



FINAL AGENDA

Community Zoning Appeals Board 11
 Kendall Village Center, Civic Pavilion, 8625 SW 124 Avenue, Miami, FL
 Wednesday, July 23, 2025 at 7:00 pm

PREVIOUSLY DEFERRED

APPEALS

CURRENT

1.	Z2024000219	Daniel J Salazar & Natalie Ramirez	24-219	55-39-05	N
2.	Z2025000031	Kendall Village Associates, LTD	25-31	54-39-36	N
3.	Z2025000095	Southern Offices at Lakeside, LLC	25-95	55-39-14	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11
MEETING OF JULY 23, 2025

KENDALL VILLAGE CENTER, CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI, FLORIDA.

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND
ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

and/or professional engineer be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a lake fill permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Specific Purpose Survey," as prepared by Royal Point Land Surveyors, Inc., dated stamped received 9/17/08 and 2 sheets entitled "Lakeside II SH Communities," as prepared by Development Consulting Group, dated stamped received 11/18/08 for a total of 5 sheets."

TO: "1: That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineering be submitted to and meet with the approval of the Assistant Director of Department of Regulatory and Economic Resources upon the submittal of an application for a lake fill permit, said plans shall be substantially in accordance with the approved lake fill plans submitted for the administrative modification entitled "LAKESIDE 11," as prepared by EGSC Engineering Consultants, consisting of four (4) sheets dated stamped received 08/20/2024; and with survey plans entitled "(Vacant Land) SW 132nd Street, Miami, Florida," as prepared by ECS Land Surveyors, Inc., consisting of two (2) sheets dated stamped received 7/15/2024; for a total of six (6) sheets. "

The purpose of request #3 is to allow the applicants to submit a revised site plan to expand the existing filled area along the northern, western, and eastern boundaries of the property, including a 50-foot-wide body of water adjacent to Parcel A, and to reconfigure the lake slopes and cross sections.

LOCATION: The north side of SW 132 Street, between SW 127 Avenue and SW 129 Avenue, Miami-Dade County, Florida

SIZE OF PROPERTY: ±6.00 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 and #3.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

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

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 11**

PH: Z24-219

July 23, 2025

Item No. 1

Recommendation Summary	
Commission District	11
Applicants	Daniel J. Salazar and Natalia Ramirez
Summary of Requests	The applicants seek to permit an existing single-family residence addition to setback less than required from rear property line. Additionally, the applicants seek to permit an existing detached pergola structure to setback less than required from the rear and interior side property lines.
Location	15807 SW 98 Street, Miami-Dade County, Florida.
Property Size	0.17 Acre
Existing Zoning	RU-1
Existing Land Use	Single-family residence district
2030-2040 CDMP Land Use Designation	Low Density Residential, 2-5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing single-family residence to setback a minimum of 7.08' (7.5' required) from the interior side (east) property line.
- (2) NON-USE VARIANCE to permit an existing detached pergola structure to setback a minimum of 4.37' (7.5' required) from the interior side (west) property line and setback a minimum of 3.58' (5' required) from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Daniel J. Salazar/ Natalia Ramirez", as prepared by Nandez D&D, LLC., dated stamped received 3/25/2025 and consisting of a total of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The 0.17-acre subject property is an interior lot, zoned RU-1, Single-Family Residential District, and fronting along SW 98 Street. The submitted plan depicts an existing one (1)-story, 2,409 sq. ft. single-family residence located centrally on the property, as well as a detached pergola structure located towards the rear of the subject site. The applicants seek to permit the existing single-family residence to encroach by 0.42' into the interior side setback area. Additionally, the applicants seek to allow the existing pergola structure to encroach into the rear and interior side setback areas. The submitted plans, photos, and the County's Geographical Information System

(GIS) aerial map indicate an existing 6' high wood fence located along the rear and interior side property lines of the subject property.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of an existing single-family residence that is on a 7,593 sq. ft., RU-1 zoned interior lot, located at 15807 SW 98 Street. The surrounding area is characterized by existing single-family residences, also developed under the RU-1, Single-Family Residential District regulations.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to legalize reduced setbacks for the existing residence and a detached pergola encroaching into the rear and interior side setback areas. Staff opines that since the rear and interior side yard areas are completely enclosed with an existing 6' high wood fence, any visual impact that the existing principal residence and pergola structures may have on the surrounding properties is minimal and would be sufficiently mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±0.17-acre subject property is located within the Urban Development Boundary (UDB) and the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map designates the site as **Low Density Residential**. The CDMP Land Use Element interpretative text for Low Density Residential states that *the residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre, and is generally characterized by single family housing, e.g., single-family detached, cluster, and townhouses*. Staff opines that the approval of the requests for reduced setbacks sought in the application for the existing residence and pergola structure located on the property will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use on the property, staff opines that approval of the application with conditions would be **consistent** with the Low Density Residential Communities designation of the CDMP LUP map.

ZONING ANALYSIS:

When the requests to permit an existing single-family residence to setback a minimum of 7.08' (7.5' required) from the interior side (east) property line (request #1), and the request to permit an existing detached pergola structure to setback a minimum of 4.37' (7.5' required) from the interior side (west) property line and setback a minimum of 3.58' (5' required) from the rear (north) property line (request #2), are analyzed under the Non-Use Variances From Other Than Airport

Regulations, Section 33-311(A)(4)(b), staff opines that the approval with conditions of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community.

The plans submitted in conjunction with this application depict the existing single-family residence on an interior lot, with an existing detached pergola structure located towards the rear of the subject property. Staff opines that the existing single-family residence encroaching by 0.42' into the interior side setback area is very minor, is likely due to a construction error and would not have any visual impacts on the abutting properties. The submitted plans also show an existing detached pergola structure that encroaches into the rear and interior side setback areas more than is permitted under the zoning standards. Staff supports the requests and opines that approval with conditions of these non-use variances would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes from plans, survey map and photographs submitted by the applicants as well as the County's Geographic Information System (GIS) that any impact of the requests are adequately mitigated by the existing 6' high wood fence located along the rear and interior side property lines of the subject property, which, staff opines, buffers any visual intrusion of the encroachments on the surrounding properties, especially to the parcels to the north and west of the subject property. Staff recommends as a condition for approval that the said wood fence along the property lines be maintained as a visual buffer, and, if said fence is destroyed or removed, it must be replaced by an opaque fence at a maximum height of 6', or a fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code.

Staff's research of the surrounding area did not find any similar approvals within the neighborhood for variances of the setback requirements for detached accessory structures. Notwithstanding, staff notes that based on memoranda from the departments reviewing this application, any impacts from the reduced setbacks will not cause their facilities and services to operate below their adopted levels of service standards. The memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) indicates that the application does not generate any new additional daily peak hour trips, and the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water supply, wastewater disposal, or flood protection. Additionally, the memorandum from Miami-Dade Water and Sewer Department indicates that they do not have objections, and that the County's Fire Rescue Department in their memorandum indicates that approval of this application would not create a fire or become a hazard on the subject site. Furthermore, staff opines that the architectural style and scale of the principal residence and pergola structure are designed and arranged in a manner that would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and that approval with conditions of the requested setbacks will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and that approval of same and would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. **Based on the foregoing analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Daniel J. Salazar/ Natalia Ramirez", as prepared by Nandez D&D, LLC., dated stamped received 3/25/2025 and consisting of a total of 2 sheets. Plans may be modified at public hearing. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to zoning code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.
5. That the 6' high wood fence located along the rear and interior side property lines of the subject property be maintained as a visual buffer, and that if the wall is removed or destroyed, the applicant shall install a cbs wall, opaque or "like for like" fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.

ES:JB:SS:JH



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

ZONING RECOMMENDATION ADDENDUM

Daniel J. Salazar and Natalia Ramirez
 (Z24-219)

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Water and Sewer Department</i>	<i>No objection</i>
<i>Parks, Recreation and Open Space</i>	<i>No objection</i>
<i>Fire and Rescue Department</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Low Density Residential (Pg. I-29)	<p><i>The Adopted 2030 and 2040 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
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Section 33-50	<i>The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:</i>					
	District/Familles	Front (Ft.)	Rear (Ft.)		Interior Side (Ft.)	Side Street (Ft.)
	RU-1: One	15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages	15 for 50% of the lineal footage of the width of the house and 25 for balance	—	10% lot width min.—5' max.—7½'	15
	Acc. bldg.	75	5		same as RU-1 res.	equal to front setback requirements for principal structure on key lot, plus 5'; 20' where there is no key lot.
	Canopy carport	5	5	—	2	5
	RU-2: One				- same as RU-1 res. -	
	Two singles: Front				- same as RU-1 res. -	
	Rear				- same as RU-1 acc. bldg. -	
	Duplex				- same as RU-1 res. -	
	Acc. bldg.				- same as RU-1 acc. bldg. -	
	Canopy carport	5	5	—	2	5

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

SALAZAR, DANIEL

15807 SW 98 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000219

DATE

HEARING NUMBER

FOLIO: 30-5905-017-1040

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

November 26, 2024

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

Building Support Case# 20230223122-B: Notice of violation was created on 7/25/2023 for detached structure at rear west side of the property and fence on east and west of the property. Notice of Violation recorded 8/2/2023 under Book: 33819 Page: 2630 Total Pages: 1. Notice Of Violation extension request paid on 10/23/2023. Notice Of Violation extension request paid on 2/12/2024. Notice Of Violation extension request paid on 5/21/2024. Civil Violation Notice (P055042) created and posted on 9/30/2024. Civil Violation Notice (P055046) created and posted on 9/30/2024. Civil Violation Notice (P055042) was voided on 10/30/2024. Civil Violation Notice (P055042) was paid on 10/30/2024. Case remains open with no outstanding balance.

VIOLATOR:

SALAZAR, DANIEL

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum



Date: November 20, 2024

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management

A handwritten signature in blue ink that reads "Lisa M. Spadafina".

Subject: Z2024000219-1st Review
Daniel J Salaza Natalia Ramirez
15807 SW 98th Street
Non-use variance for setback requirements for the legalization of a pergola at a single-family residence
(RU-1) (0.17 acres)
05-55-39

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water supply and wastewater disposal.

Wellfield Protection

The subject property is located within the West Wellfield Interim Wellfield protection area. Since the subject land use is a residential development, a covenant prohibiting hazardous materials and hazardous waste is not required; however, all development shall comply with the requirements of section 24-43 of the Code.

Conditions of Approval: None

Potable Water Supply and Wastewater Disposal

According to DERM records, the subject property is currently connected to public water and sanitary sewers. Pursuant to the Code, the structure to be legalized is required to connect to public water and sanitary sewers to the extent that they have plumbing connections for potable water and/or wastewater. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled "Single Family Home" prepared by Ralph Puig, R.A., and dated as received by Miami-Dade County on October 25, 2024, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

Conditions of Approval: None

DERM Enforcement History Review

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

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: July 15, 2025

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

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) *Maria Valdes*

Subject: **UPDATED** Zoning Application Comments - Daniel J Salazar & Natalie Ramirez - Application No. Z2024000219

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objection to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Daniel J Salazar & Natalie Ramirez

Location: The proposed project is located at 15807 SW 98th Street with Folio No. 30-5905-017-1040, in unincorporated Miami-Dade County.

Proposed Development: To legalize the existing pergola at the rear of the property with the following setbacks:

1. The side set back requires 7.5 feet and what's provided is 4.37 ft and 4.56 ft.
2. The rear setback requires 5 ft and what's provided is 3.58 ft and 3.98 ft.,

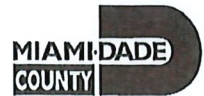
This project results in a no-net-increase in the water demand.

Please note that the subject property has a 10-foot Utility easement within and along the southern boundary of the property. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

Water/Sewer: The subject site is located within the WASD's water and sewer service area. The subject property is currently being served by WASD.


Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov.

Memorandum



Date: December 4, 2024

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

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

Subject: Z2024000219
Name: Danile J Salazar & Natalie Ramirez
Location: 15707 SW 98 Street
Section 05 Township 55 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 complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 7, Block 6, Plat Book 151, Page 43.

This application does not generate any additional trips.

Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: November 01, 2024
To: Eric Silva, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2024000219

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in "EnerGov" on 10/25/2024. Single family home.

MDFR's review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2024000219

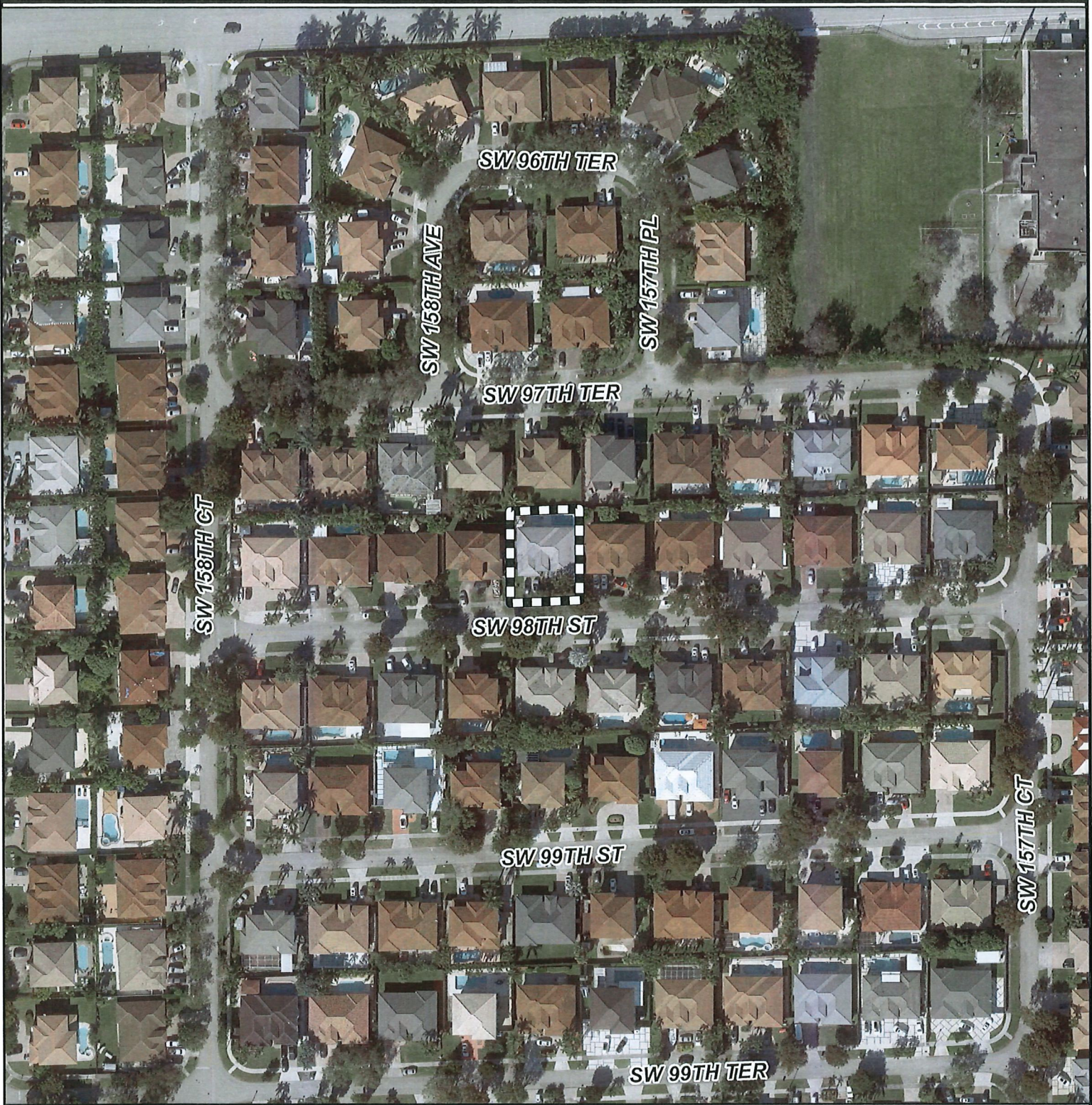
Section: 05 Township: 55 Range: 39
 Applicant: Daniel J Salazar
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




REVISION	DATE	BY
		13



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2024000219

Legend
 Subject Property

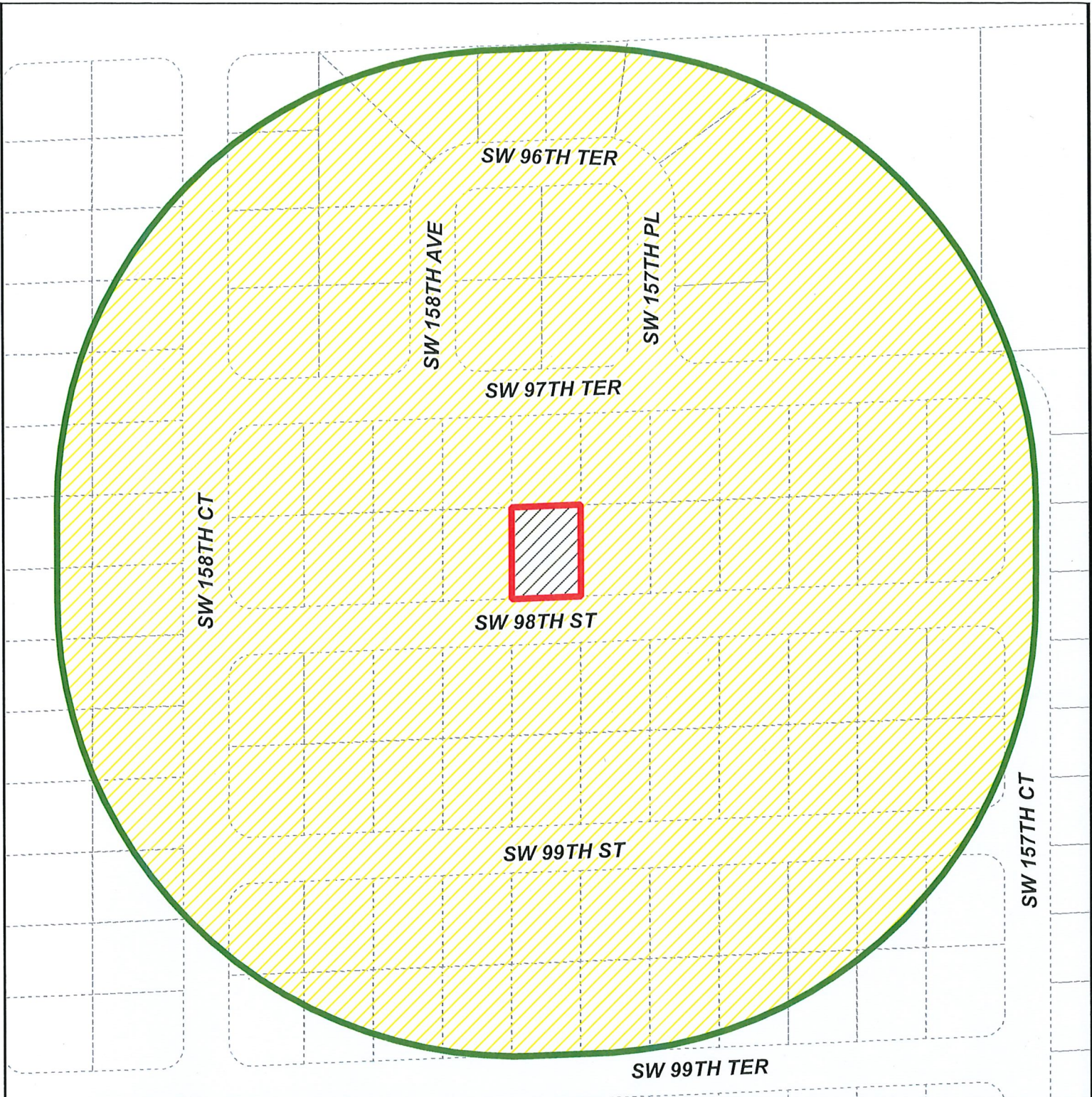


Section: 05 Township: 55 Range: 39
 Applicant: Daniel J Salazar
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, November 5, 2024

REVISION	DATE	BY
		14






MIAMI-DADE COUNTY
RADIUS MAP

Section: 05 Township: 55 Range: 39
 Applicant: Daniel J Salazar
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

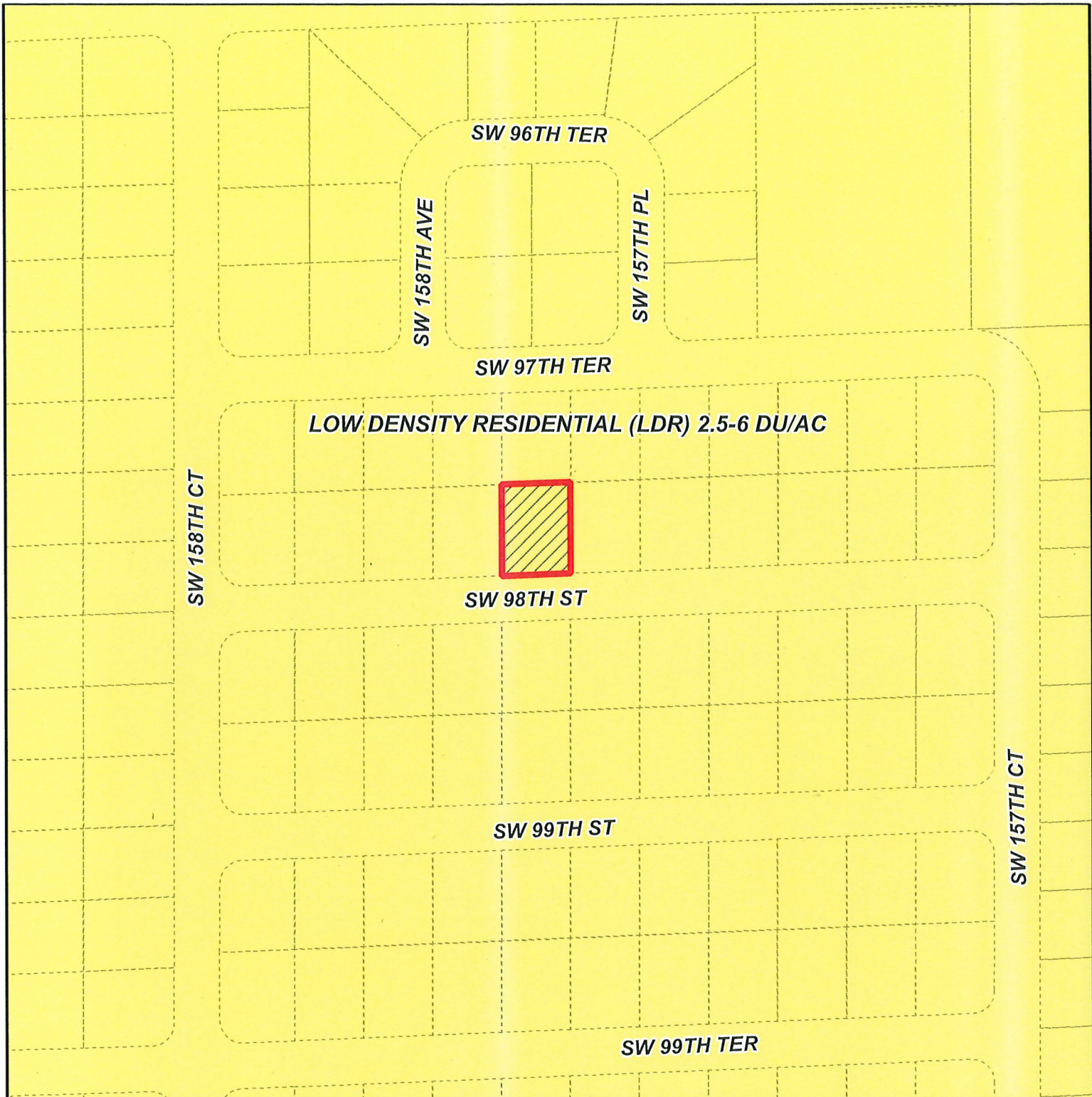
Process Number
Z2024000219
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



