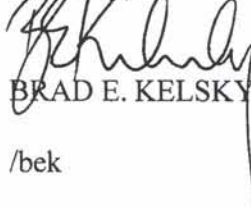
Our review of the KITS reports shows that P&Z did not consider any of the data prepared by Dr. Weisskoff for purposes of determining "need" or "public necessity" and, instead, relied solely on the internal data prepared by the applicant in support of the application. It also seems that P&Z did not conduct any independent investigation to verify the numbers provided by the applicant. For example, The State of Florida Department of Vital Statistics, on their website, had a state-wide 2009 analysis that showed the cremation rate in Miami-Dade County to be 43.2% (as opposed to SCI's 37%). I found this data in a matter of a few minutes! However, there is nothing in any KITS report that suggests anything other than outright acceptance of SCI's numbers.

We ask you to consider the actual, supportable data relied upon by a tenured professor that was derived from actual government statistics when it comes time for P&Z to render its evaluation to the BOCC on the appeal. To ignore the above would have the effect of "rubber stamping" unsupportable and misleading data manufactured to artificially create a "need" or "public necessity" when one clearly does not exist.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,



BRAD E. KELSKY

/bek

cc: Client

**Miami Economic
Associates, Inc.**

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ZONING READING ROOM
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

December 8, 2010

Mr. Marc C. LaFerrier, A.I.C.P.
Director
Department of Planning and Zoning
Miami-Dade County
Miami, Florida

Dear Mr. LaFerrier:

The purpose of this letter is to provide data to supplement that was previously provided in our letter to you dated September 28, 2010, in which we outlined the reasons why we believe that the application to develop a new cemetery outside the Urban Development Boundary (UDB) on the southwest corner of the intersection of Krome Avenue and S.W. 136th Street should be approved based on the fact that a need exists for additional burial places that cannot be satisfied within the UDB. This letter responds to specific questions raised by your staff at a meeting on November 3, 2010, which was attended by counsel to the Applicant, Mr. Tony Recio, and me.

Cemeteries Not Identified on our Prior Analysis

During the course of the above referenced meeting, Mr. Warner noted that while we had indicated through a footnote in our letter dated September 28, 2010, that our estimate of the available inventory of burial spaces did not include those that may exist in 3 Jewish cemeteries, it made no reference to inventory that may exist at other older cemeteries throughout the County including the City of Miami Cemetery, which is located 1800 N.E. 2nd Avenue in Downtown Miami, the Coconut Grove Cemetery, now known as Charlotte Jane Memorial Park at 3575 Douglas Road, and the historic black cemetery located at 285 N.W. 71st Street in the portion of the City of Miami once referred as Lemon City. During the course of our research about these facilities, we identified three additional older private cemeteries including Evergreen Memorial Park, which is located north of SR 112 between N.W. 22nd and N.W. 27th Avenues, Pinewood-Cocoplum Cemetery, which is located at 7220 S.W. 47th Court, and Silvergreen Goulds, which is located at 13701 S.W. 240 Street.

Of those mentioned above, only the City of Miami Cemetery, which still has approximately 1,000 vacant grave sites continues to conduct burials on even an occasional basis --- approximately 15 to 20 per year. However, the conditions under which a person can be buried at the City of Miami Cemetery are highly restrictive, owing to the fact that the burial spaces are owned on a deeded basis and only deed holders or

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people that can affirmatively prove that they are related to a deed holder can qualify to be interred there.

Our research also indicated that the Office of Miami-Dade County Medical Examiner administers 2 cemeteries: the Galloway Cemetery on Galloway Road at S.W. 60th Street and the Kendall Cemetery at S.W. 79th Street and S.W. 115th Street. We were unable to obtain any specific information from the Medical Examiner's office regarding the extent to which unused burial space remain at these facilities, which in combination are comprised of 50 total acres. However, it is unlikely that they have a significant number of spaces remaining since they have been in use for a number of years. It is also noted that the County's Public Interment Program currently only provides cremation services.

2/11/11
Pat
Comments:

Cemeteries Approved but Not Yet in Development

No such situations were identified.

Church-related Facilities

In response to a question about the potential inventory of burial spaces that may exist in churchyard facilities, we confirmed with Mr. Marc Adel at the Florida Division of Funeral, Cemetery and Consumer Services that small, church-related cemeteries are not regulated by his division; accordingly, it does not maintain any official records regarding such facilities. However, Mr. Adel indicated that he is not aware of any churches in Miami-Dade County that are currently performing burials on their properties. He further indicated that the extent to which individual churches may keep cremation urns on-site is unknown and could only be determined through facility by facility site visits. However, he doubted that the incidence at which that occurs is significant because of the onus that it would impose on the accepting church to assure proper handling on a constant basis.

check Church
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Open Land and Institutional Parcels

During the course of the above referenced meeting, Mr. Warner indicated that he believed the analysis of potential alternative sites in our letter dated September 28, 2010 should be expanded to include parcels or groupings of parcels designated Open Land on the County's 2015 - 2025 Land Use Map as well as parcels or groupings of parcels designated for Institutional Use both within and outside the UDB.

*

Before providing the findings of the additional analysis requested, we would like to note that we appreciated Mr. Warner's willingness to have our research include land located outside UDB. Cemeteries here in Miami-Dade County and in most locations have historically been an "edge" use when initially developed, notwithstanding that they are often engulfed by urban uses over time. The fact that they are initially developed on the periphery reflects two factors, which are as follows: 1) they require extensive amounts of land, particularly now in the State of Florida which has legislated that they must be located on parcels of at least 30 net contiguous acres, and 2) they require cheap land in order to keep the cost of interment within reasonable bounds.

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- Check
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land
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With respect to the latter point, we stated in our letter of September 28, 2010, that "the acquisition of cemetery space is a necessity for essentially all people in all economic strata of society." Further to that point, in 2007, the County's Consumer Services Department concluded that "funeral and cemetery costs rank as the third-largest lump sum expense a person will face in his/her life after a mortgage (sic) and an automobile purchase."

Open Land

There are areas throughout Miami-Dade County all outside that UDB that are designated Open Land, each of which is discussed below:

Northwest

The largest area of Open Land in Miami-Dade County is located in the Northwest portion of the County. It is comprised of the so-called Lake Belt, which was established by the Florida Legislature during the 1990's with the intention of balancing limestone mining interests and environmental concerns relating to wetlands protection, water supply protection and water management for Everglades restoration. With respect to water supply protection, it is noted that the County's Northwest Wellfield, which supplies approximately 40 percent of its potable water, is located in the portion of the Lake Belt situated between SR 836 on the south and Okeechobee Road on the north. Approximately 50 percent of the land in the Lake Belt area is owned by rock mining interests while at least 25 percent --- a figure likely to increase --- over time is owned by government. The remainder is owned by private, non-rock mining interests.

As discussed with the members of your staff with whom we met, cemeteries are assumed to last and be accessible in perpetuity, objectives which we believe to be in conflict with the long-term objectives of the Lake Belt, which is envisioned as essentially a conservation area after rock mining activities in the area are completed. We further believe that it would be inappropriate, if permitted at all, to place a cemetery either in the cone of influence of the Northwest Wellfield or in an area designated to potentially support the CERP initiative. This effectively limits the effort to find an alternative site for the proposed Cemetery to the area north of Okeechobee Road. With respect to this area, the following points are noted:

- There are active rock mining operations underway in the area that involve blasting. Hence, the area is not in our opinion conducive to cemetery use.
- Based on current ownership patterns, there are fewer than 5 sites with at least 30 net contiguous acres that are not owned by rock mining interests or government available. All of these are currently occupied or will soon be occupied other active uses including nursery operations and in the case of one, truck parking. There is no evidence to believe that these sites are available for acquisition. Furthermore, these lands are burdened with jurisdictional wetlands of significant size, which suggests that they are inappropriate for addressing the County's need for new cemetery spaces.

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Southwest

There are two areas of Open Land in the Southwest portion of the County. The first of these is substantially located in the area between S.W. 8th Street and S.W. 56 Street, immediately west of the UDB. The second is the so-called 8.5 Mile Square Mile Area, which is located west of S.W. 187th Avenue between S.W. 104th Street and S.W. 168th Street.

With respect to the first of the two areas identified above, at least a portion of which is known as the Bird Drive Recharge Area, it contains two components of the CERP initiative, a portion of the County's West Wellfield and substantial wetland areas. In our opinion, these factors eliminate it as an appropriate area in which to locate a new cemetery. The 8.5 Square Mile Area would also not be an appropriate location for several reasons including: 1) it has been historically considered by the Army Corps of Engineers and other similar agencies as an ideal location for a flood mitigation project; 2) the area is poorly served by roads, hence relatively inaccessible; and 3) the pattern of land ownership is highly fragmented resulting in the existence of very few parcels or groups of parcels under single ownership that would produce a tract of at least of 30 net contiguous acres.

South

There are three areas in South Miami-Dade County designated Open Land. The first of these flanks U.S. 1 immediately south of S.W. 360th Street. It is flanked by land designated for conservation use and, in fact, substantial portions of this area are owned by the County's Environmentally Endangered Land Program. None of the privately-owned parcels or groups of parcels in single ownership contain 30 net contiguous acres.

The second Open Land area in South Miami-Dade County is a approximately 1 mile south of that just discussed and is bounded by U.S. 1 on the west and Card Sound Road on the east. This area also contains parcels owned by the County's Environmentally Endangered Land Program. However, the majority of the area is owned by active rock mining interests. Rock mining activity is also underway in the third Open Land area in South Miami-Dade County, which is located immediately south of S.W. 360th Street, east of U.S. 1. It is also located in an area of consideration for CERP. It should be noted that the rock mining activity that is occurring in South Dade is important to the future development of the southern portion of Miami-Dade County within the UDB because without a relative proximate source of limestone material, the future cost to develop there would rise significantly.

Based on the preceding, MEAI does not believe that any of these areas represent good alternative locations for the proposed cemetery.

Southeast

The Open Land Area in Southeast Miami-Dade County is comprised of land that preponderantly lies between Biscayne Bay and S.W. 112th Street. The land is located in

Mr. Mark LaFerrier, A.I.C.P.
Department of Planning and Zoning
Miami-Dade County
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a storm surge zone and in an area that could clearly be adversely impacted by rising sea levels. As such, MEAI considers it a poor location for a cemetery facility that is intended to exist in perpetuity.

Institutional Land

In response to Mr. Werner's request, MEAI analyzed all the parcels or groups of parcels designated for Institutional Use on the County's 2015 - 2025 Future Land Use Map, with the exception of those that will be discussed in the next paragraph, to evaluate their potential to serve as an alternative sites for the proposed cemetery. We also reviewed all the parcels or groups of parcels depicted on the County's existing land use map as being occupied by institutional users including those not designated for Institutional Use on the 2015 - 2025 Land Use Map. Table 1 summarizes the findings of our analysis with respect to the parcels or groups of parcels with at 30 net contiguous acres that are privately-owned while Table 2 does the same for the parcels or groups of parcels that are owned by various agencies of government.

As indicated above, a number of parcels or groups of parcels were exempted from our analysis because based on our prior knowledge we knew that they would not yield a vacant site of 30 net contiguous acres and/or that cemetery use there would not be appropriate due to issues of compatibility, accessibility, etc. The exempted parcels or group of parcels included the following:

- Government Center in Downtown Miami
- Civic Center/Health Center Complex
- South Dade Government Center Complex
- Homestead Air Reserve Base
- The Orange Bowl Site where the Florida Marlin's new stadium is currently under construction
- FP&L's sites at 6525 S.W. 152nd Street and Turkey Point
- Vizcaya
- The campuses of the University of Miami, St. Thomas University, Barry University Florida Memorial College, Florida International University (North and South) and Miami-Dade College (North and South)
- Coast Guard Property northeast of MetroZoo, which is the site of a County-proposed entertainment complex
- Highly classified Department of Defense facility located immediately west of MetroZoo
- Baptist Hospital Complexes on N. Kendall Drive and Campbell Drive
- Mercy Hospital Complex on South Miami Avenue
- State of Florida Correctional Facilities located at 14000 N.W. 41st Street and 19000 S.W. 372 Street
- Miami-Dade County/INS detention facilities located west of Krome Avenue and south of S.W. 8th Street

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- Miami-Dade Solid Waste Department Facilities located at 21500 N.W. 47th Avenue, 6990 N.W. 97th Avenue, 8795 N.W. 58th Street (also other County Department office) and south of Silver Palm Drive between S.W. 87th and 97th Avenues
- Miami-Dade County Government/WASA Complex on the west side of Galloway Road, south of Miller Drive
- Miami-Dade WASA facilities and wellfields located at 2575 N.E. 156 Street, 23300 S.W. 88th Avenue, on the north side of Kendall Drive and east of S.W. 127th Avenue, in Miami Springs at the intersection of North Royal Poinciana Drive at Alex Bromir Way/Dove Avenue and west of theoretical S.W. 172 Avenue between Miller Drive and Sunset Drive
- Florida Aqueduct Authority Facility located north of S.W. 360 Street, east of S.W. 200th Avenue

As shown in Table 1, there was only one privately-owned parcel comprised of at least 30 net acres that required analysis after the campuses of the private colleges and universities enumerated above were exempted as well as the Baptist and Mercy Hospital complexes. The subject property, which is comprised of approximately 120.5 acres, is located at 11925 Old Cutler Road. Owned by a private foundation, the property is being used as a botanical garden and research facility. There is no evidence that all or a portion of this site would be available for acquisition for the proposed cemetery. Further, the site is located in a storm surge zone and could be adversely affected by rising sea levels. Accordingly, MEAI does not consider it an appropriate location for a cemetery facility that is intended to exist in perpetuity.

As shown in Table 2, a total of 11 government-owned parcels or groups of parcels were subjected to analysis once the government-owned parcels and groups of parcels listed above were exempted. Ten of the 11 are located within the UDB. The one located outside the UDB is owned by the federal government, actually the Department of the Navy. Given its location at the intersection of S.W. 360th Street and Card Sound Road, its accessibility is poor. While the site is currently vacant, there is no evidence to indicate that it is available for acquisition. Further, it is located in a CERP area, which in our opinion significantly reduces its viability as the potential site for a cemetery.

With respect to the 10 government-owned parcels or groups of parcels within the UDB, 6 are developed to the point that they would not yield at 30 vacant net contiguous acres. A seventh, the U.S. Agriculture Department site located at the intersection of S.W. 136th Street and S.W. 67th Avenue is not intensely developed but is being used. There is no evidence all or any portion of it is available for acquisition.

With respect to the remaining 3 parcels, 2 are partially developed, 1 completely vacant. The vacant site, which is located at S.W. 272 Street and S.W. 127th Avenue, is parcel that was conveyed to the County by the U.S. Air Force when the County took control of land that was previously part of the Homestead Air Force Base. According to the County's General Service Administration (GSA), a condition of its conveyance is that it be used for economic development purposes. GSA does not believe that cemetery use meet the intent of the deed restriction. The undeveloped portions of the two partially developed parcels are located immediately south of the County landfill at 21500 N.W.

Mr. Mark LaFerrier, A.I.C. P.
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47th Avenue. In MEAI's opinion their proximity to an active landfill makes them poor candidates for cemetery use.


Closing

Based on the analysis MEAI has performed to respond to the question raised by you staff at the meeting Mr. Recio and I had with them on November 3, 2010, we continue to believe that approval of a new cemetery on the proposed site at Krome Avenue and S.W. 136 Street is justified by need. Specifically, our additional research does not lead us to believe that there is a significantly greater supply of available burial sites than that estimated in our letter dated September 28, 2010. Our research also did not produce any evidence that there are more alternative sites available for the proposed cemetery. Accordingly, as previous research established a clear public need for a new cemetery facility and no alternative site outside of the agriculture are available and/or suitable, the proposed site meets the criteria for consistency of the cemetery use with the Agriculture Comprehensive Plan designation.

Sincerely,
Miami Economic Associates, Inc.



