

# Lennar Homes, LLC

Hearing Process No. Z2019000147

Community Zoning Appeals Board 15

September 22, 2020

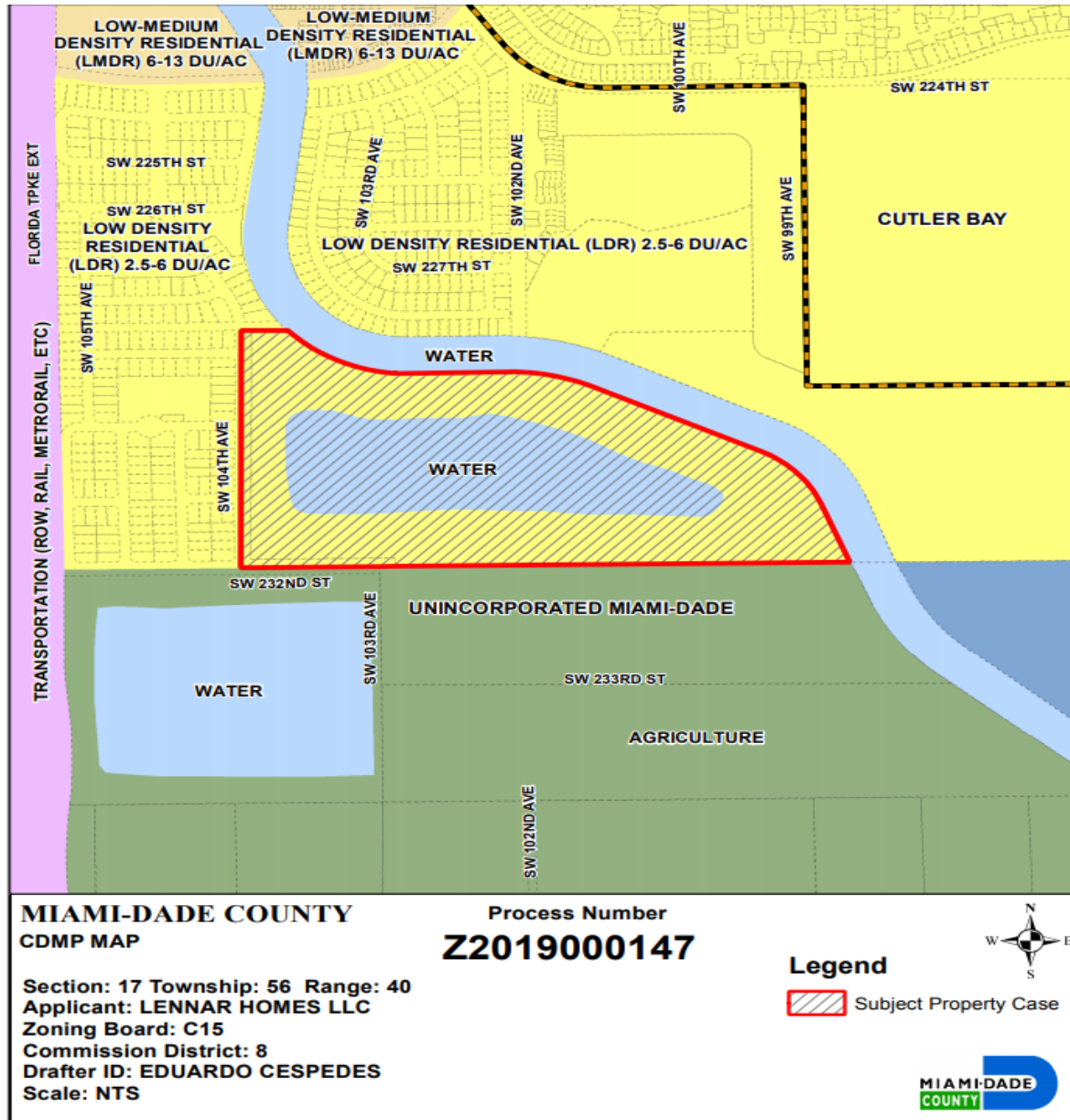
Holland & Knight







# Future Land Use Map



**MIAMI-DADE COUNTY**  
CDMP MAP