REVISION	DATE	BY
		15



MIAMI-DADE COUNTY

CDMP MAP

Section: 05 Township: 55 Range: 39
 Applicant: Daniel J Salazar
 Zoning Board: C11
 Commission District: 11
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number

Z2024000219



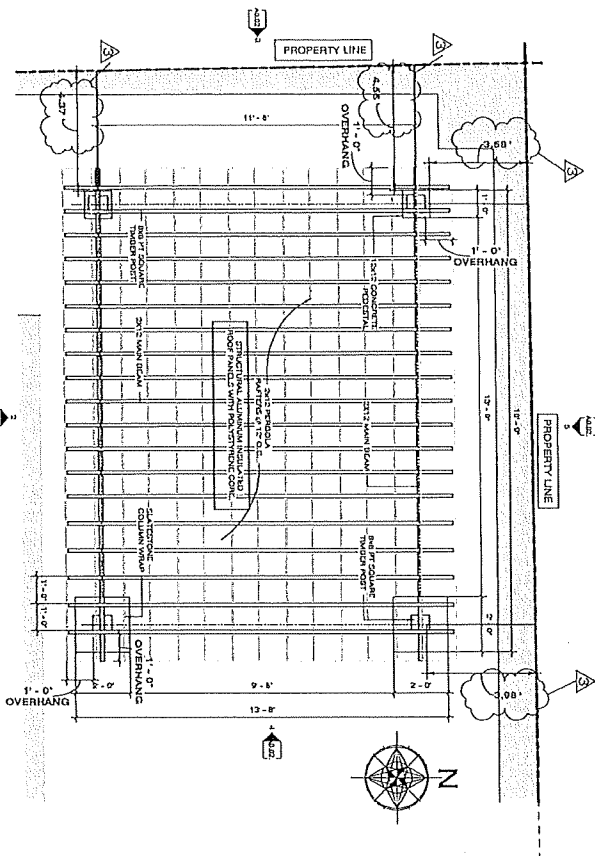
Legend

 Subject Property Case



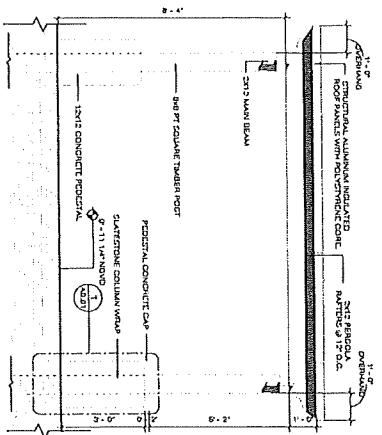
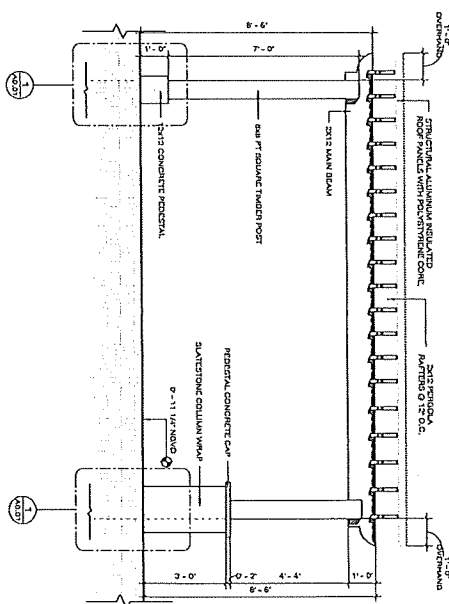
SKETCH CREATED ON: Tuesday, November 5, 2024

REVISION	DATE	BY
		16

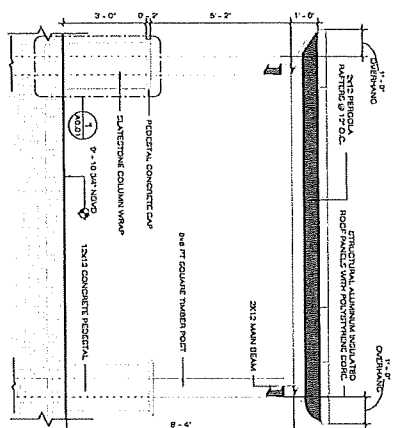


1 PERGOLA FLOOR PLAN
 A0.01 1/2" = 1'-0"

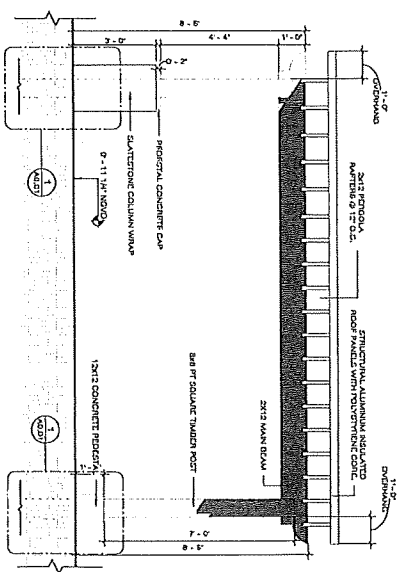
2 SOUTH ELEVATION
 A0.02 1/2" = 1'-0"



3 WEST ELEVATION
 A0.03 1/2" = 1'-0"



4 EAST ELEVATION
 A0.04 1/2" = 1'-0"



5 NORTH ELEVATION
 A0.05 1/2" = 1'-0"

MANUZZI

SINGLE FAMILY HOME

1807 SW 98 STREET MIAMI

FL 33196

OWNER

DANIEL J. SALAZAR / NATALIA RAMIREZ

ARCHITECT

MANUZZI DDD, LLC
 2221 Coral Way
 Suite 100
 Miami, FL 33134
 Tel: 305.336.8977
 Fax: 305.336.8977
 AIA 002528



REWORKS

NO.	DATE	DESCRIPTION

REVISIONS

INFORMATION

FLOOR PLAN AND ELEVATIONS

DATE: 1/27/2024
 SCALE: 1/2" = 1'-0"
 JOB NO.: 000000
 DRAWN BY: ANV
 CHECKED BY: ANV

A0.02

Sheet



ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
15807 SW 98 STREET

FOR INSURANCE COMPANY USE

City: MIAMI State: FL ZIP Code: 33196

Policy Number: _____

Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: Front View 07-02-2024

Clear Photo One



Photo Two

Photo Two Caption: Rear View 07-02-2024

Clear Photo Two

ELEVATION CERTIFICATE
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
15807 SW 98 STREET

City: MIAMI State: FL ZIP Code: 33196

FOR INSURANCE COMPANY USE

Policy Number: _____

Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption:

Right View 07-02-2024

Clear Photo Three



Photo Four

Photo Four Caption:

Left View 07-02-2024

Clear Photo Four

21

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 11**

PH: Z25-031

July 23, 2025

Item No. 2

Recommendation Summary	
Commission District	10
Applicant	Kendall Village Associates, LTD C/O Berkowitz Development Group
Summary of Requests	The applicants seek approval to permit a proposed wood burning barbecue for an existing restaurant and to allow the barbecue as an outdoor display on the outparcel of the existing shopping center.
Location	8695 SW 124 Avenue, Miami-Dade County, Florida.
Property Size	±0.15 acres
Existing Zoning	BU-2, Special Business District GU, Interim District
Existing Land Use	Medical offices, retail, restaurants, school, cinema, parking lots, structured parking
2030-2040 CDMP Land Use Designation	Business and Office, Low Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3) Special Exception, Unusual Uses and New Uses <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- 1) UNUSUAL USE to permit a proposed wood burning barbecue to an existing restaurant.
- 2) UNUSUAL USE of zoning regulations requiring all uses to be conducted within a completely enclosed building; to waive same to permit a proposed outdoor barbecue display to an existing restaurant.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Apocalypse BBQ" as prepared by Gershen Associates, P.A., dated stamped received 2/27/25, consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

The subject property is an outparcel within a larger shopping center complex that has been the subject of several public hearings since 1981 when the Board of County Commissioners (BCC) granted a district boundary change from GU to BU-1A. From 1981 through 1985, the BCC granted several requests for district boundary changes for EU-M and OPD zoning, and in 1986, the BCC granted a deletion of a particular condition of a recorded covenant. The site plan for Kendall Village was first approved in 1992 pursuant to Resolution Z- 88-92, which rezoned the property from GU, EU-M & OPD to BU-2. The plan was later modified in 1994 by

the BCC pursuant to Resolution #5-ZAB-7-94, and again in 1998 pursuant to Resolutions #Z-17-98 and #Z-18-98. The last public hearing for the 28.37-acre subject parcel occurred in 2000, where pursuant to Resolution #Z-26-00, requests for the Modifications of the previously approved resolutions and agreements were approved, including the approval of ancillary non-use variances for dissimilar use buffer wall and parking regulations.

More recently, in September 2013, the northwest ±5-acre portion of the subject site went through a public hearing for a district boundary change from RU-1 to BU-2. That portion of the subject site had been utilized as a parking lot for the remainder of the center. Through Resolution #CZAB11- 6-13, the Community Zoning Appeals Board 11 approved the district boundary change and accepted a proffered Declaration of Restrictions recorded in Official Records Book 28922, Pages 538–547. The Resolution as well as the Covenant allows for a reduction in parking for the subject site, so long as the applicants can demonstrate that the shopping center does not require the parking spaces proposed to be removed. Staff notes that the applicants have submitted a site plan that includes a parking site plan with parking calculations by Gershen Associates, P.A., based on the actual development program and tenant mix for the (Kendall Village Center) commercial shopping center, which demonstrates that the subject property can have less number of parking spaces than have been provided currently on the subject site.

Specifically, the applicants are seeking approval to permit the operation of an outdoor display of wood burning smokers to be located within the existing shopping center’s parking lot, where the food will be cooked and then served inside the existing restaurant. These outdoor displays of wood-burning smokers will be securely gated to ensure public safety while creating an engaging and interactive experience. The outdoor display of wood burning smokers would reduce the shopping center parking by 8 parking spaces. Staff notes that the site currently has a total of 2,556 parking spaces when only 2,519 parking are required. Staff also notes that the reduction of the parking spaces would not affect the minimum required parking requirement for site.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2, GU; medical offices, retail, restaurants, school, cinema, parking lots, structured parking	Business and Office Low Density Residential (2.5 to 6 dua)
North	GU, EU-M; Miami-Dade County Water and Sewer, single-family residences	Institutions, Utilities and Communication Estate Density Residential (1 to 2.5 dua)
South	BU-1A; shopping center, retail outlets	Business and Office
East	BU-2, GU; residential condominiums, Florida’s Turnpike Ramp	Business and Office Transportation
West	GU, BU-3, IU-1, BU-1A; Miami-Dade County Water and Sewer, hotel, retail outlets	Institutions, Utilities and Communication Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject site is an outparcel within an existing commercial shopping center (Kendall Village Center) which consists of a mix of uses including medical offices, retail, restaurants, a satellite college campus for Nova Southeastern University, a cinema and parking lots including structured parking, and is located on the northeast corner of SW 88 Street and SW 124 Avenue. The area surrounding the subject property is mostly characterized by commercial retail outlets, hotel and residential uses. Florida's Turnpike Ramp is to the east of the subject site and a large Miami-Dade County Water and Sewer site abuts the property to the west. Additionally, the subject site has direct frontage on SW 88 Street, a major transportation section line road and a Strategic Miami Area Rapid Transit (SMART) Plan Corridor.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to operate an outdoor display of wood burning barbeque smokers on the south side of the existing restaurant's structure, within eight (8) parking spaces of the existing shopping center's parking lot. Based on memoranda from the departments reviewing this application, staff opines that approval of same will not create any significant impacts on the surrounding area. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that they have no objections, and that application generates no new additional vehicle trips. Staff further opines that there would be no significant impacts on the surrounding area from the proposed parking reductions that would be internal to a large commercial center site.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is currently zoned BU-2, Special Business District, and is an outparcel that is part of a larger shopping center complex that is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* Staff notes that the existing restaurant use is **consistent** with the permitted uses within the **business and office** land use designation.

Additionally, staff notes that the subject property is also located immediately north of Kendall Drive (SW 88 Street), one of the six (6) rapid transit corridors identified as a part of the **Strategic Miami Area Rapid Transit** (SMART) Plan adopted by the Miami-Dade County's Transportation Planning Organization (TPO) in April 2016, and endorsed by the Board of County Commissioners (BCC) by Resolution No. R-523-16. Additionally, on January 24, 2019, the BCC adopted Ordinance No. 19-7 to allow vertical and horizontal mixed-use development with **transit-supportive** densities and related parking bonuses for properties located along the mixed-use and Rapid Transit Activity Corridors, which includes the SMART Corridors.

The applicant seeks to maintain the existing restaurant use with a proposed outdoor display of wood burning barbeque smokers. The current zoning application does not seek to change the existing commercial development on the subject site that were approved in 2000, pursuant to Resolution #Z-26-00. As such, the subject site is **consistent** with the CDMP LUP

map Business and Office and Low-Density designation. Staff further opines that approval of the application will not create any significant impacts which will disrupt or degrade the safety and tranquility of the neighboring properties and would be **compatible** with the surrounding area based on the Zoning Analysis below.

ZONING ANALYSIS:

The applicant seeks approval to permit to operate a proposed outdoor display of wood burning barbeque smokers for an existing restaurant that is located in an outparcel within the shopping center. The food will be cooked on the outdoor display of wood burning barbeque and then will be served inside the existing restaurant structure. The location of the proposed outdoor display of the wood burning barbeque smokers are being proposed on the south side area of the existing restaurant's structure which is currently being utilized with eight (8) parking spaces. Staff notes that the applicant provided a site plan that includes parking calculations that indicate that the exiting shopping center will now have a total of 2,548 parking spaces when 2,519 parking spaces are required for the current mix of uses that are located on the subject property, leaving the shopping center with a surplus of 29 parking spaces. Staff notes that requests #1 and #2 are inextricably intertwined because the wood burning barbecue will be the outdoor barbecue display. When the request #1 is analyzed under Section 33-311(A)(3), Special Exception, Unusual and New Uses, staff is in the opinion that approval with conditions of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community for the reasons stated below. Staff notes that the proposed five wood burning barbecue smokers will be located along the south side of the existing restaurant's structure and will be internal to the site. Plans submitted by the applicant show that the wood burning barbecue smokers will be completely enclosed by a 6' high fence and gate(s). The wood burning barbecue smokers are spaced approximately 1,200' from the single-family residential units to the north, and are visually buffered by the retail buildings, landscaping and fencing. The staff opines that the cooking smells from outdoor display wood-burning barbecues will not affect the surrounding areas any more than the smells from the existing restaurant. In staff's opinion, the proposed wood burning barbecue smokers do not have any visually impact based on their size in comparison to the adjacent retail building. **Therefore, staff recommends approval with conditions of request #1, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.**

When analyzing request #2, to permit an outdoor display area for the wood burning barbecue smokers for an existing restaurant in an outparcel within a shopping center, under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, staff opines that approval of the request would be **compatible** with the area based on the reasons stated below. Staff opines that the shopping center with the requested outdoor display area for the wood burning barbecue smokers will not result in excessive traffic as evidenced in the memorandum from the Platting and Traffic review section of the Department of Regulatory and Economic Resources (RER) which indicates that the application does not generate any new additional peak hour trips. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum, indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally, from the Miami-Dade Fire Rescue Department does not indicate that the application will have a negative impact on the fire rescue services in the area. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied request in relation with the

area and development. Staff notes that the submitted plans indicate that there will be a 1,951 square feet outdoor display area for the wood burning barbecue smokers located within the shopping center. Staff also notes that plans show that the outdoor display area will be completely enclosed fencing at a height of 6'. Staff also opines that these outdoor display areas are located within and internal to the site and will not visually impact the surrounding area. **As such, staff recommends approval with conditions of request #2, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Apocalypse BBQ" as prepared by Gershen Associates, P.A., dated stamped received 2/27/25, consisting of 4 sheets.
3. That the fence and gate that enclose the outdoor display of wood burning barbecue smokers be maintained, and that if the fence is destroyed or removed, the applicant shall install a 6' high CBS wall, opaque fence, or chain link fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(j) of the County Code.
4. No special events or commercial activities shall be permitted within the parking of the existing restaurant at any given time, unless in compliance with the zoning code.

ES:JB:SS:VM



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

ZONING RECOMMENDATION ADDENDUM

Kendall Village Associates, LTD C/O Berkowitz Development Group
PH: Z25-031

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Platting and Traffic Review Section (RER)	<i>No objection</i>
Division of Environmental Resources Management (RER)	<i>No objection</i>
Miami-Dade Fire Rescue (MDFR)	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
Miami-Dade County Office of Historic Preservation (OHP)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p>Business and Office (Pg. I-40)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
<p>Low Density Residential (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
<p>Mixed Use Development (*SMART Corridor) (Pg. I-44)</p>	<p><i>Mixed-use development allows a mix of compatible uses in a high-quality pedestrian-oriented street environment. This form of development includes permitted uses mixed within the same building (vertical) or in separate buildings on the same site or within a 5-minute walk (one-quarter mile) (horizontal). The section of this element, entitled "Urban Centers," addresses mixed-use development occurring within designated urban centers. The purpose of this section is to address the mixed-use projects that are to be located outside of the designated urban centers and outside of areas otherwise addressed by the Rapid Transit Zone Development Standards pursuant to Chapter 33C of the Code of Miami-Dade County.</i></p> <p><i>Horizontal mixed-use development is hereby defined as the horizontal mix of uses, such as single use buildings on the same site or within one-quarter mile. Such uses may only be permitted in accordance with the following:</i></p> <p><i>1) A single use building is located on a site that contains a mix of uses or multiple sites containing a mix of uses joined through a unity of title; or</i></p>

ZONING RECOMMENDATION ADDENDUM

Kendall Village Associates, LTD C/O Berkowitz Development Group
PH: Z25-031

	<p>2) Where the saturation of a single use, including residential or commercial, does not currently or would not be caused to exceed 70% of the total building area within one-quarter mile of the application site.</p> <p>Vertical mixed-use development is hereby defined as projects that contain both residential and non-residential components, such as live-work spaces, neighborhood and specialty retail, convenience services, entertainment, other businesses providing for day-to-day living needs, institutional and civic uses, and professional offices. The residential component must be at least 20 percent of the total floor area but no more than 85 percent of the total floor area. Hotels and apartment hotels, governmental offices, civic uses, and schools may be exempt from these mix requirements.</p> <p>Vertical and horizontal mixed-use development may be allowed within the Urban Development Boundary (UDB), provided that the development is located in:</p> <ol style="list-style-type: none"> 1. Corridors with a maximum depth of 660 feet that are located along 'Major Roadways' as identified on the adopted Land Use Plan map and in areas designated Residential Communities (with the exception of Estate Density and Low Density), Business and Office, and Office/Residential; or 2. Corridors designated as mixed-use corridors in an area plan that has been accepted by the Board of County Commissioners; or 3. Rapid Transit Activity Corridors which includes the areas within one-half mile of the existing Metrorail corridor and the following proposed SMART Plan corridors: Kendall Drive, Beach Corridor, North Corridor, Northeast Corridor, and the South Dade Transitway Corridor. It also includes the area within one mile of the proposed East-West SMART Plan Corridor. <p>Appropriate design standards are essential to ensure that the uses permitted in mixed-use developments are compatible with each other and adjacent properties and contribute to the character of the street and the surrounding community. A specific objective in designing mixed_use developments is that the development should be compatible with any existing, or zoned, or Plan-designated adjoining or adjacent uses. The exact residential density that can be achieved on a particular property will depend upon the intensity permitted, the average size of the residential units, the residential percentage of the project and land development regulations concerning building envelopes, parking and open space. Intensities are generally measured as floor area ratios (FARs), which for a particular property is the square footage of the buildings (not counting parking structures or covered pedestrian walkways that are open to the street), divided by the net land area of the parcel. The maximum intensities and densities shall be the greater of those provided in the table below or the maximum intensities and densities of the underlying land use designation. However, the entire development must fit within the building envelope established by the floor area ratio.</p>		
	Mixed-Use Developments Located Within:	Floor Area Ratio Range	Maximum Residential Density (dwelling units)
	Major Corridors	from 1.0 to 1.5	36
	Mixed-use Corridors identified in an area plan	Up to 2.0	60
	Rapid Transit Activity Corridors (SMART Corridors)		
	Within one-quarter mile	Up to 2.0	60
	Between one-quarter and one-half mile	Up to 1.5	36
	Between one-half and one mile (East-West Corridor)	Up to 1.25	18

ZONING RECOMMENDATION ADDENDUM

Kendall Village Associates, LTD C/O Berkowitz Development Group
PH: Z25-031

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(3) Special Exception, Unusual and New Uses</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

KENDALL VILLAGE ASSOCIATES, LTD & 8695 SW 124 AVE
KENDALL 124, LLC MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2025000031

DATE

HEARING NUMBER

FOLIO: 30-4936-023-0023

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 15, 2025

NEIGHBORHOOD REGULATIONS:

Case No. 202503000473 was opened on 02/13/2025 for "Failure to obtain a Certificate of Use". This case is pending an initial inspection.