Andrew Dolkart
President

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BY 

**Table 1
Institutional Land
30 Acres or More
Privately-Owned
Miami-Dade County**

<u>Parcel Number</u>	<u>Folio Number</u>	<u>Location</u>	<u>Acres</u>	<u>Owner</u>	<u>Use</u>	<u>Comment</u>
1	03-5107-003-0020	11925 Old Cutler	120.48	Montgomery Foundation	Botanical Garden/Research facility	In use Storm surge area

Source: Miami-Dade County Future Land Use Map 2015 -2025; Miami Dade Property Appraiser; Miami Economic Associates, Inc.

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 BY: 

**Table 2
Institutional Land
30 Acres or More
Government-Owned
Miami-Dade County**

<u>Parcel Number</u>	<u>Folio Number</u>	<u>Location</u>	<u>Acres</u>	<u>Owner</u>	<u>Use</u>	<u>Comment</u>
1	30-1131-001-0030	20600 NW 47 Ave	168.88	Miami-Dade GSA	Landmark Center	Developed
2	30-1131-001-0020	20660 NW 47 Ave	54.83	State of Florida HRS	Mental Health Facility	Partially developed
3	32-2013-001-0570	5890 NW 158 St	35.3	Miami-Dade Public Schools	School	Partially developed
4	04-2132-001-0011	900 E. 56 Street	51.46	City of Hialeah	Municipal facility	Developed
5	30-4005-001-0230	N.E corner of W. Flagler/107 Ave	36.6	FIU	University facility	Developed
6	30-4031-000-0170	SW 117 Ave, S. of Sunset	164.58	Miami Dade HRS	Social service facilities	Developed
7	30-5924-000-0160	14655 SW 122 Ave	42.53	Florida DOT	Maintenance facility	Developed
8	30-5936-000-0040	18300 SW 127 Ave	32.07	Miami-Dade Public Schools	Training facility	Developed
9	30-6935-000-0390 30-6935-000-0052 30-6935-000-0410 30-6935-000-0400 30-6935-000-0061	SW 272St/SW127 Ave	14.48 24.23 10.15 30.28 46.58	Miami-Dade GSA	Vacant	Site deeded to Miami-Dade County by the federal government with restrictions that require it to be used to promote
10	30-7931-001-0040	S. of SW 360 St./Card Sound Road	59.49	U.S. Government	Vacant	<u>CERP</u>
11	33-5024-000-0010 33-5024-001-0010	S.W 136 Street, E. of 67 Ave	152.53 54.38	U.S. Agriculture Department	Testing facility	In Use In storm surge zone


Source: Miami-Dade County Future Land Use Map 2015 -2025; Miami-Dade Property Appraiser; Miami Economic Associates, Inc.





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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

In its recently released draft 2010 Evaluation and Appraisal Report (EAR), the Miami-Dade County Planning Department estimates that the population of the County currently approximates 2,563,900 people, an increase of over 32 percent since the approximate date of the last approval. BY 

- In the draft 2010 EAR, the Miami-Dade County Planning Department estimated, as shown in Table 1, that more than 335,400 County residents will die in the period from 2011 through 2025. Utilizing data compiled by the State of Florida Bureau of Vital Statistics, MEAI estimates that nearly 154,300 of the deceased will be buried in lots and mausoleum facilities while approximately 124,100 will require cremation niches. In total, nearly 280,000 of the expected deceased over the next 15 years will need to be accommodated by the cemeteries in Miami-Dade County. Cemeteries in Miami-Dade County will also need to accommodate many of the more than 500 people who will die in Monroe County annually during the 2011 through 2025 period because of the paucity of facilities within that County.
- As shown in Table 2, the active cemeteries surveyed in Miami-Dade County currently have fewer than 195,000 uncommitted cemetery spaces inclusive of approximately 128,430 burial spaces and 56,085 cremation niches. This means that the current supply of cemetery spaces will be fully depleted in approximately 2021 with the supply of cremation niches being depleted in about 7 years from now, or in 2017. It should be noted that it is highly unlikely that people who would prefer to be cremated or to cremate loved ones would agree to burial instead when cremation niches are not available.¹
- MEAI recognizes that a portion of the people who pass away during the 2011 through 2025 period will not actually deplete the current inventory of uncommitted cemetery spaces because they will have already acquired the burial space or cremation niche in which they will be laid to rest in advance of their death. However, this factor will be offset by the fact that during the 2011 through 2025 period others will be in the processing of making arrangements for future disposition of their remains that may not occur until after 2025.

Given the fact the population of Miami-Dade County continues to grow, MEAI believes the number of people who are making prior arrangements for the disposition of their remains on average annual basis during the 2011 through 2025 period will likely be greater than the number who did on annual basis in the years preceding 2011. In this regard, the impact of the aging boomer generation also needs to be considered. For example, during the next five years, the number of County residents in the 55 to 64 age group will increase by approximately 50,000 people. People in the 55 to 64 age group represent a prime market for cemetery spaces.

¹ The survey considered all active cemeteries in Miami-Dade County with uncommitted spaces with the exception of 3 Jewish cemeteries for which information was not available. Given the prohibition at most Jewish cemeteries regarding the burial of non-Jews which significantly reduces their utility to this analysis and the fact that whatever inventory they may have is at most very limited, MEAI does not believe that the inclusion of these cemeteries would materially affect the conclusions of the analysis.

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Table 1
Demand for Cemetery Spaces
Miami-Dade County
2011 - 2025

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

Year	Estimated Deaths	Disposition*		
		Burials	Cremations	Other/ Unknown
2011	21,369	9,830	7,907	3,632
2012	21,522	9,900	7,963	3,659
2013	21,673	9,970	8,019	3,684
2014	21,822	10,038	8,074	3,710
2015	21,967	10,105	8,128	3,734
2016	22,110	10,171	8,181	3,758
2017	22,250	10,235	8,233	3,782
2018	22,387	10,298	8,283	3,806
2019	22,521	10,360	8,333	3,828
2020	22,653	10,420	8,382	3,851
2021	22,781	10,479	8,429	3,873
2022	22,907	10,537	8,476	3,894
2023	23,030	10,594	8,521	3,915
2024	23,150	10,649	8,566	3,935
2025	<u>23,267</u>	<u>10,703</u>	<u>8,609</u>	<u>3,955</u>
Total	<u>335,409</u>	<u>154,288</u>	<u>124,101</u>	<u>57,020</u>

* According to the State of Florida Bureau of Vital Statistics, the remains of 46 percent of deceased persons are buried, 37 percent cremated. The disposition of the other 7 percent either occurs out-of-state (6 percent) or is unknown.

Source: State of Florida Bureau of Vital Statistics; Miami-Dade County Planning Department; Miami Economic Associates, Inc.

Mr. Marc C. LaFerrier, A.I.C.P.
Director, Planning and Zoning
Miami-Dade County
September 28, 2010
Page 3

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

JA

- MEAI also believes that it is important to take into consideration that the above-estimated depletion dates implicitly assume that the market for cemetery spaces is an efficient one. In fact, it is not. Decisions regarding the disposition of one's own remains or those of love ones is affected by a number of non-quantifiable and/or emotional factors.

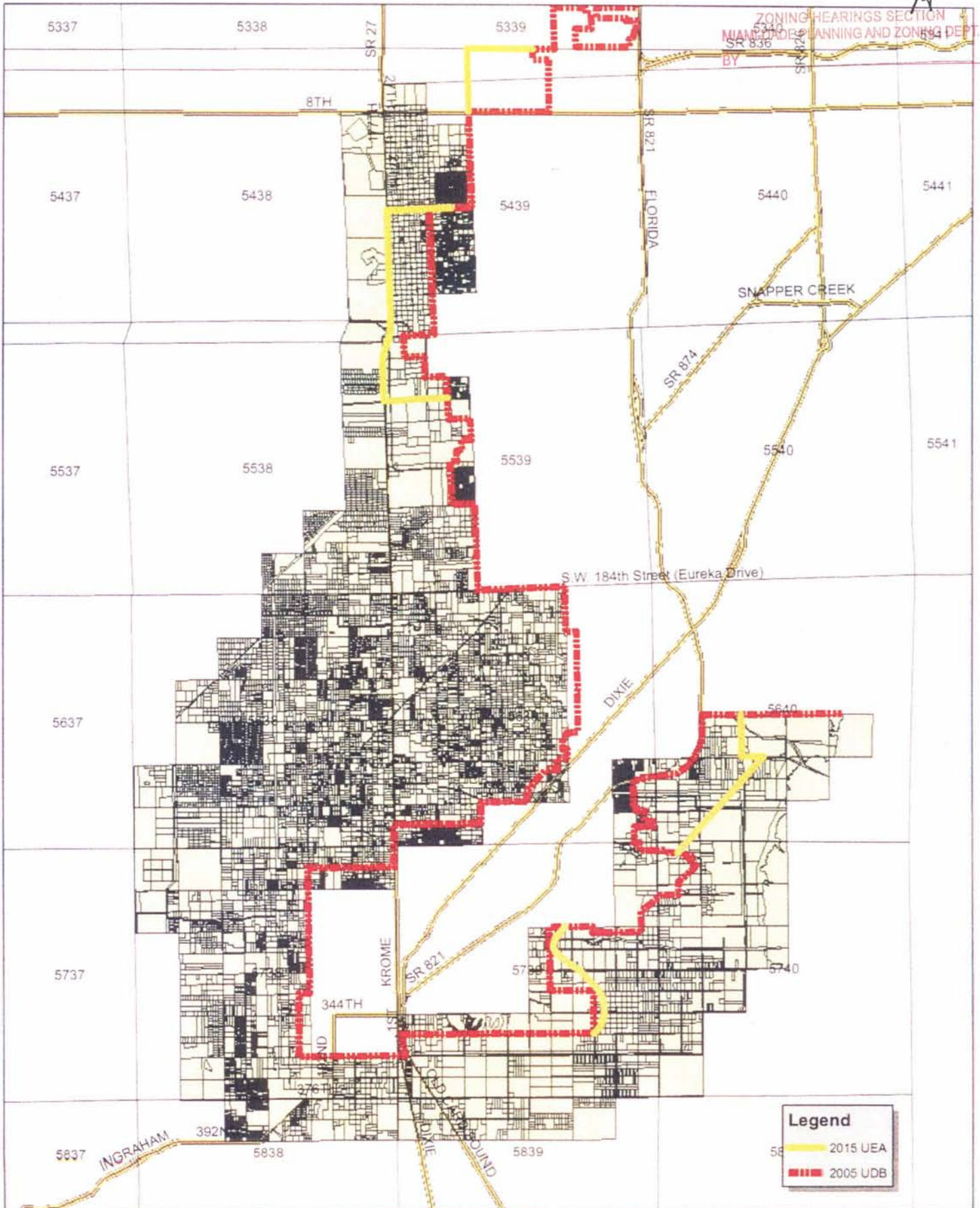
The most obvious of these factors is religion. For example, it is unlikely that many people who are not Jewish or Catholic will choose to be laid to rest in facilities designed to cater to people of those faiths, even if allowed to which may not be the case. Many people when deciding where to acquire a burial space or cremation niche seek space in a place where their entire family can be accommodated together or in a "heritage garden" that will allow them, just as they did when choosing a community in which to live, to be near other relatives, friends or people of similar ethnicity. Others will wish to be buried in areas with people who had similar experiences in life such as other military veterans or will want a place with a specific attribute such as a special tree, view, etc.

In order for cemeteries to be able to address these highly personal yet important customer preferences, frequently magnified in times of stress or grief, they need to have considerably more capacity than can be determined by a simple mathematical formula that relates projected deaths to available space inventory.

- Finally, MEAI believes that there are a number of practical reasons why it would be imprudent to wait to allow the development of a new cemetery until existing capacity is about to be depleted, which are as follows:
 - Section 497.270 of the Florida Statutes requires that new cemeteries be developed on properties that contain at least 30 net contiguous acres. As will be discussed below in detail, few such properties or combinations of properties are available and appropriate within the UDB regardless of their current land use designation. Review of the map on the page following shows that due to the way a parcelization has occurred outside the UDB, the number of appropriately sized parcels in close proximity to important infrastructure such as roadways is also limited. Further, many of the larger parcels outside the UDB are south of Eureka Drive (S.W. 184th Street) in the County's most productive agricultural area.
 - Cemeteries are similar to all other types of development in that they require several processes to occur before they are useable that can take a period of years to complete. Before a cemetery can be placed into service, land needs to be acquired (which may require time-consuming assembly), entitlements need to be obtained (frequently in an environment where there is staunch opposition) and infrastructure as well as a portion of the requisite facilities need to be constructed.

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BY [Signature]



Legend

- 2015 UEA
- 2005 UDB

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Mr. Marc C. LaFerrier, A.I.C.P.
Director, Planning and Zoning
Miami-Dade County
September 28, 2010
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SEP 30 2010

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



- The acquisition of cemetery space is a necessity for essentially all people in all economic strata of society. There have been over the years a number of articles and books written about the high costs associated with the disposition of the remains of the deceased. Clearly care should be given to assure that shortages that can cause prices to spike are not created by governmental regulation either with respect to total supply or a particular portion of supply needed to cater a specific set of market preferences.
- As noted above, many people have traditionally acquired cemetery spaces for themselves and their families well in advance of when they may be needed. For the market to continue to function in this manner, which for many allows them to address a necessary acquisition in a more conscientious and budget-friendly manner, the properties that will provide future capacity need to be known well in advance.
- Based on the content of the preceding bulleted paragraphs, MEAI believes that there is a clear need to approve the development of a new cemetery in Miami-Dade County. In the materials that follow, we address the issue of why it is both appropriate to allow a new cemetery to be developed in agriculturally-designated land located outside the UDB at the intersection of Krome Avenue and S.W. 136th Street.

Use of Agriculturally-Designated Land

Although the Miami-Dade County Comprehensive Development Master Plan (CDMP) permits cemeteries to be developed in several categories of land use, Chapter 33 of the Miami-Dade County Code requires that they be developed in land zoned AU or GU. Traditionally those zoning districts are accommodated in CDMP designations of Agriculture or Open Land. Within the UDB, the only area that has land designated Agriculture is in the so-called "Horse County". MEAI believes that it is highly unlikely that a parcel of 30 net contiguous acres could be assembled in this area. We further believe that any attempt to locate a cemetery in the area would be vehemently opposed by area residents. Accordingly, the CDMP, as implemented by the County's Zoning Code, implicitly assumes that any new cemetery development will occur outside the UDB.

MEAI recognizes that the Board of County Commissioners has historically believed that agriculture is an important industry within the County and that strong efforts should be made to assure its viability, notwithstanding a number of forces that are working counter to that hope such as competition from other nations, insect infestations, etc. However, we are also aware that the County's Department of Planning stated in August, 2009, at a town hall meeting with respect to the 2010 EAR that the County will need 52,000 acres of agriculture land in the future to properly support its agriculture industry, or 5,000 less than it currently has. (A copy of the presentation materials in which the Department stated that are posted on its webpage.) Therefore, MEAI believes that the site of the proposed cemetery can be taken out of production without negative effect.

Mr. Marc C. LaFerrier, A.I.C.P.
Director, Planning and Zoning
Miami-Dade County
September 28, 2010
Page 5

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BY JK

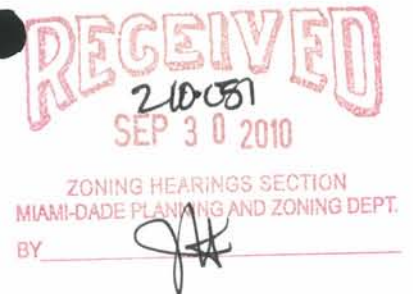
Availability of Alternative Sites within the UDB

As discussed previously, the Florida Statutes require that new cemeteries be developed on properties that contain at least 30 net contiguous acres. Based on that requirement, MEAI sought to identify appropriately sized parcels or assemblages of parcels within the UDB that could potentially be used for the development of a new cemetery. Our review included properties designated on the County Future Land Use Map for a variety of uses including residential, commercial and industrial. To be used, any such parcel would need to be re-zoned AU or GU. Re-zoning property within the UDB to AU is expressly prohibited by the CDMP. Re-zoning property to GU would be precedent setting for land which is supposedly reserved for urban uses. The paragraphs that follow summarize the results of our search for alternative sites.