Process Number  
**Z2019000147**

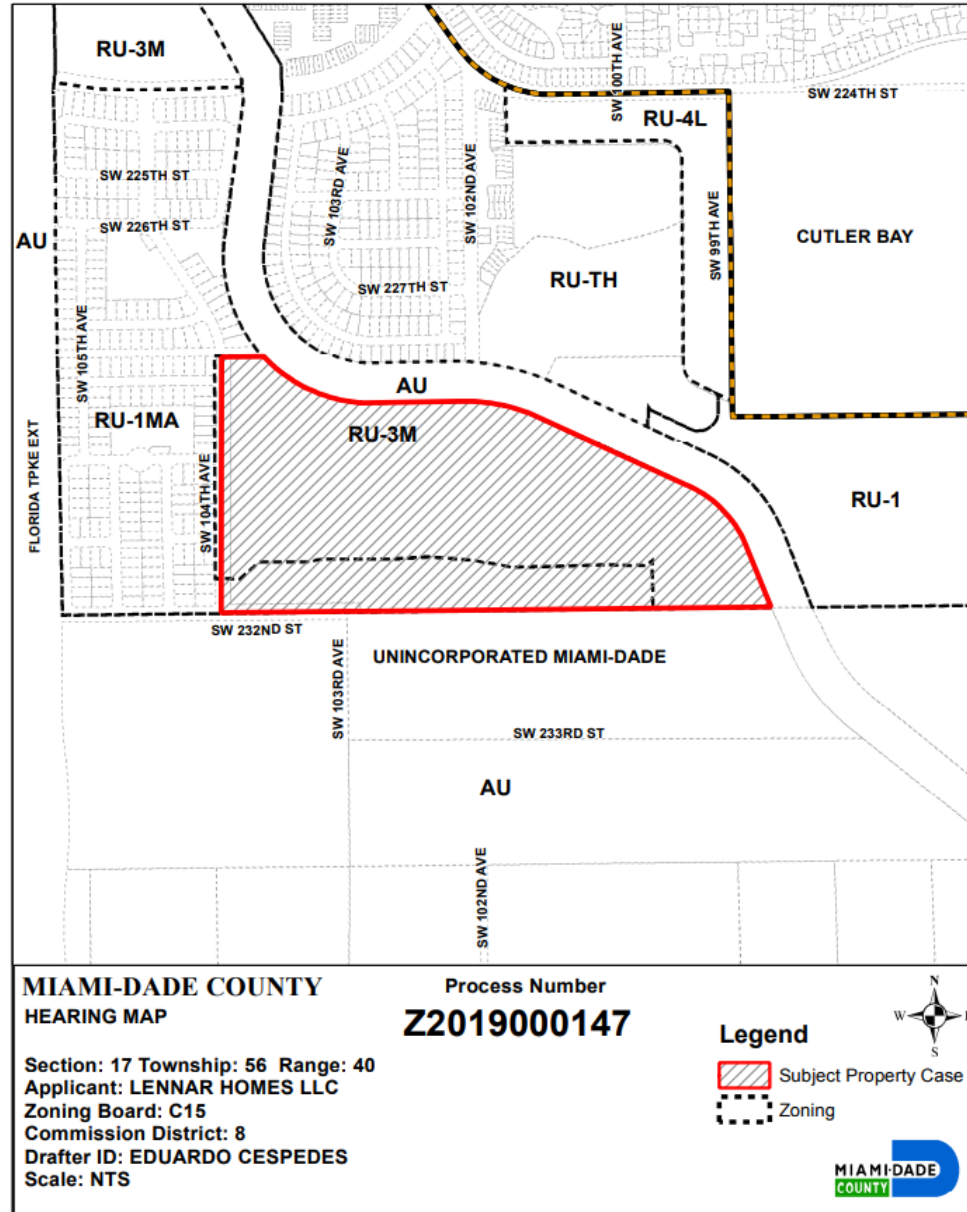
Section: 17 Township: 56 Range: 40  
 Applicant: LENNAR HOMES LLC  
 Zoning Board: C15  
 Commission District: 8  
 Drafter ID: EDUARDO CESPEDES  
 Scale: NTS