BUILDING SUPPORT REGULATIONS:

Case No. 20250236472B was opened on 02/05/2025. A Notice of Violation was issued on 02/05/2025 for "Failure to obtain required building permit(s) prior to commencing work on: ATTACHED METAL ROOF AT THE REAR OF THE PROPERTY WITHOUT PERMITS." Case was closed on 04/01/25 and referenced duplicate case 20250237478B.

Case No. 20250237478B was opened on 03/21/2025. A Notice of Violation was issued on 03/21/2025 for "Failure to obtain required building permit(s) prior to commencing work on: new exterior lighting/electrical with no permits." This case is pending compliance inspection on or after 06/19, 2025.

VIOLATOR:

KENDALL VILLAGE ASSOCIATES, LTD & KENDALL 124, LLC

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum



Date: March 21, 2025

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management

Subject: Z2025000031-1st Review
Kendall Village Associates, LTD
8695 SW 124 Avenue, Miami Dade County, Florida
NUV to establish wood-burning barbeque area within existing parking lot
(BU-2) (0.152 Acres)
54-39-36

A handwritten signature in blue ink that reads "Lisa M. Spadafina".

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service, wastewater disposal and wellfield protection. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code related to potable water service and wastewater disposal, and wellfield protection respectively.

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area of the Southwest Wellfield. The site is situated within the 30- and 100-days travel time contour of said Wellfield. Therefore, development on the subject property shall be in accordance with regulations established in section 24-43 of the Code.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by section 24-43(5) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Supply and Wastewater Disposal

According to DERM records, the subject property is currently connected to public water and sanitary sewers. Pursuant to the Code, the structures to be legalized are required to connect to public water and sanitary sewers to the extent that they have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled "Apocalypse BBQ" prepared by Christopher P. Vidal, R.A., and dated as received by Miami-Dade County on February 27, 2025, was submitted with the subject application and indicates that tree resources onsite will not be removed.

Please note that a Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

Conditions of Approval: None

Enforcement History

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

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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


cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 20, 2025

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

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water & Sewer Department (WASD) 

Subject: Zoning Application Comments - Kendall Village Associates, LTD C/O Berkowitz Development Group. Application Z2025000031 - (Pre-App. No. Z24P-288)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this Zoning Application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Kendall Village Associates, LTD C/O Berkowitz Development Group

Location: The proposed project is located at 8695 SW 124th Avenue with Folio No. 30-4936-023-0023 and a portion of Folio No. 30-4936-023-0010, in unincorporated Miami-Dade County.

Proposed Development: As per site plan submitted on February 27, 2025, the applicant is proposing the placement of three (3) Rotisserie smoker and fourth (4) offset smoker located on the south side of the existing restaurant, Apocalypse BBQ utilizing (8) parking spaces. A new exterior fence and gates. No additional square footage and sitting area to the existing building is proposed with this application.

Water/Sewer: The proposed development is located within the WASD water and sewer service area. The subject property is connected to water and sewer. Additional connections to water and sewer are not proposed with this application.


Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidadegov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidadegov, or Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidadegov.

Memorandum



Date: April 9, 2025

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

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

Subject: Z2025000031
Name: Kendall Village Associates, LTD C/O Berkowitz Development Group
Location: 8695 SW 124 Avenue
Section 36 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 complies with Chapter 28 of the Miami-Dade County Code.

This application does not generate any additional vehicle trips.

Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: March 07, 2025
To: Eric Silva, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2025000031

The Miami-Dade Fire Rescue Department has **no objection** to request for unusual use approval uploaded to "EnerGov" on 2/27/2025. Proposed scope of work does not affect existing fire department access.

MDFR's review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Memorandum



Date: Tuesday, April 8, 2025

To: Eric Silva
Assistant Director, Zoning Division
Department of Regulatory and Economic Resources (RER)

From: Miguel Soria, P.E.
Assistant Director Highway Engineering
Department of Transportation and Public Works

Subject: Review Type: Z2025000031
Applicant Name: Kendall Village Associates, LTD

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division has reviewed the subject application and has no objections to this application, subject to the conditions in Section I:

PROJECT LOCATION:

The property is located at 8625 SW 124th Avenue in unincorporated Miami-Dade County, Florida.

COMMENTS/RECOMMENDATION:

I. CONDITIONS:

1. This development is approved for a wood-burning barbecue establishment and includes the installation of four wood-burning smokers on the south side of the existing restaurant building. Based on the trip generation comparison analysis conducted in relation to the tenant change, there is no increase in trips, as the total square footage remains unchanged. In the case that the land use information is modified, a new site plan/traffic study must be submitted for review.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Anamersy Arce at anamersy.arce@miamidade.gov.

Memorandum



Date: March 21, 2025

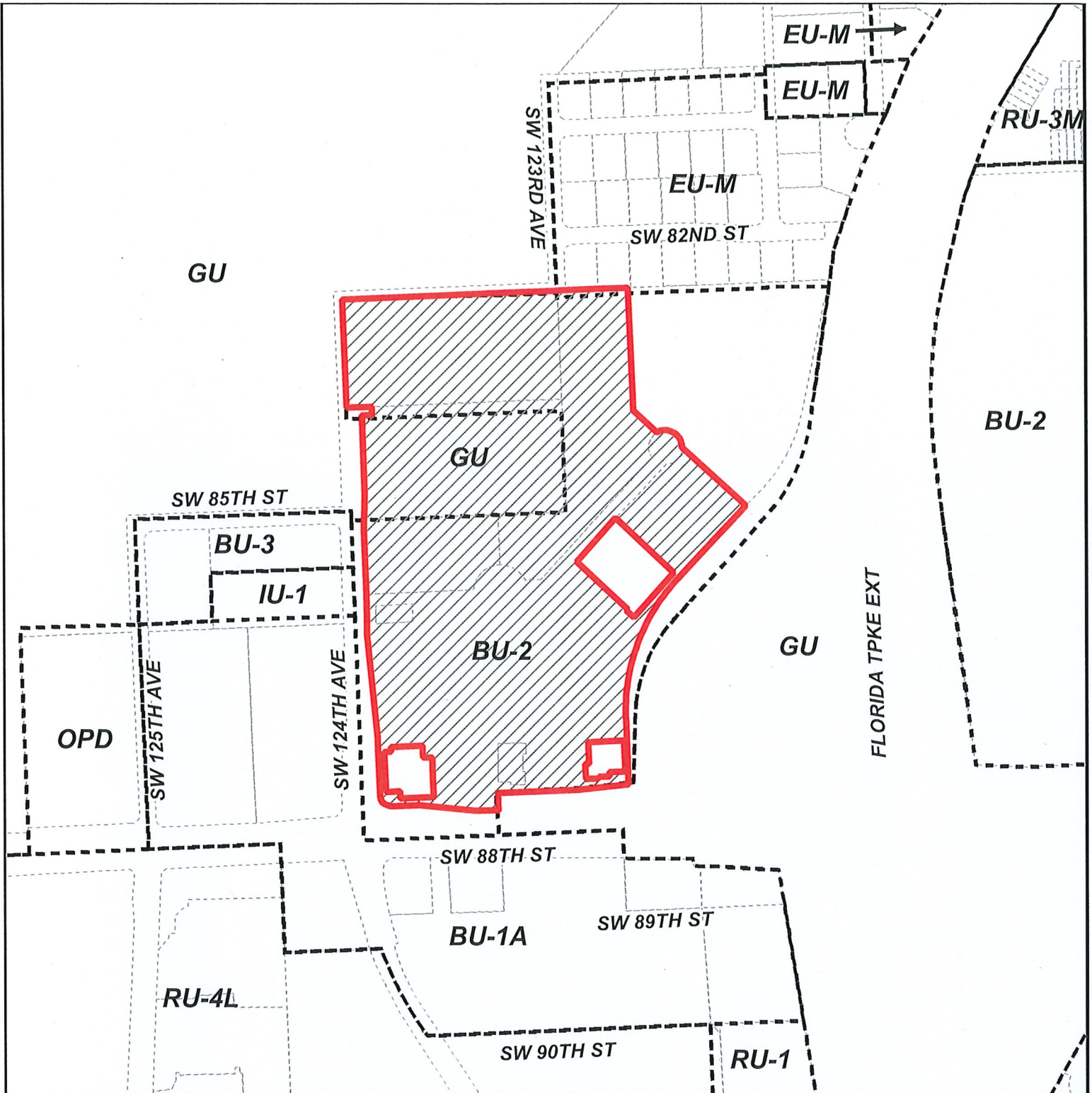
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Review Z2025-000031 Kendall Village Associates, LTD.

The Miami-Dade County Office of Historic Preservation has reviewed the subject application and has no comments or objections.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2025000031



Section: 36 Township: 54 Range: 39
 Applicant: Kendall Village Associates, LTD & Kendall 124, LLC
 Zoning Board: C11
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




REVISION	DATE	BY
		17



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2025000031

Legend
 Subject Property

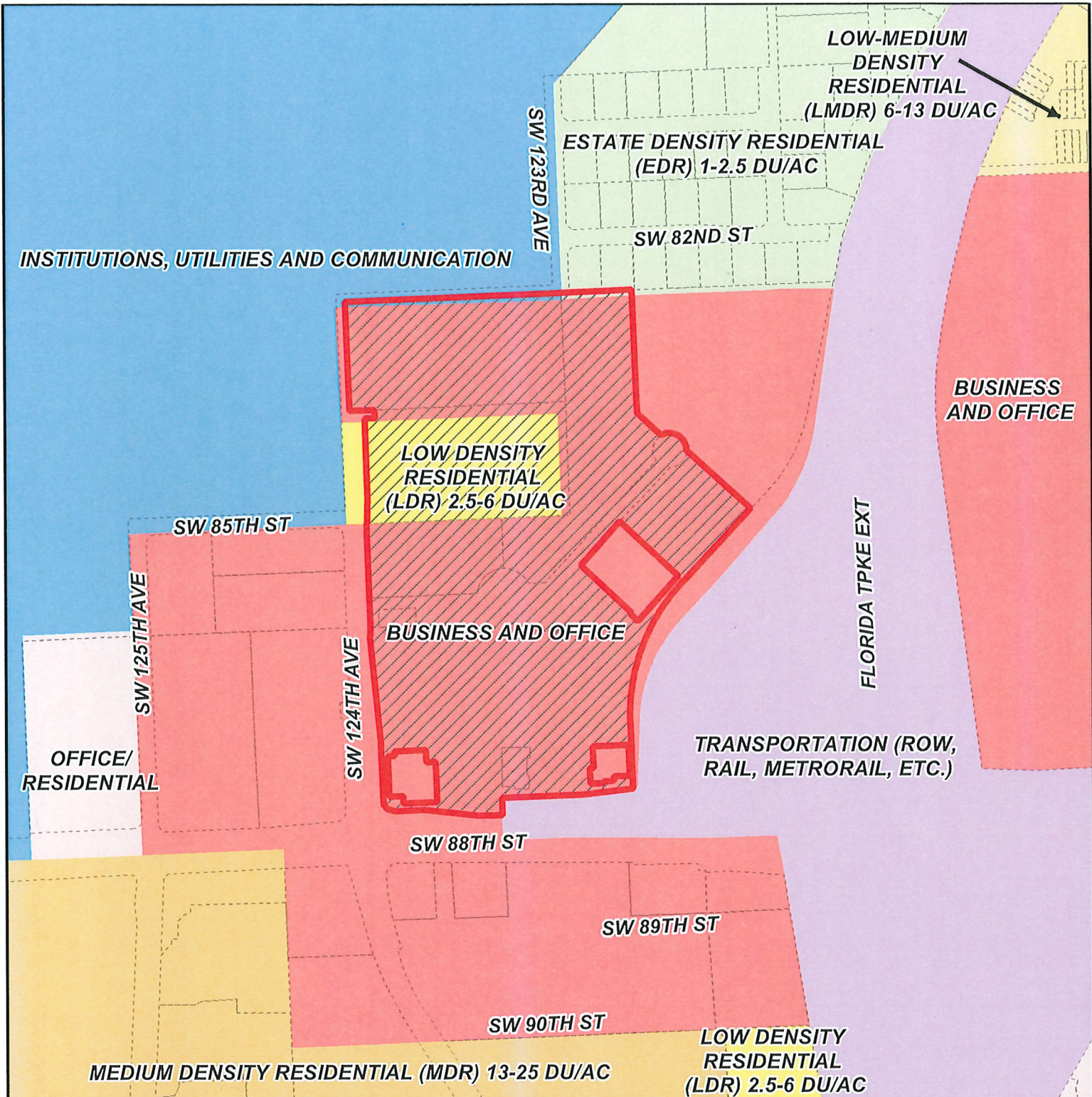


Section: 36 Township: 54 Range: 39
 Applicant: Kendall Village Associates, LTD & Kendall 124, LLC
 Zoning Board: C11
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Friday, February 28, 2025

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2025000031

Section: 36 Township: 54 Range: 39
 Applicant: Kendall Village Associates, LTD & Kendall 124, LLC
 Zoning Board: C11
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

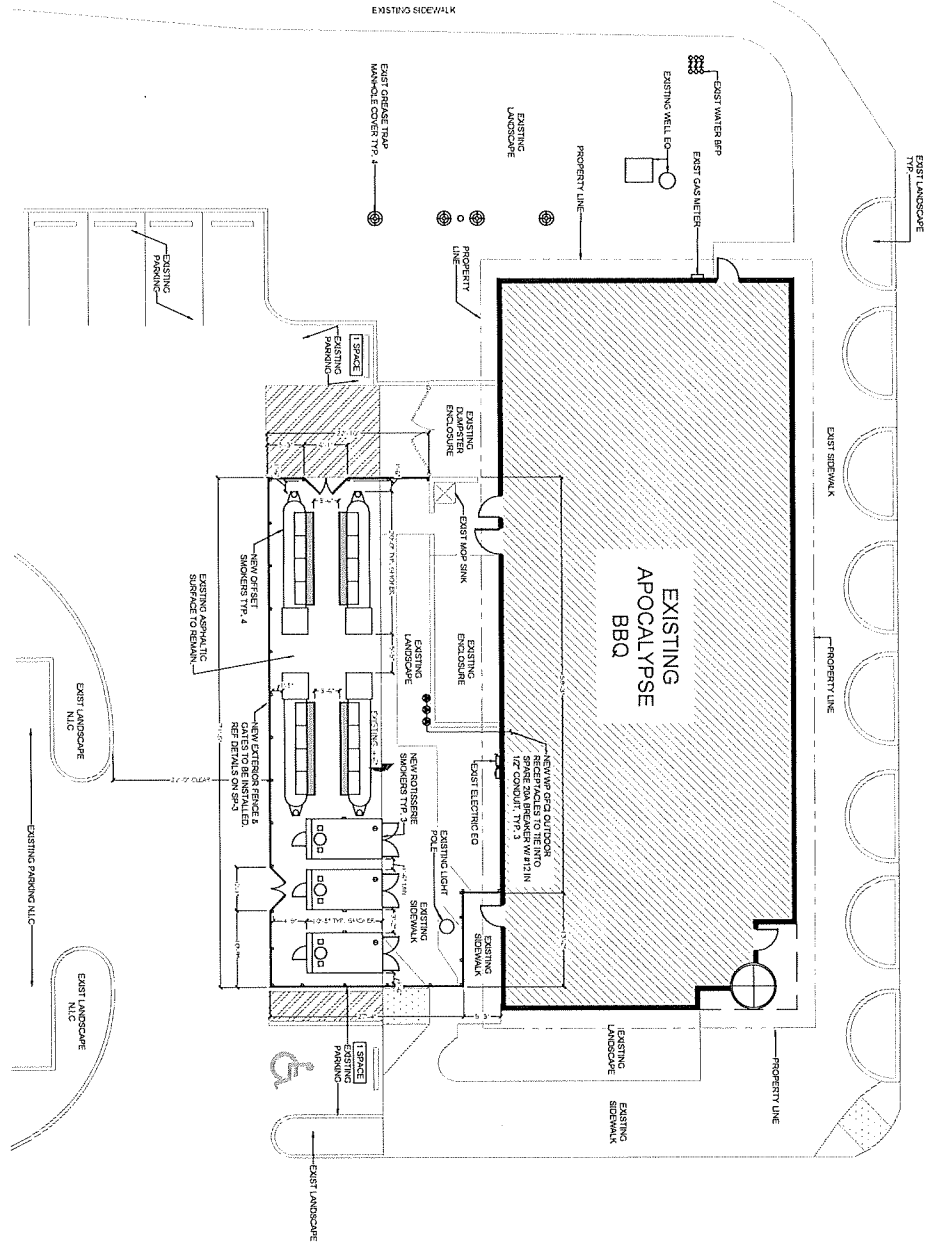
 Subject Property Case




REVISION	DATE	BY
		20

SW 124TH AVE

PROPOSED SITE PLAN

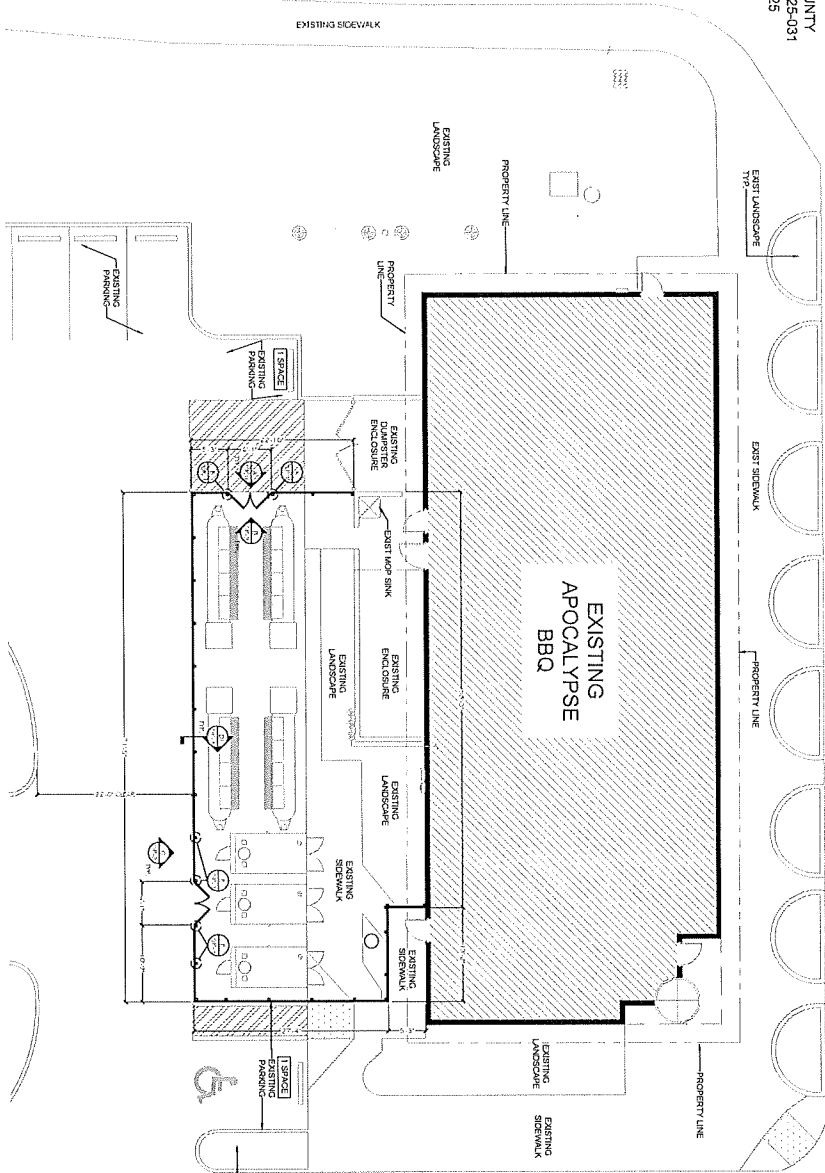


SHEET NO. SP-2	PROJECT LOCATION
	APOCALYPSE BBQ 8695 SW 124th Ave. MIAMI, FL, 33183
JOB NO. 2024046	SHEET TITLE PROPOSED SITE PLAN

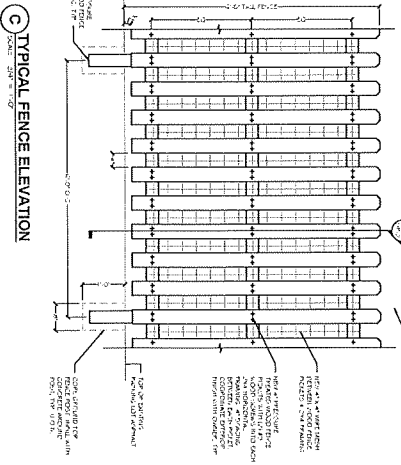
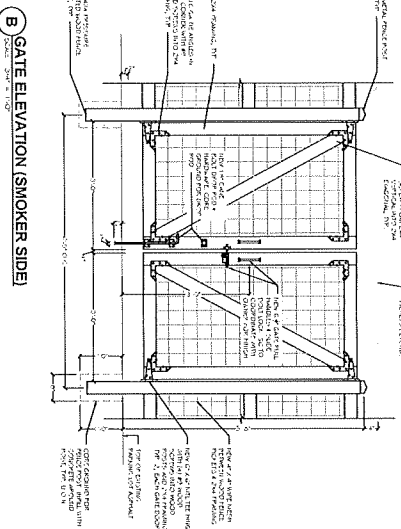
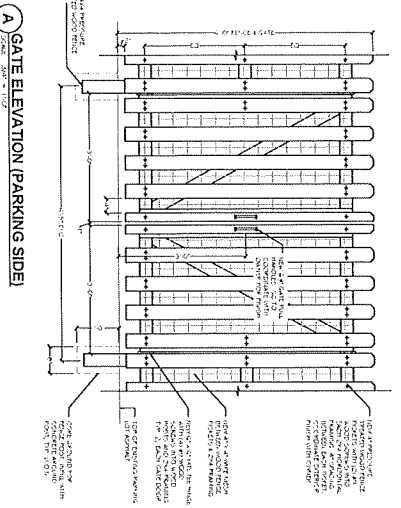
 GERSHEN ASSOCIATES, P.A. Architecture / Planning Construction Consulting 178 SW 85th Ave, Suite 100, Miami, Florida 33154 (305) 541-1100 REGISTRATION NO. FL 0003728	DATE: 11-6-2024 DRAWN BY: CHECKED BY: REVIEWED BY:
	SCALE: NORTH:

NO.	DATE	REVISION

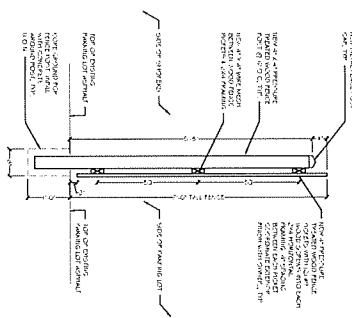
SW 124TH AVE



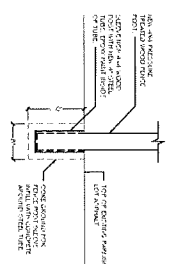
1 PROPOSED FENCE PLAN
 SCALE: 1/8" = 1'-0"



D TYPICAL FENCE SECTION
 SCALE: 1/8" = 1'-0"



E FENCE POST SLEEVE DETAIL
 SCALE: 1/8" = 1'-0"



PROJECT LOCATION
 APOCALYPSE BBQ
 8635 SW 124th Ave,
 MIAMI, FL, 33153

SHEET TITLE
 PROPOSED FENCE PLAN

GERSHEN ASSOCIATES, P.A.
 Architecture / Planning
 Construction Consulting

REGISTRATION NO. FL 0007218

NO.	DATE	REVISION

DATE	SCALE
11-6-2024	1/8" = 1'-0"

SHEET NO.
 SP-3

DWG NO.
 2024046

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Disclosure of Interest*

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

CORPORATION NAME: _____

NAME AND ADDRESS	PERCENTAGE OF STOCK
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

NAME AND ADDRESS	PERCENTAGE OF INTEREST
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where 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: KENDALL VILLAGE ASSOCIATES, LTD.