Land Designated for Residential Use

- According to information provided to MEAI by County's Department of Planning approximately a year ago regarding undeveloped residential parcels 1 or more acres in size, there were 59 undeveloped parcels designated for residential use throughout the County that are 30 acres or more in size. It should be noted that some of these may not qualify for use for a cemetery if the net contiguous acreage after provision for setbacks, etc. is less than 30 acres. We also identified 5 potential instances where contiguous parcels of between 10 and 30 acres in size could possibly be assembled efficiently for the purpose of developing a cemetery. A number of them were then eliminated from further consideration for the reasons discussed below, leaving a total of 40 potential parcels.
 - 15 of the parcels are located in municipalities in which a cemetery is not a permitted use including the Cities of Miami Lakes, Hialeah and Homestead.
 - 1 of the parcels is an environmentally-sensitive property.
 - 4 of the parcels are located in already developing residential communities.
 - 4 of the parcels are located in the busway transit corridor where development of cemetery would be an inappropriate use.
 - 1 of the parcels, the site of the now-stalled Biscayne Landings project, is owned by the City of North Miami. MEAI anticipates that the City is likely to want to seek a higher return from the property than cemetery development would provide.
- Land Use Policy LU-8F of the Miami-Dade Comprehensive Development Master Plan requires that the county have adequate capacity to accommodate 15 years of projected population growth from the date of the County last Evaluation and Appraisal Report (EAR). The draft of the 2010 EAR released by DP&Z in July

Mr. Marc C. LaFerrier, A.I.C.P.
Director, Planning and Zoning
Miami-Dade County
September 28, 2010
Page 6



indicates that the current residential capacity would just barely meet this requirement, estimating that by 2025 it would be fully depleted by the population growth the Department is projecting to occur during the period from 2010 through 2025.

MEAI has previously raised questions with the department regarding the conclusion of the capacity analysis contained in the draft 2010 EAR based on concerns that estimated housing demand based on projected population growth is understated and estimated supply is overstated. However, if we assume for the purpose of this analysis that the EAR's conclusion regarding the adequacy of the County's residential capacity is correct, it appears that it would not be sound policy to re-designate a parcel or assemblage of parcels of 30 acres or more that is currently designated for residential use to Agriculture or General Use to allow a cemetery to be built because such action would accelerate the expected depletion date, which in turn would likely result in increased pressure to expand the UDB to permit residential use. We would think DP&Z would rather see a cemetery developed outside the UDB than residential units.

Land Designated for Commercial Use

- Based on a review of the County's 2010 Current Existing Land Use Map, we identified only 5 undeveloped commercially-designated parcels or potential assemblages of parcels of 30 acres or more. We do not believe that any of them represent realistic alternatives for cemetery development within the UDB for the following reasons.
 - Two of the 5 identified parcels are located in the West Kendall area on the south side of Kendall Drive. The first of them is the site of the proposed Kendall Town Center project, which is located between S.W. 159th and S.W. 164th Avenues. Future development of this site is subject to an approved Development of Regional Impact that does not currently envision cemetery use and that would need to be amended. A portion of the property is already being developed by Baptist Health System with a new hospital facility. It is unlikely that Baptist would view a cemetery as an appropriate/compatible neighbor. Finally, encouragement of a cemetery on the Kendall Town Center parcel would not in our opinion be sound policy since it is currently the only location available to create a major employment center in the West Kendall area, thereby reducing the need for at least a portion of area residents to commute elsewhere in the county for work.

The other parcel along Kendall Drive, the so-called "Brown Property", is a short distance to the west of Kendall Town Center. This parcel was recently brought into the UDB after three attempts before the County Commission over a period of six years and an extensive proceeding before a DOHA judge. It is highly unlikely that the owner of this property, given his investment in time and money to obtain the right to develop it with commercial uses, would entertain the idea of allowing the property to be used as the site of a

Mr. Marc C. LaFerrier, A.I.C.P.
Director, Planning and Zoning
Miami-Dade County
September 28, 2010
Page 7



cemetery. Further, to the extent that he was willing to sell it, his price would likely preclude development of a cemetery.

- o The third undeveloped commercially-designated parcel of 30 acres or more that we identified is a tract approximately 64 acres in size owned by 107th Avenue Gamma that is located west of N.W. 107th between N.W. 12th and 14th Streets. In 2008, when a portion of this tract was re-designated from Industrial and Office to Business and Office, its future development was controlled by a covenant under which residential use would actually become the major use on the site in terms of the amount of land allocated to it. The portion of the site on which commercial use would be developed is less than 30 acres and not all contiguous. Accordingly, use of this site for a cemetery would have the impact of reducing residential capacity, which as discussed above would not be sound policy.

We also note that this property is located in a portion of the County which the County Commission by resolution R-871-09 dated June 30, 2009 directed DP&Z to consider as the site of mega-shopping district. In a report dated May 2010 DP&Z preliminary concluded that concept has viability.

- o The fourth parcel, comprised of 37 acres, is located at the intersection of N.W. 32nd Avenue and N.W. 79th Street, directly across the street from the Northside Metrorail Station. Assuming that the Board of County Commission votes to remove a restrictive covenant that precludes residential uses from being developed on the property, it would be an excellent location for a mixed-use project inclusive of residential units and retail space anchored by the kind of national or regional retailers that are currently under-represented in the area. Such a development scenario would be far more support of transit use than a cemetery and should be encouraged at this location. It would also be far more supportive of the goals of the Community Redevelopment District that is being proposed for this area.
- o The fifth of the commercial parcels is located at the intersection of N.W. 12th Street and N.W. 137th Avenue in the southwest corner of the Beacon Lakes project that has design restriction that would preclude development of a cemetery on the property.

Land Designated for Industrial Use

- According to information provided to MEAI by County's Department of Planning, there were approximately 1,380 undeveloped industrially-designated parcels in Miami-Dade County approximately 1 year ago. Analysis of those parcels revealed the following regarding their potential for cemetery use:
 - o 102 are owned by governmental entities including the County, the School Board, municipalities, the State of Florida and the U.S. Government.

October 4th, 2011

Community Zoning Appeals Board – Area 11
Zoning Evaluation
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Krome Agronomics' application # Z10-051

Dear Chairman and Board Members

My name is Phillip Coleman and I have been directly involved in the cemetery business in Miami-Dade county for the past 50 years. From 1955 to 2009 I owned and directed two cemeteries, Palms Memorial and Silver Green Cemetery, both located in South Dade. Additionally, I have served on the Board of Florida Cemetery and Funeral Homes Association as President in 1984 and Treasurer from 1990 to 2009 plus executive director from 1995 to 2009. I'm writing this letter to you because as an experienced and knowledgeable person in the industry, as well as a concerned citizen, I felt compelled to make you aware of important facts regarding the controversial "needs issue", which is the basis of the application that is now before you. First of all, it is common knowledge that for some time now there has been a steady and sharp decline in burial rates and an increase in cremation rates in Miami-Dade County. In uncertain economic times, such as these, many more families make the choice of cremating a deceased loved one, due to the high cost of burial spaces. Also, being an industry insider, I can unequivocally tell you that there is plenty of burial space still left in existing cemeteries and even more land already zoned for cemetery use, but yet to be developed in the county. There are, for example: 120 acres on 202 SW 360 St. owned by the Archdiocese of Miami, already zoned for cemetery purposes and waiting to be developed. Furthermore, there is an existing 23 acre cemetery, which has been "dormant", but is licensed and officially re-opening for business in a few months. This cemetery has over 50,000 burial spaces available for use right now very close to the proposed location of this new cemetery. Lastly, a few existing catholic cemeteries in Miami are in the process of developing already owned but undeveloped burial spaces in their current cemeteries and lands. Therefore, after reviewing all the facts in regards to the needs issue, I can tell you that there is plenty of space available in Miami-Dade county to last for many, many years to come and that there is definitely no need for a new cemetery in this county. I hope this letter can serve to shed some light in this matter and I trust you will make the right decision in regards to this application.

Sincerely,
Phillip L Coleman

*Carisel
Franklin*

September 22, 2011

Via FedEx**Via Email: mclf@miamidade.gov**

Marc LaFerrier, Director
 Stephen P. Clark Center
 111 Northwest 1st Street
 11th Floor
 Miami, FL 33128

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SEP 23 2011

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

201109267

Re: **Applicant:** **Krome Agronomics, LLC**
 Hearing Date: **October 4, 2011**
 Application No: **Z10-051**

Dear Mr. LaFerrier:

Pursuant to § 33-311(d) of the Miami-Dade County Code, please consider this letter as Suburban Acres Preservation Society, Inc.'s ("Suburban Acres") and Ileana and Joe Petisco's ("Petiscos") disclosures required by the code with respect to the above application.

It is anticipated that Suburban Acres and the Petiscos will offer the expert testimony of Richard Weisskoff, Ph.D., Yvette Silva and Norman del Valle.

Dr. Weisskoff is a tenured professor in economics at the University of Miami. A copy of his curriculum vitae is attached. He is expected to testify that he conducted a "needs analysis" to determine whether a cemetery in the proposed location is a public necessity or in the public interest. He is expected to testify that the information relied upon by the applicant misrepresented true and accurate statistics as collected by the State of Florida and other public entities. Dr. Weisskoff is expected to testify that, based upon his analysis, the proposed cemetery is not a public necessity and is not in the public interest. The documents relied upon and generated by Dr. Weisskoff are attached to this letter.

Yvette Silva is a Supervisory Park Ranger for the Everglades National Park. A copy of Ms. Silva's curriculum vitae is attached to this letter. Ms. Silva is familiar with the Everglades Restoration Project and will testify that the restoration will result in the alteration of water flow in the area near the proposed cemetery site; that the water table will rise as a result of the restoration project; that, as a result of the restoration, the occurrence of a "100 year storm event" will lead to significant flooding in the area; that the elevation of the land in the proposed site will cause damage to lower lying land; and that the creation of a 6-acre lake will bring unwanted pests into the area which would cause discomfort to the local residents and will damage crops in the agricultural community.

Norman del Valle is a retired cemetery operator with intimate knowledge of the industry and who has been involved in numerous disinterments over the course of his career. He will present pictures of these activities to the board at the hearing (copies of which are attached to this letter). Mr. del Valle is expected to testify that lawn crypts are permeable; that the caskets tend to

Marc LaFerrier, Director

September 22, 2011

Page -2-

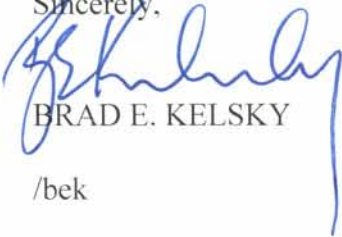
degrade; and that the resultant degradation exposes embalmed bodies and other chemicals into the ground water.

Please include these items in the applicant's file.

If you have any questions, please let me know.

Thank you.

Sincerely,



BRAD E. KELSKY

/bek

Encls.

cc: Client
Nick Nitti via email with attachments (ndn@miamidade.gov)

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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EDWARD G. GUEDES
JOSHUA D. KRUT
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ANTHONY L. RECIO
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CLIFFORD A. SCHULMAN
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LILLIAN M. ARANGO
SARA E. AULISIO
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RAQUEL ELEJABARRIETA
CHAD S. FRIEDMAN
OLIVER GILBERT*
ERIC P. HOCKMAN
HARLENE SILVERN KENNEDY*
KAREN LIEBERMAN*
JOHANNA M. LUNGGREN
ALEIDA MARTÍNEZ MOLINA*
KATHRYN M. MEHAFFEY
MATTHEW PEARL
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ANTHONY C. SOROKA
EDUARDO M. SOTO
JOANNA G. THOMSON
MICHELLE D. VOS
PETER D. WALDMAN*
JAMES E. WHITE
SAMUEL I. ZESKIND

September 20, 2011

VIA HAND DELIVERY

Mr. Nick Nitti
Zoning Evaluations
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

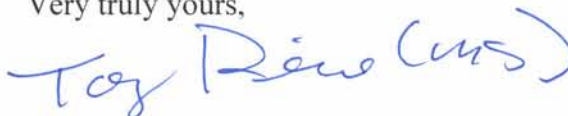
Re: Krome Agronomics, LLC; Z10-051

Dear Mr. Nitti:

Enclosed please find a copy of the September 6, 2011 CZAB 11 hearing for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

(Signed in Mr. Recio's absence to avoid delay)

TR/ms
1298010
Enclosure

cc: Marc LaFerrier

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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EDUARDO M. SOTO
JOANNA G. THOMSON
MICHELLE D. VOS
PETER D. WALDMAN*
JAMES E. WHITE
SAMUEL I. ZESKIND

September 12, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Franklin Gutierrez
Zoning Agenda
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

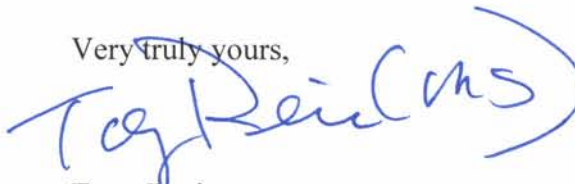
Re: Krome Agronomics, LLC; Z10-051

Dear Mr. Gutierrez:

Enclosed please find a copy of correspondence to Brad Kelsky, Esq., dated September 9, 2011 for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


Tony Recio

TR/ms
1298010
Enclosure

cc: Marc LaFerrier

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

*For
the Hearing
File.*

Grise!

