

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE
COUNTY, FLORIDA

APPELLATE DIVISION

CASE NO. 14-087 AP

L.T. CASE NO. 13-55

JOSEN NAFSHI, LLC,

Petitioner,

v.

MIAMI-DADE COUNTY, FLORIDA,

Respondent.

UNOPPOSED MOTION FOR EXTENSION OF TIME

Respondent Miami-Dade County, Florida ("the County"), through undersigned counsel, hereby moves for a 30-day extension of time to file its response. In support of this motion, the County states as follows:

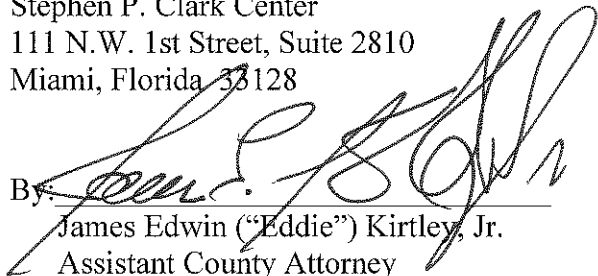
1. On March 11, 2014, Petitioner Josen Nafshi, LLC filed a Petition for Writ of Certiorari in the above-styled matter, appealing a zoning decision made by the Board of County Commissioners.
2. On March 18, 2014, the Court issued an order directing the County to respond to the Petition for Writ of Certiorari within 20 days. Accordingly, the County's response is currently due on Monday, April 7, 2014.
3. Due to the press of other matters and the need to adequately familiarize himself with the record in this matter, undersigned counsel requires additional time to prepare and file a response on behalf of the County.

4. Undersigned counsel conferred with Petitioner's counsel on March 19, 2013 regarding obtaining a 30-day extension, and Petitioner's counsel indicated that he does not oppose this request.
5. This motion is made in good faith, for good cause, and not for purposes of delay or any other improper purpose.

Accordingly, for the reasons stated herein, the Court should **GRANT** this motion and extend the time for the County to submit its response by an additional 30 days, to and including Wednesday, May 7, 2014.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
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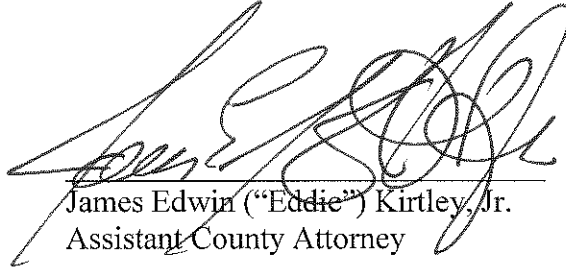
By: 

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Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this *Unopposed Motion for Extension of Time* was served upon the counsel listed below by electronic mail on March 19, 2014:

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A handwritten signature in black ink, appearing to read 'James E. Kirtley, Jr.', is written over a horizontal line.

James Edwin ("Eddie") Kirtley, Jr.
Assistant County Attorney

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IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE
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APPELLATE DIVISION

CASE NO. 14-087 AP

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Petitioner,

v.

MIAMI-DADE COUNTY, FLORIDA,

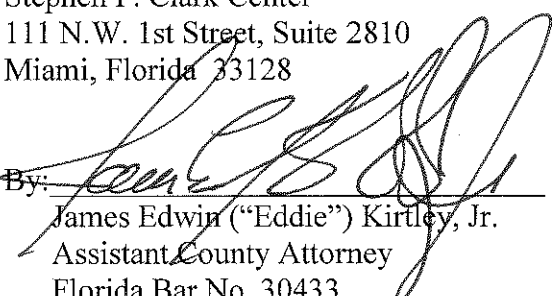
Respondent.

**NOTICE OF APPEARANCE OF COUNSEL AND REQUEST FOR
TRANSMITTAL OF COURT ORDERS BY UNITED STATES MAIL**

COMES NOW James Edwin Kirtley, Jr., an attorney for Respondent, and files his notice of appearance in this case. Undersigned counsel also requests transmittal of Court Orders by United States Mail and has provided stamped, self-addressed envelopes for service.

Respectfully submitted,

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By: 

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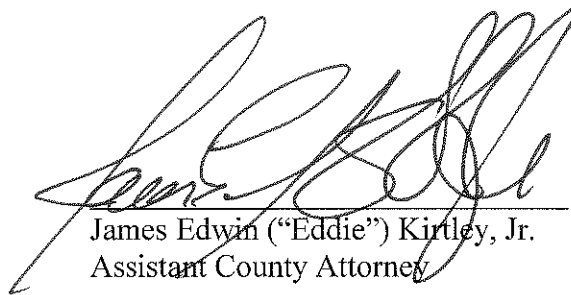
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Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this *Notice Of Appearance Of Counsel And Request For Transmittal Of Court Orders By United States Mail* was served upon the counsel listed below by electronic mail on March 19, 2014:

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A handwritten signature in black ink, appearing to read 'James E. Kirtley, Jr.', is written over a horizontal line. The signature is stylized with large, flowing loops.

James Edwin ("Eddie") Kirtley, Jr.
Assistant County Attorney

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IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE
COUNTY, FLORIDA.

APPELLATE DIVISION

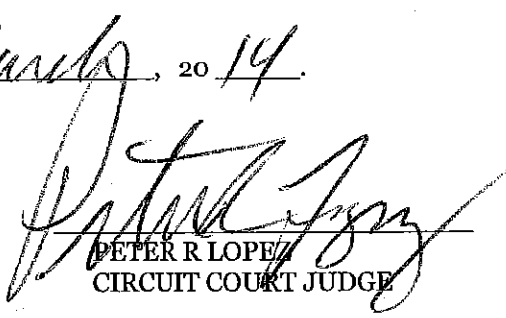
CASE NO.: 14-087 AP
LOWER COURT CASE NUMBER: 13-55

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JOSEN NAFSHI, LLC,
Petitioner,
vs.
MIMAI-DADE COUNTY,
Respondent.

The Respondent is hereby directed to file an original and three (3) copies of its response with this court within twenty (20) days from the date hereof and show cause why the above styled Petition for Writ of Certiorari should not be granted as prayed. Further, Petitioner may file its reply within twenty (20) days thereafter.

It is so ordered this 14 day of March, 20 14.


PETER R LOPEZ
CIRCUIT COURT JUDGE

ORIGINAL

JUDGE PETER R. LOPEZ

CC: SAMUEL B REINER, II, ESQ.
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IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

CASE NO.:

JOSEN NAFSHI, LLC

Petitioner,

v.

MIAMI-DADE COUNTY

Respondent

PETITION FOR A WRIT OF CERTIORARI

On Petition for a Writ of Certiorari, pursuant to Florida Rule of Appellate Procedure 9.100(f)(2) to the Board of County Commissioners, in and for Miami-Dade County, Florida.

Respectfully submitted,

REINER & REINER, P.A.

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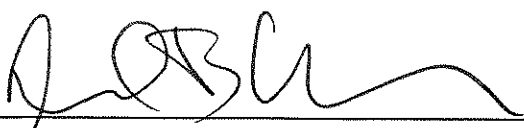

SAMUEL B. REINER, II; Fla. Bar No. 501549

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INTRODUCTION

This is a Writ of Certiorari pursuant to Florida Rule of Civil Procedure 1.630 and Florida Rule of Appellate Procedure 9.030(c), appealing the decision of the Board of County Commissioners of Miami-Dade County to reverse the decision of the Zoning Appeals Board to rezone a 1.98-acre parcel from AU, Agricultural District to RU-1M(a) in conformance with the development rights of Petitioner herein. The Petitioner, JOSEN NAFSHI, LLC (“Petitioner”), is the owner of the subject property, located at the Northwest Corner of Southwest 32nd Street and 145th Avenue (“Property”). Petitioner applied to allow a district boundary (zone) change¹ from AU, Agricultural District, to RU-1M(a) for single-family residences. *See* Zoning Hearing Application (“Application”). Because the rezoning sought by Petitioners is consistent with much of the neighboring area and because it is consistent with the Comprehensive Development Mater Plan, the Miami Dade County Department of Regulatory and Economic Resources (“Staff”) recommended approval of Petitioner’s Application. On October 15, 2013, the Staff issued a “Staff Report” to Community

¹ Although the technical term listed in Petitioner’s Application is “district boundary (zone) change, Petitioner is seeking a zone change only from AU to RU-1M(a).

Council No. 10² in which it set forth its analysis and rationale for recommending approval of Petitioners's Application. *See* Appx. 1 - 92-94. Moreover, on October 15, 2013, the Zoning Appeals Board unanimously voted to approve Petitioners's Application for rezoning the Property. On November 4, 2013, a neighborhood group, Concerned Citizens of West Dade, Inc. Subdivision #1 ("Concerned Citizens"), appealed the Zoning Appeals Board's decision to the Board of County Commissioners. After hearing arguments from Concerned Citizens and Petitioner here on January 23, 2014, the Board reversed the Zoning Appeals Board's decision to approve Petitioner's Application to rezone the Property. The issuance of a writ of certiorari is necessary here because the Board of County Commissioners' reversal of the Zoning Appeals Board's decision to approve Petitioner's Application was wholly unsupported by any competent substantial evidence and was arbitrary, discriminatory, and unreasonable. Lastly, certiorari should be granted because Staff's recommendation to approve Petitioner's Application was based on its compatibility with the Comprehensive Development Master Plan.

JURISDICTION

² Petitioner's Appendix will be cited as follows: Appx. 1 - Page indicates a reference to the record on appeal, which consists of the documents leading up to the January 23, 2014 Meeting before the Board of County Commissioners; Appx. 2 - Transcript indicates a reference to the transcript of the proceedings before the Board, which will be further specified by line and page number.

This Court has jurisdiction over the Petition pursuant to Article V, Section 5(b), Florida Constitution, which grants to circuit courts jurisdiction to issue writs of certiorari, and Florida Rule of Civil Procedure 1.630 and Florida Rule of Appellate Procedure 9.030(c)(2). The Petition is timely filed pursuant to applicable requirements to challenge the action of the County taken on January 23, 2014 and transmitted on February 9, 2014. The action of the Board is being challenged as being unsupported by any competent substantial evidence; arbitrary, unreasonable, and discriminatory; and not in accordance with the applicable Comprehensive Development Master Plan.

NATURE OF RELIEF SOUGHT

Petitioner requests this Court grant its Petition for Certiorari to review the action of the Board with regard to Resolution No. Z-1-14, in which the Board of County Commissioners reversed the decision of the Zoning Appeals Board and denied the Petitioner's Application for approval to rezone its Property from AU to RU-1M(a). Prior to the issuance of the Board's denial, the Zoning Appeals Board determined that the requested zoning change to RU-1M(a) would be consistent with the Comprehensive Development Master Plan, would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, and should, therefore, be approved. *See* Appx. 1- 102-04.

SCOPE AND STANDARD OF REVIEW OF THIS COURT

The decision taken by the County to disallow, deny, or reject an application to rezone by Petitioner is quasi-judicial in nature and subject to review by certiorari. *See Irvine v. Duval County Planning Commission*, 495 So. 2d 167 (Fla. 1986); *see also Board of County Commissioners v. Snyder*, 617 So. 2d 469, 471 (Fla. 1993). The action of the Board is subject to strict scrutiny. *Snyder*, 617 So. 2d at 475. This scope of review of an agency's decision was implemented in order to safeguard against arbitrary decision-making by a non-judicial branch of government such as the Board acting in a quasi-judicial capacity. *Id.* In *Seminole County Board of County Commissioners*, the court explained the scope of certiorari review of and administrative action in circuit court:

Under our constitution, the primary purpose of judicial review of executive action is to prevent arbitrary fact-finding and actions by the executive. Upon judicial review of administrative action in the circuit court, by certiorari or otherwise, the administrative action is entitled to none of the deference due initial judicial action. Such judicial "review" partakes more the nature of an original judicial proceeding (which it is) than of a classic appeal of a lower judicial tribunal.

Seminole County Board of Commissioners v. Long, 422 So. 2d 938, 941-42 (Fla. 5th DCA 1982).

Here, the absence of procedural safeguards in the proceedings that were held

before the Board of County Commissioners not only requires a broad scope of review by this Court, but also eliminates any presumption of correctness to the decision of the Board.

In *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982), the Florida Supreme Court set forth the standards governing certiorari review. When the circuit court reviews the action of an agency under Florida Rule of Appellate Procedure 9.030(c)(3), the court must determine: (1) whether the procedural due process was accorded, (2) whether the essential requirements of the law have been observed, and (3) whether the agency findings and decision are supported by the competent substantial evidence. *Id.* at 626.

Certiorari review by a circuit court is “not discretionary but rather is a matter of right and is akin in many respects to a plenary appeal.” *Broward County v. G.B.V. International, Ltd. et al.*, 787 So. 2d 838, 843 (Fla. 2001). However, only quasi-judicial actions are reviewable via certiorari. *Id.* at 843. In *Webb v. Town Council of Hilliard*, 766 So. 2d 1241, 1244 (Fla. 1st DCA 2000), the court held that local government decisions related to building permits, site plans, special zoning exceptions, and other development orders generally are deemed quasi-judicial in nature, and thus, entitled to certiorari review. *See Park Commerce Assoc., v. City of Delray Beach*, 636 So. 2d 12, 15 (Fla. 1994); *see also Board of County*

Commissioners v. Snyder, 627 So. 2d 469, 474 (Fla. 1993). Here, the Board's decision overturning the Petitioners's Application clearly falls within the type of local government decision that is deemed quasi-judicial and subject to this Court's certiorari review.

STATEMENT OF FACTS

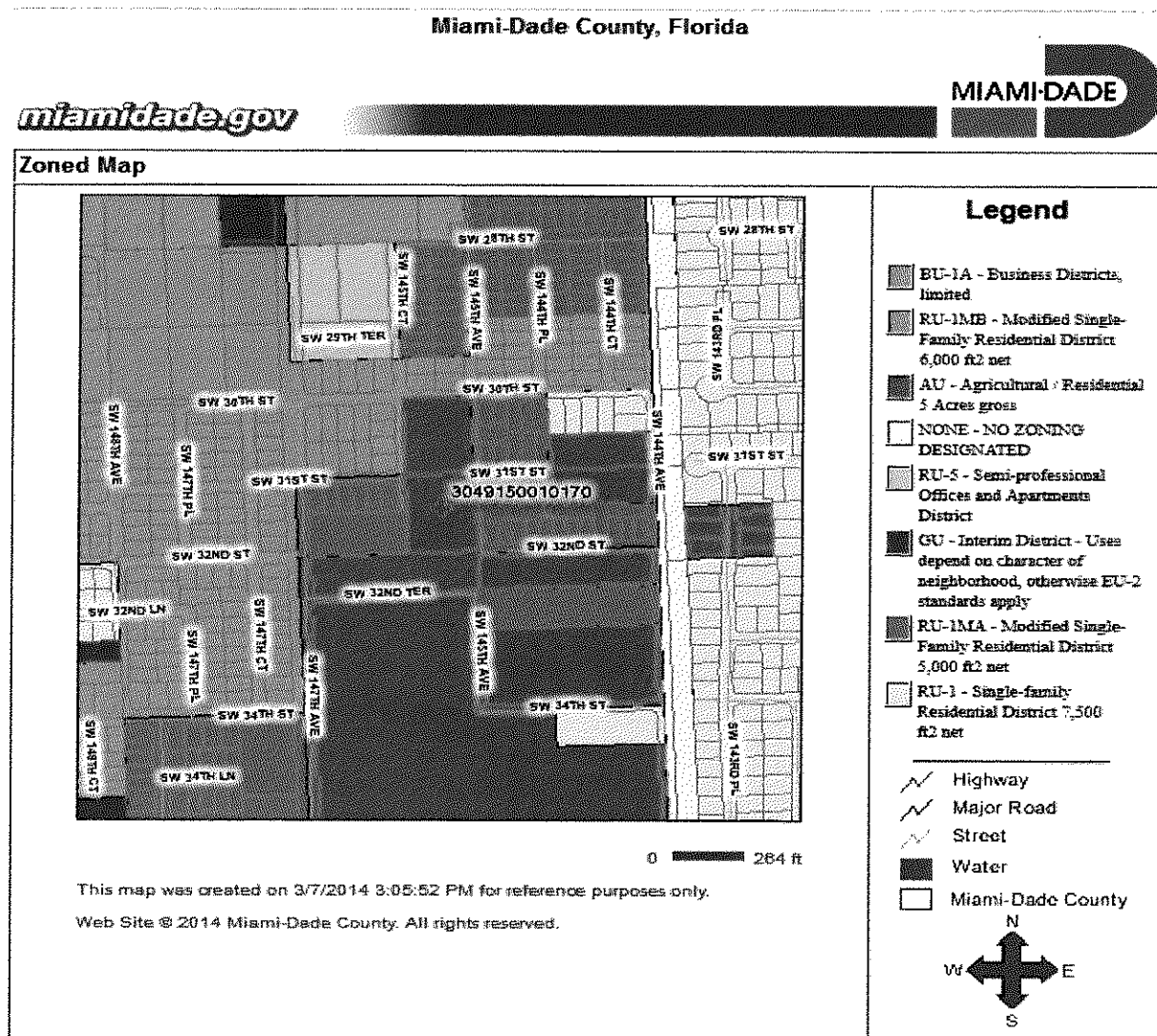
Petitioner owns the property located in Miami-Dade County lying south of theoretical SW 31st Street, between theoretical SW 145th Avenue and theoretical 145th CourTranscript³ The Property totals 1.98 acres and is currently zoned as an Agricultural District ("AU"). Petitioner sought rezoning of the Property to RU-1M(a), single-family residences, in order to develop residential housing on the Property. The area to the north of Petitioner's property is vacant and currently zoned AU; the properties to the east and west of Petitioner's Property are zoned RU-1M(a); a developer for the property to the south of Petitioner's Property was recently approved for a rezoning from AU to RU-1M(a). *See* Appx. - 2 - Transcript at p. 21, lines 6-12 (Staff delineating reasons for its approval of Petitioner's Application based on surrounding areas).

³ Petitioner (Josen Nafshi, LLC) purchased the Property at issue from Carlos & Olga Bengochea Trust while this rezoning Application was pending. This Court should note that documents in the Record fail to reflect the change in ownership of the Property to the current owner, Josen Nafshi, LLC.

The various zoning classifications in the area of the Property are depicted in the following diagram:

1. Petitioner's Application:

On June 4, 2013, Petitioners applied to the Miami-Dade County Department of Regulatory and Economic Resources for a district boundary change



from AU to RU-1-M(a). *See* Appx. 1 - 71-91. Petitioner's Application demonstrated that it would develop 11 lots on the Property— 5 lots over 6,000 square feet in size and 6 lots over 5,000 square feet in size. Thus, 5 lots would comply with the minimum square footage permitted for RU-1M(b) zoning and 6 would comply with the minimum square footage permitted for RU-1M(a) zoning. Petitioner selected these configurations to appease any neighbor concerns about the variation in lot sizes and to provide lot sizes that are consistent with the surrounding neighborhoods.

2. Staff's Approval of Petitioner's Application on October 15, 2013.

On October 15, 2013, Staff determined that the requested district boundary change to RU-1M(a) would be consistent with the Comprehensive Development Master Plan, would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, and should, therefore, be approved. *See* Appx. 1 - 92-96 (demonstrating that all County departments concurred in approval of Petitioner's Application).

A. Comprehensive Development Master Plan Analysis

Pursuant to CDMP Land Use Element Objective LU-4, Miami Dade County is required, "by the year 2015 " to "reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text or with

the character of the surrounding community.” Appx. 1 - 93. Because the area surrounding the Property abuts properties to the east and west that are zoned RU-1M(a), Staff determined that rezoning from AU to RU-1M(a) as requested in Petitioner’s Application was compatible with the surrounding area and consistent with the CDMP’s Land Use Element the interpretive text, Objective LU-4.

In addition, Petitioner’s Property is located within the Urban Development Boundary and is designated as Low Density Residential. Staff considered that the category in which Petitioner’s Property is located “allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing.” Appx. 1 - 92-94. Staff’s approval of Petitioner’s Application allowed them to develop the 1.98 acre parcel with 11 residential units, 5 lots over 6,000 square feet in size and 6 lots over 5,000 square feet in size, which is entirely consistent with the density allowed under the CDMP Low-Density designation of the LUP map. Appx. 1 - 92-94. Even though the RU-1M(a) zoning district would have permitted a maximum of 17 residential units on the Property, the Applicant agreed to a covenant that limited the development to 11 residential units so that its lot size distribution was consistent with both what RU-1M(a) zoning allows and the density threshold of the CDMP Low-Density designation on the LUP map.

B. Zoning Analysis

In addition to approving Petitioner's Application as being consistent with the Comprehensive Development Master Plan, Staff analyzed the Application under Section 33-311, District Boundary Change, and determined that approving the Application "would not have an unfavorable impact on the environment, natural resources, or the economy of the County." Appx. 1 - 93. It is important to note that based on the approximately 15 minutes of presentation before the Board, one of the main reasons cited by Commissioner Zapata for reversing the Zoning Appeal Board's decision was because of the detrimental effect such development could have on public services and the economy. *See* Appx.2-Transcript at p. 29, lines 3-17. Interestingly, these issues were thoroughly explored and researched by Staff and in fact, supported Staff's basis for approving Petitioner's Application. *See* Appx. 1 - 92-94. Staff also considered a Memorandum by the Miami-Dade Fire and Rescue Department in its approval of Petitioner's Application. Staff noted that the Fire and Rescue Department had no objection and its Memorandum indicated that the estimated average travel time to the Property was 5:15 minutes. *See* Appx. 1 - 94. In addition, Staff considered a Memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, which also indicated that approving Petitioner's Application did meet the traffic concurrency criteria. Appx. 1 - 94. Accordingly, Staff determined that approving the Application

would “not have a negative impact on the surrounding roadways or transportation facilities based on the recommendation and/or information contained in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources.” Appx. 1 - 94. Moreover, Staff based its approval of Petitioner’s Application on a memorandum from the Division of Environmental and Regulatory Management, which indicated that the proposed rezoning met the Level of Service standards for an initial development order and would not have an unfavorable impact on the natural resources of Miami-Dade County. *Id.* Lastly, because the surrounding areas of the Property to the north and south were Vacant AU zoned parcels⁴ and the areas to the east and west were zoned RU-1M(a), Staff found that the boundary change in favor of Petitioners was compatible with the surrounding area. Appx. 1 - 94.

3. Board of County Commissioner’s Review of Petitioner’s Application at Commissioners Meeting held on January 23, 2014:

A. Testimony and Evidence in Support of the Appeal

At the Meeting before the Board, Concerned Citizens presented the following:

(1) a petition from seven protestors in the surrounding area; (2) argument from the

⁴ The lot to the south of Petitioner’s Property has recently been approved for RU-1M(a) zoning.

treasurer for the organization that led the appeal; and (3) settlement agreements between other developers in surrounding areas that agreed to build 6,000 square foot lots, consistent with RU-1M(b) zoning in an area zoned as RU-1MA. *See* Appx. 2 - Transcript at p. 4, lines 8-12; p. 8 lines 16-19. Concerned Citizens contested Petitioners' construction of 5,000 square foot lots because of set-backs, which it misrepresented as being 15 feet when they would actually be 20 feet, as well as the economy in the area. Transcript at pages 7-8; *but see* Appx. 2 - Transcript at p. 15, lines 1-7. According to the Concerned Citizens, based on its own analysis, because the economy in Miami-Dade County has improved, there is no longer a need for 5,000 square foot lots. Appx. 2 - Transcript at p. 9, lines 14-25. Again, based on its own analysis, Concerned Citizens argued that allowing 5,000 square foot lots would drop the values of homes in surrounding areas because the developer in the area to the south agreed to 6,000 square foot lots. Appx. 2 - Transcript at p. 11, lines 14-18. Importantly, Concerned Citizens failed to recognize that Petitioner did agree to build a variety of different sized lots – six lots over 5,000 square feet and five lots over 6,000 square feet, rather than all 5,000 square foot lots. Appx. 2 - Transcript at p. 14, lines 3-11; *see also* Appx. 2 - Transcript at p. 20, lines 21-25 (demonstrating the variety of lots sizes under Petitioner's proposed plan for the area). Lastly, the Concerned Citizens summarily concluded that Petitioners's Application for

development in this area was “not compatible” because there were various zoning districts in the surrounding areas. Appx. 2 - Transcript at p. 12, lines 13-15.

B. Commissioners’ Considerations

Commissioner Zapata presented generalized concerns based on the aesthetics in the area, the roads that would not line up, the quality of life in the area, the detrimental effect these sized lots would have on the neighbors, and the inability of neighborhood service providers to provide adequate public services. As to aesthetics, Commissioner Zapata directed a question to Staff as to whether it is preferable from a planning perspective to have a variation of lots sizes.

Staff Response: From a planning perspective, we always try to encourage different lot sizes and also a variety of homes too. It makes it— you know, more landscaping also is helpful. So from an aesthetic’s point of view, I think it is better, yes.

Commissioner Zapata: So you’re saying here that you have RU-1M(a) in all the surrounding lots. Would it not be of interest to maybe have a different type of lot size in there to create that variation that you’re speaking about?

Staff Response: Well, the zoning is RU-1M(a) in that area, but on their own, when you look at the surrounding lots the developers have mixed lots sizes. Either the corner is a little bit bigger, and they have a couple more larger lots and then as you get further, in this neighborhood in particular, a little further to the east, the lots get a little bit smaller. So this area, they’re not just 5,000-square foot lots.

Appx. 2 - Transcript- 22-23.

It is important to note that Petitioner's Application, although requesting zoning to RU-1M(a), also agreed to build lots that were over 6,000 square feet, to comply with the desired variation of lot sizes that Commissioner Zapata expressed his concerns about. Transcript However, despite the discourse quoted above in which Staff clearly demonstrated to the Commissioner that variation of lots sizes should not be a concern, and despite Petitioner's plan to vary the lots sizes in order to appease concerned neighbors, the Board nevertheless based its decision, in part, on this concern regarding varied lot sizes.

Moreover, Commissioner Zapata expressed concern regarding T-intersection, which he mischaracterized as "dead-ends" that would be created as a result of Petitioner's development on the Property. His concern was based on the ability for the area to receive "adequate public services." In particular, Commissioner Zapata imagined the difficulty that the police and fire rescue services would have in figuring out which roads were "dead ends." Appx. 2 - Transcript at p. 29, lines 9-17. Interestingly, when presented with Petitioner's Application, not a single neighborhood service provider objected and the Fire Rescue Department specifically found that such development would not impede its ability to reach the area. *See* Appx. - 1 - 96-97; *see also* Appx. 1 - 33. To conclude, Commissioner Zapata decided that

the Board should reject Petitioner's Application based on the following:

I have no idea what the landscaping is going to look like. I have no idea what this property is going to look like, what these homes are going to look like, whether or not they'll be compatible with the area. I think the way this is laid out, the size of the property, we're just basically going down a path that doesn't make sense from a planning perspective. It [would] be nice to create some variations of lot sizes. I think that the idea of creating larger lot sizes so that this area doesn't feel so compressed as it does now, I think would make sense. I think it would also give us some flexibility with regards to improving the ingress and egress into these neighborhoods, which I think is a challenge right now to the neighborhood.

ARGUMENT

In *Board of County Commissioners of Brevard County v. Snyder*, when evaluating the

burdens of proof that are to be applied in a rezoning case, the court held:

[A] landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.

Board of County Commissioners v. Snyder, 617 So. 2d 469, 476 (Fla. 1993).

Here, the Board cannot possibly carry its burden to justify its denial of Petitioners's Application. See Appx. 2 - Transcript at p. 32, lines 1-19.

I. The Board’s decision to reverse the Zoning Appeals Board was not supported by competent substantial evidence.

The Florida Supreme Court explained the meaning of the term “competent substantial

evidence” as follows:

Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. In employing the adjective “competent” to modify the word “substantial,” we are aware of the familiar rule that in administrative proceedings the formalities in the introduction of testimony common to the courts of justice are not strictly employed. We are of the view, however, that the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the “substantial” evidence should also be “competent.”

De Groot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957) (internal citations omitted).