**Legend**

 Subject Property Case



# Current Zoning Map



# Requests

## Request that Apply to Entire Property:

1. Rezone from RU-3M and RU-1M(a) → RU-3M.
2. Replace that certain Declaration of Restrictions recorded at Official Records Book 23220, Pages 4217 – 4223 of the Public Records of Miami-Dade County, Florida.
3. Non-use variance of zoning and subdivision regulations requiring half-section line rights-of-way to be 70' in width; to waive same, to permit 0' of zoned right-of-way for theoretical SW 102nd Avenue within the Property.
4. Non-use variance of zoning and subdivision regulations requiring section line rights-of-way to be 80' in width; to waive same, to permit 0' of zoned right-of-way of the north one-half of a portion of SW 232nd Street (40 feet required; 25 feet previously approved).

## Variance for RU-1M(a) type lots:

1. To permit RU-1M(a) type single-family residential lots to have 0' of frontage on public rights-of-way (50' required), and to permit such lots to have access to public streets by means of private drives.

## Variances for Fee-simple Townhouses:

1. To permit reductions in the amount of private outdoor patio living areas to permit a minimum of 250 sq. ft. (400 sq. ft. required).
2. To permit a minimum of 12.29% of unencumbered open space (15% required).

## Previously Approved Resolution:

- The Applicant also requests the carrying forward of the underlying approved unusual use (Request #8) and non-use variance (Request #7) of Resolution No. Z-41-04 pursuant to Section 33-317 of the Code.

# Staff Recommendation on Each Request

## Request that Apply to Entire Property:

1. Rezone from RU-3M and RU-1M(a) → RU-3M. – [Staff Recommendation of Approval](#)
2. Replace that certain Declaration of Restrictions recorded at Official Records Book 23220, Pages 4217 – 4223 of the Public Records of Miami-Dade County, Florida. – [Staff Recommendation of Approval](#)
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## Variances for Fee-simple Townhouses:

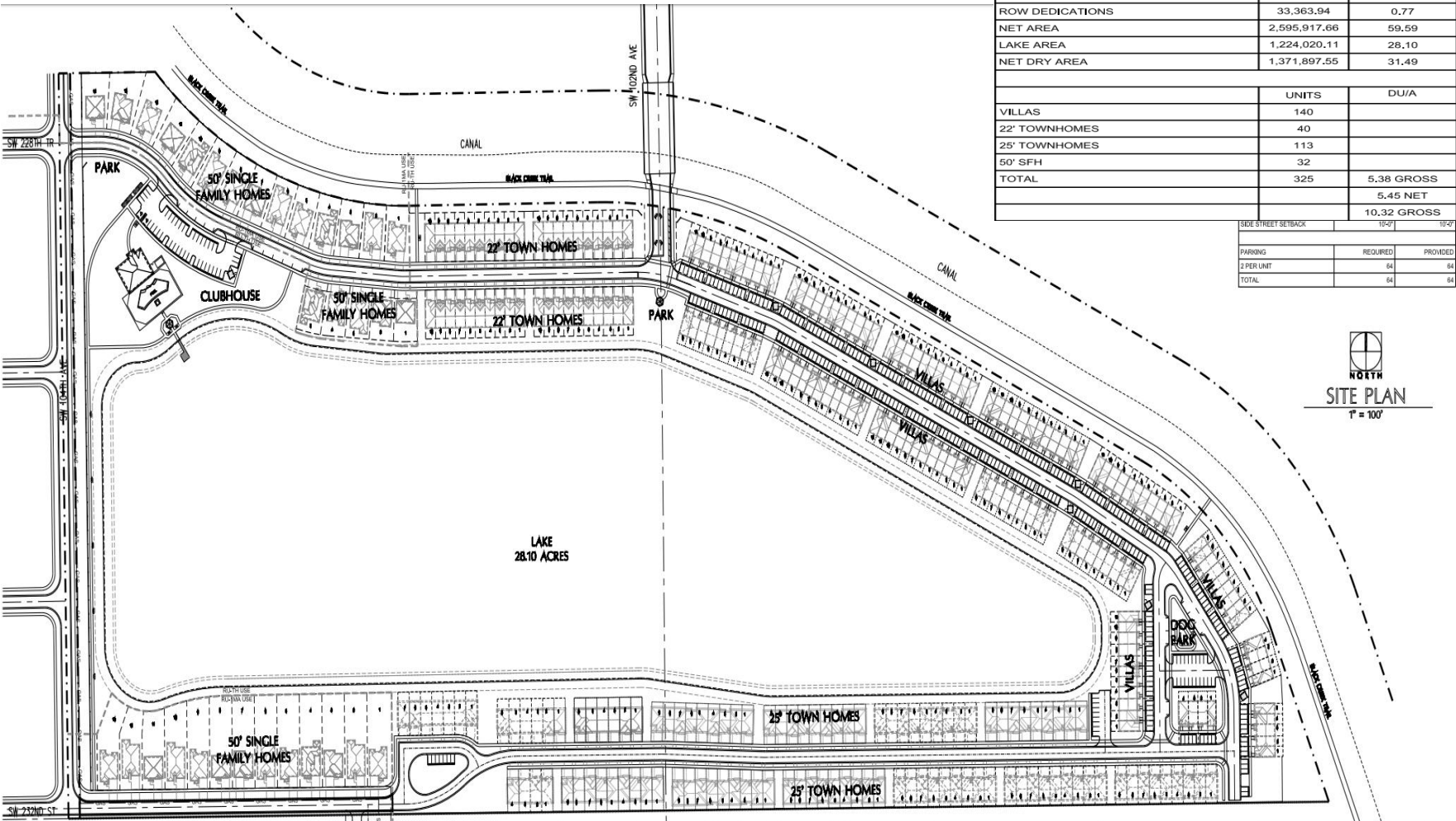
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# Proposed Site Plan

SITE DATA		
ZONING: RU-3M WITH RU-1MA & RU-TH USE		
	SF	ACRES
GROSS AREA	2,629,281.60	60.36
ROW DEDICATIONS	33,363.94	0.77
NET AREA	2,595,917.66	59.59
LAKE AREA	1,224,020.11	28.10
NET DRY AREA	1,371,897.55	31.49
	UNITS	DU/A
VILLAS	140	
22' TOWNHOMES	40	
25' TOWNHOMES	113	
50' SFH	32	
TOTAL	325	5.38 GROSS
		5.45 NET
		10.32 GROSS
SIDE STREET SETBACK	10'±	10'±
PARKING	REQUIRED	PROVIDED
2 PER UNIT	64	64
TOTAL	64	64