MITCHELL BIERMAN, P.A.
NINA L. BONISKE, P.A.
MITCHELL J. BURNSTEIN, P.A.
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September 12, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Franklin Gutierrez
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Miami-Dade County
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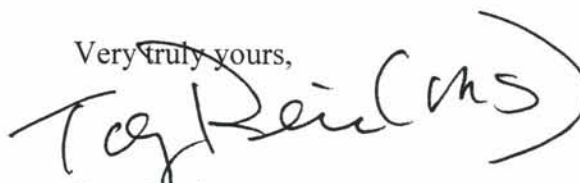
Re: Krome Agronomics, LLC; Z10-051

Dear Mr. Gutierrez:

Enclosed please find a copy of correspondence to Brad Kelsky, Esq., dated September 9, 2011 for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Marc LaFerrier

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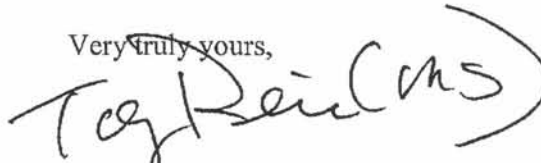
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**Re: West Kendall Memorial Cemetery; Application Pending Before
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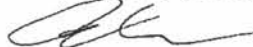
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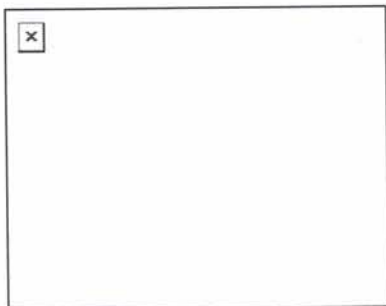
Thompson, Cleveland (DPZ)

From: Gutierrez, Franklin (DP&Z)
Sent: Monday, September 12, 2011 4:37 PM
To: Thompson, Cleveland (DP&Z)
Subject: FW: Krome Agronomics, LLC; Z10-051
Attachments: 3307077-Gutierrez re copy of letter Kelsky 9-9-11 for file.PDF

Clev,
Please place this e-mail and the attach letters in the hearing file for Krome Agronomics 10-51.
Please do this no later than Wednesday – once this is done, send me an e-mail confirming the placement in the file.
Thanks
Franklin

Franklin Gutierrez, P&Z Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade County Department of Planning & Zoning
111 NW 1st Street, 11th Floor, Miami, Florida 33128
Phone: 305-375-1244
<http://www.miamidade.gov>
"Delivering Excellence Every Day"

From: Marilyn Somodevilla [<mailto:MSomodevilla@wsh-law.com>]
Sent: Monday, September 12, 2011 4:28 PM
To: Gutierrez, Franklin (DP&Z)
Subject: Krome Agronomics, LLC; Z10-051



Marilyn Somodevilla
Legal Assistant to Gilberto Pastoriza, Tony Recio,
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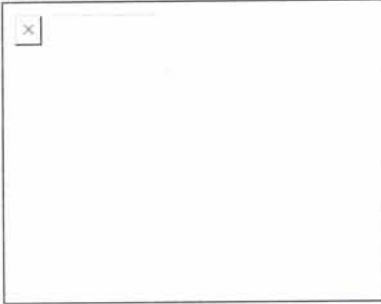
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Gutierrez, Franklin (DPZ)

From: Marilyn Somodevilla [MSomodevilla@wsh-law.com]
Sent: Friday, August 26, 2011 2:33 PM
To: Gutierrez, Franklin (DP&Z)
Subject: Korme Agronomics Z10-051
Attachments: 32Y2565-Gutierrez re Kelsky letter for file.PDF



Marilyn Somodevilla

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August 26, 2011

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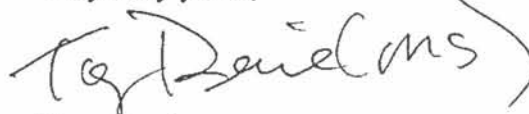
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Very truly yours,


Tony Recio

TR/ms
1298010
Enclosure

cc: Marc LaFerrier

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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August 26, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Franklin Gutierrez
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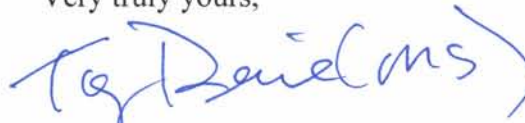
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2011 AUG 29 P 3:37
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August 19, 2011

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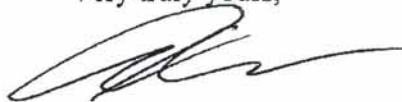
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TR/ms
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Brad Kelsky, Esq.
August 19, 2011
Page 2

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August 19, 2011
Page 2

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August 17, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

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111 N.W. 1st Street, 11th Floor
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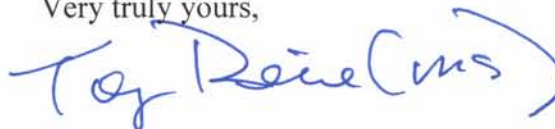
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August 12, 2011

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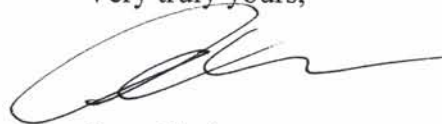
**Re: West Kendall Memorial Cemetery; Application Pending Before
Community Appeals Board No. 11, Miami-Dade County, Florida**

Dear Mr. Kelsky:

It was a pleasure speaking with you on Monday. I wanted to follow-up with you to see if your clients are amenable to our sitting down and discussing this matter and the nature of their objection. I would like to explore whether there is an accord that can be reached to address their concerns. In the hopes of making this meeting as convenient as possible for you, I am happy to drive up to your office.

Thanks for your attention to this matter. I look forward to hearing from you.

Very truly yours,



Tony Recio

TR/ms
1298010

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Mr. Franklin Gutierrez
Zoning Agenda
Miami-Dade County
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Miami, FL 33128



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Gutierrez, Franklin (DPZ)

From: Gutierrez, Franklin (DP&Z)
Sent: Wednesday, August 17, 2011 4:32 PM
To: 'Marilyn Somodevilla'
Subject: RE: Krome Agronomics; Z10-051

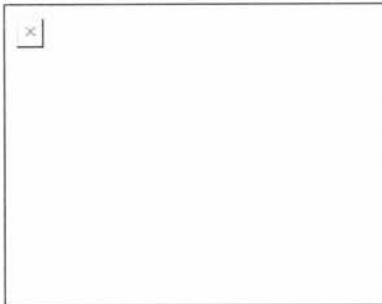
Handwritten: C-11
10-51

Mrs. Somodevilla,
The Zoning Agenda Coordinator's Office is in receipt of your e-mail with two (2) attached letters in reference to application #10-51.
This e-mail together with its attachments are now placed in zoning hearing file for Krome Agronomics.

Thank you.

Franklin Gutierrez, P&Z Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade County Department of Planning & Zoning
111 NW 1st Street, 11th Floor, Miami, Florida 33128
Phone: 305-375-1244
<http://www.miamidade.gov>
"Delivering Excellence Every Day"

From: Marilyn Somodevilla [<mailto:MSomodevilla@wsh-law.com>]
Sent: Wednesday, August 17, 2011 11:43 AM
To: Gutierrez, Franklin (DP&Z)
Subject: Krome Agronomics; Z10-051



Marilyn Somodevilla
Legal Assistant to Gilberto Pastoriza, Tony Recio,
Gail D. Serota and Estrellita S. Sibila
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ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
LAURA K. WENDELL

Brad Kelsky, Esq.
10189 Clearly Blvd.
Suite 102
Plantation, FL 33324

Re: **West Kendall Memorial Cemetery; Application Pending Before
Community Appeals Board No. 11, Miami-Dade County, Florida**

Dear Mr. Kelsky:

It was a pleasure speaking with you on Monday. I wanted to follow-up with you to see if your clients are amenable to our sitting down and discussing this matter and the nature of their objection. I would like to explore whether there is an accord that can be reached to address their concerns. In the hopes of making this meeting as convenient as possible for you, I am happy to drive up to your office.

Thanks for your attention to this matter. I look forward to hearing from you.

Very truly yours,



Tony Recio

TR/ms
1298010

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

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CLIFFORD A. SCHULMAN
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August 17, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Franklin Gutierrez
Zoning Agenda
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

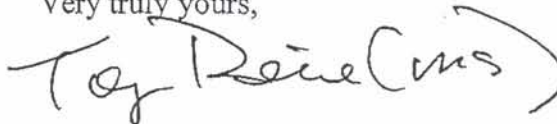
Re: **Krome Agronomics, LLC; Z10-051**

Dear Mr. Gutierrez:

Enclosed please find a copy of correspondence to Brad Kelsky, Esq., for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Marc LaFerrier

Gutierrez, Franklin (DPZ)

From: Joe Petisco [joepetisco@msn.com]
Sent: Thursday, August 11, 2011 10:19 AM
To: Toledo, Christie (DP&Z)
Cc: Gutierrez, Franklin (DP&Z); Thompson, Cleveland (DP&Z); Acosta, Felix (DP&Z); Gomez, Thomas R. (DP&Z); LaFerrier, Marc C. (DP&Z)
Subject: RE: Courtesy Notice - Relocation of Zoning Meeting CZAB 11

Members of DP&Z,

Thank you for the courtesy notice. However, I think it would be wise for you to forward this reminder to the actual board members of area eleven, in order for the residents of this community to be heard, and the issue to be voted on once and for all. I can assure all of you, the word overwhelming will be an understatement to describe the amount of community members appearing on September 6, 2011.

Jose L. Petiso
Tax Payer
14590 SW 179 Avenue
Miami, Florida 33196

Subject: Courtesy Notice - Relocation of Zoning Meeting CZAB 11
Date: Tue, 9 Aug 2011 15:12:33 -0400
From: CTOLEDO@miamidade.gov
To: joepetisco@msn.com
CC: GutierrezF@miamidade.gov; clevela@miamidade.gov; acostaf@miamidade.gov; GomezT@miamidade.gov

Dear Mr. Petisco,

Due to an overwhelming number of community members that appeared at the last Community Zoning Appeals Board Meeting of Area 11 on July 19, 2011, we have moved the location of the upcoming meeting (**Tuesday, September 6, 2011 at 7:00 pm**) to better accommodate those interested in participating and/or attending the meeting. The new location is **Arvida Middle School – 10900 SW 127th Ave, Miami, FL at 7:00 pm**. Staff will be present at the previous location to direct people to the new meeting location.

As per the Code of Miami-Dade County, notices have been mailed out to the surrounding neighbors for each zoning application subject property and advertisements will be placed in the Miami Herald – Neighbors Section on Thursday, August 11, 2011. We will be placing a full legal ad in the Daily Business Review and new signs will be posted in each zoning application subject property notifying all of the new location.

If you should have any further questions, please feel free to contact our office at 305-375-1244.

Thank you.

From: Fernandez, Elizabeth (DP&Z) **On Behalf Of** LaFerrier, Marc C. (DP&Z)
Sent: Tuesday, July 12, 2011 2:45 PM
To: Gutierrez, Franklin (DP&Z)
Cc: Toledo, Christie (DP&Z)
Subject: FW: Z10-0151

Elizabeth Fernandez
Director's Office

From: Joe Petisco [mailto:joepetisco@msn.com]
Sent: Monday, July 11, 2011 6:16 PM
To: LaFerrier, Marc C. (DP&Z)
Cc: Gimenez, Carlos A. (Office of the Mayor)
Subject: Z10-0151

Mr. LaFerrier,

I'm writing this letter on behalf of a large group of homeowners who reside in the area which is represented by The West Kendall Community Council Area 11. We the homeowners have joined together and created a nonprofit organization called **Suburban Acres Preservation Society**, to stop the approval of a proposed cemetery on the corner of Krome Avenue and SW 136 Street. Collectively, we are appalled in the manner in which your department has handled the recent zoning application (**Z10-0151**) by Krome Agronomics LLC. I have read the entire file and the communications by one of your previous Planning and Zoning Analyst, Mrs. Cartaya. In her response to the application, she appropriately denied it for "submission of an incomplete needs analysis report " and as a result, "failure to establish need". However, you recommended approval without any additional evidence provided by the applicant. Furthermore, the fact that the Catholic Archdiocese of Miami has over 120 acres already zoned for cemetery use, which was not included in this needs analysis, makes the recommendation for approval of this application highly questionable. In addition, a communication dated March 25, 2011, sent to you by Mr. Tony Recio (Applicants Attorney) argues that the lands already zoned for cemetery use, pose a environmental hazard due to its close proximity to a well field supplying water to Monroe County Residents. This is in direct contradiction, with the fact that their proposed cemetery will be located just a few yards away from over sixty families which rely exclusively on wells to provide drinking water for their children, animals, and crops. We have contacted several local news networks, publications, and are collaborating with other organizations to prevent this from going any further. Please include this email in the zoning file, as my official letter of opposition to this application.

Jose L. Petisco
Tax Payer

14590 SW 179 Avenue
Miami, Florida

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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August 10, 2011

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VIA HAND DELIVERY

Mr. Marc LaFerrier
Department of Planning & Zoning
Miami Dade County
111 NW 1 Street, 11th Floor
Miami, FL 33128

Re: Z10-051, Applicant Krome Agronomics; Amendment of Application

Dear Mr. LaFerrier:

Thank you for discussing this matter with us last week. As per your suggestions, we have revised the site plan to reconfigure and shift the mausoleum buildings along the south side of the site to increase the setback from the interior property line to the south. Expanding upon your suggestion, we have also broken up the massing of that complex of mausoleums and shifted parts much more internal to the site.

Due to the revisions, the setback along the south side has been increased to 40 feet where 25 feet is required, and the structure along that setback line has been dramatically reduced. The other parts of that mausoleum complex have been broken up and shifted to the center of the site, and in the southwest quadrant of the property, more than 100 feet from the west property line.

The revisions affected pages MP1, SP2, SP3, SP6, SP7, SP8, SP9, and LP-1 through LP-9. The references to the plans in the recommendation should therefore be revised as follows.

“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 21 sheets, with sheets MP1, SP2, SP3, SP6 - SP9, and LP-1 through LP-9 dated stamped received August 10, 2011, and the balance of the sheets dated stamped received May 27, 2011.”

Mr. Marc LaFerrier
August 10, 2011
Page 2

The revisions made herein serve to make an already compatible site plan even more compatible by approximating the massing and spacing of structures customarily associated with agricultural production. We trust that you can update your recommendation accordingly.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/
1298010
Enclosure

Gutierrez, Franklin (DPZ)

From: Fernandez, Elizabeth (DP&Z) on behalf of LaFerrier, Marc C. (DP&Z)
Sent: Friday, July 15, 2011 5:02 PM
To: Gutierrez, Franklin (DP&Z)
Cc: Toledo, Christie (DP&Z); Rodriguez, Grisel M. (DP&Z)
Subject: FW: Notice of Representation in opposition to Krome Agronomics, LLC, Z10-051
Attachments: 2011-07-15 Notice of Representation to Miami-Dade County re Z10-051, Krome Agronomics, LLC.pdf

Importance: High

Elizabeth Fernandez

Director's Office
Department of Planning & Zoning

From: Brad Kelsky [<mailto:bradkelsky@kelskylaw.com>]
Sent: Friday, July 15, 2011 3:55 PM
To: LaFerrier, Marc C. (DP&Z); Nitti, Nicholas (DP&Z)
Cc: ilepetisco@aol.com; petiscoi@battelle.org
Subject: Notice of Representation in opposition to Krome Agronomics, LLC, Z10-051
Importance: High

Please see the attached of today's date.

Thank you.

Brad E. Kelsky, Esq.
Law Offices of Brad E. Kelsky, P.A.
10189 Cleary Blvd.
Suite 102
Plantation, FL 33324
(954) 449-1400
Fax: (954) 449-8986
www.kelskylaw.com
Twitter: @bekesq

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May 27, 2011

VIA HAND DELIVER

Mr. Marc LaFerrier
Director
Department of Planning & Zoning
Miami Dade County
111 NW 1 Street, 11th Floor
Miami, FL 33128



Re: Z10-051, Applicant Krome Agronomics; Amendment of Application

Dear Mr. LaFerrier:

In deferring the captioned zoning hearing application to July 19, 2011, Community Zoning Appeals Board No. 11 granted the applicant leave to amend. The purpose of this letter is to formally amend this application. The amendments seek to address a number of comments raised by Board members and the public during the April CZAB hearing and in the May 17, 2011 staff recommendation (the "Staff Recommendation").

Accordingly, the following amendments are hereby made to this application:

1. A new request to change the zoning of the subject property from GU to AU.
2. Withdrawal of the non-use variances of front- and side-street setbacks for the mausoleum buildings along the north and east boundaries of the property (Request No. 4 in the Staff Recommendation)
3. Withdrawal of the non-use variance of interior side setback for mausoleums along the south property boundary (Request No. 5 in the Staff Recommendation)

4. Withdrawal of the non-use variance of special interment setbacks to allow burial sites within 25 feet of the zoned rights-of-way of SW 136th Street and SW 177th Avenue (Request No. 6 in the Staff Recommendation)
5. Withdrawal of the non-use variance of special interment setbacks to allow burial sites within 20 feet of the south property line (Request No. 7 in the Staff Recommendation)
6. Withdrawal of the non-use variance of front setbacks for the maintenance building (Request No. 8 in the Staff Recommendation)
7. Withdrawal of the non-use variance to allow two detached signs of 36 sq. ft. each along SW 136th Street (Request No. 9 in the Staff Recommendation) →
8. Withdrawal of the non-use variance of detached sign setback from SW 136th Street (Request No. 10 in the Staff Recommendation)
9. Withdrawal of the non-use variance of detached sign setback from SW 177th Avenue (Request No. 12 in the Staff Recommendation)
10. Revised plans depicting slight changes to the mausoleums and maintenance building to meet all required setbacks, and elimination of the two proposed signs along SW 136th Street. The changes specifically affect sheets LP-1, LP-2, LP-9, FP-1, MP-1, and SP-1 through SP-11. In the interests of avoiding any confusion, we are submitting a new complete plan package which includes the revised sheets in addition to the old sheets which have not been changed.