The arguments and evidence presented to the Board on January 23, 2014 at the Commissioner’s Meeting completely fail to meet the requirements listed in the definition of “competent substantial evidence.” Specifically, it is important for this Court to note that “opinions of neighbors by themselves are insufficient to support a denial of a proposed development.” *Colonial Apartments, L.P. v. City of DeLand*, 577 So. 2d 593, 596 (Fla 5th DCA 1991); *see also Pollard v. Palm Beach County*, 560 So. 2d 1358, 1360 (Fla. 4th DCA 1990) (concluding that there was no competent

substantial evidence to form basis of County Commission's denial of application for special exception where circuit court "overlooked the law which says that opinions of residents are not factual evidence and not a sound basis for denial of a zoning change application."). Moreover, although the Board failed to articulate any findings of fact in support of its reversal of the Zoning Appeals Board's decision to approve Petitioner's application, the concerns expressed by the commissioners at the Meeting likewise fail to qualify as competent substantial evidence. *See* Appx. 2 - Transcript at p. 32, lines 1-19. Each concern expressed by Commissioner Zapata was either addressed and disproved by Petitioner, by Staff, and by Staff's Report to Community Council No. 10, completely unfounded and based on the wholly unsupported personal concerns of Commissioner Zapata. *See* Appx. - 1 - 92-94; *see also* Appx. 2 - Transcript at p. 23, lines 3-13 (Staff addressing Commissioner's concerns regarding variation of lots sizes for aesthetic purposes).

Here, the only evidence presented to the Board that could have formed its basis for reversing Zoning Appeals Board's approval of Petitioners' Application were the speculative opinions of interested neighbors that opposed the rezoning, along with a petition from seven members of the appealing organization who protested the rezoning. For example, at the Meeting before the Board, Concerned Citizens opined that rezoning the Property would have a detrimental effect on the economy of Miami-

Dade. *See* Appx. 2 - Transcript at p. 11, lines 14-25. However, not a single fact, statistic, or other shred of evidence that could qualify as competent and substantial was presented to justify such an assertion. *See Colonial Apartments, L.P.*, 577 So. 2d at 596 (noting, “opinions of neighbors by themselves are insufficient to support a denial of a proposed developmenTranscript”).

The Florida Supreme Court held that due process does not require a County to make formal findings in order to support its decision. *See Broward County v. G.B.V. International Ltd.*, 787 So. 2d at 845. However, it is important to note that the Florida Supreme Court recognized that its decision to not require written findings of fact in quasi-judicial proceedings “has been called into question in subsequent years.” *Id.* at 846. Nevertheless, on review of the lower tribunal’s decision, a circuit court must find that there was competent substantial evidence on which the Board based its decision. Here, the record is completely devoid of such evidence. Accordingly, certiorari is warranted.

II. Based on the reasons given at the hearing before the Board of County Commissioners, this Court can easily find that the Board’s decision to deny Petitioners’s Application was arbitrary, discriminatory, and unreasonable.

The Board’s refusal to rezone the Property was arbitrary, discriminatory and unreasonable. The Board’s reversal of the Zoning Appeal Board’s decision to approve

Petitioner's Application was clearly discriminatory. In the Meeting before the Board, there was no evidence sought or proffered that supports the Board's reversal of Staff's decision approving Petitioner's Application to rezone the Property from AU to RU-1M(a), while there are neighboring areas to the east and west that are both zoned as RU-1M(a). The Board failed to articulate any justification or even inquire as to why the areas to the east and west should be zoned as RU-1M(a) but not this Property, which is in between. Such a decision is clearly discriminatory, especially in light of the fact that no competent substantial evidence was presented or requested to justify such action.

Moreover, the Board's decision here was completely unreasonable in light of the research and analysis performed by its own County Staff. In particular, even though concerns about various neighborhood service providers seemed to form the basis for the Board's decision, not a single service provider objected to Petitioners's requested rezoning of the Property. *See* Appx. 1 - 95. In addition, the memoranda prepared by the neighborhood service providers and cited in Staff's Report directly conflict with the reasons given by Commissioner Zapata as his basis for reversing the Zoning Appeal Board's approval of Petitioner's application. *See* Appx. 2 - Transcript at p. 32, lines 1-19; *see contra* Appx. 1 - 92-94. For example, in the Memorandum prepared by the Miami-Dade Fire Rescue Department, the Department estimated its average travel

time to the Property at 5:15 minutes, which raised no issues for them nor for Staff. However, at the Meeting before the Board, Commissioner Zapata specifically expressed concern about the issues emergency vehicles would have in responding to calls in the area if the Property was to be rezoned and developed in accordance with Petitioner's Application. *See* Appx. 2- Transcript at p. 29, lines 9-17.

III. The Zoning Appeals Board's decision was compatible with the Comprehensive Master Development Plan for Miami-Dade County.

The decision of the Zoning Appeals Board to approve Petitioner's Application was based in part on its compatibility with the Comprehensive Master Development Plan. In *Snyder*, however, the Court found that a landowner was not presumptively entitled to a particular use of land just because it is consistent with a comprehensive plan. *Snyder*, 627 So. 2d 469 at 475. But, here, the Court should note that although Petitioner's rezoning request was specifically found to be in accordance with the comprehensive plan by the Zoning Appeals Board, the Board's decision to reverse was not based on any purported incompatibility with the Comprehensive Master Development Plan. *See* Appx. 2 - Transcript at p. 32, lines 1-19 (Commissioner Zapata failed to address "compatibility" with the comprehensive plan for the area, in listing reasons for rejecting Petitioner's Application).

Furthermore, in *Snyder*, the Court found that a party seeking a rezoning

classification may also be entitled to judicial relief where the party demonstrates that the status quo is no longer reasonable. *Snyder*, 627 So. 2d at 475 (citing *Lee County v. Sunbelt Equities II, Limited Partnership*, 619 So. 2d 996, 1005-06 (Fla. 2d DCA 1993)). Here, the effect of the status quo would result in a tiny island of AU zoning surrounded by a sea of single family houses.

[W]hen it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief **absent proof the status quo is no longer reasonable**.

Snyder, 627 So. 2d at 475 (emphasis added).

Thus, under the Florida Supreme Court's analysis in *Snyder*, for a rezoning classification to be approved, the landowner must show: (1) that the proposed change is not inconsistent with the comprehensive plan for the area; and (2) where any of several zoning classifications are consistent, the party may also be entitled to judicial relief if it can show that maintaining the status quo in that area is no longer reasonable. *Id.* Here, Petitioner was able to demonstrate and prove that its requested rezoning was not inconsistent with the Comprehensive Master Development Plant, and that maintaining the status quo – leaving a single area of AU amidst RU-1M(a) and RU-1M(b) development – is completely unreasonable. Accordingly, Petitioner

is certainly entitled to judicial relief.

CONCLUSION

For all of the foregoing reasons, Petitioners respectfully requests that this Court grant certiorari review and quash the decision of the Board of County Commissioners, instructing the reinstatement of the Zoning Appeals Board's approval of the Petitioner's Application.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-mail on **March 11, 2014**, to the following addressee(s): **R.A. CUEVAS, Jr.**, 111 NW 1st Street Suite 2810 Miami, FL 33128; attorney@miamidade.gov; **CARLOS GIMINEZ**, Miami-Dade County Office of the Mayor, Stephen P Clark Center 111 NW 1st Street, Miami, FL 33128, mayor@miamidade.gov

REINER & REINER, P.A.

Counsel for Petitioner

9100 South Dadeland Boulevard, Suite 901

Miami, Florida 33156-7815

Tel: (305) 670-8282; Fax: (305) 670-8989

sbr@reinerslaw.com; eservice@reinerslaw.com

By: _____

SAMUEL B. REINER, II; Fla. Bar No. 501549

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font requirements of FRAP 9.100(l).

REINER & REINER, P.A.

Counsel for Petitioner

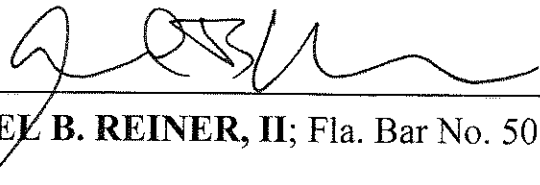
9100 South Dadeland Boulevard, Suite 901

Miami, Florida 33156-7815

Tel: (305) 670-8282; Fax: (305) 670-8989

sbr@reinerslaw.com; eservice@reinerslaw.com

By: _____


SAMUEL B. REINER, II; Fla. Bar No. 501549

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION

CASE NO.:

JOSEN NAFSHI, LLC

Petitioner,

v.

MIAMI-DADE COUNTY

Respondent.

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Respectfully submitted,

REINER & REINER, P.A.

Counsel for Petitioner

9100 South Dadeland Boulevard, Suite 901

Miami, Florida 33156-7815

Tel: (305) 670-8282; Fax: (305) 670-8989

sbr@reinerslaw.com; eservice@reinerslaw.com

By: 

SAMUEL B. REINER, II; Fla. Bar No. 501549

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Miami-Dade County
Department of Regulatory and Economic Resources

Zoning Hearings Section
111 NW 1st Street, Suite 1110
Miami, Florida 33128

August 6, 2013

TONY TOLEDO
7555 SW 30 ST.
MIAMI, FL - 33155

Re: Additional Radius Fees for Zoning Hearings # 13-055 for CARLOS J. & OLGA BENGOCHEA TRUST ET AL .

Dear TONY TOLEDO :

In order to process the aforementioned Public Hearing Application, an additional radius fee must be submitted to this office as soon as possible. The fee is required due to the nature of this application, whereas additional neighbors in a radius of **1/2 mile** are required to be notified. Scheduling of this application is withheld until this office has received the above fee.

Please return a copy of this letter with your check or money order for the amount of :
\$2,705.79 Ref. # 30424.

Please make your check payable to **Miami-Dade County Board of County Commissioner** and write the application number and reference number 30424 on your payment. If you have any questions concerning this matter, please do not hesitate to contact **FEDERICO ENDARA**, who can be reached at **(305) 375-2640** .

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Endara".

FEDERICO ENDARA
Zoning Hearing Section

ADDITIONAL RADIUS LETTER

November 4, 2013

TONY TOLEDO
7555 SW 30 ST
MIAMI, FL 33155

RE: CARLOS J. & OLGA BENGOCHEA TRUST ET AL
Appeal of Zoning Hearing for: 13-55

CZAB-10
15-54-39

Dear TONY TOLEDO :

This is to advise you that an appeal has been filed contesting the decision of the Community Zoning Appeals Board concerning the subject hearing.

When a date is set for the appeal hearing you will be notified by mail. The hearing will go before the Board of County Commissioners and will be held in the County Commission Chambers of the Stephen P. Clark Center located at 111 NW 1 Street, 2nd Floor. Included herein is a copy of the appeal for your reference.

If further information is desired, please contact the Zoning Hearings Section at (305) 375-2640.

Sincerely,



Ronald Connally, Development Supervisor
Zoning Hearings Section

*Attachment: Copy of the Appeal

APPEAL NOTIFICATION LETTER



July 25, 2013
miamidade.gov

Department of Regulatory and Economic Resources

□ **Downtown Office**
111 NW 1st Street
Miami, Florida 33128
T 305-375-2800

TONY TOLEDO
7555 SW 30 ST
MIAMI, FL 33155

RE: Public Hearing Application #Z2013000055
CARLOS J. & OLGA BENGOCHEA TRUST

Dear **TONY TOLEDO** :

In order to process the aforementioned public hearing application, the following items must be submitted to this office as soon as possible. Processing of this application will be withheld until the comments and deficiencies listed below have been addressed. An appointment is required when submitting a revised plan. Please call (305) 375-2640 to schedule an appointment when you are ready to submit revised plans.

Be advised that other Departments review your application and may have additional comments and/or deficiencies that need to be incorporated into any plan revision. You can view their comments by visiting our website at www.miamidade.gov/planzone/track/, enter your application number and open their memos by clicking on the eye icon next to each memo.

1. please note we have received a comment from traffic review and does not meet traffic concurrency.

If plans are requested above, submit one (1) complete set, along with a CD with PDF files.

If you have any questions regarding this matter, please do not hesitate to contact me. I can be reached by calling (305) 375-2640.

Sincerely,

A handwritten signature in black ink, appearing to read "Federico Endara".

Federico Endara
Zoning Hearings Section

MIAMI-DADE
COUNTY



Miami-Dade County
Department of Regulatory and Economic Resources
Zoning Hearings
PRELIMINARY NOTICE

JUN-11-13 08:41 AM

Processor: ENDARA

PH#: Z2013000055

☒ CZAB # C10 ☐ BCC Dist.: 11

Applicant: CARLOS J. & OLGA BENGOCHEA TRUST

The Applicant(s) is/are requesting a(n):

() dbc aut to ru1ma

Location: LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN THEORETICAL SW 145
Folio #: AVENUE & THEORETICAL SW 145 COURT.

3049150010170

Size of Property: 1.98 AC

Plans: NO

Radius Requested: 1/2 mile

December 26, 2013

Tony Toledo
7555 SW 30 St
Miami, FL 33155

RE: **Carlos J. & Olga Bengochea Trust Et Al**
Hearing No. 13-55

BCC
15-54-39

Dear Tony Toledo:

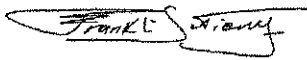
Please accept this letter as official notification that the above referenced application is scheduled to be heard before the Board Of County Commissioners on **Thursday, January 23, 2014 at 9:30 a.m.** The hearing will be held at the **COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR, 111 NW 1 Street, Miami, Florida.**

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Sincerely,



Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

C: Concerned Citizens Of West Dade, Inc. Sub. #1 Antonio Rouco
15626 Sw 23 Lane
Miami, FL 33185

HEARING NOTIFICATION LETTER

December 26, 2013

Concerned Citizens Of West Dade, Inc. Sub. #1

RE: **Carlos J. & Olga Bengochea Trust Et Al**
Hearing No. 13-55

BCC
15-54-39

Dear Concerned Citizens Of West Dade, Inc. Sub. #1:

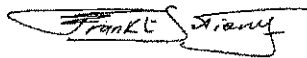
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Sincerely,



Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

Orig. Tony Toledo
7555 SW 30 St
Miami, FL 33155

c: Antonio Rouco
15626 Sw 23 Lane
Miami, FL 33185

December 26, 2013

Antonio Rouco
15626 SW 23 Lane
Miami, FL 33185

RE: **Carlos J. & Olga Bengochea Trust Et Al**
Hearing No. 13-55

BCC
15-54-39

Dear Antonio Rouco:

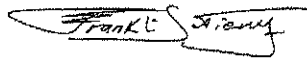
Please accept this letter as official notification that the above referenced application is scheduled to be heard before the Board Of County Commissioners on **Thursday, January 23, 2014 at 9:30 a.m.** The hearing will be held at the **COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR, 111 NW 1 Street, Miami, Florida.**

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

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Sincerely,



Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

Orig. Tony Toledo
7555 SW 30 St
Miami, FL 33155

c: Concerned Citizens Of West Da

September 13, 2013

Tony Toledo
7555 SW 30 St
Miami, FL 33155

RE: **Carlos J. & Olga Bengochea Trust Et Al**
Hearing No. 13-55

CZAB-10
15-54-39

Dear Tony Toledo:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the COMMUNITY ZONING APPEALS BOARD 10 on **Tuesday, October 15, 2013 at 6:30 p.m.** The hearing will be held at the **RUBEN DARIO MIDDLE SCHOOL, 350 NW 97 Avenue, Miami, Florida.**

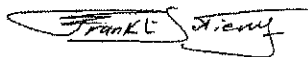
If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

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The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Be advised that if your item has not been heard prior to the ending time for this meeting, it will be deferred to the next available meeting date for this Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin Gutierrez", enclosed within a hand-drawn oval.

Franklin Gutierrez
Services Coordinator
DP&Z Agenda Coordinator's Office

DATE: 08-OCT-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

CARLOS J. & OLGA BENGOCHEA
TRUST ET AL

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

APPLICANT

ADDRESS

Z2013000055

HEARING NUMBER

HISTORY:

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

Carlos J & Olga Bengochea

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

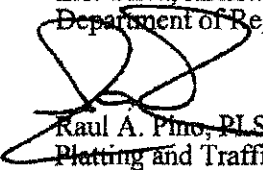
REPORTER NAME:

Memorandum



Date: October 8, 2013

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

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

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

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

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

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

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

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

Memorandum



Date: July 8, 2013

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

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

Subject: Z2013000055: CARLOS J. & OLGA BENGOCHEA TRUST

Application Name: CARLOS J. & OLGA BENGOCHEA TRUST

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

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

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

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

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

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

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: July 18, 2013

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

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the "From:" line.

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

Wellfield Protection

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

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

Potable Water Service and Wastewater Disposal

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

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

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

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

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

Stormwater Management

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

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

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

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

Wetlands

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

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

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

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

Tree Preservation

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources



MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000055 CARLOS J. & OLGA BENGOCHEA TRUST 2012

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012



EMERGENCY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1515	15 MEET AN OFFICER	0	1	1
	17 TRAFFIC ACCIDENT	10	16	12
	18 HIT AND RUN	0	0	1
	29 ROBBERY	0	0	1
	30 SHOOTING	0	0	1
	32 ASSAULT	0	1	0
	41 SICK OR INJURED PERSON	46	42	48
	44 ATTEMPTED SUICIDE	0	0	1
	49 FIRE	0	3	3
TOTAL FOR GRID 1515		56	63	68
		Reported: 10	Reported: 16	Reported: 15
		Not Reported: 46	Not Reported: 47	Not Reported: 53
TOTAL EMERGENCY		56	63	68



MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000055 CARLOS J. & OLGA BENGOCHEA TRUST 2012

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012



PRIORITY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1515	14 CONDUCT INVESTIGATION	19	4	11
	15 MEET AN OFFICER	1	1	0
	17 TRAFFIC ACCIDENT	0	0	1
	22 AUTO THEFT	0	1	0
	26 BURGLARY	3	5	3
	32 ASSAULT	6	8	10
	34 DISTURBANCE	6	8	8
	49 FIRE	1	2	2
TOTAL FOR GRID 1515		36	29	35
		Reported: 5	Reported: 4	Reported: 6
		Not Reported: 31	Not Reported: 25	Not Reported: 29
TOTAL PRIORITY		36	29	35



MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000055 CARLOS J. & OLGA BENGOCHEA TRUST 2012

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012



ROUTINE

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P. LYTD 2010
1515	13 SPECIAL INFORMATION/ASSIGNMENT	109	115	60
	14 CONDUCT INVESTIGATION	104	119	109
	15 MEET AN OFFICER	14	22	15
	16 D.U.I.	2	0	3
	17 TRAFFIC ACCIDENT	89	105	95
	18 HIT AND RUN	16	12	14
	19 TRAFFIC STOP	175	95	108
	20 TRAFFIC DETAIL	27	21	23
	21 LOST OR STOLEN TAG	5	5	8
	22 AUTO THEFT	12	7	8
	25 BURGLAR ALARM RINGING	271	289	277
	26 BURGLARY	53	55	41
	27 LARCENY	31	18	31
	28 VANDALISM	11	10	10
	29 ROBBERY	1	0	1
	32 ASSAULT	15	21	18
	33 SEX OFFENSE	3	6	1
	34 DISTURBANCE	155	141	187
	36 MISSING PERSON	4	11	2
	37 SUSPICIOUS VEHICLE	31	26	31
	38 SUSPICIOUS PERSON	11	18	11
	39 PRISONER	4	9	2
	41 SICK OR INJURED PERSON	21	22	14
	43 BAKER ACT	3	5	4
	45 DEAD ON ARRIVAL	1	3	3
	49 FIRE	2	1	1
	52 NARCOTICS INVESTIGATION	14	12	17
	54 FRAUD	22	19	20
TOTAL FOR GRID 1515		1206	1167	1114
		Reported: 478	Reported: 518	Reported: 483
		Not Reported: 728	Not Reported: 649	Not Reported: 631
TOTAL ROUTINE		1206	1167	1114
GRAND TOTAL		1298	1259	1217



MIAMI DADE POLICE DEPARTMENT
57B - Summarized CFS Year Comparison By Call Type-Grid-Signal
Report Filters



Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

Grid: 1515

Signal: 13 SPECIAL INFORMATION/ASSIGNMENT, 14 CONDUCT INVESTIGATION, 15 MEET AN OFFICER, 16 D.U.I., 17 TRAFFIC ACCIDENT, 18 HIT AND RUN, 19 TRAFFIC STOP, 20 TRAFFIC DETAIL, 21 LOST OR STOLEN TAG, 22 AUTO THEFT, 23 CLEARANCE CHECK, 24 COMPLETE CHECK, 25 BURGLAR ALARM RINGING, 26 BURGLARY, 27 LARCENY, 28 VANDALISM, 29 ROBBERY, 30 SHOOTING, 31 HOMICIDE, 32 ASSAULT, 33 SEX OFFENSE, 34 DISTURBANCE, 35 INTOXICATED PERSON - MYERS ACT, 36 MISSING PERSON, 37 SUSPICIOUS VEHICLE, 38 SUSPICIOUS PERSON, 39 PRISONER, 40 SUBJECT POSSIBLY WANTED, 41 SICK OR INJURED PERSON, 42 AMBULANCE, 43 BAKER ACT, 44 ATTEMPTED SUICIDE, 45 DEAD ON ARRIVAL, 46 MEDICAL DETAIL, 47 BOMB OR EXPLOSIVE ALERT, 48 EXPLOSION, 49 FIRE, 50 ORGANIZED CRIME FIGURE, 51 NARCOTICS VIOLATOR, 52 NARCOTICS INVESTIGATION, 53 ABDUCTION, 54 FRAUD, 55 WEAPONS VIOLATION

Agency: MIAMI-DADE

District:

Call Type: PRIORITY, ROUTINE, EMERGENCY

Primary Unit: Primary Unit not contains '0000' 'SB' 'CR' or Primary Unit does not exists

CDW Package

Memorandum



Date: June 27, 2013

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

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

Subject: 13_055
Carlos J and Olga Bengochea Trust

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

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

Size: The subject property is approximately 1.98 acres.

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

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

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

3. Recycling

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

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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



Miami-Dade County
Department of Regulatory and Economic Resources

REQUEST FOR LEGAL DESCRIPTION CHECK

Public Hearing No. **Z2013000055**

Application Date **Jun. 4, 2013**

TO: Zoning Drafting Section

RETURN TO: **FEDERICO ENDARA** - Zoning Hearings Section after completed and signed below.

LEGAL DESCRIPTION

SUBMITTED DATE: **06/11/13**

*revisions can only be made up to the 3rd day of the following 1st or 2nd filing period.

Applicant: **CARLOS J. & OLGA BENGOCHEA TRUST**

Property Owner: **CARLOS J. & OLGA BENGOCHEA TRUST**

Contiguous property: **No**

Radius: **1/2 mile**

DRI: **No**

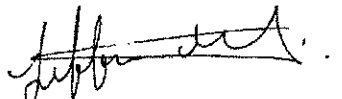
Legal Description:

TRACT 6 LESS THE WEST 357.4 FEET OF J G HEAD'S FARMS SUB PB 46 PG 44

Above Legal description Status is: **Correct**

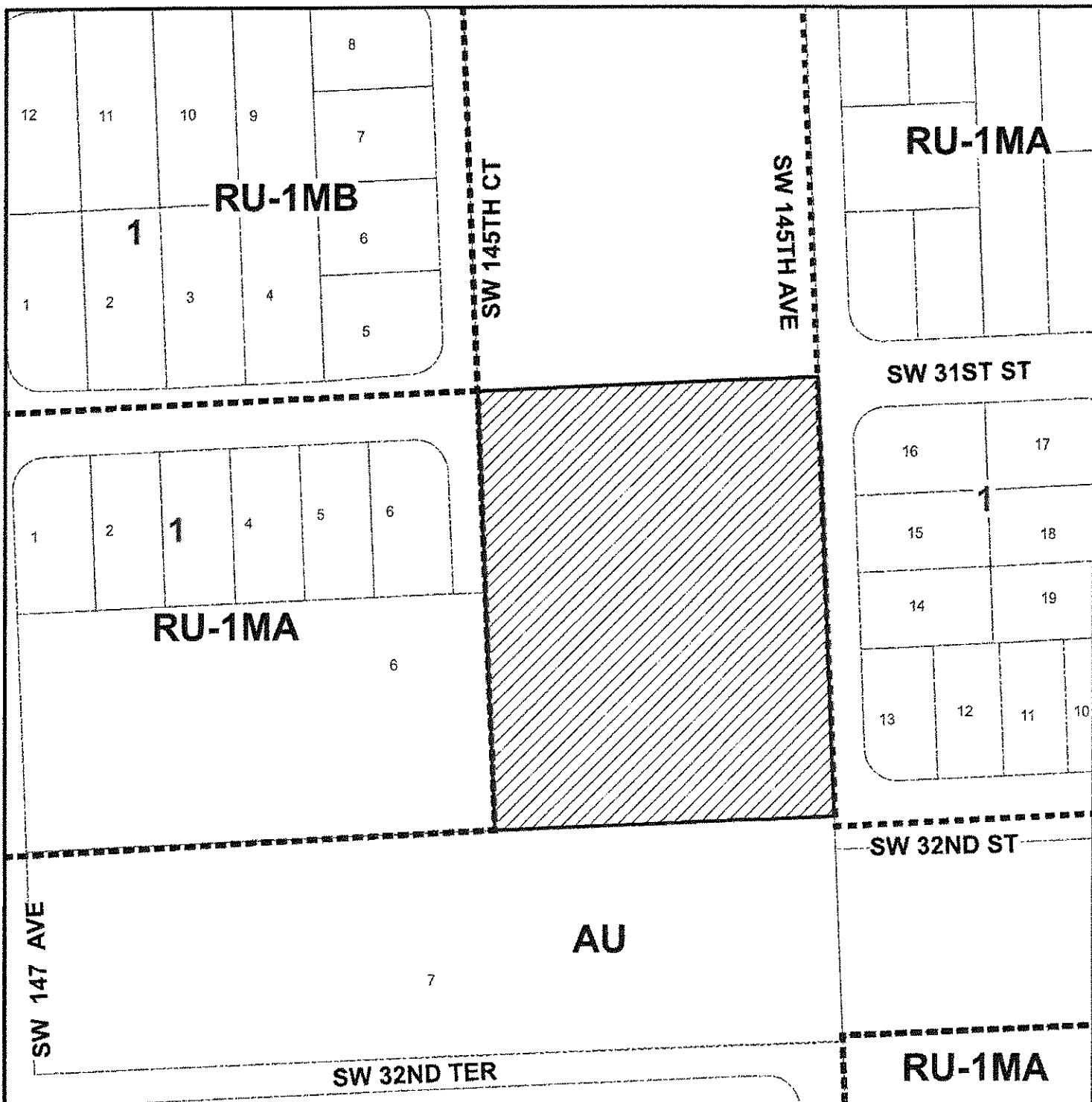
Includes the legal description for the contiguous property.