ENCLAVE II  
 BY  
 LENNAR HOMES  
 MIAMI DADE COUNTY, FLORIDA

SITE PLAN

DATE: 2019-03-07  
 SCALE: AS SHOWN  
 DRAWN: JFB  
 CHECK BY: PK  
 JOB NO.: 18-01

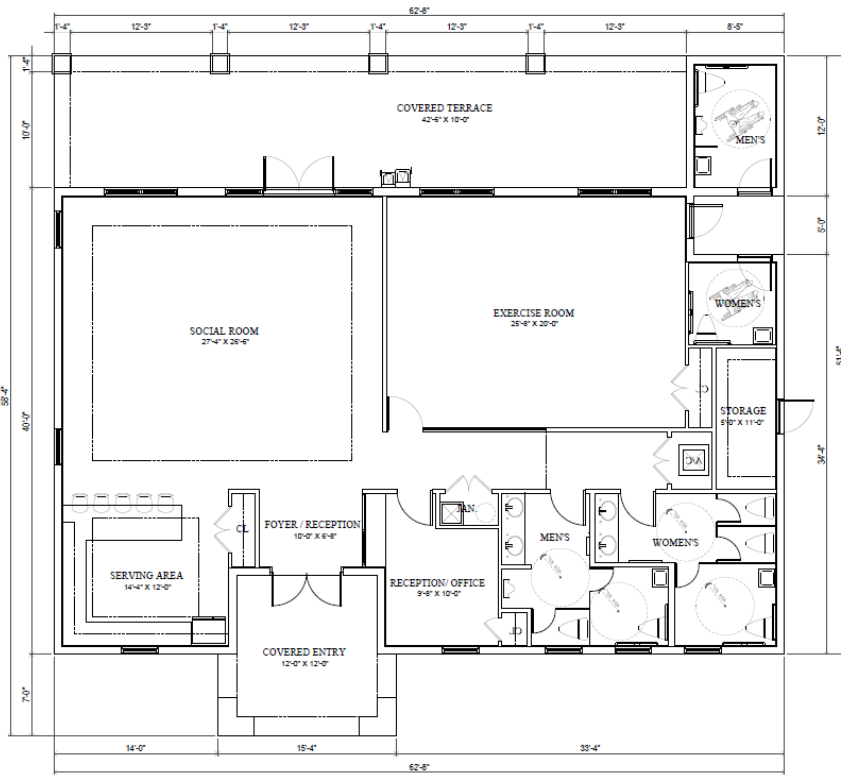
SP-1

# Proposed Declaration of Restrictions

## Restrictions

1. **Developed in substantial accordance with the plans submitted for public hearing.**
  
2. **Residential Density:**
  - Maximum of 325 dwelling units.





AREAS	
2,485 SF	A/C AREA
226 SF	ENTRY
481 SF	COVERED TERRACE
<b>TOTAL AREA</b>	<b>3,192 SF</b>

# Clubhouse



CLUBHOUSE FRONT ELEVATION  
SCALE 1/4" = 1'-0"