NAME AND ADDRESS	PERCENTAGE OF OWNERSHIP
<u>See Exhibit B</u>	_____
_____	_____
_____	_____
_____	_____

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



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Disclosure of Interest

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: N/A

NAME AND ADDRESS	PERCENTAGE OF INTEREST

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 or zoning determination, a supplemental disclosure of interest is required.

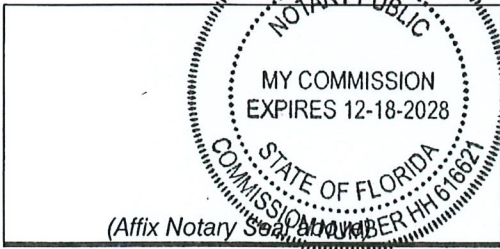
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

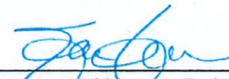

Michael Berkowitz
 Signature Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 23rd day of January, 2025

Affiant identified by: personal knowledge satisfactory evidence _____ (type)




 Signature of Notary Public
Eia Gascon
 Typed, printed, or stamped name of Notary Public

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2020/1



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: Kendall 124, LLC

NAME AND ADDRESS	PERCENTAGE OF STOCK
See Exhibit C	

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: _____

NAME AND ADDRESS	PERCENTAGE OF INTEREST

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	PERCENTAGE OF OWNERSHIP

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

Disclosure of Interest

If 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: _____


NAME AND ADDRESS	PERCENTAGE OF INTEREST
_____	_____
_____	_____
_____	_____

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 or zoning determination, 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.

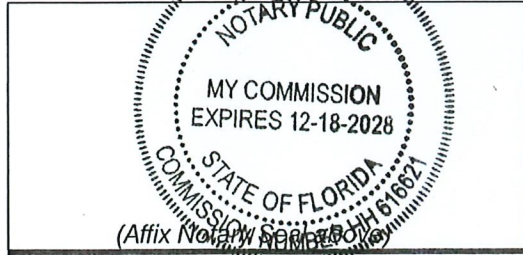
 _____


Signature Michael Berkowitz
Print Name

The foregoing instrument was acknowledged before me by means of (how the individual appeared check one):

physical presence online notarization this 20th day of February, 2025

Affiant identified by: personal knowledge satisfactory evidence _____ (type)



 _____

Signature of Notary Public

Eva Gascon

Typed, printed, or stamped name of Notary Public

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2020/1



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OWNERSHIP AFFIDAVIT FOR LIMITED PARTNERSHIP

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami Dade

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

- 1. Affiant is the general partner of the KENDALL VILLAGE ASSOCIATES, LTD. limited partnership, at the following address: 2665 South Bayshore Drive, Suite 1200, Coconut Grove, Florida 33133
2. Affiant, as general partner, is authorized to file this application for a public hearing.
3. The limited partnership owns the property, which is the subject of the proposed hearing.
4. The subject property is legally described as: 8695 SW 124 Avenue
5. 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 [Handwritten Signature]

Print Name Princess M. Hidalgo

Signature [Handwritten Signature]

Print Name Erin Rodriguez

Print Name

[Handwritten Signature]

Affiant's signature

Print Name Michael Berkowitz

Print Name

(General Partner)

Sworn to and subscribed before me on the 23rd day of January, 2025. Affiant is personally known to me or has produced identification.



[Handwritten Signature] Notary Public, State of Florida

My Commission Expires:

75% OWNERSHIP AFFIDAVIT
KENDALL VILLAGE ASSOCIATES, LTD.

STATE OF FLORIDA

Public Hearing No.

COUNTY OF MIAMI-DADE

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

- Affiant is the President of Kendall Village Inc., the general partner of Kendall Village Associates, Ltd., with the following address: 2665 South Bayshore Drive, Suite 1200, Coconut Grove, Florida 33133.
- Kendall Village Associates, Ltd., and Kendall 124, LLC together own more than seventy-five percent (75%) of the property that is subject of the proposed hearing.
- The subject property is legally described as:
See attached Exhibit A
- The Affiant is legally authorized to file this application for public hearing.
- 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]
Signature
Princess M. Hidalgo
Print Name

[Signature]
Signature
Isabel Medina
Print Name

[Signature]
Affiant's Signature
**Michael Berkowitz, President of
Kendall Village, Inc., General Partner
of Kendall Village Associates, Ltd.**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Michael Berkowitz who are personally known to me or have produced _____ as identification.

Witness my signature and official seal this 20th day of February, 2025, in the County and State aforesaid.

My Commission Expires:



[Signature]
Notary Public State of Florida
Eva Gascon
Print Name

**75% OWNERSHIP AFFIDAVIT
KENDALL 124, LLC**

STATE OF FLORIDA

Public Hearing No.

COUNTY OF MIAMI-DADE

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

1. Affiant is the President of Berkowitz Development Group, Inc., the manager of Kendall 124, LLC with the following address: 2665 South Bayshore Drive, Suite 1200, Coconut Grove, Florida 33133.
2. Kendall 124, LLC and Kendall Village Associates, Ltd., together own more than seventy-five percent (75%) of the property that is subject of the proposed hearing.
3. The subject property is legally described as:

See attached Exhibit A
4. The Affiant is legally authorized to file this application for public hearing.
5. 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]

Signature

Princess M. Hidalgo

Print Name

[Signature]

Signature

Isabel Medina

Print Name

[Signature]

Affiant's Signature

**Michael Berkowitz, President of
Berkowitz Development Group, Inc.,
Manager of Kendall 124, LLC**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Michael Berkowitz who are personally known to me or have produced _____ as identification.

Witness my signature and official seal this 20th day of February, 2025, in the County and State aforesaid.



[Signature]
Notary Public State of Florida

Eva Gascon
Print Name

My Commission Expires:

EXHIBIT B

KENDALL VILLAGE ASSOCIATES, LTD.

Name	Percentage of Ownership
<u>Kendall Village, Inc.</u> <u>Owned 100% by Richard A. Berkowitz, as Trustee of the Michael Berkowitz Trust and the Andrew Berkowitz Trust created under the Jeffrey L. Berkowitz Irrevocable Trust II Agreement dated 2/1/2008</u> <u>Beneficiaries: Michael and Andrew Berkowitz</u>	<u>1%</u>
<u>Jeffrey L. Berkowitz, as Trustee of the Jeffrey L. Berkowitz Revocable Trust Agreement dated March 18, 2004</u> <u>Beneficiaries: Jeffrey L. Berkowitz</u>	<u>3.705%</u>
<u>Bersin Development Corp., a Florida corporation</u> <u>the sole shareholder of Bersin is Jeffrey L. Berkowitz as Trustee of the Berkowitz 2012 Children's dated August 1, 2012</u> <u>Beneficiaries: Michael Berkowitz and Andrew Berkowitz</u>	<u>45.295%</u>
<u>Preparation, Inc., a Florida corporation</u> <u>Lexie Brockway Potamkin, individually and as PR of the Estate of Robert M. Potamkin</u> 49% <u>Alan Potamkin</u> 49% <u>LBP 2013 Irrevocable Trust</u> 1% <u>Beneficiaries: Lexie Potamkin, Beneficiary (primary)</u>	<u>4.705%</u>
<u>Andi L. Potamkin General Trust</u> 1/3 of 1% <u>Beneficiaries: Andi Potamkin, Beneficiary (primary)</u>	
<u>Adam V. Potamkin General Trust</u> 1/3 of 1% <u>Beneficiaries: Adam Potamkin, Beneficiary (primary)</u>	
<u>Cole F. Potamkin General Trust</u> 1/3 of 1% <u>Beneficiaries: Cole Potamkin, Beneficiary (primary)</u>	

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EXHIBIT B

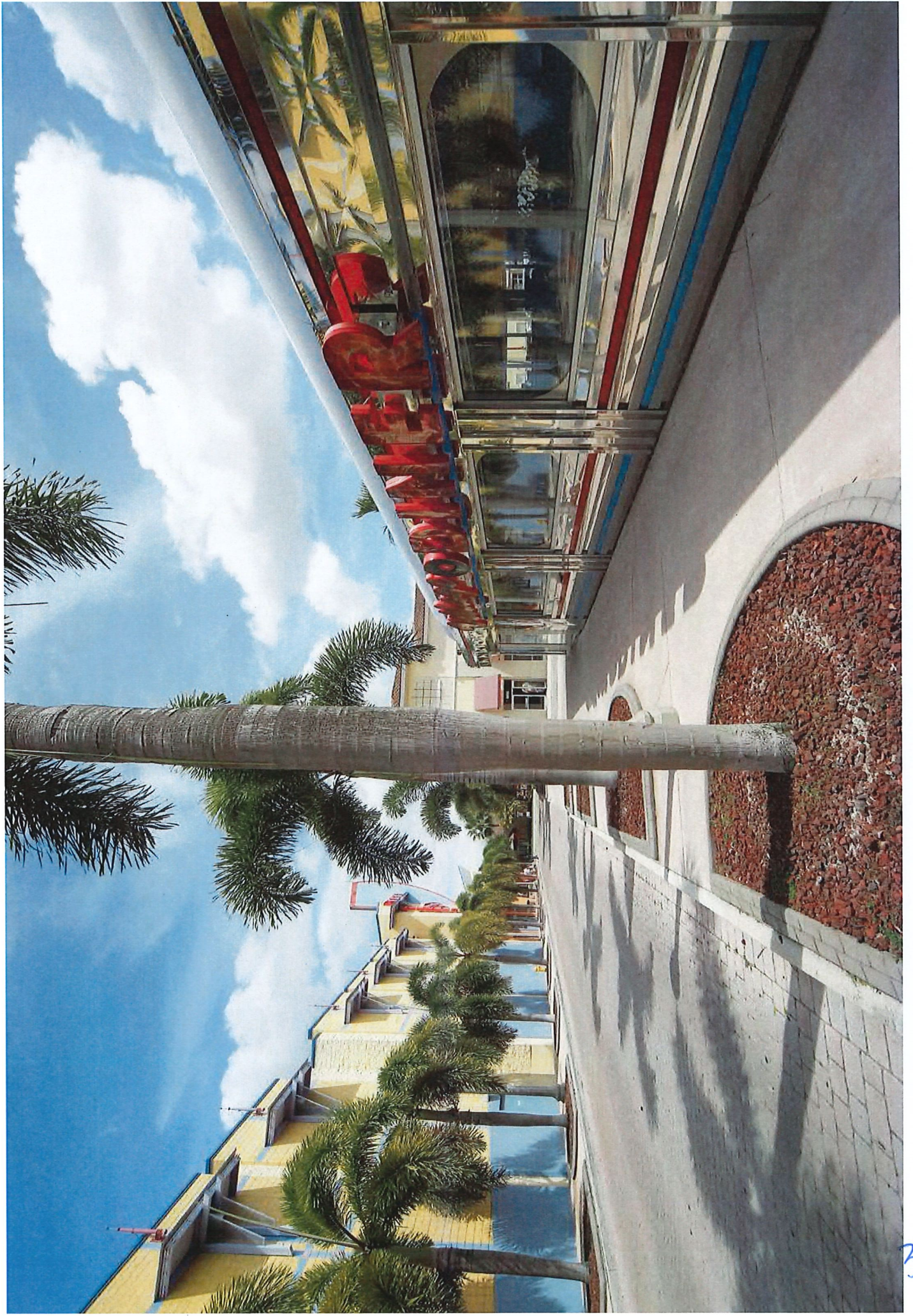
KENDALL VILLAGE ASSOCIATES, LTD.

<u>Documentation Corp., a Florida corporation</u>	45.295%
<u>Lexie Brockway Potamkin, individually and as PR of the Estate of</u>	
<u>Robert M. Potamkin</u>	49%
<u>Alan Potamkin</u>	49%
<u>LBP 2013 Irrevocable Trust</u>	1%
<u>Beneficiaries: Lexie Potamkin, Beneficiary (primary)</u>	
<u>Andi L. Potamkin General Trust</u>	1/3 of 1%
<u>Beneficiaries: Andi Potamkin, Beneficiary (primary)</u>	
<u>Adam V. Potamkin General Trust</u>	1/3 of 1%
<u>Beneficiaries: Adam Potamkin, Beneficiary (primary)</u>	
<u>Cole F. Potamkin General Trust</u>	1/3 of 1%
<u>Beneficiaries: Cole Potamkin, Beneficiary (primary)</u>	

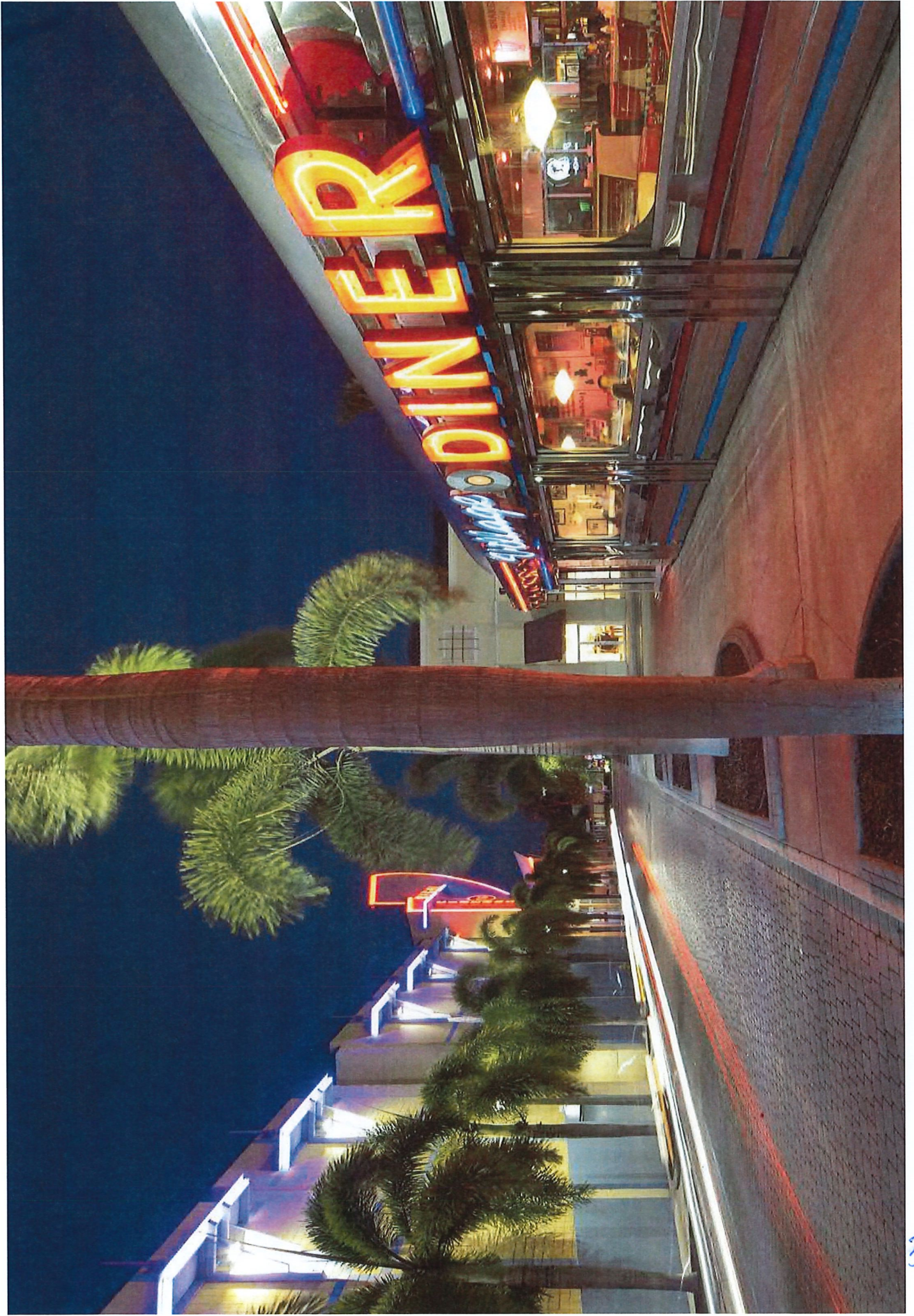
EXHIBIT C

KENDALL 124, LLC

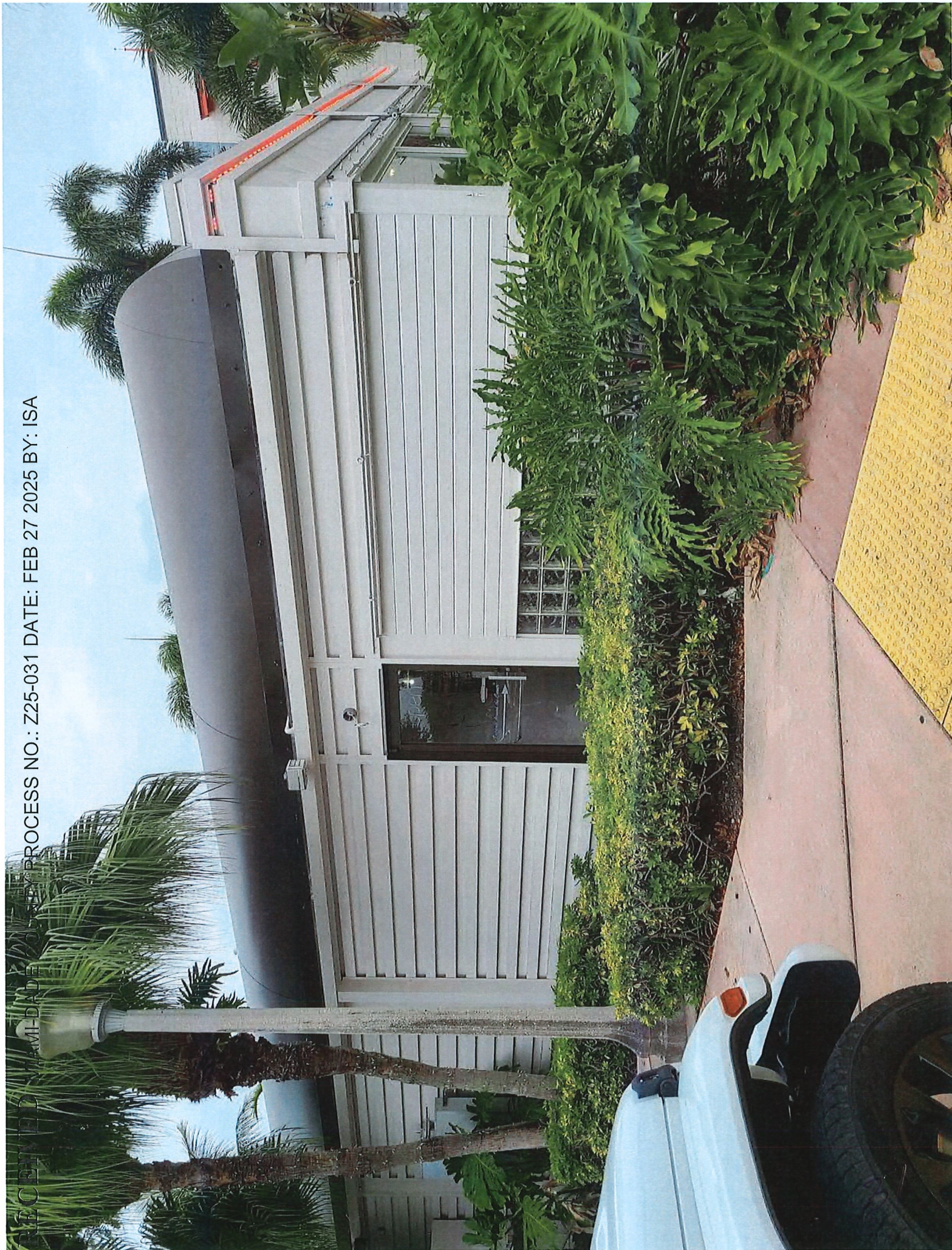
Name	Percentage of Ownership
<u>Jeffrey L. Berkowitz, as Trustee of the the Berkowitz Children's Trust dated March 18, 2004 Beneficiaries: Michael and Andrew Berkowitz</u>	<u>50%</u>
<u>Mark Manzo, as Trustee of the Adam V. Potamkin Irrevocable Trust created under the 2013 P3 Irrevocable Trust dated 8/8/2013 Beneficiaries: Adam V. Potamkin</u>	<u>1/3 of 25%</u>
<u>Mark Manzo, as Trustee of the Andi L. Potamkin Irrevocable Trust created under the 2013 P3 Irrevocable Trust dated 8/8/2013 Beneficiaries: Andi L. Potamkin</u>	<u>1/3 of 25%</u>
<u>Mark Manzo, as Trustee of the Cole F. Potamkin Irrevocable Trust created under the 2013 P3 Irrevocable Trust dated 8/8/2013 Beneficiaries: Cole F. Potamkin</u>	<u>1/3 of 25%</u>
<u>Lexie Potamkin, as Trustee of the 2012 AAA Trust Beneficiaries: Ayla, Alura and Alexander Potamkin</u>	<u>25%</u>



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RECORDED BY PROCESS NO.: Z25-031 DATE: FEB 27 2025 BY: ISA







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**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 11**

PH: Z25-095

July 23, 2025
Item No. 3

Recommendation Summary	
Commission District	9
Applicants	Southern Offices at Lakeside, LLC and 128 TH Street Lake, LLC
Summary of Requests	The applicants seek to permit a rezoning for parcel A from RU-4L (multi-family residential, maximum of 23-units per net acre) to RU-4 (apartment house district, maximum of 50-units per net acre) in order to develop the property with a maximum of 220 dwelling units. The applicants also seek to permit the filling of a portion of an existing lake and the modification of a prior resolution lake fill plan to expand the existing filled area, which includes, but is not limited to, a 50-foot strip adjacent to Parcel A.
Location	The north side of SW 132 Street, between SW 127 Avenue and SW 129 Avenue, Miami-Dade County, Florida.
Property Size	±6.00 acres
Existing Zoning	RU-4L, Limited Apartment House District
Existing Land Use	Vacant land & lake
2030-2040 CDMP Land Use Designation	Medium Density Residential (13 to 25 du) <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311, District Boundary Change, Section 33-311(A)(3), Standards for Special Exceptions, Unusual Uses and New Uses and Section 33-311(A)(7), Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 and #3.