Drafter


JEFFER GURDIAN

Date: **06/27/13**

TO BE RETAINED IN FILE



MIAMI-DADE COUNTY
HEARING MAP

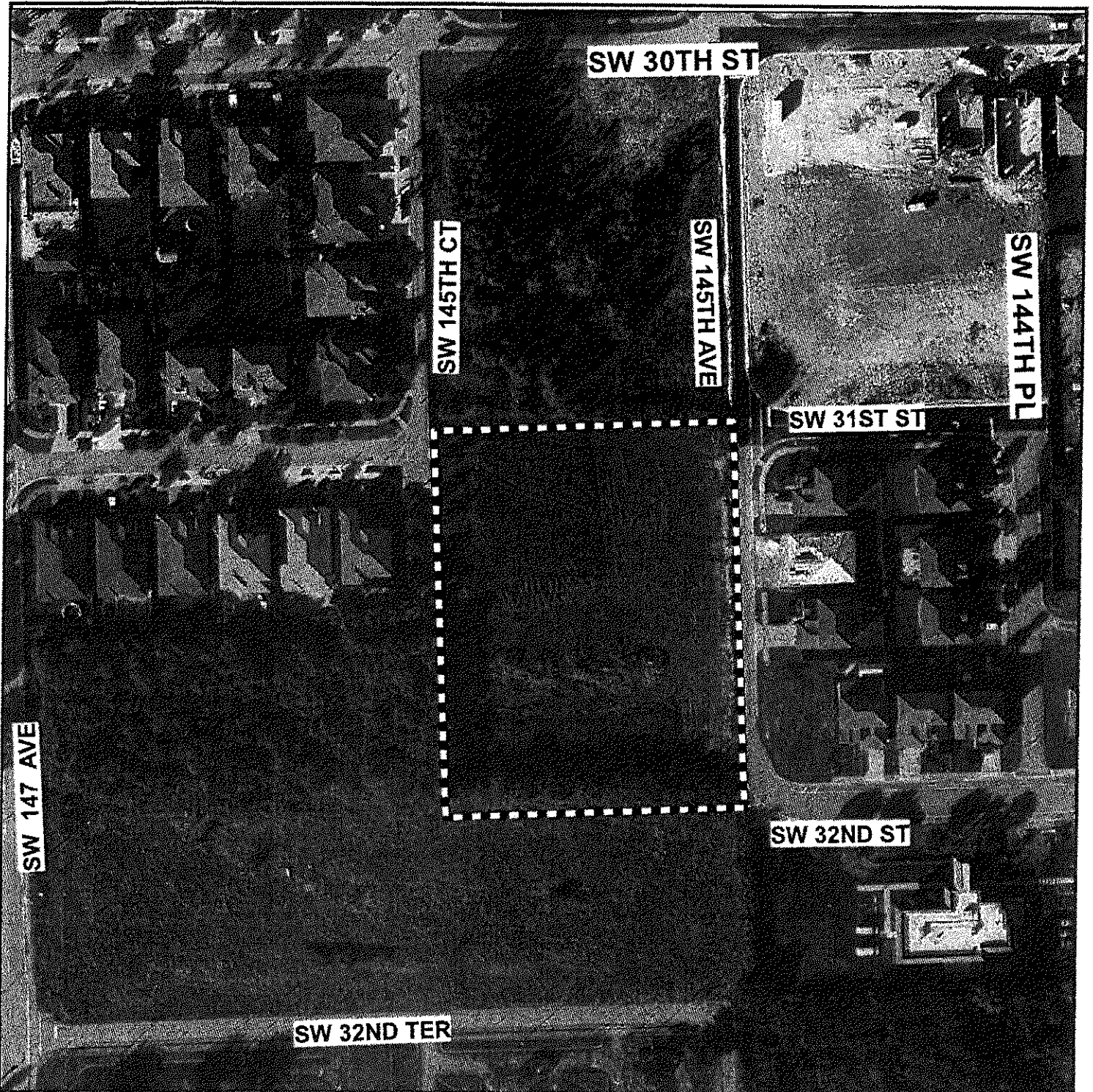
Process Number
Z2013000055

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

Legend

 Subject Property Case





MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000055



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

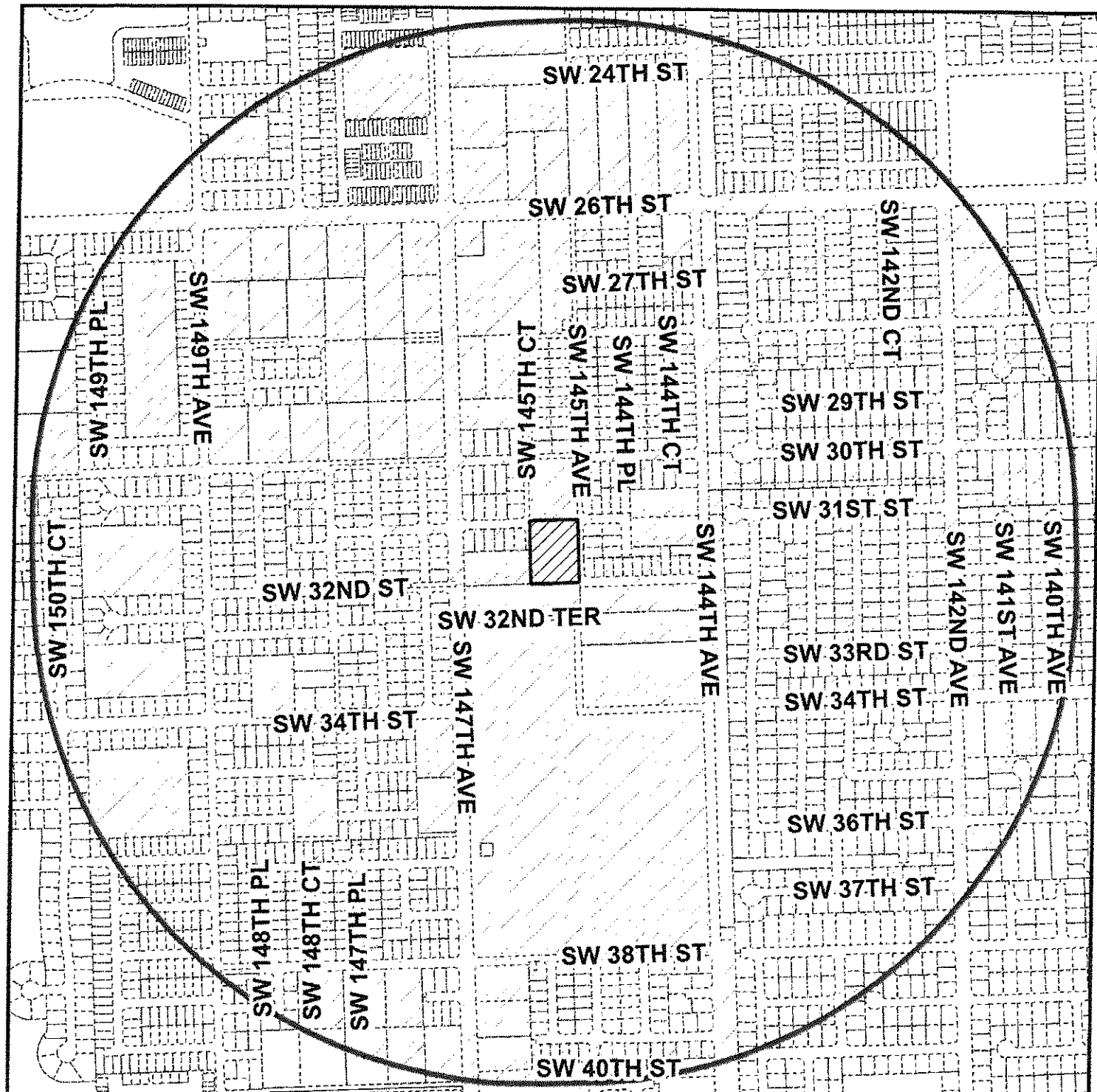
Legend

 Subject Property



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY
	Appx. 1	24



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2013000055

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

RADIUS: 2640



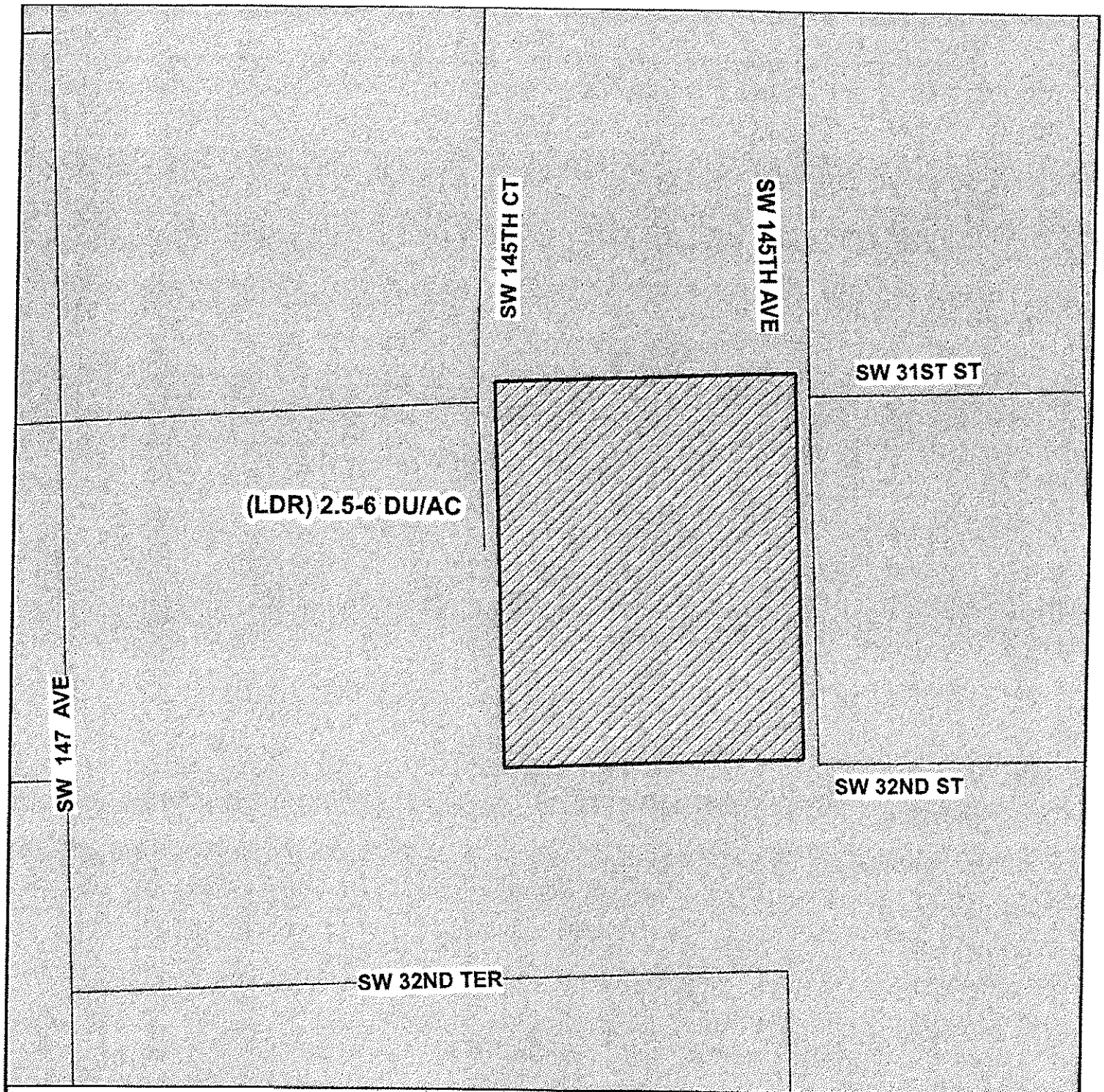
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY
	Appx. 1	25



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000055

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



Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, June 27, 2013

REVISION	DATE	BY
Appx. 1 - 26		

September 26, 2013

Tony Toledo
7555 SW 30 St
Miami, FL 33155

RE: **Carlos J. & Olga Bengochea Trust Et Al**
Hearing No. 13-55

CZAB-10
15-54-39

Dear Tony Toledo:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the COMMUNITY ZONING APPEALS BOARD 10 on **Tuesday, October 15, 2013 at 6:30 p.m.** The hearing will be held at the **RUBEN DARIO MIDDLE SCHOOL, 350 NW 97 Avenue, Miami, Florida.**

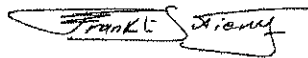
If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Be advised that if your item has not been heard prior to the ending time for this meeting, it will be deferred to the next available meeting date for this Board.

Sincerely,

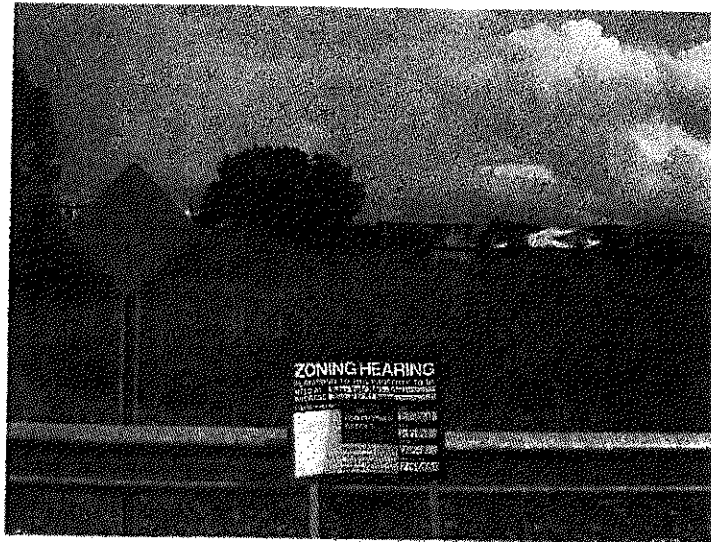
A handwritten signature in black ink, appearing to read "Franklin Gutierrez", written over a horizontal line.

Franklin Gutierrez
Services Coordinator
DP&Z Agenda Coordinator's Office



Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2013000055

BOARD: C10

**LOCATION OF SIGN: LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN
THEORETICAL SW 145 AVENUE & THEORETICAL SW 145
COURT.**

Miami Dade County, Florida

Date of Posting: 23-SEP-13

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

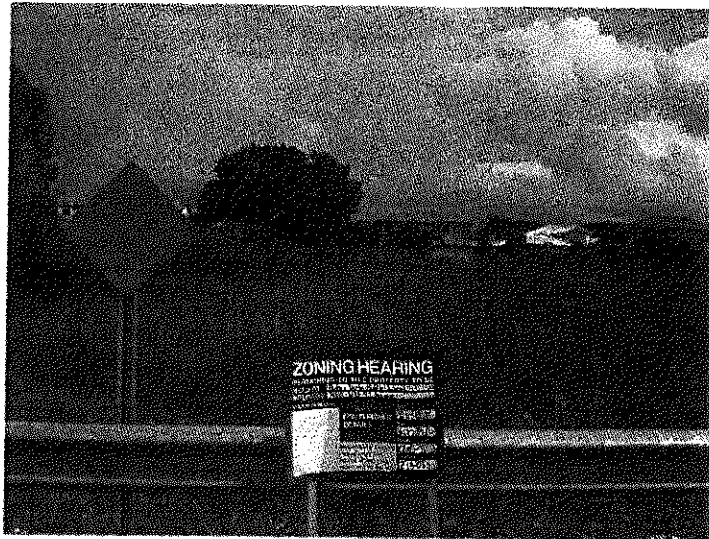
PRINT NAME:

THOMAS GOMEZ



Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2013000055

BOARD: C10

**LOCATION OF SIGN: LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN
THEORETICAL SW 145 AVENUE & THEORETICAL SW 145
COURT.**

Miami Dade County, Florida

Date of Posting: 23-SEP-13

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

PRINT NAME:

THOMAS GOMEZ



PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING





Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2013000055

BOARD: BCC

**LOCATION OF SIGN: LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN
THEORETICAL SW 145 AVENUE & THEORETICAL SW 145
COURT.**

Miami Dade County, Florida

Date of Posting: 31-DEC-13

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

A handwritten signature in cursive script, appearing to read "T. Gomez".

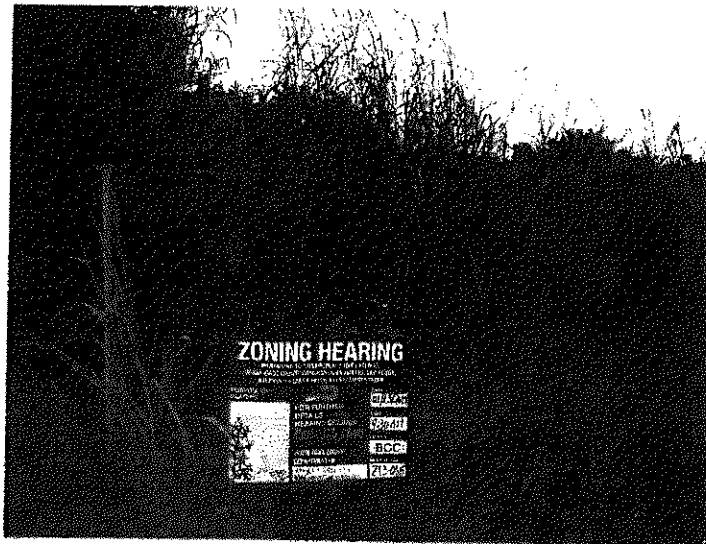
PRINT NAME:

THOMAS GOMEZ



Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2013000055

BOARD: BCC

**LOCATION OF SIGN: LYING SOUTH OF THEORETICAL SW 31 ST, BETWEEN
THEORETICAL SW 145 AVENUE & THEORETICAL SW 145
COURT.**

Miami Dade County, Florida

Date of Posting: 31-DEC-13

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

PRINT NAME:

THOMAS GOMEZ

Memorandum



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

Fire Prevention Unit:

- No objection via Case #Z2013000055

Service Impact/Demand

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

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

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

Existing services

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

Planned Service Expansions:

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

Fire Planning Additional Comments

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

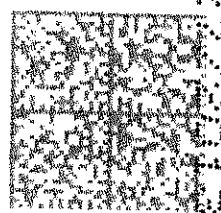
For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.



MIAMI-DADE County
 Department of Regulatory & Economic Resources
 111 N. W. 1st Street Suite 1110
 Miami, Florida 33128-1974
<http://www.miamidade.gov/business/zoning.asp>

PRESORT 1ST CLASS

Presort
 First Class Mail
 ComBasPrice

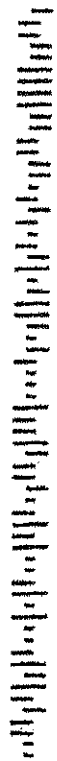


ZIP 33128 \$ 000.36
 02 1M
 0001382995 DEC 26 2013

RETURN SERVICE REQUESTED

Z2013000055 BCC 1825
 MIAMI-DADE COUNTY
 DEPARTMENT OF PLANNING & ZONING
 ZONING HEARING SECTION
 111 N.W. 1 STREET SUITE 1110
 MIAMI, FLORIDA 33128-1974

KLX-1500 33128



OPENING INSTRUCTIONS
 95m REVERSE SIDE FOR

APPEALS OF COMMUNITY ZONING APPEALS BOARDS' DECISIONS TO THE BOARD OF COUNTY COMMISSIONERS

- * For those types of Community Zoning Appeals Board decisions that may be appealed to the Board of County Commissioners, the appeal period runs 14 days from the date the results of the Community Zoning Appeals Board are posted in the Department of Regulatory and Economic Resources.
- * Results are typically posted on the Monday following a hearing.
- * Appeals to the Board of County Commissioners are filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources in a form presented for appeals. An appeal fee is required to be submitted with the appeal form.

APPEALS OF THE BOARD OF COUNTY COMMISSIONERS & COMMUNITY ZONING APPEALS BOARDS' DECISIONS TO CIRCUIT COURT

- * Decisions of the Board of County Commissioners will require that unless appealed to the Circuit Court by an aggrieved party.
- * Appeals of Commission and approved Community Zoning Appeals Board decisions must be filed with the Circuit Court of the Eleventh Judicial Circuit within 30 days from the date of finalization of the resolution to the Clerk of the Board of County Commissioners.

PLEASE NOTE THAT THE APPLICATION MAY CHANGE DURING THE HEARING PROCESS.

FOR ANY FURTHER INFORMATION ON THE ZONING HEARING PROCESS, PLEASE CONTACT THE ZONING HEARINGS SECTION AT (800) 375-2660

FOR YOUR INFORMATION: NOTICE OF ZONING HEARING IN YOUR AREA

This notice is to advise you that a zoning hearing application has been filed with the Miami-Dade County Department of Regulatory and Economic Resources which may be of interest to you and your immediate neighborhood. The name of the applicant, what is being contested and the location of the property that would be affected are contained on the inside of this notice. The following information is provided to assist you in determining if you want to participate in the zoning hearing process:

- * YOU are entitled to attend and to speak at the zoning hearing.
- * YOU may submit written letters or petitions in favor of, or opposing this hearing.
- * YOUR testimony along with county departmental recommendations and other evidence presented at the hearing will assist the zoning board in making its decision.
- * YOU are entitled to discuss the application with the professional county staff members that are reviewing the application prior to the hearing.
- * YOU cannot, however, in accordance with a court ruling, contact a County Commissioner or Community Zoning Appeals Board member individually, either orally or in writing, about the application outside of the public hearing.
- * YOU will know of the zoning board's decision at the hearing unless this case is deferred by the board to another date.
- * YOU may appeal any zoning decision if your name appears in the official record of the case. However, citizens who wish to APPEAL a zoning decision should be aware of the following:
 - Decisions of all community zoning appeals boards will become final unless appealed by an aggrieved party.
 - Appeals from community zoning appeals boards are made either to the board of county commissioners or to circuit court, depending on the type of application.

WEB PAGE TO VIEW THE HEARING FILE AT:
WWW.MIAMIDADE.GOV/ZONING/TRACK/HOME.ASP

INSTRUCTIONS UNDER FLAP

HEARING NUMBER: 13-055
APPLICANT NAME: CARLOS J. & OLGA BENGOCHEA TRUST
ET AL

CONCERNED CITIZENS OF WEST DADE, INC. SUBDIVISION
#1 IS APPEALING THE DECISION OF COMMUNITY ZONING
APPEALS BOARD #10 ON CARLOS J. & OLGA BENGOCHEA
TRUST, ET AL WHICH APPROVED THE FOLLOWING:

THE APPLICANTS ARE REQUESTING A DISTRICT BOUNDARY
CHANGE FROM AU (AGRICULTURAL) TO RU-1M(A)
SINGLE-FAMILY MODIFIED RESIDENTIAL-5,000 SQ.FT.)
ZONE, ON THIS SITE.

LOCATION: LYING SOUTH OF THEORETICAL SW 31 STREET,
BETWEEN THEORETICAL SW 145 AVENUE & THEORETICAL
SW 145 COURT, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.98 ACRES.

ADDITIONAL INFORMATION IS NEEDED, PLEASE CALL
(305) 375-2640, HEARING SECTION, OR VISIT OUR

HEARING WILL BE HELD AT THE
MIAMI-DADE COUNTY-STEPHEN P. CLARK CTR
BOARD OF COUNTY COMMISSIONERS CHAMBERS
111 NW 1ST. STREET, 2ND FLOOR
MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
DATE 01/23/2014
THURSDAY
TIME 9:30 AM

MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

PLEASE NOTE THAT THIS NOTICE IS FOR A ZONING HEARING IN YOUR AREA AND IS

FOR YOUR INFORMATION ONLY.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER BELOW AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110 MIAMI FLORIDA 33128-1574. FOR FURTHER INFORMATION, PLEASE CALL THE ZONING HEARINGS SECTION AT (305) 375-2846 OR VISIT OUR WEB SITE AT WWW.MIAMI-DADE.GOV/BUSINESS/TRACK/HOME.ASP. IF YOU ARE IN NEED OF A TRANSLATOR FOR THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE BY CALLING (305) 375-1244 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING NO. 13-10-CZ10-5 (13-55)

15-54-39

BCC

Comm. Dist. 11

APPLICANT: CARLOS J. & OLGA BENGOCHEA TRUST, ET AL

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

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

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

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

SIZE OF PROPERTY: 1.98 Acres

AU (Agricultural-Residential 5 Acres Gross)

RU-1M(a) (Modified Single Family 5,000 sq. ft. net)



Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

December 26, 2013

HEARING NOTIFICATION LETTER

Tony Toledo
7555 SW 30 St
Miami, FL 33155

RE: Carlos J. & Olga Bengochea Trust Et Al
Hearing No. 13-55

BCC
15-54-39

Dear Tony Toledo:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the Board Of County Commissioners on **Thursday, January 23, 2014 at 9:30 a.m.** The hearing will be held at the **COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR, 111 NW 1 Street, Miami, Florida.**

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

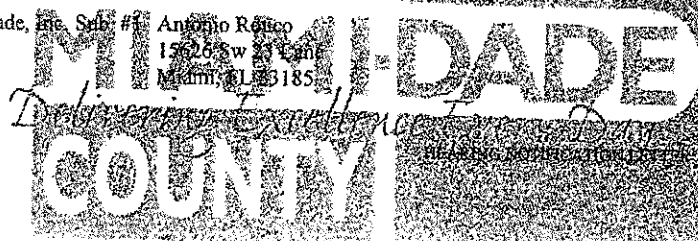
If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Sincerely,

Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

c: Concerned Citizens Of West Dade, Inc. Sub. #1 Antonio Rocio
15626 Sw 33rd Ave
Miami, FL 33185





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

December 26, 2013

HEARING NOTIFICATION LETTER

Antonio Rouco
15626 SW 23 Lane
Miami, FL 33185

RE: Carlos J. & Olga Bengochea Trust Et Al
Hearing No. 13-55

BCC
15-54-39

Dear Antonio Rouco:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the Board Of County Commissioners on **Thursday, January 23, 2014 at 9:30 a.m.** The hearing will be held at the **COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR, 111 NW 1 Street, Miami, Florida.**

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

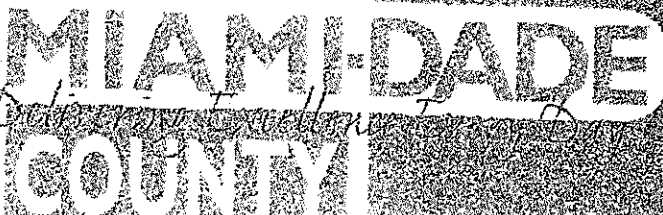
The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Sincerely,

Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

Orig. Tony Toledo
7555 SW 30 St
Miami, FL 33155

c: Concerned Citizens Of West Da





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

December 26, 2013

HEARING NOTIFICATION LETTER

Concerned Citizens Of West Dade, Inc. Sub. #1

RE: Carlos J. & Olga Bengochea Trust Et Al
Hearing No. 13-55

BCC
15-54-39

Dear Concerned Citizens Of West Dade, Inc. Sub. #1:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the Board Of County Commissioners on **Thursday, January 23, 2014 at 9:30 a.m.** The hearing will be held at the **COUNTY COMMISSIONERS CHAMBERS OF THE STEPHEN P. CLARK CENTER - 2ND FLOOR, 111 NW 1 Street, Miami, Florida.**

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

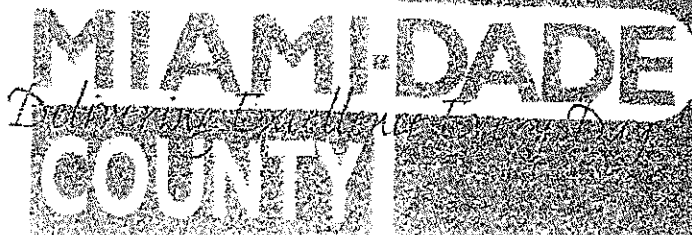
The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Sincerely,

Franklin Gutierrez
Services Coordinator
RER Agenda Coordinator's Office

Orig. Tony Toledo
7555 SW 30 St
Miami, FL 33155

c: Antonio Rouco
15626 Sw 23 Lane
Miami, FL 33185





Miami-Dade County
Department of Regulatory and Economic Resources

BCC

AFFIDAVIT FOR MAILING OF FINAL NOTICES

Re: HEARING No. Z2013000055

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

✓ 1/2 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature:

Jeffer Gurdian

Date:

06/27/13

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature:

Felix Acosta

Date:

12/24/13

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature:

Date:

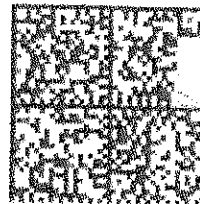
12-26-13

.....
To be retained in Hearing File



Miami-Dade County
Department of Regulatory & Economic Resources
111 N. W. 1st Street Suite 1110
Miami, Florida 33128-1974
<http://www.miamidade.gov/business/zoning.asp>

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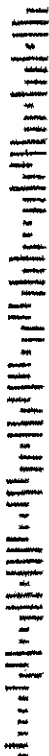
US POSTAGE PITNEY BOWES

RETURN SERVICE REQUESTED

ZONING HEARING NOTICE

Z2013000055 C10 1824
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

HLW-SSB 33128



APPEALS OF COMMUNITY ZONING APPEALS BOARDS' DECISIONS TO THE BOARD OF COUNTY COMMISSIONERS

- * For those types of Community Zoning Appeals Board decisions that may be appealed to the Board of County Commissioners, the appeal period runs 14 days from the date the results of the Community Zoning Appeals Board are posted in the Department of Regulatory and Economic Resources.
- * Results are typically posted on the Monday following a hearing
- * Appeals to the Board of County Commissioners are filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources on a form prescribed for appeals. An appeal fee is required to be submitted with the appeal form.