# Clubhouse





# Single-Family Residences





# Townhouses



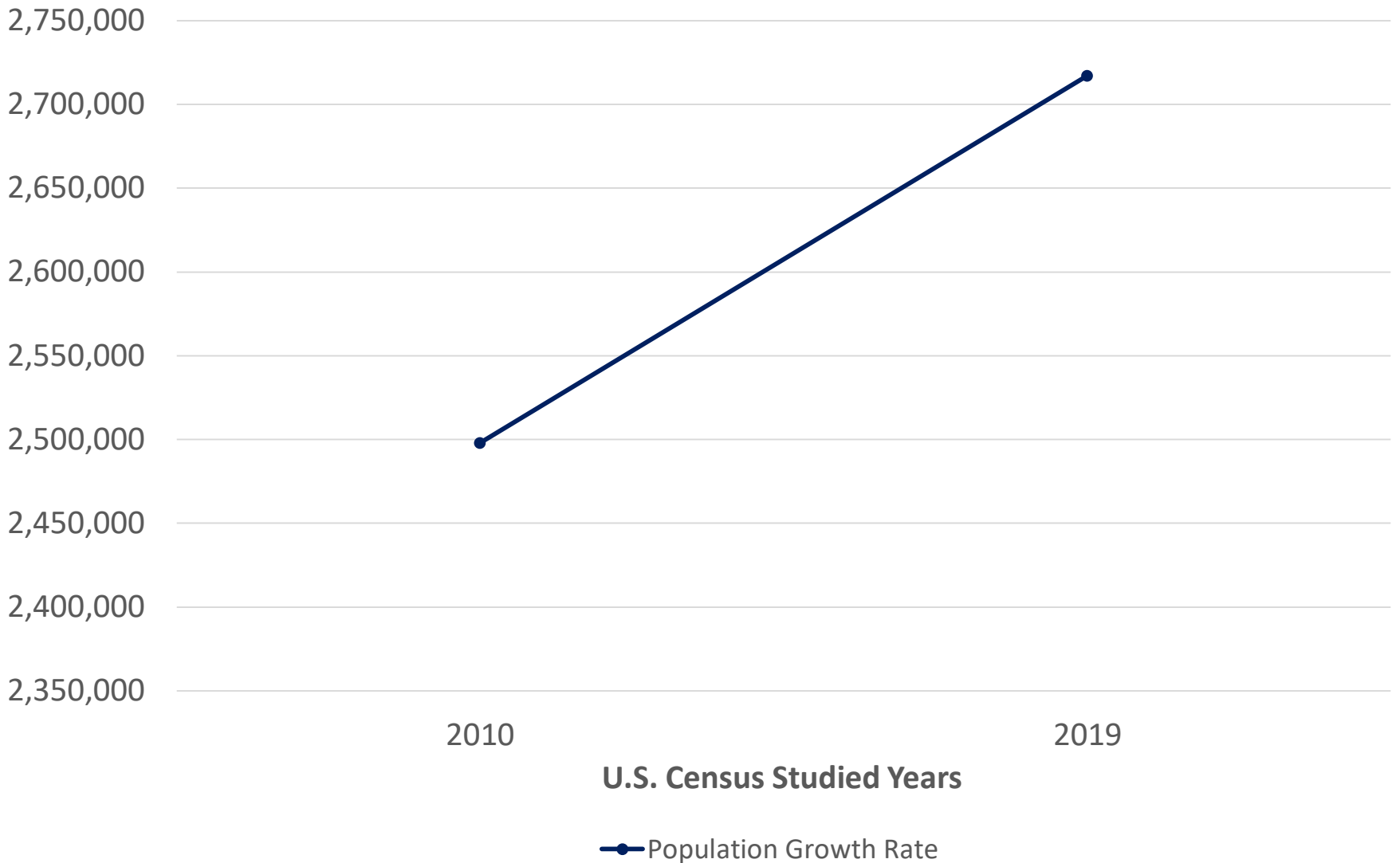


# Conceptual View of Phase 1



# Miami-Dade County Population Growth Rate

People Living in Miami-Dade County



Between 2010 & 2019 Miami-Dade County had an Average Population Growth Increase, **PER YEAR**, of approx. **24,500** People.

# Traffic Information

**Table 1 - 2019 Existing Intersection Capacity Analysis Summary**

Location	Control Type	Approach	AM Peak Hour		PM Peak Hour	
			LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
SW 104 <sup>th</sup> Avenue and Old Cutler Road	Two-way stop	NB	C	19.9	C	18.4
Old Cutler Road and SW 224 <sup>th</sup> Street	Signalized	Overall	C	26.9	B	13.6
SW 102 <sup>nd</sup> Avenue and SW 224 <sup>th</sup> Street	Two-way stop	NB	B	12.7	B	12.3

**Table 3 - Trip Generation Estimates**

Use	Size	Weekday Morning Peak Hour			Weekday Afternoon Peak Hour		
		In	Out	Total	In	Out	Total
<b>Proposed Uses</b>							
Single-Family Detached Housing	32 DU	7	21	28	21	13	34
Multifamily Housing (Low-Rise)	293 DU	30	102	134	97	57	154
<b>Total</b>		<b>37</b>	<b>123</b>	<b>160</b>	<b>118</b>	<b>70</b>	<b>188</b>

**Table 5 - 2022 Build Intersection Capacity Analysis Summary**

Location	Control Type	Approach	AM Peak Hour		PM Peak Hour	
			LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
SW 104 <sup>th</sup> Avenue and Old Cutler Road	Two-way stop	NB	D	31.8	D	26.4
Old Cutler Road and SW 224 <sup>th</sup> Street	Signalized	Overall	D	44.9*	B	17.2
SW 102 <sup>nd</sup> Avenue and SW 224 <sup>th</sup> Street	Two-way stop	NB	C	16.1	B	14.7

*\*With Traffic Signal Timing Modifications*

## **ESTIMATED IMPACT FEES**

<b>ROAD</b>	\$2,133,641.07
<b>FIRE</b>	\$145,287.04
<b>POLICE</b>	\$189,575.75
<b>SCHOOL</b>	\$706,024.31
<b>PARKS</b>	\$787,324.66
<b>WASD</b>	\$384,904.35
<b>TOTAL</b>	<b>\$4,346,757.18</b>

\*Does not include the 2% MDC administrative fee.