Based on these changes, the application meets all required building setbacks, further lessening the potential impact on adjacent properties, and eliminating the purported incompatibility with adjacent properties that was mentioned in the Staff Recommendation.

The only remaining variance relates to signage. As has been previously stated, the purpose of such signage is to allow for basic identification of the property, especially important here because the current geometry of Krome Avenue affords little opportunity for travelers to turn around if they should miss the entrance to the cemetery. The variance is necessary because the signage regulations for AU are geared towards agricultural uses and are thus insufficient to serve a cemetery use – even though the Code limits locating cemeteries in those same areas.

With these changes in place, the application now seeks only the following:

- 1) CHANGE OF ZONING DISTRICT BOUNDARY from GU to AU
- 2) SPECIAL EXCEPTION to permit a proposed cemetery and associated mausoleums.
- 3) UNUSUAL USE to permit a Lake Excavation and Lake Filling for the borrow site
- 4) UNUSUAL USE to permit an entrance feature
- 5) Applicant is requesting to permit two detached signs, one with an area of 81 sq ft. and one with an area of 164 sq. ft. (one 32 sq ft. and one 24 sq. ft. sign permitted) along the side street (east) property line (SW 177th Avenue)

Mr. Marc LaFerrier
May 27, 2011
Page 3

These plans are reflected in a set of plans entitled "West Kendall Memorial Park", as prepared by DCG Development Consulting Group, consisting of twenty-two (22) sheets, Sheets LP-1 through LP-9, FP-1, MP-1, and SP-1 through SP-11, which will be dated stamped received upon your acceptance of this letter.

We look forward to your favorable review of the amended application and revised plans. As before, the application meets all requisite criteria for approval. The re-zoning request in particular is consistent with the comprehensive plan designation of Agriculture, is entirely compatible with the agricultural uses on adjacent properties, and will expressly allow for continued agricultural use on undeveloped portions of the property.

We have enclosed check no. 10330231 in the amount of \$1,171.10 to cover the resubmittal fee. Kindly forward a receipt for said fee at your earliest convenience.

Thank you for your attention to this matter. Please call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Steve Webster
Rene Iglesias
Jeff Bass, Esq.



WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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LAURA K. WENDELL

May 16, 2011

VIA HAND DELIVERY

Mr. Nick Nitti
Zoning Evaluations
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

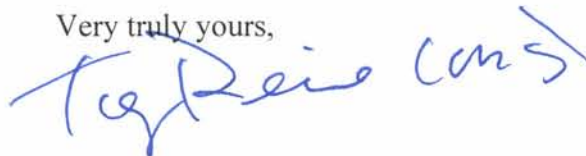
Re: Krome Agronomics, LLC; Z10-051

Dear Mr. Nitti:

Enclosed please find copies of letters in support for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/ms
1298007
Enclosure

cc: Marc LaFerrier

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*OF COUNSEL

May 16, 2011

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VIA HAND DELIVERY

Mr. Nick Nitti
Zoning Evaluations
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Krome Agronomics, LLC; Z10-051

Dear Mr. Nitti:

Enclosed please find a copy of the April 14, 2011 CZAB 11 hearing for placement in the file of the above captioned public hearing application.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Tony Recio (ms)

Tony Recio

TR/ms
1298007
Enclosure

cc: Marc LaFerrier

2011 APR - 7 A 10: 22
PLANNING AND ZONING
AGENDA OFFICE

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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May 5, 2011

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VIA HAND DELIVER

Mr. Marc LaFerrier
Director
Department of Planning & Zoning
Miami Dade County
111 NW 1 Street, 11th Floor
Miami, FL 33128

Re: Z10-051, Applicant Krome Agronomics

Dear Mr. LaFerrier:

In accordance with the requirements of Section 33-311(D) of the County Code of Ordinances, we hereby file this notice of expert testimony for the following experts who will testify on behalf of the applicant: Economic Analyst and Statistician Andrew Dolkart, Hydrologist and Environmental Consultant Ed A. Swakon, Traffic Engineer Cathy Sweetapple, and Civil Engineer Alberto Herrera. Copies of their C.V.s setting forth their qualifications are enclosed with this letter.

Mr. Dolkart will be testifying on the Needs Analysis that he performed in support of this application demonstrating the county-wide need for a new cemetery and concluding that there is no viable land outside the agricultural area to accommodate that need. The conclusions he reached were based upon a review of existing cemeteries, both developed and undeveloped, death rates, disposition statistics maintained by public agencies and jurisdiction, and a comprehensive review of properties meeting the minimum criteria for cemetery development. In addition, Mr. Dolkart will provide testimony of his statistical analyses demonstrating that neighborhood crime rates are not materially affected by proximity to existing cemeteries, and that property values of residences and property in proximity to cemeteries are not any lower than similarly situated properties further away from cemeteries. Mr. Dolkart may also address any

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2011 APR 35 P 4: 27

questions or concerns the Board or the public may raise concerning these topics or any topics within his realm of expertise.

Mr. Swakon will testify regarding the water flow and hydrology of the application area, the non-impact of the cemetery operations on water quality, non-impact of the proposed borrow site on water quality, storm-water management, and any other issues related to environmental impact of the proposed cemetery. In formulating his expert opinion, Mr. Swakon has relied upon his review of the application plans, publicly accessible hydrology data maintained by governmental or institutional agencies, private monitoring reports of test wells in existing cemeteries, incident reports, operations manuals, site visit(s) and accepted data gathered and maintained by governmental and institutional agencies. Mr. Swakon may also address any questions or concerns the Board or the public may raise concerning these topics or any topics within his realm of expertise.

Ms. Sweetapple will testify regarding the traffic impact (or lack thereof) of the proposed cemetery, including queuing and ingress/egress, as well as the Krome Avenue expansion plans and status of construction. In formulating her expert conclusions, she has relied on public and private data regarding traffic counts and turning movements, cemetery operations and procedures, queuing analyses, site visit(s) and plans/documentation for roadway expansion maintained by the Florida Department of Transportation and Miami-Dade County. Ms. Sweetapple may also address any questions or concerns the Board or the public may raise concerning these topics or any topics within her realm of expertise.

Mr. Herrera will testify on the issues of site design, stormwater management, substrate materials, borrow site excavation and back-filling, and site elevation. Mr. Herrera has relied upon site visit(s), plans, public data regarding hydrology and substrate materials, rules, regulations, policies, and best management practices for cemetery development, and consultation with Miami-Dade County departments, including Public Works and Environmental Resource Management. Mr. Herrera may also address any questions or concerns the Board or the public may raise concerning these topics or any other topics within his realm of expertise.

Please include a copy of this letter in the official hearing file.

Thank you for your attention to this matter. Please call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

PLANNING AND ZONING
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January 24, 2011

VIA HAND DELIVERY

Mr. Ron Connally
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Z10-051; Lake Fill Plan

Dear Mr. Connally:

As we discussed last week, enclosed please find new page FP 1 providing sections depicting the elevation of the temporary lake after being backfilled. This should now make your file thorough and complete

We trust that you now have all of the items you could possibly need to schedule this matter for public hearing. Please see that it is scheduled for CZAB 11 as soon as possible.

Thank you for your attention to this matter. Please call me if you have any questions.

Very truly yours,

Tony Recio

TR/ms
1298007
Enclosure

Signage Chart

Sign Description	Permitted Sign Area	Proposed Sign Area*	Required Setback	Proposed Setback	Proposed Height
Entry Median Sign	24 sq ft	27 sq ft	15 feet	16 feet	6 feet 1 inch
Corner Sign	24 sq ft	24 sq ft	15 feet	1 foot	17 feet 3 inches
Maintenance & Yard Directional	24 sq ft	13 sq ft	15 feet	7 feet	5 feet 6 inches
Secondary Entry Sign	24 sq ft	6.5 sq ft	15 feet	7 feet	5 feet 6 inches

* Per side, each sign has two sides

Please see September 13, 2010 letter for explanation and support for requested variances

Signage is necessary for the property due to its ample frontage on two rights-of-way:

(1,760 feet on Krome Avenue and 1,210 feet on SW 136th Street).

The 141 sq. ft of total sign area proposed (including both sides of each sign) is less than 0.05 sq. ft (7.2 square inches) per lineal ft of frontage

WEISS SEROTA HELFMAN
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VIA HAND DELIVERY

Mr. Damon Holness
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Z10-051; Response to Deficiency Letter and Follow-Up Correspondence

Dear Mr. Holness:

Although we believed in our discussions we had clarified the matters raised in your December 15, 2010 deficiency letter, we were recently advised through an electronic communication from Mr. Connally that Planning and Zoning will still require detail sheets depicting the ultimate build-out scenario for the site. Mr. Connally further advised that you needed to receive those plans on Friday, January 7, 2011 to be considered for the CZAB 11 March 2011 agenda.

Accordingly, enclosed please find new detail sheets for the entire property depicting the final build-out scenario that is already depicted on page MP-1.

The last revisions for this application were submitted in late October 2010. The deficiency letter was issued on December 15, 2010. Our clients find it difficult to understand why this issue was not discovered before, especially since Zoning Hearings Section has had this application since May of 2010. While we can appreciate the deadlines Mr. Connally and you are

Mr. Damon Holness
January 7, 2011
Page 2

working with, please understand that it is very unfair to be advised that the new sheets are required within 48 hours in order to make a deadline for a hearing more than 60 days in the future. Further exacerbating this situation is that I have made near-daily phone calls to Mr. Connally throughout the past three weeks, only one of which was actually returned. Again, we realize the pressure you are under and the staffing concerns, but this all could have been resolved more expeditiously with a simple phone call earlier in the process.

Nonetheless, our design professional has worked overtime to get this in the time frame you required. We trust that this is the final revision and that we will be scheduled for the March 2011 agenda.

Please process this immediately and call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298007
Enclosure

Holness, Damon (DP&Z)

From: Connally, Ronald (DP&Z)
Sent: Wednesday, January 05, 2011 9:07 AM
To: TRECIO@WSH-LAW.COM
Cc: Holness, Damon (DP&Z)
Subject: Z10-051 plan issues

Dear Mr. Recio,

Mr. Damon Holness, the Specialist assigned your hearing application, sent you a deficiency letter on December 15, 2010 advising you that the detailed plans submitted with the application must show all existing and proposed structures as shown on the overall site plan.

After discussing your plans on the above hearing application with the Director yesterday, January 4th, 2011, he confirmed Mr. Holness' comments relating to the detailed plans. Please submit revised detailed plans showing all existing and proposed structures to this office in order to continue processing the application.

Be advised that the February 10, 2011 hearing date for CZAB 11, which is the board this item is assigned to, has been closed since November 29, 2011 and the advertisements for said date has been sent to the paper.

In order to make the March 8, 2011 hearing date, the plans must be submitted to this office no later than this Friday, January 7, 2011 in order to be considered for the March hearing date.

Thank you.

Ronald Connally
Planning & Zoning Development Supervisor
Zoning Hearings Section
111 NW 1 Street 11th Floor
Miami, FL 33128
(305) 375-2640 Fax (305) 372-6096
"Delivering Excellence Every Day"

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December 27, 2010

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VIA HAND DELIVERY

Mr. Marc C. LaFerrier
Director
Department of Planning and Zoning
Miami Dade County
111 NW 1 Street, 11th Floor
Miami, FL 33128



Re: Application No. 10-051

Dear Mr. LaFerrier:

Enclosed please find a follow-up analysis performed by Miami Economic Associates, Inc., which addresses several issues raised by Mr. Woerner of your Planning Department in a November 2010 meeting. As you will note upon your review, together with the original analysis, the applicant's team has performed an exhaustive evaluation and has demonstrated that there is a definite public need for this type of facility within the near-term planning horizon, and that no suitable sites exist either within the urban development boundary or outside of the area designated as "Agriculture" in the Comprehensive Development Master Plan (the "Comprehensive Plan"). Accordingly, the application is consistent with the Comprehensive Plan.

Among those properties within the "Agriculture"-designated areas, the subject site is ideally situated on a major highway, and section line road that provide good accessibility, and is well outside any wellfield protection area. As passive open space, the cemetery use is compatible with low density residential and agriculture uses occurring in the area. As such this proposal is well suited to address a clear public need.

Mr. Marc C. LaFerrier
December 27, 2010
Page 2

We look forward to your favorable review of this matter. Please call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Mark Woerner, w/enc.



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October 7, 2010

VIA HAND DELIVERY

Mr. Jesus Hernandez
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Z10-051; Response to Deficiency Letter

Dear Mr. Hernandez:

The purpose of this letter is to respond to your letter dated September 29, 2010. We have enclosed revised plans as per your request, and submit the following responses to each of the points raised in your letter:

1. The site plan enlargement pages have been corrected to indicate all setbacks for proposed signs. The setbacks of three of the signs are less than the 15 feet required and a non-use variance has been requested as described in our September 13, 2010 correspondence to you.
2. Plans describing the entrance water feature are included in the attached package. The water feature is not intended to serve any purpose other than aesthetics. Insofar as it is considered an "Entrance Feature," we hereby amend the application to request approval of an "Entrance Feature" pursuant to Section 33-13.



3. Due to the size of the property, and the need to provide accurate detail to enable your review, some of the plan sheets are oriented differently. However, each plan sheet is clearly labeled with a 'North' arrow. Accordingly, the plans as submitted meet the minimum requirements for plan submittal.
4. Floor plans showing all exterior hallways and interment niches have been provided in this package. Please note that mausoleum types A-F, and H are garden-style as described in Sheet LP8, while the remaining mausoleum types G and I are patio-style as described in Sheet LP6.
5. Please be aware that Sheet MP1 depicts the master site plan at the full build-out of the memorial park. See Also Sheet LP1. Since that amount of cemetery space will take some time to absorb however, the developers intend to develop only a portion of the cemetery at the outset. The Phase I portion of the memorial park is depicted in Sheet LP2. The enlarged site plans (Sheets SP1 – SP7) reflect only the Phase I improvements. As described in Sheet LP2, approximately 42 acres of the property will be retained for agricultural purposes when Phase I is opened.
6. The shaded boxes within the "proposed crypt area" depict concrete pads for monuments to be erected at some future date.
7. You are correct that the mausoleum depicted for the west property line meets the required 25-foot setback. Accordingly, we withdraw the request for setback variance from the west property line.
8. The plans have been revised to eliminate the squares in the depiction of the proposed tubular steel fence.
9. While we understand that a scale of 1"=50' would be preferable, due to the size of this property (approximately 48 acres), such scale is inappropriate as it would require sheets far larger than the standard 24" x 36".
10. The plans have been revised to depict a 6 foot column with a 6 inch cap.

Thank you for your comments. We would have hoped that some of these comments would have been identified in the first round of your review and that we could have thereby responded to them sooner. In any event, we have responded to this latest round quickly and trust that the revised plans are acceptable to you and ready for public hearing.

In order to assist you in your preparing the advertisement for this application, below please find a re-cap of the requests associated with this application:

Mr. Jesus Hernandez
October 7, 2010
Page 3

- A. Special Exception to allow a cemetery with mausoleums pursuant to Section 33-23 of the Code
- B. non-use variance of special interment (including in-ground and mausoleums) setbacks imposed by Section 33-23 of the Code (to permit interment within 25 feet where 50 feet is required on the north and east property lines and 20 feet where 25 feet is required on the south property line)
- C. unusual use pursuant to Section 33-13 of the Code to permit excavation of a temporary "lake" in order to provide fill to the remainder of the site during the development of the first phase of the project
- D. non-use variances of signage regulations within the AU district to provide for an increased number, sign size, sign height, and reduced sign setbacks, as more fully described in our September 13, 2010 letter
- E. Insofar as the water feature near the entrance is considered an 'Entrance Feature,' an unusual use pursuant to Section 33-13 of the Code to permit it.