APPEALS OF THE BOARD OF COUNTY COMMISSIONERS & COMMUNITY ZONING APPEALS BOARDS' DECISIONS TO CIRCUIT COURT

- * Decisions of the Board of County Commissioners will become final unless appealed to the Circuit Court by an aggrieved party.
- * Appeals of Commission and applicable Community Zoning Appeals Board decisions must be filed with the Circuit Court of the Eleventh Judicial Circuit within 30 days from the date of transmittal of the resolution to the Clerk of the Board of County Commissioners.

PLEASE NOTE THAT THE APPLICATION MAY CHANGE DURING THE HEARING PROCESS.

FOR ANY FURTHER INFORMATION ON THE ZONING HEARING PROCESS, PLEASE CONTACT THE ZONING HEARINGS SECTION AT (909) 379-6840

MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING
PLEASE NOTE THAT THIS NOTICE IS FOR A ZONING HEARING IN YOUR AREA AND IS
FOR YOUR INFORMATION ONLY.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER BELOW AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974. FOR FURTHER INFORMATION, PLEASE CALL THE ZONING HEARINGS SECTION AT (305) 375-2840 OR VISIT OUR WEB SITE AT WWW.MIAMIDADE.GOV/BUSINESS/TRACKHOME.ASP. IF YOU ARE IN NEED OF A TRANSLATOR FOR THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE BY CALLING (305) 375-1244 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE

HEARING NUMBER: 13-055
APPLICANT NAME: CARLOS J. & OLGA BENGOCHEA TRUST
ET AL

THE APPLICANTS ARE REQUESTING A DISTRICT BOUNDARY
CHANGE FROM AU (AGRICULTURAL) TO RU-1M(A)
SINGLE-FAMILY MODIFIED RESIDENTIAL-5,000 SQ.FT.)
ZONE, ON THIS SITE.

LOCATION: LYING SOUTH OF THEORETICAL SM 31 STREET
BETWEEN THEORETICAL SM 145 AVENUE & THEORETICAL
SM 145 COURT, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.98 ACRES.

IF FURTHER INFORMATION IS NEEDED, PLEASE CALL
(305)375-2640, HEARING SECTION, OR VISIT OUR
WEB PAGE TO VIEW THE HEARING FILE AT:
www.miamidade.gov/zoning/track/home.asp

HEARING WILL BE HELD AT THE
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 AVENUE
MIAMI-DADE COUNTY, FLORIDA

COMMUNITY ZONING APPEALS BOARD 10
DATE 10/15/2013
TUESDAY
TIME 6:30 PM

FOR YOUR INFORMATION: NOTICE OF ZONING HEARING IN YOUR AREA

This notice is to advise you that a zoning hearing application has been filed with the Miami-Dade County Department of Regulatory and Economic Resources which may be of interest to you and your immediate neighborhood. The name of the applicant, what is being requested and the location of the property that would be affected are contained on the inside of this notice. The following information is provided to assist you in determining if you want to participate in the zoning hearing process.

- * YOU are entitled to attend and to speak at the zoning hearing.
- * YOU may submit written letters or petitions in favor of, or opposing this hearing.
- * YOUR testimony along with county departmental recommendations and other evidence presented at the hearing will assist the zoning board in making its decision.
- * YOU are entitled to discuss the application with the professional county staff members that are reviewing the application prior to the hearing.
- * YOU cannot, however, in accordance with a court ruling, contact a County Commissioner or Community Zoning Appeals Board member individually, either orally or in writing, about the application outside of the public hearing.
- * YOU will know of the zoning board's decision at the hearing unless this case is deferred by the board to another date.
- * YOU may appeal any zoning decision if your name appears in the official record of the case. However, citizens who wish to APPEAL a zoning decision should be aware of the following:
 - * Decisions of all community zoning appeals boards will become final unless appealed by an aggrieved party.
 - * Appeals from community zoning appeals boards are made either to the board of county commissioners or to circuit court, depending on the type of application.

INSTRUCTIONS UNDER FLAP



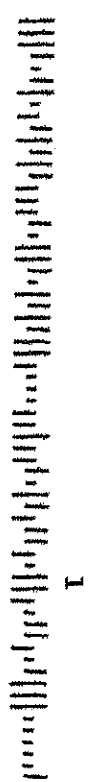
Miami-Dade County
 Department of Regulatory & Economic Resources
 111 N. W. 1st Street Suite 1110
 Miami, Florida 33128-1974
<http://www.miamidade.gov/business/zoning.asp>

PEZNINGO

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING & ZONING

Z2013000055 C10 1825
 MIAMI-DADE COUNTY
 DEPARTMENT OF PLANNING & ZONING
 ZONING HEARING SECTION
 111 N.W. 1 STREET SUITE 1110
 MIAMI, FLORIDA 33128-1974

CLW-SEB 33128



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RETURN SERVICE REQUESTED

000 REVER 2 SIDE FOR
 OPENING INSTRUCTIONS

APPEALS OF COMMUNITY ZONING APPEALS BOARDS' DECISIONS TO THE BOARD OF COUNTY COMMISSIONERS

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PLEASE NOTE THAT THE APPLICATION MAY CHANGE DURING THE HEARING PROCESS.

FOR ANY FURTHER INFORMATION ON THE ZONING HEARING PROCESS PLEASE CONTACT THE ZONING HEARINGS SECTION AT (850) 339-9540

FOR YOUR INFORMATION: NOTICE OF ZONING HEARING IN YOUR AREA

This notice is to advise you that a zoning hearing application has been filed with the Miami-Dade County Department of Regulatory and Economic Resources which may be of interest to you and your immediate neighborhood. The name of the applicant, what is being requested and the location of the property that would be affected are contained on the inside of this notice. The following information is provided to assist you in determining if you want to participate in the zoning hearing process.

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 - * Appeals from community zoning appeals boards are made either to the board of county commissioners or to circuit court, depending on the type of application.

INSTRUCTIONS UNDER FLAP

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BEFORE HEARING DATE. REFER TO HEARING NUMBER BELOW AND MAIL SAME TO MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES AGENDA COORDINATOR, 111 NW 1 STREET,
SUITE 1110, MIAMI FLORIDA 33128-1972. FOR FURTHER INFORMATION, PLEASE CALL THE ZONING HEARINGS
SECTION AT (305) 375-2840 OR VISIT OUR WEB SITE AT WWW.MIAMI-DADE.GOV/BUSINESS/TRACKHOME.ASP. IF
YOU ARE IN NEED OF A TRANSLATOR FOR THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE BY
CALLING (305) 375-1244 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING NUMBER: 13-055
APPLICANT NAME: CARLOS J. & OLGA BENGOCHEA TRUST
THE APPLICANTS ARE REQUESTING A DISTRICT BOUNDARY
CHANGE FROM AU(AGRICULTURE) TO RU-1M(A)(MODIFIED
SINGLE-FAMILY 5,000 SQ. FT. NET)

LOCATION: LYING SOUTH OF THEORETICAL SM 31 STREET
BETWEEN THEORETICAL SM 145 AVENUE & THEORETICAL
SM 145 COURT, MIAMI-DADE COUNTY, FL

SIZE OF PROPERTY: 1.98 AC

HEARING WILL BE HELD AT THE
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 AVENUE
MIAMI-DADE COUNTY, FLORIDA

THIS IS A PRELIMINARY
NOTICE ONLY. PRIOR TO
THE HEARING, MORE
SPECIFIC INFORMATION
WILL BE SENT TO YOU.

HEARING NO. 13-10-CZ10-5 (13-55)

15-54-39
Council Area 10
Comm. Dist. 11

APPLICANT: CARLOS J. & OLGA BENGOCHEA TRUST, ET AL

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

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

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

SIZE OF PROPERTY: 1.98 Acres

AU (Agricultural-Residential 5 Acres Gross)
RU-1M(a) (Modified Single Family 5,000 sq. ft. net)



HEARING NO. 13-10-CZ10-5 (13-55)

15-54-39
Council Area 10
Comm. Dist. 11

APPLICANT: CARLOS J. & OLGA BENGOCHEA TRUST, ET AL

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

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

SIZE OF PROPERTY: 1.98 Acres

AU (Agricultural-Residential 5 Acres Gross)
RU-1M(a) (Modified Single Family 5,000 sq. ft. net)



Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

September 26, 2013

HEARING NOTIFICATION LETTER

Tony Toledo
7555 SW 30 St
Miami, FL 33155

RE: Carlos J. & Olga Bengochea Trust Et Al
Hearing No. 13-55

CZAB-10
15-54-39

Dear Tony Toledo:

Please accept this letter as official notification that the above referenced application is scheduled to be heard before the COMMUNITY ZONING APPEALS BOARD 10 on **Tuesday, October 15, 2013 at 6:30 p.m.** The hearing will be held at the RUBEN DARIO MIDDLE SCHOOL, 350 NW 97 Avenue, Miami, Florida.

If you have submitted plans, please bring a copy to the hearing. *Large exhibits may be brought to the hearing, however, an identical letter-size copy of each exhibit must be submitted for the file.*

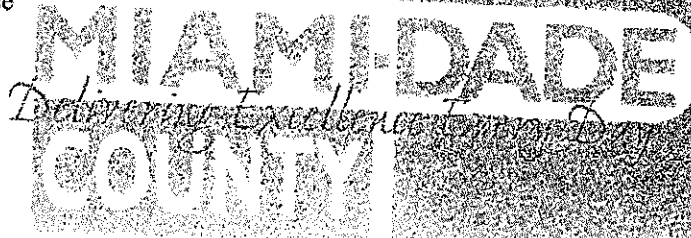
If you are in need of a Translator for this meeting, one can be provided for you at no charge by calling (305) 375-1244, at least two weeks in advance of the meeting date.

The applicant and/or the applicant's attorney must be present at the hearing. All others must have a pre-approved power of attorney to represent the applicant. Forms for the power of attorney are available in the Zoning Hearing Section. The completed power of attorney form must be submitted to Federico Endara, Zoning Hearings Processor at least seven (7) days prior to the scheduled Zoning Hearing. Processor will submit this form to be reviewed by the Legal Counsel Department a minimum of three (3) days prior to the Zoning Hearing.

Be advised that if your item has not been heard prior to the ending time for this meeting, it will be deferred to the next available meeting date for this Board.

Sincerely,

Franklin Gutierrez
Services Coordinator
DP&Z Agenda Coordinator's Office





C-10

Miami-Dade County
Department of Regulatory and Economic Resources

AFFIDAVIT FOR MAILING OF FINAL NOTICES

Re: HEARING No. Z2013000055

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

✓ 1/2 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature:

Jeffer Gurdian

Date:

06/27/13

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature:

Felix Acosta

Date:

09/18/13

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature:

Date:

9-18-13

.....
To be retained in Hearing File



C-10

Miami-Dade County
Department of Regulatory and Economic Resources

AFFIDAVIT FOR MAILING OF PRELIMINARY NOTICES

Re: HEARING No. Z2013000055

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

✓ 1/2 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature:

Jeffer Gurdian

Date:

06/27/13

.....

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature:

Lilian Gongora

Date:

08/06/13

.....

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature:

Date:

8-6-13

.....

To be retained in Hearing File

PUBLIC HEARING

ZONING HEARING

BOARD OF COUNTY COMMISSIONERS
THURSDAY, JANUARY 23, 2014 - 9:30 A.M.
COMMISSION CHAMBERS - 2nd FLOOR
STEPHEN P. CLARK CENTER
111 NW 1 STREET, MIAMI, FLORIDA
THE LIST BELOW CONTAINS ZONING ITEMS WHICH MAY BE
OF INTEREST TO YOUR IMMEDIATE NEIGHBORHOOD.

1. CARLOS J. & OLGA BENGOCHEA TRUST ET AL (13-35)

Location: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue and theoretical SW 145 Court, Miami-Dade County, Florida.

Size of property: 1.98 Acres

Concerned Citizens of West Dade, Inc. Subdivision #1 is appealing the decision of Community Zoning Appeals Board #10 on Carlos J. & Olga Bengochea Trust, ET AL when approved the following:

The applicants are requesting a District Boundary Change from AU (Agricultural) to RU-1M(a) (Single-Family Modified Residential 5,000 Sq Ft) zone, on the site.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications. These items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing date for the board.

Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings providing its area of interest. For more information on this registration procedure, please call the GIS Services/Geomatics Section at (305) 375-3900.

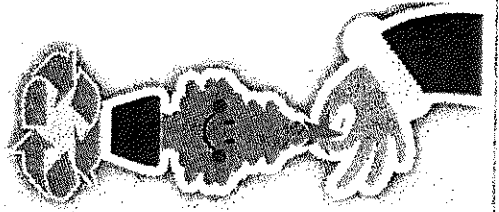
If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Agenda Coordinator's Office at (305) 375-1244 at least two weeks in advance of the meeting date.

Maps and other data pertaining to these items are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATION AND ECONOMIC RESOURCES (REU), 1st FLOOR, 111 NW First Street Miami, Florida. If further information is desired, call (305) 375-3246, Hearing Section, or visit our WEB site at: www.miamidade.gov/developmentandregulation. Please refer to the hearing number when making an inquiry.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call the Planning & Zoning Division ADA Coordinator, at (305) 375-1244 at least five days in advance of the meeting.

* A person who desires to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based five days in advance.

For legal ads online, go to miamiherald.com/ads



Give Your Christmas Tree New Life - Recycle It!

Beginning Thursday, December 26, 2013, residents who receive curbside waste collection service from Miami-Dade County can recycle their Christmas trees by taking them to one of the County's Trash and Recycling Centers* or the West Miami-Dade Home Chemical Collection Center.

Trees will be recycled into mulch. ALL TREES BROUGHT IN FOR RECYCLING MUST BE FREE OF TREE STANDS, LIGHTS, ORNAMENTS, TINSEL AND OTHER DECORATIONS.

Mulch will be made available for free to service area residents on a first-come, first-served basis while supplies last, beginning around mid-January.

Can't drop off your tree? Visit our website for additional disposal options.

For a listing of Christmas tree drop-off locations and hours, and mulch availability locations, please call 3-1-1 or visit the Miami-Dade County Public Works and Waste Management Department website at www.miamidade.gov/publicworks.



* Christmas trees will not be accepted at the Chapman Field Trash and Recycling Center.

NEIGHBORS CALENDAR

CALENDAR, FROM TOP

Brickell Hotel Complimentary appetizers all night and glass of Champagne at midnight. Open bar 9 p.m.-2 a.m. Music by DJ Honey Love. Reservations by phone or email: 9 p.m. Dec. 3. Adult Miami Brickell Hotel, 100 SW Second Ave., 305-354-6300.

New Year's Eve at the Mandarin Mandarin presents party with food and drink, live band, cocktail and party favors. 8 p.m. Dec. 3. Mandarin, 100 West Ave., Miami Beach. Tickets start at \$135. 305-34-1500.

Neon Year's Eve at Mary's Children's Museum Kids can celebrate with a countdown, fun crafts and a balloon drop. 5 p.m. Dec. 3. Mary's Children's Museum, 900 Adriatic Causeway, Weston, 306-1127. Free admission. Under age 1, 305-373-0405 (5453).

Normandy Village Holiday Market at Blue Vardome fountain includes organic produce, empanadas, tropical fruit smoothies, local honey, plants, orchids, jewelry. 9 a.m. Dec. 28. Normandy Village Fountain Plaza, 7th St. and Blue Vardome, Miami Beach, free. 305-39-0206.

Shoreland Farms Market Weekly market. 9 a.m. Dec. 29. Pinecrest Gardens, 8000 S. Red Rd., Pinecrest. Free, including parking. 786-567-4374. But Carthage NTE 2014. More info @ myurl.com/vechly

Premium Open Bar from 8:30pm till midnight. Complimentary Champagne toast at midnight. Includes all the amenities of general admission for 4 people. - 1 bottle of premium champagne. 8 p.m. Dec. 3. Brg. Carlton South Beach, One Lincoln Rd. Miami Beach. 786-276-4000.

But Carlton the Postbox & Ocean Front Plaza Carlton the Postbox & Ocean Front Plaza. More info @ myurl.com/vechly. 8:30 p.m. Dec. 3. Ritz Carlton South Beach, One Lincoln Rd. Miami Beach. 305-3500. 786-276-4000. myurl.com/vechly

Seaside Seaside. Forest Hills. Adult admission. Includes all rides, shows, and free parking. Open to midnight. 5 p.m. Dec. 26. Santa's Enchanted Forest, 7910 Bird Rd. Olympia Heights. 327-46-5729. 305-359-3689.

South Miami Farmers Market South Miami Farmers Market. 8000 South Miami Ave. 305-359-3689.

TURN TO CALENDAR, 12NW

BCE # 827941

Planning & Zoning

MIAMI-DADE COUNTY, FLORIDA

LEGAL NOTICE

ZONING HEARING
THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS will hold a Public Hearing on the following item(s) on Thursday, the 22nd day of January, 2014 at 8:30 a.m. in the County Commission Chambers, 2nd Floor, Bldg. P, Clark Center, 111 NW First Street, Miami, Florida. Said hearing is being held to consider the application heretofore filed for Development of Regional Impact in the Unincorporated area of Miami-Dade County, Florida. The Board of County Commissioners RESERVES THE RIGHT to modify the application, to impose defensible, reasonable conditions, and to change the minimum site content requirements, all for the best interest of the overall comprehensive zoning plan and regulations.

Multiple members of individual community councils may be present.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications.

Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for this Board.

If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Agency Coordinator's Office at (305) 375-1264 at least two weeks in advance of the meeting date.

Maps and other data are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER), 11th Floor, 111 NW First Street, Miami, Florida. Protests & Waivers of Protest should be filed IN WRITING at least three days prior to the hearing date, giving the number of the hearing. If further information is desired, call (305) 375-2640, Hearing Section. Please refer to this hearing number when making an inquiry.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, or sign language interpreter or other accommodations, please call (RER) Development Services Division ADA Coordinator, at (305) 375-1244 at least five days in advance of the meeting.

HEARING NO. 13-10-CZ16-1 (12-18)

REQUESTS #1-44 ON PARCELS "A" THROUGH "D"
CONCERNED CITIZENS OF WEST DADE, INC., SUBDIVISION #1 is appealing the decision of MIAMI-DADE COUNTY ZONING APPEALS BOARD #10 on CARLOS J. & OLGA BENGOECHEA TRUST, ET AL, which approved the following:

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

LOCATION Lying South of Parcel SW 51 Street, between Parcel SW 145 Avenue & Parcel SW 143 Court
SIZE OF PROPERTY: 1.68 Acres

HEARING NO. 13-10-CZ16-1 (12-08)

APPLICANT: LUCKY STARRY AT THE HAMMOCKS, LLC

REQUESTS #1-44 ON PARCELS "A" THROUGH "D"

1. TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to Section 800.06(19), Florida Statutes, with respect to the below request:
2. MODIFICATION OF Paragraphs #6 & #18 of a Covenant Governing Land Development, recorded in District Records Book 8625, Pages 336 - 370, as set forth by a covenant power contained in Resolution 22-28-05, reading as follows:

FROM: "0. DISTRIBUTION OF UNITS"

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	36.4	3.8%	228	2.8%
RU-3M	287.2	24.4%	2,825	35.2%
RU-4L	68.2	8.3%	1,545	19.5%
RU-4M	117.5	10.3%	3,355	41.4%
RU-4A	12.4	1.0%	245	3.0%
	501.1	45.0%	6,303	100.0%

TO: "0. DISTRIBUTION OF UNITS"

ZONE	ACRES	% OF TOTAL GROSS AREA	TOTAL UNITS	% OF TOTAL UNITS
RU-1	36.4	3.8%	228	2.8%
RU-1M(a)	30.3	2.8%	127	1.9%
RU-3M	207.2	24.4%	2,025	33.8%
RU-4L	89.7	8.3%	1,805	28.8%
RU-4M	117.6	10.7%	3,355	35.8%
RU-4A	10.4	1.0%	245	3.6%
	565.5	50.8%	8,701	100.0%

FROM: "18. CONTROLLED DENSITIES"

In order that requirements for access and services may not exceed the projected regional capabilities, the maximum number of Permanent Residential dwelling units to be built has been established as indicated on "THE HAMMOCKS Parcel Schedule" prepared by Post, Buckley, Schuh & Jernigan, Inc., dated July, 1984. A cap on the number of permissible Residential dwellings has been fixed at 8,303 units for the total community, each neighborhood to be kept to a reasonable percentage of the whole.

TO: "18. CONTROLLED DENSITIES"

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

3. MODIFICATION OF Paragraphs #15 & #23 of a Covenant Governing Land Development, recorded in District Records Book 8626, Pages 336 - 370, reading as follows:

FROM: "15. INDUSTRIAL PARK"

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

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

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

Another advantage for the industrial use of this place of land is its direct frontage on major arterial alignments at SW 147th Avenue and SW 120th Street.

TO: "15. INDUSTRIAL PARK"

A 111.87 gross acre parcel of land (pursuant to the full information provided by the Miami-Dade County Property Appraiser for folio no. 30-5900-014-0010) on the extreme southern edge of the property, already zoned for industrial use, will be held for a light industrial park, (See "The Hammocks Master Plan," as prepared by The Curtis Group and dated revised September 2013).

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

Another advantage for the industrial use of this place of land is its direct frontage on major arterial alignments at SW 147th Avenue and SW 120th Street.

FROM: "23. Neighborhood Convenience Centers"

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

TO: "23. Neighborhood Convenience Centers"

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

4. MODIFICATION of the legal description for Parcel 42d as provided in Exhibit "B" of the certain Covenant Governing Land Development recorded in Official Records Book 8625, at Page 338-370, reading as follows:

FROM: "PARCEL 42d"

Begin at the S.E. corner of Section 9, Township 65 South, Range 39 East, thence run S 87°28'25.5" W along the South line of said Section 9 for 2780.70 feet to the S.W. corner of the S.E. 1/4 of said Section 9, thence run N 02°21'42" W along the West line of the S.E. 1/4 of said Section 9 to the N.W. corner of the S.E. 1/4 of said Section 9, thence run S 87°34'31" W along the South line of the N.W. 1/4 of said Section 9 for 353.55 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeastly along the arc of said curve through a central angle of 20°37'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular curve to the Northwest, having a radius of 1150.00 feet, said point bearing S 87°17'26" W from the center of said curve; thence run Southeastly along the arc of said curve through a central angle of 37°17'26" for 745.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.70 feet to a Point of Curvature of a circular curve, concave to the Northwest, having a radius of 1150.00 feet; thence run Southeastly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°48'00" E for 120.05 feet to a Point of Curvature of a circular curve, concave to the Northeast, having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 65°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1149.03 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.64 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1304.61 feet to the Point of Beginning.

TO:

"PARCEL 42d"
Begin at the S.E. corner of Section 9, Township 65 South, Range 39 East, thence run S 87°28'25.5" W along the South line of said Section 9 for 2780.70 feet to the S.W. corner of the S.E. 1/4 of said Section 9, thence run N 02°21'42" W along the West line of the S.E. 1/4 of said Section 9 to the N.W. corner of the S.E. 1/4 of said Section 9, thence run S 87°34'31" W along the South line of the N.W. 1/4 of said Section 9 for 353.55 feet to the Point of Curvature of a circular curve concave to the Northwest, having a radius of 1283.26 feet; thence run Northeastly along the arc of said curve through a central angle of 20°37'05" for 454.32 feet to a Point of Tangency; thence run N 67°17'26" E for 83.13 feet to a point on a circular curve to the Northwest, having a radius of 1150.00 feet, said point bearing S 87°17'26" W from the center of said curve; thence run Southeastly along the arc of said curve through a central angle of 37°17'26" for 745.47 feet to a Point of Tangency; thence run S 60°00'00" E for 127.70 feet to a Point of Curvature of a circular curve, concave to the Southwest, having a radius of 1150.00 feet; thence run Southeastly along the arc of said curve, through a central angle of 22°14'00" for 446.25 feet to a Point of Tangency; thence run S 37°48'00" E for 120.05 feet to a Point of Curvature of a circular curve, concave to the Northeast, having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 65°30'00" for 1334.74 feet to a Point of Tangency; thence run N 75°44'00" E for 111.51 feet to a Point of Curvature of a circular curve concave to the South and having a radius of 1150.00 feet; thence run Easterly along the arc of said curve, through a central angle of 11°59'03" for 240.64 feet to a Point of Tangency; thence run N 87°43'03" E for 109.40 feet to a point on the East line of said Section 9; thence run S 02°16'57" E along the East line of said Section 9 for 1304.61 feet to the Point of Beginning.

LESS: A Portion Of Tract "A" Of "Amelior Park" Plat Book 127, Page 85, Being More Particularly Described As Follows: Begin At The Southwest Corner Of Said Tract "A", Thence N02°20'59" W, As Bears On Having Along The West Line Of The Southwest 1/4 Of Said Section 9, For A Distance Of 2880.44 Feet To The Center Of Said Section 9, Thence S87°34'31" W For A Distance Of 18.65 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'48" E; Thence 129.51 Feet Along The Arc Of A Curve To The Left, Said Curve Having Radius Of 1325.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.80 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 65°45'47" To A Point Of Intersection With A Reverse Curve; Thence 720.80 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°03'03" To A Point Of Tangency; Thence S00°00'00" E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.81 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1030.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S87°48'00" E For A Distance Of 39.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southwest 1/4 Of Said Section 9; Thence S02°00'00" E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 48.00 Feet North Of And Parallel To The South Line Of The Southwest 1/4 Of Said Section 9; Thence S87°20'00" W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 42d: A Portion Of Section 9, Township 65 South, Range 39 East, Being More Particularly Described As Follows: Begin At Center Of Said Section 9; Thence S87°31'58" W For A Distance Of 18.65 Feet; Thence N17°02'49" W For A Distance Of 43.00 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°02'48" E; Thence 129.51 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1325.26 Feet And A Central Angle Of 05°34'55" To A Point Of Intersection With A Reverse Curve; Thence 37.80 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 25.00 Feet And A Central Angle Of 65°45'47" To A Point Of Intersection With A Reverse Curve; Thence 720.80 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 34°03'03" To A Point Of Tangency; Thence S00°00'00" E For A Distance Of 127.20 Feet To A Point Of Curvature; Thence 422.81 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 1030.00 Feet And A Central Angle Of 22°14'00" To A Point Of Tangency; Thence S87°48'00" E For A Distance Of 39.50 Feet To A Point Of Intersection With A Line 1040.00 Feet East Of And Parallel To The West Line Of The Southwest 1/4 Of Said Section 9; Thence S02°00'00" E Along Said Line For A Distance Of 1744.04 Feet To A Point Of Intersection With A Line 48.00 Feet North Of And Parallel To The South Line Of The Southwest 1/4 Of Said Section 9; Thence S87°20'00" W Along Said Line For A Distance Of 1040.01 Feet To The Point Of Beginning.