REQUESTS:

REQUEST #1 ON PARCEL A

- (1) DISTRICT BOUNDARY CHANGE from RU-4L, Limited Apartment House District to RU-4, High Density Apartment House District.

REQUEST #2 ON PARCELS B, C and D

- (2) UNUSUAL USE to permit a partial lake fill and lake slope cross section.

REQUEST #3 ON OVERALL PARCEL

- (3) MODIFICATION of Condition #1 of Resolution No. CZAB11-6-09, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 11, only as it applies to the subject property, reading as follows:

FROM: "1. That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a lake fill permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Specific Purpose Survey," as prepared by Royal Point Land Surveyors, Inc., dated stamped received 9/17/08 and 2 sheets entitled "Lakeside II SH Communities," as prepared by Development Consulting Group, dated stamped received 11/18/08 for a total of 5 sheets."

TO: "1: That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineering be submitted to and meet with the approval of the Assistant Director of Department of Regulatory and Economic Resources upon the submittal of an application for a lake fill permit, said plans shall be substantially in accordance with the approved lake fill plans submitted for the administrative modification entitled "LAKESIDE 11," as prepared by EGSC Engineering Consultants, consisting of four (4) sheets dated stamped received 08/20/2024; and with survey plans entitled "(Vacant Land) SW 132nd Street, Miami, Florida," as prepared by ECS Land Surveyors, Inc., consisting of two (2) sheets dated stamped received 7/15/2024; for a total of six (6) sheets. "

The purpose of request #3 is to allow the applicants to submit a revised site plan to expand the existing filled area along the northern, western, and eastern boundaries of the property, including a 50-foot-wide body of water adjacent to Parcel A, and to reconfigure the lake slopes and cross sections.

PROJECT HISTORY AND DESCRIPTION:

The subject parcel has been the subject of several zoning hearings pertaining to various approvals for the property. These approvals applied to a larger parcel, which, based on the submitted survey, consists of approximately ±5.4 acres of upland and ±3.4 acres of submerged land within an existing lake, totaling ±8.8 acres.

In 1981 pursuant to Resolution #Z-13-81 the subject property was part of a larger tract of land in which the Board of County Commissioners (BCC) approved a rezoning from GU, Interim District to IU-C, Industrial District, Conditional. In 1999, pursuant to Resolution #CZAB11-8-99, the Community Zoning Appeals Board 11 (CZAB) approved a variance to permit the parcel of land with an area of 5 acres (10 acres required) and a lot dept of 305' (330' required) as a buildable site. Subsequently in April 2009, pursuant to Resolution #CZAB11-6-09 the CZAB approved an unusual use to permit the partial filling of an existing lake consisting of ±5.4 acres irregularly shaped area north of SW 132 Street and approximately 626' west of SW 127 Avenue.

Most recently, in 2023, pursuant to Resolution No. Z-1-23, the ±8.8-acre site was rezoned from IU-C (Industrial District, Conditional) to RU-4L (Limited Apartment House District) to allow for future multi-family residential development. The rezoning was approved concurrently with a standard amendment (Application No. CDMP20220001) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. Pursuant to Ordinance No. 23-4, the Board of County Commissioners approved the redesignation of the ±8.8-acre site

from "Industrial and Office" to "Medium Density Residential" (13 to 25 dwelling units per acre). Staff notes that no development plans were submitted as part of the rezoning application.

As part of this application, the applicants seek to rezone the ±6.00-acre subject parcel, identified as "Parcel A," from RU-4L (Limited Apartment House District) to RU-4 (High Density Apartment House District) to allow for the future development of a multi-family residential project with a maximum of 220 dwelling units. Staff notes that no development plans were submitted with this application, however, the applicants have proffered a Declaration of Restrictions that imposes specific provisions on both the subject property (the overall parcel) and the adjacent Parcel E, located to the west of the site. Additionally, the applicants request approval to fill a portion of an existing lake that includes a portion of Parcels B, C, and D, and to modify a previously approved lake fill plan to expand the existing filled area. This includes, but is not limited to, a 50-foot strip adjacent to Parcel A included within the "overall parcel."

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-4L; vacant land and lake	Medium Density Residential (13 to 25 dua) and Water
North	IUC; Lake and warehouses	Industrial and Office and Water
South	RU-3M; townhome residences	Industrial and Office
East	RU-3M and IU-C; townhome residences and lake	Medium Density Residential (13 to 25 dua) Water
West	IU-C and RU-4L; warehouses and lake	Industrial and Office, Medium Density Residential (13 to 25 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is zoned RU-4L and consists of vacant land and portions of an existing lake. To the north, the property is adjacent to land zoned IU-C, which includes warehouses and additional lake area. To the south, the site abuts RU-3M zoned land developed with townhome residences. On the east side, the adjacent properties are zoned RU-3M and IU-C and are developed with townhome residences and a portion of the lake. To the west, the property is bordered by IU-C and RU-4L zoned parcels containing warehouses and additional lake area.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to rezone the property in order to develop the parcel with additional housing in this area of the County. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application meets the traffic concurrency criteria for an initial development order only and that the application will generate approximately an additional 115 PM peak hour vehicle trips. Staff notes that the application will add to the population in the area, impact water and sewer services, and may bring additional traffic and noise into the neighborhood.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

As previously mentioned, the subject property was the subject of a standard CDMP amendment application (CDMP20220001) processed concurrently with this zoning application in 2023, pursuant to Section 2-116.1(5)(d)(e) of the Code of Miami-Dade County. The CDMP application re-designate the ±8.8- acres subject parcel from "Industrial and Office" to "Medium Density". *The residential densities allowed in the **Medium Density Residential** use category shall range from a minimum of 13 to a maximum of 25 units per gross acre.* This would allow the applicants to develop the ±8.8-acre subject site with a maximum of 220 dwelling units. Staff notes that the applicants seek a district boundary change on the subject site from RU-4L to RU-4 for ±6.00-acre of the ±8.8-acre subject site. The RU-4 zoning district allows residential development at a maximum of 50 units per net acre, which could theoretically permit up to 300 dwelling units on the ±6.00-acre portion, exceeding the maximum density allowed under the CDMP designation. To address this discrepancy, the applicants have proffered a Declaration of Restrictions that imposes specific provisions on both the subject property (the overall parcel) and the adjacent Parcel E, located to the west. As part of these provisions, the covenant expressly transfers the permitted residential density from Parcel E, which consists of submerged lands within an existing lake, to the approximately ±6.00-acre subject site. Accordingly, Parcel E is restricted to a residential density of zero. As stated in the covenant, *"this restriction will remain in effect unless the subject property and Parcel E are redesignated, in whole or in part, on the Land Use Plan (LUP) map to allow greater residential density and/or become eligible for density bonuses under the CDMP."* This approach ensures that any future development remains **consistent** with the density limits established in the CDMP.

A section of the CDMP Land Use Element interpretative text indicates that *Compatibility shall be determined in accordance to Policy LU-4A.* The **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* Staff opines that the proposed rezoning of the subject property would be consistent with CDMP policies that require the County to accommodate projected population or economic growth, and that development be prioritized on parcels that are compatible with abutting and nearby land uses.

Therefore, subject to the Board's acceptance of the proffered covenant staff opines that the proposed rezoning to RU-4 would be **consistent** with the CDMP Land Use Element interpretative text and the maximum numerical density threshold permitted for the **Medium Density Residential** on the CDMP Land Use Plan (LUP) map. Staff further opines that approval of the application will not create any significant impacts which will disrupt or degrade the safety and tranquility of the neighboring properties and would be **compatible** with the surrounding area based on the Zoning Analysis below.

ZONING ANALYSIS:

The applicants seek approval of a request for a district boundary change from RU-4L, Limited Apartment House District to RU-4, High Density Apartment House District (request #1). For the reasons stated above and below, staff opines that when the request to rezone the subject parcel to RU-4 is analyzed under Section 33-311, District Boundary Change, the approval of the request would be **compatible** with the surrounding area when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Section

33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote convenience and general welfare, 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. Staff supports the district boundary change and opines that the request for a zone change on the subject property to RU-4 would be **consistent** with the aforementioned CDMP designation of the parcel on the CDMP Land Use Plan map and would be **compatible** with the surrounding area.

The ±6.00-acre subject parcel is located at northwest corner of SW 127 Path and SW 132 Street. Based on the submitted Survey the subject parcel is comprised of upland within an existing lake. Staff opines that the RU-4 will create a harmonious transition between the existing townhome residences located along the east and south of the subject site and the existing industrial developments and would minimally alter the development fabric of the neighborhood. Staff notes that although no site plan was submitted for this application, at the time of permitting, any future development of the property would have to comply with RU-4 zoning requirements, which require the development of the property to be compatible with the adjacent uses through the implementation of adequate buffering, site planning, and/or design features.

Staff also notes that based on the memoranda submitted by other departments reviewing the application, approval of the request would not have an unfavorable effect on the environment, the natural resources, or the economy of Miami-Dade County, and would not be incompatible with the area concerned. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), in their memorandum, state that they have no objections to the request, that this application meets the traffic concurrency criteria and that the application will generate approximately 115 PM peak hour vehicle trips. Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum, indicate that the application meets all applicable LOS standards for potable water supply, wastewater disposal, and flood protection. In addition, the memorandum from the Miami-Dade Fire Rescue (MDFR) Department does not indicate that the application will have a negative impact on fire rescue services in the area. Further, the memoranda submitted by the Department of Water and Sewer indicates that all current levels have sufficient capacity available to serve the application. Based on the aforementioned department memoranda, staff opines that the request will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. As such, staff opines that approval of the request to rezone the subject parcel to RU-4, would be **compatible** with the character of the surrounding neighborhood, when considering the necessity and reasonableness of the modifications in relation to the present and future development of the area. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request for a district boundary change to RU-4, High Density Apartment House District, under Section 33-311, District Boundary Change.**

In order to implement the proposed development of the site, the applicants are also requesting approval of an unusual use to permit a partial lake fill and revised lake slope cross section on Parcels B, C, and D (Request #2). When analyzed under Section 33-311(A)(3), Special Exceptions, Unusual Uses, and New Uses, staff is of the opinion that approval with conditions would be compatible with the surrounding area. This request specifically seeks to allow the filling of the approximately ±0.60-acre 50-foot strip, consistent with the lake fill plans previously approved in 2009 consisting of ±5.4 acres, except as modified to permit a different slope cross section along the northern boundary of the Residential Parcel (Parcel A) and the 50 foot strip. Staff notes that the Platting and Traffic Review Section and the Division of DERM do not object

to this application. Further, memorandum by the aforementioned divisions, as well as from the Miami-Dade Fire Rescue and Water and Sewer Departments, does not indicate that the request sought in this application would generate or result in excessive noise or traffic, or cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads highways or other such facilities. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses.**

Similarly, staff opines that the approval of the request for a modification of the prior approved site plan to expand the existing filled area along the northern, western, and eastern boundaries of the property, including a 50-foot-wide body of water adjacent to Parcel A, and to reconfigure the lake slopes and cross sections (request #3), would not create any new visual impacts on the surrounding properties. Staff further opines that the request is inextricably intertwined with request #2, which staff supports. The subject site encompasses a portion of a large existing lake located to the east, west, and north of the site. The applicants are seeking to partially fill the lake to allow for future residential development (Parcel A). Plans submitted with the application illustrate the proposed fill area. As noted earlier, in 2009, the Miami Dade County Community Zoning Appeals Board 11, through Resolution CZAB11-6-09, approved an unusual use to permit the partial filling of approximately ± 5.4 acres of the lake for the subject property. The current request would allow for the additional filling of approximately ± 0.60 acres, specifically within the 50 foot strip to the west labeled as Parcels B and C, consistent with the 2009 approval but modified to include an updated slope cross section along the northern boundary of the Residential Parcel (parcel A) and the 50-foot strip. The submitted lake plans reflect a total proposed lake fill of approximately ± 6.00 acres, ± 5.4 acres of which were previously approved, with the remaining unfilled portion of the lake continuing to serve the surrounding properties.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. When analyzing the request under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses and New Uses, and when considering the necessity for and reasonableness of the proposed partial filling of an existing lake in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff is of the opinion that the proposed use would not have an unfavorable effect on the surrounding area, would not generate or result in excessive noise or traffic, nor cause an undue or excessive burden on public facilities, nor would it tend to create a fire or other equally or greater dangerous hazards nor provoke excessive overcrowding or concentration of people or population. When considering the necessity for and reasonableness of the applied for use in relation to the present and future development of this area and the compatibility of the use with the area and its development, staff is of the opinion that the proposal is not out of character and is compatible with the surrounding area. Staff's review of the submitted plans indicates that the proposal to fill portions of the existing lake on the northern portion of the site seeks to allow the applicants to develop the site in accordance with the RU-4 zoning regulations. As such, staff recommends approval with conditions of the request under Section 33-311(A)(3). **Based on all of the aforementioned, staff notes that the request is consistent with the CDMP and compatible with the surrounding area. Accordingly, staff recommends approval with conditions of the request under Section 33-311(A)(3), standards for special exceptions, unusual uses and new uses.**

ACCESS, CIRCULATION AND PARKING: None

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant and approval with conditions of requests #2 and #3.

CONDITIONS FOR APPROVAL: For requests #2 and #3 only.

1. That all other conditions of Resolutions #CZAB11-6-09 remain in full force and effect, except as herein modified.
2. That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineering be submitted to and meet with the approval of the Assistant Director of Department of Regulatory and Economic Resources upon the submittal of an application for a lake fill permit, said plans shall be substantially in accordance with the approved lake fill plans submitted for the administrative modification entitled "LAKE SIDE II," as prepared by EGSC Engineering Consultants, consisting of four (4) sheets; and with survey plans entitled "(Vacant Land) SW 132nd Street, Miami, Florida," as prepared by ECS Land Surveyors, Inc., consisting of one (1) sheet, all dated stamped received 6/11/2025; for a total of five (5) sheets.
3. That the applicants shall submit a detailed written disclosure of the fill project specifying the equipment and methods to be utilized during the fill project, including every aspect of the trucking, dumping, sorting, and filling process.
4. That the applicants comply with all the applicable conditions, requirements, recommendations, requests and other provision of the Platting and Traffic Review Section of the Department of Regulatory and Economic Review Section, as contained in its memorandum.
5. That the applicant complies with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources as contained in its memorandum.
6. Prior to obtaining a fill project permit, the applicants shall submit a detailed written disclosure of the fill project specifying the equipment and methods to be utilized during the fill project, including every aspect of the trucking, dumping, sorting and filling process.
7. That the applicants shall obtain a fill project permit and shall promptly renew the same semi-annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions. Failure to commence the fill project within six months of the date of the original permit issuance shall result in an abandonment of the fill project.
8. Prior to each permit renewal, the applicants shall submit a status report indicating the percentage of fill project completion and the estimated time of the fill project's final completion.


9. If an excavation will be filled in phases, a phase plan shall be submitted with the initial excavation fill plan and permit plan application. The plan and supporting documents shall delineate the area to be filled in each phase and the time frame projected to close out each phase of the fill project.
10. In addition to any bond required by DERM, the property owner and any and all parties who may have a legal beneficial or equitable interest in the land shall execute a bond agreement with the Department of Regulatory and Economic Resources prior to issuance of a permit for a fill project. Such bond agreement shall stipulate that in order to insure compliance with all terms and conditions associated with the fill project permit approval, a cash or surety bond or substantially equivalent instrument meeting with the approval of the Director shall be posted by the applicants with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director. Said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County. The bond amount will be based on the volume of cut required to conform any remaining excavation to the approved slope configuration, as well as a minimum flat rate bond amount of \$50,000 to remove any unauthorized fill material.
11. That no portion of the property subject to the approved lake fill plan and permit shall be transferred without the approval of the Director, unless the filling of the subject fill has been completed in accordance with the lake fill plan and permit for the fill project and unless the bond has been released.
12. That only such clean fill material as allowed by Chapter 24 of this Code and approved in writing by the Department of Regulatory and Economic Resources Environmental Resources Management Division, as set forth herein, shall be used in the fill project.
13. That no fill material or unacceptable fill to be removed shall be permitted to be stored on property abutting the fill project site or within the adjacent rights-of-way at any time during the fill project.
14. That any unacceptable fill material shall be stored in containers; shall not be permitted to remain on the project site for more than thirty (30) days; and shall not exceed a volume of forty (40) cubic yards.
15. That neither the clean fill material piles, nor the unacceptable fill material piles, nor the piles awaiting sorting shall be permitted to exceed a height of 10 feet above the applicable flood elevations for the property.
16. That the applicants shall be permitted to engage in the late filling operation no longer than between the hours of 8:00 am and 5:00 pm.
17. That the deadline date for the completion of the fill project, including final closure and completion of all tasks set forth in the approved plans and permit shall be determined by the Director and established in the permit. All authorized work shall be carried on continuously and expeditiously so that the filling will be completed within the allocated time, but in no event for any more than three (3) years from issuance of the fill permit.
18. That if the fill project is discontinued, abandoned, falls behind schedule or time expires under the permit, the remaining excavation shall immediately be sloped to conform with the

previously approved excavation plans and all equipment and concomitant uses shall be removed from the premises, unless an application to extend the time is filed with the Department prior to expiration of the approval and provided that good cause is demonstrated as to the delay in completing the filling of the excavation. In no event shall such extension allow the fill project to continue beyond three (3) years after issuance of permit.

19. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis during the fill project. In accordance with this requirement, the applicants shall submit "as-built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer annually and at final completion of the fill operation or upon request of the Director when it is determined that the filling is proceeding contrary to approved plans or in violation of the conditions of the approved excavation fill plan or the permit plan.
20. That the property shall be suitably posted to meet with the approval of the Director; said postings shall denote the fill project and shall warn the public concerning the possible hazards prior to commencement and for the duration of the fill project.
21. That the applicants shall obtain all permits required by this Code and comply with all permit requirements and all applicable conditions of the Environmental Resources Management Division of the Regulatory and Economic Resources Department as well as the Land Development – Traffic concurrency/Platting Division for the duration of the fill project.
22. That upon completion of the fill project, the property shall be restored and left in an acceptable condition meeting the approval of the Director.
23. That the final slope(s) of the remaining excavation shall be in accord with the previously approved excavation plan or in accord with the slope requirements of Section 33-16(a)(6)(m) of this Code, unless otherwise approved by the Director in accordance with a contiguous excavation fill plan application for an allowable phased fill project.
24. That the final depth of any remaining excavation shall be in accord with Section 33-16(a)(6)(k) or in accord with previously approved plans for the excavation.
25. That the fill project shall meet all stormwater management requirements of the Code of Miami-Dade County, and the filled excavation or portion of excavation filled shall not exceed the applicable flood elevations for the property.
26. That upon completion of a partial fill project, the site shall contain an earth berm or alternative structure in accord with the requirements of Section 33-16(a)(6)(1) or in accord with the previously approved plans if said plans had contained such a feature.
27. That to the extent possible, the property shall be staked and said stakes shall be maintained in proper position so that the limits of the filling, slopes and grade levels may be easily determined.
28. That all Federal, State and local permits be obtained prior to commencement of the Lake Fill. In the event that any Federal, State or local permit is revoked or otherwise held to be invalid, the Lake Fill operation shall immediately cease.

29. 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 conditions herein agreed to are being complied with.

ES:JB:SS:EA



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

ZONING RECOMMENDATION ADDENDUM

Southern Offices at Lakeside, LLC and 128th Street Lake, LLC
PH. Z25-095

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Building and Neighborhood Compliance (BNC)	<i>Pending</i>
Division of Environmental Resources Management (RER)	<i>No objection*</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Fire Rescue Department	<i>No objection</i>
Miami-Dade County Public Schools	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Parks, Recreation and Open Spaces Department (PROS)	<i>No objection</i>
Miami-Dade County Office of Historic Preservation	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Medium Density Residential <i>(Page 1-30)</i>	<i>This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.</i>
Policy LU-4A <i>(Page I-9)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

Southern Offices at Lakeside, LLC and 128th Street Lake, LLC
PH. Z25-095

	<p>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i></p> <p>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i></p>
<p>Section 33-311(A)(3) Special Exception, Unusual and New Uses</p>	<p><i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<p>Section 33-311(A)(7) Generalized Modification Standards</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>

The memo for the
Office of
Code Enforcement
Will be distributed
at a later date

Memorandum

Date: June 25, 2025

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management

Subject: Z2025000095-3rd Review
Southern Offices at Lakeside, LLC
SW 132nd Street & SW 127th Avenue
Proposal for partial lake fill
(RU-4L) (6 acres)
14-55-39



The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water service and wastewater disposal.