Thank you for your attention to this matter. Please process this immediately and schedule the application for public hearing as soon as possible. Please feel free to call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298007
Enclosure

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20-051
OCT 12 2010

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



WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

WEISS SEROTA HELFMAN
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September 30, 2010

VIA HAND DELIVERY

Mr. Jesus Hernandez
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128



Re: Z10-051; Analysis of Need

Dear Mr. Hernandez:

As you are aware, the Comprehensive Development Master Plan designation for the subject property is Agriculture. Planning and Zoning Department staff has raised a concern regarding whether the proposed cemetery is consistent with the CDMP. The purpose of this letter is to submit supporting data and analysis establishing firmly that this application meets the criteria provided in the CDMP for consistency.

Although cemeteries are not expressly mentioned in the text for the Agriculture designation, the designation provides for the approval of other uses "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." See Page I-58 of the CDMP. In other words, the cemetery is permissible within the Agriculture designation if it meets the two-part standard: 1) the cemetery is either a public necessity or considered to be in the public interest, and 2) the applicant demonstrates that there are no suitable sites outside the Agriculture area. As



demonstrated in the enclosed analysis prepared by Miami Economic Associates, Inc., this application meets that two-part standard.

1. The cemetery is in the public interest.

The analysis clearly demonstrates that the best case scenario for the County, assuming all existing cemeteries are fully developed and efficiently laid out, will see a full depletion of cemetery space in 2021. As explained in the analysis, that estimate assumes efficient absorption of existing inventory. Given the highly personalized nature of after-death decision-making, however, efficient absorption is far from a given. Thus, the County likely has far less than 11 years of inventory remaining.

Unlike other uses, demand for cemetery space cannot be put on hold so that new facilities can be built. Instead, cemetery development must proceed far in advance of burial space inventory depletion. Based on these projections, it is not only in the public interest for the County to provide cemetery space, but a practical necessity.

2. There are no suitable sites outside the Agriculture area.

All land outside the Urban Development Boundary is designated either Agriculture or Open Lands, or otherwise reserved for conservation. Of these, the only category with language providing for potential permissibility is the Agriculture designation. Since all non-Agriculture lands outside the UDB are therefore eliminated from contention for cemetery development, this criterion can be re-cast as whether any suitable lands exist inside the UDB to feasibly enable cemetery development.

The analysis includes an in-depth review of all properties within the UDB with the potential to facilitate a 30-acre cemetery (Section 497.270, Fla. Stat. requires a new cemetery be a minimum of 30 acres). Such development within the UDB would require re-zoning the parcel from an urban category to GU, since cemeteries are only permitted within AU and GU zoning districts (the CDMP prohibits changes of zoning to AU within the UDB). Even ignoring the non-traditional, precedent-setting nature of such a change, the analysis confirms that there are no potential properties within the UDB that are feasible for cemetery development.

The intended developers have been searching for an appropriate site in Miami-Dade County for over five years. Other sites were vetted during that time period, and this site was chosen because it provided the right combination of accessibility and feasibility, with the most minimal impact on natural resources (no wetlands, no wellfield impact). Accordingly, we believe it to be the best site for cemetery development available in the County.

WISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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September 13, 2010

VIA HAND DELIVERY

Mr. Jesus Hernandez
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Z10-051; Revised Plans



Dear Mr. Hernandez:

The purpose of this letter is to amend the captioned application, explain the changes to the application and plans, and submit revised plans for your consideration. We reiterate our initial request for special exception to allow the cemetery and associated mausoleums, non-use variance of special interment (including in-ground and mausoleums) setbacks imposed by Section 33-23 of the Code (to permit interment within 25 feet where 50 feet is required on the north and east property lines and 20 feet where 25 feet is required on the west and south property lines), and unusual use pursuant to Section 33-13 of the Code to permit excavation of a temporary "lake" in order to provide fill to the remainder of the site during the development of the first phase of the project. Based on the revised plans, we hereby amend the original request for zoning approval to add non-use variances of signage regulations within the AU district to provide for an increased number, sign size, sign height, and reduced sign setbacks as more specifically described below.



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

The revisions to the plans are based on comments from County departments such as Zoning, Fire, Public Works, and DERM, and the Florida Department of Transportation. You will note that the major changes include relocation of the driveway further to the south of the site as per FDOT, realignment of the internal roadway plan, adjustment of the stormwater retention areas, and alteration of the phasing plan. These changes have been incorporated into the site plan and the result is what we believe to be a more functional, more efficient plan.

Development continues to involve a two phase approach: (1) an initial phase and (2) a gradual build-out from that initial phase to the limits of the master plan over the ensuing 40 year estimate for complete build-out and inventory absorption. The Applicant intends to retain traditional agricultural uses such as farming and/or nursery on large portions of the lands not included within the initial phase. Page LP-2 sets out the phasing plan which confirms that agricultural uses will continue on the bulk of the property (approximately 42 out of the 48 acres) until Phase 2 gradually replaces such uses.

As to your specific zoning comments, we submit the following information:

1. The missing rear elevation on Sheet LP-5 of 9 has been provided.
2. The "pre-finished metal trim" referred to material around the window; Sheet LP-5 of 9 has been revised to clarify that intent.
3. Section 33-100.1 of the Code limits signage in AU substantially. Only one sign is permitted at 24 square feet, and such sign must be setback 15 feet from the right-of-way. While this limitation on signage is appropriate for farms and nurseries, it is woefully inadequate to provide necessary information to motorists looking for the cemetery. Additional signage is especially appropriate for the property due to its ample frontage on two rights-of-way (1,760 feet on Krome Avenue and 1,210 feet on SW 136th Street). In order to provide the necessary information, while at the same time proposing the smallest amount of signage possible, this application seeks a non-use variance to permit four double-sided detached signs as depicted on Sheet LP-9 of 9, and described as follows:
 - a. Entry Median Sign: Approximately 27 square feet of sign area per side; maximum height of 6'1" (see Sheet SP-2 of 7 for location). This sign is set back 16 feet from the property line and therefore complies with Code requirements.
 - b. Corner Sign: Approximately 24 square feet of sign area per side; maximum height of 17'3" (see Sheet SP-1 of 7 for location). This sign is set back one (1) foot from the property line. The impact of such setback is negligible due to the fact that such sign will be located approximately 90 feet from the nearest edge of Krome Avenue.
 - c. Maintenance and Yard Directional Sign: Approximately 13 square feet of sign area per side; maximum height of 5'6" (see Sheet SP-3 of 7 for location). This

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

sign is set back seven (7) feet from SW 136th Street, a little used country road at this location.

- d. Secondary Entry Sign: Approximately 6.5 square feet of sign area per side; maximum height of 5'6" (see Sheet SP-1 of 7 for location). This sign is set back approximately seven (7) feet from SW 136th Street, a little used country road at this location.

All together, the 141 sq. ft of total sign area proposed (including both sides of each sign) is less than 0.05 sq. ft (7.2 square inches) per lineal foot of frontage.

- 4. Despite the fact that the maximum lawn areas generally applicable for other uses in the County are inappropriate for analyzing a cemetery use which is by definition dominated by in-ground burial areas covered by lawn, this application provides for 1,157,990 square feet of lawn area as described in Sheet LP-1 of 9, which is less than the maximum lawn area permitted of 1,181,186 square feet.
- 5. See Sheet LP-1 of 9 which proposes 115 street trees, which are more than generally required.
- 6. Back-out dimensions have been provided in Sheets SP-2 and SP-3 of 7.
- 7. Fence detail and specifications are provided in Sheet LP-9 of 9. No fence adjacent to a right-of-way is greater than six feet in height.
- 8. The safe-sight distance triangles have been re-analyzed and corrections have been made accordingly. Please see Sheet LP-1 of 9.
- 9. As explained in the first paragraph, the application includes a request for non-use variance of Section 33-23 to permit interment (both in-ground and mausoleum) within 25 feet where 50 feet is required on the north and east property lines and 20 feet where 25 feet is required on the west and south property lines.
- 10. The phasing plan is depicted in Sheet LP-2 of 9.
- 11. Please see Sheet LP-1 of 9 which provides for 115 street trees, 765 lot trees, and 7,595 shrubs, all of which exceed generally applicable requirements.

The non-use variances requested are minimal and necessary for the proper functioning of a cemetery. They are not injurious to the public health and maintain the intent of the Zoning Ordinance by making a traditional cemetery, a needed public service, available to County residents, while resolving the conflict between such use and regulations geared towards other more prevalent uses in the most dignified and least obstructive way possible.

This letter is intended to amend but not replace the arguments and analysis included in the original letter of intent. Accordingly, please consider such previously submitted information in evaluating this request.

We are completing a detailed analysis of inventory depletion and site availability which we will provide to staff shortly.

Mr. Jesus Hernandez
September 13, 2010
Page 4

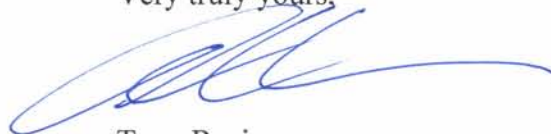
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BY JA

We are confident that the proposal as revised once supplemented with additional professional analysis, will earn your recommendation of approval. We look forward to proceeding to hearing before the West Kendall Community Zoning Appeals Board. Thank you for your consideration of this application. Please feel free to call me if you have any questions.

Very truly yours,



Tony Recio

TR/ms
1298007

VOSS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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VIA HAND DELIVERY

Mr. Jesus Hernandez
Zoning Hearing Section
Miami-Dade County
111 NW 1 Street, Suite 1100
Miami, FL 33128

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

Re: Zoning Hearing No. 10-051 for KROME AGRONOMICS, LLC; Ref. #24160

Dear Mr. Hernandez

Thank you for your letter of August 5, 2010 re additional items needed to complete your evaluation of the application. Please note that we have followed up with every department and agency with input into the public hearing process in order to incorporate all of their comments into the site plan. We intend to meet with the Florida Department of Transportation tomorrow as the final step. Accordingly, we intend to respond to your request for missing items and provide you with a revised site plan shortly thereafter, in no case later than your September 4, 2010 deadline.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,


Tony Recio

TR/ms
1298007

Mr. Marc LaFerrier
May 5, 2010
Page 2

and a maintenance building, all of which together will cover less than 3% of the net lot area of the Property.


The application proposes a master plan to be developed in two phases: (1) an initial phase and (2) a gradual build-out from that initial phase to the limits of the master plan over the ensuing 40 year estimate for complete build-out and inventory absorption. The Applicant intends to retain farming and/or nursery uses on large portions of the lands not included within the initial phase.

As part of this application, the Applicant is seeking approval of two further requests. Due to the 1,760 feet of frontage on Krome Avenue, and the impact on usable interment area of special setbacks required for cemeteries adjacent to roadways greater than 70 feet under Section 33-23 of the Code, the Applicant first requests a variance of these setbacks to permit interment within 25 feet where 50 feet is required on the east property line and 20 feet where 25 feet is required on south property line. The impact of these variances is minimal because of the ample width of Krome Avenue (115 feet *before* dedications) and the lack of urban development in the area. Second, due to water table considerations, the current ground elevation of the Property must be increased in the interment areas. Accordingly, the Applicant's are requesting approval of an unusual use pursuant to Section 33-13 of the Code to permit excavation of a temporary "lake" in order to provide fill to the remainder of the site during the development of the first phase of the project. With a maximum depth of 30 feet, the "lake" is more of a borrow pit than a true lake. The Applicant intends to back-fill the "lake" once fill becomes available from interment occurring within that first phase.

From our review of Miami-Dade County records, it has been over 20 years since the last new cemetery was approved. Population increases over that time period, combined with the steadily advancing median age of the population in Miami-Dade and Monroe County, Florida, has led to a projected inventory deficit in the existing cemeteries in Miami-Dade County. Preliminary projections suggest that this dwindling inventory will be maxed out in approximately 8-12 years, even accounting for increased use of efficient interment options such as mausoleums and cremations. It should be noted however, that post-life interment is often dictated by strong religious, moral, and personal influences, and to many members of the community in-ground burial is considered the only viable option for disposition of deceased remains.

The lack of inventory is problematic because of the time needed for development, intensive capital expense, and difficulty in obtaining entitlements for new cemeteries. The entitlement process is lengthy and complicated, both at the local and state level. Development of a cemetery is a time consuming and expensive process, requiring the funding of park infrastructure long before the return of and return on those costs can be recouped. The lengthy time frames, together with the uncertainty of the timing of death, dictate that cemetery development commence well in advance of inventory depletion.

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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BY 

Mr. Marc LaFerrier
May 5, 2010
Page 3

State law requires new cemeteries contain a minimum of 30 acres. See Section 497.270, Florida Statutes. Together with the high cost of urban lands, this requirement has contributed to the lack of new cemetery development in recent years. However, due to the dire inventory depletion projections and the aging local population, it is now critical for Miami-Dade County to provide new lands for interment in order to provide satisfactory end-of-life options for its citizens. Accordingly, it is clearly in the public interest to permit development of a new cemetery.

The high cost of land in the urban areas and state-imposed size requirements means that suitable lands are not available in more urbanized areas. Land and development costs are eventually passed down to the grieving families that purchase the interment sites, so higher costs mean a greater economic imposition on those families at a difficult time. Furthermore, citizens and neighborhood groups in more urbanized areas often have difficulty accepting a new cemetery in their existing areas because of psychological factors ascribed to the use.

However, cemeteries are often the best neighbors an area can have. They are comprised of mostly open space (all of it passive), have limited traffic impact (pulse traffic during burial ceremonies, rarely during peak travel times), operate during daytime hours, and internalize any impacts due to their typical large size. For these reasons, the cemetery use is clearly compatible with agriculture and rural residential development. Similarities between cemetery and agricultural uses include ample green open space (over 80% proposed in this application), low traffic volumes, limited lighting and noise, and no shadows, glare, vibrations, odors, or water run-off. Furthermore, all parking is internal to the site, the building's height and bulk is comparable to farm residences, and there is substantial buffering between neighboring land uses. Although unfairly earned, the unfavorable perception of cemetery use works to the advantage of neighboring agricultural uses by discouraging urban development in the area while maintaining large swaths of passive open space.

We are presently working on an analysis of inventory depletion and site availability which we will provide to staff as soon as it is completed. Additionally, we intend to supplement this application further with a thorough analysis of the applicable standards and criteria for approval.

We are confident that the proposal herein, once supplemented with additional professional analysis, will earn your recommendation of approval. We look forward to working with you over the next several months in preparing this application for hearing before the West Kendall Community Zoning Appeals Board.

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY 

Mr. Marc LaFerrier
May 5, 2010
Page 4

Thank you for your consideration of this application. Please feel free to call me if you have any questions.

Very truly yours,



Tony Recio

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1298007

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MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

Thompson, Cleveland (DPZ)

From: Miguel Diaz [mdiaz113@gmail.com]
Sent: Tuesday, May 17, 2011 9:16 AM
To: Thompson, Cleveland (DP&Z)
Cc: Gutierrez, Franklin (DP&Z); Gomez, Thomas R. (DP&Z); Toledo, Christie (DP&Z); Acosta, Felix (DP&Z)
Subject: Re: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011

On Tuesday the 17th I will not be able to attend. I will be in a work related conference, please excuse my absence. Thank you very much and if there are any questions please e-mail me.

Miguel Diaz
Pharma-Express
300 N.W. 22 Avenue, Ste. A
Miami, Fl. 33125
305-644-6100
Cjmdiaz@hotmail.com

On May 12, 2011, at 3:15 PM, "Thompson, Cleveland (DP&Z)" <clevela@miamidade.gov> wrote:

Dear Board Members

This e-mail serves as a reminder for your attendance to your Board # 11 Zoning Meeting on Tuesday May 17, 2011.

LOCATION: KENDALL VILLAGE CENTER-CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI FL
TIME: 7: 00 pm

PLEASE RESPOND UPON RECEIVING THIS E-MAIL !!