Planning & Zoning

39°53'34" To A Point Of Intersection With A Compound Curve, Thence 269.36 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1175.00 Feet And A Central Angle Of 12°08'00" To A Point Of Intersection With A Reverse Curve, Thence 203.00 Feet Along The Arc Of A Curve To The Right, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 2°19'42" To A Point Of Tangency, Thence 502°20'00" Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1346.47 Feet, Thence S87°26'00"W For A Distance Of 627.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9, Thence N02°20'00"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 420: A Portion Of The Southeast Quarter Of Section 9, Township 35 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9, Thence N02°20'00"W, As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S17°52'00"E, Thence 109.89 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1225.26 Feet And A Central Angle Of 04°44'51" To A Point Of Intersection With A Reverse Curve, Thence S7°35'10"W For A Distance Of 107.30 Feet To A Point Of Intersection With A Reverse Curve, Thence 647.38 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 20°28'16" To The Point Of Beginning Of The Following Described Parcel Of Land And Also Being The Point Of Intersection With A Non-Tangent Line, A Radial Line To Said Point Bears S33°28'47"W, Thence 102°20'00"E For A Distance Of 60.10 Feet To A Point Of Intersection With A Non-Tangent Curve, A Radial Line To Said Point Bears S33°39'11"W, Thence 13.24 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 1210.00 Feet And A Central Angle Of 03°39'14" To A Point Of Tangency, Thence 502°20'00" Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 671.00 Feet, Thence S87°39'10"W For A Distance Of 513.00 Feet, Thence N02°20'00"W For A Distance Of 130.84 Feet To A Point Of Tangency, Thence 203.00 Feet Along The Arc Of A Curve To The Left, Said Curve Having A Radius Of 575.00 Feet And A Central Angle Of 2°19'42" To A Point Of Tangency, Thence 502°20'00" Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 1346.47 Feet, Thence S87°26'00"W For A Distance Of 627.00 Feet To A Point On The West Line Of The Southeast Quarter Of Said Section 9, Thence N02°20'00"W Along Said West Line For A Distance Of 2700.43 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 420: A Portion Of The Southeast Quarter Of Section 9, Township 35 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9, Thence N02°20'00"W, As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 5.02 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9, Thence N07°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet, Thence N02°20'00"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.87 Feet To The Point Of Beginning Of The Following Described Parcel Of Land, Thence S02°20'00"E For A Distance Of 123.67 Feet, Thence N07°39'10"E For A Distance Of 513.00 Feet, Thence S02°20'00"E Along A Line 1046.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 708.67 Feet, Thence S07°35'10"W For A Distance Of 107.30 Feet To The Point Of Beginning.

LEGAL DESCRIPTION FOR PARCEL 420: A Portion Of The Southeast Quarter Of Section 9, Township 35 South, Range 39, Being More Particularly Described As Follows: Commence At The Center Of Said Section 9, Thence S02°20'00"E, As A Basis Of Bearing Along The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 2700.43 Feet To The Southwest Corner Of The Southeast Quarter Of Said Section 9, Thence N07°26'00"E Along The South Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 527.00 Feet To The Point Of Beginning Of The Following Described Parcel Of Land, Thence N02°20'00"W Along A Line 527.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 423.87 Feet, Thence N07°39'10"E For A Distance Of 513.00 Feet, Thence S02°20'00"E Along A Line 1046.00 Feet East Of And Parallel To The West Line Of The Southeast Quarter Of Said Section 9 For A Distance Of 708.67 Feet, Thence S07°35'10"W For A Distance Of 107.30 Feet To The Point Of Beginning.

The purpose of requests #2 through #4 is to allow the applicant to amend the existing Covenant Governing Land Development for the Development of Regional Impact on the property to reduce the industrial plot coverage and simultaneously to increase the number of residential units from 8,903 units to 8,701 units for the total community and to include a 40,000 sq. ft. general business use.

REQUESTS #2 - #10 ON PARCEL "A"

- DISTRICT BOUNDARY CHANGE from RU-C to RU-1M(a).
- NON-USE VARIANCE of zoning regulations requiring a half-section line right-of-way to be 70 feet in width; to waive same to permit 9 (35 feet required) of dedication on the east side of International SW 152nd Avenue.
- NON-USE VARIANCE to permit certain lots with less than the required 50 feet of frontage at the confined setback line.
- NON-USE VARIANCE to permit certain lots with lot areas varying from 4750 sq. ft. to 4,890 sq. ft. (5,000 sq. ft. required).
- NON-USE VARIANCE to permit certain lots with a rear setback of 10' for 50% of the linear footage of the width of the residence and 20' for the balance of the residence (15' for 60% of the linear footage of the width of the residence and 25' for the balance of the residence required).
- NON-USE VARIANCE to permit certain lots with a lot coverage of 47.36% (45% permitted).

REQUESTS #11 - #14 ON PARCEL "B"

- DISTRICT BOUNDARY CHANGE from RU-C to RU-1L.
- NON-USE VARIANCE of setback requirements requiring a minimum side yard of 15' between the end of a group of townhouses and a public or private street; to waive same.
- NON-USE VARIANCE of pre and service private open space area requirements requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
- NON-USE VARIANCE requiring parking spaces to be located within 150' of the townhouse it serves; to waive same.

REQUESTS #15 - #18 ON PARCEL "C"

- DISTRICT BOUNDARY CHANGE from RU-C to RU-1L.
- NON-USE VARIANCE requiring 400 square feet of enclosed area for each townhouse unit; to waive same.
- NON-USE VARIANCE to permit townhouses to setback 25' (25' required) from the nearest edge of roadway pavement when parking spaces are located in front of the townhouse building.
- NON-USE VARIANCE to permit certain model "A" garages to setback 18' (20' required) from the front property line.

REQUESTS #19 - #21 ON PARCEL "D"

- DISTRICT BOUNDARY CHANGE from RU-C to RU-1A.
- NON-USE VARIANCE requiring a 5' high masonry wall between the common property line where a business lot abuts an RU zoned lot, to waive same along the rear (north) property line.
- NON-USE VARIANCE requiring a 5' wide easement land use including a 6' high wall, fence or hedge and buffer less along the rear (north) property line; to waive same.

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

- VARIANCE of the Kendall-Tamiami Executive Airport zoning regulations pertaining to the Inner District (IL2) which prohibits residential uses within the IL2 zone; to permit residential development within the IL2 zone.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled

"Proposed Mixed-Use Development Garden Estate East" as prepared by Corral Architects, consisting of 191 pages and plans entitled "General Excerpts" as prepared by William Hulse Design Group, consisting of 41 pages, all plans dated stamped received September 11, 2013. Plans may be modified at public hearing.

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

SIZE OF PROPERTY: 83.47 +/- acres

HEARING NO. 14-1-CC-1 (13-100)

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

(1) DISTRICT BOUNDARY CHANGE from RU-1 and RU-3M to IL-2.

REQUEST #2 THROUGH #6 ON PARCEL "A"

(2) SPECIAL EXCEPTION to permit retail cars and ground transportation vehicles, assembly buildings spaces less than the required 250' from RU zone districts and to permit the outdoor seat tracks spaced less than the required 600' from RU-zone districts

(3) UNUSUAL USE to permit a lift station

(4) NON-USE VARIANCE to waive the zoning regulations requiring all uses to be covered on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least 6' in height; to permit the rail cars test track operation and vehicle storage to be done outside.

(5) NON-USE VARIANCE to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock.

(6) NON-USE VARIANCE to permit a chain link fence with barbed wire with a height of 10' (6' maximum permitted).

(7) NON-USE VARIANCE to permit sound enclosure walls with a height of 10' (6' maximum permitted).

(8) NON-USE VARIANCE to permit 662 lot areas (1,020 lot areas required).

(9) NON-USE VARIANCE to permit 7.75 acres (12.22 acres required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Amekobeh's Assembly Facility" as prepared by GHI-McGraw Architects, LLP, consisting of 12 sheets and plans entitled "Vehicular Circulation Plan" as prepared by Langan, consisting of 5 sheets, for a total of 17 sheets, and all sheets dated stamped received 12/18/13. Plans may be modified at public hearing.

LOCATION: Lying South of SW 272 Street, north of SW 276 Street, east of SW 132 Avenue & west of SW 127 Avenue, MIAMI-DADE COUNTY, FLORIDA.

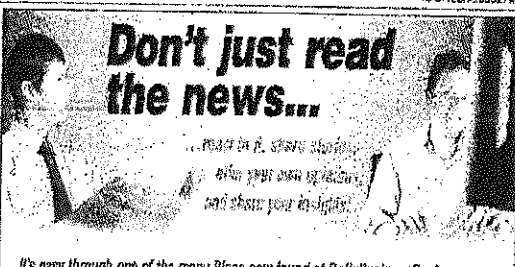
SIZE OF PROPERTY: 128 Acres

In accordance with Sections 33-313, 314, and 315 of the Code of Miami-Dade County, all Board of County Commissioners' decisions are subject to review by the Circuit Court of Appeals upon appeal when filed with the Clerk of the Court at Miami-Dade County Court House, Appellate Division, 73 West Flagler, Room 1355 - Balcayon, Miami, FL 33135, within 30 days from the date of transmittal of the resolution to the Clerk of the Board.

A person who decides to appeal any decision made by the Community Zoning Appeals Board with respect to any request considered at the hearing, will need a record of the proceedings. Such person may need to make that a written record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Publication of this Notice on the 30th day of December, 2013.
12/30

13-3-1807703527M



Don't just read the news...

Click on "Blogs" and check out the many offerings:

- Southern District of Florida Blog by David Markus, dedicated to providing news and notes regarding federal practice in the Southern District of Florida. Open discussion welcomed.
- How Appealing by Howard J. Bashman is the Web's first blog devoted to appellate litigation.
- Robert Ambrogi's LawSites blog tracks new and intriguing Web sites for the legal profession.
- Legal Sanity offers a frank and honest discussion about the growing problem of lawyer discontent by providing practical information, ideas and advice on professional and personal success and work-life balance.
- Legal Blog Watch is a collection of law blogs from the Law.com network of affiliate bloggers.
- The Wired GC helps corporate counsels and business executives keep up with the latest legal news related to business. The Wired GC is published by John Walblich, a former general counsel in the Midwest and founder of Lawista Partners, a legal advisory and development firm.

Click on "Blogs" at DailyBusinessReview.com

dbr
DAILY BUSINESS REVIEW ONLINE

NEIGHBORS CALENDAR

• CALENDAR, FROM 11W

(5-22) 33 Children under 6 Free.
305-623-8082.
www.congratulationsmuseum.org

ACOUSTIC

Jake Acoustic Live real music about real things — rock it out with harmonica.

Hailing from Miami, Jake is a new breed of blues-band fronted by a modern day bluesman. It is the brainchild of an

10 p.m. Sept. 19, Tobacco Road, 626 S. Miami Ave., Brickell.

305-374-7096.

tobacco-road.com/tobacco-road-events/?entry=523&category=acoustic

ALTERNATIVE

Shan Herold 7 p.m. Sept. 20, Copy Theater, 1440 Lincoln Rd., Miami Beach, 305-624-1040.

BASEBALL

Marlin's Alopecia Alopecia Awareness As Marlins close their game series against the Phillies, the team will also help National Alopecia Alopecia Foundation (NAAF) as they create awareness of this common autoimmune skin

7:30 p.m. Sept. 25, Marlins Park, 501 Marlins Way, East Little Havana, 1-877-627-5467.

www.marlinsonline.com/schedule

Marlin's Alopecia Alopecia Awareness As Marlins close their game series against the Phillies, the team will also help National Alopecia Alopecia Foundation (NAAF) as they create awareness of this common autoimmune skin

7:30 p.m. Sept. 24, Marlins Park, 501 Marlins Way, East Little Havana, 1-877-627-5467.

www.marlinsonline.com/schedule

BASKETBALL

Marlin's Alopecia Alopecia Awareness As Marlins close their game series against the Phillies, the team will also help National Alopecia Alopecia Foundation (NAAF) as they create awareness of this common autoimmune skin

7:30 p.m. Sept. 24, Marlins Park, 501 Marlins Way, East Little Havana, 1-877-627-5467.

www.marlinsonline.com/schedule

BIRTHING

Blindfold Baby Birthdays National Park interpretive ranger Christy Carmichael.

Meet at the Ernest Coe Visitor Center parking lot near the main entrance to the park. We'll travel to several.

8 a.m. Sept. 24, Everglades National Park, 4200 State Hwy. 5336, Homestead, 305-305-282-7700.

www.nps.gov/everglades

www.nps.gov/everglades

www.nps.gov/everglades

www.nps.gov/everglades

www.nps.gov/everglades

PUBLIC HEARING

ZONING HEARING

COMMUNITY ZONING APPEALS BOARD - 10
TUESDAY, OCTOBER 15, 2013 - 6:30 P.M.
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 AVENUE, MIAMI, FLORIDA

THE LIST BELOW CONTAINS ZONING ITEMS WHICH MAY BE OF INTEREST TO YOUR IMMEDIATE NEIGHBORHOOD.

1. DANIEL & GRISEL ABREU (13-37)

Location: 9446 SW 140 Court, Miami-Dade County, Florida

Size of property: 12, 614 Sq. Ft.

The applicants are requesting a special exception to permit a complex of buildings to be used only as a single family residence for one family and not a separate rental unit, on this site. Additionally, the applicants are requesting non-use variances to permit the residence with setbacks to be less than required from property line(s), and to permit other accompanying request(s) on this site.

2. DANIEL & GRISEL ABREU (13-37)

Location: 9446 SW 140 Court, Miami-Dade County, Florida

Size of property: 1.98 Acres.

The applicants are requesting a district boundary change from AU (Agricultural) to RU (Residential) (Single-Family Modified Residential 5,000 sq. ft.) zone, on this site.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to conduct a board meeting individually, either orally or in writing, about zoning applications. Those items not heard prior to the meeting will be referred to the next available zoning hearing meeting date for this board.

Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings involving the area of interest. For more information on the registration procedure, please call the Zoning Hearing Section at (305) 375-2840.

If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Hearing Section at (305) 375-2840 at least two weeks in advance of the meeting date.

Maps and other data pertaining to these items are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATOR AND ECONOMIC RESOURCES (RER), 11th FLOOR, 111 NW First Street, Miami, Florida. If further information is desired, call (305) 375-2840. Hearing Section, or visit our WEB site at: www.miamidade.gov/development/development.htm

Please refer to the hearing number when making an inquiry. Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call the (RER) Development Services Division ADA Coordinator, at (305) 375-2840 at least five days in advance of the meeting.

* A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based five days in advance.

For legal ads online, go to <http://miamiherald.com>

PUBLIC HEARING

ZONING HEARING

COMMUNITY ZONING APPEALS BOARD - 10
TUESDAY, OCTOBER 15, 2013 - 6:30 P.M.
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 AVENUE, MIAMI, FLORIDA

THE LIST BELOW CONTAINS ZONING ITEMS WHICH MAY BE OF INTEREST TO YOUR IMMEDIATE NEIGHBORHOOD.

1. ISABEL OTERO & EMILIO NEGRET (12-13)

Location: 2042 SW 82 Court, Miami-Dade County, Florida.

Size of property: 75.5' X 105'

The applicants are requesting non-use variances to permit an addition(s) to a single-family residence setback(s) to be less than required from property line(s), and to permit a greater lot coverage than is permitted, on this site.

2. SC MOTTA ASSOCIATES, LTD PARTNERSHIP (12-14)

Location: 7795 West Flagler Street, Miami-Dade County, Florida.

Size of property: 40.58 Acres

The applicant is requesting a modification of a previous resolution in order to submit plans showing the addition of a new Costco Membership Warehouse and Gas Station for a previously approved shopping center, on this site. Additionally, the applicant is requesting an unusual use to permit the filling of existing lakes, and a special exception to permit a proposed liquor store to be spaced less than required from other alcoholic beverage establishments and spaced less than required from churches and synagogues.

3. CIPRIANO DOMINGUEZ (13-07)

Location: Northwest corner of SW 147 Avenue and SW 22 Terrace, Miami-Dade County, Florida.

Size of property: 2.34 Acres

The applicant is requesting a district boundary change from AU (Agricultural) to RU (Residential) (Single-Family Modified Residential 5,000 sq. ft.) zone, on this site.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to conduct a board meeting individually, either orally or in writing, about zoning applications. Those items not heard prior to the meeting will be referred to the next available zoning hearing meeting date for this board.

Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings involving the area of interest. For more information on the registration procedure, please call the Zoning Hearing Section at (305) 375-2840.

If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Hearing Section at (305) 375-2840 at least two weeks in advance of the meeting date.

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For legal ads online, go to <http://miamiherald.com>

PUBLIC HEARING

ZONING HEARING

COMMUNITY ZONING APPEALS BOARD - 10
TUESDAY, OCTOBER 15, 2013 - 6:30 P.M.
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 AVENUE, MIAMI, FLORIDA

THE LIST BELOW CONTAINS ZONING ITEMS WHICH MAY BE OF INTEREST TO YOUR IMMEDIATE NEIGHBORHOOD.

1. DANIEL & GRISEL ABREU (13-37)

Location: 9446 SW 140 Court, Miami-Dade County, Florida

Size of property: 12, 614 Sq. Ft.

The applicants are requesting a special exception to permit a complex of buildings to be used only as a single family residence for one family and not a separate rental unit, on this site. Additionally, the applicants are requesting non-use variances to permit the residence with setbacks to be less than required from property line(s), and to permit other accompanying request(s) on this site.

2. DANIEL & GRISEL ABREU (13-37)

Location: 9446 SW 140 Court, Miami-Dade County, Florida

Size of property: 1.98 Acres.

The applicants are requesting a district boundary change from AU (Agricultural) to RU (Residential) (Single-Family Modified Residential 5,000 sq. ft.) zone, on this site.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to conduct a board meeting individually, either orally or in writing, about zoning applications. Those items not heard prior to the meeting will be referred to the next available zoning hearing meeting date for this board.

Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings involving the area of interest. For more information on the registration procedure, please call the Zoning Hearing Section at (305) 375-2840.

If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Hearing Section at (305) 375-2840 at least two weeks in advance of the meeting date.

Maps and other data pertaining to these items are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATOR AND ECONOMIC RESOURCES (RER), 11th FLOOR, 111 NW First Street, Miami, Florida. If further information is desired, call (305) 375-2840. Hearing Section, or visit our WEB site at: www.miamidade.gov/development/development.htm

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* A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based five days in advance.

For legal ads online, go to <http://miamiherald.com>

#672018 C-10

Misc. General Notices

NOTICE OF ACTION
IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT (IN
AND FOR MIAMI DADE
COUNTY, FLORIDA)
GENERAL JURISDICTION
DIVISION
CASE NO. 13-021987
SECTION 31
AMN TIBALDEO USA TIBALDEO
ELIOT TIBALDEO
Plaintiffs
v.
VICTOR TIBALDEO, Jr., Individ-
ually and as Trustee of Ann Tiba-

do Irrevocable Trust Agreement
Ann Tibaldeo Irrevocable
Trust Estate Trust Agreements A
and B, GAMILLE TIBALDEO
ALAN TIBALDEO
Defendants.
TO: Camila Tibaldeo
Last Known Address:
322 West 47 St Apt 2R
New York, New York 10036
YOU ARE NOTIFIED that an ac-
tion for information or facts has
been filed against you and you are
required to serve a copy of your
written defenses, if any, on Law Of-
fice of JOEL M. ARESTY P.A.,
address is 13499 Blackhawk
Blvd, Ste T-3, North Miami, Florida
33181 (305) 804-1903 on or before
the following return date NOV 1,
2013, and to file the original with the
Clerk of the Court either before ser-

vice on Law Office of JOEL M.
ARESTY P.A. or immediately there-
after, otherwise a default will be en-
tered against you for the relief de-
manded in the Amended Complaint.
This notice shall be published
once each week for four consecu-
tive weeks in the MIAMI DAILY
BUSINESS REVIEW.
WITNESS my hand and the seal
of this Court on this 18 day of SEP,
2013.
Harvey Rubin
Clerk of the Court
(Circuit & County Courts Seal)
By: BARBARA RODRIGUEZ
As Deputy Clerk
Law Office of
JOEL M. ARESTY, P.A.,
13499 Blackhawk Blvd, Ste T-3
North Miami, Florida 33181
824 107-8-15 13-4-63021562728

MIAMI-DADE COUNTY, FLORIDA

LEGAL NOTICE
THE MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD FOR AREA 10 will hold a Public Hearing on the following items on TUESDAY, THE 15TH DAY OF OCTOBER, 2013 AT 5:30 P.M. IN THE RUBEN BARRIO MIDDLE SCHOOL, 350 NW 97 AVENUE, MIAMI, FLORIDA. Said hearing is being held to consider the applications herewith listed for District Boundary Change, Non-Use Variance, Special Exceptions, Unusual Uses, Modifications of previous resolutions, Use Variances, Appeals of Administrative Decisions and Reaffirmations of Resolutions for this area within Unincorporated Miami-Dade County, Florida. The Community Zoning Appeals Board RESERVES THE RIGHT to modify the applications, to impose desirable, reasonable conditions, and to change the minimum cubic content requirements, all for the best interest of the overall comprehensive zoning plan and regulations.

Multiple members of individual community councils may be present.
All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications.

Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for the Board.
If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Appeals Coordinator's Office at (305) 376-1244 at least two weeks in advance of the meeting date.

Maps and other data are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER), 11th Floor, 111 NW First Street, Miami, Florida. Protest & Waivers of Protest should be filed IN WRITING at least three days prior to the hearing date, giving the number of the hearing. If further information is desired, call (305) 376-2640, Hearing Section. Please refer to the hearing number when making an inquiry.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call the (RER) Development Services Division ADA Coordinator, at (305) 376-1244 at least five days in advance of the meeting.

HEARING NO. 13-10-CZ10-1 (13-133)
APPLICANT: ISABEL OTERO DE EMARLEIDY'S PREVIOUS
(1) NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 7.8' (7.5' required) from the interior side (north) property line.
(2) NON-USE VARIANCE to permit a proposed carport addition to an existing single family residence setback 12.2' (20' required) from the front (east) property line.
(3) NON-USE VARIANCE to permit a lot coverage of 34% (33% maximum permitted).
Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Attached Terrace and Carport" as prepared by MDS Engineering Corp., with 1 sheet dated stamped received 7/22/13 and 2 sheets dated stamped received 2/3/13 for a total of 3 sheets. Plans may be modified at public hearing.
SUBJECT PROPERTY: Lot 12 Block 6 of MIRACLE MANOR PH 66-80.
LOCATION: 3042 SW 82 Court, Miami-Dade County, Florida.
SIZE OF PROPERTY: 76.9 X 105

HEARING NO. 13-10-CZ10-2 (13-142)
APPLICANT: BC MOTIA ASSOCIATES, LTD PARTNERSHIP
(1) MODIFICATION OF CONDITION 40 of Resolution # 4-2AE-337-78, passed and adopted by the Zoning Appeals Board, last modified by Resolution # CZAR-10-65-01, reading as follows:
From "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Home Depot Mail of America' as prepared by Greenberg, Farrow Architecture, dated stamped received 3/8/01, and consisting of 5 sheets."
To: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Costco Mail of The Americas' as prepared by SCHLER ENGINEERING, consisting of 18 sheets, 'Costco Warehouse' prepared by Mulvaney, G2 Architecture, consisting of 3 sheets, all plans dated stamped received July 1, 2013 and a liquor spacing survey as prepared by Atkins dated stamped received 11/2/12."
The purpose of the request is to allow the applicant to submit plans showing the addition of a new Costco membership warehouse building and new gas station for a previously approved shopping center.
(2) UNUSUAL USE to permit the filing of zoning plans.
(3) SPECIAL EXCEPTION to permit a proposed package liquor store to be spaced less than five required 1,500' from other legally established alcoholic beverage establishments and spaced less than the required 2,500' from churches and schools.
The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.
LOCATION: 7755 West Flagler Street, Miami-Dade County, Florida.
SIZE OF PROPERTY: 49.59 Acres

HEARING NO. 13-10-CZ10-3 (13-17)
APPLICANT: DANIEL & GISEL ABREU
(1) SPECIAL EXCEPTION to permit a complex of buildings to be used only as a single family residence for one family and not as a separate rental unit.
(2) NON-USE VARIANCE to permit the single family residence to setback varying from 15' to 20'-4" from the front (west) property line (15' for 50% of the total footage of the width of the house & 23' for the balance required except 20' for attached garages).
(3) NON-USE VARIANCE to permit the single family residence to setback varying from 7'-6" to 24' from the rear (east) property line (15' for 50% of the linear footage of the width of the house & 22' for the balance, required).
(4) NON-USE VARIANCE to permit a swimming pool to setback 20'-6" from the front (west) property line (75' required).
Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Abreu Residences" as prepared by Farjui & Associates, LLC, dated stamped received 7/22/13 and consisting of 6 sheets. Plans may be modified at public hearing.
LOCATION: 1949 SW 140 Court, Miami-Dade County, Florida.
SIZE OF PROPERTY: 12,514 sq. ft.

HEARING NO. 13-10-CZ10-4 (13-37)
APPLICANT: DANIEL & GISEL ABREU
(1) SPECIAL EXCEPTION to permit a complex of buildings to be used only as a single family residence for one family and not as a separate rental unit.
(2) NON-USE VARIANCE to permit the single family residence to setback varying from 15' to 20'-4" from the front (west) property line (15' for 50% of the total footage of the width of the house & 23' for the balance required except 20' for attached garages).
(3) NON-USE VARIANCE to permit the single family residence to setback varying from 7'-6" to 24' from the rear (east) property line (15' for 50% of the linear footage of the width of the house & 22' for the balance, required).
(4) NON-USE VARIANCE to permit a swimming pool to setback 20'-6" from the front (west) property line (75' required).
Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Abreu Residences" as prepared by Farjui & Associates, LLC, dated stamped received 7/22/13 and consisting of 6 sheets. Plans may be modified at public hearing.
LOCATION: 1949 SW 140 Court, Miami-Dade County, Florida.
SIZE OF PROPERTY: 12,514 sq. ft.

HEARING NO. 13-10-CZ10-5 (13-85)
APPLICANT: CARLOS J. & OLGA BENGOCHEA TRUST, ET AL
(1) DISTRICT BOUNDARY CHANGE from AU to RU-1M(a).
LOCATION: Lying South of horizontal SW 21 Street, between horizontal SW 145 Avenue & horizontal SW 145 Court.
SIZE OF PROPERTY: 1.66 Acres
In accordance with Sections 33-313, 314, and 316 of the Code of Miami-Dade County, Community Zoning Appeals Board decisions are appealable to the Board of County Commissioners or to the Circuit Court of Appeals. Appeals to the Board of County Commissioners must be made within 14 days of the day of posting of the results of the hearing on a form prescribed by the Department of Regulatory and Economic Resources. Appeals that are subject to the Circuit Court of Appeals must be filed with the Clerk of the Court at Miami-Dade County Court House, Appellate Division, 73 West Flagler, Room 135 - Balcony, Miami, FL 33130, within 30 days from the date of transmittal of the resolution to the Clerk of the Board.

A person who decides to appeal any decision made by the Community Zoning Appeals Board with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.
Publication of this Notice on the 24th day of September, 2013.
9/24 13-3-234/2156273M

Planning & Zoning

MIAMI-DADE COUNTY, FLORIDA

LEGAL NOTICE
THE MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD FOR AREA 14 will hold a Public Hearing on the following items on THURSDAY, THE 17th DAY OF OCTOBER, 2013 AT 6:00 P.M. IN THE SOUTH DADE GOVERNMENT CENTER - ROOM 2104 (OLD BUILDING), 10710 SW 211 STREET, MIAMI, FLORIDA. Said hearing is being held to consider the applications herewith listed for District Boundary Changes, Non-Use Variances, Special Exceptions, Unusual Uses, Modifications of previous resolutions, Use Variances, Appeals of Administrative Decisions and Reaffirmations of Resolutions for this area within Unincorporated Miami-Dade County, Florida. The Community Zoning Appeals Board RESERVES THE RIGHT to modify the applications, to impose desirable, reasonable conditions, and to change the minimum cubic content requirements, all for the best interest of the overall comprehensive zoning plan and regulations.

Multiple members of individual community councils may be present.
All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications.

Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for the Board.
If you are in need of a translator at the hearing, one can be provided for you at no charge. To arrange for translating services, please call the Zoning Appeals Coordinator's Office at (305) 376-1244 at least two weeks in advance of the meeting date.

Maps and other data are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER), 11th Floor, 111 NW First Street, Miami, Florida. Protest & Waivers of Protest should be filed IN WRITING at least three days prior to the hearing date, giving the number of the hearing. If further information is desired, call (305) 376-2640, Hearing Section. Please refer to the hearing number when making an inquiry.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call the (RER) Development Services Division ADA Coordinator, at (305) 376-1244 at least five days in advance of the meeting.