Potable Water and Wastewater Disposal

Based on the letter of intent and plans provided with this application, the proposed lake fill does not propose any structures at this time. This review pertains to the proposed lake fill only.

According to DERM records, public water and sewer infrastructure is located within feasible distance to the property. Pursuant to the Code, any future structures will be required to connect to public water and sanitary sewers to the extent that they have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Water Control Review

The proposed lake fill for future development must provide adequate stormwater management in compliance with section 24-48 of the Code. **Prior to any future development order approval, including but not limited to, an Administrative Site Plan Review, Lakefill permit, plat action, or building permit, a conceptual stormwater master plan must be provided, demonstrating that the proposed project will not impact the flood protection level of the area, will not impact adjacent properties, encroach the floodplain, mitigate the loss of historical basin storage, and provide sufficient storage to retain runoff for future development.**

The following requirements apply to the future development:

A DERM Surface Water Management General Permit shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the DERM Water Control Section at (305)372-6681 or dermwatercontrol@miamidadecounty.gov for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 25-year, 3-day storm event pursuant to section 24.42.8(4)(i) of the Code.

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.

Conditions of Approval: Submit a conceptual stormwater master plan that provides above-mentioned information prior to any future development order approvals, including but not limited to, an Administrative Site Plan Review, Lakefill permit, plat action, or building permit.

Wetlands Resources

The subject properties do not currently contain wetlands as defined by section 24-5 of the Code; therefore, it is anticipated that a Class IV permit will not be required. For additional information please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject property indicates the presence of tree resources; however, the lake fill plans entitled "Lake Side II" prepared by Eric J. Gomez, P.E., and dated as received by Miami-Dade County on May 06, 2025, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov regarding any additional information or concerns with this review.

Conditions of Approval: None

Pollution Regulation

This property is being tracked under DERM File No. SW-1654. Be advised that lakefilling activities at the property must adhere to the conditions stipulated in DERM's permit determination letter dated November 2, 2023, concerning the use of single-source clean fill material originating from the MSC Cruises Terminal Berth 8 & Berth 9 Port of Miami project and virgin clean fill material sources from a Miami-Dade County quarry.

DERM shall be contacted prior to the receipt of material from any other source and the petitioner is advised that pre-approval of such material may be required prior to importation of such material to the property. All fill material must be clean fill as defined in section 24-5 of the Code that is free of

contamination. For any questions regarding the comments provided under this review, please contact Gabriel Bristol-Sanchez (gabriel.bristol-sanchez@miamidade.gov) or Johnny Vega, P.E. (johnny.vega@miamidade.gov) of the Environmental Permitting Section at (305) 372-6600.

Conditions of Approval: None

Enforcement History

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

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDM for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: May 28, 2025

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

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) *Maria for*

Subject: Zoning Application Comments - Lake Side II
Application No. Z2025000095 - (Previous App. No. Z24-155)

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objection to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

Application Name: Lake Side II

Location: The proposed project is located on approximately 6.00 acres, generally located on the north side of SW 132nd Street, between SW 127th Path and SW 129th Avenue, with Folio No. 30-5914-000-0241 and a portion of Folio No. 30-5914-085-0001, in unincorporated Miami-Dade County.

Proposed Development: Per submitted Letter of Intent dated April 28, 2025, the Applicant is seeking approval of the following requests:

1. A district boundary change on the approximately 5.40 acres Residential Parcel from RU-4L (Limited Apartment House District) to RU-4 (High Density Apartment House District).
2. The carrying forward of Resolution No. CZAB11-6-09 (previously identified as the 2009 Resolution) pursuant to Section 33-317 of the Code.
3. An Unusual Use to permit a partial lake fill on the approximately 0.60 acres, 50-foot Strip.
4. A modification of Condition No. 1 of the 2009 Resolution to submit revised lake fill plans for the Property.

Please note that the property with Folio No. 30-5914-085-0001 has a 10 feet Utility Easement within and along the southern boundary of the property. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

Water/Sewer: The proposed development is located within the WASD's water and sewer service area. Connection to water and sewer are not proposed with this zoning application.

There are water and sewer mains within the property, either in existing dedicated Right-of-Way (R/W) or easements, which need to be removed and relocated if in conflict with the proposed development. In addition, no trees or palms should be planted within five (5) feet of any WASD facility. Easements associated with mains to be removed and relocated shall be closed and vacated before starting

construction in the easement(s) areas. In case of R/W to be closed and vacated within the property, mains shall be removed and relocated, if needed, before closing/vacating them. Fire hydrants associated with mains to be removed and relocated shall be relocated as per Fire Department recommendations. Cutting and plugging of existing water mains shall be done by a licensed contractor under WASD supervision. Services to existing customers cannot be interrupted.

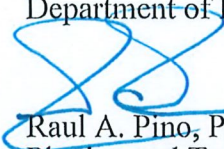
Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov

Memorandum



Date: June 16, 2025

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

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

Subject: Z2025000095
Name: J&M Underground Engineering Corp.
Location: 132 NE St
Section 11 Township 55 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 complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tract A, Plat Book 156, Page 83.

This application **does** meet the traffic concurrency (*) criteria for an Initial Development Order. It will generate **115 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.#	LOCATION	LOS PRESENT	LOS W/PROJECT
9814	SW 137 Avenue south of SW 120 Street	C	C
9784	SW 127 Avenue south of SW 104 Street	C	C
9760	SW 120 Street west of SW 122 Avenue	C	C
9816	SW 137 Avenue south of SW 136 street	C	C

(*)Traffic concurrency is based on the max density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.

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.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: May 15, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2025000095

The Miami-Dade Fire Rescue Department has **no objection** to request to fill 50 ft strip of lake area noted in the letter of intent uploaded to "EnerGov" on 5/7/2025. Any future site plans will need separate approval.

MDFR's review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statute Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

From: [HERRERA, ANA I](#)
To: ["Alberto.Torres@hklaw.com"](mailto:Alberto.Torres@hklaw.com)
Cc: [Simon, Nathaly](#); [Garcia, Jeannette C.](#); [RODRIGUEZ, IVAN M](#); [Concurrency Management](#); [Noel Stillings](#)
Subject: Preliminary School Concurrency Analysis for Southern Offices at Lakeside, LLC (Z2025000095) (PH3025050900264)
Date: Monday, June 9, 2025 12:34:00 PM
Attachments: [Southern Offices at Lakeside, LLC \(Z2025000095\) \(PH3025050900264\).pdf](#)

Dear Applicant,

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

As noted in the School Planning Level Review, the proposed development would yield a maximum residential density of 220 units, which generate 39 students (19 at the elementary, 9 at the middle, and 11 at the senior high school level). At this time, all school levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent, notwithstanding any additional information that may surface after further departmental research.

As such, this analysis does not constitute a Public School Concurrency Approval.

Should you have any questions, please feel free to contact our office at 305-995-7285.

Regards,



Ana Herrera

**District Coordinator
Growth Management**

Office of Governmental Affairs and Land Use
Facilities Design and Construction
Miami-Dade County Public Schools
1450 N.E. Second Avenue
Miami, Florida 33132
(305) 995-4603



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System Preliminary Concurrency Analysis

MDCPS Application Number:	<u>PH3025050900264</u>	Local Government (LG):	<u>Miami-Dade</u>
Date Application Received:	<u>5/9/2025 10:15:04 AM</u>	LG Application Number:	<u>Z2025000095</u>
Type of Application:	<u>Public Hearing</u>	Sub Type:	<u>Zoning</u>
Applicant's Name:	<u>Southern Offices at Lakeside, LLC</u>		
Address/Location:	<u>NONE</u>		
Master Folio Number:	<u>3059140000241</u>		
Additional Folio Number(s):			
PROPOSED # OF UNITS	<u>220</u>		
SINGLE-FAMILY DETACHED UNITS:	<u>0</u>		
SINGLE-FAMILY ATTACHED UNITS:	<u>0</u>		
MULTIFAMILY UNITS:	<u>220</u>		

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2021	GLORIA FLOYD ELEMENTARY	430	19	19	YES	Current CSA
6781	RICHMOND HEIGHTS MIDDLE	482	9	9	YES	Current CSA
7531	MIAMI SUNSET SENIOR	732	11	11	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **33.68%** included for charter and magnet schools (Schools of Choice).

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

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net

Memorandum



Date: June 2, 2025
To: Eric Silva, Assistant Director
Development Services Division
Regulatory and Economic Resources Department (RER)
From: Alejandro Zizold, Chief, Planning, Research and Grants
Planning, Design and Construction Excellence Division
Parks, Recreation and Open Spaces Department (PROS)
Subject: Z2025000095- Lake Side II- Lakefill

Alejandro Zizold

Applicant Name: Juan J. Mayol, Jr., Esq. on behalf of Southern Offices at Lakeside, LLC

Project Location: The property consists of approximately ±6.00-acres and the property is generally located on the north side of SW 132nd Street, between SW 127th Avenue and SW 129th Avenue, in unincorporated Miami-Dade County (Folios: 30-5914-000-0241 and 30-5914-085-0001).

Proposed Development: The applicant seeks approval of:

1. District Boundary Change Zoning Request to rezone the subject property from RU-4L to RU-4 (High Density Apartment House District);
2. Approval of an Unusual Use to permit a partial lake fill;
3. The carrying forward of Resolution No. #CZAB11-6-09;
4. And a modification of Condition No. 1 of the 2009 Resolution to submit revise lake fill plans for the property.

The applicant seeks to fill a 50-strip of submerged land along the eastern portion of Folio no. 30-5914-085-0001 which directly abuts Folio no. 30-5914-000-0241 which has an existing resolution for the submerged lands within that parcel to be filled and developed.

Folio no. 30-5914-085-0001 is zoned IU-C and applicant does not seek approvals for any development of the 50-Foot strip. The lake fill is the only proposed improvement, and this portion of the property will remain part of the existing Lakeside Corporate Park.

The applicant seeks a district boundary change from RU-4L to RU-4 on folio 30-5914-000-0241, which is the residential parcel of the subject property.

The applicant seeks a modification of Condition No. 1 of Resolution No. CZAB11-6-09 in order to provide an updated survey and plans for the lake fill permit.

Impact and Demand: This application does not have a residential development component and therefore, the County's Level of Service Standards and the CDMP Open Space Spatial Standards do not apply.

Recommendations: PROS has no pertinent comments for this application concerning impact or demand on existing County Parks, proposed or budgeted service expansion, nor does PROS perform a concurrency review. The intent of the requested approvals is beyond PROS's purview

Based on our findings and recommendations described herein, **PROS has no objection to this application. Any future development to the subject property will require further review.** Should you need additional information or clarification on this review, please contact Alexandra Dreybus, Park Planner 2, by email at alexandra.dreybus@miamidade.gov

AZ: at ad

Signature: *Alissa Turtletaub*

Email: alissa.turtletaub@miamidade.gov

Memorandum



Date: May 13th, 2025

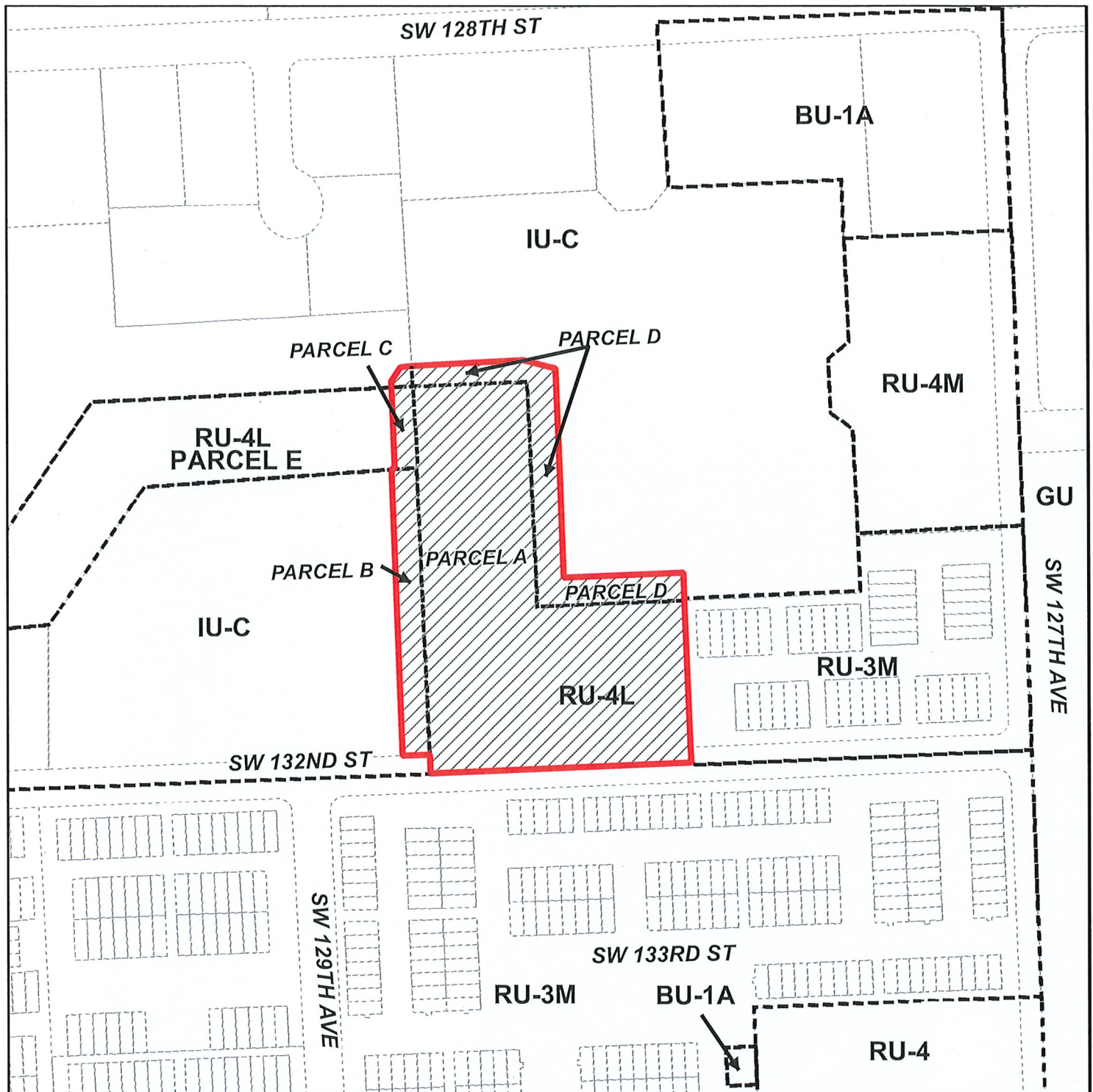
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Review Z2025 – 000095 Southern Offices at Lakeside, LLC

The Miami-Dade County Office of Historic Preservation has reviewed the subject application and has no comments or objections.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2025000095



Section: 14 Township: 55 Range: 39
 Applicant: Southern Offices at Lakeside, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Thursday, June 12, 2025

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2025000095

Legend
 Subject Property

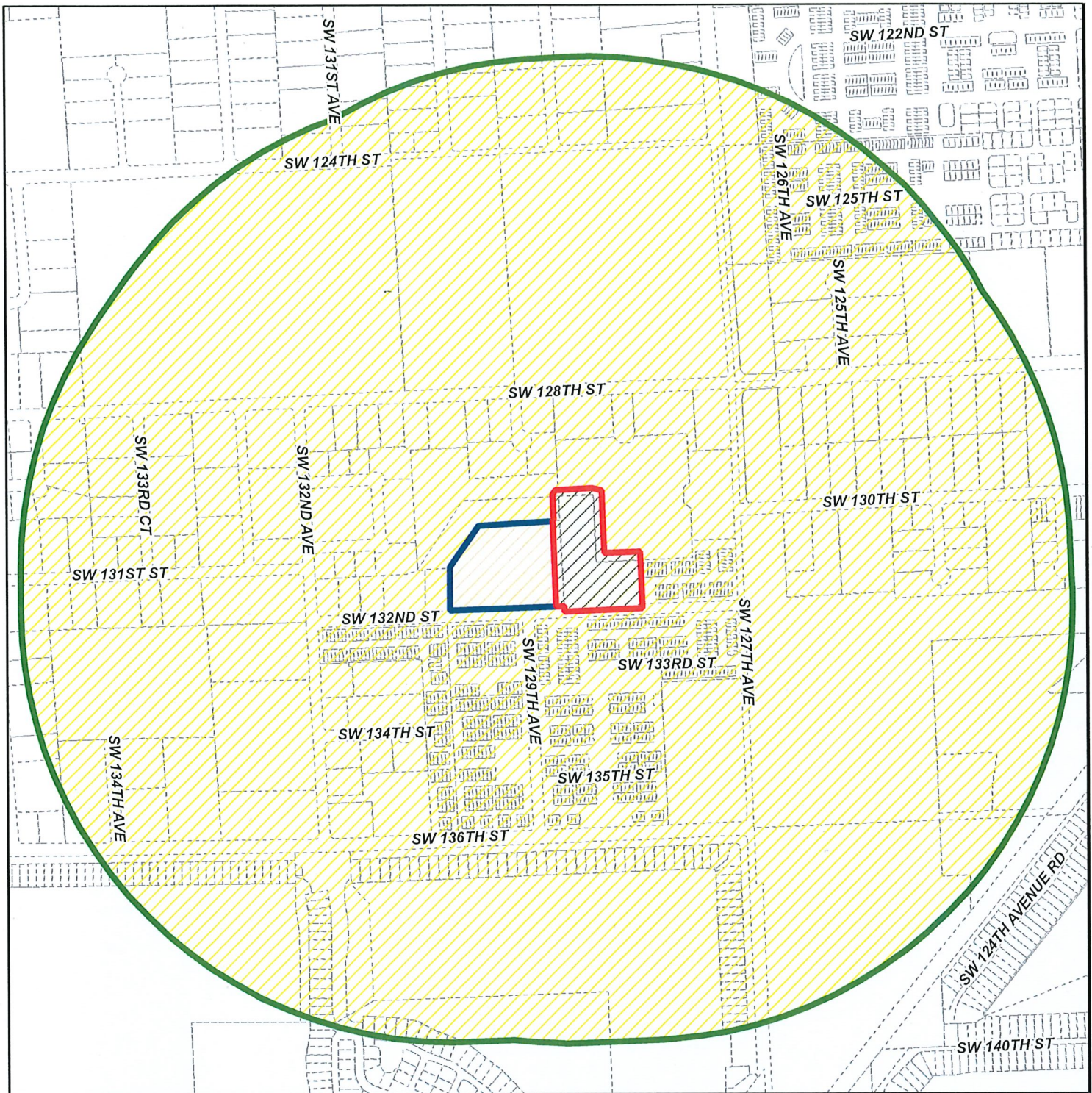


Section: 14 Township: 55 Range: 39
 Applicant: Southern Offices at Lakeside, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Thursday, June 12, 2025

REVISION	DATE	BY



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2025000095
 RADIUS: 2640

Section: 14 Township: 55 Range: 39
 Applicant: Southern Offices at Lakeside, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

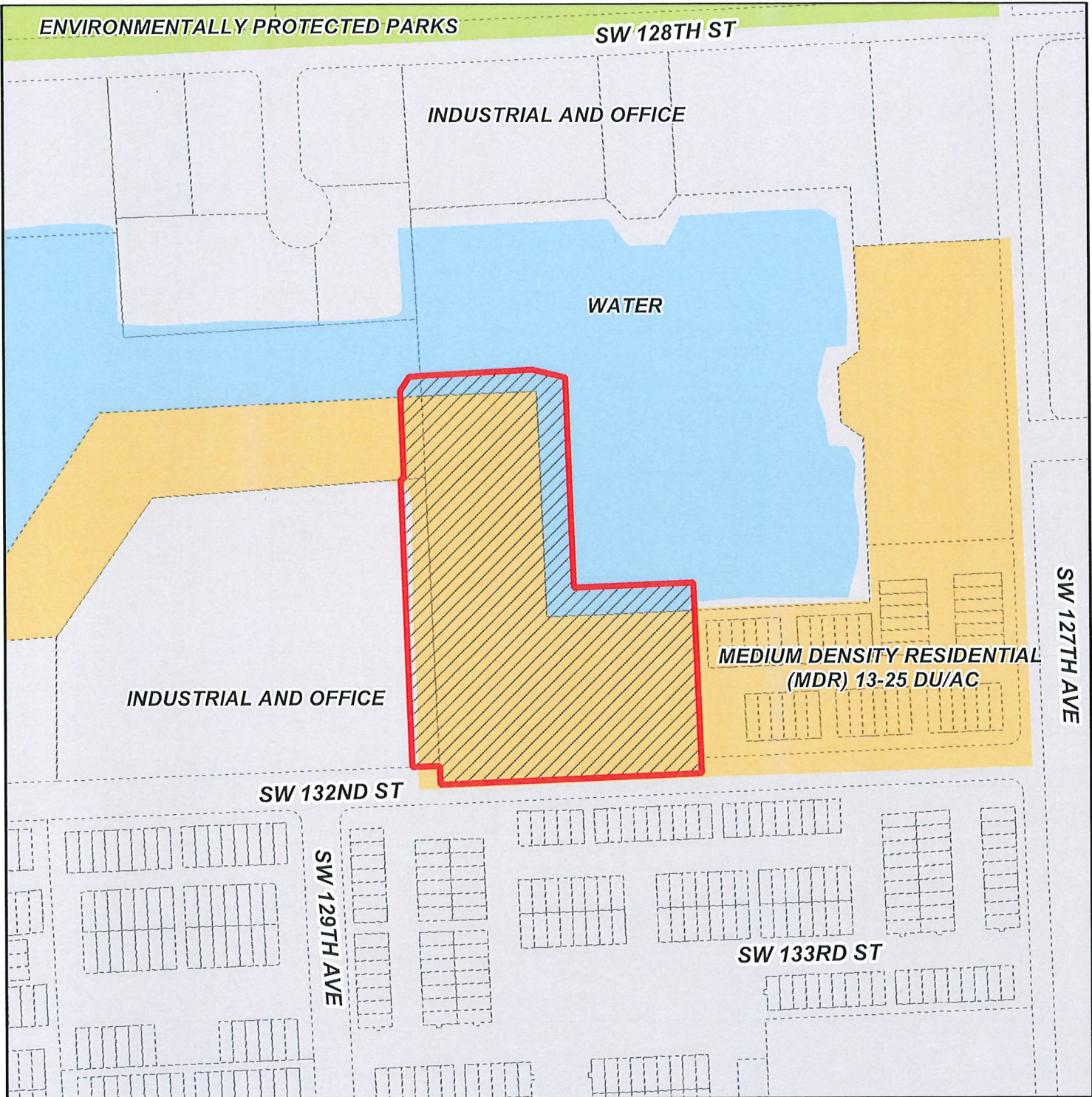
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Thursday, June 12, 2025