# Department Reviews

<u>Reviewing Department</u>	<u>No Objection</u>
DERM	✓
Fire Department & Water Supply Bureau	✓
Parks	✓
Police	✓
School	✓
Solid Waste	✓
Transportation & Public Works	✓
WASD	✓

# Lennar Homes, LLC

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September 22, 2020

Holland & Knight



This instrument was prepared by:

Name: Hugo P. Arza, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3300  
Miami, Florida 33131

(Space reserved for Clerk of Court)

### **DECLARATION OF RESTRICTIONS**

**WHEREAS**, the undersigned owner, Lennar Homes, LLC, a Florida limited liability company (hereinafter referred to as "Owner"), holds the fee simple title to that certain parcel of land in unincorporated Miami-Dade County (the "County"), which is legally described in Exhibit "A" to this Declaration (the "Property"); and

**WHEREAS**, the Owner has filed an application with the County's Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2019000147 (the "Application") for the purpose of seeking the rezoning of the Property to facilitate the future development of the Property;

**NOW, THEREFORE, IN ORDER TO ASSURE** the County that the representations made by the Owner during its consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, hereby makes the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

**1. Controlling Plans**. The Property shall be developed substantially in substantial accordance with the plans submitted for public hearing entitled "Enclave II," as prepared by Pascual, Perez,

Kiliddjian & Associates, Architects and Planners, consisting of 4 plan sheets dated stamped received 7/30/20 and 4 sheets dated stamped received 8/18/20, plans and elevations entitled "Lennar" as prepared by Pascual, Perez, Kiliddjian & Associates, Architects and Planners and Corwil Architects, consisting of 107 sheets dated stamped received 2/7/20, and landscape plans entitled "Enclave II," as prepared by Witkin Hults Design Group, consisting of 23 sheets dated stamped received 7/30/20, for a total of 138 sheets (the "Plans"). The Plans are on file with the County's Department of Regulatory and Economic Resources;

**2. Residential Density Restriction.** The maximum number of dwelling units permitted on the Property shall not exceed three hundred twenty nine (325) dwelling units.

**3. Miscellaneous.**

A. 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 of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. The Owner, its heirs, successors and assigns, acknowledge that acceptance of this declaration does not in any way obligate or provide



a limitation on the authority of the County.

C. Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County as provided in Paragraph 2 (D) below.

D. 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 all of the property covered by the modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, that in the event the Property is annexed to an existing municipality or if 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 the applicable procedures.

E. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. 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/her/its attorney. This enforcement provision

shall be in addition to any other remedies available at law, in equity or both.

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

G. 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.

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

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

J. Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner 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 Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. 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 County 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.

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

[SIGNATURE PAGES FOLLOW]

**LIMITED LIABILITY COMPANY**

Signed, witnessed, executed and acknowledged on this \_\_\_ day of \_\_\_\_\_, 2020.

*IN WITNESS WHEREOF*, Lennar Homes, LLC, has caused these presents to be signed in its name by its proper officials.

**Witnesses:**

\_\_\_\_\_  
Signature

Lennar Homes, LLC  
700 NW 107<sup>th</sup> Avenue, Suite 400  
Miami, Florida 33172

\_\_\_\_\_  
Print Name

By: U. S. Home Corporation, its Manager

\_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Carlos Gonzalez, Vice President

\_\_\_\_\_  
Print Name

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Carlos Gonzalez, Vice President of U. S. Home Corporation, Manager of Lennar Homes, LLC. He is personally known to me or has produced \_\_\_\_\_, as identification.

Witness my signature and official seal this \_\_\_ day of \_\_\_\_\_, 2020, in the County and State aforesaid.

\_\_\_\_\_  
*Signature*

Notary Public-State of \_\_\_\_\_

\_\_\_\_\_  
*Print Name*

My Commission Expires:

EXHIBIT "A"

Legal Description:

All of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and all of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and all of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 17, Township 56 South, Range 40 East, lying Southerly and Westerly of the right-of-way of Black Creek Canal (C-North), in Dade County, Florida.

DRAFT