HEARING NO. 13-10-CZ14-1 (13-138)
APPLICANT: THE ASSOCIATION FOR DEVELOPMENT OF THE EXCEPTIONAL, INC.
(1) DISTRICT BOUNDARY CHANGE from AU zone to EU-M zone.
(2) UNUSUAL USE to permit an educational training facility for adults with disabilities.
(3) NON-USE VARIANCE to permit buildings to setback a minimum of 20' from the interior side (west) property line, setback 32' from the rear (west) property line (20' required from both) and spaced less than the required 75' from adjacent residences under different ownerships.
(4) NON-USE VARIANCE to permit a 2-way drive with a width of 15' (20' required).
Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Association for the Development of the Exceptional, Inc." as prepared by Mario Caro, Sheets A-1, A-4 & A-5 consisting of 3 sheets dated stamped received 9/21/13. Sheets A-1, A-2 & A-3, consisting of 3 sheets dated stamped received 5/22/13 and sheet A-1-1 dated stamped received 7/23/13 for a total of 7 sheets. Plans may be modified at public hearing.
LOCATION: 12700 SW 216 Street, Miami-Dade County, Florida.
SIZE OF PROPERTY: 1.88 Acres

HEARING NO. 13-10-CZ14-2 (13-10)
APPLICANT: VICTORIA MORENO
NON-USE VARIANCE to permit an existing addition to a single family residence setback varying from 11.50' to 16.54' (20' required) from the rear (west) property line and setback a minimum of 7.40' (7.5' required) from the interior side (south) property line.
Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Addition to be Legazated" as prepared by Carlos Tiffon P.E. and dated stamped received 1/23/13, consisting of 5 sheets. Plans may be modified at public hearing.
LOCATION: 16804 SW 109 Court, Miami-Dade County, Florida.
SIZE OF PROPERTY: 14,850 sq. ft.

In accordance with Sections 33-313, 314, and 316 of the Code of Miami-Dade County, Community Zoning Appeals Board decisions are appealable to the Board of County Commissioners or to the Circuit Court of Appeals. Appeals to the Board of County Commissioners must be made within 14 days of the day of posting of the results of the hearing on a form prescribed by the Department of Regulatory and Economic Resources. Appeals that are subject to the Circuit Court of Appeals must be filed with the Clerk of the Court at Miami-Dade County Court House, Appellate Division, 73 West Flagler, Room 135 - Balcony, Miami, FL 33130, within 30 days from the date of transmittal of the resolution to the Clerk of the Board.

A person who decides to appeal any decision made by the Community Zoning Appeals Board with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Publication of this Notice on the 24th day of September, 2013.
9/24 13-3-234/2156273M

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15 54 39

Sec. Twp. Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

RECEIVED
213-055
JUN 04 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

PC

LIST ALL FOLIO #s: 30-4915-001-0170

Date Received

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Carlos J. Bengochea & Olga Bengochea, Trustees & Pablo Leon & Alba Leon

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: 2220 SW 123 CT

City: Miami State: FL Zip: 33175

Phone# _____ Fax# _____ E-mail: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Carlos J. Bengochea & Olga Bengochea, Trustees & Pablo Leon & Alba Leon

Mailing Address: 2220 SW 123 CT

City: Miami State: FL Zip: 33175

4. CONTACT PERSON'S INFORMATION:

Name: Jose E. Fuxa, PLS Company: _____

Mailing Address: 7555 SW 30 ST

City: Miami State: FL Zip: 33155

Phone# 305-261-7240 Fax# 305-261-2841 E-mail: jefuxa@aol.com
Cell: 305-801-4317

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

Trac 6 Less the West 357.4 Feet of J.G. Heads Farms Subdivision according
to the Plat thereof as recorded in PB 46 PG 44 of the Public Records of
Miami-Dade County, Florida.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

NW Corner of SW 32 ST and 145 AVE

7. SIZE OF PROPERTY 330 ft x 261 ft (in acres): 1.98
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: Jan, 1977 (month & year)

9. Lease term: N/A years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?
no ☒ yes ☐ If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase ☒ or lease ☐ the subject property or property contiguous thereto?
no ☐ yes ☒ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)
Josen Nafshi LLC

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- ☒ District Boundary(zone) Changes [Zone(s) requested]: RU-1-MA
(Provide a separate legal description for each zone requested)
- ☐ Unusual Use: _____
- ☐ Use Variance: _____
- ☐ Non-Use Variance: _____
- ☐ Alternative Site Development: Option: _____
- ☐ Special Exception: _____
- ☐ Modification of Previous Resolution/Plan: _____
- ☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? no ☒ yes ☐.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no ☒ yes ☐. If yes, give name to whom the violation notice was served: _____ and describe the violation: _____

16. Describe structures on the property: N/A - Vacant Land

17. Is there any existing use on the property? no ☒ yes ☐. If yes, what use and when established?
Use: _____ Year: _____

18. Do you require a translator for the actual hearing? Yes ☐ No ☒
If yes: Spanish ☐ Haitian Creole ☐ Other ☐ (Please specify which language)

19. If you would like a preliminary courtesy review of your application by the technical staff of the Developmental Impact Committee, please check Yes ☒
If yes, the application will be placed on the next available Developmental Impact Committee agenda. There is no additional charge for this service.

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), Olga Bengochea and Carlos Bengochea, as Trustees, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing. 10/19/04

Signature [Signature] Signature [Signature]
Olga Bengochea, as Trustee Carlos Bengochea, as Trustee
Sworn to and subscribed to before me this 15th day of May, 2013
NOTARY PUBLIC-STATE OF FLORIDA
Ene C. Mederos
Commission # DD900856
Expires: JULY 30, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____
Authorized Signature
Office Held

(Corp. Seal)

Sworn to and subscribed to before me this _____ day of _____, _____
Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ % (Name of Partnership)
By _____ %
By _____ %

Sworn to and subscribed to before me this _____ day of _____, _____
Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me this _____ day of _____, _____
Signature
Notary Public: _____
Commission Expires: _____

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), PABLO LEON and ALBA LEON, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Pablo Leon
Pablo Leon Signature

Alba Leon
Alba Leon Signature

Sworn to and subscribed to before me
this 15th day of May, 2013

Irene C. Mederos
Notary Public, State of Florida
Commission # DD900856
Commission Expires: JULY 30, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Olga Bengochea,
as Trustee hereinafter the
Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:
Tract 6 less the West 357.4 Feet of J. G. Heads Farms
Subdivision, according to the Plat thereof, as recorded
in Plat Book 46, Page 44, of the Public Records of
Miami-Dade County, Florida.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Olga Bengochea, as Trustee
Print Name

Sworn to and subscribed before me on the 15th day of May, 2013

Affiant is personally known to me or has produced _____ as Identification.

Notary

(Stamp/Seal)

Commission Expires:

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

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Carlos Bengochea,
Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:
Tract 6 less the West 357.4 Feet of J. G. Heads Farms
Subdivision, according to the Plat thereof, as recorded
in Plat Book 46, Page 44, of the Public Records of
Miami-Dade County, Florida.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Jennifer Hernandez

Print Name

Jennifer Hernandez

Signature

Beatriz Lopez Castro

Print Name

Signature

Carlos Bengochea, as Trustee

Print Name

Sworn to and subscribed before me on the 15th day of May, 2013

Affiant is personally known to me or has produced _____ as identification.

Notary

Irene Mederos

(Stamp/Seal)

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

Commission Expires:

[L:\forms\afficorp.sam (1/04)]

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Pablo Leon, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:
Tract 6 less the West 357.4 Feet of J. G. Heads Farms
Subdivision, according to the Plat thereof, as recorded
in Plat Book 46, Page 44, of the Public Records of
Miami-Dade County, Florida.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 15th day of May, 2013

Affiant is personally known to me or has produced _____ as identification.

Notary

(Stamp/Seal)

Commission Expires:

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

{L:\forms\affcorp.sam (1/04)}

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Alba Leon, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:
Tract 6 less the West 357.4 Feet of J. G. Heads Farms
Subdivision, according to the Plat thereof, as recorded
in Plat Book 46, Page 44, of the Public Records of
Miami-Dade County, Florida.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses: -

Signature

Print Name

Signature

Print Name

Signature

Alba Leon
Print Name

Sworn to and subscribed before me on the 15th day of May, 2013

Affiant is personally known to me or has produced _____ as identification.

Notary

(Stamp/Seal)

Commission Expires:

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

ACKNOWLEDGEMENT BY APPLICANT

1. Public Works Waste Management (PWWM), Environmental Resources Management (ERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before ERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any ERM or PWWM conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.



(Applicant's Signature)
Olga Bengochea, as Trustee

(Print Name of Applicant)

Sworn to and subscribed before me on the

15th Day of May, 2013

Affiant is personally known to me or has produced
as identification.



(Notary Public's Signature)

My commission expires 7/30/2013

State of:

Florida



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

Irene C. Mederos

(Print Name)

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[Signature]
(Applicant's Signature)

Carlos Bengochea, as Trustee

(Print Name of Applicant)

Sworn to and subscribed before me on the

15th Day of May, 2013

[Signature]
Affiant is personally known to me or has produced
as identification.

[Signature]
(Notary Public's Signature)

My commission expires 7/30/13

State of: Florida

Irene C. Mederos
Print Name

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

ACKNOWLEDGEMENT BY APPLICANT

1. Public Works Waste Management (PWWM), Environmental Resources Management (ERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before ERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any ERM or PWWM conditions and advise this office in writing if my application will be withdrawn.
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Pablo Leon
(Applicant's Signature)
Pablo Leon
(Print Name of Applicant)

My commission expires 7/30/2013
State of: Florida

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

Sworn to and subscribed before me on the

15th Day of May, 2013

Affiant is personally known to me or has produced
as identification.

Irene C. Mederos
(Notary Public's Signature)

Irene C. Mederos
Print Name

ACKNOWLEDGEMENT BY APPLICANT

1. Public Works Waste Management (PWWM), Environmental Resources Management (ERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before ERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any ERM or PWWM conditions and advise this office in writing if my application will be withdrawn.
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Alba Leon
(Applicant's Signature)

Alba Leon
(Print Name of Applicant)

Sworn to and subscribed before me on the

15th Day of May, 2013

Affiant is personally known to me or has produced
as identification.

Irene C Mederos
(Notary Public's Signature)

My commission expires 7/30/2013

State of: Florida

Irene C Mederos
Print Name

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

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

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

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

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>Olga Bengochea</u>	<u>50%</u>
<u>Carlos Bengochea</u>	<u>50%</u>
_____	_____
_____	_____
_____	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: Josen Nafshi LLC

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Ana Maria Contin Lopez, Manager</u>	<u>50%</u>
<u>12060 SW 129 CT # 208 Miami, FL 33186</u>	
<u>Elizabeth D Medina Cabrera, Manager</u>	<u>50%</u>
<u>12060 SW 129 CT # 208 Miami, FL 33186</u>	

Date of contract: 3/27/13

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

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

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

Signature: [Signature]
(Applicant)

Olga Bengochea, as Trustee

Sworn to and subscribed before me this 1st day of May, 2013. Affiant is personally known to me or has produced _____ as identification.

Irene C Mederos
(Notary Public)

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

My commission expires: 7/30/13

Seal

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

NAME OF PURCHASER: Josen Nafshi LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Ana Maria Contin Lopez, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Elizabeth D Medina Cabrera, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Date of contract: 3/27/13

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: _____

(Applicant)

Carlos Bengochea, as Trustee

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

Irene C Mederos
(Notary Public)

My commission expires: 7/30/13

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

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

NAME OF PURCHASER: Josen Nafshi LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Ana Maria Contin Lopez, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Elizabeth D Medina Cabrera, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Date of contract: 3/27/13

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: Pablo Leon
Pablo Leon (Applicant)

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

Irene C. Mederos
(Notary Public)

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

My commission expires: 7/30/13

Seal

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

NAME OF PURCHASER: Josen Nafshi LLC

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Ana Maria Contin Lopez, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Elizabeth D Medina Cabrera, Manager

50%

12060 SW 129 CT # 208 Miami, FL 33186

Date of contract: 3/27/13

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

Signature: _____

Alba Leon (Applicant)

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

Irene C. Mederos
(Notary Public)

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

My commission expires: 7/30/13

Seal

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

**TRUSTEE'S
POWER OF ATTORNEY FOR
PUBLIC HEARING**

I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint Antonio Toledo of the County of Miami-Dade and the State of Florida, true and lawful Attorney-in-Fact for me and in my name, place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in furtherance of an application for Public Hearing No. Z13-055 with Miami-Dade County for a hearing before the Community Zoning Appeals Board or County Commission of Miami-Dade County. (Explain nature of hearing).

Zoning Change from AU to RU-1M(a)

concerning the property described as:

Folio # 30-4915-001-0170, Legal Description: Track 6 Less the West 357.4 Feet of J.G. Heads Farms Subdivision according to the Plat thereof as recorded in PB 46 PG 44 of the Public Records of Miami-Dade County, Florida.

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform any and all acts necessary or incident to the performance and execution of the powers herein above expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 26th day of September, 2013.

WITNESSES:

Irene C. Mederos
Signature

Irene C. Mederos
Print Name

Jennifer Hernandez
Signature

Jennifer Hernandez
Print Name

Carlos Bengochea
Trustee Signature

Carlos Bengochea, as Trustee
Print Name

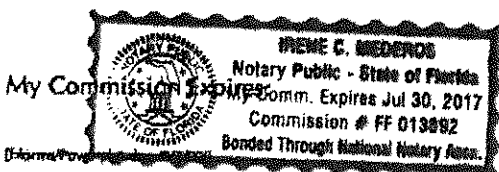
Address:
2220 S. W. 123rd Court
Miami, Florida 33175

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Carlos Bengochea, as Trustee, who is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 26th day of September, 2013, in the County and State aforesaid.



Irene C. Mederos
Notary Public-State of
Irene C. Mederos
Print Name

**TRUSTEE'S
POWER OF ATTORNEY FOR
PUBLIC HEARING**

I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint Antonio Toledo of the County of Miami-Dade and the State of Florida, true and lawful Attorney-in-Fact for me and in my name, place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in furtherance of an application for Public Hearing No. Z13-055 with Miami-Dade County for a hearing before the Community Zoning Appeals Board or County Commission of Miami-Dade County. (Explain nature of hearing).

Zoning Change from AU to RU-1M(a)

concerning the property described as:

Folio # 30-4915-001-0170, Legal Description: Track 6 Less the West 357.4 Feet of J.G. Heads Farms Subdivision according to the Plat thereof as recorded in PB 46 PG 44 of the Public Records of Miami-Dade County, Florida.

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform any and all acts necessary or incident to the performance and execution of the powers herein above expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 26th day of September, 2013.

WITNESSES:

Irene C Mederos
Signature

Irene C Mederos
Print Name

Jennifer Hernandez
Signature

Jennifer Hernandez
Print Name

[Signature]
Trustee Signature

Olga Bengochea, as Trustee
Print Name

Address:

2220 S.W. 123rd Court

Miami, FL 33175

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing Instrument was acknowledged before me by Olga Bengochea, as Trustee, who is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 26th day of September, 2013, in the County and State aforesaid.



Irene C Mederos
Notary Public-State of
Irene C Mederos
Print Name

**INDIVIDUAL'S
POWER OF ATTORNEY FOR
PUBLIC HEARING**

I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint
Antonio Toledo of the County of Miami-Dade and the
State of Florida, true and lawful Attorney-in-Fact for me and in my name,
place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in
furtherance of an application for Public Hearing No. 713-055 with Miami-Dade County for a
hearing before the Community Zoning Appeals Board or County Commission of Miami-Dade
County. (Explain nature of hearing).
Zoning Change from AU to RU-1M(a)

concerning the property described as:

Folio # 30-4915-001-0170, Legal Description: Track 6 Less the West 357.4 Feet of J.G. Heads Farms Subdivision
according to the plat thereof as recorded in PB 46 PG 44 of the Public Records of Miami-Dade County, Florida.

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform
any and all acts necessary or incident to the performance and execution of the powers herein above
expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents
and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 24 day of September, 2013

WITNESSES:

Irene C. Mederos

Signature

Irene C. Mederos

Print Name

Jennifer Hernandez

Signature

Jennifer Hernandez

Print Name

Pablo Leon

Individual Signature

Pablo Leon

Print Name

Address:

1631 N. W. 36th Ave.

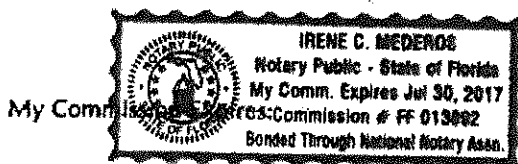
Miami, FL 33125

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Pablo Leon
who is personally known to me or has produced
as identification.

Witness my signature and official seal this 24th day of September, 2013, in the
County and State aforesaid.



9:\forms\Power\A1.doc (5/16/07)

Irene C. Mederos

Notary Public-State of Florida

Irene C. Mederos

Print Name

**INDIVIDUAL'S
POWER OF ATTORNEY FOR
PUBLIC HEARING**

I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint
Antonio Toledo of the County of Miami-Dade and the
 State of Florida, true and lawful Attorney-in-Fact for me and in my name,
 place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in
 furtherance of an application for Public Hearing No. Z13-055 with Miami-Dade County for a
 hearing before the Community Zoning Appeals Board or County Commission of Miami-Dade
 County. (Explain nature of hearing).
Zoning Change from AU to RU-1M(a)

concerning the property described as:

Folio # 30-4915-001-0170, Legal Description: Track 6 Less the West 357.4 Feet of J.G. Heads Farms Subdivision according to the plat thereof as recorded in PB 46 PG 44 of the Public Records of Miami-Dade County, Florida.

Granting and giving unto said Attorney-In-Fact, full authority and power to do and perform any and all acts necessary or incident to the performance and execution of the powers herein above expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 24 day of September, 2013

WITNESSES:

Doreen Medeiros
Signature

Irene C. Mederos
Print Name

Print Name _____
Signature _____

Signature Jennifer Hernandez

Print Name _____

Alba T...
Individual Signature

Individual Signature

Alba Leon

Print Name _____

Address:

1631 N. W. 36th Ave.

Miami, FL 33125

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Alba Leon

_____ who is personally known to me or has produced _____, as identification.

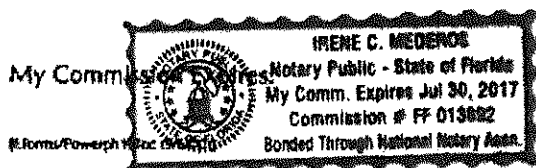
Witness my signature and official seal this 24th day of September, 2013, in the County and State aforesaid.

James C. Medero

Notary Public-State of

Trene C. Mederos

Print Name_____



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

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

January 23, 2014

Item No. 1

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

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

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

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

REQUEST:

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

PROJECT DESCRIPTION:

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

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

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

NEIGHBORHOOD COMPATIBILITY:

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

SUMMARY OF THE IMPACTS:

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

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

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

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

ZONING ANALYSIS:

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

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

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:JC:JV



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

ZONING RECOMMENDATION ADDENDUM

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

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

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

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

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. (F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which: (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered; (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
--	--

ZONING RECOMMENDATION ADDENDUM

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

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

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

CHECKED BY _____ AMOUNT OF FEE 1,188.87

RECEIPT # 1201333 835

DATE HEARD: 10/15/13

BY CZAB # 10-25-13

213055
RECEIVED
NOV 04 2013

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

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal"
and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must
be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 13-055

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

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

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

Entire appealable Application

Appellant (name): Concerned Citizens of West Dade, Inc. Subdivision #1
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with
reference to the above subject matter, and in accordance with the provisions contained in
Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board
of County Commissioners for review of said decision. The grounds and reasons supporting the
reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

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

APPELLANT MUST SIGN THIS PAGE

Date: 4 day of November, year: 2013

Signed x

Antonio Rouco

Print Name

15626 5th St NW Miami, FL 33185

Mailing Address

786-683-2119

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

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

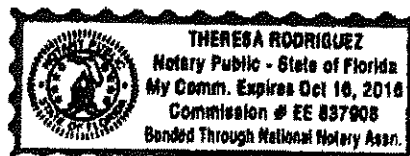
~~Representing~~
~~Signature~~
~~Print Name~~
~~Address~~
~~City State Zip~~
~~Telephone Number~~

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

Theresa Rodriguez
Notary Public

(stamp/seal)

Commission expires:



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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Antonio Rouco
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

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

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

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

Further Appellant says not.

Witnesses:

Theresa Rodriguez
Signature

Theresa Rodriguez
Print Name

[Signature]
Signature

Jorge L. Reyes
Print Name

Antonio A. Rouco
Appellant's signature

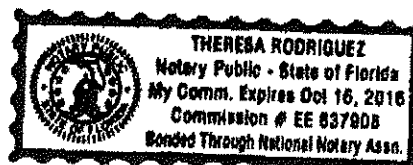
Antonio A. Rouco
Print Name

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

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

Theresa Rodriguez
Notary
(Stamp/Seal)

Commission Expires:



May 9, 2013

213-055
RECEIVED
JUN 04 2013

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

FE

Zoning Hearing Section
Miami-Dade County Department of Regulatory and Economic Resources
111 NW First Street, 11th Floor
Miami, FL 33128

Ref: Zoning Hearing Application
Folio #: 30-49-15-001-0170 (+/- 1.98 Acres)
Owner's Name: Carlos J. Bengochea & Olga Bengochea, Trustees, Pablo Leon & Alba Leon, his Wife
Purchase Date: 12/1/78 OR BK 10279 PG 0185, Modification 9/23/05 OR 27028 PG 0886
Purchaser's Name: Josen Nafshi LLC (Managers – Ana Maria Contin Lopez & Elizabeth D. Medina Cabrera)

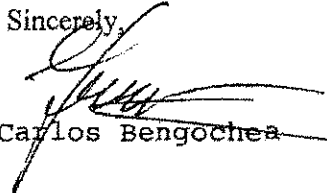
To Whom it May Concern:

We, the owner's of this property as described above, hereby submit the following Zoning Hearing Application along with all of the pertinent requirements in order to change our Property's Current Zoning from AU to RU-1M(a). This Zoning Change is compatible with the neighborhood and will allow the Purchaser of our Property (named above) to Build a Single Family Project consistent with those found in the Area.

This property is located in West Miami-Dade County where there is currently a strong demand for Single Family Inventory and we are confident this project will not only meet some of that Demand, but help increase property values for neighboring homes.

We hope the Board considers the approval of this project, which will provide added value and stability to the Area.

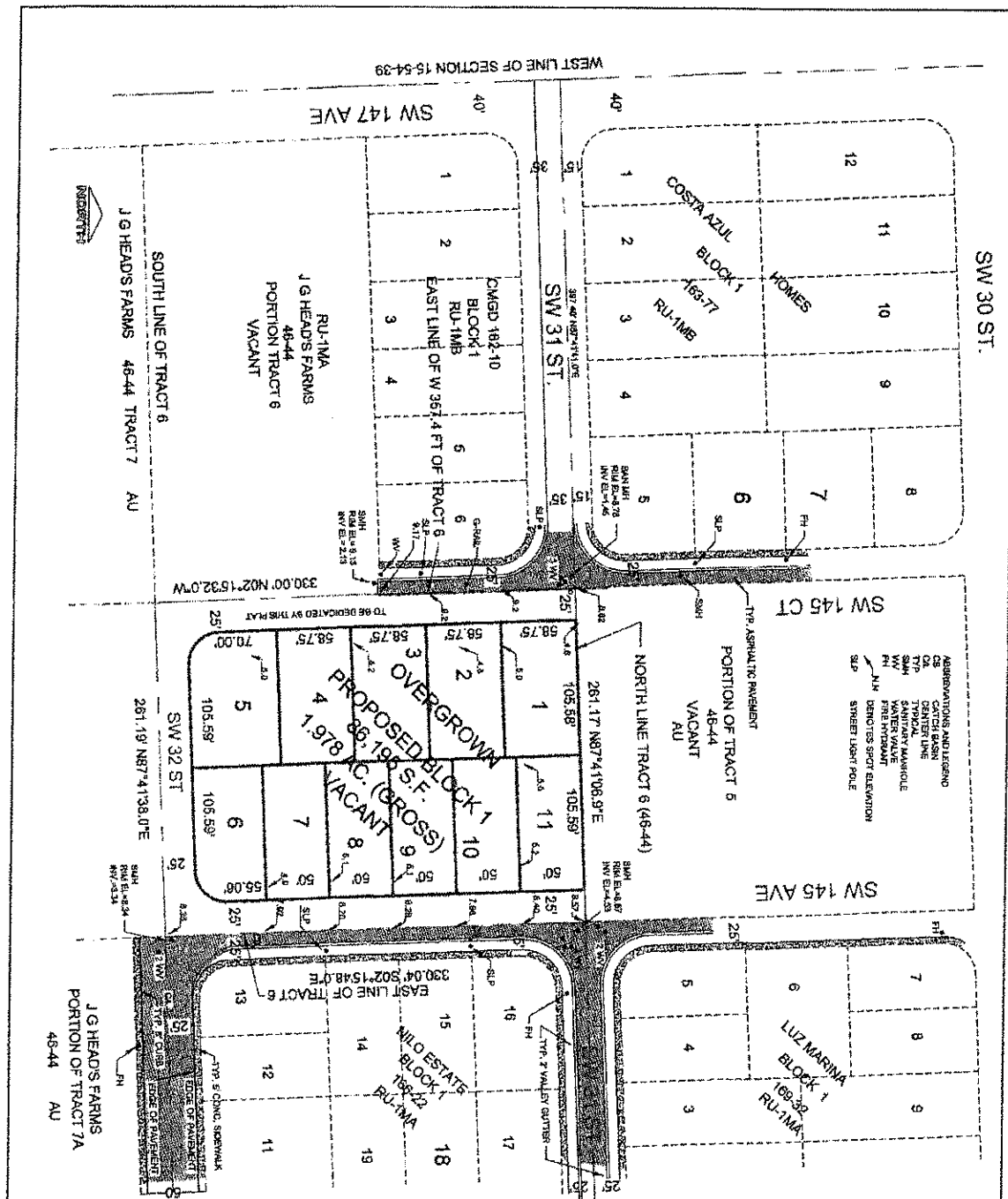
Sincerely,


Carlos Bengochea


Olga Bengochea


Pablo Leon


Alba Leon



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

SKETCH OF SITE

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

RECEIVED
JUN 27 2013

PREPARED BY
JOSE E. FUXA, P.L.S.
CONSULTING LAND SURVEYOR
7555 SW 30TH STREET
MIAMI, FLORIDA 33155
OFF. 305-261-7240 FAX 305-261-2841
EMAIL: JEFUXA@AOL.COM

CAO FILE: 03A15X001B
PAGE 1 OF 1
SCALE 1" = 80'
APRIL 25, 2013

6-8-13

REVISIONS	
6-3-13	STREET LIGHTS ADDED

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-1-14

WHEREAS, CARLOS J. & OLGA BENGOCHEA TRUST ET AL applied to Community Zoning Appeals Board 10 for the following:

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

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

LOCATION: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue & theoretical SW 145 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that that the requested district boundary change to RU-1M(a) would be consistent with the Comprehensive Development Master Plan and would be compatible with the neighbourhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and said application was approved by Resolution No. CZAB10-25-13, and

WHEREAS, CONCERNED CITIZENS OF WEST DADE INC., SUBDIVISION #1 appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

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

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

LOCATION: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue & theoretical SW 145 Court., Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners (Board) was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 10 and after having given opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 10 in Resolution No. CZAB10-25-13 and that the appeal should be approved and the decision of Community Zoning Appeals Board 10 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-1M(a) would not be compatible with the neighbourhood and are concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied.

WHEREAS, a motion to grant the appeal, to overrule the decision of Community Zoning Appeals Board 10, and deny the requested district boundary change to RU-1M(a) without prejudice was offered by Commissioner Zapata, seconded by Commissioner Jordan, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	nay	Barbara J. Jordan	aye
Lynda Bell	aye	Jean Monestime	absent
Esteban Bovo, Jr.	absent	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	absent
Sally A. Heyman	absent	Juan C. Zapata	aye
	Rebecca Sosa	aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved, and that the decision of Community Zoning Appeals Board 10 is hereby overruled.