REVISION	DATE	BY



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2025000095

Section: 14 Township: 55 Range: 39
 Applicant: Southern Offices at Lakeside, LLC
 Zoning Board: C11
 Commission District: 9
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, June 12, 2025

REVISION	DATE	BY

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA

LAKESIDE LAKEFILL



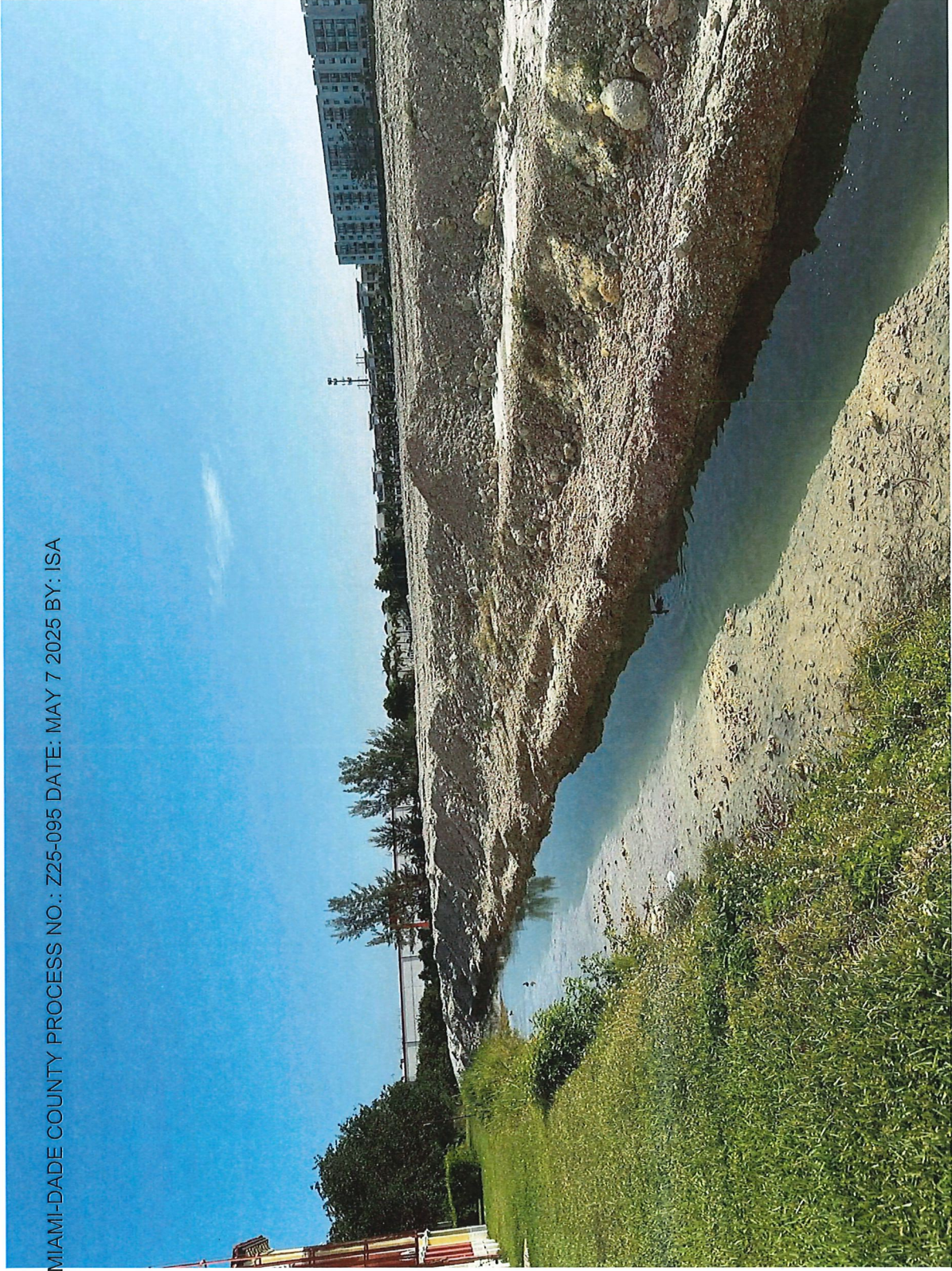
RECEIVED MAAMI-DA-DE COUNTY PROCESS NO. Z25-095 DATE: MAY 7 2025 BY: ISA

RECEIVED MIAMI-DADE COUNTY PROCESS NO. 17-225-095 DATE: MAY 7 2025 BY: ISA



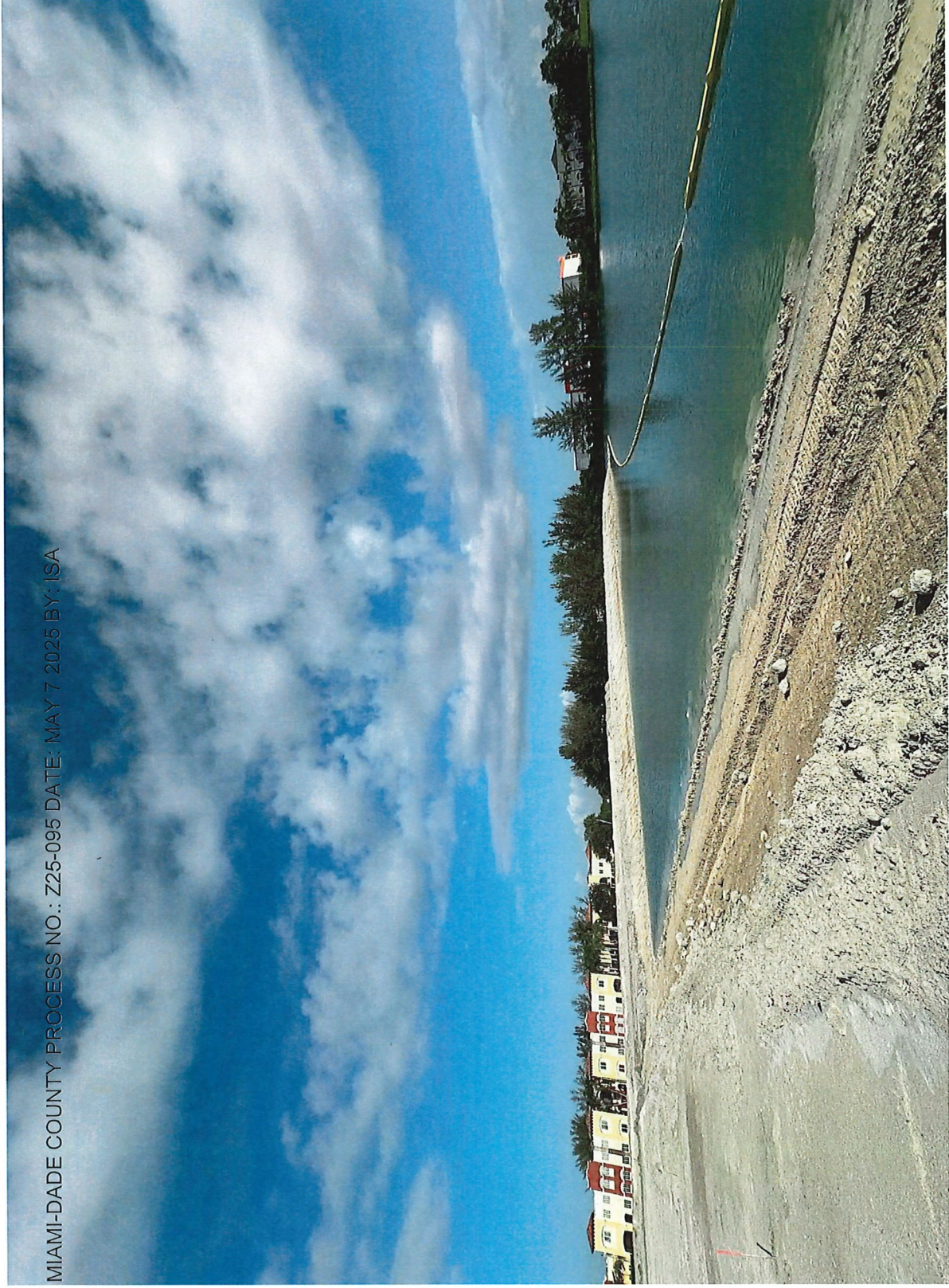
RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA

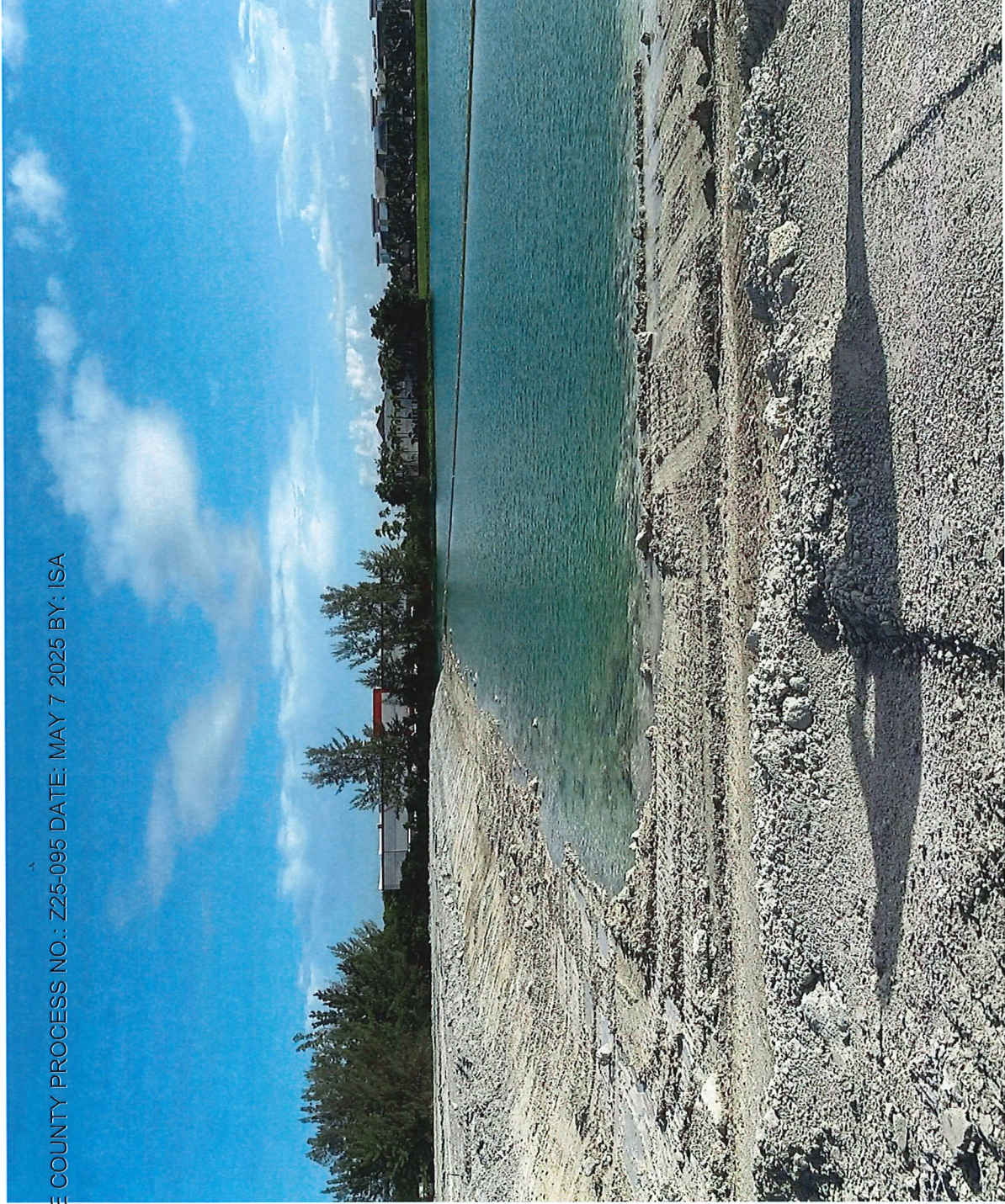


RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA



RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA

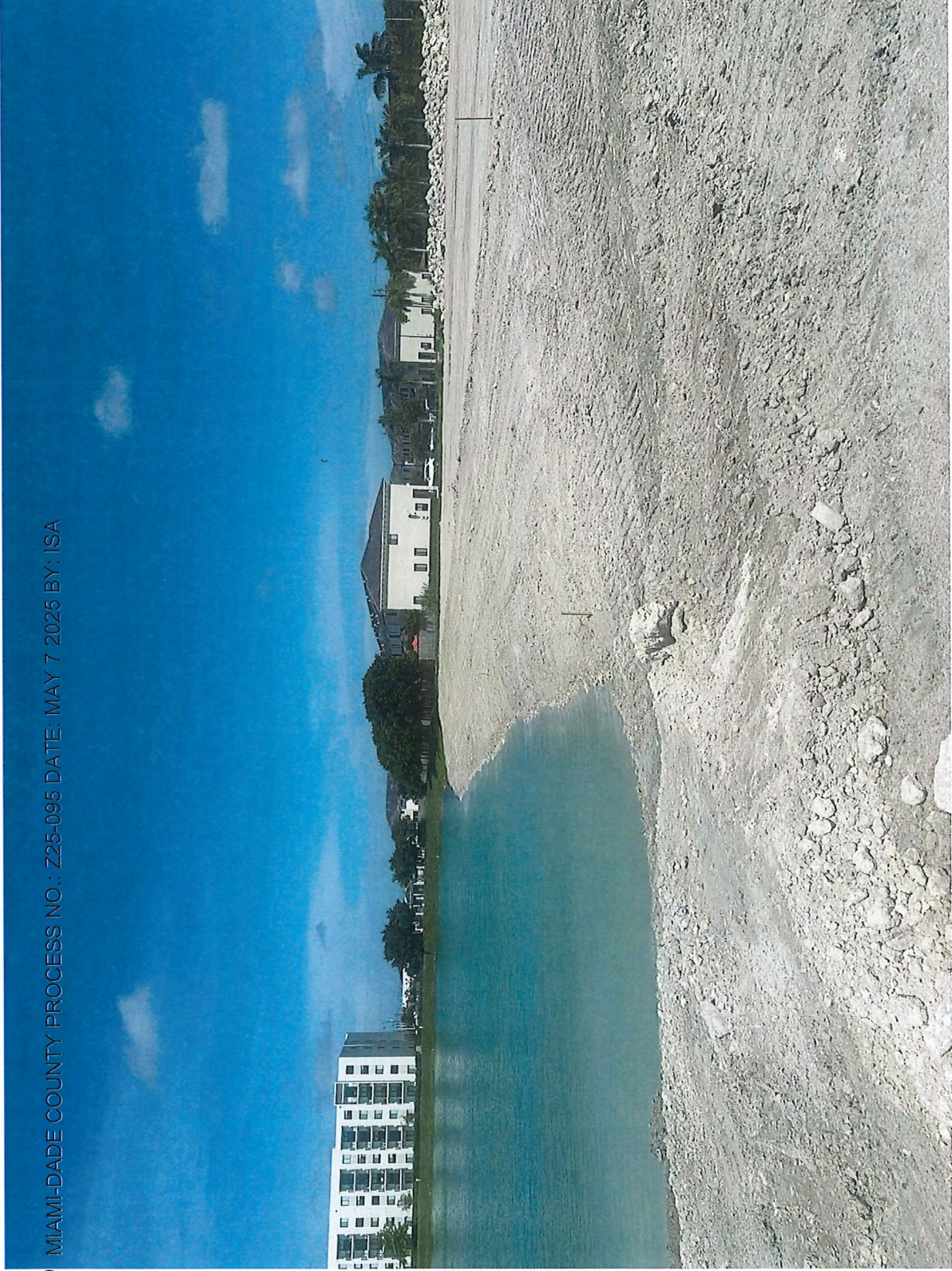


RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA



RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA



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MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA



RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA



RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z25-095 DATE: MAY 7 2025 BY: ISA





- LEGEND:**
- PROPERTY LINERIGHT OF WAY LINE
 - APPROX. TOP OF BANK LINE/LAKE FILL LIMITS
 - ▨ PROP. LAKEFILL AREA (182,844 S.F.)
 - ▲ EXIST. SURVEY ELEVATION (NSVD)

C-1.0

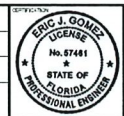
DRAWING NAME: LAKEFILL AREA PLAN VIEW

PROJECT: LAKESIDE II
SW 132ND ST AND SW 128TH CT, MIAMI, FL 33186

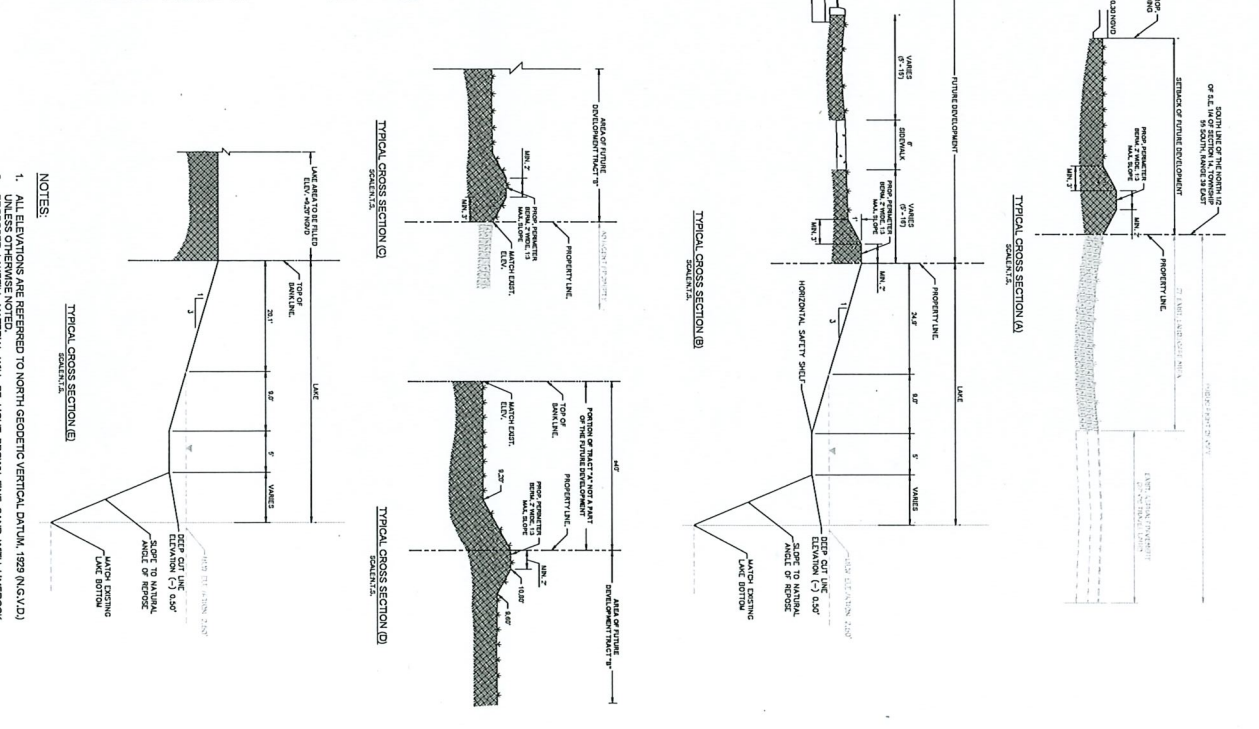
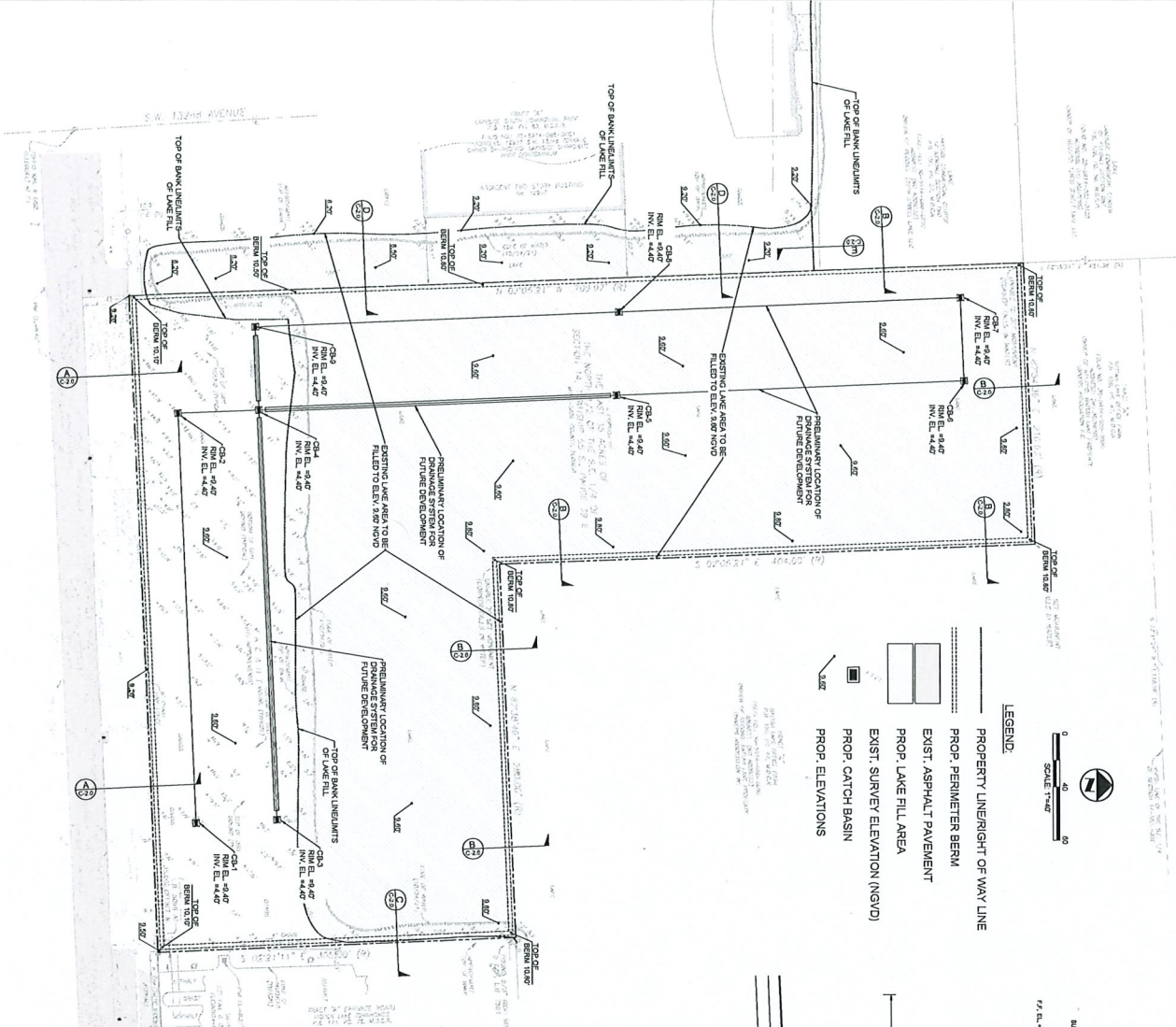
PREPARED BY: EGSC ENGINEERING CONSULTANTS
1201 NW 112th AVENUE #103 MIAMI, FL 33172
TEL: 305.563.5457 EMAIL: egomez@egscfl.com



DESIGNED BY: EG
DRAWN BY: MP
CHECKED BY: EG
SCALE: AS SHOWN



REVISIONS	DATE
1. MDG REV/COMM 07/2024	07/20/2024



NOTES:
 1. ALL ELEVATIONS ARE REFERRED TO NORTH GEODETIC VERTICAL DATUM, 1929 (NGVD).
 2. PROPOSED LAKEFILL MATERIAL WILL BE LIGHT BROWN FINE SAND WITH LIMESTONE CRUSHER SAND, MINIMUM 3% OVER PROPOSED GRADE.