Thanks

Cleveland Thompson
Miami-Dade County Department of Planning & Zoning
111 NW 1st Street, 11th Floor
Miami, Florida 33128
Phone 305-375-1244
<http://www.miamidade.gov/planzone>
"Delivering Excellence Every Day"



Please consider your environmental responsibility before printing this e-mail or any other document.

Thompson, Cleveland (DPZ)

From: Ileana Vazquez [ile012@yahoo.com]
Sent: Thursday, May 12, 2011 5:47 PM
To: Thompson, Cleveland (DP&Z)
Subject: Re: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011

Yes--I am confirming attendance. Thank you.

--- On **Thu, 5/12/11, Thompson, Cleveland (DP&Z)** <clevela@miamidade.gov> wrote:

From: Thompson, Cleveland (DP&Z) <clevela@miamidade.gov>
Subject: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011
To:
Cc: "Gutierrez, Franklin (DP&Z)" <GutierrezF@miamidade.gov>, "Gomez, Thomas R. (DP&Z)" <GomezT@miamidade.gov>, "Toledo, Christie (DP&Z)" <CTOLEDO@miamidade.gov>, "Acosta, Felix (DP&Z)" <acostaf@miamidade.gov>
Date: Thursday, May 12, 2011, 3:15 PM

Dear Board Members

This e-mail serves as a reminder for your attendance to your Board # 11 Zoning Meeting on Tuesday May 17, 2011.

LOCATION: KENDALL VILLAGE CENTER-CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI FL
TIME: 7: 00 pm

PLEASE RESPOND UPON RECEIVING THIS E-MAIL !!

Thanks

Cleveland Thompson
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111 NW 1st Street, 11th Floor
Miami, Florida 33128
Phone 305-375-1244
<http://www.miamidade.gov/planzone>
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Thompson, Cleveland (DPZ)

From: Jeff Wander [wander3482@gmail.com]
Sent: Thursday, May 12, 2011 4:25 PM
To: Thompson, Cleveland (DP&Z)
Cc: Gutierrez, Franklin (DP&Z); Acosta, Felix (DP&Z); Toledo, Christie (DP&Z); Gomez, Thomas R. (DP&Z)
Subject: Re: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011

I'll be there.

Jeff Wander
Galaxy S phone
www.jeffwander.com

On May 12, 2011 3:16 PM, "Thompson, Cleveland (DP&Z)" <cleveland@miamidade.gov> wrote:

Dear Board Members

This e-mail serves as a reminder for your attendance to your Board # 11 Zoning Meeting on Tuesday May 17, 2011.

LOCATION: KENDALL VILLAGE CENTER-CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI FL

TIME: 7: 00 pm

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Thanks

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Thompson, Cleveland (DPZ)

From: Shannen Davis [shannendavis308@hotmail.com]
Sent: Thursday, May 12, 2011 3:31 PM
To: Thompson, Cleveland (DP&Z)
Subject: Re: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011

I will be there
Sent from my BlackBerry® on the MetroPCS Network

-----Original Message-----

From: "Thompson Cleveland (DP&Z)" <clevela@miamidade.gov>
Date: Thu, 12 May 2011 19:15:41
Cc: <GutierrezF@miamidade.gov>; <GomezT@miamidade.gov>; <CTOLEDO@miamidade.gov>; <acostaf@miamidade.gov>
Subject: CZAB-11 Zoning Meeting Date Tuesday May 17, 2011

Dear Board Members

This e-mail serves as a reminder for your attendance to your Board # 11 Zoning Meeting on Tuesday May 17, 2011.

LOCATION: KENDALL VILLAGE CENTER-CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI FL
TIME: 7:00 pm

PLEASE RESPOND UPON RECEIVING THIS E-MAIL !!

Thanks

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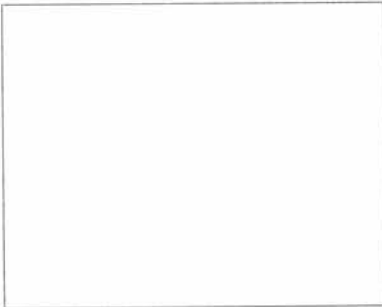
P Please consider your environmental responsibility before printing this e-mail or any other document.

Gutierrez, Franklin (DPZ)

From: Nitti, Nicholas (DP&Z)
Sent: Tuesday, May 17, 2011 8:00 AM
To: Gutierrez, Franklin (DP&Z)
Subject: FW: Krome Agronomics #10-51
Attachments: 32F3475-Nitti re letters in support.PDF

Franklin for file.
Nick

From: Marilyn Somodevilla [<mailto:MSomodevilla@wsh-law.com>]
Sent: Monday, May 16, 2011 4:08 PM
To: Nitti, Nicholas (DP&Z)
Cc: Tony Recio
Subject: Krome Agronomics #10-51



Marilyn Somodevilla
Legal Assistant to Gilberto Pastoriza, Tony Recio,
Gail D. Serota and Estrellita S. Sibila
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Tony Recio

A little compassion makes the world a better place.

On Feb 18, 2011, at 12:10 PM, "Cartaya, Nilia (DP&Z)"
<cartayn@miamidade.gov<mailto:cartayn@miamidade.gov>> wrote:

Tony,

Please respond to Pat's questions below so we may continue to move forward with this application.

Thanks,

Nilia M. Cartaya
Zoning Services Plans Processor Analyst
Miami-Dade County
Department of Planning and Zoning
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[<http://www.wsh-law.com/Includes/Templates/Active/images/h-logo.gif>] Tony Recio, Esq.
Partner

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From: Moore, Patrick (DP&Z)
Sent: Thursday, February 17, 2011 7:07 PM
To: Cartaya, Nilia (DP&Z)
Cc: Woerner, Mark (DP&Z)
Subject: RE: 10:51 Krome Agronomics, LLC covenant and additional information

I completed my review of the letter submitted by the applicant and still have concerns. Did the applicant submit the additional information I asked for regarding cremation niches in gardens or columbarium walls at churches. Did he get an answer back from GSA regarding the Landmark property as a possible site for a cemetery?

I saw no reference in the letter regarding existing properties outside the UDB that have already received zoning approval for a cemetery. Several years ago, Mark and I met with representatives of the Catholic Church on the placement of a cemetery near Krome Avenue. At that time, they mentioned that the Catholic Church had a parcel or could acquire a parcel in South Dade that was approved years ago for a cemetery but it was too far from urban areas for them to use. They wanted to know if there was any way that they could transfer the approval granted to that parcel to another parcel that was closer to Krome Avenue.

The letter dated December 8, 2011 states that the area designated as Open Land in Southeast Miami-Dade is located in a storm surge zone and could be impacted by rising sea levels. Thus, it was a poor location for a cemetery facility that is intended to exist in perpetuity. Some models show that areas in West Dade could be impacted by rising ground water levels. Is the application site located in the 100-year floodplain as established by FEMA? If so, it could be impacted by rising ground water levels.

From: Cartaya, Nilia (DP&Z)
Sent: Tuesday, February 15, 2011 4:22 PM
To: 'TRECIO@WSH-LAW.COM<mailto:TRECIO@WSH-LAW.COM>'
Cc: Nitti, Nicholas (DP&Z); Moore, Patrick (DP&Z); Rodriguez, Grisel M. (DP&Z)
Subject: 10:51 Krome Agronomics, LLC covenant and additional information

Tony,

Per our conversation today, please provide us with additional justification for the lake excavation, i.e. government regulations that require the lake for drainage purposes or elevation requirements required to accommodate the cemetery use.

In addition, as discussed please see attached corrections to the draft covenant. Please be advised that additional corrections may be required at a latter time once the "complete package" including opinion of title and joinders are submitted and reviewed by the County Attorney's Office.

Moreover, following our meeting last Friday, please provide an update regarding the additional information requested by Pat Moore.

Please submit the above mentioned information as soon as possible so we may continue to move forward with this application.

Thank you,

<< File: 10_51_Krome Agronomics_Covenant Corrections_02_15_11.pdf >>

Nilia M. Cartaya
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JAMES E. WHITE
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March 25, 2011

VIA HAND DELIVERY

Mr. Marc LaFerrier
Director
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

Re: Z10-051; Analysis of Sites in Draft Recommendation; Need for Cemetery

Dear Mr. LaFerrier:

The purpose of this correspondence is to further substantiate the need for our proposed cemetery as framed in the above-referenced application. As we explain below, none of the properties listed below contributes in a meaningful way to the existing capacity because their inventories are: (1) not open to the public; or (2) non-existent. For this reason, they cannot fairly be considered to address a community-wide need for burial spaces because they do not service the community at large. We summarize the basis for these conclusions below:

1. Archdiocese of Miami Property; SW 202nd Avenue and SW 360th Street

The potential inventory of this property is not properly considered as part of a needs analysis for several reasons, the most obvious of which is that the interment spaces do not yet exist. Despite receiving zoning approval in 1982, the site is not close to being developed and is still planted with row crops and actively farmed. Other reasons include: (1) no timeline exists to develop spaces; (2) the property is

too remote to draw significant usage; (3) the viability of this site for a cemetery is itself questionable due to the environmental concerns posed by its close proximity to a major wellfield serving Monroe County, as depicted in the enclosed exhibit; (4) the site is adjacent to a heavily secured primate research facility which does not create the type of tranquil ambience families typically seek-out as a permanent resting place; and (5) the affiliation of this property with the Catholic Church effectively places the potential inventory beyond the reach of non-adherents to that faith.

2. Memorial Sunset Park, Inc.; East of Okeechobee and NW 186th Street

This property, and its capacity, was already considered as part of the September 28, 2010 needs analysis, so its impact on inventory has already been counted. The property is reflected in Table 2 under its current operating name "Woodlawn West Cemetery," rather than the name of the original applicant "Memorial Sunset Park, Inc." when the cemetery was approved in 1987. This cemetery was the last new cemetery approved in the County, and is located well outside the Urban Development Boundary.

3. Miami-Dade County Medical Examiner's Office; SW 59th Street and SW 87th Avenue

This property serves the County's Public Interment Program and is thus expressly reserved for disposition of "those persons who have no family or cannot afford private funeral arrangements." It is one of two sites operated by the County to serve the indigent population. Accordingly, it is not available for the majority of the local population. Platted in 1935, it is largely if not completely full, a fact that can easily be confirmed by simple visual inspection of the property.

4. Miami-Dade County Medical Examiner's Office; SW 117th Avenue and SW 76th Street

This is the other site operated as part of the Public Interment Program. It is therefore likewise reserved for the indigent population. While it may have some capacity left, as demonstrated above, that capacity is not available to the majority of the County population.

5. Archdiocese of Miami (St. Brendan Church); 8725 SW 32nd Street

This site was approved for 2,000 interment spaces located under an existing church. While we have not been able to confirm whether such interment spaces have ever been actually developed or used, it can be inferred that these spaces serve a limited population (those with an affiliation to the church). Even if considered to add to the total inventory, at the projected death rate for the current year, these spaces would add just over one month to the projected inventory depletion horizon. In other words, they have no effect on the conclusions in the needs analysis

As demonstrated above, these sites do not actually account for any statistically significant additional inventory. Accordingly, the projected depletion time frame of actual County inventory of 2021 calculated in the needs analysis holds true. Considering the lengthy time frame needed to develop a cemetery, which can entail 5-7 years from land acquisition to the first interment and requires the funding of park infrastructure long before the return of and return on those costs can be recouped, the County has a critical need for a new cemetery. The lengthy time frames, together with the uncertainty of the timing of death, dictate that cemetery development commence well in advance of inventory depletion.

Additional Considerations

This is an appropriate point in the analysis to share some additional important and basic facts. Demand for burial spaces is not satisfied in a linear fashion. Correspondingly, demand for burial spaces is not driven by a capacity analysis. To the precise contrary, burial plans are incredibly sensitive, private, and personal. Traditional supply and demand economics cannot predict with certainty where a person will choose to be buried when his or her time arrives.

Stated otherwise, one cannot assume for purposes of a Needs Analysis that a family will choose to bury a deceased person in the next available burial site in any one location. Many people make burial decisions as part of an estate plan and it is not possible to determine at present whether, if, or to what extent people now living have made arrangements to be buried in any of the sites identified above. What we do know, however, is that aforementioned sites are not available to the general population. From this premise it is fair to assume that there are not many people who have estate plans that call for their burial in any of them.

Summary

The Comprehensive Plan was crafted to allow flexibility to accommodate the needs of a fast growing County. As part of that flexibility, the Agricultural designation permits non-agricultural uses provided they serve the public interest by addressing an identifiable need and that no other sites are available to address that need. The Needs Analyses submitted by the

applicant addresses both parts of this standard. *It should be noted that this is the most extensive and comprehensive analysis of cemetery need performed in the County in the last twenty years.*

As to the need, the applicant compiled data on all existing cemeteries within the County and projected the remaining inventory based on the undeveloped portions of such cemeteries. In doing so, it projected a balanced development scheme that included mausoleums and cremation niches in addition to traditional in-ground interment. Once that inventory was determined, the death rates for the next 15 years, as determined by Miami-Dade County Planning staff, were then separated into projected numbers of burials, cremations, and a miscellaneous "other" category (including e.g. out of state burials) according to statistics maintained by the Florida Bureau of Vital Statistics. Applying the counts of projected deaths and dispositions to the inventory previously identified, overall inventory will be depleted in 2021, and cremation niche inventory will be depleted as early as 2017.

These figures assume efficient use of interment spaces, treating the spaces as fungible commodities that will be used as people die in linear fashion. In actuality, not all interment spaces are created equal, as post-life interment is often dictated by strong religious, moral, and personal influences which results in a very inefficient use of the inventory. Loved ones often want to be interred close to each other, which further adds to inefficient inventory absorption through interment space reservation through pre-need arrangements, a sensible option for many families. Further, religious or cultural affiliation often dictates whether a given interment option is preferable or even possible. In other words, while a linear analysis suggests current and potential inventory at all existing cemeteries will be exhausted by 2021, the actual effective exhaustion date is probably much sooner.

With supply so critically low in the County, and a stable and predictable death-rate, prices for the remaining interment spaces are certain to rise unless further supply is provided. The demand for post-life interment, unlike other services, cannot simply be deferred until additional facilities are constructed or a better price is negotiated. This means that families will have to commit increasing resources to deal with interment, at a time when they are especially vulnerable and least able to afford it. Avoiding this situation and providing the additional inventory before it becomes an emergency is a definite public need.

As to the availability of other sites, the needs analyses and follow-up correspondence addressing particular sites raised by staff exhaustively reviews every potential site outside of the Agricultural area, both within and outside the Urban Development Boundary. Based on the parameters established by law and practicality, including a state law that requires new cemeteries be at least 30 acres in size (see Section 497.270, Florida Statutes) and the obvious need for suitable ground elevation to avoid disturbing remains with flooding, the applicant has firmly demonstrated that no suitable sites exist outside the Agricultural area. The subject site in

Mr. Marc LaFerrier
March 25, 2011
Page 5

particular is located well outside of any wellfield protection area and is thus ideally suited for cemetery development.

Finally, the cemetery use is compatible with the rural character of the agricultural area. A cemetery consists of mostly passive open space and landscaping, and has limited operating hours with little to no effect on peak hour traffic, has limited traffic impact (pulse traffic during burial ceremonies, rarely during peak travel times), operates during daytime hours only, and internalizes any impacts due to its large size. For these reasons, the cemetery use is clearly compatible with agriculture and rural residential development. Similarities between cemetery and agricultural uses include ample green open space (over 80% proposed in this application), low traffic volumes, limited lighting and noise, and no shadows, glare, vibrations, odors, or water run-off. Furthermore, all parking is internal to the site, the mausoleums' height and bulk is comparable to farm residences, and there ample landscaping buffering between neighboring land uses. Although unfairly earned, the unfavorable stigma associated with the cemetery use works to the advantage of neighboring agricultural uses by discouraging urban development in the area while maintaining large swaths of passive open space.

Based on the County's need, the unavailability of other suitable lands outside the Agricultural area, and the compatibility of the cemetery with neighboring agricultural uses, the cemetery use and the associated requests in the application are consistent with the comprehensive plan and should be approved.