BE IT FURTHER RESOLVED that the application be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution CZAB10-25-13 is hereby null and void.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 23rd day of January, 2014, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 13-10-CZ10-5
rd

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 9TH DAY OF FEBRUARY, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

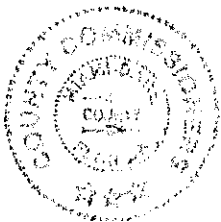
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-1-14 adopted by said Board of County Commissioners at its meeting held on the 23rd day of January, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 9th day of February, 2014.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade County Department of Regulatory and
Economic Resources

SEAL





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

February 9, 2014

Carlos J. & Olga Bengochea Trust, Et Al.
c/o Tony Toledo
7555 SW 30 St
Miami, FL 33175

Re: Hearing No. 13-10-CZ10-5
Location: Lying South of Theoretical SW 31 St, Between Theoretical SW 145 Avenue & Theoretical SW 145 Court, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-1-14, adopted by the Board of County Commissioners, which **granted the appeal to your application and reversed the decision of Community Zoning Appeals Board 10 on the above-described property; thereby denying your application without prejudice.**

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **February 9, 2014**. Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosa Davis".

Rosa Davis
Deputy Clerk

Enclosure



Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

February 9, 2014

Concerned Citizens of West Dade, Subdivision #1
c/o Antonio Rouco
15626 SW 23rd Lane
Miami, FL 33185

Re: Hearing No. 13-10-CZ10-5
Location: Lying South of Theoretical SW 31 St, Between Theoretical SW 145 Avenue & Theoretical SW 145 Court, Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-1-14, adopted by the Board of County Commissioners, **which granted your appeal of the Carlos J. & Olga Bengochea Trust, Et Al. application and reversed the decision of Community Zoning Appeals Board 10 on the above-described property.**

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **February 9, 2014**. Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosa Davis", written over a horizontal line.

Rosa Davis
Deputy Clerk

Enclosure

RESOLUTION NO. CZAB10-25-13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 15th day of October, 2013.

Hearing No. 13-10-CZ10-5
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

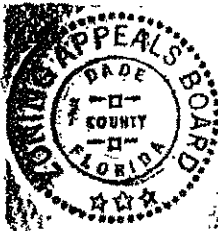
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board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

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



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

SEAL





miamidade.gov

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33138-1902
T 305-375-2640
www.miamidade.gov/economy

October 25, 2013

Carlos J. & Olga Bengochea Trust, Et Al
c/o Tony Toledo
7555 SW 30 Street
Miami, Florida 33155

Re: Hearing No. 13-10-CZ10-5
 Location: Lying South of theoretical SW 31 Street, between theoretical SW 145 Avenue
 & theoretical SW 145 Court

Dear Applicant:

Enclosed herewith is Resolution No. CZAB10-25-13, adopted by the Miami-Dade County Community Zoning Appeals Board, which **accepted your Declaration of Restrictions and approved your request for a district boundary change to RU-1M(a)** on the above noted location. Please note the conditions under which said approval was granted, since failure to comply with stipulated conditions, if any, will result in the issuance of civil violation notices requiring payment of daily fines.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33138. The date of posting is **October 21, 2013**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

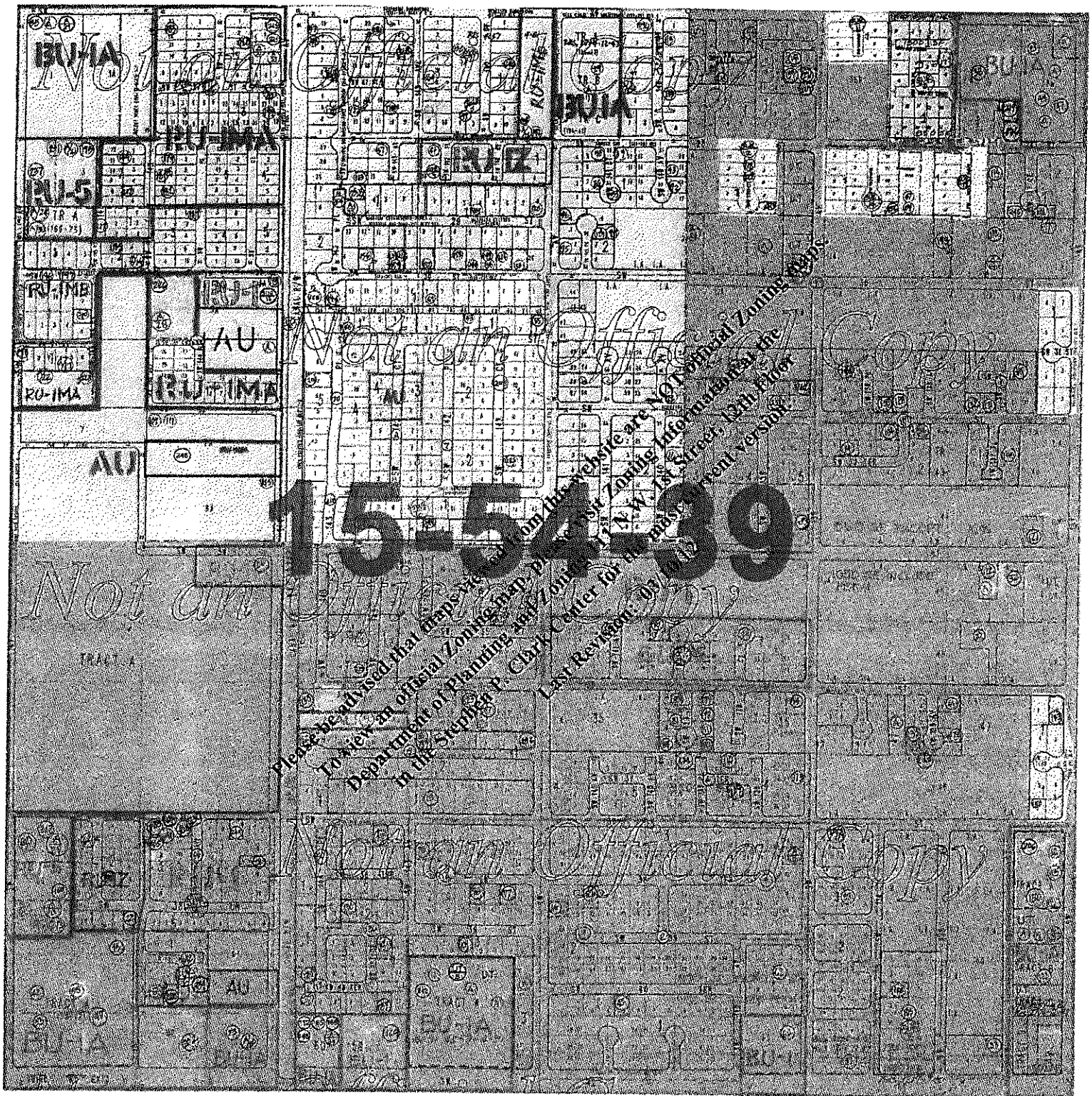
Sincerely,

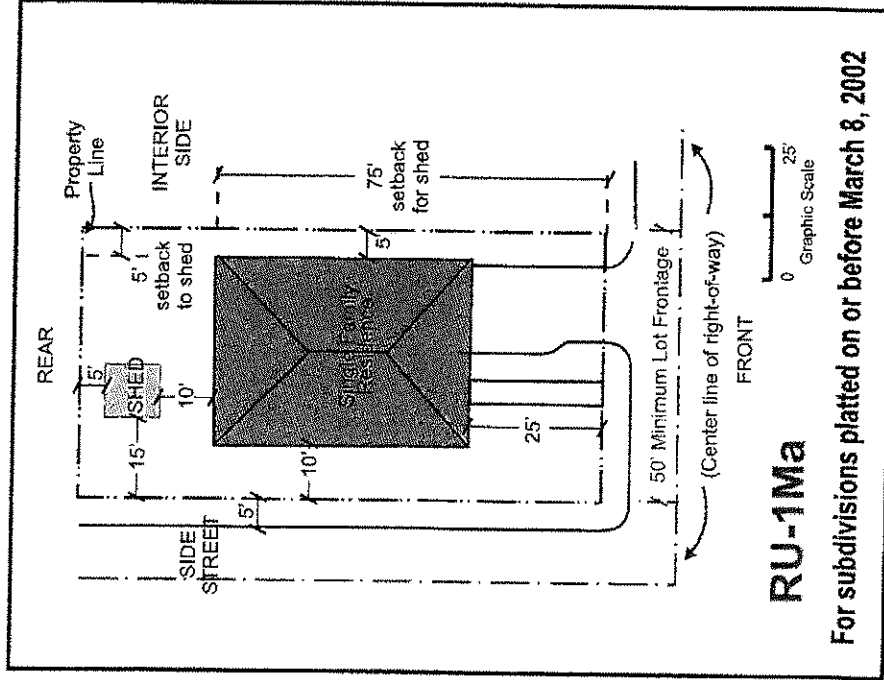
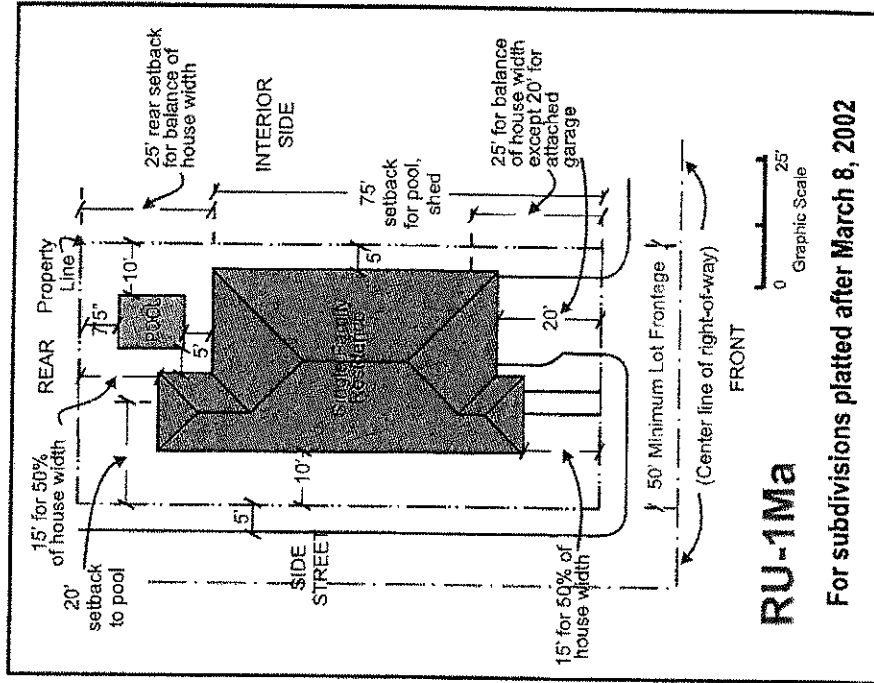
A handwritten signature in black ink, appearing to read "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure

Delivering Excellence Every Day



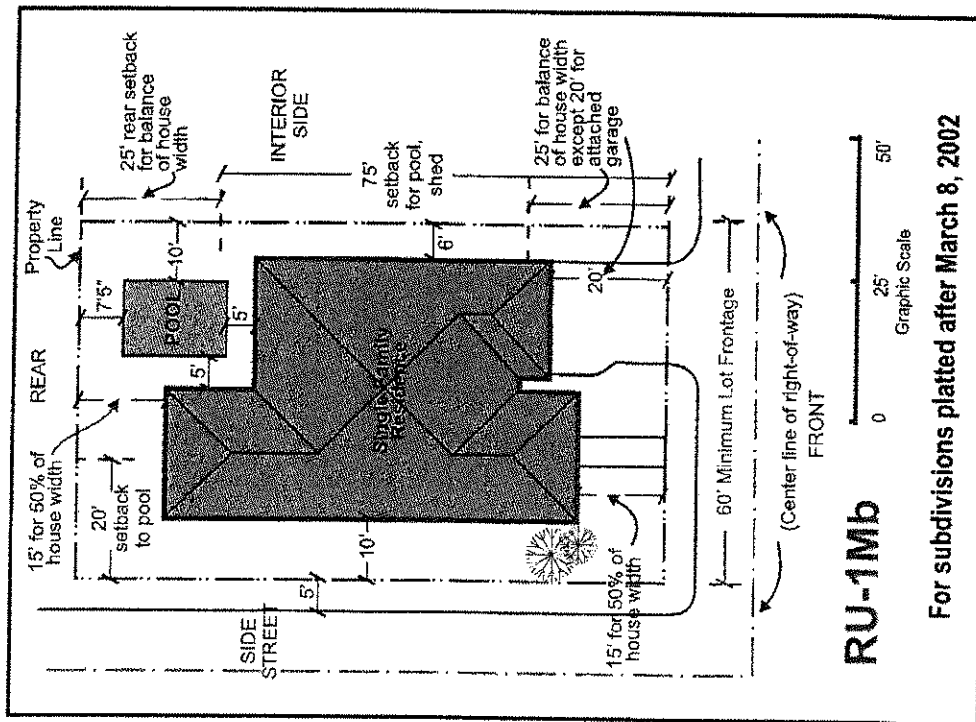
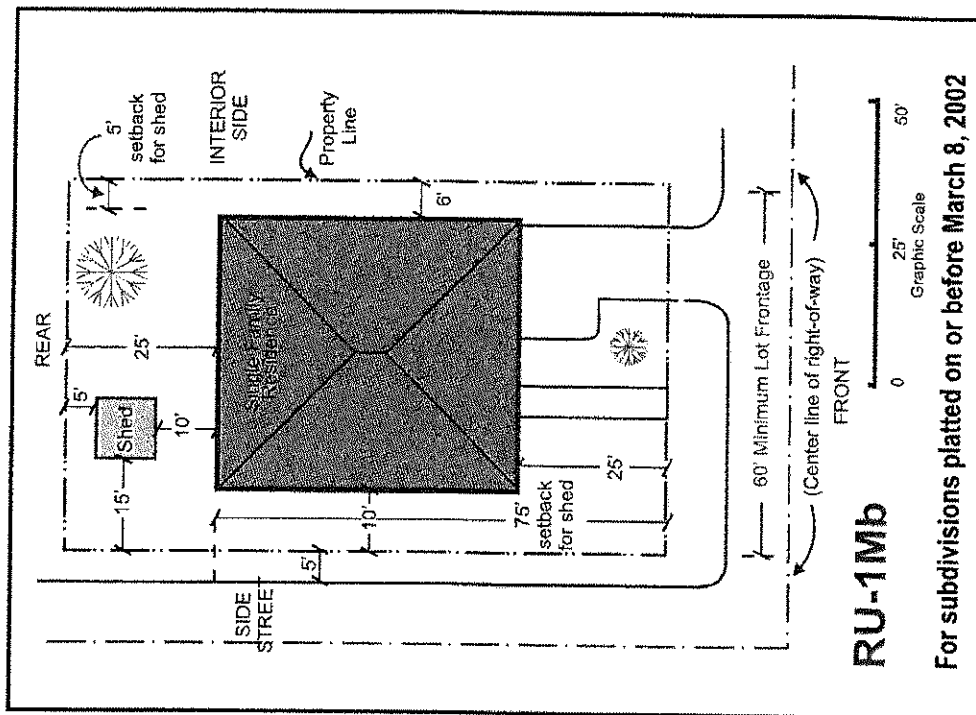


SITE PLAN

SITE PLAN

A Public Information Service of Miami-Dade County

For a complete history of your property, see Regulatory and Economic Resources Department, Zoning Information Section, or call 305-375-2800.



ZONING – BCC JANUARY 23, 2014

ITEM # 1 – 13-055

CARLOS J. & OLGA BENGOCHEA TRUST ET AL

This instrument prepared by:

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

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

DECLARATION OF RESTRICTIONS

Public Hearing No. Z2013000055

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Execution Pages Follow]

(Space reserved for Clerk)

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged one this 22ND day of

JANUARY, 2014.

WITNESSES

Signature

ALEXANDRO E. PEREZ

Print Name

Signature

Mirsha Cauman

Print Name

ATTICO HOLDINGS USA, LLC

Name of LLC

Address:

12060 SW 129 CT

SUITE 208

MIAMI, FL 33186

By:

(Managing Member)

Print Name: Ysaac J Coronado

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Ysaac J. Coronado the Managing Member of ATTICO HOLDINGS USA, LLC, on behalf of the LLC.

He/She is personally known to me or produced DRIVER'S LICENSE, as identification.

Witness my signature and official seal this 22ND day of JANUARY, 2014 in the County and State aforesaid.

Signature

Notary Public-State of _____

My Commission Expires:

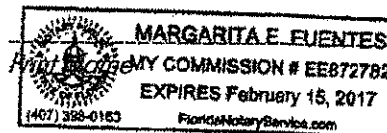
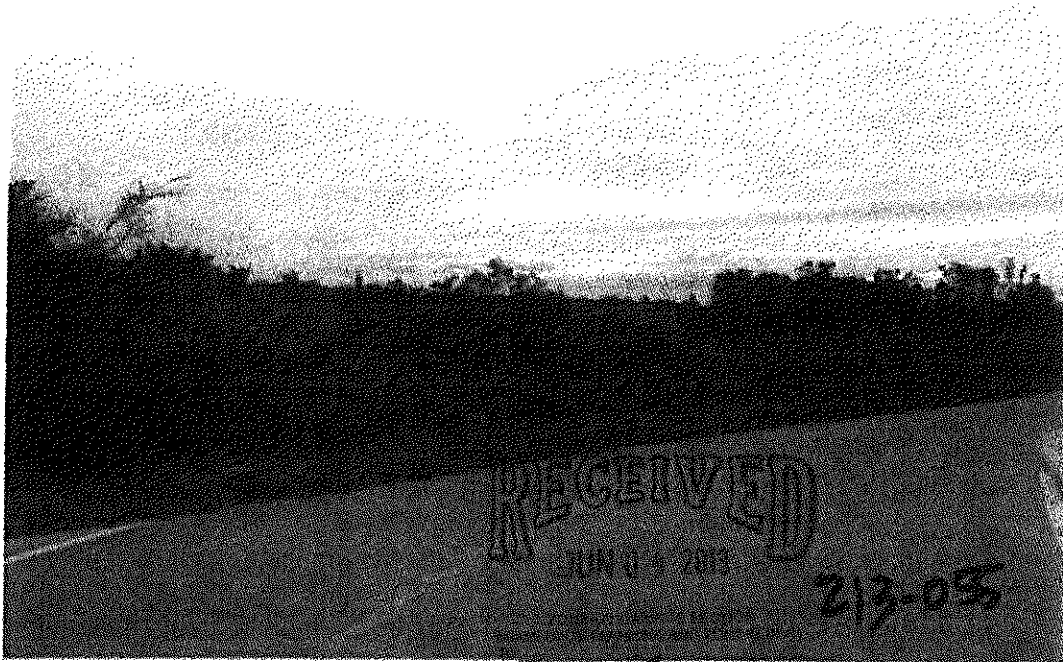


EXHIBIT "A"

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

Property Photographs—Folio # 30-49-15-001-0170

Northwest View from Corner of SW 32 ST and 145 AVE



98

Southwest View from Corner of SW 31 ST and 145 AVE

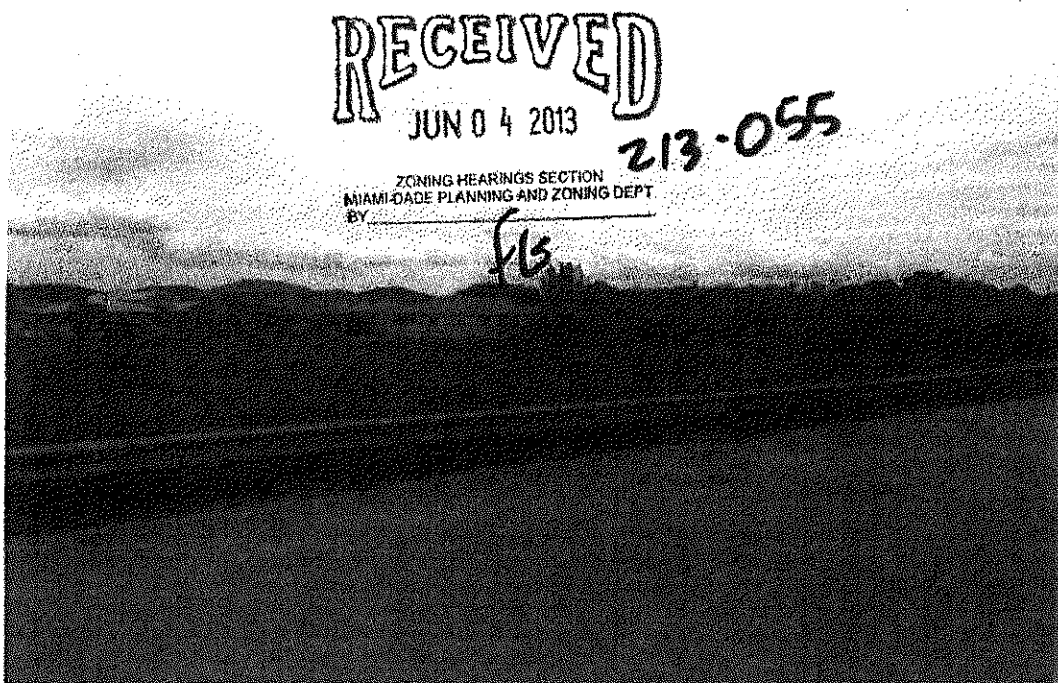


Property Photographs—Folio # 30-49-15-001-0170

Street Sign Corner of SW 31 ST and 145 AVE (NE Corner of Property)



Southeast View from Corner of SW 31 ST and 145 CT



Property Photographs—Folio # 30-49-15-001-0170

Street Sign Corner of SW 31 ST and 145 CT (NW Corner of Property)



RECEIVED

JUN 04 2013

213-055

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

FS

This instrument prepared by:

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

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

DECLARATION OF RESTRICTIONS

Public Hearing No. Z2013000055

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

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

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

EXHIBIT "A"

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

STEPHEN CLARK BUILDING GOVERNMENT CENTER
 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
 111 NW FIRST STREET, COMMISSION CHAMBERS
 Thursday, January 23, 2014

ITEM

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

Board of County Commissioners
 (Present)

Rebeca Sosa, Chairwoman
 Lynda Bell, Vice Chair
 Barbara J. Jordan
 Audrey Edmonson
 Bruno Barreiro
 Dennis Moss
 Javier Souto
 Juan Z. Zapata

Staff

Eric Silva, Zoning Director

County Attorney's Office

Craig Collier
 (Assistant County Attorney)

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CHAIRWOMAN SOSA: -- before we hear
 from the members who are appealing the
 decision?

DIRECTOR SILVA: The staff
 recommendation on the zone change that
 went to community council was for approval
 from agriculture to RU-1M(a), and that
 recommendation was approved by the Board
 and then this homeowners group decided to
 appeal that decision by the CZAB.

CHAIRWOMAN SOSA: So the
 recommendation was for approval.

DIRECTOR SILVA: From staff.

CHAIRWOMAN SOSA: And the appeal that
 we have in front of us today is against
 the recommendation of the staff.

DIRECTOR SILVA: Correct.

CHAIRWOMAN SOSA: And this is located
 in district --

DIRECTOR SILVA: District 11, yes.

CHAIRWOMAN SOSA: -- 11. Thank you.
 Welcome. And please state your name
 and your address for the record. And I'll
 give three minutes to each one.

MR. REYES: Okay. Yes, ma'am.

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CHAIRWOMAN SOSA: Let's go to Item
 No. 1 then.

DIRECTOR SILVA: Item No. 1 is Carlos
 J. & Olga Bengochea Trust, hearing number
 13-55.

CHAIRWOMAN SOSA: Wait. Wait. Let
 me -- let me ask everyone, any
 conversation to happen outside. And for
 those who are leaving the chambers to
 please do it in silence. I really
 appreciate that.

Okay. We are in Item No. 1. I
 apologize. Go ahead.

DIRECTOR SILVA: Hearing Number
 13-55. We have had seven protests on this
 item and no waivers of support.

This is an appeal from the Community
 Zoning Appeals Board. It was appealed by
 the homeowners association group. And the
 request was for a zone change from
 agriculture to RU-1M(a). It was approved
 by the community council.

CHAIRWOMAN SOSA: Anything else that
 you have to say for the record --

DIRECTOR SILVA: No.

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Good morning, Madam Chairperson, my
 name is Jorge Reyes. I reside at 142 -- I
 reside at 2804 Southwest 142nd Place. I
 am the treasurer of this organization. I
 am joined by Mr. Jose Rodriguez, who is
 our Vice President, who will help me with
 these presentations.

If you don't mind, I would like to
 start by delivering a petition that we
 have signed, which is the seven
 protesters, which is in addition to the
 members that are here.

CHAIRWOMAN SOSA: Yes, to the clerk
 please.

MR. REYES: If you'd allow me, I'd
 like to come in front, so we can discuss
 the application in front of these -- with
 my displays. I guess I got to get a mike
 or can you hear me okay?

CHAIRWOMAN SOSA: No, no, take the
 mike, please, for the benefit of those at
 home.

MR. REYES: Okay. Is it working?
 Does it start? Okay, we're good.

All right. First and foremost, I

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5 1 would like to equate -- I would like 2 familiarize you with the location of the 3 subject property. 4 This property is a two-acre parcel 5 and it sits in the middle between -- on 6 the north agriculture, on the south, what 7 used to be -- 8 CHAIRWOMAN SOSA: Wait, wait. Let me 9 ask the staff or the sergeants. They need 10 a stand. Can someone help us? I think we 11 have some down there that you can use. 12 MR. REYES: Okay. 13 CHAIRWOMAN SOSA: So everyone can see 14 what you're presenting. 15 Thank you. 16 MR. REYES: I appreciate it. 17 CHAIRWOMAN SOSA: Our pleasure. 18 Go ahead. 19 MR. REYES: We'll use one stand. 20 If you'll assist me, Jose. Turn it 21 this way. 22 We're talking about a two-acre parcel 23 in the middle bordered on the east by 145 24 Avenue. On the west by 145 Court. 25 Now, this particular parcel, there's MIAMI-DADE COUNTY COURT REPORTERS, INC. (305) 373-5600	7 1 time know these zoning hearings, are very 2 familiar with RU-1 and RU-1(b), but just 3 for clarification, ru-1 is 7500 square 4 feet. RU-1M(b), which is what's north of 5 this project on this property all to the 6 north is 6,000 square feet. And, of 7 course, there's RU-M(a). 8 Normally, what happened was, 9 according to the years, as the economy 10 digressed in the last few years, before 11 there were more single-family of a larger 12 lot. As the economy either improved or 13 deteriorated, depending how you want to 14 look at it, there was a fear that prices 15 of homes are going to escalate beyond, so 16 there was a big push for smaller lots. 17 That has since evaporated. That no longer 18 exists. 19 Now, the predominant zoning that's 20 here, that the applicant is requesting, 21 Community Council approved was 22 5,000 square feet. Why are we so opposed 23 to 5,000-square foot lots? 24 Well, the reason is primarily because 25 in a 5,000-square foot lot, the setback is MIAMI-DADE COUNTY COURT REPORTERS, INC. (305) 373-5600
6 1 more in that area than just what borders 2 north and south, which is AU. South used 3 to be AU. To the east -- to the immediate 4 west, there's a small one-acre parcel of 5 RU-1MA. To the north of that, there's 6 RU-MB. 7 If you follow this path, I'm going to 8 try to match it up, this is actually 9 bordered on the north by an RU-M(a) track. 10 There is also an RU -- move it over. 11 Jose, let it go a little bit. 12 There is also an RU-1A -- there's 13 also RU-1 in the area. There's also this 14 parcel, which is subsequently rezoned to 15 RU-M(a), but not all RU-M(a) are created 16 equal. 17 This parcel of land, we worked with 18 the developer closely. And the developer 19 allowed one lot that was 100 square feet 20 and others that were 6,000 square feet. 21 So following the area, if we follow 22 it -- and, of course, across 144 Avenue is 23 all RU-1 product. 24 Now, I'm sure for those of you who 25 have been in the Commission for a long MIAMI-DADE COUNTY COURT REPORTERS, INC. (305) 373-5600	8 1 15 feet. The average SUV is 22 feet in 2 length. What we've experienced and seen 3 in that area, particularly with the other 4 RU-1M(a) that are there, there's six feet 5 hanging on the sidewalk. We frequently 6 walk in that area and you can't walk. 7 It's not pedestrian friendly anymore. 8 In addition, there is support for 9 6,000-square foot lots in the area. As a 10 matter of fact, we worked closely with 11 another developer on the south side on 12 this AU-1 product. We reached out to 13 them. They reached out to us. And they 14 proffered a settlement agreement where 15 they would agree to 6,000 square feet. 16 Now, I would like to -- I have those 17 settlements. If you'd like, I can give it 18 to the clerk, and they can give it to you, 19 if that would be acceptable to you. Okay. 20 Thank you. 21 What I would like for you -- what I 22 would like you to note on this particular 23 settlement agreement, the property that 24 the settlement agreement entitled was 25 bordered on the west on 147, on the south MIAMI-DADE COUNTY COURT REPORTERS, INC. (305) 373-5600

1 was 32 Terrace. And that is completely
2 south of this project, which means
3 contiguous to this project.