PAVING, GRADING AND DRAINAGE PLAN
 LAKESIDE II
 SW 132ND ST AND SW 128TH CT. MIAMI, FL 33186
 PREPARED BY: EGSC ENGINEERING CONSULTANTS
 1701 NW 112th AVENUE SUITE 103 MIAMI, FL 33172
 TEL: 305.5515157 EMAIL: egomez@egscfl.com

EGSC ENGINEERING CONSULTANTS
 Personal Approach, Powerful Results

DESIGNED BY: EG
 DRAWN BY: MP
 CHECKED BY: EG
 SCALE: AS SHOWN

ENG. J. GOMEZ
 LICENSE No. 87461
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

REVISIONS	DATE
1. MDC REV COMM 07/2024	07/20/2024
2. MDC REV COMM 06/2024	06/19/2024
3. MDC REV COMM 06/2024	04/14/2023

C-2.0

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: 128th STREET LAKE, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>GERARDO L. AGUIRRE REVOCABLE TRUST</u>	<u>100%</u>
<u>GERARDO L. AGUIRRE (BENEFICIARY)</u>	
<u>9900 SW 107 AVE STE 103</u>	
<u>MIAMI, FL 33176</u>	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

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

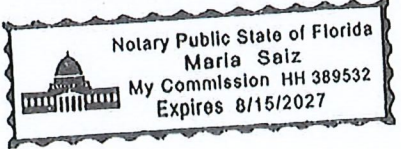
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 24 day of June, 2025. Affiant is personally known to me or has produced _____ as identification.

Ma Saiz
(Notary Public)



My commission expires 8-15-2027

*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.

APPLICANT'S AFFIDAVIT

(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

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 application advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, 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 application.

Signature (see notary below) Signature

Sworn to and subscribed to be me this _____ day of _____, _____.	Signature:
	Notary Public:
	Commission expires:

CORPORATION AFFIDAVIT

I, Gerardo Aguirre, being first duly sworn, depose and say that I am the President Vice-President Manager Secretary Asst. Secretary of Southern Homes Management LLC, a Florida limited liability company, the Manager of Southern Offices at Lakeside, LLC, a Florida limited liability company, and as such, have been authorized by the corporation to file this application for a substantial compliance determination; and that said corporation is the owner tenant of the property described herein and which is the subject of the application.

Attest: _____
(Corp. Seal) _____
Office Held

Sworn to and subscribed to be me this <u>24</u> day of <u>April</u> , 2025.	Signature: <u>Marla Saiz</u>
	Notary Public: <u>Marla Saiz</u>
	Commission expires: <u>8-15-2027</u>

Notary Public State of Florida
Marla Saiz
My Commission HH 389532
Expires 8/15/2027

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 of the application.

(Name of Partnership)

By _____ % By _____ %
By _____ % By _____ %

Sworn to and subscribed to be me this _____ day of _____, _____.	Signature:
	Notary Public:
	Commission expires:

OWNERSHIP AFFIDAVIT
FOR
CORPORATION
(Partial Interest)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Gerardo Aguirre, the Manager, of Southern Homes Management LLC, a Florida limited liability company, the Manager of Southern Offices at Lakeside, LLC, a Florida limited liability company, hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Manager of Southern Homes Management LLC, a Florida limited liability company, the Manager of Southern Offices at Lakeside, LLC, a Florida limited liability company, with the following address: 9900 SW 107th Avenue, Suite 103, Miami, Florida, 33176.
2. Southern Offices at Lakeside, LLC, a Florida limited liability company, owns 75% or more of the property which is the subject of the proposed application.
3. The subject property is legally described as:
See Exhibit "A"
4. Affiant is legally authorized to file this application.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted by the application.

Southern Offices at Lakeside, LLC, a Florida limited liability company

By: Southern Homes Management LLC, a Florida limited liability company, its manager

Witnesses:

Yolanda Hernandez
Signature

YOLANDA HERNANDEZ
Print Name

Christine Dickinson
Signature

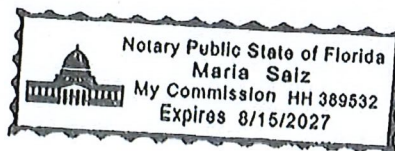
CHRISTINE DICKINSON
Print Name

Gerardo Aguirre
By: Gerardo Aguirre, Manager

Sworn to and subscribed before me on the 24 day of April, 2025. Affiant is personally known to me or has produced _____ as identification.

Ma Ruiz
Notary Public-State of Florida

My Commission Expires: 8-15-2027



DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Southern Offices at lakeside, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Southern Holdings GA, LLC</u>	<u>100%</u>
<u>See attached Disclose of Interest Exhibit for further disclosure of interest</u>	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

- NAME OF PURCHASER: _____

<u>NAME AND ADDRESS (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____

Date of contract: _____

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

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

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

Southern Offices at Lakeside, LLC, a Florida limited liability company

By: Southern Homes Management LLC, its manager

By: _____

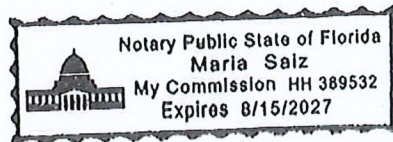
Print Name: Gerardo Aguirre, Manager

Title: _____

Sworn to and subscribed before me this 24 day of April, 2025. Affiant is personally known to me or has produced _____ as identification.

Ma Salz

(Notary Public)



My commission expires 8-15-2027

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

DISCLOSURE OF INTEREST

EXHIBIT "A"

See below additional disclosure of interest for Southern Offices at Lakeside, LLC:

SOUTHERN HOLDINGS GA, LLC

<u>Name and Address</u>	<u>Percent of Ownership</u>
a) Gerardo L. Aguirre Revocable Trust 9900 SW 107 th Ave Suite 103 Miami, Florida 33176	1%
b) Gerardo L. Aguirre Southern GA 2020 Irrev Trust 9900 SW 107 th Ave Suite 103 Miami, Florida 33176	99%

a) GERARDO L. AGUIRRE REVOCABLE TRUST

<u>Name and Address</u>	<u>Percent of Ownership</u>
Gerardo L. Aguirre (Beneficiary) 9900 SW 107 th Ave Suite 103 Miami, Florida 33176	100%

b) GERARDO L. AGUIRRE SOUTHERN GA 2020 IRREV TRUST

<u>Name and Address</u>	<u>Percent of Ownership</u>
Lillana M. Aguirre (Beneficiary) 9900 SW 107 th Ave Suite 103 Miami, Florida 33176	100%

EXHIBIT "A" (L-Shaped Parcel and 50-Foot-Wide Strip)

PER SCHEDULE A, COMMITMENT FOR TITLE INSURANCE PREPARED BY WFG NATIONAL TITLE INSURANCE COMPANY, COMMITMENT No.: 1986297FL-A, COMMITMENT EFFECTIVE DATE: SEPTEMBER 13, 2021 AT 8:00 A.M.

THE EAST 35 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 55 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF THE EAST 35 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, THENCE NORTH 2 DEGREES 05 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 1,363.76 FEET; THENCE SOUTH 87 DEGREES 31 MINUTES 24 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR 1,118.96 FEET; THENCE SOUTH 2 DEGREES 05 MINUTES 21 SECONDS EAST, ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR 651.38 FEET; THENCE NORTH 87 DEGREES 54 MINUTES 39 SECONDS EAST, FOR 210.93 FEET; THENCE SOUTH 2 DEGREES 05 MINUTES 21 SECONDS EAST, ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 404.00 FEET; THENCE NORTH 87 DEGREES 38 MINUTES 49 SECONDS EAST, FOR 280 FEET; THENCE SOUTH 2 DEGREES 21 MINUTES 11 SECONDS EAST, FOR 305 FEET; THENCE NORTH 87 DEGREES 38 MINUTES 49 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 626.61 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AND

A 50 FEET WIDE PARCEL OF LAND BEING A PORTION OF TRACT "A", LAKESIDE SOUTH COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 156, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "A" OF SAID PLAT;

THENCE SOUTH 87°38'34" WEST, ALONG THE SOUTH LINE OF SAID TRACT "A" AND THE NORTH RIGHT OF WAY LINE OF S.W. 132nd STREET OF SAID PLAT, A DISTANCE OF 50.00 FEET TO A POINT ON A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "A";

THENCE NORTH 02°05'21" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 523.04 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF LAKE PARCEL, OF LAKESIDE COMMERCIAL CENTER OF KENDALL SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 150, PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE NORTH 89°17'56" EAST, ALONG THE NORTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF SAID LAKE PARCEL, A DISTANCE OF 50.01 FEET TO NORTHEAST CORNER OF SAID TRACT "A";

THENCE SOUTH 02°05'21" EAST, ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 521.59 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 0.60 ACRES (26,116 SQUARE FEET), MORE OR LESS.

EXHIBIT "B" (L-Shaped Parcel)

PER SCHEDULE A, COMMITMENT FOR TITLE INSURANCE PREPARED BY WFG NATIONAL TITLE INSURANCE COMPANY, COMMITMENT No.: 1986297FL-A, COMMITMENT EFFECTIVE DATE: SEPTEMBER 13, 2021 AT 8:00 A.M.

THE EAST 35 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 55 SOUTH, RANGE 39 EAST, DADE COUNTY, FLORIDA, LESS THE FOLLOWING:

A PORTION OF THE EAST 35 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 55 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, THENCE NORTH 2 DEGREES 05 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 1,363.76 FEET; THENCE SOUTH 87 DEGREES 31 MINUTES 24 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR 1,118.96 FEET; THENCE SOUTH 2 DEGREES 05 MINUTES 21 SECONDS EAST, ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR 651.38 FEET; THENCE NORTH 87 DEGREES 54 MINUTES 39 SECONDS EAST, FOR 210.93 FEET; THENCE SOUTH 2 DEGREES 05 MINUTES 21 SECONDS EAST, ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 404.00 FEET; THENCE NORTH 87 DEGREES 38 MINUTES 49 SECONDS EAST, FOR 280 FEET; THENCE SOUTH 2 DEGREES 21 MINUTES 11 SECONDS EAST, FOR 305 FEET; THENCE NORTH 87 DEGREES 38 MINUTES 49 SECONDS EAST, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, FOR 626.61 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT "C" (50-Foot-Wide Strip)

A 50 FEET WIDE PARCEL OF LAND BEING A PORTION OF TRACT "A", LAKESIDE SOUTH COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 156, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT "A" OF SAID PLAT;

THENCE SOUTH 87°38'34" WEST, ALONG THE SOUTH LINE OF SAID TRACT "A" AND THE NORTH RIGHT OF WAY LINE OF S.W. 132nd STREET OF SAID PLAT, A DISTANCE OF 50.00 FEET TO A POINT ON A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT "A";

THENCE NORTH 02°05'21" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 523.04 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF LAKE PARCEL, OF LAKESIDE COMMERCIAL CENTER OF KENDALL SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 150, PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE NORTH 89°17'56" EAST, ALONG THE NORTH LINE OF SAID TRACT "A" AND THE SOUTH LINE OF SAID LAKE PARCEL, A DISTANCE OF 50.01 FEET TO NORTHEAST CORNER OF SAID TRACT "A";

THENCE SOUTH 02°05'21" EAST, ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 521.59 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 0.60 ACRES (26,116 SQUARE FEET), MORE OR LESS.

This instrument was prepared by:

Name: **Juan J. Mayol, Esq.**
Address: **Holland & Knight LLP**
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Southern Offices at Lakeside LLC, a Florida limited liability company (the “Owner”), holds fee-simple title to the land in unincorporated Miami-Dade County, Florida, described in **Exhibit “A”** attached hereto, and hereinafter referred to as the “Property”;

WHEREAS, the Owner has filed Zoning Application No. Z2025000095 (the “Zoning Application”) to rezone the Property from RU-4L to RU-4, and to obtain an Unusual Use approval to permit a partial lake fill;

WHEREAS, the Owner also seeks to modify Condition No. 1 of Resolution No. CZAB11-6-09, adopted in 2009, to update the lake fill plans and carry forward the approvals in the Resolution under Section 33-317 of the Miami-Dade County Code;

WHEREAS, on January 19, 2023, the Board of County Commissioners adopted Ordinance No. 23-4, which redesignated the Property, along with an adjacent parcel of land owned by 128th Street Lake, LLC (“128th Street”), which parcel is legally described in **Exhibit “B”** to this Declaration (the “Adjacent Parcel”), from “Industrial and Office” to “Medium Density Residential” on the Future Land Use Plan Map (the “LUP Map”) of the Comprehensive Development Master Plan (“CDMP”);

WHEREAS, the Owner and 128th Street desire to impose certain restrictions on the Property and the Adjacent Parcel in order to ensure that the future development of the Property remains consistent with the Property’s land use designation; and

WHEREAS, pursuant to the provisions of the Land Use Element of the CDMP, “[w]here groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map.”

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the “County”) that the representations made by the Owner during the consideration of the Application will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Density Limits.** Unless (i) the Property and/or the Adjacent Parcel are re-designated in whole or in part on the LUP map to allow greater residential density, and/or (ii) the development of the Property and/or the Adjacent Parcel, in whole or in part, is eligible for density bonuses under the CDMP, the maximum density of residential development on the Property and the Adjacent Parcel shall be 220 dwelling units.

2. **MISCELLANEOUS**

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 Owners 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 Owners, 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. The Owners, 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 may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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 (or successor municipality) 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 (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.

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

[Signature Pages to Follow]

H&K DRAFT 6.23.25

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this

_____ day of _____, 2025.

WITNESSES:

SOUTHERN OFFICES AT LAKESIDE, LLC.,
a Florida limited liability company.

Signature

Print Name

Signature

Print Name

By: _____

Name: Gerardo Aguirre as President

Address: 9900 SW 107 Avenue, Suite 103
Miami, Florida 33176

STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, by Charles Ness as President of Speedway Properties, Inc. for the purposes stated herein. He is personally known to me or has produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 2025, in the County and State aforesaid.

Signature

Notary Public - State of _____

Print Name

My Commission Expires:

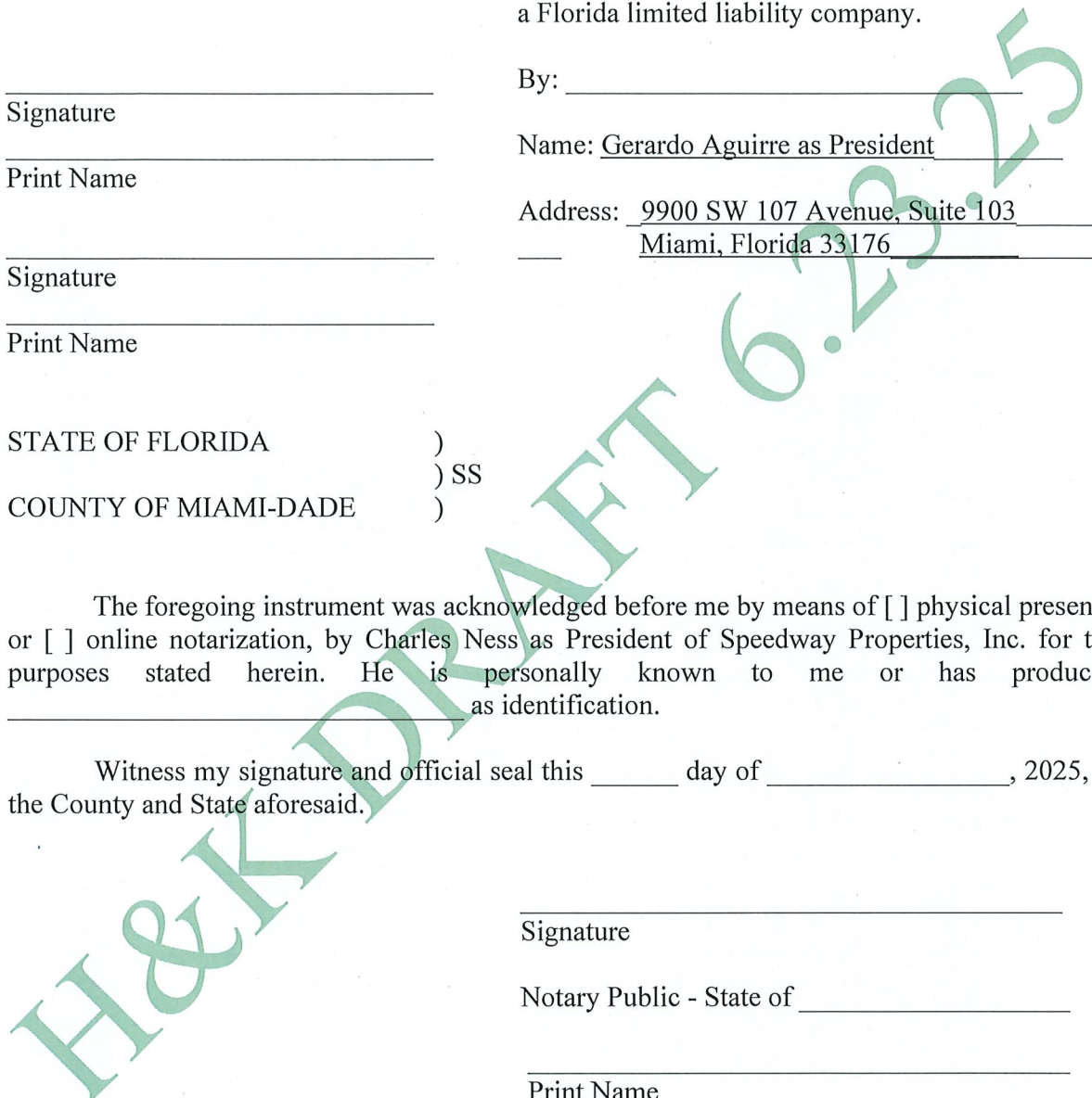


EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

H&K DRAFT 6.23.25

EXHIBIT "B"

LEGAL DESCRIPTION OF THE ADJACENT PARCEL

H&K DRAFT 6.23.25

LIMITED LIABILITY COMPANY

Signed, witnessed, executed and acknowledged on this 24 day of June, 2025.

IN WITNESS WHEREOF, 128th Street Lake LLC (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

David Andrade
Signature

DAVID ANDRADE
Print Name

[Signature]
Signature

YOLANDA HERNANDEZ
Print Name

128th Street Lake LLC.

Name of LLC

Address:

9900 SW 107 Avenue

Suite 103

Miami, FL 33176

By [Signature]

(Managing Member)

Print Name: Gerardo Aguirre

[*Note: All others require attachment of original corporate resolution of authorization]

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by means of physical presence or online notarization [] by Gerardo Aguirre the Manager of 128th Street Lake, LLC LLC, on behalf of the LLC.
(Name) (Title) (Name)

He/She is personally known to me or has produced _____, as identification.

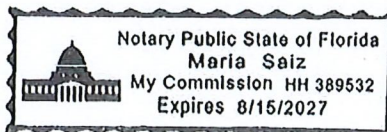
Witness my signature and official seal this 24 day of June, 2025, in the County and State aforesaid.

[Signature]
Signature

Notary Public-State of Florida

Maria Saiz
Print Name

My Commission Expires: 8-15-2027



Applicant's Affidavit

Zoning Application No.: Z2025000095

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 advertised.

Date Stamp Received

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the owner tenant of the property which is the subject matter of the proposed zoning action.

Signature

Sworn to and subscribed to before me

Notary Public

This _____ day of _____, _____ Commission expires: _____

CORPORATION AFFIDAVIT

(I)(WE), Gerardo Aguirre, being first duly sworn, depose and say that (I am)(we are) the President Vice-President Secretary Asst. Secretary of 128th Street Lake LLC 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 which is the subject matter of the proposed zoning action.

Authorized Signature



Notary Public

Sworn to and subscribed to before me

This 26 day of June, 2025 Commission expires: 8-15-2027

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the _____ 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 which is the subject matter of the proposed zoning action.

Name of Partnership

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me

Notary Public

This _____ day of _____, _____ 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 advertised.

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 which is the subject matter of the proposed zoning action.

Signature

Sworn to and subscribed to before me

Notary Public

This _____ day of _____, _____ Commission expires: _____