Please consider this information in redrafting the staff recommendation. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Mark Woerner
Steve Webster
Rene Iglesias
Steve Helfman
Jeff Bass

Cartaya, Nilia (DPZ)

From: Cartaya, Nilia (DP&Z)
Sent: Tuesday, March 01, 2011 2:36 PM
To: LaPradd, Charles (CSD)
Cc: Nitti, Nicholas (DP&Z)
Subject: Zoning Hearing Application - Cemetery on SW 136 Street and SW 177 Avenue

Good afternoon Mr. LaPradd,

Per our conversation this afternoon, please find below a brief synopsis of the above captioned zoning hearing application.

The applicant is requesting a special exception to permit a proposed cemetery and associated mausoleums, a Unusual Use to permit a lake excavation and lake fill as well as a proposed entrance feature. Additional request are sought to permit 4 signs, to permit the proposed mausoleum buildings setback closer to the property line than permitted by the Zoning Code, to permit burials setback closer to the south property line and the zone right-of-way than permitted by the Zoning Code and to permit setback closer to the north property line than permitted by the Zoning Code.

All file documents are accessible via the Department's web-based zoning application menu by following the link below and typing in the process number (Process No. 10051).

http://pznet.miamidade.gov/track/case_track_i.aspx

As discussed, please send us your comments by replying to this e-mail.

Thank you,

Nilia M. Cartaya
Zoning Services Plans Processor Analyst
Miami-Dade County
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Cartaya, Nilia (DPZ)

From: Tony Recio [TRecio@wsh-law.com]
Sent: Wednesday, February 23, 2011 11:42 AM
To: Cartaya, Nilia (DP&Z)
Cc: Nitti, Nicholas (DP&Z); Moore, Patrick (DP&Z); Woerner, Mark (DP&Z); Rodriguez, Grisel M. (DP&Z)
Subject: RE: 10:51 Krome Agronomics, LLC covenant and additional information

Hi Nilia - We're almost here with an answer for everything, trying to get it to you by the end of today.

Again, the short answers:

1. The few colombariums found by calling churches and their parent organizations do not have any sort of statistically significant available spaces
2. The GSA properties (Landmark and Homestead AFB), are not available for cemetery development. Both are reserved for above ground development that will have a greater economic impact to the County in the form of job creation
3. Our engineer checked on Pat's question from Friday and confirmed that the subject property is not within FEMA's 100-year floodplain.

-----Original Message-----

From: Cartaya, Nilia (DP&Z) [mailto:cartayn@miamidade.gov]
Sent: Wednesday, February 23, 2011 11:18 AM
To: Tony Recio
Cc: Nitti, Nicholas (DP&Z); Moore, Patrick (DP&Z); Woerner, Mark (DP&Z); Rodriguez, Grisel M. (DP&Z)
Subject: RE: 10:51 Krome Agronomics, LLC covenant and additional information

Good morning Tony,

Please provide an update on the status of the additional information previously requested.

Thank you,

Nilia

-----Original Message-----

From: Tony Recio [mailto:TRecio@wsh-law.com]
Sent: Friday, February 18, 2011 1:39 PM
To: Cartaya, Nilia (DP&Z)
Cc: Nitti, Nicholas (DP&Z); Moore, Patrick (DP&Z); Woerner, Mark (DP&Z); Rodriguez, Grisel M. (DP&Z)
Subject: Re: 10:51 Krome Agronomics, LLC covenant and additional information

We are working on a comprehensive response and hope to have it to you on Tuesday. The quick answers are that we have contacted several parent organizations for different types of churches and have found less than 50 available interment spaces associated with churches countywide. We also followed up with Lee Solomon from GSA who confirmed that the Landmark property (north part of County, close to the landfill) is slated for future development and is not available for cemetery development, and the property close to the Airforce Base is subject to federally imposed deed restrictions that require they be used to provide economic impact. In Lee's opinion a cemetery would not meet the federal criteria

WEISS SEROTA HELFMAN
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February 23, 2011

VIA HAND DELIVERY

Ms. Nilia Cartaya
Planning & Zoning
Miami-Dade County
111 N.W. 1st Street, 11th Floor
Miami, FL 33128



Re: Z10-051; Response to Latest Planning Comments

Dear Ms. Cartaya:

The purpose of this letter is to respond to comments provided at our meeting of February 10, 2011, as modified in your February 18, 2011 electronic correspondence. The comments were broken up into three general categories -- planning comments regarding the needs analysis and floodplain information, comments regarding the proffered covenant, and comments regarding the purpose of the lake excavation request. To facilitate your review, we have broken up our responses by those categories.

Planning Comments

In response to Mr. Pat Moore's two main comments, we submit the following:

1. Mr. Moore asked that we expand on our investigation of church related interments that are not regulated by the State of Florida.

2-10-11
MUNICIPAL GOVERNMENT AND ZONING DEPT.
BY _____

- To address this issue, our team contacted several religious organizations. We that many of these organizations do not keep records of mausoleum or columbarium property at the individual churches or even know whether or not the property even exists inside the church. Some church employees were less than forthcoming about providing any kind of related information. Nonetheless we were able to cull the following information from the major organizations:
 1. Catholic Archdiocese – Spoke with Mary Jo Frick (VP, Finance Treasurer 954-484-1515) who stated that they did not have any spaces available at any Catholic Churches.
 2. Episcopal – Spoke with Cheryl Chapman (Executive Director of Friends of Trinity Cathedral 786-888-6694) who said that some of their churches have columbarium, but some churches limited them to church members. She gave me a list of Episcopal Churches she believes have columbarium:
 - a. St. Phillips Episcopal Church – Coral Gables, FL. 305-444-6176. According to Digna Fernandez (office manager) they do not have any mausoleum or columbarium inside the church.
 - b. St. Stephen’s Episcopal Church – Coconut Grove, FL 305-448-2601. We have not been able to get in touch with anyone to confirm whether they have columbarium.
 - c. St. Thomas Episcopal Church – South Miami, FL. Contact is Deane Propeck (305-251-3116, dgpropeck@yahoo.com). They have not responded to our calls and emails.
 - d. All Souls Episcopal Church – Miami Beach, FL. 305-538-2244. The phone number provided for this church has been disconnected.
 - e. **Trinity Episcopal Church** – Cheryl Chapman (Executive Director of Friends of Trinity Cathedral 786-888-6694) **they have 23 spaces available out of a total of 135.**
 3. Miami Baptist Association – According to Florence Wolfs (office manager) none of the Baptist Churches in Miami have mausoleum or columbarium in the church.
 4. Lutheran – According to Jeanne Batridge (President of Dade Monroe Lutheran Conference Chair, 305-812-0804) she only



knows of three Lutheran Churches that have mausoleum and/or columbarium:

- a. St. James Lutheran Church – Coral Gables, FL. 305-443-0014. According to Pastor Larry Bowdon and Felicia Dominguez (Administrative Trustee) they have no available spaces left in the columbarium. They also mentioned that the spaces were used only for Church members.
 - b. S. Peter aka St. Pedro Lutheran Church – Miami, FL. 305-445-0626. We have attempted to contact them several times and have left voicemails but have not received a response.
 - c. Christ the King Lutheran Church – Miami, FL 305-665-5063. According to Myra Aguilar (office manager) the columbarium they have is for members only. She said that Debbie Martinez (bookkeeper) would know how many spaces available but she was not available.
5. Presbyterian – spoke to Mia Nunez (office manager 305-3713439) at the First Presbyterian Church of Miami and she said they do not have a mausoleum or columbarium at any of the Presbyterian Churches in Miami.
2. Mr. Moore asked that we consult with Mr. Leland Solomon of the County's General Services Administration regarding two specific properties, one located just south of the landfill on NW 47th Avenue and 199th Street (the "Landmark Property"), and the other located outside the Homestead Airforce Base (the "Air Base Property"). Mr. Solomon was very clear that both were unavailable for cemetery development. The Landmark Property is slated for future development, and such plans do not include a cemetery component, nor would one be considered. As to the Air Base Property, the land is subject to federal restrictions which require it be used for the economic development. It was Mr. Solomon's opinion that a cemetery use would not meet the intent or letter of the federal restrictions.

The above demonstrates that (1) churches do not account for significant available interment resources, and (2) County controlled properties are not available for cemetery development. The survey of churches revealed the availability of only 23 confirmed interment spaces. Even assuming that ten times that many were available throughout the County, the

Ms. Nilia Cartaya
February 23, 2011
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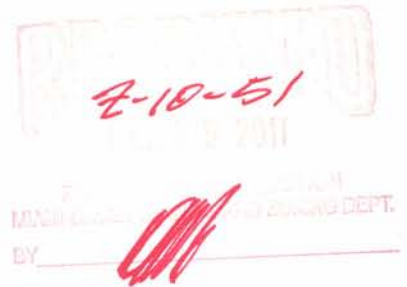


figure would still not be statistically significant to impact the projected exhaustion date in the analyses we previously submitted.

As to Mr. Moore's question on February 18, 2011, our civil engineer has confirmed that the property is in flood zone AH and is not located within the 100-year floodplain.

Comments Regarding the Covenant

As you know, the captioned application for approval of a cemetery includes an associated approval for lake excavation. As has been made clear many times, the requested "lake" is really a borrow pit, intended to provide fill needed to raise the site elevation of the property to an appropriate level for in-ground interment and to allow for adequate storm-water drainage facilities. The application includes a request to allow for gradual back-filling of the borrow pit as portions of such fill are removed during the actual interment process that is projected to occur at the property over the next 50 years.


In order to confirm the applicant's commitment that the fill from the lake will be used to raise site elevation and will not be sold or commercially distributed off-site, the applicant proffered a covenant voluntarily imposing those restrictions. Following your review, the covenant was revised by staff. We are in the process of addressing those revisions with the seller/owner at this time. However, we have no objection to your including such limitation as a condition to the lake excavation approval. Since the cemetery approval is a special exception, and the lake/back-fill approval is an unusual use, imposing such a condition is entirely appropriate. Based upon your revisions to the proffered covenant, we believe such condition would read as follows:

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.

Lake/Borrow Pit Excavation Data

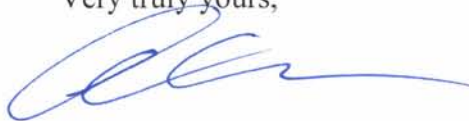
In order to further support the excavation request, our engineer prepared the enclosed narrative which explains why the excavation is needed. We trust that such justification provides you with all of the information you were looking for.

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7-10-51
MIAMI-DALLAS
BY 

We hope that this letter and the enclosed narrative provide the documentation you need to support this application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Tony Recio

TR/ms
1298010
Enclosure

cc: Marc LaFerrier, Director
Steve Webster
Rene Iglesias

2-10-51
FEB 25 2011
2011 PLANNING DEPARTMENT
MIAMI-DADE COUNTY PLANNING DEPT.
BY _____

BORROW PIT JUSTIFICATION

Overview

The proposed site plan for West Kendall Memorial Park indicates that a large borrow pit is to be excavated in the initial and future phases of the Memorial Park development. Due to an anomaly in the county grading ordinance, any depression of land created by excavation is considered to be a “lake”. In this case, however, this borrow pit is a carefully calculated effort to address key cemetery development criteria necessary to meet the expectation of community families utilizing the memorial park for their end of life needs. First and foremost, families expect a dry, stable environment for their visitations and burial services. The cemetery needs to recover quickly from frequent and extensive wet periods for burial services and visitations. During the burial services our families will demand that burial excavations be dry and stable for the placement of the burial vault and casket. These are deeply held beliefs and customs by families during a very difficult time in their lives that West Kendall will need to adhere to.

The West Kendall site has the typical issue that besets Florida developments – low elevation relative to the water table. Since graves require 5 to 7 foot excavations, it is important that the bottom of the excavations remain above the normal high water table. There are also County ordinances that need to be satisfied.

In order to meet these basic criteria, the West Kendall site will need to be raised approximately 5.4 feet above existing grade. This will also bring the site up to an elevation relatively consistent with the existing Krome Avenue grade versus several feet below as it is now. West Kendall cannot afford to export any dirt throughout the life of the Memorial Park.

West Kendall Memorial Park would like to raise the elevation of the site as cost effectively as possible and with a minimum of environmental impact. This will require maximizing earth generation on site and minimizing off site import. It is also important to remember that over time the cemetery will generate dirt from each individual burial. By raising the site now, we will be able to balance the future dirt generated incrementally by disposing this dirt on site into the initial borrow site. Importing and exporting dirt can be an expensive endeavor for many reasons and presents a tremendous problem for financial viability of the Memorial Park. Properly master planning the balancing of dirt on site is the appropriate and environmentally sound approach to this critical issue.

The technical discussion of the necessary earthwork balance and proposed elevation change is outlined below:

Technical analysis

The applicant is proposing the borrow pit, as shown on the plans previously submitted, for the purposes of obtaining the required fill to raise the site to the required elevations in order to make the site developable for the proposed use as a cemetery.

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The site is 47.87 acres in size with 2.68 acres being dedicated by plat to the Florida Department of Transportation (FDOT). The remaining 45.19 acres will be developed in phases as the inventory is absorbed by the community. The projected area to be developed initially is 8.68 acres in size. The proposed borrow pit would allow the excavation and spreading of fill on the initial 8.68 acres for the purposes of raising the elevations of the burial areas, internal roadways, parking areas and building pads.

The existing site is at an average elevation of 7.96 NGVD. The October water table elevation is at an approximate elevation of 5.00 NGVD. Based on preliminary water management and earthwork calculations and the operational characteristics of the cemetery, the site will need to be raised. The burial area will need to be raised to an elevation of 13.50 NGVD in order to insure that the bottom of the graves are above the normal high water table.

Miami-Dade County DERM criteria regarding land development require that three areas be addressed:

1. Minimum road elevations during a 10-year storm event
2. Perimeter berm elevations as dictated by a 25-year storm event
3. Minimum finish floor elevation as determined by the highest of the following:
 - o FEMA flood plain elevation
 - o Highest adjacent road crown/back of sidewalk plus 4-inches
 - o Calculated elevation based on 100-year storm event

There are a series of swale areas around the property which will be kept at an elevation of 6.00 NGVD in order to provide the required storm water management. Based on the results of the calculations, the above criteria were met as follows:

1. The area designated as roadway/parking will be raised to an elevation of 13.20 NGVD to allow for both the minimum required road elevation to be met and to allow pedestrian connectivity between the roads and burial areas and the buildings.
2. A perimeter berm is required in order to prevent any storm water from being discharged unto the adjoining properties or public right of ways per Miami-Dade County criteria. The required top of berm was calculated to be at elevation 13.20 NGVD.
3. The proposed buildings finish floor elevations are 13.60 NGVD as calculated for the 100-year storm event elevation as required by code.

The required elevation difference between the existing site grade and the proposed finish grades is approximately 5.4-feet over 45.19 acres. The amount of fill required to raise the initial phase up to the desired elevation is approximately 72,920 cubic yards. The difference between this amount and the maximum borrow site yield of 87,925 cubic yards will be used to raise future phase areas. Although the amount of dirt required to bring the remainder of the site up to the desired elevation may exceed 300,000 cubic yards of fill material, this will largely be balanced by grave dirt spoils generated over the life of the Memorial Park. Additional fill material will be generated from those areas attributed to swales/dry retention which will be excavated to an elevation of 6.00 NGVD. These spoils in combination with those generated from the burial sites will be used to fill future areas of cemetery development and to backfill the borrow site so that in

time, it can be also be converted to burial area. It is possible that in the distant future additional fill be required to be obtained from off-site in order to complete the development of burial areas but the intention is to minimize or avoid this occurrence as the final soil needs become more evident.

10-047.10/text/2/23/11

APPROVED
2-10-51
FEB 15 2011
MANAGEMENT SECTION
BY _____
2009 AIRBORNE DEPT.