4 And Item No. 2d, if I'm not mistaken,
5 says specifically all lots on this
6 property shall be a minimum of
7 6,000 square feet.

8 CHAIRWOMAN SOSA: Let me interrupt
9 you for a second. Let's allow three more
10 minutes since we have two residents here,
11 so he can finish the exposition.

12 Go ahead.

13 MR. REYES: Thank you.

14 What it's telling you, is that the
15 market in the particular area has now
16 changed. Before, because of the
17 recession, because the fear that the
18 prices of these homes were going to be so
19 high, the 5,000-square foot lot was
20 desirable. It no longer is. You have a
21 developer who will commit and say we will
22 build 6,000 square feet, which brings us
23 as to why this application, and why are we
24 here now and why are we taking your time
25 when you have other issues.

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1 You'll notice that Lennar said, the
2 last -- every project that we do, we would
3 like to improve. We submit to you that
4 this particular project is not improving.
5 In fact, it will deteriorate that area.

6 There is no covenant. The only thing
7 they're proffering is to limit the lots to
8 30 areas.

9 There is specifically -- if you look
10 at this specific lot and their site plan,
11 there is one street that's just gonna
12 dead-end. 31 Street is scheduled -- it
13 goes west. And at the present time, it
14 ends at 145 Avenue, because there is
15 nothing there. The parcel to the north is
16 AU. When this lot -- when this proposed
17 development is developed, that will be
18 lots. It also 31 Street goes east from
19 147. It will die in this development. It
20 will die at a house. I will submit to you
21 that that's not necessarily proper
22 planning.

23 Now, something else which we need to
24 also address in this community. This
25 development will drop the prices of homes.

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1 You have seen that there's developers
2 strictly to the south that will commit to
3 6,000 square feet. If you allow this
4 development at 5,000 square feet, what's
5 going to happen is, you're going to end up
6 like -- you can kind of say like in the
7 corner where you have a gas station where
8 it says 1.45 a gallon -- well, that's in
9 the old days. 3.45 a gallon. You want to
10 have one that says 3.65. There will be a
11 push to reduce prices. And if you have
12 that, you'll have detrimental on the value
13 of the homes here.

14 Dade County is a community that
15 basically derives most of its revenues, if
16 I understand it correct, from property
17 values. Allowing this application will
18 reduce property values.

19 We have a situation now where you
20 can't pay County employees their 5%, or
21 what have you. There is budget
22 constraints. By approving this
23 application, you will continue this.

24 You will also have a situation where
25 any future developer that will come in

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1 will only build 5,000 square feet, because
2 that's what you told them that they need
3 to build. And they do not necessarily
4 need to adhere to market forces.

5 I always thought that market force
6 would dictate and government would follow,
7 I don't feel that this particular case,
8 this is what's occurring.

9 For the reasons that I've
10 illustrated, I disagree with your Planning
11 Department, which says there's only AU --
12 and RU-1M(a) being developed in the area.
13 There is not. There is RU-M(b). There is
14 RU-1. And we believe this development is
15 not compatible with the particular zone.

16 And we would expect -- and we would
17 hope that you would grant our appeal.

18 Thank you.

19 CHAIRWOMAN SOSA: Thank you.

20 I want to make sure Bengochea Trust,
21 Samuel Reiner, and then after I have
22 Moraima Lugo Morales.

23 Welcome. You have three minutes.
24 Please state your name and your address
25 for the record.

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MR. REINER: Good morning, may it please the board, my name is Samuel Reiner, with law offices at 9100 South Dadeland Boulevard, Datan, Suite 901, Miami, Florida. I represent the current owner of the parcel, and I'll try to be brief.

Well-informed, well-intentioned dissent is indispensable to the business of this Board. There's no doubt about that. The RU-1M(a) designation is well-represented in the neighborhood of this particular parcel on three sides, now as we know, because the site to the south has been agreed to be designated as such.

This particular fight is about the difference between 11 homes on our proposal and the 10 that supposedly is acceptable.

My colleague spoke to a great many things that didn't seem to appear in his appeal brief. Some of them are new from the last time we were together with the Zoning Appeals Board hearing, but we're fighting about 10 versus 11. Now that's

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not a fight about a significant principle. That's just a fight to have a fight.

The properties on the west side of this property, the closest in proximity for RU-1M(b), the 6,000-foot minimum lots, are caddy corner to the northeast, otherwise completely surrounded by RU-1M(a).

The five houses on the west side of this site are more ample than the six on the other side. There's a variety there.

While I appreciate my colleague's interest in the economics of this proposal and the economic impact it may have on my client, it's my client's choice to offer a variety of size lots. We can change the size of the lots, but it really won't change the essence of the fight.

They're concerned about 11 lots. We've proposed 11. They'll accept 10. It's their way or the highway. And the reality of it is, they haven't said anything that should -- that demonstrates an issue or an error on the part of staff that's recommended this.

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The one thing I'd like to correct that my colleague said, he said it was 15-foot setback and somehow it affects the size of an average car to be parked. It's a 20-foot setback for a two-car garage. And that's what we have. So I think that was perhaps an oversight.

We are -- we've got six lots that are over 5,000 feet. Five lots that are over 6,000 feet. I think the staff recommendation should be upheld.

Even ignoring the concurrence of the neighborhood providers that didn't object, ignoring the compatible nature of the neighborhood, there is still no compelling reason to grant this appeal, no compelling reason to deny what the Community Zoning Board appeal has done. And with all due respect, the appeal should be denied.

We'll be happy to answer any questions, if you have them.

CHAIRWOMAN SOSA: Thank you, sir.

MR. REINER: Thank you very much.

CHAIRWOMAN SOSA: The next person is Moraima Lugo.

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MS. LUGO: Good morning, Madam Chair, Commissioners, Ladies and Gentlemen, Moraima Lugo Morales, Concerned Citizens of West Dade. And my address is 4240 Southwest 153 Place.

I want to rectify that I oppose this part it's wrong, because I was not opposing the prior applicant and of course I'm not opposing this one.

I am in favor of you not allowing this application to go forward, because, as we stated, 20-foot setbacks, still the SUV is 23 feet. So still it doesn't fit. Thank you for your time.

And I do please accept for you to deny this application and go in our favor. Thank you. Have a nice day.

CHAIRWOMAN SOSA: Thank you.

Anyone else from the public who wishes to speak on this appeal?

Seeing no one -- Mr. Attorney, I'm going to need guidance, because I gave him three minutes and I extended additional three minutes to him.

MR. COLLIER: Right, but I think he's

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1 the applicant, so he's coming back for
2 rebuttal.

3 CHAIRWOMAN SOSA: Okay.

4 MR. COLLER: So he's entitled to a
5 couple minutes.

6 CHAIRWOMAN SOSA: You're the
7 applicant. You're coming back from
8 rebuttal.

9 MR. COLLER: I should say he's the
10 appellant.

11 CHAIRWOMAN SOSA: Then the appeal.

12 MR. COLLER: Right.

13 CHAIRWOMAN SOSA: Then I will give
14 you the other side an amount of time to
15 rebuttal to be fair, because I gave him
16 only three minutes.

17 Go ahead, sir.

18 MR. REYES: Thank you, Madam
19 Chairperson.

20 I just want to make one single point.
21 This is not a fight to have a fight. I
22 disagree. We would not have spent the
23 money. We would not have taken the time.
24 The seven persons would not have signed
25 the opposition.

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1 The problem that we have, if you look
2 at that map, there's an IU -- there's an
3 AU parcel directly north to that. You
4 zone this 5,000-square feet lots, you will
5 have the 5,000 square feet to the north.
6 You will have the same 5,000 square feet
7 to the west. This is the time -- this is
8 where we need to hold the line.

9 There's RU-M(a) product there.
10 There's ample RU-M(a) product that has not
11 been observed. It still can be absorbed.
12 There's still foreclosures. The real
13 estate market is still tepid. If you
14 allow this, what will happen is, we have a
15 tepid real estate market where people are
16 coming back. This will have a diminishing
17 effect.

18 And that's why we've come here,
19 because we feel it's a larger issue that
20 needs to be decided by the Commission.

21 Thank you so much.

22 CHAIRWOMAN SOSA: Thank you, sir.

23 MR. REINER: Nothing further. Thank
24 you.

25 CHAIRWOMAN SOSA: Thank you.

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1 Anyone else who wishes to speak?

2 Then we close this public hearing.

3 And, Commissioner Zapata, today is
4 your day.

5 COMMISSIONER ZAPATA: Yes, I see I'm
6 busy and I want to thank you all for being
7 a part of this. I appreciate it and your
8 patience.

9 So to staff, I've got a couple of
10 questions, because I know this area well,
11 and one of the areas that concerns me the
12 most in my district is this area north of
13 Bird Road, west of 137 Avenue, and the way
14 it was kind of all put together.

15 These small parcels and these small
16 developments, you know, they may look good
17 in a vacuum, if you just focus on that
18 little parcel, but, you know, once all
19 this has been put together, it just does
20 not look nice. It just does not work
21 well.

22 And I'm trying to understand, and
23 obviously you guys recommended this, and I
24 know you basically just guide yourself by
25 the code and what the code says, but if

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1 you step back and you take a much broader,
2 you know, look at this, and you kind of
3 take from a 30,000 kind of feet level and
4 you look down, these things don't look
5 like they're well put together.

6 Do you guys look at that when you
7 make your recommendation or do you just
8 basically base it on a set of criteria
9 based on that specific parcel?

10 DIRECTOR SILVA: Commissioner, when
11 these applications come in to us, these
12 changes from AU to RU-1 or RU-1M(a), what
13 we receive is basically a request to
14 change the zoning district and just a lot
15 plan. So unlike the last application
16 where we had a detailed site plan, we
17 don't get any of that information. So
18 they're telling us that they're going to
19 comply with that zoning district's
20 requirements.

21 So, in this case, when they requested
22 the RU-1M(a), they provided us with a lot
23 plan that showed lots varying from
24 7,350 square feet to 5,280 square feet or
25 so. So that's really all we see. And we

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1 basically look around at the surrounding
2 neighborhood.

3 And this application, our
4 recommendation, was primarily based on the
5 zoning to the east and the west, which was
6 RU-1M(a). And to the south, we also have
7 an application that came in for the same
8 request and we recommended approval for
9 that one, too. And they came to an
10 agreement to basically the RU-1M(b)
11 standards, which are the 6,000-square foot
12 lots.

13 So when we look at it, we've got the
14 information from the neighborhood, but we
15 don't have any really site plan
16 information.

17 COMMISSIONER ZAPATA: Yes, 'cause I
18 noticed looking here through the
19 transcripts that they don't -- they kind
20 -- some of the inquiries from the Council
21 Members is how this was going to look, and
22 whether it had a garage or not. And then
23 basically they said that none of that is
24 there. We have no idea what kind of
25 landscaping plan, what kind of buffer

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1 between one development to another exists.
2 We have none of that information.

3 DIRECTOR SILVA: Yeah, we don't see
4 that either, right.

5 COMMISSIONER ZAPATA: Now, in
6 planning, would it be -- would it be a
7 better kind of planning exercise to have
8 different types of lot sizes as opposed to
9 an area that has all the same lot sizes?
10 I mean, how does that whole urban/suburban
11 planning thing work? Why don't you
12 enlighten me on that.

13 DIRECTOR SILVA: From a planning
14 perspective, we always try to encourage
15 different lot sizes and also a variety of
16 homes, too. It makes the neighborhood
17 more interesting. It makes it -- you
18 know, more landscaping also is helpful,
19 too.

20 So from an aesthetic's point of view,
21 I think it is better, yes.

22 COMMISSIONER ZAPATA: So you're
23 saying here that you have RU-1M(a) in all
24 the surrounding lots. Would it not be of
25 interest to maybe have a different type of

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1 lot size in there to create that variation
2 that you're speaking about?

3 DIRECTOR SILVA: Well, the zoning is
4 RU-1M(a) in that area, but on their own,
5 when you look at the surrounding lots, the
6 developers have mixed lot sizes. Either
7 the corner is a little bit bigger, and
8 they have a couple more larger lots and
9 then as you get further, in this
10 neighborhood in particular, a little
11 further to the east, the lots get a little
12 bit smaller. So this area, they're not
13 just 5,000-square foot lots.

14 COMMISSIONER ZAPATA: I saw the lot
15 size. I mean, they're not exactly 5,000,
16 but there, you know, maybe 5500, or
17 somewhere around there.

18 DIRECTOR SILVA: Uh-hum.

19 COMMISSIONER ZAPATA: Talk to me
20 about the roads, 'cause I'm looking here
21 at an aerial that you have. And I guess
22 it would be like this 31 Street, because
23 this is another problem. I mean, I walked
24 those neighborhoods and I remember just
25 being -- going nuts trying to figure out

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1 how to get from one block to another,
2 because, like, there would be dead-ends in
3 the most strangest of places.

4 And I think part of that, what
5 contributed to a lot of that is, again,
6 this very small parcel type of development
7 where there didn't seem to be kind of any
8 rhyme or reason or any cohesiveness to a
9 neighborhood or any sort of features that
10 would contribute to a neighborhood.

11 So, you know, I'm looking here, and I
12 don't see a road there on 31 Street. I
13 don't know how that road on 32 Street
14 would look. Where would that 145 Court
15 go? How does all that fit into that? I'm
16 kind of having a hard time visualizing all
17 that.

18 MR. REINER: May I answer that?

19 COMMISSIONER ZAPATA: Sure. I'd like
20 to hear staff. Then if you'd like to
21 pitch in, sure.

22 DIRECTOR SILVA: The dedications for
23 31 Street will be addressed through the
24 platting process and I think the applicant
25 might have a graphic showing that

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1 information.

2 COMMISSIONER ZAPATA: So how does
3 that dovetail with a project to the east
4 of that, those homes that are already
5 built there? How does that -- would that
6 be a dead-end there?

7 DIRECTOR SILVA: No, it should all be
8 connected.

9 COMMISSIONER ZAPATA: It should all
10 be connected?

11 DIRECTOR SILVA: Correct, yes.

12 COMMISSIONER ZAPATA: But if I draw a
13 line, it wouldn't be a straight road then,
14 right?

15 DIRECTOR SILVA: I couldn't hear.

16 COMMISSIONER ZAPATA: It wouldn't be
17 a straight road? Because I'm looking here
18 at 31 Street and then I'm kind of
19 following the dotted line and it leads
20 right into kind of the setback and the
21 sidewalk that you have there.

22 DIRECTOR SILVA: The application that
23 we're reviewing today would dedicate their
24 portion of the required roadway. And then
25 when the application to the north comes

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1 in, they would dedicate their portion and
2 it should all lineup.

3 COMMISSIONER ZAPATA: It will lineup
4 with 31 Street, but not with that road
5 that's directly west of that. Am I
6 correct with that or no?

7 I mean, these are some of the issues,
8 I mean, that really frustrate me and I
9 think frustrate the folks who live in that
10 neighborhood and we kind of seem to be
11 continue doing more of the same, which
12 I've been very vocal that I'm not going to
13 support.

14 You know, I want something that is
15 much better than what was developed in the
16 past. I want development that's going to
17 enhance and benefit the people who already
18 live there as opposed to create maybe a
19 nice home for folks who are moving into
20 the neighborhood.

21 So I'm hard pressed. I mean, do you
22 see what I see? I mean, I'm looking here
23 in the packet, there's an aerial shot.

24 DIRECTOR SILVA: Yes, I have the same
25 graphic.

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1 COMMISSIONER ZAPATA: And if you see
2 the 31st Street and you kind of follow
3 that dotted line, that's I guess the
4 northern boundary of the property, it
5 doesn't lineup nicely with that other
6 street.

7 DIRECTOR SILVA: The graphic in the
8 packet shows the entire property owned by
9 the applicant prior to any dedication for
10 the roadway. So once, you know, if you
11 had a dedication, the dotted line will
12 drop down a little bit and it should line
13 up.

14 COMMISSIONER ZAPATA: I don't know.
15 My eyesight -- my eyes still work okay.
16 And I'm looking at it. And I don't know
17 how that road is going to lineup with that
18 property. And those curves create some
19 interesting features.

20 I guess the attorney, you wanted to
21 show me something.

22 MR. REINER: I think you're exactly
23 correct, Commissioner, Southwest 31st
24 doesn't line up. And that was the reason
25 I think Public Works said it's okay to

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1 dead-end.

2 Also, as you proceed east, it
3 dead-ends against the canal, so traffic is
4 really not an issue.

5 COMMISSIONER ZAPATA: So then this is
6 my question to planning, why are we
7 allowing these kinds of developments that
8 create these nonsensical dead-ends in the
9 middle of places and don't really provide
10 for good mobility within these areas,
11 create a sense of community or a nice
12 cohesive sense of neighborhood there?

13 You know, I think we had a previous
14 applicant that was a well -- it was a
15 large development. It had well-planned
16 features.

17 I'm hard pressed to see why we can't
18 somehow bring in that spirit and that
19 concept through our planning to a series
20 of smaller developments.

21 And it makes me very uncomfortable to
22 see that we're basically what we would be
23 approving here or not approving today.
24 This application will continue to feed
25 into that pattern, which I think

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1 aesthetically hasn't contributed to it. I
2 don't think it's enhanced the quality of
3 life. Actually, I would say to continue
4 to do that would be detrimental to the
5 neighbors and that neighborhood. And
6 continue to add to the problems, you know,
7 that we're facing there just from being
8 able to provide adequate public services.

9 I mean, I could just imagine, folks,
10 you know, and Fire-Rescue and the police
11 department trying to answer calls in that
12 area and trying to make sense of what road
13 dead-ends and doesn't end. And I know
14 they have GPS and all that, but I also
15 know that sometimes GPS sends you to the
16 wrong place. So these roads don't make a
17 lot of sense to me.

18 I would really like to hear from you
19 guys, not -- a little bit separate from
20 this application, but for planning to tell
21 us how we can address this, because I know
22 there's still some land in that area.
23 They tend to be owned by -- you know, they
24 tend to be small in nature.

25 And what we can do to really, you

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1 know, reverse the pattern that we've had
2 in the past and really do developments
3 there. And encourage these folks, these
4 land owners to develop in a way, in a
5 sense that really makes sense and starts
6 to mitigate, and, again, reverse what I've
7 seen in that area, which is nothing that
8 would be appealing to me. And I know it's
9 a heartache and frustrating to the
10 neighbors.

11 So you're basically saying this is
12 all RU-1M(a) and that we should just have
13 more of the same. Is that correct? Is
14 that kind of your recommendation? I know
15 that you're just looking at that site
16 plan. And I don't mean to jump on you and
17 all that.

18 DIRECTOR SILVA: No, that's -- the
19 analysis that we did was based on the lot
20 layout plan, which I incorrectly stated
21 there would be a dedication and the roads
22 won't lineup. You're correct, they're not
23 going to lineup. I've talked to staff
24 here.

25 COMMISSIONER ZAPATA: Thank you,

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1 Mr. Silva. I appreciate it.

2 Madam Chair, you know, first, the
3 folks from Concerned Citizens, I mean, you
4 know, the attorney made a comment about
5 them. They've been very active in that
6 area for over 20 years. And they're just
7 outstanding folks and I know their heart
8 is in the right place. They've become
9 somewhat technically savvy. They're not
10 attorneys or anything, but their hearts
11 are in the right place. And I know
12 they're very concerned about this
13 community. They're not out to pick a
14 fight with anybody. They're out to
15 protect this community. And I commend
16 them for that.

17 And I just wanted to clear that up,
18 because I think what they do is very
19 valuable, not only to this neighborhood,
20 but to this community. Folks who take the
21 time out of their days to come in here and
22 make sure that we do things right, I think
23 it's commendable.

24 But, Madam Chair, I, honestly, from
25 what I see in this application, I have no

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1 idea what the landscaping is going to look
2 like. I have no idea what this property
3 is going to look like, what these
4 homes are going to look like, whether or
5 not they'll be compatible with the area.

6 I think the way this is laid out, the
7 size of the property, we're just basically
8 going down a path that doesn't make sense
9 from a planning perspective. It be nice
10 to create some variations of lot sizes. I
11 think that the idea of creating larger lot
12 sizes so that this area doesn't feel so
13 compressed as it does now, I think would
14 make sense.

15 I think it would also give us some
16 flexibility with regards to improving the
17 ingress and egress into these
18 neighborhoods, which I think is a
19 challenge right now to the neighborhood.

20 So, Madam Chair, based on that, I'd
21 like to make a motion that we -- I guess
22 what would it be, Mr. Attorney, would be
23 rejecting this application or we'll we be
24 accepting the applicants?

25 MR. COLLIER: Well, if the Board could

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1 choose to go with RU-1M(b), but I want to
2 get some clarification from the
3 department, because --

4 COMMISSIONER ZAPATA: No, I want to--

5 MR. COLLER: Well, you have options.

6 COMMISSIONER ZAPATA: What are they?

7 MR. COLLER: Your options are, you
8 can approve the appeal, deny the
9 application altogether and the zoning is
10 not approved on it.

11 You also have the option to approve
12 the appeal and approve RU-1M(b) in lieu of
13 RU-1M(a). That would be another option.

14 The only question that I would have
15 for staff, if that's the route you choose
16 to go is, there's a covenant that's being
17 proffered.

18 The reason why the covenant is being
19 proffered is to limit the lots to 11,
20 because they picked an RU-1M(a). And the
21 reason why they need to limit the lots to
22 11, is because if they were to develop
23 strictly in accordance to RU-1M(a), they
24 would exceed the ceiling on the
25 Comprehensive Development Master Plan.

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1 So my question to the Department
2 would be, since the covenant will not be
3 in play, is under RU-1M(b), is this
4 consistent with the comprehensive plan
5 and they do not need to have any covenant
6 for limiting the lots?

7 I believe the answer will be yes, but
8 I just want to confirm with the
9 Department, should you choose RU-1M(b), is
10 that consistent with the comprehensive
11 plan?

12 COMMISSIONER ZAPATA: Mr. Coller, I
13 will tell you that my preference would be
14 for us to deny the application and accept,
15 I guess, the applicants.

16 CHAIRWOMAN SOSA: The appeal.

17 COMMISSIONER ZAPATA: The appeal.
18 Side with that. And then have them go
19 back and work with the neighbors. And I
20 think, you know, maybe work with staff and
21 maybe at some future point come with
22 something that's I think --

23 MR. COLLER: That's fine.

24 COMMISSIONER ZAPATA: -- better
25 planned, better thought-out and more in

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1 the interest of the community.

2 CHAIRWOMAN SOSA: Okay, Commissioner,
3 do you yield for a question?

4 COMMISSIONER ZAPATA: Absolutely.

5 CHAIRWOMAN SOSA: Why is it that the
6 Commission, we don't have the ability to
7 see what the proposal is, because that is
8 one thing that I see that creates a little
9 bit of concern.

10 Because the recommendation of the
11 administration is to deny the appeal and
12 to approve the application subject to the
13 covenant.

14 What the Commissioner is going to do
15 is the opposite of the recommendation of
16 the administration, but at the same time,
17 for what I hear is based on the inability
18 to see what is really proposed.

19 MR. COLLER: Yes, I can explain that.

20 In a rezoning, a straight rezoning,
21 the Board cannot condition it to what it
22 wants, like a site plan or other things.

23 What applicants do, because
24 applicants are aware that the Commission
25 is interested in this, they will proffer a

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1 covenant for a site plan, as we saw in the
2 Lucky Star application, but applicants do
3 not have to, are not required to proffer
4 covenants. And the Board cannot strictly
5 on the basis that somebody didn't proffer
6 a covenant deny a zoning application.

7 But if the Board, because you're not
8 aware of what's going to be on the
9 property, feels that the density in an
10 area is too high, on that basis, you're
11 able to deny an application.

12 So, in this case, I believe that the
13 Commissioner has expressed concerns with
14 regard to the density here, because there
15 is other properties that are zoned
16 RU-1M(b) in the area.

17 COMMISSIONER ZAPATA: That's exactly
18 correct, Madam Chair. And you basically
19 stated that it's also kind of hitting
20 against the top of the limit that we have
21 on the ceiling, on the Master Plan; is
22 that correct?

23 MR. COLLER: That's correct. And
24 that's why they were required to proffer a
25 covenant for the RU-1M(a), because

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1 RU-1M(a) would have -- as strictly
2 developed, as I understand it, would
3 exceed. And I'd like to get confirmation
4 from the Department. I believe a lesser
5 intense development would have met the
6 comprehensive plan; is that correct?

7 DIRECTOR SILVA: That's correct, with
8 the RU-1M(a) request, we always require a
9 covenant to limit it to the CDMP cap,
10 which is six units per acre.

11 COMMISSIONER ZAPATA: Madam Chair, I
12 made my motion.

13 COMMISSIONER JORDAN: Second.

14 CHAIRWOMAN SOSA: To accept the
15 appeal and deny the application?

16 COMMISSIONER ZAPATA: That's right.

17 CHAIRWOMAN SOSA: Am I right in that
18 wording?

19 MR. COLLIER: That would be correct.

20 CHAIRWOMAN SOSA: It was properly
21 moved, and seconded by Commissioner
22 Jordan.

23 Additional questions from this Board?
24 Commissioner Barreiro?

25 COMMISSIONER BARREIRO: (Shakes his

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1 head in the negative.).

2 CHAIRWOMAN SOSA: No? Anymore
3 questions? Then, Mr. Clerk.

4 THE CLERK: Commissioner Edmonson?

5 COMMISSIONER EDMONSON: Yes.

6 THE CLERK: Commissioner Jordan?

7 COMMISSIONER JORDAN: Yes.

8 THE CLERK: Commissioner Moss?

9 COMMISSIONER MOSS: Yes.

10 THE CLERK: Commissioner Souto?

11 COMMISSIONER SOUTO: Yes.

12 THE CLERK: Commissioner Zapata?

13 COMMISSIONER ZAPATA: Yes.

14 THE CLERK: Commissioner Barreiro?

15 COMMISSIONER BARREIRO: No.

16 THE CLERK: Vice Chair Bell?

17 VICE CHAIR BELL: Yes.

18 THE CLERK: Chairwoman Sosa?

19 CHAIRWOMAN SOSA: Yes.

20 THE CLERK: Motion passes 8 to 1.

21 CHAIRWOMAN SOSA: Thank you. Next
22 item.

23 THE CLERK: 7 to 1. 7 to 1.

24 (Thereupon, the hearing was
25 concluded).

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1 CERTIFICATE OF REPORTER

2
3
4 I, Lorena Ramos, National Registered
5 Professional Reporter and Florida Professional
6 Reporter, do hereby certify that I was
7 authorized to and did report the foregoing
8 proceeding before the Board of County
9 Commissioners on the 23rd day of January 2014,
10 on Item 1, Carlos J. & Olga Bengochea Trust, et
11 al, Item #13-55; and that the transcript, pages
12 1 through 39, is a true and correct record of
13 my stenographic notes.

14
15 DATED this 9th day of March 2014, at
16 Miami-Dade County, Florida.

17
18
19 _____
20 LORENA RAMOS, RPR & FPR
21 COURT REPORTER
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23
24
25

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